

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

APPEAL NO. **05** of 2026/EZ.

**IN THE MATTER OF:**

Sri Aurobindo Integral Education  
& Research Centre, Sundargarh.

..... Appellant.

Versus

Union of India and Ors.

.... Respondents.

**INDEX**

Sl.No.	Particulars	Page No.
1	. Memo of Parties.	1 - 2
2	Synopsis & List of Dates	3 - 12
3	Appeal along with Affidavit.	13 - 34
4	<b><u>ANNEXURE- A-1.</u></b> Copy of the Registration Certificate of the Appellant Society.	35
5	<b><u>ANNEXURE- A-2.</u></b> Copy of the Mutation/Revenue record of land where the school is constructed.	36 - 37
6	<b><u>ANNEXURE- A-3</u></b> Copy of the Order dated 08.04.2022 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 115/2021/EZ	38 - 47
7.	<b><u>ANNEXURE- A-4</u></b>	

	Copy of the Order dated 19.10.2022 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 23/2022/EZ in O.A. No. 115/2021/EZ	48-52
8.	<b><u>ANNEXURE- A-5</u></b> Copy of the Notice dated 07.11.2022	53-54
9	<b><u>ANNEXURE- A-6</u></b> Copy of the Notice dated 17.12.2022	55
10.	<b><u>ANNEXURE- A-7</u></b> Copy of the Order dated 24.01.2023 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 01/2023/EZ in O.A. No. 115/2021/EZ.	56-60
11	<b><u>ANNEXURE- A-8</u></b> Copy of the Counter affidavit filed by the Appellant/Respondent No.7 in M.A. No. 01/2023/EZ in O.A. No. 115/2021/EZ.	61-64
12.	<b><u>ANNEXURE- A-9</u></b> Copy of the Order dated 24.02.2023 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No. 115/2021/EZ.	65-73
13	<b><u>ANNEXURE- A-10</u></b> Copy of the Order dated 21.08.2023 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in	74-75

	M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ.	
14.	<b><u>ANNEXURE- A-11</u></b> Copy of the Order dated 22.09.2023 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ.	76-77
15	<b><u>ANNEXURE- A-12</u></b> Copy of the Enquiry Report dated 26.09.2023.	78-79
16	<b><u>ANNEXURE- A-13</u></b> Copy of the order dated 10.10.2023 Passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ.	80
17.	<b><u>ANNEXURE- A-14.</u></b> Copy of the Additional Affidavit dated 25.10.2023 filed by the Appellant/Respondent No. 7.	81-82
18	<b><u>ANNEXURE- A-15(Colly).</u></b> Copy of the Photographs.	83-86
19	<b><u>ANNEXURE- A-16.</u></b> Copy of the order dated 31.01.2024 Passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ.	87-88

20	<b><u>ANNEXURE- A-17</u></b> Copy of the Compliance Affidavit filed by the Respondent no. 4 i.e. Collector & District Magistrate, Sundargarh dated 08.02.2024.	89-92
21	<b><u>ANNEXURE- A-18</u></b> Copy of the order dated 09.02.2024 Passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ.	93
22.	<b><u>ANNEXURE A-19.</u></b> Copy of the order dated 04.03.2024 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ.	94-99
23	<b><u>ANNEXURE A-20.</u></b> Copy of the Order dated 08.04.2024 passed by The Hon'ble Supreme Court in Civil Appeal 4573/2024.	100
24	<b><u>ANNEXURE A-21.</u></b> Copy of the Order dated 04.02.2026 passed by The Hon'ble Supreme Court in Civil Appeal 4573/2024.	101-103
25	<b>M.A. No. of 2026</b>	

	Application for Exemption from filing certified copies/official translation of Annexures.	104-108
26.	Vakalatnama along with Board Resolution	109-110
27	Proof of Service	111

**Appellant**

**Through**

  
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Place New Delhi  
Dated:10.02.2026

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

APPEAL NO. of 2026/EZ.

**IN THE MATTER OF:**

Sri Aurobindo Integral Education  
& Research Centre, Sundargarh.

..... Appellant.

Versus

Union of India and Ors.

.... Respondents.

**MEMO OF PARTIES.**

Sri Aurobindo Integral Education & Research  
Centre, Sundargarh,

Through its Secretary. Sh. Niranjana Mohanty,

S/o. Gopal Charan Mohanty,

At/po/dist.- Sundargarh,

Odisha-770001.

..... APPELLANT

Versus

**1. Union of India**

Through the Secretary,

Ministry of Jal Shakti,

Department of Water Resources,

Shram Shakti Bhavan, Rafi Marg,

New Delhi-110001.

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**2. Chief Secretary of Govt. of Odisha,**

State Secretariat,

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3. **Member Secretary,**  
Odisha Pollution Control Board,  
118, Unit-VIII, Nilakanthan Nagar,  
Bhubaneswar-751012, Odisha.  
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4. **Collector & District Magistrate,**  
Sundargarh, Odisha - 770001.  
Email: dm-sundargarh@nic.in
5. **Odisha Wetland Authority**  
Through Its Director of environment -cum-special secretary  
to Govt. of Odisha  
Forest, Environment and Climate Change Department,  
Govt. of Odisha,  
Kharbela Bhavan,  
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6. **Member Secretary**  
The State Environment Impact  
Assessment Authority (SEIAA),  
5RF-2/1, Acharya Vihar, Unit-IX,  
Bhubaneswar, Odisha-751022.  
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..... RESPONDENTS.

Appellant

Through

  
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Place New Delhi  
Dated:10.02.2026

**SYNOPSIS.**

The instant Appeal is being filed by the appellant challenging the legality and validity of the Recovery Notices dated 17.12.2022, 18.01.2023 and 09.12.2023 and judgement dated 04.03.2024 passed by this Hon'ble Tribunal in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ, whereby this Hon'ble Tribunal was pleased to dispose the M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ with a direction that since the court of competent jurisdiction has already initiated proceedings for recovery of Environmental Compensations and the cost of restoration, nothing further remains for adjudication by this tribunal.

On 24.07.2021 this Hon'ble Tribunal Suo Moto on the basis of a Newspaper report about the illegal structures cropping up and encroachments on 'Bijuli Bandh' took up the matter and registered it as O.A No. 115/2021/EZ impleading the State respondents as respondents No.1 to 6. The said matter was disposed of on 08.04.2022 directing recovery and restoration of encroached area of the water body. Compliance affidavit dated 24.09.2022 filed by respondent No.4 disclosed that Appellant School was the encroacher and proposed to impose Rs.39,38,518/- as penalty, this Hon'ble Tribunal vide order dated 19.10.2022 directed for restoration of the water body and recovery of the penalty from the Appellant. Demand notice dated 17.12.2022 was served on the Appellant, Appellant approached this Hon'ble Tribunal for setting aside the orders dated 08.04.2022 and 19.10.2022 and the same was allowed vide order dated 24.01.2023 and Appellant was arrayed as Respondent No.7. Accordingly, Appellant filed its counter affidavit alongwith relied upon documents.

This Hon'ble Tribunal vide its order dated 24.02.2023 had directed that the Committee needs to re-visit its previous Report and examine the Revenue Records and determine correctly the area of the Bijuli Bandh as well as of Appellant and determine as to whether the said Education Centre is actually encroaching upon the Bijuli Bandh, Water Body and to give opportunity of hearing to the Respondent no. 7/ Appellant; whereas the spot enquiry conducted on 26.09.2023 at the spot and without any demarcation or without verifying the land an enquiry report was prepared in the office of the Sub-Collector, Sadar, Sundargarh and another report was also prepared fully contradicting the earlier stand.

The Hon'ble NGT vide order dated 31.01.2024 directed the Respondent no. 4, Collector and District Magistrate, Sundargarh to file the Compliance Report to ascertain the action taken for recovery of the Environment Compensation from the Appellant. The Respondent no. 4 has filed a Certificate Case against the Appellant for the Recovery of the Environment Compensation. The Appellant in his Counter as well as Additional Affidavit has strongly rebutted to the allegations of the Respondent no. 4 and denied that he has encroached upon the any land adjoining its institution. The inspection report also clearly indicates that there is no encroachment.

The Respondent No. 4 had filed an Affidavit dated 08.02.2024 as a compliance affidavit stating therein that the Appellant has encroached Government land recorded as Bijuli Bandha but the said encroached area has been vacated; in regard to the payment of compensation and restoration charges, Appellant has been served with three notices dated 17.12.2022, 18.01.2023 and 09.12.2023 by the Sub-Collector, Sadar, Sundargarh to take

steps for payment but the Appellant society did not pay heed to the said letters or make payment. The Appellant society was instructed to deposit the amount of Rs. 39,38,518/- (Rupees Thirty-Nine Lakhs Thirty-Eight Thousand Five Hundred Eighteen only) towards the cost of environment compensation and cost of restoration charges and thereafter a Certificate Case under OPDR Act, 1962, has been instituted against the Appellant on the basis of the demand notice dated 17.12.2022, whereas the said demand notice stood set aside/quashed vide order dated 24.02.2023 passed by this Hon'ble Tribunal.

This Hon'ble Tribunal on the submissions of the Respondent no. 4 that a certificate case has been filed against the Appellant for recovery of the Compensation Amount under OPDR Act 1962 vide OPDR Case No.02/2024 instituted on 12.01.2024 in the court of Collector & Certificate Office, Sundargarh, held that since a competent court has initiated the recovery proceedings qua the Environmental Compensation and cost of restoration nothing survives in the matter and disposed of the matter, without adjudicating on the issue of the penalty imposed upon the appellant and the methodology implemented for arriving at the same by the respondents. As it is clear and evident that the amount of penalty imposed on the appellant is the same in all the notices, therefore, it can be clearly assumed that the subsequent proceedings carried out after 24.02.2023 by the respondents was only an eye wash, as they had not conducted any actual survey or demarcation to arrive at a finding to show any encroachment by the Appellant.

Hence, the present appeal.

#### **LIST OF DATES & EVENTS**

- 09.06.1990 The Appellant registered its society under the name of Sri Aurobindo Integral Education & Research Centre, Sundargarh vide registration no. S.G. D-941-12/90-91 on dated 09.06.1990 by the Additional Registrar, Sundargarh.
- 24.07.2021 This Hon'ble Tribunal Suo Moto on the basis of a Newspaper report about the illegal structures cropping up and encroachments on 'Bijuli Bandh' took up the matter and registered it as O.A No. 115/2021/EZ impleading the State respondents as respondents No.1 to 6.
- 08.04.2022 The Hon'ble NGT disposed of the O.A No. 115/2021/EZ vide order dated 08.04.2022 with a direction to the Collector, Sundargarh to take appropriate steps for recovery and the restoration of the land measuring 0.615 Acres as a Water Body and determine environmental compensation and cost of restoration/restitution of this land as water body re-forming part of Bijuli Bandh. Compliance affidavit/report in this regard was to be filed by Collector Sundargarh by 30.08.2022.
- 24.09.2022 Since compliance affidavit/report was not filed within the stipulated time MA No.23/2022/EZ was taken up and notice was issued to the State respondents. The Collector Sundargarh filed an affidavit dated 24.09.2022 stating that a

Committee was constituted which found that the appellant institution was in unauthorized occupation of the wet land and the same was recovered on 14.09.2022. The Committee arrived at an amount of Rs. Rs.39,38,518/- towards restoration and environmental compensation for illegal occupation of an area admeasuring Ac.0315.

- 19.10.2022 That on 19.10.2022 the Hon'ble NGT in M.A. No. 23/2022/EZ in O.A. No. 115/2021/EZ further directed District Magistrate Sundargarh, to take steps in accordance with law for recovery of cost of restoration and Environmental compensation from the appellant within a period of three months and disposed of the O.A No. 115/2021/EZ, without impleading the Appellant as a necessary party. This Hon'ble Tribunal directed the Collector Sundargarh to file the compliance affidavit by 31.01.2023.
- 07.11.2022 On 07.11.2022 the Addl. District Magistrate, Sundargarh issued a letter to the Sub-Collector, Sadar, Sundargarh for implementation of the order dated 19.10.2022.
- 17.12.2022 Appellant received the notice dated 17.12.2022 from the Sub-Collector, Sadar, Sundargarh, wherein he was authorized by letter dated 07.11.2022 for recovery of a sum of Rs.39,38,518/- towards restoration and

compensation thereof from the Appellant Society.

- 27.12.2022 The Appellant being aggrieved preferred an Application bearing no. M.A. No. 1/2023/EZ in O.A. No. 115/2021/EZ for setting aside the orders dated 08.04.2022 and 19.10.2022 passed by the Hon'ble Tribunal in O.A. 115/2021/EZ and M.A. No. 23/2022/EZ in O.A. 115/2021/EZ.
- 24.01.2023 On 24.01.2023, the Hon'ble NGT allowed the M.A. No. 1/2023/EZ in O.A. No. 115/2021/EZ and set aside the order dated 08.04.2022 and 19.10.2022 and restored the Original Application to its Original Number and directed that the Appellant be impleaded in the array of Respondents as "Respondent no. 7".
- 11.02.2023 The appellant/Respondent no. 7 i.e. Sri Aurobindo Integral Education & Research Centre, Sundargarh filed the Counter-Affidavit dated 11.02.2023.
- 24.02.2023 The Original Application bearing No. 115/2021/EZ was finally disposed of on 24.02.2023 by this Hon'ble Tribunal with a direction that this Committee needs to re-visit its Report and examine the Revenue Records and determine correctly the area of the Bijuli Bandh as well as of Appellant and determine as to whether the said Education Centre is

actually encroaching upon the Bijuli Bandh, Water Body and to give opportunity of hearing to the Respondent no. 7/ Appellant. This Hon'ble Tribunal also directed the Collector Sundargarh to file the compliance affidavit by 31.05.2023.

- 21.08.2023 The M.A. No. 21/2023/EZ In O.A. No. 115/2021/EZ was listed on 21.08.2023 before the Hon'ble NGT, the Affidavit of compliance was required to be filed by the Collector Sundargarh by 31.05.2023 and no affidavit of compliance was filed till 21.08.2023 and the Hon'ble Tribunal issued notice to the Respondent No. 4/ Collector Sundargarh to file the Affidavit of compliance before the next date of listing i.e. 22.09.2023.
- 22.09.2023 That on 22.09.2023 this Hon'ble Tribunal granted the Respondent no. 4 to file affidavit positively by 10.10.2023 failing which he shall be present in person on that date with his personal affidavit explaining non-compliance of the order of the NGT.
- 26.09.2023 That on 26.09.2023 an enquiry was conducted at the spot and without any demarcation or without verifying the land an enquiry report was prepared in the office of the Sub-Collector, Sadar, Sundargarh and another report was also prepared fully contradicting the earlier stand.

- 06.10.2023 Respondent No. 4 i.e. Collector & District Magistrate, Sundargarh filed the Compliance Affidavit dated 06.10.2023
- 10.10.2023 That the matter was listed on 10.10.2023 before the Hon'ble NGT and the Hon'ble Tribunal directed to file the compliance report within 24 hours and the matter was adjourned to 06.11.2023.
- 25.10.2023 Respondent no. 7/Appellant filed the Affidavit dated 25.10.2023 alongwith relevant documents and some photographs.
- 06.11.2023 On 06.11.2023 the matter was adjourned to 14.12.2023 and then to 31.01.2024.
- 31.01.2024 The compliance affidavit dated 06.10.2023 filed by the Respondent no. 4 as well as the Affidavit dated 25.10.2023 filed by the Appellant/R7 was taken on record. The Ld. Additional Standing Counsel appearing for Respondent no.4 stated that on the basis of the Joint Inspection Report a sum of Rs.2,88,518/- (Rupees Two Lakhs Eighty-Eight Thousand Five Hundred Eighteen only) towards restoration and Rs. 36,50,000/- (Rupees Thirty-Six Lakhs Fifty Thousand only) towards Environmental Compensation, total Rs.39,38,518/- (Rupees Thirty-Nine Lakhs Thirty-eight Thousand Five Hundred Eighteen only) has been determined for recovery against

the Respondent No.7/Appellant. On the Prayer of the Counsel, one-week time was granted to file the affidavit qua steps taken for recovery and the matter was adjourned to 09.02.2024.

- 08.02.2024 That on 08.02.2024, the Respondent no. 4 has filed a Compliance Affidavit along with the Notice issued under the certificate case to the Appellant for recovery of the Compensation Amount under OPDR Act 1962 vide OPDR Case No.02/2024 instituted on 12.01.2024 in the court of Collector & Certificate Office, Sundargarh.
- 09.02.2024 This Hon'ble Tribunal on 09.02.2024 after hearing the parties reserved the judgement.
- 04.03.2024 This Hon'ble Tribunal on 04.03.2024 pronounced the judgement stating that since the court of competent jurisdiction has already initiated proceedings for recovery of environmental compensations and the cost of restoration, nothing further remains for adjudication by this tribunal.
- 19.03.2024 Being aggrieved by the order dated 04.03.2024 the appellant approached the Hon'ble Supreme Court and the same was registered as Civil Appeal No.4573/2024.
- 08.04.2024 The Hon'ble Supreme Court after hearing the appellant was pleased to issue notice to the state respondents and further stayed the

recovery proceedings subject to the Appellant depositing 50% of the penalty amount. The Appellant accordingly deposited the said amount with the registry of the Hon'ble Supreme Court.

04.02.2026 Hon'ble Supreme Court vide order dated 04.02.2026 while disposing the Civil Appeal, observed that the penalty imposed on the Appellant on account of environmental compensation is amenable to an appeal under the NGT Act, 2010 and granted liberty to the appellant to pursue the appellate remedy and approach the Tribunal within a fortnight.

10.02.2026 Hence, the present appeal.

Appellant

Through

  
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Place New Delhi  
Dated:10.02.2026

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

APPEAL NO.                      of 2026/EZ.

**IN THE MATTER OF: -**

Sri Aurobindo Integral Education & Research  
Centre, Sundargarh,

Through its Secretary. Sh. Niranjana Mohanty,

S/o. Gopal Charan Mohanty,

At/po/dist.- Sundargarh,

Odisha-770001.

..... APPELLANT

Versus

1.     **Union of India**  
Through the Secretary,  
Ministry of Jal Shakti,  
Department of Water Resources,  
Shram Shakti Bhavan, Rafi Marg,  
New Delhi-110001.
2.     **Chief Secretary of Govt. of Odisha,**  
State Secretariat,  
Bhubaneswar-751001, Odisha.
3.     **Member Secretary,**  
Odisha Pollution Control Board,  
118, Unit-VIII, Nilakanthan Nagar,  
Bhubaneswar-751012, Odisha.
4.     **Collector & District Magistrate,**  
Sundargarh, Odisha - 770001.

**5. Odisha Wetland Authority**

Through Its Director of environment -cum-special secretary  
to Govt. of Odisha.

Forest, Environment and Climate Change Department,

Govt. of Odisha,

Kharavel Bhavan,

Bhubaneswar, Odisha- 757037.

**6. Member Secretary**

The State Environment Impact

Assessment Authority (SEIAA),

5RF-2/1, Acharya Vihar, Unit-IX,

Bhubaneswar, Odisha-751022. .... RESPONDENTS.

**APPEAL UNDER SECTION 16 READ WITH SECTION 18  
OF THE NGT ACT, 2010 AGAINST THE RECOVERY  
NOTICES DATED 17.12.2022, 18.01.2023 AND 09.12.2023  
ISSUED BY RESPONDENT NO.4 AND AGAINST  
JUDGEMENT DATED 04.03.2024 PASSED BY THE  
NATIONAL GREEN TRIBUNAL, EASTERN ZONE  
BENCH, KOLKATA IN THE M.A NO. 21/2023/EZ IN O.A.  
NO. 115/2021/EZ IN THE MATTER TITLED AS  
'TRIBUNAL ON ITS MOTION VS. UNION OF INDIA &  
ORS'.**

Appeal of the appellant above named;

**MOST RESPECTFULLY SHOWETH: -**

1. By the present civil appeal, the appellant seeks to challenge the legality and validity of the Recovery Notices dated 17.12.2022, 18.01.2023 and 09.12.2023 issued by respondent no.4 and order dated 04.03.2024 passed by this

Hon'ble Tribunal, in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ whereby the Hon'ble Tribunal was pleased to observe that since the court of competent jurisdiction has already initiated proceedings for recovery of environmental compensations and the cost of restoration, nothing further remains for adjudication by this tribunal.

2. **BRIEF FACTS OF THE CASE:**

- a) That the Appellant is a registered society under the name of Sri Aurobindo Integral Education & Research Centre, Sundargarh vide registration no. S.G. D-941-12/90-91 on dated 09.06.1990 by the Additional Registrar, Sundargarh. The Appellant Society is an educational institution which has been registered under the Societies Registration Act and basically running a school for the benefits of the poor students.

**Copy of the Registration Certificate of the Appellant is annexed herewith as ANNEXURE A-1. (Page No. 35**

- b) That the society's school is occupied on its own land and managed by the society. The society's educational institution/school is having more than 1000 students who need the basic education and the Appellant society is providing them the said facility to enable them and work towards their upliftment and empowerment for a better future for the students. The said school is a vernacular medium school and caters to the children of the members of the lowest strata of the society, i.e. the poor and the downtrodden. The

Appellant society can barely pay the salaries of its teachers and other school staff and is in no position to pay the sum sought to be recovered from it through the Recovery Notices dated 17.12.2022, 18.01.2023 and 09.12.2023 wrongly issued by the respondent No.4.

**Copy of the Revenue record of land where the school is constructed is annexed herewith as ANNEXURE A-2. (Page No.36 to 37).**

- c) That this Hon'ble Tribunal Suo Moto on the basis of a Newspaper report about the illegal structures cropping up and encroachments on 'Bijuli Bandh' took up the matter and registered it as O.A No. 115/2021/EZ impleading the State respondents as respondents No.1 to 6.
- d) This Hon'ble Tribunal disposed of the O.A No. 115/2021/EZ vide order dated 08.04.2022 with a direction to the Collector, Sundargarh to take appropriate steps for recovery and the restoration of the land measuring 0.615 Acres as a Water Body and determine environmental compensation and cost of restoration/restitution of this land as water body re-forming part of Bijuli Bandh. It was also directed that the Collector, Sundargarh shall take the assistance of Orissa State Pollution Control Board in this regard and compliance report shall be submitted by the Collector, Sundargarh with in four months i.e. by 30.08.2022.

**Copy of the Order dated 08.04.2022 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 115/2021/EZ is annexed herewith as ANNEXURE A-3. (Page No. 38 to 47).**

- e) That since compliance affidavit/report was not filed within the stipulated time MA No.23/2022/EZ was taken up and notice was issued to the State respondents. The Collector Sundargarh filed an affidavit dated 24.09.2022 stating that a Committee was constituted which found that the appellant institution was in unauthorized occupation of the wet land and the same was recovered on 14.09.2022. The Committee arrived at an amount of Rs. Rs.39,38,518/- towards restoration and environmental compensation for illegal occupation of an area admeasuring Ac.0315.
- f) That on 19.10.2022 the Hon'ble NGT in M.A. No. 23/2022/EZ in O.A. No. 115/2021/EZ further directed District Magistrate Sundargarh, to take steps in accordance with law for recovery of cost of restoration and Environmental compensation from the appellant within a period of three months and disposed of the O.A No. 115/2021/EZ, without impleading the Appellant as a necessary party. This Hon'ble Tribunal directed the Collector Sundargarh to file the compliance affidavit by 31.01.2023.

**Copy of the Order dated 19.10.2022 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 23/2022/EZ in O.A. No. 115/2021/EZ by Hon'ble NGT is annexed herewith as ANNEXURE A-4. (Page No.48 to 52 ).**

- g) That on 07.11.2022 the Addl. District Magistrate, Sundargarh issued a letter to the Sub-Collector, Sadar, Sundargarh for implementation of the order dated 19.10.2022.

**Copy of the notice dated 07.11.2022 is annexed herewith as ANNEXURE A-5. (Page No.53 to 54 ).**

- h) That the Appellant society received a notice dated 17.12.2022 from the Sub-Collector, Sadar, Sundargarh, wherein he was authorized by letter dated 07.11.2022 for recovery of a sum of Rs.39,38,518/- towards restoration and compensation thereof from the Appellant on or before 27.12.2022.

**Copy of the Notice dated 17.12.2022 are annexed herewith as ANNEXURE A-6. (Page No. 55**

- i) That the Appellant being aggrieved by the demand notice dated 17.12.2022 preferred an Application bearing no. M.A. No. 01/2023/EZ in O.A. No. 115/2021/EZ for setting aside the orders dated 08.04.2022 and 19.10.2022 passed by the Hon'ble Tribunal in O.A. 115/2021/EZ and in M.A. No. 23/2022/EZ IN O.A. 115/2021/EZ which was allowed vide order dated 24.01.2024. The Hon'ble Tribunal set aside the order dated 08.04.2022 and

19.10.2022 and restored the Original Application to its Original Number and direct that the Appellant be impleaded in the array of Respondents as Respondent no. 7.

**Copy of the Order dated 24.01.2023 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 01/2023/EZ in O.A. No. 115/2021/EZ is annexed herewith as ANNEXURE A-7. (Page No.56 to 60).**

- j) The appellant/Respondent no. 7 i.e. Sri Aurobindo Integral Education & Research Centre, Sundargarh filed the Counter-Affidavit dated 11.02.2023. In the said affidavit Appellant had categorically stated that the school was constructed on the land measuring Ac.1.37 decimals which is in accordance with the Mutation Certificate issued and demarcated by the Revenue Authorities and it has not carried out any construction beyond its demarcated boundary and has never encroached upon a single inch of the Bijuli Bandh water body or any other property. It further stated that it has never discharged any sewerage or waste into the Water body rather it is the government quarters in the vicinity which were discharging their sewerage into the water body.

**Copy of the Counter affidavit filed by the Appellant/Respondent No.7 in M.A. No. 01/2023/EZ in O.A. No. 115/2021/EZ is annexed herewith as ANNEXURE A-8. (Page No. <sup>61</sup> to <sup>64</sup> ).**

- k) The Original Application bearing No. 115/2021/EZ was finally disposed of on 24.02.2023 by this Hon'ble Tribunal with a direction that this Committee needs to re-visit its Report and examine the Revenue Records and determine correctly the area of the Bijuli Bandh as well as of Appellant and determine as to whether the said Education Centre is actually encroaching upon the Bijuli Bandh, Water Body and to give opportunity of hearing to the Respondent no. 7/ Appellant. This Hon'ble Tribunal also directed the Collector Sundargarh to file the compliance affidavit by 31.05.2023. This Hon'ble Tribunal observed as follows:-

*“...this Committee needs to re-visit its Report and examine the Revenue Records and determine correctly the Khata/Khatian Number, Plot Numbers and the area of the Bijuli Bandh as well as of Sri Aurobindo Integral Education & Research Centre, Sundargarh and determine as to whether the said Education Centre is actually encroaching upon the Bijuli Bandh, Water Body and to what extent and over which Plot Numbers and which Khata and, if the Committee finds on the basis of such inquiry, in which a representative of the Sri Aurobindo Integral Education & Research Centre, Sundargarh shall also be associated, that the Education Centre has indeed encroached upon the Water Body i.e., Bijuli Bandh; it shall determine Environmental*

*Compensation and cost of restoration/recovery of the Water Body giving due notice and opportunity of hearing to the Respondent No.7 i.e., Sri Aurobindo Integral Education & Research Centre, Sundargarh and thereafter take steps for removal of such encroachment and restoration of the Water Body to its original pristine form. The amount recovered by way of Environmental Compensation in addition to additional funds to be provided by the State authorities shall also be spent on beautification of the Bijuli Bandh by creating a walkway, planting of adequate quality and quantity of trees and shrubs maintaining biodiversity all around the periphery of the Bijuli Bandh. The Committee shall also consider installation of adequate number of fountains in the Bijuli Bandh for circulation of water to ensure its proper oxygenation and BOD levels.”*

**Copy of the Order dated 24.02.2023 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No. 115/2021/EZ is annexed herewith as ANNEXURE A-9. (Page No.65 to 73).**

- 1) That the matter was listed on 21.08.2023 before the Hon'ble NGT in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ, the Affidavit of compliance was required to be filed by the Collector Sundargarh by

31.05.2023 and no affidavit of compliance was filed till 21.08.2023 and the Hon'ble Tribunal issued notice to the Respondent No. 4 to file the Affidavit of compliance before the next date of listing i.e. 22.09.2023.

**Copy of the Order dated 21.08.2023 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ is annexed herewith as ANNEXURE A-10. (Page No.74to75 ).**

- m) That on 22.09.2023 the Hon'ble NGT granted the Respondent no. 4 to file affidavit positively by 10.10.2023 failing which he shall be present in person on that date with his personal affidavit explaining non-compliance of the order of the NGT.

**Copy of the Order dated 22.09.2023 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ is annexed herewith as ANNEXURE A-11. (Page No.76 to 77).**

- n) That on 26.09.2023 an enquiry was conducted at spot and without any demarcation or without verifying the land an enquiry report was prepared in the office of the Sub-Collector, Sadar, Sundargarh and another report was also prepared fully contradicting the earlier stand. On perusal of both the enquiry report it was simply an eye wash but the compensation calculated is same as per the earlier report.

**Copy of the Enquiry Report dated 26.09.2023 is annexed herewith as ANNEXURE A-12. (Page No. 78 to 79 ).**

- o) That the matter was listed on 10.10.2023 before the Hon'ble NGT and the Hon'ble Tribunal directed to file the compliance report within 24 hours and the matter was adjourned to 06.11.2023. On 06.11.2023 the matter was simply adjourned to 14.12.2023 and then to 31.01.2024.

**Copy of the Order dated 10.10.2023 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ is annexed herewith as ANNEXURE A-13. (Page No. 80**

- p) That the Appellant after getting a copy of both the reports filed an additional affidavit dated 25.10.2023 along with the photographs explaining the status of the land where he has denied that he encroached a single inch of land as alleged by Respondent no. 4.

**Copy of the Additional Affidavit dated 25.10.2023 filed by the Appellant/Respondent No. 7 is annexed herewith as ANNEXURE A-14. (Page No. 81 to 82 ).**

**Copy of the photographs are annexed herewith as ANNEXURE A-15(Colly). (Page No. 83 to 86 ).**

- q) That on 31.01.2024, the compliance affidavit dated 06.10.2023 filed by the Respondent no. 4 as well as

the Affidavit dated 25.10.2023 filed by the Appellant/R7 was taken on record. The Ld. Additional Standing Counsel appearing for Respondent no.4 stated that on the basis of the Joint Inspection Report a sum of Rs.2,88,518/- (Rupees Two Lakhs Eighty-Eight Thousand Five Hundred Eighteen only) towards restoration and Rs. 36,50,000/- (Rupees Thirty-Six Lakhs Fifty Thousand only) towards Environmental Compensation, total Rs.39,38,518/- (Rupees Thirty-Nine Lakhs Thirty-Eight Thousand Five Hundred Eighteen only) has been determined for recovery against the Respondent No.7. On the Prayer of the Counsel, one-week time was granted to file the affidavit and the matter was adjourned to 09.02.2024.

**Copy of the Order dated 31.01.2024 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ is annexed herewith as ANNEXURE A-16. (Page No. 87 to 88).**

- r) That on 08.02.2024, the Respondent no. 4 has filed a Compliance Affidavit along with the Notice issued under the certificate case to the Appellant for recovery of the Compensation Amount under OPDR Act 1962 vide OPDR Case No.02/2024 instituted on 12.01.2024 in the court of Collector & Certificate Office, Sundargarh.

**Copy of the Compliance Affidavit filed by the Respondent no. 4 i.e. Collector & District**

**Magistrate, Sundargarh dated 08.02.2024 is annexed here with as ANNEXURE A-17. 89 - 92**

- s) That the Hon'ble NGT on 09.02.2024 after hearing the parties reserved the judgement.

**Copy of the order dated 09.02.2024 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ is annexed herewith as ANNEXURE A-18. (Page No. 93**

- t) That this Hon'ble Tribunal on 04.03.2024 pronounced the judgement stating that since the court of competent jurisdiction has already initiated proceedings for recovery of environmental compensations and the cost of restoration, nothing further remains for adjudication by this tribunal.

**Copy of the order dated 04.03.2024 Passed by The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ is annexed herewith as ANNEXURE A-19. (Page No.94 to 99 ).**

- u) Being aggrieved by the order dated 04.03.2024 the appellant approached the Hon'ble Supreme Court and the same was registered as Civil Appeal No.4573/2024. The Hon'ble Supreme Court after hearing the appellant was pleased to issue notice to the state respondents vide order dated 08.04.2024 and further stayed the recovery proceedings subject to the Appellant depositing 50% of the penalty amount. The

Appellant accordingly deposited the said amount with the registry of the Hon'ble Supreme Court.

**Copy of the Order dated 08.04.2024 passed by The Hon'ble Supreme Court in Civil Appeal 4573/2024 is annexed herewith as ANNEXURE A-20. (Page No.100**

- v) That the Hon'ble Supreme Court vide order dated 04.02.2026 while disposing the Civil Appeal, observed that the penalty imposed on the Appellant on account of environmental compensation is amenable to an appeal under the NGT Act, 2010 and granted liberty to the appellant to pursue the appellate remedy and approach the Tribunal within a fortnight and the appeal may be decided on its own merits without limitation creating a bar. All points are kept open.

**Copy of the Order dated 04.02.2026 passed by The Hon'ble Supreme Court in Civil Appeal 4573/2024 is annexed herewith as ANNEXURE A-21. (Page No. <sup>101</sup> to <sup>103</sup> ).**

3. **GROUND:**

That in view of the factual background of the case the appellant challenges the Recovery Notices dated 17.12.2022, 18.01.2023 and 09.12.2023 issued by Respondent No.4 and judgement dated 04.03.2024 passed by this Hon'ble Tribunal in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ on the following amongst other grounds:

- A. Because the Ld. Tribunal failed to appreciate that vide its own order dated 24.01.2023 it had set aside its orders dated 08.04.2022 and 19.10.2022 and

impleaded the Appellant as Respondent No.7 and was given opportunity to file the counter. Therefore, the demand notices dated 17.12.2022 and 18.01.2023 issued by Respondent No.4 in compliance to the orders dated 08.04.2022 and 19.10.2022 passed by this Hon'ble Tribunal also stood quashed and the Respondent No.4 seeking recovery on the basis of the aforementioned quashed demand notice is illegal, arbitrary and de-hors the law.

- B. Because the Ld. Tribunal failed to appreciate the fact that vide its order dated 24.02.2023 it had directed the Committee constituted by Respondent No.4 to re-visit its previous Report and examine the Revenue Records and determine correctly the area of the Bijuli Bandh as well as of Appellant and determine as to whether the said Education Centre is actually encroaching upon the Bijuli Bandh, Water Body and to give opportunity of hearing to the Respondent no. 7/ Appellant. Whereas in compliance to the said order an enquiry was conducted at the spot on 26.09.2023 and without any demarcation or without verifying the land an enquiry report was prepared in the office of the Sub-Collector, Sadar, Sundargarh and another report was also prepared fully contradicting the earlier stand. On perusal of both the enquiry reports it is apparent that it was simply an eye wash, but the compensation calculated is same as per the earlier report, which already stood quashed. Therefore, the Committee submitting its report without carrying out an enquiry as envisaged vide order dated 24.02.2023

is a farce and the demand notice 09.12.2023 based on the previous demand notice dated 17.12.2022 is illegal and untenable in law.

- C. Because the Ld. Tribunal failed to appreciate the fact that the execution proceedings by way of certificate case initiated by respondent no. 4 have started even prior to passing of the final order by the Hon'ble NGT.
- C. Because the Ld. Tribunal failed to appreciate the fact that the Appellant is a School upto the secondary level and is not a polluting industry or industry of type and hence the CPCB Guidelines for the industries cannot be strictly made applicable to the Appellant.
- D. Because the Ld. Tribunal failed to appreciate the fact that Appellant's constructions for the school was within its plot/land as per the revenue records and it has not encroached upon a single inch of land or touched upon the water body. The enquiry report itself says that there is a temporary fencing for the protection of the children and the area of Bijuli Bandh has been protected by the boundaries.
- E. Because the Ld. Tribunal failed to appreciate that the earlier order dated 08.04.2022 and 19.10.2022 was set aside and the calculation made on the basis of the said order do not withstand the scrutiny of law.
- F. Because the Ld. Tribunal failed to appreciate that as per the order dated 09.02.2024 judgement has been reserved and the matter was still pending. The Respondent no. 4 in lieu of the earlier order has

registered a certificate case and is trying to recover the compensation from the Appellant without any final order passed by the Hon'ble NGT.

- G. Because the Ld. Tribunal failed to appreciate that the Appellant School is under a stringent financial condition and most of the students belonged to poor community and could not afford the huge penal amount imposed by way of environment compensation. The CPCB guidelines also do not provide any provision for imposing such penalty on an educational institution.
- H. Because the Ld. Tribunal failed to appreciate facts and circumstances of the case and has ignored the document brought on record by the Appellants as well as the averments in its Counter Affidavit and Additional Affidavit along with document which was taken on record 31.01.2024 but the same has not been finally adjudicated upon ever.
- I. Because the Ld. Tribunal failed to appreciate the fact that Respondent No.4 or the Committee had failed to place on record any document, map or photographs to show that the Appellant has or had encroached upon any land which is part of the 'Bijuli Bandh' wet land or has been discharging any waste or sewerage into the water body. Therefore, the order dated 04.03.2024 passed by this Hon'ble Tribunal on the basis of the Compliance report of Respondent No.4 dated 08.02.2024 and without considering the Counter Affidavit, Additional Affidavit, documents

and photographs filed by the Appellant, is untenable in law.

J. Because the Ld. Tribunal failed to appreciate the fact that Respondent No. 4 is duty bound to calculate the amount of compensation towards Restoration of the water body/wet land when the appellant has categorically stated that the construction of the school is within the area according to the mutation and revenue records. The Respondent No. 4 without demarcation or without conducting a proper enquiry concluded that the Appellant School has or had encroached upon the land belonging to 'Bijuli Bandh'; which is illegal and arbitrary.

4. That the Appellant seeks leave of this Hon'ble Tribunal to raise any other grounds permitted in law and arising from the facts of the case, during the proceedings, apart from the grounds hereinabove raised.
5. That the Appellant states that no other appeal challenging the Recovery Notices dated 17.12.2022, 18.01.2023 and 09.12.2023 issued by Respondent No.4 and judgement dated 04.03.2024 passed by this Hon'ble Tribunal in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ is pending before any court of law.
6. That this Hon'ble Tribunal has heard the O.A.No.115/2021/EZ from which the present appeal arises therefore, this Hon'ble Tribunal has the jurisdiction to entertain and adjudicate upon the present appeal.
7. That the present appeal is filed within limitation, in view of the liberty granted by the Hon'ble Supreme Court of India vide its order dated 04.02.2026 passed in Civil Appeal

4573/2024, wherein the appellant was directed to pursue the appellate remedy and approach this Tribunal within a fortnight and in such circumstance the appeal may be decided on its own merits without limitation creating a bar.

**PRAYER**

In the aforesaid premises, the Appellant most respectfully prays that this Hon'ble Tribunal may graciously be pleased to:

- (a) Admit and allow the present Appeal and set aside the Judgement dated 04.03.2024 passed by this Hon'ble Tribunal in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ;
- (b) Set aside and quash the Recovery Notices dated 17.12.2022, 18.01.2023 and 09.12.2023 issued by Respondent No.4; and,
- (c) pass such other order as this Hon'ble Court deems fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPELLANT  
AS IN DUTY BOUND SHALL EVER PRAY.

Appellant

Through

  
Pratap Sahani & Associates  
Advocates for Appellant  
En. No. D/336/94  
B-203 (LGF) Lajpat Nagar-I  
New Delhi-110024  
W/Mob:-9871437605  
Email: [pratapsahni@yahoo.co.in](mailto:pratapsahni@yahoo.co.in)

Place New Delhi  
Dated:10.02.2026

**VERIFICATION**

I, Niranjana Mohanty aged about 88 years, S/o Late Sh. Gopal Charan Mohanty, Secretary/authorized representative of Sri Aurobindo Integral Education & Research Centre, Sundargarh, Odisha, the appellant herein, do hereby verify that the contents of the above paragraphs are true to the best of my knowledge and the grounds taken therein are based on legal advice and that I have not suppressed any material fact.

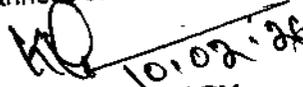


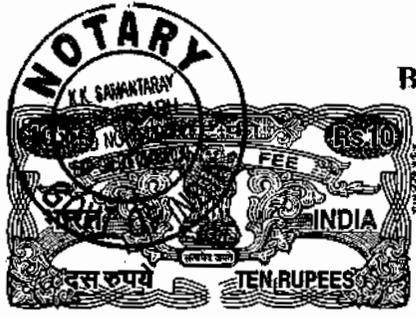
  
 Secretary  
 S.A.I.E.R.C.  
 MATRUVIHAR  
 SUNDARGARH

Place: Sundargarh.

Date: 16.02.2026.

deponent(s) being identified by  
 Sri/Smt./Ku. *K.K. Samantaray*  
 Advocate Solemnly Affirmed and  
 Declared the truthness of the contents

  
 K.K. SAMANTARAY, NOTARY  
 Sundargarh, Govt. of India  
 REGD NO 45439/2025

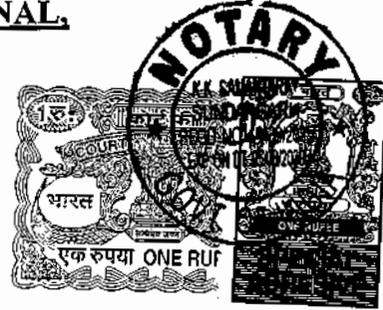


**BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE, KOLKATA.**

APPEAL No. \_\_\_\_\_ of 2026/EZ.

IN

O.A. 115/2021/EZ



**IN THE MATTER OF:**

TRIBUNAL ON ITS OWN MOTION .....APPLICANT.

VERSUS

UNION OF INDIA & ORS. .... RESPONDENTS.

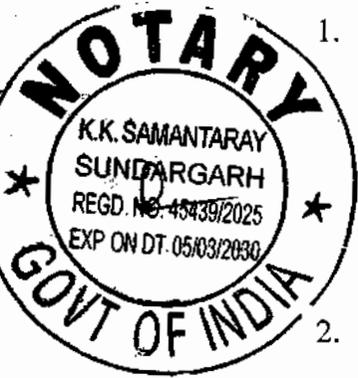
**AFFIDAVIT**

**BEFORE SRI K.K. SAMANTARAY, NOTARY, SUNDARGARH  
GOVT. OF INDIA**

I, Niranjan Mohanty aged about 88 years, S/o. Late Sh. Gopal Charan Mohanty, At/po/dist- Sundargarh, Odisha-770001, Secretary, Sri Aurobindo Integral Education & Research Centre, Sundargarh, do hereby solemnly affirm and states as under: -

1. That, I am the authorized representative/secretary of respondent No.7 in O.A. 115/2021/EZ, appellant in the present Appeal and am well conversant with the facts and circumstances of this case hence competent to swear this affidavit.
2. That the accompanying appeal has been drafted by my counsel on my instructions based on records of the case. The facts stated therein are true in correct to my knowledge and based on records of the case.
3. That the statement of facts of the said appeal are correct to my knowledge and belief.

**K.K. SAMANTARAY, NOTARY**  
Sundargarh, Govt. of India  
REGD. NO. 45439/2025  
EXP. ON DT. 05/03/2030  
Sl. No. 1175. Date. 10.02.26



4. That the annexures annexed alongwith the said appeal are true copies of their respective originals.



*[Signature]*  
Secretary  
S.A.T.E.&R.C.  
MATRUVIHAR  
SUNDARGARH

Verification:

Sworn and verified at Sundargarh, Odisha on 10<sup>th</sup> day of February, 2026 that the contents of this affidavit are true and correct to the best of my knowledge and belief.

deponent(s) being identified by  
Sri/Smt./Ku. *K.K. Samantaray*  
Advocate Solemnly Affirmed and  
Declared the truthness of the contents

*[Signature]*  
Secretary  
S.A.T.E.&R.C.  
MATRUVIHAR  
SUNDARGARH

*KQ*  
*10.02.26*  
K.K. SAMANTARAY, NOTARY  
Sundargarh, Govt. of India  
REGD NO 45439/2025



**CERTIFICATE OF REGISTRATION**

AS PER ACT - XXI OF 1860

S.G.D.-941-12/90-91

IT IS HERE BY PROVE THAT AS PER ACT (NO-XXI OF 1860) SRI AUROBINDO INTEGRAL EDUCATION AND RESEARCH CENTERE , SUNDARGARH, AT – SUNDARGARH , PO- SUNDARGARH , DIST – SUNDARGARH , REGISTERD UNDER THE ACT .

PUT MY SIGNATURE OF 9<sup>TH</sup> JUNE 1990 OF SUNDARGARH.

*True Copy*

*Nisargan Mo Carty*

Secretary  
S.A.I.E.&R.C.  
MATRUVIHAR  
Sundargarh

Sd/-

ADDITIONAL REGISTRAR

*translated / True Type Copy*

Schedule I-Form No.39-A

**KHATIAN**

Mouza-Sundargarh

Tehsil-Sundargarh

P/S-Sundargarh

Tahsil No.185

P/S No.79

Dist-Sundargarh

1. Landlord name : } Odisha Government

Khewatl Khatian No } 1

Khatian Serial No. } 460/340

2. Name of Praja } Sri Aurobindo Integral Education

Caste/Residence } & Research Society Sundargarh

3. Mutation Holder

	Taxes	Rent	Cess	Deferent Cases	Total	Description of rent
4	217.50			17.40	234.90	
	257.50			20.60	278.10	
	475.00			38.00	513.00	

6. Any other classes } Serial No.11/89 and 302/77  
} case from Khata No.458

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Sd/-1/11/03

TAHASILDAR  
SUNDARGARH

Plot No.	Kisjan	Description	Rakba		Remark
			Acre	Dec	
7	8	9	10		11
773/2122	Ghar Bari		0	32	-
770/2123	Ghar Bari			34	-
740/2124	Ghar Bari			21	-
770/2125	Ghar Bari			50	-
4			1	37	Sd/- Tahasildar Sundargarh

OG-MP PTS(Forms)440-30,00,000-17-12-1999

TK Pradhan  
 || Transcribe True Copy ||

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

.....  
**ORIGINAL APPLICATION No.115/2021/EZ**

**IN THE MATTER OF:**

**Tribunal on its own Motion  
Re: Illegal filling of Bijuli Bandh (Water Body),  
Sundargarh, Odisha**

**....Applicant(s)**

**Versus**

**1. Union of India  
Through the Secretary,  
Ministry of Jal Shakti, Department of Water Resources,  
Shram shakti Bhavan, Rafi Marg,  
New Delhi-110001**

**2. Chief Secretary to Govt. of Odisha  
State Secretariat, Bhubaneswar-751001, Odisha**

**3. Member Secretary  
Odisha Pollution Control Board  
Paribesh Bhawan, A/118, Nilakanthan Nagar,  
Unit-VIII, Bhubaneswar-751012, Odisha**

**4. Collector & District Magistrate  
Sundargarh, Odisha**

**5. Odisha Wetland Authority  
Forest, Environment and Climate Change Department,  
Govt. of Odisha, Kharavel Bhavan,  
Bhubaneswar, Odisha**

**6. Member Secretary  
The State Environment Impact Assessment Authority (SEIAA),  
SRF-2/1, Acharya Vihar, Unit-IX,  
Bhubaneswar, Odisha-751022**

**....Respondent(s)**

**COUNSEL FOR APPLICANT:**

***Suo motu***

**COUNSEL FOR RESPONDENTS:**

**Mr. Ashok Prasad, Advocate for R-1,  
Ms. Samapika Mishra, ASC for R-2, 4 & 5,**

Ms. Papiya Banerjee Bihani, Advocate for R-3,  
Mr. Gora Chand Roy Choudhury, Advocate for R-6

**JUDGMENT**

**PRESENT:**

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

**HON'BLE MR. SAIBAL DASGUPTA (EXPERT MEMBER)**

**Reserved On: - 30<sup>th</sup> March, 2022**

**Pronounce On: - 08<sup>th</sup> April, 2022**

1. Whether the Judgment is allowed to be published on  
the net? **Yes**

2. Whether the Judgment is allowed to be published in the  
NGT Reporter? **Yes**

**JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

Heard the learned Counsel for the Applicants as well as the learned Counsel for the Respondents and perused the documents on record.

2. This matter has been taken up by this Tribunal on the basis of news paper reporting in the National Daily 'Indian Express' News Paper and Local Daily 'The Sambad' dated 24.07.2021 wherein it has been alleged that illegal structures have been constructed on a wetland known as Bijli Bandh which is the largest water body in the District of Sundargarh, Odisha. It is alleged that under the garb of renovation and beautification of the said water body encroachment is being done.

3. It is also alleged that over the land which falls within the wetland, residence of Chief District Medical Officer and Superintendent of Police, Sundargarh have been erected and there

is also one Community Center Narikalyan Kendra spread across 38.5 decimal as well as the building of the Public Health Department over an area of 18 decimal which has been constructed on the said wetland. The Bijli Bandh water body is stated to have an area of 20.99 acres and is stated to serve as storage reservoirs in the monsoon-dependent areas.

4. It is also alleged that a tender has been invited for Rs.27.09 crores by the Water and Power Consultancy Services Limited (WAPCOS) under the Ministry of Jal Shakti, Govt. of India for unauthorized development of Bijli Bandh water body.

5. Notices were issued to the Respondents and the Respondents were directed to file their counter-affidavit.

6. The Collector, Sundargarh has filed before the Tribunal, an order dated 10.01.2022, which is actually addressed to their counsel, Mr. Prasenjeet Mohapatra, Additional Standing Counsel, Government of Odisha.

7. The letter of the Collector, Sundargarh dated 10.01.2022 discloses that as per Government records the area of the Bijuli Bandh is 20.99 acres situated in Plot No. 779 under Khata No.465 of Sundargarh Town which has been classified as 'Kata' (Water Reservoir). It is also stated that no Public/Private/Government building has been constructed over the area of 20.99 acres except 0.61 acres of land which has been encroached by one private

School, Sri Aurobindo Integral Education and Research Centre, Sundargarh.

8. It is also stated that the development work of Bijuli Bandh has been designed for widening of the pond area of 17.79 acres with deepening of the pond from 3.50 meters to 7.50 meters to increase the water storage capacity from 100 ML to 282 ML with provision for spill way/gate to let the excess water during rainy season, pass outside. The mathematical calculation of the area in question however, shows that after deducting 0.61 acres from 20.99 acres what remains is 20.38 acres, but the development of the Bijuli Bandh Water Reservoir is planned for 17.79 acres as stated in the letter of the Collector. This leaves an area of 2.59 acres of the Bijuli Bandh Water Reservoir unaccounted for.

9. The Tribunal therefore, directed the Collector, Sundargarh to file his personal affidavit explaining the above facts along with photographic evidence.

10. The Collector & District Magistrate, Sundargarh has again placed before the Tribunal a communication letter dated 11.02.2022 addressed by him to the Advocate General, Odisha, Cuttack. The relevant extract of the letter is reproduced herein below:-

"Sir,

*In continuation of this office letter No.192 dtd. 10.01.2022 advanced through the learned Addl. Standing Counsel on behalf of **respondent No.4, the Collector, Sundargarh, I am***

to furnish herewith the detail analysis and utilization of balance area measuring Ac. 2.59 dec pertaining to Bijuli Bandh, Sundargarh for preparation & finalization of counter affidavit & filing of the same before the Hon'ble Court of NGT/EZ, Kolkata on the scheduled date for kind appraisal.

1. Existing old Road - (NKK Square to Panchamukhi Chowk) **Ac. 1.52 dec marked as 779/4.**
2. Water passage newly constructed: - To stop the surface run off water and unhygienic water flows into the proposed Bijuli Bandh renovation water reservoir **Ac. 0.33 dec marked as 779/5.**
3. Existing Old Road from Panchamukhi Hanuman Chowk to B.S. High School Chowk including Adi **Ac. 0.27 dec marked as 779/3.**
4. Park side pedestral road **Ac. 0.22 dec & Ridge of Bijulibandh Western Side marked as 779/2.**
5. Eastern side ridge (pedestral Road of Bijuli Bandh **Ac. 0.25.) marked as 779/6.**
6. Total Ac.  $1.52+0.33+0.27+0.22+0.25=$  Ac. 2.59. A sketch map delineating the use of balance area Ac. 2:59 dec area carved out & marked as 779/4, 779/5, 779/3, 779/2 and 779/6 is enclosed herewith for kind appraisal. The road area as shown at sl. No. 1 & 2 i.e. Ac. 1.52 dec & 0.33 dec & has been in existence since long for which no addition or alteration has been made except water drain. Except the area Ac. 1.85 (Sl. No. 1 & Sl. No. 2) others are ancillary roads (ridges) of Bijuli Bandh, developed to facilitate movement of the public to enjoy the beautification of the Water reservoir.
7. An area of Ac. 0.615 dec has been in occupation of Sri Aurobindo Integral Education and Research Centra, Sundargarh."

11. An affidavit dated 22.02.2022 has been filed by the Collector, Sundergarh stating that the detailed analysis and utilization of the balance area of 2.59 acres dec is as follows:-

*i). That, Existing old Road-(NKK Square to Panchamukhi Chowk) Ac. 1.52 dec marked as 779/4.*

*ii). That, Water passage newly constructed:- To stop the surface run off water and unhygienic water flows into the proposed Bijuli Bandh renovation water reservoir Ac. 0.33 dec marked as 779/5.*

*iii). That, Existing Old Road from Panchamukhi Hamuman Chowk including Adi Ac. 0.27 dec marked as 779/3.*

*iv). That, Park side pedestral road Ac. 0.22 dec & Ridge of Bijulibandh Western Side marked as 779/2.*

*v). That, Eastern side ridge (pedestral Road of Bijuli Bandh Ac. 0.25.) marked as 779/6."*

12. In the affidavit, it is also stated that a sketch map delineating the use of balance area Ac.2.59 dec area carved out & marked as 779/4, 779/5, 779/3, 779/2 and 779/6 is enclosed herewith for kind appraisal. The road area as shown at Sl. No. I & II above in point No.-02 i.e. Ac.1.52 dec & 0.33 dec and has been in existence since long for which no addition or alteration has been made except water drain. Except the area Ac.1.85 (Sl No. I & II above in point No.-2) other lands are ancillary roads (ridges) of Bijuli Bandh, developed to facilitate movement of the public to enjoy the beautification of the Water reservoir. It is also stated that an area of 0.615 acres dec is under the occupation of Sri Aurobindo Integral Education and Research Centre, Sundargarh.

13. The Respondent No.3, Odisha State Pollution Control Board has also filed an affidavit bringing on record its Inspection Report of an inspection carried out on 16.02.2022. The observations in the report and the Analysis Report of waste water reads as under:-

**“Following observations were made during inspection**

1. During inspection it was found that filling of soil is carried out in the East side of the pond namely Bijuli Bandh.
2. The stagnant water was being drained out with the help of a pump and the water is being discharged to river IB through a drain.
3. The person engaged for dewatering the water stated that after dewatering, soil will be excavated from the pond to increase the depth of the pond.
4. Two numbers of water samples were collected, one from inlet water to Bijuli Bandh and another from outlet water through pump, during inspection and the water analysis is under process in the Laboratory.

**ANALYSIS REPORT ON WASTE WATER**

Name & Address of the Bijuli Bandh (Pond)  
 Industry/ Source: At/PO-Sundargarh, Dist-Sundargarh  
 Date of Sampling/ 16.02.2022  
 Submitted on:  
 Sample Collected by/ Er. (Mrs.) B. Singh, EE  
 Submitted by

Sl. No.	Point of sampling	pH	TSS (mg/L)	BOD (mg/L)	COD (mg/L)	O & G (mg/L)
1.	Inlet of Bijuli Bandh (Pond)	8.3	29.0	23.5	176	3.2
2.	Outlet of Bijuli Bandh (Pond)	7.8	18.0	10	80	0.4

	<i>Prescribed Standard</i>	5.5-9.0	100	30	250	10
	<i>Method of Analysis</i>	<i>Electrometric</i>	<i>Gravimetric</i>	<i>BOD<sub>5</sub> at 27°C</i>	<i>Close Reflux, Titrimetric Method</i>	<i>Partition Gravimetric</i>

14. The Inspection Report discloses that the filling of soil is being carried out on the east side of the pond namely Bijuli Bandh. The stagnant water is being drained out with the help of a pump and the water is being discharged to river IB through a drain. The person engaged for dewatering the water has stated that after dewatering, soil will be excavated from the pond to increase the depth of the pond. Water analysis report at inlet site to the Bijuli Bandh and another water analysis report from the outlet site through pump was collected during the inspection. The Water Analysis Report discloses that the pH, TSS, BOD, COD, O & G to be well within the prescribed standard.

15. Be that as it may, what we find from the records and averments of the parties is that 0.615 acres of land continues to be in the unauthorized occupation of the Sri Aurobindo Integral Education and Research Centre, Sundargarh, and has been encroached upon by Sri Aurobindo Integral Education and Research Centre, Sundargarh as stated in the letter of the Collector, Sundargarh dated 10.01.2022 and 11.02.2022. This land under the unauthorized occupation of the Sri Aurobindo Integral Education and Research Centre, Sundargarh therefore, needs to be recovered from such unauthorized occupation and restored as a water body.

16. The Hon'ble Supreme Court in Himach Lal Tiwari vs. Kamla Devi & Ors., has held as under:-

*"13. It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution. The Government, including the Revenue Authorities i.e. Respondents 11 to 13, having notices that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites.*

*14. For the aforementioned reasons, we set aside the order of the High Court, restore the order of the Additional Collector dated 25-2-1999 confirmed by the Commissioner on 12-3-1999. Consequently, Respondents 1 to 10 shall vacate the land, which was allotted to them, within six months from today. They will, however, be permitted to take away the material of the houses which they have constructed on the said land. If Respondent 1 to 10 do not vacate the land within the said period official respondents i.e. Respondents 11 to 13 shall demolish the construction and get possession of the said land in accordance with law. The State including Respondents 11 to 13 shall restore the pond, develop and maintain the same as a recreational will also help in maintaining ecological balance and protecting the environment in regard to which this Court has repeatedly expressed its concern. Such measures must begin at the grass-root level if they were to become the nation's pride."*

17. We, therefore, direct the Collector, Sundargarh to take steps for recovery and restoration of this land measuring 0.615 acres as a water body and determine Environmental Compensation and cost of restoration/restitution of this land as water body re-forming part of the Bijuli Bandh. The Collector, Sundargarh shall take the assistance of the Odisha State Pollution Control Board in this regard. Compliance report shall be submitted by the Collector, Sundargarh within four months, i.e. by 30.08.2022.

18. In view of the above facts, nothing further remains to be adjudicated in this matter. This Original Application No. 115/2021/EZ is disposed of with the aforesaid directions.

19. There shall be no order as to costs.

.....  
**B. AMIT STHALEKAR, JM**

.....  
**SAIBAL DASGUPTA, EM**

**Kolkata**  
**April 08, 2022**  
**Original Application No.115/2021/EZ**  
**MN**

*Sh*  
|| True Copy ||

Item No.06

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(Through Video Conferencing)**

M.A. No.23/2022/EZ

In

Original Application No.115/2021/EZ

**IN THE MATTER OF:**

**Tribunal on its own Motion**

Re: Illegal filling of Bijuli Bandh (Water Body),  
Sundargarh, Odisha

....Applicant(s)

**Versus**

**1. Union of India**

Through the Secretary,  
Ministry of Jal Shakti, Department of Water Resources,  
Shram Shakti Bhavan, Rafi Marg,  
New Delhi-110001

**2. Chief Secretary to Govt. of Odisha**

State Secretariat, Bhubaneswar-751001, Odisha

**3. Member Secretary**

Odisha Pollution Control Board  
Paribesh Bhawan, A/118, Nilakanthan Nagar,  
Unit-VIII, Bhubaneswar-751012, Odisha

**4. Collector & District Magistrate**

Sundargarh, Odisha

**5. Odisha Wetland Authority**

Forest, Environment and Climate Change Department,  
Govt. of Odisha, Kharavel Bhavan,  
Bhubaneswar, Odisha

**6. Member Secretary**

The State Environment Impact Assessment Authority (SEIAA),  
SRF-2/1, Acharya Vihar, Unit-IX,  
Bhubaneswar, Odisha-751022

....Respondent(s)

Date of hearing: 19.10.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

49

For Applicant(s) : *Suo Motu*

For Respondent(s): Mr. Ashok Prasad, Advocate for R-1 (in Virtual Mode),  
Ms. Samapika Mishra, ASC for R-2,4 & 5 (in Virtual Mode),  
Ms. Papiya Banerjee Bihani, Adv. for R-3 (in Virtual Mode),  
Mr. Gora Chand Roy Choudhury, Adv. for R-6 (in Virtual Mode)

### ORDER

1. The Original Application No.115/2021 was disposed of by this Tribunal vide order dated 08.04.2022 with the following directions:-

*"17. We, therefore, direct the Collector, Sundargarh to take steps for recovery and restoration of this land measuring 0.615 acres as a water body and determine Environmental Compensation and cost of restoration/restitution of this land as water body re-forming part of the Bijuli Bandh. The Collector, Sundargarh shall take the assistance of the Odisha State Pollution Control Board in this regard. Compliance report shall be submitted by the Collector, Sundargarh within four months, i.e. by 30.08.2022."*

2. The Compliance Report was required to be filed by the Odisha State Pollution Control Board within four weeks i.e. by 30.08.2022 However, no compliance report had been filed by 30.08.2022 and therefore, the present M.A. No.23/2022/EZ has been taken up *Suo Motu* by us.
3. Affidavit dated 24.09.2022 has been filed by the Collector, Sundargarh, stating therein that in order to ensure recovery and restoration of the land measuring Ac.0615 as a water body and determine Environmental Compensation and cost of restoration/restitution of the land as water body forming part of the Bijuli Bandha, a Committee was constituted consisting the Sub-Collector, Sadar, Sundargarh, Tahasildar, Sadar, Sundargarh, Superintending Engineer, PWD, Sundargarh, and the DEE, Regional Office, State Pollution Control Board, Regional Office,

Rourkela. The Committee observed that the said piece of land was under the unauthorized occupation of Sri Aurobinda Integral Education & Research Centre, Sundargarh. The land has now been recovered on 14.09.2022 by Sundargarh Municipality in presence of Additional Tahasildar, Sadar, Sundargarh, Revenue Supervisor and Revenue Inspector of Sundargarh Sadar Tahasil by evicting the encroacher.

4. It is further stated that cost of restoration and Environmental Compensation by the Committee is as follows: -

*"4. That, the cost of restoration and environmental compensation have been calculated by the committee as follows:*

*Volume of water body to be restored*

$$\begin{aligned}
 &= \text{Ac.}0315 \times 2.50\text{m} \\
 &= 2488.82 \text{ m}^2 \times 2.50\text{m} \\
 &= 6222.05 \text{ m}^3
 \end{aligned}$$

*Rate of excavation in ordinary soil and disposal of excavated soil by mechanical means = 6222 m<sup>3</sup> @ Rs.36.56=Rs.2,27,476.00 (as per the rate of PWD Deptt. of Odisha)*

*Cost of eviction and recovery of encroached land = 20 hrs x Rs.730.43 = Rs.14,609.00*

*The cost of restoration = Rs.2,42,085.00*

*Rs.2,27,476 + Rs.14,609.00*

*Add 1% for labour cess*

*Total = Rs. 2,44,506.00*

*Add 9% for GGST = Rs.22,006.00*

*Add 9% for SGST = Rs.22,006.00*

*Total Cost of restoration = Rs.2,88,518.00*

*As there is no specific guideline of CPCB for calculation of Environmental Compensation for encroached water body by an Educational Institution, the Committee is of opinion that it may be considered as non-polluting category (White Category) whose average Pollution Index (P.I.) is 10 as per*

CPCB guideline. Location Factor (L.F.) is 1 as the Sundargarh is a town having population less than 1 Million.

$$\begin{aligned} \text{Hence, Environmental Compensation (E.C.)} &= P \times N \times R \times S \times LF \\ &= 10 \times 1 \times 100 \times 0.5 \times 1 \\ &= \text{Rs.5000/day} \end{aligned}$$

Minimum Environmental Compensation in any case is also Rs.5000/day as per CPCB guideline for Environmental Compensation.

$$\text{Number of days of Encroachment of water body} = 2 \times 365 = 730 \text{ days}$$

$$\begin{aligned} \text{Total environmental Compensation} &= \text{Rs.5000} \times 730 = \text{Rs.36,50,000.00} \end{aligned}$$

$$\begin{aligned} \text{Total cost of Environmental compensation and cost of restoration} &= \text{Rs.36,50,000.00} + \text{Rs.2,88,518.00} = \text{Rs.39,38,518} \end{aligned}$$

5. The cost of restoration is shown as Rs.2,88,518/- (Rupees Two lakhs eighty-eight thousand five hundred eighteen only) and Environmental Compensation has been computed at Rs.36,50,000/- (Rupees Thirty-six lakhs fifty thousand only). Total amounting to Rs.39,38,518/- (Rupees Thirty-nine lakhs thirty-eight thousand five hundred eighteen only).
6. Ms. Samapika Mishra, learned Additional Standing Counsel appearing for the State Respondents, fairly stated that though computation of cost of restoration and Environmental Compensation has been done but the same has not yet been recovered from Sri Aurobinda Integral Education & Research Centre, Sundargarh.

7. We, therefore, direct the District Magistrate, Sundargarh to take steps in accordance with law for recovery of cost of restoration and Environmental Compensation from Sri Aurobinda Integral Education & Research Centre, Sundargarh, within a period of three months and thereafter, utilize the money for recovery and restoration of the water body in question.
8. Affidavit of compliance shall be filed by the District Magistrate, Sundargarh by **31.01.2023**.
9. With the aforesaid directions, the M.A. No.23/2022/EZ is accordingly disposed of.
10. There shall be no order as to costs.

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

.....  
**Saibal Dasgupta, EM**

October 19, 2022,  
M.A. No.23/2022/EZ  
In Original Application No.115/2021/EZ  
MN

*sl.*  
|| True Copy ||

Annexure A-5 53

Court Matter/Urgent

**OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, SUNDARGARH  
(JUDICIAL SECTION)**

E-mail: [dm-sundargarh@nic.in](mailto:dm-sundargarh@nic.in), [dcjudicialsng@gmail.com](mailto:dcjudicialsng@gmail.com), FAX-  
06622-273166, PIN- 770001

No. 4139

Date. 07/11/2022

**The Sub-Collector, Sadar, Sundargarh,  
At/PO/Dist-Sundargarh.**

Sub: Implementation of Order dt.19.10.2022 of Hon'ble NGT/EZ, Kolkata.

Sir,

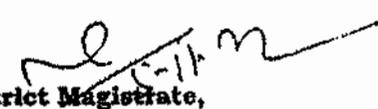
Enclosed, please find herewith the copy of Order of Hon'ble NGT/EZ, Kolkata. While disposing of the OA No.115/EZ the Hon'ble NGT has ordered the Collector, Sundargarh to take steps in accordance with law for recovery of cost of restoration and environmental compensation from Sri Aurobindo Integral Education & Research Centre, Sundargarh within a period of three months & thereafter utilize the money for recovery and restoration of the water body in question.

The above direction needs to be complied with and compliance thereof required to be filed by 31.01.2023.

You are, therefore, requested to take immediate steps for recovery of the following amount from the aforesaid Educational Institute i.e Sri Aurobindo Integral Education & Research Centre, Sundargarh immediately and furnish the action taken report within 15 days for next course of action at this end. by serving a copy of notice to the Authority of Educational Institute i.e Sri Aurobindo Integral Education & Research Centre, Sundargarh. The served copy of the Notice be sent to this office with your action taken report on recovery.

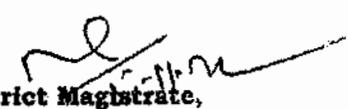
1. Cost of Environmental Compensation Rs.36,50,000/-
2. Cost of Restoration Rs-2,88,518/

Yours faithfully

  
Addl. District Magistrate,  
Sundargarh

Memo No. 4139 /Judl. Dtd. 07/11/2022 /

Copy to the State Environmental Impact Assessment Authority (SEIAA)  
SRF/21 Acharya Vihar Unit-1, Bhubaneswar, Odisha for kind information and  
necessary action.

  
Addl. District Magistrate,  
Sundargarh

Memo No. 4140 /Judl. Dtd. 07/11/2022 /

Copy to the **Thasildar, Sadar, Sundargarh, At/Po-Sadar, Sundargarh Dist-Sundargarh** for information and necessary action. Copy to the **Superintending Engineer, PWD, Sundargarh** for information and necessary action.

Copy to the **Executive Officer, Sundargarh Municipality, Sundargarh Dist-Sundargarh** for information and necessary action.

  
Addl. District Magistrate,  
Sundargarh

Memo No. 4141 /Judl. Dtd. 07/11/22 /

Copy to the **Regional Officer, State Pollution Control Board, Rourkela At-Hockey Chowk, Po-Panposh, Dist-Sundargarh** for information and necessary action with a request to communicate suggestion to the effect that in which head of A/c the collected assessed amount of compensation shall be deposited.

  
Addl. District Magistrate,  
Sundargarh

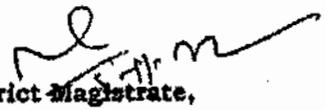
Memo No. 4142 /Judl. Dtd. 07/11/2022 /

Copy to the **Chief Executive Officer, DMF, Sundargarh** for information and necessary action with reference to their letter No.07/(DMF)dtd..04.01.2022.

  
Addl. District Magistrate,  
Sundargarh

Memo No. 4143 /Judl. Dtd. 07/11/2022 /

Copy, submitted to the **Member Secretary, State Pollution Control Board, Odisha Paribesh Bhawan, A/118, Nilakantha Nagar Unit-VIII-Bhubaneswar, Odisha-751012** for kind information and necessary action.

  
Addl. District Magistrate,  
Sundargarh

Memo No. 4144 /Judl. Dtd. 07/11/2022 /

Copy submitted to the **Odisha Wetland Authority, Forest & Environment & Climate Change Deptt. Govt of Odisha, Kharavel Bhawan, Bhubaneswar** for kind information and necessary action.

  
Addl. District Magistrate,  
Sundargarh

Memo No. 4145 /Judl. Dtd. 07/11/2022 /

Copy submitted to **Miss Samapika Mishra, Addl. Standing Counsel O/o Advocate General, Odisha, Cuttack** for kind information and necessary action.

  
Addl. District Magistrate,  
Sundargarh

  
|| True Copy ||

Annexure A-6 - 55

**OFFICE OF THE SUB-COLLECTOR, SADAR, SUNDARGARH.**  
**(Revenue & Disaster Management Department, Govt. of Odisha)**



Office of the Sub-Collector, Sadar,  
Sundargarh - 770001  
Tel / Fax No. 06622-272234  
E-mail - subcol.sund-od@nic.in

No. 9818 /Dt. 17-12-2022

**NOTICE**

To

The Secretary,  
Sri Aurobinda Integral Education & Research Centre,  
Sundargarh

Subj:- Regarding recovery of an amount of Rs.39,38,518/- towards restoration and compensation thereof.

Sir,

In pursuance to the Order passed by Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata communicated vide Letter No.4138/dt.07.11.2022 of Addl. District Magistrate, Sundargarh, I am to say that the Hon'ble Tribunal have directed for recovery of the following amount from the Educational Institution i.e. Sri Aurobinda Integral Education & Research Centre, Sundargarh and submit the action taken report within a period of 15 days. The copy of the order of the Hon'ble Nation Green Tribunal, Eastern Zone, Kolkata is enclosed herewith for reference.

- |                                       |   |                       |
|---------------------------------------|---|-----------------------|
| 1. Cost of Environmental Compensation | - | Rs.36,50,000/-        |
| 2. Cost of Restoration                | - | <u>Rs. 2,88,518/-</u> |
| Total                                 |   | -Rs.39, 38,518/-      |

It is therefore requested to deposit the amount of Rs.39,38,518/- towards restoration and compensation in the office of the undersigned on or before 27<sup>th</sup> of December, 2022 unflinching for further course of action at this level.

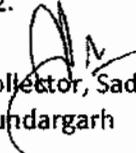
This may be treated as **EXTREMELY URGENT**.

Yours faithfully,

  
Sub-Collector, Sadar,  
Sundargarh

Memo No. 9819 /Dt. 17-12-2022

Copy submitted to the Addl. District Magistrate, Sundargarh for information & necessary action with reference to his Letter No.4138/Judl.,dt.07.11.2022.

  
Sub-Collector, Sadar,  
Sundargarh

  
|| True Copy ||

Annexure A-7

56

Item No.01

Court No.1

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

M.A. No.01/2023/EZ

In

Original Application No.115/2021/EZ

**In the matter of:**

**Sri Aurobindo Integral Education & Research Centre, Sundargarh,  
Through its Secretary, Sh. Niranjan Mohanty,  
S/o Gopal Charan Mohanty,  
R/o At/PO/Dist-Sundargarh, Odisha,  
Pin - 770001,**

**..... Applicant(s)**

Versus

**1. Union of India**

Through the Secretary,  
Ministry of Jal Shakti,  
Department of Water Resources,  
Shram Shakti Bhavan,  
Rafi, Marg, New Delhi,  
Pin -110001

**2. Chief Secretary to Govt. of Odisha,**

State Secretariat,  
Bhubaneswar,  
Pin -751001,  
Odisha

**3. Member Secretary**

Odisha Pollution Control Board,  
118, Unit-VII, Nilakantha Nagar,  
Bhubaneswar,  
Odisha -751012

**4. Collector & District Magistrate,**

Sundargarh,  
Odisha

**5. Odisha Wetland Authority,**

Forest, Environment and Climate Change Department,  
Govt. of Odisha,  
Kheravel Bhavan,  
Bhubaneswar,  
Odisha, India

**6. Member Secretary**

The State Environment Impact Assessment Authority (SEIAA), Odisha,  
5RF-2/1, Acharya Vihar,

Unit-IX, Bhubaneswar, Odisha - 751022

..... Respondent(s)

Date of hearing: 24.01.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Pratap Sahani, Advocate (in Virtual Mode)

### ORDER

1. Heard Mr. Pratap Sahani, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. This M.A. has been filed by the Applicant, Sri Aurobindo Integral Education & Research Centre, Sundargarh, praying for setting aside of the orders of the Tribunal dated 08.04.2022 and 19.10.2022 with a further direction to the Applicant to present his case and defend himself.
3. It is submitted by the learned Counsel for Applicant that he was not made a party to the Original Application No.115/2021/EZ which was disposed of by the Tribunal by its order dated 08.04.2022 with the following directions:-

*"17. We, therefore, direct the Collector, Sundargarh to take steps for recovery and restoration of this land measuring 0.615 acres as a water body and determine Environmental Compensation and cost of restoration/restitution of this land as water body re-forming part of the Bijuli Bandh. The Collector, Sundargarh shall take the assistance of the Odisha State Pollution Control Board in this regard. Compliance report shall be submitted by the Collector, Sundargarh within four months, i.e. by 30.08.2022."*

4. It is further stated that the M.A. No. 23/2022/EZ filed in Original Application No. 115/2021/EZ which was disposed of by the Tribunal by an order dated 19.10.2022 with a direction to the Respondents, District Magistrate, Sundargarh, to take steps in accordance with law for recovery of cost of restoration and

environmental compensation from Sri Aurobindo Integral Education & Research Centre, Sundargarh, Applicant herein.

5. Mr. Pratap Sahani, learned Counsel for the Applicant submits that this direction was given on the basis of a report of the Committee constituted by the Tribunal in the Original Application wherein it was stated that the land measuring Ac. 0.615 is a water body forming part of Bijuli Bandha.
6. In the present M.A. it is stated that the Applicant herein has never encroached upon the public land and, in fact, the school of the Applicant is confined to their own plot of land i.e., 1.37 acres registered in the name of the society. It is stated that the Applicant has never discharged its drain water/sewerage to the said water body and it is located at a considerable distance from the said water body.
7. It is alleged by the Applicant that even drain water/sewerage discharged, from Government quarters situated in the adjoining area, enters the Applicant's school and gets accumulated there, exposing the school children to unhygienic and toxic waste. It is stated that the school of the Applicant is duly registered under the Act XXI 1860 i.e., Registration of Societies Act, 1860.
8. However, in the Original Application No. 115/021/EZ the Collector and District Magistrate, Sundargarh, placed before the Tribunal a communication letter dated 11.02.2022 addressed by him to the learned Advocate General Odisha, Cuttack, and this letter has been quoted in para 10 of the judgment dated 08.04.2022 and it has been mentioned that an area of Ac. 0.615 decimal has been in occupation of Sri Aurobindo Integral Education & Research Centre,

Sundargarh, and on this finding the order dated 08.04.2022 was passed.

9. When the compliance report required to be filed by the Collector, Sundargarh, was not filed as directed in the order dated 08.04.2022, the M.A. No. 23/2022/EZ was registered in which an affidavit dated 24.09.2022 was filed by the Collector, Sundargarh, computing the Environmental Compensation amounting to Rs. 39,38,518/- (Rupees Thirty Nine Lakhs Thirty Eight Thousand Five Hundred Eighteen only) against Sri Aurobindo Integral Education & Research Centre, Sundargarh, Applicant herein, and thereafter the order of 19.10.2022 was passed.
10. From the case file we find that Sri Aurobindo Integral Education & Research Centre, Sundargarh, was not a party to the Original Application No. 115/2021/EZ and his name appeared for the first time in the affidavit of the Collector, Sundargarh, filed in the Original Application No. 115/2021/EZ. We are, therefore, of the view that the Applicant herein, Sri Aurobindo Integral Education & Research Centre, Sundargarh, was a necessary party to the proceedings of the Original Application and deserved an opportunity of being heard.
11. In view of above, we allow the M.A. No. 01/2023/EZ and accordingly set aside the orders dated 08.04.2022 and 19.10.2022 and restore the Original Application No. 115/2021/EZ to its original number and direct that Sri Aurobindo Integral Education & Research Centre, Sundargarh, shall be impleaded in the array of Respondents as 'Respondent No.7'.
12. Mr. Pratap Sahani, learned Counsel prays for and is granted three weeks time for filing counter-affidavit.

60

13. List on 24.02.2023.

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

January 24, 2023  
M.A. No.01/2023/EZ  
In  
Original Application No.115/2021/EZ  
AK

.....  
**Prof. A. Senthil Vel, EM**

*Sh*  
|| True Copy ||

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE, KOLKATA.

61

O.A.No.115 of 2021/EZ.

IN THE MATTER OF:

TRIBUNAL ON ITS OWN MOTION .....APPLICANT.

VERSUS

UNION OF INDIA & ORS. ....RESPONDENTS.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT  
NO.7

I, Niranjan Mohanty aged about 88 years, S/o. Late Sh. Gopal Charan Mohanty, At/po/dist- Sundargarh, Odisha-770001, Secretary, Sri Aurobindo Integral Education & Research Centre, Sundargarh, do hereby solemnly affirm and states as under:-

1. I say that the deponent is the secretary of respondent No.7 and am well acquainted with the facts and circumstances of the case and competent to swear this affidavit. I have been duly authorized by the respondent No.7 vide resolution dated 22.12.2022 and the same is annexed herewith as ANNEXURE R-7/1.
2. I say that the answering respondent society was registered as Aurobindo Integral Education & Research Centre, Sundargarh vide registration no.S.G.D-941-12/90-91 on dated 09.06.1990 by the Additional Registrar, Sundargarh. Copy of the registration certificate along with English translation is annexed herewith as ANNEXURE R-7/2.



3. I say that the respondent no.7 purchased the land measuring 1 Ac. 37 decimals at Sundargarh bearing Tehsil No.185 and got the construction works of the school done since then. The school has been run in the title area of respondent No.7. Copy of the Mutation Certificate is annexed herewith as ANNEXURE R-7/3.
4. I say that this Hon'ble Tribunal vide order dated 08.04.2022 was pleased to dispose the Original Application No.115/2021 with the following directions:-
- “17. We, therefore, direct the Collector, Sundargarh to take steps for recovery and restoration of this land measuring 0.615 acres as a water body and determine Environmental Compensation and cost of restoration/restitution of this land as water body re-forming part of the Bijuli Bandh. The Collector, Sundargarh shall take the assistance of the Odisha State Pollution Control Board in this regard. Compliance report shall be submitted by the Collector, Sundargarh within four months, i.e. by 30.08.2022.”
5. I say that the District Collector in lieu of the order dated 08.04.2022 formed a Committee and without affording any opportunity to the answering respondent and without any demarcation, demolish the boundary wall of the premises of the answering respondent on the allegation that 0.615 Ac. of land was illegally encroached upon by the answering respondent.
6. I say that the answering respondent had never encroached upon the government land and has constructed the said school within the bounds of it's title area.

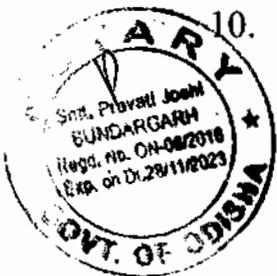


7. I say that Bijuli Bandh was earlier maintained by Sundergarh Municipality and at present part of the area is encroached upon by developing a park by the Sundargarh Municipality and by construction of a club run by senior citizens. The photographs annexed with the present counter affidavit would clearly established that the same has been encroached upon by the government residential accommodation and the aforementioned park. Copy of the photographs are annexed herewith as **ANNEXURE R-7/4 (Colly)**.

8. I say that the drain/nullah of government accommodation leading to the water body (Bijuli Bandh) use to overflow and enter the school premises of the respondent society. The respondent society has never discharged its drain water/sewerage to the said water body and it is located at a considerable distance from the said water body. Even the drain water/sewerage discharged from the government quarters situated in the adjoining area enters the applicant's school premises and gets accumulated there, exposing the school children to unhygienic and toxic waste.

9. I say that some developmental works were going in and around the water body even before the Covid-19 pandemic and the applicant has never encroached over the said water body or contributed to it deterioration.

10. I say that the Sundargarh Municipality is a necessary party who can give details of the Bijuli Bandh and the area encroached upon it, since the municipality is the



government body taking care of the said water body and maintaining it's records.

11. I say that the contents of the present counter affidavit are emanating from records and the documents enclosed with this affidavit are also part of records. The answering respondent has not pleaded anything beyond the record in the present case.

Before SMT. PRAVATI JOSHI  
NOTARY, SUNDARGARH

*Niranjan Mohanty*  
DEPONENT  
S.A.I.E.&R.C.  
MATRUVIHAR  
Sundargarh

VERIFICATION

I, Niranjan Mohanty aged about 88 years the above named deponent, S/o Late Sh. Gopal Charan Mohanty, Secretary, Sri Aurobindo Integral Education & Research Centre, Sundargarh, do hereby verify that the contents of paras Nos.1 to 11 are true to my personal knowledge and I have not suppressed any material fact. The annexures enclosed with the counter affidavit are true copies of their respective originals.

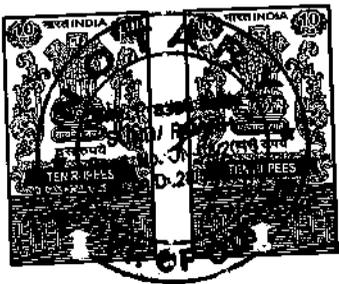
Smt. Pravati Joshi, Notary  
Sundargarh Govt. of Odisha  
REGD. NO. ON-08/2018  
EXP. ON DT. 20/11/2023

Sl. No. 322. Date. 11/02/23

*Identified by me  
K.K. Venkatray  
Adv. Sundargarh  
11.02.23*

*Niranjan Mohanty*

DEPONENT  
Secretary  
S.A.I.E.&R.C.  
MATRUVIHAR  
Sundargarh



deponent(s), being identified by  
Sri/Smt./Ku. *K.K. Venkatray*  
Advocate Solemnly Affirmed and  
Declare the truthness of the contents

*J. Joshi*  
Smt. Pravati Joshi, NOTARY  
SUNDARGARH, GOVT. OF ODISHA  
REGD. NO.: ON-08/2018

*11 True Copy 11*

65  
ANNEXURE A-9

Item No.11

Court No.1

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

Original Application No.115/2021/EZ

**IN THE MATTER OF**

Tribunal on its own motion

Re: Illegal filling of Bijuli Bandh (Water Body),  
Sundargarh, Odisha

.... Applicant(s)

Versus

1. **UNION OF INDIA**  
Through the Secretary, Ministry of Jal Shakti,  
Department of Water Resources,  
Shram Shakti Bhavan, Rafi Marg, New Delhi-110001
2. **CHIEF SECRETARY OF GOVT. OF ODISHA**  
State Secretariat, Bhubaneswar-751001, Odisha.
3. **MEMBER SECRETARY,**  
Odisha Pollution Control Board, Paribesh Bhawan, A/118,  
Nilakanthan Nagar, Unit-VIII, Bhubaneswar-751012, Odisha.
4. **COLLECTOR & DISTRICT MAGISTRATE,**  
Sundargarh, Odisha.
5. **ODISHA WETLAND AUTHORITY**  
Forest, Environment and Climate Change Department, Govt. of  
Odisha, Kharavel Bhavan, Bhubaneswar, Odisha,
6. **MEMBER SECRETARY**  
The State Environment Impact Assessment Authority, (SEIAA),  
S5RF-2/1, Acharya vihar, Unit-IX, Bhubaneswar, Odisha-751022,

**7. SRI AUROBINDO INTEGRAL EDUCATION & RESEARCH CENTRE,**

Sundargarh, Through its Secretary, Sh. Niranjana Mohanty

S/o. Gopal Charan Mohanty, At/ Po/Dist-Sundargarh,

Odisha-770001

...Respondent(s)

**Date of hearing:** 24.02.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR,  
JUDICIAL  
MEMBER HON'BLE DR. AFROZ AHMAD, EXPERT  
MEMBER**

For Applicant(s): Suo Motu

For Respondent(s) Mr. Ashok Prasad, Adv. for R-1 (in Virtual Mode),  
Ms. Papiya Banerjee Bihani, Adv. for R-3 (in Virtual Mode),  
Mr. Gora Chand Roy Chowdhury, Adv. for R-6 (in Virtual Mode),  
Mr. Pratap Sahani, Adv. for R-7 (in Virtual Mode),

**ORDER**

1. Original Application No.115/2021/EZ has been taken up by this Tribunal on the basis of newspaper reporting in the National Daily 'Indian Express' News Paper and Local Daily 'The Sambad' dated 24.07.2021 wherein it has been alleged that illegal structures have been constructed on a wetland known as Bijuli Bandh which is the largest water body in the District of Sundargarh, Odisha. It is alleged that under the garb of renovation and beautification of the said water body encroachment is being done.
2. It is also alleged that over the land which falls within the wetland, residence of Chief District Medical Officer and Superintendent of Police, Sundargarh have been erected and there is also one

Community Center, Narikalyan Kendra, spread across 38.5 decimal as well as the building of the Public Health Department over an area of 18 decimal which has been constructed on the said wetland. The Bijuli Bandh Water Body is stated to have an area of 20.99 acres and is stated to serve as storage reservoirs in the monsoon-dependent areas.

3. It is also alleged that a tender has been invited for Rs.27.09 crores by the Water and Power Consultancy Services Limited (WAPCOS) under the Ministry of Jal Shakti, Govt. of India for unauthorized development of Bijuli Bandh water body.
4. Original Application No. 115/2021/EZ was disposed of by the Tribunal by its judgment and order dated 8th April, 2022 with the following direction: -

“17. We, therefore, direct the Collector, Sundargarh to take steps for recovery and restoration of this land measuring 0.615 acres as a water body and determine Environmental Compensation and cost of restoration/restitution of this land as water body re-forming part of the Bijuli Bandh. The Collector, Sundargarh shall take the assistance of the Odisha State Pollution Control Board in this regard. Compliance report shall be submitted by the Collector, Sundargarh within four months, i.e. by 30.08.2022.”

5. When no Compliance Report was filed by the Collector, Sundargarh; MA No.23/2022/EZ was taken up by the Tribunal.
6. An affidavit dated 24.09.2022 was filed by the Collector, Sundargarh wherein it was stated that in order to ensure recovery and restoration of the land measuring Ac.0.615 as a Water Body and to determine Environmental Compensation and cost restoration/restitution of the

land as Water Body reforming part of the Bijuli Bandh, a Committee was constituted consisting of the Sub-Collector, Sadar, Sundargarh, Tahasildar, Sadar, Sundargarh, Superintending Engineer, PWD, Sundargarh, and the DEE, Regional Office, State Pollution Control Board, Regional Office, Rourkela. The Committee observed that the said piece of land was under the unauthorized occupation of Sri Aurobindo Integral Education & Research Centre, Sundargarh. The land has now been recovered on 14.09.2022 by Sundargarh Municipality in presence of Additional Tahasildar, Sadar, Sundargarh, Revenue Supervisor and Revenue Inspector of Sundargarh, Sadar Tahasil by evicting the encroachers.

7. It is further stated that the cost of restoration and Environmental Compensation determined by the Committee are as follows: -

"4. That, the cost of restoration and environmental compensation have been calculated by the committee as follows:

Volume of water body to be restored = Ac.0315 x 2.50m  
 =2488.82m<sup>2</sup>x 2.50m  
 = 6222.05 m<sup>3</sup>

Rate of excavation in ordinary soil and disposal of excavated soil by mechanical means = 6222 m<sup>3</sup> @ Rs.36.56=Rs.2,27,476.00 (as per the rate of PWD Deptt. of Odisha)

Cost of eviction and recovery of encroached land = 20 hrsx  
 Rs.730.43 = Rs.14,609.00

The cost of restoration = Rs.2,42,085.00

Rs.2,27,476 + Rs.14,609.00

Add 1% for labourcess

Total = Rs. 2,44,506.00

Add 9% for GGST = Rs.22,006.00

Add 9% for SGST = Rs.22,006.00

Total Cost of restoration = Rs.2,88,518.00

As there is no specific guideline of CPCB for calculation of Environmental Compensation for encroached water body by an Educational Institution, the Committee is of opinion that it may be considered as non-polluting category (White Category) whose average Pollution Index (P.I.) is 10 as per CPCB guideline. Location Factor (L.F.) is 1 as the Sundargarh is a town having population less than 1 Million.

Hence, Environmental =  $PI \times N \times R \times S \times LF$

Compensation (E.C.) =  $10 \times 1 \times 100 \times 0.5 \times 1 = \text{Rs.}5000/\text{day}$

Minimum Environmental Compensation in any case

is also Rs.5000/day as per

CPCB guideline for

Environmental Compensation. Number of days of =  $2 \times 365 = 730$  days

Encroachment of water body

Total environmental =  $\text{Rs.}5000 \times 730 = \text{Rs.}36,50,000.00$

Compensation

Total cost of Environmental =  $\text{Rs.}36,50,000.00 +$

Compensation and cost of =  $\text{Rs.}2,88,518.00 = \text{Rs.}39,38,518$

restoration”

8. The cost of restoration is shown as Rs.2,88,518/- (Rupees Two lakhs Eighty-Eight Thousand Five Hundred Eighteen only) and Environmental Compensation has been computed at Rs.36,50,000/- (Rupees Thirty-Six lakhs Fifty Thousand only). Total amounting to Rs.39,38,518/- (Rupees Thirty-Nine lakhs Thirty-Eight Thousand Five Hundred Eighteen only).

9. Accordingly M.A. No.23/2022/EZ was disposed of by the Tribunal by its order dated 19.10.2022 with a direction to the District Magistrate, Sundargarh to take steps in accordance with law for recovery of cost of restoration and Environmental Compensation from Sri Aurobindo Integral Education & Research Centre, Sundargarh, within a period of three months and, thereafter, utilize

the money for recovery and restoration of the water body in question and direction was given to the District Magistrate, Sundargarh to file affidavit of compliance by 31.01.2023.

10. The Additional Standing Counsel appearing for the State Respondents stated that though the computation of cost of restoration and environmental compensation has been done but the same has not yet been recovered from Sri Aurobindo Integral Education & Research Centre, Sundargarh.
11. Thereafter, M.A. No.01/2023/EZ was filed by Sri Aurobindo Integral Education & Research Centre, Sundargarh stating therein that it was not made a party to the Original Application No.115/2021/EZ which was disposed by the Tribunal by its Order dated 08.04.2022 and it was also not a party to the M.A. No.23/2022/EZ which was disposed of by the Tribunal by the subsequent Order dated 19.10.2022
12. The Tribunal, therefore, by its Order dated 24.01.2023 allowed the M.A. No.01/2023/EZ and set aside the Orders dated 08.04.2022 and 19.10.2022 and O.A. No.115/2021/EZ was restored to its original number and Sri Aurobindo Integral Education & Research Centre, Sundargarh, was direct to be impleaded in the array of Respondents as 'Respondent No.7'.
13. The counter-affidavit dated 11.02.2023 has been filed by Respondent No.7, Sri Aurobindo Integral Education & Research Centre, Sundargarh, and all that has been stated therein is that the Respondent No.7 purchased the land measuring Ac.1.37 decimals at Sundargarh bearing Tehsil No.185 and got the construction works of the school done. The copy of the Mutation Certificate has been filed as 'Annexure R-7/3' to the affidavit. 'Annexure R-7/2' is the Certificate of Registration of Sri Aurobindo Integral Education & Research Centre under Act – XXI of 1860 i.e., Registration of Societies Act, 1860.

14. It is further stated that the District Collector without affording any opportunity to the respondent, demolished the boundary wall of the premises on the allegation that 0.615 acres of land has been encroached by the said Education Centre.
15. It is also alleged that a part of the area of the Bijuli Bandh is encroached upon by developing a park of the Sundargarh Municipality and by construction of a club run by senior citizens and there is also encroachment by government residential accommodation.
16. It is also alleged that the drain/nullah of the government accommodation is overflowing into the Water Body i.e., Bijuli Bandh and sewage has been discharged from government quarters into the said Bijuli Bandh.
17. We have heard the learned Counsel for the parties
18. The learned Counsel appearing for the Respondent No.7 has not filed any document on record to show that the land over which the Sri Aurobindo Integral Education & Research Centre has been constructed is not a Water Body.
19. The Khatian filed at Page No.56-57 of the paper book though mentions Sri Aurobindo Integral Education & Research Centre, Sundargarh Tehsil No.185, Mouza-Sundargarh but the area of the land has not been mentioned which is stated to be in occupation of the said Education Centre in question.
20. Certain photographs have been filed to show the existence of the water body near the Education Centre.
21. We find that the affidavit of the Collector, Sundargarh dated 24.09.2022 filed in M.A. No.23/2022/EZ only mentions that a land measuring Ac.0.615 for restoration and recovery as a Water Body is under the unauthorized occupation of Sri Aurobindo Integral Education & Research Centre, Sundargarh. The plot number of the

land has not been mentioned. It is also not mentioned as to how and to what extent this land as a part of the Water Body, Bijuli Bandh.

22. In a previous affidavit of the Collector dated 10.01.2022, it has been stated that as per government records, the area of Bijuli Bandh is 20.99 Acres situated on Plot No.779 under Khata No.465 of Sundargarh Town and out of this area of 20.99 Acres, 0.615 Acres of land has been encroached by a private school (Sri Aurobindo Integral Education & Research Centre, Sundargarh).
23. The Khata number claimed by the Education Centre in question as per the Khatian Records filed by him shows the Khatian Serial No.460/340 and at another place in the same record, the Khata number is mentioned as 458 and Plot Numbers are mentioned as 773/2122, 770/2123, 740/2124, 770/2125 and area is mentioned as Ac.1.37 whereas in the affidavit of the Collector, Sundargarh dated 10.01.2022, the Plot number of Bijuli Bandh is mentioned as 779 under Khata No.465.
24. In the affidavit of the Collector dated 24.09.2022, it is mentioned that for the purpose of determination of Environmental Compensation and cost of restoration/restitution of the Water Body i.e., Bijuli Bandha, a Committee was constituted consisting the Sub-Collector, Sadar, Sundargarh, Tahasildar, Sadar, Sundargarh, Superintending Engineer, PWD, Sundargarh, and the DEE, Regional Office, State Pollution Control Board, Regional Office, Rourkela.
25. We are of the view that this Committee needs to re-visit its Report and examine the Revenue Records and determine correctly the Khata/Khatian Number, Plot Numbers and the area of the Bijuli Bandh as well as of Sri Aurobindo Integral Education & Research Centre, Sundargarh and determine as to whether the said Education Centre is actually encroaching upon the Bijuli Bandh, Water Body and to what extent and over which Plot Numbers and which Khata

and, if the Committee finds on the basis of such inquiry, in which a representative of the Sri Aurobindo Integral Education & Research Centre, Sundargarh shall also be associated, that the Education Centre has indeed encroached upon the Water Body i.e., Bijuli Bandh; it shall determine Environmental Compensation and cost of restoration/recovery of the Water Body giving due notice and opportunity of hearing to the Respondent No.7 i.e., Sri Aurobindo Integral Education & Research Centre, Sundargarh and thereafter take steps for removal of such encroachment and restoration of the Water Body to its original pristine form. The amount recovered by way of Environmental Compensation in addition to additional funds to be provided by the State authorities shall also be spent on beautification of the Bijuli Bandh by creating a walkway, planting of adequate quality and quantity of trees and shrubs maintaining biodiversity all around the periphery of the Bijuli Bandh. The Committee shall also consider installation of adequate number of fountains in the Bijuli Bandh for circulation of water to ensure its proper oxygenation and BOD levels

26. Affidavit of compliance shall be filed by the Collector, Sundargarh with the Registrar, NGT/EZ by 31.05.2023.
27. This Original Application No.115/2021/EZ is accordingly disposed of.
28. Interlocutory Applications if any, stand disposed of.
29. There shall be no order as to costs.

Sd/-  
B. Amit Sthalekar, JM

Date 24.02.2023.

Sd/-  
Dr. Afroz Ahmed, EM

|| True Copy ||

Annexure A-10

74

Item No.02

Court No.1

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

Miscellaneous Application No.21/2023/EZ

In

Original Application No.115/2021/EZ

Tribunal on its own motion

Re: Illegal filling of Bijuli Bandh (Water Body),  
Sundargarh, Odisha,

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 21.08.2023

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

For Applicant(s) : *Suo Motu,*

**ORDER**

1. The M.A. No.21/2023/EZ filed in Original Application No.115/2021/EZ is being taken up.
2. The Original Application No.115/2021/EZ was disposed of by this Tribunal vide its order dated 24.02.2023 with the following directions:-

*"25. We are of the view that this Committee needs to re-visit its Report and examine the Revenue Records and determine correctly the Khata/Khatian Number, Plot Numbers and the area of the Bijuli Bandh as well as of Sri Aurobindo Integral Education & Research Centre, Sundargarh and determine as to whether the said Education Centre is actually encroaching upon the Bijuli Bandh, Water Body and to what extent and over which Plot Numbers and which Khata and, if the Committee finds on the basis of such inquiry, in which a representative of the Sri Aurobindo Integral Education & Research Centre, Sundargarh shall also be associated, that the Education Centre has indeed encroached upon the Water Body i.e., Bijuli Bandh; it shall determine Environmental Compensation and cost of restoration/recovery of the Water Body giving due notice and opportunity of hearing to the Respondent No.7 i.e., Sri Aurobindo Integral Education & Research Centre, Sundargarh and thereafter take steps for removal of such encroachment and restoration of the Water*

Body to its original pristine form. The amount recovered by way of Environmental Compensation in addition to additional funds to be provided by the State authorities shall also be spent on beautification of the Bijuli Bandh by creating a walkway, planting of adequate quality and quantity of trees and shrubs maintaining biodiversity all around the periphery of the Bijuli Bandh. The Committee shall also consider installation of adequate number of fountains in the Bijuli Bandh for circulation of water to ensure its proper oxygenation and BOD levels.

26. Affidavit of compliance shall be filed by the Collector, Sundargarh with the Registrar, NGT/EZ by 31.05.2023."

- 3. Affidavit of compliance was required to be filed by the Collector, Sundargarh, by 31.05.2023. Till date, no affidavit of compliance has been filed.
- 4. Issue notice to the Respondent Nos.4, Collector & District Magistrate, Sundargarh, to file affidavit of compliance before the next date of listing.
- 5. Mr. Tarun Patnaik, learned Additional Standing Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent Nos. 4, Collector & District Magistrate, Sundargarh.
- 6. **List on 22.09.2023.**

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

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

August 21, 2023,  
Miscellaneous Application No.21/2023/EZ  
In  
Original Application No.115/2021/EZ  
AK

*AK*  
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76  
Annexure A-11

Item No.04

Court No.1

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

Miscellaneous Application No.21/2023/EZ  
In  
Original Application No.115/2021/EZ

Tribunal on its own motion  
Re: Illegal filling of Bijuli Bandh (Water Body),  
Sundargarh, Odisha

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 22.09.2023

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

For Applicant(s) : *Suo Motu*

For Respondent(s): Mr. Ashok Prasad, Advocate for R-1 (in Virtual Mode),  
Ms. Papiya Banerjee Bihani, Advocate for R-3,  
Mr. Pratap Sahani, Advocate for R-7 (in Virtual Mode)

**ORDER**

1. Ms. Samapika Mishra, learned Counsel for Respondent No.4, Collector and District Magistrate, Sundargarh, Odisha is not present today. Affidavit of compliance has not been filed as directed by this Tribunal in its order dated 21.08.2023.
2. We therefore request Mr. Tarun Patnaik, the other Counsel for the State Respondents who is present (in Virtual Mode) in another matter to take steps in this case.
3. We grant the Respondent No.4, Collector and District Magistrate, Sundargarh to file affidavit positively by 10.10.2023 failing which he shall be present in the Court in person on that date with his personal affidavit explaining non-compliance of the order of the Tribunal and why action U/S 26 of the National Green Tribunal Act 2010 be not initiated against him.

77

4. List on 10.10.2023.

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

September 22, 2023,  
Miscellaneous Application No.21/2023/EZ  
In  
Original Application No.115/2021/EZ  
SKB

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

|| True Copy ||

Annexure A 78

OFFICE OF THE SUB-COLLECTOR, SADAR, SUNDARGARH

MEMORANDUM OF JOINT FIELD ENQUIRY ON ILEGAL FILLING OF  
BIJULIBANDH IN O.A NO. 115/2021/EZ OF NGT, EZ BENCH, KOLKATTA

Date of Joint Enquiry: 26.09.2023

I have conducted joint field enquiry at the spot along with Tahasildar, Sadar, Sundargarh, Executive Officer, Sundargarh Municipality, Superintending Engineer, R&B Division, Sundargarh and Regional Officer, State Pollution Control Board, Rourkela on illegal filling of Bijulibandh in O.A No. 115/2021/EZ of NGT, EZ Bench, Kolkatta in presence of Member & Secretary of Aurobinda Integral Education & Research Centre, Sundargarh to determine the status & present position of the revenue records of i.e Khatian number, Plot number, Area of the Bijulibandh as well as of Sri. Aurobinda Integral Education & Research Centre, Sundargarh to ascertain the actual encroachment area of the water body of Bijulibandh. The facts and findings in the said enquiry are as follows:

1. That, the actual Khata no. is 460/340 where the Aurobinda Integral Education & Research institute is stand with comprising a total area of Ac. 1.37 under the following 04 nos. of Plots. The land schedule is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	460/340	770/2125	GB-I	Ac. 0.50
		773/2122	GB-I	Ac. 0.32
		770/2123	GB-I	Ac. 0.34
		770/2124	GB-I	Ac. 0.21
Total				Ac. 1.37

2. That, Sri. Aurobinda Integral Education & Research Institute has obtained the said schedule land vide lease of Govt. land case no. 302/1977 and 11/1989 for the purpose of construction of school building.

3. That, the actual area and land Schedule of Bijulibandh is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	465	779	Kata	Ac. 20.99
Total				Ac. 20.99

4. That, the actual encroachment area of Sri. Aurobinda Integral Education & Research Centre out of the area of Bijulibandh is Ac. 0.615.

5. That, the actual encroachment area of Sri. Aurobinda Integral Education & Research Centre out of the area of Bijulibandh is Ac. 0.615.

P.T.O

6. That, the Map has been prepared on the spot in this regard by the Tahasildar, Sadar, Sundargarh showing the actual area which was encroached by Sri. Aurobinda Integral Education & Research Institute of an area Ac. 0.615 (marked by Green colour). The land Schedule is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	465	779/P	Kata	Ac. 0.615
		<b>Total</b>		<b>Ac. 0.615</b>

7. That, as the Aurobinda Integral Education & Research Institute is sharing his boundary with the Bijulibandh boundary, they had temporarily encroached an area of Ac. 0.615 out the area Ac. 20.99 of Bijulibandh by making a temporary barricade with the help of some tin Sheets for safety & security of children studying in that institute.

8. That, the encroached area of Ac. 0.615 of Bijulibandh was already been evicted and freed from encroach by the Aurobinda Integral Education & Research Institute, Sundargarh. The same is also found free from encroachment during the time of field visit.

9. That, one drain is passing over there in front side of the Institute where the sewage of different Government quarters is being discharged into the Bijulibandh water body.

*[Signature]*  
26.7.2023

Sub-Collector, Sadar, Sundargarh

Tahasildar, Sadar, Sundargarh  
**TAHASILDAR  
SUNDARGARH**

*[Signature]*  
Executive Officer, Sundargarh  
**Executive Officer  
Municipality Sundargarh**

*[Signature]*  
Secretary, Aurobinda Integral  
Education & Research Centre, Sundargarh  
**MATRUVIHAR  
Sundargarh**

Regional Officer, State Pollution  
Control Board, Rourkela

Superintending Engineer,  
R&B Division, Sundargarh

11 True Copy 11

Annexure A-13 80

Item No.06

Court No.1

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

Miscellaneous Application No.21/2023/EZ  
In  
Original Application No.115/2021/EZ

Tribunal on its own motion

Re: Illegal filling of Bijuli Bundh (Water Body),  
Sundargarh, Odisha

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.10.2023

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

For Applicant(s) : *Suo motu*

For Respondent(s) : Mr. Ashok Prasad, Advocate for R-1 (in Virtual Mode),  
Ms. Papiya Banerjee Bihani, Adv. for R-3 (in Virtual Mode),  
Mr. Pratap Sahani, Advocate for R-7 (in Virtual Mode),  
Ms. Samapika Mishra, ASC for State Respondents (in Virtual Mode)

**ORDER**

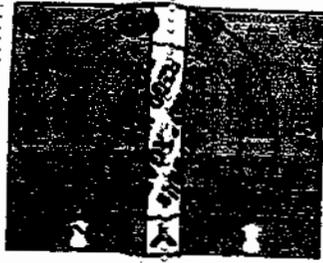
1. Ms. Samapika Mishra, learned Additional Standing Counsel appearing (in Virtual Mode) for the State Respondents, states that Compliance Report dated 06.10.2023 has been filed.
2. On enquiry from her, we find that the said Compliance Report has been filed in the Original Application No.115/201/EZ which has already been disposed of. The Compliance Report requires to be filed in M.A. No.21/2023/EZ.
3. The said Compliance Report be filed within 24 hours.
4. **List on 06.11.2023.**

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

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

October 10, 2023,  
Miscellaneous Application No.21/2023/EZ  
In Original Application No.115/2021/EZ  
MN

// True Gpy // *df*



ANNEXURE A-14

81

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

Miscellaneous Application No.21 of 2023/EZ.

IN

O.A. 115/2021/EZ

**IN THE MATTER OF:**

TRIBUNAL ON ITS OWN MOTION

.....APPLICANT.

VERSUS

UNION OF INDIA & ORS.

..... RESPONDENTS.

**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT**

**NO. 7**

I, Niranjan Mohanty aged about 88 years, S/o. Late Sh. Gopal Charan Mohanty, At/po/dist- Sundargah, Odisha-770001, Secretary, Sri Aurobindo Integral Education & Research Centre, Sundargarh, do hereby solemnly affirm and states as under: -

1. I say that the deponent is the secretary of respondent No.7 and am well acquainted with the facts and circumstances of the case and competent to swear this affidavit.
2. I say that the deponent joined the enquiry on dated 26/09/2023 at the spot along with the officials. A copy of the enquiry report dated 26/09/2023 was handed over to the deponent. Copy of the enquiry report dated 26/09/2023 is annexed as ANNEXURE R-7/1.
3. I say that the deponent has taken the photographs of the spot and the same are filled for perusal of this Hon'ble Tribunal. Copy of the Photographs are annexed herewith as ANNEXURE R-7/2.



4. I Say that the officials have also handed over a copy of the letter dated 30/09/2023 addressed to the Collector Sundargarh along with the enquiry report dated 26/09/2023 to the deponent and the same is annexed herewith as ANNEXURE R-7/3.

*Deponents*  
DEPONENT  
S.A.I.E.&R.C.  
MATRUVIHAR  
Sundargarh  
*(N. Mohanty M. Deuts)*

**VERIFICATION**

I, Niranjan Mohanty aged about 88 years the above named deponent, S/o Late Sh. Gopal Charan Mohanty, Secretary, Sri Aurobindo Integral Education & Research Centre, Sundargarh, do hereby verify that the contents of paras Nos.1 to 4 are true to my personal knowledge and I have not suppressed any material fact. The annexures enclosed with the counter affidavit are true copies of their respective originals.

*if endorsed by Me  
25/10/23  
Sundargarh*

*Deponents*  
DEPONENT  
S.A.I.E.&R.C.  
MATRUVIHAR  
Sundargarh  
*(N. Mohanty M. Deuts)*



Solemnly affirmed & declared before me on Identification

*11/10/23*  
PRAHALLAD AGARWALLA  
NOTARY, SUNDARGARH  
GOVT. OF ODISHA  
REGD. NO: 11/94  
-EXP. ON DT. 05/05/2025

*11/10/23*  
True Copy

Annexure A-15 COLLY

83



Shot on OnePlus  
By ARUP Northern Division, Odisha

84



Shot on OnePlus  
By ARUP Northern Division, Odisha

85



Shot on OnePlus  
By ARUP Northern Division, Odisha



~~ARUP~~ *du*  
|| True Copy ||

Annexure A/16 87

Item No.07

Court No.1

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

Miscellaneous Application No.21/2023/EZ  
In  
Original Application No.115/2021/EZ

Tribunal on its Own Motion

Re.: Illegal filling of Bijuli Bandh (Water Body),  
Sundergarh, Odisha,

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 31.01.2024

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

For Applicant(s) : *Suo Motu*

For Respondent(s): Ms. Samapika Mishra, ASC for State (in Virtual Mode),  
Mr. Ashok Prasad, Advocate for R-1 (in Virtual Mode),  
Ms. Papiya Banerjee Bihani, Advocate for R-3 (in Virtual Mode),  
Mr. Pratap Sahani, Advocate for R-7 (in Virtual Mode)

**ORDER**

1. Compliance affidavit dated 06.10.2023 has been filed by Respondent No.4, Collector & District Magistrate, Sundargarh; the same is taken on record.
2. Affidavit dated 25.10.2023 has been filed by Respondent No.7, Sri Aurobindo Integral Education & Research Centre, Sundargarh; the same is taken on record.
3. Ms. Samapika Mishra, learned Additional Standing Counsel appearing (in Virtual Mode) on behalf of the State Respondents, mentions that on the basis of the Joint Inspection Report a sum of Rs.2,88,518/- (Rupees Two Lakhs Eighty Eight Thousand Five Hundred Eighteen only) towards restoration and Rs. 36,50,000/- (Rupees Thirty Six Lakhs Fifty Thousand only) towards Environmental Compensation, total Rs.39,38,518/- (Rupees Thirty

88

Nine Lakhs Thirty Eight Thousand Five Hundred Eighteen only) has been determined for recovery against the Respondent No.7. She is not able to state as to what action has been taken towards recovery of the said amount.

4. Learned Counsel prays for and is granted one week time for filing appropriate affidavit in this regard.
5. List on 09.02.2024.

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

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

January 31, 2024,  
Miscellaneous Application No.21/2023/EZ  
in  
Original Application No.115/2021/EZ  
MN

*Dr.*  
|| True Copy ||

Annexure A-

89

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

**M.A. NO.21/2023/EZ**

in

**(Original Application No.115/2021/EZ)**

Tribunal on its Own Motion

Re: Illegal filing of Bijuli Bandh (Water Body),

Sundargarh, Odisha

... Applicant

-Versus-

Union of India & others

... Respondents

**COMPLIANCE AFFIDAVIT FILED BY THE  
COLLECTOR, SUNDARGARH LE.  
RESPONDENT NO.4.**

I, Dr. Gavali Parag Harshad, aged about 38 years, S/o. Harshad Gavali, at present working as Collector & District Magistrate, Sundargarh, At/PO/Dist. Sundargarh, do hereby solemnly affirm and state as follows:

1. That, I am the Respondent No.4 in the Original Application No.115/2021/EZ. I have gone through the contents of the Original Application and records pertaining to this case and such being conversant with the records of the present case, I am filing this affidavit in my official capacity.
2. That, I am swearing this affidavit in compliance with the order dated 31.01.2024 passed by the Hon'ble Tribunal in M.A. No.21/2023/EZ arising out of Original Application No.115/2021/EZ.

*Parag Harshad Gavali*  
Collector  
Sundargarh

Collector  
Sundargarh



**PRADIPTA KUMAR MOHANT,**  
Notary, Cuttack Town  
Regd. No-ON-04/1995

3. That, it is respectfully submitted that the deponent has already filed an affidavit on 06.10.2023 elaborating all the detail facts of the land recorded in the name of Aurobinda Integral Education & Research Centre, Sundargarh and the said educational Institution has encroached the Government land recorded on Bijuli Bandha. However, in the meantime, the encroached area has already been vacated. As regard to payment of compensation and restoration charges, the said educational institution has been served with three notices vide letter No. 9818, dated 17.12.2022, letter No. 443, dated 18.01.2023 and letter No. 10298, dated 09.12.2023 by the Sub-Collector, Sadar, Sundargarh to take steps for payment. In spite of that, the authority of the aforesaid educational Institution did not pay any heed to make payment. The Sub-Collector, Sadar, Sundargarh once again served a notice with the Educational Institution in question for hearing on 10.12.2023 vide his letter No. 10303, dated 09.12.2023. As reported by the Sub-Collector, Sadar, Sundargarh, during the course of hearing dated 10.12.2023, the authorities of Aurobinda Integral Education & Research Centre, Sundargarh has expressed their inability to deposit the said compensation and restoration charges. However, the Sub-Collector, Sadar, Sundargarh has instructed them to deposit the said amount within a period of seven days. The Sub-Collector, Sadar, Sundargarh has also

*Panag Manishad Granvahi*

Collector  
Sundargarh

*M*  
PRADIPTA KUMARI MOHANT  
Notary, Cuttack Town  
Regd. No-ON-04/1995

submitted report of the said hearing vide his letter No.10304, dated 10.12.2023 before the office of the deponent.

Copies of notices issued by the Sub-Collector, Sadar, Sundargarh are annexed herewith as ANNEXURE-A/4 Series.

Copy of report dated 10.12.2023 of the Sub-Collector, Sadar, Sundargarh is annexed herewith as ANNEXURE-B/4.

4. That, the deponent respectfully submits that in spite of issuance of several notices and hearing with the authorities of Aurobinda Integral Education & Research Centre, Sundargarh, he has not deposited the said amount of Rs.39,38,518/- towards cost of Environmental Compensation and Cost of Restoration charges. As a result, a Certificate Case under OPDR Act, 1962 has been instituted against the Secretary, Aurobinda Integral Education & Research Centre, Sundargarh amounting to Rs.39,52,114/- (Rupees Thirty Nine Lakhs Fifty Two Thousands One Hundred and Fourteen) only in the Court of the Collector & Certificate Officer, Sundargarh vide OPDR Case No.02/2024 dated 12.01.2024.

Copy of OPDR Case No.02/2024 dated 12.01.2024 is annexed herewith as ANNEXURE-C/4.

*Parag Manish Grewal*

Collector  
Sundargarh

PRADIP KUMAR MOHANT  
Notary, Cuttack Town  
Regd. No-GN-04/1995

5. That, the deponent is duty bound to carry out the orders and/or directions passed by the Hon'ble Tribunal in letter and spirit.

6. That, the deponent has the highest regards for this Hon'ble Tribunal and hold their Lordships in the highest esteem and is duty bound to obey and implement their Lordship's orders.

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

Identified by

*Parag Harshad Gavali*

*[Signature]*

Advocate

*(Sambhaji Keshavnagar)*

DEPONENT  
Collector  
Sundargarh

**VERIFICATION**

I, Dr. Gavali Parag Harshad, aged about 38 years, S/o. Harshad Gavali, at present working as Collector & District Magistrate, Sundargarh, At/PO/Dist. Sundargarh, do hereby verify that the contents of the above paras are true and correct to the best of my knowledge as derived from official records and the rests are the prayer before your Lordships and no materials are suppressed.



Verified on this the 01 day of February,

2024.

*Parag Harshad Gavali*

VERIFICANT  
Collector  
Sundargarh

Solemnly sworn before  
me by.....

*Parag Harshad Gavali*  
*S. K. Nayak* *Shivak*

Being identified by.....  
at Court, on this date.....  
*08/02/2024*  
*08/02/2024*

PK MUMARTY, Notary, Cuttack Town  
Regd. No. OH-04/1995

*TK Pradhan*  
**|| True Copy ||**

Annexure A-18

Item No.05

93

Court No.1

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

M.A. No.21/2023/EZ

In

Original Application No. 115/2021/EZ

Tribunal on its own motion

Re: Illegal filling  
of Bijuli Bandh (Water Body),  
Sundargarh, Odisha,

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 09.02.2024

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

For Applicant(s) : *Suo Motu*

For Respondent(s): Mr. S.K. Nayak, AGA for State Respondents (in Virtual Mode),  
Mr. Ashok Prasad, Advocate for R-1,  
Ms. Papiya Banerjee Bihani, Advocate for R-3 (in Virtual Mode)

**ORDER**

1. Compliance affidavit dated 08.02.2024 has been filed by Respondent NO.4, Collector & District Magistrate, Sundargarh; the same is taken on record.
2. Heard learned Counsel for the parties.
3. Judgment reserved.

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

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

February 09, 2024,  
M.A. No.21/2023/EZ  
IN Original Application No.115/2021/EZ  
MN

*dh*  
|| True Copy ||

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

.....  
**MISCELLANEOUS APPLICATION No.21/2023/EZ  
In  
ORIGINAL APPLICATION NO.115/2021/EZ**

**IN THE MATTER OF:**

**Tribunal on its Own Motion,**

**Re.: Illegal filling of Bijuli Bandh (Water Body),  
Sundergarh, Odisha,**

**....Applicant(s)**

**Versus**

- 1. Union of India,**  
Through the Secretary,  
Ministry of Jal Shakti, Department of Water Resources,  
Shram shakti Bhavan, Rafi Marg,  
New Delhi-110001,
- 2. Chief Secretary to Govt. of Odisha,**  
State Secretariat, Bhubaneswar-751001, Odisha,
- 3. Member Secretary,**  
Odisha Pollution Control Board,  
Paribesh Bhawan, A/118, Nilakanthan Nagar,  
Unit-VIII, Bhubaneswar-751012, Odisha,
- 4. Collector & District Magistrate,**  
Sundargarh, Odisha,
- 5. Odisha Wetland Authority,**  
Forest, Environment and Climate Change Department,  
Govt. of Odisha, Kharavel Bhavan,  
Bhubaneswar, Odisha,
- 6. Member Secretary,**  
The State Environment Impact Assessment Authority (SEIAA),  
5RF-2/1, Acharya Vihar, Unit-IX,  
Bhubaneswar, Odisha-751022,

**7. Sri Aurobindo Integral Education & Research Centre,  
Sundergarh,**

Through its Secretary, Shr. Niranjan Mohanty,  
S/o Gopal Charan Mohanty,  
At/Po/Dist-Sundargarh, Odisha,  
Pin - 770001,

....Respondent(s)

**COUNSEL FOR APPLICANT(S):**

***Suo Motu,***

**COUNSEL FOR RESPONDENT(S):**

**Mr. Ashok Prasad, Advocate for R-1,  
Mr. S. K. Nayak, AGA for State Respondents, Govt. of Odisha,  
Ms. Papiya Banerjee Bihani, Advocate for R-3,**

**JUDGMENT**

**PRESENT:**

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)  
HON'BLE Dr. ARUN KUMAR VERMA (EXPERT MEMBER)**

**Reserved On:- February 9<sup>th</sup>, 2024  
Pronounce On:- March 04<sup>th</sup>, 2024**

- |   |            |
|---|------------|
| 1. Whether the Judgment is allowed to be published on the net?          | <b>Yes</b> |
| 2. Whether the Judgment is allowed to be published in the NGT Reporter? | <b>Yes</b> |

The M.A. No.21/2023/EZ filed in Original Application No.115/2021/EZ is being taken-up.

2. The Original Application No.115/2021/EZ was disposed of by this Tribunal vide its order dated 08.04.2022 with the following directions:-

*"17. We, therefore, direct the Collector, Sundargarh to take steps for recovery and restoration of this land measuring 0.615 acres as a water body and determine Environmental Compensation and cost of restoration/restitution of this land as water body reforming part of the Bijuli Bandh. The Collector, Sundargarh shall take the assistance of the Odisha State Pollution Control Board in this regard. Compliance report shall be submitted by the Collector, Sundargarh within four months, i.e. by 30.08.2022."*

3. Thereafter, the M.A. No.01/2023/EZ was filed by Sri Aurobindo Integral Education & Research Centre, Sundargarh, praying for setting aside of the order of the Tribunal dated 08.04.2022 and 19.10.2022 with a direction that the Applicant be permitted to present his case and defend himself as he was not a party to the Original Application No.115/2021/EZ. The Tribunal accordingly allowed the M.A. No.01/2023/EZ and set aside the orders of 08.04.2022 and 19.10.2022 and restored the Original Application No.115/2021/EZ to its original number and directed that Sri Aurobindo Integral Education & Research Centre, Sundargarh, be impleaded in the array of Respondents as Respondent No.7.

4. Thereafter, the Original Application No.115/2021/EZ was heard and again disposed of by the Tribunal vide its order dated 24.02.2023 with the following directions: -

*"25. We are of the view that this Committee needs to re-visit its Report and examine the Revenue Records and determine correctly the Khata/Khatian Number, Plot Numbers and the area of the Bijuli Bandh as well as of Sri Aurobindo Integral Education & Research Centre, Sundargarh and determine as to whether the said Education Centre is actually encroaching upon the Bijuli*

*Bandh, Water Body and to what extent and over which Plot Numbers and which Khata and, if the Committee finds on the basis of such inquiry, in which a representative of the Sri Aurobindo Integral Education & Research Centre, Sundargarh shall also be associated, that the Education Centre has indeed encroached upon the Water Body i.e., Bijuli Bandh; it shall determine Environmental Compensation and cost of restoration/recovery of the Water Body giving due notice and opportunity of hearing to the Respondent No.7 i.e., Sri Aurobindo Integral Education & Research Centre, Sundargarh and thereafter take steps for removal of such encroachment and restoration of the Water Body to its original pristine form. The amount recovered by way of Environmental Compensation in addition to additional funds to be provided by the State authorities shall also be spent on beautification of the Bijuli Bandh by creating a walkway, planting of adequate quality and quantity of trees and shrubs maintaining biodiversity all around the periphery of the Bijuli Bandh. The Committee shall also consider installation of adequate number of fountains in the Bijuli Bandh for circulation of water to ensure its proper oxygenation and BOD levels.*

*26. Affidavit of compliance shall be filed by the Collector, Sundargarh with the Registrar, NGT/EZ by 31.05.2023."*

5. When the order was not being complied with, the present M.A. No.21/2023/EZ has been taken up.
6. Affidavit dated 08.02.2024 has been filed titled 'Compliance Affidavit' by the Collector, Sundargarh, stating therein that Aurobindo Integral Education & Research Centre, Sundargarh, Respondent No.7 in the O.A., had encroached Government land recorded as Bijuli Bandha but the said encroached area has been vacated. With regard to the payment of compensation and restoration charges, the Respondent No.7 has been served with

three notices on 17.12.2023, 18.01.2023 and 09.12.2023 by the Sub-Collector, Sadar, Sundargarh, to take steps for payment but the said Respondent did not pay heed to the letters or make payment. Thereafter, again a notice was served to the Respondent No.7 and called for hearing on 10.12.2023 vide letter dated 09.12.2023. It is stated that Respondent No.7 appeared in the hearing and expressed his inability to deposit the said compensation and restoration charges but in view of the encroachment and damage caused to the Bijuli Bandha, the Sub-Collector, Sadar, Sundargarh, instructed the Respondent No.7 to deposit the said amount within a period of seven days but he has not deposited the said amount of Rs.39,38,518/- (Rupees Thirty Nine Lakhs Thirty Eight Thousand Five Hundred Eighteen only) towards cost of environmental compensation and cost of restoration charges whereupon a Certificate Case under OPDR Act, 1962, has been instituted against the Secretary, Aurobindo Integral Education & Research Centre, Sundargarh, amounting to Rs.39,52,114/- (Rupees Thirty Nine Lakhs Fifty Two Thousand One Hundred Fourteen only) in the Court of Collector & Certificate Officer, Sundargarh vide OPDR Case No.02/2024 on 12.01.2024. Relevant documents to that effect have been filed along with the affidavit.

7. In this view of the matter, nothing further remains for adjudication by this Tribunal in the present M.A., since the Court of competent jurisdiction has already initiated proceedings for recovery of Environmental Compensation and cost of restoration.

99

8. The M.A. No.21/2023/EZ is accordingly disposed of.
9. There shall be no order as to costs.

.....  
**B. AMIT STHALEKAR, JM**

.....  
**DR. ARUN KUMAR VERMA, EM**

**Kolkata,  
March 04<sup>th</sup>, 2024,  
Miscellaneous Application No.21/2023/EZ  
In  
Original Application No.115/2021/EZ  
AK**

*AK*  
|| True Copy ||

ITEM NO.21

COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 4573/2024

SRI AUROBINDO INTEGRAL EDUCATION AND  
RESEARCH CENTRE SUNDARGARH

Appellant(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IA No.77414/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.77413/2024-STAY APPLICATION and IA  
No.77415/2024-EXEMPTION FROM FILING O.T.)

Date : 08-04-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s) Mr. Pratap Sahani, Adv.  
Mr. Tejaswi Kumar Pradhan, AOR  
Mr. Manish Kumar Badal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Issue notice returnable in the week commencing 02.09.2024.

Notice will be served by all modes, including *dasti*.

In the meanwhile, subject to the appellant - Sri Aurobindo Integral Education & Research Centre, Sundargarh depositing 50% of the penalty amount, there will be a stay of recovery by way of coercive steps.

The aforesaid deposit will be made by the appellant - Sri Aurobindo Integral Education & Research Centre, Sundargarh in this Court within six weeks from today and will be converted into an interest bearing Fixed Deposit Receipt (FDR) for a period of 12 months with an auto-renewal clause.

Signature Not Verified

Digital Signature  
Deepak Guglani  
Date: 2024/04/08  
17:30:55 IST  
Reason: AR-cum-PS

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR

*AR*  
|| True Copy ||

104  
ANNEXURE - A/21

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL No.4573/2024**

**SRI AUROBINDO INTEGRAL EDUCATION AND  
RESEARCH CENTRE SUNDARGARH**

**APPELLANT**

**VERSUS**

**26019015**

**UNION OF INDIA & ORS.**

**RESPONDENTS**

**ORDER**

**Certified to be true copy  
Assistant Registrar (Judl.)**  
  
**10-2-26 2024**  
**Supreme Court of India**

1. Having heard learned counsel for the parties and considering the fact that quantification of Rs.39,38,518/- (Rupees Thirty Nine Lakhs Thirty Eight Thousand Five Hundred Eighteen only) payable by the appellant on account of environmental compensation is amenable to an appeal under the National Green Tribunal Act, 2010, we are not inclined to interfere with the impugned judgment and order.
2. We dispose of this civil appeal granting liberty to the appellant to pursue the appellate remedy.
3. If the appellate forum is approached within a fortnight from date, the appeal may be decided on its own merits without limitation creating a bar.
4. All points are kept open.

5. Any amount deposited by the appellant shall be subject to and abide by the result of the appeal, if any, preferred by it.
6. It is placed on record that an amount of 19,76,057/- (Rupees nineteen lakh seventy six thousand fifty seven only) deposited by the appellant pursuant to the order dated 08<sup>th</sup> April, 2024 is invested by the Registry in an interest bearing F.D.R. having maturity on 26<sup>th</sup> May, 2026. Such deposit shall be renewed until further order is received from the appellate forum. If the appeal is dismissed, such amount shall be made over to the authority concerned as per the impugned judgment and order; on the contrary, if the appeal succeeds, the appellate forum shall be at liberty to make an appropriate order in respect of return of the invested amount with interest to the appellant.
7. Pending application(s), if any, shall stand disposed of.

.....J.  
[DIPANKAR DATTA]

.....J.  
[SATISH CHANDRA SHARMA]

NEW DELHI;  
FEBRUARY 04, 2026.

A1-No. 3191/26  
 Urgent Fee: Rs 5/-  
 Certification Fee Rs 10/-  
 No. of Folio 2 Rs 2  
 Total Cost Rs 17  
 (a) application filed on :-  
 (b) the date given to receive copy :-  
 (c) date on which copy is made ready :-  
 (d) the date on which the copy is received by the applicant or sent to the applicant :-  
 Clerk Officer  
 Supreme Court of India

10/2/26

SEALED IN MY PRESENCE

103

ITEM NO.16

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).4573/2024

SRI AUROBINDO INTEGRAL EDUCATION AND  
RESEARCH CENTRE SUNDARGARH

Appellant

VERSUS

UNION OF INDIA & ORS.

Respondents

Date : 04-02-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Appellant(s) : Mr. Pratap Sahani, Adv.  
Mr. Tejaswi Kumar Pradhan, AOR  
Ms. Shahina, Adv.  
Mr. Monoranjan Padhi, Adv.

260190i6

For Respondent(s) : Dr. Alakh Alok Srivastava, AOR  
Mr. Awaneesh Kumar, Adv.  
Mr. Jayesh Mishra, Adv.

Mr. Ayush Anand, AOR  
Mr. Monu Kumar, Adv.  
Mr. Shivam Singhania, Adv.  
Mr. Ritu Raj, Adv.  
Mr. Vishal Kumar, Adv.  
Mr. Krishan Kant Kumar, Adv.

Mr. Ashok Kumar Panda, Sr. Adv.  
Mr. Shashwat Panda, Adv.  
Mr. Devesh Kumar Mishra, AOR

Certified to be true copy  
Assistant Registrar (Judl.)  
10-2-26 202  
Supreme Court of India

UPON hearing the counsel the Court made the following  
O R D E R

1. The civil appeal is disposed of in terms of the signed order.
2. Pending application(s), if any, shall stand disposed of.

  
(MANIK KUMAR)  
SENIOR PERSONAL ASSISTANT

  
(SUDHIR KUMAR SHARMA)  
COURT MASTER (NSH)

(signed order is placed on the file)

3  
  
|| True Copy ||

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

**M.A. No. of 2026  
IN**

**APPEAL NO. of 2026/EZ.**

**IN THE MATTER OF:**

Sri Aurobindo Integral Education  
& Research Centre, Sundargarh. .... Appellant.

Versus

Union of India and Ors. .... Respondents.

**APPLICATION FOR EXEMPTION FROM FILING  
CERTIFIED COPIES OF ANNEXURES.**

Application of the Appellant above named;

**MOST RESPECTFULLY SHOWETH: -**

1. The accompanying Appeal is being filed by the appellant challenging the legality and validity of the Recovery Notices dated 17.12.2022, 18.01.2023 and 09.12.2023 issued by Respondent No.4 and Judgement dated 04.03.2024 passed by this Hon'ble Tribunal in M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ.
2. That the appellant in view of the urgency seeks exemption from filing certified copies of the annexures and has preferred the present appeal with the aid of photocopies and translated copy of the Annexures.

3. That the Appellant undertakes to file certified copies/official translation of the Annexures as and when this Hon'ble Court directs it to do so.

**PRAYER**

Under these circumstances it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to:

- (a) exempt the Appellant from filing certified copies/official translation of Annexures with the present Appeal and;
- (b) pass any suitable order as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

Appellant

Through

Pratap Sahani & Associates  
Advocates for Appellant  
En. No. D/336/94  
B-203 (LGF) Lajpat Nagar-I  
New Delhi-110024  
W/Mob:-9871437605  
Email: [pratapsahni@yahoo.co.in](mailto:pratapsahni@yahoo.co.in)

Place New Delhi  
Dated:10.02.2026

**VERIFICATION**

I, Niranjan Mohanty aged about 88 years, S/o Late Sh. Gopal Charan Mohanty, Secretary/authorized representative of Sri Aurobindo Integral Education & Research Centre, Sundargarh, Odisha, the appellant herein, do hereby verify that the contents of the above paragraphs of the application are true to the best of my knowledge and the grounds taken therein are based on legal advice and that I have not suppressed any material fact.



Place: Sundargarh.

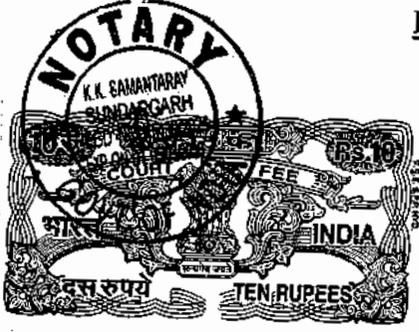
Date: 10.02.2026.

*[Signature]*  
 APPELLANT ~~Secretary~~ CANT.  
 S.A.I.E.&R.C.  
 MATRUVIHAR  
 SUNDARGARH

deponent(s) being identified by  
 Sri/Smt./Ku. *K.K. Samantaray*  
 Advocate Solemnly Affirmed and  
 Declared the truthness of the contents

*10.02.26*  
 K.K. SAMANTARAY, NOTARY  
 Sundargarh, Govt. of India  
 REGD NO 45439/2025

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



M.A.No. /2026/EZ  
IN  
APPEAL No. of 2026/EZ.  
In.  
Arising out of O.A. 115/2021/EZ



**IN THE MATTER OF:**

TRIBUNAL ON ITS OWN MOTION .....APPLICANT.

VERSUS

UNION OF INDIA & ORS. .... RESPONDENTS.

**AFFIDAVIT**

**BEFORE SRI K.K. SAMANTARY, NOTARY, SUNDARGARH  
GOVT. OF INDIA**

I, Niranjan Mohanty aged about 88 years, S/o. Late Sh. Gopal Charan Mohanty, At/po/dist- Sundargarh, Odisha-770001, Secretary, Sri Aurobindo Integral Education & Research Centre, Sundargarh, do hereby solemnly affirm and states as under: -

1. That, I am the authorized representative/secretary of respondent No.7 in O.A. 115/2021/EZ, appellant in the present Appeal and am well conversant with the facts and circumstances of this case hence competent to swear this affidavit.

That the accompanying application seeking exemption from filing certified copies of annexures/documents has been drafted by my counsel on my instructions based on records of the case. The facts stated therein are true in correct to my knowledge and based on records of the case.

K.K. SAMANTARY, NOTARY  
Sundargarh, Govt. of India  
REGD. NO. 45439/2025  
EXP. ON DT. 05/03/2030  
Sl. No. 1176. Date. 10.02.26



3. That the statement of facts of the said application are correct to my knowledge and belief.

*[Signature]*  
Secretary  
S.A.I.E.&R.C.  
MATRUVIHAR  
SUNDARGARH



Verification:

Sworn and verified at Sundargarh, Odisha on 10<sup>th</sup> day of February, 2026 that the contents of this affidavit are true and correct to the best of my knowledge and belief.

deponent(s) being identified by  
Sri/Smt./Ku. *K.K. Samantaray*  
Advocate Solemnly Affirmed and  
Declared the truthness of the contents

*[Signature]*  
Secretary  
S.A.I.E.&R.C.  
MATRUVIHAR  
SUNDARGARH

*[Signature]*  
10.02.26  
**K.K. SAMANTARAY, NOTARY**  
Sundargarh, Govt. of India  
REGD NO 45439/2025

BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE, KOLKATA,

Appeal No. of 2026

IN THE MATTER OF:

Sri Aurobindo Integral Education and Research Centre Sundargarh

... Applicant

Versus

Union of India & Ors.

..... Respondents

KNOW ALL to whom these presents shall come that I, Niranjana Mohanty S/o Late. Sh. Gopal Charan Mohanty, AT/PO/DISTRICT- Sundargarh Odisha - 770001, Secretary, Sri Aurobindo Integral Education and Research Centre Sundargarh

above-named Applicant do hereby appoint:

Pratap Sahani & Associates, Advocates, B-203, LGF, Lajpat Nagar-I, New Delhi- 110024. M. No. 9871437605 Email; -pratapsahani@yahoo.co.in

(herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him: - To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tr also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosec. said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or i manner relating to the said case.

To take execution proceedings.

The deposit, draw and receive money, cheques, cash 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, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 10th day of February 2026

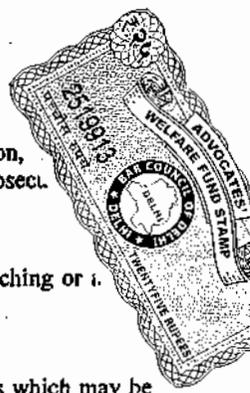
Accepted subject to the terms of fees.

Pratap Sahani Advocate D/336/1994

D/3104/22

M. PADHI Advocate 8/10/25/04

Secretary S.A.I.E.&R.C. MATRUVIHAR SUNDARGARH



# SRI AUROBINDO INTEGRAL EDUCATION & RESEARCH CENTRE



**MATRU VIHAR, SUNDARGARH – 770001, ODISHA**  
**SCHOOL CODE : 372EK**



Letter No.....

Date.....

## Extract of the resolution passed on 09.02.2026 of Sri Aurobindo Integral Education & Research Centre.

“Resolved that pursuant to the provisions of the Society Registrations Act, Sri Aurobindo Integral Education & Research Centre, Sundargarh has hereby authorized its Secretary, S.J. Niranjana Mohanty, S/o Gopal Charan Mohanty, to initiate/file an Appeal before the National Green Tribunal, Eastern Bench, Kolkata, in pursuance to order dated 04.02.2026 passed by the Hon’ble Supreme Court of India in Civil Appeal No.4573 of 2024, for and on behalf of the Society. He is also authorized to sign all pleading(s), vakalatnama(s) and defend any cases on behalf of the society.”

Certified True Copy

*Seema Mohanty*  
**President**  
**S.A.I.E. & R.C.**  
**Sundargarh,**