

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P(C) No.10986 of 2022-PIL
(Through hybrid mode)**

M/S. S. Agri Business Pvt. Ltd. ***Petitioner***

Mr. Durga Prasad Nanda, Senior Advocate

-versus-

State of Odisha and others ***Opposite Parties***

Mr. P.C. Panda, AGA
For O.P.1

Mr. Bikram Pratap Das, Advocate
For O.Ps. 2 and 3

CORAM: JUSTICE ARINDAM SINHA

ORDER
17.05.2022

Order No.

- 03.**
1. Mr. Nanda, learned senior advocate appears on behalf of petitioner and submits, his client has received copy of the counter.
 2. Mr. Das learned advocate appears on behalf of opposite party nos.2 and 3. He draws attention to paragraph 2 in the counter to submit that there is untreated discharge by petitioner into village street. He emphasis the Supreme Court in **Pariyavaran Surakshya Committee Vs. Union of India** reported in (2017) 5 SCC 326 had declared that consent to operate from concerned Pollution Control Board can only be had on the primary Effluent Treatment Plant (ETP) being functional to required capacity.
 3. Mr. Nanda replies by drawing attention to paragraph 3 in the

writ petition wherein, inter alia, following was said.

“... .. It is relevant to mention here that save and except the manufacturing/processing of Par-boiled rice, the other process have no requirement of water... ..”

He submits, there be interference by Court in allowing his client's unit to function on the activities that do not require use and discharge of water.

Court finds that in paragraph 12 of the counter following has been said.

“ That the averments in paragraphs 2, 3 and 4 need no reply.”

4. Impugned order dated 25th April, 2022 is modified to effect that petitioner may operate the unit, for production that does not require use of water and thereby discharge. This they can do till 20th June, 2022, within which time they must effect rectification for upgrading capacity of their ETP. In event there is omission to upgrade, impugned revocation of consent regarding the entire unit will become operative on and from 21st June, 2022. Opposite party nos.2 and 3 will be at liberty to make surprise or otherwise inspection to ensure functioning of the unit is without use and discharge of water.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge