

BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE AT KOLKATA
MEMORANDUM OF INTERLOCUTORY APPLICATION
(Under Sections 16(e) read with 18(1) of the National Green Tribunal
Act, 2010)

I.A. No. 87 of 2026
in

Appeal No. of 2026

Munidei Majhi & 3 Ors.

...Appellants

-Vs-

The Ministry of Environment, Forest and Climate Change & 4 Ors.

...Respondents

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//Certified to be True Copies of the respective originals//
Dated on this 13th day of July, 2026



Through
A Yogeshwaran

Counsel for the Appellants

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**BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE AT
KOLKATA**

**MEMORANDUM OF INTERLOCUTORY APPLICATION
(Under Sections 16(e) read with 18(1) of the National Green
Tribunal Act, 2010)**

I.A. No. of 2026

in

Appeal No. of 2026

1. Munidei Majhi
W/o Gunasingh Majhi,
Sagabari village, Kashipur
Rayagada District – 765015
Email: yogeshwaranadv@gmail.com
Phone: 9566254546
2. Rupasing Majhi,
S/o Dimi Majhi
Sagabari village, Kashipur
Rayagada District – 765015
Email: yogeshwaranadv@gmail.com
Phone 9566254546
3. Sundurusing Majhi,
S/o Mani Majhi
Bundel village, Kashipur
Rayagada District - 765015
Email: yogeshwaranadv@gmail.com
Phone 9566254546
4. Saru Majhi
S/o Dasu Majhi
Kantamal village, Kashipur
Rayagada District – 765015
Email: yogeshwaranadv@gmail.com
Phone 9566254546

...Applicants/Appellants

Vs

1. The Ministry of Environment, Forest and Climate Change,
Rep by its Secretary,
Indira Paryavaran Bhavan, Jor Bagh Road,
New Delhi 110003
E-mail : secy-moef@nic.in,
Phone: +91-11-23014243.
2. The Additional Chief Secretary,
Forest, Environment& Climate Change department,
Government of Odisha,
Bhubaneshwar- 751001
E-mail: fesec.or@od.gov.in
Phone: 0674-2536822
3. Odisha Industrial Infrastructure Development Corporation (IDCO),
Represented by its Managing Director,
IDCO Tower, Janpath,
Bhubaneswar –751022
E-mail: md@idco.in
Phone: 0674-2542784
4. M/s Vedanta Limited,
Represented by its Managing Director,
1st Floor, C Wing, Unit 103, Corporate,
Avenue Atul Projects, Chakala,
Andheri (East) Mumbai,
Mumbai City, Maharashtra 400093.
E-mail: shuvrendu.choudhury@vedanta.co.in
Ph: 022- 66434500
5. Divisional Forest Officer,
Rayagada Forest Division,
Office of the Divisional Forest Officer,
Rayagada - 765001
Email: dforgda17@gmail.com, dfo.rayagada@odisha.gov.in
Ph: 06856-222056

...Respondents/Respondents

TO,

THE HON'BLE CHAIRMAN AND HIS COMPANION

MEMBER OF THE NATIONAL GREEN TRIBUNAL.

HUMBLE APPLICATION SUBMITTED

BY THE APPLICANTS ABOVE NAMED

Interlocutory Application seeking to condone delay in filing appeal

1. The present appeal is filed challenging the "In-Principle" (Stage-I) clearance dated 05.01.2026 culminating in the "Final Approval" (Stage-II) clearance dated 05.05.2026 along with Corrigendum dated 06.05.2026 issued by the 1st Respondent, culminating in the "Final Diversion Order" dated 27.05.2026 issued by the 2nd Respondent, for the construction of access road from Sijimali bauxite mines (Hill top) to SH-44 to facilitate bauxite transportation in Kashipur Tahasil of Rayagada District under Rayagada Forest Department as ultra vires, the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, rules and guidelines issued thereunder, the precautionary principle, principle of sustainable development and Articles 14 and 21 of the Constitution of India. The impugned orders are annexed as **Annexure A1, A2, A3 and A4** along with the main appeal.
2. The averments in the appeal filed by the appellants may be read as part of the present application and are not repeated for the sake of brevity. The final diversion order dated 27.05.2026 has not been communicated to the public as mandated under law and has not been put in public domain by the Respondents. The screenshots of the Parivesh portal have been annexed as **Annexure No. A38** along with the appeal. It shows that even as on 09.07.2026, the final diversion order was not uploaded on the website. The

1st Respondent has not uploaded the order on its website. Under the head "activity", it has been stated "Final Diversion Order issued", but when clicked, the Stage II clearance has been uploaded in this link. The website of the other Respondents also does not contain the final diversion order. The order has not been communicated to the public by publishing in newspapers or putting it on the notice board of local authorities.

3. The final diversion order dated 27.05.2026 imposes the following obligations to communicate the clearances:

- i. They shall publish the entire forest clearance granted in verbatim along with conditions and safeguards imposed by the Central Government, in Stage-I forest clearance in two widely circulated daily newspapers, one in vernacular language and the other in English language so as to make people aware of the permission granted to the Project for use of forest land for non-forest purposes.
- ii. They shall submit the copies of forest clearance orders granted by the Central Government/State Government to the Heads of local bodies, Panchayats and municipal bodies along with the relevant offices of the State Government, who in turn, shall display the same for 30 days from date of receipt.

4. However, till date, the clearances have not been communicated in newspapers and the appellants have checked their local panchayat offices and the clearances are not displayed.

5. It is submitted that the IA seeking amendment to Appeal No.11 of 2026 was filed on 29.06.2026, well within 30 days from the date of receipt of the RTI reply dated 04.06.2026. The final diversion order is granted subject to Appeal

No. 4 and 11 of 2026 and hence the application seeking amendment was filed to save time and avoid multiplicity of proceedings. However, to avoid delay that will be caused in consideration of the maintainability of the said appeals and delay in adjudication of the matter on merits, the present appeal challenging the "In-Principle" (Stage-I) clearance dated 05.01.2026 culminating in the "Final Approval" (Stage-II) clearance dated 05.05.2026 along with Corrigendum dated 06.05.2026 issued by the 1st Respondent, culminating in the "Final Diversion Order" dated 27.05.2026 issued by the 2nd Respondent has been filed.

6. It is submitted that the Respondents have not communicated the clearance as required by law, but taking the RTI reply as the date of communication of the final diversion order on the appellants, the present application seeking condonation of 9 days delay has been filed. The delay is neither willful nor wanton and the appellants were in fact before this Hon'ble Tribunal in Appeal No. 4 and 11 of 2026 and IA No. 77 of 2026 in Appeal No. 11 of 2026 was already filed and pending.
7. It is also necessary to state that even though the Final diversion order has been issued on 27.05.2026, the 2nd Respondent authority who issued the said order has not disclosed the same in their counter affidavit in Appeal 11 of 2026 filed on 06.07.2026. Instead, they have pleaded that the said appeal is premature as it has been filed against the stage-II clearance. Similarly, the 3rd Respondent user agency in whose favour the diversion order has been issued has also not disclosed the same in their counter affidavit dated 06.07.2026. Though the 4th Respondent has made a cursory reference to the same in their counter affidavit dated 06.07.2026 they have also not produced a copy of the order. Thus, it appears that the Respondents herein are guilty of material suppression and have not disclosed facts and documents that are

within their knowledge and record. They ought not be rewarded for the same.

8. The Respondents have not placed the documents required for preferring an appeal in public domain and the appellants had to obtain copies of orders by filing RTIs. The present matter concerns the cultural, religious rights of the appellant tribal communities and their very survival. The delay of 9 days, beyond the period of 30 days provided under Section 16 (calculated from 04.06.2026, the date of RTI reply) is neither willful nor wanton. In fact, the appellants had filed the I.A seeking amendment of prayer in Appeal No.11 of 2026 within 30 days of receipt. The appellants had to source and locate documents, communicate with their counsel and take steps to file the present appeal to avoid any delay in adjudication of the validity of the impugned orders on merit. No prejudice will be caused to the Respondents if the delay is condoned and the appeal is taken on file by this Hon'ble Tribunal but serious prejudice will be caused to the appellants and the tribal communities in Sijimali area if the appeal is not heard and decided on merits.
9. It is submitted that the present appeal along with IA was filed on 11.07.2026 on the e-filing portal of this Hon'ble Tribunal (Transaction ID 1900220158812026) and the payment status reflected that payment may or may not have been debited though the UPI transaction showed that it was successful. Later, on 12.07.2026, the status showed "failed", though the UPI transaction was successful. Since the filing was not reflected on the portal, the appeal was once again signed and is being filed. Further delay was caused because of this. The delay of 9 days is neither wanton, nor willful and the respondents are yet to even publish the impugned clearance in public domain.

PRAYER:

It is therefore prayed that this Hon'ble Tribunal may be pleased to

A. Condone the delay of 9 days in filing the present appeal.

B. Issue such other orders as it deems fit in the interest of the case and render justice.

ମୁନିଦେଇ ମାଝି, ସୁନ୍ଦରୁସିଂଘ ମାଝି
ରୁପାସିଂଘ ମାଝି, ସାରୁ ମାଝି

୪.

Counsel for the Appellant

x

Appellants

VERIFICATION

We, Munidei Majhi, Rupasing Majhi, Sundurusing Majhi and Saru Majhi, the Appellants, do hereby verify that the contents in the above paragraphs have been read over and explained to me in Odia and Kui and are true to the best of my knowledge and based on legal advice and that I have not suppressed any material fact.

ମୁନିଦେଇ ମାଝି, ସୁନ୍ଦରୁସିଂଘ ମାଝି
ରୁପାସିଂଘ ମାଝି, ସାରୁ ମାଝି

Date: 13.07.2026

Place: Bhawanipatna

Attended by
S K Bohidar
13-7-2026

x

APPELLANTS

S K BOHIDAR
NOTARY
GOVT OF ODISHA
Regd No.-83/04
BHAWANIPATNA
D O E-29 12.2029

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Authorization Letter

We, Rupasing Majhi S/o Dimi Majhi, Sundurusing Majhi S/o Mani Majhi and Saru Majhi S/o Dasu Majhi, being Appellant No. 2, 3 and 4 respectively, in an Appeal before the National Green Tribunal, Eastern Zone Bench, do hereby authorize Munidei Majhi, W/o Gunasingh Majhi, Appellant 1 to represent us. We hereby authorize her to sign petitions, affidavits and applications on behalf of us, in order to pursue the said Appeal.

The contents of the above have been read over and explained in Odia and Kui to the undersigned.

Sundurusing Majhi ଶୁଣିବା ମାଜି

Rupasing Majhi
(Appellant 2)

Sundurusing Majhi
(Appellant 3)

Saru Majhi
(Appellant 4)

ଶୁଣିବା ମାଜି

Attended by me.
S. K. Bohidar
13-7-2024

S K BOHIDAR
NOTARY
GOVT OF ODISHA
Regd No.-83/04
BHAWANIPATNA
D.O.E- 29.12.2029