

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

O.A. No. 01/2017/EZ
With
M.A. 231/2017/EZ & M.A. 232/2017/EZ

BISHNU PRASAD MISHRO

VS

STATE OF ODISHA & ORS

CORAM: **Hon'ble Mr. Justice S.P.Wangdi, Judicial Member**
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: **Applicant** : **Mr. Biranchi Narayan Mahapatra, Advocate**
Mr. Debanjan Das, Advocate
Respondents No. 1-2 : **Mr. Soubhagya Ketan Nayak, Addl. Govt. Advocate**
Respondent No. 3 : **Mr. Ashok Prasad, Advocate**
Respondent No. 4 : **Mr. Dipanjan Ghosh, Advocate**
Added respondents : **Mr. Prafulla Kumar Rath, Advocate**
Other Respondents : **None**

Date & Remarks	Orders of the Tribunal
Item No. 5 21 st July, 2017.	<p style="text-align: center;">Compliance reports filed on behalf of the respondents 1, 2 and the District Magistrate, Ganjam District, by Mr. S.K.Nayak, Ld. Addl. Govt. Advocate in pursuance of the our order dated 24.4.2017 is ordered to be taken on record.</p> <p style="text-align: center;">It is submitted that the fly ash brick units which had been operating without obtaining clearance from the Central Ground Water Board have since been ordered to be closed down.</p> <p style="text-align: center;">Since the primary grievance expressed in the OA thus stands redressed nothing further survives to be</p>

considered in the case.

However, at this stage, Mr. P.K.Rath, Ld. advocate prays for leave to file two MAs on behalf of four of the Fly Ash bricks units viz. Sri Ram Fly Ash Bricks, Shree Sankatamochan Fly Ash Bricks , Sri Sai Bricks and Gayatri Fly Ash bricks, firstly, for impleadment (MA 231/2017/EZ) where directions have been sought for to grant them permission to sell the existing stock of fly ash bricks produced by them prior to passing of the interim order dated 24.4.2017 undertaking that they shall not manufacture such bricks before obtaining NOC from the Central Ground Water Authority and further, for a direction upon the said Authority for early consideration and disposal of the applications filed by the applicants in the MA (MA 232/2017/EZ).

Let the MAs be registered subject to scrutiny.

Heard.

Since Mr. Biranchi Narayan Mohapatra, Id. advocate for the applicant and Mr. S.K.Nayak, Ld. Addl. Govt. advocate are present, notice stand dispensed with.

Considering the facts and circumstances set out in the application and the relief sought for, we do not deem it necessary to call for any return except to issue directions as prayed for.

Accordingly, the application of impleadment is

allowed. Let the applicants in MA 231/2017/EZ be added as respondents in the OA.

We further direct that the applicants may be allowed to sell the fly ash bricks manufactured by them prior to issuance of the interim order dt. 24.4.2017 held by them in their stock.

The Regional office of the Central Ground Water Board shall consider and dispose of the applications filed by these applicants for NOC expeditiously and, if practicable, within a period of 30 days from hence.

It is made abundantly clear that these applicants shall not be permitted to manufacture fly ash bricks without first obtaining NOC from the Central Ground Water Board.

Both the MAs and the OA stand disposed of with the above directions.

No order as to costs.

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Justice S.P.Wangdi, JM

21-7-2017

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Prof. (Dr.) P. C. Mishra, EM

21-7-2017

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