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**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. – 126 OF 2026  
I.A No.- 71 OF 2026**

**IN THE MATTER OF**

Kailash Chandra Nayak ...Applicant

Versus

State of Odisha & Others ...Respondents

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PLACE: Bhubaneswar

*S.Pani*

*A.Padhy*

**DATE: 22/05/2026**

SANKAR PRASAD PANI

ASHUTOSH PADHY

ADVOCATE'S

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**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLAKATA**

Original Application No.- 126 /2026

I.A No.- \_\_\_\_ OF 2026

**IN THE MATTER OF:**

**Kailash Chandra Nayak, C/o- Chakradhara Nayak, At/Po-**

Nuadihi, PS- Sukinda, Dist- Jajpur, Odisha, 755018 ...

APPLICANT

**VERSUS**

1. **State of Odisha** represented by Chief Secretary, Government of Odisha, Lokaseva Bhawan, 751001 Bhubaneswar [csori@nic.in](mailto:csori@nic.in)
2. **District Collector, JAJPUR**, At/Po/Dist-JAJPUR, Odisha, 755001, [dm-jajpur@nic.in](mailto:dm-jajpur@nic.in)
3. **Divisional Forest Office**, Cuttack Forest Division, At/po- Balisahi, Government Press Employee Quarters, Cuttack, Odisha 753012, Email- [dfo.cuttack@odisha.gov.in](mailto:dfo.cuttack@odisha.gov.in)
4. **Member Secretary**, Odisha State Pollution Control Board A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha Email: [paribesh1@ospcb.org](mailto:paribesh1@ospcb.org)
5. Deputy Director of Mines, At/Po Jajpur Road, Dist-japur, Pin- 755019 Email:[ddm.jajpurroad@orissaminerals.gov.in](mailto:ddm.jajpurroad@orissaminerals.gov.in)
6. **Member Secretary, Central Pollution Control Board**, Parivesh Bhawan, East Arjun Nagar, Delhi -110032 Email: [mscb.cpcb@nic.in](mailto:mscb.cpcb@nic.in)
7. **UNION OF INDIA** Through the Secretary, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jorbagh New Delhi – 110003,Email- [secy-moef@nic.in](mailto:secy-moef@nic.in)
8. **Director General of Mine Safety**, Government of India, Dhanbad, Jharkhand [dgmsindia@gmail.com](mailto:dgmsindia@gmail.com)
9. **Regional Director, Central Ground Water Board**, South Eastern Region, Bhubaneswar Bhujal Bhawan, Khandagiri, Bhubaneswar, Email: [rdser-cgwb@nic.in](mailto:rdser-cgwb@nic.in)
10. **M/s Balasore alloys Ltd.**, Kaliapani Chromite Mine, represented



through its Agent Mines, At/Po- Kaliapani-755047, Dist- Jajpur.

## RESPONDENTS

### IA ON BEHALF OF APPLICANT FOR MODIFICATION OF ORDER DATED 19/05/2026

#### IT IS MOST RESPECTFULLY SHOWETH:

1. That the Original application No.- 126 of 2026 is being filed by the Applicant challenging the illegal and unscientific management of over Burden dumps by the private Respondent viz. **M/s Balasore Alloys Ltd.** Further the direct discharge of untreated runoff water to the Damsala nala and thereby contamination of Surface water and Ground Water with Hexavalent Chromium, a carcinogenic substance leading to health hazards in the locality.
2. That the Applicant has prayed for the following directions in the OA
  - A. That the Environment Clearance granted in favor of Respondent No.10 may be suspended till full compliance of all the conditions imposed in Environment Clearance letter.
  - B. Direct the Opposite Parties to remove the overburden material and allow free flow of natural streams and Restrain the Mines from discharging the mine water/run off water to the natural streams and nallas.
  - C. Direct the respondent No.10 to restore the damage caused to the agricultural land and water bodies due to overburden and other mining related activities of the Company Respondent.
  - D. Constitute an independent fact finding committee to assess the damages caused to the agricultural lands and streams/nallas because



of the obstruction, discharge of mine water and due to action of the Respondent No.10.

3. That the Original Application No.-126 of 2026 was listed on dated 19/05/2026 for admission and the Hon'ble Tribunal has passed the following order,

*"1. During the course of hearing, it is brought to our notice that the **similar matter is pending in O.A. No.110/2026/EZ.***

*2. Put up this matter on 19.08.2026 with O.A. No.110/2026/EZ."*

Copy of the Order dated 19/05/2026 passed in OA 126/2026 is annexed here unto as **ANNEXURE-1.**

4. It is submitted that in the Present OA the respondent industry is M/s **Balasore alloys Ltd** and the specific allegation are against the **Balasore alloys Ltd.**, so far the OA 110 of 2026 is concerned the same has been filed against two chromite mines of **Odisha Mining Corporation (OMC)** which is a separate industry and distinct from the present one.
5. That the commonality between the two OA is that the Applicant has relied upon the CGWA report wherein it is categorically stated the ground water and surface water is contaminated due to the chromite mining and industries. However there was no specific reference or liability of any industry/ mines that is polluting the ground and surface water of the region.
6. That apart from the CGWA report all other documents annexed with present OA No. 126 of 2026 is distinct from that of the OA No.-110 of 2026.
7. That the present Respondent unit has separate environmental clearance, consent to operate in its name and the pollution control board has also issued show cause notice separately in favor of the present Respondent Unit, hence the Present OA is distinct from OA 110/2026.

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8. It is further stated that either exoneration or penalizing the Respondent Company in OA 110 of 2026 will not exonerate or Penalized here, hence there is a need of separate proceedings as both the Respondent Units in OA 110 and 126 of 2026 are different.
9. In view of the aforementioned paragraphs it is clear that both the matters are not similar as both the matters are standing on their own footing, hence separate proceedings required.
10. In view of the aforementioned paragraphs the Applicant prays for modification of the order dated 19/05/2026 wherein the Hon'ble Tribunal has observed that both the matters are similar and further Hon'ble Tribunal may please to issue of Notice in the present OA and then after may be tagged with the OA 110/2026.

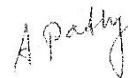
**PRAYER**

- A. That the Hon'ble Tribunal may please to modify the order dated 19/05/2026 to the extent that, *“During the course of hearing, it is brought to our notice that the **similar matter is pending in O.A. No.110/2026/EZ**”*
- B. Issue Notice to the Respondents in the present OA.
- C. Preponing of the OA 126 of 2026 for admission.

The Hon'ble Tribunal may pass any other order deems fit in the interest of justice

Applicant Through





ADVOCATE

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

ORIGINAL APPLICATION NO. -126 of 2026/EZ

IN THE MATTER OF:

KAILASH CHANDRA NAYAK

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT

22 MAY 2026

I, Kailash Chandra Nayak, C/o- Chakradhar Nayak, aged about- 48 years, At/Po- Nuadihi, Dist- Jajpur, Pin- 755018, Odisha do hereby solemnly affirm, and declare as under.

- 1. That I am the Applicant in the above mentioned Application and fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit
- 2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.

*Kailash chandra Nayak*

DEPONENT

VERIFICATION

Verified on this 22 MAY day of 2026 at M that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

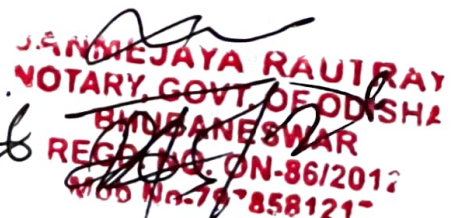
Identified By  
*Advocate*  
Advocate

*Kailash chandra Nayak*

DEPONENT



The above named deponent is being duly identified by Sri *[Signature]* Advocate, Bhubaneswar appears before me on 22 MAY 2026 at AM/PM and states on oath the contents of this affidavit are true to the best of his/her/their knowledge and belief.



Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.126/2026/EZ

Kailash Chandra Nayak

Applicant

Versus

State of Odisha and Ors.

Respondents

Date of hearing: 19.05.2026

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Applicant: Mr. Sankar Prasad Pani and Mr. Ashutosh Padhy,  
Advocates for the applicant (through VC).

**ORDER**

1. During the course of hearing, it is brought to our notice that the similar matter is pending in O.A. No.110/2026/EZ.
2. Put up this matter on 19.08.2026 with O.A. No.110/2026/EZ.

Sheo Kumar Singh, JM

Ishwar Singh, EM

May 19<sup>th</sup>, 2026  
MN