

**IN THE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE, KOLKATA**

ORIGINAL APPLICATION 46/ 2024

Sridhar Samal Applicant

Versus

Union of India and Others Respondent

**Rejoinder Affidavit by Applicant towards the Counter
Affidavit filed by National Highway Authority of India**

1. That it is worthwhile to mention here that the answering respondent has never completely denied the pollution that is happening in the parts which is maintained by them.
2. That in Paragraph 4-6 the respondent has admitted around 20-25kms stretch is under their control and some will be handed over to them very soon by Govt of Odisha. Even they have admitted that some stretches are maintained by them which is under Govt. of Odisha. So almost all the areas which were considered to be polluted are coming under their supervision. Nowhere the respondent has stated what are the preventive steps they have taken



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REGN.No.ON-107/2009

26-6-2024

towards the pollution that is happening in the areas that is coming under their supervision. The present respondent has no where denied the inspection report filed by Opp. Party No. 3. Considering the inspection report the present respondent is very much liable to maintain the polluted portion that is coming under their supervision.

3. That in Counter affidavit by Respondent No 3 in Page No. 11(Annexure B/3) Paragraph 4 the Opp. Parties have found that places namely Balahar, Lingaraj, Nandira, Thermal area, Tentuloi village, Badadanda Sahi, Baghmara and Diajharan are affected by fugitive dust emission by road nuisance. These were the places where it was alleged pollution is happening. The major reason for such pollution was plying of vehicles. The allegation made by present applicant that pollution is caused because of trucks not taking any preventive steps is admitted by Opp. Party in the above-mentioned paragraph. Secondly the present respondent is very much liable to maintain those roads.



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4. That National Highway Authority has nowhere in their counter affidavit has stated what are the preventive measures they have taken towards the pollution that is happening in the portion of road that is under their control. Some portions of alleged areas are not coming under their jurisdiction does not mean that the answering respondent will not take any preventive measures for protection of roads/areas that is coming under their jurisdiction.
5. That it is worthwhile to mention here that just to escape from their liability the Opp. Party has taken averments that some of the roads which has been alleged are not coming under their jurisdiction. No where they have answered what all preventive steps that they have taken for prevention of pollution in the roads that are coming under their jurisdiction

Para wise Reply

6. That the That in response to averments made in Paragraph 1-2 of the Counter affidavit the applicant has nothing to

comment as it is mostly relating to reason why the present application was filed as well it discusses the order of Hon'ble Tribunal.

7. That in response to averments made in Paragraph 3 it is worthwhile to mention here that it has been admitted in the Committee report filed by Opp. Party No. 3 at Annexure B/3 that places namely Balahar, Lingaraj, Nandira, Thermal area, Tentuloi village, Badadanda Sahi, Baghmara and Diajharan are affected by fugitive dust and the reason behind it is uncontrolled truck transportation. That National Highway Authority has nowhere in their counter affidavit has stated what are the preventive measures they have taken towards the pollution that is happening in the portion of road that is under their control.
8. That in response to averments made in Paragraph 4-6 it is worthwhile to mention here that the Opp. Party has discussed the areas which comes under their jurisdiction and the areas which will be handed to them by Govt. of

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Odisha. Considering the above averments most of the alleged roads comes under their supervision. Nowhere in the Paragraph they have discussed as to what steps they have taken for prevention of pollution that is happening in the stretch that is under their supervision.

9. That in response to averments made in Paragraph 7-8 it is worthwhile to mention here that respondent has no where answered as to what preventive measures they have taken with regards to pollution that is happening in the stretch that is under their supervision.

10. That all the other averments made in the rejoinder affidavit which are not specifically denied are herein are deemed to be denied and the deponent reserves right to file further affidavit as and when required

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

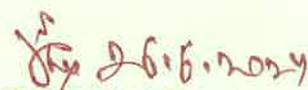
Kolkata

By Applicant

Date 26/6/24



Advocate


DEBENDRA PRASAD RAY
NOTARY, CUTTACK, ODISHA
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VERIFICATION

I Sridhar Samal aged 45 years S/o Krushna Samal At-
Kansmunda P.O- Talcher Dist- Angul- 759117 do hereby
verify and state that the contents of the original application and
the facts stated are true to best of my belief. And no material
facts which are available to me are being suppressed by me in
any manner whatsoever.

Identified by


Advocate


Verificant

 26.6.2024

DEBENDRA PRASAD RAY
NOTARY, CUTTACK, ODISHA
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AFFIDAVIT

I Sridhar Samal aged 45 years S/o Krushna Samal At-
Kanasmunda P.O- Talcher Dist- Angul- 759117 herby
solemnly affirm and state as follows that,

1. That I am the applicant in this case
2. That the facts stated are true to the best of my knowledge
and no materials facts which are available to me are being
supressed by me in any manner whatsoever.

Identified By

[Signature]
Advocate

[Signature]
Deponent

Certified that the above named Deponent
being identified by.....
Advocate solemnly affirms and states before
me that the contents of this affidavit are
true to the best of their/his/her knowledge.

[Signature] 26.6.2024

DEBENDRA PRASAD RAY
NOTARY, CUTTACK

