

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO ...OF 2024

IN THE MATTER OF

Fakir Mohan Patel

APPLICANT

Versus

STATE OF ODISHA AND OTHERS

RESPONDENTS

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PLACE: Bhubaneswar

SANKAR PRASAD PANI

ASHUTOSH PADHY



DATE: 24/06/2024

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278,

**SYNOPSIS**

Application is being filed challenging the illegal sand mining in **MAHANADI RIVER at Chikhili under** Ambavona Tahasil of Baragarh District without any lease and there after storing the said sand in huge quantities as well transporting and trading the same without any license. The said sand mining operation is in violation of Sustainable Sand Mining Guideline 2016 and Enforcement and Monitoring of Sand Mining Guidelines 2020, Odisha Sand Policy 2021, Sand Mining Framework 2018(Ministry of Mines Govt of India) EIA Notification 2006 and Amendment 2016, Odisha Minor Minerals Concession Rules 2016 and Supreme Court Order in Deepak Kumar Case and Order of Hon'ble NGT in Sudarsan Das Case(OA 173 of 2018/PB). The penalty imposed by the Mining Officer is too meagre to dissuade the illegal miners from further mining and surprisingly after conduction seizure, the same illegal miner is allowed to stock, trade and transport the sand which should have been put to auction and the illegal miner should have been criminally prosecuted under law. The penalty is so meagre and much less than that of cost of legal mining following due process, so the illegal miners are encouraged to get into the trade and mining illegally as it is less time taking and more profitable. Hence the application question the shoddy enforcement of laws by the Mining Department when the Apex court holds that illegal sand mining is an offence under Prevention of Money Laundering Act and many highcourts including recently Punjab Highcourt refused to grant anticipatory bail to one accused in illegal transportation of sand holding that **No leniency can be shown in such like matters, which have an irreparable adverse effect on the environment and is a colossal loss for generations to come.**

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**LIST OF DATES**

- 01/07/2017 Tahasildar Ambabhona wrote a letter to Sub collector Baragarh regarding the illegal storage of sand at Prakaspur by Sri Prem Patel of Prakaspur.
- 26/04/2019 That in order to check the illegal sand mining, Government of Odisha has come out with a guideline, where instructions for prevention of illegal sand quarrying issued from time to time.
- 25/01/2024 Google Earth image which shows that sand mining using suction pump laid on boat inside Mahanadi River.
- 09/06/2024 Seizure list was issued by the Mining Officer Baragarh against Sri Prem Kishor Patel for illegal storing of sand.
- 11/06/2024 Prem Kishore Patel deposited the penalty amount 210000.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

*(Under Section 14, 15, 20 r/w. Section 18(1) & (2) of the National Green Tribunal Act, 2010)*

**ORIGINAL APPLICATION NO .....OF 2024**

**IN THE MATTER OF:**

1. Fakir Mohan Patel, S/o Jay Karan Patel aged about 64years At-Prakashpur, Po- Bhukta Ps- Ambabhona, Dist-Bargarh, PIN 768045

**APPLICANTS**

**VERSUS**

1. **State of Odisha**, Through Additional Chief Secretary, Forest and Environment, Climate Change Department, Government of Odisha  
3<sup>rd</sup> Floor, Kharvel Bhavan, Bhubaneswar 751001, Email: [fesec.or@nic.in](mailto:fesec.or@nic.in)
2. **District Collector, BARGARH**  
At/Po/Dist- BARGARH, Odisha, 768028, [dm-bargarh@nic.in](mailto:dm-bargarh@nic.in)
3. **The Tahasildar, Ambabhona**,  
At/po/Ps/- Ambabhona, Dist- BARGARH, Odisha, 768031  
Email: [tahasil.ambabhona2019@gmail.com](mailto:tahasil.ambabhona2019@gmail.com)
4. **Member Secretary**, Odisha State Pollution Control Board  
A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha,  
Email: [member.secy@ospcboard.org](mailto:member.secy@ospcboard.org)
5. Directorate of Mining and Geology, Government Of Odisha Through it's Director Bhubigyan Bhawan, Bhubaneswar Odisha, 751001  
[directorgeology\\_odisha@yahoo.in](mailto:directorgeology_odisha@yahoo.in)
6. Mining Officer Baragarh, At/Po- office of the Mining Officer, Dist- Baragarh, Odisha, 768028, Email- [mo.bargarh@gmail.com](mailto:mo.bargarh@gmail.com)

7. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi - 110032 Email: [mccb.cpcb@nic.in](mailto:mccb.cpcb@nic.in),
8. Prem Kishore Patel, S/o Rohit Patel Patel, At-Chicholi Village, Tahsil-Ambabhona, Dist-Bargarh PIN-768045

### **RESPONDENTS**

- I. The address of the Applicant is given above for the service of notices of this Application.
- II. The addresses of the Respondents are given above for the service of notices of this Application. The District Collector, **Bargarh** .
- III.** That the present Application is being filed challenging the inaction of the government respondents in curbing the illegalities and violation of Sustainable Sand Mining Guidelines 2016, environment norms by the illegal miner private respondent at Chikhili in **Mahanadi River in Ambavona Tahasil, Baragarh** District and the said sand mining operation is in violation of Sustainable Sand Mining Guideline 2016 and 2020, Odisha Sand Policy 2021, EIA Notification 2006 and Supreme Court Order and Order of Hon'ble NGT

### **MOST RESPECTFULLY SHOWETH**

1. That the Petitioner is the Citizens of India, resides within the territorial jurisdiction of this Hon'ble Tribunal and the cause of action arose within the said limit and the parties are amenable to the original jurisdiction of Hon'ble NGT. The issue raised in the OA is a substantial question of law relating to environment and hence requires to be adjudicated by this Honble Tribunal
2. That the present application raises a substantial question relating environment such as Illegal Sand Mining in Mahanadi River at Chikhili in Ambavona Tahasil of Bargarh District Odisha, It is not just mining but

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also hoarding and trading of sand in various places and then illegal transportation to end users. To this effect no stringent action taken except a mere penalty which is much less than the market value of the sand when law prescribes for prosecution and environment compensation .

3. That the Private Respondent a Habitual Offender in Mining of Minor minerals Mining and it's Trade. He has been often penalized with fine but same was not deterrent enough for which the private respondent continues to engage in illegal sand mining and its trade, Presently the private respondent supplying the Sand for many civil construction works which are ongoing or recently completed such as Community Health Centre (CHC) Bhukta (around an estimate of Rupees 10Cr) , Market Building in RMC Compound, Bhukta, M G JUNIOR college, M G DEGREE COLLEGE, Kalyan Mandap Bhukta, Kalyan Mandap Chicholi. Apart from the civil Construction Works he is supplying sand continuously to Shibashakti flyash brick units registered in his brother's name is with capacity of 20,000bricks per day requiring 60CM sand per day and annually 21900CM. The sand mining, transportation and trading takes place in board day light in an organized manner continuously for a long period, could not have taken place without active support and partnership of district administration.

4. That on 9<sup>th</sup> June 2024 based on information, the Mining Officer Baragarh along with Mining Squad and Ambavona Police raided the sand stock of private respondent and penalized him for 1000 Cm of Sand. There after the said sand stock was handed over to the private respondent. Copy of seizure list dated 9/06/2024 is annexed here with as **ANNEXURE-1**

5. The private respondent accepted the fine and paid around Rs 210000 (two lakh ten thousand ) rupees on 11<sup>th</sup> June 2024. Copy of the bank deposit receipt is annexed here with as **ANNEXURE-2**

6. That after receiving further complaint, again on 22<sup>nd</sup> June 2024 the Mining Officer Baragarh found huge sand stock and measured in presence of Mr Rohit Patel, the father of the private respondent and same was found to be around 8688 CM. During the raid the Mining Officer was requested to inspect three more spots of sand hoarding by the private respondent but the officer did not heed to the request saying one site is in Jharsuguda District and not in his jurisdiction. The bridge near which the sand mining take place connect Baragarh and Jharsuguda District. So the other side of the river is Mahulpali in Jharsuguda district where there are sand stock by the present private respondent to cater the demand of that side. On the date of measurement there was a Tata Hitachi Proclaim engaged in loading of sand to trucks, but the Mining Officer ignored instead of seizure of the vehicle as the entire sand stock is illegal and any transportation is also illegal. Copy of photographs dated 22<sup>nd</sup> June 2024 is annexed here as **ANNEXURE-3**

7. It is evident from the photograph that the Hitachi Proclaim was on job during the raid by the mining officer on the sand stock but no seizure of vehicle was made. Further the photographs from 8<sup>th</sup> June 2024, 20<sup>th</sup> June 2024 and 22<sup>nd</sup> June 2024 suggest the mining operation in Mahandi River is ongoing( Photographs of impression of vehicle tyre, denting of river bed suggest mining and vehicular transportation continuing even on 22<sup>nd</sup> June 2024 after the raid conducted on 9<sup>th</sup> June 2024. Copy of photographs dated 8<sup>th</sup>, 20<sup>th</sup> and 22<sup>nd</sup> June 2024 is annexed here with as **ANNEXURE-4**

8. The private respondent continues to be in the trade of illegal sand mining for a quite long time can also be confirmed from the the letter of Ambavona Tahasildar to Sub-Collector Bargarh dated 1/7/2017 informing the authority that one Prem Pattel is hoarding huge sand stock. Same letter also says previously Prem Pattel was fined by local RI

Ambavona and an amount of 21,000 realized on 10/06/2016. Copy of letter dated 1/07/2017 is annexed here with as **ANNEXURE-5**.

**9.** That if the illegal sand mining trading for last 5 years is taken into account, then the private respondent has already done illegal mining to the tune of 2 Lakh cubic meter as a conservative figure considering the annual trading and mining of sand is 50,000CM. This amount to a loss of at least 10 Crores to the state exchequer.

**10.** That Chikhili is a frequent flood prone area and the last severe flood was reported in 2022, hence any mining close to the river bank will erode the bank and lead to further worsen the possibility of flood situation,

**11.** That there are photographs which suggest the illegal mining operation by the private respondent using suction pump when the river flow is there near Chikhili, Ambavona and then after transported to various places engaging heavy vehicles.

**12.** That the satellite images as retrieved from Google earth of 25<sup>th</sup> January 2024 shows that sand mining using suction pump laid on boat inside Mahanadi River and the sand is dumped on the bank which is subsequently transported. Copy of Google earth image dated 25/01/2024 as **ANNEXURE-6**.

**13.** That even a conservative estimate is made in respect of the existing sand dumped in different places such as Mahulpali, Antaradi village and Prakashpur village will come around 15,000CM. The existing stock is at end of the construction season meant for trading in rainy season. If the total annual trading will be taken into account as elaborated in paragraph 3 the quantity of illegal sand trading and mining will be around 50,000CM and the market value will be around 2.5Crores considering the value of Rs 500 per CM. This is excluding the sand already been

used for different construction activities and mining done prior to monsoon.

**14.** That the images further shows that two boats fitted with suction pumps inside the river and the sand is being dredged using the pipe and dumped on the river bank and in one case it is dumped but surprisingly no action have been taken by the administration, suggesting the illegal mining continues unabated with aid and assistance of District Administration.

**15.** That there is no valid leases in the Ambavona Tahasil and the private respondent continues to operate the sand sources in Mahanadi River in broad day light. It is pertinent to mention that the sand mining done by **suction pump and JCB from a place which is not designated Sand Sairat**, hence any mining from this source is absolutely illegal.

**16.** That the illegal mining takes place close to Chikhili-Mahulpali Bridge which is also prohibited and same will threaten the bridge pillar. Though the bridge work is completed at the cost of 102Cr rupees estimated in 2016, but it is still to be officially inaugurated. It is needless to mention that the the private respondent is a habitual offender in sand miming and because of the meek enforcement of law particularly no prosecution against the respondent has allowed him to thrive in the illegal mining trade leading to loss of state exchequer and threat the environment. He is also enjoying the political support for which no stringent action has been taken against the respondent. There are several instances of fine being paid by the private respondent for illegal sand mining and transportation since 2017 but no concrete action taken by the authority so as to discourage the illegal mining and trading by the private respondent.

**17.** That the huge dumps/stock of sand near river bank at Chikhili and allowing the private respondent to dispose the sand from the illegal stock

site even after seizure is surprising and legitimizing the illegal mining. Further inaction of the state respondents who are duty bound to investigate within 72 hours of complaint, make this case a unique one where there are ample evidences of illegal mining for which no deterrent action has been taken as of now, requires urgent intervention of this Hon'ble Tribunal taking help of satellite images and other technological aids to initiate a thorough inquiry into this mega mining scam.

**18.** It is pertinent to mention that since the area in question where the illegal mining is made is not a designated sairat and never leased out, hence the sand lifting is a case of **theft of government resource** and to that effect **criminal case need to be filed against** person concerned but no such instance are here in this case. So exemplary punishment including criminal proceeding should have been initiated but no action has been taken against the illegal miners .

**19.** That Orissa Minerals (Prevention of Theft, Smuggling & Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007 and Rule 3. **imposes Restriction** saying **No person shall carry on the business of buying, possessing, storing, selling, supplying, transporting, distributing or delivering for sale or processing of minerals at any place for the purpose of sale or consumption or otherwise deal with any mineral except under and in accordance with the terms and conditions of a trading licence granted under these rules ;**

**20.** That in order to check the illegal sand mining, Government of Odisha has come out with a guideline dated 26/04/2019 where instructions for prevention of illegal sand quarrying issued from time to time. The instructions include robust monitoring mechanism, revenue and police

administration shall seize the machine and vehicles, criminal proceedings, temporary check gates, squads should be constituted, technical support of ORSAC may be taken for satellite based monitoring, all complaints of unauthorized quarrying be inquired **by Sub-Collector/Tahasildar within 72 hours** and prompt remedial measures be taken and monthly review of violation cases are suggested in the guideline and none of the points have been followed by the District Administration and Tahasildar. Despite of the illegal mining takes place since Jan 2024, no action has been taken as on date while action should have been taken within 72 hours and to this effect responsibility of the officers may be fixed. Copy of the Government order dated 26/04/2019 is annexed here unto as **ANNEXURE-7**.

**21.** That Odisha Sand Policy 2021 brought in shape of resolution dated 2/09/2021 by Revenue and Disaster Management Department, Government of Odisha for stricter monitoring of sand mining in a sustainable manner but there has been no implementation of the policy on the ground there by confining the policy to papers without any action. Copy of Odisha Sand Policy 2021 as **ANNEXURE 8**.

**22.** That the "Prevention of theft of Minor Minerals and eviction activities" brought in shape of resolution dated 28/06/2018 by Revenue and Disaster Management Department, Government of Odisha to ensure scientific mining, transparent distribution system and to prevent illegal lifting/ theft of minor minerals. Copy of the Prevention of theft of Minor Minerals and eviction activities is here unto annexed as **ANNEXURE-9**.

**23.** That the on-going illegal sand mining is in violation of environment norms and for which both the illegal miners and Tahasildar/Mining Officer equally liable and **warrants criminal proceedings under section 19 of the Environment Protection Act 1986**.

**24.** There is No monitoring by the Regional Office of SPCB, Considering the threat to the embankment, loss of revenue, violation of mining plan and standard environment clearance conditions, damages to the riparian ecology, the applicants have requested the authority to immediately enquire into the matter and take appropriate action against the Tahsildar and Revenue Staff for their dereliction in duty and apparent corruption and involvement in revenue loss to the exchequer by conducting the ground assessment of sand mining on weekly basis and obtaining the satellite information from ORSAC. It is submitted that as per Govt of Odisha Revenue Dissaster and Management Department letter dated 26/04/2019, the illegal sand extraction are required to be enquired by the Sub-Collector/Tahasildar within 72 Hours of the complaint and same has not been followed here indicating the connivance of the authorities with the illegal miners. The officers have failed in discharging his duties for not taking legal action to restrain the mechanical mining and plying of Hyvas and for that appropriate disciplinary proceedings is needed after due inquiry.

**25.** It is further submitted that the indiscriminate sand mining both in the designated places and other places in the river has already threatened the Riverbank, Soil Errosion and changed the course of river flow. It is further submitted that the present ongoing illegal sand mining in Mahanadi river bed in Ambavona Tehsil has caused serious environmental degradation and ecological impact, and no Environmental Impact Assessment has ever taken place in areas earmarked for Mining especially on the river beds. Over the years river and Riparian ecology have been badly affected by the alarming rate of unrestricted Sand Mining which damage the ecosystem of rivers, weakening of river bank, destruction of natural habitats of organisms living on the river beds,

affects fish breeding and migration, spells disaster for the conservation of many bird species, the associated riparian habitat.

**26.** That the sustainable Sand Mining Guideline 2016 suggests a Standard Environment Clearance Conditions and the measures to be adopted to check illegal mining, **however none of the measures have been adopted** such as “(i) Project Proponent must ensure that the security features of Transport Permission viz. (a) Printed on Indian Bank Association (IBA) approved Magnetic Ink Character Recognition Code (MICR) paper; (c) Unique Barcode; (d) Unique Quick Response Code (QR); (e) Fugitive Ink Background; (f) Invisible Ink Mark; (g) Void Pantograph; (h) Watermark. (ii) Project Proponent must ensure that the CCTV camera, Personal Computer (PC), Internet Connection, Power Back up, access control of mine lease site; and arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used at mine lease site are available. (iii) Project Proponent must ensure the Scanning of Transport Permit or Receipt and uploading on Server. (iv)The State Mines and Geology Department should print the Transport Permits/Receipt with security features enumerated at Paragraph (i) above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued. When the Transport Permit or Receipt barcode gets scanned and invoice is generated, the particular barcode gets used and its validity time is recorded on the server. **So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.** (v) The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to

check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS. (vi) In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server/call centre. (vii) The route of vehicle from source to destination should be tracked through the system using check points, Radio-frequency identification (RFID) Tags, and Global Positioning System (GPS) tracking. (viii) The system shall enable the Authorities to develop periodic report on different parameters like daily lifting report, vehicle log/history, lifting against allocation, and total lifting. The system can be used to generate auto mails/SMS. This will enable the District Collector/Magistrate to get all the relevant details and will enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle should be tracked.

**27.** That the Chief Secretary, Government of Odisha on 11/11/2020 has discussed about the technical intervention such as I4MS in the line of I3MS (a software to track illegal mining in Major Minerals) to monitor the actual quantum of extraction and transportation minor minerals from source but same has been just confined to discussion and no action has been taken despite of the mandate in Sustainable Sand Mining Guideline 2016 and 2020.

**28.** It is further submitted that Sand Mining in Mahanadi River bed at Chikhili has caused serious environmental degradation and ecological impact and Riparian ecology have been badly affected by the alarming rate of unrestricted Sand Mining which damage the river ecosystem, destruction of natural habitats of organisms living on the river beds, affects fish breeding and migration, the associated riparian habitat. It has been further submitted that there has been no monitoring by any of the respondents whether the conditions are being complied or not and that allows the private respondent to violate the norms in broad day light

**29.** The Hon'ble Apex Court in Deepak Kumar Case has observed that "We are of the considered view that it is highly necessary to have an effective framework of Mining plan which will take care of all environmental issues and also evolve a long term rational and sustainable use of natural resource base and also the bio-assessment protocol. Sand Mining, it may be noted, may have an adverse effect on bio-diversity as loss of habitat caused by Sand Mining will affect various species, flora and fauna and it may also destabilize the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEFCC, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48A, Article 51A(g) read with Article 21 of the Constitution.

**30.** It is humbly submitted that since the area in question is not a sand sairat and the person who lifted the sand illegally is not a lessee/concessionaire, hence the Odisha Minor Mineral Concession Rule is not applicable rather section 120-B(criminal; conspiracy) 420(cheating),379(Theft) and 411(receiving of stolen property) of IPC read with Section 4 and 12 of *The Orissa Minerals (Prevention of Theft,*

*Smuggling and other Unlawful Activities) Act, 1988 is applicable in this case. The illegal lifting being a theft attracts criminal prosecution which has not been applied in the present case. As such the mere penalty for illegal mining imposed is cheaper than the legal mining through auction for which this mere penalty is not deterrent and rather will encourage more illegal mining.*

31. It is humbly submitted that since the area in question where the allegation of illegal mining was made is a not a designated sairat and never lease out, hence the sand lifting is of theft of government resource and to that effect criminal case need to be filed against person concerned but no such instance are here in this case. As because the fine amount is meagre and the illegal miner happy to fine a peanut once a while in lieu of looting the minerals of worth crores of rupees. Such action cannot be exemplary and can never dissuade the illegal miners from repeating the illegal mining again. So exemplary and highest punishment including criminal proceeding should have been recommended but the committee did not wish to suggest even after there is record of illegal mining.

32. Section 411 of Indian Penal Code proposes that whoever dishonestly receives or retains a stolen property, knowing or having reason to believe that such property is a stolen one, shall be imprisoned for a term which may extend up to three years, or with fine, or both. Section 379. Punishment for theft.—Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

33. That the Hon'ble Tribunal while deciding the Original Application No 9 of 2021(**Saral Kumar Parida Vs District Collector Balasore and others**) vide order dated 13<sup>th</sup> October 2022 held that the illegally mining to be assessed **using scientific method such as Satelite Imagery and further held that the Tahasildar will be responsible for illegall mining**

**and criminal prosecution has to be instituted against concerned Tahasildar.** The relevant paras 36, 37, 39, 41, 44 and 477 is reproduced as follows

**“Para36** The Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM) issued by the Ministry of Environment, Forests and Climate Change (MoEF&CC) has laid down the procedure for monitoring mechanism to check environmental damage due to illegal mining.

**Para37.** The Guidelines provide for establishment of a **Task Force to be headed by an officer not below the rank of Additional District Magistrate** who shall submit quarterly reports to the district administration

**Para 39** The Guidelines further provide for lodging of F.I.R. against persons involved in illegal excavation, storage and/or transportation of minor minerals including sand and imposition of fine as also initiation of actions under the provisions of the Income Tax Act, 1961 for unaccounted income and under the Central Goods and Services Act, 2017 for non-payment of GST as well as action under the provisions of the Motor Vehicles Act, 1989 against the driver and permit holder of the vehicle.

**Para-41** Be that as it may, the Tahasildar, Basta, within whose jurisdiction the sand quarry exists, is the representative of the district administration, who is responsible for ensuring that no illegal sand mining is being carried out within his Tahasil and if he finds that illegal sand mining is going on, it is his duty to report the matter to the District Magistrate concerned immediately

**Para44-**We, therefore, direct the State Level Environment Impact Assessment Authority (SEIAA), Odisha to re-determine Environmental Compensation for illegal extraction of sand by the Respondent No.10 for the five years period from 2017 (included) upto 2021 with the help of satellite imagery.

**Para47.** We further **direct the Collector & District Magistrate, Balasore to lodge F.I.R. against the Tahasildar, Basta who was the Tahasildar during the period 2017 to 2021** during which the illegal extraction of sand has occurred according to the SEIAA, Odisha and such F.I.R. shall thereafter be carried to its logical conclusion. The Collector & District Magistrate shall also initiate departmental proceedings against the concerned Tahasildars in accordance with law. “

**34.** The Hon'ble Supreme Court in Common Cause -Vs- Union of India & Ors. in judgment dated 02.08.2017 passed in Writ Petition (Civil) No.114 of 2014 in para 128 has held as under :- The simple reason for not accepting this interpretation is that Rule 2 (ia) of the Mineral Concession Rules (MCR) was inserted by a notification dated 26th July, 2012 while we are concerned with an earlier period. That apart, as mentioned above, the holder of a mining lease is required to adhere to the terms of the mining scheme, the mining plan and the mining lease as well as the statutes such as the EPA, the FCA, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. **If any mining operation is conducted in violation of any of these requirements, then that mining operation is illegal or unlawful. Any extraction of a mineral through an illegal or unlawful mining operation would become illegally or unlawfully extracted mineral.”**

35. That in OA 55 of 2018/EZ, Sasee Bhoosan patnaik vs Sate of Odisha, Honble NGT in Final order dated 18<sup>th</sup> November 2021 has directed the DM Kendrapara to install CCTV camera at strategic places and restitute the damages cause to Brahmani river bank. The relevant paras are reproduced as follows

19. We, therefore, dispose of this original application with a direction to the Respondent No.1, State of Odisha and Respondent No.3, Collector & District Magistrate, Kendrapara to ensure the compliance of the recommendations of the Committee Members of the NIT, Rourkela with regard to restitution measures to mitigate the adverse environmental impact on the banks of Brahmani River and Mahanadi River, in a time bound manner i.e. within four months.

20. We further direct the Collector & District Magistrate, Kendrapara to ensure that there is no illegal excavation in the area in question for which purpose he shall take all security measures as may be necessary including formation of monitoring teams which shall inspect the area from time to time. Strict surveillance measures through satellite monitoring as well as installation of CCTV cameras in strategic locations may be ensured.

31. That while upholding the Criminal Prosecution in one illegal sand mining case namely **Jayant Vs State of Madhya Pradesh**, Criminal Appeal No 824-825 of 2020, Hon'ble **Supreme Court** on **3rd December 2020** has opined that violators cannot be permitted to go scot free on payment of penalty only. *There must be some stringent provisions which may have deterrent effect so that the violators may think twice before committing such offences and before causing damage to the earth and the nature.*

32. The Precautionary Principle is one of the important principles under the concept of sustainable development. The Principle states as follows – “In

order to protect the environment, the Precautionary approach shall be widely applied by states according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”. Thus the precautionary principle states that if there is a risk of severe damage to humans and/or the environment, absence of incontrovertible, conclusive, or definite scientific proof is not a reason for inaction. It is a better-safe-than-sorry approach. It is a proactive approach.

33. That **Hon’ble NGT in OA 48 of 2020( Pinak Ranjan Das Vs State of Odisha) Order dated 6<sup>th</sup> January 2022 has observed that illegal sand mining invites prosecution under Prevention of Money Laundering Act 2002** and the relevant paras of the Judgement are reproduced as follows

**“Para-15** “Illegal mining of sand is not only theft of Govt. revenue inviting prosecution under the appropriate provisions of the IPC but also invites prosecution under the provisions of the Prevention of Money Laundering At, 2002.

**Para-16.** Section 3 of the Prevention of Money-Laundering Act, 2002, reads as under:- “3. Offence of money-laundering- Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected [proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming] it is untainted property shall be guilty of offence of money-laundering.”

**Para17.** Section 4 of the Act which prescribes the punishment for money laundering, reads as under:- “4. Punishment for money-laundering- Whoever commits the offence of money-laundering shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend

to seven years and shall also be liable to fine. Provided that where the proceeds of crime involved in money-laundering relates to any offence specified under paragraph 2 of Part A of the Schedule, the provisions of this section shall have effect as if for the words “which may extend to seven years”, the words “which may extend to ten years” had been substituted.”

**Para18.** Section 43 of the Prevention of Money-Laundering Act, 2002, reads as under:- “43. Special Courts.— (1) The Central Government, in consultation with the Chief Justice of the High Court, shall, for trial of offence punishable under section 4, by notification, designate one or more Courts of Session as Special Court or Special Courts or such area or areas or for such case or class or group of cases as may be specified in the notification. (2) While trying an offence under this Act, a Special Court shall also try an offence, other than an offence referred to in sub-section (1), with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974), be charged at the same trial.

**Para19.** Section 44 of the Prevention of Money-Laundering Act, 2002, reads as under:- 44. Offences triable by Special Courts.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),— 1 [(a) an offence punishable under section 4 and any scheduled offence connected to the offence under that section shall be triable by the Special Court constituted for the area in which the offence has been committed: Provided that the Special Court, trying a scheduled offence before the commencement of this Act, shall continue to try such scheduled offence; or]; (b) a Special Court may, 2 \*\*\* upon a complaint made by an authority authorised in this behalf under this Act take 3 [cognizance of offence under section 3, without the accused being

committed to it for trial]; 4 [Provided that after conclusion of investigation, if no offence of money-laundering is made out requiring filing of such complaint, the said authority shall submit a closure report before the Special Court; or] 5 [(c) if the court which has taken cognizance of the scheduled offence is other than the Special Court which has taken cognizance of the complaint of the offence of money-laundering under sub-clause (b), it shall, on an application by the authority authorised to file a complaint under this Act, commit the case relating to the scheduled offence to the Special Court and the Special Court shall, on receipt of such case proceed to deal with it from the stage at which it is committed. (d) a Special Court while trying the scheduled offence or the offence of money laundering shall hold trial in accordance with the provisions of the Code of Criminal Procedure, 1973 ( 2 of 1974) as it applies to a trial before a Court of Session.]” (2) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code of Criminal Procedure, 1973 (2 of 1974) and the High Court may exercise such powers including the power under clause (b) of sub-section (1) of that section as if the reference to “Magistrate” in that section includes also a reference to a “Special Court” designated under section 43.

**Para20.** Paragraphs 25, 26 & 27 of the Schedule of the Prevention of MoneyLaundering Act, 2002, read as under:-  
 PARAGRAPH 25 OFFENCES UNDER THE ENVIRONMENT PROTECTION ACT, 1986 (29 OF 1986)

Section	Description of offence
---------	------------------------

## 23

15 read with section 7 Penalty for discharging environmental pollutants, etc., in excess of prescribed standards.

15 read with section 8 Penalty for handling hazardous substances without complying with procedural safeguards.

PARAGRAPH 26 OFFENCES UNDER THE WATER  
(PREVENTION AND CONTROL OF POLLUTION) ACT, 1974  
(6 OF 1974)

Section	Description of offence
41 (2)	Penalty for pollution of stream or well.
43	Penalty for contravention of provisions of section 24.

PARAGRAPH 27 OFFENCES UNDER THE AIR  
(PREVENTION  
AND CONTROL OF POLLUTION) ACT, 1981 (14 OF 1981)

Section	Description of offence
37	Failure to comply with the provisions for operating industrial plant.

**Para-21** A conjoint reading of Sections 3, 4 and Sections 43 and 44 of the Prevention of Money-Laundering Act, 2002 and paragraphs 25, 26 and 27 of The Schedule thereto would show that if air, water, ground and environment Pollution is caused in an area, not only the person causing environmental Pollution but any person indirectly or knowingly aiding or assisting such act would also be liable for causing illegal financial gain to such violator.

**Para22:** The Original Application No. 48/2020/EZ is accordingly disposed of with a direction to the Odisha State Pollution Control Board, Nodal Office, to file affidavit of compliance with **regard to computation of Environmental Compensation and royalty and other dues and recovery of the same from the violator.**

**Para 23.** Such affidavit of compliance shall be filed by 14.03.2022. 24. We further direct the State Respondents to file an affidavit of compliance within two months to show whether FIR has been lodged against the person/persons involved in illegal sand mining as well as the beneficiary/s of the illegally mined sand”

### **GROUND**

That the Petitioner therefore approaching this Hon’ble Tribunal in view of the blatant violation of the law on the following among other grounds which the applicant might take at the time of hearing of the matter :-

- A. That the ongoing sand mining is against the Precautionary Principle and Environment Impact Assessment Notification 2006 and subsequent amendments.
- B. That the private respondent has mined out illegally and stored the same without any permission hence warrants stoppage of mining
- C. That the Tahasildar and Mining Officer being hand in glove with the private respondent has resulted in huge loss of revenue to the state exchequer and warrants appropriate action
- D. That sand mining without EC and CTO is an offence under Section 15 of EP Act and warrants prosecution against the private respondent under Section 19 of EP Act 1986
- E. That the Sand mining the use of mechanical methods/earth movers and is in absence of the Mining plan, EC Conditions and Consent to Operate conditions and Sustainable Sand Mining Management

Guideline 2016 and Enforcement and Monitoring of Sand Mining Guidelines 2020, Odisha Minor Mineral Concession Rules 2016, EIA Notification 2006 and Amendment 2016, Sand Mining Framework 2018 by Ministry of Mines, Govt of India

F. That the ongoing illegal sand mining is against the Precautionary Principle and Environment Impact Assessment Notification 2006 and subsequent amendments.

G. That the Mining Officer Bargarh being hand in glove with the illegal miners has resulted in huge loss of revenue to the state exchequer and damages to environment, hence warrants appropriate action

#### **LIMITATION**

That there is a continuing cause of action due to the ongoing illegal sand mining without environment clearance and in violation of sustainable sand mining guideline. Further inaction of the Mining Officer, who is under obligation to act upon the complaint within 72 hours (3 days) is still to act against the illegal miners, hence the present application is not barred by limitation

#### **INTERIM PRAYER**

The Hon'ble Tribunal may constitute a High level Independent Committee to assess a) **Cost of river bed material illegally mined** b) **Cost of ecological restoration and environment compensation.** c) **Net present value of the future ecosystem services foregone and restrain the Private Respondent from mining in river bed till disposal of the application**

#### **PRAYER**

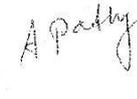
The applicants humbly pray the Hon'ble Tribunal to issue following directions to the respondents

- I. Permanently Restrain the Private Respondent from illegal sand mining and trading.
- II. Direct the Mining Officer to initiate Criminal Proceedings against Pvt Respondent for theft of minerals, causing loss to the exchequer and violation of Environment Norms.
- III. Direct the Mining Officer to immediately make a public auction the seized amount of sand at the earliest to prevent further theft and pilferage
- IV. Fix the accountability of Government Respondents such as Tahasildar/Mining Officer for lapses on their part for their inaction in enforcing the laws regulating the sand mining.
- V. Direct the State Respondents to seize the Excavators/payloaders /Hyva/poclain machine used for Sand Mining and storage areas.

And may further be pleased to pass any other order(s) as deemed fit and proper;

28<sup>th</sup> June 2024

Applicant Through

 → 

Advocate

28 JUN 2024

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

ORIGINAL APPLICATION NO ---- OF 2024/EZ

IN THE MATTER OF:

FAKIR MOHAN PATEL

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT

I, Fakir Mohan Patel, S/O Late Jaykaran Patel, Aged About 64years, Resident of At/Po-Bhukta, Ps-Ambabhona, Dist-Baragarh, 768045 Odisha do hereby solemnly affirm, and declare as under:

1. That I am the applicant in the above mentioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.

*[Signature]*  
DEPONENT

VERIFICATION

Verified on this 28th day of JUNE 2024 at (Place) Bhubaneswar that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By  
*[Signature]*  
Advocate

*[Signature]*  
DEPONENT



The above named deponent(s) being duly identified by *[Signature]* Advocate, Bhubaneswar

Appears before me on oath the contents of the above affidavit are true to the best of his / her / their knowledge and belief

Deponent(s) Notary, Bhubaneswar

28 JUN 2024

*[Signature]*  
**JANMEJAYA RAUTRAY**  
NOTARY, GOVT. OF ODISHA  
BHUBANESWAR  
REGD. NO-ON-8612012  
MC. No. - 9337121273

**OFFICE OF THE MINING OFFICER**  
**DEPARTMENT OF STEEL AND MINES, GOVT. OF ODISHA,**  
**BARGARH, DIST-BARGARH**

**FORM-N**  
**(See RULE-12 (2))**  
**SEIZURE LIST**

1. Name of the Officer seizing the property : *Triyog Kumar Paulhan*
2. Designation & address of the Officer : *o/o Mining officer, Bargarh*
3. Details of property sized :
  - (a) Place of seizure with date & time : *- Chikili area, Anantabara, Dt. 9.6.24*  
*Time - 10.4 AM*
  - (b) Description of each property : *- Storing of coal*
4. Rules under which property is seized : *- Rule 12(2) of O.M.M.C. Rule-2011*
5. Name & address of the person from whom the property is seized : *- Prem Kishor Patel*
6. Name & address of any other claimant for the seized property has been kept : *- No other claimant*
7. Details of Seal given on the seized property :
8. Name & address of person under whose Custody the seized property has been kept : *- Prem Kishor Patel*
9. Signature of the custodian :
10. Approximate value of the seized property :
11. Remarks : *- After receiving information from mining Section and police personnel of Anantabara proceeded to the Chikili area sized approximately 1000 cum of coal illegally stored. The coal have been seized and handed over to custody of Prem. Patel and further action.*
12. Name & address of witnesses with their Signatures.

*[Signature]*  
 9.6.24  
 Signature of Mining Officer, Bargarh

*Released the seal after detention  
 of property amount.*  
*[Signature]*  
 11.6.24





29

Government of Odisha  
Offline Challan Deposit Form  
Depositor's Copy

ANNEXURE-2



Challan of Cash/Cheque/DD paid through STATE BANK OF INDIA at Cyber Treasury, Odisha, Bhubaneswar

1. Name of the Depositor : Prem Kishor Patel

2. Mobile No. : 9777950121

3. Department Identification ID :

4. Challan Generation Date & Time : 11/06/2024 01:13:47 PM

5. Head of Account

*Free*  
*24923589*

Purpose	Head Of Account	Amount
Minor Minerals- Fees, Rent & Royalties	0853-00-102-0121-02021	Rs. 210000/-
Total Amount		Rs. 210000/-

Total Amount (In words) - Two Lakh Ten Thousand Only

6. Treasury Reference ID : 38058B8D20

7. Bank Transaction Date & Time :

- This challan is valid for 7 days from the date of online entry.
- In case of Cheque, bank transaction id will be available after realization of the cheque.
- In case of Cheque/DD, it should be payable to 'State Government Revenue - Challan Reference Id'.

5803373 | DUSMANTA KUMAR SAHU  
SBI BARGARH MAIN BRANCH  
7404441 | B. B. SAHU  
भा. स्ट. बंक/SBI, BARGARH BRANCH  
11 JUN 2024  
00025 | Journal No.  
00025 | Journal No.

*Representative*  
Signature of the Depositor

Signature of Bank Officer with S

कम्प्यूटर द्वारा मुद्रित होने पर ही बंध  
VALID ONLY IF COMPUTER PRINTED

केवल 3 महीने के लिए बंध  
VALID FOR 3 MONTHS ONLY

873042 00000

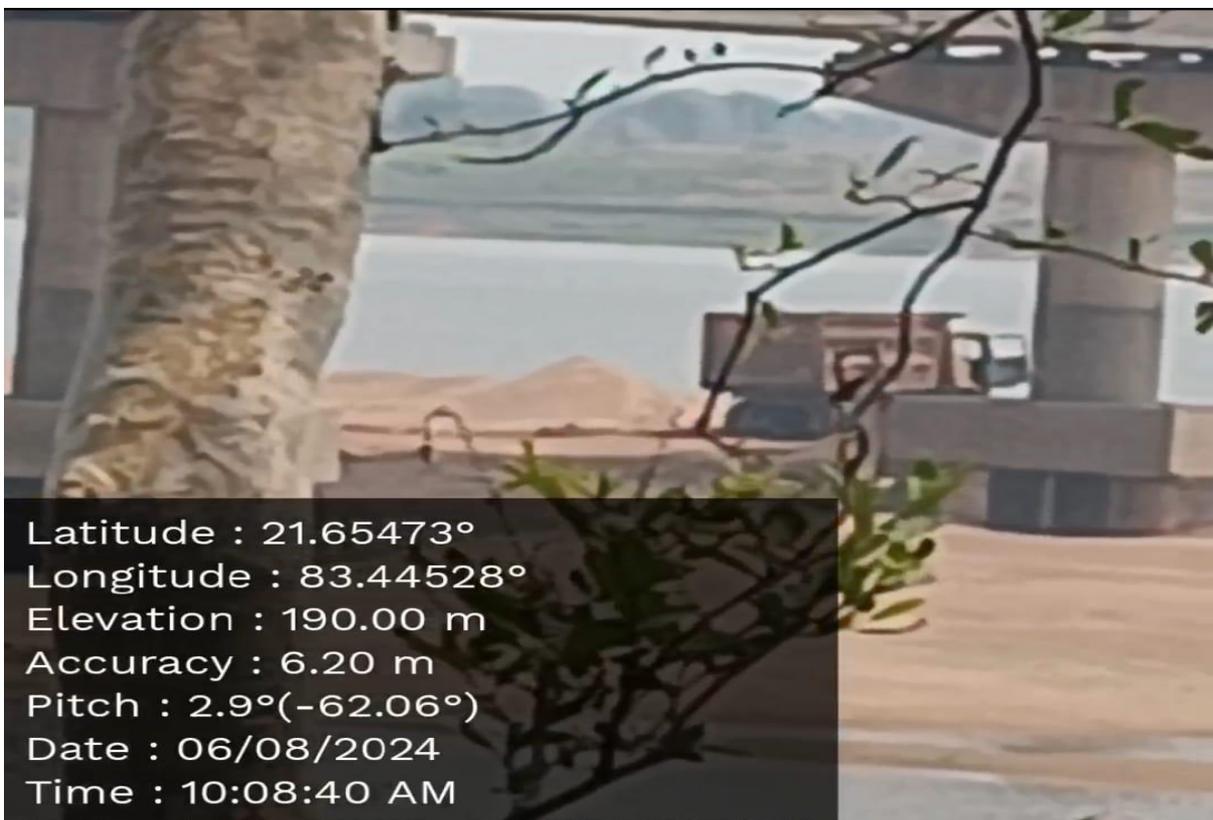
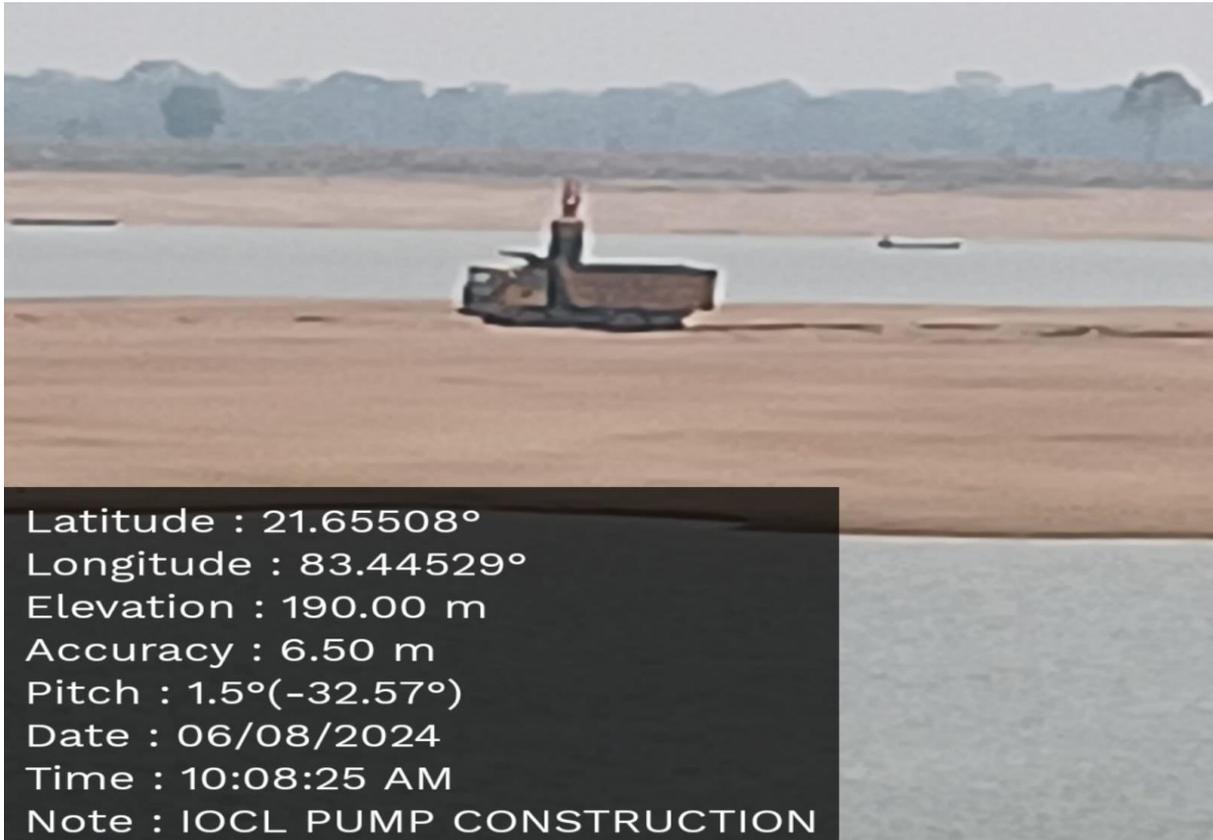


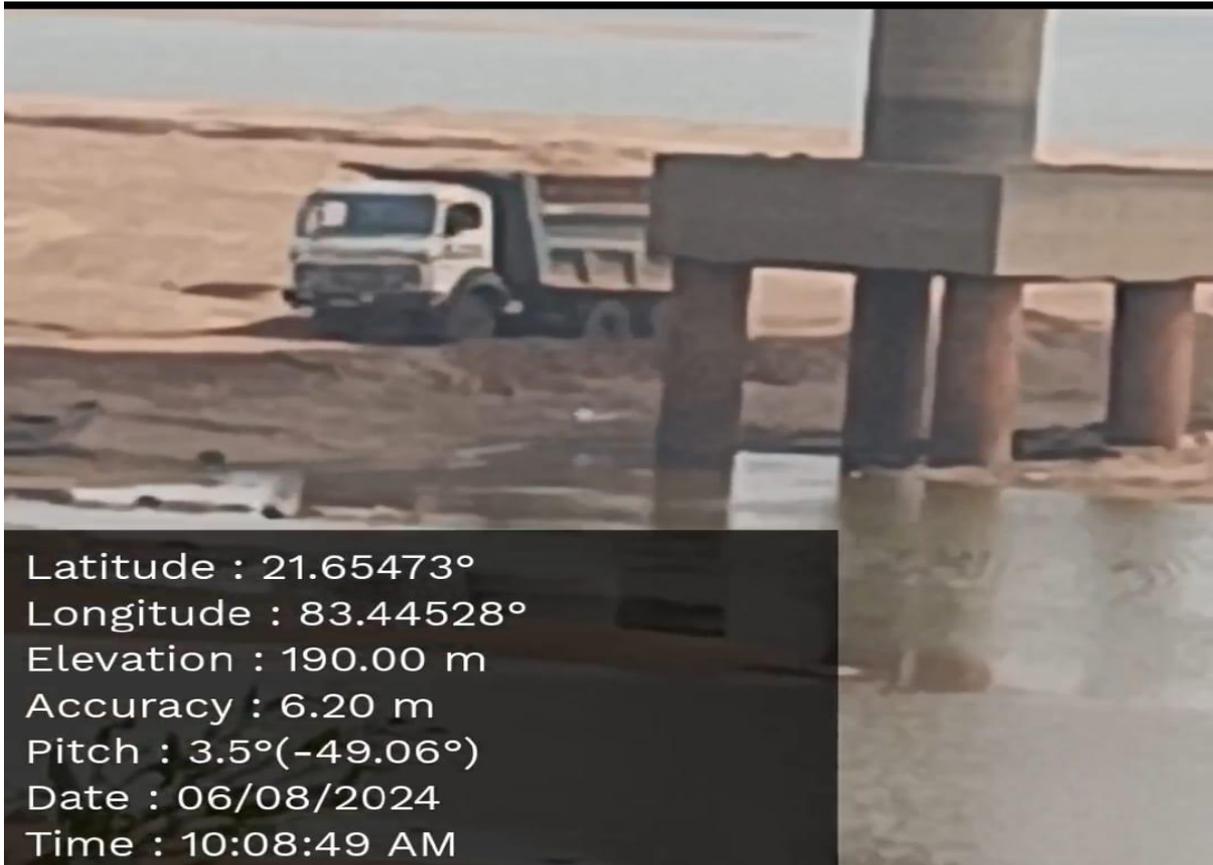
THAT THE BELOW ATTACHED PHOTOGRAPHS SHOWS THAT A HUGE AMOUNT OF SAND IS STACKED AND SAND IS TRANSPORTED THROUGH HYVA AND LOADED THROUGH HITACHI MACHINE.





BELOW ATTACHED PHOTOGRAPHS DATED 08/06/2024 SHOWS THAT THE PRIVA RESPONDENT IS EXTRACTING SANDS BY USING HEAVY MACHINES.





THAT THE BELOW ATTACHED PHOTOGRAPHS SHOWS THAT A FRESH SIGN OF MINING USING HEACY MACHINES



THAT THE BELOW ATTACHED PHOTOGRAPHS SHOWS THAT A HUGE AMOUNT OF SAND IS ILLEGALLY STACKED.









THAT THE ABOVE ATTACHED PHOTOGRAPHS SHOW A CHAIN OF EVENTS THAT IS ILLEGAL MINING OF SAND AND STACKING UNAUTHORISEDLY THEN TRANSPORTING.

## OFFICE OF THE TAHASILDAR, AMBABHONA

Letter No. 1579 /Dt. 1.7.17

The Sub-Collector, Bargarh

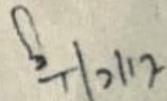
Sub:- Illegal storage of sand at Prakaspur by Sri Prem Patel of Prakaspur

Ref:- Registration No. OR 141/E/2017/00002

Sir,

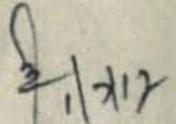
I am to bring to your kind notice that, Sri Gourishankar Agrawalla of village Bhukta has complained against Sri Prem Patel of Prakaspur has collected sand from different place, but there is no source of sand quarry in Ambabhona Tahasil. At the time of inquiry Sri Patel told that he was taken permission from Bhatli Tahasil. In this connection he did not produce any permission letter to the undersigned and Rs.21,000/- (Rupees twenty one thousand) only was fined to Sri Patel and realised vide R.R.No.9319718 dt.10.6.16 by Revenue Inspector, Ambabhona. The Photo copies to that effect is enclosed herewith for kind information and necessary action.

Yours, Faithfully,

  
 Tahasildar, Ambabhona

Memo No. 1580 /dt. 1.7.17

Copy submitted to the Deputy collector (Revenue) Collectorate, Bargarh for favour of your information and necessary action.

  
 Tahasildar, Ambabhona

That the below attached satellite images as retrieved from Google earth of 25<sup>th</sup> January 2024 shows that sand mining using suction pump laid on boat inside Mahanadi River and the sand is dumped on the bank which is subsequently transported.





By e-Mail/Fax

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

\*\*\*\*\*

RDM-MMS-EXINST-0001-2019-

12611

/R&amp;DM Dated 26.04.2019

From

Shri Nikunja B. Dhal, IAS  
Principal Secretary to Government

To

All Collectors

**Sub: Guidelines for regulating the sand quarrying in the State.**

Madam/Sir,

Sand is the most important minor mineral used for various development projects and construction of buildings. Increase in demand of sand has put immense pressure on the sand sources, at times leading to illegal quarrying activities.

Unscientific sand quarrying and illegal lifting not only causes revenue loss to the state exchequer but also distorts the natural equilibrium of rivers. Indiscriminate sand mining may also lead to change of the course of rivers and embankment cave-in thereby threatening the life of inhabitants of villages situated along the river bank.

A number of instructions/guidelines have been issued by this Department from time to time to prevent illegal lifting of minor minerals. Grant of quarry lease is regulated as per the provisions of Chapter-IV of OMMC Rules, 2016.

To ensure scientific quarrying, transparent distribution and to prevent illegal lifting / theft of minor minerals, a scheme namely '*prevention of theft of minor minerals and eviction activities*' was launched during 2018-19 vide Resolution No. 23225/R&DM dated 28.06.2018. To implement the scheme, funds to the tune of Rs. 5.00 Crore was initially placed with Collectors vide this Department sanction order no. 25548 dated 11.07.2018.

In continuation of various instructions issued in the past, the following guidelines and instructions are issued for streamlining the process of sand quarrying and preventing illegal lifting of sand:

**A. Identification of sources:**

- i. Tahasildar shall conduct joint verification with Assistant Executive Engineer/ Executive Engineer of Water Resources Department for identification of specific river stretches having proper access for grant of quarry leases.
- ii. The boundaries of sand sources should be properly demarcated by pillar posting as instructed vide this Department letter No.15640 dtd. 15.05.2017.
- iii. In no case the lessee should be allowed to extract sand beyond the lease area.

**B. Mining plan and environment clearances / approvals:**

- i. Tahasildar (Competent Authority) shall get the mining plans prepared in advance through Registered Qualified Persons (RQP) in respect of the sources within his jurisdiction.
- ii. While preparing mining plan the distance of hydraulic structures including dams, barrages, check dams, bridges etc., location from habitations, heritage sites, monuments and public infrastructure facilities should be taken into consideration. Sand quarrying operation should not endanger the safety of these structures & imperil the lives of the people.
- iii. The Tahasildar shall apply for and obtain the Environmental Clearance (EC). The selected bidder shall bear cost of the preparation of mining plan and also the costs incurred for obtaining the EC.
- iv. In case the approval of mining plan and the Environmental Clearance have not been obtained by the Competent Authority, the selected bidder shall obtain the same before executing the lease deed.
- v. State Pollution Control Board (SPCB), Odisha vide their Notice dated 12.05.2016 (copy enclosed) have informed all concerned that the lease holders of all minor mineral mines (irrespective of lease hold area) in the State are brought under the consent administration of the Board under the Water (PCP) Act, 1974 and Air (PCP) Act, 1981 and that for

operation of any minor mineral mines in the State, consent from the SPCB shall be obtained. The operation of any minor mineral mines in the State without obtaining consent from the SPCB will be considered as violation under section 25 of Water (PCP) Act, 1974 and under section 21 of Air (PCP) Act, 1981 and would lead to initiation of appropriate legal action.

- vi. It shall be the responsibility of the lessee to obtain the Consent to Operate (CTO) from State Pollution Control Board (SPCB) before commencement of the quarrying operation.
- vii. Care should be taken to follow all the environmental norms issued from time to time by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Govt. of India and Forest & Environment Department, Govt. of Odisha prior to lease of any sand source and during operation of the same. The lessee shall be responsible for implementing the Environment Management Plan (EMP).

**C. Quarrying/Mining operation:**

- i. Quarrying operation should be done strictly within the mining area as per the Mining plan. It should be undertaken only after putting in place the required environmental safeguards.
- ii. The depth of the quarry shall be restricted to three meters or water level, whichever is less.
- iii. The lessee shall not damage the embankment of the river.
- iv. No quarrying operation of sand shall be allowed through mechanized means and suction method.
- v. The lessee shall not dispatch the sand without a valid transit pass in Form-Y issued by the Tahasildar.
- vi. Since Hon'ble High Court in the order dated 19.07.2012 in WP (C) No. 12232 of 2012 have observed that the transport permit is issued only to transport the sand extracted from the sand sairat within the state of Odisha, the lessees should be instructed not to transport sand outside the State. Clarification in this regard has already been issued from this Department vide letter No. 36404 dated 02.12.2014.

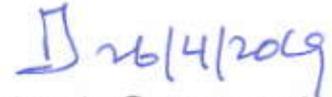
**D. Steps for prevention of illegal sand quarrying/mining:**

- i. District Administration shall put in place a robust monitoring mechanism to continuously monitor the quarrying activities of sand sources.
- ii. If any incidence of extraction of sand beyond the lease area by lessee is found, the same shall be treated as unauthorized and the lessee be penalized as per section 21(5) of MMDR Act, 1957 and the provisions of Rule 51 of OMMC Rules, 2016.
- iii. If any damage to embankments of the rivers comes to the notice, the lease shall be cancelled on obtaining the report from Assistant Executive Engineer / Executive Engineer of Water Resources Department.
- iv. The Revenue Administration and Police Administration shall seize all machines, vehicles, etc. used for carrying out illegal sand quarrying.
- v. Apart from instituting appropriate criminal proceedings against those carrying out illegal quarrying activities and transporting sand without valid 'Y' Form, maximum penalty should be imposed against them.
- vi. The District Administration should remain vigilant to prevent any incidence of interstate transportation of sand. If any such incidence comes to notice, the lease should be cancelled.
- vii. Temporary check gates may be set up during peak constructions season at common exit points to be decided by the Collectors. Care should be taken not to set up these posts on the National Highways and State Highways so that the general vehicular traffic is not affected and the commuters are not put to trouble.
- viii. Squads should be constituted at district and sub-divisional levels to conduct surprise checks in the sand quarrying areas and check the vehicles transporting sand. Raid/checking should always be done with adequate security arrangement to ward off any untoward situation.
- ix. Technical support of ORSAC may be taken for satellite based monitoring of very important sand sairats.

- x. All the complaints of unauthorized sand quarrying should be enquired by the Sub-Collector/ Addl. Sub-Collector/Tahasildar within 72 hours and remedial measures should be taken promptly.
- xi. Status of cases detected and action taken thereon for violation of provisions of OMMC Rules, 2016 and the Environmental Regulations should be reviewed in the monthly district level revenue meetings, and the issues arising thereon should be sorted out.

You are, therefore, advised to take all necessary measures for enforcing the above mentioned guidelines for preventing illegal and unauthorised sand quarrying in the State. Any deviation in implementation and enforcement of the provisions of the OMMC Rules, 2016 and the environmental regulations shall be viewed seriously and action deemed proper shall be initiated against the erring officer(s).

Yours faithfully,



Principal Secretary to Government

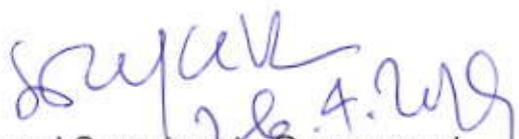
Memo No. 12612 /R&DM Dated 26.04.2019

Copy forwarded to Steel & Mines Department / Forest and Environment Department / Water Resources Department / Member Secretary, SPCB / CEO, ORSAC for information and necessary action.

  
26.4.2019  
Additional Secretary to Government

Memo No. 12613 /R&DM Dated 26.04.2019

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ All Revenue Divisional Commissioners for information and necessary action.

  
26.4.2019  
Additional Secretary to Government

**GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

\*\*\*\*\*

**RESOLUTION**

No. 26372 / R & DM, Bhubaneswar, dated the 02 SEP 2021  
(RDM-LRGEC-POLICY-0004-2018)

**Sub: Odisha Sand Policy, 2021.**

Odisha has a number of river systems flowing into the Bay of Bengal. Majority of rivers as well as their tributaries and distributaries create and deposit sufficient sand in river beds making it a sand sufficient State. Heavy demand of sand in different parts of the State for developmental and welfare projects and demand of quality sand in neighbouring states may create a scope for unsustainable mining of sand. Illegal and unscientific mining of sand may adversely affect the river morphology. There is need for stricter monitoring of sand mining in a sustainable and scientific manner without causing damage to embankments, bridges and hydraulic structures or adversely affecting the river morphology.

In order to streamline the process, it is felt necessary to ensure a holistic process-chain with sustainable and scientific mining and management of sand with IT-enabled monitoring of its movement from the source to the end-user. The Odisha Sand Policy, 2021 proposes to systematize the process chain of river sand mining so as to ensure scientific and sustainable sand mining and to meet the requirement of the river sand.

**1. Objectives:**

- a. Identification and Quantification of all potential sand sources and its optimal utilization, ensuring availability of sand commensurate with reducing demand supply gap, bringing professionalism in sand mining.
- b. Regulate the sand mining in the State from its identification to its final end-use.

- c. Ensure greater transparency through e-auction.
- d. Develop scientific sand mining giving due weightage to safety, conservation, cost-effectiveness, environmental and social sustainability.
- e. To bring in greater efficiency, responsibility, responsiveness and effective management of sand mining with technology based management system like i4MS.
- f. To bring in place a robust system of enforcement to curb illegal mining of sand by use of IT enabled services and latest technologies for surveillance of the sand mining at each step.
- g. Development of procedure for replenishment study of sand mining.
- h. Post Environmental Clearance Monitoring and Environmental Audit.
- i. To protect the environment and the right of the population to live in clean and safe surroundings, with the need to use natural resources in a way that will make a positive and sustainable contribution to the economy.

## **2. Demand-Supply Estimation**

District Survey Report (DSR) for demand-supply estimation and gap assessment of every district shall be prepared by the competent authority for sustainable sand mining, as per the guidelines issued by MoEF & CC which inter alia includes the following:

- a. Inventory of river bed material and other sand sources in the district;
- b. Periodical auditing of rivers;
- c. Identification of Mining and no mining zones considering various environmental and social factors;

- d. Future demand for successive five years needs to be incorporated in the District Survey Report (DSR);
- e. Mining lease area should be so selected as to cover the entire deposition area excluding the safety zones; and
- f. Transportation route with its carrying capacity to be selected in such a way that the movement of vehicles through the villages/ habitation can be avoided to the extent possible.

### **3. Identification of sources:**

- i. Revenue and Disaster Management Department through the field functionaries and in consultation with Water Resources Department and Odisha Space Application Centre (ORSAC) shall identify the potential sand sources suitable for mining operation and such identified sources be made part of the DSR.
- ii. To ensure better management of sand mining public consultation with comments of the various stakeholders shall be sought on the list of mining lease to be auctioned.
- iii. To ensure scientific exploration, large stretches of river sand beds vis-à-vis- river morphology in relation to the local geomorphology situation in all the river systems, sand beds shall be identified by using remote sensing technology through ORSAC or any other qualified agency with assistance from Water Resources Department who in turn may conduct a study by taking technical support from reputed specialists/ institutions like IITs, while deciding locations of sand mining, the existing geomorphology, its impact on river morphology and hydrology, embankment and river flow etc.

### **4. DGPS Survey of sand sairat sources**

On completion of pillar posting and on requisition by Revenue and Disaster Management Department, Odisha Space Application Centre (ORSAC) will take up Differential Global Positioning System (DGPS) survey of the source boundaries. It would provide improved location accuracy.

## **5. Auction of Sand Mining Rights**

Auction of Sand mining shall be done as per Odisha Minor Mineral Concession Rules, 2016 and where sources exist in clusters as defined under Odisha Minor Mineral Concession Rules, 2016, cluster mining shall be given priority over individual mines.

## **6. Eligibility**

Eligibility of the bidder or applicant shall be decided as per the criteria specified under Mines and Minerals (Development and Regulation) Act, 1957 & Odisha Minor Mineral Concession Rules, 2016.

## **7. Mining Plan, Environment Clearance (EC) and other statutory clearance:**

All the statutory clearance shall be obtained by concerned Tahasildar beforehand, prior to putting any source into auction to facilitate seamless operation and the expenditure incurred for obtaining such approvals or clearances shall be raised against the prospective lessees.

- i. Calculation of annual rate of replenishment and allowing time for replenishment after mining in the area.
- ii. A reclamation plan including baseline survey, the proposed mining cross-section data, a planting plan and a monitoring plan can be a part of the mining plan.

## **8. Quarrying Operation**

- i. Quarry –operation shall be carried out as per the approved mining plan duly adhering to the provisions of Odisha Minor Mineral Concession Rules, 2016 and terms or conditions of the respective statutory clearances & approvals.
- ii. No quarrying of sand shall be allowed through mechanized suction method and with blasting in any form.
- iii. No mining operation shall be carried out in the safety zone and any other prohibitory areas as prescribed under Odisha Minor Mineral Concession Rules, 2016.

- iv. A bench mark (BM) with respect to mean sea level (MSL) should be made essential to in mining channel reaches (MCR). Below which no mining shall be allowed.

### **9. Inter -State transportation of sand**

Inter-state transportation of sand may be allowed as per the provisions of Odisha Minor Mineral Concession Rules, 2016 considering the demand for consumption of sand in the State.

### **10. Monitoring & Enforcement**

- i. Robust mechanism shall be put up in place by use of modern technology including IT enabled technology for the purpose of monitoring quarrying activities of the sources and making enforcement activities effective.
- ii. Mining Surveillance System (MSS) for Minor Minerals shall be implemented with technical assistance from Odisha Space Application Centre to curb illegal mining.
- iii. Customer Grievance Redressal Centre shall be established to inquire into and address the grievances faced by the sand consumers.

### **11. Implementation:**

- i. The Policy shall come into force with immediate effect.
- ii. Government in Revenue and Disaster Management Department shall formulate the detailed guidelines for implementation of this policy.
- iii. Government may from time to time review this policy and make amendments as it may deem fit.

This will come into force with immediate effect from date of issue of this Resolution in Odisha Gazette.

This has got the approval of the Cabinet in their 33rd meeting held on 27th August, 2021.

By order of the Governor  
*Nishant Singh*  
Principal Secretary to Government

29/8/2021

**ORDER:** Ordered that the Resolution be published in the extraordinary issue of the Odisha Gazette for general information and copies thereof be sent to all Departments of Government/ all Heads of Department/ Board of Revenue, Odisha, Cuttack/ Inspector General of Registration, Odisha, Cuttack/Director of Land Records & Surveys, Odisha, Cuttack/all Revenue Divisional Commissioners/all Collectors for information.

*Mishra*  
Principal Secretary to Government  
29/9/2021

Memo No. 26373 /RDM Dated 02 SEP 2021

Copy along with soft copy forwarded to Odisha Secretariat Gazette Cell, C/o Commerce Department for information and necessary action. They are requested to publish the resolution in an extraordinary issue of the Odisha Gazette and supply 50 (fifty) copies to this Department for use.

*SB*

Under Secretary to Government

Memo No. 26374 /RDM Dated 02 SEP 2021

Copy forwarded to Accountant General (A&E), Odisha, Bhubaneswar for information and necessary action.

*SB*

Under Secretary to Government

Memo No. 26375 /RDM Dated 02 SEP 2021

Copy forwarded to Additional Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue and DM for kind information of Hon'ble Chief Minister and Hon'ble Minister, Revenue and DM respectively.

*SB*

Under Secretary to Government

Memo No. 26376 /RDM Dated 02 SEP 2021

Copy forwarded to OSD-cum-Special Secretary to Chief Secretary for kind information Chief Secretary, Odisha.

*Sm*

Under Secretary to Government

Memo No. 26377 /RDM Dated 02 SEP 2021

Copy forwarded to all Departments of Government/ all Heads of Department/ Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ Inspector General of Registration, Odisha, Cuttack/Director of Land Records & Surveys, Odisha, Cuttack/ Director of Mines, Odisha/ Director of Geology, Odisha/ Director of Minor Minerals, Odisha/ Chief Executive, ORSAC/ Chairman, SEIAA/ Member Secretary, State Pollution Control Board, Odisha / all Collectors for information and necessary action.

*Sm*

Under Secretary to Government

Memo No. 26378 /RDM Dated 02 SEP 2021

Copy forwarded to Additional Secretary to Government (in charge of e- Governance Cell) / all Officers/ all Sections of Revenue and DM Department for information and necessary action.

*Sm*

Under Secretary to Government

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

\*\*\*\*\*

RESOLUTION

No. 23225 / R&DM, Bhubaneswar, Dated the **28 JUN 2018**  
RDM-LRGEC-MISC-0012-2018

**Sub: Principles/Procedure for implementation of the scheme "Prevention of theft of Minor Minerals and eviction activities".**

Minor Minerals are the gift of nature, which needs to be exploited scientifically through sustainable mining, without incurring damage to environment. Since mineral reserves is under the administrative control of the State Government, it is the primary responsibility of the Government to ensure scientific mining and to maintain continuous supply of minor minerals to all developmental projects including infrastructure and welfare scheme projects like NH, SH and Housing projects and to private projects in a transparent manner in the supply chain from the source to the end users. But it is often reported that due to unscientific mining and illegal lifting of minor minerals by unscrupulous mineral mafias, huge amount of revenue loss has been caused to the State Exchequer. Illegal lifting and theft of minor minerals has been a continuous challenge for the Revenue Administration.

2. In order to curb such illegal lifting and transportation of minor minerals, squads have been constituted at district / sub division levels. But these squads, due to lack of police assistance and lack of proper coordination, have not been very effective to face such a large challenge. In many occasions, the Tahasildars/ Addl. Tahasildars and other Revenue Officials are being manhandled by miscreants during raids. Police personnel are not being readily available at the time of need. Adequate funds for incurring expenditure for enforcement activities are not available with district administration in order to handle the situation. Allegedly, it is going on unabatedly despite all efforts to check the same. Protection of mineral reserves as well as its sustainable exploitation for developmental use is one of the concerns of the State Government. As land and the mineral reserves thereon is the most important capital asset, protection of such capital asset would be a legitimate plan activity.

3. In careful consideration of the above facts, in order to ensure scientific mining, transparent distribution system and to prevent illegal lifting/ theft of minor minerals, the State Government have been pleased to implement a new Scheme namely "**Prevention of theft of Minor Minerals and eviction activities**" from the current financial Year 2018-19 under Programme Expenditure.

**4. BROAD OBJECTIVES:**

The broad objectives of the scheme namely "Prevention of theft of Minor Minerals and eviction activities" are as below;

- i. To ensure adequate and uninterrupted supply of minor minerals for all infrastructure and other developmental projects
- ii. To ensure uninterrupted supply of sand to all rural housing and other welfare scheme projects
- iii. To prevent illegal lifting/ theft of minor minerals from unscrupulous mineral mafias.
- iv. To put in place robust monitoring mechanism to prevent illegal lifting of minor minerals.
- v. For optimal mobilization of revenue so that mineral revenue inflow is maintained to the State exchequer.
- vi. To induct technological intervention in every stage of process chain.
- vii. To ensure sustainable mining without compromising with environment, without damage to roads, river embankments etc.

**5. ACTIVITIES TO BE COVERED UNDER THE SCHEME:**

The following activities will be covered under the scheme.

- i. Demarcation of Minor mineral sources, Pillar posting on the perimeter of the sources, erection of signboards depicting the details of source, quantum of deposits, area and details of the license etc.
- ii. Implementation of all activities specifically suggested under the Odisha Sand Policy, Odisha Minor mineral Concession Rules, 2016 or any other policy decision of the Government.
- iii. Expenditure incidental to constitution of teams for survey, field survey and preparation of District Survey Reports. Remuneration and other expenditure for such survey shall be met out of this Scheme.
- iv. DGPS survey, pillar posting and web-based monitoring of the sources.

- v. Setting up of weigh bridges/ check gates at square points of Blocks/ Tahasils and at lifting point to verify the actual quantity of minor minerals.
- vi. IT intervention like installation of CCTV Camera and DGPS etc shall be made to ensure transparency in operationalisation of sources and transportation of materials.
- vii. Constitution of task force/flying squads for prevention of illegal mining at the State/sub-division/ District/Tahasil level with adequate retired police / ex-army personnel.
- viii. Remuneration of the retired personnel for squads/ survey teams etc engaged on out sourcing basis.
- ix. Hiring of equipment / machinery / private vehicles with cost of fuel to be used for survey teams/ police forces, enforcement squad and eviction activities.
- x. Real- time monitoring of the transport vehicles like trucks with GPS enabling from source to the end user.
- xi. Hosting of information regarding minor mineral quarry leases on website to make mining operations more transparent.
- xii. Purchase of IT machineries like computers & printers, consumables, development of web-based applications, mobile apps for online requisition and monitoring of delivery materials.
- xiii. Disclosure of relevant information for each lease on the State/ District website with various terms and conditions to which the lessee shall be adhered to at the time of lifting the Minor Minerals
- xiv. Implementation of futuristic technological intervention like i4MS.
- xv. Setting up State level/ District level PMUs and expenditure incidental to such PMUs including remuneration of IT professionals and other staff.
- xvi. One Deputy/ Asst. Collector in the District shall remain in charge of the District PMU, who will report to the ADM(Rev) of the District.
- xvii. Expenditure pertaining to deployment of police personnel their transportation etc.
- xviii. Online requisition and monitoring of delivery of materials to the end users.
- xix. Preparation and publication of Standard Operation Procedures & Operation Manuals for various minor minerals with safety and environmental clauses.



- xx. Expenditure incidental to seizure, disposal and eviction activities relating to minor minerals.
- xxi. Any other activity for prevention of illegal lifting or theft specifically approved by Government.

Provided that, if expenditure regarding any of the items above is borne by any other Department like the cost of pillar posting is borne by Steel and Mines Department, Deployment of Police personnel is borne by Home (Police) Department, then no funds out of this scheme shall be utilized for such items of work to avoid duplicity.

**6. AREA OF OPERATION OF THE SCHEME:**

- i. The scheme will be implemented in all the Districts of the State. However, more emphasis shall be given to the high value and high risk sources coming under sensitive Tahasils of the District. The Collector of the District shall identify and prioritize the high risk and sensitive sources and ensure immediate implementation of measures for prevention of theft of Minor Minerals.
- ii. District surveys shall be conducted in all districts for various minor minerals to assess the demand and supply and Gap analysis.
- iii. The Collector of the District shall prepare the list of sensitive tahasils / list of sensitive sources after realistically assessing the risk and sensitivity.

**7. IMPLEMENTING AUTHORITIES:**

- i. Tahasildar is the competent authority for minor minerals, who will implement the scheme under supervision of Sub-Collector and ADM(Rev) of the district. The scheme shall be implemented in the district level with approval of Collector. The execution of hardware activities like eviction, pillar posting, construction of boundary walls, fencing, erecting signboards etc for protection of valuable Government land and mineral reserves may be taken up by the Tahasildar of respective Tahasil through his field functionaries or through any other agency identified by Tahasildar following due procedure of law with prior approval of Collector and with technical support from the JE of the respective Block or RW Department, who will check measure the same.



- ii. The Collector of the respective District may issue further instruction to standardize the procedure in the matter for proper implementation of the Scheme in conformity with financial rules/instructions.
  - iii. Enforcement squads shall be formed by the Collector under the direct control of the Sub-Collector concerned. In the event of requirement, the Tahasildar/ Tahasildars concerned shall make a requisition to the sub-collector concerned specifying the date of raid/operation for arrangement of squad, who shall intimate the fact to the Collector of the District for constitution of the squad.
  - iv. The squad shall strictly follow the standard operating procedure for the purpose.
8. **MODE OF EXPENDITURE:**
- i. All financial rules and accounting procedure as provided in the OGFR, Odisha Treasury code and instructions issued by the Finance Department from time to time for incurring expenditures of Government funds shall be followed.
  - ii. All receipts and expenditure shall be entered in the Cash Book and a separate subsidiary Cash Book may be maintained for the purpose of keeping proper accounts.
  - iii. No amount should be withdrawn from the Bank if not required urgently. Drawal of money from the Bank account for keeping it in shape of cash is strictly prohibited. All expenditures should be limited to the funds available only.
  - iv. A Flexi Account shall be maintained in any eligible scheduled/ Nationalized Bank.
  - v. All expenditure shall be made with prior approval of Collector of the District as per the power delegated for incurring expenditure under Delegation of Financial Power Rules.
  - vi. For all types of unusual expenditure or new type of expenditures, approval of Government should be obtained.
  - vii. Monthly expenditure report with item-wise details shall be furnished to the District office by concerned Tahasildars by 10th of the next month. The ADM/



Nodal Officer of the district shall furnish the compiled expenditure statement of the District to R&DM Department by 15th of the next month.

9. **SUBMISSION OF UTILIZATION CERTIFICATE:**

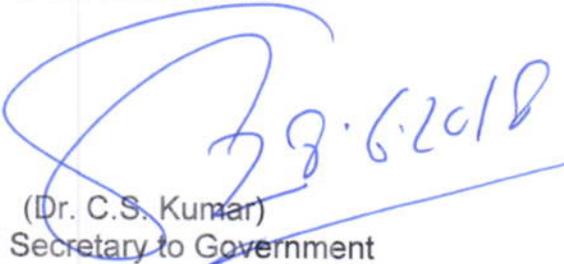
Necessary Utilization Certificate in respect of the expenditure incurred out of the funds under the scheme for the preceding Financial Year shall be furnished by the District Collector in the form prescribed under OGFR to R&DM Department by 30<sup>th</sup> April of the succeeding Financial year.

10 **LEGAL SAVINGS:**

This implementation procedure of the scheme shall not have any overriding effect on any statutory laws for the time being in force like the OPLE Act, 1972, the OGLS Act, 1962 and Rules made there under / Financial procedures like OGFR & Odisha Treasury Codes / instructions issued by the Finance Department from time to time.

**ORDER-** Ordered that the Resolution be published in the Extra-ordinary issue of the Odisha Gazette and copies thereof be forwarded to Revenue & DM Department/ Board of Revenue, Odisha, Cuttack/ All RDCs/ All Collectors for information.

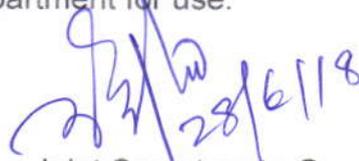
By order of the Governor



(Dr. C.S. Kumar)  
Principal Secretary to Government

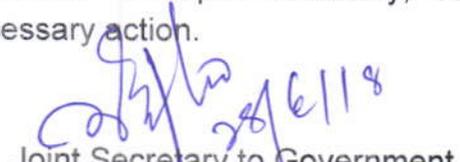
Memo No. 23226 / RDM Dated 28 JUN 2018

Copy forwarded to Odisha Secretariat Gazette Cell, C/o Commerce and Transport (Commerce) Department for information and necessary action. They are requested to publish the Resolution in an extraordinary issue of the Odisha Gazette and supply 10 (ten) copies to this Department for use.

  
28/6/18  
Joint Secretary to Government

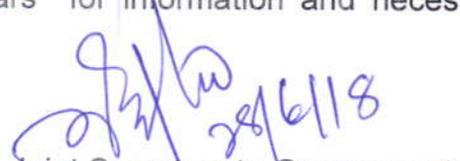
Memo No. 23227 / RDM Dated 28 JUN 2018

Copy forwarded to Addl Chief Secretary, Forest and Env. Department / Addl Chief Secretary, Home Department/ Principal Secretary, Finance Department/ Principal Secretary, Steel and Mines Department/ Principal Secretary, Water Resources Department for information and necessary action.

  
28/6/18  
Joint Secretary to Government

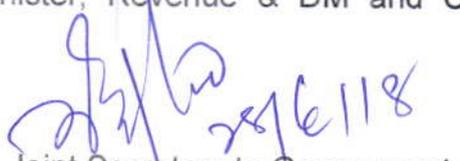
Memo No. 23228 / RDM Dated 28 JUN 2018

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ All RDCs/ All Collectors/ All Sub-Collectors/ All tahasildars for information and necessary action.

  
28/6/18  
Joint Secretary to Government

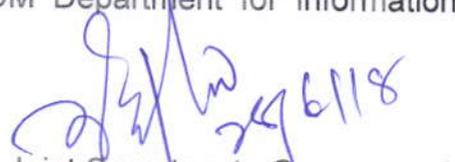
Memo No. 23229 / RDM Dated 28 JUN 2018

Copy forwarded to P.S to Minister, Revenue & DM, Odisha/ OSD to Chief Secretary for kind information of Hon'ble Minister, Revenue & DM and Chief Secretary respectively.

  
28/6/18  
Joint Secretary to Government

Memo No. 23230 / RDM Dated 28 JUN 2018

Copy forwarded to FA-cum- Addl. Secretary/ Joint Secretary (in charge of IMU Cell) / Budget Branch of Revenue & DM Department for information and necessary action.

  
28/6/18  
Joint Secretary to Government

## BEFORE THE NATIONAL GREEN TRIBUNAL

Original Application No. \_\_\_\_\_ of 2024

FAKIR MOHAN PATEL

In re:

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

KNOW ALL to whom these present shall come – Fakir Mohan Patel, S/O Late Jaykaran Patel, Aged About 65years, Resident of At/Po-Bhukta, Ps-Ambabhona, Dist-Baragarh, 768045 above named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :- **Sankar Prasad Pani, Ashutosh Padhy, Advocates, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002, Email-sankarprasadpani@gmail.com** 9437279278

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 28th day of June 2024.

Accepted subject to the terms of fees.

Advocate

Client

Client