

Item No.01

Court No.1

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

Original Application No.46/2024/EZ

Sridhar Samal

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 06.03.2024

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

For Applicant(s) : Mr. Afraaz Suhail, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Afraaz Suhail, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. This Original Application has been filed by the Applicant alleging that Respondent No.10, Mahanadi Coalfields Limited, is causing considerable pollution in the course of its operation. It is stated that Respondent No.1, company, is a public sector company and is a coal producer in India. It is also stated that the Talcher Coalfield under Mahanadi Coalfields Limited (MCL) has reserves of 38.65 billion tonnes at places like Andhra Pradesh, Maharashtra, West Bengal and Tamil Nadu etc.
3. It is stated that on a daily basis about 5000-10000 coal laden trucks ply from the coal mines to different places in India. It is also stated that the passage of these trucks mostly happens within the city and then it touches NH-149 which also passes within the city.
4. It is alleged that these trucks do not take any preventive or precautionary measures to ensure that coal dust from the trucks

does not leak outside and pollute the city. It is also alleged that dust pollution is so high that visibility becomes very difficult most of the times and in most of the households and other structures there is a black layer of coal dust everywhere.

5. It is alleged that villages like Balhar, Lingaraj, Nandira, Cover belt area near B alanda, Thermal area, Tentulei Village, Bada Danda Sahi, Baghmara and Diajharan are the most affected villages because of such air pollution. It is also alleged that in addition to the coal dust, fly ash has also damaged most of farmlands and water bodies passing through the city.
6. It is stated that Tentulei Village, Bada Danda Sahi, Baghmara and Diajharan are worst affected villages due to leakage of fly ash and coal dust from the nearby coal mining activities of Respondent No.10.
7. It is also stated that as per National Clean Air Programme (NCAP) an air quality management cell has been formed in the Talcher Municipality in July, 2021 with the aim to reduce and check the pollution in Talcher city but in practical sense this team is not functioning properly.
8. Matter requires consideration.
9. Issue notice to the Respondents, returnable within four weeks.
10. Ms. Amrita Pandey, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the State Respondents, Respondent No.1, Ministry of Environment, Forests and Climate Change.

11. Mr. Anand Prakas Das, learned Additional Standing Counsel who is present in (Virtual Mode), accepts notice on behalf of the State Respondents, Respondent Nos.2, 3 & 9.
12. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.4, Central Pollution Control Board.
13. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.5, Odisha State Pollution Control Board.
14. Issue notice to the Respondent Nos.6, 7, 8 & 10, returnable within four weeks.
15. All the Respondents shall file their counter-affidavits within four weeks.
16. 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; and
 - (iii) Collector and District Magistrate, Angul or his representative not below the rank of Additional District Magistrate.
17. The committee shall visit the site in question and submit its report on affidavit within four weeks with regard to the allegations made in the Original Application.
18. The District Magistrate, Angul, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.

19. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Ms. Amrita Pandey, Mr. Anand Prakash Das, Mr. Sibojyoti Chakraborty and Mr. Dipanjan Ghosh, Counsel for the Respondents within 24 hours.
20. **List on 10.04.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

March 05, 2024,
Original Application No.46/2024/EZ
MN