

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH
OA No.35/2022/EZ).**

Natabara Sahu

.... Applicant

-versus

The Union of India & Others

.... Respondents

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By the Respondent No.5

Sri Dipanjan Ghosh,
Advocates for the Respondent No.5
(State Pollution Control Board, Odisha)
e-mail: dpnjnghsh0@gmail.com
Phone No.:9903080977

Kolkata
Date:

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH

OA No.35/2022/EZ).

16 JUL 2022

IN THE MATTER OF:

Natabara Sahu Applicant

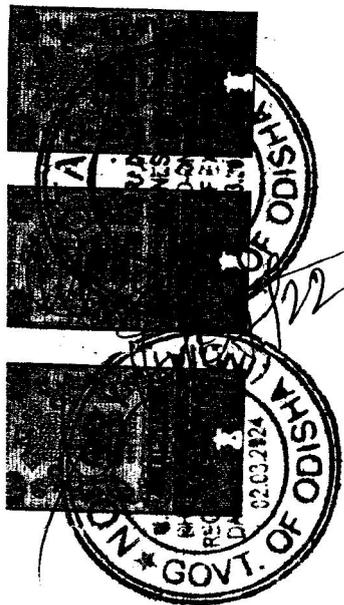
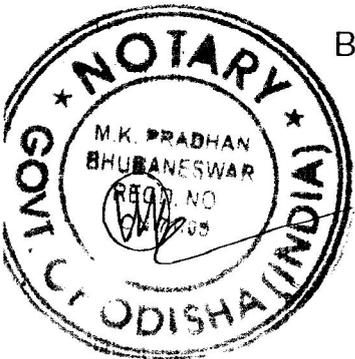
-versus

The Union of India & Others Respondents

AFFIDAVIT ON BEHALF OF STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.5.

I, Dr. Kailasam Murugesan, IFS, son of late
Paramasivam Kailasam aged around 54 years, at present
working as Member Secretary, State Pollution Control Board,
having my office at Paribesh Bhawan, A/118, Nilakantha Nagar,
Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-
751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.5
Board and, as such, am well-acquainted with the facts and



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
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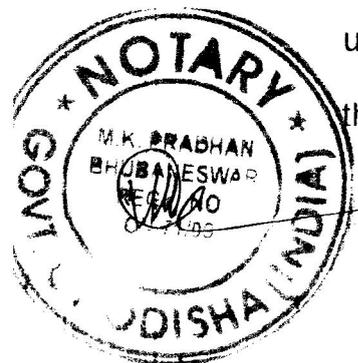
16/7/22

circumstances with the case and competent to swear this affidavit.

2. That this OA was filed for seeking a direction from this Hon'ble Tribunal for shutting down of the Take Home Ration (THR) "Chhatua" Anganwadi Centre situated at village Jagdalpur under Kukudakhandi Block of Ganjam district, Odisha operated by R.No.13 in the name and style of Sangram Women Self Help Group (WSHG).
3. That Er. Maheswar Behera, Dy. Environmental Engineer of the Regional Office, Berhampur of the R.No.5 Board has carried out inspection of the alleged site on dtd.27.05.2022 to enquire into the allegation of the two complaint petitions filed by the petitioner as well as the allegations raised in the present OA. After detail enquiry, it was found by the inspecting officer that the Chhatua plant of R.No.13 has been established in village Jagdalpur and operating since 2011.

27/5/22

In the inspection report, the inspecting officer has dealt the present manufacturing process adopted by the unit and proposed manufacturing process to be adopted by the unit at Sl.No.8 & 9 of the inspection report. Copy of the



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inspection report carried out on dtd.27.05.2022 is annexed to this affidavit and marked as ANNEXURE-R5/1.

4. That prior to inspection as indicated at para-3, the R.No.13 unit has submitted application for Consent to Establish for production of Take Home Ration, 'Chhatua' through online. The said application was scrutinized and some clarification was sought for through online which has been complied to the satisfaction of the R.No.5 Board. The same has also been indicated in the inspection report under the heading "Status of Consent".
5. That the R.No.5 Board has formulated a guidelines for levy of pollution charge and the same has also been duly approved by the State Government in the Forest & Environment Department, Govt. of Odisha vide their letter No.17415 dtd.21.10.2009. The Clause-3.2 of the said guidelines stipulates as follows:

3.2. Provided that the proposed industry / operation has established or taken steps to establish on a site which is otherwise subsequently found suitable and the proposed activity/ies operation(s) do not contravene any restriction or prohibitory orders of the State



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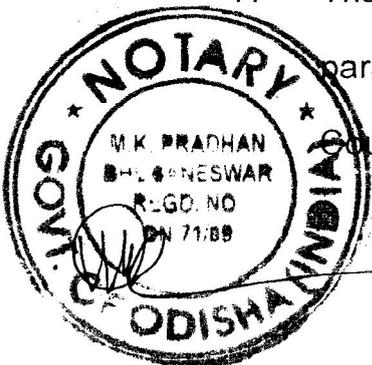
Government and/or the State Pollution Control Board a pollution charge equivalent to 5 times the consent to establish fee shall be payable by the project proponent before consideration of their case for Consent to Establish.

Accordingly, after deposit of Rs.10,000/- (Ten Thousand only) towards pollution charge by the R.No.13 unit before the Regional Officer, Berhampur of the R.No.5 Board, Consent to Establish to the R.No.13 unit was granted vide Office Memorandum No.1984 dtd.15.07.2022.

Copy of the same is annexed to this affidavit and marked as ANNEXURE-R5/2.

6. That the R.No.5 Board through its Regional Officer, Berhampur has also directed the R.No.13 unit vide letter No.1988 dtd.15.07.2022 not to operate mechanized THR manufacturing unit with firewood based roaster till Consent to Operate is obtained from the R.No.5 Board and report compliance. Copy of the said letter is annexed to this affidavit and marked as ANNEXURE-R5/3.

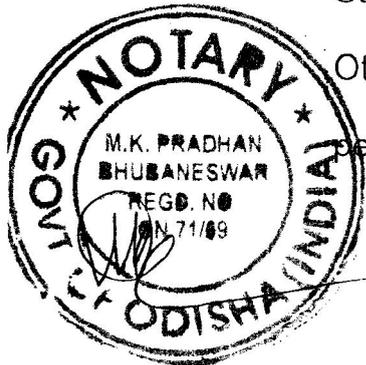
7. That in the order dtd.24.05.2022, this Hon'ble Tribunal at para-2 has also referred to the order of the Hon'ble High Court of Orissa passed in WP© No.35776/2021 -



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Bजारंगवाली Women's Self Help Group & Another vrs. State of Odisha & others. In the order dtd.22.02.2022, the Hon'ble High Court of Orissa at para-5 has set aside the order dtd.26.10.2021 passed by the Hon'ble NGT, EZB, Kolkata in OA No.38/2021/EZ - Natabara Sahu v. Union of India & Others and directed the petitioner to produce this order before the Hon'ble Tribunal and file its objection by 8th March, 2022 and thereafter the Hon'ble Tribunal may issue further direction or proceed to deal with the OA. Copy of the order dtd.22.02.2022 of the Hon'ble High Court of Orissa passed in WP© No.35776/2021 is annexed to this affidavit and marked as ANNEXURE-R5/4.

8. That after ascertaining the position from the counsel who was conducting OA No.38/2021 that the order dtd.22.02.2022 at Annexure-R5/4 was not produced before this Hon'ble Tribunal by 08.03.2022, it has been decided by the R.No.5 Board to file writ appeal before the Hon'ble High Court of Orissa and accordingly, W.A.No.398/2022 – State vrs. M/s. Bजारंगवाली Women's Self Help Group & Others, was filed on dtd.28.03.2022 and the same is still pending for hearing.



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9. That the Respondent No.5 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.
10. That the annexures annexed to the present affidavit are true and correct copies of their originals.
11. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.



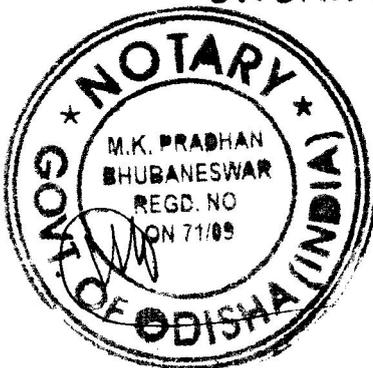
DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

VERIFICATION:

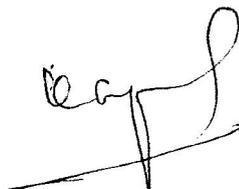
I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 16th day of July, 2022.

SWORN BEFORE ME



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (M)



DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



ANNEXURE - R5/1

ENQUIRY REPORT ON COMPLAINT PETITION FILED BY SRI NATABARA SAHU, AT/P.O.-INDRAKHI,P.S.-GOLANTHARA,DIST-GANJAM AGAINST M/S SANGRAM WSHG,AT/P.O.-JAGDALPUR, KUKUDAKHANDI IN THE DISTRICT OF GANJAM REGARDING ILLEGAL OPERATION OF CHHTUA PREPATION UNIT AND IMPOSE OF ENVIRONMENTAL COMPENSATION FROM THE PERIOD 2011 TO TILL DATE.

Inspected the alleged unit on dtd.27.05.2022 to inquire about the 02 nos. of complaint petitions filed by Sri Natabara Sahu, At/P.O.-Indrakhi, P.S.-Golanthara, Dist.-Ganjam against M/s Sangram Women Self Help Group (WSHG) operating At./P.O-Jagdalpur, Tahasil-Kukudakhandi regarding illegal operation of Chhatua Preparation unit and impose environmental compensation from the period 2011 to till date. In the meantime, Sri Natabara Sahu has also approached the Hon'ble NGT, EZB, Kolkata vide O.A. No. 35/2022/EZ and the Hon'ble Tribunal directed the respondents including the Board to file their reply with regard to the allegation raised in the above mentioned O.A.

In the complaint petition as well as O.A., it is alleged that the unit is operating without obtaining consent to operate from the state pollution control Board and urged upon to stop the operation of illegal unit and impose environmental compensation in compliance to the order of Hon'ble NGT in O.A. No.38/2021/EZ- Natabara Sahu vs. Union of India & others. During inspection, Smt. Sujata Patro, President of M/s Sangram WSHG was present at the site.

Following observations are made during inspection:

1. The Take Home Ration (THR) Chhatua Plant of M/s Sangram WSHG has been established in the village Jagdalpur and operating since 2011.
2. The unit has obtained approval from the District Administration, Ganjam for the period 01.04.2022 to 31.03.2023 for preparation and supply of THR (Chhatua).
3. The surroundings of the alleged site include vacant land in North, West & South direction. Panchayat Road exists in East direction. Saraswati Sisumandir, Jagdalpur is about 200 m in East direction from the alleged site.

4. Gram Panchayat office, Jagdalpur is about 400 m in North direction from the alleged site.
5. A Siva Mandir is about 500m in west direction from the alleged site.
6. **Following quantity of raw materials are used by the unit as reported by the President of the M/s Sangram WSHG.**

RAW MATERIAL DETAILS:

1. Wheat: 31500 Kg per month (Approx.)
 2. Ground Nut: 6800 Kg per month (Approx.)
 3. Bengal Nut: 6300 Kg per month (Approx.)
 4. Sugar: 11800 Kg per month (Approx.)
 5. Besan: 3900 Kg per month (Approx.)
 6. Suji: 8100 Kg per month (Approx.)
 7. Molasses: 700 Kg per month (Approx.)
 8. Rasi: 50 Kg per month (Approx.)
 9. Refined Oil: 700 Kg per month (Approx.)
7. **The detailed quantity of products manufacturing by the unit are as follows**

PRODUCT DETAILS:

1. THR Chhatua for pregnant mother/Lacting Mother: 207000 Kg per month.
2. THR Chhatua for the children:245000 Kg/Month
3. THR Chhatua for the Severely Under Weight (SUW) (6 months to 3yrs)-22 Kg/Month
4. THR Chhatua for the SUW (3yrs 6yrs)- 5kg/Month
5. Badam Ladoo-3000 Kg/Month.
6. Suji Halua-15000Kg/month
7. Rasi Ladoo-20 kg/Month

8. PRESENT MANUFACTURING PROCESS ADOPTED BY THE UNIT:

The raw materials like Wheat, Ground nut and Bengal nut are being manually cleaned by the members of the SHG and the coarse particles/

foreign materials are being separated by hand picking and sieving. At present Wheat, Ground nut and Bengal nut were roasted in conventional/manual method by using large round metal pots (Kadhais) by using LPG as fuel. It was reported that the roasting activities is carried only 6-7 days in a month. After roasting the raw material is conveyed to the mechanical screening unit where the foreign material present if any is separated out. As fixed by the District Administration, Ganjam the mixing of above mentioned raw materials are carried out in presence of Govt. officials on 23rd of every month. The grinding and packaging activity starts from 24th of every month for another 4-5 days.

(a) WATER POLLUTION:

The manufacturing process of THR (Chhatua) is a completely dry process and no water is used. However about 1000 litres of water per day is used for domestic purpose. The domestic waste water of about 800 litres is being generated from premises is discharged to Soak pit via septic tank.

(b) AIR POLLUTION:

At present roasting is being carried out in conventional/manual method by using large round metal pot by using LPG as fuel under closed shed and over concrete platform. Therefore the potentiality of air pollution is marginal. However the outlet of milling/grinding machine is fitted with fabric cloth in order to arrest fugitive dust emission during bagging, to the surrounding area.

(c) SOLID WASTES:

Around 10 kg/day foreign materials, gangue materials is being generated during screening, cleaning process which is disposed of within the own premises of the unit.

9. PROPOSED MANUFACTURING PROCESS TO BE ADOPTED BY THE UNIT:

During inspection the President of M/s Sangram WSHG group has informed that they will upgrade the present THR manufacturing unit from converting manual cleaning, roasting method to mechanised process. The proposed process to be adopted by the unit is mentioned as below:

The raw materials like Wheat, Ground nut and Bengal nut will be mechanically cleaned and the coarse particles/ foreign materials will be separated by hand picking, and sieving. After that the Wheat, Ground nut and Bengal nuts will be roasted in a mechanical roasting unit which will be heated with firewood as fuel for roasting. Up gradation work has been started and installation of plant and machineries are under process. The roasting process will be operated with a temperature range of 80 to 100 °C. For heating purpose about 100-200 kg of firewood will be required. After the completion of roasting, the raw material will be conveyed to the mechanical screening unit where the foreign material present if any will be separated out. The grinding and packaging activity will start after the installation of roasting process. It was reported that the roasting will be carried only 5-6 days in a month. They had not started commercial operation of wood fired roaster.

Based on the above manufacturing process, pollution potential and its mitigation measures to be adopted by the unit will be as follows:

(a) WATER POLLUTION:

The manufacturing process of THR (Chhatua) will be a completely dry one and no water will be used. Waste water will not be generated from the process. The domestic waste water will be discharged to soak pit via septic tank.

(b) Air POLLUTION:

The plant has started installation of earthen Bhatti with the roasting drum where firewood will be used as fuel. The unit has proposed to install one no. of MS stack of height about 45 feet from the ground level for discharge of smoke. The outlet of milling machine will be fitted with fabric cloth filters in order to arrest fugitive dust emission during bagging.

(c) SOLID WASTES:

About 20 kg/day of firewood ash will be generated from the unit. This ash will be disposed along with the foreign materials generated during cleaning in the compost pit inside its premises.

STATUS OF CONSENT:

In the meantime the unit has applied consent to establish for production of Take Home Ration (Chhatua) through online and deposited consent fees of Rs.2000/- through online receipt no. 236469833 dtd.01.12.2021 which is adequate as per the Odisha Gazette Notification dtd. 16.07.2012 of Forest and Environment Department, Govt. of Odisha. After scrutiny, the application was found incomplete and accordingly clarification was sought for through online for necessary compliance. The unit also submitted the compliance report, which it was found satisfactory. As the unit has already established and started its operation in conventional method without obtaining prior CTE/CTO from the Board the unit was instructed to deposit pollution charges as per guideline for levy of pollution charge published by the Board in the year 2007. As per online clarification, the unit has also deposited pollution charges of Rs. 10,000/- (Five times of applicable consent fees) which is adequate.

CONCLUSION AND RECOMMENDATIONS:

This is a small scale Orange Category Take Home Ration (Chhatua) Manufacturing unit and it has applied for Consent to Establish and deposited consent fees of Rs. 2000/- through online along with necessary documents to this office. The consent fee deposited by the unit is also adequate as per the Odisha Gazette Notification dtd 16.07.2012 of Forest and Environment Department, Govt. of Odisha. As the unit has submitted required documents, adequate CTE fees, adequate pollution charges and proposed to install adequate air pollution control measures, consent to Establish may be considered in favour of the unit subject to following special conditions:

SPECIAL CONDITIONS:

A. GENERAL CONDITIONS:

1. Consent to establish order is subject to the final outcome in the matter of O.A. No.35/2022/EZ-Natabara Sahu Vs. The Union of India & Others.
2. The unit shall abide by E(P) Act, 1986 and Rules framed there under
3. Land conversion document for industrial use shall be submitted to the Board.

4. The Consent order shall be without prejudice to any legal dispute arises in future with respect to the ownership of the land and other land disputes.
5. The industry shall obtain necessary permission from the central Ground Water Authority for consumption of ground water for industrial use if applicable.
6. The Board may impose further condition or modify the conditions as stipulated in this order may revoke this order in case the stipulated condition are not implemented and/or information is found to have been suppressed/wrongly furnished in the application form.
7. The industry shall abide by the Plastic Waste Management Rules, 2016 and amendment made thereunder.
8. The Unit shall pay the differential fees if any as per the Odisha Gazette Notification dtd. 16.07.2012 of Forest and Environment Department, Government of Odisha.
9. The industry shall maintain the ambient noise standards as prescribed in the Noise pollution (Regulation and Control) Rules, 2010 and amendment made thereunder.
10. No further expansion/modernization shall be carried out by the unit without prior approval from the Board.
11. Good housekeeping practice shall be followed to improve the work environment.
12. Plantation shall be taken up along its boundary and available vacant spaces in the factory premises.

B. WATER POLLUTION:

1. The unit shall provide a lined tank of adequate capacity to store and treat the waste water generated during cleaning if any and utilize the treated waste water for plantation inside the plant premises in compliance of the prescribed water quality discharge standards.
2. Domestic effluent shall be discharged to septic tank followed by soak pit constructed as per BIS specification.

3. In no case waste water of the plant shall be allowed to discharge outside the factory premises.

C. AIR POLLUTION:

1. The unit shall provide a stack of height of 45 ft from the ground level at the roaster so as to disperse the emission properly.
2. The industry shall install suitable air pollution control devices at potential dust generating points.
3. All the milling activities shall be carried out under covered shed and over concrete platform.
4. The outlet of milling machine shall be fitted with fabric cloth filters in order to arrest fugitive dust emission during bagging.
5. The unit shall take steps to install LPG fired roaster/electric roaster in place of wood fired roaster.
6. Height of the stack attached to DG Set shall be $h+0.2 \sqrt{\text{KVA}}$ where h = roof height, where DG set shall be installed and KVA = Capacity of DG Set in KVA.
7. The DG set shall be installed in an acoustically designed enclosure to control noise level as per the E (P) Rules.
8. The ambient air quality at the boundary of the factory premises shall conform to the National Ambient Air Quality Standard prescribed under E (P) Rule.

D. SOLID WASTE

1. Solid wastes generated from the unit shall be properly managed to avoid any environmental nuisance in its surrounding.


14.01.22
(Er. M. Behera)
Deputy. Env. Engineer



ANNEXURE - R5/2

E-mail: rospcb.berhampur@ospcboard.org
Website: www.ospcboard.org

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

No. 1984 /CTE-1635/2021

By SPEED POST

Date 15-07-2022

OFFICE MEMORANDUM

In consideration of the online application no. 3873808 for obtaining Consent to Establish of M/s. Sangram WSHG, the State Pollution Control Board is pleased to convey its Consent to Establish under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 for following plant facilities and production capacity:

- | | | |
|----|---|-------------------|
| 1. | Take Home Ration (THR) Chhatua for pregnant mother/Lacting Mother | : 207000 Kg/Month |
| 2. | THR Chhatua for the children | : 245000 Kg/Month |
| 3. | THR Chhatua for the SUW (6 months to 3yrs) | : 22 Kg/Month |
| 4. | THR Chhatua for the SUW (3yrs to 6yrs) | : 5kg/Month |
| 5. | Badam Ladoo | : 3000 Kg/Month |
| 6. | Suji Halua | : 15000Kg/Month |
| 7. | Rasi Ladoo | : 20 kg/Month |

At-Jagdarpur, (mouza-Jagdarpur), P.O.-Jagdarpur, Tahasil-Kukudakhandi (in Plot Nos. 1658/3829, 1656/3828 and 1721/3827 under Khata No-767/4845, Area-Ac.0.021 dec. with total project cost ₹ 06.0 lakhs, mentioned as per application form) in the district of Ganjam with the following conditions:

GENERAL CONDITIONS:

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

Act, 1981 at least 3 (three) months before the commercial production and obtain Consent to operate from this Board:

4. This consent to establish is subject to statutory and other clearances from Govt. of Odisha and /or Govt. of India, as and when applicable.

SPECIAL CONDITIONS:

A: GENERAL:

1. Consent to establish order is subject to the final outcome in the matter of O.A. No.35/2022/EZ-Natabar Sahu Vs. The Union of India & Others.
2. The unit shall abide by E (P) Act, 1986 and Rules framed there under
3. Land conversion document for industrial use shall be submitted to the Board.
4. The Consent order has been issued without prejudice to any legal dispute arises in future with respect to the ownership of the land and other land disputes.
5. The industry shall obtain necessary permission from the central Ground Water Authority for consumption of ground water for industrial use if applicable.
6. The Board may impose further condition or modify the conditions as stipulated in this order may revoke this order in case the stipulated condition are not implemented and/or information is found to have been suppressed/wrongly furnished in the application form.
7. The industry shall abide by the Plastic Waste Management Rules, 2016 and amendment made thereunder.
8. The Unit shall pay the differential fees if any as per the Odisha Gazette Notification dtd. 16.07.2012 of Forest and Environment Department, Government of Odisha.
9. The industry shall maintain the ambient noise standards as prescribed in the Noise pollution (Regulation and Control) Rules, 2010 and amendment made thereunder.
10. No further expansion/modernization shall be carried out by the unit without prior approval from the Board.
11. Good housekeeping practice shall be followed to improve the work environment.
12. Plantation shall be taken up along its boundary and available vacant spaces in the factory premises.

B. WATER POLLUTION:

1. The unit shall provide a lined tank of adequate capacity to store and treat the waste water generated during cleaning if any and utilize the treated waste water for plantation inside the plant premises in compliance of the prescribed water quality discharge standards.
2. Domestic effluent shall be discharged to septic tank followed by soak pit constructed as per BIS specification.
3. In no case waste water of the plant shall be allowed to discharge outside the factory premises.

C. AIR POLLUTION:

1. The unit shall provide a stack of height of 45 ft from the ground level at the roaster so as to disperse the emission properly.
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3. All the milling activities shall be carried out under covered shed and over concrete platform.
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6. Height of the stack attached to DG Set shall be $h+0.2 \sqrt{\text{KVA}}$ where h = roof height, where DG set shall be installed and $\text{KVA} = \text{Capacity of DG Set in KVA}$
7. The DG set shall be installed in an acoustically designed enclosure to control noise level as per the E (P) Rules
8. The ambient air quality at the boundary of the factory premises shall conform to the National Ambient Air Quality Standard prescribed under E(P) Rule.

D: SOLID WASTE & HAZARDOUS WASTE:

1. Solid wastes generated from the unit shall be properly managed to avoid any environmental nuisance in its surrounding.


15/07/2022
Regional Officer

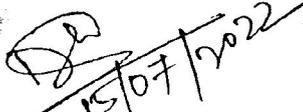
To

Smt. Sujata Patro, President
M/s. Sangram WSHG
At/ P.O. – Jagdalpur, Kukudakhundi
Dist. - Ganjam, 761001, (Odisha).

Memo No. 1985(6) / Date 15-07-2022

Copy forwarded to:

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


15/07/2022
Regional Officer



ANNEXURE-R5/3

E-mail: rospcb.berhampur@ospboard.org

Website: www.ospboard.org

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

No. 1988 /CTE-1635/2021

Dt. 15-07-2022

By Speed Post/ E-despatch/E-mail

To

Smt. Sujata Patro, President
M/s Sangram WSHG,
AVPO- Jagdalpur, Kukudakhandi,
Dist- Ganjam- 761001 (Odisha)

Sub: Operation of THR manufacturing unit by mechanized process including roasting with firewood as fuel- reg.

Ref: Consent to Establish issued vide this Office Memorandum No. 1984 dtd. 15.07.2022.

Madam,

With reference to the above, you are hereby directed to apply for Consent to Operate through online portal of the Board (<https://odocmms.nic.in>) alongwith necessary documents and consent fees. You are also further directed not to operate mechanized THR manufacturing unit with firewood based roaster till Consent to Operate is obtained from the Board and report compliance, failing which appropriate action as deem fit will be initiated against you.

Yours faithfully,

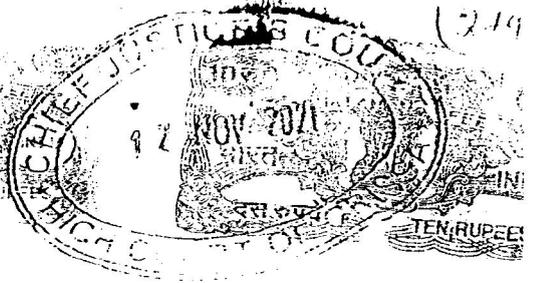
REGIONAL OFFICER

Memo No 1989 /Dt. 15-07-2022

Copy forwarded to the Sr. Law Officer, L-II, State Pollution Control Board, Odisha, Bhubaneswar for information.

REGIONAL OFFICER

ANNEXURE - R5/4



IN THE HIGH COURT OF ORISSA : CUTTACK
(ORIGINAL JURISDICTION CASE)

78908

W.P. (C) NO. 35776 OF 2021

CODE NO. 289900

In the matter of:

An application under Articles 226 & 227 of the
Constitution of India, 1950;

AND

In the matter of:

An application challenging the letter dated 23.08.2021 issued by the Regional Officer of State Pollution Control Board, Odisha directing the petitioner to close down the unit forthwith till obtaining Consent to Operate from the State Pollution Control Board as well as the letter dated 22.09.2021 issued by the said Regional Officer directing the petitioner to pay Rs.1,878,50,000/- towards environmental compensation and the letter dated 25.10.2021 issued by the Collector, Ganjam for closing down the petitioner as per the order of the learned National Green Tribunal dated 20.07.2021 passed in O.A. No.38/2021/EZ. Further to quash the proceeding before the learned NGT i.e. O.A. No.38/2021/EZ.

AND

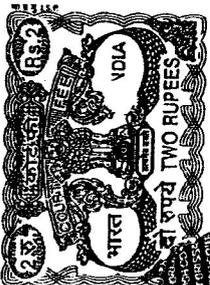
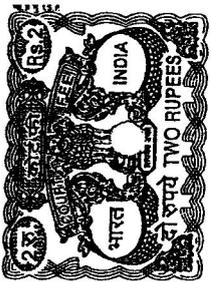
In the matter of:

1. M/s. Bajrangabali Women's Self Help Group, At/P.O. : Indrakhi, Golanthara, P.S. : Rangeilunda, District :

Presented in Court

[Signature]
12/11/2021
B.C.

DEEPAJI MAHARAJA
E. 5/15/1985
99387624



PRADIPTA KUMAR MOHANTY

Notary, Cuttack town

Regd. No- ON-04/1995

[Signature]

Ganjam, represented through its Secretary, U. Sabitri Reddy, aged about 45 years, W/o. U. Gurunath Reddy, resident of At/P.O. : Indrakhi, Golanthara, P.S. : Rangeilunda, District : Ganjam,

2. U. Dalamma Reddy, aged about 58 years, W/o. U. Narsinghlu Reddy, presently working as President, M/s. Bajrangabali Women's Self Help Group, At/P.O. : Indrakhi, Golanthara, P.S. : Rangeilunda, District : Ganjam, ... Petitioners

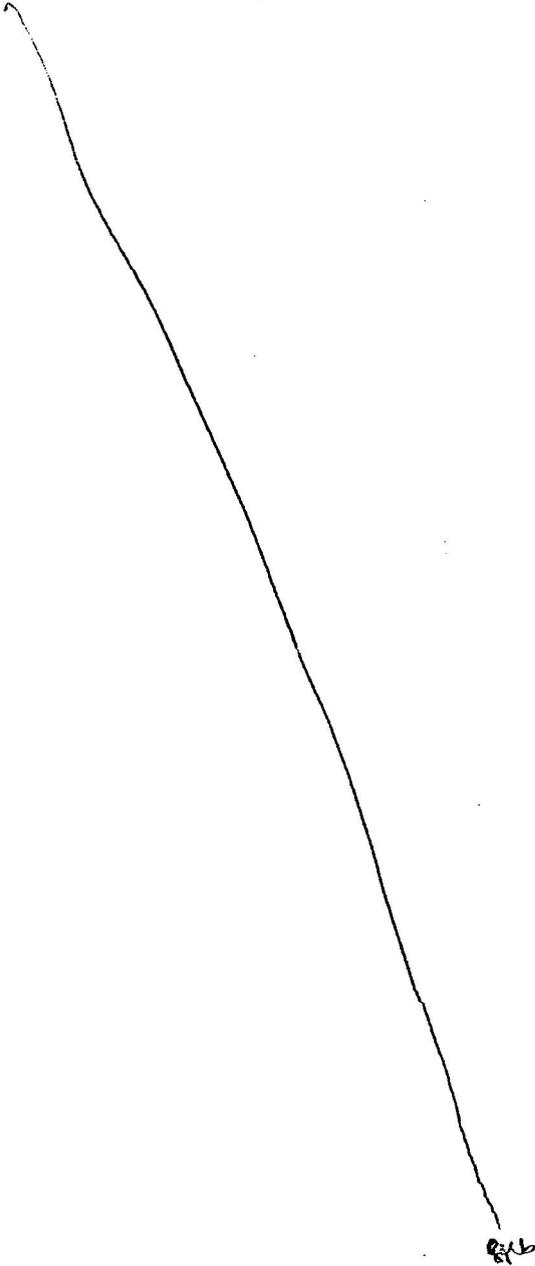
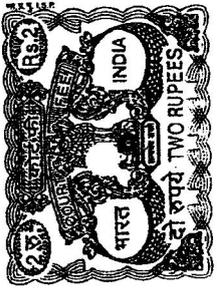
-Versus-

1. State of Odisha, represented through the Principal Secretary, Women & Child Development and Misasion Shakti Department, Lok Seva Bhawan, Bhubaneswar, District : Khordha.
2. Collector, Ganjam, At/P.O. : Chatrapur, District : Ganjam.
3. Child Development Project Officer, Rangeilunda, At/P.O. : Rangeilunda, District : Ganjam.
4. Regional Officer, State Pollution Control Board, 2nd floor, New Division Office, IDCO, Berhampur Division, Industrial Estate, Berhampur, District : Ganjam.
5. State Pollution Control Board, Odisha, Paribesh Bhawan, A/18, Nilakantha Nagar, Unit-8, Bhubaneswar, District : Khurda, represented through its Member Secretary,

FRADIPTA KUMAR MOHANTY
Notary, Cuttack town

271

6. District Social Welfare Officer, Ganjam, At/P.O. :
Chatrapur, District : Ganjam.
7. Natabar Sahu, aged about 60 years, S/o. Late
Gurunath Sahu, Social Worker, At/P.O. : Indrakhi,
Golanthara, P.S. : Rangeilunda, District : Ganjam,
... **Opp. Parties**



8/6

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35776 Of 2021
(Through hybrid mode)

M/S Bajrangabali Womens Self Help Group and another *Petitioners*

Ms. D.Mohapatra, Advocate

-versus-

State of Odisha and Others *Opposite Parties*

Mr. A.K.Sharma, AGA

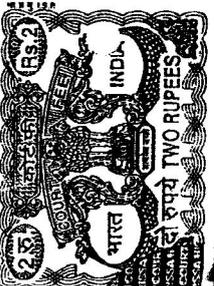
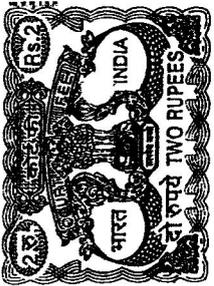
Mr. B.P.Das, Advocate
for O.P.5(Board)

CORAM: JUSTICE ARINDAM SINHA

ORDER
22.07.2022

Order No.
04.

1. Ms. Mohapatra, learned advocate, appears on behalf of petitioner and submits, her client is a self help group. Prayer in the writ petition is for quashing O.A. no.38 of 2021/EZ, pending before the National Green Tribunal (NGT) and orders under annexures-7 to 9. She submits, inspection was conducted by the Pollution Control Board (PCB) in excess of direction made by the Tribunal. She submits, her clients be given opportunity to appear before the Tribunal and state their contention regarding the inspection and penalty/compensation contemplated to be imposed on her client.



2. Mr. B.P.Dash, learned advocate appears on behalf of opposite party no.5 (PCB) and draws attention to his client's counter. He submits, the OA case was disposed of on order dated 26th October, 2021. It was passed ex parte against petitioner.

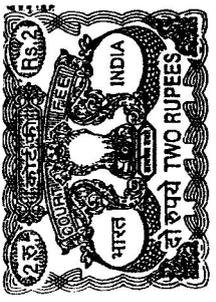
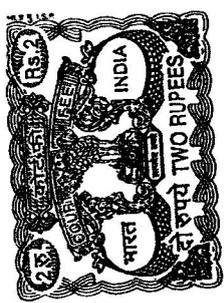
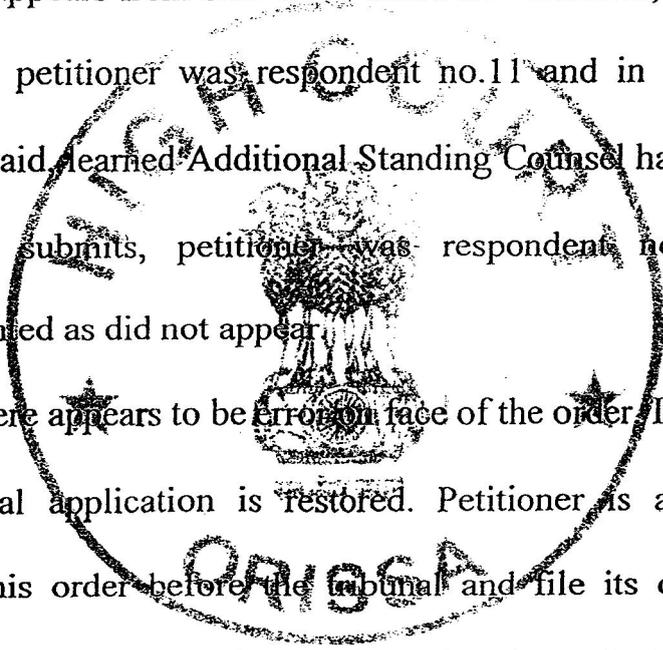
3. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State.

4. It appears from said order dated 26th October, 2021, passed by the NGT, petitioner was respondent no.11 and in paragraph 2 the Tribunal said, learned Additional Standing Counsel had represented it. Mr. Das submits, petitioner was respondent no.12 and went unrepresented as did not appear.

5. There appears to be error on face of the order. It is set aside and the original application is restored. Petitioner is also directed to produce this order before the tribunal and file its objection by 8th March, 2022. The tribunal may, thereafter, issue further directions or proceed to deal with the OA.

6. The writ petition is disposed of.

Sd - A. Sinha, J.



Prasant

Comp by ...

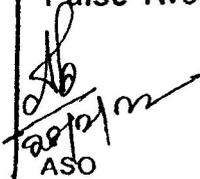
Date of Application :-
 Date of Notification :-
 Date of Supply :-
 Date of Ready :-
 Date of Delivery :-

C.A. No- 8201/22

MEMO OF COSTS

	Rs.	P.
Application Fee.....	5	50
Searching Fee.....		
Extra Fee for Urgency..	3	00
Folios 5 Pages.....	12	50
Hologram Fees (5)	5	00
Other Items if any.....	3	25
Total	29	25

(Rupees Twenty Nine & Paise Twenty Five only)


 ASO


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CERTIFIED TO BE A TRUE COPY
 Assistant Registrar (Estt.)
 ORISSA HIGH COURT
 Authorised Under Section-76, Act-I of 1972