

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

O.A NO.153/2023/EZ

Kabiraj Mahapatra APPLICANT

-VERSUS-

The Union of India & Others ... RESPONDENTS

I N D E X

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Cuttack.

By the Respondent No.4 through

Dt.19 .04.2024.


ADDL. STANDING COUNSEL

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

O.A NO.153/2023/EZ

Kabiraj Mahapatra Applicant

-VERSUS-

The Union of India & Others ... Respondents

**AFFIDAVIT FILED BY RESPONDENT NO.4
PURSUANT TO ORDER DTD.01.03.2024**

I, Sri Dibya Jyoti Parida, aged about ³⁶~~35~~ years, ^{M 18-04-24}
Son of Sri Prasanna Kumar Parida, at present serving
as the Collector & District Magistrate, Ganjam
Chhatrapur, Dist.- Ganjam, do hereby solemnly affirm
and state as follows:-

1. That, I have been arrayed as Respondent No.4 in the aforesaid Original Application.
2. That, this affidavit is being filed pursuant to order dtd.01.03.2024 of this Hon'ble Tribunal.
3. That, it is respectfully submitted that, pursuant to order dtd.17.10.2023 of this Hon'ble Tribunal, the present Respondent No.4 has nominated Sri Debabrata Sahoo, Addl. District Magistrate, Ganjam as member of the joint Committee vide letter No.4142/Rev.dtd. 04.11.2023. The Committee Members visited the site on 30.11.2023 and 16.02.2023. The following observation has been made.

i) It is ascertained during the site visit that, there had been some illegal sand mining carried out in

Dibya Jyoti Parida

Forms Part of Affidavit

M 18-04-24
Executive Magistrate, Chhatrapur

BY
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the past from the alleged site of Siripur Sand Quarry and illegal excess sand mining from Sundarada Birachaitanyapur Sand Quarry lease area located downstream of Siripur Sand Quarry. Hence, in order to arrive at a conclusion on exact quantification of sand illegally extracted from both the sources, the committee members unanimously decided to seek the help of mining and geology Experts from Deptt. of Mines and geology for calculation of quantity of sand illegally extracted from both the sources. Accordingly, the committee members requested RO, SPCB, Berhampur to move the Deputy Director of Mines, Berhampur, Ganjam with a request to assess the quantity of illegal sand mining at the alleged site of Siripur Sand Quarry and at Sundarada Birachaitanyapur Sand Quarry lease area for calculation of environmental compensation with the help of geologist.

Dibya Jyoti Parida

SM
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4. That the quantum of illegal sand mining has been calculated by the geologist and submitted his report vide letter No. XI-02/2022/209/SZ Dated 16.02.2024.

Copy of the report dtd.16.02.2024 is annexed herewith as Annexure-24/1.

Forms Part of Affidavit

Executive Magistrate, Chatrapur

18.02.24

5. That pursuant to the observation of Hon'ble Tribunal in their order dated 01.03.2024 and assessment made by the Geologist on illegal sand mining, the person involved in illegal lifting of sand mining from the Siripur sand source has been directed to deposit the Royalty, Penalty and additional charges by the Tahasildar, Chikiti vide his letter No. 1095 dated 16.03.2024.

Copy of the letter No. 1095 dated 16.03.2024 is annexed herewith as Annexure-R4/2.

6. That it is humbly submitted that at present there is no such illegal sand mining is being carried out from the alleged site of Siripur Sand Quarry and from Sundarada Birachaitanyapur Sand Quarry. Tahasildar, Chikiti, Ganjam and Deputy Director of Mines, Berhampur, Ganjam are also ensuring this by regular enforcement and surveillance.

Final report will be submitted by the committee after realisation of royalty, penalty and additional charges of sand illegally extracted along with compensation amount.

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

Forms Part of Affidavit

CERTIFICATE

Executive Magistrate, Chatrapur
18.04.24

Certified that Cartridge papers are not available.

CUTTACK

DATE 18.04.2024

ADVOCATE
18/04/2024

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

Dibya Smita Parida

VERIFICATION

I, Sri Dibya Jyoti Parida, aged about 35 years, Son of Sri Prasanna Kumar Parida, at present serving 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 April, 2024.

36
M 18-04-24

SM
Cuttack.

Dt. 18.04.2024.

Dibya Jyoti Parida
VERIFICANT.

[Signature]
18.4.2024
Advocate



The Deponent having been identified by Sri. *Upendra Nath Pradhan Chakraborty* Advocate, solemnly affirmed before me this day this *18.4.2024* at about *4.15 AM* A.M./P.M. Readover and explained the comments to the deponent who seemed perfectly to understand the same at the time of making this affidavit.

M 18-04-24
Executive Magistrate
Chatrapur



AFFIDAVIT.

I, Sri Dibya Jyoti Parida, aged about ~~35~~ ³⁶ years, ^{MA 18-04-24}
 Son of Sri Prasanna Kumar Parida, at present serving
 as the Collector & District Magistrate, Ganjam At/P.O-
 Chatrapur, Dist.- Ganjam, do hereby solemnly affirm
 and state as follows:-

1. That I am the Respondent No.4 in this case.
 I am well acquainted with the facts of the case
 and as such competent to swear this affidavit in
 my official capacity.
2. That the facts stated above are true to the best of
 my knowledge and based on official records.

Identified by:

18/4/2024

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

Dibya Jyoti Parida.

DEPONENT

Forms Part of Affidavit

^{MA 18-04-24}
 Executive Magistrate, Chatrapur



GOVERNMENT OF ODISHA

OFFICE OF THE JOINT DIRECTOR GEOLOGY

SOUTH ZONE, BERHAMPUR

Engineering School Square, Berhampur- 760010

PHONE: +91 680 2291878, Email: jdgszbam@yahoo.com

Letter No. XI-02/2022/209 /SZ, Berhampur

Date: 16.02.2024

From

Deputy Director Geology
O/o - The Joint Director Geology
South Zone, Berhampur

To

The Deputy Director Mines
Ganjam Circle, Berhampur
Email: ddm.berhampur@orissaminerals.gov.in

Sub: Report on field visit of Siripur and Sundarada Birachaitanyapur River sand bed under Chikiti Tahasil of Ganjam District.

Ref: Your Memo No. 78/Mines dated 16.01.2024.

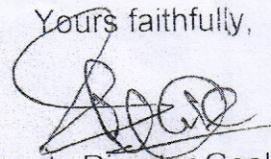
Sir,

With reference to the subject & Memo No. cited above, this is to inform you that Sri Sourava Pradhan, Geologist has visited the alleged site of Siripur River Sand Bed and Sundarada Birachaitanyapur River Sand Bed today i.e. on 16.02.2024.

The field visit report submitted by Sri Pradhan, Geologist is enclosed herewith for your information and necessary action.

Encl: As Above.

Yours faithfully,

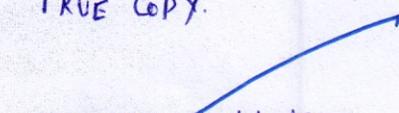

16/2/24
Deputy Director Geology
O/o - The Joint Director Geology
South Zone, Berhampur

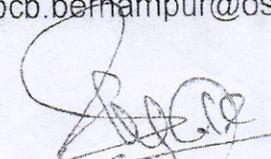
Memo No. 210 /SZ, Berhampur

Date: 16.02.2024

Copy forwarded to the Regional Officer, Regional Office of The State Pollution Control Board, Berhampur Division, Odisha, Email: rospcb.berhampur@ospboard.org for kind information.

TRUE COPY.


Collector & District Magistrate
Ganjam, Chatrapur


16/2/24
Deputy Director Geology
O/o - The Joint Director Geology
South Zone, Berhampur

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REPORT ON FIELD VISIT OF SIRIPUR RIVER SAND BED AND SUNDARADA
BIRACHAITANYAPUR RIVER SAND BED UNDER CHIKITI TAHASIL OF
GANJAM DISTRICT

As per letter no-192/SZ, Berhampur dated 09.02.2024 of Joint Director Geology, SZ, Berhampur the joint field visit has been conducted on 16.02.2024 for calculating the quantity of sand extracted from the alleged site of Siripur Sand Quarry and Sundarada Birachaitanyapur Sand Quarry area.

The following members were present during the field visit

1. Additional District Magistrate (revenue), Ganjam
2. Tahasildar Chikiti
3. Dr Pradeept Kumar Nayak, Environmental Scientist (SEIAA), Odisha, Bhubaneswar
4. Representative of RO SPCB, Odisha, Berhampur division
5. Mining Officer Ganjam Circle, Berhampur
6. Sourava Pradhan, Geologist Representative of JDG, SZ, Berhampur

The concerned RIs were present during the field visit and identified the sources as per the revenue map. Volumetric method is used for the calculation of extracted quantity of sand with the help of hand-held GPS (Garmin GPSmap 60CSx) and measuring tape and with the help of Google Earth software.

As the river sand bed are replenished every year after the monsoon hence the extracted quantity of sand before the monsoon cannot be measured.

Quantity of sand extracted from Siripur Sand Quarry:

Area of extracted sand (in M²) = 4585

Average depth of sand bed (in M) = 0.6

Volume of sand extracted (in M³) = 2751 (Area × average depth of sand bed)

Quantity of sand extracted from Sundarada Birachaitanyapur Sand Quarry:

Area of extracted sand (in M²) = 3961

Average depth of sand bed (in M) = 0.8

Volume of sand extracted (in M³) = 3167 (Area × average depth of sand bed)

TRUE COPY

Collector & District Magistrate
Ganjam, Chatrapur


16.02.24
Geologist
O/O Joint Director, Geology
(S.Z.) Berhampur

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Annexure R4/2

OFFICE OF THE EXECUTIVE MAGISTRATE-CUM-TAHASILDAR, CHIKITI

Letter No. 1095

Date 16.03.2024

To

M/s D.D Builders Ltd.
Plot No. 33-F,
BJB Nagar, First Floor
Bhubaneswar- PIN- 761014

Sub: - Illegal extraction of Sand from the Siripur Sand Bed under Chikiti Tahasil of Ganjam District.

Ref: - Order of the Hon'ble NGT in O.A Case No. 153/23/EZ, Kolkata

This is to inform you that, the compliance to the Order of the NGT, a Committee has visited the Sand site to access the quantum of extraction of Sand from the aforesaid Sand Bed.

During the course of enquiry, the local people has alleged that the illegal lifting of Sand has made by you and it is also evident from record available in this Office, that you have been penalised for illegal lifting of Sand from the said Source on different occasions.

Further this is to intimate that, authorised persons has calculated the illegal extraction of Sand to a tune of **2751 Cum**.

As you had involved in illegal lifting of Sand from the said Source and as admitted by you through depositing the penalty and Royalty in different dates, you have liable to deposit the Royalty, Penalty and Additional Charges for the aforementioned quantum of Sand as calculated below before the undersigned at an early date. Failing which action as deemed proper shall be initiated against you for realisation of the amount.

Received by
For D.D. Builders.
(Accountant)
Raxef
13/04/24

Tahasildar, Chikiti
16/03/24
TAHASILDAR
CHIKITI (GANJAM)

TRUE COPY

Collector & Executive Magistrate
Ganjam, Siripur