



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

**ORIGINAL APPLICATION NO.193 / 2025 / EZ**

In the matter of:

Soubhagya Patra                      ...                      Applicant

- Versus -

Odisha State Pollution Control Board.  
& Others                      ...                      Respondents

**COUNTER AFFIDAVIT FILED BY THE RESPONDENT NO.5**

I, Bibekananda Dash, aged about 53 years, S/o. Kirtan Bihari Dash, At- Sibanarayanpur Sasan, P.O.-Swampatna, P.S.-Patna, Dist. –Keonjhar, do hereby solemnly affirm and state as follows:

01. That, I am the Managing Partner of Suryavanshi Earth Moovers, having its Registration No.1044/2016 and its Office at Dhangarpada, P.S.-Town, Dist.-Keonjhar, Respondent No.5, looking after the aforesaid matter of the Respondent No.5 and as such I am authorized to swear this Affidavit for and on behalf of the Respondent No.5 in the present case.

02. That, I have gone through the aforesaid Original Application as well as the documents annexed thereto and understood the contents and purport thereof.



15.05.2026

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03. That, the averments made in Paragraphs- 1 and 2 of the aforesaid Original Application are formal in nature and based on materials available on record, hence needs no comments.

04. That, in reply to the averments in Para-3 , it is respectfully submitted that his aforesaid Company was granted a Lease of Balda Nailo Sand Quarry for a period of 5(Five) years, in accordance with the provisions of Odisha Minor Mineral Concession Rules, 2016 and after depositing the amount of royalty and other charges, carrying his Sand Quarry , pursuant to the Agreement, executed between the Parties and there is no violation of any Clauses and Conditions, laid down in the Environmental Clearance, in continuing with the illegal mining, out of the designated area.

05. That, in the reply to the averments made in Paragraph-5(A) and 5(B) of the aforesaid Application, your Deponent humbly says and submits that the present Respondent is carrying said Sand Mining, lying at Nanda Devi River, at Village-Balda under Kantapada Tahasil. According to the aforesaid Agreement, the Respondent -Company has/ had never indulged in illegal sand mining in river bed, beyond the designated area, which affects



A handwritten signature in blue ink, appearing to be 'A. S. Mishra'.

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livelihoods of residents, living in and around the area in any manner.

06. That, in reply to the averments made in Paragraphs-(C ) and (D) of the Original Application, it is respectfully submitted that as per Letter, dated 05.08.2021, issued by the State Level Environment Impact Assessment Authority, Odisha, Bhubaneswar (SEIAA), the present Respondent No.5 has been granted Environmental Clearance for a period of 5(Five)<sup>years</sup> for sand mining activities at Balda- Nailo Sand Quarry, lying at Devi River at Village-Balda, under Kantapada Tahasil, over an area of AC.12.00dec. or AC.4.85ha. Accordingly, as per the above-mentioned Letter, the present Respondent had been operating said Sand Quarry and also carrying out river bed sand mining manually by engaging local labourers in force to check over exploitation of sand at the source and as per earmarked, before the Rainy Season of 2022, in which the extraction of sand did not cross 2500 Cum. It is also pertinent to mention here that the conditions stipulated in Environmental Clearance was closely monitored on the ground by the Lease Granting Authority, i.e. the Tahasildar, Kantapada and the present Deponent also submits the Compliance Report to that effect.



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07. That, in reply to the averments made in Paragraphs-(D)(d) and (e), it is respectfully submitted here that the State Pollution Control Board, vide its Letter, dated 22.09.2022 and 01.10.2022 granted consent to the present Deponent to operate the said Sand Quarry with conditions, as stipulated in the said Letter. Accordingly, as per the consent Order, the present Deponent was operating the said Sand Quarry and the loaded vehicles were passing through the Village Road and also Trucks were not over-loaded with the sand and they were also properly covered with Tarpaulin and during such period, when the Complaint was received by the Authorities, regarding illegal and excess mining, a joint enquiry was conducted by a Team, on 17.12.2025, consisting of the Tahasildar, Kantapada, Mining Officer, Cuttack, A.D.M., Cuttack along with the present Applicant and Revenue Inspector of the Village, including some village gentries, were present during the visit of the Committee. A Committee during inspection, found that the sand quarry was not in operation. No machineries for excavation of sand and the vehicles for transportation of sand were found at the Quarry area. It is revealed from surrounding that no mining activities was started at the alleged Balda river sand bed after monsoon and the source was not in operation after 02.07.2025 at sand mining in the monsoon was suspended in Cuttack District by

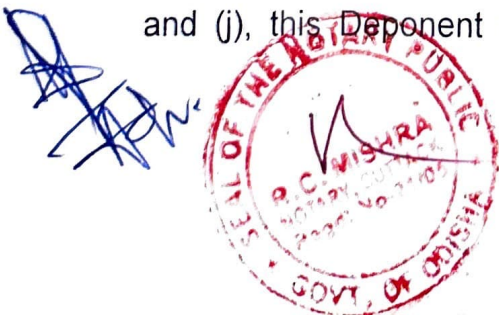


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the Mining Officer-Cum-Competent Authority, Minor Minerals, Cuttack District, vide its Letter No.2343, dated 02.07.2025.

08. That , in reply to the averments made in Paragraphs-(D)(f) and (g), it is further respectfully submitted that pursuant to Letter, dated 04.03.2023 issued by the Tahasildar, Kantapada, the present Respondent stopped operation of the Quarry and thereafter, vide Letter, dated 15.03.2023, the Tahasildar, Kantapada asked the present Respondent to deposit a sum of Rs.38,38,814/- , including the Royalty, and other charges and penalty as per O.M.M.C., 2016, owing to excess extraction of sand mining to that effect, the present Respondent deposited a sum of Rs.8,00,000/- before the Tahasildar, Kantapada and submitted his Show Cause/Application, regarding non-payment of Royalty and other charges, as because due to interference of local people and a Prohibitory Order, having passed to maintain the law and order situation and also non-operation of sand quarry. Subsequently, the present Respondent submitted representation before the Authority, i.e. Mining Officer, regarding penalty imposed on the Respondent-Sand Quarry.

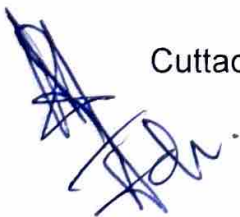
09. That, in reply to the averments made in Paragraphs-(D)(h) and (j), this Deponent further respectfully submits here that the



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Respondent-Sand quarry never flouted any Clauses and Conditions , laid down in Environmental Clearance, which impacts in the river flow velocity, discharge capacity, sediment transport capacity, that causing flood and affecting the lives of the Villagers and never transports the sand through vehicles by over-loaded or without covering them with Tarpaulin by causing air pollution in the locality.

10. That , the averments made in Paragraphs (D)(k), (m) (j) and (k), this Deponent further humbly says and submits that the present Applicant in ill and oblique motive, time and again had/ have submitting representations before the Authorities with allegations regarding transportation of sand at the night time, within the village road, causing pollution in the villages and the Authorities, as and when enquire into the matter through joint inspection, each and every time they found there is no excess excavation of sand mining, beyond the earmarked area, so far as exaction of excess sand is concerned, approximately 1000 Cum. of sand, have been used by the Respondent No.5 for construction of a road from Cuttack embankment side and the length of road is 700 meters and width is 10 meters for transporting the sand to Cuttack District.

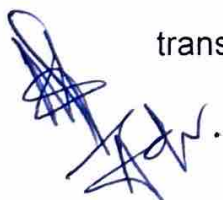


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11. That, in reply to the averments made in Paragraphs-(L), (M) and (N), this Deponent further humbly says and submits that as per report of the Mining Officer, a Truck had carried 16 Cum. of sand per Truck and for the period from 01.11.2024 to 17.01.2025 only 20 nos. of Trucks were transporting sand for two months. Thus, the allegation of the Applicant regarding excess number of Trucks are plying and engaged in illegally transporting the sand, i.e. more than 79 nos. of Trucks are plying, is false and fabricated.

12. That , in reply to the Para-6(A) of the Ground of the Original Application, it is respectfully submitted here that the vehicles of the Respondent No.5 are plying with loaded sand in the river embankment and in compliance with the Environmental Clearance Conditions and never creates any environmental hazards, including air and water pollution.

13. That , in response to Para-B of the Grounds, the Respondent No.5 has never operated the sand quarry, beyond the designated area, as mentioned in Clause-9(2) of Environmental Clearance and only some extent of land has been used for construction of road towards Cuttack side of the River, in order to transportation of the sand to the Cuttack District.



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14. That, in response to the Paras-(C) , (D) and (E) of the Grounds, this Deponent humbly says and submits that in said Sairat Source, no heavy multi-excel vehicles and equipments are being used, which was/is not permissible under Rules and Regulations and the road for the source, was using by the present Respondent, which does not create any danger and risk to the human beings and affects the embankment of the river, that causing flood and destroy the properties and lives of the villagers of the locality at large.

15. That, in response to the Paras-(F) and (G) of the Grounds, it is respectfully submitted that the Respondent-Sand Sairat never violates any guidelines issued by the Authorities from time to time and the sand mining of the Respondent No.5 has not influenced the shape of the river bed, that causes an adverse impact over the ecological balance.

16. That, the facts and averments/ assertions/ contentions, made in the Original Application, which have not been specifically admitted, are deemed to be denied.



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17. That, the Deponent reserves his right to supplement the above submissions as would be necessary for a just and expedient disposal of the above mentioned case for the interest of justice.

18. That, the contents of this Counter affidavit are to the best of my knowledge and belief, nothing has been concealed and all the statements are based on records, which I believe to be true and correct.

Identified by:

Advocate

Bibhananda Dash  
DEPONENT

**CERTIFICATE**

Certified that due to non-availability of cartridge, this Counter Affidavit has been typed on thick white papers.

CUTTACK,  
DT: 15.05.2026.

ADVOCATE  
(MITHUN DAS )  
ENRL.NO.O-1220/2007,  
MOB.NO.7978235131

solemnly affirm on In Oath by the Deponent  
at Cuttack on 15.5.26 being indicated  
by M Das  
Advocate/Adv's Clerk/S.G./S.G's of ~~the~~  
personally, that the facts stated above are  
true to the best of his/her knowledge.  
RAMA CHANDRA SHIRI, NOTARY  
CUTTACK TOWN

