

*Through e-mail /
Speed Post*

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, MAYURBHANJ, BARIPADA
(TOUZI SECTION)

No. 462 /Touzi. dt. 05/08/2019 //

To

The Hon'ble Chairperson,
(Principal Bench), NGT, New Delhi.

Sub: - Compliance O.A No-269/2019 (Satyaprakash Patnayak vs State of Odisha and others.)

Ref: - PG Cell (PB) No-NGT/PB/1/2018-PG (Part) dt. 15.02.2019.

Hon'ble Sir,

In inviting a kind reference to the letter on the subject cited above, I am to intimate that the Tahasildar, Morada has enquired in to the matter and submitted the action taken report vide his letter No. 1696 dt. 13.06.2019. (copy enclosed)

As per enquiry report of the Tahasildar, Moroda, I am to furnish below the compliance point wise on the observations issue raised by the Hon'ble National Green Tribunal.

Point No. 1 Illegal sand mining has been carried out through miles on the river bed of river Jambhira and river Murudi in Morada Tahasil

The river Jambhira is having the length about 20 Km. under Morada Tahasil passes through 5 Revenue Inspector circles and river Murudi is a small perenial Nala and small quantity of sand deposited scatteredly. The river sand mining have been planned systematically in river Jambhira in stretch No. 1, stretch No.2, stretch No.3, stretch No.4, stretch No.5, stretch No.6 & stretch No.7. the distance between stretch No. 1 to stretch No. 2 = 1 Km, stretch No. 2 to stretch No. 3 = 3 Km, stretch No. 3 to stretch No. 4 = 3 Km, stretch No. 4 to stretch No. 5 = 5 Km, stretch No. 5 to stretch No. 6 = 4 Km, stretch No. 6 to stretch No. 7 = 5 Km. The details of land particulars of the seven sand quarry sources shown in **Annexure -A.**

At present stretch No. 2,3,5,6 & 7 are functioning as per OMMC Rules - 2016. Stretch No.1 is not functioning due to local issue from 26.03.2019. Stretch no 4 is not functioning from the date of its auction due to the stay imposed by Hon'ble High Court of Orissa in WP(c) No. 1767/2016. No illegal mining activity in these stretches are being carried out.

Point No. 2 Violating all the Rules of MMDR and OMMC

Since ordinary sand is coming under minor minerals, so at the time of granting lease quarry for a period of 5 years, Rules 27 to 33 Odisha Minor Minerals Concession Rules, 2016 are being followed. No such violation has been committed.

Point No. 3 No approval of Mining Plan

Mining plans have been duly approved in all respect of all sand mining sites from stretch No.1 to stretch No.7. The details of Mining plans done have been shown in **Annexure-B** for kind appraisal of the Hon'ble Court.

Point No. 4 No. EIA done

In respect of all the operating sources Environmental Clearance have been issued by State Environment Impact Assessment Authority (SEIAA), Odisha for B2 category of sources. Further in respect of modification of mining plan for enhanced production capacity, the modified environment clearance have been done in respect of stretch No.1 , stretch No.3 and stretch No.6 and EC issued by District Level Environment Impact Assessment Authority (DEIAA), Mayurbhanj as per guidelines issue by Ministry of Environment, Forest and Climate Change, New Delhi vide notification S.O. No. 141(E) dt. 15.01.2016 and S.O. No. 190 (E) Dt. 20.01.2016.

In respect of all the sand quarry that are operating, consent to operates have been issued by SPCB, Odisha under section 25/26 of water (Prevention & control of pollution Act, 1974 and under section 21 of Air (Prevention and control Act 1981)

The details of Environment Clearance and consent to operate is given in **Annexure-C** for kind appraisal.

Point No. 5 Heavy revenue loss due to illegality transfer by very negligible royalty paid

All the lessees have been paying royalty, Dead rent, surface rent contribution to District Mineral Foundation(DMF)/Environment Management Fund(EMF)/Collection of Tax at Source(TCS) etc.Regularly as per approved mining plan transit passes for transportation of minor minerals are being issued regularly by the Tahasildar, Moroda. Whenever any illegality is found on transportation of minor minerals without valid transit passes, necessary royalty and penalty are being imposed against the owners of the vehicles engaged in such illegal activity.

The details of royalty and other charges from the sand quarries collected have been shown in **Annexure-D** for kind perusal.

Similarly the details of Royalty and penalty collected from the illegal lifters from the year 2015-16 to 2019-20 (up to 30.06.2019) have been shown year wise in **Annexure-E** for kind appraisal of the Hon'ble Court.

So the issues raised from Sl. No. 1 to Sl. No. 5 is totally baseless and devoid of facts.

This is for favour of kind information and necessary action.

Yours faithfully

Encl: As above


Collector & District Magistrate
Mayurbhanj

Memo. No. 46362 / Tz dt. 05/08/2019

Copy submitted to the Advocate General, Odisha, Cuttack / Joint Secretary to Govt in R& D.M Deptt, Odisha, Bhubaneswar for favour of kind information and necessary action.


Collector & District Magistrate,
Mayurbhanj

Memo. No. 46462 / Tz dt. 05/08/2019

Copy forwarded to the Sub-Collector, Baripada / Tahasildar, Morada to the reference to their letter No-3901 dt. 13.06.2019 and memo No- 1697 dt. 13.06.2019 respectively for information.


Collector & District Magistrate,
Mayurbhanj

Details of Land Particulars/Lease period of the Sources

Annexure-A

Sl. No	Name of the Source	Mouza	Khata	Plot	Area	Kisam	Plan Period	Lease Period	Name of the Lessee	Date of Execution of registered lease deed	Remarks		
1	Stretch -1,Kaduani Sand bed	Kaduani	184	653/1	Ac.0.23dec	Nadi	2015-2016 to 2019-20	2015-2016 to 2019-20	Ramakrushana Si	11.09.2015			
				667	Ac.2.24dec+	-do-							
					Ac.2.33dec added								
				525	Ac.7.55dec	Nadi							
				Total	Ac.12.35dec								
2	Stretch -2,Gadia Sand bed	Bauskantia	184	811/1048/1	Ac.4.55dec	Nadi	2015-2016 to 2019-20	2015-2016 to 2019-20	Smt.Dipali Raj	01.10.2015			
		Gadia (Added)	162	931/1	Ac.2.85dec	-do-							
		Kendudiha (Added)	71	1/463/1	Ac.4.10dec	Nadi							
				1/465/1	Ac.0.85dec	Nadi							
				Total	Ac.12.35dec								
3	Stretch -3,Badfera Sand bed	Badfera	143	328	Ac.5.81dec	Nadi	2015-2016 to 2019-20	2015-2016 to 2019-20	Laxminarayan Giri	13.07.2016			
				328/890/1	Ac.0.48dec	Nadi							
				Raniapal(Added)	107	570						Ac.4.64dec	Nadi
				Paramananda (Added)	111	51/1						Ac.1.42dec	Nadi
				Total	Ac.12.35dec								
4	Stretch -4, Gholmuha Sand bed	Gholmuhan	172	124/1	Ac.6.38dec	Nadi	2015-2016 to 2019-20	2015-2016 to 2019-20	Prodosh Das	Pending at Hon'ble High Court			
				Khuntapal (Added)	242	860/1						Ac.5.97dec	Nadi
						Total						Ac.12.35dec	
5	Stretch -5 Gandaguhali Sand bed	Gandaguhali	123	221/1	Ac.6.80dec	Nadi	2015-2016 to 2019-20	2015-2016 to 2019-20	Smt.Dipali Raj	01.10.2015			
				Pariakuli(Added)	170	14/1						Ac.5.55dec	Nadi
						Total						Ac.12.35dec	
6	Stretch -6, Rukuni Sand bed	Rukuni	125	471/548	Ac.3.84dec	Nadi	2015-2016 to 2019-20	2015-2016 to 2019-20	Smt.Dipali Raj	01.10.2015			
				Pariakuli (Added)	170	765						Ac.2.32dec	Nadi
				Chitrada(Added)	422	496						Ac.2.40dec	Nadi
				Silda (Added)		544						Ac.3.66dec	Nadi
					429	1756/2910/1						Ac.0.13dec	Nadi
				Total	Ac.12.35dec								
7	Stretch -7,Bainchdiha samil Barkanda Sand bed	Bainchdiha samil Barkanda	102	441/1	Ac.6.18dec	Nadi	2015-16 to 2019-20	2015-16 to 2019-20	Smt.Dipali Raj	24.09.2015			
		Morada (Added)	471	1881	Ac.2.42dec	Nadi							
				1881	Ac.3.75dec	Nadi							
				Total	Ac.12.35dec								

Details of Mining plan/Environmental Clearance/Consent to operate								Annexure-B	
Sl. No	Stretch No	Approval of Mining Plan	Date of Approval	production Capacity		Approval of enhanced mining Plan	Date of approval	production Capacity	
				Year	Cums			Year	Cums
1	Stretch -1,Kaduani Sand bed	Yes	26.06.2015	2015-16	4021	No	15.11.2016	2015-16	0
		Yes		2016-17	4025	Yes		2016-17	10000
		Yes		2017-18	4000	Yes		2017-18	10225
		Yes		2018-19	4023	Yes		2018-19	10425
		Yes		2019-20	4008	Yes		2019-20	10625
2	Stretch -2,Gadia Sand bed	Yes	03.06.2015	2015-16	20000	No		2015-16	0
		Yes		2016-17	20000	No		2016-17	0
		Yes		2017-18	20000	No		2017-18	0
		Yes		2018-19	20000	No		2018-19	0
		Yes		2019-20	20000	No		2019-20	0
3	Stretch -3,Badfera Sand bed	Yes	29.06.2015	2015-16	2824	No	26.03.2018	2015-16	0
		Yes		2016-17	2875	No		2016-17	0
		Yes		2017-18	2900	Yes		2017-18	11250
		Yes		2018-19	2900	Yes		2018-19	11250
		Yes		2019-20	3000	Yes		2019-20	11250
4	Stretch -4, Gholmuha Sand bed	Yes	26.06.2015	2015-16	3690	No		2015-16	0
		Yes		2016-17	3829	No		2016-17	0
		Yes		2017-18	4062	No		2017-18	0
		Yes		2018-19	4106	No		2018-19	0
		Yes		2019-20	4202	No		2019-20	0
5	Stretch -5 Gandaguhali Sand bed	Yes	03.06.2015	2015-16	1200	No		2015-16	0
		Yes		2016-17	1200	No		2016-17	0
		Yes		2017-18	1200	No		2017-18	0
		Yes		2018-19	1200	No		2018-19	0
		Yes		2019-20	1200	No		2019-20	0
6	Stretch -6, Rukuni Sand bed	Yes	03.06.2015	2015-16	1500	No	30.01.2017	2015-16	0
		Yes		2016-17	1500	Yes		2016-17	8000
		Yes		2017-18	1500	Yes		2017-18	8532
		Yes		2018-19	1500	Yes		2018-19	9532
		Yes		2019-20	1500	Yes		2019-20	10532
7	Stretch -7,Bainchdiha samil Barkanda Sand bed	Yes	03.06.2015	2015-16	2200	No		2015-16	0
		Yes		2016-17	2200	No		2016-17	0
		Yes		2017-18	2200	No		2017-18	0
		Yes		2018-19	2200	No		2018-19	0
		Yes		2019-20	2200	No		2019-20	0

Details of Mining plan/Environmenttal Clearance/Consent to operate											Annexure-C		
Sl. No	Stretch No	Approval of Environmental Clearance			Approval of Consent to operate			Approval of Environmental Clearance for enhanced production capacity as per			Approval of Consent to operate for enhanced production capacity		
		Issued by	Letter No/Date	Valid period up to	Issued by	Letter No/Date	Valid period up to	Issued by	Letter No/Date	Valid period up to	Issued by	Letter No/Date	Valid period up to
1	Stretch -1, Kaduani Sand bed	SEIAA, Odisha	4154/17.8.15	2015-16 to 2019-20	State Pollution Contol Board, Odisha	1655/15.7.16	31.03.17	DEIAA, Odisha	45/01.3.17	2016-17 to 2019-20	State Pollution Contol Board, Odisha	586/31.3.17	31.3.2020
2	Stretch -2, Gadia Sand bed	SEIAA, Odisha	4261/17.8.15	2015-16 to 2019-20	State Pollution Contol Board, Odisha	1649/15.7.16	31.03.20	NA	NA	NA	NA	NA	NA
3	Stretch -3,Badfera Sand bed	DEIAA, Odisha	26/27.5.16	2015-16 to 2019-20	State Pollution Contol Board, Odisha	1580/4.7.16	31.3.20	DEIAA, Odisha	101/12.6.17	2016-17 to 2019-20	State Pollution Contol Board, Odisha	12/5.5.18	31.3.20
4	Stretch -4, Gholmuha Sand	Not operated Pending at Hon'ble High Court											
5	Stretch -5 Gandaguhali Sand bed	SEIAA, Odisha	4263/17.8.15	2015-16 to 2019-20	State Pollution Contol Board, Odisha	1665/15.7.16	31.3.20	NA	NA	NA	NA	NA	NA
6	Stretch -6, Rukuni Sand bed	SEIAA, Odisha	4265/17.8.15	2015-16 to 2019-20	State Pollution Contol Board, Odisha	1585/4.7.16	31.3.20	DEIAA, Odisha	81/12.6.17	2016-17 to 2019-20	State Pollution Contol Board, Odisha	72/21.17	31.3.20
7	Stretch -7,Bainchdiha samil Barkanda Sand bed	SEIAA, Odisha	4269/17.8.15	2015-16 to 2019-20	State Pollution Contol Board, Odisha	1662/15.7.16	31.3.20	NA	NA	NA	NA	NA	NA

Details of Collection received

Annexure-D

Sl. No	Name of the Source	Year	Royalty	DR	Surface rent	DMF	EMF	TCS	Total	Date of Execution of registered lease deed	Remarks
1	Stretch -1,Kaduani Sand bed	2015-16	221155.00	41160.00	1370.00	22116.00	11058.00	4423.00	301282.00	11.09.2015	
		2016-17	281875.00	50765.00	1691.00	28188.00	14094.00	5638.00	382251.00	11.09.2015	
		2017-18	562375.00	52500.00	1800.00	56238.00	28119.00	11248.00	712280.00	18.7.2017	
		2018-19	400000.00	0.00	0.00	0.00	0.00	0.00	400000.00	18.7.2017	
		2019-20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	18.7.2017	
2	Stretch -2,Gadia Sand bed	2015-16	183000.00	52500.00	1800.00	18300.00	9150.00	3660.00	268410.00	21.9.15	
		2016-17	183000.00	52500.00	1800.00	18300.00	9150.00	3660.00	268410.00	21.9.15	
		2017-18	183000.00	52500.00	1800.00	18300.00	9150.00	3660.00	268410.00	21.9.15	
		2018-19	183000.00	52500.00	1800.00	18300.00	9150.00	3660.00	268410.00	21.9.15	
		2019-20	183000.00	52500.00	1800.00	18300.00	9150.00	3660.00	268410.00	21.9.15	
3	Stretch -3,Badferia Sand bed	2015-16	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
		2016-17	260625.00	57625.00	1691.00	26063.00	13031.00	5213.00	364248.00	13.7.16	
		2017-18	367500.00	52500.00	1800.00	36750.00	18375.00	7350.00	484275.00	13.7.16	
		2018-19	843751.00	52500.00	1800.00	84376.00	42188.00	16876.00	1041491.00	28.5.18	
		2019-20	210938.00	52500.00	1800.00	21094.00	10547.00	4219.00	301098.00	28.5.18	
4	Stretch -4, Gholmuha Sand bed	Not Operated									
5	Stretch -5 Gandaguhali Sand bed	2015-16	63000.00	41160.00	1370.00	6300.00	3150.00	1260.00	116240.00	21.9.15	
		2016-17	63000.00	50765.00	1691.00	6300.00	3150.00	1260.00	126166.00	21.9.15	
		2017-18	63000.00	52500.00	1800.00	6300.00	3150.00	1260.00	128010.00	21.9.15	
		2018-19	63000.00	52500.00	1800.00	6300.00	3150.00	1260.00	128010.00	21.9.15	
		2019-20	63000.00	52500.00	1800.00	6300.00	3150.00	1260.00	128010.00	21.9.15	
6	Stretch -6, Rukuni Sand bed	2015-16	108750.00	41160.00	1370.00	10875.00	5438.00	2175.00	169768.00	21.9.15	
		2016-17	210250.00	50765.00	1691.00	21025.00	10514.00	4205.00	298450.00	21.9.15	
		2017-18	618570.00	52500.00	1800.00	61857.00	30929.00	12371.00	778027.00	22.9.17	
		2018-19	691071.00	52500.00	1800.00	69108.00	34554.00	13822.00	862855.00	22.9.17	
		2019-20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	22.9.17	
7	Stretch -7,Bainchdiha samil Barkanda Sand bed	2015-16	135300.00	41160.00	1370.00	13530.00	6765.00	2706.00	200831.00	21.9.15	
		2016-17	135300.00	50765.00	1691.00	13530.00	6765.00	2706.00	210757.00	21.9.15	
		2017-18	135300.00	52500.00	1800.00	13530.00	6765.00	2706.00	212601.00	21.9.15	
		2018-19	135300.00	52500.00	1800.00	13530.00	6765.00	2706.00	212601.00	21.9.15	
		2019-20	135300.00	52500.00	1800.00	13530.00	6765.00	2706.00	212601.00	21.9.15	

Details of Royalty & Penalty Collected for illegal Lifting of Minor Minerals from 2015-16 to
2019-20

Annexure-E

Sl. No.	Year	Royalty(InRS.)	Penalty(InRs)	Total(In Rs)	No of Vehicle seized
1	2015-16	14641.00	421500.00	436141.00	68Nos
2	2016-17	24073.00	1132900.00	1156973.00	103Nos
3	2017-18	36409.00	993750.00	1030159.00	55Nos
4	2018-19	6179.00	530685.00	536864.00	32Nos
5	2019-20	99365.00	117740.00	217105.00	6Nos


Collector and District Magistrate
Mayurbhanj

COURT MATTER URGENT.

**OFFICE OF THE SUB COLLECTOR, SADAR
BARIPADA, MAYURBHANJ**

(4) (1)
1063
20/6/19



No. 3901 /Rev. Dated, Baripada the 13th June'2019

The Collector & District Magistrate
Mayurbhanj

Sub:- Submission of report in compliance to the order of the Hon'ble National Green Tribunal, New Delhi passed on dt. 16.04.19 .

Ref:- District Office Letter No.289/TZ dt. 31.05.19

Sir,

With reference to the letter on the subject cited above, I am to submit herewith a detail factual and action taken report submitted by the Tahasildar, Morada vide his letter No. 1696 dt. 13.06.19 in compliance to the order passed by the Hon,ble National Green Tribunal, New Delhi on dt. 16.04.2019 in Original Application No. 269/2019 filed by Satya Prakash Pattnayak-vrs- state .

The report in original may kindly be acknowledged for taking necessary action at your end.

Enclosure

As above

Yours faithfully,

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mmr
13/6/2019
Sub-Collector, Baripada.
Mul
13/6

Touzi
82
18/6/19

568
17.6.19

OFFICE OF THE TAHASILDAR, MORADA, CHITRADA

No. 1696 /Dt. 13/06/19 //

(2)
(3)



To
The Sub-Collector, Baripada.

Sub:- Compliance of the order of the Hon'ble National Green Tribunal, New Delhi passed on dt.16.04.2019 and submission of factual and action taken report.

Ref:- Your Letter No.3765/Rev Dt.07.06.2019

Respected Sir,

With reference to the subject cited above, about the order passed by the Hon'ble National Green Tribunal, New Delhi, we have done the inquiry and submitting the factual and action report as below.

(1) The issue raised on the petition regarding the "Illegal Sand Mining" on river Jambhira and river Murudi. As per the information got the river Jambhira is having the length around 15-20 KM under our Tahasil and it flows through five RI Circles and river Murudi is a small perennial "Nala" with small quantity of sand deposited scatteredly and used by the local villagers through bullock cart for their domestic purposes occasionally. The approximate distance between the stretches on the river Jambhira have mentioned schematically as bellow stretch-1 to Stretch-2 =1K.M, Stretch-2 to Stretch-3 = 3K.M, Stretch-3 to Stretch-4 = 3K.M, to Stretch-4 to Stretch-5 = 5K.M, Stretch-5 to Stretch-6 = 4K.M7 Stretch-6 to Stretch-7 = 5K.M and in a continuous basis. The river Murudi is a small perunial "Nala".

(2) Out of the above mentioned stretches the stretches No 2, 3, 5, 6&7 are functional. The stretches No 1 has not been functioning since 2018-19 due to the local issue, Stretch No.4 due to the stay on Hon'ble High Court vide WP(C) No. 1767/2016and the rest are running as per the provision of OMMC Rule-2016.

(3) All the sources that are functioning as per the valid approved mining plan indicating the specified quantity to be lifted over a period of 5 years (enclosed copy Approval letter with mining plan having yearly allocation potential).

(4) Environment clearance and consent to operate of all the sources have been obtained from SEIAA, DEIAA Odisha State Pollution Control Board.

(5) The Royalty of respective stretches are collected on the basis of approved Mining Plan which have been enclosed below. In addition to that the potential stretches No 1,3 & 6 have been enhanced from 4892 to 10000 Cu. M enhanced in the year (2016-17),4667 to 10225 Cu. M enhanced in the year (2017-18) 4467 to 10425 Cu. M enhanced in the year (2018-19) 4267 to 10625 Cu. M enhanced in the year (2019-20),StretchNo.-32875 to 4875 Cu. M enhanced in the year (2016-17) 2900 to 4900 Cu. M enhanced in the year (2017-18) 4900 to 11250 Cu. M enhanced in the year (2018-19) 5000 to 11250 Cu. M enhanced in the year (2019-20)and stretch No.6 1500 to 8000 Cu. M enhanced in the year (2016-17)1500 to 8532 Cu. M enhanced in the year (2017-18) 1500 to 9532 Cu. M enhanced in the year (2018-19) 1500to 10532 Cu. M enhanced in the year (2019-20) as per

approved Mining Plan with bonafide intension to increase the Revenue of Govt. and to check the illegality of Sand mining.

(6) Besides the enforcement work is doing on a routine process to check any occurrence of illegal sand lifting and transportation. The total Royalty and penalty collected Rs8735738/- from 2015-16 to till date. (Given in the separate sheet in enclosure)

(7) After getting this petition a joint field visit was done with the local Sarpanch, Tahasildar, Revenue Inspector and the villagers of 6 villages as mentioned in the petition. They have denounced the allegations mentioned in the petition. One of the petitioner Sri Gyanaranjan Dash also ignorant about his objections, on the petition and alleged that his Signature mentioned has been forged.

(8) In addition to the further action taken initiative a letter has been issued vide letter No.1691 dt.12.06.19 to district mining office for assessment of actual extraction from functional all the alleged sources mentioned in the petition.

This is for favour of kind information and necessary action.

Your's Faithfully
[Signature] 12/06/19

Tahasildar, Morada
[Signature]

Enclose:-

- 1. Environmental Clearance
- 2. Consent to Operate
- 3. Mining Plan
- 4. Royalty and Penalty Collection statement
- 5. Field visit Report
- 6. Photos and Videos

Memo No _____ / **Dt** _____ //

Copy submitted to the Additional District Magistrate, Mayurbhanj for kind information and necessary action.

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Tahasildar, Morada