

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

Miscellaneous Application No.07/2025/EZ

in

Original Application No.42/2023/EZ

In the matter of:

Om Sri Sri Sarbajanina Durga
Puja Committee Brundamal,
Jharsuguda, Odisha.

..... Applicant

VERSUS

State of Odisha & Ors.

..... Respondents

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By the Respondent No.2 through



(TAPAN KUMAR DASH)

ADDL. GOVT. ADVOCATE

**CUTTACK
DATE: 09.07.2025**

X



**BEFORE THE NATIONAL GREEN TRIBUNAL,
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Om Sri Sri Sarbajanina Durga
Puja Committee Brundamal,
Jharsuguda, Odisha.

..... Applicant

VERSUS

State of Odisha & Ors.

..... Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF
THE RESPONDENT NO.2 i.e. COLLECTOR & DISTRICT
MAGISTRATE, JHARSUGUDA.

I, Ms. Suchita Pushpa, aged about 44 years, D/o- Simon Kullu, at present working as Deputy Collector (Judl.), Collectorate Jharsuguda, At/Po/Dist.- Jharsuguda, Odisha, do hereby solemnly affirm and state as follows: -

1. That, I am working as above. I have been duly authorized by the Respondent No.2 to swear this affidavit on her behalf.
2. That, I have gone through the order dated 08.04.2025 passed this Hon'ble NGT in M.A. No.07/2025/EZ and order dated 09.04.2024 passed by this Hon'ble NGT in Original Application No.42/2023/EZ and understood the contents thereof. I am otherwise well acquainted with the facts of the case to swear this Affidavit in my official capacity.

Suchita Pushpa



X

3. That, the present Miscellaneous Application has been initiated by this Hon'ble NGT, in *suo motu*, alleging non-compliance of the order dated 09.04.2024 passed by this Hon'ble Tribunal in Original Application No.42/2023/EZ.

4. That, this Hon'ble Tribunal vide order dated 09.04.2024 was pleased to dispose of the Original Application No.42/2023/EZ with a direction to the Collector & District Magistrate, Jharsuguda to take immediate measures to restore the Pond No.2 to its original form as a body of water, which is situated on Plot No.769/1588, Khata No.226, Kisam-Kata (Waterbody / Jalasaya) over an area of 3.50 Acre in Mouza- Brundamal, under Jharsuguda Sadar Tahasil of Jharsuguda district. The operative portion of the said order is quoted hereunder;-

"Xx xx xx

35. *We, therefore, direct the District Administration i.e., Collector, Jharsuguda, to take immediate measures to restore the Pond No.2 to its original form as a body of water within three months and file affidavit of compliance by 31.07.2024.*

Xx xx xx."

5. That, it is humbly submitted that, in obedience to the aforementioned direction of this Hon'ble Tribunal, a compliance affidavit had been filed by the Collector and District Magistrate, Jharsuguda, before this Hon'ble Tribunal on 29.07.2024, indicating therein that the Chief Executive Officer, Vedanta Aluminium Ltd., Bhurkamunda, Jharsuguda had been intimated to take immediate measures to restore the Pond No.2 to its original form as body of water and in its reply the CEO, Vedanta Aluminium Ltd.,

Suehita Parshpa



X

Bhurkamunda, Jharsuguda, vide his letter dated 26.07.2024 had intimated that they had carried out the necessary survey of the site in question to ascertain the current status and also intimated that as per prima facie assessments of the condition of the site, completion of work would take around three to four more months and the exact timeline can only be ascertained post Monsoon season, when the actual restoration work would start.

Copy of the Compliance Affidavit on behalf of O.P. No.2, dated 29.07.2024 in O.A. No.42/2023/EZ is annexed herewith as **Annexure-A/2.**

6. That, it is humbly and respectfully submitted that, upon receipt notice in the present case at hand, Tahasildar, Jharsuguda was directed to conduct an field enquiry regarding present status of the pond in question, accordingly, he conducted a field visit on 07.07.2025 in presence of representative of Sarbajanina Durga Puja Committee, Brundamal and representatives of Vedanta Aluminum Limited Jharsuguda and subsequently, the Tahasildar, Jhasuguda, submitted that the enquiry report vide letter No.4357, dated 07.07.2025, which reveals that the restoration work of Pond No.02 the restoration of the Pond No.2 has already been completed, but due to rainy season there is heavy deposits of aquatic weeds in the said pond whose extraction is currently going on and it will take one week more for completion of the restoration work.

Copies of the enquiry report vide letter No.4357, dated 07.07.2025 of the Tahasildar, Jhasuguda along with Photographs showing present status of restoration work are annexed herewith as **Annexure-B/2 Series.**

Suchita Parshpa



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7. That, it is humbly submitted that the Respondent No.2 has taken all necessary steps to comply with the order dated 09.04.2024 passed by this Hon'ble Tribunal in Original Application No.42/2023/EZ and it is humbly prayed that further one week time may kindly be granted to complete the restoration work from the Pond No.2 in the interest of justice.

That, in view of the aforesaid facts and circumstances, the present Miscellaneous Application may be disposed of by this Hon'ble Tribunal as per law.

9. That, the Deponent further craves leave of this Hon'ble Tribunal to make further submissions and to file further Affidavit / Counter, if the same is deemed necessary for an effective adjudication.

10. That, the facts stated above are based on the official documents / records which are true to the best of my knowledge & belief.

Identified by:

[Signature]
Advocate

[Signature]
Deponent 2/7/25

Deputy Collector (Judl.)
Collectorate, Tharsuquda

The above named deponent
Solomnly affirm on...
.....being identified
By.....

S. Pushpa
Tapan Kr. Das Ag'ra



09/7/25

X

VERIFICATION

I, Ms. Suchita Pushpa, aged about 44 years, D/o- Simon Kullu, at present working as Deputy Collector (Judl.), Collectorate Jharsuguda, At/Po/Dist.- Jharsuguda, Odisha, do hereby solemnly affirm and verify the contents of Paragraph nos.01 to 06 of the present affidavit are true to my knowledge and Paragraph Nos.07 to 09 are my humble submissions before this Hon'ble Tribunal and that I have not suppressed any material facts.

I sign this Verification at **Cuttack** on **09th day of July, 2025**.

Place: CUTTACK

Date: 09.07.2025

Suchita Pushpa
VERIFICANT

Deputy Collector (Judl.)
Collectorate, Jharsuguda



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. NO. 42/2023/EZ

Sri Sarbajanina Durga Puja committee,
Brundamal, Jharsuguda... Petitioner

-Vrs-

State of Odisha and Others ... Opp. Parties

I N D E X

Sl. No.	Description of Documents	Pages
1.	Further Affidavit filed on behalf of the Opposite Party No.2	01-04
2.	<u>Annexure-A/2</u> Copy of the letter No.7577, dated 13.06.2024	05
3.	<u>Annexure-B/2</u> Copy of the letter No.9020, dated 16.07.2024	06
4.	<u>Annexure-C/2</u> Copy of the letter dated 26.07.2024	07-09

Place: Cuttack

Dated: 29.07.24

Addl. Standing Counsel

True copy attested

~~X~~

B. Impose Exemplary environment compensation and initiate prosecution against the erring respondents for violation of environment norms and dumping of fly-ash without consent of the SPCB.”

3. That, this Original Tribunal vide order dated 09.04.2024 was pleased dispose of the case and had directed as follows:

“We, therefore, direct the District Administration i.e., Collector, Jharsuguda, to take immediate measures to restore the Pond No.2 to its original form as a body of water within three months and file affidavit of compliance by 31.07.2024.”

4. That, accordingly the Collector and District Magistrate, Jharsuguda vide letter No.7577, dated 13.06.2024 intimated the Chief Executive Officer, Vedanta Aluminium Ltd., Bhurkamunda, Jharsuguda to take immediate measure to restore the pond No.2 to its original form as body of water within one month and report compliance for filing of affidavit of compliance before Hon’ble National Green Tribunal, Eastern Zone Bench, Kolkata by 31.07.2024.

Copy of the letter No.7577, dated 13.06.2024 is annexed herewith as Annexure-A/2.

5. That, thereafter the Additional District Magistrate vide letter No.9020, dated 16.07.2024



Q

Plutonium Dole

True Copy attested
Deputy Collector (Judl.)
Collectorate, Jharsuguda

intimated the Chief Executive Officer, Vedanta Aluminium Ltd., Bhurkamunda, Jharsuguda to comply the order dated 09.04.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata and intimate the compliance report within 10 days for submission of affidavit of compliance to Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata within 31.07.2024.

Copy of the letter No.9020, dated 16.07.2024 is annexed herewith as Annexure-B/2.

6. That, in response to the above letter No.9020, dated 16.07.2024, the Chief Executive Officer, Vedanta Aluminium Ltd., Bhurkamunda, Jharsuguda vide letter dated 26.07.2024 intimated that they have carried out of survey of the site in question to ascertain the current status and thereby intimated that as per prima facie assessments of the condition of the site, completion of work will take around three to four more months and the exact timeline can only be ascertained post Monsoon season, when the actual restoration work will start.

Copy of the letter dated 26.07.2024 is annexed herewith as Annexure-C/2.

7. That, it is humbly submitted that the respondent No.2 has taken all necessary steps to comply with the order dated 19.04.2024 passed by this Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata



[Handwritten mark]

Rukmini Das

*True Copy
Attested*

[Signature]
Deputy Collector (Judl.)
Collectorate, Jharsuguda

~~X~~
X

and in view of the prayer made by the Respondent No.9 further reasonable time may be granted to the Collector and District Magistrate, Jharsuguda to comply with order dated 09.04.2024 passed by this Hon'ble Tribunal.

8. That the deponent craves leave of the Hon'ble Tribunal to file further affidavit, if required at the later stage.

9. That the facts stated in this affidavit are true to my knowledge and belief based on official records.

Identified by

✓ Kulemani Date
Dt. 29.07.2024 L

Advocate's Office
A O's Office

Deponent
Addl. Tahasildar
Lakhanpur

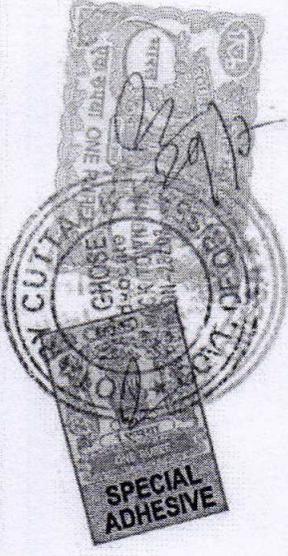
CERTIFICATE

Certified that Cartridge papers are not readily available.

Cuttack

Dt. 29.07.2024


Addl. Standing Counsel



The above named deponent being identified by Mr./Ms. Sworned before me and signed appears before me at 1 P.M. AM/PM on this the 29/07/2024 solemnly affirms that the facts stated are true to his/her knowledge and belief.

True Copy Attested

*Deputy Collector (Judl.)
Collectorate, Jharsuguda*

M.S. Ghose
NOTARY 29/07/2024
CUTTACK TOWN

NETAJI SABYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN

-X-
-05-

ANNEXURE-412

COURT MATTER/ URGENTDISTRICT OFFICE : JHARSUGUDA.
(JUDICIAL SECTION)No.XX129 /2024/ 7577 / G&M. Dated, 13.06.24

To

The Chief Executive Officer,,
Vedanta Aluminium Ltd,Bhurkamunda,Jharsuguda.

Sub :-

Compliance of the order dt.09.04.2024 of Hon'ble NGT In OA No. 42/2023/EZ filed by Sri Sarbananina Durga Puja Committee, Brundamal,Jharsuguda..

Sir,

I am to enclose herewith a copy of order dt. 09.04.2024 of Hon'ble NGT In OA No 42/2023/EZ filed by Sri Sarbajanina Durga Puja Committee, Brundamal,Jharsuguda.which are self explanatory. In this connection you are requested to carry out the following activities.

- 1 Construction of proper drainage network and connecting it with the nearby main drain
- 2 Construction of playground/field at pond no.-2
- 3 Stone pitching and cleaning work of pond No.-3 & 4
- 4 Repairing of the village temple and construction of one borewell.

All the activities should be carried out within a period of 6 months under CSR activities. Necessary permission should be granted by the concerned department for the development and beautification of the area. Necessary co-ordination and manpower as per requirement be extended by the villagers under the supervision of Gram Panchayat. You are also requested to submit a bank guarantee of Rs25 lakhs with District Adminstration/OSPCB until completion of the all activities in given time frame.

Further you are instructed to take immediate measures to restore the pond No-2 to its original form as a body of water within onemonth and report compliance for filing of affidavit of compliance before Hon'ble NGT by 31.07.2024.

This may be treated as most urgent.

Yours faithfully,

M/126
Collector & District Magistrate
Jharsuguda

Memo No 7578 /D. 13.06.2024

Copy forwarded to Member Secretary,OSPCB,Paribesh Bhawan,A/118,Nilakantha Nagar,Unit -VIII,Bhubaneswar,751012 for information and necessary action.

126
Collector & District Magistrate
Jharsuguda

True Copy attested

Deputy Collector (Judl.)
Collectorate, Jharsuguda

True Copy attested
2/3
H.H. - Tahasildar
Laxmapur

-8-

ANNEXURE -B/2

COURT MATTER/ URGENT

DISTRICT OFFICE : JHARSUGUDA.
(JUDICIAL SECTION)

No.XX-129 /2024/ 9020 /G&M. Dated, 16/7/24

To

The Chief Executive Officer,,
Vedanta Aluminium Ltd,Bhurkamunda,Jharsuguda.

Sub :-

Compliance of the order dt.09.04.2024 of Hon'ble NGT In OA No. 42/2023/EZ filed by Sri Sarbajanina Durga Puja Committee, Brundamal, Jharsuguda.

Ref:-

This office letter No.- 7577/G&M, Dt. 13.06.2024 and your letter No.- 1/Dt. 10.07.2024.

Sir,

In partial modification of this office letter No. 7577/G & M dt. 13.06.2024 I am directed to intimate you that the Hon'ble NGT in order dt. 9.4.2024 directed Collector, Jharsuguda in Para No-35 as follows:-

The District Administration i.e. Collector,Jharsuguda to take immediate measures to restore the pond No. 2 to its original form as a body of water within three months and file affidavit of compliance by 31.07.2024.

Hence, in this context, you are hereby instructed to comply the above order and intimate the compliance report within 10 days for perusal of Collector,Jharsuguda and submission of affidavit of compliance to Hon'ble NGT within 31.07.2024.

This may be treated as most urgent.

Yours faithfully,

h
Additional District Magistrate
Jharsuguda

Memo No 9021 /D. 16/7/24

Copy forwarded to Member Secretary,OSPCB,Paribesh Bhawan,A/118,Nilakantha Nagar,Unit -VIII,Bhubaneswar,751012 for information and necessary action.

*True Copy
Attested*

*Deputy Collector (Judl.)
Collectorate, Jharsuguda*

*2/2
Addl. Tahasildar
Cachanpur*

h
Additional District Magistrate
Jharsuguda

~~ANNEXURE - 42~~ 42

COURT MATTER/ URGENT

DISTRICT OFFICE : JHARSUGUDA.
(JUDICIAL SECTION)

No.XX-129 /2024/ 9506 / G&M. Dated, 26.07.2024

To

Sri Kulamani Dalai, ORS,
Additional Tahasildar, Lakhanpur.

Sub :-

Authorization to file affidavit in OA No. 42/2023/EZ filed by Sri Sarbajanina Durga Puja Committee, Brundamal, Jharsuguda

Ref:-

Order dt 09.04.2024 of Hon'ble NGT in OA No. 42/2023/EZ filed by Om Sri Sri Sarbajanina Durga Puja Committee, Brundamal, Jharsuguda.

Sir,

With reference to the subject cited above, You are authorized to file affidavit before Hon'ble NGT in OA No. 42/2023/EZ filed by Om Sri Sri Sarbajanina Durga Puja Committee, Brundamal, Jharsuguda in consultation with Additional Government Advocate, O/o the A.G. Odisha, Cuttack.

This may be treated as most urgent.

Yours faithfully,

[Signature]
26/7

Collector & District Magistrate
Jharsuguda

Memo No 9507 /D. 26.07.2024

Copy forwarded to Sri Anand Prakash Das, Additional Government Advocate, O/o the A.G. Odisha, Cuttack for information and necessary action.

[Signature]
26/7

Collector & District Magistrate
Jharsuguda

*True Copy
Attested*
[Signature]

True copy attached
2
*Addl. Tahasildar
Lakhanpur*

*Deputy Collector (Jud.)
Collectorate, Jharsuguda*

- 8 -

Compliance of the order dt. 09.04.2024 of Hon'ble NGT in OA No. 42/2023/EZ filed by Om Sri Sri Sarbajanina Durga Puja Committee, Brundamal, Jharsuguda

The Hon'ble NGT, Eastern Zone, Kolkata vide order dt. 09.04.2024 directed the District Administration, i.e. Collector, Jharsuguda to take immediate measures to restore the Pond No.- 2 to its original form as a body of water within 3 months and file affidavit of compliance by 31.07.2024.

Accordingly the Vedanta Aluminium, Jharsuguda was directed to comply the above direction by 31.07.2024 vide this office letter No.-7577/Dt. 13.06.2024 and 9020/Dt. 16.07.2024.

In response, the Vedanta Aluminium Limited, Jharsuguda vide his letter No.- 25/15/Dt. 26.07.2024 has reported that they have carried out a survey for restoring Pond No.-02 at Brundamal, Jharsuguda. As per their prima-facia assessment basis, the condition of the site, completion of work will take 3-4 months. Exact timeline can be ascertained post monsoon season when the actual restoration work will start.

In view of the above, time may kindly be prayed before Hon'ble NGT, EZ, Kolakata Bench for filling of further affidavit in OA No. 42/2023/EZ.

M
26.7
Collector, Jharsuguda

*True Copy
Attested*

True copy attached
Deputy Collector (Judl.)
Collectorate, Jharsuguda

2
Addl. Tahsildar
Laxmapur



Letter No. VL/AU/24-25/15

Date: 26.07.2024

To,
The District Magistrate,
Jharsuguda- 768204

Subject: Response to your letter dated 16.07.2024, for compliance with the Order of the National Green Tribunal Dated 09.04.2024, in O.A. No. 42 of 2023.

Reference: (1) Your letter No. XX-129/2024/9020/G&M dated 16.07.2024

Respected Madam,

We are in receipt of your letter dated 16.07.2024, under reference (1).

We reiterate that Vedanta Limited has not dumped any fly ash in Pond No. 2 in Plot 769/1588, which is also borne out by all the inspection reports that have been prepared by different committees at different time intervals with respect to the said site.

However, in order to support your good office for compliance with the order of Hon'ble National Green Tribunal, in restoring Pond No. 2 at Brundamal, Jharsuguda we have carried out a survey of the site. Attached herewith are photographs evidencing the current state of the site.

As per our prima facie assessments basis the condition of the site, completion of work will take around 3 to 4 months, however exact timeline can only be ascertained post Monsoon season, when the actual restoration work will start.

This is for your kind information, please.

Thanking You
Yours Faithfully,

For Vedanta Limited, Jharsuguda

[Signature]
Authorized Signatory



VEDANTA LIMITED, JHARSUGUDA

Vill- Bhurkamunda, P.O- Kalimandir, Dist- Jharsuguda (Odisha)- 768202

T +91-664 566 6000 F +91-664 566 6267 www.vedantalimited.com

*True Copy
Attested*
[Signature]
Deputy Collector (Jrdl.)
Collectorate, Jharsuguda

REGISTERED OFFICE : Vedanta Limited 1st Floor, 'C' Wing, Unit 103, Corporate Avenue, Atul Projects, Chakala, Andheri (East), Mumbai 400093, Maharashtra, India.

CIN: L13209MH1965PLC291394

ଓଡ଼ିଶା କାର୍ଯ୍ୟାଳୟ, ଝାରସୁଗୁଡ଼ା

ANNEXURE - B/2 serial 36

TAHASIL OFFICE, JHARSUGUDA
DISTRICT- JHARSUGUDA (ODISHA) PIN: 768204
E-mail : tah.jharsu-od@nic.in

Letter No. 4357 Date: 07/07/2025

To,

The Additional District Magistrate,
Jharsuguda

Sub: - Compliance of the order dt. 09.04.2024 of Hon'ble NGT in O.A. Case No-42/2023/EZ filed by Sarbajanina Durga Puja Committee, Brundamal, Jharsuguda (Restoration of Pond No-2)

Ref: District office Memo No-10273//Judl. Dtd.04.07.2025

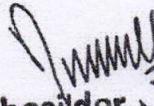
Sir,

In inviting a reference to the subject cited above, as per the direction of the Additional District Magistrate, Jharsuguda I have conducted my field visit of pond No-02 located at Brundamal under Jharsuguda District has been visited by the undersigned in connection with the O.A. Case No-42/2023/EZ filed by the Sarbajanina Durga Puja Committee, Brundamal, Jharsuguda and it is pending before the Hon'ble National Green Tribunal (EZ) Bench, Kolkata.

In the light of this, the field visit was done today i.e 07/07/2025 by the undersigned to verify the present status of the concerned pond No-2 and evaluate ongoing restoration efforts. During visit of the spot the representatives from Vedanta Ltd, Jharsuguda along with the representative from the Sarbajanina Durga Puja Committee, Brundamal were present on the spot and the restoration work on the pond no-2 is currently under progress i.e Removal of solid waste and debris from the pond premises and it will take up to one week to complete the restoration work subject to the weather condition.

This is for your kind information and necessary record.

Yours faithfully,


Tahasildar
JHARSUGUDA
7.7.2025

True Copy
Attested


Deputy Collector (Judl.)
Collectorate, Jharsuguda

~ X ~



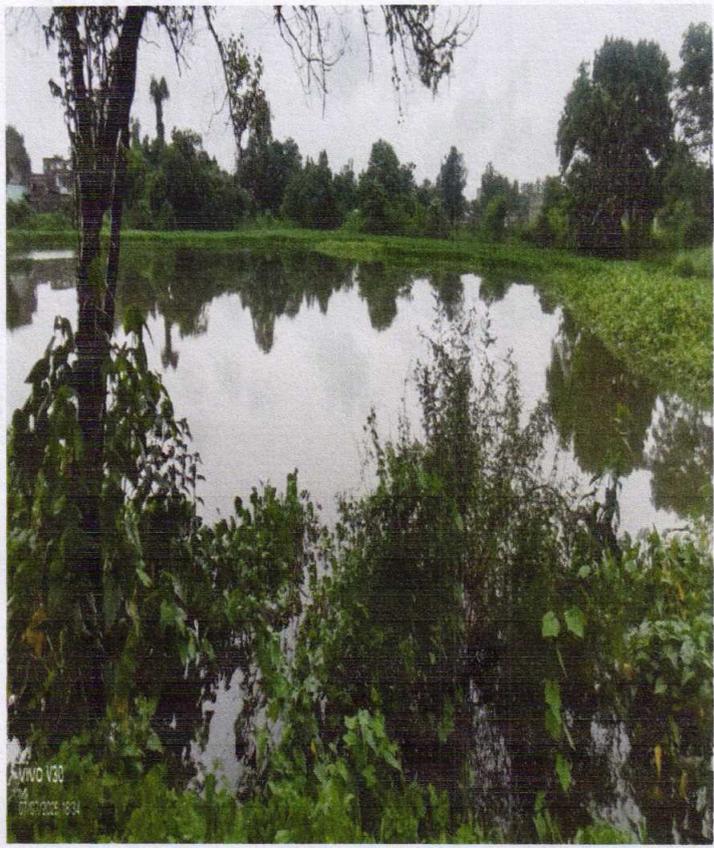
photograph attested
[Signature]

Deputy Collector (Judl.)
 Collectorate, Thiruvananthapuram

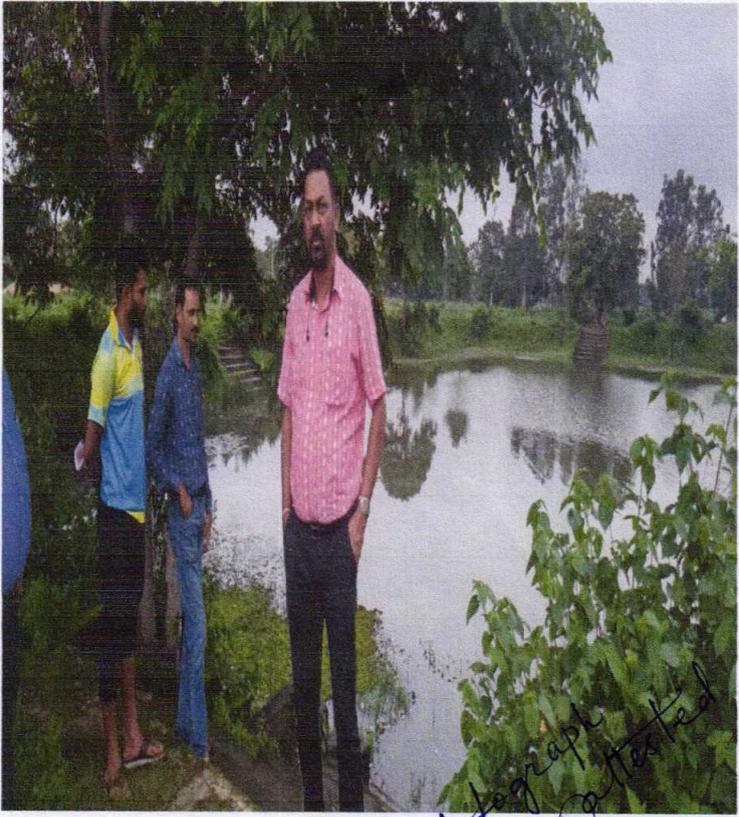
POND NO. 02 (I to IV)



(I)

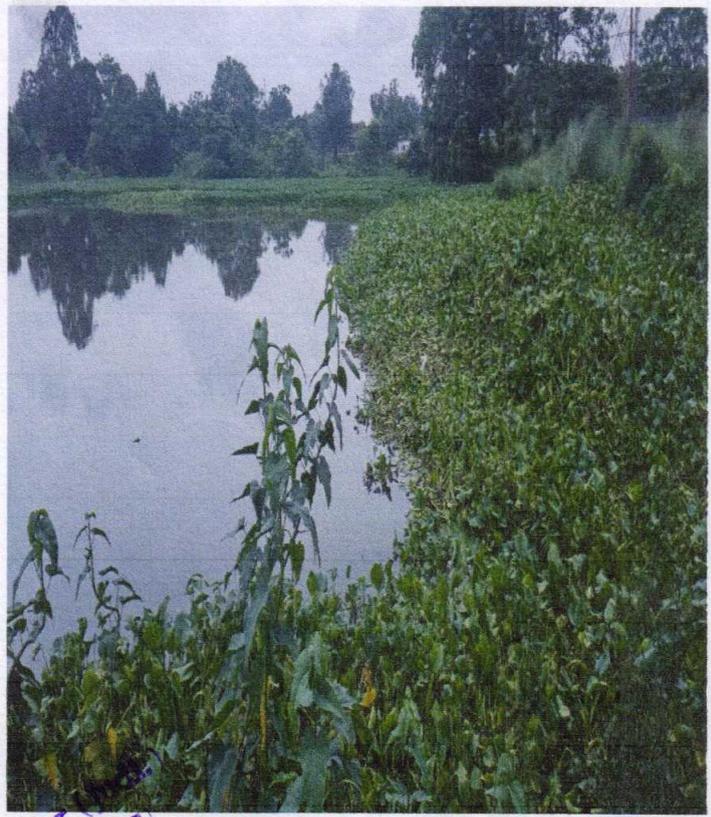


(II)



(III)

Photograph attached



(IV)

Deputy Collector
Tallampalle, Tharuvu