

APPEAL NO. 5W OF 2006

3. 20.01.2007

Heard learned counsel for the appellant and learned law Officer of the respondent –State Pollution Control Board, Orissa, on the question of admission.

During the course of hearing, it transpires from the Inspection Report of the S.P.C.B., which is filed today along with a memo. under the signature of the Law Officer, that the appellant, who is the proprietor of Hotel Heaven at Swargadwar, Puri, has not applied for consent to operate but has only submitted an action plan. According to the Law Officer of the S.P.C.B., the hotel in question has not taken any step as per the action plan submitted by the appellant.

It is submitted by both the parties that no application for consent to operate the unit has yet been submitted by the appellant before the S.P.C.B.. This being the position we are of the considered opinion that this appeal is premature and is not maintainable. At this stage, learned counsel for the appellant submits that given seven days' time, the appellant will make an application for consent to operate the unit along with the requisite documents and fulfilling the required conditions. If such an application is filed by the appellant before the S.P.C.B. within seven days hence, the S.P.C.B. is direct to take a decision on the same within a period of two months thereafter. There shall be no disconnection of power to the unit of the appellant for a period of two months or till a decision is taken by the S.P.C.B. on the application of the appellant, whichever is earlier.

The appeal is accordingly dismissed as not maintainable with the direction made above.

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

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

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

