

S.L. No. 72

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

INTERLOCUTORY APPLICATION NO. 40 OF 2026/EZ

IN

O.A. NO. 167 OF 2025/EZ

IN THE MATTER OF:

AN INTERLOCUTORY APPLICATION (IA) INTERLOCUTORY
APPLICATION FOR DISMISSAL OF ORIGINAL APPLICATION ON THE
GROUNDS OF NON-MAINTAINABILITY AND LIMITATION

-AND-

IN THE MATTER OF:

SATRUGHAN MEHER

...APPLICANT

-VERSUS-

STATE OF ODISHA & ORS.

...RESPONDENT No. 1 to 8

-AND-

IN THE MATTER OF:

M/S. ORISSA METALIKS PRIVATE LIMITED.

...APPLICANT IN INTERLOCUTORY APPLICATION

/ RESPONDENT No. 9

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06 MAR 2026

ORISSA METALIKS PVT. LTD.

Deepak Kumar Patra
Director/Authorised Signatory



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Date: 06 /03/2026

Place: Kolkata.

Filed by:

Ghanshyam Pandey

Mr. Ghanshyam Pandey,
Advocate,

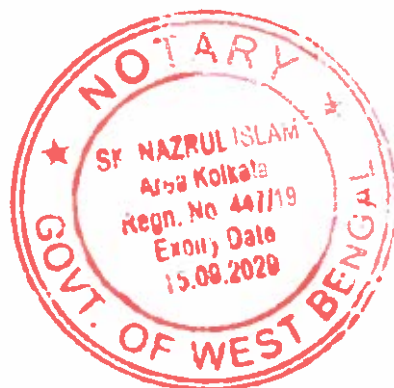
M: 9686750386

E: ghanshyamlegal@gmail.com

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Deepak Kumar Pathak

Director/Authorised Signatory



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

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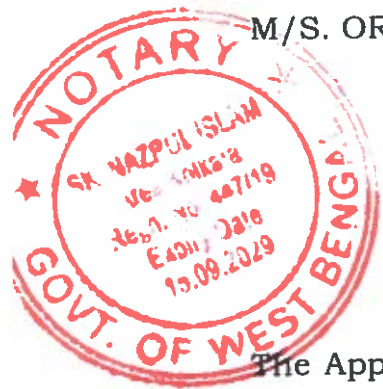
SYNOPSIS

The Applicant has filed the present Original Application alleging illegal encroachment of forest land by the Answering Respondent. However, the Application is fundamentally flawed and misconceived on multiple grounds:

1. The Applicant seeks to challenge the Environmental Clearance (EC) dated 01.10.2024 and the Transfer EC dated 23.10.2023. Under Section 16(h) of the NGT Act, 2010, **any challenge to an EC must be by way of Appeal, not Original Application.**

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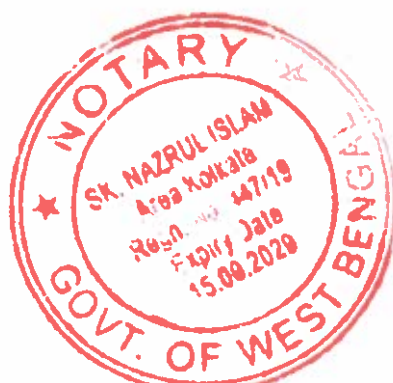
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2. Even if treated as an Appeal, the Application is filed far beyond the mandatory 90-day period. The EC dated 01.10.2024 was uploaded on the MoEF&CC website on the same date and was also advertised in two local newspapers on 11.01.2017 (as per the earlier EC regime). As per the Supreme Court judgment in **Talli Gram Panchayat vs. Union of India (2025 LiveLaw (SC) 1123)**, limitation commences from the **earliest date of communication** by any duty bearer. The Application filed in September 2025 is clearly beyond 90 days.

3. The Answering Respondent acquired the assets of M/s. MSP Metaliks Limited under the order dated 11.07.2022 passed by the National Company Law Tribunal (NCLT), Kolkata Bench in CP (IB) No. 580/KB/2020. **Para 28 (Reliefs and Concessions – Section D of Resolution Plan), Sl No. 15** categorically states:

“...Neither shall the Resolution Applicant, nor the Company, nor their respective directors, officers and employee appointed on and as of the Closing date be liable for any violations, liabilities, penalties or fines with respect to or pursuant to the Company not having in place requisite licenses and approvals required to undertake its business as per Applicable Law, or any non-compliances of Applicable Law by the Company...”.

4. The NCLT Order further provides that governmental authorities shall provide a reasonable period after the Effective Date for the Resolution Applicant to assess and regularize any non-compliances, including environmental laws and forest-related clearances.



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5. The Applicant is a resident of a nearby village and has failed to demonstrate any direct injury or "person aggrieved" status as required under Section 18(2) of the NGT Act.
6. The Applicant has willfully suppressed the fact that the Answering Respondent has initiated all necessary steps for regularization of forest land diversion since August 2025, as evidenced by correspondence with IDCO, DFO Jharsuguda, and other authorities.

Hence, the Interlocutory Application challenging the maintainability and limitation of the Original Application is being filed.

ORISSA METALIKS PVT. LTD.
Deepan Kumar
Director/Authorised Signatory



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

INTERLOCUTORY APPLICATION NO. _____ OF 2026/EZ

IN

O.A. NO. 167 OF 2025/EZ

IN THE MATTER OF:
SATRUGHAN MEHER

...APPLICANT

-VERSUS-

STATE OF ODISHA & ORS.

...RESPONDENT No. 1 to 8

-AND-

IN THE MATTER OF:
M/S. ORISSA METALIKS PRIVATE LIMITED.

...APPLICANT IN INTERLOCUTORY APPLICATION
/ RESPONDENT No. 9

LIST OF DATES

Date	Events
13-07-2009	EC granted to M/s. MSP Metaliks Limited (erstwhile company)
05-11-2014	DFO Jharsuguda requested documents for forest land diversion proposal of 5.229 ha
26-05-2015	DFO Jharsuguda returned proposal due to non-submission of requisite documents by erstwhile company

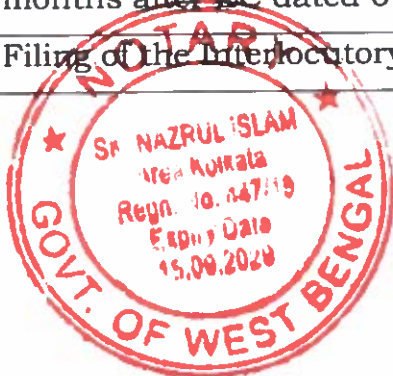


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11-07-2022	NCLT Kolkata approved Resolution Plan; OMPL acquired assets on "as is, where is" basis, free from encumbrances and liabilities of erstwhile management
23-10-2023	MoEF&CC transferred EC from M/s. MSP Metallica Limited to M/s. Orissa Metaliks Private Limited vide File No. J-11011/494/2007-IA.II(I)
01-02-2024	DFO Jharsuguda issued NOC confirming no forest land involvement in expansion project and no National Park/Wildlife Sanctuary within 10 km radius
01-10-2024	MoEF&CC granted Expansion EC to OMPL (File No. J-11011/494/2007-IA.II(I) dated 01.10.2024)
01-10-2024	EC uploaded on MoEF&CC website (earliest date of communication)
08-07-2025	Naib Sarpanch of Marakuta GP made representation to DFO and Tahasildar
21-07-2025	Applicant made representation to MOEFCC and State Government
06-08-2025	OMPL informed Chief General Manager (Land), IDCO about acquisition via NCLT route and initiated forest land regularization process
16-09-2025	OMPL wrote to Land Officer, IDCO requesting FC proposal for 12.24 acres
11-10-2025	OMPL wrote to DFO Jharsuguda seeking ex-post facto approval for forest land diversion
17-10-2025	DFO Jharsuguda acknowledged receipt and noted shortfalls in proposal
September 2025	Present Original Application filed - more than 11 months after EC dated 01.10.2024
March, 2026	Filing of the Interlocutory Application



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Dipak Kumar Patra
 Director/Authorised Signatory

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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INTERLOCUTORY APPLICATION NO. _____ OF 2026/EZ

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SATRUGHAN MEHER

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-VERSUS-

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-AND-

IN THE MATTER OF:
M/S. ORISSA METALIKS PRIVATE LIMITED.

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MEMORANDUM OF PARTIES

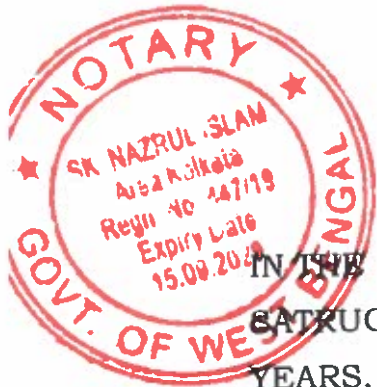
IN THE MATTER OF:

SATRUGHAN MEHER, S/O- LATE LINGARAJ MEHER, AGED ABOUT 48 YEARS, AT- SALETIKIRA, PO-MARAKUTA, PS- JHARSUGUDA SADAR, DISTJHARSUGUDA, 768202.

...APPLICANTS

-VERSUS-

- STATE OF ODISHA THROUGH CHIEF SECRETARY, GOVERNMENT OF ODISHA, LOKASEBA BHAWAN AT/PO-BHUABNESWAR, DIST-KHURDHA, 751001 EMAIL: csori@nic.in



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Deepak Kumar Pathak
Director/Authorised Signatory

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2. DISTRICT COLLECTOR JHARSUGUDA, AT/PO- OFFICE OF THE DISTRICT MAGISTRATE AND COLLECTOR JHARSUGUDA PIN-768204 ODISHA, EMAIL- dm-jharsuguda@nic.in
3. MEMBER SECRETARY, ODISHA STATE POLLUTION CONTROL BOARD, AT/PO- A/118, UNIT-VII, NILAKANTHA NAGAR, BHUBANESWAR, PIN-751012, ODISHA EMAIL: member.secy@ospcboard.org
4. SUPERINTENDENT OF POLICE, JHARSUGUDA, AT/PO- OFFICE OF THE DISTRICT POLICE OFFICE AT./P.O.: JHARSUGUDA, PIN-768204, DIST.: JHARSUGUDA, EMAIL- spjds.orpol@nic.in
5. TAHASILDAR JHARSUGUDA, AT/PO- V25R+WRH, KOLABIRA RD, BADHEIMUNDA, JHARSUGUDA, ODISHA 768202, EMAIL- tah.jharsu-od@nic.in
6. DIVISIONAL FOREST OFFICER, JHARSUGUDA, AT/PO- OFFICE OF THE DIVISIONAL FOREST OFFICER AT/PO-BADMAL,KM ROAD, JHARSUGUDA, PIN-768202, EMAIL- dfo.jharsuguda@odisha.gov.in
7. THE SECRETARY, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN, JORBAG, NEWDELHI 110003, EMAIL- secymoef@nic.in;
8. DEPUTY DIRECTOR GENERAL OF FORESTS (C), MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INTEGRATED REGIONAL OFFICE, BHUBANESWAR), A/3, CHANDERSEKHARPUR, BHUBANESWAR - 751023, EMAIL: roez.bsr-mef@nic.in

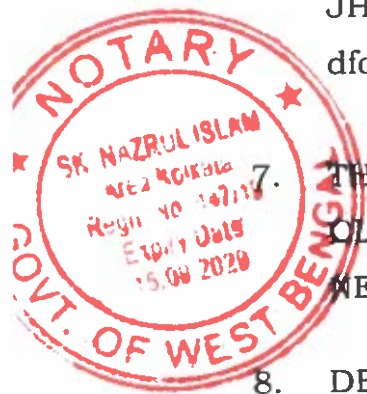
...RESPONDENT No. 1 to 8

-AND-

ORISSA METALIKS PVT. LTD.



Director/Authorised Signatory



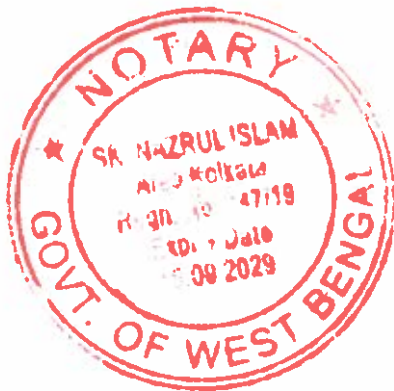
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9. M/S. ORISSA METALIKS PRIVATE LIMITED, REPRESENTED THROUGH ITS MANAGING DIRECTOR, GRASTIN PLACE, ORBIT 3RD FLOOR ROOM NO. 3B, KOLKATA, WEST BENGAL, NEAR BANSAL COURT, 700001 Email: orissametalikspvtltd@gmail.com.

...APPLICANT IN INTERLOCUTORY APPLICATION
/ RESPONDENT No. 9

ORISSA METALIKS PVT. LTD.

Deban Chandra Patra
Director/Authorised Signatory



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

**INTERLOCUTORY APPLICATION NO. _____ OF 2026/EZ
IN
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IN THE MATTER OF:

AN INTERLOCUTORY APPLICATION (IA) INTERLOCUTORY APPLICATION FOR DISMISSAL OF ORIGINAL APPLICATION ON THE GROUNDS OF NON-MAINTAINABILITY AND LIMITATION

-AND-

IN THE MATTER OF:
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...APPLICANT

-VERSUS-

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-AND-

IN THE MATTER OF:

M/S. ORISSA METALIKS PRIVATE LIMITED.

...APPLICANT IN INTERLOCUTORY APPLICATION
/ RESPONDENT No. 9

The Humble Petition/application on behalf of the Applicant / Respondent no. 9 most respectfully

SHEWETH:

1. That the Applicant / Respondent no. 9 is a company incorporated under the Companies Act, 2013, is engaged in the business of operating an Integrated Steel Plant of capacity 1.7 million TPA



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Devyani Kumar Patra
Director/Authorised Signatory

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(Finished Steel) with 275 MW Captive Power Plant and 1.25 million TPA Cement Grinding Unit located at Village: Marakuta & Budhipadar, P.O.: Marakuta, District: Jharsuguda, Odisha. The Answering Respondent is impleaded as Respondent No. 9 in the present proceedings and is filing this Interlocutory Application to seek dismissal of the Original Application on the grounds that the same is not maintainable in law and is hopelessly barred by the period of limitation prescribed under the National Green Tribunal Act, 2010.

2. That the Applicant has filed the present Original Application No. 167 of 2025 before this Hon'ble Tribunal alleging that the Answering Respondent has illegally encroached upon forest land measuring approximately 5.229 hectares recorded under Khata No. 282, Plot Nos. 132, 138, 199, 202, 204, 205, 206, 381, 464, 466, 470, 472, 318, 300 of Mouza-Marakuta, PS/Tahasil & Dist. Jharsuguda, which are allegedly recorded under the Kisam of 'Gramya Jungle'. The Applicant has further alleged that the Answering Respondent is operating the said Integrated Steel Plant without obtaining prior approval for diversion of forest land under the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 (formerly known as the Forest Conservation Act, 1980), and has prayed for various reliefs including withdrawal of the Environmental Clearance dated 01.10.2024, restoration of forest land, removal of structures, assessment of environmental compensation, and fixing accountability of public authorities.



That the Answering Respondent most respectfully submits that the present Original Application is fundamentally misconceived, legally unsustainable, and liable to be dismissed at the threshold on multiple grounds, which are elaborated hereinafter. The Answering

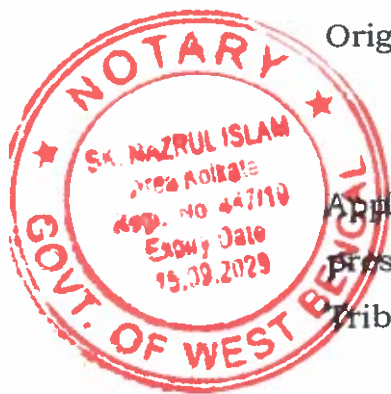
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Deputy Director/Authorised Signatory
Director/Authorised Signatory

Respondent submits that the Applicant has invoked the wrong remedy before this Hon'ble Tribunal by filing an Original Application under Section 18 of the National Green Tribunal Act, 2010, when the appropriate and exclusive remedy for challenging an Environmental Clearance is by way of an Appeal under Section 16 of the said Act. The Answering Respondent further submits that even if the present Original Application were to be treated as an Appeal, the same is hopelessly barred by the mandatory period of limitation prescribed under Section 16(h) of the Act, having been filed far beyond the maximum permissible period of ninety days from the date of communication of the Environmental Clearance.

4. That in the "Limitation" column of O.A. No. 167 of 2025, the Applicant has stated as under:

"...The Unit has illegally encroached upon forest land without prior approval from the competent authority. In this regard, the Applicant and the Naib Sarpanch of Marakuta Gram Panchayat have made representations to all concerned authorities on 21.07.2025 and 08.07.2025 respectively. The present application has been filed within six months from the said letters. Hence, the application is filed within time and there exists a subsisting cause of action on account of the illegal encroachment of forest land. Accordingly, the Original Application is not barred by limitation..."



That in support of the said contention of limitation, the Applicant has sought to invoke the six-month limitation period prescribed under Sub-Section (3) of Section 14 of the National Green Tribunal Act, 2010 ("the NGT Act"), which reads as follows:

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Director/Authorised Signatory

“...(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days...”.

That a plain reading of Sub-Section (3) of Section 14 of the NGT Act makes it abundantly clear that the period of limitation is to be computed from the date on which the cause of action first arose, and not from any subsequent representation or complaint made by the Applicant.

That in the present case, the Transfer of Environmental Clearance was granted vide letter dated 23.10.2023, and the Expansion Environmental Clearance was granted vide letter dated 01.10.2024 — both of which were issued well prior to the representations dated 21.07.2025 and 08.07.2025 relied upon by the Applicant. Accordingly, the cause of action, if any, first arose on 23.10.2023 and/or 01.10.2024, and the limitation period must be reckoned from those dates.

That the Applicant cannot be permitted to selectively fix the commencement of the limitation period as per convenience and in a manner contrary to the express statutory mandate. O.A. No. 167 of 2025 is therefore hopelessly barred by limitation and is liable to be dismissed on this ground alone.



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5. That before proceeding to set out the detailed grounds for dismissal of the Original Application, the Answering Respondent considers it necessary to place before this Hon'ble Tribunal the relevant factual and legal background of the matter. The Answering Respondent submits that the Integrated Steel Plant in question was originally established by M/s. MSP Metallica Limited (hereinafter referred to as "the erstwhile company"), which had obtained Environmental Clearance from the Ministry of Environment, Forest and Climate Change (MoEF&CC) on 13.07.2009 for setting up an integrated steel plant. Subsequently, the erstwhile company obtained various statutory clearances and consents for the operation and expansion of the said plant over the years. However, due to financial distress and default in repayment of debts to financial creditors, the erstwhile company was subjected to Corporate Insolvency Resolution Process under the Insolvency and Bankruptcy Code, 2016.
6. That during the Corporate Insolvency Resolution Process, the Answering Respondent submitted a Resolution Plan for acquisition of the assets of the erstwhile company on an "as is, where is" basis. The said Resolution Plan was duly approved by the Committee of Creditors and subsequently by the National Company Law Tribunal (NCLT), Kolkata Bench, vide Order dated 11.07.2022 passed in CP (IB) No. 580/KB/2020 with I.A. No. 616/KB/2022. **A true copy of the said NCLT Order dated 11.07.2022 has been annexed to the Counter Affidavit filed by the Respondent 9, marked as Annexure-B (running pages from 2055 to 2087), and the contents thereof are respectfully incorporated herein by reference.** The Answering Respondent submits that by virtue of the said NCLT Order, the Answering Respondent acquired the entire business undertaking, assets, properties, licenses, clearances, and

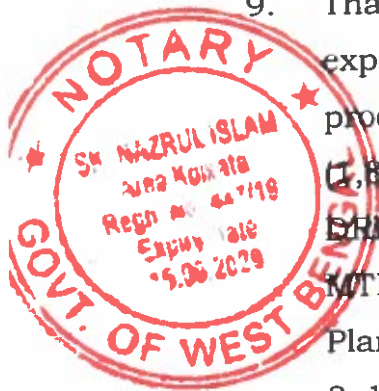


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Dipak Kumar Pathak
Director/Authorised Signatory

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- operations of the erstwhile company with effect from 11.07.2022, free from all encumbrances, liabilities, claims, and demands.
7. That pursuant to the acquisition of the assets under the NCLT-approved Resolution Plan, the Answering Respondent applied to the Ministry of Environment, Forest and Climate Change (MoEF&CC) for transfer of the Environmental Clearance from the erstwhile company to the Answering Respondent. The MoEF&CC, after due consideration and verification of the NCLT Order and other requisite documents, transferred the Environmental Clearance from M/s. MSP Metalics Limited to M/s. Orissa Metaliks Private Limited vide letter dated 23.10.2023 bearing File No. J-11011/494/2007-IA.II(I). **Copy of the said Transfer EC letter dated 23.10.2023 has been annexed to the Original Application as Annexure- A/1 (Page no. 20 - 24).**
8. The Answering Respondent submits that the said transfer of Environmental Clearance was carried out strictly in accordance with the provisions of the Environment Impact Assessment Notification, 2006, and the Transfer of Environmental Clearance Guidelines issued by MoEF&CC from time to time.
9. That subsequently, the Answering Respondent applied for expansion of the existing Integrated Steel Plant to enhance the production capacity from the implemented project [1x225 m³ MBF (1,88,000 TPA), 1x40 m² Sinter Plant (4,60,000 TPA), 8x100 TPD DRI Plant (2,40,000 TPA), 2x30 T I.F. SMS (1,07,700 TPA), 1x0.7 MTPA Coal washery, 2x0.12 MTPA Non-recovery type Coke Oven Plant, 1x0.6 MTPA Pellet plant, 2x4,000 Nm³/hr PGP, 16 MW AFBC, 8x1.0 MW (8.0 MW) WHRB Based CPP from existing DRI Plant] to an Integrated Steel Plant of capacity 1.7 Million TPA (Finished Steel)



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Deyak Kumar Patra
Director/Authorised Signatory

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with 275 MW CPP and 1.25 million TPA Cement Grinding Unit. After due appraisal by the Expert Appraisal Committee (EAC) and compliance with all requisite procedures under the Environment Impact Assessment Notification, 2006, the MoEF&CC granted the Expansion Environmental Clearance to the Answering Respondent vide letter dated 01.10.2024 bearing File No. J-11011/494/2007-IA.II(I). **Copy of the said Expansion EC dated 01.10.2024 has been annexed to the Original Application as Annexure- A/2 (Pages 25 to 60).**

10. That the Answering Respondent most respectfully submits that the Environmental Clearance dated 01.10.2024 was granted by MoEF&CC after due and proper appraisal of the expansion project, taking into consideration all relevant environmental, ecological, social, and legal aspects. The said Environmental Clearance was issued subject to strict and specific conditions relating to environmental protection, pollution control, waste management, water conservation, green belt development, and various other safeguards to ensure that the expansion project does not cause any adverse environmental impact. The Answering Respondent has at all times been committed to complying with all the conditions stipulated in the Environmental Clearance and has been operating the plant in an environmentally responsible and sustainable manner.



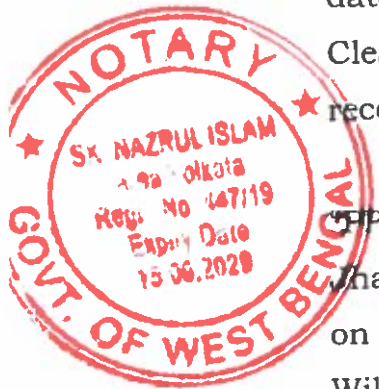
11. That the Answering Respondent submits that in compliance with the mandatory provisions of Paragraph 10 of the Environment Impact Assessment Notification, 2006, and the specific conditions stipulated in the Environmental Clearance dated 01.10.2024, the Ministry of Environment, Forest and Climate Change (MoEF&CC) uploaded the complete Environmental Clearance letter along with

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all annexures and conditions on its official website (<http://environmentclearance.nic.in>) on the very same date of grant, i.e., 01.10.2024. The said Environmental Clearance was thus placed in the public domain and made accessible to any person desirous of viewing or downloading the same with effect from 01.10.2024. The Answering Respondent further submits that in addition to the upload on the MoEF&CC website, the Answering Respondent also complied with the obligation to advertise the grant of Environmental Clearance in two local newspapers and to submit copies of the Environmental Clearance to the concerned Panchayats, Municipal Bodies, and District Administration as mandated under Paragraph 10 of the EIA Notification, 2006.

12. That it is not out of place to mention here that the Divisional Forest Officer (DFO), Jharsuguda Division, had issued a No Objection Certificate (NOC) dated 01.02.2024 confirming that the proposed expansion project is not located on forest land and further confirming the non-existence of any National Park, Wildlife Sanctuary, or Wildlife Corridor within a radius of 10 kilometers from the project site. The said NOC dated 01.02.2024 was duly considered by the Expert Appraisal Committee (EAC) and the MoEF&CC while granting the Expansion Environmental Clearance dated 01.10.2024. The relevant extract from the Environmental Clearance letter dated 01.10.2024 at Point No. 7(xii) categorically records:



OMP has submitted Letter dated 01.02.2024 obtained from DFO, Jharsuguda stating that proposed expansion project is not located on forest land and confirmation of non-existence of National Park, Wildlife Sanctuary, Wildlife Corridor within 10 km radius.”

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Deepak Kumar Patra
Director/Authorised Signatory

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The Answering Respondent submits that the said NOC from the DFO was issued after due examination and field verification by the competent forest authorities and the same has not been challenged or set aside by any competent authority or court of law.

13. That the Applicant, claiming to be a social worker and local villager, has filed the present Original Application in September 2025 alleging illegal encroachment of forest land by the Answering Respondent and seeking various reliefs including withdrawal of the Environmental Clearance dated 01.10.2024. The Answering Respondent submits that the Applicant has chosen to file the present proceedings after an inordinate and unexplained delay of nearly eleven months from the date of communication of the Environmental Clearance dated 01.10.2024, and has sought to justify the said delay by contending that he came to know about the alleged forest land encroachment only through a reply received under the Right to Information Act on 02.08.2025. The Answering Respondent submits that the said contention of the Applicant is wholly untenable in law and is nothing but a pretext to circumvent the mandatory period of limitation prescribed under the National Green Tribunal Act, 2010.

14. That the Answering Respondent submits that the present Original Application is liable to be dismissed at the threshold on the preliminary ground that the Applicant has invoked the wrong remedy before this Hon'ble Tribunal. The Answering Respondent submits that a careful perusal of the prayers sought by the Applicant in the present Original Application reveals that the primary relief sought is the withdrawal of the Environmental Clearance dated 01.10.2024 granted by the MoEF&CC to the Answering Respondent for expansion of the Integrated Steel Plant.



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Deepak Kumar Mishra
Director/Authorised Signatory

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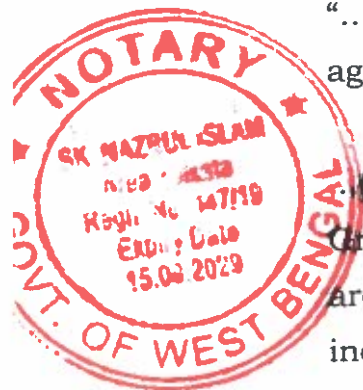
The Applicant has also sought ancillary reliefs including restoration of forest land, removal of structures, assessment of environmental compensation, and fixing accountability of public authorities. The Answering Respondent submits that all these reliefs are directly and inextricably linked to the challenge to the Environmental Clearance dated 01.10.2024.

15. That the Answering Respondent submits that the National Green Tribunal Act, 2010, provides for a clear and unambiguous distinction between the appellate jurisdiction conferred upon the Tribunal under Section 16 of the Act and the original jurisdiction conferred under Sections 14, 15, and 18 of the Act. Section 16 of the National Green Tribunal Act, 2010, confers appellate jurisdiction upon the Tribunal to hear and decide appeals against orders, decisions, directions, and determinations made by various authorities and tribunals in respect of matters specified in clauses (a) to (l) of Section 16. In particular, Section 16(h) of the Act specifically confers appellate jurisdiction upon the Tribunal to hear appeals against orders granting Environmental Clearance under the Environment (Protection) Act, 1986.

16. That Section 16(h) of the National Green Tribunal Act, 2010, reads as follows:

“...Section 16. Tribunal to have appellate jurisdiction - Any person aggrieved by,-

(h) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall



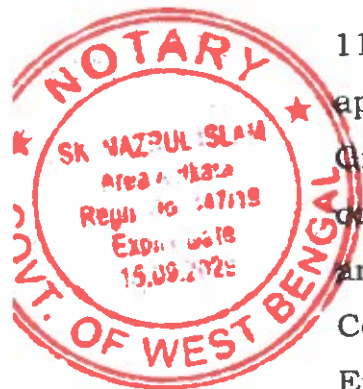
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be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 (29 of 1986). ... may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal: Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days...".

A plain and literal reading of Section 16(h) makes it abundantly clear that any person aggrieved by an order granting Environmental Clearance has the remedy of filing an appeal before the National Green Tribunal, and such appeal must be filed within thirty days from the date of communication of the order granting Environmental Clearance, which period may be extended by a further period not exceeding sixty days upon the Tribunal being satisfied that the appellant was prevented by sufficient cause from filing the appeal within the initial period of thirty days.

17. That the Answering Respondent submits that the Hon'ble Supreme Court of India, in the recent landmark judgment delivered on 19.11.2025 in the case of Talli Gram Panchayat vs. Union of India & Ors., Civil Appeal No. 731 of 2023, reported as 2025 LiveLaw (SC) 1123, has elaborately considered and expounded upon the scope, applicability, and interpretation of Section 16(h) of the National Green Tribunal Act, 2010, particularly with regard to the commencement of the period of limitation for filing an appeal against an order granting Environmental Clearance. The Hon'ble Supreme Court, after exhaustive consideration of the statutory provisions, the Environment Impact Assessment Notification 2006, and various precedents, has laid down authoritative principles regarding the



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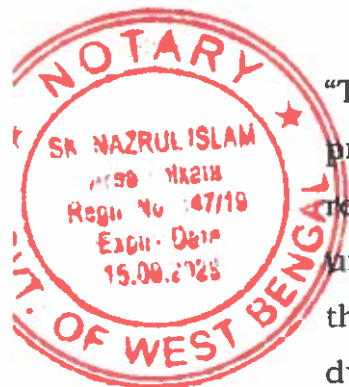
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manner in which the period of limitation commences for filing appeals against Environmental Clearances. The Answering Respondent respectfully submits that the said judgment of the Hon'ble Supreme Court in the case of Talli Gram Panchayat (supra) is of direct and crucial relevance to the present proceedings and provides clear and unambiguous answers to the questions that arise in the present case regarding maintainability and limitation.

18. That the Hon'ble Supreme Court in the case of Talli Gram Panchayat (supra) has categorically held that Section 16(h) of the National Green Tribunal Act, 2010, provides a period of thirty days from the date on which the order granting Environmental Clearance is "communicated" to "any person aggrieved" to prefer an appeal to the Tribunal, and that the Proviso to Section 16(h) allows for a further period not exceeding sixty days for filing the appeal if the Tribunal is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the initial period of thirty days. The Hon'ble Supreme Court has further held that the maximum condonable period under Section 16(h) is ninety days (30 days + 60 days), and any appeal filed beyond the said maximum condonable period of ninety days is liable to be dismissed as hopelessly barred by limitation. The relevant observations of the Hon'ble Supreme Court in paragraph 1 of the judgment are as follows:

"The date on which environment clearance (EC) granted to the project proponent is 'communicated' to 'any person aggrieved' is relevant for calculating the period of limitation for filing an appeal under Section 16(h) of the Green Tribunal Act, 2010. Considering the fact that such communication is the obligation of plurality of duty bearers and to 'any person', we have interpreted Section 16(h) of the Act to hold that limitation will commence from the earliest of



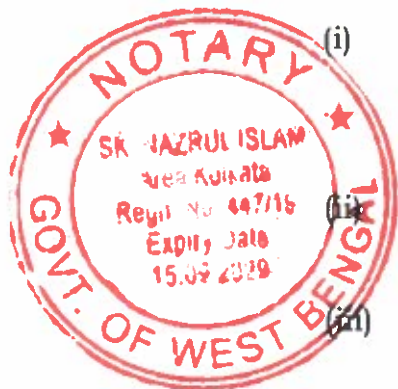
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the date on which the communication is carried out by any of the duty bearers.”

19. That the Hon’ble Supreme Court in the case of Talli Gram Panchayat (supra) has further held that the communication contemplated under Section 16(h) of the National Green Tribunal Act, 2010, is intended to be “in rem” and not “in personam”, as environmental issues operate as public law concerns, and the expression “any person aggrieved” must receive a liberal construction. The Hon’ble Supreme Court has observed in paragraph 6 of the judgment: “The communication contemplated under Section 16(h) is intended to be in rem and not in personam, as environmental issues operate as public law concerns. The expression ‘any person aggrieved’ in Section 16(h), read with Sections 2(c), (g), (j) and (m) of the Act must therefore receive a liberal construction as ‘communication’ contemplated herein Section 16(h) is intended to be in rem and not in personam. There is therefore an obligation on a duty bearer to ensure that appealable decisions are properly declared and easily accessible.”
20. That the Hon’ble Supreme Court in the case of Talli Gram Panchayat (supra) has further held that the obligation to “communicate” the order granting Environmental Clearance vests in a plurality of duty holders, namely:
- (i) the Ministry of Environment, Forest and Climate Change (MoEF&CC),
 - (ii) the Project Proponent, and
 - (iii) the Pollution Control Board(s) (SPCB/SEIAA).



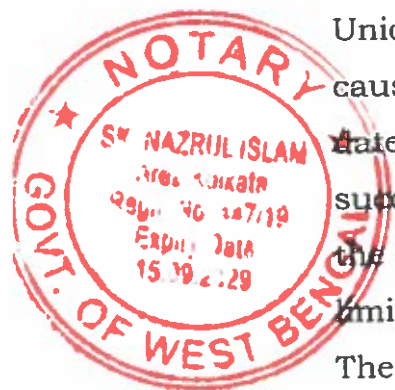
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The Hon'ble Supreme Court has held that this obligation flows from the Environment Protection Act, 1986, read with the Environment Impact Assessment Notification 2006 (specifically Paragraph 10) and the conditions of the Environmental Clearance. The Hon'ble Supreme Court has further held that when the duty to communicate the Environmental Clearance vests in multiple authorities, the period of limitation for filing an appeal under Section 16(h) will commence from the earliest of the date on which the communication is carried out by any of the duty bearers. This principle is based on the doctrine of "first accrual", whereby if a legal challenge is based on multiple grounds, the period of limitation runs from the date when the right to sue first accrues.

21. That the Hon'ble Supreme Court in paragraph 10 of the judgment in the case of Talli Gram Panchayat (supra) has elaborately explained the principle of "first accrual" in the following words: "When obligation to communicate the decision vests in multiple authorities, it is appropriate to infer that the communication is complete when the 'person aggrieved' receives information from the earliest of the communication. Following the principle of first accrual, which postulates that when a suit is based on multiple causes of action, the period of limitation will begin to run from the date when the right to sue first accrues. In Khatri Hotels (P) Ltd. v. Union of India, this Court held; '...if a suit is based on multiple causes of action, the period of limitation will begin to run from the date when the right to sue first accrues. To put it differently, successive violation of the right will not give rise to fresh cause and the suit will be liable to be dismissed if it is beyond the period of limitation counted from the day when the right to sue first accrued.'" The Hon'ble Supreme Court has further held in paragraph 11: "It is of course a condition precedent that the communication must be



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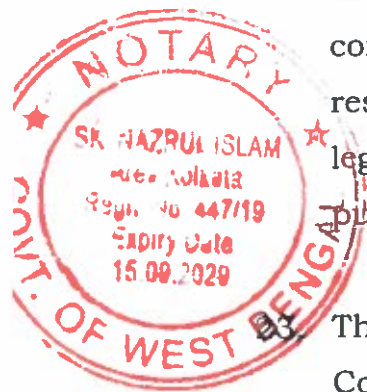


clear and complete and if this condition is satisfied, it is logical to conclude that the person aggrieved cannot pick and choose later communications from other duty bearers for reckoning the period of limitation. It is the first accrual that would trigger the period of limitation prescribed under Section 16(h) of the Act.”

22. That the Hon’ble Supreme Court in the case of Talli Gram Panchayat (supra) has also dealt with the specific question as to what constitutes sufficient communication by the Project Proponent by way of advertisement in newspapers. The Hon’ble Supreme Court has held that it is not a legal requirement that the entirety of the Environmental Clearance is published in the newspaper, and that it is sufficient compliance if the Project Proponent publishes the grant of the Environmental Clearance and indicates the substance of the conditions and safeguards. The Hon’ble Supreme Court has held that the advertisement is sufficient if it notifies the public of the Environmental Clearance grant and indicates where the complete and comprehensive information is available (e.g., the website of MoEF&CC/SEIAA or with the SPCB). The relevant observations of the Hon’ble Supreme Court in paragraph 20 of the judgment are as follows:

“It will be sufficient compliance, if the project proponent publishes the grant of the EC, and indicates therein the substance of the conditions and safeguards. While it is the project proponent’s responsibility to publish grant of EC in its favour, it is no part of the legal requirement that the entirety of the environmental clearance is published in the newspaper.”

That applying the principles laid down by the Hon’ble Supreme Court in the case of Talli Gram Panchayat (supra) to the facts of the



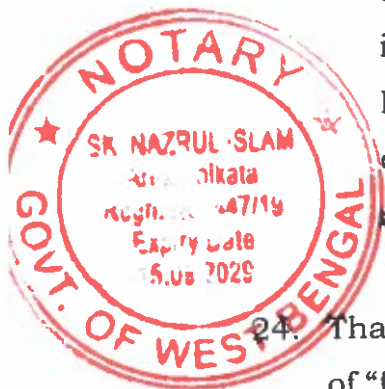
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present case, the Answering Respondent submits that the Environmental Clearance dated 01.10.2024 granted to the Answering Respondent by MoEF&CC was duly communicated to the public at large through multiple channels on the following dates:

- (a) The Ministry of Environment, Forest and Climate Change (MoEF&CC) uploaded the complete Environmental Clearance letter dated 01.10.2024 along with all annexures on its official website (<http://environmentclearance.nic.in>) on the very same date, i.e., 01.10.2024. This is evidenced by the fact that the Environmental Clearance letter bears the date of grant as 01.10.2024, and in the ordinary course of business and in compliance with Paragraph 10 of the EIA Notification 2006, the MoEF&CC uploads Environmental Clearances on its website on the date of grant itself.
- (b) The Answering Respondent, as the Project Proponent, submitted copies of the Environmental Clearance to the concerned Panchayats and Municipal Bodies within seven days of receipt of the Environmental Clearance, as mandated under Paragraph 10(i)(d) of the EIA Notification 2006.
- (c) The Answering Respondent also caused to be published advertisements in two local newspapers (one in English and one in the vernacular language) intimating the grant of Environmental Clearance and indicating the availability of the complete Environmental Clearance on the website of MoEF&CC and with the State Pollution Control Board, Odisha.

24. That the Answering Respondent submits that applying the principle of "first accrual" as expounded by the Hon'ble Supreme Court in the



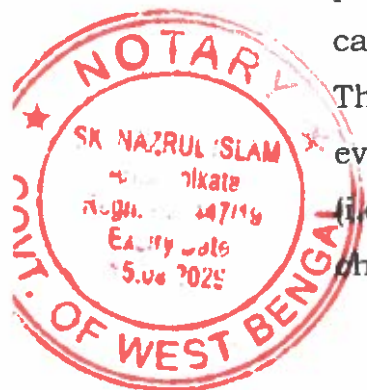
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case of Talli Gram Panchayat (supra), the period of limitation for filing an appeal under Section 16(h) of the National Green Tribunal Act, 2010, against the Environmental Clearance dated 01.10.2024 commenced on 01.10.2024, being the earliest date on which the communication of the Environmental Clearance was carried out by one of the duty bearers, namely, the MoEF&CC by uploading the Environmental Clearance on its official website.

25. The Answering Respondent submits that once the Environmental Clearance was uploaded on the MoEF&CC website on 01.10.2024 and was made accessible to any member of the public desirous of viewing or downloading the same, the communication of the Environmental Clearance was complete for the purposes of Section 16(h) of the Act. The Answering Respondent further submits that in view of the principle laid down by the Hon'ble Supreme Court that the person aggrieved "cannot pick and choose later communications from other duty bearers for reckoning the period of limitation", the Applicant cannot now contend that the period of limitation should be reckoned from any date subsequent to 01.10.2024.

26. That the Answering Respondent submits that reckoning the period of limitation from 01.10.2024, the initial period of thirty days for filing an appeal under Section 16(h) of the Act expired on 31.10.2024. Thereafter, the Applicant had the option of seeking condonation of delay for a further period not exceeding sixty days, provided he could demonstrate that he was prevented by sufficient cause from filing the appeal within the initial period of thirty days. The maximum period within which the appeal could have been filed, even with condonation of delay, would have expired on 30.12.2024 (i.e., ninety days from 01.10.2024). However, the Applicant has chosen to file the present Original Application only in September



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2025, which is nearly eleven months after the expiry of the maximum condonable period of ninety days. The Answering Respondent submits that the present Original Application, even if it were to be treated as an appeal under Section 16(h) of the Act, is hopelessly barred by the mandatory period of limitation and is not liable to be entertained by this Hon'ble Tribunal.

27. That the Answering Respondent submits that the Applicant has sought to justify the inordinate delay in filing the present proceedings by contending in paragraph 9 of the Original Application that he came to know about the alleged forest land encroachment only through a reply received under the Right to Information Act dated 02.08.2025. The Answering Respondent submits that this contention of the Applicant is wholly untenable in law and is nothing but a pretext to circumvent the mandatory period of limitation prescribed under Section 16(h) of the Act. The Answering Respondent submits that the Environmental Clearance dated 01.10.2024 was a public document which was uploaded on the official website of MoEF&CC on the date of grant itself and was accessible to any member of the public. As held by the Hon'ble Supreme Court in the case of Talli Gram Panchayat (supra), the communication contemplated under Section 16(h) is intended to be "in rem" (to the public at large) and not "in personam" (to specific individuals). A person cannot claim ignorance of a public document which is uploaded on a government website and thereby seek to extend the period of limitation indefinitely.

28. That the Answering Respondent submits that in the case of Talli Gram Panchayat (supra), the appellant before the Hon'ble Supreme Court had similarly contended that they came to know about the Environmental Clearance only through a reply received under the



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Right to Information Act dated 14.02.2017, and that the period of limitation should be reckoned from that date. The National Green Tribunal had rejected this contention, terming it a “pretext to bring the said appeal within the period of limitation”. The Hon’ble Supreme Court upheld the view taken by the National Green Tribunal and dismissed the appeal on the ground of limitation. The relevant observations of the Hon’ble Supreme Court in paragraph 17 of the judgment are as follows:

“...NGT returned a definitive factual finding that the EC dated 05.01.2017 was uploaded on the MoEF&CC website on 05.01.2017 and found that there is ‘enough proof thereof on record’. This finding implies that the EC was placed in public domain and was accessible and downloadable. The NGT specifically rejected the appellant’s contention that they came to know about the EC only through an RTI application on 14.02.2017, terming it a ‘pretext to bring the said appeal within the period of limitation...’”

29. That the Answering Respondent submits that the ratio decidendi of the judgment of the Hon’ble Supreme Court in the case of Talli Gram Panchayat (supra) is squarely applicable to the present case. Just as the appellant in that case could not claim ignorance of the Environmental Clearance by contending that he came to know about it only through an RTI reply, similarly, the Applicant in the present case cannot claim ignorance of the Environmental Clearance dated 01.10.2024 by contending that he came to know about the alleged forest land encroachment only through an RTI reply dated 02.08.2025. The Answering Respondent submits that the Applicant’s reliance on the RTI reply dated 02.08.2025 for the purpose of reckoning the period of limitation is legally untenable and is liable to be rejected by this Hon’ble Tribunal.



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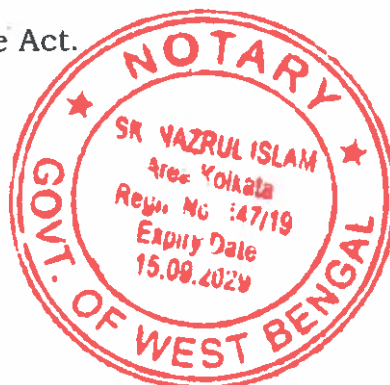
30. That the Answering Respondent further submits that the Applicant has also sought to challenge the Transfer Environmental Clearance dated 23.10.2023 by which the Environmental Clearance was transferred from M/s. MSP Metalics Limited to M/s. Orissa Metaliks Private Limited. The Answering Respondent submits that if the Applicant is aggrieved by the said Transfer Environmental Clearance dated 23.10.2023, he ought to have filed an appeal under Section 16(h) of the Act within thirty days from the date of communication of the Transfer EC, i.e., by 22.11.2023, or at the latest within the maximum condonable period of ninety days, i.e., by 21.01.2024. However, the Applicant has filed the present Original Application in September 2025, which is more than twenty months after the expiry of the maximum condonable period for challenging the Transfer EC dated 23.10.2023. The Answering Respondent submits that insofar as the challenge to the Transfer EC and expansion EC is concerned, the present Original Application is hopelessly barred by limitation and is not liable to be entertained.
31. That the Answering Respondent submits that apart from the Original Application being hopelessly barred by limitation, the same is also not maintainable on the ground that the Applicant has invoked the wrong remedy. The Answering Respondent submits that a perusal of the prayers sought in the Original Application clearly reveals that the primary relief sought is the withdrawal of the Environmental Clearance dated 01.10.2024 (Prayer I and various other reliefs. All these reliefs are directly and inextricably linked to the challenge to the validity of the Environmental Clearance dated 01.10.2024.



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32. That the Answering Respondent submits that under the statutory scheme of the National Green Tribunal Act, 2010, there is a clear demarcation between the appellate jurisdiction conferred upon the Tribunal under Section 16 and the original jurisdiction conferred under Sections 14, 15, and 18 of the Act. Section 16 specifically confers appellate jurisdiction upon the Tribunal to hear appeals against orders granting Environmental Clearance, whereas Section 18 confers original jurisdiction upon the Tribunal to hear and decide cases involving substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the Act. The Answering Respondent submits that when a statutory provision specifically provides for a particular remedy for a particular type of grievance, that remedy is the exclusive remedy and recourse cannot be had to any other remedy.
33. That the Answering Respondent submits that the Hon'ble Supreme Court and various High Courts have consistently held that when a statute provides for a specific remedy for redressal of a particular grievance, the aggrieved party must avail of that specific remedy and cannot seek relief through any other proceedings. In the context of the National Green Tribunal Act, 2010, it is well-settled that any person aggrieved by an order granting Environmental Clearance can challenge the same only by way of an appeal under Section 16(h) of the Act and not by filing an Original Application under Section 18 of the Act. The Answering Respondent submits that the National Green Tribunal, in numerous cases, has consistently held that Original Applications challenging Environmental Clearances are not maintainable and that the correct remedy is to file an appeal under Section 16 of the Act.



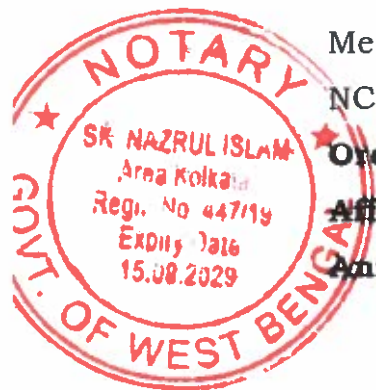
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34. That the Answering Respondent submits that the present Original Application is nothing but a disguised appeal against the Environmental Clearance dated 01.10.2024, filed under the garb of an Original Application with a view to circumvent the mandatory period of limitation prescribed under Section 16(h) of the Act. The Answering Respondent submits that this Hon'ble Tribunal ought not to permit the Applicant to defeat the salutary provisions relating to limitation by resorting to the subterfuge of filing an Original Application when the appropriate and exclusive remedy is an appeal under Section 16(h) of the Act. The Answering Respondent submits that if this Hon'ble Tribunal were to entertain the present Original Application and condone the inordinate delay, it would set a very dangerous precedent and would open the floodgates for litigants to challenge Environmental Clearances at any time, even years after the grant of such clearances, by simply filing Original Applications under Section 18 of the Act instead of filing appeals under Section 16(h) within the prescribed period of limitation.

35. That the Answering Respondent submits that quite apart from the grounds of non-maintainability and limitation, the present Original Application is also liable to be dismissed on the ground that the Answering Respondent is protected by the Order dated 11.07.2022 passed by the National Company Law Tribunal (NCLT), Kolkata Bench, in CP (IB) No. 580/KB/2020. The Answering Respondent submits that as stated in paragraph 5 hereinabove, the Answering Respondent acquired the assets of the erstwhile company, M/s. MSP Metaliks Limited, pursuant to the Resolution Plan approved by the NCLT vide Order dated 11.07.2022. **A true copy of the said NCLT Order dated 11.07.2022 has been annexed to the Counter Affidavit filed by the Answering Respondent and marked as Annexure-B (running pages 2055 to 2087).**



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36. That the Answering Respondent respectfully draws the attention of this Hon'ble Tribunal to Para 28 (Reliefs and Concessions – Section D of Resolution Plan) of the NCLT Order dated 11.07.2022, specifically Sl. No. 15, which categorically provides as follows:

“...Neither shall the Resolution Applicant, nor the Company, nor their respective directors, officers and employee appointed on and as of the Closing date be liable for any violations, liabilities, penalties or fines with respect to or pursuant to the Company not having in place requisite licenses and approvals required to undertake its business as per Applicable Law, or any non-compliances of Applicable Law by the Company. Further, the relevant Governmental Authorities will provide a reasonable period of time after the Effective Date, for the Resolution Applicant to assess the status of any non-compliances under the Applicable Law (including with respect to applicable environmental laws, directions or orders by the Ministry of Environment and Forest, permits clearances and forest related clearances) and to procure that the Company regularizes such non-compliances under the Applicable Law existing prior to the Effective Date...”.

37. That the Answering Respondent submits that the aforesaid provision in the Resolution Plan approved by the NCLT specifically protects the Answering Respondent (i.e., the Resolution Applicant) from any liabilities, violations, penalties, or fines with respect to the erstwhile company not having requisite licenses and approvals or any non-compliances of applicable law by the erstwhile company. The said provision further mandates that the relevant governmental authorities shall provide a reasonable period of time after the Effective Date (i.e., 11.07.2022) for the Answering Respondent to



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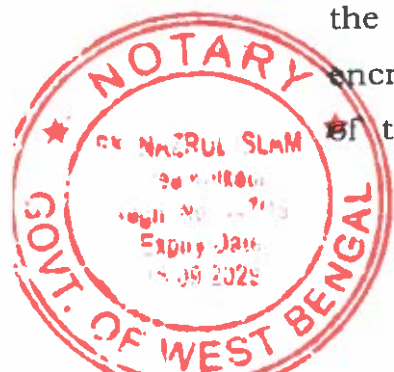
assess the status of any non-compliances under applicable laws, including environmental laws and forest-related clearances, and to procure that the company regularizes such non-compliances existing prior to the Effective Date.

38. That the Answering Respondent submits that the NCLT Order dated 11.07.2022 is binding upon all stakeholders, including governmental authorities, in terms of Section 31(1) of the Insolvency and Bankruptcy Code, 2016. Section 31(1) of the Insolvency and Bankruptcy Code, 2016, provides:

“...If the Adjudicating Authority is satisfied that the resolution plan as approved by the committee of creditors under sub-section (4) of section 30 meets the requirements as referred to in sub-section (2) of section 30, it shall by order approve the resolution plan which shall be binding on the corporate debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the resolution plan...”.

The Answering Respondent submits that in view of the statutory mandate contained in Section 31(1) of the Insolvency and Bankruptcy Code, 2016, the NCLT Order dated 11.07.2022 is binding upon all authorities.

39. That the Answering Respondent submits even for arguments sake the case of the applicant is considered, the alleged forest land encroachment, if any, pertains to the period prior to the acquisition of the assets by the Answering Respondent under the NCLT-



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approved Resolution Plan. The Applicant's own case (as set out in paragraph 6 of the Original Application) is that the erstwhile company, M/s. MSP Metaliks Limited, had applied for diversion of 5.229 hectares of forest land. The Answering Respondent submits that any non-compliance or alleged violation, if any, relating to forest land by the erstwhile company prior to 11.07.2022 cannot be visited upon the Answering Respondent in view of the specific protection granted under the NCLT Order dated 11.07.2022, and the Hon'ble NCLT Tribunal had granted time to all concerned parties to raise any objection if required during the pendency of the case before the Hon'ble NCLT, KB.

40. That the answering respondent states that at the time of valuation process of the erstwhile company, various aspects of the company was looked into and the valuation was based on Income (e.g., Discounted Cash Flow), Market (e.g., Comparable Company Analysis), and Asset-based approaches (e.g., Net Asset Value) depending on the nature of the assets and the business. And the said area was also included in the calculation. Thus if any objection had to be raised then the same had to be done before the Hon'ble NCLT, KB.

41. That the Answering Respondent submits that in accordance with the mandate contained in the NCLT Order dated 11.07.2022, the Answering Respondent has been taking proactive steps since August 2025 to assess the status of the alleged forest land issue and to initiate necessary steps for regularization, if required. The Answering Respondent submits that by letter dated 06.08.2025, the Answering Respondent informed the Chief General Manager (Land), Industrial Infrastructure Development Corporation (IDCO), Odisha, about the acquisition of the plant through the NCLT route and



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sought details of the land measuring 12.24 acres (approximately 4.953 hectares) alleged to be of "Gramya Jungle Kisam" for initiating necessary action for regularization and obtaining forest clearance. **A true copy of the said letter dated 06.08.2025 addressed to the Chief General Manager (Land), IDCO, has been annexed to the Counter Affidavit filed by the Answering Respondent and marked as Annexure-F (running page 2092).**

42. That the Answering Respondent further submits that by letter dated 16.09.2025, the Answering Respondent wrote to the Land Officer, Orissa Industrial Infrastructure Development Corporation (IDCO), requesting IDCO to take necessary action for making a Forest Clearance (FC) proposal under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, for diversion of 12.24 acres (approximately 4.953 hectares) of the Gramya Jungle Kisam land for non-forestry purposes. The Answering Respondent also undertook to bear all costs as may be necessary for preparation and submission of the FC proposal. **A true copy of the said letter dated 16.09.2025 addressed to the Land Officer, IDCO, has been annexed to the Counter Affidavit filed by the Answering Respondent and marked as Annexure-G (running page no. 2093).**

43. That the Answering Respondent further submits that by letter dated 11.10.2025, the Answering Respondent applied to the Divisional Forest Officer (DFO), Jharsuguda Forest Division, seeking ex-post facto approval for diversion of 4.953 hectares (12.24 acres) of Gramya Jungle Kisam land admeasuring under Plot Nos. 132, 138, 199, 202, 204, 205, 206, 381, 464, 466, 470, 472 of Mouza-Marakuta for non-forestry purposes in terms of Section 2(ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The Answering Respondent also submitted along with the application



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the requisite documents and undertook to comply with all conditions that may be imposed by the competent authority. **A true copy of the said letter dated 11.10.2025 addressed to the Divisional Forest Officer, Jharsuguda, has been annexed to the Counter Affidavit filed by the Answering Respondent and marked as Annexure- H (running page no. 2094 - 2101).**

44. That the Answering Respondent further submits that the Divisional Forest Officer (DFO), Jharsuguda Forest Division, by letter dated 17.10.2025 bearing Letter No. 5788/4F(Misc), acknowledged receipt of the application dated 11.10.2025 submitted by the Answering Respondent for ex-post facto approval for forest land diversion and informed the Answering Respondent that after scrutiny of the forest diversion proposal submitted by the Answering Respondent in the Parivesh Portal, certain shortfalls were noticed. The DFO requested the Answering Respondent to comply with the said shortfalls and resubmit the same in the Parivesh Portal as well as in hard copy to the office of the DFO for further necessary action. **A true copy of the said letter dated 17.10.2025 issued by the Office of the Divisional Forest Officer, Jharsuguda Forest Division, bearing Letter No. 5788/4F(Misc) has been annexed to the Counter Affidavit filed by the Answering Respondent and marked as Annexure-I (running page no. 2102 - 2104).**

45. That the Answering Respondent submits that the aforesaid sequence of correspondence and actions taken by the Answering Respondent since August 2025 clearly demonstrates that the Answering Respondent has been acting in a bona fide manner and has been taking proactive steps to regularize the alleged forest land issue by applying for ex-post facto approval for forest land diversion in accordance with the provisions of the Van (Sanrakshan Evam



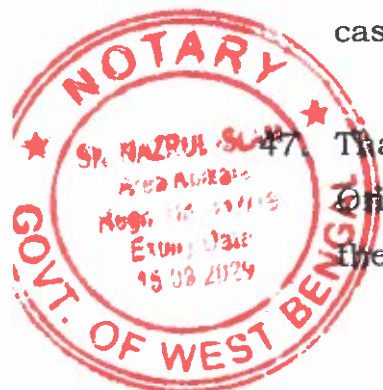
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Deepak Kumar Pathore
Director/Authorised Signatory

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Samvardhan) Adhinyam, 1980. The Answering Respondent submits that the process of regularization is currently in progress and the Answering Respondent is in the process of complying with the shortfalls pointed out by the DFO in the letter dated 17.10.2025. The Answering Respondent submits that in terms of the specific mandate contained in the NCLT Order dated 11.07.2022, the Answering Respondent is entitled to a reasonable period of time to assess and regularize any non-compliances existing prior to the date of acquisition, and the Answering Respondent is currently in the process of doing so.

46. That the Answering Respondent submits that the Applicant has willfully and deliberately suppressed the aforesaid material facts from this Hon'ble Tribunal. The Applicant has sought to create a false and misleading impression before this Hon'ble Tribunal that the Answering Respondent is not taking any steps to regularize the alleged forest land issue and that the authorities are not taking any action despite the Applicant's representations. The Answering Respondent submits that the Applicant's suppression of these material facts is fatal to the maintainability of the Original Application and constitutes a gross abuse of the process of this Hon'ble Tribunal. It is well-settled that a litigant who approaches a court or tribunal must come with clean hands and must disclose all material facts, including those which may be prejudicial to his case. Non-disclosure or suppression of material facts is a ground for dismissal of the proceedings without going into the merits of the case.



That the Answering Respondent further submits that the present Original Application is also liable to be dismissed on the ground that the Applicant has no locus standi to file the same. The Answering

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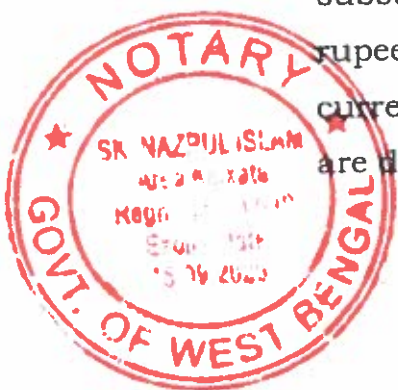
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Director/Authorised Signatory

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Respondent submits that although Section 18(2) of the National Green Tribunal Act, 2010, confers wide powers upon the Tribunal to entertain applications filed by any person relating to substantial questions relating to environment but the same has to be done in view of the rules and regulations laid down in the said Act. The Applicant cannot simply invoke the jurisdiction of this Hon'ble Tribunal, while suppressing facts before this Hon'ble Tribunal.

48. That the Answering Respondent further submits that the Applicant has also not alleged or demonstrated any irreversible environmental damage caused by the operations of the Answering Respondent's plant. The entire case of the Applicant is based solely on the alleged non-compliance with the procedural requirement of obtaining prior approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, for diversion of forest land. The Applicant has not alleged any specific environmental harm, ecological degradation, pollution, threat to biodiversity, or any other environmental violation. The Answering Respondent submits that when the entire grievance is about procedural non-compliance which is capable of being regularized through appropriate proceedings, and when the Answering Respondent is already in the process of regularizing the same, there is no reason for this Hon'ble Tribunal to entertain the present Original Application filed after an inordinate delay.

49. That the Answering Respondent submits that the balance of convenience is clearly in favor of the Answering Respondent and against the Applicant. The Answering Respondent has made substantial investments running into several hundred crores of rupees in the Integrated Steel Plant. The Answering Respondent is currently employing several hundred workers and employees who are dependent upon the operations of the plant for their livelihood.



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Deepak Kumar Pathra
Director/Authorised Signatory

The Answering Respondent's plant is contributing to the production of steel which is essential for the infrastructure and development needs of the country. The Answering Respondent has obtained all requisite Environmental Clearances, Consents to Operate, and other statutory clearances from the competent authorities, and the plant is being operated in compliance with all environmental norms and standards.

50. That the Answering Respondent submits that if the Original Application filed by the Applicant were to be entertained and the reliefs sought by the Applicant were to be granted, it would result in irreparable loss and injury to the Answering Respondent.
51. That the Answering Respondent submits that on the other hand, the Applicant has not demonstrated any irreparable injury that would be caused to him if the Original Application is dismissed. The Applicant has not alleged any specific environmental harm or injury to his person or property. The Applicant's entire case is based on alleged procedural non-compliance, which is in the process of being regularized by the Answering Respondent. The Answering Respondent submits that the balance of convenience is clearly and overwhelmingly in favor of dismissing the Original Application and permitting the Answering Respondent to continue with the process of regularization of the alleged forest land issue in accordance with the mandate contained in the NCLT Order dated 11.07.2022.
52. That the Answering Respondent submits that the Hon'ble Supreme Court, in numerous judgments, has held that when a project has already been implemented after obtaining all requisite clearances from competent authorities and after making substantial investments, and when the project is operating in compliance with



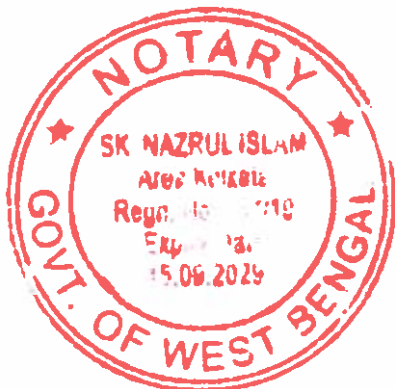
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Deepak Kumar Pattnaik
Director/Authorised Signatory

environmental norms, the courts and tribunals ought to exercise caution and restraint in entertaining challenges to such projects, particularly when such challenges are filed after inordinate delay. The Hon'ble Supreme Court has held that in such cases, the balance of convenience must be carefully weighed, and the larger public interest must be taken into consideration.

53. That the Answering Respondent submits that in the present case, all the factors favor dismissal of the Original Application. The Applicant has filed the Original Application after an inordinate and unexplained delay of nearly eleven months from the date of communication of the Environmental Clearance dated 01.10.2024. The Applicant has invoked the wrong remedy by filing an Original Application instead of an appeal under Section 16(h) of the Act. The Applicant has no locus standi to file the Original Application. The Applicant has suppressed material facts regarding the proactive steps being taken by the Answering Respondent for regularization of the alleged forest land issue. The Answering Respondent is protected by the NCLT Order dated 11.07.2022 from liabilities and non-compliances of the erstwhile company. The balance of convenience is clearly in favor of the Answering Respondent.

54. In these circumstances, this Hon'ble Tribunal may be pleased to dismiss the Original Application at the threshold without going into the merits of the case.



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

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Deepak Kumar Barhane
Director/Authorised Signatory

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- a. Allow and/or admit the Interlocutory Application and its prayer(s);
- b. Dismiss the Original Application No. 167 of 2025 filed by the Applicant on the grounds that the same is not maintainable in law as Original Application has been filed instead of Appeal;
- c. In the alternative, dismiss the Original Application No. 167 of 2025 on the ground that the same is hopelessly barred by the mandatory period of limitation;
- d. Hold and declare that the Answering Respondent is protected by the Order dated 11.07.2022 passed by the National Company Law Tribunal (NCLT), Kolkata Bench, in CP (IB) No. 580/KB/2020, from any liabilities, violations, penalties, or fines with respect to non-compliances of applicable law by the erstwhile company M/s. MSP Metalics Limited, and that the Answering Respondent is entitled to a reasonable period of time to assess



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Deepak Kumar Mishra
Director/Authorised Signatory

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and regularize any such non-compliances in accordance with the mandate contained in the said NCLT Order;

e. Costs;

f. Pass any other order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

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

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Deepak Kumar Pathra
Director/Authorised Signatory



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VERIFICATION

I, Deepak Kumar Pathre, son of Binod Kumar Pathre, aged about 39 years, by occupation- Service, working for gain at Orissa Metaliks Private Limited, do hereby solemnly verify that the contents of paragraphs 1 to 54 of the above Interlocutory Application are true to my knowledge and belief derived from records, documents, and legal research, and nothing material has been concealed therefrom.

Deepak Kumar Pathre
DEPONENT



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AFFIDAVIT

I, Deepak Kumar Pathre, son of Binod Kumar Pathre , aged about 39 years, by occupation- Service, working for gain at Orissa Metaliks Private Limited, do hereby solemnly affirm and state as follows:

1. That I am Applicant herein and therefore I am well conversant with the facts of the aforesaid case and competent and authorized to affirm this affidavit.
2. The statements made in paragraphs 1 to 54 of the foregoing petition are true to my knowledge and those contained in paragraph nos. 6, 7, 9, 35, 41, 42, 43 and 44 are matters of record and information derived from record, which are believed to be true and correct, and the rest thereof are my respectful submissions before this Hon'ble Court.

Prepared in my Office
& Identified by me

Ghanshyam Pandey
Ghanshyam Pandey
Advocate

Deepak Kumar Pathre
Deponent

Before Me

Notary Public



Solemnly Affirmed and
Declared before me on the
Identification of the Advocate

Sr. Nazrul Islam
Notary
Notary, Govt. of W.B.
Govt. No. 447/19
City Civil Court, Calcutta

06 MAR 2026

ORISSA METALIKS PRIVATE LIMITED

REGD. OFFICE : 1, GARSTIN PLACE, 'ORBIT HOUSE', 3RD FLOOR, ROOM NO. 3B, KOLKATA - 700 001, INDIA
Phone : +91-33-2243-8518, Fax : +91-33-2243-8517, E-mail : sc_ompl@orissametaliks.com
Website : www.orissametaliks.com, CIN : U27109WB2006PTC111146

EXTRACTS OF THE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF ORISSA METALIKS PRIVATE LIMITED HELD AT ITS REGISTERED OFFICE AT 1, GARSTIN PLACE, 'ORBIT HOUSE', 3RD FLOOR, ROOM NO. 3B, KOLKATA - 700001 ON 20TH AUGUST, 2019.

AUTHORISATION IN FAVOUR OF MR. DEEPAK PATHRE, AUTHORISED OFFICIAL TO DEAL WITH LEGAL MATTERS FOR AND ON BEHALF OF THE COMPANY.

The Chairman informed the Board that in the Board Meeting dated 1st May, 2019, Mr. Deepak Kumar Pathre was authorised to deal with all legal matters in connection with any writ petition, suit(s) or other legal proceeding(s) filed by or against the Company before Hon'ble High Court at Calcutta and other court(s) of law or any tribunal or any quasi-judicial or statutory or administrative authority for and on behalf of the Company.

The Chairman further informed the Board that the residential address of Mr. Deepak Kumar Pathre has been changed from 60 Chowringhee Road, Kolkata-700020, to 368, B.B.D Road, Uttarpara Kotrung, Uttarpara, Hooghly-712233, recently. Suitable modification needs to be made in the previous resolution passed by the Directors.

The Board discussed the matter and passed the following resolution:

"RESOLVED THAT in partial modification of the earlier resolutions passed by the Directors, Mr. Deepak Kumar Pathre, S/o Mr. Binod Kumar Pathre, residing at 368, B.B.D Road, Uttarpara Kotrung, Uttarpara, Hooghly-712233, West Bengal, Authorised Official of the Company be and is hereby empowered to appear, sign, verify, declare, affirm, make, present, submit and files all necessary notices, writ petitions, plaints, petitions, written statements, affidavits, undertakings, vakalatnamas, declarations, Appeals, Revisions, applications, statements, complaints, papers and documents and all proceedings and matters in connection with any suit(s) or proceeding(s) filed by or against the Company before Hon'ble High Court at Calcutta and other court(s) of law or any tribunal or any quasi-judicial or statutory or administrative authority for and on behalf of the Company and to do all such acts, things, deeds as may be necessary.

RESOLVED FURTHER THAT aforesaid power entrusted to the said official shall be valid unless revoked otherwise by the Board and shall be exercisable by him so long as he associated with the Company."

RESOLVED FURTHER THAT any of the Directors or the Company Secretary of the Company, be and is hereby severally authorised to do all such acts, deeds and things, as may be required to give effect to the above resolution."

CERTIFIED TRUE COPY

For Orissa Metaliks Private Limited

Peddi Lakshmi
Company Secretary



I.A. in OA 167 of 2025 Satrugan Mehra Vs State of Odhisa & Ors

1 message

Ghanshyam Pandey <ghanshyamlegal@gmail.com>

Wed, Mar 25, 2026 at 12:39 PM

To: Sankar Pani <sankarprasadpani@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, apurba ghosh <apu7law@gmail.com>

Respected All,

Please find attached herewith the copy of the I.A. filed by the Applicant/Respondent no. 9.

Regards,

Ghanshyam Pandey

Advocate

High Court, Calcutta | NCLT (Kolkata) | NGT (EZ) | DRT | Consumer Forum

Hastings Chamber,


7C, Kiran Shanker Roy Road,

Room No. 206, 2nd Floor,

Kolkata – 700 001

 9686750386 [linkedin.com/in/ghanshyam-pandey](https://www.linkedin.com/in/ghanshyam-pandey)

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 **IA in OA 167 of 2025 EZ.pdf**

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