

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

Original Application No. 62 /2025/EZ

(Under Section 14 R/W Section 18 (1) & (2) Of the National Green
Tribunal Act, 2010)

IN THE MATTER OF

SATISH KUMAR BISWAL, aged about 50 years, S/O- SANTOSH
BISWAL, GARHAMADHUPUR, JAJPUR, ODISHA, PIN -755023.

...APPLICANT

Vs

M/s K L RESOURCES PVT LTD, AT- SUNDARIA, PO-NEULAPUR,
TEHSIL-DHARMASHALA, DIST - JAJPUR & OTHERS.

...OPPOSITE PARTIES

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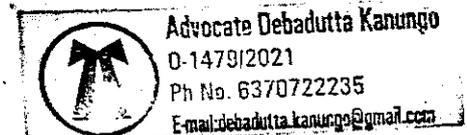
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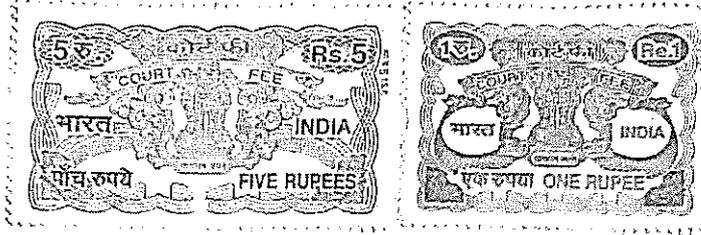
DATE -07.08.2025

By the Applicant

Debadutta Kanungo

Through Counsel





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REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT
TO THE REPLY FILED BY THE OPPOSITE PARTIES NO. 1, 2,
3, 5 & 8 RESPECTIVELY

I, Sri:Satish Kumar Biswal, aged about 50 years, S/O- Santosh
Biswal, AT - GARHAMADHUPUR, Dist - JAJPUR, Odisha, PIN
-755023 do hereby solemnly affirm and state as follows:

1. That I am the Applicant in the above Original Application and am
fully conversant with the facts and circumstances of the present case
and competent to swear this rejoinder affidavit.



2. That I have gone through the reply filed by the Opposite Party No. 1, 2, 3, 5 & 8 respectively and the contents of the same are denied except to the extent specifically admitted herein.

3. **PARAWISE REPLY TO THE COUNTER AFFIDAVIT FILED BY THE OPPOSITE PARTIES**

3.1. In response to Paragraph Nos. 6 and 7 of the Counter Affidavit filed by Opposite Party No. 1 and Paragraph No. 16 of Opposite Party No. 2 & 5 of the Counter Affidavit, the Petitioner categorically denies to the averments made therein as being incorrect and misleading. It is respectfully submitted that the cause of action in the present matter arose subsequent to 09.12.2024, on receipt of Annexure-3 to the Original Application. Upon acquiring knowledge that the concerned authorities have failed to initiate any stringent administrative action or implement any remedial measures in compliance with the Show Cause Notice issued according to the Annexure-2 to the Original Application, the Petitioner was constrained to invoke the jurisdiction of this Hon'ble Tribunal under Section 18(1) and 18(2) of the National Green Tribunal Act, 2010.

3.2. That Paragraph Nos. 8, 9 and 10 of the Counter Affidavit filed by Opposite Party No. 1 is a matter of record.

3.3. That Paragraph No. 11 of the Counter Affidavit filed by Opposite Party No.1 is completely misleading and denied in toto. There is no explicit authorisation or consent granted in the name of Opposite Party No.1 by any concerned authorities such as Opposite Party 2 & 5, towards dumping of wastes in non-compliance with the consent to operate order (valid till 31.03.2028). Furthermore, the said order has no specific directions of waste dumping beyond the demarcated area for



disposal. The test certificates produced neither establish the authenticity of the sample source nor afford any legal sanction or leeway to carry out the disposal of the said wastes.

3.4 That in response to Paragraph 13 of the Counter Affidavit filed by Opposite Party No.1, the petitioner denies to the fact averred by the said Opposite Party. It is a matter of record that the said contravention has been issued as a Show Cause Notice by Opposite Party No. 2 which is annexed and marked as Annexure-2 to the Original Application. Furthermore, the Paragraph No. 9 of the Counter Affidavit filed by Opposite Party No. 2 &5 is incorrect, misleading, and devoid of factual foundation. The utilisation of waste shall not be contrary to the consent to operate order issued by Opposite Party No. 2.

3.5 That the averments in Paragraph No. 14 of the Counter Affidavit filed by the Opposite Party No. 1 is not true.

3.6 That the averments made in Paragraph No. 15 of the Counter Affidavit filed by Opposite Party No. 1 are misleading and specifically denied by the Petitioner. It is respectfully submitted that the two samples allegedly submitted on 09.03.2022 to CSIR for leaching analysis and the corresponding test report dated 30.03.2022, are rendered questionable with regard to the authenticity and traceability of the sample source. Moreover, the said samples sent for testing by Opposite Party No. 1 itself, which is the principal party accused illegal activity, thereby raising serious doubts over the integrity, impartiality, and evidentiary value of the test results.



3.7 That the averments made in Paragraph No. 16, 21 & 22 of the Counter Affidavit filed by Opposite Party No. 1 and Paragraph No. 10 of the Counter Affidavit filed by Opposite Party No. 2 & 5 are devoid of truth and are unequivocally denied by the Petitioner. It is humbly submitted that the act of dumping undertaken by Opposite Party No. 1 was carried out without obtaining prior approval from the concerned authorities. Such conduct is in clear violation of the 'Consent to Operate' order issued by Opposite Party No. 2. Furthermore, the Consent Letters and No Objection Certificates (NOCs) were procured only subsequent to the said conduct, thereby rendering such documents infructuous and irrelevant in the context of the present case. Additionally, the Detailed Project Report submitted by the Opposite Party No.1 is much after the said dumping in process and also the test reports as submitted is questionable with the authenticity of sample source taken. The said submissions collectively do not provide any documentary evidence of approval of the said dumping from the Concerned Opposite Parties.

3.8 That the averments made in Paragraph No. 18 & 19 of the Counter Affidavit filed by Opposite Party No. 1 and Paragraph No. 6, 8, 14 & 15 of the Counter Affidavit filed by Opposite Party No. 2 & 5 are matters of record and is misleading and inconclusive towards the conduct of the Opposite Party No. 1. However, it is respectfully submitted that while the joint inspection report may prima facie indicate that the quantum of waste dumped was within permissible limits, the veracity and reliability of the values recorded therein are seriously disputed, as they materially differ from findings in other test reports submitted before this Hon'ble Court. No subsequent clearance, approval, or express authorisation has been granted by the competent authority permitting continuation of the said dumping activity. The said inspection report, in any case, cannot be construed as a waiver or post-facto validation of the impugned conduct, nor does it amount to a



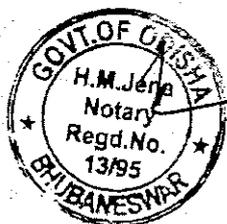
certification of compliance with the terms and conditions stipulated under the Consent to Operate order, which continues to remain valid, binding, and unaltered. Furthermore, the NHAI letter dated 21.02.2025 is not sufficient and binding ground to legalise the said conduct.

3.9 That the averments made in **Paragraph No. 23 of the Counter Affidavit filed by Opposite Party No. 1** are a direct consequence of the contravention already detailed in **Paragraph 3.4 of this Rejoinder**. It is submitted that Opposite Party No. 4, in collusion with Opposite Party No. 1, made attempts to regularise the illegal dumping activity by seeking post facto consent from the concerned administrative and executive authorities. Such conduct clearly indicates an attempt to circumvent the statutory compliance mechanism and to confer legitimacy upon actions that were undertaken in blatant violation of the applicable environmental norms and the binding conditions of the Consent to Operate order. The actions of the Opposite Parties, being in the nature of post-violation regularisation, are impermissible in law and deserve to be viewed with serious concern by this Hon'ble Tribunal.

4.0 That in response to **Paragraph No. 20 & 25 of the Counter Affidavit filed by Opposite Party No. 1**, the Petitioner respectfully submits that the said averments are denied as misleading and contrary to the record. As elaborated in the preceding paragraphs of this Rejoinder, Opposite Party No. 1 has failed to exercise due diligence and statutory responsibility prior to carrying out the dumping activity, having acted in disregard of the binding conditions under the Consent to Operate order. The conduct of Opposite Party No. 1, undertaken without prior authorisation and followed by attempts to seek post facto regularisation clearly reflects a deliberate and negligent breach of environmental compliance obligations.

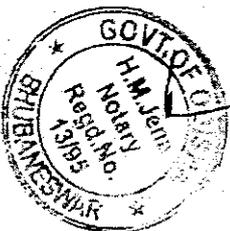


- 4.1 In response to the Paragraph No. 16 of the Counter Affidavit filed by Opposite Party No. 2 & 5, the petitioner denies the fact asserted. The true fact is the Opposite Party No. 2 shall have taken appropriate actions against the contravention of Consent to Operate Order by Opposite Party No.1. It is the statutory responsibility of the Opposite Party No. 2 to maintain due diligence in regulating the waste disposals by the industries.
- 4.2 That Paragraph No. 11 & 12 of the Counter Affidavit filed by Opposite Party No. 2 & 5 is misleading against the present case. It is submitted that mere interpretation of definition under industrial waste instead of solid waste doesnot exonerate the liability of the contravention according to Paragraph 3.4 of this Rejoinder. It is also pertinent to note that the consent from the local authorities is are pertinently procured in the same matter. The Show Cause Notice was expedient in this regard.
- 4.3 That in Paragraph No. 1,2,3, 4 & 9 of the Counter Affidavit filed by Opposite Party No. 3 is the matter on record for the present case and is accepted in toto by the petitioner. It is also pertinent to note that according to the assertions in Paragraph No. 16 of the Counter Affidavit filed by Opposite Party No. 3, that Opposite Party No. 3 has not jointly inspected the said premises, which is contrary of the Annexure – 5 to the Original Petition.
- 4.4. That with reference to Paragraph No. 5 of the Counter Affidavit filed by Opposite Party No. 8, the Petitioner submits that the averments made in sub-paragraphs 5(a), 5(b)(i), and 5(b)(ii) are contrary to the documentary evidence available on record. The said documents clearly indicate that the relevant land parcels include Plot Nos. 31, 32, and 33/29 under Khata No. 77, which are classified as 'Gharabari' as per the records of Opposite Party No. 4 and Opposite Party No. 1. Furthermore, the alleged resolution referred to by Opposite Party No. 8 has never been furnished before



the Petitioner. Even assuming its existence, the purported resolution contains no reference whatsoever to any proposal or authorisation for backfilling of the abandoned laterite quarry within the said premises. The absence of such reference further undermines the claim of any lawful approval or decision in this regard

- 4.5 That with reference to the foregoing paragraph of the Counter Affidavit, the Petitioner acknowledges the factual assertions made by Opposite Party No. 8 in sub-paragraphs 5(iv) and 5(v) as being correct and duly accepted.
- 4.6 That it is a contrary fact asserted by the Opposite Party No. 8 in Paragraph No. 5(vi) of the Counter Affidavit that the Opposite Party No.1 has submitted a request letter before Opposite Party No.2 for filling of the said abandoned quarry.
- 4.7 That the averments made in the Original Application are reiterated and not repeated herein for the sake of brevity. Nothing stated in the counter affidavit of the Opposite Parties displaces or rebuts the core allegations made in the Application.
- 4.8. That the Opposite Parties have failed to furnish any adequate material, scientific reports, or environmental data to substantiate their claims or to effectively rebut the specific allegations of environmental violations raised by the Petitioner. The additional documents now sought to be relied upon through the Counter Affidavits, in support of their contentions and beyond the annexures filed with the Original Application, were never made available to the Petitioner, either in response to the representations submitted or pursuant to applications made under the Right to Information Act, 2005. Such non-disclosure raises serious concerns regarding transparency and procedural fairness.



- 4.9 That the submissions made by the Opposite Party are an attempt to divert the attention of this Hon'ble Tribunal from the real issues of environmental degradation, non-compliance with statutory provisions, and continuing violation of environmental norms.
- 4.10 That the Applicant reserves the right to rely on additional documents and grounds at the time of hearing before this Honble Court.
- 4.11 That the present rejoinder may be treated as part and parcel of the pleadings and may be read in continuation of the Original Application.
- 4.12 That the Applicant craves leave of this Hon'ble Tribunal to file additional submissions, if necessary.

PRAYER

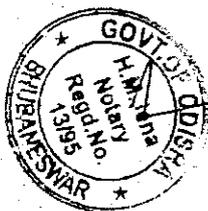
In view of the facts stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to

- a) Take the present rejoinder affidavit on record; and
- b) Pass such other or further orders as may be deemed fit and proper in the interest of justice and environment.

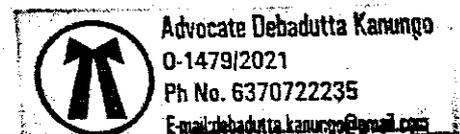
AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

Place: Bhubaneswar

Date: 07.08.2025.



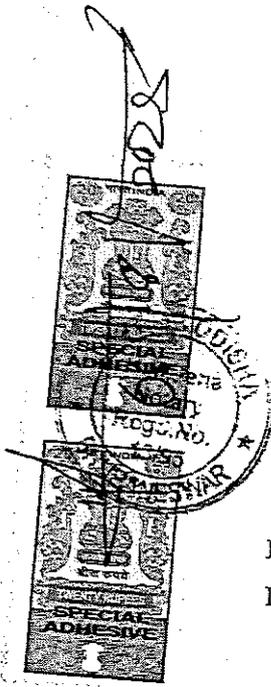
Debadutta Kanungo



VERIFICATION

I, the above-named Deponent, do hereby verify that the contents of the above rejoinder are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Bhubaneswar on 7th day of August 2025.



Bhubaneswar

Satish Kumar Boud

Dt-07.08.2025. Above named deponent being identified by Advocate (Deponent) Bhubaneswar appears before me .. at.....Am/Pm states the Contents in this are true to the best of his/her knowledge.

*Identified by me
Debadutta Karungo
Advocate*

07-08-25

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