

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 183 OF 2025**

**IN THE MATTER OF:**

URBASHI JENA ....

APPLICANT

VERSUS

STATE OF ODISHA AND ORS ....

RESPONDENTS

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1	Reply on behalf of Respondent no 12 (Central Ground Water Board)	
2.	Annexure-R 12-1 A true copy of the order dated 16.01.2026 of OA 183 of 2025 is annexed herewith and marked as ANNEXURE R-12/1	
3	Annexure-R 12 -2A true copy of the Show Cause Notice dated 12.01.2026 is annexed herewith and marked as ANNEXURE R-12/2.	
4	Annexure-R 13-3 A true copy of the reply dated 27.01.2026 is annexed herewith and marked as ANNEXURE R-12/3.	

**Respondent No. 12**

Filed by

Through



New Delhi  
Dated

**GIGI.C.GEORGE**  
Advocate  
Standing Counsel (UOI)  
NATIONAL GREEN TRIBUNAL  
Email: [gigigeorge.adv42@yahoo.in](mailto:gigigeorge.adv42@yahoo.in)  
M-9810625315



17 6 MAR 2026

**NOTARISED****BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,****EASTERN ZONE BENCH, KOLKATA****ORIGINAL APPLICATION NO. 183 OF 2025**

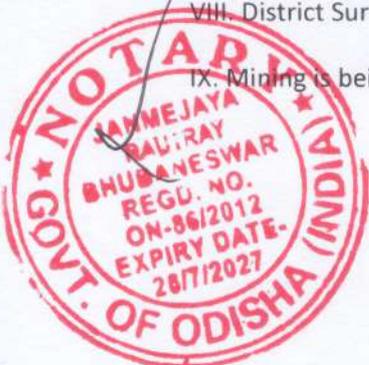
REPLY BY WAY OF AFFIDAVIT ON BEHALF OF RESPONDENT NO. 12, CENTRAL GROUND WATER BOARD,  
SOUTH EASTERN REGION, BHUBANESHWAR

Most Respectfully Showeth:

I, Bikram Kumar Sahoo, aged about 53, S/o Late M.N.Sahoo working as Regional Director, having Office at Central Ground Water Board, SER, Bhubaneswar do hereby solemnly affirm and state on oath as under:-

1. That I am duly authorised to swear and file the present Counter Affidavit on behalf of Respondent No. 12, Central Ground Water Board, South Eastern Region, Bhubaneswar and am conversant with the facts and circumstances of the case based on official records.
2. That I have perused the content of the above captioned O.A. and I am duly authorised to depose by way of the present affidavit.
3. That the present Original Application No. 183 of 2025 (EZ) has been filed under Section 14, 15, 20 r/w section 18(1) & (2) of the National Green Tribunal Act, 2010 by the Applicant alleging that M/s Bajabati Black Stone Quarry No. 6 (hereinafter referred to as the "Project Proponent") operated by the lessee namely Samarendra Nayak violating the of conditions of Environment Clearance, CTO and mining plan. In the petition, violations summarized by the petitioner are reproduced here under :
  - I. Mining beyond lease area
  - II. Mining beyond the permissible depth of 6 meter as prescribed in EC condition No. 8.74
  - III. Safety zone has not been maintained by the lessees
  - IV. Excess mining beyond the permissible limit
  - V. Mining is being done in an unscientific manner
  - VI. Inaction of SEIAA authority even after public complaint dated 09/04/2025
  - VII. Violation of Environmental Clearance conditions.
  - VIII. District Survey Report of the Jajpur district has not approved by the SEIAA as on dated.
  - IX. Mining is being done in absence of approved DSR

Bikram Kumar Sahoo



X. Mining in safety zone

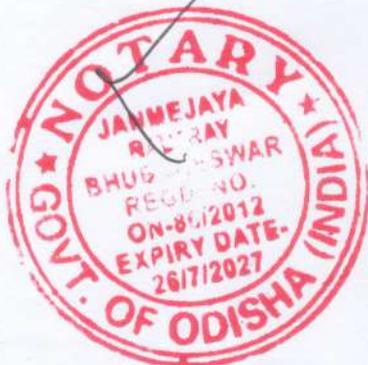
XI. No greenbelt around the lease area

4. That the present affidavit is being filed in compliance with the directions of this Hon'ble Tribunal. It is submitted that the matter was listed before this Hon'ble Tribunal on 16.01.2026, wherein respondents were directed to file reply.

A true copy of the order dated 16.01.2026 of OA 183 of 2025 is annexed herewith and marked as ANNEXURE R-12/1.

5. That the contents of the Original Application are primarily related to the other respondents. Accordingly, Respondent No. 12 is not replying in a para-wise manner and craves leave of this Hon'ble Tribunal to file a more detailed affidavit at a later stage, if required.
6. That the petitioner under para 20 of the petition has alleged that M/s Bajabati Black Stone Quarry No. 6 (hereinafter referred to as the "Project Proponent") is extracting groundwater without obtaining a No Objection Certificate (NOC) from the Central Ground Water Authority (CGWA).
7. That upon being impleaded as a party respondent and taking cognizance of the serious allegations, Respondent No. 12, in discharge of its statutory duties, promptly initiated action in accordance with law.
8. That it is further submitted that the issuance of the Show Cause Notice is the first and foremost step in the adjudicatory process. This ensures that the alleged violator is provided with a fair and reasonable opportunity to present its case and submit relevant documents before any coercive or penal action is contemplated. This adherence to due process is fundamental to the functioning of the Respondent No 12.
9. That accordingly, the Respondent No 12 issued a Show Cause Notice vide File No. 5-2/SER/CGWA/2025-26-60 dated 12.01.2026 to the Project Proponent, M/s Bajabati Black Stone Quarry No. 6, directing it to show cause as to why its ground water abstraction structure(s) should not be sealed for the illegal withdrawal of groundwater without a valid NOC. The Project Proponent was directed to submit its explanation within 15 days of receipt of the said notice.

A true copy of the Show Cause Notice dated 12.01.2026 is annexed herewith and marked as ANNEXURE R-12/2.



Sahar  
Kumari  
Bikram

10. That in response to the aforementioned Show Cause Notice, the office of the Respondent No.12 has received a reply dated 27.01.2026 from the Project Proponent. In the said reply, the Project Proponent has, stated that, it is not using groundwater for its mining operations.

A true copy of the reply dated 27.01.2026 is annexed herewith and marked as ANNEXURE R-12/3.

11. That thereafter an inspection was conducted on 27.01.2026 in the premises of the Project Proponent. From the inspection the answering respondent could not find any groundwater abstraction structure, such as borewell, tubewell, dug well, Pump installation or any other groundwater withdrawal arrangement existing at the project proponent's premises. The copy of the Inspection Note/Report is annexed as Annexure R-12/4.

12. In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to take the contents of this Reply Affidavit on record; and/or pass such other or further order/s as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE ANSWERING RESPONDENT AS IN DUTY BOUND SHALL EVER PRAY.

*Bikram Kumar Sahoo*  
Deponent

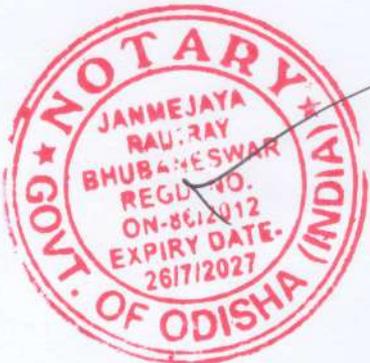
Verification

Verified at Bhubaneswar on 16<sup>th</sup> March 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief.

*Bikram Kumar Sahoo*  
Deponent

IDENTIFIED BY *[Signature]*  
ADVOCATE, BHUBANESWAR  
EN. NO-0  
Name.....

The above named ~~deponent(s)~~ *R. C. Kocelro*  
duly identified by Sr. *[Signature]*  
Advocate, *Bhubaneswar*  
Appears before me on dt. *16 MAR 2026*  
at *[Signature]* A.M./P.M. *[Signature]* States  
on oath the contents of this affidavit  
are true to the best of his / her / their  
knowledge and belief



Deponent(s) *[Signature]* Notary, *Bhubaneswar*  
**JANMEJAYA RAUTRAY**  
**NOTARY, GOVT. OF ODISHA**  
**BHUBANESWAR**  
**REGD. NO. ON-86/2012**  
**Mob No-7978581217**

Item No.10

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.183/2025/EZ

Urbashi Jena

Applicant

Versus

State of Odisha &amp; Ors.

Respondent(s)

Date of hearing: 16.01.2026

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Applicant: Mr. Sankar Prasad Pani and Mr. Ashutosh Padhy, Advocates for the applicant (Through VC).

Respondents: Mr. Varun Mishra, Advocate for respondents no.1 to 8 and Mr. Ambar Kumar Kar, DM, Jajpur (Through VC).  
Ms. Papiya Banerjee Bihani, Advocate for respondent no.10 (Through VC).  
Mr. Apurba Ghosh, Advocate for respondent no.11.  
Mr. Gigi C. George, Advocate for respondent no.12 (Through VC).  
Mr. Ashok Prasad, Advocate for respondent no.13.  
Mr. Surendra Kumar, Advocate for respondent no.14.  
Mr. Prabhu Prasad Mohanty, Advocate for respondent no.15 (Through VC).

**ORDER**

1. The Tribunal by order dated 25.09.2025 had appointed the Joint Committee to verify the factual position and suggest appropriate remedial action. The Joint Committee had submitted the Preliminary Report along with the covering letter of the District Magistrate, Jajpur dated 14.01.2025.

2. Learned Counsel for the State submits that the final report of the Joint Committee will be submitted within four weeks.

3. The Preliminary Report submitted by the Joint Committee mentions that mining beyond the depth of 6 meters has been found which may be due to the extraction of the black stone by several leaseholders operated previously. The Joint Committee will place on

record the material on the basis of which it has found that excavation beyond the depth of 6 meters was done by previously operated leaseholders.

4. Learned Counsel appearing for the SEIAA, Odisha also submits that the Show Cause Notice dated 15.01.2026 has been issued to the Project Proponent for violation of the EC condition and two weeks' time has been given to file the reply. He has also sought four weeks' time to place the status/outcome on record.

5. Mr. Ambar Kumar Kar, Collector & District Magistrate, Jajpur appearing virtually has submitted that the cost imposed by the Tribunal by the order dated 18.11.2025 has been deposited. He has clarified that he is a new Collector who has recently joined but on coming to know about the order of the Tribunal, he has taken prompt action and has forwarded the report for filing before the Tribunal.

6. Learned Counsel for the Odisha State Pollution Control Board has submitted that the status of compliance of CTO conditions will be verified and the same will be placed on record.

7. All other respondents whose replies awaited are granted four weeks' time to file the same.

8. List on 17.03.2026.

Prakash Shrivastava, CP

Ishwar Singh, EM

January 16<sup>th</sup>, 2026  
Original Application No.183/2025/EZ  
MN

**Ministry of Jal Shakti**

**Department of Water Resources, River Development & Ganga  
Rejuvenation**

**CENTRAL GROUND WATER AUTHORITY**

[Constituted under section 3 (3) of Environment (Protection) Act, 1986]

www.cgwa-noc.gov.in

Central Ground Water Board, SER,  
Bhubaneswar  
rdser-cgwb@nic.in

File No. 5-22/SER/CGWA/2025-26-60

Date: 12/01/2026

**SHOW-CAUSE-NOTICE**

Whereas the Central Ground Water Authority has issued public notices directing all the existing ground water users to apply for No Objection Certificate for ground water withdrawal.

And whereas, it has been brought to the notice of Authority that M/s Bajabati Black Stone Quarry No 6 is withdrawing ground water without obtaining NOC from the Authority. This illegal withdrawal of ground water amounts to theft of ground water.

Now therefore, the Authority in exercise of powers under section 5 of the Environment (Protection) Act, 1986 hereby directs you to show cause as why your ground water abstraction structure(s) (dugwell/borewell/tubewell/ dewatering structure) should not be sealed for illegal withdrawal of ground water. You are hereby given an opportunity to submit explanation within 15 days (through this email Id-[rdser-cgwb@nic.in](mailto:rdser-cgwb@nic.in)) from the date of receipt of this notice, failing which the authority shall proceed in accordance with law, at your own risk, cost and responsibility including but not limited to sealing of ground water abstraction structures and imposition of penalty, arrear and environmental compensation for illegal withdrawal of groundwater.

दि के शिर्ष 12/01/2026  
(Dr. B.K Sahoo)  
Regional Director

To  
Bajabati Black Stone Quarry No. 6  
Lessee- Sri Somarendra Nayak  
At-Village-Bajabati (Plot No-1050, Khata No-215)  
Tehsil-Dharmasala, Dist-Jajpur, Odisha-755024

Copy to:

1. Office of the Collector and District Magistrate, Jajpur-755001
2. Member Secretary, State Pollution Control Board, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII, Bhubaneswar - 751012, Odisha

**BEFORE THE CENTRAL GROUND WATER AUTHORITY,**  
**BHUBNAESWAR.**

**In the matter of :**

Show Cause Notice dated 12.01.2026 issued by  
the Regional Director..

**A N D**

**In the matter of:**

Sri Samarendra Nayak, aged about 53 years, son  
of Prafulla Chandra Nayak, resident of  
Kantamalia, P.O. Thanual, P.S. Dharmasala,  
District- Jajpur, Odisha.

...Lessee

**SHOW CAUSE REPLY FILED BY THE LESEE**

I, Samarendra Nayak, aged about 53 years, son of Prafulla Chandra  
Nayak, resident of Kantamalia, P.O. Thanual, P.S. Dharmasala,  
District- Jajpur, Odisha, do hereby solemnly affirm and state as  
follows :-

1. That I am the lessee of Bajabati Black Stone Quarry (BSQ  
No.6) over an area 5.00 acres or 2.023 hectares having Khata No.215,

*Samarendra Nayak*

Plot No.1050(p) in the village Bajabati, Tahasil Dharmasala in the district of Jajpur, Odisha.

2. That the aforesaid show cause notice has issued by your Honour with regard to using of ground water without obtaining NOC from the authority.

3. That it is humbly submitted that on 12.09.2025, one Urbashi Jena had filed an original application before the National Green Tribunal, Eastern Bench, Kolkata, which was registered as Original Application No.183/2025/EZ. On 08.10.2025, the Hon'ble National Green Tribunal, Eastern Bench, Kolkata was pleased to issue notice to the Respondents and further directed to constitute a joint committee comprising the representatives of Collector & District Magistrate, Jajpur, Odisha, Odisha State Pollution Control Board, Deputy Director of Mines, Jajpur and SEIAA, Odisha to verify the factual position and suggest appropriate remedial action.

4. That pursuant to the aforesaid directions of Hon'ble National Green Tribunal, Eastern Bench, Kolkata, on 04.11.2025, the Collector & District Magistrate, Jajpur constituted the joint committee. Accordingly, on 13.11.2025, the Joint Committed visited the Bajabati BSQ No.6 and on 13.11.2025 the preliminary field inspection report was submitted by the joint committee. The aforesaid preliminary field inspection report was submitted by the Collector & District Magistrate, Jajpur in the counter affidavit filed

*Damarendra Nayak*

before Hon'ble National Green Tribunal, Eastern Bench, Kolkata with the following observations;

"xxx xxx xxx xxx

**Observations made by the joint committee:**

**B. Bajabati Black Stone Quarry No.06**

1. The Bajabati BSQ-06 over an area of 5.00 acres or 2.023 Ha at village Bjajbati, Tahasil-Dharmasala, Dist: Jajpur, Odisha is settled in favour of Sri Samarendra Nayak.
2. The said source is coming under cluster ( 6 nos. quarries are coming in single cluster) having total lease area 35.66 acres or 14.43 Ha for which Terms of Reference (ToR) has been issued by SEIAA, Odisha vide letter no.8318/SEIAA dated 03.06.2020. Further, the State Level Expert Appraisal Committee (SEAC) has approved the EIA & EMP report on 03.08.2021.
3. As per SEAC recommendation, individual EC for Bajabati BSQ-06 over an area 5.00 acres or 2.023 Ha was issued in favour of Sri Samarendra Nayak vide EC Identification No.EC22B001OR127359 dated 07.06.2022 for production of 20036 cum per year with total 100180 cum in 5-year lease period.
4. Lease agreement was made for 5 years period and is valid up-to 05.03.2028.
5. Consent to operate granted w.e.t. Bajabati BSQ No.6 Vide letter no.1148/KNG/BSQ/90 Dtd 29.03.2025 for

*Samarendra Nayak*

- excavation of 20036 m<sup>3</sup> black stone for the year 2025-26 which is valid up to 31.03.2026.
6. In the KML file google earth map it appears that Bajabati BSQ No.6 was being operated before 2010-11 by different lease holder and is being operated presently by Sri Samarendra Nayak.
  7. It is noticed that a crusher unit was set up in the year 2011 which is located adjacent to the Bajabati BSQ No.2 and EC was issued on 07.06.2022.
  8. The village Kanpur and Kantamali are located at a distance of 400 meters and 300 meters respectively from Bajabati BSQ No.06.
  9. The committee observed that the quarry is not in operation during joint visit.
  10. Pillar posting is observed around the lease area to demarcate the lease and sign board is also present at the quarry area.
  11. It appears that the depth of mining is beyond 6 meters, which may be due to extraction of black stone by several lease holders operated previously but the exact depth mining and quantity of extraction by the present Lessee could not be ascertained by physical observation.
  12. The Project Proponent has not submitted the compliance of EC conditions.

**Additional Information**

*Samarendra Nayak*

1. Based on the grievance petition received by the O/o the Regional Officer, Kalinganagar, State Pollution Control Board, Odisha this office, an inspection was conducted on 11.09.2025 by the officials of Regional Office, SPCB, Kalinganagar regarding ground water contamination and waste water discharged outside of Bajabati Cluster. During Inspection water sample is taken from both ground water (tubewell near Kanpur Chowk supplying to Bajabati village) and water accumulated inside the quarries. From the report it revealed that quality of discharged water and ground water is within the prescribed standard of the Board (Both inspection report and water quality report is attached for reference).
2. Further During joint inspection, water sample is collected from accumulated water inside the quarry no. 2 & 6 and Borewell adjacent to Bajabati Quarry no 2 to analyse the ground water contamination due to mining activity.

xxx

xxx

xxx

xxx

Besides this, the committee unanimously decided to comply with the following points for onward action.

1. The Committee shall apprise the Collector & District Magistrate, Jajpur to communicate with Central Ground Water Board regarding ground water level in that area and contamination of the same due to mining activity.

*Jaganendra Nayak*

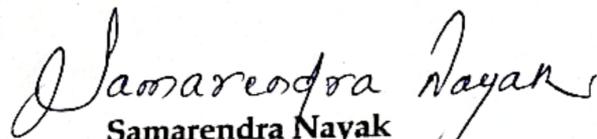
2. Communication is to be made by the Deputy Director of Mines, Jajpur Circle, Jajpur with Odisha Space Application Centre (ORSAC) to ascertain over-extraction of Black Stone, violation of safety zone, depth of excavation beyond 6 meters w.r.t. to the approved Mining Plans of both the quarries. Further ORSAC shall be requested for calculation of distance factor from the nearby habitants/roads etc. and crusher units from both the quarries as alleged in the Original Application.
3. Water sample collected from accumulated water inside the quarry no 2 & 6 and Borewell adjacent to Bajabati Quarry no 2 shall be sent for analysis".
5. That in the meanwhile, on 06.12.2025, the Regional Officer, Kalinganagar, State Pollution Control Board, Odisha has submitted the analysis report of quarry pit water of Bajabati Stone Quarry No.2 & 6 and ground water of nearby quarry Bajabati to the Collector & District Magistrate, Jajpur enclosing the test report, wherein the parameter of ground water and heavy metal parameters are well within the Board's permissible standards.
6. That with regard to use of ground water by the present lessee, it is humbly submitted that I am not using almost all the ground water.

Jamarendra Nayak

7. That in the aforesaid facts and circumstances, I hereby deny all the allegations made against me .
8. That I reserve my right to add, alter, amend or modify the present show cause reply if necessary.
9. That in the interest of justice and fair play, I may kindly be afforded a personal hearing before taking any action against me.
10. That in the interest of justice the present proceeding may kindly be dropped by your Honour.

Bhubaneswar

Date : 27.01.2026

  
Samarendra Nayak  
Lessee of Bajabati BSQ-6  
Bajabati, District : Jajpur.

**Government of India  
Ministry of Jal Shakti  
Central Ground Water Board  
CGWB, SER, Bhubal Bhawan  
Khandagiri Square, NH-IV, Bhubaneswar-751030**

Date: 06.03.2026

**INSPECTION NOTE**

**ORIGINAL APPLICATION NO.- 183 OF 2025/EZ/NGT**

**IN THE MATTER OF: URBASHI JENA Versus STATE OF ODISHA AND ORS**

**Project Location: Bajabati Black Stone Quarry-6, District-Jajpur, Odisha**

**Subject:** Inspection of Black Stone Quarry No. 6 (OA No. 183/2025/EZ/NGT) in connection with Show Cause Notice issued to the Project Proponent (PP) and the reply received thereafter.

A Show Cause Notice was issued to the Project Proponent on 12/01/2026 for alleged groundwater abstraction without valid authorization. In response, the PP submitted a written reply clarifying their position regarding the matter. Subsequently, a site inspection was carried out on 27/01/2026 at Black Stone Quarry No. 6 to verify the factual status at the project location. It is submitted that no groundwater abstraction structure, such as borewell, tube well, dug well, pump installation or any other groundwater withdrawal arrangement was found existing at the said quarry site at the time of inspection.

*Sambit Samantaray*  
06.03.2026  
Sambit Samantaray  
Scientist D

Submitted to RD, SER for n/a pls.

May be sent to the standing counsel for inclusion in the ~~the~~ counter reply.

*(Sambit)*  
06/3/26

Sh. Sambit Samantaray, S2-D Pl.