

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25393 of 2023

*Re Sustainability Limited .... Petitioner*  
*formerly known as Ramky*  
*Enviro Engineers Limited*

Mr. R. P. Kar, Senior Advocate  
assisted by Mr. R. Satapathy and Mr. D. Hazra, Advocates

-versus-

*Union of India and others .... Opposite Parties*

Mr. P. K. Parhi, Deputy Solicitor General of India  
for Opposite Parties 1, 3 and 6 and  
Mr. P. K. Muduli, AGA for State-O.P. No.2

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE SAVITRI RATHO**

**ORDER**  
**16.08.2023**

**Order No.**  
07.

1. This matter is taken up through hybrid mode.
2. The appearance memo produced in Court today by Mr. Rudra Prasad Kar, learned Senior Counsel appearing for the Petitioner is taken on record.
3. Heard Mr. R. P. Kar, learned Senior Advocate assisted by Mr. R. Satapathy and Mr. D. Hazra, learned counsel for the Petitioner, Mr. P. K. Parhi, Deputy Solicitor General of India for Opposite Parties 1, 3 & 6 and Mr. P. K. Muduli, learned Additional Government Advocate (AGA) for the State-Opposite Party No.2.

4. It has been stated by Mr. Kar, learned Senior Counsel that in terms of the Supreme Court's order, an agreement has been entered into between the Orissa Industrial Infrastructure Development Corporation (IDCO) and Ramky Enviro Engineers Limited (the Petitioner herein) for setting up of Common Integrated Hazardous Waste Treatment, Storage and Disposal Facility at Village-Lakhanpur, Jharsuguda District and for this purpose, an area of land measuring 63.30 Acre in Plot No.1351/5662 over Khata No.277 (AJA) of the village Lakhanpur has been earmarked for the Petitioner. The public hearing, according to Mr. Kar, learned Senior Counsel, could not take place for the intervening pandemic situation. In the meanwhile, the Opposite Party No.8 namely M/s. Utkal Innovation has come up with a similar project in a different place at Mouza Paramanpur, Plot No.326/3685(P) over Khata No.265 (rakhit). The Petitioner's only apprehension is that whether their project has been abandoned by the IDCO or not. As we understand, the root of this apprehension is that whether two such facilities are required in the same District or not. In this regard, we need to have the response of the Opposite Party No.5-IDCO in particular. That apart, a report shall be filed by the Tahasildar, Jharsuguda whether the land, as described herein above, has been

surveyed and demarcated or not. Since the two projects are supposed to come up in two different locations, to avoid any conflict, we direct the Odisha State Pollution Control Board- Opposite Party No.4 not to hold the public hearing in respect of the land relating to the project of the Opposite Party No.2 before the next date.

5. Issue notice, returnable on 31<sup>st</sup> August, 2023.

6. Since Mr. P. K. Parhi, learned Deputy Solicitor General of India (DSGI) and Mr. P. K. Muduli, learned AGA appear for Opposite Parties 1, 3 & 6 and O.P. No.2 respectively and waive notice for them, no formal notice is called for in respect of those Opposite Parties. Let two extra copies of the writ petition be supplied by Mr. Hazra, learned counsel for the Petitioner to Mr. Parhi, learned DSGI in course of the day.

7. The Petitioner shall take steps for service of notice on Opposite Parties No.4, 5, 7 and 8 by Speed Post with A.D. in course of the day.

8. Let the matter be listed on 31<sup>st</sup> August, 2023.

9. Issue urgent certified copy of this order as per rules.

10. Free copies of this order be supplied to Mr. Hazra, learned counsel for the Petitioner and Mr. P.K. Muduli, learned AGA in course of the day.

*(S. Talapatra)*  
*Chief Justice*

*(Savitri Ratho)*  
*Judge*

*M. Panda*

