

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

IA NO. 84 OF 2025

IN

APPEAL NO. 04 OF 2025

Bholanath Padhi

...Appellant

VERSUS

State of Odisha & Ors.

...Respondents

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2	Copy of the Order dated- 25 th July 2025 passed in Appeal No- 04 of 2025 is annexed herewith and marked as <u>ANNEXURE- 8 Series.</u>	245 - 248.

Place: Cuttack.


MUKESH KUMAR PALAI

Date: - 30.08.2025 ADVOCATE EN. NO. O-939/2022

MOB- 8144148783 & 8480077076

Email: - mukeshpalaiadv@gmail.com

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

IA NO. _____ OF 2025

IN

APPEAL NO. 04 OF 2025

Bholanath Padhi ...Appellant

VERSUS

State of Odisha & Ors. ...Respondents

**INTERLOCUTORY APPLICATION FOR
DELETION OF RESPONDENT NO.14**

MOST RESPECTFULLY SHOWETH:

1. That the above appeal is pending before this Hon'ble Tribunal.
2. That during the hearing dated 25th July 2025, this Hon'ble Tribunal was pleased to observe that since the Odisha State Pollution Control Board has already been impleaded through its Member Secretary as Respondent No.11, the Respondent No.14 – Regional Office, State Pollution Control Board, Balasore, Odisha is not a necessary party.
3. That this Hon'ble Tribunal accordingly directed the appellant to delete Respondent No.14 from the array of parties.
4. That in compliance with the said order, the appellant respectfully prays that Respondent No.14 be deleted from the array of respondents in Appeal No. 04 of 2025.

P R A Y E R

In the above facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

N. Padhi

a) Delete Respondent No.14 Regional Office, State Pollution Control Board, Balasore, Odisha from the array of parties in Appeal No. 04 of 2025; and

b) Pass such further order(s) as this Hon'ble Tribunal may deem fit and proper.

And for this act of kindness, the appellant shall as in duty bound ever pray.

Place: - Cuttack

Appellant Through



Advocate

Date: - 30.08.2025

SANDIP KU. MOHANTY
Notary. ON - 15/12

SANDIP KU. MOHANTY
Notary. ON - 15/12

-244-

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE BENCH,
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IA NO. _____ OF 2025

IN

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VERSUS

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...Respondents

AFFIDAVIT

SANDIP KU. MOHANTY
Notary. ON 15/12

I, Bholanath Padhi, aged about 33 years, S/o Late Purna Chandra Padhi, resident of At/Po- Mahammad Nagar Patna, P.S.- Jaleswar, Dist.- Balasore, Odisha, do hereby solemnly affirm and state as follows:

931
31 No. ...
29.08.2025

1. That I am the appellant in Appeal No. 04 of 2025 and am fully conversant with the facts of the case.
2. That I have filed the present IA for deletion of Respondent No.14 pursuant to the order dated 25th July 2025 passed by this Hon'ble Tribunal.
3. That the statements made in paragraphs 1 to 4 of the accompanying IA are true and correct to my knowledge and belief.

Bholanath Padhi
DEPONENT

VERIFICATION

Verified on dt. 29.08.2025 at Jaleswar 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

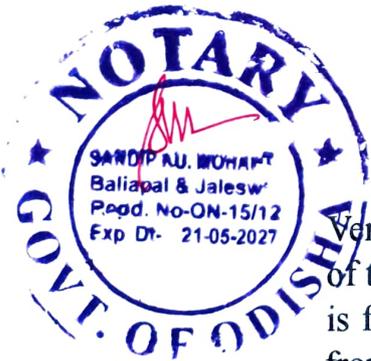
29.08.2025

Advocate, Bholanath Padhi
being identified by Mr. .Adv

Bholanath Padhi
DEPONENT

on dt. 29.08.25 at 04.48 P.M.

Sandip Kumar Mohanty
Notary. ON-15/12 29.08.2025



Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Appeal No.04/2025/EZ

Bholanath Padhi

Appellant(s)

Versus

Member Secretary, State Environment
Impact Assessment Authority,
Odisha & Ors.

Respondent(s)

Date of hearing: 25.07.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Appellant(s) : Mr. Mukesh Kumar Palai, Adv. (in Virtual Mode)

ORDER

1. Heard Mr. Mukesh Kumar Palai, learned Counsel appearing (in Virtual Mode) for the Appellant.
2. The present Appeal has been filed by the Appellant seeking quashing of the District Survey Report (DSR) for Balasore District approved by State Environment Impact Assessment Authority (SEIAA), Odisha on 25.03.2025.
3. *The ground for challenge is that the said District Survey Report (DSR) has been approved without proper adherence to the Sustainable Sand Mining Guidelines, 2016 (SSMG 2016) and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM 2020) issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC).*
4. It is stated that the District Survey Report (DSR) has been prepared mechanically without verifying the ground situation of the Subarnarekha River; the permanent boundary pillars were not

erected for identification for sand mining which is mandatory under Clause 4.1.1 (f) of the Enforcement and Monitoring Guidelines for Sand Mining, 2020.

5. It is stated that the Appellant is stated to be a resident of Village in Mahammad Nagar Patna of Balasore District which has a population of more than 3000 people who are largely dependent on *agricultural fields for their sustenance*.
6. It is stated that the survey is required to be carried out by the Sub-Divisional Committee, Balasore as per the Enforcement and Monitoring Guidelines for Sand Mining, 2020 with the assistance of the Geology Department, Irrigation Department & Mining Department in the District but the DSR in its website does not indicate if any such survey has been carried out. It is also stated that pursuant to the notice/advertisement dated 11.12.2024 inviting comments from the general public for preparation of the Draft DSR, the Appellant had raised objections to the Draft DSR on several grounds vide his objection letter dated 09.01.2025.
7. The date of hearing was fixed for 29.01.2025 to consider the objections. It is stated that the Appellant sent an e-mail to the *Chairman, Sub-Divisional Committee, Balasore dated 28.01.2025* stating that he would not be able to attend the Draft DSR scheduled for 29.01.2025.
8. It is alleged that the DSR has failed to consider specific objections regarding the Shikharpur sand source, Sekhasarai Ka sand source and Benapura II sand source, Chalanti sand source and Chormara (Chandibasti) sand source.
9. It is stated that objections were raised on the ground that there is no feasibility of sand deposition, the river passes through the

proposed sand mining areas and no permanent boundary pillars have been erected at these sites till date. It is also alleged that the District Survey Report (DSR) has not considered the Dhitpura and Kadrayan sand sources.

10. Matter requires consideration.
11. Issue notice to the Respondent No.1, State Environment Impact Assessment Authority (SEIAA), Odisha, returnable within four weeks.
12. Issue notice to the Respondent No.2, Ministry of Environment, Forests and Climate Change (MoEF&CC), returnable within four weeks.
13. Issue notice to the Respondent Nos.3 to 10, 12 and 13, State Respondents, Government of Odisha, returnable within four weeks.
14. Ms. Papiya Banerjee Bihani, learned Counsel who appears on behalf of the Odisha State Pollution Control Board, is directed to accept notice on behalf of the Respondent No.11, Odisha State Pollution Control Board.
15. We find that since the Odisha State Pollution Control Board has already been impleaded through the Member Secretary as Respondent No.11, the Respondent No.14 is not a necessary party and the Appellant is directed to delete Respondent No.14 from the array of Respondents.
16. All the Respondents shall file their counter-affidavits within four weeks.
17. The Counsel for the Appellant shall take steps for service of the copy of the Memo of Appeal along with all its annexures upon Ms. Papiya Banerjee Bihani and other Counsel for the Respondents and file affidavit of service within one week.

18. List on 01.09.2025.

.....
B. Amit Sthalekar, JM

July 25, 2025,
Appeal No.04/2025/EZ
OM/SKB

.....
Dr. Arun Kumar Verma, EM