

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 60 OF 2025 / EZ**

Smt. Chhabibala Pradhan ...Appellant

VERSUS

State of Odisha & Others ...Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	2-7
2.	Photocopy of the letter No.7550 dtd.10.04.2025 issued to the R-12. (ANNEXURE – R9/1)	8
3.	Photocopy of the the refusal order issued by the Regional Officer, Rourkela of R-9 Board. (ANNEXURE – R9/2)	9-10

By the Respondent No.9

Kolkata

Date:

Through

Papiya Banerjee Bihani

Smt Papiya Banerjee Bihani,
Advocates for the Respondent No.9
(State Pollution Control Board, Odisha)
e-mail:pbanerjeebihani@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 60 OF 2025 / EZ

19 AUG 2025

Smt. Chhabibala Pradhan ...Appellant

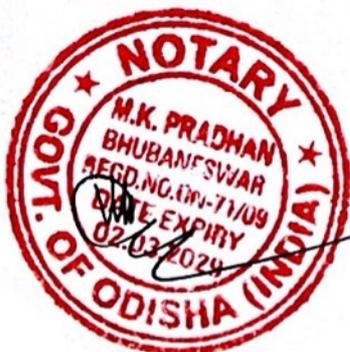
VERSUS

State of Odisha & Others ...Respondents

AFFIDAVIT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA,
R.NO.9.

I, Smt. Uma Nanduri, IFS, wife of Sri Prem Kumar Jha, IFS aged around 58 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.9 Board and, as such, am well-acquainted with the facts and



circumstances with the case and competent to swear this affidavit.

2. That this OA has been filed by the applicant who is a resident of Tendra village alleging that the R-12 i.e. Smt. Rashmi Rekha Sahu, Lessee Tendra-II Sand Bed is carrying on excess sand mining and causing obstruction of river through mechanical mining and transportation of sand through heavy vehicles through their village road and thereby damaging the cultivable land, road and causing inconvenience and environmental pollution.
3. That the Hon'ble Tribunal while adjudicating the OA vide their order dtd.04.04.2025 at para-16 has been pleased to constitute a committee comprising of the following members:

- a. Collector and District Magistrate, Sundergarh or his representative;
- b. Senior Scientist, Odisha State Pollution Control Board; and



c. State Environment Impact Assessment Authority
(SEIAA), Odisha.

And directed the committee to visit the site in question and submit its report with regard to the allegation made in the OA. The Collector & District Magistrate, Sundergarh has been declared as the Nodal Office for all logistic purposes and for filing the inspection report on affidavit.

4. That the Board after receipt of the copy of OA and order dtd.04.04.2025 of this Hon'ble Tribunal from its counsel, has nominated Dr. Anup Kumar Mallick, Additional Chief Environmental Scientist and Regional Officer, Rourkela of the R-9 Board to represent the committee constituted by the Hon'ble Tribunal on behalf of the Board and intimated the same to the Collector & DM, Sundergarh vide Board's letter No.7550 dtd.10.04.2025. A copy of the letter dtd.10.04.2025 is annexed to this affidavit and marked as ANNEXURE - R9/1.

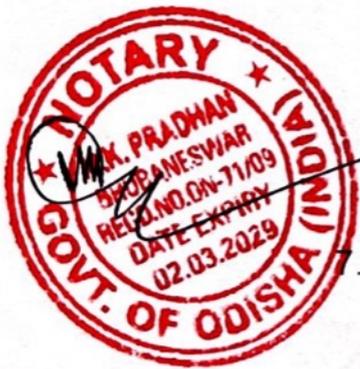




5. That in compliance to the order dtd.04.04.2025 of this Hon'ble Tribunal, the committee inspected M/s.Tendra Sand Bed-II, Tendra, Bonai, Sundergarh on 02.05.2025 and discussed with regard to the allegation raised in the OA with Mr.Karunakar Sahu, husband of the lessee of the R-12 and submitted their report which has been filed by the Collector & DM, Sundergarh in the affidavit dtd.01.07.2025 which has also been taken note of by the Hon'ble Tribunal in their order dtd.08.07.2025.

6. That this Hon'ble Tribunal has also allowed the IA No.56/2025 filed by the Applicant vide their order dtd.08.07.2025 by allowing the widow of the applicant i.e. Smt. Chhabibala Pradhan, W/o-Mr. Jhadeswar Pradhan, who has already expired.

That the Regional Officer, Rourkela of the R-9 Board has granted consent to operate in favour of R-12 for excavation of minor minerals sand 1st year @ 30,000 cubic meter and 2nd year @ 7,500 cubic meter vide letter No.13 dtd.02.01.2024 which was valid upto 31.03.2025.



Thereafter the application submitted by the R-12 for renewal of consent beyond 31.03.2025 was not considered due to non-compliance to the special condition of consent to operate order as observed during inspection on 02.05.2025 and non-submission of requisite information and documents. A copy of the refusal order issued by the Regional Officer, Rourkela of R-9 Board has already been annexed in the report of the joint committee as Annexure-1. However, a copy of the same is once again annexed to this affidavit and marked as ANNEXURE – R9/2.

8. That this Hon'ble Tribunal while considering the affidavit dtd.1.7.2025 filed by the R-3 i.e. Collector & DM, Sundergarh wherein the committee report has been produced vide their order dtd.08.07.2025 has been pleased to pass order for recovery of environmental compensation amounting to Rs.25,41,188/- (Rupee twenty five lakhs forty one thousand one hundred eighty eight only) from the lessee i.e. R-12 with a further direction to



the State Respondents to file the action taken report with regard to the recovery of environmental compensation.

9. That the joint committee during their visit on 02.05.2025 to the R-12 unit has also observed that no mining activity is going on at the alleged site and as per the information provided by the lessee, the mining operation was stopped since 31.03.2025.
10. That the Respondent No.9 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.
11. That the annexures annexed to the present affidavit are true and correct copies of their originals.
12. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.




DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

[Signature]
MANJULA KUMAR PRADHAR
NOTARY PUBLIC
BHUBANESWAR
REGD. NO ON-71/2009
PH - 9437627119 (M)

VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 19th August, 2025.

[Signature]

SWORN BEFORE ME

DEPONENT
 Member Secretary
 State Pollution Control Board
 Odisha, Bhubaneswar



[Signature]
MANJULA KUMAR PRADHAR
NOTARY PUBLIC
BHUBANESWAR
REGD. NO ON-71/2009
PH - 9437627119 (M)



EPABX: 2561909/2562847
 Tel: 2562822, 2560955
 Email: Paribesh1@ospceboard.org
 Website: www.ospceboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

(DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA)
 Paribesh Bhawan, A/118, Nilakanthanagar, Unit – VIII,
 Bhubaneswar – 751 012, INDIA

No. 7550
 VII – L – Misc – 1203

Date: 10-4-25

Speed Post / E-mail

To

The Collector & District Magistrate
 Sundargarh.

Sub: OA No.60/2025/EZ – Jhadeswar Pradhan vs. State of Odisha & Others.

Sir,

The Hon'ble NGT, EZB, Kolkata while adjudicating this case regarding alleged pollution caused by R-12, lessee Tendra-II Sand Bed thereby damaging the cultivable land by carrying on excess sand mining and causing obstruction of river through mechanical mining and transportation of sand through heavy vehicles through their village road using his private plot and thereby damaging the cultivable land, road and causing inconvenient and environmental pollution.

The Hon'ble Tribunal vide their order dtd.04.04.2025 at para-16 has been pleased to constitute a committee comprising of the following members:

- i. Collector and District Magistrate, Sundergarh or his representative;
- ii. Senior Scientist, Odisha State Pollution Control Board; and
- iii. State Environment Impact Assessment Authority (SEIAA), Odisha.

And directed the committee to visit the site in question and submit its report with regard to the allegations made in the OA. The Collector & DM, Sundergarh has been declared as the Nodal Office for all logistic purposes and for filing the inspection report on affidavit. The case is posted to 08.07.2025 for hearing.

Dr.Anup Kumar Mallick, Additional Chief Environmental Scientist and Regional Officer of this Board at Rourkela (Mob-9437006727) has been nominated to represent the committee on behalf of the Board. Copy of OA and order dtd.04.04.2025 are enclosed for meticulous compliance of the direction of the Hon'ble Tribunal.

Encl: As above,

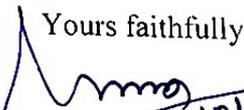
Memo No. 7551 / Date: 10-4-25

Copy along with copy of enclosure forwarded to the Regional Officer, SPC Board, Rourkela for information and necessary action.

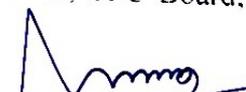
Encl: As above.

O/L

Yours faithfully


 Member Secretary

E-mail


 Member Secretary



ANNEXURE-R9/2



E-mail: rospcb.rourkela@ospceboard.org
 Website: www.ospceboard.org

STATE POLLUTION CONTROL BOARD, ODISHA
 DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA
 REGIONAL OFFICE, ROURKELA

At-Near Hockey Chowk, P.O.-Panposh, Rourkela, Dist-Sundargarh-769004

No. 2448

Legal file-049

Date. 05/05/2025

To

Smt Rashmi Rekha Sahu, Lessee
 M/s Tendra-II Sand Bed
 At- Singsal, PO- Amgaon
 Dist- Deogarh-768110

Sub: Refusal of Consent to operate u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of Air (Prevention & Control of Pollution) Act, 1981 and as amended thereof and rules framed thereunder -reg

Madam,

In inviting reference to the subject cited above, it is to intimate that, you have applied for renewal of Consent to operate u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of Air (Prevention & Control of Pollution) Act, 1981 as amended thereof and rules framed thereunder vide application No. 6253799 Dtd 22.03.2025. During the processing of your application this office has received an order vide letter No 1566 dtd 06.04.2025 of O/o the Collector & District Magistrate, Sundargarh regarding the joint committee to visit the alleged site in pursuance to the order dated 04.04.2025 in original application No. 60/2025/EZ filed before the Hon'ble National Green Tribunal, East Zone Bench, Kolkata.

A joint visit was conducted at the alleged site on dtd 02.05.2025 and following non-compliances were observed,

1. You have not demarcated the lease hold area by pillar posting and safety zone has not been maintained.
2. You haven't provided Environmental Information Board regarding the information of Air, Water, CTO validity, Name of Lessee, Mining Lease, EC validity etc.
3. You have extracted sand outside the leasehold area with approximate volume of 5339.784 cum.
4. You are transporting the minerals through village roads without prior explicit permission.

Now therefore, after careful consideration of the situation and all other relevant records available in this office, your application for renewal of Consent to operate could not be considered with the persisting violation & hereby refused. You are directed not to operate the quarry without obtaining valid Consent to Operate from the Board.

Yours faithfully,

Mallik
 Regional Officer
 05.05.25

o/c

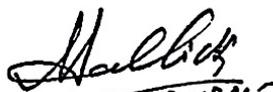
Memo No. 2449 Dtd. 05/05/2025

Copy forwarder to Collector & District Magistrate, Sundargarh for kind information.


Regional officer

Memo No. 2450 Dtd. 05/05/2025

Copy forwarder to Divisional Forest officer, Bonai for kind information.


Regional officer

Memo No. 2451 Dtd. 05/05/2025

Copy forwarder to Deputy Director of Mines, Rourkela for kind information.


Regional officer

Memo No. 2452 Dtd. 05/05/2025

Copy forwarder to Legal Consultant, State Pollution Control Board, Odisha for kind information.


Regional officer