

BEFORE THE HON'BLE GREEN TRIBUNAL, EASTERN ZONE BENCH,  
KOLKATA

ORIGINAL APPLICATION No. 04/2026/EZ

IN THE MATTER OF :

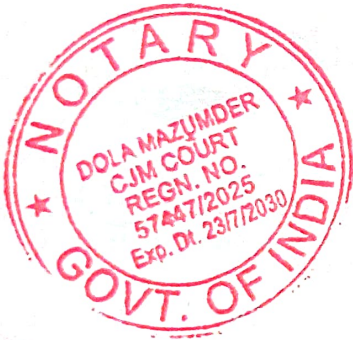
PRAMOD SWAIN

.....APPLICANT.

-versus-

THE STATE LEVEL  
ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY  
(SEIAA), ODHISHA & ORS.

..... RESPONDENTS.



**REPLY FILED BY THE RESPONDENT NO. 7**

*M. Mofirahman*  
Mr. Mofi Abas Rahaman  
Advocate  
&  
Mr. Protim Chakraborty  
Advocate  
Counsel for Respondent No. 7

08 APR 2026



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**REPLY FILED ON BEHALF OF THE RESPONDENT NO. 7**

I, Prakash Chandra Rautaray, son Pramod Kumar Routray, aged about 44 years, by faith- Hindu, by occupation- Proprietor Samantrapur, New Building Stone Quarry, Samantrapur, at Durgapur, Post Office- Bajapur, Police Station- Khurda Sadar, District- Khurda, Odisha, PIN-, do hereby solemnly affirm and say as follows:-

1. That I am impleaded as the Respondent No. 7 in the instant Original Application. I am well acquainted with the facts and circumstances of the case and as such I competent to affirm this affidavit on behalf of myself being the Respondent No. 7.
2. I have been advised to deal only with and/or traverse statements and those allegations that are relevant and pertinent for the disputes raised in the instant application and save what are matters of records and what law can be substantiated therefrom, barring what and except what has specifically been admitted by me, I deny and dispute each and every statement and/or allegation contained in the said application. I have been made myself well acquainted with the fact and circumstances of the instant case. I have read a copy of the Original Application filed by the Applicant above named and I,

08 APR 2026



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have understood the contents couched in the various paragraphs of the Original Application.

3. Before I deal with the allegations of respective paragraphs, for effective adjudication and speedy disposal of the referred Original Application. I submit that the laconical facts of the case leading to the Original Application need to be enunciated in this affidavit in reply.

a) That in pursuant to the advertisement and/or auction notice dated 06.02.2020, with regard to the auction of the Kuakhai Sand Quarry, Pratap Nagari, bearing Khata No. 1030, Plot No. 1248, Area -Ac- 13.222 decimal, Kissam-River Bank, Tahasil- Cuttack Sadar, District- Cuttack, for the period of five years i.e. 2020-2021 to 2024-2025, the Respondent No. 7 has participated in the bidding process and became the highest bidder.

Copy of the advertisement and/or auction notice dated 06.02.2020 has already been annexed in the Original Application under ANNEXURE G at page 32.

b) That after bidding process the Tahasildar Cuttack Sadar, District Cuttack, being the Respondent No. 4 herein, on 06.03.2020 intimated to the Respondent No. 7 for the execution of the lease deed for the aforesaid Quarry and to furnish all terms and conditions as mentioned in the said advertisement dated 06.02.2020.

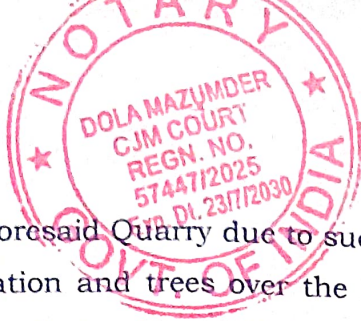
Copy of the intimation dated 06.03.2020 has already been annexed in the Original Application under ANNEXURE G at page 62.

c) That subsequently, the Respondent No. 7 has deposited the security money in respect of the Kuakhia Pratap Nagari Sand Quarry vide Sairat Case No. 30/2020-2021, i.e. amounting of Rs. 32,57,925/- (Rupees Thirty-Two Lakh Fifty-Seven Thousand Nine Hundred Twenty-Five) only and lease deed has been executed between the Respondent No. 7 and the the Tahasildar Cuttack Sadar, District Cuttack on 23.08.2022.

Copy of the Lease Deed has already been annexed in the Original Application under ANNEXURE G at page 39.

d) That when the Respondent No. 7 went to operate the aforesaid Quarry, he found that some of the miscreants by growing different trees over the Kuakhia River Bank, vide Khata No. 1027, Plot No. 1261, Mouza- Pratap Nagari, Tahasil- Cuttack Sadar, District- Cuttack and obstructing the operation of the aforesaid Quarry and accordingly, on 10.03.2022, the Respondent No. 7 communicated by stating difficulties facing in operation of

08 APR 2026



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the aforesaid Quarry due to such unauthorized encroachment and growing of plantation and trees over the land bearing Khata No. 1027, Plot No. 1261, Mouza- Pratap Nagari, Tahasil- Cuttack Sadar, District- Cuttack by the local villagers.

- e) That upon such communication, the Revenue Inspector, Telengapentha, Cuttack, District- Cuttack on 12.03.2022 intimated the Tahasildar Cuttack Sadar, District Cuttack submitted a report regarding illegal plantation over the aforesaid land.
- f) That it is humbly submitted that the Tahasildar Cuttack Sadar, District Cuttack, on 07.06.2022, had also intimated to the Respondent No. 7 herein, getting the Environmental clearance certificate for the purpose of the execution of lease agreement with respect of the aforesaid quarry.
- g) That the Tahasildar Cuttack Sadar, District Cuttack on 05.09.2022, intimated to the Revenue Inspector, Telengapentha, Cuttack, District- Cuttack in order to make a joint enquiry with the Range Officer, Phulnakhara, in connection with the removal of trees from the land bearing Khata No-1027, Plot No-1261, Mouza- Pratap Nagari, Tahasil-Cuttack Sadar, District-Cuttack and submit a report for the future course of action. Further, the Tahasildar Cuttack Sadar, District- Cuttack on 13.09.2022, has also intimated to the Divisional Forest Officer, City Forest Division, Bhubaneswar, District- Khurda being the Respondent No. 2 herein, and the Executive Engineer Prachi Division, Bhubaneswar, District- Khurda with regard to the submission of Joint Enumeration of Trees on the aforesaid plot on 13.09.2022 and 11.10.2022 respectively.
- h) That the Superintendent Engineer, Prachi Division, Bhubaneswar, District Khurda on 27.10.2023, intimated to the Divisional Forest Officer, City Forest Division, Bhubaneswar, District- Khurda, regarding the removal of trees from the Khata No-1027, Plot No-1261, Mouza-Pratap Nagari, Tahasil-Cuttack Sadar, District-Cuttack, and for the construction of approach road on left embankment of Kuakhai to the aforesaid sand sairat.
- i) That on 02.11.2022, the Tahasildar, Cuttack Sadar, District Cuttack, has also intimated to the Revenue Inspector, Telengapentha, Cuttack, District- Cuttack as well as to the Revenue Supervisor regarding the Joint Enquiry with Range Officer, Phulankhara Range in connection with the removal of trees from Khata No. 1027, Plot No. 1261, Mouza- Pratap Nagari, Tahasil- Cuttack Sadar, District-Cuttack.

08 APR 2026



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- j) That the Divisional Forest Officer, City Forest Division, Bhubaneswar, District- Khurda, after due enquiry on 01.11.2022, intimated to the Tahasildar, Cuttack Sadar, District Cuttack, regarding removal of trees Khata No-1027, Plot No-1261, Mouza-Pratap Nagari, Tahasil-Cuttack Sadar, Dist-Cuttack.
- k) That on 16.12.2022, the Tahasildar, Cuttack Sadar, District Cuttack, submitted three copies of joint verification report with Range Officer Cuttack Range, in connection with the removal of trees on the said bearing Khata No-1027, Plot No-1261, Mouza-Pratap Nagari, Tahasil-Cuttack Sadar, District-Cuttack.
- l) That on 22.12.2022, the Divisional Forest Officer, City Forest Division, Bhubaneswar, District- Khurda, intimated to the Tahasildar, Cuttack Sadar, District Cuttack, with the fact that the status of the aforesaid land regarding the removal of trees i.e., Khata No-1027, Plot No-1261, Mouza-Pratap Nagari, Tahasil-Cuttack Sadar, District-Cuttack, i.e., whether it is under the category of Forest or not. Upon such initiation, on 24.01.2023, the Tahasildar, Cuttack Sadar, District Cuttack, responded to the Divisional Forest Officer, City Forest Division, Bhubaneswar, District- Khurda that after due enquiry with the fact that the aforesaid land comes under the non-forest land i.e., "AADIBANDHA".

Copy of the letter dated 24.01.2023 has already been annexed in the Original Application under ANNEXURE G at page 92.

- m) That the State Pollution Control Board has also issued the consent to establish for M/s Kuakhia River Sand, Pratap Nagari, U/s-25 of the Water and Air Pollution Act under Memo No. 270/2599 dated 27.01.2023.

Copy of the Memo No. 270/2599 dated 27.01.2023 has already been annexed in the Original Application under ANNEXURE G at page 95.

- n) That on 03.02.2023, the Divisional Forest Officer, City Forest Division, Bhubaneswar, District- Khurda, has intimated to the Superintendent Engineer, Prachi Division, Bhubaneswar, District Khurda, in order to deposit of Rs. 3,15,029/- for the removal of trees from the land Khata No-1027, Plot No-1261, Mouza-Pratap Nagari, Tahasil-Cuttack Sadar, District-Cuttack.

- o) That on 14.02.2023, the State Pollution Control Board has issued the consent to operate order in favour of the Respondent No. 7 herein, for the operation of the sand quarry from M/s, Kukhia River Sand Pratap Nagari,

08 APR 2026

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bearing Khata No-1030, Plot no.- Tahasil-Cuttack Plot No. 1248, Area-Ac-13.222 decimal, Kissam-River Bank, Sadar, District- Cuttack.

Copy of the consent to operate order 14.02.2023 has already been annexed in the Original Application under ANNEXURE G at page 99.

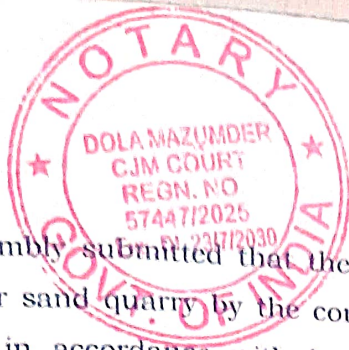
- p) That the Respondent No. 4 herein on 28.02.2023 intimated to the Respondent No. 2 herein, with the fact that the petitioner has deposited of Rs. 3,15,029/- for the removal of trees from the aforesaid land. Thereafter, upon instruction of the concerned authorities, the Respondent No. 7 herein, also deposited Rs. 6023/- for felling and clearance of 142 trees from the aforesaid land.
- q) Thereafter, on 22.08.2023 the Respondent No. 4 herein issued a letters to the Inspector-in-Charge, Sadar Police Station, Cuttack and on 15.09.2023 to the Deputy Commissioner of Police, Cuttack in order to provide deployment of Police Personnel to control the unpleasant situation and law and order situation during removal of trees from the aforesaid land but thereafter no action has been taken by the authorities.
- r) That being arrived and dissatisfied with inaction on part of the authorities, The Respondent No. 7 moved a writ application being WP(C)4778 of 2024 before The Hon'ble High Court, Orissa, which was disposed of on 05.03.2024 by The Hon'ble Division Bench directing the authorities to consider the representation of the Respondent No. 7 herein.
- s) Thereafter, second round of litigation was initiated by the Respondent No. 7, being WP(C) No. 32830 of 2024 before of The Hon'ble High Court of Orissa, wherein, the written instruction filed by the Mining Officer, Cuttack Circle, Cuttack, stating thereof that all such obstructions and/or hurdles have been removed and the entire area was not only free from any encroachment but also the bushes and the trees which were grown for 'un-keen' have also cleared. Upon such written instruction, The Hon'ble Division Bench was pleased to disposed of the said writ application on 10.12.2025.

Copy of the order dated 10.12.2025 has already been annexed in the Original Application under ANNEXURE G at page 144.

- t) Thereafter, the Respondent No. 7 started the operation of sand quarry in Khata No-1030, Plot no.- Tahasil-Cuttack Plot No. 1248, Area-Ac-13.222 decimal, Kissam-River Bank, Sadar, District- Cuttack.

08 APR 2026





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- u) It is humbly submitted that the Respondent No. 7 is duly granted a valid lease for sand quarry by the component authorities of the state of Odisha, strictly in accordance with law and after compliance with all statutory requirements. The prescribed fees, royalties, and other charges as required under the applicable rules and regulations were duly deposited by the Respondent No. 7. There has been no violation on the part of the Respondent No. 7.
- v) It is further submitted that in the event of any alleged irregularities, the same, if at all, pertain to the actions of the State Authorities and not to the Respondent No. 7, who is merely a lawful lessee acting on the basis of permissions granted by the competent authorities.
4. I, now deal with the allegations contained in the petition paragraph-wise, which are as follows:
5. With reference to the paragraph No. 1 to 17 under heading A, the grounds under heading B and paragraph No. 1 to 14 under heading C and the point of the limitations of the Original application, I vehemently deny the allegation made in the said paragraph and, I repeat, reiterate and rely upon my statement of paragraphs No 3(a) to 3(v) herein above.
6. It is humbly submitted that the said land lying and situated under Khata No-1030, Plot no.- Tahasil-Cuttack Plot No. 1248, Area-Ac-13.222 decimal, Kissam-River Bank, Sadar, District- Cuttack is the non-forest land i.e., "AADIBANDHA".
7. It is further submitted that the Respondent No. 7 was the highest bidder in the auction process and has already deposited 32,57,925/- and fulfilled all the criteria and conditions required for the operation of sand mining.
8. It is also submitted that 14.02.2023, the State Pollution Control Board has issued the consent to operate order in favour of the Respondent No. 7.
9. That any interim order, including any order of stay restraining mining operations, if passed against Respondent No. 7, would cause grave prejudice and irreparable loss to it. The Respondent No. 7 has already made substantial financial investments towards lease consideration, operational expenses, machinery, and manpower, and any stoppage of work would result in huge financial loss and hardship.
10. That the balance of convenience lies in favour of Respondent No. 7, and no irreparable injury would be caused to any party if the Respondent No. 7 is

08 APR 2026

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allowed to continue its lawful operations, subject to compliance with applicable environmental laws.

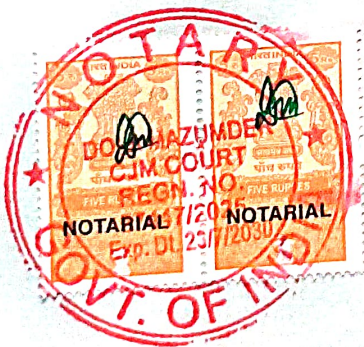
11. That Respondent No. 7 craves leave to rely upon relevant documents and records at the time of hearing, if necessary.
12. In the aforesaid fact and circumstances Original Application is liable to be dismissed in limine.
13. The Statements made paragraphs No. 1, 2, 3(t), 4, 5 are true to my knowledge, those made in paragraphs No. 3(a) to 3(s) are derived from the records which I verily believe to be true and those made in paragraphs No. 3(u), 3(v) and 6 to 12 are my humble submission before this Hon'ble Tribunal.

*Pradeep chandra Roy*  
DEPONENT

Prepared in my office

*D. Mazumder*  
Advocate

Enrolment No. *WB/1120/2015*



Solemnly Affirm & Declared Before  
me on Identification of Ld. Advocate

*Am*  
DOLA MAZUMDER  
NOTARY GOVT. OF INDIA  
REGN NO. 57447/25  
CJM COURT, KOLKATA

08 APR 2026