

**APPELLATE AUTHORITY  
UNDER THE AIR ( P.C.P. ) ACT, 1981, ORISSA,  
BHUBANESWAR**

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APPEAL NO.5-A OF 2008

An appeal under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 arising out of the direction issued by the State Pollution Control Board, Orissa, vide letter no.17410/IND-I=CON-1023 dated 21.7.2008.

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Shree Mahabir Rice & Flour Mills,  
At/P.O. Rengali, District Sambalpur,  
Represented by its Partner  
Sri Gopal Lal Agarwall

..... .. .

Appellant

V e r s u s

State Pollution Control Board,  
Orissa, Bhubaneswar  
and others

... .. .

Respondents

For Appellant : S/Shri Pramod Kumar Routray,  
B. G. Mishra, N.K.Deo, R.K.Rout  
Abinash Routray, Abhilash Routray  
& J. Bhuyan, Advocates

For Respondents : Shri B. P. Pattajoshi,  
Law Officer, S.P.C.B.

**QUORUM :**

**HON'BLE SHRI JUSTICE B. P. DAS, CHAIRMAN  
AND  
DR. C. R. MOHAPATRA, MEMBER**

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Date of Judgment : March 07, 2009

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**B.P.Das, Chairman :** This appeal filed under Section 31 of the Air (Prevention and Control of Pollution ) Act, 1981 ( in short 'Air Act' ) is directed against the direction issued by the State Pollution Control Board, Orissa, (hereinafter called 'the Board') under section 31-A of the Air Act as well as under section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 ( 'Water Act' in short ), vide letter

no.17410/IND-I-CON-1023 dated 21.7.2008 (Annexure-8) for closure and shifting of the appellant rice mill, namely, Shree Mahabir Rice & Flour Mills, at Rengali in the district of Sambalpur, to a suitable location sufficiently away from the residential area as the concentration of SPM (Suspended Particulate Matter) in the residential areas surrounding the factory premises exceeded the prescribed limit when the unit was in operation and the unit is directly responsible for causing air pollution in the surrounding area and has thus violated the provisions of the Air Act as well as the Water Act.

2. While admitting the appeal, this Authority by its order dated 6.9.2008 required the Board to inspect the appellant unit and submit a report with quantitative data on B.O.D. / C.O.D. and S.P.M. value generated by the appellant unit alone. In terms of the said order, the Board inspected the appellant unit and submitted inspection report along with analysis report. On 1.11.2008 this Authority on perusing the inspection report as well as the analysis report submitted by the Board and hearing Shri P. K. Routray, learned counsel for the appellant, and Shri B. P. Pattajoshi, learned Law Officer of the Board, directed the Board to allow the appellant industry, which is a Parboiled Rice Mill, to run for a period of one month or so and during its operation, to take the quantitative data on BOD, COD and SPM value and place the same before this Authority. The Board was also directed to submit the details of the SPM value generated due to plying of motor vehicles on the adjacent Highway when the industry was not running as well as after running of the industry.

3. Pursuant to the order passed by this Authority on 1.11.2008, the Board has submitted report of inspection of the appellant unit and copy thereof has been served on the learned counsel for the appellant in Court today.

4. Heard learned counsel for the parties and perused the inspection report submitted by the Board.

5. As it appears, the inspection has been made by Dr. C. P. Das, Environmental Scientist and Dr. S. S. Pati, Senior Technical Assistant of the Board and the following recommendations have been made in the aforesaid inspection report :

- “1. The unit should construct an effluent treatment plant (biological treatment system) to treat its waste water generated from the process.
2. All the transfer points of paddy separation and polishing unit of the milling house should be provided with adequate air pollution control equipments.
3. The ventilators which are facing towards the complaints house in milling house should be blocked permanently.”

6. So far as recommendation nos. (2) and (3) are concerned, learned counsel for the appellant submits that the appellant shall comply with the same within a period of two months from today.

7. As regards recommendation no. (1), it is submitted by the learned counsel for the appellant that the appellant unit being a very small unit having a production capacity of only 15 tonnes of paddy per day, it will not be possible on its part to comply with the said recommendation by spending a huge amount over construction of an effluent treatment plant (biological treatment system) for treatment of its waste water generated from the process. It is further submitted that even rice and chuda mills having much higher production capacity operating within the jurisdiction of the Collectorate of Sambalpur do not have such biological treatment system.

Considering the aforesaid submission of the learned counsel for the appellant and after hearing Shri Pattajoshi, learned Law Officer of the Board as well as Dr. C. P. Das, the Environmental Scientist of the Board, who inspected the unit and is present here, we direct the respondent-Board to formulate an

uniform policy/guidelines regarding treatment of waste water generated from rice and chuda mills in the State for bringing down the BOD, COD and Suspended Solids within the prescribed standard, and we hope and trust that this shall be done within a period of three months from today.

8. We direct the appellant unit to comply with the recommendation nos. (2) and (3) within a period of two months from today, as undertaken, and on failure of the appellant to comply with the said recommendations, it will be open to the Board to take appropriate action against the appellant. We further direct the appellant to take appropriate remedial measures for bringing down the BOD, COD and S.S. as well as the SPM by adopting appropriate measures and switching over to the latest technology available for such units.

9. In view of the directions given above, we set aside the direction issued by the Board vide letter no.17410/IND-I-CON-1023 dated 21.7.2008 (Annexure-8) for closure and shifting of the appellant unit and consequently allow the appellant to operate its unit. The respondent-Board shall inspect the appellant unit after two months and if on such inspection the appellant unit is found to have not complied with recommendation nos. (2) and (3), it will be open to the Board to take appropriate action against the appellant.

10. The appeal is allowed accordingly.

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

**Dr. C.R.Mohapatra :**

*I agree.*

.....Sd/-.....  
**Dr. C. R. Mohapatra,**  
**Member**

*Date : March 07, 2009*  
*P.C.Chhatoi, Sr. Secretary*

