

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5394 of 2012

Hindalco Industries Limited & Petitioners
Another

Mr. S.P. Misra, Sr. Advocate with
Mr. B.C. Mohanty, Advocate

-versus-

The State Pollution Control Board, Opposite Parties
Odisha & Others

Mr. Bikram Pratap Das, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE M. S. RAMAN

ORDER
12.12.2022

Order No.

05. 1. The challenge in the present petition is to demand raised by the State Pollution Control Board on 27th February, 2012 imposing of penalty by declaring anode butt as non-hazardous waste.
2. As pointed out by the learned counsel appearing for the Pollution Control Board, by virtue of the judgment of the Supreme Court in ***Bhopal Gas Peedith Mahila Udyog Sangathan & Others v. Union of India & Others; (2012) 8 SCC 326***, the issue raised in the writ petition can well be raised before the National Green Tribunal (NGT), Kolkata Bench.
3. If the Petitioner approaches the NGT not later than 1st February, 2023, then the delay on account of the pendency of the present

petition will be taken into account by the NGT while considering the question of delay. If the petition/ appeal is filed within the stipulated period, then till such time the NGT passes an order on the application for interim reliefs, the interim order passed by this Court on 3rd April, 2012 will continue.

4. The Court clarifies that it has not expressed any view in the matter. The writ petition is disposed of in the above terms.



(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge

AKS/Laxmikanta