

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

I.A No. 686 of 2025

IN

**Original Application No. 604 of 2018**

**IN THE MATTER OF:**

Sarbeswar Behura

**...Applicant**

Versus

Union of India & Ors.

**...Respondents**

**REJOINDER ON BEHALF OF THE APPLICANT**

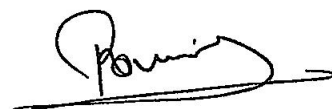
**PAPER-BOOK**

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**COUNSEL FOR THE APPLICANT: ROVINS FRANCIS VERMA**

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**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT TO  
THE REPLY FILED BY RESPONDENT NO. 11**

**MOST RESPECTFULLY SHOWETH:**

1. That the Applicant above-named respectfully submits this Rejoinder Affidavit to the Reply dated 20.01.2026 filed by Respondent No. 11 (hereinafter referred to as "R-11") in the above-mentioned I.A., and craves leave of this Hon'ble Tribunal to place the following submissions on record.
2. That the contents of the Reply filed by R-11, insofar as they are consistent with the averments made in the I.A. and the Original Application, may be read as part of the present Rejoinder. All other statements, averments and submissions made in the Reply which are contrary to or inconsistent with

the case of the Applicant are specifically denied as false, misleading and contrary to the material placed on record.

**PRELIMINARY SUBMISSIONS:**

3. It is respectfully submitted that the issues raised in the present application regarding illegal quarrying and environmental degradation in the Dankari hill region are not based merely on the assertions of the Applicant but are substantiated by independent complaints, official communications and inspection reports of the competent authorities. Significantly, the problem of illegal quarrying in the Dankari hill region was independently brought to the notice of the district administration by the project proponent itself, namely Indian Strategic Petroleum Reserves Limited (ISPRL), which is implementing the proposed Strategic Petroleum Reserve (SPR) project at Chandikhol.
4. In this regard, ISPRL addressed a formal communication bearing Letter No. 023 dated 13.11.2025 to the district administration informing that large-scale illegal quarrying activities were being carried out within the proposed project area at Dankari Hills and requested immediate intervention of the authorities to stop such activities. Pursuant to the said complaint, the Collector and District Magistrate, Jajpur, Shri Ambar Kumar Kar, OAS (SS), addressed a communication to the Deputy Director, Mines (Minor Mineral), Jajpur directing immediate action on the issue of alleged illegal quarrying in

the proposed project area. In the said communication, the Collector also noted that the land required for the ISPRL project had been applied for by IDCO for an area of approximately 400 acres, out of which an area of Ac. 363.70 had already been approved and the sanction order had been issued to IDCO for deposit of premium and execution of the lease deed so that the land could be formally handed over for implementation of the project.

5. It is submitted that pursuant to the aforesaid complaint and directions of the Collector, Jajpur vide letter dated 28.11.2025, a Joint Committee consisting of the Deputy Director of Mines (I/C), Jajpur Circle, the Tahasildar, Dharmasala, the Regional Officer of the State Pollution Control Board, Kalinganagar and other officials was constituted to inspect the proposed ISPRL Strategic Petroleum Reserve site located at Dankari Hills.
6. The said Joint Committee conducted a detailed inspection of the area on 02.12.2025 and subsequently submitted its report dated 23.12.2025. During the course of inspection, the Committee examined the mining cluster comprising 18 Dankari Black Stone Quarry (BSQ) sites located within the project boundary. The Committee observed that although no active quarrying machinery or vehicles were found operating at the time of inspection, there were clear physical indicators demonstrating recent illegal quarrying activity in the area.

7. The Joint Committee specifically recorded the presence of fresh truck tyre marks, impressions of chain excavators and recently blasted stones in several locations within the quarry cluster, which clearly suggested that illegal extraction of stone had taken place in the recent past. The Committee further observed that such activities appeared to have been conducted in a manner intended to evade detection, indicating deliberate attempts to conceal the illegal operations.
8. The Committee further noted that ISPRL had erected concrete boundary pillars along the project boundary and had placed large boulders at entry points of certain quarry locations in order to restrict access and prevent illegal mining activities. However, despite such preventive measures, the physical indicators observed during the inspection clearly suggested that unauthorized quarrying had taken place within the quarry cluster located in the proposed project area.
9. Based on these findings, the Joint Committee recommended several regulatory and technological measures to prevent further illegal quarrying activities. These recommendations included deployment of drone-based surveys through ORSAC for accurate mapping of affected areas, enhanced police patrolling, installation of geo-fencing mechanisms, deployment of AI-enabled surveillance cameras and construction of trenches at vulnerable entry points in order to restrict

- unauthorized access of vehicles and machinery into the quarry region.
10. Acting upon the findings and recommendations of the Joint Committee, the district administration initiated several enforcement actions to curb illegal mining activities in the region. In particular, the Collector and District Magistrate, Jajpur imposed prohibitory orders under Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) through Cr.M.C. No. 38/2026 dated 05.01.2026 in order to restrict activities in the concerned area and prevent further illegal extraction.
  11. It is further submitted that the Compliance Affidavit dated 22.01.2026 filed by Respondent No. 8 in the present I.A. itself acknowledges the existence of violations and regulatory action taken in respect of certain quarry leases in the Dankari hill region. The said affidavit records that enforcement action has been initiated against erring lessees and that a demand of approximately Rs. 7.38 Crores has been raised against the lessee Narayan Rout in respect of Dankari Black Stone Quarry No. 5/10 on account of excess extraction and other violations. These facts clearly demonstrate that non-compliance and irregularities in quarrying operations in the Dankari hill region have been recognized by the competent authorities themselves.
  12. It is further submitted that Dankari Black Stone Quarry No. 1 (BSQ-1) and Dankari Black Stone Quarry No. 2 (BSQ-2) were

earlier leased in favour of Respondent No. 11. However, the said quarry leases have since been closed and the said quarry areas now fall within the proposed project boundary of the Strategic Petroleum Reserve project of ISPRL at Chandikhol. Consequently, no quarrying or mining activity is legally permissible within the said area.

13. The photographs earlier placed on record by the Applicant in the present proceedings were taken from the same area comprising BSQ-1 and BSQ-2 which now form part of the proposed ISPRL project site. The said photographs clearly depicted drilling marks, excavated surfaces and other indicators suggestive of quarrying activity within the said locations.
14. The observations recorded in the Joint Committee report dated 23.12.2025 corroborate the evidence placed on record by the Applicant and clearly demonstrate that illegal quarrying activities have taken place within the quarry cluster located inside the proposed project boundary. The said findings therefore substantiate the concerns raised by the Applicant regarding illegal mining activities and environmental degradation in the Dankari hill region.
15. It is further relevant to note that while issuing directions for constitution of the Joint Committee through letter dated 28.11.2025, the Collector, Jajpur also referred to a tragic incident that had occurred in Dankari Black Stone Quarry No.

- 5/10 on 16.05.2024 which resulted in loss of human life due to unsafe and unscientific mining operations. The district administration expressed serious concern that such incidents could recur if illegal and unregulated quarrying activities were allowed to continue in the area.
16. In this regard, reference was also made to a joint technical enquiry conducted between 17.07.2024 and 18.07.2024 by officials of the Directorate of Minor Minerals. The report of the said enquiry was submitted by the Joint Director (Tech-Geo), Minor Mineral to the Director, Minor Mineral with a copy to the Collector, Jajpur, and had already highlighted the dangers associated with unscientific quarrying and slope instability in the Dankari hill region.
  17. It is further submitted that illegal quarrying activities in ecologically sensitive hill regions such as Dankari Hills pose serious environmental risks including slope destabilization, landslides, destruction of natural vegetation, habitat loss and irreversible ecological damage. Unregulated blasting and excavation in such fragile geological formations can also pose serious risks to human safety and nearby infrastructure.
  18. It is further respectfully submitted that the illegal mining and quarrying activities in the Dankari hill region have not ceased and appear to be continuing even after the inspection conducted by the Joint Committee. Although the Joint Committee during its inspection on 02.12.2025 found that the

quarries were not operational at the precise time of inspection, the Committee nevertheless recorded several physical indicators demonstrating that quarrying activities had taken place in the recent past. The presence of fresh truck tyre marks, impressions of chain excavators and recently blasted stones clearly indicated that extraction activities had been carried out shortly prior to the inspection. The Committee also observed circumstances suggesting that such activities were being conducted in a manner intended to evade detection, indicating deliberate concealment of illegal operations from the inspecting authorities.

19. The said findings clearly establish that the temporary absence of machinery at the time of inspection cannot be construed as proof that quarrying activities had ceased. On the contrary, the material observations recorded by the Committee demonstrate that illegal mining activities were continuing in a clandestine manner within the quarry cluster located in the Dankari hill region, including areas falling within the proposed ISPRL project boundary.
20. It is further submitted that these circumstances also reveal a continuing failure on the part of the concerned regulatory authorities to effectively prevent and control illegal mining and quarrying activities in the area despite repeated complaints and official intervention. The persistence of such activities

despite inspections, complaints and regulatory measures indicates serious lapses in monitoring and enforcement.

21. The Applicant has also recently obtained several photographs taken during the month of February 2026 which clearly indicate fresh excavation marks, movement of heavy vehicles and other indicators of ongoing quarrying activities within the concerned area. These photographs constitute further material evidence demonstrating that illegal extraction of minor minerals is still continuing despite the findings of the Joint Committee and the preventive measures claimed to have been taken by the authorities.

A true copy of the said photographs showing movement of heavy vehicles and other indicators of ongoing quarrying activities during month of February and March of 2026 is being annexed and marked herewith as **Annexure A-1 at pages 20-30**

### **REJOINDER ON MERITS**

15. The contents of Para 1 are a matter of record to the extent that the Original Application is pending adjudication before this Hon'ble Tribunal. However, it is submitted that the present I.A. has been filed on the basis of additional material and evidence demonstrating continuing environmental violations and illegal extraction activities in the Dankari Hill region.
16. The contents of Para 2 are vague and evasive and therefore denied. It is submitted that the Reply of R-11, is a bald denial without merit, the Application as well as the present I.A. have

been supported by documentary evidence, photographs and reports demonstrating the environmental degradation caused due to illegal quarrying activities in the Dankari hill area.

17. The allegations made in Para 3 regarding selective targeting and forum shopping are false, baseless and hence, denied. The Applicant has approached this Hon'ble Tribunal in public interest to address serious environmental violations affecting the Dankari hill ecosystem and surrounding areas. The issues raised concern illegal extraction, ecological degradation and regulatory failures in the mining cluster. The Compliance Affidavit filed by Respondent No. 8 itself indicates that illegal activities have been detected in the area, thereby demonstrating that the concerns raised by the Applicant are genuine and not motivated.
18. The contents of Para 4, insofar as they refer to earlier proceedings before the Hon'ble High Court of Orissa, are not disputed as a matter of record. However, it is submitted that the said writ petition was withdrawn bona fide by the Applicant with liberty to approach the appropriate forum, since the issues raised relate to environmental protection and illegal mining which fall squarely within the jurisdiction of this Hon'ble Tribunal under the National Green Tribunal Act, 2010. The present proceedings are therefore fully maintainable.

It is respectfully submitted that the writ petition earlier filed by the Applicant before the Hon'ble High Court of Orissa was withdrawn bona fide with liberty to approach the appropriate forum, since the issues raised therein relate to environmental degradation, illegal mining and ecological protection, which fall squarely within the specialized jurisdiction of this Hon'ble Tribunal under Sections 14 and 15 of the National Green Tribunal Act, 2010. The withdrawal of the writ petition was therefore undertaken solely to avail the remedy before the statutory and expert forum constituted for adjudication of environmental disputes, namely this Hon'ble Tribunal. The said withdrawal cannot, by any stretch of imagination, be construed as forum shopping or abuse of process of law as alleged by Respondent No. 11. On the contrary, the Applicant has approached the correct and competent forum in accordance with law to ensure effective adjudication of the environmental issues involved in the present matter.

19. The contents of Para 5 are denied to the extent they attempt to disconnect the photographic evidence placed by the Applicant from the concerned mining area. The photographs filed with the I.A. depict the physical condition of the Dankari quarry region, including evidence of drilling, blasting marks and unstable slopes, which clearly indicate recent mining related activities. The single geo-tagged photograph annexed by Respondent No. 11 is selective in nature and does not rebut the substantial evidence placed by the Applicant.

20. The contents of Paras 6 and 7 are denied. The mere assertion that mining operations ceased pursuant to a letter dated 27.11.2015 cannot absolve Respondent No. 11 from scrutiny in light of the physical evidence of recent activities observed in the region. The Compliance Affidavit filed by Respondent No. 8 records that fresh truck tyre marks, impressions of chain excavators and recently blasted stones were found during inspection, indicating recent illegal extraction in the area despite closure orders. These findings clearly demonstrate that unauthorized mining activities have continued in the region.
21. The contents of Paras 8 to 12 are strongly denied. The allegations made therein against the Applicant are wholly irrelevant, defamatory and intended only to divert the attention of this Hon'ble Tribunal from the environmental issues raised in the present proceedings. Personal allegations against the Applicant have no bearing on the adjudication of environmental violations or illegal mining activities in the Dankari hill region. It is submitted that the present proceedings are concerned with protection of the environment and compliance with statutory norms and cannot be derailed by such extraneous allegations.
22. The contents of Para 13 are denied. It is submitted that the Applicant has consistently raised issues relating to illegal quarrying and environmental degradation in the Dankari hill region. The issues raised are supported by inspection reports

and official findings which indicate that the problem of illegal extraction persists in the quarry cluster.

23. The reliance placed by Respondent No. 11 on certain judicial precedents to question the locus standi of the Applicant is misplaced and denied. The present proceedings fall squarely within the jurisdiction of this Hon'ble Tribunal under Sections 14 and 15 of the National Green Tribunal Act, 2010, as they raise substantial questions relating to environmental protection, illegal mining and ecological damage. The Applicant, being an affected citizen and environmental whistleblower, is fully entitled to approach this Hon'ble Tribunal to seek protection of the environment and enforcement of environmental laws.
24. The contents of these paragraphs are denied insofar as they attempt to negate the existence of illegal quarrying activities in the area. It is submitted that a Joint Committee consisting of the Deputy Director of Mines (I/C) Jajpur Circle, Tahasildar Dharmasala, Regional Officer of the State Pollution Control Board, Kalinganagar and other officials inspected the Dankari Hill area on 02.12.2025 pursuant to directions of the Collector, Jajpur. The Committee submitted its report on 23.12.2025 after examining approximately 13 closed black stone quarries covering about 113.2 acres within the project boundary.

The Committee recorded that although no active machinery or vehicles were present during the inspection, fresh truck tyre marks, impressions of chain excavators and recently blasted stones were observed, which strongly suggested recent illegal mining activity in the area and possible attempts to conceal such activities. The Committee further noted that entry points to certain quarries had been blocked with large boulders and concrete pillars had been installed along the project boundary.

Based on its findings, the Committee recommended several enforcement measures including drone-based surveys through ORSAC, enhanced police patrolling, geo-fencing, installation of AI-based cameras and other preventive measures to curb illegal quarrying activities.

25. The contents of Para 25 are denied. It is submitted that the enforcement authorities themselves have taken cognizance of the illegal mining problem in the area. Acting on the findings of the inspection and compliance reports, the district administration imposed prohibitory orders under Section 163 of the Bharatiya Nagarik Suraksha Sanhita through Cr.M.C No. 38/2026 dated 05.01.2026 in order to prevent further illegal extraction and maintain regulatory control in the area. These measures demonstrate that the concerns raised by the Applicant are genuine and substantiated by official findings.
26. The contents of Para 26 are denied. The claim that no illegal activity exists in the region is contrary to the findings recorded

in the compliance affidavit and the Joint Committee report. The fact that enforcement actions, regulatory restrictions and penalties have been imposed in the mining cluster itself indicates that the area has witnessed significant compliance violations. The Reply of Respondent No. 11 therefore fails to address the substantive environmental concerns raised in the Original Application and the present I.A.

27. That it is respectfully submitted that the Reply filed by Respondent No. 11 is evasive and seeks to divert the attention of this Hon'ble Tribunal through irrelevant personal allegations against the Applicant rather than addressing the substantive environmental concerns raised in the present proceedings. The material placed on record, including the Compliance Affidavit filed by Respondent No. 8 and the report of the Joint Committee dated 23.12.2025, clearly demonstrates that evidence of recent illegal quarrying activities such as fresh truck tyre marks, excavator impressions and recently blasted stones were found in the Dankari hill region, which necessitated enforcement measures including prohibitory orders under Section 163 of the Bharatiya Nagarik Suraksha Sanhita, enhanced surveillance and other regulatory actions. These official findings substantiate the grievances raised by the Applicant and establish that the issues raised in the Original Application and the present I.A. involve serious environmental concerns requiring continued monitoring and intervention by this

Hon'ble Tribunal. It is therefore submitted that in accordance with the well-established principles of environmental jurisprudence, including the Polluter Pays Principle, any person found responsible for illegal mining or environmental degradation must be held liable to compensate for the damage caused to the environment and to undertake necessary restoration measures. The present rejoinder is therefore filed to place the correct factual and legal position on record and to rebut the misleading assertions made by Respondent No. 11.

**PRAYER:**

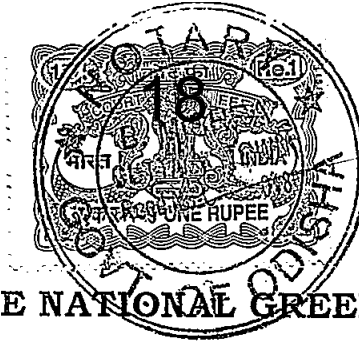
In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Reject the Reply dated 20.01.2026 filed by Respondent No. 11 as being misleading, contrary to the material placed on record and devoid of merit;
- b) Direct constitution of a fresh Joint Committee or appoint an independent expert body to conduct a detailed and time-bound inspection of the Dankari hill quarry region, including the areas falling within BSQ-1 and BSQ-2 and the proposed ISPRL project site, and to submit a comprehensive report before this Hon'ble Tribunal;

- c) Direct the concerned authorities to assess and quantify the environmental damage caused on account of illegal mining and quarrying activities carried out after the expiry/cancellation of the Environmental Clearance and quarry leases, including damage to land, ecology, and natural resources;
- d) Direct imposition and recovery of environmental compensation from Respondent No. 11 and all other persons found responsible for illegal mining and quarrying activities, in accordance with the "Polluter Pays Principle", for the damage caused to the environment;
- e) Direct restoration and remediation of the affected area at the cost of the violators, under the supervision of the competent authorities, in a time-bound manner;
- f) Pass such other order(s) or direction(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case, in the interest of justice, environmental protection and equity.



(ROVINS FRANCIS VERMA)  
Advocate for the Applicant  
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Vikram Vihar, Lajpat Nagar-IV  
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PRINCIPAL BENCH, NEW DELHI

I.A No. 686 of 2025

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Sarbeswar Behura

**...Applicant**

Versus


Union of India & Ors.

**...Respondents**

**AFFIDAVIT**

I, Sarbeswar Behura, S/o Kangali Behura, aged about 56 years, Resident of Saroi, PS- Dharmshala, Distt Jajpur, Orissa the Applicant in the above-mentioned matter, do hereby solemnly affirm and state as under:

1. That I am the Applicant in the present original application and the I.A. No. 686 of 2025 and am well acquainted with the facts and circumstances of the case and am competent to swear this Affidavit.
2. That I have read and understood the contents of the accompanying Rejoinder Affidavit filed in response to the Reply dated 20.01.2026 filed by Respondent No. 11 in I.A. No. 686 of 2025, and the same have been drafted under my instructions.

  
Byomakesh Mishra  
Advocate  
Notary, Cuttack Town  
Govt. of Odisha  
Regd.No-06/2018

3. That the contents of the said Rejoinder Affidavit are true and correct to my knowledge and belief and are based on records available with me, including official documents and other material placed on record.

Identified by  
*[Signature]*  
Advocate

*Sarbeswar Behura*  
DEPONENT

**VERIFICATION:**

I, Sarbeswar Behura, the Applicant above named, do hereby verify that the contents of the above Rejoinder Affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Verified at ~~New Delhi~~ <sup>Cuttack</sup> on this ~~\_\_\_\_\_~~ <sup>16th</sup> day of ~~March~~ <sup>April</sup>, 2026


*Sarbeswar Behura*  
DEPONENT



Solemnly Sworn before me by *Sarbeswar Behura*  
being identified by *Mr. [Signature]* Advocate  
at Cuttack dated *16/04/2026*

*[Signature]*  
16/04/26  
B. MISHRA  
NOTARY, CUTTACK  
ODISHA




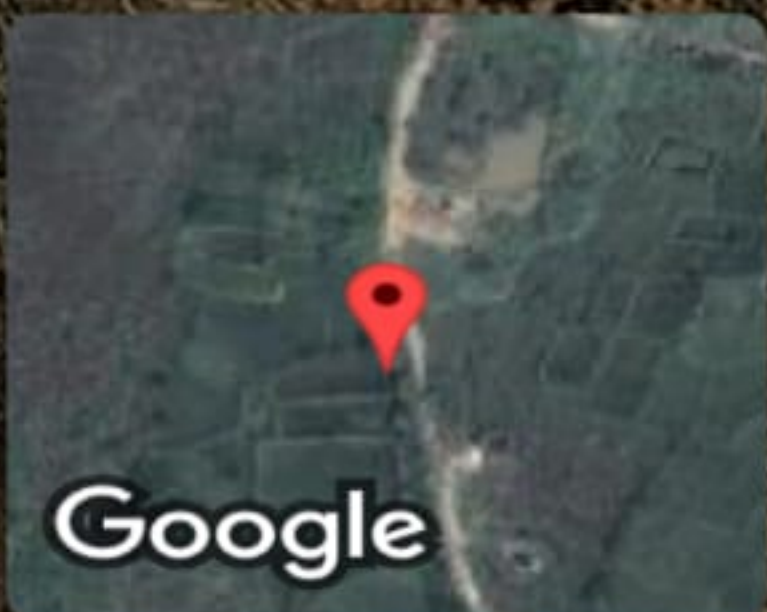
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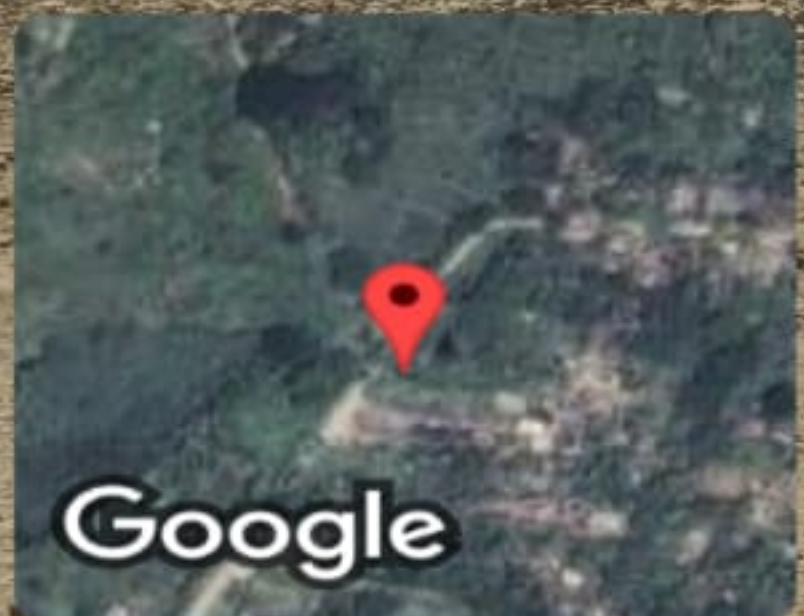
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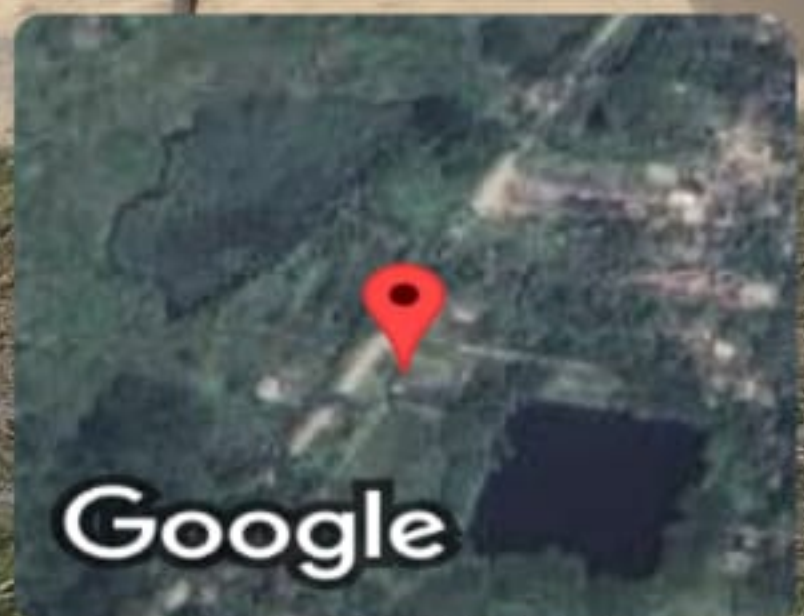
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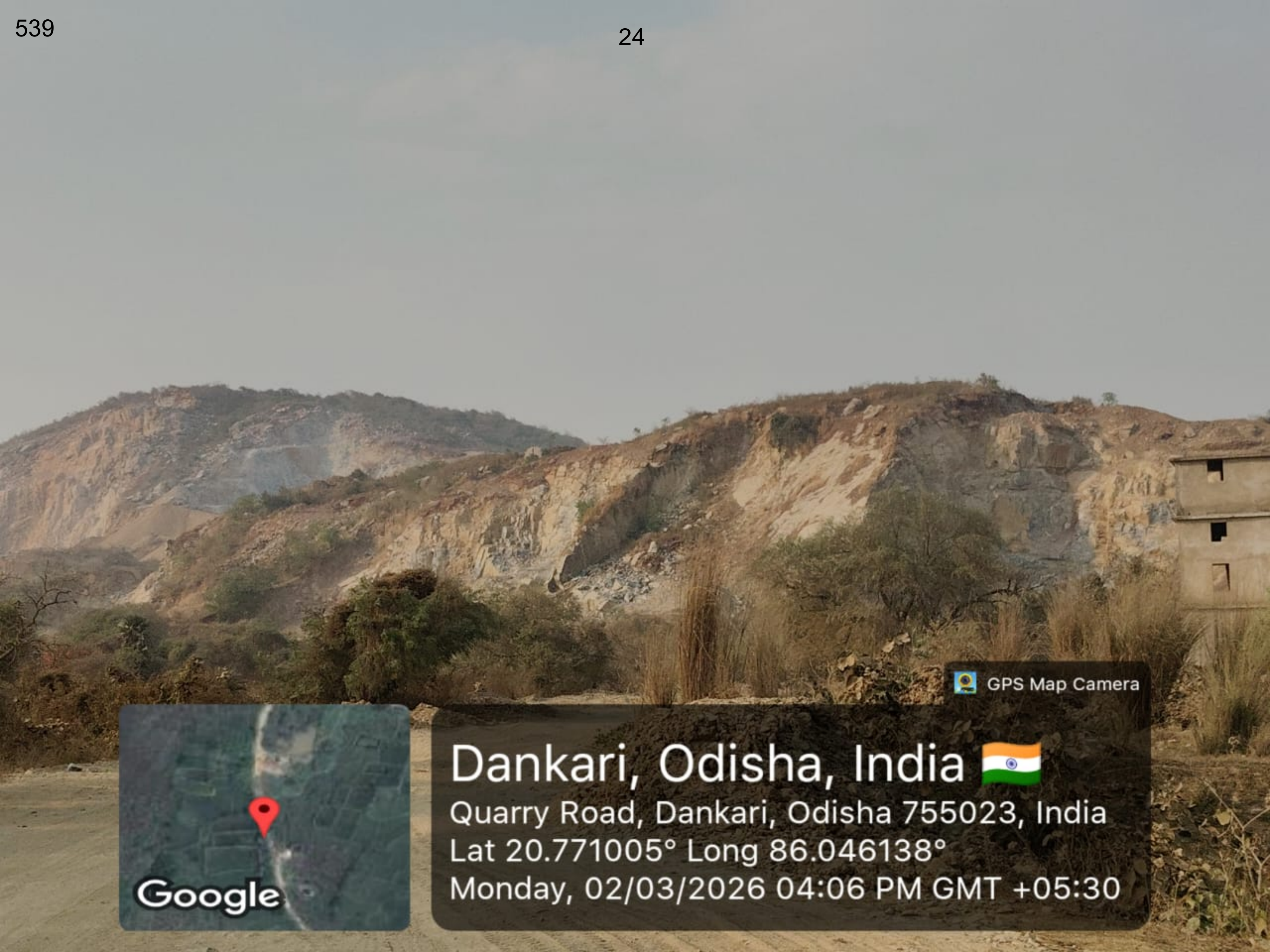
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 GPS Map Camera




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


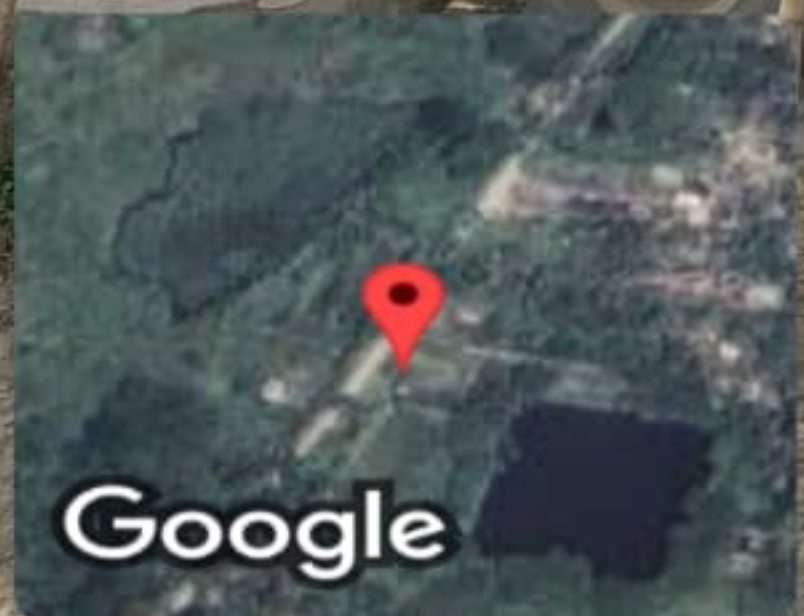
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
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GPS Map Camera



Google


# Dankari, Odisha, India

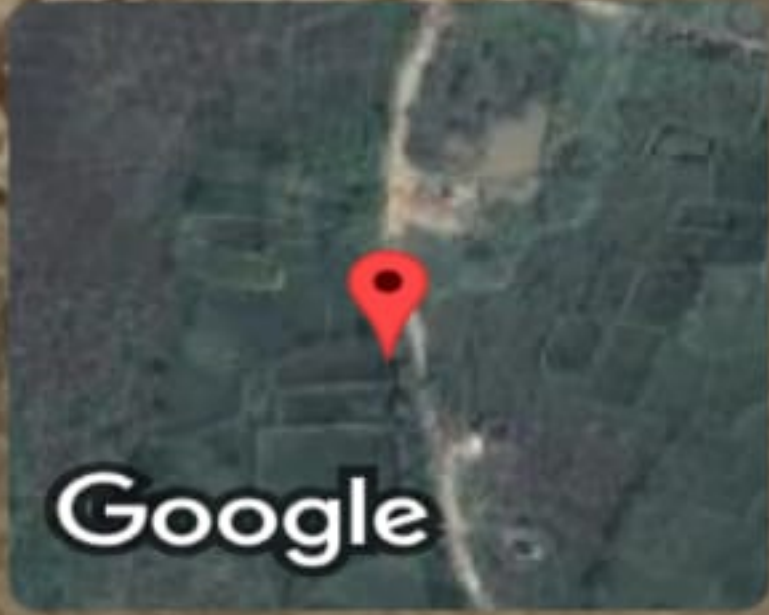
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**Service of Rejoinder in I. A No. 686 of 2025 in O.A No. 604 of 2018, title as Sarbeswar Behura Vs. Union of India & Ors. on behalf of the Applicant**

1 message

**Rajesh kumar singh** <rajeshsinghadv@gmail.com>

Sat, Apr 18, 2026 at 2:55 PM

To: secy-moef@nic.in, dir.m-png@gov.in, soestt-png@gov.in, revsec.od@nic.in, fsec.or@nic.in, paribesh1@ospcboard.org, chairman.seiaaodisha@gmail.com, rdcsbp@nic.in, dm-jajpur@nic.in, admjajpur.od@nic.in, kalyanilab@yahoo.co.in, "tdrdharmasala@gmail.com" <tdrdharmasala@gmail.com>, "sribashjena2020@gmail.com" <sribashjena2020@gmail.com>, "mukulkr1722@gmail.com" <mukulkr1722@gmail.com>

Sir,

Please find attached herewith the captioned of Rejoinder in I. A No. 686 of 2025 in O.A No. 604 of 2018, title as Sarbeswar Behura Vs. Union of India & Ors. on behalf of the Applicant.

Please acknowledge the receipt of the same.

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**Rejoinder in I. A No. 686 of 2025 in O.A No. 604 of 2018, title as Sarbeswar Behura Vs. Union of India & Ors..pdf**  
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