

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. **134** OF 2026

IN THE MATTER OF

RAJ KISHORE SWAIN

...Applicants

Versus

State of Odisha and Others

Respondents

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PLACE: Bhubaneswar

DATE: 12/05/2026

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SYNOPSIS

The present application challenges the setting up and operation of a Micro-Composting Centre(MCC) with in **Kapilprasad Housing Board Colony of Bhubaneswar Municipal Corporation** in contrary to the sitting criteria and Minimum Buffer Zone prescribed for Solid Waste Management Processing Facilities.**The nuisance and health hazard due to the continuing operation of the Micro-compost Centre in adjoining to the residential houses without any buffer zone has made the lives of residents particularly senior citizen unbearable. The odour, noise and Air pollution have made life of residents miserable.** Though the Micro compost centre is having a processing capacity of more than 10Metric Tons per Day, **but same was installed and operating without any Authorisation from SPCB in the garb of MCC with less than 5TPD exempted from Consent Regime of the SPCB.** The land where it is setup use to be the exhaust point for rainwater and thereby saving the area from inundation. The site was also **reserved for heritage zone in the City Plan thereby a waste management facility could not have been set up.** Further such suitable site selected need to be notified and to the knowledge of the applicants no such notification is made and for that due process of public notice has not been followed such as (A) Criteria for site selection.- (i) The department in the business allocation of land assignment shall provide suitable site for setting up of the solid waste processing and treatment facilities and notify such sites. (vii) **A buffer zone of no development shall be maintained around solid waste processing and disposal facility, exceeding five Tonnes per day of installed capacity.** The buffer zone shall be prescribed on case to case basis by the local body in consultation with concerned State Pollution Control Board.

## BEFORE THE NATIONAL GREEN TRIBUNAL

## EASTERN ZONE BENCH, KOLAKATA

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

Original Application No \_\_\_\_\_/2026

IN THE MATTER OF:

**1. RAJ KISHORE SWAIN, S/O LATE BAURIBANDHU SWAIN, AGED ABOUT 71 YEARS, RESIDENTS OF AT/PO HIG 1/14, BDA COLONY, KAPILAPRASAD, BHUBANESWAR, ..... APPLICANT**

## VERSUS

1. State of Odisha Through the Secretary, Housing and Urban Development Department, Government of Odisha, 3<sup>rd</sup> Floor, Kharvel Bhavan, West Wing, Room No.- 302, Bhubaneswar - 751001, Email: [hudsec.or@nic.in](mailto:hudsec.or@nic.in)
2. Commissioner, Bhubaneswar Municipal Corporation, COMC Tower, Unit-IX, In front of Satya Nagar Kali Temple on Janpath, Bhubaneswar- 751022, Odisha, [info@bmc.gov.in](mailto:info@bmc.gov.in)
3. Secretary, Forest and Environment Department, Government of Odisha, Secretariat Building, Bhubaneswar, 751001, Dist-khurdha, Odisha email-[forestandenv1@gmail.com](mailto:forestandenv1@gmail.com)
4. Secretary, Revenue and Dissaster Management Department Government of Odisha, Secretariat Building, Bhubaneswar, 751001, Dist-khurdha, Odisha [revsec@ori.nic.in](mailto:revsec@ori.nic.in)
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7. Member Secretary, Odisha State Pollution Control Board, A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha, Email: [paribesh1@ospcboard.org](mailto:paribesh1@ospcboard.org)
8. Principal Secretary to Government of Odisha, General Administration and P.G Department, Secretariat Building, Bhubaneswar, 751001, Dist-khurdha, Odisha Email: [gadmin.or@nic.in](mailto:gadmin.or@nic.in)
9. Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi - 110032 Email: [mccb.cpcb@nic.in](mailto:mccb.cpcb@nic.in)
10. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, A/3, Chandrasekharpur, Bhubaneswar – 751023, Email: [roez.bsr-mef@nic.in](mailto:roez.bsr-mef@nic.in)
11. Vice-Chairman, Bhubaneswar Development Authority, At/Po-Akash Shova Building, Sachivalaya Marg, Bhubaneswar, Odisha 751001, Email: [bdabbsr1983@gmail.com](mailto:bdabbsr1983@gmail.com)

#### ...RESPONDENTS

- I. The addresses of the Applicants are given above for the service of notices of this Application.
- II. The addresses of the Respondents are given above for the service of notices of this Application. **As per Rule 37 of Solid Waste Management Rules 2026, the District Magistrate or the Deputy Commissioner of the concerned district shall have the overall responsibility for the enforcement of the provisions** of these rules within the territorial limits of their jurisdiction, hence the District Collector, Respondent No 5 has larger role in ensuring the full implementation of the. Solid Waste Management Rules 2026. Respondent No 2 is the Municipal Corporation directly responsible for implementation of Municipal Solid Waste Management

Rule 2026 under Rule 39, while the Respondent No 1, Secretary, **Urban Development Department is the department that looks after the municipal and urban affairs at the state level under Rule 35.** Similarly Respondent No 6 looks after the law and order situation with in the district and the Respondent No 7, **Odisha State Pollution Control Board** is the authority to monitor the compliance of Municipal Solid Waste Management under Rule 41 at the state level.

III. The Present Application Challenges the siting/setting up of micro-compost center in densely populated residential areas there by possibility of causing epidemic situation and posing threat to public health and tranquility. It further challenges the illegal, indiscriminate and unscientific dumping and management of Municipal Solid Waste by the Bhubaneswar Municipal Corporation in blatant violation of Solid Waste Management Rules 2026.

**IT IS MOST RESPECTFULLY SHOWETH:**

1. The Applicant above-named present this Application against the Operation of Micro Compost Centre in a residential area of **Kapilprasad Housing Board Colony** with in Bhubaneswar Municipal Corporation in violation of the Siting Criteria prescribed in Solid Waste Management Rules 2026 and Without Authorisation to Establish and Authorisation to Operate from the State Pollution Control Board. That the applicant and other residents of the Colony have approached the Bhubaneswar Municipal Corporation regarding the pollution many times before , however as *there was no improvement of any kind and the intensity of odour and other micro-pollutants and noise pollution is still posing a threat, the Applicants are approaching the Hon'ble Tribunal for speedy remedy to their problems and for the people living around.*
2. The google earth image and photographs of the site clearly indicates **there is practically zero distance between the Kapilprasad Micro Compost**

**Centre ( Lingaraj ROB in the joint committee report) and the Residential Houses.** The boundary wall of the MCC is sharing with the Residential houses. As such within 200metres a huge densely populated residential area exists which is vulnerable to the hazzards and nuisance of the MCC. The image also shows there are two MCC units at the same site. Copy of Google Earth Images of site is Annexed here with as **ANNEXURE-1**

3. That in the year **1989-90, Bhubaneswar Development Authority (BDA) developed a Housing Colony known as Kapilprasad Housing Colony** and sold the houses to persons of Higher Income Group, hence the name **Kapilprasad HIG colony** and the applicants are the resident of the said colony so also the Micro-compost Centre has been setup within the residential colony.
4. That the Residents started living in the Colony since 1994 onwards. On the Western Front of the Colony there was a **“Gochar” Land** which was a low-lying fallow land with a large pit, an abandoned illegal quarry. The land belongs to Government of Odisha under the Department of General Administration (GA). The plot No is 1316, Khata No 1214, Kisam- Gochar, Ward No 67 Bhubaneswar Municipal Corporation. During heavy rain, the rain water from the entire locality used to find its way to this pit, **thus preventing inundation of streets and residential units.** As such **there has been no DE-reservation of Gochar land for the present purpose of construction of the MCC** and the same is in violation of Odisha Govt land Settlement Act 1962 and Rule 1983.
5. That In the year 2020, residents of the area observed construction activities on this location and on enquiry came to know from the construction workers and ward supervisor that a municipality garbage disposal Centre would come up at the place. Apprehending foul smell and health related issues; they approached, jointly (through the resident’s association, through the senior

citizens' forum) and severally to various Government authorities against the construction, as it is touching the residential accommodations of the Colony. However, there was no response of any kind from the Authorities concerned. Copies of the representations submitted are annexed here with as **ANNEXURE-2**

6. That in mid-2020 operation of the Micro Composting Centre started. The foul smell from the Unit became unbearable. Due to the **South Western Wind blowing through the processing Centre**. A series of letters and appeals made by the affected residents were ignored by the Authorities concerned. The grievance remain unaddressed for all these years. Disgruntled residents aired their agony before the Electronic and print media, which were telecast by major TV channels. Waste water i.e from the floor washing is discharged to the municipal drain through concreted drainage of the MCC without any treatment. The foul smell from the MCC unit to the nearby residential area is severe and unbearable. Since proper management of the solid waste is not done the spreading of insects activity is also rampant.
7. It is further submitted that the Bhubaneswar Municipal Corporation has constructed two numbers of Micro Composting Centres each having capacity of 5 TPD which together became 10 TPD along with Material Recovery Facility (MRF) in the same campus,. That the Bhubaneswar Municipal Corporation has constructed two complexes in the same site and on record shown as two different MCC, so as to get advantage of the exemption from taking any kind of permission from the State Pollution Control Board. It is further submitted that the MCC in question are established here in Colony, is in utter violation of the Solid Waste Management Rules 2026. Apart from this around 50 Trucks engaged in transportation of waste to the MCC are plying daily in the area causing severe noise and dust pollution to the local residents.

8. In the instant case, as the MCC is located **within Zero distance from the Residential Colony**, mainly of Senior Citizens. They inhale polluted air, foul odour emanating from the MCC during segregation, and composting processes of the bio-degradable Municipality waste. The following excerpt from the Annual Report, 2004-2005 of Central Pollution Control Board, February, 2006 is of utmost importance, considering the menace of COVID related ailments affecting the Senior citizens with co-morbidity.
9. That the BMC totally overlooked the scientific aspects, environmental factors and humanitarian aspects of inhabitants. The major issues residents are facing are broadly mentioned as follows

**Air Pollution:** That conversion of domestic and commercial biodegradable waste is a long process involving a period of more than a month which is being carried in these MCC plants. Composting technology for treating wet waste material after segregation of solid waste is associated with production of greenhouse gases (methane and nitrous oxide) and odour emissions (ammonia, hydrogen sulphide, etc.) which are practically unavoidable. This has created severe Air Pollution for the human beings residing in this residential colony and its surroundings which is simply intolerable. During winter months and rainy season as well as in summer months after a shower of rain foul smell spread becomes intolerable. That the Applicants and other residents of the locality are unable to keep open their windows and doors to get any fresh air. Most of the time, residents are bound to be confined inside the house using AC. In other words the Rights of human beings to breathe fresh air is restricted/ denied by BMC.

**Noise Pollution:** It is worth mentioning that there is no dedicated road constructed by BMC for transport of material to the MCC plant complex. Due to lack of any buffer space and use of residential road, the huge fleet vehicles

used to collect urban wastes move out through the gate in early morning blowing horns, making loud sounds both during testing of the vehicle mounted speakers or for without any reason for the amusement of the drivers, shouting of workers creating noise pollution which is highly unbearable and irritating in early morning. Even at dead part of the night waste material transporting vehicles rush towards the MCC gate blowing loud horns disturbing sleep, which is very severe in winter months.

**Health Hazards to local residents:** It is well known that leachates and gas that generate during every stage of processing of domestic-commercial wastes is a microbial decomposition process. The decomposition will have to have generation of toxic gases. The risks to the public health due to the potential exposure to pathogenic agents, toxic substances, and gases, together with the annoyances derived from the bad odours, the migration of gases and leachates outside the limits of the MCC, and their release to the surrounding environment, raise a number of important environmental questions

**Social Impact:** Besides health hazards, social impact is manifold. Due to foul smell **no friend, relative nor any well-wishers feel comfortable to visit the residents.** Applicants and other residents of the locality unable to hold any social or religious function in our houses because of the foul smell. This causes social isolation causing depression to ladies and senior citizens.

#### **10. Violation of City Development Plan guidelines.**

In the instant case, the Government Authorities, concerned have constructed and operationalised the MCC in an area demarcated as a part of **Special Residential Heritage Zone**. As per the Gazette Notification of the Government Of Odisha, the place is ideal for a heritage park or similar activities. Any other way of utilisation of the area is exclusively prohibited.

11. It is most humbly submitted that on dated 22/10/2013 government of Odisha issued one gazette notification wherein the Bhubaneswar Development Authority (Planning and Building standard) Ammendment Regulations 2013 is published. That in the said notification in Table-2, Heavy, large and extensive industries, noxious, obnoxious and hazardous industries are completely prohibited under the Residential use zone, however in the present case by violating the above mentioned rule the BMC has constructed the MCC and operating the same. Copy of the notification dated 22/10/2013 is annexed here unto as **ANNEXURE-3**.

12. ***MCC being Located in South West Direction, the flow of wind makes the residents unbearable to the foul smell.*** The MCC in question has a processing capacity of above 5 TPD, as mentioned both, In addition, as ascertained from a few operating staff , this centre collects and processes municipal solid waste from Urban wards: 54,60,61,67 and at times from areas beyond the municipal limits. . The facility has been created to process 15 TPD of municipal solid waste, catering to the need of the urban population in **Wards 54, 55, 60, 61, 67. The study revealed that waste generation rate in Population range above 5 million ( Population of Bhubaneswar is around 10 million) was approximately 0.50 kg/capita/day out of which 47.43% are Biodegradables.** As per the Bhubaneswar Municipality Corporation (BMC) website , the population of the service area of this MCC as on 16/04/2019 is as under:

Ward No 54 : 13318

Ward No. 60: 15459

Ward No. 61: 13522

Ward No 67: 11938

=====  
Total : 54,237

Total Municipal Solid Waste collected from the above wards would be  $54237 * 0.50 = 27,118.5$  out of which 47.43% is Biodegradable. As such the total per day Bioderadable Municipality waste **treated in the MCC is 12,862.06 KG i.e. 12.9 TPD.**

13. *That the BMC have clearly violated the letters and spirit of CPCB guidelines on sitting facilities for Municipal Solid Waste (MSW) Management guidelines, 2016, 2019 and 2026 as amended. Moreover the mandatory clearance for the MCC has not been taken from the State Pollution Control Authorities. Hence, this MCC has been operating in violation of the above Rules.*

14. That the Manual issued by the Central Public Health and Environmental Engineering Organization (CPHEEO) MINISTRY OF URBAN DEVELOPMENT [www.moud.gov.in](http://www.moud.gov.in) [www.swachhbharaturban.gov](http://www.swachhbharaturban.gov) in 2016. In page 12 of the Manual ( as quoted under) emphasis has been given on Stakeholders' Consultation .

“Step 3: **Stakeholder Consultation for Planning MSWM** has a direct relation with the community and other waste generators. Due to the number of institutions and stakeholders involved in MSWM, it is important that the MSWM plan, which aims to bridge the gaps or improve the level of service, is developed through a consultative process. Stakeholders are to be consulted at least twice during the MSWM plan preparation, initially in defining the objectives and goals of the plan and later (Step 6) to discuss the proposed plan and seek their inputs Stakeholder Consultations to be held at least twice while preparing the MWSM Plan MUNICIPAL SOLID WASTE MANAGEMENT PLAN: STEP-WISE GUIDANCE 53 and approval. **The**

**ULB may constitute a stakeholder committee for the purpose, with members representing all concerned groups.**

15. **Availability of Alternate site in the same ward ( Ward 67):** That availability of **Government land of 10 acres with approachable road away from the human habitation has not been considered.** The same could be used to relocate the MCC in question. All the rules regarding buffer zone criteria and other guidelines of the Manual as well as the Provisions of City Development Plan could be met and the purpose of the MCC could achieve without substantial harm to the community and residents at large.
16. That the Affidavit filed by SPCB Odisha dated 20<sup>th</sup> March 2024 in OA 21 of 2024, identifies the present site as **Lingaraj Railway Over Bridge(ROB)** and acknowledge the waste from 5 wards(Ward Mo 54,55, 60, 61, 67) is **being processed at MCC and the capacity is 10 MTPD.** This capacity of MCC is deliberately split into two units at one site to get escape from the rigors of law where in Processing Facility with more than 5TPD requires **Prior Authorisation of the Board.** The relevant part of the affidavit dated 20/03/2024 filed in OA 21 of 2024 is annexed here with as **ANNEXURE-4.**
17. That the local inhabitants including the applicants have objected to the proposal of Bhubaneswar Municipality for Constructing the Micro compost Centre plant At Kapilaprasad as the same is close proximity to the human habitation and water bodies. Further the same is done without approval of State Pollution control Board and without following the statutory norms laid down by the Union Government from time to time. The applicant further said that MCC is setup within **10 meters of a thickly populated Habitation and the inhabitants are suffering by the air, water and Odor Pollution.** In this back drop the local people have requested for finding an alternative site to setup the Waste management Plant, but same has not considered as of

now. Copy of the representation to SPCB and Bhubaneswar Municipal Corporation dated 01/05/2026 is annexed here unto as **ANNEXURE-5**.

18. That the Chapter II, rule 13(3), Chapter V, rule 39(25), rule 14(1)(iii) prescribes for Form-I for Application for obtaining authorization under solid waste management rules For processing/recycling/treatment and disposal of solid waste. The Documents of **Site clearance (local body), Proof of Environmental Clearance Authorisation for establishment Agreement between municipal authority and operating agency Investment on the project and expected return are also required to be placed before the SBCB for authorization and no such documents are available in public domain.**
19. The **State Pollution Control Board has the responsibility to issue Authorisation Letter** and monitor the compliance of the standards regarding ground water, ambient air, leachate quality and the compost quality including incineration standards as specified under Schedules II, III and IV. To the knowledge of the petitioner no such Authorisation and regular monitoring is done by the Respondent Board.
20. It is further submitted that the Applicant has verified from the website of State Pollution Control Board <https://odocmms.nic.in/OCMMS/userMaster/grantedApplicationSearch> , however could not able to find any authorization issued in favor of the Bhubaneswar Municipal Corporation for operation of the MCC in question and the same amounts to clear violation of the Rules prescribed under Solid Waste Management Rules 2026.
21. It is further submitted that the area where the MCC stands now was a marsh and supported 'flood mitigation' in the 'Zone of Influence' i.e BDA Colony, Kapilprasad and nearby areas. Historic image of the site suggesting the site in question is a low lying area is annexed here unto as **ANNEXURE-6**.

22. It is further submitted that the construction of the Material Recovery Facility / Micro Composting Centre (MCC) on a designated low-lying area has severely disrupted the natural topography and local drainage system. Consequently, during periods of rainfall, surface runoff is completely obstructed, leading to severe waterlogging. This trapped rainwater inevitably inundates the surrounding locality, forcefully entering the residential premises of local inhabitants, causing substantial property damage, public health hazards, and extreme hardship to the residents.
23. It is not out of place to mention here that the present site for construction of the MCC **has been selected without consultation with the local residents as mandated under Swachh Bharata Municipality Solid Waste Manual II** of Government of India.

#### **REFERENCE TO SWM RULE 2026**

24. That the Union Ministry of Environment, Forests and Climate Change (MoEF&CC) in 2026 notified the Solid Wastage Management (SWM) Rules, 2026, these rules replaced the Municipal Solid Wastage (Management and Handling) Rules, 2016 which had been in place for 10 years. Presently **Solid Waste Management Rules, 2026 in force with effect from the 1st day of April 2026.**
25. That Rule 35 prescribes for **Duties of the Department of Urban Development and Department responsible for municipal administration or local self-government in urban areas in the States and Union territories.**— (1) Department of Urban Development or the Department responsible for municipal administration or local self government in urban areas, including peri urban areas, in the State or Union territory shall,- (i) prepare a state policy and strategy on solid waste management for urban areas in convergence with State or Union territory Rural Development Department for rural areas in order to ensure implementation of these rules inter alia covering projection of waste generation, assessment of waste

management infrastructure, requirement of collection and transportation solid waste, establishment of Material Recovery facilities, requirement of biomethanation plants for wet waste processing, waste to energy plants, establishment of collection centres for special care waste, establishment of incinerators and linkages with common biomedical waste processing facilities for sanitary waste management, establishment and operation and maintenance of sanitary landfills, use of IT enabled governance for effective monitoring and tracking, incentives for private developers for waste processing especially for biomethanation, establishment of compost testing facilities, levy of user fee and sanitary landfill fee, integration of waste pickers involved in solid waste management, viz., collection, segregation and sorting of waste, channelization, decentralised wet waste management, through identification, enumeration and registration with local body or third party agency authorised by local body, self-help groups and similar groups working in the field of solid waste management consistent with these rules taking into account national guidelines on solid waste management of the Ministry of Housing and Urban Affairs within one year of date of notification of these rules in the Official Gazette and upload it on the centralised online portal, and shall undertake this exercise after every 5 years; (ii) emphasize on waste reduction, reuse, recycling, recovery and optimum utilisation of various components of solid waste to ensure inerts and non biodegradable and non-recyclable, non-energy recoverable waste going to the landfill to minimise impact of solid waste on human health and environment; (iii) integrate in state policies and strategies the informal sector of waste processors including waste pickers, waste collectors and recycling industry in reducing waste and provide broad guidelines in this regard; (iv) explore generation of carbon credits from solid waste management by local bodies. (2) Department of Urban Development and Department responsible for municipal administration or local self-government in urban areas,

including peri urban areas, in the States and Union Territories shall,- (i) ensure implementation of these rules by all local authorities; (ii) take measures for viability gap funding in case of collection, segregation, sorting, transportation, processing or treatment and disposal facilities; (iii) plan activities for improving acceptability of organic manure– prepare and disseminate guidelines and framework for Information, Education and Communication (IEC) activities; (iv) ensure that the fee collected shall be used in installation, operation and maintenance of infrastructure and activities related to solid waste management; (v) ensure the implementation or upgradation of solid waste management and improve coverage of solid waste management infrastructure to meet the hundred per cent segregation, collection, sorting, transportation treatment or processing and disposal capacity; (vi) set up a State Level Steering Committee on circular economy in solid waste processing or recycling & reuse; (vii) provide incentives (such as tax benefits) for residential societies and other bulk waste generators for having in-situ wet waste treatment facilities; (viii) ensure that all local bodies onboard online centralised portal regarding all solid waste management infrastructure and activities including collection, sorting, transportation, processing and disposal within one year from the publication of these rules and get it annually updated by the 30th June of the every year; (ix) give recognition awards acknowledging the best performing urban local body in the State or Union territory; (x) shall engage with District Magistrates along with Municipal Commissioners or Chief Executive Officers of each Urban Local Body to organize one week campaign to review the status and operational conditions of solid waste management infrastructure facilities as well as activities in all the urban areas in fourth week of June each year; (xi) encourage Public-Private Partnership mode models for solid waste management; (xii) direct the town planning department of the State or Union territory to ensure that master plan of every city in the State or Union

territory have provisions for setting up of solid waste processing and disposal facilities except for the cities who are members of common waste processing facility or regional sanitary or operational landfill for a group of cities; to upload all the master plans by 30 September 2026; (xiii) ensure identification and allocation of suitable land for setting up solid waste management infrastructure to local authorities in order to implement provision of these rules and incorporate them in the master plans (land use plan) of the State or as the case may be, cities through metropolitan and district planning committees or town and country planning department; (xiv) direct the town planning department of the State and local bodies to ensure that a separate space for segregation, storage, decentralised processing of solid waste is demarcated in the development plan for group housing or commercial, institutional or any other non-residential complex which are exceeding 200 dwelling or having a plot area exceeding 5,000 square meters and bulk waste generators ensure the uploading of such information on the centralised online portal; (xv) direct the new as well as existing developers of Special Economic Zone, Industrial Estate, Industrial Park to comply with all the provisions relating to bulk waste generators; (xvi) facilitate establishment of common regional sanitary or operational landfill for a group of cities and towns falling within a distance of 50 km (or more) from the regional facility on a cost sharing basis and ensure professional management of such sanitary or operational landfills and upload all information on the centralised online portal; (xvii) arrange for capacity building of local bodies in solid waste management including segregation, collection, sorting, transportation or processing of such waste; (xviii) notify buffer zone for the solid waste processing and disposal facilities of more than five tons per day in consultation with the State Pollution Control Board following the guidelines published by Central Pollution Control Board in this regard and upload the information on the centralised online portal in respect of all such

facilities; (xix) ensure registration of waste pickers working with the local authority or authorised third party or concessionaire agency including self help groups and upload information on the centralised online portal by 30th June every year; (xx) focus on zero waste to landfill approach through the community participation including Resident Welfare Associations, market associations and concessionaire or third party; (xxi) carry out regular circularity based assessments at State level with ranking system; (xxii) create effective strategy for awareness creation on use of by-products out of wet waste processing to public; (xxiii) get competitions organized for the recognition of best schools, hospitals, institutions in terms of solid waste management at the state as well as district level. (xxiv) The department in-charge of the allocation of land assignment shall be responsible for providing suitable land for setting up of the solid waste processing and treatment facilities and notify such sites by the State Government or Union territory administration

26. That Rule 37 prescribes the Duties of the District Magistrate or District Collector or Deputy Commissioner.- The District Magistrate or District Collector or as the case may be, the Deputy Commissioner shall,-

(i) facilitate identification and allocation of suitable land for setting up solid waste processing and disposal facilities to local authorities in his district in close coordination with State Urban Development Department or State Rural development Department and upload on centralised online portal by the 30th June every year,

(ii) review the performance of local bodies, at least once in a quarter on waste segregation, collection, sorting, processing, treatment and disposal and take corrective measures in consultation with Department of Urban Development and Department responsible for local self-government in urban areas as well as Department of Rural Development and Department

responsible for solid waste management in rural areas and upload the minutes of review meeting on the portal of local body;

(iii) include the prevention and control of environmental pollution by solid waste in their plans for economic and social development and adopt economic and technical policies and measures that facilitate the prevention and control of environmental pollution by solid waste

(iv) District Collector- or Sub Divisional Magistrate may undertake inspection or audit of solid waste processing or recycling facilities falling under their jurisdiction. District Collector shall ensure that the sanitary landfill is operated as per provisions of these rules.

(v) District Magistrate of District Collector or Deputy Commissioner shall ensure urban rural convergence of Sanitary landfills, common waste processing plants (of any kind) and any other common waste management facility.

27. Rule 41 prescribes for Duties of the State Pollution Control Board or Pollution Control Committee, where in under section 4 it is categorically mentioned that “The State Pollution Control Board or the Pollution Control Committee shall impose Environmental Compensation based upon polluter pays principle, on persons who are not complying with the provisions of these rules, as per guidelines notified by the Central Pollution Control Board including for indiscriminate dumping of solid waste by local authorities.” However in the present nothing has been done by the state pollution control board and no authorization has also given by the state pollution control board for operation of the MCC in question.

28. The SCHEDULE III [see Chapter II, rule 7(1)(b), Chapter V, rule 41(1)(ii), 41(1)(v), 41(1)(xi)] Standards of processing and treatment of solid waste

A. Standards for composting.-The waste processing facilities shall include composting as one of the technologies for processing of bio degradable

waste. In order to prevent pollution from compost plant, the following shall be complied with namely:

(a) The incoming organic waste at site shall be stored properly prior to further processing. To the extent possible, **the waste storage area should be covered**. If, such storage is done in an open area, it shall be provided within permeable base with facility for collection of leachate and surface water run-off into lined drains leading to a leachate treatment and disposal facility;

(b) **Necessary precautions shall be taken to minimise nuisance of odour, flies, rodents, bird menace and fire hazard:**

(c) In case of breakdown or maintenance of plant, waste intake shall be stopped and arrangements be worked out for diversion of waste to the temporary processing site or temporary landfill sites which will be again reprocessed when plant is in order;

(d) **Pre-process and post-process rejects shall be removed from the processing facility on regular basis and shall not be allowed to pile at the site.** Recyclables shall be routed through appropriate vendors. The non-recyclable high calorific fractions to be segregated and sent to waste to energy or for Refuse-Derived Fuel production, co-processing in cement plants or to thermal power plants. Only rejects from all processes shall be sent for sanitary landfill site(s).

(e) The windrow area shall be provided with impermeable base. Such a base shall be made of concrete or compacted clay of 50cm thick having permeability coefficient less than 10cm/sec. The base shall be provided with one to two percent slope and circled by lined drains for collection of leachate or surface run-off.

(f) **Ambient air quality monitoring shall be regularly carried out. Odour nuisance at down-wind direction on the boundary of processing plant shall also be checked regularly.**

(g) Leachate shall be re-circulated in compost plant for moisture maintenance

(h) The end product compost shall meet the standards prescribed under Fertilizer Control Order notified from time to time.....

### **GROUND**

That, the applicants are therefore approaching this Hon'ble Tribunal in view of the blatant violation of the law on the following among other grounds which the applicant might take at the time of hearing of the matter :-

- I. That the unscientific management of municipal solid waste and sitting of the micro compost plant in a thickly populated locality of Kapilaprasad Housing Board Colony in Bhubaneswar Municipal Corporation is in violation Municipal solid Waste Management Rules 2026.
- II. The air pollution, odour and noise amounts to nuisance and (nn)"nuisance" means any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing or which is or may be dangerous to life or injurious to the health or property and this is defined as an offence under **Section 292 of the Bharatiya Nyaya Sanhita (BNS)**
- III. The very establishment of the MCC without Authorisation from the State Pollution Control Board is illegal and abinitio void, hence the same requires to be closed down. The site need to be restored to its original land use so as to prevent any further inundation during rain.

- IV. The Municipality has a duty to look for alternative site prior to setting up the MCC and same has not been exhausted even though there are available land in the same ward/locality
- V. Setting up of the MCC is in contrary to the City Management Plan and land use and hence need to be closed down
- VI. The Bhubaneswar Development Authority has categorised the area as Special Residential Heritage Zone and same could not have used for processing waste and setting up of a MCC
- VII. The Manual published by Central Public Health and Environmental Engineering Organisation (CPHEEO) MINISTRY OF URBAN DEVELOPMENT has a mandate for public consultation with the aggrieved person and same has not been followed in the present case. That the due process of consultation with the local people and process of inviting objection has not been conducted and hence the siting is illegal.
- VIII. That the representations cannot be an empty formality and no such measures have been taken to consult with the possible affected population in the locality, hence the setting up of the unit requires reconsideration.
- IX. That to the knowledge of the applicants the establishment of the processing plant has not been notified and MCC set up without minimum buffer zone and hence the very establishment is illegal

#### LIMITATION

That there is a subsisting cause of action because of the continuing violation of Municipality Solid waste Management Rules 2016 and 2026 and the people are subjected to health hazzard and nuisance on day to day basis, hence the Original Application is not barred by limitation.

INTERIM PRAYER


The Honble Tribunal may direct the state pollution control board/Bhubaneswar Municipal Corporation to immediately stop operation of the Micro compost centre till disposal of OA.

PRAYER

In light of the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be please to

- a) Call for the documents of sitting clearance and notification of the designated site for treatment plant
- b) Show cause the respondents in regard to the setting up of Micro composting Centre and if due process has been followed then all such documents may be called for
- c) Compute environment compensation for operating the MCC without compliance of environment norms.
- d) In case of unsatisfactory response, the Honble Tribunal may declare the sitting of MCC as illegal and closure of the unit as well as restore the site to its original status as per city development Plan as Special Heritage Zone.
- e) Pass such order /s as this Hon'ble Tribunal may fill fit and proper in the facts and circumstances of this case.

By the Applicant

 → 

Through Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL

Original Application No. \_\_\_\_\_ of 2026

RAJ KISHORE SWAIN

APPLICANT

Versus

STATE OF ODISHA &Ors

RESPONDENTS

AFFIDAVIT

12 MAY 2026

I, RAJ KISHORE SWAIN S/O LATE SBAURIBANDHU SWAIN, AGED ABOUT 71 YEARS, RESIDENTS OF AT/PO HIG 1/14, BDA COLONY, KAPILAPRASAD, BHUBANESWAR, hereby solemnly affirm, and declare as under:

1. That I am the Applicant No 1 in the above mentioned Original Application and authorized by other co-applicants. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

Rajkishore Swain  
DEPONENT

VERIFICATION

Verified on 12 MAY 2026 at [Signature] 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.

Rajkishore Swain  
DEPONENT

Identified By

[Signature]  
Advocate

The above named deponent(s) being duly identified by Sri. S.P. Jena Advocate, Bhubaneswar

Appears before me on 12 MAY 2026 at [Signature] A.M./P.M. [Signature] States on oath the contents of his affidavits are true to the best of his / her / their knowledge and belief

Deponent(s) Notary, Bhubaneswar

JANMEJAYA RAUTIRAY  
NOTARY, GOVT. OF ODISHA  
BHUBANESWAR  
REGD. NO. ON-86/2012  
Mob No-79-8581217



# ANNEXURE-1

BELOW ATTACHED GOOGLE EARTH IMAGE SHOWS THE 50 METER RADIUS FROM THE MCC IN QUESTION.



BELOW ATTACHED GOOGLE EARTH IMAGE SUGGESTS THE 50 METER AND 100 METER RADIUS FROM THE MCC IN QUESTION AND THE MCC IS WITHIN THE RESIDENTIAL COLONY.





Mob: 79784452

# KAPILPRASAD BDA COLONY RESIDENTS' ASSOCIATION

Regd No. 2554-30/2019-2020

Present Address .: HIG-1/78, BDA Colony, Kapilprasad, Bhubaneswar - 751002

Email: kbcra2019@gmail.com

No ..... 22 .....Date 10/7/23

To

The Mayor,

Bhubaneswar Municipal Corporation,

Bhubaneswar.

Sub: Checking pungent smell coming out of MCC of Ward No.67.

Madam,

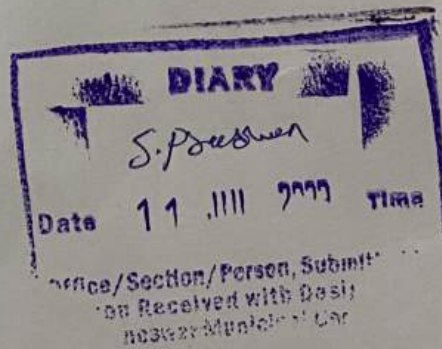
Despite directives issued from hounourable High Court, Odisha to BMC and our personal requests to the Management at MCC of Ward No.67, the foul smell emanating from the Micro Composting Center of Ward No. 67 has not been checked fully. The said smell is becoming so unbearable and hazardous that the nearby inhabitants of Kapilprasad BDA Colony are quitting the houses.

In view of above, we request you kindly to pay a visit to conduct on-the-spot study and take effective steps for shifting the MCC to the vacant location within our Ward.

Sincerely,

*Narabai Nayak*  
SECRETARY 10/7/23

o/c





# KAPILPRASAD BDA COLONY RESIDENTS' ASSOCIATION

HIG - 1/78, BDA Colony, Kapilprasad, Bhubaneswar - 751002

☎ : 7978445283, 9437095671    ✉ : kbcra2019@gmail.com

No. ....70.....

Date : 5/8/2024

To

The Commissioner,

Bhubaneswar Municipal Corporation,

Bhubaneswar.

Sub: Shifting of MCC (Micro Composting Center) located at Kapilprasad BDA Colony in Ward No. 67.

Ref: This Association's Lt. No. 22, Dt. 10.07.2023 addressed to Mayor, BMC,

Lt. No. 35, Dt. 21.09.2023 addressed to Commissioner, BMC,

Personal Visit on Dt. 20.04.2024 with Commissioner, BMC and

Lt. No. 61, 10.05.2024 addressed to Commissioner, BMC

Sir,

The correspondences cited above may kindly be referred to on the captioned subject.

The President and Secretary of this Association personally met you in your office on Dt. 20/04/2024 with some affected residents to discuss about the illegally set up MCC in violation of Central Pollution Control Board as well as guidelines of Govt. of Odisha and the foul smell emanated from it causing serious health hazard amongst the residents, mostly senior citizens, of Kapilprasad BDA Colony.

We express our thankfulness and gratitude for giving us a patient hearing with assurance to shift wet garbage to be processed in a centralized facility already kept ready in a different location nearby the city of Bhubaneswar.

But, Sir, in the meantime nothing has happened despite our further correspondence with you and the foul smell coming from the MCC is becoming unbearable to us to live smoothly and peacefully in our residences.

This is not out of place to mention here that, from the very day of construction of MCC our residents, jointly and severally, have lodged their complaints with various authorities including honourable Chief Minister, Odisha, Chairman, State Pollution Control Board, honourable Mayor of the city and Commissioner, BMC, but to no avail.

In view of above, as the MCC is the root cause of health hazard and has compelled certain affected residents to leave the place, we request you kindly at least to put on hold the processing of wet garbage with immediate effect so as to stop emission of foul smell adversely affecting the health of all residents of Kapilprasad BDA Colony and thereby prevent spreading of unwanted germs, flies and gases.

o/c

Yours faithfully,  
Nababai Nayak  
SECRETARY 5/8/24

# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 2128 CUTTACK, THURSDAY, OCTOBER 31, 2013/KARTIKA 9, 1935

BHUBANESWAR DEVELOPMENT AUTHORITY  
BHUBANESWAR

NOTIFICATION

The 22nd October 2013

SUBJECT—BDA Planning & Building Standards Regulations, 2008 (Amended 2013)

No. 41610—BP-BDA—Whereas the draft amendment of certain Regulations of BDA (Planning & Building Standards) Regulations, 2008 was published as required by sub-section (2) of Section 125 of the Odisha Development Authorities Act, 1982 (Odisha Act 14 of 1982) in the extraordinary issue No.408 of the *Odisha Gazette* dated the 13th March 2012 under the notification of the Bhubaneswar Development Authority, Bhubaneswar, dated the 27th February 2012 as No.4248 and subsequent issue No.185 of *Odisha Gazette* dated the 28th January 2013 under the notification of the Bhubaneswar Development Authority, Bhubaneswar, dated the 19th January 2013 as No.2626 inviting objections and suggestions from all persons likely to be affected thereby till expiry of 15 days from the date of publication of the said notification in the *Odisha Gazette* ;

And whereas, the objections and suggestions received before the expiry of the period so specified in respect of the said draft amendment have duly been considered by the Bhubaneswar Development Authority;

Now, therefore, in exercise of the powers conferred by Section 124 of the said Act, the Bhubaneswar Development Authority, with the previous approval of the State Government, makes the following amendments of the BDA (Planning & Building Standards) Regulations, 2008.

By order

**SHREEKANTA KABI**

Secretary

## PART - I

1. (1) These regulations may be called the Bhubaneswar Development Authority (Planning & Building Standards) Amendment Regulations, 2013.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Bhubaneswar Development Authority (Planning & Building Standards) Regulations, 2008, (hereinafter referred to as the said regulations) in Regulation 2—

(a) for Clause (9), the following clause shall be substituted, namely:—

(9) "Apartment building" means a building having more than four dwelling units constructed in one block only;"

(b) after Clause (25), the following clause shall be inserted, namely:—

"(25-A) "Carpet area" means the net usable floor area of an house, excluding the area covered by the walls and common area;"

(c) for Clause (31), the following clause shall be substituted, namely:—

"(31) "Corner plot" means a plot located at the junction of two or more intersecting streets, the frontage of which would be on the street having larger width and in case where two streets are of same width, then the smaller side of the plot abutting the street shall be treated as the front;" ;

(d) after Clause "(32)", the following clause shall be inserted, namely:—

"(32A) "Coverage" means percentage of covered area on the ground floor which is not open to sky excluding the chajja or roof projections up to 0.75 meter width overhanging the open space to the total plot area;" ;

(e) for Clause "(41)", the following clause shall be substituted, namely:—

"(41) "Dwelling Unit or Tenement" means an independent housing unit with facilities for living, cooking and sanitary requirements;" ;

(f) after Clause (56), the following clause shall be inserted, namely:—

"(56A) "Floor Area or Built Up Area" means the total covered area on all floors of an house;" ;

(g) after Clause (57), the following clause shall be inserted, namely:—

“(57A) “Form” means the Form appended to these regulations;”;

(h) Clause (64), shall be substituted by the following clause namely:—**64 “Housing Project” means housing complex on plotted developments or having multiple apartment blocks;”;**

(i) after Clause (72), the following clause shall be inserted, namely:—

“(72A) “Land use” means use of the land proposed in the Interim Development Plan or Comprehensive Development Plan or Zonal Development Plan;” and

(j) after Clause “(80)”, the following clause shall be inserted, namely:—

“(80A) “Mixed Land Use” means mixed use of the building or premises consisting of more than one compatible use of which the principal use shall not be less than 2/3rd of the total built up area”.

3. In the said regulations, in Regulation 5, in sub-regulation(3), for Cause (vi), the following clause shall be substituted, namely:—

“(vi) In case of building with more than 30 meters height, the structural plan and the structural design shall have to be vetted by any State Resource Centre identified by the Odisha State Disaster Management Authority or any Indian Institute of Technology or National Institute of Technology or Government Engineering College or any reputed technical institution identified by the Authority” .

4. In the said regulations, in Regulation 7, for sub-regulation (1), the following sub-regulation shall be substituted, namely:-

“(1) The applicant shall deposit a refundable nonearning security deposit at the rate of rupees five hundred per sq.mtr of covered area for the following categories of building, namely:—

A. Apartment Buildings,

B. Commercial buildings having 300 sq.mtr or more of floor area:

**However the applicant shall have the option of paying security deposit in the form of Bank Guarantee.”**

5. In the said Regulations, in regulation 9:—

- (i) for sub-regulation (7), the following sub-regulation shall be substituted, namely:—

“(7) For stilt+3 and above building, a letter will be communicated to the Builder to produce NOCs/ Clearances as applicable. Only after receipt of the NOCs/ Clearances and deposit of all required fees, permission shall be accorded for building plan along with a direction to develop the necessary onsite and offsite infrastructure like connectivity of sewerage, drainage, water supply, road, Sewerage Treatment Plant etc.”;

- (ii) in sub-regulation (8), —

(a) in item A, for the words and oblique “Authorities/ General Administration Department” the words and obliques “Authority/ Odisha State Housing Board/ General Administration Department” shall be substituted.

(b) in item C, for the figure “300”, the figure “500” shall be substituted;

(c) in item H, for the figure and the word “60 days” the words “**thirty days**” shall be substituted;

(d) in item I, after the words “the regulations”, the following words shall be inserted, namely:—

“including payment of required fees to the Authority”; and

(e) in Note – (a), for the words “Sixty days” the words “**thirty days**” shall be substituted.

6. In the said regulations, in Regulation 15,—

- (i) in sub-regulation (1), for the figure “300” the figure “500” shall be substituted; and

- (ii) in sub-regulation (2), after clause (d), the following clauses shall be inserted, namely

(e) Structural Safety Certificate from the Empanelled Engineer or Structural Engineer in form-VI part-II;

(f) Certificate from Engineer or Consultant of the utility services to the effect that all utility services for the building are physically provided”.

(g) Clearance from Fire/PHD/Water Supply and Sewerage Board in respect of compliances against the No Objection Certificate referred to sub-regulation (7) of Regulation 9.

- (iii) sub-regulation (4) shall be omitted.

**7. In the said regulations, in Regulation 16,**

- (i) in sub-regulation(1), for the figure and words "30 days from the date of inspection" the following words and figure, shall be substituted, namely:—

"60 days from the date of application submitted with all documents required to be furnished along with the completion certificate; and on receipt of notice of completion certificate, site inspection shall be conducted with regard to the following aspects, namely:—

- (a) Number of floors
- (b) External setbacks
- (c) Parking space provisions
- (d) Abutting road width
- (e) FAR
- (f) Onsite and off-site infrastructure."

- (ii) after sub-regulation(2), the following sub-regulations shall be added namely:—

"(2A) The departments or line agencies dealing with electric power, water supply, drainage and sewerage shall not give regular connections to the building unless such Occupancy Certificate is produced.

(2B) The Registration Authority shall register only the approved and permitted covered area as shown in the sanctioned building plan upon production and filing of a copy of such sanctioned building plan by the applicant/builder.

(2C) The financial agencies or institutions shall extend loan facilities only to the permitted covered area as per the sanctioned building plan.";

- (iii) after sub-regulation(5) the following sub-regulations shall be added namely:—

"(5A) In case of occupation of a building before obtaining the occupancy certificate from the Authority a penalty shall be imposed at the rate of Rs. 100.00 (one hundred) per square meter of total covered area per year or a part thereof so occupied to be calculated from the date of occupation till issue of occupancy certificate subject to compliance of conditions of approval and the penalty amount may be revised by the Authority from time to time.

In such cases, the date of occupation of the building shall be determined keeping in view the last date of validation of the approved plan or the date of obtaining permanent electrical or water connection to the premises, whichever is earlier, or such other evidence to the satisfaction of the authority".

Non-compliance of provisions indicated in sub-regulation (5A) shall attract action with direction to the functional agencies (Power, W/S and Sewerage) to discontinue their respective services to the Building.

(5 B) The Authority may outsource the inspection and indicate for compliance of the same for issue of occupancy certificate".

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8. In the said regulations, in Regulation 24, for sub-regulation (1), the following sub-regulation shall be substituted, namely:—

“(1) In the Development Plan area, various use zones as specified in Table-2 under Regulation 25 having their zonal boundaries as indicated in the development plan shall be regulated as per the said Table- 2. Except as otherwise provided, no structure or land hereinafter shall be used and no structure shall be erected, re-erected or altered unless its use is in conformity with these regulations”.

9. In the said regulations, in Regulation 25 :—

- (i) in sub-regulation (1), for the words brackets and figures “column (2) of Table No.3”, the words, brackets and figures “column (a) of Table No. 2” shall be substituted;
- (ii) in sub-regulation (2), for the words, bracket and figure “column (3) in the Table”, the words, bracket and figure “column (b) of Table 2” shall be substitutes.
- (iii) in sub-regulation (3), for the bracket and figure ‘(4)’ the letter and bracket “(c)” shall be substituted;
- (iv) in sub-regulation (5), after the words “particular zone”, the following words and figure shall be added, namely:-  
“on a plot size of 2000 sq.mtr and above and abutting road of minimum 12 meters width.”; and
- (v) after sub-regulation(5), the following sub-regulations shall be inserted, namely:-
  - (6) Subject to the provisions contained in Regulation 18 the following provisions shall be applicable for all constructions in Special Heritage Zone earmarked in the Comprehensive Development Plan.
    - (i) The maximum height of the building shall not exceed 15 mtr.
    - (ii) All proposals for development over an area of more than 500 square meter or ten meter height or both shall only be considered on recommendation of the Development Plan and Building Permission committee with representation from the Archaeological Survey of India and the Odisha State Archaeology.
  - (7) For construction of Building in Environmentally Sensitive Zone, the following provisions shall be applicable, namely:—
    - (i) The minimum size of the plot shall be 4000 sq.mtr.
    - (ii) The minimum width of approach road shall be 12 meter
    - (iii) The maximum coverage shall not exceed 40% of the area

(iv) The proposal for development shall only be considered on recommendation of Development Plan and Building Permission Committee with representatives from Water Resource Department, Odisha State Pollution Control Board and Public Health Engineering Department in the above Committee” and

(v) for Table 2, the following Table shall be substituted, namely:—

**“TABLE-2  
LAND USES PERMITTED/PROHIBITED IN DIFFERENT USE ZONES**

Sl. No.	Use Zone	Uses /Activities Permitted	Uses/Activities Permissible on recommendation of DP&BP Committee	Uses/Activities Prohibited
		(a)	(b)	(c)
1.	Residential Use Zone (R)	1. Residence plotted (detached, semi-detached and row housing), apartment, group housing, work-cum-residential	1. Places of worship	1. Heavy, large and extensive industries, noxious, obnoxious and hazardous industries
		2. Hostels, boarding and lodging houses	2. Shopping centres	2. Warehousing, storage godowns of perishables, hazardous, inflammable goods, wholesale mandis, junk yards
		3. Night shelters, dharamshalas, guest houses	3. Municipal, state and central government offices	3. Workshops for buses
		4. Educational buildings (nursery, primary, high school)	4. Colleges and research institutions	4. Slaughter houses
		5. Neighborhood level social, cultural and recreational facilities with adequate parking provisions	5. Petrol filling stations	5. Hospitals treating contagious diseases
		6. Marriage and community halls	6. Places of entertainment, cinema halls, restaurants and hotels	6. Sewage treatment plants and disposal sites
		7. Convenience shopping, local (retail) shopping	7. Markets for retail goods	7. Water treatment plants, solid waste dumping grounds
		8. Community centers, clubs, auditoriums	8. IT and IT enabled services	8. Outdoor and indoor games stadiums, shooting range
		9. Exhibition and art galleries	9. Tourism related services	9. Zoological garden, botanical garden, bird sanctuary
		10. Libraries and gymnasiums	10. Motor vehicle repairing workshop, garages, storage of LPG cylinders	10. International conference centers
		11. Health clinics, yoga centers, dispensaries, nursing	11. Burial grounds	11. District battalion offices, forensic science

2.		homes and health centers (20 beds)		laboratory
		12. Public utilities and buildings except service and storage yards, electrical distribution depots and water pumping stations	12. Printing presses employing not more than 10 persons	12. All uses not specifically permitted in column (a) and (b)
		13. Nursery and green houses	13. Godowns /warehousing of non perishables	
		14. Services for households (salon, parlours, bakeries, sweet shops, dry cleaning, internet kiosks, etc.)	14. Bus depots without workshop	
		15. Banks and professional offices not exceeding one floor	15. Household industries if the area for such use does not exceed one floor and there shall be no public display of the goods	
		16. Bus stops, taxi stands, 3 wheeler/auto stands, rickshaw stands	16. Consulates	
		17. Police posts and post offices		
		18. Parks and tot-lots		
	Retail commercial and Business Use Zone (C1)	1. Retail business, mercantile	1. Associated residential uses	1. Polluting industries
		2. Commercial centers	2. Wholesale storage yards	2. Heavy, extensive, noxious, obnoxious, hazardous and extractive industrial units
		3. Banks, financial services and stock exchanges	3. Service garages provided they do not directly abut the main road	3. Hospitals, research laboratories treating contagious diseases
		4. Perishable goods markets	4. Printing presses employing not more than 10 persons	4. Poultry farms, dairy farms, slaughter houses
		5. Business and professional offices	5. 20 bedded hospitals not treating contagious diseases and mental patients	5. Sewage treatment plants and disposal sites, solid waste treatment plants and dumping grounds
		6. Private institutional offices and semi government offices	6. Weigh bridges	6. Agricultural uses, storage of perishable and inflammable commodities
		7. Shops and shopping malls	7. Colleges, polytechnics and higher technical institutes	7. Quarrying of gravel, sand, clay and stone
		8. Commercial services	8. Sports complex and stadiums	8. Zoological gardens, botanical gardens and bird sanctuary

		9. Restaurants and hotels	9. Transient visitor's homes	9. Sports training centers
		10. Hostels, boarding houses, social and welfare institutions, guest houses	10. Places of entertainment, recreational uses and museums	10. District battalion offices
		11. Convenience and neighborhood shopping centers, local shopping centers, weekly and formal markets, bakeries and confectionaries	11. Convention centers	11. Forensic science laboratory and all other related activities which may cause nuisance
		12. Cinema halls, theaters, banquet halls, auditoriums	12. Religious places	12. Court
		13. Marriage and community halls, night shelters	13. Public utilities, telephone exchanges	13. All uses not specifically permitted in the column (a) and (b)
		14. Clinics and nursing homes	14. Police posts and post offices	
		15. Petrol Pumps	15. Residential, apartment, group housing	
		16. IT and IT enabled services	16. Picnic Hut	
		17. Commercial institutes, research and training institutes		
		18. Parking lots		
		19. Taxi stands, 3 wheeler/auto stands, rickshaw stands		
3	Wholesale Commercial Use Zone (C2)	1. Wholesale and retail business	1. Truck terminal, bus depots and parking	1. Polluting Industries
		2. Wholesale and storage buildings	2. Freight terminal	2. Large scale storage of hazardous and other inflammable materials except in areas, specifically earmarked for the purpose
		3. Commercial and business offices and work places	3. Warehousing, storage godowns of perishable, inflammable goods, coal, wood, timber yards	3. All uses not specifically permitted in columns (a) and (b)
		4. Petrol pumps and service stations on roads of 12 meter or more ROW	4. Service centers, garages, workshops	
		5. Godowns, covered storage and warehousing	5. Non-polluting, non-obnoxious light industries	
		6. Weigh bridges	6. Junk-yards	
		7. Bus stops, taxi stands, 3 wheeler/auto stands, rickshaw stands	7. Gas installation and gas works	
		8. Parking spaces	8. Railway yards and stations, road freight stations	

		9. Restaurants	9. Banks and financial services	
		10. Public utilities	10. Associated residential uses, residential, apartment, group housing	
		11. Police station/ posts, post offices	11. Government and Semi-Govt. offices	
			12. Water treatment plants	
4	Industrial Use Zone (I)	1. All kind of non polluting industries	1. Heavy, extensive and other obnoxious, hazardous industries subject to the approval of the Odisha Pollution Control Board	1. General business unless incidental to and on the same site with industry
		2. IT & ITES	2. Industrial Research Institute	2. Schools and colleges
		3. SEZs notified by government of India	3. Technical Educational Institutions	3. Hotels, motels and caravan parks
		4. Loading, unloading spaces	4. Junkyards, sports/ stadiums/ playgrounds	4. Recreational spots or centers
		5. Warehousing, storage and depots of non perishable and non- inflammable commodities	5. Sewage disposal works, electric power plants, service stations	5. Other non-industrial related activities
		6. Cold storage and ice factory	6. Govt. semi-govt. private business offices	6. Religious buildings
		7. Gas godowns	7. Banks, financial institutions and other commercial offices	7. Irrigated and sewage farms
		8. Wholesale business establishments	8. Agro-based industries, dairy and farming	8. Major oil depot and LPG refilling plants
		9. Petrol filling station with garages and service stations	9. Gas installations and gas works	9. Social buildings
		10. Bus terminals and bus depots and workshops	10. Workshops garages	10. All uses not specifically permitted in columns (a) and (b)
		11. Parking, taxi stands, 3 wheeler/auto stands, rickshaw stands	11. Residential, apartment, group housing, hotels and guest houses	
		12. Residential buildings for essential staff and for watch and ward	12. Museum	
		13. Public utilities	13. Helipads	
			14. Hospitals and medical centers	
5	Public & Semi-public Use Zone (PS)	1. Government offices, central, state, local and semi-government, public undertaking offices	1. Residential flats, residential plots for group housing and staff housing, Residential, apartment, group housing	1. Heavy, extensive and other obnoxious, hazardous industries

		2. Universities and specialized educational institutions, colleges, schools, research and development centers	2. IT services	2. Slaughterhouses
		3. Social and welfare centers	3. Defense quarters	3. Junkyard
		4. Libraries	4. Hostels, transit accommodation	4. Wholesale mandies
		5. Hospitals, health centers, dispensaries and clinics	5. Entertainment and recreational complexes	5. Dairy and poultry farms, farmhouses
		6. Social and cultural institutes	6. Nursery and kindergarten, welfare center	6. Workshops for servicing and repairs
		7. Religious buildings	7. Open air theater, playground	7. Processing and sale of farm products
		8. Conference halls	8. Residential club, guest house	8. All uses not specifically permitted in columns (a) and (b)
		9. Community halls, _kalyan mandap, dharamashala	9. Bus and Truck terminals, helipads	
		10. Museums, art galleries, exhibition halls, auditoriums	10. Parking areas, taxi stands, 3 wheeler/auto stands, rickshaw stands	
		11. Police stations, police lines, jails		
		12. Local state and Central Govt. offices uses for defence purpose		
		13. Educational and research institutions		
		14. Social and cultural and religious institutions		
		15. Local municipal facilities		
		16. Uses incidental to Govt. offices and for their use		
		17. Monuments		
6	Utility and Service Use Zone  (PS)	1. Post offices, Telegraph offices, public – utilities and buildings	1. Service industry	1. Any building or structure which is not required for uses related to public utilities and activities is not permitted therein.
		2. Water Treatment Plant, Sewage Treatment Plant, Solid waste Treatment Plant solid waste dumping grounds	2. Warehouse/storage godowns	2. Heavy, extensive and other obnoxious, hazardous industries
		3. Radio transmitter and wireless stations, telecommunication centers, telephone exchange	3. Health center for public and staff or any other use incidental to public utilities and services	3. All uses not specifically permitted in column (a) and (b)
		4. Water supply installations	4. Information/Payment kiosk	
		5. Sewage disposal works	5. Incidental/ancillary residential use	
		6. Service stations	6. Truck terminals, helipads	

		7. Cremation grounds and cemeteries/burial ground	7. Commercial use center	
		8. Power plants/ electrical substation		
		9. Radio and television station		
		10. Fire stations		
7	Open Space Use Zone (OS)	1. Specialized parks/ maidans for multipurpose use	1. Building and structure ancillary to use permitted in open spaces and parks such as stands for vehicles on hire, taxis and scooters	1. Any building or structure, which is not required for open air recreation, dwelling unit except for watch and ward, and uses not specifically permitted therein.
		2. Regional parks, district parks, playgrounds, children's parks	2. Commercial use of transit nature like cinemas, circus and other shows	2. All uses not specifically permitted in column (a) and (b)
		3. Clubs	3. Public assembly halls	
		4. Stadiums, picnic huts, holiday resorts	4. Restaurants	
		5. Shooting range, sports training center	5. Parking areas, Caravan parks	
		6. Swimming pools	6. Open air cinemas/ theatre	
		7. Botanical/ zoological garden, bird sanctuary	7. Entertainment and recreational complexes	
		8. Green belts	8. Community hall, library	
		9. Bus and railway passenger terminals	9. Open air theater, theme parks, amphitheaters	
		10. Public utilities and facilities such as police post, fire post, post and telegraph office, health center for players and staff	10. Residential club, guest house	
		11. Animal racing or riding stables	11. Camping sites	
			12. Yoga and meditation centres	
			13. Commercial uses center	
			14. Special education areas	
			15. Incidental/ancillary residential use	
8	Transportation Use Zone (T)	1. All types of roads	1. Way side shops and restaurants	1. Use/activity not specifically related to transport and communication permitted herein.
		2. Railway stations and yards	2. Authorised/Planned	2. All uses not

			Vending areas	specifically permitted in column (a) and (b)
		3. Airport	3. Incidental/ancillary residential use	
		4. Bus stops and Bus and Truck terminals	4. Emergency health care centre	
		5. Taxi stands, auto stands, rickshaw stands	5. Tourism related projects	
		6. Ferry ghats	6. All ancillary (complimentary) uses for above categories (subject to decision of the Authority)	
		7. Parking areas		
		8. Multi level car parking		
		9. Filling stations		
		10. Transport offices, booking offices		
		11. Night shelter, boarding houses		
		12. Banks		
		13. Restaurants		
		14. Workshops and garages		
		15. Automobile spares and services, Godowns		
		16. Loading and unloading platforms (with/without cold storage facility), weigh bridges		
		17. Ware houses, Storage depots		
		18. Utility networks (drainage, sewage, power, tele-communications)		
9	Agricultural and Forest Use Zone	1. Agriculture and Horticulture	1. Houses incidental to this use	1. Residential use except those ancillary uses permitted in agricultural use zone
	(A)	2. Dairy and poultry farming, milk chilling center	2. Parks and other recreational uses	2. Heavy, extensive, obnoxious, noxious and hazardous industries
		3. Storage, processing and sale of farm produce	3. Wayside shops and restaurants	3. Any activity which is creating nuisance and is obnoxious in nature
		4. Dwelling for the people engaged in the farm (rural settlement)	4. Hospital for infectious and contagious diseases, mental hospital after clearance from the Authority	4. All uses not specifically permitted in column (a) and (b)
		5. Farm houses and accessory buildings	5. Agro serving, agro processing, agro business	
			6. Cottage industries	
			7. Burial and cremation grounds	

			8. Service industries accessory to obnoxious and hazardous industries	
			9. Ice factory, cold storage	
			10. Godowns and ware houses	
			11. Soil testing lab	
			12. Normal expansion of land uses only in the existing homestead land	
			13. Solid waste management sites, Sewage disposal works	
			14. Electric sub station	
			15. Quarrying of gravel, sand, clay or stone	
			16. Building construction over plots covered under town planning scheme and conforming uses	
			17. Brick kilns and extractive areas	
		7. Afforestation	18. Eco-tourism, camping sites, eco-parks, eco lodges	5. For notified forest lands only afforestation is permitted and Item nos. 18 and 19 from column (b) are permissible by the competent authority
			19. Special outdoor recreations	
10	Water Bodies Use Zone (W)	1. Rivers, canals	1. Fisheries	1. Use/activity not specifically related to Water bodies. Use not permitted herein. 2. All uses not specifically permitted in column (a) and (b)
		2. Streams, water spring	2. Boating, water theme parks, water sports, lagoons	
		3. Ponds, lakes	3. Water based resort with special by-laws	
		4. Wetland, aqua culture pond	4. Any other use/activity incidental to Water bodies Use Zone is permitted.	
		5. Reservoir		
		6. Water logged/marshy area		
11	Special Heritage zone (Area shown in the map) (SH)	1. Heritage interpretation centre, art galleries & sculpture complex	1. Residential	1. Use/activity not specifically related to Special Heritage Use Zone not permitted herein.

		2. Public –semi public.	2. Educational and research Institutions	2. Multistoried building
		3.	3. Social and cultural institutions 4. Commercial	3. Multiplex, Shopping Mall
		4 Recreational	5. Commercial activities	4. Dumping ground
		5. Theme Parks, Archeological Parks/Gardens.	6. Craft based cottage industries	5. Sewerage Treatment
		6. Amphitheatres	7. Hotels, guest houses, lodges , resorts	6. All uses not specifically permitted in column (a) and (b)
		7. Open Air Museums.		
		8. Restoration of protected and enlisted monuments and precincts by the concerned authority only (ASI / State Archeology)	8. Auditorium	
			9. camping sites, special training camps	
			10. Hospitals & health centers	
			11. Multistoried Parking	
12	Environmentally Sensitive Zone (ES)	1. River front developments	Apartment Buildings, corporate type housing adopting modern technology.	1. Plotted housing
		2. Scenic value areas 3. Theme parks, yoga parks, sports centres and community recreational areas, International convention centre		2. Small industries or small institutions
		3. River side green areas		3. Use/activity not specifically related to Environmentally Sensitive Use Zone not permitted herein
		4. Existing village settlements		4. No development of any kind is permitted between the River/Canal/Stream and the embankment
			1. Hospitals and health institutions	5. All uses not specifically permitted in column (a) and (b)
		5. Art academy, media centres, food courts, music pavilions		
		6. Parking areas, visitor facilities		
			2. Educational	

			technical, research institutes of higher order	
		7. Boating , Picnic huts, Camping sites Special Training camps		
		8. Existing residential or other uses		
		9. Resorts, sculpture complex, lagoons & lagoon resort, water sports		
		10. Tourist and pilgrim related commercial activities, hotels and lodges		
		11. Non polluting, agro-based and processing industries, Storage or Godowns for food grains		
			3. Water Treatment Plant, Sewage Treatment Plant, Solid waste Treatment Plant solid waste dumping grounds	

10. In the said regulations, in regulation 30, for Table-4, along with the Note thereunder, the following Table shall be substituted, namely:—

**"TABLE 4**

**CATEGORY WISE SIZE OF PLOTS**

Category	Min. road width(m)	Min. size of plot in Sq. m.
Kalyan Mandaps	12	1000
Cinema, game centers, Multiplex, convention centers	18	2000
Social clubs and amenities	12	1000
Multi storey car parking	12	1000
Office buildings	12	300
Primary/Upper Primary school	12	2000
High School , Residential school	12	6000
+2 College / Junior college	12	4000
Degree College	12	6000
Technical educational institution	12	10000
Petrol pumps / Filling stations	12	500
Restaurant	12	500
LPG storages	12	500
Places of congregation	12	500
Public libraries	12	300
Conference hall	12	1000
Community hall	12	500
Nursing homes/polyclinics	12	300
Hotel	12	2000
Research and Development Laboratory	12	1500

**NOTE**—In appropriate cases, the Authority may revise the minimum size of plot and the road width on the recommendations of the Development Plan and Building Permission (DP&BP) Committee”.

11. In the said regulations, in regulation 31,—

(i) for Table 5, the following Table shall be substituted, namely:—

**“TABLE 5**  
**PLOT SIZEWISE PERMISSIBLE SET BACKS AND HEIGHT OF BUILDINGS**

Plot size (in Sq. Mts.)	Maximum height of building permissible (in Mts.)	Minimum front setback (in Mts.) As per the abutting road width					Minimum setbacks on other sides (in Mts.)	
		Less than 9 Mts.	9 Mts and below 12 Mts.	12 Mts and less than 18 Mts.	18 Mts and less than 30 Mts.	Above 30 Mts.	Rear side	Other side
[1]	[2]	[3(a)]	[3(b)]	[3(c)]	[3(d)]	[3(e)]	[4]	[5]
Upto 40 sqm		1.0	1.0	1.0	1.0	1.0	-	-
Above 40 & upto 100	7	1.0	1.0	2.0	2.0	2.0	—	—
Above 100 & upto 200	10	1.0	1.0	2.0	2.0	3.0	1.0	—
Above 200 & upto 300	10	1.5	1.5	2.5	2.5	3.5	1.0	1.0
Above 300 & upto 400	12	1.5	1.5	2.5	2.5	3.5	1.5	1.0
Above 400 & upto 500	12	1.5	2.0	2.5	3.0	3.5	1.5	1.5
Above 500 & upto 750	Less than 15	1.5	2.0	3.0	3.0	4.0	2	2
Above 750	Less than 15	1.5	2.0	3.0	4.0	4.0	3	2.5

(ii) after sub-regulation (2), the following sub-regulations shall be inserted, namely:—

(2-A) In case of Apartment or housing projects, the minimum distance between the buildings shall not be less than 1/3rd of the taller building. However the minimum width of internal road shall be 6 meter.

(2-B) In all other cases, the width of such open space between the buildings on a plot shall be the setback specified for the tallest building subject to a minimum of three metres.”; and

(iii) in sub-regulation(3), for item 'B', the following item shall be substituted, namely:—

"B- Institutional buildings -The open spaces around the building shall not be less than 3 meters for plots up to 1,000 square meter and 6 meters for plots with area more than 1000 square meter of size".

12. In the said regulations, in regulation 32, for Table-6, along with its Notes, the following Table shall be substituted, namely:—

**"TABLE 6**  
PROVISION OF EXTERIOR OPEN SPACES AROUND THE  
BUILDINGS

Sl. No	Height of the Building in meters	Exterior open spaces to be left out on all sides in m. (front, rear and sides in each plot)
1	15 and above up to 18	6
2	More than 18 & up to 21	7
3	More than 21 & up to 24	8
4	More than 24 & up to 27	9
5	More than 27 & up to 30	10
6	More than 30 & up to 35	11
7	More than 35 & up to 40	12
8	More than 40 & up to 45	13
9	More than 45 & up to 55	14
10	More than 55	16

13. In the said regulations, in Regulation-33,—

- (i) sub-regulation 2 shall be omitted;
- (ii) in sub-regulation (7) after the letters and oblique "IT/ITES" the words "and Trust Sector" shall be inserted, and for figures "30" the figure "12" shall be substituted; and
- (iii) after item G of sub-regulation (10), the following item shall be inserted, namely:—  
"H. The space under stilt in the building constructed for EWS/LIG building and used for community facility without enclosures."

14. In the said Regulations, sub-regulation (1) of Regulation 34 shall be omitted

15. In the said Regulations, in Regulation 35, —

- (i) in sub-regulation (1), for Table 10, the following table shall be substituted, namely:—

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**"TABLE - 10  
OFF STREET PARKING SPACE FOR DIFFERENT  
CATEGORY OF OCCUPANCIES**

Sl. No	Category of building/ activity	Parking area to be provided as percentage of total covered area towards FAR
(1)	(2)	(3)
1	Shopping Malls, Shopping Malls with Multiplexes/ Cineplexes, Cinema Halls, Retail Shopping Centre, Hotels, Kalyan Mandaps and Banquet Halls.	50
2	Restaurants, Lodges, Other Commercial Buildings, Assembly Buildings, Office Complexes, Hospitals, IT / ITES Complexes.	40
3	Residential Apartment Buildings, Housing Projects, Clinics, Nursing Homes, Institutional and Industrial Buildings.	30

**N. B.—(i)** Parking to be provided at ground level. Basement/stilt exclusively for parking and permissible services shall not be accounted for parking.

(ii) For residential apartments/housing projects, building constructed under EWS/ LIG category, the parking requirement shall be at least 10% of the covered area in all floors";

(ii) in sub-regulation (2), after item-F, the following Note shall be inserted, namely:—

**"NOTE—**For parking purposes, single basement shall be allowed in case of plot size of 500 square meter or more, and multiple basements shall be allowed in case of plot size of 1,000 square meter or more. The roof top parking with car lift shall be allowed only in case of plinth area/roof area of 2,000 square meter or more. For other than parking purposes, single basement may be allowed in plot size of less than 500 square meters also subject to a maximum of 50% of the covered area."

(iii) after sub-regulation (14), the following sub-regulation shall be added, namely:—

**"(15)** Double envelope stilt floor may be allowed to be constructed over the entire plot area leaving 3 mtr. from the boundary of the premises subject to following,—

(a) At least 6 mtr. wide passage all around shall be provided on the roof of the top most envelope stilt floor for movement of fire tender. The access to the top of stilt floor should be provided through ramp of maximum 1:10 slope. In case separate entry and exit to the stilt top is provided, the width of the ramp should be at least 3.6 mtr. and in case single ramp is provided, it shall not be less than 5.4 mtr., and

(b) The slab over which the fire tender shall move, shall be capable of taking load of fire engine, fire vehicle of at least 45 tonnes”.

16. In the said regulations, in regulation-36, in sub-regulation (1), for the words and comma “group housing,” the word and comma “apartment,” shall be substituted.

17. In the said regulations, in Regulation 39, for sub-regulation (4) the following sub-regulation shall be substituted, namely:—

“(4) basements/cellars may be permitted to be constructed leaving the prescribed set back/open space applicable to the building. Further, in case of apartment/housing projects/commercial/ corporate & IT/ITES buildings, the basements may be allowed to be constructed under the entire plot area leaving 3 meter space from the boundary of the premises subject to the following,—

(i) In all such cases the owners have to indemnify the Authority against any damage caused by her/him/them to the adjacent property in the format given in Form-XI.

(ii) The portion of the basement projecting out of the building line shall flush with the ground.”

18. In the said regulations, in Regulation 40, after sub-regulation (2), the following sub-regulation shall be inserted, namely:—

“(2A) The provision of lift for EWS/LIG houses in Apartment/ Housing Project building with a height less than 15 mtr. shall not be insisted.”

19. In the said regulations, in Regulation 44, after sub-regulation (1) the following sub-regulation shall be inserted, namely:—

“(2) All building of the following category may provide Solar Water Heating System and Solar Roof Top System as specified below and in Annexure-V(3) of this Regulation.”

(A) Solar Water Heating System :

Following standard for determination of the capacity of solar water heating system to be adhered to;

(a)	Hospital	:	10 ltr./bed
(b)	Hotels 5 star	:	15ltr./room
(c)	Hotel other than 5 star	:	10 ltr./bed
(d)	Police/Army/Barrack	:	200 LPD
(e)	Canteen/Messes	:	200 LPS

(f)	Hostel(School, Colleges & other Institutions where hot water is needed).	:	10ltr./student
(g)	Laboratory and Research Institutions	:	100 LPD
(h)	Household having plinth area 200 sq. mtr. or above.	:	100 LPD
	For Flats(for residential purpose) covered area 200 sq. mtr. and above	:	100 LPD/flat
	(It is to be managed by Resident Society)		
(i)	Guest Houses/Banquet Hall/Circuit House	:	200 LPD

(B) Off Grid/Grid connected Solar Roof top System :

(i)	Individual household or above.	:	With plinth area more than 300 sq.mtr Minimum 500 watt
(ii)	Hotel Five star	:	Minimum 5 KWp
(iii)	Other hotels	:	Minimum 2 KWp
(iv)	Commercial building with covered area more than 500 sq. mtr.	:	2 KWp

20. In the said regulations, in Regulation 47,—

(i) for sub-regulation (1), the following sub-regulation shall be substituted, namely:—

“(1) Apartment building shall be permitted only on plots of size more than 500 square meters.

(ii) after sub-regulation (3), the following sub-regulation shall be inserted, namely:—

“(4) The minimum width of approach road to the plot shall be 9 meters for non-high-rise and 12 meters for high-rise Apartment buildings.”

(iii) after sub-regulation (4), the following sub-regulation shall be added, namely:—

“(5) Construction of EWS/LIG housing will be mandatory for the Apartment Buildings with plot size of 2,000 sq. mtr. and above. Minimum 10(Ten) percentage of the covered area in all floors or as notified by the Government from time to time shall be constructed for EWS/LIG housing”.

21. In the said regulations, the Regulation 48 shall be omitted

22. In the said regulations, in Regulation 50, after sub-regulation (4) the following sub-regulation shall be added, namely:—

“(5) Addition/alteration of existing building –

(i) Construction proposed in all existing building which has been divided into parts by partition/sale or otherwise may be permitted (without insisting on front, rear or side setbacks) subject to fulfilment of following provisions :—

- Proposed coverage of the upper floor shall not exceed 75% of the plinth area of existing floor for organizing an open terrace to facilitate light and ventilation to habitable rooms.
- Separate arrangement shall be made for drainage of the storm water
- Ventilators may be permitted above lintel height on production of no objection certificate from the owners of the adjacent plot to which the ventilators abuts. But no window overlooking others property may be permitted without obtaining his written consent in shape of an affidavit.

- (ii) For constructions on first and subsequent floors on existing floors in a Basti area, constructions on zero setbacks on one sides may be permitted:

Provided that the construction does not lead to closing down of windows/ventilators/skylights of the neighbouring plot which are already existing lawfully.

While according permissions without providing required setbacks, no-objection certificate in shape of an affidavit from the side neighbour where setback is not provided may be obtained and reasons for the same may be recorded in writing."

23. In the said regulations, in Regulation 55, in sub-regulation (20), in item 'A', in sub-item(ii), the figure "20" shall be substituted by the figure "0.20".

24. In the said regulations, in Regulation 56, for the words "green belt use zone", the following words shall be substituted, namely:—

"Agriculture and forest use zone".

25. In the said regulations, in regulation 57,—

- (i) for sub-regulation (2), following sub-regulation shall be substituted, namely—

"(2) The Integrated Township shall be permitted in Residential/Public & Semi-Public use zones".

- (ii) in sub-regulation (3), in item D, the word "Institutional" shall be substituted by the words "Public and Semi-Public", and

- (iii) in sub-regulation (4), for items "E" and "F", the following items shall be substituted, namely:—

"E. The maximum permissible FAR and maximum permissible ground coverage shall be 2.75 and 40% respectively"

"F. At least 10% of the built up area or as notified by Govt from time to time will be earmarked for housing for the EWS/LIG category. The cost and method of allotment of such houses may be decided by the Authority."

**26.** in the said regulations, in regulation 58:—

- (i) in sub-regulation (4), in item A, for the words and figure “less than 18 m”, the words and figures “less than 12 meter” shall be substituted, and
- (ii) in sub-regulation (4), the item ‘C’ shall be deleted.

**27.** in the said regulations, for Regulation 59, the following regulation shall substituted, namely:—

“59. Permission for construction of multi-storied buildings and Apartments shall be given in following stages :—

- A. In the first stage a letter shall be communicated to the builder/developer to produce NOCs and clearances as applicable.
- B. On receipt of the NOCs and Clearance and deposit of all required fees, joint inspection shall be conducted and permission shall be accorded for building plan along with a direction to develop the necessary onsite and offsite infrastructure like connectivity of sewerage , water-supply , road , sewerage treatment plant, etc., to the main network as per the specification of the concerned public authorities.”

**28.** In the said Regulations, for regulation 67, the following regulation shall be substituted, namely:—

“67. In addition to the general provision contained in Regulation-15 and partial modification thereof every applicant/ owner shall submit a notice in Form-VI (Part-I and Part-II) regarding completion of the construction of multi-storied building, to the Authority through the registered Architect/Structural Engineer, who has supervised the construction. The said notice shall be accompanied with the following documents:

- A. Three copies of plan of the completed building ;
- B. A fee of Rs.5000 ;
- C. Record of Rights (ROR) relating to ownership ;
- D. Evidence to the effect of all public utility services, and in particular sewerage, drainage, water-supply and electricity have been linked to the main public utility system ;
- E. No Objection Certificate from Fire Prevention Officer.”

**29.** In the said regulations, in Regulation 72, after sub-regulation (1), Table 14 shall be deleted.

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30. In the said regulations, in Regulation 73, —

- (i) for the figures and symbol "50%", the figures and symbols "60%" shall be substituted, and the Regulation 73 shall be renumbered as sub-regulation(1) thereof; and
- (ii) after sub-regulation (1) as so renumbered, the following sub-regulations shall be inserted, namely:—

"(2)The minimum approach road width shall be as under:

Sl. No.	Area for Development in Ha.	Road width in mtr.
1	Up to 1.0	9
2	1.0—4.0	12
3	4.0—10.0	18
4	Above 10.0	30

For EWS/LIG housing scheme, the minimum road width may be relaxed by the Authority

(3) The minimum width of roads within the area of subdivision/ lay out shall be as per following table—

Sl. No.	Length of road in (m)	Min. width of road
1	Up to 250	9.0
2	Above 250 up to 500	12.0
3	Above 500 to 1000	15.0

(4) At least 10% of the gross land or as notified by Government from time to time will be earmarked for EWS/ LIG category. The cost and method of allotment of such plots may be decided by the Authority.

31. In the said regulations, in Regulation 76, in sub-regulation (1), for the figures and symbols "50%", the figures and symbols "60%" shall be substituted.

32. In the said regulations, in Regulation 77 sub-regulation (1) shall be substituted by the following sub-regulation namely:—

"(1) The applicant shall deposit a refundable non-earning security deposit at the rate of Rs.100 per sq. mtr. of plot area for development of land for a plotted development scheme which may be deposited in the form of Bank guarantee valid for a period of at least three years."

33. In the said regulations, in Regulation 78, in sub-regulation (3)—

- (i) **item 'B' shall be deleted;** and
- (ii) for item 'C', the following item shall be substituted, namely:—

“(C) The Authority may however compound deviations up to twenty per cent beyond the permissible norms of these Regulations in respect of front, rear and side setbacks. The maximum deviation allowed in FAR will be five per cent of the permissible FAR,” and

“(D) In case of houses constructed on a plot having area not more than 40 sq. mtr. and height not exceeding 10 mtrs. compounding of offence relating unauthorized/ deviated construction shall be allowed with reference to set-backs and coverage. The maximum deviation in FAR shall be ten percent of the permissible FAR.”

34. In the said regulations, in Regulation 79, for Table-15, the following Table shall be substituted, namely:—

**“TABLE-15  
CATEGORYWISE COMPOUNDING RATES**

Sl. No	Situations	Compounding fee per sq. mtr. (in Rs.) of deviation		
		Individual Residential Buildings	State Govt./ Central Govt./ Govt. Undertakings	Other class of buildings
1.	Where development has been undertaken without permission, but within the framework of use restrictions and the provisions of the Regulations applicable to concerned plot.	250	25	400
2.	Where development has been undertaken in deviation to the approved plan, but within the framework of use, restrictions and the provisions of norms and stipulations of these regulations.	100	10	250
3.	Constructions up to 10% beyond the permissible norms of these Regulations with respect to front, side and rear setback and/or the deviation in FAR is within 5 per cent of the permissible FAR.	1,000	100	2,000
4.	Constructions up to 20% beyond the permissible norms of these Regulations with respect to front, side and rear setback and/or the deviation in FAR is more than 5 per cent but within ten per cent of the permissible FAR.	2,000	200	5,000

35. In the said regulations, in Regulation 80, before the words “development of Public Utility services”, the words “Slum Rehabilitation and Development,” shall be inserted.

36. In the said regulations, for Regulation 86, the following regulation shall be substituted, namely:—

“86. If any Department /Local Body/ Statutory Authority has given any commitment for a project under PPP mode under the provision of BDA (Planning & Building

Standards) Regulations' 2001 or BDA (Planning & Building Standards) Regulations, 2008 prior to these amendments, but the building plan of such project has not yet been approved by the Authority as on the date of enforcement of these amended Regulations, such commitment shall be treated to be made under these amended Regulations and the building plan shall be approved accordingly."

37. In the said regulation, Regulation 88 shall be re-numbered as sub-regulation (1) and after sub-regulation (1) as so re-numbered the following sub-regulation shall be added, namely:—

"(2) In case of EWS/LIG scheme any decision taken for relaxation of building norms at the State Level Steering Committee(SLSC) constituted under Slum Rehabilitation and Development Policy(SRDP) for Odisha or by the State Government the same shall be deemed to have been relaxed under these regulations".

38. (i) in the said regulations, in Annexure-V, against item No.4, in sub-item (12) thereof, the figure "50" shall be substituted by the figure "60".

(ii) In the said regulations, after Annexure-V, the following Annexure shall be added, namely:—

#### ANNEXURE-VI

#### Applicability of Odisha Energy Conservation Building Code (OECBC)-2010

##### 2.1. Applicable Building system :

The provisions of this code shall apply to:

- (a) building envelopes, except for non-air conditioned storage spaces or warehouses,
- (b) mechanical systems and equipment, including heating, ventilating and air conditioning,
- (c) service hot water heating,
- (d) interior and exterior lighting, and
- (e) electrical power and motors.

##### 2.2. Exemptions :

The provisions of this code shall not apply to:

- (a) Buildings that do not use either electricity or fossil fuel, and
- (b) Equipment and portions of building systems that use energy primarily for manufacturing processes.

##### 2.3. Safety, Health and Environmental Codes Take Precedence :

Where this code is found to conflict with safety, health, or environmental codes, the safety, health, or environmental codes shall be take precedence.

## **2.4. Reference Standards :**

Energy Conservation Building Code, 2007 and National Building Code, 2005 are the primary reference documents/standard for lighting levels, HVAC, comfort levels, natural ventilation, pump and motor efficiencies, transformer efficiencies and any other building materials and system performance criteria.

### **3. 1. Compliance Requirements:**

#### **3.1.1. Mandatory Requirements:**

Compliance with the requirements of this energy code shall be mandatory for all applicable buildings as specified in Clause (2).

#### **3.1.2. New Buildings:**

New buildings shall comply with either the provisions of Clause (4) through Clause (9) of this code or the whole Building Performance Method of Appendix B (11)

#### **3.1.3. Additions to Existing Buildings :**

Where the addition plus the existing building exceeds the conditioned floor area of Clause (2), the additions shall comply with the provisions of Clause-4 through Clause (9). Compliance may be demonstrated in either of the following ways:

- (a) The addition alone shall comply with the applicable requirements, or
- (b) The addition, together with the entire existing building, shall comply with the requirements of this code that would apply to the entire building, as if it were a new building.

Exception to Clause (3) : When space conditioning is provided by existing systems and equipment, the existing systems and equipment need not comply with this code. However, any new equipment installed must comply with specific requirements applicable to that equipment.

#### **3.1.4. Alterations to Existing Buildings :**

Where the existing building exceeds the conditioned floor area threshold in Clause (2), portions of a building and its systems that are being altered shall meet the provisions of Clause (4) through Clause (9). The specific requirements for alterations are described in the following sub-sections

Exception to Clause (4) : When the entire building complies with all of the provisions of Clause (4) through Clause (9) as if it were a new building.

##### **3.1.4.1. Building Envelope:**

Alterations to the building envelope shall comply with the requirements of Clause (4) or fenestration, insulation, and air leakage applicable to the portions of the building and its systems being altered.

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Exception to Clause (4.1) : The following alterations need not comply with these requirements provided such alterations do not increase the energy usage of the building:

- (a) Replacement of glass in an existing sash and frame, provided the U-factor and SHGC of the replacement glazing are equal to or lower than the existing glazing.
- (b) Modifications to roof/ceiling, wall, or floor cavities, which are insulated to full depth with insulation
- (c) Modifications to walls and floors without cavities and where no new cavities are created.

#### **3.1.4.2. Heating, Ventilation and air conditioning :**

Alterations to building heating, ventilating, and air conditioning equipment or systems shall comply with the requirements of Clause (5) applicable to the portions of the building and its systems being altered. Any new equipment or control devices installed in conjunction with the alteration shall comply with the specific requirements applicable to that equipment or control device.

#### **3.1.4.3. Service Water Heating :**

Alterations to building service water heating equipment or systems shall comply with the requirements of Clause (6) applicable to the portions of the building and its systems being altered. Any new equipment or control devices installed in conjunction with the alteration shall comply with the specific requirements applicable to that equipment or control device.

#### **3.1.4.4. Lighting :**

Alterations to building lighting equipment or systems shall comply with the requirements of Clause (7) applicable to the portions of the building and its systems being altered. New lighting systems, including controls, installed in an existing building and any change of building area type as listed in Table 7.1 shall be considered an alteration. Any new equipment or control devices installed in conjunction with the alteration shall comply with the specific requirements applicable to that equipment or control device.

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Exception to Clause (4.4) : Alterations that replace less than 50% of the luminaries in a space need not comply with these requirements provided such alterations do not increase the connected lighting load.

#### **3.1.4.5. Electric Power and Motors :**

Alterations to building electric power systems and motor shall comply with the requirements of Clause (8) applicable to the portions of the building and its systems being altered. Any new equipment or control devices installed in conjunction with the alteration shall comply with the specific requirements applicable to that equipment or control device.

#### **3.1.4.6. Star Labeling and minimum star rating :**

All equipments and materials of type and specification coming under the purview of the star labeling programme as notified by BEE and as amended from time to time shall have minimum star rating as notified by the Government. of Odisha or as amended from time to time. Refer to Appendix-K for further details.

### **3.2. Compliance Approaches :**

The building shall comply first with all the mandatory provisions (4.2, 5.2, 6.2, 7.2 and 9) and either of the following :—

#### **(a) Prescriptive Method (4.3, 5.3, 7.3)**

Exception to 3.2(a) : The envelopes trade –off option of 4.4. may be used in place of the prescriptive criteria of 4.3.

#### **(b) Whole Building Performances Method(Appendix B-11)**

The OECBC compliant buildings in the design stage shall achieve an Energy Performance Index value at least that of a three star level building as specified in Appendix-H, Annexure-II.

### **3.3. Administration Requirements :**

Administrative requirements relating to permit requirements, enforcement interpretations, claims of exemption, approved calculation methods, and rights of appeal are specified by the authority having jurisdiction.

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**3.3.1. Authority having jurisdiction :**

For the administration and enforcement of the Odisha ECBC, the State designated Agency shall act as the "authority having jurisdiction" who shall be responsible for specifying permit requirements, code interpretations, approved calculation methods, worksheets and formats, compliance forms, manufacturing literature, rights of appeal, and other data to demonstrate compliance. The Appendix-J, Clause (19) specifies the proposed framework for administration and enforcement of the Odisha ECBC by the State Designated Agency.

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REPORT OF THE COMMITTEE BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA IN THE  
MATTER OF ORIGINAL APPLICATION NO. 21/2024/EZ

**1. Background:**

The present Original Application is being taken up suo-motu on a complaint submitted by one Smt. Haripriya Patel stated to be residing at 106, Lumbini Enclave Chandrasekharpur near Care Hospital, Bhubaneswar-751021, Odisha, bringing to the notice of the Tribunal an article published in 'the Times of India' on 15.12.2023 under the heading "Stench from a garbage dump at TTS a health hazard: Experts",

Hon'ble NGT has passed an order on 31.01.2024, the relevant portion of which is reproduced as under:

*"In order to elicit the veracity of the allegations made, we deem it appropriate to constitute a fact-finding Committee comprising of the following Members: -*

- i. Senior Scientist, Odisha State Pollution Control Board,*
- ii. Senior Scientist, Central Pollution Control Board, and*
- iii. Senior Scientist/ Environmentalist, Bhubaneswar Municipal Corporation, Bhubaneswar*

*The Committee shall inspect the site in question and submit its Report within four weeks on affidavit regarding the allegations made.*

*The Odisha State Pollution Control Board shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit within four weeks."*

**2. Constitution of Committee**

In compliance with that following committee is constituted:

- i. Dr. Binod Bihari Dash, Additional Chief Environmental Scientist, State Pollution Control Board, Odisha*
- ii. Abhijit Pathak, Scientist 'D', Central Pollution Control Board, Regional Directorate Kolkata and*

*B. Dash*      *Abhijit*      *D. W.*

- iii. Dr. Manoranjan Sahu, Deputy Commissioner, Bhubaneswar Municipal Corporation, Bhubaneswar.

The members of the committee had a meeting on 24.02.2024 at the BMC office, Bhubaneswar, followed by a visit to the site in question and other MSW management sites in Bhubaneswar city. A list of participants who attended the meeting and field visits is given in *Annexure I and Annexure II*.

The members of the committee met again on 25th February to finalize the fact-finding report. The List of participants who attended the meeting *Annexure III*.

### **3. About Bhubaneswar Municipal Corporation (BMC) and its responsibility in Waste Management**

Bhubaneswar Municipal Corporation (BMC) which was constituted in the year 1948 as a Notified Area Council became a Municipality in the year 1979 and finally was declared as a corporation in the year 1994. The area of BMC is spread over 200 sq. K.M. which is divided into 3 Zones (South East, South West & North) and further subdivided into 67 municipal wards.

BMC is responsible for city sanitation and hygiene to provide end-to-end sanitation services from collection of solid waste from doorsteps and streets till its scientific disposal. As per Solid Waste Management Rules 2016, BMC is also responsible for management & disposal of Construction & Demolition wastes, street sweeping wastes, horticulture wastes, desilting wastes generated from drain cleaning in addition to domestic dry and wet wastes.

### **4. Solid Waste Generation Potential in Bhubaneswar Municipal Area**

As per the 2011 Census, the population of the city is 8,86,397, the census data for 2021 is yet to be published and therefore, it is estimated that the population under BMC jurisdiction is anticipated to be approximately 13 lakhs at present and being the capital city of the State, the daily influx of floating population is estimated to be around 2 lakhs thereby leading to approximately 15 lakhs waste generators.

The current potential generation of Municipal Solid Waste in 67 wards of BMC is approximately 800 tonnes per day (800 TPD). The wet waste is approximately 384 Metric tons/day of the total mixed waste and dry waste is 416 Metric tons/day.

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### **5. Present Management Practice of Municipal Solid Waste in Bhubaneswar:**

The Government of Housing & Urban Development Department, Odisha issued a Standard Operating Procedure (SOP) envisaging a unique Decentralized Waste management model by involving community participation and empowerment of Women Self Help Group (SHG) members. As per the Standard Operating Procedure, the ULB have its own fleet of vehicles equipped with separate compartments for segregated collection of dry and wet waste. Members of SHGs are responsible for Door to Door collection of segregated waste and transport the same to a Micro Composting Centre (MCC) and Material Recovery Facility (MRF). In Bhubaneswar city, there are 22 such "Wealth Centres" where both MCC and MRF coexist. In addition to these, there are independent MCCs (14 nos.) in addition to the 22 MCCs existing at "Wealth Centres". At these centres segregated wet waste goes for Composting at MCC and dry waste is sorted into various categories and further channelized to recyclers directly or through authorized intermediaries. It was stated that each MCC and MRF shall have maximum throughput capacity of 5 TPD which is entirely being operated and managed by the SHG groups. Total installed capacities to handle 110 TPD (Tonne per day) MRF and 180 TPD MCC in wealth centres.

#### **A. Collection and Transportation of Wastes:**

In order to ensure door-to-door collection of the MSW generated in the city, BMC has currently engaged 435 nos. specially designed Light Commercial Vehicles and 55 nos. Battery Operated Vehicles have separate compartments for segregated collection of dry and wet waste. In addition to these, 200 manual push carts are also engaged for door-to-door collection of segregated waste where access to narrow lanes, and by-lanes in residential areas by LCVs/BOVs is not possible. The transport activity from households to treatment facilities is being managed through the involvement of seven (7) NGOs.

The door-to-door collection efficiency is more than 90% whereas the source segregation efficiency is around 50%-60% as reported by BMC. The optimum processing efficiency of Municipal Solid Waste can be achieved by proper segregation of Municipal Solid Waste at the source of generation. In order to ensure source segregation and to inculcate the habit of source segregation in the citizens of Bhubaneswar BMC has taken several initiatives which are as follows:

- Engagement of 4 nos. Swachha Sathis in each ward for day-to-day awareness by reaching out to the households daily. The performance effectiveness of the awareness campaign is being assessed and monitored.
- The door-to-door collection vehicles were specifically designed with separate compartments and signages were fixed in each vehicle to generate awareness of source segregation.
- All the vehicles are equipped with a public address system (Mike) to request and make the citizens aware to provide segregated waste i.e., wet & dry waste. The vehicles are continuously playing jingles and songs to attract, convince, and request the citizens to provide segregated waste on daily basis while executing the door-to-door collection activities.
- Several other methods of IEC campaigns such as meetings, rallies, door to door campaigns are being organized by BMC from time to time to inculcate behavioural changes in citizens to enhance collection & segregation efficiency to 100%.

The segregated waste is transported to the Decentralized Wealth Centres established in different wards of the city. The available waste treatment facilities are tagged with designated wards (in group or individual) in such a way that the collected waste can reach the respective designated wealth centre (Consisting of Micro Composting Centre & Material Recovery Facilities MRF) or standalone Micro Composting Centre (MCC) for their scientific disposal within the stipulated time. The list of Material Recovery Facilities (MRF) & Micro Composting Centre (MCC) in municipal jurisdiction is given in Table 1 & Table 2:

SL NO	ZONE	NAME OF MRF	WARDS TAGGED	CAPACITY (TPD)
1	NORTH	TTS Sainik School	12,17	5
2		TTS Sainik School	25, 27	5
3		Gadakana	9,11	5
4		Kanan Vihar	2,3	5
5		Prasanti Vihar	1,6	5
6		Naharakanta	4	5

SL NO	ZONE	NAME OF MRF	WARDS TAGGED	CAPACITY (TPD)
7		Pandra	18,19	5
8		Hatiasuni	7,13,16,20,21,26	5
9		Palasuni	5,10	5
10		Niladri Vihar	8,14	5
11	SOUTH EAST	Nicco Park	28, 29,35,36,41	5
12		Unit 1	40,53	5
13		Badagada	43,44,45	5
14		Basuaghai	30,34,58,59	5
15		Laxmi Sagar	31,32,33,42	5
16		Lingaraj ROB	54,55,60,61,67	5
17		Mahinsakhhal	56,57	5
18	SOUTH WEST	Bharatpur	22,23,24,49	5
19		Pokhariput	46,51,52,62,63	5
20		Baramunda	15,50	5
21		Bhagawanpur	64,65,66	5
22		Unit 8	39,47,48	5
				110

Sl. No.	Zone	Functional MCC	Wards Tagged	Capacity (TPD)
1	North	TTS, SAINIK SCHOOL	12 & 17	5
2		Pandara	18 & 19	5
3		Niladri Vihar	8, 14	5
4		Kanan Vihar	2,3	5
5		Prashanti Vihar	1&6	5
6		Naharkanta	4	5

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Sl. No.	Zone	Functional MCC	Wards Tagged	Capacity (TPD)
7		Gadakana (TTS Front)	9 & 11	5
8		Hatiasuni	16,20,21, 26,7 & 13	10
9		Hatiasuni		
10		Palasuni	5 & 10	5
11	South East	Nicopark -36	36	5
12		Nicopark -28 &29	28,29	5
13		Nicopark -35	35	5
14		Laxmisagar - 32,33	32 & 33	5
15		Mahinsakhala	56 & 57	5
16		Badagada	44	5
17		Basuaghai	59	5
18		Badagada	43 & 45	5
19		Laxmisagar-31,42	31 & 42	5
20		Nicopark	41	5
21		Unit-1	40 & 53	10
22		Unit-1		
23		Basuaghai	58	5
24		Basuaghai	30,34	5
25		Lingaraj ROB	54,55,60,61,67	10
26	Lingaraj ROB			
27	South West	Unit -8	47, 48	5
28		Unit -8	39	5
29		Baramunda	50,15	5
30		Bharatpur	23 & 49	5
31		Bharatpur	22 & 24	5
32		Pokhariput	51 & 52	5

Sl. No.	Zone	Functional MCC	Wards Tagged	Capacity (TPD)
33		Pokhariput	62	5
34		Pokhariput	46 & 63	5
35		Bhagbanpur	64 & 66	5
36		Bhagbanpur	65	5
Total				180




## B. Activities performed in Wealth Centres

### i) Micro Composting Centre:

- Segregated wet waste collection from door steps.
- Unloading of Wet Waste at MCC
- Secondary sorting of dry components by Swacch Karmis
- Shredding of Wet Waste mixed with EM Solution and Rice husk
- Shredded waste put into pit
- Turning of waste for aeration every 3-4 days
- Degraded waste in 42-45 days.
- Drying of degraded waste
- Sieving of waste
- Retrieving of compost
- Packaging and releasing to market for sale

The wealth centres are operated by Women SHGs daily for the recovery of compost, Recyclables, and Refuse Derived Fuel (RDF) materials. The compost is collected and packaged in different-sized bags as per the requirement of the customer and sell under the brand name of "Mo Khata" (My Fertilizer) to various downline departments and other customers. The detail of sale records of "Mo Khata" produced from waste to wealth (165.125 Tonnes) during 01.01.2023 to 31.12.2023 is given below:

7

**Table-3 Sale Records of “Mo Khata”**

Sl. No	Name of the line Dept. / Local sale	Mo Khata Compost Sold (MT)
1	EO, Nayagarh (Asst. Horticulture Nayagarh & Nuagaon Block)	33.125
2	Revenue Officers Training Institute (ROTI)	0.5
3	Environmental Officer, BMC	11.84
4	Bhubaneswar Development Authority	1
5	OFDC LTD, Patnagarh	10
6	The Forest range Officer, Bhubaneswar	2
7	Sericulture, Bhubaneswar	22.2
8	Revenue Officers Training Institute (ROTI)	0.3
9	Total Local sales through KIOSK from 01.01.2023 to 31.12.2023	84.16
	<b>Total</b>	<b>165.125</b>

It indicates that the demand of “Mo Khata” is highest in local market through Kiosk, hence the waste generators themselves are now interested to use their own waste promoting circular economy.

**ii) Material Recovery Facility:**

- Segregated dry waste collection from door steps
- Unloading of dry Waste at MRF
- Sorting of recyclables
- Bailing of recyclable material and stacking
- Lifting by Authorised channel partners for sale to recyclers
- Non-recyclable materials transportation to Cement Factory kiln

The recyclables wastes generated through manual sorting of dry waste in Mills are sold through (4) four authorized recyclers. BMC has fixed the rates for each type and agreement has been executed with them.

Recyclable wastes processed at MRF's and sold during the period 01.01.2023 to 31.12.2023 is 3309.055 MT and BMC has earned Rs. 2,42,55,982/- as wealth from waste. The detail sale record of recyclable wastes as below:

**Table-4: Sale of Recyclables with Quantity from MRF**

(Period Jan, 2023 to Dec, 2023)			
Sl. No	Month	Quantity (mt)	Amount (Rs.)
1	Jan	95.635	422434
2	Feb	162.92	652090
3	Mar	265.41	1032162
4	Apr	281.41	2475835
5	May	310.62	2517551
6	Jun	243.87	2156494
7	Jul	233.73	2267913
8	Aug	349.29	2764128
9	Sep	301.92	2541138
10	Oct	340.63	2880118
11	Nov	372.28	2323235
12	Dec	351.34	2222884
<b>Total</b>			<b>24255982</b>

**C. Handling & disposal of treated dry wastes as Refuse Derived Fuel (RDF):**

For safe and useful disposal of RDF generated from the waste treatment facilities, BMC has an MoU with M/s Dalmia Cement (Bharat) Limited, Rajgangpur, where, it is disposed through Co-processing in cement Kilns. (*Annexure IV Copy of MoU*).

**D. Management of Inert Wastes**

The Solid wastes (mostly inert) generated from other allied activities i.e. Street Sweeping, C & D wastes Bhubaneswar Municipal Corporation has a mechanism to lift and dispose of the same through low-lying land filling. Drain de-silting and cleaning mucks are dried at TTS and finally disposed through filling the low-lying land areas.

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E. **Horticulture wastes:** The horticulture waste generated in the city are taken to TTS and composted with wet wastes.

**F. Unsegregated Wastes**

The Challenges with handling and disposal of unsegregated or poorly segregated mixed waste are taken care of at TTS for further processing.

**G. Management of Carcasses/Dead Animals**

BMC has adopted a dedicated separate collection mechanism in the city for handling carcasses (dead animals) for which specifically designed vehicles are engaged. These specific vehicles collect dead animals/carcasses and transport them to a designated burial site at Jamukoli for their disposal as per standard practice prescribed by CPCB. A quick response team has been constituted and operates under the Administrative Control of the City Health Officer for this purpose. The entire process of dead animal/carcass disposal activities is monitored by City Health Officer and his team on daily basis.

**H. Management of Sanitary Waste**

BMC has waste collection Vans where citizens are requested to drop sanitary waste in plasma separate compartments demarcated. BMC has a plan to install plasma-based sanitary waste disposal facility; however sanitary wastes are presently dried with RDF at TTS and sent to M/s. Dalmia Cement (Bharat) Ltd. for co-processing in cement kiln.

**I. Industry Waste**

There are four (4) nos. of Industrial Estates under the jurisdiction area of Bhubaneswar Municipal Corporation (BMC), namely Mancheswar IE, Chandaka IE, Rasulgarh IE and Bhagwanpur IE.

The total quantity of municipal solid wastes generated from these four (4) Industrial Estates (having 935 working units) is estimated to be about 4.48 MT/day. At present BMC is collecting the Municipal Solid Wastes daily with its existing infrastructure and manpower without collecting/charging any user fee. Now BMC has planned to collect user fee from these industrial units and a MoU is under preparation.

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**J. Hotel and Restaurant waste**

The waste generated by hotels and restaurants is being collected by BMC on daily basis in a segregated manner and process through the existing facilities.

**K. Market Complex waste**

The waste generated from the market complexes is being collected by BMC on daily basis in a segregated manner and process through the existing facilities.

**6. Legacy Waste in Bhubaneswar and its Management:**

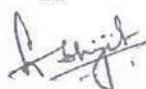
As directed by Hon'ble NGT in the matter OA 606/2018 dated 31.05.2022 addressing two specific issues Solid waste management and Sewage management, BMC has initiated many steps. On Dtd. 16.01.2019 in the matter OA 606/2018, it was further specifically directed to all states and UTs to ensure proper collection, transportation, and processing of Municipal Solid Waste including commencement of Bio-mining of Legacy Wastes for land reclamation and scientific disposal of waste

Earlier BMC used to transport waste from primary collection centers (bins, dhalav, vats) to Dharuthenga village for permanent open land disposal. In addition to that BMC has a Temporary Transfer Station (TTS) Gadakana village, which is inside the municipal boundary. Being a temporary site (TTS) at Gadakana should not accumulate waste as legacy waste.

Due to public agitation and protest to allow fresh waste at Dharuthenga, Bhuasuni site, TTS had no option left except the accumulation of waste, which was the main reason for attracting the Media and finally the present suo-moto case OA 21/2024 was taken up by Hon'ble NGT.

**a) Legacy Waste at TTS, Gadakana**

Quantity of Legacy Wastes accumulated in TTS site since the Bhuasuni, Dharuthenga site has seen stopped accepting waste was 1,01,165 Metric ton as on Dtd. 05.11.2023. As TTS is presently operating and accepting solid waste collected by BMC, which are in excess to the collective capacity of wealth centres, about 510 tonnes per day waste is reaching TTS on daily basis. Therefore, the total estimated waste reached including legacy waste of 1,01,165 tonnes since 05.11.2023 till the day of inspection is approximately 1,36,355 tonnes at TTS.


Since (05.11.2023) BMC has started operation of biomining and wealth centre at TTS about 1,32,950 tonnes of waste have been processed in 69 days (till day of inspection). Total 93,065 tonnes of RDF recovered and out of which 37,000 tonnes have been despatched to M/s Dalmia Cement (Bharat) Ltd., Rajganpur for co-processing in cement kiln. Processed RDF remained at site is about 56,065 tonnes. Balance legacy waste (3405 tonnes) is yet to be processed simultaneously with daily collected waste (510 TPD). Temporary accumulation of wastes at TTS was stopped since 13.01.2024, Daily wastes being received are processed by windrows composting and making RDF for final disposal through co-processing in cement kiln.

**b) Legacy Waste at Bhuasuni, Daruthenga site**

Since 17th May 2023 the transportation and dumping of waste at Bhuasuni, Daruthenga site has been completely stopped. The estimated legacy waste deposit to be processed for biomining at Bhuasuni site is about 16,00,000 tonnes. For Bio-mining of the existing dumpsite the tender was finalized at a cost of Rs. 103.00 crores approximately and the agreement was executed with the private agency on Dtd. 23.02.2022 however, the execution of the contract was deferred due to agitation of the local public who were impressing hard upon complete stoppage of dumping prior to execution of the same. Finally, for the development of the infrastructure facility and commencement of the contract, the work order was issued on 15th October 2023 for Bio-mining activities at Bhuasuni site. The time frame for completion of bio-mining activities are as follows: *(Annexure-V, Copy of Work Order).*

**Table-5: Schedule of Bio-mining Activity**

S.N.	Activity to be completed	Time Period for Completion
01	To dispose of 23% of 16 Lakhs MT from Bhuasuni Dumpsite	Within 10 months of Signing of Agreement.
02	To dispose of 54% of 16 Lakhs MT from Bhuasuni Dumpsite	Within 21 months of Signing of Agreement.
03	To dispose of 85% of 16 Lakhs MT from Bhuasuni Dumpsite	Within 30 months of Signing of Agreement.
04	To dispose of 100% of 16 Lakhs MT from Bhuasuni Dumpsite	Within 36 months of Signing of Agreement.

The Commencement of bio-mining activity at Bhuasuni site was started from 15th Oct, 2023 and the quantity of waste processed till 9th of February, 2024 is given as follows:

**Table-6: Processing of Legacy Waste at Bhuasuni site**

Input (In ton)		Output Calculation				
Year & Month	Legacy Waste	Bio-soil (40%)	Inert (30%)	RDF (15%)	Moisture (10%)	Ground Loss (5%)
October,2023	10299	4119.60	3089.70	1544.85	1029.90	514.95
November,2023	12107	4842.80	3632.10	1816.05	1210.70	605.35
December,2023	59785	23914.00	17935.50	8967.75	5978.50	2989.25
January,2024	68145	27258.00	20443.50	10221.75	6814.50	3407.25
February,2024 (till 9 <sup>th</sup> Feb)	20076	8030.56	6022.92	3011.46	2007.64	1003.82
<b>Total</b>	<b>170412</b>	<b>68164.96</b>	<b>51123.72</b>	<b>25561.86</b>	<b>17041.24</b>	<b>8520.62</b>

The disposal of Bio-soil/Good earth, RDF and Inert waste by the agency at Bhuasuni site is given as follows:

**Table-7: Disposal of Bio-soil, Good Earth & RDF**

Year & Month	Inert	Bio-soil	C&D	RDF
October, 2023	0	0	0	0
November, 2023	2137.12	1090.06	0	
December, 2023	6405.98	4806.3	0	759.81
January, 2024	9745.68	7732.03	104.63	1001.75
February, 2024 (till 9 <sup>th</sup> Feb)	1002.72	1037.28	68.25	267.66
<b>Total</b>	<b>19291.5</b>	<b>14665.67</b>	<b>172.88</b>	<b>2029.22</b>

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## 7. Salient Observations of the Fact-finding Committee

- a) The Committee has estimated legacy waste at TTS, Gadakana as 1,01,165 Metric ton as of 05/11/2023, which was almost double the quantity (54,000 tonnes) reported in the Newspaper on dtd. 15.12.2023 in "The Times of India".
- b) The distances from TTS to nearby reputed schools reported in this news item were aerielly measured using Google Earth and found that Kendriya Vidyalaya is situated at above 1578 meters away, and the Sainik school is at about 208 Meter away from TTS waste processing site (*Annexure VI*).
- c) The committee has inspected the Wealth Centres and observed that composting and MRF operations are being routinely performed and no objectionable storage of waste was found or obnoxious odour felt at these sites.
- d) The present scenario at TTS compared to the picture portrayed in the petition and News reports has been improved as observed by the Fact-finding committee members. As reported and revealed from records since the waste processing at TTS commenced, about 1,32,950 tonnes of waste got processed; however, 56,065 tonnes of processed RDF are still lying at the site which is supposed to be sent to M/s Dalmia Cement (Bharat) Ltd. for co-processing (*Annexure VII*).
- e) Only 3405 accumulated tonnes of waste and daily waste inflow are to be processed at TTS.
- f) Newly introduced two (2) line Trommels (40 Tonne/hour each) and three Terex machines (50 Tonne/hour each) operated since December 1st, 2023 have changed the scenario at TTS. BMC has a plan to augment capacity further. (*Annexure VIII*).
- g) Optimum use of inoculum and deodorant was observed and the odour intensity was bearable at the site.
- h) The committee observed that everywhere the labours and workers were wearing PPEs and Safety Gear.
- i) It was observed by the committee that the concrete floor developed to process wastes with respective machinery has issues in design to collect expected leachates from the waste during processing and drying. BMC may be advised to look into the matter and modify the civil design having garland drains all around and parallel drainage connected to Garland drain finally leading to a leachate collection pit,
- j) The Fact-finding committee also visited the old dump site at Daruthenga, Buasuni. BMC has awarded the contract for biomining with a set target to complete the mining





in the next 36 months. The total waste to be processed is 16 lakh tonnes. (*Annexure IX*).

- k) Out of 16 lakh tonne of legacy waste 170412 tonnes of waste could be processed during the period 15th October, 2023 to 09th February as per record. BMC has also declared incentives on processing waste at a faster rate than contract targets. The operator has already proposed to involve more machinery for fast disposal of waste.
- l) At Bhuasuni site the operator has developed well well-maintained flower garden using good earth processed at the site. This may be a success story if BMC plans to use it for gardening. at parks, road dividers, and other areas for beautification and aesthetic development of the city.


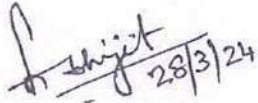
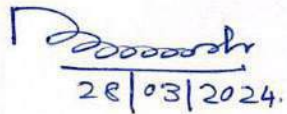
#### 8. Future plan of enhanced solid waste processing facility by BMC:

- i. It was also informed to the committee that BMC has plan to install a bio-methanization plant in collaboration with M/s. Oil India Ltd. Preliminary discussion is over and BMC has given consent to M/s. Oil India Ltd. for preparation of DPR for 200 TPD Bio-methanation plant and the first draft is expected by the end of February, 2024 (*Annexure X*).
- ii. In order to augment the handling capacity at TTS, a work order for the supply, installation, and commissioning of 15 TPD MRF plants has already been awarded. (*Annexure XI*).
- iii. The Bidder selected for the establishment of 150 TPD MRF plant at Palasuni and another tender published for 150 TPD MRF plant at the same location (*Annexure XII*).
- iv. BMC is also committed to Installation of plasma-based incinerator for sanitary waste. (*Annexure XIII*).

#### 9. Conclusions:

1. The committee has also identified that BMC needs to have an Emergency plan to accommodate waste generated during the monsoon period (almost 4 months) as it is apprehended to be a challenging month to get wastes dry and composted as per schedule.
2. The compliance with the environmental regulatory formalities wherever applicable in terms of CTE and others shall be taken up by BMC at the earliest.
3. The continuous monitoring of the performance of BMC in solid waste management may be performed by State Pollution Control Board, Odisha and BMC shall submit the

- balance sheet of processing of waste every month (by the 10th day of next month to State Pollution Control Board, Odisha.
4. BMC shall ensure quick transport and shifting of RDF to disposal facility.
  5. With an increasing load of waste and RDF, BMC may establish MoU with other interested parties for co-processing.
  6. The Good earth may be used by Government departments for horticulture to uplift the aesthetic aspect of the city.
  7. The integrated plan for capacity enhancement tied with projected waste generation for next 15-20 years may be prepared in line with the master plan of BDA (Bhubaneswar Development Authority).

Signature	Signature	Signature
		
Name & Designation Dr. Manoranjan Sahu Deputy Commissioner (Sanitation), BMC	Name & Designation Sh. Abhijit Pathak Scientist-D, CPCB, Regional Directorate, Kolkata	Name & Designation Dr. B.B. Dash Additional Chief Environmental Scientist, SPCB, Odisha (Nodal Agency)



## ANNEXURE-5

Sankar Pani <sankarprasadpani@gmail.com>

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### Demand for closure of MCC ( Micro composting Centre), at ward no 67, Bhubaneswar Municipal Corpation

1 message

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**Rajkishore Swain** <swainrajkishore812@gmail.com>

Fri, May 1, 2026 at 11:20 AM

To: paribesh1@ospboard.org, dm-khurda@nic.in, hudsec.or@nic.in

Bcc: sankarprasadpani@gmail.com

Sir

Of late, foul smell from the captioned MCC is affecting our living conditions in the area.

More over, this MCC is operating inviolation of Odisha Government Land Settlement Act,1962;

Municipal Solid waste management Rule,2016,and City Developement plan for our area.

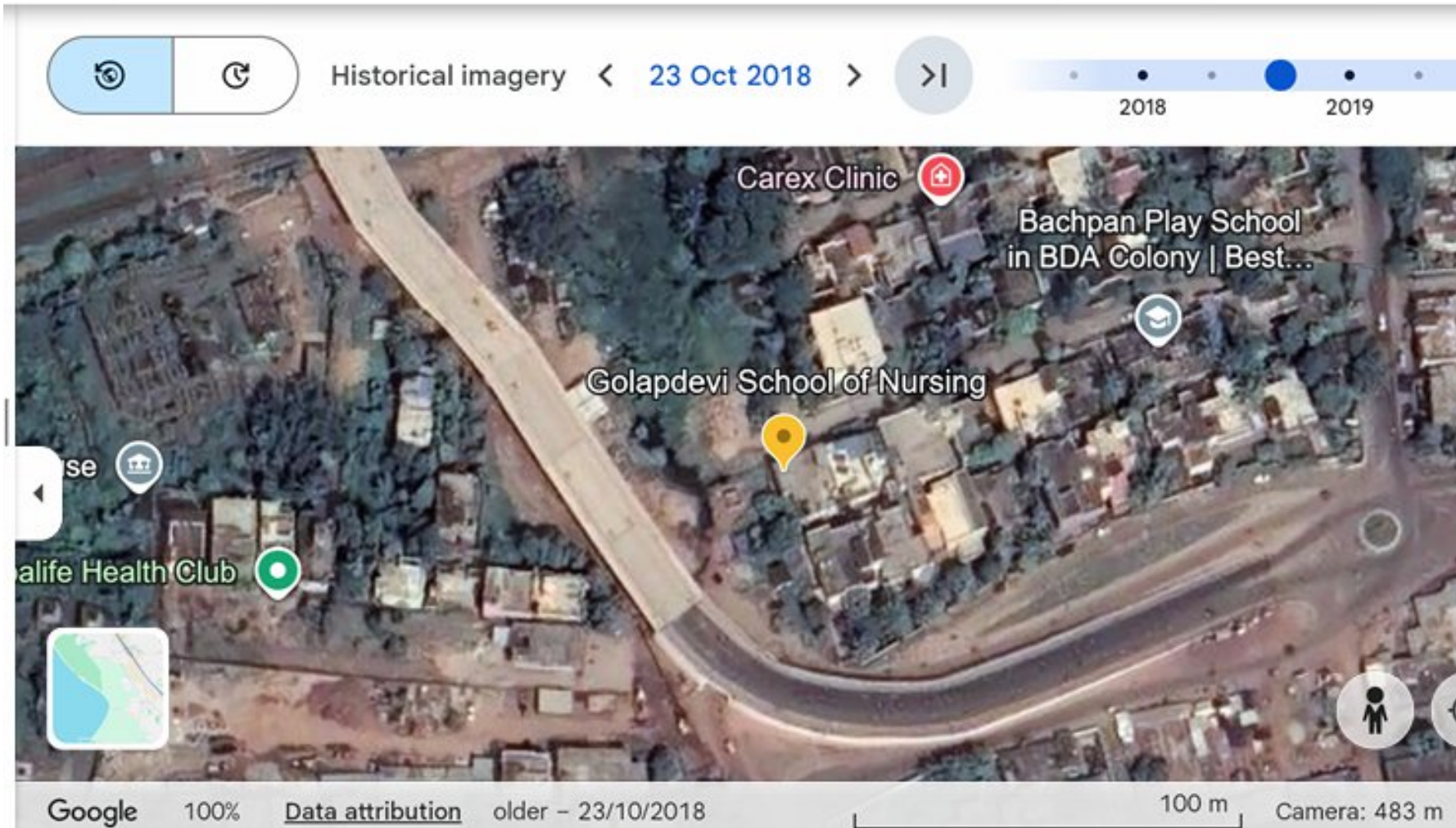
Kindly take immediate steps to close down the unit and oblige.

Regards

BELOW ATTACHED GOOGLE EARTH IMAGE DATED 03/09/2017 SUGGESTS THE LAND IN QUESTION WHERE THE MCC IS EXISTING IS A LOW LYING AREA AND FULL OF GREENERY



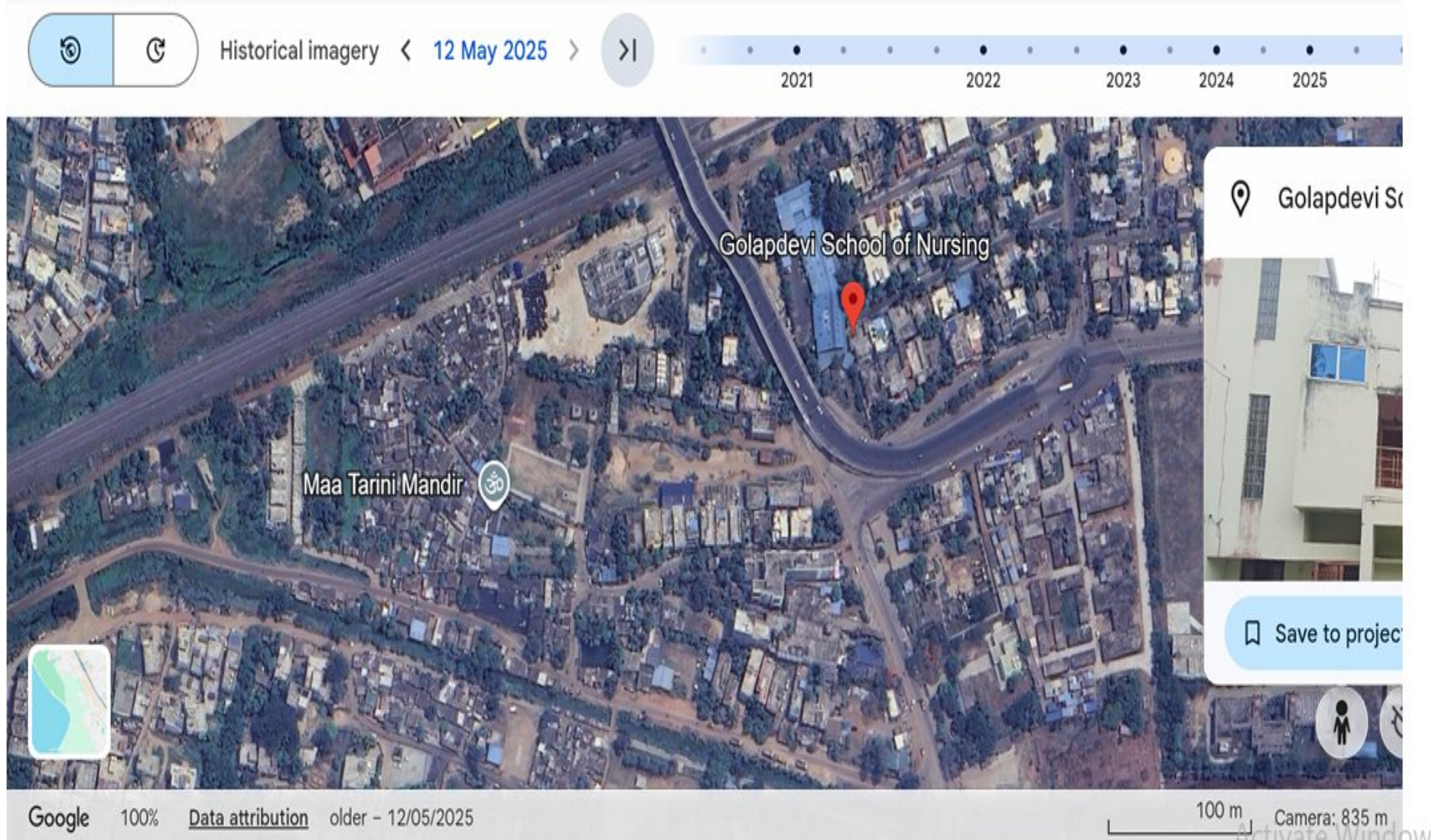
BELOW ATTACHED GOOGLE EARTH IMAGE DATED 23/10/2018 SUGGESTS THE LAND IN QUESTION WHERE THE MCC IS EXISTING IS A LOW LYING AREA AND FULL OF GREENERY



BELOW ATTACHED GOOGLE EARTH IMAGE DATED 17/03/2019 SUGGESTS THE LAND IN QUESTION WHERE THE MCC IS EXISTING IS A LOW LYING AREA AND ADJACENT TO THE RESIDENTIAL HOUSES



BELOW ATTACHED GOOGLE EARTH IMAGE DAETD 12/05/2025 SUGGESTS THE BMC HAS CONSTRUCTED THE MCC WITHIN THE RESIDENTIAL AREA



**BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA**

ORIGINAL APPLICATION No. \_\_\_\_\_ of \_\_\_\_\_

RAJ KISHORE SWAIN ..... APPLICANTS  
VERSUS

STATE OF ODISHA AND OTHERS .....RESPONDENTS

KNOW ALL to whom these present shall come that .

I, RAJ KISHORE SWAIN, S/O LATE BAURIBANDHU SWAIN, AGED ABOUT 71 YEARS, RESIDENTS OF AT/PO HIG 1/14, BDA COLONY, KAPILAPRASAD, BHUBANESWAR,

The above named APPLICANTS do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani, ASHUTOSH PADHI Advocate, Address-Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002, ENROLMENT NO O-785/2007, Email-**

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 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 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.

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 - 14TH OF MAY 2026.  
Accepted subject to the terms of fees.

  
Advocate

Client

Rajkishore Swain,