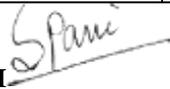
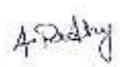


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****ORIGINAL APPLICATION NO ~~22~~ ²⁰²⁶ OF ~~2025~~****IN THE MATTER OF:****MANAS PANIGRAHY****APPLICANT****VERSUS****STATE POLLUTION CONTROL BOARD ODISHA & ORS****RESPONDENTS****INDEX**

SI NO	PARTICULARS	PAGE NO
1	Memorandum of Application	1-13
2	Copy of the CTE granted in favor of the Likha foods industries as <u>ANNEXURE-1.</u>	14-16
3	Copy of the CTO dated 05/08/2025 granted in favor of Private Respondent as <u>ANNEXURE-2.</u>	17-25
4	Copy of the RTI reply dated: 21.08.2025 of the Directorate of Factories and Boilers, Odisha as <u>ANNEXURE-3.</u>	26
5	Vakalatnama	27-28

PLACE: BHUBANESWAR**SANKAR PRASAD PANI** **ASHUTOSH PADHY** DATE: 20th NOVEMBER 2025

ADVOCATE

Bubaneswar, 751002, Cell-9437279278, Email: sankarprasadpani@gmail.com

SYNOPSIS

The Present application challenges the illegal grant of Consent To Establish and Operate by the State Pollution Control Board to the Private respondent for operating a cashew unit without having all the requisite clearance from the competent authority. The RTI response received from the Directorate of Factories and Boilers depicts that the Private Respondent has not registered his unit under the said directorate and No CTO could be granted to a non-registered unit

LIST OF DATES

23/10/2024	M/s Likha Food Industries obtained CTE from the State Pollution Control Board.
05/08/2025	M/s Likha Food Industries obtained CTO from the State Pollution Control Board.
21/08/2025	RTI response received from the Directorate of Factories and Boilers

BEFORE THE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA**

(Under Section 14, 15, 20 r/w. Section 18(1) & (2) of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION No: of 2025/ EZ

IN THE MATTER OF:

An Application (Under Section 18(1) read with Section 14(1), 15, 20 of the National Green Tribunal Act 2010)

IN THE MATTER OF:

Non-implementation and violation of the provisions of the Environment Protection Act, 1986 by the authorities of the State of Odisha

IN THE MATTER OF:

To declare the Consent to Operate CTO No: 1843/2025-26/ dated: 05.08.2025 of Likha food Industries situated at: Kahakapur under Tahasil/ District: Ganjam of Odisha with reference to the Online Application No: 6605196 granted by the SPCB , Odisha in favor of the Respondent No: 7 is illegal and violation of the rule of law.

IN THE MATTER OF:

Manas Panigrahy, S/o: Narayan Panigrahy, Aged about 28 years, Business by profession, residing at: Govinda Vihar 5th Lane, Lochapada,

PO: Berhampur-760001, PS: Nimakhandi, Dist: Ganjam, Odisha

...Applicant

-VERSUS-

1. State Pollution Control Board Odisha, Represented through it's **Member Secretary**, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit- 8, Bhubaneswar-751012, Odisha, Email: membersecretary@ospcboard.or
2. **State of Odisha**, Represented by its Principal Secretary to Government, Labour & ESI Department Government of Odisha, office at: Kharavela Nagar, Unit III, Bhubaneswar - 751001, Odisha, Email: dirdfb.od@gov.in
3. **Regional Officer**, Odisha State Pollution Control Board, Regional Office, 2nd floor, New Division Office, IDCO, Berhampur Division, Industrial Estate, Berhampur, Dist: Ganjam-760008, Odisha, Email: rospcb.berhampur@ospcboard.org
4. **The Collector-Cum-District Magistrate** Ganjam Collectrate, at/Po: Chatrapur, Pin- 761020, Dist: Ganjam, Odisha, E Mail: dm-ganjam@nic.in
5. **The Tahasildar**, Ganjam Tahasil office, At/Po/ Dist: Ganjam, Pin- 760004, Odisha. Email: tah.berh-od@nic.in

6. **The Director**, office of the Directorate of Factories and Boilers, Government of Odisha, Labour & ESI Department, office at: Kharavela Nagar, Unit III, Bhubaneswar -751001, Odisha, Email: dirdfb.od@gov.in

7. **Satyabrata Mahapatra**, aged about 40 years, S/O: Rajkishore Mahapatra, at: Kahakapur, PO: Palanga, PS/ Tahasil/ District: Ganjam, , Pin: 761019 ..**Respondents**

- I. The address of the Applicant is as given above for the service of notices of this application.
- II. The addresses of the respondents are as given above for the service of notices of this application.
- III. The above-named Applicant challenges the grant of CTE and CTO to the Private Respondent by violating the environmental norms and not following the Siting criteria.

MOST RESPECTFULLY SHEWETH

1. That the Applicant is a citizen of India and resides within the territorial jurisdiction of this Hon'ble Tribunal and Parties are amenable to the OA of this Hon'ble Tribunal. Cause of action also arises within the territorial jurisdiction of this Hon'ble Tribunal.
2. That the Applicant has knocked the door of this Hon'ble Tribunal with the prayer to get relief for the effective implementation of rule of Law .

3. That the Respondent No.7 is operating his Unit for production of Cashew Kernels in the name and style of **M/S: Likha Food Industries** situated at: Kahakapur under Tahasil/ District : Ganjam of Odisha in Plot No: 33, Khata No: 22/74 (Ac. 2.343 decimal) of total Project Cost of Rs: 2, 14,19,000/- (Two Crore fourteen lakhs Nineteen thousand rupees only). Copy of the CTE granted in favor of the Likha foods industries is annexed here unto as **ANNEXURE-1.**
4. That the Respondent No: 7 has obtained Consent To Operate (herein after referred as CTO) from the State Pollution Control Board (herein after referred as SPCB) on dated 05/08/2025 **for production of Cashew kernels with a capacity of 144 TPA**, by violating all the norms and conditions prescribed under the law. Copy of the CTO dated 05/08/2025 granted in favor of Private Respondent is annexed here unto as **ANNEXURE-2.**
5. It is not out of place to mention here that the Private respondent has obtained the Consent To Operate, **without obtaining the registration/ Permission under the Factories Act, 1948, Boilers Act, 1923, Indian Boiler Regulations, 1950 and State Rules framed thereunder relating to Safety, Health and Welfare of the industrial workers and safe operation of steam boilers and its components the project proponent has obtained CTO from the SPCB** which is highly illegal and not in accordance with law. The Directorate of Factories & Boilers, Odisha works under the administrative control of Labour & ESI Department, Govt. of Odisha. This

Directorate is entrusted with the responsibilities of enforcement of the aforementioned Acts for smooth running of the factories. For which the Applicant challenged here with the CTO of the project proponent. Copy of the RTI reply dated: 21.08.2025 of the Directorate of Factories and Boilers, Odisha is annexed here to as **ANNEXURE-3**.

6. That there is no official record available before the Statutory authority i.e. Directorate of Factories & Boilers, Odisha in respect of the operation and Registration of the Unit of the Project Proponent, how the SPCB considered the CTO application of the Project Proponent needs Judicial Scrutiny. In this Context the Applicant is relying information under the RTI Act, 2005 from the office of the Directorate of Factories & Boilers, Odisha and the Said office Public Information officer replied vide his letter No: 3442/ dated: **21.08.2025 that the alleged Unit of the Project Proponent is not a registered factory under the law**
7. That the SPCB granted CTO to the illegal Establishing industries by following the back door method. **The unit is operating without obtaining site clearance from the Revenue Department, Government of Odisha and accordingly Tahasildar, Ganjam Tahasil office and Collector, Ganjam is also remaining silent over the issues.** Surprisingly, the officials of the Directorate of Factories & Boilers, Odisha are also knowingly sitting over the matter and the SPCB is encouraging to the alleged unit for operation by violating the statutory provision of law.

8. It is not out of place to mention here that the **Unit in question exists in close proximity to the village and if the operation of the unit is not stopped then the villagers will suffer irreparable damage.** The Palanga high school and ME School is only 350M, Mentapada primary school is within 100M, Jatiakhola village is 750M, and Mentapada village is only 200M from the plant site
9. That the Project Proponent at first need to obtain the Site clearance from the Revenue Department and there after he could have obtained Permission from the Directorate of Factories & Boilers, Odisha which is mandatory under the law. But, in this Case without any statutory clearance the SPCB granted CTO to the Project proponent by violating all the norms and conditions prescribed under the law. It is evident from the facts that the SPCB officials without perusing the Statutory Permissions of the project Proponent has been granted CTO according to their will and pleasure. For which the CTO granted by the SPCB to the project proponent is illegal and not in accordance with law. The CTO granted by the SPCB is liable to quash for the interest of justice.
10. That the Operation of the Unit of the Project Proponent is illegal and violation of the rule of law. Due to this the SPCB has been granted CTO to the Project Proponent by violating the Provisions envisaged under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and

Control of Pollution) Act, 1981, The Environment Protection Act, 1986 and other Statutory provisions of law which has been envisaged under the law.

11. That the unit continues to emit black thick smoke suggesting the Air pollution Control measures are not in place and for efficacy of same is also not monitored.
12. That this Hon'ble Tribunal be pleased to issue order or direction under the Law to ensure for the proper and effective implementation of Environment protection Act, 1986 by the Respondents in the present Case.

LIMITATION

That the cause of action of this case has arose on 05.08.2025 when the Regional Officer of the State Pollution Control Board (SPCB) granted CTO to the alleged Unit of the Project Proponent, On 21.08.2025 the Public Information officer, Office of the Directorate of Factories and Boilers, Odisha replied under RTI Act, 2005 to the Applicant and stated there in the alleged Unit of the Project Proponent is not a registered factory under the Statutory provision of the law of the State Government and the cause of action of the Case is continuing. Hence the application is not barred by limitation.

GROUND

- A. That the Private Respondent has obtained CTO without obtaining the site clearance from the Revenue Department, Government of Odisha.
- B. The CTO is granted to the unit which is already set up and operating prior to grant of CTE and CTO and ideally the project should have been considered under violation category and not the fresh project.
- C. Prior to grant of CTO, the SPCB should have initiated prosecution for establishment and Operation of the unit without prior approval of SPCB.
- D. That the unit in question does not have license from the Directorate of factories and boilers.
- E. In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent [environmental degradation](#). The precautionary principle comes into play, which [shifts the 'burden of proof'](#) on the proponent of the activity to show that his activity does not pose a threat of severe harm to the environment. The Supreme Court of India (“SC”) adopted the ‘strong’ version of the principle as part of the ‘law of the land’ in the *Vellore Citizens Welfare Forum v. Union of India and*

Ors. (“Popularly known as *Vellore Case*” 1996 5 SCC 647, WP 914/1991 Judgement dated 28/08/1996)

- F. That Section 20 of the NGT Act, 2010 recognises the three core principles while passing any order, decision or award, and states that the Tribunal shall apply three core principles, including the ‘**principles of sustainable development, precautionary principle, and the polluter pays principle**’. The principles have the potential to play an important role in shaping the performance of industries/commercial enterprises and make them adopt environmentally responsible practices.

P R A Y E R

It is, therefore, humbly prayed that this Hon’ble Tribunal may graciously be pleased to call upon the Respondents to show cause as to why the prayers made here under shall not be allowed and after perusing the causes, if any, shown made the said rule absolute and further be pleased to direct the Respondents as prayed herein under:-

- A.** Direct the Member Secretary SPCB to consider the grievances raised in the present OA in a stipulated time.
- B. To declare** the Consent to Operate (CTO) obtained by the Respondent No: 7 and granted by the SPCB, Odisha is illegal, arbitrary and not in accordance with law.

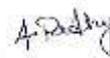
- C. Directing** the SPCB/ State authorities to close/ seal the alleged Unit of the Projected Proponent i.e. Respondent No: 7 For the ends of Justice.
- D. Directing** the SPCB to impose Environmental Compensation against the project Proponent for operating the industry without CTO
- E. Directing** the Member Secretary of SPCB to fix responsibility against the Regional officer of SPCB, Berhampur, Ganjam who has granted CTO to the unregistered factories (Respondent No: 7) according to his will and pleasure.

And upon causes shown, if any, or upon insufficient causes shown make the said Rule absolute and may pass any appropriate order/orders as deemed just and proper.

And for this act of kindness, the Applicant shall, as in duty bound, ever pray.

BY THE APPELLANT





THROUGH ADVOCATE

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

Appeal/ Application No. _____ of 2025

Manas Panigrahy Applicant

-VERSUS-

Odisha State Pollution Control Board and Others Respondents

AFFIDAVIT 20 NOV 2025

I, **Manas Panigrahy**, S/o: Narayan Panigrahy, Aged about 28 years, Business by profession, residing at : Govinda Vihar 5th Lane, Lochapada, PO: Berhampur-760001, PS: Nimakhandi, Dist: Ganjam, Odisha ,do hereby solemnly affirm and declare as under:

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

Manas Panigrahy
DEPONENT

VERIFICATION

Verified on this the 20 day of NOV 2025 at BBSR that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By

Advocate
0.10/11/23

Advocate

Manas Panigrahy
DEPONENT



The above named deponent(s) appear(s) before me and are personally identified by Sri. *Advocate*
Advocate, Bhubaneswar
appears before me on 20 NOV 2025
State
on oath the contents of the affidavit are true to the best of his/her/their knowledge and belief

Deponent(s) Notary, Bhubaneswar

Janmejaya Rautray
JANMEJAYA RAUTRAY
NOTARY GOVT. OF ODISHA
BHUBANESWAR
REG. NO. ON-86/2012
Mob No-7978581217



REGIONAL OFFICE
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
2nd Floor, New Division Office, IDCO, Berhampur Division,
Industrial Estate, Berhampur Dist- Ganjam - 760008, Odisha, India

By **SPEED POST**

No. 4196 /CTE- 2247 / 2024

Date 23/10/2024

OFFICE MEMORANDUM

In consideration of the online application no. **5931994** for obtaining Consent to Establish of **M/s. Likha Food Industries**, the State Pollution Control Board is pleased to convey its Consent to Establish under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 for following plant facilities and production capacity:

Cashew Kernels - 144 TPA

At- Kahakapur, P.O.- Palanga (Mouza- Kahakapur over Plot No. 33 under Khata No. 22/74, Area- Ac 2.343 dec. with **Total project cost of Rs. 2,14,19,000/-**, mentioned as per application form), Tahasil- Ganjam in the District of Ganjam with the following conditions:

GENERAL CONDITIONS:

1. This consent to establish is valid for the raw materials, product, manufacturing process and capacity mentioned in the application form. This order is valid for five years, which means the proponent shall commence construction of the project within a period of five years from the date of issue of this order. If the proponent fails to do substantial physical progress of the project within five years then a renewal of this consent to establish shall be sought by the proponent.
2. The industry shall comply to the provisions of Environmental Protection Act, 1986 and the rules made there under with their amendments from time to time such as the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 as amended from time to time, Hazardous Chemical Rules, / Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 etc. and amendments there under. The industry shall also comply to the provisions of Public Liability Insurance Act, 1991, if applicable.
3. The industry is to apply for grant of consent to operate under section 25/26 of Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981 at least 3 (three) months before the commercial production and obtain Consent to operate from this Board.
4. This consent to establish is subject to statutory and other clearances from Govt. of Odisha and /or Govt. of India, as and when applicable.

SPECIAL CONDITIONS:

A: GENERAL:

1. The unit shall abide by the provisions of E (P) Act 1986 and rules framed there under.

2. Land conversion document for industrial use shall be submitted to the Board.
3. This Consent order has been issued without prejudice to any legal dispute arises in future with respect to the ownership of the land and other land disputes.
4. In case of public complaint which is found genuine the facility shall be shifted to a suitable place and fresh consent to establish (NOC) shall be obtained.
5. The industry shall obtain necessary permission from the central Ground Water Authority for consumption of ground water for industrial use if applicable.
6. The unit shall take up plantation along its boundary and available vacant area inside the premises.
7. No further expansion/modernization shall be carried out by the unit without prior approval from the Board.
8. The unit shall pay differential fees if any as per the Odisha Gazette Notification dtd. 16.07.2012 of Forest and Environment Department, Government of Odisha.
9. The industry shall maintain ambient noise standards as prescribed in the Noise Pollution (regulation & Control) Rules, 2010 as amended thereof.
10. The Board may impose further conditions or modify the conditions stipulated in this order during installation and/or at the time of obtaining consent to operate and may revoke this clearance in case the stipulated conditions are not implemented and/or any information suppressed in the application form.
11. The good housekeeping practice shall be followed up to control fugitive dust emission.

B: WATER POLLUTION:

1. Domestic waste water shall be discharged to soak pit via septic tanks constructed as per BIS specifications.
2. Adequate capacity of impervious pit shall be provided for disposal of waste water to be generated from cookers, for solar evaporation. Otherwise, the industrial effluent generated shall be suitably treated so as to conform the following standards

	Effluent Standards		
	Limiting concentration in mg/l except pH		
	Land surface Water	Public sewer	Land for irrigation
pH	6.5 – 8.5	6.5 – 8.5	6.5 – 8.5
Oil & Grease	10	20	10
BOD 3 days 27o C	30	250	100
Suspended Solids	100	600	200
Phenols	1.0	5.0	-

3. There shall not be discharge of any wastewater to outside of the factory premises.

C: AIR POLLUTION:

1. The unit shall install suitable air pollution control system at the Boiler & Borma Oven heater so that Particulate Matter emission through the stacks attached to them shall not exceed 150 mg/Nm³. (corrected at 4% carbon dioxide).
2. The stack attached to the Boiler and Borma Oven Heater shall be raised as per the following norm $H = 14Q^{0.3}$ Where Q = emission of sulphur dioxide in Kg/hour, H = stack height from ground level in meter. Each stack shall be at least 2m above the top most point of the building, shed or plant in the industry. In no case the stack height shall be less than 15 m from ground level.

3. The height of the stack attached to the DG set shall be as per the following formula, $H = h + 0.2\sqrt{KVA}$, Where H = Height of the stack attached to the DG set in meters, h = Height of the DG room in meters, KVA = Capacity of DG set in KVA.
4. Ambient Air Quality shall be maintained inside the factory premises so as to conform the national ambient air quality standard prescribed under E (P) Rule.
5. The unit shall not use raw cashew nut outer shell as fuel for its boiler/hot chamber.
6. The industry shall install oil fired boilers and oil fired/electrically operated hot chamber in case of genuine public complaint.
7. Acoustic enclosure shall be provided to the DG room to reduce noise level.

D: SOLID WASTE, HAZARDOUS & PLASTICWASTE:

1. Solid wastes such as cashew nut shells & ash generated from the unit shall be properly disposed off without causing any environmental nuisance in its surrounding.
2. **The unit shall abide by the provisions of Plastic Waste Management Rules, 2016 and amended thereafter. The unit shall also abide by the notification published by Ministry of Environment, Forest & Climate Change vide no. G.S.R.571 (E) dated 12th August 2021 which prohibits manufacture, import, stocking, distribution, sale and use of identified single use plastic (SUP) items with effect from 1st July 2022.**

To

Shri Satyabrata Mahapatra, Proprietor
M/s. Likha Food Industries
At- Kahakapur, P.O.- Palanga, Tahasil- Ganjam
Dist. - Ganjam, 761028 (Odisha)


23/10/2024
REGIONAL OFFICER

STATE POLLUTION CONTROL BOARD, ODISHA
BERHAMPUR

Memo No. 4197⁽⁶⁾ / Date 23/10/2024 /

Copy forwarded to:

1. The Member Secretary SPC Board, Odisha, Bhubaneswar.
2. The Collector & District Magistrate, Ganjam, Chatrapur
3. The D.F.O., Berhampur
4. The Asst. Director, Factories & Boiler, Berhampur
5. The General Manager, District Industries Centre, Ganjam, Berhampur
6. Copy to Guard File.


Signature Not Verified

REGIONAL OFFICER, BERHAMPUR
STATE POLLUTION CONTROL BOARD, ODISHA
BERHAMPUR
Digitally Signed by : REGIONAL OFFICER, BERHAMPUR
Date: 2024.10.21 19:00:29 IST



REGIONAL OFFICE
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
2nd Floor, New Division Office, IDCO, Berhampur Division,
Industrial Estate, Berhampur, Dist. Ganjam-760 008, Odisha, India

CONSENT ORDER

No. 3973 /CTO- 2628/2025

Date 05/08/2025

CONSENT ORDER NO. 1843/2025-26

By Regd. Post

Sub: Consent for discharge of sewage and/or trade effluent under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and for existing/new operation of the plant under Section 21 of Air (Prevention & Control of Pollution) Act, 1981.

Ref:- Your consent application No. 6605196

Consent to operate is hereby granted under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention & Control of Pollution) Act, 1981 and rules framed there under to:

Name of the Industry : M/s. Likha Food Industries
At- Kahakapur, P.O.- Palanga
Tahasil- Ganjam, Dist.- Ganjam

Name of the Occupier & Designation: Shri Satyabrata Mahapatra, Proprietor

This consent order is valid for the period up to 31.03.2030

This consent order is valid for the products quantity, specified outlets, discharge quantity and quality, specified chimney/stack, emission quantity and quality of emissions as specified below. This consent is granted subject to the general and special conditions stipulated therein.

A. Details of Products Manufactured :

Sl. No.	Product	Quantity
1	Cashew Kernels	144 TPA

B. Discharge permitted through the following outlet subject to the standard :

Outlet no	Description of outlet	Point of discharge	Quantity of discharge KLD or KL/hr.	Prescribed standard in mg/l except pH				
				pH	TSS	BOD	Phenols	O&G
1	Cooking, Washing, etc.	Impervious pit for solar evaporation	0.01 KLD	6.5- 8.5	100	30	1.0	10
2	Domestic Waste Water	Soak pit Via Septic Tank	0.8 KLD	-	-	-	-	-

C. Emission permitted through the following stack subject to the prescribed standard :

Chimney Stack No	Description of Stack	Stack height (m)	Quantity of emission	Prescribed Standard in mg/Nm ³			
				PM	SO ₂	NO _x	H ₂ S
1	Stack Attached to the Boiler / Hot Chamber	15m from GL	-	150	-	-	-

D. Disposal of solid waste permitted in the following manner :

Sl No	Type of Solid Waste	Quantity generated (TPD)	Quantity to be reused on site (TPD)	Quantity to be reused off site (TPD)	Quantity disposed off (TPD)	Description of disposal site
1	Cashew nut outer shell	--	Nil	Nil	100%	Sale to oil Manufacturers
2	Ash, Rejects, etc	Variable	Nil	Nil	100%	Own land

E. GENERAL CONDITIONS:

- The consent is given by the Board in consideration of the particulars given in the application. Any change or alternation or deviation made in actual practice from the particulars furnished in the application will also be the ground liable for review/variation/revocation of the consent order under section 27 of the Act of Water (Prevention & Control of pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 and to make such variations as deemed fit for the purpose of the Acts.
- The industry would immediately submit revised application for consent to operate to this Board in the event of any change in the quantity and quality of raw material/and products/manufacturing process or quantity/quality of the effluent/ rate of emission/air pollution control equipment/system etc.
- The applicant shall not change or alter either the quality or quantity or the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.
- The application shall comply with and carry out the directives/orders issued by the Board in this consent order and at all subsequent times without any negligence on his part. In case of non-compliance of any order/directives issued at any time and/or violation of the terms and conditions of this consent order, the applicant shall be liable for legal action as per the provisions of the Law/Act.
- The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent order.
- The issuance of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State laws or regulation.
- The consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course.
- The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board
- An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
- The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment system/air pollution control system/stack monitoring system or any other particulars as may be pertinent for preventing and controlling pollution of Water/Air.
- Meters must be affixed at the entrance of the water supply connection so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act provided that the place where it is affixed shall in no case be at a point before which water has been tapped by the consumer for utilization for any purposes whatsoever.
- Separate meters with necessary pipe-line for assessing the quantity of water used for each of the purposes mentioned below.
 - Industrial cooling, spraying in mine pits or boiler feed.
 - Domestic purpose.
 - Process
- The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/bathing.

**CONSENT ORDER**

14. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
15. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
16. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by him to achieve with the terms(s) and conditions of the consent.
17. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed with sides and bottom made impervious.
18. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by over flow.
19. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
20. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the industry must adopt alternate satisfactory treatment and disposal measures.
21. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
22. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
23. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Act or Rules made therein.
24. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples/stack monitoring/inspection.
25. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
26. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
27. The liquid effluent arising out of the operation of the air pollution control equipment shall be treated in the manner and to the satisfaction of standards prescribed by the Board in accordance with the provisions of Water(Prevention and Control of Pollution) Act, 1974 (as amended).
28. The stack monitoring system employed by the applicant shall be opened for inspection to this Board at any time.
29. There shall not be any fugitive or episodal discharge from the premises.
30. In case of such episodal discharge/emissions the industry shall take immediate action to bring down the emission within the limits prescribed by the Board in conditions/stop the operation of the plant. Report of such accidental discharge/emission shall be brought to the notice of the Board within 24 hours of occurrence.
31. The applicant shall keep the premises of the industrial plant and air pollution control equipments clean and make all hoods, pipes, valves, stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all times.
32. Any upset condition in any of the plant/plants of the factory which is likely to result in increased effluent discharge/emission of air pollutants and/ or result in violation of the standards mentioned above shall be reported to the Headquarters and Regional Office of the Board by fax/speed post within 24 hours of its occurrence.
33. The industry has to ensure that minimum three varieties of trees are planted at the density of not less than 1000 trees per acre. The trees may be planted along boundaries of the industries or industrial premises. This plantation is stipulated over and above the bulk plantation of trees in that area.
34. The solid waste such as sweeping, wastage packages, empty containers, residues, sludge including that from air pollution control equipments collected within the premises of the industrial plants shall be disposed off scientifically to the satisfaction of the Board, so as no to cause fugitive emission, dust problem through leaching etc. of any kind.
35. All solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by :
 - i. Land fill in case of inert material, care being taken to ensure that the material does not give rise to leachate which may percolate into ground water or carried away with storm run-off.
 - ii. Controlled incineration, wherever possible in case of combustible organic material.
 - iii. Composting, in case of bio-degradable material.
36. Any toxic material shall be detoxicated if possible, otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The detoxication or sealing and burying shall be carried out in the presence of Board's authorized persons only. Letter of authorization shall be obtained for handling and disposal of hazardous wastes.

CONSENT ORDER

37. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard, vary all or any of such condition and thereupon the applicant shall be bound to comply with the conditions so varied.
38. The applicant, his/heirs/legal representative or assignees shall have no claim whatsoever to the condition or renewal of this consent after the expiry period of this consent.
39. The Board reserves the right to review, impose additional conditions or condition, revoke change or alter the terms and conditions of this consent.
40. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
41. The conditions imposed as above shall continue to be in force until revoked under Section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981.
42. In case the consent fee is revised upward during this period, the industry shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board the consent order will be revoked without prior notice.
43. The Board reserves the right to revoke/refuse consent to operate at any time during period for which consent is granted in case any violation is observed and to modify/stipulate additional conditions as deemed appropriate.

F. SPECIAL CONDITIONS:

A. GENERAL

1. The unit shall abide by E (P) Act, 1986 and Rules framed there under.
2. Land conversion document for industrial use shall be submitted to the Board
3. The Consent order has been issued without prejudice to any legal dispute arises in future with respect to the ownership of the land and other land disputes.
4. In case of public complaint which is found genuine the unit shall be shifted to a suitable place and fresh consent to establish (NOC) shall be obtained.
5. The industry shall obtain necessary permission from the central Ground Water Authority for consumption of ground water for industrial use as applicable and submit the same to this office within three months from the date of issue of this order.
6. The industry shall maintain ambient noise standards as prescribed in the Noise Pollution (regulation & Control) Rules, 2010 as amended thereof.
7. The Board may impose further condition or modify the conditions as stipulated in this order and may revoke this order in case the stipulated condition are not implemented and/or information is found to have been suppressed/wrongly furnished in the application form.
8. The Unit shall pay the differential fees if any as per the Odisha Gazette Notification dtd. 16.07.2012 of Forest and Environment & Climate Department, Government of Odisha.
9. No further expansion/modernization shall be carried out by the unit without prior approval from the Board.
10. Good housekeeping practice shall be followed to improve the work environment.
11. Plantation shall be taken up along its boundary and available vacant spaces in the factory premises.

B. WATER POLLUTION.

1. Domestic effluent shall be discharged to septic tank followed by soak pit constructed as per BIS specification.
2. In no case waste water of the plant shall be allowed to discharge outside the factory premises.
3. Adequate capacity of impervious Sun dry pit shall be provided for disposal of waste water to be generated from cookers for solar evaporation. Otherwise, the industrial effluent generated shall be suitably treated so as to conform the discharge standards as prescribed in Annexure-I of this order.



CONSENT ORDER

C. AIR POLLUTION

1. The unit shall install suitable air pollution control system at the boiler & Borma Oven heater so that Particulate Matter emission through the stacks attached to them shall not exceed 150 mg/Nm^3 (corrected at 4% carbon dioxide).
2. The stack attached to the boiler and Borma Oven Heater shall be raised as per the following norm $H = 14Q^{0.3}$ Where Q = emission of sulphur dioxide in Kg/hour, H = stack height from ground level in metre. Each stack shall be at least 2m above the top most point of the building, shed or plant in the industry. In no case the stack height shall be less than 15 m from ground level.
3. Ambient Air Quality shall be maintained inside the factory premises so as to conform the national ambient air quality standard prescribed under E (P) Rule.
4. Height of the stack attached to DG Set if any shall be $h+0.2 \sqrt{\text{KVA}}$ where h = roof height, where DG set shall be installed and KVA = Capacity of DG Set in KVA
5. The DG set if any shall be installed in an acoustically designed enclosure to control noise level as per the E (P) Rules.
6. The industry shall not use raw cashew nut outer shell as fuel for its boiler, hot chamber etc.

D. SOLID, HAZARDOUS & PLASTIC WASTE

1. Solid wastes generated from the unit, including Cashew nut outer shell and ash if any shall be properly disposed off without causing any environmental nuisance in its surrounding.
2. The unit shall abide by the provisions of Plastic Waste Management Rules, 2016 and amended thereafter. The unit shall also abide by the notification published by Ministry of Environment, Forest & Climate Change vide no. G.S.R.571 (E) dated 12th August 2021 which prohibits manufacture, import, stocking, distribution, sale and use of identified single use plastic (SUP) items with effect from 1st July 2022.

The occupier must comply with the conditions stipulated in section A, B, C, D, E and F to keep this consent order valid.

To

Shri Satyabrata Mahapatra, Proprietor
M/s. Likha Food Industries
At- Kahakapur, P.O.- Palanga, Tahasil- Ganjam
Dist- Ganjam, 761028, (Odisha)

REGIONAL OFFICER
STATE POLLUTION CONTROL BOARD, ODISHA
BERHAMPUR



CONSENT ORDER

Memo No. 3974 / Date 05/08/2025

Copy forwarded to:

1. The Member Secretary, State Pollution Control Board, Bhubaneswar
2. The Collector & District Magistrate, Ganjam, Chatrapur
3. The D.F.O., Berhampur
4. The Asst. Director, Factories & Boiler, Berhampur, Ganjam
5. The General Manager, District Industries Centre, Ganjam, Berhampur
6. Copy to Guard file.

Jishu
05/08/2025

REGIONAL OFFICER
STATE POLLUTION CONTROL BOARD, ODISHA
BERHAMPUR



CONSENT ORDER

ANNEXURE – I

EFFLUENT QUALITY STANDARDS

Sl.No.	Parameters	Standards			
		Inland surface	Public sewers	Land for irrigation	Marine Costal Areas
		(a)	(b)	(c)	(d)
1.	Colour & odour	Colourless/Odourless as far as practicable	-----	See 6 of Annex-1	See 6 of Annex-1
2.	Suspended Solids (mg/l)	100	600	200	For process wastewater – 100 b. For cooling water effluent 10% above total suspended matter of influent.
3.	Particular size of SS	Shall pass 850	-----	-----	
5.	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6.	Temperature	Shall not exceed 5 ^o C above the receiving water temperature	-----	-----	Shall not exceed 5 ^o C above the receiving water temperature
7.	Oil & Grease mg/l max.	10	20	10	20
8.	Total residual chlorine	1.0	----	-----	1.0
9.	Ammoniacal nitrogen (as N) mg/l max.	50	50	-----	50
10.	Total Kjeldahl nitrogen (as NH ₃) mg/1 max.	100	----	-----	100
11.	Free ammonia (as NH ₃) mg/1 max.	5.0	---	-----	5.0
12.	Biochemical Oxygen Demand (5 days at 20 ^o C) mg/1 max.	30	250	100	100
13.	Chemical Oxygen Demand, mg/1 max.	250	---	-----	250
14.	Arsenic (as As) mg/1 max.	0.2	0.2	0.2	0.2
15.	Mercury (as Hg) mg/1 max.	0.01	0.01	-----	0.001
16.	Lead (as Pb) mg/1 max.	01.	1.0	-----	2.0

CONSENT ORDER

17.	Cadmium (as Cd) mg/l max.	2.0	1.0	-----	2.0
18.	Hexavalent Chromium (as Cr + 6) mg/l max.	0.1	2.0	-----	1.0
19.	Total Chromium (as Cr) mg/l max.	2.0	2.0	-----	2.0
20.	Copper (as Cu) mg/l max.	3.0	3.0	-----	3.0
21.	Zinc (as Zn) mg/l max.	5.0	15	-----	15
22.	Selenium (as Sc) mg/l max.	0.05	0.05	-----	0.05
23.	Nickel (as Nil) mg/l max.	3.0	3.0	-----	5.0
24.	Cyanide (as CN) mg/l max.	0.2	2.0	0.2	0.02
25.	Fluoride (as F) mg/l max.	2.0	15	-----	15
26.	Dissolved Phosphates (as P) mg/l max.	5.0	-----	-----	-----
27.	Sulphide (as S) mg/l max.	2.0	-----	-----	5.0
28.	Phenolic compounds as (C ₆ H ₅ OH) mg/l max.	1.0	5.0	-----	5.0
29.	Radioactive materials a. Alpha emitter micro curie/ml. b. Beta emitter micro curie/ml.	10 ⁷ 10 ⁶	10 ⁷ 10 ⁶	10 ⁸ 10 ⁷	10 ⁷ 10 ⁶
30.	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
31.	Manganese (as Mn)	2 mg/l	2 mg/l	-----	2 mg/l
32.	Iron (Fe)	3 mg/l	3 mg/l	-----	3 mg/l
33.	Vanadium (as V)	0.2 mg/l	0.2 mg/l	-----	0.2 mg/l
34.	Nitrate Nitrogen	10 mg/l	-----	-----	20 mg/l

CONSENT ORDER

ANNEXURE - II

NATIONAL AMBIENT AIR QUALITY STANDARDS

Sl. No.	Pollutants	Time Weighed Average	Concentrate of Ambient Air		
			Industrial Residential, Rural and other Area	Ecologically Sensitive Area (notified by Central Government)	Methods of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1.	Sulphur Dioxide (SO ₂), µg/m ³	Annual * 24 Hours **	50 80	20 80	-Improved west and Gaeke - Ultraviolet fluorescence
2.	Nitrogen Dioxide (NO ₂), µg/m ³	Annual * 24 Hours **	40 80	30 80	- Modified Jacob &Hochheiser (Na-Arsenite) - Chemiluminescence
3.	Particulate Matter (size less than 10µm) or PM ₁₀ µg/m ³	Annual * 24 Hours **	60 100	60 100	-Gravimetric - TOEM - Beta Attenuation
4.	Particulate Matter (size less than 2.5µm) or PM _{2.5} µg/m ³	Annual * 24 Hours **	40 60	40 60	-Gravimetric - TOEM - Beta Attenuation
5.	Ozone (O ₃) µg/m ³	8 Hours ** 1 Hours **	100 180	100 180	- UV Photometric - Chemiluminescence - Chemical Method
6.	Lead (Pb) µg/m ³	Annual * 24 Hours **	0.50 1.0	0.50 1.0	-AAS/ICP method after sampling on EMP 2000 or equivalent filter paper. - ED-XRF using Teflon filter
7.	Carbon Monoxide (CO) mg/m ³	8 Hours ** 1 Hours **	02 04	02 04	- Non Dispersive Infra Red (NDIR) Spectroscopy
8.	Ammonia (NH ₃) µg/m ³	Annual* 24 Hours**	100 400	100 400	-Chemiluminescence - Indophenol Blue Method
9.	Benzene (C ₆ H ₆) µg/m ³	Annul *	05	05	-Gas Chromatography based continuous analyzer - Adsorption and Desorption followed by GC analysis
10.	Benzo (a) Pyrene (BaP)-Particulate phase only, ng/m ³	Annual*	01	01	-Solvent extraction followed by HPLC/GC analysis
11.	Arsenic (As), ng/m ³	Annual*	06	06	-AAS/ICP method after sampling on EPM 2000 or equivalent filter paper
12.	Nickel (Ni),ng/m ³	Annual*	20	20	-AAS/ICP method after sampling on EPM 2000 or equivalent filter paper

** Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

** 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be 98% of the time in a year, 2% of the time, they may exceed the limits but not on two consecutive days.

Signature Not Verified

Digitally Signed by : REGIONAL OFFICER, BERHAMPUR

Date: 2025.08.04 18:28:44 IST



Government of Odisha
DIRECTORATE OF FACTORIES AND BOILERS, ODISHA
KHARVEL NAGAR, UNIT-3, BHUBANESWAR-751001, PH: NO: 0674-2396070

To No.DOFB-RTI-CASE-0058-2025 3442 Date 21/8/2025
✓ Manisha Panigrahy
D/o-Narayan Panigrahy
At-Govinda Vihar 5th lane, Lochapada
P.O-Berhampur,
Dist-Ganjam
Pin-760001

Sub- Submission of Information under RTI Act-2005.

Ref- Your application dt 15.8.2022 received on dt 18.8.2025.

Sir,

With reference to the subject cited above, the information as called for under RTI Act-2005 Regarding M/s. Likha Food Industries situated at Kahakapur under Tahasil / District: Ganjam is not a Registered Factory in this Directorate for information.

Yours faithfully,

Public Information Officer

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

Appeal/ Application No. _____ of 2025

Manas Panigrahy Applicant

- V E R S U S -

Odisha State Pollution Control Board and Others Respondents

KNOW ALL to whom these present shall come that ~~We~~ ,

Manas Panigrahy, S/o - Narayan Panigrahy, aged about 28 years

At - Gopintha Vihar 5th Lane, Lochapada the above named APPLICANT/ APPELLANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :- **Sankar Prasad Pani, Advocate, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002**, To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 20th day of November 2025.

Accepted subject to the terms of fees.

Spari

Advocate

Client

✓ Marius Panigrahy

Client