

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

OA. No. 163 /2023 EZ

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

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Place: Cuttack.

Date: 29 .04.2024

By the Respondent No.4

through


Advocate

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

Original Application No.163 of 2023/EZ

In the matter of:

Santanu Kumar Bhukta ... Applicant

-Versus-

State of Odisha & others ... Respondents

COUNTER AFFIDAVIT FILED BY THE
COLLECTOR & DISTRICT MAGISTRATE,
DHENKANAL. (Respondent No-04)

MOST RESPECTFULLY SHEWETH:

1. That, the deponent respectfully submits that on dtd. 25.4.2024 an affidavit was filed by the Collector & District Magistrate, Dhenkanal with a prayer to grant at least four months time to enable the present 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 through the survey agency i.e ORSAC for compliance of the order of this Hon'ble Tribunal. Accordingly this Hon'ble Tribunal was graciously be pleased to grant one month time vide order dtd.29.4.2024 in I.A. No.33/2024/EZ.

2. That, it is respectfully submitted that with regard to the affidavit dtd. 25.4.2024, the Hon'ble Tribunal vide order dtd 29.4.2024 passed the following direction at Para-6

Amrit Rautray

“We, therefore, direct the Collector & District Magistrate, Dhenkanal, to ensure that the affidavit along with ORSAC report is filed within four weeks failing which the provisions of Section 26 of the National Green Tribunal, 2010 would be invoked by the Tribunal.

3. That, it is humbly submitted that the deponent has not deliberately avoided to answer any of the questions/queries or not deliberately avoided to submit any report of this Hon'ble Tribunal. As the calculation of volume of extracted quantity of minor mineral is fully depends upon Satellite Survey Data, the deponent has requested the Administrative Officer, ORSAC to take necessary steps at his level for obtaining the Stereo Satellite Imagery data along with the cost estimate from the empanelled agencies of IN-SPACE & to submit a factual report so as to enable the present deponent for compliance of the orders of Hon'ble Tribunal. Since ORSAC did not submit the required information in time, the present deponent fails to submit his report before the Hon'ble Tribunal in due time. Hence there is no lapse on part of the present deponent to comply the orders of the Hon'ble Tribunal.

4. That, it is respectfully submitted that after receipt of the order of the Hon'ble Tribunal on dtd. 29.4.2023, the Collector & District Magistrate, Dhenkanal i.e. Respondent No.4 vide Letter No.5016 dtd.30.4.2024 requested the Administrative Officer, ORSAC to take immediate necessary steps to provide the best possible

Amit Kumar

data available with them so as to enable the present deponent to submit the report on exact quantity of minor mineral extracted by the lessee from the source in question.

Copy of Letter No. 5016 dtd.30.4.2024 is annexed herewith as ANNEXURE-A/4.

5. That, it is respectfully submitted that the Administrative Officer, ORSAC vide her letter No.1586 dtd. 09.04.2024 has intimated to the Tahasildar, Gondia to supply Stereo Satellite Data to ORSAC for calculation of volume of extracted materials from Nihalprasad Road Metal Quarry-1 for the period 29.02.2016 to 20.11.2023. But after enquiry from the empanelled vendors of IN-SPACE, she has intimated vide her letter No.1885 dtd.22.04.2024 that the best period data available with them is from 21.03.2017 to 16.10.2023. Accordingly the Administrative Officer, ORSAC vide her Letter No. 2295 Dtd. 27.5.2024 has intimated that ORSAC has carried out the survey using High Resolution Satellite Imagery of 0.5m Stereo Imagery (PAN/4 Bands) procured from empanelled vendors of IN-SPACE & conducted the survey work for the period from 21.3.2017 to 16.10.2023 taking 2017 as the reference year as per the availability of satellite data. The extracted volume for the Nihal Prasad Road Metal Quarry-1 is generated taking Digital Elevation Model of 2017 as the base year and 2023 as the study year & extracted

Anant Rastogi

volume of the Nihal Prasad Road Metal Quarry-1 in meter cube is 360865.059 M³.

Copy of Letter No. 1885 dtd. 22.04.2024 & Letter No. 2295 Dtd. 27.5.2024 are annexed herewith as ANNEXURE-B/4 & C/4 respectively.

6. That, the deponent has taken each and every possible step to comply the order of this Hon'ble Tribunal with all sincerity and has never intended to put this Hon'ble Tribunal to any kind of inconvenience. To comply any order of this Tribunal is the sincere duty of the deponent.

7. That, any order passed by this Hon'ble Tribunal will be carried out by the deponent in letter and spirit and hence, the deponents pray this Hon'ble Tribunal to expunge the remarks in para-6 of the order dtd. 29.4.2024.

8. That, the deponent reserves the right to file further affidavit as and when required or directed by this Hon'ble Tribunal.

Cuttack

Date: 29.05.2024

By the Respondent No.4 through

Soubhagya Kala
Advocate

Anmit Rautaray

29/05/24

VERIFICATION

I, Shri Amrit Raturaj, aged about 32 years, Son of Shri Raj Kishore Sastri, 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 28th day of May, 2024.

Amrit Raturaj

VERIFICANT

**AFFIDAVIT**

I, Shri Amrit Raturaj, aged about 32 years, Son of Shri Raj Kishore Sastri, 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

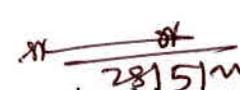

Advocate ^{Adv} 28.05.2024
Emol. No. 889/92

Amrit Raturaj
DEPONENT

AFFIDAVIT

The above deponent being personally known to me appeared before me on. 28.05.24 at 12.30. 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.

Amrit Raturaj
Deponent


28/5/24
Executive Magistrate
Dhenkanal

**Executive Magistrate
Dhenkanal**

By email

3



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

No.VI-4/2024- 5016 / dt 30.04.2024

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

To
The Administrative Officer,
Odisha Space Applications Centre (ORSAC),
Odisha, Bhubaneswar.

Sub: Volume calculation of Extracted material from Nihalprasad Road Metal Quarry in connection with OA No. 163/2023/EZ filed by Santanu Kumar Bhukta- Vrs: - State of Odisha & others, pending before the learned National Green Tribunal, Eastern Zone Bench, Kolkata-Regarding.

Ref: Order Dtd. 29.4.024 of Hon'ble NGT.

Madam,

With reference to the above captioned subject, I am to say that in response to your letter dtd. 22.04.2024, Hon'ble NGT vide its order Dtd. 29.4.2024 in the aforesaid OA passed the following orders.

That, we fail to understand as to why sanction of the Election Commission is required for a survey in to an investigation of an alleged criminal activity.

That, we fail to understand as to why ORSAC cannot conduct the survey without the sanction of the Election Commission and provide report to the Collector & District Magistrate, Dhenkanal.

Further, Hon'ble NGT has given direction that the affidavit along with ORSAC report is to be filed within four weeks failing which the provisions of Setion 26 of the National Green Tribunal, 2010 would be invoked by the Tribunal. A copy of the order is enclosed herewith for reference.

In order to carry out the order of Hon'ble NGT, you are requested to take immediate necessary steps to provide the best possible data availbale at your end to this office within 7 days positively so as to enable the undersigned to submit compliance affidavit in due time to avoid any coercive action by the Tribunal.

Encl: As above

Yours faithfully,

Collector & DM, Dhenkanal

Memo No. 5017 /Dt. 30.04.2024

Copy submitted to the Addl. Secretary to Govt., R& D.M Deptt., Odisha, Bhubaneswar, for kind information and necessary action.

Collector & DM, Dhenkanal

True copy attested
ABM

Dy. Collector, TOUZI
Collectorate, Dhenkanal

Memo No. 5018 /Dt. 30.04.2024

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Copy submitted to the Spl. Secretary to Govt., Steel & Mines Deptt., Odisha, Bhubaneswar, for kind information and necessary action.

1

Memo No. 5019 /Dt. 30.04.2024

Collector & DM, Dhenkanal

Copy to Sri Saubhagya Ketan Nayak, Addl. Government Advocate, O/o. the Advocate General, Odisha, Cuttack, for information and necessary action.

1

Collector & DM, Dhenkanal

True copy attested

slv
Dy. Collector, IOUZI
Collectorate, Dhenkanal



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ANNEXURE- B/4 19

ODISHA SPACE APPLICATIONS CENTRE (ORSAC)
Department of Science & Technology, Govt. of Odisha

No.ORSAC/PR/1129/2023 / 1885 Dt 22/4/2024.

Smt. Sofi Sainika, OAS
Administrative Officer

To

The Collector and District Magistrate
Dhenkanal District.

Sub: Procurement of Stereo- Satellite Data for the period from Dt.29.02.2016 to Dt.20.11.2023 to estimate the volume of materials extracted from Nihal Prasad Road metal query-I

Ref: 1. Letter from Office of the Collector and District Magistrate, Dhenkanal vide its letter No.4600 Dt.10.04.2024

2. ORSAC Letter No.1586 Dt.09.04.2024 to Tahasildar, Gondia.

Sir,

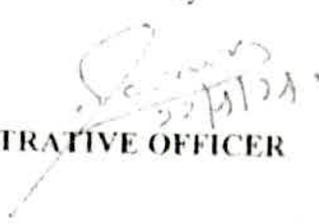
In inviting a reference to the subject cited above, it is to bring before your kind notice that the procurement of WV- II III Stereo Satellite Data for the period from Dt.29.02.2016 to Dt.20.11.2023, needs a limited tender. Even enquiry from empaneled vendor foreign satellite vendors of Indian National Space Promotion Authority (IN-SPACE), Department of Space, Govt. of India which cannot be done by ORSAC because of MCC. It requires permission from Chief Electoral Officer, Odisha.

It is pertinent to mention here that, it was enquired from some of the empaneled vendor of "IN-SPACE" over phone to ensure the availability of Stereo Data of World View-II for which, Nihal Prasad Road- Query-I for the above specified period and it was informed that the best period data available is from Dt.21.03.2017 to Dt.16.10.2023.

Thus, it may please be confirmed to ORSAC that whether the above period Stereo Satellite Data will be good enough for carrying out the study or not. Again, ORSAC can initiate the procurement of the above Satellite Data for the available period mentioned above, it conformed by the district Authority only after MCC is over, otherwise, necessary permission from CEO, Odisha will be required for initiating the procurement process by ORSAC.

ORSAC is preparing the cost estimate and will be submitted shortly assuming that the above period data will be accepted by your good office.

Yours faithfully


ADMINISTRATIVE OFFICER

True copy attested
S/An
Dy. Collector, rouzi
Collectorate, Dhenkanal



ODISHA SPACE APPLICATIONS CENTRE (ORSAC)

Department of Science & Technology, Govt. of Odisha

No. ORSAC/PR/1129/2023/ 2295 Dt 27/5/2024

To

The Collector & District Magistrate,
Dhenkanal
Email: dm-dhenkanal@nic.in

Sub: Submission of extracted volume of the Lease Area of Nihal Prasad Road Metal Quarry-1, for the year 2017 & 2023 derived from MAXAR High Resolution Satellite Imagery (HRSI) of 0.5m stereo Imagery (PAN/4 Bands).

- Ref: 1) Letter No.4036 Dt.18/12/2023, No.4144 Dt.30.12.2023, No. 908 dt.04/04/2024 of Tahasildar, Gondia.
2) ORSAC email dt.21/12/2023 & Letter No.5515(3) Dt. 21/12/2023, No.842 Dt.21/02/2024, No.1586 dt. 09/04/2024, No. 1885 dt. 22/04/2024, No.1990 dt.30/04/2024, No.2019 dt.01/05/2024, No.2137 dt.09/05/2024 and No.2232 dt.17/05/2024.
3) Letter Memo No.3882 Dt.22/03/2024, No. 4600 dt.18/04/2024, No.5016 dt.30/04/2024, No.5067 dt.01/05/2024 of Collector & DM Dhenkanal.
4) Letter No.5695 Dt.21/05/2024 of ADM Dhenkanal

Sir,

In inviting a reference to the subject mentioned above and the letter cited under the reference, please find the extracted volume of material from the Lease Areas of the Nihal Prasad Road Metal Quarry-1 for period from 21.03.2017 to 16.10.2023 taking 2017 as the reference year. This study is carried out using High Resolution Satellite Imagery(HRSI) of 0.5m Stereo Imagery (PAN/4 Bands) procured from M/s Adepto Geoinformatics Pvt. Ltd, Official partners of MAXAR Inc, USA and the empanelled Foreign Satellite Vendor of Indian National Space Promotion and Authorization Centre (IN-SPACe), Indian Space Research Organization, Dept. of Space (ISRO/DOS), Govt. of India for the above two dates as per availability of Satellite data and consent of the Collector & D.M., Dhenkanal.

DGPS Survey of the Quarry boundary has been undertaken as per the Mining Plan, in the presence of Tahasildar, Gondia and his representatives. The Bench Mark (BM) has been transferred from Nuagarh Madhupur Railway Station, Jajpur to the Quarry site using DGPS & Digital Level.

The Photogrammetric Principle is used to generate Digital Elevation Model (DEM) for the Pits in the Nihal Prasad Road Metal Quarry-1, taking the High-Resolution Satellite Imagery (HRSI) of 0.5m Stereo Imagery (PAN/4 Bands) for the period from 21.03.2017 to 16.10.2023. The Leica Photogrammetric Suite (LPS) Photogrammetric Software is used to

True copy attached
ELM

Dy. Collector, Iouzi
Collectorate, Dhenkanal



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ODISHA SPACE APPLICATIONS CENTRE (ORSAC)

Department of Science & Technology, Govt. of Odisha

NGT URGENT

generate DEM and Ortho Image for the study area. The extracted volume is generated taking DEM of 2017 as the base year and 2023 as the study year. DEM is subtracted with the base year using ARC GIS Software taking three pixels as the minimum mappable unit for making a comparable measurement in the field, the volume estimation accuracy comes to ± 360865.059 Meter Cube ($1.5 \text{ m} \times 1.5 \text{ m} \times 1.5 \text{ m} \pm 360865.059 \text{ M}^3$).

Thanking you,

Encl: As above.

Yours faithfully,


27/5/24
Administrative Officer

- Copy to:1) The Tahasildar, Gondia, Dhenkanal information and necessary action. Email: tah.gondia-od@nic.in
- 2) The Addl. Secretary to Govt., R&DM Dept., Govt. of Odisha for kind information and necessary action. Email: revsec.od@nic.in
- 3) The Special Secretary to Govt., Steel & Mines Dept., Govt. of Odisha for kind information and necessary action. Email: steelminesmc2@gmail.com / steelminesmc3@gmail.com
- 4) Sri Saubhagya Ketan Nayak, Addl. Govt. Advocate O/o the Advocate General, Odisha, Cuttack for information and necessary action. Email: advgen@nic.in / adv.genodisha@gmail.com

True copy attached
SLM
Dy. Collector, 10uzi
Collectorate, Dhenkanal

EXTRACTED VOLUME OF THE NIHALPRASAD METAL QUARRY-1
FOR THE PERIOD OF 2017 - 2023

BASE YEAR	STUDY YEAR	EXTRACTED VOLUME IN Meter Cube(M ³) (Study Year - Base Year)
2017	2023	360865.059

True copy attached
glnw
Dy. Collector, 10uzi
Collectorate, Dhenkanal

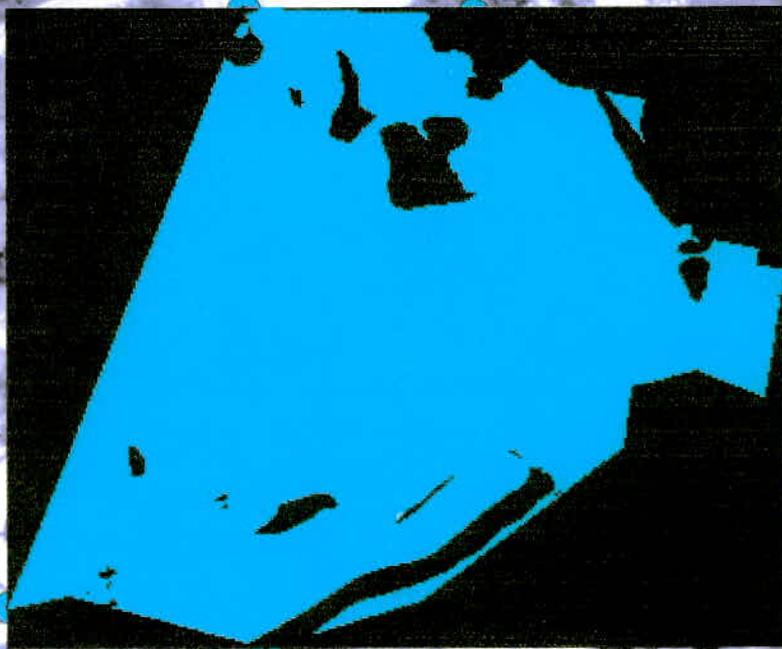
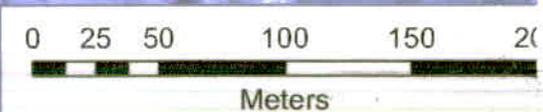


Subhasmita Mahanty
Sr. Project Scientist
24/05/2024
ORSAC
BHUBANESWAR.

Sannath Chakrabarty
Jr. Mining Officer
24/05/2024.

OFFICE DEPUTY DIRECTOR OF
MENBS
TALCHER CFACEE
TALCHER

Extracted volume map of the Lease Area of Nihalprasad Road Metal Quarry _1, -13 under Gondia Tehsil Dhenkanal District over the period of 2017_2023 derived from HRSI WORLDVIEW -1 Stereo Pair Satellite Data.



Legend

- Mine lease Boundary
- DGPS surveyed point on Mine Lease Boundary

Volume extracted 2017_2023

- FILL VALUE
- CUT VALUE

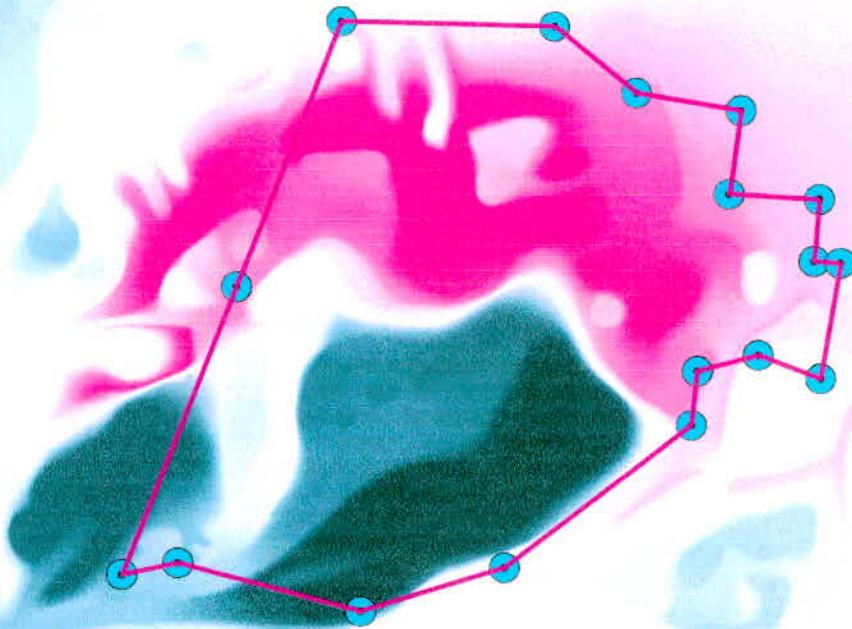
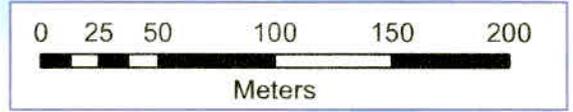
Cut Volume ($\pm 1.5m \times 1.5m \times 1.5m$) = 360865.059 Meter

True Copy attached
Alm
Dy. Collector, rouzi
Collectorate, Dhenkanal



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**DIGITAL ELEVATION MAP (DEM) OF NIHAL PRASAD ROAD METAL QUARRY -1
UNDER GONDIA TEHSIL, DHENKANAL DISTRICT DERIVED FROM
HRSI WORLDVIEW -1 STEREO PAIR SATELLITE DATA FOR THE PERIOD MARCH 2017.**



Legend

-  Mine lease Boundary
-  DGPS surveyed point on Mine Lease Boundary

DEM

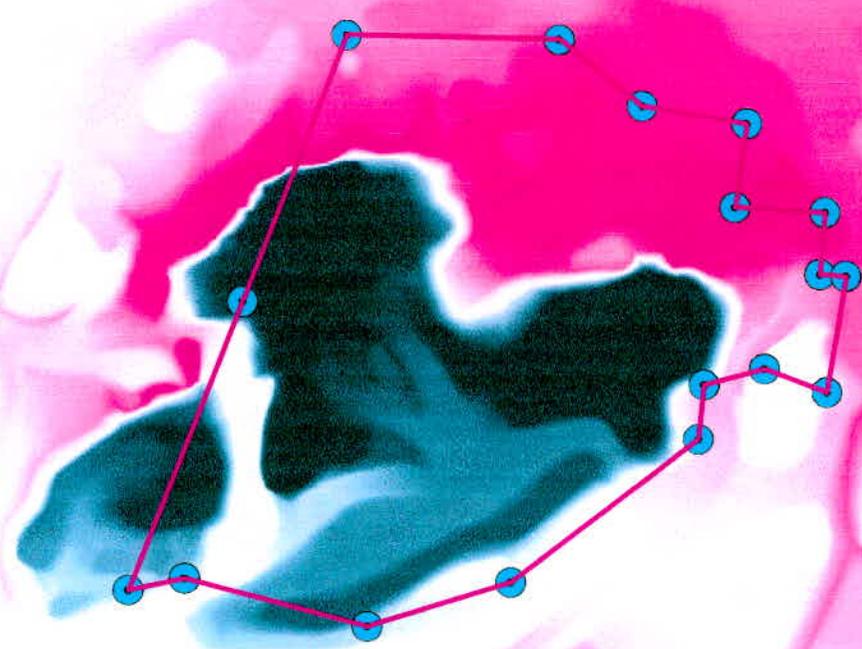
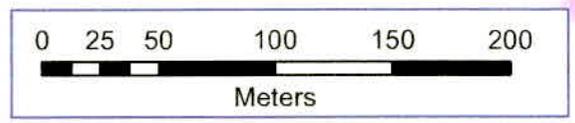
-  High : 70.2318
-  Low : 38.3175

True Copy attached
21/10/17
Dy. Collector, Iouzi
Collectorate, Dhenkanal



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**DIGITAL ELEVATION MAP (DEM) OF NIHAL PRASAD ROAD METAL QUARRY -1
UNDER GONDIA TEHSIL, DHENKANAL DISTRICT DERIVED FROM
HRSI WORLDVIEW -1 STEREO PAIR SATELLITE DATA FOR THE PERIOD OCTOBER 2023.**



Legend

-  Mine lease Boundary
-  DGPS surveyed point on Mine Lease Boundary

DEM

-  High : 62.5805
-  Low : 32.15



True copy attached
slm
Dy. Collector, rouzi
Collectorate, Dhenkanal