

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.21 OF 2026 / EZ**

Mrutyunjay Pradhan

...Applicant

VERSUS

State of Odisha & Others.

...Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	1-6
2.	Photocopy of the inspection report carried out on dtd.22.05.2026. (ANNEXURE – R3/1)	7-9
3.	Photocopy of the letter No.574 dtd.03.07.2025. (ANNEXURE – R3/2)	10
4.	Photocopy of the letter No.1772 dtd.16.03.2026 of the Tahasildar, Patnagarh. (ANNEXURE – R3/3)	11

By the Respondent No.3

Through

Kolkata
Date:

Sri Dipanjan Ghosh,
Advocates for the Respondent No.3
(State Pollution Control Board, Odisha)
e-mail: dpnjnghsh0@gmail.com
Phone No.:990308097

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

ORIGINAL APPLICATION NO.21 OF 2026 / EZ

17 JUN 2026

Mrutyunjay Pradhan ...Applicant

VERSUS

State of Odisha & Others. ...Respondents

**AFFIDAVIT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA,
R.NO.3.**

I, Dr. Manoj V. Nair, IFS, son of N. Vasudevan Nair aged around 52 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.3 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.



2. That this OA has been filed challenging the illegal lifting of soil / earth by the private respondent from Mouza-Ganga Sagar, Tahasil-Patnagarh, Dist-Bolangir without having valid environmental clearance and permission from the competent authority.
3. That in order to verify the allegation raised in the OA, Sri Swagat Anand Patel, Asst. Environmental Scientist, Regional Office, Bolangir of the R-3 Board has carried out inspection of the site on dtd.22.05.2026 and found that excavation of soil / earth has been done at Ganga Sagar, Tahasil-Patnagarh, Dist-Bolangir (latitude-20.697155N, longitude - 83.102395E) for which the Tahasildar, Patnagarh has issued a demand notice in favour of Smt. Nirmla Meher, W/o-Krushna Chandra Meher, Patnagarh, Bolangir to deposit penalty amount of Rs.29,67,030/- for unauthorised lifting of 148550 Cum. of soil. However, on the day of inspection, no activity was going on at the site and it was observed that pillar posting has been done along the periphery of the excavated site. The report further reveals that no application for excavation of soil from the alleged site has



been made before the Regional Office, Bolangir of the R-3 Board nor any consent / permission has been obtained from the R-3 Board for excavation of the soil. Copy of the inspection report carried out on dtd.22.05.2026 is annexed to this affidavit and marked as **ANNEXURE - R3/1.**

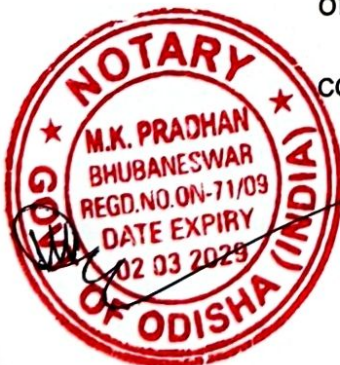
4. That the Mining Officer, Bolangir vide his letter No.574 dtd.03.07.2025 has requested the Tahasildar, Patnagarh to direct the violator to deposit the penalty under the head of Odisha Minor Mineral Concession Rules. A copy of letter No.574 dtd.03.07.2025 is annexed to this affidavit and marked as **ANNEXURE - R3/2.**
5. That it is further humbly submitted that the letter No.1772 dtd.16.03.2026 issued by the Tahasildar, Patnagarh to the Mining Officer, Bolangir reveals that the demand notice amounting to Rs. Rs.29,67,030/- against Smt. Nirmala Meher for recovery of the penalty amount could not be served as Smt. Meher has already expired and the legal heir refused to receive the notice. A copy of letter No.1772 dtd.16.03.2026 of the Tahasildar,



Patnagarh is annexed to this affidavit and marked as

ANNEXURE - R3/3.

6. That it is humbly submitted that the Tahasildar, Patnagarh has issued notice to the legal heir of the R-7 to deposit the penalty amount within 7 days failing which step will be taken for initiation of action under the provisions of the Odisha Public Demand Recovery Act without further notice.
7. That the Respondent No.3 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.
8. That the Annexures annexed to the present affidavit are true and correct copies of their originals.
9. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.



DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-112009
PH-9437627119 (M)

[Signature]
17/06/26

VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 17th day of June, 2026.

SWORN BEFORE ME

[Signature]

DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-112009
PH-9437627119 (M)

[Signature]
17/06/26

Inspection Report in the matter of OA No. 21/2026/EZ – Mrutyunjay Pradhan vs. State of Odisha

In connection to the order dated 12.02.2026 passed by the Hon'ble National Green Tribunal, Eastern Zonal Bench, Kolkata in the original application no. 21/2026/EZ – Mrutyunjay Pradhan Vrs. State of Odisha & Others the site in question was inspected on 22.05.2026.

About the site: -

- As per the letter no. 574 dtd. 03.07.2025 of Mining Officer(I/c.), Balangir Circle, Balangir soil lifting has been done in an unauthorized manner at Gangasagar, At Plot No. 65,66,67, 67/1491, 73, 1255/1494, 42 and approximately 14850 CuM./Annum has been lifted from the site. Mining Officer has calculated the penalty amount to be Rs. 29.67,030/-.
- As per letter no. 3612 dtd. 05.07.2025 of Tahsildar, Patnagarh, Smt. Nirmala Meher, W/o-Krushna Chandra Meher, Patnagarh, Dist-Balangir was directed to deposit penalty amount of Rs. 29.67,030/- for unauthorized lifting of 14850CuM. of soil from Mouza: Gangasagar, Tah: Patnagarh, Dist.: Balangir.

The observations made during the day of inspection are as follows:-

1. It was observed during the day of inspection that the excavation of soil/earth has been done At-Gangasagar, Tah-Patnagarh, Dist.- Balangir. (Latitude – 20.697155, Longitude – 83.102395).
2. During the day of inspection, no activity was going on at the site. It was observed that pillar posting has been done along the periphery of the excavated site.
3. The area is approximately 1.5 Acres and the depth of the excavation site is approximately 1.2 meter. This office has not received any application for excavation of soil from the site and consent or permission has been obtained from this office for excavation of soil from the aforementioned site.

The photographs taken during the day of inspection are given as Annexure-I.

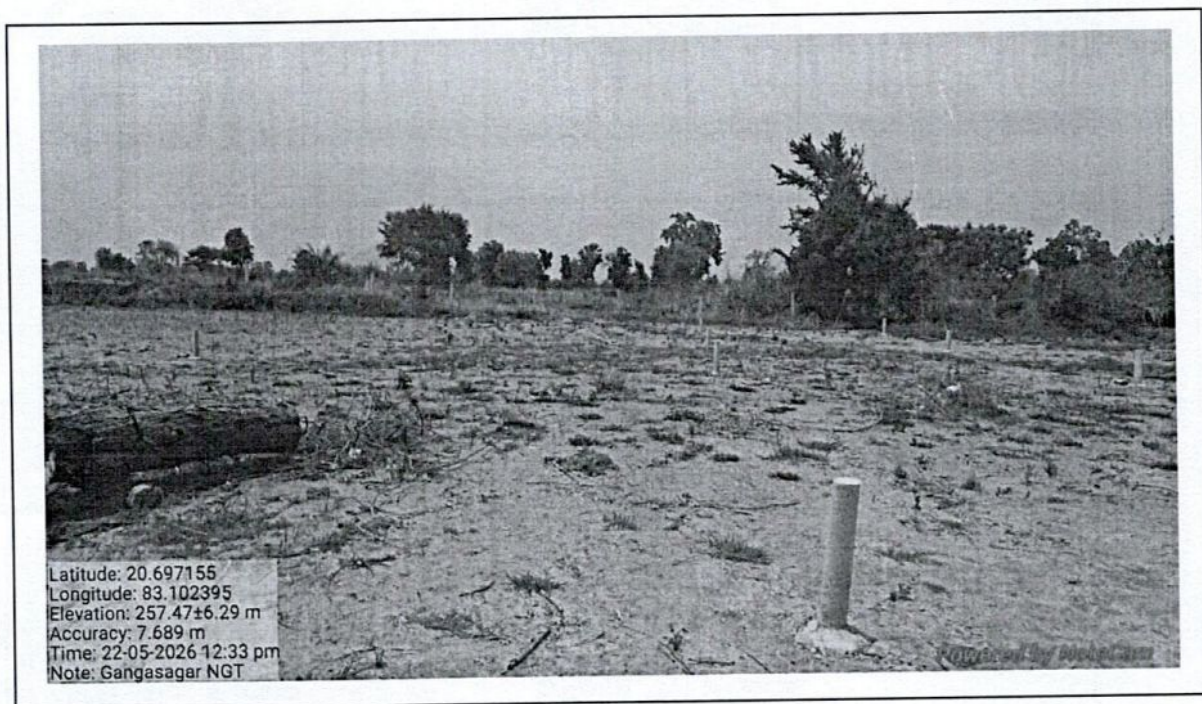
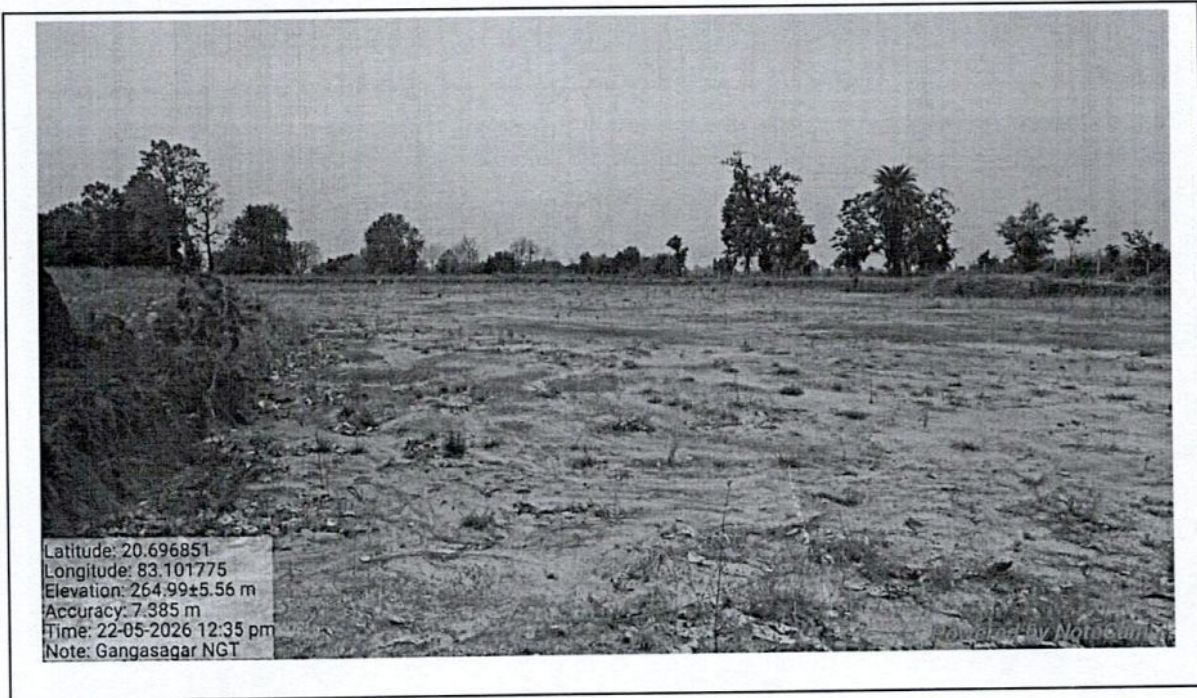
Recommendations

In view of the above a suitable direction may be given to the landholder for extraction of soil/earth without obtaining necessary clearances and permission from the competent authority and from the Board.

Swagat Anand Patel
Asst. Env.Scientist
S.P.C. Board, Balangir

Annexure - I





Office of the Mining Officer (Minor Mineral), Balangir Circle, Balangir

AT/PO-Rajendra College Chowk road, Balangir, Pin-767002, Odisha.

EmailId:- mo.bolangir@orissaminerals.gov.in/miningofficebolangir@gmail.com

Letter No. 574 /Mines

Dt. 03/07/2025

To:

Tahsildar, Patnagarh
Patnagarh, Odisha

Subject: Intimation Regarding Janasunani Petition for Illegal Soil Lifting at Gangasagar.

Ref: Janasunani Grievance Petition No.: DEPT2025112472

Sir,

This is to bring to your notice that a Janasunani petition has been filed by Mr. Pradhan regarding the illegal lifting of soil at Gangasagar, Plot No: 65,66,67,67/1491,73,1255/1494, 42. As per the joint verification conducted on 19.06.2025, it has been found that approximately 14,850 cubic meters (CUM) of soil has been lifted in an unauthorized manner.

As per the provisions of the S&M Notification No.9238/SM, Bhubaneswar, Dated 25/10/2024, the penalty for such unauthorized lifting is to be calculated based on the latest Schedule of Rates (SoR) published by the Works Department, which is Rs. 60 per cubic meter. Accordingly, the total penalty amount for the unauthorized lifting of 14,850 CUM of soil is calculated as follows:

Penalty Calculation:

Quantity Lifted: 14,850 CUM

Rate as per SoR: Rs. 60/CUM


Total Penalty: $14,850 \times 60 = \text{Rs. } 891000.00$

Compensation amount @ 3.33 times = Rs. 29,67,030.00

The above penalty amount of Rs. 29,67,030.00 (Rupees Twenty-Nine Lakh Sixty-Seven Thousand Thirty only) is to be deposited in the IFMS Treasury Account No. "0853-00-102-0217-02021-000" under the head "Odisha Minor Mineral Concession Rules."

You are requested to take necessary action to ensure compliance and inform the concerned parties to deposit the penalty amount in the aforementioned treasury account at the earliest. This is for favour of your kind information and necessary action.

Yours faithfully,


Mining Officer, Balangir
Mining Officer (I/c)
Minor Minerals
Balangir

Received
Patnagarh
05/07/2025



OFFICE OF THE TAHASILDAR, PATNAGARH

Letter No. 1772/Touzi Date 16.03.26

To

The Mining Officer, Balangir

Sub:- Intimation regarding imposition of penalty of Rs. 29,67,030/- against Smt Nirmala Meher and refusal to receive notice by her legal heir-reg.

Ref:- Yours office letter No574 dated 03.07.2025.

Sir,

With reference to the subject cited above, I am to inform you that the joint enforcement team during field verification detected unauthorized extraction/ transportation of minor minerals imposed a penalty amounting Rs. 29,67,030/- against Smt Nirmala Meher. Accordingly, a demand notice was issued from this office for recovery of the said penalty amount. However, while serving the notice, the legal heir of late smt Nirmala Meher refused to received the notice.

Further, her legal heir have also filed grievance petition stating that they are unknown to the case and denying any connection with the matter.

In view of the above facts and circumstances, the matter is hereby brought to your kind notice for favour of kind information and necessary action.

Yours faithfully


Tahasildar, Patnagarh

Memo No 1773 Date 16.03.26

Copy submitted to the Additional District Magistrate, Balangir for favour of kind information and necessary action.


Tahasildar, Patnagarh

Memo No 1774 Date 16.03.26

Copy submitted to the Sub-Collector, Patnagarh for favour of kind information and necessary action.


Tahasildar, Patnagarh