

APPEAL NO.1W of 2008

4. 24.05.2008

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

The appellant, who is the Proprietor of a Chuda Mill by name M/s.Ladukesh Chuda Mill at Sarankul in Nayagarh district, has filed this appeal under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 challenging the direction of the State Pollution Control Board, Orissa, dated 11.1.2008 to stop operation of the Mill, vide Annexure-5.

The grievance of the appellant in this appeal is that though the Board in its written note has taken a stand that the application filed by the appellant to grant consent to operate the unit was defective for which no consent can be granted and even though consent to operate the unit was granted, the same cannot be extended. The said written note indicates that after receipt of the application the Board authorities inspected the unit of the appellant on three different occasions but strangely did not intimate the appellant within the statutory period that his application was defective for which the appellant now claims that he may be given the benefit of sub-section (7) of section 25 of the Act.

Before going into the merits of the appeal, and during the pendency of the same, we direct the Board to accept the prescribed fees from the appellant, allow him to remove the defects in the application and inspect the unit. It will thereafter be open to the Board to suggest the remedial measures and if the unit meets the prescribed standard, the Board shall grant to operate the unit.

Put of this appeal on 12.6.2008, when learned Law Officer of the Board will inform the action taken in the matter. Till then status quo as existing today in respect of the appellant unit shall be maintained.

.....Sd/-.....
Justice B. P. Das, Chairman

.....Sd/-.....
Prof. M.C. Dash, Member

.....Sd/-.....
S.M Pattanaik, Member