

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

Appeal No. 15/2017/EZ

M/s Pioneer

Vs

Orissa Pollution Control Board & Ors.

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member

PRESENT: Appellant : Mr. S.M. Dwebedy, Advocate
Respondent No.1&2 : Mr. Bikas Kargupta, Advocate for
: Ms. Papiya Banerjee Bihani, Advocate

Date & Remarks	Orders of the Tribunal
<p>Item No. 2 9th January 2018.</p>	<p>This appeal is preferred against the order dated 21.11.2017 issued by the Odisha State PCB, Respondent No.1, directing closure of the unit of the Appellant. The unit in question is a printing press in the name and style of "M/s Pioneer Press" situated at Plot No. 23/128/154 in Khata No. 61/468, Mouza, Subhudhipur, Kalinga Nagar, Bhubaneswar.</p> <p>The closure order had been issued as the Appellant had not obtained consent to establish and consent to operate required both under the Water</p>

(Prevention and Control of Pollution) Act, 1974 and under the Air (Prevention and Control of Pollution) Act, 1981.

It is conceded that show cause notice had been received by the Appellant and in their reply time had been sought for to enable them to take steps for compliance of the pollution norms.

The primary ground raised in the appeal is that first of all, necessity to seek environmental clearance and the consequent consent to operate was made applicable to the unit such as that of the appellant only from the year 2016. Secondly, much investment had been made to establish the unit and thirdly, there are printing orders which are required to be completed within a time frame.

Mr. S.M. Dwebedy, Ld. Counsel appearing for the Appellant submits that all requirements which are necessary have been fulfilled and even the last

requisition sought for by the Respondent No.1, State PCB, vide their e-mail dated 06.01.2018 had been satisfied. A copy of the e-mail placed before us today by the Ld. Counsel for the Appellant indicates that the Appellant was directed as follows:-

1. Deposit NOC from the local authority,
2. Furnish vicinity map of the unit,
3. To submit suitable proposal for water/air management system and,
4. To pay of balance fee amount Rs. 5608/- for grant of CTE.

Upon perusal of the mail, the requirement as sought for by the Respondent No.1, is only for the consent to establish and for not consent to operate. Needless to state that consent to establish is a stage preceding grant of consent to operate.

In view of the facts and circumstances, at this stage we do not intend to go further into the merits of the case but having regard to the obvious infractions, no interim order as sought for shall be granted except

to direct the State PCB, Respondent No.1, to consider and dispose of the application for consent to establish and consent to operate filed by the Appellant within a period of 30 days from hence.

A copy of this order be transmitted to the Respondent No.1, State PCB for compliance.

Mr. Bikas Kargupta, Ld. Advocate appears on behalf of Ms. Papiya Banerjee Bihani, Ld. Advocate who is generally appears for the Odisha State PCB, shall intimate the Respondent No.1, of the necessity to comply with this order strictly and file a report on the next date.

For expeditious disposal of the case, we direct the Ld. Counsel for the Appellant to serve copies of the Appeal to the Respondent No.1 and other Respondents in course of the day.

List on 12.02.2018.

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Justice S. P. Wangdi, JM

09-01-2018

