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**BEFORE THE NATIONAL GREEN TRIBUNAL:
EASTERN ZONE BENCH, KOLKATA**

O.A. No.104/2024/EZ

Nilamani Mahapatra

... **Applicant**

-VERSUS-

State Of Odisha And Others

... **Respondents**

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Place: Cuttack

Dtd. 10.11.2025



ADVOCATE

For the Respondent No.17

(PRAVAT KUMAR MUDULI)

ADVOCATE

Email:pravatmuduli2007@gmail.com

Mob. No.9861143461

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BEFORE THE NATIONAL GREEN TRIBUNAL:
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O.A. No.104/2024/EZ

Nilamani Mahapatra

... Applicant

-VERSUS-

State Of Odisha And Others

... Respondents



REPLY ON BEHALF OF RESPONDENT NO.17
TO SUPPLEMENTARY AFFIDAVIT DTD.23.08.2025 OF APPLICANT:

I, Sri Prasanna Kumar Swain aged about 59 Years, S/o. Daitari Swain at present working as Regional Manager, Narangarh Khondalite Mines, Odisha Mining Corporation Ltd., UNIT-V, Bhubaneswar-751001, Dist. Khurda, do hereby solemnly affirm and state as follows:

1. That, I am working as Regional Manager, Narangarh Khondalite Mines, Odisha Mining Corporation Ltd. w.e.f. 1st of June 2025 and have been duly authorized to file this Affidavit for and on behalf of the Respondent No.17.
2. That, I have read and understood the contents of Supplementary Affidavit dtd.23.08.2025 filed by the Applicants well as the documents annexed thereto and understood the contents and purport thereof. I am otherwise well acquainted with the facts of the present Case. I am filing this Affidavit based on records maintained by the answering Respondent No.17.
3. That, at the outset, I deny each and every averment / assertion / allegation / contention made / raised by the Applicant in the Supplementary Affidavit dtd.23.08.2025, unless same is admitted specifically herein after. No averment or assertion or allegation or contention raised by Applicant in the Supplementary Affidavit dtd.23.08.2025 should be deemed to have been admitted on the ground of non-traverse.

Prasanna K. Swain
Regional Manager
Minor Mineral
M.C. Ltd. Bhubaneswar

Prasanna K. Swain



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4. That, the averments made in Paragarph-1 of Supplementary Affidavit dtd.23.08.2025 needs no response from the answering Respondent No.17.

5. That, the allegations made in Paragraph-2 of Supplementary Affidavit dtd.23.08.2025 that all the Parties are also well aware about the distance criteria of Stone Quarries, still by disobeying the distance criteria from time to time, Pollution Board Authorities are renewing the CTO, is not correct, misconceived, disputed and denied specifically. It is humbly submitted that while renewing CTO, each time an Environmental Scientist from the Regional Office, State Pollution Control Board, Bhubaneswar used to make a surprise site visit and thereafter, used to do the inspection. Recently, the Consent To Operate (CTO) of the mines in question has been renewed by the State Pollution Control Board, Odisha Vide letter No.747/RO/CON/1053, dtd.29.03.2025 after surprise site visit and inspection thereof by an Environmental Scientist from the Regional Office, State Pollution Control Board, Bhubaneswar. Each time, prior to granting consent, Board conducted site inspections and confirmed that the Quarry operates without blasting and complies with all prescribed distance criteria. It is submitted that no quarrying operation is going on within 100 meters of any residential building / public building / inhabited site / School / Anganwadi Centre. A distance of 7.5 meter has also been left inside ML boundary as Safety Zone. The Committee which visited the Mines in question on 20.06.2024 in compliance of Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building. Before grant of mining lease in favour of Respondent No.17 in respect of the area in question, lease area in question was under unauthorized occupation of illegal miners for illegal mining purposes. Lease area is surrounded by Plots which stands recorded in the name of Shree Jagannath Temple, Puri and some private persons are in forcible possession of said lands of Shree Jagannath

Prasanna Kumar Swain
Regional Manager
Minor Mineral
O.M.C. Ltd. Bhubaneswar



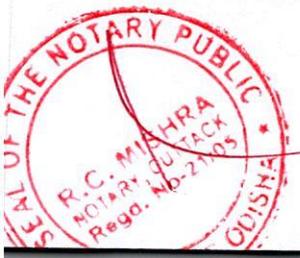
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Temple Administration, Puri. Outsiders are involved in illegal mining throughout day and night over the lands of Lord Shree Jagannath, Puri which are adjacent to the Mining Lease area of Respondent No.17-OMC Ltd.. Such mining by outsiders is without any permission from the Government Authority. Illegal mining is being done manually during the day time and by deploying heavy earth moving machineries during night, very very close to the inhabitants site. The inhabitants as well as the Applicant have no objection at all to such illegal mining. Sole intention is to stop the mining operation by the Respondent No.17 so that illegal mining which has been stopped in the grant area, due to grant of grant of mining lease in favour of the Respondent No.17, will start again. Applicant has never objected to illegal mining by outsiders over lands recorded in the name of Lord Jagannath. Hence, contrary allegations of Applicant being devoid of merit, are liable to be rejected.

6. That, the allegations made in Paragraph-3 of Supplementary Affidavit dtd.23.08.2025 that the State Pollution Control Board has granted the CTE mechanically without application of mind and also violated their own checklist of documents prior to grant of CTE, is not correct, without any basis, misconceived, disputed and denied specifically. Not a single document has been annexed by the Applicant, in support of such allegations. Allegations made in Paragraph-4 of Supplementary Affidavit dtd.23.08.2025, are not correct, misconceived, disputed and denied specifically. It is submitted that in the ML application dtd.10.01.2020, details of land applied for grant of Mining Lease was disclosed by the Respondent No.17 to the State Government. On the basis of said ML application dtd.10.01.2020, Letter Of Intent dtd.16.03.2020 was issued in favour of Respondent No.17. Terms and Conditions of Letter Of Intent dtd.16.03.2020 was accepted by Respondent No.17 on 18.03.2020. Grant Order was issued by the Steel & Mines Department, Govt. of Odisha, Vide letter No.8086/S&M, dtd.24.09.2020. Consent To Establish was granted on

Prasanna Kumar Swain
Regional Manager
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M.C. Ltd. Bhubaneswar

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05.10.2020. Hence, contrary allegations of Applicant being devoid of merit, are liable to be rejected.

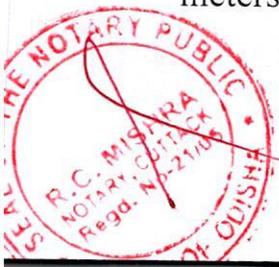
7. That, the averments made in Paragraph-5 of Supplementary Affidavit dtd.23.08.2025 are not correct, without any basis, misconceived, disputed and denied specifically. Without any supporting materials / documentary evidence, for the first time, a new plea has been taken by the Applicant. It is submitted that the Committee which made the joint field visit to the Mines in question on 20.06.2024, in Point No.2 of Report observed that *"In Narangarh mouza, one Ashram school and one High school named Chintamani Vidya Niketan are located within a distance of 85 meters and 120 meters from lease boundary respectively as per report of Tahasildar, Khordha."* Hence, it is evident that Chintamani Vidya Niketan High School is located more than 100 meters away from lease boundary. The Committee which visited the Mines in question on 20.06.2024 in compliance of the Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building. The persons who are in unauthorized possession of lands belonging to Lord Shree Jagannath Mahaprabhu, Puri and Government, are involved in illegal mining throughout day and night over the lands of Lord Shree Jagannath, Puri without any permission from the Authorities concerned. Such illegal mining is, in and around the leasehold area of the Respondent No.17. Illegal mining is being done manually during the day time and by deploying heavy earth moving machineries during night, very very close to the inhabitants site. Applicant as well as the inhabitants have no objection at all to such illegal mining. It is relevant to mention here that mining operation / quarrying operation in the lease area, is going on more than 100 meters away from both the Schools .At the cost of repetition, it is submitted that no quarrying operation is going on within 100 meters of any residential building / public building / inhabited site / School /

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Regional Manager
Minor Mineral

O.M.C. Ltd. Bhubaneswar

Dr. R.C. Mishra
Notary



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Anganwadi Centre. A distance of 7.5 meter has been left inside the ML boundary as Safety Zone. Hence, contrary allegations of Applicant being devoid of merit, are liable to be rejected.

8. That, the averments made in Paragraphs-6 to 8 of Supplementary Affidavit dtd.23.08.2025, are misconceived and untenable. At the cost of repetition, it is submitted that the Committee which made the joint field visit to the Mines in question on 20.06.2024, in Point No.2 of Report observed that *"In Narangarh mouza, one Ashram school and one High school named Chintamani Vidya Niketan are located within a distance of 85 meters and 120 meters from lease boundary respectively as per report of Tahasildar, Khordha."* Hence, it is evident that Chintamani Vidya Niketan High School is located more than 100 meters away from lease boundary. Both the school is located more than 100 meters away from mines working site. Existence of School has been shown in the Plan submitted by the Respondent No.17. Relevant to mention here that in that Plan (Annexure-4 of Rejoinder), limit of 60 meter radius zone has been indicated and School is located much beyond that area. At present, School is having more than 100 meters distance from the mining working area. Lease area is surrounded by Plots which stands recorded in the name of Shree Jagannath Temple, Puri as well as Government and some private persons are in forcible possession of those lands of Shree Jagannath Temple Administration, Puri. Adjacent to Mining Lease area of answering Respondent No.17, outsiders are involved in illegal mining throughout day and night over the lands of Lord Shree Jagannath, Puri without any permission from the Authorities concerned. Such illegal mining is being done manually during day time and by deploying heavy earth moving machineries during night. Photographs showing illegal mining during day time as well as during night time have already been placed on record by this answering Respondent No.17 as Annexure-R-17/3 to the Counter Affidavit. Regarding illegal mining, FIR has also been lodged by the Mining

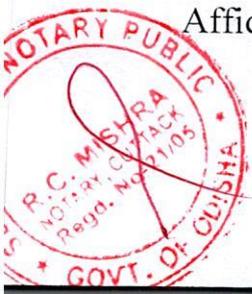
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Regional Manager

Minor Mineral

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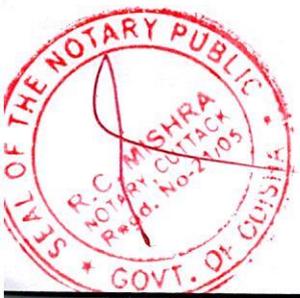
Officer, Cuttack Circle under Annexure-R-17/4to Counter Affidavit. The inhabitants as well as the Applicant have no objection at all to illegal mining over lands recorded in the name of Shree Jagannath Temple Administration. However, as stated earlier, it is submitted that no quarrying operation is going on by the Respondent No.17 within 100 meters of any residential building / public building / inhabited site / School / Anganwadi Centre. Sole intention is to stop the mining operation by the Respondent No.17 so that illegal mining which has been stopped in the grant area, due to grant of grant of mining lease in favour of the Respondent No.17, will start again. The Committee which visited the Mines in question on 20.06.2024 in compliance of the Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building. Hence, contrary allegations of Applicant being devoid of merit, are liable to be rejected.

9. That, the assertion made in Paragraph-9 of Supplementary Affidavit dtd.23.08.2025 that Bhogapur Village is within 100 meter from the ML boundary, is not correct, without any basis, misconceived, disputed and denied specifically. Area adjacent to ML boundary belongs to Shree Jagannath Temple Administration.

10. That, in reply to the averments made in Paragraph-10 of Supplementary Affidavit dtd.23.08.2025, it is submitted that Rule-26(11)(a) of Odisha Minor Minerals Concession Rules, 2016 provides that the lessee shall not carry on or allow to be carried on, any mining operation at any point within a distance of one hundred meters from any Railway line, except in accordance with the Written Permission of the Railway Administration concerned. In the answering Paragraph, Applicant himself has admitted that Tapanga Railway Station is 700-750 meters away from Quarry in question. In the instant Case, Quarry in

Prasanna K. Swain
Regional Manager
Minor Mineral
O.M.C. Ltd. Bhubaneswar

Prasanna K. Swain



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question is situated far away from the prescribed limit of 100 meters. Hence, contrary averments of Applicant being devoid of merit, are liable to be rejected.

11. That, the allegations made in Paragraph-11 of Supplementary Affidavit dtd.23.08.2025 are not correct, misconceived, disputed and denied specifically. It is submitted that the mine is in operation, adopting adequate pollution control measures. Regular Water sprinkling is being carried out to control fugitive dust emission in critical areas prone to air pollution and having high levels of PM10 and PM 2.5 such as haul roads, loading and unloading points and transfer points. Also, to have a check on pollution, the environmental components such as air (ambient & fugitive), noise (ambient & work zone), water (surface & ground), and soil are being regularly monitored by the NABL-accredited Agencies and the results are found well within the permissible limit. Earlier M/s. Visiontek Consultancy Services Pvt Ltd., an NABL accredited Agency was monitoring Ambient Air Quality (AAQ) by installing instrument at Roof of Saraswati Vidya Mandir. At present, M/s. Visiontek Consultancy Services Pvt Ltd. is taking Ambient Air Quality measurement at a Jagannath Temple which is nearer to mines, since Owner of premises of Saraswati Vidya Mandir is no more allowing M/s. Visiontek Consultancy Pvt. Ltd. to take air samples at School premises, after getting information from the present Applicant regarding filing of accompanying Original Application before this Hon'ble NGT. In the Affidavit dtd.16.08.2024 filled by Collector & District Magistrate, Khordha, report dtd.05.07.2024 on the Ambient Air Quality & Noise Level Monitoring has been attached, wherein it has been stated that Ambient Air Quality and Noise level monitoring were conducted by Officials of Regional Office, State Pollution Control Board, Odisha, Bhubaneswar on 25.06.2024 & 26.06.2024. In conclusion, it is stated that basing upon the monitoring result i.e. Ambient Air Quality & Ambient Noise Level, no such high concentration of particulate

Prasanna Kumar Swain
Regional Manager
Minor Mineral
O.M.C. Ltd. Bhubaneswar



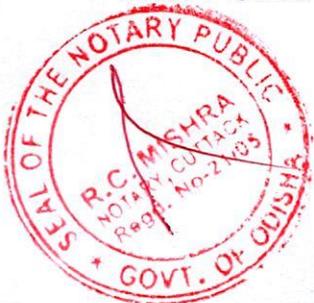
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matter (PM₁₀) and high intensity of noise were observed. Hence, contrary allegations being devoid of merit are liable to be rejected.

12. That, the allegations made in Paragraphs-12 & 13 of Supplementary Affidavit dtd.23.08.2025 are not correct, misconceived and untenable. It is submitted that Respondent No.17-OMC has no role to decide the list of Projects which were to be undertaken at Panchayat level. Projects are decided by the Local as well as District Administration based on priority for the wellbeing of local communities. As per the request of District Collector, Khordha, a sum of Rs. 1,14,20,000/- (One Crore Fourteen Lakh Twenty Thousand) has already been released by Respondent No.17 in favour of BDO, Khordha, towards implementation 23 no's of Projects in and around Narangarh Gram Panchayat. After receipt of funds amounting to Rs.1,14,20,000/- from Respondent No. 17, it is the sole responsibility of Government Officials at the Panchayat level for the construction of the Community Hall. Hence, contrary allegations being devoid of merit are liable to be rejected.

13. That, the allegations made in Paragraph-14 of Supplementary Affidavit dtd.23.08.2025 are not correct, without any basis, misconceived, disputed and denied specifically. No documentary has been produced by the Applicant in support of such statements. For the first time, such a new plea and that too without any supporting documentary evidence, has been raised by the Applicant. However, it is submitted that till date, Respondent No.17 has neither been informed by the State Government nor by ASI Officials about the existence of any such Cave near the Quarry in question, as alleged by the Applicant. Hence, contrary averments being devoid of merit are liable to be rejected.

14. That, the averments made in Paragraphs-15 to 20 of Supplementary Affidavit dtd.23.08.2025, needs no reply from this answering Respondent No.17-OMC Ltd..



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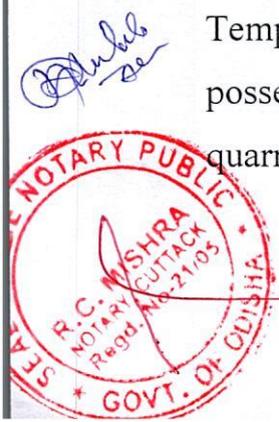
15. That, in reply to the averments made in Paragraph-21 of Supplementary Affidavit dtd.23.08.2025, it is submitted that illegal mining is rampant and very adjacent to intermediate boundary lease pillar of Respondent No.17 and illegal mining is so extensive that the illegal miners are pushing the dig out soil (OB) inside the lease area of Respondent No.17. As stated earlier, lands surrounding the ML area, stands recorded in the name of Shree Jagannath Temple Administration, Puri as well as State Government and same have been forcibly occupied by several persons. It is seen that adjacent to Mining Lease area of Respondent No.17, outsiders are involved in illegal mining throughout day and night over the lands of Lord Shree Jagannath, Puri without any permission from the Authorities concerned. Such illegal mining is being done manually during day time and by deploying heavy earth moving machineries during night. Photographs showing illegal mining during day time as well as during night time have already been placed on record by this Respondent No.17 as Annexure-R-17/3 to the Counter Affidavit. Regarding illegal mining, FIR has also been lodged by the Mining Officer, Cuttack Circle under Annexure-R-17/4 to Counter Affidavit. The Joint Committee constituted by this Hon'ble NGT visited the mines in question on 20.06.2024 and submitted its report stating that, the area adjacent to Narangarh Khondalite Stone Quarry belongs to Shree Jagannath Temple Administration (SJTA) and Govt. land.

16. That, the allegations made in Paragraphs-22 & 23 of Supplementary Affidavit dtd.23.08.2025 are not correct, without any basis, misconceived, disputed and denied specifically. As stated earlier, it is submitted that lease area is surrounded by Plots which stands recorded in the name of Shree Jagannath Temple, Puri as well as Government and some private persons are in forcible possession of those lands of Shree Jagannath Temple Administration, Puri. No quarrying operation is going on by the Respondent No.17 within 100 meters of

Prasanna Kumar Swain

Regional Manager
Minor Mineral

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any residential building / public building / inhabited site / School / Anganwadi Centre. The Committee which visited the Mines in question on 20.06.2024 in compliance of Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building. Hence, contrary averments being devoid of merit are liable to be rejected.

17. That, in view of the facts stated above, the Prayers made in the Original Application are devoid of merit, hence liable to be rejected. Consequently, the Original Application being devoid of merit is also liable to be rejected with cost.

18. That, the averments / allegations made in Supplementary Affidavit dtd.23.08.2025 which have not been specifically dealt with and / or denied, are deemed to have been denied.

19. That, the deponent reserves the right to file further Affidavit / Affidavits, as and when required / directed, for an effective adjudication of the matter.

20. That, the facts stated above are true to the best of my knowledge and belief and also based upon available records as well as information.

Identified by
Jayadev Bhoi
Advocate
Cuttack
Dtd. 10.11.2025

Rasame au. Swain
DEPONENT

**Regional Manager
Minor Mineral
O.M.C. Ltd. Bhubaneswar**

Certified that cartridge papers are not available.

[Signature]
ADVOCATE

**(PRAVAT KUMAR MUDULI)
ADVOCATE**

Email: pravatmuduli2007@gmail.com

Mob. No.9861143461

Solemnly affirm on in Oath by the Deponent
at Cuttack on...*10-11-25*... being made
by *J-Bhoi*
Advocate/Adv's Clerk/S.O., AG's office/Notary
personally, that the facts stated above are
true to the best of his/her knowledge.

**RAMA CHANDRA WISHRA, NOTARY
CUTTACK TOWN, REGD. No-21/05**

