

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

**I.A. No. 116/2025**

**(Arising out of Appeal No. 10/2025)**

**IN THE MATTER OF:**

SANATAN MARDI VTC - DHATIKA, PO - KADAGARH, PS - RAISUAN,  
KENDUJHAR, ODISHA, PIN CODE - 758013 AND OTHERS

....APPELLANTS

VERSUS

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE  
THROUGH IT'S SECRETARY, GOVT. OF INDIA, INDIRA PARYAVARAN  
BHAWAN, JORBAGH, NEW DELHI - 110003, e-MAIL: secy-  
moef@nic.in AND OTHERS.

....OPPOSITE PARTIES

**REPLY AFFIDAVIT ON BEHALF OF OPPOSITE PARTY NO. 5, M/s.  
ESSAR MINMET LTD. TO THE APPLICATION FOR CONDONATION  
OF DELAY FILED BY THE APPELLANTS**

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THROUGH

*Jaydeb Ghorai*  
**JAYDEB GHORAI/AMIT PATTNAIK**  
Advocate for Opposite Party No. 5

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Ground Floor, Kolkata :700001

Ph : 9831336884 (M)

Email : jghorai@gmail.com

**Place :Cuttack**

**Date :28.02.2026**



*Padma  
Kumar  
Sanjay*

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

**I.A. No. 116/2025**

**(Arising out of Appeal No. 10/2025)**

**IN THE MATTER OF:**

SANATAN MARDI VTC-DHATIKA, PO-KADAGARH, PS-RAISUAN,  
KENDUJHAR, ODISHA, PIN CODE-758013 AND OTHERS

....APPELLANTS

VERSUS

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE  
THROUGH ITS SECRETARY, GOVT. OF INDIA, INDIRA  
PARYAVARAN BHAWAN, JORBAGH, NEW DELHI-110003, e-MAIL:  
secy-moef@nic.in AND OTHERS.

....OPPOSITE PARTIES

**REPLY AFFIDAVIT ON BEHALF OF OPPOSITE PARTY NO. 5,  
M/s. ESSAR MINMET LTD. TO THE APPLICATION FOR  
CONDONATION OF DELAY FILED BY THE APPELLANTS**

I, Sanjay Kumar Pattnaik, son of Late G. K. Pattnaik, aged about 66 years, by Faith -Hindu, by Occupation - Service, working for gain at M/s. Essar Minmet Ltd., Essar House, 11, K.K. Marg, Mumbai, Maharashtra, PIN - 400034 and residing at At- Plot No.5202, Gautam Nagar, Bhubaneswar, Pin-751014, Dist- Khurda, Odisha, do hereby solemnly affirm and say as follows :

**B. MISHRA  
NOTARY, CUTTACK  
ODISHA**



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Kumar  
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1. That, I am working as Chief Commercial Officer and Head-Project Affairs and Business Development with the Opposite Party No. 5 i.e. M/s. Essar MinmetLtd., and have been duly authorised to swear this affidavit on behalf of the Opposite Party No. 5.
2. That, I have gone through the application under reply and have understood the contents thereof. I am well acquainted with the facts of the case and authorised and competent to make and affirm this affidavit on behalf of the Opposite Party No. 5 in my official capacity.
3. That, I am aware of the facts and circumstances of the present case which are based on the records available. I have gone through the contents of the petition and have understood the same. At the outset, save and except what would appear from the record and is admitted by me expressly herein the rest of the allegations, contentions and averments in the petition are disputed and denied unless admitted hereto. Nothing herein shall be deemed or construed to be a waiver of rights of the answering Opposite Party No.5 to file or amend the present objection/affidavit.
4. That, the appeal has been filed under Section 16(h) of the National Green Tribunal Act, 2010, challenging the Environmental Clearance (EC) No. EC25B0901OR5670360N dated 09.09.2025 granted by the State Environment Impact Assessment Authority (SEIAA), Odisha in favour of Opposite Party No. 5 for the establishment of a 14.3 MTPA Iron Ore

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Adv*

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Beneficiation Plant at villages Tikarpada and Kadagarh, District Keonjhar, Odisha. The Appellants further seek to set aside the said Environmental Clearance and to declare the categorization of the project as Category-B1 as erroneous and ultra vires. It is further prayed that the project be treated as a Category-A project and be appraised by the Expert Appraisal Committee (EAC), MoEF&CC, and that a fresh reassessment of the Environmental Clearance be undertaken.

5. That before dealing with the non-maintainability of the present application for condonation of delay the present Respondent craves leave to state the following facts;

- (i) That the Opposite Party No.5, M/s. Essar Minmet Limited is setting up a 14.3-MTPA iron ore beneficiation plant in Keonjhar District and a 14-MTPA pellet plant in Paradip, Jagatsinghpur. Both the plants are dependent upon each other and connected with a 250 KM slurry pipe line making it an Integrated Project and this project has been granted the status of National Infrastructure Pipeline (NIP) project by Government of India. The investment for the beneficiation plant alone is about Rs.2000 crores. It has the potential to employ approximately 800 (both direct indirect) persons. During construction phase, the employment will go up to approximately 1500 persons.



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- (ii) The Opposite Party No.5 applied for Environmental Clearance (EC) of the project. For reasons its beyond its control, public hearing could not be held on 28.10.2024 and finally it was held on 18.01.2025. Thereafter, large number of representations were addressed to the Odisha State Pollution Control Board, which was forwarded to SEIAA for consideration. Public hearing was also well attended. All the participants supported the project, as it would immensely benefit the local people, by way of employment and development of the villages and nearby areas.
- (iii) It is stated that the proposed plant will use natural gas and renewable energy to minimise its carbon footprint, with MoUs already in place with NTPC for supply of renewable power. The project incorporates state-of-the-art environmental measures aimed at significantly reducing CO2 emissions, Zero waste water discharge to outside the boundary by reuse of the waste water. The project emphasizes the use of renewable energy, thus meeting the requirement of sustainable development.
- (iv) That while the Environmental Clearance Application was pending consideration a PIL was thereafter filed in the Hon'ble High Court of Orissa by the Appellant No.2, Sri Manoj Kumar Sahoo and others raising the allegations which are similar to which have been raised here. The Hon'ble High Court disposed of the Writ



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Petition permitting them to file representations within 10 days and SEIAA was mandated to take decision within three weeks thereafter.

- (v) The unit of the project was to be set up in two villages namely Tikarpada and Kadagarh. Ninety five (95) per cent of the project is to be located at Tikarpada five (5) percent at Kadagarh. There is another village called Dhatika which is not a village in which any of the units of the project is being set up.
- (vi) As would appear from the memo of parties, the Appellants are either from Kadagarh or from Dhatika and therefore it is submitted that they have not approached this Hon'ble Tribunal with clean hands. Notably, no resident of Tikarpada where 95% (ninety-five percent) of the project is being set up are whole heartedly supporting and welcoming the project.
- (vii) Out of the four Appellants only the Appellant No.2 was a part of the Petitioner who had filed the writ application and other two have no interest in the matter except for delaying the project which would not only result in escalation of costs but also delaying in completion of the project which is going to severely affect the entire project.
- (viii) In any event all the apprehensions raised by the Appellant in the present petition have already been



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addressed by the SEIAA and the grievance made herein are wholly frivolous. For this reason alone the present application for condonation of delay is devoid on merit and liable to be dismissed.

6. That, the present application has been filed under section 5 of the Limitation Act, 1962 read with Section 16 of National Green Tribunal Act, 2010 on 16.10.2025 seeking condonation of delay in filing the appeal against the Environmental Clearance (EC) No. EC25B0901OR5670360N dated 09.09.2025, granted by the State Environment Impact Assessment Authority (SEIAA), Odisha in favour of Opposite Party No. 5.
7. That, the Environmental Clearance was granted by the State Environment Impact Assessment Authority (SEIAA), Odisha in favour of Opposite Party No. 5 on 09.09.2025 after compliance with the directions of the Hon'ble High Court of Orissa in W.P.(C) No. 10989/2025, including consideration of representations.
8. That, as per the provisions of Section 16 of the National Green Tribunal Act, 2010, any person aggrieved by the grant of Environmental Clearance may prefer an appeal to the Tribunal within 30 days from the date of the order.

It is stated, every appeal must be filed within thirty days from the date of communication of the order. In the present facts of the case, the appeal should have been filed on



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09.10.2025, however, it was filed on 16.10.2025, which is beyond the prescribed period of limitation. A further period of sixty days may be allowed only upon showing sufficient cause.

9. That, the limitation needs to be strictly construed and only in acceptable circumstances the same is condonable. No such material has been presented for taking the benefit of extended period. It is well-settled that even a short delay must be satisfactorily explained with the appellant providing a day to day chronology for the period of delay. In the present case, the application filed by the Appellants fails to furnish any such detailed chronology and offers only general and vague averment without precise justification. The explanation by the Appellants is neither credible nor supported by documentary evidence. No medical certificate or other proof has been submitted along with such application under reply to substantiate the alleged illness of the previous counsel. The plea of illness of the previous counsel is vague, unsupported by any affidavit or medical record, and does not constitute sufficient cause in law. The Appellants, being multiple in number and already legally advised in prior proceedings, were under a duty to act diligently and could have engaged alternate counsel within time. Even as per the Appellants' own averments, the case brief was handed over to counsel on 22.09.2025, leaving sufficient time before expiry of limitation on 09.10.2025. The Appellants have failed to explain why no steps were taken during this period. The absence of a day-to-day explanation for the period between 09.09.2025 and 16.10.2025 is fatal to the plea for condonation.

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10. The Appellants have not exercised due diligence in filing the appeal within the prescribed period. One of the Appellants (P2) had earlier approached the Hon'ble Orissa High Court and participated in the Proceedings. Having been fully aware of the proceedings and outcomes, the delay in filing the present Appeal is deliberate and cannot be attributed to any bona fide cause. The mere act of filing a representation before the Appraisal Committee does not operate to extend the statutory limitation period, which commences from the date of communication of the Environmental Clearance, as the Environmental Clearance is uploaded on the official website, which is accessible to the public. It is also well-established that the illness of counsel by itself does not automatically constitute sufficient cause, and appellants are required to remain vigilant to protect their legal rights. The conduct of the appellants in this case clearly shows a lack of *bona fide* intention and demonstrates the intention to harass the Opposite Party No. 5 and to delay the implementation of the project.

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11. That, the expression "sufficient cause" contemplates that any delay must be *bona fide*, unavoidable, and beyond the control of the Appellant, and must not arise from negligence, casual approach, or lack of diligence on the part of the litigant. That the Tribunal may, in appropriate cases, condone delay where a *bona fide* explanation is furnished. However, inaction without any explanation demonstrates negligence on the part of the Appellant and constitutes a relevant factor militating



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against the condonation of delay. The National Green Tribunal Act is a self-contained code, providing its own forum, procedure, powers, and limitation, and it overrides the general Limitation Act under Section 33. Therefore, special limitation under the National Green Tribunal Act, 2010 prevails over the general Limitation Act. It is not the length of delay that would be required to be considered while examining the plea for condonation of delay, it is the cause for delay which has been propounded will have to be examined.

12. The conduct of the Appellants in filing the Appeal at the fag end of limitation, permitting procedural defects to persist, and allowing the matter to be listed only in January 2026 demonstrates lack of diligence and undermines the plea of urgency and irreparable harm.
13. That the Environmental Clearance has been granted by the SEIAA after following compliance, due procedure and as per the directions of Hon'ble High Court and completion of the statutory appraisal process. There is no illegality or infirmity in the grant of the Environmental Clearance. The timing, repetition of allegations, and absence of sufficient cause indicate that the Appeal has been filed as a tactic to delay the project for extraneous considerations rather than as a bona fide environmental challenge and entertaining a belated challenge at this stage would unsettle a concluded regulatory process and cause serious prejudice to the Project Proponent.



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14. That, the Opposite Party No.5 respectfully submits that the application for condonation of delay does not disclose any sufficient cause for condoning and is therefore not maintainable. The reasons alleged as illness of previous counsel and awaiting a response to a representation, are vague, unsubstantiated, and inadequate to justify the delay. The appeal is barred by statutory limitation under Section 16 of the National Green Tribunal Act, 2010, and the Appellants have failed to provide a day to day explanation for the delay so caused in filing the appeal. The project has undergone a detailed appraisal, including public hearing, SEAC evaluation and imposition of specific safeguards entertaining a delayed appeal at this stage would unsettle a concluded regulatory process. The petition appears to have been filed as an afterthought with the intent to delay the project rather than as a genuine attempt to seek redressal. In view of the above, the petition does not merit consideration and is liable to be dismissed.

15. That, the averments made in paragraph 1 to 3 of the interim application are matters of record and don't require any specific reply.

16. That, the averments made at Paragraph 4 and 5 of the petition are incorrect and without any basis. The Appellants have alleged that the delay occurred due to the illness of their previous counsel and the waiting period for consideration of their representation. It is respectfully submitted that such averments are vague, unsubstantiated, and do not constitute



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sufficient cause. The Appellants have failed to produce any medical records or documentary evidence to substantiate their claims.

17. That, the averments made in paragraph 6 and 7 are incorrect and misleading requires strict proof.
18. That, averments made in paragraph 8 wholly misconceived and not a ground to condone delay.
19. That all the environmental issues mentioned by the Appellants are well addressed in EIA report / TOR compliance / Public Hearing Proceedings/ SEAC meetings/ ADS raised and complied. The SEIAA has granted the Environmental Clearance on 09.09.2025 after scrutinizing SEAC recommendation, wherein the issues and its mitigation measures have been complied. The Appellants with frivolous intentions has raised the issues, which are liable to be dismissed.
20. I state the alleged grounds in support of the petition are misconceived, incorrect and deserve no credence. I traverse the said grounds by adopting and reiterating the true and correct averments made in the preceding paragraphs hereof.
21. The Opposite Party No.5 craves leave of this Hon'ble Tribunal to add, alter or amend the present Reply Affidavit, if necessary.

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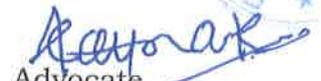
22. Save as expressly admitted herein before, each and every allegation of the said Petition is denied and disputed, as if the same is set out hereunder and traversed seriatim.
23. It is submitted that the Appellants could not make out any case in the said Petition and as such, the same is liable to be dismissed in limine with exemplary cost so that such type of Petition is not filed any further to waste the precious time of this Hon'ble Tribunal.
24. The statements made in paragraphs 1 to 19 are true to my knowledge and based on information derived from records which I believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.

Prepared in my office

  
Advocate

  
Deponent

Identified by me

  
Advocate



#### VERIFICATION

I, Sanjay Kumar Pattnaik, son of Late G. K. Pattnaik, aged about 66 years, by Faith- Hindu, by Occupation - Service, working as Chief Commercial Officer and Head-Project Affairs and Business Development of the of the Opposite Party No. 5 i.e. M/s. Essar Minmet Ltd., working for gain at M/s. Essar Minmet Ltd., Essar House, 11, K.K. Marg, Mumbai, Maharashtra, PIN - 400034 and residing at At- Plot No.5202, Gautam Nagar, Bhubaneswar, Pin-

  
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751014, Dist- Khurda, Odisha,, do hereby solemnly declare and state that the statements made in paragraphs 1 to 19 are true to my knowledge and based on information derived from records which I believe to be true and nothing material has been concealed therefrom and the rest are my respectful submissions before this Hon'ble Tribunal.

I sign this verification at Cuttack on this the 28 day of February, 2026.

Identified by

*Amit Pattnaik*  
Advocate  
AMIT PATTNAIK  
0-492/2003

*Sanjay Kumar Pattnaik*  
Deponent



Solemnly Sworn before me by *Sanjay Kumar Pattnaik*  
being identified by *A. Pattnaik* Advocate  
at Cuttack dated *28/02/2026*

*B. Mishra*  
B. MISHRA  
NOTARY, CUTTACK  
ODISHA  
*28/02/26*





Jaydeb Ghorai &lt;jghorai@gmail.com&gt;

**I.A. NO. 116/2025 ARISING OUT OF APPEAL NO.10/2025 - Reply Affidavit on behalf of Opposite Party No. 5, M/s. Essar Minmet Ltd.**

1 message

Jaydeb Ghorai <jghorai@gmail.com>  
To: Debadutta Kanungo <debadutta.kanungo@gmail.com>

Mon, Mar 2, 2026 at 10:47 PM

02.03.2026

To  
Mr. Debadutta Kanungo  
Advocate for Appellants  
Email : [debadutta.kanungo@gmail.com](mailto:debadutta.kanungo@gmail.com)

**Re : I.A. NO. 116/2025****ARISING OUT OF APPEAL NO.10/2025**SANATAN MARDI VTC - DHATIKA, PO - KADAGARH, PS - RAISUAN, KENDUJHAR,  
ODISHA, PIN CODE - 758013 AND OTHERS

....APPELLANTS

VERSUS

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE THROUGH ITS  
SECRETARY, GOVT. OF INDIA, INDIRA PARYAVARAN BHAWAN, JORBAGH, NEW  
DELHI - 110003, e-MAIL: [secy-moef@nic.in](mailto:secy-moef@nic.in) AND OTHERS.

...OPPOSITE PARTIES

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA****MY CLIENT : OPPOSITE PARTY NO. 5, M/S. ESSAR MINMET LTD.**

Dear Sir,

I am sending herewith copy of the Reply Affidavit on behalf of my client to the Application for condonation of delay filed by the Appellants, receipt of which may please be acknowledged.

Thanking you,

Yours faithfully,

JAYDEB GHORAI  
ADVOCATE  
12/1, Old Post Office Street,  
Ground Floor,  
Kolkata – 700001  
9831336884 (M)  
Email : [jghorai@gmail.com](mailto:jghorai@gmail.com)

Encl : As above

**IA 116 of 2025 in Appeal 10 of 2025 - Reply Affidavit of OP5.pdf**  
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# VAKALATNAMA

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

Appeal No. 10 of 2025

Sanatana Mardi VTC-Dhatika, Po-Kadagarh, Ps-Raisuan, Kendujhar,  
Odisha, Pin code-758013 and others.

... Appellants

Versus

Ministry of Environment, Forest & Climate change through its  
Secretary, Govt of India, Indira Paryavaran Bhawan, Jorbagh, New  
Delhi-110003, e-mail: secy-moef@nic.in and others.

... Opposite Parties

Know all men by these presents, that by this Vakalatnama

I/We, Sanjay Kumar Pattnaik, aged about 66 years, S/o. Late G.K. Pattnaik working Foreign at M/S. Essar Minmet Ltd. Essar House, 11, K.K. Marg Mumbai, Maharashtra, and residing at - Plot No-5202, Gulabnagar, Bhubaneswar, Dist-Khorda.

Opposite Party No.5 in the aforesaid Appeal Case do hereby appoint and retain

AMIT PATTNAIK, ALSHWARYA RAY, SASMITA KHADANGA, JAYDEB GHORAI

Advocate (s), to appear for me/us, in the above case and conduct and prosecute (or defend) the same and all proceeding that may be taken in respect of any application connected with the same, or any decree or order passed therein including all applications for return of documents or receipt of any moneys that may be payable to me/us in the said case and also in applications for review, appeals under Orissa High Court Order and in application for leave to appeal to Supreme Court. I/We authorise my/our Advocate (s) to admit any compromise lawfully in the said case.

Dated the 28 day of 02 2026

Received from the executant (s) Satisfied and accepted as I hold no brief for the other side.

Sanjay Kumar Pattnaik  
Signature of Executant



Amit  
Advocate  
0-492/2003

Sasmita Khadanga  
Advocate  
0-118/2016

Aray  
Advocate  
0-865/2022

Jaydeb Ghorai  
Advocate  
WB-707/1988