

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

APPEAL NO. 1W OF 2022 with APPEAL NO.2A of 2022

*M/s Krishna Sea Sight Residential
Complex, represented through its
Managing Director Sri Pabitra
Routray, Puri*

Appellant

*Shri B.P. Tripathy & Associates -
Advocates*

- Versus -

1. *Member Secretary, SPCB,
Bhubaneswar,*
2. *Member Secretary, SEIAA,
Odisha, Bhubaneswar*
3. *Regional Officer, SPCB,
Bhubaneswar*

Respondents

*Mr. B. P. Pattjoshi, Legal Consultant,
SPCB, Mr. S. K. Kuanar, Sr. Law
Officer, Level-II, -(R-1&3)
Mr. S. K. Mishra, Advocate-(R-2)*

CORAM:

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

ORDER
04.01.2025

Order No.
19.

Heard Mr. B.P. Tripathy, learned counsel for the appellant, Mr. B. P. Pattjoshi, Legal Consultant, SPCB and Mr. S. K. Kuanar, Sr. Law Officer, Level-II, (Respondent nos.1 & 3) and Mr. S.K. Mishra, learned counsel for respondent no.2 SEIAA, Odisha, Bhubaneswar.

Mr. B.P. Tripathy, learned counsel for the appellant

submitted that he has received the counter affidavit filed by the respondent nos.1 and 2 and he intends to file rejoinder affidavit to the counter affidavits.

When the matter was placed by Mr. Mr. B.P. Tripathy, learned counsel for the appellant, Mr. S.K. Mishra, learned counsel appearing for respondent no.2 filed office memorandum dated 7th July, 2021 relating to the Standard Operating Procedure (SoP) for identification and handling of violation cases under EIA notification 2006 in compliance to the order of Hon'ble National Green Tribunal in O.A. No.34 of 2020 so also the order of the Hon'ble Supreme Court dated 02.01.2024 passed in Writ Petition (Civil) No.1394 of 2023 in the case of **Vanashakti -Vrs.- Union of India** in which the Hon'ble Court has been pleased to stay of operation of office memorandum dated 7th July 2021 and 28th January 2022. The memorandum along with the order passed by the Hon'ble Supreme Court is taken on record.

When we made a query to the learned counsel for the parties about the status of the writ petition before the Hon'ble Supreme Court, they seek some time to apprise this Authority on the next sitting about the same.

A query is further made by us as to whether any detailed procedure has been laid down in the Orissa Air (Prevention and Control of Pollution) Rules, 1983 and Orissa Water (Prevention and Control of Pollution) Rules, 1983 before the State Board after receipt of the complaint. The parties submitted that there is no such procedure laid down except the power is there for making inspection under section 24 of the Air (Prevention and control of Pollution) Act, 1981 and section 23 of Water (Prevention and

Control of Pollution) Act, 1974, however, they sought for further time to apprise this Authority in that respect in detail on the next sitting.

In the meantime, the Member Secretary, State Pollution Control Board is directed to place before this Authority about the codified guidelines, if any, prescribed for dealing with the complaint made before State Board and if it is not there, the Member Secretary shall collect the information from other State Boards regarding the procedure laid down in dealing with the complaint under the Air and Water Act.

List this matter on 29.03.2025.

Interim order passed earlier shall continue till the next sitting.

Rejoinder, if any, be filed in the meantime by the learned counsel for the appellant after serving copies thereof to the learned counsel for respondent nos.1, 2 and 3.

A copy of this order be communicated to the Member Secretary, State Pollution Control Board for compliance.

sd/-

(Justice S. K. Sahoo)
Chairman

sd/-

(Dr. B.K. Sahu)
Member

sd/-

(Dr. P.K. Mohanty)
Member