

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

**O.A. No.02 of 2024/EZ.**

Sri Tapas Kumar Bal. ... Applicant.  
-Versus-  
State of Orissa & others. ... Respondents.

**: I N D E X :**

Sl. No.	Description of Documents	Pages.
1.	Counter Affidavit filed by Respondent No.10.	1 - 5

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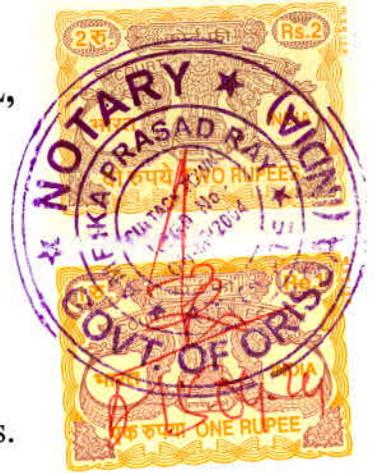
Date: 15.04.2024.

  
Addl. Government Advocate. -

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**COUNTER AFFIDAVIT FILED ON BEHALF OF  
THE RESPONDENT/OPP.PARTY NO.10.**

I, Sri Kailash Chandra Sahoo, aged about 59 years, Son of Late Anama Charan Sahoo, at present working as Chief Engineer & Basin Manager, Baitarani Basin, Keonjhar, Dist: Keonjhar, Odisha, do hereby solemnly affirm and state as follows:-

1. That I am swearing this affidavit on behalf of the Respondent/Opp.Party No.10 i.e. the Principal Secretary to Government of Odisha, Water Resources Department, Bhubaneswar being duly authorized by him.

2. That I have gone through the abovementioned original application and have understood the contents thereof. In my official capacity I am well acquainted with the facts of the case and thus competent to swear this affidavit.

*Kailash chandra Sahoo*

*B. Prasad  
Adv.*

*22/04/24*  
**AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
REGD. NO-ON-56/2004**

3. That the aforesaid original application has been filed by the applicant before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata challenging the action of the State Respondents in curbing the illegalities and violation of Sustainable Sand Mining Management Guidelines 2016, environment norms by the private respondent in operating the Kusei Sand Bed, Deogaon over an area of 11.50 acer 4.654 ha in village: Deogaon of Ghasipura Tahasil under Keonjhar district and the said sand mining operation is in violation of Standard Environment Clearance Conditions and Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020, Odisha Sand Policy 2021, EIA Notification and Supreme Court order and order of Hon'ble NGT.

4. That the averments made in paragraphs-1 to 18 of the original application, call for no reply from this deponent.

5. That in reply to the averments made in paragraph-19 of the original application, it is humbly submitted that the Chief Engineer & Basin Manager, Baitarani Basin & Additional Chief Engineer, Salapada Irrigation Circle has visited the sand mining site at Deogaon on Kusei river on 05.04.2024 at 11 AM.

  
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Keilash chandra Sahoo.

  
K. Sahoo

During visit, it is ascertained that there is no mining activities was going on. The area was free from any obstructions and also no movement of any machinery etc. and the Officers interacted with senior citizens of the locality. As per the version of local people, during the non-monsoon period and during dry spell, the river was flowing in two Portions during the year, 1999 & before at the quarry site. Now the river flows towards Jajpur district closing to its right bank of the river in a single portion which comes under the jurisdiction of the Chief Engineer & Basin Manager, Mahanadi, Brahmani, Baitarani System, Chandikhole in the district of Jajpur, Odisha.

It is further submitted that the water flow in the river is turbulent because of its slope, section, gradient, obstructions, weed growth and mining etc. for which, it causes scouring at one edge and deposit of silt on other edge of downside because of the meandering action/position of river the flow pattern changes from place to place. The sand quarry on river Kusei at Deogaon village is on a meandering portion of river, which is convex towards Jajpur district. Mainly, Sand quarry consists of 3 types i.e. (1) Filling sand (coarse grained sand with soil & clay) (2) Coarse to medium grained sand & (3) Fine grained sand. Mainly demand is for fine and medium grained sand and it is available nearer to the river flow during dry spell. For this

  
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deepening at flow side resulted in attracting more flood to the side in rainy season and during flood, for this scouring of bank side and change in change of flow pattern. There is less demand for filling sand in society which is used mainly for land reclamation, filling structure sides. More mining at one side for fine sand in respect to other portions, results flow attractions and change in river course. It occurs slowly and over a period of 15 to 20 years, it can be verified on comparison with old maps (if any). Also in one severe flood, the course of river can change. Quarry owner's must be instructed to deepen the river portion equally on each portion. So that the flow pattern does not change.

6. That the averments made in paragraphs-20 to 28 of the original application, call for no reply from this deponent.

7. That in reply to the averments made in paragraph-29 of the writ application, it is humbly submitted that as the records available, no permission was issued from this office towards sand mining in river Kusei at village Deogaon.

8. That the averments made in paragraphs-30 to 50 of the original application, call for no reply from this deponent

*Prasanna  
A.G.M.*

*Keelash  
Chandrasekhar*

*AR*

**AMBIKA PRASAD RAY**  
**NOTARY, CUTTACK TOWN**  
**REGD. NO-ON-56/2004**

9. That the Respondent carves the leave of the Hon'ble Court to file fresh affidavit, it required in the interest of the lis.

10. That the original application is otherwise improper unjustified and as such is liable to be dismissed.

11. That the facts stated above are true to the best of my knowledge and belief based on official records.

Identified by:-

*Somnath Pathak*  
Advocate

*Kaibesh Chandra Sahoo*  
15-04-24.  
Deponent.  
Chief Engineer & Basin Manager  
Baitarani Basin, Keonjhar

**Certificate**

Certified that the cartridge papers are not readily available.

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Date:15.04.2024

*Somnath Pathak*  
Addl. Government Advocate.



*K. Ch. Sahoo*  
The above named deponent being identified by *S. Pathak* Adv. solemnly affirm and states before me that the contents of this *Affirm* are true to the best of their knowledge and belief.  
*APR 15 2024*  
AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
Regd. No.-ON-56/2004