



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

IN

OA. No. 71/2025/EZ

**IN THE MATTER OF**  
Bipin Bihari Das

.... APPLICANT

VERSUS

State of Odisha & Ors.

.... RESPONDENTS

INDEX

Sl. No.	Particulars	Annexures	Page No.
1.	Reply on behalf of Respondent No. 6 i.e. Central Pollution Control Board.		1-7

*Mrinal Kanti Biswas*

**Mrinal Kanti Biswas**

Regional Director & Scientist E,  
CPCB, Kolkata

Filed through

*Ashac Prasad*

Counsel



Dated: 21/5/2025

Place: Kolkata

21 MAY 2025



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

IN

OA. No. 71/2025/EZ

IN THE MATTER OF  
Bipin Bihari Das

.... APPLICANT

VERSUS

State of Odisha & Ors.

.... RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO. 6 i.e. CENTRAL POLLUTION  
CONTROL BOARD

Preliminary Submissions:

1. That, the Hon'ble National Green Tribunal Eastern Zone Bench (hereinafter referred to as "Hon'ble NGT (EZ)") vide order dated 17.04.2025 in Original Application (hereinafter referred to as "OA") No. 71 of 2025 (EZ), has directed Central Pollution Control Board (hereinafter referred to as "CPCB") to file response in the instant matter. Thereby, the reply is made in this instant OA in succeeding paragraphs.



That at the outset, the Answering Respondent deny all claims, contentions, allegations and averments against answering respondent CPCB in the above Original Application contrary to anything stated or submitted in this reply. Nothing in the Original Application may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial or on the ground of non-traverse, save and except any averments which has been expressly admitted hereinafter.

3. That CPCB has been constituted under the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "the Water Act, 1974"). It performs the functions under the Water Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "the Air Act, 1981") and the Environment (Protection) Act, 1986 (hereinafter referred to as "the E(P) Act, 1986").

4. That the instant case is related to alleged air and water pollution caused by illegal operation of a fish meal and scrap fish processing factory namely M/s Gadre Marine Export Pvt. Ltd. at Village- Tundura, GP-Tundura, Block- Remuna, P.S- Khantapada, District- Balasore in Odisha, which is operating from 2023 in two phases namely Phase I and Phase II with

21 MAY 2025





processing capacity of Fish Meal 5000MT per annum and Surimi (Fish Paste) 10,800 MT per Annum. Allegedly, the factory is extracting excessive groundwater and draining its untreated effluent directly to the Kantiachira River, also dumping its solid waste openly causing air pollution. Further, it is alleged that the unit is violating the Phase-I CTO conditions and NOC conditions of Central Ground Water Authority (CGWA).

**Para wise reply:**

5. That no comments are offered over the averments made in the Para nos. 1-5 of the OA being introductory in nature.
6. That with regards to the averment made in Para no 6 of the OA related to alleged shortage of water for drinking and agricultural purposes due to the extraction of groundwater by the factory, it is humbly submitted that, permission for extraction of groundwater is issued by CGWA, hence, no comments are submitted from this answering respondent.
7. That with regards to the averments made in Para no 7 and 8 of the OA related to non-functional ETP and direct discharge of untreated water into the Kantiachira river by the factory, it is humbly submitted that, the Hon'ble NGT has constituted a Fact-Finding Committee comprising of: i. District Magistrate & Collector, District- Balasore, Odisha or his representative not below the rank of Additional District Magistrate (ADM); ii. Regional Director, Central Ground Water Board, Bhubaneswar or his representative; iii. Senior Scientist, Odisha State Pollution Control Board; and iv. Senior Scientist, Central Pollution Control Board with regard to the allegations made in the OA vide its order dated 17.04.2025. The committee carried out field visit on 02.05.2025. The Committee report shall be filed by the District Magistrate, Balasore, Odisha being the nodal agency.
8. That no comments are offered by the answering respondent herein over the averments made in Para no 9 and 10 of the OA, wherein the general operating condition of the factory and the issues faced by the local people have been brought out.
9. That with regards to the averment made in Para no 11 and 12 of the OA regarding discharge of waste water and odour pollution, it is humbly submitted that the submission made in paragraph no. 7 of this affidavit are re-iterated and are not repeated herein for the sake of brevity.
10. That no comments are offered by the answering respondent herein over the averments made in Para no 13 to 17 of the OA wherein the news item report about death of labourers due to gas leakage in the factory premise and complaints of the villagers to the State authorities namely, OSPCB

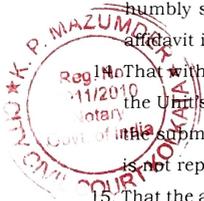


21 MAY 2025



and CGWA about violation of the CTE and CTO conditions, has been stated. However, it is humbly submitted that, CTE and CTO in this regard are issued by the Odisha State Pollution Control Board (OSPCB), thereby, submission made by OSPCB may kindly be considered in this regard.

11. That with regards to averments made in Para no 18 of the OA regarding violation of the NOC conditions granted by CGWA in Favor of the alleged factory is brought out. It is humbly submitted that, the submission made in paragraph no. 7 of this affidavit is re-iterated and is not repeated herein for the sake of brevity
12. That with regards to the averments made in Para no 19 to 21 of the OA wherein the certificate issued by the Sarpanch of the local Gram Panchayats regarding numbers of borewells failed to draw groundwater has been highlighted and google earth Image of the site is provided which alleges discharge of polluted water into the Kantiachira river by the alleged factory, it is humbly submitted that, the submission made in paragraph no. 7 of this affidavit is re-iterated and is not repeated herein for the sake of brevity.
13. That with regards to the averment made in Para no 22 of the OA regarding order of Hon'ble Supreme Court in Paryavaran Suraksha Samiti case, it is humbly submitted that, the submission made in paragraph no. 7 of this affidavit is re-iterated and is not repeated herein for the sake of brevity.
14. That with regards to the averment made in Para no 23 of the OA regarding the Unit's failure to display the CTO publicly. It is humbly submitted that, the submission made in paragraph no. 7 of this affidavit is re-iterated and is not repeated herein for the sake of brevity.
15. That the averment made in Para no 24 & 25 of the OA are regarding alleged non-submission of mandatory monthly reports by the Unit as per norms and non-verification of compliance of that report by the OSPCB. It is humbly submitted that, as the matter is concerned with OSPCB, submission made by OSPCB may kindly be considered in this regard.
16. That with regards to the averment made in Para no 26 of the OA regarding installation of OCEMS, it is humbly submitted that as per CTO issued by OSPCB, the unit shall install a Continuous Effluent Monitoring System (CEMS) at the outlet of the ETP for continuous analysis of the treated waste water before discharge to outside through pipe line.
17. That the averment made in Para no 27 of the OA is regarding the order dated 06.01.2022 in Original Application No. 92/2021/EZ (Dakshina Banga Mastyajibi Forum vs Union of India. In this regard, it is humbly



21 MAY 2025



- submitted that the submission made in paragraph no. 7 of this affidavit is re-iterated and is not repeated herein for the sake of brevity.
18. That with regard to the averments made under Grounds (A-F) of the OA, it is respectfully submitted that the submissions made by the answering respondent herein in preceding paragraphs are re-iterated and are not repeated herein for the sake of brevity.
19. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional replies if required in future.
20. That in light of the above submissions, it is respectfully submitted that this answering Respondent i.e. CPCB, shall abide by all the order(s) or direction(s) passed by this Hon'ble Tribunal in the instant Original Application.

**Mrinal Kanti Biswas**

Regional Director & Scientist 'E'  
CPCB, Kolkata



21 MAY 2025



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

IN

OA. No. 71/2025/EZ

**IN THE MATTER OF**  
**Bipin Bihari Das**

... APPLICANT

**VERSUS**

**State of Odisha & Ors.**

... RESPONDENTS

**AFFIDAVIT**

I, Mrinal Kanti Biswas, S/o Saroj Kumar Biswas aged about 43 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor, 1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

**Identified by me**

*Amr Biswas*

**Advocate**

Solemnly Affirmed & Declared  
Before me on Identification

*[Signature]*

**DEPONENT**

*[Signature]*

K. P. MAZUMDER, NOTARY  
City Civil Court, Calcutta  
Reg No 7911/2010 Govt. of India

21 MAY 2025



**VERIFICATION**

Verified at Kolkata on this day of 21 / 05 / 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the ~~21~~ Day of May, 2025.

**Identified by me**

*John Basu*  
**Advocate**

*Adarsh*

**DEPONENT**



Solemnly Affirmed & Declared  
Before me on Identification

*K P Mazumder*

**K. P. MAZUMDER, NOTARY**  
City Civil Court, Calcutta  
Reg. No. 7911/2010 Govt. of India

21 MAY 2025



Exhibit No.

## VAKALATNAMA

IN THE COURT OF National Green Tribunal AT E.Z.BO.A NO 71 OF 2025Bipin Bihari Das } \*Appellant's / Applicant's  
Complainant's  
Petitioner's / Plaintiff'sState of Odisha & Others } \*Respondent's /  
Opponent's  
Accused / Defendant's\* I / We The Undersigned Mrinal Kanti Biswas, Regional  
Director, C.P.C.B. R.D, Kolkatathe \_\_\_\_\_ above named hereby appoint & authorise  
Shri- Ashok Prasad, Advocate.

\* to appear and plead for me / us as my / our Advocate/s in the matter.

\* In witness where of I / we have signed below this \_\_\_\_\_

day of \_\_\_\_\_

Witness

मृनाल कान्ति बिस्वास  
Mrinal Kanti Biswas  
क्षेत्रीय निदेशक  
Regional Director  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
1552, राजमार्ग नं 305  
1552, Rajdanga Main Road  
कोलकाता - 700 107  
Kolkata - 700 107Accepted and filed on 01/05/2025Vakalatnama Receivedand accepted

Signature of Advocate/s

Ashok Prasad, Advocate9883089404

I am a member / not a member of the Maharashtra Advocates Welfare Fund &amp; I have / have not affixed the required stamp.

\* (Strike Out that which is not applicable.)