BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 41 OF 2024

IN THE MATTER OF:

NANDA JHODIA & ANOTHER ... APP LI CANTS

VERSUS

UTKAL ALUMINA INTERNATIONAL LTD. & ORS. . . . RESPONDENTS

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N.d.o.h. 11.02.2026

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Through Respondents

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Date: 02.02.2026

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 41 OF 2024

IN THE MATTER OF:

NANDA JHODIA & ANOTHER ...APPLICANTS

VERSUS

UTKAL ALUMINA INTERNATIONAL LTD. & ORS.

...RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 1, UTKAL ALUMINA INTERNATIONAL LIMITED TO THE REJOINDER FILED BY THE APPLICANTS

MOST RESPECTFULLY SHOWETH:

I, Rabi Narayan Mishra, aged about 55 years, working as Unit Head & President with M/s. Utkal Alumina International Limited, having residence at B-5, Oshapada Township, Utkal Alumina International Limited, do hereby solemnly affirm and declare as under: -

1. That I am the Authorized Representative of Respondent No. 1. I am fully conversant with the facts and circumstances of the present case based on the records maintained by Respondent No. 1 in the usual course of business. I am competent to affirm this affidavit on behalf of Respondent No. 1.

2. At the outset, it is stated that all averments made by the Applicants in its Rejoinder, save and except those being matter of record

Rabinarayan Mishra

ATTESTED 29.01.26

and/or are specifically admitted herein, are denied. It is stated that any omission to deal with any statement, contention, allegation and/ or averment made in the Rejoinder, should not be treated as an admission thereof, unless the same has been specifically admitted.

3. The Applicants, in its Rejoinder has alleged noise, air and water pollution being caused by the Respondent No. 1. A perusal of the allegations with respect to noise pollution reveals that the Applicants have made incorrect statements without any basis.

4. The Applicants have stated that *"as per the analysis report of noise monitoring dated 08/04/2024 the noise sampling done near Lachhuguda village on 06/04/2024 suggests the maximum noise during day time is 58 dB while on the same date the maximum noise during night hour is 61.8 dB which is much more than the prescribed limit for day time 55 dB and for night time 45 dB as per the Noise pollution (Regulation and control) rules, 2000 in residential area, similarly the noise sampling of 05/04/2024 suggests the day time noise level is 68.5 which is much more than the prescribed limit of 55 dB as per the Noise pollution (Regulation and control) rules, 2000"*. The Applicants have wrongly relied upon the maximum noise levels (measured in dB) whereas the noise limits as prescribed under the Schedule in the Noise

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Pollution (Regulation and Control) Rules, 2000 are measured in Leq dB(A). Moreover, 68.5 dB [66.5 Leq dB (A)] as per noise sampling done on 05.04.2024 pertains to the reading obtained from the IMJH. Since the limits for an industrial area are 75 Leq dB (A) (day time) and 70 Leq dB (A) (night time), the contention of the Applicants that the 68.5 dB reading exceeds 55 dB and 45 dB is misleading.

5. It is submitted that the Applicants have also stated that *"due to the excess noise level the students as well as the villagers of the Lachhuguda village are suffering a lot"*. The said statement lacks basis in as much as both the Committee Reports dated 06.01.2023 and 15.04.2024 do not record such observations. The Respondent No. 1 regularly carries out vibration analysis of the conveyor belt in line with recommendation of the Committee to ensure maintenance of the LDC in order to prevent noise pollution, and has annexed the reports till 07.07.2024 as Annexure R1/17. The Vibration Analysis Report till 07.09.2025 is annexed hereto and marked as **Annexure R1/23.**

6. The Applicants' statement that *"on every inspection of the Respondent unit it is revealed that the unit is exceeding the permissible noise level as prescribed by the Noise pollution (Regulation and control) rules, 2000*" is misleading and incorrect.

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From the table at para 7 of the Rejoinder under reply depicting noise levels for the period, 05.01.2023 to 06.04.2024 it is evident that the Respondent No. 1 has taken various measures to curb noise pollution in the area as is also evident from the observations of the Committee at Pgs. 82 and 83 of the paperbook.

7. It is pertinent to mention herein that the Environmental Clearance (EC) granted to the Respondent No. 1 dated 25.06.2018 **(Annexure R7/8 at Pgs. 183 to 196)** was based on the submission made by the Respondent No. 1 that the *"Noise levels are in the range of 45.9 to 67.1 dB(A) for daytime and 40.0 to 61.8 db(A) for night time"*. **(Pg. 185)**. Further, the EC conditions imposed on the Respondent No. 1 record that the *"ambient noise levels should confirm to the standards prescribed under the EPA Rules, 1989 viz. 75 dB(A) during day time and 70 dB(A) during night time"*. **(Pg. 194)**

8. That with regard to the allegations made by the Applicants on air pollution, it is submitted that the Committee appointed by this Hon'ble Tribunal, in its Report dated 15.04.2024, has observed the following:

"That, the committee inspected the dust pollution at IJH in presence of the petitioner. As per the statement of the petitioner, during the transportation of Bauxite through conveyor belt the

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discharge of dust emission, which leads to pollution of the adjacent area. However, during the inspection it is seen that, the conveyor belt is covered with GI sheet, acoustic enclosure installed in the month of March, 2024 at IJH. Water sprinkling system and DFDS (Dry Fog Dust Suppression System) has been installed to reduce the noise/sound, dust emission. However, there is existence of dust pollution at the IJH due to compact valley location".

9. The Applicants have sought to mislead this Hon'ble Tribunal by stating that *"the report also confirms there is fugitive dust from the conveyor belt and has an impact on adjoining human habitation and school",* whereas no such observation was made by the Committee in its Report dated 15.04.2024.

10. The Committee, in its Report dated 15.04.2024, has also observed the following:

"2. That, further, the M/s UAIL adopted the pollution control measure to regulate Air pollution by installing various equipments as follows:

- *DFDS (Dry Fog Dust Suppression System)*
- *Bag Filter*
- *ESP*
- *CEMS (Continuous Emission Monitoring System)*
- *CAAQMS*
- *Wet scrubber system*

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3. That, M/s UAIL taken preventive measure to reduce noise/sound and dust pollution by erecting GI sheet, acoustic enclosure, DFDS at the conveyor belt."

11. That the allegations made by the Applicants on water pollution, especially that the purported contaminated water form the red mud pond meets natural nallahs and agricultural fields resulting in damages to land and water source is completely false and contradicts the observations by the Committee in its Report dated 15.04.2024.

12. With regard to the red mud pond, the Committee has observed as under:

"After that, the committee proceeded to Red Mud Pond (RMP) of M/s UAIL along with the petitioner. During inspection by the committee, it was found that, RMP is consist of Pond A, Pond B, Pond C and Pond D. Besides, it was seen that, Red mud slurry generated from the Alumina Refinery is processed through high Pressure Membrane Filtration Technology in Red Mud Filtration unit & Red mud in cake form get disposed off in RMP (Red Mud Pond) area by dry stacking at Red Mud Pond A & B. Dykes & garland Drains have been provided around RMP (Red Mud Pond) and Ash Pond to prevent entry of runoff. The RMP (Red Mud Pond) is being provided with HDPE liners to prevent seepage. Red Mud Pond C & D, one is for accumulating caustic bearing leachate and other is for holding less alkaline water respectively was there. The

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RMP surrounded with in-situ natural vegetation and water sprinkling activities were going on at RMP area to curb the dust emission."

13. The aforesaid clearly shows that the Respondent No. 1 has taken sufficient measures to prevent any dust emission or discharge from the red mud pond. Thus, the question of contamination does not arise.

14. It is further relevant to note that the EC requires green belt area to be developed on 33% of the total plant area or 353 Ha. There is no specific requirement to develop a green belt around the red mud pond. Moreover, the Committee has itself observed existence of in situ natural vegetation in the said area.

15. In the half yearly compliance status of EC submitted by the Respondent No. 1 on 29.05.2024 **(Annexure R1/22 at Pgs. 1262 to 1276)**, the Respondent No. 1 has stated that *"Green belt is being developed preferring indigenous species during monsoon season of every year as per CPCB Guidelines. Till now an area of 353 Ha has been covered for green belt development against total acquired area of 1069.51 Ha which is 33 %. Target to plant 50,000 sapling in each year, which is 20 Ha Annually."*

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16. That the Applicants have further alleged that no environmental compensation has been computed despite violations of environmental norms. It is submitted that the said allegation has no basis since the Applicants have neither alleged any specific violation of the EC/CTO conditions, nor is there anything on record to show that there has been any violation of environmental norms.

17. Despite allegations of pollution being caused by plying of heavy vehicles, the Committee in its Report dated 15.04.2024 has not recorded any such finding. Pertinently, pursuant to the recommendations made by the Committee in the Report dated 06.01.2023, a reinforced cement concrete road has been constructed along Lachhuguda village despite protest from the villagers.

18. It is submitted that the Applicants' prayer of rehabilitation is another attempt on their part to mislead this Hon'ble Tribunal. In terms of the order dated 31.10.2022 passed by the Hon'ble High Court in W.P.(C) No. 24990 of 2022 filed by the Applicants herein, the Revenue Divisional Commissioner has decided in its order dated 14.03.2023 that the Applicants are not entitled to rehabilitation since they do not fall in the "displaced category" under the Orissa R&R Policy, 2006. Having failed to challenge the

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said order, the Applicants are estopped from raising this plea before this Hon'ble Tribunal.

19. It is submitted that the photographs annexed by the Applicants as Annexure 2 to its Rejoinder do not depict the source of the water shown therein and cannot under any stretch be stated to have been caused by the alleged dust pollution by the Respondent No. 1. Without prejudice, surface runoff from the natural hillocks of the plateau region resemble the water in the annexed photographs since the bauxite deposits containing iron turns the water red.

20. It is submitted the Applicants are not entitled to the reliefs claimed from this Hon'ble Tribunal and the present Original Application deserves to be dismissed with exemplary costs.

21. That the facts stated, and the submissions made above are true to the best of my knowledge and belief and are based on the information available from official records and that nothing material has been concealed therefrom.

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Rabi narayan Mishra

DEPONENT

UTKAL ALUMINA INTERNATIONAL LTD. DORAGUDA ODISHA

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of the above affidavit are true to the best of my knowledge and belief and are

based on the information available from official records and that nothing material has been concealed therefrom.

Verified at _____ on this the 29/01 day of ~~November,~~ 2026~~2025~~.

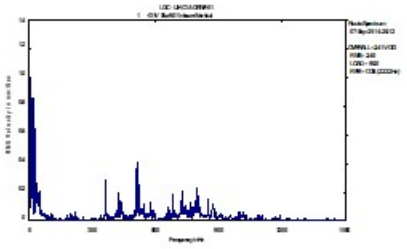
Rabi narayan Mishra

DEPONENT

ATTESTED
29/1/26
Maheswar Mahapatro
NOTARY PUBLIC
RAYAGADA

MOHESWAR MOHAPATRO
ADVOCATE & NOTARY PUBLIC
Regd.No. 20/2003
PIN-765001(ORISSA)
Mob.No. 9437234702

Sl.No	Equipment Name	Critical Limit	Direction	Velocity mm/sec-RMS	Velocity mm/sec-RMS	Velocity mm/sec-RMS	Velocity mm/sec-RMS	Health Status	Observation/Analysis	Action Plan/Recommendations.	Spectrum
	IJH-C1 A DRIVE -1			**28.07.25**	**18.08.25**	**24.08.25**	**02.09.25**				
1	MOTOR NDE	Normal I <4.5 Slight 4.5 - 7.1 Moderate 7.1 - 11.2 Alert >11.2	H	3.3	3.9	2.7	4.1	NORMAL	* Spectrum analyzir indicating daminant frequency of 24.75Hz(Transferring fram cooling fan motor) could be seen at Motar Bearingr.	*Manitar the vibration trend levelr.	
			'a'	0.1	0.3	0.4	0.1				
			V	2.4	4.3	3.5	4.1				
			A	1.9	2.4	2.4	2.7				
	MOTOR DE		H	1.4	1.6	2.0	2.9				
			'a'	0.2	0.3	0.3	0.5				
			V	1.6	2.7	2.2	1.8				
			A	1.4	4.1	2.3	2.1				
	GB I/P DE		H	1.4	2.3	2.1	1.7	SLIGHT	* Spectrum analyzir indicating daminant frequency of GMF with multiplor could be seen at gear box spectrum.	* Inspect the Gearbox internals for any inaccuracies in next available opportunity.	
			'a'	0.1	0.1	0.1	0.1				
			V	2.0	3.2	2.6	2.4				
			A	1.1	1.9	1.6	1.7				
	GB STG-1		H	1.9	2.1	2.5	2.0				
			'a'	0.1	0.1	0.1	0.1				
			V	1.6	3.0	2.5	2.5				
			A	1.0	1.6	1.3	1.5				
	GB STG-2	Normal 'a' < 1.0 Moderate 'a' 1.0 - 2.0 Alert 'a' >2.0	H	NA	NA	NA	NA				
			'a'								
			V								
			A								
	GB STG-3		H	1.3	1.7	2.3	1.4				
			'a'	0.1	0.1	0.1	0.1				
			V	2.1	2.4	2.0	2.1				
			A	1.9	1.5	2.2	1.2				
	GB O/P DE		H	0.1	0.2	0.4	0.4				
			'a'	0.1	0.1	0.1	0.1				
			V	0.4	0.4	0.5	0.2				
			A	0.1	0.3	0.1	0.2				
	GB O/P NDE		H	0.3	0.3	0.3	0.3				
			'a'	0.1	0.1	0.1	0.1				
			V	0.5	0.6	0.6	0.2				
			A	0.1	0.4	0.3	0.2				
	PULLEY BRG		H	NA	NA	NA	NA	NORMAL	* Spectrum analyzir indicating daminant frequency of 7.2Hz could be seen at pulley bearing.		
			'a'								
			V								
			A								



IJH-C1 A DRIVE -2			24.07.25	10.08.25	24.08.25	07.09.25				
MOTOR NDE	Normal <4.5 Slight 4.5 - 7.1 Moderate 7.1 - 11.2 Alert >11.2	H	3.8	4.1	3.8	3.1	SLIGHT	1475 * Spectrum analyzir indicating daminant frequency of 24.75Hz(Transforring from cooling fan motor) with bearing inaccuracies could be seen at Motor Bearing.	* Lubricate the motor DE bearing. * Monitor the vibration for future trend.	1468
		'q'	0.2	0.2	0.3	0.2				
		V	2.6	4.4	4.6	4.2				
		A	2.2	3.2	3.7	2.1				
MOTOR DE		H	2.6	3.4	3.8	2.8				
		'q'	0.6	0.7	0.6	0.6				
		V	3.8	3.7	3.7	3.1				
		A	2.8	2.4	3.7	2.2				
GB I/P DE		H	2.8	4.4	2.6	3.8	NORMAL	* Spectrum analyzir indicating daminant frequency of 2xGMF could be seen at gear box spectrums.		
		'q'	0.1	0.1		0.1				
		V	2.7	3.7	2.8	2.6				
		A	3.8	3.8	2.5	1.2				
GB STG-1		H	3.8	2.3	3.1	2.4				
		'q'	0.1	0.1	0.1	0.1				
		V	1.6	2.8	2.5	2.7				
		A	2.4	2.8	1.5	1.1				
GB STG-2	Normal 'q' < 1.0 Moderate 'q' 1.0 - 2.0 Alert 'q' >2.0	H	NAN	NAN	NAN	NAN				
		'q'								
		V								
		A								
GB STG-3		H	2.4	4.7	2.8	2.8				
		'q'	0.1	0.1	0.1	0.1				
		V	1.5	2.8	2.4	2.5				
		A	1.3	1.6	1.2	0.7				
GB O/P DE		H	0.3	0.8	0.3	0.3				
		'q'	0.1	0.1	0.1	0.1				
		V	0.3	0.6	0.4	0.6				
		A	0.1	0.1	0.1	0.4				
GB O/P NDE		H	0.2	0.8	0.3	0.5				
		'q'	0.1	0.1	0.1	0.1				
		V	0.6	1.5	1.2	0.7				
		A	0.4	0.4	0.4	0.2				
PULLEY BRG		H	0.1	0.3	0.2		NORMAL	* Spectrum analyzir indicating daminant frequency 24.72Hz could be seen at pulley bearing.		
		'q'	0.1	0.1	0.1	NAN				
		V	0.1	0.7	0.2					
		A	0.1	0.2	0.2					

1476

~~1469~~

IJH-C1 A DRIVE -3		20.07.25	10.08.25	24.08.25	07.09.25			
MOTOR NDE	H	3.3	2.8	3.7	2.6	NORMAL	* Spectrum analysis indicating dominant frequency of 1xrpm could be seen at Motor spectrums.	* Monitor the vibration trend levels.
	'g'	0.7	0.2	0.2	0.2			
	V	4.5	3.1	2.8	3.1			
	A	2.5	2.3	2.1	2.4			
MOTOR DE	H	1.4	2.2	1.8	1.6			
	'g'	0.5	0.4	0.6	0.4			
	V	2.0	2.7	2.0	2.1			
	A	1.0	2.2	2.3	2.4			
GB I/P DE	H	2.0	2.4	2.6	2.2	NORMAL	* Spectrum analysis indicating dominant frequency of GMF with its multiples could be seen at gearbox bearings.	* Monitor the vibration for future trend.
	'g'	0.1	0.1	0.1	0.1			
	V	2.1	2.8	2.6	2.1			
	A	1.0	2.0	2.0	1.3			
GB STG-1	H	2.0	2.0	1.7	2.3			
	'g'	0.1	0.1	0.1	0.1			
	V	1.8	2.7	2.8	1.6			
	A	1.6	1.7	1.6	1.1			
GB STG-2	H	N/A	N/A	N/A	N/A			
	'g'							
	V							
	A							
GB STG-3	H	1.0	3.1	2.0	2.2			
	'g'	0.1	0.1	0.1	0.1			
	V	2.1	3.6	2.6	1.8			
	A	2.6	1.2	3.4	0.0			
GB O/P DE	H	N/A	N/A	N/A	N/A			
	'g'							
	V							
	A							
GB O/P NDE	H	0.2	0.6	0.3	0.4			
	'g'	0.1	0.1	0.1	0.1			
	V	0.4	0.7	0.7	0.4			
	A	0.1	0.1	0.2	0.1			
PULLEY BRG	H	N/A	N/A	N/A	N/A	NORMAL		
	'g'							
	V							
	A							

Normal <4.5

Slight 4.5 - 7.1

Moderate 7.1-11.2

Alert >11.2

Normal 'g' < 1.0

Moderate 'g' 1.0 - 2.0

Alert 'g' >2.0

IJH-C1 A DRIVE -4			24.07.25	18.08.25	24.08.25	07.09.25				
MOTOR NDE	Normal <4.5 Slight 4.5 - 7.1 Moderate 7.1 - 11.2 Alert >11.2	H	1.5	2.1	2.2	2.3	NORMAL	1477 * Spectrum analyzir indicating daminant frequency af 1X RPM and 1xrpm af cooling fan matar could be seen at Matar zpectrum.	* Manitar the vibration far future trend.	1477
		'a'	0.2	0.2	0.2	0.1				
		V	1.7	2.4	2.2	2.3				
		A	1.5	2.1	1.6	2.5				
MOTOR DE		H	1.1	1.6	1.6	1.7				
		'a'	0.3	0.4	0.4	0.4				
		V	1.1	1.8	1.8	1.6				
		A	1.5	2.0	1.6	1.6				
GB I/P DE		H	1.8	4.1	3.0	2.4	NORMAL	* Daminant Gear Maching Frequency with multiplar could be seen at gearbax.		
		'a'	0.1	0.1	0.1	0.1				
		V	2.4	2.0	2.0	2.3				
		A	1.5	2.1	2.5	1.4				
GB STG-1		H	1.6	2.0	2.1	2.2				
		'a'	0.1	0.1	0.1	0.1				
		V	1.7	2.1	2.3	1.8				
		A	1.6	1.4	1.6	2.3				
GB STG-2	Normal 'a' < 1.0 Moderate 'a' 1.0 - 2.8 Alert 'a' >2.8	H	NA3	NA3	NA3	NA3				
		'a'								
		V								
		A								
GB STG-3		H	1.4	2.4	2.2	2.3				
		'a'	0.1	0.1	0.1	0.1				
		V	2.2	2.0	2.5	2.2				
		A	2.2	2.6	2.0	2.2				
GB O/P DE		H	NA3	NA3	NA3	NA3				
		'a'								
		V								
		A								
GB O/P NDE		H	0.1	0.5	0.5	0.4				
		'a'	0.1	0.1	0.1	0.1				
		V	0.5	0.5	0.5	0.5				
		A	0.1	0.1	0.2	0.1				
PULLEY BRG		H	NA3	NA3	NA3	NA3	NORMAL	* Spectrum analyzir indicating daminant frequency 6.3Hz could be seen at pulley bearing.		
		'a'								
		V								
		A								

~~1401~~

Acara Office **Proof of Service**

From: Atri Roy Chowdhury
Sent: 02 February 2026 17:10
To: pbanerjeebihani@gmail.com; sankarprasadpani@gmail.com; apu7law@gmail.com
Cc: Amit KKumar; Acara Office
Subject: RE: Advance Service in Nanda Jhodia v. Utkal Alumina International Limited & Ors. - OA No. 41/2025, NGT EZ
Attachments: Affidavit by R-1 - Nanda Jhodia.pdf

Dear all,

In continuation of the earlier email dated 01.12.2025, please find attached the affidavit to be filed on behalf of R-1 in the captioned matter.

Please note that the contents of the affidavit dated 01.12.2025 and the attached affidavit are the same. The affidavit dated 01.12.2025 could not be taken on record, hence the attached affidavit.

Regards
Atri Roy Chowdhury
Associate | Profile

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