



**STATE POLLUTION CONTROL BOARD, ODISHA**  
[Department of Forest, Environment & Climate Change Govt. of Odisha]  
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII,  
Bhubaneswar - 751012

No. 14737 / IND-I-CON(MISC)/1505

Date 18-09-2023

By Email

To

The Regional Officer,  
State Pollution Control Board, Odisha,  
Angul, Balasore, Berhampur, Bhubaneswar, Bolangir,  
Cuttack, Jharsuguda, Kalinganagar, Keonjhar, Koraput,  
Paradeep, Rayagada, Rourkela, Sambalpur.

Sub : Implementation of directions of Hon'ble Apex Court vide order  
dtd.28.04.2023 on "Poultry Farms handling birds more than 5,000"-Reg.

- Ref: i) Civil Appeal No.2480/2023 - The Poultry Farmers and Breeders Association  
vs. Union  
of India & others  
ii) This office letter No. 7028, VIII-L-Misc-818, dtd. 02.05.2023

Sir,

In inviting reference to the above, as per the direction did. 10.12.2021 of Hon'ble NGT, PB, New Delhi passed in OA No.320/2021 - Gauri Maulekhi vs. Un on of India & Ors., the CPCB has formulated environmental guidelines for poultry farms, January 2022. As per the said directions of the Hon'ble NGT "Poultry farms handling above 5,000 birds at single location shall also obtain consent to establish (CTE) and consent to operate (CTO) under the Water Act, 1974 and Air Act 1981 from State Pollution Control Board / Pollution Control Committee w.e.f 01.01.2023". Till such time Poultry farms handling birds more than 25,000 at a given time in single location will have to obtain Consent to Establish (CTE) and Consent to Operate (CTO) under Water Act, 1974 and Air Act, 1981 from SPCB.

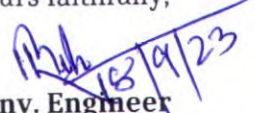
In the meantime, the Hon'ble Apex Court vide their order dtd.28.04.2023 as an interim measure has been pleased to stay the aforesaid direction of the Hon'ble NGT w.r.t. "Poultry farms handling above 5,000 birds at single location to obtain CTE and CTO from the Board" until further orders. Copy of the interim order dtd.28.04.2023 is enclosed for reference.

In view of above, you are requested not to insist the poultry farms handling more than 5,000 birds at a given time in single location to obtain Consent to Establish/ Operate from this Board until further orders.

This is for information and necessary action.

Yours faithfully,

Encl : As above

  
Chief Env. Engineer

Memo No. 14738 /dtd. 18-09-2023

Copy forwarded to Sr. Env. Engineer, IT Cell for information. She is requested to upload the said order in the Board's website for display.

Encl : As above

  
Chief Env. Engineer



ITEM NO.19

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2480/2023

THE POULTRY FARMERS AND BREEDERS ASSOCIATION

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

( IA No.69940/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.69938/2023-STAY APPLICATION )

WITH

C.A. No. 2523/2023 (XVII)

( IA No.72401/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.72399/2023-STAY APPLICATION )

Date : 28-04-2023 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Appellant(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Vishal Khattar, Adv.  
Mr. Shekhar Raj Sharma, Adv.  
Ms. Vandana Kapoor, Adv.  
Mr. Jinendra Jain, AOR

Mr. Arijit Prasad, Sr. Adv.  
Mr. Paras Dutta, Adv.  
Mr. Sanjay Kumar Visen, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

One of the submissions raised for consideration is  
that as per the revised guidelines issued by the  
Central Pollution Control Board (CPCB) in August 2021

followed in January 2022, the Poultry Farms handling birds above 25,000 in a single location have to obtain consent to establish and operate under the Water (Prevention and Control of Pollution), Act 1974/the Air (Prevention and Control of Pollution) Act 1981, from the respective State/Central Board.

However, in the absence of any further guidelines being issued by the Government/competent authority and in the absence of any fact finding report from the experts available on record, the NGT, on its own, under its order impugned has substituted the requirement from above 25,000 to above 5,000 and that was circulated by the Government under its guidelines of January, 2022. Counsel submits that in the absence of any expert report being made available, the order passed by the Tribunal in substituting the guidelines of Government of India needs to be relooked by this Court.

Issue notice, returnable in four weeks.

In the meantime, guidelines of January 2022 "8.0 As per the directions of Hon'ble NGT dated 10.12.2021 (O.A. No. 320/2021 : Gauri Maulekhi Vs. Union of India & Ors., poultry farms handling above 5,000 birds at single location shall also obtain consent to establish (CTE) and consent for operate (CTO) under the Water Act, 1974 & Air Act 1981 from

State Pollution Control Board/Pollution Control  
Committee w.e.f. 01.01.2023." until further orders,  
shall remain stayed.

(SONIA BHASIN)  
COURT MASTER(SH)

(VIRENDER SINGH)  
BRANCH OFFICER