

APPEAL No.1W OF 2008

6. 19.07.2008

Heard Shri A. Tripathy, learned counsel for the appellant, and Shri B. P. Pattajoshi, learned Law Officer of the respondent-State Pollution Control Board, Orissa.

The appellant has come up before this Authority against the order dated 11.1.2008 passed by the Regional Officer, S.P.C.B., Berhampur, directing him to stop operation of his Chuda Mill for violation of the provisions of section 25/26 of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, vide Annexure-5.

By order dated 24.5.2008, we directed the Board to accept the prescribed fees from the appellant during the pendency of the appeal, allow him to remove the defects and inspect the unit.

Now the learned counsel for the appellant submits that the appellant has already deposited the prescribed fees. Learned Law Officer of the Board submits that some defects are yet to be removed by the appellant to which effect he has filed a memo. along with the letter of the R.O.

In the aforesaid premises, we set aside the impugned order directing stoppage of operation of the unit, vide Annexure-5. The appellant is directed to remove the defects within ten days from today whereafter the Board shall take a decision on the consent application of the appellant within fifteen days. For a period of thirty days from today, status quo as existing in respect of the appellant's unit shall be maintained. Compliance report shall be filed by the S.P.C.B. on 30.8.2008.

The appeal is allowed accordingly.

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Justice B. P. Das, Chairman

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Prof. M.C. Dash, Member

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S.M Pattanaik, Member