

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO----- of 2024/EZ**

IN THE MATTER OF

SAPAN GHOSH

APPLICANT

Versus

STATE OF ODISHA &Ors

...

Respondents

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PLACE: Bhubaneswar

DATE: 08/07/2024

S.Pani → *A.Padhy*

SANKAR PRASAD PANI

ASHUTOSH PADHY

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278, Email:
sankarprasadpani@gmail.com

SYNOPSIS

Application is being filed challenging the operation of Cold storage unit in Palbani of Baripada in Mayurbhanj District. That the unit is operating without consent to establish which is illegal, and the present application is filed under the precautionary principle in order to avoid any mishap in the future.

LIST OF DATES

17/04/2023	Complaint to Factory and Boiler Inspector
1/05/2023	Inspection of the unit based on public complaint
6/05/2023	Inspection report signed
08/04/2024	RTI reply received from Regional office SPCB, Odisha
08/07/2024	Original application

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

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

Original Application No----- OF 2024/EZ

IN THE MATTER OF:

**SAPAN KUMAR GHOSH, S/O- MRIGANKA SEKHAR GHOSH,
AGED ABOUT 37 YEARS, AT- WARD NO 25, PALBANI PS-
BARIPADA TOWN DIST- MAYURBHANJ, 757001**

APPLICANT

VERSUS

- 1. State of Odisha** represented by Additional Chief Secretary, Forest, Environment and Climate Change Department, Government of Odisha, Kharabela Bhawan, Bhubaneswar, 751001 fesec.od@nic.in
- 2. The Collector and District Magistrate, Mayurbhanj, At/PO- Baripada, Dist- Mayurbhanj, Odisha, Pin-770002.** dm-mayurbhanj@nic.in
- 3. The Director of Factories and Boilers, At/Po- Kharavela Nagar, Unit III , Bhubaneswar -751001** Email- factblrs.orissa@yahoo.com
- 4. Member Secretary, Odisha State Pollution Control Board**

A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha

paribesh1@ospcboard.org

5. M/s Das Cold Storage represented by its Proprietor Sri Girish Chandra Das. At/PO:Palbani, Baripada, Mayurbhanj, Dist- Mayurbhanj, 757107

RESPONDENTS

MOST RESPECTFULLY SHOWETH:

- I. The address of the Applicant is given above for the service of notices of this Application.
- II. The addresses of the Respondents are given above for the service of notices of this Application.
- III. That the present Application is being filed challenging the operation of cold storage without Consent To Operate from the State Pollution Control Board and the possible impact of gas leakage considering lack of adequate safety measure.

FACTS

1. That the applicant is a resident of WARD NO 25, PALBANI PS-BARIPADA TOWN DIST- MAYURBHANJ and concerned with the possible impact of gas leakage and operation of cold storage without CTO in their locality.
2. It is pertinent to mention here that on dated 17/04/2023 a public complaint was made to the Director of Factories & Boilers, alleging the

leakage of ammonia gas from one cold storage unit and endangering the life of common people. Copy of the complaint letter dated **17/04/2023** is here unto annexed as **ANNEXURE-1**.

3. That pursuant to the public complaint dated 17/04/2023 the ASSISTANT DIRECTOR OF FACTORIES AND BOILERS, KEONJHAR ZONE has inspected the cold storage unit at Palbani in Baripada District operated by the private respondent Sri Girish Chandra Das.
4. That the inquiry report of the factory and boiler found some deficiencies, the deficiencies are as follows
 - i. Ammonia receiver along with the connected pipelines was found not tested by a competent person duly approved by Chief Inspector of Factories.
 - ii. Ammonia receiver was found not colour coded. Even the direction of flow of ammonia through pipelines is not marked.
 - iii. Neither portable sensors nor online sensors are provided near the receiver and connected pipelines.
 - iv. Self-containt breathing apparatus, nose masks etc were also found not provided for the of the workers, particularly at the time of emergency safety

- v. The workers engaged for handling this highly toxic ammonia gas were also found neither having adequate technical qualification nor training.
- vi. Outlet of the safety valve has not been put inside water source to restrict adverse effect of ammonia gas on people.
- vii. Thickness measurement and other NDT tests have also not been carried out to ascertain the healthiness of the ammonia receiver.

5. It is humbly submitted that since Ammonia is a colourless highly irritating gas with sharp suffocating pungent odour. It is lighter than air, its density being 0.589 times that of air, Most people are exposed to ammonia from inhalation of the gas. Ammonia interacts immediately upon contact with available moisture in the skin, eyes, oral cavity, respiratory tract and particularly mucous surfaces and causes immediate burning of the nose, throat, respiratory tract which causes coughing.

6. It is further submitted that the factory and boiler has observed certain violations and the same is summarized as follows,

- i. Section 7(A) of the Factories Act 1948:- As Ammonia is a hazardous substance and it has been storing & handling, there was no Material Safety Data Sheet (MSDS) was found displayed at the at area. Proper colour coding with the flow direction to be marked for pipe lines to avoid any emergency.

- ii. Section 7-A of the Factories Act:- The rubber mat was found missing below electric panel board in production section.
- iii. Section 21 of the Factories Act 1948: Provide safe Guards for the "V" belt drives of the compressors and wrapped with dense wire mesh of substantial construction to avoid accidents in compressor room.
- iv. Section 31 of the Factories Act 1948: The Ammonia receiver tank, their connected pipelines, which has person approved by the Director of Factories & Boilers Odisha, Bhubaneswar be got verified from the undersigned.
- v. Section 11 of Factories Act:- Some unwanted scrap materials are found lying haphazardly near the Production section. Housekeeping at that area is not satisfactory.
- vi. Rule 62-H of O.F.R 1950: Provide self-contained breathing apparatus, Hand gloves & nose masks and ensure to use the same during working hour. Copy of the inspection report dated **06/05/2023** is here unto annexed as **ANNEXURE-2**.

7. It is pertinent to mention here that from one RTI application it was revealed that no such CTO was granted to any cold storage in the Mayurbhanj municipality of Baripada District. Copy of the RTI reply dated **08/04/2024** is here unto annexed as **ANNEXURE-3**.

8. On the contrary it is pertinent to mention here that the state pollution control board of Odisha use to grant CTO for the cold storage units, which shows that the issuing of CTO to cold storage units are also comes under the purview of SPCB. One of such CTO granted by SPCB Odisha is here unto annexed as **ANNEXURE-4**.
9. It is further submitted that Hon'ble NGT has taken cognizance of gas leak in OA 72/2023/EZ and disposed of the application with a direction to pay environmental compensation.
10. That the Hon'ble NGT on various occasions observed the diverse impact of Ammonia gas leak, which also can lead to loss of life, in a similar case of ammonia gas leak the Hon'ble NGT EZ constituted a fact finding committee to visit the site in question and submit its reports with regard to the allegations made in the newspaper report within four weeks. The Committee shall also determine the compensation, if any, to the deceased identifying the deceased by name and stating the same in the Report. The Committee shall also determine Environmental Compensation if the allegation of leakage of ammonia gas cylinder at the dairy is established.
11. It is needless to mention here that the Ammonia interacts immediately upon contact with available moisture in the skin, eyes, oral cavity, respiratory tract and particularly mucous surfaces and causes immediate burning of the nose, throat, respiratory tract which causes coughing and

can also lead to death of the person who comes in contact with the gas without any safety measure.

12. Since the gas is hazardous a coach monitoring of the unit is need of the hour.

13. The Hon'ble Supreme Court in (2004) 12 SCC 118, M.C. Mehta vs. Union of India & Ors., has held as under: -

“45. The natural sources of air, water and soil cannot be utilized if the utilization results in irreversible damage to environments. There has been accelerated degradation of environment primarily on account of lack of effective enforcement of environmental laws and non-compliance of the statutory norms. This Court has repeatedly said that the right to live is a fundamental right under Article 21 of the Constitution and it includes the right to of enjoyment of pollution-free water and air for full enjoyment of life. (See Subhash kumar v. State of Bihar)

46. Further, by 42nd Constitutional Amendment, Article 48- A was inserted in the Constitution in Part IV stipulating that the State shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country. Article 51A, inter alia, provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forest, lakes, rivers and wildlife and to have compassion for living creatures. Article 47 which provides that

it shall be the duty of the State to raise the level of nutrition and the standard of living and to improve public health is also relevant in this connection. The most vital necessities, namely, air, water and soil, having regard to right of life under Article 21 cannot be permitted to be misused and polluted so as to reduce the quality of life of others. Having regard to the right of the community at large it is permissible to encourage the participation of Amicus Curiae, the appointment of experts and the appointments of monitory committees. The approach of the Court has to be liberal towards ensuring social justice and protection of human rights. In *M.C. Mehta v. Union of India* [(1987) 4 SCC 463], this Court held that life, public health and ecology has priority over unemployment and loss of revenue. The definition of ‘sustainable development’ which Brundtland gave more than 3 decades back still holds good. The phrase covers the development that meets the needs of the present without compromising the ability of the future generation to meet their own needs. In *Narmada Bachao Andolan v. Union of India & Ors.* [(2000) 10 SCC 664], this Court observed that sustainable development means the type or extent of development that can take place and which can be sustained by nature/ecology with or without mitigation. In these matters, the required standard now is that the risk of harm to the environment or to human health is to be decided in public interest, according to a

“reasonable person’s” test. [See Chairman Barton: The Status of the Precautionary Principle in Australia: (Vol. 22) (1998) (Harv. Envtt. Law Review, p. 509 at p.549-A) as in AP Pollution Control Board vs. Prof. M.V. Nayuder (Retd) & Ors. [(1999) 2 SCC 718].

47. The mining operation is hazardous in nature. It impairs ecology and people’s right of natural resources. The entire process of setting up and functioning of mining operation require utmost good faith and honesty on the part of the intending entrepreneur. For carrying on any mining activity close to township which has tendency to degrade environment and are likely to effect air, water and soil and impair the quality of life of inhabitants of the area, there would be greater responsibility on the part of the entrepreneur. The fullest disclosures including the potential for increased burdens on the environment consequent upon possible increase in the quantum and degree of pollution, has to be made at the outset so that public and all those concerned including authorities may decide whether the permission can at all be granted for carrying on mining activity. The regulatory authorities have to act with utmost care in ensuring compliance of safeguards, norms and standards to be observed by such entrepreneurs. When questioned, the regulatory authorities have to show that the said authorities acted in the manner enjoined upon them. Where the regulatory authorities, either connive or act negligently by not taking

prompt action to prevent, avoid or control the damage to environment, natural resources and peoples' life, health and property, the principles of accountability for restoration and compensation have to be applied.

24 48. Development and the protection of environments are not enemies. If without degrading the environment or minimising adverse effects thereupon by applying stringent safeguards, it is possible to carry on development activity applying the principles of sustainable development, in that eventuality, the development has to go on because one cannot lose sight of the need for development of industries, irrigation resources and power projects etc. including the need to improve employment opportunities and the generation of revenue. A balance has to be struck. We may note that to stall fast the depletion of forest, series of orders have been passed by this Court in T.N. Godavarman case regulating the felling of trees in all the forests in the country. Principle 15 of Rio Conference of 1992 relating to the applicability of precautionary principle which stipulates that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for proposing effective measures to prevent environmental degradation is also required to be kept in view. In such matters, many a times, the option to be adopted is not very easy or in a straight jacket. If an activity is allowed to go ahead, there may be irreparable damage to the

environment and if it is stopped, there may be irreparable damage to economic interest. In case of doubt, however, protection of environment would have precedence over the economic interest. Precautionary principle requires anticipatory action to be taken to prevent harm. The harm can be prevented even on a reasonable suspicion. It is not always necessary that there should be direct evidence of harm to the environment.”

14.In the case of **Essar Oil Ltd. vs. Halar Utkarsh Samiti** and others, the Supreme Court discussed the need for a balance between the economic and social needs and development on the one hand and environment considerations on the other. It was observed that laws on environment should be to create harmony between the two since neither one can be sacrificed at the altar of the other. In this regard, the observations of this Court in the case of **Indian Council for Enviro-Legal Action vs. Union of India** and others were quoted as under: “While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment.” Citation (2004) 2 SCC 392 71

15. In the case of **Maharashtra Land Development Corporation and others vs. State of Maharashtra and another** reference was made to **Glanrock Estate Private Limited vs. State of Tamil Nadu** wherein it was observed as under:

“27. Forests in India are an important part of the environment. They constitute [a] national asset. In various judgments of this Court delivered by the Forest Bench of this Court in T.N. Godavarman Thirumulpad v. Union of India (Writ Petition No. 202 of 1995), it has been held that ‘intergenerational equity’ is part of Article 21 of the Constitution.

28. What is intergenerational equity? **The present generation is answerable to the next generation by giving to the next generation a good environment.** We are answerable to the next generation and if deforestation takes place rampantly then intergenerational equity would stand violated. **The doctrine of sustainable development also forms part of Article 21 of the Constitution. The ‘precautionary principle’ and the ‘polluter pays principle’ flow from the core value in Article 21.**

30. The important point to be noted is that in this case we are concerned with vesting of forests in the State. When we talk about intergenerational equity and sustainable development, we are

elevating an ordinary principle of equality to the level of overarching principle.”

GROUNDS

- a. That the unit is operating without consent to operate as evident from the online consent management and monitoring system.
- b. That the Baripada city has recorded the highest temperature in the world thereby preventive and precautionary measures to be put in place
- c. That Section 20 of the NGT Act, 2010 recognises the three core principles while passing any order, decision or award, and states that the Tribunal shall apply three core principles, including the **‘principles of sustainable development, precautionary principle, and the polluter pays principle’**. The principles have the potential to play an important role in shaping the performance of industries/commercial enterprises and make them adopt environmentally responsible practices.
- d. In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The precautionary principle comes into play, which shifts the ‘burden of

proof on the proponent of the activity to show that his activity does not pose a threat of severe harm to the environment. The Supreme Court of India (“SC”) adopted the ‘strong’ version of the principle as part of the ‘law of the land’ in the *Vellore Citizens Welfare Forum v. Union of India and Ors.* (“Popularly known as *Vellore Case*” 1996 5 SCC 647, WP 914/1991 Judgement dated 28/08/1996)

- e. That the operation of a defaulter unit is against the Precautionary Principle. The Precaution may be defined as "caution in advance", "caution practiced in the context of uncertainty", or informed prudence. Two ideas lie at the core of the principle: one of the primary foundations of the precautionary principle, and globally accepted definitions, results from the work of the Rio Conference, or "Earth Summit" in 1992. Principle 15 of the Rio Declaration notes
- f. The degradation of environment caused by the industry or any damage to the environment has to be made good by the industry. The industry has been a persistent defaulter and any direction to comply with the conditions of the consent order is in conformity with law

LIMITATION

That the operation of the cold storage unit is on-going on day to day basis and further the operation of the unit without consent to operate is not permissible. That the RTI reply received on dated 08/04/2024 and the

application is being filed within six months hence the application is not barred by limitation

PRAYER

- A. The applicant prays for closure of the cold storage unit till it obtain the consent to operate from state pollution control board
- B. Direct the state pollution control board to calculate the environment compensation for the defaulting period and impose the same on Respondent no.5.
- C. Pass any other order(s)/direction(s) that Your Lordships may deem fit and proper in the interest of justice, equity and good conscience.

And for this act of kindness, the petitioner shall as in duty bound, ever pray.

DATE: 08TH July 2024

APPLICANT THROUGH

A P. Pati

PLACE-Bhubaneswar

ADVOCATE

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO OF 2024

IN THE MATTER OF:

SAPAN KUMAR GHOSH

APPLICANT

VERSUS

STATE OF ODISHA AND ORS

RESPONDENTS

AFFIDAVIT

08 JUL 2024

I SAPAN KUMAR GHOSH, S/O , S/O MRIGANKA SEKHAR GHOSH, AGED ABOUT 37 YEARS, AT- WARD NO 25, PALBANI PS- BARIPADA TWON DIST- MAYURBHANJ, 757001 do hereby solemnly affirm, and declare as under:

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

Sapan Kumar Ghosh
DEPONENT

VERIFICATION

Verified on this the 8th day of July 2024 at Bhubaneswar that the contents of the above rejoinder are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By

Advocate

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

Appears on oath that the contents of this affidavit are true to the best of his/her / their knowledge and belief.

Deponent(s) Notary, Bhubaneswar

Sapan Kumar Ghosh
VERIFICANT

JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
REGD. NO-ON-86/2012
Mob. No. - 9337121273



To,

**The Director of Factories & Boilers,
Odisha, Bhubaneswar**

Sub – Leakage of Ammonia gas from the Cold Store and endangering of the life of common men in Baripada.

Respected Sir,

We the undersigned beg to inform you that there is a Das Cold Store at Palbani area in Baripada town which is 40-45 years old. Most of the times Ammonia gas leaks from this Cold Store. The people of ward No.- 25 suffer from various diseases due to the foul smell of the rotten potatoes as well as the leakage of the gas. Sometimes very ear deafening sound comes from the machines. A part of the Cold Store is on the Govt. land. Moreover the owner of the Cold Store does not have any valid license.

As the owner is a man having muscle power as well as money, the common men do not dare to raise voice and whenever anyone complains the owner threatens him in several ways. If such situation continues there is every possibility of life putting in danger.

Hence we request your honour to be kind enough for an impartial enquiry and to initiate steps for closer of the said Cold Store for which we will highly be obliged.

Thanking you

Yours faithfully

- 1 - Sanjay Kumar Das
- 2 - dalmojan Patra
- 3 - କାମରାଜ ସାହୁ
- 4 - ପ୍ରମୋଦ ମହାପାତ୍ର
- 5 - Nabin Mohapatra
- 6 - Laxminarayan Singh
- 7 - Seben Acharya

Baripada

Date: 17/04/2023

Copy to The Deputy Director, Safety,
Bhubaneswar & The Assistant Director,
Balasore zone for kind information &
Necessary action.

OFFICE OF THE ASSISTANT DIRECTOR OF FACTORIES AND BOILERS,
KEONJHARZONE, JAGANNATHPUR, KEONJHAR

Letter No 98 Dt. 06.05.2023

To

The Director of Factories and Boilers,
Orissa, Bhubaneswar

Sub: Enquiry report on the complaint petition filed by Sri Sanjay Kumar Das and others regarding leakage of ammonia gas from the Cold Store M/s Das Cold Storage, At/Po:Palbani, Baripada, Mayurbhanj. and endangering of the life of common men in Baripada.

Ref: (i) Complaint petition of Sri Sanjay Kumar and others dated 17.04.2023.
(ii) Letter No. DFB-IV(B)(J)-04/2023 – 1252 dated 01.05.2023 of Deputy Director of Factories & Boilers (Safety) received through mail also.

Sir,

In inviting reference to the above-mentioned letters, I enquired in to the matter on 01.05.2023 and furnishing here with the enquiry report along with action taken report in the matter for kind perusal and further instruction in the matter.

Yours faithfully


6.5.2023
Assistant Director of Factories &
Boilers, Keonjhar

Memo No. 99 Keonjhar Dated 06.05.2023

Copy submitted to the Dy. Director of Factories and Boilers, Jajpur Road Division, Jajpur Road for favour of information and necessary action.


6.5.2023
Assistant Director of Factories &
Boilers, Keonjhar

ENQUIRY REPORT OF SRI K N HANSDAH, ASSISTANT DIRECTOR OF FACTORIES AND BOILERS, KEONJHAR ZONE ON ALLEDGED LEAKAGE OF AMMONIA GAS FROM DAS COLD STORE AT PALBANI ENDANGERING LIVES OF COMMON MEN IN THE VICINITY.

Based on the complaint petition received from Sri Sanjay Kumar Das and few others, I enquired into the matter on 01.05.2023. During enquiry, it was revealed that M/s Das Cold Storage is in operation at Palbani, Baripada since long. During my enquiry, eight employees were physically present along with the owner/occupier Sri Girish Chandra Das. On the date of my enquiry, potatoes were stored in the cold store. It was also observed that ammonia was used as a refrigerant for the cold store.

Ammonia is a colourless highly irritating gas with sharp suffocating pungent odour. It is lighter than air, its density being 0.589 times that of air. Most people are exposed to ammonia from inhalation of the gas. Ammonia interacts immediately upon contact with available moisture in the skin, eyes, oral cavity, respiratory tract and particularly mucous surfaces and causes immediate burning of the nose, throat, respiratory tract which causes coughing.

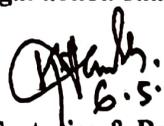
Ammonia should be stored in a cool, dry, well ventilated area, out of direct sunlight, away from heat and ignition sources, away from flammable materials and process handling areas. Since, ammonia is stored under pressure, the vessels should be tested periodically by competent persons duly approved by Government of Odisha. Besides, safety appliances should also be mounted on the ammonia receivers. In addition to this, provision of gas sensors should be available at site to detect leakages of ammonia. It is also required to install on line gas sensors fitted with alarms for the safety of the employees working therein.

During my enquiry the following deficiencies were observed.

1. Ammonia receiver along with the connected pipelines was found not tested by a competent person duly approved by Chief Inspector of Factories.
2. Ammonia receiver was found not colour coded. Even the direction of flow of ammonia through pipelines is not marked.
3. Neither portable sensors nor online sensors are provided near the receiver and connected pipelines.
4. Self-containt breathing apparatus, nose masks etc were also found not provided for the safety of the workers, particularly at the time of emergency.
5. The workers engaged for handling this highly toxic ammonia gas were also found neither having adequate technical qualification and training.
6. The outlet of the safety valve has not been put inside water source to restrict adverse effect of ammonia gas on people.
7. Thickness measurement and other NDT tests have also not been carried out to ascertain the healthiness of the ammonia receiver.

Later, discussed with the complainants and other residents of ward no. 25 and came to know that at times the residents are feeling burning sensation and pungent smell, mote so during evening hours and at night. Obtained statements from the residents.

In view of the above, management is required to take adequate steps for safe use of ammonia and ascertain the healthiness of the ammonia receiver, for which legal action shall be taken against the management.


6.5.2023
Asst Director of Factories & Boilers, Keonjhar

**INSPECTION REPORT OF SRI K.N.HANSDAH, ASSISTANT DIRECTOR OF FACTORIES AND BOILERS,
KEONJHAR ZONE, JAGANNATHPUR, KEONJHAR**

- Date of inspection : 01.05.2023 .
- Name and address of the Factory : M/s Das Cold Storage, At/Po: Palbani, Baripada .
Mayurbhanj.
- Registration No. : MJ-76
- Status of renewal of licence : Licence for the year renewed from 01.01.2022 to 31.12.2022
- Name and address of the Occupier : Sri Girish Chandra Das, At: Palbani, Po: Baripada,
Mayurbhanj.
- Name and address of the Manager : self managed
- Name of the person present during inspn. : Sri Girish Chandra Das,
- No. of persons as per Licence : 30(Thirty)
- Nos of persons noticed working during insp : 08(Eight)
- Amount of power as per Licence : 79.822 kw.
- Amount of power installed during inspn. : 79.822 kw.
- Manufacturing process. : Preservation of potato.

Violations noticed

1. **Section 7(A) of the Factories Act 1948:-** As Ammonia is a hazardous substance and it has been storing & handling, there was no Material Safety Data Sheet (MSDS) was found displayed at the area. Proper colour coding with the flow direction to be marked for pipe lines to avoid any emergency.
2. **Section 7-A of the Factories Act:-** The rubber mat was found missing below electric panel board in production section.
3. **Section 21 of the Factories Act 1948:** Provide safe Guards for the "V" belt drives of the compressors and wrapped with dense wire mesh of substantial construction to avoid accidents in compressor room.
4. **Section 31 of the Factories Act 1948:** The Ammonia receiver tank , their connected pipelines. which has not been tested from a competent person approved by the Director of Factories & Boilers ,Odisha, Bhubaneswar be got verified from the undersigned.
5. **Section 11 of the Factories Act:-** Some unwanted scrap materials are found lying haphazardly near Production section. Housekeeping at that area is not satisfactory.
6. **Rule 62-H of O.F.R 1950:** Provide self-contained breathing apparatus, Hand gloves & nose masks and ensure to use the same during working hour.

You are hereby requested to rectify all above defects and send compliance within 15 days for necessary action at this end.

K.N. Hansdah.
6.5.2023

Assistant Director of Factories and Boilers, Keonjhar
**OFFICE OF THE ASSISTANT DIRECTOR OF FACTORIES AND BOILERS, KEONJHAR ZONE,
JAGANNATHPUR, KEONJHAR**

Memo No. 100 Keonjhar Dated 6.5.2023

Copy to the occupier Sri Girish Chandra Das, At: Palbani, Po: Baripada, Mayurbhanj. for rectification of defect and strict compliance within fifteen days from the date of receipt of this letter failing which action as deemed will be initiated for violation of statutory provisions of the factories act 1948.

K.N. Hansdah.
6.5.2023

Assistant Director of Factories and Boilers, Keonjhar

Memo No. 101(2) Keonjhar Dated 6.5.2023

Copy submitted to the Director of Factories and Boilers, Orissa, Bhubaneswar/Dy. Director of Factories and Boilers, Jajpur Road Division, Jajpur Road for favour of information and necessary action.

K.N. Hansdah.
6.5.2023

Assistant Director of Factories and Boilers, Keonjhar

Tel.: 06782-244110

Website: www.ospcbboard.orgE-mail: rospcb.balasure@ospcbboard.org

REGIONAL OFFICE, BALASORE
STATE POLLUTION CONTROL BOARD, ODISHA
 (FOREST, ENVIRONMENT & CLIMATE CHANGE DEPTT, GOVT. OF ODISHA)
 Plot No.1602, Ganeswarpur, Balasore – 756019

No 1526 / RTI / 70 / 2016 (P-II)Dt 08/04/2024

From
 Sri P.K. Rout
 Asst. Env. Scientist & PIO
 To,

By Regd Post

Ashutosh Padhy
 C/o – Santosh Kumar Padhy
 At:- Plot No – 2132/ 4814
 Nageswar Tangi
 Bhubaneswar:- 751002

Sub - Information under RTI Act, 2005 – Reg.

Ref - Your RTI application received by the PIO, Balasore from State Pollution Control Board, Bhubaneswar on 07.03.2024 under RTI Act 2005

Sir,

With reference to the above this is to intimate that the information sought by you is related to grant of CTE / CTO Status of Cold Storage and CTO Status of Hotels in under Baripada Municipality in Mayurbhanj district for the period from 2016 to 2024 which is available at office of the Regional Office of the Board at Balasore.

Encl : Copy enclosed

Yours faithfully


 08.04.2024
 Asst. Env. Scientist and PIO

Memo No _____ / Dt _____ / By Regd Post

Copy forwarded to Public Information Officer, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Bhubaneswar-751012 for information with reference to letter no- 3156
 Dt- 07.03.2024

Asst. Env. Scientist and PIO

INFORMATION SOUGHT UNDER RTI ACT – 2005

SLNO	Point wise Information Sought as per RTI application	Remarks
1.	Point No -1	Information not available
2	Point No – 2	Copy enclosed

 08.04.2024
Public Information Officer
Regional Office S.P.C. Board,
Balasore



Tel: 0671-2314255
E-mail: rospcb.cuttack@ospboard.org
Website: www.ospboard.org

OFFICE OF THE REGIONAL OFFICER, CUTTACK
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
586, SURYAVIHAR, LINK ROAD, CUTTACK-753012

No. 1332 / 1352

Date 12.07.2022

CONSENT ORDER

CONSENT ORDER NO. RO/CTC/CTO/17 /14/WPC/APC

Sub: *Consent under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 & section 21 of Air (Prevention & Control of Pollution) Act, 1981*

Ref: Your online Consent to operate application no. 4244362, dtd. 11.06.2022 and this office consent to operate order No. 1538/1352, dtd. 01.08.2017.

Consent to operate is hereby granted under Section 5/26 of Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of Air (Prevention & Control of Pollution) Act, 1981 and rules framed there under to

Name of the Industry	M/s. Joy Guru Cold Storage Pvt. Ltd.,
Name of the Occupier & Designation	Mr. Ranjit Kumar Bala, Managing Director,
Address	At: IDCO Plot No.06, New Industrial Estate, Jagatpur, Dist. Cuttack, Odisha.

This consent order is valid for the period up to 31.03.2027

This consent order is valid for the product 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	Storage of Potatoes & vegetables	9000 MT/ Annum



CONSENT ORDER

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

Outlet No.	Description outlet.	Point of discharge	Quantity of discharge KLD or KL/hr	Prescribed standard.
1	Domestic effluent.	Soak pit via septic tank.	-	-
2	Cooling effluent	Recycled	-	-

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

Chimney Stack No.	Description stack.	Stack height (m)	Quantity emission	Prescribed standard.				
				PM	SO ₂	NO _x		
1	-	-	-	-	-	--	-	-

The Unit shall maintain the prescribed Ambient, Air & Noise Level for Residential within its premises.

D Disposal of solid waste permitted in the following manner.

Sl. No.	Type of waste	Quantity generated (TPD)	Quantity to reused on (TPD)	Quantity to reused off (TPD)	Quantity disposed (TPD)	Description disposal site.
1	-	-	-	-	-	--

Contd....



 CONSENT ORDER

E. GENERAL CONDITIONS FOR ALL UNITS.

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 is 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 & 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. This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course.
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 any other particulars as may be pertinent to 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.

Cnhd...



CONSENT ORDER

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.
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 discharge 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 install or used by him to achieve with the term(s) 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 overflow.
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 provisions of the Act or Rules made therein.



CONSENT ORDER

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 ion of standards prescribed by the Board in accordance with the provisions of Water (Prevention & 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 no to cause fugitive emission, dust problems 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 :

Cntd...

**CONSENT ORDER**

- 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.
36. Any toxic material shall be de-toxicated if possible, otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The de-toxication or sealing and burying shall be carried out in the presence of Board's authorized person 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 representatives 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 21A 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.

Contd...

**F SPECIAL CONDITIONS**

1. There shall not be discharge of any waste water to outside the factory premises.
2. Cooling water shall be completely recycled.
3. Domestic waste water shall be discharged to septic tank followed by soak pit constructed as per BIS specification.
4. Internal road of the unit shall be concreted/ blacktopped.
5. The unit shall provide adequate water sprinkling arrangements for the internal road to control fugitive emission due to transportation of materials.
6. The industry shall provide adequate dust containment/ dust extraction/ suppression system at the material handling area for controlling the fugitive emission so that the ambient air quality inside the factory premises shall conform to the National Ambient Air Quality Standards.
7. The unit shall install DG set, if any, in an acoustically enclosed room over anti vibration pad to control noise and vibration. The height of the stack attached to DG set shall be $H = h + 0.2 \sqrt{KVA}$, where h = Height of the building where it is installed in meter, KVA = Capacity of D.G. Set, H = Height of the stack in meter above ground level.
8. The industry shall not use any Ozone depleting substance as coolant for its cold storage unit as per Ozone Depleting substances (Regulation) Rules, 2000.
9. The unit shall make adequate provision to maintain the ambient air quality in respect of Noise Pollution (Regulation and Control) Rules, 2000 and amendment thereafter.
10. Industry shall maintain good housekeeping inside plant premises.
11. The waste vegetables and other perishable items generated from the unit shall be suitably collected and composted.
12. The unit shall abide by the provisions of Environment (Protection) Act, 1986 and rules framed there under.
13. The unit shall submit a declaration by 30th April every year that all the pollution control systems are in good condition and are being maintained properly, the emissions and effluent are conforming to the prescribed standard, and all the consent have been complied with.
14. The Board reserves the right to revoke / refuse consent at any time during this period in case any violation is observed or to modify / stipulate additional conditions as deemed appropriate.



CONSENT ORDER

15. 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.

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

Prashant

REGIONAL OFFICER

To,

**Mr. Ranjit Kumar Bala, Managing Director,
M/s. Joy Guru Cold Storage Pvt. Ltd.,
At: IDCO Plot No.06, New Industrial Estate,
Jagatpur, Dist. Cuttack, Odisha.**

Memo No. 1333 / Dtd. 12.07.2022

Copy forwarded to:

1. Member Secretary, S.P.C. Board, Odisha, Bhubaneswar
2. Collector & District Magistrate, Cuttack
3. General Manager, District Industries Centre, Cuttack
4. Divisional Forest Officer, Cuttack
5. Asst. Director, Factories & Boilers, Odisha, Cuttack.
6. Copy to Guard file.

Prashant

REGIONAL OFFICER



CONSENT ORDER

**GENERAL STANDARDS FOR DISCHARGE OF ENVIRONMENT POLLUTANTS PART - A :
EFFLUENTS.**

Sl. No.	Parameters	Standards			
		Inland surface	Public sewers	Land for Irrigation	Marine Coastal Areas
1	2	3			
		(a)	(b)	(c)	(d)
1	Colour & odour	Colourless /Odourless as far as practicable	-----	See 6 of Annex. 1	See 6 of Annex.1
2	Suspended solids (mg/l)	100	600	200	a. For process wastewater - 100 b. For cooling water effluent 10% above total suspended matter of influent.
3	Particular size of SS	Shall pass 850	-----	-----	
4	-----	-----	-----	-----	
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	Ammonical nitrogen (as N) mg/l max.	50	50	-----	50
10	Total Kjeldahl nitrogen (as NH ₃) mg/l max.	100	-----	-----	100
11	Free ammonia (as NH ₃) 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.	0.01✓	1.0	-----	2.0
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 Sc) mg/l max.	0.05	0.05	-----	0.05
23	Nickel (as Nil) 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 ₆ H ₅ 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 ⁷ 10 ⁶	10 ⁷ 10 ⁶	10 ⁸ 10 ⁷	10 ⁷ 10 ⁶
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 (as Fe)	3 mg/l	3 mg/l	-----	3 mg/l
33	Vanadium (as V)	0.2 mg/l	0.2 mg/l	-----	0.2mg/l
34	Nitrate Nitrogen	10 mg/l	-----	-----	20 mg/l



CONSENT ORDER

NATIONAL AMBIENT AIR QUALITY STANDARDS

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 ₂) µg/m ³	Annual *	50	20	-Improved west and Gaeke
		24 Hours **	80	80	- Ultraviolet fluorescence
2.	Nitrogen Dioxide (NO ₂) µg/m ³	Annual *	40	30	- Modified Jacob & Hochheiser (Na-Arsenite)
		24 Hours **	80	80	- Chemiluminescence
3.	Particulate Matter (size less than 10 mm) or PM ₁₀ µg/m ³	Annual *	60	60	- Gravimetric TOEM
		24 Hours **	100	100	- Beta Attenuation
4.	Particulate Matter (size less than 2.5 mm) or PM _{2.5} µg/m ³	Annual	40	40	- Gravimetric TOEM
		24 Hours	60	60	- Beta Attenuation
5.	Ozone (O ₃) µg/m ³	8 Hours **	100	100	- UV Photometric
		1 Hours **	180	180	- Chemiluminescence - Chemical Method
6.	Lead (Pb) µg/m ³	Annual *	0.50	0.50	- AAS/ICP method after sampling on EMP 2000 or equivalent filter paper.
		24 Hours **	1.0	1.0	- ED-XRF using Teflon filter
7.	Carbon Monoxide (CO) mg/m ³	8 Hours **	02	02	- Non Dispersive Infra Red (NDIR)
		1 Hours **	04	04	Spectroscopy
8.	Ammonia (NH ₃) µg/m ³	Annual *	100	100	- Chemiluminescence
		24 Hours **	400	400	- Indophenol Blue Method
9.	Benzene (C ₆ H ₆) µg/m ³	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 ³	Annual *	01	01	- Solvent extraction followed by HPLC/GC analysis
11.	Arsenic (As), ng/m ³	Annual *	06	06	- AAS/ICP method after sampling on EPM 2000 or equivalent filter paper.
11.	Nickel (Ni), ng/m ³	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.

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

Original Application No. of 2024

SAPAN KUMAR GHOSH

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS

RESPONDENTS

KNOW ALL to whom these present shall come I SAPAN KUMAR GHOSH, S/O MRIGANKA SEKHAR GHOSH, AGED ABOUT 37 YEARS, AT- WARD NO 25, PALBANI PS- BARIPADA TWON DIST- MAYURBHANJ, 757001 the above named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani, Advocates, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002, Enrolment No O-785/07, Email: sankarprasadpani@gmail.com, Mob-9437279278** and Advocate Ashutosh padhy.

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf. And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 8th day of July 2024 Accepted subject to the terms of fees.

Spani
Advocate

Sapan Kumar Ghosh
Client

APadhy