

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH,
KOLKATA.
IA-39/2026/EZ
APPEAL 5 of 2026/EZ.**

IN THE MATTER OF:

Sri Aurobindo Integral Education
& Research Centre, Sundargarh.

..... Appellant.

Versus

Union of India and Ors.

.... Respondents.

NDOH:08.04.2026

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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

Place New Delhi
Dated:18.03.2026

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

I.A.No. 39 OF 2026
IN
APPEAL NO.5 of 2026/EZ.

IN THE MATTER OF:

Sri Aurobindo Integral Education
& Research Centre, Sundargarh.

..... Appellant.

Versus

Union of India and Ors.

.... Respondents.

**APPLICATION ON BEHALF OF APPELLANT U/O 6, RULE 17
CPC SEEKING PERMISSION FOR AMENDMENT OF APPEAL.**

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 towards Environmental Compensations and the cost of restoration.
2. That the instant appeal was listed for hearing before this Hon'ble Tribunal on 12.03.2026 but during the hearing the counsel for the appellant sought an opportunity to rectify an anomaly in the appeal and the same was granted by this Hon'ble Tribunal. The matter is now fixed for 08.04.2026. Therefore, the appellant seeks leave of this Hon'ble Tribunal to amend the accompanying appeal by incorporating some changes in Paragraph No 1 of Appeal and the prayer clause.
3. That the Para No.1 of the appeal may be read as follows: -

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- '1. By the present 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 towards recovery of environmental compensations and the cost of restoration.'
4. That the appellant seeks permission of this Hon'ble Tribunal to withdraw clause (i) of the prayer clause of the appeal. The prayer clause may be read as follows: -

PRAYER

It is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to: -

- i) Allow the present application and take on record the amended Appeal filed by Appellant along with this application; and
- ii) Pass such other and further order(s) as this Hon'ble Tribunal deems fit and proper in favour of the Appellant in the interest of justice.

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


APPELLANT
SATE BRU
MATRUVIHAR
SUNDARGARH

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

Place New Delhi
Dated:18.03.2026

X

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 seeking amendment of the appeal 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.



[Handwritten Signature]
APPELLANT/APPLICANT.
MATRUVIHAR
SUNDARGARH

Place: Sundargarh.

Date: 18.03.2026.

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

[Handwritten Signature]
18.03.26.
K.K. SAMANTARAY, NOTARY
Sundargarh, Govt. of India
REGD NO 45439/2025

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

I.A.No. /2026/EZ

IN

APPEAL No. 5 of 2026/EZ.

IN THE MATTER OF:

Sri Aurobindo Integral Education
& Research Centre, Sundargarh.

.....Appellant.

VERSUS

Union Of India & Ors.

..... Respondents.

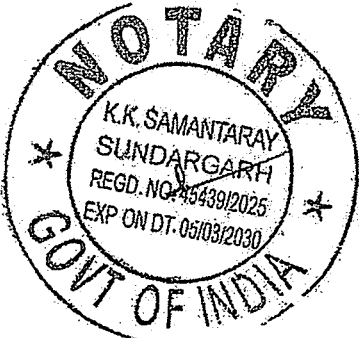
AFFIDAVIT

**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 application seeking amendment of the appeal has been drafted by my counsel on my instructions, based on records of the case. The facts stated therein are true and correct to my knowledge and based on records of the case.
3. That the statement of facts of the said application 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. 283, Date: 18.02.26

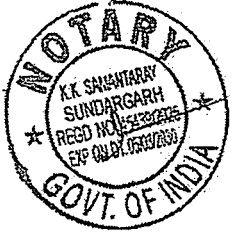


[Signature]
Secretary
SATEEBC,
MATRUVIHAR
SUNDARGARH

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Verification:

Sworn and verified at Sundargarh, Odisha on **18th** day of March, 2026 that the contents of this affidavit are true and correct to the best of my knowledge and belief.



[Handwritten Signature]
Secretary
D.A. & S.C.
MATRUVIHAR
SUNDARGARH

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AMENDED 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 issued by Respondent No.4 towards Environmental Compensations and the cost of restoration.

The Appellant being aggrieved by orders dated 08.04.2022 and 19.10.2022 passed by this Hon'ble Tribunal had filed M.A. No. 21/2023/EZ in O.A. No. 115/2021/EZ. This Hon'ble Tribunal vide judgement dated 04.03.2024 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

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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,

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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

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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-

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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

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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.

10.03.2026 Hence, the present appeal.


 APPELLANT
 STATE & CO.
 MATRUVIHAR
 SUNDARGARH

Through

Appellant


 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

Place New Delhi
 Dated: 10.03.2026



BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH,
KOLKATA
APPEAL NO.5 of 2026/EZ.

(AMENDED APPEAL)

IN THE MATTER OF: -

Sri Aurobindo Integral Education & Research
Centre, Sundargarh,

Through its Secretary. Sh. Niranjan 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**



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 RECOVERY NOTICES
DATED 17.12.2022, 18.01.2023 AND 09.12.2023 ISSUED BY
RESPONDENT NO.4 TOWARDS ENVIRONMENTAL
COMPENSATIONS AND THE COST OF RESTORATION.**

Appeal of the appellant above named;

MOST RESPECTFULLY SHOWETH: -

1. By the present 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 towards recovery of environmental compensations and the cost of restoration.
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 to 36).

- 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).

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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

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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. 61 to 64).

- 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

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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.65to 73).

- l) 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.74 to 75).

- m) That on 22.09.2023 the Hon'ble NGT granted the Respondent no. 4 to file affidavit positively by

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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.

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No. 115/2021/EZ is annexed herewith as ANNEXURE A-13. (Page No. 80 to 81).

- 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

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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. Page No. 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

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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.¹⁰¹ to ¹⁰³).

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 dated 04.03.2024 by this Hon'ble Tribunal.
- 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 any 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. The respondent no.4 had no authority under law to assess the environmental damage, if any or calculate the environmental compensation.
- 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 before pronouncement of the final order passed by this Hon'ble Tribunal.

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- 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 considered or 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 towards Environmental Compensations and the cost of restoration, 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

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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 and quash the Recovery Notices dated 17.12.2022, 18.01.2023 and 09.12.2023 issued by Respondent No.4; and
- (b) 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
STATE & REG.
MATRUVIHAR
SUNDARGARH

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

Place New Delhi
Dated: 18.03.2026

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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 amended appeal 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: 18.03.2026.

[Signature]
Secretary
SRI AROINDO
MATRUVIHAR
SUNDARGARH

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

[Signature]
18.03.26
K.K. SAMANTARAY, NOTARY
Sundargarh, Govt. of India
REGD NO 45439/2025



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BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE, KOLKATA.
APPEAL No. 5 of 2026/EZ.

IN THE MATTER OF:

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

VERSUS

Union Of India & Ors. Respondents.

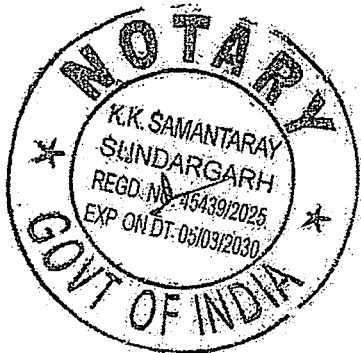
AFFIDAVIT

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 amended 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. 882, Date. 18.08.26

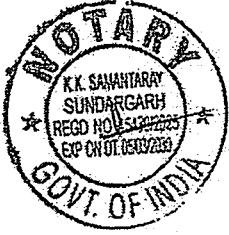


[Signature]
SRI K.K. SAMANTARAY
NOTARY
SUNDARGARH

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Verification:

Sworn and verified at Sundargarh, Odisha on 18th day of March, 2026 that the contents of this affidavit are true and correct to the best of my knowledge and belief.



[Handwritten Signature]
Secretary
D.A.E.S.C.
MATRUVIHAR
SUNDARGARH