

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 60 OF 2025**

IN THE MATTER OF:

JHADESWAR PRADHAN

...APPLICANT(S)

VERSUS

STATE OF ODISHA AND OTHERS

...RESPONDENTS

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RESPONDENTS**THROUGH:**

VARUN MISHRA**PANEL COUNSEL FOR THE RESPONDENT**

A-21, BASEMENT,

HAKIKAT RAI MARG,

JANGPURA EXTENSION, NEW DELHI- 110014

PLACE: New Delhi

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DATE: 15.12.2025

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
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REPLY ON BEHALF OF STATE RESPONDENTS

1. The present Reply is being filed pursuant to the order dated 24.11.2025 directing the Respondents to file a reply to Respondent No. 12's Interim Application seeking modification of the Order dated 08.07.2025 passed by this Hon'ble Tribunal.
2. By way of background, the Respondents submit that *vide* order dated 04.04.2025, this Hon'ble Tribunal had issued notice in the matter and appointed a Joint Committee comprising (i) Collector and District Magistrate, Sundergarh or his representative; (ii) Senior Scientist, Odisha State Pollution Control Board; and State Environment Impact Assessment Authority (SEIAA) Odisha.

A copy of the Order dated 04.04.2025 passed by this Hon'ble Tribunal is attached hereto and marked as ANNEXURE R-1.
3. Subsequently, the said Joint Committee filed its inspection report dated 20.05.2025 before this Hon'ble Tribunal. The same is available on page no. 9 of the Counter Affidavit filed by Opposite Part No. 3 dated 02.07.2025.

Subhankar Mohapatra
COLLECTOR, SUNDARGARH



4. In its report dated 20.05.2025, the Joint Committee proposed as under:

"Conclusion:

The Committee recommends that the alleged sand bed unit may be complied to take up the following necessary compliance as per Hon'ble National Green Tribunal order.

1. The sand bed unit may be imposed environmental compensation as calculated by joint committee as about Rs, 25,41,188.00/- (Rupees Twenty-Five Lakhs Fourty One Thousand one hundred eighty-eight only). ...

5. Subsequently, vide order dated 08.07.2025, this Hon'ble Tribunal *inter alia* directed as under:

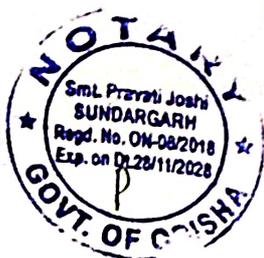
"1-6.....

7. Along with this affidavit, a Compliance status of Environmental Clearance conditions on Paragraph nos.10 to 20 has been filed which mentions that the sand bed unit may be imposed environmental compensation as calculated by the Joint Committee as about Rs. 25,41,188.00/- (Rupees Twenty-Five Lakhs Fourty One Thousand one hundred eighty-eight only) and that the same may be recovered from the Lessee of M/s Tendra Sand Bed-II, i.e., the Respondent No.12 herein.

8-11...

12. We further direct the State Respondents to file the Action Taken Report with regard to the recovery of Environmental Compensation."

Subhankar Mohapatra
COLLECTOR, SUNDARGARH



6. Pursuant to the order dated 08.07.2025 of this Hon'ble Tribunal, the State Respondents have filed their Action Taken Report dated 21.08.2025 and have raised the demand for the environmental compensation vide demand letter No. 2768/Mines dated 20.08.2025.

RESPONDENTS**THROUGH:****VARUN MISHRA****PANEL COUNSEL FOR THE RESPONDENT**

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DATE: 15.12.2025

Subhankar Mohapatra
COLLECTOR, SUNDARGARH





BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 60 OF 2025

IN THE MATTER OF:

JHADESWAR PRADHAN

...APPLICANT(S)

VERSUS

STATE OF ODISHA AND OTHERS

Before **SMT. PRAVATI JOSHI**
NOTARY, SUNDARGARH

...RESPONDENTS

AFFIDAVIT ON BEHALF OF THE STATE RESPONDENTS

Dr. Subhankar Mohapatra, S/o Karunakar Mohapatra, aged about 35 year and at present working as District Collector, Sundargarh do solemnly affirm and state as under:

I am the Opposite Party No. 3 in the present case and am well conversant with the facts and circumstances of the present case, and as such I am competent to swear this present affidavit.

I have read the accompanying reply and state that the contents of the same are true to the best of my knowledge and are believed by me to be true.

I further state that the documents filed along with the Action Taken Report are true copies of their respective originals.

Subhankar Mohapatra
DEPONENT
COLLECTOR, SUNDARGARH

VERIFICATION

Solemnly verified at Sundargarh on this the 15th day of December 2025 that the contents of my above-mentioned affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Subhankar Mohapatra
DEPONENT
COLLECTOR, SUNDARGARH

deponent(s) being personally known
to me Solemnly Affirmed and
Declared the truthness of the contents

Pravati Joshi
Smt. Pravati Joshi, Notary
Sundargarh, Govt. of Odisha
REGD. No. ON-08/2018

Sl. No. 7528... Date 15/12/2025
Smt. Pravati Joshi, Notary
Sundargarh Govt. Of Odisha
REGD No. ON-08/2018
EXP. ON 11/2028



Item No.01

Court No.1

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

Original Application No.60/2025/EZ

Jhadeswar Pradhan

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 04.04.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

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

ORDER

1. Heard Mr. Sankar Prasad Pani, learned Counsel assisted by Mr. Ashutosh Padhy, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. The Applicant who is a resident of Tendra has filed the present Original Application alleging that the private respondent no.12, Smt. Rashmi Rekha Sahu, Lessee Tendra-II Sand Bed is carrying on excess sand mining and causing obstruction of river through Mechanical Mining and transportation of sand through heavy vehicles through their village road using his private plot bearing Khata No.-13, Plot No.- 3976 thereby damaging the cultivable land, road and causing inconvenience and environmental pollution.
3. It is alleged that the sand mining is being carried on in violation of the Sand Mining and Management Guidelines, 2016 and Sustainable Sand Mining Guidelines, 2020. It is alleged that sand mining is being carried on in the Tendra Sand Bed of Bramhani River at Village- Tendra, Plot No.-149/P, 151/P, Khata No.1

(Kisam-Nadi), Total ML Area of 12.35 acres or 5.0 ha, Mouza: Tendra, Tahasil: Bonai, Dist: Sundargarh.

4. It is alleged that the heavily loaded sand vehicles are not only being carried out over the plot of land of the Applicant but also of another complainant namely Lokanath Pradhan bearing Khata No.-45, Plot No.-2855 who has submitted a complaint before the Director of Minor Minerals.
5. It is alleged that the sand loaded vehicles are plying through the residential areas of villages like Tendra, Khajuribahal, Kasada, during day and night and there is no approved approach road for the transportation of the vehicles on agricultural land.
6. It is stated that Environmental Clearance (EC) was granted in favour of the Respondent No.12 by the State Environment Impact Assessment Authority (SEIAA), Odisha on 13.07.2023 for extraction of 30,000 Cubic Meter of sand in the first year and 7,500 Cubic Meter of sand in the second year from the said source upto a maximum depth of mining of 1.0m during valid mining lease period (as per Environmental Clearance) over mining lease area of 12.35 acres; Consent to Operate (CTO) was granted on 02.01.2024 and Consent to Establish was granted on 22.12.2023.
7. It is alleged that no study of the annual rate of replenishment of sand has been done for the sairat source which is a pre requisite as per the guidelines of sustainable sand Mining management issued by the MoEF & CC, Govt. of India as has been stated in paragraph no.3 point no.(vi) of the Environmental Clearance under the heading Project details.
8. Violation of Environmental Clearance conditions has been enumerated in paragraph nos.10 to 20 and violation of 'Consent to

Establish' conditions has been alleged in paragraph nos.21 to 35 and violation of 'Consent to Operate' conditions has been alleged in paragraph nos.A to V of the Original Application. Various other allegations have been made in the present Original Application and having regard to the same, we are of the view that the case for interference has been made out in the present Original Application.

9. Matter requires consideration.
10. Issue notice to the Respondents, returnable within four weeks.
11. Mr. Satyabrata Mohanty, learned Additional Government Advocate, appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1 to 8, State Respondents, Government of Odisha.
12. Ms. Papiya Banerjee Bihani, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.9, Odisha State Pollution Control Board.
13. Issue notice to the Respondent No.10, State Environment Impact Assessment Authority (SEIAA), Odisha.
14. Issue notice to the Respondent No.11, Deputy Director General of Forests, Ministry of Environment, Forests and Climate Change (MoEF&CC), Integrated Regional Office, Bhubaneswar, Odisha as well as the Respondent No.12, private respondent, returnable within four weeks.
15. All the Respondents shall file their counter-affidavits within four weeks.
16. Considering the allegations made we deem it appropriate to constitute a Committee comprising of the following Members:-
 - i. Collector and District Magistrate, Sundergarh or his representative;
 - ii. Senior Scientist, Odisha State Pollution Control Board; and

- iii. State Environment Impact Assessment Authority (SEIAA),
Odisha.
17. The Committee shall visit the site in question and submit its report with regard to the allegations made in the Original Application.
18. The Collector and District Magistrate, Sundergarh shall be the Nodal office for all logistic purposes and for filing the Inspection Report on affidavit.
19. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Satyabrata Mohanty and Ms. Papiya Banerjee Bihani, learned Counsel for the Respondents, within 24 hours.
20. **List on 08.07.2025.**

.....
B. Amit Sthalekar, JM

.....
Dr. Afroz Ahmad, EM

April 04, 2025,
Original Application No.60/2025/EZ
OM