

Advocates for the Respondent No.3
(State Pollution Control Board, Odisha)
e-mail:pbanerjeebihani@gmail.com

01 SEP 2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 23 OF 2025 / EZ**

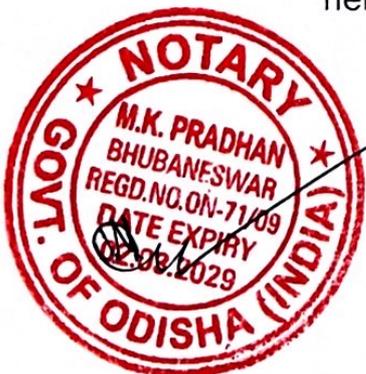
Tapan Kumar Badhai ...Appellant

VERSUS

State of Odisha & Others ...Respondents

**AFFIDAVIT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.3.**

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:



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MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO ON-71/2009
PH - 9437627119 (M)

01/09/25

1. That I am the Member Secretary of the Respondent No.3 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 was filed by the applicant alleging that M/s. Vedanta Ltd. (R-8) has been allotted work by National Highway Authority of India (NHAI) and has dumped fly ash on the agricultural land of the applicant thereby damaging the land and crops. It is also further alleged that the R-9 i.e. M/s. Infra Engineers Pvt. Ltd. is executing the work of NH-49 bye-pass from Budhipadar to Patrapalli allotted by NHAI probably to fill the land by putting fly ash and after collecting the fly ash from R-8.
3. That it is further humbly submitted that the Hon'ble Tribunal while adjudicating the case vide their order dtd.13.02.2025 has been pleased to constitute a committee comprising of the following members:

- a. Senior Scientist, Odisha State Pollution Control Board;



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MANJULA KUMAR PRADHAN
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BHUBANESWAR
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01/09/25

- b. Senior Scientist, Central Pollution Control Board; and
- c. District Magistrate and Collector, Jharsuguda or his representative not below the rank of Additional District Magistrate.

And directed the committee for inspection of the site and submit its report with regard to the allegations made in the OA. The District Magistrate, Jharsuguda has been declared as the Nodal Body for all logistic purposes and to file the inspection report of the committee on affidavit.

4. That the R-3 Board has nominated the Regional Officer, Jharsuguda to represent the committee constituted by the Hon'ble Tribunal on behalf of the R-3 Board and intimated the same to the Collector & DM, Jharsuguda vide Board's letter No.3472 dtd.20.02.2025 for compliance of the direction of the Hon'ble Tribunal. A Copy of the letter No.3472 dtd.20.02.2025 of the R-3 addressed to the Collector & DM, Jharsuguda is annexed to this affidavit and marked as ANNEXURE – R3/1.



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5. That in compliance to the direction dtd.13.02.2025 of the Hon'ble Tribunal, the committee has visited the site on 11.03.2025 and the joint enquiry report has been submitted before the Hon'ble Tribunal by the Collector & DM, Jharsuguda in the affidavit dtd.26.03.2025, which has also been taken note of by the Hon'ble Tribunal in their order dtd.28.03.2025. The joint committee in their report under the heading "Recommendations" has suggested as follows:

"State Pollution Control Board, Odisha may impose environmental compensation to the user agency as per the provision laid in Fly Ash Notification of Ministry of Environment, Forests and Climate Change, Govt. of India in its Notification No.S.O.5481(E), dated 31st December, 2021."

6. That the R-3 Board in the meantime has issued a Show Cause Notice U/s-25 and 33A of Water (PCP) Act, 1974 and Section-21 & 31A of the Air (PCP) Act, 1981 to the



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MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
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(M) 01/09/25

Chief Construction Engineer, Western NH Circle, Sambalpur vide Board's letter No.12262 dtd.02.07.2025 to show cause within 15 days from the date of issue of the notice as to why environmental compensation of Rs.4,54,500/- (Rupees four lakh fifty four thousand and five hundred only) shall not be imposed for such unauthorised dumping of fly ash with a further direction to remove the dumped ash forthwith and remediate the alleged site. The response to the show cause notice is awaited. A copy of the show cause notice No.12262 dtd.02.07.2025 is annexed to this affidavit and marked as **ANNEXURE – R3/2.**

7. That since no response has been received to the show cause notice at Annexure-R3/2, the R-3 Board has again taken steps for serving of the said show cause notice by Special Messenger vide Board's letter No.15848 dtd.21.08.25 which was duly served on 26.08.2025 to the addressee through the Regional Office, Sambalpur of the R-3 Board. A copy of the letter No.15848 dtd.21.08.2025 is annexed to this affidavit and marked as **ANNEXURE-R3/3.**



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MANJULA KUMAR PRADHAN
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BHUBANESWAR
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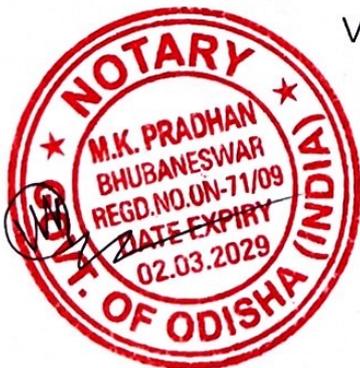
- 8. That the Respondent No.3 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.
- 9. That the annexures annexed to the present affidavit are true and correct copies of their originals.
- 10. That the contents of the above paragraphs 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
Senior Law Officer, Level-II
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

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 1st September, 2025.



SWORN BEFORE ME

MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO ON-71/2009
PH - 9437627119 (M)

DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



EPABX: 2561909/2562847

Tel: 2562822, 2560955

Email: Paribesh1@ospcboard.org

Website: www.ospcboard.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. 3472
VII - L - Misc - 1182

Date: 20/02/2025

E-mail / Speed Post

To

The Collector & District Magistrate
Jharsuguda.

Sub: OA No.22/2025/EZ - Tapan Kumar Badhai v. State of Odisha & Others.

Sir,

The Hon'ble NGT, Kolkata while adjudicating the OA regarding dumping of fly ash on the agricultural land of the applicant by M/s. Vedanta Limited (R.No.8 in this case) causing damage to land and the crops, vide their order dtd.5.2.2025 has been pleased to constitute a committee comprising of the following members.

1. Senior Scientist, Odisha State Pollution Control Board;
2. Senior Scientist, Central Pollution Control Board; and
3. District Collector, Jharsuguda, or his representative not below the rank of Additional District Magistrate,

The committee has also been directed to inspect the site in question and submit its report within four weeks on affidavit with regard to the allegation made. The District Collector, Jharsuguda shall be the Nodal Agency for all logistic purposes and for filing the report of the committee on affidavit. The case is posted to 28.3.2025.

Er. Hiranya Kumar Nayak, Regional Officer, SPC Board, Jharsuguda (Mob-7008153934/9438883902) has been nominated to represent the committee constituted by the Hon'ble Tribunal, on behalf of the SPC Board. Copy of the order dtd.13.02.2025 and copy of OA are enclosed for your information and necessary action.

Encl: As above.

Yours faithfully,

Member Secretary

Speed Post / E-mail

Memo No. 3473 / Date: 20/02/2025

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

Encl: As above.

Member Secretary



STATE POLLUTION CONTROL BOARD, ODISHA

[DEPT. OF FOREST, ENVIRONMENT & CLIMATE CHANGE GOVT. OF ODISHA]
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII,
Bhubaneswar - 751012

Email: .cto17category@ospcboard.org
Website: <https://ospcboard.odisha.gov.in>

No. 12262 /IND-I-CON (Misc)- 1716

Date 02/07/25

By Email

SHOW CAUSE NOTICE U/S 25 & 33A OF WATER (P&CP)ACT. 1974 AND 21& 31A OF AIR (P&CP)ACT. 1981 AND AMENDED THEREAFTER

WHEREAS, Hon'ble NGT, EZB, Kolkata has passed an order on 13.02.2025 on the matter of Sri Tapan Kumar Badhei Vrs. Govt. of Odisha & Ors. vide OP No. 23/2025/EZ regarding dumping of fly ash on agricultural land belonging to the petitioner;

AND WHEREAS, Hon'be NGT has directed to this Board to submit an action taken report through a joint committee constituted for this purpose;

AND WHEREAS, a committee was constituted comprising District Administration, Jharsuguda, Sr. Scientist-C, Regional Directorate, CPCB Kolkata and officials from Regional Office, SPCB, Jharsuguda, accordingly a field enquiry was conducted by the committee on 11.03.2025 and following observations were made;

- a) The alleged site was located at Budhipadar Mouza, beside SH-10 in the district of Jharsuguda, and is intended for construction of Jharsuguda By-pass, including a Road Over Bridge (ROB) on NH-49, which was underway using earth and fly ash from nearby TPPs.
- b) Reportedly, M/s. Infra Engineers an authorized contractor of NHAI, which has taken ash from M/s. Vedanta Ltd., M/s. OPGC and M/s. NTPC Ltd.
- c) Fly Ash was found dumped at the alleged site (K. No. 84/277 over Plot No. 67) over an area of 0.10 Ac out of total area 0.33 Ac, which was estimated to be 303 T (Approx.) considering the height of 0.5m.
- d) As per the land record the alleged plot No. 67 is a purely private land acquired by Sri Rupendra Badhei who is the father of the petitioner.

AND WHEREAS, Despite your claims that the alleged plot had been acquired prior to settlement, however no documentary evidence was provided before the Committee to support this assertion. Hence, the Committee opined that the petition is genuine in nature and such nuisance attracts the violation under provision Fly Ash Notification;

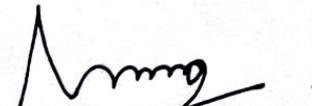
AND WHEREAS, as per the provision laid in Fly Ash Notification of MoEF & CC, Govt. of India in its Notification No. S.O.548 I (E), dated 31.12.2021 at Point no-C (5) on Environmental compensation for non-compliance "*it is the responsibility of the purchasers or user agencies to utilize ash in an eco-friendly manner as laid down at Para - B of this notification and if it is not complied, then an environmental compensation of Rs. 1500/- or per ton shall be imposed by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC)*";

AND WHEREAS, it is estimated that about 303 Ton of fly ash dumped at the alleged site without obtaining permission from the land owner as well as SPCB, for which an amount of Rs. 4,54,500/- (**Rupees four lakhs fifty four thousand and five hundred**) only has been estimated as Environmental Compensation as per the provisions of Fly Ash Notification of MoEF & CC, dtd 31.12.2021 and amended thereafter;

P.T.O

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NOW THEREFORE, you are directed to show cause under section 25 & 33A of Water (PCP) Act, 1974 and under section 21 & 31A of the Air (PCP) Act, 1981 as amended thereafter and Rules framed there under within 15 (fifteen) days from the date of issue of this notice as to why the environmental compensation of **Rs. 4,54,500/- (Rupees four lakhs fifty four thousand and five hundred)** only shall not be imposed for such unauthorized dumping of fly ash. Further, you are directed to remove the dumped ash forthwith and remediate the alleged sites. In case your explanation is not received within the stipulated time period or the explanation is found to be not satisfactory, appropriate action as deemed proper shall be taken against you without giving any further opportunity. If you want to be heard in person, you may indicate the same in your reply.


MEMBER SECRETARY

To

**The Chief Construction Engineer,
Western NH Circle,
Sambalpur**

Memo No. 12263 /Dt. 02/07/25 (E-mail)

Copy forwarded to the **Regional Officer, State Pollution Control Board, Jharsuguda** for information and necessary action.


CHIEF ENV. ENGINEER



STATE POLLUTION CONTROL BOARD, ODISHA

[Dept., of Forest, Environment & Climate Change Govt. of Odisha]
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII,
Bhubaneswar - 751012

Email : cto17category@ospboard.org
Website : www.ospboard.org

No. 15848 / IND-I-CON-Misc-1714 Date 21.08.2025
By Email - nhaisambalpur@gmail.com

To
The Chief Construction Engineer,
Western NH Circle,
Samablpur

Sub : Compliance to the Show Cause Notice issued w.r.t Unauthorized dumping of fly ash in private agricultural land -Reg.

Ref : This office letter No. 12262, dtd. 02.07.2025

Sir,

In pursuance to the order of Hon'ble NGT (Kolkata Bench) regarding unauthorized dumping of fly ash in private land of the petitioner, the matter was enquired by a joint committee on 11.03.2025. Based on the finding of the committee it was established that M/s. Infraengineers Pvt. Ltd., (Authorized Contractor of NHAI) had dumped approximately 303 Tons of fly ash on the petitioner private agriculture land.

In light of the Committee findings, a show cause notice was issued on 02.07.2025 (through Email) to you with a direction as to why the environmental compensation of Rs. 4,54,500/- shall not be imposed for such unauthorized dumping of fly ash with a direction to remove the dumped ash forthwith & remediate the alleged site and report compliance to this office within 15 days.

In the meantime more than one month have already been elapsed since the issuance of SCN, no correspondence has been received from you end.

In view of above, you are once again requested to submit Compliance to the Show Cause Notice issued by the Board within 07 days, failing to which action as deemed proper shall be initiated as per law.



Encl : As above

Memo No. 15849 /dtd. 21-08-2025

Copy forwarded to the Regional Officer, SPC Board, Jharsuguda for information. He is requested take steps for serving the copy of this letter along with the Show Cause Notice on the addressee through special messenger with proper acknowledgement and intimate the same to the Head Office for further action at this end.

Yours faithfully,

[Signature]
21/8/25
Addl. Chief Env. Engineer

[Signature]
21/8/25
Addl. Chief Env. Engineer

