

APPEAL NO. 4A OF 2009

1. 20.06.2009 Heard Shri Biswajit Mohapatra, learned counsel for the appellant.

The aforesaid appeal has been filed by one Shri Birabar Sahoo of village Rampei under Khuntuni P.S. of Cuttack district, challenging the consent given by the State Pollution Control Board, Orissa, to M/s. Maheswari Ispat Pvt. Ltd. under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 to establish a sponge iron plant, vide Annexure-1.

On going through the appeal memo., we find that the present appellant was an intervenor to the writ petition being W.P. (C) No.16405 of 2007, which was filed by Khuntuni Rampei Paribesh Surakhya Committee representing the affected persons of the locality, and the said writ petition was disposed of by the Hon'ble High Court of Orissa by its order dated 12.8.2008 giving liberty to the petitioner therein or any other villagers to file an application to prevent the pollution with sufficient proof thereof and in that event the statutory authorities may proceed in accordance with law and dispose of their grievances expeditiously after giving an opportunity of hearing to respondent no.1, i.e., industrial unit.

Learned counsel appearing for the present appellant submits that pursuant to the aforesaid order the appellant has already filed an application before the statutory authority. If that be so, this appeal is not maintainable and it is open to the appellant to pursue the matter pending before the statutory authority.

The appeal is thus not maintainable and is accordingly dismissed.

..... Sd/-.....
Justice B.P. Das,
Chairman

..... Sd/-.....
Prof. G.B. Behera,
Member

..... Sd/-.....
Dr. C.R. Mohapatra,
Member

