

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH AT KOLKATA

I.A. NO. _____ OF 2023

IN

ORIGINAL APPLICATION 85 OF 2023

IN THE MATTER OF:

SAHEEN TARANNUM & ANR. ... APPLICANTS

VERSUS

STATE OF ODISHA & ORS. ... RESPONDENTS

INDEX

S. NO.	PARTICULARS	PAGE NO.
	Application for Impleadment of parties on behalf of the applicants	1-4

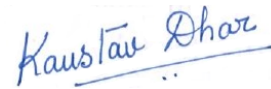
Through



RITWICK DUTTA



RAHUL CHOUDHARY



KAUSTAV DHAR

ADVOCATES,

COUNSEL FOR THE APPLICANT

N-73, Lower Ground Floor, Greater Kailash-1,

New Delhi- 110048

Email:- dclaw160@gmail.com

Mobile No. 9312407881

Place:- Kolkata/Delhi

Dated:- 08.12.2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH AT KOLKATA****I.A. NO. _____ OF 2023****IN****ORIGINAL APPLICATION 85 OF 2023****IN THE MATTER OF:**

SAHEEN TARANNUM & ANR. ... APPLICANTS

VERSUS

STATE OF ODISHA & ORS. ... RESPONDENTS

**APPLICATION FOR IMPLEADMENT OF PARTIES ON BEHALF
OF THE APPLICANTS****MOST RESPECTFULLY SHOWETH:**

1. That the Applicants had filed the above-mentioned Original Application No. 85 of 2023 before this Hon'ble Tribunal against:
 - (i) Respondent No. 6 and 7 for illegally operating private stack yard located near the Bilteruan village and opposite to the railway tracks leading to the Nergundi Railway Station, in Alarpur, Cuttack, Odisha.
 - (ii) Respondent No. 8, Nergundi Railway Siding of East-Coast Railway operating railway siding close to Nergundi Railway Station, Alarpur, Cuttack, Odisha in violation of consent condition and the guideline issued by SPCB.
2. That by order dated 04.08.2023, this Hon'ble Tribunal constituted a Joint Committee comprising of (i) Senior Scientist, Odisha State Pollution Control Board, (ii) Senior Scientist, Central Pollution Control Board, (iii) District Magistrate, Cuttack, or his nominee not below the rank of Additional District Magistrate, and (iv) Senior Rank Officer, Khurdha Road Division, East Coast Railway. The Committee was directed to visit the site in question and submit its report within four

weeks with regard to the allegations made in the Original Application. The Committee was further directed that if the violations are found, the Committee shall suggest remedial measures as well as determine the Environmental Compensation and the concerned officers of the various departments shall also initiate appropriate steps for taking action against the violator as per law.

3. That in compliance of the direction of this Hon'ble Tribunal, the Joint Committee has filed its report dated 02.09.2023 through the District Magistrate on 06.10.2023.
4. That the Joint Committee has given the finding that the 'Consent to Establish and Operate' has not been given to Respondent No. 6 and 7. However, Respondent No. 6 has leased out his land to M/s Sendoz Impex Ltd. and M/s Godavari Commodities for operation of coal stack yard. It is submitted that at the time of the filing of the application, the Applicants were not aware about the role of M/s Sendoz Impex Ltd. and M/s Godavari Commodities in operation of stack yard.
5. That the Joint Committee has further imposed compensation on M/s Sendoz Impex Ltd. of Rs. 14, 06, 250/- for violations found during site visit including operation of the stack yard found to be exceeding the permitted area, and no air pollution control measures found. Therefore, the Applicants are filing the present application to implead the above-mentioned parties as a party Respondent.
6. It is humbly submitted that this Hon'ble Tribunal may permit the Applicant to implead the following as part Respondents in the above-titled Original Application:

a. **M/s Sendoz Impex Ltd.**

Through the Director, Siddharth Poddar
Having office at Suite No. 634 & 644 'Marshall House'
33/1 Netaji Subhash Road,
Kolkata, West Bengal- 700 001
Phone: (033) 22306006, Email: sendoz@gmail.com

b. M/s Godavari Commodities Ltd.

Through the Director, Kamal Singh Bhutoria,

Having office at 18, N.S.Road 2nd Floor

Kolkata, West Bengal-700001

Phone: +91 33 22426134, Email: ho@godavaricommodities.com

7. That this Hon'ble Tribunal may allow this application in the interest of justice as grave prejudice would be caused if the Respondents mentioned in this application are not allowed to be impleaded. It is further submitted that no prejudice would be caused to the other Respondents if the said parties are impleaded in the Original Application as Respondents.

PRAYER

In light of the above stated facts and circumstances, it is most humbly requested that this Hon'ble Tribunal may be pleased to pass an order:-

- i. Implead the parties listed in Para 6 as party Respondents No. 10 and 11 in the above titled Application;
- ii. Pass any other order as this Hon'ble Tribunal may deem fit and just in the facts and circumstances of the Present Application.

Ashoka Kumar Jena.

APPLICANT NO. 2

THROUGH



RITWICK DUTTA



RAHUL CHOUDHARY



**KAUSTAV DHAR
ADVOCATES,**

COUNSEL FOR THE APPLICANT

N-73, Lower Ground Floor, Greater Kailash-1,

New Delhi- 110048

Email:- dclaw160@gmail.com

Mobile No. 9312407881

Place:- Kolkata/Delhi

Dated:- 08.12.2023

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

I.A. NO. ____ OF 2023

IN

ORIGINAL APPLICATION NO. 85 OF 2023

IN THE MATTER OF:

SAHEEN TARANNUM & ANR.

..APPLICANTS

VERSUS

STATE OF ODISHA& ORS.

...RESPONDENTS

AFFIDAVIT

I, Akshaya Kumar Jena, S/o Shri Sauri Jena, aged about 46 years, R/o Village Bilteruan, Po- Harianta, Dist. Cuttack, Odisha- 754025, do hereby solemnly affirm and declare as under:

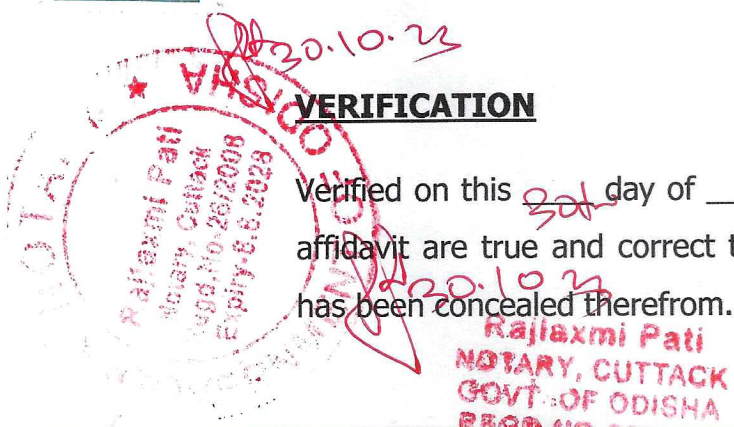
1. That I am the Applicant No.2 in the above titled Original Application and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the accompanying Application are true and correct and nothing material has been concealed therefrom.



Akshaya Kumar Jena.
DEPONENT

VERIFICATION

Verified on this 30th day of Oct, 2023 that the contents of the present affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



Akshaya Kumar Jena.

DEPONENT



DC Law Chambers <dclaw160@gmail.com>

Copy of the Rejoinder, Response & Impleadment application on behalf of the applicant in OA No. 85 of 2023 Saheen Tarannum & Anr. Vs State of Odisha & Ors

1 message

DC Law Chambers <dclaw160@gmail.com>

Thu, Dec 14, 2023 at 10:38 AM






To: Tarun Patnaik <tarun.patnaik87@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, ASHOK PRASAD <ashokadvhc@gmail.com>, Surendra Kumar <surendra_kr15@rediffmail.com>, shakti panda <sppanda13@gmail.com>

Dear All,

Please find attached- Copy of the Rejoinder, Response & Impleadment application on behalf of the applicant in OA No. 85 of 2023 Saheen Tarannum & Anr. Vs State of Odisha & Ors

Counsel for the Applicant

5 attachments

-  **Rejoinder R-8 by applicant.pdf**
849K
-  **Rejoinder R-6 by applicant.pdf**
669K
-  **Rejoinder R-7 by applicant.pdf**
860K
-  **impleadment Application by applicant.pdf**
1031K
-  **Response.pdf**
3349K