

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

O. A. No: 83 of 2022/EZ

Dillip Kumar Samantara and others APPLICANTS

- VERSUS-

THE STATE OF ODISHA & OTHERS ...RESPONDENTS

I N D E X

SR. NO.	PARTICULARS	PAGE NO.	FE E
	Additional Counter Affidavit dated: 25.02.2023 of the Respondent No: 17 and its Annexure	01 to 18	

CERTIFIED THAT THE COPIES ARE CORRECT

BY THE RESPONDENT NO: 17

Dm
25.02.2023

THROUGH ADVOCATE

Date: 25.02.2023

BIRANCHI NARAYAN MAHAPATRA

ADVOCATE, ORISSA HIGH COURT

Mob. No: 8984383812

Whats App No: 9438383812

E. Mail: imbiranchi@gmail.com

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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

O. A. No: 83 of 2022/ EZ

IN THE MATTER OF:

Dillip Kumar Samantara and Others.... Applicants

-Versus-

The State of Odisha and othersRespondents

**ADDITIONAL COUNTER AFFIDAVIT
FILED BY THE ABOVE NAMED
RESPONDENT NO: 17 MOST
RESPECTFULLY SHOWETH AS
FOLLOWS:-**

I Susanta Kumar Barad, S/O: Sarbeswar Barad, aged about 35 years, at: Sri Krushnapur, Po: Champagarh-752024, P/S: Chandapur, Dist: Nayagarh, State: Odisha do hereby state on solemn affirmation as under:-

1. That I am Respondent No: 17 in the O.A and as such I am fully conversant with the facts and proceedings of the Case.
2. That the facts and proceedings of the Counter affidavit dated: 04.12.2022, reply affidavit dated: 21.01.2023 and I.A No: 189 of 2022/ EZ and

FORM PART
NOTARY PUBLIC

Susanta Kumar Barad

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supplementary affidavit dated 30.08.2022 and 13.11.2022 filed in the I.A May kindly read as part and parcel of this affidavit.

3. That on dtd.26.01.2023 at about 3 P.M., the Collector-Sri Rabindra Nath Sahu along with the two applicants namely Dillip Kumar Saniantara and Deepak Kumar Routray and four others came to the lease area of the Respondent No: 17 and threatened the Respondent No: 17. They also demanded Rs.25 lakhs from the Respondent No: 17. The Respondent No: 17 finding no other alternative lodged an F.I.R. in Chandpur Police Station. Since the F.I.R. was against the Collector, nobody in Police Station kept the F.I.R. Finding no other alternative, the Respondent No: 17 sent the F.I.R. to the I.I.C., Chandpur Police Station through registered post on dtd.27.01.2023. Copy of the F.I.R. is annexed hereto as ANNEXURE-R/17/I.

4. That it is further humbly submitted that since the F.I.R. was against the Collector and illegal mining operators and was not accepted in the Police Station, the Respondent No: 17 also lodged the F.I.R. before the Superintendent of Police through registered post and also sent the copies to the Director General of Police (DGP), Odisha and the



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NOTARY PUBLIC

Susanta Kumar Basu

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Commissioner-cum-Secretary to Government, Home Department through registered post on dtd.27.01.2023. Copies of the F.I.R. before the Superintendent of Police and postal receipts are annexed hereto as ANNEXURE-R/17/J Series.

5. That the Police administration was remained silent over the issues and finally the Respondent No: 17 approached on 22.02.2023 to the Hon'ble Orissa High Court with reference to the CRLMP Case No: 377 of 2023. Copy of the Hon'ble Orissa High Court Case Status information down loaded from the official website of the Hon'ble High Court of Orissa is annexed here to as ANNEXURE-R/17/K.
6. That the Respondent no: 17 has make an attention of the Hon'ble Orissa High Court in CRLMP Case No: 377 of 2023 and stated/alleged there in it is apparent on the face of record that the Collector-Sri Rabindra Nath Sahu has filed the false affidavit on 06.12.2022 before the NGT against the Respondent No: 17 as it is without any basis and in supporting to the present Applicants of this Case / offenders. The Collector along with Applicants of the Case and others has also threatened to the Respondent No: 17 by way of demanding bribe but no action has yet been taken



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23/2/23

Susanta Kumar Baral

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against the Collector, Nayagarh/present Applicants/ offenders by the Police administration. Finally the Respondent No: 17 approached to the Hon'ble Orissa High Court to register the F.I.R against the Collector, Nayagarh/ present Applicants of the Case and others.

7. That after getting the affidavit dated: 06.12.2022 filed by the Collector-Sri Rabindra Nath Sahu before this Hon'ble Tribunal, the father of the Respondent No: 17 sought for information under RTI Act from the office of Tahasildar, Ranpur regarding the allegations made against the Respondent No: 17 before the NGT by the Collector-Sri Rabindra Nath Sahu. The information was supplied to the father of the Respondent No: 17 wherein it is clear that there is no information available with regard to the allegations against the Respondent No: 17. Thus, it is clear that the affidavit filed by the Collector-Sri Rabindra Nath Sahu is false as without any official record and basis. Copies of the RTI application and RTI information (reply) are already annexed under ANNEXURE- R/17/H Series with the reply affidavit dated: 21.01.2023.



FORM PART

NOTARY PUBLIC

[Handwritten Signature] Susanta Kumar Bandyopadhyay

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8. That the Respondent No: 17 is craves leave of this Hon'ble Tribunal to file further affidavit, if necessary for proper adjudication of the matter.

V E R I F I C A T I O N

I **Susanta Kumar Barad**, S/O: Sarbeswar Barad, aged about 35 years, At: Sri Krushnapur, Po: Champagarh-752024, P/S: Chandapur, Dist: Nayagarh, State: Odisha do her by verify that the contents of Para 01 to 08 believed to be true and that I have not suppressed any material fact.

Verified at Berhampur on 25.02.2023.

IDENTIFIED BY

Done
25.02.2023

ADVOCATE

(B. N. Mahapatra)

Susanta Kumar Barad
DEPONENT

DECLARATION

The deponent having been identified by Advocate Sri.....*B.N. Mahapatra* solemnly affirm before me this the.....*25*..... before the Notary,*25*..... A.M./P.M. read over and explained the deponent who seems perfectly to have understood the contents and teh affidavit.

Dr. K.M. Panigrahy
NOTARY

Berhampur (Ganjam)
No.....*25/2/23*
Time.....*11:30*
Place:.....*Berhampur*

25/2/23
Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No.31/2000



(6)

Annexure - R/17/I Series.¹

To,

SPEED POST

The Inspector- In-Charge

Chandpur Police Station, Dist: Nayagarh, Odisha

Sub: F.I.R against Sri Rabindra Nath Sahu (IAS), Collector-Cum-District Magistrate, Nayagarh District of Odisha, Dillip Kumar Samantray, Deepak Kumar Routray and Ganeswar Mandhata and others with reference to under Section -154 (1) Cr.P.C- **reg.**

Ref: i. Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata O.A Case No: 83 of 2022/EZ-**reg.**

ii. Hon'ble Apex Court observations made In the matter Lalita Kumari v. Govt. of U.P [W.P.(Crl) No; 68/2008]

Sir,

I Susanta Kumar Barad, S/O: Sarbeswar Barad, aged about 35 years, at: Sri Krushnapur, Po: Champagarh-752024, P/S: Chandapur, Dist: Nayagarh, State: Odisha, Mob No: 7008504022 beg to draw your kind attention as follows:-

1. That on 26.01.2023 at about 3 P.M the Collector(Sri Rabindra Nath Sahu (IAS) of Nayagarh and his henchmen Dillip Kumar Samantory, S/O: Lingaraj Samantra, at: Bajrakot, Po: Baunsagarh, P/S: Ranapur, Dist: Nayagarh, Deepak Kumar Routray, S/O: Rabi Narayan Routray, aged about 28 years, at: Ostapada, Po: Kamaguru, P/S: Dist: Nayagarh, Ganeswar Mandhata, S/O; Pananga Bhusan Mandhata, at/Po: Champagada, P/S: Chandapur, Dist: Nayagarah and other 4

Susanta Kumar Barad

(7)

Annexure- R/17/I series.

persons suddenly came to the maurojholia leased lateriate Stone quarry of the informant and the Collector demanded 25 Lakhs illegal Money from the informant and accordingly he said with rowdy voice if I will not give the demanded money the administration will be debarred/ imposed restriction to enter in to the quarry. At that time Dillip, Ganeswar and Deepak threatened to kill me, if I will not give the demanded Money. The informant requested to the accused Persons with folded hand and stated that he is unable to give the huge amount as a bribe. During that time other persons have seen the occurrence they will give statements during the course of inquiry.

2. That Sri Rabindra Nath Sahu (IAS) has filed affidavit on 06.12.2022 before the Hon'ble NGT is completely false, fabricated and got up story as created by him with intent to cause injury to the informant. It is evident from the RTI reply dated: 31.12.2022 of the Tahasil Office, Ranapur, Odisha.
3. That it is evident from reply affidavit dated: 21.01.2023 of the informant for the Hon'ble NGT O.A Case No: 83 of 2022/EZ shows that the Sri Rabindra Nath Sahu (IAS) is trying to cover up the criminal Cases in respect of theft of Minor Minerals and other offences pending against Dillip Kumar Samantray and Deepaka Kumar Routray (both are Applicants before the Hon'ble NGT in O.A No: 83 of 2022/EZ) and other persons. In this Context the informant enclosed the Bail orders of the Hon'ble Orissa High Court as well the Copies of the trail Court records of the proceedings in the affidavit dated: 21.01.2023 for the Hon'ble NGT Proceedings.

Susanta Kumar Baroi

The Applicant before the Hon'ble NGT have got bail from the Hon'ble Orissa High Court for theft of Minor minerals and , but the Collector suppressed such facts before the Hon'ble NGT while filing of his affidavit dated: 06.12.2022 in O.A Case No: 83 of 2022/EZ.

4. That the affidavit dated: 06.12.2022 filed by the Collector, Nayagarah is not based/derived from the Ranapur Tahasil office records. It is evident from the RTI reply dated: 31.12.2022 of the Tahasil Office, Ranapur, Odisha. The RTI reply is clearly shows that the informant is not involved in any case of illegal mining. But, the Collector, Nayagarh has filed affidavit on 06.12.2022 before the Hon'ble NGT in O.A Case No: 83 of 2022/EZ and stated there in some base less issues against the informant.
5. That the Collector without verifying the Ranapur Tahasil office records he has filed affidavit dated: 06.12.2022 before the Court of justice (NGT) according to his will and pleasure and the collector has no authority to made allegation against the informant without enquiry by the investigation agency. The Collector has no authority to say who has committed offence. The investigating agency is authority to ascertain the truth in connection of the offence which has been raised by the Collector in his affidavit dated: 06.12.2022 filed before the Hon'ble NGT. Surprisingly, without making enquiry by the investigating agency the Collector has made allegation against the informant is highly illegal and he has committed offence under section 167 I.P.C.

Susanta Kumar Borah

6. That it is settled principle Public Servant has no authority to disobey the law and particularly the Collector made an allegation before the Hon'ble NGT against the informant without any valid reason. Thus, the accused persons have committed offence under Section 166, 167, 181, 182, 193, 199, 200, 202, 209, 219, 294, 506, 384 of I.P.C, 1860 and the Collector has made false statement/evidence by way of affidavit before the Hon'ble NGT and suppressed /omitted the real facts and shown undue favour and trying to save to the Dillip Kumar Samantory / Deepak Kumar Routray and other accused Persons. Even though the accused Persons have been released on bail by virtue of the order of the Hon'ble Orissa High Court. But, the Collector suppressed such facts before the NGT while filing of the affidavit. So, it is clear Case that there is unholy nexus among the Collector, Nayagarh and the accused namely Dillip Kumar Samantory / Deepak Kumar Routeray (Applicants before the NGT). The accused persons regularly committed theft of Minor Minerals under the blessing/umbrella of the Collect, Nayagarh. So, this Case may kindly enquiry by the CID (CB), Odisha to find out the real truth and how many government officials have been involved and joins hands with the accused persons will be clear after enquiry.
7. That while filing of the affidavit before the Hon'ble NGT on 06.12.2022 by the Collector, Nayagarh ignored to the contents / averments of the affidavit dated: 25.08.2022 filed in O.A Case No: 83 of 2022/EZ before the NGT by Sri Mukesh Kumar Behera, IIC, Chandpur Police Station. The content of the affidavit of the I.I.C, Chandpur P.S proves that the

Susanta Kumar Barua

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accused Persons are involving in the theft of Minor Minerals, but no name of the informant has been found in the Police Station record. But, how the collector, Nayagarh has been prepared/manufactured the imaginary story against the informant, it needs high level enquiry and punish the accused Persons according to law.

8. That the affidavits filed by the informant and all the parties in the O.A No: 83 of 2022/EZ may kindly seize from the custody of the informant and make a seizure list for fair enquiry/trail of the Case.

Yours faithfully,

Susanta Kumar Barad
(Susanta Kumar Barad)

Date: 26.01.2023

Copy Submitted to:

1. **The Director General Of Police (DGP),** Odisha Police Head Quarter, Buxi Bazar, Cuttack-753001, Odisha
2. **The Special Director General of Police,** Human Rights protection Cell, Odisha Police Head Quarter, Buxi Bazar, Cuttack-753001, Odisha
3. **The Commissioner- Cum- Secretary,** Home Department, Government of Odisha, State Secretierate-751001, Bhubaneswar, Odisha for kind information and necessary action.

(11)

Annexure-R/17/Jseries

1

To,

SPEED POST

The Superintendent of Police

Nayagarh Police District, at/Po/District: Nayagarh-752069, Odisha

Sub: F.I.R against Sri Rabindra Nath Sahu (IAS), Collector-Cum-District Magistrate, Nayagarh District of Odisha, Dillip Kumar Samantray, Deepak Kumar Routray and Ganeswar Mandhata and others with reference to under Section -154 (1) Cr.P.C- **reg.**

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Susanta Kumar Barad

(12)

Annexure-R/17/I series 2

Nayagarah and other 4 persons suddenly came to the maurojhollia leased lateriate Stone quarry of the informant and the Collector demanded 25 Lakhs illegal Money from the informant and accordingly he said with rowdy voice if I will not give the demanded money the administration will be debarred/ imposed restriction to enter in to the quarry. At that time Dillip, Ganeswar and Deepak threatened to kill me, if I will not give the demanded Money. The informant requested to the accused Persons with folded hand and stated that he is unable to give the huge amount as a bribe. During that time other persons have seen the occurrence they will give statements during the course of inquiry.

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Susanta Kumar Barua

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Annexure-R/H/I series. 3

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5. That the Collector without verifying the Ranapur Tahasil office records he has filed affidavit dated: 06.12.2022 before the Court of justice (NGT) according to his will and pleasure and the collector has no authority to made allegation against the informant without enquiry by the investigation agency. The Collector has no authority to say who has committed offence. The investigating agency is authority to ascertain the truth in connection of the offence which has been raised by the Collector in his affidavit dated: 06.12.2022 filed before the Hon'ble NGT. Surprisingly, without making enquiry by the investigating agency the Collector has made allegation against the informant is highly illegal and he has committed offence under section 167 I.P.C.

Susanta Kumar Das

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Susanta Kumar Das

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Annexure - R/17/J Series 5

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8. That the affidavits filed by the informant and all the parties in the O.A No: 83 of 2022/EZ may kindly seize from the custody of the informant and make a seizure list for fair enquiry/trail of the Case.

Yours faithfully,

Susanta Kumar Barad

(Susanta Kumar Barad)

Date: 26.01.2023

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3. **The Commissioner- Cum- Secretary,** Home Department, Government of Odisha, State Secretierate-751001, Odisha for kind information and necessary action.

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Annexure-R/17/ISeries

भारतीय डाक
 E0434576291IN IVR:6979434576
 SP BERNAMPUR RMS COUNTER <76
 Counter No:1,27/01/2023,14:38
 To: IIC, CHANDPUR POLICE STATION
 PIN: 752069, Nayagarh H.O
 From: SASIHANT KU, CHAMPAGARH
 Wt: 32gms
 Amt: 41.30 (Cash) Tax: 6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



भारतीय डाक
 E0434576376IN IVR:6979434576
 SP BERNAMPUR RMS COUNTER <76
 Counter No:1,27/01/2023,14:38
 To: THE COMMISSION, HOME DEPARTMENT
 PIN: 751001, Shudhaneswar G.P.O.
 From: SASIHANT KU, CHAMPAGARH
 Wt: 55gms
 Amt: 41.30 (Cash) Tax: 6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



भारतीय डाक
 E0434576362IN IVR:6979434576
 SP BERNAMPUR RMS COUNTER <76
 Counter No:1,27/01/2023,14:38
 To: DIG POLICE D&P, BUXI BAZAR
 PIN: 753001, Cuttack G.P.O.
 From: SASIHANT KU, CHAMPAGARH
 Wt: 55gms
 Amt: 41.30 (Cash) Tax: 6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



भारतीय डाक
 E0434576393IN IVR:6979434576
 SP BERNAMPUR RMS COUNTER <76
 Counter No:1,27/01/2023,14:38
 To: SPECIAL DGP O, BUXI PAZAR
 PIN: 753001, Cuttack G.P.O.
 From: SASIHANT KU, CHAMPAGARH
 Wt: 55gms
 Amt: 41.30 (Cash) Tax: 6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



भारतीय डाक
 E0434576402IN IVR:6979434576
 SP BERNAMPUR RMS COUNTER <76
 Counter No:1,27/01/2023,14:38
 To: SP POLICE, NAYAGARH
 PIN: 752069, Nayagarh H.O
 From: SASIHANT KU, CHAMPAGARH
 Wt: 32gms
 Amt: 41.30 (Cash) Tax: 6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



(17)
High Court of Orissa Annexure-R/17/K

High Court of Orissa
Case Details

Case Type	: CRLMP	
Filing Number	: 377/2023	Filing Date: 22-02-2023
Registration Number	: 377/2023	Registration Date: 23-02-2023
CNR Number	: ODHC01-014156-2023	

Case Status

First Hearing Date	:	
Next Hearing Date	:	
Stage of Case	:	---
Bench	:	Single Bench
State	:	ORISSA
District	:	Nayagarh
Judicial	:	Criminal Section
Last Page Number	:	72
Next Page Number	:	73

Petitioner and Advocate

1) SUSANTA KUMAR BARAD Advocate- SANGRAMJEET SENAPATI,B.N.MOHAPATRA
--

Respondent and Advocate

1) THE SUPERINTENDENT OF POLICE ,NAYAGARH
2) THE I.I.C CHANDPUR P.S.
3) THE DIRECTOR GENERAL P.S.
4) THE COMMISSIONER CUM SECY GOVT ,HOME DEPT

Acts

Under Act(s)	Under Section(s)
CONSTITUTION OF INDIA, 1950	226,227

Orders

Order Number	Judge	Order Date	Order Details

Category Details

Category	CRIMINAL MATTERS (9)
Sub Category	ANY OTHER MATTER UNDER CR.P.C. (21)

OBJECTION

Sr.No.	Scrutiny Date	OBJECTION	Compliance Date	Receipt Date
1	23-02-2023	All Objections are Complied	23-02-2023	--

Case Status : Search by Petitioners/Respondents Name

* Petitioner/Respondent

Year

Pending Disposed Both

Captcha

Total Number of Cases : 1

Sr No	Case Type/Case Number/Case Year	Petitioner Name Versus Respondent Name	View
1	CRLMP/377/2023	SUSANTA KUMAR BARAD Versus THE SUPERINTENDENT OF POLICE ,NAYAGARH	