

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 85 OF 2023

IN THE MATTER OF:

SAHEEN TARANNUM & ANR.

... APPLICANTS

VERSUS

STATE OF ODISHA & ORS.

... RESPONDENTS

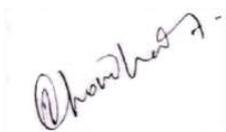
INDEX

S.NO.	PARTICULARS	PG.NO.
1.	Rejoinder to Reply filed by Respondent No. 6 on behalf of the Applicants	1-4

THROUGH



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PLACE: DELHI/KOLKATA

DATE:- 08.12.2023

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**REJOINER TO REPLY FILED BY RESPONDENT NO. 6 ON
BEHALF OF THE APPLICANT**

MOST RESPECTFULLY SHOWETH:

1. That the Applicants had filed the above-mentioned Original Application No. 85 of 2023 before this Hon'ble Tribunal against the illegal operation of the private stack yard located near the Bilteruan village and opposite to the railway tracks leading to the Nergundi Railway Station, in Alarpur, Cuttack, Odisha. The Applicants, through the above-titled Application, had raised the issue that the operation of the private stack yard near the Nergundi Railway Siding was illegal and in violation of the '**Guidelines for Environmental Management in Mineral Stack Yards and Railway Sidings, 2010**' issued by the Odisha State Pollution Control Board. It was further submitted that due to such loading, unloading, stacking and transportation of the minerals in the private stack yards, it had led to extreme amount of dust pollution in Bilteruan village causing breathing related issues amongst the residents.
2. That the present Rejoinder is being filed by the Applicants in response to the Reply dated 30.10.2023, filed by the Respondent No. 6 who is Shri Jayanta Kumar Pradhan, owner of few of the plots in Mauza Alana, Cuttack. The Applicants reiterate that all facts and submissions made in the Original Application, and its response to the Joint

Committee Report, to be true and correct and the same may be read as part of the instant rejoinder and are not being repeated for the sake of brevity.

3. That the Joint Committee in its report dated 6.10.2023 has given the finding that the 'Consent to Establish and Operate' is not given to Respondent No. 6 and 7. However, Respondent No. 6 has leased out his land to M/s Sendoz Impex Ltd. and M/s Godavari Commodities for operation of the coal stack yards. It is submitted that at the time of the filing of the application, the Applicants were not aware about the role of M/s Sendoz Impex Ltd. and M/s Godavari Commodities in operation of stack yards. It is submitted that the Applicants have also filed an impleadment application before this Hon'ble Tribunal, praying to implead M/s Sendoz Impex Ltd. and M/s Godavari Commodities as necessary parties.
4. That in the contention made by the Respondent No. 6 in its Reply dated 30.10.2023, it has been stated that the said Respondent cannot be made liable to the violations alleged by the Applicants as he is only the owner of the property and is not involved in the activity of loading, unloading, stacking, etc. It is submitted that such a submission cannot be accepted as it is quite hard to believe that Respondent No. 6 was unaware about the illegality on part of M/s Sendoz Impex Ltd., who had stacked coal exceeding the allowed area.
5. It is submitted that the Respondent No. 6 has failed to provide a copy of the lease of the plots on which the stacking is taking place. Further, the said Respondent cannot escape liability as letting out premises on lease, does not mean surrendering entire control it. Therefore, the Respondent No. 6 should be held liable for the illegal stacking of coal on his leased land, which has caused extreme air pollution in Bilteruan village, Cuttack.

6. That in light of the above submissions and in the interest of justice, the Hon'ble Tribunal may very kindly allow the prayer made in the Original Application.

Akshaya Kumar Jena.

APPLICANT

THROUGH

Ritwick Dutta

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Rahul Choudhary

RAHUL CHOUDHARY

Kaustav Dhar

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VERIFICATION

Verified by Akshaya Kumar Jena, S/o, Sh. Sauri Jena, aged about 46 years, R/o Village Bilteruan, Po- Harianta, Dist. Cuttack, Odisha – 754025, do hereby verify that the contents of Paragraphs 1 to 06 are true to my personal knowledge and that I have not suppressed any material fact.

Akshaya Kumar Jena.

APPLICANT

PLACE:- DELHI/KOLKATA

DATED:- 08.12.2023

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AFFIDAVIT

I, Akshaya Kumar Jena, S/o Shri Sauri Jena, aged about 46 years, R/o Village Bilteruan, Po- Harianta, Dist. Cuttack, Odisha- 754025, do hereby solemnly affirm and declare as under:

- 5. That I am the Applicant No. 2 in the above titled Application and conversant with the facts and circumstances of the case and competent to swear this affidavit.
- 6. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

Akshaya Kumar Jena.
DEPONENT

VERIFICATION

Verified on this 12 day of Dec, 2023 that the contents of the present affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Akshaya Kumar Jena.
DEPONENT



Rajaxmi Pati
NOTARY, CUTTACK
GOVT OF ODISHA
REGD. NO. 28/2008

