



A.F.R.

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23789 of 2026

CNR No.ODHC010571192026

(In the matter of an application under Articles 226 and 227 of the Constitution of India, 1950).

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VISA Chrome Limited (Formerly *Petitioner (s)*
VISA Steel Limited), Bhubaneswar

-versus-

Chief Secretary-cum-Chairman, ... *Opposite Party (s)*
State Pollution Control Board,
Odisha & Anr..

Advocates appeared in the case through Hybrid Mode:

For Petitioner (s) : *Mr. C.S. Vaidyanathan, Sr. Adv.*
Mr. Abhishek Dash, Adv.

For Opposite Party (s) : *Mr. Manas Ranjan Mohapatra, Sr. Adv.*
Mr. Bijoy Kumar Dash, Sr. Adv.
Mr. Susanta Kumar Mishra, Adv.

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-17.08.2026

DATE OF JUDGMENT:-09.10.2026

Dr. Sanjeeb K Panigrahi, J.

1. The Petitioner in this Writ Petition has challenged alleged arbitrariness of the Opposite Parties in the issuing of CTO dated 31.3.2026.

I. FACTUAL MATRIX OF THE CASE:



2. The petitioner is engaged in the manufacture of Ferro Chrome at its industrial unit situated at Kalinganagar Industrial Complex, Jakhapura, District Jajpur, Odisha. The dispute in the present writ petition arises out of the Consent to Operate dated 31.03.2026 issued by the Odisha State Pollution Control Board (hereinafter, "the Board"), particularly in relation to the production capacity recognised therein and the period for which the consent was granted.
3. The regulatory history of the Ferro Chrome Plant is relevant to the controversy. The petitioner was granted Environmental Clearance dated 12.06.2007 for its Integrated Steel Plant, which included a Ferro Chrome Plant having a capacity of 1,50,000 TPA. Further Environmental Clearances were issued on 03.07.2008 and 05.03.2011 in relation to expansion and configuration of the project.
4. Separately, M/s. VISA Bao Limited was granted Environmental Clearance dated 28.10.2009 for a Ferro Chrome Plant comprising 4 × 16.5 MVA furnaces, corresponding to a production capacity of 1,00,000 TPA. Pursuant to the order dated 12.10.2017 passed by the National Company Law Tribunal, Kolkata Bench, VISA Bao Limited came to be amalgamated with the petitioner. The Board thereafter issued an amendment letter dated 21.03.2018 recording the amalgamation and the operation of the unit in the name of VISA Steel Limited. The land which had earlier been leased to VISA Bao Limited was subsequently leased to the petitioner by IDCO under a Lease Deed dated 05.09.2019.

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5. The Environmental Clearance relating to the facilities of VISA Bao Limited was subsequently transferred to the petitioner on 26.02.2021 in respect of 3 × 16.5 MVA Submerged Arc Furnaces having a production capacity of 75,000 TPA. Thereafter, on 10.03.2021, the Board issued a “No Increase in Pollution Load” certificate for enhancement of the Ferro Chrome production capacity from 1,25,000 TPA to 1,50,000 TPA. The petitioner subsequently obtained successive Consents to Operate, including CTOs dated 26.03.2021, 08.07.2021, 14.02.2022, 23.05.2022 and 22.03.2023, in which the Ferro Chrome capacity was shown as 1,50,000 TPA.
6. The petitioner applied on 29.11.2024 for renewal of its Consent to Operate for a further period of two years. Consents were thereafter issued on 31.03.2025, 06.09.2025 and 22.01.2026 for shorter periods, while continuing to recognise the Ferro Chrome production capacity at 1,50,000 TPA. In the meantime, the regulatory position came under further consideration. The petitioner was granted a split Environmental Clearance dated 09.03.2026, which, *inter alia*, reflected the Ferro Chrome Plant at a capacity of 60,000 TPA. According to the petitioner, this split Environmental Clearance dealt only with the earlier Environmental Clearances dated 12.06.2007, 03.07.2008 and 05.03.2011 and did not cover the Environmental Clearance which had been transferred from VISA Bao Limited on 26.02.2021.
7. A Joint Inspection was thereafter conducted by the Board on 19.03.2026 and 20.03.2026. The inspection identified two Ferro Chrome complexes, namely Ferro Chrome Complex-I comprising 2 × 16.5

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MVA and Ferro Chrome Complex-II comprising 3 × 16.5 MVA. Complex-II was recorded as being in operation, whereas Complex-I was under shutdown. The inspection also considered various aspects relating to the physical configuration of the complexes, pollution-control measures and compliance.

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8. On 31.03.2026, the Board issued the impugned Consent to Operate, recognising the Ferro Chrome Plant at 2 × 16.5 MVA, corresponding to 60,000 TPA, and granting consent only up to 30.09.2026. The petitioner disputes both aspects of the order. Its case is that there was no basis for reducing the recognised capacity from 1,50,000 TPA to 60,000 TPA and that such reduction was inconsistent with the earlier Environmental Clearances and Consents to Operate.
9. The regulatory position changed further thereafter. On 10.06.2026, the Ministry of Environment, Forest and Climate Change issued an Amalgamated Environmental Clearance bringing together the Environmental Clearance dated 09.03.2026 and the Environmental Clearance dated 26.02.2021. The petitioner relies upon this subsequent Environmental Clearance to contend that the Ferro Chrome Plant was thereby recognised at a consolidated capacity of 1,50,000 TPA. The Environmental Clearance also directed the project proponent to obtain the requisite amendments/corrections in the Consent to Operate from the concerned Pollution Control Board.
10. On 18.06.2026, the petitioner submitted the aforesaid Environmental Clearance to the Board and sought enhancement of the Consent to Operate from 60,000 TPA to 1,50,000 TPA. A personal hearing was



thereafter afforded to the petitioner on 14.07.2026. The Board contends that questions relating, *inter alia*, to the land, physical demarcation, entity-wise regulatory position, configuration of the facilities and compliance with the applicable conditions required further consideration.

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11. During the pendency of the writ petition, the Ministry has also issued an Environmental Clearance dated 10.08.2026 in the name of VISA Chrome Limited, the petitioner herein, formerly known as VISA Steel Limited. The petitioner has placed the said Environmental Clearance on record.

12. The petitioner has also questioned the duration of the Consent to Operate. Reliance has been placed upon the Board's circulars dated 19.06.2015 and 18.06.2016 and upon the Air Pollution (Grant, Refusal or Cancellation of Consent) Amendment Guidelines, 2026, to contend that the Consent ought to have been granted for a substantially longer period.

II. SUBMISSIONS ON BEHALF OF THE PETITIONER:

13. Learned senior counsel appearing for the petitioner submits that the reduction of the recognised capacity from 5×16.5 MVA/1,50,000 TPA to 2×16.5 MVA/60,000 TPA in the Consent to Operate dated 31.03.2026 is unsupported by the regulatory history of the project. It is submitted that the higher capacity had consistently been recognised in the earlier Environmental Clearances, the Environmental Clearance transferred from VISA Bao Limited on 26.02.2021, the No Increase in



Pollution Load certificate dated 10.03.2021 and the successive Consents to Operate issued by the Board.

14. It is further submitted that the split Environmental Clearance dated 09.03.2026 neither superseded nor extinguished the Environmental Clearance transferred from VISA Bao Limited. According to the petitioner, the subsequent Amalgamated Environmental Clearance dated 10.06.2026 put the matter beyond controversy by bringing the two Environmental Clearances together and recognising the Ferro Chrome Plant at 1,50,000 TPA. The petitioner therefore submits that the Board was required to give effect to the subsequent Environmental Clearance by correcting the capacity reflected in the CTO.

15. It is also contended that, during the course of the proceedings, the Board has raised objections concerning land, water, electricity, change of name, the identity of the relevant complex and the status of the furnaces, although these matters were not reflected in the impugned CTO. The petitioner submits that such objections amount to subsequent explanations for an order which, when issued, did not disclose any adequate basis for reducing the capacity.

16. On the question of duration, it is submitted that the repeated grant of short and fragmented Consents to Operate is contrary to the Board's own circulars and the 2026 guidelines. The petitioner accordingly seeks recognition of the higher capacity and continuation of the Consent to Operate for the applicable longer period.

III. SUBMISSIONS OPPOSITE PARTY:

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17. The Board, on the other hand, submits that the dispute cannot be reduced to a correction of a numerical figure in the CTO. According to the Board, the additional three furnaces constitute a separately identified complex with its own regulatory history, and the question whether those furnaces can presently be treated as part of the configuration which the petitioner is entitled to operate requires consideration by the competent authority.

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18. It is submitted that the Consent to Operate dated 31.03.2026 was issued after a contemporaneous inspection of the plant and upon consideration of the regulatory position then obtaining. The Board relies upon the Joint Inspection conducted on 19.03.2026 and 20.03.2026, which identified the two complexes and recorded their respective operational status. It is contended that the subsequent Environmental Clearance dated 10.06.2026 may furnish material for consideration of the petitioner's request for enhancement, but could not retrospectively amend the CTO which had already been issued on 31.03.2026.

19. The Board further submits that Environmental Clearance and Consent to Operate operate in distinct statutory fields. Environmental Clearance is granted under the environmental clearance regime, whereas consent for operation of the industrial plant is required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. An Environmental Clearance recording a particular capacity, it is submitted, does not by itself amount to a Consent to Operate for that capacity.



20. The Board places particular reliance upon the requirements relating to land and physical demarcation and submits that these cannot be treated as collateral issues when the petitioner seeks to aggregate facilities which have historically been associated with different entities and different regulatory permissions. It is also pointed out that, after obtaining the Amalgamated Environmental Clearance, the petitioner itself approached the Board seeking enhancement of the CTO.

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21. The Board submits that the writ petition, insofar as it seeks a direction to issue a CTO for 1,50,000 TPA, would require the Court to undertake, in the first instance, a technical and regulatory determination which falls within the domain of the Board and does not come within the scope of this Court's writ jurisdiction.

IV. ISSUE FOR CONSIDERATION AND ANALYSIS

22. Having considered the pleadings and the submissions advanced, the principal question which arises for consideration is:

Whether, in exercise of jurisdiction under Article 226 of the Constitution, this Court can direct the State Pollution Control Board to recognise and permit operation of the petitioner's Ferro Chrome Plant at 5 × 16.5 MVA/1,50,000 TPA on the strength of the Environmental Clearances and earlier Consents to Operate, or whether the question of such enhanced operation is required to be considered in the first instance by the statutory authority in accordance with the governing environmental laws?

A. The nature of the jurisdiction under Article 226

22. The jurisdiction exercised by the High Court under Article 226 is neither appellate nor confined to cases where there is no



administrative discretion. At the same time, the Court does not ordinarily assume the role of the statutory authority and make, in the first instance, a determination which the statute has entrusted to that authority.

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23. The starting point remains *Tata Cellular v. Union of India*¹. The Hon'ble Supreme Court, while explaining the limits of judicial review, observed:

"The duty of the court is to confine itself to the question of legality."

The Court identified, among the principal areas of enquiry, whether the decision-making authority has exceeded its powers, committed an error of law, breached the principles of natural justice, reached a conclusion which no reasonable tribunal could have reached, or abused its powers. The focus, therefore, is ordinarily upon the legality of the decision-making process rather than upon substituting the Court's own view for that of the authority.

24. This distinction assumes greater importance where the decision rests upon inspection reports, technical assessments, compliance records or other material which the statutory authority is required to examine on a continuing basis. The Court can certainly examine whether relevant material was considered, whether irrelevant considerations were taken into account, whether the authority acted within the statute and whether the decision-making process suffered from any legal infirmity. What the Court does not ordinarily do is to undertake the

¹ (1994) 6 SCC 651



entire technical exercise afresh merely because another conclusion might be possible on the same material.

25. In *Reliance Airport Developers (P) Ltd. v. Airports Authority of India*² the Hon'ble Supreme Court, while dealing with statutory discretion, explained that discretion does not mean uncontrolled choice. It has to be exercised on relevant considerations and for the purpose for which the power has been conferred. The exercise of discretion must therefore remain reasonable, rational, fair and impartial. Judicial review exists to ensure that the discretion remains within those limits.

26. This does not mean that this Court is left with only two alternatives— either to accept the administrative decision in its entirety or to substitute its own decision. Where the decision-making process is found to be deficient, the Court may remit the matter for fresh consideration in accordance with law. Such an approach preserves the supervisory role of the Court while respecting the statutory allocation of functions.

B. Mandamus: a command to decide, not ordinarily a command as to what must be decided

27. The same principle applies to a writ of mandamus. The existence of statutory discretion does not, by itself, bar the issuance of mandamus. Where a public authority is under a duty to consider a matter and fails to do so, or refuses to exercise the jurisdiction vested in it, the Court can require the authority to perform that duty.

² (2006) 10 SCC 1,



28. In *Comptroller and Auditor-General of India v. K.S. Jagannathan*³, the Hon'ble Supreme Court explained the breadth of the jurisdiction to issue mandamus. This Court can intervene where a public authority has failed to exercise, or has wrongly exercised, the discretion conferred upon it, including where relevant considerations have been ignored. The purpose of such intervention, however, is to secure a lawful exercise of discretion; it does not ordinarily permit the Court to assume the discretion itself.

29. The proposition was stated in clear terms in *U.P. State Road Transport Corporation v. Mohd. Ismail*⁴. The Hon'ble Supreme Court held:

"The court cannot direct the statutory authority to exercise the discretion in a particular manner not expressly required by law."

The Court may require the statutory authority to perform its duty and exercise its discretion in accordance with law, but that is different from directing the authority to exercise that discretion in favour of a particular person.

30. The principle has subsequently been reiterated in *Union of India v. M/s Raj Grow Impex LLP*⁵. The Hon'ble Supreme Court, after considering the earlier line of authority, reiterated that a Court may require a statutory authority to perform its duty and exercise its discretion according to law, but cannot dictate the manner in which that discretion must be exercised where the statute has left the matter to the

³ (1986) 2 SCC 679

⁴ (1991) 3 SCC 239

⁵ (2021) 7 SCC 489



competent authority. At the same time, the authority cannot act mechanically; its decision must be reasonable, rational, fair and based upon relevant circumstances.

31. *Union of India v. Bharat Forge Ltd.*⁶, is also relevant in this regard. The

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Hon'ble Apex Court cautioned against denying mandamus on technical grounds where a public duty exists and has not been performed. Thus, the existence of discretion is not an answer where the authority has simply failed to exercise the jurisdiction vested in it.

32. The two propositions have therefore to be read together. This Court can require the authority to exercise the power which the law has entrusted to it and to do so in accordance with law. What this Court cannot ordinarily do is predetermine the substantive answer where that answer requires the exercise of statutory discretion.

33. The distinction is important in the present case. The petitioner's prayer, if granted in the form in which it is made, would not merely require the Board to consider the subsequent Environmental Clearance dated 10.06.2026. It would require the Board to treat the additional three furnaces as already forming part of the petitioner's presently authorised operational configuration and to issue or amend the Consent to Operate accordingly. That would necessarily involve consideration of the present regulatory identity of the facilities, their operational status, the permissions governing them, compliance with the conditions attached to those permissions, and the consequences of permitting their operation.

⁶ (2022) 17 SCC 188



34. Those matters cannot be determined merely by looking at the figure appearing in the subsequent Environmental Clearance. They fall, in the first instance, within the statutory and technical domain of the Board. This Court's task under Article 226 is to examine the legality of the exercise of statutory power; it is not to take over that exercise.

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C. Environmental Clearance and Consent to Operate are distinct statutory permissions

40. The next question is the effect of the Environmental Clearance dated 10.06.2026 relied upon by the petitioner.

41. This Court is of the opinion that the Environmental Clearance dated 10.06.2026 cannot, by itself, have the effect contended for by the petitioner.

42. Environmental Clearance and Consent to Operate arise under different statutory regimes and perform different functions. The Environmental Clearance in the present case is traceable to the environmental clearance regime under the Environment (Protection) Act, 1986 and subsequent EIA Notifications. The Consent to Operate, on the other hand, is expressly granted under Sections 25/26 of the Water Act and Section 21 of the Air Act. The latter provisions confer an independent statutory role upon the State Pollution Control Board. The consent orders on record also reflect this distinction.

43. The distinction is substantive and not merely one of terminology related. Environmental Clearance concerns the environmental appraisal and approval of the project or proposed project configuration. Consent to Operate concerns the actual operation of the industrial plant and the conditions subject to which such operation



may lawfully continue. In considering an application for consent, the Board may therefore have to examine matters including implementation of pollution-control measures, compliance with existing consent conditions, inspection findings, the actual operational configuration and other requirements arising under the Air and Water Acts.

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44. The decision of the Hon'ble Apex Court in *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati*⁷, also demonstrates the substantive nature of the Environmental Clearance regime. The Hon'ble Supreme Court did not treat Environmental Clearance as a mere procedural formality and considered the statutory consequences of industrial activity undertaken without the requisite environmental approval.
45. The significance of the Environmental Clearance dated 10.06.2026 should not, however, be understated. It is plainly put, a relevant and important document. The petitioner is entitled to rely upon it in seeking corresponding consideration from the Board. What does not follow is that the Environmental Clearance itself operates as, or substitutes for, the Consent to Operate required under the separate statutory regime.
46. Put differently, Environmental Clearance may permit a project to proceed from the standpoint of the environmental clearance regime; it does not, by its own force, authorise operation at a particular capacity where a separate Consent to Operate is required under the Air and

⁷ (2020) 17 SCC 157



Water Acts. Where the statutory scheme requires both permissions, they operate cumulatively.

47. The subsequent Environmental Clearance dated 10.06.2026, therefore, cannot retrospectively rewrite the Consent to Operate dated 31.03.2026. Equally, the Board cannot simply disregard that subsequent Environmental Clearance when deciding the petitioner's subsequent request for enhancement. The legal consequence lies between the two positions.

D. The aforesaid distinction has greater significance in an environmental matter

48. The nature of the dispute also has to be kept in view. A Consent to Operate for an industrial unit is not an ordinary administrative licence. It forms part of a statutory environmental control mechanism intended to ensure that an industry operates subject to the conditions prescribed under the environmental statutes.

49. In *Paryavaran Suraksha Samiti v. Union of India*⁸, the Hon'ble Supreme Court dealt with the requirement that industries requiring consent to operate should not be permitted to function without adequate pollution-control infrastructure. The Hon'ble Apex Court treated the requirement of consent as a substantive environmental safeguard and issued directions for its effective implementation.

50. Likewise, in *A.P. Pollution Control Board v. Prof. M.V. Nayudu*⁹, and *A.P. Pollution Control Board II v. Prof. M.V. Nayudu*¹⁰, the

⁸ (2017) 5 SCC 326

⁹ (1999) 2 SCC 718

¹⁰ (2001) 2 SCC 62



Hon'ble Supreme Court recognised the difficulties which environmental adjudication can present when questions of science and technical assessment arise and emphasised the role of scientific expertise in such matters. In the latter case, the Hon'ble Supreme Court ultimately upheld the Pollution Control Board's refusal to grant consent to the proposed industry.

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51. These decisions do not mean that an environmental regulator is beyond judicial review. They point in the opposite direction. Where the statutory scheme entrusts environmental assessment and operational consent to designated authorities, the Court must ensure that those authorities act lawfully, while also taking care not to displace the statutory mechanism by undertaking the underlying technical determination itself.

52. The Board cannot, however, use the technical nature of the dispute as a reason for leaving the petitioner's application undecided. If the petitioner has placed relevant material before the competent authority and seeks a decision upon it, that request must be dealt with within a reasonable time. The balance to be maintained is therefore between judicial restraint on the one hand and the obligation of the statutory authority to discharge its function on the other.

E. Applying the principles discussed above to the case in hand

53. The present case record does not disclose a simple case of a typographical or clerical error. There is, on the one hand, a history of permissions in which the higher capacity of 1,50,000 TPA was recognised. There is, on the other hand, the split Environmental



Clearance dated 09.03.2026, the Joint Inspection of 19–20.03.2026 identifying two Ferro Chrome complexes, the CTO dated 31.03.2026 recognising 60,000 TPA, and thereafter the Amalgamated Environmental Clearance dated 10.06.2026 recognising the consolidated configuration.

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54. In these circumstances, this Court would be slow to treat the figure of 60,000 TPA in the CTO as an accidental transcription and simply correct it in exercise of power under Article 226. The Board had conducted an inspection immediately prior to issuing the CTO and the inspection had identified two separate complexes and their respective operational status. Whether the regulatory history and the subsequent Environmental Clearance are sufficient to justify treating the two complexes as one presently authorised configuration is a matter which requires consideration by the competent authority.

55. The petitioner's subsequent conduct is also relevant. After obtaining the Environmental Clearance dated 10.06.2026, the petitioner placed it before the Board on 18.06.2026 and sought enhancement of the CTO. A personal hearing was thereafter afforded on 14.07.2026. The Board has raised questions concerning the configuration of the complexes, land, regulatory history and other matters. Thus, the record does not disclose a situation in which the Board has refused to exercise jurisdiction altogether. Rather, the material indicates that the statutory process has been initiated but has not yet culminated in a final decision.



56. This distinction is material to the relief which can properly be granted.

If the Board had finally rejected the petitioner's request on an erroneous understanding of the law, the Court could examine that decision and if warranted, set it aside. Likewise, if the Board had refused to consider the subsequent Environmental Clearance, a direction to consider the same could appropriately issue. The position here is different. The request is before the authority, a hearing has taken place, and the authority has identified matters which it considers necessary to examine before arriving at a decision.

57. This Court would, in these circumstances, be required to undertake a determination for which the statutory scheme has made provision elsewhere if it were to direct the Board to issue a CTO for the enhanced capacity. Among the matters which may require consideration are the effect of the successive Environmental Clearances, the entity-wise regulatory history, the actual configuration of the plant, the status of the furnaces, the land and physical boundaries and compliance with the conditions governing operation. These are not matters which can appropriately be conclusively determined by this Court merely for the purpose of granting the final relief sought.

58. This Court is, therefore, unable to issue a positive mandamus directing the Board to issue a CTO for 1,50,000 TPA. At the same time, dismissal of the writ petition simpliciter would not adequately address the subsequent development. The Environmental Clearance dated 10.06.2026 is a material part of the regulatory record, and the

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petitioner has already placed it before the competent authority and sought consequential enhancement. That request must now be taken to its logical conclusion.

59. The appropriate order is consequently one which preserves the statutory jurisdiction of the Board while ensuring that the petitioner receives a reasoned decision. The Board must consider the petitioner's request afresh, taking into account the subsequent Environmental Clearances as well as the earlier regulatory record, the inspection report and the other matters relevant under the applicable statutory framework. The petitioner must also have a proper opportunity to place before the Board the material upon which it relies.

V. CONCLUSION:

60. The controversy, in the final analysis, is not merely whether the petitioner possesses an Environmental Clearance referring to a particular configuration of the project. The issue is whether that Environmental Clearance, by itself, entitles the petitioner to operate the plant at the corresponding enhanced capacity without a consequential decision by the statutory authority under the Water Act and the Air Act. It does not. The Environmental Clearance and the Consent to Operate in different fields, and the former cannot, by its own force, enlarge or substitute the latter.

61. At the same time, the subsequent Environmental Clearance dated 10.06.2026 cannot be ignored. The petitioner placed it before the Board on 18.06.2026 and specifically sought enhancement of its Consent to Operate. The record further shows that the matter was taken up for

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consideration and that a personal hearing was afforded on 14.07.2026. The questions raised by the Board concerning the configuration of the two complexes, their regulatory history, land and other permissions, and the corresponding pollution-control requirements are matters which the Board is competent to examine. They cannot, however, be treated as sufficient reason for the statutory process to remain open-ended.

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62. Once the petitioner has placed before the Board a subsequent Environmental Clearance and has made a specific request for consequential enhancement of its Consent to Operate, the Board is required to consider that request in accordance with the governing statutory framework and upon the material available before it. Article 226 does not permit this Court to make that determination in the first instance. Equally, the existence of technical or regulatory questions does not absolve the statutory authority of its obligation to take a decision.
63. The appropriate course, therefore, is to leave the substantive question of the petitioner's entitlement to enhanced capacity to the Board, while requiring the Board to take a reasoned decision within a defined period. In doing so, the Board shall consider the Environmental Clearances placed on record by the petitioner, including the Environmental Clearance dated 10.06.2026, the Consent to Operate dated 31.03.2026, the earlier permissions and consents relied upon by the petitioner, the inspection report dated 19-20.03.2026, and such other statutory, factual and technical material as may be relevant. The



petitioner's request concerning the period of validity of the Consent to Operate shall also be considered in accordance with the applicable statutory provisions, circulars and policy framework.

64. Accordingly, the writ petition is disposed of with a liberty to the

Petitioner to approach the Odisha State Pollution Control Board to consider and decide the petitioner's request for enhancement of capacity as well as the consequential issue relating to the validity period of the Consent to Operate by a reasoned and speaking order. The petitioner shall be afforded an opportunity to place such material as it seeks to rely upon. The Board shall consider the matter independently and pass its decision in accordance with law, uninfluenced by any observation contained in this order on the ultimate merits of the petitioner's claim.

65. It is clarified that this Court has expressed no opinion as to the factum of the capacity at which the petitioner shall be permitted to operate till such time as the representation is decided by the Board. That question is left open for determination by the statutory authority in accordance with law.

66. The Writ Petition stands disposed of in the aforesaid terms.

67. Ordered accordingly. No order as to costs.

68. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge



*Orissa High Court, Cuttack,
Dated the 9th October, 2026/-*

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