

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**  
**(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No. 62/2024/EZ

Bhagabat Sahoo & Ors.-----Applicants(s)

Versus

State of Odisha & Ors. ----- Respondent(s)

Affidavit on Behalf of the Opposite Party/Respondent No. 05 State  
Environment Impact Assessment Authority (SEIAA), Odisha

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Place: Bhubaneswar  
Date: 23/07/2024

**Shri Apurba Ghosh**  
Advocate for Respondent No.05  
(SEIAA), Odisha  
C/o Partha Sarathi Shamajder  
25/D Baderaipur Road  
P:O Jadavpur, Kolkata -700032  
Email-apu7law@gmail.com  
Phone No.9476239442

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Affidavit on Behalf of the Opposite Party/Respondent No. 05 State Environment Impact Assessment Authority (SEIAA), Odisha

1. Dr. Kailasam Murugesen, IFS, son of late Paramasivam Kailasam aged 54 years, at present working as Member Secretary, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.
2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opp. Party No.05 before this Hon'ble National Green Tribunal.
3. That, I have gone through the original application order dated. 20.03.2024 and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.
4. That, in reply to the averments made in the Para-1 of O.A., the deponent humbly submits that this deponent has no comments to offer.
5. That, in reply to the averments made in the Para-2 of O.A., the deponent humbly submits that there is no environmental clearance (EC) issued by SEIAA, Odisha for Uteipur Sand Quarry-2 over an area of 12.02 acres/4.86 Ha bearing khata

  
**MEMBER SECRETARY  
State E.I.A Authority  
Orissa, Bhubaneswar**



No.479, Plot No.208 at village-Uteipur, Tahasil-Dhamnagar, Dist-Bhadrak in favour of Sri Sarat Chandra Majhi. The EC have been issued by DEIAA, Bhadrak as per extant provision in 2018 under EIA Notification 2006 and amended thereto.

6. That, in reply to the averments made in the Para-3 of O.A., the deponent humbly submits that the SEIAA, Odisha vide its letter no. 4957/SEIAA dt. 28.05.2018 has issued environmental clearance (EC) for Uteipur Sand Quarry-1 over an area of 12.45acres or 5.03 Ha at village-Uteipur, Tahasil-Dhamnagar, Dist-Bhadrak in favour of Sri Babuli Majhi for extraction of 7500 cum of sand per annum with validity upto the lease period. A copy of the same is attached in **Annexure-I**.
7. That, in reply to the averments made in the Para-4 to para-22 of O.A., the deponent humbly submits that this deponent has no comments to offer except on the facts which are matter of record.
8. That, in reply to the averments made in the Para-23 & Para-24 of O.A., the deponent humbly submits that the EC conditions stipulate that mining activities shall be carried out as per approved mining plan prepared for this project Uteipur Sand Quarry-1. The depth of the sand mining shall not exceed 3m from ground level. No further excavation shall be carried out or reaching the ground water level, even if before reaching 3m depth.
9. That, in reply to the averments made in the Para-24 of O.A., the deponent humbly submits that the EC for Uteipur Sand Quarry-1 is issued with the quantity of sand to extracted shall not exceed 7500 cum per year.
10. That, in reply to the averments made in the Para-25 of O.A., the deponent humbly submits that as per official record in SEIAA, Odisha, the project proponent has not submitted any half yearly compliance report on post environmental monitoring in respect of stipulated terms and conditions in the Environmental Clearance to



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State E.I.A Authority  
Orissa, Bhubaneswar

the SEIAA, Odisha, The present position of the sand mining is reflected in the joint committee report to be submitted by SPCB, Odisha in pursuance to the to the order dt. 20.03.2023 of Hon'ble NGT/EZ, Kolkata.

- 11. That, in reply to the averments made in the Para-31 to para-56 of O.A., the deponent humbly submits that this deponent has no comments to offer.
- 12. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.
- 13. That the deponent reserves the right to file further affidavit as and when necessary.

Identified by

*[Signature]*  
23.07.2024

Advocate

*[Signature]*

Deponent  
MEMBER SECRETARY  
State E.I.A Authority  
Orissa, Bhubaneswar

**VERIFICATION**

Verified at Bhubaneswar on this day of 23.07.2024 that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

Date: 23.07.2024

**SWORN BEFORE ME**



*[Signature]*

Deponent  
MEMBER SECRETARY  
State E.I.A Authority  
Orissa, Bhubaneswar

23.07.2024

**DUSASAN SAMANTARAY  
NOTARY, GOVT. OF ODISHA  
BHUBANESWAR, ODISHA  
REGD. NO. 88/2012  
MOB-9439143015**





# STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA), ODISHA.

(Constituted vide Order No. S.O. 3387 (E) Date 15.12.2015 of Ministry of Environment Forest & CC, Govt. of India,  
Under Environment Protection Act, 1986.)

Qr. No. 5RF-2/1, Unit - IX, Bhubaneswar - 751022

E-mail : seiaaorissa@gmail.com

Ref. No. 4957/SEIAA

Date 28.5.18

File No. 22367/1971-NCM/04-2018

To

The Tahasildar,  
Dhamnagar Tahasil  
Dist- Bhadrak

Sub: Uteipur Sand Quarry-1 (5.03 ha or 12.45 acres) at Village-Uteipur, Tahasil-Dhamnagar, Dist-Bhadrak of Sri Babuli Majhi -Environmental Clearance regarding.

Ref: Online Proposal No: SIA/OR/MIN/22367/2018 dated 05.04.2018.

Sir,

This has reference to your Online Proposal No: SIA/OR/MIN/22367/2018 dated 05.04.2018 and letter no. 867 dated 06.03.2018 seeking environmental clearances for the above mentioned project under EIA Notification, 2006 and 2009 and subsequent amendments thereto. The proposal has been appraised as per the provisions under the EIA Notification 2006 and on the basis of the documents enclosed with the application such as Checklist, Form-1, Prefeasibility Report, Approved Mining Plan, Environment Management Plan etc. and observations of the State Expert Appraisal Committee, Odisha.

It is a proposed mining of minor mineral- Sand from Uteipur Sand Quarry-1 located at Village- Uteipur, Tahasil- Dhamnagar, District- Bhadrak, Odisha over lease area of 12.45 acres or 5.03 ha. The Uteipur Sand Quarry-1 has been negotiated by Tahasildar Dhamnagar, to Sri. Babuli Majhi vide letter no: 343 dt. 24.01.18. The mining plan of the mining project has been approved by the Mining Officer Baripada Circle, Baripada on 12.02.2018. As per the approved mining plan submitted, mineable reserves are 30,000 cum (Proved) of sand during the lease period. A total of 150 saplings in five years will be planted by the project proponent along the approach road and sides of river bank. Project proponent has earmarked Rs.1.9 lakhs towards environmental protection measures and Rs.7.5 Lakhs towards Occupational Health and Safety during the lease period. There is no forest land involved in the lease area. As per the application submitted by the

Tahasildar/project proponent, there is no <sup>5</sup> protected area i.e. National Park /Sanctuary, Biosphere Reserve, Tiger Reserve located within 10 km radius; there is no Inter-State boundary and there is no court case / litigation pending against the project.

Considering the information/documents furnished by the project proponent/Tahasildar, the State Expert Appraisal Committee (SEAC) after due considerations of the relevant documents submitted by the project proponent/Tahasildar have recommended for Environmental Clearance with certain stipulations.

The State Environment Impact Assessment Authority (SEIAA) after considering the proposal and recommendations of SEAC, Odisha hereby accords Environmental Clearance in favour of the project valid from the date of Environmental Clearance accorded upto the lease period as recommended by the Tahasildar Dhamnagar vide letter no. 867 dated 06.03.2018 under the provisions of EIA Notification 2006 and 2009 and subsequent amendments thereto subject to strict compliance of all conditions as follows.

**Stipulated Conditions:**

**Validity Period:**

- 1) This environmental clearance shall be valid for the lease period as may be granted by the lease granting authority and coterminous with expiry of the lease period.

**Operating Conditions:**

- 2) EC granted for period of lease with usual stipulations. The quantity to be extracted shall not exceed 7500 cum per year.
- 3) The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.
- 4) Any change in mining technology/scope of working shall not be made without prior approval of the SEIAA.
- 5) Any change in the plan of operation including excavation calendar, quantum of mineral to be extracted and waste disposal shall be made only with prior approval of this Authority.
- 6) Mining activity shall be carried out as per approved mining plan prepared for this project.
- 7) It shall be ensured that sand mining does not in any way disturb the flow pattern of the river water.
- 8) Sand quarrying shall not be carried out near the banks of streams within a strip of 1/5 of the width of the stream bed.
- 9) Sand mining shall not be carried out within 200 m of any existing structure such as embankment, dams, weirs, intake structure (s) either for irrigation or for drinking water purposes, or any other cross drainage structure. In case of bridge, mining shall not be undertaken upto 500 meters from the bridge.
- 10) Sand mining operations shall not affect the existing sources for irrigation or drinking water or industrial purpose.

- 11) The depth of the sand mining shall not exceed 3m from ground level. No further excavation shall be carried out on reaching the ground water level, even if before reaching 3m depth.
- 12) Permission from the Competent Authority shall be obtained for drawl of ground water, if any, required for the project.
- 13) The natural sand dunes, if any shall not be disturbed.
- 14) No mining shall be carried out in the vicinity of archaeological sites.

**Compliance and monitoring:**

- 15) The applicant will submit half-yearly compliance report on post environmental monitoring in respect of the stipulated terms and conditions in the Environmental Clearance to the State Environmental Assessment Authority (SEIAA), Odisha , SPCB & Regional Office of the Ministry of Environment & Forest, Odisha on 1<sup>st</sup> June and 1<sup>st</sup> December of each Calendar Year and the same may be updated in the website of MoEF & CC,GOI.
- 16) All necessary statutory clearances shall be obtained before start of mining operations.
- 17) A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, ZilaParisad /Municipal Corporation, Urban Local Body and the Local NGO.
- 18) The conditions stipulated in the environmental clearance must be fully complied with before the lease granting authority. Tahasildar, Dhamnagar, Dist- Bhadrak will closely monitor the strict compliance on the ground of the conditions of EC and submit half yearly monitoring reports.
- 19) The SEIAA, Odisha may revoke or suspend the order, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.
- 20) Concealing the factual information or failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
- 21) The grant of this Environment Clearance is issued from the environmental angle only, and does not absolve the project proponent from the other statutory obligations prescribed under any other law or any other instrument in force. The sole and complete responsibility, to comply with the conditions laid down in all other laws for the time being in force, rests with the lease granting authority/project proponent.

**Pollution abatement measures:**

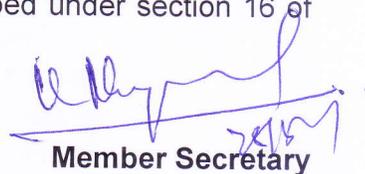
- 22) Vehicles hired for transportation of sand from the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 23) The vehicles shall not be overloaded and shall be covered with Tarpaulin.
- 24) Conservation measures shall be taken for protection of flora and fauna.
- 25) Water spray should be operated on the village road to control dust emission while transportation of sand.

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- 26) The area from which the sand has been extracted be leveled and made free of any foreign debris or materials.
- 27) The surface of stockpile and sand processing areas outside the river bed is to be scarified to a depth of 50 cm, graded evenly, and the top soil previously stored, returned to its original depth over the area.
- 28) A river bed rehabilitation plan should be submitted.

**Safety, Appeal:**

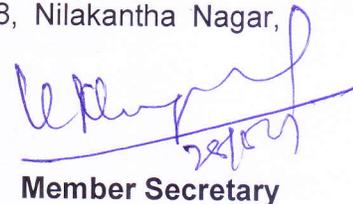
- 29) Personnel working in the project shall be provided with requisite safety devices such as masks, gloves etc.
- 30) The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the Human Habitation existing nearby.
- 31) Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.



**Member Secretary**

Memo No A958/SEIAA /Dt. 28.5.18  
Copy to

1. Joint Secretary (Environment), Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
2. Principal Secretary, Forests & Environment Dept., Government of Odisha for information.
3. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for information.
6. The Collector, Angul, / Sub Collector, Angul for kind information and necessary action.
7. Member Secretary, CGWA, 18/11, Jamnagar House, ManSingh Road, New Delhi – 110011 for information.
8. Copy to Sri Babuli Majhi, Village-Uteipur, Tahasil-Dhamnagar, Dist-Bhadrak, Odisha for information.
9. Chairman/Member / Member Secretary, SEIAA for information.
10. Chairman, SEAC/Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
11. Guard file for record.



**Member Secretary**