

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

I.A.No. 112 of 2025

(Arising out of O.A. No. 68 of 2025 (EZ))

In the matter of:

Dusmant Kumar Bal

...

Applicant.

-Versus-

State of Odisha and others

...

Respondents.

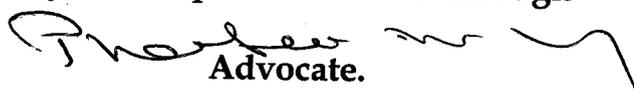
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Place: Kolkata

Date: 09.01.2026

By the Respondent No.16 through

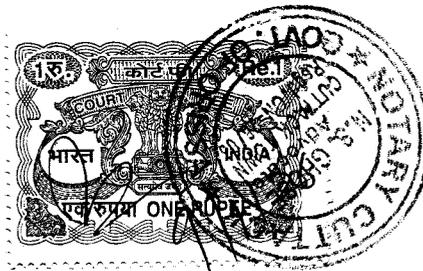
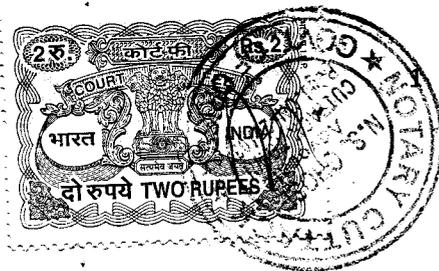

Advocate.

(PRABHU PRASAD MOHANTY)

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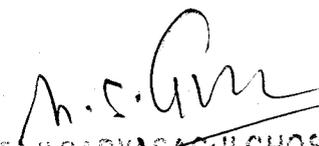
Respondents.

**REPLY/OBJECTION FILED BY MANOJ KUMAR SAMAL,
RESPONDENT No. 16.**

I, Manoj Kumar Samal, aged about 35 years, son of Mahendra Kumar Samal, residing at Aruha, P.O. Aruha, P.S. Dharmasala, District- Jajpur, Odisha, do hereby solemnly affirm and state as follows: -

1. That I am the Respondent No.16 in the present case. I have gone through the contents of the Original Application as well as the present interim application and I am well acquainted with the facts of the case.
2. That I am otherwise acquainted with the facts of the present case and competent to swear this objection/reply.

Manoj Samal


 MANOJ KUMAR SAMAL
 NOTARY PUBLIC
 GOVT. OFFICER
 Regd. No. ON-28/03
 CUTTACK TOWN

Manoj Kumar Samal

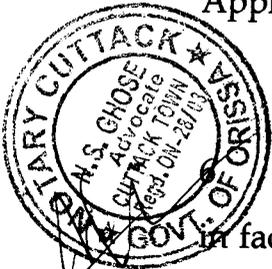
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3. That the present Interim Application as laid is not maintainable and is liable to be dismissed.

4. That the present Interim Application is liable to be dismissed both on the facts and law.

5. That the Applicant has not disclosed his locus-standi so also his prejudice in the present Interim Application, for which the present Interim Application is liable to be dismissed with cost.

Manoj Kumar Samal



That the present Interim Application as laid is not maintainable either in facts or in law and wholly misconceived. The present Interim Application has been filed by the Applicant with the malafide intention to harass this deponent being the lessee of Aruha BSQ No.5 and political motive. Hence the present Interim Application is totally misconceived and an abuse of the judicial process.

9/11/26

7. That in reply to the averments made in paragraphs No.1, 2 and 3 of the interim application, it is humbly submitted that on 15.04.2025, this Hon'ble Tribunal was pleased to issue notice to the Respondents and further directed to constitute a committee comprising the Collector and District Magistrate, Jajpur or his representative not below the rank of Additional District Magistrate (ADM), Senior Scientist, Odisha State Pollution Control Board and the Director of Mines, Government of Odisha, Bhubaneswar or his representative. Accordingly, the committee was constituted by the Collector, Jajpur. On 08.05.2025, the committee had visited the Aruha Black Stone

Handwritten signature

NETAJI SADYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
REGD. NO. DN-28/03
CUTTACK TOWN
9/11/26

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Quarry. On 16.05.2025, the joint enquiry report was prepared by the committee and on 07.07.2025, the said joint enquiry report was filed by the Collector and District Magistrate, Jajpur, Respondent No.4 in the counter affidavit. In the meanwhile, the Collector, Jajpur also submitted the Additional Affidavit in the aforesaid original application.

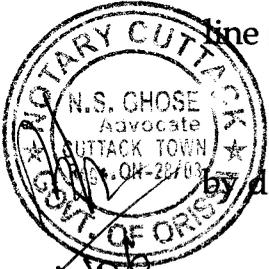
All other averments/allegations made in these paragraphs are here by disputed and denied.

7. That the averments made in paragraphs No.4,5, 6 and 8 of the interim application are disputed and denied. It is humbly submitted that with regard to extraction of black stone beyond 6 meters depth of the quarry, on 16.06.2025, ORSAC submitted a report inter-alia stating that the Respondent No.16 has not extracted black stone beyond six meters from the lowest undisturbed contour line (Lowest R.L.) of the lease area (Page No.559 to 560).

All other averments/allegations made in these paragraphs are here by disputed and denied.

8. That the averments made in paragraph No.7 of the interim application are disputed and denied. It is also disputed the genuines and authenticity of the said ortho image. The Applicant is put to strict proof of the same.

9. That the averments made in paragraph No.9 of the interim application are disputed and denied. However the same shall be dealt with at the time of hearing.



N.S. Ghose
 NETAJI BABU GHOSE
 ADVOCATE
 GOVT. COLLEGE
 ROAD, NO. OH-28/03
 CUTTACK TOWN

Manoj Kumar Samal

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10. That the averments made in paragraph No.10, 11, 12 and 13 of the interim application are disputed and denied. It is also disputed and denied that the excess mining has already been admitted by the Respondent No.16. It is further disputed and denied that there is violation of EC condition.

It is humbly submitted that on 15.04.2023, the Tahsildar, Dharmasala issued a show cause notice to the Respondent No.16 alleging the over extraction of 108112 cubic meter of black stone. After receipt of the aforesaid show cause notice, the Respondent No.16 wrote a letter to the Tahasildar, Dharmasala to supply the relevant documents with regard to over extraction. On 10.05.2023, the Tahasildar, Dharmasala without supplying the relevant documents with regard to over extraction of 108112 cubic meter of black stone issued a demand notice of Rs.8,63,33,919/- to the Respondent No.16 as the Royalty, DMF, EMF, Penalty etc. Being aggrieved by the demand notice dated 15.04.2023 issued by the Tahasildar, Dharmasala, the Respondent No.16 had filed a writ application in the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.17332 of 2023. On 01.06.2023, the Hon'ble High Court of Orissa was pleased to quash the demand notice dated 10.05.2023 of Tahasildaar, Dharamasala in W.P.(C) No.17332 of 2023 with a direction to supply the relevant documents to the Respondent No.16 with regard to over extraction of black stone from Aruha BSQ No.5.

It may be noted that the Hon'ble High Court of Orissa in the aforesaid order specifically directed the Tahasildar, Dharmasala to supply the relevant documents with regard to over extraction of black stone by the Respondent No.16 and to give a personal hearing. As the same was not adhered by the Tahsildar, Dharmasala, for which on 13.09.2023, the Respondent No.16 submitted a representation before the Collector, Jajpur. As there was no response from the Collector, Jajpur, on 07.11.2023, the

NETAN SARYASACHIN CHOSE
NOTARY ADVOCATE
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11/26

Manoj Kumar Samal

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Respondent No.16 again filed second writ application in the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.36628 of 2023. On 10.11.2023, the Hon'ble High Court of Orissa was pleased to dispose of W.P.(C) No.36628 of 2023 with a direction to the Collector, Jajpur to consider the representation dated 13.09.2023 of Respondent No.16 and pass appropriate order in accordance with law within a period of four weeks from the production of certified copy of order.

Pursuant to the aforesaid order of Hon'ble High Court of Orissa, on 18.01.2024, the Collector, Jajpur was pleased to pass order disposing of the representation of Respondent No.16. Pursuant to the aforesaid order of Collector, Jajpur, on 02.04.2024, the Tahasildar, Dharmasala passed the order in Sairat Case No.34 of 2021 (Aruha BSQ AC 20.00) and issued Demand Notice No.2244 dated 25.04.2024 directing the Respondent No.16 to deposit a sum of Rs.4,20,47,585.00 including penalty 100% of the royalty, which are contrary to the provisions of Odisha Minor Mineral Concession Rules, 2016.

After receipt of the aforesaid demand notice, on 31.04.2024, the Petitioner met the Collector, Jajpur and the Tahasildar, Dharmasala in their office and submitted a letter denying the over drawal/extraction of 80,112 cubic meter of black stone and further stated that there was no demarcation of stone quarry by the Tahasildar, Dharmasala at any point of time either at the time of handing over possession of the lease or any point of time. At the time of measurement with regard to over extraction, the Respondent No.16 was never noticed by any authorities and behind the back of Respondent No.16, such measurement was carried out by the Tahasildar, Dharmasala.

While the matter stood thus, on 02.09.2024, one certificate case was initiated against the Respondent No.16 by the Mining Officer, Jajpur before the

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GOVT. OF ORISSA
Regd. No. OR/23/43
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Collector, Jajpur alleging the non-payment of dues of Rs.4,20,47,585/- with regard to over extraction of black stone, which was registered as Certificate Case No.08 of 2024. After initiation of the aforesaid certificate case, the authorities specifically the Collector, Jajpur put pressure on the Respondent No.16 to deposit the certificate amount, otherwise the certificate amount will be recovered from him forcible. Finding no way out, the Respondent No.16 has deposited the said amount of Rs. 4,20,47,585.00 in instalments under protest. As the Respondent No.16 has deposited the entire amount of Rs.4,20,47,592.00 under protest, on 26.03.2025, the Collector, Jajpur was pleased to close the said certificate case against the Respondent No.16. After disposal of certificate case against the Respondent No.16, on 17.05.2025, the Respondent No.16 wrote a letter to the Collector, Jajpur requesting to intervene in the matter, as the Respondent No.16 is not liable to pay the said demand of Rs.4,20,47,592/- , which was paid under protest and further requested him to refund the amount with interest. Being aggrieved such action as well as the order dated 18.01.2024 passed by the Collector, Jajpur and subsequent order dated 02.04.2024 passed by the Tahsildar, Dharmasala, the Respondent No.16 has filed a writ application in the Hon'ble High Court of Orissa, which was registered as W.P. (C) No. 18637 of 2025. The said writ application is pending for adjudication.

Further SEIAA, Odisha after receipt of the order dated 03.09.2025 passed by Hon'ble High Court of Orissa in W.P.(C) No.23964 of 2025 (Annexure-FF/16), was pleased to pass a detailed order dated 12.11.2025 (Annexure-GG/16), which is quoted here under for better appreciation of this Hon'ble Tribunal;

"xxxx xxxxx In this regard, the matter has been examined in 250th SEIAA, Odisha meeting held on 11.11.2025 and after careful perusal of all the case records, communications with different concerned

NETAJI SABYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No.-ON-28/03
CUTTACK TOWN

Manoj Kumar Samal



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authorities, and as per the direction of the Hon'ble High Court, Odisha order dated 03.09.2025 in W.P.(C) No.23964 of 2025, the Authority decided that the abeyance order of EC letter no.6433/SEIASA dated 06.05.2025 in respect of Aruha Black Stone Quarry (20.00 acres) in favour of Sri Manoj Kumar Samal is here by withdrawn subject to the out come of the final order of Hon'ble NGT, EZ, Kolkata in OA No.68/2025."

At the cost of repetition, it is once again submitted that the matter of excess mining by the Respondent No.16 as alleged in the present original application is the subject matter of W.P. (C) No. 18637 of 2025, which is pending for adjudication in the Hon'ble High Court of Orissa(Annexure-CC/16).

All other averments/allegations made in these paragraphs are here by disputed and denied.

11. That the averments made in paragraphs No.14 and 15 of the interim application are disputed and denied. However the same shall be dealt with at the time of hearing.

12. That the Respondent No.16 has already filed counter affidavit and additional affidavit in the aforesaid case, which may kindly be treated as part of the present reply/objection.

M.S. Ghose
 9/11/26
 NETAJI SACHIN CHANDRA GHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
 Regd. No-ON-28/03
 CUTTACK TOWN

Manoj Kumar Samal

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13. That taking into consideration of the aforesaid facts and submissions, the present interim application of the Applicant is not liable to be considered in the interest of justice.

14. That the facts stated above are true to the best of my belief, knowledge and based on official records.

IDENTIFIED BY

Prabhu Prasad Mohanty
9-1-26

Manoj Kumar Samal

Advocate

DEPONENT

CERTIFICATE

Certified that due to non-availability of cartridge papers, this counter affidavit has been typed on thick white papers, which may kindly be accepted.

Place: Kolkata

Date: 09.01.2026

By the Respondent No.16 through

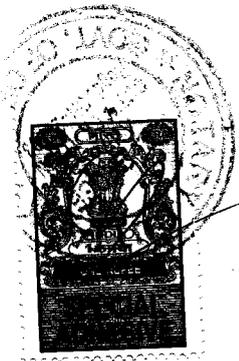
Prabhu Prasad Mohanty
Advocate.

(PRABHU PRASAD MOHANTY)

E.N. O/162/1993

Mobile No. 9437019196

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The above named deponent being identified by Mr./Ms. *P. P. Mohanty* Advocate appears before me on *09.01.2026* AM/PM. on this the *9/1/26* 20..... solemnly affirmed that the facts stated are true to his/her knowledge and belief.

P. P. Mohanty
NOTARY
9/1/26
KOLKATA