

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA  
O.A. No.23 of 2025/EZ.**

Tapan Kumar Badhai ... Applicant.  
-Versus-  
State of Odisha & others. ... Respondents

I N D E X

| Sl. No. | Description of documents.  | Pages |
|---------|--|-------|
| 1.      | Affidavit filed<br>On behalf of Opp. Party<br>No. 10   | 1-3   |
| 2.      | <b><u>Annexure-A/10</u></b><br>Copy of Joint Committee<br>Enquiry Report conducted<br>On 11.3.2025 | 4-5   |
| 3.      | <b><u>Annexure-B/10 Series</u></b><br>Copy of the letter<br>No. 2305/LA,<br>dated 13.2.2026.       | 6-10  |

CUTTACK

DATE- 25.2.2026.

  
**(JATESWAR NAYAK)**  
ADDL.GOV'T. ADVOCATE  
[adv.jateswar@gmail.com](mailto:adv.jateswar@gmail.com)  
Mob-9437196265

131

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

**O.A. No.23 of 2025/EZ.**

Tapan Kumar Badhai ... Applicant.  
-Versus-  
State of Odisha & others. ... Respondents.

**AFFIDAVIT FILED ON BEHALF OF RESPONDENT  
NO. 10 IN COMPLIANCE WITH ORDER DATED  
10.2.2026**

I, Jitendra Kumar Meher, , aged about 35 years,  
S/o-Bhubaneswar Mehera, at present working as the  
Superintending Engineer, National High Way Division,  
Jharsuguda, Dist-Jharsuguda, do hereby solemnly  
affirm and state as follows:-

1. That being authorised and duly instructed by the  
Opp. Party No. 10 (Chief Construction Engineer,  
Western N.H. Circle, Sambalpur) , I file this affidavit  
on his behalf. I have gone through the averments made  
in the Original Application and have understood the  
contents thereof and well acquainted with the facts of  
the case and thus competent to swear this affidavit.
2. That, I am swearing this affidavit in compliance  
to the order dtd 10.2.2026 passed in the aforesaid  
Original Application, 23/2025/EZ.
3. That the petitioner is claiming that the respondent  
No. 9 has illegally dumped fly Ash on his

PRADIPTA KUMAR MOHANTY  
NOTARY, CUTTACK TOWN  
REGD.No-OM-04/1995



Jitendra Kumar Meher

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Agricultural Field bearing Khata No. 84/277, Plot No. 66, 67 and 72 of Mouza- Bhudiapada. However, as per Joint Committee Enquiry Report conducted on dated 11.3.2025, it was found that Fly Ash is dumped over the Plot No. 67, Khata No. 84 /277, only in area of Ac. 0.10 Dec. out of total area Ac. 33 dec. but no ash was found to be dumped at Plot No 66 and 72. **The copy of Joint Committee Enquiry Report conducted on 11.3.2025 is enclosed herewith as Annexure-A/10.**

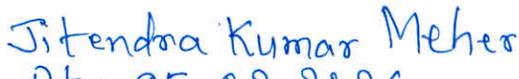
4. That it is respectfully submitted that cleaning of Ash from Plot No. 67 is in progress and till date above 80% Fly Ash has been removed/Cleaned.

5. That it is further submitted that as per letter No. 2305/LA, dated 13.2.2026 of L.A.O., Jharsuguda, it is found that Ac. 0.278 dec. of land out of Khata No. 37, Plot No. 67, has already been acquired for construction of road from Jharsuguda to Belpahara and bridge over the river Ib vide 4(1) Notification No. 44985/September, 1962. **The copy of the letter No. 2305/LA, dated 13.2.2026 is annexed herewith as Annexure-B/10 Series.**

6. That the facts stated above are true to the best of my knowledge and belief based on official records.

Identified by:-

  
Advocate  
(J. Nayak)

  
Dt: 25.02.2026  
Deponent

  
PRADIP KUMAR MOHANTY  
NOTARY, CUTTACK TOWN  
REGD.No-ON-04/1995

Superintending Engineer  
N.H.Division, Jharsuguda





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**VERIFICATION**

I, Jitendra Kumar Meher, aged about 35 years, S/o-Bhubaneswar Meher, at present working as the Superintending Engineer, National High Way Division, Jharsuguda, Dist-Jharsuguda, do hereby verify that the contents of the 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 Cuttack on this 25<sup>th</sup> day of February, 2026 .

Jitendra Kumar Meher

VERIFICANT. **Superintending Engineer  
N.H.Division, Jharsuguda**



DATE- 25.2.2026.

**(JATESWAR NAYAK)**  
ADDL.GOV'T. ADVOCATE  
adv.jateswar@gmail.com  
Mob-9437196265

Solemnly sworn before J.K. Meher,  
me by.....  
being identified by..... J. Nayak Shrestha  
at Cuttack Town Dated..... 25/02/2026  
P.K. MOHANTY, Notary, Cuttack Town  
Regd. No-ON-04/1995

**Joint Committee enquiry report with regards to OA No.23/2025/EZ-Sri Tapan Kumar  
Badhei vs Govt.of Odisha & Ors**

As per the direction of the Hon'ble NGT-EZB dated 13.02.2025, in the matter OA 23/2025/EZ, a committee has been constituted, comprising of District Collector & DM, Jharsuguda or his / her representative not below the rank of ADM, Sr. Scientist from OSPCB and Sr. Scientist from CPCB. The committee has been directed for inspection of the site in question and submit its report within four weeks with regard to the allegations made in the Original Application. In this regard, a field enquiry was conducted on 11.03.2025 in and around the alleged site. The following members of Joint Committee were present during the field visit:-

1. Sri Brajabandhu Bhoi, O.A.S (S), Additional District Magistrate (Gen), Jharsuguda.
2. Sri Toufic Aslam, Scientist C, CPCB, Regional Directorate, Kolkata.
3. Smt A.Ekka, Dy.Env Scientist, SPCB, Odisha.

In addition to the above committee members, the following officials were present during the site visit:-

1. Sri Sanjib Kumar Sarangi, Tahasildar, Jharsuguda
2. Sri. Sambit Kumar Munda, Asst. Env. Engineer, SPCB, Odisha.
3. Sri Srikant Pradhan, RI H.Katapali

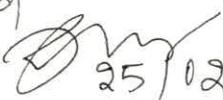
Sri Suwendu Rout, Project co-ordinator of M/s Infra Engineers Pvt. Ltd was also present during the site visit.

**Background:-**

Ash is generated due to the burning of Coal in the thermal power plants. The Ministry of Environment, Forests and Climate Change, Govt. of India in its Notification No. S.O.5481 (E), dated 31<sup>st</sup> December, 2021 mandates that, every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall be primarily responsible to ensure 100 percent utilization of ash (fly ash, and bottom ash) generated by it in an eco-friendly manner such as in Construction of road and fly over embankment, Ash and Geo-polymer based construction material.

**Observations on the complaint matter:-**

- The alleged site is located at Mouza-Budhipadar, besides SH-10 in the district of Jharsuguda. During the visit, it was observed that construction of Jharsuguda bypass including ROB on NH-49 in the stretch from 0/0 km to 30/970 km was under progress by NH-Division through M/s Infra Engineers. (Copy of work order given to M/s Infra Engineers is attached as Annexure-I).
- Construction of road is being done by using earth and ash from the nearby thermal power plants. As reported by the representative of M/s Infra Engineers, ash is taken from M/s Vedanta Ltd, At-Burkhamunda, Dist-Jharsuguda, M/s OPGC Ltd, At-Banharpali, Dist-Jharsuguda and M/s NTPC Ltd. (Work Order of the same is attached as Annexure-II).
- As per the RI report, the land is recorded in the name of Sri Rupendra Badhai, S/o-Durjyodhan Badhai, R/o-Nuadihi, P.S-Brajrajnagar, Dist-Jharsuguda, who is also the father of the petitioner (Report of RI is attached as Annexure-III). However, the NHAI authority claims that they have acquired the alleged plot prior to the settlement, but in this context they failed to submit any documentary evidence.
- Ash was found to be dumped at the alleged site i.e; at Khata No.84/277 over Plot no-67 only in an area of Ac 0.10 dec out of total area of Ac.0.33 dec. The quantity of ash dumped is

Attested  
  
 25/02/2026

Superintending Engineer  
N.H.Division, Jharsuguda

- 5 -

calculated to be approximately 303 T considering average height of 0.5 m. No ash was found to be dumped at Plot no-66 & 72.

**Conclusion:-**

Since, ash has been dumped at the alleged plot no-67 only and at present the land record shows in the name of Sri Rupendra Badhai, S/o-Durjyodhan Badhai, R/o-Nuadihi, P.S-Brajrajnagar, Dist-Jharsuguda, the petition is found to be genuine in nature. However, the NHAI claims that the above ash dumped plot has been acquired by them earlier. But in this regard, they have failed to produce any documents to the Committee.

Therefore, as per the provision laid in Fly Ash Notification of Ministry of Environment, Forests and Climate Change, Govt. of India in its Notification No. S.O.5481 (E), dated 31<sup>st</sup> December, 2021 at Point no-C (5) on Environmental compensation for non-compliance "*It is the responsibility of the purchasers or user agencies to utilize ash in an eco-friendly manner as laid down at para B of this notification and if it is not complied, then an environmental compensation of Rs. 1500 or per ton shall be imposed by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC)*".

**RECOMMENDATIONS:-**

- State Pollution Control Board, Odisha may impose environmental compensation to the user agency as per the provision laid in Fly Ash Notification of Ministry of Environment, Forests and Climate Change, Govt. of India in its Notification No. S.O.5481 (E), dated 31<sup>st</sup> December, 2021.
- The user agency may be directed to lift the ash from the alleged plot and restore the land to its original condition.



Smt. Anusha Ekka, Dy.Env.Scientist,  
SPCB, Odisha, Jharsuguda

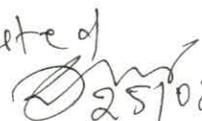


Sri Toufic Aslam, Scientist C,  
CPCB, Regional Directorate, Kolkata



Sri Brajabandhu Bhoi, O.A.S (S),  
Additional District Magistrate (Gen), Jharsuguda

**Addl. District Magistrate  
JHARSUGUDA**

Attested by  
  
25/02/2026

Superintending Engineer  
N.H.Division, Jharsuguda

-X-

ANNEXURE-B/1036

By E-Mail.

DISTRICT OFFICE : JHARSUGUDA

(L.A. Section)

(e-mail id - laojsg2025@gmail.com)

No. 2305 /L.A. Dated. 13/02/2026

To

The Superintending Engineer,

NH Division, Jharsuguda

Sub: Supply of information relating to OA No.23/2025/EZ filed by Sri Tapan Kumar Badhai before the Hon'ble National Green Tribunal (Eastern Zone, Kolkata).

Ref: Your letter No.264/ dated.07.02.2026.

Sir,

With reference to the subject cited above, I am to supply herewith the required information / documents in respect of Land Acquisition Section, Collectorate, Jharsuguda in connection with OA No.23/2025/EZ filed by Sri Tapan Kumar Badhai before the Hon'ble National Green Tribunal (Eastern Zone, Kolkata) for necessary action at your end.

Encl.- As above.

Signature valid

Signed by: Binoy Kumar  
Patel,  
DCOL,  
Collectorate Office Jharsuguda  
Land Acquisition Officer,

Jharsuguda.

Attected

*[Handwritten Signature]*  
25/02/2026

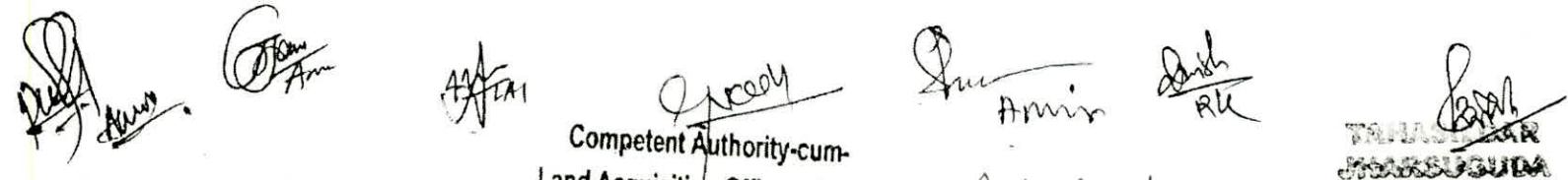
Superintending Engineer  
N.H.Division, Jharsuguda



LAND SCHEDULE DETAILS FOR JHARSUGUDA BY-PASS-PRIVATE LAND  
VILLAGE NAME:- BUDIPADAR

| NH SL NO   | SI No. | MOUZA     | KHATA NO | PLOT NO | TOTAL AREA IN ACRE | PROPOSED AREA IN ACRE | KISAMA       | PRAJARA NAMA   | GOVT/PVT/ FOREST | Remarks  |
|------------|--------|-----------|----------|---------|--------------------|-----------------------|--------------|--|------------------|--|
| 1          | 1      | Budipadar | 37       | 110     | 2.020              | 0.223                 | ପଟିତ         | ବସ୍ତୁଶେଷର ବଢ଼େଇ, ବୃକ୍ଷପତ୍ର ବଢ଼େଇ, ଭଗବତୀ ସାହୁ ପି: ଦୁର୍ଯ୍ୟୋଧନ ବଢ଼େଇ, ବିପିନ ବଢ଼େଇ, ଚେରଜିନି ସାହୁ, ଲକିତା ବେହେରା ପି: କ୍ଷୀରୋତ୍ତ୍ୱ ବଢ଼େଇ, ଗୋଲାପି ବଢ଼େଇ ସା: କ୍ଷୀରୋତ୍ତ୍ୱ ବଢ଼େଇ |                  | Acquired by Road from Jharsuguda to Belpahar (NH-200) vide 4(1) Notification No. 44985 /Sept. 1962 |
| 2          | 2      | Budipadar |          | 108     | 2.140              | 0.060                 | ପଟିତ         |  | PRIVATE          |  |
| 4          | 3      | Budipadar |          | 70      | 0.300              | 0.300                 | ରାସ୍ତା       |  | PRIVATE          |  |
| 5          | 4      | Budipadar |          | 71      | 0.320              | 0.274                 | ରାସ୍ତା       |  | PRIVATE          |  |
| 8          | 5      | Budipadar |          | 67      | 0.330              | 0.278                 | ମାଳ ସାଧାରଣ   |  | PRIVATE          |  |
| 11         | 6      | Budipadar |          | 66      | 0.050              | 0.002                 | ବାହାଲ ସାଧାରଣ |  | PRIVATE          |  |
| 12         | 7      | Budipadar | 90       | 65      | 2.010              | 0.005                 | ବାହାଲ ସାଧାରଣ | PRIVATE  |                  |  |
| 21         | 8      | Budipadar | 84       | 81      | 0.440              | 0.094                 | ରାସ୍ତା       | PRIVATE  |                  |  |
| 26         | 9      | Budipadar | 82       | 85      | 0.460              | 0.075                 | ମାଳ ସାଧାରଣ   | PRIVATE  |                  |  |
| 27         | 10     | Budipadar | 82       | 86      | 0.620              | 0.098                 | ରାସ୍ତା       | PRIVATE  |                  |  |
| 28         | 11     | Budipadar | 82       | 92/1170 | 0.280              | 0.009                 | ମାଳ ସାଧାରଣ   | PRIVATE  |                  |  |
| TOTAL AREA |        |           |          |         | 8.970              | 1.418                 |              |  |                  |  |

| SI No. | Subject   | Area  |
|--------|---|-------|
| 1      | Acquired Area   | 1.450 |
| 2      | Previously Acquired by NH-200   | 1.418 |
| 3      | Previously Acquired by NH-200 Partly acquire in NH-49 (Plot No. 72- Ac 0.481.80- Ac 0.516.82- Ac 0.151) | 1.148 |
|        |   | 4.016 |



Competent Authority-cum-  
Land Acquisition Officer (CALA)  
(N.H-49), Jharsuguda

Attested  
25/02/2026

Superintending Engineer  
N.H. Division Jharsuguda

| Page No. 7 (Translated Copy)                              |        |           |          |         |                    |                       |                  |   |                  |   |
|---|--------|-----------|----------|---------|--------------------|-----------------------|------------------|---|------------------|---|
| LAND SCHEDULE DETAILS FOR JHARSUGUDA BY-PASS PRIVATE LAND |        |           |          |         |                    |                       |                  |   |                  |   |
| VILLAGE NAME:- BUDIPADAR                                  |        |           |          |         |                    |                       |                  |   |                  |   |
| NH SL NO.   | SL NO. | MOUZA     | KHATA NO | PLOT NO | TOTAL AREA IN ACRE | PROPOSED AREA IN ACRE | KISAMA           | PRAJARA NAMA  | GOVT/PVT /FOREST | REMARKS   |
| 1   | 1      | BUDIPADAR | 37       | 110     | 2.020              | 0.223                 | PATIT            | Chandrasekhar Badhei, Rupendra Badhei, Bhagabati Sahoo, S/O. Duryodhan Badhei, Bipin Badhei, Tarangini saho, Lalita Behera, D/O. Khirodra Badhei, Golapi Badhei, W/O. Khirodra Badhei | PRIVATE          | Acquired by Road from Jharsuguda to Belpahar (N.H.-200) Vide 4(1) Notification No.4498S/Sept.1962 |
| 2   | 2      | BUDIPADAR |          | 108     | 2.140              | 0.060                 | PATIT            |   | PRIVATE          |   |
| 4   | 3      | BUDIPADAR |          | 70      | 0.300              | 0.300                 | RASTA            |   | PRIVATE          |   |
| 5   | 4      | BUDIPADAR |          | 71      | 0.320              | 0.274                 | RASTA            |   | PRIVATE          |   |
| 8   | 5      | BUDIPADAR |          | 67      | 0.330              | 0.278                 | MALA SADHARANA   |   | PRIVATE          |   |
| 11  | 6      | BUDIPADAR |          | 66      | 0.050              | 0.002                 | BAHALA SADHARANA |   | PRIVATE          |   |
| 12  | 7      | BUDIPADAR | 90       | 65      | 2.010              | 0.005                 | BAHALA SADHARANA | Aabada Jogya Anabadi  | PRIVATE          |   |
| 21  | 8      | BUDIPADAR | 84       | 81      | 0.440              | 0.094                 | RASTA            | Hema Sagar Pradhan, Gurudeba Pradhan, S/O. Netra Pradhan, Samiru Pradhan, S/O. Narayana Pradhan   | PRIVATE          |   |
| 26  | 9      | BUDIPADAR | 82       | 85      | 0.460              | 0.075                 | MALA SADHARANA   | Hema sagar Pradhan, Gurudeba Pradhan, S/O. Netra Pradhan, Bunde Pradhan, W/O. Netra Pradhan, Samiru Pradhan, S/O. Narayana Pradhan  | PRIVATE          |   |
| 27  | 10     | BUDIPADAR | 82       | 86      | 0.620              | 0.098                 | RASTA            |   | PRIVATE          |   |
| 28  | 11     | BUDIPADAR | 82       | 92/1170 | 0.280              | 0.009                 | MALA SADHARANA   |   | PRIVATE          |   |
| TOTAL AREA  |        |           |          |         | 8.970              | 1.418                 |                  |   |                  |   |

| Sl No. | Subject  | Area  |
|--------|--|-------|
| 1      | Acquired Area  | 1.450 |
| 2      | Previously Acquired by N.H. - 200  | 1.418 |
| 3      | Previously Acquired by N.H. - 200 Partly Acquired in N.H.-49 (Plot No.72-Ac. 0.481.80-Ac. 0.516.82-Ac. 0.151 | 1.148 |
|        |  | 4.016 |

Attested

*[Signature]*  
26/02/2026

Superintending Engineer  
N.H.Division, Jharsuguda

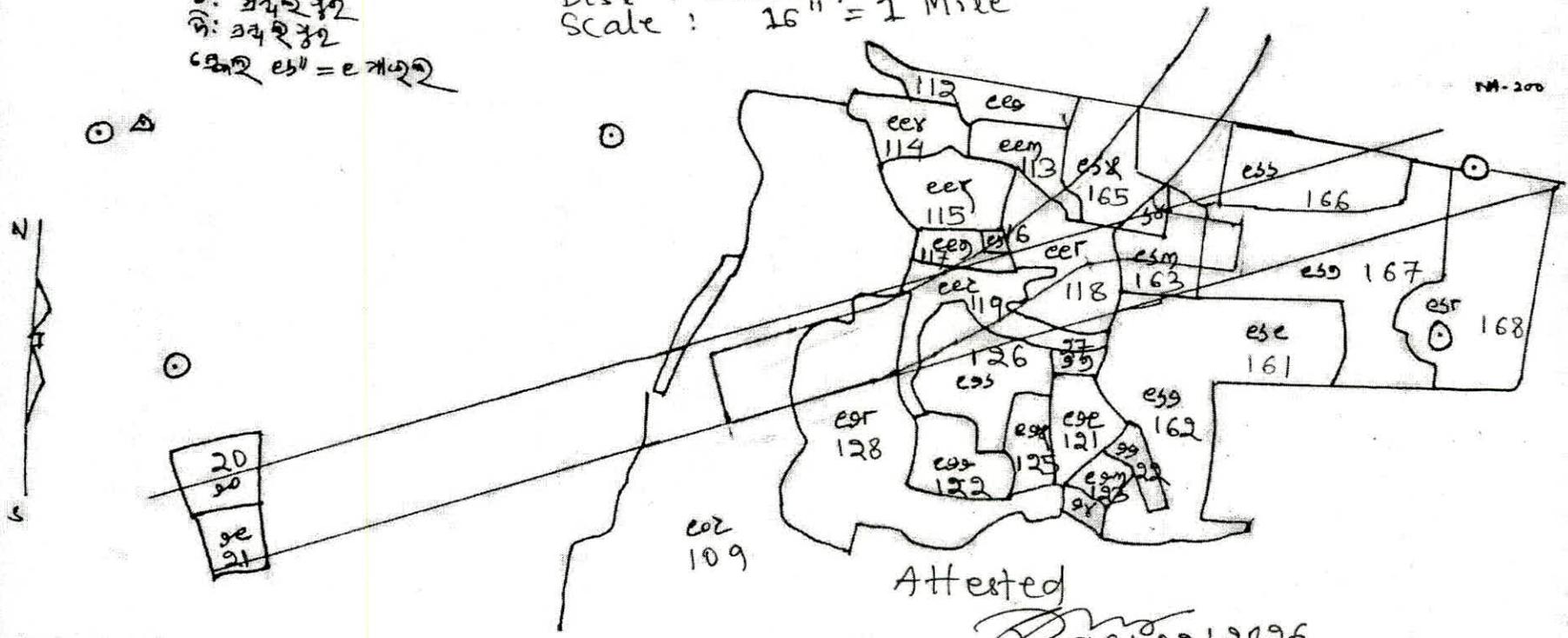




Page - X  
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ଆ: ବିହାରପୁରୀ : ୩୧ ୭୪  
ତ: ସମ୍ବଲପୁର  
ଜି: ସମ୍ବଲପୁର  
କୋଡ୍ ୧୫୩ = ୧ ମାଲକ

(HAMID)  
Mouza- Budhipadar  
P.S. : Jharsuguda : No: 74  
Tahsil: Sambalpur  
Dist : Sambalpur  
Scale : 16" = 1 Mile



Attested  
26/02/2026

Superintending Engineer  
N.H.Division, Jharsuguda

Government of Orissa  
Revenue & Excise Departments  
....

27 SEP 1962

NOTIFICATION

Dated Bhubaneswar the Sept., 1962.

No. LA-73/62.SBP- 44785/R., Whereas it appears to the Government of Orissa that land is required to be taken by Government at the public expense, for a public purpose viz. for construction of road from Jharsuguda to Belpahar and bridge over river IB, in villages Gandghora (40.77),<sup>x</sup> Junaniumda (0.47),<sup>x</sup> Amdarh (0.94),<sup>x</sup> Chhualiberna (20.37),<sup>x</sup> Samada (33.74),<sup>x</sup> Beheramal (3.60),<sup>x</sup> Jharsuguda (12.41) Ekatali (21.06),<sup>x</sup> Beherapat (11.57),<sup>x</sup> Hansamura (23.51)<sup>x</sup> and Rudhipadar (10.73) P.S. Jharsuguda, district Sambalpur, it is hereby notified that for the above purpose a piece of land measuring more or less 179.17 acres as per the schedule appended here to is required within the aforesaid area of the above noted villages.

This notification is made under provisions of section 4 of the Act I of 1894 to all whom it may concern

A plan of the land may be inspected in the office of the Deputy Commissioner, Sambalpur.

By order of the Governor,

A.V.RangaRao.

Deputy Secretary to Government

A  
late  
only  
WA

Sir,  
The land sch. has not been attached to the notification  
only

Attended  
25/02/2026

published in part III of  
the Orissa Gazette dt 19/1/62  
+ pages 1597 to 1610