

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.165/2023/EZ
(I.A No. 17/2024/EZ & I.A No. 18/2024/EZ)

With

Original Application No.04/2024/EZ

Sudhansu Sekhar Patra & Ors.

Applicant(s)

Versus

Odisha State Pollution Control Board & Ors.

Respondent(s)

With

Sudhansu Sekhar Bastia & Ors.

Applicant(s)

Versus

Odisha State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 08.02.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Amicus Curiae (in Virtual Mode)

For Respondent(s): Mr. Dipanjan Ghosh, Advocate for R-1,
Ms. Saswata Patnaik, AGA, Advocate for R-2,
Mr. Ashok Prasad, Advocate for R-3, (in Virtual Mode)
Ms. Rashmi Singhee, Advocate for R-4, (in Virtual Mode)
Ms. Aparajita Rao, Advocate for R-8,
Mr. Sanwal Tibrewal, Advocate for R-12,

(in O.A. No.04/2024/EZ)

For Applicant(s) : Mr. Soumya Banerjee, Advocate a/w
Ms. Mithu Bhattacharya, Advocate

ORDER

1. Mr. Soumya Banerjee assisted by Ms. Mithu Bhattacharya, learned Counsel has put in appearance on behalf of the Applicants and states that he will file his Vakalatnama within 48 hours. Let the Vakalatnama be e-filed within 48 hours. When the case is next listed,

the name of Mr. Soumya Banerjee along with Ms. Mithu Bhattacharya shall be printed in the cause-list as Counsel for the Applicants.

2. Mr. Dipanjan Ghosh, learned Counsel files Vakalatnama on behalf of the Respondent No.1, State Pollution Control Board, Odisha.
3. Ms. Aparajita Rao, learned Counsel has filed Vakalnama on behalf of the Respondent No.8, Utkal Metalics Limited; the same is taken on record.
4. Mr. Sanwal Tibrewal, learned Counsel has filed Vakaltnama on behalf of the Respondent No.12, Agrasen Sponge Iron Pvt. Ltd.; the same is taken on record.
5. When the case is next listed, the names of Ms. Aparajita Rao and Mr. Sanwal Tibrewal shall be printed in the cause-list as Counsel for the Respondent Nos.8 and 12.
6. Ms. Aparajita Rao and Mr. Sanwal Tibrewal, learned Counsel state that they will also represent the Respondent Nos.5, 6, 9, 10, 11, 13, 14 & 15 and will file their Vakalatnamas within one week. Learned Counsel pray for and are granted four weeks time for filing counter-affidavits.
7. Learned Counsel for the parties point out that the name of the Applicant should be 'Sudhansu Sekhar Bastia' which has wrongly been mentioned as 'Sudhansu Sekhar Patra' in the cause-title of the present Original Application.
8. The Office of the Tribunal is directed to make necessary corrections in the cause-title of the present Original Application to show the name of the Applicant as 'Sudhansu Sekhar Bastia' in place of 'Sudhansu Sekhar Patra'.

9. Ms. Rashmi Singhee, learned Counsel is present (in Virtual Mode) for the Respondent No.4, Ministry of Environment, Forests and Climate Change. However, we find that at this stage the Ministry of Environment, Forests and Climate Change is not a necessary party to the present proceedings. In place of Respondent No.4, it should be the Principal Secretary, Department of Environment, Forests and Climate Change, Bhubaneswar, Odisha.
10. The Office of the Tribunal is directed to correct the title of Respondent No.4 to read as 'Principal Secretary, Department of Environment, Forests and Climate Change' in place of 'Ministry'.
11. Ms. Saswata Patnaik, learned Additional Government Advocate appearing (in Virtual Mode) states that she is representing the State Respondents in the present case. She prays for and is granted four weeks time for filing counter-affidavit along with Vakalatnama.
12. The registered notice which was sent to the Respondent No.7, Shri Bajrangbali Steel, has been returned with the postal remark that 'no such addressee is found at Kalunga'.
13. Ms. Aparajit Rao, learned Counsel informs that there is no such entity as Shri Bajrangbali Steel in Kalunga.
14. The Counsel for the Applicant shall verify the correct address of Respondent No.7, Shri Bajrangbali Steel, and provide the same to the office of the Tribunal before the next date of listing.
15. **List on 12.03.2024.**

(I.A. No.17/2024/EZ):-

1. This I.A. has been filed by the Respondent No.8, Utkal Metallica Limited, praying for four weeks time for filing counter-affidavit.
2. Time as prayed is granted.
3. The I.A. No.17/2024/EZ is accordingly disposed of.

(I.A. No.18/2024/EZ):-

1. This I.A. has been filed by the Respondent No.12, Agrasen Sponge Pvt. Ltd., also praying for four weeks time for filing counter-affidavit.
2. Time as prayed is granted.
3. The I.A. No.18/2024/EZ is accordingly disposed of.

(Original Application No.04/2024/EZ):-

1. Mr. Soumya Banerjee assisted by Ms. Mithu Bhattacharya, learned Counsel for the Applicant points out that the present Original Application No.04/2024/EZ is absolutely identical in content to Original Application No.165/2023/EZ and that the Original Application No.165/2023/EZ was taken up *suo motu* on a complaint of the same Applicant whereas the Original Application No.04/2024/EZ has been filed subsequently by the Applicant.
2. Mr. Soumya Banerjee learned Counsel for the Applicant, therefore, prays that the present Original Application No.04/2024/EZ may be dismissed as not pressed and the Original Application No.165/2023/EZ may proceed.
3. We accordingly dismiss the Original Application No.04/2024/EZ as not pressed.
4. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

February 08, 2024,
Original Application No.165/2023/EZ
(I.A No.17/2024/EZ & I.A No.18/2024/EZ)
With
Original Application No.04/2024/EZ
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