

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH: KOLKATA**

ORIGINAL APPLICATION NO. 153/2023 EZ

Kabiraj Mohapatra Applicant

VERSUS

The Union of India & others Respondents.

INDEX

SL. No.	DESCRIPTION OF DOCUMENTS	PAGE
1.	COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NO.4	1-13
2.	<u>Annexure-A/4.</u> Copy of list of cases detected	
3.	<u>Annexure-B/4 respectively</u> Copy of Notification No.12167 dtd.27.12.2022 and Letter No. 883/dtd06-01-2023	

By the Respondent No. 4 through

Place: Cuttack.

Date: 12.1.2024.

Addl. Standing Counsel.

Upendra Nath Pradhan
ADVOCATE, A.P.P
Executive Magistrate Court
Chikiti

12/1/2024

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH: KOLKATA**

ORIGINAL APPLICATION NO. 153/2023 EZ

Kabiraj Mohapatra Applicant

VERSUS

The Union of India & others Respondents.

**COUNTER AFFIDAVIT FILED BY THE
RESPONDENT NO.4**

I I, Sri Dibya Jyoti Parida, aged about 35 years,
Son of Sri Prasanna Kumar Parida, at present working
as the Collector & District Magistrate, Ganjam,
At/P.O-Chhatrapur, Dist.-Ganjam, do hereby solemnly
affirm and state as follows:-

1. That, I am the Respondent No. 4 , in the Original Application and competent in my official capacity to swear this Affidavit .
2. That, I have gone through the Original Application as well as the documents annexed thereto and understood the contents thereof. I am acquainted with the facts of this case on the basis of official records.
3. That, it is not a fact that, environment pollution occurred due to illegal lifting of sand from the river bed, causing serious environmental effect. It is not a fact that the District Administration as well as State

Dibya Jyoti Parida

Part of Affidavit

ATTESTED
U.N. Pradhan
Notary Public (Gm.)
Regd. 12/1/2012

Government officials have been ignoring the representation of the local people and maintaining stoic silence on this aspect.

4. That, in reply to the averments made in para-1 of the Original Application, it is humbly submitted that, the applicant is put to strict proof of his activities with regard to protection of environment damages caused by a few people for their benefit.

5. That, in reply to the averments made in paragraph No.2 of the Original Application, it is humbly submitted that, the applicant has to prove the fact that the application is filed without any motive and for the public interest.

6. That, in reply to the averments made in Para-3 of the Original Application, it is humbly submitted that, the applicant is put to strict proof of the averments made in this para. These respondents are not agreeing with the contentions of the applicant.

7. That, in reply to the averments made in Para-4 of the Original Application, it is humbly submitted that, (i) the new Sairat Sand Source has been identified at Village- Siripur under Nuapada Revenue Circle under Tahasil Chikiti of Ganjam District of State of Odisha vide Letter No. 456 Dated. 04.11.2020 of the Revenue Inspector, Nuapada as per the following land schedule given below.

Diksha Jaiswal

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 [Signature]
 Pradhan
 Notary, Chikiti (Gm.)
 Regd. No-62/2012

12/11/2024

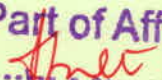
Part of Affidavit
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Name of Tahasil	Name of Mouza	Khata No.	Plot No	Area in Ac.	kissam
Chikiti	Siripur	115	130/830	12.355	Nadi (Abada Ajogya Anabadi)
			134/831	out of	
			192/832	27.132	

(ii) The Environmental Clearance (EC) has been granted by the State Environment Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar, Ministry of Environment, Forest and Climate Change Department in favour of the Tahasildar, Chikiti vide SEIAA File No. 246389/719-MINB2/04-2022 Date: 18.07.2022 for Leasing out of Siripur Sand Bed of Revenue Circle- Nuapada under Chikiti Tahasil, Ganjam District of State of Odisha to the successful bidder (Lessee) on the basis of public auction for a lease period of 05 yrs as per the following land schedule given below.

Name of Tahasil	Name of Mouza	Khata No.	Plot No	Area in Ac.	kissam
Chikiti	Siripur	115	130/830	12.355	Nadi
			134/831	out of	
			192/832	27.132	

(iii) The mining Lease is an identified Sairat Source in the DSR vide Notification No. SO 3611 (3) Dt. 25.07.2018 of Ministry of Environment, Forest and Climate Change Department, Govt. of India and approved by DEIAA, Ganjam on Dt. 21.12.2019.

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 Regd. No-62/2012
 12/1/2024

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(iv) The mining Plan of the mining project prepared has been approved by Deputy Director of Geology, O/o the Joint Director of Geology, South Zone, Berhampur on Dt. 20.07.2020.

(v) The Form-F (Intimation to Successful Bidder) has been issued vide this Office Letter No. 3965 Dated. 19.08.2022 to Sri Krupasindhu Muduli, (bidder participant No- 04), S/o- Jhuria Muduli, At-Ramakrushna Nagar- 2nd Lane, near Mini Bank, P.O- Lochapada, Berhampur- 761001 with Addl. Charge @ Rs. 275/- quoted by participant vide this Office Advertisement No. 3161 Dated. 30.06.2022 towards operationalization of Siripur Sand Bed.

(vi) Later Smt. Swapna Behera, W/o- Sri Santosh Kumar Behera of Balajipentho Sahi, Berhampur- 760002 has filed W.P (C) No. 25337 of 2022 before the Hon'ble High Court of Odisha.

(vii) Smt. Swapna Behera, W/o- Sri Santosh Kumar Behera of Balajipentho Sahi, Berhampur- 760002 with Addl. Charge @ Rs. 1108/- quoted by participant (bidder participant No. 03) has been declared as successful bidder as per Order No. 08 Dated. 06.03.2023 vide W.P (C) No. 25337 of 2022 of the Hon'ble High Court of Odisha.

(viii) Accordingly Form-F (Intimation to Successful Bidder) has been issued vide this Office Letter No.

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for

ATTESTED
U.N. Pradhan
Notary, Chikiti (Gm.)
Regd. No. 62/2012
12/11/2022

Dilip Kumar Panigrahi

4344 Dated. 03.07.2023 to deposit the Security deposit amount for an amount of Rs. 78, 89, 603/- only to convey her acceptance to the Terms and Conditions and to deposit an amount as prescribed under Rule 10(12) & 13 /16(10) & (11)/27 (7) & (9) under the provisions of the OMMC Rules, 2016.

(ix) In the meantime 05 (Five) months have already been passed; She failed to deposit the same in spite of issuing several reminders, hence the Form-F (intimation to successful bidder) has been cancelled as per provisions under Rule- 27 (6, 7 & 13) of OMMC Rules, 2016 and communicated vide this Office Letter No. 6888 Dated. 07.12.2023. Whereas the Lease Deed Agreement has not been executed in favour of the Siripur Sand Bed, as the same has not been operationalized so far.

It is not true that the illegal sand lifting has been happening in Siripur area, since 2022 and in spite of protest by local villagers the respondent authorities remained inactive. It is submitted here that, the authorities are taking steps against the wrong doers. They are working day and night to check the illegal lifting of the sand from the river. In spite of that some miscreants lifting the sand in the places taking advantage of the loneliness of the places and the ignorance of the people of that area. The Tahasildar, Chikiti by remaining vigilant over the issue conducted

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Notary Chikiti (Gm.)
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night patrolling and checked the illegal lifting of sand in the area. He has booked cases against the persons involved in illegal lifting of the sand within his area and has taken strong action against them in accordance with law. Thus, it cannot be said that the authorities have remained in action in the matter.

Copy of list of cases detected is annexed here with as Annexure-A/4 .

8. That, in reply to the averments made in Para-5 of the Original Application, it is humbly submitted that, the villagers of Siripur under Nuapada R.I. Circle made a representation to the Collector, Ganjam stating that, they noticed from the advertisement dated 30.6.2022 vide letter No.3161 that the area of the Bahuda river pertaining to K.No.115, Plot Nos. 130/830,134/831, and 192/832 have been leased out for sand quarry. They alleged that in case the lease is granted, the same would cause damage to the river bed, the Gochar land and the village Basti. They prayed to stop the Quarry. Again they along with some social activists made another representation to the Collector, Ganjam alleging that one D.D. Builder company of Andhra Pradesh has been illegally lifting the sand from the river connected to their village. They did not detect lifting of sand by the said builder or any other persons from the area. Patrolling is being carried out regular basis in that area.

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M. Pradhan
Notary (Gm.)
Regd. No-62/2012

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9. That, in reply to the averments made in Para-6 of the Original Application, it is not a fact that the state authorities failed to take note of the environment pollution and granted the lease. Whether though Environment Clearance was granted but the source not allowed operating due to litigation raised before the Hon'ble High Court, Orissa

10. That, in reply to the averments made in Para-6(a) of the Original Application, it is humbly submitted that, there is no dispute with regard to the consequences the civilization has to face, if the lifting of sand is allowed frequently without taking note of its adversity. However, the applicant is not the correct person to say the same. It is submitted that the state had declared the area as the sairat source after taking opinion from the experts. Accordingly, earlier the sairat lease was granted in favour of Krupa Sindhu Muduli. On completion of the period of lease, the state government invited tender for the sand quarry. One Swapna Behera was selected for the lease as per advertisement dated 13.4.2021 being the highest bidder. But due to non-compliance of the requirements, the lease is not yet been confirmed. Thus, there is no operation of the sand quarry since the year, 2021. It is also duty of general public to intimate the authorities regarding illegal lifting of sand from the river in their area. In such event the authorities will take immediate

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Part of Affidavit
Sent

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action against the wrong doers. The state machinery is always vigilant over the mater.

The respondents further submit that the power of judicial review will not be permitted to be invoked to protect private interest at the cost of public interest. It is the general phenomena of the unsuccessful people to make mountains out of molehills of some technical/procedural violation or some prejudice to self, and persuade courts to interfere by exercising power of judicial review. In the present case the applicant has not come to the court with clean hands. He was instrumentalized by his associates. There was no objection from the general public with regard to lifting of sand from the area. Accordingly, lease was given from time to time. The state has to collect revenue from different sources for the benefits of its people. Otherwise, the developmental programmes will be stopped. It is also duty of the state to see that his people will not be affected by its activities. Accordingly, before choosing an area for sairat source the state obtains expert opinions to safeguard the environment pollution and the social impact. After that only it publishes the notice for publication. Thus, the state has not committed any wrong by issuing the notice for sand quarry.

11. That, in reply to the averments made in Para-7 of the Original Application, it is humbly submitted

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Regd. No. 62/2012
12/11/2012

Dibya Tyoti Pandey

that, the allegations are subject to strict proof. No such illegal lifting, stocking and transporting of sand has come to the notice of the respondents and to check / stop the illegal lifting of minor minerals are being ensured by conducting massive enforcement raids by the enforcement squad.

12. That, in reply to the averments made in Para-8 of the Original Application, it is humbly submitted that, Publication of news in the newspapers is not disputed. But it is not a fact that, the authorities had not taken any action in the matter.

13. That, in reply to the averments made in Para-9 of the Original Application, it is humbly submitted that, It is not a fact that, the respondents continued to allow illegal lifting of sand from "Bahuda" river within their knowledge and failed to implement the law in force and they are encouraging illegal sand lifting for personal gain ignoring the interest of the nearby villagers. It is submitted here that there is no violation of any laws and the authorities have been properly implementing the laws, rules and regulations.

14. That, in reply to the averments made in Para-10 of the Original Application, it is humbly submitted that, the applicant is put to strict proof of the allegations made in this para. He has also to prove that

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 Notary, Chikiti (Gm.)
 Regd. No. 62/2012

12/1/2012

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he brought this fact to the notice of the authorities and in spite of that they remained silent.

15. That, in reply to the averments made in Para-11 of the Original Application, it is humbly submitted that, the applicant is no way aggrieved. He has made the application with the evil motive to harass respondents.

16. That, in reply to the averments made in Para-12 of the Original Application, it is humbly submitted that, since there is no cause of action for filing this case the grounds urged in the application are devoid of merit and needs no consideration.

17. That, in reply to the averments made in Para-13 of the Original Application, it is humbly submitted that, it is true that it is bounden duty of the State Authorities to protect the environmental pollution. It is also bounden duty of the authorities to act in accordance with law. They cannot take action against a person without any reason.

18. That, in reply to the averments made in Para-14 of the Original Application, it is humbly submitted that, it is not a fact that, due to lack of control against wrongful activities that has been continuously and consciously carried on by some dishonest businessmen causing serious environmental effect in the river(Bahuda). The authorities will take stringent

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Notary Chikiti (Gm.)
Regd. No 62/2012

Dibya Tyoti Parich

12/11/2012

action against the wrong doers, as and when the same would come to their notice. They have never allowed any businessmen to lift the sand with their knowledge.

19. That, in reply to the averments made in Para-15 of the Original Application, it is humbly submitted that, the jurisdiction of Revenue Department with regard to management of mines and minerals has been transferred to the Steel and Mines Department vide Notification No.12167/dtd.27-12-2022 of Principal Secretary, Mines Department and Letter No. 883/dtd06-01-2023 ACS to Govt of Odisha, R&DM Department. It is ordered that the operation of Mines and Minerals shall be carried out by the Steel and Mines Department from the date of the notification was given effect. It is ordered that the following operations are also transferred to the Department. Sources which are not yet put to Auction and Sources which are under process of Auction.(including sources pending for EC/CTO). The present case is coming under the preview of this Notification. Hence, the Tahasildar cannot exercise his jurisdiction over the matter.

Copy of Notification No.12167
dtd.27.12.2022 and Letter No. 883/dtd06-
01-2023 are annexed here with as
Annexure-B/4 respectively.

Part of Affidavit

[Signature]

ATTESTED
D. N. Pradhan
Notary, Chikiti (Gm.)
Regd. No-62/2012

[Signature]
12/1/2023

Dibya Jyoti Panda

20. That, the deponent craves the leave of the Hon'ble Court to file fresh affidavit, if required in the interest of the lies.

21. That, the facts stated above are true to the best of my knowledge and belief and based on the official records.

Identified by

Upendra Nath Pradhan
ADVOCATE, A.P.P.
Executive Magistrate
Chikiti

Dilip Kumar Pradhan
DEPONENT

CERTIFICATE

NOTARY
Chikiti
Regd. No. 62/2012

Certified that cartridge papers are not available.

Upendra Nath Pradhan
ADVOCATE, A.P.P.
Executive Magistrate Court
Chikiti

Cuttack

Date: 12.1.2024. Addl. Standing Counsel.



DECLARATION

The Deponent having been Identified
Sr. *Sell by m* advocate
Patrapuri/Chikiti affidavit Before me this the
12/1/2024 before the Notary Chikiti at
12:35 AM/PM Read Over & explained the
deponent who seems perfectly to have
understood the contents & the affidavit.

Regd No-62/2012

U.N. Pradhan
Notary, Chikiti

ATTESTED

U.N. Pradhan
Notary, Chikiti (Gm.)
Regd. No-62/2012

VERIFICATION

I, Sri Dibya Jyoti Parida, aged about 35 years,
 Son of Sri Prasanna Kumar Parida, at present working
 as the Collector & District Magistrate, Ganjam,
 At/P.O-Chhatrapur, Dist.-Ganjam, do hereby verify
 and state that the facts stated above in the affidavit are
 all based on official records and I signed on this
 verification being present in the office of my Advocate
 at Cuttack, on this the day of January, 2024.

Dibya Jyoti Parida
VERIFICANT

ATTESTED
[Signature]
U. M. Pradhan
 Notary, Chikiti (Gm.)
 Regd. No-62/2012

12/1/2024

Part of Affidavit

[Signature]

Annexure-A/4

Details of Fine such as Royalty, Penalty, etc. during the Enforcement Activities of Minor Mineral Collected and Deposited relating to OA Case No. 153/2023-EZ before the Hon'ble NGT, Kolkata for the Year 2022-23

Sl No.	Name of R.I Circle	Name of Mouza	No. of vehicle Seized	Type of Minor Mineral	RR Receipt No.	Date	Penalty Collected	Misc. Case No.	Owner name
1	Nuapada	Siripur	1	Sand	AAA6748270	27.04.2022	25000	18/2022-23	DD Builders Ltd
2	Nuapada	Siripur	1	Sand	AAA6748269	27.04.2022	25000	19/2022-23	DD Builders Ltd
3	Nuapada	Siripur	1	Sand	AAA6748288	07.05.2022	25000	27/2022-23	DD Builders Ltd
4	Nuapada	Siripur	1	Sand	AAA6748287	07.05.2022	25000	28/2022-23	DD Builders Ltd
5	Nuapada	Siripur	1	Sand	AAA6748286	07.05.2022	25000	29/2022-23	DD Builders Ltd
6	Nuapada	Siripur	1	Sand	AAA6748285	07.05.2022	25000	30/2022-23	DD Builders Ltd
7	Nuapada	SB Chaitnaypur	1	Sand	AAA6748301	04.06.2022	10105	70/2022-23	K. Jayaram
8	Nuapada	SB Chaitnaypur	1	Sand	AAA6748305	08.06.2022	15105	73/2022-24	Sankar Pradhan
9	Nuapada	SB Chaitnaypur	1	Sand	AAA6748304	08.06.2022	10105	74/2022-23	Subash Chandra pradhan
10	Nuapada	Bada Kelajhari	1	Sand	AAA6748311	23.06.2022	10105	83/2022-23	Bisikesan Gouda
11	Nuapada	Bada Kelajhari	1	Sand	AAA6748312	23.06.2022	15105	84/2022-23	Jitu Nayak
12	Nuapada	Bada Kelajhari	1	Sand	AAA6748313	30.06.2022	10105	89/2022-23	Prasant Kunda
13	Nuapada	Bada Kelajhari	1	Sand	AAA6748329	12.07.2022	15105	101/2022-23	Barika pradhan
14	Nuapada	Bada Kelajhari	1	Sand	AAA6748330	12.07.2022	15105	102/2022-23	Barika pradhan
15	Nuapada	Bada Kelajhari	1	Sand	AAA6748333	19.07.2022	10105	108/2022-23	Durgakanta Tripathy
16	Nuapada	Bada Kelajhari	1	Sand	AAA6748339	21.07.2022	15105	110/2022-23	Sankar Sethi
17	Nuapada	Bada Kelajhari	1	Sand	AAA6748401	18.08.2022	10105	137/2022-23	krushna ch sahu
18	Nuapada	Bada Kelajhari	1	Sand	AAA6748436	25.08.2022	10105	138/2022-23	Sarathi reddy
19	Nuapada	Nuapada	1	Sand	AAA6748439	30.08.2022	10105	143/2022-23	barika pradhan
20	Nuapada	Bada Kelajhari	1	Sand	AAA6748438	30.08.2022	15105	144/2022-23	barika pradhan
21	Nuapada	Bada Kelajhari	1	Sand	AAA6748601	08.09.2022	15105	151/2022-23	Krushan Ch.Sahu
22	Nuapada	B. Nuapada	1	Sand	AAA6748604	09.09.2022	10105	152/2022-23	Bishikeshan Pradhan
23	Nuapada	Bada Kelajhari	1	Sand	AAA6748609	16.09.2022	10105	155/2022-23	Biswanath Kanyari
24	Nuapada	Bada Kelajhari	1	Sand	AAA6748610	19.09.2022	15105	156/2022-23	Rabi Rana
25	Nuapada	Bada Kelajhari	1	Sand	AAA6748613	20.09.2022	15105	157/2022-23	Sarathi Reddy
26	Nuapada	Bada Kelajhari	1	Sand	AAA6748633	02.10.200	15105	181/2022-23	Rabindra Ku.Sahu
27	Nuapada	Bada Kelajhari	1	Sand	AAA6748634	02.10.2022	15105	182/2022-23	Rabindra Ku.Sahu
28	Nuapada	Bada Kelajhari	1	Sand	AAA6748642	15.10.2022	15105	189/2022-23	Arun Ku.Pradhan
29	Nuapada	Bada Kelajhari	1	Sand	AAA6748643	20.10.2022	15105	196/2022-23	Sarathi Reddy
30	Nuapada	Bada Kelajhari	1	Sand	AAA6748644	28.10.2022	10105	204/2022-23	P.Srinivas

Annexure - A/4

NUAPADA CIRCLE ENFORCEMENT (2021-22)

Date	Mouza	RR No.	Vehicle No.	Monor Mineral	Royalty	Penalty	Total	Owner name
12-04-2021	Nuapada	P 2603931		sand	105	9895	10000	Krushna chandra pradhan
20-05-2021	Dabhar	AAA 3809445	OD 07 S 5126	sand	105	9895	10000	Narasingha Sahu
09-06-2021	chadhiapada	AAA 3809484	OD 07 L 6340	sand	105	10000	10105	Durga kanta Tripathy
23-06-2021	Siripur	AAA 3809499	OD 07 L 6340	sand	105	10000	10105	Durga kanta Tripathy
25-06-2021	Siripur	AAA 3809502	OD 07 AE 8674	sand	105	19895	20000	Pradeep pradhan
25-06-2021	Siripur	AAA 3809504	New vehicle	sand	105	9895	10000	Kunja Bihari Sahu
25-06-2021	Siripur	AAA 3809503	New vehicle	sand	105	19895	20000	Srinivas Sahu
20-07-2021	Sundarada	AAA 3809601	OD 07 L 6340	sand	105	10000	10105	Raghunath Sahu
24-07-2021	Siripur	AAA 3809620	OD 07 L 6340	sand	105	15000	15105	Durga kanta Tripathy
06-08-2021	Siripur	AAA 3809673	OD 07 AH 8882	sand	105	12000	12105	Sudam pradhan
09-08-2021	Baliarsinghpalli	AAA 3811583	OD 07 X 8063	Sand	105	12000	12105	Udaya Nayak
09-08-2021	Baliarsinghpalli	AAA 3811581	OD 07 X 0028	Sand	105	10000	10105	Anil kumar Kabi
19-09-2021	Dabhar	AAA 3809774	OD 07 P 8461	sand	105	5000	5105	Pitambar Behera
29-10-2021	BADAKELAJHURI	AAA 3809851	OD 07 AJ 8186	sand	105	6000	6105	Banika pradhan
29-10-2021	BADAKELAJHURI	AAA 3809852	OD 07 G 9539	sand	105	6000	6105	Barika pradhan
08-11-2021	sundarada	AAA 3809863	OD 07 AC 9677	sand	105	10000	10105	Dasa Pradhan
11-12-2021	Badakelajhuri	AAA 3813533	OD 07 M 1147	sand	105	10000	10105	Krushna chandra sahu
18-12-2021	Badakelajhuri	AAA 3813570	OD 07 Z 4024	sand	105	10000	10105	Bulu patra
06-01-2022	Badakelajhuri	AAA 3813751	OD 07 AJ 2311	sand	105	10000	10105	P. Srinu
06-01-2022	Badakelajhuri	AAA 3813705	OD 07 AD 6291	Sand	105	10000	10105	Krushna sahu
06-01-2022	Badakelajhuri	AAA 3813704	OD 07 M 3493	sand	105	10000	10105	Sankar Sethi
08-01-2022	Badakelajhuri	AAA 3813752	OD 07 AJ 9172	sand	105	10000	10105	Arun kumar pradhan
12-01-2022	Chadhiapada	AAA 3813762	OD 07 L 6340	sand	105	10000	10105	Durgakanta Tripathy
25-01-2022	Sundarada	AAA 3813918	OD 07 Z 4024	sand	105	10000	10105	Bulu patra
10-02-2022	Badakelajhuri	AAA 6736222	OD 07 M 3493	sand	105	10000	10105	Sankar Sethi
14-02-2022	Lalmenta	AAA 6736200	OD 07 F 2519	Sand	105	10000	10105	Rajendra Kumar Pati
12-03-2022	Badakelajhuri	AAA 6736809	OD 07 AJ 9172	Sand	105	15000	15105	Kanhu Charan pradhan
				Total	2835	290475	293310	

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CHIKITI

1 of 4

Annexure - A/4

Nuapada	Bada Kelajhari	1	Sand	AAA6748660	22.11.2022	15105	219/2022-23	Rabi Pradhan
Nuapada	SB Chaitnaypur	1	Sand	AAA6748670	14.12.2022	50000	228/2022-23	Santosh Behera
Nuapada	SB Chaitnaypur	1	Sand	AAA6748674	22.12.2022	10105	237/2022-23	Raghunath Sahu
Nuapada	SB Chaitnaypur	1	Sand	AAA6748693	07.01.2023	15105	244/2022-23	Santosh Behera
Nuapada	SB Chaitnaypur	1	Sand	AAA6756137	15.02.2023	50000	285/2022-23	Santosh kumar Behera
Nuapada	Sana Kelajhari	1	Sand	AAA6756530	06.03.2023	25000	309/2022-23	Sibasankar Gouda
Nuapada	Chadiapada	1	Sand	AAB1485856	18.03.2023	15000	335/2022-23	Dairagi Pradhan
Nuapada	Chadiapada	1	Sand	AAB1485860	18.03.2023	15000	339/2022-23	Santosh Behera
	Total	38			Total	652835		

TAHAKKUK
CHIKITI (GANJAM)

Enforcement Details of Nuapada for the Year 2023-24

	Mouza	RR No	Vehicle no	Type of Minor Mineral	Quantity	Royalty	Addl. Charge	Penalty	Total	EC	EMF	DMF	IT	Total	Name of the owner
5.2023	Sundarda	AAB1486134	OD32H4876	Sand	0	0	0	25000	25000	0	0	0	0	25000	Sunil Sethy
6.2023	Sundarada	AAB1486188	OD22E4142	Sand	0	0	0	50000	50000	0	0	0	0	50000	Santosh Behera
7.2023	Badakela/jhari	AAB1486197	OD07AK6983	Sand	0	0	0	15000	15000	0	0	0	0	15000	Kanhu Pradhan
7.2023	Lalmenta	AAB1486206	OD07H0925	Sand	3	105	0	10000	10105	0	0	0	0	10105	K.Bijuli
7.2023	Sundarada	AAB1486212	OD07AK6926	Sand	0	0	0	15000	15000	0	0	0	0	15000	Radhakrushan Sahu
7.2023	Sanakela/jhari	AAB1486214	OD07AJ4386	Sand	3	105	0	10000	10105	0	0	0	0	10105	Gobardhan Sahu
7.2023	Siripur	AAB1486217	New vehicle	Sand	0	0	0	10000	10000	0	0	0	0	10000	Hari krushan Pattanalk
7.2023	Badakela/jhari	AAB1486223	OD07AM9375	Sand	0	0	0	10000	10000	0	0	0	0	10000	Narayan Patra
8.2023	Sundarada	AAB1486260	OD07B0089	Sand	0	0	0	10000	10000	0	0	0	0	10000	Muna Pradhan
8.2023	Sundarada	AAB1486263	New Vehicle	Sand	0	0	0	10000	10000	0	0	0	0	10000	Sedenand Pradhan
9.2023	Badakela/jhari	AAB1486266	OD07AM6655	Sand	0	0	0	10000	10000	0	0	0	0	10000	P. Srinu
9.2023	Sundarada	AAB1486273	OD07Y6702	Sand	0	0	0	10000	10000	0	0	0	0	10000	Bulu Kanyari
0.2023	Chandapur	AAB1486282	OD07AF4225	Sand	3	105	0	10000	10105	0	0	0	0	10105	Sankar Pradhan
0.2023	Badakela/jhari	AAB1486285	New Vehicle	Sand	0	0	0	10000	10000	0	0	0	0	10000	Basanta Kumar Pradhan
				Total	9	315	0	205000	205315	0	0	0	0	205315	

TAHASEDAR
CHIKITI (GANDAM)

GOVERNMENT OF ODISHA
STEEL & MINES DEPARTMENT

NOTIFICATION

12167 / SM, Bhubaneswar dated 27/12/2022
SM-MC3-ARPA-0002-2022

S.R.O No. _____ / 2022.- In exercise of the powers conferred by sub section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the State Government do hereby make the following rules further to amend the Odisha Minor Minerals Concession Rules, 2016, namely :-

1. (1) These rules may be called the Odisha Minor Minerals Concession (Second Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. In the Odisha Minor Minerals Concession Rules, 2016, (hereinafter referred to as the said rules), in rule 2, in sub-rule (1),—

(i) for clause (c), the following clause shall be substituted, namely :—

(c) "Authorized Officer" means the Director of Mines and Geology or any officer duly authorized by the Government in writing for the purpose;

(ii) for clause (j), the following clause shall be substituted, namely :—

(j) "Director" means the Director of Mines and Geology, Odisha for Specified Minor Minerals and the Director of Minor Minerals, Odisha for Minor Minerals other than Specified Minor Minerals;

(iii) clause (bb) shall be omitted;

(iv) clause (cc) shall be omitted;

(v) after clause (cc), the following clause shall be inserted, namely :—

(dd) "Director of Mines" means the Director of Mines & Geology, Odisha;

P.T.O.

OFFICE OF THE COLLECTOR & D.M., GANJAM, CHATRAPUR

Memo No 1277 / Rev-XXV-452/2022 Date : 16.01.2023

Copy forwarded to all Sub-Collectors / Tahasildars for information and necessary action.

Dy. Collector (Revenue)
Collectorate, Ganjam

3. In the said rules, in rule 3, in proviso to sub-rule (3), the words "*or Tahasildar*" shall be omitted.

4. In the said rules, in rule 27, —

(a) for sub-rule (1), the following sub-rule shall be substituted, namely :-

"(1) The area of the quarry lease shall be delineated and notification inviting application(s) for grant of quarry lease(s) through auction including e-auction shall be published in two daily newspapers, at least one of which shall be a State level and other having wide publicity in the area, where the lease is located and such notification shall be published at least fifteen days before the intended date of inviting applications and shall contain the date and time within which applications shall be received. The State Government shall prescribe the terms and conditions and procedure subject to which the e-auction shall be conducted.";

(b) in sub-rule (2), for the words and figures "*sub-rule (14)*", the words and figure "*sub-rule (15)*" shall be substituted;

(c) in sub-rule (16), for the words and comma "*The Collector or the Conservator of Forest, as the case may be,*", the words and comma "*The Controlling authority as defined in Schedule-III,*" shall be substituted.

5. In the said rules, in rule 35, in sub-rule (1), for the words "*one thousand cubic meters*", the words "*five thousand cubic meters*" shall be substituted.

6. In the said rules, in rule 46, for sub-rule (1), the following sub-rule shall be substituted, namely :-

"(1) Any person aggrieved by an order of the Competent Authority, may, within one month from the date of communication of the order, prefer an appeal in Form-X against such order, to the Conservator of Forests, if the order is passed by the Divisional Forest Officer, to the Deputy Director, if the order is passed by the Mining Officer, to the Director, if the order is passed by the Deputy Director and to the State Government in the Department of Steel and Mines, if the order is passed by the Director: "

7. In the said rules, in rule 48, for the word "auction" appearing after the expression "disposed of through public", the words "auction, including e-auction" shall be substituted.
8. In the said rules, in rule 50, the words "or Tahasildar" shall be omitted.
9. In the said rules, in rule 51, —
- (a) in sub-rule (1), —
 - (i) in clause (ii), the words "Collector or Sub-Collector or Revenue Inspector or" shall be omitted ;
 - (ii) in clause (iv), the words "Tahasildar or" shall be omitted.
 - (b) in sub-rule (2), the words "Tahasildar or Sub-Collector or Collector or" shall be omitted.
 - (c) in sub-rule (4), the words "Tahasildar or" shall be omitted.
10. In the said rules, in rule 54, the words "Tahasildar or Sub-Collector or Collector or" appearing after the expression "If the", shall be omitted.
11. In the said rules, in rule 56, for sub-rule (2), the following sub-rule shall be substituted, namely :-
- “(2) In case of any doubt whether any particular mineral is a minor mineral or otherwise, the matter shall be referred to the Director for the decision and in case of any doubt whether a minor mineral can be used as decorative stone or for industrial and prescribed purpose or for export, the Competent Authorities of the Steel & Mines Department and the Forest, Environment & CC Department would obtain the specific views of the Government in Steel & Mines Department.”
12. In the said rules, in rule 58, —
- (a) for sub-rule (1), the following sub-rule shall be substituted, namely :-

“(1) No holder of prospecting license-cum-mining lease or mining lease or quarry lease or quarry permit or auction purchaser shall despatch any minerals from an area without a valid transit pass in Form-Y issued by competent authority.”
 - (b) for sub-rule (7), the following sub-rule shall be substituted, namely :-

(7) The competent authority shall send an annual return in Form-Z showing mineral-wise production and despatch of minor minerals and the revenue earned there from to the Controlling Authority and the Director to enable him to assess the total income derived by the State and to furnish such information to the Indian Bureau of Mines."

13. In the said rules, in rule 66, after sub-rule (2), the following sub-rule shall be inserted, namely :-

"(3) Notwithstanding anything to the contrary contained in the amended provisions, till the new system is put in place, the existing arrangement would continue. The State Government may take necessary steps for effective transition of minor minerals from Revenue & DM Department to Steel & Mines Department."

14. In the said rules, for SCHEDULE-III, the following SCHEDULE shall be substituted, namely :-

"SCHEDULE -III

[See rule 2(g)]

Sl.No. (1)	Type of Minerals (2)	Controlling authority (3)
1	Specified minor minerals and all minor minerals occurring in areas granted under mining lease for major minerals.	Government in Steel & Mines Department.
2	Ordinary clay, silt, rehmatti, ordinary sand other than used for industrial and prescribed purposes, brick earth, ordinary earth, moorum, laterite slabs, ordinary boulders, road metals including ballasts, chips, bajri and rock fines generated from stone crushers, gravels of ordinary stones and river shingles and pebbles—	
	(a) when occurring in non-forest- land	Deputy Director of Mines of respective jurisdiction
	(b) when available in any forest area	Principal Chief Conservator of Forests, Odisha "

15. In the said rules, for SCHEDULE-IV, the following SCHEDULE shall be substituted, namely :-

"SCHEDULE -IV
[See rules 2(f), 48]

Sl.No.	Category of Minerals	Type of Lease/Permit	Competent Authority	Department
(1)	(2)	(3)	(4)	(5)
1.	Specified minor minerals	(a) Mining Lease	Deputy Director of Mines/Mining Officers of respective jurisdiction	Steel & Mines
		(b) Prospecting License-cum-Mining Lease	Deputy Director of Mines/Mining Officers of respective jurisdiction	Steel & Mines
2.	Minor Minerals other than Specified Minor Minerals	Quarry lease and Quarry Permit		
		(a) When occurring within village boundaries	Mining Officer of respective jurisdiction	Steel & Mines
		(b) When occurring within forest area	Divisional Forest Officer	Forest, Environment & CC"

By order of the Governor

[Signature]
27/12/2022.

Principal Secretary to Government
Steel and Mines Department

Memo No. 12166 /SM, Bhubaneswar dated the. 27/12/2022

Copy forwarded to the Officer-in-charge, Gazette Cell, Odisha, Government Press, Commerce & Transport (Commerce) Department, Odisha Secretariat, Bhubaneswar with a request to publish the said notification in the Extraordinary issue of the Odisha Gazette and send copy to this Department.

27/12/22
Additional Secretary to Government

Memo No. 12169 /SM, Bhubaneswar dated the. 27/12/2022

Copy forwarded to the Principal Secretary to Hon'ble Chief Minister, Odisha for kind information of Hon'ble Chief Minister, Odisha.

27/12/22
Additional Secretary to Government

Memo No. 12170 /SM, Bhubaneswar dated the. 27/12/2022

Copy forwarded to the P.S. to Minister, Steel & Mines for kind information of Hon'ble Minister, Steel & Mines.

27/12/22
Additional Secretary to Government

Memo No. 12171 /SM, Bhubaneswar dated the. 27/12/2022

Copy forwarded to the OSD to Chief Secretary, Odisha for kind information of Chief Secretary, Odisha.

27/12/22
Additional Secretary to Government

Memo No. 12172 /SM, Bhubaneswar dated the. 27/12/2022

Copy forwarded to the Senior P.S. to Development Commissioner, Odisha for kind information of Development Commissioner -cum- Additional Chief Secretary, Odisha.

27/12/22
Additional Secretary to Government

Memo No. 12173 /SM, Bhubaneswar dated the. 27/12/2022

Copy forwarded to the Senior P.S. to Principal Secretary, Steel & Mines Department for kind information of Principal Secretary, Steel & Mines Department.

27/12/22
Additional Secretary to Government

Memo No. 12174 /SM, Bhubaneswar dated the. 27/12/2022

Copy forwarded to all Departments of Government/ Director of Mines & Geology, Odisha /MD, OMC Limited/ All Collectors/ All Deputy Director of Mines/ All Mining Officers for information and necessary action.

27/12/22
Additional Secretary to Government

OFFICE OF THE
COLLECTOR & DISTRICT MAGISTRATE
GANJAM, CHATRAPUR



Revenue Section
Email ID: dist_ganjam@yahoo.in
dm-ganjam@nic.in

Letter No. 4201 (XXV- 837 /23- Rev) Dt. 07 / 11 /2023

To

All Tahasildars of Ganjam District.

Sub: Transfer of Minor Mineral sources to the Steel & Mines Department.

- Ref: 1. Notification No 12167 dated 27.12.2022 of Principal Secretary to Govt. Steel & Mines Depart.
2. Letter No 883 dated 06.1.2023 of ACS to Govt. R&DM Department.

Sir/ Madam,

In inviting a reference to the letter on the subject cited above, I am to say that the Govt. has issued comprehensive guide lines for transfer of Minor Mineral sources to the Steel & Mines Department as per the following priority.

- I. Operational Minor Mineral Sources.
- II. Sources which are not yet put to auction.
- III. Sources which are under process of auction (including sources pending for EC/CTO)

The total sources as per the DSR required to be transferred except pending court cases. Inspite of 6 months time elapsed all sources have not been transferred to DDM/Mining Officer as reported by them.

In view of the above, all Tahasildars are requested to hand over all Minor Mineral sources as per DSR and submit report as per the format enclosed.

This may be treated as **Most Urgent**.

Encl : As above

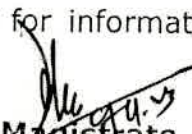
Yours faithfully,


Addl. District Magistrate,
Ganjam

Memo No. 4201 /Rev. Date. 07 /11/2023

Copy forwarded to the Sub-Collector, Berhampur / Chatrapur / Bhanjanagar for information and necessary action.

Copy forwarded to the DDM/Mining Officer, Berhampur for information and necessary action.


Addl. District Magistrate,
Ganjam

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

By e-Mail

No. RDM-MMS POLICY-0006-2019- 883 /R&DM dated 06 JAN 2023

From
Sri Satyabrata Sahu, IAS
Additional Chief Secretary to Government

To
All Collectors

Sub: Guidelines for smooth transfer of Minor Mineral sources to the administrative control of Steel & Mines Department

Madam/ Sir,

In inviting a reference to the subject mentioned above, I am to say that the Odisha Government Rules of Business has been amended by substituting the word "Sairat" appearing against item No 30 under the "State Subjects" against Branch No 1 "Revenue" with "Sairat except minor minerals as defined under the Mines and Minerals (Development and Regulation) Act, 1957" vide GA & PG Department Notification No.32882 dated 21.11.2022 (Copy enclosed).

2. In the meanwhile, OMMC Rules 2016 have been amended vide Notification No.12167 dated 27.12.2022 by Steel & Mines Department (Copy enclosed) wherein Tahasildar and Collector of the District have been substituted with Mining officer and Dy Director Mines as the Competent Authority & Controlling Authority respectively. However, since filling up the positions will take some time, the aforesaid amended OMMC Rules also provides that in order to ensure smooth transfer of minor mineral sources, the existing arrangement will continue till the new system is put in place.

3. In this connection, a meeting was held on 28.11.2022 under the Chairmanship of Chief Secretary, Odisha wherein the following decisions pertaining to phasing of transfer of sources to Steel and Mines Department were taken:

(a) The presently operational minor minerals source shall be transferred to Steel & Mines Department preferably in Districts where DDM/MO of Steel & Mines Department are in place

(b) The districts where DDM/MO are not in place, sources shall not be transferred at present. The transfer will take place when DDM/MO is posted

(c) The sources which are yet to be operationalized and no bidding has been initiated are also to be transferred to Steel & Mines Department for necessary action in a phased manner

(d) The sources which are under process of bidding shall continue to be looked after by the Tahasildars till the sources are operationalized and shall be handed over to the Steel & Mines Department thereafter.

4. In view of the above you are requested to adhere to the following procedure to ensure smooth transfer of minor mineral sources to the control of Steel and Mines Department

A. Inventory of all case records relating to Minor Mineral Sairat Sources to be done immediately and to be categorized in the following manner

- I. Sources already settled
- II. Sources which are not yet put to auction
- III. Sources which are under process of auction

The first two categories of the case records need to be transferred immediately under proper acknowledgement. The third category of records are to be transferred after operationalization of the sources.

B. Brief basic information about status of each sairat source need to be prepared in the following format and the same is to be handed over to the Officer concerned

Format-A (Sources already settled)

Sl. No.	Name of the Tahasil	Year	Name of the RI circle	Name of the source with Case Record No	Lease Period		Annual Lease value	Payment made by the lessee		Balance amount to be paid by lessee	
					From	To		Year	Amount	Year	Amount

Format-B (Status of Validity of EC/CTO/CTE(In case of settled sources))

Sl. No.	Name of the Tahasil	Name of the RI Circle	Name of the Source	Validity of EC		Validity of CTO		Validity of CTE	
				From	To	From	To	From	To

Format-C (Sources which are not put to auction, but previous auction period is over)

Sl No	Name of the Tahasil	Name of RI circle	Name of the source	Current Status				
				MGQ Approved(Y/N)	Addl. Charge Approved(Y/N)	MP Approved(Y/N)	Whether EC is applied by Competent Authority(Y/N)	Remarks

Format-D (Sources which are under Process of Auction)

Sl.No.	Name of the Tahasil	Name of RI Circle	Name of the Source	Date of Advertisement	Date fixed for Auction	Whether EC is applied by Competent Authority(Y/N)	Whether bidder finalized (Y/N)	Remarks

C. All court cases of different courts are to be transferred with information in the following format and Collectors are requested to inform the Courts through Advocate General, Odisha & Govt Pleader to substitute the Opposite Party(s)

Sl No	Name of the Tahasil	Case No	PWC submitted (Y/N)	Counter affidavit filed(Y/N)	Disposed off(Y/N)

- D. A proper register for pending court cases has to be maintained by the Tahasildar concerned. The register should contain the basic fact of each source & information about Court cases for future reference purpose.
- E. The fact sheet of each minor mineral source to be transferred and pending court cases has to be shared with the Officer concerned who receives the Case Record under intimation to Collector.
- F. The sources which are transferred are to be reflected in Permanent Sairat Register duly signed by the Tahasildar concerned mentioning letter No. & date of such transfer.
- G. The total source list as per DSR needs to be shared with in the following format and a copy of the approved DSR containing all the source list of the District may be furnished to the Mining Officer/ Deputy Director of Mines.

Abstract of sources transferred

Sl. No.	Name of the Tahasil	No. of sources listed as per the DSR					No. of sources transferred out of the sources listed in the DSR				
		Sand	Stone	Morrum	Others	Total	Sand	Stone	Morrum	Others	Total

H. Both hard and soft copies of the information regarding sources in above formats may be kept in Tahasil office and shared with concerned Revenue Inspectors who in turn will update the Register of RI meant for sairat sources.

I. The Extinction of sources, if any done should be reflected in the DSR copy before sharing with the Mining Officers/ DDM.

J. The amount of Govt dues collected/ to be collected during the transition phase shall be deposited in the existing Head of Account of Government i.e. "0853-102-0217-02021"

0853-Non-Ferrous Mining & Metallurgical Industries-102-Mineral Concession Fees, Rents and Royalties-0217-Receipts under Odisha Minor Minerals Concession Rules-02021-Collection of Fees, Rents and Royalty.

K. Tahasildars/ Addl Tahasildars will continue to perform the duties of Executive Magistrates as and when requisitioned by the field officers of the Steel and Mines Department for enforcement activities.

L. Transfer of all sources should be completed by 31.03.2023.

Yours faithfully,

[Signature]
6/1

Additional Chief Secretary to Government

Memo No. 884 /R&DM dated 06 JAN 2023

Copy forwarded to Addl Chief Secretary to Government, Steel & Mines Department with a request to issue suitable instruction to the Mining Officers/ DDMs to take over the sairat sources as per the agreed action plan stated at para (A).

[Signature]
6/1

Additional Chief Secretary to Government

Memo No. 885 /R&DM dated 06 JAN 2023

Copy forwarded to the Special Secretary to Chief Minister, Odisha for kind information of Hon'ble Chief Minister, Odisha

[Signature]
6/1

Additional Chief Secretary to Government

Memo No. 886 /R&DM, dated 06 JAN 2023

Copy forwarded to the P S to Minister, Revenue & D M, for kind information of Hon'ble Minister, Revenue & D.M.

Special Secretary to Government

Memo No. 887 /R&DM, dated 06 JAN 2023

Copy forwarded to the OSD to Chief Secretary, Odisha for kind information of Chief Secretary, Odisha

Special Secretary to Government

Memo No. 888 /R&DM, dated 06 JAN 2023

Copy forwarded to Directorate Minor Minerals Odisha for information and necessary action

Special Secretary to Government

Memo No. 889 /R&DM, dated 05 JAN 2023

Copy forwarded to Board of Revenue, Odisha Cuttack, All RDCs for information and necessary action.

Special Secretary to Government

Memo No. 890 /R&DM, dated 06 JAN 2023

Copy forwarded to all ADMs/ Sub-Collectors/ Tahasildars for information and necessary action

Special Secretary to Government