

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

APPEAL NO .- 9 OF 2024

IN THE MATTER OF:

CHITTA RANJAN MAHANTA & OTHERS APPELLANTS

VERSUS

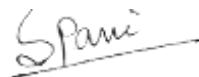
UNION OF INDIA AND OTHERS ... RESPONDENTS

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UNION OF INDIA AND OTHERS ... RESPONDENTS

**COMPOSITE REJOINDER AFFIDAVIT ON BEHALF OF
APPELLANTS**

It is Most Respectfully Showeth

1. That the Respondent No.-9 on dated 05/01/2026 filed its response to the appeal filed by Appellants. That in response to the paragraph No. 5-8 of the affidavit dated 05/01/2026 filed by Respondent No.-9 it is most humbly submitted that, The contention of Respondent No. 9 that the allegations of falsification of baseline data are "arbitrary, baseless and inappropriate" is strongly denied. The mere fact that the project was reviewed by the Expert Appraisal Committee (EAC) or a Joint Committee does not automatically cure fundamental, scientifically flawed data or structural misrepresentations presented by the consultant (Respondent No. 9) in the EIA report.
2. Further the statutory requirement of an EIA is to provide true,



accurate, and unmanipulated data to enable regulatory bodies to apply their minds. If the foundational baseline data supplied by Respondent No. 9 is inherently flawed or engineered, **the subsequent clearances granted on its basis are void and legally unsustainable.**

3. That in response to the paragraph No. 10-11 of the affidavit dated 05/01/2026 filed by Respondent No.-9 it is most humbly submitted that, the Respondent's plea that changing the direction of surrounding industries from "North-West (NW)" to "South-East (SE)" between the Draft and Final EIA was a mere "typographical error" is a blatant attempt to trivialize severe factual deviations. Such directional shifts completely alter the air quality dispersion modeling and cumulative impact assessments for surrounding downwind habitations.
4. Furthermore, the exclusion of Sri Hari Sponge Iron Limited on the pretext that it sits exactly on the "10 km circumference line" demonstrates a **deliberate attempt to minimize the cumulative industrial pollution load in the buffer zone.** Splitting hairs over micro-distances to exclude major polluting red-category industries invalidates the integrity of the cumulative impact assessment.
5. That in response to the paragraph No. 12 of the affidavit dated 05/01/2026 filed by Respondent No.-9 it is most humbly submitted that, The Respondent admits that NH-143 was erroneously recorded as NH-149 in Chapter 1 of the Final EIA, dismissing it again as a "typographical error."
6. Further the Appellants reiterate that quoting strictly "aerial distances" instead of actual ground/road transport routes for logistically heavy projects (such as an Iron Ore Beneficiation and Pelletization plant)

misleads the authorities regarding the actual traffic congestion, carbon footprint, and wear-and-tear on rural arterial roads connecting to national infrastructure.

7. That in response to the paragraph No. 13&14 of the affidavit dated 05/01/2026 filed by Respondent No.-9 it is most humbly submitted that, While Respondent No. 9 claims that Badbahal village was included in baseline tables (Table 3.4/3.9), **it admits that it was completely omitted from Page 3 of Chapter 1 of the Final EIA.**
8. Further, Pattajharan village is located a mere 0.2 km (North-East) from the project site. Minimizing its importance by calling it a "small village" or assuming it is abstractly covered in a mathematical "1000 m grid model" ignores the acute, localized fugitive dust and ambient noise impacts that **the residents will suffer daily.**
9. That in response to the paragraph No. 15 of the affidavit dated 05/01/2026 filed by Respondent No.-9 it is most humbly submitted that, The Respondent admits that traffic monitoring was not carried out at the project's primary gateway (Location-1) because there was "hardly any traffic." Instead, they shifted the location near Tikayatpali Primary School to capture data.
10. Further By choosing a different location with high localized activity to register **6,840 PCUs/day** (dominated by 2-wheelers and light vehicles), the **Respondent artificially inflated the baseline traffic capacity.** This was intentionally done to make the additional heavy commercial vehicle (HMV) traffic from the proposed project appear to have a negligible impact on the existing infrastructure.
11. It is further submitted that the proposed expansion to a "two-lane

road" is completely speculative, dependent on future approvals from the District Administration and Forest Department, and involves heavy tree felling that has not been accounted for under a valid forest clearance or cumulative environmental footprint analysis.

12. That in response to the paragraph No. 15 of the affidavit dated 05/01/2026 filed by Respondent No.-16 it is most humbly submitted that, The Respondent claims that listing the AAQ and Noise testing reporting date as 07.01.2021 instead of 07.01.2022 is an oversight. **This shows a systemic pattern of careless reporting or the recycling of old data from previous, unrelated projects.**

13. Further the Respondent admits that samples were transported 273 km away to their laboratory in Bhubaneswar. While they claim to have used an in-house validated "delayed incubation method" up to 72 hours under IS 1622:1981, biological water samples for coliform are highly sensitive to thermal degradation. **Holding samples across such distances without independent third-party verification compromises the biological baseline data of local water bodies.**

14. It is most humbly submitted that the reporting of Phenolic compounds as 0.02 mg/L against an acceptable standard of 0.001 mg/L cannot be brushed aside as a typographical error for "<0.001 mg/L." It represents a twenty-fold increase over the permissible human safety limits. Regulatory authorities cannot make health-impact decisions based on reports where critical chemical toxicity levels are claimed to be typos after the fact.

15. It is not out of place to mention here that the high Dissolved Oxygen (DO) readings (7.8 mg/L and 7.6 mg/L) are defended using



environmental turbulence and winter conditions. However, the **Respondent fails to reconcile these hyper-oxygenated states with the corresponding organic pollution loads and the real-time discharge parameters of the local streams.**

16. The Expert Appraisal Committee (EAC) overlooked that the initial project proposal was explicitly **deferred in its 49th meeting** due to severe information gaps. Critical clearances, including the **Wildlife Conservation Plan** and formal execution of water allocations with the Department of Water Resources, remained deficient at the time of preliminary scoping
17. The public hearing proceedings directly noted core community grievances regarding baseline health impacts, lack of ambulance infrastructure, and regional peripheral development. During the 49th EAC meeting, the committee explicitly held that **the PP's action plan was insufficient**. The subsequent "satisfactory" classification in the 51st meeting was mechanical and lacked independent ground-level validation
18. That Granting clearance based on a self-serving **unilateral undertaking** by the Project Proponent defeats the precautionary principle . Prior judicial declarations and site realities indicate that preliminary work, including unauthorized tree felling, was initiated before obtaining the final EC, which legally qualifies this project as a violation case under the Environment (Protection) Act, 1986 and should have been treated under violation category.
19. That the Environment Clearance Is liable to be quashed for the reason

I. Flawed Assessment of Cumulative Environmental Impact:



The project area in Lahunipara Tehsil, Sundergarh District, is ecologically sensitive and already burdened with high mineral dust pollution. The EIA report fundamentally failed to model the cumulative carrying capacity of the region.

II. Mechanical Approval Process: The EAC rushed to recommend the project during the 51st meeting held between January 2nd–4th, 2024, without verifying if the strict directives from the 49th meeting were physically implemented on-site.

III. Violation of the Precautionary Principle: By relying entirely on paper submissions and a digital portal undertaking, Respondent No. 1 has ignored its statutory duty to protect local forest ecosystems, water resources, and tribal livelihoods

20. The DM affidavit completely ignores the immediate local periphery. That the **Kukia Reserve Forest is barely 160 metres** and the **Purunapani Protected Forest is just 200 metres** away from the project site. Heavy iron-ore dust will permanently devastate these contiguous ecosystems.

21. That Local stakeholder testimonies explicitly confirm that **endangered elephants and wild boars heavily frequent these forests**. Official records acknowledge past crop damage cases in Kapanda and Nuagaon villages. Setting up an industrial plant here disrupts critical natural wildlife habitats

22. That, Substituting actual environmental conservation with a monetary transaction is a clear **violation of the Precautionary Principle** (and Compensatory afforestation on paper cannot immediately restore the micro-climate or the lost bio-canopy density of the region

23. **There is Irreversible Threats to Water Bodies** as the plant demands a massive water allocation of **1,180 m³/day from the Brahmani River**, located a mere 1.6 km to 2.0 km away. Any toxic discharge or industrial run-off threatens to directly pollute the river system and destroy groundwater tables relied upon by the tribal villages
24. This institutional silence of Biodiversity Board highlights a significant flaw in the project's appraisal. The Project Proponent's site contains threatened **Schedule-I species (Elephant, Leopard, Sloth Bear, Python)** within its immediate study radius. The board's failure to independently evaluate these risks violates its core conservation advisory mandate
25. The impact of raw material dust from a 1.5 MTPA iron-ore plant directly challenges local biodiversity by settling on plant leaves. Section 23 of the Biological Diversity Act empowers the Board to advise the State Government on biodiversity conservation. It cannot delegate its oversight duties during critical environmental litigation. Under Section 23 of the Biological Diversity Act, the Board is explicitly responsible for advising on the sustainable use and conservation of biological resources.. Because the project site sits inside a critical zone populated by Schedule-I species , OBB's technical input is necessary for an effective adjudication . Official records confirm that **1,500 trees have already been felled** at the site, with thousands more marked for clear-cutting.. This rapid destruction of the local canopy directly triggers the board's regulatory mandate over bio-surveys and bio-utilization; Further, the Biodiversity Impact Assessment is essential and same can not be done without constituting the Biodiversity Management Committee and People Biodiversity Register which has not been done by the Board. As such the OBB also

filed a false affidavit before NGT claiming all the BMC have been constituted and PBRs have been prepared. It is pertinent to mention that the same biodiversity board has made a false statement before NGT Principal Bench in O.A.No.347 of 2016 in the matter of **Chandra Bhal Singh Vrs-Union of India & Others on dated 02/12/2020** in its final report in compliance affidavit. In the same affidavit in ParaNo.4 **the board has stated they have completed 100% of the PBR** but in the present case to the knowledge of the applicant no such PBR is in place.

26. That the consultant(R-8) Shifting an entire geographic layout by 180 degrees goes beyond a simple typing error. It indicates a systematic failure to model air pollution. Artificially excluding major polluting units like Sri Hari Sponge Iron Limited on a technicality masks the true regional pollution levels. This defeats the baseline criteria set out in the Terms of Reference (ToR). Similarly, Misidentifying National Highway 143—the primary heavy transport corridor for this industrial plant—as NH 149 shows a clear lack of on-site verification. Using purely aerial distances hides the true ground realities of traffic congestion, accidents, and dust emissions along the actual transport roads. **Respondent No. 9 admits that Badbahal village was left out of key sections of the Final EIA . This village sits just 0.41 km South-East (Downwind) from the project site .** Omitting a frontline human settlement right in the path of the prevailing wind, downplays the direct health impacts on the local community
27. That Moving the traffic monitoring point away from the project site to a primary school miles away artificially changes the baseline traffic data. Recording **6,840 PCUs/day** near a village school and passing it off as the project area baseline distorts the traffic safety model for

children and residents.

28. That, Transporting sensitive environmental water samples across **273 kilometres** leads to biological degradation. Relying on "delayed incubation" protocols to explain away baseline water parameters violates the Precautionary Principle. This is especially critical given the plant's massive scale and its close proximity to local water systems

29. That there are Critical Deficiencies and Structural Failures of the EIA Report such as

I. Pattern of Systematic Defense via "Typographical Errors":

Respondent No. 9 repeats the phrase "typographical error" to explain away major flaws across different sections, including project directions , national highway names , traffic datasets , analysis dates and chemical reporting values . A regulatory document meant to protect public health cannot be built on a chain of clerical mistakes.

II. Active Downplaying of Ecological Sensitivity: By shifting traffic baselines and omitting immediate downwind human receptors like Badbahal village from core text sheets, the consultant has generated a compromised data landscape. This misled the Expert Appraisal Committee (EAC) into recommending an industrial project in a high-risk zone .

30. Issues Not addressed by the Respondents raised in the Appeal

A. Official correspondence from the DFO Rourkela dated 11.11.2020 explicitly noted that the site acts as an active **elephant movement**

pathway and hosts a dense population of **Schedule-I and Schedule-II species**, including Leopards, Pythons, Peacocks, Wild Boars, and Barking Deer . In the official *Wildlife Conservation Plan* uploaded to the PARIVESH Portal to clear the EC, the PP completely **excluded all mention of Schedule-I fauna** (elephants, leopards, and peacocks) . The Ministry of Environment, Forest and Climate Change (MoEF&CC) and the Expert Appraisal Committee (EAC) accepted this sanitised document without addressing the obvious conflict with their own local division's wildlife tracking records amounting **Suppression of Endangered Schedule-I Wildlife Data**

B. Failure to Assess Regional Cumulative Carrying Capacity: The Bonaigarh subdivision already operates a heavy industrial cluster of **12 sponge iron plants within a strict 10 km radius** of the project site . These units collectively extract massive volumes of water from the Brahmani River, bringing the local table to the verge of permanent depletion and triggering severe air pollution. Neither the SPCB, MoEF&CC, nor the consultant conducted a multi-disciplinary **Regional Cumulative Impact Assessment or Carrying Capacity Study** . They failed to address how adding a new 1.5 MTPA iron ore beneficiation and pelletization plant would impact the already over-burdened local ecosystem .

C. Mechanical Dismissal of Readily Available Alternative Barren Sites: The Appellants brought clear evidence from the Industrial Development Corporation of Odisha (IDCO) database showing **572 acres of barren land immediately available for allotment and 1,517 acres reserved for industrial use** within the Sundergarh district's land bank . The respondents failed to address why pristine, bio-diverse virgin forest land was selected and cleared when extensive industrial

land banks were readily available nearby.. They offered no legal or logistical justification for skipping alternative sites .

D. Violations of Siting Criteria Regulating Proximity to Human Settlements: The Siting rules prohibit placing Category "A" industrial complexes next to dense tribal hamlets . **Badbahal Village sits just 400 metres South-East** (directly downwind) and **Fatajharan Village is located within 200 metres** of the industrial plot boundary. The Project Proponent completely omitted these immediate human settlements from the Pre-Feasibility Report (PFR), Form 1, and initial EC filings . The environmental consultant (Respondent No. 9) later brushed this aside as a typographical error, without addressing the long-term toxic dust and public health impacts on these nearby populations

E. State-Sponsored Exclusion and Police Violence During Public Consultation: That On the day of the mandatory Public Hearing (24.05.2022), the venue gate was locked against the local tribal villagers . The local police force actively blocked access paths, using physical force and detaining opposing community members in distant police stations . Meanwhile, the company used hired transport to fill the limited indoor seats with paid supporters hours before the meeting started . The State Pollution Control Board (SPCB) and the District Administration accepted the minutes of this highly compromised meeting as a valid, fair public consultation .They failed to investigate or address the widely documented police violence, the exclusion of local stakeholders, or the formal grievances emailed to the Sundergarh Collector on the day of the event .

F. The Appellants established that the land in question qualifies as a "deemed forest" under the dictionary meaning mandated by the Hon'ble Supreme Court in the landmark **T.N. Godavarman and Lafarge Umiam Mining** judgments. The Rourkela Forest Division's own historic records showed active forestation on this patch, including **25 hectares under CAMPA OWP (2015-16)** and **100 hectares under CAMPA ANR with Gap Plantation (2018-19)** . The area maintains a dense canopy cover ranging from 40% to 70%. Without considering the land details, and the approval under FC Act, the project could not have been appraised for grant of EC. The District Collector (Respondent No. 4) and the PP mechanical dismissed the land as barren, un-demarcated *Patita* (waste) land simply because of its layout in antiquated revenue charts . They failed to address how a highly polluting industrial unit could legally dismantle an active, government-funded conservation zone without obtaining a formal **Forest Clearance (FC)** under the Forest (Conservation) Act).

In view of the aforementioned paras the Honble Tribunal may be pleased to pass appropriate orders including quashing of the impugned Environment Clearance

APPELLANTS THROUGH



ADVOCATE



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

APPEAL NO- 09 OF 2024

BEFORE SRI D. MAHANTA
NOTARY, LAHUNIPARA

IN THE MATTER OF:

CHITTARANJAN MAHANTA & OTHERS APPELLANTS

VERSUS

UNION OF INDIA AND OTHERS ...

RESPONDENTS

Affidavit

I, Chittaranjan Mahanta S/O- Mahendra Mahanta Aged about 43 years are residents of At/Po-Kapanda, PS-Lahunipara, Dist - Sundargarh, Odisha, Pin - 770040, hereby solemnly affirm, and declare as under

1. That I am the one of the Appellant in the abovementioned appeal and authorised by the other applicants to swear this affidavit
2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
3. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction

Chittaranjan Mahanta

DEPONENT

VERIFICATION

Verified on this the ..7th...Day of July 2026 at Bonai..... 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.

Chittaranjan Mahanta

DEPONENT

Identified By
ADVOCATE

21/7/2026

L.NO.. 1013..DI. 7/7/2026
Solemnly affirmed & declared
before me on Identification
by Chittaranjan Mahanta
Advocate, Bonai

Sri D. Mahanta
Notary, Lahunipara



Sankar Pani <sankarprasadpani@gmail.com>

REJOINDER AFFIDAVIT ONBEHALF OF APPELLANT IN APPEAL NO.9 OF 2024, EZ.

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Tue, Jul 7, 2026 at 6:08 PM

To: Anamika Pandey <legumjure@gmail.com>, Satyabrata Mohanty <mohanty12satyabrata@gmail.com>, shakti panda <sppanda13@gmail.com>, "Adv. Uttkarsh Patel" <pateluttkarsh96@gmail.com>, Pronoy Mohanty <pronoymohanty@gmail.com>, 0501priyanka@gmail.com

Dear Sir/Madam, please find the attachment.

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