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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO.- 19 OF 2025

IN THE MATTER OF

SHUKADEV MOHANTY

APPLICANT

Versus

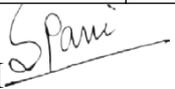
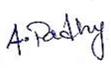
STATE OF ODISHA AND OTHERS

RESPONDENTS

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PLACE: Bhubaneswar

SANKAR PRASAD PANI ASHUTOSH PADHY 

DATE: 09 /09/2025

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278,

Email: sankarprasadpani@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****EASTERN ZONE BENCH, KOLKATA****ORIGINAL APPLICATION NO.- 19 OF 2025****IN THE MATTER OF:**

Shukadev Mohanty

APPLICANT**VERSUS**

State of Odisha and Others

RESPONDENTS**REJOINDER AFFIDAVIT ONBEHALF OF APPLICANT TO THE****AFFIDAVITS FILED RESPONDENT 2&5****MOST RESPECTFULLY SHOWETH**

I, Shukadev Mohanty, S/o- Late Brajabandhu Mohanty, Aged about 86 years, At HIG-179, Kanan Vihar, Phase-1, Po-Patia, Dist- Khordha, Pin- 751031, do hereby solemnly affirm, and declare that I am the applicant in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.

1. That the Hon'ble Tribunal vide order dated 11/02/2025 while issuing notice in the present case, directed the Respondent-6 i.e. State Pollution control Board to file its counter affidavit however no such counter affidavit has been filed by the Respondent-6.
2. It is further submitted that admittedly the Respondent No.9 has started construction without having CTE from the Respondent-6 i.e. State Pollution control Board, however the Board has not taken any action against the Respondent No.9 for commencing construction without CTE.
3. That the District Magistrate Khordha in his affidavit dated 26/03/2025 in paragraph-5 has stated that, *"That, after receipt of the said proposal, the*



*same has been sent to the Deputy Commissioner of Bhubaneswar/ Asst. Fire Officer, Bhubaneswar/ Tahasildar, Bhubaneswar for conducting field visit and to report with specific views for grant of NOC in favor of M/S-GAIL INDIA Ltd. for construction of CNG station at Chandrasekharpur, Bhubaneswar vide letter No. 8088 dated 19.07.2024. But, till date, no report has been received from the above inquiring authorities and hence, **no NOC has yet been issued in favor of M/S-GAIL INDIA Ltd for setting up of alleged CNG station.**”*

4. That the District Magistrate Khordha in his affidavit dated 26/03/2025 in paragraph 6 has stated that *“That, in reply to the averments made from Paragraph-2 to 4 of the Original Application, it is submitted that after receipt of the order dated 11.02.2023 of the Hon’ble Tribunal passed in the above case and gone through the allegations raised by the applicant in the above said original application, the matter has been enquired into by the Sub-Divisional Magistrate-cum-Sub-Collector, Bhubaneswar and Tahasildar, Bhubaneswar jointly and as per the joint inquiry report, it has been found that though, **the M/S-GAIL INDIA Ltd has not been issued NOC from the District Administration** for setting up of the alleged CNG Station over the case land some constructions have been found to have been made over the site in question illegally by the project proponent for which **this deponent has issued Show Cause Notice to the CM(CGD), Bhubaneswar, M/S-GAIL INDIA Ltd vide letter No. 5615 dated 25.03.2025.**”*
5. It is further submitted that the District Magistrate Khordha in his affidavit dated 26/03/2025 in paragraph-8 has stated that, *“That, in reply to the averments made from Paragraph-6 to 9, it is submitted that from the report of Sub-Collector, Bhubaneswar, it has been found that some construction work is being carried out over the case land by the GAIL INDIA Ltd without obtaining NOC from the District Administration.*



*Hence, the authority of GAIL INDIA LTD has been directed to stop further construction work until further order and has been issued notice to submit show cause as to why action as per law shall not be taken against him for such illegal construction without having valid permission, thereby, **endangering the life & property of the inhabitants of the neighborhood.***”

6. That it is apparent from the affidavit of the DM the construction has been commenced without NOC endangering the life and property of the neighborhoods. It is not out of place to mention here that the construction of the CNG pump station is adjacent to the petitioner's house without any buffer area safety zone, considering CNG gas itself is inflammable and any accident can not be ruled out.
7. That the Respondent No.-2 in his affidavit dated 11/04/2025 in paragraph-5 has stated that, *“That, after perusal of the above order of the Hon'ble Tribunal the City Planner /Deputy Commissioner (Revenue) and Deputy Commissioner (Sanitation) of Bhubaneswar Municipal Corporation were directed to cause an enquiry and report.”* However as on date no such report has been filed by the Respondent-2.
8. It is most humbly submitted that the CNG filling stations are coming under the purview of consent administration of State pollution control Board and the SPCB is also use to grant CTE in such type of CNG filling stations, however in the present case no such CTE is granted to the user agency.
9. That the SPCB has also granted CTE in another project by M/s. Mother Station (Bharat Petroleum Corporation Limited), in the District Sambalpur of Odisha. Copy of the CTE is annexed here unto as **ANNEXURE-1.**
10. That in view of the above mentioned paragraphs the Hon'ble Tribunal may direct the SPCB to take action against the project proponent for



commencing construction without CTO and direct the CPCB to frame guidelines for CNG/PNG stations.

9TH September 2025

Applicant Through

Advocate

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

ORIGINAL APPLICATION NO. 19 OF 2025

IN THE MATTER OF:

SHUKADEV
CHITRENJAN MOHANTY

APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

RESPONDENTS

AFFIDAVIT

09 SEP 2025
86

I, Shukadev Mohanty, S/o- Late Brajabandhu Mohanty, Aged about 79 years,
At - HIG-179, Kanan Vihar, Phase-1, Po-Patia, Dist- Khordha, Pin- 751031, do
hereby solemnly affirm, and declare as under:

1. That I am the applicant in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

Shukadev Mohanty
DEPONENT

VERIFICATION

Verified on this 09 SEP 2025 day of2024 at B.B.P. that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By
Advocate
8/23

Shukadev Mohanty
DEPONENT



The above named deponent(s) being duly identified by Advocate, Bhubaneswar. Appears before me on 09 SEP 2025 at B.B.P. States on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief
Deponent(s) Notary, Bhubaneswar

Janmejaya Rautray
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
REGD. NO. 013-66/2012
Mob No-7976561217

Tel : 0663-2950151

Email : rospcb.sambalpur@ospcboard.org

Website : www.ospcboard.org



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

No. 209 / III CON(NOC)26/2023-24Date: 12.01.2024

OFFICE MEMORANDUM

In consideration of the online application no.: **4920505**, dtd. **12.05.2023** for obtaining Consent to Establish for **M/s. Mother Station (Bharat Petroleum Corporation Limited)**, the State Pollution Control Board is pleased to convey its Consent to establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 for following plant facilities and production capacities:

CNG Cascade Filling Station: 8 TMT/A (Thousand metric ton/annum)

Name of the Occupier & Designation: Territory Manager, Bharat Petroleum Corporation Limited

Factory Address: Khata no.- 441, Plot no.-1549/5852 and Plot no. 1542(P), Mouza- Jangla, PO- Rengali, Tahasil/Dist – Sambalpur with the following conditions.

GENERAL CONDITIONS:

1. This consent to establish is valid for the quantity of product, as mentioned above manufacturing process as mentioned in the consent application form & for a period of five years from the date of issue of this letter, provided that commencement of production of the proposed project has not taken place in the meantime.
2. If the proponent fails to start operation of the project, but substantial physical progress has been made then a renewal of this consent shall be sought by the proponent.
3. If the proponent fails to initiate construction of the project and no significant physical progress is made then, the proponent has to apply for consent to establish after expiry of 05 years from the date of issue of this order.
4. Adequate effluent treatment facilities are to be provided such that the quantity of sewage and trade effluent satisfies the standards as prescribed under E.P. Rule, 1986 or as prescribed by the Central Pollution Control Board and / or State Pollution Control Board or otherwise stipulated in the special conditions.
5. All emission from the industry as well as the ambient air quality and noise are to conform to the standards as laid down under E.P. Rule 1986, Central Pollution

Control Board / State Pollution Control Board or otherwise stipulated in the special conditions.

6. Adequate method of disposal of solid waste is to be adopted to avoid environmental pollution.
7. The proponent shall do mock drill process to inform and alert public from time to time.
8. The industry is to comply to the provisions of Environment Protection Act., 1986 and the Rules made there under with the amendments made from time to time such as the Hazardous Waste (Management & Handling) Rules, 1989, Hazardous Chemical Rules/Manufacturers, Storage and Import of Hazardous Chemicals Rules, 1989 etc. and amendment made there under. The industry is also to comply to the provision of Public Liability Insurance Act, 1991, if applicable.
9. The industry is to apply for grant of consent to operate under Section 25/26 of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and rules framed there under at least three months before the commercial production and obtain consent to operate from this Board.
10. This consent to establish is granted subject to other statutory clearance as may be applicable from other department of Government of Odisha and Government of India.
11. The occupier shall prohibit the use of banned Single Used Plastic products within their respective premises as per public notice issued by State Pollution Control Board vide No.2245 on dt.15.02.2023.
12. The industry shall obtain necessary permission from the Central Ground Water Authority for consumption of ground water for industrial use within one month from date of issue of consent to operate order. It may be noted that withdrawing ground water without valid NOC by or before the said date shall liable to pay fine as well as environmental compensation/damages as to be decided by Hon'ble NGT, New Delhi in OA No. 329/2015 dt. 11.12.2019

SPECIAL CONDITIONS:

A. GENERAL:

1. A green belt shall be provided along the boundary wall of plant towards habitation area and vacant spaces within plant premises. Every year the unit shall submit the return on tree existed to the Board and also to the DFO concerned.
2. Land conversion document for industrial use shall be submitted to the Board along with consent to operate application form.

3. The unit shall abide by all the provisions of E.P. Act, 1986 and the rules framed there under.
4. If any information furnished by the applicant is found to be incorrect or suppressed and detected on later stage, the consent to establish shall be revoked including initiation of appropriate legal action as deemed fit as per the provisions of Air (Prevention and Control of Pollution) Act, 1981 as amended thereof and rules framed thereunder.
5. Rain water harvesting practice shall be followed by utilizing the rain water collected from the roof of the buildings for recharging of ground water within the premises and other large structures as per the concept and practices prescribed by CPCB, New Delhi and details of which is available in the web-site.
6. The civil construction shall be done with the fly ash bricks. In case the fly ash bricks are not available locally, then the civil construction may be done with other bricks with prior intimation to the concerned Regional office of the SPC Board. A quarterly statement indicating the use of fly ash bricks during civil construction shall be submitted to the Board for record.
7. The industry shall submit the progress of construction work every 6 (six) months and the expected date of completion at least one month in advance.

B. WATER POLLUTION:

1. Domestic effluent shall be treated and disposed of in a septic tank followed by a soak pit to be constructed as per BIS specification. Under no circumstances, any wastewater shall be discharged outside the plant premises.
2. Industry shall provide concrete drains along with the internal roads for proper drainage of surface runoff. The internal roads shall be concreted/blacktopped to prevent fugitive emissions during plying of vehicles.
3. Under no circumstances, the industry shall discharge wastewater to outside factory premises and the proponent shall adopt the Zero Liquid Discharge (ZLD) concept.

C. AIR POLLUTION:

1. Precautionary measures shall be taken by the unit to avoid any spillage / leakage of natural gas.
2. The unit shall have an automated leak detection system with a quick response team along with vehicle and firefighting equipment.
3. Ambient Air Quality shall be maintained inside the factory premises to conform the National Ambient Air Quality Standard prescribed under E (P) Rule, 1986 as

prescribed by the MOEF, Govt. of India vide notification No. **G.S.R. 826 (E) dt. 16.11.2009** as amended thereof from due to time.

4. The industry shall maintain the ambient noise standard as prescribed in the **Noise Pollution (Regulation and Control) Rules, 2000** as amended thereof.
5. The unit shall provide adequate stack height to the DG set as per following formula

$$H = h + 0.2 \sqrt{\text{KVA}}$$
 where
 h = Height of the building where it is installed in meter.
 KVA = Capacity of the D.G.Set
 H = Height of the stack in meter above ground level.
6. DG set shall be acoustically designed and shall be housed in appropriate acoustic enclosures so that the noise level outside it shall conform to the prescribed norms.
7. Good housekeeping practices shall be followed to improve the work environment. All roads and floor shall be cleaned regularly.

D. SOLID & HAZARDOUS WASTE:

1. The industry shall abide by all the provision of **Plastic Waste Management Rule, 2016** as amended thereof and rules framed thereunder.
2. The solid wastes to be generated shall be disposed suitably or sold to outside party without causing environmental degradation in the nearby vicinity.

To

**The Territory Manager,
 Bharat Petroleum Corporation Limited,
 Bhagwati Complex 3rd Floor, NH-6
 Beside Income Tax Office,
 Ainthapali, Sambalpur-768004**


REGIONAL OFFICER

STATE POLLUTION CONTROL BOARD, ODISHA, SAMBALPUR

Memo No...210...../Dt.12.01.2024..1

Copy forwarded to the:

- i) **Collector & District Magistrate, Sambalpur**
- ii) **D.F.O., Territorial, Sambalpur**
- iii) **Chief Env. Engineer (N), S.P.C. Board, Odisha, Bhubaneswar**
- iv) **G.M., DIC, Sambalpur**
- v) **Guard file, Regional Office, Sambalpur**


Regional Officer
 State Pollution Control Board
 Regional Office, Sambalpur

REGIONAL OFFICER
STATE POLLUTION CONTROL BOARD, ODISHA, SAMBALPUR

Regional Officer
 State Pollution Control Board
 Regional Office, Sambalpur



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Sankar Pani <sankarprasadpani@gmail.com>

Rejoinder on behalf of Applicant to the Affidavits filed by Respondent-2&5, in OA 19/2025-NGT/EZ.

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Wed, Sep 10, 2025 at 10:06 AM

To: Dipanjan Ghosh <dpnjnghsh0@gmail.com>, "Rajib Ray, Advocate" <rajib.ray.official23@gmail.com>, surendra kumar <surendra_kr15@rediffmail.com>, Ashok Prasad <Ashokadvhc@gmail.com>, "kishwar.rahman@rdalegal.in" <kishwar.rahman@rdalegal.in>, ADVOCATE GENERAL ODISHA <advgen@nic.in>

Dear Sir/Madam, please find the attachment.

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**REJOINER GAIL-merged.pdf**

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