

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
Miscellaneous Application No. 18 /2026/EZ**

In

**Original Application No. 26/2024/EZ**

M/S AADITYA CONSTRUCTION

APPLICANT

VERSUS

JITENDRA KUMAR PRADHAN & ORS

ORIGINAL APPLICANT / RESPONDENTS

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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**Miscellaneous Application No. \_\_\_\_\_/2026/EZ**

**In**

**Original Application No. 26/2024/EZ**

M/s Aaditya Construction

Applicant

Versus

Jitendra Kumar Pradhan & Ors

Original Applicant / Respondents

**MEMO OF PARTIES**

**IN THE MATTER OF:**

**M/S AADITYA CONSTRUCTION**

Represented By Managing Director, Plot No 496/3799, Unit No 2,  
Hariom Bihar, Ward No 17, Brajarajnagar, Jharsuguda, Odisha, 768126

...APPLICANT

**VERSUS**

**1. JITENDRA KUMAR PRADHAN**

S/o Ram Chandra Pradhan, Aged about 36 years Resident of R  
Katapali, Po- R Kudopali PS- Brajarajnagar, Dist- Jharsuguda

...ORIGINAL  
APPLICANT/  
RESPONDENT

**2.STATE OF ODISHA**

Through Chief Secretary, Government of Odisha, Lokaseba Bhawan  
At/po-Bhuabneswar, Dist-Khurdha, 751002 email: [csori@nic.in](mailto:csori@nic.in)

**3.DISTRICT COLLECTOR, JHARSUGUDA**

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**4.MEMBER SECRETARY, ODISHA STATE POLLUTION CONTROL  
BOARD**

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**5.MEMBER SECRETARY, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA), ODISHA**

Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit – IX, 751022 Email: [seiaaorissa@gmail.com](mailto:seiaaorissa@gmail.com)

**6.SUPERINTENDENT OF POLICE, JHARSUGUDA**

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**7.TAHASILDAR, JHARSUGUDA**

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**8.DIVISIONAL FOREST OFFICER- JHARSUGUDA**

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**9.DEPUTY DIRECTOR GENERAL OF FORESTS (C)**

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

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...RESPONDENTS

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

**Miscellaneous Application No. \_\_\_\_\_/2026/EZ**

**In**

**Original Application No. 26/2024/EZ**

M/s Aaditya Construction

Applicant

Versus

Jitendra Kumar Pradhan & Ors

Original Applicant / Respondents

**APPLICATION ON BEHALF OF RESPONDENT NO. 11 AGAINST ARBITRARY, ERRONEOUS AND  
UNREASONABLE COMPUTATION OF ENVIRONMENTAL COMPENSATION BY SEIAA, ODISHA  
IN LIGHT OF ORDER DATED 09.01.2025 IN OA/26/2024/EZ PASSED BY THIS HON'BLE  
TRIBUNAL**

**MOST RESPECTFULLY SHEWETH –**

1. That the present application is being filed by M/s Aaditya Construction, Respondent No. 11, in the matter tiled as '*Jitendra Kumar Pradhan v. State of Odisha & Ors. (OA. No. 26/2024/EZ)*' disposed by this Hon'ble Tribunal *vide* Order dated 09.01.2025 *inter alia* directing the State Environment Impact Assessment Authority, Odisha ('SEIAA') to determine environment compensation leviable upon the Applicant, after giving opportunity of being heard, against alleged illegal mining of morrum from Plot No. 2017 of Khata No 618 ('**subject site**').

Copy of Order dated 09.01.2025 in *Jitendra Kumar Pradhan v. State of Odisha & Ors. (OA. No. 26/2024/EZ)* is annexed and marked as ANNEXURE-A.

2. At the outset, it is pertinent to note that the Applicant is merely an unrelated third party that provided assistance in the execution of construction works to M/s VKJ-AKM (JV) for a fixed consideration in a tender floated by M/s Mahanadi Coalfields Limited for the construction of the Coal Transportation Road (Concrete Pavement) at Samaleswari OCP

under IB Valley Area of Coalfields, MCL (2nd Call). Accordingly, M/s VKJ-AKM (JV) being the successful bidder and the contract awardee is the sole project proponent for the said project.

3. However, pursuant to the directions provided under Order dated 09.01.2025, SEIAA issued Show Cause Notice *vide* Letter No. 6892/SEIAA dated 02.12.2025 (received on 13.12.2025) to the Applicant, directing the applicant to show cause as to why environmental compensation ('EC') computed as ₹1,15,80,585.73/- shall not be collected from the Applicant ('SCN'). As per the SCN, the that same was allegedly computed by following Approach-2 as approved by the Hon'ble Principal Bench of the National Green Tribunal, New Delhi in OA 360/2015 basis the following critical factors, as determined:
  - i. The market value of morrum at the excavation site was determined based on the highest bedding price for morrum in Jharsuguda District based on a letter issued by the Deputy Directo of Mines, Sambalpur Circle basis which the price of Rs. 62/- per cum of morrum was considered.
  - ii. Environment impact was determined to be 'severe'.
  - iii. Risk level of 4 with a corresponding Risk Factor of 1.0 was assigned.
  - iv. Risk level of 4 with a corresponding Discount of 5% was assigned.
  - v. No independent assessment of the total quantity of morrum allegedly excavated from the subject site was done by SEIAA.

Copy of Show Cause Notice *vide* Letter No. 6892/SEIAA dated 02.12.2025 (received on 13.12.2025) is annexed and marked as ANNEXURE-B.

4. Consequently, as instructed by SEIAA, the Applicant appeared physically before SEIAA for oral submissions on 07.01.2026 and submitted detailed written submissions *inter alia* highlighting that, on the following grounds:

- i. The SEIAA arbitrarily adopted the highest bidding price of ₹62/- per CUM from the DDM and failed to exclude royalty from the computing the market value. Additionally, SEIAA ignored the pre-existing, specific determination by the Tahasil Office, Jharsuguda, for the said alleged unauthorized extraction of morrum, thereby inflating the EC.
  - ii. The SEIAA mechanically assigned the highest Risk Factor of 1.0 (“severe”) without any independent assessment of the severity, extent, duration, or reversibility of the alleged environmental harm, which is mandatory under the CPCB framework and the NGT’s direction to act “in accordance with law”.
  - iii. The SEIAA failed to supply the District Survey Report (DSR) or any other document relied upon for the severity assessment, thereby violating the principles of natural justice and preventing the Applicant from meaningfully responding to the SCN.
  - iv. The quantity of 56,100 CUM as provided in the joint committee report is fundamentally flawed, as the maximum possible excavation from the subject site of 0.63 acres upto a depth of 4 meters is only at most 10,200 cum. The adopted quantity is geologically and practically impossible.
5. Pursuant to the hearing and submissions made by the Applicant, SEIAA held in its 266th Meeting on 09.01.2026 and considered the allegations raised under the SCN along with the Applicant’s reply and proceeded to mechanically reject all submissions advanced by the Applicant without prescribing any reasons and confirmed the arbitrary and exorbitant EC amounting to INR 1,15,80,585.73/- on the Applicant.

The copy of the proceeding of the SEIAA, Odisha meeting held on 09.01.2026 is annexed and marked as ANNEXURE-C.

6. Thus, SEIAA issued final direction for depositing the EC through Letter No. 6997/SEIAA dated 12.01.2026 to the Applicant, directing the deposit of said EC. In furtherance of the same, and in compliance of directions *vide* Order dated 09.01.2025 – SEIAA belatedly filed a compliance affidavit under M.A.No.26/2025/EZ in O.A.No.26/2024/EZ.

Copy of Compliance Affidavit filed by SEIAA dated 12.0.2026 annexed and marked as ANNEXURE-D.

7. At this juncture, it is also pertinent to note that the Divisional Forest Officer, Jharsuguda Forest Division – Respondent No. 7 in the captioned OA has filed a compliance affidavit under M.A.No.26/2025/EZ stating that there is no mining of morrum on forest land, moreover no complaints regarding any felling of tress in the vicinity of the excavated area are pending. Thus, it is manifest that there is no tree feeling of consequent damage to the environment. As such, the no EC is leviable upon the Applicant on account of damage to the environment in the absence of any tree felling.
8. Pertinently, the Applicant is gravely prejudiced by this mechanical and arbitrary computation of EC without any independent analysis or application of mind by SEIAA inasmuch as the classification of risk as ‘severe’ has been done without any independent assessment of ecological damage, duration, or reversibility of the alleged impact, which is a mandatory requirement under Approach-2 of the CPCB guidelines. Moreover, SEIAA has mechanically applied the highest risk factors and has completely failed to appreciate the impossibility of excavation of the alleged quantity of 56,100 cum of morrum from the subject site of 0.63 acres at a depth of 4 mtrs. Thus, by way of present application the Applicant is challenging the incorrect and illegal determination of EC by SEIAA on the following grounds without prejudice to each other:

## GROUNDS

### A. The absence of District Survey Report vitiates the SCN and violates the principles of natural justice.

- A.1 As stated above, the SCN allegedly proceeds on the basis of an EC assessment purportedly undertaken under Approach–2 of the CPCB framework, without furnishing to the Applicant the District Survey Report (“DSR”), which constitutes the foundational document for assessing environmental impact in cases involving minor mineral extraction. At this juncture, it is doubtful whether DSR has been ever conducted or obtained by SEIAA before computing the EC.
- A.2 The Hon’ble National Green Tribunal, vide order dated 14.10.2020 passed in O.A. No. 40/2020, *Pawan Kumar v. State of Bihar & Ors.*, has categorically held that the DSR must be prepared by competent experts and forms the basis for evaluating environmental impact, replenishment, and safeguards prior to the grant of environmental clearance. Furthermore, no raw data or methodology for determining the excavation of morrum or consequent ecological impact has been relied upon or determined by the SEIAA.
- A.3 Considering the absence of DSR and allied studies, the basis of which EC is computed is fundamentally absent and thereby fundamentally flawed. The EC has been computed merely on the data provided to SEIAA and no independent assessment regarding severity of impact, risk categorisation, and quantum of compensation have allegedly been determined.
- A.4 It is a settled principle of law that a meaningful opportunity of hearing is not satisfied by the mere communication of conclusions. When a decision is not substantiated by necessary technical and expert reports, the foundational basis levying EC fails. It is trite law and an established legal maxim *sublato fundamento cedit opus* i.e. when the foundations is removed – the superstructure falls. Thus, considering that SEIAA has failed to rely upon or provide any technical reports, survey, independent analysis and determination, the computation of

EC by SEIAA is bound to be quashed on account of being baseless, arbitrary and without any application of mind.

A.5 Without prejudice, even if any independent assessment regarding severity of impact, risk categorisation, and quantum of compensation has been carried out by SEIAA the fairness and principles of natural justice require disclosure of the materials relied upon so as to enable effective rebuttal. Applicant cannot be expected to meaningfully respond to a show cause notice when assessment regarding severity of impact, risk categorisation, and quantum of compensation. The absence of the DSR strikes at the root of the principle of *audi alteram partem* and renders the show cause proceedings procedurally defective and legally unsustainable.

**B. Without prejudice, the SCN, while computing the EC, arbitrarily assigns the highest risk factor without any severity assessment or reasons.**

B.1 The SCN, for the purpose of computing EC, has classified the alleged offence of illegal extraction of morrum as having a “severe” environmental impact, thereby assigning the highest Risk Factor of 1.0 along with the lowest Discount Rate of 5% under the CPCB framework.

B.2 It is submitted that such computation has been undertaken in a mechanical manner by assigning the maximum Risk Factor of 1.0 corresponding to “severe” environmental impact under Approach–2 of the CPCB framework. However, Approach–2 expressly requires that the risk factor be determined on the basis of an independent, reasoned assessment of the severity of environmental impact. The CPCB framework recognises graded categories of severity, namely “mild”, “moderate”, “significant”, and “severe”, each mapped to a distinct Risk Factor and Discount Rate.

B.3 In the present case, the SCN does not disclose any assessment, analysis, or reasoning to substantiate the conclusion that the alleged activity resulted in “severe” environmental

impact. The mere absence of prior environmental clearance or forest clearance cannot, *ipso facto*, determine the degree of ecological damage. The CPCB framework, read with the expert committee deliberations, clearly stipulates that severity must be assessed with reference to (i) the nature, (ii) extent, (iii) duration, and (iv) reversibility of environmental harm. The summary attribution of the highest risk factor without any independent analysis is unreasonable, arbitrary and violative of the principles of natural justice.

B.4 The SEIAA failed to objective behind EC as established through OA 360/2015 by the Hon'ble Principal Bench of the National Green Tribunal, and approved under Approach-2. It is submitted that the Hon'ble Bench noted that assessment for EC in such cases is to account for the actual environmental impact and the damage so caused. Pertinently, the Hon'ble Bench further noted that h compensation assessment for damage to the environment is a dynamic concept, depending on variables. Furthermore, the utilization of such EC levied under Approach-2 is for restoration of environment by preparing an appropriate action plan under the directions of the Environment Secretary. This is in line with the recommendations of the expert committee which formulated Approach-2, as noted under paragraph 12 of the report – “...*The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period of time and rarely is it feasible to achieve 100% restoration...*” Thus, assigning the highest risk factor for simpliciter lack of environmental clearance is in stark non-compliance with the assessment methodology under Approach-2 and completely defeats the objective of such levy of EC.

B.5 It is pertinent to note that a finding of “severe” impact is reserved for cases involving extensive, irreparable, and irreversible damage resulting in permanent destruction of ecosystems, environmental morphology, or ecological diversity such as disruption of bio-diversity, destruction of riverine vegetation or ecology, disruption in salinity of rivers or soil,

irreversible and accelerated erosion, or change in the river etc. The documents on record in the present case do not disclose any such impact at the alleged site. Accordingly, the attribution of the highest risk factor without any application of mind renders the SCN liable to be quashed and set aside.

**C. Incorrect methodology for determination of market value of morrum.**

C.1 The CPCB framework prescribes that where baseline data for market value is unavailable, the market value of the “nearest” comparable site must be adopted. In the present case, the market value of alleged extracted morrum has already been specifically determined by the Tahasil Office, Jharsuguda, vide order dated 20.08.2022.

A copy of the said Order dated 20.08.2022 issued by Tahasil Office, Jharsuguda is annexed herewith and marked as ANNEXURE-E.

C.2 Accordingly, the computation of EC ought to have been carried out on the basis of the aforesaid market value excluding royalty. Reliance upon an arbitrary rate of INR 62/- per cubic meter, without any cogent basis or nexus to the alleged violation, renders the computation unsustainable and vitiates the SCN.

**D. SEIAA has relied upon a manifestly erroneous computation of the alleged quantity of morrum extracted totalling to 56,100 cum as the Joint Committee report expressly stipulates that excavation has been conducted on a land parcel of 0.63 acres upto a depth of 4meters thus, totalling to 10,200 cum only.**

Apparent contradiction regarding the sites of illegal extraction and consequent discrepancy quantity of morrum extracted

D.1 It is pertinent to note that the demand notice dated 22.08.2022 received from Tahsildar, Jhasurguda notified that the 56,100 cum of morrum was extracted from five (5) plots, as extracted below –

Whereas, it has come to the notice of the undersigned that, you have extracted 50100 cum soil (common earth) from following schedule of land without prior permission of the Competent Authority.

**LAND SCHEDULE**

Mouza	Khata No.	Plot No.	Area	Kisam
Brajrajnagar Town Unit No. 1	616 (Rakhit)	85	0.257	Gochar
		126	1.287	Gochar
		2018/5228	0.828	Bada Jungle
	618 (Anabadi)	2017	0.630	Patit
		81	0.472	Nala

D.2 However, upon site inspection pursuant to Order dated 05.02.2024 of this Hon'ble Tribunal in the captioned OA, the Joint Committee conducted a field inspection on 01.03.2024 and reported that excavation has only been only on one site i.e. Plot No. 2017 of Khata No. 618. Furthermore, it was further observed that excavation on the said plot was to an approximate depth of 4 meters.

Copy of Counter Affidavit filed by Respondent No. 7 containing Joint Committee Report dated 02.03.2024 is annexed and marked as ANNEXURE-F.

D.3 The findings are recorded in Order dated 09.01.2025 and extracted below:

Mouza	Khata No	Plot No	Area	Kisam	Status
Brajrajnagar Town Unit No.1	616 (Rakhit)	85	0.257	Gochar	No excavation activity found
		126	1.287	Gochar	No excavation activity found
		2018/5229 (2018/5228 does not exist)	0.828	Bada Jungle	No excavation activity found (However, a road is found passing through the plot)
	618 (Anabadi)	2017	0.630	Patit	Excavation activity observed
		81	0.472	Nala	No excavation activity found

- D.4 Considering that the total area of the said plot is only 0.63 acres i.e. 2550 square meters. Even assuming, *arguendo*, that the entire area was excavated uniformly to a depth of 4 meters, the maximum volume of morrum that could have been excavated would be approximately 10,200 cubic meters.
- D.5 However, the Joint Committee report proceeds to conclude that a total of 56,100 cum of morrum has been extracted from the one plot instead of the five as alleged in the demand notice dated 22.08.2022 issued by Tahsildar, Jhasurguda. The same presents a blatant inconsistency and error apparent on the face of the findings as the quantity of morrum that can be excavated from five (5) plots have been concluded to have been excavated from one (1) plot – which is determinably impossible, as highlighted above.

Non-application of mind by SEIAA by not determining the correct quantity of alleged illegal extraction of morrum based on information available on record.

- D.6 It is further pertinent to note that morrum or common earth is ordinarily available only up to a depth of approximately 2 meters from the surface. Accordingly, extraction of 56,100 cubic meters from an area of 2550 square meters is wholly impossible. The foundational basis of the quantity adopted for computation of EC is therefore fundamentally flawed and renders the SCN unsustainable.
- D.7 In light of the above a fair and reasonable computation of EC, assuming without admitting any liability, would require application of a risk factor of 0.25 along with a discount rate of 8%, using an appropriate market value per cubic meter and a maximum quantity of 10,200 cubic meters.
- E. It is pertinent to note that the objective behind levy of a ‘Royalty’ is recovery of the losses on account of misuse and misappropriation of public resources. The royalty levied in cases of illegal mining serves as a legal, financial mechanism to compensate the state for the unauthorized extraction of non-renewable resources, with the primary objectives of

detering future illicit activity, recovering economic losses. It is pertinent to note that pursuant to the Demand Notice dated 22.08.2022 issued by Tahsildar Jhasurguda, the Applicant has already paid the royalty amount corresponding to the alleged illegal mining. Thus, no component of 'Royalty' can be included in the computation of 'Market Value' and consequently 'Net Present Value', as erroneously included by SEIAA. Thus, the computation of EC by SEIAA is liable to be quashed on this ground alone.

**F. Without Prejudice, where severity of environmental impact cannot be determined, the CPCB framework mandates application of the average risk factor.**

F.1 Without prejudice to the foregoing submissions, the Applicant submits that even under the CPCB framework itself, where the severity of environmental impact has not been independently assessed or cannot be reliably determined, the prescribed course is to adopt an average risk factor of 0.50 along with a discount rate of 6.5%. This safeguard exists to prevent arbitrary or inflated compensation in the absence of adequate data or assessment.

F.2 In the present case, since no reasoned severity evaluation has been undertaken and no DSR or impact assessment has been disclosed, assignment of the maximum risk factor is impermissible. At the very least, the average risk factor must be applied. Any levy beyond this would be contrary to the CPCB framework and violative of the principles of fairness and proportionality, rendering the SCN liable to be quashed.

**G. Environmental Compensation is remedial and restorative, not punitive.**

The SEIAA failed to objective behind EC as established through OA 360/2015 by the Hon'ble Principal Bench of the National Green Tribunal and approved under Approach-2. It is submitted that the Hon'ble Bench noted that assessment for EC in such cases is to account for the actual environmental impact and the damage so caused. Pertinently, the Hon'ble Bench further noted that h compensation assessment for damage to the environment is a dynamic concept, depending on variables. Furthermore, the utilization of such EC levied

under Approach-2 is for restoration of environment by preparing an appropriate action plan under the directions of the Environment Secretary. This is in line with the recommendations of the expert committee which formulated Approach-2, as noted under paragraph 12 of the report – “...*The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period of time and rarely is it feasible to achieve 100% restoration...*” Thus, assigning the highest risk factor for simpliciter lack of environmental clearance is in stark non-compliance with the assessment methodology under Approach-2 and completely defeats the objective of such levy of EC

- H. The tender for construction of the coal transportation road at Samaleswari OCP under IB Valley Area was awarded solely to M/s VKJ-AKM (JV) by Mahanadi Coalfields Limited. The Applicant, M/s Aaditya Construction, was not the project proponent but only provided limited assistance in execution of certain construction works due to the contractor’s lack of skilled manpower. This involvement was strictly under a commercial arrangement for a fixed consideration and did not extend to control, supervision, or responsibility for sourcing or extraction of construction materials.
- I. It is further submitted that as per the tender terms and prevailing practices, morrum required for road construction was supplied by Mahanadi Coalfields Limited from earth excavated during routine mining operations, without additional cost to the contractor. The construction was completed using morrum from adjacent mines, and no mining activity was carried out on the project site by the Applicant. Therefore, no illegal mining can be attributed to M/s Aaditya Construction, and any environmental compensation, even if assumed, could only be imposed on the project proponent, not on an unrelated third party

- J. It is well settled in Indian environmental jurisprudence EC is remedial and restitutive in nature, intended to restore the environment and mitigate harm, and not to operate as a punitive exaction. In *Delhi Pollution Control Committee v. Lodhi Property Co. Ltd. Etc.* (2025 SCC OnLine SC 1601), the Hon'ble Supreme Court reiterated that EC must bear a rational nexus to actual environmental harm. The approach adopted in the present SCN, by mechanically invoking the highest risk factor without assessment, impermissibly converts a compensatory mechanism into a punitive sanction.
- K. It is further submitted that there is no legislative basis for the levy of EC basis Approach-2 only on account of non-compliance with environmental clearance when no actual damage to the environment has been established. Pertinently, computation and levy of EC by SEIAA is entirely beyond the mandate prescribed for SEIAA and as such computation and levy of EC are illegal, without legislative basis and thus liable to be quashed.
9. That this application is made bona fide and in the interest of justice, and if the prayer of the Applicant is not allowed it shall suffer irreparable loss, prejudice and injuries.
10. The Applicant humbly submits that the balance of convenience is entirely in favour of the Applicant in getting the order as prayed herein below. A grave and serious prejudice will be caused to the applicant if the present application is not allowed in favour of the Applicant.

#### **PRAYER**

In view of the foregoing submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Set aside the Show Cause Notice proposing levy of Environmental Compensation of ₹1,15,80,585.73/-;

- b) Direct that no Environment Compensation is leviable against the Applicant
- c) Alternative to Prayer b), direct an independent analysis of alleged excavation of morrum, consequent environment impact and computation of a proportionate environment compensation basis the same;
- d) Direct to supply all relied-upon documents, including the District Survey Report, undertaking a reasoned severity assessment, and applying the appropriate risk factor and discount rate in accordance with the CPCB framework; and
- e) Pass such other or further orders as this Hon'ble Authority may deem fit and proper in the interests of justice, equity

And your Applicant, as in duty bound, shall ever pray.

FILED BY



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Date: **02.02.2026**

VERIFICATION

I, Arun Verma, s/o Suresh Kumar Verma, aged about 47 years, partner at M/s Aaditya Construction, having office at 56, Indira Transport Nagar, Korba, Chhattisgarh, 495677 do hereby verify that the contents of paragraphs 1 to 10 of instant application are true and correct to the best of my knowledge and belief, based on records maintained by the Applicant in the usual course of business. Furthermore, Grounds A to K are humble legal submissions before this Hon'ble Tribunal. No part of it is false and nothing material has been concealed therefrom.

Verified at Delhi on this \_\_\_ day of February 2026.

02 FEB 2026

Aaditya Construction

*Arun Verma*  
Partner

DEPONENT

ATTESTED

*Santosh Kumar Modi*  
SANTOSH KUMAR MODI  
NOTARY PUBLIC, KORBA (C.G.)  
REGN. No. - 17684

Duly Verified by Me

*Rajnar*  
Advocate

D/5779/2019

ATTESTED



*Santosh Kumar Modi*  
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REGN. No. - 17684

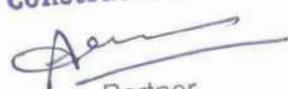
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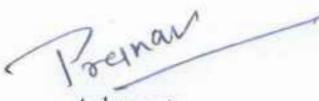
Date: 02.02.2026

AFFIDAVIT

I, Arun Verma s/o Suresh Kumar Verma aged about 47 years of age, having office at 56, Indira Transport Nagar, Korba, Chhattisgarh, 495677 do hereby solemnly affirm and declare as under:

1. That I am duly authorized to sign and verify the accompanying application on behalf of the Applicant. I am well conversant with the facts of the case based on the information derived from the official records maintained by the Applicant in the usual course of business and hence, I am competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying application which has been filed on my instructions, and nothing has been concealed therefrom.
3. I say and submit that the facts stated therein are true and correct to the best of my knowledge and belief based on the records of the case maintained by the Applicant in the usual course of business.
4. The statements made in paragraphs 1 to 10 are true to my knowledge and rest are my humble submissions before this Hon'ble Tribunal.

**Aaditya Construction**  
  
 Partner  
 DEPONENT

Prepared in my office  
  
 Advocate

Identified by me  
  
 Advocate

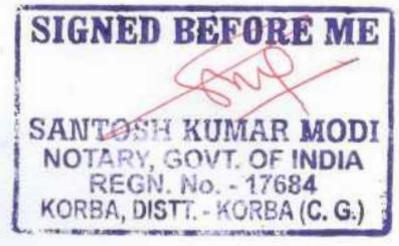
Enrolment No. D/5779/2019

Solemnly affirmed before me

This the 02 day of February 2026

**ATTESTED**

  
**SANTOSH KUMAR MODI**  
 NOTARY PUBLIC, KORBA (C.G.)  
 REGN. No. - 17684



02 FEB 2026

Item No.07

Court No.1

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

Original Application No.26/2024/EZ

Jitendra Kumar Pradhan

Applicant(s)

Versus

State of Odisha &amp; Ors.

Respondent(s)

Date of hearing: 09.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Adv. a/w  
Mr. Ashutosh Padhy, Adv. (in Virtual Mode)

For Respondent(s): Mr. Sarbeswar Behera, AGA for R-1,2,5,6,7,9&10,  
State Respondents (in Virtual Mode),  
Mr. Dipanjan Ghosh, Advocate for R-3,  
Ms. Rashmi Singhee, Adv. for R-4 (in Virtual Mode),  
Mr. Lalit Kumar Maharana, Adv. a/w  
Ms. Ruparekha Jena, Adv. for R-11 (in Virtual Mode)

**ORDER**

1. Mr. Sankar Prasad Pani, learned Counsel assisted by Mr. Ashutosh Padhy, learned Counsel is present (in Virtual Mode) for the Applicant.
2. Affidavit dated 29.08.2024 has been filed by the Respondent No.11, Aditya Construction, Private Respondent; the same is taken on record.
3. Affidavit dated 13.12.2024 has been filed by the Respondent Nos.2 and 6, District Collector, Jharsuguda and Tahasildar, Jharsuguda respectively; the same is taken on record.

4. Affidavit dated 18.12.2024 has been filed by the Respondent No.5, Sub-Divisional Police Officer, Brajrajnagar, Dist.-Jharsuguda; the same is taken on record.
5. Mr. Sarbeswar Behera, learned Additional Government Advocate is present (in Virtual Mode) on behalf of the State Respondents, Government of Odisha.

***(Final order of this case will be uploaded in NGT website by separate sheets of paper).***

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

January 09, 2025,  
Original Application No.26/2024/EZ  
OM

NGT

Item No.07

Court No.1

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

Original Application No.26/2024/EZ

**IN THE MATTER OF:**

**Jitendra Kumar Pradhan,**  
S/o Ram Chandra Pradhan,  
Aged about 36 years,  
R/o- R Katapali, P.O.- R Kudopali,  
P.S.- Brajarajnagar,  
Dist.-Jharsuguda.

.....Applicant(s)

Versus

- 1. State of Odisha,**  
Through Chief Secretary,  
Government of Odisha,  
Lokaseba Bhawan,  
P.O.-Bhubaneswar,  
Dist.-Khurdha,  
PIN-751002,
- 2. District Collector, Jharsuguda,**  
Office of the District Magistrate and Collector,  
Jharsuguda, Odisha  
PIN-768204,
- 3. Member Secretary,**  
Odisha State Pollution Control Board,  
A/118, Unit-VII, Nilakantha Nagar,  
Bhubaneswar – 751012,
- 4. Member Secretary,**  
State Environment Impact Assessment Authority (SEIAA),  
5RF-2/1, Acharya Vihar, Unit - IX,  
Bhubaneswar, Odisha,  
PIN-751022,
- 5. Superintendent of Police, Jharsuguda,**  
Office of the District Police Office,  
P.O.-Jharsuguda, Dist.-Jharsuguda,  
PIN-768204,
- 6. Tahasildar, Jharsuguda,**  
P.O.-Jharsuguda,  
Dist.-Jharsuguda, Odisha,  
PIN-768204,

**7. Divisional Forest Officer-Jharsuguda,**

Office of the Divisional Forest Officer,  
P.O.-Badmal, KM Road, Jharsuguda,  
PIN-768202,

**8. Deputy Director General of Forests (C),**

Ministry of Environment, Forest and Climate Change,  
Integrated Regional Office, A/3, Chandrasekharpur,  
Bhubaneswaar – 751023,

...(Deleted vide order dated 19.03.2024)

**9. Principal Secretary, Revenue and Disaster Management,**

Government of Odisha,  
Lokaseva Bhawan, Bhubaneswar,  
PIN-751001,

**10. Director of Mines and Geology,**

Bhubigyan Bhawan, Bhubaneswar, Khordha,  
PIN-751001

**11. Aditya Construction,**

Represented by Managing Director,  
Plot No. 496/3799, Unit No. 2, Hariom Bihar,  
Ward no. 17, Brajrajnagar,  
Jharsuguda, Odisha,  
PIN-768126,

.....Respondent(s)

Date of hearing: 09.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Adv. a/w  
Mr. Ashutosh Padhy, Adv. (in Virtual Mode)

For Respondent(s) : Mr. Sarbeswar Behera, AGA for R-1,2,5,6,7,9&10,  
State Respondents (in Virtual Mode),  
Mr. Dipanjan Ghosh, Advocate for R-3,  
Ms. Rashmi Singhee, Adv. for R-4 (in Virtual Mode),  
Mr. Lalit Kumar Maharana, Advocate a/w  
Ms. Ruparekha Jena, Adv. for R-11, (in Virtual Mode)

**ORDER**

1. This Original Application has been filed by the Applicant, alleging that the Respondent No.11, Aditya Construction, is an infrastructure company engaged in various construction works and is extracting earth/morrum from various places in Jharsuguda

District including Khata No.616, Plot Nos.85, 126, 2018/5228 and Khata No.618, Plot No.2017, 81. It is stated that the Respondent No.11 has illegally lifted/extracted about 56,100 cum of morrum in Jharsuguda District. It is further stated that illegal morrum mining is being carried on in Revenue Forest land for which trees have been felled by the said Respondent.

6. The allegation further is that a newspaper article was published in the local Odia newspaper 'Prameya' on 31.10.2022, 01.11.2023 and 03.11.2022, about the illegal mining.

7. At the time of admission, the Tribunal constituted a Fact Finding Committee comprising of the following Members:-

- (i) Senior Scientist, Odisha State Pollution Control Board,
- (ii) Divisional Forest Officer, Jharsuguda, or his senior representative,
- (iii) Director of Mines and Geology, Bhubaneswar, Khurdha, or his senior representative, and
- (iv) District Collector, Jharsuguda, or his representative not below the rank of Additional District Magistrate,

8. The Committee was directed to inspect the site in question and submit its Report with regard to the allegations made in the Original Application.

9. Affidavit dated 19.03.2024 has been filed by Tahasildar, Jharsuguda, on behalf of the Respondent Nos.2&6, stating therein that the Contractor, Respondent No.11, has extracted morrum unauthorizedly from the land schedule given in para 3 of the affidavit which reads as under:-

<b>Mouza</b>	<b>Khata No.</b>	<b>Plot No.</b>	<b>Kisam</b>	<b>Area</b>	<b>Morrum excavated</b>
		85	Gochar	Ac. 0.257	

<i>Brajrajnagar TU No.1</i>					56000 Cum.
	616	126	<i>Gochar</i>	Ac. 1.287	
		2018/ 5229	<i>Bad Jungle</i>	Ac. 0.828	
	618	2017	<i>Patita</i>	Ac. .0630	
		81	<i>Nala</i>	Ac. 0.472	

10. In the affidavit, it is further stated that one Miscellaneous Sairat Case No.37/2022-23 has also been instituted and royalty/penalty has been imposed against the Respondent No.11 for unauthorized excavation of morrum. It is stated that a demand notice has also been issued by the office of the Respondent No.6 vide letters dated 20.08.2022 and 02.11.2022.

11. It is further stated that the Respondent No.11 has paid royalty, penalty and interest which is outlined in a chart given in para 5 of the affidavit, which reads as under:-

**Assessment made.**

<b>Item</b>	<b>Assessment</b>
<i>Royalty</i>	Rs.22,44,000.00
<i>Penalty</i>	Rs.5,00,000.00
<i>Interest</i>	Rs.78,000.00
<b>G. Total:-</b>	Rs.27,44,000.00

**Payment made.**

<b>Item</b>	<b>Amount paid</b>	<b>MR Number and date.</b>
<i>Royalty, Penalty &amp; Interest</i>	Rs.13,78,000.00	MR No.104349 dt. 16.03.2023 and MR No.104559 dt. 18.10.2023
<i>Balance</i>	Rs.14,44,000.00	

12. The Divisional Forest Officer, Jharsuguda, Respondent No.7, in its has affidavit dated 14.03.2024 has referred to the Joint Enquiry

Report of the Fact Finding Committee and it is stated that no excavation activities were observed over Plot No.85 and Plot No.126 of Khata No.616 (Rakhit) which were found to be vacant and barren whereas Plot No.2018/5228 is not found in Khata No.616 (Rakhit), however, a road is found passing through the Plot No.2018/5229 (Bad Jungle-not enlisted) of Khata No.616 (Rakhit) having tree growth which is adjacent to Plot No.2017 (Kissam-Patita) of Khata No.618 (Anabadi) of the alleged site. It is also stated that excavation activities were observed over an area of 0.91 hectares measuring about 4 meter depth having 56,100 cum of morrum in Plot No.2017 of Khata No.618 (Anabadi) whereas no excavation of earth/morrum was noticed over Plot No.81 of Khata No.618 (Anabadi).

13. Along with the affidavit of the Divisional Forest Officer, Jharsuguda, Joint Committee Enquiry Report has been filed as Annexure-A/7, which reads as under:-

***“Joint Committee enquiry report with regards to the direction of Hon’ble NGT order dated:-05.02.2024 in OA No.26/2024/EZ-Jitendra Kumar Pradhan Vs State of Odisha & Ors.*”**

---

*As per the direction of the Hon’ble NGT order dated 05.02.2024 in OA No.26/2024/EZ-Jitendra Kumar Pradhan Vs. State of Odisha & Ors. A committee has been constituted comprising of District Collector, Jharsuguda, or his representative of not below the rank of Addl. District Magistrate, Senior Scientist, SPCB, Odisha, Director of Mines and Geology, Bhubaneswar, Khurda, or his senior representative and Divisional Forest Officer, Jharsuguda or his senior representative. They were directed to inspect the site in question and submit its report with regards to allegations made.*

*In this regard, a field enquiry was conducted on 01.03.2024 in and around the alleged site. The following members of Joint Committee were present during the field visit:-*

1. Sri Brajabandhu Bhoi, O.A.S. (SAG), Additional District Magistrate (Gen), Jharsuguda,
2. Smt. A. Ekka, Deputy Environment Scientist, SPCB, Odisha, Jharsuguda,
3. Sri Balaji Dungdung, Assistant Conservator of Forests (ACF), Jharsuguda,

In addition to the above committee members, the following representatives and villagers were also present during the site visit:-

1. Sri Kaushik Meher, Addl. Tahasildar, Jharsuguda,
2. Smt. Rishna Jamdaila, Forest Ranger (Brajrajnagar Range)
3. Sri Prasanta Bag, Forester Rajpur,
4. Smt. Haripriya Bhoi, Forester Ib valley,
5. Smt. Reema Patel, Forest Guard,
6. Sri Khageswar Patel, R.I. Brajrajnagar,
7. Sri Prakash Kumar Naik, Amin

**Observations:-**

- The alleged sites as mentioned in the petition was visited by the Committee. No mining activity/excavation work was in progress at allegation site during the joint visit. However, excavation morrum had been done at only one plot. The status of the sites are as follows:-

<b>Mouza</b>	<b>Khata No</b>	<b>Plot No</b>	<b>Area</b>	<b>Kisam</b>	<b>Status</b>
Brajrajnagar Town Unit No.1	616 (Rakhit)	85	0.257	Gochar	No excavation activity found
		126	1.287	Gochar	No excavation activity found
		2018/5229 (2018/5228 does not exist)	0.828	Bada Jungle	No excavation activity found (However, a road is found passing through the plot)
	618 (Anabadi)	2017	0.630	Patit	Excavation activity observed
		81	0.472	Nala	No excavation activity found

- *The lands of plot no.85 and 126 were found to be vacant and barren whereas plot no.2018/5228 is not found in Khata No.616 (Rakhit) but in plot no.2018/5229 (Bada Jungle) of Khata No.616 (Rakhit) some Chakunda trees growth were found which was adjacent to plot no.2017 (patit kisam) of khata no.618 (Anabadi). There was very narrow flow of water at plot no.81.*
- *However, excavation of morrum was found at plot no.2017 of Khata no.618 (Anabadi) over an area of 0.91 ha, about 4 mtr depth and 56100 cum of morrum has been extracted. The RI report and drone survey report is attached for necessary reference.*
- *For excavation of Morrum, the project proponent has not obtained Environment Clearance from SEIAA, Bhubaneswar, and valid Consent to Establish and Consent to Operate from SPCB, Odisha.*

**Recommendation:-**

- *M/s Aditya Construction may be directed to develop plantation on the above plots for damaging the natural vegetation without the permission of the competent authority.*
  - *It may be directed to obtain required permissions from the concerned authority for excavation of soil and morrum.”*
14. The Superintendent of Police, Jharsuguda, Respondent No.5, has filed affidavit dated 15.03.2024 stating that no written complaint has been received either from the Government Administration or from any other private agency and hence no case has been instituted in this regard.
15. The State Environment Impact Assessment Authority (SEIAA), Odisha, Respondent No.4, in its affidavit dated 16.03.2024 has categorically stated that it has not issued any Environmental Clearance in favour of Aaditya Construction, Respondent No.11 herein, for extraction of earth/morrum from any place in

Jharsuguda or any other District of Odisha. It is stated that Environmental Clearance is mandatory for mining of minor mineral like – morrum and earth material, sand, stone etc. as per EIA Notification, 2006, as amended from time to time.

16. The Tahasildar, Jharsuduga, has filed further affidavit dated 13.12.2024 on behalf of the Respondent Nos.2&6, stating therein that the Respondent No.11, Contractor, was issued request letter dated 30.08.2024 followed by reminder dated 19.11.2024 to comply with the recommendations made by the Joint Committee to develop plantation on the alleged site and to restore the damaged environment, but till date nothing has been done by the Respondent No.11.
17. The Sub-Divisional Police Officer, Brajrajnagar, Jharsuguda, Respondent No.5, in its affidavit dated 18.12.2024 has categorically stated that illegal mining is ongoing by cutting big trees from Revenue Forest land but no action has been taken by the District Administration or the Divisional Forest Officer, Jharsuguda, despite repeated complaints against the mining by the Respondent No.11. It is stated that all that has been done is that the Tahasildar has collected royalty and penalty but no deterrent action like – criminal prosecution, has been taken to prevent further illegal mining. It is further stated that since no report has been received from any of the Government officials or any local inhabitants, no case has been registered in Brajrajnagar Police Station regarding illegal lifting of Moorum/Murum (weathered laterite), Stone, Sand and Soil (Minor Minerals).
18. The Respondent No.11, Aditya Construction, has filed affidavit dated 29.08.2024, denying the allegations made in the Original

Application, also denying that it has illegally lifted or extracted around 56,100 cum of morrum. However, it is stated that the said Respondent has deposited royalty along with penalty before the authority in terms of Section 51 of the Odisha Minor Mineral Concession Rules, 2016.

19. However, in para 19 of the affidavit, there is a categorical averment and admission of the Respondent No.11 that during excavation inadvertently excess earth was excavated for which the Private Respondent had already paid royalty as well as penalty as per the OMMC Rules. Para 19 of the affidavit read as under:-

*“19. That the deponent further humbly submitted that the private respondent i.e. Aditya Construction has not violated any Govt. Guidelines or rules as alleged by the applicant. During excavation work, inadvertently excess earth was excavated for which, the private respondent had already paid royalty as well as penalty as per the OMMC Rules.”*

20. We have heard the learned Counsel for the parties and have perused the documents on record.
21. The allegation of the Applicant is that the Respondent No.11 is extracting earth/morrum from various places, already mentioned hereinabove, and has illegally lifted/extracted 56,100 cum of morrum in Jharsuguda District. The Tahasildar, Jharsuguda, has also confirmed that the Respondent No.11 has illegally excavated morrum and Miscellaneous Sairat Case No.37/2022-23 has also been instituted against him and royalty/penalty has been imposed; the details of the land from which excavation has been made has been disclosed in the affidavit of the Tahasildar. It is also stated that royalty, penalty and interest has been assessed at total Rs.27,44,000/- (Rupees Twenty Seven Lakhs Forty Four Thousand

only), out of which the Respondent No.11 has paid Rs.13,78,000/- (Rupees Thirteen Lakhs Seventy Eight Thousand only) and the remaining balance amount is Rs.14,44,000/- (Rupees Fourteen Lakhs Forty Four Thousand only).

22. The Respondent No.11 in his affidavit has admitted that during excavation inadvertently excess earth was excavated for which he has already paid royalty as well as penalty as per the OMMC Rules, 2016.
23. However, in our opinion, mere payment of royalty and penalty for earth/morrum illegally excavated does not absolve the Respondent No.11 from compensating the damage caused to the environment and the Respondent No.11 has nowhere in his affidavit stated that he was in possession of valid Environmental Clearance issued by the SEIAA, Odisha. In fact, the categorical stand of the SEIAA, Odisha, in its affidavit is that no Environmental Clearance was issued to the Respondent No.11 for the site in question or any other place in District-Jharsuguda or any other district in Odisha. This confirms that the excavation carried out by the Respondent No.11 is absolutely illegal and in violation of environmental norms and the EIA Notification, 2006, and, therefore, the Respondent No.11 is liable for payment of environmental compensation to be computed by the SEIAA, Odisha.
24. The categorical stand of the Superintendent of Police, Jharsuguda, as well as the Sub-Divisional Police Officer, Brajrajnagar, Jharsuguda, is that no complaint has been filed either by the Government officials or by any private individual, therefore, no criminal case could be instituted against the Respondent No.11. This only shows the apathy on the part of the Government officials

to look the other way when a party is acting in brazen violation of environmental laws and EIA Notification, 2006. The conduct of the State Administration cannot be condoned in not taking appropriate action against the Respondent No.11 for violation of environmental norms.

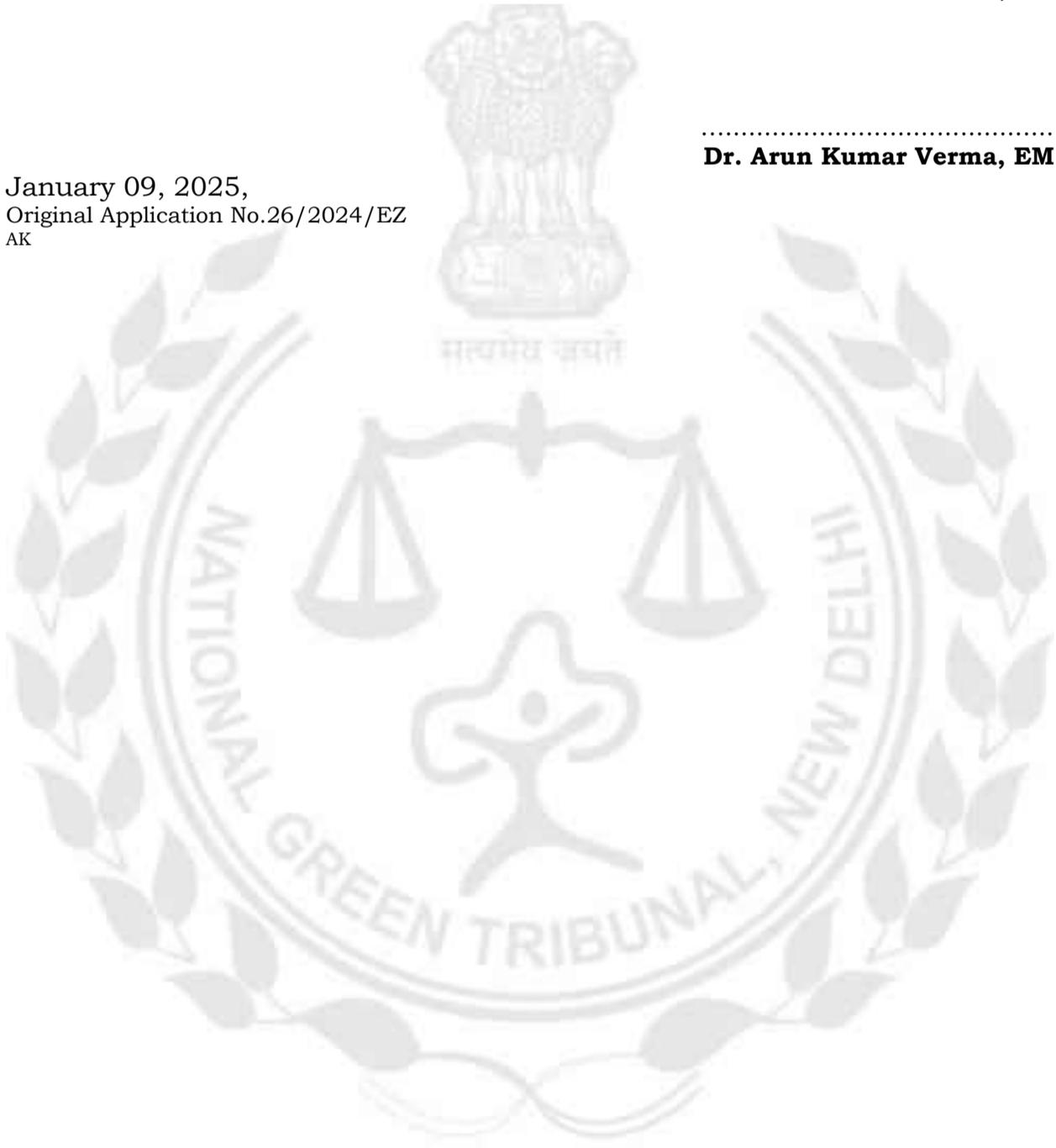
25. We, therefore, dispose of the present Original Application with a direction to the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months.
26. We also direct the Divisional Forest Officer, Jharsuguda, Respondent No.7, to initiate proceedings against the Respondent No.7, Aditya Construction, for violation of environmental norms as per law.
27. We also direct the Tahasildar, Jharsuguda, Respondent No.6, to take steps for recovery of balance amount of Rs.14,44,000/- (Rupees Fourteen Lakhs Forty Four Thousand only), which, according to him, has not been paid by the Respondent No.11 towards royalty/penalty, remains in balance to be paid by the said Respondent.
28. The SEIAA, Odisha, Respondent No.4, Divisional Forest Officer, Jharsuguda, Respondent No.7, and the Tahasildar, Jharsuguda, Respondent No.6, shall file their Action Taken Report/affidavit of compliance within two months i.e., by **01.04.2025**, with the Ld. Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata.
29. I.As., if any, stand disposed of accordingly.

30. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

January 09, 2025,  
Original Application No.26/2024/EZ  
AK

.....  
**Dr. Arun Kumar Verma, EM**



**NGT**

# ANNEXURE - B

33 120



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**  
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:  
seiaaodisha@gmail.com  
(A statutory body constituted by Ministry of Environment, Forest & Climate Change  
under Environment (Protection) Act, 1986)

Letter No. 6892/SEIAA

Dated 02.12.2025

To

M/s. Aditya Construction  
Represented by Managing Director  
Plot No.496/3799, Unit No.02, Hariom Bihar,  
Ward No.17, Brajrajnagar, Jharsuguda  
Pin No.768126, Odisha

## **DIRECTIONS FOR SUBMISSION OF ENVIRONMENTAL COMPENSATION IN PURSUANCE TO ORDER DATED 09.01.2025 OF HON'BLE NGT, EZ, KOLKATA - SHOW CAUSE NOTICE THEREOF**

Ref: Hon'ble NGT order dt. 09.01.2025 in O.A. No.26/2024/EZ and M.A. No. 26/2025/EZ  
in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors.

Sir/Madam,

With reference to the above cited subject, I am to inform you that in pursuance to order dated 09.01.2025 in O.A. No.26/2024/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors, the Hon'ble court has directed as follows: *"The SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"*. Accordingly, the environmental compensation amount of **Rs.1,15,80,585.73/-** has been calculated based on the Approach-2 formula of Central Pollution Control Board (CPCB). The Respondent No. 11, M/s. Aditya Construction has extracted 56,100 cum of Morrum material in Jharsuguda District which is reflected in the Joint Inspection report dated 01.03.2024 and as mentioned in the final order dated 09.01.2025 of Hon'ble NGT.

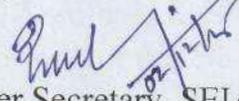
  
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NOW THEREFORE, in view of the above observation and as per the direction of Hon'ble NGT order dated 09.01.2025 to SEIAAA, Odisha, the Project Proponent/Respondent No.11, M/s. Aditya Construction is directed to reply to this Show Cause Notice of SEIAA, Odisha by letter/email or to appear/present in person or through authorized person in SEIAA, Odisha office chamber **within 15 days from the date of receipt of this show cause notice**, why the environmental compensation amounting of **Rs.1,15,80,585.73/-** shall not collected for extraction of Morrum Material unauthorizdedly and as per direction of Hon'ble NGT.

In the event of failure to comply with the above directions within the stipulated time frame, action as deemed appropriate shall be initiated against the Project Proponent in accordance with the provisions of the law.

Encl: As above

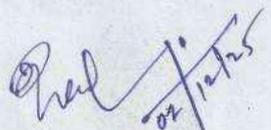
By order and Authority of SEIAA, Odisha

  
Member Secretary, SEIAA

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Jharsuguda, Sub-Collector, Jharsuguda, DFO, Jharsuguda, DDM, Sambalpur Circle, RO, SPCB, Jharsuguda, Tahasildar, Jharsuguda /Mining Officer, Jharsuguda for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

  
**TRUE COPY**

  
Member Secretary, SEIAA

**Report on Environmental Compensation against M/s. Aditya Construction based on the order dt. 09.01.2025 of Hon'ble NGT in O.A. No.26/2024/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors.**

---

**1.0 Background:**

As per the direction of Hon'ble NGT in order dated 09.01.2025 in the on O.A. No. 26 of 2024 (EZ) in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors., it was directed in Para-25 of the final order dated 09.01.2025 that *"the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"* accordingly, the environmental compensations has been calculated.

The Hon'ble Supreme Court of India in the case matter of *Deepak Kumar v. State of Haryana* (2012) has given direction that Environmental Clearance (EC) is mandatory for all mining of minor minerals, regardless of the lease area and in this case the extraction of Morrur material has been taken place by the M/s. Aditya Construction, the Project Proponent(PP)/Respondent no.11 without obtaining any environmental clearance (EC) that has been confirmed by SEIAA, Odisha in the counter affidavit dated 16.03.2024 submitted to Hon'ble NGT, EZ.

In the para-21 of Hon'ble NGT final order dated 09.01.2025 has mentioned that *"the allegation of the Applicant is that the Respondent No.11 is extracting earth/morrur from various places, already mentioned hereinabove, and has illegally lifted/extracted **56,100 cum** of morrur in Jharsuguda District. The Tahasildar, Jharsuguda, has also confirmed that the Respondent No.11 has illegally excavated morrur and Miscellaneous Sairat Case No.37/2022-23 has also been instituted against him and royalty/penalty has been imposed; the details of the land from which excavation has been made has been disclosed in the affidavit of the Tahasildar. It is also stated that royalty,*

penalty and interest has been assessed at total Rs.27,44,000/- (Rupees Twenty Seven Lakhs Forty Four Thousand only), out of which the Respondent No.11 has paid Rs.13,78,000/- (Rupees Thirteen Lakhs Seventy-Eight Thousand only) and the remaining balance amount is Rs.14,44,000/- (Rupees Fourteen Lakhs Forty-Four Thousand only)".

As per the direction of Hon'ble NGT, Principal Bench, New Delhi in OA No. 360/2015 in the matter of National Green Tribunal Bar Association Vrs Virendra Singh (State of Gujarat), the Central Pollution Control Board (CPCB) has recommended on scale of compensation to deal with cases of illegal sand mining and developed two formula i.e. **Approach-1** : Direct Compensation based on the market value of extraction, adjusted for ecological damages and **Approach-2** : Computing a Simplified Net Present Value (NPV) for ecological damages. The Hon'ble NGT accepted the Approach-2 formula and accordingly environmental compensation has been calculated for most of the NGT cases even in Odisha also. Further, the Revenue and Disaster management Department, Government of Odisha has also adopted the Approach-2 formula of CPCB for calculation of environmental compensation in illegal sand mining cases.

This is totally illegal/unauthorized mining involved different area of Jharsuguda District including forest area. No prior clearance has been taken from appropriate Authorities before mining. No Environmental Clearance (EC) and Forest Clearance has been taken by the Project Proponent/Respondent no.11 for mining of Morrum. This is totally illegal and unauthorized mining. It can be treated as sever case and environmental compensation should be imposed on the Risk Level-04 sign factor 01.

During calculation of environmental compensation, it is observed that the Market Value of Morrum material of Jharsuguda District, Odisha is an important factor for calculation of environmental compensation against the excess/illegal mining which is not known and in this regard a letter was issued by SEIAA, Odisha vide letter no. 6750/SEIAA dated 19.09.20225 to

the Deputy Director of Mines, Sambalpur Circle and copy given to the Collector & District Magistrate, Jharsuguda and Mining Officer, Jharsuguda for information and necessary action. The Deputy Director of Mines, Sambalpur Circle has submitted their reply vide letter no. 3458 dt. 17.10.2025 stating that the highest bedding price for Morrum in Jharsuguda District is of **Rs. 62/- per cum of Morrum** (Royalty@35/- + Addl. Charge of Rs.27/-per Cum). Here, in absence of any market value for these cases, the highest bidding amount has taken as a market value and accordingly, environmental compensation has been calculated.

**1. Calculation for environmental compensation of 56100 cum of Morrum material was extracted unauthorized by the project proponent M/s. Aditya Construction based on Hon'ble NGT order dt. 09.01.2025 in O.A. No.26/2024/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors. based on Approach-2 formula prescribed by CPCB:**

Market value of Morrum material is Rs. 62/- per cum as submitted by the Deputy Director of Mines, Sambalpur Circle in their letter vide letter no. 3458 dt. 17.10.2025.

Market value of illegally mined out Morrum material (D) = 56100 Cum × Rs.62/-per cum = Rs.34,78,200/-

Market Value of Illegally mined out material (D)	56100 cum × Rs. 62/- per cum	= Rs.34,78,200/-
Annual value of Foregone Ecological Values (D × RF) i.e. Risk factor taken as 1 for severe case as EC and other permission obtained before mining.	Rs.34,78,200/- × 1	= Rs.34,78,200/-

Discount Rate may be considered as below:

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount	8%	7%	6%	5%

Rate				
------	--	--	--	--

- **Present value of Foregone Ecological values (@ 5% discount rate and over 5 years)**

$$PV = \sum_{t=1}^5 (D*RF)/(1+r)^t$$

$$= \sum 34,78,200/(1+0.05)^1 + 34,78,200/(1+0.05)^2 + 34,78,200/(1+0.05)^3 + 34,78,200/(1+0.05)^4 + 34,78,200/(1+0.05)^5$$

$$= \text{Rs.} 33,12,571.42/- + \text{Rs.} 31,54,829.93/- + \text{Rs.} 30,04,599.93/- + \text{Rs.} 28,61,523.74/- + \text{Rs.} 27,25,260.71/- = \text{Rs.} 1,50,58,785.73/-$$

- Net present value (after netting out market value of illegally/un-authorized mined out material) - i.e., Total Compensation to be levied

$$= NPV = PV - D$$

$$= \text{Rs.} 1,50,58,785.73/- - \text{Rs.} 34,78,200/- = \text{Rs.} 1,15,80,585.73/-$$

Compensation Charge in above case for unauthorized extraction morrum:  
**Rs. 1,15,80,585.73/-**

### Recommendations

In view of the above and as per Hon'ble NGT vide order dated 09.01.2025, the Respondent No. 11. M/s. Aditya Construction, is required to deposit the environmental compensation amounting of **Rs. 1,15,80,585.73/-** for un-authorized extraction of Morrum. The District Administration may recover the same from M/s. Aditya Construction, Project Proponent and deposit it in the account of Govt. of Odisha bearing Account No. 06640110075074, IFSC Code No-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 as per the Notification no. RDM-MMS-POLICY-0008-2021-5157/R & DM dated 17.02.2022 of Revenue and Disaster management Department, Government of Odisha and acknowledged the same to SEIAA, Odisha.

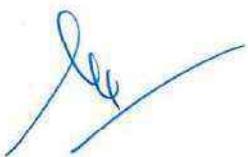
*Handwritten signature and date: 29/11/2025*

Dr. Pradeept Kumar Nayak  
Environmental Scientist, SEIAA, Odisha

Additional Agenda Item No. 13Hon'ble NGT order dated 09.01.2025 in O.A. No.26/2025/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors

1. This is regarding Hon'ble NGT order dated 09.01.2025 in O.A. No.26/2025/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors. It is a matter of illegal/un-authorized extraction of about **56,100 cum** of Morrum from various places in Jharsuguda District, Odisha by M/s. Aditya Construction, Represented by Managing Director, Plot No. 496/3799, Unit No. 02, Hariom Bihar, Ward No. 17, Brajrajnagar, Jhatsuguda, Odisha, Pin-751001. The matter was placed before Hon'ble NGT, EZ and after hearing the matter, Hon'ble NGT disposed of the case on 09.01.2025 with direction to SEIAA, Odisha that ***"the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"***. In this case the SEIAA, Odisha has not issued any environmental clearance in favour M/s. Aditya Construction for extraction of any Morrum material in Jharsuguda District.
2. In compliance to NGT order and as per the CPCB guidelines dated 30.01.2020 based on order dated 05.04.2019 in the matter on OA. No. 360 of 2015 of Hon'ble NGT, Principal Bench, New Delhi and Govt. of Odisha Revenue & Disaster Management Department Notification no. 5157 dated 17.02.2022 regarding fixation of scale of compensation regime towards environmental and ecological damage for illegal/excess mining of sand. As per the above notification and order, the market value of morrum material or any other minor mineral is necessary for calculation of environmental compensation. Accordingly, a letter vide letter no. 6750/SEIAA dated 19.09.20025 was issued to the Deputy Director of Mines, Sambalpur for submission of Market Value of Morrum material in Jharsuguda District. The DDM, Sambalpur vide letter no. 3458 dated 17.10.2025 has intimated to SEIAA, Odisha that no Market value has been finalized for Morrum in Jharsuguda District and also submitted the information on highest bidding price for Morrum in Jharsuguda is of Rs. 62/- (Royalty@ 35/- + Addl. Charge Rs. 27/- per Cum) in Jharsuguda District. In absence of any market value for these cases, the highest bidding amount has taken as a market value and accordingly, environmental compensation has been calculated

3. The environmental compensation amount of **Rs.1,15,80,585.73/-** has been calculated based on the Approach-2 formula of Central Pollution Control Board (CPCB). The Respondent No. 11, M/s. Aditya Construction has extracted 56,100 cum of Morrum material in Jharsuguda District which is reflected in the Joint Inspection report dated 01.03.2024 and as mentioned in the final order dated 09.01.2025 of Hon'ble NGT. The Environmental compensation has been calculated considering the Annual value of Foregone Ecological Values (D × RF) i.e. Risk factor taken as 1 for severe case as no EC and other permission obtained before mining.
4. Show cause Notice letter no.6892/SEIAA dated 02.12.2025 has issued to the Respondent No.11, Aditya Construction directed to reply to this Show Cause Notice of SEIAA, Odisha by letter/email or to appear/present in person or through authorized person in SEIAA, Odisha office chamber within 15 days from the date of receipt of this show cause notice, why the environmental compensation amounting of **Rs.1,15,80,585.73/-** shall not collected for extraction of Morrum Material unauthorizedly and as per direction of Hon'ble NGT. But the Show Cause letter returned to SEIAA, Odisha on 10.12.2025 with reason that not received by the addressee. Further, the same letter was sent again to M/s. Aditya Construction vide speed post no. EO758835674IN dated 10.12.2025 and was received on 13.12.2025 as intimated by M/s. Aditya Construction through letter dated 29.12.2025
5. It is to mention here that the M/s. Aditya Construction asked for submission of response on Show Cause within 15 days from the date of receipt of this Show Cause notice but he did not respond till 29.12.2025 within the stipulated time on 28.12.2025. M/s. Aditya Construction, vide letter dated 29.12.2025 requested SEIAA, Odisha for extension of time of four (04) weeks to reply Show Cause Notice giving reason that due to festivities and year end vacations with limited employees and accordingly require considerable time to collate the relevant data to prepare suitable reply to Show Cause Notice which was not acceptable by Authority SEIAA, Odisha.
6. Further, 2<sup>nd</sup> Show Cause Notice vide letter no.6965/SEIAA dated 31.12.2025 was issued by SEIAA, Odisha to M/s. Aditya Construction for extension of time to reply Show Cause Notice for four weeks is not acceptable and seven days' time was given to submit Show Cause reply i.e. on or before 07.01.2026.



## Minutes of 266<sup>th</sup> Meeting of SEIAA, Odisha held on 09.01.2026

7. On behalf of M/s. Aditya Construction, Sri Pranav Mundra, Advocate for M/s. Aditya Construction has submitted their written reply on Show Cause Notice to SEIAA, Odisha dated 07.01.2026 by present physically in SEIAA, Odisha Office with mentioning the following as follows:
- a. No environmental compensation should be levied inasmuch as M/s Aaditya Construction was neither the project proponent nor engaged in any illegal mining activity thereby excavating 56,100 cubic meters of morrum.
  - b. Assuming without admitting and without prejudice to the above, even if the environmental compensation is to be levied, the same should be levied considering the following:
    - i. The maximum amount of morrum that could have been excavated from the subject site as per the joint committee report is only 10,200 cubic meters. Accordingly, the same should be taken into consideration.
    - ii. The market value of morrum allegedly excavated from the subject site is already determined by the competent authority i.e., Tehsildar, Jharsuguda. The Tehsildar Jharsuguda has determined INR 40 as price of morrum per cubic meter. Accordingly, it is humbly submitted that the market value of murrum per cubic meter should be considered as INR 40 and not INR 62.
    - iii. Additionally, your good self has categorized the alleged violation as a "severe" category violation. Consequently, the corresponding risk factor and discount has been made applicable. It is humbly submitted that as per the CPCB framework, *"In situations where the risk categorization is unavailable or pending calculation, an average risk factor of 0.5 and a discount rate of 6.5% may be considered"*. In the present case, the risk categorization is unavailable and therefore, it is submitted that average risk factor of 0.5 and discount rate of 6.5% may be consider.

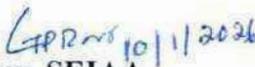
### **Decision of the Authority:**

After careful examination of the written submission made by M/s Aditya Construction on show cause notice dated 02.12.2025 and 31.12.2025 to and as per the letter of the DDM, Sambalpur vide letter no. 3458 dated 17.10.2025 has intimated to SEIAA, Odisha that no Market value has been finalized for Morrum in Jharsuguda District and the information on highest bidding price for Morrum in Jharsuguda district is of Rs. 62/- (Royalty@ 35/- + Addl. Charge Rs. 27/- per Cum). An average risk factor of 0.5 corresponds to severity of moderate and discount rate 7% as per prevailing standard not 6.5%. The authority decided that the submission of Aditya Construction in light of market value of Rs.40/- per cum and the risk factor of 0.5 and discount rate of 7% is not acceptable as M/s. Aditya Construction has extracted Morrum from different place of Jharsuguda District without EC. Hence, the Risk

factor taken as 1 (one) for severe case as no EC and other permission obtained before mining. The compensation on environmental damage has been calculated taking the market value of Rs. 62/- per cum of morrum as per submission of DDM, Sambalpur dated 17.10.2025 and the Rish factor taken as 1 (One) for sever case and accordingly the environmental compensation amounting of **Rs.1,15,80,585.73/-** has been calculated and the same is need to be deposited by M/s. Aditya Construction to Govt. of Odisha bearing Account No. 06640110075074, IFSC Code No-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 as per the Notification no. RDM-MMS-POLICY-0008-2021-5157/R & DM dated 17.02.2022 of Revenue and Disaster management Department, Government of Odisha and acknowledged the same to SEIAA, Odisha.

Signed by

  
Member Secretary, SEIAA

  
Member, SEIAA

  
Chairman, SEIAA

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

Miscellaneous Application No.26/2025/EZ

In

Original Application No. 26/2024/EZ

Jitendra Kumar Pradhan -----Applicants(s)

Versus

State of Odisha & Ors. ----- Respondent(s)

Affidavit on Behalf of the Opposite Party/Respondent No. 04 State  
Environment Impact Assessment Authority (SEIAA), Odisha

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1.	Affidavit on Behalf of State Environment Impact Assessment Authority (SEIAA), Odisha	01-08
2.	Copy of the letter no. 6750/SEIAA dated 19.09.2025 to the Deputy Director of Mines, Sambalpur is attached in <b>Annexure-I.</b>	09-11
3.	Copy of the Show Cause Notice dated 02.12.2025 & 31.12.2025 to M/s Aditya Construction is attached in <b>Annexure-II.</b>	12-20
4.	Copy of the response of Sri Pranav Mundra, Advocate, on behalf of M/s Aditya Construction, dated 07.01.2026 on Show Cause Notice of SEIAA, Odisha is attached in <b>Annexure-III.</b>	21-31
5.	The copy of the proceeding of the SEIAA, Odisha meeting held on 09.01.2026 is attached in <b>Annexure-IV.</b>	32-35
6.	Copy of the letter issued to M/s Aditya Construction on dated 12.01.2026 to deposit environmental compensation is attached in <b>Annexure-V.</b>	36-39

Place: Bhubaneswar  
Date: 12/01/2026

**Shri Apurba Ghosh**  
Advocate for Respondent No.04  
(SEIAA), Odisha  
C/o Partha Sarathi Shamajder  
25/D Baderaipur Road  
P:O Jadavpur, Kolkata -700032  
Email-apu7law@gmail.com  
Phone No.9476239442

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

Miscellaneous Application No.26/2025/EZ  
In  
Original Application No. 26/2024/EZ

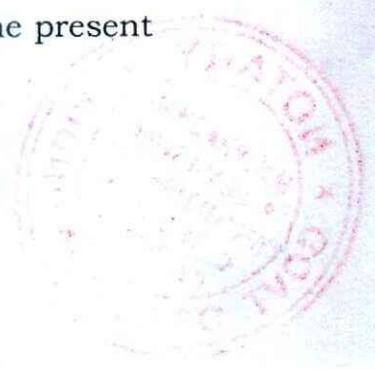
Jitendra Kumar Pradhan -----Applicants(s)  
Versus  
State of Odisha & Ors. ----- Respondent(s)

Affidavit on Behalf of the Opposite Party/Respondent No. 04 State  
Environment Impact Assessment Authority (SEIAA), Odisha

1. Dr. Pradeept Kumar Nayak, son of Bhimasen Nayak aged 43 years, at present working as Environmental Scientist, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.
2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opposite Party No.4 before this Hon'ble National Green Tribunal.
3. That, I have gone through the original application petition and Hon'ble Court order dated 09.01.2025 in OA No.26/2024/EZ and order dated 13.10.2025 in MA No. 26/2025/EZ and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.

*Pradeept Kumar Nayak*  
Environmental Scientist  
SEIAA, Odisha

12 JAN 2026



*[Signature]*  
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4. That, this is a matter on un-authorized extraction of Morrum about 56,100 cum from different place of Jharsuguda District by M/s. Aditya Construction. In this case the SEIAA, Odisha has not issued any environmental clearance (EC) in favour of M/s. Aditya Construction for extraction of Morrum neither from Jharsuguda District nor from any other districts of Odisha and the same has been submitted before Hon'ble NGT vide our Counter Affidavit dated 16.03.2024. The matter was placed before Hon'ble NGT, EZ and after hearing the matter, Hon'ble NGT disposed of the case on 09.01.2025 with direction to SEIAA, Odisha that *"the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"*.
5. That, in pursuance of the order dated 09.01.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 26/2025/EZ, the SEIAA, Odisha has issued a letter vide letter no. 6750/SEIAA dated 19.09.2025 to the Deputy Director of Mines, Sambalpur for submission of market value of morrum material which is mandatory for calculation of environmental compensation. In reply of our letter dated 19.09.2025, the Deputy Director of Mines, Sambalpur Circle, vide letter No. 3458 dated 17.10.2025, intimated that no notified market value of Morrum has been finalised for Jharsuguda District; however, the highest bidding price for Morrum in the district is ₹62/- per cubic metre (Royalty @ ₹35/- plus Additional Charge @ ₹27/- per cubic metre). In the

Pradeep Kumar Nayak

Environmental Scientist  
SEIAA, Odisha



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absence of a notified market rate, the highest bidding price was adopted as the market value for the purpose of calculation of environmental compensation. Accordingly, the environmental compensation amounting of ₹ **1,15,80,585.73/-** has been calculated based on the Approach-2 formula prescribed by the Central Pollution Control Board (CPCB) as per the direction of Hon'ble NGT, Principal Bench, New Delhi in OA No. 360/2015 in the matter of National Green Tribunal Bar Association Vrs Virendra Singh (State of Gujarat). The environmental compensation has been calculated by adopting a market value of ₹62/- per cubic metre of Morrums, as communicated by the Deputy Director of Mines, Sambalpur vide letter dated 17.10.2025, with a risk factor of 1 (one) for a severe category violation as per respondent no. 11 has not obtained any environmental clearance (EC) and other approval from concerned Authorities.

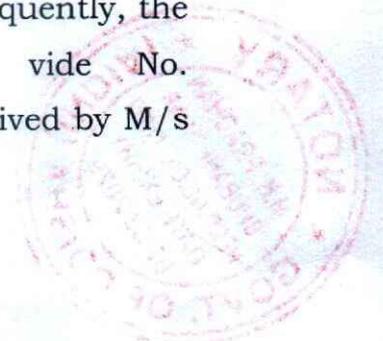
Copy of the letter no. 6750/SEIAA dated 19.09.2025 to the Deputy Director of Mines, Sambalpur is attached in **Annexure-I**.

6. That, a Show Cause Notice was issued to M/s Aditya Construction vide No. 6892/SEIAA dated 02.12.2025, calling upon them to explain within 15 days as to why environmental compensation amounting to ₹1,15,80,585.73/- should not be imposed for unauthorised extraction of Morrums, in compliance with the directions of the Hon'ble NGT. The said notice was initially returned undelivered on 10.12.2025. Subsequently, the notice was re-issued through Speed Post vide No. EO758835674IN dated 10.12.2025, which was received by M/s

*Pradhept Kumar Nayak*  
Environmental Scientist  
SEIAA, Odisha



*[Signature]*  
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Aditya Construction on 13.12.2025, as acknowledged by them vide letter dated 29.12.2025. As no response was received within the stipulated period (i.e., by 28.12.2025), M/s Aditya Construction, vide letter dated 29.12.2025, sought an extension of four weeks to submit their reply, citing year-end holidays and limited staff availability. The request was not accepted by the Authority. Consequently, a second Show Cause Notice vide No. 6965/SEIAA dated 31.12.2025 was issued, granting a final opportunity of seven (07) days, i.e., up to 07.01.2026, to submit their reply.

Copy of the Show Cause Notice dated 02.12.2025 & 31.12.2025 to M/s Aditya Construction is attached in **Annexure-II**.

7. That, in response to our Show Cause Notice, Sri Pranav Mundra, Advocate, on behalf of M/s Aditya Construction, submitted a written reply dated 07.01.2026 in person before SEIAA, Odisha, raising, inter alia, the following submissions:

- a. No environmental compensation should be levied inasmuch as M/s Aaditya Construction was neither the project proponent nor engaged in any illegal mining activity thereby excavating 56,100 cubic meters of morrum.
- b. Assuming without admitting and without prejudice to the above, even if the environmental compensation is to be levied, the same should be levied considering the following:
  - i. The maximum amount of morrum that could have been excavated from the subject site as per the joint committee report is only 10,200 cubic meters.



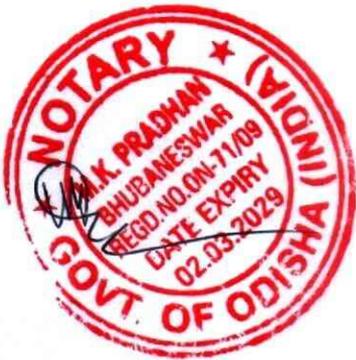
  
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*Pradhept Kumar Nayak*  
Environmental Scientist  
SEIAA, Odisha

Accordingly, the same should be taken into consideration.

- ii. The market value of morrum allegedly excavated from the subject site is already determined by the competent authority i.e., Tehsildar, Jharsuguda. The Tehsildar Jharsuguda has determined INR 40 as price of morrum per cubic meter. Accordingly, it is humbly submitted that the market value of murrum per cubic meter should be considered as INR 40 and not INR 62.
- iii. Additionally, your good self has categorized the alleged violation as a "severe" category violation. Consequently, the corresponding risk factor and discount has been made applicable. It is humbly submitted that as per the CPCB framework, *"In situations where the risk categorization is unavailable or pending calculation, an average risk factor of 0.5 and a discount rate of 6.5% may be considered"*. In the present case, the risk categorization is unavailable and therefore, it is submitted that average risk factor of 0.5 and discount rate of 6.5% may be consider.

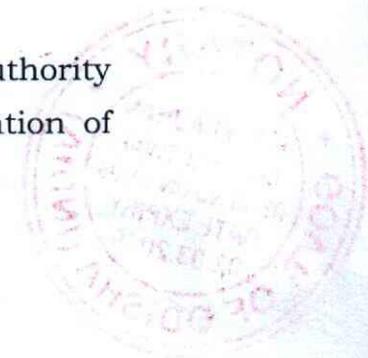
Pradeep Kumar Nayak  
Environmental Scientist,  
SEIAA, Odisha



Copy of the response of Sri Pranav Mundra, Advocate, on behalf of M/s Aditya Construction, dated 07.01.2026 on Show Cause Notice of SEIAA, Odisha is attached in **Annexure-III**.

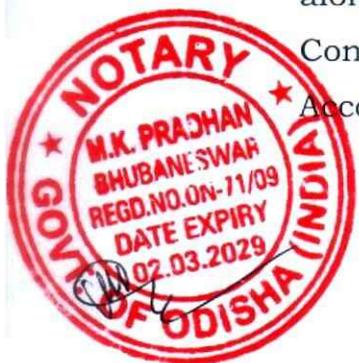
8. That, the matter was placed in 266<sup>th</sup> SEIAA, Odisha Authority Meeting held on 09.01.2026 and after careful examination of

  
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the written submissions made by M/s Aditya Construction in response to the Show Cause Notices dated 02.12.2025 and 31.12.2025, and in light of the communication received from the Deputy Director of Mines, Sambalpur vide letter No. 3458 dated 17.10.2025, it has been intimated to SEIAA, Odisha that no notified market value of Morrum has been finalised for Jharsuguda District. However, the highest bidding price for Morrum in the district has been reported as ₹62/- per cubic metre (Royalty @ ₹35/- plus Additional Charge @ ₹27/- per cubic metre). It is observed that an average risk factor of 0.5 corresponds to a moderate category of violation, and the applicable discount rate as per prevailing standards is 7%, and not 6.5%. The Authority has decided that the submissions of M/s Aditya Construction proposing adoption of a market value of ₹40/- per cubic metre and application of a risk factor of 0.5 with a discount rate of 7% are not acceptable, as M/s Aditya Construction has extracted Morrum from different locations in Jharsuguda District without obtaining Environmental Clearance (EC) and other statutory permissions. Accordingly, the violation has been categorised as severe, and the risk factor has been taken as 1 (one). The environmental compensation has therefore been calculated by adopting a market value of ₹62/- per cubic metre of Morrum, as communicated by the Deputy Director of Mines, Sambalpur vide letter dated 17.10.2025, with a risk factor of 1 (one) for a severe category violation. Consequently, the environmental compensation amounting to **₹1,15,80,585.73/-** has been determined. The aforesaid amount is required to be deposited by M/s Aditya Construction into the Government of Odisha account bearing Account No. 06640110075074, IFSC Code: UCBA0000664,

*Pradhyot Kumar Nayak*  
Environmental Scientist  
SEIAA, Odisha



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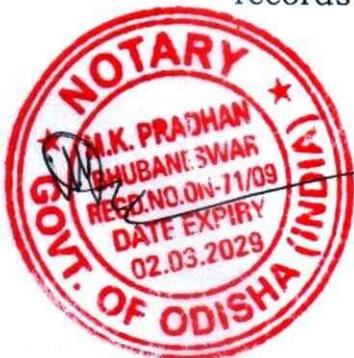
MICR Code: 751028004, Forest, Environment & Climate Change Department, Government of Odisha - 751001, in accordance with Notification No. RDM-MMS-POLICY-0008-2021-5157/R&DM dated 17.02.2022 of the Revenue & Disaster Management Department, Government of Odisha. The deposit shall be duly acknowledged, and a copy of the deposit challan shall be submitted to SEIAA, Odisha for record.

The copy of the proceeding of the SEIAA, Odisha meeting held on 09.01.2026 is attached in **Annexure-IV**.

9. That, as per the decision of the Authority, SEIAA, Odisha on the above-mentioned point, a letter vide letter no.6997/SEIAA dated 12.01.2026 is issued to M/s Aditya Construction to deposit the above-mentioned environmental compensation amounting of Rs. **₹1,15,80,585.73/-** to the account bearing Account No. 06640110075074, IFSC Code: UCBA0000664, MICR Code: 751028004, Forest, Environment & Climate Change Department, Government of Odisha - 751001.

Copy of the letter issued to M/s Aditya Construction on dated 12.01.2026 to deposit environmental compensation is attached in **Annexure-V**.

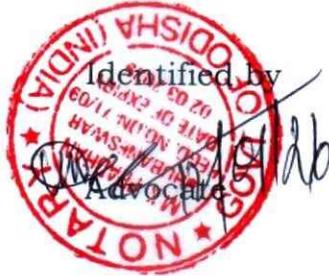
10. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.



*f*  
**TRUE COPY**

*Pradeep Kumar Nayak*  
Environmental Scientist  
SEIAA, Odisha

11. That the deponent reserves the right to file further affidavit as and when necessary.



Pradhept Kumar Nayak

Deponent  
Environmental Scientist  
SEIAA, Odisha

**VERIFICATION**

Verified at Bhubaneswar on this day of 12<sup>th</sup> January, 2026  
that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

**SWORN BEFORE ME**

Date: 12/01/2026

Pradhept Kumar Nayak

Deponent  
Environmental Scientist  
SEIAA, Odisha



MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD. NO. ON-71/2009  
PH - 9437627119 (M)



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

*(A statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment (Protection) Act, 1986)*

Letter no. 6750/SEIAA

Dated 19.09.2025

To

The Deputy Director of Mines, Sambalpur  
At/Po/Dist.-Sambalpur

**Sub: Order of Hon'ble NGT, EZ, Kolkata dated 09.01.2025 in OA No. 26/2024/EZS in the matter of Jitendra Kumar Pradhan & Vrs. State of Odisha & Ors-reg.**

Sir,

In inviting a reference to the above cited subject, I am directed to say that this is a matter of illegal/un-authorized extraction of about **56,100 cum** of Morrum from various places in Jharsuguda District, Odisha by M/s. Aditya Construction, Represented by Managing Director, Plot No. 496/3799, Unit No. 02, Hariom Bihar, Ward No. 17, Brajrajnagar, Jhatsuguda, Odisha, Pin-751001. The matter was placed before Hon'ble NGT, EZ and after hearing the matter, Hon'ble NGT disposed of the case on 09.01.2025 with direction to SEIAA, Odisha that *"the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"*. In this case the SEIAA, Odisha has not issued any environmental clearance in favour M/s. Aditya Construction for extraction of any Morrum material in Jharsuguda District.

As per the CPCB guidelines dated 30.01.2020 based on order dated 05.04.2019 in the matter on OA. No. 360 of 2015 of Hon'ble NGT, Principal Bench, New Delhi and Govt. of Odisha Revenue & Disaster Management Department Notification no. 5157 dated 17.02.2022 regarding fixation of scale of compensation regime towards environmental and ecological damage for illegal/excess mining of sand. As per the above notification and order, the market value of morrum material or any other minor mineral is necessary for calculation of environmental compensation.

*[Signature]*

*[Signature]*  
**TRUE COPY**

Therefore, you are requested to submit the present market value of morrum material particularly in Jharsuguda District. If, the market value is not finalized yet, then submit the highest bidding price for Morrum in the Jharsuguda District for considering the court matter, timely response to the above at an early date.

This is for your kind information and necessary action.

Encl: As above

Yours faithfully,

*[Signature]*  
19/09/2025  
Environmental Scientist

Copy to

1. The Collector & District Magistrate, Jharsuguda and Mining Officer, Jharsuguda for information and necessary action.

*[Signature]*  
19/09/2025  
Environmental Scientist

11

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**OFFICE OF THE MINING OFFICER, DEOGARH**  
DEPARTMENT OF STEEL AND MINES, GOVT. OF ODISHA,  
SAMBALPUR CIRCLE, SAMBALPUR  
Email ID: ddm.sambalpur@orissaminerals.gov.in

Letter No. 3458 / Mines Dt. 17/10/2025

From

The Deputy Director Mines,  
Sambalpur Circle, Sambalpur

To

The Chairman, State Environment Impact Assessment Authority,  
Qr. No-5 R F-2/1, Unit-IX, Bhubaneswar- 751022.

Sub: - Highest bidding price for Morrums in Jharsuguda Dist. – Regarding.

Ref: Your Letter No.6750/SEIAA, Dt.09.09.2025.

Sir,

With a reference to the subject cited above, I am to inform you that the highest bidding price for Morrums in Jharsuguda Dist. is Rs.27/- per Cum as Additional Charge i.e. rate of Royalty and Addl. Charge of Morrums per Cum is Rs.62/- (Royalty @ 35/- + Addl. Charge Rs.27/- per Cum) in Jharsuguda District.

This is for favour of kind information & necessary action.

Yours faithfully,

*CB-1*  
*17/10/25*  
Deputy Director of Mines (I/c),  
Sambalpur Circle, Sambalpur

  
TRUE COPY



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**  
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:  
seiaaodisha@gmail.com  
(A statutory body constituted by Ministry of Environment, Forest & Climate Change  
under Environment (Protection) Act, 1986)

Letter No. 6892/SEIAA

Dated 02.12.2025

To

M/s. Aditya Construction  
Represented by Managing Director  
Plot No.496/3799, Unit No.02, Hariom Bihar,  
Ward No.17, Brajrajnagar, Jharsuguda  
Pin No.768126, Odisha

**DIRECTIONS FOR SUBMISSION OF ENVIRONMENTAL COMPENSATION IN  
PURSUANCE TO ORDER DATED 09.01.2025 OF HON'BLE NGT, EZ, KOLKATA  
- SHOW CAUSE NOTICE THEREOF**

Ref: Hon'ble NGT order dt. 09.01.2025 in O.A. No.26/2024/EZ and M.A. No. 26/2025/EZ  
in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors.

Sir/Madam,

With reference to the above cited subject, I am to inform you that in pursuance to order dated 09.01.2025 in O.A. No.26/2024/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors, the Hon'ble court has directed as follows: "*The SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months*". Accordingly, the environmental compensation amount of **Rs.1,15,80,585.73/-** has been calculated based on the Approach-2 formula of Central Pollution Control Board (CPCB). The Respondent No. 11, M/s. Aditya Construction has extracted 56,100 cum of Morrum material in Jharsuguda District which is reflected in the Joint Inspection report dated 01.03.2024 and as mentioned in the final order dated 09.01.2025 of Hon'ble NGT.

  
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NOW THEREFORE, in view of the above observation and as per the direction of Hon'ble NGT order dated 09.01.2025 to SEIAAA, Odisha, the Project Proponent/Respondent No.11, M/s. Aditya Construction is directed to reply to this Show Cause Notice of SEIAA, Odisha by letter/email or to appear/present in person or through authorized person in SEIAA, Odisha office chamber **within 15 days from the date of receipt of this show cause notice**, why the environmental compensation amounting of **Rs.1,15,80,585.73/-** shall not collected for extraction of Morrum Material unauthorizedly and as per direction of Hon'ble NGT.

In the event of failure to comply with the above directions within the stipulated time frame, action as deemed appropriate shall be initiated against the Project Proponent in accordance with the provisions of the law.

Encl: As above

By order and Authority of SEIAA, Odisha

  
Member Secretary, SEIAA

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Jharsuguda, Sub-Collector, Jharsuguda, DFO, Jharsuguda, DDM, Sambalpur Circle, RO, SPCB, Jharsuguda, Tahasildar, Jharsuguda /Mining Officer, Jharsuguda for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

  
Member Secretary, SEIAA

  
**TRUE COPY**

**Report on Environmental Compensation against M/s. Aditya Construction based on the order dt. 09.01.2025 of Hon'ble NGT in O.A. No.26/2024/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors.**

---

**1.0 Background:**

As per the direction of Hon'ble NGT in order dated 09.01.2025 in the on O.A. No. 26 of 2024 (EZ) in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors., it was directed in Para-25 of the final order dated 09.01.2025 that *"the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"* accordingly, the environmental compensations has been calculated.

The Hon'ble Supreme Court of India in the case matter of *Deepak Kumar v. State of Haryana* (2012) has given direction that Environmental Clearance (EC) is mandatory for all mining of minor minerals, regardless of the lease area and in this case the extraction of Morrur material has been taken place by the M/s. Aditya Construction, the Project Proponent(PP)/Respondent no.11 without obtaining any environmental clearance (EC) that has been confirmed by SEIAA, Odisha in the counter affidavit dated 16.03.2024 submitted to Hon'ble NGT, EZ.

In the para-21 of Hon'ble NGT final order dated 09.01.2025 has mentioned that *"the allegation of the Applicant is that the Respondent No.11 is extracting earth/morrur from various places, already mentioned hereinabove, and has illegally lifted/extracted 56,100 cum of morrur in Jharsuguda District. The Tahasildar, Jharsuguda, has also confirmed that the Respondent No.11 has illegally excavated morrur and Miscellaneous Sairat Case No.37/2022-23 has also been instituted against him and royalty/penalty has been imposed; the details of the land from which excavation has been made has been disclosed in the affidavit of the Tahasildar. It is also stated that royalty,*

penalty and interest has been assessed at total Rs.27,44,000/- (Rupees Twenty Seven Lakhs Forty Four Thousand only), out of which the Respondent No.11 has paid Rs.13,78,000/- (Rupees Thirteen Lakhs Seventy-Eight Thousand only) and the remaining balance amount is Rs.14,44,000/- (Rupees Fourteen Lakhs Forty-Four Thousand only)".

As per the direction of Hon'ble NGT, Principal Bench, New Delhi in OA No. 360/2015 in the matter of National Green Tribunal Bar Association Vrs Virendra Singh (State of Gujarat), the Central Pollution Control Board (CPCB) has recommended on scale of compensation to deal with cases of illegal sand mining and developed two formula i.e. **Approach-1** : Direct Compensation based on the market value of extraction, adjusted for ecological damages and **Approach-2** : Computing a Simplified Net Present Value (NPV) for ecological damages. The Hon'ble NGT accepted the Approach-2 formula and accordingly environmental compensation has been calculated for most of the NGT cases even in Odisha also. Further, the Revenue and Disaster management Department, Government of Odisha has also adopted the Approach-2 formula of CPCB for calculation of environmental compensation in illegal sand mining cases.

This is totally illegal/unauthorized mining involved different area of Jharsuguda District including forest area. No prior clearance has been taken from appropriate Authorities before mining. No Environmental Clearance (EC) and Forest Clearance has been taken by the Project Proponent/Respondent no.11 for mining of Morrum. This is totally illegal and unauthorized mining. It can be treated as sever case and environmental compensation should be imposed on the Risk Level-04 sign factor 01.

During calculation of environmental compensation, it is observed that the Market Value of Morrum material of Jharsuguda District, Odisha is an important factor for calculation of environmental compensation against the excess/illegal mining which is not known and in this regard a letter was issued by SEIAA, Odisha vide letter no. 6750/SEIAA dated 19.09.20225 to

the Deputy Director of Mines, Sambalpur Circle and copy given to the Collector & District Magistrate, Jharsuguda and Mining Officer, Jharsuguda for information and necessary action. The Deputy Director of Mines, Sambalpur Circle has submitted their reply vide letter no. 3458 dt. 17.10.2025 stating that the highest bedding price for Morrurum in Jharsuguda District is of **Rs. 62/- per cum of Morrurum** (Royalty@35/- + Addl. Charge of Rs.27/-per Cum). Here, in absence of any market value for these cases, the highest bidding amount has taken as a market value and accordingly, environmental compensation has been calculated.

**1. Calculation for environmental compensation of 56100 cum of Morrurum material was extracted unauthorized by the project proponent M/s. Aditya Construction based on Hon'ble NGT order dt. 09.01.2025 in O.A. No.26/2024/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors. based on Approach-2 formula prescribed by CPCB:**

Market value of Morrurum material is Rs. 62/- per cum as submitted by the Deputy Director of Mines, Sambalpur Circle in their letter vide letter no. 3458 dt. 17.10.2025.

Market value of illegally mined out Morrurum material (D) = 56100 Cum × Rs.62/-per cum = Rs.34,78,200/-

Market Value of Illegally mined out material (D)	56100 cum × Rs. 62/- per cum	= Rs.34,78,200/-
Annual value of Foregone Ecological Values (D × RF) i.e. Risk factor taken as '1 for severe case as EC and other permission obtained before mining.	Rs.34,78,200/- × 1	= Rs.34,78,200/-

Discount Rate may be considered as below:

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount	8%	7%	6%	5%

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Rate				
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- **Present value of Foregone Ecological values (@ 5% discount rate and over 5 years)**

$$PV = \sum_{t=1}^5 (D*RF)/(1+r)^t$$

$$= \sum 34,78,200/(1+0.05)^1 + 34,78,200/(1+0.05)^2 + 34,78,200/ (1+0.05)^3 + 34,78,200/(1+0.05)^4 + 34,78,200/(1+0.05)^5$$

$$=Rs.33,12,571.42/- + Rs.31,54,829.93/- + Rs.30,04,599.93/- + Rs.28,61,523.74/- + Rs.27,25,260.71/- = Rs. 1,50,58,785.73/-$$

- Net present value (after netting out market value of illegally/un-authorized mined out material) – i.e., Total Compensation to be levied

$$= NPV = PV-D$$

$$= Rs. 1,50,58,785.73/- - Rs.34,78,200/- = **Rs.1,15,80,585.73/-**$$

Compensation Charge in above case for unauthorized extraction morrum:  
**Rs.1,15,80,585.73/-**

### Recommendations

In view of the above and as per Hon'ble NGT vide order dated 09.01.2025, the Respondent No. 11. M/s. Aditya Construction, is required to deposit the environmental compensation amounting of **Rs.1,15,80,585.73/-** for un-authorized extraction of Morrum. The District Administration may recover the same from M/s. Aditya Construction, Project Proponent and deposit it in the account of Govt. of Odisha bearing Account No. 06640110075074, IFSC Code No-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 as per the Notification no. RDM-MMS-POLICY-0008-2021-5157/R & DM dated 17.02.2022 of Revenue and Disaster management Department, Government of Odisha and acknowledged the same to SEIAA, Odisha.

*Pradeept Kumar Nayak*  
29/11/2025

Dr. Pradeept Kumar Nayak  
Environmental Scientist, SEIAA, Odisha



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**  
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:  
seiaaodisha@gmail.com  
(A statutory body constituted by Ministry of Environment, Forest & Climate Change  
under Environment (Protection) Act, 1986)

Letter No. 6965/SEIAA

Dated 31.12.2025

To

M/s. Aditya Construction  
Represented by Managing Director  
Plot No.496/3799, Unit No.02, Hariom Bihar,  
Ward No.17, Brajrajnagar, Jharsuguda  
Pin No.768126, Odisha

**DIRECTIONS FOR SUBMISSION OF ENVIRONMENTAL COMPENSATION IN  
PURSUANCE TO ORDER DATED 09.01.2025 OF HON'BLE NGT, EZ, KOLKATA  
- SHOW CAUSE NOTICE THEREOF**

Ref: (i). Hon'ble NGT order dt. 09.01.2025 in O.A. No.26/2025/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors.  
(ii). Your request letter no. 014 dated 29.12.2025 for extension of time to reply Show Cause received at SEIAA, Odisha on 29.12.2025

Sir/Madam,

This is in continuation to the SEIAA, Odisha earlier Show Cause Notice letter no. 6892/SEIAA dated 02.12.2025 wherein direction was given to M/s. Aditya Construction for submitting their reply in writing to Member Secretary, SEIAA, Odisha or to appear/present in person or through authorized person in SEIAA, Odisha office chamber within 15 days from the date of receipt of this Show Cause notice, why the environmental compensation amounting of Rs.1,15,80,585.73/- shall not collected for extraction of Morrum Material unauthorizedly and damage of environment due to mining and as per direction of Hon'ble NGT. Accordingly, the Show Cause Notice dated 02.12.2025 has been sent to M/s. Aditya Construction by speed post no. EO758835793IN dated 02.12.2025 but the Show Cause letter returned to SEIAA, Odisha on 10.12.2025 with reason that not received by the addressee. Further, the same letter was sent again to M/s. Aditya Construction vide speed post no. EO758835674IN dated 10.12.2025 and was received on 13.12.2025 as intimated by M/s. Aditya Construction through letter dated 29.12.2025.

  
**TRUE COPY**

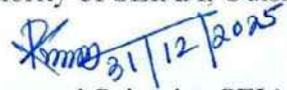
In the above, context, it is to mention here that you are asked for submission of response on Show Cause within 15 days from the date of receipt of this Show Cause notice but you did not response till 29.12.2025 within the stipulated time on 28.12.2025. Now, vide letter dated 29.12.2025, you are requesting to SEIAA, Odisha for extension of time of four (04) weeks to reply Show Cause Notice giving reason that due to festivities and year end vacations with limited employees and accordingly require considerable time to collate the relevant data to prepare suitable reply to Show Cause Notice which is not acceptable.

The matter was discussed in 263<sup>rd</sup> Authority meeting held on 31.12.2025 and the Authority decided that the submission of M/s. Aditya Construction for extension of time to reply Show Cause Notice for four weeks is not acceptable and only seven (07) days time can give to reply Show Cause Notice.

Therefore, you are requested to submit your reply on Show Cause Notice by writing within 7 days from date of issue of this letter i.e. on or before 07.01.2026 or to appear/present in person or through authorized person in SEIAA, Odisha office chamber on **07.01.2026**. In the event of failure to comply with the above directions within the stipulated time frame, action as deemed proper will be taken basing on record available and in accordance with the provisions of the law.

Encl: As above

By order and Authority of SEIAA, Odisha

  
Environmental Scientist, SEIAA

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.

  
**TRUE COPY**

5. The Director of Mines, Steel & Mincs Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Jharsuguda, Sub-Collector, Jharsuguda, DFO, Jharsuguda, DDM, Sambalpur Circle, RO, SPCB, Jharsuguda, Tahasildar, Jharsuguda /Mining Officer, Jharsuguda for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

Perms 31/12/2025

Environmental Scientist, SEIAA

**BEFORE THE LD. STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**

IN THE MATTER OF

SHOW CAUSE NOTICE DATED 02.12.2025, RECEIVED ON 13.12.2025 ISSUED BY SEIAA,  
ODISHA TO M/S AADITYA CONSTRUCTIONIN FURTHERANCE OF ORDER DATED 09.01.2025 IN O.A. No. 26/2025/EZ AND M.A. No.  
26/2025/EZ BY THE  
HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE

---

**Reply to Show Cause Notice Dated 02.12.2025 on Behalf of M/s Aaditya  
Construction, the Noticee**

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Filed by:

Date: 07.01.2026

V. Lakshmikumaran, Yogendra Aldak,  
Pranav Mundra, Balraaj Singh  
Advocates for M/s Aaditya Construction  
6th and 7th Floor, Tower E, World Trade Centre,  
Narouji Nagar, New Delhi – 110029  
Enrolment No. D/5779/2019  
Mobile – 08010333998  
yogendra.aldak@lakshmisri.com

  
**TRUE COPY**

To,  
Dr. Pradeept Kumar Nayak,  
Environmental Scientist  
The State Environment Impact Assessment Authority (SEIAA)  
5RF-2/1, Unit-IX, Bhubaneswar, Odisha  
Pin Code – 751022

Date: 07.01.2026

Reference:

1. Letter dated 31.12.2025 from SEIAA, Odisha to M/s Aaditya Construction
2. Letter dated 29.12.2025 from M/s Aaditya Construction to SEIAA, Odisha
3. Show Cause Notice dated 02.12.2025, received on 13.12.2025 issued by SEIAA, Odisha to M/s Aaditya Construction
4. Order dated 09.01.2025 in O.A. No. 26/2025/EZ and M.A. No. 26/2025/EZ by the Hon'ble National Green Tribunal, Eastern Zone
5. Counter Affidavit dated 14.03.2024 filed by R-7 in O.A. No. 26/2025/EZ.

**SUBJECT: REPLY TO SHOW CAUSE NOTICE DATED 02.12.2025 ISSUED BY  
SEIAA, ODISHA TO M/S AADITYA CONSTRUCTION**

Dear Sir,

1. The present reply is being filed by M/s Aaditya Construction (“**Noticee**”) pursuant to the Show Cause Notice dated 02.12.2025, received on 13.12.2025, issued by the State Environment Impact Assessment Authority, Odisha (“**SCN**”), directing the Noticee to show cause as to why Environmental Compensation amounting to ₹1,15,80,585.73/- should not be levied for the alleged unauthorised extraction of morrum material.
2. At the outset, the Noticee humbly submits and reiterates its commitment to strict compliance with all applicable environmental laws, rules, and regulatory directions. However, the SCN and the computation appended thereto suffer from serious procedural infirmities, non-application of mind, and misapplication of the Central Pollution Control Board (“**CPCB**”) framework governing environmental compensation.

  
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3. The proposed levy, therefore, for the reasons detailed hereinbelow, is legally unsustainable and liable to be withdrawn or, in the alternative, substantially revised.

**A. No Environmental Compensation can be levied on the Noticee inasmuch as the Noticee is neither the project proponent in the present case nor has the Noticee extracted any morrum from the alleged site.**

4. At the outset, it is pertinent to note that the tender for construction of the coal Transportation Road (Concrete Pavement) at Samaleswari OCP under IB Valley Area of Coalfields, MCL (2nd Call) was awarded to M/s VKJ-AKM (JV), HIG-02, M.P. Nagar, Niharika, Korba – 495677 (Chhattisgarh) by M/s Mahanadi Coalfields Limited. The records unequivocally establish that M/s VKJ-AKM (JV) was the sole project proponent for the said project and that the Noticee is an unrelated third party. The Noticee merely provided limited assistance in execution of certain construction works, as M/s VKJ-AKM (JV) did not have adequate technically skilled manpower available at the relevant time. Such assistance was rendered pursuant to a limited commercial arrangement for provision of construction services for a fixed consideration and did not involve any control, supervision, or responsibility with respect to sourcing or extraction of construction material.
5. Furthermore, the Noticee is given to understand that, as per the terms of the tender and prevailing commercial practices for road construction projects in and around mining areas undertaken by M/s Mahanadi Coalfields Limited, the requisite quantity of morrum is ordinarily made available to the contractor by the mining company itself from the common earth excavated during routine mining operations. The mines thus constitute an abundant source of morrum, supplied without any additional cost to the contractor. In the present case, the road construction was completed using morrum obtained from the adjacent mines of M/s Mahanadi Coalfields Limited, and no mining activity whatsoever was undertaken on the alleged plot.
6. In view of the above, it is evident that no illegal mining has been carried out by the Noticee. Consequently, no environmental compensation can be levied upon M/s Aaditya Construction. In any event, any levy of environmental compensation, assuming without admitting the existence of a violation, could only be fastened upon the project proponent and not upon an unrelated third party such as the Noticee.

**B. Non-supply of the District Survey Report (DSR) vitiates the SCN and violates the principles of natural justice.**

7. The SCN proceeds on the basis of an environmental compensation assessment purportedly undertaken under Approach–2 of the CPCB framework, without furnishing to the Noticee the District Survey Report (“DSR”), which constitutes the foundational document for assessing environmental impact in cases involving minor mineral extraction. The Hon’ble National Green Tribunal, vide order dated 14.10.2020 passed in O.A. No. 40/2020, *Pawan Kumar v. State of Bihar & Ors.*, has categorically held that the DSR must be prepared by competent experts and forms the basis for evaluating environmental impact, replenishment, and safeguards prior to the grant of environmental clearance. This position stands statutorily reinforced by the Notification dated 25.07.2018 issued by the Ministry of Environment, Forest and Climate Change under Section 3(2)(v) of the Environment (Protection) Act, 1986, amending the EIA Notification dated 14.09.2006, which mandates that the DSR shall include, inter alia, an Environment Management Plan and replenishment studies.
8. In the absence of the DSR and allied studies, the Noticee has been denied access to the very material on the basis of which the severity of impact, risk categorisation, and quantum of compensation have allegedly been determined. It is a settled principle of law that a noticee cannot be expected to meaningfully respond to a show cause notice when the documents relied upon are not disclosed. The failure to supply the DSR strikes at the root of the principle of *audi alteram partem* and renders the show cause proceedings procedurally defective and legally unsustainable.

**C. Without prejudice, the SCN, while computing the Environmental Compensation, arbitrarily assigns the highest risk factor without any severity assessment or reasons.**

9. The SCN, for the purpose of computing Environmental Compensation, has classified the alleged offence of illegal extraction of morrum as having a “severe” environmental impact, thereby assigning the highest Risk Factor of 1.0 along with the lowest Discount Rate of 5% under the CPCB framework.
10. It is submitted that such computation has been undertaken in a mechanical manner by assigning the maximum Risk Factor of 1.0 corresponding to “severe” environmental impact under Approach–2 of the CPCB framework. However, Approach–2 expressly

requires that the risk factor be determined on the basis of an independent, reasoned assessment of the severity of environmental impact. The framework recognises graded categories of severity, namely “mild”, “moderate”, “significant”, and “severe”, each mapped to a distinct Risk Factor and Discount Rate.

11. In the present case, the SCN does not disclose any assessment, analysis, or reasoning to substantiate the conclusion that the alleged activity resulted in “severe” environmental impact. The mere absence of prior environmental clearance or forest clearance cannot, *ipso facto*, determine the degree of ecological damage. The CPCB framework, read with the expert committee deliberations, clearly stipulates that severity must be assessed with reference to (i) the nature, (ii) extent, (iii) duration, and (iv) reversibility of environmental harm. The summary attribution of the highest risk factor without any independent analysis is arbitrary and violative of the principles of natural justice.
12. It is pertinent to note that a finding of “severe” impact is reserved for cases involving extensive, irreparable, and irreversible damage resulting in permanent destruction of ecosystems, environmental morphology, or ecological diversity. The records in the present case do not disclose any such impact at the alleged site. Accordingly, the attribution of the highest risk factor without any application of mind renders the SCN liable to be quashed and set aside.

**D. Incorrect methodology for determination of market value of morrum.**

14. The CPCB framework prescribes that where baseline data for market value is unavailable, the market value of the “nearest” comparable site must be adopted. In the present case, the market value of morrum has already been specifically determined by the Tahasil Office, Jharsuguda, vide order dated 20.08.2022, at INR 40/- per cubic meter. A copy of the said order dated 20.08.2022 is annexed herewith and marked as **Annexure-1**.
15. Accordingly, the computation of Environmental Compensation ought to have been carried out on the basis of the aforesaid market value of INR 40/- per cubic meter. Reliance upon an arbitrary rate of INR 62/- per cubic meter, without any cogent basis or nexus to the alleged violation, renders the computation unsustainable and vitiates the SCN.

**E. Incorrect computation of the alleged quantity of morrum extracted.**

16. As per the findings of the Joint Committee, excavation of morrum was observed only on one plot, namely Plot No. 2017 of Khata No. 618, having a total area of 0.63 acres. It was further observed that excavation on the said plot was to an approximate depth of 4 meters. A copy of the said Joint Committee Report is annexed and marked as **Annexure-2.**
17. The total area of the said plot measuring 0.63 acres translates to approximately 2550 square meters. Even assuming, *arguendo*, that the entire area was excavated uniformly to a depth of 4 meters, the maximum volume of morrum that could have been excavated would be approximately 10,200 cubic meters.
18. It is further pertinent to note that morrum or common earth is ordinarily available only up to a depth of approximately 2 meters from the surface. Accordingly, extraction of 56,100 cubic meters from an area of 2550 square meters is wholly impossible. The foundational basis of the quantity adopted for computation of Environmental Compensation is therefore fundamentally flawed and renders the SCN unsustainable.
19. In light of the grounds **C, D** and **E**, a fair and reasonable computation of Environmental Compensation, assuming without admitting any liability, would require application of a risk factor of 0.25 along with a discount rate of 8%, using a market value of INR 40/- per cubic meter and a maximum quantity of 10,200 cubic meters.

**F. Without Prejudice, where severity of environmental impact cannot be determined, the CPCB framework mandates application of the average risk factor.**

20. Without prejudice to the foregoing submissions, the Noticee submits that even under the CPCB framework itself, where the severity of environmental impact has not been independently assessed or cannot be reliably determined, the prescribed course is to adopt an average risk factor of 0.50 along with a discount rate of 6.5%. This safeguard exists to prevent arbitrary or inflated compensation in the absence of adequate data or assessment.
21. In the present case, since no reasoned severity evaluation has been undertaken and no DSR or impact assessment has been disclosed, assignment of the maximum risk factor is impermissible. At the very least, the average risk factor must be applied. Any levy

beyond this would be contrary to the CPCB framework and violative of the principles of fairness and proportionality, rendering the SCN liable to be quashed.

**G. Environmental Compensation is remedial and restorative, not punitive.**

22. It is well settled in Indian environmental jurisprudence that environmental compensation is remedial and restitutive in nature, intended to restore the environment and mitigate harm, and not to operate as a punitive exaction. In *Delhi Pollution Control Committee v. Lodhi Property Co. Ltd. Etc. (2025 SCC OnLine SC 1601)*, the Hon'ble Supreme Court reiterated that environmental compensation must bear a rational nexus to actual environmental harm. The approach adopted in the present SCN, by mechanically invoking the highest risk factor without assessment, impermissibly converts a compensatory mechanism into a punitive sanction.

**PRAYER**

23. In view of the foregoing submissions, it is most respectfully prayed that this Hon'ble Authority may be pleased to:

- i. Withdraw and set aside the Show Cause Notice proposing levy of Environmental Compensation of ₹1,15,80,585.73/-;
- ii. Direct supply all relied-upon documents, including the District Survey Report, undertaking a reasoned severity assessment, and applying the appropriate risk factor and discount rate in accordance with the CPCB framework; and
- iii. Pass such other or further orders as this Hon'ble Authority may deem fit and proper in the interests of justice, equity, and environmental protection.

Filed by:

V. Lakshmikumaran, Yogendra Aldak,  
Pranav Mundra, Balraaj Singh  
Advocates for M/s Aaditya Construction  
6th and 7th Floor, Tower E, World Trade Centre,  
Narouji Nagar, New Delhi – 110029  
Enrolment No. D/5779/2019  
Mobile – 08010333998  
[yogendra.aldak@lakshmisri.com](mailto:yogendra.aldak@lakshmisri.com)

# ANNEXURE-1

TAHASIL OFFICE: JHARSUGUDA

No. 2387 / Date 20.05.2022

7\* 158

To  
Sri Arun Kumar Barma  
M/S - Aditya Construction  
Korba (Chhatishgarh)  
Ha. Nl. Hariom Bihar,  
Brajrajnagar, Jharsuguda  
Mob: 7974889411

Sub: Regarding deposit of Royalty and penalty for illegal extraction of Minor Mineral

Whereas, it has come to the notice of the undersigned that, you have extracted 56100 cum soil (common earth) from following schedule of land without prior permission of the Competent Authority.

### LAND SCHEDULE

Mouza	Khata No.	Plot No.	Area	Kisam
Brajrajnagar Town Unit No. 1	616 (Rakhit)	85	0.257	Gochar
		126	1.287	Gochar
		201B/5225	0.828	Bada Jungle
	618 (Anabadi)	2017	0.630	Patit
		81	0.472	Nala

Whereas, as per Rule 51 of OMMC Rules, 2016, the penalty should be imposed up on you for illegal extraction of minor mineral.

Whereas, you have been directed to submit a show cause vide this office letter No. 1710, dt. 10.05.2022. However, three months have been passed and no reply have been received yet.

Whereas, as per Rule 51 of OMMC Rules, 2016, you are liable to deposit the penalty for illegal extraction of minor mineral as assessed below.

Sl No.	Assessment	Amount
1.	Royalty & Addl. Charges for 56100 Cum sand @ 40.00 per Cum	Rs. 22,44,000.00
2.	Penalty	Rs. 5,00,000.00
	<b>TOTAL</b>	<b>Rs. 27,44,000.00</b>

(Rupees twenty seven lakh forty four thousand only)

Therefore, you are directed to deposit the above amount within seven days after receipt of this letter, failing which action as per Rule 51 of OMMC Rules, 2016 will be initiated against you.

*Arundhanee Jaiswal*  
20/10/22  
Public Information Officer

*S. M. Mishra*  
Tahasildar, Jharsuguda  
20/05/2022

  
**TRUE COPY**

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TAHASIL OFFICE: JHARSUGUDA

No. 3389 / Date: 20.08.2022

To

**Sri Arun Kumar Barma**  
**M/S – Aditya Construction**  
**Korba (Chhattisgarh)**  
**Hr. Ni. Hairiom Bihar,**  
**Brajrajnagar, Jharsuguda**  
**Mobile No.: 7974889411**

Sub: Regarding deposit of Royalty and Penalty for illegal extraction of Minor Mineral

**Whereas**, it has come to the notice of the undersigned that, you have extracted 56100 cum soil (common earth) from following schedule of land without prior permission of the Competent Authority.

## LAND SCHEDULE

Mouza	Khata No.	Plot No.	Area	Kisam
Brajrajnagar Town Unit No. 1	616 (Rakhit)	85	0.257	Gochar
		126	1.287	Gochar
		2018/5228	0.828	Bada Jungle
	618 (Anabadi)	2017	0.630	Patit
		81	0.472	Nala

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**Whereas**, you have been directed to submit show cause vide this office letter No. 1710 dt. 10.05.2022. However, three months have been passed and no reply have been received yet.

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	<b>TOTAL</b>	<b>Rs. 27,44,000.00</b>

(Rupees twenty seven lakh forty four thousand only)

Therefore, you are directed to deposit the above amount within seven days after the receipt of this letter, failing which action as per **Rule 51 of OMMC Rules, 2016** will be initiated against you.

<Signed>  
Public Information Officer

<Signed>  
Tahasildar, Jharsuguda

  
**TRUE COPY**

# ANNEXURE-2

**Joint Committee enquiry report with regards to the direction of Hon'ble NGT order dated:-05.02.2024 in OA No.26/2024/EZ-Jitendra Kumar Pradhan Vs State of Odisha &Ors**

As per the direction of the Hon'ble NGT order dated 05.02.2024 in OA No. 26/2024/EZ-Jitendra Kumar Pradhan Vs. State of Odisha &Ors, a committee has been constituted comprising of District Collector, Jharsuguda or his representative of not below the rank of Addl. District Magistrate, Senior Scientist, SPCB, Odisha, Director of Mines and Geology, Bhubaneswar, Khurda, or his senior representative and Divisional Forest Officer, Jharsuguda or his senior representative. They were directed to inspect the site in question and submit its report with regards to allegations made.

In this regard, a field enquiry was conducted on 01.03.2024 in and around the alleged site. The following members of Joint Committee were present during the field visit:-

1. Sri Brajabandhu Bhoi, O.A.S (SAG), Additional District Magistrate (Gen), Jharsuguda.
2. Smt. A.Ekka, Deputy Environment Scientist, SPCB, Odisha, Jharsuguda.
3. Sri. Baljit Dungdung Assistant Conservator of Forests (ACF), Jharsuguda.

In addition to the above committee members, the following representatives and villagers were also present during the site visit:-

1. Sri Kaushik Meher, Addl.Tahasildar, Jharsuguda.
2. Smt. Rishna Jandalka, Forest Ranger (Brajrajnagar Range)
3. Sri. Prasanta Bag Forester Rajpur
4. Smt. Harapriya Bhoi Forester Ib valley
5. Smt. Reema Patel, Forest Guard
6. Sri Khageswar Patel, R.I. Brajrajnagar
7. Sri Prakash Kumar Naik, Amin

### Observations:-

- The alleged sites as mentioned in the petition was visited by the Committee. No mining activity/excavation work was in progress at allegation site during the joint visit. However, excavation morrum had been done at only one plot. The status of the sites are as follows:-

Mouza	Khata No	Plot No	Area	Kisam	Status
Brajrajnagar Town Unit No.1	616 (Rakhit)	85	0.257	Gochar	No excavation activity found
		126	1.287	Gochar	No excavation activity found
		2018/5229 (2018/5228)	0.828	Bada Jungle	No excavation activity found.

**True Copy Attested**

Asst. Conservator of Forests  
Jharsuguda Forest Division

**TRUE COPY**

**TRUE TYPED COPY**

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As per the direction of the Hon’ble NGT order dated 05.02.2024 in OA No. 26/2024/EZ-Jitendra Kumar Pradhan Vs. State of Odisha &Ors, a committee has been constituted comprising of District Collector, Jharsuguda or his representative of not below the rank of Addl. District Magistrate, Senior Scientist, SPCB, Odisha, Director of Mines and Geology, Bhubaneswar, Khurda or his senior representative and Divisional Forest Officer, Jharsuguda or his senior representative. They were directed to inspect the site in question and submit its report with regards to allegations made.

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2. Smt. A. Ekka, Deputy Environment Scientist, SPCB, Odisha, Jharsuguda
3. Sri. Baljit Dungdung Assistant Conservator of Forests (ACF), Jharsuguda

In addition to the above committee members, the following representatives and villagers were also present during the site visit:-

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3. Sri. Prasanta Bag Forester Rajpur
4. Smt. Harapriya Bhoi Forester lb valley
5. Smt. Reema Patel, Forest Guard
6. Sri Khageswar Patel, R.l. Brajrajnagar
7. Sri Prakash Kumar Naik, Amin

**Observations:-**

- The alleged sites as mentioned in the petition was visited by the Committee. No mining activity/ excavation work in progress at allegation site during the joint visit. However, excavation morrum has been done at only one plot. The status of the sites are as follows:-

Mouza	Khata No.	Plot No.	Area	Kisam	Status
Brajrajnagar Town Unit No. 1	616 (Rakhit)	85	0.257	Gochar	No excavation activity found
		126	1.287	Gochar	No excavation activity found
		2018/5229 (2018/5228 does not exist)	0.828	Bada Jungle	No excavation activity found (However, a road is found

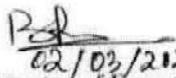
		does not exist			(However, a road is found passing through the plot)
	618 (Anabadi)	2017	0.630	Patit	Excavation activity observed
		81	0.472	Nala	No excavation activity found

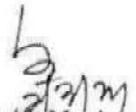
- The lands of plot no. 85 and 126 were found to be vacant and barren whereas plot no. 2018/5228 is not found in Khata No. 616 (Rakhit) but in plot no.2018/5229 (Bada Jungle) of khata no. 616 (Rakhit) some Chakunda trees growth were found which was adjacent to plot no. 2017(patit kisam) of khata no. 618 (Anabadi). There was very narrow flow of water at plot no-81.
- However, excavation of morrum was found at Plot no-2017 of Khata no-618 (Anabadi) over an area of 0.91 ha. about 4 mtr depth and 56100 cum of morrum has been extracted. The RI report and drone survey report is attached for necessary reference
- For excavation of Morrum, the project proponent has not obtained Environment Clearance from SEIAA, Bhubaneswar and valid Consent to Establish and Consent to Operate from SPCB, Odisha.

**Recommendation:-**

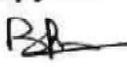
- M/s Aditya Constructions may be directed to develop plantation on the above plots for damaging the natural vegetation without the permission of the competent authority.
- It may be directed to obtain required permissions from the concerned authority for excavation of soil and morrum.

  
Dy. Env. Scientist, RO, SPCB  
Jharsuguda

  
Asst. Conservator of Forest (ACF),  
Jharsuguda

  
Additional District Magistrate (Gen),  
Jharsuguda

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Asst. Conservator of Forest  
Jharsuguda Forest Division

  
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					passing through the plot)
	618 (Anabadi)	2017	0.630	Patit	Excavation activity observed
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- The lands of plot no. 85 and 126 were found to be vacant and barren whereas plot no. 2018/5228 is not found in Khata No. 616 (Rakhit) but in plot no. 2018/5229 (Bada Jungle) of Khata No. 616 (Rakhit) some Chakunda trees growth were found which was adjacent to plot no. 2017 (patit kisam) of Khata no. 618 (Anabadi). There was very narrow flow of water at plot no-81.
- However, excavation of morrum was found at Plot no-2017 of Khata no-618 (Anabadi) over an area of 0.91 ha, about 4 mtr depth and 56100 cum of morrum has been extracted. The RI report and drone survey is attached for necessary reference.
- For excavation of Morrum, the project proponent has not obtained Environment Clearance from SEIAA, Bhubhaneswar and valid Consent to Establish and Consent to Operate from SPCB, Odisha.

**Recommendation:-**

- M/s Aditya Constructions may be directed to develop plantation on the above plots for damaging the natural vegetation without the permission of the competent authority.
- It may be directed to obtain permissions from the concerned authority for excavation of soil and morrum.

<Signed>

**Dy. Env. Scientist RO, SPCB**

**Jharsuguda**

<Signed>

**Asst. Conservator of Forest (ACF)  
Jharsuguda**

<Signed>

**Additional District Magistrate (Gen),  
Jharsuguda**

## OFFICE OF THE REVENUE INSPECTOR, BRAJRAJNAGAR

Letter No. 107/ Date : 01.03.2024

To

Tahasildar, Jharsuguda

Sub: Submission of report regarding the correction of the plot No. 2018/5228 in Mouza – Braj Unit No.1 of the NGT bearing Case No. 26/2024/EZ .

Respected Sir,

With reference to the subject cited above , I am to submit the report in details that On verification of RQR , it found that the plot no. 2018/5228 of area ac. 0.828 does not exist. But the plot no 2018/5229 of area ac0.828 is availbe in Khata no 616(Rakhit).

On verification of the field over the plots mentioned by the applicant Jitendra Kumar Pradhan are as follows.

Land schedule With Extracted Quantity						
MOUZA	Khata No.	Plot No.	Kisam	Area(Ac.)	STATUS	Extracted Quantity
Brajn Unit No 1	616(Rakhit)	85	Gochar	0.257	No Extraction	-
	616(Rakhit)	126	Gochar	1.287	No Extraction	-
	616(Rakhit)	2018/5229	Bad Jungle	0.828	No Extraction	-
	618(Anabadi)	2017	Patit	0.630	Extraction	56100 CUM
	618(Anabadi)	81	Nala	0.472	No Extraction	-
Total				0.350		56100 CUM

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

Yours faithfully



Revenue Inspector, Brajrajnagar

Revenue Inspector  
Brajrajnagar

True Copy Attested



Asst. Conservator of Forest  
Jharsuguda Forest Division

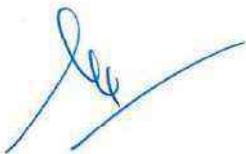
  
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**Additional Agenda Item No. 13**

**Hon'ble NGT order dated 09.01.2025 in O.A. No.26/2025/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors**

1. This is regarding Hon'ble NGT order dated 09.01.2025 in O.A. No.26/2025/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors. It is a matter of illegal/un-authorized extraction of about **56,100 cum** of Morrum from various places in Jharsuguda District, Odisha by M/s. Aditya Construction, Represented by Managing Director, Plot No. 496/3799, Unit No. 02, Hariom Bihar, Ward No. 17, Brajrajnagar, Jhatsuguda, Odisha, Pin-751001. The matter was placed before Hon'ble NGT, EZ and after hearing the matter, Hon'ble NGT disposed of the case on 09.01.2025 with direction to SEIAA, Odisha that ***"the SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months"***. In this case the SEIAA, Odisha has not issued any environmental clearance in favour M/s. Aditya Construction for extraction of any Morrum material in Jharsuguda District.
2. In compliance to NGT order and as per the CPCB guidelines dated 30.01.2020 based on order dated 05.04.2019 in the matter on OA. No. 360 of 2015 of Hon'ble NGT, Principal Bench, New Delhi and Govt. of Odisha Revenue & Disaster Management Department Notification no. 5157 dated 17.02.2022 regarding fixation of scale of compensation regime towards environmental and ecological damage for illegal/excess mining of sand. As per the above notification and order, the market value of morrum material or any other minor mineral is necessary for calculation of environmental compensation. Accordingly, a letter vide letter no. 6750/SEIAA dated 19.09.20025 was issued to the Deputy Director of Mines, Sambalpur for submission of Market Value of Morrum material in Jharsuguda District. The DDM, Sambalpur vide letter no. 3458 dated 17.10.2025 has intimated to SEIAA, Odisha that no Market value has been finalized for Morrum in Jharsuguda District and also submitted the information on highest bidding price for Morrum in Jharsuguda is of Rs. 62/- (Royalty@ 35/- + Addl. Charge Rs. 27/- per Cum) in Jharsuguda District. In absence of any market value for these cases, the highest bidding amount has taken as a market value and accordingly, environmental compensation has been calculated

3. The environmental compensation amount of **Rs.1,15,80,585.73/-** has been calculated based on the Approach-2 formula of Central Pollution Control Board (CPCB). The Respondent No. 11, M/s. Aditya Construction has extracted 56,100 cum of Morrum material in Jharsuguda District which is reflected in the Joint Inspection report dated 01.03.2024 and as mentioned in the final order dated 09.01.2025 of Hon'ble NGT. The Environmental compensation has been calculated considering the Annual value of Foregone Ecological Values (D × RF) i.e. Risk factor taken as 1 for severe case as no EC and other permission obtained before mining.
4. Show cause Notice letter no.6892/SEIAA dated 02.12.2025 has issued to the Respondent No.11, Aditya Construction directed to reply to this Show Cause Notice of SEIAA, Odisha by letter/email or to appear/present in person or through authorized person in SEIAA, Odisha office chamber within 15 days from the date of receipt of this show cause notice, why the environmental compensation amounting of **Rs.1,15,80,585.73/-** shall not collected for extraction of Morrum Material unauthorizedly and as per direction of Hon'ble NGT. But the Show Cause letter returned to SEIAA, Odisha on 10.12.2025 with reason that not received by the addressee. Further, the same letter was sent again to M/s. Aditya Construction vide speed post no. EO758835674IN dated 10.12.2025 and was received on 13.12.2025 as intimated by M/s. Aditya Construction through letter dated 29.12.2025
5. It is to mention here that the M/s. Aditya Construction asked for submission of response on Show Cause within 15 days from the date of receipt of this Show Cause notice but he did not respond till 29.12.2025 within the stipulated time on 28.12.2025. M/s. Aditya Construction, vide letter dated 29.12.2025 requested SEIAA, Odisha for extension of time of four (04) weeks to reply Show Cause Notice giving reason that due to festivities and year end vacations with limited employees and accordingly require considerable time to collate the relevant data to prepare suitable reply to Show Cause Notice which was not acceptable by Authority SEIAA, Odisha.
6. Further, 2<sup>nd</sup> Show Cause Notice vide letter no.6965/SEIAA dated 31.12.2025 was issued by SEIAA, Odisha to M/s. Aditya Construction for extension of time to reply Show Cause Notice for four weeks is not acceptable and seven days' time was given to submit Show Cause reply i.e. on or before 07.01.2026.



**Minutes of 266<sup>th</sup> Meeting of SEIAA Odisha held on 09.01.2026**

7. On behalf of M/s. Aditya Construction, Sri Pranav Mundra, Advocate for M/s. Aditya Construction has submitted their written reply on Show Cause Notice to SEIAA, Odisha dated 07.01.2026 by present physically in SEIAA, Odisha Office with mentioning the following as follows:
- a. No environmental compensation should be levied inasmuch as M/s Aaditya Construction was neither the project proponent nor engaged in any illegal mining activity thereby excavating 56,100 cubic meters of morrum.
  - b. Assuming without admitting and without prejudice to the above, even if the environmental compensation is to be levied, the same should be levied considering the following:
    - i. The maximum amount of morrum that could have been excavated from the subject site as per the joint committee report is only 10,200 cubic meters. Accordingly, the same should be taken into consideration.
    - ii. The market value of morrum allegedly excavated from the subject site is already determined by the competent authority i.e., Tehsildar, Jharsuguda. The Tehsildar Jharsuguda has determined INR 40 as price of morrum per cubic meter. Accordingly, it is humbly submitted that the market value of murrum per cubic meter should be considered as INR 40 and not INR 62.
    - iii. Additionally, your good self has categorized the alleged violation as a "severe" category violation. Consequently, the corresponding risk factor and discount has been made applicable. It is humbly submitted that as per the CPCB framework, "*In situations where the risk categorization is unavailable or pending calculation, an average risk factor of 0.5 and a discount rate of 6.5% may be considered*". In the present case, the risk categorization is unavailable and therefore, it is submitted that average risk factor of 0.5 and discount rate of 6.5% may be consider.

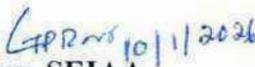
**Decision of the Authority:**

After careful examination of the written submission made by M/s Aditya Construction on show cause notice dated 02.12.2025 and 31.12.2025 to and as per the letter of the DDM, Sambalpur vide letter no. 3458 dated 17.10.2025 has intimated to SEIAA, Odisha that no Market value has been finalized for Morrum in Jharsuguda District and the information on highest bidding price for Morrum in Jharsuguda district is of Rs. 62/- (Royalty@ 35/- + Addl. Charge Rs. 27/- per Cum). An average risk factor of 0.5 corresponds to severity of moderate and discount rate 7% as per prevailing standard not 6.5%. The authority decided that the submission of Aditya Construction in light of market value of Rs.40/- per cum and the risk factor of 0.5 and discount rate of 7% is not acceptable as M/s. Aditya Construction has extracted Morrum from different place of Jharsuguda District without EC. Hence, the Risk

factor taken as 1 (one) for severe case as no EC and other permission obtained before mining. The compensation on environmental damage has been calculated taking the market value of Rs. 62/- per cum of morrum as per submission of DDM, Sambalpur dated 17.10.2025 and the Rish factor taken as 1 (One) for sever case and accordingly the environmental compensation amounting of **Rs.1,15,80,585.73/-** has been calculated and the same is need to be deposited by M/s. Aditya Construction to Govt. of Odisha bearing Account No. 06640110075074, IFSC Code No-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 as per the Notification no. RDM-MMS-POLICY-0008-2021-5157/R & DM dated 17.02.2022 of Revenue and Disaster management Department, Government of Odisha and acknowledged the same to SEIAA, Odisha.

Signed by

  
Member Secretary, SEIAA

  
Member, SEIAA

  
Chairman, SEIAA

**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

(A statutory body constituted by Ministry of Environment, Forest & Climate Change  
under Environment (Protection) Act, 1986)

Letter No. 6997/SEIAADated 12.01.2026.

To

M/s. Aditya Construction  
Represented by Managing Director  
Plot No.496/3799, Unit No.02, Hariom Bihar,  
Ward No.17, Brajrajnagar, Jharsuguda  
Pin No.768126, Odisha

**DIRECTIONS FOR SUBMISSION OF ENVIRONMENTAL COMPENSATION IN  
PURSUANCE TO ORDER DATED 09.01.2025 OF HON'BLE NGT, EZ, KOLKATA -  
SHOW CAUSE NOTICE THEREOF**

- Ref: (i). Hon'ble NGT order dt. 09.01.2025 in O.A. No.26/2025/EZ and M.A. No. 26/2025/EZ in the matter of Jitendra Kumar Pradhan Vrs State of Odisha & Ors.  
(ii). Your request letter no. 014 dated 29.12.2025 for extension of time to reply Show Cause received at SEIAA, Odisha on 29.12.2025  
(iii). Your reply letter dated 07.01.2025 on Show cause Notice dated 02.12.2025 and 31.12.2025.

Sir/Madam,

With reference to the subject cited above, I am directed to inform that in pursuance of the Order dated 09.01.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 26/2025/EZ and M.A. No. 26/2025/EZ in the matter of *Jitendra Kumar Pradhan vs. State of Odisha & Others*, the Hon'ble Tribunal has, inter alia, directed as follows:

*"The SEIAA, Odisha, Respondent No.4, to determine environmental compensation against the Respondent No.11, Aditya Construction, for violation of environmental norms, after giving him an opportunity of being heard, and pass appropriate orders strictly in accordance with law within a period of two months".*

In compliance with the aforesaid directions of the Hon'ble Tribunal, it was observed that determination of environmental compensation for excess/unauthorised extraction of Morrum requires ascertainment of its prevailing market value in Jharsuguda District, which was not available with SEIAA, Odisha. Accordingly, SEIAA, Odisha issued a letter

vide No. 6750/SEIAA dated 19.09.2025 to the Deputy Director of Mines, Sambalpur Circle, with copies endorsed to the Collector & District Magistrate, Jharsuguda and the Mining Officer, Jharsuguda, seeking the requisite information.

The Deputy Director of Mines, Sambalpur Circle, vide letter No. 3458 dated 17.10.2025, intimated that no notified market value of Morrurum has been finalised for Jharsuguda District; however, the highest bidding price for Morrurum in the district is **₹62/- per cubic metre** (Royalty @ ₹35/- plus Additional Charge @ ₹27/- per cubic metre). In the absence of a notified market rate, the highest bidding price was adopted as the market value for the purpose of calculation of environmental compensation.

Accordingly, a Show Cause Notice was issued to M/s Aditya Construction vide No. 6892/SEIAA dated 02.12.2025, calling upon them to explain within 15 days as to why environmental compensation amounting to **₹1,15,80,585.73/-** should not be imposed for unauthorised extraction of Morrurum, in compliance with the directions of the Hon'ble NGT. The said notice was initially returned undelivered on 10.12.2025. Subsequently, the notice was re-issued through Speed Post vide No. EO758835674IN dated 10.12.2025, which was received by M/s Aditya Construction on 13.12.2025, as acknowledged by them vide letter dated 29.12.2025.

As no response was received within the stipulated period (i.e., by 28.12.2025), M/s Aditya Construction, vide letter dated 29.12.2025, sought an extension of four weeks to submit their reply, citing year-end holidays and limited staff availability. The request was not accepted by the Authority. Consequently, a second Show Cause Notice vide No. 6965/SEIAA dated 31.12.2025 was issued, granting a final opportunity of seven (07) days, i.e., up to 07.01.2026, to submit their reply.

In response, Sri Pranav Mundra, Advocate, on behalf of M/s Aditya Construction, submitted a written reply dated 07.01.2026 in person before SEIAA, Odisha, raising, inter alia, the following submissions:

- a. No environmental compensation should be levied inasmuch as M/s Aaditya Construction was neither the project proponent nor engaged in any illegal mining activity thereby excavating 56,100 cubic meters of morrum.

- b. Assuming without admitting and without prejudice to the above, even if the environmental compensation is to be levied, the same should be levied considering the following:
- i. The maximum amount of morrum that could have been excavated from the subject site as per the joint committee report is only 10,200 cubic meters. Accordingly, the same should be taken into consideration.
  - ii. The market value of morrum allegedly excavated from the subject site is already determined by the competent authority i.e., Tehsildar, Jharsuguda. The Tehsildar Jharsuguda has determined INR 40 as price of morrum per cubic meter. Accordingly, it is humbly submitted that the market value of murrum per cubic meter should be considered as INR 40 and not INR 62.
  - iii. Additionally, your good self has categorized the alleged violation as a "severe" category violation. Consequently, the corresponding risk factor and discount has been made applicable. It is humbly submitted that as per the CPCB framework, *"In situations where the risk categorization is unavailable or pending calculation, an average risk factor of 0.5 and a discount rate of 6.5% may be considered"*. In the present case, the risk categorization is unavailable and therefore, it is submitted that average risk factor of 0.5 and discount rate of 6.5% may be consider.

After careful examination of the written submissions made by M/s Aditya Construction in response to the Show Cause Notices dated 02.12.2025 and 31.12.2025, and in light of the communication received from the Deputy Director of Mines, Sambalpur vide letter No. 3458 dated 17.10.2025, it has been intimated to SEIAA, Odisha that no notified market value of Morrum has been finalised for Jharsuguda District. However, the highest bidding price for Morrum in the district has been reported as **₹62/- per cubic metre** (Royalty @ ₹35/- plus Additional Charge @ ₹27/- per cubic metre). It is observed that an average risk factor of 0.5 corresponds to a moderate category of violation, and the applicable discount rate as per prevailing standards is 7%, and not 6.5%. The Authority has decided that the submissions of M/s Aditya Construction proposing adoption of a market value of **₹40/- per cubic metre** and application of a risk factor of **0.5** with a discount rate of 7% are not acceptable, as M/s Aditya Construction has extracted Morrum from different locations in Jharsuguda District without obtaining Environmental Clearance (EC) and other statutory permissions. Accordingly, the violation has been categorised as severe, and the risk factor has been taken as 1 (one). The environmental compensation has therefore been calculated by adopting a market value of **₹62/- per cubic metre** of Morrum, as communicated by the Deputy Director of Mines, Sambalpur vide letter dated 17.10.2025, with a risk factor of 1 (one) for a severe category violation. Consequently, the environmental compensation amounting to **₹1,15,80,585.73/-** has been determined. The aforesaid amount is required to be deposited by M/s Aditya Construction into the Government of Odisha account bearing Account No. 06640110075074, IFSC Code: UCBA0000664, MICR Code: 751028004, Forest, Environment & Climate Change Department, Government of Odisha – 751001, in accordance with Notification No. RDM-MMS-POLICY-0008-2021-5157/R&DM dated

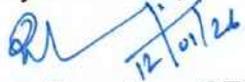
17.02.2022 of the Revenue & Disaster Management Department, Government of Odisha. The deposit shall be duly acknowledged, and a copy of the deposit challan shall be submitted to SEIAA, Odisha for record.

In view of the above and as per the decision of the Authority, M/s Aditya Construction (Respondent No. 11 / Project Proponent) is liable to deposit the aforesaid environmental compensation amount of **Rs.1,15,80,585.73/-** (One Crore fifteen lakh eighty thousand five hundred-eighty-five and 73 paise) for unauthorized extraction of **56,100** cum of Morrum from different place of Jharsuguda District. The District Administration may recover the same from M/s. Aditya Construction, Project Proponent/Respondent No.11 and take initiative step to deposit it in the account of Govt. of Odisha bearing Account No. 06640110075074, IFSC Code No-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 as per the Notification no. RDM-MMS-POLICY-0008-2021-5157/R & DM dated 17.02.2022 of Revenue and Disaster Management Department, Government of Odisha and acknowledged the same to SEIAA, Odisha. The copy of the deposit challan shall be submitted to this Authority.

This is for your information and necessary compliance.

Encl: As above

By order and Authority of SEIAA, Odisha

  
Member Secretary, SEIAA

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Jharsuguda, Sub-Collector, Jharsuguda, DFO, Jharsuguda, DDM, Sambalpur, RO, SPCB, Jharsuguda, Tahasildar, Jharsuguda /Mining Officer, Jharsuguda for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

  
Member Secretary, SEIAA

  
**TRUE COPY**

## ANNEXURE- E

86

173

TAHASIL OFFICE: JHARSUGUDA

No. 3389 / Date 20.08.2022

Sri Arun Kumar Barma  
M/S - Aditya Construction  
Korba (Chhattisgarh)  
Ha. Ni. Hatriom Bihar,  
Brajrajnagar, Jharsuguda  
Mob: 7974889411

Sub: Regarding deposit of Royalty and penalty for illegal extraction of Minor Mineral

Whereas, it has come to the notice of the undersigned that, you have extracted 56100 cum soil (common earth) from following schedule of land without prior permission of the Competent Authority.

LAND SCHEDULE

Mouza	Khata No.	Plot No.	Area	Kisam
Brajrajnagar Town Unit No. 1	616 (Rakhit)	85	0.257	Gochar
		126	1.287	Gochar
		2018/5228	0.828	Bada Jungle
	618 (Anabadi)	2017	0.630	Patit
		81	0.472	Nala

Whereas, as per Rule 51 of OMMC Rules, 2016, the penalty should be imposed up on you for illegal extraction of minor mineral.

Whereas, you have been directed to submit a show cause vide this office letter No. 1710, dt. 10.05.2022. However, three months have been passed and no reply have been received yet.

Whereas, as per Rule 51 of OMMC Rules, 2016, you are liable to deposit the penalty for illegal extraction of minor mineral as assessed below.

Sl No.	Assessment	Amount
1.	Royalty & Addl. Charges for 56100 Cum sand @ 40.00 per Cum	Rs. 22,44,000.00
2.	Penalty	Rs. 5,00,000.00
	<b>TOTAL</b>	<b>Rs. 27,44,000.00</b>

(Rupees twenty seven lakh forty four thousand only)

Therefore, you are directed to deposit the above amount within seven days after receipt of this letter, failing which action as per Rule, 51 of OMMC Rules, 2016 will be initiated against you.

*Supriya Das*  
*20/10/22*  
Public Information Officer  
Jharsuguda

*S. M. Jaisankar*  
Tahasildar, Jharsuguda  
Jharsuguda

*R*  
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**TAHASIL OFFICE: JHARSUGUDA**

No. 3389 / Date: 20.08.2022

To

**Sri Arun Kumar Barma**  
**M/S – Aditya Construction**  
**Korba (Chhattisgarh)**  
**Hr. Ni. Hairiom Bihar,**  
**Brajrajnagar, Jharsuguda**  
**Mobile No.: 7974889411**

Sub: Regarding deposit of Royalty and Penalty for illegal extraction of Minor Mineral

**Whereas**, it has come to the notice of the undersigned that, you have extracted 56100 cum soil (common earth) from following schedule of land without prior permission of the Competent Authority.

**LAND SCHEDULE**

<b>Mouza</b>	<b>Khata No.</b>	<b>Plot No.</b>	<b>Area</b>	<b>Kisam</b>
Brajrajnagar Town Unit No. 1	616 (Rakhit)	85	0.257	Gochar
		126	1.287	Gochar
		2018/5228	0.828	Bada Jungle
	618 (Anabadi)	2017	0.630	Patit
		81	0.472	Nala

**Whereas**, as per **Rule 51 of OMMC Rules, 2016**, the penalty should be imposed up on you for illegal extraction of minor mineral.

**Whereas**, you have been directed to submit show cause vide this office letter No. 1710 dt. 10.05.2022. However, three months have been passed and no reply have been received yet.

**Whereas**, as per **Rule 51 of OMMC Rules, 2016**, you are liable to deposit the penalty for illegal extraction of minor mineral as assessed below.

<b>Sl No.</b>	<b>Assessment</b>	<b>Amount</b>
1.	Royalty & Addl. Charges for 56100 Cum sand @ 40.00 per Cum	Rs. 22,44,000.00
2.	Penalty	Rs. 5,00,000.00
	<b>TOTAL</b>	<b>Rs. 27,44,000.00</b>

**(Rupees twenty seven lakh forty four thousand only)**

Therefore, you are directed to deposit the above amount within seven days after the receipt of this letter, failing which action as per **Rule 51 of OMMC Rules, 2016** will be initiated against you.

<Signed>  
Public Information Officer

<Signed>  
Tahasildar, Jharsuguda

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

**O.A NO.26 OF 2024/EZ**

JITENDRA KUMAR PRADHAN. ... APPLICANT.

-VERSUS-

STATE OF ODISHA  
AND OTHERS.

...RESPONDENTS.

**I N D E X**

<b>Sl. No.</b>	<b>Description of documents</b>	<b>Pages</b>
1.	Counter Affidavit filed by the Opp.Party No.7.	1-7
2.	<b><u>Annexure-A/7.</u></b> True copy of the joint enquiry report dated 02.03.2024 of the Fact Finding Committee.	8-12

**CUTTACK.**

**DATE: 14.03.2024**

*Shashi Kumar Pradhan*  
**ADDL. GOVT. ADVOCATE.**



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

**O.A NO.26 OF 2024/EZ**

**JITENDRA KUMAR PRADHAN. ... APPLICANT.**

**-VERSUS-**

**STATE OF ODISHA  
AND OTHERS.**

**...RESPONDENTS.**

**COUNTER AFFIDAVIT FILED  
BY THE RESPONDENT NO.7**

I, Manu Ashok Bhat, aged about 31 years, Son of Sri Ashok Bhat, at present working as Divisional Forest Officer, Jharsuguda Forest Division, Jharsuguda, At/Po/Dist: Jharsuguda, do hereby solemnly affirm and state as follows:-

*Manu Ashok Bhat*  
Divisional Forest Officer  
Jharsuguda Forest Division

1. That I am working as Divisional Forest Officer, Jharsuguda Forest Division, Jharsuguda, hereinafter referred to as the answering Respondent No.7 and as such I am competent to swear this affidavit.

2. That I have gone through the contents of the Original Application as well as the annexures appended thereto and have understood the contents thereof. I am well acquainted with the facts of the case.

3. That in reply to the averments made in Para-1 of the original application, it is humbly submitted that the Fact-Finding Committee as constituted by the Hon'ble

*h*  
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*Surendra Prasad Dha*  
**Surendra Prasad Dha.**  
**Advocate**  
**NOTARY, CUTTACK**

National Green Tribunal, Eastern Zone, Bench, Kolkata vide order dated 05.02.2024 visited the alleged site on 02.03.2024 and submitted their report. It is revealed from the joint enquiry report of the Fact Finding Committee that no excavation activities was observed over Plot Nos.85 and 126 of Khata No.616 (Rakhit) and were found to be vacant and barren whereas Plot No.2018/5228 is not found in Khata No.616 (Rakhit). But a road is found passing through the Plot No.2018/5229 (Bad Jungle- not enlisted in the Original Application) of Khata No.616 (Rakhit) having tree growth which is adjacent to Plot No.2017 (Patita Kisan) of Khata No.618 (Anabadi) of the alleged site. Only excavation activities were observed over an area of 0.91 ha measuring about 4 meter depth having 56100 cum of morrum in Plot No.2017 of Khata No.618 (Anabadi) whereas no excavation of earth/ morrum was noticed over Plot No.81 of Khata No.618 (Anabadi). True copy of the joint enquiry report dated 02.03.2024 of the Fact Finding Committee is annexed herewith as **Annexure-A/7**.

4. That as regards the averments made in Para-2 to 4 of the original application, the Respondent No.7 has nothing to comment.

5. That in reply to the averments made in Para-5 of the original application, it is humbly submitted that no

*Surendra Prasad Dhal*  
Advocate  
NOTARY, CUTTACK

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record/report is available in the Office of the Respondent No.7 regarding illegal excavation of morrum mining carried out in Revenue Forest land of different villages and regarding felling of trees by the Respondent No.11 for mining of morrum purpose.

6. That as regards the averments made in Para-6 to 8 of the original application, the Respondent No.7 has nothing to comment.

7. That as regards the averments made in Para-9 of the original application, the Respondent No.7 has nothing to comment. But in this case, mining of morrum on forest land has not been noticed as per the joint enquiry report of the Fact-Finding Committee dated 02.03.2024.

8. That as regards the averments made in Para-10 to 14 of the original application, the Respondent No.7 has nothing to comment.

9. That in reply to the averments made in Para-15 of the original application, it is humbly submitted that the Fact-Finding Committee as constituted by the Hon'ble National Green Tribunal, Eastern Zone, Bench, Kolkata vide order dated 05.02.2024 visited the alleged site on 02.03.2024. It is revealed from the joint enquiry report of the Fact Finding Committee that no excavation activities were observed over Plot Nos.85

*Mew*

Divisional Forest Officer  
Jharsuguda Forest Division

*f*  
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Surenaru . . . . .  
Advocate  
NOTARY, CUTTACK

and 126 of Khata No.616 (Rakhit) and were found to be vacant and barren whereas Plot No.2018/5228 is not found in Khata No.616 (Rakhit). But a road is found passing through the Plot No.2018/5229 (Bad Jungle - not enlisted in the Original Application) of Khata No.616 (Rakhit) having tree growth which is adjacent to Plot No.2017 (Patita Kisam) of Khata No.618 (Anabadi) of the alleged site. Only excavation activities were observed over an area of 0.91 ha measuring about 4 meter depth having 56100 cum of morrum in Plot No.2017 of Khata No.618 (Anabadi) whereas no excavation of earth/morrum was noticed over Plot No.81 of Khata No.618 (Anabadi).

10. That as regards the averments made in Para-16 to 26 of the original application, the Respondent No.7 has nothing to comment.

11. That in reply to the averments made in Para-27 of the original application, it is humbly submitted that in this case mining of morrum on forest land has not been noticed as per the joint enquiry report dated 02.03.2024 of the Fact-Finding Committee.

12. That as regards the averments made in Para-28 to 31 of the original application, the Respondent No.7 has nothing to comment.

*H. B. W.*  
Divisional Forest Officer  
Jharsuguda Forest Division

Surenata Prasad Das  
Advocate  
NOTARY, CUTTACK

*R*  
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13. That in reply to the averments made in Para-32 of the original application, it is humbly submitted that in this case mining of morrum on forest land has not been noticed as per the joint enquiry report dated 02.03.2024 of the Fact-Finding Committee.

14. That as regards the averments made in Para-33 of the original application, the Respondent No.7 has nothing to comment.

15. That in reply to the averments made in Para-34 of the original application, it is humbly submitted that in this case mining of morrum on forest land has not been noticed as per the joint enquiry report dated 02.03.2024 of the Fact-Finding Committee.

16. That as regards the averments made in Para-35 and 36 of the original application, the Respondent No.7 has nothing to comment.

17. That the averments/assertions/allegations made in the Original Application which are not specifically admitted by this deponent shall be deemed to have been denied. This deponent craves leave of the Hon'ble Tribunal to file further affidavit, if required at the time of hearing.

18. That in view of the above submissions made by the Respondent No.7, the prayer made in the Original

*P. B. W.*  
Divisional Forest Officer  
Jharsuguda Forest Division

*P.*  
**TRUE COPY**

*Suren...*  
Advocate  
NOTARY, CUTTACK

*14-3*

Application is devoid of any merit and liable to be rejected.

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

*(Signature)*  
**Deponent**  
Divisional Forest Officer  
Jharsuguda Forest Division

**VERIFICATION**

I, Manu Ashok Bhat, aged about 31 years, Son of Sri Ashok Bhat, at present working as Divisional Forest Officer, Jharsuguda Forest Division, Jharsuguda, At/Po/Dist: Jharsuguda, do hereby verify and states that the contents of the above affidavit are true and correct to the best of my knowledge as derived from official records and that nothing material has been concealed there from.

Verified at Jharsuguda on this the 14<sup>th</sup> day of March, 2024.

Identified by:

*Shakeri Poudyal*  
**ADDL. GOVT. ADVOCATE.**

*(Signature)*  
**VERIFICANT**  
Divisional Forest Officer  
Jharsuguda Forest Division

**AFFIDAVIT**

I, Manu Ashok Bhat, aged about 31 years, Son of Sri Ashok Bhat, at present working as Divisional Forest Officer, Jharsuguda Forest Division,

*(Signature)*  
**TRUE COPY**

The above named Deponent  
Solemnly affirm on 14<sup>th</sup> day  
..... *M. P. Panda* Being Identified by *S. P. Panda*  
*Surentra Prasad Das*  
Advocate  
**NOTARY, CUTTACK**  
*(Advocate) APO*



Jharsuguda, At/Po/Dist: Jharsuguda, do hereby solemnly affirm and state as follows:-

1. That I am the Respondent No.7 in this Original Application.
2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by:

**ADDL. GOVT. ADVOCATE.**

**VERIFICANT**

Divisional Forest Officer  
Jharsuguda Forest Division

Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

**TRUE COPY**

**Joint Committee enquiry report with regards to the direction of Hon'ble NGT  
order dated:-05.02.2024 in OA No.26/2024/EZ-Jitendra Kumar Pradhan Vs State  
of Odisha &Ors**

As per the direction of the Hon'ble NGT order dated 05.02.2024 in OA No. 26/2024/EZ-Jitendra Kumar Pradhan Vs. State of Odisha &Ors, a committee has been constituted comprising of District Collector, Jharsuguda or his representative of not below the rank of Addl. District Magistrate, Senior Scientist, SPCB, Odisha, Director of Mines and Geology, Bhubaneswar, Khurda, or his senior representative and Divisional Forest Officer, Jharsuguda or his senior representative. They were directed to inspect the site in question and submit its report with regards to allegations made.

In this regard, a field enquiry was conducted on 01.03.2024 in and around the alleged site. The following members of Joint Committee were present during the field visit:-

1. Sri Brajabandhu Bhoi, O.A.S (SAG), Additional District Magistrate (Gen), Jharsuguda.
2. Smt. A.Ekka, Deputy Environment Scientist, SPCB, Odisha, Jharsuguda.
3. Sri. Baljit Ddungdung Assistant Conservator of Forests (ACF), Jharsuguda.

In addition to the above committee members, the following representatives and villagers were also present during the site visit:-

1. Sri Kaushik Meher, Addl.Tahasildar, Jharsuguda.
2. Smt. Rishna Jamdaila, Forest Ranger (Brajrajnagar Range)
3. Sri. Prasanta Bag Forester Rajpur
4. Smt. Harapriya Bhoi Forester Ib valley
5. Smt. Reema Patel, Forest Guard
6. Sri Khageswar Patel, R.I. Brajrajnagar
7. Sri Prakash Kumar Naik, Amin

**Observations:-**

- The alleged sites as mentioned in the petition was visited by the Committee. No mining activity/excavation work was in progress at allegation site during the joint visit. However, excavation morrum had been done at only one plot. The status of the sites are as follows:-

Mouza	Khata No	Plot No	Area	Kisam	Status
Brajrajnagar Town Unit No.1	616 (Rakhit)	85	0.257	Gochar	No excavation activity found
		126	1.287	Gochar	No excavation activity found
		2018/5229 (2018/5228)	0.828	Bada Jungle	No excavation activity found.

**True Copy Attested**



**TRUE COPY**

**Joint Committee enquiry report with regards to the direction of Hon'ble NGT order dated:- 05.02.2024 in OA No. 26/2024/EZ-Jitendra Kumar Pradhan Vs State of Odisha &Ors**

---

As per the direction of the Hon'ble NGT order dated 05.02.2024 in OA No. 26/2024/EZ-Jitendra Kumar Pradhan Vs. State of Odisha &Ors, a committee has been constituted comprising of District Collector, Jharsuguda or his representative of not below the rank of Addl. District Magistrate, Senior Scientist, SPCB, Odisha, Director of Mines and Geology, Bhubaneswar, Khurda or his senior representative and Divisional Forest Officer, Jharsuguda or his senior representative. They were directed to inspect the site in question and submit its report with regards to allegations made.

In this regard, a field enquiry was conducted on 01.03.2024 in and around the alleged site. The following members of the Joint Committee were present during the field visit:-

1. Sri Brajabandhu Bhoi, O.A.S (SAG), Additional District Magistrate (Gen), Jharsuguda
2. Smt. A. Ekka, Deputy Environment Scientist, SPCB, Odisha, Jharsuguda
3. Sri. Baljit Dungdung Assistant Conservator of Forests (ACF), Jharsuguda

In addition to the above committee members, the following representatives and villagers were also present during the site visit:-

1. Sri Kaushik Meher, Addl. Tahasildar, Jharsuguda
2. Smt. Rishna Jamdaila, Forest Ranger (Brajrajnagar Range)
3. Sri. Prasanta Bag Forester Rajpur
4. Smt. Harapriya Bhoi Forester lb valley
5. Smt. Reema Patel, Forest Guard
6. Sri Khageswar Patel, R.l. Brajrajnagar
7. Sri Prakash Kumar Naik, Amin

**Observations:-**

- The alleged sites as mentioned in the petition was visited by the Committee. No mining activity/ excavation work in progress at allegation site during the joint visit. However, excavation morrum has been done at only one plot. The status of the sites are as follows:-

Mouza	Khata No.	Plot No.	Area	Kisam	Status
Brajrajnagar Town Unit No. 1	616 (Rakhit)	85	0.257	Gochar	No excavation activity found
		126	1.287	Gochar	No excavation activity found
		2018/5229 (2018/5228 does not exist)	0.828	Bada Jungle	No excavation activity found (However, a road is found

		does not exist)			(However, a road is found passing through the plot)
	618 (Anabadi)	2017	0.630	Patit	Excavation activity observed
		81	0.472	Nala	No excavation activity found

- The lands of plot no. 85 and 126 were found to be vacant and barren whereas plot no. 2018/5228 is not found in Khata No. 616 (Rakhit) but in plot no.2018/5229 (Bada Jungle) of khata no. 616 (Rakhit) some Chakunda trees growth were found which was adjacent to plot no. 2017(patit kisam) of khata no. 618 (Anabadi). There was very narrow flow of water at plot no-81.
- However, excavation of morrum was found at Plot no-2017 of Khata no-618 (Anabadi) over an area of 0.91 ha. about 4 mtr depth and 56100 cum of morrum has been extracted. The RI report and drone survey report is attached for necessary reference
- For excavation of Morrum, the project proponent has not obtained Environment Clearance from SEIAA, Bhubaneswar and valid Consent to Establish and Consent to Operate from SPCB, Odisha.

**Recommendation:-**

- M/s Aditya Constructions may be directed to develop plantation on the above plots for damaging the natural vegetation without the permission of the competent authority.
- It may be directed to obtain required permissions from the concerned authority for excavation of soil and morrum.

*Signature*  
02-03-2024

Dy. Env. Scientist, RO, SPCB  
Jharsuguda

*Signature*  
02/03/2024

Asst. Conservator of Forest (ACF),  
Jharsuguda

*Signature*

Additional District Magistrate (Gen),  
Jharsuguda

**True Copy Attested**

*Signature*

Asst. Conservator of Forest  
Jharsuguda Forest Division

*Signature*  
**TRUE COPY**

					passing through the plot)
	618 (Anabadi)	2017	0.630	Patit	Excavation activity observed
		81	0.472	Nala	No excavation activity found

- The lands of plot no. 85 and 126 were found to be vacant and barren whereas plot no. 2018/5228 is not found in Khata No. 616 (Rakhit) but in plot no. 2018/5229 (Bada Jungle) of Khata No. 616 (Rakhit) some Chakunda trees growth were found which was adjacent to plot no. 2017 (patit kisam) of Khata no. 618 (Anabadi). There was very narrow flow of water at plot no-81.
- However, excavation of morrum was found at Plot no-2017 of Khata no-618 (Anabadi) over an area of 0.91 ha, about 4 mtr depth and 56100 cum of morrum has been extracted. The RI report and drone survey is attached for necessary reference.
- For excavation of Morrum, the project proponent has not obtained Environment Clearance from SEIAA, Bhubhaneswar and valid Consent to Establish and Consent to Operate from SPCB, Odisha.

**Recommendation:-**

- M/s Aditya Constructions may be directed to develop plantation on the above plots for damaging the natural vegetation without the permission of the competent authority.
- It may be directed to obtain permissions from the concerned authority for excavation of soil and morrum.

<Signed>

**Dy. Env. Scientist RO, SPCB**

**Jharsuguda**

<Signed>

**Asst. Conservator of Forest (ACF)  
Jharsuguda**

<Signed>

**Additional District Magistrate (Gen),  
Jharsuguda**

  
**TRUE COPY**

## OFFICE OF THE REVENUE INSPECTOR, BRAJRAJNAGAR

Letter No. 107/ Date : 01.03.2024

To

Tahasilidar, Jharsuguda

Sub: Submission of report regarding the correction of the plot No. 2018/5228 in Mouza – Braj Unit No.1 of the NGT bearing Case No. 26/2024/EZ.

Respected Sir,

With reference to the subject cited above, I am to submit the report in details that On verification of ROR, it found that the plot no. 2018/5228 of area ac. 0.828 does not exist. But the plot no 2018/5229 of area ac0.828 is availbe in Khata no 616(Rakhit).

On verification of the field over the plots mentioned by the applicant Jitendra Kumar Pradhan are as follows.

Land schedule With Extracted Quantity						
MOUZA	Khata No.	Plot No.	Kisam	Area(Ac.)	STATUS	Extracted Quantity
Brajn Unit No 1	616(Rakhit)	85	Gochar	0.257	No Extraction	-
	616(Rakhit)	126	Gochar	1.287	No Extraction	-
	616(Rakhit)	2018/5229	Bad Jungle	0.828	No Extraction	-
	618(Anabadi)	2017	Patit	0.630	Extraction	56100 CUM
	618(Anabadi)	81	Nala	0.472	No Extraction	-
Total				0.350		56100 CUM

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

Yours faithfully

Revenue Inspector, Brajrajnagar

Revenue Inspector  
Brajrajnagar

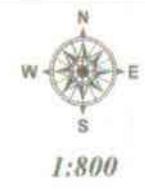
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Asst. Conservator of Forest  
Jharsuguda Forest Division



### Map of Plots Under NGT Enquiry



#### Legend

- Soil Lifted Boundary ( 0.92 Ha )
- Bada Jungle Boundary ( Plot No.5229 )
- 2017 No. Plot Boundary ( Patit )
- Plots Boundary

**True Copy Attested**

*[Signature]*  
 Asst. Conservator of Forest  
 Jharsuguda Forest Division

**TRUE COPY**



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True Copy Attested

*[Handwritten Signature]*

Asst. Conservator of Forest  
Jharsuguda Forest Division

*[Handwritten Signature]*  
TRUE COPY

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

Miscellaneous Application No. \_\_\_\_\_/2026/EZ

In

Original Application No. 26/2024/EZ

M/s Aaditya Construction

Applicant

Versus

Jitendra Kumar Pradhan & Ors

Original Applicant / Respondents

KNOW ALL to whom these presents shall come that we **M/s Aaditya Construction do hereby appoint:**

V.LAKSHMIKUMARAN D/541/1985, CHARANYA LAKSHMIKUMARAN MAH/6298/2010, L. BADRI NARAYANAN D/2/2006, YOGENDRA ALDAK D/684/2011, PRANAV MUNDRA D/5779/2019, RASHI SRIVASTAVA UP155/2021, TAMANNA SHARMA D/6506/2021, BALRAAJ SINGH D/14438/2023,

Hereafter called the Advocate(s) to be my Advocates in the above noted case and authorize him/them;

To act, appear, plead in the above noted case before the HIGH COURT OF DELHI, NEW DELHI or in any court in which the case may be tried or heard and also in the High court and Supreme court subject to payment of fee separately for each court.

To sign, file, verify and present pleadings, replications, appeals, cross-objections, for executions, review, revision, restoration, withdrawal, compromise, inspection applications, applications or other petitions, replies, objections, or affidavits or their documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

To take out execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner(s)/Consultant(s) authorizing him to exercise the power and authority hereby conferred upon the advocates whenever they may think fit to do so and to sign the power of attorney on my/our behalf.

And we the undersigned do hereby agree to ratify and confirm the acts done by the Advocate(s) or his/their substitute in the matter as my/our own acts as if done by me/us to all intents and purposes.

And we the undersigned undertake that we or our duly authorized agent would appear in court on all hearings and will inform the Advocate(s) for appearance, when the case is called.

And we the undersigned do hereby agree not to hold the Advocate(s) or his/their substitute responsible for the result of the said case in consequence of

his/their absence from the court when the said is called up for hearing, or any negligence of the said Advocate(s) or his/their substitute.

And we the undersigned, do hereby agree that in the event of the whole or any part of the fee agreed by us to be paid to the Advocate(s) remaining unpaid, he/they shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate(s) would be entitled to the same. The fee settled is only for the above case and court.

IN WITNESS WHEREOF we do hereunto set our hand to these presents, the contents of which have been understood by us this 28<sup>th</sup> of February 2025.

Accepted subject to the terms of fees

Advocate

  
VP/55/2021

**Aaditya Construction**

Client

Partner

(Authorized Signatory)

---

Addresses for communication

LAKSHMIKUMARAN & SRIDHARAN

6th and 7th Floor, Tower E, World Trade Centre, Nauroji Nagar, New Delhi – 110029

Phones: 41299900/26192243/26192273/26192280

Fax: (011) 26197578 / (011) 41299899 MOB: +918010333998,

Email: [yogendra.aldak@lakshmisri.com](mailto:yogendra.aldak@lakshmisri.com)



# Aaditya Construction

ENGINEERS, CONTRACTORS & TRANSPORTERS

Mob. 094063 30000  
094064 44444

E-mail : aaditya.construction@yahoo.com

56 Indira Commercial Complex, Transport Nagar, Korba (C.G.) 495001

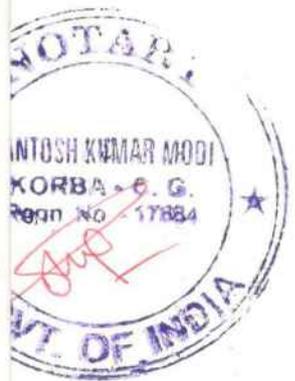
### POWER OF ATTORNEY



KNOW ALL MEN by these presents that I, Amit Dalmia (partner of Aaditya Construction), of firm Aaditya Construction, 56, Indira Complex, T.P.Nagar, Korba (CG) here by appoint nominate Arun Verma S/o Shri Suresh Kumar Verma aged 47 years one of the partners of firm. Aaditya Construction, Korba (CG) to be our lawful attorney as under:-

I hereby authorize Mr. Arun Verma as the lawful attorney of firm Aaditya Construction Korba to execute in the name of firm Aaditya Construction including the following acts deeds and things:-

- a) To give and sign vakalatnamas, retainers, and other necessary authorities and such retainers, authority letters and authorities from time to time, at pleasure to revoke.
- b) To receive service of the writ or summons/notice on behalf of the Company in respect of any suit/s or other legal proceedings that may be instituted against the Company or otherwise.
- c) To appear, defend, prosecute and give evidence on behalf of the Company and act in all courts and tribunals (whether original or appellate) and to sign and verify plaints, written statements, petitions, complaints, affidavits, reply, rejoinder, replication, objections, applications etc. of all kinds and to file them in appropriate Courts, Tribunals or Offices.
- d) To apply for inspection of and to inspect judicial, semi-judicial, revenue, municipal or other statutory records and to obtain copies thereof
- e) To do all such other acts, deeds, matters and things for the proper conduct of all legal matters and to safeguard the legal interests of the Company in any manner whatsoever.



Aaditya Construction  
*Arun Verma*  
Partner

PROVIDED THAT this Power of Attorney shall cease to have effect and shall cease to be operative from the date it is revoked. This Power of Attorney can be revoked at all times.

AND the Company do hereby agree and undertakes to ratify and confirm all and whatsoever acts, deeds and things the Attorney shall lawfully do or cause to be done for the Company, by virtue of this Power of Attorney.

In witness whereof executed and signed on this 02 FEB 2026 Day of February 2026 at Korba (CG).

The Signature of the authorized is being attested below.

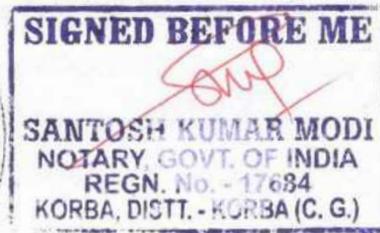
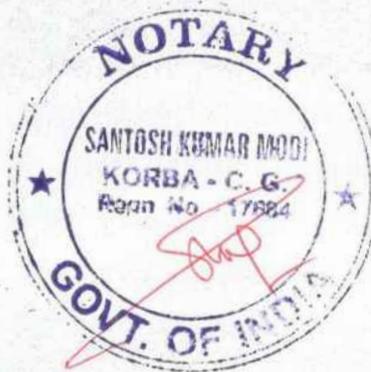
Witness 1. <i>Akshay</i> ✓ 2. <i>[Signature]</i> ✓	Arun Verma <i>Arun</i> ✓	Partners 1. Amit Dalmia <i>[Signature]</i> ✓
--	-----------------------------	--

**ATTESTED**  
*[Signature]*  
**SANTOSH KUMAR MODI**  
 NOTARY PUBLIC, KORBA (C.G.)  
 REGN. No. - 17684

**ATTESTED**  
*[Signature]*  
**SANTOSH KUMAR MODI**  
 NOTARY PUBLIC, KORBA (C.G.)  
 REGN. No. - 17684

**ATTESTED**  
*[Signature]*  
**SANTOSH KUMAR MODI**  
 NOTARY PUBLIC, KORBA (C.G.)  
 REGN. No. - 17684

02 FEB 2026



02 FEB 2026

