

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**ORIGINAL APPLICATION NO -6 OF 2024/EZ**

**IN THE MATTER OF:**

**BABULI JENA**

**APPLICANT**

**VERSUS**

**STATE OF ODISHA AND Others ...**

**RESPONDENTS**

**AFFIDAVIT IN RESPONSE TO THE COMMITTEE REPORT**

**INDEX**

<b>SI NO</b>	<b>PARTICULARS</b>	<b>PAGE NO</b>
1	Affidavit of Applicant in Response to committee report	1-8
2	Photographs of Mining Operation, proximity to Irrigation Project and Mining Operation during night	9-17
3	Proof of Service on Private Respondent	18-19

*Spani* → *A Padhy*

**PLACE: BHUBANESWAR**

**SANKAR PRASAD PANI**

**ASHUTOSH PADHY**

DATE: 5<sup>th</sup> March 2024  
Bubaneswar, 751002, Cell-9437279278,

**ADVOCATE**

Email: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)

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I, Babuli Jena S/o Krsushna Chandra Jena aged about 27years At- Rampei Po-Batijoda, PS-Jenapur, Dist- Jajpur do hereby solemnly affirm, and declare as under:

1. That I am one of the applicant in the above mentioned Original Application and authorized by other co-petitioners to swear this affidavit.I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.That I have read over the contents of the Committee Report and here is the exception to the report.
2. That the Honble NGT directed Senior Scientist of SPCB to be in the committee however one Environment Engineer was deputed who

happens to be the Regional Officer of Kalinganagar. Further the report which is false and misleading has been signed by **Er PK Behera, the Regional officer of SPCB Kalinganagr along with DDM Jajpur and ADM(Revenue) Jajpur.**

3. That the report is signed by SPCB Regional Officer who has a duty to monitor the compliance of CTO conditions and the applicant in OA alleged that same has not been done. Similarly the periodical measurement of excavation on monthly basis has also not been done as it is to be done by the competent authority in order to assess the excess mining. Hence they are the parties against whom allegation has been made and they can not be judge of their own case.As such SPCB could have nominated any other senior Scientist from Head Office for inspection of the site but deputed one Engineer in the committee.
4. The inspection was carried surreptitiously without informing the applicants and only advance notice to the quarry operator for which the **operation of quarry was stopped on the day of visit** and one Tanker as claimed in the report has been placed at the quarry site when the quarry is not in operation. There has been no tanker before the visit and even after the visit same can be evident from earlier photographs taken on **29<sup>th</sup> January 2024 when the quarry was in operation.** It is submitted that the quarry is presently in operation and the pollution is much more than before.

5. The report is filed unilaterally without meeting any of the aggrieved persons or applicants or villagers and without considering the grievances like cracks in houses due to uncontrolled blasting and every houses have been damaged. The plying of hundreds of vehicles in a village road without any carrying capacity study of the road and its impact on ordinary commuters, villagers and school going children.
6. That the report filed by SEIAA clearly states the Dam is close to lease area while the report signed by other three members says its beyond 200metres. Similarly the road condition is not good and complete pillar posting has not been done apart from partition between quarries. But the so called report signed by three other member says pillar posting is there without specifying if same is complete or not. The report signed by three members is completely vague, misleading and false, hence applicant prays for a wider committee with member from CPCB and MOEFCC to ascertain the complete facts of the quarry and its impact on villagers and environment after meeting the affected villagers.
7. It is submitted that if the quarry is beyond 200metres as stated in the affidavit of SPCB, which is false and can be verified from photographs as well as the Google Earth map and to further ascertain the veracity of such a report the applicant prays for independent report from CPCB and if it is found **beyond two hundred meters the applicant is prepared to face any action to be taken by the Honble Tribunal.** If the same is

found with in 200metres more particularly adjoining the irrigation project, then the applicant prays for both Criminal proceedings and Disciplinary proceeding against the officers who are misleading the court by filing vague and false statement. So also about the plantation if any made by proponent can also be ascertained by directing the DFO Cuttack, the applicant submits no plantation has been made by the proponent/quarry operator.

8. The report absolutely vague and trying to protect the illegal mining so also to cover of the latches and deficiencies on the part of the regulatory authorities like Regional Officer of State Pollution Control Board who has granted CTO and duty to monitor the compliance of conditions. Further the report is false and misleading and the observations are listed out as follows

- I. the committee visited the site of Rahadpur Stone Quarry of Satya Multiplex PVI Lid on dated 21/02/2024 without any notice to applicants or villagers but advance notice to quarry opertor for which the operation was stopped.

- II. Further, in the plaint one point complain was the proximity of the quarry to the MIP projects, Paikarapur & Ranibandha. **In eye estimate the two minor irrigation projects were situated beyond 200 mtrs from the quarry area. The fact is that with in Mining site and Minor Irrigation Project only Road of 20feet for**

**transportation of trucks from mining site exists which is also encroached on the land of Irrigation project. The same is evident from the photographs as well as Google earth Image**

**III. The quarry was not in operation on the day of visit. There was no transport operation in the quarry area during the visit. Also no movement and parking of vehicle and machineries in the quarry area. One mobile tanker was present for sprinkling of water to surface the road dust and few plantations exist around the mining area. If the quarry was not in operation and not a single transporting vehicle was there, then what was the need for a tanker? This clearly speaks volumes that tanker was there to show the inspection team and has no practical purposes. As such in all the previous photos there has he been no tanker and dust pollution is too high.**

**IV. The report saying Few Plantation exists around mining is also a white lie and no photographs are attached as proof by the committee. However the photographs taken by applicants clearly suggests no a single tree planted as required for green belt at the site except for four wild babul tree exist on dam side much before quarry operation.**

**V. Scientist SEIAA has not signed the report possibly not agreeing to the report**

VI. However one assessment was done by the Tahasildar, Dharmasala in the month of March, 2023 which revealed that there was no excess mining. This statement is half truth as because the quarry is suppose to file monthly statement before the competent authority and same has not been done for around a year.

**The photographs of Mining Site and Its Impact Road and Irrigation Project are annexed here as ANNEXURE\_1**

9. The private Respondent has been served the copy of Order, Original Application and Notice through speed post on 1/03/2024 and delivered at the addressee Satyam Multiplex on 2/03/2024 . Copy of Postal receipt and tracking report is annexed here with as ANNEXURE-2

That in view of the facts narrated above, the applicant prays before the Honble Tribunal to constitute a larger team consisting of some independent members and inspect the site in presence of applicants. Further pray before the Honble Tribunal to take action against the officers for filing false and misleading report.

Applicant Through



Advocate

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

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IN THE MATTER OF:

BABULI JENA AND OTHERS

APPLICANTS

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT

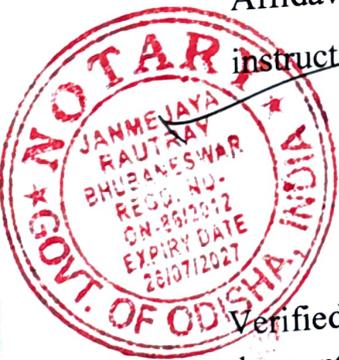
05 MAR 2024

I, Babuli Jena S/o Krsushna Chandra Jena aged about 27years At- Rampei Po-Batijoda, PS-Jenapur, Dist- Jajpur do hereby solemnly affirm, and declare as under:

- 1. That I am one of the applicant in the above mentioned Original Application and authorized by other co-petitioners to swear this affidavit
- 2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
- 3. That I have read over the contents of the accompanying ~~Additional~~ <sup>Response</sup> Affidavit and the same is true and correct and is drafted on my

instruction.

Babuli Jena  
DEPONENT



VERIFICATION

Verified on this 5th day of March 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  
*[Signature]*  
Advocate

The above named deponent(s) being duly identified by Sri. *[Signature]* Advocate, Bhubaneswar Appears before me on oath the contents of the affidavit are true to the best of his / her / their knowledge and belief

05 MAR 2024

Babuli Jena  
DEPONENT

JANMEI JAYA RAUTRAY  
NOTARY, GOVT. OF ODISHA  
BHUBANESWAR  
REGD. NO-ON-86/2012  
Mob. No. - 9337121273

**ANNEXURE-1**

**PHOTOGRAOHS OF QUARRY ACTIVITY OF PRIVATE  
RESPONDENT AND ITS IMPACT**

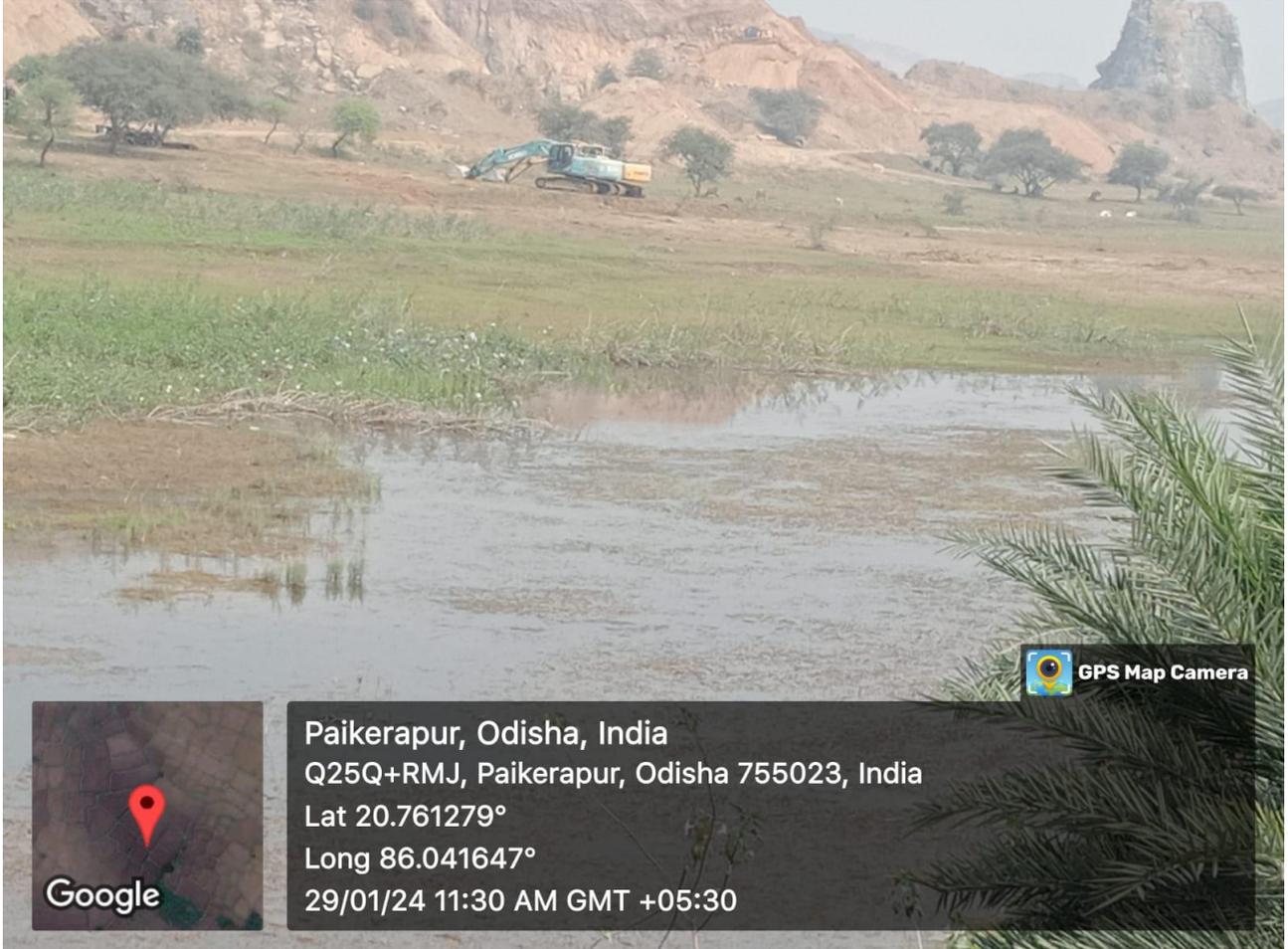




Table 1 Quarry operation in unscientific manner without proper benching and grading of internal roads. Few wild babul trees exist in the dam side and no plantation by the proponent around mines or roads.



GPS Map Camera



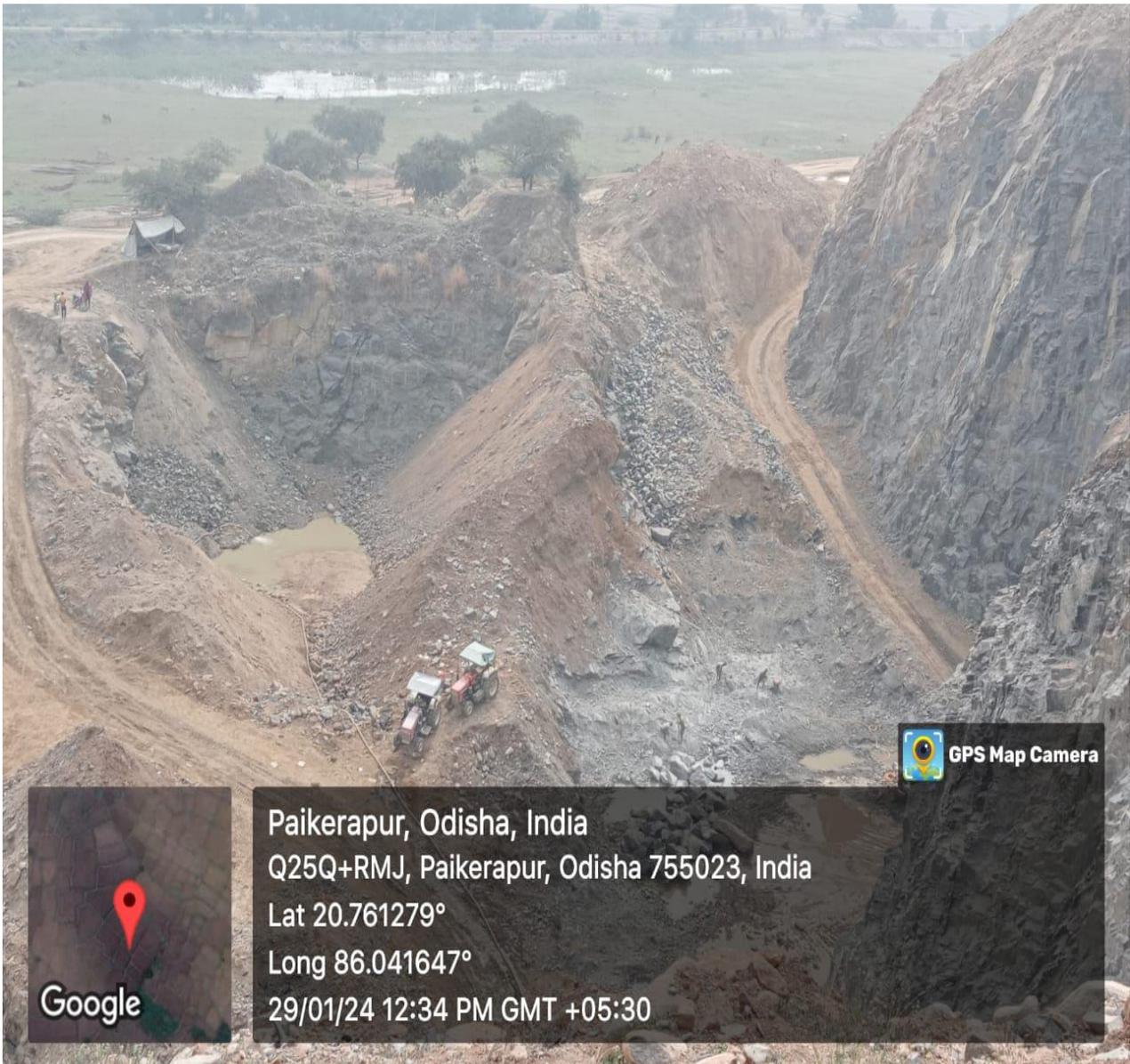
Paikerapur, Odisha, India  
Q25Q+RMJ, Paikerapur, Odisha 755023, India  
Lat 20.761279°  
Long 86.041647°  
29/01/24 12:41 PM GMT +05:30



Paikerapur, Odisha, India  
Q25Q+RMJ, Paikerapur, Odisha 755023, India  
Lat 20.761279°  
Long 86.041647°  
29/01/24 12:38 PM GMT +05:30

GPS Map Camera

Table 2 Huge number of Trucks from quarries plying in village road leading to poor condition of the road



Paikerapur, Odisha, India  
Q25Q+RMJ, Paikerapur, Odisha 755023, India  
Lat 20.761279°  
Long 86.041647°  
29/01/24 12:34 PM GMT +05:30

Table 3 Quarry beyond 6mtre depth and Unscientific mining in violation of mining plan

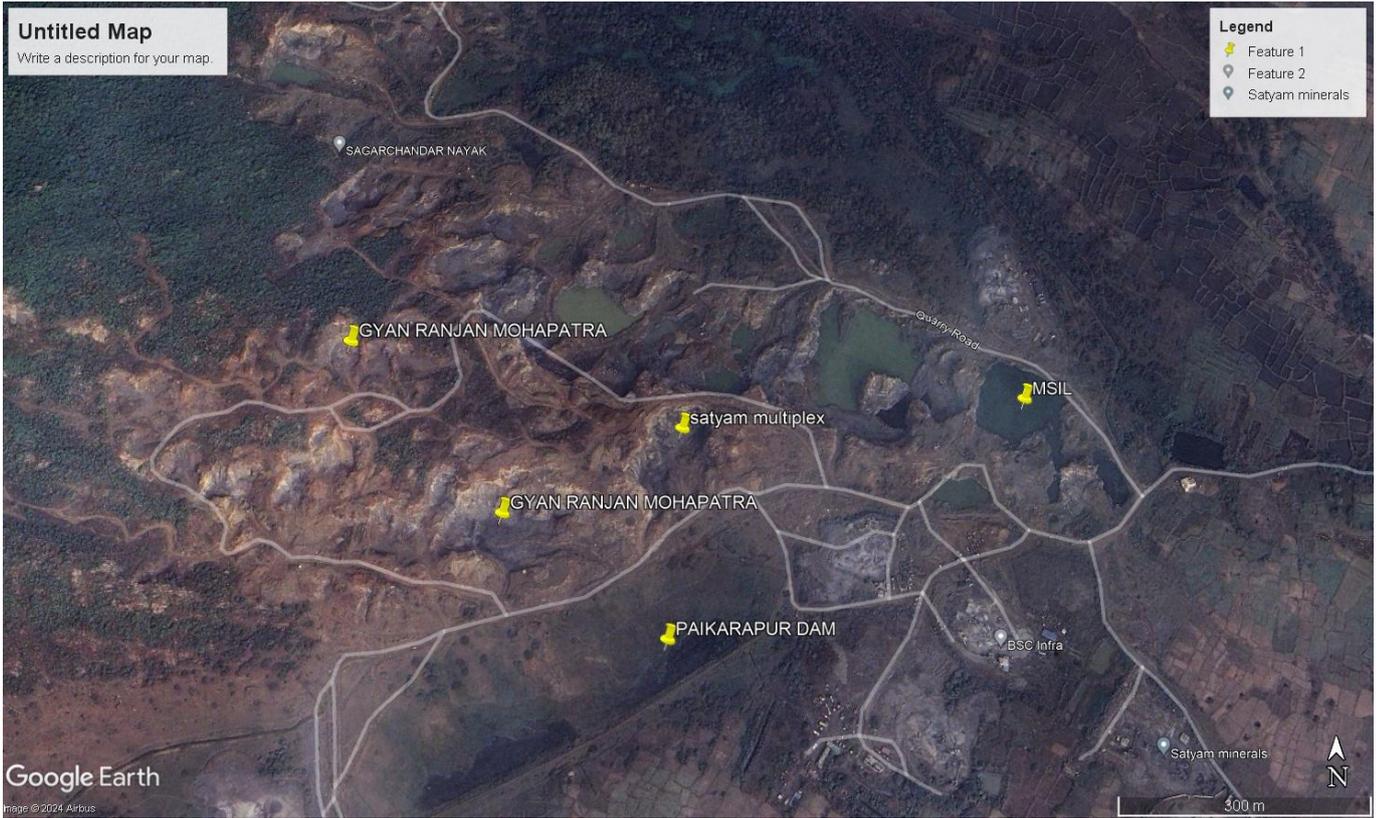




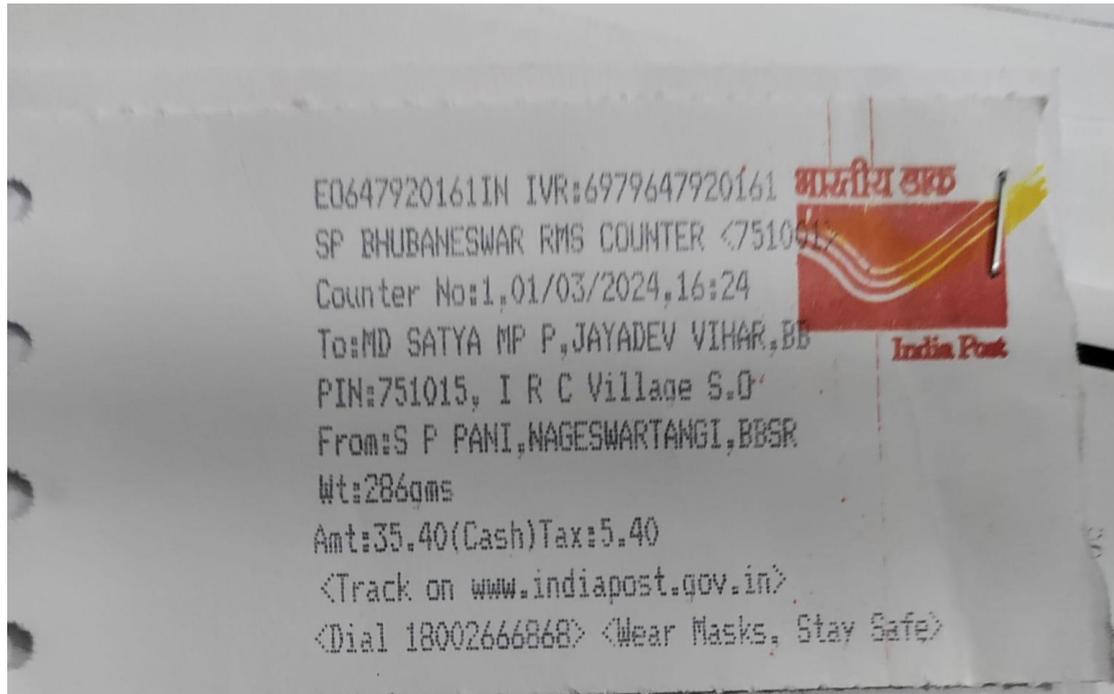
Table 4 Proximity of Irrigation Project to Quarry Site



Table 5 Dust pollution due to plying of stone loaded trucks



Table 6 Quarry Operation during Night





You are here Home>> Track Consignment

## Track Consignment

Quick help

\* Indicates a required field.

\* Consignment Number



Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
BHUBANESWAR RMS COUNTER	01/03/2024 16:24:18	751015	35.40	Inland Speed Post	I R C Village S.O	02/03/2024 14:46:41

### Event Details For : EO647920161IN

#### Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
02/03/2024	14:46:41	I R C Village S.O	Item Delivered(Addressee)
02/03/2024	11:22:40	I R C Village S.O	Out for Delivery
02/03/2024	10:01:05	I R C Village S.O	Item Received
02/03/2024	05:39:52	Bhubaneswar NSH	Item Dispatched
02/03/2024	04:37:03	Bhubaneswar NSH	Item Bagged
01/03/2024	19:12:46	Bhubaneswar NSH	Item Received
01/03/2024	18:07:29	BHUBANESWAR RMS COUNTER	Item Dispatched
01/03/2024	17:53:29	BHUBANESWAR RMS COUNTER	Item Bagged
01/03/2024	16:24:18	BHUBANESWAR RMS COUNTER	Item Booked

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Sankar Pani <sankarprasadpani@gmail.com>

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## Response affidavit of applicant to committee report

1 message

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**Sankar Pani** <sankarprasadpani@gmail.com>

Wed, Mar 6, 2024 at 10:12 AM

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

Dear Sir

Please find the copy attached  
regards

--

Sankar Prasad Pani, Environment Lawyer  
National Green Tribunal Kolkata & Orissa Highcourt  
Res-Plot No 2132/4814(B), Nageswar Tangi,  
Bhubaneswar, 751002  
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 **response affidavit.pdf**  
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