

**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

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2.	Photocopy of the Proceedings of the Joint Committee meeting held on dtd.19.04.2024. (ANNEXURE – R5/3)	

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
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23 APR 2024

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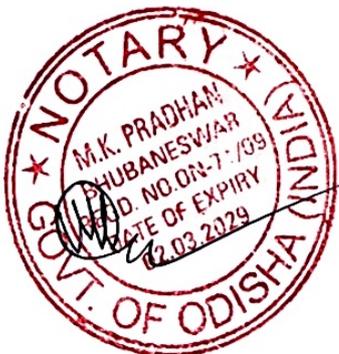
VERSUS

State of Odisha & Others ...Respondents

ADDITIONAL 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.

MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD.NO.ON-7110099
 PH:-9437627119 (M)

22/04/24

2. That in compliance to the direction dtd.22.01.2024 of this Hon'ble Tribunal, the R.No.5 Board has submitted an affidavit dtd.29.02.2024 annexing the proceedings of the committee constituted by the Hon'ble Tribunal. The Hon'ble Tribunal vide their order dtd.06.03.2024 has taken into consideration the affidavit dtd.29.02.2024 filed by the R.No.5 Board and passed the following directions:

6. Affidavit dated 29.02.2024 has been filed by Respondent No.5, Odisha State Pollution Control Board bringing on record the Inspection Report of an inspection carried out on 21.02.2024, the same is taken on record.

[Handwritten signature]

7. In the Inspection Report, it is pointed that the Deputy Director, Minor Mineral vide his letter dated 22.02.2024 has requested the Regional Officer, SPCB, Kalinga Nagar, for allowing further two month's time for completion of scientific assessment. Let the scientific assessment be done within two months.



3. That it is humbly submitted that in the meantime, the committee constituted by the Hon'ble Tribunal has

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

19/04/24

convened a meeting on 19.04.2024 under the chairmanship of the Additional District Magistrate (Revenue), Jajpur and deliberated the point on the impact of quarry on the minor irrigation projects situated in the nearby area and observed that the process of siltation in the two MIPs are normal and there is no significant impact of the quarry on the siltation process as intimated by S.E., Minor Irrigation, Jajpur. As regards the allegations about excess mining a scientific study was conducted on 15.04.2024 for assessment of the quantity of black stone extracted, the RQP has reported that "As per the approved mining plan, it was allowed to extract 1,15,536 Cum of black stone during 1st year and 2nd year cumulatively and volume of black stone extracted till 15.04.2024 (date of survey) is calculated to be 1,03,423.9 Cum approximately as per drone survey", which concludes that the extraction of black stone is within the permissible limit. The proceedings of the committee is annexed to this affidavit and marked as

ANNEXURE – R5/3.



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



- 4. 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.
- 5. That the annexure annexed to the present affidavit is true and correct copy of its original.
- 6. 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
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 23rd day of April, 2024.



SWORN BEFORE ME

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


DEPONENT

Member
State Pollution Control Board
Odisha, Bhubaneswar
MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD.NO.ON-71/2009
PH:-9437627119 (M)

ANNEXURE - R5/3

**PROCEEDING OF THE COMMITTEE CONSTITUTED IN ORIGINAL
APPLICATION NO. 06/2024/EZ (BABULI JENA AND OTHERS-VRS-STATE
OF ODISHA & OTHERS) HELD ON 19.04.2024 IN THE OFFICE CHAMBER OF
ADDL. DISTRICT MAGISTRATE (REV), JAJPUR FOR FILING OF AFFIDAVIT

In pursuance of the Hon'ble NGT (EZ) in OA No. 06/2024 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, S.E, Minor Irrigation, Jajpur to finalize the report. Accordingly, a committee meeting was convened on 19.04.2024 under Chairmanship of the Addl. District Magistrate (Rev), Jajpur. The following members were present.

1. Sr. Scientist, SPCB
2. S.E., Minor Irrigation, Jajpur
3. A.C.F., Cuttack present on Virtual Mode
4. Deputy Director Mines, Jajpur
5. Sr. Scientist, SEIAA present on virtual mode.

In the last meeting held on 27.02.2024, the following points about the case in Hon'ble NGT, EZ was discussed. 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. Hence, the Air Quality Monitoring could not be conducted. 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 exists 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 but the catchment area of irrigation project is adjacent to approach road which is close to quarry area. Regarding over extraction, one assessment was done by the Tahasildar, Dharmasala in the month of March, 2023, which revealed that, there was no excess mining.

Further, in the present meeting the point on the impact of the quarry on the two minor irrigation projects situated in the nearby area was discussed. From the field visit and



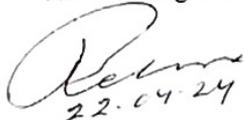
discussion, the point arrived was that, the process of siltation in the two MIPs are normal and there is no significant impact of the quarry on the siltation process as intimated by S.E. Minor Irrigation, Jajpur. The MIPs (Ranibandha & Paikarapur) remain dry during the summer season and situated beyond 200 mtrs from the quarry. The Plot No. 1 (P) and Khata No. 235 was not found in the DLC list available in the District Office, Jajpur. The land mentioned as revenue khata as "Parbat", so the land does not belong to any forest category. The A.C.F, Cuttack division present virtually said that, the patch of the land coming under cluster quarries is not enlisted in any of the forest blocks under the jurisdiction of Cuttack division.

With respect to the allegation about excess mining, a scientific study was conducted on 15.04.2024 for assessment of the quantity of black stone extracted, the RQP has reported that "As per the approved mining plan, it was allowed to extract 1,15,536 Cum of black stone during 1st year and 2nd year cumulatively and volume of black stone extracted till 15.04.2024 (date of survey) is calculated to be 1,03,423.9 Cum approximately as per the drone survey" which concludes that the extraction of black stone is within the permissible limit.

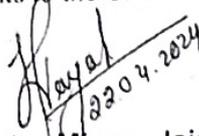
The environmental clearance (EC) for the mining of road metal stone of Rahadpur Black Stone quarry (Khata No-S-235, Plot No1 (P) over an area of 6.00 acres or 2.428 hacters in village Rahadpur under Dharmasala Tahasil of Jajpur District, Odisha was issued by SEIAA, Odisha vide letter no. EC22B001OR121413 dt. 02.06.2022 in favour of M/s. Satyamultiplex Pvt. Ltd; Sri Jagdish Shankar Sahoo, Executive Director. There are 12 nos. of quarries coming under in a single cluster over total cluster lease area of 104.44 acres or 42.40 Ha. The Project proponent has not submitted any compliance of EC conditions and there is EC conditions in regard to plantation and Environmental Management Plan (EMP) not complied by Project proponent. The Project proponent also informed the committee that, he is not aware about EMP budget expenditure and plantation mentioned in EC conditions.

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

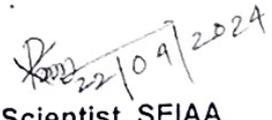
The meeting ended with vote of thanks to the Chair and members present.


22.04.24

Sr. Scientist, SPCB


22.04.2024

Deputy Director Mines, Jajpur


22/04/2024

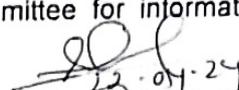
Sr. Scientist, SEIAA


22.04.24

Addl. District Magistrate (Rev),
Jajpur

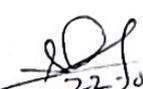
Memo No. 1142 / Date. 22-04-2024

Copy forwarded to all members of the Committee for information and necessary action.


22-04-24
Addl. District Magistrate (Rev),
Jajpur

Memo No. 1143 / Date. 22-04-2024

Copy submitted to the Collector, Jajpur for favour of kind information and necessary action.


22-04-24
Addl. District Magistrate (Rev),
Jajpur

Memo No. 1144 / Date. 22-04-2024

Copy submitted to S.E, Minor Irrigation, Jajpur for favour of kind information and necessary action.


22-04-24
Addl. District Magistrate (Rev),
Jajpur

Memo No. 1145 / Date. 22-04-2024

Copy submitted to the A.C.F., Cuttack for favour of kind information and necessary action.


22-04-24
Addl. District Magistrate (Rev),
Jajpur

Memo No. 1146 / Date. 22-04-2024

Copy submitted to the Tahasildar, Dharmasala for information and necessary action.


22-04-24
Addl. District Magistrate (Rev),
Jajpur