

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O. A. No: 83 of 2022/EZ

Dillip Kumar Samantara and others APPLICANTS

- VERSUS-

THE STATE OF ODISHA & OTHERS ...RESPONDENTS

I N D E X

SR. NO.	PARTICULARS	PAGE NO.	FE E
	Supplementary Affidavit dated: 05.03.2023 of the Respondent No: 17 and its Annexure	01 to 16	

CERTIFIED THAT THE COPIES ARE CORRECT

BY THE RESPONDENT NO: 17

05.03.2023

THROUGH ADVOCATE

Date: 05.03.2023

BIRANCHI NARAYAN MAHAPATRA

ADVOCATE, ORISSA HIGH COURT

Mob. No: 8984383812

Whats App No: 9438383812

E. Mail: imbiranchi@gmail.com

①

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
O. A. No: 83 of 2022/ EZ**

IN THE MATTER OF:

Dillip Kumar Samantara and Others.... Applicants

-Versus-

The State of Odisha and othersRespondents

**SUPPLEMENTARY AFFIDAVIT FILED
BY THE ABOVE NAMED RESPONDENT
NO: 17 RELATING TO HIS REPLY
AFFADIVIT DATED: 21.01.2023 MOST
RESPECTFULLY SHOWETH AS
FOLLOWS:-**

I **Susanta Kumar Barad**, S/O: Sarbeswar Barad, aged about 35 years, at: Sri Krushnapur, Po: Champagarh-752024, P/S: Chandapur, Dist: Nayagarh, State: Odisha do hereby state on solemn affirmation as under:-

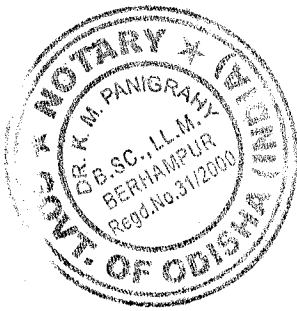
1. That I am Respondent No: 17 of the O.A and as such I am fully conversant with the facts and proceedings of the Case.

*Done
05-03-23
(Adm for the R-17)*

Susanta Kumar Barad

FORM PART
[Signature]
NOTARY PUBLIC 5/3/23

2. That the facts and proceedings of the Counter affidavit dated: 04.12.2022 and I.A No: 189 of 2022/ EZ and supplementary affidavit dated 30.08.2022 and 13.11.2022 filed in the I.A and Reply affidavit dated: 21.01.2023 May kindly read as part and parcel of this affidavit.
3. That the Reply affidavit dated: 21.01.2023 filed by the Respondent No: 17 was not taken to the record on 02.03.2023 by this Hon'ble Tribunal due to some of the Odia documents filed in the said affidavit. Accordingly the Respondent No: 17 is filing here with the translated/ditto copy of the documents in respect of the internal Page Nos: 30, 31, 34, 35, 37, 87, 93 and 96 of the Reply affidavit dated: 21.01.2023. **Copies of the said translated/ditto copies of the documents marked as Annexure-R/17/E and Annexure-R/17/G Series respectively are enclosed here with for ready reference and needful action of this Hon'ble Tribunal.**
4. That the Respondent No: 17 is already deposited the requisite filing fees of the Reply affidavit dated: 21.01.2023 with reference to the transaction ID No: 1900210015732023/dated: 03.02.2023. Copy of the deposit receipt downloaded from the NBT website is annexed here to as ANNEXURE-



Done
 05-03-23
 (Adv- for the R-17)

FORM PART
 NOTARY PUBLIC

173/23

- Susanta Kumar Baroj

3

R/17/L. So, the Hon'ble Tribunal may kindly taken to the record to the Reply affidavit dated: 21.01.2023 of the Respondent No: 17 and this affidavit is highly required for just decision of the Case. Failing which the Respondent No: 17 will be suffer irreparable loss, injury and highly prejudice.

5. That the Respondent No: 17 is craves leave of this Hon'ble Tribunal to file further affidavit, if necessary for proper adjudication of the matter.

V E R I F I C A T I O N

I **Susanta Kumar Barad**, S/O: Sarbeswar Barad, aged about 35 years, At: Sri Krushnapur, Po: Champagarh-752024, P/S: Chandapur, Dist: Nayagarh, State: Odisha do her by verify that the contents of Para 01 to 05 believed to be true and that I have not suppressed any material fact.

Verified at Berhampur on 05.03.2023.

IDENTIFIED BY

Done
05.03.2023

Susanta Kumar Barad

ADVOCATE

(B. N. Mahapatra)

DEPONENT

DECLARATION

The deponent having been identified by Advocate Sri.....*B. N. Mahapatra*..... solemnly affirm before me this the.....*05.03.2023*..... before the Notary, I.....*05.03.2023*..... A.M./P.M. read over and explained the deponent who seems perfectly to have understood the contents and toh affidavit.

Dr. K.M. Panigrahy

NOTARY

Berhampur (Ganjam)

No.....*215*.....

Time.....*05.03.2023*.....

Place:.....

[Signature]
Dr. K.M. Panigrahy
Notary Berhampur (Ganjam)
Regd. No.31/2000

Translated version of page No: 30 (internal) of
Reply affidavit dated- 21.01.2023 of Respondent
No: 17

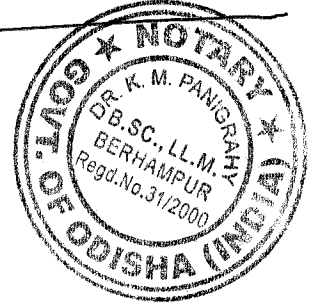
Subsection xiv - Form No: 511

Receipt Book

No- 0298169

Odisha Nizamat Book, 1963 Rule 31(c)

Book No: 180/80-21



Received from Susanta Kumar Barud towards
TDS vide Sainat case No- 74/19-20

For which purpose Current Year

Collection	1. TDS	RS:- 51360.00
	Total	<u>RS:- 51360.00</u>

Grand Total in word:-
(Rupees Fifty one Thousand three hundred
sixty only)

Date:- 31.03.2021

sd/-
Receiving officer's
signature
31.03.21

Nazir
Tahasil office
Ranapur.

ATTESTED

Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No.31/2000

TRUE COPY ATTESTED

BY ADVOCATE

Susanta Kumar Barud
(signature of Respondent No. 17)

Translated version of page No:- 31 (internal) of
Reply affidavit dated:- 21.01.2023 of Respondent
No:- 17

sub section xiv - Form No:- 511
Receipt Book No-0298168

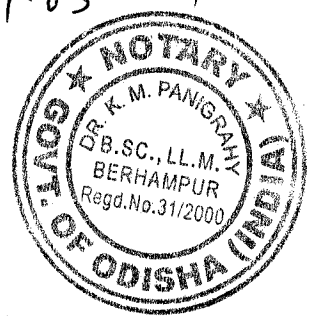
odisha Nizamat Book, 1963. Rule 31(c)
Book No: 180/20-21.

Received from - Susanta Kumar Barlad towards
Royalty & Addl. charge vide Sariat Case No:
74/19-20 (current year)

Collection	1. Royalty	RS:- 11,55,600.00
	2. Addl. charge	RS:- 14,12,400.00
	Total	RS:- 25,68,000.00

Grand Total in words:-
(Rupees twenty five Lakh Sixty eight
thousand only)

Date:- 31.03.2021



sd/-
Receiving officer's
Signature
Date - 31.03.21
NAZIR
Tahasil office
Ranapur.

TRUE COPY ATTESTED
BY ADVOCATE

ATTESTED
Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No. 31/2000

Susanta Kumar Barlad
(Signature of Respondent No:- 17)

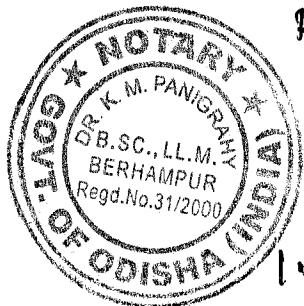
873123

Translated version of page No:- 34C (internal) of
 Reply affidavit dated 1-21-01-2023 of Respondent No: 17

Form No XII Receipt Book
 Rule 66
 Revenue Deposit

Receipt No:- AAA 0541493

Nayaganh - District, Ranapur -
 Tahasil
 Jhadapada - Circle, Ranapur Police
 Station
 0008Jhola - mouza, 2020-21 - Financial
 Year.



1. owner Name: SUSANTA KUMAR BASAD
 S/o - SARABESWAR BASAD Land Area: Acres —
 Hectars —
 Village: SOI KRUSHNA PUR
 Police Station: Chandapur.

2. Khatra No. 3. Demand details purpose of Revenue	Area	Hall	Total Revenue.
Land cess			Sariat case No: 74/19-20 Years 2020/2021 Date: - February 2021 to march 2021 Years - 2021
Other cess			
Water cess (Compulsory)			
Forest Revenue			
Others			
Interest			
Grand Total			

TRUE COPY ATTESTED
 BY ADVOCATE

Dr. K.M. Panigrahy
 Notary Berhampur (Gm.)

Susanta Kumar Basad
 (Respondent No:- 17)

4. Revenue Deposit details:-

Purpose of Revenue:	Amount
Land cess	2,31,120.00
Other cess (1) Royalty of 2 months	2,82,480.00
Water cess (Compulsory) (2) Additional charge	360.00
Forest cess (3) Surface Rent	7,2,000.00
Others	50,000.00
Interest	50,000.00
Grand Total	47,200.00
	<u>Total = 6,83,160.00</u>

5. Grand Total deposit amount in words:-
 (Six Lakh Eighty Three thousand one hundred
 Sixty only)

6. From whom deposited:- SUSANTA KUMAR BASAD.
 self-

7. Date - 08/02/2021

Signature of the Revenue
 Inspector.

ATTESTED

Translated version of Page No: 35C (Internal) of Reply affidavit
Form No XII Receipt Book Rule 66
Revenue Deposit

dated:- 21.01.2021 of
Respondent No: 17

Receipt No: AAA 0541694 Nayaganh - District, Rameswar -
Tahasil
Jhadapuda - circle, Rameswar -
Tahasil
muvstholia - mouza, 2020-21
Financial Year



1. Owner Name: SUSANTA KUMAR BASAD
S/O - SARBESWAR BASAD
Village:- SOIKROPHORAPUR

2. Khata No -

3. Demand Details:-

Purpose of Revenue	Area	Hecl	Total Revenue
--------------------	------	------	---------------

- Land cess
- Other cess
- Water cess (Compulsory)
- Water cess (Rabi Season)
- Forest Revenue
- Others
- Interest
- Grand Total

Suit Case No:-
74/19-20.

ATTESTED
Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No. 31/2000

4. Revenue Deposit details:-

- Purpose of Revenue
- Land cess
- Others ~~cess~~ (Royalty T.Ds)
- Interest
- Grand Total:

10,272.00

5. Total Deposited amount: Ten Thousand Two Hundred
Seventy Two Rupees only

6. Depositor's Detail - self

sd/-

7. Date: 11.02.2021

Signature of Revenue
Inspector

TRUE COPY ATTESTED
BY ADVOCATE

Susanta Kumar Basad
(Signature of Respondent No:-17)

Translated version of page No: 37C (internal) of
Reply affidavit dated:- 21.01.2023 of the
Respondent No: 17

Sub section XIV - Form No: 511

Receipt Book No: 0298445

Odisha Nitamat Book 1963 Rule 31(i).

Book No: 186 / 21-22 / Year 2020

Received from Susanta Kumar Barad. of Village
Srikushnapur towards Royalty from the purpose
of Addl. charge Surface Rent vide
Sainat case No: 74/19-20.

Collection	1. Royalty =	Rs:- 13,86,720.00
	2. Addl. charge =	16,94,880.00
	3. Surface Rent =	360.00

Total = 30,81,960.00.

in word: Rupees Thirty Lakhs Eighty one thousand
nine hundred sixty ~~two~~ only)

ATTESTED

Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No. 31/2000
Date:- 30.03.2022

s/-

Receiving officers
signature

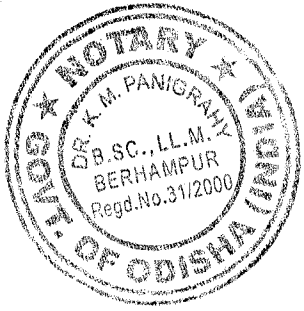
Nazim Date:- 30.03.22

Tahasil office
RAMPUR

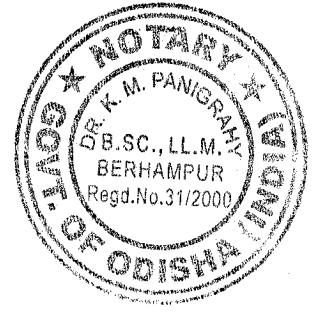
TRUE COPY ATTESTED

BY ADVOCATE

Susanta Kumar Barad
(signature of Respondent No. 17)



9



O.A No: 83 of 2022/EZ

Annexure-R/17/G Series

Ditto Copy of the Page No: 87 (internal) of the Reply affidavit dated: 21.01.2023 of the Respondent No: 17

that MOUZA- Ostapada, Khata No: 216, Plot No: 1080, Area-0.58Ac, Kissam –Patita, Govt. land and also opined that there is no permission has been given to any person for extraction or removal of laterite stone from the spot and it is completely illegal. As they are liable U/S: 379/411/34 I.P.C/12 OMPTS Act/51 (1) OMMC Rule. Hence i seized Total 71 Nos of laterite Stone and tractor with trolley without Regd. Chasis No: MBNBU53AAMCG90864 & Engine No: EZ-4001/SDG25515, DL of driver Dhirendra Kumar Subudhi from the Possession of above noted accused persons namely 1. Dhirendra Kumar Subudhi ,2. Gadadhar Sahoo, 3. Santosh Behera at the spot at 08.30 P.M in presence of above noted two local witnesses. Prepared the Seizure list and after read over the content of the Seizure list knowing true witness as well as accused Persons put their signature on the Seizure list.

Hence, I brought the accused persons and seized items to PS and Submitted a written report before the IIC for taking legal action.

Yours faithfully

Sd/-

ATTESTED

[Signature]
Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No.31/2000

(Purushottam Pradhan)

Dated: 23.10.2022

(SI Chandpur PS)

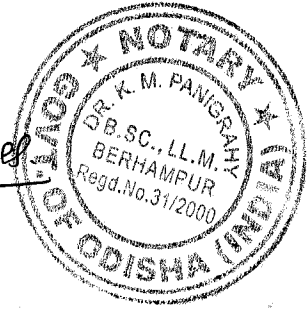
TRUE COPY ATTESTED

[Signature]
BY ADVOCATE

[Signature]
(signature of Respondent No.17)

10

Annexure-17/Gresid



At 10.30 PM/dated: 23.10.2022

Received the written report of Complaint at PS as it reveals a Cog. Case. I registered Chandpur PS Case No: 152/dated: 23.10.2022 U/S 379/411/34 IPC, read with Sec.12 OMPTS Act/51(1) OMMC Rule and took up investigation of this Case and supply copy of the FIR to the Complaint at free of cost.

Sd/-

IIC, Chandpur PS

Dated: 23.10.2022

ATTESTED

[Signature]
Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No.31/2000

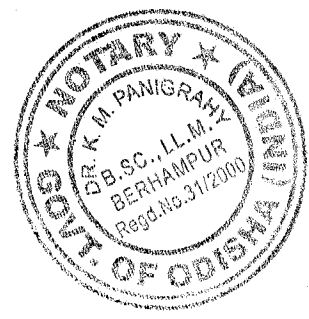
17/3/22

TRUE COPY ATTESTED

[Signature]
BY ADVOCATE

Susanta Kumar Boroi
(Signature of Respondent No:-17)

11



ATTESTED
[Signature]
Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No.31/2000

O.A No: 83 of 2022/EZ

Annexure-R/17/G Series

Ditto Copy of the Page No: 93 (internal) of the Reply affidavit dated: 21.01.2023 of the Respondent No: 17

After getting input, Police reinforcement reached on the Spot seeing arrival of more Police Personal from Chandpur PS, the accused Persons left the Power triller Machine on the Spot and escaped.

I also verified locally and ascertained that these above noted accused persons are habitual smugglers of lateriate stone and share the Profit mutually. They extract lateriate stone illegality from the Ostapada Stone quarry and smuggle those illegally procured lateriate stones (T) Tractors and Truck to Ranapur, Jankia and chandpur area to sell those for profit. As no lease of this Government Land has been granted to any person, so it is construed that the lateriate stones had been smuggled after being procured illegally.

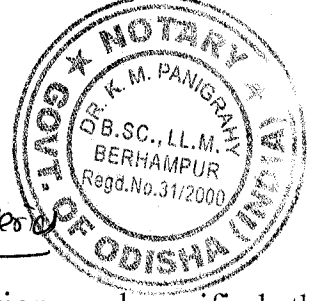
As it is night hour and it is reasonably anticipated that one we leave this quarry, the escaping mining mafias shall again cause theft of the 100 extracted lateriate stones from the Government land that may cause revenue loss to the Government. Hence as per telephonic instruction of Tahasildar Ranapur, I sold the same 100 Lateriate stones to Arun patra (lessee of Krushna Chandrapur leased lateriate Stone quarry) in order to avoid Government revenue loss. I shall deposit the sale Proceeds in Government Account.

TRUE COPY ATTESTED
[Signature]
BY ADVOCATE

Susanta Kumar Barua
(Signature of Respondent No. 17)

12

ADMEVSE R/17/G/Sec 12



Thereafter I returned to Chandpur Police Station and verified the Criminal antecedent of the above noted accused persons from Chandpur Police crime record.

I ascertained that following Cases have been registered against accused Ganeswar Mandhata

- 1) Chandpur PS Case No: 66/dated: 29.07.2020 Under Section 147/148/379/427/294/506/323/332/353/149 IPC r/w Section 12 of OMPTS ct1989/Sec 51(1) The Odisha Minor Mineral Concession rule, 2016 (assault upon on duty Tahasildar of Tangi)
- 2) 2) Chandpur PS Case No: 131/dated: 12.11.2020 U/S: 379/411/34 IPC r/w Section 12 of the OMPTs Act1989/ Sec 51(1) The Odisha Minor Mineral Concession rule, 2016

I ascertained that following Cases have been registered against accused Deepak Kumar Routray

1. Chandpur PS Case No: 127/dated: 04/11/2020 U/S: 379/411/34 IPC r/w Section 12 of the OMPTs Act1989/ Sec 51(1) The Odisha Minor Mineral Concession rule, 2016
2. Chandpur PS Case No: 149/dated: 29/12/2020 U/S: 143/147/294/323/506/149 IPC
3. As the above noted 07 accused Persons mentioned in the FIR and others, caused theft and smuggling of lateriate Stones from Ostapada Stone quarry. They also used Criminal force and assaulted on duty enforcement team officials during discharge of lawful duty, hence I submit written report against them for taking legal action.

ATTESTED

Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No.31/2000

TRUE COPY ATTESTED

BY ADVOCATE

Susanta Kumar Boroi
(Signature of Respondent No-17)

13

Annexure-R/IT/Gseries.



Yours faithfully

Sd/-

Date: 11.10.2021

Chandra Sekhar Barik,
Additional Tahasildar
Ranapur (Enforcement

10 PM/dated:11.10.2021

I received the report. As it reveals a Cog. Case, I registered Chandpur PS Case No: 140/dated: 11.10.2021 U/S 379/411/294/506353/34 IPC, read with Sec.12 Odisha Minerals (prevention of theft, smuggling and other unlawful activities Act, 1989/sec 51(1) OMMC Rule, 2016 as took up investigation of this Case and supply copy of the FIR shall be supplied to the informant free of cost.

Sd/-

IIC, Chandpur PS

Dated: 11.10.2021

ATTESTED

Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No.31/2000

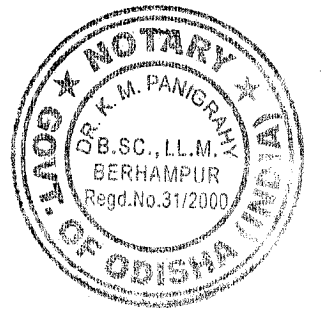
TRUE COPY ATTESTED

BY ADVOCATE

Susan Kumar Barik

(Signature of Respondent
No.17)

14



O.A No: 83 of 2022/EZ

Annexure-R/17/G Series

Translated version of the Page No: 96 (internal) of the Reply affidavit dated: 21.01.2023 of the Respondent No: 17

R.I, Jhadapada & R.S to enquiry & report

Sd/- Tahasildar, Ranpur

Date: 29.07.2022

To,

The Tahasildar, Ranpur

Sub: Regarding Illegal lateriate Stone cutting

Sir/ Mahasaya,

We are villagers of the Jankia put our grievance that one of the Ganeswar Mandhata (litu), S/O: Pananga Bhusan Mandhata, village/Po: Champagada, P/S: Chandpur, District: Nayagarh is illegally excavating (diging large hole) the lateriate Stone and Morum from the Jankia, Borabarajhari, Krushnachandrapur and Ostapada area. As such the State Government is losing huge revenue and the local Peoples are suffering day by day. It is noted that one of the Sovon Nanda is the lease holder of the Jankia Plot No: 513, Khata No: 757 and Ganeswar Mandhata has taken the above lease area by way of agreement. From this place Ganeswar Mandhata is not taking lateriate Stone and he has excavating/ transporting the lateriate Stone/ Murom from the Jankia, Boraborajhari, Krushnachandrapur and Ostapada Mouza. Due to this the Government is bearing loss of Revenue and Peoples are affecting /

TRUE COPY ATTESTED
BY ADVOCATE

Susan da Kumar Boroi
(signature of Respondent No-17)

ATTESTED

Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No.31/2000

15

Annexure-R/17/G series.

facing problem. It is mentioned that Jankia auction Source Revenue has not deposited of the year 2021-2022 and without Pollution Certificate lateriate Stone cutting is going on.

It is therefore request that illegally operating lateriate Stone quarry should be stop and if the offender will be penalized the peoples will be feel living peacefully in the locality.

Yours faithfully villagers

Bikas Chandra Palai

Akhil Das

Dipak Kumar Pradhan

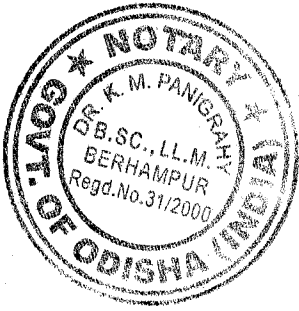
Rakesh Pradhan

Niranjan Sahoo

Sadasiba Naik

Gopal Pradhan

Basudeba Parida



Memo No: 2701/dated: 29.07.2022


Copy to Revenue Supervisor, Ranapur / R.I, Jhadapada for enquiry & report within 3 days.


Sd/-

Tahasildar

Date: 29.07.2022

Ranapur

ATTESTED

Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No.31/2000

TRUE COPY ATTESTED

BY ADVOCATE

Susanta Kumar Baroi
(Signature of Respondent No-17)



National Green Tribunal

Case Title	Dillip Kumar Samantara S/o Lingaraj Samantara Vs. STATE OF ODISHA Represented by Chief Secretary Forest and Environment Department Government of Odisha
Miscellaneous No.	1902133004162022/26
Transaction id	1900210015732023
Bank Transaction id	0302230034567
Payment Date	2023-02-03 00:00:00.0
Amount	510 Rs.
Status	SUCCESS

S. No.	File Name	Party Name	Location	Document Type
1	REPLY AFFADIVIT OF R17 21.01.23.pdf	Susant Kumar Barad Lessee of Mayurjhalia Laterite Stone Quarry	KOLKATA (EASTERN ZONE BENCH)	Reply



ATTESTED

Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No. 31/2000

TRUE COPY ATTESTED
BY ADVOCATE

Susanta Kumar Barad
(Signature of Respondent No. 17)