



IN THE HIGH COURT OF ORISSA AT CUTTACK

SUO MOTU W.P.(C) PIL No.2140 of 2020

***Registrar (Judicial),
Orissa High Court, Cuttack Petitioner***

*Mr. Manoj Kumar Mishra
Senior Advocate
President, OHCBA*

*Mr. Avijit Pattnaik
Advocate
Secretary, OHCBA*

*Er. N.K. Mohanty
Amicus Curiae*

*Mr. Bijay Kumar Dash
Amicus Curiae*

-versus-

State of Odisha & others Opp. Parties

*Mr. Debasis Nayak-A
Addl. Govt. Advocate &
Advocate for C.M.C.*

CORAM:

JUSTICE S.K. SAHOO

JUSTICE V. NARASINGH



ORDER
25.09.2025

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

S.C.B. MEDICAL COLLEGE AND HOSPITAL ISSUES

**CARDIOTHORACIC VASCULAR SURGERY (CTVS)
AND ECMO UNIT OF CARDIOLOGY DEPARTMENT**

331-A.
25.09.2025

When this issue was taken up on 04.09.2025, the Superintendent, SCBMCH, Cuttack filed an affidavit dated 02.09.2025 wherein the open heart surgery data of Department of CTVS, SCBMCH, Cuttack in a tabular form was given which indicated from the year 2023 onwards how many total admissions had taken place for open heart surgery, how many LAMA (Left Against Medical Advice) cases are there, how many open heart surgery were performed, how many deaths have taken place after surgery, how many persons were discharged with stable cardiac status. However, in the column of 'present status of survived open heart surgery patient', it was mentioned that complete follow up data of all the discharged patients are not available and two weeks' time was sought for in that respect.

Basing on such affidavit dated 02.09.2025, the Superintendent was asked to furnish the full data of the present status of survived open heart surgery patients. It



was directed that every endeavor should be made by the Govt. to form another team of competent doctors in CTVS Department to conduct open heart surgery taking into account its demand and costs likely to be incurred by the patients if it is conducted in any private hospital.

Prof. (Dr.) Goutam Kumar Satpathy, Medical Superintendent in-charge, SCBMCH, Cuttack has filed an affidavit dated 24.09.2025, wherein it is stated that the Prof & HoD, CTVS Department was requested vide letter No.20841 Dated 04.09.2025, letter No.21346 Dated 09.09.2025 and letter No.21348 Dated 09.09.2025 to furnish the details relating to patients in the CTVS Department as directed by this Court vide Order Dated 04.09.2025. In this connection, the Prof. & HoD, CTVS vide letter No.426 dated 13.09.2025 has communicated the detailed status of Open Heart Surgery patients admitted to the department concerned indicating the reasons for LAMA patients, patients survived after Open Heart Surgery, Death Review with Audit Report and Minutes of Death Review for the period 2023 up to August 2025. The report dated 13.09.2025 of the Prof & HoD, CTVS, SCBMCH, Cuttack has been annexed to the affidavit as Annexure-A Series.

The affidavit of Prof. (Dr.) Satpathy dated 24.09.2025 is taken on record.



On perusal of the Annexure-A series, it is mentioned under the heading of "**Details of reasons for LAMA patients (2023 to 2025 till 13.09.2025)**", which reads as follows:

A. Prolonged waiting period for surgery:

i. There is team of doctors for surgery in the Super Specialist Department i.e., one Professor, one Associate Professor, one Assistant Professor. Both Professor and the Associate Professor can lead the team for open heart surgery and are competent in this matter. The overwhelming number of patient load on the department for open heart surgery causes delay and long waiting period for the patients;

ii. A total of 3 to 4 Open Heart Surgeries are conducted per week with an average waiting of 15-18 patients in the ward;

iii. Additional non-cardiac cases such as Lungs Surgeries, Vascular Surgeries, Thoracic Surgeries and Emergency procedures are taken up on every working day;

iv. Usually, major open-heart surgeries are conducted on Monday, Tuesday, Wednesday and Friday.



B. Preference of Medical option over Surgery:

i. Referred by Doctors from other hospitals on emergency basis, the patients get admitted and stabilized here, discuss with family members, relatives and physicians and decide to try with medicines for some more time;

ii. Information regarding perioperative outcome and complications in the hospital set up often change their decisions.

C. Swasthya Card & Insurance benefit in the Corporate Sector:

i. PM Ayushman Yojana & other cards attract the patients for Corporate Sector and they opt for Corporate Hospitals.

On further perusal of the Annexure-A series, it is mentioned under the heading of "**Status of the patient survived after Open Heart Surgery from 2023 to 2025 (13.09.2025)**", which reads as follows:

A. Status for the year 2023:-

1) Number of Survived patients on discharge:150 (Out of 165)

2) Coming for regular follow up:68 (All are in stable cardiac condition)



3) Did not appear for follow up: 75 (1 year after operation)

4) Death: 07

i. (Name withheld), 50y/F, Reg. No-300/22.12.22, CAD-TVD, (CABG)

ii. (Name withheld), 50y/F, Reg. No-310/05.01.2023, Severe AR, (AVR)

iii. (Name withheld), 24y/M, Reg. No-369/09.03.2023, Severe MS(MVR)

iv. (Name withheld), 46y/F, Reg. No-1427/08.06.2023 ASD (Patch Closure), Failed device closure with embolization to RV

v. (Name withheld), 43y/F, Reg. No-75/01.06.2023, Severe MS (MVR)

vi. (Name withheld), 40y/F, Reg. No-130/03.08.2023, MS AR (DVR)

vii. (Name withheld), 29y/F, Reg. No-155/31.08.2023, MS AR (DVR)

N.B.: Total mortality among discharged patient is 4.7% in comparison to the in house peri-operative mortality 8.5% (15 out of 165).

B. Status For the year 2024 :-

1) Number of Survived patients on discharge: 111 (Out of 135)



2) Coming for regular follow up:48 (All are in stable Cardiac condition)

3) Did not appear for follow up:59 (1 year after operation)

4) Death:04

i. (Name withheld), 30y/F, Reg. No-145/19.08.2023, ASD with MR (ASD Closure)

ii. (Name withheld), 38y/F, Reg. No-116/09.04.2024, MS(MVR)

iii. (Name withheld), 65y/M, Reg. No-134/20.04.2024, CAD with AS(CABG+AVR)

iv. (Name withheld), 22y/M, Reg. No-237/06.07.2024, AS MR (DVR)

N.B: Total mortality among the discharged patient is 3.6% in comparison to in house peri-operative mortality 18.5% (24 out of 135).

C. Status For the year 2025 to till date (13.09.2025):-

1) Number of Survived patients on discharge: 59 (Out of 85)

2) Coming for regular follow up: 21 (All are in stable Cardiac condition)

3) Lost Follow up: 32 (2 months after operation)

4) Death: 6



- i. (Name withheld), 32y/F, Reg. No-451/14.12.2024, MS(MVR)
- ii. (Name withheld), 66y/M, Reg. No-10/01.01.2025, AS (AVR)
- iii. (Name withheld), 43y/F, Reg. No-02/01.01.2025, MS(MVR)
- iv. (Name withheld), 51y/M, Reg. No-14/01.01.2025, Severe AS with CAD (AVR+CABG)
- v. (Name withheld), 72y/M, Reg. No-107/27.02.2025, AS(AVR)
- vi. (Name withheld), 50y/F, Reg. NO-124/18.03.2025, Severe MS(MVR)

N.B: Total mortality among discharged patient is 10% in comparison to in house peri-operative mortality 30.5% (26 out of 85%).

Taking into account the affidavit filed relating to the patients who are leaving the medical against medical advice, the view of Prof. (Dr.) Satpathy was sought for as to how the issue can be addressed and the number of surgeries can be increased. Dr. Satpathy submits that the upcoming infrastructure is likely to address the issue along with appointment of qualified doctors, which is likely to take place with the hope that such steps will be taken so that number of open heart surgeries can go up and the waiting period can be substantially reduced.



OPEN HEART SURGERY IN DEPARTMENT OF CTVS

331-B.
25.09.2025

When this issue was taken up on 04.09.2025, the Commissioner -cum- Secretary assured this Court that the matter would be taken up at the level of the Govt. and she would intimate this Court regarding the steps taken to ensure that there is no dislocation and let up in the patient care so far as open heart surgery is concerned.

The Superintendent, SCBMCH, Cuttack, was asked to place on record the minutes of the proceeding of such Death Review Board or whatever name, i.e., being used to arrive at the reason of such mortality.

In the affidavit of Prof (Dr.) Satpathy dated 24.09.2025, it appears that the death review proceeding for the patient death after open heart surgery from 2023-2025 till date (13.09.2025) has been annexed and the photocopy of death review with minutes of discussion has also been annexed to the affidavit.

A death review, or mortality audit in a Govt. hospital, is a process to investigate the causes of patient deaths and identify potential improvements in patient care. The process involves through investigation, data analysis and implementation of corrective measures to prevent future occurrences and rebuild patient



confidence. The goal is to identify the reasons for death and any potential lapses in medical care or hospital protocols.

For the year 2023, total death cases of 16 in number in CTVS Department of SCBMCH was placed for death review. Similarly for the year 2024, total death cases of 30 in number in CTVS Department of SCBMCH was placed for death review. For the year 2025 up to August, 2025, total death cases of 24 in number in CTVS Department of SCBMCH was placed for death review. It appears that for the deaths that occurred in two consecutive months in CTVS Department, in the third month, it is placed for death review.

For the year 2025, for the month of January & February, death review audit was conducted on 03.03.2025 for CTVS Department for **six** deaths, for the month of March & April, death review audit was conducted on 05.05.2025 for CTVS Department for **six** deaths, for the month of May & June, death review audit was conducted on 07.07.2025 for CTVS Department for **seven** deaths and for the month of July & August, death review audit was conducted on 01.09.2025 for CTVS Department for **five** deaths.

In the particular format for death review with auditing report, there are several columns, out of which



columns of perioperative complications (Pre OP, Intra OP, Post OP) and cause of death are very relevant. Though these vital columns have been filled up in every death review meeting, but it seems that no suggestions have been given referring to lapses, if any, in the medical care or hospital protocols and if so, how to improve the patient care. Mechanical filling up different columns of such vital report would not subserve any meaningful purpose in holding such meeting in every 3rd month. This Court, therefore, directs the Superintendent, SCBMCH, Cuttack to file an affidavit suggesting improvements in medical care or hospital protocols and measures to be taken to prevent lapses, if any, that may have contributed to the increase in mortality rates.

This Court expects that henceforth, the Audit Team shall rise to the occasion and minutely analyze all the deaths taking place in CTVS Department and other Departments of SCBMCH and identify the reasons for such deaths and clearly point out the potential lapses in medical care or hospital protocols, if any and how improvement in that respect can be made. It should be done in a transparent manner without any kind of suppression and all the deaths are not only to be identified and discussed but confidentiality is to be maintained. It should also be determined whether the



care given was consistent with evidence-based clinical practice, standards of care or care desired by professionals. Effectively running clinical audit and peer review processes, incorporating analysis of mortality and morbidity (M & M), contribute to improved patient safety.

Learned counsel for the State submits that the Commissioner -cum- Secretary, Health & Family Welfare Department has sought for some time to apprise this Court about formation of another team of competent doctors in CTVS Department to conduct open heart surgery and other issues in view of her pre-occupation today.

List this matter on 16.10.2025.

NON-SUPPLY OF EQUIPMENTS AND INSTRUMENTS

331-C.
25.09.2025

When this issue was taken up on 04.09.2025, the General Manager-Operation (Equipment), Odisha State Medical Corporation Ltd. (OSMCL) filed an affidavit and since the affidavit was not clear as to why there was time lag of more than two years for placing purchase order after SEMC admittedly approved it, the OSMCL was called upon to clarify the same by filing a detailed affidavit in that regard.

The Commissioner -cum- Secretary, Health & Family Welfare Department was also called upon to file an affidavit outlining in detail the process followed for



procurement of such medical instruments and equipments including the process followed in cases of emergency.

Learned counsel for the State seeks some more time to file the affidavits by the Commissioner -cum- Secretary, Health & Family Welfare Department.

Mr. Soumik Spandan Tripathy, learned counsel appearing on behalf of OSMCL also seeks some more time to place on record the affidavit as per the order dated 04.09.2025.

Accordingly, put up this matter on 16.10.2025.

The affidavits as directed shall be filed in the meantime.

LIVER TRANSPLANTATION ISSUE

331-D.
25.09.2025

When this issue was taken up on 04.09.2025, the Commissioner -cum- Secretary to Govt., Health & Family Welfare Department filed an affidavit dated 04.09.2025 along with the minutes of the meeting for review of preparedness of the 3rd liver transplant held on 01.09.2025 and in the affidavit it was stated that all required equipment, instruments, ICU and OT facilities are functional and ready and experienced faculty and staff from earlier transplants would be deployed during procedures.

Learned counsel for the State has produced the letter no.323/SCBMCH/LT dated 03.09.2025 of the Nodal



Officer, Liver Transplant, SCBMCH, Cuttack addressed to the Additional DMET -cum- State Nodal Officer, Organ Transplant, Odisha regarding readiness for the upcoming transplant case, wherein it is stated as follows:

A. Patient under evaluation

1. (Name withheld) - HM/39, DCLD-OH (Blood Group B+ve)

Donor - Wife - (Name withheld) - HF/36, (Blood Group B+ve)

90% investigations done & compatible with the transplant.

Pending tests:

i. CT coronary angio of recipient; CT volumetry and triple phase CT of donor;

ii. Departmental Clearance after transfer of patients to Liver Transplant unit

2. (Name withheld) - HM/40, DCLD - OH

Donor – Uncertain;

Almost 70-75% investigations done for recipient.

3. Two patients from Hepatology Department are under evaluation.

B. PPT of 2 patients to be presented to AIG once all investigations are completed and visit of AIG team headed by Prof. (Dr.) Balchandran Menon;



C. Transfer of the patients to the liver transplant unit, deployment of staffs from other allied departments along with the authorization process by the coordinator to be initiated once the possible date regarding transplant by the higher authority is finalized.

Learned counsel for the State has also produced the letter no.324/SCBMCH/LT dated 19.09.2025 of the Nodal Officer, Liver Transplant, SCBMCH, Cuttack addressed to the Additional DMET -cum- State Nodal Officer, Organ Transplant, Odisha regarding the upcoming transplant cases & patient details (4th to 18th September, 2025), wherein it is stated as follows:

Date	No. of patients attended Hepatology OPD	No. of patients referred from Hepatology OPD to LTU OPD & under evaluation	Diagnosis
4 th to 11 th September	476	2 nos.	DCLD (OH)
12 th to 18 th September	390	Nil	--

Details of patients under evaluation (4th to 11th September) in LTU is given below:

Name of the patients	Address	CR No.	Disease	Remarks
1. (Name Withheld) - 39HM Blood Group B+ve	Bodak, Bhadrak	211022505482298/ 7.8.25	DCLD (OH)	Donor-wife B+Ve (enlisted previously)
2. (Name Withheld) - 55 HM	Cuttack	211022506552052	DCLD (OH)	Donor-wife O+Ve



Blood Group- O+ve				
3. (Name Withheld - 32 HM	Baragadia, Jajpur	211022506328721	DCLD (OH)	Donor- not confirmed

No patient attended LTU OPD during 12th to 18th September.

Both the letter dated 03.09.2025 & 19.09.2025 produced by the learned counsel for the State are taken on record.

List this matter on 13.11.2025.

The learned counsel for the State shall apprise this Court about the development made in the liver transplant cases.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

SARDAR VALLABHBHAI PATEL POST GRADUATE
INSTITUTE OF PAEDIATRICS - SISHU BHAWAN
INSTALLATION OF GLOW SHINE BOARD

332-A.
25.09.2025

When this issue was taken up on 04.09.2025, the Superintendent of SVPPGIP, Cuttack placed a letter dated 08.08.2025 addressed to the Superintending Engineer, Cuttack (R & B) Division No.1 regarding



installation of Glow Shine Board for newly constructed G+6 Multiutility Building & Hostel Building of SVPPGIP, Cuttack. The Superintending Engineer, Cuttack (R & B) Division No.1 appearing virtually assured this Court that necessary steps in this regard would be taken within a period of two weeks.

Learned counsel for the State has produced the written instruction dated 24.09.2025 of the Superintending Engineer, Cuttack (R & B), Division No.I, wherein it is stated that regarding installation of glow shine board for newly constructed G+6 multiutility building and hostel building of SVVPGIP, Cuttack, the work has already started and it is likely to be completed on or before 10.10.2025 as reported by the J.E., G.E. Section, Sishu Bhawan, Cuttack vide letter no.672 dated 23.09.2025.

A copy of the letter dated 23.09.2025 has been annexed to the letter no.14879 dated 24.09.2025 as Annexure-1.

List this matter on 16.10.2025.

Learned counsel for the State shall apprise this Court about the installation of glow shine board for newly constructed G+6 multiutility building and hostel building of SVVPGIP, Cuttack by the next date.

(S.K. Sahoo)
Judge



(V. Narasingh)
Judge

OPEN POND IN SISHU BHAWAN

332-B.
25.09.2025

As per order no.310-B dated 04.09.2025, learned counsel for the State has produced the written instruction dated 24.09.2025 of the Superintending Engineer, Cuttack (R & B), Division No.I, wherein it is stated that tender was invited and technical evaluation has been completed for the work S/R to beautification of open pond in front of (G+6) Multiutility Building at SVPPGIP, Cuttack (such as fixing of stainless steel grills around the pond 'Sishu Bhawan' and the agency asked for deposit A.P.S. and I.S.D. for the work vide Letter No.14389 dated 19.09.2025 and the work will be started after drawal of agreement by 06.10.2025 and will be completed by 15.11.2025.

A copy of the letter no.14389 dated 19.09.2025 has been annexed to the letter no.14879 dated 24.09.2025 as Annexure-II.

List this matter on 20.11.2025.

Learned counsel for the State shall apprise this Court about the status of completion of work of open pond in Sishu Bhawan by the next date.

(S.K. Sahoo)
Judge



(V. Narasingh)
Judge

**CONSTRUCTION OF HIGH BOUNDARY WALL
AROUND SVPPGIP, CUTTACK CAMPUS**

332-C.
25.09.2025

Learned counsel for the State has produced the written instruction dated 24.09.2025 of the Superintending Engineer, Cuttack (R & B), Division No.I, wherein it is stated that tender was invited for the work "Construction of High Boundary Wall around SVPPGIP Campus" by the Chief Construction Engineer, Cuttack (R&B) Circle, Cuttack vide TCN No.CCE.Ctc (R & B) 6/225-26 and the work will be completed by 31.03.2026.

A copy of the Bid Identification No.CCE.Ctc. (R &B) 6/2025-26 has been annexed to the letter no.14879 dated 24.09.2025 as Annexure-III.

List this matter on 20.11.2025

Learned counsel for the State shall apprise this Court about the progress of construction of high boundary wall around SVPPGIP Campus.

(S.K. Sahoo)
Judge



**(V. Narasingh)
Judge**

**STEPS TO BE TAKEN BY AUTHORITIES FOR
UPCOMING FESTIVE SEASON**

**(A) PREVENTING CONSTRUCTION OF HUGE
MANDAP PANDALS ON PUBLIC ROAD,
FOOTPATH AND ERECTION OF ELECTRIC
GATES AND DECORATIONS**

333-A.
25.09.2025

Learned counsel for the State has produced the written instruction dated 23.09.2025 received from the DCP, Cuttack wherein it is stated that the Collector & DM, Cuttack had passed an order vide No.2595/Judl. dated 04.09.2025 comprising 06 officers/staffs of different line departments and formed two teams to inspect Big Gates/pandals during Durga Puja festival and submit a detailed inspection report. The copy of Order No. 2595/Judl. dated 04.09.2025 of the Collector & DM, Cuttack has been annexed to the instruction as Annexure-B.

It is further stated in the written instruction that the DCP had nominated Sri Jayanta Kumar Dora, OPS, ACP, Traffic and Smt. Reena Mishra, Inspector, DIB, Cuttack UPD for inspection of Big Gates/pandals during Durga Puja festival and intimated to ADM-cum-Nodal



Officer, Cuttack vide letter No.6175/DIB dated 03.09.2025 and vide memo No. 6816/DIB dated 20.09.2025. The copies of letters have been annexed to the affidavit as Annexure-C.

It is further stated in the written instruction of the DCP, Cuttack that it has been communicated to all Puja Pandals that loudspeaker and immersion licences would be given only to the Puja organisers, who are bearing valid NOC.

(B) CONTROL OF AIR & NOISE POLLUTION

333-B.
25.09.2025

Learned counsel for the State has produced the written instruction dated 23.09.2025 received from the DCP, Cuttack wherein it is stated that as per the direction of this Court, the DCP has directed all I.I.Cs of Cuttack City, including I.I.Cs of Traffic P.Ss, Phulnakhara, and all Zonal ACPs, including ACP DIB, Cuttack UPD, to take sincere and effective steps to implement the directions of this Court in their respective P.S. jurisdictions in letter and spirit.

It is further stated in the written instruction that they have also been directed to conduct surprise raids and frequent checks of amplifiers fitted with sound limiters used by band parties, DJs, and music players during various festive occasions, cultural functions, immersions, and other upcoming events in the city. In



case tampering with the sound limiter or violation of the prescribed sound limit in the music system is noticed, all the musical instruments shall be seized, and proceedings for violation of sound pollution norms shall be initiated against them as per law.

It is further stated in the written instruction that apart, the ACP DIB-Cum- Licensing Cell, Cuttack UPD has also been directed to ensure that the instructions/guidelines/orders of this Court should be followed strictly and also while granting the application for permission under section 4(2) of the ODISHA FIRE WORKS AND LOUD SPEAKERS (REGULATION) Act, 1958, THE ODISHA URBAN POLICE Act, 2003 and other relevant Acts.

It is further stated in the written instruction that awareness programmes are being held regularly by the I.I.Cs of Cuttack UPD in their respective P.S. jurisdictions to sensitize the Secretaries/Presidents of different Puja Committees, by involving students of schools and colleges as well as the general public, not to play excessive noise/loud music during the festive season in their respective Puja Mandaps, cultural programmes, and immersion processions, highlighting its negative impact on the citizens especially children and elderlies and also on the environment. The photos of the



awareness programme conducted have been annexed to the written instruction as Annexure-D series.

It is further stated in the written instruction that during the festive season, from 31.08.2025 to 21.09.2025, as many as 20 processions of different musical band parties were detected violating the guidelines during cultural functions and immersion processions of Lord Ganesh idols, as per the terms and conditions of the licenses issued to the Puja Committees in the City. They were fined Rs.500/- each under Section 96(c) of the OUP Act and were also issued notices for violation of license conditions for taking necessary follow-up action as per law. Besides, during this period, 7(seven) cases have been registered under Section 5 of the Orissa Fireworks and Loudspeaker (Regulation) Act, 1958, Section 223/3(5) of BNS, and Section 96 of the OUP Act, 2003 against the violators in different P.Ss of Cuttack UPD and equipment's used have been seized in follow up. Out of which 02 cases have been Charge sheeted and rest of 05 (five) cases are under investigation. Details of the cases registered have been annexed to the written instruction as Annexure E.

SL No.	Name of the P.S	Case No and date of registration	Sections of law	Status of the Case
1	Baranga P.S	467/2025 dated 01.09.2025	U/s 223BNS/5 of OFW&LS(Regulation Act,1958 and 96 OUP	CS



			Act,2003	
2	-do-	488/2025 dated 08.09.2025	-do-	PI
3	-do-	510/2025 dated 15.09.2025	-do-	PI
4	Chauliaganj P.S	486/2025 dated 15.09.2025	U/s 223/ 126(2)/ 324(2)/ 326 (b)/3(5) BNS/5 of OFW &LS (Regulation Act,1958 and 96 OUP Act,2003	PI
5	Madhupatna PS	266/2025 dated 15.09.2025	U/s 223BNS/5 of OFW&LS(Regulation Act,1958 and 96 OUP Act,2003	CS
6	Baranga P.S	520/2025dated 19.09.2025	U/s 223/3(5)BNS/5 of OFW&LS(Regulation Act,1958 and 96 OUP Act,2003	PI
7	Cantonment P.S	231/2025 dated 19.09.2025	U/s 223BNS/5 of OFW&LS(Regulation Act,1958 and 96 OUP Act,2003	PI

(C) IMPROVING ROAD CONDITIONS

333-C.
25.09.2025

As per order dated 26.08.2025, Mr. Atanu Kumar Samanta, City Engineer, CMC has filed an affidavit dated 03.09.2025, wherein it is stated as follows:

(i) Regarding the modalities for allowing developmental works within Cuttack Municipal Corporation, it is stated that, first of all, all the estimates are prepared by the concerned Junior Engineer/Assistant Engineer of the concerned Ward after scrutinizing the



proposals received from all sources and field visits. After preparation of estimates, the same are placed before the Standing Committee on Works for recommending to the Council of the Corporation for approval;

(ii) After getting approval from the Council of the Corporation, the same are submitted to the competent authority for Technical Sanction. After technically sanctioned, the said estimate is placed before the competent authority for Administrative Approval. The powers of Administrative Approval of different authorities have been mentioned in the Govt. in H & U.D Department Letter No.16490/HUD dated 19.07.2025. A copy of the said letter dated 19.07.2025 of the Govt. in H & U.D Department has been annexed to the affidavit as Annexure-A/2;

(iii) After getting administrative approval, the works more than Rs.2 Lakhs are executed through e-tendering as per the Letter No.161/HUD dated 03.01.2018. A copy of the letter dated 03.01.2018 has been annexed to the affidavit as Annexure-B/2. Moreover, the works with the estimated cost up to Rs.3 Lakhs can be executed departmentally with the approval of the Mayor as per Rule-36 of the Odisha Municipal Corporation Rules, 2004;



(iv) It is further stated that in this connection, a clarification was sought for by the Executive Officer, Kasinagar NAC regarding applicability of OPWD Code to ULBs and Guidelines for Tender Invitation. In reply to the said Letter, the Govt. in H & U.D Department vide Letter No.18997 dated 14.08.2025 has clarified that tenders are to be invited in the most open and transparent manner strictly following the OPWD Code and the Municipality Manual as revised from time to time. All the tenders are being taken up in accordance with the said clarification issued by the Govt. in H & U.D Department vide Letter No.18997 dated 14.08.2025. A copy of the said Letter dated 14.08.2025 has been annexed to the affidavit as Annexure-C/2;

(v) Regarding the "defect liability clause", as per the observations of this Court and keeping in view the affidavit submitted by the Superintending Engineer, R & B Division No.-I, Cuttack, it is stated that the "defect liability clause" for a period of 03 (Three) years will be incorporated in all original works/new works executed by CMC, after approval of the Council of the Corporation, because of the estimated cost of the project has to be increased for incorporating the "defect liability clause" for a period of 03 (Three) years. However, in general, the defect liability period in case of item rate/L.S contract are



kept 01 (One) year and in case of Percentage rate Contract, it is kept 06 (six) months as per Works Department;

(vi) *It is stated that for ensuing Durga Puja, Cuttack Municipal Corporation has already identified the list of roads for taking necessary steps for repair/renovation of all such damaged roads and it will be completed before Durga Puja;*

(vii) Regarding submission of the details of the works of the roads executed during the last Durga Puja, 2024 and the present condition of the said roads, all the Junior Engineers and Assistant Engineers of all the Wards have been instructed to prepare and submit the information in details regarding the expenditure incurred for the roads in the previous year, i.e. during the last Durga Puja, 2024 and the present condition of the said roads. In this regard, the City Engineer in the affidavit, it is stated that the information in details is to be prepared for all the 59 Wards of Cuttack Municipal Corporation for which some more time is required and prayed to grant four weeks' time to prepare and submit the aforementioned information in details.

The learned Advocates' Committee seriously disputed the affidavit filed by the City Engineer particularly with reference to (vi) above. They placed



before us some photographs relating to the non-functioning of street lights, damaged roads in Sector-13, ward no.3, which are taken on record and copy of the same has also been handed over to the learned counsel for the CMC. Another memo has been filed indicating the photographs of different road conditions in Khapuria, Nuapada, Nuabazar, Press Chaka, OMP and Jobra as published in the local news daily and we are told that these roads are under the jurisdiction of R & B Division Nos.I & II.

It is a matter of concern that although in paragraph (vi) of the affidavit filed by the City Engineer, it is stated that Cuttack Municipal Corporation has already identified the list of roads for taking necessary steps for repair/renovation of all such damaged roads, list thereof is conspicuously not annexed to the affidavit.

This Court is of the prima facie view that such nondisclosure is a brazen attempt to escape scrutiny.

Let such list be placed on record by the City Engineer on the next date. The City Engineer shall also place on record the list of roads ward-wise which have been left out by the CMC, which according to the CMC do not require for the upcoming Durga Puja.

The Superintending Engineers of both the Divisions appearing through virtual mode have assured



this Court that the road repairing works would be completed within two to three days.

Ms. Kirandeep Kaur Sahota, IAS, Commissioner, CMC appears through virtual mode and stated that she has been informed by the Engineers attached to different wards that 90% of the road repairing works have been completed and the rest of the works would be completed very soon.

However, the learned members of the Advocates' Committee submitted that in some wards, road repair works have not started and it would never be possible to complete it prior to Durga Puja and it is further stated that the City Engineer by filing an affidavit regarding the road repairing completion work prior to Durga Puja has tried to mislead the Court and it is also submitted that the CMC Commissioner is not being properly apprised by the Engineers relating to the status of road repairing work.

This Court is pained and shocked at the lackadaisical manner in which the City Engineer, CMC has filed the affidavit just to mislead this Court and the way Engineers attached to CMC are not giving proper data to the Commissioner, CMC.

The disparity between the state of repair of roads as claimed and the ground reality which is tell-tale



is more like a chasm than a minor gap, would be an understatement.

This Court expects Commissioner, CMC/ V.C. CDA as well as the Superintending Engineers, R & B, Division Nos.I & II shall visit different wards of Cuttack City at the earliest and verify the road conditions, which are under their respective jurisdictions and take immediate steps for repairing the same so that people would not face any inconvenience during the upcoming festivals.

List this matter on 09.10.2025.

On the said date the City Engineer, Executive Engineer(s), Assistant Executive Engineer(s) and JE(s) of CMC and Superintending Engineers, R & B, Division Nos.I & II, shall remain present in Court in person.

Necessary communication in this regard shall be made by the Registry.

List this matter on 09.10.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

(D) ILLUMINATION OF STREET LIGHTS/



**STREET LIGHTS NOT FUNCTIONING IN
DIFFERENT AREAS UNDER CMC**

333-D.
25.09.2025

When this issue was taken up on 04.09.2025, learned counsel for the CMC produced the compliance report of the CMC dated 03.09.2025, wherein it was stated that all the street lights which have been pointed out by the learned Advocates' Committee, are now meanwhile made functional, except the street lights in Ward No.55, i.e. from Kanheipur Primary School to Bhadimula on Mahanadi River Embankment Road and accordingly, the learned counsel for the CMC was called upon to apprise this Court about the status of functioning of street lights in Ward No.55.

Learned counsel for the CMC has produced the compliance report dated 24.09.2025 of the City Engineer, CMC, wherein it is stated that regarding erection of 70 nos. of LT Line Poles in Ward No.55 i.e. from Kanheipur Primary School to Bhadimula on Mahanadai River Embankment road, the same has already been approved in the last Council of CMC i.e. on 12.09.2025 and steps are being taken to prepare the estimate for the said work, which will be placed for administrative approval by the Commissioner, CMC. After administrative approval, the e-tender will be floated by following due procedure for execution of the said work.



The compliance report dated 24.09.2025 of CMC is taken on record.

List this matter on 06.11.2025.

Learned counsel for the CMC shall apprise this Court about the status of e-tender by the next date.

(E) CHECKING SELLING/ DISTRIBUTION OF CONTAMINATED AND ADULTERATED FOOD

333-E.
25.09.2025

As per order no.312-E dated 04.09.2025, learned counsel for the CMC has produced the compliance report dated 24.09.2025 of the City Engineer, CMC, wherein it is stated as follows:

(i) Regarding the availability of a permanent Mobile Food Testing Laboratory (MFTL) during the Puja season, it is stated that the Commissioner of Food Safety has already been requested vide Letter No. 3220/HO,CMC, dated 28.08.2025 to take necessary action in the matter. A copy of the said letter dated 28.08.2025 has been annexed to the compliance report as Annexure-1. However, since only one Mobile Food Testing Laboratory is available for the entire State, which comprises 30 districts and 6 local bodies, it can be spared for a maximum of four days during the festive season;



(ii) The Director Food Safety, Odisha vide Letter No.1001/CFS dated 01.09.2025 has informed that a proposal has been made for the procurement of 13 Mobile Food Testing Laboratories in collaboration with FSSAI, New Delhi. The technical specifications are currently under the process of finalization. After procurement, these Mobile Food Testing Laboratories will be deployed under the MoU work plan. Accordingly, necessary arrangements will be made to ensure the availability of one permanent Mobile Food Testing Laboratory for Cuttack Municipal Corporation and Cuttack district. A copy of the letter dated 01.09.2025 of the Director Food Safety, Odisha has been annexed to the affidavit as Annexure-2;

(iii) In view of the ongoing festive season, special enforcement drives are being carried out in food establishments to ensure public health and safety. During the inspections, stale and food items were destroyed on the spot to prevent their consumption. Penalties were imposed on violators as per the food safety rules and regulations. Copies of the photos taken during the enforcement have been annexed to the compliance report as Annexure-3. The enforcement teams have also been instructed to continue strict monitoring in order to maintain food safety standards and protect consumers



during the festive period;

(iv) In this connection, it is stated that in the meantime, enforcement drive has been conducted in view of the upcoming Festive Season and approximately 20 quintals of stale food items, including paneer, chicken, momos and biryani were destroyed on the spot and a fine of Rs.94,500/- was collected from violators for non-compliance under the provisions of the Food Safety Act for the period from April 2025 till 23.09.2025. In this regard, the report of the Health Officer, CMC has been annexed to the compliance report as Annexure-4.

List this matter on 09.10.2025.

Learned counsel for the CMC shall apprise this Court regarding availability of one permanent Mobile Food Testing Laboratory for Cuttack Municipal Corporation and Cuttack district.

CHAULIAGANJ PRIMARY SCHOOL, I.A. NO.10283 OF 2024 & I.A. NO.10709 OF 2025

334.
25.09.2025

As per order no.316 dated 04.09.2025, learned counsel for the CMC has produced the compliance report dated 24.09.2025 of the City Engineer, CMC, wherein it is stated that on 04.09.2025, the Commissioner, Cuttack Municipal Corporation along with the Engineers of CMC and learned Members of the Advocates' Committee of Ward No.42 visited the Chauliaganj Primary School. The



Teacher of the said School and some local people were also present during the said visit.

At the time of the visit, it is observed that the entire School Campus is situated on a low lying area and the floor of the School is one feet below the existing road. Similarly, the drainage network cannot be connected to the Main Drain since it is passing through the private land. During the visit, the matter was discussed with school teacher, learned Advocate and the local people present at the time of enquiry and as per their suggestions, one more 01 HP Electric Pump has been installed inside the School to pump out the water from the School Campus to the existing Pumping Point, i.e. 05 HP Diesel Pump which was previously installed near the School Boundary, for further pumping to the existing pond (private pond), which is about 30 Mtrs. away from School Boundary. This Electric Pump will be easily operated by the School authority as and when required.

This Court expects that the requirements for operating the electric pump installed inside the School premises shall be provided to the School Authority in time.

(S.K. Sahoo)
Judge

(V. Narasingh)



Judge

**ABSENCE OF STREET LIGHT AND TRAFFIC CONTROL
IN THE ROAD LEADING FROM JOBRA UP TO BIRIBATI
TARINI TEMPLE**

335.
25.09.2025

As per order no.324 dated 18.09.2025, learned counsel for the CMC has produced the compliance report dated 24.09.2025 of the City Engineer, CMC, wherein it is stated that regarding installation of Street Light/Solar Light on the left embankment of Taladanda Canal from OMP Over bridge running from NH-16 Junction to Nuabazar Flyover, 25 nos. of 125 Watt Flood Lights have been installed in the 11 KV Poles with stringing of service wire on the above road and the same are now functional.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

**NEWS ITEMS PUBLISHED IN DAILY NEWSPAPER
RELATING TO AIR POLLUTION IN CUTTACK CITY**

336.
25.09.2025

When this issue was taken up on 11.09.2025, a news published on 10.10.2025 in the vernacular daily under the heading of "**NIYANTRANA BAHARE PRADUSANA - ABETHU DHULI DHUANARE ANANISHWASI**" (Pollution out of control, an



unbreathable condition due to dust and smoke) was brought to the notice of this Court and the Regional Officer was called upon to file an affidavit indicating specific steps taken from January 2025 onwards against the individuals/authorities/ industries who are responsible for creating air pollution in Cuttack City, the monitoring activities of the Regional Office to ensure compliance of environmental regulations and number of cases instituted, if any, during such period in connection with violation of environmental norms.

Er. Rashmita Priyadarshini, Regional Officer, State Pollution Control Board has filed an affidavit dated 23.09.2025, wherein it is stated as follows:

(i) The Regional Office, SPCB has received 08 complaints since January 2025 to till date. Letter has been issued to CMC for 04 complaints to take necessary action for environmental compliance, direction has been issued to 02 industries and 02 complaints have been resolved. This fact may be evident from the chart indicating the details of the public complaints and the action taken therein by the Board including the letters issued to the CMC/industries have been annexed to the affidavit as Annexure-A series;

(ii) The Regional Officer of the Board, keeping in view the directions and observations made by this



Court in the order dtd.11.09.2025, has also issued letter dtd.20.09.2025 to the CMC requesting therein to take action against individuals/ authorities/ industries who are responsible for creating air pollution in Cuttack city, due to improper handling and disposal of solid waste, violating the provisions of Solid Waste Management Rules, 2016. A copy of the letter dtd.20.09.2025 has been annexed to the affidavit as Annexure-B;

(iii) It is further stated in the affidavit that the status of ambient air quality of Cuttack city during 2022 to 2024 and the action taken by the Board is given as follows:

Year	AQI result	Category	Action taken by the Board
2022	102	Moderate	A letter was issued to Cuttack Municipal Corporation (CMC) vide Board's letter No. 2100, dtd.13.02.2023 to take necessary steps to control air pollution w.r.t. Particulate Matter and bring the air quality from moderate to good category. Copy of the letter is enclosed here with as <u>Annexure-C.</u>



2023	104	Moderate	<p>A letter was issued vide Board's letter No. 5193, dtd.05.04.2024 to the following authorities to improve the air quality from moderate to good category. Copy of the letter is enclosed here with as <u>Annexure-D.</u></p> <ol style="list-style-type: none"> 1. The Additional Chief Secretary, Forest, Environment and Climate Change Department. 2. The Additional Chief Secretary, Housing and Urban Development Department 3. The Commissioner- cum- Chairman, State Transport Authority.
2024	92	Satisfactory	<p>A letter has been issued to Cuttack Municipal Corporation (CMC) vide Board's letter No. 6338, dtd.27.03.2025 to take necessary steps to control air pollution w.r.t. Particulate Matter and bring the air quality from satisfactory to Good category. Copy of the letter dtd.27.03.2025 is enclosed here with as <u>Annexure-E.</u></p>

AQI value	0-50	51-100	101-200	201-300	301-400	>401
Category	Good	Satisfactory	Moderate	Poor	Very	Severe

(iv) It is further stated in the affidavit that the day wise Air Quality Index of Cuttack City from 1st January-2025 to 21st September-2025 (Copy enclosed as Annexure-F) monitored through Continuous Ambient Air Quality Monitoring Station (CAAQMS) indicates that the



result of AQI was Good for 75 days, Satisfactory for 104 days, Moderate for 70 days, Poor for 12 days and Very Poor for 1 day only;

(v) It is further stated in the affidavit that SPCB is publishing Monthly Air Quality Bulletin every month in which monthly AQI data of every month of current year i.e. 2025 is compared with the monthly AQI data of previous year i.e. 2024. It has been observed that the AQI result of Cuttack City in 2025 (from January to August) has been improved as compared to Air Quality Result in 2024 (January to August). The Monthly Air Quality Bulletin is also available in SPCB website for public dissemination;

(vi) It is further stated in the affidavit that apart, learned NGT, PB, New Delhi is monitoring the implementation of the Municipal Solid Waste (Management & Handling) Rules, 2016 and other environmental issues by different States including Odisha vide OA No.606/2018, which is pending for hearing. The matter in respect of State of Odisha was last taken up for hearing on dtd.18.07.2025 and adjourned to 25.09.2025 for filing fresh affidavit by the Chief Secretary, State of Odisha;

(vii) It is further stated in the affidavit that as per the order of the learned National Green Tribunal (NGT) passed on October 2018 in OA No.606/2018, the



Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, has included 130 cities across the country under the National Clean Air Program (NCAP) including seven cities of Odisha, Bhubaneswar, Cuttack, Rourkela, Angul, Talcher, Kalinga Nagar, and Balasore. The objective of NCAP is to reduce PM₁₀ concentrations by up to 40% by 2026, compared to the baseline levels of 2019. City-level action plans have been developed and approved by the Central Pollution Control Board (CPCB). The implementation of these action points is being carried out by the respective Urban Local Bodies (ULBs) and regulated by the State Pollution Control Board including Cuttack City;

(viii) It is further stated in the affidavit that under National Clean Air Program (NCAP), MoEF&CC has given Rs.24.76 Crore funds to CMC phase wise during 2019-2025 for improvement of air quality of Cuttack City by implementing different measures. With this fund, CMC has purchased a road sweeping machine, Road paving work has been done, constructed a crematorium and made Capacity building and public outreach activities. SPCB has installed a Continuous Ambient Air Quality Monitoring Station (CAAQMS), conducted Source Apportionment and Emission Inventory studies and Hotspot Study of CMC area and made Capacity building and public outreach activities with this fund;



(ix) It is further stated in the affidavit that the Municipal Solid Waste Management & Handling Rules, 2000 has been superseded with the rules called the Solid Waste Management Rules, 2016. The said rule deals with the duty and responsibility of the State Pollution Control Board (Rule 16). The said rule also deals with the duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomeration (Rule 15). In addition to this section 336-344 of the Orissa Municipal Corporation Act, also deals with the duties of corporation in respect of solid waste management and handling;

(x) It is further stated in the affidavit that the above Rules have been framed under the provisions of Environment (Protection) Act, 1986. By virtue of the "The Jan Vishwas (Amendment of Provisions) Act, 2023" the Environment (Protection) Act, 1986 has been amended and the penal provision has been converted into penalty to be imposed by the Adjudicating Officer i.e. Secretary in charge of Environment Department of the State Government (section 15 & 15C of the amended act) as such prosecution cannot be instituted or filed w.e.f. 01.04.2024 when the Environment (Protection) Amendment Act by virtue of Jan Vishwas Act, 2023 has come into force. However in case of default by making payment of penalty prosecution can be filed under section



19 of the E(P), Act against the violator by the Central Government or any authority or Officer authorised in this behalf by that Government/Adjudicating Officer as the case may be (section 15F). Further the order of the adjudicating officer is also appealable before the NGT.

The affidavit dated 23.09.2025 of the Regional Officer is taken on record.

The Regional Officer, State Pollution Control Board places the letter which she has addressed on 20.09.2025 to the Commissioner, CMC wherein it is mentioned that after receipt of the complaint regarding air pollution, they inspected and found that road dust and garbage were deposited at several locations in the CMC area causing air pollution in the surrounding areas and the copy of the public complaint along with the inspection report is also stated to be annexed to the letter dated 20.09.2025.

Request has been made by the Regional Officer to the CMC Commissioner to take necessary steps immediately to clean and lift the dust and garbage deposited on the road regularly and to stop unauthorized dumping of garbage on road to improve the air quality in the Cuttack city.

The Regional Officer further stated that no response has been received from the CMC Commissioner.

The CMC commissioner appearing through



virtual mode said that she has received the letter dated 20.09.2025 from the Regional Officer and on the next date, she will apprise this Court about the action taken on such report.

With reference to paragraph (ii) of the affidavit filed by the Regional Officer, State Pollution Control Board, Cuttack, this Court directs the Commissioner, CMC to place on record the details of sanitation arrangements in Cuttack City, whether sanitation is outsourced and the amount spent on sanitation every month. If sanitation activities including desilting of drains and garbage disposal are outsourced, then the names of the outsourcing agencies be provided and the respective contract amount for each agency be given. Details of how the performance of such agencies are regulated and evaluated must also be placed on record.

List this matter on 16.10.2025

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge