

W.P.(C) No. 9288 of 2016

25.05.2016 Heard Mr. S.K.Das, learned counsel for the petitioner and Mr. P.K. Muduli, learned Addl. Standing Counsel for the State.

The petitioner has filed this petition seeking to quash the order dated 11.05.2016 passed by the Regional Officer, State Pollution Control Board, Odisha, by which it has been called upon to deposit penalty/environmental compensation to the Board by 10th June, 2016.

Mr. S.K.Das, learned counsel for the Petitioner at the outset does not want to press the prayer made in the writ petition but at the same time he states that the order dated 11.05.2016 has been passed without giving any opportunity of hearing and the petitioner will work out its remedy before the appropriate forum ventilating its grievance. He further submits that since the National Green Tribunal will be closed due to summer vacation with effect from 2nd June, 2016, the petitioner may not be able to get an opportunity to approach the very same forum ventilating its grievance within such stipulated time. Since the petitioner has been called upon to deposit the penalty/environmental compensation amount by 10th June, 2016, in the event of deposit of said amount, its claim before the appropriate forum would become infructuous.

Mr. P.K. Muduli, learned Addl. Standing Counsel for the State raises preliminary objection with regard to maintainability of the writ petition in view of the fact that there is alternative remedy available for the petitioner to ventilate its grievance.

Having heard learned counsel for the parties and after going through the records, since there is alternative remedy available, this Court is not inclined to entertain this petition. However, considering the grievance made by the petitioner, since the alternative forum i.e. National Green Tribunal is going to be closed w.e.f. 2nd June, 2016 on account of summer vacation and the petitioner is called upon to deposit the penalty/environmental compensation by 10th June, 2016, and there being no time to pursue the remedy before the appropriate forum, this Court is of the considered view that in order to give an opportunity to the petitioner to ventilate its grievance before the appropriate forum, time for depositing the penalty/environmental compensation is extended till 5th July, 2016. In the meantime, the petitioner may work out its remedy, if it is so advised.

With the above observation and direction, the writ petition stands disposed of.

Dr. B.R. Sarangi, ...

Vacation Judge

Ajaya

