

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO -109- OF 2023

IN THE MATTER OF:

SATRUGHAN MEHER

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

INDEX

| Sl No | Description of Documents | Page |
|-------|--|------|
| 1 | Affidavit of applicant in Response to the Committee Report | 1-5 |
| 2 | Photographs dated 21/01/2024 and news clippings dated 22/01/2024 as ANNEXURE-1 | 6-13 |



PLACE: BHUBANESWAR

SANKAR PRASAD PANI

DATE- 30/1/2024

ADVOCATE

**PLOT NO 2132/4814, NAGESWAR TANGI,
BHUBANESWAR, 751002 CELL-
9437279278**

Email: sankarprasadpani@gmail.com,

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO 109 OF 2023/EZ

IN THE MATTER OF:

SATRUGHAN MEHER

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

RESPONSE TO COMMITTEE REPORT

I, SATRUGHAN MEHER, S/O, LATE LINGARAJ MEHER, AGED ABOUT 47 YEARS, AT- SALETIKIRA, PO-MARAKUTA, PS-JHARSUGUDA SADAR, DIST-JHARSUGUDA, 768202 hereby solemnly affirm, and declare as under:

1. That the Original Application is filed alleging the illegal soil mining for railway work in different Mouzas of Jharsuguda District.
2. That the **page 12(Annexure-1)** of the Affidavit submitted by State Pollution Control Board has provided a list of details of unauthorized lifting of soil from **Badmal, Brundamal, Jamupali, Beherapali Pandaripathar and Kukur Jangha**. The said tabular form also suggests that RSA Infra-project Pvt Ltd has unauthorised

lifted around 3,40,000 CubicMetres of Ordinary Earth out of total 444907Cubic Metres. The joint venture has lifted the rest amount. Surprisingly Environment Compensation has been calculated in respect of only 45000CUBICMETRES.

3. That the letter dated 3/11/2022 from South East Central Railway is addressed to the RSA-SK Joint venture is the same address that of RSA Infrastructure Pvt Ltd.
4. That on 4th December 2023, Honble NGT directed the District Magistrate Jharsuguda to ensure no further illegal mining is carried on. Surprisingly the the Private respondent is continuing the illegal earth/morrum mining from different patches of Jharsuguda Tahasil MOSTLY DURING NIGHT and sometimes during daytime also. This has been brought to the notice of DM Jharsuguda but no action has been taken. Copy of Photographs and news clipping as ANNEXURE-1
5. That, liability to pay compensation will be not only of the person who did the illegal mining but also the Railway Authority, who enabled such illegality. Based on joint and several liability principle, the Railway authority is also a necessary party being the principal employer and the contractor is executing the work contract offered by railway. Further in case of failure to recover

the compensation from the contractor, the Railway Authority can deduct the said amount from the Bills payable to contractor.

6. The applicant prays before the Honble Tribunal to direct the committee to recompute the environment compensation and show cause the DM Jharsuguda for failure to comply the Order of Honble NGT dated 4/12/2023.

APPLICANT THROUGH

A handwritten signature in black ink, appearing to read "S. Pami", is written over a horizontal line that ends in an arrowhead pointing to the right.

ADVOCATE

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

ORIGINAL APPLICATION NO 109 OF 2023/EZ

IN THE MATTER OF:

SATRUGHAN MEHER

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

Affidavit

23 JAN 2024

I, SATRUGHAN MEHER, S/O, LATE LINGARAJ MEHER, AGED ABOUT 47 YEARS, AT- SALETIKIRA, PO-MARAKUTA, PS-JHARSUGUDA SADAR, DIST-JHARSUGUDA, 768202 hereby solemnly affirm, and declare as under:

- 1. That I am the Applicant in the abovementioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
- 2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction

Satrughan Meher
DEPONENT

VERIFICATION

Verified on this the 23rd day of January 2024 at Bhubaneswar that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By *A. Raju*

The above named deponent(s) being duly identified by me at Bhubaneswar.

Satrughan Meher
DEPONENT

Appears by *Y. K. Saha*
at *23 JAN 2024*
on behalf of the deponent(s)
Notary, Bhubaneswar

Janmejay Rautray
NOTARY PUBLIC OF ODISHA
Bhubaneswar
REGD. NO.-ON-86/2012
Mob. No. - 9337121273



ANNEXURE-1

PHOTOGRAPHS 4/12/2023 and 21/01/2024 SUGGESTING ILLEGAL
MINING OF EARTH ON GOING RAILWAY CONTRACTOR RSA
IN VIOLATION OF ORDER DATED 4/12/2023







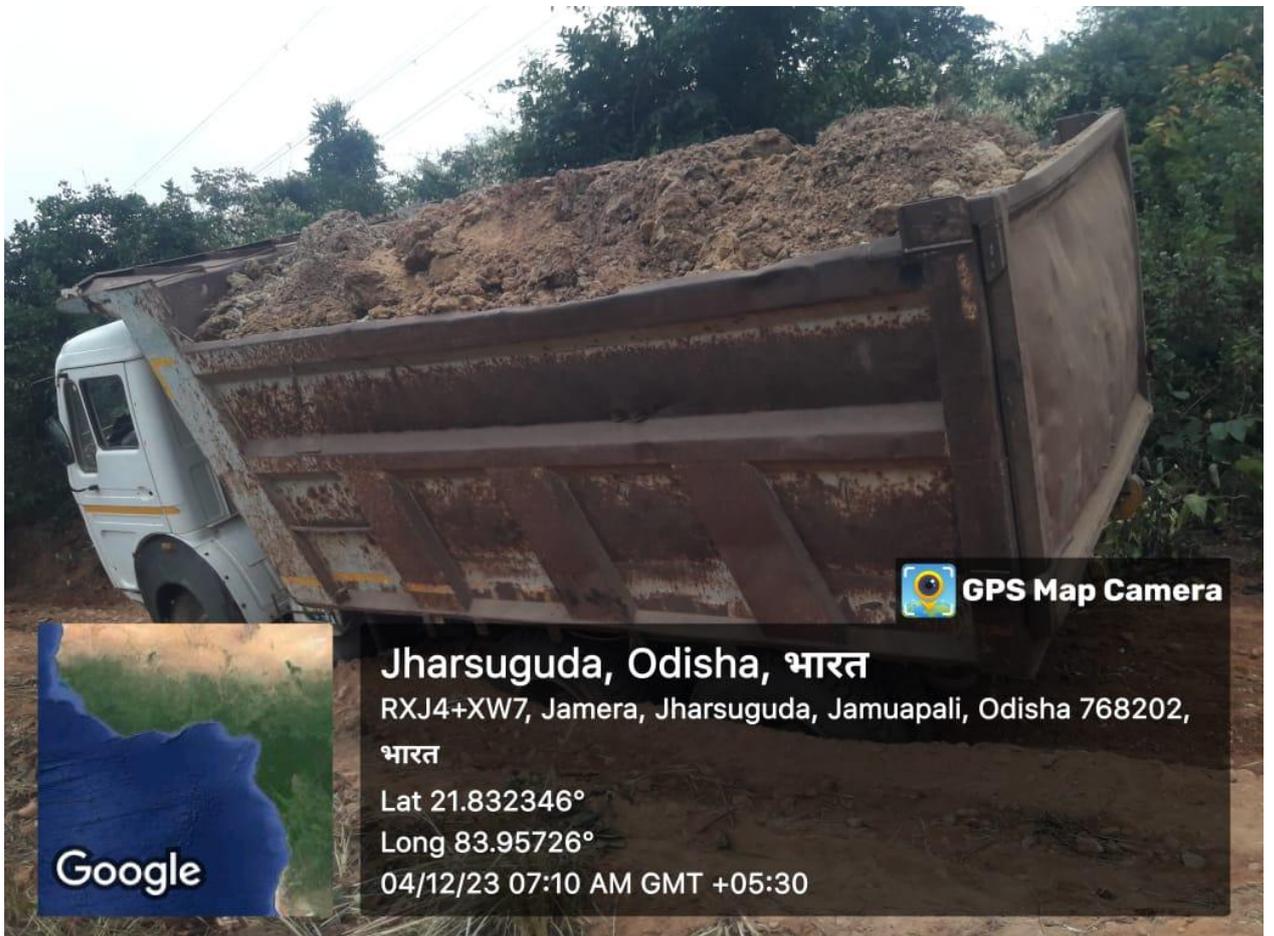
बदल, ओडिशा, भारत

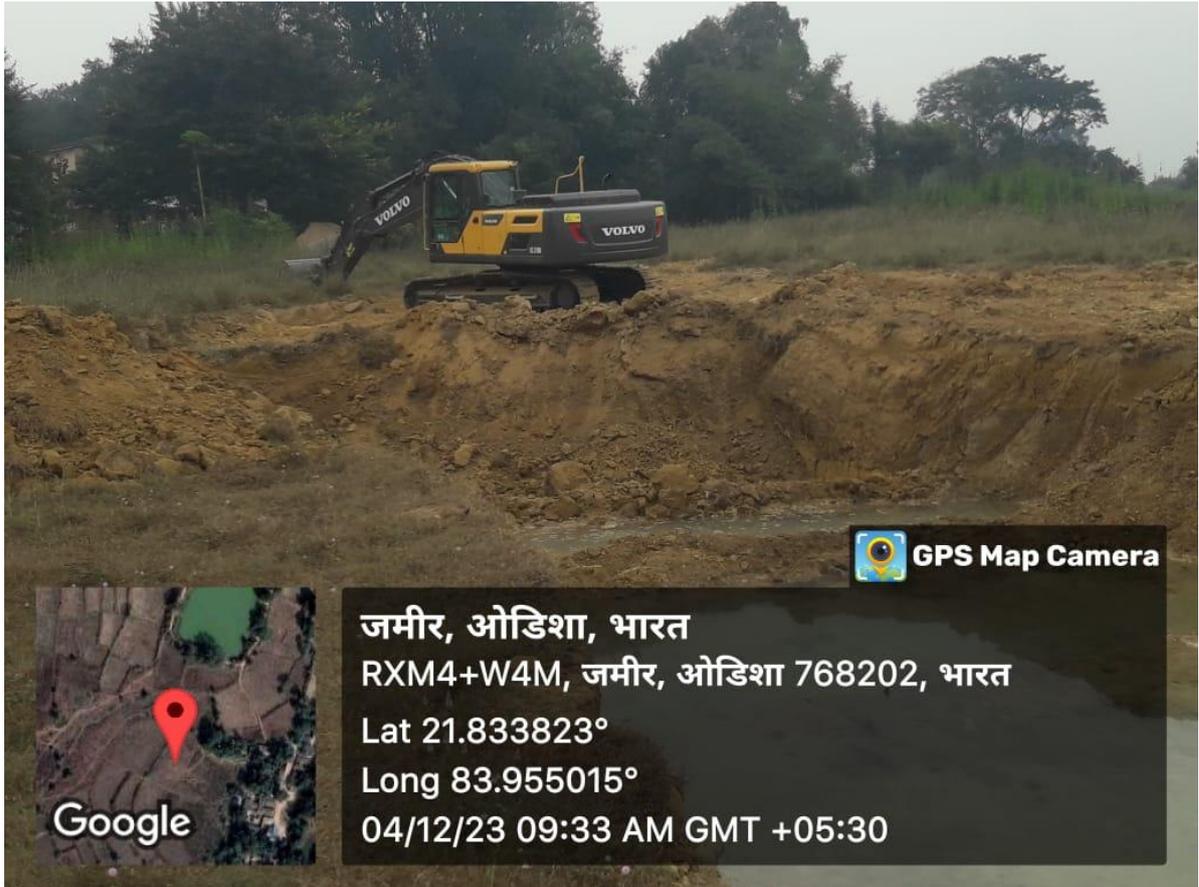
R2G4+WW4, बदल, ओडिशा 768201, भारत

Lat 21.828108°

Long 84.006603°

21/01/24 11:07 AM GMT +05:30





Railway Projects Face Allegations of Illegal Excavation Despite NGT Order

J h a r s u g u d a , (AoBureau): The ongoing construction of a new railway line between Jharsuguda and Bilaspur, along with a flyover between Ib station and Brundamal, is under scrutiny due to alleged illegal earth excavation and dumping by the railway department. Locals filed a case before the Green Tribunal, prompting the Hon'ble Court to direct Jharsuguda Collector on 4 December 2023 to halt the excavation immediately. Despite the court order, the construction agency, RSA Infra projects Pvt Ltd, appears to be continuing the excavation work, displaying a blatant dis-



regard for the district administration. Shatrughan Meher initiated the case, focusing on the illegal excavation at Jharsuguda Jamera and Badmal areas, with subsequent dumping on the railway line under construction. The Green Tribunal issued notices to RSA Infra projects Pvt Ltd and directed all concerned parties, including the forest and

environment department, to submit affidavits within three weeks. The petitioner's counsel and the forest and environment department have been granted a similar timeframe to file rejoinder affidavits before the Hon'ble court, raising concerns about environmental and legal implications in the ongoing railway projects.



Sankar Pani <sankarprasadpani@gmail.com>

RESPONSE AFFIDAVIT IN OA 109 OF 2023

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Fri, Feb 2, 2024 at 2:05 PM

To: Dipanjan Ghosh <dpnjnghsh0@gmail.com>, shakti panda <sppanda13@gmail.com>, Rashmi Bothra <rashmibothra24@gmail.com>, apurba ghosh <apu7law@gmail.com>

Dear Madam/Sir

Please find the copy of response affidavit

warm regards

--

Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
Res-Plot No 2132/4814(B), Nageswar Tangi,
Bhubaneswar, 751002
Cell- 9437279278
Skype- sankar.pani

**RESPONSE AFIDAVIT FILED.pdf**

1567K