

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

I.A. No. \_\_\_\_\_/2023/EZ

(Arising out of Original Application No.163 of 2023/EZ)

Santanu Kumar Bhukta ... Applicant  
-Versus-  
State of Odisha & others ... Respondents

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Place: Cuttack. By the Respondent No.4 through

Date: 28.12.2023

  
Advocate

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

**I.A. No. \_\_\_\_\_/2023/EZ**

**(Arising out of Original Application No.163 of 2023/EZ)**

**In the matter of:**

An application for time for filing of  
affidavit.

**A N D**

**In the matter of:**

Santanu Kumar Bhukta ... Applicant

-Versus-

State of Odisha & others ... Respondents

The humble petition on behalf of the  
Respondent No.4.

**MOST RESPECTFULLY SHEWETH:**

1. That, it is respectfully submitted that with regard to the affidavit dtd.18.11.2023 of the Odisha State Pollution Control Board, this Hon'ble Tribunal vide order dtd.22.11.2023 passed the following direction at Para-7.

*"..... The District Mining Officer and the Collector & District Magistrate, Dhenkanal are members of the Committee constituted by the Tribunal initially. The District Magistrate Dhenkanal is competent to assess the extraction /quantity of minerals from the site taking the assistance of the State Mining Department and for*

*M. Anand Mohanta*

*that reason, it is not necessary to constitute another committee."*

2. That, it is respectfully submitted that after receipt of the order of the Hon'ble Tribunal, the Collector & District Magistrate, Dhenkanal i.e. Respondent No.4 vide Letter No.11527 dtd.01.12.2023 directed the Tahasildar, Gondia i.e. Respondent No.11, District Mining Officer, Dhenkanal & Joint Director Geology, Dhenkanal to ascertain the exact quantity of minor mineral extracted by the lessee from the source in question with the support of R.O., State Pollution Control Board, Angul.

Copy of letter No.11527 dtd.01.12.2023 is annexed herewith as ANNEXURE-A/4.

3. That, it is respectfully submitted that accordingly the concerned officers visited the quarry area on dtd.12.12.2023 and submitted their report to the Collector & District Magistrate, Dhenkanal through the Tahasildar, Gondia. The said inspection report was submitted by the Tahsildar, Gondia vide Letter No. 4004 dtd.16.12.2023 before the Collector & District Magistrate, Dhenkanal for further course of action.

Copy of Letter No.4004 dtd.16.12.2023 & copy of inspection report of the concerned officers dtd.12.12.2023 are annexed herewith as ANNEXURE-B/4 & ANNEXURE-C/4 respectively.

Manojan Malik

4. That, it is respectfully submitted that after receipt of the said inspection report dtd.12.12.2023, the Collector & District Magistrate, Dhenkanal decided to approach the Chief Executive, ORSAC, Bhubaneswar, for calculation of volume of material extracted from the quarry in question and directed the Tahasildar, Gondia to pursue the matter with the ORSAC, Bhubaneswar. Accordingly, the Tahasildar, Gondia vide his Letter No. 4036 dtd.18.12.2023 requested the Chief Executive, ORSAC (Odisha Space Application Center), Jayadev Vihar, Bhubaneswar for calculation of volume of material extracted from Nihalprasad Road Metal Quarry-I.

Copy of letter No.4036 dtd.18.12.2023 is annexed herewith as **ANNEXURE-D/4**.

5. That, it is respectfully submitted that in response to the letter of the Tahasildar, Gondia, the Competent Authority of ORSAC (Odisha Space Application Center) vide his Letter No.ORSAC/PR/1129/2023/5515 dtd.21.12.2023 has intimated the Tahsildar, Gondia that the high-resolution stereo satellite imaginary shall be procured from ISRO/DOS, Govt. of India. Further ORSAC is ready to carry out the study once the data is provided to ORSAC by the user agency i.e. Tahasildar, Gondia after procuring from ISRO/DOS and minimum one month time is required to carry out the study after receipt of High-Resolution Stereo Satellite Imaginary.

*Manoranjan Malik.*

Copy of Letter No.ORSAC/PR/1129/2023/5515  
dtd.21.12.2023 is annexed herewith as  
**ANNEXURE-E/4.**

6. That, it is respectfully submitted that after receipt of the letter of ORSAC, Bhubaneswar, the Tahsildar, Gondia seeks further instruction from the Collector & District Magistrate, Dhenkanal vide his Letter No.4067 dtd.21.12.2023.

Copy of Letter No.04067 dtd.21.12.2023 is annexed herewith as **ANNEXURE-F/4.**

7. That, it is respectfully submitted that in view of the observation given by the ORSAC, Bhubaneswar vide letter dtd.21.12.2023, this Hon'ble Tribunal may graciously be pleased to allow at least three months time to enable the deponent to assess the exact quantity of road metal extracted from Nihalprasad Road Metal Quarry-1 with the assistance of the State Mining Department, Bhubaneswar for compliance of the order of this Hon'ble Tribunal.

**PRAYER**

It is, therefore, humbly prayed that this Hon'ble Tribunal may graciously be pleased to allow at least three months time to enable the deponent to assess the exact quantity of road metal extracted from Nihalprasad Road Metal Quarry-1 with the assistance of the State Mining Department, Bhubaneswar for compliance of the order of this Hon'ble Tribunal.

Malik  
Manoranjan

And for this act of kindness, the Respondent No.4 shall as in duty bound ever pray.

Cuttack

By the Respondent No.4 through

Date: 28.12.2023

  
Advocate

(Saubhagya Keshari Nayak)

**VERIFICATION**

I, Shri Manoranjan Mallik, aged about 57 years, Son of Alekha Chandra Mallik, at present serving as Collector & District Magistrate, Dhenkanal, At/PO/Dist. Dhenkanal, 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 Dhenkanal on this the 28<sup>th</sup> day of December, 2023.

Manoranjan Mallik  
VERIFICANT dt 28.12.23

**AFFIDAVIT**

I, Shri Manoranjan Mallik, aged about 57 years, Son of Alekha Chandra Mallik, at present serving as Collector & District Magistrate, Dhenkanal, At/PO/Dist. Dhenkanal, do hereby solemnly affirm and state as follows:-

1. That, I have been arrayed as Respondent No.4 in the aforesaid Original Application and competent to swear this affidavit.
2. That, the facts stated above are true to the best of my knowledge and based on official records.

Identified by

*Pratik*  
28/12/23  
Advocate EN No. 1954/1997

*Manoranjan Mallik*  
DEPONENT

*SL No-7685 Dt-28-12-2023*

**AFFIDAVIT**

The above deponent being personally known to me appeared before me on...*28/12/23*... at ...*5:20 PM*... and stated on oath that the contents of the affidavit are true to the best of his knowledge and is based on official records.

*Manoranjan Mallik*  
Deponent

*Jen*  
*28/12/23*  
Executive Magistrate  
Dhenkanal  
Executive Magistrate,  
Dhenkanal.





ANNEXURE-A/4

**OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE,  
DHENKANAL  
(Touzi Section)**

No.VI-31/2023- 11527 dt 1.12.2023

e-mail Id : dkl.touzi@nic.in  
Tel. No. : (06762)225700

To

1. The Tahsildar, Gondia
2. The Disrtict Mining Officer, Dhenkanal.
3. The Joint Director Geology, Dhenkanal

Sub: OA No. 163/2023/EZ filed by Santanu Kumar Bhukta- Vrs.- State of Odisha & others pending before the Ierned National Green Tribunal , Eastern Zone Bench, Kolkata.

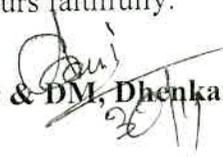
Ref: Order Dtd. 22.11.2023 of the Hon'ble NGT.

Sir,

In obedience to the order dtd 22.11.2023 passed by the Hon'ble in OA No. 163/2023/EZ, communicated by the Addl. Govt. Advocate, O/o the AG Odisha Cuttack vide his Letter No. 66938(6) Dtd. 24.11.2023, you are hereby directd to ascertain the quantity of minor mineral extracted from the source in question under Gondia Tahasil and submit the assesment report to the undersigned by 8.12.2023 for further necessary action with a copy to the RO, SPCB, Angul as Nodal body.

Encl: As above.

Yours faithfully.

  
Collector & DM, Dhenkanal

Memo No. 115287 Dt. 1.12.2023

Copy forwarded to the RO, SPCB, Angul, for information and necessary action. He is instructed to comply the observation of Hon'ble NGT within the timeline.

  
Collector & DM, Dhenkanal

*True copy attached*

  
Dy. Collector, Touzi  
Collectorate, Dhenkanal



## OFFICE OF THE TAHASILDAR, GONDIA

Letter No. 4004 /Dt. 16.12.2023

To

The Collector & District Magistrate,  
Dhenkanal

Sub-: Submission of joint enquiry report of Nihalprasad Road Metal  
Quarry-I.

Ref-: Dist. Office Letter No-11527/(Touzi)Dt.01.12.2023.

Sir,

In inviting a kind reference to the subject cited above, I am to  
enclose herewith the joint enquiry report of Nihalprasad road metal quarry-I in  
connection with OA No 163/2023 filed by Santanu Kumar Bhukta -Vrs- State of  
Odisha & others before the Hon'ble NGT/EZ at Kolkata.

This is for favour of kind information and necessary action.

Yours faithfully

*[Signature]*  
16/12/2023  
Tahasildar, Gondia

Memo No 4005

Date-16.12.2023

Copy to the RO, SPCB, Angul for information and necessary action with  
reference to the District Office, Dhenkanal memo no 11528 dated 01.12.2023.

*[Signature]*  
16/12/2023  
Tahasildar, Gondia

*True copy attached*

*[Signature]*  
Dy. Collector, Touzi  
Collectorate, Dhenkanal

JOINT FIELD VERIFICATION REPORT REGARDING VOLUMETRIC  
ASSESSMENT OF NIHALPRASAD ROAD METAL QUARRY - I  
CONDUCTED ON 12.12.2023

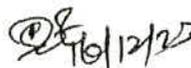
As per Letter No 11527/ (Touzi) Dated 01.12.2023 of Collector & District Magistrate, Dhenkanal, a joint field verification was conducted on 12.12.2023 consisted of the followings official.

- I) Tahasildar, Gondia
- II) District Mining Officer, Dhenkanal
- III) Joint Director Geology, Dhenkanal
- IV) R.O SPCB, Angul

The committee visited the spot i.e Nihalprasad auctioned road metal quarry-I on dt 12.12.2023 and assess the actual material extracted by the lessee from the above source. That the Quarry exists over the plot no 2101, an area of Ac.12.25 having kissam- Parbat-II under holding no-1513 and seen that the pillar posting has already been completed surrounded by the quarry in presence of Mining Deptt. and Revenue Officials.

On verification of the above quarry it is seen that, there are very undulated with hilly terrain having high vertical walls. As a result, it is not possible to assess the actual volume of material excavated from the said quarry by using meter tape.

Therefore, it is suggested that for actual quantity of materials excavated by the lessee can be ascertained by utilizing advance technology i.e., Drone DGPS survey method which may be carried out by Government organization i.e. ORSAC.

  
16/12/23  
Tahasildar

  
16.12.23  
Mining Officer  
Dhenkanal

  
16.12.23  
Joint Director Geology  
Dhenkanal

  
AFS, SPCB.  
for  
RO, SPCB  
Angul

*True copy attached*  
  
Dy. Collector, Touzi  
Collectorate, Dhenkanal

## OFFICE OF THE TAHASILDAR ,GONDIA

Letter No.4036      Date.18.12.2023

To

The Chief Executive,  
Odisha Space Application Center  
Plot No-45/48(P)  
Jayadev Vihar ,Bhubaneswar .

Sub: Regarding submission of information for calculation of volume of materials extracted on Nihalprasad Road Metal Quarry-I.

Sir/Madam,

With reference to the subject cited above, it is to intimate that the required information is highly essential for detailed calculation of volume of materials extracted on Nihalprasad Road Metal Quarry-I for the period from 29.02.2016 to 20.11.2023, which will be submitted before the Hon'ble NGT/EZ bearing O.A.No.163/2023.

In this context, it is requested that necessary information may kindly be furnished to the undersigned at an early date for preparation of PWC.

Yours faithfully,

*[Signature]*  
18/12/23  
Tahasildar, Gondia.

**Memo No. 4037**

**Datd. 18.12.2023.**

Copy submitted to the Collector & D.M. Dhenkanal for favour of kind information & necessary action.

*[Signature]*  
18/12/23  
Tahasildar, Gondia

*True copy attached*  
*[Signature]*  
Dy. Collector, 10021  
Collectorate, Dhenkanal



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**ODISHA SPACE APPLICATIONS CENTRE (ORSAC)**  
Department of Science & Technology, Government of Odisha

No.: ORSAC/PR/11129/2023/5575<sup>(3)</sup> Date: 21.12.23

To

ANNEXURE-E/4

**The Tahasildar,  
Gondia, Dhenkanal District.**

**SUB:** Volume Calculation of Extracted Martials on Nihalprasad Road Metal Quarry-1  
From 29.02.2016 to 20.11.2023

**REF:** Your Letter No 4036 Dated 18.12.2023

Sir,

In Inviting a reference to the subject mentioned above and the letter cited under the reference, it is to bring before your kind notice that the High-Resolution Satellite Stereo Imagery are required for estimation of volume for the study area. The high-resolution stereo satellite imagery shall be procured from ISRO-DOS, Govt. of India. The achievable accuracy for estimation of volume using high resolution stereo satellite imagery of different resolution are given bellow:

Sl. No.	Name of the Satellite Imagery	Resolution	Accuracy
1	CARTOSAT-1, ISRO, DOS, GOVT. OF INDIA	2.5 mt	±1000 Cubic Meter
2	World View-II, Stereo Imagery	50 cm	8 Cubic Meter
3	World View-III, Stereo Imagery	30 cm	1.728 Cubic Meter

The datasets shall belong to either Pre-monsoon or Post-Monsoon to bring out the harmony in the estimation of volume & exact time period shall be mentioned by the User Agency.

It is to mention here that ORSAC is ready to carry out the study once the data is provided to ORSAC by the User Agency after procuring from ISRO/DOS and minimum one-month time required to carry out the study after receipt of High-Resolution Stereo Satellite Imagery from the User Agency.

The satellite data will only give the volume from the surface if the study area is filled with water, the volume will be estimated from the above water level not from the bottom of the pit.

*True Copy attached*  
*DM*  
**Dy. Collector, ORSAC**  
**Collectorate, Dhenkanal**



**OFFICE OF THE TAHASILDAR, GONDIA**

Letter No. 4067 /Dt. 21.12.2023

To

The Collector & District Magistrate,  
Dhenkanal.

Sub: Submission of information on Volume calculation of Extracted materials on Nihalprasad Road metal Quarry-I.

Ref: Letter No ORSAC/PR/1129/2023/5515(3) Date 21.12.2023 of ORSAC, Deptt of Science & Techonology ,Govt. of Odisha

Sir,

With reference to the letter on the subject cited above, it is to intimate that as per suggestion of joint enquiry committee the undersigned has intimated the fact to the ORSAC, BBSR for volume calculation of extraction of material from Nihalprasad Road metal quarry-I.

On response of the letter, ORSAC, BBSR has submitted its report vide above reference is enclosed herewith for favour of kind information and necessary action.

Enclosure- As above

Yours faithfully

*[Signature]*

Tahasildar, Gondia.

*Low copy attached*

*[Signature]*  
Dy. Collector, Iouzi  
Collectorate, Dhenkanal

---

**Copy Served IA in OA NO 163 OF 2023 EZ**

3 messages

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ADVOCATE GENERAL ODISHA <advgenodisha@gmail.com> Wed, Jan 3, 2024 at 11:26 AM  
To: Sankar Pani <sankarprasadpani@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, ASHOK PRASAD <ashokadvhc@gmail.com>, ngtezb.filing.judicial@gmail.com, saubhagya\_1965@rediffmail.com

Regards,

Sri Soubhagya Ketan Nayak,  
Addl.Govt.Advocate

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ADVOCATE GENERAL ODISHA <advgenodisha@gmail.com> Wed, Jan 3, 2024 at 11:28 AM  
To: subir\_palit02@yahoo.com

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ADVOCATE GENERAL ODISHA <advgenodisha@gmail.com> Wed, Jan 3, 2024 at 11:34 AM  
To: ngtezb.filing.judicial@gmail.com

Copy Served by whatsapp to Ms. Ananya Pradhan, Advocate for R-14 & Mr. Dipanjan Ghosh, Advocate for R-7 & 8

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