

M/S. S.A. Sugandh Pvt. Ltd vs The Chairman on 19 October, 2023

Author: S.K. Panigrahi

Bench: S.K. Panigrahi

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34274 of 2023

M/s. S.A. Sugandh Pvt. Ltd.,
Chhatisgarh

.... Pe

Mr. Surya Prasad Mishra,
along with a

-versus-

The Chairman, State Pollution
Control Board, Bhubaneswar &
Ors.

.... Opposite P

Mr. Debasish Nayak
Mr. Birendra Kumar Padhi

CORAM:

DR. JUSTICE S.K. PANIGRAHI
ORDER

Order 19.10.2023 No.

01. 1. This matter is taken up through hybrid arrangement.
2. Considering the oral submission, this Court permits the learned counsel for the Petitioner to make necessary correction in the cause title of the Writ Petition in Court today.
3. In this Writ Petition, the Petitioner not only challenges the communication No.2334/III CON (NOC/02/2022-23) dated 06.07.2023 issued by the Regional Officer, State Pollution Control Board/Opposite Signed by: AYASKANTA JENA Party No.5 but also challenges the communication dated Designation: Personal Assistant Reason: Authentication Location: High Court of Orissa Date: 20-Oct-2023 11:06:52 P.T.O // 2 // 13.09.2023 issued by the Chief Environmental Engineer, Bhubaneswar/ Opposite Party No.4. Through the impugned order the application of the Petitioner for obtaining "Consent to Establish" for its "Chewing Tobacco Manufacturing Unit", has been rejected by the authority concerned.
3. Learned Senior Advocate appearing on behalf of the Petitioner submits that such action of the authority is gross violation of the provisions of Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 as well as the provisions of the Cigarettes and other Tobacco Products Act, 2003. He further submits that the Petitioner's approach to the

State Pollution Control Board for establishing the Tabacco manufacturing unit does not come within the purview of the Food, Safety and Standards Act, 2006. Hence, the Petitioner is constrained to approach this Court.

4. In such view of the matter, let notice be issued to the Opposite Parties.

5. Learned counsel for the State waives of notice on behalf of the Opposite Party Nos.3, 4 & 6. Three extra Designation: Personal Assistant Location: High Court of Orissa // 3 // copies of the brief be served on him within three working days hence.

6. Learned counsel for the Union of India waives of notice on behalf of the Opposite Party No.7. An extra copy of the brief be served on him within three working days hence.

7. Since Mr. Santi Mohanty, learned counsel usually appears on behalf of the State Pollution Control Board, let three extra copies of the brief be served on him also within the time stipulated hereinabove.

8. List this matter on 15th November, 2023.

(Dr. S.K. Panigrahi) Judge Ayaskanta Designation: Personal Assistant Location: High Court of Orissa