

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

**O.A NO.26 OF 2024/EZ**

JITENDRA KUMAR PRADHAN. ... APPLICANT.

-VERSUS-

STATE OF ODISHA  
AND OTHERS.

...RESPONDENTS.

**I N D E X**

<b>Sl. No.</b>	<b>Description of documents</b>	<b>Pages</b>
1.	Counter Affidavit filed by the Opp.Party No.7.	1-7
2.	<b><u>Annexure-A/7.</u></b> True copy of the joint enquiry report dated 02.03.2024 of the Fact Finding Committee.	8-12

**CUTTACK.**

**DATE: 14.03.2024**

*Shashi Kumar Pradhan*  
**ADDL. GOVT. ADVOCATE.**

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

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**-VERSUS-**

**STATE OF ODISHA  
AND OTHERS.**

**...RESPONDENTS.**

**COUNTER AFFIDAVIT FILED  
BY THE RESPONDENT NO.7**

I, Manu Ashok Bhat, aged about 31 years, Son of Sri Ashok Bhat, at present working as Divisional Forest Officer, Jharsuguda Forest Division, Jharsuguda, At/Po/Dist: Jharsuguda, do hereby solemnly affirm and state as follows:-

1. That I am working as Divisional Forest Officer, Jharsuguda Forest Division, Jharsuguda, hereinafter referred to as the answering Respondent No.7 and as such I am competent to swear this affidavit.

2. That I have gone through the contents of the Original Application as well as the annexures appended thereto and have understood the contents thereof. I am well acquainted with the facts of the case.

3. That in reply to the averments made in Para-1 of the original application, it is humbly submitted that the Fact-Finding Committee as constituted by the Hon'ble



*Manu Ashok Bhat*  
Divisional Forest Officer  
Jharsuguda Forest Division

*hw*

*Surendra Prasad Dha*  
Advocate  
NOTARY, CUTTACK

National Green Tribunal, Eastern Zone, Bench, Kolkata vide order dated 05.02.2024 visited the alleged site on 02.03.2024 and submitted their report. It is revealed from the joint enquiry report of the Fact Finding Committee that no excavation activities was observed over Plot Nos.85 and 126 of Khata No.616 (Rakhit) and were found to be vacant and barren whereas Plot No.2018/5228 is not found in Khata No.616 (Rakhit). But a road is found passing through the Plot No.2018/5229 (Bad Jungle- not enlisted in the Original Application) of Khata No.616 (Rakhit) having tree growth which is adjacent to Plot No.2017 (Patita Kisan) of Khata No.618 (Anabadi) of the alleged site. Only excavation activities were observed over an area of 0.91 ha measuring about 4 meter depth having 56100 cum of morrum in Plot No.2017 of Khata No.618 (Anabadi) whereas no excavation of earth/ morrum was noticed over Plot No.81 of Khata No.618 (Anabadi). True copy of the joint enquiry report dated 02.03.2024 of the Fact Finding Committee is annexed herewith as **Annexure-A/7**.

4. That as regards the averments made in Para-2 to 4 of the original application, the Respondent No.7 has nothing to comment.

5. That in reply to the averments made in Para-5 of the original application, it is humbly submitted that no

*Surendra Prasad Dhal*  
 Surendra Prasad Dhal  
 Advocate  
 NOTARY, CUTTACK

record/report is available in the Office of the Respondent No.7 regarding illegal excavation of morrum mining carried out in Revenue Forest land of different villages and regarding felling of trees by the Respondent No.11 for mining of morrum purpose.

6. That as regards the averments made in Para-6 to 8 of the original application, the Respondent No.7 has nothing to comment.

7. That as regards the averments made in Para-9 of the original application, the Respondent No.7 has nothing to comment. But in this case, mining of morrum on forest land has not been noticed as per the joint enquiry report of the Fact-Finding Committee dated 02.03.2024.

8. That as regards the averments made in Para-10 to 14 of the original application, the Respondent No.7 has nothing to comment.

9. That in reply to the averments made in Para-15 of the original application, it is humbly submitted that the Fact-Finding Committee as constituted by the Hon'ble National Green Tribunal, Eastern Zone, Bench, Kolkata vide order dated 05.02.2024 visited the alleged site on 02.03.2024. It is revealed from the joint enquiry report of the Fact Finding Committee that no excavation activities were observed over Plot Nos.85

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Divisional Forest Officer  
Jharsuguda Forest Division

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Advocate  
NOTARY, CUTTACK

and 126 of Khata No.616 (Rakhit) and were found to be vacant and barren whereas Plot No.2018/5228 is not found in Khata No.616 (Rakhit). But a road is found passing through the Plot No.2018/5229 (Bad Jungle - not enlisted in the Original Application) of Khata No.616 (Rakhit) having tree growth which is adjacent to Plot No.2017 (Patita Kisam) of Khata No.618 (Anabadi) of the alleged site. Only excavation activities were observed over an area of 0.91 ha measuring about 4 meter depth having 56100 cum of morrum in Plot No.2017 of Khata No.618 (Anabadi) whereas no excavation of earth/morrum was noticed over Plot No.81 of Khata No.618 (Anabadi).

10. That as regards the averments made in Para-16 to 26 of the original application, the Respondent No.7 has nothing to comment.

11. That in reply to the averments made in Para-27 of the original application, it is humbly submitted that in this case mining of morrum on forest land has not been noticed as per the joint enquiry report dated 02.03.2024 of the Fact-Finding Committee.

12. That as regards the averments made in Para-28 to 31 of the original application, the Respondent No.7 has nothing to comment.

Surenata Suresh Dima  
Advocate  
NOTARY, CUTTACK

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13. That in reply to the averments made in Para-32 of the original application, it is humbly submitted that in this case mining of morrum on forest land has not been noticed as per the joint enquiry report dated 02.03.2024 of the Fact-Finding Committee.

14. That as regards the averments made in Para-33 of the original application, the Respondent No.7 has nothing to comment.

15. That in reply to the averments made in Para-34 of the original application, it is humbly submitted that in this case mining of morrum on forest land has not been noticed as per the joint enquiry report dated 02.03.2024 of the Fact-Finding Committee.

16. That as regards the averments made in Para-35 and 36 of the original application, the Respondent No.7 has nothing to comment.

17. That the averments/assertions/allegations made in the Original Application which are not specifically admitted by this deponent shall be deemed to have been denied. This deponent craves leave of the Hon'ble Tribunal to file further affidavit, if required at the time of hearing.

18. That in view of the above submissions made by the Respondent No.7, the prayer made in the Original

*Hew*  
Divisional Forest Officer  
Jharsuguda Forest Division

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Suren...  
Advocate  
NOTARY, CUTTACK

Application is devoid of any merit and liable to be rejected.

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

*(Signature)*  
**Deponent**  
Divisional Forest Officer  
Jharsuguda Forest Division

**VERIFICATION**

I, Manu Ashok Bhat, aged about 31 years, Son of Sri Ashok Bhat, at present working as Divisional Forest Officer, Jharsuguda Forest Division, Jharsuguda, At/Po/Dist: Jharsuguda, do hereby verify and states 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 the 14<sup>th</sup> day of March, 2024.

Identified by:

*(Signature)*  
**ADDL. GOVT. ADVOCATE.**

*(Signature)*  
**VERIFICANT**  
Divisional Forest Officer  
Jharsuguda Forest Division

**AFFIDAVIT**

I, Manu Ashok Bhat, aged about 31 years, Son of Sri Ashok Bhat, at present working as Divisional Forest Officer, Jharsuguda Forest Division,

The above named Deponent  
Solemnly affirm on 14-3-2024  
Being Identified by S P Panda  
*(Signature)*  
Surenara Suresh Das  
Advocate  
**NOTARY, CUTTACK**  
*(Signature)* APO



Jharsuguda, At/Po/Dist: Jharsuguda, do hereby solemnly affirm and state as follows:-

1. That I am the Respondent No.7 in this Original Application.
2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by:



**ADDL. GOVT. ADVOCATE.**



**VERIFICANT**

Divisional Forest Officer  
Jharsuguda Forest Division



Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

**Joint Committee enquiry report with regards to the direction of Hon'ble NGT  
order dated:-05.02.2024 in OA No.26/2024/EZ-Jitendra Kumar Pradhan Vs State  
of Odisha &Ors**

As per the direction of the Hon'ble NGT order dated 05.02.2024 in OA No. 26/2024/EZ-Jitendra Kumar Pradhan Vs. State of Odisha &Ors, a committee has been constituted comprising of District Collector, Jharsuguda or his representative of not below the rank of Addl. District Magistrate, Senior Scientist, SPCB, Odisha, Director of Mines and Geology, Bhubaneswar, Khurda, or his senior representative and Divisional Forest Officer, Jharsuguda or his senior representative. They were directed to inspect the site in question and submit its report with regards to allegations made.

In this regard, a field enquiry was conducted on 01.03.2024 in and around the alleged site. The following members of Joint Committee were present during the field visit:-

1. Sri Brajabandhu Bhoi, O.A.S (SAG), Additional District Magistrate (Gen), Jharsuguda.
2. Smt. A.Ekka, Deputy Environment Scientist, SPCB, Odisha, Jharsuguda.
3. Sri. Baljit Dumdung Assistant Conservator of Forests (ACF), Jharsuguda.

In addition to the above committee members, the following representatives and villagers were also present during the site visit:-

1. Sri Kaushik Meher, Addl.Tahasildar, Jharsuguda.
2. Smt. Rishna Jamdala, Forest Ranger (Brajrajnagar Range)
3. Sri. Prasanta Bag Forester Rajpur
4. Smt. Harapriya Bhoi Forester Ib valley
5. Smt. Reema Patel, Forest Guard
6. Sri Khageswar Patel, R.I. Brajrajnagar
7. Sri Prakash Kumar Naik, Amin

**Observations:-**

- The alleged sites as mentioned in the petition was visited by the Committee. No mining activity/excavation work was in progress at allegation site during the joint visit. However, excavation morrum had been done at only one plot. The status of the sites are as follows:-

Mouza	Khata No	Plot No	Area	Kisam	Status
Brajrajnagar Town Unit No.1	616 (Rakhit)	85	0.257	Gochar	No excavation activity found
		126	1.287	Gochar	No excavation activity found
		2018/5229 (2018/5228)	0.828	Bada Jungle	No excavation activity found.

**True Copy Attested**



Asst. Conservator of Forests  
Jharsuguda Forest Division

		does not exist)			(However, a road is found passing through the plot)
	618 (Anabadi)	2017	0.630	Patit	Excavation activity observed
		81	0.472	Nala	No excavation activity found

- The lands of plot no. 85 and 126 were found to be vacant and barren whereas plot no. 2018/5228 is not found in Khata No. 616 (Rakhit) but in plot no.2018/5229 (Bada Jungle) of khata no. 616 (Rakhit) some Chakunda trees growth were found which was adjacent to plot no. 2017(patit kisam) of khata no. 618 (Anabadi). There was very narrow flow of water at plot no-81.
- However, excavation of morrum was found at Plot no-2017 of Khata no-618 (Anabadi) over an area of 0.91 ha. about 4 mtr depth and 56100 cum of morrum has been extracted. The RI report and drone survey report is attached for necessary reference
- For excavation of Morrum, the project proponent has not obtained Environment Clearance from SEIAA, Bhubaneswar and valid Consent to Establish and Consent to Operate from SPCB, Odisha.

**Recommendation:-**

- M/s Aditya Constructions may be directed to develop plantation on the above plots for damaging the natural vegetation without the permission of the competent authority.
- It may be directed to obtain required permissions from the concerned authority for excavation of soil and morrum.

*[Handwritten Signature]*  
02.03.2024

Dy. Env. Scientist, RO, SPCB  
Jharsuguda

*[Handwritten Signature]*  
02/03/2024

Asst. Conservator of Forest (ACF),  
Jharsuguda

*[Handwritten Signature]*  
02/03/24

Additional District Magistrate (Gen),  
Jharsuguda

**True Copy Attested**

*[Handwritten Signature]*

Asst. Conservator of Forest  
Jharsuguda Forest Division

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**OFFICE OF THE REVENUE INSPECTOR, BRAJRAJNAGAR**

Letter No. 107/ Date : 01.03.2024

To

Tahasildar, Jharsuguda

Sub: Submission of report regarding the correction of the plot No. 2018/5228 in Mouza – Braj Unit No.1 of the NGT bearing Case No. 26/2024/EZ.

Respected Sir,

With reference to the subject cited above, I am to submit the report in details that On verification of ROR, it found that the plot no. 2018/5228 of area ac. 0.828 does not exist. But the plot no 2018/5229 of area ac0.828 is availbe in Khata no 616(Rakhit).

On verification of the field over the plots mentioned by the applicant Jitendra Kumar Pradhan are as follows.

Land schedule With Extracted Quantity						
MOUZA	Khata No.	Plot No.	Kisam	Area(Ac.)	STATUS	Extracted Quantity
Brajn Unit No 1	616(Rakhit)	85	Gochar	0.257	No Extraction	-
	616(Rakhit)	126	Gochar	1.287	No Extraction	-
	616(Rakhit)	2018/5229	Bad Jungle	0.828	No Extraction	-
	618(Anabadi)	2017	Patit	0.630	Extraction	56100 CUM
	618(Anabadi)	81	Nala	0.472	No Extraction	-
Total				0.350		56100 CUM

This is for favour of your kind information and necessary action.

Yours faithfully

Revenue Inspector, Brajrajnagar  
Revenue Inspector  
Brajrajnagar

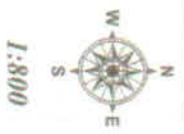
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Jharsuguda Forest Division

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**Map of Plots Under  
NGT Enquiry**



1:800

**Legend**

- Soil Lifted Boundary  
(0.92 Ha)
- Bada Jungle Boundary  
(Plot No.5229)
- 2017 No. Plot Boundary  
( Patit )
- Plots Boundary

**True Copy Attested**

*RR*

**Asst. Conservator of Forest  
Jharsuguda Forest Division**



