

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

**ORIGINAL APPLICATION NO. 42 OF 2023 / EZ**

**IN THE MATTER OF:**

Om Sri Sri Sarbajanina Durga                      ...Appellant  
Puja Committee, Brundamal,  
Jharsuguda, Odisha

VERSUS

State of Odisha & Others                      ...Respondents

**INDEX**

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	
2.	Photocopy of the Joint Committee Report dated 16.05.2023. (ANNEXURE – R4/1 Colly)	

By the Respondent No.4

Through

Kolkata

Date:

**Smt. Papiya Banerjee Bihani,**  
Advocates for the Respondent No. 4  
(State Pollution Control Board, Odisha)  
e-mail:pbanerjeebihani@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTER ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 42 OF 2023 / EZ

IN THE MATTER OF:

Om Sri Sri Sarbajanina Durga ...Appellant  
Puja Committee, Brundamal,  
Jharsuguda, Odisha

VERSUS

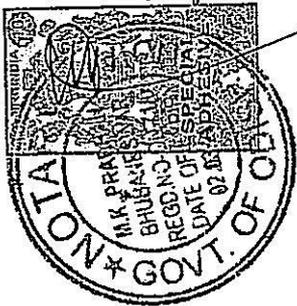
State of Odisha & Others ...Respondents

AFFIDAVIT ON BEHALF OF THE STATE PCB,  
ODISHA, R.NO.4 IN COMPLIANCE WITH ORDER  
OF THIS HON'BLE TRIBUNAL DTD.24.04.2023.

I, Dr. Kailasam Murugesan, IFS, son of late  
Paramasivam Kailasam aged around 54 years, at present  
working as Member Secretary, 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:

18 MAY 2023

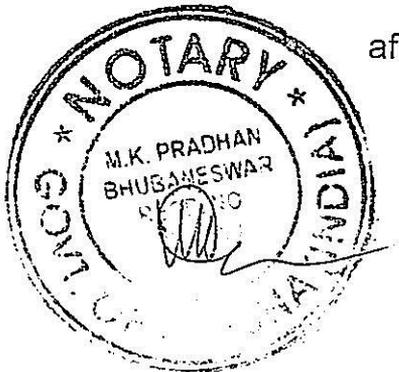


MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. IN-71/2019  
 OR-9437027119 INDIA



Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.4 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That in this OA allegation has been raised that four ponds which are situated in village Brundamal are used by the villagers for hundreds of years for various purposes like bathing and other domestic purpose. Local cattle and stray animals also drink water from these ponds and the ponds are also used for cultivation. Due to illegal mining operation by M/s. Vedanta Ltd. Jharsuguda (R.No.9), which is in clear violation of Fly Ash Notification 2016, the ponds are affected.
3. That this Hon'ble Tribunal in taking into consideration the aforesaid allegation vide their order dtd.24.04.2023 has



MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD. NO. ON-71/2009  
PH:-9437627719

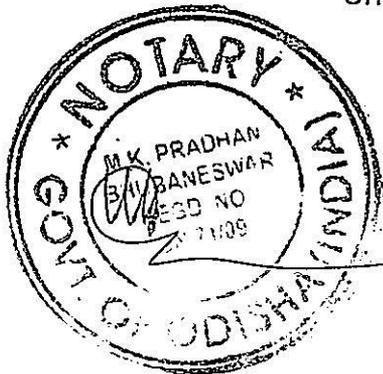


been pleased to constitute a committee comprising of the following members.

- a. District Collector and District Magistrate of his/her nominee not below the rank of ADM, Jharsuguda, Odisha.
- b. Senior Scientist / Environmental Engineer from Odisha State Pollution Control Board;
- c. Senior Scientist / Environmental Engineer from Central Pollution Control Board, New Delhi.



The Odisha State Pollution Control Board shall be the nodal body. And directed for inspection of the site in question and submit its report with regard to the allegations made in the OA and any other observation, the committee may deem fit in the circumstances of the case and also suggest remedial action along with environmental compensation.

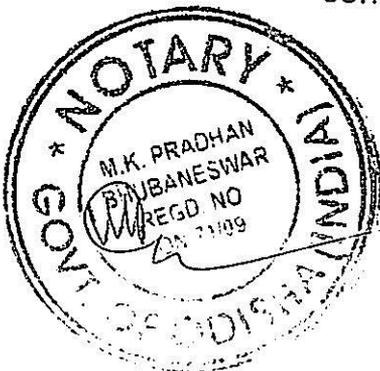


MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON-71/2009  
 PH: 9437627119



*[Handwritten Signature]*

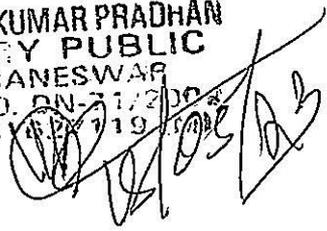
4. That in compliance to the direction dtd.24.04.2023 of this Hon'ble Tribunal, the joint committee has carried out inspection on 16.05.2023 in an around the alleged site and submitted the report with certain conclusion and recommendation. Copy of the joint committee report dtd.16.05.2023 is annexed to this affidavit and marked as ANNEXURE-R4/1 Colly.
5. That the Respondent No.4 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.
6. That the annexure annexed to the present affidavit is true and correct copy of its original.
7. 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.



*[Handwritten Signature]*  
 DEPONENT

Member Secretary  
 State Pollution Control Board  
 Odisha, Bhubaneswar-12

MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON-71/2003  
 PH:-9437627119

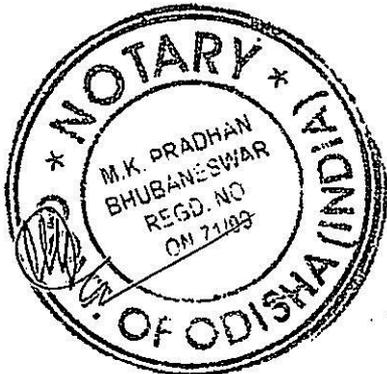
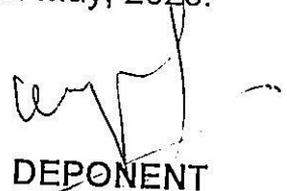


**VERIFICATION:**

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 18<sup>th</sup> day of May, 2023.

SWORN BEFORE ME

DEPONENT

Member Secretary  
 State Pollution Control Board  
 Odisha, Bhubaneswar-12

MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON-71/2003  
 PH:-9437627119 (M)



Joint Committee enquiry report with regards to OA No.42/2023/EZ-Omm Sri Sri Sarbajanina  
Durga Puja Committee, Brundamal, Jharsuguda vs State of Odisha & Others

As per the direction of the Hon'ble NGT-EZB dated 24.04.2023, in the matter OA 42/2023/EZ, committee has been constituted, comprising of District Collector & DM, Jharsuguda or his / her nominee not below the rank of ADM, Jharsuguda, Sr. Scientist / Env. Engineer from OSPCB and Sr. Scientist / Env. Engineer from CPCB, New Delhi. It is directed for inspection of the site in question and submit its report with regard to the allegations made in the OA and any other observation of the committee may deem fit in the circumstance of the case and also suggest remedial action along with Environmental compensation. In this regard, a field enquiry was conducted on 16.05.2023 in and around the alleged site. The following members of Joint Committee were present during the field visit:-

1. Sri Lankeswar Amat, ADM (Rev), Jharsuguda
2. Sri Sandeep Roy, Scientist D, CPCB, Regional Directorate, Kolkata
3. Er H.K. Nayak, Regional Officer, SPCB, Odisha

In addition to the above committee members, the following representatives and villagers were also present during the site visit:-

1. Smt A.Ekka, Dy.Env Scientist, SPCB, Odisha
2. Sri Rohitos Rohidas, Brundamal village
3. Sri Mahadev Rohidas, Brundamal village
4. Sri Montu Ghughar, Brundamal village
5. Sri Dhabal Bhoi, Brundamal village
6. Sri Dinesh Nayak, Brundamal village and others of Brundamal village

Following officials from M/s Vedanta Limited were also present as decided by the committee members:-

1. Sri Amit Kumar Tyagi, Head Environment.
2. Sri Subhasis Das, Head CSR.

**Background:-**

- A letter had been received from District Office, Jharsuguda, vide letter no-918/WS, dtd:- 17.08.2022 with regards to allegation petition received by Sri Rabindra Rohidas & Others of village Brundamal in the district of Jharsuguda. In this regards, a joint filed visit was conducted on 25.08.2022 at the alleged site by Regional Officer, SPCB, Jharsuguda and Tahasildar, Jharsuguda alongwith the local villagers. It was observed that, no ash dumping activity had been carried out at the site and on the other hand, the site was found to be levelled with soil for development of playground as stated by the 20-25 nos of villagers present during the site visit. Further, it was observed that plantation has been done at the alleged site with barbed

wire fencing around the site (copy of inspection report is enclosed).

- Thereafter, again a field visit was conducted on dated:- 20.04.2023 with respect to a letter received from District Office, Jharsuguda, vide letter no-4027/G&M, dtd:-17.04.2023 (copy attached) and no traces of ash dumping was observed during the inspection. The area was found to be fenced with barbed wire and there was growth of grass and scanty bushes (copy of inspection report is enclosed).

Observations made as on the day of inspection:-

Sl. No	Allegation made by the petitioner	Observations
1.	It is alleged that in Village- Brundamal there are four ponds which are used by the villagers for hundreds of years for various purposes like bathing and other domestic purpose. Local cattle and stray animals also drink water from these ponds and the ponds are also used for cultivation.	The alleged site is located in the village Brundamal, adjacent to the village road and approximately 75 m (aerial distance) from Vedanta guest house in the west direction. There are 4 nos of ponds in the west direction which are used by the villagers for bathing and other utilities.
2.	It is alleged that in 2021 due to low rainfall, the ponds dried up and the villagers faced serious problems. It is alleged that Pond No.2 was dug out with the help of machines and Hyva and then filled with fly-ash.	As stated by the villagers, levelling of the land had been done for making it a village playground and doing other recreational activities and no ash has been used for the purpose.
3.	It is alleged that in the village, the Pond No.1 is situated on in Plot No.773 in an area of 0.44 Acre. The Pond No.2 is situated on Plot No.769/1588, Khata No.226, Kisam-Kata, in an area 3.50 Acre. The Pond No.3 is situated on Plot No.1063 and 1070 in an area of 0.7 Acres and 1.85 Acres and Pond No.4 is situated on Plot No.752 having area 1.10 Acres.	Details of the pond is provided in the revenue sketch map as attached. From the map it is revealed (marked as red colour) that, the soil covered area near pond -2 belongs to IDCO land whereas Pond no-2 belongs to kisam Kata.
4.	It is also stated that in Village-Brundamal, there is about 740 acres of Government land but the Respondent No.9 has dug out 30 feet deep of earth from Pond No.2,	During the visit it was verified that, no excavation activity and no ash filling was done at Pond no-2 by M/s Vedanta Ltd (Photographs attached). The nearby area of

	Khata No.226, Kisam-Kata, in Plot No.769/1588 and filled up the same with fly ash. It is stated that the Kisam of the land is "KATA" and the same is a water body/Jalasay.	the alleged pond was found to be covered with grass and few plants.
5.	It is alleged that the Respondent No.9 is carrying on its illegal mining operations in clear violation of the Fly Ash utilization Notification 2016.	Since, no digging or mining activity at the alleged site was observed at the alleged site, violation with respect to the Fly Ash utilization Notification 2016 could not be substantiated.

#### CONCLUSION:-

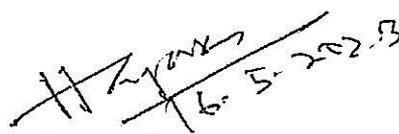
1. During visit, villagers were also present at the alleged site. The representative and Sarpanch of the Brundamal village stated that there is no filling of ash in the ponds. Pond no 3&4 are used for Bathing and other utilities whereas Pond no 1&2 is not in use. As intimated by the villagers the domestic wastewater of the village comes to pond no-2 and contaminates it and therefore it is not usable. Therefore, the villagers demanded to develop a playground for children/ field for conducting village functions.
2. Very small quantity of fly ash was found to be dumped in the pond no 2. As informed by the Sarpanch, this was carried out by the localites to develop a playground or field for conducting other recreational activities since there are no playgrounds/fields in that village.
3. During discussion with villagers, the committee members were in opinion that, M/s Vedanta Limited may develop the amenities as well as cleaning/beautification of the area under CSR activities as the village is located near the plant.
4. During discussion with officials from M/s Vedanta Ltd, it was assumed by them to carry out the following activities:-
  - Construction of proper drainage network and connecting it with the nearby main drain.
  - Construction of playground/field at pond no-2.
  - Stone pitching and cleaning work of Pond no-3 and 4.
  - Repairing of the village temple and construction of one borewell.

#### RECOMMENDATIONS:-

1. M/s Vedanta Ltd may be directed to carry out the said activities within a period of 6 months under their CSR activities. They will submit a time bound action plan in this regard.
2. Necessary permission may be granted by the concerned department for the development and

beautification of the area.

3. Necessary co-ordination and manpower as per requirement, may be extended by the villagers under the supervision of Gram Panchayat.
4. M/s Vedanta Ltd may be directed to submit a bank guarantee of Rs. 25 lakhs with District Administration/OSPCB until completion of the said activities in given time frame.
5. All the above activities must be carried out under close supervision of District Administration and OSPCB.

  
Regional Officer, Jharsuguda

  
Scientist D, CPCB

  
ADM (Rev), Jharsuguda

DISTRICT OFFICE: JHARSUGUDA  
(Gen. & Misc. Section)

No. 4027 /G&M Dt. 17/04/2023

To

The Tahasildar, Jharsuguda  
The SDPO, Jharsuguda  
The RO, SPCB, Jharsuguda

Sub:

Allegation petition of Sri Rabindra Rohidas & others submitted before the Hon'ble ST Commission.

Sir,

In inviting a reference to the subject cited above, I am directed to enclose herewith the minutes of the sitting held under the chairmanship of Sri Ananta Nayak, Hon'ble Member, NCST on the petition of Sri Rabindra Rohidas & others of Brundamal on 13.03.2023, in which the Commission recommended that an enquiry be held into the matter.

Therefore you are requested to conduct a joint enquiry into the matter in presence of the petitioner and submit a detailed report to this office for onwards transmission to Hon'ble Commission.

This may be treated as **Most Urgent**.

Encl:-As above

Yours faithfully,

*[Signature]*  
17.4.2023

Project Director, R &R,  
Collectorate, Jharsuguda

Memo No. 4028

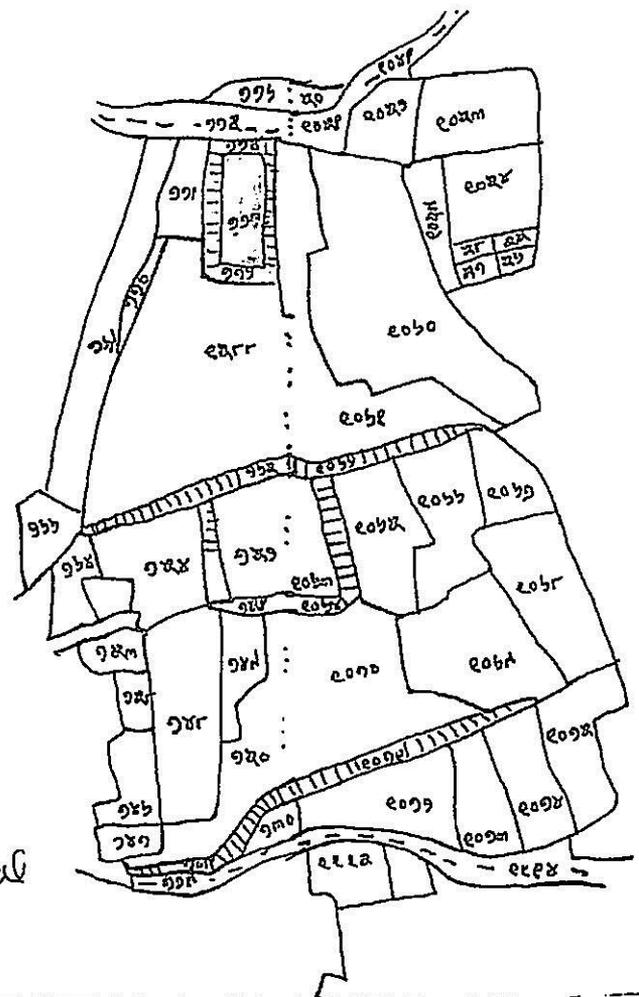
/G&M Dt. 17/04/2023

Copy to the CEO, Vedanta Aluminium Ltd, Bhurkamunda, Jharsuguda for information and necessary action. He is requested to depute your representative during the joint enquiry.

*[Signature]*  
Project Director, R &R,  
Collectorate, Jharsuguda



ମୌଜା. ବୃନ୍ଦାମାଳ  
 ଥାନା. ହାତସୁଗୁଡ଼ା ନଂ. ୪୦  
 ଦସ୍ତଖତ - ହାତସୁଗୁଡ଼ା ନଂ. ୨୦୧  
 ଜିଲ୍ଲା. ହାତସୁଗୁଡ଼ା  
 ସ୍କେଲ - ୧୬" = ୧ ମାଇଲ  
 ମୋଡ଼ରୁ ବିଲମାନସ୍ତୁ ନିକ୍ଷାପ ଅବିକଳ  
 ମାନକରୁ ଅଟେ ।



Mouza - Brundamal  
 Police Station - Jhansuguda No-40  
 Tahasil - Jhansuguda No-201  
 District - Jhansuguda  
 Scale - 16" = 1 mile  
 Catch map draw from original  
 Major Settlement Map

Pond	Khata No	Plot No	Area	Kisam	Remark
Pond - 1	226 (Rakhat)	773	Ac 0.440	Bandha	Govt. Land
Pond - 2	-do-	769/1588	Ac 3.500	Kata	Govt. Land.
Pond - 3	-do-	1063	Ac 0.440	Bandha	Govt. Land
		752	Ac 0.730	Bandha	Govt. Land
Pond - 4	-do-	750	Ac 1.100	Kata	Govt. Land
		1070	Ac 1.850	Kata	Govt. Land
Land Covered by Sail.	212/180	1061	Ac 1.800	Padit	IDCO, Bhubaneswar

*[Signature]*  
 16/05/2023  
 R.I. Sarabahal

**Photographs of the alleged site**

**Pond No-2**



**Village drain  
connected to  
Pond no-2**



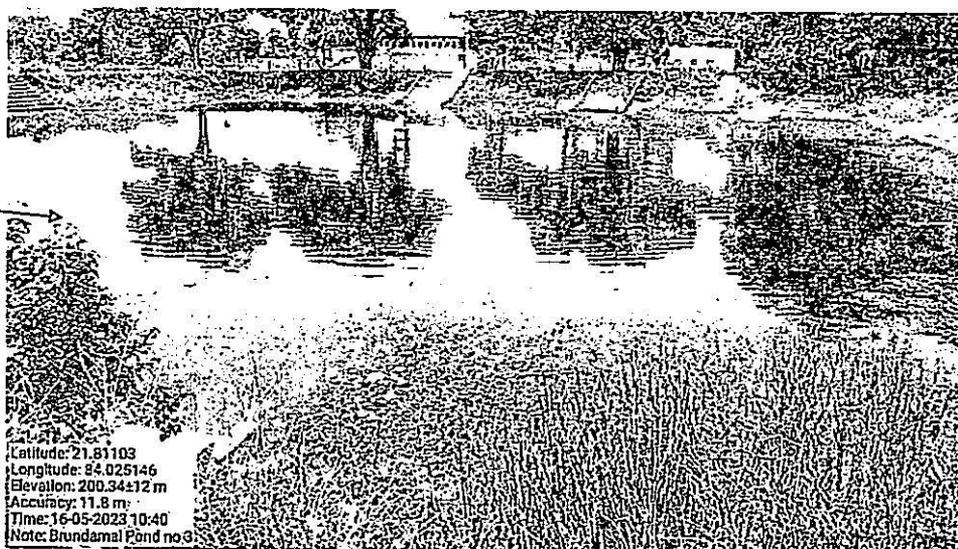
**IDCO land near  
Pond no-2**



IDCO land near  
Pond no-2



Pond No-3



Pond No-4

