

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.163/2023/EZ
(I.A. No.33/2024/EZ)

Santanu Kumar Bhukta	Versus	Applicant(s)
State of Odisha & Ors.		Respondent(s)

Date of hearing: 29.04.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Advocate a/w
Mr. Ashutosh Padhy, Advocate (in Virtual Mode)

For Respondent(s) : Mr. S.K. Nayak, AGA for R-1 to 6, 10 & 11,
Mr. Dipanjan Ghosh, Advocate for R-5,
Mr. Apurba Ghosh, Advocate for R-9 (in Virtual Mode),
Mr. Subir Palit, Sr. Advocate a/w
Mr. Abhishek Kejriwal, Advocate for R-14 (in Virtual Mode)

ORDER

1. Response affidavit dated 27.04.2024 has been filed by the Applicant; the same is taken on record.

I.A. No.33/2024/EZ:-

2. This Interlocutory Application has been filed by Respondent No.4, Collector & District Magistrate, Dhenkanal, praying for further four months time for filing affidavit.
3. Mr. S.K. Nayak, learned Additional Government Advocate appearing on behalf of the State Respondents, states that he has received instructions from Odisha Space Applications Centre (ORSAC) that they need to take permission from the Election Commission for conducting survey with regard to the allegations of illegal mining of Metal Quarry-1 in Village Nihalprasad, Tahasil-Gondia, District-Dhenkanal. We fail to understand as to why sanction of the Election Commission is required for a survey into an investigation of an alleged criminal activity.

4. The letter of the Odisha Space Applications Centre (ORSAC) dated 22.04.2024 has been placed before us which mentions that satellite data for the available period would be available only after Model Code of Conduct (MCC) is over.
5. The notices in this case were issued on 22.10.2023 and at that time there was no Model Code of Conduct (MCC) and there were no elections. We fail to understand as to why ORSAC cannot conduct the survey without the sanction of the Election Commission and provide report to the Collector & District Magistrate, Dhenkanal.
6. We, therefore, direct the Collector & District Magistrate, Dhenkanal, to ensure that the affidavit along with ORSAC Report is filed within four weeks failing which the provisions of Section 26 of the National Green Tribunal, 2010 would be invoked by the Tribunal.
7. I.A. No.33/2024/EZ stands disposed of accordingly.
8. **List on 30.05.2024**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

April 29, 2024,
Original Application No.163/2023/EZ
(I.A. No.33/2024/EZ)
MN