

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA.**

O.A. No.142/2024/EZ

Shivsankar Mohanty ... Applicant

-Versus-

Union of India & Ors. ... Respondents

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By the Respondent No.4

Cuttack

Date: 15.1.2025


Advocate

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA.

O.A. No.142/2024/EZ

Shivsankar Mohanty ... Applicant

-Versus-

Union of India & Ors. ... Respondents

COUNTER AFFIDAVIT ON BEHALF OF
COLLECTOR, SAMBALPUR, RESPONDENT NO.4.

I, Shri Siddheshwar Baliram Bondar, aged about 37 years, Son of Baliram Raghunath Bondar, at present serving as District Magistrate & Collector, Sambalpur, At/PO/Dist.-Sambalpur, do hereby solemnly affirm and state as follows:

1. That, I have been arrayed as Respondent No.4 in this case and acquainted with the facts of the case and competent to swear this affidavit in my official capacity.

2. That, the applicant has filed the aforesaid application with the following prayers:-

"I. Directing to constitute a Committee headed by the Collector, Sambalpur along with other officers as this Hon'ble Tribunal deems fit for inquiry and submit it's Report before this Hon'ble Tribunal for proper adjudication of the case.



Sl. No. 332
Dt. 10-1-25
(K C Nayak)
Notary Sambalpur

By
A/W

Siddheshwar Baliram Bondar

- II. *Fixing the accountability/responsibilities of the concerned Govt. authorities for their inaction and wilful dereliction of duties causing damage to environment.*
- III. *Direct the Collector, Sambalpur to initiate criminal proceedings against the Respondent No.2,5 and 6 for damaging environment.*
- IV. *And impose environmental compensation upon Respondent No.2 and restoring the damaged ecology and causing unabated pollution."*

3. That it is humbly submitted that the matter was listed before the Hon'ble Tribunal on 23.07.2024, wherein the Hon'ble Tribunal after hearing the matter have passed the following orders. The operative portion of the order is quoted below for reference:



"14. Considering the allegations made, we deem it appropriate to constitute a Committee to elicit the veracity of the allegations comprising of the following Members:-

- (i) *Senior Scientist, Odisha State Pollution Control Board,*
- (ii) *Collector & District Magistrate, Sambalpur, or his representative not*

Siddeshwar Balirans Boudan

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below the rank of Additional District Magistrate.”

4. That in obedience to the direction of the Hon'ble Tribunal, a Committee was constituted to elicit the veracity of the allegations. The Committee members along with other officials inspected the railway siding on 19.11.2024 and submitted its report. Copy of the report dtd.19.11.2024 along with the photographs is annexed herewith and marked as ANNEXURE-A/4.

5. That in reply to the averments made in Para-3.1 of the Original Application, it is humbly submitted that the Committee observed that the Railway Station at Rengali has 02 (two) nos of platforms for the use of the general public with another track in between being used as a loop line. The platform no. 3 is being alleged as a railway siding. On the day of inspection, the Committee observed that there was no activity in the loading and unloading of raw materials.

As per the inspection report, the Odisha State Pollution Control Board, Sambalpur had granted Consent to operate to Rengali Railway siding for Storing, Transportation, and handling of Iron ore and Pellets – 4000 TPD vide letter 1511 dtd. 30.03.2022 which was valid upto 31.03.2023. As of the date of inspection, Rengali Railway siding had no valid consent for any Mineral Stack Yard and Railway Siding.

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On the day of visit, the committee observed that the SH-10 is around 600 m aerial distance. Further, the major habitation is at the side of Platform No.1 of Rengali Railway station just opposite side of the propose good shed i.e. Platform No.3.

With regard to the sitting and suitability of the land for Railway siding, a letter was communicated from the Office of the undersigned to the Regional Officer, SPCB, Sambalpur vide letter No.7936/ dtd. 30.04.2024.

Apart from the above, the Committee Members observed some factual aspects during field visit:

1. There was a Govt. Primary School, Chhauldepo at around 100m from the Railway siding.
2. There was a Shiv temple around 120m from the Railway siding.
3. There was a Govt. Primary School, Station-basti, Rengali around 130m from the Railway siding.
4. There was a Modern Public School, Rengali around 110m from the Railway siding.
5. There was a Maa Durga temple around 95m from the Railway siding.

6. That in reply to the averments made in Para-3.2 of the Original Application, it is humbly submitted that the Odisha State Pollution Control Board, Sambalpur had granted Consent to operate to Rengali Railway



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siding for Storing, Transportation and handling of Iron ore and Pellets – 4000 TPD vide letter 1511 dtd. 30.03.2022 which valid upto 31.03.2023. However, the Railway siding was inspected on dtd. 26.06.2023 in connection with the renewal of the CTO (consent to operate) application. The railway siding was not installed with pollution control measures during the day of inspection. Therefore, Show cause notice for refusal of consent to operate & issuance direction of closure u/s 25/26 of Water (PCP) Act, 1974 and u/s 21 of Air (PCP) Act, 1981 and rules framed thereafter vide letter No.2169 dtd.27.06.2023 was issued for non-compliance to CTO conditions.

7. That in reply to the averments made in Para-3.4 of the petition, it is humbly submitted that the inspection report reveals that there was no provision of boundary wall of required height, or tree plantation as a wind barrier along the periphery of the stack yard. It was also observed that there was no activity of coal loading or unloading on the day of the visit, due to which fugitive emissions could not be assessed.

However, the Odisha State Pollution Control Board has not granted consent to establish for handling of coal at Rengali railway siding.

On the day of visit of the members of committee, no activity related to the loading or unloading of any raw material at Rengali Goods Shed was noticed. It was



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also observed that there was no water being discharged near the periphery of the Good Shed.

8. That in reply to the averments made in Para-3.5 of the petition, it is humbly submitted that the alleged point was inspected and it was observed that there were no water sprinklers or any dust suppression system inside the stack yard area for control of fugitive emissions from the loading or unloading activity of raw materials. The unit has also not provided a garland drain and a settling pit for surface runoff. However, the Rengali railway siding doesn't have any valid Consent to establish/operate for handling any raw materials.

9. That it is humbly submitted that the facts stated and averments made in the admitted Original Application which have not been specifically replied and are not matters of record shall be deemed to have been denied by the answering Respondents.

10. That the answering Respondents crave leave of the Hon'ble Tribunal to make further submissions and further affidavits in support of their contentions, in the interest of justice and for effective adjudication by the Hon'ble Court.

11. That in view of the facts stated and submissions made in the foregoing paragraphs, it is humbly submitted that the application is devoid of merit and is liable to be dismissed by the Hon'ble Tribunal, the



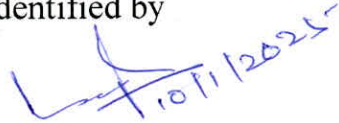
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Siddeshwar Balliram Bondar

applicant not being entitled to any of the reliefs sought for.

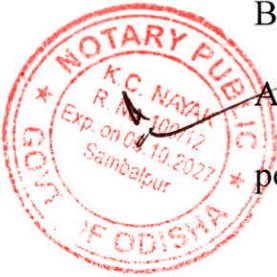
12. That the contents of the above prayer are true to the best of my knowledge as derived from available official records so also field enquiry report of the Joint Committee.

Identified by


 Advocate
 Government Pleader
 Sambalpur


 Deponent
 District Magistrate & Collector
 Sambalpur
 09/01/25

Solemnly affirmed before me by Sri Siddheshwar Baliram Bondar, who is identified before me by Sri Ashok Kumar Senapati, Government Pleader, whom I personally know.



This 10th day of January, 2025.


 (K. C. Nayak),
 Regd. No. 100/18
 Sambalpur
 NOTARY PUBLIC, SAMBALPUR

CERTIFICATE

Certified that cartridge papers are not readily available.

Cuttack.

Date: 15.01.2025


 Advocate

VERIFICATION

I, Shri Siddheshwar Baliram Bondar, aged about 37 years, Son of Baliram Raghunath Bondar, at present working as District Magistrate & Collector, Sambalpur, At/PO/Dist.-Sambalpur, 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 Sambalpur on this 15th day of January, 2025.

Identified by

Advocate
Government Pleader
Sambalpur

Verificant
District Magistrate & Collector
Sambalpur



10/11/2025 Siddheshwar Baliram Bondar
09/10/11/2025

Inspection report of visit regarding verification of observations of the Hon'ble NGT in the matter of O.A. No. 142/2024/EZ – Shivsankar Mohanty – Vrs. The Union of India and others

In pursuance of the order dtd. **11.09.2024** of the Hon'ble NGT, EZB, Kolkata in the matter of O.A. No. 142/2024/EZ – Shivsankar Mohanty – Vrs. The Union of India & Ors., and order dtd. 23.07.2024, the railway siding was inspected on dtd **19.11.2024** per the schedule fixed by the Office of the District Magistrate & Collector, Sambalpur vide letter no. 21879 dtd. 18.11.2024 by the committee formed as per letter no. 12940 dtd. 16.08.2024 of Head office, State Pollution Control Board, Bhubaneswar.

The members of the committee are as follows:

1. Sri Ajambar Mohanty, Addl. District Magistrate, Sambalpur, Odisha
2. Dr. Satya Narayan Nanda, Regional Officer, State Pollution Control Board, Sambalpur, Odisha

Apart from the above, the following officials and representatives of the railway were also present during the visit:

1. Sri Takshakraj Bhitria, Tahsildar, Rengali, Sambalpur
2. Er. Rakesh Ku. Panda, Asst. Env. Engg, SPCB, Sambalpur
3. Sri Sunil Sahu, Revenue Inspector, Rengali Tahsil, Sambalpur
4. Dr. Pradip Dubal, ACM/SBP, ECoR
5. Sri Chandan Ku. Kaushal, CCI/SBP, ECoR
6. Sri Santosh Verma, Ch. CC/RGL, ECoR
7. Sri Sunil Ku. Badi, OS/Comm/RGL, ECoR

Note: The attendance sheet has been attached as **Annexure-1**

A detailed inspection was made to point as reflected in the orders of Hon'ble NGT EZ.

Observations:

Following observations were made by the committee during joint enquiry on order dtd. 23.07.2024,

SI.No.	Points raised in the order dtd. 23.07.2024	Observations
1.	The Original Application has been filed by the applicant, alleging that the Rengali Good Shed at Railway	It was observed that the Railway station at Rengali has 02 (two) nos of platforms for the use of the


 Addl. District Magistrate,
 Sambalpur

	<p>Siding of East Coast Railway is located at Rengali Railway Station, Rengali, Dist.- Sambalpur, Odisha, and is using passenger and commercial freight services. It is alleged that East Coast Railway is carrying on the activity of loading and unloading of raw materials at Rengali Railway Siding without having Consent to Operate from the State Pollution Control Board, Odisha.</p>	<p>general public with another track in between being used as a loop line. The platform no. 3 is being alleged as a railway siding. On the day of inspection, it was observed that there was no activity in the loading and unloading of raw materials. Odisha State Pollution Control Board, Sambalpur had granted Consent to operate to Rengali Railway siding for Storing, Transportation, and handling of Iron ore and Pellets – 4000 TPD vide letter 1511 dtd. 30.03.2022 valid upto 31.03.2023. As of the date of inspection, Rengali Railway siding has no valid consent for any Mineral Stack Yard and Railway Siding.</p>
2.	<p>It is stated that the State Highway No. 10 passes near the Rengali Railway Siding from Sambalpur to Rourkela; the habitation of Rengali village exists on both sides of the Railway tracks towards East and West direction; at the East side of the Railway Station there are about 5,000 houses having a population of 17,000 to 20,000 people.</p>	<p>On the day of visit, it was observed that the SH-10 is around 600 m aerial distance. It was also observed that the major habitation is at the side of Platform no. 1 of Rengali Railway station just opposite side of the propose good shed i.e. Platform No. 3. With regard to the siting and suitability of the land for Railway siding, a letter was communicated from the Office of the District Magistrate & Collectorate, Sambalpur to the Regional Officer,</p>


 10/1/25
 Addl. District Magistrate,
 Sambalpur

	Yards and Railway Sidings dated 16.04.2010.	dtd. 26.06.2023 in connection with the renewal of the CTO (consent to operate) application. The railway siding was not installed with pollution control measures during the day of inspection. Therefore, Show cause notice for refusal of consent to operate & issuance direction of closure u/s 25/26 of Water (PCP) Act, 1974 and u/s 21 of Air (PCP) Act, 1981 and rules framed thereafter vide letter no. 2169 dtd. 27.06.2023 was issued for non-compliance to CTO conditions
4.	It is further alleged that the coal stack yard of Rengali Good Shed has not provided any boundary wall on the outer side towards the cultivated land and village side; there was fugitive emission; tree plantation as wind barrier along the periphery of the stack yard of East Coast Railways was found to insufficient.	It was observed that there was no provision of boundary wall of required height, or tree plantation as a wind barrier along the periphery of the stack yard. It was also observed that there was no activity of coal loading or unloading on the day of the visit, due to which fugitive emissions could not be assessed. However, the Odisha State Pollution Control Board has not granted consent to establish for handling of coal at Rengali railway siding.
5.	It is further alleged that there were coal dust and iron ore dust in the residential area having a	On the day of visit by the committee, it was observed that there was no activity related to the

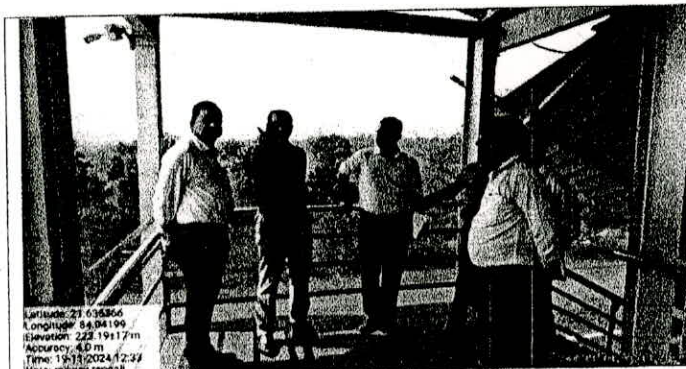
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Sambalpur

	<p>deleterious impact on the health of the populace residing in that area. It is also alleged that untreated water was being discharged resulting in contamination of groundwater and water bodies due to which water became acidic. Air pollution was also alleged.</p>	<p>loading or unloading of any raw material at Rengali Good Shed. It was also observed that there was no water being discharged near the periphery of the Good Shed.</p>
<p>6.</p>	<p>It is also alleged that there are no water sprinklers or any dust suppression system inside the stack yard area for control of fugitive emissions from the coal stack yard; the garland drain is not being maintained around the storage yard for collection and treatment of stormwater.</p>	<p>The alleged point was inspected and it was observed that there were no water sprinklers or any dust suppression system inside the stack yard area for control of fugitive emissions from the loading or unloading activity of raw materials. The unit has also not provided a garland drain and a settling pit for surface runoff. However, the Rengali railway siding doesn't have any valid Consent to establish/operate for handling any raw materials.</p>

Some Photographs taken during the visit to Rengali Railway Siding



Latitude: 23.635866
 Longitude: 84.94199
 Elevation: 222.1917m
 Accuracy: 4.0 m
 Time: 19-11-2024 12:37
 Note: railway siding

Visit of committee members at Rengali Railway Siding



Latitude: 23.635866
 Longitude: 84.94199
 Elevation: 222.1917m
 Accuracy: 4.0 m
 Time: 19-11-2024 12:37
 Note: railway siding

View of stack yard at Rengali Railway Siding

[Handwritten Signature]
 19/11/24
 Addl. District Magistrate,
 Sambalpur

Some Photographs taken during the visit to Rengali Railway Siding



Latitude: 21.63526
Longitude: 84.04199
Elevation: 228.1917 m
Accuracy: 4.0 m
Time: 19-11-2024 12:33
Note: railway rengali

Visit of committee members at Rengali Railway Siding



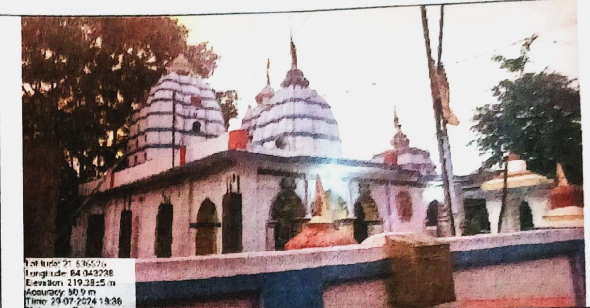
Latitude: 21.63269
Longitude: 84.04233
Elevation: 216.6711 m
Accuracy: 10.1 m
Time: 19-11-2024 12:43
Note: railway rengali

View of stack yard at Rengali Railway Siding



Latitude: 21.62611
Longitude: 84.04252
Elevation: 137.1612 m
Accuracy: 5.9 m
Time: 19-07-2024 18:35
Note: rengali siding

Govt. Primary School, Chhaulhipa, Rengali



Latitude: 21.63672
Longitude: 84.04228
Elevation: 219.2815 m
Accuracy: 9.9 m
Time: 19-07-2024 18:36
Note: rengali siding

Shiv temple near Railway Siding



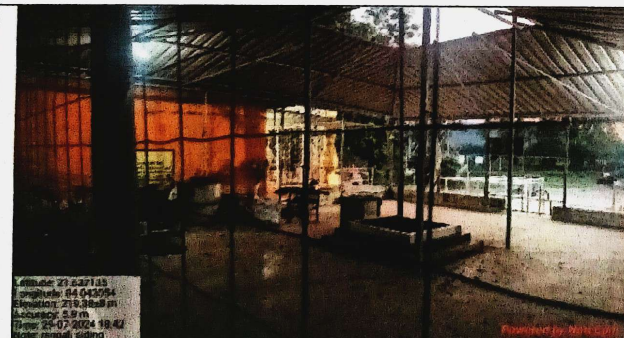
Latitude: 21.64229
Longitude: 84.04254
Elevation: 212.3725 m
Accuracy: 5.9 m
Time: 19-07-2024 18:47
Note: rengali siding

Govt. Primary School, Station-basti, Rengali



Latitude: 21.63922
Longitude: 84.04257
Elevation: 203.21 m
Accuracy: 5.9 m
Time: 19-07-2024 18:45
Note: rengali siding

Modern Public School near Railway siding



Latitude: 21.63715
Longitude: 84.04256
Elevation: 218.3848 m
Accuracy: 5.9 m
Time: 19-07-2024 18:44
Note: rengali siding

Maa Durga temple near Railway Siding



Google image of Rengali Railway Siding

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13/1/25
Addl. District Magistrate,
Sambalpur