

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

Original Application No. 05/2024/EZ

Madhusudan Palai-----Applicants(s)

Versus

State of Odisha & Ors. ----- Respondent(s)

Affidavit on Behalf of the Opposite Party/Respondent No. 09 State
Environment Impact Assessment Authority (SEIAA), Odisha

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Place: Bhubaneswar
Date: 04/03/2024

Shri Apurba Ghosh
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(SEIAA), Odisha
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Environment Impact Assessment Authority (SEIAA), Odisha

1. Dr. Kailasam Murugesen, IFS, son of late Paramasivam Kailasam aged 54 years, at present working as Member Secretary, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.
2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opp. Party No.09 before this Hon'ble National Green Tribunal.
3. That, I have gone through the original application order dated. 22.01.2024 and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.
4. That, in reply to the averments made in the Para-01 of the OA, the deponent humbly submits that the environmental

be. yf
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar



clearance (EC) for the mining of laterite stone from Bariko Laterite Stone Quarry over an area of 2.173 acres or 0.88 ha at village-Bariko Tahasil-Tangir, Dist-Khordhas, Odisha has been issued by SEIAA, Odisha vide letter no. 1037/SEIAA dt. 17.12.2020 in favour of Tahasildar, Tangi Copy attached in **Annexure-I**. Later EC transfer for from the name Tahasildar to successful bidder, Sri Giridhari Das vide letter no. 4668/SEIAA dt. 02.06.2022 as per recommendation of Tahasildar Copy attached in **Annexure-II**.

5. That, in reply to the averments made in the Para-02 of the OA, the deponent humbly submits that the Tahasildar, Tangi vide their letter no. 1877 dt. 31.08.2020 has submitted that the proposed quarry is not coming in DLC land, even after verification of the DLC report and accordingly, EC was issued for Bariko Laterite Stone Quarry.
6. That, in reply to the averments made in the Para-03 to para-05 of the OA, the deponent humbly submits that there is an EC conditions no. 9.24 in page no. 05 of EC letter that “the conditions stipulated in the EC will be closely monitored on the ground by the lease granting authority i.e. Tahasildar, who shall ensure that the project proponent submits quarterly compliance report to SEIAA, Odisha”. In this case the PP has not submitted any compliance of EC conditions. So, it is difficult to know the quantity of material extracted from the source and any felling of tree before & during mining.
7. That, in reply to the averments made in the Para-06 to para-13 of the OA, the deponent humbly submits that there is no information submitted in regrading to acacia & cashew tree species are existing in the proposed lease area by the lease granting authority during EC application. Also, the



[Handwritten Signature]
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

NOTARISE

lessee/project proponent (PP) has not submitted any EC compliance to SEIAA, Odisha.

- 8. That, in reply to the averments made in the Para-14 to para-37 of the OA, the deponent humbly submits that there is no information at SEIAA, Odisha in regard excess or illegal mining of Bariko Laterite Stone Quarry as this office has not received any public complain and also neither received any compliance of EC conditions from Tahasildar nor from the lessee.
- 9. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.
- 10. That the deponent reserves the right to file further affidavit as and when necessary.

Identified by
IDENTIFIED BY ME

Advocate
ADVOCATE

04-03-2024

[Signature]

Deponent

MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

VERIFICATION

Verified at Bhubaneswar on this day of 04.03.2024

that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

SWORN BEFORE ME

Date: 04-03-2024

Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

[Signature]
04-03-2024



DUSASAN SAMANTARAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR, ODISHA
REGD. NO. 88/2012
MOB-9439143015



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY ODISHA, BHUBANESWAR

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2540669, E-mail-seuaairussa@gmail.com

Letter No 10091/SEIAA

Dt. 17.12.2020

File No. **SEIAA-649/09-2020**

To

The Tahasildar, Tangi,
Tahasil-Tangi,
Dist-Khorda

Sub: Proposal for mining of laterite stone from Bariko Laterite Stone Quarry over an area of 2.173 acres or 0.88 ha at village Bariko Tahasil Tangi in the district of Khordha of Tahasildar, Tangi -Environmental Clearance reg.

Ref: Proposal No: SEIAA-649/09-2020 dt. 22.09.2020

Sir,

This is with reference to the application dated 22.09.2020 for grant of environmental clearance (submitted in the offline mode) for the proposed activities mentioned above.

2. The application has been submitted in the offline mode because it is a case of minor mineral extraction involving area of less than 5ha. (a B2 category project), and there is no provision at present for filing EC application for such cases in the online mode before SEIAA in the PARIVESH portal (the relevant application Form-IM does not appear on the screen of the said portal when EC application is to be filed to SEIAA). The applicant has submitted the application in Form-I, i.e. the Form in which applications for minor mineral projects were being submitted upto the year 2016 before SEIAA. The Form-I does not contain some of the situational information relating to environmental sensitivity, but much of the required information has been submitted by the applicant in the Checklist and also in the PFR. The State Govt. vide their letter no.21253/F&E dated 05.11.2019 have requested the MoEF&CC to make necessary provision in the PARIVESH portal to facilitate filing of environmental clearance applications for minor mineral projects before SEIAA in the online mode; but so far the necessary provision has not been given in the said portal.

3. The application in Form-I is supported by other necessary documents, namely the PFR, DSR, cluster EMP, Approved Mining Plan and Checklist.
4. The Tahasildar, Tangi who is the lease granting authority in this case is responsible for monitoring strict compliance by the project proponent with the following conditions of grant of environment clearance.
5. **The proposed activities in a nut shell are as follows: -**
 - a. This is a proposal for mining of Laterite stone from **Bariko Laterite Stone Quarry** located at **Village- Bariko, Tahasil- Tangi, District-Khorda**, Odisha over lease area of 2.173 acres or 0.88 ha.
 - b. The mine area is a part of the Survey of India Toposheet No. 74E/5 bounded by Latitude:19°55'43.336" N to 19°55'37.168" N and Longitude:85°21'22.715" E to 85°21'19.117"E.
 - c. The mining lease is an identified sairat source in the DSR. The Bariko Laterite Stone Quarry sairat source will be leased out under the OMMC Rules,2016 by Tahasildar, Tangi on the basis of public auction to the successful bidder(lessee)for a lease period of 5 years.
 - d. The mining plan of the mining project prepared on behalf of successful bidder (lessee)has been approved by Deputy Director Geology, Directorate of Geology, Bhubaneswar on 11.03.2020.
 - e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 7500 cum of laterite stone.
 - f. The project proponent has not furnished the alignment of the extraction path for laterite stone transportation. As reported by the Tahasildar/PP in the Checklist, the village road is at a distance of 500 meter from the mining lease area.
 - g. The cluster certificate has been furnished by the Tahasildar certifying that there is one mine located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is a part of cluster.
 - h. The Tahasildar, Tangi vide their letter no.1877 dated 31.08.2020 has submitted that the proposed quarry is situated on non-forest land, even after verification of the DLC report.
 - i. As per the approved mining plan, laterite stone from the quarry will be extracted by semi-mechanized method with annual extraction of laterite stone not exceeding 1500 cum (maximum production capacity) during the valid lease period.

6. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5 ha).

7. The proposal is duly appraised by the SEAC in its meeting held on 21.10.2020 and 02.12.2020. The SEAC has submitted the appraisal report and recommended for grant of EC, vide their letter no. 696/SEAC-Misc-02 dated 03.12.2020.

8. The Environmental Clearance is accordingly granted to the proposed activity of laterite mining / quarrying which shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar and shall be coterminous with the expiry of lease period.

9. Stipulated Conditions:

- 9.1 The yearly total production (maximum) from the quarry shall not exceed more than 1500 cum for the valid lease period and the total production from the quarry shall be 7500 cum during the valid lease period of five years.
- 9.2 Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project.
- 9.3 Demarcation of mining area with pillars and geo-referencing should be done prior to start of mining at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the concerned authority. The area should be properly surveyed and mapped with the help of DGPS to assign geo-coordinates and accordingly erect durable masonry/concrete pillars.
- 9.4 No mining shall be carried out in the vicinity of natural /manmade archeological sites.
- 9.5 It shall be ensured that quarrying is not carried out within 500 m of structures, bridges, embankment, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures. Pursuant to Hon'b'e NGT in its Order dated 21.07.2020 in OA No-304/2019 in the matter of M.Haridasan & Ors. Vrs State of Kerala and to comply with the direction made therein "No stone quarry without involving blasting will be operated within 100 m (minimum distance criteria) from Residential/public buildings, inhabited sites, other location, etc".
- 9.6 The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level.
- 9.7 It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted depth, then also quarrying shall be stopped.
- 9.8 Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.

- 9.9 The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and groundwater), if any, required for the project.
- 9.10 Pursuant to MoEf & CC, O.M No 22-34/2018-1A.111dated 16.01.2020 to comply with the direction made by Hon'ble Supreme Court on 8.01.2020 in W.P. (Civil) No. 114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
- 9.11 No transportation of the minerals shall be allowed on any road passing through villages/habitations. Transportation of minerals through existing rural roads can be allowed only by the concerned State Govt. Department/Gram Panchayat and only after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- 9.12 Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 9.13 The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.
- 9.14 The project proponent shall take all precautionary measures during mining operation for conservation of flora and fauna. The PP shall plant and nurse a minimum of 100 number of saplings of native species along the approach roads, safety zone of lease area and in community areas in consultation with the Gram Panchayat.
- 9.15 Water spray should be made on the village road to control dust emission during transportation of mineral. Wet drilling method is to be adopted to control dust emissions.
- 9.16 A scheme for disposal of waste generated shall be prepared and faithfully implemented. The sites where tree plantation shall be raised must be specified and protection measures for the saplings planted have to be undertaken by the project proponent.
- 9.17 Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, and



- trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
- 9.18 Permanent barricading/barbed wired fencing of the mining lease area site shall be done after completion of mining activities to prevent any danger for stray animals and human habitations from accidents.
- 9.19 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine. Filling of the ditch by fly ash is to be ensured by the lessee, as also fencing the area, guard wall for safety of cattle & traffic.
- 9.20 Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report.
- 9.21 The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.
- 9.22 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / SPCB, Odisha/ Regional Office of the MoEF& CC, Bhubaneswar, in hard and soft copies on 1stday of January, April, July, October of each calendar year, failing which EC is liable to be revoked.
- 9.23 At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
- 9.24 The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar, who shall ensure that the project proponent submits quarterly compliance reports.
- 9.25 The concerned Regional Office of the MoEF & CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 9.26 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParisad /Municipal Corporation / Urban Local Body as the case may be.
- 9.27 Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the State Pollution Control Board.
- 9.28 The SEIAA, Odisha may revoke or suspend the EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.

- 9.29 The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 9.30 Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this environment clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.
- 9.31 The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.
- 9.32 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
- 9.33 Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.


17.12.2020

Member Secretary

Memo No 10372/SEIAA /Dt. 17.12.2020

Copy to

1. Additional Chief Secretary, Forests & Environment Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
4. Deputy Secretary, MM&S Branch of Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.
5. Collector & ADM, Khorda, / Sub Collector, Khorda for Information and necessary action.
6. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
7. Guard file for record.


17.12.2020

Member Secretary



**STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
ODISHA, BHUBANESWAR**

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2541029, E-mail-seiaaorissa@gmail.com

Letter No AG68/SEIAA

Dt. 02.06.2022

File No. SIA/OR/MIN/271779/2022

To

Sri Giridhari Das
S/o- Sri Radha Chandra Das
At/Po-Badapari, Ps.-Tangi
Dist-Khordha, Pin-752023

Sub: Proposal for **transfer of environmental clearance** of Bariko Laterite Stone Quarry over an area of 2.173 Acres or 0.88 Hectares in village Bariko under Tangi Tahasil of Khordha District from the name Tahasildar, Tangi to Sri Giridhari Das- reg.

Ref: (i) EC letter no. 10371/SEIAA dated 17.12.2020
(ii) Your letter no. 673/Sairat dated 26.04.2022
(iii) Online proposal No. SIA/OR/MIN/271779/2022 dtd.09.05.2022

Sir

Kindly refer your online application on dated 09.05.2022, wherein you have requested for transfer of environmental clearance granted by SEIAA, Odisha vide letter no. 10371/SEIAA dated 17.12.2020 issued earlier in favour of Tahasildar, Tangi, Khordha.

As submitted by the Tahasildar, it is noted that EC was obtained for Bariko Laterite Stone Quarry for a period of 5 years in favour of Tahasildar, Tangi vide the above mentioned EC letter under reference. Now, the said sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar to the successful bidder (lessee) for a lease period of 5 years. Hence, the Tahasildar has requested for transfer of EC in favour of Sri Giridhari Das, Successful Bidder under the provision of OMMC Rules, 2016 for operationalization of the sairat source.

The proposal was registered in PARIVESH Portal with attaching required documents on dated 09.05.2022 and the Authority decided that EC be transferred in favour of Sri Giridhari Das as recommended by Tahasildar and the new Project

Proponent has to submit the detailed compliance report on all EC conditions on quarterly basis.

The SEIAA has no objection for transfer of environmental clearance accorded by SEIAA's letter no. 10371/SEIAA dated 17.12.2020 in the name of Sri Giridhari Das with the same terms and conditions under which prior environmental clearance was initially granted and for the same validity period subject to satisfactory compliance to all the stipulated terms and conditions of EC along with some additional stipulated conditions as follows:

1. The Project Authority (PA) shall maintain the minimum 200 meter distance if blasting involved or 100 meter if, blasting not involved from nearest Residential/Public building, inhabited sites, Protected monuments, Heritage sites, national/State Highways, District Roads, Public Roads, Railway lines/Area, Ropeway or Ropeway trestle or station, Bridge, Dams, Reservoirs, River, canals or lakes or Tanks or any other location be considered by the states.
2. Demarcation of the quarry lease area by posting durable concrete pillars of **1m height** above ground is a must prior to starting the quarry operation. Photographs of proof showing the demarcation of the quarry lease shall be submitted along with compliance report.
3. Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. The Rule 37(1)(a) of the OMMC Rule, 2016 stipulates that **the depth of the quarry below the surface shall not exceed 6 meters**. The exploitation of stone material from the hill shall be carried out in a systematic manner, spreading the quarrying activity to cover all the economic veins of mineral and proceeding uniformly to more and more depths from all sides simultaneously. Maximum depth from the top surface, at any point on the hill, upto which quarrying may be permitted shall be 6 meters. The total expected quantity of stone material to be exploited by operating in the above manner shall be calculated, which is the maximum quantity that is allowed to be extracted.
4. The Environmental Management Plan(EMP) shall be created for individual lease and the fund shall be kept in a single account and be implemented by the concerned Tahasildar to ensure the compliance with environmental conditions specified for grading, compaction and maintenance of haulage road, provision of water spray on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry, and provision of thick, multilayer and a continuous green belt around the lease area excluding the entry and exit gate for prevention of environmental pollution and noise during mining activity. All mining activity shall be done in scientific manner to safeguard degradation of environment. All the individual lease holders of the Tahasil shall implement the EMP as proposed. The Tahasildar shall ensure the compliance of this condition along with all lease holders of his jurisdiction.

5. The PA shall submit half yearly EC compliance report with attaching real-time (geo-coordinate photographs) photographs of quarry activities, plantation activities, construction of garland train and sprinkling of water to avoid dust pollution and other activities mentioned in the EMP etc.

In case any change is proposed in the scope and limit of the project, the project proponent shall obtain fresh prior environmental clearance.



Yours faithfully,



Member Secretary

Memo No 4669/SEIAA /Dt. 02.06.2022

Copy to

1. Joint Secretary (Environment), Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
2. Principal Secretary, Forests & Environment Dept., Government of Odisha for information.
3. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for information.
6. Member Secretary, CGWA, 18/11, Jamnagar House, Man Singh Road, New Delhi-110011 for information.
7. **Copy to the Collector/Sub Collector, Khordha and Tahasildar, Tangi** for information and necessary action.
8. Chairman/Member / Member Secretary, SEIAA for information.
9. Chairman, SEAC/Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
10. Guard file for record.




Member Secretary