BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No. 43 of 2024

Akash Kalo **.....Applicant**

VERSUS

M/s. JSW Bhushan Power and
Steel Limited & ors. **....Respondent.**

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1	Rejoinder Affidavit	
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3	**Annexure-D** The Xerox copy of the FIR no. 27 dated 21/01/2024	

Sambalpur

By the applicant

through

Date

(Batakrishna Behera)
Advocate for Applicant
At/Po. Bandhabahal , Q.No. B/93
Dist.Jharsuguda-768211
Odisha

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BEFORE PRATAP NARAYAN TIWARI
NOTARY JHARSUGUDA
REGD. NO. ON-01/13
SL NO. 10 DT. 27/2/25

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No. 43 of 2024

In the matter:-

Akash Kalo **.....Applicant**

VERSUS

M/s. JSW Bhushan Power and Steel Limited & ors. **....Respondents**

Rejoinder affidavit on behalf of Petitioner in compliance to the order dated 23/10/2024

I, **Akash Kalo aged about 29 years,** S/o. Manbod Kalo, R/o. At- Vill. Bisadihi, Po. Ghichamura, Ps. Thelkoili, Dist. Sambalpur, Odisha- 768212, do hereby solemnly affirm and state as follows:-

1. That, I am the Petitioner in the above mentioned OA, well acquainted with the facts and circumstances of the case, competent to swear this affidavit.
2. That, this Hon'ble Tribunal on the date 23/10/2024 directed the Petitioner to file the Rejoinder affidavit in compliance to the affidavit/additional affidavit filed by the Respondents.

3. That, despite filing of this Original Application and after the intervene this Hon'ble Tribunal neither respondents are serious in their obligations nor there are any improvement in the environment of village Bisadihi, Dist. Sambalpur.

4. That it is an admitted facts that the Respondent No. 1 is operating 14 numbers of iron ponds and each ponds are covering an area of more or less, Ac. 4.00 Dec each and in sum total approximately 50 to 60 acres of

PART OF AFFIDAVIT
P. N. TIWARI
NOTARY, JHARSUGUDA

Akash Kalo

land are used illegally by the Respondent No. 1 for dumping the raw Iron.

5. That said ponds are in operation since 2020 and within this period it is quite possible to contaminate the underground water.

6. That, the consent to operate was issued by the Pollution control board in favour of the Respondent No. 1 is from 12/03/2024 to 31/03/2025 only after the filing of this Original Application but before that the Pollution control board sit as mute spectator.

7. That, on the date 19/01/2024 one of the iron pond was collapsed and damaged the nearby agricultural land and pond hear also the Pollution control board had no reactions. The photo graphs of the damaged agricultural land cause due to the collapse of the iron pond is annexed herewith **Annexure-C**.

8. That an FIR was registered against the authorities of the Respondent No. 1 and 2 bearing the FIR no. 27 dated 20/01/2024 at Badmal PS, Dist . Jharsuguda for the collapse of the iron pond and the said matter is under investigation. The Xerox copy of the FIR no. 27 dated 21/01/2024 is annexed herewith **Annexure-D**

9. That, the polythene is suppose to install before dumping of the raw iron. It is to submit that not a single respondent in their affidavits mentioned about non-installation of polythene before dumping of the raw iron.

10. That all the ponds are illegally operated in the reserve forest land and the respondent no. 3 to 6 directly supporting to the Respondent No. 1 and 2.

NOTARY PRATAP NARAYAN TIWARI JHARSUGUDA GOVT OF ODISHA

PART OF AFFIDAVIT

P. N. TIWARI
NOTARY, JHARSUGUDA

Akash Kalo

11. That the Pollution Control Board after confirmation that the entire underground water are contaminated with raw iron and the water is not at all in a drinking condition then instate of issuing show cause, why the closer notice or revocation of consent to operation was not issued to Respondent No. 1 and 2.

12. That this affidavit if filed in compliance to the direction dated 23/10/2024 of this Hon'ble Tribunal.

13. That the annexure annexed to the present affidavit are true and correct copies of the original.

14. That the contents of the above paragraphs are true and correct to the best of y knowledge, as driven from the facts and circumstances, and that nothing material has been concealed therefrom.

Akash Kalo
Deponent

NOTARY PRATAP NARAYAN TIWARI NOTARY JHARSUGUDA REGD. No. ON 01/13 GOVT. OF ODISHA

VERIFICATION

I, The above named deponent do hereby verify on this 27th day of February, 2025 that the facts stated herein above are true and correct to my information and no part of its are false and nothing material has been concealed therefrom.

Verified at Jharsuguda on this 27th day of February, 2025

Akash Kalo
Deponent

The Deponent Solemnly Affirms
Before Adv. _____
Today at _____ am/pm

P. N. TIWARI
NOTARY, JHARSUGUDA

PRATAP NARAYAN TIWARI
NOTARY JHARSUGUDA
REGD. NO. ON-01/13
MOB. No.- 9437345360

Annexure-C

261

Latitude: 21.762148
Longitude: 84.038378
Elevation: 221.36±9 m
Accuracy: 9.0 m
Time: 01-19-2024 11:25
Powered by NoteCam

Latitude: 21.762125
Longitude: 84.038371
Altitude: 168.37±17 m
Accuracy: 14.9 m
Time: 01-19-2024 11:24
Powered by NoteCam

262

Latitude: 21.762147
Longitude: 84.038386
Elevation: 223.57±3 m
Accuracy: 3.9 m
01-19-2024 11:25
Powered by NoteCam

Latitude: 21.762125
Longitude: 84.038371
Altitude: 168.37±17 m
Accuracy: 14.9 m
Time: 01-19-2024 11:25

Annexure-D

N.C.R.B (एन.सी.आर.बी)
I.I.F.-I (एकीकृत जाँच फार्म -I)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (जिला): JHARSUGUDA P.S. (थाना): BADMAL Year (वर्ष): 2024
   FIR No. (प्र.सू.रि. स.): 0027 Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 20/01/2024 11:40 hrs
2.

S.No. (क्र.	Acts (अधिनियम)	Sections (धारा(एँ))
1	IPC 1860	294
2	IPC 1860	268
3	IPC 1860	506
4	IPC 1860	34
5	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015)	3(1)(r)
6	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015)	3(1)(s)
7	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015)	3(2)(va)

3. (a)Occurrence of offence (अपराध की घटना):
   1. Day (दिन):Friday Date From (दिनांक से): 19/01/2024 Date To (दिनांक तक): 19/01/2024
   Time Period (समय अवधि): Pahar 4 Time From (समय से): 11:00 hrs Time To (समय तक): 11:30 hrs
   (b)Information received at P.S. (थाना जहाँ सूचना प्राप्त हुई): Date (दिनांक): 20/01/2024 Time (समय): 11:40 hrs
   (c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि स.):010 Date & Time:20/01/2024 11:40 hrs
4. Type of Information (सूचना का प्रकार): Written
5. Place of Occurrence (घटनास्थल):
   1. (a) Direction and distance from P.S.(थाना से दूरी और दिशा): SOUTH-EAST, 10 Km(s) Beat No. :
   (b) Address (पता): Telling Pond Sripura
   (c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):
   Name of P.S.(थाना का नाम): District(State) (जिला (राज्य)):

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N.C.R.B (एन.सी.आर.बी)
I.I.F.-I (प्रपत्र भाग-I)

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):
(a) Name (नाम): Antaryami Chhatria
(b Father's Name (पिता का नाम) : Digdhan Chhatria
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1996
(d) Nationality (राष्ट्रीयता): INDIA
(e) UID No. (यूआईडी सं.):
(f) Passport No.(पासपोर्ट सं.): Date of Issue (जारी करने की तिथि):
Place of Issue (जारी करने का स्थान):
(g) Id details (Ration Card,Voter ID Card,Passport,UID No.,Driving License,PAN)

S.No.(क्र.सं.)	Id Type (पहचान पत्र का प्रकार)	Id Number (पहचान संख्या)
1		

(h) Address (पता):

S.No.(क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	Sripura,BADMAL,JHARSUGUDA,ODISHA,INDIA
2	Permanent Address	Sripura,BADMAL,JHARSUGUDA,ODISHA,INDIA

(i) Occupation (व्यवसाय):
(j) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.): 91-7787875227

7. Details of known/suspected/unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

S.No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)
1	Gyan Ranjan Nayak			1. JSW Company Thelkoli, THELKOLI,SAMBALPUR, ODISHA,INDIA
2	S N Singh			1. G M JSW BPSLThelkoli , THELKOLI,SAMBALPUR, ODISHA,INDIA
3	And others			1. Workers of JSW BPSL Thelkoli,THELKOLI, SAMBALPUR,ODISHA, INDIA

8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से द
करने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S.No (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति का प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))

10. Total value of property (In Rs/-)-सम्पत्ति का कुल मूल्य(रु में):
11. Inquest Report / U.D. case No., If any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):
S.No (क्र.सं.) UIDB Number (यू.डी.-प्रकरण सं.)

12. First Information contents (प्रथम सूचना तथ्य):

14. Signature/Thumb impression of the complainant / informant.
(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान): Antaryami chhot

15. Date and time of dispatch to the court
(अदालत में प्रेषण की दिनांक और समय):

20-01-2024

Signature of Officer in charge, Police Station
(थाना प्रभारी के हस्ताक्षर)

Name (नाम): RAJENDRA SIAL

Rank(पद): I (Inspector)

No.(सं.): 110071194464

First Information contents (प्रथम सूचना तथ्य):

..01 2024 at 11.40 AM Compl.Antaryami Chhatria, (28),S/o-Digdhan Chhatria,Vill-Sripura, Badmal,Dist-Jhaeuguda appeared at PS and presented a written report alleging therein that ..and near Bangamunda Kanta, Sripur, the JSW companys telling pond has collapsed, causing contaminated water and soil to fall and the land to be destroyed. This contaminated water in Bhanga Munda Kanta means that the red water falls and the Kanta water becomes contaminated. An employee of JSW Company, which had broken down the plant, brought a Pocolin machine dozer, one Gyana Ranjan, an engineer, S.K. Singh, G.M. and other employee came to repair it. This incident happened yesterday 19.1.2024 at around 11.00 AM. He along with Antaryami Chhatria and Akash Kalo were went Bhanga Munda Kanta of their village for bathing Seeing this situation, he asked the said employee whether all this happened due to your negligence for which Engineers and G.M replied that you cant do anything for us. Besides starts running the dozger and says if you obey, we will run the dozger on you and abused in slang languages like Saleh Kishan by his castisim for which he resist. We will own your SC/ST standard land for free of cost, you cant do anything, If there is no trouble, S.N. Singh GM has threatened to sell all your land for Rs 10,000/- only. As if we have been complaining about this for a year and a half, Mr. Singh is always threatening us. Peoples are sending to village after taking land by force. They are asking to give the land at a low price and says that your life may be risk. Therefore, he requested for necessary action against them. On this report IIC registered PS Case No.27, Dtd. 20.01.2024 U/s-294/268/506/34 IPC/ 3(1)(r)(s)/3(2)(va)/ SC ST (PA) Act and as per direction of hounourable S.P Jharsuguda requisted to Sri N K Mohapatra,OPS,SDPO Jharsuguda to take up investigation of the case. Supplied a copy of FIR to the compl.t at free of cost

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.
(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है

(1) Registered the case and took up the investigation: or
(प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम): Nirmal Kumar Rank Dy. SP (Deputy No.(सं.): 72664 to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (

(3) Refused investigation due to (जांच के लिए):

or (के कारण इंकार किया या)

(4) Transferred to P.S.(थाना): District (जिला):
on point of Jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित) .

F.I.R. read over to the complainant / informant,admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुआ माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी ।)

R.O.A.C.(आर. ओ .ए .सी.)