

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.25566 Of 2021
(Through hybrid mode)**

Chanchera Majhi

....

Petitioner

Mr. Rabinarayan Mishra, Advocate

-versus-

State of Orissa and others

....

Opposite Parties

Mr. S.N. Das, ASC

Mr. Tanmay Mishra, Advocate

Mr. B.P. Das, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
12.07.2022**

Order

No.

5.

1. Mr. Rabinarayan Mishra, learned advocate appears on behalf of petitioners and submits, the writ petition is with regard to letter dated 12th October, 2018 issued by a Senior Environment Scientist of State Pollution Control Board, Odisha directing Vedanta Alumina Limited as stated therein and had required action taken report to be submitted within 15 days, failing which consent to operate granted in favour of the company shall be revoked without further intimation. He submits, there has been no follow up. Hence, Court has been moved.

2. He refers to disclosure in counter filed by the Pollution Control Board (PCB/opposite party no.3). He submits with reference to consent order, the special conditions have not been complied with.

3. Mr. Tanmay Mishra, learned advocate appears on behalf of opposite party nos. 4 to 6 and submits, subsequent to letter dated 12th October, 2018 his clients have complied with the special conditions, to satisfaction of opposite party no.3.

4. Mr. Das, learned advocate appears on behalf of opposite party no.3 (PCB) and refers to his client's preliminary counter to submit, inspection report dated 21st March, 2022 has been disclosed. The Assistant Environment Scientist and Regional Officer have reported substantial compliance. He submits, the report gives in detail the compliance. Mr. Rabinarayan Mishra replies by drawing attention to recommendation in said inspection report, conditions were imposed. The conditions are not being complied with.

5. Prayer in the writ petition is for direction upon the company to implement several directions made by PCB on its communication dated 12th October, 2018 and for direction upon it to revoke consent to operate, granted to opposite party no.6. Court has perused said inspection report dated 21st March, 2022, based on which on behalf of PCB there has been submission that the consent was not revoked. Petitioner, however, alleges there has been omission on part of opposite party no.6. Order should be made in terms of prayers.

6. Petitioner sought implementation of directions given by PCB in its said letter dated 12th October, 2018. The letter required action taken report to be submitted, failing which consent to operate could be revoked. PCB thereafter caused inspection and says there has been substantial compliance. The consent stands renewed. In the circumstances, scope of the writ petition appears to have been worked out. In event petitioner is aggrieved, the grievance has to be directed against the inspection report. That would require petitioner to mount substantial challenge against it.

7. With the above, the writ petition is disposed of.

(Arindam Sinha)
Judge

Sks