

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 06 OF 2024 / EZ

Babuli Jena & Others ...Applicant

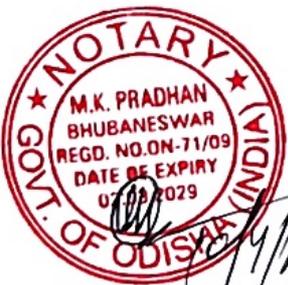
VERSUS

State of Odisha & Others ...Respondents

REPLY AFFIDAVIT TO THE REJOINDER
AFFIDAVIT DATED 05.03.2024 OF THE
APPLICANT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.5 IN COMPLIANCE TO
DIRECTION DATED 06.03.2024 OF THIS
HON'BLE TRIBUNAL.

I, Dr. Kailasam Murugesan, IFS, son of late
Paramasivam Kailasam aged around 56 years, at present
working as Member Secretary, State Pollution Control Board,
having my office at Paribesh Bhawan, A/118, Nilakantha
Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda,
Odisha-751012, do hereby solemnly affirm and state as under:

10 APR 2024



1. That I am the Member Secretary of the Respondent No.5 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That I have gone through the Rejoinder Affidavit dtd.05.03.2024 of the applicant and understood the contents thereof and the parawise reply to the same are given below.
3. That as regards the averments made in para-1 of the Rejoinder Affidavit dtd.05.03.2024 of the applicant, it is a matter of record and the R.No.5 Board has no comment to offer.
4. That as regards the averments made in para-2 of the Rejoinder Affidavit dtd.05.03.2024 of the applicant, it is humbly submitted that the Hon'ble Tribunal in their order dtd.22.01.2024 has been pleased to constitute a committee to elicit the veracity of the allegations comprising of the following members, which inter-alia includes Senior Scientist, Odisha State Pollution Control Board. But since no Senior Environmental Scientist is available in the Regional Office, Kalinga Nagar and the



Regional Officer being a Senior Environmental Engineer and the senior most officer of the Regional Office, has been nominated to represent the committee and also to act as the Nodal Officer and the same has been communicated to the other members of the committee vide Board's letter No.1193 dtd.25.01.2024. Copy of the said letter has already been annexed as Annexure-R5/1 in the affidavit dtd.29.02.2024 filed by the R.No.5 Board in this case. As regards the other allegations raised in this para that the report is false and misleading, is denied. Moreover, the said report in the form of proceedings of the committee has already been annexed vide Annexure-R5/2 Colly in our affidavit dtd.29.02.2024.

5. That as regards the averments made in para-3 of the Rejoinder Affidavit dtd.05.03.2024 of the applicant, it is humbly submitted that the report in the form of proceedings annexed as Annexure-R5/2 Colly in the affidavit dtd.29.02.2024 filed by the Board reveals that the committee has visited the site on dtd.21.02.2024 and deliberated the matter in a meeting dtd.27.02.2024 held under the Chairmanship of ADM (Revenue), Jajpur and



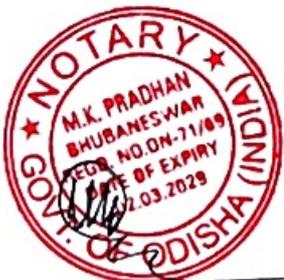
accordingly, the view has been formed. In other words, it is the view of the committee and not the independent view of the Regional Officer, Kalinga Nagar. The report at Annexure-R5/2 Colly also reveals that during the visit of the site by the committee the quarry was not in operation and there was no transport in the quarry area during the visit.

6. That as regards the averments made in para-4 & 5 of the Rejoinder Affidavit dtd.05.03.2024 of the applicant that the applicant was not informed prior to the visit, it is humbly submitted that in the order dtd.22.01.2024, the Hon'ble Tribunal has not directed the committee to inspect the site after giving prior notice to the applicant or to the R.No.12 and accordingly, the committee has visited the site in meticulous compliance to the order dtd.22.01.2024 of this Hon'ble Tribunal. The allegations of advance notice to the quarry owner prior to inspection of the committee by the R.No.5 Board is denied.
7. That as regards the averments made in para-6 of the Rejoinder Affidavit dtd.05.03.2024 of the applicant, it is humbly submitted that it can be seen from the report /



proceedings of the committee annexed as Annexure-R5/2 Colly in our affidavit dtd.29.02.2024 that the Senior Scientist, State Environment Impact Assessment Authority, Odisha was also present on virtual mode deliberated his view and the report reveals that the boundary pillars of the quarry of the R.No.12 was intact.

8. That as regards the averments made in para-7 of the Rejoinder Affidavit dtd.05.03.2024 of the applicant, it is humbly submitted that the proceedings / report of the committee which has been annexed as Annexure-R5/2 Colly in the affidavit dtd.29.02.2024 filed by the Board, it is indicated that in eye-estimate, the two minor irrigation projects were situated beyond 200m from the quarry area and it has been decided to consult S.E, Minor Irrigation, Jajpur about the distance impact of the quarry on MIP Structure, Water Course and Siltation of the catchment area. But since the S.E., Minor Irrigation could not join the meeting on dtd.27.02.2024 due to transfer and relieve of SDO, Minor Irrigation of the concerned area and S.E. himself, the exact distance could not be ascertained.



9. That as regards the averments made in para-8(I) to 8(VI) of the Rejoinder Affidavit dtd.05.03.2024 of the applicant, it is humbly submitted that the committee constituted by the Hon'ble Tribunal in their order dtd.22.01.2024 has visited the site on dtd.21.02.2024 and as there was no specific direction in the said order to the committee, the applicants or villagers have not been intimated prior to the inspection. Otherwise also, it is indicated in the proceedings / report of the committee annexed as Annexure R5/2 Colly that for a further report by the committee, the Hon'ble Tribunal may be moved for allowing two months' time for completion of the scientific assessment, which has been allowed by the Hon'ble Tribunal in their order dtd.06.03.2024 at para-7.
10. That as regards the averments made in para-9 of the Rejoinder Affidavit dtd.05.03.2024 of the applicant, the R.No.5 Board has no comments to offer since it is a matter of record.
11. That in view of the aforesaid grounds stated in the present affidavit, the allegations raised by the applicant in his Rejoinder Affidavit dtd.05.03.2024 are not correct .



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD.NO.ON-71/2009
PH:-9437627119 (M)



- 12. That the Respondent No.5 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for effective adjudication of this case.
- 13. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.

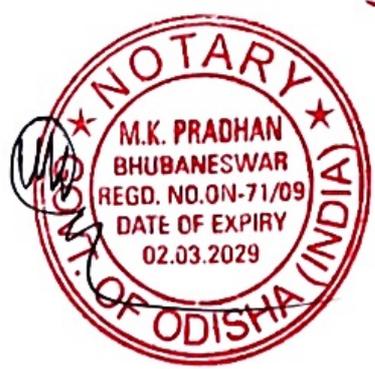

DEPONENT
 Member Secretary
 State Pollution Control Board
 Odisha, Bhubaneswar

VERIFICATION:

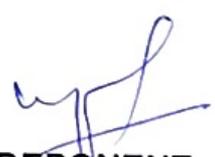
I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 10th day of April, 2024.

SWORN BEFORE ME


 NOTARY
 M.K. PRADHAN
 BHUBANESWAR
 REGD. NO.ON-71/09
 DATE OF EXPIRY
 02.03.2029
 OF ODISHA (INDIA)

MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD.NO.ON-71/2009
 PH:-9437627119 (M)


DEPONENT
 Member Secretary
 State Pollution Control Board
 Odisha, Bhubaneswar

