

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

ORIGINAL APPLICATION NO.- 5 OF 2024

IN THE MATTER OF:

MADHUSUDAN PALAI

APPLICANT

VERSUS

STATE OF ODISHA AND ORS

RESPONDENTS

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PLACE: Bhubaneswar

DATE: 22/05/2025



SANKAR PRASAD PANI

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278,

Email: sankarprasadpani@gmail.com

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

(Under Section 14 , 15, 20 r/w. Section 18(1) & (2) of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO.-5 OF 2024**IN THE MATTER OF:****MADHU SUDAN PALAI****APPLICANT****VERSUS**

State of Odisha and Others

RESPONDENTS**SUPPLEMENTARY AFFIDAVIT BY THE APPLICANT****IT IS MOST RESPECTFULLY SHOWETH-**

1. That I MADHUSUDAN PALAI S/O LATE BINAYAK PALAI aged about 48 years. At/ JHARIA Po- BADAPARI, Dist-Khordha, Odisha do hereby solemnly affirm, and declare that I am the Applicant in the abovementioned application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That there has been no assessment mining over lapping the lease area hence the report is incomplete and the DDM may be directed to take help of ORSAC to assess quantum of minerals mined beyond the lease area.
3. It is submitted that even though it has been confirmed that the MINING operation has started without having EC and CTO but the committee has

not taken any steps to compute Environmental compensation for mining without having EC and CTO.

4. It is pertinent to mention here that the committee report also confirms that the Y form has been issued in favor of the private respondent from dated 04/03/2021 while the Environmental clearance was transferred in favor of the private respondent on dated 02/06/2022, and mining without valid EC should be considered as illegal mining but committee has not taken any steps to compute Environmental compensation for this period.
5. It is further submitted that the CTO was granted only on dated 05/01/2023 but the private respondent continues to extract minerals from the quarry much before the lease agreement was executed.
6. It is further submitted that the Hon'ble Tribunal vide order dated 03/03/2025 has directed the District Magistrate Khordha to file fresh affidavit within four weeks but as on date no such affidavit has been filed though more than two months have passed and this attitude of the authority clearly shows that they are not pursuing the directions of the Hon'ble Tribunal seriously.
7. It is further submitted that as on date the State Pollution Control Board has not identified the officer who is responsible for issuing CTE and CTO without verifying the site, and this also suggests that the SPCB has issued the CTE and CTO without inspecting the site and in an mechanical manner.

8. It is further submitted that the Hon'ble Tribunal vide order dated 03/03/2025 has issued the following directions;

Para-3 The report further mentions that on verification of the T.P. register, it is found that 'Y' form was issued in favour of the lessee on 04.03.2021 which is much prior to the grant of the Consent to Operate (CTO) dated 05.01.2023.

Para-4 Mr. Pani, learned Counsel for the Applicant therefore submits that this is evidence of illegal mining being carried out by the lessee much prior to the grant of CTO on 05.01.2023.

Para-5 We find that this issue has not been addressed by the District Magistrate even though the 'Y' forms are issued by the Tahasildar, Tangi.

Para-6 We, therefore, direct the District Magistrate, District-Khordha to file fresh affidavit giving not only a para-wise reply to the Original Application but also explaining as to whether 'Y' forms issued on 04.03.2021 have been used by the lessee, i.e. Respondent No.11 prior to 05.01.2023.

Para-7 The District Magistrate, District-Khordha shall inquire into the issue and in case it is found that mining has been carried out and 'Y' forms have been used by the lessee prior to 05.01.2023, he shall explain in his affidavit as to what action has been taken against the lessee.

9. That in view of the non compliance of the order of the Hon'ble Tribunal it is most humbly prayed that the Tribunal may take this matter seriously

and may take stringent action against the District Magistrate Khordha for willfully disobeying the order.

Bhubaneswar

By the Applicant Through

22/05/2025

A handwritten signature in black ink, appearing to read "S. Panigrahi", written over a horizontal line that extends to the right.

ADVOCATE



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

ORIGINAL APPLICATION NO -5 OF 2024/EZ

IN THE MATTER OF:

MADHU SUDAN PALAI

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT 22 MAY 2025

MADHU SUDAN PALAI S/O LATE BINAYAK PALAI aged about 48 years
At-Jharia Po-Badapari, Dist- Khordha do hereby solemnly affirm, and declare
as under:

1. That I am the applicant in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

Madhu sudan palai
DEPONENT

VERIFICATION

Verified on this 22 May day 2025.....2024 at POB that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By
Anand
Advocate 22/5/25

Madhu sudan palai
DEPONENT



The above named deponent(s) being duly identified by Sr. 22 May 2025 Advocate, Bhubaneswar appears before me on 22/5/25 at POB on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief
Depoent(s) Notary, Bhubaneswar

JANMEJAYA RAUTRAY
NOTARY, GOVT OF ODISHA
BHUBANESWAR
REGD. NO. ON-86/2012
Mob No. - 9337121273



Sankar Pani <sankarprasadpani@gmail.com>

Supplementary affidavit on behalf of applicant in OA 05/2024-EZ

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Thu, May 22, 2025 at 10:02 PM

To: "adv.adityaaa@gmail.com" <adv.adityaaa@gmail.com>, apurba ghosh <apu7law@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, Anup Pattnaik <anuppattnaik.757@gmail.com>

Dear Sir/Madam, please find the attachment.

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