

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

O.A. No.60 Of 2025/EZ

Jhadeswar Pradhan ... Applicant

-Versus-

State of Odisha & Others ... Respondents

COUNTER AFFIDAVIT OF RESPONDENT NO.12:

I, Smt. Rashmi Rekha Sahu, aged about 48 years, W/o. Karunakar Sahu, Resident of Singal, P.O.Amgaon, P.S.Barkote, Dist. Deogarh, PIN-768110, Odisha, do hereby solemnly affirm and state as follows:

1. That, I have been arrayed as Respondent No.12 in the accompanying Original Application.
2. That, I have read and understood the contents of the accompanying Original Application as well as the documents annexed thereto and understood the contents and purport thereof.
3. That, at the outset, I deny each and every averment / assertion / allegation / contention made / raised by the Applicant in the Original Application, unless the same is admitted specifically herein after. No averment or assertion or allegation or contention raised by the Applicant should be deemed to have been admitted on the ground of non-traverse.
4. That, the accompanying Original Application as laid is not maintainable either in facts or in law and totally misconceived. The Original Application is not a bonafide one and contains incorrect facts / statements.



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5. That, the allegations made in Paragraph-1 of the Original Application are not correct, without any basis, disputed and denied specifically. The allegation that the Applicant is affected by excess sand mining, obstruction of river, mechanical mining and transportation of sand loaded heavy vehicle through Village – Tendra and through private Plot bearing Plot No.3976 of Khata No.13 and thereby damaging the cultivable land, road, causing inconvenience, environmental pollution, health hazards and disrupting the public order, is not correct, without any basis, disputed and denied specifically. It is submitted that Quarry Lease for sand mining has been executed and registered on 14.11.2023 in favour of the Respondent No.12 in respect of Tendra – II Sand Bed for a period of five years and same is valid till 13.11.2028. After obtaining required statutory clearances / permissions from the respective Authorities, the Respondent No.12 continued the mining operation in Tendra – II Sand Bed till 31.03.2025. During mining operation from 14.11.2023 till 31.03.2025, there was no allegation from any quarter including the State Respondents regarding any excess mining as well as violation of any conditions of Environmental Clearance. Since the CTO granted in favour of the Opp. Party No.12 expired on 31.03.2025, mining operation in Tendra – II Sand Bed has been stopped w.e.f. 01.04.2025.

6. That, the allegations made in Paragraph – 2 of the Original Application regarding violation of the Sustainable Sand Mining Management Guidelines, is not correct, disputed and denied specifically. The Applicant is called upon to strict proof of the same.

7. That, the allegations made in Paragraphs – 3 to 5 of the Original Application, are false, baseless, disputed and denied specifically. The allegation of illegal mining and transportation of sand in heavy loaded

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vehicles through private Plot No.3976 of the Applicant and Plot No.2855 of one Lokanath Pradhan, is false, baseless, disputed and denied specifically. The Applicant is called upon for strict proof of the same. In the joint enquiry report dtd.20.05.2025, it is mentioned that the joint team interacted with few villagers namely Sri Janmejaya Sahu, Sri Duryodhan Sahu, Sri Purusottm Pradhan, Lambodar Swain and Lokanath Sahu of Tendra Village who were present during inspection. Those villagers stated the joint team that no agricultural land was damaged by the quarry in question. The villagers also stated that there was no dust pollution due to transportation activities. Hence, contrary allegations being devoid of merit are liable to be rejected.

8. That, the averments made in Paragraphs – 7 & 8 of the Original Application, needs no reply from this deponent.

9. That, in reply to the averments made in Paragraph – 9 of the Original Application, it is submitted that Respondent No.12 has submitted the Environmental Clearance (EC) compliance. Further, Respondent No.12 – Lessee has also submitted the replenishment study report to the Respondent No.10 – SEIAA through Online amendment of EC application vide application dtd.27.12.2024.

10. That, in reply to the averments made in Paragraph – 10 of the Original Application, it is submitted that boundary demarcation of leasearea was done by Revenue Department as per the Village Cadastral Map. Since the mining operation has been stopped w.e.f. 31.03.2025, boundary pillars have been removed by third parties taking advantage of stoppage of mining operation w.e.f. 31.03.2025.

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11. That, in reply to the averments made in Paragraph – 11 of the Original Application, it is submitted that Respondent No.12 has never exceeded the mining depth 1.5 meter so also the annual MGQ. Respondent No.12 conducted sand replenishment study report through approved RQP for the year 2024 and said report was submitted before the Competent Authority. Till date, same has not been approved.
12. That, in reply to the averments made in Paragraph – 12 of the Original Application, it is humbly submitted that the Respondent No.12 conducted sand replenishment study report through approved RQP for the year 2024 and said report was submitted before the Competent Authority. Till date, same has not been approved.
13. That, the averments made in Paragraphs – 13 to 21 of the Original Application needs no reply from the Respondent No.12.
14. That, the allegations made in Paragraph – 22 of the Original Application is not correct, disputed and denied specifically. At the cost of repetition, it is submitted that Respondent No.12 conducted sand replenishment study report through approved RQP for the year 2024 and the said report was submitted before the Competent Authority. Till date, same has not been approved.
15. That, the averments made in Paragraph – 23 of the Original Application are false, baseless, disputed and denied specifically. It is submitted that Respondent No.12 is mining sand strictly in consonance with the terms and conditions of the approved mining plan. Till closure of mining operation on 31.03.2025, the authorities have never pointed out regarding violation of any conditions of the approved mining plan.

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16. That, in reply to the averments made in Paragraph – 24 of the Original Application, it is submitted that the lease area of Tendra – II Sand Bed was demarcated by the Revenue Authorities as per the Village Cadastral Map. On the basis of such demarcation made by the Revenue Authorities, Respondent No.12 installed the boundary pillars. Relevant to mention here that since mining operation in the Quarry has been stopped since 31.03.2025, taking advantage of non-operational of the source in question, outsiders have removed the boundary pillars.

17. That, the averments made in Paragraph – 25 of the Original Application are not correct and denied hereby. It is submitted that Respondent – 12 has never engaged any heavy machines for extraction of sand from the source in question. The Joint Committee which visited the site on 02.05.2025, in the Joint Committee Report dtd.20.05.2025 never mentioned that the Respondent No.12 was doing mining activity with the help of heavy machines.

18. That, the averments made in Paragraph – 26 of the Original Application that due to excess and illegal mining by the Respondent – 12 and transportation of sand through the densely populated village and also plying of vehicles through the private plot of the Applicant, villagers along with the Applicant are facing huge inconvenience, is not correct, without any basis, disputed and denied specifically. It is submitted that mining of sand was being carried out manually and transportation of sand was being done till 31.03.2025 through the approved road. Hence, the contrary allegations being devoid of merit are liable to be rejected.

19. That, in reply to the averments made in Paragraph – 27 of the Original Application, it is submitted that Consent To Operate was granted

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in favour of Respondent No.12 after approval of Mining Plan. As and when, Respondent No.12 was called upon to produce statutory documents like replenishment study report, cluster certificate, width of river, etc., same have been submitted after obtaining the same from the respective Authorities.

20. That, the allegations made in Paragraph – 28 of the Original Application regarding violation of special condition No.B-13 of CTE it disputed and denied specifically. It is submitted that the Respondent no.12 has never carried out any mining operation in violation of Special Condition No.B-13 of the CTE.

21. That, the allegations made in Paragraph – 29 of the Original Application regarding non-maintaining of “No Mining Zone” and carrying out mining activities in the safety zone and no mining zone of the sand bed is false, disputed and denied specifically. It is submitted that during the first year of lease, Respondent No.12 was operating smoothly as per instructions issued by the Revenue Inspector of Bonai Tahasil. Revenue Officials of Bonai Tahasil were satisfied with the pillars posted as per Village Cadastral Map. During second year of mining operation i.e. 2024-25, no instructions was ever received from the Revenue Officials regarding reposting of the pillars. Upon enquiry from the Office of the Deputy Director of Mines, Koira Circle, Respondent No.12 came to know that Joint Committee inspected the site as per GPRS Map whereas Revenue Authorities i.e. Officials of Bonai Tahasil demarcated the boundary area of the source in question as per Village Cadastral Map. Mining Officials of Office of Deputy Director of Mines, Koira Circle also intimated Respondent No.12 that Village Cadastral Map is mismatching the GPRS map.

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22. That, the allegations made in Paragraph – 30 of the Original Application that no permission has been obtained by Respondent No.12 from the Competent Authority to transport the sand loaded vehicle through the village road, is not correct, disputed and denied specifically. It is submitted that as per agreements executed with Villagers namely; Prasanta Kumar Behera, Dukhabandhu Pradhan, Niranjana Pradhan & Dolagobinda Sahu of Tendra Village, their recorded highlands were being used as road for the purpose of transportation of sand. No transportation of sand was ever made on the road passing through Village Tendra.

23. That, in reply to the averments made in Paragraph – 31 of the Original Application, it is submitted that upon Agreement with private tenants namely; Prasanta Kumar Behera, Dukhabandhu Pradhan, Niranjana Pradhan & Dolagobinda Sahu of Tendra Village, their recorded highlands were being used as road for the purpose of transportation of sand.

24. That, the allegations made in Paragraph – 32 of the Original Application are not correct disputed and denied specifically. The allegations that Respondent No.12 used to transport the sand loaded vehicle through densely populated village without being covered with tarpaulins for which the sands are being spilled over the road and inconvenience occurs to the travelers and also to the local villagers, is false, disputed and denied specifically. It is submitted that all precautionary measures were taken by the Respondent No.12 while transporting sand. The vehicles were fully covered in order to avoid any spillage on the road. As stated earlier, no transportation of sand was ever made on the road passing through Village Tendra.

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25. That, in reply to the averments made in Paragraph – 33 of the Original Application, it is submitted that for the purpose of water sprinkling on the road used for transportation of sand, Respondent No.12 engaged a water tanker for the purpose of spraying of water.
26. That, in reply to the averments made in Paragraph – 34 of the Original Application, it is submitted that Consent To Operate in respect of Tendra – II Sand Bed was valid till 31.03.2025. Accordingly, mining operation in the quarry in question has been stopped w.e.f. 01.04.2025 due to want of valid Consent To Operate.
27. That the averments made in Paragraph – 35(A to V) of the Original Application are not correct and misconceived. It is submitted that during validity period of Consent To Operate till 31.03.2025, Authorities have never pointed out any violation of the conditions of Consent To Operate. All allegations which have been made in the joint enquiry report dtd.20.05.2025 are after closure of the quarrying operation on 31.03.2025.
28. That, the allegations made in Paragraph – 36 of the Original Application are false, baseless, disputed and denies specifically. The allegation that the Respondent No.12 – Lessee is extracting sand beyond the permissible area, is false, baseless, disputed and denied specifically. It is submitted that till 31.03.2025, Authorities have never pointed out that Respondent No.12 has extracted any sand beyond the permissible area even though there was several surprise inspections of the quarry in question on the basis of allegations of illegal mining beyond the lease hold area.
29. That, the allegations made in Paragraph – 37 regarding use of heavy machines and extraction of sand by using JCB machine and non-maintenance of safety zone and no mining zone, is not correct,

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misconceived, disputed and denied specifically. It is submitted that the Respondent No.12 has never engaged any heavy machineries either for extraction of sand or for loading sands in to the carriers. Extraction of sand was done strictly as per the terms and conditions of the Mining Plan. Till 31.03.2025, Respondent No.12 has maintained safety zone as well as no mining zone inside the mining lease area.

30. That, the allegations made in Paragraph – 38 of the Original Application are false, baseless, disputed and denied specifically. It is submitted that Respondent No.12 has confined within mining activity to the permissible limit. Respondent No.12 has never conducted any mining activity beyond 1 meter depth. Conditions of EC was followed meticulously. Till 31.03.2025, Authorities have never pointed out regarding any violation of EC conditions. The so-called violation which have been pointed in the Joint enquiry report dtd.20.05.2025 relates to the period after 01.04.2025 for which the Respondent No.12 is no way responsible. Authorities are well aware that mining operation has been stopped w.e.f. 01.04.2025. On being aware about illegal mining outside the lease hold area, in the month of April, 2025, Respondent No.12 personally met the Tahasildar, Bonai as well as the Inspector-in-Charge, Bonai Police Station to take necessary steps to stop illegal mining in the area but no action has been taken.

31. That, in reply to the averments made in Paragraph – 39 of the Original Application regarding use of excavators for mining more than four meters, is false, baseless, disputed and denied specifically. The Applicant is called upon for strict proof of the same. Respondent No.12 has never used any excavator for extraction of sand.

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32. That, the allegations made in Paragraph – 40 of the Original Application regarding extraction of 50,000 Cum. of sand by using heavy machines, is false, without any basis, disputed and denied specifically. It is submitted that against the permissible limit of 7,500 Cum. of sand, Respondent No.12 could be able to lift only 5711 Cum. of sand till 31.03.2025.
33. That, in reply to the averments made in paragraph – 41 of the Original Application, it is submitted that as per the demands raised by Tahasildar, Bonai and Mining Officer, Bonai from time to time, Respondent No.12 has paid the royalty, additional charge, DMF, EMF and IT. Hence, there is no revenue loss to the State exchequer.
34. That, in reply to the averments made in Paragraph – 42 of the Original Application, it is submitted that Respondent No.12 has prepared the replenishment study report pre and post monsoon through RQP on approval of Joint Director, Geology, Sambalpur.
35. That, the allegations made in Paragraph – 43 of the Original Application regarding in stream mining, obstruction and diversion of river force, is false, baseless, disputed and denies specifically. It submitted that the Respondent No.12 has never disturbed the flowing of river water.
36. That, in reply to the averments made in Paragraph – 44 of the Original Application, it is submitted that Respondent No.12 being a lady, is running business on sand mining to maintain her family. Respondent No.12 has no intention to evade any Government revenue by doing any illegal work. Some nearby rival lessees of sand have set up the Applicant to file this accompanying Original Application in order to ensure that the lease

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granted in favour of Respondent No.12 comes to a halt so that they will be able to earn huge profit from sand mining.

37. That, in reply to the averments made in Paragraphs-45 & 46 of the Original Application needs no reply.

38. That, the averments made in Paragraph – 47 of the Original Application nowhere relates to the Respondent No.12, hence needs no comment.

39. That, the averments made in Paragraph – 48 of the Original Application needs no reply from Respondent No.12. However, it is submitted that Respondent No.12 was never involved in any type of illegal mining.

40. That, in reply to the averments made in Paragraph – 49 of the Original Application, it is submitted that till 31.03.2025, Deputy Director of Mines, Koira Circle never pointed out any excess mining by the Respondent No.12. As per the approved quantity mentioned in the Mining Plan, Respondent No.12 has confined its mining activity.

41. That, in reply to the averments made in Paragraph – 50 of the Original Application, it is submitted that till 31.03.2024, though the transporting vehicles carrying sands were checked several times by the RTO, Rourkela but no deficiency were found in any vehicle while carrying sands from the source in question.

42. That, the allegations made in Paragraph – 51 of the Original Application is not correct, disputed and denied specifically. It is submitted that Respondent No.12 has submitted the replenishment study report on 01.04.2025 and same is still pending consideration.

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43. That, the allegations made in Paragraph – 52 of the Original Application needs no reply.
44. That, in reply to the averments made in Paragraph – 53 of the Original Application are not correct, disputed and denied specifically. As stated earlier, Respondent No.12 was never involved in mechanical mining in stream mining, diversion of river flow and carrying of sand without tarpaulin cover.
45. That, in reply to the averments made in Paragraphs – 54 & 55 of the Original Application, it is submitted that Consent To Operate was granted by the SPCB, Regional Office after submission all statutory clearances from the respective Authorities. Said Consent To Operate has expired on 31.03.2025. Till the expiry of Consent To Operate on 31.03.2025, SPCB, Regional Officer has never pointed out any violation of any terms and conditions of Consent To Operate. The so called violations which have been pointed out in the joint enquiry report dtd.20.05.2025 are in respect of illegal mining done by outsiders on and after 01.04.2025 since mining operations have been stopped w.e.f. 31.03.2025.
46. That, the averments made in Paragraph – 56 of the Original Application are false, baseless, disputed and denied specifically. It is submitted that as per the kind Orders of the Hon'ble High Court of Orissa and intimation from the Department, transportation of sand are done from 9.00 p.m. to 7.00 a.m..
47. That, the allegations made in Paragraph – 57 of the Original Application are false, baseless, disputed and denied specifically. The Applicant is called upon for strict proof of such baseless allegations.

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48. That, the allegations made in Paragraph – 58 of the Original Application are false, baseless, disputed and denied specifically. The allegation that Respondent No.12 has mined out more sand than the permitted quantity, is false, baseless, disputed and denied specifically. It is submitted that Respondent No.12 has excavated the sand within the permissible limit. Till 31.03.2025, Authorities have never pointed out that Respondent No.12 has done any excess mining within the lease hold area. It is relevant to mention here that the quantity arrived at in the joint committee report dtd.20.05.2025 is not correct. Had Respondent No.12 been issued notice to appear during spot inspection of the quarry in question, Respondent No.12 could have pointed out the boundary pillars installed as per the demarcation made by the Office of Tahasildar, Bonai as per Village Cadastral Map. Respondent No.12 could have also pointed out regarding illegal mining by third parties on and after 01.04.2025.

49. That, in reply to the averments made in Paragraphs – 59 to 67 of the Original Application needs no reply from this answering Respondent no.12.

50. That, in view of the facts stated above, Prayers made in the Original Application are devoid of merit, hence liable to be rejected. Consequently, the Original Application being devoid of merit is liable to be rejected with cost.



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51. That, the Respondent No.12 reserves the right to file further Affidavit(s), as and when required/directed, for an effective adjudication.

52. That, the facts stated above are true to the best of my knowledge and belief.

Rashmi Rekha Sahu
DEPONENT 20-8-2025

Identified by
CK Rout
Advocate

Dtd.20.08.2025

✓ Certified that cartridge papers are not available.

(Signature)
ADVOCATE

(PRAVAT KUMAR MUDULI)
ADVOCATE
Email:pravatmuduli2007@gmail.com
Mob. No.9861143461



The above named deponent being identified by Mr./Ms. *CK Rout* Advocate appears before me at *...* AM/PM on this the *20* day of *2025* and solemnly affirms that the facts stated are true to his/her knowledge and belief.

(Signature)
NOTARY
ATTACK TOW
20/8/25