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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O. A. NO. 91 OF 2024/ EZ

IN THE MATTER OF:

SOUBHAGYA RANJAN &  
ORS.

...APPLICANTS

-VERSUS-

STATE OF ODISHA &  
ORS.

...RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF THE  
RESPONDENT NO.5

I, Sachin Kumar Sahoo, aged about 32 years, S/O: Nirmal Chandra Sahoo, At: Lenka Sahi, Byadharpur, Nayabazar, Cuttack, Orissa:753004, do hereby solemnly affirm and state as follows:

1. That I am the respondent No.5 in the Original Application, and I am competent to swear and affirm this affidavit. I have reviewed the contents of the present original application and fully understood them.

*Sachin Kumar Sahoo*



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2. That at the outset, I deny all the allegations, averments, and contentions urged in the present original application individually and collectively, save and except to the extent specifically admitted by me herein below. Any allegations, averments, and/or contentions not specifically admitted, though not traversed, shall be deemed to have been denied.
3. That the present action arises out of allegations of environmental damage and illegal extraction of sand from the Birupa River/ Bhatimunda sand quarry. The applicant has sought intervention of the Hon'ble National Green Tribunal (hereinafter "NGT") for urgent remedial measures to prevent further damage to the riverine environment and to secure restoration/remediation and other consequential reliefs.
4. That the entire complaint is based out of a false and fabricated narration of facts, which is not corroborated by substantial evidence and as such the same is liable to be dismissed.
5. That nowhere in the complaint, applicant has shown any apprehension nor actual damage caused to the environment by undertaking quarrying of Bhatimunda sand quarry. Before

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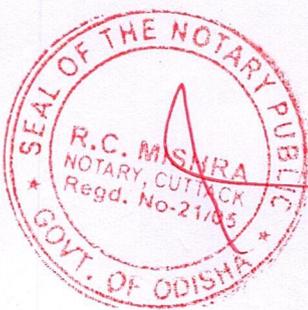
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delving into parawise reply, the true facts of the case is enumerated hereinbelow as follows:

Sl.	Date	Event
A.	24.03.2021	Tender process was conducted for the Bhatimunda Sand Quarry, At: Khata No. 441, Plot No. 1116 P, Area Ac. 12.34 dec
B.	2021	Respondent being the successful bidder, a prospecting/quarry lease was issued in favor of Respondent No. 5.
C.	31.08.2021	Original Environmental Clearance (EC) issued.
D.	10.05.2022	Quarry lease deed executed for a period of five years.
E.	04.06.2022	Respondent obtained a Consent to Operate (CTO) from the statutory authority.
F.	23.05.2023	Order issued to the Respondent to deposit a

Sachin Kumar Sahoo

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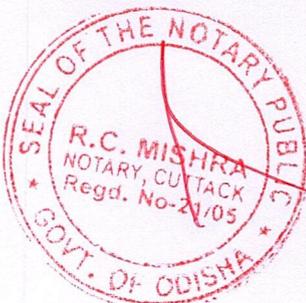


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Sl.	Date	Event
		penalty of Rs. 38,56,710/- for alleged excess sand excavation.
G.	30.05.2023	Respondent applied for Amendment of EC, which was duly approved on 10.01.2024, enhancing the MGQ to 2050 CuM per year for the remaining lease period
H.	10.01.2024	Amended Environmental Clearance was approved, thereby increasing the Maximum Permissible Quantity (MGQ) to 2050 CuM per year.
I.		However, quarry operations commenced only upon issuance of the Y-Forms issued by the Tahasildar. A total of 9 Y-form books were issued, out of which

Sachin Kumar Sahoo

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Sl. Date Event

only 3 were ever used, showing extraction of merely 450 CuM, which is far below even the permitted annual quantum. No quarterly or annual returns were filed since the quarry became non-operational due to natural inundation, river water stagnation, and environmental conditions. Due to the non-cooperation of authorities, no further work could be executed since 31/12/2022 till date.

J.

In the meantime, notice was issued demanding payment of royalty, Respondent had approached Hon'ble High Court, Orissa vide W.P.(C) No.12919 of 2024 challenging the demand notice for royalties,

2024

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*Jayaram Kumar Sahoo*



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Sl.	Date	Event
		which was disposed of with liberty to file a statutory appeal.
K.		Certain villagers approached Hon'ble Tribunal vide the captioned application alleging illegal mining activities.
L.	02.07.2024	Joint Committee constituted by the Hon'ble NGT itself, comprising the Odisha State Pollution Control Board (OSPCB), the Ministry of Environment & Forests, and the District Administration for conducting site inspection
M.	03.08.2024	State Pollution Control Board filed its report confirming that the quarry was non-operational for a long time.
N.	03/09/2025	In the meantime, Respondent came to know

*Jachin Kumar Sato.*

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Sl. Date Event

about a demand notice issued by the Tahasildar vide Notice dated 23/05/2023 and 25/07/2023 wherein he was directed to make a payment of Rs.38,56,710/-

Respondent was never served the aforesaid notices from the concerned authority and only came to know about this upon receipt of the report filed by SPCB.

Being aggrieved, Respondent approached Hon'ble Orissa High Court vide W.P.(C) No. 8163 of 2025 wherein Hon'ble Court as an interim measure, granted stay on coercive recovery of the impugned penalty

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In the meantime, Respondent filed appeal

*Jasbir Kumar Saha*

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Sl. Date Event

against the royalty levied upon him, before the Director of Minor Minerals, which was registered as Appeal No.04 of 2024

6. That in reply to Para 1 and 2 of the Original Application, Respondent submits that the same is a fact on record. Environmental Clearance was issued on 31/08/2021 in favour of Tahasildar. Upon being declared as successful bidder, the said Environmental Clearance was transferred in favour of Respondent in 2022. However, after 31/12/2022, Respondent didn't continue to quarry further sand. Tahasil for which neither he undertook permission for renewal of Environment Clearance nor sought for extension of agreement with tahasildar.
7. That in reply to Para 3 of the Original Application, Respondent submits that the same is a fact on record and doesn't warrant any reply.

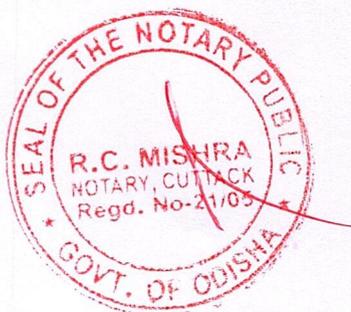
*Jashon Kumar Sahoo*



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8. That in reply to Para 4 of the Original Application, it is submitted that the same is false and denied. No further work has commenced after 31/12/2022 due to the non-cooperation of the Tahasildar in renewal of EC as well as imposing heavy royalty dues upon him. It is a fact that no person was employed beyond the stipulated date 31/12/2022 for undertaking any further quarrying of sand.
9. That in reply to Para 5 of the Original Application, it is submitted that the same is false and denied.
10. That in reply to Para 6 of the Original Application, it is submitted that the same is false and denied. Since Respondent has stopped quarrying activities since 31/12/2022 without any clearances, no quarrying operations have resumed since then. The averment that Respondent has extracted sand around a radius of 3-5 km beyond quarry limit is false and baseless, and applicant is put to strict proof the same.
11. That in reply to Para 7 and 8 of the Original Application, it is submitted that the same is false and denied. The said allegations are

Jeevan Kumar Jato



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levied against Tahsildar and doesn't warrant any reply from Respondent No.5.

12. That in reply to Para 9 of the Original Application, it is submitted that the same is false and denied. Transit Permit was duly issued by the statutory authority for the entire period when Respondent was actually undertaking quarrying activities. Therefore the averment that Respondent was quarrying without a transit permit is false, baseless and mislead the court.

13. That even otherwise, none of the allegations against the Respondent are supported by way of any documentary evidence. Furthermore, the same has been supplemented by the Joint Committee formed by the Hon'ble Tribunal which goes on to show that Respondent has in no manner caused any destruction to the environment.

14. the Applicant has based his allegations solely upon assumptions without producing any contemporaneous evidence of illegal sand mining, dredging, riverbed extraction, or environmental degradation.

15. That the Joint Committee constituted by the Hon'ble NGT itself, comprising the Odisha

*Jain Prasad Jaiswal*

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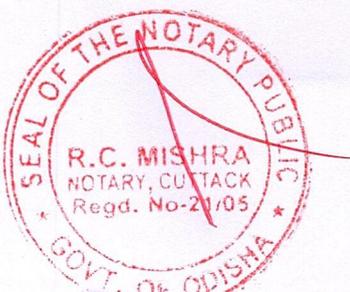
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State Pollution Control Board (OSPCB), the Ministry of Environment & Forests, and the District Administration, has categorically confirmed that the quarry was non-operational for a long time, thereby falsifying the Applicant's allegations.

16. The Respondent submits that he has obtained all statutory permissions, namely the Environmental Clearance (EC) dated 31.08.2021, the Transferred EC dated 22.02.2022, the CTO dated 04.06.2022, and the Amended EC dated 10.01.2024 (MGQ 2050 CuM per year). There has been no extraction beyond permitted limits, nor any mechanized dredging using suction boats or drazing machines as alleged.

17. That pursuant to a tender process held on 24.03.2021, the answering Respondent was declared the successful bidder for the Bhatimunda Sand Quarry, covering **Ac.12.34 dec** under Khata No.441, Plot No.1116 in village Bhatimunda, Tangi-Choudwar, District Cuttack. A quarry lease deed was executed on 18.05.2022 for a period of five years. Thereafter, the Respondent commenced lawful quarrying activities in strict conformity

*Sachin Kumar Sahoo*



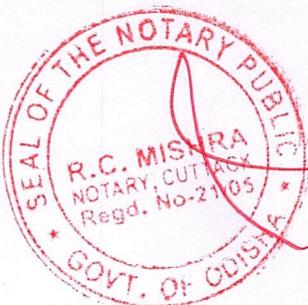
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with the OMMC Rules, 2016, and the conditions of EC/CTO.

18. That the quarry operations commenced only upon issuance of the Y-Forms by the Tahasildar. A total of 9 Y-form books were issued, out of which only 3 were ever used, showing extraction of merely 450 CuM, which is far below even the permitted annual quantum. No quarterly or annual returns were filed, not because extraction occurred, but because the quarry became non-operational due to natural inundation, river water stagnation, and environmental conditions. This has been acknowledged by the Joint Committee.
19. That on 30.05.2023, the Respondent applied for Amendment of EC, which was duly approved on 10.01.2024, enhancing the MGQ to 2050 CuM per year for the remaining lease period
20. During the site inspection conducted on 02.07.2024, the Joint Committee categorically recorded that the quarry was not in operational condition for a considerable period, as was apparent from the complete absence of sand-transportation vehicles, the lease area being substantially inundated with river water, and the presence of natural vegetation growth in patches across the remaining portions of the site.

*Sachin Kumar Jaiswal*



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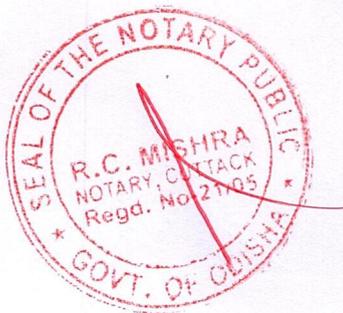
a. These factual observations of the Joint Committee unequivocally contradict the allegations raised in the Original Application, as they demonstrate that no sand-mining activity was being carried out at the site contemporaneously, nor was there any indication of recent extraction, transportation, or commercial operation. The physical condition of the quarry, *i.e.*, the inundation of the lease area by river water and the natural regrowth of vegetation, is wholly inconsistent with any active or clandestine mining operations. Consequently, the very foundation of the Applicant's assertions of ongoing illegal extraction, environmental degradation, or violation of statutory conditions stands on a factually untenable premise.

The Committee's findings themselves affirm that no operational activity existed that could constitute a contravention of the Environment (Protection) Act, 1986, the OMMC Rules, 2016, or any condition of the EC/CTO at the material time. Hence, the allegations of illegal mining are not substantiated either by empirical inspection or contemporaneous records.

21. That the Joint Committee, to independently verify the veracity of the allegations made in the Original Application, expressly directed the Applicant to

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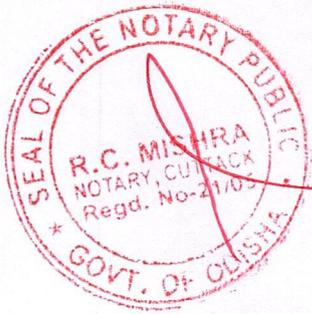
furnish, within three days, any photographs, documents, or material evidence purportedly demonstrating the commission of illegal sand-mining activities at the Bhatimunda Sand Quarry. Despite such a clear opportunity being afforded, and despite the seriousness of the allegations levelled, the Applicant failed to furnish even a single scrap of evidence before the Committee.

The Joint Committee has categorically noted this non-compliance in its report. This failure to produce any material substantiating the allegations not only undermines the credibility of the Applicant's claims but also reinforces the Committee's own field observations that the quarry was non-operational, water-logged, and overgrown with vegetation. The allegations of ongoing illegal mining are therefore wholly unsubstantiated, speculative, and contrary to both factual inspection and administrative record.

22. That the sweeping allegation of the Applicant that the Respondent had employed 'suction boats' or 'drazing machines' for extraction of sand is wholly unfounded, as such an assertion is contradicted both by the physical characteristics of the site and by the findings of the Joint Committee; the quarry area was found to be partly waterlogged and not

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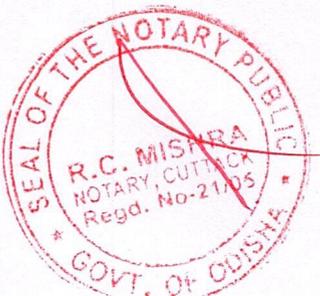
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part of any flowing river channel where suction-based dredging could even be technically feasible, no machinery of any nature was present or traced during inspection, the Committee did not observe any dredging marks, disturbances, or geomorphological signatures typically associated with mechanical extraction, and, most significantly, neither the Applicant nor any complainant produced a single photograph, video, GPS coordinate, or contemporaneous material to substantiate this allegation. Hence, the claim of dredging through suction boats is speculative, scientifically untenable, and factually disproven.

23. That the Applicant's reliance on an alleged incident of 'suction boat' activity is wholly misplaced, as the only reference to such an allegation appears in a mere show-cause notice dated 12.10.2023, which was never adjudicated upon by any competent authority, nor did it culminate in any finding of guilt against the Respondent. It is respectfully submitted that although a penalty of Rs.5,00,000/- was mechanically imposed without any contemporaneous field verification or technical assessment, the Respondent, acting in utmost good faith and to avoid coercive measures, economic hardship, or disruption of lawful operations,

*Jasbir Kumar Jaiswal*

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deposited the said amount strictly under protest.

The Respondent has consistently cooperated with all statutory authorities, complied with every direction issued, and has approached this Hon'ble Tribunal with clean hands, transparent disclosures, and without suppression of any material fact. The Respondent's conduct throughout the proceedings unequivocally demonstrates bona fides and a conscientious effort to adhere to environmental norms, notwithstanding the absence of any proven breach on his part.

24. That the Applicant has deliberately sought to conflate issues of royalty assessment and penalty disputes to project an unfounded narrative of illegality, although such fiscal demands fall squarely within the domain of revenue administration and have no nexus whatsoever with environmental violations. It is a settled position of law that non-payment of disputed royalty or governmental dues cannot, by any stretch of legal interpretation, be equated with illegal mining or environmental infraction.

It is submitted that the monetary demands raised by the authorities were themselves under bona fide dispute and were the subject of challenge

*Jacobson Kumar Jaiswal*

*SLA  
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before the Hon'ble High Court in W.P.(c) No.12919 of 2024, wherein this Hon'ble Court was pleased to grant liberty to the Respondent to avail the statutory appellate remedy.

25. That pursuant thereto, the Respondent has already filed the prescribed statutory appeal, which is presently pending adjudication. It is a settled position of law that non-payment of **disputed** royalty or governmental dues cannot, by any stretch of legal interpretation, be equated with illegal mining or environmental infraction.

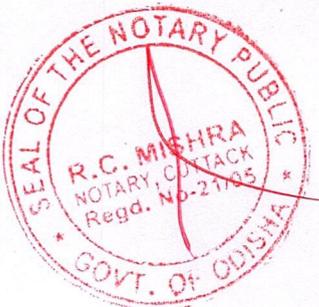
The Respondent, who at all stages has acted with transparency and in good faith, reiterates his readiness and willingness to pay all lawfully determined royalty dues upon final adjudication by the competent authority.

26. That the allegation of the Applicant that the Respondent failed to submit the annual replenishment study within the stipulated one-year period is wholly misconceived and overlooks the factual and environmental constraints prevailing at the site.

The Respondent respectfully submits that the quarry had remained in a persistently waterlogged and non-operational condition for an extended duration, owing to natural inundation of the

*Jasbir Kumar Sahoo*

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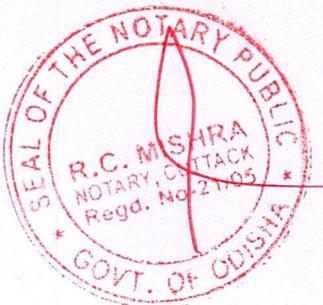
riverbed and continuous stagnation of water, which made it impossible to generate any scientifically valid pre-monsoon or post-monsoon field data. The Joint Committee itself, during its inspection on 02.07.2024, recorded that the lease area was partly submerged under river water, exhibited extensive vegetation growth, and showed no signs of recent mining or vehicular access.

In such circumstances, the conduct of a replenishment study, which, by statutory mandate, requires physical field measurements, transect observations, and comparative elevation recordings, was not feasible despite due diligence exercised by the Respondent. Hence, the alleged non-submission of the study cannot be attributed to any neglect or violation on the part of the Respondent but is a direct consequence of natural conditions beyond human control.

27. That the Respondent further submits that the Applicant is a habitual complainant who has instituted multiple proceedings on the same set of allegations, which indicates that his actions are motivated by factors extraneous to environmental protection. Despite filing successive complaints before various forums, the

*Jagan Kumar Sahoo*

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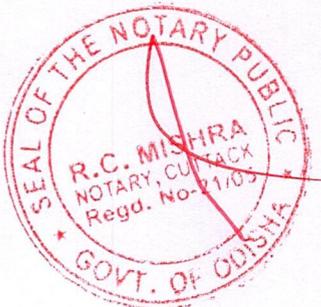
Applicant has conspicuously failed to produce even a single piece of credible evidence, whether photographic, documentary, geo-spatial, or otherwise, in order to substantiate the allegation of illegal mining.

28. That the Applicant has, in fact, attempted to mislead this Hon'ble Tribunal by selectively suppressing material facts, including the Joint Committee's findings which categorically recorded that the quarry was non-operational for a considerable period; the absence of any sand extraction activity in the recent months; the subsisting natural inundation of the site; the liberty granted by the Hon'ble High Court to the Respondent to pursue the statutory appellate remedy; and the fact that an amended Environmental Clearance has already been duly issued.

a. Such suppression of relevant and crucial facts reflects mala fides and renders the Applicant's allegations devoid of credibility.

29. That the Respondent submits that he has fully complied with every statutory and regulatory requirement possible and has consistently acted in a manner befitting a responsible citizen and law-abiding project proponent.

*Joshi - Purna Sato*



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The Respondent has duly maintained a valid Environmental Clearance, obtained the requisite Consent to Operate from the State Pollution Control Board, and returned the Y-Form books issued to him, save those that remain unutilised or are maintained in official custody as per rules.

30. That the Respondent, while denying the allegations in toto, submits that the issues sought to be projected in the present proceedings pertain solely to disputes relating to Y-Form reconciliation, alleged outstanding royalty/DMF/EMF dues, and a penalty imposed for purported excess extraction, all of which are purely administrative matters governed under the OMMC Rules, 2016, and do not constitute any environmental violation.

The allegations that certain Y-Form books were not returned, that quarterly returns were not submitted, or that dues amounting to Rs.38,56,710/- and Rs.23,97,042/- remain unpaid are already the subject matter of challenge before the Hon'ble High Court of Orissa in W.P.(C) No.8163 of 2025.

a. The Hon'ble High Court, after considering the Respondent's submissions, has been pleased to grant an interim stay on the coercive recovery of the

*Joshi Pravin Jitendra*



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impugned penalty and further granted liberty to the Respondent to approach the competent authority for reconsideration and reduction of the said dues.

31. That pursuant thereto, the Respondent has already filed a statutory representation before the Office of the Director of Minor Minerals, Steel & Mines Department, which is presently pending adjudication. It is further submitted that although the statutory appeal no. 04/2024 filed by the Respondent before the Director of Minor Minerals, Steel & Mines Department was initially rejected on the sole ground of non-payment of costs, the Respondent has since duly deposited the requisite cost without any delay and has immediately filed an appeal as directed by the concerned authorities on 19/11/2025, which is presently under active consideration; therefore, the fiscal dispute stands sub judice before the competent authority and cannot be construed as an environmental violation for these proceedings.

32. That the Respondent has, at every stage, extended full cooperation to the authorities, appeared before the Committee when directed, furnished all documents sought, and facilitated an unhindered site inspection. He respectfully submits that he

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approaches this Hon'ble Tribunal with clean hands, and that he is genuinely committed to ensuring that his activities do not cause any environmental harm.

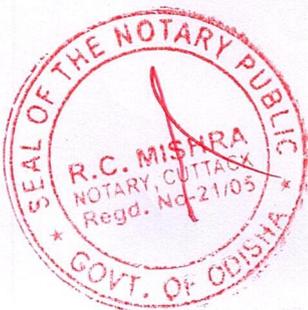
As a citizen who is mindful of ecological balance and the fragile riverine ecosystem, the Respondent is eager to comply with all lawful directions of this Hon'ble Tribunal and stands willing to undertake any further measures that may be necessary to safeguard the environment and uphold the rule of law.

33. That the Respondent No.5 craves the leave of this Hon'ble tribunal to file a further affidavit if necessary for effective adjudication of this case. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and nothing material has been concealed.

#### DECLARATION

I, Sachin Kumar Sahoo, aged about 32 years, S/O: Nirmal Chandra Sahoo, At: Lenka Sahi, Byadharapur, Nayabazar, Cuttack, Orissa:753004, being the Respondent No.5, do hereby solemnly affirm that the facts stated in paragraphs 1 to 33 are true to my own knowledge and in paragraphs

*Sachin Kumar Sahoo*



*SA*  
*SA*

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are true to the best of my information which I obtained from my personal sources.

I believe the information to be true for the following reasons: Basing upon the official records and information.

Solemnly declare at the above this 21<sup>st</sup> day of November

Identified By

*[Handwritten signature]*

*Jacob Juma Jalo*  
Deponent

Advocate

Cuttack

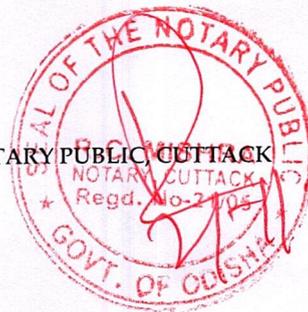
Date: 21.11.2025

Solemnly affirmed before me by S.K. Sahoo who is identified before me by

S. Rout Adv who I personally know

This 21 day of November 2025

BEFORE THE COMMISSIONER OF OATH/NOTARY PUBLIC CUTTACK





Rupa Jena &lt;ruparekha872@gmail.com&gt;

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**OA - 91 - 2024 SOUBHAGYA RANJAN V STATE OF ODISHA AND ORS COUNTER AFFIDAVIT BY RESPONDENT 5**

1 message

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**RUPAREKHA** <ruparekha872@gmail.com>

21 November 2025 at 21:53

To: Dipanjan Ghosh &lt;dpnjnghsh0@gmail.com&gt;, roez.bsr-mefz@nic.in

Dear Sir

Kindly find attached herewith the copy of counter affidavit filed by the Respondent No.5.

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Best Regards**Ruparekha Jena**

Advocate

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 **Sachin kumar sahu NGT\_0001 COUNTER AFFIDAVIT.pdf**  
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