

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH: KOLKATA
O.A. No.23 of 2025/EZ.

Tapan Kumar Badhai ... Applicant.
-Versus-
State of Odisha & others. ... Respondents

I N D E X

Sl. No.	Description of documents.	Pages
	Affidavit filed On behalf of Opp. Party No. 5	1-5
2.	<u>Annexure-A/5</u> Copy of the letter No. 15083/dated 8.10.2025	-6-
3.	<u>Annexure-B/5</u> Copy of letter No. 2158 Dated 23.10.2025	-7-
4.	<u>Annexure-C/5</u> Copy of the letter No.2810/ dated 3.1.2026	-8-
5.	<u>Annexure-D/5</u> Copy of the letter No. 40/dated 3.1.2026	9-10
6.	<u>Annexure-E/5</u> Photocopy of the Case Land	-11-

CUTTACK

DATE- 6.2.2026.


(JATESWAR NAYAK)
ADDL.GOVT. ADVOCATE
adv.jateswar@gmail.com
Mob-9437196265

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

O.A. No.23 of 2025/EZ.

Tapan Kumar Badhai ... Applicant.

-Versus-

State of Odisha & others. ... Respondents.

**AFFIDAVIT FILED ON BEHALF OF RESPONDENT
NO. 5 IN COMPLIANCE WITH ORDER DATED
27.10.2025**

I, Jayshree Deheria , OAS-A (JB) , aged about 34 years, D/o- Bishikeshan Deheria, at present working as the Deputy Collector , Judicial, Jharsugada Collectorate, Dist-Jharsugada, do hereby solemnly affirm and state as follows:-

1. That being authorised and duly instructed by the Opp. Party No. 5 (Collector-cum-District Magistrate, Jharsuguda) , I file this affidavit on his behalf. I have gone through the averments made in the Original Application and have understood the contents thereof and well acquainted with the facts of the case and thus competent to swear this affidavit.

2. That, I am swearing this affidavit in compliance to the order dtd.16.9.2025 & 27.10.2025 passed by this Hon'ble Tribunal in the aforesaid O.A No.23/2025/EZ.

3. That this deponent humbly submits that in obedience of this Hon'ble Tribunal Order dtd. 16.9.2025, the

PRADIP TA KUMAR MOHANT,
NOTARY, CUTTACK TOWN
REGD.No-ON-04/1995



Jayshree Deheria

LD
A.A.

X

Opp. Party No.5 send an office letter No. 15083 dtd.8.10.2025, directing to the Opp. Party No.9 for clearing the Private Land of the Petitioner immediately.

The Copy of the letter No. 15083 dtd. 8.10.2025 is enclosed herewith as Annexure-A/5.

4. That it is respectfully submitted that, in response to the letter dtd.8.10.2025, the Joint Inspection was conducted in presence of the petitioner & Tahasildar, Jharsuguda along with Opp. Party No.9, on 17.10.2025 & 19.10.2025 and found that the ground condition of the land was submerged with full of water and not possible to remove the Ash by moving the equipment to remove the Ash. **The copy of the letter of Opp. Party No. 9, dtd.23.10.2025 is enclosed herewith as Annexure-B/5.**

5. That the deponent humbly submits that the Additional District Magistrate vide its letter No. 19273, dtd.20.12.2025, the M S Infra Engineer Private Limited through its Authorised Signatory was directed to submit report on clearance/removal of ash from the private land of the petitioner. The Managing Director, M S InfraEngineers Private Limited, Branch Office, Jharsuguda vide his letter No.2810, dt.03.01.2026 has intimated to the Tahasildar, Jharsuguda that ash has been cleared from some portion of the land and it is not possible to clean the ash fully from the case land due to

L. J. AGA

Jayshree Deheia

M
PRADIP KUMAR MOHANTY
NOTARY, CUTTACK TOWN
REGD.No-ON-04/1995

X

waterlogged and slushy. The M S InfraEngineers Pvt. Ltd has prayed to extend some time for fully removal of ash by end of May, 2026. **Copy of letter No. 2810. dtd.03.01.2026 of Authorised Signatory. Infra Engineer Private Limited, Branch Office, Jharsuguda is attached herewith as Annexure-C/5.**

6. That it is respectfully submitted that the Tahasildar, Jharsuguda was also directed to certify whether ash has been cleaned by the Managing Director, M S InfraEngineer Private Limited Branch Office, Jharsuguda vide letter of the Addl. District Magistrate, Jharsuguda office Memo No. 19274, dt.20.12.2025. The Tahasildar, Jharsuguda, has submitted the compliance report vide his letter No.40, dt.03.01.2026. He conducted joint inspection with revenue official in presence of authorised representative of M.S Infra Engineer Private Limited Branch Office, Jharsuguda for facilitating the clearance of ash deposit from the case land. The report of Tahasildar, Jharsuguda reveals that the case land in question is low-lying and presently water logged, rendering mechanical and manual clearance of the accumulated ash wholly impracticable at this stage. Despite diligent efforts by the opposite parties, accompanying field staff the adverse topographical and hydrological conditions have materially impeded site assess and operational

Jayshree Deheria

h
A/A

M
PRADIPTA KUMAR MOHANTI
NOTARY, CUTTACK TOWN
REGD.No-ON-04/1995

✕

feasibility, precluding effective ash removal, save for approximately 40-50% of the dried dumping area stand cleared by the project proponent. The balance water area will be cleared after the area will be dried which will expected to be cleared by the end of the March, 2026. The Tahasildar, Jharsuguda has also reported that O.P. may be granted reasonable additional time for removal of the fly ash from the case land. **The letter No. 40, dt.03.01.2026 of Tahasildar, Jharsuguda is attached herewith as Annexure-D/5. The copy of Photograph of the case land is enclosed herewith as Annexure-E/5.**

Keeping in view of the Report of the Tahasildar, Jharsuguda, vide his report/Letter No. 40/dated 03.01.2026, the Hon'ble Tribunal be pleased to grant at least three months time to clean the Ash in case Land.

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

Identified by:-


Advocate
 (J. Nayak)
 AIA


 Deponent (6/02/26)

Deputy Collector (Judl.)
 Collectorate, Jharsuguda

X

VERIFICATION

I, Jayshree Deheria, OAS-A (JB) , aged about 34 years, D/o- Bishikeshan Deheria, at present working as the Deputy Collector , Judicial, Jharsugada Collectorate, Dist-Jharsugada, do hereby verify that the contents of the affidavit are true and correct to the best of my knowledge as derived from official records and that nothing material has been concealed therefrom.

Verified at Cuttack on this....06... day of February 2026 .

Jayshree Deheria

VERIFICANT.

Deputy Collector (Jud.)
Collectorate, Jharsuguda

J

(JATESWAR NAYAK)

ADDL.GOVT. ADVOCATE

adv.jateswar@gmail.com

Mob-9437196265

DATE- 6.2.2026.



solemnly sworn before *Jayshree Deheria*
me by.....
being identified by..... *J. Nayak Advokat*
at Cuttack Town District..... *06/02/2026*
06/02/2026
P.K. MOHANTY, Notary, Cuttack Town
Regd. No-ON-04/1995

* -
DISTRICT OFFICE : JHARSUGUDA.
(JUDICIAL SECTION)

Regd. Post -
ANNEXURE - A/S

No. VK- 97 /2025 15083 / Judl. Dated, 08/10/2025

To

The Infra Engineers Private Limited,
Represented through Managing director,
At-Khapuria, Po-Madhupatna, Odisha

124
CS

Sub :- O.A.No 23/2025/EZ filed by Tapan Kumar Badhei Vrs State of Odisha.

Ref: Letter No.Nil, dt. 29.09.2025 of Additional Govt. Advocate, O/o the A.G.,
Odisha and Order dtd.16.09.2025 of Hon'ble NGT, Kolkata.

Sir,

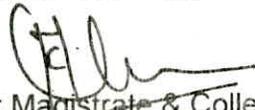
With reference to the letter on the subject cited above, I am to enclose herewith the Letter No.Nil, dt. 29.09.2025 of Additional Govt. Advocate, O/o the A.G., Odisha and Order dtd.16.09.2025 of Hon'ble NGT in OA No 23/2025/EZ which are self explanatory. The Hon'ble NGT has directed Respondant No.5 i.e. Collector, Jharsuguda to take immediate steps for clearing the ash from the private land of the petitioner and submit the compliance affidavit before one week of the next date of hearing i.e.27.10.2025.

Therefore, you are directed to take immediate steps for clearing the ash from the private land of Tapan Badhei and the cost will be borne by you. The above exercise should be completed within 10 days of issue of the letter and submit report thereof to the undersigned for filling compliance affidavit before Hon'ble NGT within stipulated time.

This may please be treated as most **important and urgent**.

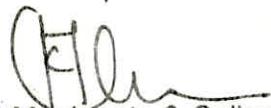
Encl: As above.

Yours faithfully,


District Magistrate & Collector,
Jharsuguda

Memo No. 15084 /Judl. Dated, 08/10/2025

Copy forwarded to the Executive Engineer, Office of the Executive Engineer, NH Division, Jharsuguda for information and necessary action. He is requested to ensure the completion of the clearing of ash from the private land of Sri Tapan Badhei within the time period positively for submission of compliance affidavit.


District Magistrate & Collector,
Jharsuguda


(Attested)
Deputy Collector (Judl.)
Collectorate, Jharsuguda



Ref. No. MSIL/2025-26/2158

Date: 23.10.2025

To
The District Magistrate & Collector

ANNEXURE-B/5

✓

Jharsuguda.

Sub: O/A No. 23/2025/EZ filed by Tapan Kumar Badhei Vs State of Odisha.

Ref:

1. Letter No. Nil/dated 29.09.2025 of Additional Govt. Advocate, O/o the AG Odisha and Order date 16.09.2025 of Hon'ble NGT, Kolkata.
2. Letter No. VK-97/2025, 15083 dated 08.10.2025.

Sir,

With reference to the letter on the subject cited above, our submission is as follows,

We had a joint inspection of the site with the Tahsildar Jharsuguda, along with the petitioner Mr. Tapan Kumar Badhei on date 17.10.2025 to take up the cleaning work immediately as per the direction. Seeing the condition of the submerged land and standing water, everybody agreed to that "it is not possible to start the clearing activities" Once again we had inspected the said land on dated 19.10.2025. It was found that the ground condition of the land has not improved for the earth moving equipment to enter in to the site.

We request your good office to allow us a month time that is up to 31th Nov 2025 for removal of fly ash.

Thanking you and assuring you our best co-operation at all times.

Yours Faithfully,

Dar
22/10/25



Authorised Signatory

M/s. M S Infraengineers Pvt. Ltd.

Copy to: Tahsildar Jharsuguda

Encl. Present status photograph.

REGD. OFFICE

MSIL Building, Khapuria, Madhupatna, Cuttack, Odisha (India), Pin-753010

Phone:0671-2958763/ 0671-2344761 / 2344762 / 2347259, Fax: 0671-2347259

Website: www.msil.co.in, E-mail Id: msil@msil.co.in

Chatterjee
Deputy Collector (Judl.,
Collectorate, Jharsuguda



Ref. No. MSIL/2025-26/2810

Date: -03-01-2026

To
The Tahsildar,
Jharsuguda.

Sub: compliance regarding removal of ash from the private land of Shri Tapan Badhei.

Ref: VK-97/2025/15083/Judi. Dated 08.10.2025

Sir,

With reference to the above, it is to inform that the ash removal work from the private land of Shri Tapan Badhei was attempted by us. After removal of small portion, it is not possible to fully remove the said area due to water logged and slushy. So, it is requested to kindly extend the time for fully removal of ash by end of May 2026. The above should be considered, as the practical condition is not favourable for the complete removal of the ash.

Thanking you and assuring you our best co-operation at all times.

Yours Faithfully,



Authorised Signatory
M/s. M S Infraengineers Pvt. Ltd.

Encl. photograph of present status.

REGD. OFFICE

MSIL Building, Khapurua, Madhupatna, Cuttack, Odisha (India), Pin-753010

Phone:0671-2958763/ 0671-2344761 / 2344762 / 2347259, Fax: 0671-2347259

Website: www.msil.co.in, E-mail Id: msil@msil.co.in


Deputy Collector (Judl.)
Collectorate, Tharsuguda

TAHASIL OFFICE, JHARSUGUDA
DISTRICT- JHARSUGUDA (ODISHA) PIN: 768204
E-mail : tah.jharsu-od@nic.in

Letter No. 40 Date: 03/01/2026

To,
The Additional District Magistrate,
Jharsuguda

Sub: - Compliance of the order dt. 27.10.2025 of Hon'ble N.G.T., Kolkata in O.A. Case No-23/2025/EZ filed by Tapan Kumar Badhei Vrs State of Odisha

Ref: - District office Letter No- VK-19273/Judl Dtd. 20.12.2025

Sir,

In inviting a reference to the letter and subject cited above, the undersigned, in compliance with the directions issued by the Additional District Magistrate, Jharsuguda, and order passed by the **Hon'ble Court of N.G.T. Kolkata on dtd. 27.10.2025** proceeded to the private land of Sri Tapan Kumar Badhei, situated at H. Katapali, along with the Revenue Inspector of the concerned circle, for the purpose of cleared/removed ash of the subject land by the project proponent i.e. **M/s Infra Engineers Pvt. Ltd. (Resp. No-09)** in connection with **O.A. Case No. 23/2025/EZ, titled Tapan Kumar Badhei v. State of Odisha.**

The joint site inspection was undertaken by Revenue officials in the presence of the authorized representative of the Managing Director, M/s Infra Engineers Pvt. Ltd., Branch Office, Jharsuguda impleaded as **Opposite Party No. 9 (O.P.-9)** in the instant matter for facilitating clearance of ash deposits from the subject land.

During the joint site inspection, the subject land was found to be low-lying and presently waterlogged, thereby rendering mechanical or manual clearance of the accumulated ash deposits wholly impracticable at this stage. Notwithstanding diligent efforts by the Opposite Party (O.P.) and accompanying field staff, the adverse topographical and hydrological conditions have materially impeded site access and operational feasibility, precluding effective ash removal, save for approximately 40-50% of the dried dumping area, which stands cleared by the project proponent and the rest water lodging area will be cleared after the area will be dried and it will expected to end of the month of **March-2026.**

In light of the above circumstances, the Opposite Party, through its authorized representative, has again submitted a written request seeking an extension of time of approximately **up to the month of March-2026 to complete the ash clearance operation over the land.**

It is, therefore, respectfully submitted that the O.P. may be granted further reasonable additional time to comply with the clearance.

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

Yours faithfully,

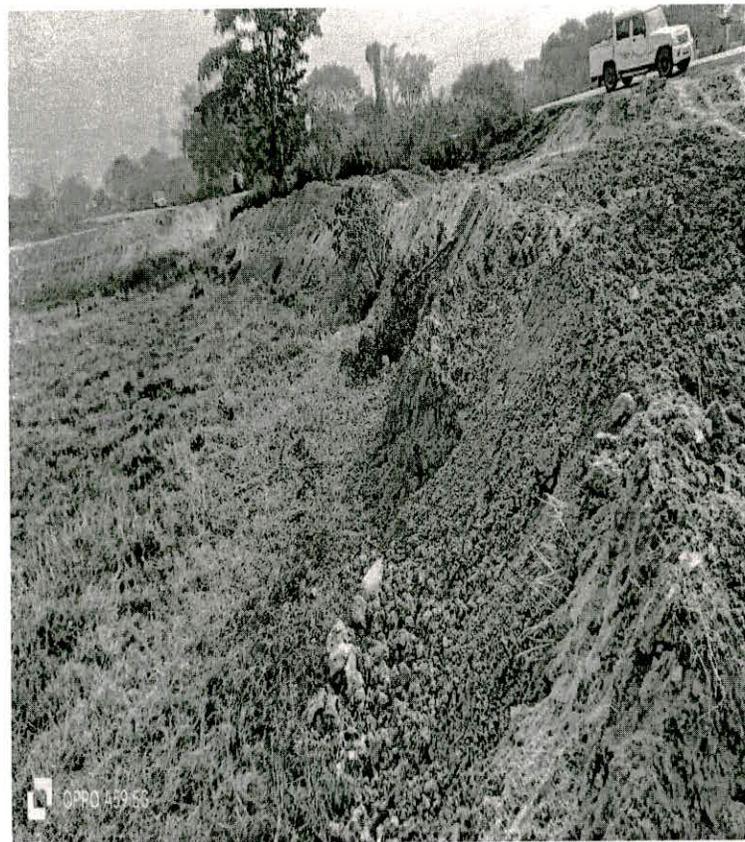
Tahasildar, Jharsuguda

JHARSUGUDA

(R)
Revenue Inspector
Hansapura, Katapali

S/A
05/01/26
for M/S Infraengineers
(P) Ltd.

Jus
Attested
Deputy Collector (Judl.)
Collectorate, Jharsuguda



[Handwritten signature]
Attended

Deputy Collector (Judl.
Collectorate, Iharsuguda

[Handwritten signature]
3-1-2026
Tahasildar
IHARSUGUDA