

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 110 of 2013

Subhas Datta Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE B. S. REDDY, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present: Applicant Mr. Subhash Dutta, Applicant in person
Respondent No.1: Ms. Neelam Rathore and Ms. Syed Amber
Advocates
Respondent No.2 & 3: Mr. Shibashish Misra, Advocate
Respondent No.5: Mr. Shwetaketo Mishra, Advocate
Respondent No.6: Mr. Manoj K. Das, Advocate
Respondent No.7: Mr. Saktidhar Das, Advocate
Respondent No.8: Mr. Satyabrata Panda and Mr. Leingeraj Sarangi,
Advocates

Date and Remarks	Orders of the Tribunal
Item No. 5 October 22, 2013	<p>We have heard Learned counsel appearing for the Respondents and the Applicant, who appears in person.</p> <p>According to the Applicant, the averments made by him in the Application are substantially corroborated in the Report of the Orissa Pollution Control Board (in short 'Board') and thus he submits that various directions should be issued to prevent degradation of environment that endangers the human life, property and health in Puri Town.</p> <p>We must notice that the Board had visited Puri Town on 25th July and 26th July, 2013 during pendency of the present Application before the Tribunal. The Board has submitted a detailed report. This Report reveals the alarming facts. Analysis report of water samples at Pejanallah reveals that waste water of outlet of Penjanallah that drains Lord Jagannath Temple Rosasala discharges into the municipal drain. The water quality parameters were not only beyond the prescribed parameters but show devastating results. TSS was found to be 4830 mg/l as against permissible limit of 200 mg/l, BOD is 10200 mg/l as against permissible limit 75 mg/l; COD was found to be 20159 mg/l as against provided standard of 250 mg/l. The Municipal Solid waste processed during the last three years was shown to have gone up to 11469 MT as against 7844 MT in 2010-11, ambient air quality with respect to PM₁₀ at Swargadwar was found to be</p>

727 $\mu\text{g}/\text{m}^3$ as against permissible standard of 100 $\mu\text{g}/\text{m}^3$ in one direction and 464 $\mu\text{g}/\text{m}^3$ in South West direction. $\text{PM}_{2.5}$ was found to be 435 $\mu\text{g}/\text{m}^3$ as against norm of 60 $\mu\text{g}/\text{m}^3$.

In this Report it has also been stated that the air quality is effected since smoke from the cremation ground is carried along by the strong sea breeze and gets trapped in the building in the vicinity.

Out of Municipal Solid Waste (MSW); plastic in the form of polythene, pet bottles and carry bags comprises a major portion of waste. The percentage of plastics in the waste has been assessed as 50% in terms of volume.

The analysis Report of water sample at Baliapanda municipal waste also shows that parameters are in much excess of the prescribed parameters.

In the concluding part of the Report, the Inspecting Team has noticed that the present sewage collection, treatment, disposal system at Bankimuhan is practically defunct. Present solid waste collection treatment and disposal practice at Pejanallah is inadequate and the efforts made by Puri Municipality are unsatisfactory in this regard. Burning multiple bodies side by side and smoke and odour created nuisance at Swargadwar. The sewage drain and urban solid waste management is also stated to be a most critical issue in Puri Town and it must be addressed by the Authorities.

Despite the above Report, a feeble attempt on behalf of the Respondents has been made that all is well as far as environment in Puri is concerned. We have no hesitation in rejecting even this feeble attempt in face of the Report of the Pollution Control Board itself. The Applicant has approached the Tribunal with specific averments and factual data to show callous attitude on the part of all the authorities including the management of the Holy Jagannath Temple that is leading to serious environmental impacts in Puri Town. We expect all the Authorities including the Board to take appropriate steps to restore the environment as well to prevent further degradation of the environment.

It has been brought to the notice of the Tribunal that, due to recent Phailin cyclone, water from the sea tides even reached the first floor of some of the Hotels which are within the CRZ zone and blocked the entire road with sand by 10

feet at some places. This shows the devastating effect of infringement of CRZ Regulations and the danger apprehended to the human life and property

Having given our considered thought to the entire matter before us, we feel compelled to issue the following directions for compliance by the concerned Authorities and more particularly by the State:-

1. The Chief Secretary of the State of Orissa shall be the Chairperson of the Committee which shall consist of:
 - (a) Secretary of Environment and Forests;
 - (b) Member Secretary of Pollution Control Board of Orissa;
 - (c) Secretary of Public Health;
 - (d) Representative from the Lord Jagannath Temple;
 - (e) Chairman of Puri Municipality; and
 - (f) Two experts, one to be nominated by MoEF and the other by the State of Odisha from the field of Environment.
2. This Committee shall visit Puri Town to examine all the environmental issues that have been more specifically stated by the Applicant in its Application as well as in the Report of the Odisha Pollution Control Board.
3. This Committee shall also suggest various means and the methods that are to be adopted for preventing and controlling the pollution i.e. air, water solid wastes and environment in the entire city of Puri more particularly from the Swargadwar and the Lord Jagannath Temple. The Committee shall *inter alia* more specifically state the measures that are required to be taken for collection and treatment of sewage and garbage and its disposal in accordance with law and in a time bound programme.
4. Whether it would be appropriate for the Authorities to collect fee on account of polluting of environment by the visitors to Puri and citizens living in Puri on the principle of 'Polluter Pays'.
5. What immediate steps should be taken for betterment of environment including providing stacks for all major cooking Chulhas in the temple and cremation ground?
6. The Committee shall report to the Tribunal about the unauthorized construction raised on the sea shore and which constructions are within 500 m from the high tide line falling within the CRZ Regulation.

7. The Committee shall also report as to how many unauthorized constructions exist in the CRZ and within 500 m of high tide line and what actions the State Government or the Authorities have taken against such violators.

8. The establishment of plant as well as the methods that should be adopted for disposal of bio-medical waste including bones and other body part remnants after cremation of the human body.

Let this Report be submitted to the Tribunal within six weeks from today. Copy of the Order be provided to the all the Learned counsel appearing for the parties as well. The Registry shall ensure that same to be placed on the Website by today evening.

List this matter for hearing on 05th December, 2013.

.....,CP
(Swatanter Kumar)

.....,JM
(B.S. Reddy)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Dr. R.C . Trivedi)

