

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
APPEAL NO. 13 OF 2024 / EZ**

In the matter Of:

Z1 Residents' Welfare Association Appellant(s)

Versus

Member Secretary, Odisha State Respondent(s)
Pollution Control Board & Anr.

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SPCB Odisha, R.No.1&2

Through

Papiya Banerjee Bihani

Kolkata

Date:

Smt. Papiya Banerjee Bihani
Advocates for the Respondent No.1&2
(State Pollution Control Board, Odisha)
e-mail: pbanerjeebihani@gmail.com
Phone No.:9831493390

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
APPEAL NO. 13 OF 2024 / EZ**

Z1 Residents' Welfare Association Appellant(s)

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Pollution Control Board & Anr.

08 DEC 2025

**AFFIDAVIT ON BEHALF OF STATE POLLUTION
CONTROL BOARD, ODISHA, RESPONDENT
NO.1 & 2 IN COMPLIANCE TO ORDER
DTD.07.11.2025 OF THIS HON'BLE TRIBUNAL.**

I, Smt. Uma Nanduri, IFS, wife of Sri Prem Kumar Jha, IFS aged around 58 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.1 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to



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

swear this affidavit. I have also gone through the Appeal Memo and understood the contents thereof.

2. That this Hon'ble Tribunal vide their order dtd.07.11.2025 has directed the R-1 Board to produce the original records before this Hon'ble Tribunal and Photostat copies thereof be filed in the registry for placing the same on record. In compliance to the said direction, the list of documents relevant to this case maintained by the R-2 is annexed to this affidavit and marked as **ANNEXURE - R1/10 Colly.**
3. That this affidavit is filed in compliance to order dtd.07.11.2025 of this Hon'ble Tribunal in order to bring on record the documents relevant to this case as available in the record maintained by the R-2. The original records as well as the Photostat copies thereof are also filed herewith.
4. That the Respondent No.1 & 2 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.



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

5. 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

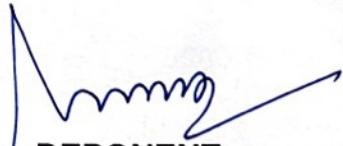
VERIFICATION:

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 8th day of December, 2025.



SWORN BEFORE ME


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

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

ANNEXURE-R1/10 Colly

LIST OF DOCUMENTS

Sl. No.	Date	Description of Documents	File Pages
1.	01.05.2023	The Hon'ble NGT, EZB, Kolkata has directed the SPCB to compute Environmental Compensation against the Applicant's Association for violation of STP norms w.e.f. 01.04.2021 when the Phase-I was handed over to the Association by the Project Proponent within two months after giving them an opportunity of being heard, in OA No.11/2022/EZ.	180-133/c
2.	22.05.2023	The Member Secretary vide letter NO.8122, dtd.22.05.2023 has communicated the order dtd.01.05.2023 to the Regional Officer, SPC Board, Bhubaneswar with a request to take follow up action for compliance of the direction of Hon'ble Tribunal.	182/c
3.	18.09.2023	Report of Analysis of STP of M/s. Z1 Estate Residential Welfare Society (Phase-I Project), Bhubaneswar dtd.11.09.2023 has been received from the Central Laboratory of R-1 Board.	209-208/c
4.	18.10.2023	Accordingly the RO, Bhubaneswar after computing the Environmental Compensation has requested the General Secretary of the Present Appellant vide letter No.3676, dtd.18.10.2023 for personal hearing on 02.11.2023 at 3.30 PM to put forth his views about the direction in shape of writing.	211-210/c
5.	02.11.2023	Personal hearing is conducted on the computation of Environmental Compensation for violation of STP norms in compliance to the direction Hon'ble Tribunal.	214-212/c
		During the personal hearing the unit has submitted the written submission vide letter dtd.01.11.2023 addressed to Regional Officer, Bhubaneswar.	216-215/c

6.	10.11.2023	The Regional Officer, Bhubaneswar after conclusion of the personal hearing has sought for clarification from the Member Secretary of this Board for further course of action.	219/c
7.	28.03.2024	In response to the Clarification the Member Secretary intimated the Regional Officer, Bhubaneswar not to provide the information / documents as requested by the applicant association, in absence of the specific direction of the Hon'ble Tribunal to this effect and accordingly they may be directed to deposit the environmental compensation assessed from the period 01.04.2021 to 11.09.2023 within a stipulated time.	220/c
8.	19.04.2024	The Regional Officer, Bhubaneswar has directed the Secretary, Z1 Association Welfare Association to deposit the Environmental Compensation amount of Rs.2,23,50,000/- for the violation period of 01.04.2021 to 11.09.2023 immediately in shape of Bank Draft.	224-221/c
9.	04.07.2024	The Regional Officer, Bhubaneswar of the R-1 Board has issued another letter vide No.2390 dtd.04.07.2024 to the Appellant to deposit the Environmental Compensation amount of Rs.2,23,50,000/- for the violation period of by correcting the number of days mentioned therein i.e. 894 days instead of 815 days i.e.01.04.2021 to 11.09.2023.	253-250/c



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Item No.06

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.11/2022/EZ

IN THE MATTER OF:

Z1 RESIDENTS' WELFARE ASSOCIATION,
Through its General Secretary, Bidhubhusan Nayak,
Tower 1, Flat No. 1304, Z1 Estate,
Nadankanan Road, Kalarhanga, Patia,
Bhubaneswar, Odisha-751024

.....Applicant(s)

Versus

1. **Z ESTATES PRIVATE LIMITED,**
Registered office at M/4-34 Acharya Vihar,
Bhubaneswar, Odisha-751013;
2. **SHRI TAPAN KUMAR MOHANTY,**
Managing Director,
Z Estates Private Limited,
At M/4-34, Acharya Vihar, Bhubaneswar,
Odisha-751013;
3. **MEMBER SECRETARY,**
Odisha State Environment Impact Assessment Authority, (SEIAA),
Qr. No.5RF-2/1, Unit-IX,
Bhubaneswar-751022,
4. **MEMBER SECRETARY,**
Odisha State Pollution Control Board,
A-118, Nilakantha Nagar,
Unit-VIII, Bhubaneswar-751012,
5. **MEMBER SECRETARY,**
Central Ground Water Authority,
18/11, Jamnagar House, Mansingh Road,
New Delhi-110011,
6. **REGIONAL DIRECTOR,**
Central Ground Water Board,
South Eastern Region, Bhubaneswar Bhujal Bhawan,
Khandagiri, Bhubaneswar,
7. **DEPUTY DIRECTOR GENERAL OF FORESTS (C),**
Ministry of Environment, Forest & Climate Change,
Integrated Regional Office,
A/3, Chandrasekharpur,
Bhubaneswar-751023,

.....Respondent(s)

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Date of hearing: 01.05.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Adv. (in Virtual Mode)

For Respondent(s): Mr. Kallol Basu, Advocate a/w Mr. Nilanjan Pal, Adv.
and Ms. Radhika Mishra, Adv. for R-1&2,(in Virtual Mode),
Mr. Apurba Ghosh, Advocate for R-3,
Ms. Papiya Banerjee Bihani, Adv. for R-4 (in Virtual Mode),
Mr. Ashok Prasad, Adv. for R-5 & 6 (in Virtual Mode)

ORDER

1. Mr. Sankar Prasad Pani, learned Counsel is present (in Virtual Mode) for the Applicant. Counsel for the Respondents are present in Virtual Mode.
2. The broad allegations made in the present Original Application are that the Respondent Nos. 1 and 2 have been carrying out constructions in Phase-I & II over a built-up area of 3,95,865.09 m² for which they were accorded Environmental Clearance on 17.03.2020 (Annexure 9 to the Original Application). It is also alleged by the Applicant's Association that in violation of the conditions of the Environmental Clearance, Green-Belt and Avenue Plantation required over an area of 20% of the site using native trees species/plants, was supposed to have been planted by the Project Proponent, Respondent Nos.1 and 2, covering an area of 30,929.22 m² but this has not been done.
3. It is further alleged that the compliance of condition of No Objection Certificate (NOC) from the Central Ground Water Board and permission of Water Resource Department, Govt. of Odisha, has not been undertaken.

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4. The Applicant in his Original Application alleges that following Environmental Clearance conditions have not been complied with which read as under:-

"1. Green-Belt and Avenue Plantation over at least 20% of the site using native trees species/plants area not there. SEAC Committee observes that Green belt for Phase I is virtually absent except decorative plants such as Krushna Chuda, Ficus panda etc. in the periphery of the boundary of Phase I and landscaping.

2. Compliance of Conditions of "NOC" from CGWA and permission of water Resource Department, Govt. of Odisha is not available.

3. Detail workable plan/scheme either for zero discharge/or discharge to main road side drain through STP and oil water separation unit, particularly for monsoon period so that it will not affect the human health/environment is not available.

4. STP does not have the facility for complete treatment (Primary, Secondary and tertiary) of waste water.

5. The water treatment plant does not have any iron remover although one of the water source has high iron content.

6. The zero liquid discharge is not maintained, there is no oil water separation unit and thereby discharge of untreated water to Budhi Nalla which is mentioned as Buri Nall in EC letter.

7. Absence of facility for use of Renewable/Solar Energy in Phase I against a stipulation of at least 5% of the total power consumption for Phase I for street and common area solar lighting.

8. Diesel Generator sets in Phase I of project have inadequate Stack heights and same is violation of CPCB Norms.

9. Dust control measures not adopted to control dust and noise pollution during the construction of Phase II for which the senior citizens were the worst sufferers.

10. Rain Water harvesting/Recharge Pits reveals that water harvesting for storm water and runoff water is not available.

11. No facility for segregation of solid wastes into Biodegradable and non-biodegradable category."

5. The Respondent Nos. 1 & 2, (hereinafter referred to as 'Project Proponent'), have filed their counter-affidavit dated 05.03.2022,



denying the allegations in the Original Application and further submitting that the claims made by the Applicant with regard to the Respondent Nos.1&2, are misconceived, vexatious and frivolous, apart from not being maintainable and Applicants have no cause of action.

6. In the affidavit, it is stated that the Applicant submitted a letter on 05.10.2021 to the Respondent No.3, SEIAA, Odisha, alleging non-compliances of the stipulated conditions by the Respondent Nos. 1 & 2, in the Phase-I of the Project. It is stated that a four Member Committee was formed by the SEIAA, Odisha, to investigate the purported non-compliance of the stipulated conditions by the Project Proponent and the said Committee visited the site and conducted an investigation in the presence of one representative of the Applicant at the project site on 20.01.2022. It is stated that representatives of the Applicant and Respondents Nos. 3, 4 and 7 were also present as well as the representatives of the Project Proponent. It is stated that investigation was conducted by the Committee without any obstruction by the parties pursuant to which the Project Proponent submitted a Status Report vide letter dated 03.02.2022 with regard to the Action Plan for implementation of the points mentioned by SEIAA, Odisha, in its letter dated 20.02.2020. Copy of the Status of Action Plan has been filed as Annexure-A (colly) (page no. 223) which is extracted herein below:-

**"STATUS OF ACTION PLAN FOR IMPLEMENTATION OF
POINTS MENTIONED VIDE SEIAA, LETTER NO-7887/SEIAA**

DATE-20-02-2020

Sl. No.	Condition of Environmenta l Clearance	Implementation to be done	Implementation Schedule	Implementation Status as on 31-01-2022

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1)	Development of Green Belt For PH-I & PH-II	We will develop a Green belt of 3.0Mtr width (approx.) in multiple layers all along the permanent boundary wall. This will be carried out both for PH-I & PH-II Expansion. The plantation activity of Greenbelt for PH-II shall be started on the onset of monsoon and shall be completed by end of 2020 monsoon i.e. much before the completion of building project and handing over process.	Plantation work to be started by June 2020 (start of monsoon) and will be completed by September 2020 (End of Monsoon)	Since this is an integrated project plantation can only be done along the permanent boundary which will took place in phase manner as per the available of boundary. However Plantation around PH-I area and along 500 mtr. Of permanent boundary has been completed using Local species of plan (Kamini, Neem, Bakul, Kadamba, Champa, Mango, Coconut, Karanja etc.)
2)	'NOC' from CGWA & permission for Water Resources Dept. Govt. of Odisha for Phase-I and PH-II for quantum of ground water drawl. Measures for limiting water	NOC from CGWA. Measures for limiting water use has been done by restricting the use through optimization of water supply and measuring the daily supply using flow meter.	Complied	Complied

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	use.			
3)	<p>Installation of STP of appropriate capacity (Phase-I and Phase-II) and complete waste water treatment protocol adopted. Waste water drainage outside the premises, and permission of the competent Authority for the same.</p>	<p>STP of capacity 270 KLD based on MBBR technology is already in force for Phase-I and another STP of capacity 450 KLD has been planned for Phase-II. The surplus waste water of STP after using it for car washing. Toilet Flushing and gardening will be carried by the surface drain of the project leading to a appropriate capacity of ET P with oil and water separate chamber and shall be finally discharged to BMC open drain running along the frontage of the project after meeting the required parameters.</p>	<p>EPT for disposal of Excess treated Water during Monsoon shall be in operation by 30th June 2020.</p>	<p>The construction installation and operation of STP for PH-II is in final operation stage and connection of pipeline for disposal of Excess treated waste water to municipal drain has been completed which will be taken into full operation during monsoon of 2022. All the treated water of PH-I has been utilized for gardening purpose and no excess water is available for discharge to municipal drain. However system for discharging excess treated water during monsoon period has been integrated with PH-II system of discharging excess water.</p>
4)	<p>Rain water harvesting/Rec</p>	<p>The rain water from the roof top</p>	<p>Phase-I Corrective steps</p>	<p>All necessary corrective steps</p>

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	Phase-	<p>waste and handing over to the OPSCB Empaneled (Under solid waste management rule of 2016 of Environmental protection act 1986) solid waste recycler for disposal.</p> <p>We are committed to install adequate capacity of Organic convertor/composting machine in the project area aiming at utilization of this compost for Lawn, ornamental Horticulture, Green belt.</p> <p>The above system catering both for PH-I and PH-II shall be in operation by October 2020.</p>		<p>will be made fully operational by 30th June 2022. However, the discussion with PH-I society will be made and a system will be explored to manage the solid waste generated from PH-I through this compost machine. Till handover to PH-I society the agency with whom we had a contract was collecting the garbage regularly.</p>
6)	Energy conservation measures undertaken in Phase-I and Phase-II	As a progressive measure we are consulting and negotiating with IIT Bhubaneswar start-up project	30 th June 2020.	The installation of Solar power generation system is in progress at roof top area of

	including installation of solar panel for lighting of common areas, hot water storage etc. Detail of action plan and implementation schedule.	group for procurement installation, operation and maintenance of solar power within the Project for I & II phases with a long term annual maintenance contact satisfying the norms of minimum 5% of the power consumption in the Project.		Phase-II Building and the entire system will be in complete operation by 30 th June 2022. Similar System for PH-I will be in place with help of suitable agency to generate solar power by 31 st August 2022. This delay is due to Pandemic and few system installed earlier did not work properly.
7)	Details of expenditure incurred on various activities carried out under CSR activities.	Detail expenditure for Financial year 18-19 and 19-20 enclosed for your reference.	Complied	Complied
8)	Installation of DG set as per CPCB norms.	Although the Power outage in the Project is Low, the utilization of DG set is also Low. However, we are committed to construct appropriate housing of the present and	20 th June 2020	As per the Consent order issued by SPCB the height of vent has been made 6.05mt from Ground level.

X

	future DG sets and provide Vent to adequate height for proper dispersion of air Pollutant and noise pollution.		
<p>NOTE: Z Estates Pvt. Ltd. is committed to provide best and qualitative Housing with all modern amenities and advance facilities retaining its continual customer satisfaction and public appreciation.</p> <p>But due to the PANDEMIC COVID-19 situation Since March 2020 we are unable to keep our commitment as per our letter Dt.25-02-2020.</p> <p>Further it may please note that as this is an integrated project and certain things can only be executed along with the completion of the work in phase manner.</p> <p>However, we assured the Esteemed Committee visited our site on 20.01.2022 that we will strictly adhere to the guide lines and conditions of E.C. and other Statutory authority in phase manner."</p>			

7. The SEIAA, Odisha, Respondent No.5, has filed affidavit also dated 05.03.2022, and in para 2 thereof it has brought on record the Inspection Report of inspection carried out on 20.01.2022.
8. The State Pollution Control Board, Odisha, Respondent No.4, has filed affidavit dated 13.04.2022, bringing on record an Inspection Report of inspection carried out on 20.01.2022, relevant extract of which is extracted herein below:-

"Inspection report of the Joint Committee visited on 20,01.2022, in the matter on violation of conditions stipulated in the C by the Builders Z-Estates Pvt. Ltd. on Construction of Housing Colony and shopping mall (Phase-I) at Kalarahanga, Patia, Bhubaneswar.

.....XXX.....XXX.....XXX.....XXX.....

As per direction, the Joint Committee to visit the site and examine the facts and submit report on the following points:

- i. No green belt has been developed in Phase-I except some decorative plants where as the EC stipulation is to plant

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local shade bearing species like Akashmani, Neem, Ashoka, Kadamba, Bela, Karanja etc. in the form of green belt. There is a provision of 30,923.22 sqm green belt in Phase-I project.

- ii. The Project Proponent may be asked to submit valid NOC from CGWA and permission from Water Resources Dept. Govt. of Odisha, for Phase-I for which bore wells are in use since the beginning.
- iii. The ZEPL has handed over a STP which does not have the facility to complete treatment (Primary, Secondary and Tertiary) and there is no provision for either zero waste water discharge or discharge to main road side drain through ETP & oil water separation unit.
- iv. There is no system for water harvesting for storm water and runoff water.
- v. There is blatant violation of Solid Waste Management Rules, 2016 as there is no mechanism either at source or at delivery point to outsourcing agency for separation into Biodegradable and non-biodegradable category.
- vi. There is no use of Renewable/Solar Energy in Phase-I against a stipulation of at least 5% of the solar power consumption for Phase-I for street and common area solar lighting.
- vii. The installation of three D.G. sets in Phase-I have inadequate stack heights, a violation of Pollution norms.

Accordingly, the Joint Committee comprising of the aobe following official had visited the site on 20.01.2022. Shri Ashok Kumar Tripathy, complainant as not present and on behalf of him the Z1 Residents' Welfare Association of Phase-I Z-Estate has nominated Sri S.K. Dash, the representative of the society to join inspection team. As intimated, Shri Ashok Kumar Tripathy, the member of the Z1 Residents' Welfare Association that he will not attend the inspection committee showing the reasons that he was not taken Vaccine of COVID-19.

"Overall Observation:

Based on the site inspection and documents submitted by the Sri Tapan Kumar Mohanty project Authority (PA) of Z1-Estates, the following point has been observed by the committee are as follows:

1. Initially, the PA had applied a proposal to SEIAA, Odisha to develop in single phase construction of building ZI-estate Pvt. Ltd. for which Environmental Clearance (EC) was granted by SEIAA, Odisha vide letter no. SEIAA-261/10 dated 16.08.2011 over total built up area-2,44,092.73 sqm. And provision for green belt & avenue plantation of trees-20% of the site area. Later the PA had applied another application on 10.09.2014 for modernization for construction of housing colony and shopping mall (Phase-II) with built up area 2,75,042 sqm., existing premises of Phase-I construction project. Due to sluggish market demand and financial constraints the PA had decided to developed the project in phases for which the PA had applied application on 10.09.2014 for Phase-I consisting existing building (as a part of the earlier EC) and modified Phase-II project to developed with total built up area 2,75,042 sqm (Phase-I & Phase-II). EC obtained for modernization of phase-II vide letter no. 827 dt. 23.03.2016. the PA had obtained EC vide letter no.7991/SEIAA dt. 17.03.2020 for expansion for construction of housing colony and convenient shopping (Phase-III) with built up area 3,95,865.09 sqm and green belt provision was 30.929.22 sqm.

2. During site inspection the Committee has observed that the Phase-I project had already completed and people are staying there and Phase-II project almost completed and going to operate very soon and the Phase-III project is under construction. So, Phase-I, II & III projects are integrated project in a same campus.

3. Green belt and Avenue Plantations are available and shown by the Proponent. However, at some places the plants were not available and very less/uprooted, which needs to be replanted.

4. PA was asked to submit the NOC /letter from CGWA for use of ground water. A copy of the same was shown by the proponent. The PA had obtained NOC from Central Ground Water Authority (CGWA) for withdrawal of ground water 1100 cum/day vide letter no.21-4(287)/SER/CGWA/2011-140 Dt.23.02.2011 and also thereafter (i.e. on dated 23.05.2015 for 950cum/day and on dated 16.07.2019 for 3.46,750 cum/year) copy attached.

5. The PA has informed that the phase-Bi building of Z1-Estates Pvt. Ltd. was handover to Z1 Residents Welfare Association on dated 18.01.2021 and the documents handover details to the Association was acknowledge by Sri Manoranjan Mishra and Sri KalpataruPattanaikthe two members of the association.

6. The Committee visited the STP and was found that the STP was running with Primary and Secondary units. STP is installed and in place and the PA has explained that it is functioning through Moving Bed Biofilm Reactor (MBBR) technology. The proper function of the same depends upon its regular operation required chemical dosing and maintenance. It was decided that Regional officer of SPCB, Bhubaneswar may collect a sample in presence of PA ad Z1-Residents' Welfare Association, sealed it and tested to ascertain functioning of STP at later stage.

7. The treated water generated from STP is used for gardening etc. as explained by PA and there is no excess treated water found or accumulated at any area nearby. However, PA was advised that there has to be a connection of treated water to outside Municipal drain to take care of excess treated water of any and also in rainy season. Pa explained that some of the works are incomplete due to the integrated periphery development work like-internal drains, roads etc and will be done very soon.

8. Rain water harvesting & Recharge Pits: the PA showed the recharging Pits across the site. One such pit was opened and found water in it. ThePA has explained that channel drains are available to collect the excess water and surface water during rainy season. Pa was advised that, as so many recharge pits are already in place, they should implement the harvesting system fully not only for roof top but also for paved area surface water by connecting channels to pits.

9. Solid Waste Management: PA a copy of agreement letter on dated 08.06.2020 with authorised party of M/s. Clean mart Facility Services, Plot No. 78, Rasulgarh Square, Bhubaneswar-10, Odisha for collection of solid waste from the premise of Z-Estate for the period 1st may 2020 to 31st march 2021. It was informed by PA that initially internal collection of solid waste was managed by them systematically till handover the Z1-

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building to the Association and then it was managed by them. Now they are not aware of renewal of any such contract by the association. The PA has not installed any composting machinery for decomposition and reuse of bio-degradable waste at building premises of Phase-I. The committee has not seen any community dustbin has been placed outside of the building for separation and collection of domestic waste for phase-I. However, there is a newly purchased bio-degradable waste composting machines having capacity 1000kg/day waste decomposition for the Phase-II building is already there to operate. The Pa has informed that, the Phase-2 compost system having adequate capacity shall be made available to Phase-1 building for treatment of bio-degradable solid waste for composting through composting machines if association desire.

10. Solar system or energy conservation; there is no use of Renewable/Solar energy in Phase-I building as it verified by the committee. The PA has explained that efforts were made by them initially (like individual lighting system), but the system did not work due to breakdowns. They are now planning to do the system along with Phase-II and will be done by them. Pa was informed that they must put in place 5% of total power by solar PV system at rooftop as agreed by them for Phase-I

11. Dg set Stack: the DG set stack of phase-I about 6 mtr as per compliance report and also found physically with roof coverage. Although it is not adequate, the distance from nearest building is over 50 meters. The PA was advised to adhere the commitments given to SEAC/SIEAA with regard to stack height even though it is away from the building also the RO, SPCB needs to check the same whether as per norm.

12. The PA was asked to submit required documents with status of compliance report which they have submitted. From this, it is found that while some of the work already has done and some work are yet to be executed. Reason of delay expressed by Pa that due to pandemic Covid-19 and being an integrated project some activities gets delayed. However, PA has agreed to do the pending work with new timeline(attached).

13. The PA has submitted a undertaking vide letter no. nil dated 25.02.2020 at SEIAA, Odisha on dated 26.02.2020 with mentioning that he will complete the action plan for

implementation EC conditions mentioned in letter no. 7887/SEIAA dt. 20.02.2020 within the period i.e. ends of the year 2020. But some of the works i.e. install of organic convertor/composting machine in the project area of phase-I, procurement installation operation and maintenance of solar power within the project area of Phase-I and Phase-II though minimum 5 % of the power consumption in the project and appropriate height for D.G. sets are not complied by Pa within the time period.

14. Again the Pa has submitted their reply (copy attached) on compliance of the conditions issued by SEIAA vide letter no.7887/SEIAA dt. 20.02.2020 and the following points are as follows:

a. **Green Belt:** since this is an integrated project plantation can only be done along the permanent boundary which will took place in phase manner as per the valuable of boundary. However, plantation around Phase-I area and along 500mtr of permanent boundary has been completed using local species of plant (kamini, neem, Bakul, Kadamba, champa, mango, Coconut, karanja etc.).

b. **NOC from Central Ground Water Authority:** complied

c. **Installation of STP of appropriate capacity:** the construction, installation and operation of STP for Phase-II is in final stage to operate and connection of pipe line for disposal of excess treated waste water to municipal drain has been completed which will be taken into full operation during monsoon of 2022. All the treated water of phase-I has been utilized for gardening purpose and no excess water is available for discharge to municipal drain. However system for discharging excess treated water during monsoon period has been integrate with phase-II system of discharging excess water.

d. **Rain Water Harvesting /Recharging pits implementation plan:** all necessary corrective steps has been completed and roof top rainwater discharge line directly connected to rain water recharge pits.



e. Solid waste management plan and its implementation for Phase-I and Phase-II adequate capacity of compost machine has been installed. Which will be made fully operational by 30th June 2022. However, the discussion with Phase-I Residents' Welfare Association will be made and a system will be explored to manage the solid waste generated from phase-I through this compost machine. Till the phase-I building handover to the Welfare Association with whom we had a contact was collecting the garbage regularly.

f. Energy Conservation measures for Phase-I & Phase-II: the installation of solar power generation system is in progress at roof top area of Phase-II building and the entire system will be complete operation by 30th June 2022. Similar system for Phase-I will be in place with help of suitable agency to generate solar power by 31st August 2022. This delay is due to Pandemic and few system installed earlier did not work properly.

g. Details of expenditure incurred on various activities carried out under CSR activities: Complied

h. Installation of DG set as per CPCB norms: As per the Consent order issued by SPCB the height of vent has been made 6.06mt from ground level.

Other Points:

1. *The Z-Welfare Association authority did not agree to participate in the joint discussion.*
2. *The Association was asked about list of deviations they have mentioned while taking over from the PA. they said that there is no such deviation lists neither have they showed any other documents like: Contact without side agency for disposal of solid wastes etc.*
3. *Now that the Phase-I building of Z1-estate is managed by the Z1-Residents' Welfare Association, we may officially ask them to produce the following:*

- a) Valid Contract agreement for solid waste disposal with outsourcing agency (Authorized).
 - b) Test report of STP water done periodically
 - c) Maintenance plans for the existing green belt and plantation
4. PA to adhere all unfinished work committed by them timeline with reason for delay to be explained by them.

Recommendation of the Committee

1. The PA is yet to complete some of the unfinished work referring to what was identified by SEAC and SEIAA and agreed by them vide letter dated 25.02.2020. Being an integrated project few of the activities are interrelated, as explained by PA to which Committee inferred that the compliance has to be done fast within stipulated time as mentioned by PA. Now compliance of the said conditions. The EC will be revoke.
2. The PA has to plant more indigenous fruit bearing and broad leave tree species rather decorative and increasing lawn area within the period August, 2022 positively.
3. The PA shall submit the details report on water cycle like quantum (in KILD) of rainwater water to be collected from roof top area of building, paved area, open surface, and storm water and their connecting route from source to rainwater recharging/recycling pit with photographs to be submitted at SEIAA, Odisha.
4. The PA needs to recharge the rainwater harvesting pits and harvest the water from reutilization by the users. They should use the services of a qualified consultant of execution of the same.
5. The PA has to install a separate organic convertor/composting machine for phase-I or to collect the bio-degradable solid waste from phase-I building and compost it in Phase II composting machine which is already placed in Phase-II

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building premises after mutual understanding between PA of Z-estates and Z1-Residents' Welfare Association.

6. The PA has to install adequate no. of solar panel for light of street and common area of Phase-I building within 30th June, 2022.

7. Further, since the Phase-I building is now under the control of Z1-Residents' Welfare Association, it is mandatory on the part of the Association to maintain all systems like-STP operation, contract with authorized agency for solid waste disposal, maintenance of rainwater harvesting/recharging pits. Maintain plants life, pay required water cess for ground water to the authority (if any). Working of lifts etc. by trained manpower for safety and environment. This needs to be ascertained by RO. SPCB periodically.

8. The Regional Officer, SPCB Bhubaneswar may collect as sample in presence of PA and Z1 - Residents' Welfare Association, sealed it and tested to ascertain functioning of STP and quality of treated water used of gardening and other purposes.

9. The committee suggests to communicate the finding and recommendations to the Dept. of FE &Cc, Govt. of Odisha and the member Secretary SPCB for further needful and necessary action as per Got. Procedure."

9. Additional affidavit dated 29.04.2022 has been filed by the State Pollution Control Board, Odisha, Respondent No.4, wherein it is stated that the Board, in pursuance of the Inspection Report of the Joint Committee, has collected samples and sent the same to the Central Laboratory, Bhubaneswar, for analysis. The Analysis Report received from the Central Laboratory reveals that BOD and Feacal Coliform (FC) results do not meet the prescribed standard. The Report also reveals that Oil & Grease result is showing as 11.4 mg/l which is higher than STP discharge standard of 10.0 mg/l.

Copy of the Analysis Report has been filed as Annexure-R4/2 (colly) to the affidavit, which is extracted herein below:-

“Additional information w.r.t. O.A. No. 11 of 2022/EZ in the Matter of Z1 Residential Welfare Association on Applicant - Vrs - Z-Estates Pvt. Ltd. & Others - Respondent.

.....XXX.....XXX.....XXX.....XXX.....

As per the recommendation of joint committee w.r.t. visit to the project site on dtd. 20.01.2022 to verify the violation made to the stipulated Environmental Clearance condition on Z-Estate Pvt. Ltd., (Phase-I) FOR CONSTRUCTION OF Housing Colony and Shopping Mall vide Point No.08 the outlet of STP treated water before discharge to garden has been collected on 13.04.2022 in sealed condition in presence of representative of Project Proponent and Estate Manager of Residential Welfare Association and analyzed in the Central Lab, Patia, of SPCB, BBSR. For evaluation of 270 KLD Capacity STP working condition, the stipulated parameters like PH, BOD, TSS, Fecal coliform of Board have been analyzed as has been cited in the Consent to Establish Order w.r.t. expansion of construction of housing colony which was issued vide Order No.20841, dtd.27.12.2021.

As per the Consent to Establish condition the treated domestic waste water shall meet the standard as pH (6.5-9.0, BOD: (<20 mg/l), TSS (<100 mg/l) & Fecal Coliform (<1000 MPN/100 ml.) as notified by the MoEF& CC, Govt. of India vide G.S.R 1265 E, dtd. 13.10.2017. The treated waste water shall be reused for plantation, gardening etc. to the maximum possible extent. Also the treated waste water from STP may be discharged to Municipal Sewer after meeting the prescribed standard as proposed by Board.

Whereas, the Analysis Report which was received from Central Lab., of State Pollution Control Board, Odisha, Bhubaneswar revealed that BOD and Fecal coliform result is not meeting the prescribed standard w.r.t. special stipulated condition as cited above. Also the Oil & Grease result is showing 11.4 mg/l i.e. higher than STP discharge standard 10 mg/l).

16)

Here this can be summarized that the total wastewater of the Phase-I housing complex is not being treated fully (100%) for which the result of treated water is showing high BOD, FC & Oil & Grease value w.r.t. to prescribed standard of Board.

Remark:

- a) In that context the said Effluent Treatment Plant should be upgraded to such an extent so as to achieve the standard criteria parameter before land discharge.
 - b) After necessary up-gradation if required at an regular interval 03 more evaluation report may be conducted within coming 3-4 months so as to get a clear cut conclusion about working status of STP of phase-I.
 - c) The In-charge of the said Sewage Treatment Plant (STP) should taken up the adequate treatment and necessary chemical dosing practices so as to meet the prescribed standard of the Board before discharge to land/drainage system/used in the garden.
 - d) The Project Proponent may be directed to provide clear idea that during monsoon how the treated water is being utilized or directly discharging the same to nearby barren land and finally connecting to the natural drainage system which is flowing backside i.e. some distance away from Phase-I project site."
10. The Test Reports which have been filed with the affidavit show the presence of Oil & Grease at 11.4 mg/l which is higher than the STP discharge standard of 10 mg/l; Faecal Coliform is 1,60,000 MPN/100 ml which should be >1000 MPN/100 ml, and Biochemical Oxygen Demand (BOD) is 22.0 mg/l as against the prescribed standard of 20 mg/l.
11. The Respondent Nos.1&2, Project Proponent, have filed their reply dated 26.05.2022, wherein it is stated that the Committee had visited the STP and found that the same had been installed and was functioning through Moving Bed Biofilm Reactor (MBBR) Technology. It is stated that one STP of capacity 270 KLD was installed in Phase-I of the project area which was maintained and

controlled by the Project Proponent and one FMC Company, namely, United Resorts Services LLP, was appointed by the Project Proponent for maintaining the said STP and the said Company had maintained the STP w.e.f. 01.09.2016 to 31.03.2021. Thereafter, the said STP was handed over to the residents of the building in Phase-I w.e.f. 01.04.2021 and on and from 01.04.2021, the said STP has been maintained and controlled by the Applicant's of Phase-I building.

12. It is further stated that the Respondent No.4, State Pollution Control Board, Odisha, had inspected the STP on 30.11.2019 when it was still being maintained by the Respondent No.1, Project Proponent, and submitted an Inspection Report which did not speak of any deviation in the operation of the STP. Copy of Inspection Report of inspection carried out on 30.11.2019 has been filed as Annexure-A to the affidavit which reads as under:-

*"Inspection Report of M/s. Z-Estates Pvt. Ltd.,
At- Kalarahanga, PO-KIIT, Dist.-Khordha, Odisha*

.....xxx.....xxx.....xxx.....xxx.....

During the day of inspection the unit has following observations were made:

- 1. The unit has installed three nos. of D.G. sets having capacity 380 KVA each with in-built acoustic enclosure alongwith stack of required height each.*
- 2. It was found that the unit has complete the constructed work of 2 Blocks of (B+G+12), 6 Blocks of (B+G+14), one Dormitory (G+2) and one Club (B+G+1) started operation as observed.*
- 3. The unit installed one no. of STP having capacity 270 KLD for waste water treatment purpose each consisting of oil & grease trap, bar screen, equalization tank, MBBR-1, BBR-2, Tube Settler, Chlorine Dosing Tank, Sludge Holding Tank, Activated Carbon Filter and Multigraded filter etc.*

4. The treated water after meeting prescribed standard of the Board is being used for landscaping, vehicle washing, toilet flushing and gardening purpose and no treated effluent shall be discharge to outside of the premises found during visit.
5. The house keeping of that unit is found to be satisfactory.

The compliance to Consent to Operate order is given as follows.

Compliance to Consent to Operate Conditions:

F. SPECIAL CONDITIONS (AIR POLLUTION CONTROL):	
Diesel power generating sets shall have acoustic enclosure.	3 nos (DG) sets (with Acoustic Enclosure) 380 KVA Each are in operation for the existing project.
The Height of the stack connected to DG set shall conform to the following $H = h + 0.2\sqrt{KVA}$	Three nos. of D.G. sets having capacity 380 KVA each with in-built acoustic enclosure along with stack of required height each.
The ambient air quality in the premises of the unit shall conform to the norm stipulated.	Assured to comply.
G. SPECIAL CONDITIONS (WATER POLLUTION CONTROL):	
The entire domestic water shall be treated in the existing Sewage Treatment Plant (STP). The treated waste water shall be partly reused for toilet flushing, landscaping, vehicle washing and green belt. The balance treated effluent shall be discharged to Municipal sewer and shall meet prescribed standard mentioned in section-B of this order. STP shall be operated without any stoppage and maintained properly.	At present the treated water is being used for gardening, toilet flushing and car washing and no waste water is being discharged to outside of the unit premises.
Separate storm water drain and weep holes in the compound walls shall be provided to ensure natural drainage of rain water in the catchment area during the	Separate storm water drain and provision of weep holes on the compound wall to ensure natural drainage of rain water in the catchment area during the

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<i>monsoon period.</i>	<i>monsoon period.</i>
<i>The solid waste generated should be properly collected segregated and shall be handed over to BMC for ultimate disposal.</i>	<i>The solid waste generated from household is being collected and handed over to BMC for ultimate disposal.</i>
<i>Rain water harvesting structure shall be developed inside the premises and maximum efforts shall be made to reuse harvested rain water with a definite plan and programme to reduce drawl of fresh water.</i>	<i>17 nos. of rain water recharge Pit are being executed and in operation at site.</i>
<i>There shall not any Leakage of oil from DG set area.</i>	<i>There is no leakage of oil from DG sets observed at site during inspection.</i>
H. SPECIAL CONDITIONS (OTHERS)	
<i>The proponent shall comply he conditions as stipulated in environmental clearance issued by SEIAA Odisha vide letter No. 433 dt 16.03.2011.</i>	<i>Complied</i>
<i>The waste water treatment system and other environmental measures shall be operated and maintained all the time either by project proponent (Builder of the Project) or by the Owner's welfare Association as the case may be.</i>	<i>The Project proponent has engaged Expert professionals to maintain and operate one 270 KLD STP.</i>
<i>Energy conservation measure like installation of CFLS/TFLs for the lighting the areas outside the building should be in place. Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible.</i>	<i>LED bulbs have been used for all common area lighting and all street lighting, points. The used bulbs are given to authorized agency.</i>

<p><i>Opaque wall should meet prescriptive requirement as per Energy conservation. Building code which is proposed to be mandatory for all air-conditioned spaces while it is aspirational for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfil requirement.</i></p>	<p><i>Opaque wall and thermal insulation has been used in the project.</i></p>
<p><i>Lube oil from Diesel generator shall be disposed to authorized waste recycler.</i></p>	<p><i>The Lube oil generated from DG sets during maintenance is being handed over to authorized used oil/waste recycler.</i></p>
<p><i>The board may impose further condition or modify the conditions are stipulated in this order during installation and/or at the time of obtaining consent to operate and may revoke this order in case the stipulated conditions are not implemented and/or information is found to have been suppressed/wrongly furnished in the application form.</i></p>	<p><i>The proponent has agreed to comply.</i></p>
<p><i>In case the consent fee is revised upwards during this period of consent the unit shall pay the differential amount to the Board (for the remaining years) to keep the consent order in force if the industry fails to pay the amount within the period stipulated by the Board the consent order will be revoked without prior notice.</i></p>	<p><i>The proponent has agreed to comply.</i></p>
<p><i>The Board reserves the right to revoke/refuse consent at any time during this period in case any violation is observed and modify/stipulate additional conditions as deemed appropriate.</i></p>	

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13. Submission of Mr. Kallol Basu, learned Counsel appearing for Project Proponent, Respondent Nos. 1&2 is that no illegality or irregularity in the maintenance of STP was observed by the State Pollution Control Board, Odisha, as long as the said STP was being controlled and maintained by the Respondent Nos.1&2 and the Inspection Report filed by the Joint Committee, of inspection carried out on 20.01.2022, is after the STP was handed over to the Applicant's Association on 01.04.2021.
14. The Project Proponent have filed another reply affidavit dated 26.05.2022 to the same effect as their previous affidavit also dated 26.05.2022. In addition, it is stated that a detailed report has been submitted by the Project Proponent on water cycle like - quantum (in KLD) of rainwater to be collected from the rooftop area of the building, the paved area, the open surface area for storm water collection. It is stated that all recharge pits have been constructed and are provided with slotted pipes which extend upto 30 meters depth in order to facilitate the replenishment and retention of rainwater all around the year and the same is in full operation.
15. With regard to the Solid Waste Management, it is stated that one M/s Clean Mart Facility Services, Bhubaneswar, has been appointed by the Project Proponent for collection of solid waste from the premises for the period from 01.05.2020 to 31.03.2021 but after the building of Phase-I was handed over to the Applicant on 18.01.2021, the solid waste of the buildings of Phase-I is being managed by the Applicant.
16. It is further stated that one Bio-degradable Waste Compositing Machine having capacity of 1000 kg/day has been installed in the Southern portion of Phase-I i.e., in Phase-II, and the said machine



is fully operational. It is also stated that the Project Proponent had vide letter dated 11.05.2022 informed the Applicants of Phase-I to segregate the waste generated in Phase-I and to send the biodegradable waste for composting to this Composting Machine.

The case of the Respondent Nos. 1&2, Project Proponent, is that there was no condition in the Environmental Clearance granted on 16.08.2011 and on 23.02.2016 for installing of Organic Waste Converter in Phase-I and, therefore, no Bio-degradable Waste Compositing Machine was installed in Phase-I.

17. With regard to Solar System or Energy Conservation, it is stated that installation of Solar Water Heater has been completed on the rooftop area of Phase-II and the entire system will be completed by 30.06.2022. It is also stated that the installation of Solar Power Generation System for Phase-I will be in place with the help of suitable agency to install Solar Water Heater by 31.08.2022. The delay in installation of the same has been explained by stating that there was COVID pandemic during this period.
18. As regards the Diesel Generator DG set Stack, it is stated by the Project Proponent that as per the recommendation of the Joint Committee the height of the DG Set Stack has been verified and re-checked by the SEIAA, Odisha, and the State Pollution Control Board, Odisha, and as per Consent to Operate issued by the State Board, the height of vent has been made 6.06 meter from ground level.
19. Further affidavit dated 15.11.2022 has been filed by the Project Proponent titled as 'compliance affidavit' and in para 2 thereof the compliance status of the directions of SEIAA has been given which is extracted herein below:-

Rejoinder	SEIAA	Respondent No. 1 and 2 - Compliance
1. Green Belt and Avenue plantation over at least 20% of the site using native trees species/plants area not there.	Green Belt and Avenue Plantations are available. The committee had instructed the respondent nos. 1 and 2 to plant more indigenous fruits bearing and broad leave tree species rather to develop decorative and increasing lawn area within the period August, 2022.	The project is an integrated project. The plantation can only be made along the permanent boundary. Plantation around Phase I and Phase II area along with 600 meter of permanent boundary has been completed using local species of plant like Swarnachampa, Nagachampa, Panasha, Kamiri, Neem, Bakul, Kadamba, Champa, Mango, Coconut, Karanja etc.
2. Compliance of Conditions of "NOC" from CGWA and permission of Water Resource Department, Govt. of Odisha is not available.	23.02.2011: First NOC was granted by CGWA for use of ground water 1100 cum/day. 23.05.2015: Second NOC was granted by CGWA for use of water 950 cum/day. 16.07.2019: Third NOC was granted by CGWA for use of water 3,46,750 cum/day.	Complied
3. (i) Detail workable plan/scheme either for zero	The STP was running with primary units. The	One STP with a capacity of 270 KLD was installed in Phase 1 of the Project

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<p>discharge and/or discharge to main road side drain through STP and oil water separation unit, particularly for monsoon period so that it will not affect the human health / environment is not available.</p> <p>(ii) STP does not have the facility for complete treatment (Primary, Secondary and tertiary) of waste water.</p> <p>(iii) The water treatment plant does not have any iron remover although one of the water sources has high iron content.</p> <p>(iv) The zero liquid discharge is not maintained, there is no oil water separation unit and thereby discharge of untreated water to BudhiNalla which is mentioned as</p>	<p>treated water of Phase I has been utilised for gardening purpose and no excess water is available for discharge to municipal drain. There is no excess treated water found or accumulated at any area nearby. The committee advised that there has to be a connection of treated water of outside Municipal Drain to take care of excess treated water if any and also in rainy season. The respondent nos. 1 and 2 had also installed water treatment plant for treatment of underground water.</p>	<p>Area. After installation, the STP was maintained and controlled by the Project Proponent. Thereafter, one FMC Company namely United Resorts Services LLP was appointed by the Project Proponent for maintaining the said STP. The said company had been maintaining the said STP on and from 01.09.2016 to 31.03.2021.</p> <p>Thereafter, the said STP was handed over to the residents of the building in Phase I on 01.04.2021. On and from 01.04.2021, the said STP has been maintaining and controlling by the residents of the Phase I Building.</p>
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<i>BuriNalla in EC Letter.</i>		
<p>4. Absence of facility for use of Renewable / Solar Energy in Phase I against a stipulation of at least 5% of the total power consumption for Phase I for street and common area solar lighting.</p>	<p>There was no use of renewable/solar energy in Phase I building. The respondent nos. 1 and 2 undertook that the said solar energy will be installed in Phase I building by 31.08.2022.</p>	<p>The installation of solar water heater has been completed at roof top area of Phase II and the entire system will be completed by 30.06.2022.</p> <p>The installation of solar power generation system for Phase I will be in place with help of suitable agency to install solar water heater by 31.08.2022.</p> <p>Work order has been issued to M/S Solar Sack on 19.08.2022 and the installation works are under process.</p> <p>It is submitted that the aforesaid installation work will be completed by 31.01.2023. But such completion of installation work will be subject to cooperation and permission rendered and granted by the applicants, i.e. Z1 Residents' Welfare Association.</p> <p>At present, the building of the Phase I is under the control of the applicants. The said building along with maintenance of rainwater harvesting and/or recharging pits etc.</p>

		have to be maintained by the applicants.
5. Diesel Generator sets in Phase I of project have inadequate stack heights and same is violation of CPCB norms.	The DG Set stack of Phase I was about 6 meter with roof coverage. It was not adequate. The distance from nearest building was over 50 meters.	As per recommendation of the Committee, the height of the DG Set Stack has been verified and/or checked by the SEIAA and the Regional Officer, SPCB. As per the Certificate of the "Consent to Operate" issued by the SPCB, the height of vent has been made 6.06 meter from ground level.
6. Dust Control measures not adopted to control dust and noise pollution during the construction of Phase II for which senior citizens were worst suffers.	It was advised by the committee to take appropriate measures for controlling the dust and noise pollution. It was also advised to stop the construction work during mid day time, i.e. 1 pm to 3 pm and after 9 pm till the next morning.	Complied
7. Rain water harvesting / Recharge Pits reveal that water harvesting for storm water and runoff water is not available.	The committee had advised that as so many recharge pits were available in place, they should implement the harvesting system fully not only for roof top but also for paved area surface water connecting channels to pits. It was also advised	As per recommendation, the Project Proponent has already submitted the detailed report on water cycle like quantum (in KLD) of rainwater, which to be collected from the roof top area of the building, the paved area, the open surface and for storm water collection. All recharge pits are constructed and in full

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	<p>for rain harvesting and reuse for plantation and other purposes.</p>	<p>operation. All recharge pits are provided with slotted pipes, which are extended up to 30 meter depth, in order to facilitate the replenish and/or retention of rainwater all around year.</p> <p>Techno-Commercial Offer for Surface Runoff Water Treatment Plant has been prepared by Swachh Green Info Tech Private Limited.</p> <p>As per the aforesaid Report, the work is under process.</p> <p>At present, the building of the Phase I is under the control of the applicants. The said building along with maintenance of rainwater harvesting and/or recharging pits etc. have to be maintained by the applicants.</p>
<p>8. No facility for segregation of solid wastes into Biodegradable and non-biodegradable category.</p>	<p>The committee had not seen any community dustbin had been placed outside of the building for separation and collection of domestic waste for Phase I. There was a newly purchased bio-degradable</p>	<p>One authorized party namely M/S Clean Mart Facility Services was appointed by the Project Proponent for collection of solid waste from the premises of Z-Estates for the period from 01.05.2020 to 31.03.2021. The building of Phase I was handed over to the applicant on 18.01.2021.</p>

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	<p>waste composting machines having capacity 1000 kg/day waste decomposition for the Phase II building was already there to operate. The compost machine for Phase II has been installed and the same will be operated by 30.06.2022.</p>	<p>Thereafter, the solid waste of the Buildings of Phase I has been managed by the applicants.</p> <p>One Bio-degradable Waste Compositing Machine having capacity of 1000 kg/day has already been installed in the Southern portion of Phase I, i.e. in Phase II and the said machine is fully functioning. The Project Proponent, by a letter, has already informed the applicants of Phase I and asked them to segregate the waste generated in Phase I and to send the bio-degradable waste for composting to this Composting Machine. It is further submitted that there was no condition in the Environment Clearances dated 16.08.2011 and 23.02.2016 respectively for putting of Organic Waste Converter in Phase I. Therefore, no Bio-degradable Waste Compositing Machine was installed in Phase I. The building of Phase I was handed over to the applicants on 18.01.2021 and inspection was conducted by the Committee on 20.01.2022.</p>
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		<p><i>After handing over the building to the applicants, the solid waste was managed by the applicant. The Project Proponent is not responsible for placing any community dustbin outside of the building for separation and collection of domestic waste for Phase I.</i></p> <p><i>At present, the building of the Phase I is under the control of the applicants. The said building along with contract with authorized agency for solid waste disposal has to be maintained by the applicants."</i></p>
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20. The Central Ground Water Board, Respondent Nos. 5 & 6, has filed its affidavit dated 26.10.2022, stating therein that previously No Objection Certificate (NOC) was issued to the Respondent Nos. 1&2, Project Proponent on 16.07.2019 for use of ground water and the same has expired on 09.07.2022. It is also stated that an online application was submitted by the Project Proponent on 09.04.2022 for renewing of NOC issued to them earlier for use of ground water and the same is still pending consideration before the Central Ground Water Board, Bhubaneswar.
21. The Central Ground Water Board, Respondent Nos. 5&6, has filed a further affidavit dated 16.12.2022, stating that before consideration of further renewal of the NOC for extraction of ground water w.e.f. 10.07.2022, a site inspection of the premises in question was

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carried out by the officers of the Central Ground Water Board and during inspection it was found that the Project Proponent had failed to adhere to the condition laid down in the NOC issued. Based upon the site inspection for verification of compliance of NOC conditions, report dated 17.08.2022 has been prepared and a show cause notice has been issued to the Project Proponent on 23.08.2022 in exercise of powers under Section 5 of the Environment (Protection) Act, 1986, to show cause as to why a complaint against the Project Proponent be not registered under Section 15 of the Act, 1986. It is further stated that a notice period of 60 days was given to the Project Proponent. The Company, Project Proponent, accordingly submitted its Compliance Report on 27.10.2022 and it was found that the Project Proponent had not fulfilled the criteria i.e., conditions mentioned in the NOC as well as in the show cause notice and only three, out of five points of the non-compliance conditions, had been fulfilled. Hence, it is stated that a second show cause notice was issued to the Project Proponent on 28.11.2022 to show cause as to why a complaint be not registered against it under Section 15 of the Environment (Protection) Act, 1986, giving 15 days time to rectify the default. Copy of the show cause notice dated 23.08.2022 has been filed as Annexure-D/5 to the affidavit, which shows the following non-compliances of the Project Proponent:-

1. *Bore wells are not fitted with digital flow meter,*
2. *Log Book is not maintained,*
3. *Peizometer is not fitted with telemetry system,*
4. *Recharge structures are not maintained,*
5. *Self Inspection is not submitted,*

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22. The second show cause dated 28.11.2022, copy of which has been filed as Annexure-D/6 to the affidavit, shows the following non-compliance of the Project Proponent:-
1. *Bore wells are not fitted with digital flow meter,*
 2. *Self Inspection is not submitted,*
23. Copy of the reply dated 27.10.2022 submitted to the Regional Director, Central Ground Water Board, Bhubaneswar, by the Project Proponent, has also been filed at page no.362 of the paper book, answering the queries of the show cause notice by attaching (a) photographs of borewells fitted with digital flow meter, (b) Log Book, (c) details of Telemetry System submitted to the CGWA on 13.09.2022, (d) maintenance of recharge structures are going on which will take another couple of months to complete, and (e) Self-Inspection Report.
24. The Project Proponent have filed further affidavit dated 17.02.2023, showing the compliance of the directions of the Central Ground Water Board which have already been extracted hereinabove.
25. The Applicant has filed rejoinder affidavit dated 24.08.2022, stating that Environmental Clearances were granted to the Project Proponent on 17.03.2020 and 16.08.2021 for their Housing Projects in an area of 1,41,950.23 square meters and built-up area of 3,95,865.09 square meters and the Environmental Clearance was granted on an undertaking given by the Project Proponent on affidavit to comply with the required norms by 31.10.2020 but there is no compliance of the same. It is further alleged that the Project Proponent has not achieved 20% of Green Belt and Avenue Plantation using native trees species/plants which, he states, finds mention in the Report of the SEIAA that only decorative plants such

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as - Krushna Chuda, Ficus Panda etc. have been planted in the periphery of Phase-I and landscaping.

26. In the affidavit, it is further alleged that the STP does not have facility for complete treatment (primary, secondary and tertiary) of waste water and the water analysis report shows presence of oil which means that there is no oil water separation unit in the STP. It is alleged that Water Treatment Plant does not have (a) any iron remover, (b) Zero Liquid Discharge is not being maintained, (c) and untreated water is being drained into the Budhi Nalla (Buri Nalla). It is also alleged that (a) there is absence of renewable/solar energy in Phase-I against a stipulation of at least 5% of the total power consumption for Phase-I; (b) Diesel Generator Sets in Phase-I of the Project do not have adequate stack heights; (c) dust control measures to control dust; (d) and noise pollution during construction of Phase-II has not been observed; (e) the report of the SEIAA Committee has not been complied with regard to the submission of detailed report on water cycle like - quantum (in KLD) of rainwater to be collected from rooftop area of the building, paved area, open surface area and storm water collection and their connecting route from source to rainwater recharging/recycling pit.
27. The Applicant has further alleged that inspite of the fact that the conditions mentioned in the Environmental Clearance dated 16.08.2011 for Phase-I had not been complied with and still remain incomplete, Environmental Clearance was granted on 23.02.2016 for Phase-II and the conditions therein also remain incomplete and yet Environmental Clearance for Phase-III has also been granted on 19.03.2020, which shows total non-application of mind by the SEIAA and very casual approach of SEIAA to the enforcement of the

Environmental Clearance conditions prior to grant of further Environmental Clearances.

28. We have heard the learned Counsel for the parties and perused the documents on record.
29. The Special Conditions for construction phase in the Environmental Clearance dated 16.08.2011 with regard to Ground Water, specifically mentions that no ground water shall be extracted for the project work at any stage during construction phase.
30. The Inspection Report of the Joint Committee of inspection carried out on 20.01.2022 is silent on this aspect of the matter and all that has been stated is that Phase-I Project has already been completed and people are staying there; the Phase-II Project is also almost complete and is going to be operated very soon; and Phase-III Project is under-construction. In the report, it is further stated that the Project Proponent was required to submit NOC letter from the Central Ground Water Authority for use of ground water which shows that it was permitted withdrawal of ground water of 1100 cum/day vide letter dated 23.02.2011 and thereafter w.e.f. 23.05.2015 at 950 cum/day and w.e.f. 16.07.2019 at 3,46,750 cum/year.
31. We fail to understand that when the Environmental Clearance Special Conditions of 16.08.2011 clearly stipulated that no ground water shall be extracted for the project work at any stage during the construction phase, how was the NOC granted by the Central Ground Water Authority for withdrawal of ground water vide their letters dated 23.02.2011, 23.05.2015 and 16.07.2019. This clearly shows dereliction of duty and irresponsibility on the part of the

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officers concerned of the Central Ground Water Authority in acting in a mechanical manner on the basis of the application for grant of NOC without demanding and examining the conditions laid down in the Environmental Clearance.

Question is not that the Project Proponent submitted online application for grant of NOC. Question is whether the NOC for extraction of ground water for the project work at any stage during construction phase could have been granted at all?

32. The affidavit of the Central Ground Water Board dated 26.10.2022 shows that NOC was granted initially to the Project Proponent on 16.07.2019 on his application which expired on 09.07.2022 and now another online application has been submitted by the Project Proponent on 09.04.2022 for renewal of NOC. The Central Ground Water Authority before granting of NOC ought to have called for the Environmental Clearance of the Project Proponent's project and gone through the conditions laid down therein and in view of the specific prohibition against extraction of ground water for project work during construction work, *prima facie*, no NOC could have been granted. Without first verifying as to what the NOC was being required for and for what purpose the ground water was sought to be extract, NOC has been granted by the Central Ground Water Board. The affidavit of the Central Ground Water Board is silent on these aspects of the matter and, therefore, we may infer that the NOC was granted by the Central Ground Water Board to the Project Proponent in violation of the Special Conditions laid down in the Environmental Clearance dated 16.08.2011. This matter needs to be examined by the Ministry of Environment, Forests and Climate Change with regard to the conduct of the officers of the Central

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Ground Water Board, calling for their explanation and if dereliction and negligence of duty on their part in this regard is found, appropriate disciplinary action needs to be taken against the then concerned officers of the Central Ground Water Board.

However, having said that, we do not intend to penalize the Project Proponent, Respondent Nos.1&2, for extraction of ground water when the NOC itself was approved by the Central Ground Water Board.

33. So far as the findings of the Joint Committee's Report with regard to the STP is concerned, the Joint Committee noted that during inspection the STP was found to be operational with primary and secondary units through Moving Bed Biofilm Reactor (MBBR) Technology and the treated water generated from the STP was being used for gardening and no excess treated water was found accumulated in any nearby area. The Project Proponent was advised to ensure connection of treated water to outside municipal drain to take care of excess treated water, if any, and also in the rainy season. Some works were found incomplete such as – internal drains, roads etc. which it was stated by the Project Proponent would be completed at the earliest.
34. The Project Proponent in his compliance affidavit dated 15.11.2022 has stated that one STP of capacity 270 KLD has been installed in Phase-I of the project area and the same was maintained by the Project Proponent till 31.03.2021 whereafter the same was handed over to the residents of the building in Phase-I on 01.04.2021 and thereafter the maintenance and control of the said STP has to be taken care of by the residents of the Phase-I building.

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35. The Environmental Clearance dated 16.08.2011 is silent with regard to the capacity of the STP. From the documents on record, it is not clear as to whether the STP of 270 KLD would be adequate for Phase-I, Phase-II and Phase-III of the Project in question. The Water Analysis Report certainly shows non-compliance of the prescribed standard of BOD being 22.0 mg/l as against the prescribed standard of 20 mg/l and Faecal Coliform being 160000 MPN/100 ml as against the prescribed standard of less than >1000 MPN/100 ml, but as already noted hereinabove, the maintenance of the STP is now under the management and control of the residents of the Phase-I building i.e., the Applicant's Association, and, therefore, the liability for violation of the STP norms as indicated in the Report would fall upon the Applicant's Association.

We, therefore, direct the State Pollution Control Board, Odisha, to take appropriate action for determination of Environmental Compensation for violation of STP norms against the Applicant's Association.

36. The allegation of the Applicant that the Water Treatment Plant does not have Iron Removal or Zero Liquid Discharge, the same needs to be examined by the State Pollution Control Board, Odisha, for purposes of determination of Environmental Compensation in the light of the observations made hereinabove based on the Water Analysis Report.
37. As regards the Rain Water Harvesting and Recharge Pits, the Joint Committee noted that the recharge pits were found filled with water and channel drains were available to collect excess water and surface water during rainy season. The Committee advised the Project Proponent to implement the harvesting system fully not only

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for rooftop but also for paved area surface water by connecting channels to the pits.

The Environmental Clearance dated 16.08.2011 requires the Project Proponent to install borewells for rain water recharging to be at least 5 meters above the highest ground water table.

38. The affidavit of the Central Ground Water Board, however, clearly shows that two notices were issued by the Board on the ground that (a) recharge structures were not being maintained by the Project Proponent; (b) borewells were not fitted with digital flow meter; (c) Log Book was not maintained; (d) piezometer is not fitted with telemetry system, and (e) self inspection is not submitted. Thus, the Project Proponent is in clear violation of the directions given by the Central Ground Water Board and is also not compliant of the Environmental Clearance conditions with regard to rain water harvesting and recharge of rain water through borewell.

The show cause notice issued by the Central Ground Water Board on 23.08.2022 shows that NOC with mandatory conditions/restrictions and safeguard was issued to the Project Proponent on 16.07.2019 and even on 29.08.2022, the Project Proponent has been found to be non-compliant with regard to recharge borewells and their maintenance. The Central Ground Water Board shall, therefore, determine the penalty for violations with regard to recharge of borewells and their maintenance committed by the Project Proponent and thereafter recover the same from the Project Proponent after giving him opportunity of hearing. It is made clear that subsequent compliance of the conditions by the Project Proponent will not absolve him from past violation of environmental norms.

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39. As regards the Solid Waste Management, the Committee went through the papers relating to agreement of the Project Proponent with M/s Clean Mart Facility Service, Bhubaneswar, for collection of solid waste from the premises in question for the period from 01.05.2020 to 31.03.2021. The Committee did not notice any community dustbin outside the building for separation and collection of domestic waste for Phase-I but found that there was a newly purchased Biodegradable Waste Composting Machine having capacity of 1000 kg/day waste decomposition for Phase-II building. The Project Proponent has informed that Phase-II compost system had adequate capacity and would be made available to Phase-I building for treatment of biodegradable solid waste for composting through composting machines.
40. So far as Solid Waste Management regime is concerned, we may advert to the previous Inspection Report dated 30.11.2019 wherein it is found that solid waste generated from households was being collected and handed over to Bhubaneswar Municipal Corporation (BMC) for ultimate disposal. If any default has been found in the subsequent Inspection Report and according to the Project Proponent Phase-I site was handed over to the residents on 18.01.2021, therefore, any findings of non-compliance of the solid waste management regime would be the liability of the Applicant's Association.
41. As regards the Solar System or Energy Conservation, the Committee found that there was no use of Renewable/Solar Energy in Phase-I building. It is stated that efforts were made initially by the Project Proponent but the system did not work due to frequent breakdowns. The Project Proponent has been informed that they

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must adhere to 5% of total power by Solar PV System at rooftop for Phase-I. The Project Proponent in his compliance report has stated that installation of Solar Power Generation System for Phase-I will be completed with the help of suitable agency by 31.08.2022. This clearly shows that from 2011 when the first Environmental Clearance was granted, the Project Proponent has not yet completed installation of Solar Power Generation System and has not install 5% of the total power generation or put in place solar water heater storage/supply at the rooftop and is, therefore, in violation of energy conservation measures. Even in the present affidavit of 16.11.2022, it has not been disclosed by the Project Proponent that Solar Water Heater at rooftop of Phase-I has been installed by 31.08.2022 or not.

42. We, therefore, direct the Project Proponent to complete the project of installation of Solar System for energy conservation to the extent of 5% of the total power positively within two months. However, for past non-compliances, the Project Proponent will be liable for Environmental Compensation as may be determined by the SEIAA, Odisha, which granted the Environmental Clearance.
43. As regards the Diesel Generator set Stacks, the Committee has noted that the DG set Stack of Phase-I is about 6 meters. The Committee also noted that the nearest building is about 50 meters and, therefore, the stack height is not adequate. The Environmental Clearance condition for Diesel Power Generating sets mentions that the height of the stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets put together and should be more than the highest building height. The Committee Report clearly indicates violation of the Environmental

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Clearance condition by the Project Proponent. The Compliance Report of the Project Proponent mentions that as per the Consent to Operate, the height of the vent has been made 6.06 meters from ground level.

The State Pollution Control Board, Odisha, is, therefore, required to examine as to whether the stack height of DG set of 6.06 meters of the Project Proponent's project from ground level is adequate in the given circumstances or not.

44. Mr. Sankar Prasad Pani, learned Counsel for the Applicant's Association submitted that the Project Proponent has not achieved the required Green Belt condition of the Environmental Clearance and, therefore, subsequent Environmental Clearances could not have been granted by the SEIAA, Odisha, mechanically and without application of mind till the conditions laid down in the previous Environmental Clearance had been complied with by the Project Proponent.
45. Learned Counsel has referred to the affidavit filed by the Project Proponent before the State Level Expert Appraisal Committee (SEAC) dated 23.12.2019 (Annexure-8 to the Original Application), wherein the Project Proponent had itself undertaken that the Green Belt would be completed by September, 2020. The Committee has, however, noted that the project is an integrated project and, therefore, tree plantation for Green Belt can only be achieved along the permanent boundary which would take place in a phase manner as per availability of boundary. It is, however, stated that plantation around Phase-I area and along 500 meters of permanent boundary has been completed using local species of plant – Kamini, Neem, Kadamba, Champa, Mango, Coconut, Karanja etc.

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46. The Environmental Clearance of 16.08.2011 requires the Project Proponent to achieve plantation of trees over at least 20% of the project site area by using native trees species/plants. The Inspection Report of 30.11.2019 is silent with regard to tree plantation in the premises in question. The Committee Report of 20.01.2022 also is peculiarly silent with regard to achieving of 20% target by the Project Proponent as per the Environmental Clearance of 16.08.2011.
47. The Project Proponent, Respondent Nos.1&2, in his compliance affidavit dated 15.11.2022 with regard to Green Belt and Avenue Plantation over at least 20% of the site area has stated that the project is an integrated project and plantation can only be achieved along the permanent boundary but plantation around Phase-I and Phase-II area along with 600 meters of permanent boundary has been completed using local species of plants like – Swarnachampa, Nagachampa, Panasha, Kamini, Neem, Bakul, Kadamba, Champa, Mango, Coconut, Karanja etc.
48. We may, therefore, summarise the directions given by us hereinabove as under:-
- (A) The SEIAA, Odisha, shall inspect the site in question within one month and verify whether installation of Solar Power Generation System for Phase-I and installation of Solar Water Heater which was required to be completed by 31.08.2022 as stated by the Project Proponent, has been completed and if not, appropriate penalty shall be imposed against the Project Proponent and the same shall be recovered within two months after giving him an opportunity of being heard.

- 1355
- (B) The SEIAA, Odisha, is further directed to determine Environmental Compensation against the Project Proponent for failure to install the Solar System for energy conservation to the extent of 5% of total power as required by the Environmental Clearance conditions dated 16.08.2011 and action in this regard shall be taken within two months after giving the Project Proponent an opportunity of being heard.
- (C) The State Pollution Control Board, Odisha, shall verify as to whether the vent height of the D.G. set stack which is at present 6.06 meters for the ground level is adequate, considering that the Environmental Clearance requires the same to be more than the highest building height.
- (D) The State Pollution Control Board, Odisha, is also directed to compute Environmental Compensation against the Applicant's Association for violation of STP norms w.e.f. 01.04.2021 when the Phase-I was handed over to the Association by the Project Proponent within two months after giving them an opportunity of being heard.
- (E) The State Pollution Control Board, Odisha, shall also take action against the Applicant's Association for non-compliance of the Solid Waste Management regime, if any, w.e.f. 18.01.2021 when the Phase-I of the site in question was handed over to the Applicant's Association.
- (F) The Central Ground Water Board shall determine the penalty for violations with regard to recharge of borewells and their pits as committed by the Project Proponent and thereafter recover the same from the Project Proponent within two months after giving him an opportunity of being heard.

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- (G) With regard to completion of Green Belt and Avenue Plantation over at least 20% of the site area as required by the Environmental Clearance conditions dated 16.08.2011, the Committee constituted by the Tribunal is directed to re-visit the premises of the Project Proponent and verify whether at least 20% of the Green Belt has been achieved by the Project Proponent and if not, appropriate Environmental Compensation shall be determined against the Project Proponent and the same shall be recovered within two months after giving him an opportunity of being heard.
- (H) The Ministry of Environment, Forests and Climate Change, shall verify as to how the Central Ground Water Board granted the NOC to the Project Proponent for extraction of ground water in violation of the Special Conditions laid down in the Environmental Clearance dated 16.08.2011 that no ground water shall be extracted for the project work at any stage during the construction phase and if the concerned officers of the Central Ground Water Board are found to have acted in violation of the Environmental Clearance conditions in granting the NOC to the Project Proponent for extraction of ground water, appropriate disciplinary action shall be taken against the concerned officers of the Central Ground Water Board by the Appointing Authority.
- (I) The Ministry of Environment, Forests and Climate Change, shall also verify the conduct of the officers of SEIAA, Odisha, who were in position at the relevant point of time with regard to strict enforcement of the conditions laid down in the Environmental Clearance prior to granting subsequent Environmental

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Clearances and if dereliction in discharge of their duties is found, appropriate adverse entries shall be given to the concerned officers of SEIAA, Odisha, in their ACRs by the Appointing Authority.

49. With the observations and directions made hereinabove, the Original Application No. 11/2022/EZ is accordingly disposed of.
50. I.A.s, if any, stand disposed of accordingly.
51. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

May 1st, 2023,
Original Application No.11/2022/EZ
AK



HEPABX: 2561909/2562847
Tel: 2562822, 2560955
Email: Paribesh1@ospcboard.org
Website: 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, INDIA

No. 8122

VII - L - Misc - 902

Date: 22/05/2023

E-mail

To

The Regional Officer
SPC Board, Bhubaneswar.

Sub: OA No.11/2022/EZ - ZI Residents Welfare Association vs. Z-Estates Pvt. Ltd. & Others.

Sir,

The Hon'ble NGT, EZB, Kolkata vide their order dtd.01.05.2023 have been pleased to dispose of the OA with certain direction. The Board is required to comply with the direction at para-48(C), (D) & (E). Copy of the said judgment is enclosed with a request to take follow up action for compliance of the direction of the Hon'ble Tribunal in the stipulated time. As regards para-48(G) is concerned, the SEIAA, Odisha, who has formed the 4-Member Joint Committee including the representative of Regional Office, Bhubaneswar has been requested separately for revisit of the committee.

Encl: As above.

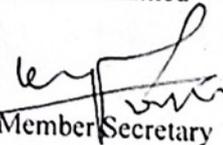
Yours faithfully,


Member Secretary

Memo No. 8123 / Date: 22/05/2023

Copy along with copy of order forwarded to CES (I/c of MSW), SPC Board, Odisha, Bhubaneswar for information and necessary action with reference to the direction contained at para-48(E).

Encl: As above.


Member Secretary



✕

FAX : 2562822/2560955
TEL : 2564033/2563294
EPABX : 2561909/2562847
E-mail : paribesh1@ospcboard.org
Website : www.ospcboard.org 203

STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII,
Bhubaneswar - 751 012

No. 14717 / VI-SC (LEM) Misc 38/2023-24 Dt. 18.09.2023
(CENTRAL LABORATORY)

To

The Regional Officer,
State Pollution Control Board, Odisha,
Bhubaneswar

Sub: Test Report of wastewater sample of M/s Z-1 Estate Residential Welfare Society
(Phase -I Project), Bhubaneswar - reg.

Ref: Your Letter No. Nil

Sir,

With reference to the above, please find enclosed herewith the test report of
wastewater sample, submitted to the Central Laboratory on dt.11.09.2023 collected
from of M/s Z-1 Estate Residential Welfare Society (Phase - I Project), Bhubaneswar.

Encl : OS/466/09/2023

Yours faithfully,

N. Mallik
16/9
Chief Env. Scientist (Lab.)



CENTRAL LABORATORY STATE POLLUTION CONTROL BOARD, ODISHA

Plot No. B-59/2 & 59/3, Chandaka Industrial Estate, Patia,
Bhubaneswar - 751 024

E-mail: centrallab@ospboard.org

OSPCB/CNL/F0718

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Page 1 of 1

TEST REPORT

1. ULR No. : -----
 2 (i) Report No. : OS/466/09/2023
 3 (i) Date : 16.09.2023
 4. Sample Submitted By : Dr. R.K Mishra, SES,
 (Name and address) Regional Office, SPCB, Odisha, Bhubaneswar
 5. Reference Letter No. : Nil
 6. Date of sample receipt : 11.09.2023
 7. Sample Description :

- 2(ii) Amendment No : ---
 3(ii) Amendment Date : ---

(i) Discipline : Chemical Testing
 and Biological Testing
 (Biological Testing,
 Chemical testing)

(ii) Group : Pollution and Environment
 (Water/ Pollution and Environment
 / Atmospheric Pollution/ Soil and
 Hazardous Waste)

(iii) Sub Group : Waste water
 (Surface water/ Ground water/ Drinking water /
 Wastewater / Effluent/ Ambient Air / Stack/ Soil
 and Hazardous Waste)

8. Analysis Starting Date-Analysis Completion Date : 11.09.2023 – 15.09.2023
 9. If uncertainty is desired by Customer : No
 10. Analysis Results :

(Attach separate sheet if necessary)

Sl. No.	Parameter, Unit	Standards/ Regulatory Limits *	Test Method	M/s Z-1 Estate Residential Welfare Society (Phase – I Project), Bhubaneswar	
				Others/Sept -23/ WW/1218	Others/Sept -23/ WW/1219
		Applicable for Sl. No. Others/Sept - 23/ WW/ 1219		Inlet to STP wastewater before treatment	Outlet of STP treated wastewater before discharge to garden
				Results	
1.	pH	6.5- 9.0	4500-H* -B, APHA, 23 rd Edn., 2017	6.7	7.4
2.	Total Suspended Solids (TSS), mg/L	<100	2540 D, APHA, 23 rd Edn., 2017	102.0	85.0
3.	Biochemical Oxygen Demand (BOD, 3 days at 27 ^o C), mg/L	20	IS 3025 : Part 44 (1999)	143.0	62.0
4.	Oil & Grease, mg/L	-	5520 B, APHA, 23 rd Edn., 2017	12.0	2.2
5.	Fecal Coliform (FC), MPN/100 ml	<1000	9221-E, APHA, 23 rd Edn., 2017	>160000	>160000

* Consent to Establish order issued vide Head Office, SPCB, Odisha, Bhubaneswar letter No.20841/IND-II-CTE-6552 dt.27.12.2021

11. Deviation from Test Method , if any :
 12. If Sampling Conducted by the Central Laboratory, Yes/ No. - No
 If Yes,
 (a) Date of Sampling :
 (b) Method Used* :
 (c) Name of Sampler with Designation

-----End of Test Report-----

(Signature)
 16/09/2023
 Authorised Signatory
 (Biological)
 (Mrs. Nishiprava Pattanaik, SSA)

(Signature)
 16.9.2023
 Authorised Signatory
 (Water/wastewater)
 (Dr.(Mrs)Usharani Patnaik, Addl. Chief Env. Scientist)

(Signature)
 Board Analyst
 (Mr. Niranjan Mallick, Chief Env. Scientist)

Note :

- (i) The results stated above relate only to the items tested.
 (ii) This report shall not be reproduced in full or in part without written approval from the In-charge of the Central Laboratory.
 (iii) The laboratory is not responsible for the authenticity of photocopied Test Reports.
 (iv) The Test Item will not be retained for more than 15 days from the date of issue of Test Report except in case as required by applicable Regulation.

✘

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Tel: 0674-2973126

E-mail: rospcb.bhubaneswar@ospcboard.org

Website: www.ospcboard.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. 3676 /

RO/Misc.-361

Date 18/10/2023
By Regd. Post / By Email

To

The General Secretary,

Z-1, Residential Welfare Association, (Phase-I),

Ground Floor, Tower-3, Z-1 (ADVATI), At- Kalarahanga, Patia,

Bhubaneswar, Dist.- Khordha (Odisha)- 751024.

Sub: Personal Hearing w.r.t. computation of Env. Compensation for
violation of STP working status- Reg...

Ref: O.A. No. 11/2022/EZ-Z1 Resident's Welfare Association -Vrs- Z
Estate Pvt. Ltd., & Others.

Sir,

In inviting to above cited subject and reference, this is to bring to your kind information that while disposing the above cited case matter w.r.t. the hearing on dtd.01.05.2023, Hon'ble NGT has directed this Board to submit the compliance report by SPCB, BBSR that has been cited vide Para-48(c), (D) & (E) of the said Order.

In the Order vide Sl. No.48 (D) there is a direction to Board for computing the Environmental Compensation against the applicant Association for violation of meeting the treated STP water standard w.e.f. 01.04.2021 till final compliance that is to be verified by the Board. But during all the 04 times sampling by the officials of this office it has been observed that till last sampling (4th Phase) which was conducted on 11.09.2023 the working status of STP has exhibited high BOD and Coliform bacteria result before its discharge to land /garden.

P.T.O.

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In this context as per the Order/ direction of Hon'ble Tribunal and guideline of Central Pollution Control Board, New Delhi total no. of violation days have been partly calculated since 01.04.2021 till 11.09.2023 i.e. 894 days for which your unit has to pay an amount of Rs. 2,23,50,000/- only towards Environmental compensation for violating the treated STP water discharge that was issued earlier to the Z-Estate from the Board vide Letter No.20841 dtd.27.12.2021 w.r.t. Consent to Establish Order. However, as per the Order of Hon'ble NGT you are requested to remain present on 02.11.2023 at 3.30 P.M. in the Office Chamber of the undersigned to put forth your views about the said direction in shape of writing. After obtaining your feedback the same will be communicated to the Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar to take further action as per the direction of Hon'ble NGT.

Yours Faithfully,



REGIONAL OFFICER

Memo No. 3677 / Dtd. 18/10/2023 /

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



REGIONAL OFFICER

Memo No. 3678 / Dtd. 18/10/2023 /

Copy forwarded to Senior Law Officer (L-II), SPC Board Odisha, BBSR & Sri B.P. Pattajoshi, (Legal Consultant) for information.



REGIONAL OFFICER

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PROCEEDING OF THE PERSONAL HEARING CONDUCTED ON 02.11.2023 IN COMPLIANCE TO THE ORDER DTD.01.05.2023 PASSED IN O.A. NO.11/2022/EZ - Z1 RESIDENTIAL WELFARE ASSOCIATION - VRS- Z1 ESTATE PVT. LTD., BHUBANESWAR

The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata vide their order dtd.01.05.2023 has been pleased to disposed of the OA No.11/2022/EZ - Z1 Residential Welfare Association Vs. Z1 Estate Pvt. Ltd., Bhubaneswar with certain direction to this Board at Para-48. At Para-48(D) this Board has been directed to compute Environmental Compensation against the Applicant's Association for violation of STP norms w.e.f. 01.04.2021 when the Phase -I Building & Construction Project of Z1 Apartment Complex located at Kalarahanga, Patia, Bhubaneswar was handed over to the Association by the Project Proponent within two months after giving them an opportunity of being heard. For proper appreciation the relevant portion of the said order is reiterated as follows:

“(D)The State Pollution Control Board, Odisha, is also directed to compute Environmental Compensation against the Applicant's Association for violation of STP norms w.e.f. 01.04.2021 when the Phase-I was handed over to the Association by the Project Proponent within two months after giving them an opportunity of being heard.”

In compliance to the aforesaid order dtd.01.05.2023 the officials of the Regional Office, Bhubaneswar in several occasion has conducted sampling of the STP installed of the aforesaid project and the last (4th Phase) Waste Water Sampling of STP was conducted on dtd.11.09.2023. The analysis results of all the samplings reveal that the working-status of STP had exhibited high BOD and Fecal Coliform Result during its discharge to land/garden existing within the Campus.

Accordingly, after observing repeated non-compliance of the STP norms; in compliance to the direction of the Hon'ble Tribunal, the Board has computed the Environmental Compensation amounting to 2,23,50,000/- partly for the period of violation of 894 days i.e. from 01.04.2021 to 11.09.2023 (the date of last sampling) and the same was communicated to the Secretary, Z1 Residential Welfare Association by the undersigned with a request to come for a personal hearing on 02.11.2023 at 3.30 P.M. in the office chamber of the undersigned to put forth their views in shape of writing.

The personal hearing was conducted on the scheduled date and time under the chairmanship of undersigned accompanying with official of the Regional Office, Bhubaneswar and the four numbers of representatives of the Residential Welfare Association (RWA) were present during the personal hearing. (A Copy of attendant sheet is annexed).

At the outset of the meeting, the Regional Officer, SPC Board, Bhubaneswar welcomed the members of RWA representatives and opened the platform for open discussion regarding imposition of the proposed Environmental Compensation amounting of 2,23,50,000/- for violation of STP norms in compliance to the specific direction made by the Hon'ble Tribunal vide their order dtd.01.05.2023.

During the personal hearing, the representatives of the RWA submitted their written submission vide letter dtd.01.11.2023 to the Regional Officer, State Pollution Control Board (SPCB), Odisha, Bhubaneswar without any further discussion on the matter. (Copy of the said letter dtd.01.11.2023 is annexed).

The personal hearing was thus ended without further proceedings with vote of thanks to the participants.

REGIONAL OFFICER
SPC, BOARD, BHUBANESWAR

Encl: As above.

Handwritten mark

Attendance sheet of personal hearing conducted w.r.t OA.NO.11/2022/EZ
Z1 Residence welfare Association Vrs- Z1 Estate Pvt Ltd

Date: 02.11.2023, 03:00 P:M

Sl. No	Name and Designation of the Person attended the public hearing (P.H)	Contact No	Signature
1.	Dr. Sohan Giri, Regional Officer, OSPCB	9437278633	<i>[Signature]</i> 21/11/2023
2.	DR. R. K. Mishra, SES	9438883894	<i>[Signature]</i> 02/11/2023
3.	Prof P.C. Mishra	8334009965	<i>[Signature]</i> 02/11/2023
4.	Malay Panchhi	9776174705	<i>[Signature]</i>
5.	Sunil Kumar Pan	9437279278	<i>[Signature]</i>
6.	A. BISHU BHUSHAN JAYAK	9937023812	<i>[Signature]</i>
7.	Anujesh Patil	9348543249	<i>[Signature]</i>

8.

9.

10.



Z1 RESIDENTS' WELFARE ASSOCIATION

Registration No.: 2722-69/2020-21 under Society Registration Act XXI of 1860

210

Date : _____

Letter No. : _____

From

Shri Bidhubhusan Nayak
Secretary ,Z1RWA , Nandankanan Road ,Bhubaneswar -751024

To

The Regional Officer
Office of the Regional Officer, Bhubaneswar,
State pollution Control Board, Odisha
Plot No.-B-59/2 & B-59/3,Chandaka Industrial Estate, Patia, Po-KIIT, Bhubaneswar-751024

Dt.1.11.2023



Sub-Personal hearing w.r.t computation of environmental compensation for violation of STP working status : regarding

- Ref- 1. O.A No-11/2022/EZ- Z1 Residents' Welfare Association Vs Z Estate Pvt. Ltd & Others
2. SPCB intimation no.3676 RO/Misc-361,Dt-18.10.2023

Sir,

This has reference to your above cited letter informing Z1RWA representatives to remain present on 2nd Nov 2023 at 3.30pm in your chamber to put forth our views about the environmental compensation of Rs.2,23,50,000/- to be imposed on Z1RWA based on CPCB guidelines and no. of violation days of 894 days calculated by the Regional Office.

Before, we offer our views, we would like to make our following stand clear and also seek some information/data from the regional office of SPCB, Bhubaneswar as mentioned below.

The Z1 RWA is of firm view that the organisation granted with consent to operate the STP in Z1 Phase I by SPCB .Bhubaneswar is accountable to ensure that the STP units operates efficiently generating output which confirms to the prescribed standard. In the instant case ,the Z Estate continued to operate and maintain the unit until ^{21/03/2021} ~~2019~~ when, under the direction of the honourable Human Rights Commission, handed over to the Z1RWA for maintenance. When the machines are of low quality and unfit to manage the sewage waste generated by 442 flats, Z Estate was supposed to manage and maintain it as the consent to operate grantee institution. When the maintenance of the STP was handed over to Z1RWA ,The SPCB never visited to assess the efficiency of the STP managed by Z Estate. State Pollution Control Board can only penalise the institutions against whom consent to operate has been granted. Till this time the consent to operate still stands with Z Estate.

It was decided in the joint meeting of SEEIA and OSPB with the representatives of Z1RWA a few months back after NGT order that the STP water will be tested in a third party laboratory like IMMT. It is not known where the samples collected was sent for testing and test report was not shared with Z1RWA. Samples were collected from ETP by OSPB hurriedly in the absence of any functionary of Z1RWA. Only a few low grade staff of FMC engaged by Z1RWA were present . Samples should have been drawn in the presence of Z1RWA functionaries and sent to a neutral third party laboratory as already agreed upon .

We would Like to request the RO,SPCB ,Bhubaneswar to kindly provide the following information to enable us in preparing a written submission on another date after 10 days of receipt of such data/information .

1

1. Name of the person/Organization to whom consent to operate and consent to establish have been granted for operation of STP in Z1 Phase I premises .
2. Treated STP water analysis report undertaken by the RO, SPCB on different dates as mentioned in the letter cited above.
3. Whether conditions under section 21 subsection 3,4, and 5 have been complied in the collection and analysis of samples.
3. Analysis report of sewage water supplies collected by SPCB, Bhubaneswar from Z1 Phase I premises from the date of operation (2015) of the STP and also any reports submitted by Z Estate to the PCB.
4. Standards prescribed by CPCB, Delhi through gazette notification on disposal of STP treated waste water which is being followed by SPCB, Bhubaneswar
5. Extent of environmental damage incurred by Z1RWA through Land/garden application of treated STP water based upon which SPCB has calculated the environmental comprehension
6. Methodology adopted to arrive at the compensation cost/per day of violation basis.

We would further like to inform you that Z1RWA has also analysed the treated sewage sample generated in Z1 Phase I premises by CSIR-IMMT ,Bhubaneswar on 17.5.2022 and 3.8.2023 and in one occasion on by Kalyani laboratory Private Ltd. ,Pahal ,Bhubaneswar where the BOD was much less than the prescribed limit/permissible level. STP output water is being used for gardening in 4 acres of land illegally allotted to Z1 Phase 1 by the Builder Company Z Estates Pvt Ltd out of the total project area of 26 acres. No adverse effect has been seen . In fact Z1 Advait has been getting 1st Prize under large garden category by Bhubaneswar Plant Lovers' Association and Regional Plant Resource Centre almost every year. It is therefore evident that STP output water quality is in order as tested by us from time to time in IMMT laboratory .Hence the damage to environment calculated by OSPB in the garden area of 4 acres arbitrarily allotted to Z1 Phase 1 is arbitrary and without any basis. The builder Z Estates Pvt Ltd which has the consent to operate by you is squarely responsible for it as it managed the ETP from 2016 to 2021 through its Own Facility Management Company. After the Society was formed in 2021 , the Builder has not supplied the detailed drawing and SOP of the ETP as yet for reasons best known to it. As the builder Z Estates Pvt Ltd has been managing the ETP from 2016 to 2021 (and Z1RWA has been managing it since 2021 till date) , it should be asked to bear the compensation for the years it managed it.

7. It may be pointed out here that the Builder has constructed a solid waste management system after seven years of Z1 Phase 1 construction near Z1 Phase 2. This is being run by the builder and it has been creating foul smell all around it now. OSPB should act against the Builder Z Estates Pvt Ltd for this .

Since there is contradiction between our reports and analysis report of SPCB ,we request the SPCB to kindly collect the STP samples again in duplicate, one set for SPCB to analyse in their laboratory and another set to be handed over to IMMT in their presence for analysis at our cost and on the basis of the result of analysis ,SPCB may contemplate further action.

We request you to kindly provide these information/data to us and kindly fix another date for hearing on any date after 10 days of receipt of the documents form you in order to enable us to prepare our written submission as desired by you.

Yours faithfully

Bidhubhusan Nayak
 Secretary, Z1RWA

6X

Tel: 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. 3922 / RO-NOC/2483

Date 10/11/2023
By Regd. Post / By Email

To,

The Member Secretary,
State Pollution Control Board, Odisha, Bhubaneswar.

Sub: Personal Hearing of Z1 RWA (Phase-I) ... reg

- Ref: a) O.A. No. 11/2022/EZ-21 Resident's Welfare Association -Vrs-Z Estate Pvt. Ltd., & Others.
b) Order of Hon'ble NGT on dtd.01.05.2023 w.r.t. Computation of Environmental Compensation
c) Order of Member Secretary of SPCB vide No.8120, dtd.22.05.2023 to R.O., SPCB

Sir,

In inviting to the subject and reference cited above, as per Order of Hon'ble NGT, Kolkata on the day of hearing the STP treated water samples were collected and the analysis report revealed that STP treated water sample has not meeting the prescribed standard w.r.t. land discharge/CTO condition. Accordingly as per the Order of Hon'ble NGT samples were collected in presence of representative of Z1 RWA & analyzed in Central Lab, Patia, Bhubaneswar & accordingly computation of Env. Compensation has been prepared and the same has been communicated to the Secretary Z-1 RWA (Phase-I) for which a Personal Hearing has been conducted on dtd.02.11.2023

During the Personal hearing the Secretary of Z1 RWA has submitted a letter where it has been mentioned to provide some information/documents to the said association so that they can prepare a written statement in that regards which will be submitted to R.O, SPC Board, Bhubaneswar later on **(Copy enclosed)**.

Also, in the said letter secretary of the phase-I residential welfare association as requested to collect the STP sample again in duplicate & out of that one set will be analyzed by the Board & other one will be handed over by this office to IMMT, Bhubaneswar in their presence for analysis of the same and after which further course of action will be taken at their end.

Hence it is brought to your kind notice that the matter/context of the letter may please be reviewed by legal consultant of the Board so as to provide legal opinion to move further in this regard as soon as possible.

Encl: - As above

Yours Faithfully,

[Signature]
10/11/2023

REGIONAL OFFICER

Memo No. 3923 / Dt. 10/11/2023

Copy forwarded to Senior Law Officer (L-11), SPC Board Odisha, BBSR & Sri B.P. Pattajoshi, (Legal Consultant) for information.

[Signature]
10/11/2023

REGIONAL OFFICER



65

EPABX: 2561909/256284
Tel: 2562822, 256095
Email: Paribesh1@ospcboard.or
Website: www.ospcboard.or

STATE POLLUTION CONTROL BOARD, ODISHA

(DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA)
Paribesh Bhawan, A/118, Nilakanthanagar, Unit - VIII,
Bhubaneswar - 751 012, INDIA

No. 4317

Date: 28.03.2024

VII - L - Misc - 902

E-mail / Speed Post

To

The Regional Officer
SPC Board, Bhubanswar.

Sub: OA No.11/2022/EZ - Z1 Residents Welfare Association v. Z Estates Private Limited
& others.

Ref: This Board letter No.8122 dtd.22.05.2023 and your letter No.3922 dtd.10.11.2023.

Sir,

In your above referred letter, you have forwarded a copy of letter dtd.1.11.2023 of the applicant association and indicated that they have requested to provide some information / documents so that they can prepare a written statement in that regard, which will be submitted before you later on. It is also indicated in your letter that the association has requested for collection of sample again and the same will be analyzed by the Board and by IMMT, Bhubanswar. As the aforesaid association was an applicant / party to the aforesaid OA and the order dtd.01.05.2023 has been passed in their presence without any specific direction to this Board to provide information / documents for the purpose of assessment of environmental compensation and also to collect the samples in the manner the association has requested, you are requested to dispose of the application dtd.01.11.2023 of the applicant by rejecting their claim with a direction that in absence of any specific direction of the Hon'ble Tribunal, it is not prudent for the Board to provide the information / documents as requested in their letter and accordingly they may be directed to deposit the environmental compensation assessed from the period 01.04.2021 to 11.09.2023 within a stipulated time.

Action taken in the matter may be intimated to the Head Office forthwith.

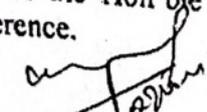
Yours faithfully,


Member Secretary

Memo No. 4318 / Date: 28.03.2024

E-mail

Copy forwarded to Chief Environmental Scientist (MSW), SPC Board, Odisha, Bhubaneswar for information and necessary action. He is requested to provide the required information pertaining to direction at 48(E) of the order dtd.01.05.2023 of the Hon'ble Tribunal as called for in the Memo No.8123 dtd.22.05.2023 forthwith for reference.


Member Secretary

SPC
Pl. sub.

28/3/24

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Tele: 0674- 2973126

E-mail : rospcb.bhubaneswar@ospcboard.org

Website : www.ospcboard.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. 1201 / RO/NOC-2483

Dt. 19-4-2024
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.

Ref: a) Order dtd.01.05.2023 passed by Hon'ble NGT w.r.t. computation of Env.
 Compensation.
 b) Head Office letter No.8122, dtd.22.05.2023.issued to Regional Officer, SPC
 Board, BBSR.
 c) Head office letter No.4317, dtd.28.03.2024.
 d) Your letter dtd.01.11.2023 Received on 02.11.2023 from Secretary (Z-1 RWA)
 i.e. on the day of Personal Hearing.

Sir/Madam,

In compliance to the direction dtd.01.05.2023 of the Hon'ble Tribunal at para-48 (D), inspections were carried out by the joint committee & sample of STP treated water have been collected in different dates i.e. 13.04.2022, 18.05.2022, 16.08.2022 and 11.09.2023 after serving statutory notice of sampling, and on the basis of the finding of the analysis report & in compliance to the direction of Hon'ble Tribunal Environmental Compensation has been calculated and the same has been communicated to you vide letter No. 3676 dtd.18.10.2023 with a request you to come for a personal hearing on dtd.02.11.2023 to have your say in this matter. But during the course of Personal hearing, you have requested the undersigned vide your letter dtd.01.11.2023, wherein the Board has been requested to provide some important document enabling you to submit the written statement. In the said letter request has also been made for fresh sampling.

o/c

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The aforesaid matter has also been referred to the Head Office for clarification and it has been clarified that, since you were an applicant / party to the proceeding dtd. 01.05.2023 and no specific direction has been issued from the Hon'ble Tribunal for sampling in the manner suggested by you and also to provide the documents as requested by you in your letter dtd.01.11.2023, your request for the same couldn't not be considered at this stage.

Hence, you are requested to deposit the Environmental Compensation amounting to Rs.2,23,50,000 /- (Rupees Two Crore Twenty Three Lakhs Fifty Thousand Only) as assessed and communicated to you earlier vide letter No.3676 dtd.18.10.2023, immediately, in shape of bank draft drawn in favour of **Member Secretary, State Pollution Control Board, Odisha** payable at **Bhubaneswar** or by depositing the same to the Board's account bearing **Account No.50100257777539, IFSC Code – HDFC0003722, HDFC Bank, Ltd. Jagamara Branch.**

A copy of calculation sheet and HDFC Mandate Form are enclosed herewith for your reference.

Yours Faithfully



REGIONAL OFFICER

Encl: As above.

Memo No. 1202 / Dtd. 19.4.2024 /
Copy forwarded to the Member Secretary, SPCB, BBSR for kind information.



REGIONAL OFFICER

Memo No. 1203 / Dtd. 19.4.2024 /
Copy forwarded to Chief Env. Scientist (MSW), SPC Board, Odisha, Bhubaneswar for kind information and necessary action.



REGIONAL OFFICER

Memo No. 1204 / Dtd. 19.4.2024 /
Copy forwarded to Sr. Law Officer (L-II), SPC Board, BBSR & Sri B.P. Pattajoshi (Legal Consultant) for information.



REGIONAL OFFICER

Assessment of Environmental Compensation w.r.t. O.A. No.11/EZ in the matter of Z-1 Residents Welfare Association, Nandankanan Road, Kalarahanga, Patia, BBSR, Khordha, Odisha-751024 -vrs- Z Estate Pvt. Ltd. Plot No.:M/4-34, Acharya Vihar, BBSR, Odisha- 751013

As per the Order of Hon'ble National Green Tribunal Bench , Kolkata on date of hearing i.e. on dtd. 01.05.2023 that State Pollution Control Board, Odisha has been directed to compute Environmental Compensation against Applicant's Association for violation of working status of STP w.e.f. 01.04.2021 when the Phase-I was handed over to the Association by the Project Proponent.

Accordingly the Environmental Compensation has been computed as per the CPCB guideline/ Methodology i.e. O.A. No.593/2017 Writ Petition (Civil)No.375/2012 Paryavaran Surakhya Samiti & Another -Vrs- Union of India &Others.

⇒ The details about the computation on Environmental Compensation for violation of STP working status has been taken into consideration= $PI \times N \times R \times S \times LF$.

Where:- EC is Environment Compensation in Rs.

PI= Pollution Index of the Unit.

N= No. of days of violation took place.

R= A factor in rupees (Rs.) for EC.

S= Factor for scale of operation.

LF= Location factor

⇒ The values those have taken into consideration during the process of EC computation are as follows:-

- a) The project proponent of Z-Estate has installed STP of capacity of 270 KLD for Phase-I (As per the statement/report submitted by the Project Proponent on dtd.20.01.2022 to the joint committee formed by SEIAA during their inspection to the site) where representative Scientist C from MOEF and Scientist from R.O., SPCB, Bhubaneswar of CPCB, Odisha was one of the Member

As per the Rule/Guideline of CPCB an Unit with the facility having STP/ETP of capacity more than 100 KLD will be under Red category

- i. Hence (a) PI (Pollution Index)=80

- ii. N (No. of days) of violation took place i.e. from 01.04,2021 (as per the direction of Hon'ble NGT the date from which the STP was operated by Welfare Association) and the same has been taken into consideration up to last date of sampling i.e. upto 11.09.2023 when violation of STP status was observed to be still persisting.

So in the present context no. of total days of violation comes to 815 days

R=250 (250 i.e. factor in Rupees as EC in case of violation)

S=1.0(medium range project i.e. for Phase-I of Housing Complex)

L.F =(Population city):- 1.25 i.e. Location factor.

Now computing all the factor those have been into consideration are as follows:-

Environmental Compensation i.e. to be imposed on the applicant's Association for violation of STP norms of Phase-I of the Project comes as follows:-

EC= $80 \times 815 \times 250 \times 1 \times 1.25 = \text{Rs. } 2,03,75,000/-$ (w.r.t. Red Cat. Unit)

The above cited EC computation has been done as per the Hon'ble NGT order i.e. from 11.04.2021 till 11.09.2023 (4th phase of sampling)

However the treatment system of STP has exhibited standard as has been high result all the time w.r.t prescribed standard as has been cited in the CTE Order.

In all the cases the working status has been failed to exhibit the standard.


Dr. R.K. Mishra, Sr. Env. Scientist
O/o. R.O., SPCB, BBSR

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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. 2390 / RO/NOC-2483

Dt. 04/07/2024
By Speed Post/ By E-mail

283

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.

Ref: a) Order dtd.01.05.2023 passed by Hon'ble NGT w.r.t. computation of Env.
Compensation.

b) Head Office letter No.8122, dtd.22.05.2023.issued to Regional Officer, SPC Board,
BBSR.

c) Head office letter No.4317, dtd.28.03.2024.

d) Your letter dtd.01.11.2023 Received on 02.11.2023 from Secretary (Z-1 RWA) i.e. on
the day of Personal Hearing.

e) This Office earlier letter no.1201, dtd.19.04.2024

Sir/Madam,

In continuation to our letter No.1201, dtd.19.04.2024, this is to inform you that you have been asked to pay the compensation amount of Rs.2,23,50,000/- for the violation days from 01.04.2021 to 11.09.2023 amounting to Rs.2,23,50,000/- for a total no. of 815 days. But the actual days of violation between those period i.e. from 01.04.2021 to 11.09.2023 is 894 days for which the aforesaid amount has been imposed as environmental compensation. Hence, it is requested to consider the aforementioned compensation amount for 894 days instead of 815 days, which was an inadvertent error. It is noted herewith although the no. of days has been revised but the total amount of compensation remains unchanged. Now, the revised calculation sheet for the said violations amounting to Rs.2,23,50,000/- is enclosed for your reference.

You are requested to please take steps for payment of the said environmental compensation in the manner indicated in our letter No.1201 dtd.19.04.2024 forthwith.

Encl: As above.

Yours Faithfully

REGIONAL OFFICER

o/c

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Memo No. 2391 / Dtd. 04/07/2024 /

Copy forwarded to the Member Secretary, SPCB, BBSR for kind information in continuation to this office earlier letter no. 1202, dtd.19.04.2024



REGIONAL OFFICER

Memo No. 2392 / Dtd. 04/07/2024 /

Copy forwarded to Chief Env. Scientist (MSW), SPC Board, Odisha, Bhubaneswar for kind information and necessary action in continuation to this office earlier letter no. 1203, dtd.19.04.2024



REGIONAL OFFICER

Memo No. 2393 / Dtd. 04/07/2024 /

Copy forwarded to Sr. Law Officer (L-II), SPC Board, BBSR & Sri B.P. Pattajoshi (Legal Consultant) for information in continuation to this office earlier letter no. 1204, dtd.19.04.2024



REGIONAL OFFICER

28/

Assessment of Environmental Compensation w.r.t. O.A. No.11/2022/EZ in the matter of Z1 Residents' Welfare Association Vrs. Z Estates Private Limited & Ors.

As per the Order of Hon'ble National Green Tribunal, EZB, Kolkata on date of hearing i.e. on dtd. 01.05.2023 that State Pollution Control Board, Odisha has been directed to compute Environmental Compensation against Applicant's Association for violation of working status of STP w.e.f. 01.04.2021 when the Phase-I was handed over to the Association by the Project Proponent.

Accordingly the Environmental Compensation has been computed as per the CPCB guideline/ Methodology i.e. O.A. No.593/2017 Writ Petition (Civil)No.375/2012 Paryavaran Surakhya Samiti & Another -Vrs- Union of India &Others.

⇒ The details about the computation on Environmental Compensation for violation of STP working status has been taken into consideration= $PI \times N \times R \times S \times LF$.

Where: - EC is Environment Compensation in Rupees (Rs.)

PI= Pollution Index of the Unit.

N= No. of days of violation took place.

R= A factor in rupees (Rs.) for EC.

S= Factor for scale of operation.

LF= Location factor

⇒ The values those have taken into consideration during the process of EC computation are as follows:-

The project proponent of Z-Estate has installed STP of capacity of 270 KLD for Phase-I (As per the statement/report submitted by the Project Proponent on dtd.20.01.2022 to the joint committee formed by SEIAA during their inspection to the site) where representative Scientist C from MOEF and Scientist from R.O., SPCB, Bhubaneswar of CPCB, Odisha was one of the Member

As per the Rule/Guideline of CPCB, an Unit with the facility having STP / ETP of capacity more than 100 KLD will be under Red category.

i. Hence (a) PI (Pollution Index) = 80

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- ii. N (No. of days) of violation took place i.e. from 01.04.2021 (as per the direction of Hon'ble NGT the date from which the STP was operated by Welfare Association) and the same has been taken into consideration up to last date of sampling i.e. upto 11.09.2023 when violation of STP status was observed to be still persisting.

Hence, in the present context no. of total days (N) of violation comes to 894 days.

- iii. R = 250 (250 i.e. factor in Rupees as EC in case of violation)
- iv. S = 1.0 (medium range project i.e. for Phase-I of Housing Complex)
- iv. LF = (Population city):- 1.25 i.e. Location factor.

❖ Now computing all the factors those have been into consideration are as follows:-

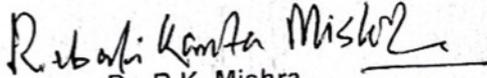
Environmental Compensation i.e. to be imposed on the applicant's Association for violation of STP norms of Phase-I of the Project comes as follows:-

- $EC = 80 \times 894 \times 250 \times 1 \times 1.25 = \text{Rs. } 2, 23, 50, 000/-$ (w.r.t. Red Cat. Unit)

The above cited Environmental Compensation computation has been done as per the Hon'ble NGT order i.e. from 01.04.2021 till 11.09.2023 (4th phase of sampling)

However, the treatment system of STP has exhibited standard as has been high result all the time w.r.t prescribed standard as has been cited in the CTE Order.

In all the cases the working status has been failed to exhibit the standard.


Dr. R.K. Mishra,
Sr. Env. Scientist
O/o. R.O., SPCB, BBSR