

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

MISCELLANEOUS APPLICATION NO. 14 of 2026

ARISING OUT OF ORIGINAL APPLICATION NO. 153/2025/EZ

DISPOSED OF ON 29.08.2025

(Through Video Conferencing)

In the matter of :

SATYA PRAKASH NAYAK

son of Adikanda Nayak,

residing at Post Office – Babar,

District – Kendrapara, Pin – 754245.

satyaprakashnayak601@gmail.com

Mob No.9439637672

.....Applican

VERSUS

The State of Odisha and others



Advocate on Record
Mithu Bhattacharya
Advocate
High Court, Calcutta
Bar Association, Ladies Bar

22 JAN 2026

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
MISCELLANEOUS APPLICATION NO. OF 2026**

ARISING OUT OF ORIGINAL APPLICATION NO.153/2025/EZ

DISPOSED OF ON 29.08.2025.

(Through Video Conference)

ORIGINAL APPLICATION NO. 153 of 2025/EZ

In the Matter of :

SATYA PRAKASH NAYAK.

.....Applicant

- Versus

THE STATE OF ODISHA & ORS.

.....Respondents



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	chairman, Odisha State PCB are annexed herewith and collectively marked as "Annexure 4".		

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

MISCELLANEOUS APPLICATION NO. of 2026

ARISING OUT OF **ORIGINAL APPLICATION NO. 153/2025/EZ**

DISPOSED OF ON 29.08.2025

(Through Video Conferencing)

In the matter of :

SATYA PRAKASH NAYAK

son of Adikanda Nayak,
residing at Post Office – Babar,
District – Kendrapara, Pin – 754245.

satyaprakashnayak601@gmail.com

Mob No.9439637672

.....Applicant

VERSUS

1. The State of Odisha,

Through Chief Secretary,

General Administration Department,



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Odisha Secretariat, Bhubaneawar,
Pin – 751001,

Email :- csori@ori.nic.in, Tel no:-
06742536700.

2. The Ministry of Environment, Forest and Climate Change,
Through Member Secretary,
Eastern Regional Office, Residential Quarters, A/3,
Chandrsekharpur, Bhubaneswar, 751023,
Email :- roez.bsr-mef@nic.in, Tel:-
06742301213.
3. Odisha State Pollution Control Board (Head Office) Through Member Secretary, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit- VIII, Bhubaneswar- 751012, Odisha.
Email : paribesh1@ospcbboard.org
4. The Central Pollution Control Board, Regional Directorate - Kolkata, ' South end Conclave ', Block -502, 5th & 6th Floor, 1582, Razidanga, Main Road, Kolkata -700107; Land Phone Number 033-24416634/4289/4677/6003, Fax No. 033-24418725, Direct: 033 24416632.
Email – mscb.cpcb@gov.in
5. The Collector and District Magistrate, Jharsuguda, Office of the Collector



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and District Magistrate, NH-
10, Jharsuguda Road, Bijju
Nagar, District - Jharsuguda, Pin-
768204.

Email : dm-jharsuguda@nic.in.

6. Vedanta Limited, Jharsuguda,
Represented through its
Chief Executive Officer '
Bhurkahamunda, PO- Kalimandir,
District - Jharsuguda, Odisha, Pin -
768202,

Email :

- 1) communication@vedanta.co.in.
2) c.chandru@vedanta.co.in

.....RESPONDENTS

In the matter of :

An application for appropriate order for
a direction upon Respondent No. 3 to
ensure the compliance of order dated
29.08.2025 passed by this Honble Court and to
ensure, an appropriate action has been taken
by OSPCB on show cause notice dated 26.09.24
in accordance with law by making requisite



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factual verification on the spot.in terms of compliance of order dated 29.08.25.

Most Respectfully Sheweth :

1. That the applicant is a peaceful citizen of India and he is a public spirited person who is presently residing at the address as mentioned in the cause title of the instant application and has faced a lot of problem like other local inhabitants due to unscientific, unauthorized disposal of fly ash in the name of filling the low lying Area in District Jharsuguda.For the permanent solution of this issue, he had filled Original Application being Number ^{153/2025/EZ} before this Honble Court.
2. That the applicant has been staying in the aforementioned address since long. The Respondent No. 6 M/s. Vedanta Ltd. Bhurkhamunda,Jharsuguda has two thermal power plants i.e. Captive Power Plant of capacity 1215 MW and Thermal Power Plant of capacity 2400 MW. It was previously mentioned in the original application that coal consumption of the unit is about 18 Million Tons per Annum and Ash generation is about 7 Million Tons per Annum. It has three nos of Ash Pond at Kurebaga, Katikela and Siriapali for disposing high concentration ash slurry. It claims that it uses fly ash .for various purpose like ash pond dyke raising, cement industries, brick units, reclamation of low- lying areas, road and fly over construction, abandoned quarry filling etc.for achieving 100% utilization as per the Fly Ash Notification. It also claims that it has been doing reclamation of low- lying area by utilizing fly ash and is obtaining separate Consent to establish (CTC) and Consent to operate (CTO) as per the guidelines of SPCB Odisha.
3. The Ministry of Environment and Forests and Climate Change (MoEF&CC) in its Notification No. S.O.763 € dated 14th September 1999, last amended on 25th January, 2016 mandates that, no agency, person or organization shall within a radius of three hundred kilometres of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low-lying areas with soil; only ash shall be used for compaction and reclamation. In this regard, it is noteworthy to mention that aforesaid 3 thermal power plants are located in the district of Jharsuguda and for land development activities, the land



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owner/tenant of the land request/ make application the ash generators i.e thermal power plant to carry out landdevelopment activities with fly ash and the ash generator applies to the State Pollution Control Board for the Consent to Establish and Consent to Operate for the same as per the Guidelines for Reclamation of Low-Lying Areas and Abandoned Quarries with Fly Ash 2017.

Reclamation of low-lying areas with fly ash in the district of Jharsuguda was regulated & monitored through Consent Administration of the SPCB, Odisha. Where water resources like seasonal nallah or any specific waterbody / surface features exists near to the reclamation site, provision of specific safety measures protection bonds is being ensured through consent administration and regulatory mechanisms in case of non compliances to stipulated consent conditions and guidelines or reclamation of low lying areas and abandoned queries with Flyers 2017 observed action is being taken against the defaulting units and the application and directions is being issued for taking remedial measures.

4. That the Previous Original Application was filed against Vedanta Ltd to comply the direction of OSPCB against violations with regards to the guideline for disposal/ utilisation of Fly Ash for reclamation of Low Lying Areas and Abandoned Quarries, 2017 wrt the unauthorized, unscientific dumping of ash at Siriapali (Jharsuguda T.U. No.4) in the district of Jharsuguda.



5. That Siriapali is a village located in Kolabira tehsil of Jharsuguda district in Odisha, India. It is situated 8km away from sub-district head quarter Kolabira (tehsildar office) and 13km away from district head quarter Jharsuguda. The village spans a total geographical area of 1131 hectares. Due to the unauthorized, unscientific disposal of fly ash by

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Respondent No. 6 Vedanta Ltd, this area has been completely affected badly basically during rainy season. People face a lot of health problem due to this.

6.INSPECTION REPORT OF OSPCB DATED 26/09/2024 WRT VIOLATIONS WITH REGARDS TO THE GUIDELINE FOR DISPOSAL/UTILISATION OF FLY ASH FOR RECLAMATION OF LOW LYING AREAS AND ABANDONED QUARRIES, 2017 WRT THE UNAUTHORIZED, UNSCIENTIFIC DUMPING OF ASH AT SIRIAPALI (JHARSUGUDA T.U. NO.4) IN THE DISTRICT OF JHARSUGUDA. (PLEASE VIDE ANNEXURE-1). THE INSPECTION REPORT READS AS UNDER:

“That With reference to the above cited subject, it is to intimate that a public complaint was received telephonically from the Hon’ble MLA of Jharsuguda on dated:-21.09.2024, concerning the dumping of ash at Siriapali (Jharsuguda T.U. No.4) in the district of Jharsuguda with respect to the grievance petition given by Sri Surati Oram, a resident of Orampada, ward no-15 of Kurebaga village. In this regard, a field visit was conducted by the official of Regional Office, Jharsuguda, SPCB, Odisha to the alleged site on dated:-22.09.2024. During the enquiry, she stated that significant fugitive emissions are generated from the low-lying area of Siriapali due to wind action, particularly in adverse weather conditions. In the meantime another complaint has been received by Sri Rabindra Pradhan a member of Vedvyas Seva Sangathan with regards to illegal dumping of ash at Siriapali.

OBSERVATION



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From the visit it was observed that, ash dumping activity was under progress and from the records it was found that Consent to Operate obtained for filling of low-lying at Jharsuguda T.O No.4 in the area Ac 9.00 dec, Ac 6.87 dec & Ac 5.48 dec was valid upto 31.03.2023. It was further observed that ash has been dumped at height of about 15 m, in contrast to the adjacent high-level land which is in violation to the guideline for disposal/utilisation of Fly Ash for reclamation of Low Lying Areas and Abandoned Quarries, 2017 of SPCB, Odisha.

7. That being aggrieved by and dissatisfied with the said granting of consent to operate the said thermal power and continuation in a illegal manner by the Respondent No. 6, the applicant left with no other alternative but to approach the Hon'ble Tribunal by filing the Original Application. The applicant in the said application prayed for the following reliefs:-

- (i) To direct the Respondent no. 6 ie. Vedanta Ltd not to dump Fly Ash in the site in question i.e. Siriapali (Jharsuguda T.U. No.4) in the district of Jharsuguda ;
- (ii) To direct the OSPCB to assess the Environmental Compensation towards unathorized dump of Fly Ash at the site in question i.e. Siriapali (Jharsuguda T.U. No. 4) ;
- (iii) To direct the Vedanta Ltd to pay the Environmental Competition on the basis of polluter Pay Principle towards unathorized dumo of fly ash at the site in question i.e. Siriapali (Jharsuguda T.U. No. 4) ;
- (iv) To direct the Vedanta Ltd to restore the site in question by removing all Fly Ash, dumped unathorizedly by VedantaLtd and to ensure 100% Fly Ash Utilisation.
- (v) To constitute a committee comprising of MOEF & CC, OSPCB, CPCB to conduct Environmental Carrying Capacity in Siriapali Area to devise an Environmental Friendly Strategy on Pollution Control due to unathorized use of Fly Ash;

pass such other order and/or orders as this Hon'ble Tribunal may deem fit and proper ;



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6. That while disposing of the Original Application the Hon'ble Tribunal has passed the following order :-

"On due consideration of the submissions made by learned Counsel for the applicant and perusal of material enclosed with the application, we are of the considered view that grievances of the applicant are required to be looked into and appropriate action needs to be taken by OSPCB on show cause notice dated 26.09.2024 in accordance with law by making requisite factual verification on the spot and after giving opportunity of being heard to the applicant and Respondent No. 6 and other concerned Project Proponents as the case may be.

Accordingly, the present original application is disposed of with direction to OSPCB to treat the present original application filed before this Tribunal as appropriate representation / complaint made to it and to look into the grievances of the applicant and to take appropriate action on show cause notice dated 26.09.24, if not already taken, in accordance with law by making requisite factual verification on the spot and after giving opportunity of being heard to the applicant and Respondent No. 6 and other concerned Project Proponents as the case may be."

The Para 7&8 of the aforesaid order is annexed herewith this application and marked as **Annexure-1**.

7. That from the aforesaid order, it is crystal clear that the Hon'ble Tribunal after perusing the materials on record and after hearing the Learned Counsels for the respective parties observed that the environment was severely getting affected by the fly ash owing to production of various materials at thermal plants continued by the the Respondent No. 6, and hence the Hon'ble Bench ordered for proper investigation of the grievances of the applicant and to take appropriate action on show cause notice dated 26.09.24 in accordance with law by making requisite factual verification on the spot and directed the Respondent No. 3 to ensure the same after giving opportunity of being heard to the applicant and Respondent No. 6 and other concerned Project Proponents. Furthermore, the Hon'ble Tribunal directed the Respondent No. 3 to take necessary measures .



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That the order dated 29.08.2025 in Original Application No. 153/2025/EZ is annexed herewith this application and collectively marked as **Annexure-2**.

8. That it is humbly submitted that despite of the aforesaid order passed by the Hon'ble Tribunal, the Respondent No. 3 i.e. OSPCB has not yet taken any steps in accordance with law and the situation and circumstances is unchanged till date. That from the above observation of the Hon'ble Tribunal, it is proved fact that the Respondent No. 6, the said thermal and power plants, were causing severe environmental, soil, water and air pollution by its fly ash dumping generated by thermal power plants. The unscientific and large scale disposal of fine, powdery ash often creating significant environmental hazards like water contamination (heavy metals), soil pollution, and respiratory health issues, despite efforts to utilize it in cement, bricks and road construction as an alternative resource. Therefore, the Hon'ble Bench directed the Respondent No. 3, the State PCB to look into the grievances of the applicant and to take appropriate action. ensure full closure of the said mill with immediate effect. Furthermore. That the Hon'ble Tribunal clearly observed that the no attempt has been made by the Respondent No. 6 in this regard . Hence, the Respondent No. 3 has further been directed to investigate and take necessary steps in accordance with law without any further delay.

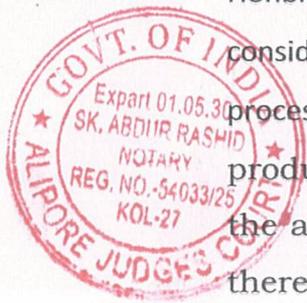
9. That the applicant states and submitted in original Application that consent to operate obtained for filling of low-lying Jharsuguda t.O.No.4 in area Ac.9.00 dec, Ac 6.87 dec & Ac 5.48 dec was valid upto 31.03.2023. Respondent No. 6 But unfortunately due to some unknown reasons, the concern authority didn't proceed further. Regrettably concern authority are not complying with Court Orders dated 29.08.2025. Vedanta Ltd is violating the OSPCB guidelines for disposal / utilization of Fly Ash for reclamation of low lying Areas and Abandoned Quarries, 2017 and is unauthorizedly and unscientifically dumping fly ash at Siriapali (Jharsuguda TU. No. 4) in the district of Jharsuguda. Fly ash has been dumped to the height of about 15 meters in violation of the above said guidelines. Due to the unauthorized and unscientific disposal of fly ash, the said area has been badly affected during rainfall and residents of local area facing health problems. It



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is also pertinent to mention here that OSPCB inspected the affected site on 22.09.2024 and issued show cause notice dated 26.09.2024 to Respondent no.6 to immediately stopped illegal dumping of fly ash in the above mentioned site clarifying that in case of failure to do so environmental compensation would be imposed. But no further proceedings or effective steps has been taken by the concern authority till date. Therefore, it is crystal clear that the State Administration has completely failed to comply the direction in this respect. Hence, the Hon'ble Tribunal has passed a direction to the Odisha State PCB towards ensuring the full investigation and to take appropriate action on show cause notice dated 26.09.24 in accordance with law.

10. That despite of the aforesaid order passed by the Hon'ble Tribunal with such specific directions and averments, the aforesaid Respondents have not taken any action till date in regard to the compliance of the same. The said Unit of the Respondent No. 6 is still in operation and fly ash dumping is continuing by them without taking proper measures. from the backdoor and the electricity provided by the Respondent No. 4 is still intact. Neither the Respondent No. 3 i.e. OSPCB has taken any step towards grievances against the said unit nor the Respondent No. 3 i.e. the State PCB has made any attempt to take appropriate action on show cause notice dated 26.09.2024 in accordance with law. Moreover, OSPCB has not taken any attempt towards the compliance of the order of the Hon'ble Tribunal. It is also stated on behalf of the applicant that after this order is passed, applicant also send an email addressing the Member Secretary & the Chairman, OSPCP to communicate the order of Honble Tribunal on 02.01.2026. But unfortunately OSPCB (Respondent No. 3) did not consider the representation and did not approach the applicant for further investigation processes. bunches of wood and other materials of manufacturing products are kept inside the mill that are visible from the residence of the applicant, wherein the presence of labours are quite possible. That there has also been a clear view of presence of previous fly ash heap which is a clear evidence of non-compliance of the Hon'ble Tribunals' order by the Respondents.



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Some images of said area are annexed herewith this application and marked as **Annexure-3**.

11. That owing to the aforesaid circumstances, the applicant was compelled to issue notices upon the concerned authorities for non-compliance of the order of the Hon'ble Tribunal as no step has been taken by the aforesaid Respondents.

Copy of notices dated 02.01.26 issued by the Applicant addressing the Member Secretary and Chairman, Odisha State PCB are annexed herewith this application and collectively marked as **Annexure-4**.

12. That the Applicant apprehends serious threat towards the environment for running of the aforesaid unit due to the following reasons :-

- (i) Continuation of the operation of the said unit cause immense environmental pollution including water, soil and air pollution which is not at all helpful towards evolving to a less pollution environment.
- (ii) Dumping of the Fly Ash near the residential area shall make a negative impact towards the health of the inhabitants of the said area.
- (iii) The said pollution out of the unit during its operation and dumping Fly Ash are not only dangerous for the locality of the applicant but for the entire environment.
- (iv) It has been specifically diagnosed by the various experts that the deadly Virus affects mostly to human's lungs. Hence, the immense pollution caused by the said Unit of the Respondent No. 6 shall endanger the human life.



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PRAYER

That the applicant prays for the following order :-

- (i) An application for appropriate order towards the Odisha State Pollution Control Board for strict comply of the order dated 29.08.2025 passed by the Hon'ble Tribunal towards ensuring the proper investigation and appropriate action against illegal fly ash dumping of the said unit of the Respondent No. 6 and also to take other necessary steps against the said unit with immediate effect.
- (ii) For a direction upon the Odisha State Pollution Control Board to assess the Environmental Compensation towards unauthorized dump of fly ash at the site ie.Siriapali (JharsugudaT.U.No.4).
- (iii) For a direction upon the Vedanta Ltd to pay environmental Compensation on the basis of Pollution Pay Principle towards unauthorized dump of fly ash at the site in question ie. Siriapalli (Jharsuguda T.U. No.4.).
- (iv) For a direction upon the Vedanta Ltd to restore the site in question by removing all Fly Ash,dumped unauthorizedly by Vedanta Ltd and to ensure 100% Fly Ash Utilization.
- (v) For direction to constitute a committee comprising of MOEF & CC, OSPCB,CPCB to conduct Environmental Carrying Capacity in Siriapali area to devise an environmental friendly strategy on pollution control due to the unauthorized use of Fly Ash.
- (vi) Any other direction that the Hon'ble Tribunal deems fit in the present case in the interests of justice to address the environmental concerns.



In the light of the above facts and circumstances stated, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass

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orders as per the prayers made in the Miscellaneous Application by the Applicant.

Place Kolkata

Applicant Through

Dated : 22.01.2026

Miltra Bhattacharya
Advocate

VERIFICATION

I, SATYA PRAKASH NAYAK, son of Adikanda Nayak, aged about 25 years, by occupation business, residing at Post Office – Babar, Police Station ^{tantipal Masine} District – Kendrapara, Pin – 754245. , the petitioner in the above mentioned case, do hereby solemnly declare and affirm that the statements made above are true to the best of my knowledge and belief and I sign this verification on 22 day of January, 2026.

Satya Prakash Nayak

DEPONENT



22 JAN 2026

BEFORE THE NOTARY
ALIPORE JUDGE'S COURT
KOLKATA-700 027

27/22/26
Serial No.

AFFIDAVIT

I, **SATYA PRAKASH NAYAK**, son of Adikanda Nayak, aged about 25 years, by occupation business, residing at Post Office – Babar, Police Station – *Tan Hapal Marua* District – Kendrapara, Pin – 754245. do hereby solemnly affirm and declare as follows :-

1. That I am the Applicant in the instant application and deponent in the present Affidavit and hence I am well acquainted with the facts and circumstances of this case and as such I am competent to swear and sign this affidavit.
2. That the statements made in the foregoing paragraphs are the informations derived from the record which I verily believed to be true and the rests are my humble submissions before this Learned Court.

Satya Prakash Nayak

DEPONENT

Prepared in my office

Mittu Bhattacharya
Advocate

Identified by me

Mittu Bhattacharya
Advocate

Solemnly declared and affirmed
Alipore Judges Court, Kol-27
Identification at.....
Under Notaries Act. *CHL*

ABDUR RASHID SK.
Notary Govt. of India
54033/25



22 JAN 2026

raining season and resident of the locality are facing health problems. OSPCB inspected the site on 22.09.2024 and issued show cause notice dated 26.09.2024 to Respondent no. 6 to immediately stopped illegal dumping of fly ash in the above mentioned site clarifying that in case of failure to do so environmental compensation would be imposed.

4. Learned Counsel for the applicant has submitted that no action has been taken by OSPCB on the above said show cause notice and prayed for issuance of directions in terms of prayer made in the application.

5. In the course of hearing learned Counsel for the applicant has conceded that the applicant has not made any complaint to OSPCB before filing of the present original application.

6. Further, no document showing the present state of affairs at the site in question has been placed on record by the applicant.

7. On due consideration of the submissions made by learned Counsel for the applicant and perusal of material enclosed with the application, we are of the considered view that grievances of the applicant are required to be looked into and appropriate action needs to be taken by OSPCB on show cause notice dated 26.09.2024 in accordance with law by making requisite factual verification on the spot and after giving opportunity of being heard to the applicant and Respondent No. 6 and other concerned Project Proponents as the case may be.

8. Accordingly, the present original application is disposed of with direction to OSPCB to treat the present original application filed before this Tribunal as appropriate representation/complaint made to it and to



Annexure - '1'

look into the grievances of the applicant and to take appropriate action on show cause notice dated 26.09.2024, if not already taken, in accordance with law by making requisite factual verification on the spot and after giving opportunity of being heard to the applicant and Respondent No. 6 and other concerned Project Proponents as the case may be.

9. A copy of this order may be supplied to the applicant and may be sent to the Member Secretary, OSPCB by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 29th, 2025
Original Application No.153/2025/EZ
AG



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Amendment - 2

Item No.01

Court No.1

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

Original Application No.153/2025/EZ

Satya Prakash Nayak

Applicant

Versus

State of Odisha & Ors.

Respondents

Date of hearing: 29.08.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Biswaranjan Paramguru, Advocate for the
applicant (through V.C.).

ORDER

1. The applicant-Mr. Satya Prakash Nayak has filed the present original application under sections 14, 15 and 16 of the National Green Tribunal Act, 2010 seeking the following reliefs :-

"a. To direct Vedanta Ltd not to dump Fly Ash in the Site in question i.e Siriapali (Jharsuguda T.U. No.4) in the district of Jharsuguda.

b. To direct the OSPCB to assess the Environmental Compensation towards unauthorized dump of fly ash at the site in question i.e Siriapalli (Jharsuguda T.U. No.4).

c. To direct the Vedanta Ltd to pay Environmental Compensation on the basis of Polluter Pay Principle towards unauthorized dump of fly ash at the site in question i.e Siriapalli (Jharsuguda T.U. No.4)

d. To direct the Vedanta Ltd to restore the site in question by removing all Fly Ash, dumped unauthorizedly by Vedanta Ltd and to ensure 100% Fly Ash Utilisation.

e. To constitute a committee comprising of MOEF&CC, OSPCB, CPCB to conduct Environmental carrying capacity



in Siriapali area to devise an environment friendly strategy on pollution control due to the unauthorized use of Fly Ash. f. And Pass such and further order, as this Hon'ble Tribunal may deem think fit and proper."

2. The applicant has submitted that Respondent No.6-M/s. Vedanta Ltd. Bhurkhamunda, Jharsuguda has two thermal power plants-Captive Power Plant of capacity 1215 MW and Thermal Power Plant of capacity 2400 MW. Coal consumption of the unit is about 18 Million Tonnes per Annum and Ash generation is about 7 Million Tonnes per Annum. It has three Ash Ponds at Kurebaga, Katikela and Siriapali for disposing high concentration ash slurry. Respondent No. 6 claims that it uses fly ash for various purposes like ash pond dyke raising, cement industries, brick units, reclamation of low-lying areas, road and fly over constructions, abandoned quarry filling etc. for achieving 100% utilization as per the Fly ash notifications issued by MoEF & CC. Respondent No. 6 also claims that it has been doing reclamation of low-lying area by utilizing fly ash after obtaining separate Consent to Establish (CTE) and Consent to Operate (CTO) as per the guidelines of Odisha State Pollution Control Board (OSPCB).

3. The applicant has further submitted that Consent to Operate obtained for filling of low-lying Jharsuguda T.O No.4 in the area Ac 9.00 dec, Ac 6.87 dec & Ac 5.48 dec was valid upto 31.03.2023. Respondent No. 6-Vedanta Ltd is violating the OSPCB guidelines for disposal/utilisation of Fly Ash for reclamation of Low Lying Areas and Abandoned Quarries, 2017 and is unauthorizedly and unscientifically dumping fly ash at Siriapali (Jharsuguda T.U. No.4) in the district of Jharsuguda. Fly ash has been dumped to the height of about 15 meters in violation of the above said guidelines. Due to the unauthorized and unscientific disposal of fly ash, the area has been badly affected during



raining season and resident of the locality are facing health problems. OSPCB inspected the site on 22.09.2024 and issued show cause notice dated 26.09.2024 to Respondent no. 6 to immediately stopped illegal dumping of fly ash in the above mentioned site clarifying that in case of failure to do so environmental compensation would be imposed.

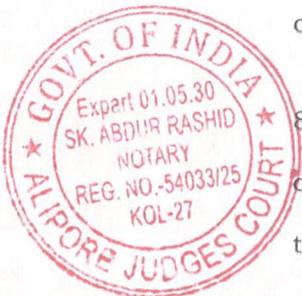
4. Learned Counsel for the applicant has submitted that no action has been taken by OSPCB on the above said show cause notice and prayed for issuance of directions in terms of prayer made in the application.

5. In the course of hearing learned Counsel for the applicant has conceded that the applicant has not made any complaint to OSPCB before filing of the present original application.

6. Further, no document showing the present state of affairs at the site in question has been placed on record by the applicant.

7. On due consideration of the submissions made by learned Counsel for the applicant and perusal of material enclosed with the application, we are of the considered view that grievances of the applicant are required to be looked into and appropriate action needs to be taken by OSPCB on show cause notice dated 26.09.2024 in accordance with law by making requisite factual verification on the spot and after giving opportunity of being heard to the applicant and Respondent No. 6 and other concerned Project Proponents as the case may be.

8. Accordingly, the present original application is disposed of with direction to OSPCB to treat the present original application filed before this Tribunal as appropriate representation/complaint made to it and to



look into the grievances of the applicant and to take appropriate action on show cause notice dated 26.09.2024, if not already taken, in accordance with law by making requisite factual verification on the spot and after giving opportunity of being heard to the applicant and Respondent No. 6 and other concerned Project Proponents as the case may be.

9. A copy of this order may be supplied to the applicant and may be sent to the Member Secretary, OSPCB by email for requisite compliance.

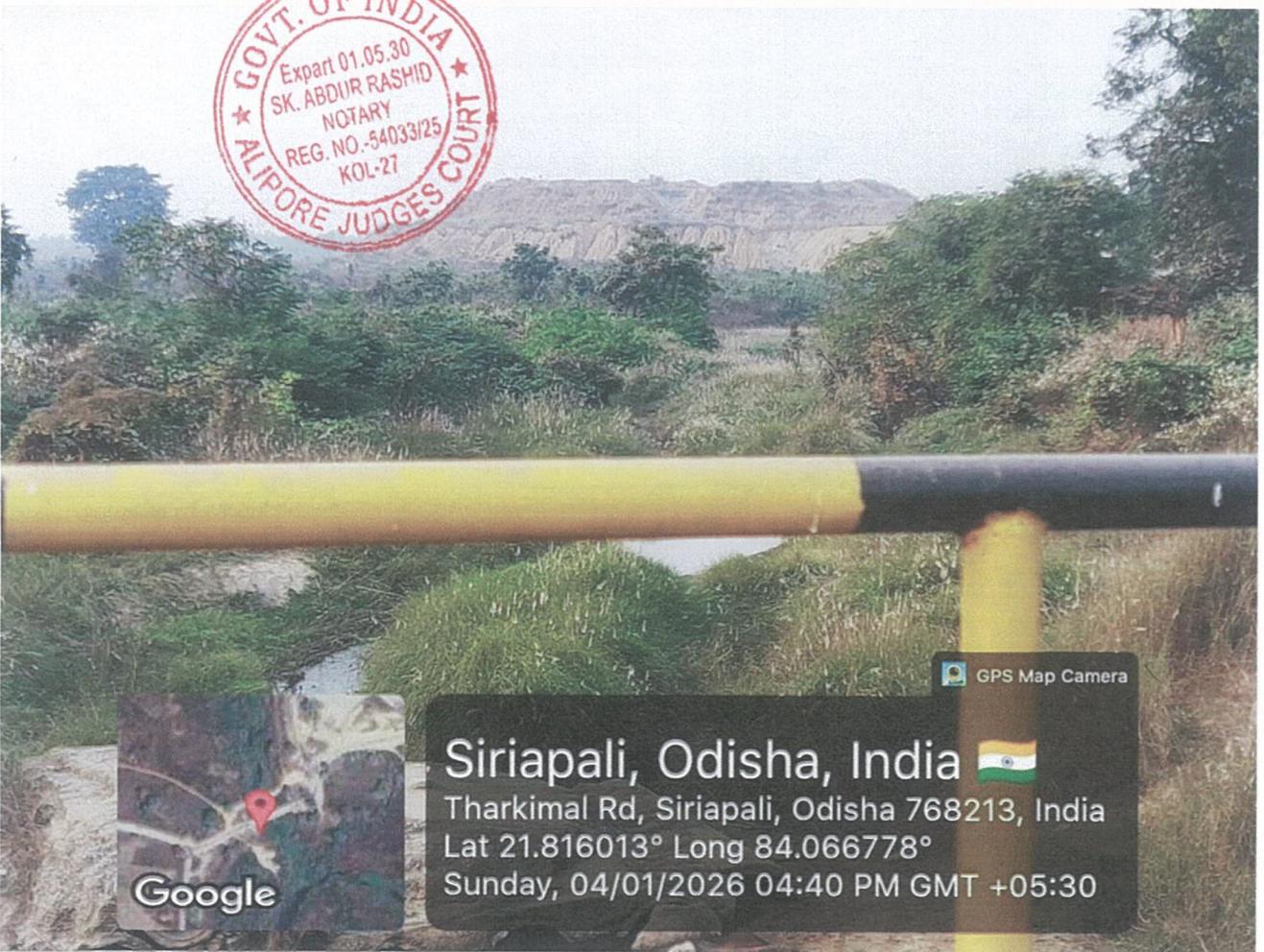
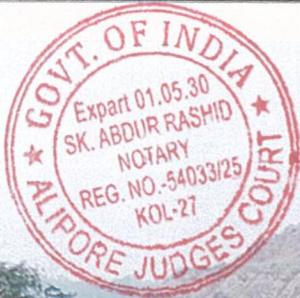
Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

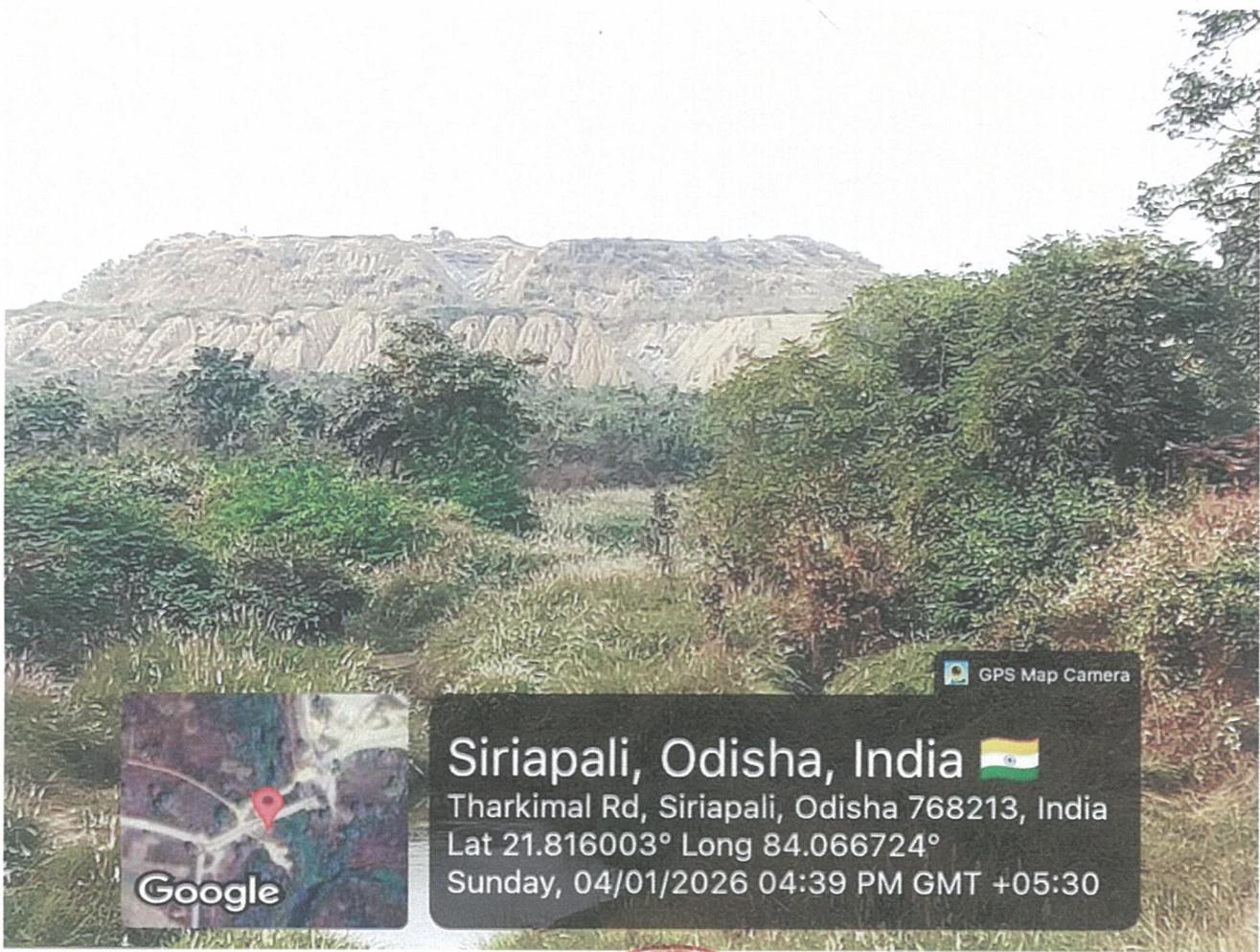
August 29th, 2025
Original Application No.153/2025/EZ
AG



Annexure - '3'



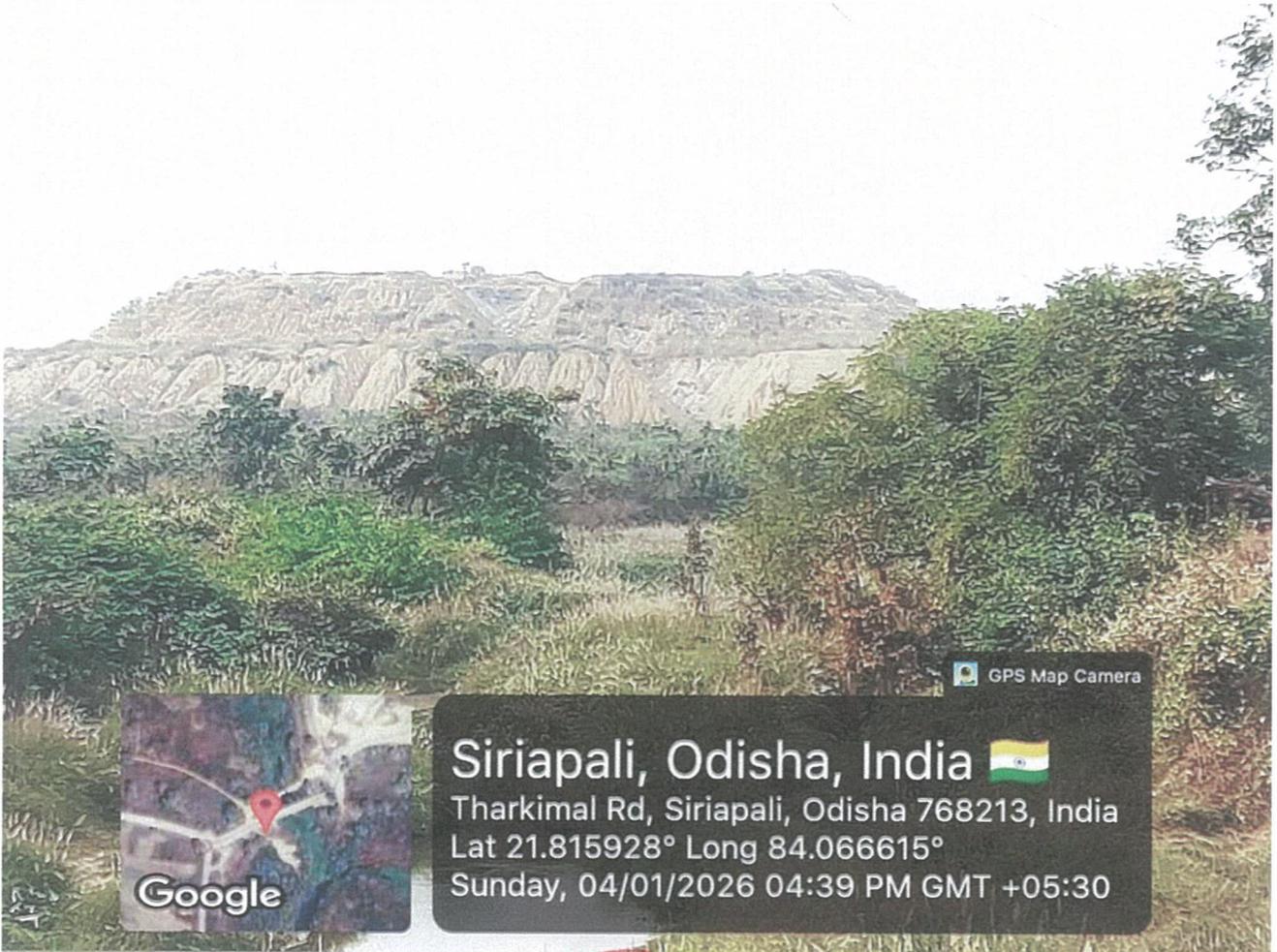
Annexure - 3



GOVT. OF INDIA
 ★ Export 01.05.30
 SK. ABDUR RASHID
 NOTARY
 REG. NO.-54033/25
 KOL-27
 ★ ALIPORE JUDGES COURT ★



Annexure - 3



Google

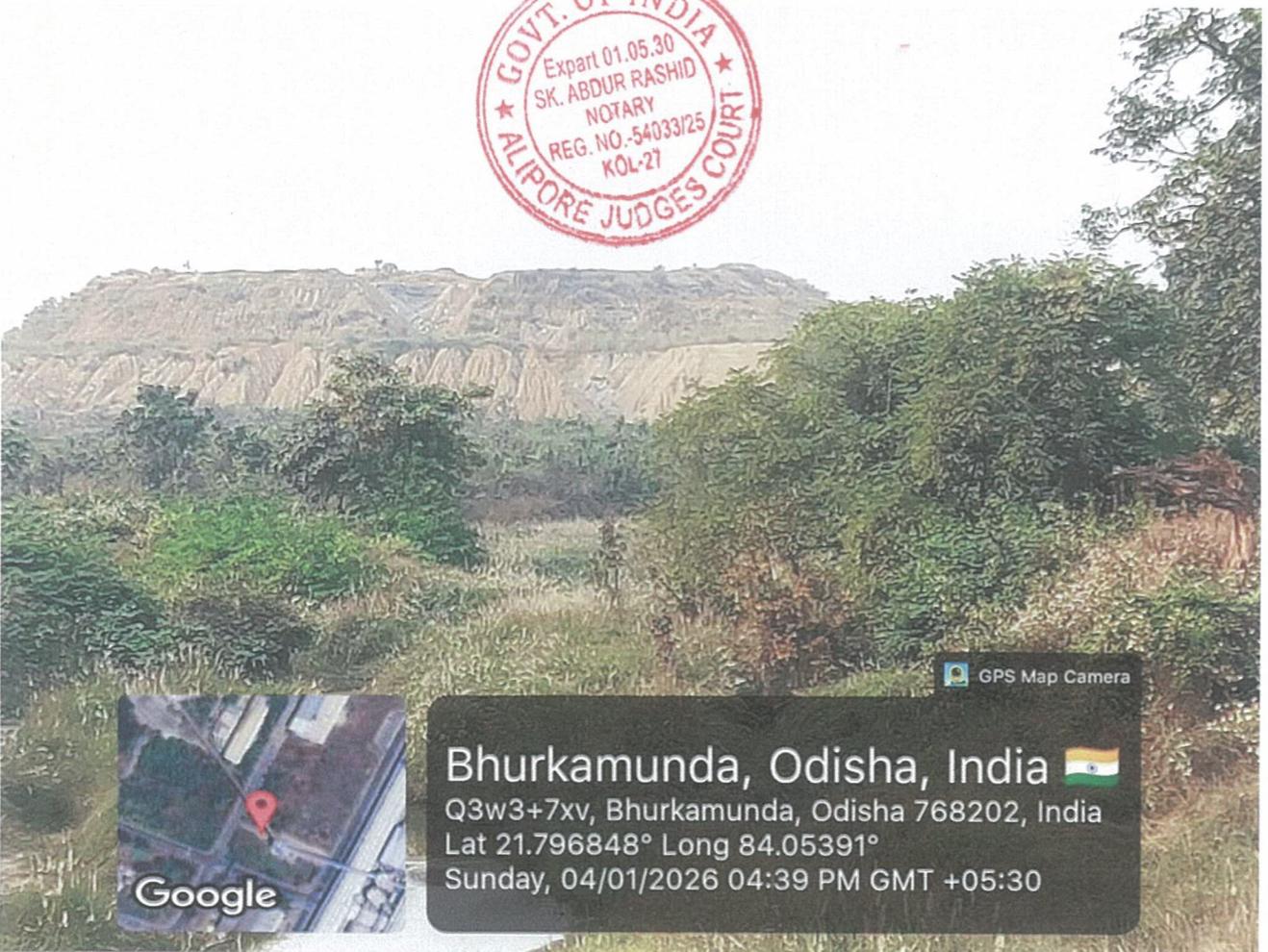
GPS Map Camera

Siriapali, Odisha, India 

Tharkimal Rd, Siriapali, Odisha 768213, India

Lat 21.815928° Long 84.066615°

Sunday, 04/01/2026 04:39 PM GMT +05:30



Google

GPS Map Camera

Bhurkamunda, Odisha, India 

Q3w3+7xv, Bhurkamunda, Odisha 768202, India

Lat 21.796848° Long 84.05391°

Sunday, 04/01/2026 04:39 PM GMT +05:30

Annexure - 3

Siripali, Odisha, India
Tharkimal Rd, Siripali, Odisha 768213, India
Lat 21.817151° Long 84.068582°
Sunday, 04/01/2026 04:37 PM GMT +05:30
GPS Map Camera

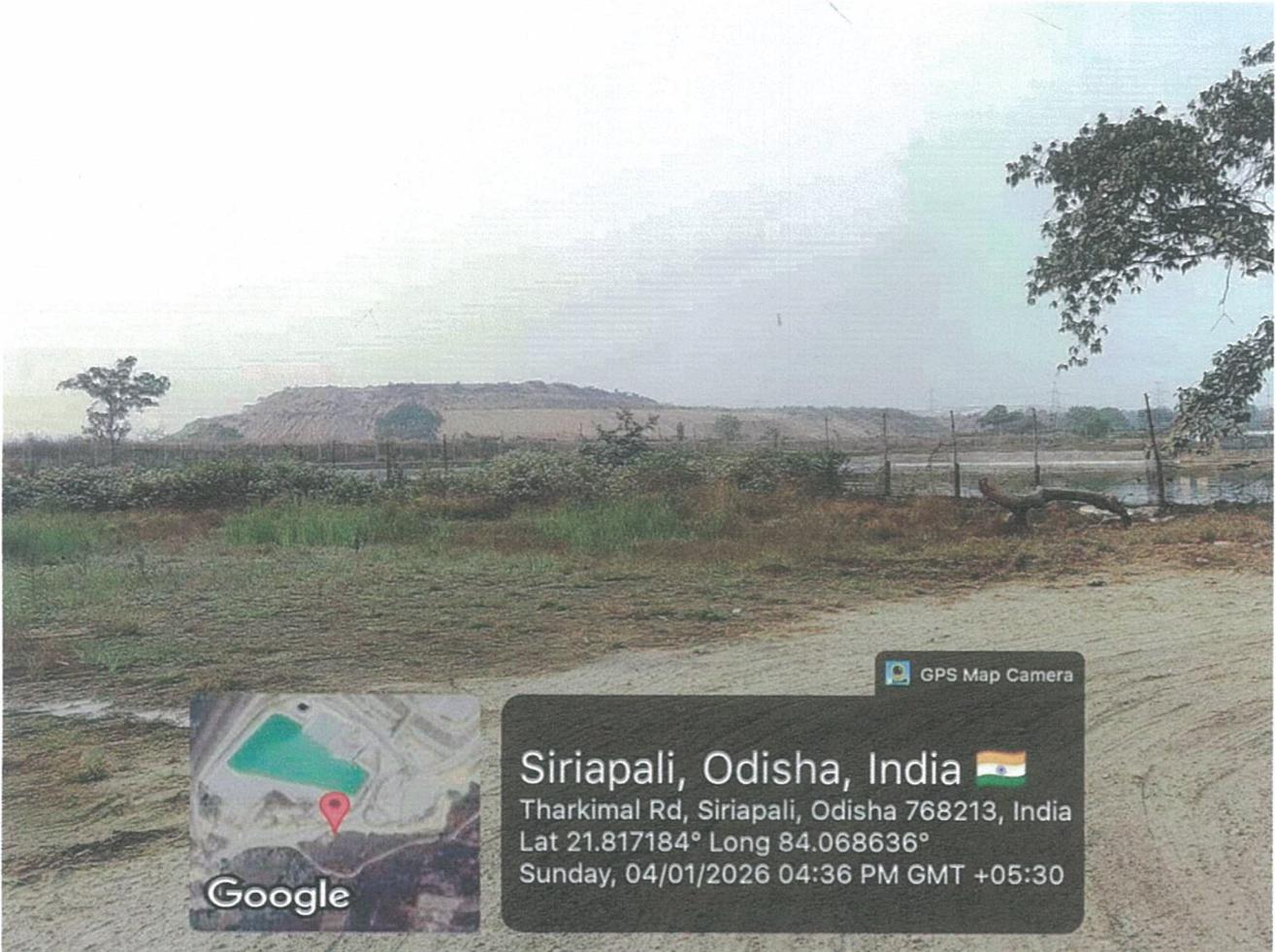


GOVT. OF INDIA
Expert 01.05.30
SK. ABDUR RASHID
NOTARY
REG. NO.-54033125
KOL-27
ALIPORE JUDGES COURT



Annexure - 3





Siriapali, Odisha, India 🇮🇳
Tharkimal Rd, Siriapali, Odisha 768213, India
Lat 21.817184° Long 84.068636°
Sunday, 04/01/2026 04:36 PM GMT +05:30



Jharsuguda, Odisha, India 🇮🇳
R386+gwq, Jharsuguda, Odisha 768201, India
Lat 21.817979° Long 84.064148°
Sunday, 04/01/2026 04:21 PM GMT +05:30



Annexure - 3

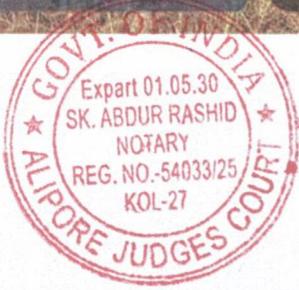
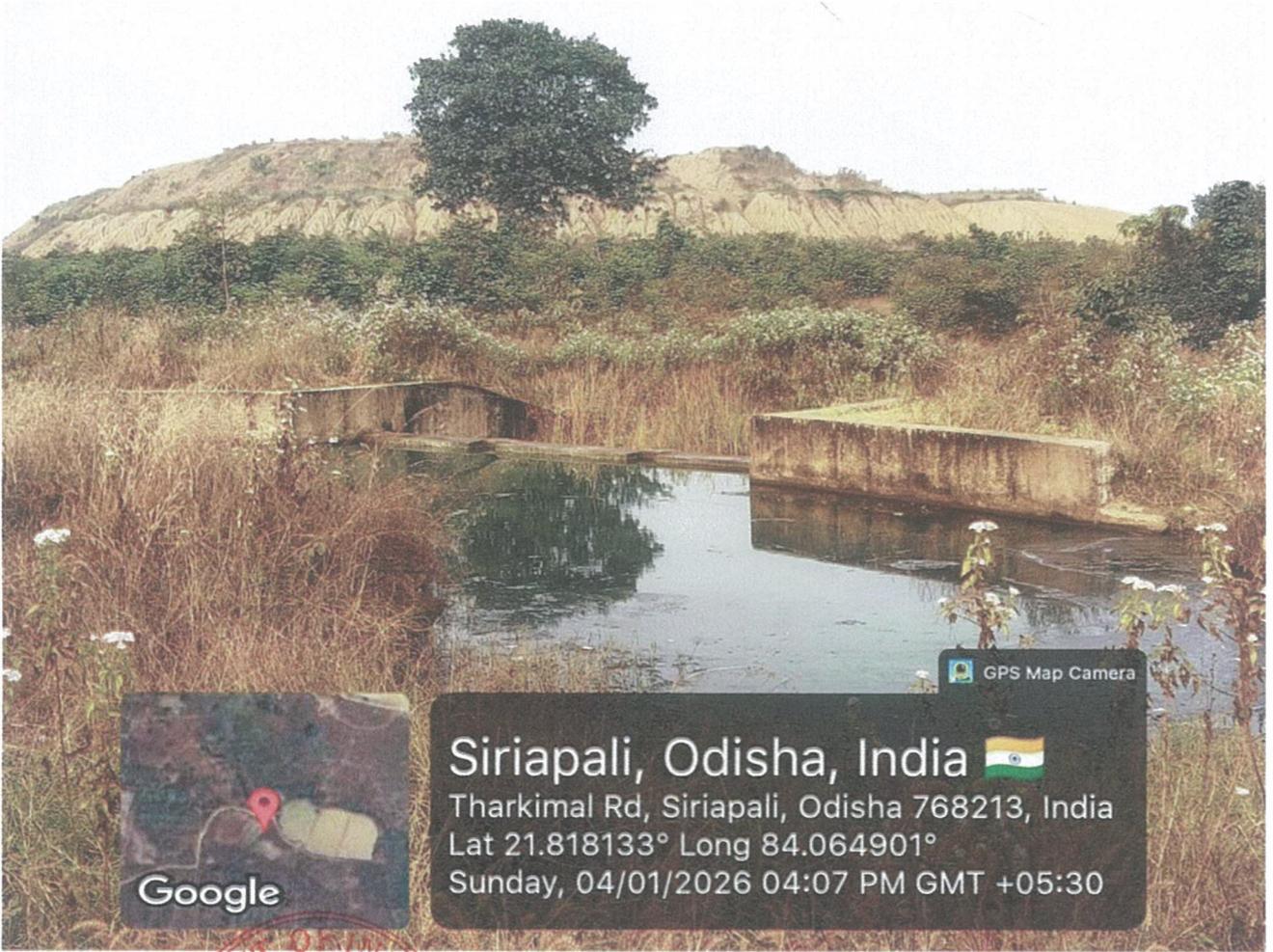


Siriapali, Odisha, India 
 Tharkimal Rd, Siriapali, Odisha 768213, India
 Lat 21.818149° Long 84.064865°
 Sunday, 04/01/2026 04:08 PM GMT +05:30



Siriapali, Odisha, India 
 Tharkimal Rd, Siriapali, Odisha 768213, India
 Lat 21.818149° Long 84.064866°
 Sunday, 04/01/2026 04:08 PM GMT +05:30

Annexure - 3



Annexure - 3



Amma — '4'



Demand for Fixation of Responsibility and Disciplinary Action for Gross Negligence in Non-Issuance / Non-Tracing of Show Cause Notice (SCN) dated 26.09.2024 – Resulting in Non-Compliance with Hon'ble NGT Order dated 29.08.2025 in O.A. No. 153/2025/EZ

1 message

Satyaprakash Nayak <satyaprakashnayak601@gmail.com>

Fri, 2 Jan 2026 at 9:09 am

To: chairman@ospboard.org, membersecretary@ospboard.org, rospcbjharsuguda@gmail.com, rospcb.jharsuguda@ospboard.org, cto17category@ospboard.org <cto17category@ospboard.org>, paribesh1@ospboard.org

To
The Chairman
Odisha State Pollution Control Board
Paribesh Bhawan, A/118, Nilakantha Nagar
Unit-VIII, Bhubaneswar – 751012

And
The Member Secretary
Odisha State Pollution Control Board
Paribesh Bhawan, A/118, Nilakantha Nagar
Unit-VIII, Bhubaneswar – 751012

Subject:
Demand for Fixation of Responsibility, Inquiry and Disciplinary Action for Gross Negligence in Non-Issuance / Non-Tracing of Show Cause Notice (SCN) dated 26.09.2024 and Resultant Non-Compliance with Hon'ble NGT Order dated 29.08.2025 in O.A. No. 153/2025/EZ

Respected Madam,

I am the Applicant in Original Application No. 153/2025/EZ (Satya Prakash Nayak vs. State of Odisha & Ors.), disposed of by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, vide order dated 29.08.2025.

This representation is being submitted in continuation of the said order and in reference to the official communication issued by the Odisha State Pollution Control Board vide letter dated 30.12.2025, signed by the Additional Chief Environmental Scientist.

1. Categorical Admission of Serious Lapse by OSPCB

In the aforesaid letter dated 30.12.2025, OSPCB has formally admitted on record that no Show Cause Notice (SCN) pertaining to the matter, including the SCN dated 26.09.2024 referred to by the Hon'ble NGT, is available at the Head Office, Bhubaneswar. This admission establishes a grave and undeniable administrative failure within the statutory regulator.

2. Direct Non-Compliance with Hon'ble NGT Order

The Hon'ble NGT, vide order dated 29.08.2025, expressly directed OSPCB to take appropriate action against the SCN dated 26.09.2024, after:

factual verification on the spot, and
providing opportunity of hearing to the Applicant and the Project Proponent.

The non-availability / non-issuance / non-tracing of the SCN makes compliance with the Hon'ble Tribunal's order impossible, thereby placing OSPCB in a position of procedural non-compliance and exposing senior officials to judicial scrutiny.

3. Gross Negligence and Dereliction of Statutory Duty

Issuance, custody, monitoring, and enforcement of a Show Cause Notice are exclusive statutory functions of the Pollution Control Board under environmental laws.

The present situation clearly indicates one or more of the following:

failure to issue the SCN despite statutory obligation;
issuance followed by gross negligence in record maintenance;
suppression or deliberate non-placement of the SCN on record;
systemic failure and lack of supervisory control.

Each of the above constitutes gross negligence, dereliction of duty, and administrative misconduct.

The burden of this failure cannot be shifted to a citizen/applicant, nor can the Board proceed further while ignoring this foundational lapse.

4. Demand for Immediate and Time-Bound Action

In view of the seriousness of the matter, I hereby formally demand that the competent authority:

Fix responsibility on the officer(s) concerned for non-issuance / non-tracing / non-action of the SCN dated 26.09.2024;

Order an internal inquiry into the lapse and place its findings on official record;

Initiate disciplinary proceedings against erring officials for gross negligence and dereliction of statutory duty;

Disclose the exact status of the SCN, including whether it was issued, dispatched, acted upon, or suppressed;

Ensure that no inspection, consent, renewal, or grant of CTO is undertaken in the matter without strict and complete compliance with the Hon'ble NGT's order dated 29.08.2025.



Annexure

4

(34)

5. Reservation of Rights

This representation is submitted without prejudice to my right to approach the Hon'ble National Green Tribunal for: execution of its order, initiation of contempt proceedings, and fixation of personal accountability of officers concerned, in the event of continued non-compliance or failure to take corrective and disciplinary action. I request that a reasoned action-taken report be communicated to me within a reasonable time.

Yours faithfully,

Satya Prakash Nayak
Applicant – O.A. No. 153/2025/EZ
Email: satyaprakashnayak601@gmail.com
Mobile: +91-9439637672 / +91-7008151438

Enclosures:

Hon'ble NGT Order dated 29.08.2025
OSPCB letter dated 30.12.2025
Covering letter dated 16.10.2025
Email dated 27.10.2025



To
The Member Secretary,
Odisha State Pollution Control Board,
Paribesh Bhawan, A/118, Nilakantha Nagar,
Unit-VIII, Bhubaneswar - 751012

Date: 16/10/2025

Subject: Request for Inclusion During Inspection - In Compliance with Hon'ble NGT Order dated 29.08.2025 in O.A. No. 153/2025/EZ

Respected Madam,

I am the applicant in Original Application No. 153/2025/EZ - Satya Prakash Nayak vs State of Odisha & Ors., decided by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, on 29.08.2025.

The Hon'ble Tribunal has clearly directed OSPCB to treat the matter as a representation/complaint and to take appropriate action only after factual verification on the spot and after giving an opportunity of being heard to the applicant and the project proponent.

Accordingly, I request that I be formally included and permitted to remain present during the inspection of the Siriapali (Jharsuguda T.U. No. 4) site.

Any inspection conducted without providing such opportunity would amount to non-compliance of the Hon'ble NGT's order.

You are therefore requested to intimate me in advance regarding the proposed date and time of the inspection to ensure compliance with the Tribunal's directions.

Thanking you,

Warm regards,

Satya Prakash Nayak

Satyaprakash Nayak

Applicant - O.A. No. 153/2025/EZ

Email: satyaprakashnayak601@gmail.com

Mobile: +919439637672/ +917008151438

Address: Babara, Mahakalpada, Kendrapara-754245



3 attachments

Order copy in OA 153-2025-EZ.pdf
112 KB

Annexure - '4'

(36)

 Gmail - Compliance with Direction and Request for Immediate A... (1).pdf
41 KB

 Gmail - Request for Prior Intimation & Inclusion During Spotpdf
138 KB



Annexure - '4'



Request for Prior Intimation & Inclusion During Spot Inspection and for Refraining from Grant of CTO Except After Inspection & Hearing – In Compliance with Hon'ble NGT Order dated 29.08.2025 in O.A. No. 153/2025/EZ

1 message

Satyaprakash Nayak <satyaprakashnayak601@gmail.com>

Fri, 2 Jan 2026 at 8:46 am

To: cto17category@ospcboard.org <cto17category@ospcboard.org>, chairman@ospcboard.org, membersecretary@ospcboard.org, rospcb.jharsuguda@ospcboard.org, rospcbjharsuguda@gmail.com

To
The Member Secretary
Odisha State Pollution Control Board
Paribesh Bhawan, Bhubaneswar

Respected Madam,

I am the Applicant in Original Application No. 153/2025/EZ (Satya Prakash Nayak vs. State of Odisha & Ors.), disposed of by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, vide order dated 29.08.2025.

The Hon'ble Tribunal has specifically directed the Odisha State Pollution Control Board to treat the matter as a representation/complaint and to take appropriate action after factual verification on the spot and after providing an opportunity of being heard to the Applicant as well as the Project Proponent.

In strict compliance with the above judicial direction, I respectfully request that I be formally included and permitted to remain present during the spot inspection of the Siriapali (Jharsuguda T.U. No.-4) site. Any inspection conducted without providing such opportunity would be contrary to the Hon'ble NGT's order.

I respectfully submit that the order of the Hon'ble NGT dated 29.08.2025 was already communicated to your good office on 16.10.2025, along with a covering letter and copy of the Hon'ble Tribunal's order. The same was again reiterated by email dated 27.10.2025, enclosing the order copy.

Herewith attached are the details/copies of the communications sent by me and the responses received from the Odisha State Pollution Control Board for your ready reference.

I therefore request you to kindly intimate me in advance regarding the proposed date, time, and schedule of inspection, so as to ensure strict compliance with the Hon'ble Tribunal's directions and to avoid any procedural non-compliance.

This communication is made in good faith and in the interest of lawful adherence to judicial orders.

Thanking you,
Yours faithfully,
Satya Prakash Nayak
Applicant – O.A. No. 153/2025/EZ
Email: satyaprakashnayak601@gmail.com
Mobile: +91-9439637672 / +91-7008151438

Suggested Attachments (renamed Clearly)
NGT Order dated 29.08.2025 – O.A. No. 153/2025/EZ
Covering Letter dated 16.10.2025
Email dated 27.10.2025



Annexure - '4'

(38)

To
The Member Secretary,
Odisha State Pollution Control Board,
Paribesh Bhawan, A/118, Nilakantha Nagar,
Unit-VIII, Bhubaneswar - 751012

Date: 16/10/2025

Subject: Request for Inclusion During Inspection - In Compliance with Hon'ble NGT Order dated 29.08.2025 in O.A. No. 153/2025/EZ

Respected Madam,

I am the applicant in Original Application No. 153/2025/EZ - Satya Prakash Nayak vs State of Odisha & Ors., decided by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, on 29.08.2025.

The Hon'ble Tribunal has clearly directed OSPCB to treat the matter as a representation/complaint and to take appropriate action only after factual verification on the spot and after giving an opportunity of being heard to the applicant and the project proponent.

Accordingly, I request that I be formally included and permitted to remain present during the inspection of the Siriapali (Jharsuguda T.U. No. 4) site.

Any inspection conducted without providing such opportunity would amount to non-compliance of the Hon'ble NGT's order.

You are therefore requested to intimate me in advance regarding the proposed date and time of the inspection to ensure compliance with the Tribunal's directions.

Thanking you,

Warm regards,

Satya Prakash Nayak

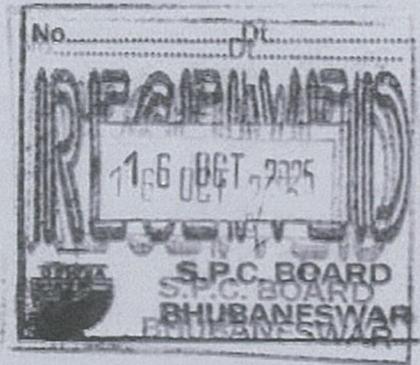
Satyaprakash Nayak

Applicant - O.A. No. 153/2025/EZ

Email: satyaprakashnayak601@gmail.com

Mobile: ±919439637672/ ±917008151438

Address: Babara, Mahakalpada, Kendrapara-754245



3 attachments

Order copy in OA 153-2025-EZ.pdf
112 KB

Annexure - '4'

PDF Gmail - Document from Satyaprakash Nayak (1).pdf
46 KB

PDF Gmail - Compliance with Direction and Request for Immediate A... (1).pdf
41 KB



BEFORE THE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****MISCELLANEOUS APPLICATION NO. of 2026**ARISING OUT OF **ORIGINAL APPLICATION NO. 153/2025/EZ**

DISPOSED OF ON 29.08.2025

(Through Video Conferencing)

In the matter of :**SATYA PRAKASH NAYAK**

son of Adikanda Nayak,

residing at Post Office – Babar,

District – Kendrapara, Pin – 754245.

satyaprakashnayak601@gmail.com

Mob No.9439637672

.....Applican

VERSUS

The State of Odisha and others



Advocate on Record
Mithu Bhattacharya
Advocate
High Court, Calcutta
Bar Association, Ladies Bar

Satya Prakash Nayak

VAKALATNAMA

In the Court of the National Green Tribunal, Eastern Zone Bench, Kolkata. st

Suit/Case No.

Miscellaneous application No

of 2026

Plaintiff

Satya Prakash Nayak

Vs.

The State of Odisha & others

Defendant

NOW ALL MEN by these presents inat

I Sri Satya Prakash Nayak, son of Adikanda Nayak of Baku, District - Kendrapara, Pin - 754245

do hereby constitute and appoint the undermentioned Advocate Pleaders, Vakils. jointly and each of them severally to be pleader of ME/US and on MY/OUR behalf to appear for ME/US in the above cause and to take such step and proceedings as may be necessary on MY/OUR behalf and for the purpose to make sign verify and present all necessary petitions, written statements and others documents and do nominate and appoint or retain senior Councils, Vakila Advocates and other persons, lodge and deposit moneys and documents and other papers in Court and the same again to withdraw and to take out of Court and to obtain or grant as the case may be effectual receipts and discharge for the same and for all moneys which may be payable to ME/US in the premises. To enter into compromise with MY/OUR approval and withdraw, all moneys from the Court AND GENERALLY to act in the premises and proceedings arising thereout whether by way of execution, review appeal or otherwise or in any manner contested therewith as affectfully and to all intents and purpose as I/WE could act if personally present and ALSO for all and of the purpose aforesaid to appoint a substitute of substitutes and such substitution and as pleasure to revoke I/We hereby ratifying and agreeing to confirm whatever may be lawfully done by virtue hereof I IN WITNESS WHEREOF this Vakalatnama has by ME/US

this day of 22 January 2026 been executed

Sree

Sree

Miltra Bhattacharyya

Advocat

High Court Calcutta

Mob - 7980360795

Enrollment No P 387 of 2011

VAKALATNAMA

In the Court of the Hon'ble Justice, District Judge, ...

Suit Case No. ...
Plaintiff ...

by me signed
Dilip Kumar Bhattacharya
Advocate
High Court, Calcutta

Bar Amerson Room No - 100
7980 260 7935
ph

do hereby constitute and appoint the undermentioned Advocate Pleaders, Vakils, jointly and each of them severally to be pleader of MEUS and on MYOUR behalf to appear for MEUS in the above cause and to take such step and proceedings as may be necessary on MYOUR behalf and for the purpose to make sign ventry and present all necessary petitions, written statements and other documents and do nominate and appoint or retain senior Councils, Vakils, Advocates and other persons, lodge and deposit moneys and documents and other papers in Court and the same again to withdraw and to take out of Court and to obtain or grant as the case may be effectual receipts and discharge for the same and for all moneys which may be payable to MEUS in the premises. To enter into compromise with MYOUR approval and withdraw, all moneys from the Court AND GENERALLY to act in the premises and proceedings arising thereout whether by way of execution, review appeal or otherwise or in any manner contested therewith as effectually and to all intents and purposes as IWE could act if personally present and ALSO for all and of the purpose aforesaid to appoint a substitute of substitutes and such substitution and as pleasure to revoke IWE hereby ratifying and agreeing to confirm whatever may be lawfully done by virtue hereof I IN WITNESS WHEREOF this Vakalatnama has by MEUS

this day of ... 20 ...
been executed

Dilip Kumar Bhattacharya
Advocate
High Court, Calcutta
Bar Amerson Room No - 100
7980 260 7935
ph

Enrolled No. F 985 of 2011