

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 38/2018 (EZ)

Niranjan Pradhan & Ors.

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 04.02.2019

**CORAM : HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

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

For Respondent (s): Ms. Papiya Banerjee Bihani, Advocate for Respondent No.6

Mr. Soumitra Mukherjee, Advocate for Respondent No.7

(Mr. Amit Pattanaik, AGA, appears for Govt. Respondents, State of Odisha, for taking instructions).

**ORDER**

1. Order dated 17.12.2018 reveals that the crusher unit in question had been directed to be closed by the State Pollution Control Board as it was found to have illegally occupied 25 acres of revenue forest land having Kisam Jungle and that no consent to operate had been granted. Taking this statement made on behalf of Pollution Control Board on record, we had held that so far as matter relating to consent to operate is concerned nothing further was left for us to determine. However, in respect of the encroachment of forest land, direction had been issued for assessment of the cost of restoration of the forest by the Respondent No. 4, the Divisional Forest Officer and the District Collector, Keounjhar which was to be borne by Respondent No. 2 Project Proponent. Three months were granted to complete the process and report was to be filed before us. However, no report has been filed as directed.

2. Ms. Papiya Banerjee, Learned Counsel for the Pollution Control Board informs us that she has been instructed by the Tehsildar, Keonjhar that the illegal units have been dismantled. Surprisingly, none has appeared for the State of Odisha despite notice.
3. Mr. Amit Pattanaik, Additional Government Advocate for the State of Odisha, is present in connection with another case who volunteers to inform the concerned authorities about the orders passed in this case. We are however, disappointed with the response of the State of Odisha as notice had been issued upon them as far back as on 17.12.2018 and duly served by E-mail.
4. In view of this we cannot but include that the Respondents No. 3, 4 & 5 have wilfully ignored the directions of the Tribunal and thus has failed to comply with the said directions. We accordingly impose a penalty of Rs. 25,000/- on each of them to be deposited with Central Pollution Control Board, Regional Office at Bhubaneswar or Kolkata within a period of one week without fail. Directions issued in the order dated 17.12.2018 shall be complied with without fail before the next date and report filed before us by mail.
5. List this matter on 05.03.2019 for further orders.

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 04, 2019

O.A. No. 38/2018 (EZ)

HB