

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

Original Application No. 62/2025/EZ

**IN THE MATTER OF:**

Satish Kumar Biswal .....Applicant

**-V E R S U S-**

M/s KL Resources Pvt. Ltd. &Ors .....Respondents

**I N D E X**

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Bhubaneswar

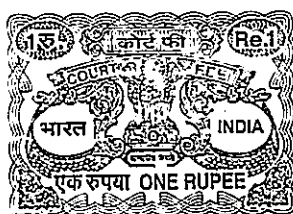
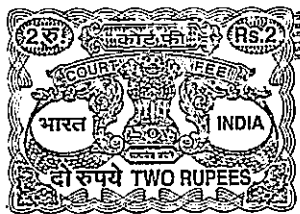
Date- 02.09.2025

By the Respondent No. 1

Through

*Narayan Barik*

Advocate



**BEFORE THE NATIONAL GREEN TRIBUNAL  
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**REPLY TO REJOINDER FILED BY THE APPLICANT**

I, Lalitendu Jena, aged about 61 years, S/o- Late Niranjana Jena, Managing Director, M/s KL Resources Pvt. Ltd. having its Regd. Office at Plot No. 134/675, Kolathia, Aiginia, Khandagiri, Bhubaneswar- 751019, Dist- Khurda, Odisha, do solemnly affirm and state as follow:

1. That I am the Respondent No. 1 in the aforesaid Original Application and have been duly authorised to swear this Affidavit on behalf of Company.
2. That, I have gone through the contents of the Rejoinder filed by the Applicant as well as the documents annexed thereto and understood the contents and purpose thereof. I am otherwise well acquainted with the facts of the present case and competent to swear this affidavit.

For KL Resources Pvt. Ltd.

*Lalitendu Jena*  
Managing-Director

3. That the Rejoinder is unsustainable and is objected by the present Respondent No. 1 on the grounds averred hereafter in a parawise manner:
4. That the contention made by the Applicant in Paragraph- 1 to 2 of the Rejoinder need no comments.
5. That the contention made by the Applicant in Paragraph- 3.1 of the Rejoinder, it is humbly submitted that the contentions of the petitioner regarding the cause of action is misconceived
6. That the contention made by the Applicant in Paragraph- 3.2 needs no comments.
7. That in reply to the contention made by the Applicant in Paragraph- 3.3 of the Rejoinder, it is humbly submitted that the State Pollution Control Board, Odisha has issued an Authorization to M/S KL Resources Pvt. Ltd. vide its order no 2869/HWM-51, dated 28.08.2023, which is valid up to 31.03.2028. The relevant conditions of the Authorization, that is related to waste recycling and reuse, are reproduced below.

For KL Resources Pvt. Ltd.

Managing Director

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The Specific Condition No. 6 of (Part – B) of the Authorization Order and the Additional Condition No. 1 and 3 of the Authorization issued by the Board vide 2869/HWM-51, dated 28.08.2023, which is valid up to 31.03.2028. The states that:

**Part B Specific Conditions**

**Condition No 6:** Steps shall be taken for reduction and prevention of the hazardous waste generated or for recycling or reuse.

**Additional Conditions**

**Condition No 1:** The industry shall take suitable measures to ensure that the Leachable concentration limits (TCLP) or soluble threshold limit concentration (STLC) of chromium or chromium compound and hexavalent chromium is less than 5.0 mg/l respectively in the ETP sludges (Slimes and Tailings) from the chrome ore beneficiation plant. Further, the unit shall submit the analysis report of Leachable concentration limits Toxicity Characteristic Leaching Procedure (TCLP) or soluble threshold limit concentration (STLC) of chromium or chromium compound and hexavalent chromium by an NABL accredited laboratory to this office in every three months.

For KL Resources Pvt. Ltd.



Managing Director




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**Condition No 3:** The solid wastes, ETP sludges (Slimes and Tailings) from the plant shall be collected and suitably disposed of in an environmental friendly manner.

Reading of these conditions makes it clear that the waste material should be recycled and reused to the maximum possible extent but can only be done in an environmentally sound manner. In this case, subject to meeting the Standard for hexavalent Chromium, as stipulated under the E.P. Act 1986. Therefore, the contention of the petitioner that there is no explicit Authorization granted to M/S KL Resources Pvt Ltd. beyond the demarcated area is misinterpretation of facts.

8. That in reply to the contention made by the Applicant in Paragraph- 3.4 of the Rejoinder, it is humbly submitted that a Show cause notice was issued by the SPCB vide its letter No.1113/IND-61 dated 20.03.2024 and in compliance with the notice a reply was submitted to SPCB vide letter no.KLR/SPCB/RO/23-24/11 dated 27.03.2024. In our response, it was clarified that after being confirmed that the hexavalent chromium concentration being well below the prescribed limit as determined by the CSIR-IMMT and the State Pollution Control Board, steps were taken for filling up the low-lying areas within the premises of Dharmasala Mahavidyalaya on their request to make the low land usable

For KL Resources Pvt. Ltd.


  
Managing-Director

by them. Issue of Show-Cause-Notice does not mean contravention. However, upon receipt of the Show cause notice present Respondent being a responsible company, have stopped filling up the low-lying area until the issues are fully clarified.

9. That the contention made by the Applicant in Paragraph- 3.5 of the Rejoinder, the present Respondent is not aware of any records that indicates that the applicant has approached several authorities.
10. That the contention made by the Applicant in Paragraph- 3.6 of the Rejoinder, it is humbly submitted that the first samples were collected by the present Respondent and submitted to CSIR-IMMT for analysis. It is humbly submitted that the respondent company is a responsible entity and has followed the procedure in collecting the samples. However, to alleviate any doubt, the SPCB also collected the samples themselves and carried out analysis in their own laboratory. On top of that samples were also collected by third party independent agency, Mitra SK, which is a NABL accredited laboratory. All the analysis reports conducted by three nationally reputed agencies conform that the concentration of hexavalent chromium is well below the prescribed standard of 5.0 mg/l.

For KL Resources Pvt. Ltd.

  
Managing Director

11. That the contention made by the Applicant in Paragraph- 3.7 of the Rejoinder, it is humbly submitted that after being confirmed through the analysis conducted by reputed agencies, that the tailings and slimes are inert the tailings were reused to reclaim the low-lying area inside Dharmasala Mahavidyalaya following the conditions stipulated in the Authorization granted by the SPCB vide no. 2869/HWM-51, dated 28.08.2023, which is valid up to 31.03.2028. The detailed conditions are explained in Para 3.3. Regarding authenticity of sample and analysis Para 3.6 may kindly be referred to.
12. That the contention made by the Applicant in Paragraph- 3.8 of the Rejoinder, it is humbly submitted that the applicant disputes the veracity and reliability of the analysis report of three independent and reputed institutions of the country without any basis.
-  13. That in reply to the averments made by the Applicant in Paragraph- 3.9 of the Rejoinder has already explained in foregoing paragraph 3.7 & 8 of this reply.
14. That in reply to the averments made by the Applicant in Paragraph- 4.0 of the Rejoinder, it is humbly submitted that the denial of the applicant is made without any basis. The facts of the matter are explained in the preceding paragraphs

For KL Resources Pvt. Ltd.

Managing-Director

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and our earlier submission to the petition. It is again reiterated that the low-lying area within the premises of the Dharmasala Mahavidyalaya was filled up to reclaim the land for further use by the College. This filling up was carried out on the request of the College Authority and was undertaken after due diligence with respect to the Authorization granted by the SPCB.

15. That the contention made by the application in Paragraph 4.1 to 4.11 of the Rejoinder are fundamentally flawed and erroneously interpreted..The submission made there in are based on mistaken premises, misconstrued and thereby rendering them legally untenable.
16. That in the aforesaid facts and circumstances this Hon'ble Tribunal graciously pleased to dismiss the rejoinder filed by the application and the prayer made by applicant in the above said Original Application is devoid of any merit and liable to be rejected.
17. That the present Respondent reserve his rights to put forth any other or further argument, averment, claim, response and/ or documents that may need to be submitted in future through separate affidavits.

For KL Resources Pvt. Ltd.

*Lalitha*

Managing Director

*Dr*

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18. That the contents of the above paragraphs are true and correct to the best of my knowledge as derived from the records and that nothing material has been concealed therefrom.

Identified by

*Narmyan Barik*

Advocate

For KL Resources Pvt. Ltd.

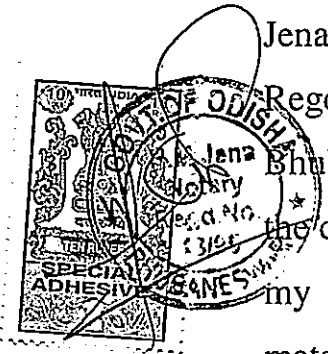
*Lalitendu Jena*

Managing Director

DEPONENT

VERIFICATION

I, Lalitendu Jena, aged about 61 years, S/o- Late Niranjan Jena, Managing Director, M/s KL Resources Pvt. Ltd. having its Regd. Office at Plot No. 134/675, Kolathia, Aiginia, Khandagiri, Bhubaneswar- 751019, Dist- Khurda, Odisha 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 2nd day of September 2025.  
The above named deponent Lalitendu Jena Advocate identified by Narmyan Barik Advocate appears before me at Bhubaneswar on 02.09.2025 at 11.00 AM states the contents in this affidavit are true to the best of his/her knowledge.

Bhubaneswar

Date- 02.09.2025

**HARA SUSHANT JENA**  
**NOTARY PUBLIC**  
Govt. of Orissa, Regd.-1375  
LB-84, Bhima Tangi  
Bhubaneswar-751002  
Ph.: 2592479,9937427282

For KL Resources Pvt. Ltd.  
*Lalitendu Jena*  
Managing Director

VERIFICANT