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

INTERLOCUTORY APPLICATION NO. 16 OF 2026/EZ
IN
O.A. NO. 167 OF 2025/EZ

IN THE MATTER OF:
SATRUGHAN MEHER

...APPLICANT

-VERSUS-

STATE OF ODISHA & ORS.

...RESPONDENTS

INDEX

Sl. No.	Particulars	Annexure	Page No.
1.	AFFIDAVIT IN OPPOSITION ON BEHALF OF RESPONDENT NO. 9 to the IA		1 - 15

Date: 22 /05/2026

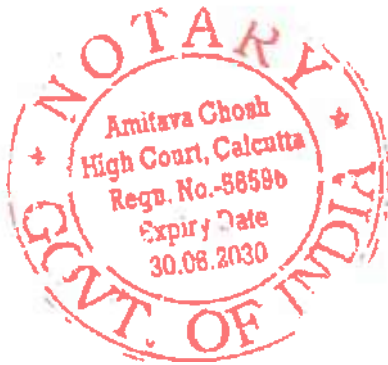
Place: Kolkata.

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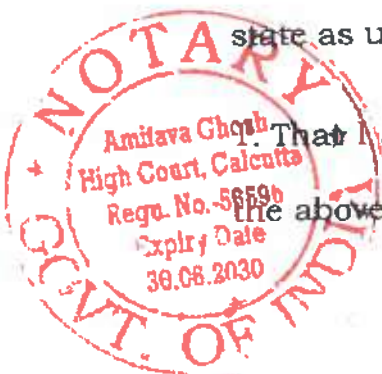
STATE OF ODISHA & ORS.

...RESPONDENTS

AFFIDAVIT IN OPPOSITION ON BEHALF OF RESPONDENT NO. 9 to the
IA no. 16 of 2026

I, Deepak Kumar Pathre, son of Binod Kumar Pathre, aged about 39 years, working as Authorised Representative of the Respondent No. 9, M/s. Orissa Metaliks Private Limited, having its address at 39, Shakespeare Sarani, Kolkata – 700 017 do hereby solemnly affirm and state as under:

That I am the Authorised Representative of the Respondent No. 9 in the above-mentioned matter and am duly authorised and competent to



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swear this affidavit on behalf of the Respondent No. 9. I am fully conversant with the facts and circumstances of the instant case and have access to all relevant records and documents pertaining to the present proceedings.

2. The deponent states that the Answering Respondent No. 9 has carefully read and examined the Interlocutory Application No. 16 of 2026 filed by the Applicant seeking to stop the construction work of the plant till the disposal of the Original Application No. 167 of 2025, and the Respondent No. 9 denies and disputes each and every allegation, contention, statement, and ground raised therein unless specifically admitted herein.

3. At the outset the respondent states and respectfully submits that the respondent has already filed an Interlocutory Application being IA No. 40 of 2026. 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 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



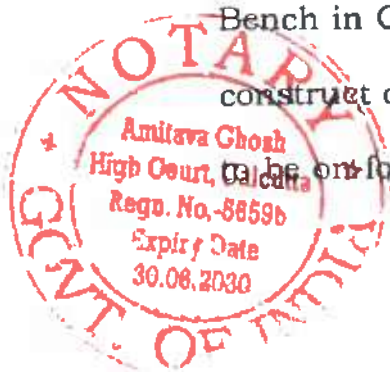
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Application were to be treated as an Appeal, the same is hopelessly barred by the mandatory period of limitation as prescribed under Section 16(h) of the said Act, having been filed far beyond the maximum permissible period of ninety days from the date of communication of the Environmental Clearance.

4. The Answering Respondent respectfully submits that the Respondent No. 9 has already filed a detailed Counter Affidavit dated 07.02.2026 in the main Original Application No. 167 of 2025, and the contents of the said Counter Affidavit are incorporated by reference and form part of this Affidavit in Opposition. The deponent reiterates and relies upon all submissions, factual averments, legal contentions, and documents already placed on record through the said Counter Affidavit.

5. The deponent denies the allegation that the Respondent No. 9 has illegally encroached upon forest land recorded under Khata No. 282, Plot Nos. 132, 138, 199, 202, 204, 205, 206, 381, 464, 466, 470, 472, 318, 300 of Mouza-Marakuta as stated in paragraph 2 of the Interlocutory Application. It is submitted that the Respondent No. 9 acquired the assets of the erstwhile M/s. MSP Metallics Limited on an "as is, where is, whatever there is" basis vide Order dated 11.07.2022 passed by the Hon'ble National Company Law Tribunal (NCLT), Kolkata Bench in CP (IB) No. 580/KB/2020, and the Respondent No. 9 did not construct or build any of the structures or units which are now alleged

to be on forest land. The said structures and units were commissioned



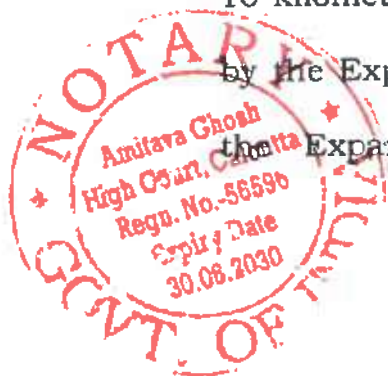
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and built by the erstwhile MSP Metallica Limited way back in the year 2006.

6. The deponent submits that the Respondent No. 9 had no knowledge of any alleged forest land involvement at the time of acquisition of the assets of MSP Metallica Limited through the NCLT route. Neither the Information Memorandum nor any other documents disclosed by the Resolution Professional revealed or disclosed any forest land comprising the said assets. The issuance of the Consent to Establish dated 24.08.2006 by the State Pollution Control Board, Odisha, raised an irrebuttable presumption for the acquirer that the necessary due-diligence including verification and approval of the plant's plan layout had been conducted by the competent authorities, and the same showed no forest land involvement.

7. The deponent denies the contention that the Environmental Clearance dated 01.10.2024 was obtained by suppressing the fact of involvement of forest land. It is submitted that the Divisional Forest Officer, Jharsuguda, issued a No Objection Certificate dated 01.02.2024 specifically stating that the proposed expansion project is not located on forest land and 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 was duly considered by the Expert Appraisal Committee and the MoEF&CC while granting

the Expansion Environmental Clearance dated 01.10.2024. The



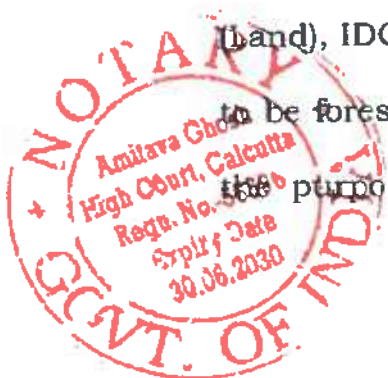
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relevant extract from the Environmental Clearance letter at Point No. 7(xii) categorically records the same. The Respondent No. 9 acted bona fide on the basis of the said NOC issued by the competent forest authority.

8. The deponent submits that the Applicant has grossly misrepresented the facts regarding the letter dated 05.11.2014 issued by the Divisional Forest Officer, Jharsuguda, to the Director of MSP Metallics Limited. It is submitted that the said letter pertains to the erstwhile MSP Metallics Limited, which was under a completely different management at that time, and the Respondent No. 9 cannot be held liable for any acts, omissions, or inactions of the erstwhile management which took place more than eight years prior to the acquisition of the assets by the Respondent No. 9. The Respondent No. 9 came into existence and acquired the assets only on 11.07.2022, and therefore any alleged non-compliance prior to that date cannot be visited upon the Respondent No. 9.

9. The deponent states that the Respondent No. 9 has been taking proactive steps for regularization of the alleged forest land issue ever since it became aware of the same in August 2025. The Respondent No. 9 addressed a letter dated 06.08.2025 to the Chief General Manager (Land), IDCO, seeking details of the land measuring 12.24 acres alleged

to be forest land while undertaking to abide by the applicable laws for the purpose of diversion of forest land. By letter dated 16.09.2025



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addressed to the Land Officer, IDCO, the Respondent No. 9 requested IDCO to take necessary action for making a Forest Clearance proposal for diversion of the 12.24 acres of Gramya Jungle Kisam land. Further, by letter dated 11.10.2025 addressed to the Divisional Forest Officer, Jharsuguda, the Respondent No. 9 submitted an application seeking ex-post facto approval for diversion of 4.953 hectares of Gramya Jungle Kisam land for non-forestry purposes under Section 2(ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The Divisional Forest Officer acknowledged the said application by letter dated 17.10.2025 and pointed out certain shortfalls, which the Respondent No. 9 is in the process of complying with.

10. The deponent submits that the present Interlocutory Application filed by the Applicant seeking to stop the construction work of the plant till the disposal of the Original Application is wholly misconceived and premature. The Respondent No. 9 is already in the process of regularizing the alleged forest land issue by seeking ex-post facto approval from the competent authority under the Van Sanrakshan Adhiniyam, 1980. The said process is pending consideration before the Divisional Forest Officer and the MoEF&CC. The Respondent No. 9 has filed filing a Writ Petition[©] 2447/2026 before Orissa High Court challenging the inaction on the part of the respondent authorities in not granting the said permission despite the of lapse of considerable time. It

respectfully submitted that given the facts and circumstances of the



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present matter, the project proponent should be given a reasonable opportunity to regularize the past infractions, particularly when the project proponent has come into possession of the assets through a resolution plan approved by the NCLT under the Insolvency and Bankruptcy Code, 2016. The deponent craves leave of this Hon'ble Tribunal to refer Writ Petition© 2447/2026 at the time of hearing.

11. The deponent denies the allegation that the MoEF&CC has admitted in its affidavit that the Environmental Clearance was obtained by suppressing the fact of involvement of forest land. No such affidavit of the MoEF&CC has been placed on record by the Applicant, and the Applicant has not disclosed any such document. The Respondent No. 9 has no knowledge of any such alleged affidavit. The photographs annexed as ANNEXURE-2 by the Applicant do not establish any illegal encroachment of forest land and do not show that the construction is being carried out on forest land. The Respondent No. 9 denies that any construction is being carried out on any forest land without prior approval. The allegations are argumentative and the respondent craves leave to make submission on the same at the time of hearing.

12. The deponent submits that the Applicant has relied upon the letter dated 21st March 2011 issued by the Ministry of Environment and Forests, which is annexed as ANNEXURE-3 to the Interlocutory Application. A perusal of the said letter shows that paragraph 4.4 of the Guidelines on the Forest (Conservation) Act, 1980, provides that if a



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project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given. The Respondent No. 9 submits that this paragraph has no application to the facts of the present case, because the Divisional Forest Officer, Jharsuguda, has certified vide NOC dated 01.02.2024 that the proposed expansion project is not located on forest land. The Respondent No. 9 has acted on the basis of the said certification by the competent forest authority.

13. The deponent denies the allegation that the Respondent No. 9 has started construction work on forest land in absence of approval under the Forest Conservation Act, 1980. The Respondent No. 9 submits that it has obtained all necessary clearances, including the Environmental Clearance dated 01.10.2024, the Transfer of Environmental Clearance dated 23.10.2023, and the Consent to Operate from the State Pollution Control Board, Odisha, which are valid and subsisting. The construction work being carried out by the Respondent No. 9 is strictly in accordance with the conditions stipulated in the Environmental Clearance and other statutory clearances. The Respondent No. 9 has not violated any condition of the Environmental Clearance.

14. The deponent submits that the Applicant has raised the issue of the collapse of the ash dump of the private respondent on 07.07.2025 and the consequent environmental damage, and has stated that OA No. 190

01.2025 is pending before this Hon'ble Tribunal. The Respondent No. 9



10

submits that the said OA No. 190 of 2025 is a separate proceeding dealing with a distinct cause of action, and the same cannot be invoked by the Applicant to seek interim relief in the present Original Application. The Respondent No. 9 denies any liability in connection with the alleged ash dump collapse, and the said matter is sub-judice before this Hon'ble Tribunal.

15. The deponent states that the Respondent No. 9 is protected by the Order dated 11.07.2022 passed by the Hon'ble National Company Law Tribunal, Kolkata Bench, in CP (IB) No. 580/KB/2020. Para 28 (Reliefs and Concessions – Section D of Resolution Plan), Sl. No. 15 of the said order categorically provides that neither the Resolution Applicant (OMPL) nor the Company (MSP Metalics Limited) shall be liable for any violations, liabilities, penalties or fines with respect to the Company not having in place requisite licenses and approvals or any non-compliances of Applicable Law by the Company. The said order further provides that 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 environmental laws and forest-related clearances, and to procure that the Company regularizes such non-compliances existing prior to the Effective Date. The said NCLT Order is binding upon all stakeholders, including governmental authorities, in

terms of Section 31(1) of the Insolvency and Bankruptcy Code, 2016.

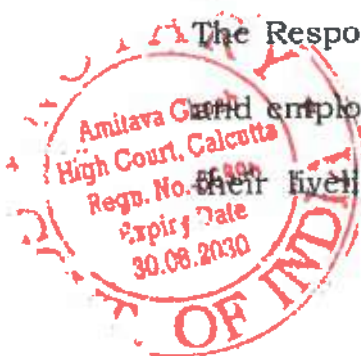


16. The deponent submits that the Applicant has willfully suppressed the fact that the Respondent No. 9 has already initiated the process of regularization and that the same is pending before the competent authorities. The Applicant has also suppressed the fact that the Divisional Forest Officer had issued an NOC dated 01.02.2024 stating that no forest land is involved in the expansion project. The Applicant has not approached this Hon'ble Tribunal with clean hands and has suppressed material facts, which itself is a ground for dismissal of the Interlocutory Application.

17. The deponent denies the allegation that the Respondent No. 9 has not filed any reply even after 136 days of issue of notice. It is submitted that the Respondent No. 9 has filed its Counter Affidavit dated 07.02.2026 in the main Original Application, which was within the time granted by this Hon'ble Tribunal. The Respondent No. 9 has also filed the present Affidavit in Opposition to the Interlocutory Application. There is no delay or default on the part of the Respondent No. 9.

18. The deponent submits that the balance of convenience is clearly in favor of the Respondent No. 9 and against the Applicant. The Respondent No. 9 has made substantial investments of several hundred crores of rupees in the Integrated Steel Plant and the expansion project.

The Respondent No. 9 is currently employing several hundred workers and employees who are dependent upon the operations of the plant for their livelihood. The plant is contributing to the production of steel,

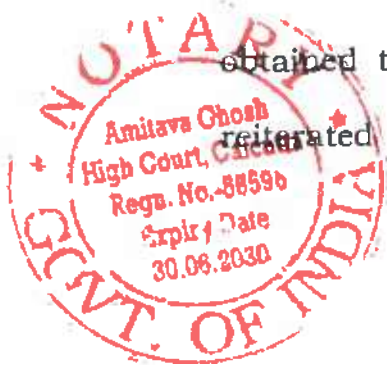


12

which is essential for the infrastructure and development needs of the country. The Respondent No. 9 has obtained all requisite clearances and is operating the plant in compliance with all environmental norms. If the construction work is stopped at this stage, the Respondent No. 9 will suffer irreparable loss and injury, and the expansion project will be delayed indefinitely, causing great prejudice to the Respondent No. 9 and the public at large.

19. The deponent submits that the Applicant has failed to make out any prima facie case for the grant of interim relief. The Applicant has not demonstrated that any irreversible environmental damage has been caused by the construction activities of the Respondent No. 9. The entire case of the Applicant is based on an alleged procedural non-compliance relating to forest land, which is in the process of being regularized by the Respondent No. 9 in accordance with the mandate contained in the NCLT Order dated 11.07.2022. The Applicant has also not demonstrated that the balance of convenience is in his favor or that he would suffer any irreparable injury if the interim relief is not granted. On the contrary, the grant of the interim relief would cause immense prejudice to the Respondent No. 9 and would render the expansion project infructuous.

20. The deponent denies the allegation that the Respondent No. 9 has obtained the Environmental Clearance by suppression of facts. It is reiterated that the Respondent No. 9 submitted the NOC dated



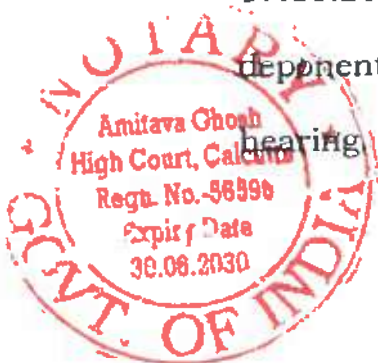
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01.02.2024 issued by the Divisional Forest Officer, Jharsuguda, which clearly stated that the proposed expansion project is not located on forest land. The Respondent No. 9 had no reason to believe otherwise. The Respondent No. 9 acted bona fide and in accordance with law.

21. The deponent 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, 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 Original Application and connected Interlocutory Application has been filed by the Applicant after an inordinate delay, and the same deserves to be dismissed on this ground alone with cost.

22. The deponent craves leave of this Hon'ble Tribunal to refer to and rely upon the documents already filed along with the Counter Affidavit dated 07.02.2026, including the NCLT Order dated 11.07.2022, the DFO NOC dated 01.02.2024, the Environmental Clearance dated 01.10.2024, the letters dated 06.08.2025, 16.09.2025, 11.10.2025, and 17.10.2025, and any other documents that may be filed hereafter. The deponent also craves leave to make oral submissions at the time of

hearing



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23. The deponent submits that the Interlocutory Application No. 16 of 2026 filed by the Applicant is devoid of any merit and is liable to be dismissed with costs. The Respondent No. 9 prays that this Hon'ble Tribunal may be pleased to dismiss the said Interlocutory Application and permit the Respondent No. 9 to continue with the process of regularization of the land in accordance with law.

24. The deponent states that the facts stated above are true and correct to the best of my knowledge and belief, no part of it is false, and nothing material has been concealed therefrom.

25. The statements made in paragraphs 1 to 24- of the foregoing petition are true to my knowledge and those contained in paragraph nos. 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.

For ORISSA METALIKS PVT. LTD.

Deepak Kumar Pathak
Authorised Signatory/Director
Deponent

Prepared in my Office
& Identified by me



Soma Dutta
Advocate

Before Me

Notary Public



solemnly Affirmed & Decided Before
me on Identification of I.d. Advocate

Amitava Ghosh
AMITAVA GHOSH
NOTARY, GOVT. OF INDIA
REGN NO. 56596
HIGH COURT, CALCUTTA

22 MAY 2026

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VERIFICATION

I, Deepak Kumar Pathre, son of Binod Kumar Pathre, aged about 39 years, working as Authorised Representative of the Respondent No. 9, M/s. Orissa Metaliks Private Limited, having its address at 39, Shakespeare Sarani, Kolkata - 700 017 :, do hereby solemnly verify that the contents of paragraphs 1 to 25 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.

For ORISSA METALIKS PVT. LTD.

Deepak Kumar Pathre
Authorised Signatory/Director

DEPONENT

Solemnly Affirmed & Declared Before
me on Identification of L.d. Advocate*A Ghosh*AMITAVA GHOSH
NOTARY, GOVT. OF INDIA
REGN NO. 56596
HIGH COURT, CALCUTTA

22 MAY 2026