

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

Original Application No.41/2015/EZ

Aswini Kumar Dhal

Vs

Odisha State Pollution Control Board & Ors.

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

PRESENT: **Applicant : Mr.Sankar Prasad Pani ,Advocate.**
Respondent Nos. 1 to 5 : None.

| Date & Remarks | Orders of the Tribunal |
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| Item No. 1 29th May, 2015. | <p>Heard Id. counsel appearing for the applicant.</p> <p>It is alleged in this application that the East Coast Railway Division is operating the stack yard/railway siding near Jakhpura Railway Station, Dist. Jajpur of Odisha for transportation, storage, loading and unloading of the minerals stocks without taking consent of the Odisha Pollution Control Board which is a breach of guidelines issued for environmental management in mineral stack yards and railway siding on 6th April 2010 by the Odisha State Pollution Control Board identifying that the category of transportation, storage, loading and unloading of mineral at stack yard/railway siding are of red category as they have high pollution potential.</p> <p>From the pleadings it appears that the Odisha State Pollution Control Board took an action by issuing show cause. Thereafter the closure notice was also issued which is annexed with the application. But thereafter surprisingly that closure notice was revoked without any compliance by the East Coast Railway in terms of obtaining consent to operate from the Board. At the present moment, the railway siding is in operation without consent from the Board.</p> <p>Having regard to the guidelines for seeking consent to operate in terms of the Board's resolution No. 3369 dated 16.02.2008, we are</p> |

of the view that prima facie a case has been made out for adjudication. The application is thus admitted for hearing. Let notice be served upon the respondents by dasti/speed post/registered post along with the copy of the application and today's order on usual terms.

The Odisha State Pollution Control Board is directed to file the status report in the form of affidavit explaining the reason why the closure notice was withdrawn on the next date fixed. The other respondents are directed to file the reply, if any, within four weeks. Rejoinder, if any, to the reply within two weeks thereafter. Matter is posted to 17.07.2015 for consideration of the status report of the State Board and the respective respondents. In the meantime, the Odisha Pollution Control Board is directed to take all steps and measures in accordance with law as admissible with reference to the allegation as made in this application.

For proper adjudication of the matter leave is granted to the applicant to add the General Manager, East Coast Railway, Bhubaneswar as party respondent in this proceeding.

Matter is posted to 17.07.2015.

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Justice Pratap Kumar Ray, JM

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