

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

Original Application No. 53/2015/EZ

BIRANCHI NARAYAN MAHAPATRA

VS

STATE OF ODISHA & Ors

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

PRESENT: **Applicant : Applicant in person**
Respondent No. 1,6,7 ,13 & 14 : Mr. Pravat Kumar Muduli, Advocate
Respondent No. 4 : Ms.Papiya Banerjee Bihani, Advocate
Other Respondents : None

Date & Remarks	Orders of the Tribunal
Item No. 13 14th December, 2015.	<p>Mr. P.K. Muduli, Id. adv. has filed additional affidavit on behalf of respondent No. 6. Ms. Banerjee Bihani, Id.adv. for Odisha PCB has also filed an additional affidavit. Let those be kept on record.</p> <p>It appears from the affidavit of PCB that in a writ application being No. WP (C) 18819/2015 against the closure order issued by the PCB against M/s Hotel Keshari situated at Bhubaneswar, a stay order was passed by Hon'ble Mr. Justice S Pujahari on 15.10.2015 restraining any coercive steps in terms of impugned order dt. 3.10.2015 vide annexure-15 of the writ application. Since no copy of the writ application and the MA relating to the interim order have been filed, we are not in a position to understand the background under which the order was passed. The PCB is directed to file supplementary</p>

affidavit annexing details of the writ application, the MA and the order of the Hon'ble High Court on the next date.

From the affidavits of State respondents as well as PCB respondent, it appears that there are total 903 hotels which are operating in the State without any consent to operate from the PCB. It is the submission of the State respondents as well as PCB that out of 903 hotels 542 hotels exist in Puri and Hon'ble High court of Odisha has granted interim order of status quo in WP (C) 3599/2015 to all hotels in Puri, the copy of which has been annexed as C/4.

Considering the issue in the angle of environmental jurisprudence and having regard to the statutory provision of National Green Tribunal Act, the rest of the hoteliers except Hotel Keshari, Bhubaneswar, numbering 360 are added as party respondents in this proceeding in the first phase. Let show cause notice be issued to these hotel owners as to why a penalty/compensation to the tune of Rs. 10 lakh shall not imposed upon each of them for illegally operating the hotel business without obtaining valid consent to operate certificate from the State PCB and thereby causing pollution to the air and water violating The Air (Prevention & Control of Pollution) Act, 1981, the Water (Prevention & Control of Pollution) Act, 1974 and Environment (Protection) Act 1986. These hotels owners are added as party respondents for effective adjudication of the matter. Reply to the show cause be filed in the form of an Misc. Application within four weeks from the date of this order

Registry is directed to send the respective show cause notices

along with copy of the order to respective added respondents in the above line to the Member Secretary, Odisha State Pollution control Board who will serve the notice to the individual hoteliers through their respective regional offices. The respective superintendent of Police of the districts is directed to cooperate with the Pollution control Board for compliance of the order. The PCB, Odisha will file service return on the next date.

Let Copy of the order be sent to the Superintendent of Police of the respective Districts of Odisha.

Matter to appear on 1.2.2016.

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Justice Pratap Kumar Ray, JM

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

