

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION No. 37 OF 2026 / EZ)**

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Deba Prasad Sahoo.

...Appellant

VERSUS

Department of Water Resources  
Govt. of Odisha & Others

...Respondents

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By the Respondent No.3

Kolkata  
Date:

Through

*Papiya Banerjee Bihani*

**Smt. Papiya Banerjee Bihani,**  
Advocates for the Respondent No.3  
(State Pollution Control Board, Odisha)  
e-mail:pbanerjeebihani@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTER ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION No. 37 OF 2026 / EZ)**

Deba Prasad Sahoo. ...Appellant

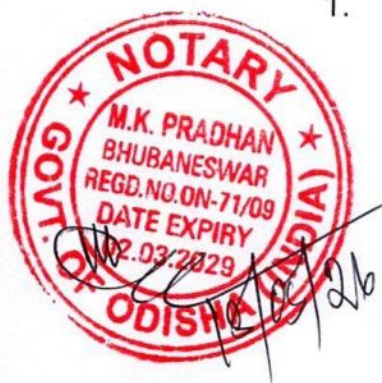
VERSUS

Department of Water Resources  
Govt. of Odisha & Others ...Respondents

**AFFIDAVIT ON BEHALF OF THE STATE  
POLLUTION CONTROL BOARD, ODISHA,  
R.NO.3.**

I, Dr. Manoj V. Nair, IFS, son of N. Vasudevan Nair aged around 52 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.3 Board and, as such, am well-acquainted with the facts and



circumstances with the case and competent to swear this affidavit.

2. That this OA has been filed seeking protection of the environment and public health from severe pollution of the Rengali Right Canal at Talcher, Odisha. The canal is a vital irrigation source under Brahmani River Basin catering to large agricultural areas across Angul, Dhenkanal, Jajpur and Cuttack districts. It is further alleged that due to persistent and indiscriminated dumping of municipal solid wastes, plastic, medical wastes and other pollutants, the canal water has turned black and become unfit for irrigation resulting in soil degradation, reduced crop yield, ground water contamination and serious public health risk. It is also stated in the OA that the pollution is primarily attributable to the failure of Talcher Municipality to implement the Solid Waste Management Rules, 2016. The Solid Waste Management Rules, 2016 has already been superseded by The Solid Waste Management Rules, 2026, which is in force w.e.f. 01.04.2026.

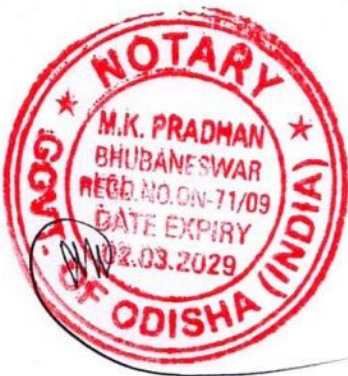


3. That at the outset, before submitting the parawise reply it is humbly submitted that another OA vide No.29/2026/EZ - Deba Prasad Sahoo vs. Executive Officer, Talcher Municipality & Others regarding implementation of the Solid Waste Management Rules, 2016. The same is also pending before this Hon'ble Tribunal. The Board has already filed response in that case through affidavit dtd.23.04.2026, which has also been taken note of by this Hon'ble Tribunal in their order dtd.27.04.2026.
4. That I have carefully gone through the averments made in the OA and the parawise reply are given below:
- a. That as regards the averments made in paras-1 to 5 of the OA, the R-3 Board has no comments to offer since these are matters of record.
- b. That as regards the averments made in para-6 of the OA, it is humbly submitted that
- (i) Rengali right canal originated from Samal Barrage near NTPC Kanhia, which is designed to carry water for extensive irrigation for Rabi



and Kharif crops in the districts of Angul, Dhenkanal, Jajpur, and Cuttack.

- (ii) As informed by the authorities of Talcher Municipality (R-8), the Rengali Right Canal passes through the ULB area covering a total of 12 wards, i.e., Ward No. 1 to 11 and 20.
- (iii) As per the current practices of R-8, door-to-door collection of solid waste is being carried out by ULB from the above-mentioned wards. The collected waste is subsequently segregated and finally disposed of at the Micro Composting Centre (MCC) and Material Recovery Facility (MRF), Ranipark & Baghuabal.
- (iv) However, substantial quantity of solid waste, along with Single use plastic was also found disposed in the canal as well as on the bank of canal. It is apprehended that solid waste management is not adequate.



- (v) There are two industries located close to the Right canal in Talcher. M/s. Talcher Thermal Power Station (TTPS) is in the construction stage and other plant namely M/s. Jalan Carbon Pvt. Ltd. which is approximately 390mt. from the canal is in operational condition. M/s. Jalan Carbon Pvt. Ltd. has installed 5 KLD capacity of Effluent Treatment Plant (ETP) for treatment of process wastewater and 30 KLD capacity of Surface Runoff Treatment System (SRTS). Treated water is being utilized for various activities inside the plant premises. No such effluent was found to be discharged into the Right Canal during the inspection.
- (vi) The Biomedical waste generated by the Health Care Units (Private & Govt.) operating in Talcher is being disposed of through Common Biomedical Waste Treatment Facility (CBWTF), namely M/s. Mediaid Marketing Services, At: Amsaranga, Dist.: Sundargarh, Odisha.



- c. That as regards the averments made in paras-7 to 11 of the OA, it is humbly submitted that the R-3 Board has no comments to offer.
- d. That as regards the averments made in para-12 of the OA, it is humbly submitted that the R-3 Board has taken the following steps:
- (i) The public notice vide letter no. 2634, dated 19.02.2022 has been issued to inform all Producers, Stockists, Retailers, Shopkeepers, e-commerce Companies, Street Vendors, Commercial Establishments (Malls/ Market Place/ Shopping Centres/Cinema Houses/ Tourist locations/Schools/Colleges/Office Complexes/ Hospitals & other Institutions) and general public to stop production, stocking, distribution, sale and usage of identified SUP items as per the timelines specified in the said MoEF & CC notification (Notification No. G.SR. 571(E) dated 12th August, 2021). A copy of public notice No.2634 dtd.19.02.2022 is



annexed to this affidavit and marked as ANNEXURE - R3/1.

- (ii) The public notice issued vide letter no. 2245, dated 15.02.2023 indicating therein that as per Rules 4(2) of Plastic Waste Management Rules, 2016 (as amended), carry bags made of virgin or recycled plastic shall not be less than one hundred and twenty (120) microns w.e.f 31.12.2022. There shall not be any manufacture/ import/ stock/ distribution/ sale/ use of single use plastic (SUP) products including polystyrene and expanded polystyrene commodity w.e.f. 01.07.2022 as per the Rules. There shall also be no sale of banned SUP biodegradable (without CPCB Certificate) and biodegradable plastic in violation of the Rules. A copy of the Public Notice No.2245 dtd.15.02.2023 is annexed to this affidavit and marked as ANNEXURE - R3/2.



- (iii) A notice has been issued vide No. 5063, dated 04/04/2024 to all Plastic Waste Producer (P), Importer (I), Brand Owners (BO), Plastic Waste Processor engaged in Recycling, Co-processing, Waste to Energy, Waste to Oil & Industrial Composting to obtain registration from CPCB / SPCB, Odisha (as applicable) in accordance with Plastic Wastes Management Rules, 2016. A copy of the Notice No.5063 dtd.04.04.2024 is annexed to this affidavit and marked as **ANNEXURE - R3/3**.
- (iv) The Regional Office of the R-3 Board at Angul, along with the R-8 is periodically enforcing the ban on single-use plastic.
- e. That as regards the averments made in para-13 of the OA, it is humbly submitted that
- (i) The R-3 Board has installed and operating one (01) Continuous Ambient Air Quality Monitoring Stations (CAAQMS) at Dera Chowk, Talcher to monitor various air parameters such as PM<sub>10</sub>,



PM<sub>2.5</sub>, Ozone, CO, SO<sub>2</sub>, NO<sub>x</sub>, NH<sub>3</sub>, Benzene and Toluene at Talcher area. The measuring data is being constantly transmitting to the server of the SPCB, Odisha and CPCB, New Delhi. Thus, CPCB, display the 24 hours average AQI data in CPCB portal in public domain.

- (ii) Air Quality Index (AQI) of the Talcher city during February 2026 to April ranges from 51 to 261 which was in the range of Good to poor.
- (iii) It was learnt from the R-8 authority that, daily public announcements are being carried out to make the public aware regarding the proper disposal of solid waste, the ban on single-use plastics, and the prohibition/health hazards of open burning.

- f. That as regards the averments made in para-14 of the OA, it is humbly submitted that the R-3 Board has no comments to offer.



5. That all the allegations, averments contentions and / or statement as contained in the I.A. which may not have been specifically denied or traversed herein but are in essence, contrary to the substance of this affidavit should not be deemed to be admitted by reason of mere non-traverse, but should be treated as expressly denied and the applicant should be put to strict proof in respect thereof.
6. That the Respondent No.3 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.
7. That the annexures annexed to the present affidavit are true and correct copies of their originals.
8. 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

X  
MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD. NO. ON-71/09  
PH-9437627119 (01)

**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 18<sup>th</sup> May, 2026.

**SWORN BEFORE ME**

*M.K.P.*

**DEPONENT**

*Member Secretary*  
State Pollution Control Board  
Odisha, Bhubaneswar



MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD. NO. ON-71/09  
PH-9437627119 (01)

*18/05/26*



EPABX : 2561909/2562847

Tel : 2562822/2560955

E-mail: paribesh1@ospcboard.org

Website: www.ospcboard.org

**STATE POLLUTION CONTROL BOARD, ODISHA**

[FOREST, ENVIRONMENT AND CLIMATE CHANGE DEPARTMENT, GOVERNMENT OF ODISHA]

Paribesh Bhawan, A/118, Nilakantha Nagar, Unit – VIII

Bhubaneswar – 751 012, INDIA

No. 2634 /

IND-IV-PCP-PWM-53

Date: 19.02.2022**PUBLIC NOTICE****Notice for Prohibiting Production, Stocking, Distribution, Sale & Use of Single Use Plastic (SUP) Items**

The State Govt. in the Forest, Environment and Climate Change, in exercise of powers conferred u/s-05 of the Environment (Protection) Act, 1986, vide their order No.21103 dtd.29.09.2018 and No.18441 dtd.30.09.2019 have issued certain direction prohibiting use of single use disposable cutleries made up of thermocol (polystyrene), polyurethane and the like; or plastic such as dish, spoon, cup, plant, glass, form, bowl, pouch to store liquid and container etc. of any size and shape excepting for packing and selling of milk and other ancillary milk products; and Thermocol decorative materials (flowers and the like) within all municipal corporation and municipality limits of the State.

In addition to the above, and as per direction of the CPCB in their letter dtd.01.02.2022, this notice is issued appraising the stake holders to comply with the provisions of the notification dtd.12.08.2021, in the following manner:

Ministry of Environment, Forest & Climate Change has issued notification No G.S.R. 571(E) dated 12<sup>th</sup> August, 2021 vide which manufacture, import, stocking, distribution, sale and use of identified single use plastic (SUP) items shall be prohibited with effect from the July 01, 2022.

As per Rule 4(2) of PWM Rules, 2016 (as amended), "*The manufacture, import, stocking, distribution, sale and use of following single use plastic (SUP), including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1<sup>st</sup> July, 2022:*

- a) *Ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration;*
- b) *Plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 micron, stirrers;*

As per Rules 4(1)(c) of PWM Rules, 2016 (as amended) "Carry bag made of virgin or recycled plastic, shall not be less seventy five microns in thickness with effect from the 30th September, 2021 and one hundred and twenty (120) microns in thickness with effect from 31st December, 2022.

This Notice is being issued to inform all Producers, Stockists, Retailers, Shopkeepers, e-commerce Companies, Street Vendors, Commercial Establishments (Malls/ Market place/ Shopping Centres/ Cinema Houses/ Tourist locations/ Schools/ Colleges/ Office Complexes / Hospitals & other Institutions) and general public to stop production, stocking, distribution, sale and usage of identified SUP items as per the timelines specified in the said MoEF&CC Notification. Further,


necessary action is to be taken by the concerned entities to ensure zero inventory of the aforementioned SUP items by June 30, 2022.

Action, as deemed fit under Environmental Protection Act, 1986 including seizure of goods, levying of Environmental Compensation, closure of operations of Industries/ Commercial Establishments, shall be taken against the violators of the said Notification.

  
MEMBER SECRETARY


Memo No. 2635 / Dt. 19.02.2022 /

Copy forwarded to the Member Secretary, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex East, Arjun Nagar, Delhi - 110 032 for kind information.

  
MEMBER SECRETARY

Memo No. 2636 / Dt. 19.02.2022 /

Copy forwarded to the Director (Env)-cum-Special Secretary to Govt. Dept. of Forest, Env. & Climate Change, Govt. of Odisha for kind information.

  
MEMBER SECRETARY

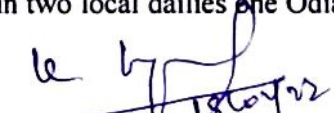
Memo No. 2637 / Dt. 19.02.2022 /

Copy forwarded to the All Regional Officers/CEE/ACEE/SEE/SES/SLO (I-II)/Central Laboratory, Patia, Bhubaneswar for information and necessary action.

  
MEMBER SECRETARY

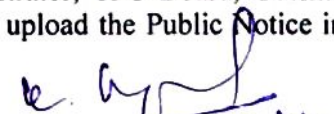
Memo No. 2638 / Dt. 19.02.2022 /

Copy forwarded to the Administrative Officer, SPC Board, Odisha, Bhubaneswar for information and necessary action. He is requested to publish the Notice in two local dailies one Odia and one English for wide circulation.

  
MEMBER SECRETARY

Memo No. 2639 / Dt. 19.02.2022 /

Copy forwarded to the Sr. Env. Engineer-cum-system Administrator, SPC Board, Odisha, Bhubaneswar for information and necessary action. She is requested to upload the Public Notice in the Website of the Board.

  
MEMBER SECRETARY



ANNEXURE-R3/2

Tel : 0674-2564033  
E-mail: paribesh1@ospboard.org  
Website: www.ospboard.org

## STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]  
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII  
Bhubaneswar - 751012

No. 22451 IND/IV/PCP (PWM)168/2023

Date: 15.2.2023

### PUBLIC NOTICE

Ministry of Environment, Forest & Climate Change, Govt. of India has issued Plastic Waste Management (Second Amendment) Rules, 2022 vide notification no. G.S.R. 522(E) dated 06.07.2022.


As per Rules 4 (2) of Plastic Waste Management Rules, 2016 (as amended), carry bags made of virgin or recycled plastic shall not be less than one hundred and twenty (120) microns w.e.f. 31.12.2022. There shall not be any manufacture/ import/ stock/ distribution/ sale/ use of single use plastic (SUP) products including polystyrene and expanded polystyrene commodity w.e.f. 01.07.2022 as per the Rules. There shall also be no sale of banned SUP biodegradable (without CPCB Certificate) and biodegradable plastic in violation of the Rules.

Action as deemed fit under Environment (Protection) Act, 1986 including seizure of goods, levying of Environmental Compensation and closure of operation of Industries/Commercial Establishments shall be taken against the violation of the above said Rules/notification.

  
Member Secretary

Memo No. 2246 / Date 15.2.2023

Copy forward to the Chairman/Member Secretary, Central Pollution Control Board, New Delhi for kind information.

  
Member Secretary

Memo No. 2247 / Date 15.2.2023

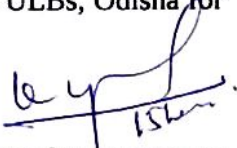
Copy forwarded to the Principal Secretary, H & UD Deptt., Govt., of Odisha/ Principal Secretary, MSME Department/Special Secretary, Home Department/Secretary, State Transport Authority, Govt, of Odisha for favour of information and necessary action.

  
Member Secretary  
Contd...



**Memo No.** 2248 / **Date** 15.2.2023

Copy forwarded to the All Collectors and District Magistrates / All ULBs, Odisha for information and necessary action.

  
15/2/23  
**Member Secretary**

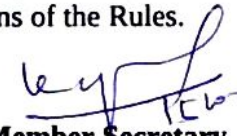
**Memo No.** 2249 / **Date** 15.2.2023

Copy forwarded to all Superintendent of Police, Odisha for information and necessary action.

  
15/2/23  
**Member Secretary**

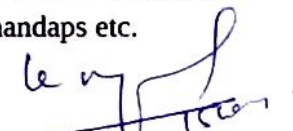
**Memo No.** 2250 / **Date** 15.2.2023

Copy forwarded to the Director, Environment-cum-Special Secretary Forest & Environment Department/ Director, Municipal Administration, H & UD Department / Director, Panchayatiraj Department/Director, Tourism Department, Govt. of Odisha, Bhubaneswar for favour of information and necessary action with a request to sensitize respective stakeholders under their jurisdiction to comply with the provisions of the Rules.

  
15/2/23  
**Member Secretary**

**Memo No.** 2251 / **Date** 15.2.2023

Copy forwarded to the Administrative Officer, SPC Board, Odisha Bhubaneswar for information and necessary action. He is requested to publish the Notice in two local dailies (one Odia and one English). He is also requested to advertise the same through electronics media like leading Odia TV Channels and F.M radios for public awareness. Sufficient numbers of letters may be distributed in shopping malls, hotels, marriage mandaps etc.

  
15/2/23  
**Member Secretary**

**Memo No.** 2252 / **Date** 15.2.2023

Copy forwarded to the all Branch Heads/all Regional Officers/State Pollution Control Board, Odisha. They are requested to stipulate an additional condition in consent/ authorization order for the units under Consent/Authorization administration on prohibiting the use banned Single Used Plastics products in their respective premises / Sr. Law Officer (L-II) for information and necessary action.

  
15/2/23  
**Member Secretary**

## ANNEXURE-R3/3



Tel : 2564033/2563924  
 EPABX : 2561909/2562847  
 E-mail: paribesh1@ospcbboard.org  
 Web site : www.ospcbboard.org

**STATE POLLUTION CONTROL BOARD, ODISHA**  
 (Forest, Environment & Climate Change Department, Govt. of Odisha)  
**Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII**  
**Bhubaneswar – 751012**

No. 5063 /

IND-IV-PCP-PWM (Part-II)

Date 04/04/2024

By Speed Post / By E-mail

**NOTICE**

**Kind Attention - Plastic Waste Producer (P), Importer (I), Brand Owners (BO), Plastic Waste Processor engaged in Recycling, Co-processing, Waste to Energy, Waste to Oil & Industrial Composting.**

This is brought to the notice of all concerned that Ministry of Environment Forest & Climate Change, Govt. of India has notified the Plastic Waste Management Rules, 2016 under section 3, 6 & 25 of Environmental Protection Act, 1986 vide notification no.GSR320-(E), dtd.18.03.2016 and guideline for Extended Producer Responsibility for Plastic packaging were notified by MoEF & CC on February 16, 2022 as schedule-II of Plastic Waste Management Rules, 2016.

As per section 6.1 (a) of the EPR Guidelines, the following entities shall register on the Centralized portal developed by Central Pollution Control Board namely (i) Producer(P), (ii) Importer(I), (iii) Brand Owner (BO), (iv) Plastic Waste Processor engaged in (a) recycling, (b) co- processing (c) waste to energy, (d) waste to oil, and (e) industrial composting.

As per section 6.2 of the above guidelines the entities covered under clause 6.1 shall not carry any business without registration obtained through online Centralized Portal developed by Central Pollution Control Board.

As per section 10.1 of the said guidelines the Producers, Importers & Brand Owners (PIBOs) shall have to register through Online Centralized Portal developed by CPCB. The Certificate of Registration shall be issued through the portal.

The PIBOs will obtain Registration from CPCB if operated in more than two states and from the SPCB, Odisha if operated in one or two states.

Under section 10.6 of the above guidelines, the Producers, Importers & Brand Owners shall file the annual returns on the plastic packaging waste collected & processed towards fulfilling obligations under EPR with CPCB or State Pollution Control Board, Odisha as per the pro forma prescribed by CPCB by 30<sup>th</sup> June of the next financial year. Information on the reuse and/or recycled content used for packaging purposes will also be provided. The details of the registered recyclers from whom the recycled plastic has been procured will also be provided.

As per section 11.1 of the EPR guidelines, all plastic waste processors shall have to register with State Pollution Control Board, Odisha in accordance with provisions of 13 (3) of PWM Rules, 2016 on the centralized portal developed by CPCB. Central Pollution Control Board shall lay down uniform procedure for registration within three months of publication of these guidelines.

Contd....



//2//

And as per section 11.2 of EPR Guidelines all Plastic waste processors submit the annual returns after end of every financial year by 30<sup>th</sup> April of the next financial year on the quantity of plastic waste processed category-wise as per prescribed pro forma on the centralized portal developed by CPCB.

This notice is being issued to all PIBOs & PWP's to obtain registration from CPCB/SPCB, Odisha (as applicable) in accordance with provision of PWM Rules, 2016. Those who have not yet applied for registration are required to submit application on EPR portal of CPCB with immediate effects, otherwise the action as deem fit will be initiated against the defaulters.



MEMBER SECRETARY

Memo No. 5064 / Dt. 04/04/2024 /

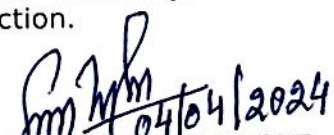
Copy forwarded to all the Collector & District Magistrate, for information and necessary action.



CHIEF ENV. SCIENTIST

Memo No. 5065 / Dt. 04/04/2024 /

Copy forwarded to the Director, Environment-cum-Special Secretary, FE&CC Department, Govt. of Odisha for kind information and necessary action.



CHIEF ENV. SCIENTIST

Memo No. 5066 / Dt. 04/04/2024 /

Copy along with the enclosure forwarded to the Director, Directorate of Industries, Killa Maidan, Buxi Bazar, Cuttack -753001, Odisha for kind information and necessary action.



CHIEF ENV. SCIENTIST

Memo No. 5067 / Dt. 04/04/2024 /

Copy along with the enclosure forwarded to all the Branch officers / All Regional officers, State Pollution Control Board, Odisha for information and necessary action.



CHIEF ENV. SCIENTIST

Memo No. 5068 / Dt. 04/04/2024 /

Copy forwarded to the Senior Administrative Officer, State Pollution Control Board, Odisha with a request to publish the above notice in English & Odia (One English & Two Odia dailies as per circulation) dailies on or before 05.04.2024.



CHIEF ENV. SCIENTIST

Memo No. 5069 / Dt. 04/04/2024 /

Copy forwarded to the System Administrator, State Pollution Control Board, Odisha for information and necessary action. She is requested to put the notice in the website of the Board immediately



CHIEF ENV. SCIENTIST