

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.163 OF 2023 EZ**

SANTANU KUMAR BHUKTAAPPLICANT

-V E R S U S-

STATE OF ODISHA & ORS.RESPONDENTS

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BY THE RESPONDENT NO.14 THROUGH

CUTTACK
DATED:11.10.2025


AMITABH MISHRA, ADVOCATE
ENRL. NO.O-894/2002
Mob. 7978441871



**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**
ORIGINAL APPLICATION NO.163 OF 2023 EZ

SANTANU KUMAR BHUKTAAPPLICANT

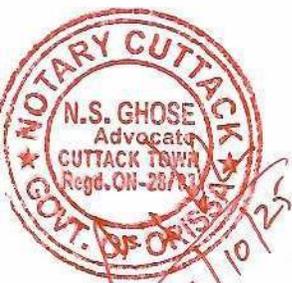
- V E R S U S -

STATE OF ODISHA & ORS.RESPONDENTS

REPLY AFFIDAVIT FILED ON BEHALF OF AJIT SAHU
- RESPONDENT NO.14 TO THE OBJECTION FILED BY
THE RESPONDENT NO.9 - SEIAA TO THE I.A NO.76
OF 2025

I, Sri Ajit Sahu, aged about 36 years, S/o-Late Gokulananda Sahu, At/P.O-Nihalprasad, P.S-Gondia, Dist.-Dhenkanal, Odisha, (Lessee of Nihal Prasad Road Metal Stone Quarry No.1), do hereby solemnly affirm and state as follows:

1. That, I am the Respondent No.14 arrayed in this Original Application and the Applicant to the present I.A, and being conversant with the facts & circumstances of the case competent to swear the present affidavit.
2. That, the present I.A has been filed seeking an innocuous relief in the form of a direction to the SEIAA – Respondent No.9 to consider amendment of the Environment Clearance in accordance with law.
3. That, the Respondent No.9 has filed its objection to the I.A contending therein that even though the amendment proposal was



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duly submitted and was under consideration of SEIAA, however proposal was delisted on 22.03.2025 by the system of Parivesh Portal due to alleged non-submission of clarification in due time period and that presently no proposal in respect of amendment of E.C of Respondent No.14 is pending with the SEIAA.

4. That, it is humbly submitted here that the two points which the Respondent No.9 – SEIAA are referring to are the following:-

- a. Final order in the present O.A No.163 of 2023 and
- b. Compliance of E.C condition.

As regards point (a) aforementioned, since the present Original Application is yet to be disposed of and therefore, possibly no final order could have been submitted by the Respondent No.14. Furthermore, the SEIAA is also a party Respondent – Respondent No.9, in the present O.A and therefore, is also very much aware about proceedings of the present O.A before this Hon'ble Tribunal. In fact, in a similarly circumstanced matter in the case of O.A No.47 of 2024 in I.A No.125 of 2024 this Hon'ble Tribunal vide order dated 24.01.2025 has been pleased to direct the SEIAA to consider the amendment application for EC expeditiously in accordance with law. The relevant portion of the order dated 24.01.2025 is extracted herein below for ready reference of this Hon'ble Tribunal.

"6. We accordingly dispose of the I.A. No.125/2024/EZ with a direction to SEIAA, Odisha that the pendency of these proceedings will not hinder SEIAA, Odisha from taking a decision on the merits of the Application of the Respondent No.14 dated 27.01.2024 since the Joint Enquiry Report with regard to amendment of Environmental Clearance, has already been submitted



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with the affidavit of the Odisha State Pollution Control Board dated 21.08.2024.

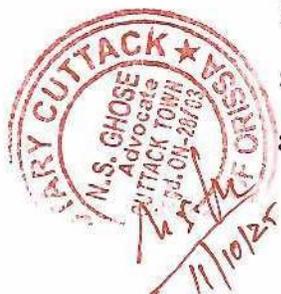
7. We expect that the SEIAA, Odisha will take a decision on the Application of the Respondent No.14 strictly in accordance with law, expeditiously.”

(Copy of the order dated 24.01.2025 is annexed herewith as **Annexure-R14/1**)

It is humbly submitted here that this Hon'ble Tribunal has been pleased not to pass any prohibitory interim order thereby affecting the workability of the mining lease in favour of the Respondent No.14 and therefore there is no embargo on the SEIAA to consider the amendment application of the E.C of Respondent No.14, in accordance with law.

As regards point (b) - the compliance of the E.C condition, the same have been submitted by the project proponent – Respondent No.14 every 6 months. Such compliances have been made on the Parivesh Portal, in fact the latest 6 monthly E.C compliance report has been filed by this Respondent No.14 and is at Annexure-R14/1 Series to the affidavit dated 21.08.2025 filed by this Respondent No.14.

That, it is humbly and respectfully submitted here that the fact and contention made in the preceding paragraphs clearly demonstrate that the delisting, if any of the E.C amendment application of the Respondent No.14 is not due to any act of the Respondent No.14 and the SEIAA Authorities cannot take aid of such a ruse to deny the consideration of the E.C amendment application of the Respondent No.14.



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5. That, it is humbly submitted here that the deferment of the Environment Clearance amendment application by SEIAA in the absence of any formal restraint by this Hon'ble Tribunal undermines the principles of procedural fairness. This not only prejudices the legitimate mining operations of the Respondent No.14 - lessee but also affects the optimal utilization of the leasehold area in accordance with approved mining plan, environmental norms and the statutory framework.

6. That, in light of the aforementioned facts, this Hon'ble Tribunal may kindly direct the State Environment Impact Assessment Authority (SEIAA), Odisha to process and approve the amendment application in accordance with law and the Rules irrespective of the pendency of the present Original Application vide O.A No.163 of 2023.

7. That, the Respondent No.14 humbly carves leave of this Hon'ble Tribunal to file any further affidavit (s) as and when required by this Hon'ble Tribunal for just and effective adjudication of this case.

8. That, the facts stated above are true to the best of my knowledge and belief.

Identified by

Handwritten notes in red ink: "above named deponent being identified by Mr./Ms... A... Prad. Law, Advocate appears before me at 10. AM AM/PM on this the... 11/10/25 solemnly affirms that the facts stated are true to the best of his/her knowledge and belief"

Advocate

Deponent

CERTIFICATE

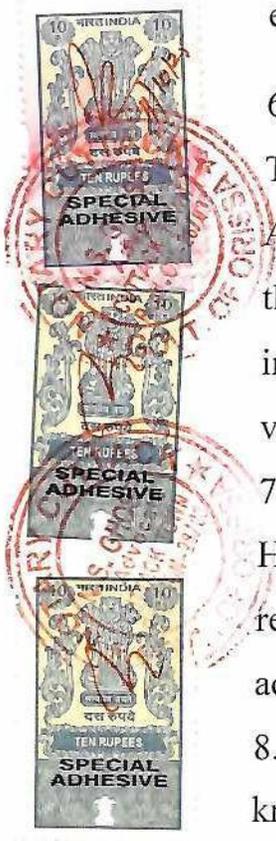
Certified that due to want of cartridge papers thick and durable plain papers have been used.

Cuttack

Advocate

Date: 11.10.2025 ✓

For Respondent No.14



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Amicus-R14/1

Item No.09

Court No.1

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

Original Application No.47/2024/EZ
(I.A. No.55/2024/EZ & I.A. No.125/2024/EZ)

Youth United For Sustainable
Environment Trust

Versus

Applicant(s)

State of Odisha & Ors.

Respondent(s)

Date of hearing: 24.01.2025

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

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

For Respondent(s): Mr. Saroj Kumar Jee, AGA for State Respondents
(in Virtual Mode),
Ms. Papiya Banerjee Bihani, Adv. for R-10 (in Virtual Mode),
Ms. Rashmi Singhee, Adv. for R-11 (in Virtual Mode),
Mr. Subir Palit, Sr. Adv. a/w
Mr. Abhisek Kejriwal, Adv. for R-14 (in Virtual Mode)

ORDER

1. Mr. Sankar Prasad Pani, assisted by Mr. Ashutosh Padhy, learned Counsel is present (in Virtual Mode) on behalf of the Applicant.
2. Mr. Saroj Kumar Jee, learned Additional Government Advocate has put in appearance on behalf of the State Respondents, Government of Odisha in place of Mr. Shakti Prasad Panda, learned Additional Government Advocate and Mr. Sailaza Nandan Das, learned Counsel. When the case is next listed, the name of Mr. Saroj Kumar Jee, learned Additional Government Advocate shall be printed in the cause list as the Counsel for the State Respondents in place of Mr. Shakti Prasad Panda and Mr. Sailaza Nandan Das.

I.A. No.125/2024/EZ

3. This Interlocutory Application has been filed by the Respondent No.14 praying for a direction to State Environment Impact

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- Assessment Authority (SEIAA) to proceed to take a decision on the Application of the Respondent No.14 dated 27.01.2024 seeking amendment of the Environmental Clearance.
4. The learned Counsel for the Respondent No.14 referring to the deliberation of SEIAA, Odisha in its 162nd Meeting, a copy of which has been filed as Annexure-R-14/2 (page No. 559 of the paper book), submits that the case of the Respondent No.14 has been deferred until the receipt of the Committee Report with regard to the Nizagarhzami Sand Quarry.
 5. Learned Senior Counsel Mr. Subir Palit as well as Mr. Sankar Prasad Pani, learned Counsel for the Applicant submit that the Joint Enquiry Report of the inspection which was carried out on 22.04.2024 has already been submitted by the Joint Committee constituted by this Tribunal and therefore Applicant has no objection if the SEIAA, Odisha takes a decision on the Application of the Respondent No.14 in accordance with law.
 6. We accordingly dispose of the I.A. No.125/2024/EZ with a direction to SEIAA, Odisha that the pendency of these proceedings will not hinder SEIAA, Odisha from taking a decision on the merits of the Application of the Respondent No.14 dated 27.01.2024 since the Joint Enquiry Report with regard to amendment of Environmental Clearance, has already been submitted with the affidavit of the Odisha State Pollution Control Board dated 21.08.2024.
 7. We expect that the SEIAA, Odisha will take a decision on the Application of the Respondent No.14 strictly in accordance with law, expeditiously.
 8. Pleadings are complete.

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9. List for hearing on 16.04.2025.

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B. Amit Sthalekar, JM

January 24, 2025,
Original Application No.47/2024/EZ
(I.A. No.55/2024/EZ
&
I.A. No.125/2024/EZ)
SKB

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

True copy

Accepted Advocate