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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO – 167 OF 2025

I.A. No.- 16 of 2026

IN THE MATTER OF:

SATRUGHAN MEHER

APPLICANT

VERSUS

STATE OF ODISHA&amp;ORS

RESPONDENTS

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PLACE: BHUBANESWAR

SANKAR PRASAD PANI

*S.Pani*

ASHUTOSH PADHY

*A.Padhy*

DATE:09/02/2026

ADVOCATE

Bhubaneswar, 751002, Cell-9437279278,

Email: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)



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

ORIGINAL APPLICATION NO – 167 OF 2025

I.A. No.-\_\_\_\_\_of 2026

**IN THE MATTER OF:**

Satrughan Meher, S/o- Late Lingaraj Meher, aged about 48 years, AT-  
SALETIKIRA, PO-MARAKUTA, PS- JHARSUGUDA SADAR, DIST-  
JHARSUGUDA, 768202 .....APPLICANT

**Versus**

**1. STATE OF ODISHA** Through Chief Secretary, Government of Odisha,  
Lokaseba Bhawan At/po-Bhuabneswar, Dist-Khurdha, 751001 email:  
[csori@nic.in](mailto:csori@nic.in)

**2. District Collector Jharsuguda, At/Po-** Office of the District Magistrate  
and Collector Jharsuguda PIN-768204 Odisha, email- [dm-jharsuguda@nic.in](mailto:dm-jharsuguda@nic.in)

**3. Member Secretary,** Odisha State Pollution Control Board, At/Po-  
A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha  
Email: [member.secy@ospcboard.org](mailto:member.secy@ospcboard.org)

**4. Superintendent of Police, Jharsuguda, At/Po-** Office of the District  
Police Office At./P.O.: Jharsuguda, PIN- 768204, Dist.: Jharsuguda, Email-  
[spjds.orpol@nic.in](mailto:spjds.orpol@nic.in)

**5. Tahasildar Jharsuguda, At/Po-** V25R+WRH, Kolabira Rd, Badheimunda,  
Jharsuguda, Odisha 768202, Email- [tah.jharsu-od@nic.in](mailto:tah.jharsu-od@nic.in)



6. Divisional Forest Officer, Jharsuguda, At/Po- Office of the Divisional Forest Officer AT/Po-Badmal, KM Road, Jharsuguda, Pin-768202, Email- [dfo.jharsuguda@odisha.gov.in](mailto:dfo.jharsuguda@odisha.gov.in)

7. The Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbag, Newdelhi 110003, Email- [secy-moef@nic.in](mailto:secy-moef@nic.in)

8. Deputy Director General of Forests (C), **Ministry of Environment, Forest and Climate Change**, Integrated Regional Office, Bhubaneswar), A/3, Chandrasekharpur, Bhubaneswar – 751023, Email: [roez.bsr-mef@nic.in](mailto:roez.bsr-mef@nic.in)

9. M/s. Orissa Metaliks Private Limited, Represented through its Managing Director, GRASTIN PLACE, ORBIT 3RD FLOOR ROOM NO.3B, KOLKATA, WEST BENGAL, NEAR BANSAL COURT, 700001 Email: orissametalikspvtltd@gmail.com

**Interlocutory Application on behalf of Applicant to stop the construction work of the plant till disposal of the OA.**

**IT IS MOST RESPECTFULLY SHOWETH**

1. That the present Original Application has been filed by the Applicant challenging the illegal encroachment of forest land by M/s Orissa Metaliks Pvt. Ltd located at Village: Marakuta & Budhipadar, P.O.: Marakuta, District: Jharsuguda, Odisha.
2. That the respondent Unit has **illegally encroached forest land recorded under the Khata No.282, Plot No. 132, 138, 199, 202, 204,**

205, 206, 381, 464, 466, 470, 472, 318, 300 of Mouza-Marakuta, PS/Tahasil & Dist. Jharsuguda and the same is recorded as Gramya Jungle Kisam and the abovementioned plots are situated inside the Plant Premises of M/s Orissa Metaliks Private Limited at village Marakuta.

3. That the Applicant has filed the present application praying the following reliefs

I. *Direct the Moefcc to withdraw the EC letter dated 01/10/2024 from immediate effect for suppression of facts.*

II. *Direct the District Collector to Restore the Forest Land and evict the private respondent from the Forest land*

III. *Direct the Private Respondent to remove structures exists over the forest land.*

IV. *Constitute a committee to assess the environment compensation for illegal encroachment of forest land by the private respondent and recover the same.*

V. *Fix the accountability of the public authorities for their inaction and identify the officers who has allowed the private respondent to operate while the Private respondent does not have forest clearance.*

*Pass such other orders/directions as may be deemed fit and proper (including appropriately moulding the reliefs) in the bonafide interests of justice.*

4. That on dated 05/11/2014 DFO Jharsuguda division wrote a letter to the Director, MSP Metallics, Marakuta for submission of requisite documents for processing of the proposal for diversion of 5.229 ha of forest land existing within the plant premises (Annexure- 7 of the OA, page 74).

5. That the Applicant on dated 21/07/2025 wrote a letter to the DDGF MOEFCC and to the Additional Chief Secretary, Forest, Environment & Climate Change Govt. of Odisha, to inquire into the encroachment of forest land and to evict the encroachers from forest land (Annexure-4, page 69 of the OA).
6. That on dated 22/09/2025 Hon'ble Tribunal pleased to issue notice to all the respondents to file reply within 1Months that is by 22/10/2025 and case was to be listed on 28/11/2025. Copy of the OA along with all the annexures and notice of the matter has already been served upon all the Respondents on dated 18/10/2025 through email. Copy of the email service receipt dated 18/10/2025 is annexed here unto as **ANNEXURE-1**.
7. However on dated 28/11/2025 No reply has been filed by the State Respondents and the Private Respondent.
8. It is not out of place to mention here that again the case has been listed on dated 09/02/2026 and till date No reply filed even after 136days of issue of Notice and No action taken by any authorities to stop ongoing construction by the project proponent as well as Suspension of Environment Clearance and CTO. Hence the present IA is filed to stop the construction work of the plant till disposal of the OA.
9. That in absence of the approval under Forest Conservation Act 1980, the construction work of the capacity expansion of the project is ongoing and same is not permitted in law. Needless to say Environment Clearance is obtained by suppressing the fact of involvement of forest land and same has been admitted by the MOEFCC in its affidavit. Copy of the photographs suggesting ongoing construction is annexed here unto as **ANNEXURE-2**.
10. It is humbly submitted that if the forest land is involved in any project, then no work should be allowed even in non-forest land. The



respective paragraph of the clarification as guideline under Forest Conservation Rules is reproduced as follows

4.4 Projects Involving Forest as well as Non-forest Lands. –Some projects involve use of forest land as well as non-forest land. State Governments/project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may proved to infructuous if diversion of forest land involved is not approved. It has, therefore, been decided that if a project invites forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given. The position of MoEFCC in the above para has been reiterated in its letter dated 21st March 2011. Copy of the Letter dated 21<sup>st</sup> March 2011 is annexed here unto as **ANNEXURE-3**.

11. It is further submitted that even though the proponent has filed application for diversion of forest after issue of the Notice in the OA, same does not permit the proponent to go ahead of construction.
12. It is needless to say that there are other violations of environmental clearance conditions as well as the recent collapse of ash dump of the private Respondent on 7/07/2025 and subsequently spilled into the surrounding waterbody/nallah and caused serious environmental damages to the adjoining agricultural land and water bodies. In this regard OA No 190 of 2025 is pending before this Honble Tribunal

X

**PRAYER**

In view of the above-mentioned paragraphs, the applicant humbly prays the Hon'ble Tribunal may please to pass the following reliefs

- I. In view of the admitted position of involvement of forest land, the project proponent may be directed to stop all construction work in the project till disposal of the present OA.
- II. Further the Hon'ble Tribunal may direct the MOEFCC to suspend the Environmental clearance dated 01/10/2024 for suppression of material facts while obtaining the environmental clearance.

Pass such other orders/directions as may be deemed fit and proper (including appropriately moulding the reliefs) in the bonafide interests of justice.

DATE-09/02/2026



APPLICANT THROUGH  
ADVOCATE



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 167 OF 2025/EZ

IN THE MATTER OF:

SATRUGHAN MEHER

APPLICANTS

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

Affidavit

09 FEB 2026

I, SATRUGHAN MEHER, S/O, LATE LINGARAJ MEHER, AGED ABOUT-  
49 YEARS, AT- SALETIKIRA, PO-MARAKUTA, PS- JHARSUGUDA  
SADAR, DIST-JHARSUGUDA, 768202 hereby solemnly affirm, and declare  
as under:

- 1. That I am the Applicant in the abovementioned Original Application.  
I am fully conversant with the facts and circumstances of the case and  
therefore competent to swear this affidavit.

2. That I have read over the contents of the accompanying Affidavit and the  
same is true and correct and is drafted on my instruction



Satrughan Meher  
DEPONENT

VERIFICATION

09 FEB 2026

Verified on this the ..... day of ..... 2025 at Bhubaneswar that the  
contents of the above affidavit are true and correct. No part of it is false  
and nothing material has been concealed there from.

Identified By  
09/02/23

the above named deponent(s) is/are  
duly identified by me  
Advocate  
Appears before me  
at.....A.M./P.M. on  
on oath the contents of the affidavit  
are true to the best of his/her  
knowledge and belief

09 FEB 2026

Satrughan Meher  
DEPONENT



**ANNEXURE-1 2219**

Sankar Pani &lt;sankarprasadpani@gmail.com&gt;

**COPY SERVICE OF ORDER DATED 22/09/2025 AND ORIGINAL APPLICATION NO 167 OF 2025**

1 message

**Sankar Pani** <sankarprasadpani@gmail.com>

Sat, Oct 18, 2025 at 5:53 PM

To: csori@nic.in, dm-jharsuguda@nic.in, member.secy@ospboard.org, Dilip Deo <spjds.orpol@nic.in>, tah.jharsu-od@nic.in, dfo.jharsuguda@odisha.gov.in, secy-moef@nic.in, roez.bsr-moef@nic.in, "orissametalikspvtltd@gmail.com" <orissametalikspvtltd@gmail.com>, ADVOCATE GENERAL ODISHA <advgen@nic.in>

Dear Sir/Madam,

In the aforementioned Original Application No 167 of 2025( Satrugan Meher Vs State Of Odisha and Ors.), Honble NGT. Eastern Zone was pleased to issue Notice to all the respondents on 22nd September 2025 and the Next date fixed in the matter is 28th November 2025.

Kindly acknowledge the receipt of this email along with Copy of Original Application with annexures and Order dated 22/09/2025 attached with the Email.

Sincerely

--

Sankar Prasad Pani, Environment Lawyer  
National Green Tribunal Kolkata & Orissa Highcourt  
Res-Plot No 2132/4814(B), Nageswar Tangi,  
Bhubaneswar, 751002  
Cell- 9437279278  
Skype- sankar.pani

**3 attachments****Notice in OA 167-2025-EZ.pdf**  
350K**Order in OA 167-2025-EZ.pdf**  
275K**OA 167 OF 2025.pdf**  
4131K

BELOW ATTACHED PHOTOGRAPH SUGGESTS THE ONGOING CONSTRUCTION OVER ILLEGALLY ENCROACHED FOREST LAND EXISTING WITHIN PLANT PREMISES



F. No. 2-1/2003-FC  
Government of India  
Ministry of Environment & Forests  
(FC Division)

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110003  
Dated: 21<sup>st</sup> March, 2011.

To

The Chief Secretary / Administrator,  
All States and Union Territories.

Sub: Revision of para 4.4 of the guidelines on Forest (Conservation) Act, 1980 regarding projects involving Forest as well as Non-forest Lands.

Ref: Ministry's letter of even number dated 6<sup>th</sup> January, 2011 and withdrawal of the same vide dated 17<sup>th</sup> February, 2011.

Sir/Madam,

Consequent upon withdrawal of Ministry's letter dated 6<sup>th</sup> January, 2011 regarding revision for para 4.4 of the guidelines on Forest (Conservation) Act, 1980 pertaining to projects involving forests as well as non-forest lands, I am directed to reiterate that the status-quo on the guideline is being restored.

Therefore, the para 4.4 of the Guideline on Forest (Conservation) Act, 1980 shall finally be read as reproduced below -

"4.4 Project involving Forest as well as Non-forest Lands

Some projects involve use of forest land as well as non-forest land. State Governments / project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may prove to be infructuous if diversion of forest land involved is not approved. *It has, therefore, been decided that if a project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.*"

Yours faithfully,



(Umakant)

Assistant Inspector General of Forests

Copy to:-

1. The Secretary (Forests), All States / UTs
2. All PCCF/Nodal Officers (All States/UTs).
3. All Regional Offices.
4. All concerned officers of F.C. Division.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard file.



(Umakant)

Assistant Inspector General of Forests



Sankar Pani &lt;sankarprasadpani@gmail.com&gt;

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**IA FILED ONBEHALF OF APPLICANT IN OA 167 OF 2025 NGT-EZ.**

1 message

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**Sankar Pani** <sankarprasadpani@gmail.com> Mon, Feb 9, 2026 at 12:43 PM  
To: Dipanjan Ghosh <dprnjnghsh0@gmail.com>, apurba ghosh <apu7law@gmail.com>, surendra kumar <surendra\_kr15@rediffmail.com>, Ghanshyam Pandey <ghanshyamlegal@gmail.com>, csori@nic.in, dm-jharsuguda@nic.in, Dilip Deo <spjds.orpol@nic.in>, tah.jharsu-od@nic.in, dfo.jharsuguda@odisha.gov.in

Dear Sir/Madam, please find the attachment.

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Sankar Prasad Pani, Environment Lawyer  
National Green Tribunal Kolkata & Orissa Highcourt  
Res-Plot No 2132/4814(B), Nageswar Tangi,  
Bhubaneswar, 751002  
Cell- 9437279278  
Skype- sankar.pani



**IA IN OA 167 FINAL.pdf**  
1258K