

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**ORIGINAL APPLICATION NO -6 OF 2024/EZ**

**IA NO. 124 OF 2024**

**IN THE MATTER OF:**

**BABULI JEN AND OTHERS**

**APPLICANT**

**VERSUS**

**STATE OF ODISHA AND Others ...**

**RESPONDENTS**

**INDEX**

<b>SI NO</b>	<b>PARTICULARS</b>	<b>PAGE NO</b>
1	IA for direction to conduct inquiry with the help of ORSAC	1-6
2	Proof of Service	7

*Spani* → *APadhy*

**PLACE: BHUBANESWAR**

**SANKAR PRASAD PANI**

**ASHUTOSH PADHY**

DATE: 10<sup>th</sup> December 2024  
Bubaneswar, 751002, Cell-9437279278,

**ADVOCATE**

Email: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**ORIGINAL APPLICATION NO -6 OF 2024/EZ**

**IA NO. \_\_\_\_\_ OF 2024**

**IN THE MATTER OF:**

**BABULI JENA AND OTHERS**

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**VERSUS**

**STATE OF ODISHA AND Others ...**

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**IA FOR DIRECTION TO ORSAC TO CONDUCT INQUIRY**

I, Babuli Jena S/o Krsushna Chandra Jena aged about 27years At- Rampei Po-Batijoda, PS-Jenapur, Dist- Jajpur do hereby solemnly affirm, and declare as under:

1. That I am one of the applicants in the above mentioned Original Application and authorized by other co-petitioners to swear this affidavit. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit. That I have read over the contents of the IA and the same is drafted in my instructions.

2. That the original application is filed challenging the operation of stone quarry at Rahadpur in violation of siting criteria prescribed by SPCB and conditions of environmental clearance.
3. In this matter the notice was issued on 22/01/2024 and subsequently the matter was listed on the following dates 06/03/2024, 25/04/2024,05/07/2024,28/08/2024, 27/09/2024. That the State Pollution Control Board has filed one sketchy affidavit without addressing the issues raised in the original application and without any para wise reply to the issues raised in the Original Application.
4. It is further submitted that the applicant has filed one response to the affidavit filed by the State Pollution Control Board controverting the report and then after another affidavit was filed on 23/04/2024 reiterating the previous report and without addressing the issues which have been controverted in the affidavit of the applicant.
5. It is further submitted that in the affidavit of State Pollution Control Board one scientific assessment of quantum of materials excavated is to be taken by Deputy Director of Mines, it is further submitted that no such report has been filed as on date even after passing of at least 11 months from the issue of notice
6. It is further submitted that ordinarily ORSAC use to carryout the exercise of assessment of quantity of the minerals excavated, mining

beyond the lease area, depth of the quarry, close proximity to any of the structures which is prohibited as per the CPCB guidelines since no such specific report has been filed by Deputy Director Of Mines hence the order of Hon'ble Tribunal is violated. It is submitted that same is an offence u/s 26 and 28 of National Green Tribunal Act 2010.

7. It is further submitted that though the applicant had already submitted the toposheet of the quarry area which clearly says that the site in question is part of Nischinta reserve forest but no response has been filed by DFO Cuttack although the State Pollution Control Board in its report says that the hall kissam of the land is Pahad and this hal settlement is finally published in 16/11/1996 and the report does not disclose the sabik status of the land which is clearly evident from the toposheet as reserve forest hence no mining operation could have started in the land without grant of approval under Forest conservation Act 1980 and which is renamed as Van (Sanrakshan Evam Samvardhan) Adhiniyam 2023.
8. It is further submitted that Ranibandha and Paikarapur minor irrigation projects are adjoining to the quarry area and there is zero distance between the quarry area and reservoir area which is completely prohibited. This aspect can be verified by the google earth image which the applicant had filed and the Executive engineer has raised queries in 2018. In view of this it is extremely important to ascertain the distance of

the Paikarapur and Ranibandha minor irrigation projects from the quarry area.

**PRAYER**

That in view of the above mentioned paragraphs it is humbly prayed before this Hon'ble Tribunal to direct the Deputy Director of Mines Jajpur to conduct a fresh inquiry with the help of Odisha Space Applications Centre (ORSAC) to assess the quantum of minor minerals excavated, mining beyond lease area, excess mining and the distance of the **minor irrigation projects( Paikarapur and Ranibandh)** from the quarry lease area and Rahadpur Cluster.

Applicant Through

A handwritten signature in black ink, appearing to read 'S. Panigrahi', written over a horizontal line.

Advocate

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**ORIGINAL APPLICATION NO. - 06... OF 2024/EZ**  
**I.A NO. - \_\_\_\_\_ OF 2024**

**IN THE MATTER OF:**

**BABULI JENA AND OTHERS**

**APPLICANT**

**VERSUS**

**STATE OF ODISHA AND Others ...**

**RESPONDENTS**

**AFFIDAVIT**

**10 DEC 2024**

I, Babuli Jena S/o Krsushna Chandra Jena aged about 26years At- Rampai Po-  
Batijoda, PS-Jenapur, Dist- Jajpur do hereby solemnly affirm, and declare  
as under:

1. That I am one of the applicant in the above mentioned Original Application and authorized by other co-petitioners to swear this affidavit
2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
3. That I have read over the contents of the accompanying Interlocutory application and the same is true and correct and is drafted on my instruction.

x Babuli Jena

DEPONENT

**VERIFICATION**

Verified on this 10th day of Dec 2024 at Bhubaneswar..that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By  
*[Signature]*  
Advocate

x Babuli Jena

DEPONENT



The above named deponent(s) being duly identified by Sri...  
Advocate, Bhubaneswar.  
Appears before me on...  
at... A.M./P.M. ...  
on oath the contents of the affidavit are true to the best of his/her own knowledge and belief.

**10 DEC 2024**

**JANMEJAYA RAUT**  
**NOTARY GOVT. OF ODISHA**  
**BHUBANESWAR**  
**REGD. NO. ON-86/2012**  
**MOB. No. - 933712127**

Deponent(s) Notary, Bhubaneswar

*[Signature]*



Sankar Pani &lt;sankarprasadpani@gmail.com&gt;

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**Interlocutory application on behalf of applicant in OA 6/2024/ez**

1 message

**Sankar Pani** <sankarprasadpani@gmail.com>

Wed, Dec 11, 2024 at 9:00 AM

To: ADVOCATE GENERAL ODISHA &lt;advgenodisha@gmail.com&gt;, Dipanjan Ghosh &lt;dpnjnghsh0@gmail.com&gt;, apurba ghosh &lt;apu7law@gmail.com&gt;, "pateluttkarsh96@gmail.com" &lt;pateluttkarsh96@gmail.com&gt;

Dear Sir/Madam, please find the copy of IA filed in OA6/2024/EZ.

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National Green Tribunal Kolkata & Orissa Highcourt  
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**BABULI IA-merged.pdf**

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