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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO.- 71 OF 2025

IN THE MATTER OF:

BIPIN BIHARI DAS

APPLICANT

VERSUS

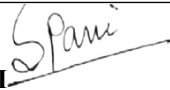
STATE OF ODISHA & ORS

RESPONDENTS

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PLACE: BHUBANESWAR

SANKAR PRASAD PANI ASHUTOSH PADHY DATE: 14th July 2026

ADVOCATE

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



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REJOINDER AFFIDAVIT ON BEHALF OF APPLICANT

MOST RESPECTFULLY SHOWTH

I BIPIN BIHARI DAS, S/o LATE DAMODAR DAS Aged about 64 years At-Talapada Po-Dalua, Ps- Dwarika, Dist- Balasore 756044, Odisha, do hereby solemnly affirm, and declare as under:

1. That I am the Applicant in the abovementioned application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.
3. That the committee visited the unit but did not interact with either the Applicant or the local villagers residing in close proximity of the unit. Even though the Panchayat representatives have endorsed the violations based on the public grievance, but never their views have been called for or considered. Hence the report prepared is without feedback and inputs from the local affected people and the report is unilateral mostly record the statement of the private respondent.



4. The issue of foul smell and odour is still at large emanating from the unit and local people are suffering for the same. The Odour is guided by the wind direction and the committee have not found any odor on the day of inspection possible due to the remedial measures taken on the day as it was informed in advance.
5. It is submitted that the pollution spreads aurally and not through road, hence the distance by road has no relevance to say that villages are far away from the unit. That Kuarpur village is adjoining to the unit on the North east side,. On the south side is Inchudi village. If one go straight through the farmland Inchudi and Kuanpur both villages will be 0.5 KM from the Unit. Similarly, if one go straight Srijang village is only 0.5km and Boit village of Maharajpur is only 1 km away. Rehenga and Gambharia villages of Kulinga Panchayat are 0.5 km away. Tina village of Barunsingh is only 3.5 km away. Similarly,aerial distance of Applicant village Talpada, is only 1.5 km away from the unit. The pungent stench goes up to 16 to 20KM.
6. **Denial of Blanket Compliance:** The Applicant vehemently denies the assertions made in the Counter Affidavit and the Joint Inspection Report dated 09.07.2025, which claim that the allegations are "devoid of any merit" .The Joint Inspection was conducted as a one-day spot visit on 09.07.2025, which fails to capture the continuous, cyclical, and cumulative environmental degradation caused by the private respondent unit during its routine night-time operations and seasonal peak processing periods.The joint inspection report have not placed photographs of the compliance except blanket denial of all the allegation raised in OA.
7. **Groundwater Extraction and Borewell Failures:** The Respondent's reliance on the "Safe Category Zone" classification of the Remuna Block is misleading .The inspection report glosses over the critical evidence submitted as Annexure-5 and Annexure-6 of OA, where the local Sarpanches of Maharajpur and Rasalpur Gram Panchayats formally certified



the drying up and failure of at least 14 public drinking water and agricultural borewell (including 7 in Kuanrpur, 2 in Chhachina, and 5 in Bhimpur) due to severe drops in yield . The massive withdrawal of 350–400 KLD by a single commercial unit has triggered localized ground cone-of-depression anomalies, severely destabilizing the shallow water table (100–150 feet) relied upon by local agrarian communities

8. **Untreated Waste Discharge and Local Hydrology:** The report notes that the unit discharges industrial effluent into a 7.5 MLD polishing pond and onwards via a pipeline . However, the Applicant submits that during periods of high-volume processing, toxic sludge and overflow enter the seasonal natural nallah (Kantiachira River) . The claim that Kantiachira is merely a "seasonal nallah" without a catchment area is geographically flawed . This watercourse acts as the primary drainage facility for flood and rainwater run-off originating from the mountains stretching across Soro to Remuna Blocks, directly servicing 20–25 Gram Panchayats. Any modification, obstruction, or baseline pipeline construction creates an immediate risk of agricultural inundation and localized flooding. That the photographs also shows that the Respondent unit is discharging untreated sewage waste to the Kantiachira Nallah. Copy of the photographs and guideline issued by Moefcc dated 14/02/2022 is annexed here unto as **ANNEXURE-1**.
9. **Inadequacy of Odour and Waste Audits:** The inspection notes the presence of an odour masking fogger system using "ODOSERVE" . The Applicant submits that masking chemical odour does not eliminate the volatile components from rotting raw fish or dryer emissions. Furthermore, the report casually dismisses the fatal gas leakage incident involving a migrant laborer on 02.12.2024 as "not relevant". A plant safety and hazardous gas analysis is central to confirming whether the factory satisfies the strict air compliance mandates under its Consent to Operate (CTO) .

10. That On **21st June 2026**, a catastrophic **ammonia gas leak** occurred from the industrial refrigeration system of a private seafood processing and export facility (*St. Peter & Paul Seafood Exports Pvt. Ltd.*) in Tiruvallur district, Tamil Nadu. Respondent No. 8 operates a massive fish meal, paste, and surimi processing plant in Village Tundura, which necessitates high-capacity **ammonia-based freezing and large-scale coal-fired boiler operations**. The initial toll of two on the day of the incident (June 21, 2026) steadily climbed as severely injured workers succumbed to lung toxicity and acute respiratory distress in the hospital, officially reaching **17 deaths**. **Affected Personnel:** A total of **83 individuals were affected** by the toxic leak at M/s St. Peter & Paul Seafood Export Private Limited. Out of these, 48 workers have been treated and discharged from various hospitals.: The massive tragedy has heavily impacted guest workers. The deceased primarily consist of **Odia migrant laborers** (predominantly women from districts like Keonjhar) alongside workers from Assam, Jharkhand, West Bengal, and Kerala. The catastrophic scale of the Tamil Nadu tragedy makes the recent actions of the Odisha SPCB under Phase-III expansion completely reckless: Copy of the news clipping is annexed here unto as **ANNEXURE-2**.
11. **Drastic Emission Rises:** Through Annexure-R3/3, the SPCB has arbitrarily raised the permissible air emission standard for the facility from **150 mg/Nm³ to a staggering 800 mg/Nm³**. In the Tamil Nadu disaster, casualties multiplied because guest workers were housed directly on the factory grounds near the processing units. Respondent No. 8 similarly operates a continuous multi-phase industrial shed where employees work in close proximity to unverified, un-calibrated continuous emission systems, making any gas buildup or valve failure an active mass-asphyxiation threat
12. **Absolute Non-Compliance with Preventive Directives:** Following the June 2026 disaster, state governments nationwide have ordered **immediate joint safety audits of hazardous industrial units handling coolants and**

processing agents...By rushing to expand its fish meal processing to **14,000 MT/Annum** without independent multi-department safety check-offs, Respondent No. 8 is actively bypassing the **Precautionary Principle** mandated under Section 20 of the National Green Tribunal Act, 2010

13.CTE for capacity expansion without insisting the compliance of earlier CTE conditions.

14.Failure of Continuous Public Domain Monitoring: Under Condition (xxii) of the Phase-I CTO and settled Apex Court directives, the unit is mandated to install a Continuous Effluent Monitoring System (CEMS) and publish live data digitally at the main gate for public tracking . The Applicant submits that while a board may be physically installed at the gate entry point , the live telemetry link has not been systematically integrated into the public domain web portals of the State Pollution Control Board, preventing transparent, community-led environmental auditing.

15.Suspicious Escalation of Pollution Thresholds:A critical comparison of the successive Consent Orders reveals an alarming and legally untenable dilution of environmental safety standards by the Board:

- **Effluent Standard Dilution:** Under the Phase-I order, the permissible limit for Total Suspended Solids (TSS) was strictly capped at **50 mg/l** for inland surface water disposal. However, in the Phase-III expansion order, the SPCB has inexplicably doubled this threshold to **100 mg/l** or **200 mg/l** under generalized parameters .
- **Biochemical Oxygen Demand (BOD):** The permissible BOD level has been relaxed from **30 mg/l** (Phase-I/II) up to **100 mg/l** (Phase-III), which represents a severe threat to local aquatic systems
- **Air Emission Violations:** While the original boiler emissions were bound by a strict **150 mg/Nm³** standard , the Phase-III order arbitrarily permits a massive threshold of **800 mg/Nm³** . This regress/ion directly undermines the precautionary principle.



Failure of the Joint Inspection to Capture Daily Reality

- **Staged Monitoring:** The SPCB highlights that the re-inspection on 09/07/2025 found the unit to be complying with conditions .
- The Applicant reiterates that this compliance was engineered solely because the plant owners knew the inspection date .
- **Continuous Monitoring Gap:** Despite the mandatory requirement under Phase-II for a **Continuous Effluent Monitoring System (CEMS)** at the ETP outlet to display live data publicly no independent, historical continuous data logs have been provided by the SPCB to justify actual daily compliance .

16. That the counter affidavit from the **Central Ground Water Board (CGWB)** regarding **Gadre Marine Export Pvt. Ltd.** the following non-compliance issues and requirements were identified . CGWA has not verified compliance of its own condition imposed and to that effect no document filed except the NOC which is already placed in the OA.

- **Rainwater Harvesting:** While three pits with recharge wells have been installed, work is still **in progress** on an additional pit required for the premises .
- **Water Audit Adherence:** A water audit was submitted in May 2025 after the complaint; however, the board noted the proponent must **strictly adhere** to the audit's recommendations for efficient groundwater use and implementation of harvesting measures
- **Mandatory Groundwater Reduction:** Under the NOC conditions, because the facility abstracts more than 100KLD, , it is required to **reduce its groundwater use by at least 20%** over the next three years . No credible steps have been taken in the last 3 Years



- **Annual Calibrations:** Flow meters must be calibrated by an authorised agency once every year
- **Annual Water Quality Testing:** Water samples from bore wells must be collected every **April/May** and analysed by NABL-accredited labs for heavy metals, pesticides, and organic compounds.
- **Piezometer Monitoring:** The facility must maintain its two piezometer wells and ensure water level data is consistently available to the CGWA via their web portal .
- **Groundwater Contamination:** The proponent is held strictly responsible for any measures needed to prevent groundwater contamination within the premises .
- **Continuous Monitoring:** The unit is mandated to install a **Continuous Effluent Monitoring System (CEMS)** at the ETP outlet to provide real-time analysis of treated water.
- **Public Transparency:** The facility must maintain a **digital display board** at the main gate. This board must show real-time environmental data regarding air quality, water discharge, and noise levels for public view.
- **Annual Reporting:** The industry must submit point-wise compliance reports for all consent conditions by the **end of March every year** to keep its operation orders valid.

17. The Ministry cannot simply pass entire monitoring ownership to the State Board or shift river management portfolios to the Ministry of Jal Shakti based on Gazette Notification S.O. 1972€ As the primary custodian of environmental laws, the MoEF&CC remains the supreme statutory authority



to enforce the **Environment (Protection) Act, 1986** and its subordinate regulations across all industrial operations..

18. Clear Violations of Coastal Regulation Zone (CRZ) Notifications: The structural and operational setup of Respondent No. 8 directly triggers federal statutory violations that fall squarely within MoEF&CC's enforcement domain: **Illegal Pipeline Deployment:** The project documents filed by the State Pollution Control Board explicitly confirm that Phase-II and Phase-III operations depend on discharging massive volumes of industrial waste water directly into the **Bay of Bengal at Pai of Tundura village through its own pipeline network**. **Lack of CRZ Clearance:** Laying down pipe networks and carrying out industrial waste disposal directly into the sea or ecologically sensitive coastal river mouth zones requires mandatory, prior **CRZ Clearance** under the CRZ Notification, 2011 / 2019. MoEF&CC has completely failed to clarify or produce any such statutory coastal clearance granted to this marine industrial unit. AS such 19th June 2023 CRZ clearance letter for laying pipe line do discharge the waste water into Sea is post facto as because the unit has started construction much prior to that.

- The Kantia Chitra River is a tidal river /creek which gets saline water during high tide and thereby for any construction adjoining this including the plant is in Violation and CRZ approval obtained for the plant.
- **Prohibited Inter-Tidal Activity:** Processing raw/rotten marine products and maintaining continuous pipeline routes through inter-tidal boundaries without explicit coastal zone management approvals directly violates environmental protections. **Dilution of Central Safeguards:** While the MoEF&CC claims to frame central standards executed through the CPCB/SPCB, it has maintained a blind eye to the arbitrary relaxation of safety standards granted to Respondent No. 8 .

- Allowing boiler emission ceilings to expand up to a hazardous **800 mg/Nm³** under Phase-III violates the central spirit of pollution prevention policies formulated by this Ministry .

Prohibited Siting of the Industrial Facility: Encroachment on

Riparian Zone: The industrial structures for Phase-I, Phase-II, and Phase-III expansions have been built directly inside the active floodplain and riparian zone of the **Kantia Chira River** .Further the MOEFCC on dated 14/02/2022 issued one Guidelines for siting industries prohibiting within in 100Metre of the river. However in the present case the Respondent Unit has been established in violation of the same. Copy of OM dated 14/02/2022 is annexed here with as ANNEXURE-3

- **Violation of Permanent Nature Restrictions:** General Condition No. 7 of the SPCB's own Consent to Operate orders explicitly states that "**This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course**"). By raising heavy industrial processing plants inside the river's immediate catchment zone, Respondent No. 8 has acted in direct violation of this mandatory statutory restriction
- **Direct Riverine Ingress:** Unlawful concrete masonry walls, internal floor washing drainage pipelines, and unlined overflow channels have been constructed cutting through the natural embankments of the Kantia Chira River
- **Bypassing the Closed Loop Mandate:** Special Condition (B)(1) mandates that under no circumstances shall the industry discharge wastewater outside the plant premises . However, permanent pipeline infrastructure has been illegally erected to pump untreated effluent

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directly into the river channel, causing severe and continuous water degradation

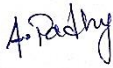
- **Destruction of Natural Buffer:** Massive earthwork, land filling, and civil construction activities along the riverbank have completely obliterated the natural mangrove scrub and vegetative buffer zone that protects the Tundura ecosystem.
- **Flash Flood Vulnerability:** Ground leveling and the setting up of solid waste dumps (containing organic fish head/scale residue) directly next to the water body have altered the river's natural morphology, creating artificial blockages and significantly elevating flash flood risks for the surrounding village populations

19. That in view of the afore mentioned paragraphs it is most humbly prayed before this Hon'ble Tribunal to

- A. **Direct an Independent Environmental Audit** by a central agency into the rapid relaxation of air and water discharge standards granted to Respondent No. 8 .
- B. **Order SPCB to Produce CEMS Log Sheets** for the past 6 months to track standard daily discharge levels
- C. **Stay any further expansion** beyond the current site capabilities until final resolution of this matter

PLACE; BHUBANESWAR

DATE- 14/07/2026

APPLICANT THROUGH
ADVOCATE

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AFFIDAVIT

14 JUL 2026

I BIPIN BIHARI DAS, S/o LATE DAMODAR DAS Aged about 64 years At-Talapada Po-Dalua, Ps- Dwarika, Dist- Balasore 756044, Odisha, do hereby solemnly affirm, and declare as under:

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

Bipin Bihari Das
DEPONENT

VERIFICATION

Verified on this the 14 JUL 2026 2026 at -----
that the contents of the above rejoinder are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By
[Signature]
Advocate

The above named deponent(s) being
duly identified by Sn. *[Signature]*
Advocate, Bhubaneswar

Appears before me on 14 JUL 2026
at ----- A.M./P.M. ----- State
on oath the contents of this affidavit
are true to the best of his / her / their
knowledge and belief

Bipin Bihari Das
VERIFICANT



[Signature]
JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA,
BHUBANESWAR
REGD. NO. ON-86/2012
Mob No-79-858121

Deponent(s) Notary, Bhubaneswar

PHOTOGRAPHS SHOWING DISCHARGE OF UNTREATED WATER TO THE
ADJOINING LANDS AND NALLAH



F. No. 22-39/2020-IA.III

Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi – 110003
diriapolicy-moefcc@gov.in

Date: 14th February, 2022

Office Memorandum

Subject: Guidelines for siting industries which are in close proximity with the river – reg.

In light of various court directions about the criteria for siting of industries, which are in close proximity to a river, the requirement for framing specific criteria with regards to siting of industries has arisen.

2. The “Environmental guidelines for industries” of the Ministry with regard to siting of industries prescribes that industrial sites shall maintain at least ½ km., from flood plain or modified flood plain affected by dam in the upstream or by flood control systems.
3. The Hon’ble National Green Tribunal while considering restoration measures for Yamuna and Ganga rivers dealt with the issue of flood plains vide judgment dated 13.01.2015 in OA No. 6/2012 and O.A. No. 300/2013, in the context of river Yamuna, observed that, *“it is necessary to call upon the authorities to demarcate the floodplain for the flood of once in 25 years and to prohibit any kind of development activity in the area in question”*.
4. Further vide judgement dated 13.07.2017 in OA No. 200/2014, M.C. Mehta vs. Union of India & Ors. reported in 2017 NGTR (3) PB1 in the context of river Ganga, it was observed that *“till the demarcation of the floodplains and identification of permissible and non-permissible activities by the State Government of this judgement, we direct that 100 meters from the edge of the river would be treated as no development/construction zone in Segment-B of Phase-I (Haridwar to Unnao, Kanpur)”*.
5. Based on the above, the aspect related to siting of industries was deliberated in the Ministry and suggestions/comments/observations were sought from different Ministries including Ministry of Jal Shakti (MoJS). Based on the inputs received, it is hereby directed that the following criteria for siting of industries in close proximity to rivers shall be followed:

“Industries shall not be located within the river flood plain corresponding to one in 25 years flood, as certified by concerned District Magistrate/ Executive Engineer from state water resource Deptt. or any other officer authorised by State Govt. for this purpose.”

6. This above criterion is subjected to following conditions:
- i. The activities undertaken under Namami Gange Programme like construction/development / renovation of STPs, CETPs, RFDs, bathing ghats, crematoria, toilets etc. for pollution abatement of river Ganga and its tributaries are not prohibited. Further, any "developmental project" taken by MoJS under the said program are also exempted from these guidelines.
 - ii. River Ganga (Rejuvenation, Protection and Management) Authorities Order notified vide Notification no. S.O. 3187(E) dated 07.10.2016 which defines the floodplain as such area of river Ganga and its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with water on either side of it due to floods corresponding to its greatest frown or with a flood or frequency once in hundred years, will prevail over any other guideline.
 - iii. Further, in respect of regulatory activities in floodplain of the river Ganga and its tributaries, prior approval of National Mission on Clean Ganga (NMCG) is required to be taken by the concerned authorities/ departments/agencies /persons.
 - iv. As per the draft Flood Plain Zoning Bill, 2020 prepared by Central Water Commission (CWC), a Flood Plain Zoning Authority shall, on the basis of the remote sensing/modeling results/ground survey, establish flood plain zones of different frequencies. After its creation, guidelines/decisions/orders of Flood Plain Zoning Authority will prevail over above guidelines.
 - v. Any other directions/judgments of Courts/Tribunals with regard to siting of Industries in the proximity of rivers and/or demarcation of flood plain.
7. The siting criteria prescribed in "Environmental guidelines for industries" in respect of flood plains of the riverine systems shall get modified to this extent.
8. This is issued with the approval of the competent authority.


 (A K Agrawal)
 Director

To

1. Chairman of all the Expert Appraisal Committees
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairperson of all State/UT Pollution Control Boards and Pollution Control Committees

Copy for information to

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to AS (TK)/ AS(RS)/ AS (NPG)/JS (SKB)
5. Website MoEF&CC/Guard file

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ANNEXURE-2

Inside Tiruvallur's ammonia gas leak nightmare 💎

The ammonia gas leak at a seafood processing unit in Tiruvallur district, near Chennai, has emerged as one of Tamil Nadu's deadliest industrial disasters in recent years. This report traces what exactly happened, through eyewitness accounts, survivor testimonies, and medical evidence. The incident also raises serious questions about industrial safety, emergency preparedness, and the conditions of migrants employed far away from home

Updated - June 28, 2026 12:02 pm IST



R. SIVARAMAN



Caution thrown to the wind: A government committee has recommended the permanent closure of the company where an ammonia gas leak has claimed 16 lives so far. | Photo Credit: B. Jothi Ramalingam

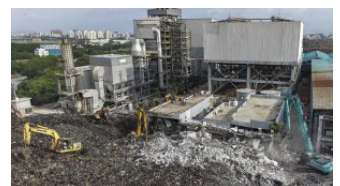
It was a seemingly routine Sunday morning on June 21 at St. Peter & Paul Sea Food Export Private Limited at Kannigaipair village in Tiruvallur district. The unit stands along the busy road connecting Karanodai with Periyapalayam and Uthukottai, surrounded by agricultural fields, a few industrial establishments, and an educational institution. The



factory processes prawns, fish, and other seafood products, all of which are meant for export markets.

Inside the factory, work was progressing as usual. On the ground floor, migrant workers were busy sorting, cleaning, and packaging shrimp and other products. Nearly 80 workers were going about their tasks, unaware that danger was silently building above them. On the first floor, around 60 women workers were asleep after completing their shifts. The floor also housed machinery and refrigeration equipment used in the processing operations. Ammonia is a key component in the cooling/refrigeration process.

In Case You Missed It





Sankar Pani <sankarprasadpani@gmail.com>

Rejoinder affidavit on behalf of Applicant in OA 71/2025, NGT-EZ.

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Tue, Jul 14, 2026 at 5:22 PM

To: Sanjib Swain Lulu <sanjibswainadv@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, Gigi C George George <gigicgeorge.adv42@yahoo.in>, Ashok Prasad <Ashokadvhc@gmail.com>, Dn Ray <raydnr@gmail.com>, Pradipta Kanungo <kpradipta@gmail.com>

Dear Sir/Madam, please find the attachment.

--

Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
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rejoinder OA 71-merged.pdf
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