

**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.4.	1 - 4

Cuttack

Date:09.08.2024.

  
Addl. Government Advocate.

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**COUNTER AFFIDAVIT FILED ON BEHALF  
OF THE RESPONDENT/OPP.PARTY NO.4.**

I, Sri Sarat Kumar Rout, aged about 59 years, Son of Late Bansidhar Rout, at present working as Additional Chief Engineer, R.W.Division, Anandapur, Dist: Keonjhar, Odisha do hereby solemnly affirm and state as follows:-

1. That I am swearing this affidavit on behalf of the Opp.Party No.4 i.e. the Assistant Executive Engineer, Rural Works Sub-Division, Ghatagaon, Dist: Keonjhar.
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.

3. That the aforesaid original application has been filed by the applicant before the Hon'ble National

*Handwritten signature: Sarat Kumar Rout*  
09-08-24

*Handwritten signature: Ambika Prasad Ray*  
09-08-24  
AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
REGD. NO-ON-58/2004

*Handwritten signature: KT Bal*

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.

Sarat Kumar Rout  
09-08-24

4. That the averments made in paragraphs-1 to 17 of the Original Application call for no reply from this deponent.

5. That in reply to the averments made in paragraph-18 of the Original Application, it is humbly submitted that during enquiry into the matter, it is found that the RD road in question as has been alleged by the applicant, which connects Jarada to Rama Chandrapur, does not belong to the jurisdiction of the Superintending Engineer, Anandapur Division. Rather the said RD road, as alleged, belongs to the PWD

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AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
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Department, which comes within the jurisdiction of the Superintending Engineer, R&B Division, Ghatagaon. Therefore, the allegation with regard to the damage caused to the said road, if any, the present deponent has no jurisdiction to interfere with the same.

6. That the averments made in paragraph-20 of the Original Application are false, baseless and hereby denied. In this context, it is humbly submitted that the said RD road in question was never constructed by the Superintending Engineer, Anandapur Division, Anandapur. Rather, the said road was constructed by the PWD Department. The petitioner without knowing the true state of affairs and verifying the exact information, showing as to which Department of the Government has constructed the said road. On the other hand, based on the imagination and incorrect information, he has made the Assistant Executive Engineer, Rural Works Sub Division, Ghatagaon, as Respondent/Opp.Party No.4, which authority is not competent to encroach upon the jurisdiction of the area coming under the PWD Department.

Sarat Kumar Rout  
09-08-24

As averred, the photographs enclosed to the original application showing the condition of the road caused due to the playing of heavy loaded vehicle, it is submitted that the said roads connects Deogaon to Ramachandrapur and Deogaon to Sailong which

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

belongs to the PWD Department under the jurisdiction of the Superintending Engineer, R&B Division, Ghatagaon. The said photographs were taken in the months of September and November, 2023. Since the said road does not come within the jurisdiction of the Superintending Engineer, Rural Works Division, Anandpur. Hence, the deponent has no comments to offer on the same.

7. That the Respondents craves the leave of the Hon'ble Court to file fresh affidavit, it required in the interest of the lis.

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

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

Identified by:-

*Sarwat Palwank*

Advocate

Sarat Kumar Rout  
Deponent. 09-08-24

**Certificate**

Certified that the cartridge papers are not readily available.

Cuttack

Date:09.08.2024

*Sarwat Palwank*  
Addl. Government Advocate.

09.08.24  
AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
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