

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 190 / 2025 / EZ**

Abadhut Kharsel & Ors.

...Applicant

VERSUS

State of Odisha & Others

...Respondents

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By the Respondent No.3

Kolkata

Through

Date:

Sri Dipanjan Ghosh,
Advocates for the Respondent No.3
(State Pollution Control Board, Odisha)
E-mail: dpnjnghsh0@gmail.com
Phone No.:9903080977

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 190 / 2025 / EZ

07 JAN 2026

Abadhut Kharsel & Ors.

...Applicant

VERSUS

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... Respondents

**AFFIDAVIT ON BEHALF OF STATE
POLLUTION CONTROL BOARD, ODISHA
R.NO.3.**

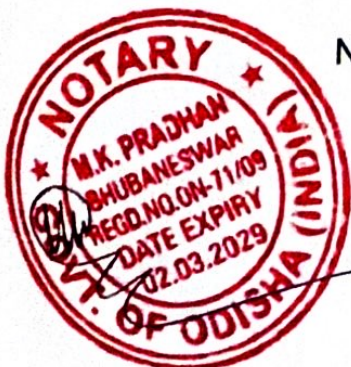
I, Smt. Uma Nanduri, IFS, wife of Sri Prem Kumar Jha, IFS aged around 58 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.3 Board and, as such, am well-acquainted with the facts and



circumstances with the case and competent to swear this affidavit.

2. That the applicants residents of the Jamera in the district of Jharsuguda have filed this OA for issuance of appropriate direction to the R-7 unit i.e. M/s. Orissa Metaliks Pvt. Ltd. to remove the fly ash from the agricultural lands of the applicants including the water stream which have been submerged by fly ash and restore the land and water body it its prior condition.
3. That the Hon'ble Tribunal while adjudicating the OA vide their order dtd.03.11.2025 at para-8 has constituted a joint committee comprising of representatives of Regional Office, MoEF&CC, Central Pollution Control Board, Odisha State Pollution Control Board and District Magistrate, Jharsuguda and directed the committee to undertake visits to the site, look into the grievances, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The SPCB, Odisha will be the Nodal Agency for coordination and compliance.



4. That in compliance to the direction of Hon'ble Tribunal, the R-3 Board has nominated the Regional Officer, Jharsuguda to represent the Board in the joint committee and intimated the same to the Collector & District Magistrate, Jharsuguda vide Board's letter No.20567 dtd.20.11.2025 for information and necessary action. A copy of the letter No.20567 dtd.20.11.2025 is annexed to this affidavit and marked as **ANNEXURE-R3/1**.
5. That the Regional Officer, Jharsuguda of R-3, who has also been declared as the Nodal Officer vide his letter No.1919 dtd.03.12.2025 has requested the applicant to remain present during inspection on dtd.05.12.2025 at 10 AM at the alleged site. A copy of the letter No.1919 dtd.03.12.2025 is annexed to this affidavit and marked as **ANNEXURE- R3/2**.
6. That the joint committee has carried out the inspection on dtd.05.12.2025 in presence of the applicants and representatives of R-7 unit. During inspection, the joint committee has visited the affected site along with the applicants and representative of R-7 unit and on interaction with the applicants, it is ascertained that the



applicants affected due to the breach of fly ash mound located in the premises of R-7 unit and raised the following issues:

- a. Compensation to be paid for the damage caused to the agricultural crops.
- b. Restoration of the reclamation of the damaged agricultural land.

After visit of the site and interaction with the applicants as well as representative of R-7, the committee has made recommendations, which includes payment of compensation to the applicants as per assessment made by the district administration and in accordance with the prevailing rules and guidelines.

The report of the joint committee is annexed to this affidavit and marked as ANNEXURE - R 3/3.

7. That this affidavit is filed in compliance to the direction dtd.03.11.2025 read with 17.12.2025 of the Hon'ble Tribunal in order to bring in record the joint committee report.



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MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. QN-71/2009
PH - 9437627119 (M)

X

8. That the R.No.3 Board craves leave of this Hon'ble Tribunal to file further affidavit, if required, for proper adjudication of this case.
9. That the annexures annexed to the present affidavit are true and correct copies of their originals.
10. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.



DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 7th day of January,

2026.

SWORN BEFORE ME

MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. QN-71/2009
PH - 9437627119 (M)



DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar





EPABX: 2561909/2562847
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 Website: www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA]
 Paribesh Bhawan, A/118, Nilakanthanagar, Unit - VIII,
 Bhubaneswar - 751 012, INDIA

No. 20567
 VII - L - Misc - 1259

Date: 20/11/2025

Speed Post / E-mail

To

The Collector & District Magistrate
 Jharsuguda.

Sub: OA No.190/2025/EZ - Abadhut Kharsel & Ors vs. State of Odisha & Ors - regarding
 M/s. MSP Mettalics Ltd., Jharsuguda.

Sir,

The Hon'ble NGT, EZB, Kolkata while adjudicating the aforesaid OA vide their order dtd.03.11.2025 has been pleased to constitute a joint committee at para-8 comprising of representative of Regional Officer, MoEF&CC, CPCB, Odisha SPCB and District Magistrate, Jharsuguda and directed to meet within two weeks, undertake the visit to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The OSPCB will be the Nodal Agency for coordination and compliance and it is further directed that the report of the committee may be filed within one month. The case is adjourned to 17.12.2025.

The Regional Officer, Jharsuguda of this Board has been nominated to represent the Board in the joint committee, who has also been declared as the Nodal Officer in this case. Hence, you are requested to nominate your representative and instruct him to contact the Regional Officer, Jharsuguda for further follow up action. It may also please be considered to depute an Agriculture Officer to assist the joint committee during inspection of the site in addition to your own representative. Copy of order dtd.03.11.2025 is enclosed for your reference. The nomination of CPCB, Zonal Office, Kolkata and MoEF&CC, Regional Office, Bhubaneswar are also enclosed for ready reference.

Encl: As above.

Yours faithfully,


 Member Secretary

Memo No. 20568 / Date: 20/11/2025

Speed Post / E-mail

Copy forwarded to the Regional Officer, SPC Board, Jharsuguda for information and necessary action.


 Member Secretary

E-mail: rospcbjharsuguda@gmail.com
rospcb.jharsuguda@ospcbboard.org



REGIONAL OFFICE
 STATE POLLUTION CONTROL BOARD, ODISHA
 (DEPARTMENT OF FOREST & ENVIRONMENT, GOVT. OF ODISHA)
 Plot No. 370/5971, At - Babubagicha (Cox Colony), St. Mary's Hospital Road,
 Post - Industrial Estate, Jharsuguda- 768 203

By e-MAIL

No 1919 /IND-VIII-NGT-35

Date 03/12/2025

From,

Er H.K. Nayak
 Regional Officer

To,

Sri Abaduth Kharsel & ors,
 S/o-Parameswar Kharsel,
 At-Jamera, P.O-IB, via-Brajrajnagar,
 Dist-Jharsuguda.

Sub: Site inspection of the joint committee in compliance to the Hon'ble NGT order dated 03.11.2025 in OA No.190/2025/EZ- Abaduth Kharsel & Ors Vs. State of Odisha & Ors-Reg.

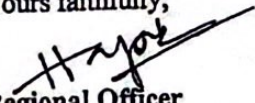
Ref: H.O. Letter no-20567, dtd:-20.11.2025.

Sir,

With reference to the above cited subject and letter under reference, it is to intimate that as per para no-8 of the order of Hon'ble NGT, Eastern Zone Bench, Kolkata has constituted a committee comprising of representative of Regional Officer, MoEF& CC, CPCB, SPCB, Odisha and District Magistrate, directed to meet within two weeks, undertake the visit to the site, look into the grievances of the applicant, associate the applicant and representative of the Concerned project proponent, verify the factual position and suggest appropriate remedial action.

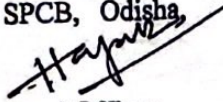
Therefore, in view of the above, you are requested to be remain present on dated:- 05.12.2025, at 10.00 am at the alleged site to carry out inspection. This is for your kind information and necessary action.

Yours faithfully,

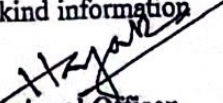

 Regional Officer

Encl: As above

Memo no: 1920, dtd:- 03/12/2025
 Copy forwarded to the Sri B.P.Pattajoshi, Sr. Legal Consultant, SPCB, Odisha, Bhubaneswar for kind information and necessary action.


 Regional Officer

Memo no: 1921, dtd:- 03/12/2025
 Copy forwarded to the Sr.Law Officer, SPCB, Odisha, Bhubaneswar for kind information and necessary action.


 Regional Officer

FACTUAL REPORT ON THE SITE VISIT CARRIED OUT BY THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NGT IN CASE NO. OA 190/2025/EZ IN THE MATTER OF ABADHUT KHARSEL AND OTHERS VS. STATE OF ODISHA AND OTHERS

A petition was filed by Shri Abadhut Kharsel and others in the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata bearing the case no. OA 190/2025/EZ. The respondents in the case are the State of Odisha, Ministry of Environment Forest and Climate Change, District Collector & Magistrate, Jharsuguda, Central Pollution Control Board and State Pollution Control Board, Odisha.

The Hon'ble NGT vide order dated 03.11.2025 had directed for constitution of a Joint Committee to verify the factual position and suggest appropriate remedial action.

In compliance to the directions of the Hon'ble NGT, the Joint Committee, constituted with the following members, carried out site inspection on 05.12.2025.

1. Shri Brajabandhu Bhoi, Addl. District Magistrate, Jharsuguda District.
2. Shri M. Rajeshwar Prasad, Scientist 'C', MoEF&CC, Regional Office, Bhubaneswar
3. Shri Hiranya Kumar Nayak, Regional Officer, OSPCB, Regional Office, Jharsuguda.
4. Shri Sukhendu Biswas, Scientist 'B', CPCB, Regional Directorate, Kolkata
5. Smt. Anusha Ekka, Environment Scientist, OSPCB, Regional Office, Jharsuguda
6. Shri Sadakar Kumbhar, Tahasildar Jharsuguda
7. Shri Amrit Lugun, Block Agriculture Officer, Jharsuguda
8. Smt. Rupali Oraon, R.I., H.Katapli

The Joint Committee met the complainant with the following members:-

1. Shri Jagabandhu Kharsel, Eldest Son of Shri Abadhut Kharsel.
2. Shri Madhab Kharsel, Second Son of Shri Abadhut Kharsel.
3. Shri Chakrabarti Kharsel, Son of Shri Abadhut Kharsel.
4. Shri Dambudhar Kharsel, Grandson of Shri Abadhut Kharsel
5. Smt. Ramayee Karta, Daughter in law of Shri Abadhut Kharsel & others

The following representatives of M/s Orissa Metalliks Pvt.Ltd were also present during the site visit:-

- Sri Ajit Kumar Singh, Sr. Vice President
- Sri Saumit Kumar Pal, Plant Head
- Sri Ajit Kumar Lakra, AGM (EHS)
- Shri Debendra Bag, AGM (Liaisoning)

As per the directions of the Hon'ble NGT, the following issues are to be verified by the Joint Committee:-

a. Undertake the site visit and verify the factual position:

The Committee visited the site and took into account the factual position of the land affected due to the flow of the fly ash stored from the project area into the agricultural lands. The Committee observed that there was flow of the fly ash stored within the premises of the project into the agricultural lands downstream, where it had been deposited over the cultivated agricultural lands. This was attributed to the continuous torrential rains during the month of July, 2025. As a result of this breach of the fly ash stored in that area, it was noticed that approximately 2-3 ft of fly ash has been deposited and layered over the agricultural land, owned

by the applicant, located at its immediate downstream. Subsequently, the fly ash was washed along with the water flowing towards downstream into the adjacent nearby agricultural fields. It was also observed that the extent of deposition as well as damage to the agricultural land was highest at the nearest agricultural land and gradually decreased to moderate to minimal as the distance increased.

Damage to the land and crop was witnessed by the members of the Committee.

b. Look into the grievances of the applicant:-

The Joint Committee visited and inspected the affected sites alongwith the family members of the applicant, Shri Abadhut Kharsel, other villagers of Jamera, and the representative of M/s Orissa Metaliks Pvt Ltd.

The members of the Joint Committee interacted with the applicant affected due to the breach of fly ash mound located in the premises of M/s Orissa Metaliks Pvt. Ltd. The applicant narrated the sequences of the occurrence of the incident which was attributed to the incessant rains during the month of July, 2025. The applicant broadly raised the following issues-

- i. Compensation to be paid to him for the damage caused to the agricultural crop.
- ii. Restoration and reclamation of the damaged agricultural land.

The Additional District Magistrate, Jharsuguda, Block Agricultural Officer, Jharsuguda and Tahsildar, Jharsuguda assured the applicant that assessment of crop damage would be done and calculation of the compensation amount would be disbursed as per the prevailing rules and guidelines.


The Joint Committee also recommended for calculation of the compensation on the damage caused to the environment / land due to fly ash in violation of the Fly Ash Notification, 2021 of MoEF&CC, GOI.


It was also assured to the applicant that the measures for restoration and reclamation of the agricultural land would be made with the help of District Agricultural Officer and Officials from the District Administration at the earliest. It was also of the view that the project M/s OMPL would bear the cost of restoration & reclamation of the affected agricultural land.

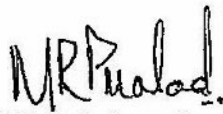
RECOMMENDATIONS OF THE JOINT COMMITTEE:-

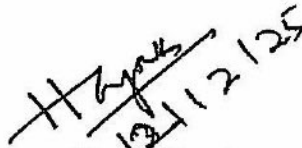
1. Necessary compensation for the damage caused to the agricultural land due to the breach of solid waste mixed with fly ash shall be paid to the applicant at the earliest by the project proponent, as per the assessment made by the District Administration and in accordance with the prevailing rules and guidelines.
2. The affected land of the applicant shall be restored by the M/s OMPL to its original condition for agricultural use in the subsequent period with the help of the District Administration.
3. The Project Proponent shall construct a retaining wall and a garland drain and shall stabilize the breached site with soil covering followed by plantation.
4. Another fly ash mound located inside the premises was also visited by the Joint Committee. It was observed that there was legacy fly ash stored. The Committee was of the view that:
 - (i) The project proponent should install a wind barrier all along the solid waste dumped site so that there would not be any dispersion of the fly ash / dust particles into the surrounding villages.

- (ii) The fly ash mound shall be properly compacted with thick soil covering and should be reclaimed with thick green belt.
5. The Committee was of the view that the project proponents may construct a garland drain all around the solid wastes storing site for collection of any surface runoff from the dumped site and drained into a settling pond within the industrial plant premises for storage, settling of suspended particles and the water may be used for various purposes like water spraying, green belt development, wheel washing, etc.
 6. The boundary of the industry, adjoining the village agricultural land should be strengthened properly with solid stone pitched and concrete wall to withstand any such accidental outflow or overflow of the surface water from the plant into the agricultural land.
 7. The project proponents should ensure that there should not be any solid wastes stored near to the natural nallah passing nearby or near the adjoining agricultural land.
 8. The project needs to install Surface Runoff treatment system and recycle the treated water in the plant.
 9. All the internal roads need to be made concrete/ black topped and water sprinkling system of arrangements need to be installed along the roads to check fugitive dust emissions.
 10. The project proponent shall store all raw materials on concrete floors and under covered sheds or with tarpaulin coverings until the construction of permanent sheds is completed.
 11. There should be a garland drain all around the raw material storage AREA in order to connect the surface runoff water with the storage area.
 12. The project needs to implement all the environment safeguard measures provided in the EIA/EMP. The project may undertake a study for waste management and reuse in the project.
 13. The project may undertake measures for protection of the nallah flowing inside and along the plant boundary, through plantation on both the sides of the nallah for checking soil erosion.
 14. The project may carry out monitoring of water quality and water flow in the natural nallah, on quarterly basis, through NABL accredited laboratory.


12.12.2025
Smt. Anusha Ekka,
Environment Scientist,
Jharsuguda, SPCB, Odisha,
R.O., Jharsuguda

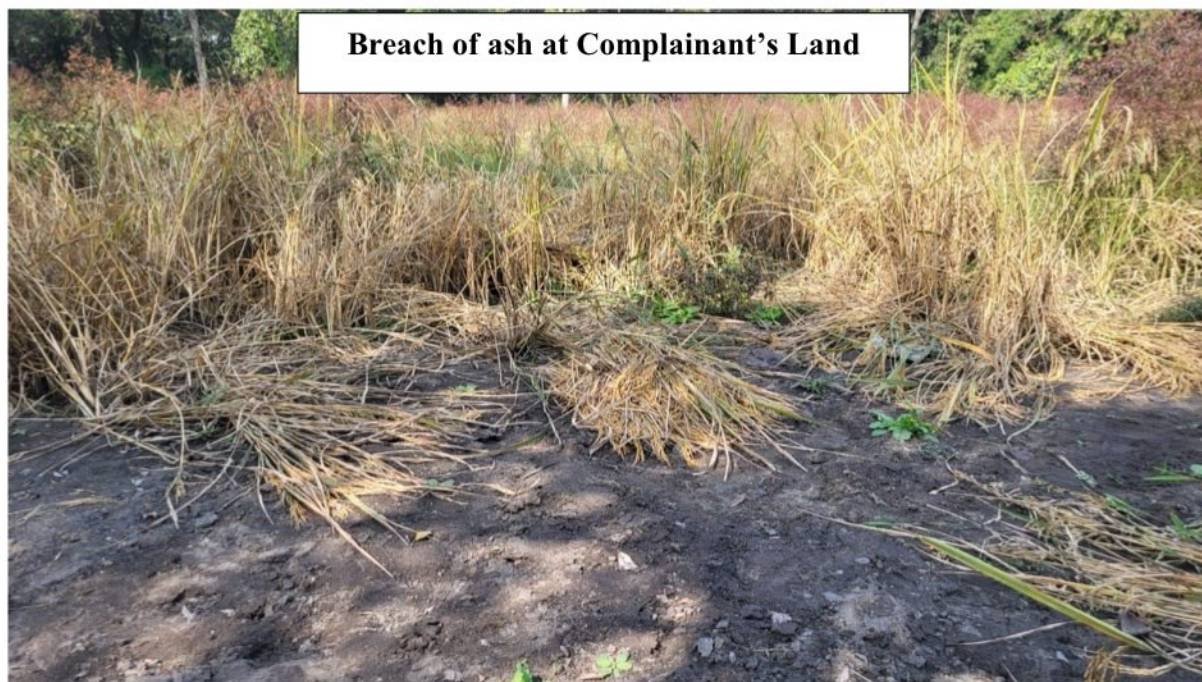

12/12/2025
Shri Sukhendu Biswas,
Scientist 'B', CPCB,
Regional Directorate, Kolkata


Shri M. Rajeshwar Prasad,
Scientist 'C', MoEF&CC,
Regional Office,
Bhubaneswar


12/12/25
Shri Hiranya Kumar Nayak,
Regional Officer, OSPB,
Regional Office, Jharsuguda


Shri Brajabandhu Prasad,
Additional District Magistrate (G),
Jharsuguda

Photographs





Ash dumping site of the M/s OMPL

