

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

**BENCH: KOLKATA.**

**I.A NO. 13 /2026/EZ**

**O.A. No.85/2023/EZ**

SAHEEN TARANNUM & ANOTHER

... APPLICANTS

VERSUS

STATE OF ODISHA & OTHERS.

... RESPONDENTS

**APPLICATION ON BEHALF OF RESPONDENT NO.1 & RESPONDENT NO.5 FOR  
WAIVER OF COST IMPOSED VIDE ORDER DATED 15.10.2025 PASSED BY THE  
HON'BLE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA**

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

**BENCH: KOLKATA.**

**I.A NO. /2026/EZ**

**O.A. No.85/2023/EZ**

SAHEEN TARANNUM & ANOTHER

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**DRAWN AND FILED BY:**

Navanjay Mahapatra

Contact number: +91 8376089467

**Add. Government Advocate**

PLACE: NEW DELHI

FILED ON: 03.02.2026



**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH AT KOLKATA**

**ORIGINAL APPLICATION NO. 85 OF 2023**

**IN THE MATTER OF:**

SAHEEN TARANNUM & ANR.

...APPLICANTS

VERSUS

STATE OF ODISHA & ORS.

...RESPONDENTS

**AMENDED MEMO OF PARTIES**

**IN THE MATTER OF:**

**1. SAHEEN TARANNUM**

R/O BILTERUAN, PO-HARIANTA

PS-TANGI, DIST-CUTTACK-754025

PH: +91 9776059153, EMAIL: s.tarannum23@gmail.com

**2. AKSHAYA KUMAR JENA**

R/O BILTERUAN, PO-HARIANTA

PS-TANGI, DIST-CUTTACK-754025

PH: 7978880522, EMAIL: litigation.life@gmail.com

...APPLICANTS

VERSUS

**1. STATE OF ODISHA**

Through the Chief Secretary,

Government of Odisha,

General Administration Department,

Odisha Secretariat,

Bhubaneswar-751001

Phone No: +91-674-2534300, Email: csori@nic.in

**2. ODISHA STATE POLLUTION CONTROL BOARD**

Through the Member Secretary,

State Pollution Control Board (Head Office)

Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII,

Bhubaneswar, Odisha- 751012

Phone: 0674-2535882, Email: paribesh1@ospcb.org

**3. EAST COAST RAILWAY**

Through the General Manager  
8R9C+HHQ, Near Omfed, Chandrasekharpur,  
Bhubaneswar, Odisha- 751016  
Phone: 0674-2300773, Email: [gm@ecor.railnet.gov.in](mailto:gm@ecor.railnet.gov.in)

**4. KHURDA ROAD DIVISION, EAST COAST RAILWAY**

Through Divisional Railway Manager  
Khurda Road Division, At- Jatni,  
Dist: Khurda, Pin-752050  
Phone: 0674-2490567, Email: [drm\\_kur@kur.railnet.gov.in](mailto:drm_kur@kur.railnet.gov.in)

**5. DISTRICT MAGISTRATE, CUTTACK**

Office of the Collector and District Magistrate,  
Collectorate,  
Cuttack, Odisha -753002  
Phone no: 0671-2508100, Email: [dm-cuttack@nic.in](mailto:dm-cuttack@nic.in)

**6. JAYANT KUMAR PRADHAN**

At/Po-Sikharpur, Ps- Madhupatna  
Cuttack, Odisha-753003  
Phone: Nil, Email: Nil

**7. M/S. PANDA & BROTHERS**

Through Kirtan Nanda Panda  
At-Manguli, Po-Harianta, Ps-Tangi  
Cuttack, Odisha-754025  
Phone: +91 7978795925, Email: Nil

**8. NERGUNDI RAILWAY SIDING**

Through Station Superintendent  
At Nergundi Railway Junction  
Alarpur, Cuttack  
Phone: 8455889915, Email: Nil

**9. CENTRAL POLLUTION CONTROL BOARD**

Through Member Secretary  
At Parivesh Bhawan, East Arjun Nagar,  
Delhi-110032  
Phone: +91-11-43102030, Email: [mscb.cpcb@nic.in](mailto:mscb.cpcb@nic.in)

... RESPONDENTS

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

**BENCH: KOLKATA.**

**I.A NO. /2025/EZ**

**O.A. No.85/2023/EZ**

SAHEEN TARANNUM & ANOTHER

... APPLICANTS

VERSUS

STATE OF ODISHA & OTHERS.

... RESPONDENTS

**APPLICATION ON BEHALF OF RESPONDENT NO.1 & RESPONDENT NO.5 FOR  
WAIVER OF COST IMPOSED VIDE ORDER DATED 15.10.2025 PASSED BY THE  
HON'BLE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA**

1. That, Respondent No.5 has been authorized on behalf of Respondent No.1 and is filing the present application in the aforesaid original application. I am acquainted with the circumstances of the present case and am competent to file this affidavit.
2. That in the present matter, the Hon'ble National Green Tribunal *vide* order dated 15.10.2025 imposed a penalty of Rs 10,000 /- (Rupees Ten Thousand Only) each on Respondent No.1 (State of Odisha) and Respondent No.5(District Magistrate, Cuttack) for non-appearance on 05.08.2025 and 15.10.2025, to be deposited with the Registrar, National Green Tribunal, Eastern Zone within one month from the date of the aforesaid order. It is respectfully submitted that at the outset the Respondents tender an unconditional apology. The error on behalf of the Respondents was neither deliberate nor aimed at causing delay to the proceedings before the Ld. Tribunal.
3. It is humbly and respectfully submitted that the Respondents had entered appearance on earlier dates through undersigned Additional Standing Counsel Ms. Gayatri Patra. On 15.10.2025 the undersigned tried her best to appear before the Ld. Tribunal through virtual mode but due to a technical

glitch/internet connectivity issue, was unable to do so, for which, an order of nonappearance along with a cost was imposed on the Respondents. It is most respectfully submitted that the undersigned tenders an unconditional and unequivocal apology for the error and reiterates that it was neither intentional nor deliberate. The act of the undersigned was beyond the control of the Respondents herein and occurred due to a technical glitch while trying to appear through virtual mode before the Ld. Tribunal. The undersigned is conscious of the duties as a counsel and as an officer of the court and would never do an act to disrupt the harmony of the proceedings before the Ld. Tribunal.

4. Copy of order Dated 15.10.2025 Passed by the National Green Tribunal Eastern Zone Bench, Kolkata is marked and annexed as **ANNEXURE – 1**
5. TRUE COPY of letter dated 24.11.2025 to the Chief Secretary & District Magistrate, Cuttack is marked and annexed as **ANNEXURE – 2**

**PRAYER**

It is therefore, most humbly prayed that this Hon'ble Court may be pleased to:

- a) Allow the present application and waive the cost imposed vide order dated 15.10.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone, Kolkata.
- b) Pass such Orders as this Hon'ble Court may deem, fit and proper, in the facts and circumstances of the present case, and thereby, render justice.

AND FOR THIS ACT OF KINDNESS THE APPELLANT AS IN DUTY BOUND SHALL  
EVER PRAY

**DRAWN AND FILED BY:**



Navanjay Mahapatra  
Contact number: +91 8376089467

**Add. Government Advocate**

PLACE: NEW DELHI  
DRAWN ON: 03.02.2026  
FILED ON: 03.02.2026

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

I.A NO. /2023/EZ

O.A. No.85/2023/EZ

SAHEEN TARANNUM & ANOTHER

..... APPLICANTS

VERSUS

STATE OF ODISHA & OTHERS.

.....RESPONDENTS

**AFFIDAVIT**

I, Sri Dattatraya Bhausaheb Shinde, IAS, aged about 35 years, S/o - Bhausaheb Dnyandeo Shinde, at present working as Collector & District Magistrate, Cuttack, AT/P.O. - Chandini Chowk, Dist. - Cuttack, do hereby verify that, the contents of the above affidavit are true and correct to the best of my knowledge as derived from official records that nothing material has been concealed there from.

1. That, Respondent No.5 has been authorized on behalf of Respondent No.1 and is filing the present application in the aforesaid original application. I am acquainted with the circumstances of the present case and am competent to file this affidavit.
2. That the Accompanying Application has been drafted by my counsel under my instruction. I have read over and understood the contents of Accompanying Application and state that the contents thereof are true and correct to the best of my knowledge and belief.
3. That the annexure are the true copies of their original.



DATTATRAYA BHUSAHEB SHINDE  
DEPONENT

Handwritten signature of the Magistrate and a stamp: 'CUTTACK DISTRICT MAGISTRATE'.

Handwritten date: '624 03/02/26'.



VERIFICATION

Verified at Cuttack on this 03<sup>rd</sup> day of Feb., 2026, that the contents of my affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

627  
03/02/26

DATTATRAYA BHANUSWAR SHARMA  
DEPONENT



*[Signature]*  
3/2/26  
EXECUTIVE MAGISTRATE  
SADAR, CUTTACK

# ANNEXURE - 1



Item No.05

Court No.1

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

Original Application No.85/2023/EZ

Saheen Tarannum & Anr.

Applicants

Versus

State of Odisha & Ors.

Respondents

Date of hearing: 15.10.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

For Applicant(s) : Mr. Kaustav Dhar, Advocate for the applicant.  
(in Virtual Mode).

For Respondent(s) : None for respondent no.1.  
Mr. Dipanjan Ghosh, Advocate for respondent  
no.2 (in Virtual Mode).  
Mr. Ashok Prasad, Adv. for respondents no. 3, 4  
& 8, (in Virtual Mode).  
None for respondent no.5.  
Mr. Ipsit Acharya, Adv. for respondent no. 6 (in  
Virtual Mode).  
Mr. Abhishek Jain, and Ms. Meenaksh Manot,  
Advocates for R-7, 10 & 11 (in Virtual  
Mode).  
Mr. Surendra Kumar, Advocate for respondent  
no. 9 (in Virtual Mode).

## ORDER

1. The applicant has filed present Original Application raising grievances regarding operation of illegal stack yard by respondents no. 6 and 7, and the Nergundi Railway Siding (Respondent no. 8) of East Coast Railway, Government of India located in close proximity to the village of Bilteruan in Alarpur, Cuttack, Odisha leading to extreme air and water pollution in the area and affecting the lives of the residents.
2. Vide order dated 04.08.2023 notices were issued to the respondents.

3. Initially respondents no. 1 and 5 appeared through their learned Counsels but none appeared for respondents no. 1 and 5 on 05.08.2025 on which date a copy of order dated 05.08.2025 was ordered to be sent to the Law Secretary, Government of Odisha to ensure that some Counsel for the State Respondents is present on the next date of hearing.
4. A copy of order dated 05.08.2025 was accordingly sent to the Law Secretary, Government of Odisha by email dated 18.08.2025.
5. None has appeared for respondents no. 1 and 5 even today.
6. The proceedings before this Tribunal cannot be treated as part of adversarial litigation where the concerned defendants may opt out to remain absent and suffer ex-parte proceedings. On the other hand, the State and its instrumentalities are under constitutional and statutory obligations to ensure compliance with environmental norms and, therefore, the State and its instrumentalities have to ensure their representation through duly authorised representatives/Counsel before this Tribunal. Since, none appeared for State of Odisha and District Magistrate, Cuttack on 05.08.2025 the matter was brought to the notice of the Law Secretary, Government of Odisha for ensuring their representation through some Counsel before this Tribunal but despite intimation none has appeared for them.
7. Non-appearance of respondent no. 1-State of Odisha and respondent no. 5-District Magistrate, Cuttack today has the effect of causing unnecessary adjournment and delaying appropriate resolution of the environmental issues involved in the case. Such deliberate

nonappearance can be remediated only by an order imposing suitable costs for unnecessary adjournment thereby caused.

8. In these facts and circumstances the case is adjourned to 02.12.2025 subject to payment of costs of Rs. 10,000/- each by respondent no. 1- State of Odisha and respondent no. 5-District Magistrate, Cuttack. The costs shall be deposited with the Registrar, National Green Tribunal, Eastern Zone Bench within one month.
9. Responses may also be filed by respondents no. 1 and 5 within one month.
10. List on 02.12.2025 for further consideration.
11. A copy of this order may be sent to the Chief Secretary, Government of Odisha and District Magistrate, Cuttack by email for requisite compliance particularly regarding deposit of costs with Registrar, National Green Tribunal, Eastern Zone Bench.

Arun Kumar Tyagi, JM

Ishwar Singh, EM

October 15<sup>th</sup>, 2025  
Original Application No.85/2023/EZ  
AM.

# ANNEXURE -2

10

'By Fax & E-mail'

## OFFICE OF THE ADVOCATE GENERAL: ORISSA: CUTTACK.

No. 55836<sup>21</sup> /Dt.24.11.2025.

To

The Chief Secretary to Govt.,  
General Administration Department,  
Bhubaneswar, Khordha.  
The District Magistrate, Cuttack,  
Dist.Cuttack.

Ref: Original Application No.85/2023/EZ filed by Saheen Tarannum and another  
Vrs.State of Odisha and others.

Sub: Communication of Order dated 15.10.2025 passed by the Hon'ble National  
Green Tribunal Eastern Zone Bench, Kolkata.

Sir,

With reference to the aforesaid case, it is brought to your kind notice to the order passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata on dated 15.10.2025 wherein the case has been adjourned to 02.12.2025 subject to the payment of cost of Rs.10,000/- each by the Respondent No.1-State of Odisha and Respondent No.5-District Magistrate, Cuttack. The costs shall be deposited with the Registrar, National Green Tribunal, Eastern Zone Bench within one month.

So far as the Order passed on dated 15.10.2025 is concerned, it is humbly submitted that though the undersigned had earlier entered her appearance in the aforesaid case on behalf of the Respondent No.1 and 5 but due to technical (internet) glitch/problem, the undersigned could not join on the said date through virtual mode, for which, an order of non-appearance was passed by the said Bench.

It is pertinent to mention here that non-appearance of the undersigned (when the matter was called), was neither intentional nor deliberate act but due to purely technical issues, the undersigned was unable to appear through Virtual Mode on the said proceeding i.e. on 15.10.2025 and which was beyond the control of the undersigned. Therefore, I request your good office to file an Interim Application (I.A) for waiver of costs through the new conducting counsel (if appointed) or deposit the cost of Rs.10,000/-.

So taking into consideration of all the facts, you are, therefore, requested to honour the order of the Hon'ble NGT, Eastern Zone Bench, Kolkata by either way within the stipulated time for further adjudication of the case.

With regards

Encl: Copy of order dtd.15.10.2025

Yours faithfully,

  
(Gayatri Patra)

**Addl. Standing Counsel**  
**Cell No.8895424959**

## BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE

BENCH: KOLKATA.

I.A NO. /2026/EZ

O.A. No.85/2023/EZ

SAHEEN TARANNUM &amp; ANOTHER

... APPLICANTS

VERSUS

STATE OF ODISHA &amp; OTHERS.

... RESPONDENTS

VAKALATNAMA

I, We Sri Dattatraya Bhausahab Shinde, IAS, Collector & District Magistrate, Cuttack the Respondents in the above Suit/Appeal/Petition/Application/Reference do hereby appoint and retain NAVANJAY MAHAPATRA, Advocate to act and appear for me/us in the above Suit/Appeal/Petition/Application/Reference and on my/our behalf conduct and prosecute/defend the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, and to file and obtain, return of documents, and to deposit and receive any money on my/our behalf in the Suit/Appeal/Petition/Reference and in application of Review, and to represent me/us, and to take all necessary steps on my/our behalf in the above matter. I/We agree to pay the fees and our pocket expenses, agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 25<sup>th</sup> day of November 2025.

I am satisfied with the execution of this Vakalatnama.

ACCEPTED AND IDENTIFIED AND CERTIFIED

*Navanjay*  
 NAVANJAY MAHAPATRA  
 ADVOCATE

DATTATRAYA BHUSAHAB SHINDE  
 Collector & DM  
 Applicant  
 Cuttack

## MEMO OF APPEARANCE

To,  
 THE REGISTRAR  
 NATIONAL GREEN TRIBUNAL, EASTERN ZONE,

Sir,

Kindly enter my appearance in the above-mentioned application made on behalf of the Applicant.

*Navanjay* Yours faithfully

NAVANJAY MAHAPATRA  
 Advocate for the Applicant

R-38, R Block, First Floor, Greater Kailash-I, New Delhi  
 Mobile: +91 8376089467

Dated: 02/02/2026





dilip kumar <kdilip598@gmail.com>

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**O.A. No.85/2023/EZ SAHEEN TARANNUM & ANOTHER vs STATE OF ODISHA & ANR**

1 message

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**dilip kumar** <kdilip598@gmail.com>

Wed, Feb 4, 2026 at 10:23 PM

To: ccb.cpcb@nic.in, litigation.life@gmail.com, dm-cuttack@nic.in, drm\_kur@kur.railnet.gov.in, gm@ecor.railnet.gov.in, paribesh1@ospcboard.org, csori@nic.in, dclaw160@gmail.com

Dear Sir /Ma'am

Please find attachment copy of Application Field by Respondent No.1& 5

Thanks & Regards  
Dilip Kumar



**APPLICATION FINAL.pdf**

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