

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

Original Application No.47 / 2024/EZ

Youth United for Sustainable Environmental Trust.

... Applicant

-Versus-

State of Odisha & others.

... Respondents.

I N D E X

Sl.No. Description of documents. Pages.

1. Affidavit filed on behalf of

Opp.Party No.9.

... 1-6

2. **Annexure-A/9.**

True copy of inquiry report dtd.24.4.2024.

7-9

Cuttack.

Dt. 02.05.2024.


(Shakti Prasad Panda)
Addl.Govt.Advocate

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

Original Application No.47 / 2024/EZ

Youth United for Sustainable Environmental Trust.

... Applicant

-Versus-

State of Odisha & others.

... Respondents.



**AFFIDAVIT FILED ON BEHALF OF
RESPONDENT NO.9.**

I, Aswini Kumar Mohanty, aged about 59 years, S/o.Late Prafulla Kumar Mohanty, at present working as Chief Engineer & Basin Manager, Brahmani Basin Samal , At/P.O.-Samal Barrage Town Ship, Dist.- Angul, PIN-759037, Odisha, do hereby solemnly affirm & State as follows: -

1. That I have gone through the contents of the Original Application as well as the annexures appended thereto and have understood the contents thereof. I am well acquainted with the facts of the case. I have been duly authorized by Respondent No.9 to swear this affidavit on his behalf.
2. That this deponent filed this affidavit in a summary manner instead of parawise reply.
3. That the appellant has filed the aforesaid Original Application with the following prayer:-

- I. Direct the Mining department to conduct Drone Survey to assess the mining beyond lease area and excess mining.

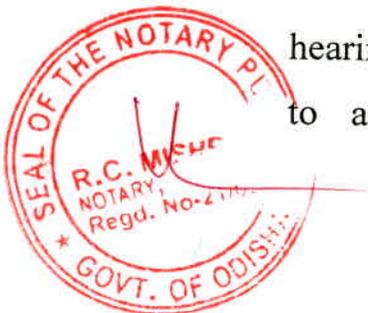
Aswini Kumar Mohanty



- II. Direct the SEIAA Odisha to withdraw the EC letter for violation of EC Conditions.
- III. Direct the Independent Committee to inquire into the illegalities of mining such as mechanical mining and in-stream mining, Excess sand mining in violation of the permitted quantity.
- IV. Direct the State Respondents to seize the Excavators used for Sand Mining in Brahmani River at Gopinathpur.
- V. Direct the State Respondents to immediately remove the illegal approach road constructed by the lease holders/ sand mafias in Ensure the free flow of river by removing the artificial approach roads for transportation of sand loading vehicles insider the river.
- VI. Direct the State Respondents for GPS TRACKING OF Vehicles AND make E TRANSIT PASS MANDATORY FOR MINING OPERATION

For this act of kindness the application shall ever remain grateful to you.”

4. That the aforesaid case was listed before this Hon'ble Tribunal on 12.03.2024 and the Hon'ble Tribunal after hearing the learned Counsel for the parties has been pleased to adjourn the matter to 2.5.2024 for filing the Committee



Arvini Kumar Mishra

Report on affidavit. The relevant portion of order dtd.12.3.2024 is quoted hereunder for ready reference of this Hon'ble Tribunal.

xxx

xxx

xxx

- “18. Issue notice to the Respondent No.14, Pitambar Bhuria, returnable within four weeks.
19. All the respondents shall file their counter-affidavits within four weeks.
20. Considering the allegations made, we deem it appropriate to constitute a Committee to elicit the veracity of the allegations comprising of the following Members:-
- (i) Senior Scientist, Odisha State Pollution Control Board.
- (ii) Senior Scientist, SEIAA, Odisha, and
- (iii) District Collector, Angul, or his representative not below the rank of Additional District Magistrate.
21. The Committee shall inspect the site in question and submit its Report within four weeks on affidavit with regard to the allegations made.
22. The District Collector, Angul shall be the Nodal Agency for all logistic purpose.
23. The Committee Report on affidavit shall be filed by the Odisha State Pollution Control Board.”

xxx

xxx

xxx”

Aswini Kumar Mahapatra

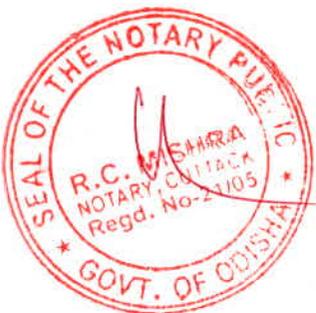


5. That it is respectfully submitted that after receipt of the order dtd.12.3.2024 of this Hon'ble Tribunal, Engineer-in-Chief, Water Resources Department, Odisha, directed the Chief Engineer & Basin Manager, Brahmani Basin, Samal to enquiry and submit report vide letter No.12224/Dtd.5.4.2024. Thereafter, the Chief Engineer & Basin Manager, Brahmani Basin, Samal directed the Superintending Engineer, Head Works Division, Samal to enquiry and submit report.

6. That it is respectfully submitted that thereafter a Committee was formed and made a field visit on 24.04.2024 and submitted a inquiry report to Superintending Engineer, Head Works Division Samal vide Memo No.203 /Dtd.25.04.2024 with the following points.

1. That, the water in the river Brahmani is flowing in the river without any obstruction in the non-monsoon period.
2. That a sand fair-weather road has been constructed with hume pipes across the river, which is not obstructing the river flow(photo enclosed).
3. That, the fair weather road has been connected to the cement concrete road to the nearby village of river Brahmani.
4. That the 'river embankments of river Brahmani in that area are in normal condition with minor rain out in some places."

Abinav Kumar Nayak



True copy of inquiry report dtd.24.4.2024 is annexed herewith as Annexure- A/9.

7. That this deponent craves leave of this Hon'ble Tribunal to file further affidavit, if required, at the time of hearing .

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

VERIFICATION

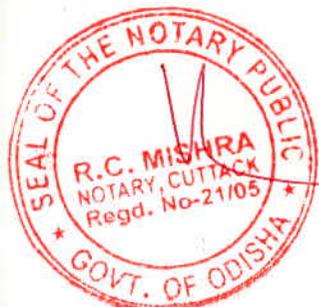
I, Aswini Kumar Mohanty, aged about 59 years, S/o.Late Prafulla Kumar Mohanty, at present working as Chief Engineer & Basin Manager, Brahmani Basin Samal , At/P.O.-Samal Barrage Town Ship,Dist.- Angul, PIN-759037, Odisha, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge as derived from official records and that nothing material has been concealed there from.

Verified at Cuttack on this the 02 th day of May, 2024.

Identified by:


Addl. Govt. Advocate


VERIFICANT.



AFFIDAVIT.

I, Aswini Kumar Mohanty, aged about 59 years, S/o.Late Prafulla Kumar Mohanty, at present working as Chief Engineer & Basin Manager, Brahmani Basin Samal , At/P.O.-Samal Barrage Town Ship, Dist.- Angul, PIN-759037, do hereby solemnly affirm and state as follows :-

1. That I have been duly authorized by the Respondent No.9 to swear this affidavit on his behalf. I am well acquainted with the facts of the case and as such competent to swear this affidavit on my official capacity.
2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by:

h
Addl.Govt.Advocate.

(S.P. Panda)

Aswini Kumar Mohanty

Deponent: Chief Engineer & B.M.,
Brahmani Basin, Samal

CERTIFICATE

Certified that Cartridge paper are not available.

Cuttack.

Dt. 02.05.2024.

h
Addl.Govt.Advocate.

solemnly affirm on in Oath by the Deponent
at Cuttack on 02-5-24 being identified
by S.P. Panda
Advocate/Adv's Clerk/S.O., AG's office/Notary
personally, that the facts stated above are
true to the best of his/her knowledge.

RAMA CHANDRA MISHRA, NOTARY
CUTTACK TOWN, REGD. No-21/86



INSPECTION REPORT ON NIJIGARH AND GOPINATHPUR SAND QUARRY

Date of inspection : 24.04.2024

I , AEE, Head Works Sub-Division No II , Samal along with AE & JE of Head Works Sub-Division No II , visited the Nijigarh & Gopinathpur Sand quarry after consulting with the concerned RI, Talcher & Tahsildar, Talcher . Following observations are made during the inspection.

1. That, the water in the river Brahmani is flowing in the river without any obstruction in the non-monsoon period.
2. That, a sand fair-weather road has been constructed with hume pipes across the river, which is not obstructing the river flow (photo enclosed)
3. That, The fair weather road has been connected to the cement concrete road to the near by village of river Brahmani
4. That, the river embankments of river Brahmani in that area are in normal condition with minor rain cut in some places.

This is for kind information and necessary action.

[Signature]
 24/04/24
 J.E.
 HWSD II

[Signature]
 24/04/2024
 A.E.
 HWSD-II

[Signature]
 24.04.2024
 A.E.E
 Asst. Executive Engineer
 Head Works Sub-Division No-II
 S A M A L

Memo No 203

Date 25/4/2024.

Copy submitted to the Superintending Engineer , Head Works Division, Samal for favour of kind information and necessary action.

[Signature]
 24.04.2024
 Asst. Executive Engineer
 Head Works Sub- Division – II

Xerox Copy Attested

[Signature]
 01/05/24
 Asst. to C.E. & B.M.
 Brahmani, Basin, Samal

- 8.

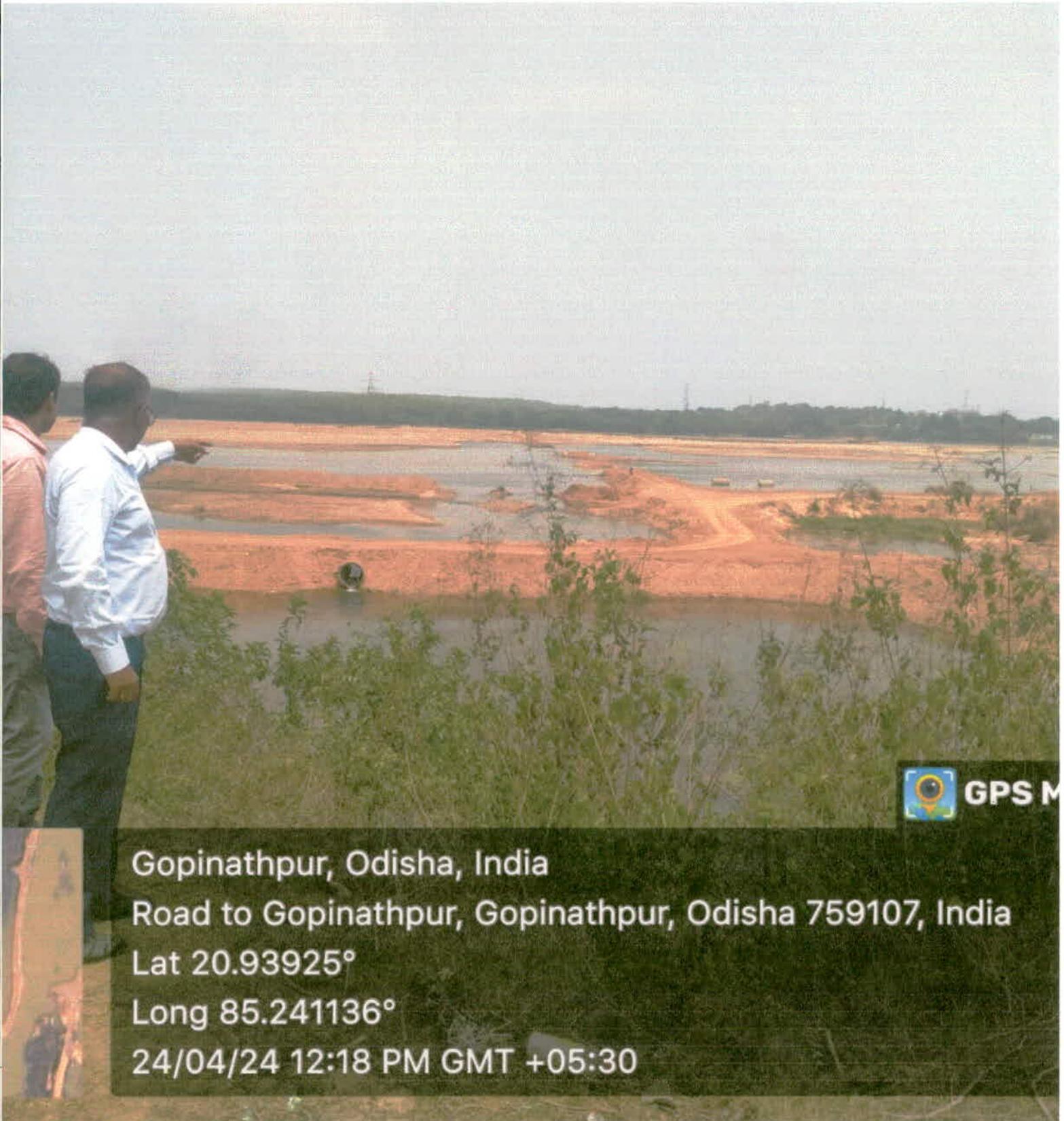


Dhenkanal, Odisha, India
W7C3+7WM, Banarpal - Pallahara Rd, Odisha 759146, India
Lat 20.921144°
Long 85.252607°
24/04/24 12:05 PM GMT +05:30

photoCopy AH & sted

[Handwritten signature]
01/05/24

Asst. to C.E. & B.M.
Brahmani, Basin, Samal



Gopinathpur, Odisha, India

Road to Gopinathpur, Gopinathpur, Odisha 759107, India

Lat 20.93925°

Long 85.241136°

24/04/24 12:18 PM GMT +05:30

PhotoCopy Attested


01/05/24

Asst. to C.E. & B.M.
Brahmani, Basin, Samal