

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
Appeal No.10/2024/EZ

14 NOV 2024

Sukanta Kumar Nayak

... Applicant

VERSUS

State of Odisha & Others

... Respondents

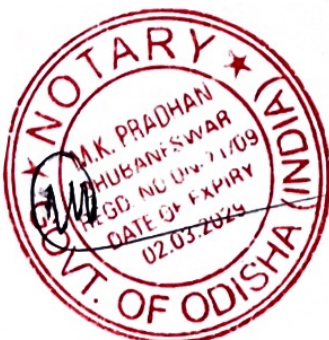
REPLY AFFIDAVIT ON BEHALF OF STATE  
POLLUTION CONTROL BOARD, ODISHA,  
RESPONDENT NO.5 .

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam  
Kailasam aged around 56 years, at present working as Member  
Secretary, State Pollution Control Board, having my office at  
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O.  
Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do  
hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.5 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That I have gone through the Appeal Memo and understood the contents thereof.



3. That in this Appeal, the appellant has impugned the order dtd.25.06.2024 issued by the State Environment Impact Assessment Authority (SEIAA), R-3 regarding grant of Environmental Clearance in terms of EIA Notification, 2006 in favour of M/s. Subarnarekha Port Pvt. Ltd. for mining of stone from Mirigini Stone Quarry-I over an area of 2.55 ha. or 6.30 acres in village Mirigini under Nilgiri Tahasil, Dist-Balasore, Odisha. Copy of the said order has been annexed as Annexure -1 to the Appeal Memo.
4. That at the outset, it is humbly submitted that the R-5 Board has not granted any consent to establish / operate under the provisions of Section-21 of the Air (PCP) Act, 1981 and Section-25 of the Water (PCP) Act, 1974 in favour of Subarnarekha Port Pvt. Ltd. for extraction of stone metal from Mirigini Stone Quarry-I.
5. That the this Hon'ble Tribunal vide their judgment dtd.04.03.2024 has been pleased to dispose of the OA No.80/2023/EZ in the matter of Sukanta Behera v. State of Odisha & Others on Mirigini Stone Quarry under Nilgiri Tahasil with certain directions to the SEIAA, Odisha (R-3) to consider all the facts noted in the judgment while considering the proposal of the said respondent for grant



of environmental clearance. Copy of the judgment dtd.04.03.2024 has already been annexed to this Appeal Memo as Annexure – 2.

6. That the R-5 Board through its Deputy Environmental Scientist and Asst. Environmental Scientist of Regional Office, Balasore along with Addl. Tahasildar, Nilgiri Tahasil and Revenue Inspector, Nirgiri Sadar Circle have visited the site jointly on dtd.18.11.2023 and 21.11.2023 and submitted the reports with the following remarks:

a. M/s. Subarnarekha Port Pvt. Ltd. has been accorded Quarry Permit vide Quarry Permit No.3335 dtd.26.12.2022 of Nilgiri Tahasil conditionally with a validity period of 01 year.

b. There exists another minor mineral source i.e. Stone Quarry No.02 towards South of Stone Quarry No.1 at the same plot.

c. The proposed Mirigini Stone Quarry of M/s. Subarnarekha Port Pvt. Ltd. has not obtained Consent to Establish or Consent to Operate from the SPCB.



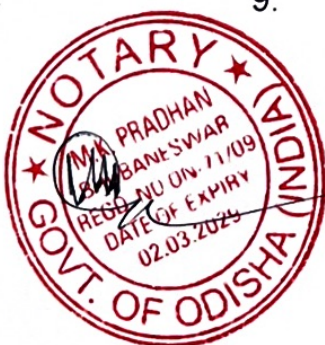
d. The proposed stone quarry has also not started any extraction of stone / mining activities till date as observed during the joint verification.

Copy of the joint enquiry report has also been annexed to the Appeal Memo as Annexure-3.

7. That it is further humbly clarified that all averments, contentions and/or statement as contained in the Appeal filed by the Appellant, which may not have been specifically denied or traversed by me herein but are in essence, contrary to the substance of this affidavit, should not be deemed to be admitted by reason of mere non-traverse, but should be treated as expressly denied and the Appellant should be put to strict proof in respect thereof.

8. That the Respondent No.5 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.

9. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the



*Manjula Kumar Pradhan*  
**MANJULA KUMAR PRADHAN**  
**NOTARY PUBLIC**  
**BHUBANESWAR**  
**REGD. NO. ON-71/2009**  
**PH-9437627119 (M)**

official records, and that nothing material has been  
 concealed therefrom.

*Member Secretary*  
**DEPONENT**  
*Member Secretary*  
**State Pollution Control Board**  
**Odisha, Bhubaneswar**

**VERIFICATION:**

I, the above named deponent, do hereby verify 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 therefrom.

Verified at Bhubaneswar on this the 14<sup>th</sup> day of November  
 2024.

**SWORN BEFORE ME**

**NOTARY**  
**M.K. PRADHAN**  
**BHUBANESWAR**  
**REGD. NO. ON-71/09**  
**DATE OF EXPIRY**  
**2.03.2029**  
**NOTARY PUBLIC**  
**OF ODISHA (INDIA)**

*Manjula Kumar Pradhan*  
**MANJULA KUMAR PRADHAN**  
**NOTARY PUBLIC**  
**BHUBANESWAR**  
**REGD. NO. ON-71/2009**  
**PH-9437627119 (M)**

*Member Secretary*  
**DEPONENT**  
*Member Secretary*  
**State Pollution Control Board**  
**Odisha, Bhubaneswar**

*Manjula Kumar Pradhan*