

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 194 OF 2025/EZ**

IN THE MATTER OF:
SUBRAT KUMAR SAHOO

.... APPLICANT

VERSUS

STATE OF ODISHA AND ORS.

.... RESPONDENTS

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Date:
Place:

ADV. VARUN CHUGH
Advocate for Respondent No. 11
C-53, Jangpura Extension, New Delhi
Email:adv.varunchugh@gmail.com
Phone: +91 9988799877

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 194 OF 2025/EZ**

IN THE MATTER OF:

SUBRAT KUMAR SAHOO

.... APPLICANT

VERSUS

STATE OF ODISHA AND ORS.

.... RESPONDENTS

**SHORT REPLY BY WAY OF AFFIDAVIT OF AMBAR KUMAR KAR,
COLLECTOR & DISTRICT MAGISTRATE, JAJPUR ON BEHALF OF
RESPONDENT NO. 11 I.E. FOREST, ENVIRONMENT AND CLIMATE
CHANGE DEPARTMENT**

RESPECTFULLY SHOWETH: -

I, Ambar Kumar Kar, S/o late Kulamani Kar aged about 58 years presently working as Collector & District Magistrate, Jajpur having office at Jajpur Town, Dist. Jajpur being conversant with the facts of the case, do hereby solemnly affirm and state as under:

1. That I am Respondent No.08 in the present case and I have been duly authorized by the Respondent 11 i.e., Forest, Environment and Climate Change Department, Odisha to file the present reply by way of Affidavit.

The copy of the Authorization letter dated 19.01.2026 is marked and annexed herewith as **ANNEXURE R-1**.

Ambar Kumar Kar
COLLECTOR
14/1/2026

2. I state that the present reply is being filed in compliance of the order dated 15.12.2025 passed by the Hon'ble Tribunal. The relevant extract is reproduced herein for the ready reference of this Hon'ble Tribunal:

"5. The Registry is directed to issue notice to respondents no. 6, 7, 9 and 11 again requiring them to file their responses within two weeks and to ensure their representation before this Tribunal failing which personal appearance of Chairman, Odisha Industrial Infrastructure Development Corporation and Secretary, Forest, Environment, and Climate Change Department, Government of Odisha may be ordered."

3. That the Original Application has been filed by the Applicant contending that the Respondent No. 5 i.e. VCI Chemical Industries Ltd. has illegally established a 1,00,000 TPA coal tar distillation and processing plant on forest land by deliberately concealing the fact that approx. 11 acres out of the 22-acre project site allotted by the IDCO are classified as forest land containing approximately 40,000 Sal trees. The Applicant alleges that the Respondent No. 5 had fraudulently declared in all statutory filings including the applications for Terms of Reference, Environmental Clearance, and Consent to Establish that no forest land is involved, thereby bypassing the mandatory requirement of prior approval under the Forest (Conservation) Act, 1980. On the basis of this suppression, the authorities granted ToR, conducted the public hearing, and issued the EC and Consent to Establish. The Applicant further contends that the

Ambar kumar khar
COLLECTOR
JAJPUR

project is a hazardous Red Category industry located in an ecologically sensitive area, that large-scale tree felling, illegal morrum extraction, and groundwater extraction are already taking place, and that the project proponent has acted in violation of environmental and forest laws.

4. I state that in pursuant to the Joint Committee report submitted before this Hon'ble tribunal dated 12.12.2025 in compliance of the order dated 13.11.2025 passed by this Hon'ble Tribunal the following actions have been recommended by the Answering Respondent.

A. That vide letter dated 22.01.2026, this Answering Respondent had directed the Respondent No. 5 to immediately halt all further work and obtain the necessary approval/clearance/permission or amendments, as applicable, in the name of the present Project Proponent (M/s VCI Industries Pvt. Ltd.) under the provisions of the Forest (Conservation) Act, 1980 from the competent authority i.e., the Respondent No. 11. Construction activities shall be permitted only after obtaining the requisite approvals.

B. The suppression of facts before the Appraisal Committee (SEAC/SEIAA) has resulted in non-comprehensive assessment and evaluation of the EIA/EMP submitted by the Respondent No. 5, which attracts revocation of the Environmental Clearance (EC). Accordingly, SEIAA may consider the proposal for reassessment as per MoEF&CC guidelines issued from time to

Ambar Kumar Kar
COLLECTOR
JAJPUR

time in cases of violation. The Competent Authorities i.e., OSPCB/SEIAA/MoEF&CC shall impose environmental compensation, as applicable under the rules, for illegal mining undertaken by the Respondent No. 5.

- C. A comprehensive impact assessment shall also be undertaken to assess environmental damage caused due to illegal mining, at the cost of the Respondent No. 5, and remedial costs, if any, may be imposed.
- D. SEIAA/SEAC may review the Terms of Reference (ToR) after due diligence and take a decision regarding the validity of the ToR and the associated public hearing.
- E. If Environmental Clearance and Consent to Establish/Operate are required for such activities, the same may be examined by SEIAA/SEAC and OSPCB, based on the outcome of proceedings before the competent authorities.
- F. The unit, after installing a water meter on the borewell, shall inform OSPCB and obtain approval from CGWA, as stipulated by the competent authority.
- G. A Zero Liquid Discharge (ZLD) system shall be installed in accordance with the conditions of the existing EC before seeking Consent to Operate (CTO) from OSPCB.

Amban kumar kare

**COLLECTOR
JAJPUR**

The copy of the Order dated 29.11.2025 is marked and annexed herewith as **ANNEXURE R-2**

5. I humbly submit that the Respondent No. 05, through its Advocate, submitted before the Hon'ble NGT as record in para no. 7 of the order dated 15.12.2025 that no mining of morrum had been carried out in the past and will not carry out in future any mining of morrum from the land in question. In this regard I humbly submit the following:

- i. The Deputy Director of Mines (DDM), Jajpur, vide letter dated 18.12.2025, directed the Respondent No. 5 to stop any kind of mining operation within its premises.
- ii. The Mining Officer, Jajpur, vide letter dated 17.12.2025, instructed for close monitoring of the situation.
- iii. The Superintendent of Police, Jajpur, was intimated vide letter dated 24.12.2025 to ensure compliance with the order of the Hon'ble NGT and submit a report.
- iv. Subsequently, the DDM, Jajpur Circle, vide letter dated 22.01.2026, informed that issuance of e-TPs had been halted with respect to the dumped morrum auctioned in favour of M/s C.P. Arora Engineers-Contractor Pvt. Ltd.

Copies of the letters dated 18.12.2025, 17.12.2025, 24.12.2025, and 22.01.2026 are annexed herewith and marked as **ANNEXURES R-3, R-4, R-5 and R-6**, respectively.

6. I humbly submit that an amount of Rs.37,98,113/- (Rupees Thirty-Seven Lakh Ninety-Eight Thousand One Hundred Thirteen only) has

Ambar kumar bea
COLLECTOR
JAJPUR

been deposited by the Respondent No. 5 towards the penal amount imposed for illegal extraction of morrum.

7. It is submitted that the Answering Respondent is filling short reply to the Application. The detailed reply, if necessary or if so directed by this Hon'ble Tribunal will be filled at the later stage.
8. In view of the foregoing submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to take on record the reply by way of affidavit of the Answering Respondent and also take note of the compliance regarding non-mining of morrum by Respondent No. 05, and to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice and for protection of the environment.

Place: Jajpur

Dated: 24/1/26

Amban kumar kar

DEPONENT
COLLECTOR
JAJPUR

VERIFICATION

Verified at 5 PM on this 24th day of January 2026 that the contents of the above reply are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

Amban kumar kar

DEPONENT
COLLECTOR
JAJPUR

Government of Odisha
Forest, Environment & Climate Change Department

No. 1684 /FE&CC,
FE-ENVI-CASE-0001-2026

Date: 19.01.26

From

Shri K. S. Pradeep, IFS

Director, Environment-cum- Special Secretary to Government

To

The Collector & District Magistrate, Jajpur.

Sub: Authorisation to defend the State and file the response/ affidavit / counter-affidavit before the Hon'ble National Green Tribunal (NGT), Eastern Bench, Kolkata in O.A. No. 194/2025/EZ filed by Subrat Kumar Sahoo. -vrs- State of Odisha & Others

Madam / Sir,

In inviting kind reference to the subject cited above, I am directed to enclose herewith a copy of the plaint of the petitioner, Order dated 13.11.2025, 15.12.2025, 23.12.2025 (Copies Enclosed), and Letter No. CON 744/AG/2025 dated 24.12.2025 of O/o the A.G. Odisha, Cuttack (Copy Enclosed), and intimate that Government has been pleased to authorise you to defend the State and file an affidavit before the Hon'ble NGT, in the instant case, on behalf of the Chief Secretary, Odisha (Respondent No.1) & viz. Principal Secretary to the Government, Forest, Environment & Climate Change Department (Respondent No.11) in consultation with the Government Advocate, within the stipulated time period, whom may be contacted for the preparation and necessary filing of the response/ affidavit / counter-affidavit.

It is, therefore, requested to kindly take necessary imperative steps/action thereon accordingly, under intimation to this Department.

The case is listed on 28.01.2026 for further hearing.

This may kindly be accorded with **TOP-PRIORITY**.

Yours faithfully,

Director, Environment-cum-
Special Secretary to Government
P.T.O.

e-Mail

Memo No. 1685 /FE & CC dt. 19.01.26 516

Copy forwarded to OSD to the Chief Secretary, Odisha for the kind information of the Chief Secretary.

Director, Environment-cum-Special Secretary to Government

Memo No. 1686 /FE & CC dt. 19.01.26

Copy forwarded to P.S to Principal Secretary to Government, FE & CC Department for the kind information of Principal Secretary.

Director, Environment-cum-Special Secretary to Government

e-Mail

Memo No. 1687 /FE & CC dt. 19.01.26

Copy forwarded to the Special Secretary (I/c Legal Cell), FE & CC Department for kind information & necessary action.

It is, further, requested to kindly monitor the developments in the instant matter closely and notify promptly of any significant progress or actions needed thereof from the respondents concerned.

Director, Environment-cum-Special Secretary to Government

e-Mail : officeofvarunchugh@gmail.com / adv.varunchugh@gmail.com

Memo No. 1688 /FE & CC dt. 19.01.26

Copy forwarded to Varun Chug, Advocate, O/o the A.G., Odisha Cuttack, w.r.t. Memo No. 745/AG dated 24.12.2025, for kind information & necessary action. He is requested to kindly contact the authorised officer for further necessary action in the matter.

Director, Environment-cum-Special Secretary to Government

Memo No. 1689 /FE & CC dt. 19.01.26

Copy forwarded to Ms. Subhalaxmi Mohanty, Field Attendant, Environment Wing, for information & necessary action w.r.t. Office Order No. 20635 dated 29.07.2025.

Director, Environment-cum-Special Secretary to Government

ANNEXURE R-2

କିରାପାଳ କ କାର୍ଯ୍ୟାଳୟ,ଯାଜପୁର

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ଇ-ମେଲ୍ dm-jajpur@nic.in ୱେବସାଇଟ୍: http://jajpur.nic.in

(ଅଦାଲତି ବିଭାଗ)



COLLECTORATE, JAJPUR

Ph. 06728-222001(O) 222330 @ FAX-222087

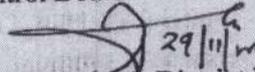
E mail: dm-jajpur@nic.in website: http://jajpur.nic.in

(JUDICIAL SECTION)

No. III-J - O - 120/2025/ 17163 /Dated 29/11/2025

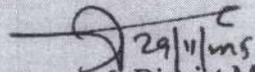
In pursuance of the order dtd. 13.11.2025 of Hon'ble Green Tribunal, EZ,Kolkata passed in OA No. 194/2025, the Joint committee consisting of the following members is hereby constituted to verify the factual position after visiting the site,looking into the grievances of the applicant,associating the applicant and representative of project proponent,verify the factual position and suggest appropriate remedial action alongwith Drone Video of the site by **12th December 2025** to be communicated to Hon'ble Tribunal before the dateline.

1. The Collector & District Magistrate,Jajpur
2. Representative of Integrated Regional Office of Ministry of Enviornment & Forest & Climate Change
3. Representataive of Central Pollution Control Board
4. Representative of State Pollution Control Board


Collector & District Magistrate,
Jajpur

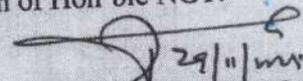
Memo No. 17164 /Date 29/11/2025

Copy forwarded to the Regional Officer,Integrated Regional Office,Ministry of Environment,Forest & Climate Change,Odisha/Director,Central Pollution Control Board/Member Secretary,State Pollution Control Board for representation of officers concerned and coordination with the undersigned within **three days** for fixation of the date of joint field verification in response to the order of Hon'bl e NGT,EZ,Kolkata.


Collector & District Magistrate,
Jajpur

Memo No. 17165 /Date 29/11/2025

Copy forwarded to the ADM, Kalinganagar/Divisional Head IDCO,Jajpur Road/Tahasildar,Danagadi for information and necessary action with a request to remain present during the field visit of the committee.The Tahasildar,Danagadi is also requested to coordinate with the petitioner of this case and the project proponent to remain present during the course of visit of the Joint committee as per direction of Hon'ble NGT.


Collector & District Magistrate,
Jajpur

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

In Original Application No.194/2025/EZ

Subrat Kumar Sahoo

.....Applicant

Versus

State of Odisha & Ors.

..... Respondents

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Joint Committee Report in Compliance to the Hon'ble NGT (EZ), Kolkata order dated 13.11.2025 in the matter Subrat Kumar Sahoo Versus State of Odisha & Ors

1. Background

The Original Application No 194 of 2025 was registered at the Hon'ble NGT, Eastern Bench based on the letter petition received from Sh Subrat Kumar Sahoo, s/o Late Ganpati Sahoo, resident of Raichhanda, P.O – Kabatabandha, P.S – Jenapur, District – Jajpur, Odisha - 755023.

In the letter petition, it is enumerated that VCI Chemical Industries Pvt Ltd is carrying out non-forest activities on forest land, established a 1,00,000 TPA capacity of greenfield coal tar distillation unit at Jakhapura and Kachharigaon, District Jajpur, Odisha after obtaining a long-term lease of approximately 22 acres of land by allegedly suppressing the fact of existence of forest land classified as 'Sal Jungle' with dense Sal plantation comprising approximately 40,000 trees within the project site in the various proceedings like application for Terms of Reference, public hearing, grant of Consent to Establish and Environmental Clearance. The Pre-Feasibility report falsely claimed that no forests or eco-sensitive zones existed within a 10 km radius. The applicant also raised substantial questions related to the environmental issues like groundwater extraction of 376 KLD without obtaining any permission, lack of compliance with zero effluent discharge standards and potential release of hazardous substances including phenols and cyanides. The applicant further enumerated about the representation made by local communities, petitions dated 16th May 2025 and media reports highlighting the large scale tree felling at the site.

The Hon'ble NGT, Eastern Bench heard the case on 13.11.2025 and directed the following:

"In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Integrated Regional Office of MoEF&CC, Central Pollution Control Board (CPCB), Odisha State Pollution Control Board (OSPCB) and the District Collector, Jajpur and direct the same to meet within two weeks, undertake visits to the site, look into the grievances to the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest

appropriate remedial action. The District Collector, Jajpur will be the nodal agency for coordination and compliance."

Copy of the Hon'ble NGT (EZ) order dated 13.11.2025 in OA No. 194 of 2025 is enclosed as **Annexure-I**.

2. Formation of the Joint Committee

In compliance to the Hon'ble NGT direction, Joint Committee was constituted with the following members:

1. Sh Ambar Kumar Kar, Collector, Jajpur, Odisha
2. Dr T H Mahato, Scientist 'E', Ministry of Environment, Forest & Climate Change, Regional Office, Bhubaneswar.
3. Sh Sujoy Dutta, AC(F), Ministry of Environment, Forest & Climate Change, Regional Office, Bhubaneswar.
4. Md Abdur Rafique, Scientist 'B', Central Pollution Control Board, Regional Directorate, Kolkata
5. Er Madan Mohan Sahoo, Regional Officer, Odisha State Pollution Control Board, Regional Office, Kalinganagar

3. Joint Committee Meeting and Site Inspection

The District Collector, Jajpur, Odisha being the Nodal Agency in this matter, coordinated with all the concerned departments and the meeting of the Joint Committee was held on 29th November, 2025 via video conferencing for preliminary discussions and other associated activities including schedule for site visit. The Joint Committee decided to schedule the site visit on 4th December, 2025. Copy of the letter, scheduled for the site visit is placed at **Annexure - II**.

The Joint Committee visited the following locations of M/s VCI Chemical Industries Pvt Ltd located at Kalinganagar Industrial Area, District – Jajpur, Odisha on 4th December, 2025:

1. Entire land allotted to the concerned unit.
2. Surrounding area outside the periphery of the concerned unit.
3. Adjacent nallah outside the periphery of the concerned unit.

During the joint committee visit, following representatives of associated departments of State were present, apart from the Committee members:

1. Addl District Magistrate, Kalinganagar, Odisha
2. Divisional Head, IDCO, Jajpur Road, Odisha
3. Tahasildar, Danagadi, Odisha
4. Directorate of Mines and Geology, Jajpur, Odisha
5. AC(F), Jajpur Forest Division, Odisha

Collector - Jajpur, Tahasildar, Danagadi has informed the petitioner (Applicant of this aforesaid referred OA) and the project proponent to be present during the visit of the joint committee constituted as per direction of Hon'ble NGT. Divisional Head, IDCO, Jajpur Road also arranged drone camera for videography of the entire visit of the joint committee as per direction of Hon'ble NGT.

The applicant Sh Subrat Kumar Sahoo and the representatives of the Project Proponent were present during the visit of the Joint Committee. The applicant during the inspection, showed the locations for which the concerned has been raised in the application.

Geotagged photographs during visit of M/s VCI Chemical Industries Private Limited, attendance sheet (Annexure - III) of the officers/official/person present during site visit and drone video of the site made during visit are attached for reference.

4. Finding from Documents/Site Visit, Observation and Remedial measures

The Committee visited the unit premises and nearby area of M/s VCI Chemical Industries Pvt Ltd as mentioned in the application. The committee made the following observations:

4.1 Utilising Forest Land for non-forest activity without prior approval of Central Government in complete violation of the 1980 Act.

Finding from Documents/Site Visit

- (a) Diversion of 1419.95 Ha of forest land for establishing iron ore based industries at Jakhapura (near Daitari) in Cuttack district of Odisha was approved by the Ministry of Environment, Forest and Climate Change (MoEF&CC) vide F.No. 8-213/91-FC (VOL.II) dated 3/4-2-1993, attached as Annexure - IV. The approved diversion proposal also includes 69.5 acres of forest land under Khata no. 419, Plot No. 860 and

40.94 acres under Khata no. 419, Plot No. 865 wherein construction of M/s VCI Chemical Industries Pvt Ltd is being carried out.

- (b) The Ministry of Environment, Forest & Climate Change vide F.No. 8-213/91-FC(VOL.II) dated 14/17-1-2005, attached as **Annexure -V**, conveyed its approval under Section 2 of Forest (Conservation) Act, 1980 for *deletion of condition no (ii)* - "No forest land will be utilised for construction of factory, township etc." - of final approval granted vide Ministry of Environment, Forest and Climate Change letter dated 3/4-2-1993 for diversion of 1419.95 ha of forest land for the purpose of iron ore based industries at Jakhapura (near Daitari) in Cuttack district of Odisha, subject to fulfilment of the stipulated conditions. The two important conditions prescribed were:
- i. Minimum area for construction of factories shall be utilized under supervision of the RCCF, Bhubaneswar.
 - ii. Vacant land/ land remaining after the establishment of the factories shall be planted up at the project cost under supervision of State Forest Department.
- (c) IDCO allotted approx. 22 acres of land to M/s. VCI Industries Pvt Ltd, which includes about 10.71 acres of forest land comprising 10.37 acres from Khata no. 419, Plot No. 860 & 0.34 acres from Khata no. 419, Plot No. 865. This forest land measuring approximately 10.71 acres stands covered under the approval of MoEF&CC vide letter F. No. 8-213/91-FC (Vol. II) dated 03/04 February 1993.
- (d) However, the diversion of 1419.95 ha of forest land - within which the land allotted by IDCO to M/s VCI Chemical Industries Pvt Ltd is included—was specifically approved by the MoEF&CC for establishment of iron ore based industries. It is pertinent to mention that the list of iron ore based industries permitted to use the said diverted forest land is provided at **Annexure - VI**. M/s VCI Chemical Industries Private Limited which is different from that of an iron ore based industry does not figure in the said list and is, therefore, not permitted to use the diverted forest land unless approval is obtained from the competent authority (MoEF&CC).

Observations:

- (a) M/s VCI Chemical Industries Pvt Ltd is a coal-tar distillation based chemical industry, which entails a pollution load and environmental impact profile significantly different from that of an iron ore based industry. The variation in impacts depends on the nature and quantity of pollutants generated, some of which may pose greater risks to natural vegetation and human health. Accordingly, such an allotment of forest land is in contravention of the permission granted by MoEF&CC for diversion of forest land for iron ore based industrial activities.
- (b) Before initiating any construction activity, the Project Proponent is required to obtain prior permission for the use of the diverted forest land for any activity other than the one permitted, by seeking an appropriate amendment to the existing approval. Further, the obligatory ownership and responsibility for compliance with the conditions imposed by MoEF&CC vide letter F. No. 8-213/91-FC (Vol. II) dated 03/04 February 1993 also need to be reviewed by the competent authority and must be appropriately clarified and obtained by the Project Proponent.
- (c) Based on the information made available to the Committee, the instant case constitutes a violation of the conditions and the intended purpose of the permission granted by MoEF&CC for diversion of forest land vide F. No. 8-213/91-FC (Vol. II) dated 03/04 February 1993.

Remedial Measure:

- The industry shall be directed to immediately halt all further work and to obtain the necessary approvals/clearances/permissions or amendments, as applicable, in the name of present Project Proponent (M/s VCI Industries Pvt Ltd) under the provisions of the Forest (Conservation) Act, 1980 from the Competent Authority (MoEF&CC). Construction activities shall be permitted only after the requisite approvals are duly obtained.

4.2 Violation of the provisions of EIA Notification, 2006, as amended by S.O. 1599(E) dated 25 June 2014.

Finding from Documents/Site Visit:

- (a) State Environment Impact Assessment Authority (SEIAA) accorded Terms of Reference to M/s. VCI Industries Pvt Ltd vide letter no. SIA/OR/IND2/406839/2022

- dated 28.04.2023 for undertaking details EIA studies for establishment of Coal tar distillation based industry.
- (b) Deputy Director of Mines, Jajpur (DDM-Jajpur) circle conducted a joint enquiry along with the Tahsildar, Danagadi on 12.04.2024 wherein it was observed that, huge amount of minor mineral (Moorum) has been utilised inside the plant premises, estimated quantity of 400 cu m of sand was found to be dumped inside the premises. Joint enquiry team directed to produce legal documents pertaining to consumed minor mineral inside the premises of M/s VCI Chemical Industries Pvt Ltd vide letter no. 991/MM, Jajpur dated 12.04.2024 (**Annexure – VII**).
- (c) After verification of all the legal documents it was found that the unit have undertaken mining of minor minerals (Moorum) and utilised it in huge quantity without obtaining permission from the competent authorities. Accordingly, DDM-Jajpur served a show-cause notice vide letter no. 1026/MM, Jajpur dated 15.04.2024 (Annexure – VIII) as why penalty shall not be imposed for illegal consumption of minor mineral (Moorum) after its assessment. Also directed to stop utilisation of minor minerals until disposal of the case.
- (d) DDM-Jajpur vide letter No 1051/MM, Jajpur dated 16.04.2024, assigned M/s TKS Consultancy Service for joint assessment of resource position of Moorum inside the plant premises of M/s VCI Chemical Industries Pvt Ltd. (**Annexure – IX**).
- (e) DDM-Jajpur based on the assessment report, informed M/s. VCI Chemical Industries Pvt Ltd vide letter no. 1951/MM, Jajpur dated 13.06.2024 (**Annexure – X**), that *a quantity of 60657.025 Cu.m of moorum (Cutting Boundary) has been excavated out of which 57846 Cu.m (filling boundary) is used in levelling work inside the plant premises of VCI Chemical Industries Pvt Ltd, which implies a difference of 2811.025 Cu.m of moorum that has no accounts of use inside the plant premises.*
- (f) DDM-Jajpur in exercise of the power conferred under Rule-51(1) (i) of OMMC, Rules, 2016, through vide letter no 1951/MM, Jajpur dated 13.06.2024 penalized M/s. VCI Chemical Industries Pvt Ltd, an amount of Rs 37,98,113/- against **extraction and illegal dumping** of minor minerals (sand and moorum) and directed the unit to deposit the amount within 7 days (**Annexure – X**).
- (g) DDM-Jajpur vide letter no 2088/MM, Jajpur dated 28.06.2024, served a Reminder to the unit (M/s. VCI Chemical Industries Pvt Ltd) regarding imposition of penalty for

extraction of moorum and illegal dumping of sand inside the premises of the unit and directed to deposit the penalised amount of Rs 37,98,113/- in the Head of Account 0853-00-102-0217-02021-000-Odisha Minor Minerals Concession Rules within 3 days(Annexure – XI).

- (h) M/s VCI Chemical Industries Pvt Ltd, deposited the penalized amount of Rs 113/- and Rs 37, 98,000/- on dated 20.07.2024 and 23.07.2024 respectively (Annexure – XII).
- (i) Environmental Clearance (EC) was accorded by SEIAA – Odisha on 17.08.2024 (Annexure – XIII) for a period of 10 years by under the provisions of EIA Notification No. S.O. 1533 dated 14th September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for proposed 'establishment of 1,00,000 TPA Green field Coal Tar Distillation Plant'.
- (j) Presently, the unit is under construction phase and not yet ready for operation. As stated by the unit's representative, the project may be ready for operation by June 2026.

Observations:

- (a) Project proposed being aware of the fact that Environment Clearance as per the provision of EIA Notification 2006 is applicable for scheduled activities and accordingly, has applied for ToR for the proposed establishment of Coal Tar Based Industry. But, no clearance or permission (Environmental Clearance -EC, Consent to Establish or Operate CTE/CTO were sought or obtained from the competent authority under EIA Notification 2006, The Water/Air (Prevention & Control of Pollution) Act, 1974/1981 for the mining activity at the said site.
- (b) The penalty imposed by DDM-Jajpur for illegal extraction of minor mineral (moorum) of approximately 60,657 Cu.m and unaccounted disposal of approx. 2811 Cu.m /dumping from the premises / land allotted to M/s. VCI Chemical Industries Pvt Ltd by IDCO confirms the illegal mining.
- (c) M/s. VCI Chemical Industries Pvt Ltd undertook the mining of minor minerals without having appropriate permission/clearances from the competent authority under the provision of the aforesaid applicable rules and regulations. This amounts to the violation. The project proponent has also suppressed these facts in their EIA/EMP report or while seeking environmental clearance from SEAC/SEIAA for the Coal tar

distillation based industry as evident from the document (Brief about the project section) of the Environment Clearance.

- (d) State Pollution Control Board, Odisha accorded Consent to Establish (CTE) on 09.05.2024 to M/s. VCI Chemical Industries Pvt Ltd for installation of 1.0 lakh TPA Greenfield Coal Tar Distillation plant (**Annexure – XIV**) with a validity of 5 years. However, no consent (CTO/CTE) was accorded to M/s. VCI Chemical Industries Private Limited for extraction (mining) of Minor Minerals from the allocated premises. Extraction (mining) of minor minerals without possessing CTO/CTE is violation of the provisions under The Water/Air (Prevention & Control of Pollution) Act, 1974/1981.
- (e) Also, the development of land was undertaken by M/s. VCI Chemical Industries Pvt Ltd before obtaining the EC, under EIA Notification 2006. However, in the accorded EC condition vide S. No. 2.10, it is stipulated that ***project proponent shall inform the commencing of land development work to Regional Office, MoEF&CC, as well as SEIAA- Odisha. (Annexure XIII, page 6 of 14, para 2.10)***
- (f) M/s. VCI Chemical Industries Pvt Ltd is in violation of EIA Notification 2006 as well as provisions of The Water (Prevention & Control of Pollution) Act 1974 and The Air ((Prevention & Control of Pollution) Act 1981 in respect of illegal mining of minor minerals for which DDM-Jajpur had imposed penalty under the MMDR Act and the penalty was also deposited to Government of Odisha by the industry. The proponent while seeking environmental clearance for establishment of Coal tar distillation based industry has ***suppressed the fact on penalty and illegal mining*** at the given site, before the project appraisal committee (SEAC/SEIAA) and obtained environmental clearance. The land development was also undertaken before grant of Environment Clearance by Competent authority.

Remedial Measures:

- (a) Suppression of fact before the appraisal committee (SEAC/SEIAA) leads to non-comprehensive assessment and evaluation of EIA/EMP submitted by the Project Proponent. Suppression of fact attract revocation of EC and therefore, SEIAA may consider the proposal for reassessment, as per the guidelines issued by MoEF&CC from time to time in case of violation by the project proponent.

- (b) Competent Authority (OSPCB/SEIAA/MoEF&CC) shall impose appropriate environment compensation as per the applicable rules / regulations, guidelines issued by Central Pollution Control Board for the illegal mining undertaken by M/s. VCI Chemical Industries Pvt Ltd.
- (c) A comprehensive impact assessment may be undertaken for assessing any impact on receiving environment arising due to illegal mining at the cost of the project proponent by Competent Authority (OSPCB/SEIAA/MoEF&CC) and remedial cost, if any may be imposed.

4.3 Suppressing the fact regarding the existence of forest land classified as ‘Sal Jungle’, containing dense Sal plantations comprising approximately 40,000 trees, in various proceedings—such as the application for Terms of Reference, public hearing, Consent to Establish and Environmental Clearance.

Finding from Documents/Site Visit

- (a) **Terms of Reference (ToR)** was issued by SEIAA vide letter no. SIA/OR/IND2/406839/2022 dated 28.04.2023 wherein it is mentioned that the land area for the proposed plant 22 Acre has been allotted by IDCO and is non-forest. Also, the proposed site is in a notified industrial area. ToR is attached as **Annexure – XV**.
- (b) **Public Hearing** was conducted on 29.11.2023 at Danagadi Bhavan, Mauza-Trijanga under Jajpur Police Station, District-Jajpur, Odisha, based on the scope of ToR issued, which was in turn based on wrong information that non forest land is used.
- (c) Further, as evident from the following, there is no clarity, as whether the land has any parcel of diverted forest land.
- i. **Consent to Establish (CTE)** under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 was issued by State Pollution Control Board, Odisha vide letter no. IND-II-CTE-7195/7045 dated 09.05.2024 wherein it is mentioned that Plot No 860(P), 861(P), 862, 863(P), 865(P) is within the Kalinganagar Industrial Complex.
 - ii. As per **Environmental Clearance** granted on 17.08.2024, the kissam of the land is “Patita” as per the letter from IDCO. The proposed land comes under IDCO land bank and has been leased through DSWCA from IDCO to M/s VCI

Chemical Industries Private Limited for a period of 63 years vide letter no. IDCO/HO/P&A/LA-E/8229/2021-22782 dated 06.09.2022.

- (d) There was **no evidence at the site** to substantiate the claim that approximately **40,000 trees** existed within the project area.

Observation(s)

- (a) No disclosure of forest land to SEIAA while seeking ToR under the provision of EIA Notification 2006 is suppression of fact, and therefore, the issued ToR is liable for revocation by the competent authority after giving opportunity to defend.
- (b) The public hearing is also unacceptable for consideration of EIA/EMP report by the SEAC/SEIAA due to unacceptable scope of ToR.
- (c) The allegation regarding the presence of 40,000 trees at the site does not hold merit based on the findings observed during the site inspection.

Remedial Measure:

The SEIAA/SEAC may review the ToR after due diligence may take decision on the validity of ToR and Associated Public hearing

4.4 Red category industry present near Habitation, forest & Eco Sensitive zone. No Eco sensitive zone or forest area within 10 km radius mentioned in prefeasibility report

Finding from Documents/Site Visit

- (a) Topo-sheet map of 10 km radius buffer zone of the project site is attached as **Annexure – XVI**
- (b) M/s VCI Chemical Industries Pvt Ltd is within Jakhapura revenue village and the nearest habitation is about 1 km from the unit.
- (c) It was observed from Know Your Forest Location (KYFL) and as informed by ACF, Tomka range that Eco sensitive zone i.e., Kapilas Wild Life Sanctuary is approximately 21 km away from the unit.
- (d) Pankapal Demarcated Protected Forest is located beyond approximately 5 km from the unit.
- (e) No natural nullah was found flowing within the premise of M/s. VCI Chemical Industries Pvt Ltd.

- (f) There is one seasonal natural nullah flowing at approximately 100 meters away from the boundary of M/s VCI Chemical Industries Pvt Ltd.

Observations:

The allegation that habitation, forest areas, and eco-sensitive zones are located in close proximity to the unit **does not hold good** based on the available observations.

Remedial Measures:

No additional remedial measures are required except those imposed by SPCB-Odisha from time to time.

4.5 Illegal Extraction of Moorum

Finding from Documents / Site Visit

- (a) Office of the Deputy Director of Mines, Jajpur circle, Jajpur, Govt of Odisha vide Notice No 2676 dated 02.05.2025 invited a tender for public auction of dumped Moorum (minor mineral) site no 1 inside the premises of M/s VCI Chemical Industries Pvt Ltd, Jakhapura under Danagadi Tahasil of Jajpur district, Odisha. Attached as **Annexure – XVII**.
- (b) Office of the Deputy Director of Mines, Jajpur circle, Jajpur, Govt of Odisha vide Letter No 4404 dated 14.07.2025, granted order in favour of Sachidananda Jena, authorized person of C P Arora Engineer cum Contractors Private Limited for lifting of 1/4 th of the total dumped moorum i.e. 11932 cum out of 47729 cum with a validity period of 3 months, subject to fulfilment of stipulated terms and conditions (**Annexure - XVIII**). Further it has been extended to another three months.

Observations:

The DDM-Jajpur has permitted the movement of dumped moorum (minor mineral) from the premises of M/s. VCI Industries Pvt Ltd after calling a public auction. The period of such movement of dumped moorum has been extended for another 3 months (till 13.01.2026).

Remedial Measures:

If Environmental Clearance and consent to establish/operate is required for such activities, the same may be examined by SEIAA/SEAC Odisha and OSPCB, based on the outcome of Competent Authority (OSPCB/SEIAA/MoEF&CC).

4.6 Ground water extraction 376 KLD without permission from concerned authority.

Finding from Documents / Site Visit

- (a) ✓ The unit possess 1 no of borewell for which approval was accorded by Central Ground Water Board by vide letter dtd. 21.12.2024 for withdrawal of groundwater of 9m³/day and total 2700 m³/annum (**Annexure - XIX**).
- (b) During visit it was observed that water meter is not installed in the bore well.
- (c) An agreement has been made between IDCO and M/s VCI Chemicals Industries Pvt Ltd for supply of water 30 KL/Day from river Brahmani (**Annexure - XX**).

Observation:

✓ The industry shall installed water meter on the borewell for keeping record of water withdrawal as per the general norms of Central Ground Water Authority

Remedial Measure:

The unit after installing the water meter with borewell should informed OSPCB and CGWA and report the 6 monthly report, or as stipulated by the competent authority.

4.7 Lack of compliance with effluent discharged standard and potential release of hazardous substances including phenol and cyanide.

Finding from Documents / Site Visit

- (a) The industry is still under construction phase and not commissioned its production. Therefore, generation of process wastewater is not there.
- (b) No discharge of effluent from the premises was observed during the visit.

Observation

✓ The unit shall obtained Consent to Operate (CTO) and comply with the condition imposed therein before commissioning of plant and any discharge of effluent.

Remedial Measure:

The Zero Liquid Discharge system shall be installed as per the condition of the present EC accorded to the unit before seeking consent to Operate from OSPCB.

5. Action Plan for Remediation

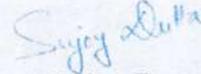
S No	Ground	Remedial measures	Remarks
1	Utilising Forest Land for non-forest activity without prior approval of Central Government in complete violation of the 1980 Act	The industry shall be directed to immediately halt all further work and to obtain the necessary approvals/ clearances/permissions or amendments, as applicable, in the name of present Project Proponent (M/s VCI Industries Pvt. Limited) under the provisions of the Forest (Conservation) Act, 1980 from the competent authority (MoEF&CC). Construction activities shall be permitted only after the requisite approvals are duly obtained.	Immediate action required
2	Violation of the provisions of EIA Notification, 2006, as amended by S.O. 1599(E) dated 25 June 2014.	<p>i. Suppression of fact before the appraisal committee (SEAC/SEIAA) leads to non-comprehensive assessment and evaluation of EIA/EMP submitted by the Project Proponent. Suppression of fact attract revocation of EC and therefore, SEIAA may consider the proposal for reassessment, as per the guidelines issued by MoEF&CC from time to time in case of violation by the project proponent.</p> <p>ii. Competent Authority (OSPCB/SEIAA /MoEF&CC) shall impose appropriate environment compensation as per the applicable rules / regulations, guidelines issued by Central Pollution Control Board for the illegal mining undertaken by M/s. VCI Chemical Industries Pvt Ltd.</p> <p>iii. A comprehensive impact assessment may be undertaken for assessing any impact on receiving environment arising due to illegal mining at the cost of the project proponent by Competent Authority (OSPCB/SEIAA/MoEF& CC) and remedial cost, if any may be imposed.</p> <p>iv. If Environmental Clearance and consent to establish/operate is required for such activities, the same may be examined by SEIAA/SEAC Odisha and OSPCB, based on the outcome of Competent Authority (OSPCB/SEIAA /MoEF&CC).</p>	Immediate action required
3	Suppressing the fact of existence of forest land classified as	The SEIAA/SEAC may review the ToR after due diligence may take decision on the validity of ToR and Associated Public hearing	Immediate action required

S No	Ground	Remedial measures	Remarks
	<p>'Sal Jungle' with dense Sal plantation comprising approximately 40,000 trees within the project site in the various proceedings like application for Terms of Reference, public hearing, grant of Consent to Establish and Environmental Clearance.</p>		
4	<p>Red category industry present near Habitation, forest & Eco Sensitive zone. No Eco sensitive zone or forest area within 10 km radius mentioned in prefeasibility report</p>	<p>No additional remedial measures is required except those imposed by SPCB-Odisha from time to time.</p>	<p>No action required</p>
5	<p>Illegal Extraction of Moorum</p>	<p>i. A comprehensive impact assessment may be undertaken for assessing any impact on receiving environment arising due to illegal mining at the cost of the project proponent by Competent Authority (OSPCB/SEIAA/MoEF&CC) and remedial cost, if any may be imposed.</p> <p>ii. If Environmental Clearance and consent to establish/operate is required for such activities, the same may be examined by SEIAA/SEAC Odisha and OSPCB, based on the outcome of Competent Authority (OSPCB/SEIAA/MoEF &CC).</p>	<p>SEIAA/OSPCB/ MoEF&CC and DDM-Jajpur to examine the applicability and take action accordingly</p>
6	<p>Ground water extraction 376 KLD without permission from concerned authority.</p>	<p>The unit shall install water meter with borewell and should informed OSPCB and CGWA and report the 6 monthly report, or as stipulated by the competent authority.</p>	<p>Immediate</p>

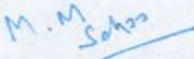
S No	Ground	Remedial measures	Remarks
7	Lack of compliance with effluent discharged standard and potential release of hazardous substances including phenol and cyanide	The Zero Liquid Discharge system shall be installed as per the condition of the present EC accorded to the Unit, before seeking consent to Operate from OSPCB.	OSPCB to ensure its compliance before grant of Consent to Operate
8	No plantation along the periphery of the plant was observed.	The unit shall start plantation along the periphery of the plant in consultation with the District Forest Department	Immediate



Dr. T H Mahato
Scientist 'E', MoEF&CC
Regional Office, Bhubaneswar



Sujoy Dutta
AC(F), MoEF&CC
Regional Office, Bhubaneswar



Er. Madanmohan Sahoo
Regional Officer
OSPCB, Kalinganagar



Md Abdur Rafique
Scientist 'B'
CPCB, RD, Kolkata



Sri Ambar Kumar Kar
Collector
Jajpur, Odisha



GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR
E - mail: ddmjajpur.mm@od.gov.in

Letter No. 7642 /MM, Jajpur/ Date 18.12.2025

To

Sri Sachidananda Jena, Authorised person,
C.P. Arora Engineer-Contractors Pvt. Ltd.
Plot No. 110, Brahankushdiha, Ankulachati
Balugaon, Khurdha, Pin-752030-Odisha, India

Sub: Regarding stoppage of any kind of mining operation in respect of Dumped Morrum No. 1 inside the premise of VCI Chemicals Industries Pvt. Ltd., Jakhapura under Danagadi Tahasil, Jajpur District.

Ref.: Order dated 15.12.2025 of the Hon'ble National Green Tribunal in Original Application No.194/2025/EZ.

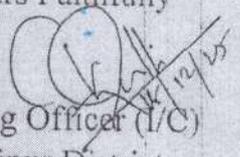
Sir,

With reference to the subject noted & Order mentioned above, it is to mention here that the Hon'ble National Green Tribunal vide Order dated 15.12.2025 in Original Application No.194/2025/EZ has directed to stop mining of Morrum from the site in question stating *"In view of the facts and circumstances of the case, precautionary principle embodied in Section 20 of the National Green Tribunal Act, 2010, no mining of morrum from the land in question shall be carried out by respondent no.5 or any other person and the District Magistrate, Jajpur and the Superintendent of Police, Jajpur are directed to ensure due compliance of this order."*

Hence, you are directed to stop any kind of mining operation & despatch with respect to the auctioned mineral at the site until further communication at this end.

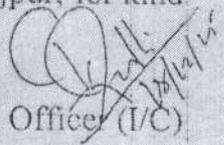
Encl. As Above.

Yours Faithfully


Mining Officer (I/C)
Jajpur District

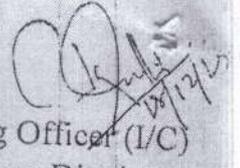
Memo No 7643 /MM, Jajpur/Date 18.12.2025

Copy submitted to the Deputy Director of Mines, Jajpur Circle, Jajpur, for kind information.


Mining Officer (I/C)
Jajpur District

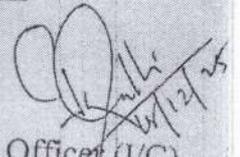
Memo No 764A 536 /MM, Jajpur/Date 18.12.2025

Copy submitted to the IIC Jakhapura, Jajpur for kind information.


Mining Officer (I/C)
Jajpur District

Memo No 764B /MM, Jajpur/Date 18.12.2025

Copy submitted to the Tahasildar, Danagadi, for kind information.


Mining Officer (I/C)
Jajpur District



GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR
E - mail: ddmjajpur.mm@gov.in

Letter No. 7599 /MM, Jajpur/ Date 17.12.2025

From

Deputy Director of Mines,
Jajpur Circle, Jajpur

To

The Mining Officer,
Dist. - Jajpur.

Sub: No mining of Moorum from the premises of VCI Chemicals pvt. Ltd under Danagadi Tahasil of Jajpur district.

Ref: Order dated 15th Dec' 2025 of the Hon'ble NGT Passed in OA No. 194/2025/EZ

Sir,

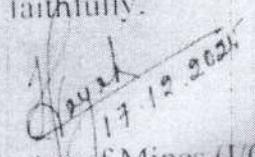
Enclosed please find herewith the copy of the Order dated 15th Dec' 2025 of the Hon'ble NGT Passed in OA No. 194/2025/EZ. At Para 10 of the said order, the Hon'ble Tribunal has categorically mentioned, *"in view of the facts and circumstances of the case, precautionary principle embodied in Section 20 of the National Green Tribunal Act, 2010, no mining of morrum from the land in question shall be carried out by respondent no.5 or any other person and the District Magistrate, Jajpur and the Superintendent of Police, Jajpur are directed to ensure due compliance of this order"*.

You are therefore requested to ensure due compliance of the order with immediate effect.

This may be treated as Most urgent.

Encl: As above

Your faithfully,


17.12.2025
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur.

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ବିଜ୍ଞାପନ କ କାର୍ଯ୍ୟାଳୟ, ଯାଜପୁର

ଦୂରଭାଷ- ୦୬୭୨୮-୨୨୨୦୦୧/୨୨୨୩୩୦, ଫକ୍ସ-୨୨୨୦୦୮୭
 A-୧cfb: dm-jajpur@nic.in, ଇମେଲ୍: http://jajpur.nic.in

(ଅଦାଲତି ଅଫିସ୍)



COLLECTORATE, JAJPUR

Ph. 06728-222001(O) 222330 ® FAX-222087
 E mail: dm-jajpur@nic.in website: http://jajpur.nic.in
 (JUDICIAL SECTION)

No. III-JO - 120/2025/ 18710 /Dated 24/12/2025

To

The Superintendent of Police, Jajpur

Sub: OA No. 194/2025 filed by Subrat Kumar Sahoo Vrs State

Ref: Order dtd. 15.12.2025 of Hon'ble NGT, EZ, Kolkata .

Sir,

In enclosing herewith the order of Hon'ble NGT, EZ, Kolkata dtd. 15.12.2025 you are requested to comply the order as directed by Hon'ble NGT and submit the action taken report for kind appraisal of Collector and onward submission of Hon'ble NGT as directed.

This is for your kind information and necessary action.

Yours faithfully


 Addl. District Magistrate,
 Jajpur

ANNEXURE R-6

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ଜିଲ୍ଲାପାଳ କ କାର୍ଯ୍ୟାଳୟ,ଯାଜପୁର

ଦୂରଭାରତ- ୦୬୭୨୮-୨୨୨୦୦୧/୨୨୨୩୩୦,ଫକ୍ସ-୨୨୨୦୦୮୭

A-୧୯୯: dm-jajpur@nic.in. ଉପାଧିକାରୀ: http://jajpur.nic.in

(ଅଦାଲତି)



COLLECTORATE, JAJPUR

Ph. 06728-222001(O) 222330 ® FAX-222087

E mail: dm-jajpur@nic.in website: http://jajpur.nic.in

(JUDICIAL SECTION)

No. III-JO - 120/2025/ 1240 /Dated 22/11/2026

To

The MD, VCI Industries Pvt. Ltd, Jakhapura, KNIC
Dist. Jajpur

Sub: OA No. 194/2025 filed by Subrat Kumar Sahoo Vrs State

Ref: Order dtd, 13.11.2025 of Hon'ble NGT, EZ, Kolkata & joint committee report dtd. 04.12.2025 .

Sir,

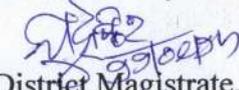
In enclosing herewith the joint committee report dtd. 04.12.2025 in which it has been recommended that "the industry shall be directed to halt all further works and to obtain necessary approval/clearances/permissions/ammendements as applicable in the name of present project proponent(VCI Industries Pvt. Ltd) under the provisions of the Forest Conservation Act,1980 from the competent authority."

Therefore you are requested to halt all works and report compliance.

This is NGT case Urgent.

Yours faithfully

Encl : As above


Addl. District Magistrate,
Jajpur

Memo No. 1241 /Date 22/11/2026

Copy to the ADM, Kalinganagar for information and necessary action with reference to the joint committee report dtd. 04.12.2025


Addl. District Magistrate,
Jajpur