

23 MAR 2025

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

[Under section 18 (1), read with section 14 (1) and section 15 (1) of the  
National Green Tribunal Act, 2010]

**Original Application No. 23/2025/EZ**

Tapan Kumar Badhai

...Applicant

-URS.-

Govt. of Odisha & Ors.

...Respondents

**WRITTEN SUBMISSION FILED ON BEHALF OF THE  
RESPONDENT No.7 (NHAI)**

1. That, in the above cited Application, the National Highway Authority of India (NHAI), through its Regional Officer, Odisha, has been arraigned as Respondent No.7. Being duly authorised and instructed on that behalf and being conversant with the facts of the case, as borne out from the official records, available with the National Highways Authority of India, the Project Director, NHAI, PIU-Sambalpur, is filing this Written Submission, for and on behalf of the NHAI, in the Official Capacity, in the interest of justice.



**AJIT PATNAIK**  
ADVOCATE  
ORISSA HIGH COURT  
Enrolment No.- 0-864/1988

परियोजना निदेशक / Project Director  
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण निम्न  
National Highways Authority of India  
प. का. ३, मयलपुर, उडिसा / PIU, Sambalpur, Odisha

2. That, it appears from the Application of the above-named Applicant that, the entire dispute revolves around the fact that, the Respondent No.9, i.e. M/s. Infra Engineers Pvt. Ltd., is dumping Fly-Ash in the *Agricultural Field*, in and around the

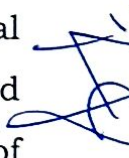
Applicant's Agricultural Land, by collecting the same from the Respondent No.8, i.e. M/s. Vedant Ltd..

However, it has been wrongly insinuated by the Applicant that, the execution of the work of NH-49, By-pass, from Budhipatar to Patrapali, has been allocated by the NHAI to M/s. Infra Engineers Pvt. Ltd., i.e. the Respondent No.9. It has further been alleged by the Applicant that, probably a condition has been imposed on the Respondent No.9 to fill the land of NH (under construction) by putting fly-ash, for which the Respondent No.9 collects Fly-Ash from M/s. Vedant Ltd., i.e. Respondent No.8, and after collecting the same dumps the Fly-Ash on the road, which causes pollution in the locality and affects the agricultural lands of the local people, including the present Applicant.



3. That, in response to the above allegations of the present Applicant, it is clarified that, the National Highways Authority of India (NHAI) is not involved in construction/expansion and/or development of the NH-49, in the impugned Section of the Highway. It is further clarified that, the work of the impugned section of the NH-49 is carried out under the direct supervision, control and execution of the State Government, through the NH Division of the concerned region, under the NHDP Scheme. Hence, it is grossly erroneous to implead the NHAI (National Highway Authority of India), Odisha, as a party in the dispute.

  
**AJIT PATNAIK**  
ADVOCATE  
ORISSA HIGH COURT  
Enrolment No.- O-864/1988

  
परियोजना निदेशक / Project Director  
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण विभाग  
National Highways Authority of India  
ए.का.ई. सभलपुर, उडिशा / PIU, Sambalpur, Odisha

In view of the above, it is humbly prayed that, the name of the NHAI, Odisha, may kindly be deleted from the Cause-Title of the above cited Original Application, filed by the above-named Applicant and further, the NHAI may kindly be exonerated from complying with any direction(s), present or future, in connection with the above cited dispute.

Place : Kolkata

By the Respondent No.7

Date : 23.03.2025

Through Advocate.

**AJIT PATNAIK**  
ADVOCATE

ORISSA HIGH COURT  
Enrolment No.- O-864/1988

23 MAR 2025

AFFIDAVIT

23 MAR 2025

I, Shri Prem Narayan Sahu, aged about 45 years, son of Sri Dal Chand Sahu, at present working as Project Director, National Highways Authority of India, PIU, Sarlakani Chowk (in front of St. John's School, near NH-6), Sakhipara Road, Sambalpur, do hereby solemnly affirm and state on oath as under :-

1. That, I am the Respondent No.7 in the above cited Case.
2. That, the facts stated hereinabove are true to the best of my knowledge and belief, and based on official records.

Identified by

Advocate.

**AJIT PATNAIK**  
ADVOCATE

ORISSA HIGH COURT  
Enrolment No.- O-864/1988

**DEPONENT**

परियोजना निदेशक / Project Director  
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण विभाग  
National Highways Authority of India

PIU, Sambalpur, Odisha

the above named deponent(s) being

identified by Sri.....

Advocate.....

Appears before.....

at.....

on oath the contents of this affidavit

are true to the best of their

knowledge and belief.

Declared on.....

at.....

Notary, Sambalpur



*[Handwritten signature]*

23 MAR 2025

**JANMEJAYA RAUTRAY**

NOTARY, GOVT OF ODISHA

**BHUBANESWAR**

REGD. NO. OR-85/2012

Enrolment No. - 9337121273