

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

Original Application No.85/2023/EZ

Saheen Tarannum & Anr.

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 04.08.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Rahul Choudhary, Adv. (in Virtual Mode) a/w
Mr. Kaustav Dhar, Advocate

ORDER

1. Heard Mr. Rahul Choudhary, learned Counsel appearing (in Virtual Mode) assisted by Mr. Kaustav Dhar, learned Counsel for the Applicants.
2. The allegation of the Applicants in the present Original Application is that the Respondent Nos. 6 & 7 are operating illegal stack yard at the Nergundi Railway Siding of the East Coast Railway, Respondent No.8.
3. It is alleged that the Respondent Nos. 6 & 7 are illegally stacking coal and other minerals like – Gypsum, Kinker, Australian Dust and Iron Ore at the private stack yard operated by them located near the Bilteruan Village opposite to the Railway tracks leading to the Nergundi Railway Station, Alarpur, Cuttack, which is in violation of the Guidelines for Environmental Management in Mineral Stack Yards and Railway Sidings, dated 16.04.2010 issued by the Odisha State Pollution Control Board.

4. It is further alleged that the Respondent Nos.6&7 are operating the mineral stack yard and railway siding in violation of the Siting Criteria and other requirements under the guidelines.
5. The allegation further is that though the Respondent No.8, Nergundi Railway Station of East Coast Railway has obtained Consent but is operating the Railway Siding in violation of the Consent conditions and the requirement of the Guidelines dated 16.04.2010.
6. It is further alleged that the Respondent Nos. 6 & 7 are operating mineral stack yard without obtaining the Consent to Establish and Consent to Operate from the State Pollution Control Board, Odisha, in violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981.
7. In our opinion, matter requires consideration.
8. Issue notice to the Respondents, returnable within four weeks.
9. Mr. Tarun Patnaik, learned Additional Standing Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1 and 5, State Respondents, Government of Odisha.
10. Mr. Dipanjan Ghosh, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.2, Odisha State Pollution Control Board.
11. Mr. Ashok Prasad, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.3, 4 and 8, East Coast Railway.
12. Issue notice to Respondent Nos. 7 and 8 returnable within four weeks.

13. All the Respondents shall file their para-wise counter-affidavit within four weeks.
14. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - (i) Senior Scientist, Odisha State Pollution Control Board,
 - (ii) Senior Scientist, Central Pollution Control Board,
 - (iii) District Magistrate, Cuttack, or his nominee not below the rank of Additional District Magistrate, and
 - (iv) Senior Rank Officer, Khurdha Road Division, East Coast Railway,
15. The Committee shall visit the site in question within ten days and submit its report within four weeks with regard to the allegations made in the Original Application. If the violations are found, the Committee shall suggest remedial measures as well as determine the Environmental Compensation and the concerned officers of the various departments shall also initiate appropriate steps for taking action against the violator as per law.
16. The District Magistrate, Cuttack, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.
17. The Counsel for the Applicants shall implead the Central Pollution Control Board in the array of Respondents as Respondent No.9 within 24 hours.
18. Mr. Surendra Kumar, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the newly added Respondent No.9. He shall file his para-wise counter-affidavit within four weeks.
19. The Counsel for the Applicants shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Tarun

Patnaik, Mr. Dipanjan Ghosh, Ashok Prasad and Mr. Surendra Kumar, Counsel for the Respondents within 24 hours.

20. **List on 06.09.2023**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

August 04, 2023,
Original Application No.85/2023/EZ
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