

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O.A No- 134 OF 2024

In the matter of:

Ashrukhola Development CouncilApplicant

-Versus-

State of Odisha and others ...Respondents

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CUTTACK

Date- 8/10/25


 ADVOCATE

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**BEFORE THE HONBLE NATIONAL GREEN
TRIBUNAL EASTERN ZONE BENCH, KOLKATA.**

O.A. No. 134 of 2024

In the matter of:

Ashrukhola Development Council

Applicant

-Versus-

State of Odisha and others

...

Respondents

**COUNTER AFFIDAVIT BY THE RESPONDENTS
NO 13 TO 19 TO THE AVERMENTS MADE IN
THE ORIGINAL APPLICATION NO. 134 OF 2024
BY THE PETITIONER.**

I, Sri Amiya Kishore Das, aged about 67 years,
Son of Late Jadunath Das, At: Odakhanda, P.O. Dharibil,
Dist: Cuttack-754134, Odisha, do hereby solemnly affirm
and state as follows;

1. That, this deponent along with Milan Kumar Bhuyan, Abhaya Lenka, Subhashree Mohanty, Kishore Chandra Sahani, Alok Narayn Khuntia and Kailash Chandra Dash (Total 7 Nos.) have filed an intervention application vide IA No 123 of

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Amiya Kishore Das.

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July 8/10/25
Debendra Prasad Ray
Notary, Cuttack, Odisha
Regd.No-0-107/2009

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2024 dated 22.11.2024 (all the details of the status and addresses are mentioned in the cause title of the intervention petition) and after hearing both the side, this Hon'ble Tribunal has been pleased to allow the intervention petition and directed to implead those seven nos. of interveners as Respondents No 13 to 19 to the O.A. vide order dated 21.08.2025 .Accordingly this counter is being filed by Respondent No 13 to 19 controverting the averments as made in the Original Application filed by the petitioner. Since it seems and become evident that there exists certain distorted facts or such other facts not brought by the applicant to the light and therefore, the same becomes necessary for appropriate consideration the Respondents Nos. 13 to 19 are filing this Counter bringing the same to the notice of this Hon'ble Tribunal for fair and proper adjudication. Copy of the above said order dated 21.08.2025 is annex here in with as ANNEXURE R/1.

2. That, this deponent has gone through the details of the averments made in the OA and understood the

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contents thereof and being authorized by the Respondent No 13 to 18 swearing this counter affidavit on their behalf controverting the averments as made in the original application.

3. That the Applicant in their Original Application has made three nos. of prayers i.e., (1) Revitalize the 63 kilometer long stretch of Asrukhol Jora, encompassing approximately 950 acres, through the process of desiltation and removal of water hyacinths and wild growth of ferns, (2) To ensure water flow in the wetland during flood for natural cleaning and Rejuvenate the 11 kilometer long SUKAPAIKA (Kaninai) river and then connect to Asrukhol jora for its long term sustainability as was in past, (3) Include the lengthiest and serpentine Asrukhol wetland in Ramsar site.
4. That the Applicant at the prayer No.2 has prayed for to rejuvenate the 11 kilometer long SUKAPAIKA River (Kani Nai) and connect it to Asrukhol Jora for it's long sustainability as was in past. The Respondents No. 13 to 19 are highly

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objecting to the proposal for connecting Sukapaika river (which is a dead one since last 60 years) to connect with Ashrukhola Jora as the petitioner has resorted to falsehood in saying that the river Sukapaika was connected to Ashrukhola Jora in the past. It is never a fact that the dead river Sukapaika was ever connected to the water channel Ashrukhola at any point of time either in past or in present. The dead river Sukapaika was a separate river the origin point of which begins from mother river Mahanadi at village Babujanga and after traveling 11 kms only it ends at the same river Mahanadi at village Sana-Nainipur by creating a very small island of 11 K.M. long and one and half KM of width. The applicant has resorted to falsehood by submitting a false affidavit averting therein as if the Ashrukhola Jora/wet land is a connecting water channel of dead river Sukapaika. Hence the contention in the prayer no 2 is totally false and fabricated story and

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thereby the OA is liable to be dismissed with cost for filing false affidavit.

5. That the respondents no 13 to 19 are the farmers and inhabitants belongs to and representing 11 nos. of villages namely Babujanga, Barimula, Safipur, Bodhanga, Pinpur, Muguria, Taila, Biribandha, Odakhanda, Jaitalanga and Sananainipur situated on the bank of dead river Sukhapaika. About 20,000 people are residing and having their well developed agricultural land, from which they earn their bread and butter and maintain their livelihood completely depending on agricultural income. This dead river Sukapaika was neither a distributary nor a tributary of river Mahanadi, only the excess flood water and rain water passes through this channel during rainy season. Since this river was creating hazards causing causality and other devastation during flood time and people were suffering by way of losing crops, cattle and live stocks etc. Looking at such sufferings of the People, Government of Odisha in the year 1960 in

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order to save the life and properties of the people from repeated overflowing floods in Sukapiaka has prepared a Plan after due consultation with various experts constructed an embankments on the Northen side of the river Mahanadi by way of permanently closing the origin point of the river Sukapaika. After construction of the embankment and closing the origin point of the river Sukapaika the Govt. of Odisha has invested Thousand crores of rupees for construction of canals for irrigation, roads for communication, and also provided a massive irrigation facilities to the lower part of Mahanadi-Chitroptola by constructing huge siphons one on the bed of Chitroptola and another on the bed river Paika to connect the entire agricultural land within the Mahanadi-Chitrptola delta area with canals for supply of water to farmers, as a result not only the Petitioner's locality but also thousand acres of agriculture land in the lower part of the Mahanadi - Chitroutpa basin and Mahanadi - Paika basin are being

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irrigated now and the farmers are getting maximum benefits of this irrigation system. The above stated canals connecting the lower part of the basin have been constructed over the bed of dead river of Sukapika after the closure of its origin point. This closure of the river not only benefited the People providing connectivity and irrigation but also ensured the disaster and devastation of flood in the locality. Now the 11 number of villagers are maintaining their livelihood smoothly without being affected by flood and developed their agriculture because of present well organized irrigation system.

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6. That the applicant in their original application prayed for to develop another water channel/wetland known as Ashrukhol which is a separate water channel which begins from the village Dharibilli and after travelling 60 Kms it has met the river Mahanadi. This water channel/wetland is neither a river nor in anyway connected to river Sukapaika. It is pertinent to

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mention here that the path of Sukapaika is always about 3 K.Ms away from Ashrukhala Jora. This being the physical position of two water bodies, there exists no scope even to have a wild presumption to assert that Sukapaika could in the past even the mouth of Ashrukhala Jora.

That apart between the bank of Sukapaika and Ashrukhala Jora there exists various Gram Panchayats, villages which consists thick population between two water bodies, and in presence of such thick population between two water bodies it leaves no scope to assert that Sukapaika as the mouth of Ashrukhala Jora.

7. That being aggrieved with the utopian, absurd and imaginary demand made by the Applicant for reopening of the mouth of dead river Sukapaika the Respondents No. 13 to 19 filed an Intervention Petition before this Hon'ble Tribunal vide I.A.No.123/2024. This Hon'ble Tribunal and this Hon'ble Tribunal finding the prima facie have been pleased to allow the Intervention petition and

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directed to implead them as Respondents No.13 to 19 .

8. That with regard to river Sukapaika it is submitted that, after closure of it's origin point has become a dead one. The existing channel is catering only rain water. Not only the people of the locality have been saved from devastation and disaster of flood, but also embankment of both the side of the river has been now filled with luxurious growth of valuable plants and the soil of this river bed is still remains sandy. It has no connection with any other water channel and after traveling 11 K.Ms. it again ends at river Mahanadi. About 10 Nos. of concrete roads having bridge and nos. of canals and sub-canals have been constructed over the bed of river Sukapaika to ensure water supply to farmers and roads constructed for smooth communication to other part of the Delta. This could have been possible only due to closure of the mouth of the river. A congenial environmental and healthy ecological atmosphere has already been created

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providing a smooth and healthy atmosphere to the people of the locality. The entire system so developed will be disturbed, if the mouth of the river will be reopened.

9. That on the other hand the Ashrukhala Jora/ wet land is a rain water dispensing channel which originates from Plot No. 500 and 482 of village Dharibilli which is about 3 K.Ms. away from the bed of river Sukapaika. This channel stretches about 60 K.Ms. towards the Eastern side of Delta and ends at river Mahanadi. This channel only cater the rain water and at times over flowing flood water of river Chitoptala. This channel is not a continuous water body as in some places the channel is missing and not visible. It is a channel in between the Agricultural land of Chitoptala and Paika basin and the rain water used to being flown from the upper part of the Island to the downwards. The soil of this channel is hard and black soil and it is a very narrow channel of about 20 to 30 feet width only. It has no features and

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character of river. It is cleaned and renovated by the Water Resource Department of Government of Odisha every year and huge amount of money is being spent for cleaning and renovation purposes. This channel is a separate channel and no where it is connected with river Sukapaika. The Google map clearly indicates that the bed of river Sukapaika with its origin point as well as the bed of wet land Ashrukhola which is originate from village Dharibilli are totally separate. It is never a fact that at any point of time the flood water of Mahanadi was discharged through Ashrukhala Jora as there is no connection with Ashrukhala Jora and river Sukapaika. The applicant made false statement before this Hon'ble Tribunal that the flood water of Mahanadi was discharged through Ashrukhala Jora. The copy of the Google map showing separate entity of both the water body is attached below for the kind perusal of this Hon'ble Tribunal.

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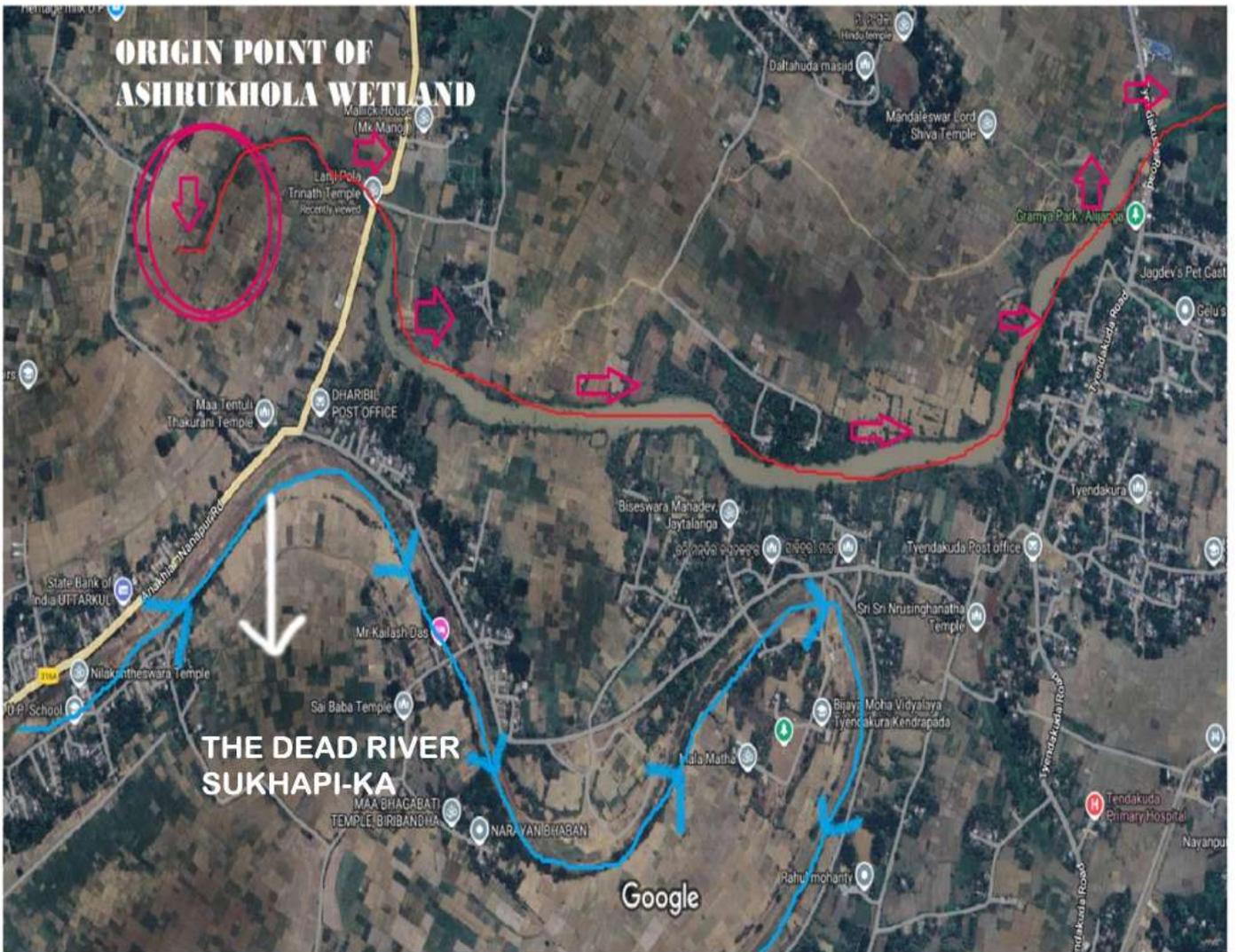

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Anirupa Mishra Das

Google Maps

ORIGIN POINT OF ASHRUKHOLA



Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 200 m

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10. That it is worthwhile to mention here that the Respondents Nos. 13 to 19 made a technical survey through a reputed Consultant Firm namely S.P.G. Engineering Consultant of Bhubaneswar which is expert Engineer Firm. This Firm has made a thorough topographical survey by using DGPS (Digital Differential Global Positioning System) over the river Sukapaika and it's peripheral villages. In the said report it has been shown that the river bed of Sukapaika exists at different places six to eight meters below than the surface of the plane land. The copy of the said reports is about 3 feet long and 2 feet width which is annexed here in with as ANNEXURE R/2 in reduced format and also the present respondents undertake to submit the hard copy before this Hon'ble Tribunal separately for better perusal. The survey report clearly indicates that the water level of river

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Sukapaika even at the time of normal flood cannot be discharged in Ashrukhala Jora.

11. That further more it is submitted that an artificial water channel of 3 K.M. is to be excavated to connect the Sukapaika river with Ashrukhala by acquiring Agricultural land which is quite unnatural and impractical. It is well settled in law that the natural source of water bodies can only be maintained but artificial river should not be created by destroying the ecological and environmental atmosphere. In the instant case if at all river Sukapaika will be connected with Ashrukhala Jora the Government has to acquire land for the purpose and many persons will lost their Agricultural land and many trees will be cut down and a 3 K.M. artificial channel will be excavated to connect the river with Ashrukhala Jora. This may definitely destroy the environment and create ecological disorder.
12. That it is humbly submitted that at Para -6 of the affidavit dated 14.02.2025 filed by the

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Respondents No.2,5,6,8 and 10 (State Government) before this Hon'ble Tribunal though it has been submitted that the "Government of Odisha have no specific scheme to open the origin point of Sukapaika river. As such the apprehension of Interveners in question has no relevancy with record. The Government in Water Resource Department at present only have taken steps to improve/develop the Ashrukhala Jora. As submitted in the Counter reply to the Original Application the State Government at present undertake the development work of Ashrukhala Jora". But the Government has not specifically denied /refuted the prayer No.2 of the O.A. filed by the Applicant. The Respondents (State) should come forward to say specifically that the closure of the mouth of river Sukapaika is just and proper and it should not be reopened for the larger benefits of the people.

13. That it is humbly submitted that the purpose of the Applicant to open the mouth of Sukapaika river

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and connect the said river with Ashrukhala is only to clear the weed, water hyacinth during flood seems to be very funny and ridiculous. It needs to be appreciated that only to clear the weeds of Ashrukhala Jora any suggestion/action to divert the original path of river Sukapaika which is a separate water channel is against the natural path of river Sukapaika which shall be against the nature and would cause infinite disaster to the man kind. That apart from the suggestion to open the mouth of Sukapaika will only cater the flood water of Mahanadi to the Sukapaika which will certainly invite the calamity to cause destruction, disaster and distress.

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14. That more ever it is submitted that flood comes in Mahanadi for once or twice in the Rainy season in a year and it continues at best for a week. The rest of the year the channel will remain completely dry. Imagining to wash out the weeds and hyacinth for the whole year seems to be very impractical, short-sightedness and imaginary. The applicant's desire

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cannot be fulfilled if the flood water flows for seven days only in a year in the Ashrukhala channel.

15. That the Government may develop the Ashrukhala Jora and spend money for it's renovation but the proposal for connecting the said water channel with river Sukapaika by reopening its mouth which has been closed 60 years back will create disaster for the 20,000 people of 11 nos. of villages residing on both the side of river Sukapaika.
16. That the Respondents No. 13 to 19 along with 20,000 people in the 11 villages residing both side of river Sukapaika shall be highly affected and loose their livelihood and shall be compelled to be dragged into disaster of flood if the mouth of the River Sukapaika will be reopened and the environmental and ecological development which has been created last 60 years shall be destroyed. The communication facilities and irrigation facilities which has been provided to farmers of the locality shall also be destroyed and disrupted. And

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also it is worth while to mention here that since the closure of the mouth of river Sukhapaika on the year 1960, the villagers of the locality neither face any kind of scarcity of drinking water and irrigation water nor faced any kind of hazards like flood, drought, loss of crops etc.

17. That in view of the above narration of the facts the prayer No.2 made in the O.A. by the Applicant should not be entertained and this Hon'ble Court may direct the State Government not to reopen the mouth of the river Sukapaika in order to ensure smooth and prosperous life of the 20,000 people of the locality.
18. That the facts stated above are true to the best of my knowledge and belief and based upon records.

Identified by

[Signature]
Advocate

Amiya Kishore Das

DEPONENT

Cuttack

Date: 8/10/25

[Signature]
Debendra Prasad Ray
Notary, Cuttack, Odisha
Regd.No-O-107/2009

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VERIFICATION

I, Sri Amiya Kishore Das, aged about 67 years,
 Son of Late Jadunath Das, At: Odakhanda, P.O. Dharibil,
 Dist: Cuttack-754134, Odisha, a Farmer and Social
 Worker, do hereby solemnly, verify that the contents of
 the above Counter Affidavit are true and correct to the
 best of my knowledge as derived from records and that
 nothing material has been concealed there from.

Verified at Cuttack on this the 8th
 of October, 2025.

Amiya Kishore Das

VERIFICANT

DR

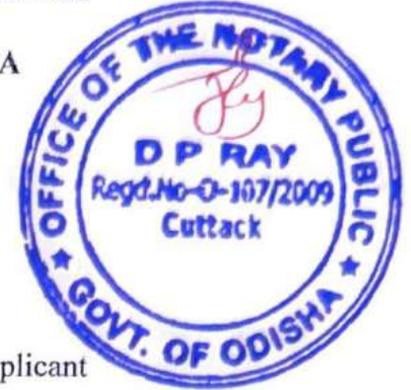
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 Resd. No.-O-107/2009



BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O.A No- 134 OF 2024



In the matter of:

Asrukhol Development Council

.....Applicant

Vrs

State of Odisha & Ors

.....Respondents

AFFIDAVIT

I, Amaya Kishore Das, Aged about 66 years, S/o- Jadunatha Das, Social Activist, At- Odakhanda, PO- Dharibil, Dist-Cuttack-754134, Odisha do hereby solemnly affirms and declare as follows;

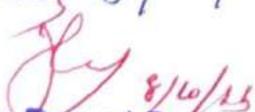
1. That I am one of the Respondent in this present case and I am well aware with all the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of this present petition and the same is true and correct and is drafted under my/our instruction.

Identified BY

ADVOCATE

DEPONENT

Cuttack, Date: 8/10/25


8/10/25
Debendra Prasad Ray
Notary, Cuttack, Odisha
Regd.No-O-107/2009

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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O.A No- 134 OF 2024DECLARATION

1. That, we undersigned are the applicants of this present OA
2. That, we hereby authorized Mr Amiya Kishore Das, who is Applicant No. 7 of this present OA, to represent us before this Hon'ble Tribunal in this present OA to defend the above mentioned OA.
3. That, all the facts stated above are true to the best of our knowledge belief.

Applicant no 1- Milan Kumar Dhyana

Applicant no 2- ଅମିୟା କିଶୋର ଦାସ

Applicant no 3- Subha Shree Mohanty

Applicant no 4- Kalyan Chandra Sarker

Applicant no 5- Alok Narayan Khuntia

Applicant no 6- Kailash Chandra Das

DP Ray
 8/10/25
Debendra Prasad Ray
 Notary, Cuttack, Odisha
 Regd. No-0-107/2009

CUTTACK

Date- 8/10/25

SIGNATURE(S)

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[ANNEXURE - R/7] 337

Item No.11

Court No.1

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

Original Application No.134/2024/EZ
(I.A. No.123/2024/EZ)

Asrukhol Development Council
State of Odisha & Ors.

Versus

Applicant(s)
Respondent(s)

Date of hearing: 21.08.2025

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Adv. a/w
Mr. Ashutosh Padhy, Adv. (in Virtual Mode)

For Respondent(s) : Mr. Jateshwar Nayak, AGA for State (in Virtual Mode),
Mr. Sourav Haldar, Adv. for R-7 (in Virtual Mode),
Mr. Dipanjan Ghosh, Adv. for R-12 (in Virtual Mode),
Mr. Anand Jena, Adv. for (intervenor in I.A. No.123/2024/EZ)

ORDER

1. I.A. No.123/2024/EZ wherein the seven applicants namely Milan Kumar Bhuyan, Abhaya Lenka, Subhashree Mohanty, Kishore Chandra Sahani, Alok Narayana Khuntia, Kailash Chandra Das and Amaya Kishore Das, prays for their impleadment in the present original application on the ground that after the closure of the river at its origin point the people of the locality have never faced any disaster of floods during last 60 years. The riverine ecology and environment has become developed and healthy due to mashroom growth of tree and plants of various species. The environment ecology will be destroyed and there will a permanent threat of flood and natural calamity for local inhabitants if the river Sukhapika is reopened. The opening of the origin part of Sukhapika from Mahanadi river will in no way help the Ashrukhol wetland to be activated because the bed of river Sukhapaika is lower than the bed

True Copy Attested


Advocate



of wetland Ashrukhola. The intervener of the application therein as well as thousands of people residing on the bank of the river Sukhapika and the interior parts thereof have a lot of apprehension of disaster, in case, the applicant succeeds in the application. The representatives of the various newspapers like Samaj, Prameya and others have visited the site, interacted with people, heard their grievances and published them widely, some copies of the pictures also annexed as annexure and, therefore, due to the fact that the Interveners are going to be adversely impacted by the project along-with other residents of the locality, they need to be impleaded.

2. Against this impleadment application, the applicant has filed objection dated 15.02.2025 wherein it is mentioned that the interveners are imagining fictitious situation without considering the development of last 60 years such as river bank embankment having been widened and river water in the last 60 years having declined substantially. Apart from that, there has been construction of Hirakud Dam in 1957, therefore, the flood water in Mahanadi river is substantially controlled. Other than Hirakud Dam there are many other dams and barrages in river Mahanadi to control the flood water and, therefore, the apprehension of the interveners is absolutely baseless and the impleadment application is opposed vehemently.
3. From the side of Respondent Nos.2, 5, 6, 8 & 10, learned counsel Mr. Jatishwar Nayak has appeared and has not expressed any objection to this application being allowed.
4. From the side of Respondent No.7, Ministry of Environment, Forests and Climate Change, learned counsel Mr. Sourav Haldar has not expressed any objection to this application being allowed.

True Copy Attested


Advocate

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5. With the view of this, we allow this application and direct the applicant to implead the applicants/intervener as Respondent Nos.13 to 19.
 6. This interlocutory application is disposed of.
 7. We direct the Registry to place this matter for next consideration on 10.10.2025.

.....
Dinesh Kumar Singh, JM

.....
Dr. Vijay Kulkarni, EM

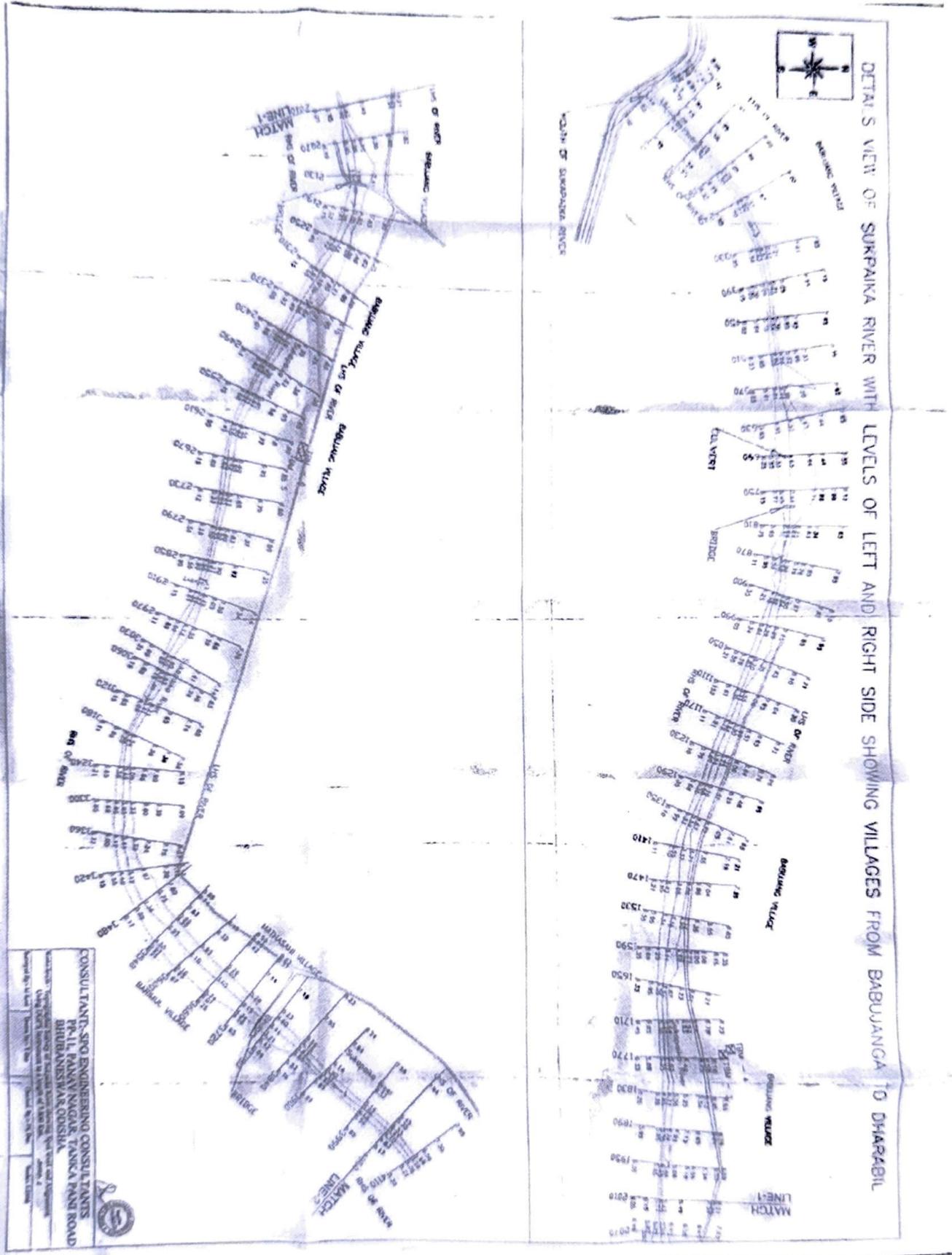
August 21, 2025,
Original Application No.134/2024/EZ
(I.A. No.123/2024/EZ)
MN

True Copy Attested

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Advocate

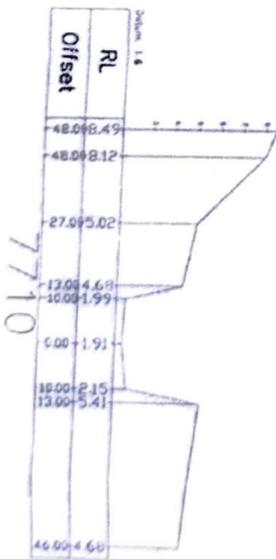
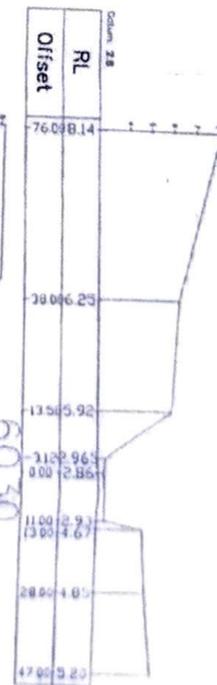
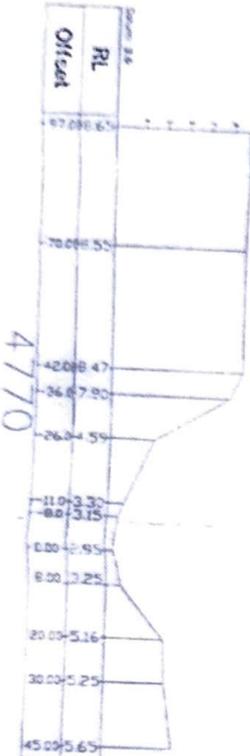
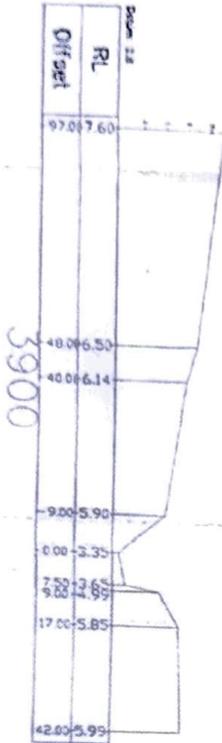
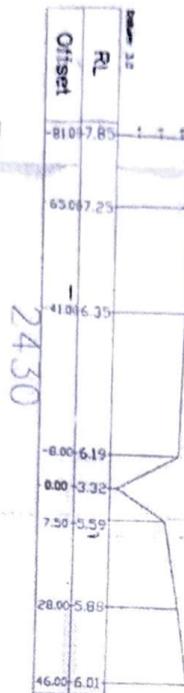
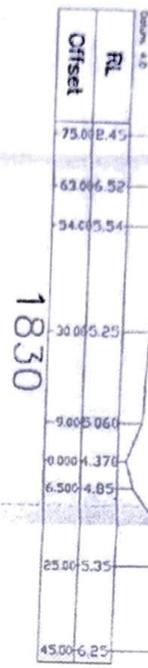
ANNEXURE - R/2

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True Copy Attested

Advocate



CONSULTANT:-SPG ENGINEERING CONSULTANTS

**PP-11, PANAV NAGAR, TANKA PANI ROAD
BHUBANESWAR, ODISHA.**

Works details:- X Section of Sukpaka River showing Offset and level. Of length of 7.300 Km.

Surveyed By:- M Das

Drawn By:- T Das

Checked By:- PK Das



True Copy Attested

[Signature]
Advocate

FORM OF VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL: EASTERN ZONE BENCH, KOLKATA

ON No. 134 OF 2024

Between

Ashraikhola Development Council Appellants

-VERSUS-

State of Odisha & ORS. Respondents

Know all men by these Presents, that by this Vakalatnama.

I/We ① Milan Ku. Bhuyan, S/O - Babaji Ch. Bhuyan, AT - Babujang, Cuttack
② Ashya Lenna S/O Dalabha Lenna, AT - Babujang, Cuttack ③ Subhashree Mohanty
w/o Manoj Ku. Mohanty AT - Kohili Block, Cuttack ④ Kishore Chandra Sahani
S/O Dhruva Charan Sahani, AT - Ubaruila, Cuttack ⑤ Alok Narayan Khuntia
S/O Dhramasabara Khuntia, AT - Babujang, Cuttack ⑥ Kailash Chandra Das
S/O Dakhiram Das, AT - Uttarwel, Cuttack, ⑦ Amiya Kishore Das of Dharibil, Cuttack

Appellant/Respondent/Petitioner/Opp. Party in the aforesaid Revision/Appeal Case do hereby

appoint and retain SISIR DAS, Mob. - 7008363909, EMAIL ID -

sisiradasadvoc@ gmail.com & ANAND JENA, Mob - 9337157964

EMAIL ID - jenaanand7@ gmail.com advocates.

Advocate (s) is/are to appear for me/us, in the above case and to conduct and prosecute or defend the same and all proceeding that may be taken in respect of any application connected with the same, or any decree or order passed therein including all application for return of documents or receipt of any monies that may be payable to me/us in the said case and also in applications for review, appeals under Orissa High Court Order and in applications for leave to appeal to Supreme Court, I/We authorized my/our Advocate (s) to admit any compromise lawfully entered in the said case.

Dated the - 8/10 / 2025

Received from the executant (s)
Satisfied and accepted as I hold.
No brief for the other side.

Accepted as above


Advocate


Advocate

Milan Kumar Bhuyan

Subhashree Mohanty
Kishore Chandra Sahani
Alok Narayan Khuntia
Kailash Chandra Das.
Amiya Kishore Das.

SIGNATURE OF EXECUTANT (S)