

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

Original Application No. - 10 of 2026/EZ

IA No.-06 of 2026

IN THE MATTER OF :

SUJATA BISWAL

PETITIONER

VERSUS

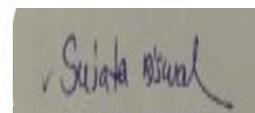
STATE OF ODISHA & ORS.

RESPONDENTS

INDEX

SL NO.	Description of Document	Page No.
1	IA FOR GRANT OF INTERIM STAY	1-5
2	AFFIDAVIT	6
3	CPCB INDUSTRY CLASSIFICATION ANNEXURE A1	7-11

DATE 16/01/2026



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IA FOR GRANT OF INTERIM STAY

IT IS MOST RESPECTFULLY SHOWETH

1. That the Applicant has filed the accompanying Original Application seeking protection of environment and public health against illegal operation of a Fly Ash Brick Manufacturing Unit being run by Respondent No.7 in gross violation of environmental laws, land use norms and CPCB guidelines.
2. That the present Application is being filed seeking interim restraint as the continued operation of the said unit is causing and is likely to cause irreparable environmental harm and health hazards, rendering the very purpose of the Original Application infructuous.
3. That the unit of Respondent No. 7 is situated on Plot No. 464, which as per the Comprehensive Development Plan (CDP) applicable to the area, is categorised as a Residential Zone. Industrial activity in a residential zone is not permissible under the applicable planning and land-use framework.
4. That the Applicant has placed on record the CDP, which clearly establishes that the location of the unit itself is contrary to the land-use classification, which renders such consent or permission subject to scrutiny by this Hon'ble Tribunal.

5. That the State Pollution Control Board (SPCB), in its own record, has acknowledged that the activity of Respondent No. 7 has “potential nuisance”, thereby admitting the likelihood of pollution and disturbance to nearby residents.

6. That satellite imagery already filed with the Original Application clearly depicts dense residential development, including Aastha Highway Apartments and multiple dwelling houses immediately abutting the unit of Respondent No. 7, at a distance of approximately 3 metres. The said proximity stands corroborated by the enquiry report of the State Pollution Control Board (SPCB).

7. That the Fly Ash Brick unit is thus located within an extremely close proximity of residential houses, exposing local inhabitants to dust emissions, air pollution and continuous nuisance, in gross violation of CPCB siting guidelines which prescribe a minimum distance of 800 metres from residential areas for such brick kiln / brick manufacturing activities, besides violating the precautionary principle.

8. That Fly Ash Brick manufacturing is a dust -generating activity involving handling of fine particulate matter, and its operation in close proximity to residential dwellings poses a direct threat to the right to life and health under Article 21 of the Constitution of India.

9. That even if Respondent No. 7 relies upon any Consent to Operate (CTO), it is settled law that illegal siting, zoning violations and confirmed proximity to residential dwellings prevail over consent conditions, and no vested right accrues from a consent granted contrary to law.

10. That it is respectfully submitted that mere classification of the activity of Respondent No. 7 under the “White Category” by the Pollution Control authorities does not and cannot override or violate the Comprehensive Development Plan (CDP) / Master Plan, nor does it permit establishment or operation of an industrial activity in a Residential Zone. Land-use legality is a condition precedent, independent of pollution categorisation.

11. That it is further submitted that the operation of the said unit involves continuous movement of heavy vehicles for loading and unloading of raw materials and finished products during day and night, causing excessive noise, vibration and traffic nuisance in the residential area. Such incessant heavy vehicular activity has resulted in serious disturbance, mental stress and adverse health impact upon elderly persons, children and other vulnerable residents, thereby aggravating the environmental and public health harm.

12. That unless interim restraint is granted, the Respondent No. 7 may continue operations, potentially resulting in environmental harm, and the Applicant and local residents will suffer irreparable injury which cannot be compensated later.

13. That the Respondent unit has been wrongly classified as a White category industry by the State Pollution Control Board. As per the guidelines of the Central Pollution Control Board, fly ash brick manufacturing units fall under Green or Orange category depending upon use of boiler and mandatorily require Consent to Operate. White category industries are, by definition, non-polluting and cause no nuisance. Contradictorily, the State Pollution Control Board itself records 'potential nuisance', which renders the White category classification arbitrary, illegal and unsustainable, and the continued operation of the unit without Consent to Operate is ex facie illegal, warranting interim restraint. **CPCB Classification ANNEXURE A1 PAGE 7-11**

14. That the Applicant has made out a strong prima facie case, the balance of convenience lies entirely in favour of protecting the environment and public health, and irreparable harm will be caused if interim protection is denied.

15. That this Hon'ble Tribunal has consistently held that in matters involving environmental degradation and residential safety, precautionary and preventive measures must precede final adjudication.

PRAYERS

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

A. Stay / restrain the operation of the Fly Ash Brick Manufacturing Unit of Respondent No. 7, situated on Plot No. 464, during the pendency of the Original Application; OR
IN THE ALTERNATIVE

B. Direct Respondent No. 7 not to carry on any further manufacturing activity or expansion, and to maintain status quo, subject to inspection by the SPCB;

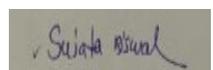
C. In the alternative and without prejudice, if this Hon'ble Tribunal so deems fit, permit the State Pollution Control Board to verify ongoing compliance based on its existing enquiry, and to place any further report, if required;

D. Pass any other or further order(s) as this Hon'ble Tribunal may deem fit in the interest of justice, environment and public health.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

DATE 16/01/2026

Place Puri



Sujata Biswal

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EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO.- 10 of 2026/EZ

IA No.- ___ of 2026

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SUJATA BISWAL

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STATE OF ODISHA & ORS.

RESPONDENTS

16 JAN 2026

AFFIDAVIT

I SUJATA BISWAL S/O SATYASUNDAR BISWAL AGED ABOUT YEARS, R/O AASTHA HIGHWAY APARTMENT UTTARA BLOCK , DISTRICT PURI ODISHA do hereby solemnly affirm on oath as under

1. That I am the Applicant in the accompanying Original Application and Interlocutory Application and am well acquainted with the facts of the case.
2. That the contents of the accompanying Interlocutory Application from paragraph first to paragraph last are true and correct to my knowledge and belief.
3. That the annexures relied upon in the Original Application are true copies of their respective originals and are relied upon for the purpose of this Interlocutory Application as well.
4. That no material fact has been concealed.

Sujata Biswal

DEPONENT

VERIFICATION

I, The above named deponent do hereby verify that the contents of the paras above are true and correct and no material fact has been concealed.

Signed and verified on this 16th Day of Jan 2025 at *BM*

Sujata Biswal
DEPONENT

Jagyneshwar Acharya
Notary, Govt. of India
Odisha, BBSR, Dist.- Khurda
Regd. No.-7791/2009
9861006174



IDENTIFIED BY ME

[Signature]
ADVOCATE, BBSR
16/01/2025

[Signature]
16/01/2025



Classification of Sectors into Red, Orange, Green, White and Blue Categories

(A tool for progressive environmental management)

Classification of Sectors into Red, Orange, Green, White and Blue Categories

(A tool for progressive environmental management)



Central Pollution Control Board

“Parivesh Bhawan”, East Arjun Nagar

Delhi-110032

(January 2025)



ANNEXURE-I
(LIST OF INDUSTRIAL SECTORS CLASSIFIED UNDER RED, ORANGE, GREEN, AND WHITE CATEGORIES)



LIST OF INDUSTRIAL SECTORS

S. No.	Sector	W1	W2	W3	PI ^W	A1	A2	A3	PIA	H1	H2	PI ^H	Pollution Index (PI)	Category	Remarks	Concerned Division
~A~																
1	Manufacturing of Automobiles (integrated facilities)	20	30	25	75	0	25	0	25	25	20	45	83.8	Red	<p>i. Such types of plants are having either one or combinations of polluting activities viz. washing, metal surface finishing operations, pickling, plating, electro-plating, phosphating, painting, heat treatment etc.</p> <p>ii. Some of such plants may outsource some /all of the polluting activities or may have stand-alone units. In such cases, after thorough inspection of such units by concerned SPCB, re-categorization of the industry shall be made accordingly.</p>	IPC-V
2	Asbestos and asbestos based industries	10	30	25	65	35	30	30	95	25	30	55	98	Red	Asbestos is carcinogenic and banned in many countries.	IPC-II
3	Almirah , Grill Manufacturing (Dry Mechanical Process)	0	0	0	0	0	30	0	30	0	0	0	30	Green		IPC-V
~B~																
4.0	BAKERY, CONFECTIONERY AND SWEETS PRODUCTS															
4.1	Bakery, confectionery, sweets with production capacity \geq 1 TPD	25	0	20	45	25	0	25	50	0	0	0	61.3	Orange		IPC-III

S. No.	Sector	W1	W2	W3	PI ^v	A1	A2	A3	PIA	H1	H2	PI ^H	Pollution Index (PI)	Category	Remarks	Concerned Division
4.2	Bakery, confectionery, sweets with production capacity \geq 1 TPD. (using cleaner/gaseous fuel)	25	0	20	45	25	0	10	35	0	0	0	54.6	Green		IPC-III
5.0	BRICK MANUFACTURING															
5.1	Brick kilns using coal as fuel	0	0	0	0	25	25	25	75	0	0	0	75	Orange		IPC-V
5.2	Brick kilns using biomass as fuel	0	0	0	0	25	25	15	65	0	0	0	65	Orange		IPC-V
5.3	Tunnel brick kilns (gas fired)								60	0	0	0	60	Orange		IPC-V
6.0	MANUFACTURING OF AUTOCLAVED AERATED CONCRETE (AAC) BRICKS/BLOCKS.															
6.1	AAC bricks/blocks manufacturing using coal as fuel (12 TPD and above)	0	0	0	0	25	25	30	80	0	0	0	80	Red		IPC-V
6.2	AAC bricks/blocks manufacturing using coal as fuel (less than 12 TPD)	0	0	0	0	25	25	25	75	0	0	0	75	Orange		IPC-V
6.3	AAC bricks/blocks manufacturing using biomass as fuel	0	0	0	0	25	25	20	70	0	0	0	70	Orange		IPC-V
6.4	AAC bricks/blocks manufacturing using gas as fuel	0	0	0	0	25	25	15	65	0	0	0	65	Orange		IPC-V
7.0	FLY ASH BRICKS / BLOCK MANUFACTURING															
7.1	Fly ash bricks/ block manufacturing (with boiler)	0	0	0	0	25	25	25	75	0	0	0	75	Orange		IPC-V
7.2	Fly ash bricks/ block manufacturing (without boiler)	0	0	0	0	0	25	0	25	0	0	0	25	Green		IPC-V
8.0	MANUFACTURING OF NON-ALCOHOLIC BEVERAGES															
8.1	Wastewater generation \geq 100 KLD	25	20	30	75	25	0	25	50	0	0	0	81.3	Red		IPC-III
8.2	Wastewater generation < 100 KLD	25	20	25	70	25	0	25	50	0	0	0	77.5	Orange		IPC-III

S. No.	Sector	W1	W2	W3	PI ^v	A1	A2	A3	PIA	H1	H2	PI ^H	Pollution Index (PI)	Category	Remarks	Concerned Division	
9.0	BATTERY MANUFACTURING																
9.1	Lead-acid Battery manufacturing (excluding assembling and charging of lead acid Battery in micro-scale)	0	30	20	50	35	30	25	90	25	10	35	94.3	Red		IPC-V	
9.2	Dry cell Battery (excluding manufacturing of electrodes) and assembling & charging of acid lead battery on micro scale	0	30	15	45	25	25	10	60	25	10	35	76	Orange		IPC-V	
9.3	Battery manufacturing without boiler (excluding lead acid battery)	0	0	0	0	0	25	0	25	25	10	35	43.1	Green		IPC-V	
10	Briquette manufacturing (coal/biomass/coke)	0	0	0	0	0	30	0	30	0	0	0	30	Green	The process involves mixing, mechanized compression and drying.	IPC-II	
11	Assembly of Bicycles, Baby carriages and other small non motorizing vehicles	0	0	0	0	0	0	0	0	0	0	0	0	White		IPC-V	
12	Bailing (hydraulic press) of waste papers	0	0	0	0	0	0	0	0	0	0	0	0	White		IPC-V	
13	Bio fertilizer and bio-pesticides without using inorganic chemicals	0	0	0	0	0	20	0	20	0	0	0	20	White		IPC-V	
14	Block making of printing without foundry (excluding wooden block making)	0	0	0	0	0	0	0	0	0	0	0	0	White		IPC-V	