

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 143 OF 2022 / EZ  
M.A. No. 04/2024/EZ in OA No. 143/2022/EZ  
IN THE MATTER OF:

International Human Rights Council ...Applicant

VERSUS

District Collector, Ganjam & Others ...Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	
2.	Photocopy of Joint Inspection Report carried out on dtd.11.04.2023. (ANNEXURE – R3/2 Colly)	
3.	Photocopy of the order dtd.07.04.2016 of this Hon'ble Tribunal in OA No.31/2015/EZ. (ANNEXURE – R3/3)	
4.	Photocopy of the show cause notice No.1222 dtd.27.04.2023 issued to the R.No.9 unit. (ANNEXURE – R3/4)	

SPCB Odisha, R.No.3

Through

Kolkata

Date:

**Smt Papiya Banerjee Bihani,**  
Advocates for the Respondent No.3  
(State Pollution Control Board, Odisha)  
e-mail: pbanerjeebihani@gmail.com  
Phone No.:9831493390

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 143 OF 2022 / EZ

28 APR 2023

IN THE MATTER OF:

International Human Rights Council ...Applicant

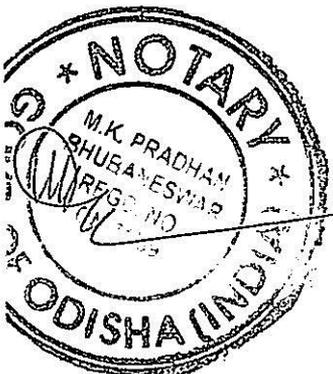
VERSUS

District Collector, Ganjam & Others ...Respondents

AFFIDAVIT ON BEHALF OF STATE  
POLLUTION CONTROL BOARD, ODISHA,  
RESPONDENT NO.3 IN COMPLIANCE TO  
ORDER DTD.24.02.2023.

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.3 Board and, as such, am well-acquainted with the facts



ANARJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. DN-71/2009  
 PH:-9437621119 (M)

*(Signature)*  
 22/4/23

and circumstances with the case and competent to swear this affidavit.

2. That this Hon'ble Tribunal while disposing the aforesaid OA vide their order dtd.24.02.2023 have issued certain directions for compliance and directed the R.No.3 Board to file affidavit of compliance. The relevant para of the said direction are given below:

20. *We dispose of this Original Application with a direction to the Odisha State Pollution Control Board and Collector & District Magistrate, Ganjam, to determine the Environmental Compensation against the Respondent No.9 in the light of our observations made above and also examine the allegation with regard to Plot Nos.1465 and 149/2541 under Khata No.296/76.*

*(Signature)*

21. *Needless to say, prior to finalisation of the Environmental Compensation adequate opportunity of notice and of being heard shall be given to the Respondent No.9.*

22. *Let affidavit of compliance be filed by the Odisha State Pollution Control Board by 30.04.2023.*

3. That it is humbly submitted that in compliance to the aforesaid direction of this Hon'ble Tribunal, a joint inspection has been carried out on dtd.11.04.2023 by the



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

*[Handwritten signature]*  
 12/4/23

team constituted by the Collector & DM, Ganjam consisting of the representative of district administration and SPCB, Odisha.

4. That the joint committee after spot verification on dtd.11.04.2023 has verified the location of the R.No.9 brick kiln unit and observed that Sri Kalu Charan Nayak, Proprietor of M/s. Maa Kali Brick Industry has established and operating the fixed type clay brick manufacturing unit (FCBTK) since 2016 over Plot No.1465 & 1466, Mouza- Gambhariguda, Tahasil – Sanakhemundi, Dist- Ganjam in lieu of Plot Nos. 1493 and 1494 as mentioned in the siting criteria certificate issued by the Collector & DM, Ganjam vide letter No.432 dtd.27.01.2016 and thereby violated the siting criteria issued by the Collector & DM, Ganjam. Accordingly, the committee has recommended for revocation of Consent to Establish and Consent to Operate granted by the Regional Officer, Berhampur of the SPCB, Odisha and also to impose environmental compensation as per the earlier order of this Hon'ble Tribunal dtd.07.04.2016 passed in OA No.31/2015/EZ – Bishnu Prasad Misro v.

*[Handwritten signature]*



MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON-71/266  
 PH:-8437627119 (IN)

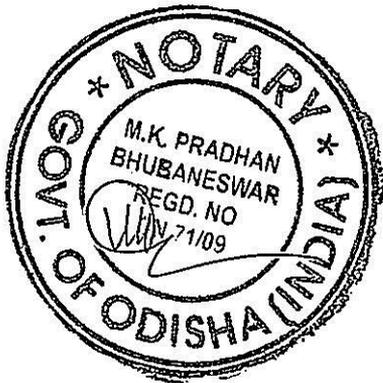


Handwritten signature and date: 28/4/16

State of Odisha & Ors. Copy of the joint enquiry report along with its annexures are annexed to this affidavit and marked as ANNEXURE – R3/2 Colly.

5. That it is humbly submitted that this Hon'ble Tribunal while adjudicating the alleged pollution caused by the brick manufacturing units in the district of Ganjam of State of Odisha in their order dtd.07.04.2016 in OA No.31/2015/EZ - Bishnu Prasad Misro v. The State of Odisha & Ors. have divided the brick kiln in the State of Odisha into two categories i.e. category-C and category-D and fixed the environmental compensation / penalty of Rs.1.00 lakhs and Rs.1.50 lakh respectively. The relevant paras of the said order are extracted below:

*In similar cases pertaining the districts of West Bengal, we have passed orders in OA 2/2015/EZ (Joydeep Mukherjee –vs- State Pollution Control Board, WB) on 29.3.2016. We had categorised the defaulter brick kilns into two groups, viz. category-C i.e. those who had obtained consent to operate at some point of time, but continued to operate without renewal after expiry of its term, and, category-D, i.e., those brick kilns which were operating without any consent at all right from the inception.*



MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. DN-71/2009  
 BH:-343797119 (M)

*In the present case, we do not like to take a different view and apply the same principle as a guiding principle for imposition of penalties. Thus, we divide the defaulter brick kiln owners in the State of Odisha, also in two categories i.e., category C and category D. As decided in the case of brick kilns in West Bengal, the penalty to be paid by those belonging to category C is fixed at Rs.1 lakh and those belonging to category D, Rs.1.5 lakh.*

Copy of the order dtd.07.04.2016 of this Hon'ble Tribunal in OA No.31/2015/EZ is annexed to this affidavit and marked as ANNEXURE-R3/3.

6. That on the basis of the recommendation of the joint enquiry report at Annexure-R3/2 Colly and as per the order dtd.7.4.2016 fixing environmental compensation for brick kiln units at Annexure-R3/3, the Regional Officer of this Board at Berhampur vide his letter No.1222 dtd.27.04.2023 has issued a show cause notice to the R.No.9 unit to show cause within 15 days from the date of issuance of this letter, as to why consent to establish and consent to operate issued by the R.No.3 Board shall not be revoked and direction of closure shall not be issued and also why environmental compensation

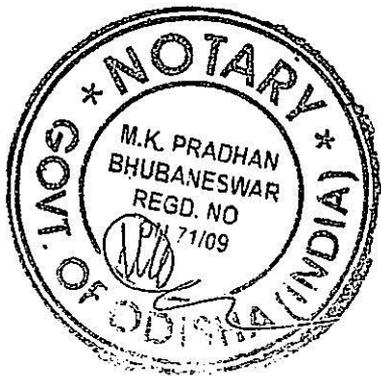


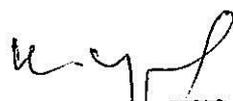
amounting to Rs.1.50 lakhs shall not be imposed etc.

Copy of the show cause notice No.1222 dtd.27.04.2023

is annexed to this affidavit and marked as ANNEXURE-R3/4.

7. That it is further humbly submitted that after receipt / non-receipt of the reply by the R.No.9 to the show cause notice at Annexure-R3/4 appropriate action in accordance with law will be initiated by the R.No.3 Board.
8. That the Respondent No.3 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.
9. That the annexures annexed to the present affidavit are true and correct copies of their originals.
10. 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

MARJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON-71/2009  
 PH:-9437627119 (M)  
 28/04/23

**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 28<sup>th</sup> day of April, 2023.

SWORN BEFORE ME

*[Signature]*  
 DEPONENT  
 Member Secretary  
 State Pollution Control Board  
 Odisha, Bhubaneswar



*[Signature]*  
 MARJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON-71/2009  
 PH:-9437627119 (M)  
 28/04/23

JOINT ENQUIRY REPORT OF THE COMMITTEE IN COMPLIANCE TO ORDER DTD.  
24.02.2023 OF THE HON'BLE NGT, EASTREN ZONE, CALCUTTA IN THE MATTER OF O.A.  
NO.143/2022/EZ-INTERNATIONAL HUMAN RIGHTS COUNCIL VERSUS DISTRICT  
COLLECTOR, GANJAM & ORS.

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In compliance to the order dtd. 24.02.2023 of the Hon'ble NGT, EZ Bench, Kolkata in the matter of O.A. No.143/2022/EZ-International Human Rights Council Versus District Collector, Ganjam & Ors, joint enquiry was conducted on 11.04.2023 by the committee constituted by the Collector and District Magistrate, Ganjam to determine the Environmental compensation against Sri Kalucharan Nayak impleaded as Respondent no. 9 in the above mentioned O.A. No. vide office order no. 1371 dtd. 31.03.2023. Following officers were present during the joint inspection.

1. Mrs. Subhashree Ratha, Deputy Collector, Berhampur, Representative of Sub-Collector, Berhampur.
2. Sri Sailaja Prasad Nanda, Deputy Director of Geology, Berhampur
3. Er. Maheswar Behera, Deputy Environmental Engineer, Representative of Regional Officer, SPC, Board, Berhampur.
4. Sri Durga Prasad Pani, Assistant Mining Officer, Representative of Dy. Director of Mines, Berhampur.

Also during the site inspection, the Tehsildar, Sanakhemundi and the Revenue Supervisor and Revenue Inspector of the concerned circle were present. Sri Kalu Charan Nayak, Proprietor of M/s Maa Kali Brick Industry was also present during inspection.

During inspection following observations have been made by the Committee:

- i) M/s Maa Kali Brick Industry is a fixed type Clay brick manufacturing unit (FCBTK) which has been established and being operated in Mouza-Gambhariguda under Tehsil Sanakhemundi in the District of Ganjam under the proprietorship of Sri Kalu Charan Nayak, At/P.O.-Gambhariguda, Adapada, Dist.Ganjam.
- ii) The unit has obtained sitting criteria certificate from the Collector and District Magistrate, Ganjam vide letter no. 432 dtd. 27.01.2016 in favour of Sri Kalu Charan Nayak, Proprietor over Plot Nos. 1493 & 1494 under Khata No. 296/101, comprising of area Ac.0.230, (Kisam-Gharabari), Mouza-Gambhariguda, Tensil: Sanakhemundi, Dist. Ganjam as per the sitting criteria fixed by the State Government vide Notification no. 20949 dtd. 06.12.2005 of Forest and

Environment Department, Government of Odisha. (Copy of sitting criteria enclosed as Annexure-I)

- iii) Based on the sitting criteria certificate, requisite documents and adequate consent fees, 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 was granted by Regional Office, SPCB, Berhampur to the unit vide Board's letter no. 385 dtd. 16.02.2016 over Plot Nos. 1493 &1494 under Khata No. 296/101, comprising of area Ac.0.230, (Kisam-Gharabari), Mouza-Gambhariguda, Tehsil: Sanakhemundi, Dist. Ganjam for the production of Clay Kiln Bricks-20, 000, 00 Nos./Annum . (Copy of consent to establish order enclosed as Annexure-II)
- iv) Subsequently Consent to operate under Section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 has been granted by Regional Office, SPCB, Berhampur to the Brick Kiln unit vide Board's letter no. 47 dtd. 05.01.2021 for the production of Clay Kiln Bricks-20, 000, 00 Nos./Annum valid upto 31.03.2024. (Copy of consent to operate order enclosed as Annexure-III).
- v) During field verification it was found that the chimney and the trench area of brick kiln manufacturing unit (operational area) has been established and being operated since 2016 over Plot No. 1465 (Homestead Land) under Khata No.296/104 of an area Ac.0.300 dec.,(Kisam-Gharabari) & Plot No. 1466 (Homestead Land) under Khata No.296/108 of area Ac.0.150 dec., (Kisam-Gharabari) in Mouza-Gambhariguda, Tehsil: Sanakhemundi, Dist. Ganjam in lieu of Plot Nos. 1493 &1494 under Khata No. 296/101, comprising of area Ac.0.230 as mentioned in sitting criteria certificate issued from the Collector and District Magistrate, Ganjam vide letter no. 432 dtd. 27.01.2016 in favour of Sri Kalu Charan Nayak. (Copy of RoR enclosed as Annexure-IV).
- vi) Plot Nos. 1465 & 1466 (Homestead Land) of Sri Kalu Charan Nayak are adjacent to the Plot Nos. 1493 &1494 under Khata No. 296/101 on which sitting criteria certificate was issued from the Collector and District Magistrate, Ganjam for establishment of Brick Kiln unit.

- vii) As informed by Sri Kalu Charan Nayak, Proprietor of M/s Maa Kali Brick Industry, Brick kiln unit was unwittingly established over Plot No. 1465 & 1466 (Homestead Land) Mouza-Gambhariguda, Tehsil: Sanakhemundi, Dist. Ganjam though sitting criteria was issued for the establishment of Brick Kiln unit over Plot Nos. 1493 & 1494.
- viii) Sri Kalu Charan Nayak has furnished the copy of application which has been submitted to District Collector & Magistrate, Ganjam for amendment of sitting criteria issued vide letter no. 432 dtd. 27.01.2016 i.e, inclusion of Plot No. 1465 & 1466 in the sitting criteria certificate. (Copy of application enclosed as Annexure-V).
- ix) The other alleged Plot no. 1498/2541 under Khata No. 296/76 of area Ac.0.110 decimal (Bila Kissam) was a vacant land and no industrial activities were carried out in that area observed during inspection.

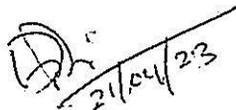
**Conclusion & Recommendation:**

From the above observation it was found that Sri Kalu Charan Nayak, Proprietor of M/s Maa Kali Brick Industry has established and operating the fixed type Clay brick manufacturing unit (FCBTK) since 2016 over Plot No. 1465 & 1466, Mouza-Gambhariguda, Tehsil: Sanakhemundi, Dist. Ganjam in lieu of Plot Nos. 1493 & 1494 as mentioned in sitting criteria certificate from the Collector and District Magistrate, Ganjam vide letter no. 432 dtd. 27.01.2016 which is a gross violation to the sitting criteria certificate issued by the Collector and District Magistrate, Ganjam.

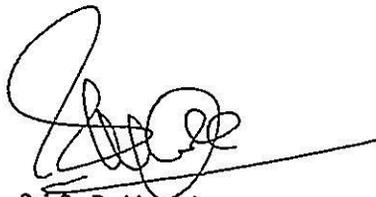
In view of the above observations, the committee recommended the followings:

1. Consent to establish and consent to operate issued to the unit shall be revoked and necessary actions shall be undertaken by the district administration Ganjam for violation of sitting criteria certificate.
2. The Brick Kiln unit shall be established over Plot Nos. mentioned in the sitting criteria certificate issued from the Collector and District Magistrate, Ganjam vide letter no. 432 dtd. 27.01.2016 in favour of Sri Kalu Charan Nayak.
3. As the chimney and the trench area of brick kiln manufacturing unit has been established and being operated since 2016 over Plot No. 1465 (Homestead Land) under Khata No.296/104 of an area Ac.0.300 dec.,(Kisam-Gharabari) &

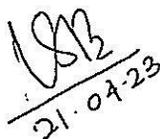
Plot No. 1466 (Homestead Land) under Khata No.296/108 of area Ac.0.150 dec., (Kisam-Gharabari) in Mouza-Gambhariguda, Tehsil: Sanakhemundi, Dist. Ganjam in lieu of Plot Nos. 1493 &1494 under Khata No. 296/101, comprising of area Ac.0.230 as mentioned in sitting criteria certificate from the Collector and District Magistrate, Ganjam vide letter no. 432 dtd. 27.01.2016, Environmental compensation shall be imposed as per the order dtd. 07.04.2016 of the Hon'ble NGT, EZ Bench, Kolkata in the matter of O.A. No.31/2015/EZ-Bishnu Prasad Misro Vs. State of Odisha & Others.



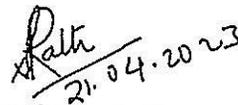
Sri Durga Prasad Pani,  
Assistant Mining Officer, Berhampur.



Sri S. P. Nanda,  
Deputy Director of Geology,  
Berhampur



Er. Maheswar Behera,  
Deputy Environmental Engineer



Mrs. Subhashree Rath,  
Deputy Collector, Berhampur

Annexure I

OFFICE OF THE COLLECTOR &amp; DISTRICT MAGISTRATE, GANJAM

No. (Rev.XXV-471/2016) 432Dated. 27.01.2016

This is to certify that Sri Kalu Charan Nayak, S/O- Jogili Nayak, At- Karakhandi Po- Adapada, P.S- Hinjilicut, District- Ganjam, has applied for installation of fixed chimney Brick Kiln unit over plot No. 1493 & 1494 of Khata No. 296/101 comprising of an area of Ac.0.230 in Mouza – Gambhariguda under Sanakhemundi Tahasa. References of the proposed site with respect to surroundings are as under.

- The proposed site is 22 KMs from State Highway No.- 17 and 45 KMs from National Highway No.- 217.
- The proposed site is 15 KMs from Hinjilicut Town with population of 21347.
- The proposed site is 02 Kms from Siva Temple, Gambhariguda, 02 kms from U.P School, Gambhariguda & 05 Kms from CHC, Adapada.
- The proposed site is 45 KMs from Berhampur Railway line.
- The proposed site is 02 kms from Ghodahada river bank.

The proposed site confirms to the Siting Criteria fixed by the State Government vide Notification No. 20949 dated. 06.12.2005 of Forest & Environment Department

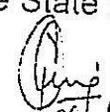
Memo No. 433 /Rev.

Copy to the applicant Sri Kalu Charan Nayak, S/O- Jogi Nayak, At- Karakhandi. Po- Adapada, P.S- Hinjilicut, District- Ganjam for information and necessary action. He is instructed to comply with the conditions stipulated by the State Pollution Control Board, Orissa in their consent to establish order.

  
 COLLECTOR, GANJAM
Dated. 27.01.2016

Memo No. \_\_\_\_\_ /Rev.

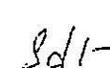
Copy to the Member Secretary, State Pollution Control Board, Orissa, Parivesh Bhawan 118, Nilkanthanagar, Unit-VIII, Bhubaneswar – 751012 for information and necessary action.

  
 COLLECTOR, GANJAM

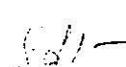
Dated.

Memo No. \_\_\_\_\_ /Rev.

Copy forwarded to the General Manager, DIC, Berhampur, Ganjam/ Sub-Collector, Berhampur/ Tahasildar, Sanakhemundi for information and necessary action.

  
 COLLECTOR, GANJAM

Dated.

  
 COLLECTOR, GANJAM

-Kalu ch Nayak

Tel/fax: (0680) 2281075



REGIONAL OFFICE OF  
STATE POLLUTION CONTROL BOARD, ODISHA  
 (DEPT. OF FOREST & ENVIRONMENT, GOVT. OF ODISHA)  
 3<sup>rd</sup> Lane, Brahma Nagar, Berhampur, Ganjam – 760 001

No. 385 / CTE – 857 / 2016Date 16-02-2016

By Regd. Post

OFFICE MEMORANDUM

In consideration of the online application id no. 535881 received on 02.02.2016 for obtaining Consent to Establish (NOC) of M/s Maa Kali Bricks over plot nos. 1493 and 1494 under khata no. 296/101 in an area of 0.230 acre at mouza – Gambhariguda of Tahasil - Sanakhemundi in the district of Ganjam, a unit not coming under 17 categories of highly polluting industries, the Regional Officer of State Pollution Control Board, Odisha, Berhampur conveys grant of consent to establish u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and 21 of Air (Prevention & Control of Pollution) Act, 1981 and the rules framed there under for manufacturing clay kiln bricks - 20 lakh nos. per annum subject to the following conditions.

GENERAL CONDITIONS

01. This consent to establish is valid for the product, quantity, manufacturing process and raw materials as mentioned in the consent application form and for a period of 5 (five) years from the date of issue of this letter, provided that the commencement of production of the project has not yet taken place in the mean time.
02. If the proponent fails to start operation of the project, but substantial physical progress has been made then a renewal of this consent shall be sought by the project proponent.
03. If the project proponent fails to initiate construction of the project and no significant physical progress has been made then, the proponent has to apply for consent to establish afresh after expiry of 5 (five) years from the date of issue of this order.
04. Adequate effluent treatment facilities are to be provided such that the quality of sewage and trade effluent complies the standards as prescribed under E (P) Rules, 1986, as prescribed by the Central Pollution Control Board, New Delhi and or State Pollution Control Board, Odisha or otherwise as stipulated in the special conditions with amendment made thereof from time to time.

1

*Resub*  
 Kalyan Ch. Nayak

05. All emission from the industry as well as the ambient air quality and noise are conform to the standards as laid down under E (P) Rules, 1986 / Central Pollution Control Board, New Delhi / State Pollution Control Board, Odisha or otherwise stipulated in the special conditions.
06. Appropriate method of disposal of solid waste is to be adopted to avoid environmental pollution.
07. The industry is to comply with the provisions of Environment (Protection) Act, 1986, amendments made thereof and the rules framed there under. The industry shall comply with the provisions of Public Liability Insurance Act, 1991, if applicable.
08. The industry is to apply for grant of consent to operate under section 25/26 of Water (Prevention & Control Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 for a period of 5 (five) years at a time with requisite amount of consent to operate fee at least 3 (three) months prior to the commercial/ trial production and obtain consent to operate from the Board.
09. The industry is to take up the plantation of indigenous species around the available vacant areas inside the factory premises.
10. This consent to establish is granted subject to other statutory clearances to be obtained from Government of Odisha and/or Government of India as may be applicable thereof.

#### SPECIAL CONDITIONS

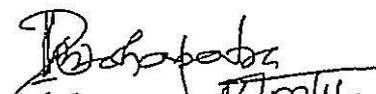
1. This is subject to the sitting clearance vide order no. 432/Rev. dated 27.01.2016 of Collector, Ganjam.
2. Height of the stack attached to the kiln shall be as per the respective provisions under Schedule – I of Environment (Protection) Rules, 1986.
3. Emission of particulate matters from the stack attached to the kiln shall comply the prescribed standard under Schedule – I of Environment (Protection) Rules, 1986.
4. Under no circumstance, the industry shall not discharge any wastewater to outside the factory premises.
5. Domestic effluent shall be discharged to soak pit via septic tank constructed as per BIS specifications.
6. The unit shall take all possible steps for control of fugitive dusts in the work environment.

7. Ambient air quality inside the factory premises shall be maintained so as to confirm the National Ambient Air Quality Standards prescribed under the Environment (Protection) Rules, 1986.
8. Plantations shall be done along boundary of plant premises.
9. The unit shall submit land conversion document for industrial use while submitting its application for consent to operate.
10. The Board may impose further conditions or modify the conditions as stipulated in this order during installation and / or at the time of obtaining consent to operate and may revoke this order incase the stipulate conditions are not implemented and / or information / document is found to have been suppressed / wrongly furnished in the application form.

To

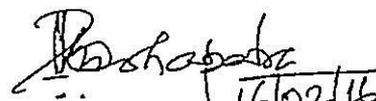
Sri Kalu Charan Nayak,  
 Proprietor, M/s Maa Kali Bricks,  
 AV/PO – Karakhandi, Adapada,  
 Via - Sheragada, Dist. – Ganjam – 761144

Memo No. 386-388 / Date 16-02-2016

  
 16/02/16  
 REGIONAL OFFICER

Copy forwarded to

1. Collector, Ganjam, Chatrapur,
2. SEE (N), S.P.C.B., Odisha, Bhubaneswar &
3. GM, DIC, Ganjam, Berhampur for information.

  
 16/02/16  
 REGIONAL OFFICER  
 o/c



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

**CONSENT ORDER**

No. 47 / CTO-1111/2016

Date 05/01/2022

By Regd. Post

CONSENT ORDER NO. 1092/20-21

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

Ref:- Your online consent application No. 3144808

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

Name of the Industry:

M/s. Maa Kali Bricks  
Mouza-Gambhariguda, Tahasil-Sanakhemundi  
Dist.-Ganjam

Name of the Occupier & Designation:  
Address:

Sri Kalu Charan Nayak, Proprietor  
M/s. Maa Kali Bricks  
At P.O.-Gambhariguda, Adapada, Via-Sheragada  
Dist. Ganjam.

**This consent order is valid for the period up to 31.03.2024.**

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

**A. Details of Products Manufactured:**

Sl. No.	Product	Quantity
1	Clay Kiln Bricks	20,000,00 Nos./Annum

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

Outlet no.	Description of outlet	Point of discharge	Quantity of discharge KLD or KL/hr.	Prescribed standard in mg/l except pH			
				pH	TSS	BOD	O&G
1	Domestic Waste water	Soak Pit via Septic tank	-	-	-	-	-

P.T.O.



## CONSENT ORDER

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

Chimney Stack No	Description of Stack	Stack height (m)	Quantity of emission	Prescribed Standard in mg/Nm <sup>3</sup>			
				PM	SO <sub>2</sub>	NO <sub>x</sub>	H <sub>2</sub> S
01	Stack attached to Bull's Trench Kiln	27 metres (minimum) or induced draft fan operating with minimum draft of 50 mm WG with 15 meter stack height.	-	250 Mg/Nm <sup>3</sup>	-	-	-

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

Sl No	Type of Solid Waste	Quantity generated (TPD)	Quantity to be reused on site (TPD)	Quantity to be reused off site (TPD)	Quantity disposed off (TPD)	Description of disposal site
01	Ash	-	-	-	-	Own land filling within plant premises

### E. GENERAL CONDITIONS:

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

P.T.O.



## CONSENT ORDER

Page. 3

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

P.T.O.



## CONSENT ORDER

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

### F. SPECIAL CONDITIONS

#### A. GENERAL

1. This consent order has been granted based on the sitting clearance obtained from the concerned Collectorate and shall be revoked in case of invalidity of the clearance.
2. The unit shall abide by the stipulated conditions of environmental clearance obtained from the State Environmental Impact Assessment Authority (SEIAA), Odisha vide Ref. No. 8738/SEIAA dtd. 18.08.2020.
3. The Brick kiln shall be converted to zig-zag or vertical method of brick making and shall comply to the new standards as stipulated in this notification.
4. The industry shall obtain necessary permission from the central Ground Water Authority for consumption of ground water for industrial use.
5. Fly ash shall be used in brick molding in compliance of the notification (as amended) issued under the provision of Environment (Protection) Act, 1986.
6. The unit shall abide by E (P) Act, 1986 and Rules framed there under.
7. Land conversion document for industrial use shall be submitted to the Board
8. 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.
9. In case of public complaint which is found genuine the unit shall be shifted to a suitable place and fresh consent to establish (NOC) shall be obtained.
10. The unit shall provide lightning arrestor at the top of the chimney.
11. The Board may impose further condition or modify the conditions as stipulated in this order during installation and/or at the time of obtaining consent to operate and may revoke this order in case the stipulated condition are not implemented and/or information is found to have been suppressed/wrongly furnished in the application form.
12. The Unit shall pay the differential fees if any as per the Odisha Gazette Notification dt. 16.07.2012 of Forest and Environment Department, Government of Odisha.
13. No further expansion/modernization shall be carried out by the unit without prior approval from the Board.

P.T.O.

**CONSENT ORDER**

1. Good housekeeping practice shall be followed to improve the work environment.
2. No production activity shall commence prior to installation of all pollution control measures. In case it is found that the industry is operated without installation of adequate pollution control equipments, direction of closure shall be issued under section 31 A of Air (PCP) Act, 1981 without any further notice.

**B. WATER POLLUTION**

1. Domestic effluent shall be discharged to septic tank followed by soak pit constructed as per BIS specification.
2. In no case waste water of the plant shall be allowed to discharge outside the factory premises.

**C. AIR POLLUTION**

1. Height of the stack attached to the kiln shall be as per the respective provisions under Schedule-I of the Environment (Protection) Rules, 1986
2. The unit shall install adequate air pollution control measures so that emission through the stack with respect to particulate matter shall not exceed 250 mg/Nm<sup>3</sup>
3. Regular dust cleaning shall be carried out within factory premises along with water sprinkling arrangement.
4. The height of the stack attached to brick kiln shall be adequate to meet the new standards and comply with the norms for Particulate Matter (PM).
5. Particulate Matter (PM) results shall be normalized at 4% CO, as below:
6.  $PM(\text{normalized}) = PM(\text{measured}) \times 4\% / \text{measured CO}$ , in% Stack height (in metre) shall also be calculated by formula  $H=14Q$  (where Q is SO emission rate in kg/hr), and the maximum of two shall apply.
7. All the moving area around the main Brick Kiln should be paved with the bricks to minimize the fugitive dust emissions from the Brick Kiln operations.
8. The unit shall provide closed shed/room for storage of Raw Materials.
9. Regular ground wetting shall be carry out in order to avoid any fugitive emissions.
10. The brick kiln shall use only approved fuel such as coal, fire wood and/or agricultural residues. Use of pet coke shall not be allowed in the Brick kiln.
11. Brick kiln shall construct permanent facility (port hole and platform) as per the norms/design laid down by the CPCB for monitoring of Emissions.
12. The brick kiln shall ensure that the road utilized for transporting raw materials/bricks shall be metaled roads and is dust free.
13. Trucks shall be covered during transportation of raw material/bricks.
14. Regular cleaning and wetting of the ground shall be under taken within the premises.
15. The unit shall provide adequate sprinkling system in the premises to avoid fugitive dust emissions. The ambient air quality in the premises shall meet the National Ambient Air Quality Standard.
16. A thick green belt of tall long foliage trees shall be developed along the boundary of the premises.
17. Height of the stack attached to DG Set if any shall be  $h+0.2 \sqrt{KVA}$  where h = roof height, where DG set shall be installed and  $KVA = \text{Capacity of DG Set in KVA}$
18. The DG set shall be installed in an acoustically designed enclosure to control noise level as per the E (P) Rules.

P.T.O.



## CONSENT ORDER

### D. SOLID & HAZARDOUS WASTE

1. Solid wastes generated from the unit, including ash shall be properly disposed off without causing any environmental nuisance in its surrounding.

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

To,

Sri Kalu Charan Nayak, Proprietor  
M/s. Maa Kali Bricks  
At/P.O.-Gambhariguda, Adapada, Via-Sheragada  
Dist. Ganjam, 761144, (Odisha)

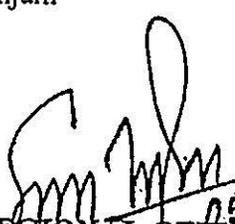
  
REGIONAL OFFICER

STATE POLLUTION CONTROL BOARD, ODISHA  
BERHAMPUR

Memo No. 48 (B) / Date 05/01/2021

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, Ganjam
5. District Industries Centre, Ganjam, Berhampur.
6. Copy to Guard File

  
REGIONAL OFFICER

STATE POLLUTION CONTROL BOARD, ODISHA  
BERHAMPUR



CONSENT ORDER

Page. 7

EFFLUENT QUALITY STANDARDS

ANNEXURE - I

Sl.No.	Parameters	Standards			
		Inland surface	Public sewers	Land for irrigation	Marine Coastal Areas
		(a)	(b)	(c)	(d)
1.	Colour & odour	Colourless/Odourless as far as practicable	-----	See 6 of Annex-	See 6 of Annex-1
2.	Suspended Solids (mg/l)	100	600	200	For process wastewater - 100 b. For cooling water effluent 10% above total suspended matter of influent.
3.	Particular size of SS	Shall pass 850	-----	-----	
5.	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6.	Temperature	Shall not exceed 5°C above the receiving water temperature	-----	-----	Shall not exceed 5°C above the receiving water temperature
7.	Oil & Grease mg/l max.	10	20	10	20
8.	Total residual chlorine	1.0	---	-----	1.0
9.	Ammoniacal nitrogen (as N) mg/l max.	50	50	-----	50
10.	Total Kjeldahl nitrogen (as NH <sub>3</sub> ) mg/l max.	100	---	-----	100
11.	Free ammonia (as NH <sub>3</sub> ) mg/l max.	5.0	---	-----	5.0
12.	Biochemical Oxygen Demand (5 days at 20°C) mg/l max.	30	350	100	100
13.	Chemical Oxygen Demand, mg/l max.	250	---	-----	250
14.	Arsenic (as As) mg/l max.	0.2	0.2	0.2	0.2
15.	Mercury (as Hg) mg/l max.	0.01	0.01	-----	0.001
16.	Lead (as Pb) mg/l max.	01.	1.0	-----	2.0

P.T.O.



### CONSENT ORDER

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

P.T.O.


**CONSENT ORDER**

Page. 9

**NATIONAL AMBIENT AIR QUALITY STANDARDS****ANNEXURE - II**

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

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

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

ଖତିୟାନ

ଠିକଣା : ଗନ୍ଧାରିଗୁଡ଼ା  
 ଠାକୁର : ପାଟପୁର  
 ଠାକୁର ନମ୍ବର : 173

ତହସିଲ : ସାନଖେମୁଣ୍ଡି  
 ତହସିଲ ନମ୍ବର : 144  
 ଜିଲ୍ଲା : ଗଂଜାମ

ଜମିଦାରଙ୍କ ନାମ ଓ ଖୋସାଟ ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		ଓଡ଼ିଶା ସରକାର ଖୋସାଟ ନମ୍ବର 1				
1) ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		296/104				
2) ପ୍ରକାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		କାଳୁ ଚରଣ ନାୟକ ପି:ଜାଗିଲି ନାୟକ ଜା: କୁରୁମ ବା: କରାଖଣ୍ଡି				
3) ଏସ୍	ରୟତି					
4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିଆର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
		360.00	270.00		630.00	
6) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ		ବାଖଲ ଖାଉଜ କେଶ ନଂ 255/ 2016 କୁରୁମ ମୁତାବକ ପ୍ଲଟ ନଂ 1465 ଉକ୍ତା ଏ 0.300 ହି କୁ ଜମା ଟ 5.00 ପୁରାତନ ଖାତା ନଂ 296/44 ରୁ ।				
BLANK SPACE FOR STAMPING						
ଅନ୍ୟ ପ୍ରକାଶନ ତାରିଖ -						
ବିକ୍ରୟ ଆୟ ତାରିଖ -						

କଟକର କ୍ରମିକ ନଂ : 296/108		ମୌଜା : ଗନ୍ଧାରିଗୁଡ଼ା			ଜିଲ୍ଲା : ଗଞ୍ଜାମ	
ପୁର ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପୁରର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରକବା			ମତବ୍ୟ
			ଠ.	ଡି.	ହେକ୍ଟର	
7	8	9	10	11	12	
1466	ଘରବାରି	ରଗା ଖଜା	0	1500	0.0607	
1 plot			0	1500	0.0607	

## ଖତିୟାନ

କମିଟି : ଗନ୍ଧାର୍ପିତା

ତହସିଲ : ସାନଖେମୁଣ୍ଡି

ଥାନା : ପାଟପୁର

ତହସିଲ ନମ୍ବର : 144

ଥାନା ନମ୍ବର : 173

ବିଲ୍ଲା : ଗଂଜାମ

କମିଟିର ନାମ ଓ ଖେତ୍ର ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		ଓଡ଼ିଶା ସରକାର ଖେତ୍ର ନମ୍ବର 1				
1) ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		296/108				
2) ପ୍ରକାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		କାଲୁ ଚରଣ ନାୟକ ପି:ଜାଗିଲି ନାୟକ ଜା: କୁରୁମ ବା: କରାଖଣ୍ଡି				
3) ସ୍ୱତ୍ୱ	ରକ୍ଷିତ					
4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିସ୍ତାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
		45.00	34.00		79.00	
6) ବିବେଚନ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ		ବାଖଲ ଖାଉଜ କେଶ ନଂ 420/ 2017 ହୁକୁମ ପୁରାବକ ପୁଟ ନଂ 1466 ରକବା ଏ 0.150 ଡି କୁ ଜମା ୪ 3.00 ପୁରାତନ ଖାତା ନଂ 125 ରୁ । OLR - 8 (A) Case No.3616/2022 ପ୍ରକାରେ ପୁଟ ନଂ 1466 ରକବା ଏ 0.150 ଡି କିସମ ଘରବାରି ହୋଇ ଦେୟ ସଂଶୋଧନ କରାଗଲା ।				
BLANK SPACE FOR STAMPING						
ଅନ୍ତିମ ପ୍ରକାଶନ ତାରିଖ -						
ଫଳଣା ଆଦ୍ୟ ତାରିଖ -						

ଓଡ଼ିଶା ନଗର କ୍ରମିକ ନଂ : 296/104		ମୌଜା : ଚନ୍ଦ୍ରାପୁରା			ଜିଲ୍ଲା : ଚଂଡ଼ାମ	
ପୁଠ ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପୁଠର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହୁଦି	ରକବା			ମତବ୍ୟ
			4.	ବି.	ହେକ୍ଟର	
7	8	9	10	11	12	
1465 ବଡ଼ପଦର	ଘରବାରି		0	3000	0.1214	O.L.R - 8 (A) No.72/16, ପ୍ରକାରେ କିସମ ଘରବାରି କରି, ଖଜଣା ସଂଶୋଧନ କରାଗଲା ।
1 plot			0	3000	0.1214	

Annexure V

To

Date: 19.04.2023

The Regional Officer,  
State Pollution Control Board, Odisha  
Berhampur.

Sub: Photo copy of submission of representation addressed to the Collector, Ganjam.

Sir,

I am submitting herewith the photo copy of submission of representation addressed to the Collector, Ganjam with all annexure for your kind perusal.

*Kalu Ch Nayak*  
Sri Kalu Charan Nayak, Proprietor  
M/s Maa Kali Industry  
At-Karakhandi, P.O.-Adapada  
Dist-Ganjam

To

The Collector & District Magistrate,  
Chatrapur, Ganjam

SUB:- ( Ammendment of Sitting Criteria Issued Vide your Office  
Letter no.432 Dated 27/01/2016 )

Sir,

With reference to the subject sited above it is to inform you that I Sri Kalu Charan Nayak , S/O- Sri Jagili Nayak , At-Karakhandi ,PO-Adapada, PS-Hinjili , DISTRICT- Ganjam, has obtained sitting criteria certificate for installation of fix chimney Brick Kiln Unit over Plot no. 1493 &1494 of Khata No. 296/101 comprising of an area of 0.230 Acer in Mouza- Gambhariguda under Sanakhemundi Tahasil (Copy of order enclosed) . However during installation of the Kiln unit , unknowingly I have installed the Brick Kiln Unit including chimney and it's trench area over Plot no. 1465 ( Homestead land ), Khata No. 296/104 of an area 0.300 Decimal, Kisama- Gharabari and over Plot no. 1466 ( Homestead Land ) under Khata No. 296/108 area 0.150 Decimal , Kisama- Gharabari in the Mouza of Gambhariguda , Sanakhemundi Tahasil as these plots are adjacent to the plots mention in sitting criteria certificate order . I have obtained all statutory document's like Mining Plan's approved from the competent authority, Environmental clearance from SEIAA , ana valid lease agreement with the consent Tahasildar for operation of M/S Kurula Brick Earth query and also obtained valid " CTE " and " CTO "from State Pollution Control Board ,Berhampur.The Brick Kiln Unit has been installed and operating over Plot No.1465 & 1466 ( Homestead Land )in Mouza Gambhariguda , Tahasil- Sanakhemundi in the name and style of M/S Maa Kali Brick Industry . The Brick Kiln Unit has also obtained consent to operate Vide Board's Letter No. 47 Dated 05/01/2021 valid upto DT- 31/03/2024 (Copy of the order enclosed) .

As the Brick Kiln unit has been installed and operating in Plot No. 1465 and 1466 ( Homestead Land ) instead of Plot No. 1493 & 1494. Therefore, I request you to include the Plot No. 1465 & 1466 in the sitting criteria order issued from your Office Vide Letter No. 432 Dated .27/01/2016 . And kindly issued amendment sitting criteria certificate in favour of Sri Kalu Charan Nayak .

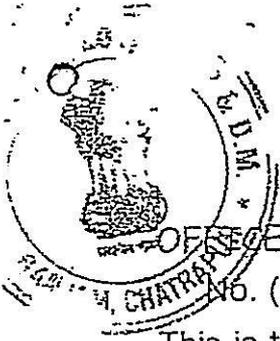
Your Faithfully

Kalu Ch. Nayak

Date- 19 04 23

Place- Gambhariguda

04.2023  
19.04.23



OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, GANJAM

No. (Rev.XXV-47/2016) 432

Dated. 27-01-2016

This is to certify that Sri Kalu Charan Nayak, S/O- Jogili Nayak, At- Karakhandi, Po- Adapada, P.S- Hinjilicut, District- Ganjam, has applied for installation of fixed chimney Brick Kiln unit over plot No. 1493 & 1494 of Khata No. 296/101 comprising of an area of Ac.0.230 in Mouza- Gambhariguda under Sanakhemundi Tahasil. References of the proposed site with respect to surroundings are as under.

- i. The proposed site is 22 KMS from State Highway No.- 17 and 45 KMS from National Highway No.- 217.
- ii. The proposed site is 15 KMS from Hinjilicut Town with population of 21347.
- iii. The proposed site is 02 Kms from Siva Temple, Gambhariguda, 02 kms from U.P. School, Gambhariguda & 05 Kms from CHC, Adapada.
- iv. The proposed site is 45 KMS from Berhampur Railway line.
- v. The proposed site is 02 kms from Ghodahada river bank.

The proposed site confirms to the Siting Criteria fixed by the State Government vide Notification No. 20949 dated. 06.12.2005 of Forest & Environment Department

Memo No. 433 /Rev.

*[Signature]*  
26/1  
A COLLECTOR, GANJAM  
Collector  
Dated. 27-01-2016  
Ganjam, Chatrapur

Copy to the applicant Sri Kalu Charan Nayak, S/O- Jogi Nayak, At- Karakhandi, Po- Adapada, P.S- Hinjilicut, District- Ganjam for information and necessary action. He is instructed to comply with the conditions stipulated by the State Pollution Control Board, Orissa in their consent to establish order.

Memo No. \_\_\_\_\_ /Rev.

*[Signature]*  
26/1  
A COLLECTOR, GANJAM  
Collector  
Dated. \_\_\_\_\_  
Ganjam, Chatrapur

Copy to the Member Secretary, State Pollution Control Board, Orissa, Parivesh Bhawan 118, Nilkanthanagar, Unit-VIII, Bhubaneswar – 751012 for information and necessary action.

Memo No. \_\_\_\_\_ /Rev.

*[Signature]*  
Sd/-  
COLLECTOR, GANJAM  
Dated. \_\_\_\_\_

Copy forwarded to the General Manager, DIC, Berhampur, Ganjam/ Sub-Collector, Berhampur/ Tahasilidar, Sanakhemundi for information and necessary action.

*[Signature]*  
Sd/-  
COLLECTOR, GANJAM

ଖତିୟାନ

ଗଞ୍ଜାମ ଜିଲ୍ଲା  
 ପାଟଣା  
 ନମ୍ବର - 173

ତହସିଲ : ସାନଖେମୁଣ୍ଡି  
 ତହସିଲ ନମ୍ବର : 144  
 ଡିଭିଜନ : ଗଞ୍ଜାମ

ଖତିୟାନର ନାମ ଓ ଖେତର ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		ଓଡ଼ିଶା ସରକାର ଖେତର ନମ୍ବର 1				
ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		296/108				
ଖତିୟାନର ନାମ, ପିତାଙ୍କ ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		କାଳୁ ଚରଣ ନାୟକ ପି:କାଶିନି ନାୟକ ଜା: କୁରୁମ ବା: କରାଖଣ୍ଡି				
ନମ୍ବର	ରକ୍ଷିତ					
କ୍ରମିକ ନମ୍ବର	ଜଳକର	ଖଜଣା	ସେସ୍	ନିସ୍ତାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
		45.00	34.00		79.00	
ଅନ୍ୟାନ୍ୟ ଅନୁସଙ୍ଗ ନିଦି କିଛି ଥାଏ		ବାଖଲ ଖାତର କେଶ ନଂ 420/2017 ହୁକୁମ ମୁତାବକ ପୁଟ ନଂ 1466 ରକବା ଏ 0.150 ଡି କୁ ଜମା ଟ 3.00 ପୁରାତନ ଖାତା ନଂ 125 ରୁ । OLR - 8 (A) Case No.3616/2022 ପ୍ରକାରେ ପୁଟ ନଂ 1466 ରକବା ଏ 0.150 ଡି କିସମ ଘରବାରି ହୋଇ ଦେଇ ସଂଶୋଧନ କରାଗଲା ।				
BLANK SPACE FOR STAMPING						
ଅଧିକାରୀଙ୍କ ଦାରିଖ -						
ଅଧିକାରୀଙ୍କ ଦାରିଖ -						

ପରିଚାଳନା କର୍ମକ୍ରମ ନମ୍ବର	ନିକ୍ଷେପ ଓ ପୁରତ ଖଜଣା	କିସମର ବିଖାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରକତା			ମତ୍ତତ୍ୟ
			ଏ.	ଡି.	ହେକ୍ଟର	
7	8	9	10	11	12	
1 plot	ଘରବାରି	ରକା ଖରା	0	1500	0.0607	
1 plot			0	1500	0.0607	

ANNEXURE - R3/3BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

<u>Item No.</u>	<u>M.A. No.</u>	<u>Name of Party</u>
1	M.A. No. 690/2016/EZ	Bhimsena Sahu (R.100)
2	M.A. No. 691/2016/EZ	Ajay Kumar Palai (R.128)
3	M.A. No. 692/2016/EZ	Bhaskar Das (R.125)
4	M.A. No. 693/2016/EZ	Jhunulata Satapathy (R.124)
5	M.A. No. 694/2016/EZ	B. Satyanarayan Reddy (R.102)
6	M.A. No. 695/2016/EZ	Jogi Nahak (R.68)
7	M.A. No. 696/2016/EZ	Mohanna Reddy (R.105)
8	M.A. No. 697/2016/EZ	Laxmi Narayan Swain (R.96)
9	M.A. No. 698/2016/EZ	Chandra Murali (R.60)
10	M.A. No. 699/2016/EZ	Ajit Kumar Padhy (R.59)
11	M.A. No. 700/2016/EZ	R.Mumunda Reddy (R.109)
12	M.A. No. 701/2016/EZ	Bijaya Sahu (R.58)
13	M.A. No. 702/2016/EZ	Santosh Kumar Sahu (R.84)
14	M.A. No. 703/2016/EZ	Pradyumna Kumar Panda (R.82)
15	M.A. No. 704/2016/EZ	Sahebeba Sahu (R.99)
16	M.A. No. 705/2016/EZ	Biswanath Muduli (R.94)
17	M.A. No. 706/2016/EZ	Y. Mohana Rao (R.101)
18	M.A. No. 707/2016/EZ	Santana Prashan (R.103)
19	M.A. No. 708/2016/EZ	Bulu Sahu (R.73)
20	M.A. No. 709/2016/EZ	Rabindra Nath Padhy (R.76)
21	M.A. No. 725/2016/EZ	Susanta Kumar Das (R.142)
22	M.A. No. 726/2016/EZ	Simanchal Das (R.122)
23	M.A. No. 727/2016/EZ	Mrutyunjay Patra (R.146)
24	M.A. No. 728/2016/EZ	Upendra Bhanja Panda (R.143)

- 25 M.A. No. 729/2016/EZ Ashok Padhi (R.123)
- 26 M.A. No. 730/2016/EZ Nikhal Ranjan Patnaik (R.113)
- 27 M.A. No. 731/2016/EZ Sudarshan Nahak (R.119)
- 28 M.A. No. 732/2016/EZ Madhaba Gauda (R.121)
- 29 M.A. No. 733/2016/EZ Bijay Sahoo (R.117)
- 30 M.A. No. 734/2016/EZ Biprachana Patra (R.115)
- 31 M.A. No. 735/2016/EZ P.Niranjan Patra (R.114)
- 32 M.A. No. 736/2016/EZ Laba Swain (R.112)
- 33 M.A. No. 737/2016/EZ Kumunda Gauda (R.120)
- 34 M.A. No. 738/2016/EZ Antaryami Sahu (R.147)
- 35 M.A. No. 782/2016/EZ Trinath Swain (R.126)
- 36 M.A. No. 783/2016/EZ SAnkar Sahu (R.47)
- 37 M.A. No. 784/2016/EZ Kalu Charan Patra (R.145)
- 38 M.A. No. 785/2016/EZ Bulu Sahu (R.92)
- 39 M.A. No. 786/2016/EZ Ashok Samanata (R.91)
- 40 M.A. No. 787/2016/EZ Babu Charan (R.83)
- 41 M.A. No. 788/2016/EZ Sribaram Chhatai (R.104)
- In  
Original Application no. 31/2015/EZ Vs.  
Bishnu Prasad Mishro & ors.
42. O.A. 31/2015/EZ BISHNU PRASAD MISHRO

VS

THE STATE OF ODISHA

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : None  
Applicants of MAs : Mr. M.S.Rizvi, Advocate  
Md Akram, Advocate  
Respondent No. 1-3,6 : Mr. Pravat Kumar Muduli, Addl. Standing Counsel  
Respondent No. 5 : Mrs. Papiya Banerjee Bihani, Advocate

Date & Remarks	Orders of the Tribunal
Item Nos.1 to 42 7 <sup>th</sup> April, 2016.	<p>These Miscellaneous Applications arise out of Original Application No. 31/2015/EZ, which was preferred by the applicant seeking for our intervention on the allegation that illegal brick kilns are being operated in the Ganjam district in the State of Odisha. In the OA, it is alleged that brick kilns, which were running without necessary consent to operate from the State Pollution Control Board, were polluting the area thereby affecting the agricultural land adversely and degrading the environment.</p> <p>Upon notice issued by us to the Odisha PCB and the Chief Secretary, Govt. of Odisha, who were respondent Nos. 1 and 2, by our order 6.5.2015, it was eventually brought to our notice that altogether 122 brick kilns were in operation which were illegal and were being run without any consent to operate. All those brick kilns were then added as respondents and notices to show cause issued upon them.</p> <p>The applicants in MAs are 41 out of those 122 who have responded to our show cause notice and filed affidavit praying inter alia for the following :</p> <p>i) That their brick kilns have been destroyed and demolished and the bricks kilns are completely closed down and in due deference to the order passed by us, they have not</p>

been operating the brick kilns;

ii) The penalty which was proposed to be imposed upon them be waived in view of the fact that the brick kilns were small and had been established with meagre investment and further that profits from it was also not much;

iii) That since they have already paid certain amount of penalties to the State authorities, further imposition of penalty would amount to dual penalties;

iv) That the applications for consent to operate filed by the applicants to the State PCB were not accepted and the said authority may be directed to accept the same to consider and dispose of it expeditiously in accordance with law.

These are the common pleadings and prayers in all the MAs.

Mr. Rizvi, Id. Advocate, appearing on behalf of all the applicants reiterates what have been stated in the MAs and prays for that the penalty proposed to be imposed upon the applicants be waived and/or reduced to a reasonable sum.

We have perused the applications and considered the submission advanced by the Id. Advocate on behalf of them.

There can be no manner of doubt that the applicants were running their respective brick kilns without necessary consent to operate which is mandatory under the law, and, therefore, are liable to pay penalties

for such infraction.

In similar cases pertaining the districts of West Bengal, we have passed orders in OA 2/2015/EZ (Joydeep Mukherjee -vs- State Pollution Control Board, WB) on 29.3.2016. We had categorised the defaulter brick kilns into two groups, viz. category -C i.e., those who had obtained consent to operate at some point of time, but continued to operate without renewal after expiry of its term, and, category D, i.e., those brick kilns which were operating without any consent at all right from the inception.

In view of the fact that we did not have any information regarding economic data, income and their social status, a uniform rate of Rs. 1 lakh was imposed upon those belonging to category C and Rs. 1.5 lakh upon those belonging to category-D. We had directed that the defaulting brick kilns belonging to the aforesaid two categories should deposit the penalties to the concerned authorities of WB PCB.

In the present case, we do not like to take a different view and apply the same principle as a guiding principle for imposition of penalties. Thus, we divide the defaulter brick kiln owners in the State of Odisha, also in two categories i.e., category C and category D. As decided in the case of brick kilns in West Bengal, the penalty to be paid by those belonging to category C is fixed at Rs. 1 lakh and those belonging to category D, Rs. 1.5 lakh.

We direct the brick kiln owners to approach the Odisha State PCB or its delegates, if there is any, and deposit the penalties as per

guidelines set out above. The State PCB shall consider the applications filed by the applicants and decide as to the category to which they belong and accept the penalty as already proposed in respect of those categories.

In the present cases, all the applicants in the above MAs, except those one in MA 699/2016/EZ and MA 701/2016/EZ, admittedly falling in category D and therefore, shall be liable to pay penalty of Rs.1.5 lakh each. We direct the applicants to pay Rs. 1.5 lakh to the Odisha PCB in the manner as stated above within a period of ten weeks from today, as prayed for by the Id. Counsel for the applicants.

It is made clear that until the penalty is paid by the applicants, fresh consent is granted, they shall not operate the brick kilns and the State PCB shall not consider the applications for consent filed by them. In the event, the applicants pay the penalties before the period as sought for by the Id. Counsel; it shall be open for the State PCB to consider and dispose of the applications for consent in accordance with rules.

In so far as MA 699/2016/EZ and MA 701/2016/EZ are concerned, it has been submitted that the respondents in both the cases are not the owners. In MA 699/2016/EZ, the father who is actually the owner, is already a party being respondent No. 76 ( applicant in MA 709/2016/EZ) and in MA 701/2016/EZ, the applicant is the brother of the owner, who has been added as respondent No. 73 and applicant in MA 708/2016/EZ.

The said two applicants shall approach the State PCB , who will

deal with their cases after considering the applications that shall be filed by them. If, they are not the owners, the State PCB shall be at liberty to relieve them from this proceeding.

Rest of the 88 defaulter units upon whom notices have been issued by us but have not yet responded to the same, are directed to approach the State PCB and the State PCB shall pass necessary orders as per law keeping in view the penalty that would be imposed upon them. In case any of the 88 defaulting units do not appear before the State PCB, fresh notice be issued upon them and needful action be taken as directed.

The PCB will be at liberty to approach before us in case any clarification is required.

We direct the State PCB to submit action taken report after ten weeks i.e. on 7.7.2016.

With these directions, all the MAs are disposed of.

List the OA on 7.7.2016 for filing compliance report by the State PCB,

Justice S.P.Wangdi, JM

Prof. (Dr.) P. C. Mishra, EM



E-mail: [rospcb.berhampur@ospboard.org](mailto:rospcb.berhampur@ospboard.org)  
Website: [www.ospboard.org](http://www.ospboard.org)

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

No. 1222 /CTO-1111/2016

Dt. 27/04/23

Bv Regd. Post / E-Despatch/E-mail

**SHOW CAUSE NOTICE UNDER SECTION 33A OF WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 AND UNDER SECTION 31A OF AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 AND AMENDMENT MADE THEREUNDER.**

WHEREAS, you have established and been operating a fixed type Clay brick manufacturing unit (FCBTK) in the name & style of M/s. Maa Kali Bricks, Mouza-Gambhariguda, Tahasil-Sanakhemundi, Dist- Ganjam.

AND WHEREAS, sitting criteria certificate was issued in favour of Sri Kalu Charan Nayak, Proprietor of the aforesaid unit by the Collector and District Magistrate, Ganjam vide letter no. 432 dtd. 27.01.2016 for establishment of fixed type Clay brick manufacturing unit over Plot Nos. 1493 & 1494 under Khata No. 296/101, comprising of area Ac.0.230, (Kisam-Gharabari), Mouza-Gambhariguda, Tehsil: Sanakhemundi, Dist. Ganjam in terms of the sitting criteria fixed by the State Government U/s-5 of the Environment (Protection) Act, 1986 vide Notification no. 20949 dtd. 06.12.2005 of Forest and Environment Department. Government of Odisha.

AND WHEREAS, 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 was granted by Regional Office, SPCB, Berhampur to your Brick kiln unit vide Board's letter no. 385 dtd. 16.02.2016 for the production of Clay Kiln Bricks- 20, 000, 00 Nos./Annum based on the sitting criteria certificate, requisite documents and adequate consent fees.

AND WHEREAS, Consent to Operate under Section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 has been granted by Regional Office, SPCB, Berhampur to your Brick Kiln unit vide Board's letter no. 47 dtd. 05.01.2021 for the production of Clay Kiln Bricks- 20,000,00 Nos./Annum valid upto 31.03.2024 subject to strict compliance of the consent conditions.

AND WHEREAS, as per direction of the Hon'ble NGT, EZ Bench, Kolkata dtd.24.02.2023 vide O.A. No.143/2022/EZ-International Human Rights Council Versus District Collector, Ganjam & Ors. a joint inspection was carried out on dtd.11.04.2023 in your presence and the following observations were made.

- i) The chimney and the trench area of brick kiln manufacturing unit (operational area) has been established and being operated since 2016 over Plot No. 1465 (Homestead Land) under Khata No.296/104 of an area Ac.0.300 dec.,(Kisam-Gharabari) & Plot No. 1466 (Homestead Land) under Khata No.296/108 of area Ac.0.150 dec., (Kisam-Gharabari) in Mouza-Gambhariguda, Tehsil: Sanakhemundi, Dist. Ganjam in lieu of Plot Nos. 1493 & 1494 under Khata, No. 296/101, comprising of area Ac.0.230 as mentioned in sitting criteria certificate issued from the Collector and District Magistrate, Ganjam vide letter No. 432 dtd. 27.01.2016 in favour of Sri Kalu Charan Nayak.

- ii) Plot Nos. 1465 & 1466 (Homestead Land) of the Respondent No. 9 are adjacent to the Plot Nos. 1493 & 1494 under Khata No. 296/101 on which sitting criteria certificate was issued from the Collector and District Magistrate, Ganjam for establishment of Brick Kiln unit.
- iii) The other alleged Plot no. 1498/2541 under Khata No. 296/76 of area Ac.0.110 decimal (Bila Kissam) was a vacant land and no industrial activities were carried out in that area observed during inspection (Copy of Inspection report is enclosed).

AND WHEREAS, the joint inspection report reveals that you have established and been operating the brick kiln unit since 2016 over Plot No. 1465 (Homestead Land) under Khata No.296/104 of an area Ac.0.300 dec.,(Kisam-Gharabari) & Plot No. 1466 (Homestead Land) under Khata No.296/108 of area Ac.0.150 dec., (Kisam-Gharabari) in Mouza-Gambhariguda, Tehsil: Sanakhemundi, Dist. Ganjam without obtaining valid sitting criteria certificate issued from the Collector and District Magistrate, Ganjam as per the sitting criteria fixed by the State Government vide Notification no. 20949 dtd. 06.12.2005 of Forest and Environment Department. Government of Odisha.

AND WHEREAS, you have also filed affidavit before the Hon'ble NGT in the above O.A. mentioning that establishment and operation of Fixed Chimney Brick Kiln unit is over Plot No. 1466, which belongs to Homestead land.

AND WHEREAS, the Hon'ble NGT in their order dtd. 24.02.2023 further directed the Board and District Collector & District Magistrate, Ganjam to determine the environmental compensation against the Respondent.9 in light of their observation made in the order.

AND WHEREAS, you have furnished the copy of representation which has been submitted to the District Collector & Magistrate, Ganjam vide letter no. Nil dtd. 19.04.2023 for amendment of sitting criteria issued vide letter no. 432 dtd. 27.01.2016 i.e, inclusion of Plot No. 1465 & 1466 in the sitting criteria certificate, however, you have not submitted amended Siting criteria certificate issued from the District Collector & Magistrate, Ganjam till date.

AND WHEREAS, the Hon'ble NGT, EZB, Kolkata while adjudicating the brick kiln cases situated in the Ganjam district vide their order dtd.07.04.2016 passed in OA No.31/2015/EZ – Bishnu Prasad Misro v. State of Odisha & Ors has fixed the environmental compensation / penalty in respect of brick kiln owners in the State of Odisha. The relevant portion of the same is given below:

*In the present case, we do not like to take a different view and apply the same principle as a guiding principle for imposition of penalties. Thus, we divide the defaulter brick kiln owners in the State of Odisha, also in two categories i.e., category C and category D. As decided in the case of brick kilns in West Bengal, the penalty to be paid by those belonging to category C is fixed at Rs.1 lakh and those belonging to category D, Rs.1.5 lakh.*

AND WHEREAS, in the said order dtd.07.04.2016, the Hon'ble Tribunal has categorized the defaulter brick kilns into two groups, viz. category-C i.e., those who had obtained consent to operate at some point of time but continued to operate without renewal after expiry of its term, and, category-D i.e, those brick kilns which were operating without any consent at all right from the inception.

AND WHEREAS as per the aforesaid principle fixed by the Hon'ble Tribunal, you are falling under category D since you have established and been operating the brick kiln unit over the plot without any siting clearance certificate issued by the Collector & DM, Ganjam as well as without valid consent to establish and operate from the SPC Board.

NOW THEREFORE, you are directed to show cause within 15 (fifteen) days from the date of issuance of this letter why Consent to Establish and Consent to Operate issued to your unit by the Regional Officer, SPC Board, Berhampur shall not be revoked and direction of closure under section 33A of the Water (PCP) Act, 1974 and 31A of the Air (PCP) Act, 1981 shall not be issued to stop operation of your Brick kiln unit and Environmental compensation amounting to Rs.1.50 lakhs shall not be imposed with a further direction to the concerned authority to disconnect the supply of electricity, water etc. In case no reply is received within the stipulated time or the reply is found not to be satisfactory, the proposed action will be taken without further notice.

Encl: As above  
To

Sri Kalu Charan Nayak, Proprietor  
M/s. Maa Kali Bricks  
At.-Karakhandi, P.O.-Adapada  
Dist. Ganjam (Odisha)

  
27/04/2023  
REGIONAL OFFICER

Memo No. 1223 Dtd 27/04/23

Copy submitted to the Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar for kind information.

  
27/04/2023  
REGIONAL OFFICER

Memo No. 1224 Dtd 27/04/23

Copy forwarded to the Collector & District Magistrate, Ganjam, Chatrapur for kind information.

  
27/04/2023  
REGIONAL OFFICER

Memo No. 1225 Dtd 27/04/23

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

  
27/04/2023  
REGIONAL OFFICER