

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Appeal No.02/2021/EZ**

Prafulla Samantaray

...Applicant

VERSUS

Union of India & Others.

... Respondents

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SPCB Odisha, R.No.3

Through

Smt. Papiya Banerjee Bihani
Advocates for the Respondent No.3
(State Pollution Control Board, Odisha)
e-mail: pbanerjeebihani@gmail.com
Phone No.:9831493390

Kolkata
Date:

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

Appeal No.02/2021/EZ

27 AUG 2021

IN THE MATTER OF:

Prafulla Samantaray

...Applicant

VERSUS

Union of India & Others.

...Respondents

**AFFIDAVIT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.3.**

I, Santosh Kumar Kuanar, son of late Surendra Nath Kuanar aged around 47 years, working with the State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. I am working as Senior Law Officer, Level-II with the State Pollution Control Board, Odisha, hereinafter referred to as the answering respondent and as such am competent and have been authorized to swear this affidavit. I have also

Santosh Kumar Kuanar,



MARJILA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON-71/2009
 PH:-9437827119 (M)

gone through the averments made in the OA and understood the contents thereof.

2. That in this Appeal the appellant has challenged the legality and propriety of the orders of the MoEF&CC, R.No.1 dtd.02.02.2021 regarding grant of environmental clearance of 3x800 MW NLC Talabira Thermal Power Project (NTTPP) at Kumbhari and Tareikela villages in District Jharsuguda and Thekoloi village in District Sambalpur, Odisha by M/s. NLC India Ltd. Copy of the said order has already been annexed as Annexure-A-1 of the Appeal Memo.
3. That at the outset, it is humbly submitted that so far as grant of Environmental Clearance by the regulatory authority in terms of EIA Notification, 2006 is concerned, the role of the State Pollution Control Board is limited only to facilitate conducting public hearing and forward the proceedings of the public hearing to the concerned regulatory authority for consideration of Environmental Clearance. In the instant case, the MoEF&CC, Govt. of India (R.No.1) is the Regulatory Authority.



Santosh Kumar Kumar.

MAHARAJA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON-71/2009
 PH: 0437627119 (MO)

[Handwritten signature]

4. That M/s. NLC Talabira Thermal Power Project (R.No.4) has proposed for establishment of 3x800 MW Power Plant at Khumbhari and Taraikela villages in the district of Jharsuguda and Thekoloi village in the district of Sambalpur in the state of Odisha.
5. That since the project of R.No.4 is coming under two districts i.e. Jhasuguda and Sambalpur, they have applied for conducting public hearing in terms of EIA Notification, 2006 to the R.No.3 Board separately for the respective district for the above proposal for obtaining Environmental Clearance.
6. That the R.No.3 Board has carried out public hearing in terms of EIA Notification 2006 for the Jharsuguda district on dtd.13.11.2019 and the proceedings of the public hearing was forwarded to the MoEF&CC, Govt. of India vide Board's letter No.13191 dtd.05.12.2019. Similarly, public hearing for the Sambalpur district was conducted on dtd.10.01.2020 and proceedings of the public hearing was forwarded to the MoEF&CC, Govt. of India vide Board's letter No.1165 dtd.01.02.2020. Copy of the forwarding

Santosh Kumar Kuanar.



MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON 17/01/2019
 PH: 9437827119 (M)

letters are annexed to this affidavit and marked as ANNEXURE-R3/1 and ANNEXURE-R3/2 respectively.

7. That it is further humbly submitted that the averments, contentions and / or statements as contained in the Appeal filed by the Appellant, which may not have been specifically denied or traversed herein but are in essence, contrary to the substance of this affidavit, should not be deemed to be admitted by reason of mere non-traverse, but should be treated expressly denied and the applicant should be put to strict proof in respect thereof.
8. That the Respondent No.3 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of the case.
9. That the annexures annexed to the present affidavit are true and correct copies of their originals.
10. 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 therefrom.



Santosh Kumar Keerav
 DEPONENT 23/01/2024

MANJLA KUNAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2003
PH:-8437627119 (M)

VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 27th day of August, 2021.

SWORN BEFORE ME

Santosh Kumar Kuanar
DEPONENT 27/08/2021



MANJLA KUNAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2003
PH:-8437627119 (M)



STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VII
Bhubaneswar - 751 012, INDIA

FAX : 2562822/2560955
Tel : 2564033/2563924
EPARK : 2561908/2562847
E-mail: paribesh@spcbodisha.org
Web site: www.spcbodisha.org

No. 13191 / IND-JI-PH-803

Date: 5-12-2019

By Regd. Post

To

The Secretary,
Ministry of Environment, Forest and Climate Change,
Govt. of India, Indira Paryaveeran Bhawan,
Jorbagh Road, New Delhi

Sub: Proceedings of Public hearing of M/s NLC India Ltd for establishment of 3x800 MW Talabira Thermal Power Project at Khumbhari and Tareikela in the district of Jharsuguda and Thelkoioi village in the district of Sambalpur (For Jharsuguda District). - regarding

Sir,

Inviting a reference to the above, this is to inform that public hearing of the above mentioned project proposed by M/s NLC India Ltd was conducted on 13.11.2019 at 11.00 A.M. at village Tareikela, in front of Gariadhi UP School near Hirma village, Jharsuguda district in accordance with the Ministry of Environment & Forest, Govt. of India, EIA Notification No. SO-1533(E) dt. 14.09.2006.

As per the above notification, notices inviting comments, views, objection and suggestions from the public, in respect of the above project was published in newspapers namely "The Indian Express" and "Samaj" on 11.10.2019.

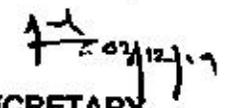
Further 6 nos. of representations were received during public hearing and 1 no. representation received directly by the Board which are enclosed herewith for kind reference and further action during the consideration of environmental clearance.

A copy of the proceedings of the public hearing along with the following documents are enclosed for kind information and necessary action at your end.

1. Video CD of public hearing.
2. Statement of issues raised by public hearing meeting and comments of applicant prepared in local language and in English
3. Copies of the newspaper advertisement.
4. List of persons who participated in the public hearing.
5. Views and suggestions from the public received by the Board during the public hearing.
6. 6 (six) nos. of representations were received during public hearing and 1 no. of representation received directly by the Board

Encl: As above

Yours faithfully,


MEMBER SECRETARY

P.T.O....

11211

Memo No 13192 dt. 5-12-2019

Copy along with copy of the proceedings of public hearing forwarded to the Additional Chief Secretary, Forest & Env. Department, Govt. of Odisha for information and necessary action.

Encl: As above



MEMBER SECRETARY

Memo No 13193 dt. 5-12-2019

Copy forwarded to the Additional Director, Eastern Regional Office, MoEF&CC Govt. of India, A-3, Chandrasekharpur, Bhubaneswar for information and necessary action.

MEMBER SECRETARY

Memo No 13194 dt. 5-12-2019

Copy along with copy of proceedings of public hearing forwarded to The Chief General Manager, Project & Business Development, M/s NLC India Ltd., Corporate Office, Block - 1, Neyveli - 607801 for information and necessary action.

Encl: As above

MEMBER SECRETARY



STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]

Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII

Bhubaneswar - 751 012, INDIA

FAX : 2562822/2560955
Tel : 2564033/2563924
EPABX : 2561909/2562847
E-mail: paribeshi@ospboard.org
Web site: www.ospboard.org

No. 1165 / IND-II-PH-811

Date: 01.02.2020

By Regd. Post

To

The Secretary,
Ministry of Environment, Forest and Climate Change,
Govt. of India, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi

Sub: Proceedings of Public hearing of M/s NLC Talabira Thermal Power Project for establishment of 3x800 MW Power Plant at Khumbhari and Tareikela villages in the district of Jharsuguda and Thekoloi village in the district of Sambalpur (For Sambalpur District). - regarding

Sir,

Inviting a reference to the above, this is to inform that public hearing of the above mentioned project proposed by M/s NLC Talabira Thermal Power Project for establishment of 3x800 MW Power Plant at Khumbhari and Tareikela villages in the district of Jharsuguda and Thekoloi village in the district of Sambalpur (For Sambalpur District) was conducted on 10.01.2020 at 11.00 A.M. at Durga Mandap Field of village Thekoloi, Tahsil Rengali in Sambalpur district in accordance with the Ministry of Environment & Forest, Govt. of India, EIA Notification No. SO-1533(E) dt: 14.09.2006.

As per the above notification, notices inviting comments, views, objection and suggestions from the public, in respect of the above project was published in newspapers namely "The New Indian Express" and "Dharitri" on 04.12.2019.

Further 4 nos. of representations were received during the public hearing meeting which are enclosed herewith for kind reference and further action during the consideration of environmental clearance.

A copy of the proceedings of the public hearing along with the following documents are enclosed for kind information and necessary action at your end.

1. Video CD of public hearing.
2. Statement of issues raised by public hearing meeting and comments of applicant prepared in local language and in English.
3. Copies of the newspaper advertisement.
4. List of persons who participated in the public hearing.
5. Views and suggestions from the public received by the Board during the public hearing.
6. 4 (four) nos. of representations were received during the public hearing meeting

Encl: As above

Yours faithfully,


MEMBER SECRETARY

P.T.O....

11211

Memo No 1166 /dt. 01.02.2020

Copy along with copy of the proceedings of public hearing forwarded to the Additional Chief Secretary, Forest & Env. Department, Govt. of Odisha for information and necessary action.

Encl: As above

 31/01/2020
MEMBER SECRETARY

Memo No 1167 /dt. 01.02.2020

Copy forwarded to the Additional Director, Eastern Regional Office, MoEF&CC Govt. of India, A-3, Chandrasekharapur, Bhubaneswar for information and necessary action.

 31/01/2020
MEMBER SECRETARY

Memo No 1168 /dt. 01.02.2020

Copy along with copy of proceedings of public hearing forwarded to The Chief General Manager, Project & Business Development, M/s NLC India Ltd., Corporate Office, Block - 1, Neyveli - 607801 for information and necessary action.

Encl: As above

 31/01/2020
MEMBER SECRETARY