

**Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata**

OA No. 85 of 2023

Saheen Tarannum &Anr.

..... Applicant

-VERSUS-

State of Odisha and Others

..... Respondents

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KOLKATA

Date:

By the Respondent No.3,4 & 8 through

(Signature)

Advocate

Amitesh Anand
NOTARY PUBLIC, JATIN
GOVT. OF ODISHA
GOVT. OF INDIA



Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata

OA No. 85 of 2023

Saheen Tarannum & Anr.

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..... Respondents

REPLY ON BEHALF OF THE RESPONDENT NO. 3, 4 & 8
EAST COAST RAILWAYS TO THE O.A NO. 85/2023

MOST RESPECTFULLY SHEWETH:

I, Amitesh Anand, son of Sri Jainath Anand, presently posted as a Senior Divisional Commercial Manager, East Coast Railway Khurda Road Division, Odisha, do hereby solemnly affirm and declare as follows:-

1. That I have read and understood the contents of the Original Application and duly authorised and competent to file the present reply.

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E.Co.Railway, Khurda Road

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2. That it is humbly submitted that before going to respond Para wise comment to the Original Application, the answering respondent seeks leave to place preliminary objection before the Hon'ble Tribunal.

BRIEF SUBMISSION:-

That the Nergundi Railway Siding situated at Alarpur near Nergundi Railway Station, Dist-Cuttack has been operating since 20 years. In terms of guidelines dated 16.04.2010 issued by State Pollution Control Board, Odisha the Railway-sidings, stack-yards and clusters of stack-yards of minerals, which are already established and operating prior to the date of Board's Resolution i.e. 16.02.08 are required to only obtain Consent to Operate from the Board. Accordingly, Consent to Operate has been obtained from State Pollution Control Board and the consent order is valid for the period up to 31.03.2024.

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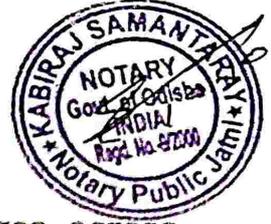
In compliance to the policy guidelines issued by the State Pollution Control Board, Orissa for Environmental Management in mineral stack yard and railway siding, the Railway Administration has complied all Pollution Control Measure as per stipulation in general and special conditions in Consent to Operate.

PRELIMINARY OBJECTIONS:

1. That the Respondent No.3 East Coast Railways, at the outset, submits that allegations made by the Original Applicant is misplaced and is bad in law and deserves to be struck down as being without any merit. It is submitted that the instant project for Railway Siding for stacking and transportation of coal and other minerals like Gypsum, Kinker, Australian Dust and Iron ore are of great public importance and was initiated to address the serious coal deficit in

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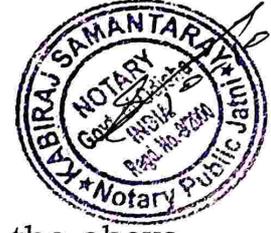


India which is causing power shortages across the country.

2. That before responding Para-wise to the allegations made in the above captioned Original Application, the answering Respondent seeks liberty to place on record certain preliminary objections that in its humble submission are pertinent for a holistic adjudication of the issue, which has been conceived without any basis either in law or fact.
3. That at the outset, the answering Respondent submits that the Original Application filed by the Applicant is not maintainable since the Original Applicants challenging the establishment of the M/s Nergundi Railway Siding without challenging the grant of the Consent to Establish which is valid up to 31.03.2024. That it is humbly submitted that despite the existence of an alternative remedy in

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the form of a statutory appeal under the above said acts, the Applicant has prematurely filed the present Original Application and approached this Hon'ble Tribunal. It is pertinent to submit that this Hon'ble Tribunal in Original Application No. 154 of 2014 (SZ) *D.V Girish v. Secretary to Government, Department of Forest & Ecology*, held that if a statutory appeal is available in an alternate forum then a case cannot be entertained under section 14 of the NGT Act, 2010. The relevant Para of the judgment is reproduced below.

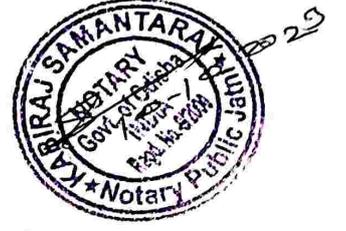
“40. Once an appeal does not lie before the Tribunal against a given order, it will not be appropriate for the Tribunal to exercise judicial jurisdiction under section 14 or any other provisions of the NGT Act, 2010. “

PARA WISE REPLY

1. That the contents of Para 3(d) of the Original Application are denied as wrong, false and devoid of

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any merit save for what are matters of record. It is submitted that the answering respondent has been obtain Consent to operate for Nergundi Railway Siding for handling/Stacking and Transportation of Phospo Gypsum, G. Slag & Coal of capacity 45035 MT/Month (Maximum 9000 MT at any point of time), Quartz for capacity 3000 TPM, Cement Clinker for capacity 24000 MT/Month (Maximum 8000 MT at any point of time) and the same is valid up to 31/03/2024.

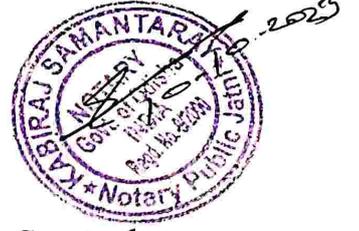
A copy of the Consent to operate is annexed herewith and marked as **Annexure-R/1**.

As per the guidelines of OSPCB, dated-16.04.2010 the standard conditions mentioned under As per the guidelines of Odisha SPCB, dated-16.04.2010 the standard conditions mentioned under the instant case since the guidelines is applicable for mineral stack yard and not for railway siding.

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This Railway has complied the Pollution Control Norms from time to time and the following initiatives have been taken for Pollution control measures:

- (i) Boundary Wall – 3m height & length 750m both sides of the siding area.
- (ii) Moveable Rotary water sprinklers of 35 numbers have been provided inside the siding area for fugitive dust suppression during storage and handling of materials.
- (iii) The railway siding area has been concreted to reduce fugitive emission due to movement of vehicles during handling of materials.
- (iv) Garland Drainage System 750m along with the boundary wall and loading PF along with the track.
- (v) Water storage Capacity tank of 70,000 liters with 24 hours pumping facility is available for use during sprinkling / mist spray.
- (vi) Separate entry / exit routes is available at both ends of the siding for movement of loaded/empty trucks.
- (vii) Railway has planted sufficient numbers of trees alongside the boundary wall to prevent generation of dust and regular plantation drives is being carried out from time to time at Nergundi Railway Siding.

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(viii) Four numbers of mobile tankers of capacity 12 KL (1 No.) and 6 KL (3 Nos.) are used for dust suppression in the railway siding area.

Apart, from the above, Railway has engaged two nos. of Fog Cannon Dust suppression Machine and additional Bore well for use during sprinkling of water.

2. With regards to the paragraph 3(e) of the Original Application, it is pertinent to mention here that, Nergundi Railway Siding being operated after taking valid Consent to Operate under section 25/26 of water (prevention & control of pollution) act. 1974 & under under section 21 of Air (prevention & control of pollution) act 1981 from State Pollution Control Board, Odissa for the period upto 31.03.2024 by adhering to the stipulated guidelines to receive, temporarily store and load/unload material in the rakes and dispatch materials.

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3. That the contents of the Para 4 does not pertain to answering respondent hence, does not warrant any reply.

4. That with regards to the Para 5 of the original application, it is pertinent to mentioned here that Nergundi Railway Station has 08 Nos. of running line i.e. track No. 1,2,3,4,5,6,7 & 8. The area between route No.7 & 8 are used for temporary receiving, stacking and loading/unloading of cargo through Railway wagons at Nergundi Railway Siding. It is being done with all procedure and taking consent from the SPCB from time to time and Nergundi Railway siding is in operation since last 20 years.

This Railway has complied the Pollution Control Norms from time to time and the following initiatives have been taken for Pollution control measures:

- (i) Boundary Wall – 3m height & length 750m both sides of the siding area.

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- (ii) Moveable Rotary water sprinklers of 35 numbers have been provided inside the siding area for fugitive dust suppression during storage and handling of materials.
- (iii) The railway siding area has been concreted to reduce fugitive emission due to movement of vehicles during handling of materials.
- (iv) Garland Drainage System 750m along with the boundary wall and loading PF along with the track.
- (v) Water storage Capacity tank of 70,000 liters with 24 hours pumping facility is available for use during sprinkling / mist spray.
- (vi) Separate entry/exit routes is available at both ends of the siding for movement of loaded/empty trucks.
- (vii) Railway has planted sufficient numbers of trees alongside the boundary wall to prevent generation of dust and regular plantation

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drives is being carried out from time to time at Nergundi Railway Siding.

(viii) Four numbers of mobile tankers of capacity 12 KL (1 No.) and 6 KL (3 Nos.) are used for dust suppression in the railway siding area.

Apart, from the above, Railway has engaged two nos of Fog Cannon Dust suppression Machine and additional Bore well for use during sprinkling of water.

5. That the contents of the Para 9 to 13, It is a matter of record hence, does not warrant any reply.

6. That the contents of Para 14 & 15 are wrong, false and devoid of any merit save for what are matters of record. The Applicant is merely attempting to mislead this Hon'ble Tribunal. It is submitted that the answering respondent has obtained the consents for operating the said project vide Consent Order dated 03/04/2023 and valid up to 31/03/2024.

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7. That the contents of the Para 16 to 23 does not pertain to answering respondent hence, does not warrant any reply.

8. That the contents of Para 24 are wrong, false and devoid of any merit save for what are matters of record. The Applicant is merely attempting to mislead this Hon'ble Tribunal. It is submitted that the answering respondent has planted adequate numbers of trees alongside the boundary wall to prevent generation of dust. Further, two nos of Fog Cannon Dust suppression Machine, mobile water tanker, water sprinklers are being used at Nergundi Railway siding to contain air borne dust. Further, regular plantation drives are being carried out from time to time at Nergundi Railway Siding.

9. That the contents of the Para 25 & 26 does not pertain to answering respondent hence, does not warrant any reply.

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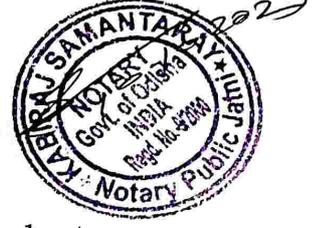
10. That the contents of Para 27 are wrong, false and devoid of any merit save for what are matters of record. The Applicant is merely attempting to mislead this Hon'ble Tribunal. Two nos of Fog Cannon Dust suppression Machine, mobile water tanker, water sprinklers are being used at Nergundi Railway siding to contain air borne dust and as such there is no such violation of the consent conditions by the Railways at Nergundi Railway Siding.

11. That the contents of Para 28(2) are wrong, false and devoid of any merit save for what are matters of record. The Applicant is merely attempting to mislead this Hon'ble Tribunal. Railways has not handled Gypsum ore for the last two years due to no demand and also during the monsoon period i.e. 15th June to 31st October till date at Nergundi Railway Siding. Moreover, the capacity of Nergundi Railway Siding is 5 rakes/day, however as per the material demand and availability of rake, only 1 rake is being

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used for loading and dispatch of materials. Since last two years, only coal is being handled at this siding.

12. That the contents of Para 28(5) are wrong, false and devoid of any merit save for what are matters of record. The platform area between route No.7 & 8 which is used for handling of consignments at Nergundi Railway Siding is a concrete surface.

13. That the contents of Para 28(6) are wrong, false and devoid of any merit save for what are matters of record. RCC garland Drain alongside the boundary wall is available at Nergundi Railway Siding for collection of the sprinkling water. Moreover, provision for additional collection of sprinkling water through sedimentation tank has already been proposed and the works will be undertaken under PH-53 (Umbrella Works) for the FY 2023-24.

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Copy of purposed pollution control measure under PH-53 is enclosed herewith as **Annexure-R/2**

14. That the contents of Para 28(7) & (8) are wrong, false and devoid of any merit save for what are matters of record. Two nos of Fog Cannon Dust suppression Machine, mobile water tanker, 35 Nos of water sprinklers are being used at Nergundi Railway siding to contain air borne dust.

Photo Copy of Fog Cannon Dust suppression Machine and water sprinklers are enclosed herewith as **Annexure-R/3**.

15. That the contents of Para 28(9) are wrong, false and devoid of any merit save for what are matters of record. The Railway area at Nergundi Siding is being regularly cleaned and maintained properly. Moreover, Railways has taken the following measures:

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- (i) The railway siding has provided boundary wall of 3m height and 750m length at both side of the siding area.
- (ii) The railway siding area has been concreted to reduce fugitive emission due to movement of vehicles during handling of materials.
- (iii) Moveable rotary water sprinklers of 35 numbers have been provided inside the siding area for fugitive dust suppression during storage and handling of materials.
- (iv) Four numbers of mobile water tankers of capacity 12KL (1 No) and 6 KL (3 Nos.) are used for dust suppression in the railway siding area.

Photo copies of above mentioned pollution control measure are enclosed as **Annexure-R/4 series.**

16. That the contents of Para 28(12) are wrong, false and devoid of any merit save for what are matters of record. During stacking of materials trucks are covered with tarpaulin sheets to suppress dust. Further, vehicles play in a restricted speed during entry and exist to prevent air pollution.

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17. That the contents of Para 28(13) are wrong, false and devoid of any merit save for what are matters of record. Railway has planted adequate numbers of trees alongside the boundary wall to prevent generation of dust and regular plantation drives is being carried out from time to time at Nergundi Railway Siding.

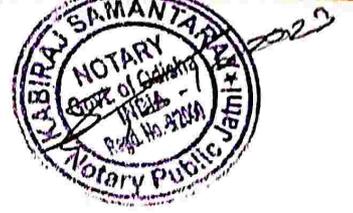
18. That the contents of Para 28(15) are wrong, false and devoid of any merit save for what are matters of record. Two nos of bore well are available at Nergundi Railway Siding to facilitate the ground water testing. Since last two years, only coal is being handled at this siding. Since last two years no Phospo Gypsum ore traffic has been handled at Nergundi Railway Siding.

19. That the contents of Para 29 are wrong, false and devoid of any merit save for what are matters of record. The answering respondent strongly objects to the allegations made by the Applicant on

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the lack of knowledge that there is no violation of any specific conditions given under consent to operate.

20. That the contents of the Para 30 to 33 does not pertain to answering respondent hence, does not warrant any reply.

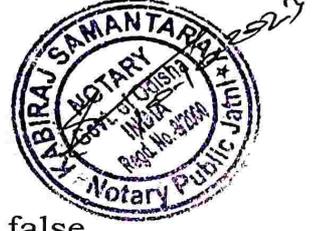
21. That the contents of Para 34 & 35 are wrong, false and devoid of any merit save for what are matters of record. The Railway siding is being operated after taking necessary pollution clearance from the SPCB, Odisha and has complied all the Pollution Control Norms from time to time. The loading/unloading activity at Nergundi Railway Siding is not violating the conditions of the CTO. The Nergundi Railway Siding operating with valid consent to operate issued by SPCB, Odisha which is valid upto 31/03/2024.

22. That the contents of the para 36 to 39 are matter of record hence, the answering respondent does not warrant any reply

Anitesh Anand

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23. That the contents of Para 40 are wrong, false and devoid of any merit save for what are matters of record. As per representation submitted by the applicant, the pollution control measures have already been done at Nergundi Railway siding.

24. That the contents of Para 41(A) to (J) are wrong, false and devoid of any merit save for what are matters of record. With regard to the grounds as made out in these paragraphs of the application it is humbly submitted that such grounds are neither valid nor tenable either in law or on facts.

PRAYER

In view of what has been stated hereinbefore. It is humbly submitted that the grounds are misconceived and the said application is devoid of merit and liable to be dismissed in limine with cost.

The instant application is misconceived, the applicant has no cause of action to move the instant application, and the case has no legal foundation

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and/or basis. Hence, this learned tribunal would be pleased to reject the said application.

Sworn, verified and signed at my office, Khurda Road Division, At/Po-Jatni, Dist-Khordha, Odisha on this 10th Day of October, 2023 that the contents of the above affidavit with annexure are true to correct and best of my knowledge.

Identified by me


Advocate 10/10/23

Amitesh Anand

DEPONENT
वरिष्ठ मंडल बाणायज्य प्रबन्धक
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NOTARY PUBLIC, JATNI
GOVT. OF ODISHA
GOVT. OF INDIA

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ANNEXURE - B/1

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



OFFICE OF THE REGIONAL OFFICE, CUTTACK
STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
586, SURYAVIHAR, LINK ROAD, CUTTACK-753012

No. 848 / GSY-03Date 03.04.2023CONSENT ORDER NO. RO/CTC/CTO. 24/14/APC/WPC

Sub: Consent for discharge of sewage & trade effluent 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 application No. 4686836, dt. 23.03.2023 for consent to operate and this office Consent to Operate order issued vide letter No. 572/GSY-03, dtd. 29.03.2022.

Consent to operate is hereby granted under section 25/26 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. NERGUNDI RAILWAY SIDING OF EAST COAST RAILWAY, GOVERNMENT OF INDIA

Name of the Occupier & Designation: Sri Subash Chandra Sahoo, Station Superintendent
Address: At Nergundi Railway Siding at Nergundi Railway Station, Po: Nergundi, Dist. Cuttack, Odisha.

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

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	Stacking and Transportation of Phospo Gypsum, G. Slag & Coal	45035 MT/Month (Maximum 9000 MT at any point of time)
2	Quartz	3000 TPM
3	Cement Clinker	24,000 MT/Month (Maximum 8000 MT at any point of time)

P.T.O

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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
1	Domestic waste water	Soak pit via septic tank	-	-
2	Run off from stack yard	Natural nallah via settling Tank & earthen pond	-	pH :6.5-8.0 TSS : 100 mg/L

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.		
				PM	SO ₂	NO _x
-	-	-	-	-	-	-

The unit shall maintain the prescribed Ambient Air & Noise Level for industrial Area within its premises

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.
-	-	-	-	-	-	-

Contd.....

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 CONSENT ORDER

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- 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.

Cnld...

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Page 4

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.

Contd...



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...

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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...

E. SPECIAL CONDITIONS (To be complied along with proscribed guide lines):

1. The unit shall operate the railway siding for the products assigned in this Consent to Operate Order and shall not handle any other products.
2. The height of the boundary wall constructed along the periphery of the railway siding (mineral storage area) shall be increased of adequate height within 03 months to prevent the dust particles from being air borne.
3. Under normal circumstances, activities like stacking, loading & unloading of Phospho Gypsum Ore shall be suspended during 15th June to 31st October (During monsoon period).
4. Phospho Gypsum shall be stored for 24 hours in the siding. The unit shall vacate the siding within 24 hours for shifting to the final destination.
5. The materials shall be stored on concrete platform at siding. Under no circumstances stacking shall be carried out side the concrete platform.
6. The unit shall provide garland drain along with boundary wall at the appropriate places depending upon the slope of the area inside the railway siding. Provision shall be made for collection of waste water from the garland drain and the water so collected shall be treated in a settling tank for further use inside the premises for green belt and dust suppression in the stack yard.
7. To collect the surface run off generated during the monsoon and other period the unit shall provide an earthen pond and store/treat the water before discharge to outside.
8. The unit shall adopt adequate dust suppression measures to suppress fugitive emission during loading, unloading and transportation of materials.
9. All entry points, internal roads and loading/ unloading areas must be made worthy for movement of heavy vehicles by using low permeability material (i.e. concrete or bitumen), and can be cleaned regularly to minimize potential for dust generation and off-site impact.
10. Speed limit of dumpers/ trucks inside the siding shall not exceed-10 kmph.
11. Occupiers of the railway siding shall ensure that vehicles used have valid "Pollution Under Control (PUC)" certificate.
12. During transportation of material by trucks/tippers/wagons through public roads the vehicle shall be properly covered with tarpaulin sheets.
13. A green belt all along the boundary wall at siding area shall be properly developed and maintained.
14. Proper housekeeping at the material storage areas, loading and dispatching area, service facility etc. shall be practiced.
15. Nergundi Railway siding shall provide a test well at the siding for periodical analysis of ground water contamination if any during the storage and handling of Phospho Gypsum.

Contd.....

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16. Necessary space should be provided within its stack yard premises for parking of trucks/ tippers etc. to be used for transportation to avoid any parking on NH & subsequent traffic jam.
17. The unit shall abide by provisions of the E(P) Act, 1986 and the relevant rules framed there under.
18. The unit shall submit an Annual Return in the prescribed format as per Annexure-II by 31st May every year incorporation the quantity and type of materials handled during the preceding financial year (i.e. 1st April to 31st, March).
19. 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.
20. 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.
21. The units has to undertake that, incase of consent fee is revised upward during this period, they 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.

Encl: Guideline.

Banshi
REGIONAL OFFICER

To,
Sri Subash Chandra Sahoo, Station Superintendent,
M/s. Nergundi Railway Siding of East Coast Railways
At: Nergundi Railway Station, Po: Nergundi
Dist: Cuttack, Odisha

Memo No. 849 / Dt. 03.04.2023

Copy forwarded to

1. Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar
2. Collector & District Magistrate, Cuttack
3. General Manager, District Industries Centre, Cuttack
4. Dy. Director of Mines, Cuttack Circle, Cuttack
5. Guard File

Banshi
REGIONAL OFFICER



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Annexure I

CONSENT ORDER

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

Sl. No.	Parameters	Standards			
		Inland surface	Public sewers	Land for Irrigation	Marino Coastal Areas
1	2	3			4
		(a)	(b)	(c)	(d)
1	Colour & odour	Colourless /Odourless as far as practible	-----	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	Cardmium (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

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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 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 ⁶ 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

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Annex - II

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 * 24 Hours **	50 80	20 80	- Improved west and Gaeke - Ultraviolet fluorescence
2.	Nitrogen Dioxide (NO ₂) µg/m ³	Annual * 24 Hours **	40 80	30 80	- Modified Jacob & Hochheiser (Na-Arsenite) - Chemiluminescence
3.	Particulate Matter (size less than 10 mm) or PM ₁₀ µg/m ³	Annual * 24 Hours **	60 100	60 100	- Gravimetric TOEM - Beta Attenuation
4.	Particulate Matter (size less than 2.5 mm) or PM _{2.5} µg/m ³	Annual 24 Hours	40 60	40 60	- Gravimetric TOEM - Beta Attenuation
5.	Ozone (O ₃) µg/m ³	8 Hours ** 1 Hours **	100 180	100 180	- UV Photometric - Chemiluminescence - Chemical Method
6.	Lead (Pb) µg/m ³	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 ³	8 Hours ** 1 Hours **	02 04	02 04	- Non Dispersive Infra Red (NDIR) Spectroscopy
8.	Ammonia (NH ₃) µg/m ³	Annual * 24 Hours **	100 400	100 400	- Chemiluminescence - 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.

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ANNEXURE - K/2

Work Particulars :Proposal was Edited during Processing. [Show Changes](#)Proposal was Edited after shortlisting. [Show Details](#)

Plan Head 53 - Passenger Amenities (Type: Other Than Washable Apron) Priority Rank : 2

Short Description Development of KIS, CTC, NRG, JNP Goods Shed with basic facility & pollution control measures.

Description Development of KIS, CTC, NRG, JNP Goods Shed with basic facility & pollution control measures.

Sub Head Other Railway Users' Amenities Classification : Unclassified

Estimates	Allocation	Cost (in Rs. Thousands)	Outlay (in Rs. Thousands)	Department	Cost (in Rs. Thousands)	Abstract Cost
	CAP	489221	0	Civil	428772	
				Electrical (G)	35341	
				Telecom	14807	
				Other	10301	

Division Khurda Road State ANDHRA PRADESH, ODISHA Station/Section Bhadrak-Paketa (BHC-PSA)

Budget Year 2023-2024 Out of Turn No Vetted Cost

Gauge Route Class Nature of Work Safety Related

Rail Type Sleeper Type Quantity

ROR(%) Feasibility Yes

Site Plan Required? : Not required CRRM

Vetting Status Shortlisting Status Shortlisted with cost 499221 with remarks: Shortlisted

Umbrella Work's details :Process Under Umbrella Work :

Name of Umbrella Work: ECoR-Upgradation/Modernisation of Infrastructure at good sheds (Umbrella work 2023-24)

Allocation	Cost (in Rs. Ths.)	Outlay Proposed (in Rs. Ths.)	Current Outlay Alloted (in Rs. Ths.)
CAP	4917600	500	500

DRM Priority Work Tag

Opted for expedite execution of work by initiator of proposal: -

DRM's Personal Certificate Status: -

DRM Priority Works Tag: -

Gati-Shakti Tag

Proposal marked under "Gati-Shakti Tag": -

Development of KIS, CTC, NRG, JNP Goods Shed with basic facility & pollution control measures is required. The details scope of work

1. All weather approach Road (03 lane/25 mtr wide) with lighting facility , Pucca Circulating area with lighting facility , Goods Office with store room with toilet facility , Merchant Room with toilet facility, Labour rest room with 10 nos. of toilet facility , Boundary wall all around the premises along with security room at entry/exit gate, Dust Screen Walls, Pathway, Drain adjacent to boundary wall & loading platform along with the track, Installation of adequate no. of CCTV , Conveyor Belt, Plantation , raised water taps at both end of the platform & adequate drinking water facility at all Goods Shed.

2. Water sprinklers at NRG only.

3. Portable Ramps & provision of Electrical Supply parallel to track at KIS only.

Common Basic Facility by Electrical Deptt:

A. Cold Drinking Water Machine.

B. High Bay Light (100 Watt)

C. Split AC

D. Heavy Duty Fan for for Shed

Common Basic Facility by Engineering Deptt:

A. Modular Furniture

B. Track & Platform Cleaning Machine, Conveyor Belt, Ladder

C. Dust Screen Wall

D. Height Gauge at Level Crossing

E. Wheel Washing

F. Sum Tank with Drain

G. Plastic Pallets for stacking of consignments

The subject work may be sanctioned under Umbrella Work under PH-53 for year 2023-24.

Files**Attached:**

S.No.	Subject	FileName	File Type
1	Annexure of civil works	Annexure 1-9.xlsx	Document
2	Annexure 1 to 9 (revised)	Annexure 1--9.xlsx	Document
3	Annexure 10 & 11	Harti Disc.xlsx	Document
4	S&T Estimate Annexure	Development of Goods shed at KIS,CTC,NRG,JNP.xlsx	Document
5	Abstract Estimate	Good Shed four station.xlsx	Document
6	Rev Annexure 1 to 9	Annexure1-9 Rev.xlsx	Document
7	invoice smog must spray	invoice smog must spray.pdf	Document
8	Cleaning machine rate GeM	Cleaning Machine.pdf	Document
9	DSR pleanth area Rate	Plinth Area Rates 2021.pdf	Document
10	Modified S&T Est Annexure	Modified 4 nos Development of Goods shed at KIS,CTC,NRG,JNP stations.xlsx	Document
11	Revised abstract estimate	Four stations.xlsx	Document
12	Commil Rate Reference	Commil Rate Reference.pdf	Document
13	Scope of Work	Scope of Work Goods Shed - East.xlsx	Document

Anilish Anand
 वरिष्ठ मंडल बाणीय प्रबंधक
 Sr. Divl. Commercial Manager
 पूर्व तट रेलवे, खोर्द्या रोड
 E.Co.Railway, Khurda Road



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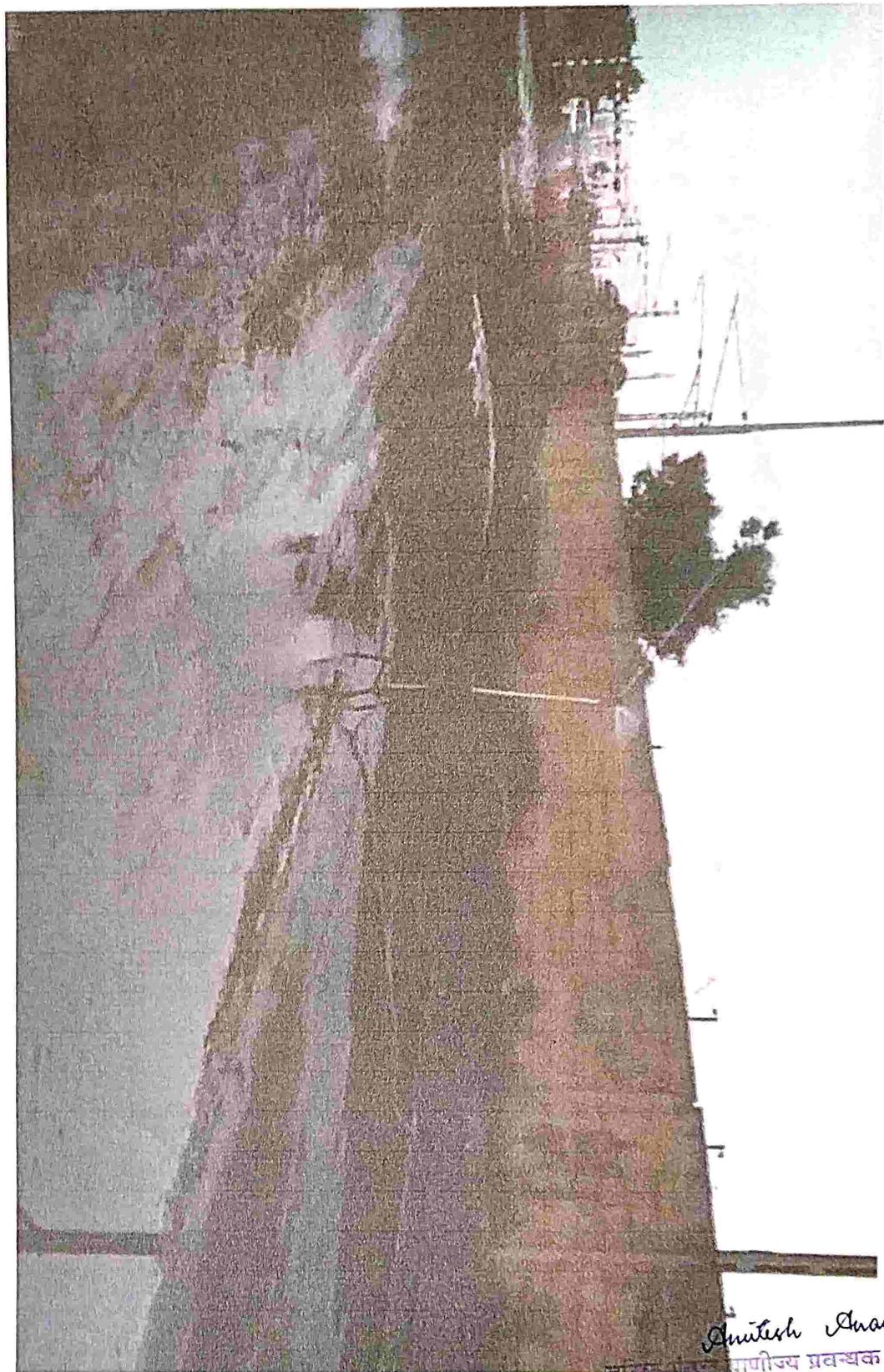
ANNEXURE - R/4 Series

Anil Kumar
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Sr. Dytl. Commercial Manager
पूर्व तट रेलवे, खोरया रोड
E.Co.Railway, Khurda Road

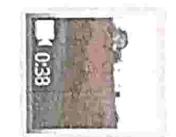


Anurish Anand
वरिष्ठ सेंट्रल बाणीय प्रबन्धक
Sr. Divl. Commercial Manager
पूर्व सेंट्रल रेलवे, खोर्धा रोड
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3 of 5



Anilish Anand ↗
 Sr. Divl. Commercial Manager
 पूर्व तट रेलवे, खोर्खा रोड
 E.Co.Railway, Khurda Road



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Amitesh Anand
वरिष्ठ मंडल वाजीज्य प्रबन्धक
Sr. Divl. Commercial Manager
। पूर्व तट रोड, खोर्धा रोड
E.Co.Railway, Khurda Road

- 39 -



Anilish Anand
वरिष्ठ मंडल जाणीज्य प्रबन्धक
Sr. Divl. Commercial Manager
पूर्व तट रेलवे, खोखा रोड
E.Co.Railway, Khurda Road

-40-



Anilish Arora

वर्ष २०१० में प्रथम प्रकाशक
 श्री दिनेश कुमार शर्मा द्वारा प्रकाशित
 पुस्तक का अधिकार
 E. C. Sarda, Murda Road

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V A K A L A T N A M A

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA/EZ

O.A. No. 85 of 2023

Saheen Tarannum & Anr. Plaintiff
Petitioners

-Versus-

State of Odisha and Ors. Defendant
Opposite Party

On behalf of Respondent No.3, 4 and 8 of the case.

Know all men by these presents that by Vakalatnama I/We I/We **Amitesh Anand, Senior Divisional Commercial Manager, East Coast Railway, Khurda Road, At/Po-Jatni, Dist-Khordha, Odisha** on behalf of Respondent/Petitioner/Opposite Party No.3,4 & 8 appoint the Advocates noted below or any of them my/our lawful Advocate or Advocates for entering Appearance or for filing the memorandum of appeal or petition in the above matter for appearing in conducting and arguing the same, for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers petitions etc. on my/our behalf for filing taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suits etc. For signing and filing petitions of compromise in connections with said matter and for taking copies of paper form the Record and I/We further say that any act, done by my/one said Advocate or Advocates or by any of them after accepting this Vakalatnama, shall be considered as my/our true and lawful act.

And I/we further hereby agree and undertake to pay the said Advocates his or their fees are settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct property. Failing which the said Advocates after notice to me/us will be liberty to withdraw form the further conduct to the case.

IN WITNESS WHERE OF I/We sign and execute this Vakalatnama on this the 10th day on October 2023

*Vakalatnamy Received
and accepted
Amitesh Anand*

Advocate
9883023404

Accepted as above

Advocate

accepted as above

Amitesh Anand
SIGNATURE OF THE EXECUTANT
वरिष्ठ डिविजनल वाणीज्य प्रबन्धक
Sr. Divl. Commercial Manager
पूर्व गेट रेलवे, खोर्धा रोड
E.Co.Railway, Khurda Road