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BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O.A. No. 13/2025/EZ

In the matter of:

Rasmita Patra

...Applicant

-Versus-

Central Pollution Control Board and Ors

...Respondents

**OBJECTION TO THE REPORT OF THE JOINT
COMMITTEE ON BEHALF OF THE
RESPONDENT NO. 9**

I, Jyoti Prakash Swain, aged about 41 years,
S/o Jaladhar Swain, At/P.O./P.S: Marshaghai, District:
Kendrapara, Odisha – 754213 do hereby, solemnly affirm
and state as follows:

1. That I am the Respondent No. 9 in the captioned Original Application, thus competent to swear this affidavit.
2. That I have gone through the report furnished by the Joint Committee which was filed by the Respondent No. 2, 3, 4 and 8 and after understanding the same, I have filed the present affidavit.

Jyoti Prakash Swain



[Handwritten signature]

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3. That at the outset, it is humbly submitted that the report is misconceived, frivolous and tainted with malafides thus is liable to be rejected.
4. That it is relevant to mention here that on 05/03/2025, the Ld. Additional Govt. Advocate appearing on behalf of the Respondent No. 2, 3 4 & 8 had submitted that the committee shall carry out the inspection on 12/03/2025, but the inspection was carried out on 11/03/2025, which is apparent from the signature of Madan M Sahoo and Sapan K. Nandi. The committee did not involve the present Respondent or Respondent No. 10 or Respondent No. 6 or Respondent No. 7- IDCO.

While the committee visited the spot on 11/03/2025, but the affidavit filed by the Respondent No. 2, 3, 4 & 8 at Paragraph No. 3 says that the committee visited the spot on 12/03/2025, which is contradictory.

Moreover, the inspection report clearly shows that Mr. Sandeep Roy i.e. Scientist, CPCB, RD, Kolkata has not put his signature rather his signature has been digitally copy pasted from some other document. His signature does not have a date which further goes onto show that the report has not been signed by him.



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J-10+Prakashan

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5. That it is humbly submitted here that vide Order dated 27/01/2025, this Hon'ble Tribunal has appointed the committee and had appointed the District Collector to be the nodal agency for all logistic purposes and for filing the joint committee report on affidavit. However, the joint committee report has not been filed by way of an affidavit by the District Collector, but it has been filed by the Deputy Collector (Judicial). The order itself was clear that either it is the District Magistrate or any authorized person not below the rank of Additional District Magistrate to be the member of the committee. In the present case, while the Additional District Magistrate has put the signature, but the affidavit has not been filed by him but by the Deputy Collector. The entire report is tainted with malafides.
6. That having such infirmities being the basis of the report, the recommendation that the radial distance of MS/HSD Retail outlet from plot boundary of Plot No. 191 on which the Dasmania Primary School is existing is around 48meters is factually incorrect. It is submitted here that school in question is functioning on land owned by IDCO and has no registered RoR. During the Land Evaluation Committee inspection, it was categorically found that no school or residential habitation existed

Jyoti Prakashan*Key*

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within 50meter from the proposed filing point, dispensing unit or vent pipe, which is the relevant standard as per applicable NGT guidelines.

7. That the Report of the Tahasildar, Danagadi addressed to the ADM, Jajpur dated 29/02/2024 vide clearly depicts that the radial distance from the proposed site to the nearest school is 150meter. As a matter of fact, the ADM has also issued NoC dated 29/06/2024. The Counter Affidavit filed before the Hon'ble High Court in W.P.(C) No. 20271 of 2024 sworn by the Tahasildar, Danagadi on behalf of the Collector, Jajpur who was the Opp. Party No. 2 in the said Writ Petition clearly suggest that radial distance from the proposed site to the nearest school is 150meter. The measurement done by the Additional Officer of IDCO pursuant to the public objection suggests that the distance from the proposed filing point, dispensing unit or vent pipe is 87 meters. A topographical survey conducted thereafter confirmed the distance to be 92 meters.

8. That as far as the other observation regarding water logging is concerned, the land in question falls within the Kalinga Nagar National Investment and Manufacturing Zone, a notified industrial area. It was allotted to the present Respondent with clear approval of 67th District Level Single Window



Jyoti Prakashan

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Clearance Authority, chaired by the ADM Cum Collector, Jajpur. The Superintendent Engineer, Panikoili had confirmed in his report dated 09/02/2024 that there exists no obstruction to natural watercourses. The Tahasildar had also confirmed vide its Letter dated 29/02/2024 that proposed outlet does not obstruct any natural watercourse. There is no perennial stream identified on the proposed site.

9. That it is respectfully submitted here that the Committee was a fact-finding committee therefore; while making recommendation it has travelled beyond such mandate while ignoring the multiple NOCs granted by the respective competent authorities.
10. That in view of the above, it is respectfully submitted here that the report of the committee is liable to be rejected as the findings are incorrect, as the committee has prepared the same in a mechanical manner without having regard to the actual scheme of things. The report suffers from gross irregularities and infirmities.
11. That the facts stated above are true to the best of my knowledge and belief.

Jyoti Ranabhadra



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BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA

IN

Original Application No. 13/2025/EZ

IN THE MATTER OF :

RASMITA PATRA

... APPLICANTS

VERSUS

CENTRAL POLLUTION CONTROL BOARD & OTHERS

... RESPONDENTS

AFFIDAVIT

I, Jyoti Prakash Swain, S/o Late Jaladhar Swain , aged about 41 years, Proprietor of Jyoti Filling Station, At/P.O.: Marshaghai, Dist- Kendrapara, Odisha - 754213, do hereby solemnly affirm and sincerely state as follows:

1. That I am well conversant with the facts and circumstances of the present case on the basis of the information derived from official records and hence I am competent and authorized to verify, sign and swear this affidavit.

That the accompanying document may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

3. That the accompanying document has been drafted and filed under my instructions and authority, the contents thereof are true and correct to the best of my knowledge and true to the best of my information which I obtained from my personal sources.

I believe the information to be true for the following reasons: Basing upon the official records and information.

Identified by me

Sahitkhya Goswami
Advocate
19.03.2026

Jyoti Prakash Swain
Deponent



VERIFICATION

Verified at Cuttack on this day of 19th March 2026 that the contents of the above replies are correct and true on the basis of the record and are true to the best of my knowledge as per official records and information. Nothing has been concealed therefrom or mis-stated.

Verified at Cuttack on this the 19th day of March, 2026

Identified by me

Lalit K. Mahapatra

Advocate

Jyoti Prakash Swain

Deponent

~~solemnly~~ affirm or in Oath by the Deponent
at Cuttack on 19.3.26 being identified
by L. K. Mahapatra
Advocate/Adv's Office/Notary
~~Deponent~~ and above are
true to the best of my knowledge.

Rama Chandrasekhara
RAMA CHANDRASEKHARA, NOTARY
CUTTACK TOWN, REGD, No-71/06



Sarthak Supriyo Mohapatra <sarthaksupriyo@gmail.com>

Objection to the report of the joint Committee on behalf of Resp. No. 9

1 message

Sarthak Supriyo Mohapatra <sarthaksupriyo@gmail.com>

Thu, Mar 19, 2026 at 12:19 PM

To: OFFICE.UDITTAHALDER1@gmail.com, ccb.cpcb@nic.in, fsec.or@nic.in, dm-jajpur@nic.in, mefcc@gov.in, sdekate@indianoil.in, md-idco@nic.in, tdrdangadi@gmail.com

Dear Sir,

Please find herewith the copy of the Objection to the report of the joint Committee on behalf of Resp. No. 9

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Regards

Sarthak Mohapatra

Advocate



Objection to report of Joint Committee on behalf of Resp. 9.pdf

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