

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

Original Application No. 122/2023/EZ

Ajay Kumar Behera..... **Applicant.**

-Vrs.-

State of Odisha and others **Respondents**

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Cuttack.

Dt. 31 10.2023.


Addl. Govt. Advocate

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

Original Application No. 122/2023/EZ

Ajay Kumar Behera..... Applicant.

-Vrs.-

State of Odisha and others . . . Respondents.

AFFIDAVIT FILED BY RESPONDENT NO 4.

I, Sri K. Sudarshan Chakravarthy, aged about 42 years, S/O – Seetha Rama Raju Kapudasi, at present working as Collector & District Magistrate, Khordha, At/PO/Dist.- Khordha do hereby solemnly affirm and state as follows: -

1. That, I am working as above and have been arrayed as Respondant No.4 in the aforesaid Original Application. I have gone through the Original Application, relevant records and understood the contents thereof. I am well acquainted with the facts of the case and competent to swear this affidavit in my official capacity.
2. That, vide order dated 22.09.2023 passed in Original Application No. 122/2023/EZ, the Hon'ble NGT has directed as follows.

19. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members: -



K. Sudarshan Chakravarthy.
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K. Sudarshan

i) Senior Scientist, Odisha State Pollution Control Board;

ii) Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha;

iii) Representative of the Collector and District Magistrate, Khordha, not below the rank of Additional District Magistrate (ADM);

iv) Divisional Forest Officer, Khordha; and

v) Senior Geologist, Directorate of Mines and Geology, Bhubaneswar;

20. The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.

21. The Collector and District Magistrate, Khordha shall be the Nodal Office for all logistic purposes and shall file the Committee Report on affidavit.

22. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any, as well as action under Rule 51 of Odisha Minor Mineral Concession Rules, 2016."

3. That, in compliance to the above direction of the Hon'ble National Green Tribunal, the Addl. District Magistrate, (Revenue), Khordha has been nominated by the Collector & District Magistrate, Khordha to visit the site in question along with the Committee members and to submit the spot visit report with regard to the



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K. Sudarshan Chakraverty,
D/- 31-10-23

allegations made in the captioned Original Application within three weeks vide Order No. 13931 dtd. 07.10.2023.

The copy of Order No. 13931 dtd. 07.10.2023 is annexed herewith as Annexure-A/4.

4. That, in pursuance of the direction of the Hon'ble NGT, the Committee comprising of the Additional District Magistrate, (Revenue), Khordha, Divisional Forest Officer, Khordha, Sub-Collector, Khordha, Tahasildar, Tangi, Dr. Sohan Giri, Senior Environmental Scientist-cum- Regional Officer, State Pollution Control Board, Odisha Bhubaneswar, Senior Scientist, SEIAA, Bhubaneswar, Senior Geologist, Directorate of Mines and Geology, Bhubaneswar, Deputy Director of Mines, Khordha Circle, Khordha and Jagan Behera, Geologist of Khordha District has visited the spot on 11.10.2023 and the inspection on site is going on with effect from that date.

5. That, the alleged Damanbhumi Laterite Stone quarry(A) covers an area Ac 10.230 dec in village



K. Sudashan Chakravarty.
31-10-23

31/10/23

Damanabhumi. The survey work is being carried out by one scientific team keeping coordination with Odisha Space Application Centre (ORSAC), Bhubaneswar.

6. That, in order to complete the survey work in a systematic and scientific manner, the Deputy Director of Mines, Khordha Circle, Khordha has requested to allow one month more time to complete the process vide letter No. 358 dtd. 26.10.2023.

The copy of letter No. 358 dtd. 26.10.2023 is annexed herewith as **Annexure-B/4**

7. That, the Hon'ble NGT, Kolkata may graciously be pleased to allow one month time so as to prepare and submit detailed report on affidavit over the matter.

8. 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 there from and the present deponent



[Handwritten signature]

K. Sudarshan Chakravarty.
D/- 31-10-23

reserves the right to file further affidavit as and when required and directed by this Hon'ble Tribunal.

Deponent

K. Sudarshan Chakravarty 31-10-23
COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

VERIFICATION

Jaswant Paluak
Addl. Govt. Advo.

I, K. Sudarshan Chakrabarty, aged about 42 years, Son of Seetha Rama Raju Kapudasi, at present serving as Collector and District Magistrate, Khordha, do hereby solemnly affirm and verify the contents of paragraph nos. 1 to 8 of the affidavit are true to my knowledge and that I have not suppress any material facts. I sign this verification at my office on 31st day of October, 2023.

VERIFICANT

K. Sudarshan Chakravarty 31-10-23
COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

AFFIDAVIT NO. 3691/ Dt 31-10-2023

The above deponent being personally known to me appears before me on 31-10-23 at 02:30 AM/PM and states on oath that the contents of the show cause reply are true to the best of his knowledge based on official records.

Jaswant Paluak
Addl. Govt. Advo.

Deponent

K. Sudarshan Chakravarty 31-10-23
COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

31-10-23
Executive Magistrate, Khordha.

Executive Magistrate
Khurda



OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: KHORDHA

Order No. 13931 /Touzi, Dated. 07/10/2023

In pursuance of order dated.22.09.2023 of Hon'ble NGT passed in O.A. No.122/2023/EZ- Ajay Kumar Behera vrs State of Odisha and others a Committee has been constituted with consisting following members to visit the site and submit the report with regard to the allegation made in the said OA within three weeks.

1. ADM (Revenue) representative of Collector
2. DFO, Khordha
3. Sub-Collector, Khordha
4. Tahasildar, Tangi
5. Dr. Sohan Giri, Sr. Env. Scientist & Regional Officer, OSPCB
6. Senior Scientist, SEIAA, BBSR
7. Senior Geologist, Directorate of mines and Geology, BBSR
8. Deputy Director Of Mines, Khordha Circle, Khordha/
8. Jagan Behera, Geologist of Khordha District

All the Committee members are requested to remain present at the site on 11.10.2023 at 10.00 AM with relevant records to comply the orders of Hon'ble NGT.

Yours faithfully,


Collector, Khordha

Memo No. 13932 /Touzi, Dated. 07/10/2023

Copy submitted to Tahasildar, Tangi for information and requested to serve the notice to the Lessee and complainant to present at the site on 11.10.2023 at 10.00 AM unfliningly.

True copy attested


Collector, Khordha


COLLECTOR & DISTRICT MAGISTRATE
KHORDHA



By-Email



**OFFICE OF THE DEPUTY DIRECTOR OF MINES
KHORDHA CIRCLE, KHORDHA
BDA Colony, Pallahat, Near New Bus Stand, District
Khordha-752056
(E-Mail: ddgmines.khordha@gmail.com)**

Letter No.....358...../Mines, Khordha. Date.26.10.2023

From: D K Sahoo, Deputy Director Mines (I/c)
Khordha Circle, Dist-Khordha

To

The Collector & District Magistrate
District Khordha

Sub: Requirement of one month time period to assess the illegal excavation of morrum and laterite in Damanbhuin Laterite Stone Quarry(A) over 10.230 Ac/4.139 Ha and in Village Damanbhuin under Tangi Tahasil of Khordha District in Connection with NGT-reg

Ref No: Letter No.13931/Tauzi/ dated 07.10.2023 of O/o Collector & DM,
Khordha

Sir,

In inviting a reference to the subject cited above, I am to say that one scientific team with the coordination with ORSAC has been engaged in survey work at Damanbhuin Laterite Stone Quarry(A) over 10.230 Ac/4.139 Ha in Village Damanbhuin under Tangi Tahasil of Khordha District from dt. 25.10.2023 in connection with NGT. As it is related to National Green Tribunal matter, it needs one month time period to complete the survey in very systematic and scientific manner for preparation of report. After completion of the work, the report will be submitted for onward transmission to NGT.

Therefore, it is requested to allow one month time period to submit the final report in connection with NGT.

True copy attached

This is for your kind information and necessary action.

Yours faithfully

MJ
26.10.23

**DEPUTY DIRECTOR OF MINES (I/C),
KHORDHA CIRCLE, KHORDHA**

Memo No.....359...../Mines, Khordha. Date: 26.10.2023

Copy submitted to the Director of Mines and Geology, Odisha, Bhubaneswar /Director of Minor Minerals, Odisha Bhubaneswar for favour of kind information and necessary action.

MJ
26.10.23

**DEPUTY DIRECTOR OF MINES (I/C),
KHORDHA CIRCLE, KHORDHA**

True copy attested

[Signature]
COLLECTOR & DISTRICT MAGISTRATE
KHORDHA