

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

ORIGINAL APPLICATION NO. 153/2023 EZ

Kabiraj Mohapatra Applicant

VERSUS

The Union of India & others Respondents.

INDEX

SL. No.	DESCRIPTION OF DOCUMENTS	PAGE
1.	COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NO.4	1-4
2.	<u>Annexure-A/4.</u> Copy of Letter No. 11866 dtd. 23.12.2024 of the Sub-Collector-cum-Special Certificate Officer, Berhampur	5-6
3.	<u>Annexure-B/4& C/4 respectively</u> Copy of Letter No.551 dtd.16.01.2025 of the Tahasildar, Bhubaneswar and served copy of notice	7-9
4.	<u>Annexure-D/4, E/4, F/4 & G/4 respectively .</u> Copy of Letter No. 2051 & Letter No. 2053 both dtd. 26.06.2024 of the Tahasildar, Chikiti Copy of Letter No. 5273 & Letter No. 5271 both dtd. 28.11.2024 of the Tahasildar, Chikiti	10-15

By the Respondent No. 4 through

Place: Cuttack.

Date: 03.02.2025.



Add. Standing Counsel.

Advocate

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

ORIGINAL APPLICATION NO. 153/2023 EZ

Kabiraj Mohapatra Applicant

VERSUS

The Union of India & others Respondents.

**COUNTER AFFIDAVIT FILED BY THE
RESPONDENT NO.4**

I, Sri Dibya Jyoti Parida, aged about 36 years, Son of Sri Prasanna Kumar Parida, at present working as Collector & District Magistrate, Ganjam, At/P.O-Chhatrapur, Dist.-Ganjam, do hereby solemnly affirm and state as follows:-

1. That, I have been arrayed as Respondent No. 4 in the aforesaid Original Application.
2. That, this affidavit is being filed pursuant to order dtd. 02.12.2024 of this Hon'ble Tribunal.
3. That, the defaulter Respondent No. 10 i.e M/s D.D Builders Ltd., Plot No. 33-F, BJB Nagar, First Floor, Bhubaneswar, PIN- 761014 failed to deposit the penalty for an amount of Rs. 9, 70,696/- (Rupees Nine Lakh Seventy Thousand Six Hundred Ninety six) only in spite of issuing several reminders towards illegal extraction of Sand from the Siripur Sand Bed under Chikiti Tahasil of Ganjam District which was observed and confirmed by the committee.

SM
AdV

Dibya Jyoti Parida

Part of Affidavit


20/11/25
Executive Magistrate-cum-
Addl. Tahasildar, Chikiti (Gm.)

Hence requisition under OPDR Act has been filed by the Tahasildar, Chikiti before the court of Sub-Collector-cum-Special Certificate Officer, Berhampur. Accordingly, the Sub-Collector-cum-Special Certificate Officer instituted an OPDR Case vide OPDR Case No. 03/2024 and Notice in Form No. 3 has been served on the Respondent No.10 (M/s D.D Builders Ltd., Plot No. 33-F, BJB Nagar, First Floor, Bhubaneswar, PIN- 761014). The copy of the letter No. 11866 dtd. 23.12.2024 of the Sub-Collector-cum-Special Certificate Officer, Berhampur is annexed herewith as **Annexure-A/4**.

4. That the notice has duly been served on the Respondent No. 10 on 11.01.2025 by the Tahasildar, Bhubaneswar and the served copy of the notice has been submitted by the Tahasildar, Bhubaneswar vide his Letter No. 551 Dtd. 16.01.2025. The aforesaid OPDR case is posted to 11.02.2025. The copy of the aforementioned letter of Tahasildar, Bhubaneswar and served copy of the notice are annexed herewith as **Annexure-B/4 & C/4**.

5. That the demand notice issued in favour of M/S. ARSS Infrastructure Project Limited and M/S. ARSS Developers Limited vide letter No. 2051 dated 26.06.2024 and L.No. 2053 dated 26.06.2024 respectively of Tahasildar, Chikiti has been reverted back by the Tahasildar, Chikiti vide his letter No.5273 Date.28.11.2024 and L.No.5271 Date.28.11.2024. The copies of the letters are annexed herewith as Annexure-D/4, E/4, F/4 & G/4.

Part of Affidavit

Executive Magistrate-cum-
Addl. Tahasildar, Chikiti (Grn.)

Dihya Synti Panida

5. That the facts stated above are true to the best of my knowledge, belief and based on Official records.

CERTIFICATE

Certified that cartridge papers are not available.

CUTTACK

DATE: 03.01.2025


 ADVOCATE
 Adv. N. Pradhan
 ADVOCATE, A.P.P.
 Executive Magistrate Court
 Chikiti
 30.1.2025

VERIFICATION

I, Sri Dibya Jyoti Parida, aged about 36 years, Son of Sri Prasanna Kumar Parida, at present working as the Collector & District Magistrate, Ganjam, At/P.O-Chhatrapur, Dist.-Ganjam do hereby verify and state that the facts stated above in the affidavit are all based on Official records and I signed on this verification being present in the Office of my Advocate at Cuttack, on this the day of 3rd January, 2025.

Cuttack

Dt. 03.01.2025

Dibya Jyoti Parida

VERIFICANT

Part of Affidavit

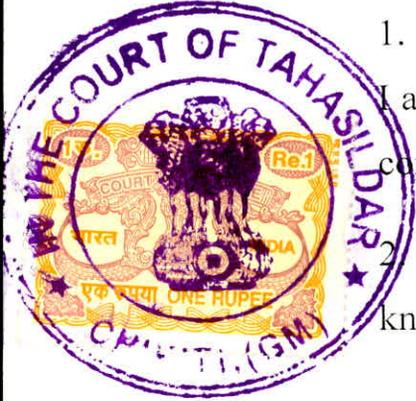
 20/1/25
 Executive Magistrate-cum-
 Addl. Tahasildar, Chikiti(Gm.)

AFFIDAVIT

I, Sri Dibya Jyoti Parida, aged about 36 years, Son of Sri Prasanna Kumar Parida, at present working as the Collector & District Magistrate, Ganjam, At/P.O-Chhatrapur, Dist.-Ganjam do hereby solemnly affirm and state as follows:-

1. That I am the Respondent No. 4 in this case. I am well acquainted with the facts of the case and as such competent to swear this Affidavit in my Official capacity.

That the facts stated above are true to the best of my knowledge and based on Official records.



[Handwritten signature]

Identified By:

Upendra Nath Pradhan
ADVOCATE, A.B.F.
Executive Magistrate & Notary
Chikiti

30.1.2025

Dibya Jyoti Parida

DEPONENT



The Deponent having been identified by
Sri. Upendra Nath Pradhan
Advocate, Chikiti, Tah. Solemnly affirmed
before me this is the 30.1. Day of 1. 2025.
in the Court house of Executive Magistrate &
Tahasildar, Chikiti, 11:35. AM/PM.
Read Over & explained the deponent who seemed
perfectly to have understood the contents and the
theme at the time of swearing this affidavit

[Signature]
Executive Magistrate-Cum-
Tahasildar Chikiti

DECLARATION

The Deponent having been identified
by U.N. Pradhan advocate
Patrapur/Chikiti affidavit Before me this the
30.1.2025 before the Notary Chikiti at
30.1.2025 AM/PM Read Over & explained the
deponent who seemed perfectly to have
understood the contents & The Affidavit

Regd No-62/2012

[Signature]
U.N. Pradhan
Notary, Chikiti (Gm.)

30.1.2025

OFFICE OF THE SUB-COLLECTOR
& SUB-DIVISIONAL MAGISTRATE,
BERHAMPUR, GANJAM
(OPDR SECTION)



-5- Annexure A/4

Ph.No./Fax : 0680-2281413
Mobile No. : +91 94374 88188
Email : subcolbam@gmail.com

L No. 11866 / OPDR

Date. 23.12.2024

To
The Tahsildar, Bhubaneswar

Sub: Service of Notices relating to OPDR Cases in your Jurisdiction.

Sir,

With reference to the subject cited above and in enclosing herewith the OPDR Notice Form No. 3 in duplicate, I am to request you to serve the notice properly to the M/s D.D Builders Ltd., Plot No.33F BJB Nagar, First Floor, Bhubaneswar, PIN- 761014 and return the same within time limit i.e. before 24.01.2025 for taking further action by this court.

Receipt of the same may please be acknowledged.

Yours faithfully,

Encl: As above

Sub-Collector-cum-
Special Certificate Officer, Berhampur

Collector
Ganjam



15328
30-12-24

23/12/24

Collector
Ganjam

C.C. M. Case No. 03/2024 (OPDR)

Schedule XLIII Form 320



FORM NO-3

(An index to schedule II of the Odisha Public Demands Recovery Acts, 1962)

NOTICE TO CERTIFICATE DEBTOR

(See section 6 of the Odisha Public Demands Recovery Acts, 1962)

To

The M/s D.D Builders Ltd., Plot No.33F,
BJB Nagar, First Floor, Bhubaneswar, PIN- 761014

.....C.Dr

(Name of the certificate-Debtor)

You are hereby informed that a certificate against you for **Rs. 9,70,696/-** from you on account of payment of gratuity, has this day been filed in my office under section 6 of the Odisha Public Demands Recovery Acts, 1962 if you deny your liability to pay the said sum of **Rs. 9,70,696/-** you may, within thirty days from the service of this notice file in my office a petition denying liability, in whole or part, on one or more of the ground specified below:-

- a) The Certificate dues have been fully or partly paid.
- b) The person on whom such notice has been served is not the person named as certificate debtor in the certificate.
- c) A Certificate debtor in respect of dues other than those in relation to which the liability under any law for the time being in force is no open to question in civil court may also deny his liability on any other ground.

If within the said thirty days you fail such a petition or if you fail to show cause or do not show sufficient cause, why such certificate should not be executed it will be executed under the provisions of the said act, unless you pay **Rs.9,70,696/- with the interest @ 12.5%. On account of the demand and Rs. 23/- on account of costs of realization** into my office, until the said amount is so paid you are hereby prohibited from making any private transfer or delivery of any of your immovable Property situated in this district of in case of a property and should you make any such transaction, it shall be void against any claim enforceable in execution of this certificate, if you in the meantime conceal, remove or dispose of any part of your moveable property the certificate will executed immediately.

A copy of the certificate above mentioned is here to annexed.

You may remit the amount be money order, quoting the number any year of the certificate.

Dated this 23rd December 2024.

Through Tahasildar, Bhubaneswar
for service and return on or before the
date . If required
notice may be served through your
RI, Concern.

Sub-Collector-Cum-Spl. Certificate officer
Spl. Berhampur

Collector
Ganjam

11865
23/12/2024

By Speed Post
E-mail



OFFICE OF THE TAHASILDAR, BHUBANESWAR.

Email tdrbbbsr@gmail.com
tah.bbsr-od@nic.in
Ph. 0674-2953840(O)

Letter No. 551 / Dt. 16.01.2025 /

To

The Sub- Collector-cum- Spl. Certificate Officer,
Berhampur.

Sub: Service of Notices relating to OPDR case.

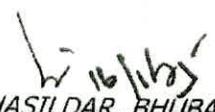
Ref: Your Office Letter No. 11866/OPDR dtd. 23.12.2024.

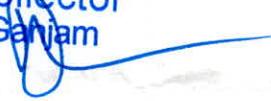
Sir,

With reference to the letter on the subject cited above, I am to return herewith the Original Service Notice in C.C.M Case No. 03/2024(OPDR) after duly served to M/s. D.D Builders Ltd., Plot No. 33F, BJB Nagar, First Floor, Bhubaneswar for your kind information and necessary action.

Encl: Original Service Notice in C.C.M Case No. 03/2024(OPDR).

Yours faithfully,


TAHASILDAR, BHUBANESWAR.
**Tahasildar
BHUBANESWAR**

Collector
Ganjam


-8-

Annexure - B/4

C.C. M. Case No. 03/2024 (OPDR)

Schedule XLIII Form 320

FORM NO-3



(An order to schedule II of the Odisha Public Demands Recovery Acts, 1962)

NOTICE TO CERTIFICATE DEBTOR

(See section 6 of the Odisha Public Demands Recovery Acts, 1962)

To

The M/s D.D Builders Ltd., Plot No.33F,
BJB Nagar, First Floor, Bhubaneswar, PIN- 761014

.....C.Dr

(Name of the certificate-Debtor)

You are hereby informed that a certificate against you for Rs. 9,70,696/- from you on account of payment of gratuity, has this day been filed in my office under section 6 of the Odisha Public Demands Recovery Acts, 1962 if you deny your liability to pay the said sum of Rs. 9,70,696/- you may, within thirty days from the service of this notice file in my office a petition denying liability, in whole or part, on one or more of the ground specified below:-

- The Certificate dues have been fully or partly paid.
- The person on whom such notice has been served is not the person named as certificate debtor in the certificate.
- A Certificate debtor in respect of dues other than those in relation to which the liability under any law for the time being in force is no open to question in civil court may also deny his liability on any other ground.

If within the said thirty days you fail such a petition or if you fail to show cause or do not show sufficient cause, why such certificate should not be executed it will be executed under the provisions of the said act, unless you pay Rs.9,70,696/- with the interest @ 12.5%. On account of the demand and Rs. 23/- on account of costs of realization into my office, until the said amount is so paid you are hereby prohibited from making any private transfer or delivery of any of your immovable Property situated in this district of in case of a property and should you make any such transaction, it shall be void against any claim enforceable in execution of this certificate, if you in the meantime conceal, remove or dispose of any part of your moveable property the certificate will executed immediately.

A copy of the certificate above mentioned is here to annexed.

You may remit the amount be money order, quoting the number any year of the certificate.

Dated this 23rd December 2024.

Through Tahasildar, Bhubaneswar
for service and return on or before the
date . If required
notice may be served through your
RI, Concern.

Sub-Collector-Cum-Spl. Certificate officer
Spl. Bhubaneswar

Collector
Ganjam

11865
23/12/2024

360

① I Received letter
Chirasundar Panda
D=11/01/25

ଅନୁରୋଧ

କ୍ଷମା କରନ୍ତୁ ଯଦି କିଛି ତ୍ରୁଟି ଥାଏ ।

ଅନୁରୋଧ କରାଯାଇଛି ଯେ ଏହି ପତ୍ରଟି

ଅନୁରୋଧ

ଅନୁରୋଧ କରାଯାଇଛି ଯେ ଏହି ପତ୍ରଟି

ଅନୁରୋଧ କରାଯାଇଛି ଯେ ଏହି ପତ୍ରଟି

Collector
Ganjam

[Signature]



OFFICE OF THE EXECUTIVE MAGISTRATE-CUM-TAHASILDAR, CHIKITI

Letter No. 2051

Date 26.06.2024

To

M/s ARSS Infrastructure Projects Limited.
Plot No. 38, Sector-A, Zone-D
Mancheswar Industrial Estate
Bhubaneswar- PIN- 751010

Sub: - Illegal extraction of Sand from the Siripur Sand Bed under Chikiti Tahasil of Ganjam District.

Ref: - Order of the Hon'ble NGT in O.A Case No. 153/23/EZ, Kolkata

This is to inform you that, in compliance to the Order of the NGT, a Committee has visited the Sand site on Dtd. 30.11.2023 to access the quantum of extraction of Sand from the aforesaid Sand Bed.

During the course of enquiry, the local people has alleged that, the illegal lifting of Sand has made by you and in pursuant to the observation of Hon'ble Tribunal in their Order dated 22.04.2024 and assessment made by the Geologist on illegal sand mining that, you have been penalised for illegal lifting of Sand from the above said Source in different occasions.

Further this is to intimate that, authorised persons has calculated the illegal extraction of Sand to a tune of **2751 Cum.**

Hence you have liable to deposit the Royalty, Additional Charges, Penalty, DMF, EMF, Compensatory Aforestation & IT as calculated by the Mining Officer, Ganjam, Berhampur, Steel & Mines Department, Govt. of Odisha, Berhampur- 760011 vide his Letter No. 976/Mines Dated. 24.06.2024 for the aforementioned quantum of Sand as calculated below and deposit before the undersigned immediately. Failing which action as deemed proper shall be initiated against you for realisation of the amount.

1. Royalty (@ 35/- per CuM) = Rs. 96, 285/-
2. Addl. Charges (120/- per CuM) = Rs. 3, 30, 120/-
3. Penalty = Rs. 5, 00, 000/-
4. DMF (@ 10 % of Royalty) = Rs. 9, 629/-
5. EMF (@ 5 % of Royalty) = Rs. 4, 814/-
6. Compensatory (@ 5 % of Royalty + Addl.) = Rs. 21, 320/-
7. IT (2 % of Royalty + Addl.) = Rs. 8, 528/-

Total = Rs. 9, 70, 696/- (Rupees Nine Lakh Seventy Thousand Six Hundred Ninety Six) only.

TRUE COPY

COLLECTOR & DIST. MAGISTRATE
GANJAM, CHATRAPUR

Tahasildar Chikiti
CHIKITI (GANJAM)

Memo No: 2052

Date: 26.06.2024

Copy submitted to the Collector, Ganjam, Chatrapur/Sub-Collector, Berhampur for favour of kind information.


Tahsil Officer, Chikiti
CHIKITI (GANJAM)



Annexure - E/4

OFFICE OF THE EXECUTIVE MAGISTRATE-CUM-TAHASILDAR, CHIKITI

Letter No. 2053

Date 26.06.2024

To

M/S ARSS Developers Limited.
Plot No. 38, Sector-A, Zone-D
Mancheswar Industrial Estate
Bhubaneswar- PIN- 751010

Sub: - Illegal extraction of Sand from the Siripur Sand Bed under Chikiti Tahasil of Ganjam District.

Ref: - Order of the Hon'ble NGT in O.A Case No. 153/23/EZ, Kolkata

This is to inform you that, in compliance to the Order of the NGT, a Committee has visited the Sand site on Dtd. 30.11.2023 to access the quantum of extraction of Sand from the aforesaid Sand Bed.

During the course of enquiry, the local people has alleged that, the illegal lifting of Sand has made by you and in pursuant to the observation of Hon'ble Tribunal in their Order dated 22.04.2024 and assessment made by the Geologist on illegal sand mining that, you have been penalised for illegal lifting of Sand from the above said Source in different occasions.

Further this is to intimate that, authorised persons has calculated the illegal extraction of Sand to a tune of **2751 Cum**.

Hence you have liable to deposit the Royalty, Additional Charges, Penalty, DMF, EMF, Compensatory Aforestation & IT as calculated by the Mining Officer, Ganjam, Berhampur, Steel & Mines Department, Govt. of Odisha, Berhampur- 760011 vide his Letter No. 976/Mines Dated. 24.06.2024 for the aforementioned quantum of Sand as calculated below and deposit before the undersigned immediately. Failing which action as deemed proper shall be initiated against you for realisation of the amount.

1. Royalty (@ 35/- per CuM) = Rs. 96, 285/-
2. Addl. Charges (120/- per CuM) = Rs. 3, 30, 120/-
3. Penalty = Rs. 5, 00, 000/-
4. DMF (@ 10 % of Royalty) = Rs. 9, 629/-
5. EMF (@ 5 % of Royalty) = Rs. 4, 814/-
6. Compensatory (@ 5 % of Royalty + Addl.) = Rs. 21, 320/-
7. IT (2 % of Royalty + Addl.) = Rs. 8, 528/-

Total = Rs. 9, 70, 696/- (Rupees Nine Lakh Seventy Thousand Six Hundred Ninety Six) only.

TRUE COPY

COLLECTOR / DIST. MAGISTRATE
GANJAM / BHATRAPUR


Tahasildar Chikiti
GANJAM
CHIKITI (GANJAM)

-13-

Memo No: 2054

Date: 26.06.2024

Copy submitted to the Collector, Ganjam, Chatrapur/Sub-Collector;
Berhampur for favour of kind information.


Tahasildar Chikiti
TAHASILDAR
CHIKITI (GANJAM)



OFFICE OF THE EXECUTIVE MAGISTRATE-CUM-TAHASILDAR, CHIKITI

Letter No. 5273

Date: 28.11.2024

To

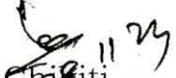
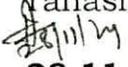
M/s ARSS Infrastructure Projects Limited.
Plot No. 38, Sector-A, Zone-D
Mancheswar Industrial Estate
Bhubaneswar- PIN- 751010

Sub: - Revocation of Notice on illegal extraction of Sand from the Siripur Sand Bed under Chikiti Tahasil of Ganjam District.

Sir/Madam,

This is to inform you that, the notice issued vide this Office Letter No. 2051 Dated. 26.06.2024 regarding illegal extraction of Sand from the Siripur Sand Bed under Chikiti Tahasil of Ganjam District is hereby revoked.

Yours faithfully


Tahasildar, Chikiti

Tahasildar
Chikiti, (Gm.)

Memo No: 5274

Date: 28.11.2024

Copy submitted to the Collector, Ganjam, Chatrapur/Sub-Collector, Berhampur for favour of kind information and necessary action.


Tahasildar, Chikiti

Tahasildar
Chikiti, (Gm.)


Collector
Ganjam



Annexure - 9/4

OFFICE OF THE EXECUTIVE MAGISTRATE-CUM-TAHASILDAR, CHIKITI

Letter No. 5271

Date: 28.11.2024

To

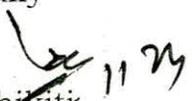
M/s ARSS Developers Limited.
Plot No. 38, Sector-A, Zone-D
Mancheswar Industrial Estate
Bhubaneswar- PIN- 751010

Sub: - Revocation of Notice on illegal extraction of Sand from the Siripur Sand Bed under Chikiti Tahasil of Ganjam District.

Sir/Madam,

This is to inform you that, the notice issued vide this Office Letter No. 2053 Dated. 26.06.2024 regarding illegal extraction of Sand from the Siripur Sand Bed under Chikiti Tahasil of Ganjam District is hereby revoked.

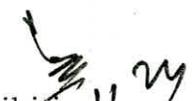
Yours faithfully


Tahasildar, Chikiti
28/11/24
**Tahasildar
Chikiti, (Gm.)**

Memo No: 5272

Date: 28.11.2024

Copy submitted to the Collector, Ganjam, Chatrapur/Sub-Collector, Berhampur for favour of kind information and necessary action.


Tahasildar, Chikiti
28/11/24
**Tahasildar
Chikiti, (Gm.)**


Collector
Ganjam