

Email

**ORDER passed in Original Application No. 19/2024**

**From :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in> Sat, Feb 24, 2024 01:09 PM  
**Subject :** ORDER passed in Original Application No. 19/2024 2 attachments  
**To :** Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>, Judicial Section <ngtjudicial-kolkata@gov.in>  
**Reply To :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>

Respected Sir/Madam,

I am directed to forward a copy of the **Order dated 15/02/2024 passed in Original Application No. 19/2024 Sarat Chandra & Ors. ...Applicants Versus State of Odisha & Ors. ...Respondents .** for your kind perusal & necessary action.

**REGARDS**  
**CONSULTANT (Judicial)**  
 ⚡ (N.G.T.) (P.B.) ⚡ New Delhi ⚡



-  **OA NO 19 of 2024 in LP No 1707\_removed.pdf**  
576 KB
-  **Sarat Chandra & Ors.pdf**  
93 KB

(13)

Letter No. 777 /

17<sup>th</sup> July 2023

1707/WP/2022  
20/7/23

To

**Shri Pradeep Kumar Jena, IAS**  
Chief Secretary to Govt. of Odisha,  
Chairman, State Pollution Control Board, Odisha,  
Paribesh Bhawan, A/118, Nilakantha Nagar,  
Unit - 8, Bhubaneswar - 751012.  
paribesh1@ospcboard.org  
gadmin.or@nic.in

ERB

Dear Sir,

Establishment of Micro Composting Centre  
Bhubaneswar Municipal Corporation (BMC)  
Ward No.56 & 57  
B.J.B. Nagar, Bhubaneswar.

We, the residents of Buxi Jagabandhu Bidyadhar Nagar (BJB Nagar) do bring it to your kind notice that a Micro Composting Centre has been established adjacent to Plot No.D-28 and in front of Plot No.E-9, but the residents of the entire locality and the persons having a thoroughfare in the said road are badly affected along the people living near vicinity with the fetid smell which creates severe environmental and health hazards including that of adverse effect on the physical and mental development of the children, elderly people. That few of the chemicals used therein also creates/impacts health associated ailments/diseases and disorder adverse to human beings.

4401/XP/PA/144  
20/07/23

That, it has been very difficult to live in the said vicinity. That surprisingly in most of the places this sort of activities have never been done and has been set up near a residential area.

The said centre was set up by encroaching the land designated for a park by the State Government wherein half of the area has been taken away to set up the said composting centre. The park was set up for the recreational activities for the residents, which has been snatched away without any reason thereby depriving the residents of their welfare.

P.T.O.

(14)

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That, it is not out of place to mention that though there was ample vacant space for setting up the composting centre elsewhere, but a large-chunk of land which was used for the park has been encroached for setting up the micro composting centre.

That, Rule No.15(y) of the Solid Waste Management Rules, 2016, states that setting up waste processing, treatment or disposal facility, if the volume of waste exceeds certain metric tons per day including sanitary landfills it is necessary to obtain Authorization from the respective State Pollution Control Board or the Pollution Control Committee, which has not been adhered to. That in addition to Solid Waste Management Rules, the other law governing or for which necessary sanction / permission has to be obtained, has not been complied with. That as per Municipal Solid Waste Management Rules, 2016, such unit has to obtain Authorization and Consent for its operation under Water Act & Air Act from the State Pollution Control Board, which has been deviated from.

That the above micro composting centre is located nearer (within 5 meters) to the residential buildings and the composting activity causing nuisance to the nearby residents due to foul smell and flies which is not at all tolerable. That the residents are not able to open the doors and windows.

That, further the above micro composting centre does not maintain the required hygienic conditions which creates severe health hazards to the residents of the locality.

That, we the residents of the locality, request that the authorities by virtue of our joint application to close the said micro composting centre immediately and shift it to some faraway place not within any residential area with immediate effect. That the wastes from the residential houses are collected by transportation which can be done even if the composting plant is shifted without any hindrances or obstacles.

P.T.O.

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That immediate action in the said matter would be highly appreciable, and hence, soliciting an expeditious action in the matter.

With Best Wishes,

Residents of the BJB Nagar.

1. Savat Chandak *Msra Actd Dd. 24/2/23*
2. *Rajesh*
3. Niranjana Kar
4. *Raj. Paul.*
5. Nalini B.
6. D. Panda
7. DR. TRIPATHY
8. *Dr. Khetra*
9. *Sdas*
10. *M. N. A. Rai*

Copy to :

1. Sri G. Mathi Vathanan, IAS  
Principal Secretary to Govt. of Odisha,  
Housing & Urban Development Department,  
First Floor, State Secretariat, Annex-B,  
Bhubaneswar-751001.  
hudsec.or@nic.in
2. Sri Vijay Amruta Kulange, IAS  
Commissioner,  
Bhubaneswar Municipal Corporation (BMC)  
Vivekananda Marg, near Kalpana Square,  
Bhubaneswar - 751014, Odisha.  
commissioner@bmc.gov.in  
info@bmc.gov.in
3. Dr. K. Murugesan, IFS  
State Pollution Control Board, Odisha,  
Paribesh Bhawan, A/118, Nilakantha Nagar,  
Unit - 8, Bhubaneswar - 751012
4. The Mayor,  
Bhubaneswar Municipal Corporation (BMC),  
Vivekananda Marg, near Kalpana Square,  
Bhubaneswar - 751014, Odisha.
5. Sri Ashok Chandra Panda, MLA,  
Ekamra Constituency,  
Bhubaneswar.
6. Ms. K. Shanti,  
Corporator,  
Bhubaneswar Municipal Corporation (BMC),  
Ward No.56 & 57, Bhubaneswar.
7.  The Chairperson,  
National Green Tribunal,  
Faridkot House, Copernicus Marg,  
New Delhi - 110 001.
8. President,  
BJB Nagar People's Association,  
Plot No.M-1, BJB Nagar,  
Bhubaneswar-751014.



Item No.4

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 19/2024

Sarat Chandra & Ors.

...Applicants

Versus

State of Odisha & Ors.

...Respondents

Date of hearing: 15.02.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicants: None for the Applicants.

**Application is registered based on a letter petition received by Post.**

**ORDER**

1. Mr. Sarat Chandra and others have sent by Post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 19/2024.
2. The relevant part of the letter petition enumerating grievances of the applicants is reproduced as follows:-

X X X X

*"We, the residents of Buxi Jagabandhu Bidyadhar Nagar (BJB Nagar) do bring it to your kind notice that a Micro Composting Centre has been established adjacent to Plot No.D-28 and in front of Plot No.E-9, but the residents of the entire locality and the persons having a thoroughfare in the said road are badly affected along the people living near vicinity with the fetid smell which creates severe environmental and health hazards including that of adverse effect on the physical and mental development of the children, elderly people. That few of the*

*chemicals used therein also creates/impacts health associated ailments/diseases and disorder adverse to human beings.*

*That, it has been very difficult to live in the said vicinity. That surprisingly in most of the places this sort of activities have never been done and has been set up near a residential area.*

*The said centre was set up by encroaching the land designated for a park by the State Government wherein half of the area has been taken away to set up the said composting centre. The park was set up for the recreational activities for the residents, which has been snatched away without any reason thereby depriving the residents of their welfare.*

*That, it is not out of place to mention that though there was ample vacant space for setting up the composting centre elsewhere, but a large-chunk of land which was used for the park has been encroached for setting up the micro composting centre.*

*That, Rule No.15(y) of the Solid Waste Management Rules, 2016, states that setting up waste processing, treatment or disposal facility, if the volume of waste exceeds certain metric tons per day including sanitary landfills it is necessary to obtain Authorization from the respective State Pollution Control Board or the Pollution Control Committee, which has not been adhered to. That in addition to Solid Waste Management Rules, the other law governing or for which necessary sanction / permission has to be obtained, has not been complied with. That as per Municipal Solid Waste Management Rules, 2016, such unit has to obtain Authorization and Consent for its operation under Water Act & Air Act from the State Pollution Control Board, which has been deviated from.*

*That the above micro composting centre is located nearer (within 5 meters) to the residential buildings and the composting activity causing nuisance to the nearby residents due to foul smell and flies which is not at all tolerable. That the residents are not able to open the doors and windows.*

*That, further the above micro composting centre does not maintain the required hygienic conditions which creates severe health hazards to the residents of the locality.*

*That, we the residents of the locality, request that the authorities by virtue of our joint application to close the said micro composting centre immediately and-shift it to-some faraway place not within\_any\_residential area with immediate effect. That the wastes from the residential houses are collected by transportation which can be done even if the composting plant is shifted without any hindrances or obstacles.*

*That immediate action in the said matter would be highly appreciable, and hence, soliciting an expeditious action in the matter."*

3. *Prima facie* the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments in the application, we consider it appropriate to have response of (1) State of Odisha through Chief Secretary, Government of Odisha, (2) Commissioner, Bhubaneswar Municipal Corporation, (3) Odisha Pollution Control Board, through its Member Secretary and (4) District Magistrate, Bhubaneswar who stand impleaded as respondents No. 1 to 4. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 4 requiring them to file their reply/response within two months.

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Commissioner, Bhubaneswar Municipal Corporation, Odisha Pollution Control Board, and District Magistrate, Bhubaneswar and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The Odisha Pollution Control Board will be the nodal agency for coordination and compliance.

6. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and

assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Eastern Zone Bench of this Tribunal at Kolkata, we are of the considered view that it will be appropriate if the case is further heard by the Eastern Zone Bench of this Tribunal at Kolkata.

7. Accordingly, the Registry is directed to list the matter before the Eastern Zone Bench of this Tribunal at Kolkata on 23.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

8. Factual and Action taken Report by the Joint Committee and reply/response by the respondents be filed within two months before the eastern Zone Bench of this Tribunal at Kolkata by email [NGTjudicial-kolkata@gov.in](mailto:NGTjudicial-kolkata@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. A copy of this order be sent to the Commissioner, Bhubaneswar Municipal Corporation, Odisha Pollution Control Board, and District Magistrate, Bhubaneswar by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 15<sup>th</sup>, 2024  
AG