

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.31/2023/EZ

Chandra Sekhar Roy		Applicant(s)
	Versus	
State of Odisha & Ors.		Respondent(s)

Date of hearing: 26.04.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ ADHAD, EXPERT MEMBER**

For Applicant(s) : Ms. Medha Singh, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Soubhagya Ketan Nayak, AGA (in Virtual Mode) a/w
Mr. Tarun Patnaik, ASC for State Respondents,
Ms. Papiya Banerjee Bihani, Adv. (in Virtual Mode) for R-9

ORDER

1. Ms. Medha Singh, learned Counsel is present (in Virtual Mode) for the Applicant.
2. Vakalatnama has been filed by Mr. Sachin Sahu, Mr. Venugopal Mohapatra and Mr. Adyasha Kar, learned Counsel for the Respondent No.10, Private Respondent; same is taken on record. When the case is next listed, the names of Mr. Sachin Sahu, Mr. Venugopal Mohapatra and Mr. Adyasha Kar, learned Counsel shall be printed in the Cause-list as Counsel for Respondent No.10.
3. Vakalatnama has been filed by Ms. Papiya Banerjee Bihani, learned Counsel for the Respondent No.9, Odisha State Pollution Control Board; same is taken on record.
4. Affidavit dated 24.04.2023 has been filed by the Respondent No.9, Odisha State Pollution Control Board; same is taken on record. Along with this affidavit, an inspection report has been filed which reads as under:-

“The said plot was visited by the undersigned on 20.04.2023 and it was observed that construction of one floor of about 2700 sq. ft. has been done on the said plot. The land has lost its characteristic as Jalasaya. There is a concrete storm water drain at one side of the plot.

The owner of the land was contacted and he submitted the copy of the land record (copy attached as annexure I). It was verified that the land type is of Gharabari type. It was understood that the land type was previously Jalasaya type and it has been converted to Gharabari type having plot no. 667 khata no.636/503 of area Ac 0.15 Dec which is owned by Sri Bishnu Charan Ratha. It was submitted that application has been submitted to Special Planning Authority, Jajpur for approval of building construction for commercial cum residential purpose having ground floor, first floor and second floor having total built up area of 8145 sq. ft. (757 m²). The copy of application received from the owner of the land is attached as annexure II for reference.

It is pertinent to mention here that Board has the office order vide letter no. 6606 dtd. 26.04.2021 that building and construction projects having built up area up to 20,000 m² and waste water generation more than or equal to 50 kilolitre per day is coming under consent administration of the Board as an orange category of unit as per the Board's classification. (copy attached as annexure-III). It was reported that proposal has been made for 13 nos of rooms in the building including ground floor, first floor and second floor. Considering 26 persons (13 rooms × 2 persons per room) in the building and per capita water consumption as 135 ltrs as per the standard of Ministry of Housing and Urban Affairs, about 3510 litres water will be consumed in the building per day. Considering 80% of water consumption will be waste water generation, about 2808 litres (2.8 kilo litres) waste water will be generated in a day.

Board has the office order vide letter no. 6606 dtd. 26.04.2021 that building and construction projects having built up area up to 20,000 m² and waste water generation more than or equal to 50 kilolitres per day is coming under consent administration of the Board as an orange category of unit as per the Board's classification. Since, the waste water generation in this building will be about 2.8 kilolitres per day; this building

will not come under the preview of the consent administration of the Board.”

5. Counter-affidavit dated 19.04.2023 has been filed by the Respondent No.5, Executive Officer, Jajpur Municipality, Odisha. The hard copy of the said affidavit has been sent by registered post to the Office of the Tribunal; same is taken on record.
6. We, however, direct the Respondent No.5, Jajpur Municipality to e-file the counter-affidavit within 24 hours.
7. **List on 12.05.2023.**

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

April 26, 2023
Original Application No.31/2023/EZ
BD