

2023 LiveLaw (SC) 593

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**S. RAVINDRA BHAT; J., ARAVIND KUMAR; J.
CIVIL APPEAL NO. 896 OF 2021; July 21, 2023**

ROURKELA STEEL PLANT *versus* ODISHA POLLUTION CONTROL BOARD & ORS.

National Green Tribunal (NGT) Act, 2010; Section 17 - Employees' State Insurance (ESI) Act, 1948; Section 53 - Whether NGT can exercise jurisdiction when the matter is covered under the ESI Act? Held, that this issue merits consideration. But given the circumstances of the case, chose not to interfere with the compensation given and kept the question of law open for the future.

Mr. Prasenjit Keswani, Adv. (AC) Mr. Upmanyu Tewari, Adv.

For Appellant(s) Mr. Dhruv Mehta, Sr. Adv. Mr. Yashraj Singh Deora, AOR Mr. Priyesh Mohan Srivastava, Adv. Mr. Abhishek Singh, Adv.

For Respondent(s) Mr. Ashok Kumar Panda, Sr. Adv. Mr. Tejaswi Kumar Pradhan, AOR Mr. Manoranjan Paikaray, Adv. Mr. Shashwat Panda, Adv. Mr. Aniket Gupta, Adv. Mr. Saurabh Mishra, AOR Mr. Abhishek Pandey, Adv. Mr. Shrimay Mishra, Adv. Mr. Rakesh Chander, Adv. Ms. Priya Kaushik, Adv.

ORDER

Learned senior counsel for the appellant relied upon Section 17 of the National Green Tribunal Act, 2010 (hereinafter referred to as "the NGT Act") along with Section 53 of the Employees' State Insurance Act, 1948 (hereinafter referred to as "the ESI Act") and also provisions of the Employees Compensation Act, 1923. He urged that the Tribunal lack jurisdiction to award compensation to workers in view of the express bar under Section 17.

Learned amicus sought to counter the submissions by pointing out the combined effect of Sections 15 and 33 of the NGT Act.

In this case, the appellant apparently ensured payment of compensation and monthly amounts to the dependents of the deceased workmen and also offered compassionate appointment to three of them. Those individuals have not appeared before this Court.

This Court is of the opinion that there is some merit in the submissions made on behalf of the appellant with respect to the jurisdiction of the Tribunal, which need a closer examination. However, looking at the peculiar circumstances, the Court is of the opinion that no further orders are called for. The appellant shall ensure that the amounts directed by the Tribunal are disbursed to the concerned dependents in a time-bound manner, i.e. within eight weeks from today.

It is clarified that the question of law urged on behalf of the appellant is kept open.

Observations by the Tribunal with respect to the appellant's actions should not be determinative of the task to be carried out by the Committee under the impugned order.

I.A. No. 38890/2023

This application seeks to implead those, claiming to be legal heirs of the deceased employees, for whom the Tribunal directed compensation. The amounts directed to be disbursed by the appellant shall be made over to the legal heirs, entitled by provisions of the The Employees' State Insurance Act to payments. The applications are disposed of in these terms.

The appeal is disposed of in the above terms.