

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA**

**MISCELLANEOUS APPLICATION NO.15/2024
IN
(ORIGINAL APPLICATION NO. 11 OF 2022 / EZ)**

20 AUG 2024

IN THE MATTER OF:

Z1 Residents Welfare Association ...Applicant

VERSUS

Z Estates Pvt. Ltd. & Others ...Respondents

**AFFIDAVIT ON BEHALF OF STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.4 IN COMPLIANCE TO
ORDER DTD.08.07.2024.**



I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 56 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha



Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

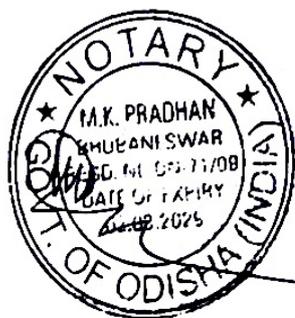
1. That I am the Member Secretary of the Respondent No.4 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That this Hon'ble Tribunal after taking note of the affidavit dtd.05.07.2024 filed by R-4 Board in their order dtd.08.07.2024 has been pleased to direct the R-4 Board to take steps for meticulous compliance of the direction dtd.01.05.2023 of the Hon'ble Tribunal passed in OA No.11/2022/EZ with regard to para-48(C) regarding D.G. Set Stack.
3. That in the meantime, the Regional Officer, Bhubaneswar of the R-4 Board vide his letter No.2531 dtd.12.07.2024 has directed the R-1 to install the Retrofit Emission Control Device (RECD) at the exhaust muffler of the D.G. Set to minimise the particulate emission by 70% as per the Circular No.15730 dtd.06.10.2023 issued



by the R-4 Board. A copy of letter No.2531 dtd.12.07.2024 along with the Circular No.15730 dtd.06.10.2023 is annexed to this affidavit and marked as **ANNEXURE – R4/D Colly.**

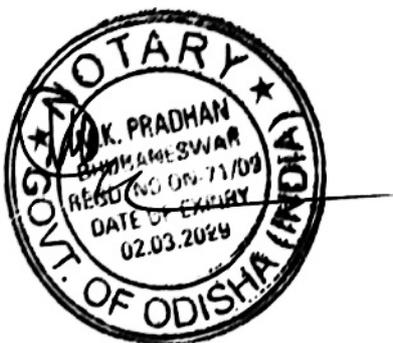
4. That in response to the letter of the Regional Officer of the R-4 Board vide Annexure – R4/D Colly, the R-1 unit has submitted their reply dtd.19.07.2024 stating therein to insist the appellant association to increase the stack height as it has already handed over the society to the appellant w.e.f. 01.04.2021. A copy of the letter dtd.19.07.2024 of the R-1 referred above is annexed to this affidavit and marked as **ANNEXURE – R4/E.**

5. That considering the reply at Annexure–R4/E, the Regional Officer, Bhubaneswar of the R-4 Board has asked the appellant unit to implement the direction by enhancing the height of the stack attached to the DG Set in compliance to the direction of Hon'ble Tribunal dtd.01.05.2023 passed in the OA No.11/2022/EZ vide letter No. 2886 dtd.17.08.2024 at the earliest and submit the action taken report. A



copy of the communication at Annexure-R4/D Colly has also been enclosed in the said letter. A copy of the letter No.2886 dtd.17.08.2024 is annexed to this affidavit and marked as **ANNEXURE – R4/F**.

6. That this affidavit is filed in compliance to the direction dtd.08.07.2024 of this Hon'ble Tribunal passed in MA No.15/2024/EZ arising out of OA No.11/2022/EZ.
7. That the Respondent No.4 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.
8. That the annexures annexed to the present affidavit are true and correct copies of their originals.
9. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.




DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

(Signature)

VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 20th day of August, 2024.

SWORN BEFORE ME

(Signature)
DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



(Signature)
MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH-9437627119 (M)



ANNEXURE-R4/D Colly

Tele: 0674- 2973126
E-mail : rospcb.bhubaneswar@ospcbboard.org
Website : www.ospcbboard.org

OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
Plot No.-B-59/2 & B-59/3, Chandaka Industrial Estate, Patia, Po-KIIT, Bhubaneswar -751024

No. 2531 /

Dt. 12.07.2024
By Speed Post/ By E-mail

To,

Shri. Tapan Kumar Mohanty, MD
M/s Z Estate Private Limited
M4/34, Acharya Vihar
Bhubaneswar-751013.

Sub: Height of the stack connected to the DG sets-Reg

Ref: - Order of Hon'ble NGT Case on dtd 01.05.2023 in relation to O.A No. 11/2022/EZ for necessary compliance

Sir,

With reference to the captioned subject cited above, it is to inform you that the joint committee which had visited the residential complex earlier in relation the case under reference; you were advised to raise the height of stack connected to DG Sets (3Nos) at Phase-I as per the guideline stipulated by CPCB. During the time of inspection on dtd 24.04.2024, it was observed that you have not taken any steps for enhancement of the stack to the recommended height as cited in CTO order. Accordingly, it was advised by the inspecting officers of the SPC Board to provide a common stack up to the calculated height as per CPCB guidelines of 48.89m from the ground level to minimize the smoke emission. You are also directed to install RECD (Retrofit Emission Control Device) at the exhaust muffler of the DG sets to minimize the particulate emission by 70% as per SPCB Circular No. 15730 dtd 06.10.2023.(Copy Annexed). The compliance report may be submitted to this office **within seven days of issue of this letter** along with photographs.

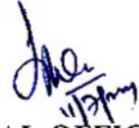
Yours Faithfully,


REGIONAL OFFICER

Memo No. 2532 /

Dtd 12-07-2024

Copy forwarded to the Member Secretary, SPCB for kind information.



REGIONAL OFFICER

Memo No. 2533 /

Dtd 12-07-2024

Copy forwarded to the Sr. Law Officer(L-II), SPCB for kind information and necessary action.



REGIONAL OFFICER

Memo No. 2534 /

Dtd 12-07-2024

Copy forwarded to the Legal Consultant ,SPCB for kind information and necessary action.



REGIONAL OFFICER



EPABX : 2561909/2562847
E-mail: paribesh1@ospcboard.org
Website: www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII
Bhubaneswar - 751012

No. 15730

IND-I-CON(Misc)-1671

Date: 06.10.2023

CIRCULAR

RETROFITTING OF OPERATIONAL DG SETS UPTO CAPACITY 800 KW OR 1000 KVA FOR EMISSION CONTROL IN THE STATE OF ODISHA

Hon'ble National Green Tribunal, in its order dated 06.08.2019, in the matter of OA No.681/2018 has directed all the States to take of various measures for controlling urban air pollution.

The Diesel Generator (DG) Sets are one of the major source of air pollution in urban areas. It was also noted that a large number of small DG Sets of up to gross mechanical power of 800 KW or 1000 KVA capacity are used, mostly during power failure by Industries, Establishments, Projects, Buildings, Utilities, Airports, Railway Stations and other places.

Hon'ble NGT in the above matter, directed the Central Pollution Control Board to evolve a standard for emission from the DG Sets of Capacity up to 800 KW or 1000 KVA. The Ministry of Environment, Forest & Climate Change, Govt. of India has notified emission norm for DG Sets up to 800 KW capacity vide notification No.GSR-771(E), dated 11.12.2013.

The emission limit shall be applicable for type approval and Conformity of Production (COP) approved by the authorized agencies at the level of manufactures, importer and assembler level.

As directed by the Hon'ble NGT, in the above matter, operators of all the operational DG Sets shall ensure usage of either of the following two options.

- Use of Retrofitted Emission Control Equipment or Device (RECD) having a minimum specified Particulate Matter (PM) capturing efficiency of at least 70%, type approved by one of the five CPCB recognized laboratory; or,



- b) Shifting to gas based generators by employing new gas-based generators or retrofitting the existing DG Sets for partial gas usage.

This is issued with immediate effect.

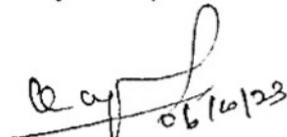
By the order of Chairman


06/10/23
MEMBER SECRETARY

Memo No. 15731, Date 06.10.2023 /

Copy forwarded to:

1. PS to the Chief Secretary, Odisha-cum-Chairman, SPCB, Odisha for kind information of the Chairman, SPCB, Odisha.
2. Additional Chief Secretary, Energy Department, Govt. of Odisha for kind information and necessary action.
3. Director (Env.)-cum-Special Secretary to Govt., Forest, Environment and Climate Change Department., Govt. of Odisha for kind information and necessary action.
4. All the Collector & District Magistrate.
5. CEEs / CESs / ACEEs / ACESs, SPC Board, Odisha.
6. All the Regional Officers, SPC Board, Odisha.
7. SLO(II), SPC Board, Odisha.
8. CEE (CTO), SPCB, Odisha. The System Administrator may be requested to display the Circular in Board's website for public view.


06/10/23
MEMBER SECRETARY

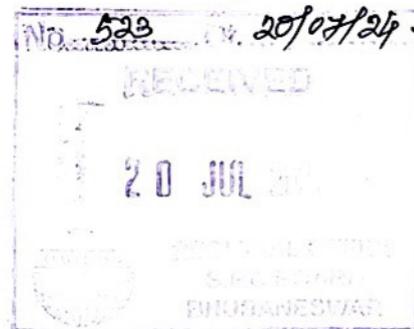


Z ESTATES PRIVATE LIMITED

19.07.2024

To.

The Regional Officer
State Pollution Control Board
Plot no- B 59/2 & 59/3
Chandaka Industrial Estate, Patia
Bhubaneswar-751024.



Sub:- Height of Stack connected to the D G sets
Ref:- Your letter no 2531 Dt- 12-07-2024.

Dear Sir,

Referring to your above mentioned letter, we have been directed to increase the stack height up-to 48.89 Meter and to install RECD at the exhaust Muffler.

In this context we would like to bring the following points to your kind notice.

1. The location of DG is 30.00meter away from the habitable building. So there is no building attached to the D G to compute the height of the Stack.
2. According to the CTO issued by SPCB , Odisha vide letter no1788/IND-I-6488 Dt 27-01-2016 CONCENT ORDER NO-2819, the common stack height shall be 6.06 meter from G.L for 3 DG sets (380KVA Each).(Copy Enclosed).and the stack installation has been done accordingly.
- 3.All the D G sets were placed 300 mm above the G L and has been CPCB approved, fitted with acoustic enclosure.
4. The location of all 3 DG has been made on the North side of the Project for better dispersion of smoke as the normal day wind blows from South-West in this region.
- 5.You have enclosed and referred the SPCB circular no-15730 dt 06-10-2023, which stipulates that all DG up-to 800 to 1000 KVA has to be fitted with RECD to reduce the Particulate Emission by 70%. But you have to please realize that we have handed over this project to the RWA Z1 ADAIT since 01-04-2021. (Copy Enclosed), which was also intimated to your esteemed office several times over mail and during site visit also.

SBS/DEE
JMS
20/7/24

1

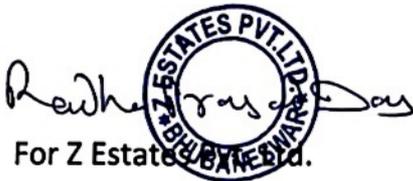
Therefore, this said circular of 2023 should not be made applicable to us.

Considering the above submission, we request your good office not to insist Z Estate Pvt Ltd to increase the Stack height to 48.89 meter which contradicts the CTO permission of 6.06 meter.

Further you are also requested to give your direction to the **RWA Z1 ADVAIT** to install RECD as we have already handed over the society to **RWA Z1 ADVAIT** since 01-04-2021, much before the SPCB circular date.

The receipt of the letter may kindly be acknowledged.

Thanking you.

The signature is written in cursive and overlaps a circular stamp. The stamp contains the text "Z ESTATES PVT. LTD." around the top edge and "BANGALORE" around the bottom edge. Below the signature and stamp, the text "For Z Estates Pvt. Ltd." is printed.

For Z Estates Pvt. Ltd.

ANNEXURE-R4/F

Tele: 0674- 2973126

E-mail : rospcb.bhubaneswar@ospcbboard.org

Website : www.ospcbboard.org

OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR
STATE POLLUTION CONTROL BOARD, ODISHA
 [FOREST, ENVIRONMENT AND CLIMATE CHANGE DEPARTMENT, GOVERNMENT OF ODISHA]
 Plot No. B-59/2 & B-59/3, Chandaka Industrial Estate, Patia, Po- KIIT, Bhubaneswar - 751024

No. 2886 / RO/NOC-2483Dt. 17-08-2024**By Speed Post/ By E-mail**

To,

Sri Bidhubhusan Nayak,
 Secretary, Z1, Residential Welfare Association,
 Ground Floor, Tower-3, Z1 (ADVITA)
 Kalarahanga(Nandankanan Road) Bhubaneswar
 Dist.: Khurda (Odisha)-751024.

Sub: O.A.No.11/2022/EZ- Z1 Residential Welfare Association-Vrs- Z- Estate Pvt. Ltd.,
 and Others ... reg.

Sir,

In compliance to the direction dtd.01.05.2023 of the Hon'ble Tribunal, a letter was communicated to M/s Z Estate Private Limited regarding the increase of the height of the stack connected to the DG sets vide Letter No. 2731 dated 12.07.2024(Annexed). In reply to the said letter, it was communicated that the project of Z estate Phase I (Z1 Advait) has been handed over to Z1 RWA(Phase-I) since 01.04.2021. They have requested to also give direction to Z1 RWA(Phase-I) for the implementation of the enhancement of the stack of the DG set. The letter by the Z estate is attached your kind reference.

Hence, you are requested to kindly intimate this office regarding the implementation of the enhancement of the height of the stack attached to the DG set and to ensure that Hon'ble order of NGT is complied. It is also requested to submit the action taken report to this office at earliest for intimation of the same to Hon'ble Court.

Yours Faithfully

Encl: As above.


 REGIONAL OFFICER

Memo No. 2887 / Dtd. 17-08-2024
Copy forwarded to the Member Secretary, SPCB, BBSR for kind information.

REGIONAL OFFICER

Memo No. 2888 / Dtd. 17-08-2024
Copy forwarded to Chief Env. Scientist (SWM), SPC Board, Odisha, Bhubaneswar for kind information and necessary action.

REGIONAL OFFICER

Memo No. 2889 / Dtd. 17-08-2024
Copy forwarded to Sr. Law Officer (L-II), SPC Board, BBSR & Sri B.P. Pattajoshi (Legal Consultant) for information.

REGIONAL OFFICER