

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

**M.A. No. 06/2024/EZ**

(Arising out of O.A. No.112 OF 2021/EZ)

**Kandra Battachhatri & others**

**... Applicant (s)**

**-Versus-**

**State of Odisha & Others**

**...Respondent (s)**

**INDEX**

<b>SL. No.</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>PAGE</b>
1.	COMPLIANCE AFFIDAVIT FILED ON BEHALF OF COLLECTOR, SUNDARGARH	1-4
2.	<b><u>Annexure- 1</u></b> Demand Notice issued to Sri Paresh Chandra Dey Vide Letter No.4478/ dtd.06.12.2022, 4712/ dtd.30.12.2022 & 689/ dtd. 02.03.2023 of Tahasildar, Lahunipara, Sundargarh	5-8
3.	<b><u>Annexure- 2</u></b> Stay order of Hon'ble High Court, Cuttack vide order dtd. 06.03.2023 passed in W.P.(C). No. 6077 of 2023 & I.A No. 2656 of 2023	9-10
4.	<b><u>Annexure-3</u></b> Bank Guarantee of Rs. 1,50,00,000/- deposited vide No. 0358-BG0016-23 dtd.20.03.2023 at Punjab & Sind Bank, Ashok Nagar, Bhubaneswar by M/s KMC-RKD	11-14

Place: *Cuttack*

Date: *28.03.24*

By Respondents through,

*Shashi Prasad Das*  
Addl. Government Advocate

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

**M.A. No. 06/2024/EZ**

(arising out of O.A. No.112 OF 2021/EZ)



**Kandra Battachhatri & others**

**... Applicant (s)**

**-Versus-**

**State of Odisha & Others**

**...Respondent (s)**

**COMPLIANCE AFFIDAVIT FILED BY**  
**COLLECTOR, SUNDARGARH IN M.A.NO. 06/2024/EZ**  
**ARISING OUT OF O.A NO. 112 OF 2021/EZ**

I, Dr. Gavali Parag Harshad aged about 38 years, S/o. Harshad Gavali at present serving as Collector & District Magistrate, Sundargarh, At/Po/Dist.- Sunargarh, do hereby solemnly affirm and state as follows:

1. That, I am the respondent No. 5, in the Original Application and well acquainted with the facts of the case and swear this affidavit.
2. That, I have gone through the Original Application as well as the documents annexed thereto and understood the contents thereof. I am acquainted with the facts of this case on the basis of official records.
3. That, in the reply to the averments made in Para-1 of the Original Application it is humbly submitted that, the allegation in Original Application No.112/2021/EZ was that the lessee of Ladam Sand Bed under Lahunipara Tahasil of Sundargarh District indulged in illegal Sand Mining activity situated at Ladam Sand Bed, Brahmani River under Lahunipara Tahasil of Sundargarh District. Basing on allegation, the Hon'ble NGT,

*Parag Harshad Gavali*  
Collector  
Sundargarh

*AB*  
*17/08-09-24*  
**AMBIKA PRASAD RAY**  
**NOTARY, CUTTACK TOWN**  
**REGD. NO-ON-56/2004**

Eastern Zone, Kolkata was pleased to admit the case of the application in OA No. 112/2021/EZ.

4. That, in reply to the averment made in Para-2 of the Original Application, it is humbly submitted that, as per the direction of Hon'ble NGT, Eastern Zone, Kolkata in the Original Application No. 112/2021/EZ in Order dt. 07.02.2023 that "*compensation of Rs. 3,84, 99,137/-has been assessed for excess mining resulting in damage to the environment which shall be collected from the previous lessee of the Ladam Sand Bed. Apart from amount of environmental compensation, further sum of Rs. 2, 05, 20,000/- was required to be paid by the previous lessee of the Ladam Sand Bed for loss of revenue*". The M/s KMC-RKD was the previous lessee in respect to Ladam Sand Bed under Lahunipara Tahasil and in compliance to the Order of Hon'ble NGT the demand notice has been issued to M/s KMC-RKD vide letter No. 4478/dt. 06.12.2022, 4712/dt. 31.12.2022 & 689/dt. 02.03.2023 of Tahasildar, Lahunipara Vide **Annexure-1** to deposit the dues as imposed by the Hon'ble NGT, Eastern Zone Bench, Kolkata. In the mean time the M/s KMC-RKD has filed W.P. (C) No. 6077 of 2023 before the Hon'ble High Court of Orissa against the said demand. The Hon'ble High Court passed interim Order dt. 06.03.2023 as "the demand notice shall remain stayed subject to the petitioner depositing Bank Guarantee of Rs. 1,50,00,000/- (Rupees One crore Fifty lakhs only) before the Registrar (Judicial), Orissa High Court, Cuttack". **Annexure-2** Accordingly, the M/s KMC-RKD has deposited Bank Guarantee No. 0358-BG0016-23 dated 20.03.2023 for an amount of Rs. 1, 50, 00,000/- (Rupees One crore Fifty lakhs

Ranaj Narshad Gencu  
Collector  
Sundargarh

  
AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
REGD. NO-ON-56/2004

- only) at Punjab & Sind Bank, Ashok Nagar, Bhubaneswar & submitted copy of his letter dt.20.03.2023 enclosing the covering letter of PBG of Punjab & Sind Bank before the Registrar (Judicial), Orissa High Court, Cuttack. **Annexure-3**
- 5 Nothing to comply.
- 6 It is humbly submitted that, no mining activities has been done over the Kenapali Sand Bed since 11.12.2021. Further, no mining activities have been done over the Ladam Sand Bed since 31.03.2021.
- 7 That, the Respondent is duty bound to carry out the orders and/or directions passed by the Hon'ble Court in letter and sprit.
- 8 That, the facts stated above are true to the best of my knowledge and based on official record.

Identified by

*Shree Anil Prasad*  
Advocate

*Panag Harshad Gavai*

Deponent  
Collector  
Sundargarh

**CERTIFICATE**

Certified that the cartridge papers are not readily available.

Place: *Cuttack*  
Date: *28-03-24*

*hw*  
Addl. Government Advocate

*Do Panag Harshad Gavai*

The above named deponent being identified by *S. P. Panda* Adv. solemnly affirm and declare before me that the contents of the *certificat* are true to the best of their knowledge and belief.

*AP*  
*28-03-24*

AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
Regd. No.-OR-56/2004



**VERIFICATION**

I, Dr. Gavali Parag Harshad aged about 38 years, S/o- Harshad Gavali at present working as Collector & District Magistrate, Sundargarh, At/Po/ Dist- Sundargarh, do hereby verify and state that the facts stated above in the affidavit are all based on official records and I signed on this verification being present in the office of my Advocate at Cuttack, on this the ~~28th~~ day of ~~March~~, 2024.

Parag Harshad Gavali

**VERIFICANT**

Collector  
Sundargarh



AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
REGD. NO-ON-56/2004

OFFICE OF THE TEHSILDAR, LAHUNIPARA

Letter No. 4478 /Dt. 06/12/2022

46  
ANNEXURE-I

DEMAND NOTICE

To

Sri Pranesh Chandra Dey  
P.A. Holder of M/s KMC-RKD (JV)  
B-20, Chandaka Industrial Estate,  
Patia, Bhubaneswar-751024.

Sub: - Regarding unauthorized lifting of sand from Ladam Sand bed.

Ref:- This office letter No. 1955/dt. 11.05.2022 & No. 2784/dt. 30.07.2022.

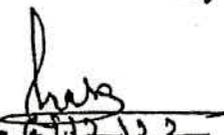
As per the order of the Hon'ble NGT, Eastern Zone Bench, Kolkata in OA No-112/2021/EZ dated 29.04.2022 it is found that you have illegally lifted 80400 cum of sand beyond the lease area of Ladam Sand bed as per the report of inspecting committee which is gross violence of OMMC Rules-2016. The inspecting team has imposed fine amount of Rs. 3, 84, 99,137/- (Rupees three crore eighty four lakh ninety nine thousand one hundred thirty seven) only towards excess illegal lifting of sand for which you were directed vide this office letter under reference to deposit the above dues within one month from receipt of the letter. But the same has not been deposited by you till date.

Hence, you are once again directed to deposit the above dues within 15 days from receipt of this letter through RTGS/NEFT/BC/DD as inconvenience way failing which action deemed proper shall be taken.

True copy attested.  
Max  
21/01/23  
Tehsildar  
Lahunipara

Memo No. 4479 /Dt. 06/12/2022

Copy submitted to Additional District Magistrate, Sundargarh/Sub-Collector, Bonai for favour of kind information and necessary action.

  
Tehsildar, Lahunipara  
Lahunipara

Memo No. 4480 /Dt. 06/12/2022

Copy to Revenue Supervisor, Lahunipara/Revenue Inspector, Kaleiposh for information and necessary action to pursue into the matter and collect the amount at an earliest.

  
Tehsildar, Lahunipara  
Lahunipara

True Copy Attested

  
Addl. Tehsildar  
Lahunipara

  
Tehsildar, Lahunipara  
Lahunipara

OFFICE OF THE TEHSILDAR, LAHUNIPARA

Letter No. 4712 /Dt. 31.12.2022 - 6

DEMAND NOTICE

ANNEXURE - I 47

To

Sri Pranesh Chandra Dey  
P.A. Holder of M/s KMC-RKD (JV)  
B-20, Chandaka Industrial Estate,  
Patia, Bhubaneswar-751024.

Sub: - Regarding unauthorized lifting of sand from Ladam Sand bed.  
Ref:- This office letter No. 1955/dt. 11.05.2022 ,No. 2784/dt. 30.07.2022 & No. 4478/dt. 06.12.2022.

As per the order of the Hon'ble NGT, Eastern Zone Bench, Kolkata in OA No-112/2021/EZ dated 29.04.2022 it is found that you have illegally lifted 80400 cum of sand beyond the lease area of Ladam Sand bed as per the report of inspecting committee which is gross violence of OMMC Rules-2016. The inspecting team has imposed fine amount of Rs. 3, 84, 99,137/- (Rupees three crore eighty four lakh ninety nine thousand one hundred thirty seven) only towards excess illegal lifting of sand for which you were directed vide this office letter under reference to deposit the above dues within one month from receipt of the letter. But the same has not been deposited by you till date.

Hence, you are once again directed to deposit the above dues within 7 days from receipt of this letter through RTGS/NEFT/BC/DD as inconvenience way failing which action deemed proper shall be taken.

True copy attested.  
30/12/22  
Tehsildar  
Lahunipara

Memo No. 4713 /Dt. 31.12.2022

Copy submitted to Additional District Magistrate, Sundargarh/Sub-Collector, Bonai for favour of kind information and necessary action.

31/12/22  
Tehsildar  
Lahunipara

Memo No. 4714 /Dt. 31.12.2022

Copy to Revenue Supervisor, Lahunipara/Revenue Inspector, Kaleiposh for information and necessary action to pursue into the matter and collect the amount at an earliest.

31/12/22  
Tehsildar  
Lahunipara

True Copy Attested

Addl. Tehsildar  
Lahunipara

31/12/22  
Tehsildar  
Lahunipara

## OFFICE OF THE TEHSILDAR, LAHUNIPARA

Letter No. 689 /Dt. 02.03.2023

ANNEXURE-I

DEMAND NOTICE

To

Sri Pranesh Chandra Dey  
P.A. Holder of M/s KMC-RKD (JV)  
B-20, Chandaka Industrial Estate,  
Patla, Bhubaneswar-751024.

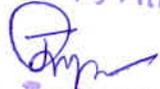
Sub: - Regarding unauthorized lifting of sand from Ladam Sand bed.

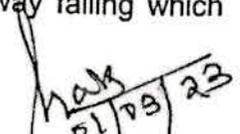
Ref:- This office letter No. 1955/dt. 11.05.2022 ,No. 2784/dt. 30.07.2022 , No. 4478/dt. 06.12.2022 & 4712/dt. 31.12.2022.

As per the order of the Hon'ble NGT, Eastern Zone Bench, Kolkata in OA No-112/2021/EZ dated 29.04.2022 it is found that you have illegally lifted 80400 cum of sand beyond the lease area of Ladam Sand bed as per the report of inspecting committee which is gross violence of OMMC Rules-2016. The inspecting team has imposed fine amount of Rs. 3, 84, 99,137/- (Rupees three crore eighty four lakh ninety nine thousand one hundred thirty seven) only towards excess illegal lifting of sand for which you were directed vide this office letter under reference to deposit the above dues. But the same has not been deposited by you till date. In the mean time the Hon'ble NGT, Eastern Zone Bench, Kolkata in OA No-112/2021/EZ passed order dated 07.02.2023 that "*compensation of Rs. 3,84, 99,137/- has been assessed for excess mining resulting in damage to the environment. Apart from amount of environmental compensation, further sum of Rs. 2, 05, 20,000 was required to be paid for loss of revenue*". The Hon'ble Tribunal further directed the District Magistrate, Sundargarh, that in case the amount of compensation is not paid, the District Magistrate may take any penal action of theft against illegal mining in view of the Supreme Court reported in (2021) Vol. 2 SCC 670.

Hence, you are once again directed to deposit the above dues within 15 days from receipt of this letter through RTGS/NEFT/BC/DD as inconvenience way failing which action deemed proper shall be taken.

True Copy Attested

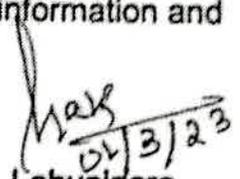
  
Addl. Tehsildar  
Lahunipara

  
Tehsildar, Lahunipara

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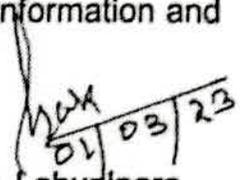
Memo No. 690 /Dt. 02.03.2023

Copy submitted to the Collector, Sundargarh for favour of kind information and necessary action.

  
 Tehsildar, Lahunipara

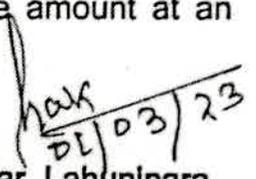
Memo No. 691 /Dt. 02.03.2023

Copy submitted to the Sub-Collector, Bonai for favour of kind information and necessary action.

  
 Tehsildar, Lahunipara

Memo No. 692 /Dt. 02.03.2023

Copy to Revenue Supervisor, Lahunipara/Revenue Inspector, Kaleiposh for information and necessary action to pursue into the matter and collect the amount at an earliest.

  
 Tehsildar, Lahunipara

True Copy Attested

  
 Addl. Tehsildar  
 Lahunipara

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6077 of 2023

M/s KMC RKD (Joint Venture) .... Petitioner

Mr. S. Dwivedi, Advocate.

-versus-

State of Odisha & others .... Opp. Parties

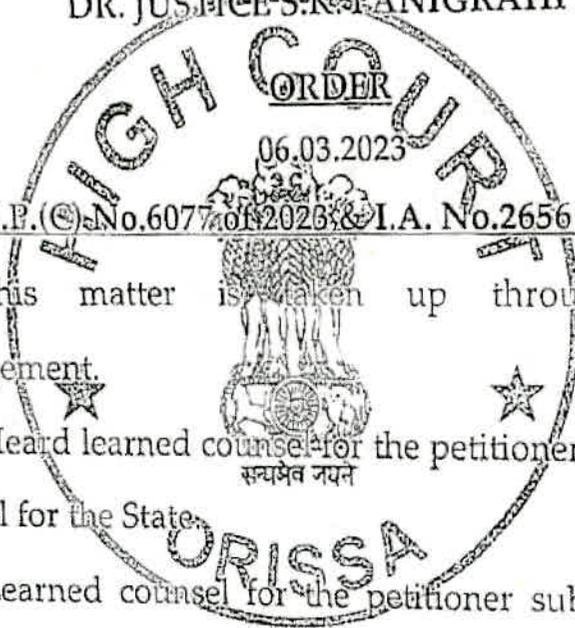
Mr. G.R. Mohapatra, ASC

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order No.

06.03.2023  
W.P.(C) No.6077 of 2023 & I.A. No.2656 of 2023



The seal of the High Court of Orissa is circular, featuring the text 'HIGH COURT' at the top and 'ORISSA' at the bottom. In the center, there is an emblem of the State of Odisha with the motto 'सत्यमेव जयते' (Satyameva Jayate) below it. The word 'ORDER' is written across the top of the seal, and the date '06.03.2023' is stamped in the middle.

1.

1. This matter is taken up through Hybrid Arrangement.

2. Heard learned counsel for the petitioner and learned counsel for the State.

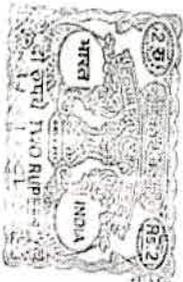
3. Learned counsel for the petitioner submits that in this writ petition, the petitioner challenges the action of the Tahasildar, Lahunipada in illegally and arbitrarily imposing a penalty of Rs.3,84,99,137/- on the petitioner even though the petitioner was not a party to the said proceeding.

4. In such view of the matter, this Court is of the opinion that this matter requires consideration by this

True Copy Attested

Addl. Tehsildar

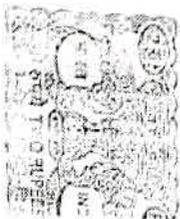
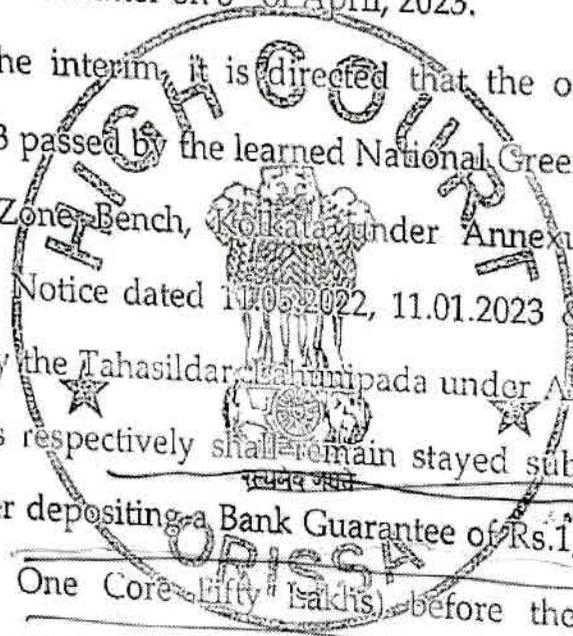
Lahunipara



11211

Court.

5. Let notice be issued to the opposite party nos.1 to 4.
6. Learned counsel for the petitioner is directed to serve three extra copies of the brief on the learned counsel for the State.
7. Requisites for issuance of notice to the opposite party no.4 by Registered Post with A.D. shall be filed within three working days.
8. List this matter on 5<sup>th</sup> of April, 2023.
9. In the interim, it is directed that the order dated 07.02.2023 passed by the learned National Green Tribunal, Eastern Zone Bench, Kolkata under Annexure-12 and Demand Notice dated 11.05.2022, 11.01.2023 & 31.12.2022 issued by the Tahasildar, Lahunipada under Annexure-8 & 11 Series respectively shall remain stayed subject to the petitioner depositing a Bank Guarantee of Rs.1,50,00,000/- (Rupees One Core Fifty Lakhs) before the Registrar (Judicial), Orissa High Court, Cuttack.
10. Issue urgent certified copy of this order on proper application.



Gd - DR. S.K. Parigrahi

*(Handwritten signature)*



True Copy Attested

*(Handwritten signature)*  
Addl. Tehsildar  
Lahunipara

= 115

## OFFICE OF THE TEHSILDAR, LAHUNIPARA

e-mail: (1) [tah-lahuni-od@nic.in](mailto:tah-lahuni-od@nic.in) (2) [tah-lahuni123@gmail.com](mailto:tah-lahuni123@gmail.com)

Letter No. 4049 /Dt. 19.12.2023

To

The Additional District Magistrate,  
Sundargarh.

Sub: - W.P.(C) NO. 6077 of 2023 filed by M/s KMC RKD(Joint Venture) -vrs-State of Odisha & Others.

Ref: - District Office letter No. 2906/dt. 03.07.2023.

Sir,

With reference to the letter on the subject cited above, I would like to intimate that the Hon'ble High Court passed interim order on dated 06.03.2023 in W.P.(C) NO. 6077 of 2023 filed by M/s KMC RKD(Joint Venture) -vrs-State of Odisha & Others that the demand for Rs. 3,84,99,137/- issued against M/s KMC RKD(Joint Venture) shall remain stayed, subject to the petitioner depositing Bank Guarantee of Rs. 1,50,00,000/- (Rupees One crore Fifty lakhs only) before the Registrar( Judicial), Orissa High Court, Cuttack.

In obedience to the order of Hon'ble High Court of , the M/s KMC-RKD has deposited Bank Guarantee No. 0358-BG0016-23 dated 20.03.2023 for an amount of Rs. 1,50,00,000/- (Rupees One crore Fifty lakhs only ) before the Registrar( Judicial), Orissa High Court, Cuttack. A photocopy of the said Bank Guarantee is enclosed herewith for kind reference.

This is for favour of kind information and necessary action.

Yours faithfully,

Encl: As above.

Memo No. 4050 /Dt. 19.12.2023

  
Tehsildar, Lahunipara  
Lahunipara

Copy submitted to the Sub-Collector, Bonai for favour of kind information.

True Copy Attested

  
Tehsildar, Lahunipara  
Tehsildar  
Lahunipara

  
Addl. Tehsildar  
Lahunipara



ਪੰਜਾਬ ਐਂਡ ਸਿੰਧ ਬੈਂਕ

ੴ ਸ੍ਰੀ ਵਾਹਿਗੁਰੂ ਜੀ ਕੀ ਫਤਹ ॥

Punjab & Sind Bank

ਪੰਜਾਬ ਐਂਡ ਸਿੰਧ ਬੈਂਕ

(A Govt. of India Undertaking)

Ashok Nagar,  
Bhubaneswar  
Email: b0358@psb.co.in  
Tel: 2533533 (Telefax)

Date: 20-03-2023

To,

The Registrar (Judicial),  
Orissa High Court,  
Cuttack

Dear Sir,

This covering letter is issued to be annexed to the letter of Guarantee No. 0358-BG0016-23 dated 20-03-2023 for an amount of Rs. 1,50,00,000/- (Rs. One Crore Fifty Lakhs Only) valid till 20.06.2023 issued by this office on behalf of M/S KMC-RKD JV, Regd office : Door No-1, 80/40/SP/58-65, Shilpa Homes Layout, Gachibowli, Hyderabad-500032 under the joint Signature of

1. Sh Sanjeev Kumar Suman (Asst. General Manager)
2. Mrs. Subhashree Mohapatra (Senior Manager)

ਕੁਲ ਪੰਜਾਬ ਐਂਡ ਸਿੰਧ ਬੈਂਕ  
For PUNJAB & SIND BANK  
ਸਹਾਇਕ ਮਹਾਂ ਪ੍ਰਬੰਧਕ / General Manager  
ਅਸ਼ੋਕ ਨਗਰ, ਖੁਬਨੇਸ਼ਵਰ  
Ashok Nagar, Bhubaneswar

ਕੁਲ ਪੰਜਾਬ ਐਂਡ ਸਿੰਧ ਬੈਂਕ  
For PUNJAB & SIND BANK  
ਬਰਿਸ਼ਟ ਪ੍ਰਬੰਧਕ / Senior Manager  
ਅਸ਼ੋਕ ਨਗਰ, ਖੁਬਨੇਸ਼ਵਰ  
Ashok Nagar, Bhubaneswar

True Copy Attested

Addl Tehsil Dar  
Lahunipara



ଓଡ଼ିଶା ଓଡ଼ିଶା ODISHA

The Registrar (Judicial),

Orissa High Court,

CUTTACK.

Sir,

No. 0358-BG0016-23

DATE OF ISSUE 20/03/2023

DATE OF EXPIRY 20/06/2023

ISSUED ON BEHALF OF

M/S KMC - RKD JV

BENEFICIARY The Registrar (Judicial)

Orissa High Court, Cuttack

R 277335

In consideration of The Honorable High Court of Orissa, Cuttack having passed an interim order on hearing of W.P.(C) No – 6077 of 2023 & IA No – 2656 of 2023 in the matter of an application under Articles 226 and 227 of the Constitution of India and an application challenging the action of the Tahasildar, Lahunipara in illegally and arbitrarily imposing a penalty of Rs. 3,84,99,137.00 (Rupees Three Crore Eighty-four lakh Ninety-nine thousand One hundred Thirty-seven only) on the petitioner M/S KMC - RKD JV, having its registered office at Door No – 1, 80/40/SP/58-65, Shilpa Homes Layout, Gachibowli, Hyderabad – 500032.

After hearing the petition, the Honorable High Court of Orissa, Cuttack passed an interim order to deposit Rs. 1,50,00,000.00 (Rupees One Crore Fifty lakh only) in shape of Bank Guarantee before the Registrar, Orissa High Court, Cuttack by the petitioner M/S KMC - RKD JV, having its registered office at Door No – 1, 80/40/SP/58-65, Shilpa Homes Layout, Gachibowli, Hyderabad – 500032.

We, Punjab & Sind Bank, having one of our branches at Plot No - 150, Ashok Nagar, Bhubaneswar - 751009, Odisha and having our registered office at Plot No – 21, Rajendra Place, New Delhi – 110008 do hereby unconditionally and irrevocably guarantee and undertake to pay to the Registrar (Judicial), Orissa High Court, Cuttack immediately on demand without any demur, reservation, protest and recourse to the extent of the said sum of Rs. 1,50,00,000.00 (Rupees One Crore Fifty lakh only). Any such claim/demand made by the said "Employer" on us shall be conclusive and binding on us irrespective of any dispute or difference raised by the petitioner.

True Copy Attested

Addl. Tahsildar  
Lahunipara

General Manager  
Ashok Nagar, Bhubaneswar

For PUNJAB & SIND BANK

दरिष्ठ प्रबंधक/Senior Manager  
अशोक नगर, भुवनेश्वर  
Ashok Nagar, Bhubaneswar

14

This guarantee shall be irrevocable and shall remain valid upto 20/06/2023 If any further extension of this guarantee is required, the same shall be extended to such required period(s) on receiving instructions from M/S KMC - RKD JV on whose behalf this guarantee is issued.

In witness whereof the Bank, through its authorized officer, has set its hand and stamp on this 20<sup>th</sup> day of March 2023 at Bhubaneswar.

SIGNATURE AND SEAL \_\_\_\_\_

NAME OF THE BANK – Punjab & Sind Bank

ADDRESS – Plot No – 150, Ashok Nagar, Bhubaneswar – 751009, Odisha.

DATE – 20/03/2023

For PUNJAB & SIND BANK  
General Manager  
Ashok Nagar, Bhubaneswar

For PUNJAB & SIND BANK  
Senior Manager  
Ashok Nagar, Bhubaneswar

True Copy Attested

Adl. Tehsildar  
Labunipare