

BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN  
ZONE BENCH, KOLKATA.

Original Application No.89 /2024/EZ

Gopinath Majhi. .... Applicant.

-Versus-

State of Odisha and Others. .... Respondents.

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Cuttack.  
Dt. 18.06.2024

By the Respondent No.2 through

  
( Shakti Prasad Panda)  
Addl.Govt.Advocate.

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA .  
ORIGINAL APPLICATION NO. 89 /2024/EZ.**



Gopinath Majhi. .... Applicant.

Versus

State of Odisha and Others. .... Respondents.

**AFFIDAVIT FILED BY DISTRICT MAGISTRATE  
, JHARSUGUDA- RESPONDENT NO.2.**

I, Ms. Aboli Sunil Naravane , aged about 34 years, D/o. Sunil Naravane, at present working as Collector and District Magistrate , Jharsuguda ,At/P.O./Dist.- Jharsuguda, do hereby solemnly affirm and state as follows :

1. That, I am the Respondent No.2 in this petition. I have gone through the Original Application as well as the order dated 02.05.2024 passed by this Hon'ble Tribunal in the aforesaid case. I am also well acquainted with the facts of the case to swear this affidavit.

2. That this affidavit has been filed in obedience to order dtd.02.05.2024 of the Hon'ble Tribunal.

3. That it is humbly submitted that, this Hon'ble Tribunal vide order dtd.02.05.2024 has been pleased to direct to constitute a Committee comprising of the following members. The relevant portion of order of this Hon'ble Tribunal is quoted hereunder :-

**18.06.24**  
**AMBIKA PRASAD RAY**  
**NOTARY, CUTTACK TOWN**  
**REGD. NO-ON-56/2004**

*Aboli Sunil Naravane*

- “ i) Senior Scientist, Central Pollution Control Board;
- ii) Senior Scientist, Ministry of Environment, Forests and Climate Change (MoEF & CC), Regional Officer, Bhubaneswar.
- iii) District Magistrate , Jharsuguda or his representative Officer not below the rank of Additional District Magistrate (ADM) .
20. The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.
21. The District Magistrate , Jharsuugda shall be the Nodal Body for all logistic purposes and shall file the Fact Finding Report on affidavit.”

4. That, the deponent respectfully submits that in pursuance of the direction of the Hon'ble Tribunal as contained in para-19 of the order dated 02.05.2024, the Additional District Magistrate (General), Jharsuguda on appropriate authorization, a joint committee meeting was held on 27.05.2024 and it was decided that site visit shall be held on 12.06.2024. On 12.06.2024 , the Committee members visited the site and submitted the report on the same day. True copy of Committee meeting held on 27.05.2024 and copy of report dtd.12.06.2024 are annexed herewith as Annexure- A/2 & B/2 respectively.

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

*Handwritten signature in blue ink, possibly reading "Ambika Prasad Ray".*

5. 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 there from.

Identified by:

  
18.6.2024  
Addl. Tahasildar  
Lakhanpur

  
Deponent  
COLLECTOR  
JHARSUGUDA

**VERIFICATION**

I, Ms. Aboli Sunil Naravane aged about 34 years, D/o. Sunil Naravane, at present working as Collector and District Magistrate, Jharsuguda, At/Po/Dist. Jharsuguda, 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 Jharsuguda on this 18th day of June, 2024.

  
VERIFICANT

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

AFFIDAVIT.

I, Ms. Aboli Sunil Naravane aged about 34 years, D/o. Sunil Naravane, at present working as Collector and District Magistrate, Jharsuguda, At/Po/Dist. Jharsuguda, do hereby solemnly affirm and state as follows:-

1. That I am the Respondent No.2 in this case. I am well acquainted with the facts of the case and as such competent to swear this affidavit in my official capacity.
2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by:

*Shakti Prasad Panda*  
Addl. Tahasildar  
Lakhanpur

*Aboli Naravane*  
Deponent.  
**COLLECTOR**  
**JHARSUGUDA**

CERTIFICATE.

Certified that due to non-availability of cartridge paper the contents of this counter affidavit have been typed in thick white paper.

Cuttack.  
Dt. 18.06.2024.

*Shakti Prasad Panda*  
( Shakti Prasad Panda)  
Addl.Govt.Advocate



*Ms. Aboli Sunil Naravane*  
The above named deponent being identified by Kulamani Panda, Addl. Tahasildar, Lakhanpur, solemnly affirm and states before me that the contents of this AM are true to the best of his/her/their knowledge and belief.  
*18.06.24*

**AMBIKA PRASAD RAY**  
NOTARY, CUTTACK TOWN  
Regd. No.-ON-56/2004



**Minutes of the Meeting of the Joint Committee constituted in compliance to the NGT order dated 02/05/2024 in matter O.A. No 89/2024/PB (Gopinath Majhi Vs State of Odisha &Ors.)**

The meeting of the Joint Committee, constituted as per the **Hon'ble NGT order dated 02/05/2024** in the matter of **O.A. No 89/2024/PB (Gopinath Majhi Vs State of Odisha &Ors.)** was held on **27<sup>th</sup> May 2024** at 04:00 PM through Video Conferencing.

Following Officials attended the meeting:

- Sri Brajabandhu Bhoi, ADM, Jharsuguda & Nodal Officer
- Sri Sandeep Nandi, Sc B, MoEF & CC, Bhubneswar
- Sri Sandeep Roy, Sc D, CPCB, Kolkata.

Sri Brajabandhu Bhoi, ADM welcomed all the committee members and briefly apprised the matter concerning Ash Pond incident. He highlighted the directive from the Hon'ble NGT stating that the committee is mandated to visit the site and further assess the factual situation in the area. The visit of the affected area may be carried out by ADM Office to collect the Preliminary information.

The Committee members gone through the allegations made in original Application. Following points are highlighted by the applicant in his application.

1. Breach of Ash Pond in the month of December, 2023 and spillage of ash in adjoining areas.
2. Reclamation of affected area due to ash spillage and repairing work of ash pond.
3. Construction of ash pond to the proximity of Hirakud reservoir, a notified RAMSAR Site.

Sri Sandeep Roy mentioned about the VIP- PGC received from Hon'ble MP- Sri Suresh Pujari in the similar matter where a joint inspection was carried out in the month of Feb 2024. During this Joint visit, Officials from OSPCB, CPCB and Tahsildar- Lakhanpur were present. Report was also prepared and sent to CPCB, Delhi. Based upon the recommendation of the committee, OSPCB issued directions to M/s OPGC.

True Copy Attested

  
19/06/2024

Addl. Tahasildar  
Lakhanpur

The compliance status of the Directions may also be verified during proposed visit by committee members, constituted by Hon'ble NGT.

Sri Sandeep Nandi suggested that, during joint inspection, report from OPGC may be obtained relating to various statutory permissions regarding Ash Pond construction, distance from Hirakud reservoir etc.

All committee members agreed to conduct a field visit to verify the actual scenario of the area with regard to the allegations made. The date for the site visit was fixed to 12<sup>th</sup> June 2024, with unanimous agreement.

Based on the deliberation held, following were decided:

- i. Site visit of the committee is to be held on 12<sup>th</sup> June 24.
- ii. ADM Office may visit the affected site (as per allegations made in Application) and prepare preliminary report accordingly.

*The meeting ended with thanks to and from the Chair.*



(Sandeep Nandi)  
Scientist B  
MoEF & CC, Bhubaneswar



(Sandeep Roy)  
Scientist D  
CPCB, Kolkata



(Brajabandhu Bhoi)  
ADM & Nodal Officer  
Jharsuguda

**True Copy Attested**

  
21/06/2024  
**Addl. Tahasildar**  
**Lakhanpur**

**Joint Inspection Report in the Hon'ble NGT matter OA No – 89/2024/EZ (Gopinath Majhi Vs State of Odisha) order dated 02/05/2024**

As per the direction of Hon'ble NGT in the matter of OA No- 89/2024/EZ (Gopinath Majhi Vs State of Odisha) order dated 02/05/2024, a committee was constituted comprising of the following members:

1. Senior Scientist, Central Pollution Control Board;
2. Senior Scientist, Ministry of Environment, Forests and Climate Change (MoEF&CC), regional officer Bhubaneswar;
3. District Magistrate, Jharsuguda or his representative Officer not below the rank of Additional District Magistrate (A.D.M).

Committee was directed to visit the site, and submit the report in regards to the allegation. Accordingly, the committee had its meeting via VC on 27<sup>th</sup> May 2024. It was decided to carry out the site visit on 12/06/2024. Following officials were present during the site visit.

1. Sri Sandeep Roy, Senior Scientist, Central Pollution Control Board;
2. Sri Sandeep Nandi, Senior Scientist, Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office Bhubaneswar;
3. Sri Brajabandhu Bhoi, Additional District Magistrate (General), Jharsuguda.

The following officials from M/s OPGC Ltd were present during inspection: -

1. Mr. Sukanta Mohapatra (Sr. VP Operations)
2. Mr. P. Koreshu Patra ( GM Projects)
3. Dr. Ratikanta Das (Head HR & Admin)
4. Mr. Sitaram Sahu (Head EHS)
5. Mr. Parthasarathi Panda (Sr. Manager Environment)
6. Himansu Bhusana Behera (Sr. Manager PR/CSR/Land)

The Committee members gone through the allegations made in original Application. Following points are highlighted by the applicant in his application.

1. Breach of Ash Pond in the month of December, 2023 and spillage of ash in adjoining areas.
2. Reclamation of affected area due to ash spillage and repairing work of ash pond.
3. Construction of ash pond to the proximity of Hirakud reservoir, a notified RAMSAR Site.

True Copy Attested

  
18.6.2024  
Addl. Tahasildar  
Lakhanpur

### Observations on the day of inspection:

- I. The Ash Pond complex constituted of 3 Nos of Ash Ponds of which **Ash Pond- A** was commissioned on 31.08.2007, **Ash Pond- B** was commissioned on 03.06.1995 and **Ash Pond- C** was commissioned on 17.04.2017 . Thus, the ash ponds were commissioned before the MoEF & CC's notification of 19.08.2019 which states minimum distance of Ash Pond should be 500 m from HFL of larger water bodies.
- II. The breach/ incident had occurred on the Northern side of Ash Pond-C on 09.12.2023 at 8.30 AM. It was found that 20 m width of entire starter dyke along with raised embankment was washed-out. It was estimated by the industry that around 4.0 to 4.5 lakh tons of ash has been washed away into the nearby areas (154.24 Acre). As on date i.e. till 11.06.2024 around 4.2 Lakh MT of ash had been recovered and has been disposed back at Ash Pond-C. As informed the balance quantity of ash will be recovered within 7 -10 days of time period.
- III. It was found that the Pond-C was operational during the time of visit and the industry has all necessary safety measures as directed by OSPCB .
- IV. During visit, it was observed that the restoration and reclamation work of the affected and breached area has been completed up to RL 208 m and grass turffing on the downstream bund was in progress (Photograph enclosed). The committee members also visited periphery of the ash ponds (i.e. Ash Pond #A, B, C) as well as the backwater area of Hirakud reservoir side (Southern side of ash pond). Any type of ingress of Ash water/ Supernatant into Hirakud reservoir was not observed. The dyke restoration work has been completed as per recommendation, design & drawing of IIT Chennai. The design & drawing has been enclosed for reference.
- V. The industry has paid necessary compensation of amount Rs 53,98,400/- to the affected families and Rs 6,50,000/- to affected SHG group (copy enclosed).

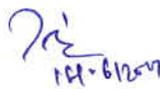
### Action Taken by the OSPCB: -

As soon as the information of breach in Ash Pond-C was received by the Odisha Pollution Control Board, a team from Head Office, Bhubaneswar along with the Officials of Regional Office, Jharsuguda visited the affected area on 09.12.2023 & the team remained on 10.12.2023 to ascertain the situation. Based upon that report, a direction U/s. 33A of Water (PCP) Act, 1974 and U/s. 31A of Air (PCP) Act, 1981 was issued to M/s OPGC Ltd on dtd. 11.12.2023.

In compliance to this, the industry has submitted a status/progress report to OSPCB (copy of the same enclosed).

They have also submitted a short term and a long-term action plan for restoration of breached portion of Pond-C as well as overall ash management and reclamation of affected land area due to spillage of Ash.

**True Copy Attested**

  
12/11/2024  
**Addl. Tahasildar**  
**Lakhanpur**

**Remedial Measures Taken by OPGC:**

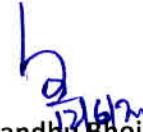
- 1) The industry has instantly initiated restoration of the breached portion of Pond-C under the guidance and supervision of expert from IIT Chennai. The drawings enclosed for reference.
- 2) The industry has prepared SOP for stability, safety, operation, maintenance & inspection of ash pond area and embankment.
- 3) The industry has installed AAQMS at Rengali village (towards affected Side). The photograph & monitoring data has been enclosed.
- 4) The industry has engaged TERI-SAS for carrying out an Environment damage assessment study. The study will be carried out in 3 seasons i.e. Pre-Monsoon, Monsoon & Post-Monsoon. The final study report will be available by 31<sup>st</sup> March 2025 & the Pre-Monsoon report will be available by August 2024.

  
12/6/24  
(Sandeep Roy)

Scientist D, Central  
Pollution Control Board,  
Kolkata

  
(Sandeep Nandi)

Scientist B, (MoEF&CC),  
Regional office  
Bhubneswar

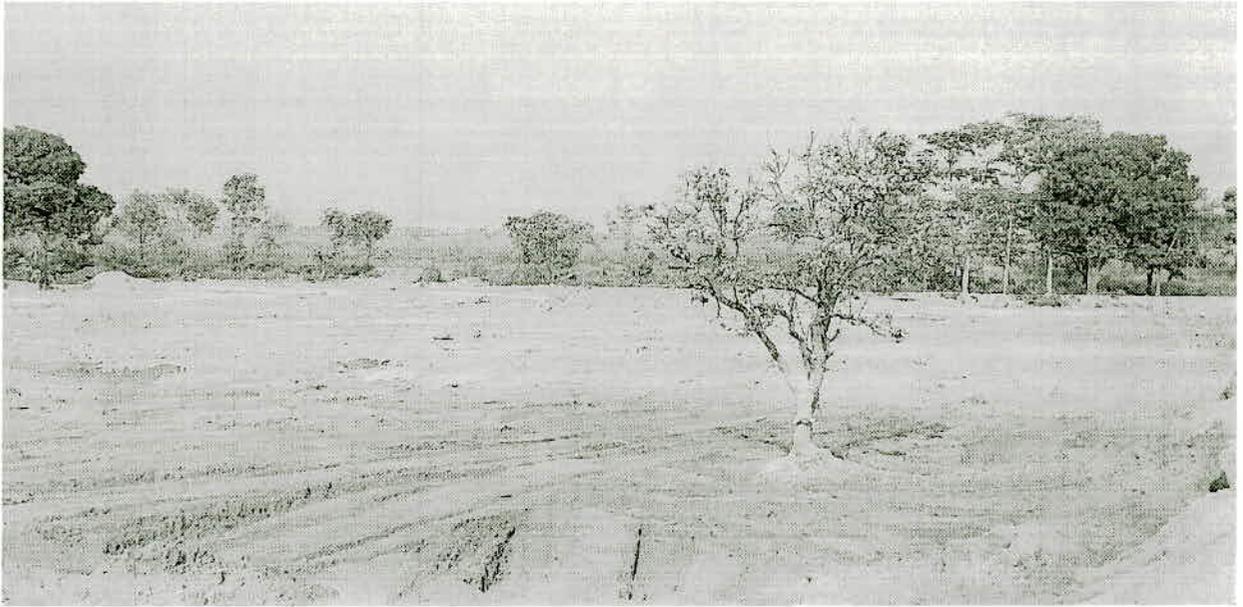
  
12/6/24  
(Brajabandhu Bhoi)

Nodal Officer-cum-Additional  
District Magistrate (General),  
Jharsuguda

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12/6/24  
Addl. Tahasildar  
Lakhanpur

Photographs



Reclamation of Affected area and Ash Pond C

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Lakhanpur**



AAQMS at Rengali Village



Hirakud Reservoir near Ash pond

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12/06/2024  
Addl. Tahasildar  
Lakhanpur