

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

Miscellaneous Application No.26/2025/EZ

In

Original Application No.26/2024/EZ

Jitendra Kumar Pradhan ... Applicant

-Versus-

State of Odisha & Ors ... Respondent

I N D E X

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Cuttack

Dtd. 22/12/2025


ADDL.GOVT. ADVOCATE

SARBESWAR BEHERA

ADDL. GOVT. ADVOCATE

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Jitendra Kumar Pradhan ... Applicant

-Versus-

State of Odisha & Ors ... Respondent

**AFFIDAVIT FILED
BY THE RESPONDENT NO. 7 :**

I, Manu Ashok Bhat, aged 32 years, Son of Sri Ashok Bhat, at present working as Divisional Forest Officer, Jharsuguda Forest Division, Jharsuguda, At/Po/Dist: Jharsuguda, do hereby solemnly affirm and state as follows: -

1. That I am working as Divisional Forest Officer, Jharsuguda Forest Division, Jharsuguda Hereinafter referred to as the answering Respondent No. 7 and as such I am competent to swear this affidavit.
2. That I have gone through the contents of the Original Application as well as the annexures appended thereto and have understood the contents thereof. I am well acquainted with the facts of the case.

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(Manu Bhat)



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3. That it is respectfully submitted that it is revealed from the joint enquiry report of the Fact-Finding Committee that no excavation activities were observed over the Plot No. 85 & 126 of Khata No. 616 (Rakhit) and were found to be vacant and barren whereas Plot No.2018/5228 is not found in Khata No.616 (Rakhit). But a road is found passing through the Plot No.2018/5229 (Bad Jungle- not enlisted in the Original Application) of Khata No.616 (Rakhit) having tree growth which is adjacent to Plot No.2017 (Patita Kisam) of Khata No.618 (Anabadi) of the alleged site. Only excavation activities were observed over an area of 0.91 ha measuring about 4-meter depth having 56100 cum of morrum in Plot No.2017 of KhataNo.618 (Anabadi), whereas no excavation of earth/ morrum was noticed over Plot No.81 of Khata No.618 (Anabadi).

True copy of the joint enquiry report dated 02.03.2024 is filed herewith and annexed as **Annexure – A/7.**

4. That it is respectfully submitted that no record/report is available in the Office of Respondent No.7 i.e Divisional Forest Officer, Jharsuguda Forest Division regarding illegal excavation of morrum mining carried out in Revenue Forest Land of different villages and

Manu Bhat



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regarding felling of tree by M/s Aditiya Construction

5. That it is respectfully submitted that in this case mining of morrum on forest land has not been noticed as per the joint enquiry report dated 02.03.2024 of the Fact-Finding Committee.

True copy of drone survey picture is filed herewith and annexed as **Annexure - B/7.**

6. That it is respectfully submitted that no action is pending to be taken under the Forest Conservation Act, 1980. In case of tree felling, action can be taken under Odisha Timber & Transit Rules, 1980. However, no complaints regarding felling in the vicinity of the excavated area are pending in this office.
7. That it is respectfully submitted that the office has no jurisdiction in the present matter, as the land in question is non-forest land, and therefore does not fall within the purview of the provisions of the Forest (Conservation) Act, 1980. Action under the Environment Protection Act, 1986 may be taken by the empowered authorities in this regard.
8. It is respectfully submitted in compliance with the Order dated 09.01.2025 of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, in the matter of *Jitendra Kumar Pradhan vs. State of Odisha* regarding submission of the Action Taken Report, this

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office has submitted the same to the Collector and District Magistrate, Jharsuguda, vide Letter No. 896 dated 19.02.2025. The submission was made in compliance with Letter No. X-108/2024/2695/Judl. dated 14.02.2025 issued by the Collector and District Magistrate, Jharsuguda, pursuant to Paragraph No. 26 of the Order dated 09.01.2025 of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

True copy of Compliance report is filed herewith and annexed as **Annexure – C/7.**

9. That in view of the above submission made by the above submissions made by the Respondent No. 7, the prayer made in the Miscellaneous Application No.26/2025/EZ is devoid of any merit and liable to be rejected
10. That the facts stated above are true to the best of my knowledge and based on official records.

Manu Bhat

DEPONENT

Divisional Forest Officer
Jharsuguda Forest Division



**Joint Committee enquiry report with regards to the direction of Hon'ble NGT
order dated:-05.02.2024 in OA No.26/2024/EZ-Jitendra Kumar Pradhan Vs State
of Odisha &Ors**

As per the direction of the Hon'ble NGT order dated 05.02.2024 in OA No. 26/2024/EZ-Jitendra Kumar Pradhan Vs. State of Odisha &Ors. a committee has been constituted comprising of District Collector, Jharsuguda or his representative of not below the rank of Addl. District Magistrate, Senior Scientist, SPCB, Odisha, Director of Mines and Geology, Bhubaneswar, Khurda, or his senior representative and Divisional Forest Officer, Jharsuguda or his senior representative. They were directed to inspect the site in question and submit its report with regards to allegations made.

In this regard, a field enquiry was conducted on 01.03.2024 in and around the alleged site. The following members of Joint Committee were present during the field visit:-

1. Sri Brajabandhu Bhoi, O.A.S (SAG), Additional District Magistrate (Gen), Jharsuguda.
2. Smt. A.Ekka, Deputy Environment Scientist, SPCB, Odisha, Jharsuguda.
3. Sri, Baljit Dungdung Assistant Conservator of Forests (ACF), Jharsuguda.

In addition to the above committee members, the following representatives and villagers were also present during the site visit:-

1. Sri Kaushik Meher, Addl. Tahasildar, Jharsuguda.
2. Smt. Rishna Jandaila, Forest Ranger (Brajrajnagar Range)
3. Sri, Prasanta Bag Forester Rajpur
4. Smt. Harapriya Bhoi Forester Ib valley
5. Smt. Reema Patel, Forest Guard
6. Sri Khageswar Patel, R.I, Brajrajnagar
7. Sri Prakash Kumar Naik, Amin

Observations:-

- The alleged sites as mentioned in the petition was visited by the Committee. No mining activity/excavation work was in progress at allegation site during the joint visit. However, excavation morrum had been done at only one plot. The status of the sites are as follows:-

| Mouza | Khata No | Plot No | Area | Kisam | Status |
|--------------------------------|--------------|--------------------------|-------|-------------|-------------------------------|
| Brajrajnagar Town Unit No.1 | 616 (Rakhit) | 85 | 0.257 | Gochar | No excavation activity found |
| | | 126 | 1.287 | Gochar | No excavation activity found |
| | | 2018/5229 (2018/5228) | 0.828 | Bada Jungle | No excavation activity found. |

True copy attested

 Divisional Forest Officer
 Jharsuguda Forest Division

| | | | | |
|---------------|-----------------|-------|-------|---|
| | does not exist) | | | (However, a road is found passing through the plot) |
| 618 (Anabadi) | 2017 | 0,630 | Patit | Excavation activity observed |
| | 81 | 0,472 | Nala | No excavation activity found |

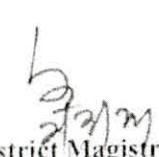
- The lands of plot no. 85 and 126 were found to be vacant and barren whereas plot no. 2018-5228 is not found in Khata No. 616 (Rakhit) but in plot no.2018/5229 (Bada jungle) of khata no. 616 (Rakhit) some Chakunda trees growth were found which was adjacent to plot no. 2017(patit kisam) of khata no. 618 (Anabadi). There was very narrow flow of water at plot no-81.
- However, excavation of morrum was found at Plot no-2017 of Khata no-618 (Anabadi) over an area of 0.91 ha. about 4 mtr depth and 56100 cum of morrum has been extracted. The RI report and drone survey report is attached for necessary reference.
- For excavation of Morrum, the project proponent has not obtained Environment Clearance from SEIAA, Bhubaneswar and valid Consent to Establish and Consent to Operate from SPC B, Odisha.

Recommendation:-

- M/s Aditya Constructions may be directed to develop plantation on the above plots for damaging the natural vegetation without the permission of the competent authority.
- It may be directed to obtain required permissions from the concerned authority for excavation of soil and morrum.


02/03/2024
Dy. Env. Scientist, RO, SPCB
Jharsuguda


02/03/2024
Asst. Conservator of Forest (ACF),
Jharsuguda


Additional District Magistrate (Gen),
Jharsuguda

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OFFICE OF THE REVENUE INSPECTOR, BRAJRAJNAGAR

Letter No. 107/ Date : 01.03.2024

To

Tahasildar, Jharsuguda

Sub: Submission of report regarding the correction of the plot No. 2018/5228 in Mouza – Braj Unit No.1 of the NGT bearing Case No. 26/2024/EZ .

Respected Sir,

With reference to the subject cited above , I am to submit the report in details that On verification of ROR , it found that the plot no. 2018/5228 of area ac. 0.828 does not exist. But the plot no 2018/5229 of area ac0.828 is availbe in Khata no 616(Rakhit).

On verification of the field over the plots mentioned by the applicant Jitendra Kumar Pradhan are as follows.

| Land schedule With Extracted Quantity | | | | | | |
|---------------------------------------|--------------|-----------|---------------|-----------|---------------|--------------------|
| MOUZA | Khata No. | Plot No. | Kisam | Area(Ac.) | STATUS | Extracted Quantity |
| Brajn Unit No 1 | 616(Rakhit) | 85 | Gochar | 0.257 | No Extraction | - |
| | 616(Rakhit) | 126 | Gochar | 1.287 | No Extraction | - |
| | 616(Rakhit) | 2018/5229 | Bad Jungle | 0.828 | No Extraction | - |
| | 618(Anabadi) | 2017 | Patit | 0.630 | Extraction | 56100 CUM |
| | 618(Anabadi) | 81 | Nala | 0.472 | No Extraction | - |
| Total | | | | 0.350 | | 56100 CUM |

This is for favour of your kind information and necessary action.

Yours faithfully

[Handwritten Signature]

Revenue Inspector, Brajrajnagar

**Revenue Inspector
Brajrajnagar**



Map of Plots Under NGT Enquiry



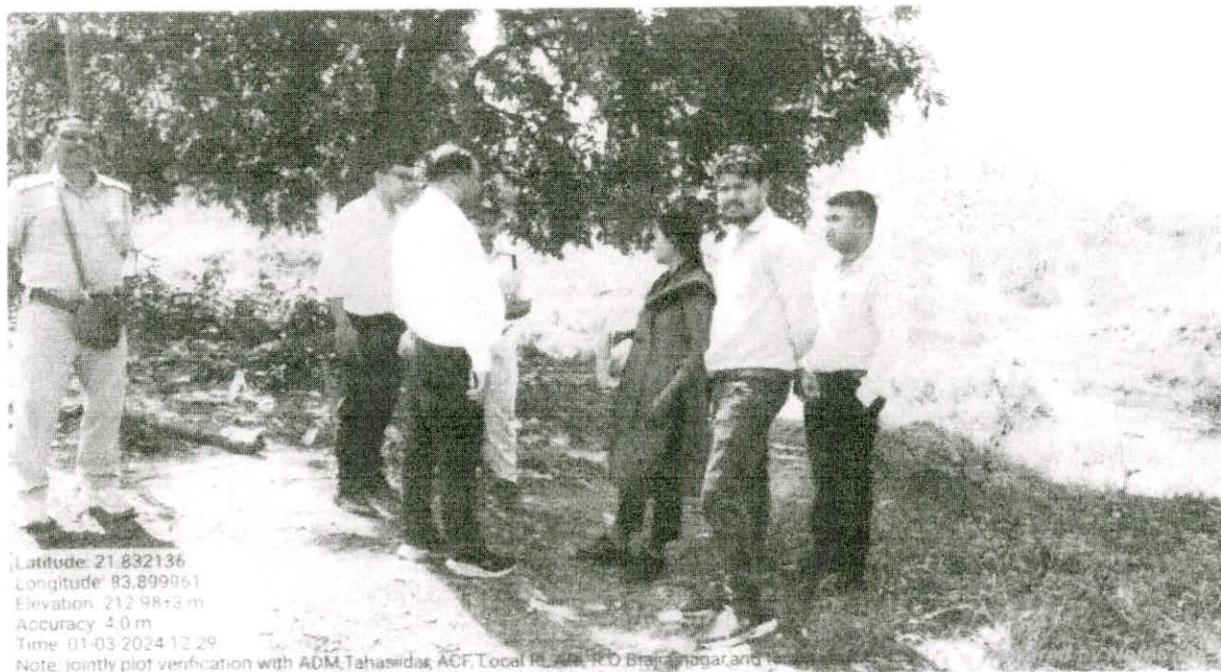
Legend

-  Soil Lifted Boundary
(0.92 Ha)
-  Bada Jungle Boundary
(Plot No.5229)
-  2017 No. Plot Boundary
(Patit)
-  Plots Boundary





Latitude: 21.815697
 Longitude: 83.911454
 Elevation: 208.36+8 m
 Accuracy: 17.5 m
 Time: 01-03-2024 11:47
 Note: Aditya Construction



Latitude: 21.832136
 Longitude: 83.899961
 Elevation: 212.98+3 m
 Accuracy: 4.0 m
 Time: 01-03-2024 12:29
 Note: jointly plot verification with ADM, Tahasidas, ACF, Local R. W. R. D. Braj nagar and

True copy attested

 Divisional Forest Officer
 Jharsuguda Forest Division

Map of Plots Under NGT Enquiry



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Legend

Soil Lifted Boundary (0.92 Ha)

Bada Jungle Boundary (Plot No.5229)

2017 No. Plot Boundary (Patit)

Plots Boundary



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ଜଙ୍ଗଲ, ପରିବେଶ ଓ ଜଳବାୟୁ ପରିବର୍ତ୍ତନ ବିଭାଗ, ଓଡ଼ିଶା ସରକାର
ଖଣ୍ଡୀୟ ବନାଧିକାରୀଙ୍କ କାର୍ଯ୍ୟାଳୟ ଝାରସୁଗୁଡ଼ା ବନଖଣ୍ଡ।

ଇମେଲ-dfo.jharsuguda@odisha.gov.in, ଦୂରଭାଷ / ଫ୍ୟା .ନଂ-୦୭୭୪୫-୨୯୫୦୪୦।

No. ୫୨୬ /4F (Misc.),
Dated Jharsuguda the 19th Feb, 2025.

To,
The Collector & District Magistrate,
Jharsuguda.

Sub: - Compliance of dt.09.01.2025 of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata filed by Jitendra Kumara Pradhan- Vrs. State of Odisha. Reg- Action Taken Report

Ref: - Your Letter No.X-108/2024/2695/Judl., dt.14.02.2025.

Madam,

In inviting a kind reference to your letter cited above on the captioned subject, as per para No. 26 in the NGT order, the Hon'ble NGT directed to this office as Respondent No.7, to initiate proceedings against the Respondent No.11, Aditya Construction, for violation of environmental norms as per law.

However, the undersigned has categorically filed in the counter affidavit (*Annexure-I*) that there has been no violation of forest land, specifically Plot No 5229 (Kisam: Bada Jungle) noticed in the area. The drone survey picture is attached once again for the same (*Annexure-II*)

Hence, no action is pending to be taken under Forest Conservation Act, 1980. In case of tree felling, action can be taken under Odisha Timber & Transit Rules, 1980. However, no complaints regarding fellings in the vicinity of the excavated area are pending in this office.

Action under Environment Protection Act, 1986 may be taken by the empowered authorities in this regard.

This is for your kind information & necessary action.

Yours faithfully,


Divisional forest Officer,
Jharsuguda Forest Division.

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Recommendation:-

- M/s Aditya Constructions may be directed to develop plantation on the above plots for damaging the natural vegetation without the permission of the competent authority.
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02.03.2024
Dy. Env. Scientist, RO, SPCB
Jharsuguda


02/03/2024
Asst. Conservator of Forest (ACE),
Jharsuguda


Additional District Magistrate (Gen),
Jharsuguda

~~X~~

OFFICE OF THE REVENUE INSPECTOR, BRAJRAJNAGAR

Letter No. 107/ Date : 01.03.2024

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| Total | | | | 0.350 | | 56100 CUM |

This is for favour of your kind information and necessary action.

Yours faithfully



Revenue Inspector, Brajrajnagar

**Revenue Inspector
Brajrajnagar**

- 12 -



Map of Plots Under NGT Enquiry



Legend

- Soil Lifted Boundary (0.92 Ha)
- Bada Jungle Boundary (Plot No.5229)
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- Plots Boundary



True copy
 Jharsuguda Forest Division
 Divisonal Forest Officer
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