

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

**APPEAL NO. 2W OF 2023**

*Central Government Welfare .....  
Housing Organization (CGWHO)*

*Appellant*

*Shri Anwesh Panigrahi -  
Advocate*

**- Versus -**

*Regional Officer, SPCB,  
Bhubaneswar & Ors. ....*

*Respondents*

*Mr. B.P. Pattajoshi, Legal Consultant  
with Mr. S.K. Kuanar, Sr. Law Officer,  
Level-II, -R-1*

**CORAM:**

**DR. JUSTICE B.R. SARANGI, CHAIRMAN  
DR. B.K. SAHU, MEMBER  
DR. P.K. MOHANTY, MEMBER**

**ORDER**  
**20.01.2024**

**Order No.**  
**10**

Heard Mr. D. Panigrahi along with Mr. A. Panigrahi, learned counsel for the appellant, Md. Enamul Haque, Authorized Signatory of the appellant-Central Government Employees Welfare Housing Organization, Kendriya Vihar, Bhubaneswar, along with his counsel Mr. D. Panigrahi, Mr.

Dwitti Krushna Behera, Secretary of Phase-I Kendriya Vihar Residents Welfare Association (KVRWA)-respondent no.2 and Mr. S.K. Jena, Ex-President of Kendriya Vihar Apartment Owners' Association, Phase-II.

2. We have also heard Mr. A.K. Panda-respondent no.4, who, in spite of notice, was earlier not present. In any case, today he appeared and contended that he may be given opportunity of hearing in the matter, as, even though notice was issued to him, the same was received by his security guard, and when he came to know about such notice he made correspondence, but the same was not responded to. In any case, the grievance, as made by respondent no.4, is the same as made by respondents no.2 and 3. As such, it is contended that at his instance the proceeding was initiated, but due to his personal difficulties and ailment of his mother, he was not available and consequentially in his absence the matter has been proceeded with and on the basis of the order dated 02.12.2023 passed by this Authority, though work has been done, but he being the

worst affected person he should have been given opportunity of hearing.

3. Having heard learned counsel for the appellant and the representatives of the respective respondents, including Mr. A.K. Panda-respondent no.4, who appears in person, and after going through the records, it appears that the order dated 02.12.2023 had been passed with the consent of the parties. The appellant has filed an affidavit indicating therein that it is undertaking the work as per the order passed by this Authority on 02.12.2023. But respondents no.2 and 3 contended that though work has been undertaken by the appellant with their active cooperation, but it is not up to the mark. Therefore, it is contended that the matter should be enquired into and the order of the SPCB should be implemented in letter and spirit. Since the representatives of the associations, of which Mr. Panda-respondent no.4 is one of the members, have been heard and their contentions have been recorded, therefore Mr. Panda, who is one of the members of the associations, has endorsed the

contentions of the representatives of respondents no.2 and 3.

4. In view of such position, since the work has already been undertaken by the appellant with the consent of respondents no.2 and 3, whether the quality of work done by the appellant is in consonance with the direction given by the SPCB or not, that has to be examined by the very same authority, as this forum is not the executing authority of the order passed by the SPCB. Thereby, if respondents no.2, 3 and 4 have got any objection with regard to the quality of work performed by the appellant, they are at liberty to approach the SPCB so that the SPCB can examine and pass appropriate order in accordance with law.

5. With the above observation the appeal stands disposed of.

**Sd/-**

**(Dr. Justice B.R. Sarangi)**

**Chairman**

*G.D.Samal/K.K  
.Biswal*

**Sd/-**

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

**Member**

**Sd/-**

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

**Member**



