

APPEAL NO. 4 W OF 2006

5. 17.02.2007

Heard Shri B. P. Tripathy, learned counsel for the appellant, and Shri B. P. Pattajoshi, learned Law Officer for the respondent-S.P.C.B.

This appeal was filed under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 challenging the direction for closure of the appellant's unit issued by the S.P.C.B. vide Annexure-4. But in the meantime the Central Pollution Control Board (C.P.C.B.) by its communication no.EZO/Tech/F-192/PCE/2006 dated 25.10.2006, copy of which was produced by the learned Law Officer of the S.P.C.B. along with the memo filed by him on 25.11.2006, kept the direction for closure in abeyance and allowed the unit to operate on certain terms and conditions as indicated therein. The appellant on the last date wanted some time to fulfill the conditions stipulated in the aforesaid communication of the C.P.C.B. to which a reply has come from the Additional Director of the C.P.C.B. in which the S.P.C.B. has been requested to direct the appellant unit to take certain steps.

In view of this, when the closure notice has been kept in abeyance, no lis exists to be decided by this Authority. It is open to the S.P.C.B. and the C.P.C.B. to take appropriate measure in accordance with law.

The appeal stands disposed of accordingly

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

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

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

