

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA**

**IA No. \_\_\_\_\_ 2024**

**Original Application No. 122/2023/EZ**

In the matter of :

Ajay Kumar Behera ...Applicant

-Vrs.-

State of Odisha and Ors. ...Respondents

**I N D E X**

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CUTTACK By the Respondent 13 through Counsel

DATE:- 21/02/2024



**Akhand, Advocate**

B.C.E. No.O-269/2023. Ph:7008816891

Plot No. 6F-1030, CDA, Sector-9,

Cuttack, Odisha - 753014

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA**

**IA No. \_\_\_\_\_ 2024**

**Original Application No. 122/2023/EZ**

In the matter of:

Ajay Kumar Behera, S/o Kishore Behera, aged about 24 years, At-  
Mundaamba, Po- Jankia, Dist - Khurdha ...Applicant

-Vrs.-

1. State of Odisha represented by Chief Secretary, Government of Odisha, Lokseva Bhawan, Bhubaneswar, csori@nic.in
2. Principal Secretary, Revenue and Dissaster Management Government of Odisha, Lokseva Bhawan, Bhubaneswar, revsec.od@nic.in
3. Additional Chief Secretary Forest and Environment Dept Govt. of Odisha, Lokseva Bhawan, Bhubaneswar, fsec.or@nic.in
4. Collector & Dist. Magistrate Khordha, AT/Po/Dist – Khurdha, dm-khordha@nic.in
5. Superintendent of Police Khordha, AT/Po/Dist – Khurdha, spkda.orpol@nic.in
6. Divisional Forest Officer Khordha, AT/Po/Dist – Khurdha, dfokhordha@gmail.com
7. Member Secretary Odisha State Pollution Control Board,A/118, Unit – VII, Nilakantha Nagar, Bhubaneswar, PIN-751012. member.secy@ospcboard.org
8. Regional Officer State Pollution Control Board, Bhubaneswar. rospcb.bhubaneswar@ospcboard.org
9. Member Secretary State Environment Impact Assessment Authority (SEIAA) Odisha Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit -IX, Pin-751022. seiaaorissa@gmail.com

10. Director of Mines and Geology, Bhubigyan Bhawan, Bhubaneswar, Khordha, PIN- 751001. dirmines\_odisha@rediffmail.com

11. Prahallad Biswal, S/o Purna Chandra Biswal, At – Kaithapalla, Po- Biribadi, Dist- Khordha, State – Odisha, Lessee of Damanbhuin Laterite Stone Quarry

12. Tahasildar, Tangi, At/Po/Ps- Tangi, Dist – Khurdha. tah.tangikh-od@nic.in

13. Deputy Director General of Forests (C) Ministry of Environment Forest and Climate Change, Integrated Regional Office (EZ), A/3, Chandrasekharpur, Bhubaneswar -751023. roez.bsr-mef@nic.in

... Respondents

**Application for dispensing personal appearance of Respondent No. 13**

1. That the Applicant have filled the above Original Application alleging excess mining by the lease Holder/Respondent No. 13 of Stone quarry in Mouza – Damanabhuin, Tahasil – Tangi, and District- Khordha, Odisha and sought appropriate directions from the Hon’ble National Green Tribunal.

2. That, on the last occasion i.e. on 12.02.2024 this matter was listed for hearing as Item No. 10. When the matter was called and taken up by the Hon’ble Bench, due to technical glitches and internet issue the Advocate of the Respondent 13 could not join the virtually.

3. That, due to the absence of the counsel for the Respondent 13, the Hon’ble Court has passed the following Order :

XX

*3. Mr. Akhanda, learned Counsel for Respondent No.13 is not present today when the case has been taken-up.*

4. We, therefore, direct the Respondent No.13, Mr. Prahallad Biswal, to be present in person in Court on the next date of listing along with his counter-affidavit.

5. A copy of this order shall be served upon the Respondent No.13, Mr. Prahallad Biswal, through the Office of the Collector & District Magistrate, Khurdha, Respondent No.4.

6. List on 01.03.2024.

XX

4. That, due to technical fault on part of the counsel of the Respondent No.13, he could not able to join the Virtual hearing and could not present while matter is taken up.

5. That, the absence of the counsel of the Respondent No.13 is is neither intentional nor deliberate but due to the above said reason.

6. That, in the meanwhile the counter affidavit has been filed, therefore the personal appearance of the Respondent No 13 may not be that essential and can be dispensed with.

It is, therefore, prayed that the Respondent may be dispensed with his personal appearance in the matter.

**PRAYER**

In the view of the above circumstances the Respondent Prays before Hon'ble Tribunal to allow the IA for dispense with his personal appearance.

CUTTACK By the Respondent -13 through Counsel

DATE:- 21/02/2024



**Akhand**, Advocate  
B.C.E. No.O-269/2023. Ph:7008816891

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 122 /2023/EZ

IN THE MATTER OF: -

Ajay Behera

.... Applicant

-VERSUS-

State of Odisha & Ors.

.... Respondents

AFFIDAVIT

I, Sri Prahallad Biswal, S/o- Purna Chandra Biswal At- Kaithapalla, Po-  
Biribadi, Dist- Khordha, State- Odisha, do hereby solemnly affirm and state as  
follows:-

1. That I am the Respondent No. 13 in the above mentioned application and competent to swear this affidavit.
2. That I have read over the contents of the accompanying affidavit and the same are true to the best of my knowledge and belief and is drafted on my instruction.

x Prahallad Biswal  
DEPONENT

VERIFICATION

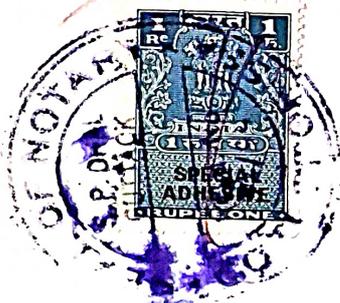
Verified on this the 21<sup>st</sup> day of Feb 2024 at Cuttack that the contents of the above counter affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified by:  
Sachin  
Advocate

x Prahallad Biswal  
DEPONENT

The above named Deponent  
Solemnly affirm, on 21/2/2024  
Being Identified  
by Abhimanyu (Aete)

Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK



Item No.10

Court No.1

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

Original Application No.122/2023/EZ

Ajay Kumar Behera

Applicant(s)

Versus

State of Odisha &amp; Ors.

Respondent(s)

Date of hearing: 12.02.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Advocate (in Virtual Mode)

For Respondent(s) : Ms. Saswata Patnaik, AGA for R-1-6,10 &11, (in Virtual Mode)  
Ms. Papiya Banerjee Bihani, Adv. for R-7&8, (in Virtual Mode)  
Mr. Apurba Ghosh, Adv. for R-9, (in Virtual Mode)

**ORDER**

1. Mr. Sankar Prasad Pani, learned Counsel is present (in Virtual Mode) for the Applicant.
2. Mr. Akhanda, learned Counsel for Respondent No.13, Private Respondent, had filed Vakalatnama dated 30.12.2023 on 02.02.2024. On this dated, this Tribunal had again granted time to the Respondent No.13 to file his counter-affidavit by 12.02.2024, though more than one and half months have already been passed but counter-affidavit has not been filed till date.
3. Mr. Akhanda, learned Counsel for Respondent No.13 is not present today when the case has been taken-up.
4. We, therefore, direct the Respondent No.13, Mr. Prahallad Biswal, to be present in person in Court on the next date of listing along with his counter-affidavit.

*For the Court  
Ajay Kumar Behera*

5. A copy of this order shall be served upon the Respondent No.13, Mr. Prahallad Biswal, through the Office of the Collector & District Magistrate, Khurdha, Respondent No.4.
6. **List on 01.03.2024.**

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

February 12, 2024,  
Original Application No.122/2023/EZ  
AK

*For the copy  
attached  
only*

# Proof of Service

IA for dispensing personal appearance of Respondent No. 13 ▶ Inbox ×



**Akhand, Advocate, Orissa High Court** <akhand111@gmail.com>

11:31PM (0 mi)

to csori, revsec.od, fesecc.or, dm-khordha, spkda.orpol, dfokhordha, member.secy, rospcb.bhubaneswar, seiaaorissa, tah.tangikh-od, roez.bsr-mef, dirmines\_odisha, sankarprasadpani ▼

Dear,

Applicant and all other Respondents in O.A. 122 of 2023 before Hon'ble NGT, Eastern Bench Kolkata,

I hereby serve the copy of IA for dispensing personal appearance of Respondent No. 13.

Thanks and regards

Mr. Akhand  
Advocate for R-13  
M- 7008816891

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One attachment • Scanned by Gmail



*For the Court  
Akhand*