

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
IN  
Original Application No. 23/2025/EZ

**IN THE MATTER OF:**

**Tapan Kumar Badhai**

**Applicant(s)**

**Vs.**

**Govt. of Odisha & Ors.**

**Respondent(s)**

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**Mrinal Kanti Biswas**

Regional Director & Scientist E,

CPCB, Kolkata

Filed through

Counsel

Dated: 27/03/2025

Place: Kolkata

27 MAR 2025



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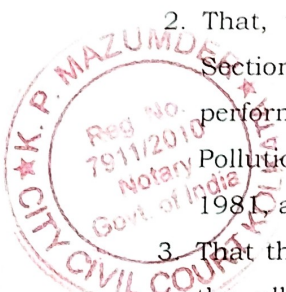
**Govt. of Odisha & Ors.**

**Respondent(s)**

**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD i.e.  
RESPONDENT NO. 6**

**Preliminary Submissions:**

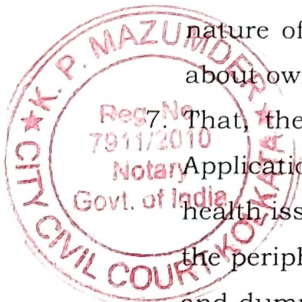
1. That the Hon'ble National Green Tribunal (Eastern Zone) [hereinafter called as 'NGT(EZ)'] vide order dated 13.02.2025 in OA No. 23/2025/EZ has impleaded Central Pollution Control Board (hereinafter called as 'CPCB') as Respondent No. 06 and sought reply from the respondents in the matter. Thereby, the reply is made in succeeding paragraphs.
2. That, the Answering Respondent (CPCB) has been constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1980 and The Environment (Protection) Act, 1986.
3. That the present Original Application filed by the applicant is related to the alleged dumping of fly ash in his agricultural land located at Budhipadar, Odisha thereby, causing damage to land and crops.
4. That at the outset, the Answering Respondent denies all claims, contentions, allegations and averments against this Answering Respondent i.e. CPCB in the above Original Application contrary to anything stated or submitted in this reply. Nothing in the Original Application may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial, save any averments which has been expressly admitted hereinafter.



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**Reply to the Original Application:**

5. That, the averments made in paragraphs no. 1 and 2 of the Original Application are related to the applicant, and alleged actions of M/s Infra Engineers Private Limited (Respondent No. 8) and M/s Vedanta Aluminium (Respondent No. 9) regarding dumping of fly ash and causing pollution in the surrounding areas. In this regard, it is respectfully submitted that Hon'ble NGT (EZ) in the instant matter vide order dated 13.02.2025 has constituted committee comprising of i) Senior Scientist, Odisha State Pollution Control Board, ii) Senior Scientist, Central Pollution Control Board, and iii) District Magistrate and Collector, Jharsuguda or his representative not below the rank of Additional District Magistrate. The committee has been directed to inspect the site in question and submit its report with regard to the allegations made in the Original Application. Joint Inspection by the said committee has been carried on 11.03.2025 and report regarding the same shall be submitted before the Hon'ble NGT (EZ) by the District Magistrate, Jharsuguda (Nodal Agency).
6. That, no comments are offered by this answering respondent over the averments made in paragraph no. 3 of the Original Application regarding nature of the agricultural land, nature of cultivation/crops, and details about owner of the agricultural land which are matter of records.
7. That, the averments made in paragraph nos. 4 and 5 of the Original Application are regarding alleged inaction by the local authorities and health issues faced by the local residents due to the dumping of fly ash in the periphery of Jharsuguda District and nearby cities causing pollution, and dumping of fly ash on his agricultural field by Respondent No. 9. In this regard, it is respectfully submitted that this Answering Respondent reiterates the submission made in paragraph no. 5 of this Reply.
8. That, no comments are offered by this answering respondent over the averments made in paragraph nos. 6 and 7 of the Original Application wherein complaints registered by the applicant before the concerned local authorities have been provided.
9. That with regard to the averments made in paragraph no. 8 of the Original Application regarding losses suffered by the applicant due to the dumping of fly ash in his agricultural land, it is respectfully submitted that this Answering Respondent reiterates the same as mentioned in paragraph no. 5 of this Affidavit.
10. That, with regard to the averments made in paragraphs no. (a) and (b) under the heading Grounds of Original Application, it is humbly submitted



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that the submissions made in the preceding paragraphs are re-iterated and are not repeated herein for the sake of brevity.

11. That, no comments are offered by this answering respondent over the averments made in paragraph no. (1) and (2) of 'Prayer' of the Original Application.
12. The Answering Respondent craves leave of this Hon'ble Tribunal to file an additional reply, if required, in the future.
13. That, in light of the above submission, it is respectfully submitted that this Answering Respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble NGT(EZ) in the instant Original Application and render justice

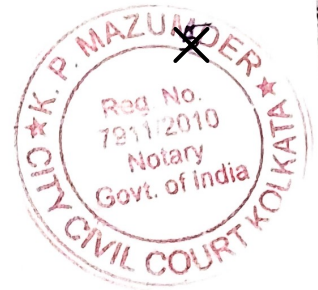


**Mrinal Kanti Biswas**

Regional Director & Scientist E,  
CPCB, Kolkata

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SL. NO. 11



**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
IN  
Original Application No. 23/2025/EZ**

**IN THE MATTER OF:****Tapan Kumar Badhai****Applicant(s)****Vs.****Govt. of Odisha & Ors.****Respondent(s)****AFFIDAVIT**

I, Mrinal Kanti Biswas, S/o Saroj Kumar Biswas aged about 43 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor,1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

**Identified by me**
**Advocate**

solemnly Affirmed & Declared  
Before me on Identification

K. P. MAZUMDER, NOTARY  
City Civil Court, Calcutta  
Reg No 7911/2010 Govt. of India

**DEPONENT**

27 MAR 2025

**VERIFICATION**

Verified at Kolkata on this day of 27th March, 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the 27 Day of March 2025.

**Identified by me**

*[Signature]*  
**Advocate**

*[Signature]*  
**DEPONENT**



Solemnly Affirmed & Declared  
Before me on Identification

*[Signature]*  
K. P. MAZUMDER, NOTARY  
City Civil Court, Calcutta  
Reg No 7911/2010 Govt of India

27 MAR 2025

Exhibit No.

**VAKALATNAMA**IN THE COURT OF National Green Tribunal AT E.Z.BO.A NO 23 OF 2025Tapen Kumar Badhai } \*Appellant's / Applicant's  
Complainant's  
Petitioner's / Plaintiff's

VERSUS


Government of Odisha & Others. } \*Respondent's /  
Opponent's  
Accused / Defendant's\* I / We The Undersigned Mrinal Kanti Biswas, Regional  
Director, C.P.C.B., R.D. Kolkata.the \_\_\_\_\_ above named hereby appoint & authorise  
Shri- Ashok Prasad, Advocate.

\* to appear and plead for me / us as my / our Advocate/s in the matter.

\* In witness where of I / we have signed below this \_\_\_\_\_

day of \_\_\_\_\_

Witness

मृनाल कान्ति बिस्वास  
Mrinal Kanti Biswas  
क्षेत्रीय निदेशक  
Regional Director  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
1582, राजझणगा मेन रोड  
1582, Rajdanga Main Road  
कोलकाता - 700 107  
Kolkata 700 107Accepted and filed on 21/07/2025  
120Vakalatnama Receivedand accepted

Signature of Advocate/s

Ashok Prasad, Advocate9883069404\*I am a member / not a member of the Maharashtra Advocates.  
Welfare Fund & I have / have not affixed the required stamp.

\* (Strike Out that which is not applicable.)