

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

Miscellaneous Application No.36/2023/EZ

In

Original Application No.82/2022/EZ

Kalinga Nagar Paribesh Surakhya Samiti

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 07.12.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Advocate (in Virtual Mode)

ORDER

1. The Original Application No.**82/2022/EZ** *Kalinga Nagar paribesh Surakhya Samiti Vs. Chief Secretary, Odisha & Ors.* was disposed of by this Tribunal vide its judgment and order dated 11.05.2023 with the following directions: -

“75. *In this view of the matter, the Original Application No.82/2022/EZ is disposed of with a direction to the State Pollution Control Board, Odisha, to re-visit the Environmental Compensation computed by it and carry out fresh computation in the light of the observations and directions given by us hereinabove.*

76. *So far as the additional facts agitated by the Applicant in his subsequent affidavits are concerned, the State Pollution Control Board, Odisha, shall carry out a fresh inspection of the site in question in the light of the directions given by us hereinabove and if there are any*

environmental violations found, appropriate action shall be taken against the violator in accordance with law.

77.

78.”

2. The present Miscellaneous Application has been filed by the Applicant alleging non-compliance of the directions of the Tribunal.

The prayer in the Miscellaneous Application reads as under: -

a) *“Direct the Respondents to show cause why the criminal proceedings shall not be initiated for violation of the Order of the Hon’ble Tribunal.*

b) *Direct the Respondent to show cause what steps they have taken to implement the order of Hon’ble NGT dated 11th May 2023.*

c) *Failure to provide satisfactory explanation the Hon’ble Tribunal may direct for the appropriate proceedings as provided under Section 26 and 28 of NGT Act 2010.*

d) *Pass such order/s as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of this case.*

For this act of kindness the applicant shall remain grateful forever.”

3. In our opinion, matter requires consideration.
4. Issue notice to the Respondent No.2, Member Secretary, State Pollution Control Board, Bhubaneswar, Odisha, returnable within four weeks.
5. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, is directed to accept notice on behalf of the Odisha State Pollution Control Board.
6. The Respondent may file its reply within four weeks.

7. Learned Counsel for the Applicant shall provide e-copy/soft copy of the Miscellaneous Application along with all its annexures to Mr. Dipanjan Ghosh, learned Counsel within 24 hours.
8. **List on 23.01.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

December 07, 2023,
Miscellaneous Application No.36/2023/EZ
In
Original Application No.82/2022/EZ
SKB