

BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA

Original Application No. 05/2024/EZ

Madhusudan Palai..... Applicant.

-Vrs.-

State of Odisha and others . . . Respondents

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Cuttack.

Dt.19.04.2024.

  
Addl. Govt. Advocate

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

Original Application No. 05/2024/EZ

Madhusudan Palai..... Applicant.

-Vrs.-

State of Odisha and others . ... Respondents.

**AFFIDAVIT FILED BY RESPONDENT NO 2 & 4.**

I, Chanchal Rana, aged about 35 years, S/O-  
Anil Kanta Rana, at present working as Collector &  
District Magistrate, Khordha, At/PO/Dist.- Khordha do  
hereby solemnly affirm and state as follows: -

1. That, I am working as above and have been arrayed as  
Respondant No.4 in the aforesaid Original Application.

I have also been authorized by the Govt. in Revenue &  
Disaster Management Department, Odisha,  
Bhubaneswar to file Affidavit on behalf of Addl. Chief  
Secretary to Govt. in Revenue & Disaster Management  
Department, Odisha, Bhubaneswar, Respondent No. 2.

I have gone through the Original Application, relevant  
records and understood the contents thereof. I am well



*Chanchal Rana.*

acquainted with the facts of the case and competent to swear this affidavit in my official capacity.

2. That, vide order dated 22.01.2024 passed in Original Application No. 05/2024/EZ, the Hon'ble NGT has directed as follows.

*15. Considering the allegations made, we deem it appropriate to constitute a Committee to elicit the veracity of the allegations comprising of the following Members: -*

- i) Senior Scientist, Odisha State Pollution Control Board;
- ii) Divisional Forest Officer, Khordha or his representative of senior rank;
- iii) Director of Mines and Geology, Bhubaneswar, of his representative of senior rank, and
- iv) Collector and District Magistrate, Khordha, Odisha, or his representative not below the rank of Additional District Magistrate.



*Chanchal Kumar*

16. *The Committee shall inspect the site in question and submit its Report within four weeks on affidavit with regard to the allegations made.*

17. *The Odisha State Pollution Control Board shall be the Nodal Agency for all logistic purposes and for filing the Report of the Committee on affidavit."*

3. That, in compliance to the above direction of the Hon'ble National Green Tribunal, the Addl. District Magistrate, (Revenue), Khordha has been nominated by the Collector & District Magistrate, Khordha to visit the site in question along with the Committee members and to submit the inspection report with regard to the allegations made in the captioned Original Application within four weeks and accordingly, the Nodal Agency has been intimated vide letter No. 1379 dtd. 03.02.2024.

The copy of letter No. 1379 dtd. 03.02.2024 is annexed herewith as Annexure-A/4.

4. That, in pursuance of the direction of the Hon'ble NGT, the Committee comprising of the Additional

*Chandha Lare.*



District Magistrate, (Revenue), Khordha, Assistant Conservator of Forest, Khordha, Addl. Chief Env. Scientist & Regional Officer, Odisha State Pollution Control Board, Bhubaneswar, Sub-Collector, Khordha, Deputy Director of Mines, Khordha, Tahasildar, Tangi and Jagan Behera, Geologist of Khordha District have visited the spot and enquired into the matter at 9.00 A.M on 19.02.2024. Madhusudan Palai, the applicant and Giridhari Das, Lessee of Bariko Laterite Stone Quarry, Respondent No. 11 were also present during enquiry.

5. That, the site was visited by the team on dtd. 19.02.2024 and the land in question was measured by RS, RI, and Amin of Tangi Tahasil. The team examined the contents of the allegations made in the original application of the applicant in detail with the help of available records.

6. That, during inspection the committee observed that the lease holder has been allotted Plot No.673 having area Ac.2.173 dec of Mouza-Bariko for mining



*Chanchal Kano.*

operation. It is observed that the lease area is properly demarcated in the field and boundary corner pillar points have been clearly delineated in the site. All the plots which are mentioned by the applicant in his petition have been verified on the basis of available revenue records. It is also seen that some old quarries pit found in Plot No.665 of Mouza-Bariko and Plot No.430, 428, 679/1, 649, 650 and 652 of Mouza-Ramachandrapur. The Plot No.765 under Khata No.231 and Plot No.679/85 under Khata No.575/78 are not found in Mouza-Bariko and Ramachandrapur respectively. Further, it reveals that there is no excavation made over Plot No.630, 631, 663 of Mouza-Bariko which are recorded in the name of private person. During enquiry, the Committee did not find any sign of felling of trees from Gochar plot as well as from private plots.

7. That, as per the approved Mining Plan the lessee was entitled to carry out mining operation up to the depth of 6 meters which includes morrum, weathered zone and laterite horzone. The exact depth



*Chandana Kana*

of excavation and quantum of minor mineral extraction will be scientifically calculated by Deputy Director of Mines, Khordha by taking necessary assistance with the help of satellite imagery and other relevant documents.

8. On verification of the record by the Committee, it is found that E.C in respect to the above said quarry was issued on 17.12.2020 and same was transferred in the name of lessee on 02.06.2022. The Lease Agreement was registered on 28.01.2021. CTE and CTO was issued by SPCB Odisha, BBSR on 03.12.2022 and 05.01.2023 respectively for the above source. On verification of the T.P. register, it is found that 'Y' form was issued in favour of the lessee on 04.03.2021.

*Chandra Kumar*

*W*



9. That, the committee has suggested that the Deputy Director of Mines, Khordha Circle, Khordha shall submit the assessment of quantum of minor minerals illegally excavated by the lessee from Bariko Laterite Stone Quarry as per OMMC Rules and

stipulated conditions laid by SEIAA and SPCB, Odisha, Bhubaneswar. DDM, Khordha and Mining Officer, Khordha Circle will scientifically calculate the volume of minor minerals excavated along with calculation of penalty, Environment compensation and remedial measures as per the existing orders/guidelines and to submit the same before the Committee within a period of one month for submission of final report before the Hon'ble Tribunal.

The copy of Committee Report dtd. 19.02.2024 is annexed herewith as **Annexure-B/4**

8. That, the contents of the above paragraphs are true and correct to the best of my knowledge as derived from the official records and that nothing material has been concealed there from and the present deponent reserves the right to file further affidavit as and when required and directed by this Hon'ble Tribunal.

Identified by

Advocate

*Chanchal Das*  
Deponent

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA



**VERIFICATION**

I, Chanchal Rana, aged about 35 years, S/O- Anil Kanta Rana, at present serving as Collector and District Magistrate, Khordha, do hereby solemnly affirm and verify the contents of paragraph nos. 1 to 8 of the affidavit are true to my knowledge and that I have not suppress any material facts. I sign this verification at my office on 19<sup>th</sup> day of April, 2024.



*Chanchal Rana*  
**VERIFICANT**

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

**AFFIDAVIT** NO. 605 Dt. 19.04.2024

The above deponent being personally known to me appears before me on 19.04.24 at 08-10 AM / PM and states on oath that the contents of the show cause reply are true to the best of his knowledge based on official records.

*Chanchal Rana*  
**Deponent**

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

*19-04-24*  
**Executive Magistrate, Khordha.**

**Executive Magistrate  
Khurda**

9-

ANNEXURE-A/4

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, KHORDHA

(Judicial Section)

Letter No-1379..... Dt-3-2-2024

To

The Regional Officer,  
State Pollution Control Board, Odisha, Bhubaneswar.

Sub:- O.A. No. 05/2024/EZ filed by Madhusudan Palai-vrs-State of Odisha and others.

Ref:- Letter No. 1063 dtd. 25.01.2024 of Member Secretary State Pollution Control Board, Odisha, Bhubaneswar.

Sir,

With reference to the letter on the subject cited above, I am directed to say that in pursuance of the order dtd. 22.01.2024 passed by the Hon'ble NGT, Eastern Zone, Kolkata in O.A. No. 05/2024/EZ filed by Madhusudan Palai-vrs-State of Odisha and others, Collector & District Magistrate, Khordha has been pleased to nominate Sri Saphalya Mandit Pradhan, OAS(S), Addl. District Magistrate, Revenue, Khordha(Mob-9437461947 ) as his representative in the Committee constituted for the purpose.

This is for favour of your information and necessary action

Yours faithfully,

*[Signature]*  
Addl. District Magistrate, Khordha

Memo No. 1380 Date 3-2-2024

Copy to Addl. District Magistrate, Revenue, Khordha for information and necessary action.

*[Signature]*  
Addl. District Magistrate, Khordha

Memo No. 1381 Date 3-2-2024

Copy to Director of Mines and Geology, Bhubaneswar/DFO, Khordha for information and necessary action.

*[Signature]*  
Addl. District Magistrate, Khordha

True copy attested

*[Signature]*

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA



- 18 - ANNEEXURE- B/4

**COMMITTEE REPORT OF JOINT VERIFICATION ON DATED.19.02.2024 OF BARIKO  
LATERITE STONE IN O.A. NO.05/2024 FILED BY MADHUSUDAN PALAI VRS STATE  
OF ODISHA AND OTHERS**

The Hon'ble NGT directed to constitute a Committee and the committee shall visit the site and submit its Report with regard to the allegations made in the original Application within four weeks in the matter of O.A. No. 05/2024 (EZ) filed by Madhusudan Palai vrs State of Odisha & Ors passed in order dated 22.01.2024.

The Hon'ble NGT directed to constitute a Committee comprising of the following Members:

- i) Senior Scientist, Odisha State Pollution Control Board;
- ii) Divisional Forest Officer, Khordha or his representative of senior rank;
- iii) Director of Mines and Geology, Bhubaneswar, or his representative of senior rank; and
- iv) Collector and District Magistrate, Khordha, Odisha or his representative not below the rank of Additional District Magistrate;

In view of this, a team consisting of the following members, Additional District Magistrate (Revenue) representative of Collector, Khordha, Sub-Collector, Khordha, Dr. Sohan Giri, Addl. Chief Env. Scientist & Regional Officer, Odisha State Pollution Control Board, Bhubaneswar, Smt. Sushree Swati Mohanty, Asst. Conservator of Forests Officer, Khordha Division, Khordha, Tahasildar, Tangi, Deputy Director of Mines, Khordha Circle, Khordha, Jagan Behera, Mining Officer, Khordha Circle, Khordha visited the site to enquire into the matter at 09.00 AM on dated. **19.02.2024**. Madhusudan Palai, S/o-Late Binayak Palai, At-Jharia, PO-Badapari and Giridhari Das, Lessee of Bariko Laterite Stone Quarry were present during the joint inspection.

Sl. No.	Name of the Officer	Designation
1	Sri Saphalya Mandita Pradhan	Additional District Magistrate (Revenue)
2	Sri Dipti Ranjan Sethi	Sub-Collector, Khordha
3	Sri Dillip Kumar Sahoo	Deputy Director of Mines, Khordha Circle, Khordha
4	Dr. Sohan Giri,	Addl. Chief Env. Scientist & Regional Officer, Odisha State Pollution Control Board, Bhubaneswar
5	Smt. Sushree Swati Mohanty	Assistant Conservator of Forest, Khordha
6	Ms. Mitali Patra	Tahasildar, Tangi
7	Sri Jagan Behera	Mining Officer, Khordha

*Chanchal Kaur*  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

*[Handwritten signatures and initials]*

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**1.0 Present Status of the allegation against Stone quarry:**

The site was visited by the team on dtd. 19.02.2024 and the land in question was measured by RS, RI, and Amin of Tangi Tahasil, the team examined the contents of the allegations made in the original application of the petitioner in detail and with the help of available records the point wise observations was made as follows:-

Sl. No.	Issues	Present status
1.	The petitioner alleged that the lease holder has illegally started operation from Govt. land and private land adjoining the lease area by felling the trees from the Gochar Plot as well as from Private plots.	<p>The committee observed that the lease holder has been allotted Plot No.673 over area Ac.2.173 dec of Mouza-Bariko for operation. The Committee found that the lease area is properly demarcated in the field and boundary corner pillar points clearly delineated in the site. The lessee has operated the quarry but the quantum of minor mineral extracted by the lessee will be calculated scientifically by DDM Khordha as per the approved Mining Plan and other statutory clearances from the competent authorities.</p> <p>All the plots which are mentioned by the complainants in his petition were verified on the basis of available revenue records by Tahasildar, Tangi and her team. The detail verification report is given at Annexure-"A". It is seen from the verification report, some old quarries pit found in Plot No.665 of Mouza-Bariko and Plot No.430, 428, 679/1, 649, 650 and 652 of Mouza-Ramachandrapur. The Plot No.765 under Khata No.231 and Plot No.679/85 under Khata No.575/78 are not found in Mouza-Bariko and Ramachandrapur respectively. Further the report reveals that there is no excavation in Plot No.630, 631, 663 of Mouza-Bariko which are recorded in the</p>

*True copy attested*

*Chandral Kano*

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

*[Handwritten signatures]*

		<p>&lt; 12-</p> <p>name of private person.</p> <p>The Committee did not found any sign of felling trees from Gochar plot as well as from private plots.</p>
2.	There is allegation that the lessee have operated more than 10 meters depth quarry area.	As per the approved Mining Plan the lessee was entitled to carry out mining operation up to the depth of 6 meters which includes morrum, weathered zone and laterite horizons. The exact depth of excavation and quantum of minor mineral extraction will be scientifically calculated by DDM Khordha by taking necessary assistance with the help of satellite imagery and other relevant documents.
3.	<p>The petitioner alleged that ongoing laterite stone quarry operation started in the year 2020 before the grant of Consent to Operate which would be clear from the RTI reply given by the PIO Tangi Tahasil vide his Letter dated.22.03.2023.</p> <p><i>True copy attested</i></p> <p><i>Chanchal Kana</i></p> <p>COLLECTOR &amp; DISTRICT MAGISTRATE KHORDHA</p>	<p>On verification of the record, it is found that EC was issued on 17.12.2020 and same was transferred in the name of lessee on 02.06.2022. The Lease Agreement was registered on 28.01.2021. CTE and CTO was issued by SPCB Odisha, BBSR on 03.12.2022 and 05.01.2023 respectively of the above source. On verification of the T.P. register, it is found that 'Y' form was issued in favour of the lessee on dated.04.03.2021. The photocopy of the register is annexed at "B".</p>

## 2.0 Over all observations:

The committee members observed the following at the time of inspection:

- Environmental Clearance (EC) was issued for the Bariko Laterite Stone Quarry over a lease area of Ac.2.173dec or 0.880 Ha at village-Bariko, Tahasil-Tangi, Dist-Khordha vide SEIAA, Odisha Letter no. 10371/SEIAA, Dated 17.12.2020 in favour of Tahasildar, Tangi and valid till expiring of lease deed i.e. from 28.01.2021 to 27.01.2026.
- Transfer of EC from the name Tahasildar, Tangi to Sri Giridhari Das (successful bidder) was made vide SEIAA, Odisha Letter no.4668/SEIAA, Dated.02.06.2022.

*[Handwritten signatures]*

- 13-
- Consent to Establish (CTE) was issued on 03.12.2022 by SPCB, Odisha but Consent to Operate (CTO) was issued on 05.01.2023 for the said quarry (plot no.673, Khata no.270).
  - The lease agreement was registered in respect of said quarry on dated.28.01.2021.
  - The committee suggested that the Deputy Director of Mines, Khordha Circle, Khordha will to submit the assessment of quantum of minor minerals illegally excavated by the lessee from Bariko Laterite stone quarry as per OMMC Rules and stipulated conditions by SEIAA and SPCB, Odisha, Bhubaneswar. DDM, Khordha and Mining Officer, Khordha Circle will scientifically calculate the volume of minor minerals excavated along with calculation of penalty, Environment compensation and remedial measures as per the existing orders/guidelines within a period of one month to submit further compliance before Hon'ble NGT.

*Jagab*  
19.02.24  
Mining Officer, Khordha

*MSJ*  
19.02.24  
Deputy Director of Mines,  
Khordha Circle, Khordha

*AK*  
19/2/24  
RO, SPCB, Bhubaneswar

*he*  
19/2/24  
ACF, Khordha

*[Signature]*  
19/2/24  
Tahsildar, Tangi

*[Signature]*  
19/2/24  
Sub-Collector, Khordha

*[Signature]*  
19/2/24  
Addl. District Magistrate, Khordha

True copy attested.  
*Chanchal Kuma.*  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

**MEMBERS PRESENT ON JOINT FIELD VISIT ON DATED 19.02.2024 OF BARIKO LATERITE STONE QUARRY IN O.A. NO 05/2024/EZ FILED BY MADHUSUDAN PALAI VS STATE OF ODISHA & OTHERS**

SL NO	NAME OF THE OFFICER	DESIGNATION	SIGNATURE
1	Sri Saphalya Mandita Pradhan	Additional District Magistrate (Revenue)	<i>[Signature]</i> 19/2/24
2	Sri Dipti Ranjan Sethi	Sub- Collector, Khordha	<i>[Signature]</i> 19/2/24
3	Sri Dillip Kumar Sahoo	Deputy Director of Mines, Khordha	<i>[Signature]</i> 19.2.24
4	Dr Sohan Giri	Sr. Env. Scientist & Regional Officer, Odisha, SPCB, Bhubaneswar	<i>[Signature]</i> 19/2/24
5	Smt. Sushree Swati Mohanty	Assistant Conservator of Forests, Khordha	<i>[Signature]</i> 19/2/24
6	Ms. Mitali Patra	Tahsildar, Tangi	<i>[Signature]</i> 19/2/24
7	Sri Jagan Behera	Mining Officer, Khordha	<i>[Signature]</i> 19/02/24

Madhusudan Palai - Applicant -

Giridhar Das Lessee -

True copy attested.

*[Signature]*

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

*[Signature]*  
19/02/24

Giridhar Das.  
D. 19.02.24