

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN BENCH, KOLKATTA**

**ORIGINAL APPLICATION NO. 160/ 2025
IA NO. 93 /2025**

IN THE MATTER OF:

SATAM PATNAIK

...APPLICANT

VERSUS

STATE OF ODISHA AND ORS.

...RESPONDENTS

**APPLICATION FOR ADDITIONAL SUBMISSIONS ON THE ISSUE OF
LIMITATION REGARDING THE CONSTRUCTION AND EXPANSION
OF SAVITRI JINDAL AIRPORT**

THROUGH



DR. BISWAJIT MOHANTY/ SUNIL J. MATHEWS /
JYOTI CHIB/ ASHTAMI KHATRI

Shanti Kunj, Link Road

Cuttack- 753001

(M) 9311567212

Email: sjmathews@gmail.com

PLACE: BHUBANESWAR

DATE- 29.10.2025

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**APPLICATION FOR ADDITIONAL SUBMISSIONS ON THE ISSUE OF
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MOST RESPECTFULLY SHOWETH:

1. That the applicant has filed O.A. 160/2025 under Sections 14, 15 and 18 of the National Green Tribunal Act, 2010 seeking urgent intervention and appropriate reliefs in respect of large-scale deforestation, illegal tree felling and encroachment of government forest land, allegedly carried out during the construction and expansion of the Savitri Jindal Airport, Angul District, Odisha, owned and operated by Jindal Steel and Power Limited.
2. That, the present application is being filed by the Petitioner, Mr. Satam Patnaik in O.A. 160 of 2025 to place on record additional submissions in compliance of the order dated 10.09.2025.

3. That It is respectfully submitted that **Annexure–2 (Page 19)** contains the map of the Chota Jungle Area, detailing the relevant land particulars as Khata No. 1, Plot Nos. 99 and 101, situated at Kisama-Chota Jungle, Village–Badamahitala, Tahsil–Chhendipada, District–Angul. The said plots form part of forest land as recorded in government records, and their identification in the annexed map clearly establishes their location within the forest demarcation, marking them as Government Revenue Forest.

4. That, **Annexure–6 (Page No. 46)** contains a letter bearing No. 6020 dated 10.07.2025, issued by the Office of the Divisional Forest Officer (DFO), Angul Division, Angul, addressed to the Tahsildar, Chhendipada, Angul. The said letter specifically records the issue of encroachment upon Plot Nos. 99 and 101 of Khata No. 1, Kisam–Chota Jungle, Badamahitala Village during the course of construction of the Savitri Jindal Airport. **This official communication serves as direct evidence that the competent forest authority was aware of the encroachment and had formally taken cognizance of it.**

5. It is further submitted that **Annexure–8 (Page No. 57)** contains a report issued through Letter No. 159 dated 03.06.2025, by the Revenue Inspector (RI), Paranga to the Tahsildar, Chhendipada, Angul. The said report explicitly states that “*Jindal Steel Limited has encroached upon the aforementioned Plot Nos. 99 and 101 of Khata No. 1, Kisam–Chota Jungle for the purpose of constructing the Savitri Jindal Airport*”. The RI also requested the Tahsildar to initiate appropriate action in this regard. This official record clearly corroborates the allegation of encroachment over forest land.

6. That, the construction of the Savitri Jindal Airport commenced in the year 2008 and was completed in 2022, the work having been carried out in a phased manner. **Annexure-3 (Pages 20 to 21)** contains Google Earth imagery that supports this timeline and demonstrates the progressive and continuing nature of construction in the same area constituting a continuing and recurring cause of action due to development on encroached land.

7. That, the construction of the airport was based on the encroachment of Government Revenue Forest, which is substantiated by official communication with the authorities as mentioned above. It is therefore submitted that since the encroachment of the land still continues, the construction as well as the expansion of the Savitri Jindal Airport form a continuing and recurring cause of action leading to a fresh period of limitation as long as the illegal encroachment continues to be developed upon.

8. That the Hon'ble Supreme court in **State of Bihar v. Deokaran Nenshi, (1972) 2 SCC 890** with regard to what constitutes continuing cause of action, observed as follows:

“5. A continuing offence is one which is susceptible of continuance and is distinguishable from the one which is committed once and for all. It is one of those offences which arises out of a failure to obey or comply with a rule or its requirement and which involves a penalty, the liability for which

continues until the rule or its requirement is obeyed or complied with. On every occasion that such disobedience or non-compliance occurs and recurs, there is the offence committed. The distinction between the two kinds of offences is between an act or omission which constitutes an offence once and for all and an act or omission which continues and therefore constitutes a fresh offence every time or occasion on which it continues. In the case of a continuing offence, there is thus the ingredient of continuance of the offence which is absent in the case of an offence which takes place when an act or omission is committed once and for all.”

9. That, this Hon’ble Tribunal has in order dated 11.07.2024 of **Original Application No. 881/2022 (Rajinder Krishan Sharma & Anr. v. Union of India and Ors.)** has observed the following:

*“30. Whenever a wrong or offence is committed and ingredients are satisfied and repeated, it evidently would be a case of ‘continuing wrong or offence’. For instance, using the factory without registration and license was an offence committed every time the premises were used as a factory. The Supreme Court in **Maya Rani Punj vs. Commissioner of Income Tax, Delhi, (1986) 1 SCC 445**, was considering, if not filing return within prescribed time and without reasonable cause, was a continuing wrong or not, Court held that continued default is obviously on the footing that non-compliance with the obligation of making a return is an infraction as long as the default continued. The penalty is imposable as long as the default continues and as long as the assessee does not comply with the*

requirements of law he continues to be guilty of the infraction and exposes himself to the penalty provided by law”

10. That in the present case, the land which has been encroached continues to be in default and is liable to be taken action against till the encroachment continues thus bringing it within the ambit of a continuing cause of action.

11. That, the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India has acknowledged the issue and directed the Principal Chief Conservator of Forests (Head of Forest Force), Odisha to take necessary action, as evidenced by **Annexure-4** dated 04.06.2025. However, no action has yet been taken even after acknowledgement of encroachment.

12. In the case of **Praveen Kakar v. Ministry of Environment, Forest & Climate Change, 2022 SCC OnLine NGT 154**, this Hon’ble Tribunal considered matters beyond the limitation period in light of Section 20 of the National Green Tribunal Act

*“64. Having said so, Supreme Court further observed in Mantri Tech (supra) that Section 15(1)(c) is an entire island of power and jurisdiction read with Section 20 of NGT Act, 2010. Principles of sustainable development, precautionary principle and polluters pay propounded by Supreme Court by way of several judicial pronouncements have been embedded as a bedrock of environmental jurisprudence under NGT Act 2010. **Wherever environment and***

ecology are being compromised and jeopardized, Tribunal can apply Section 20 for taking restorative measures in the interest of environment. Court also said,

“The NGT Act being a beneficial legislation, the power bestowed upon the Tribunal would not be read narrowly. An interpretation which furthers the interests of environment must be given a broader reading... The existence of the Tribunal without its broad restorative powers under Section 15(1)(c) read with Section 20 of the Act, would render it ineffective and toothless, and shall betray the legislative intent in setting up a specialized Tribunal specifically to address environmental concerns.”

66. Considering the issues and questions raised in this OA, we find that the violations preceding 5 years from the date of filing of this OA can be examined by the Tribunal and if violations are established, appropriate preventive and/or remedial order can also be passed. In the present case, though the project commenced long back but a revised layout plan comprising the entire project was sanctioned on 15.09.2010. Even thereafter, another license was granted on 13.04.2011 which was taken as part of the entire project. Part Completion Certificates were issued on 10.05.1991, 10.11.2000, 15.01.2001, 23.02.2001, 26.06.2001, 10.07.2002 and 20.05.2003 but no Completion Certificate for the complete project has ever been issued. Status report dated 30.03.2022 filed by TCPD Haryana shows that a final Completion Certificate was requested to be granted by APIL-PP on 21.10.2014/24.03.2015 but it was rejected by order dated 19.04.2018. It is thus evident that no Part Completion Certificate has been issued till date. The violation of discharge of sewage of untreated sewage directly in the

storm water drain, withdrawal of ground water illegally without permission of CGWA has continued throughout and these constitutes continuous cause of action as also recurring cause of action in as much as every time when ground water was/is drawn or sewage was/is discharged directly in storm water drain and other violations are committed, an actionable violation is committed by proponent and, therefore, it cannot be said that OA in its entirety is barred by limitation. We are of the view that violations which are within the last five years from the date of filing of this OA including any violation being committed after filing OA can be considered in the light of the issues raised in this OA and appropriate order can be passed.

13. That, in light of the submissions, it is humbly requested by the Applicant to consider the construction and expansion of the Savitri Jindal Airport by Jindal Steel and Power Ltd. as a continuing and recurring cause of action owing to the encroachment of the 'Chota Jungle area' and numerous other repeated violations that form a part of the Original Application and are not being repeated for the sake of brevity.

DR. BISWAJIT MOHANTY/ SUNIL J. MATHEWS /
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Shanti Kunj, Link Road
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PLACE: BHUBANESWAR
DATE- 29.10.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL EASTERN
ZONE BENCH, KOLKATA
(Under Section 18(1) read with Section 14(1) and 15 of the National Green
Tribunal Act 2010)

ORIGINAL APPLICATION NO. _____ OF 2025

IN THE MATTER OF:

SATAM PATNAIK

...APPLICANT

VERSUS

STATE OF ODISHA & ORS.

...RESPONDENTS

AFFIDAVIT

Affidavit No. 17769/2025
Dated 29th Oct 2025

I, Satam Patnaik S/o Purusottam Patnaik aged about 45 years, At/ Po- 6th Lane, Amlapada, Dist.- Angul, Odisha -759122 do hereby solemnly affirm and state as under:

1. That I am the Applicant in the present case and Deponent in the present Affidavit, hence, I am competent to swear this Affidavit.
2. That I have read over the contents of the accompanying Application and the same is true and correct and is drafted on my instruction.

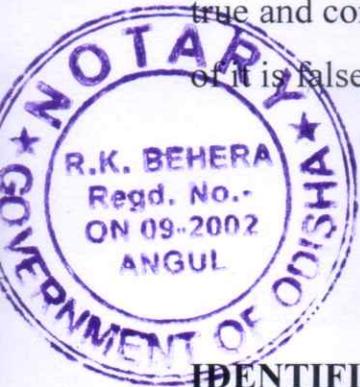
Satam Patnaik
DEPONENT



NOTARY
ANGUL

VERIFICATION

Verified on this 29th October, 2025, that the contents of the above Affidavit are true and correct, and nothing material has been concealed therefrom, nor any part of it is false.



IDENTIFIED BY

Satish Behera
DEPONENT

ADVOCATE

29/10/25
NOTARY
ANGUL

SUNIL J. MATHEWS
Shanti Kumj, Link Road
Cuttack-753001
(M) 9311567212
Email : sjmathews@gmail.com

PLACE: BHUBANESWAR
DATE : 29.10.2025

Affidavit No. 17769/2025
dated this 29th day of Oct. 2025
The above named deponent having been
identified by Sri. A. Das
.....Advocate, Angul
solemnly affirmed before me this
the 29th day of Oct.
2025 atA.M./P.M. in
the court premises that the contents
of this affidavit true to the best of
his/her knowledge.

29/10/25
ROHITA KUMAR BEHERA
NOTARY
ANGUL, ODISHA
Regd. No-ON 09-2007
Cell-9439737148