

Item No.04

Court No.1

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

Original Application No.14/2026/EZ
(I.A. No.20/2026/EZ)

Dillip Kumar Samantaray

Applicant

Versus

State of Odisha & Ors.

Respondents

Date of hearing: 23.03.2026

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Applicant: Mr. Akhand, Advocate for the applicant (through VC).

Respondents:Mr. Utkarsh Chandra, Advocate for respondents no.1 to 4
(through VC).

Mr. Dipanjan Ghosh, Advocate for respondent no.5 (through VC).

Mr. Ashok Prasad, Advocate for respondent no.7 (through VC).

Mr. Sanjay Upadhyay, Senior Advocate with Ms. Mansi Bachani,
Ms. Geetanjali Sanyal and Mr. Anubhav Anand, Advocates for
respondent no.8 (through VC).

ORDER

1. We have heard the learned Senior Counsel, Mr. Sanjay Upadhyay for respondent no.8, M/s Vedanta Limited (Alumina Refinery Unit), who on the previous date had opposed this Original Application on the point of admissibility alleging that the proceedings in the present case are time-barred because the alleged breach of overflow of red mud pond/process water lake happened on 15.09.2024, while the present original application is being filed in the year 2026. Therefore, the same is much after 26 months and hence, it should be treated to be as time-barred at the very outset.

2. On the other hand, on this point, the learned counsel for the applicant has pointed out that the respondent no.8 has caused enormous

environmental damage due to breach and overflow of its red mud/process water lake on 15.09.2024 which incident led to uncontrolled release of highly alkaline, toxic red mud-laden wastewater into surrounding agricultural lands which ultimately flowed into Bansadhara River which is primary lifeline for tribal and rural communities in Kalahandi and Rayagada Districts.

3. It is also submitted the inspection conducted by the Odisha State Pollution Control Board- respondent no.5 confirms the breach of the dyke wall, failure of containment systems and spread of contaminated runoff.

4. The attention is drawn to the direction issued by the Odisha State Pollution Control Board under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 which is annexed at page no.24 of the paper book, therefore, following observations were made:-

“1. A breach of 15m width in the dyke of PWL occurred at 2.00 AM on the night of 15.09.2024,

2. About 4 lakh cum of runoff water was released due to the breach of dyke of Process Water Lake which holds runoff water (caustic water having pH 10 to 12) from Red Mud facility,

3. The released runoff water from Process Water Lake (PWL) due to the dyke breach was spread over the about 20-30 acres of land (mix of barren and agricultural land) and finally falls to river Banshadhara river, which is about 900m away from the PWL,

4. The construction material of dyke i.e. big size stone and stone aggregates are carried away upto 50 m,

5. The blacktopping in some portion of the public road adjacent to PWL was affected.”

5. Having drawn attention to the said, it is submitted that since thereafter, no further action has been taken by the State Pollution Control Board and cause of action is still persisting and hence, he pleaded that the case would be covered under the continuous cause of action which is being disputed by the learned counsel for respondent no.8.

6. But at this stage, we deem it appropriate to admit this application with liberty to be granted to respondent no.8 to file a full-fledged reply thereon, for consideration of the issue of limitation on merits subsequently.

7. From the side of respondent no.1, Chief Secretary, Govt. of Odisha, respondent no.2, Additional Chief Secretary, Forest, Environment and Climate Change Department, Govt. of Odisha, respondent no.3, Collector & District Magistrate, Kalahandi and respondent no.4, Collector & District Magistrate, Raygada, Mr. Utkarsh Chandra, learned counsel has put in appearance and has received notice. Therefore, we direct them to file reply within four weeks.

8. From the side of respondent no.5, Odisha State Pollution Control Board, Mr. Dipanjan Ghosh, learned counsel has put in appearance and has received notice. We direct him to file reply within four weeks.

9. From the side of respondent no.7, Central Pollution Control Board, Mr. Ashok Prasad, learned counsel has put in appearance has received notice. We direct him to file reply within four weeks.

10. Therefore, we direct the Registry to issue notice to respondent no.6, State Environment Impact Assessment Authority, Odisha, returnable within four weeks.

11. Put up this matter for next consideration on 15.05.2026.

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Dinesh Kumar Singh, JM

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Ishwar Singh, EM

March 23rd, 2026
Original Application No.14/2026/EZ
(I.A. No.20/2026/EZ)
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