

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

Miscellaneous Application No.26/2025/EZ

In

Original Application No. 26/2024/EZ

Jitendra Kumar Pradhan -----Applicants(s)

Versus

State of Odisha & Ors. ----- Respondent(s)

Affidavit on Behalf of the Opposite Party/Respondent No. 04 State  
Environment Impact Assessment Authority (SEIAA), Odisha

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Place: Bhubaneswar  
Date: 12/01/2026

**Shri Apurba Ghosh**  
Advocate for Respondent No.04  
(SEIAA), Odisha  
C/o Partha Sarathi Shamajder  
25/D Baderaipur Road  
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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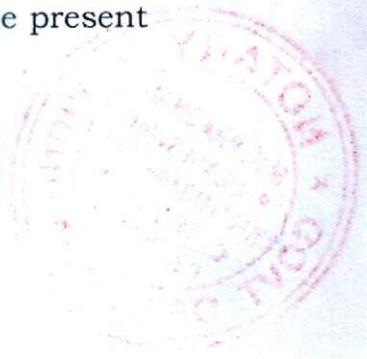
Affidavit on Behalf of the Opposite Party/Respondent No. 04 State  
Environment Impact Assessment Authority (SEIAA), Odisha

1. Dr. Pradeept Kumar Nayak, son of Bhimasen Nayak aged 43 years, at present working as Environmental Scientist, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.
2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opposite Party No.4 before this Hon'ble National Green Tribunal.
3. That, I have gone through the original application petition and Hon'ble Court order dated 09.01.2025 in OA No.26/2024/EZ and order dated 13.10.2025 in MA No. 26/2025/EZ and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.

*Pradeept Kumar Nayak*  
Environmental Scientist  
SEIAA, Odisha



12 JAN 2026



4. That, this is a matter on un-authorized extraction of Morrum about 56,100 cum from different place of Jharsuguda District by M/s. Aditya Construction. In this case the SEIAA, Odisha has not issued any environmental clearance (EC) in favour of M/s. Aditya Construction for extraction of Morrum neither from Jharsuguda District nor from any other districts of Odisha and the same has been submitted before Hon'ble NGT vide our Counter Affidavit dated 16.03.2024. The matter was placed before Hon'ble NGT, EZ and after hearing the matter, Hon'ble NGT disposed of the case on 09.01.2025 with direction to SEIAA, Odisha that *"the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"*.
5. That, in pursuance of the order dated 09.01.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 26/2025/EZ, the SEIAA, Odisha has issued a letter vide letter no. 6750/SEIAA dated 19.09.2025 to the Deputy Director of Mines, Sambalpur for submission of market value of morrum material which is mandatory for calculation of environmental compensation. In reply of our letter dated 19.09.2025, the Deputy Director of Mines, Sambalpur Circle, vide letter No. 3458 dated 17.10.2025, intimated that no notified market value of Morrum has been finalised for Jharsuguda District; however, the highest bidding price for Morrum in the district is ₹62/- per cubic metre (Royalty @ ₹35/- plus Additional Charge @ ₹27/- per cubic metre). In the

*Pradeep Kumar Nayak*

Environmental Scientist  
SEIAA, Odisha

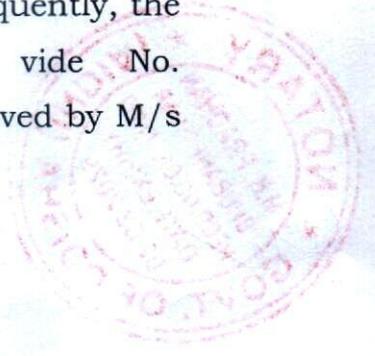
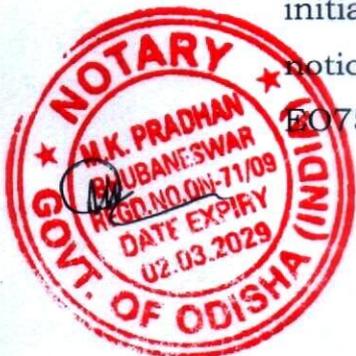


absence of a notified market rate, the highest bidding price was adopted as the market value for the purpose of calculation of environmental compensation. Accordingly, the environmental compensation amounting of ₹ **1,15,80,585.73/-** has been calculated based on the Approach-2 formula prescribed by the Central Pollution Control Board (CPCB) as per the direction of Hon'ble NGT, Principal Bench, New Delhi in OA No. 360/2015 in the matter of National Green Tribunal Bar Association Vrs Virendra Singh (State of Gujarat). The environmental compensation has been calculated by adopting a market value of ₹62/- per cubic metre of Morrur, as communicated by the Deputy Director of Mines, Sambalpur vide letter dated 17.10.2025, with a risk factor of 1 (one) for a severe category violation as per respondent no. 11 has not obtained any environmental clearance (EC) and other approval from concerned Authorities.

Copy of the letter no. 6750/SEIAA dated 19.09.2025 to the Deputy Director of Mines, Sambalpur is attached in **Annexure-I**.

6. That, a Show Cause Notice was issued to M/s Aditya Construction vide No. 6892/SEIAA dated 02.12.2025, calling upon them to explain within 15 days as to why environmental compensation amounting to ₹1,15,80,585.73/- should not be imposed for unauthorised extraction of Morrur, in compliance with the directions of the Hon'ble NGT. The said notice was initially returned undelivered on 10.12.2025. Subsequently, the notice was re-issued through Speed Post vide No. EO758835674IN dated 10.12.2025, which was received by M/s

*Pradhept Kumar Nayak*  
Environmental Scientist  
SEIAA, Odisha



Aditya Construction on 13.12.2025, as acknowledged by them vide letter dated 29.12.2025. As no response was received within the stipulated period (i.e., by 28.12.2025), M/s Aditya Construction, vide letter dated 29.12.2025, sought an extension of four weeks to submit their reply, citing year-end holidays and limited staff availability. The request was not accepted by the Authority. Consequently, a second Show Cause Notice vide No. 6965/SEIAA dated 31.12.2025 was issued, granting a final opportunity of seven (07) days, i.e., up to 07.01.2026, to submit their reply.

Copy of the Show Cause Notice dated 02.12.2025 & 31.12.2025 to M/s Aditya Construction is attached in **Annexure-II**.

7. That, in response to our Show Cause Notice, Sri Pranav Mundra, Advocate, on behalf of M/s Aditya Construction, submitted a written reply dated 07.01.2026 in person before SEIAA, Odisha, raising, inter alia, the following submissions:

- a. No environmental compensation should be levied inasmuch as M/s Aaditya Construction was neither the project proponent nor engaged in any illegal mining activity thereby excavating 56,100 cubic meters of morrum.
- b. Assuming without admitting and without prejudice to the above, even if the environmental compensation is to be levied, the same should be levied considering the following:
  - i. The maximum amount of morrum that could have been excavated from the subject site as per the joint committee report is only 10,200 cubic meters.

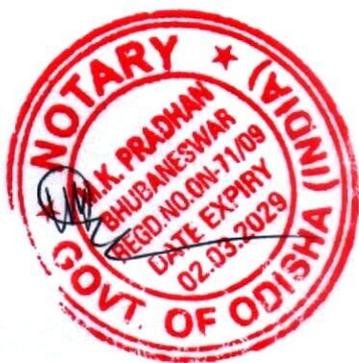


Pradhept Kumar Nayak  
Environmental Scientist  
SEIAA, Odisha

Accordingly, the same should be taken into consideration.

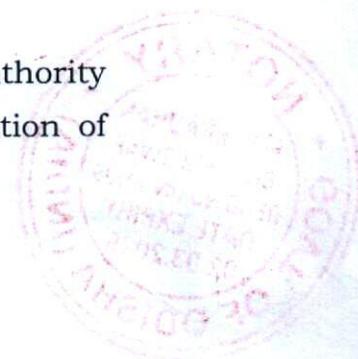
- ii. The market value of morrum allegedly excavated from the subject site is already determined by the competent authority i.e., Tehsildar, Jharsuguda. The Tehsildar Jharsuguda has determined INR 40 as price of morrum per cubic meter. Accordingly, it is humbly submitted that the market value of murrum per cubic meter should be considered as INR 40 and not INR 62.
- iii. Additionally, your good self has categorized the alleged violation as a "severe" category violation. Consequently, the corresponding risk factor and discount has been made applicable. It is humbly submitted that as per the CPCB framework, *"In situations where the risk categorization is unavailable or pending calculation, an average risk factor of 0.5 and a discount rate of 6.5% may be considered"*. In the present case, the risk categorization is unavailable and therefore, it is submitted that average risk factor of 0.5 and discount rate of 6.5% may be consider.

Pradeep Kumar Nayak  
Environmental Scientist,  
SEIAA, Odisha



Copy of the response of Sri Pranav Mundra, Advocate, on behalf of M/s Aditya Construction, dated 07.01.2026 on Show Cause Notice of SEIAA, Odisha is attached in **Annexure-III**.

8. That, the matter was placed in 266<sup>th</sup> SEIAA, Odisha Authority Meeting held on 09.01.2026 and after careful examination of



the written submissions made by M/s Aditya Construction in response to the Show Cause Notices dated 02.12.2025 and 31.12.2025, and in light of the communication received from the Deputy Director of Mines, Sambalpur vide letter No. 3458 dated 17.10.2025, it has been intimated to SEIAA, Odisha that no notified market value of Morrum has been finalised for Jharsuguda District. However, the highest bidding price for Morrum in the district has been reported as ₹62/- per cubic metre (Royalty @ ₹35/- plus Additional Charge @ ₹27/- per cubic metre). It is observed that an average risk factor of 0.5 corresponds to a moderate category of violation, and the applicable discount rate as per prevailing standards is 7%, and not 6.5%. The Authority has decided that the submissions of M/s Aditya Construction proposing adoption of a market value of ₹40/- per cubic metre and application of a risk factor of 0.5 with a discount rate of 7% are not acceptable, as M/s Aditya Construction has extracted Morrum from different locations in Jharsuguda District without obtaining Environmental Clearance (EC) and other statutory permissions. Accordingly, the violation has been categorised as severe, and the risk factor has been taken as 1 (one). The environmental compensation has therefore been calculated by adopting a market value of ₹62/- per cubic metre of Morrum, as communicated by the Deputy Director of Mines, Sambalpur vide letter dated 17.10.2025, with a risk factor of 1 (one) for a severe category violation. Consequently, the environmental compensation amounting to **₹1,15,80,585.73/-** has been determined. The aforesaid amount is required to be deposited by M/s Aditya Construction into the Government of Odisha account bearing Account No. 06640110075074, IFSC Code: UCBA0000664,

*Pradhept Kumar Nayak*  
Environmental Scientist  
SEIAA, Odisha



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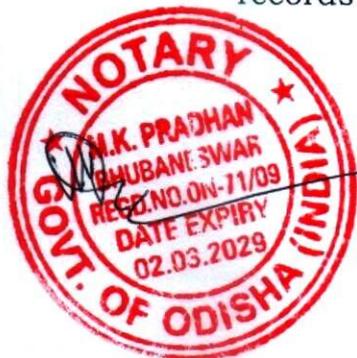
MICR Code: 751028004, Forest, Environment & Climate Change Department, Government of Odisha - 751001, in accordance with Notification No. RDM-MMS-POLICY-0008-2021-5157/R&DM dated 17.02.2022 of the Revenue & Disaster Management Department, Government of Odisha. The deposit shall be duly acknowledged, and a copy of the deposit challan shall be submitted to SEIAA, Odisha for record.

The copy of the proceeding of the SEIAA, Odisha meeting held on 09.01.2026 is attached in **Annexure-IV**.

9. That, as per the decision of the Authority, SEIAA, Odisha on the above-mentioned point, a letter vide letter no.6997/SEIAA dated 12.01.2026 is issued to M/s Aditya Construction to deposit the above-mentioned environmental compensation amounting of Rs. **₹1,15,80,585.73/-** to the account bearing Account No. 06640110075074, IFSC Code: UCBA0000664, MICR Code: 751028004, Forest, Environment & Climate Change Department, Government of Odisha - 751001.

Copy of the letter issued to M/s Aditya Construction on dated 12.01.2026 to deposit environmental compensation is attached in **Annexure-V**.

10. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.



*Pradeep Kumar Nayak*  
Environmental Scientist  
SEIAA, Odisha

11. That the deponent reserves the right to file further affidavit as and when necessary.



Pradeep Kumar Nayak

Deponent  
Environmental Scientist  
SEIAA, Odisha

**VERIFICATION**

Verified at Bhubaneswar on this day of 12<sup>th</sup> January, 2026  
that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

**SWORN BEFORE ME**

Date: 12/01/2026

Pradeep Kumar Nayak

Deponent  
Environmental Scientist  
SEIAA, Odisha



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

9



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

*(A statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment (Protection) Act, 1986)*

Letter no. 6750/SEIAA

Dated 19.09.2025

To

The Deputy Director of Mines, Sambalpur  
At/Po/Dist.-Sambalpur

**Sub: Order of Hon'ble NGT, EZ, Kolkata dated 09.01.2025 in OA No. 26/2024/EZS in the matter of Jitendra Kumar Pradhan & Vrs. State of Odisha & Ors-reg.**

Sir,

In inviting a reference to the above cited subject, I am directed to say that this is a matter of illegal/un-authorized extraction of about **56,100 cum** of Morrum from various places in Jharsuguda District, Odisha by M/s. Aditya Construction, Represented by Managing Director, Plot No. 496/3799, Unit No. 02, Hariom Bihar, Ward No. 17, Brajrajnagar, Jhatsuguda, Odisha, Pin-751001. The matter was placed before Hon'ble NGT, EZ and after hearing the matter, Hon'ble NGT disposed of the case on 09.01.2025 with direction to SEIAA, Odisha that *"the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"*. In this case the SEIAA, Odisha has not issued any environmental clearance in favour M/s. Aditya Construction for extraction of any Morrum material in Jharsuguda District.

As per the CPCB guidelines dated 30.01.2020 based on order dated 05.04.2019 in the matter on OA. No. 360 of 2015 of Hon'ble NGT, Principal Bench, New Delhi and Govt. of Odisha Revenue & Disaster Management Department Notification no. 5157 dated 17.02.2022 regarding fixation of scale of compensation regime towards environmental and ecological damage for illegal/excess mining of sand. As per the above notification and order, the market value of morrum material or any other minor mineral is necessary for calculation of environmental compensation.

Therefore, you are requested to submit the present market value of morrum material particularly in Jharsuguda District. If, the market value is not finalized yet, then submit the highest bidding price for Morrum in the Jharsuguda District for considering the court matter, timely response to the above at an early date.

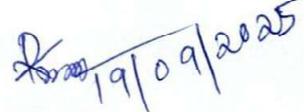
This is for your kind information and necessary action.

Encl: As above

Yours faithfully,  
  
Environmental Scientist

Copy to

1. The Collector & District Magistrate, Jharsuguda and Mining Officer, Jharsuguda for information and necessary action.

  
Environmental Scientist



**OFFICE OF THE MINING OFFICER, DEOGARH**  
 DEPARTMENT OF STEEL AND MINES, GOVT. OF ODISHA,  
 SAMBALPUR CIRCLE, SAMBALPUR  
 Email ID: ddm.sambalpur@orissaminerals.gov.in

Letter No. 34.58 / Mines Dt. 17/10/2025

From

The Deputy Director Mines,  
 Sambalpur Circle, Sambalpur

To

The Chairman, State Environment Impact Assessment Authority,  
 Qr. No-5 R F-2/1, Unit-IX, Bhubaneswar- 751022.

Sub: - Highest bidding price for Morrur in Jharsuguda Dist. – Regarding.

Ref: Your Letter No.6750/SEIAA, Dt.09.09.2025.

Sir,

With a reference to the subject cited above, I am to inform you that the highest bidding price for Morrur in Jharguguda Dist. is Rs.27/- per Cum as Additional Charge i.e. rate of Royalty and Addl. Charge of Morrur per Cum is Rs.62/- (Royalty @ 35/- + Addl. Charge Rs.27/- per Cum) in Jharsuguda District.

This is for favour of kind information & necessary action.

Yours faithfully,

*[Signature]*  
 Deputy Director of Mines (I/c),  
 Sambalpur Circle, Sambalpur



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**  
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:  
seiaaodisha@gmail.com  
(A statutory body constituted by Ministry of Environment, Forest & Climate Change  
under Environment (Protection) Act, 1986)

Letter No. 6892/SEIAA

Dated 02.12.2025

To

M/s. Aditya Construction  
Represented by Managing Director  
Plot No.496/3799, Unit No.02, Hariom Bihar,  
Ward No.17, Brajrajnagar, Jharsuguda  
Pin No.768126, Odisha

**DIRECTIONS FOR SUBMISSION OF ENVIRONMENTAL COMPENSATION IN  
PURSUANCE TO ORDER DATED 09.01.2025 OF HON'BLE NGT, EZ, KOLKATA  
- SHOW CAUSE NOTICE THEREOF**

Ref: Hon'ble NGT order dt. 09.01.2025 in O.A. No.26/2024/EZ and M.A. No. 26/2025/EZ  
in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors.

Sir/Madam,

With reference to the above cited subject, I am to inform you that in pursuance to order dated 09.01.2025 in O.A. No.26/2024/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors, the Hon'ble court has directed as follows: "*The SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months*". Accordingly, the environmental compensation amount of **Rs. 1,15,80,585.73/-** has been calculated based on the Approach-2 formula of Central Pollution Control Board (CPCB). The Respondent No. 11, M/s. Aditya Construction has extracted 56,100 cum of Morrum material in Jharsuguda District which is reflected in the Joint Inspection report dated 01.03.2024 and as mentioned in the final order dated 09.01.2025 of Hon'ble NGT.

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NOW THEREFORE, in view of the above observation and as per the direction of Hon'ble NGT order dated 09.01.2025 to SEIAAA, Odisha, the Project Proponent/Respondent No.11, M/s. Aditya Construction is directed to reply to this Show Cause Notice of SEIAA, Odisha by letter/email or to appear/present in person or through authorized person in SEIAA, Odisha office chamber **within 15 days from the date of receipt of this show cause notice**, why the environmental compensation amounting of **Rs.1,15,80,585.73/-** shall not collected for extraction of Morrum Material unauthorizedly and as per direction of Hon'ble NGT.

In the event of failure to comply with the above directions within the stipulated time frame, action as deemed appropriate shall be initiated against the Project Proponent in accordance with the provisions of the law.

Encl: As above

By order and Authority of SEIAA, Odisha

  
Member Secretary, SEIAA

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Jharsuguda, Sub-Collector, Jharsuguda, DFO, Jharsuguda, DDM, Sambalpur Circle, RO, SPCB, Jharsuguda, Tahasildar, Jharsuguda /Mining Officer, Jharsuguda for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

  
Member Secretary, SEIAA

**Report on Environmental Compensation against M/s. Aditya Construction based on the order dt. 09.01.2025 of Hon'ble NGT in O.A. No.26/2024/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors.**

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**1.0 Background:**

As per the direction of Hon'ble NGT in order dated 09.01.2025 in the on O.A. No. 26 of 2024 (EZ) in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors., it was directed in Para-25 of the final order dated 09.01.2025 that *"the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"* accordingly, the environmental compensations has been calculated.

The Hon'ble Supreme Court of India in the case matter of *Deepak Kumar v. State of Haryana* (2012) has given direction that Environmental Clearance (EC) is mandatory for all mining of minor minerals, regardless of the lease area and in this case the extraction of Morrur material has been taken place by the M/s. Aditya Construction, the Project Proponent(PP)/Respondent no.11 without obtaining any environmental clearance (EC) that has been confirmed by SEIAA, Odisha in the counter affidavit dated 16.03.2024 submitted to Hon'ble NGT, EZ.

In the para-21 of Hon'ble NGT final order dated 09.01.2025 has mentioned that *"the allegation of the Applicant is that the Respondent No.11 is extracting earth/morrur from various places, already mentioned hereinabove, and has illegally lifted/extracted **56,100 cum** of morrur in Jharsuguda District. The Tahasildar, Jharsuguda, has also confirmed that the Respondent No.11 has illegally excavated morrur and Miscellaneous Sairat Case No.37/2022-23 has also been instituted against him and royalty/penalty has been imposed; the details of the land from which excavation has been made has been disclosed in the affidavit of the Tahasildar. It is also stated that royalty,*

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penalty and interest has been assessed at total Rs.27,44,000/- (Rupees Twenty Seven Lakhs Forty Four Thousand only), out of which the Respondent No.11 has paid Rs.13,78,000/- (Rupees Thirteen Lakhs Seventy-Eight Thousand only) and the remaining balance amount is Rs.14,44,000/- (Rupees Fourteen Lakhs Forty-Four Thousand only)".

As per the direction of Hon'ble NGT, Principal Bench, New Delhi in OA No. 360/2015 in the matter of National Green Tribunal Bar Association Vrs Virendra Singh (State of Gujarat), the Central Pollution Control Board (CPCB) has recommended on scale of compensation to deal with cases of illegal sand mining and developed two formula i.e. **Approach-1** : Direct Compensation based on the market value of extraction, adjusted for ecological damages and **Approach-2** : Computing a Simplified Net Present Value (NPV) for ecological damages. The Hon'ble NGT accepted the Approach-2 formula and accordingly environmental compensation has been calculated for most of the NGT cases even in Odisha also. Further, the Revenue and Disaster management Department, Government of Odisha has also adopted the Approach-2 formula of CPCB for calculation of environmental compensation in illegal sand mining cases.

This is totally illegal/unauthorized mining involved different area of Jharsuguda District including forest area. No prior clearance has been taken from appropriate Authorities before mining. No Environmental Clearance (EC) and Forest Clearance has been taken by the Project Proponent/Respondent no.11 for mining of Morrum. This is totally illegal and unauthorized mining. It can be treated as sever case and environmental compensation should be imposed on the Risk Level-04 sign factor 01.

During calculation of environmental compensation, it is observed that the Market Value of Morrum material of Jharsuguda District, Odisha is an important factor for calculation of environmental compensation against the excess/illegal mining which is not known and in this regard a letter was issued by SEIAA, Odisha vide letter no. 6750/SEIAA dated 19.09.20225 to

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the Deputy Director of Mines, Sambalpur Circle and copy given to the Collector & District Magistrate, Jharsuguda and Mining Officer, Jharsuguda for information and necessary action. The Deputy Director of Mines, Sambalpur Circle has submitted their reply vide letter no. 3458 dt. 17.10.2025 stating that the highest bedding price for Morrurum in Jharsuguda District is of **Rs. 62/- per cum of Morrurum** (Royalty@35/- + Addl. Charge of Rs.27/-per Cum). Here, in absence of any market value for these cases, the highest bidding amount has taken as a market value and accordingly, environmental compensation has been calculated.

**1. Calculation for environmental compensation of 56100 cum of Morrurum material was extracted unauthorized by the project proponent M/s. Aditya Construction based on Hon'ble NGT order dt. 09.01.2025 in O.A. No.26/2024/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors. based on Approach-2 formula prescribed by CPCB:**

Market value of Morrurum material is Rs. 62/- per cum as submitted by the Deputy Director of Mines, Sambalpur Circle in their letter vide letter no. 3458 dt. 17.10.2025.

Market value of illegally mined Morrurum material (D) = 56100 Cum × Rs.62/-per cum = Rs.34,78,200/-

Market Value of Illegally mined out material (D)	56100 cum × Rs. 62/- per cum	= Rs.34,78,200/-
Annual value of Foregone Ecological Values (D × RF) i.e. Risk factor taken as '1 for severe case as EC and other permission obtained before mining.	Rs.34,78,200/- × 1	= Rs.34,78,200/-

Discount Rate may be considered as below:

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount	8%	7%	6%	5%

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Rate				
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- **Present value of Foregone Ecological values (@ 5% discount rate and over 5 years)**

$$PV = \sum_{t=1}^5 (D \cdot RF) / (1+r)^t$$

$$= \sum 34,78,200 / (1+0.05)^1 + 34,78,200 / (1+0.05)^2 + 34,78,200 / (1+0.05)^3 + 34,78,200 / (1+0.05)^4 + 34,78,200 / (1+0.05)^5$$

$$= \text{Rs.} 33,12,571.42/- + \text{Rs.} 31,54,829.93/- + \text{Rs.} 30,04,599.93/- + \text{Rs.} 28,61,523.74/- + \text{Rs.} 27,25,260.71/- = \text{Rs.} 1,50,58,785.73/-$$

- Net present value (after netting out market value of illegally/un-authorized mined out material) – i.e., Total Compensation to be levied

$$= NPV = PV - D$$

$$= \text{Rs.} 1,50,58,785.73/- - \text{Rs.} 34,78,200/- = \text{Rs.} 1,15,80,585.73/-$$

Compensation Charge in above case for unauthorized extraction morrum:  
**Rs. 1,15,80,585.73/-**

### Recommendations

In view of the above and as per Hon'ble NGT vide order dated 09.01.2025, the Respondent No. 11. M/s. Aditya Construction, is required to deposit the environmental compensation amounting of **Rs. 1,15,80,585.73/-** for un-authorized extraction of Morrum. The District Administration may recover the same from M/s. Aditya Construction, Project Proponent and deposit it in the account of Govt. of Odisha bearing Account No. 06640110075074, IFSC Code No-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 as per the Notification no. RDM-MMS-POLICY-0008-2021-5157/R & DM dated 17.02.2022 of Revenue and Disaster management Department, Government of Odisha and acknowledged the same to SEIAA, Odisha.

*Pradeept Kumar Nayak*  
29/11/2025

Dr. Pradeept Kumar Nayak  
Environmental Scientist, SEIAA, Odisha



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**  
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:  
seiaaodisha@gmail.com  
(A statutory body constituted by Ministry of Environment, Forest & Climate Change  
under Environment (Protection) Act, 1986)

Letter No. 6965/SEIAA

Dated 31.12.2025

To

M/s. Aditya Construction  
Represented by Managing Director  
Plot No.496/3799, Unit No.02, Hariom Bihar,  
Ward No.17, Brajrajnagar, Jharsuguda  
Pin No.768126, Odisha

**DIRECTIONS FOR SUBMISSION OF ENVIRONMENTAL COMPENSATION IN  
PURSUANCE TO ORDER DATED 09.01.2025 OF HON'BLE NGT, EZ, KOLKATA  
- SHOW CAUSE NOTICE THEREOF**

Ref: (i). Hon'ble NGT order dt. 09.01.2025 in O.A. No.26/2025/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors.  
(ii). Your request letter no. 014 dated 29.12.2025 for extension of time to reply Show Cause received at SEIAA, Odisha on 29.12.2025

Sir/Madam,

This is in continuation to the SEIAA, Odisha earlier Show Cause Notice letter no. 6892/SEIAA dated 02.12.2025 wherein direction was given to M/s. Aditya Construction for submitting their reply in writing to Member Secretary, SEIAA, Odisha or to appear/present in person or through authorized person in SEIAA, Odisha office chamber within 15 days from the date of receipt of this Show Cause notice, why the environmental compensation amounting of Rs.1,15,80,585.73/- shall not collected for extraction of Morrum Material unauthorizedly and damage of environment due to mining and as per direction of Hon'ble NGT. Accordingly, the Show Cause Notice dated 02.12.2025 has been sent to M/s. Aditya Construction by speed post no. EO758835793IN dated 02.12.2025 but the Show Cause letter returned to SEIAA, Odisha on 10.12.2025 with reason that not received by the addressee. Further, the same letter was sent again to M/s. Aditya Construction vide speed post no. EO758835674IN dated 10.12.2025 and was received on 13.12.2025 as intimated by M/s. Aditya Construction through letter dated 29.12.2025.

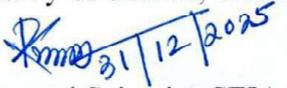
In the above, context, it is to mention here that you are asked for submission of response on Show Cause within 15 days from the date of receipt of this Show Cause notice but you did not response till 29.12.2025 within the stipulated time on 28.12.2025. Now, vide letter dated 29.12.2025, you are requesting to SEIAA, Odisha for extension of time of four (04) weeks to reply Show Cause Notice giving reason that due to festivities and year end vacations with limited employees and accordingly require considerable time to collate the relevant data to prepare suitable reply to Show Cause Notice which is not acceptable.

The matter was discussed in 263<sup>rd</sup> Authority meeting held on 31.12.2025 and the Authority decided that the submission of M/s. Aditya Construction for extension of time to reply Show Cause Notice for four weeks is not acceptable and only seven (07) days time can give to reply Show Cause Notice.

Therefore, you are requested to submit your reply on Show Cause Notice by writing within 7 days from date of issue of this letter i.e. on or before 07.01.2026 or to appear/present in person or through authorized person in SEIAA, Odisha office chamber on **07.01.2026**. In the event of failure to comply with the above directions within the stipulated time frame, action as deemed proper will be taken basing on record available and in accordance with the provisions of the law.

Encl: As above

By order and Authority of SEIAA, Odisha

  
Environmental Scientist, SEIAA

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.

5. The Director of Mines, Steel & Mincs Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Jharsuguda, Sub-Collector, Jharsuguda, DFO, Jharsuguda, DDM, Sambalpur Circle, RO, SPCB, Jharsuguda, Tahasildar, Jharsuguda /Mining Officer, Jharsuguda for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

*Perms* 31/12/2025

Environmental Scientist, SEIAA

**BEFORE THE LD. STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**

IN THE MATTER OF

SHOW CAUSE NOTICE DATED 02.12.2025, RECEIVED ON 13.12.2025 ISSUED BY SEIAA,  
ODISHA TO M/S AADITYA CONSTRUCTIONIN FURTHERANCE OF ORDER DATED 09.01.2025 IN O.A. No. 26/2025/EZ AND M.A. No.  
26/2025/EZ BY THE  
HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE

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**Reply to Show Cause Notice Dated 02.12.2025 on Behalf of M/s Aaditya  
Construction, the Noticee**

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Filed by:

Date: 07.01.2026

V. Lakshmikumaran, Yogendra Aldak,  
Pranav Mundra, Balraaj Singh  
Advocates for M/s Aaditya Construction  
6th and 7th Floor, Tower E, World Trade Centre,  
Narouji Nagar, New Delhi – 110029  
Enrolment No. D/5779/2019  
Mobile – 08010333998  
yogendra.aldak@lakshmisri.com

To,  
Dr. Pradeept Kumar Nayak,  
Environmental Scientist  
The State Environment Impact Assessment Authority (SEIAA)  
5RF-2/1, Unit-IX, Bhubaneswar, Odisha  
Pin Code – 751022

Date: 07.01.2026

Reference:

1. Letter dated 31.12.2025 from SEIAA, Odisha to M/s Aaditya Construction
2. Letter dated 29.12.2025 from M/s Aaditya Construction to SEIAA, Odisha
3. Show Cause Notice dated 02.12.2025, received on 13.12.2025 issued by SEIAA, Odisha to M/s Aaditya Construction
4. Order dated 09.01.2025 in O.A. No. 26/2025/EZ and M.A. No. 26/2025/EZ by the Hon'ble National Green Tribunal, Eastern Zone
5. Counter Affidavit dated 14.03.2024 filed by R-7 in O.A. No. 26/2025/EZ.

**SUBJECT: REPLY TO SHOW CAUSE NOTICE DATED 02.12.2025 ISSUED BY  
SEIAA, ODISHA TO M/S AADITYA CONSTRUCTION**

Dear Sir,

1. The present reply is being filed by M/s Aaditya Construction (“**Noticee**”) pursuant to the Show Cause Notice dated 02.12.2025, received on 13.12.2025, issued by the State Environment Impact Assessment Authority, Odisha (“**SCN**”), directing the Noticee to show cause as to why Environmental Compensation amounting to ₹1,15,80,585.73/- should not be levied for the alleged unauthorised extraction of morrum material.
2. At the outset, the Noticee humbly submits and reiterates its commitment to strict compliance with all applicable environmental laws, rules, and regulatory directions. However, the SCN and the computation appended thereto suffer from serious procedural infirmities, non-application of mind, and misapplication of the Central Pollution Control Board (“**CPCB**”) framework governing environmental compensation.

3. The proposed levy, therefore, for the reasons detailed hereinbelow, is legally unsustainable and liable to be withdrawn or, in the alternative, substantially revised.

**A. No Environmental Compensation can be levied on the Noticee inasmuch as the Noticee is neither the project proponent in the present case nor has the Noticee extracted any morrum from the alleged site.**

4. At the outset, it is pertinent to note that the tender for construction of the coal Transportation Road (Concrete Pavement) at Samaleswari OCP under IB Valley Area of Coalfields, MCL (2nd Call) was awarded to M/s VKJ-AKM (JV), HIG-02, M.P. Nagar, Niharika, Korba – 495677 (Chhattisgarh) by M/s Mahanadi Coalfields Limited. The records unequivocally establish that M/s VKJ-AKM (JV) was the sole project proponent for the said project and that the Noticee is an unrelated third party. The Noticee merely provided limited assistance in execution of certain construction works, as M/s VKJ-AKM (JV) did not have adequate technically skilled manpower available at the relevant time. Such assistance was rendered pursuant to a limited commercial arrangement for provision of construction services for a fixed consideration and did not involve any control, supervision, or responsibility with respect to sourcing or extraction of construction material.
5. Furthermore, the Noticee is given to understand that, as per the terms of the tender and prevailing commercial practices for road construction projects in and around mining areas undertaken by M/s Mahanadi Coalfields Limited, the requisite quantity of morrum is ordinarily made available to the contractor by the mining company itself from the common earth excavated during routine mining operations. The mines thus constitute an abundant source of morrum, supplied without any additional cost to the contractor. In the present case, the road construction was completed using morrum obtained from the adjacent mines of M/s Mahanadi Coalfields Limited, and no mining activity whatsoever was undertaken on the alleged plot.
6. In view of the above, it is evident that no illegal mining has been carried out by the Noticee. Consequently, no environmental compensation can be levied upon M/s Aaditya Construction. In any event, any levy of environmental compensation, assuming without admitting the existence of a violation, could only be fastened upon the project proponent and not upon an unrelated third party such as the Noticee.

**B. Non-supply of the District Survey Report (DSR) vitiates the SCN and violates the principles of natural justice.**

7. The SCN proceeds on the basis of an environmental compensation assessment purportedly undertaken under Approach–2 of the CPCB framework, without furnishing to the Noticee the District Survey Report (“DSR”), which constitutes the foundational document for assessing environmental impact in cases involving minor mineral extraction. The Hon’ble National Green Tribunal, vide order dated 14.10.2020 passed in O.A. No. 40/2020, *Pawan Kumar v. State of Bihar & Ors.*, has categorically held that the DSR must be prepared by competent experts and forms the basis for evaluating environmental impact, replenishment, and safeguards prior to the grant of environmental clearance. This position stands statutorily reinforced by the Notification dated 25.07.2018 issued by the Ministry of Environment, Forest and Climate Change under Section 3(2)(v) of the Environment (Protection) Act, 1986, amending the EIA Notification dated 14.09.2006, which mandates that the DSR shall include, inter alia, an Environment Management Plan and replenishment studies.
8. In the absence of the DSR and allied studies, the Noticee has been denied access to the very material on the basis of which the severity of impact, risk categorisation, and quantum of compensation have allegedly been determined. It is a settled principle of law that a noticee cannot be expected to meaningfully respond to a show cause notice when the documents relied upon are not disclosed. The failure to supply the DSR strikes at the root of the principle of *audi alteram partem* and renders the show cause proceedings procedurally defective and legally unsustainable.

**C. Without prejudice, the SCN, while computing the Environmental Compensation, arbitrarily assigns the highest risk factor without any severity assessment or reasons.**

9. The SCN, for the purpose of computing Environmental Compensation, has classified the alleged offence of illegal extraction of morrum as having a “severe” environmental impact, thereby assigning the highest Risk Factor of 1.0 along with the lowest Discount Rate of 5% under the CPCB framework.
10. It is submitted that such computation has been undertaken in a mechanical manner by assigning the maximum Risk Factor of 1.0 corresponding to “severe” environmental impact under Approach–2 of the CPCB framework. However, Approach–2 expressly

requires that the risk factor be determined on the basis of an independent, reasoned assessment of the severity of environmental impact. The framework recognises graded categories of severity, namely “mild”, “moderate”, “significant”, and “severe”, each mapped to a distinct Risk Factor and Discount Rate.

11. In the present case, the SCN does not disclose any assessment, analysis, or reasoning to substantiate the conclusion that the alleged activity resulted in “severe” environmental impact. The mere absence of prior environmental clearance or forest clearance cannot, *ipso facto*, determine the degree of ecological damage. The CPCB framework, read with the expert committee deliberations, clearly stipulates that severity must be assessed with reference to (i) the nature, (ii) extent, (iii) duration, and (iv) reversibility of environmental harm. The summary attribution of the highest risk factor without any independent analysis is arbitrary and violative of the principles of natural justice.
12. It is pertinent to note that a finding of “severe” impact is reserved for cases involving extensive, irreparable, and irreversible damage resulting in permanent destruction of ecosystems, environmental morphology, or ecological diversity. The records in the present case do not disclose any such impact at the alleged site. Accordingly, the attribution of the highest risk factor without any application of mind renders the SCN liable to be quashed and set aside.

**D. Incorrect methodology for determination of market value of morrum.**

14. The CPCB framework prescribes that where baseline data for market value is unavailable, the market value of the “nearest” comparable site must be adopted. In the present case, the market value of morrum has already been specifically determined by the Tahasil Office, Jharsuguda, vide order dated 20.08.2022, at INR 40/- per cubic meter. A copy of the said order dated 20.08.2022 is annexed herewith and marked as **Annexure-1**.
15. Accordingly, the computation of Environmental Compensation ought to have been carried out on the basis of the aforesaid market value of INR 40/- per cubic meter. Reliance upon an arbitrary rate of INR 62/- per cubic meter, without any cogent basis or nexus to the alleged violation, renders the computation unsustainable and vitiates the SCN.

**E. Incorrect computation of the alleged quantity of morrum extracted.**

16. As per the findings of the Joint Committee, excavation of morrum was observed only on one plot, namely Plot No. 2017 of Khata No. 618, having a total area of 0.63 acres. It was further observed that excavation on the said plot was to an approximate depth of 4 meters. A copy of the said Joint Committee Report is annexed and marked as **Annexure-2.**
17. The total area of the said plot measuring 0.63 acres translates to approximately 2550 square meters. Even assuming, *arguendo*, that the entire area was excavated uniformly to a depth of 4 meters, the maximum volume of morrum that could have been excavated would be approximately 10,200 cubic meters.
18. It is further pertinent to note that morrum or common earth is ordinarily available only up to a depth of approximately 2 meters from the surface. Accordingly, extraction of 56,100 cubic meters from an area of 2550 square meters is wholly impossible. The foundational basis of the quantity adopted for computation of Environmental Compensation is therefore fundamentally flawed and renders the SCN unsustainable.
19. In light of the grounds **C, D** and **E**, a fair and reasonable computation of Environmental Compensation, assuming without admitting any liability, would require application of a risk factor of 0.25 along with a discount rate of 8%, using a market value of INR 40/- per cubic meter and a maximum quantity of 10,200 cubic meters.

**F. Without Prejudice, where severity of environmental impact cannot be determined, the CPCB framework mandates application of the average risk factor.**

20. Without prejudice to the foregoing submissions, the Noticee submits that even under the CPCB framework itself, where the severity of environmental impact has not been independently assessed or cannot be reliably determined, the prescribed course is to adopt an average risk factor of 0.50 along with a discount rate of 6.5%. This safeguard exists to prevent arbitrary or inflated compensation in the absence of adequate data or assessment.
21. In the present case, since no reasoned severity evaluation has been undertaken and no DSR or impact assessment has been disclosed, assignment of the maximum risk factor is impermissible. At the very least, the average risk factor must be applied. Any levy

beyond this would be contrary to the CPCB framework and violative of the principles of fairness and proportionality, rendering the SCN liable to be quashed.

**G. Environmental Compensation is remedial and restorative, not punitive.**

22. It is well settled in Indian environmental jurisprudence that environmental compensation is remedial and restitutive in nature, intended to restore the environment and mitigate harm, and not to operate as a punitive exaction. In *Delhi Pollution Control Committee v. Lodhi Property Co. Ltd. Etc. (2025 SCC OnLine SC 1601)*, the Hon'ble Supreme Court reiterated that environmental compensation must bear a rational nexus to actual environmental harm. The approach adopted in the present SCN, by mechanically invoking the highest risk factor without assessment, impermissibly converts a compensatory mechanism into a punitive sanction.

**PRAYER**

23. In view of the foregoing submissions, it is most respectfully prayed that this Hon'ble Authority may be pleased to:

- i. Withdraw and set aside the Show Cause Notice proposing levy of Environmental Compensation of ₹1,15,80,585.73/-;
- ii. Direct supply all relied-upon documents, including the District Survey Report, undertaking a reasoned severity assessment, and applying the appropriate risk factor and discount rate in accordance with the CPCB framework; and
- iii. Pass such other or further orders as this Hon'ble Authority may deem fit and proper in the interests of justice, equity, and environmental protection.

Filed by:

V. Lakshmikumaran, Yogendra Aldak,  
Pranav Mundra, Balraaj Singh  
Advocates for M/s Aaditya Construction  
6th and 7th Floor, Tower E, World Trade Centre,  
Narouji Nagar, New Delhi – 110029  
Enrolment No. D/5779/2019  
Mobile – 08010333998  
[yogendra.aldak@lakshmisri.com](mailto:yogendra.aldak@lakshmisri.com)

# ANNEXURE-1

TAHASIL OFFICE: JHARSUGUDA

No. 2367 / Date 21.08.2022

Sri Arun Kumar Barma  
M/S - Aditya Construction  
Korba (Chhatishgarh)  
Mr. M. Hariom Bhanu,  
Brajrajnagar, Jharsuguda  
Mob: 7974889411

Sub: Regarding deposit of Royalty and penalty for illegal extraction of Minor Mineral.

Whereas, it has come to the notice of the undersigned that, you have extracted 56100 cum soil (common earth) from following schedule of land without prior permission of the Competent Authority.

### LAND SCHEDULE

Mouza	Khata No.	Plot No.	Area	Kisam
Brajrajnagar Town Unit No. 1	616 (Rakht)	85	0.257	Cochar
		126	1.287	Cochar
	618 (Anabadi)	2018/5228	0.828	Bada Jungle
2017		0.630	Patit	
		81	0.472	Nala

Whereas, as per Rule 51 of OMMC Rules, 2016, the penalty should be imposed up on you for illegal extraction of minor mineral.

Whereas, you have been directed to submit a show cause vide this office letter No. 1710, dt. 10.05.2022. However, three months have been passed and no reply have been received yet.

Whereas, as per Rule 51 of OMMC Rules, 2016, you are liable to deposit the penalty for illegal extraction of minor mineral as assessed below.

Sl No.	Assessment	Amount
1.	Royalty & Addl. Charges for 56100 Cum sand @ 40.00 per Cum	Rs. 22,44,000.00
2.	Penalty	Rs. 5,00,000.00
	<b>TOTAL</b>	<b>Rs. 27,44,000.00</b>

(Rupees twenty seven lakh forty four thousand only)

Therefore, you are directed to deposit the above amount within seven days after receipt of this letter, failing which action as per Rule 51 of OMMC Rules, 2016 will be initiated against you.

*[Signature]*  
Tabasulakar, Jharsuguda  
2022-08-21

*[Signature]*  
Public Information Officer

## ANNEXURE-2

29

ANNEXURE-A/7

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

8

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 Ddungdung 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 Jamdalla, 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**


Asst. Conservator of Forests  
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

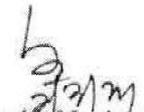
- The lands of plot no. 85 and 126 were found to be vacant and barren whereas plot no. 2018/5228 is not found in Khata No. 616 (Rakhit) but in plot no.2018/5229 (Bada Jungle) of khata no. 616 (Rakhit) some Chakunda trees growth were found which was adjacent to plot no. 2017(patit kisam) of khata no. 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 SPCB, Odisha.

**Recommendation:-**

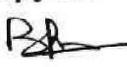
- M/s Aditya Constructions may be directed to develop plantation on the above plots for damaging the natural vegetation without the permission of the competent authority.
- It may be directed to obtain required permissions from the concerned authority for excavation of soil and morrum.

  
02.03.2024  
Dy. Env. Scientist, RO, SPCB  
Jharsuguda

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

  
Additional District Magistrate (Gen),  
Jharsuguda

**True Copy Attested**

  
Asst. Conservator of Forest  
Jharsuguda Forest Division

**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	-
<b>Total</b>				<b>0.350</b>		<b>56100 CUM</b>

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

Yours faithfully



Revenue Inspector, Brajrajnagar

**Revenue Inspector  
Brajrajnagar**

True Copy Attested



Asst. Conservator of Forest  
Jharsuguda Forest Division

**32**

**Minutes of 266<sup>th</sup> Meeting of SEIAA, Odisha held on 09.01.2026**

**Additional Agenda Item No. 13**

**Hon'ble NGT order dated 09.01.2025 in O.A. No.26/2025/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors**

1. This is regarding Hon'ble NGT order dated 09.01.2025 in O.A. No.26/2025/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors. It is a matter of illegal/un-authorized extraction of about **56,100 cum** of Morrum from various places in Jharsuguda District, Odisha by M/s. Aditya Construction, Represented by Managing Director, Plot No. 496/3799, Unit No. 02, Hariom Bihar, Ward No. 17, Brajrajnagar, Jhatsuguda, Odisha, Pin-751001. The matter was placed before Hon'ble NGT, EZ and after hearing the matter, Hon'ble NGT disposed of the case on 09.01.2025 with direction to SEIAA, Odisha that ***"the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.II, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"***. In this case the SEIAA, Odisha has not issued any environmental clearance in favour M/s. Aditya Construction for extraction of any Morrum material in Jharsuguda District.
2. In compliance to NGT order and as per the CPCB guidelines dated 30.01.2020 based on order dated 05.04.2019 in the matter on OA. No. 360 of 2015 of Hon'ble NGT, Principal Bench, New Delhi and Govt. of Odisha Revenue & Disaster Management Department Notification no. 5157 dated 17.02.2022 regarding fixation of scale of compensation regime towards environmental and ecological damage for illegal/excess mining of sand. As per the above notification and order, the market value of morrum material or any other minor mineral is necessary for calculation of environmental compensation. Accordingly, a letter vide letter no. 6750/SEIAA dated 19.09.20025 was issued to the Deputy Director of Mines, Sambalpur for submission of Market Value of Morrum material in Jharsuguda District. The DDM, Sambalpur vide letter no. 3458 dated 17.10.2025 has intimated to SEIAA, Odisha that no Market value has been finalized for Morrum in Jharsuguda District and also submitted the information on highest bidding price for Morrum in Jharsuguda is of Rs. 62/- (Royalty@ 35/- + Addl. Charge Rs. 27/- per Cum) in Jharsuguda District. In absence of any market value for these cases, the highest bidding amount has taken as a market value and accordingly, environmental compensation has been calculated

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3. The environmental compensation amount of **Rs.1,15,80,585.73/-** has been calculated based on the Approach-2 formula of Central Pollution Control Board (CPCB). The Respondent No. 11, M/s. Aditya Construction has extracted 56,100 cum of Morrum material in Jharsuguda District which is reflected in the Joint Inspection report dated 01.03.2024 and as mentioned in the final order dated 09.01.2025 of Hon'ble NGT. The Environmental compensation has been calculated considering the Annual value of Foregone Ecological Values (D × RF) i.e. Risk factor taken as 1 for severe case as no EC and other permission obtained before mining.
4. Show cause Notice letter no.6892/SEIAA dated 02.12.2025 has issued to the Respondent No.11, Aditya Construction directed to reply to this Show Cause Notice of SEIAA, Odisha by letter/email or to appear/present in person or through authorized person in SEIAA, Odisha office chamber within 15 days from the date of receipt of this show cause notice, why the environmental compensation amounting of **Rs.1,15,80,585.73/-** shall not collected for extraction of Morrum Material unauthorizedly and as per direction of Hon'ble NGT. But the Show Cause letter returned to SEIAA, Odisha on 10.12.2025 with reason that not received by the addressee. Further, the same letter was sent again to M/s. Aditya Construction vide speed post no. EO758835674IN dated 10.12.2025 and was received on 13.12.2025 as intimated by M/s. Aditya Construction through letter dated 29.12.2025
5. It is to mention here that the M/s. Aditya Construction asked for submission of response on Show Cause within 15 days from the date of receipt of this Show Cause notice but he did not respond till 29.12.2025 within the stipulated time on 28.12.2025. M/s. Aditya Construction, vide letter dated 29.12.2025 requested SEIAA, Odisha for extension of time of four (04) weeks to reply Show Cause Notice giving reason that due to festivities and year end vacations with limited employees and accordingly require considerable time to collate the relevant data to prepare suitable reply to Show Cause Notice which was not acceptable by Authority SEIAA, Odisha.
6. Further, 2<sup>nd</sup> Show Cause Notice vide letter no.6965/SEIAA dated 31.12.2025 was issued by SEIAA, Odisha to M/s. Aditya Construction for extension of time to reply Show Cause Notice for four weeks is not acceptable and seven days' time was given to submit Show Cause reply i.e. on or before 07.01.2026.



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7. On behalf of M/s. Aditya Construction, Sri Pranav Mundra, Advocate for M/s. Aditya Construction has submitted their written reply on Show Cause Notice to SEIAA, Odisha dated 07.01.2026 by present physically in SEIAA, Odisha Office with mentioning the following as follows:
- a. No environmental compensation should be levied inasmuch as M/s Aaditya Construction was neither the project proponent nor engaged in any illegal mining activity thereby excavating 56,100 cubic meters of morrum.
  - b. Assuming without admitting and without prejudice to the above, even if the environmental compensation is to be levied, the same should be levied considering the following:
    - i. The maximum amount of morrum that could have been excavated from the subject site as per the joint committee report is only 10,200 cubic meters. Accordingly, the same should be taken into consideration.
    - ii. The market value of morrum allegedly excavated from the subject site is already determined by the competent authority i.e., Tehsildar, Jharsuguda. The Tehsildar Jharsuguda has determined INR 40 as price of morrum per cubic meter. Accordingly, it is humbly submitted that the market value of murrum per cubic meter should be considered as INR 40 and not INR 62.
    - iii. Additionally, your good self has categorized the alleged violation as a "severe" category violation. Consequently, the corresponding risk factor and discount has been made applicable. It is humbly submitted that as per the CPCB framework, *"In situations where the risk categorization is unavailable or pending calculation, an average risk factor of 0.5 and a discount rate of 6.5% may be considered"*. In the present case, the risk categorization is unavailable and therefore, it is submitted that average risk factor of 0.5 and discount rate of 6.5% may be consider.

#### **Decision of the Authority:**

After careful examination of the written submission made by M/s Aditya Construction on show cause notice dated 02.12.2025 and 31.12.2025 to and as per the letter of the DDM, Sambalpur vide letter no. 3458 dated 17.10.2025 has intimated to SEIAA, Odisha that no Market value has been finalized for Morrum in Jharsuguda District and the information on highest bidding price for Morrum in Jharsuguda district is of Rs. 62/- (Royalty@ 35/- + Addl. Charge Rs. 27/- per Cum). An average risk factor of 0.5 corresponds to severity of moderate and discount rate 7% as per prevailing standard not 6.5%. The authority decided that the submission of Aditya Construction in light of market value of Rs.40/- per cum and the risk factor of 0.5 and discount rate of 7% is not acceptable as M/s. Aditya Construction has extracted Morrum from different place of Jharsuguda District without EC. Hence, the Risk

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factor taken as 1 (one) for severe case as no EC and other permission obtained before mining. The compensation on environmental damage has been calculated taking the market value of Rs. 62/- per cum of morrum as per submission of DDM, Sambalpur dated 17.10.2025 and the Rish factor taken as 1 (One) for sever case and accordingly the environmental compensation amounting of **Rs.1,15,80,585.73/-** has been calculated and the same is need to be deposited by M/s. Aditya Construction to Govt. of Odisha bearing Account No. 06640110075074, IFSC Code No-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 as per the Notification no. RDM-MMS-POLICY-0008-2021-5157/R & DM dated 17.02.2022 of Revenue and Disaster management Department, Government of Odisha and acknowledged the same to SEIAA, Odisha.

Signed by



Member Secretary, SEIAA

*GP Rms 10/1/2026*  
Member, SEIAA



Chairman, SEIAA

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**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

(A statutory body constituted by Ministry of Environment, Forest &amp; Climate Change under Environment (Protection) Act, 1986)

 Letter No. 6997/SEIAA

 Dated 12.01.2026

To

M/s. Aditya Construction  
 Represented by Managing Director  
 Plot No.496/3799, Unit No.02, Hariom Bihar,  
 Ward No.17, Brajrajnagar, Jharsuguda  
 Pin No.768126, Odisha

**DIRECTIONS FOR SUBMISSION OF ENVIRONMENTAL COMPENSATION IN PURSUANCE TO ORDER DATED 09.01.2025 OF HON'BLE NGT, EZ, KOLKATA - SHOW CAUSE NOTICE THEREOF**

- Ref: (i). Hon'ble NGT order dt. 09.01.2025 in O.A. No.26/2025/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors.  
 (ii). Your request letter no. 014 dated 29.12.2025 for extension of time to reply Show Cause received at SEIAA, Odisha on 29.12.2025  
 (iii). Your reply letter dated 07.01.2025 on Show cause Notice dated 02.12.2025 and 31.12.2025.

Sir/Madam,

With reference to the subject cited above, I am directed to inform that in pursuance of the Order dated 09.01.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 26/2025/EZ and M.A. No. 26/2025/EZ in the matter of *Jitendra Kumar Pradhan vs. State of Odisha & Others*, the Hon'ble Tribunal has, inter alia, directed as follows:

*"The SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months".*

In compliance with the aforesaid directions of the Hon'ble Tribunal, it was observed that determination of environmental compensation for excess/unauthorised extraction of Morrum requires ascertainment of its prevailing market value in Jharsuguda District, which was not available with SEIAA, Odisha. Accordingly, SEIAA, Odisha issued a letter

vide No. 6750/SEIAA dated 19.09.2025 to the Deputy Director of Mines, Sambalpur Circle, with copies endorsed to the Collector & District Magistrate, Jharsuguda and the Mining Officer, Jharsuguda, seeking the requisite information.

The Deputy Director of Mines, Sambalpur Circle, vide letter No. 3458 dated 17.10.2025, intimated that no notified market value of Morrurum has been finalised for Jharsuguda District; however, the highest bidding price for Morrurum in the district is **₹62/- per cubic metre** (Royalty @ ₹35/- plus Additional Charge @ ₹27/- per cubic metre). In the absence of a notified market rate, the highest bidding price was adopted as the market value for the purpose of calculation of environmental compensation.

Accordingly, a Show Cause Notice was issued to M/s Aditya Construction vide No. 6892/SEIAA dated 02.12.2025, calling upon them to explain within 15 days as to why environmental compensation amounting to **₹1,15,80,585.73/-** should not be imposed for unauthorised extraction of Morrurum, in compliance with the directions of the Hon'ble NGT. The said notice was initially returned undelivered on 10.12.2025. Subsequently, the notice was re-issued through Speed Post vide No. EO758835674IN dated 10.12.2025, which was received by M/s Aditya Construction on 13.12.2025, as acknowledged by them vide letter dated 29.12.2025.

As no response was received within the stipulated period (i.e., by 28.12.2025), M/s Aditya Construction, vide letter dated 29.12.2025, sought an extension of four weeks to submit their reply, citing year-end holidays and limited staff availability. The request was not accepted by the Authority. Consequently, a second Show Cause Notice vide No. 6965/SEIAA dated 31.12.2025 was issued, granting a final opportunity of seven (07) days, i.e., up to 07.01.2026, to submit their reply.

In response, Sri Pranav Mundra, Advocate, on behalf of M/s Aditya Construction, submitted a written reply dated 07.01.2026 in person before SEIAA, Odisha, raising, inter alia, the following submissions:

- a. No environmental compensation should be levied inasmuch as M/s Aaditya Construction was neither the project proponent nor engaged in any illegal mining activity thereby excavating 56,100 cubic meters of morrum.

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- b. Assuming without admitting and without prejudice to the above, even if the environmental compensation is to be levied, the same should be levied considering the following:
- i. The maximum amount of morrum that could have been excavated from the subject site as per the joint committee report is only 10,200 cubic meters. Accordingly, the same should be taken into consideration.
  - ii. The market value of morrum allegedly excavated from the subject site is already determined by the competent authority i.e., Tehsildar, Jharsuguda. The Tehsildar Jharsuguda has determined INR 40 as price of morrum per cubic meter. Accordingly, it is humbly submitted that the market value of murrum per cubic meter should be considered as INR 40 and not INR 62.
  - iii. Additionally, your good self has categorized the alleged violation as a "severe" category violation. Consequently, the corresponding risk factor and discount has been made applicable. It is humbly submitted that as per the CPCB framework, *"In situations where the risk categorization is unavailable or pending calculation, an average risk factor of 0.5 and a discount rate of 6.5% may be considered"*. In the present case, the risk categorization is unavailable and therefore, it is submitted that average risk factor of 0.5 and discount rate of 6.5% may be consider.

After careful examination of the written submissions made by M/s Aditya Construction in response to the Show Cause Notices dated 02.12.2025 and 31.12.2025, and in light of the communication received from the Deputy Director of Mines, Sambalpur vide letter No. 3458 dated 17.10.2025, it has been intimated to SEIAA, Odisha that no notified market value of Morrum has been finalised for Jharsuguda District. However, the highest bidding price for Morrum in the district has been reported as **₹62/- per cubic metre** (Royalty @ ₹35/- plus Additional Charge @ ₹27/- per cubic metre). It is observed that an average risk factor of 0.5 corresponds to a moderate category of violation, and the applicable discount rate as per prevailing standards is 7%, and not 6.5%. The Authority has decided that the submissions of M/s Aditya Construction proposing adoption of a market value of **₹40/- per cubic metre** and application of a risk factor of **0.5** with a discount rate of 7% are not acceptable, as M/s Aditya Construction has extracted Morrum from different locations in Jharsuguda District without obtaining Environmental Clearance (EC) and other statutory permissions. Accordingly, the violation has been categorised as severe, and the risk factor has been taken as 1 (one). The environmental compensation has therefore been calculated by adopting a market value of **₹62/- per cubic metre** of Morrum, as communicated by the Deputy Director of Mines, Sambalpur vide letter dated 17.10.2025, with a risk factor of 1 (one) for a severe category violation. Consequently, the environmental compensation amounting to **₹1,15,80,585.73/-** has been determined. The aforesaid amount is required to be deposited by M/s Aditya Construction into the Government of Odisha account bearing Account No. 06640110075074, IFSC Code: UCBA0000664, MICR Code: 751028004, Forest, Environment & Climate Change Department, Government of Odisha – 751001, in accordance with Notification No. RDM-MMS-POLICY-0008-2021-5157/R&DM dated

17.02.2022 of the Revenue & Disaster Management Department, Government of Odisha. The deposit shall be duly acknowledged, and a copy of the deposit challan shall be submitted to SEIAA, Odisha for record.

In view of the above and as per the decision of the Authority, M/s Aditya Construction (Respondent No. 11 / Project Proponent) is liable to deposit the aforesaid environmental compensation amount of **Rs.1,15,80,585.73/-** (One Crore fifteen lakh eighty thousand five hundred-eighty-five and 73 paise) for unauthorized extraction of **56,100** cum of Morrum from different place of Jharsuguda District. The District Administration may recover the same from M/s. Aditya Construction, Project Proponent/Respondent No.11 and take initiative step to deposit it in the account of Govt. of Odisha bearing Account No. 06640110075074, IFSC Code No-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 as per the Notification no. RDM-MMS-POLICY-0008-2021-5157/R & DM dated 17.02.2022 of Revenue and Disaster Management Department, Government of Odisha and acknowledged the same to SEIAA, Odisha. The copy of the deposit challan shall be submitted to this Authority.

This is for your information and necessary compliance.

Encl: As above

By order and Authority of SEIAA, Odisha



Member Secretary, SEIAA

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Jharsuguda, Sub-Collector, Jharsuguda, DFO, Jharsuguda, DDM, Sambalpur, RO, SPCB, Jharsuguda, Tahasildar, Jharsuguda /Mining Officer, Jharsuguda for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.



Member Secretary, SEIAA