

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

ORIGINAL APPLICATION NO. 61/2025

IN THE MATTER OF:

SATAM PATNAIK

...APPLICANT

Versus

STATE OF ODISHA & ORS.

...RESPONDENTS

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Through its Counsel





SUNIL J. MATHEWS /JYOTI CHIB/ ASHTAMI KHATRI

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PLACE: Cuttack

DATE-01.05.2026

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

ORIGINAL APPLICATION NO. 61/2025

IN THE MATTER OF:

SATAM PATNAIK

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...RESPONDENTS

**REJOINDER FILED ON BEHALF OF THE APPLICANT IN RESPONSE
TO COUNTER AFFIDAVITS OF RESPONDENTS NO.1,3,4,5,6,9,10,11,12
(STATE RESPONDENTS)**

1. That, in response to Para 1, it is submitted that the Deponent states that he is duly authorized and competent to swear this affidavit on behalf of Respondents No. 1, 3, 4, 6 and 12. The matter of fact remains that the counter affidavit is filed on behalf of Respondents No. 1, 3, 4, 5, 6, 9, 10, 11, and 12. In light of the contents of Para 1, Respondents No. 5, 9, 10, 11 remain unrepresented in this Particular Counter affidavit.
2. That in response to Para 2 and 3 of the Counter Affidavit it is submitted that the allegations made by the Applicant are Bonafide and the answering Respondents have failed to take action despite multiple

official reports and petitions regarding the blatant violations of Forest Conservation Act, 1980 by Respondent No. 2.

3. That, the contents of Para 4 are vehemently opposed. The Original Application was filed by the Applicant on 05.03.2025. The Hon'ble Tribunal vide order dated 04.04.2025 directed the Respondents to file their counter Affidavits. Further, the Counter Affidavit was finally filed on 26.11.2025. There was sufficient time granted to the Respondents to file a comprehensive Counter Affidavit to assist the Tribunal but the same was used as a delay tactic.

4. That, in response to Para 5 it is submitted that the Stage-I and Stage-II approvals by the Ministry of Environment, Forest and Climate Change (MoEFCC) included no unauthorized road construction and no change in land use beyond the sanctioned project. Respondent No. 2 committed multiple violations by constructing a coal transportation road instead of the approved pipe conveyer and a road with width more than 10 meters has been constructed instead of the sanctioned 2.5 meters.

5. That in response to the contents of Para 6-7, they are denied as false. It is submitted that additional trees other than the approved 1429 nos. of trees have been cut down by Respondent No. 2 for construction of additional 7.5 meter wide road instead of the approved width of 2.5,

thereby clearly violating the 'Forest Conservation Acts and Rules'. As the road width expanded three times of original approved width of 2.5 m it is clear that huge felling of trees was undertaken by Respondent No.2. The entire road area is within Kaliakata R.F. There was thick tree cover beside the original road width of 2.5 metres and it is inconceivable that the road was expanded without undertaking fresh felling of mature trees. Such fresh felling was illegal as no FC was obtained. Neither a satellite survey or a ground enumeration of tree stumps was carried out by the respondent no 6 to assess the fresh felling despite the complaint about tree felling filed by the Applicant. It is also submitted that on 20.06.2024, a letter was sent by the office of the DFO (Respondent No 6) to Respondent No.2, directing them to stop use of the Forest Road of Rajjharan, Kankrei, Nisha and Kaliakata but no heed was paid by Respondent No. 2. The said letter is marked and annexed as **Annexure - 9 of the Original application (Pages 85 - 86)**

6. That in response to the contents of Para 8 & 9 it is submitted that regarding the reply to the show cause notice dated 20.04.2022 by Respondent No. 2, the office of DFO Angul in a letter dated 02.12.2022 informed the Regional Chief Conservator of Forests (RCCF) Angul that the reply given by Respondent No. 2 is not tenable against the violations committed (**Annexure 6 of the Original application, Page 56**) . That pursuant to the aforementioned letter, the RCCF Angul vide letter dated 09.12.2022 informed the Principal Chief Conservator of Forests (PCCF) Odisha regarding the violations

by Respondent No. 2 and requested to take further course of action at the earliest (**Annexure 7 of the Original application, Page 63**) . However, it is reiterated that despite several petitions made to the concerned authorities including Respondent No. 6 by the Applicant, no action was initiated against Respondent No. 2 who continues using the unlawfully constructed road for the transportation of coal in blatant disregards to the conditions stipulated in the approval plans of Stage-I and Stage-II. That Respondent No.2 continues its illegal movement of coal-loading trucks through a notified Reserve Forest, even after issuance of show cause notices and acknowledgment by senior forest authorities. The fact that Respondent No. 2 continues its violations and further inaction by the concerned authorities despite the innumerable petitions by the Applicant confirms that the gross abuse of multiple conditions issued by the MoEFCC is still subsisting as is the threat to the flora, fauna as well as the livelihoods of the people dwelling in the Kaliakata RF and Durgapur RF of Angul Range.

7. That the contents of Para 10 claiming no further violations of the Stage-I and Stage-II conditions are false. That the Stage-II clearance was given for the construction of a 4-meter-wide service road, however, Respondent No. 2 has constructed a road which is more than 10 meters in width as observed in site inspection conducted on 15.11.2022. That it is falsely claimed by the Respondent No. 2 to be used for the movement of construction materials for the pipe conveyor, when the road is actually being used for illegal movement of coal-loading trucks.

8. That in response to the contents of Para 11 it is submitted that Respondent No. 2 submitted a modified proposal after receiving a show cause notice from Respondent No. 6 DFO Angul regarding violation of conditions stipulated in Stage I and Stage II approvals. Despite the alleged modification in the proposal, the violations have not been rectified by Respondent No. 2. There is no provision in law to permit submission of a modified forest diversion proposal after the violation was detected and reported. Moreover, it has also been clearly stated that even this Modification proposal has not yet been accorded Stage I approval. Despite this, Respondent No. 2 is carrying out its illegal activities by using forest land whose diversion was never approved.

9. That in response to the contents of Para 12 it is submitted that as per condition no XVIII of Stage-II approval order, the layout plan of the proposed forest land shall not be changed without the prior approval of MoEF&CC. On the contrary, Respondent No. 2 has unilaterally elevated the road constructed without approval of the layout from the competent authority demonstrating serious disregard to above mentioned condition. The answering respondent itself states that the revised proposal has not yet been accorded the Stage I proposal.

10. That in response to contents of Para 13-15 it is submitted that Respondent No. 6 has failed to explain how the violations of Stage-I

and Stage-II approvals recorded during site inspection conducted on 15.11.2022 allegedly ceased to exist by subsequent site inspections carried out by Respondent No. 6 on 05.07.2023 and 12.03.2025. It is also a fact that a different DFO, i.e., Respondent no. 6 carried out site inspection on 12.3.2025 post filing of complaint by the applicant. It is inconceivable that ground facts can change when a new officer carries out inspection of the same forest land being used by the same user agency (Respondent No.2).

11. That the contents of Para 16 is denied and it is submitted that the bald assertion of Respondent No. 6 regarding unauthorized and excess felling of trees is unsupported by any inspection report and there is absence of any documentary substantiation. That the Respondent no. 6 did not carry out any satellite survey of the impugned forest land to assess the extent of illegal diversion by widening of the permitted road width. A chronological satellite map assessment pre and post road widening can still be carried out to assess the number of trees illegally felled by the Respondent no. 2

12. That in response to Para 17 it is submitted that the contention of the Applicant to begin with is that Respondent No 2 has constructed a coal transportation road within the Reserved Forests like a National Highway with clear violations of the Stage-I and Stage-II conditions laid by the MoEFCC, instead of the approved pipe conveyor. A pipe conveyor could be an environmentally progressive approach but the

issue is that Respondent No. 2 has diverged from what was proposed and has illegally constructed a road far exceeding the approved dimensions, like a National Highway where vehicular movement causing high artificial light, noise and speed can cause damage to the forest ecosystem as well as pose threat to the wildlife. That it was observed by Respondent No. 6 DFO, Angul itself that a 4-10 ft. high road has been constructed by Respondent No. 2 without any approval or permission and the slag and other debris dumped inside the diverted forest land is affecting the forest ecology.

13. That the contents of Para 18 are denied and it is reiterated that Respondent No. 2 is violating the Transit Permit and misusing the forest passage allowed for their utility services like integrated conveyor to transport coal from the mines to their plant site through the forest area of Kaliakata, Raijharan, Kankrei and Nisha. Multiple authorities have been approached by the applicant against the intentional violation by Respondent No. 2 but there still remains no conclusive action. It is incomprehensible how a transit permit for coal could be obtained for transportation from Utkal B1 which is not operational even as on date. Hence, this coal transit permit was illegally issued by the DDM, Talcher, Respondent no. 11 which was used by the Respondent No. 2 willfully to transport coal from a non operational coal mine.

14. That the contents of Para 19 are denied and it is submitted that the livelihood of the ST community of Kaliakata and Malibrabmani village are based on collection of forest produce such as Tula and Mahula. That the activities of Respondent No.2 that constitute a blatant infringement of forest conservation rules and environmental law poses a serious threat to the existence of these communities. They are heavily dependent upon surrounding forests for their daily livelihoods and sustenance. They collect Mahua flowers, sal seeds, Harida, Bahada, Amla seeds, Char, mushrooms, sal and bahunia vine leaf for plate making, and bahunia vine for rope making. Furthermore, the tribal communities collect timber and bamboo for construction of houses, fences and are also used as a source of fuel. Forests hold enormous cultural and religious value and memories for the local tribes and they lose their identity once such forests are cut down.
15. That contents in Paras 20 & 21 are denied. That Respondent No 6 DFO, Angul is one of the many authorities persistently approached by the Applicant against the violations by Respondent No.2 and the blatant disregard to conservation rules and the environment at large. Throughout the years, the authorities including Respondent No. 6 has failed to take serious action despite numerous petitions and evidence presented by the Applicant. The Applicant humbly states that it is the continued inaction of the concerned authorities which has forced the Applicant to take this course.

16. That, it has come to the knowledge of the Applicant that Respondent No. 2 has undertaken construction of an iron ore slurry pipeline within the Kaliakata Reserved Forest area, extending from the back gate of Shree Bhoomi Power Plant to the boundary of JSL, Angul, through the forest area, without obtaining prior permission from the competent forest authorities. The Applicant has submitted a detailed representation dated 28.04.2026 to the Divisional Forest Officer, Angul Division, bringing to light that the Stage-I Forest Diversion approval, if any, only permits an underground water pipeline and does not authorize construction of an iron ore slurry pipeline within the said forest area. The Applicant has also filed a separate Interlocutory Application seeking a stay on this illegal construction and the representation mentioned is annexed thereof.

17. That, it has come to the knowledge recently that Jindal Steel Limited has undertaken construction of an iron ore slurry pipeline within the Kaliakata Reserved Forest area without obtaining prior approval from the competent forest authorities and in clear violation of the conditions stipulated under the Stage-I Forest Diversion Approval, which permitted only an underground water pipeline and not a slurry pipeline. The said activities, including construction of roads, alteration of layout, and use of forest land for purposes other than those approved, amount to a direct contravention of the provisions of the Forest (Conservation) Act, 1980 and the specific conditions governing diversion of forest land, thereby causing serious ecological harm and rendering the Respondent liable for appropriate legal action. The copy

of the Representation dated 28.04.2026 regarding construction of an iron ore slurry pipeline within the Kaliakata Reserved Forest area without obtaining prior approval from the competent forest authorities is marked and annexed herewith as **Annexure 14**

18. It is submitted that coal-loading trucks are still plying through the Kaliakata Reserved Forest, evidencing continuing and unabated violation of the applicable forest and environmental laws. In order to substantiate the same, the Applicant is annexing the latest photographs taken on 30.04.2026 in the evening, which clearly depict the movement of such trucks within the forest area, along with embedded date, time and GPS location details. The said photographs are being placed on record to demonstrate that the illegal activities are ongoing and have not ceased despite the pendency of the present proceedings. The copy of the Photographs of coal-loading trucks by Respondent No. 2 on 30.04.2026 is marked and annexed herewith as **Annexure 15**.

Through its Counsel



SUNIL J. MATHEWS /JYOTI CHIB/ ASHTAMI KHATRI

Advocates for Applicant

Shanti Kunj, Link Road Cuttack- 753001

(M) 9311567212

Email: sjmathews@gmail.com

PLACE: Cuttack

DATE- 01.05.2026

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

(Under Section 18(1) read with Section 14(1) and 15 of the National Green Tribunal Act 2010)

ORIGINAL APPLICATION NO. ____ / 2026



IN THE MATTER OF:

SATAM PATNAIK

...APPLICANT

VERSUS

STATE OF ODISHA AND ORS.

...RESPONDENTS

I Satam Patnaik , S/o Purusottam Patnaik, aged about 45 years, r/o 6th Lane, Amalapada, Near Gramya Bank, At/PO, Angul PS – Angul Odisha. PIN- 759122 do hereby solemnly affirm and state as under:

28/1/26
**NOTARY
ANGUL**

1. That I am the Applicant in the present case and Deponent in the present Affidavit, hence, I am competent to swear this Affidavit.
2. That I have read over the contents of the accompanying Application and the same is true and correct and is drafted on my instruction.

Affidavit No. 7378 / 2026
Dated 28/1/26 / 2026

Satam Patnaik

DEPONENT



VERIFICATION

Verified on this 28th April , 2026, that the contents of the above Affidavit are true and correct, and nothing material has been concealed therefrom, nor any part of it is false.

Saban Patra
DEPONENT

IDENTIFIED BY



Affidavit No. 7378/26
dated this 28th **day of** April **20** 26
The above named deponent having been
identified by Sri Arun
.....Advocate, Angul
solemnly affirmed before me this
the 28th **day of** April
.....at 7:30 **A.M./P.M. in**
the court premises that the contents
of this affidavit true to the best of
my knowledge.

28/4/26
NOTARY
ANGUL

28/4/26
ROHITA KUMAR BEHERA
NOTARY
ANGUL, ODISHA
Regd. No-ON 09-2002
Cell-9438787968

Date: 28-04-2026

To
The Divisional Forest Officer(DFO)
Angul Forest Division
Angul, Odisha

Subject: Representation regarding construction of Iron Ore Slurry Pipeline by JSL within Kaliakata RF area without prior permission and in violation of Forest Diversion Approval conditions

Reference:

- As per condition No. XX/I of the Stage-I approval order, Forest land shall not be used for any purpose other than that specified in the proposal.

Respected Sir,

I am writing to bring to your kind attention a matter of serious concern regarding “**construction of an Iron Ore Slurry Pipeline**” by Jindal Steel Limited (JSL), Angul within the Kaliakata Reserved Forest (RF) area under your jurisdiction.

Location of Slurry Pipe Line: From Back gate of Shree Bhoomi Power Plant (earlier known as Monnet Power Plant and now owned by JSL) to JSL, Angul Boundary through Kaliakata RF.

Stage-1 Approval Order of Forest Diversion: There is approval for underground water pipe line, not for underground iron ore slurry pipe line.

Violation of Forest Act & Rules:

It has come to notice that the said construction activity was done without obtaining prior permission from the competent forest authorities, which constitutes a violation of the provisions of the Forest (Conservation) Act, 1980 and other applicable regulations. Furthermore, the activity appears to be in contravention of the specific conditions stipulated under the Forest Diversion Approval granted, if any, for the project.

Such unauthorized interventions within a Reserved Forest area pose significant risks to the ecological integrity of the region, including damage to forest cover, wildlife habitat disruption, and long-term environmental degradation. These actions, if left unchecked, may set a concerning precedent for non-compliance with statutory forest protection norms.

In view of the above, I humbly request your good office to:

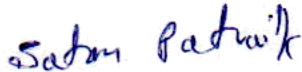
- 1- Request for a joint field visit of senior Forest Department Officials and petitioner's team.
- 2- Immediately investigate the matter and verify the legality of construction of slurry pipe line.
- 3- Take necessary action to halt the work if it is found to be unauthorized or in violation of approval conditions of Forest Diversion.

- 4- Initiate appropriate legal proceedings against the responsible agency for non-compliance with forest laws.
- 5- Ensure restoration measures are undertaken for any damage already caused to the forest area.

I would also request that the findings of the inquiry and the action taken may kindly be communicated to the undersigned and other concerned stakeholders.

This representation is being marked in copy to other relevant authorities for their information and necessary action.

Thanking you



Satam Patnaik
C/o: Shri Bala Krushna Pattanaik Trust
6th Lane, Amalapada,
Angul
Odisha
M: 8527070196
Email: satam.patnaik@gmail.com

Encl:

- 1- Copy of Stage-1 approval of Forest Diversion. (Annexure-1)
- 2- Copy of Show Cause notice served to JSPL with respect to violation of contains. (Annexure-2)
- 3- Copy of reply of show cause notice submitted by JSPL. (Annexure-3)

Copy To:

- 1- The RCCF, Angul Circle, Angul.
- 2- The PCCF (Forest Diversion & Nodal Officer, FA Act), Odisha, Bhubaneswar.
- 3- The Director, Environment-cum-Special Secretary, F, E & CC Dept., Govt. of Odisha.
- 4- The Additional Chief Secretary, Forest and Environment Department
Kharbela Bhawan, Bhubaneswar, Government of Odisha- 751001
E-mail- forestandenv1@gmail.com
- 5- The Deputy Inspector General of Forest(C)
MoEF&CC, Eastern Regional Office,
Bhubaneswar.
- 6- The Deputy Director General of Forest(C) MoEF&CC,
Eastern Regional Office, Bhubaneswar.

7- The Add. Director & Member Secretary (Industry-1)

MoEF&CC, Indira Paryavaran Bhawan, New Delhi

8- The Secretary, MoEF&CC, Govt of India, Indira Paryavaran Bhawan,
New Delhi.

Email: secy-moef@nic.in

9- The Cheif Secretary, Govt of Odisha, Bhubaneswar.

10- The RDC(ND), Sambalpur, Odisha.

11- The DM & Collector, Angul, Odisha.

12- The SP, Angul, Odisha.



Government of India/ भारत सरकार
 Ministry of Environment, Forests & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय
 V/3, Chandrasekharpur/ ए/३, चंद्रशेखरपुर
 Bhubaneswar- 751 023/ भुवनेश्वर - ७५१ ०२३

उपरोक्त विषय पर
 उपाय के अंगुली

Telephone : 0674-2301213, 2301248, 2302453, 2302454, 0674-2302432. E-mail: roez.bsr-mef@nic.in

No.5-ORC248/2015-BHU



109 16 166
 13th July, 2015
 Annexure - 1
 State - I approval etc

To

The Principal Secretary,
 Forest & Environment Department,
 Govt. of Odisha,
 Bhubaneswar.

Sub:-

Diversion of 6.682 ha of forest land for laying of infrastructural facilities like integrated pipe conveyor (including power transmission line, underground water pipeline, service road) and railway line for transportation of coal to their Coal Washery located inside their integrated Steel Plant premises located in Angul district, Odisha and outward movement of finished steel and other by-products therefrom by M/s Jindal Steel & Power Ltd.

Sir,

I am directed to refer to State Govt. letter No.10F(Cons)14/2015-6870/F&E dated 27.04.2015 and No.7111/F&E dated 30.04.2015 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forests & Climate Change under section 2 of Forest(Conservation) Act, 1980.

After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee held on 10.07.2015, the Ministry of Environment, Forests & Climate Change hereby conveys 'in-principle' approval for diversion of 6.682 ha of forest land for laying of infrastructural facilities like integrated pipe conveyor (including power transmission line, underground water pipeline, service road) and railway line for transportation of coal to their Coal Washery located inside their integrated Steel Plant premises located in Angul district, Odisha and outward movement of finished steel and other by-products therefrom by M/s Jindal Steel & Power Ltd., subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard.
- (iii) At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- (iv) Compensatory Afforestation shall be raised over 16.510 Acre (6.681 ha) of non-forest land identified by State Govt. in Plot No.4/1257 (P), Khata No.2/2 in Mouza Nukhuripada in Angul tehsil of Angul district at the cost of the user agency. The user agency shall transfer the cost of compensatory afforestation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to the Forest Department.

D.V.
 19/7

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- 1.98
- 1.5
- (v) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of Stage-II approval.
- (vi) All the funds received from the user agency under the project shall be transferred to concerned Saving Bank account of the Ad-hoc CAMPA in Corporation Bank, CGO Complex, Lodi Road Branch, New Delhi-11003.
- (vii) State Govt. shall upload the compensatory levies demanded and received from the user agency in the Ministry website before Stage-II approval.
- (viii) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc. The distance between any two pillars shall be kept at about 50 mtr and each pillar should be clearly visible from pillars on both sides.
- (ix) The State Forest Department/UA shall submit the surveyed sketch of 16.510 Acre (6.681 ha) of non-forest land identified in Plot No.4/1257 (P), Khata No.2/2 in Mouza Nukhuripada in Angul tehsil of Angul district as proposed for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall submit the DGPS reading of each demarcated pillar giving the latitude and the longitude.
- (x) No mine void shall be filled back with fly ash, as proposed in the proposed, without specific clearance for this under Environment (Protection) Act.
- (xi) To minimize the felling of trees for construction of transmission line, the user agency shall comply with the following guidelines issued by Ministry vide letter No.7-25/2012-FC dated 05.05.2014.
- a) The width of right of way for transmission line on forest land shall be 15 mtr.
- b) Below each conductor, width clearance of 3 meters would be permitted for taking the tension stringing equipment.
- c) The trees on such strips would have to be felled but after stringing work is completed, the natural regeneration will be allowed to come up. Felling/pollarding/pruning of trees will be done with the permission of the local forest officer wherever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line.
- d) During construction of transmission line, pollarding/pruning of trees located outside the above width of the strips, whose branches/parts infringe with conductor stringing, shall be permitted to the extent necessary, as may be decided by local forest officer.
- e) Pruning of trees for taking construction/stringing equipments through existing approach/access routes in forest area shall also be permitted to the extent necessary, as may be decided by local forest officer. Construction of new approach/access route will however, require prior approval under the Act.
- f) In the remaining width of right of way trees will be felled or lopped to the extent required, for preventing electrical hazards by maintaining minimum 2.8 meters clearance between

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107 1A 1165

- g) The maximum sag and swing of the conductor are to be kept in view while working out the minimum clearance mentioned as above.
- (xii) The user agency shall obtain the environmental clearance as per the provisions of Environment (Protection) Act, 1986, if required.
- (xiii) The user agency shall take adequate safety measure for accidental spillage of pipe conveyor, if any.
- (xiv) Earth or any material shall not be brought from or the debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency.
- (xv) The rock/morum excavated from work site should be utilized by Railways/State Govt. for various construction purposes etc.
- (xvi) The designing of culverts/bridges, if any, over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
- (xvii) The State Govt. shall ensure controlled speed limit of the trains passing through the forest portion to enable the train drivers to react to the sudden appearance of the wild animal on the track.
- (xviii) Adequate signage shall be provided along the railway line passing through forest land.
- (xix) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- (xx) No labour camp shall be allowed in the forest area.
- (xxi) The user agency shall provide fuelwood, preferably alternate fuel, to labourers working at the site to avoid damage/tree felling.
- (xxii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xxiii) The forest land shall not be used for any purpose other than that specified in the proposal.
- (xxiv) The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without prior approval of Ministry of Environment, Forests & Climate Change.
- (xxv) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forests & Climate Change.
- (xxvi) The user agency will obtain clearance under the provision of ST&OTFD (Recognition of Forest Rights) Act, 2006 before final approval of the project and will submit certificate towards settlement of all claims and rights over the proposed forest land as per the Guidelines of Ministry communicated vide letter No.11-9/1998-FC (Pt) dated 03.08.2009 read with guidelines dated 28.10.2014.

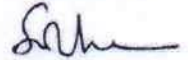
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(xxvii) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.

(xxviii) The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. **Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forests & Climate Change.**

Yours faithfully,



(S. Mohapatra)

Conservator of Forests (Central)

Copy to:-

1. The Inspector General of Forests (FC), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi - 110 003.
2. The Director, ROHQ, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi - 110 003.
3. The Principal Chief Conservator of Forests, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
4. The Addl. PCCF & Nodal Officer (FC), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
5. The Divisional Forest Officer, Angul Forest Division, Angul, Odisha.
6. The Vice President (Mining), M/s Jindal Steel & Power Ltd., Angul, Odisha.
7. Guard file.

Conservator of Forests (Central)

OFFICE OF THE DIVISIONAL FOREST OFFICER ANGUL DIVISION ANGUL

Letter No. 2131 /47/2019/DRP/Dated. 30.03.2022

To

The Vice President (Mining),
Jindal Steel & Power Ltd, Angul

Sub: -

Diversion of 6.682 ha of forest land for laying of infrastructural facilities like integrated pipe conveyor (including power transmission Line, underground water pipeline, service road) and railway line for transportation of coal to their Coal Washery located inside their integrated Steel Plant premises located in Angul district, Odisha and outward movement of finished steel and other by-products there from by M/s Jindal Steel & Power Ltd. – **Show cause Notice**

Ref:

1. No. 5003 /F& E.09.03.2017 of S.S to Govt. F& E Deptt. BBSR.
2. Letter No.5-ORC248/2015-BHU dt. 13.07.2015 of GOI,MOEF.
3. Letter No. 5-ORC248/2015-BHU dt. 28.02.2017 of GOI,MOEF.
- 4 Letter No. 5-ORC248/2015-BHU dt. 24.05.2019 of GOI,MOEF.

Sir,

With reference to the above cited correspondence on the subject, Show cause Notice is issued in the following violation of Condition of Stage – I and Stage II imposed by the Govt. of India, MOEF.

Para : 1 *As per condition No. XVII of Stage-II approval order, the forest land shall not be used for any purpose other than that specified in the proposal and in no circumstances be transferred to any other user agency, department or person without prior approval of the Ministry of Environment, Forest & Climate change.*

Violation Stage-II Clearance was given for construction for elevated pipe conveyor, electricity structure and 2.5 meter wide service road.

However, a road with width more than 10 Meter has been constructed which amounts to use of forest land for any purpose other than specified in the proposal and is in violation. **(Photograph-1)**

Para : 2 *As per condition No. XVIII of the Stage-II approval order, the layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.*

Violation Approved lay out plan is attached in **Annexure-I**. However, a road has been constructed in violation of above mentioned condition.

Further, User Agency has elevated the road constructed without approval of the lay out from competent Authority **(Photograph-2)** which is violation of above mentioned condition.

Para : 3 *As per condition No. XVI of the Stage-I approval order, designing of culverts/ bridges, if any, over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.*

Violation A number of Nallahs have not been blocked due to construction of road violating above mentioned condition. **(Photograph-3)**

Para:4 *As per condition No. XXIII of the Stage-I approval order, Forest land shall not be used for any purpose other than that specified in the proposal.*

Violation As mentioned in violation in **Para-1.**

Para: 5 *As per condition No. XXV of the Stage-I approval order, layout plan of the proposed Forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate change.*

Violation As mentioned in Para : 2.

Observations

- a. Your report on the recommendation of the Monitoring Committee Headed by Sri R.K. Samal, IFS DIGF (CENTRAL) regarding return of diverted land to forest Department given the importance of forest area for elephant movement and no longer requirement of diverted forest area for pipe conveyer due to cancellation of Coal Block is still awaited. (Report of Sri Sri R.K. Samal, IFS DIGF (CENTRAL) as **Annexure-2**

Further, it is observed that 4 – 10 ft. high road has been constructed without any approval or permission. **(Photograph-3 and 4)**

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b It is observed that slag and other debris are dumped inside the diverted forest land affecting the forest ecology (**Photograph-5**)

You are requested to explain above mentioned violations para wise so that matter can be reported to higher authorities accordingly.

Further, all works being undertaken without permission from competent authorities are to be stopped immediate effect until further direction from the Competent Authority.

Encl:- As above.

Yours faith fully

[Signature]
Divisional Forest Officer
Angul Division.

Memo No. 2132 / Dated. 30.03.2022

Copy forwarded to the Regional Chief Conservator of Forests, Angul Circle for favour of kind information and necessary action.

[Signature]
Divisional Forest Officer
Angul Division

Memo No. 2133 / Dated. 30.03.2022

Copy submitted to the Principal Chief Conservator of Forests, Forest Division & Nodal Officer, F.C. Act, O/o the Principal Chief Conservator of Forests, Odisha for favour of information and necessary action.

[Signature]
Divisional Forest Officer
Angul Division

Memo No. 2134 / Dated. 30.03.2022

Copy forwarded to the Range Officer Angul for information and to take necessary action. He is instructed to check further violation and deviations, if any, be intimated to the undersigned.

[Signature]
Divisional Forest Officer
Angul Division

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JINDAL
STEEL & POWER

Date: 20th April 2022

No. JSPL/ANGUL/EMD/22-23/7

To,
Divisional Forest Officer
Angul Division

Subject: Diversion of 6.682 ha of forest land for laying of infrastructural facilities like integrated pipe conveyor (including power transmission Line, underground water pipeline, service road) and railway line for transportation of coal to their Coal Washery located inside their integrated Steel Plant premises located in Angul district, Odisha and outward movement of finished steel and other by-products there from by M/s Jindal Steel & Power Ltd. — Reply to Show cause Notice

Ref. :

1. Letter No. 2131/47/2019/DRP dated 30.03.2022 from the office of DFO
2. Letter No. 5003/F& E.09.03.2017 of S.S to Govt. F & E Deptt.,BBSR
3. Letter No.5-ORC248/2015-BHU dt. 13 .07.2015 of GOI,MOEF
4. Letter No. 5-ORC248/2015-BHU dt. 28.02.2017 of GOI,MOEF
5. Letter No. 5-ORC248/2015-BHU dt. 24.05.2019 of GOI,MOEF

Dear Sir,

This has reference to the Letter no. 2131/47/2019/DRP dated 30.03.2022 on the above mentioned subject. We would like to inform that Jindal Steel & Power Ltd (JSPL) was allocated the Utkal B1 Coal mine in the Talcher Coal mine area as captive source of coal for its Integrated Steel Plant at Angul. The Utkal B1 is located at about 5 km in the North of the steel plant and as per the Environment Clearance of Coal Washery of the Steel Plant, coal was to be conveyed through covered conveyor from the Utkal B1 coal mine. With this background JSPL had planned to install a covered conveyor system from the Utkal B1 mine to the JSPL Steel Plant and had applied for the diversion of the forest land on the conveyor route. However, subsequently the Utkal B1 was de-allocated as per the judgment of the Honorable Supreme Court. Subsequently, JSPL sourced the coal requirement for the steel plant from the Talcher coal mines of Mahanadi Coalfield Ltd. However, JSPL went ahead with its plan for the conveyor as coal conveyance through a covered conveyor is non-polluting and environmental friendly when compared to conveying in trucks through road. The Ministry of Environment Forest and Climate Change also has notified Gazette order no S.O 1561 (E) on 21.05.2020, where in section 3 it is directed to transport coal by covered Railway wagons or covered conveyor. (Copy of the Gazette notification enclosed).

With this background, JSPL planned construction of the covered coal conveyor and has taken the diversion of the forest land. Subsequently, the 15 m corridor through the forest area was cleared with the permission of the forest dept. and by engaging the OFDC. JSPL

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A2-1187



now has started process of construction of the Coal Conveyer and the associated infrastructures as the power transmission lines, road etc. with leveling of the conveyer route for transportation of movement of construction machineries such as heavy cranes, concrete mixer truck, concrete pumps, and trucks carrying the heavy mechanical equipment.

It will be also pertinent to mention that after the de-allocation of the Utkal B1 coal block, JSPL was in the process of bidding for various coal blocks in the Talcher Coal Mines region, and has won the biddings of Utkal B1 coal block again apart from two more coal blocks Utkal B2 and Utkal C in adjacent area. The total production capacity of these mines is about 11 MTPA. JSPL has started the construction of the coal conveyer along with other associated facilities such as the power transmission line, road etc. to keep the conveyer system ready before the start of operation of these mine. We herewith submit the compliance to the points raised vide the Letter no Letter no. 2131/47/2019/DRP dated 30.03.2022.

Para 1	<i>As per condition No. XVII of Stage-II approval order, the forest land shall not be used for any purpose other than that specified in the proposal and in no circumstances be transferred to any other user agency, department or person without prior approval of the Ministry of Environment, Forest & Climate change.</i>
Violation	<p>Stage-II Clearance was given for construction for elevated pipe conveyer, electricity structure and 2.5 meter wide service road.</p> <p>However, a road with width more than 10 Meter has been constructed which amounts to use of forest land for any purpose other than specified in the proposal and is in violation. (Photograph-1)</p>
Reply	<p>JSPL has started the construction of the of the pipe conveyer for which 10 m width has been cleared and has been leveled for movement of construction machineries such as heavy cranes, concrete mixer truck, concrete pumps, and trucks carrying the heavy mechanical equipment. The corridor after removal of trees was found to be undulating in nature and the soil base of the corridor was not fit for carrying the heavy loads of the construction equipment. Therefore it was necessary to fill the 10 m corridor with layer of slag generated from the plant. These slag being granular material can be removed if required latter on leaving the space for service road.</p> <p>It is therefore, confirmed and assured that the forest land has not</p>

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	been used for any purpose other than that specified in the proposal.
Para 2	<i>As per condition No. XVII of the Stage-II approval order, the layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.</i>
Violation	Approved layout plan is attached in Annexure-I. However, a road has been constructed in violation of above mentioned condition. Further, User Agency has elevated the road constructed without approval of the layout from competent Authority (Photograph-2) which is violation of above mentioned condition
Reply	<p>The approved layout has provision of a road. The layout has the provision for the conveyer trestle including the foundation of the conveyer, A power transmission line, a road and underground water pipelines. As mentioned in the layout drawing of the facilities, there is a space of 4.5 m available from the edge of the transmission line. The road of 2.5 m width will pass through this space leaving space for shoulder or drain in the edge. There, is no violation this condition as road is a part of the purposes for which the forest land have been diverted. Though a width of about 10 m has been leveled for construction of the pipe conveyer, after construction of the conveyers and the power transmission line, the road will cover a width of 2.5m in the remaining space drains and road shoulders will be provided. The road elevation is mostly at the level of the surrounding area. However, there have been few depressions and nallah which were identified after the trees were removed. In these areas the corridor has been filled with granular slag material for movement of the construction equipment and conveyer machineries.</p> <p>It is therefore, confirmed and assured that the layout plan of the proposed forest land shall not be changed.</p>
Para 3	<i>As per condition No XVI the Stage-I approval order, designing of culverts/ bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.</i>

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Violation	A number of Nallahs have not been blocked due to construction of road violating above mentioned condition. (Photograph-3)
Reply	<p>No nallahs have been blocked and for smooth flow of water, RCC hume pipe culverts have been provided at 3 places for undisturbed flow of water. Care has been taken to provide large side RCC hume pipe below the formation layer so that water during monsoon can pass through without water logging on both the side. The level of the formation layer has been maintained mostly same as that of the surrounding area. However, there have been few nallahs crossing the stretch. For smooth movement of construction machineries in these depression areas we have leveled by filling loose materials as slag, and provided RCC hume pipe culverts for free flow of water. At few places there have been cutting of earth for 2 to 3 ft to maintain the level. So these small level differences will not cause any hindrance to the movement of the animal when passing the conveyer corridor.</p> <p>It is therefore, confirmed and assured that the designing of culverts/ bridges over the natural streams/rivers/canals is done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.</p>
Para 4	<i>As per condition No. XXII of the Stage-I approval order, Forest land shall not be used for any purpose other than that specified in the proposal.</i>
Violation	As mentioned in violation in Para-I.
Reply	<p>The forest land has not been used for any purpose other than that specified in the proposal. The corridor has been leveled to provide access for the construction of the pipe conveyer, power transmission line and water pipe line etc.</p> <p>It is therefore, confirmed and assured that the forest land has not been used for any purpose other than that specified in the proposal.</p>
Para 5	<i>As per condition No. XXV of the Stage-I approval order, layout plan of the proposed Forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate change.</i>

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Violation	As mentioned in Para: 2.
Reply	<p>JSPL has started the construction of the coal conveyer and other associated facilities such as the power transmission line, road and the underground water pipelines after making the formation layer of width of about 10 m.</p> <p>It is therefore, confirmed and assured that layout plan of the proposed Forest land is not changed.</p>

We also once again confirm and assure you that there is no change in the purpose of the diversion and there is no change in the layout of the project. We therefore request you to kindly close the observations and allow us to continue with the construction of the Coal Conveyer and other associated acuties.

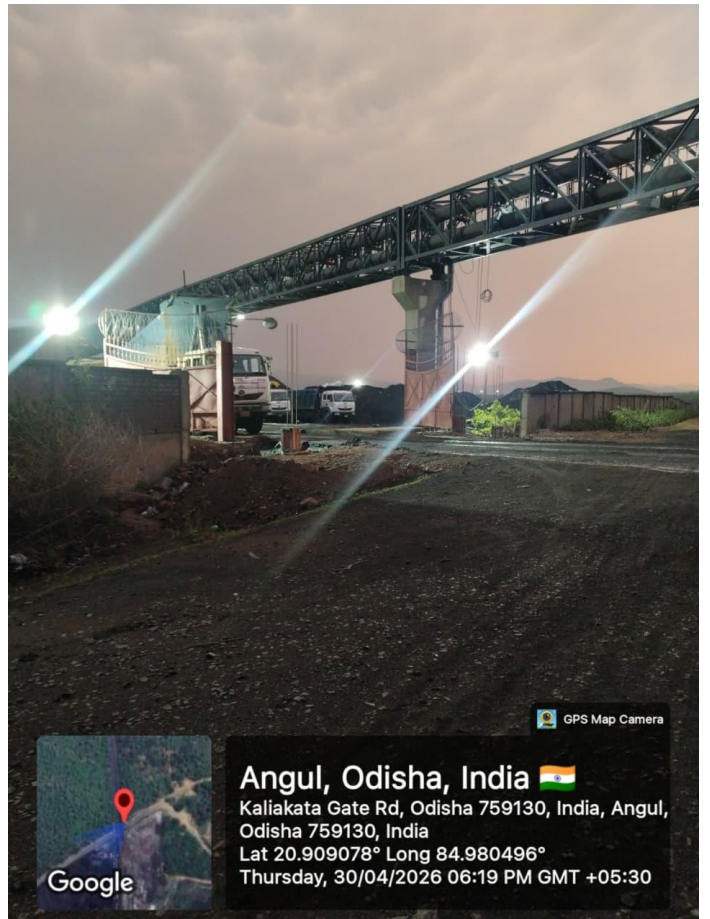
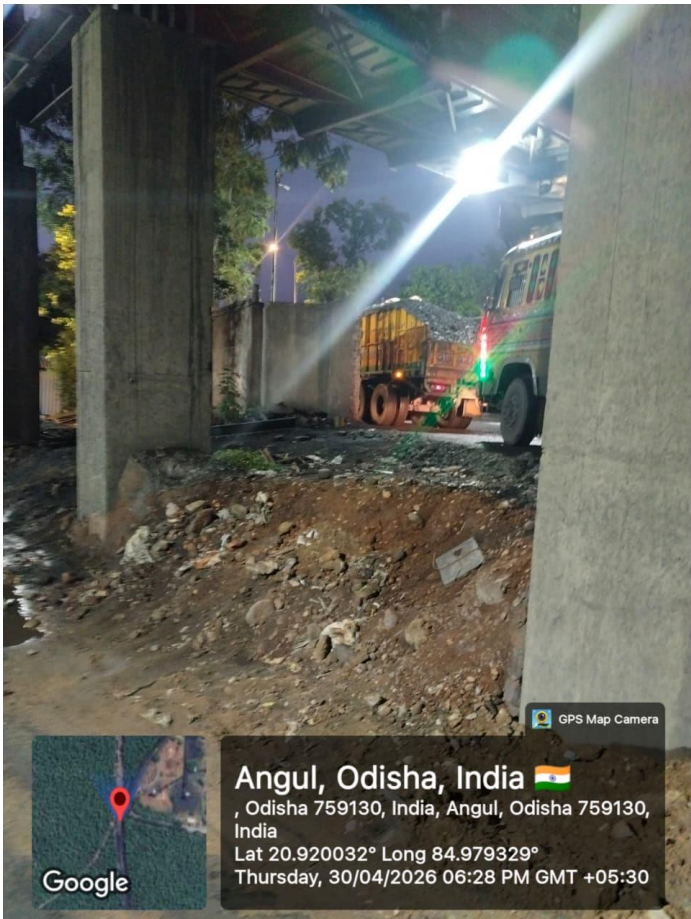
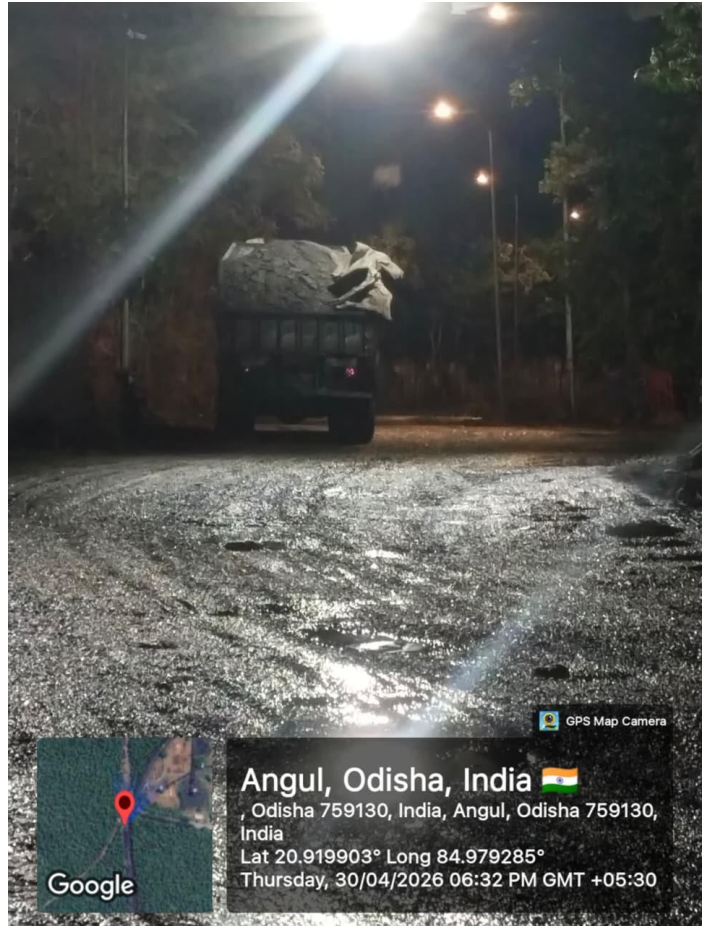
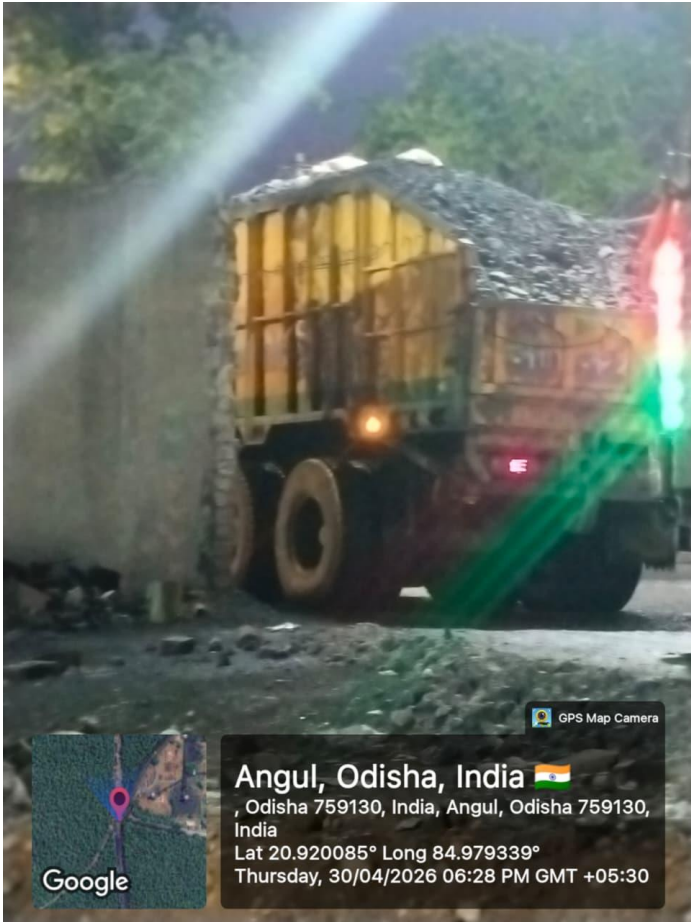
Thanking you,
Yours faithfully,

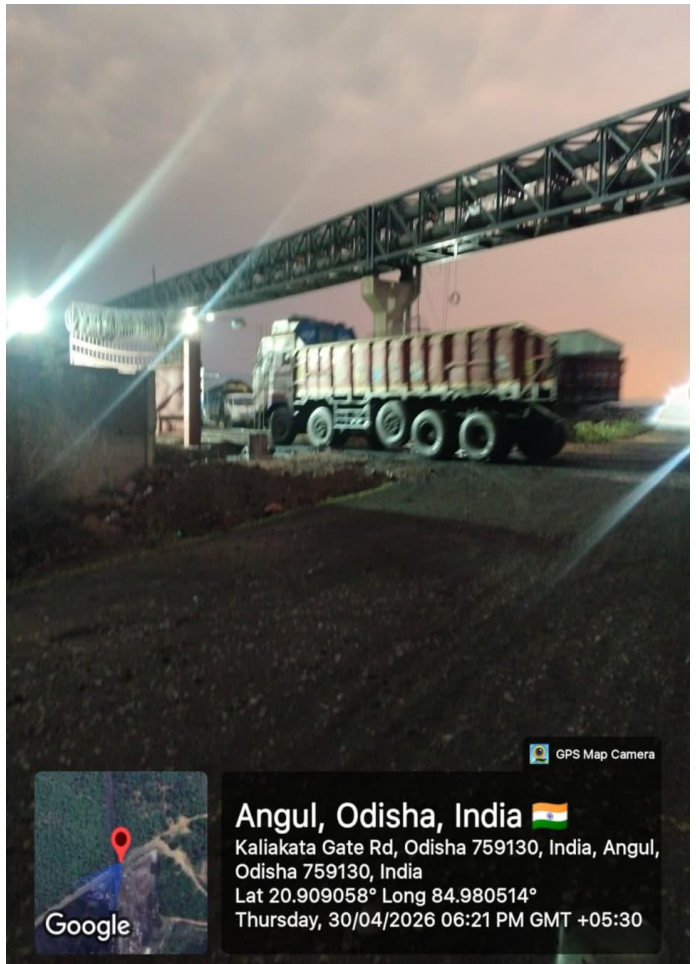
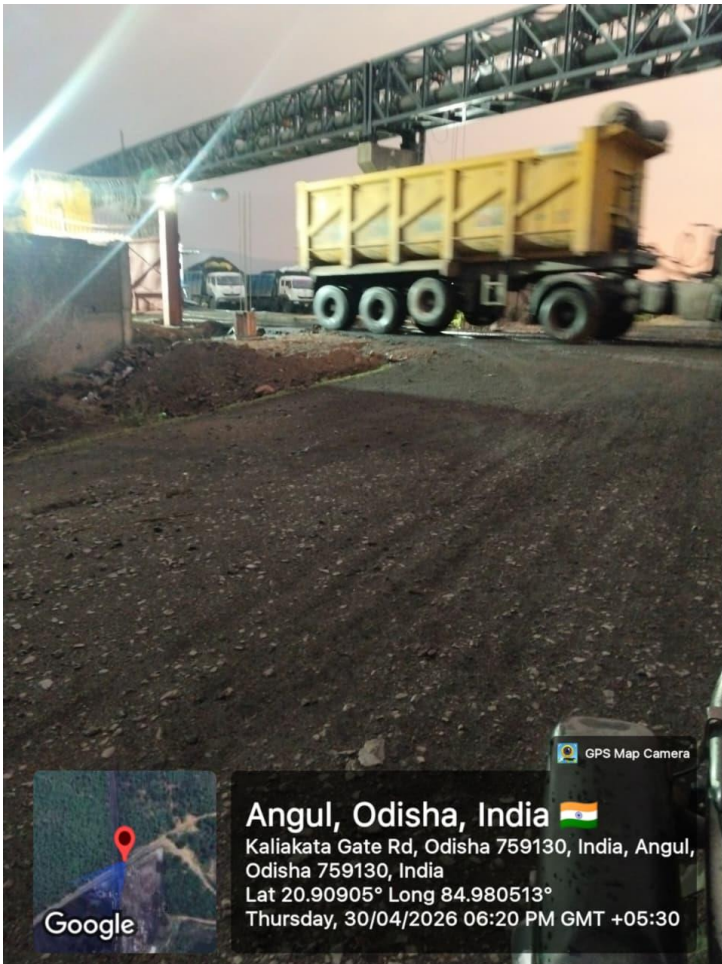
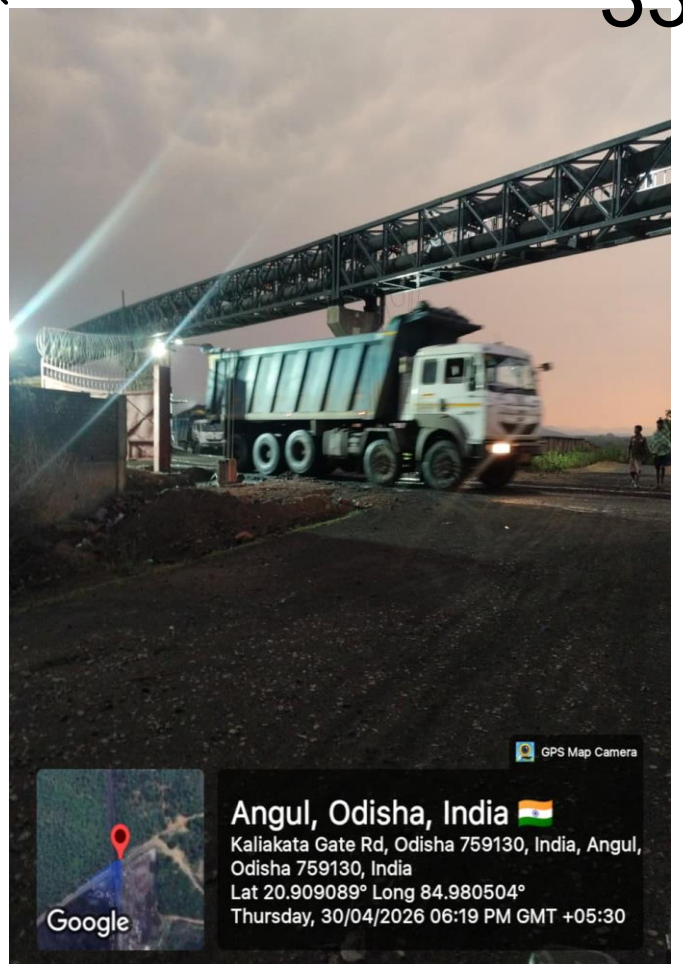
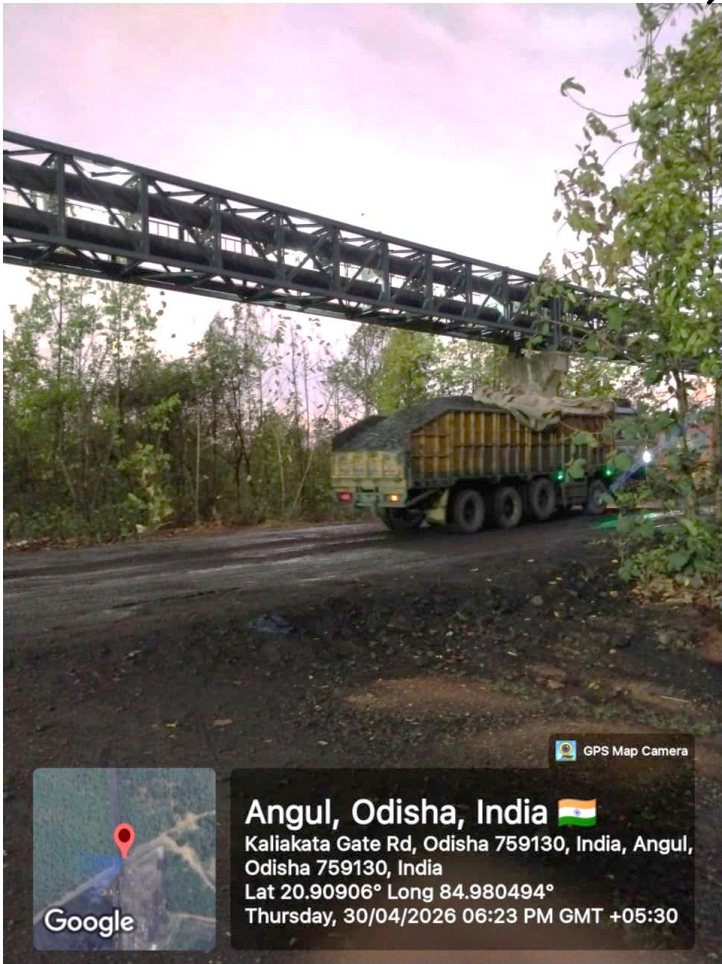
for Jindal Steel & Power Limited

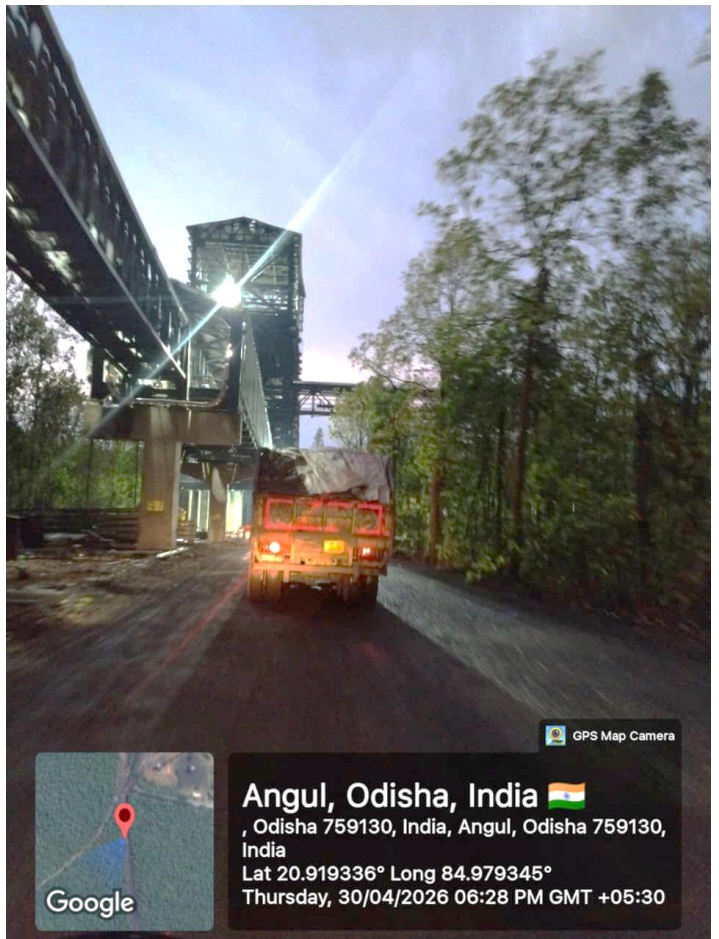
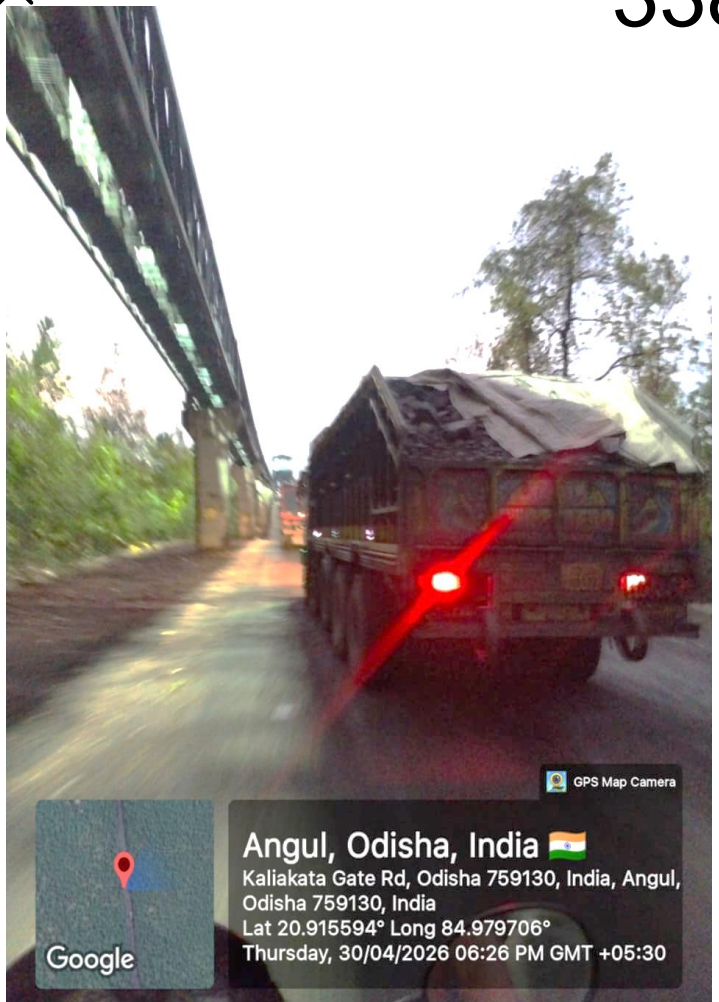
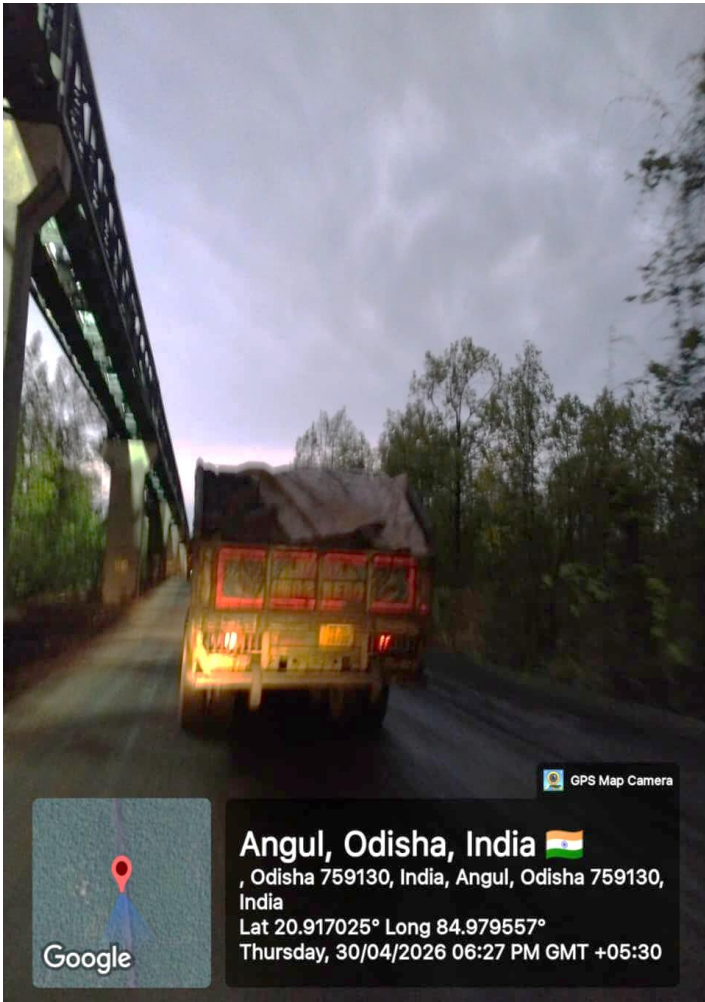
(Alok Kumar Sahu)
Associate Vice President- Environment Management Dept



PHOTOGRAPHS OF COAL LOADED TRUCKS OF JINDAL STEEL LIMITED PLYING ON KALIAKATA RF ROAD.









Ashtami Khatri <ashtamikhatri88@gmail.com>

Advance Service | OA 61/2025 | Satam Patnaik v. State of Odisha

1 message

Ashtami Khatri <ashtamikhatri88@gmail.com>

Fri, May 1, 2026 at 7:24 PM

To: csori@nic.in, Pankaj.malhan@jindalsteel.com, fesec.or@nic.in, pccf.hoff@odisha.gov.in, dm-angul@nic.in, dfoangul@gmail.com, msobb@rediffmail.com, roez.bsr-mef@nic.in, dirmines_odisha@rediffmail.com, dir.geology@orissaminerals.gov.in, ddm.talcher@orissaminerals.gov.in, rccfangul@gmail.com

Cc: sunil mathews <sjmathews@gmail.com>, Advocate Jyoti Rajput <advocatejyotirajput83@gmail.com>

Dear all,

Please find attached the copy of the **Rejoinders and Stay Application** filed in Original Application No. 61 of 2025 (EZ), **Satam Patnaik v. State of Odisha** by way of this advance service.

Next date of hearing is **05.05.2026**

Regards,






Adv. Ashtami Khatri

Supreme Court of India,

Tilak Marg, New Delhi - 110001

Phone no. - +91 9169943658

5 attachments

-  **Rejoinder State Respondents_OA 61_2025.pdf**
5542K
-  **Rejoinder_OA 61_2025 Respondent No. 7.pdf**
5399K
-  **IA for stay - Iron Slurry pipeline_Kaliakatta_compressed.pdf**
2603K
-  **Rejoinder_OA 61_2025 to Respondent No.2.pdf**
5525K
-  **Rejoinder_OA 61_2025 Respondent No. 8.pdf**
5460K