

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

OA 124/2015/EZ

BIRANCHI NARAYAN MAHAPATRA

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
Respondent No.1 : Mr. Pravat Kumar Muduli, Addl.Standing Counsel
Respondent No.3 : Ms. Papiya Banerjee Bihani, Advocate
Others : None.

Date & Remarks	Orders of the Tribunal
<p>Item No.16 2nd August, 2016.</p>	<p>The primary question raised in this O.A. is as to whether country liquor manufacturing units fall under consent management of the State PCB. It is surprisingly submitted on behalf of State PCB that in their view, it does not fall within the purview of their Consent Management.</p> <p>Mr. Muduli, Id. Addl. Standing Counsel has placed before us notification dated 24.04.2007 issued by the Forest and Environment, Govt. of Odisha, whereby it has been clearly indicated that distillery and fermentation industry have been brought within the red category (i.e. having high pollution potential) and, therefore, would require consent and authorization under the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of</p>

Pollution) Act, 1974 and the Hazardous Waste (Management and Handling) Rules, 1989. In the modified direction issued by the CPCB dated 07.03.2016, 'distillery (molasses/grain/yeast based)' is listed in Sl. No. 60 under Red category and "Fermentation Industry including manufacture of Yeast, beer, distillation of alcohol (extra Neutral Alcohol) is listed in Sl. No. 27 under Orange category". In view of this, the State PCB shall take necessary steps to ensure that all distillery and fermentation units including country liquor manufacturing units in the State of Odisha are brought within its consent management as provided under the law.

Apart from this, we are aware of the fact that distilleries' fall under 5 (g) of the Schedule in EIA Notification 2006. We direct the PCB to seek clarification from the MoEF/SEIAA as to whether the country liquor manufacturing units fall under the purview of EIA Notification, 2006 or not. Let an affidavit on action taken on this regard be filed on or before the next date.

Mr. Mahapatra, Advocate, who is also the applicant in this case, has filed supplementary affidavit today with copies on the other side.

Let it be taken on record. The respondents are at liberty to file their replies to the supplementary

affidavit on or before the next date.

List on 08.09.2016

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Justice S.P.Wangdi, JM

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

