

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH
Original Application No.107 of 2024/EZ.**

Smt. Haripriya Patel

..... Petitioner / Appellant

Vs.

State of Odisha & Ors.

.....Respondent / Defendant

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SPCB Odisha, R.No.1

Through

Kolkata

Date:

Sri Dipanjan Ghosh,

Advocates for the Respondent No.3
(State Pollution Control Board, Odisha)

e-mail: dpnjnghsh0@gmail.com

Phone No.:9903080977

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH
Original Application No.107 of 2024/EZ.**

Smt. Haripriya Patel

..... Petitioner / Appellant

Vs.

State of Odisha & Ors.

.....Respondent / Defendant

**AFFIDAVIT ON BEHALF OF STATE POLLUTION
CONTROL BOARD, RESPONDENT NO.1 IN
COMPLIANCE TO DIRECTION DTD.03.07.2024
READ WITH 13.08.2024 OF THIS HON'BLE
TRIBUNAL.**

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:



04 SEP 2024



1. That I am the Member Secretary of the Respondent No.1 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 while adjudicating the OA suo-motu on a letter petition submitted by the Applicant bringing to the notice of the Hon'ble Tribunal about alleged pollution caused due to open sewage drain, which is passing adjacent to her residence and the water of the said drain is full of dirt, human excreta, hospital effluents, garbage etc., vide order dtd.03.07.2024 has been pleased to constitute a committee comprising of the following members:
 - (i) Senior Scientist, Odisha State Pollution Control Board,
 - (ii) Senior Officer, Sambalpur Municipal Corporation.

And directed the committee to visit the site in question and submit the inspection report with regard to the allegations made. The R-1 Board has been declared as the Nodal



Office for all logistic purposes and for filing the inspection report of the committee on affidavit.

3. That soon after receipt of the copy of order dtd.03.07.2024 along with the letter petition from our counsel, the R-1 has asked the Regional Officer, Sambalpur vide letter No.11176 dtd.23.07.2024 to take steps for compliance of the direction of the Hon'ble Tribunal by involving the representative of the Municipal Corporation, Sambalpur. Copy of the letter No.11176 dtd.23.07.2024 is annexed to this affidavit and marked as **ANNEXURE- R1/1**.

4. That in the meantime, the committee constituted by the Hon'ble Tribunal has visited the alleged site on dtd.06.08.2024 and submitted a detail report. In the report, the committee has indicated that on the day of inspection it was observed that there was no garbage, dirt being carried out in the drain. The committee has also observed that concrete slabs were being casted to cover the open drains and the same will be completed within 8 – 10 days as stated by the Junior Engineer (Civil) of Sambalpur Municipal Corporation, Sambalpur. The photographs taken



during visit has also been annexed with the report of the committee with a recommendation that the open drain shall be covered with concrete slab with immediate effect. Copy of the inspection report of the joint committee is annexed to this affidavit and marked as **ANNEXURE – R1/2.**

5. That in the order dtd.13.08.2024, the Hon'ble Tribunal at para-4 has directed the R-1 Board to serve upon the R-2, Sambalpur Municipal Corporation, a copy of this original application and notices and to file compliance affidavit. In compliance to the said direction, the R-1 Board through its Regional Officer, Sambalpur has served the copies of the order dtd.13.08.2024 along with copy of OA and notices on 22.08.2024 on the R-2 Corporation with proper acknowledgement. A copy of the memo showing acknowledgement by the R-2 is annexed to this affidavit and marked as **ANNEXURE – R1/3.**

6. That this Hon'ble Tribunal in their order dtd.13.08.2024 at para-5 has also directed the R-1 Board to examine the submission made by the applicant at para-5 of the order



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

[Handwritten Signature]

- 9. That the annexures annexed to the present affidavit are true and correct copies of their originals.
- 10. 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.

[Handwritten Signature]

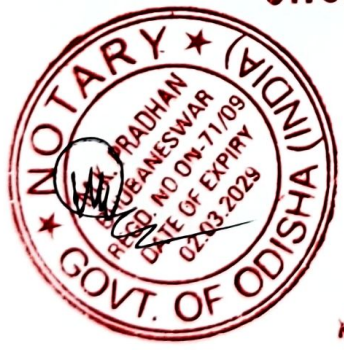
DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

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 4th day of September, 2024.

SWORN BEFORE ME



[Handwritten Signature]

DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

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

[Handwritten Signature]



EPABX: 2561909/2562847

Tel: 2562822, 2560955

Email: Paribesh1@ospcboard.orgWebsite: www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA]

Paribesh Bhawan, A/118, Nilakanthanagar, Unit – VIII,
Bhubaneswar – 751 012, INDIANo. 11176
VII – L – Misc – 1116Date: 23-7-24

To

E-mail / Speed Post

The Regional Officer
SPC Board, Sambalpur.

Sub: OA No.107/2024/EZ – Smt. Haripriya Patel vs. State of Odisha & Others.

Sir,

The Hon'ble NGT, EZB, Kolkata on the letter petition of the applicant has suo motu initiated a case vide OA No.107/2024/EZ and in the order dtd.03.07.2024 has constituted a committee comprising of the following members:

- (i) Senior Scientist, Odisha State Pollution Control Board, and
- (ii) Senior Officer, Sambalpur Municipal Corporation

The committee has been directed to visit the site and submit its inspection report with regard to the allegations made. The OSPCB shall be the Nodal Office for all logistic purposes and for filing the inspection report of the committee on affidavit. You are authorised to represent the Board in the committee constituted by the Hon'ble Tribunal and also to act as the Nodal Officer for the purpose of inspection and submission of report. The case is posted to 13.08.2024. You are requested to contact the Commissioner, Sambalpur Municipal Corporation and take early steps for compliance of the direction of the Hon'ble Tribunal. Copy of order dtd.03.07.2024 and petition dtd.26.03.2024 of the applicant received from our advocate through e-mail is enclosed for your reference.

Encl: As above.

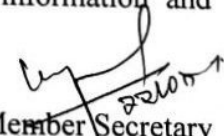
Yours faithfully


Member Secretary
Memo No. 11177 / Date: 23-7-24

Speed Post / E-mail

Copy along with copy of enclosure forwarded to the Commissioner, Sambalpur Municipal Corporation, Sambalpur (E-mail:sambalpurm.hud@nic.in) for information and necessary action.

Encl: As above.


Member Secretary

Inspection report of Joint Committee visit regarding pollution caused from open sewage drain near the residence of Smt. Haripriya Patel, At- Lane – 2/1, Kalyan Nagar, SRIT Colony, PO- Budharaja, Dist.- Sambalpur

In pursuance of the order dtd. 03.07.2024 of the Hon'ble NGT, EZB, Kolkata in the matter of O.A. No. 107/2024/EZ – Smt. Haripriya Patel – Vrs. State of Odisha & Ors., SPCB, Odisha, Head Office, SPCB vide letter no. 11176, dtd. 23.07.2024, the committee conducted the joint inquiry on 06.08.2024 as per the scheduled date fixed by Regional Officer & Nodal Officer, Regional Office, SPC Board, Sambalpur vide his letter no. 2555, dtd. 31.07.2024.

The following members were present during the joint committee visit.

1. Dr. Satya Narayana Nanda, Regional Officer, SPC Board, Sambalpur
2. Smt. Sarojini Prasan Kullu, Addl. Commissioner, Sambalpur Municipality Corporation, Sambalpur

Also, the following officials and representative(s) of the petitioner's have accompanied the joint committee during the visit.

1. Er. Biswakant Pradhan, Dy. Env. Engineer, SPCB, Sambalpur
2. Er. Rakesh Ku. Panda, Asst. Env. Engineer, SPCB, Sambalpur.
3. Sri. Manoranjan Pradhan, Asst. Env. Scientist, SPCB, Sambalpur
4. Sri. Shankar Prasad Sahu, Dy. Commissioner, SMC, Sambalpur
5. Sri. Dibya Ranjan Tripathy, Exec. Engineer II, SMC, Sambalpur
6. Sri. Srikanta Majhee, Asst. Exec. Engineer, SMC, Sambalpur
7. Sri. Rajendra Prasad Mishra, Junior Engineer, SMC, Sambalpur
8. Smt. Mahima Patel, Resident, At- Lane – 2/1, Kalyan Nagar, SRIT Colony, PO- Budharaja, Dist.- Sambalpur

During the visit, the representative of the petitioner Smt. Mahima Patel was also present, and a detailed discussion was made point to point as reflected in the petition of Smt. Haripriya Patel Vrs. State of Odisha & Ors. and following observations were made during the visit.

Observations:

Following observations were made by the committee during joint enquiry,

Sl.no.	Description	Observations
1.	The present Original Application has been registered in view of a letter petition sent by the Applicant, Smt.	The committee consisting of the members listed above visited the site in question and inspected it. It was

<p>HariPriya Patel, in the National Green Tribunal, Eastern Zone Bench, Kolkata, on 26.03.2024, alleging that adjacent to her residence one open sewage drain is passing and the water of the said drain is full of dirt, human excreta, hospital effluents, garbage etc.</p>	<p>observed that there is an open drain running adjacent to the road in front of the residence of the petitioner. On the day of inspection, it was observed that the drain was carrying no to very less water. There is a hospital namely M/s. Life Care Hospital at a distance of 430 m from the residence of the petitioner which was inspected on dtd. 25.07.2024 by the Board officials (<i>Inspection report enclosed</i>). The report reveals that the hospital is taking due care for disposal of liquid/chemical wastewater generated from the HCF with 1-2% Sodium hypochlorite prior to disposal and the health care facility disposes its Bio-Medical Waste at the CBMWTF (Common Bio-Medical Waste Treatment Facility) of M/s. Mediad Marketing Services at Amasaranga, Dist.- Sundargarh and has valid agreement (upto January 2028).</p>
<p>2. It is also alleged that the drain waste is causing pollution in the locality around the residence and is emanating foul smell and stink polluting the entire area. It is apprehended that as a result of dirt and filth caused the drain will become a breeding ground for mosquitoes leading to dengue and other diseases.</p>	<p>On the day of inspection, it was observed that there was no garbage, dirt being carried in the drain. It was also observed that concrete slabs were being casted to cover the open drains (Photo enclosed) and the same will be completed within 8-10 days as stated by the Junior Engineer (Civil), SMC Sambalpur.</p>

Some Photographs taken during the visit to the residence of the petitioner



Fig. 1. Open drain in front of the residence of Smt. Haripriya Patel



Fig. 2. Picture showing the vicinity of the drain to the boundary of Smt. Haripriya Patel



Fig. 3. Joint committee inspection at the residence of the Petitioner




Fig. 4. Concrete slabs being casted to cover the open drains



Fig. 5. Google Earth image showing the residence of the petitioner and the open drain

Recommendations:

The open drains shall be covered with concrete slab with immediate effect.

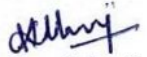

 6/8/24
Addl. Commissioner
SMC, Sambalpur
 Additional Commissioner
 SMC, Sambalpur


Regional Officer
SPC Board, Sambalpur
 Regional Officer
 State Pollution Control Board
 Regional Office, Sambalpur

INSPECTION REPORT OF HEALTH CARE FACILITY

Date of Inspection: 25.07.2024

- Sl no
01. Name of the HCF : M/s Life Care Hospital
02. Address : At- SRIT Colony, PO.- Budharaja, Dist.- Sambalpur
03. Name of the Occupier : Dr Pravas Debta, Proprietor
Contact no.- 9040525223
Person present during inspection Ms Anita Khadia, OT sister, 8249675083
04. Category of HCF : Private
05. No. of beds : 12 nos. (Ground floor- OPD, dressing room, OT, photo therapy and warmer room, 02 nos. individual cabins and 01 no. twin sharing cabin= 04 no. of beds in GF; 1st floor- general ward 05 no. of beds, 01 no. single cabin and 01 no. twin sharing cabin= 08 nos. bed in FF)
06. Segregation Practice : Yes. The HCF has provided one set of colour coded bins and segregation practice is being followed.
07. Whether mutilation of waste sharps and solid waste is being practiced : Yes. The HCF has provided needle cutter at sister's duty room for mutilation of used needles and syringes.
08. Whether common biomedical waste treatment facility being used : Yes. As per Agreement dated 01.02.2023 made between M/s Life Care Hospital, SRIT Colony, Budharaja, Sambalpur and M/s Mediaid Marketing Services, Nayapali, Bhubaneswar having Common Biomedical waste Treatment Facility (CBMWTF) at Amasranga, Dist.- Sundargarh **valid for 05 years** (upto January 2028) for 12 no. of beds.
09. Treatment and disposal practice :
 - The HCF disposes its BMWs at the CBMWTF of M/s Mediaid Marketing Services, Nayapali, Bhubaneswar having Common Biomedical waste Treatment Facility (CBMWTF) at Amasranga, Dist.- Sundargarh and has made an agreement for the same **valid for 05 years** (upto January 2028) for 12 no. of beds.
 - Records have been maintained regarding generation and disposal of biomedical waste.
 - The Liquid/ chemical wastewater generated from the HCF is being treated with 1- 2 % sodium hypochlorite prior to disposal. Domestic wastewater is being disposed in Septic tank followed by Soak pit.
 - Overall Treatment and disposal practice of the unit seems to be Satisfactory during inspection.
10. Authorization status : The HCF has obtained BMW Authorization vide HO letter no.- 15792 dt.11.10.2021 valid up to 31.03.2025 for 12 no. of beds.
11. Any other observations/ Conclusion : The overall biomedical waste treatment facility of the unit is found to be satisfactory. The disposal of treated biomedical waste is in accordance with the Biomedical waste Management Rules, 2016 and amendments thereafter.


Dy Env Scientist
SPC Board, Sambalpur
Deputy Environmental Scientist
Regional Office of State Pollution
Control Board, Sambalpur

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No.107/2024/EZ

Smt. Haripriya Patel

.....Applicant

--Versus --

State of Odisha & Others

.....Respondent(s)

MEMO

A copy of the OA, notices and order dtd.13.08.2024 of the Hon'ble Tribunal in the aforesaid OA served by the Regional Office, State Pollution Control Board, Odisha, Sambalpur has been received on dtd.....22/08/24.....

Manjula Mahapatra

Full signature of the Recipient with date

RECEIVED

**Municipal Corporation
Sambalpur**

Sambalpur

Date: 22.08.2024

Inspection report regarding pollution caused from open sewage drain near the residence of Smt. Haripriya Patel, At- Lane – 2/1, Kalyan Nagar, SRIT Colony, PO- Budharaja, Dist.- Sambalpur

In pursuance of the order dtd. 13.08.2024 of the Hon'ble NGT, EZB, Kolkata in the matter of O.A. No. 107/2024/EZ – Smt. Haripriya Patel – Vrs. State of Odisha & Ors., SPCB, Odisha, Head Office, SPCB vide letter no. 12930, dtd. 16.08.2024, the Board Officials inspected on 21.08.2024.

During the visit, the representative of the petitioner Smt. Mahima Patel was also present, and a detailed discussion was made point to point as reflected in the petition of Smt. Haripriya Patel Vrs. State of Odisha & Ors.

Smt. Haripriya Patel – Vrs. State of Odisha & Ors. Observations made during the visit were as follows;

Observations:

Following observations were made by the committee during joint enquiry,

Sl.no.	Description	Observations
1.	We, therefore, direct that copy of this Original Application and notices be served upon the Respondent No. 2, Sambalpur Municipal Corporation, through the office of the Odisha State Pollution Control Board, Respondent No. 1, within one week. The Respondent No.1 shall file affidavit of service before the next date of listing.	In connection to this, the Original Application has been intimated to the Respondent No. 2, Sambalpur Municipal Corporation vide this office letter No. 2774 dtd. 21.08.2024. <i>(Copy enclosed)</i>
2.	Smt. Haripriya Patel, the Applicant, states that the situation as existing in front of her house is existing throughout the city of Sambalpur; drain water is causing pollution to the localities of the Municipality; and the inhabitants living in different localities are suffering due	On the day of inspection, it was observed that the open drains in front of Smt. Haripriya Patel were covered with concrete slabs. On enquiring with the Addl. Commissioner, Sambalpur Municipality Commissioner, it was known that the work of covering of the

<p>to emanating foul smell and stick caused by open drains and there is also fear of dengue fever due to breeding of mosquitoes in uncleaned drains.</p>	<p>open drains throughout the municipality is in progress.</p>
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Some Photographs taken during the visit

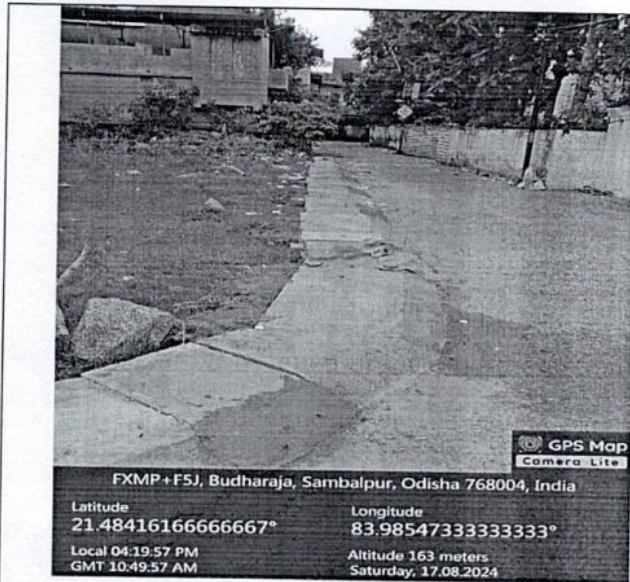


Fig. 1. Open drain in front of the residence of Smt. Haripriya Patel



Fig. 2. Picture showing the vicinity of the drain to the boundary of Smt. Haripriya Patel

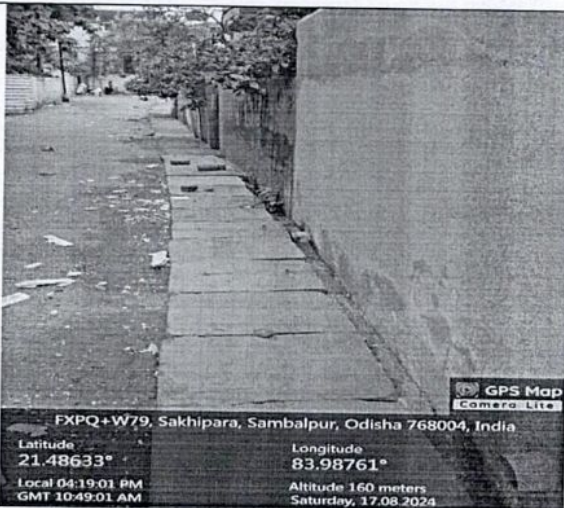


Fig. 3. Joint committee inspection at the residence of the Petitioner

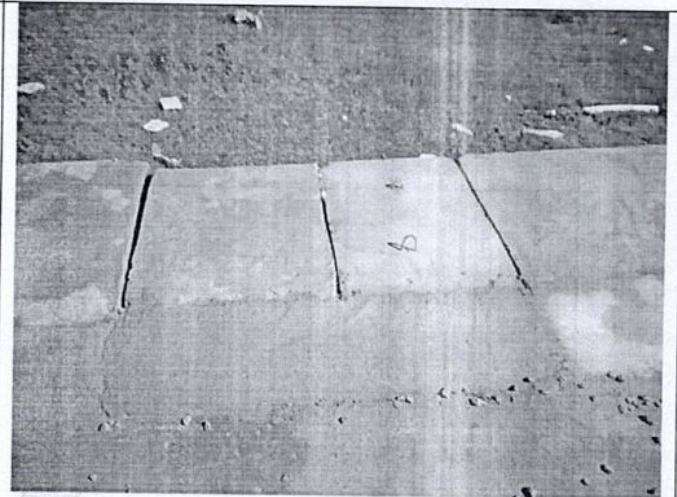


Fig. 4. Concrete slabs being casted to cover the open drains

Remarks:

In view of the above, the report shall be submitted for further consideration.


 Asst. Env. Engineer
 S.P.C. Board, Sambalpur
 Asst. Environmental Engineer
 State Pollution Control Board
 Regional Office, Sambalpur



Tel: 0663-2950151
 Email: rospcb.sambalpur@ospcbboard.org
 Website: www.ospcbboard.org

OFFICE OF THE REGIONAL OFFICE, SAMBALPUR
STATE POLLUTION CONTROL BOARD, ODISHA
 [DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
 1070, Hospital Road, Modipara, Sambalpur-768002

No. 2774 / IV MISC-06/2024-25

Date. 21.08.2024

From:

Court Matter/Urgent

Dr. S.N.Nanda
 Regional Officer & Nodal Officer

To

The Commissioner
 Sambalpur Municipal Corporation
 Sambalpur

Sub: - OA No. 107/2024/EZ- Smt Haripriya Patel vs. State of Odisha & Others.


Ref.- SPC Board Letter No. – 12930 dtd. 16.08.2024.

Sir,

Regarding the letter on the captioned subject matter, I am directed to intimate that, in compliance with the Hon'ble NGT order dtd 03.08.2024 please find enclosed herewith the copy of the order for your necessary action.

Yours faithfully,

Encl: As above.


 Regional Officer & Nodal Officer

Memo No...../Date...../

Copy submitted to the Member Secretary, SPC Board, Odisha, Bhubaneswar for kind information.

Regional Officer & Nodal Officer

M. Mohan Das
 22/08/24
RECEIVED
 Municipal Corporation
 Sambalpur