

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 06 OF 2024 / EZ**

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Babuli Jena & Others

...Applicant

VERSUS

State of Odisha & Others

...Respondents

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| 3.      | Photocopy of the proceedings of the meeting of the committee along with copy of letter dtd.09.03.2023 of the Tahasildar, Dharmasala and letter dtd.22.02.2024 of the Deputy Director Mines, Jajpur Circle, Jajpur.<br>(ANNEXURE – R5/2 Colly) |           |

SPCB Odisha, R.No.5

Through

Kolkata

Date:

**Sri Dipanjan Ghosh,**  
Advocates for the Respondent No.5  
(State Pollution Control Board, Odisha)  
e-mail: dpnjnghsh0@gmail.com  
Phone No.:9903080977

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 06 OF 2024 / EZ

Babuli Jena & Others ...Applicant

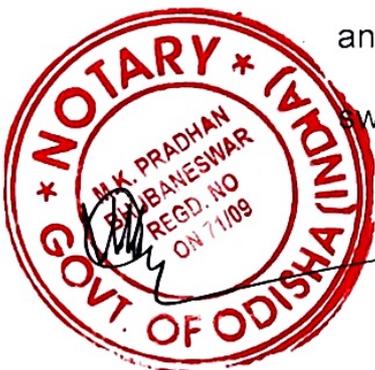
VERSUS

State of Odisha & Others ...Respondents

AFFIDAVIT ON BEHALF OF THE STATE  
POLLUTION CONTROL BOARD, ODISHA,  
RESPONDENT NO.5

I, Dr. Kailasam Murugesan, IFS, son of late  
Paramasivam Kailasam aged around 55 years, at present  
working as Member Secretary, State Pollution Control Board,  
having my office at Paribesh Bhawan, A/118, Nilakantha  
Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda,  
Odisha-751012, do hereby solemnly affirm and state as under:

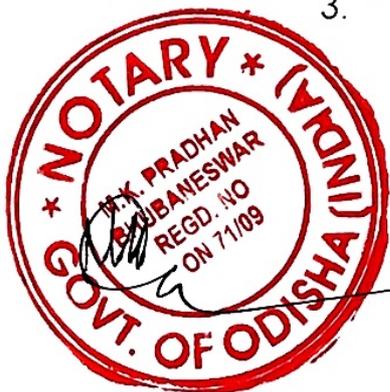
1. That I am the Member Secretary of the Respondent No.5  
Board and, as such, am well-acquainted with the facts  
and circumstances with the case and competent to  
swear this affidavit.



29 FEB 2024

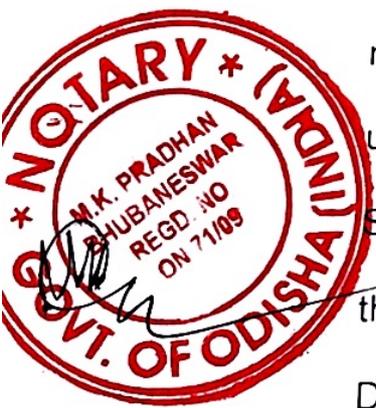
2. That this Hon'ble Tribunal while adjudicating the OA, which was filed by the residents of district Jajpur, Odisha alleging that the R.No.12 i.e. Satya Multiplex Pvt. Ltd. is carrying on illegal mining in Rahadpur Stone Quarry causing threat to the Paikaraypur and Ranibandh MIP and Nischint Reserve Forest has been pleased to constitute a committee consisting of (i) Senior Scientist, Odisha State Pollution Control Board, (ii) Senior Scientist, SEIAA, Odisha, (iii) Deputy Director of Mines, Jajpur, or his representative of senior rank, and (iv) District Collector, Jajpur, Odisha or his representative not below the rank of Additional District Magistrate and directed for inspection of the site and submit its report within 4 weeks on affidavit with regard to the allegations made in the OA. The R.No.5 Board has been declared as the Nodal Agency for all logistic purposes and for filing of the report on affidavit.

3. That it is humbly submitted that soon after receipt of the copy of OA and order dtd.22.01.2024 of the Hon'ble Tribunal from our counsel, the R.No.5 Board has nominated Er.P.K.Behera, Sr.Env. Engineer and



Regional Officer, Kalinga Nagar of this Board to represent the committee and also to act the Nodal Officer and intimated the same to other members of the committee vide Board's letter No.1193 dtd.25.01.2024. A copy of the letter dtd.25.01.2024 is annexed to this affidavit and marked as ANNEXURE – R5/1.

4. That the Regional Officer of this Board at Kalinga Nagar has submitted a copy of the proceedings of the committee meeting held on 27.01.2024 under the Chairmanship of Addl. District Magistrate (Revenue), Jajpur indicating therein that earlier one assessment was done by Tahasildar, Dharmasala vide his letter dtd.09.03.2023 which reveals that there was no excess mining for which the committee viewed that excess mining can only be assessed through a scientific study using latest technology for which consultation with the S.E. Minor Irrigation, Jajpur about the distance impact of the quarry on MIP structure etc. and consultation with DFO about the status of land as forest/non-forest though Kisam of land mentioned as Parbat in the mining plan is necessary. But the S.E., Minor Irrigation could not join



the meeting due to transfer of SDO, Minor Irrigation and the DFO, Cuttack or his representative could not join because of some unavoidable engagement. The Deputy Director, Minor Mineral vide his letter dtd.22.02.2024 has requested the Nodal Officer for allowing 2 months more time for completion of the scientific assessment. Accordingly, the committee after deliberation has suggested to approach the Hon'ble Tribunal for allowing 2 months more time for submission of the report of the committee. A copy of the proceedings of the meeting of the committee along with copy of letter dtd.09.03.2023 of the Tahasildar, Dharmasala and letter dtd.22.02.2024 of the Deputy Director Mines, Jajpur Circle, Jajpur referred to in the proceedings of the committee are annexed to this affidavit and marked as ANNEXURE – R5/2 Colly.

5. That the Respondent No.5 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for effective adjudication of this case.

That the annexures annexed to the present affidavit are true and correct copies of their originals.



MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD.NO.ON-71/2009  
PH:-9437627119 (M)

29/02/24

7. 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 therefrom.

  
**DEPONENT**  
Member Secretary  
State Pollution Control Board  
Odisha, Bhubaneswar

**VERIFICATION:**

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 29<sup>th</sup> day of February, 2024.

**SWORN BEFORE ME**

  
**DEPONENT**  
Member Secretary  
State Pollution Control Board  
Odisha, Bhubaneswar



MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD.NO.ON-71/2009  
PH:-9437627119 (M)

29/02/24



ANNEXURE - R5/1

EPABX: 2561909/2562847  
Tel: 2562822, 2560955  
Email: [Paribesh1@ospcbboard.org](mailto:Paribesh1@ospcbboard.org)  
Website: [www.ospcbboard.org](http://www.ospcbboard.org)

**STATE POLLUTION CONTROL BOARD, ODISHA**

[DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA]  
Paribesh Bhawan, A/118, Nilakanthanagar, Unit - VIII,  
Bhubaneswar - 751 012, INDIA

No. 1193  
VII - L - Misc - 1064

Date: 25/01/2024

Speed Post / E-mail

To

The Collector & District Magistrate  
Jajpur.

-----  
The Member Secretary  
SEIAA, Odisha

-----  
The Deputy Director of Mines  
Jajpur

Sub: OA No.6 of 2024/EZ - Babuli Jena & Ors v. State of Odisha & Ors.

Sir,

The Hon'ble NGT, EZB, Kolkata while adjudicating the aforesaid OA regarding Rahadpur Hillock Quarry leaseholds owned by R.No.12 vide their order dtd.22.1.24 has been pleased to constitute a committee comprising of the following members:

- (i) Senior Scientist, Odisha State Pollution Control Board,
- (ii) Senior Scientist, SEIAA, Odisha
- (iii) Deputy Director of Mines, Jajpur. or his representative of senior rank, and
- (iv) District Collector, Jajpur, Odisha or his representative not below the rank of Additional District Magistrate.

The committee has been directed to inspect the site in question and submit its report within 4 weeks with regard to the allegations made in the OA. The SPCB, Odisha has been declared as Nodal Agency for filing the report of the committee on affidavit. Er.P.K.Behera, Sr.Env. Engineer and Regional Officer, Kalinga Nagar (M-9338009827) has been nominated by the Board to represent the committee and also to act as the Nodal Officer. Hence, it is requested to please take effective steps for compliance of the direction of the Hon'ble Tribunal so that the committee report can be filed within the stipulated time fixed by the Hon'ble Tribunal. The case is adjourned to 6.3.24. Copy of OA and order dtd.22.1.24 of the Hon'ble Tribunal referred above are enclosed for your reference.

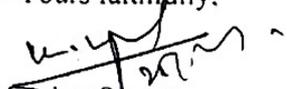
Encl: As above.

Memo No. 1194 / Date: 25/01/2024

Copy along with copy of enclosure forwarded to Regional Officer, SPC Board, Kalinga Nagar for information and necessary action.

Encl: As above.

Yours faithfully,

  
Member Secretary.

  
Member Secretary

O/C

## ANNEXURE - R5/2 Colly

PROCEEDING OF THE COMMITTEE CONSTITUTED IN ORIGINAL APPLICATION NO 08/2024/EZ (BABULI JENA AND OTHERS-VRS-STATE OF ODISHA & OTHERS) HELD ON 27 02 2024 IN THE OFFICE CHAMBER OF ADDL DISTRICT MAGISTRATE (REV). JAJPUR

.....

In pursuance of the Hon'ble NGT (EZ) in OA No 09/2024 the committee visited the site of Rahadpur Stone Quarry of Satya Multiplex Pvt Ltd on dated 21.02.2024 and decided to hold a meeting with the DFO, Cuttack, B.E. Minor Irrigation, Jajpur to finalize the report. A committee meeting was convened on 27.02.2024 under Chairmanship of the Addl District Magistrate (Rev). Jajpur. The following members were present.

1. Sr. Scientist, SPCB
2. Deputy Director Mines, Jajpur
3. Sr. Scientist, SEIAA present on virtual mode.

The quarry namely Rahadpur BSQ (Ac.6.00) is situated in Rahadpur Cluster area in village Rahadpur under Dharmasala Tahasil of Jajpur District, Odisha. The environmental clearance to the quarry was granted on 02.06.2022 in favour of Satya Multiplex Pvt. Ltd. And obtained valid consent to operate from the State Pollution Control Board, Odisha. The lease holder Sri Jagdish Chandra Sahoo entered into an agreement with the Tahasildar, Dharmasala on 10.08.2022. During visit of the committee it was found that the boundary pillars of the quarry were intact. The quarry was not in operation on the day of visit. There was no transport operation in the quarry area during the visit. Also no movement and parking of vehicle and machineries in the quarry area. One mobile tanker was present for sprinkling of water to surface the road dust and few plantations exist around the mining area. No residential habitation exist within 200 mtrs of the quarry area. Further, in the plaint one point complain was the proximity of the quarry to the MIP projects, Paikarapur & Ranibandha. In eye estimate the two minor irrigation projects were situated beyond 200 mtrs. from the quarry area. However, it was decided to consult SE, Minor Irrigation, Jajpur about the distance impact of the quarry on MIP structure, water course and siltation of the catchment area. It was also decided to consult D.F.O., Cuttack about the status of the land as forest or non-forest, though kisam of the land mentioned as "Parbat" in the mining plan. The allegation about the excess mining can only be accessed through a scientific study using latest technology. However one assessment was done by the Tahasildar, Dharmasala in the month of March, 2023 which revealed that there was no excess mining (copy enclosed).

In the to-day meeting the S.E., Minor Irrigation could not joined the meeting due to transfer & relieve of S.D.O., Minor Irrigation of the concerned area and SE himself. The D.F.O. Cuttack or his representative could not join because of some un-avoidable engagement. The Deputy Director, Minor Mineral In his Letter No. 477 dated 22.02.2024 has been requested to the Regional Officer, SPCB, Kalinga Nagar & Nodal Officer for allowing him two months of time for completion of the scientific assessment (copy enclosed).

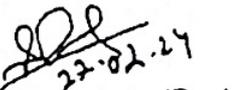
The committee decided to file time petition before the Hon'ble NGT (EZ), Kolkata.

The meeting ended with votes of thanks of the Chair and members present.

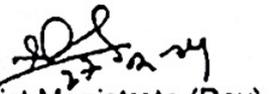
  
27.02.24  
Sr. Scientist, SPCB

  
27.02.2024  
Deputy Director Mines, Jajpur

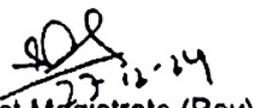
Sr. Scientist, SEIAA

  
27.02.24  
Addl. District Magistrate (Rev),  
Jajpur

Memo No. 2580 / Date. 27.2.2024  
Copy forwarded to all members of the Committee for information and necessary action.

  
27.2.24  
Addl. District Magistrate (Rev).  
Jajpur

Memo No. 2581 / Date. 27.2.2024  
Copy submitted to the Collector, Jajpur for favour of kind information and necessary action.

  
27.2.24  
Addl. District Magistrate (Rev).  
Jajpur



send via whatsapp

## OFFICE OF THE TAHASILDAR, DHARMASALA

Tel:-06725-273036 Web:- idrdharmasala.in Email:-idrdha:masala@gmail.com

Letter No/137/Date 09 03. 2023

Sri. Jagadish Sankar Sahoo S/o-Raghunath Sahoo,  
M S Satyamultiplex Pvt. Ltd., Director  
N-6 321, IRC Village, Nayapali, Bhubaneswar

Sub: *Semi-annual extraction assessment for Rahadpur BSQ (Ac 06.00)*

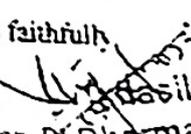
Sir,

This is to inform you that an assessment via *Drone mapping/ETS survey* by an ORSAC-empowered Technical Expert (RQP) as a part of the initiative under "*Prevention of theft of Minor Minerals*" was conducted for the leasehold quarry of Rahadpur BSQ (Ac 06.00) granted in your favour vide sairat case no 29/2021. From the survey, it has been revealed that a total extraction of 32277 CuM has been made since the operation began post execution of lease deed agreement on dt. 10.08.2022 for 57772 CuM after the approval of the EC as on the date of drone mapping ie 28.03.2023. This assessment has been done based on the Surface plan, which forms a part of the Approved Mining plan based on which EC has been obtained by you from SEIAA on both occasions.

As per the technical report received by this office, it is ascertained that even though your extraction quantity as on 28.03.2023 was within the permissible limit for the 1<sup>st</sup> year of quarry operation, still about 134 days of operation is due to be undertaken prior to the end of lease period this year which must be limited within the remaining 25495 CuM only and within the leasehold area, that has to be adhered by you, violating which action will be taken as per the OMMC Rules 2016. Again, your lease agreement is scheduled to end on 09.08.2023 and immediately, the quarrying operation must be stopped.

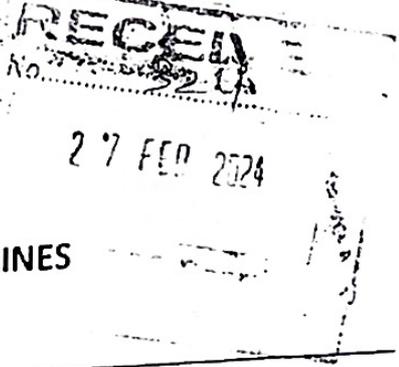
Further, it must be noted here that as per the recent Govt guidelines, the sources are scheduled to be transferred to the Dept of Steel and Mines. In this regard, the Office of DDML Jajpur Road has been requested to arrange for the quarry profiling and extraction assessment by ORSAC. Therefore, it is directed to strictly adhere to the permissible quantity while undertaking quarrying operation ahead following proper guidelines enlisted in the MP, EC and CTO.

This is to be treated as *MOST URGENT*.

Yours faithfully,  
  
Tahasildar, Dharmasala



GOVERNMENT OF ODISHA  
OFFICE OF THE DEPUTY DIRECTOR OF MINES  
JAJPUR CIRCLE, JAJPUR  
E - mail: ddmjajpur.mm@gov.in



*27.02.24*

Letter No. 477 /MM, Jajpur/ Date 22.02.2024

From

Deputy Director of Mines  
Jajpur Circle, Jajpur

To

Er. P.K Behera, Regional Officer, SPCB, Kalinganagar &  
Nodal Officer.

Sub:

Submission of report to OA No. 06/2024 of Hon'ble NGT, EZ, Kolkata -  
regarding

Sir,

With reference to the subject cited above, I am to submit you that, a NGT Case No. 06/2024/EZ has been filed by Babuli Jena & others before the Hon'ble NGT, EZ, Kolkata. In this regard, a joint enquiry has been conducted on 21.02.2024 by the committee members. It is alleged in the OA that, the Respondent No. 12 i.e. Satyam Multiplex Pvt. Ltd. is doing excess mining in three plots involving uncontrolled blasting etc along with other allegations. This is to bring to your notice that, to prove excess mining if any, detailed scientific assessment is required by an authorised Survey agency which requires another (2 two) months of time.

Therefore, the Hon'ble NGT may be requested for extension of time for the above purpose.

Yours faithfully

*H. Nayak*  
22.02.2024  
Deputy Director of Mines (I/C)

Memo No. 478 /MM, Jajpur/ Date 22.02.2024

Copy Submitted to the Collector & D.M, Jajpur district for favour of kind information.

*H. Nayak*  
22.02.2024  
Deputy Director of Mines (I/C)