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APPELLATE AUTHORITY

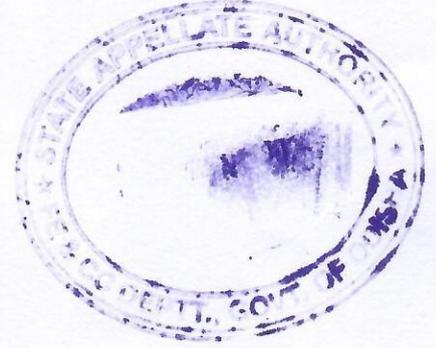
CONSTITUTED UNDER WATER (PCP) ACT, 1974 & AIR (PCP) ACT, 1981
(FOREST & ENVIRONMENT DEPARTMENT, GOVERNMENT OF ODISHA)
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Letter No. 65 (4) /AA/Dated 01.02.2025

APPEAL NO. 4W OF 2023

&

APPEAL NO. 4A OF 2023



To

1. Regional Officer, State Pollution Control Board, Sambalpur, Odisha.....Resp-1
2. Member Secretary, State Pollution Control Board, Bhubaneswar, Odisha..Resp-2
3. M/S Global Tiles, Shri Anshuman Behura, Proprietor, At/Po-Naharkanta, PS-Pahal, Bhubaneswar, Dist- Khurda, Odisha.....Resp-3
4. Shri Kshirod Chandra Parida, S/o-Late Karunakar Parida, At/Po-Naharkanta, PS-Pahal, Bhubaneswar, Dist-Khurda (Public).....Appellants.

Sir,

I am directed to enclose certified copies of the order No.16, dated 01.02.2025 of the Appellate Authorities passed in the above mentioned Appeals for your information and necessary action.

Encl. -As above.

Yours Faithfully

Cm
01/02/25

Designated Officer

**APPELLATE AUTHORITY
UNDER THE WATER (PCP) ACT, 1974 & AIR (PCP)
ACT, 1981,
ODISHA, BHUBANESWAR.**

APPEAL NO-4W OF 2023 & 4A OF 2023

**Shri Kshirod Chandra
Parida & others**

.....

Appellants

Mr. B.P. Tripathy, Senior
Advocate being assisted
by Mr. P.K. Parida,
Advocate

- Versus-

**1. The Regional Officer,
State Pollution Control
Board, Odisha,
Bhubaneswar,**

**2. The Member Secretary,
State Pollution Control
Board, Odisha,
Bhubaneswar**

**3. M/s. Global Tiles, Shri
Anshuman Behura,
Proprietor, At/Po-
Naharakanta, PS-Pahal,
Bhubaneswar, Odisha**

.....

Respondents

Mr. B. P. Pattjoshi, Legal
Consultant, SPCB,
Mr. S. K. Kuanar, Sr. Law
Officer, Level-II, -(R-1 &
2)

Mr. S.K. Mohanty,
Advocate for R-3



CORAM:

**JUSTICE S. K. SAHOO, CHAIRMAN
DR. B.K. SAHU, MEMBER
DR. P.K. MOHANTY, MEMBER**

**ORDER
01.02.2025**

Order No.
16

This appeal has been filed by the appellants challenging the revocation order dated 20.05.2023 passed by the Member Secretary, State Pollution Control Board, Odisha (Respondent No.2) so also the consent order dated 22.05.2023 passed by the Regional Officer, State Pollution Control Board, Odisha (Respondent No.1).

Mr. B.P. Tripathy, learned Senior Advocate appearing for the appellants submits that on the basis of complaint made by the villagers of the appellants, the Member Secretary, State Pollution Control Board, Odisha (Respondent No.2) directed an investigation to be conducted and accordingly on 09.12.2022, the Deputy Environment Engineer visited the company of Respondent No.3 and submitted the report that the operation of the M/s. Global Tiles is without valid consent to operate from the Board and that the Unit is situated adjacent to the residential area and affecting the residents and suggestion was given to issue show cause notice to the Unit and also to obtain permission and operate after taking adequate pollution control measures so as to redress the problems.



After receipt of inspection report dated 09.12.2022, the Regional Officer (Respondent No.1) issued show cause notice under Section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 (hereafter '1974 Act') and under Section 21A of Air (Prevention & Control of Pollution) Act, 1981 (hereafter '1981 Act') and the Unit was again inspected on 15.04.2023 by the Board officials and the report was submitted that the Unit is potentially an air polluting industry and operating in contravention of Section 21A of the 1981 Act whereafter the Regional Officer (Respondent No.1) vide letter dated 18.04.2023 directed for closure of the Unit under section 33A of 1974 Act and under Section 31A of the 1981 Act wherein it is specifically mentioned that the competent authority of the State Pollution Control Board, Odisha after careful consideration of prevailing condition and violation of the environmental rules and guidelines of Board by the Respondent No.3 Unit directed to stop further activities of the Unit forthwith till compliances are made to the satisfaction of the Board.

Mr. Tripathy, learned Senior Advocate for the appellant submits that after passing of the closure notice dated 18.04.2023, all of a sudden on 20.05.2023, the Member Secretary (Respondent No.2) issued revocation of direction of closure wherein it is mentioned that the Chairman is pleased to pass orders to revoke the direction of closure issued by the Regional Officer (Respondent No.1)

on dated 18.04.2023. However, it is mentioned therein that he has to abide by the conditions and guidelines of the Board and in case the Unit fails to comply with the directions and conditions of the Board, immediate necessary action is to be initiated against the Unit and thereafter on 22.05.2023, the consent order was passed by the Regional Officer (Respondent No.1). Learned counsel pointed out that most of the relevant columns have been left blank in the consent order.

When we put a pertinent question to the learned legal consultant appearing for the State Pollution Control Board as to what development had taken place in between the date of closure i.e. 18.04.2023 and the order passed for revocation of the direction of the closure dated 20.05.2023, he submits that an application was submitted by the Unit on 03.05.2023 through online with requisite documents and on the basis of such application, inspection was carried out by Respondent No.1 in respect of the Respondent No.3 Unit on 06.05.2023 and a detailed report of management of water pollution, air pollution and solid waste etc. was given and thereafter closure order was revoked and consent order was passed.

However, on perusal of the inspection report under Annexure-N/2, which was made by Dr. Sohan Giri, Regional Officer, State Pollution Control Board, we found that under four headings i.e. General, Water Pollution, Air



Pollution and Solid Waste, it has been mentioned as to what conditions are to be complied with for consent to establish the industry.

When we made a query to the learned counsel appearing for Respondent No.3 Unit as to whether the Unit has complied with all the conditions as mentioned in the inspection report dated 06.05.2023, he seeks some time to obtain instruction and file a detailed affidavit in that respect with photographs.

Let such affidavit be filed within three weeks and a copy of the same be served on the learned counsel for the appellants so also on the learned counsel for State Pollution Control Board in advance.

List this matter on 29.03.2025 along with 4A of 2023.

Sd/-

(**Justice S. K. Sahoo**)
Chairman

Sd/-

(**Dr. B.K. Sahu**)
Member

Sd/-

(**Dr. P.K. Mohanty**)
Member

