

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA

O.A. NO. 42/2024/EZ

In the matter of:

Bimal Hembram and Anr.

...Applicant

-Versus-

State of Odisha and Ors.

...Respondents

I N D E X

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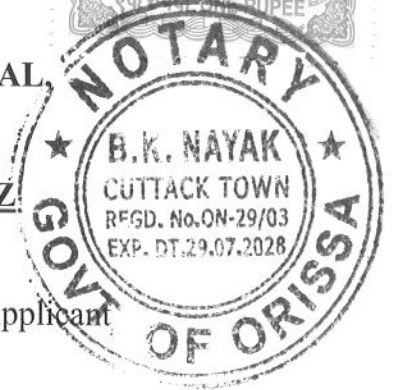
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By the Respondent No. 9 through

Date: 27.08.2024

  
Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 42/2024/EZ



In the matter of :

Bimal Hembram and Anr. ...Applicant

-Versus -


State of Odisha and Ors. ..Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT  
NO. 9

I, Sanjeev Gupta, aged about 58 years S/o Late S.P. Gupta, Residing at Flat No. 3B, Plot No. 180, N - 2, IRC Village, Nayapali, Bhubaneswar, do hereby solemnly affirm and state as follows:

My Home Industries Pvt. Ltd  
Sanjeev Gupta  
Authorised Signatory

1. That currently, I am working as the Joint President, Marketing and have been duly authorised by the Respondent No. 9 to swear this affidavit.
2. That I have gone through the averments made in the O.A. and after understanding the same, I am filing the Affidavit.
3. That at the very outset, the captioned O.A. filed with the aforestated prayer/reliefs is not maintainable both in fact and law thus, liable to be dismissed.
4. That it is humbly submitted that the averments made in the application are distortion of facts and based on concocted and unfounded materials on record, which cannot be gone into and placed reliance upon for the purposes of adjudicating the purported subject matter of the dispute.

  
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5. That it is respectfully submitted that this Respondent No.9 denies each and every averment/assertion/contention/allegation made by the Applicants unless any of the same is admitted specifically hereinafter. That the Respondent No.9 further submits that no averment/assertion/contention/allegation made and raised by the Applicants under any circumstance be deemed to have been admitted on the ground of non-traverse.
6. That it is respectfully submitted here that the Hon'ble Tribunal, after going through the submissions advanced by the Ld. Counsel for the Applicants and pleadings available on record, vide Order dated 29/04/2024 has carved out the focal issue which is quoted below for better appreciation of this Hon'ble Tribunal.

***“17. Issue Notice to the Respondents, returnable within four weeks. We make it clear that notice is being issued to the Respondents only to show cause as to whether the land in question is forest land and whether statutory Forest Clearance under Section 2 of the Forest (Conservation) Act, 1980 has been granted for diversion of the land in question for non-forestry purposes”***

Therefore, the aforesaid question set out by the Hon'ble Tribunal, if answered in particular that would resolve the subject matter of dispute, thus, the Respondent No.9, at the very outset, would like to address the aforesaid issue.

- i. The first question to be answered is ‘Whether the land in question is a forest land?’ The land involved in the

  
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O.A. No. 42 of 2024 is Sabik Plot No.3854 having Sabik Khata No.2024 which is rechristened as Hal Plot No.4368 (P) having Hal Khata No.1298 under Village: Byree, Tehsil: Darpan. The Kissam of the land both in Sabik as well as in Hal remains as 'Patita'. Therefore, the Respondent No.9 humbly submits that the land in question is not a forest land as claimed by the Applicant.

- ii. This leads to the second question i.e. 'Whether statutory Forest Clearance under Section 2 of the Forest (Conservation) Act, 1980 has been granted for diversion of the land in question for non-forestry purposes'. The Respondent No.9 humbly submits that since the land in question is not a forest land, therefore, the question of applicability of Act 1986 and more so, clearance under Section 2 is not at all required.
- iii. The Hal-Sabik Statement issued by the Collector, Jajpur to the Additional Land Officer, IDCO, Jajpur Division, Jajpur vide Letter No.4329, dated 15/04/2024, would go on to show that the Kissam of land in Hal Plot No.4368 under Khata No.1298 corresponding to Sabik Plot No.3854 having Sabik Khata No.2024 (P) has all along been Patita and not Jungle since its inception. Accordingly, IDCO has processed the lease in favour of the Respondent No.9 and thereafter, executed the Lease Deeds.

Copy of the Letter No.4329, dated 15/04/2024 is annexed herewith as ANNEXURE - A/9.

  
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- iv. The Additional District Magistrate, Revenue, Jajpur District, vide Letter No. 15867 dated 01.12.2021, issued in reply to Letter No.7 dated 30.11.2011, has informed the Respondent No. 9 that the Sabik kissam of the Government Land in Sabik Plot No.3854 and kissam of corresponding to Hal Plot No.4368 is 'Patita'.

Copy of the Letter dated 01.12.2021

are annexed herewith as **ANNEXURE -**

**B/9.**

- v. As a matter of fact, the land involved is not a forest land, MoEF – the Respondent No. 3 herein has issued the Environmental Clearance (EC) to the present Respondent in terms of the provisions of the Environment (Protection) Act, 1986.
- vi. Pursuant to receipt of the notice in the captioned O.A., the Respondent No.9 vide its Letter No.004B/2024 dated 01/07/2024 had sought for the Hal-Sabik Correlation of the concerned Plot along with the certified copies for the land schedule at Byree, from the Deputy Collector, Record Room, Collectorate, Jajpur. The information sought for was provided to the Respondent No.9 vide Letter dated 01/07/2024 in Form No.34 which goes on to show that the land in dispute has all along been 'Patita' both in Sabik and Hal.

Copy of the Letter dated 01/07/2024 along with its enclosures are annexed herewith as **ANNEXURE - C/9.**


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*[Handwritten signature]*

7. That the true and correct facts of the case, revolving around the project of the Respondent No. 9 runs as follows:
- i. The Respondent No.9 had proposed for construction of Greenfield Project for installation of cement grinding unit with an installed capacity of 3.0MTPA (1.5MTPA in Phase - 1 & 1.5 MTPA in Phase - 2) for production of PSC, CC, PPC and OPC at village: Byree, Tahasil - Darpan, District: Jajpur, Odisha, covering an extent of 63.23 Acres.
  - ii. The Collector, Jajpur, the Respondent No.4 herein, has issued three (03) Sanction Orders and accorded sanction for lease of Government Land in favour of IDCO, the Respondent No. 7 herein for the purpose of establishment of industries and allied activities at Byree village, for 159.50 Acres vide Order No. 537/Rev. Dt. 29/03/2007 and for 20.60 Acres vide Order No. 11753, dated 19/08/2022 and Corrigendum Order No. 12882, dated 07/09/2022 and Order No. 16937, dated 14/11/2022 for 30 Acres respectively. Subsequently, IDCO has executed three Lease Deeds for the said Govt. land in favour of the Respondent No.9 for 103.23 Acres
  - iii. The Impact Assessment Division of MoEF has issued an Office Memorandum dated 29/03/2022, explicitly clarifying regarding activities which can be undertaken for securing the land prior to grant of EC to the project proponents.

As per the said Office Memorandum, the Project Proponent can undertake three activities to

  
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secure the land, subject to certain conditions. Further, as per the minutes of meeting held on 09/09/2022 under the Chairmanship of the Principal Secretary to Govt. of Odisha, Industries Department, the Respondent No.9 was allowed to start construction of the boundary wall on 26/09/22 by mobilizing materials, manpower and equipment, for which the District Administration was required to extend all the possible support. Also, as per the General Condition No. 6 of the Consent for Establishment (CTE) dated 20/12/2022, issued by SPCB, the Respondent No.6 herein, the Respondent No. 9 was also allowed to carry out construction activity as per approved layout map.

It is respectfully submitted here that the present Respondent has carried out the activity of fencing and development of kutchha access way inside the proposed area, to move the fencing materials and manpower, including putting up a make shift office.

Copy of the Office Memorandum dated 29/03/2022 and the CTE dated 20/12/2022 are annexed herewith as **ANNEXURE - D/9 SERIES.**

10. That the Respondent No.9 shall now deal with the averments made in application in parawise manner:

- a. With reference to Paragraph No. 1 to 2, the Respondent No. 9 denies the averments made therein and states that Applicant No. 1 an 2 have not stated as to how he is

  
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going to be affected by the operation of the cement grinding unit.

- b. With regard to the averments made in Paragraph No. 3, the Applicants have stated that the villagers of Jhatiapada, Ward No. 15 of Byree Gram Panchayat having population around 250 mostly belonging to Munda Tribal Community, one Anganwadi centre and UP School children would be seriously affected, if the proposed Cement Grinding Unit by the Respondent No.9 would be allowed to set up. Thereafter, the Applicants have stated that their objections were not heard in the public hearing.

Now, the question, which arises for consideration is that whether the Applicant Nos. 1 and 2 are directly affected for which, they have approached the Hon'ble Tribunal or whether they have taken up the issues of villagers of Jhatiapada, Ward No. 15 of Byree Gram Panchayat in as much as the averments are self-contradictory.

If the Applicant Nos. 1 and 2 are taking up issues of other villagers, then their capacity and authorisation is to be questioned especially, when neither of them are Members of the Byree Gram Panchayat. Ideally, if the villagers are affected by any of the issues concerning the village, the same is to be run through its Gram Panchayat and the Sarpanch or any of its members,

  
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would have come forward to take up issues of its Gram Panchayat.

In the instant case, neither the Byree Gram Panchayat nor the villagers have come forward against the setting up of Cement Grinding Unit proposed by the Respondent No.9. That is mostly because, the villagers were heard in the Public hearing held on 05/08/2022 conducted by the Jajpur District Administration at Plot No. 4228/Khata No.1298 of Byree Village, Jajpur, Odisha vide Collectorate, Jajpur Memo No.8930 dated 29/04/2022. Their opinions and concerns were duly considered and addressed by Respondent No.9. The villagers are satisfied that the project is not going to harm or prejudice the nature at the same time, it would be developmental for the area and its people at large.

The present application is nothing but filed by the Applicants for their own undue benefit. They are utilizing this Hon'ble Tribunal as a platform to extort money and avail personal gain from the Respondent No.9. The same is very much evident from the averments made in the O.A., which not only touches the statutory clearances issued to the Respondent No.9, but also speaks about different animals, species, forest, air pollution, industrial competition, railway, elephant corridor, electricity set up etc. The Applicants are set up by the competitor of the present Respondent whose entire endeavour is to stall the process at any cost. The present O.A is a classic example of frivolous and

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vexatious litigation, which are to be curtailed to ensure genuine litigation are given valuable time.

As a matter of fact, the present Applicants are residing in the revenue land by means of forcible encroachment since last 10 years. The Village Jhatiapada is not a Revenue Village. Certain nomadic group has settled over the area few years back. The Government Land alienated under lease by the IDCO in favour of the Respondent No.9 is situated in Byree, which Village is coming under Byree Gram Panchayat in Darpan Tahsil.

As far as public hearing is concerned, it is submitted that the Public hearing was conducted by Jajpur District Administration on 05/08/2022 at Plot No.4228/Khata No.1298 of Byree Village, Jajpur, Odisha vide Collectorate, Jajpur Memo No.8930 dated 29/04/2022. Since, the said Public Hearing was conducted by the pollution control authorities in the presence of the revenue and police officials of the Jajpur District Administration on an open public place at Jagannath Temple Field on Plot No.4228/Khata No.1298 of Byree Village, Jajpur, Odisha on 05/08/2022, there is no scope for the allegations by the Appellants that they were not allowed to raise their grievance and they were obstructed by the agents of the Respondent No. 9 herein.

These allegations are utter false and far from truth and in fact, the said statements are self-

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contradictory with each other. On the contrary, certain grievances raised in the said Public Hearing have been well taken into consideration by the Respondent No.9 and accordingly, it has agreed to spend amounts towards Enterprise Social Commitment (ESC)/Corporate Environment Responsibility (CER) against the issues raised during the public hearing to mitigate/minimize the impacts for development of site & surroundings, creating proper job opportunities in the area and improvement in the livelihood of local people.

Thus, it is incorrect rather, falsehood to state that the proposed Cement Grinding Unit if, established, it would affect the life and livelihood of the human settlement near to the said Unit. *Per contra*, by way of such investment of the funds regularly under CSR activities, more development would take place surrounding the Unit and more earning opportunities to the local people will be developed. Further, by operation of the activities in the Unit, direct and indirect employment opportunities will be created and also the existing School and the medical facilities will be automatically developed, thereby, the living standards of locals will be improved With the establishment of the unit in the State our contribution to the State exchequer will grow considerably by payment of Taxes.

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- c. With reference to Paragraph No. 4, the Respondent vehemently denies the averments that the summary EIA



report is inadequate, misleading, suppression of facts and contrary to the ground reality. The Applicants are put to strict proof of the same. The allegations are vague, absurd and without any basis.

The Respondent No. 9 would like to bring the actual facts on record for effective adjudication. The Respondent No.9 has proposed for construction of Greenfield Project for installation of Cement Grinding Unit with an installed Capacity of 3.0 MTPA (1.5 MTPA in Phase-1 & 1.5 MTPA in Phase-2) for production of PSC, CC, PPC and OPC at Village-Byree, Tehsil-Darpan, District-Jaipur, Odisha, covering an extent of 63.23 Acres (25.59 Ha) with a Project cost of Rs.600 Crores. The Greenbelt/Plantation was proposed to be developed over an area of 21 Acres of land. It is further submitted that IDCO has leased out 103.23 Acres in favour of the Respondent No.9, out of which, 63.82 Acres is situated in Hal Plot No. 4368 with Hal Khata No.1298.

It is further submitted that the Respondent No.9 has engaged a National Accreditation Board for Education and Training (NABET) approved Consultant for collection of baseline data, who prepared and submitted a detailed EIA/EMP Report to SEIAA, the Respondent No.5 herein, basing on true facts by taking into consideration the access to available premium quality raw-material, availability of power & infrastructure, availability of barren and degraded land,

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presence of feasible communication facilities and access to market.

The summary of the EIA Report has adequately captured the needs for the Project and its importance to the social infrastructure growth in the Region, by highlighting the factors, viz., the high priority being given by the Government to housing and infrastructure in view of the massive investment proposed in industry and rural sectors. It is submitted that about 8.5 Ha of the total Project Area will be covered under Green Belt and Plantation. The Respondent No.9 has planned for a 5year Afforestation Scheme to develop over an area of 8.50 Ha with 1500 saplings/ha, and to plant native plant species such as Neem, Gulmohar, Ashoka, Shisham and Jamun, etc. in consultation with local horticulturist.

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*Ramprasad Gupta*  
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- d. With reference to Paragraph No. 5, the Respondent denies the contention of the applicant that the impact of vehicular and train movement has not been dealt with in the study, noise, dust pollution and night movement and its impact on wildlife.

The Respondent has submitted the Traffic Study Report on 27.02.2023 to SEIAA, which was conducted for the Greenfield Project for installation of CGU of capacity 3.0 MTPA at Village-Byree under Darpan Tehsil, District-Jajpur, prepared/vetted by a reputed institute. As per the Report, all the issues with respect to population growth, vehicle population and existing road

  
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network, rural conditions, proposed increase in traffic load and the measures to be taken for development of existing road network have been thoroughly examined and after taking into consideration all the above said aspects, it was recommended for installation of the said Unit.

As per the said Traffic Study Report, the Respondent No. 9 has proposed 13 mitigation measures for air pollution control and (PM2.5), i.e., the emission from material handling, grinding unit and its stack, packaging unit and vehicular movements during operation phase, and dust generated during raw material grinding.

In view of the above stated circumstances, there is no scope for the allegation that the plying of the trucks through the existing roads from the Unit will prevent the movement of the alleged wildlife.

- e. With reference to the averments made in Paragraph No. 6 to 8, the Respondent No.9 categorically denies the averments of the applicant that the Sabik Plot No. 3854 with Sabik Khata No.2024 was on Pathuria Jungle Kisam, but it is changed to Hal Plot No.4368 with Hal Khata No.1298 showing Kisam as 'Patita'.

It is submitted that the Kisam of Sabik Plot No. 3854 with Sabik Khata No.2024 has all along been 'Patita' from since the very inception, and not "Pathuria Jungle" Kisam as alleged by the Applicants. It is

  
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submitted that the Hal-Sabik Co-relation of Sabik Plot No.3854 with Sabik Khata No.2024, as per the settlement record, which is filed herewith issued by the Deputy Collector, Record Room, Collectorate, Jajpur dated 01.07.2024 in Form No.34, shows that after taking into consideration the actual kissam of the said Plot that, the Sabik Plot No. 3854 with Sabik Khata No.2024 is Patita/Padia in Kisam.

Even as per Section 13(3) of the Orissa Settlement Act, 1958, if the ROR is altered in subsequent RORs the later has to be presumed to be correct, until it is proved by evidence to be incorrect.

The above said material facts were taken into consideration by the State Government of Odisha, for sanctioning the lease of Government Land in favour of IDCO, for establishment of industries. Hence it is denied that during sanction of lease, the Sabik Kissam was not considered. The Applicants are put to strict proof of the same. Since the kissam of the land was never Pathuria Jungle, the question of initiating proposal for Forest Diversion does not arise.

The EC was obtained by the Respondent No.9 by following due process of law and not fraudulently. There was no suppression of Sabik record of the land, therefore, no forest clearance was required as such the EC is valid. It is a fact that the EC was granted to the proposed Cement Grinding Unit of the Respondent No.9 by SEIAA, Odisha, vide File No.406696/36-IND1/12-

  
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2022 dated 23/06/2023 in terms of the provisions of the Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986 and subsequent amendments thereto. It is submitted that SEIAA accorded Corrigendum to the EC dated 23/06/2023 vide its Letter dated 24/07/2023, duly amending the stipulated condition at Para-A(ii), allowing the Respondent No.9 to transport 75 % of raw-material and 75 % of finished products through road network.

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- f. With reference to Paragraph No. 9 and 10, the Respondent states that it had submitted its Reply to the Odisha State Pollution Control Board in connection with the issues concerning and the objections raised by the Applicants.
- g. With reference to Paragraph No. 11, the Respondent states that the MoEF, Impact Assessment Division had issued an Office Memorandum vide F.No.LA3-22/10/2022-IA.III [E - 177258], dated 29/03/2022 providing explicit clarification regarding the activities which can be undertaken for securing the land prior to grant of Environmental Clearance to the Project Proponents.

As per the said Office Memorandum, the Project Proponent can undertake three (3) activities to secure the land, subject to 4 conditions. It is submitted that the

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Respondent has carried out the activity of fencing and development of kutchha access way inside the proposed area, to move the fencing materials and manpower, including putting up a make shift office, which is very much in compliance with the said Office Memorandum and the conditions stipulated therein, and the same is illegal.

In addition thereto, the Respondent states that as per the Minutes of the Meeting held on 09/09/2022 under the Chairmanship of Principal Secretary to Government of Odisha, Industries Department to discuss the issues of the Respondent, it was resolved that the Respondent was allowed to start construction of the boundary wall on 26/09/2022 by mobilizing materials, manpower and equipment, for which the District Administration shall extend all the possible support.

Further, as per the Special Condition No.6 of the Consent for Establishment (CFE) dated 20/12/2022 issued by the State Pollution Control Board, Odisha, the Respondent was allowed to carry out construction activity as per approved layout map.

- h. With reference to the averments made in Paragraph No. 12, the Respondent No.9 states while reiterating that the Kissam of Sabik Plot No. 3854 has all along been 'Patita' and not "Pathuria Jungle" Kissam. Also, the Hal-Sabik Co-relation of Sabik Plot No.3854 issued by the Deputy Collector, Record Room, Collectorate,

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Jajpur dated 01/07/2024, clearly establishes that Sabik Plot No. 3854 is Patita in kissam. As per the Hal-Sabik Statement issued by the Collector, Jajpur, vide Letter No.4329 dated 15/04/2024 to IDCO, the Kissam of both the Hal Plot No.4368 which corresponds to Sabik Plot No.2024(P) is 'Patita' as per the Hal-Sabik Record.

Therefore, the Letter No. GE(GL)-S-76/2010-43968/R & DM.Dt.24/10/2011 issued by the Revenue Department, State Government of Odisha, does not have any application to the instant case.

- i. With reference to the averments made in Paragraph No. 13, the Respondent No. 3 states that the land on which the proposed cement grinding set up is not coming under Jungle Kissam Revenue Land as alleged by the Applicant. The Sabik Record nowhere mentions the kissam to of Jungle, thus and also the necessity of filing the Forest Diversion Plan (FDP) by Respondent No.9 does not arise.
- j. With reference to the averments made in Paragraph No. 14, the Respondent states that the applicant is trying to confuse and mislead the Tribunal. The Applicants are trying to stretch the dispute beyond the concerned project for which, EC has been granted i.e. for 62.23 Acres only, and not for 68 Acres as alleged by the Applicants. Further, the Respondent would like to

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reiterate that the Project area does not cover any forest land.

- k. With reference to the averments made in Paragraph No. 15, the Respondent No.9 states that the Amin report relied upon by the Applicants is not a reliable document. It is humbly submitted that the said Amin report is not correct. The source of such report is not disclosed, and also there are no further Proceedings issued authenticating the said Amin report by the Competent Authority.

The fact remains that both in the C.S. RoR and Hal RoR, the land has been described as 'Patita' and there was no semblance of any 'Rocky Forest'. The Amin Report appears to be an imaginary one having no authenticity not it has got any evidentiary value. The finally published RoR has evidentiary value. The land is Patita and not forest land since its inception.

The Respondent reiterates that vide Letter dated 01/07/2024 issued by the Deputy Collector, Record Room, Collectorate, Jajpur, in Form No.34, the Hal-Sabik Co-relation of the concerned Plot along with the certified copies for the land schedule at Byree, have been issued to the present Respondent, whereby, it has been clearly stated that Sabik Plot No. 3854 corresponding to Sabik Plot No.2024 is Patita in Kissam. Also, as per the Hal - Sabik Statement issued by the Collector, Jajpur, vide Letter No. 4329 dated

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15/04/2024 to IDCO, the Kissam of both the Hal Plot No. 4368 which corresponds to Sabik Plot No. 2024(P) is 'Patita' as per the Hal - Sabik Record.

- l. With reference to the averments made in Paragraph No. 16, the Respondent states that the newspaper article cannot be a source to decide a legal dispute as because, it has got no evidentiary value.
- m. With reference to the averments made in Paragraph No. 17, the Respondent states that the facts and observations of the landmark case of T.N. Godavarman are not applicable to the present facts and circumstances of the present case, thus cannot be placed reliance on.
- n. With reference to the averments made in Paragraph No. 18, the Respondent No.9 have no comments.
- o. With reference to the averments made in Paragraph No. 19, the Respondent states the 33kV substation installed at the project site of the Respondent is meant for temporary construction power only vide Agreement between TPCODL & M/s My Home Industries Pvt. Ltd. dated 30/09/2023 and it has to be removed once the Cement Grinding Unit is ready for operation. After completion of the construction work, the Respondent has an approved proposal from the competent authority to take 132KV power at the Project Site for operation.

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*Sanjeev Gupta*  
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The 33 KV power transmission line is nowhere traversing through the forest land as alleged by the Applicants.

- p. With reference to the averments made in Paragraph No. 20, the Respondent No.9 states that the Ministry of Environment, Forest and Climate Change (MoEF), Impact Assessment Division has issued an Office Memorandum vide F. No. LA3-22/10/2022-IA.III [E 177258] dated 29/03/2022, providing explicit clarification regarding the activities which can be undertaken for securing the land prior to grant of Environmental Clearance to the Project Proponents. As per the said Office Memorandum, the PP can undertake three (3) activities to secure the land, subject to 4 conditions. It is submitted that the Respondent has carried out the activity of fencing and development of kutchha access way inside the proposed area, to move the fencing materials and manpower, including putting up a make shift office, which is very much in compliance with the said Office Memorandum and the conditions stipulated therein.

- q. With reference to the averments made in Paragraph No. 21, the Respondent No.9 states that the proposed Cement Grinding Unit is going to be set up in an area admeasuring 63.23 Acres, and therefore, the EC is

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granted in favour of the Respondent No.9 for the said extent of land only.

- r. With reference to the averments made in Paragraph No. 22, the Respondent states that the averment is denied. The Applicants are put to strict proof of the same. There is no iota of evidence to showcase the alleged elephant damaged boundary wall. There is no such notified elephant pathway crossing in the south side of the boundary wall of the Schedule Land.
- s. With reference to the averments made in Paragraph No.23 and 24 with respect to the proposed railway line which is falling out of the Scheduled Land the Respondent states that the Integrated Regional Offices (IRO) has raised an Extra Data Shout (EDS) dated 21/12/2023 to the DFO, Cuttack Division – the Respondent No. 8 herein, before the grant of Stage - I Clearance seeking clarification on the Forest Diversion Plan (FDP). The PCCF (Wildlife) is the Competent Authority to direct the user agency of the Respondent No.9 to prepare and ensure filing of its application on a Site Specific Wildlife Management Plan. It is further submitted that the said proposals are still underway and thus it will be too premature to discuss about the same.
- t. With reference to the averments made in Paragraph No. 25, the Respondent No.9 states that vide Letter No.

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MHIPL/OGU/EC/04-2023, dated 22/02/2023, submitted its reply to the queries raised by SEIAA in Point Nos. 2, 3 & 4 in its Meeting held on 23<sup>rd</sup> December, 2022, along with the supporting documents annexed as which are as below:

- The Divisional Forest Officer(DFO), Cuttack Forest Division, issued a Certificate vide No.6090/5F(Forest Division)/2021, Cuttack dated 14<sup>th</sup> September 2022, in reply to the Office Letter issued by the Member Secretary, State Environment Impact Assessment Authority(SEIAA), Odisha, No.3311/SEIAA Dt.08.10.2021, and informed that the land schedule of "My Home Industries Private Limited" having Khata No.1298 and Plot Nos.4367,4368(P), 4600(P),4601(P), 4629(P) having kisam as Patita, Khata No.1298 Plot No.4591 having Kisam Sarad-3 & Khata No.1298 Plot No.4596 having Kisam Sarad-2 of Mouza Byree of DarpanTahasil under Jajpur District has been verified thoroughly with the District Level Committee (DLC) list available in their office both in hard and soft copy. And, the land schedule of the above industry is not included in DLC list of Darpan Tahasil.
- Topo Map duly authenticated by the DFO dt.14/09/2022, showing/ indicating exact distance of 10 Km radius between the Project Site and ESZ Boundary of Kapilash Wildlife Sanctuary of 14.56

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Km of the location of the proposed industry and the Sanctuary, RF and PRF.(Notified ESZ of Kapilash Sanctuary enclosed).

- Certificate issued by the DFO vide Memo No.871/5F (Forest Division) 68/2021, Cuttack, dt.04.02.2023, in reply to the office Letter issued by the Member Secretary, State Environment Impact Assessment Authority (SEIAA), Odisha, vide Letter No.44, dt.19/01/2023, informing that there is no Schedule-1 species of wildlife are present within the Project Area of the company at Village-Byree under Darpan Tahasil, District-Jajpur.

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*Sanyeer Gupta*  
 Authorised Signatory

- u. With reference to the averments made in Paragraph No. 26, the Respondent No. 9 states that the illumination of the lighting required for security purposes at the project site will be downward focused and best practices are proposed to ensure that all the luminaries light fittings are in lower heights, and are located, directed or shielded to avoid unnecessary lighting in any other area, but targets and illuminates only the object area. Therefore, the wildlife and nocturnal animals, if any, are not going to be disturbed in any manner as alleged by the Applicants.
- v. With reference to the averments made in Paragraph No. 27, the Respondent No.9 states that a Topo Map showing/ indicating exact distance in 10 Km radius duly

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authenticated by the DFO dated 14/09/2022, between the Project Site and ESZ Boundary of Kapilash Wildlife Sanctuary is 14.56 Km of the location of the proposed industry and the Sanctuary, RF and PRF.

- w. With reference to the averments made in Paragraph No. 28, the Respondent No.9 states that the total requirement for the proposed cement grinding unit of this Respondent is 90 KLD for both Phases, i.e., 60 KLD for industrial cooling/cleaning of equipment purposes, 15 KLD for drinking & sanitation, and 15 KLD for green belt & dust suppression. The total water requirement will be met from the proposed rain water harvesting structure/ponds envisaged in the project and small quantity of ground water through bore well, and treated water from STP/WTP will also be re-used in green belt area development. There will be no wastage water generation from the process.
- x. With reference to the averments made in Paragraph No. 29, the Respondent No. 9 states that the characteristics of the Schedule Land is Barren, Degraded having only bushes and mostly found with deep laterite pits formed out of extraction of soil, leaving no scope of grazing by the domestic animals.
- y. With reference to the averments made in Paragraph No 30, the adjacent Kapilash Cement Ltd. has already

My Name: Industries Public  
 Sanjeev Gupta  
 Authorised Signatory




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commenced its commercial production. It is pertinent to mention here that if the said cement unit is affecting any forest land, the approvals and clearances from statutory authorities could not have been granted to the said cement unit. It is interest to note that the Applicants at one hand supports the establishment already in existence in the same locality, however, opposes the present one on various grounds, which shows malafide intention of the Applicants in acting against the Respondent No.9 and its establishment from various angles.

- z. With reference to the averments made in Paragraph No 31, the Respondent No.9 states that it has been suggested and proposed to adopt mitigation measures anticipating the Air environment. A few of them are proper maintenance of vehicles and construction equipment will help in controlling the gaseous emissions. Vehicle meeting and construction PUC norms will be used to further control the gaseous emission. Water sprinkling on roads and construction site will prevent fugitive dust. Vehicles and machineries would be regularly maintained so that emissions conform to standards of Central Pollution Control Board (CPCB). Materials will be stored in covered warehouses or enclosed spaces to prevent the windblown fugitive emissions. Adequate dust suppression measures such as regular water sprinkling at vulnerable areas of construction sites will be undertaken to control fugitive

  
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*Sanjeev Gupta*  
 Authorised Signatory


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dust during material handling and hauling activities. Monitoring of air quality at regular intervals will be conducted during construction phase. The MoEF has also stipulated Standard Conditions in the Environmental Clearance dated 21/06/2023 on Air Quality Monitoring and Preservation, which shall also be complied with by the Respondent.

aa. With reference to the averments made in Paragraph No 32, the Respondent No.9 states that there is a dilapidated tribal worshipping place under a tree is adjacent to the site of Respondent in North-West corner, which has been abandoned by the tribal hamlet since long. However, if required, the Respondent No.9 shall give free access with a separate path of 15 Mtr long from the North end for their daily rituals, if the tribal community intend to resume worshipping of the said place.

bb. With reference to the averments made in Paragraph No. 33, the Respondent No.9 states that an Office Memorandum No.J-11013/41/2006-IA-II (I) (Part) dated 29/11/2017 issued by Ministry of Environment, Forest & Climate Change (Impact Assessment Division), Government of India states in para (vii) that "the Baseline data used for preparation of EIA/EMP reports may be collected at any stage irrespective of the request of ToR or the issue thereof. However, such a baseline data and the public consultation should not be

My Name Industries Pvt. Ltd.  
*Sandeep Gupta*  
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older than 3 years, at the time of submission of the proposal, for grant of Environmental Clearance, as per ToRs prescribed.” Further reiterating the above Office Memorandum a fresh Office Memorandum F. No.IA3-22/10/2022-IA.III [E177258] dated 08.06.2022 issued by Ministry of Environment, Forest & Climate Change, Government of India states in Point No.6 (i) reads as “Baseline data used for preparation of EIA/EMP reports may be collected at any stage of the EC process or even before the grant of TOR”.

by Home Industries Pvt Ltd  
Sanjeev Gupta  
Authorised Signatory

cc. With reference to the averments made in Paragraph No. 34 and 35, the Respondent No.9 states that since there is no forest land going to be affected, the application of the Forest Conservation Act, 1980 does not arise.

dd. With reference to the averments made in Paragraph No. 36, the Respondent No.9 states that the Ministry of Environment, Forest and Climate Change (MoEF), Impact Assessment Division has issued an Office Memorandum vide F.No.LA3-22/10/2022-IA.III [E 177258] dated 29/03/2022, providing explicit clarification regarding the activities which can be undertaken for securing the land prior to grant of Environmental Clearance to the Project Proponents.

As per the said Office Memorandum, the PP can undertake three (3) activities to secure the land, subject to 4 conditions. Apart from the above, it is submitted

  
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that as per the Minutes of the Meeting held on 09/09/2022 under the Chairmanship of Principal Secretary to Government of Odisha, Industries Department to discuss the issues of the Respondent No.9, it was resolved that the Respondent No.9 was allowed to start construction of the boundary wall on 26/09/2022 by mobilizing materials, manpower and equipment, for which the District Administration shall extend all the possible support. As per the General Condition No.6 of the Consent to Establish (CTE) dated 20/12/2022 issued by the State Pollution Control Board, Odisha, the Respondent No.9 is allowed to carry out construction activity as per approved layout map.

It is submitted that the Respondent No.9 has carried out the activity of fencing and development of kutchra access way inside the proposed area, to move the fencing materials and manpower, including putting up a make shift office, which is very much in compliance with the said Office Memorandum and the conditions stipulated therein, and which is not in violation of the EP Act.

ee. With reference to the averments made in Paragraph No. 37 and 38, the Judgment passed by the Hon'ble Supreme Court in T.N. Godavarman Thirumulkpad Vs. Union of India is not at all applicable to the present facts of the case.

  
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My Hqs Industries Pvt. Ltd  
*Ranjay Gupta*  
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ff. With reference to the averments made in Paragraph No. 39, the Respondent No.9 states that the said alleged situation of Fait Accompli Situation and Post Facto Clearance does not arise, since as stated hereinabove no forest land is going to be affected for establishing the Unit. Thus, the case findings of the Hon'ble Principal Bench of National Green Tribunal have no role to the facts of the present case.

gg. With reference to the averments made in the Grounds of the Application, the Respondent No.9 states that since there is no existence of the forest land going to be affected while establishing of the Unit of the Respondent, there is no scope for application of the provisions of the Forest Conservation Act, 1980 and thus the Judgement of the Hon'ble Supreme Court in W.P.(C) 202 of 1995 has no application to the facts and circumstances of the present case.

hh. With reference to the prayer of the application, the Respondent No.9 states the Applicants have made three (03) prayers, being a) restrain the Respondent and IDCO from accessing and using forest land until, approval of the Central Govt. under Act, 1980, b) to declare that the conversion of Sabik Forest to Non Forest is illegal, c) to declare the lease deed by IDCO in favour of Respondent No. 9 as illegal.

  
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any copy submitted by the  
*Sanjeev Gupta*  
 A/NOTARY SIGNATURE




As far as Prayer (a) is concerned, the Respondent No.9 states that the prayer itself is vague as no particulars of land in mentioned in the prayer. Further, even otherwise, as the land in question is not a forest land, therefore, such a prayer cannot be entertained, unless, the Applicants show that the lands involved herein is forest land.

As far as Prayer (b) is concerned, the Applicants have not produced a single document or purported proceeding or even the proceeding details, whereby, such an alleged conversion has taken place. Moreover, unless and until, any proceeding relating to conversion of kissam is challenged before competent court of law having jurisdiction to challenge, and thereafter, it has been set aside/quashed, the same cannot be declared to be illegal.

As far as Prayer (c) is concerned, declaration to be a lease is illegal is beyond the scope and ambit of the present proceeding in as much as a registered document such as lease, can only be declared as illegal or invalid by the competent civil court.

8. That it is a settled canon of administration of justice as held by the Hon'ble Supreme Court in the case of *Buddhi Kota Subbarao v. K. Parasaran* reported in *1996 SCALE (5) 797* that no litigant should be permitted to misuse the judicial process by filing frivolous petitions. No litigant has a right to unlimited drought upon the court time and public money

My Home Industries  
 Sanjeev Gupta  
 Authorised Signatory

  
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in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be used as a licence to file misconceived and frivolous petitions. The Court must ensure that its process is not abused and in order to prevent abuse of the process of the court, it would be justified even in insisting on furnishing of security and in cases of serious abuse, the Court would be duty bound to impose heavy costs.

9. That in view of the above said facts and circumstances, the present application of the Applicants is liable to be dismissed with cost as the allegations are based on assumptions and presumptions.
10. That the Respondent No. 5 reserves the right to submit further by way of an affidavit and/or at the time of hearing, to assist this Hon'ble Tribunal.
11. That the facts stated above are true to the best of my knowledge and belief.



Identified By

*Rajendra Kumar Maharana*  
Advocate

Cuttack

Date: 27/08/2024

My Home Industries Pvt. Ltd.  
*Sanjeev Gupta*  
Authorized Signatory  
Deponent

### CERTIFICATE

Due to non-availability of cartridge paper, the Counter Affidavit is typed in thick white papers.

The deponent being identified by  
*R. R. Maharana* Adv./Clerk  
swears on oath & solemnly affirms  
before me on dt: 27/08/2024  
that the facts stated above are true  
to his/her knowledge.

*[Signature]*  
Advocate

*Meer 27/08/2024*

Notary for Cuttack Town  
Govt. of Orissa  
Regn. No. ON-29/03

**COLLECTORATE, JAJPUR**

Ph 06728-222001(O) 222330 (R) Fax -222087  
E-mail: dm-jajpu@nic.in. Web site: [www.jajpur.nic.in](http://www.jajpur.nic.in)  
(Record Room)

Letter No 4329 Date 15.04.2024

To

The Additional Land Officer, IDCO,  
Jajpur Division, Jajpur

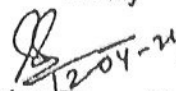
Sub: - Submission of sabik status of the land allotted in favour of M/s My Homes Industries Pvt. Ltd and other industries to process with forest diversion in village Byroo Under Darpan Tahasil

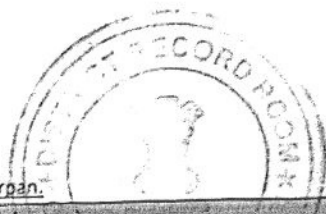
Ref.: Your office Letter No. 57/dt.17.03.2024.

Sir,

In inviting a reference to letter on the subject cited above, I am say that the required information as sought for vide letter under reference has been prepared by your deputed staffs & verified by Sri Shubhranshu Mallik, Amin, District Record Room, Collectorate, Jajpur & enclosed herewith for taking further necessary action.

Yours faithfully

  
Deputy Collector, Record Room  
Collectorate, Jajpur



Land schedule of village Byree, Thasil Darpan.

Village: Byree, Tahasil-Darpan, District- Jajpur							
SL NO	KHATA NO	PLOT NO	Area	Sabik Khata No	Sabik Plot No	KISAM	Sabik KISAM
39	1298	4229 ✓	0.7	709	2024(P)/1990(P)	SARADA III	PATITA
40	1298	4231 ✓	0.77	709	2024(P)/3028(P)	SARADA III	PATITA
41	1298	4232 ✓	0.16	709	2024(P)	SARADA III	PATITA
42	1298	4233 ✓	0.22	709	2024(P)	SARADA III	PATITA
43	1298	4234 ✓	0.57	709	2024(P)	SARADA III	PATITA
44	1298	4235 ✓	0.13	709	2024(P)	SARADA III	PATITA
3	1298	4291 ✓	0.35	709	2422 (P)	SARADA	SARADA
2	1298	4292 ✓	0.57	709	2422 (P)	SARADA III	SARADA
4	1298	4293 ✓	0.9	709	2024 (P)	SARADA	PATITA
8	1298	4293 ✓	0.47	709	2422 (P)	PATITA	SARADA
5	1298	4294 ✓	0.11	709	2024 (P)	SARADA	PATITA
6	1298	4295 ✓	0.38	709	2422 (P)	SARADA	SARADA
7	1298	4296 ✓	0.17	709	2421 (P)	SARADA	PATITA
9	1298	4298 ✓	0.76	709	2422 (P)	PATITA	PATITA
10	1298	4299 ✓	0.77	709	2422 (P)	PATITA	PATITA
11	1298	4300 ✓	0.3	709	2024/2422 (P)	PATITA	PATITA
12	1298	4301 ✓	0.5	709	2024 (P)	PATITA	PATITA
13	1298	4302 ✓	0.2	709	2422 (P)	PATITA	PATITA
14	1298	4303 ✓	0.17	709	2422 (P)	PATITA	PATITA
15	1298	4304 ✓	0.66	709	2422 (P)	PATITA	PATITA
16	1298	4305 ✓	0.1	709	2024 (P)	PATITA	PATITA
17	1298	4306 ✓	0.19	709	2024 (P)	PATITA	PATITA
18	1298	4307 ✓	0.44	709	2024 (P)	SARADA III	PATITA
19	1298	4308 ✓	0.27	709	2024 (P)	SARADA III	PATITA
20	1298	4309 ✓	0.42	709	2024 (P)	SARADA III	PATITA
21	1298	4310 ✓	0.12	709	2024 (P)	SARADA III	PATITA
22	1298	4311 ✓	0.47	709	2024 (P)	SARADA III	PATITA
23	1298	4312 ✓	1.2	709	2024 (P)	SARADA III	PATITA
24	1298	4313 ✓	0.24	709	2024 (P)	SARADA III	PATITA
25	1298	4314 ✓	0.37	709	2024 (P)	SARADA III	PATITA
26	1298	4315 ✓	0.8	709	2024 (P)	SARADA III	PATITA
27	1298	4316 ✓	1.03	709	2024 (P)	SARADA III	PATITA
28	1298	4317 ✓	0.04	709	2024 (P)	SARADA III	PATITA
29	1298	4318 ✓	0.19	709	2024 (P)	SARADA III	PATITA
30	1298	4319 ✓	0.45	709	2024 (P)	SARADA III	PATITA
31	1298	4321 ✓	0.11	709	2024 (P)	SARADA III	PATITA
32	1298	4322 ✓	0.4	709	2024 (P)	SARADA III	PATITA
33	1298	4323 ✓	0.17	709	2024 (P)	SARADA III	PATITA
34	1298	4324 ✓	0.48	709	2024 (P)	SARADA III	PATITA
35	1298	4325 ✓	0.15	709	2024 (P)	SARADA III	PATITA
36	1298	4326 ✓	0.26	709	2024 (P)	SARADA III	PATITA
37	1298	4327 ✓	0.48	709	2024 (P)	SARADA III	PATITA
38	1298	4328 ✓	1.24	709	2024 (P)	GHARA BARI	PATITA
65	1298	4367 ✓	1	709	2024 (P)	PATITA	PATITA
62	1298	4368 ✓	162	709	2024 (P)	PATITA	PATITA
1	1298	4368 ✓	12	709	2024 (P)	PATITA	PATITA
77	1298	4582 ✓	0.2	709	3023(P)	SARADA III	SARADA
71	1298	4583 ✓	0.06	709	3023(P)	SARADA III	SARADA
72	1298	4587 ✓	0.1	709	2024 (P)	PATITA	PATITA
73	1298	4588 ✓	0.03	709	2024 (P)	PATITA	PATITA
74	1298	4589 ✓	0.24	709	2024 (P)	PATITA	PATITA
75	1298	4590 ✓	0.06	709	2024 (P)	PATITA	PATITA
66	1298	4591 ✓	0.2	709	2024 (P)	PATITA	PATITA
76	1298	4594 ✓	0.3	709	3030 (P)/3028(P)	PATITA	PATITA

Record Keeper

P.T.O

67	1298	4596	0.26	709	2024 (P)	PATITA	PATITA
68	1298	4600	1.75	709	2024 (P)	PATITA	PATITA
69	1298	4601	0.7	709	2024 (P)	PATITA	PATITA
59	1298	4602	1.3	710	2024(P)	SARADA III	PATITA
60	1298	4603	1.75	711	2024(P)	SARADA III	PATITA
58	1298	4607	0.12	709	2024(P)	GHARA BARI	PATITA
56	1298	4608	0.38	709	2024(P)	GHARA BARI	PATITA
57	1298	4609	0.58	709	2024(P)	TAILA I	PATITA
55	1298	4611	17.41	709	2024(P)	PATITA	PATITA
53	1298	4628	3.15	709	2024(P)	TAILA I	PATITA
70	1298	4629	79.00	709	2024(P)	JALASHAYA I	PATITA
78	1298	4629	29.01	709	2024(P)	JALASHAYA I	PATITA
54	1298	4629	44.49	709	2024(P)	PATITA	PATITA
61	1299	4228	501.72	709	2053/2054/2055/2020/19	PAHADA	PAHADA
45	1299	4236	0.33	709	2024(P)	PATHAR CHATAN	PATITA
46	1299	4237	0.09	709	2024(P)	SARADA III	PATITA
47	1299	4238	2.3	709	2024(P)	SARADA III	PATITA
48	1299	4239	0.6	709	2024(P)	SARADA III	PATITA
49	1299	4272	1.4	709	2024(P)	SARADA III	PATITA
50	1299	4273	0.6	709	2024(P)	SARADA III	PATITA
51	1299	4274	0.22	709	2024(P)	SARADA III	PATITA
52	1299	4275	0.25	709	2024(P)	SARADA III	PATITA
64	1298	4604	0.20	709	2024(P)	GHARA BARI	PATITA
63	1298	4611	17.97	709	2024(P)	PATITA	PATITA

Record Keeper

prepared by - Mukunda chandra pradhan.

R.T.D. R.I

prepared by - Jogendra Nathi Mishra.

R.T.D - R.G.

verified by me - Shubhanshu Malhe, Asst  
District Record Room  
Collectorate, Jaipur.

Record Keeper

COLLECTORATE, JAJPUR  
Ph 06728-222001(O) 222330(R) Fax -222087  
E-mail: dm-jajpu@nic.in. web site: [www.jajpur.nic.in](http://www.jajpur.nic.in)  
[Record Room]

Letter No: 15867 /Date: 01.12.2021

To

The Director (Tech)  
My Home Industries Pvt. Ltd

Sub: Issuance of certified copies for Hal-Sabik co-relation in respect of Mouza- Byree under Darpan Tahasil.

Ref : Your office letter No. 7 / dt. 30.11.2021

Sir,

With reference to the letters on the subject cited above, I am to intimate that Hal-Sabik kism of following schedule Govt. land has been verified as per the available Record of District Record room, Jajpur.

SL. No	Hal Khata No.	Hal Plot No.	Kisam	Sabik Khata No.	Sabik Plot No.	Kisam
1	1298	4367	Patita	2024	5593	Patita
2		4368	Patita		3854	Patita
3		4591	Sarada.III		5354	Sarada III
4		4596	Sarada.II		5255	Sarada II
5		4600	Patita		4006	Sarada III
6		4601	Patita		4007	Sarada III
7		4629	Patita		4024	Patita

This is for your kind information.

Yours faithfully,

Additional District Magistrate, Revenue  
Addl. District Magistrate (REV)  
Jajpur

- 36 -  
ANNEXURE-1/19  
**COLLECTORATE, JAJPUR**

Ph 06728-222001(O) 222330 (R) Fax -222087  
E-mail: dm-jajpu@nic.in. Web site: [www.jajpur.nic.in](http://www.jajpur.nic.in)  
[Record Room]

Letter No 6565 Date 01.07.2024

To

The Dy. General manager, Liason  
My Home industries Pvt. Ltd.

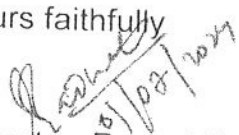
Sub: - Supply of hal-Sabik co-relation along with certified copies for the land schedule at  
Byree.

Ref.: Your office letter no. 004B/2024 / dt 01.07.24

Sir,

With reference to the letter on the subject cited above, I am to say that the  
required hal-Sabik co-relation along with certified copy in respect of Mouza- Byree as  
sought for vide the letter under reference have been prepared. You are requested to  
depute one of your staff to receive the prepared Certified copy from the Record room,  
Collectorate, Jajpur

Yours faithfully

  
Deputy Collector, Record Room  
Collectorate, Jajpur







40  
 82101 Com. No: 9008/23  
 08.00 11/07/24

Sl. No.	Particulars	Unit	Rate	Amount	Remarks	Sl. No.	Particulars	Unit	Rate	Amount	Remarks
1	...					11	...				
2	...					12	...				
3	...					13	...				
4	...					14	...				
5	...					15	...				
6	...					16	...				
7	...					17	...				
8	...					18	...				
9	...					19	...				
10	...					20	...				
11	...					21	...				
12	...					22	...				
13	...					23	...				
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15	...					25	...				
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u/s rule 46 Le Match  
 01.07.24  
 COPIED BY ME

COMPARED BY ME  
 And found Correct  
 Rajmohan Jena  
 01.07.24  
 COMPARER

Certified to be true copy  
 Ajay Kumar Meena  
 Section Officer Revenue  
 S.L.R. Section  
 Collectorate Jaipur  
 Authorized U/S 75 of ORM-1957

Application No  
 Date  
 Application Fee  
 Stamp Fee  
 Nilasnos

Total  
 1198  
 21/07/24  
 12/11/24

Deputy Collector  
 Record Room  
 Collectorate, Jaipur

**TRANSLATED COPY OF PAGE No. 37**

01/07/2024

| 01/07/2024

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| 01/07/2024

**2<sup>ND</sup> PART LAND REGISTER**

Parichast : 'Ka'

Mouza: Bairi

Thana No. 1041

Tahasill No. 18

Form No. 34

Thana No. Badachanna

Tahasil. Darpan

District: Jajpur

Parichand: 152

1. Sl. No.

2. Landowner's Name, Father's Name, Caste, Address & portion if any: **ABADAJOGYA ANABADI**

3. Recorded Tenant:

Govt of Odisha, Khewat No. 1

4. Khata No.

1249

5. Ownership:

<b>PREVALENT AT TIME OF PREPARATION OF LAND REGISTER</b>				<b>DUES</b>		
<b>Tax</b>	<b>Cess</b>	<b>Water Tax</b>	<b>Total</b>	<b>Fixed Tax</b>	<b>Amount of Cess and Due Date</b>	<b>Water Tax</b>
<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>

Special Notice/Remark if any:



**TRANSLATED COPY OF PAGE No. 39**

01/07/2024

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**2<sup>ND</sup> PART LAND CHITHA CONSOLIDATION REGISTER HYPOTHESIS**

Parisitha: 'Ka'

Unit's Name: Bairi

Tahasil & Tahasil No.: Darpan 18

Form No. 66

Thana & Thana No.

District: Jajpur

Pariched: 266

1. Sl. No.
2. Sl. No. in the 1 <sup>st</sup> Part Hypothesis
3. Description in the Column No. 5 and 6 in the 1 <sup>st</sup> part: Govt. of Odisha Kheweat No. 1.
4. Mouza: and Thana's No. Bairi No. 1041
5. Ownership of Public: Govt. Mahala
6. New Khata No. 1246 C.S. Khata No. 1298

Plot No. of Plot unfit for consolidation			Plot or Portion of the Plot under the New Plot													Amount of Loss			
Chaka No.	Plot No.	Kissam	Main Khata No.														Total Assessment	Payable Dues	Amount of Gain
7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	



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ANNEXURE-D/9  
SERIES

F. No. IA3-22/10/2022-IA.III [E 177258]

Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

\*\*\*\*\*

Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi-110 003

Dated: 29<sup>th</sup> March, 2022

**OFFICE MEMORANDUM**

**Subject: Clarification regarding activities which can be undertaken for securing the land prior to grant of Environmental Clearance-regarding.**

As per the provisions of Environment Impact Assessment (EIA) Notification 2006, the project or activities [New/Expansion/ Modernization/ change of product-mix or raw material mix] listed in the Schedule to the said Notification would require prior Environment Clearance (EC) from the concerned Competent Authority before undertaking any construction work or preparation of land by the project proponent, except for securing the land.

2. In this regard, Office Memorandum No. J-11011/41/2006-IA.II(I) dated 19/08/2010 clarified that while securing the land, no activity relating to any project covered under EIA Notification, 2006 including civil construction can be undertaken at the site without prior EC except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s).

3. Over a period of time, various options other than conventional barbed wire and wall fencing, have come into existence, viz., use of pre-fabricated structures, pre-cast compound wall etc. Further, in order to secure the land, the project proponent may need to have water and electricity connection. In view of the same, it has been decided by the Competent Authority in the Ministry to explicitly clarify that following activities can be undertaken by the project proponent for securing the land.

- i. Fencing of the project site by boundary wall using civil construction, barbed wire or precast/ prefabricated components.
- ii. Construction of temporary sheds using pre-fabricated / modular structure, for site office/guards and storing material and machinery.
- iii. Provision of temporary electricity and water supply for site office/guards only.

4. The above activities shall be undertaken subject to the following:

- i. The land should be in the legal possession of the project proponent and all statutory approvals in respect of the project site should have been obtained.
  - ii. In case of involvement of any forest land, no activity shall be initiated at the site till the Stage II Forest Clearance is obtained under the relevant provisions of Forest (Conservation) Act, 1980. In case of applicability of Wildlife Clearance, necessary permission from Standing Committee for National Board for Wildlife (SCNBWL) shall be obtained under the provisions of Wildlife Protection Act, 1972.
  - iii. In case of felling of trees if any, requisite permission from the Forest Department/Statutory Authorities of the concerned State Government shall be obtained.
  - iv. The investment made by the Project Proponent on the above, in anticipation of the applicable clearances under the relevant provisions of the Acts/Rules, shall be entirely at the cost and risk of the proponent.
5. However, the above dispensation would not entitle the project proponent to claim ***fait accompli*** with regard to grant of EC or any other applicable permission from any concerned statutory authority and further, the works of the aforesaid nature shall have no bearing on appraisal of the project for grant of EC which shall follow the due process and procedure as laid down in EIA Notification 2006, as amended.
6. This O.M. is being issued in supersession of the earlier O.M. dated 19/08/2010 and with the approval of the Competent Authority.



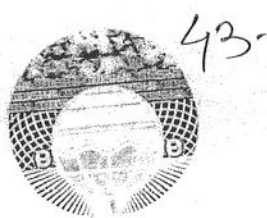
(A.K. Agrawal)  
Director

To

1. Chairman, Central Pollution Control Board (CPCB)
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of I.A. Division

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DG (FC) & SS
5. PPS to AS(TK) / AS (NPG)/ AS(RS)
6. PPS to JS (SKB)
7. Website, MoEF&CC/Guard file.



EPABX : 2561909/2562847  
E-mail: paribesh1@ospcboard.org  
Website: [www.ospcboard.org](http://www.ospcboard.org)

CTE

## STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]  
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII  
Bhubaneswar - 751012

No. 23668 /

IND-II-CTE-6800

Date: 20.12.2020

Through online/  
By speed post

### CONSENT TO ESTABLISH ORDER

In consideration of the online application no. 4368817 for obtaining Consent to Establish for **M/s My Home Industries Private Limited**, the State Pollution Control Board, Odisha is pleased to convey Consent to Establish under section 25 of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 for **1.5 MTPA (Phase-I) Cement Grinding Unit** to produce Portland Slag Cement (PSC), Composite Cement (CC), Portland Pozzolona Cement (PPC), Ordinary Portland Cement (OPC) & Granulated Ground Blast Furnace Slag (GGBS) with project cost of Rs.410 Crores over an area of Acs 63.23 Dec at Village: Byree, Tehsil: Darpan (Khata No. & Plot No. as mentioned in the application form) in the District of **Jajpur** with the following conditions.

### GENERAL CONDITIONS:

1. This Consent to establish is valid for the raw materials, product, manufacturing process and capacity mentioned in the application form. This order is valid for five years, which means the proponent shall commence construction of the project within a period of five years from the date of issue of this order. If the proponent fails to do substantial physical progress of the project within five years, then a renewal of this consent to establish shall be sought by the proponent.
2. The industry shall comply to the provisions of Environment Protection Act, 1986 and the rules made there under with their amendments from time to time such as the Hazardous and Other Wastes (Management and Trans boundary Movement) Rules, 2016 as amended from time to time, Hazardous Chemical Rules, / Manufacture, Storage and import of Hazardous Chemical Rules, 1989 etc. and amendments there under. The industry shall also comply to the provisions of Public Liability Insurance Act, 1991, if applicable.
3. The industry shall apply for grant of Consent to operate under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 at least 3 (three) months before the commercial production and obtain Consent to Operate from this Board.
4. This consent to establish is subject to statutory and other clearances from Govt. of Odisha and/or Govt. of India, as and when applicable.

**SPECIAL CONDITIONS:**

**A. GENERAL:**

1. The proponent shall seek Environmental Clearance under EIA Notification 2006 and amendments made thereafter from the appropriate designated authority and construction activity shall commence with the valid Environmental Clearance. In no case the proponent shall commence construction activity without valid Environmental Clearance in this regard.
2. The proponent shall follow the guideline of SPCB, Odisha for installation and operation of the Railway Siding. A separate consent to establish shall be sought by the proponent in this regard.
3. The proponent shall provide temporary storage space for storage of solid and Hazardous waste before final disposal. The Hazardous and E-waste shall be stored under covered shed on concrete floor.
4. The proponent shall submit six monthly progress report every year (i.e. June and December) of construction activity of the project to the Board (at Head Office and Regional Office) for record and verification.
5. Certificate from the designer or manufacturers of plant facilities shall be provided to the Board before going for installation of plant facilities. An undertaking shall also be submitted to the Board before construction activities that the installed capacity shall not exceed Consent to Establish capacity.
6. This Consent to Establish is granted for the capacity as mentioned above and any expansion in the capacity change or modification in the process addition, alternation any nature has to be undertaken with prior approval of the Board. For any change in the site or area, fresh Consent to Establish has to be obtained from the Board. The proponent shall carry out construction activity as per approved plant layout map (Annexed). If the proponent wants to change the approved layout map, they can submit a modified plant layout map with adequate justification for such modification.
7. The unit shall obtain NOC from CGWA for use of ground water before getting Consent to Operate of State Pollution Control Board, Odisha.
8. The proponent shall obtain permission from Department of Water Resources, Govt. of Odisha for drawl of ground / surface water.
9. The proponent shall earmark the Greenbelt / Solid, Hazardous and other Waste Storage area and ETP / STP area etc. as per the approved plant layout by putting display board at the time of construction work of the project to secure such land for environmental point of view without diverting the same for other purpose. Further, the industry shall earmark adequate area for surface run off treatment system at different locations inside the plant. Same shall be verified at the time of construction work by Regional Officer and /or Head Office of SPCB.
10. The unit shall not use land earmarked for green belt development and plantation for any other purpose.

11. The industry shall review conditions stipulated in Consent to Establish / Environmental Clearance and their implementation well in advance before applying for Consent to Operate.
12. The proponent shall comply to the provisions of E-Waste (Management) Rules, 2016 and amendment thereafter and shall handover E-Waste to authorized collection centers/register dismantlers / recyclers for proper disposal of E-Waste.
13. The construction and demolition waste to be generated from the proposed project shall be disposed of in accordance with the provision under "Construction & Demolition Waste Management Rules 2016".
14. The proponent shall comply the provisions of Plastic Waste Management (Amendment), Rules 2022 for proper management of plastic waste.
15. The greenbelt of adequate width and density preferably with local species along the periphery of the plant shall be raised so as to provide protection against particulates and noise. It must be ensured that at least 33% of the total land area shall be under premium green cover. The proponent shall ensure the maintenance of green belt throughout the year and for all time to come. An action plan for this purpose shall be prepared and shall be submitted accordingly.
16. Monitoring of stack emissions, fugitive emissions, trade effluent and noise level shall be done as per CPCB regulations.
17. The construction shall be carried out with the fly ash bricks. If the fly ash bricks are not available locally the construction may be carried out with other bricks with prior intimation to the concerned Regional Office of SPC Board. A statement indicating use of fly ash bricks during construction period shall be submitted to the Board quarterly for record.
18. The construction material which has potential to be air borne shall be transported in covered trucks.
19. The industry shall apply for grant of Consent to Operate under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 at least 3 (three) months before the commercial production and obtain Consent to Operate from this Board. No production activity shall commence prior to installation of all pollution control measures.
20. Depending on the environmental condition, stricter standards may be imposed for the effluent or restriction for discharge may be made for which adequate facilities from the beginning shall be made to meet such situation in future.
21. No production activity shall commence prior to installation of all pollution control measures. In case, it is found that the plant is operating without installation of appropriate pollution control equipment(s) and without permission for trial operation from the Board, a direction of closure shall be issued u/s 31-A of Air (PCP) Act, 1981 and / or u/s 33-A of Water (PCP) Act, 1974 without any further notice in this regard.
22. The Board may impose further condition or modify the conditions as stipulated in this order during installation and / or at the time of obtaining Consent to Operate and may revoke this order in case the stipulated conditions are not implemented and / or

information is found to have been suppressed / wrongly furnished in the application form.

23. The unit shall abide by E(P) Act, 1986 and rules framed there under.

**B. WATER POLLUTION:**

24. The unit shall provide adequate capacity of rainwater harvesting pond at a suitable location to collect the rainwater of the plant area and shall be used in the plant. Settling tanks will be provided at suitable locations to arrest silt wash off in rainy season.
25. Under no circumstance the industry shall discharge wastewater to outside and the industry shall completely recycled the wastewater and adopt Zero Liquid Discharge (ZLD) concept as proposed in environmental management plan.
26. Domestic wastewater from plant shall be treated in adequate capacity STP and the treated effluent shall be reused for greenbelt development after meeting the following prescribed standards as notified by the MoEF&CC, Govt. of India vide G.S.R. 1265 (E), dated 13.10.2017;

Sl.No.	Parameters	Standards
1.	pH	6.5-9.0
2.	BOD(mg/l)	30
3.	TSS(mg/l)	<100
4.	Fecal Coliform (MPN/100ml)	<1000

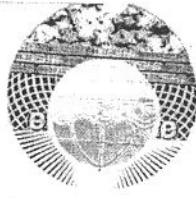
Note: These standards will be applicable for discharge in water resources as well as for land disposal. The standards for Fecal Coliform may not be applied for use of treated sewage in industrial purposes.

27. Rainwater harvesting shall be followed by utilizing the rain water collected from the roof of the administrative buildings for recharging of ground water within the premises as per the concept and practices prescribed by CPCB.
28. The industry shall provide mechanized wheel washing system along with effluent treatment and recycling facilities for raw material / product / solid waste transport vehicles at the exit point of the industry.
29. Surface runoff treatment system consisting of sedimentation through settling tanks/ponds in series followed by high-rate clarification through clarifloculator / tube settlers shall be installed to meet the discharge norms and shall be recycled / discharged specially during monsoon period in exigency.

**C. AIR POLLUTION:**

30. The emission standards issued by the MoEF&CC, Govt. of India vide G.S.R.No.612 (E) dated 25th August, 2014 and subsequent amendment vide Notification No.496(E) Dt.9th May, 2016 regarding cement plants with respect to Particulate matter, SO<sub>2</sub> and NO<sub>x</sub> shall be complied and hot gases from HAG will be vented through cement mill main stack.

31. The unit shall install Online Continuous Stack Emission Monitoring Systems (GEMS) at Cement Mill Bag Filter Stacks for online real time monitoring for PM, SO<sub>2</sub> and NO<sub>x</sub> and data transmission through GPRS system to SPCB RTDAS server and also upload data for use by CPCB.
32. The unit shall install online Continuous Ambient Air Quality Monitoring Systems (CAAQMS) within the plant premises at least at two locations covering upwind and downwind directions for online real time monitoring and data transmission through GPRS system to SPCB RTDAS server and upload data for use by CPCB.
33. Necessary preventive measures shall be taken during construction phase so that the ambient air quality including noise shall conform to National ambient air quality standards and standards for noise in industrial area as per Annexure-I & II. Ambient air quality at the boundary of the plant premises shall meet the prescribed standards of the Board as per Annexure - I.
34. The internal road shall be made concrete/black topped and dust suppression arrangement shall be provided on haul road by using water sprinklers.
35. The unit shall transport raw materials and products in covered manner.
36. Bag filter and dry fog dust suppression system shall be installed at all potential dust generating sources to control fugitive emission.
37. The unit shall explore the transportation of clinker through rail instead of truck to the plant site.
38. Clinker shall be stored in closed silos and transfer operation shall be carried out in a closed system. Enclosures shall be provided for belt conveyors and transfer points to control fugitive emission. Transfer points shall be connected with dust extraction system.
39. Adequate pneumatic dust handling system shall be installed at the final product storage area and packaging area to avoid dust nuisance.
40. Pneumatic dust handling system shall also be installed at all the bag filter hoppers with common silo and telescopic chute arrangement.
41. Gypsum, slag, fly ash, limestone etc., shall be stored in covered sheds and adequate dust suppression measures shall be taken to control fugitive emission from handling of gypsum.
42. All internal transfers shall be carried out through closed conveyor belts and all transfer points of raw material handling will be connected with dust extraction system to control fugitive emission.
43. Cement from the cement grinding section shall be transported to the storage silo through air slides and bucket elevator and same shall be of closed type and connected to the dust extraction system.
44. Transportation of materials shall be carried out through covered container and adequate steps shall be taken during unloading to control fugitive emission.
45. All pollution control equipment may be provided with separate electricity meter for continuous recording of power consumption. Non-functioning of pollution control equipment should be recorded in the same logbook of pollution control equipment



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should be recorded in the same logbook along with reasons for not running the Pollution Control Equipment.

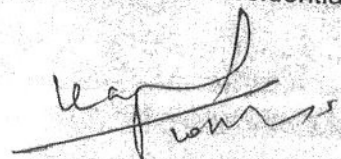
**D. SOLID AND HAZARDOUS WASTE:**

46. Ash generation from HAG and dust generation from APC Devices shall be completely reused in Cement Manufacturing Process.
47. Used Oil / used Lubricants shall be sold to authorized re-processors/recyclers
48. The industry shall obtain authorization for management of Hazardous Waste as per provisions of Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016 as amended from time to time.
49. Garbage /food waste from canteen & guest house shall be collected properly and shall be converted to manure through vermin composting/ mechanized organic waste converted and used as manure for green belt development.
50. Municipal Solid Waste generation from the unit shall be disposed of as per the Solid Waste Management Rules, 2016 and amendment thereafter.

**E. Energy Conservation Measures:**

51. The proponent shall provide solar power generation on rooftops of buildings for solar light system for all common areas, street lights, parking around project area and maintain the same regularly. The proponent shall use Solar/ Renewable energy of 5% of the expected actual power requirement.
52. The project proponent shall also provide LED lights in their offices and residential areas.

Encl: Approved Plant Layout map and Annexure-I & II

  
MEMBER SECRETARY

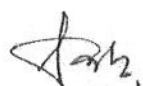
To

The Unit Head  
M/s My Home Industries Private Limited,  
Village- Byree, Tehsil- Darpan,  
District- Jajpur

Memo No. 23669 / Date 20.12.2022

Copy forwarded to:

1. The Collector & District Magistrate, Jajpur
2. The Director, Factories & Boiler, Bhubaneswar
3. The DFO, Jajpur
4. The Regional Officer, SPC Board, Kalinga Nagar, Jajpur
5. Consent to Operate Cell, SPC Board, Bhubaneswar
6. Hazardous Waste Management Cell, SPC Board, Bhubaneswar
7. Copy to Guard file

  
20/12/2022  
ADDL. CHIEF ENV. ENGINEER

O/C

---

**Service of Copy (Counter Affidavit of Respondent No. 9) OA NO. 42/2024/EZ**

1 message

**Lalit K. Maharana** <lalitikumarana@gmail.com>

28 August 2024 at 15:38

To: Sankar Pani <sankarprasadpani@gmail.com>, csori@ori.nic.in, mscb.cpcb@nic.in, ccb.cpcb@nic.in, roez.bsr-mef@nic.in, jajpur@nic.in, seiaaorissa@gmail.com, "cmd@idco.in" <cmd@idco.in>, "dfo.cuttack@odisha.gov.in" <dfo.cuttack@odisha.gov.in>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>

Dear All,

I am concerned for my client - Respondent No. 9 in O.A. No. 42/2024/EZ pending before the Hon'ble NGT, Kolkata Bench. The Respondent No. 9 is filing the Counter Affidavit in the said matter, the advance copy of which is attached herewith for your ready reference and record.

best

Regards

**Lalit Kumar Maharana****Advocate***enrolled with Odisha State Bar Council***Contact no. +91-75049 14976**

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 **Counter Affidavit of Respondent No. 9 (OA 42:2024:EZ).pdf**

20195K