

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

O.A. NO.47 of 2024/EZ

**YOUTH UNITED FOR SUSTAINABLE
ENVIRONMENT TRUST**

.. APPLICANT

-VERSUS-

STATE OF ODISHA & OTHERS

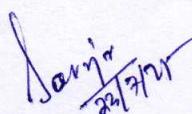
.. RESPONDENTS

I N D E X

Sl. No.	Description of documents	Pages
1.	Counter Affidavit filed on behalf of respondent No.9	1 - 4
2.	<u>ANNEXURE - A/9</u> Copy of the Enquiry Report	5

Cuttack

Date : 16 /07/2025


Advocate

for respondent No.9

(SAROJ KUMAR JEE)

E.NO.0-766/1988

MOB. NO.9437295930

**BEFORE THE NATIONAL GREEN TRIBUNAL,
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STATE OF ODISHA & OTHERS

.. RESPONDENTS

**COUNTER AFFIDAVIT FILED ON BEHALF OF
THE RESPONDENT NO. 9**

I, Sri Samyak Bikash Subudhi, aged about 32 years, S/o-Bisweswar Subudhi at present working as the Superintending Engineer, Head Works Division, Samal, At/Po-Samal Barrage Township, Dist-Angul do hereby solemnly affirm and state as follows:-

1. That, I am working as Superintending Engineer, Head Works Division, Samal, At/P.O.-Samal Barrage Township, Dist-Angul in the accompanying Original Application. I have been duly authorized by the Respondent No.9 in the accompanying Original Application to sign this affidavit on behalf of the Respondent No.9. I have gone through the contents of Original Application as well as the documents annexed thereto and understood the contents and purport

Samyak Bikash Subudhi

*Sanjiv
24/7/24*

B. MISHRA
NOTARY, CUTTACK
ODISHA

thereof. I am otherwise acquainted with the facts of the case and competent to swear this Affidavit by virtue of my office.

2. That, the applicant has filed the aforesaid Original Application seeking for a direction to the Mining Department to conduct drone survey to assess the Mining beyond lease area and for a direction to SEIAA Odisha to withdraw the EC letter for violation of EC condition and to inquire into the illegalities of mining such as mechanical mining and in-stream mining.

3. That the accompanying Original Application as laid is not maintainable either in facts or in law, barred by limitation and wholly misconceived. The deponent craves leave of this learned Tribunal to make further submissions in this regard at the time of hearing.

4. That, instead of giving para wise reply the deponent humbly submits as follows: -

It is a fact that a spot enquiry made by the Junior Engineer & Asst. Executive Engineer, Samal on dtd.24.04.2024, consulting with concerned Revenue Inspector & Tahsildar ,Talcher and it is found that the river Brahmani water is flowing normally without any obstruction in non-monsoon period. A temporary fair-

Manish
22/7/25

B. MISHRA
NOTARY, CUTTACK
ODISHA

weather road has been constructed with Hume pipes across the river, which does not create any obstruction to river water flow.

The fair-weather road has been connected to the cement concrete road to the nearby Villages of River Bramani and the river embankments of River Bramani in that locality are in normal condition with minor rain cut in some places,

The copy of enquiry report is filed herewith as ANNEXURE-A/9.

5. That, it is humbly submitted that as the matter of conflict is not concern with this office. Hence the Original Application may be disposed of on its own merit.

6. That it is humbly submitted that the opposite party No.9 is not a necessary party to the present proceeding and have no role in this case, as the matter relates to Sand Query.

7. That, under the aforesaid facts and circumstances, the original application to be dismissed being devoid of merit and this deponent reserve his right to file additional affidavit if required at the time of hearing.

Sanyal Bikash Sankha .

deputy
26/7/24

B. MISHRA
NOTARY, CUTTACK
ODISHA

8. That the statements made above in Paragraphs-1 to 3 are true to the best of my knowledge and belief and those statements made in Paragraphs-4 to 6 are true to my information derived from the records and the statements made in Paragraph-7 & 8 is my submissions to this Hon'ble Court. I believe the information to be true as per available official records.

Identified by

Samyak Bikash Subudhi

Advocate's Clerk

**Superintending Engineer
Head Works Division, Samal**



Solemnly affirm before me by Sri Samyak Bikash Subudhi who is identified before me by Self whom I personally known

This is the 16th day of July, 2025

B. Mishra
16/07/25

Cuttack

**B. MISHRA
NOTARY, CUTTACK
ODISHA**

Date: 16.07.2025

**OATH COMMISSIONER/
NOTARY PUBLIC, CUTTACK.**

CERTIFICATE

Certified that the cartridge papers are not readily available.

Cuttack

Sanjiv
23/7/24

Date: 16 .07.2025

Advocate
for respondent No.9

INSPECTION REPORT ON NIJIGARH AND GOPINATHPUR SAND QUARRY

Date of inspection : 24.04.2024

I, AEE, Head Works Sub-Division No II, Samal along with AE & JE of Head Works Sub-Division No II, visited the Nijigarh & Gopinathpur Sand quarry after consulting with the concerned RI, Talcher & Tahsildar, Talcher. Following observations are made during the inspection.

1. That, the water in the river Brahmani is flowing in the river without any obstruction in the non-monsoon period.
2. That, a sand fair-weather road has been constructed with hume pipes across the river, which is not obstructing the river flow (photo enclosed)
3. That, The fair weather road has been connected to the cement concrete road to the near by village of river Brahmani
4. That, the river embankments of river Brahmani in that area are in normal condition with minor rain cut in some places.

This is for kind information and necessary action.

[Signature]
24/04/24

J.E.

HWSD II

HWSD-II

[Signature]
24/04/2024

A.E.

HWSD-II

[Signature]
24.04.2024.

A.E.E

Asst. Executive Engine
Head Works Sub-Division No.

SAMAL

Memo No 203

Date 25/4/2024.

Copy submitted to the Superintending Engineer, Head Works Division, Samal for favour of kind information and necessary action.

True Copy
attested

[Signature]
Superintending Engineer
Head Works Division, Samal

[Signature]
24.04.2024.

Asst. Executive Engineer
Head Works Sub- Division - II