

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

IA No **32** of 2026

Appeal No. 09/2024/EZ

IN THE MATTER OF:

CHITTA RANJAN MAHANTA & ORS.

...Appellants

VERSUS

UNION OF INDIA & ORS.

...Respondents

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Place: Kolkata**Date: 11.03.2026****Advocate**

Priyanka Saha

Advocate

Enrolment no. WB/2273/2013

1 Shib Dey Lane

Kolkata 700087

Email:- 0501priyanka@gmail.com

9804037641

BEFORE THE NATIONAL GREEN TRIBUNAL

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MEMO OF PARTIES

1. Chittaranjan Mahanta S/0- Mahendra Mahanta Aged about 42years
2. Samaresh Mahanta S/0-Maghanad Mahanta Aged about-43 years
3. Nirakara Sahu, S/o Dwarikanath Sahu, aged about 51 years
4. Shiba Charan Mahanta, S/o Sambaru Mahanta, aged about 52 years
5. Saheb Mahanta, S/o Jagannath Mahanta, aged about 63 years
6. Trilochan Mahanta, S/o Prana Krishna Mahanta, aged about 61 years
7. Pitambara Mahanta, S/o Sambaru Mahanta, aged about 67 years
8. Hrushikesh Mahanta, S/o Bhima Mahanta, aged about 55 years
9. Santosh Mahanta, S/o Iswara Mahanta, aged about 44 years
10. Baneswar Munda S/o pandru Munda aged about 28 yearS

All residents of At -Kapanda, Po- Bad purnapani, PSLahunipara, Dist - Sundargarh, Odisha, Pin -770040

.....APPELLANTS

VERSUS

1. UNION OF INDIA Through the Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jorbagh, New Delhi - 110003; Email - mef@nic.in, secy-moef@nic.in
2. State of Odisha through Chief Secretary of Odisha, LokaSeva Bhawan, Bhubaneswar, 751001; Email - csori@nic.in
3. Additional Chief Secretary, Forest and Environment Department, Kharbela Bhawan, Bhubaneswar, Government of Odisha 751001; Email - fesec.or@nic.in
4. District Collector, Sundergarh, At/Po/Dist- Sundergarh, Odisha, 752001; Email - dm-sundergarh@nic.in
5. Divisional Forest Officer, Rourkela, At/Po/Ps- Rourkela, Sundergarh; Email - dforourkela@yahoo.co.in
6. Managing Director, Orissa Industrial Development Corporation (IDCO) IDCO Tower, Exhibition Ground, Bhubaneshwar, Odisha 751001; Email - dm-sundergarh@nic.in
7. Chairman, Odisha State Biodiversity Board, Bhubaneswar, PO-IRC village, Bhubaneswar-15; Email - msobb@rediffmail.com
8. M/s. K A I International Private Limited, Through it's director , At/Po- CCC-23, Civil Township, Rourkela; Email - info@groupkalinga.com
9. Visiontek Consultancy Services Pvt. Ltd. Represented Through it's Managing Director, At/Po-Plot No- M-22 & M23, Chandaka Industrial Estate, Patia, Bhubaneswar- 751024 Phone No.: 91-674- 3511721, Website- www.visiontek.org; [E-mail- visiontekin@gmail.com](mailto:E-mail-visiontekin@gmail.com).

...RESPONDENTS

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

IA No of 2026

Appeal No. 09/2024/EZ



IN THE MATTER OF:

CHITTA RANJAN MAHANTA & ORS.

...Appellants

VERSUS

UNION OF INDIA & ORS.

...Respondents

APPLICATION FOR CONDONATION OF DELAY ON BEHALF OF
RESPONDENT NO. 8

The Applicant/Respondent No. 8 most respectfully submits as follows:

1. The Applicant is Respondent No. 8 in the present appeal and is filing the accompanying application seeking condonation of delay in filing the application for setting aside the ex-parte order and in placing the reply affidavit on record.
2. The delay in filing the present application and reply affidavit has occurred due to circumstances beyond the control of the Applicant, primarily arising from miscommunication with the earlier Advocate-on-Record and the time required for engaging new counsel, obtaining internal approvals, and compiling relevant project documents.
3. The delay occurred in the following manner:
 - a) The matter was listed before this Hon'ble Tribunal on 06.01.2026, when none appeared on behalf of Respondent No. 8 and the Hon'ble Tribunal was pleased to proceed ex-parte against Respondent No. 8.

11 MAR 2026

- b) The Applicant thereafter remained under the bona fide impression from 07.01.2026 to 19.01.2026 that the matter had not been taken up on the said date as there had been miscommunication regarding the timing of the Hon'ble Bench assembling in hybrid mode.
- c) The earlier Advocate-on-Record only on 20.01.2026 informed the Applicant about the order dated 06.01.2026 whereby Respondent No. 8 had been proceeded ex-parte.
- d) Immediately thereafter, during the period from 21.01.2026 to 28.01.2026, the Applicant initiated steps to review the case status and sought clarification and records from the earlier counsel. During this period several intervening holidays and administrative constraints also caused some delay.
- e) Thereafter, between 29.01.2026 and 05.02.2026, due to lack of effective assistance and coordination from the earlier Advocate-on-Record, the Applicant was constrained to take steps to engage new counsel to handle the matter and to obtain the necessary No Objection Certificate from the erstwhile Advocate-on-Record.
- f) The Applicant thereafter initiated internal processes during the period from 06.02.2026 to 14.02.2026 for completing the formalities required for engagement of new counsel and for preparation of the reply affidavit along with the necessary applications.
- g) The required No Objection Certificate (NOC) from the erstwhile Advocate-on-Record was received on 15.02.2026, whereupon the Applicant was able to formally engage the present counsel and proceed with preparation of the reply affidavit and the accompanying applications before this Hon'ble Tribunal.



11 MAR 2026

- h) Upon receipt of the said NOC, during the period from 16.02.2026 to 06.03.2026, the present counsel took steps to obtain the complete case records and prepare the reply affidavit along with the application for setting aside the ex-parte order and the present condonation application.
- i) Thereafter, the reply affidavit was affirmed on 07.03.2026 and the accompanying applications for setting aside the ex-parte order and condonation of delay were finalised and filed before this Hon'ble Tribunal.
4. The delay has therefore occurred due to the circumstances stated above including the communication lapse with the earlier Advocate-on-Record, the time required to engage new counsel, obtain internal approvals and compile the necessary documents.
 5. The delay is neither intentional nor deliberate but has occurred due to bona fide circumstances beyond the control of the Applicant.
 6. It is a settled principle that a litigant should not ordinarily be made to suffer for the inadvertent mistake or negligence of his advocate. Where a party has acted bona fide and has taken all reasonable steps to pursue the matter, any lapse on the part of the counsel should not deprive the party of an opportunity to place its case on record. In the present case, the Applicant has acted diligently and the circumstances leading to the delay arose primarily due to communication issues with the earlier Advocate-on-Record. The Applicant therefore humbly prays that the delay be condoned and the reply affidavit be taken on record in the interest of justice.

The Applicant has a substantial defence in the present proceedings, and the reply affidavit places on record relevant factual and technical materials which would assist this Hon'ble Tribunal in proper adjudication of the matter.



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8. No prejudice will be caused to the Appellants if the delay is condoned and the reply affidavit is taken on record.
9. The Applicant undertakes to abide by any terms, including costs, that this Hon'ble Tribunal may deem appropriate.
10. The present application is made bona fide and in the interest of justice.

PRAYER

In the above circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Condone the delay of 35 days in filing the application for setting aside the ex-parte order dated 06.01.2026 and in filing the reply affidavit on behalf of Respondent No. 8;
- b) Pass such further orders as this Hon'ble Tribunal may deem fit and proper.

Place: Kolkata

Date: 11.03.2026



Priyanka Saha

Advocate

Priyanka Saha

Advocate

Enrolment no. WB/2273/2013

1 Shib Dey Lane

Kolkata 700087

Email:- 0501priyanka@gmail.com

9804037641

11 MAR 2026

Serial No.....20.....

AFFIDAVIT

I, Suresh Agarwal, son of Late Ram Bilash Agarwal, aged about 46 years, by faith Hindu, by occupation Business, presently working as Director of K A I International Pvt. Ltd., having its registered office at CCC-23, Civil Township, Rourkela, District Sundargarh, Odisha, do hereby solemnly affirm and state as follows:

1. I am the Director and authorised representative of Respondent No. 8 in the above matter and I am well acquainted with the facts and circumstances of the case. I am competent and duly authorised to swear this affidavit on behalf of Respondent No. 8.
2. I say that the statements made in the accompanying Application for Setting Aside the Ex-Parte Order and for Taking Reply Affidavit on Record and the Application for Condonation of Delay are true and correct to my knowledge and belief and nothing material has been concealed therefrom.
3. I further state that the annexures referred to in the accompanying applications are true copies of their respective originals.


DEPONENT

VERIFICATION

I, Suresh Agarwal, the above named deponent, do hereby verify that the contents of paragraphs 1 to 4 of the above affidavit are true and correct to my knowledge and belief, and the rest are my submissions before this Hon'ble Tribunal, and that nothing material has been concealed therefrom.

Verified at Kolkata on this 11th day of March 2026.



DEPONENT

Identified by me


 Advocate



Solemnly Affirmed & Declared
 before me on Identification


 Sabarni Midya, Notary
 Reg. No.-52424 Govt. of India
 High Court at Calcutta

11 MAR 2026



Priyanka Saha <0501priyanka@gmail.com>

(no subject)

1 message

Priyanka Saha <0501priyanka@gmail.com>
To: Sankar Pani <sankarprasadpani@gmail.com>

Thu, Mar 12, 2026 at 1:32 PM

To
Mr. Sankar Prasad Pani,
Advocate
Counsel for the Petitioners

Subject: Service of Applications in Appeal No. 09/2024/EZ pending before the National Green Tribunal, Eastern Zone Bench, Kolkata

Dear Sir,

This is to inform you that Respondent No. 8 has engaged the undersigned counsel in the above-captioned matter in place of the erstwhile Advocate-on-Record.

We are enclosing herewith copies of the following applications filed on behalf of Respondent No. 8 before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata:

1. Application for Setting Aside the Ex-Parte Order dated 06.01.2026;
2. Application for Condonation of Delay; and
3. Vakalatnama

The same are being served upon you in advance in accordance with the applicable rules and practice of the Hon'ble Tribunal.

Kindly acknowledge receipt.

Yours faithfully,
Priyanka Saha
Advocate



6 IA for recalling of orders.pdf

2 attachments**9 Vakalatnama KAI.pdf**

291K

**7 IA for Condonation of Delay.pdf**

731K



Priyanka Saha <0501priyanka@gmail.com>

Subject: Service of Applications in Appeal No. 09/2024/EZ pending before the National Green Tribunal, Eastern Zone Bench, Kolkata

1 message

Priyanka Saha <0501priyanka@gmail.com>

Thu, Mar 12, 2026 at 7:11 PM

To: secy-moef@nic.in, csori@nic.in, fsec.or@nic.in, dm-sundergarh@nic.in, msobb@rediffmail.com, visiontekin@gmail.com



6 IA for recalling of orders.pdf



7 IA for Condonation of Delay.pdf



9 Vakalatnama KAI.pdf

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2. Application for Condonation of Delay; and
3. Vakalatnama

The same are being served upon you in advance in accordance with the applicable rules and practice of the Hon'ble Tribunal.

Kindly acknowledge receipt.

Yours faithfully,
Priyanka Saha