

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

ORIGINAL APPLICATION NOOF 2023

IN THE MATTER OF:

MADHUSUDAN PALAI

APPLICANT

VERSUS

STATE OF ODISHA AND ORS

RESPONDENTS

INDEX

SL No	Description of Document	Page No
1	Original Application	1-27
2	Copy of photographs of illegal laterite stone quarry dated 18/07/2023 is annexed as <u>ANNEXURE-1</u>	28-36
3	Copy of CTO dated 05/01/2023 is annexed as ANNEXURE-2	37-44
4	Copy of CTE letter dated 03/12/2022 is annexed as ANNEXURE-3	45-48
5	News Clipping is Annexed as ANNEXURE-4	49-51
6	Copy of the Revenue department letter dated 26/04/2019 is annexed as ANEXURE-5	52-57
7	Environmental clearance dated 17/12/2020 as ANNEXURE-6A and Environmental clearance dated 2/06/2022 as ANNEXURE-6B	58-66
8	VAKLATNAMA	67

PLACE: Bhubaneswar

DATE: 05/12/2023



SANKAR PRASAD PANI

ADVOCATE

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SYNOPSIS

That the present application challenges the illegal operation of Laterite stone quarries in Mouza- Bariko and Ramchandrapur, Tahasil- Tangi, District- Khordha. by the lessee in violation of conditions of Environment clearance and mining beyond lease area .The summary of illegalities and violations are as follows

- i. That the Consent To Operate dated 05/01/23 in favor of Sri Giridhari Das for Laterite Stone Quarry over an area of 2.173 Acres, for production quantity of **1500 CM/Annum and total production in the entire 5 year lease period will be 7500 CM** from plot no 673, Khata No **210 Kissam- Pathar Chatana.**
- ii. The lessee is extracting laterite stone from Mouza Bariko and Ramchandrapur from the plots which was not permitted by the authorities. There has been no monitoring of compliance of conditions and the requirement of submission of quarterly compliance report has not been furnished and uploaded by the project proponent as well as Tahasildar for which the EC is liable to be cancelled as per condition no 9.23 of EC letter. though it should be quarterly monitored

- iii. There has been no plantation by the project proponent and the progressive mine closure and phased reclamation has not been followed.

LIST OF DATES

26/04/2019	Govt of Odisha issued a guideline for prevention of illegal mining of minor minerals
17/12/2020	Environmental clearance granted in favor of Tahasildar Tangi
02/06/2022	Environment clearance Granted in favor of Sri Giridhari Das by SEIAA Odisha
03/12/2022	Consent to establish was granted in favor of Bariko laterite stone quarry by Odisha State Pollution Control Board.
15/05/2023	News published regarding the illegal mining in Odia News paper Samaj
18/07/2023	Photographs of mining

**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 2023

IN THE MATTER OF:

1. MADHU SUDAN PALAI S/O LATE BINAYAK PALAI aged about
48 years At-Jharia Po-Badapari, Dist- Khordha .

APPLICANT

VERSUS

1. State of Odisha represented by Chief Secretary, Government of Odisha, Lokaseva Bhawan, Bhubaneswar csori@nic.in
2. Principal Secretary, Revenue and Dissaster Management, Government of Odisha, Lokaseva Bhawan, Bhubaneswar, 751001, revsec.od@nic.in
3. Additional Chief Secretary, Forest and Environment Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: fesec.or@nic.in
4. Collector & Dist. Magistrate Khordha, At/PO/Dist- Khordha
Email- dm-khorrdha@nic.in PIN-752069
5. Superintendent of Police, Khordha, At/Po/PS- Khordha
spkda.orpol@nic.in , 752069
6. Divisional Forest Officer, Khordha, At/Po/Dist-Khordha.
dfokhordha@gmail.com PIN-752055
7. **Member Secretary**, Odisha State Pollution Control Board

A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha

Email: paribesh1@ospboard.org, member.secy@ospboard.org

8. Regional Officer, State Pollution Control Board, Bhubaneswar,

Email: rospcb.bhubaneswar@ospboard.org

9. Member Secretary, State Environment Impact Assessment Authority

(SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit – IX,

751022 Email: seiaaorissa@gmail.com

10. Director of Mines and Geology, Bhubigyan Bhawan , Bhubaneswar,

Khordha, PIN-751001 dirmines_odisha@rediffmail.com

11. Sri Giridhari Das Po- Badapari, Dist- Khordha, State- Odisha Lessee of

Bariko Laterite Stone Quarry.

12. Tahasildar, Tangi, At/Po/PS- Tangi, Dist- Khurdha tdrtangi@gmail.com

tah.tangikh-od@nic.in

13. Deputy Director General of Forests (C), Ministry of Environment,

Forest and Climate Change, Integrated Regional Office (EZ), A/3,

Chandersekharpur, Bhubaneswar – 751023, Email: roez.bsr-mef@nic.in

RESPONDENTS

- I. The address of the Counsel of Applicant is given 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. Private Respondent is the lessee of Laterite Stone Quarry. Regional office of MoEFCC and SEIAA has a

duty to monitor the compliance of EC conditions. Director of Geology Bhubaneswar has approved the mining plan.

- III. The Present Application Challenges the inaction of the state respondents against illegal and unauthorized Laterite stone quarry and Morrum Mining in Bariko and Ramchandrapur Mouza, Tangi Tahasil, Khordha District beyond lease area and without Consent to Operate.

IT IS MOST RESPECTFULLY SHOWETH-

1. That the applicant is the resident and elected Sarpanch(Panchayat head) of where the illegal quarrying by the private respondent is ongoing.
2. That M/s. BARIKO LATERITE STONE QUARRY, BARIKO, was granted CTE on 03/12/2022 by State Pollution Control Board, under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 for Production of Laterite Stone at a **quantity of 1500 Cubic Meter/Annum or 3000 MT/Annum**. Total production for the plan period of 5 years from the quarry for Laterite Stone is at a quantity of 7500 Cubic Meter or 15000 Metric Tones. At Bariko mouza, Village: Bariko (on plot no 673, Khata No **210 Kissam- Pathar Chatana**; Lease hold area of 0.880 Ha or **2.173 Acres**) (as mentioned as per CTO), Tahasil/PS: Tangi in the district of Khordha. CTO has been granted on 05/01/2023. Environment clearance granted to lessee on 02/06/2022.

3. That one Giridhari Das is illegally operating a laterite stone quarry in Bariko mouza of Tangi Tahasil. The illegal operation of quarry is ongoing in Bariko mouza from plot no 665 khata no 268(Kissam-Rakhita) which is a Govt land, plot no 765 Khata no- 231(Kissam-Fasala 2), **plot no 630** Khata no- 204(Kisam Fasala 2),Plot no-631, khata no- 219(Kisam Fasala 2), **Plot no-663 Khata no- 105** (Kisam Fasala 2) and in Ramchandrapur mouza from khata no 463 plot no 430(*kissam-Chota Jungle*), khata no 463 plot no 428(*kissam-Chota Jungle*) plot no 679/1 khata no 575/57, plot no 679/85 khata no 575/78, plot no 649 khata no 04/12, plot no 650 khata no 405, plot no 652 khata no 372/8, all are private lands.
4. The leased quarry is surrounded by all agricultural and private lands and the mining operation has an impact on the locality. The quarry area has been developed after felling hundreds of trees from the Gochar plot as well as from private plots. In the garb of lease the private respondent is illegally operating from non-lease areas in Ramchandrapur and Bariko mouza.
5. It is pertinent to mention that only 1500Cubic Meter of Laterite stone has been permitted to extract from the lease area. However the lessee has already operated the entire lease area of 2.173 acres and in addition to that also operated the quarry on other private as well as Govt lands also. **On a bare conversion of 1500 sq. meter the area will be only 0.37 acres considering the depth of only 1metre. Here the quarry has been**

permitted for 6 meter depth and lessee has operated more than 10 metre depth of the quarry. If the quarry depth is taken 6 metre then the area of operation shall not be more than 0.06 Acres. Any mining beyond the area of 0.06 Acres is to be treated as illegal.

6. Adjoining mouzas where in all such kind of lands were of Forest Land in Sabik Records, hence the mining should have been allowed after verification of sabik records and same has not been followed in the present case.
7. The lease holder has illegally started operating the quarry from plot no 665 khata no 268(Kissam-Rakhita) which is a Govt land, plot no 765 Khata no- 231(Kissam-Fasala2), **plot no 630** Khata no- 204(Kisam Fasala 2), Plot no-631, khata no- 219(Kisam Fasala 2), **Plot no-663 Khata no- 105** (Kisam Fasala 2) and in Ramchandrapur mouza from khata no 463 plot no 430(*kissam-Chota Jungle*), khata no 463 plot no 428(*kissam-Chota Jungle*) plot no 679/1 khata no 575/57, plot no 679/85 khata no 575/78, plot no 649 khata no 04/12, plot no 650 khata no 405, plot no 652 khata no 372/8. Copy of photographs of illegal laterite stone quarry dated 18/07/2023 is here unto annexed as **ANNEXURE-1**
8. That while extracting the laterite stone, acacia and cashew tree have been removed and cleared. It is needless to mention that the area use to look like as a forest and the present illegal mining has damaged the

environment. Photographs in annexure-1 clearly indicates the felling of trees for quarry activity.

9. That the ongoing Laterite Stone and Morrur Quarry is in gross violation of Environment protection Act 1986 and the standard conditions of environment clearance conditions. Summary of illegalities and violations are as follows

- i. The extraction of Morrur and Laterite stone is done by clearing the Accacia and cashew and other trees from Govt and private Land
- ii. There has been no monitoring of compliance of conditions and the requirement of submission of quarterly compliance report has not been furnished and uploaded by the project proponent as well as Tahasildar for which the EC is liable to be cancelled as per condition no 9.23 of EC letter. though it should been quarterly monitored
- iii. There has been no plantation and green belt done by the project proponent and the progressive mine closure and phased reclamation has not been followed as it should have started once one pit is completed. Currently there are more than 10 different pits on which quarrying activities are going.

- iv. There has been no authorization under Hazardous Waste Management Rules 2016 for disposal of waste oils, used oils generated from machines and mining operation.

10. That the laterite stone and morrum loaded vehicles use to ply on PMGSY road through densely populated villages in violation of EC condition. **The vehicles use to cause air pollution and noise pollution while plying on the village road.**

11. That the CTO dated 05/01/2023 granted in favor of Lessee for Laterite Stone Quarry over an area of 2.173 Acres, annual production quantity of **1500 CM** and total production in the entire lease period will be **7500 CM**. The CTO was granted **with 33 stipulated conditions and none of the conditions have been complied**. Copy of CTO dated 05/01/2023 is annexed here unto as **ANNEXURE-2**

12. That the ongoing laterite stone quarry operation started in the year 2020 before grant of CTO to the private respondent. And the same is clear from the RTI reply given by the PIO Tangi Tahasil letter dated 22/03/2023. From the above mentioned letter it is clear that mining was started from the year 2020-2021.

13. That the **Environmental Clearance is granted under the following grounds**

9.18 Waste oils, used oils generated from the EM machines, mining operations. If any shall be disposed as per the Hazardous Wastes (Management, Handling and trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.

9.19 Permanent barricading/barbed wired fencing of the mining lease area site shall be done after completion of mining activities to prevent any danger for stray animals and human habitations from accidents.

9.20 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine. Filling of the ditch by fly ash is to be ensured by the lessee as also fencing the area, guard wall for safety of cattle & traffic.

9.21 Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report.

9.22 The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.

9.23 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha/ SPCB, Odisha/ Regional Officer of the MoEF & CC, Bhubaneswar, in hard and soft copies on 1st day of January, April, July, October of each Calendar year falling which EC is liable to be revoked.

9.24. At the end of mine closure, the proponent shall immediately remove all the sheds put up on the quarry and all the equipment in the area before closure of the quarry.

9.25 The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority i.e., the Tahasildar, who shall ensure compliance of the stipulated conditions and take corrective measures promptly in case of any non-compliance and also ensure that the project proponent submits quarterly compliance reports.

9.26 The concerned Regional Office of the MoEF & CC/SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s) SPCB officer(s) by furnishing the requisite data/information/monitoring reports.

9.27 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti/ Zilla Parishad/Municipal Corporation/ Urban Local Body as the case may be.

9.28 Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining

activity shall not commence prior to obtaining Consent to Operate from the State Pollution Control Board.

9.29 The SEIAA, Odisha may revoke or suspend the EC, 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.

9.30 The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.

9.31 concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this environment clearance besides attracting penal provisions in the Environment (protection) Act, 1986.

9.32 The above conditions will be enforced inter-alia, under the provisions of the water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.

9.33 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.

14. That for this quarry, the **consent to establish** was granted in favour of the

Bariko Laterite Stone Quarry on 03/12/2022. The CTE is having 4 general Conditions, 16 Special Conditions, 5 conditions to check water pollution and 8 conditions to prevent air pollution and 3 conditions for Managing Solid and Hazardous waste. However not even a single condition has been complied. Copy of CTE letter dated 03/12/2022 is annexed here unto as

ANNEXURE-3

15. That the private respondent is operating the illegal laterite quarry before getting the appropriate permissions from the concerned authorities. This issue illegal mining was widely covered in various odia newspapers and one such paper is Samaj on 15th May 2023 and on 17th May 2023. News Clipping is Annexed here unto as **ANNEXURE-4**
16. That the consent to operate was granted to the quarry on 05/01/2023 with validity up to 31/03/2024. It is submitted that the subsequent CTO granted was without verifying the compliance of earlier CTO conditions.
17. It is submitted that there has been no measures taken to mitigate the Air Pollution such wet drilling, the stone is cut in dry method, No water sprinkling in the quarry area as well as the roads, overloading vehicles are rampant, roads are already damaged and not graded to mitigate the dust emission, no water sprinklers in the mining site, the quarrying activity does not meet the ambient air quality standard, loading and unloading areas do not have dust suppression measures, Mining beyond 6metres, six monthly environmental statement has not been submitted and no green belt developed by the lessee.
18. That the present lessee is in possession of 7power tillers, two tractors, one JCB and engaged in illegal quarrying. The Power tillers were bought with subsidy from agriculture department for agriculture purpose but being used for quarrying is abuse of the Scheme to promote agriculture. This is also a kind of scam to loot state exchequer and avail the subsidy for

agriculture implements and then use the same for illegal mining by fixing one cutter machine to the power tiller. The District Agriculture Officer Khordha need to monitor the abuse of the scheme so as to check the use of Power Tillers in Quarry operation.

19. It is humbly submitted that because of the illegal deep quarrying the water that use to flow from upper elevation to the agricultural land is being obstructed in the quarries and the villagers are facing water scarcity for their agricultural land. Further illegal quarry has resulted in felling thousands of trees and destroyed the forest and environment of the locality. Because of the illegal laterite quarries the government is losing its revenue in Crores of Rupees and the environment is severely impacted. The animals are severely affected as their grazing grounds are being illegally mined out and at times the animals are being trapped in the deep quarries.

20. That, the Tahasildar did nothing such as Seizure of vehicle engaged in transporting of minerals, criminal prosecution under Indian Penal Code for Theft. On the contrary, the enforcement authorities, remained silent by collecting a mere nominal amount of penalty occasionally which establishes their connivance with the offenders of such crime

21. That the Tahasil authorities have obligation to ensure implementation of laws & entrusted to protect govt. assets but in this case the concerned authorities have grossly failed to discharge their duty. They never filed any complaint or filed

any FIR U/s 379 & 414 with police station or exercise their power to desist an offender from unauthorized extraction of minor minerals rather supported it to continue such illegal lifting of minor minerals by becoming silent.

22. That in order to check the illegal mining, Government of Odisha has come out with a guideline dated **26/04/2019** where in instructions for prevention of illegal mining of minor minerals 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. Copy of the Revenue department letter dated 26/04/2019 is annexed here unto as **ANEXURE-5**

23. That the tahasildar Tangi was granted EC on dated 17/12/2020 for mining of laterite stone from Bariko Laterite Stone Quarry over an area of 2.173 acres or 0.88 ha at village Bariko Tahasil Tangi in the district of Khondha and again on dated 02/06/2022 EC was transferred in favour of the lessee. Copy of the EC dated 17/12/2020 is here unto annexed as ANNEXURE-5A and EC dated 02/06/2022 is here unto annexed as ANNEXURE-6B.

24.Hence the lifting of laterite stone from all the afore mentioned sources are illegal and warrants appropriate action by the concerned Tahasildar to the extent of seizure of vehicles, criminal proceedings against the person concerned and prohibiting the persons from lifting the morrum. Further, collecting the royalty and allowing the miners to go on further quarrying is not sufficient and deterrent too. It is submitted that no deterrent action has been taken till date, though the Govt. Circular of 26/04/2019 says action has to be taken within 72 hours (3days).

25. That the Revenue and Disaster Management, Odisha has come out with the resolution dated 28th June 2018 to adopt the technologies to check the illegal mining and responsibilities of authorities to be fixed for failure to curb illegal mining, but no action has been taken as on date. In fact, the authorities who has duty to check illegal mining are becoming partner in the crime to loot illegal minerals and thereby causing the loss to state exchequer and damage to environment.

26.That Hon'ble NGT in OA 83 of 2022 has directed the Director of Geology to measure the illegal laterite stone and Morrum quarries in Mayurjhalia Mouza. Pursuant to the direction, Geology department with help of ORSAC and Mining Consultant, a detailed scientific measurement was carried out.

27.That in Original Application No 54 of 2018, Hon'ble Tribunal vide order dated 24th Dec 2021, has directed the Home Secretary, Government of

Odisha to constitute a **Special task Force** to look into the illegal morrum and laterite mining in Nijigarh Tapang Panchayat of Khordha District. The relevant para 7 of the order is reproduced as follows

“Para-7: In view of above, we direct Home Secretary, DGP and Chairman, State PCB, Odisha to hold a joint meeting within two weeks and constitute an appropriate Special Task Force (STF) to consider registering a criminal case for investigation of the crime in question to identify the violators and bring them to justice. Apart from such action, there is need for further preventive and remedial action for protection of environment and enforcement of environmental laws, including recovery of compensation and restoration measures. A joint Committee comprising of MoEF&CC (Regional Office at Bhubaneswar), CPCB, State PCB, SEIAA, Odisha and District Magistrate, Khurda may meet within two weeks to plan remedial action in this regard. The State PCB will be the nodal agency for coordination and compliance. The Committee may undertake visit to the site, interact with the stakeholders and plan further action. The Committee may also ascertain the identity of the law violators in coordination with the investigators or otherwise and proceed against them for enforcement of environmental norms, including action of stopping the illegal mining. It may furnish its action taken report within four months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in

the form of Image PDF. The report may also be uploaded on the website of CPCB to enable any of the parties to file response thereto.

List for further consideration on 25.04.2022”

28. That the Hon'ble Tribunal in Original Application No. 837/2018 vide order dated 31/07/2020 (**Sandeep Mittal vs MOEFCC**) in Para 2 there was flagrant violation of conditions of Environmental Clearance and adequate monitoring was not taking place, vide order dated 30.10.2018, the Tribunal observed that compliance of conditions of Environmental Clearance must be monitored on periodical basis, **at least once in a quarter**. Accordingly, the Ministry of Environment, Forest and Climate Change (MoEF&CC) was directed to review and strengthen the mechanism for the purpose and furnish a report.

Para3. The matter has thereafter been considered on several dates including 29.04.2019, 23.07.2019 and 22.11.2019. It has been repeatedly found that the mechanism for monitoring environmental norms is inadequate, as a result of which there is rampant violation of Environmental Clearance (EC) conditions, as noted by this Tribunal in several cases. The Tribunal also noted the observations in the Judgments of the Hon'ble Supreme Court in T.N. Godavarman Thirumulpad Vs. Union of India & Ors. (2014) 4 SCC 61 and Lafarge Umiam Mining Private Limited Vs. Union of India, (2011) 7 SCC 338 that power of the regulator under Section 3(3) of the Environment

(Protection) Act, 1986 is **coupled with duty and there is a need for effective monitoring mechanism.** The Hon'ble Supreme Court also observed that there is poor monitoring and there are huge gaps in laying down of conditions and enforcement thereof. Such observations have also been made by the Comptroller and Auditor General of India (CAG), pointing out deficiencies on this aspect.

29. That Section 4 of *The Orissa Minerals (Prevention of Theft, Smuggling and other Unlawful Activities) Act, 1988* **Restriction on possession, storage, etc. of minerals states that** “No person shall-

(i) possess, store, sell, trade in or otherwise deal with any mineral except under and in accordance with terms and conditions of a licence: or

(ii) transport or remove any mineral from any place except under and in accordance with the terms and conditions of a permit.”

And Further Section 12 of the Act Prescribes the Penalty such as - (1) Whoever fails to comply with or contravenes any of the provisions of this Act or the rules shall, on conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

30. That Section 51 provides for Penalties:— (1) (i) Whenever any person is found extracting or transporting any minor mineral or on whose behalf such extraction or transportation is being made otherwise than in accordance with these rules, **shall be presumed to be a party to the illegal extraction or removal of such minor minerals and every such person shall be punishable with simple imprisonment for a term which may extend to two years or with fine which may extend to five lakh rupees or with both and in case of a continuing contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention.** (ii) The Collector or Sub-Collector or Tahasildar or Director or Joint Director or Deputy Director or Mining Officer or Senior Inspector of Mines or Divisional Forest

Officer or Assistant Conservator of Forest or Range Officer or Police Officer not below the rank of Sub-Inspector of Police may seize the minor minerals and its products together with all tools, equipments and vehicles used in committing such offence within their respective jurisdiction. (ii), not exceeding the maximum amount of fine prescribed under these rules and value of the mineral and other properties seized and on payment of such fine and value, the seized mineral and properties shall be released forthwith: **Provided that the accused shall be liable to furnish an undertaking or bond to the effect that he shall not commit**

such offence in future: (2) Whenever any person trespasses into any land in contravention of the provisions of these rules, such trespasser may be served with an order of eviction by the Tahasildar or Sub-Collector or Collector or Deputy Director or Mining Officer or Assistant Mining Officer or Divisional Forest Officer or Assistant Conservator of Forest or Range Officer within their respective jurisdiction and such Government Officer, if necessary, may obtain the help of the police to evict the trespassers from the land. (5) If the person committing an offence under these rules is a company, every person, who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished as per the provisions of the Act and these rules. (7) In case of breach of any condition of the lease deed, the Competent Authority may give notice of sixty days to the lessee to rectify the defects within the time specified and if the lessee fails to rectify the defects within the specified time, the Competent Authority may cancel the lease and/or levy a penalty not exceeding rupees fifty thousand. (8) In case of breach of any condition mentioned in rule 37 of these rules and other conditions which the Competent Authority might have specified while granting a quarry permit, the Competent Authority may impose a penalty which may extend to rupees five thousand per day and in the event of continuing

contravention, the Competent Authority may cancel the permit and in such case the minerals lying on the land from which the same are extracted shall thereafter become the property of the Government and be disposed of by public auction.

31. That despite of the provision for criminal prosecution which upon conviction will end in two-year imprisonment, the Tahasildar took no deterrent measures for which mafias are encouraged and the offender to continue with the illegal mining.

32. That Extraction of Minor Minerals without prior Environment Clearance is an offence under Section 15 of the Environment Protection Act 1986 **and same is reproduced as follows**

“(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the

offender shall be punishable with imprisonment for a term which may extend to seven years.”

33. That District Collector is the authority under the Environment Protection Act 1986 to initiate criminal prosecution under Section 19 of Environment Protection Act 1986 and the District Magistrate, Khordha in the present case failed to discharge the duties and hence the Hon’ble Tribunal may call for a satisfactory reply and direct the Chief Secretary for necessary action to that effect.

34. That while upholding the Criminal Prosecution in an illegal sand mining case namely Jayant Etc 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.

35. Illegal mining of minor minerals 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 Act, 2002.**

36. That 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.”

37. 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.”

GROUND

- A. That the illegal quarries by the private respondent in collusion with Tahasildar, Tangi resulted in more than ten abandoned pits and same is endangering life and livestock of local residents
- B. That the felling of Accacia and cashew nut trees and associate plants in thousands causing deforestation is against the principle of sustainable development and Precautionary Principle

- C. That the Petitioners and other residents of locality have a right to Clean Air and Water which is guaranteed by expanding the scope of Article 21 of Constitution of India and same has been violated.
- D. That the ongoing illegal quarrying destroying the local ecology is against the spirit of Article 48A and 51A(g) that mandates for protection of environment
- E. That the present illegal quarrying is against the principle of Sustainable Development, Precautionary Principle and attracts the Polluters Principle.
- F. Mining beyond lease are on plot no- plot no 765 Khata no- 231(Kissam-Fasala 2), **plot no 630** Khata no- 204(Kisam Fasala 2),Plot no-631, khata no- 219(Kisam Fasala 2), **Plot no-663 Khata no- 105** (Kisam Fasala 2) is illegal.
- G. Mining more than 1500 cubic meter per year and more than area of 0.06 acres is illegal.

LIMITATION

That there is a subsisting cause of action because of the ongoing illegal quarrying activity on day to day basis and inaction of state respondents, hence the application is not barred by limitation

INTERIM PRAYER

Hon'ble Tribunal may please to direct the District Collector Khordha to immediately stop the laterite stone quarrying in Bariko and Ramchandrapur of Tangi Tahasil till final disposal of the Original Application.

PRAYER

The Hon'ble Tribunal may please to consider to pass the following directions.

- I. Direct the SEIAA and SPCB to withdraw the environment clearance and CTO for violation of EC conditions and non-filing of quarterly environment compliance report
- II. Director of Mines and Geology, Government of Odisha to assess the extent/quantum of Minor Minerals including morrum and laterite stone excavated illegally and its market value, **cost of restitution and environmental compensation and recover from the private respondent**
- III. Fix the accountability/responsibilities of the concerned Govt. authorities and Tahasildar Tangi for their inaction and wilful dereliction of duties causing loss to the state exchequer and damage to the environment
- IV. Direct the District Collector to initiate criminal proceedings U/s 379, 420, 120B of IPC & Section 19 of Environment Protection Act 1986 against the private respondent and Tahasildar, Tangi
- V. Pass such other orders/directions as may be deemed fit and proper in the bonafide interests of justice.

And for this act of kindness, the petitioners as in duty bound shall ever pray.

Bhubaneswar

By the Applicant Through

05/12/2023



ADVOCATE

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

ORIGINAL APPLICATION NO OF 2023

IN THE MATTER OF:

MADHU SUDAN PALAI

APPLICANT

VERSUS

STATE OF ODISHA AND ORS

RESPONDENTS

AFFIDAVIT

I MADHUSUDAN PALAI S/O LATE BINAYAK PALAI aged about 48 years. At/ JHARIA Po- BADAPARI, Dist-Khordha, Odisha do hereby solemnly affirm, and declare as under:

- 1. That I am the Applicant in the abovementioned application and 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.

IDENTIFIED BY ME,

Madhu sudan palai
DEPONENT

ADVOCATE, BHUBANESWAR

VERIFICATION

Verified on this the 05 DEC 2023 day of DEC 2023 at -----
that the contents of the above rejoinder are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By

Madhu sudan palai

Advocate

VERIFICANT



The above mentioned *sp. pers*
duly identified by me
on 05 DEC 2023
Appears before me
at Bhubaneswar
on oath that the contents of the affidavit
are true to the best of his/her/their
knowledge and belief
Deponent(s) Notary, Bhubaneswar

Janme Jaya Rautray
JANME JAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
REGD. NO-ON-86/2012
Mob. No. - 9337121273

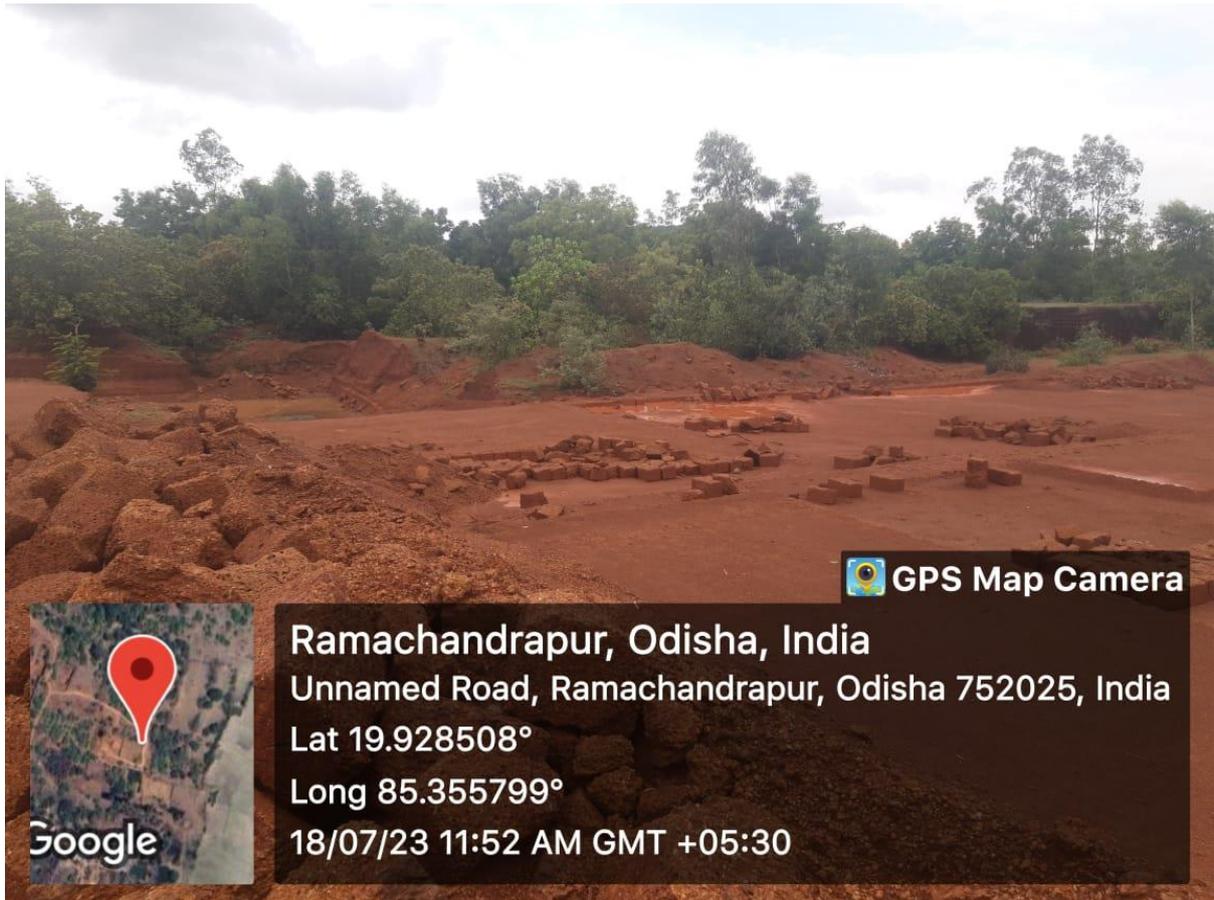
PHOTOGRAPHS DATED 18/07/2023 SHOWING THE ILLEGAL MINING AND HOARDING OF THE LESSEE







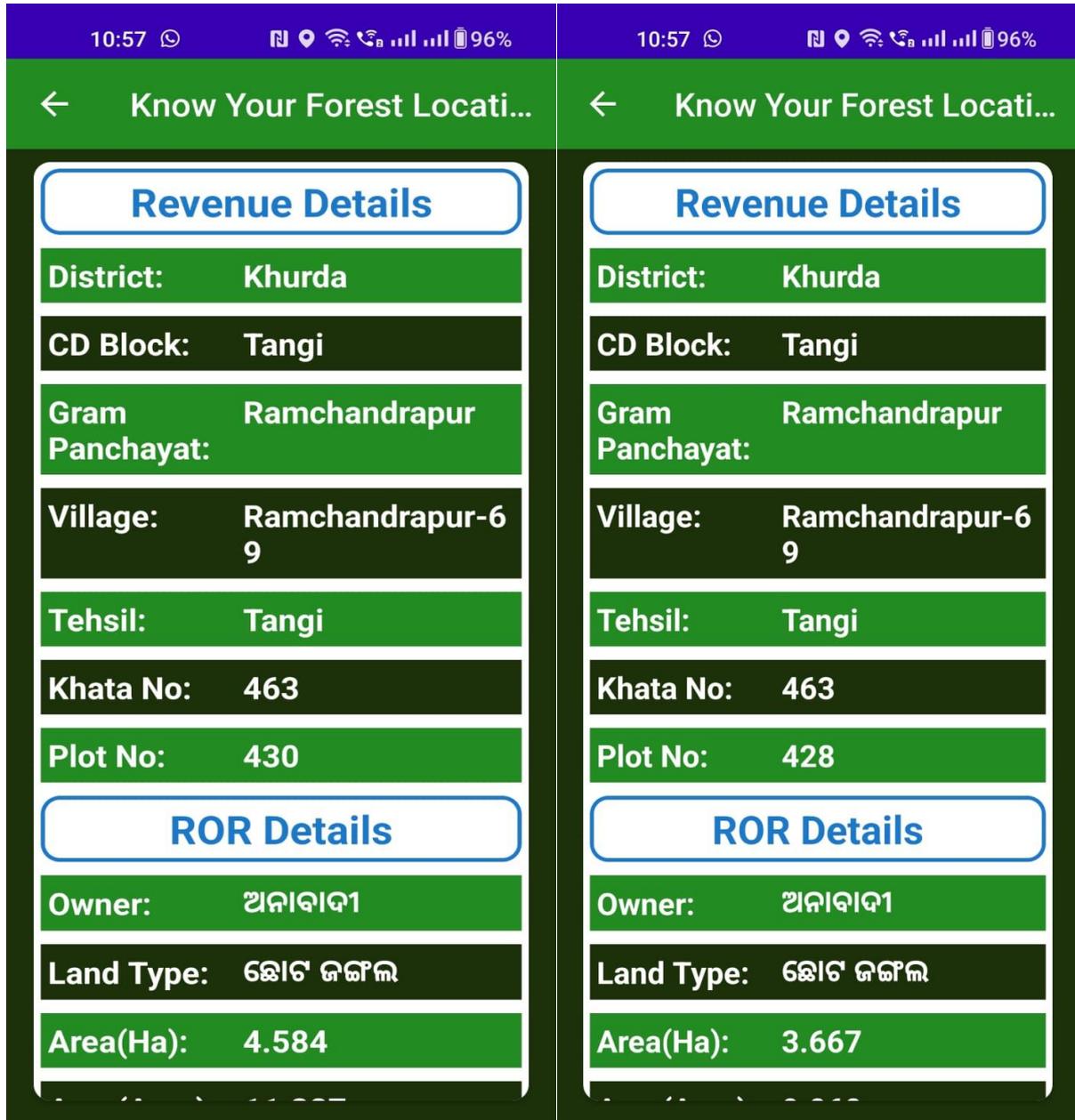








THE PHOTOGRAPHS SHOWING BELOW SHOWS THAT THE KHATA NO-463 PLOT NO-430,428 ARE OF KISSAM SMALL FOREST







Tel: 0674-2973126
E-mail: rospcb.bhubaneswar@ospcboard.org
Website: www.ospcboard.org

OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
Plot No. B-59/2 & B-59/3, Chandaka Industrial Estate, Patia, Po- KIIT, Bhubaneswar - 751024

No. 31 / RO-CON-1237

Date 05/01/2023

CONSENT TO OPERATE ORDER

CONSENT ORDER NO. RO/BBSR/CTO. 1734/WPC/APC

Sub: Consent for discharge of sewage and trade effluent under Section 25/26 of the Water (PCP) Act, 1974 and under Section 21 of Air (PCP) Act, 1981 for existing/new operation of the plant.

Ref: Your Online Application No. 3441213, Dt. 24.2.2021 and this Office Consent to Establish Order issued vide letter No. 3315/RO-NOC-2763, dt. 3.12.2022.

Consent to Operate is hereby granted under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & control of Pollution) Act, 1981 and rules framed thereunder to:

Name of the Mines: **M/s. BARIKO LATERITE STONE QUARRY, BARIKO**

Name of the Occupier & Designation: **Sri Giridhari Das, Lessee**

Address of the unit: **Bariko mouza, Village: Bariko (on Plot No. 673 of Khata No. 270; Lease hold area of 0.880 Ha or 2.173 Acres; Kissam: Pathara Chatana) Tahasil/PS: Tangi, Dist: Khordha**

This consent order is valid for the period up to **31.03.2024**

This consent order is valid for the product quantity, specified, outlets, discharge quantity and quality, specified chimney/stack, emission quantity and quality of emissions as specified below. This consent is granted subject to the general and special conditions stipulated therein.

A. Details of Products Manufactured:

Sl. No.	Product	Quantity
1.	Production of Laterite Stone	1500.00 Cubic Meter/Annum or 3000.00 MT/Annum (Total production for the plan period of 5 years at a quantity of 7500.00 Cubic Meter or 15,000.00 Metric Tonnes)



CONSENT ORDER

A. Discharge permitted through the following outlets subject to the standard

Outlet No.	Description of outlet	Point of discharge	Quantity of discharge KLD or KL/hr	Prescribed standard			
				pH	TSS (mg/l)	O & G (mg/l)	BOD (mg/l)
01	Septic Tank (Domestic effluent)	Soak pit		-	-	--	-
02	Mine drainage water/ surface runoff/ other waste water after treatment	Inside its own quarry		-	-	-	-

B. Emission permitted through the following stack subject to the prescribed standard

Chimney Stack No.	Description of Stack	Stack height (m)	Quantity of emission	Prescribed standard				
					PM	SO ₂	NO _x	

C. Disposal of solid waste permitted in the following manner

Sl. No.	Type of Solid Waste	Quantity generated (TPD)	Quantity to be reused on site (TPD)	Quantity to be reused off site (TPD)	Quantity disposed off (TPD)	Description of disposal site.
1.	Top soil/over burden	As per approved mining plan	--	--	--	As per approved mining plan



E. GENERAL CONDITIONS FOR ALL UNITS

1. The consent is given by the Board in consideration of the particulars given in the application. Any change or alternation or deviation made in actual practice from the particulars furnished in the application will also be the ground liable for review/variation/revocation of the consent order under section 27 of the Act of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 and to make such variations as deemed fit for the purpose of the Acts.
2. The industry would immediately submit revised application for consent to operate to this Board in the event of any change in the quantity and quality of raw material / and products / manufacturing process or quantity /quality of the effluent rate of emission / air pollution control equipment / system etc.
3. The applicant shall not change or alter either the quality or quantity or the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.
4. The application shall comply with and carry out the directives/orders issued by the Board in this consent order and at all subsequent times without any negligence on his part. In case of non-compliance of any order/directives issued at any time and/or violation of the terms and conditions of this consent order, the applicant shall be liable for legal action as per the provisions of the Law/Act.
5. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent order.
6. The issuance of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State laws or regulation.
7. This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course.
8. The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board.
9. An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
10. The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment system / air pollution control system / stack monitoring system any other particulars as may be pertinent to preventing and controlling pollution of Water / Air.
11. Meters must be affixed at the entrance of the water supply connection so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act provided that the place where it is affixed shall in no case be at a point before which water has been tapped by the consumer for utilization for any purposes whatsoever.
12. Separate meters with necessary pipe-line for assessing the quantity of water used for each of the purposes mentioned below:
 - a) Industrial cooling, spraying in mine pits or boiler feed,
 - b) Domestic purpose
 - c) Process
13. The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/bathing.
14. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
15. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.



16. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems install or used by him to achieve with the term(s) and conditions of the consent.
17. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed with sides and bottom made impervious.
18. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by overflow.
19. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
20. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the industry must adopt alternate satisfactory treatment and disposal measures.
21. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
22. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
23. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Act or Rules made therein.
24. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples / stack monitoring / inspection.
25. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
26. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
27. The liquid effluent arising out of the operation of the air pollution control equipment shall be treated in the manner and to ion of standards prescribed by the Board in accordance with the provisions of Water (Prevention and Control of Pollution) Act, 1974 (as amended).
28. The stack monitoring system employed by the applicant shall be opened for inspection to this Board at any time.
29. There shall not be any fugitive or episodal discharge from the premises.
30. In case of such episodal discharge/emissions the industry shall take immediate action to bring down the emission within the limits prescribed by the Board in conditions/stop the operation of the plant. Report of such accidental discharge /emission shall be brought to the notice of the Board within 24 hours of occurrence.
31. The applicant shall keep the premises of the industrial plant and air pollution control equipments clean and make all hoods, pipes, valves, stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all times.
32. Any upset condition in any of the plant/plants of the factory which is likely to result in increased effluent discharge/emission of air pollutants and / or result in violation of the standards mentioned above shall be reported to the Headquarters and Regional Office of the Board by fax / speed post within 24 hours of its occurrence.



33. The industry has to ensure that minimum three varieties of trees are planted at the density of not less than 1000 trees per acre. The trees may be planted along boundaries of the industries or industrial premises. This plantation is stipulated over and above the bulk plantation of trees in that area.
34. The solid waste such as sweeping, wastage packages, empty containers residues, sludge including that from air pollution control equipments collected within the premises of the industrial plants shall be disposed off scientifically to the satisfaction of the Board, so as not to cause fugitive emission, dust problems through leaching etc., of any kind.
35. All solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by:
 - i) Land fill in case of inert material, care being taken to ensure that the material does not give rise to leachate which may percolate into ground water or carried away with storm run-off.
 - ii) Controlled incineration, wherever possible in case of combustible organic material.
 - iii) Composting, in case of bio-degradable material.
36. Any toxic material shall be detoxicated if possible, otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The detoxication or sealing and burying shall be carried out in the presence of Board's authorized persons only. Letter of authorization shall be obtained for handling and disposal of hazardous wastes.
37. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard, vary all or any of such condition and thereupon the applicant shall be bound to comply with the conditions so varied.
38. The applicant, his/heirs/legal representatives or assignees shall have no claim whatsoever to the condition or renewal of this consent after the expiry period of this consent.
39. The Board reserves the right to review, impose additional conditions or condition, revoke change or alter the terms and conditions of this consent.
40. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
41. The conditions imposed as above shall continue to be in force until revoked under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 A of Air (Prevention & Control of Pollution) Act, 1981.
42. In case the consent fee is revised upward during this period, the industry shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board the consent order will be revoked without prior notice.
43. The Board reserves the right to revoke/refuse consent to operate at any time during period for which consent is granted in case any violation is observed and to modify/ stipulate additional conditions as deemed appropriate



SPECIAL CONDITIONS:

1. The mine shall comply with the stipulated conditions of Environmental Clearance obtained from the State Environmental Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar vide letter No. 10371/SEIAA, Dt. 17.12.2020 and letter No. 4668/SEIAA, Dt. 2.6.2022).
2. Any change in mining technology/scope of working shall not be made without prior approval of the State Environmental Impact Assessment Authority (SEIAA).
3. Any change in the calendar plan including excavation, quantum of mineral and waste shall not be made and also shall comply with the stipulated conditions specified in the Environmental Clearance order issued by SEIAA.
4. Mining activity shall be carried out as per approved mining plan prepared for this project.
5. The consent to operate granted under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 subject to the mining plan approved by the Director of Mines, Bhubaneswar under Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.
6. The industry shall comply to the provisions of Environment Protection Act, 1986 and the rules made there under with their amendments from time to time such as the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016 as amended from time to time. Hazardous Chemical Rules/ Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 etc. and amendments there under. The industry shall also comply to the provisions of Public Liability Insurance Act, 1991, if applicable.
7. No mining activity shall be carried out in the vicinity of natural/manmade archeological sites.
8. It shall be ensured that quarrying is not carried out within 500 meter of structures, bridges, embankment, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures.
9. The lessee shall obtain NOC from CGWA and permission from WR department, Govt. of Odisha for use of ground water/surface water, if any required for the project.
10. It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs/intervenes within the permitted depth, then also quarrying shall be stopped.
11. No mining activity shall be undertaken beyond Six (06) meters below ground level.
12. No transportation of the minerals shall be allowed on any road passing through villages/habitation without prior explicit permission.



13. The project proponent shall take necessary measures to ensure no adverse impact is caused due to mining activities on the human habitation existing nearby.
14. The industry shall abide by all the provisions of Environment (P) Act, 1986 and Rules framed there under.
15. Domestic waste water shall be discharged to septic tank followed by soak pit constructed as per BIS specification.
16. The mining shall not affect the existing sources of irrigation or drinking water for industrial purposes.
17. Water sprinkling arrangements shall be provided at all haulage roads, transportation roads, mining areas, stack yard and other dust generating points to control fugitive dust emission.
18. Surface runoff shall be allowed to flow through garland drain and to a settling pond provided inside the lease hold area to allow the silt to be settled before final discharge to the surrounding environment.
19. The wastewater generated shall be treated and reused in the mining activities or used for water sprinkling and plantation.
20. Laterite stone cutting machine shall have the provision of wet cutting to control fugitive dust emission.
21. Water sprinkling shall be done on internal transportation roads and working area to suppress fugitive dust generation.
22. The vehicles should not be overloaded and shall be covered with Tarpaulin.
23. The industry shall provide adequate pollution control measures for controlling the fugitive emission and the ambient air quality inside the premises shall be maintained as per National Ambient Air Quality standard.
24. Road shall be graded and made pot hole free to avoid dust generation during transportation of materials.
25. The unit shall install DG set in an acoustically enclosed room over anti vibration pad to control noise and vibration.
26. The height of the stack attached to DG set shall be $H = h + 0.2 \sqrt{KVA}$, where h = Height of the building where it is installed in meter, KVA = Capacity of D.G. Set, H = Height of the stack in meter above ground level.
27. The mine shall maintain the ambient noise standards as prescribed in the Noise Pollution (Regulation and Control) Rules, 2000.
28. Top soil shall be stacked properly and proper slope shall be maintained with adequate measures and should be used for plantation purposes.



29. The Over Burden (OB) shall be properly stacked in the earmarked area as per the approved mining plan and it should not cause any environmental problems in the surroundings.
30. Mineral rejects shall be disposed off as per the approved mining plan in proper manner without causing any environmental pollution.
31. An **Annual Return** of the production undertaken shall be submitted at the end of financial year.
32. The Board may impose further conditions or modify the conditions as stipulated in this order during installation and /or at that time of obtaining consent to operate and may revoke this order in case the stipulated conditions are not implemented and/or information are found to have been suppressed/wrongly furnished in the application form.
33. The Board may impose further condition or modify the conditions as stipulated in this order during operation and may revoke this order in case the stipulated conditions are not implemented and/or information is found to have been suppressed/wrongly furnished in the application form. If it is found that the sand quarry is operated without adequate pollution control measures direction for closure shall be issued under section 31(A) of Air PCP) Act.1981 and/or under section 33(A) of Water (PCP) Act, 1974 as the case may be without any further notice.

The occupier must comply with the conditions stipulated in section A, B, C, D, E and F to keep this consent order valid.

[Handwritten Signature]
5/1/2023

REGIONAL OFFICER

To,
Sri Giridhari Das, Lessee
M/s. Bariko Laterite Stone Quarry, Bariko
At/Po: Badapari, PS: Tangi,
Dist: Khordha

Memo No. 32 / Dtd. 05/01/2023

Copy forwarded to:

1. Member Secretary, S.P.C. Board, Odisha, Bhubaneswar
2. Collector & District Magistrate, Khordha
3. Deputy Director of Mines, Cuttack
4. Copy to Guard file.

[Handwritten Signature]
5/1/2023

REGIONAL OFFICER



Tel: 0674-2973126
E-mail: rospcb.bhubaneswar@ospcbboard.org
Website: www.ospcbboard.org

OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
Plot No. B-59/2 & B-59/3, Chandaka Industrial Estate, Patia, Po- KIIT, Bhubaneswar - 751024

No. 3315 / RO-NOC-2763

Date 08/12/2022

OFFICE MEMORANDUM

In consideration of the online application No. 4498443 and No. 3441165 for obtaining Consent to Establish for M/s. BARIKO LATERITE STONE QUARRY, BARIKO the State Pollution Control Board, is pleased to convey its Consent to Establish under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 for Production of Laterite Stone at a quantity of 1500 Cubic Meter/Annum or 3000 MT/Annum. Total production for the plan period of 5 years from the quarry for Laterite Stone is at a quantity of 7500 Cubic Meter or 15,000 Metric Tonnes (i.e. from Dt. 28.1.2021 to 27.1.2026).

At Bariko mouza, Village: Bariko (on Plot No. 673 of Khata No. 270; Lease hold area of 0.880 Ha or 2.173 Acres; KISSAM: Pathara Chatana) (as mentioned as per application form), Tahasil/PS: Tangi in the district of Khordha with the following conditions:

GENERAL CONDITIONS:

1. This consent to establish is valid for the raw materials, product, manufacturing process and capacity mentioned in the application form. This order is valid for five years, which means the proponent shall commence mining activities for the proposal within a period of five years from the date of issue of this order. If the proponent fails to do substantial physical progress of the project within five years then a renewal of this consent to establish shall be sought by the proponent.
2. The industry shall comply to the provisions of Environment Protection Act, 1986 and the rules made there under with their amendments from time to time such as the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016 as amended from time to time. Hazardous Chemical Rules/ Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 etc. and amendments there under. The industry shall also comply to the provisions of Public Liability Insurance Act, 1991, if applicable.
3. The industry is to apply for grant of Consent to operate under Section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 at least 03 (three) months before the commercial production and obtain Consent to Operate from this Board.
4. This consent to establish is subject to statutory and other clearance from Govt. of Odisha and/or Government of India as and when applicable.



SPECIAL CONDITIONS:

A. GENERAL:

1. The mine shall comply with the stipulated conditions of Environmental Clearance obtained from the State Environmental Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar vide letter No. 10371/SEIAA, Dt. 17.12.2020 and letter No. 4668/SEIAA, Dt. 2.6.2022).
2. The unit shall submit an Affidavit with respect to compliance of the stipulated conditions of Environmental Clearance obtained from the State Environmental Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar vide letter No. 10371/SEIAA, Dt. 17.12.2020 and letter No. 4668/SEIAA, Dt. 2.6.2022.
3. The consent to establish granted under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 subject to the mining plan approved by the Director of Mines, Bhubaneswar under Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.
4. The industry shall comply to the provisions of Environment Protection Act, 1986 and the rules made there under with their amendments from time to time such as the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016 as amended from time to time. Hazardous Chemical Rules/ Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 etc. and amendments there under. The industry shall also comply to the provisions of Public Liability Insurance Act, 1991, if applicable.
5. Mining shall be done over the valid lease hold land as per the approved Mining Plan.
6. No mining activity shall be carried out in the vicinity of natural/manmade archeological sites.
7. It shall be ensured that quarrying is not carried out within 500 meter of structures, bridges, embankment, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures.
8. The lessee shall obtain NOC from CGWA and permission from WR department, Govt. of Odisha for use of ground water/surface water, if any required for the project.
9. It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs/intervenes within the permitted depth, then also quarrying shall be stopped.
10. No mining activity shall be undertaken beyond Six (06) meters below ground level.
11. No transportation of the minerals shall be allowed on any road passing through villages/habitation without prior explicit permission.
12. The project proponent shall take necessary measures to ensure no adverse impact is caused due to mining activities on the human habitation existing nearby.



13. The industry shall abide by all the provisions of Environment (P) Act, 1986 and Rules framed there under.
14. The unit shall apply for grant of Consent to Operate to Regional Office, SPCB, Board, Odisha, Bhubaneswar with adequate fee, three months before commercial operation of the industry.
15. The Lessee shall submit the land lease agreement paper signed between the Tahasildar, Tangi during application for grant of Consent to operate to the SPCB, Board, Odisha, Bhubaneswar.

B. WATER POLLUTION:

1. Domestic waste water shall be discharged to septic tank followed by soak pit constructed as per BIS specification.
2. The mining shall not affect the existing sources of irrigation or drinking water for industrial purposes.
3. Water sprinkling arrangements shall be provided at all haulage roads, transportation roads, mining areas, stack yard and other dust generating points to control fugitive dust emission.
4. Surface runoff shall be allowed to flow through garland drain and to a settling pond provided inside the lease hold area to allow the silt to be settled before final discharge to the surrounding environment.
5. The wastewater generated shall be treated and reused in the mining activities or used for water sprinkling and plantation.

C. AIR POLLUTION:

1. Laterite stone cutting machine shall have the provision of wet cutting to control fugitive dust emission.
2. Water sprinkling shall be done on internal transportation roads and working area to suppress fugitive dust generation.
3. The vehicles should not be overloaded and shall be covered with Tarpaulin.
4. The industry shall provide adequate pollution control measures for controlling the fugitive emission and the ambient air quality inside the premises shall be maintained as per National Ambient Air Quality standard.
5. Road shall be graded and made pot hole free to avoid dust generation during transportation of materials.
6. The unit shall install DG set in an acoustically enclosed room over anti vibration pad to control noise and vibration.



7. The height of the stack attached to DG set shall be $H = h + 0.2 \sqrt{KVA}$, where h = Height of the building where it is installed in meter, KVA = Capacity of D.G. Set, H = Height of the stack in meter above ground level.
8. The mine shall maintain the ambient noise standards as prescribed in the Noise Pollution (Regulation and Control) Rules, 2000.

D. SOLID WASTE:

1. Top soil shall be stacked properly and proper slope shall be maintained with adequate measures and should be used for plantation purposes.
2. The Over Burden (OB) shall be properly stacked in the earmarked area as per the approved mining plan and it should not cause any environmental problems in the surroundings.
3. Mineral rejects shall be disposed off as per the approved mining plan in proper manner without causing any environmental pollution.

Man
3/12/2022

REGIONAL OFFICER

To,
Sri Giridhari Das, Lessee
M/s. Bariko Laterite Stone Quarry, Bariko
At/Po: Badapari, PS: Tangi,
Dist: Khordha

Memo No. 3316 / Dtd. 03/12/2022

Copy forwarded to:

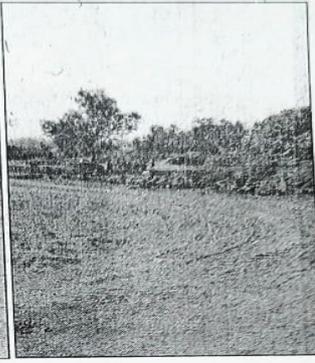
1. Member Secretary, S.P.C. Board, Odisha, Bhubaneswar
2. Collector & District Magistrate, Khordha
3. Deputy Director of Mines, Cuttack
4. Copy to Guard file.

Man
3/12/2022

REGIONAL OFFICER

● ଗ୍ରାମବାସୀଙ୍କ ବିରୋଧ

ଟାଙ୍ଗୀ ତହସିଲ ଅଞ୍ଚଳରେ ବେଆଇନ ପଥର ଖନନ



■ ଟାଙ୍ଗୀ, ତା.୧୭.୧୫ (ପିଏନଏସ) ଖୋର୍ଦ୍ଧା ଜିଲ୍ଲା ଟାଙ୍ଗୀ ତହସିଲ ଅଞ୍ଚଳରେ ବେଧତ୍ୱକ ଭାବେ ମାଙ୍କଡ଼ା ପଥର ଖନନ ଚାଲିଛି । ସ୍ଥାନୀୟ ପ୍ରଶାସନ ତଥା ରାଜସ୍ୱ ବିଭାଗର କେତେକ କର୍ମଚାରୀଙ୍କ ଜାଣତରେ ଏହା ଚାଲିଥିବା ଟାଙ୍ଗୀ ବ୍ଲକ ଅଧିକାରୀ ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତର ଜନ ପ୍ରତିନିଧିମାନେ ଗୁରୁତର ଅଭିଯୋଗ କରିଛନ୍ତି । ଗ୍ରାମବାସୀଙ୍କ ବିରୋଧ ସତ୍ତ୍ୱେ ମାଙ୍କଡ଼ା ପଥର ଖଣି ପାଇଁ ପଥର ମାଟିଆ ମାନଙ୍କୁ ଲିଜ ଦିଆଯାଇଛି । ପଥର ମାଟିଆମାନେ

କିଛି ଲୋକଙ୍କ ବ୍ୟକ୍ତିଗତ ଜାଗାକୁ ମାଙ୍କଡ଼ା ପଥର ଓ ମୋରମ ଖଣିରେ ପରିଣତ କରିଦେଉଥିବା ବେଳେ ସରକାରୀ ନୀତିନିୟମ କୁ ଉଲ୍ଲଙ୍ଘନ କରି ନିର୍ଦ୍ଦିଷ୍ଟ ପରିସୀମାଠାରୁ ଅଧିକ ଏରିଆକୁ ମାଙ୍କଡ଼ା ପଥର ଚୋରି କରି ନେଇଥିବା ଅଭିଯୋଗ ହୋଇଛି । ଖଣି ଖନନକୁ ବିରୋଧ କରି ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତ ଗ୍ରାମବାସୀ ଜନପ୍ରତିନିଧିଙ୍କ ଦ୍ୱାରା ତହସିଲଦାରଙ୍କ ଦୃଷ୍ଟି ଆକର୍ଷଣ କରିଥିଲେ ମଧ୍ୟ କୌଣସି କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିଆଯାଇନି । ଏପରି ଖନନ ଯୋଗୁଁ ରାଜ୍ୟ, ସରକାରଙ୍କର କୋଟି କୋଟି

ଟଙ୍କାର ରାଜସ୍ୱ କ୍ଷତି ଘଟୁଛି ବୋଲି ସ୍ଥାନୀୟ ସରପଞ୍ଚ ଅଭିଯୋଗ କରିଛନ୍ତି । ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତର କେତେକ ସ୍ଥାନରେ ଖଣି ଲିଜ ଧାରା ଓ ପଥର ମାଟିଆଙ୍କ ବେଧତ୍ୱକ ଭାବେ ମାଙ୍କଡ଼ା ପଥର ଖନନ, ଚୋରା ଚାଲାଣ ସାଙ୍ଗକୁ ମୋରମ ଚୋରା ଚାଲାଣ ଘଟଣା ଉପରେ କୌଣସି କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ ନକରାଯିବାରୁ ରବିବାର ସ୍ଥାନୀୟ ସରପଞ୍ଚ ମଧୁସୂଦନ ପଲାଇ ଓ ସ୍ଥାନୀୟ ସମିତି ସଭ୍ୟା ତଥା ଟାଙ୍ଗୀ ବ୍ଲକ ଚେୟାରମ୍ୟାନ ରାମ୍ପା ମାୟାତାଙ୍କ ନେତୃତ୍ୱରେ ଶହ ଶହ ଗ୍ରାମବାସୀ ମାଙ୍କଡ଼ା ପଥର ଖଣିରେ ପ୍ରବେଶ କରି ପଥର ମାଟିଆ ମାନଙ୍କ ପାଞ୍ଚାୟତରକୁ ବନ୍ଦ କରି ପଞ୍ଚାୟତରେ ରହୁଥିଲେ । ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତର ବିଭିନ୍ନ ସ୍ଥାନରେ ବେଆଇନ ଭାବେ ମାଙ୍କଡ଼ା ପଥର ଖଣି ଚାଲିଥିବା ଅଭିଯୋଗ ପରେ ପ୍ରଶାସନ ଯୋଗ୍ୟ ଲଗାଇପାକୁ ନାହାନ୍ତି ବୋଲି ସ୍ଥାନୀୟ ସରପଞ୍ଚ ଗଣମାଧ୍ୟମ ଆକ୍ଷେପ ପ୍ରକ୍ଷ କରିଛନ୍ତି । ଶ୍ରତି ହୋଇଥିବା ବୋଟି ବୋଟି ବ୍ୟବାର ରାଜସ୍ୱ ଅର୍ଥ ଡିବା ପ୍ରଶାସନ ଯଦି କରିନାବା ଆଧାରରେ ଆବାସ ନକରେ ତେବେ ସ୍ଥାନୀୟ ଗ୍ରାମବାସୀ ରାଜରାଜାକୁ ହୋଇବେ ବୋଲି ଚେତାବନା ଦେଇଛନ୍ତି ।

ବେଆଇନ ଖଣି ବନ୍ଦକଲେ ରାମଚନ୍ଦ୍ରପୁର ବାସିନ୍ଦା

ଟାଙ୍ଗୀ, ୧୭/୫ (ଜମିସ): ଟାଙ୍ଗୀ ତହସିଲ ଅଧୀନସ୍ଥ ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତ ବାରିକସାହି ନିକଟରେ ଥିବା ବେଆଇନ ଓ ଲିଜ ମାଙ୍କଡ଼ାପଥର ଖଣିରୁ ମାଙ୍କଡ଼ାପଥର ଉତ୍ତୋଳନ ବନ୍ଦ କରି ସ୍ଥାନୀୟ ବାସିନ୍ଦା ଆଜି ପ୍ରଶାସନକୁ ଖୋଲାତାଲେଖ କରିଛନ୍ତି । ଟାଙ୍ଗୀ ତହସିଲଦାରଙ୍କୁ ଏଥିନେଇ ଲିଖିତ ଅଭିଯୋଗ କରିବା ସତ୍ତ୍ୱେ ସେ କୌଣସି ପଦକ୍ଷେପ ନନେବାରୁ ଆଜି ଶତାଧିକ ମହିଳା ଓ ପୁରୁଷଙ୍କ ସମେତ ସ୍ଥାନୀୟ ପଞ୍ଚାୟତସମିତି



ଦୁଇଟି ପାଞ୍ଚାରଟିଲର୍ ଆଣି ପଞ୍ଚାୟତ ଜିମା ଦେଲେ

ଅଧ୍ୟକ୍ଷା ରିମ୍ପା ମାଙ୍କଡ଼ା, ସରପଞ୍ଚ ମଧୁସୂଦନ ପଲାଇ ମାଙ୍କଡ଼ାପଥର ଉତ୍ତୋଳନକୁ ତାତ୍ତ୍ୱ ବିରୋଧ କରି ପଥର କାଟିବା କାମରେ ଲାଗୁଥିବା ଦୁଇଟି ପାଞ୍ଚାରଟିଲର୍କୁ ଉଠାଇଆଣି ପଞ୍ଚାୟତ ଜିମା ଦେଇଥିଲେ । ପ୍ରଶାସନ ଏଥିନେଇ ଯଥାଶୀଘ୍ର ପଦକ୍ଷେପ ନନେଲେ ତହସିଲ କାର୍ଯ୍ୟାଳୟ, ଥାନା ଏପରିକି ଖୋର୍ଦ୍ଧା ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ ଘେରଇ କରାଯିବ ବୋଲି ଅଞ୍ଚଳବାସୀ ଚେତାବନା ଦେଇଛନ୍ତି ।

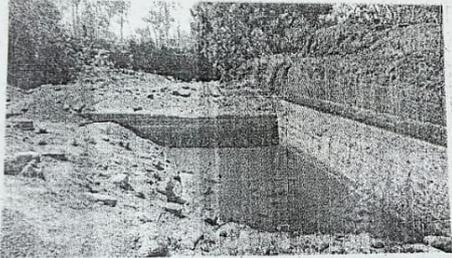
ସୂଚନାଯୋଗ୍ୟ ଯେ ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତ ନିକଟରେ ଏକ ମାଙ୍କଡ଼ାପଥର ଖଣିକୁ ପ୍ରଶାସନ ପକ୍ଷରୁ ନିଲାମ ଦିଆଯାଇଛି । ହେଲେ ଲିଜଧାରୀ

ନିର୍ଦ୍ଧାରିତ ଅଞ୍ଚଳ ସହ ଆଖପାଖ କୋବଲା, କାକୁ ଜଙ୍ଗଲ ଓ ସର୍ବସାଧାରଣଙ୍କ ଚଳପ୍ରଚଳ କାଗାରୁ ମଧ୍ୟ ବେଆଇନ ଭାବେ ମାଙ୍କଡ଼ାପଥର ଲୁଟ କରିଚାଲିଛନ୍ତି । ଏହାପୂର୍ବରେ ପଞ୍ଚାୟତବାସୀ ତହସିଲଦାରଙ୍କୁ ଲିଖିତ ଭାବେ ଅଭିଯୋଗ କରି ସମୂହ ସ୍ୱାର୍ଥ ଦୃଷ୍ଟିରୁ ଏହି ଖଣିକୁ ତୁରନ୍ତ ବନ୍ଦ କରିବାକୁ ଦାବି କରିଥିଲେ । ଏହି ଖଣିରେ ପଡ଼ି ଜଣେ ନାବାଳକର ମୃତ୍ୟୁ ଘଟିବା ସହ ବହୁ ଗାଈଗୋରୁ ନିୟମିତ ଭାବେ ମୃତ୍ୟୁ ହେଉଥିବାରୁ ଏହି ବିଷୟ ତୁରନ୍ତ ବିଚାର କରିବାକୁ ଜଣାଇଥିଲେ । ସେହିଭଳି ରାତିରେ ମଧ୍ୟ ଖଣିରେ ପାଞ୍ଚାରଟିଲର୍ ଚାଲୁଥିବାରୁ ସ୍ଥାନୀୟବାସିନ୍ଦା ଶାନ୍ତିରେ ଶୋଇପାରୁ ନଥିବା କହିଥିଲେ । ଏହାକୁ ନେଇ ଦୁଇଟି ଜନସ୍ୱାର୍ଥ ମାମଲା

ମଧ୍ୟ ଦାୟର କରାଯାଇଛି । ଏସବୁ ସତ୍ତ୍ୱେ ପ୍ରଶାସନ କିଛି ଶୁଣୁନି । ଏହାର ସୁଯୋଗ ନେଇ ଲିଜଧାରୀ ଖଣି ମାଟିଆମାନେ ୨୫ ରୁ ୩୦ ଫୁଟ ପର୍ଯ୍ୟନ୍ତ ଖାଲକରି ମାଙ୍କଡ଼ା ପଥର ଲୁଟି ନେବା ପରେ ସେହି ଖାଲକୁ ନପୋତି ଛାଡ଼ି ଦେଉଛନ୍ତି । ଫଳରେ ସ୍ଥାନୀୟବାସିନ୍ଦା ସବୁବେଳେ ଆଶାଆଶଙ୍କା ଭିତରେ ରହୁଛନ୍ତି । ଏହି ବିଷୟ ଟାଙ୍ଗୀ ତହସିଲଦାର ଜନ୍ମେନ୍ଦ୍ର ସାହୁଙ୍କୁ ପତରାସିବାରେ ଖଣି ବନ୍ଦ ସଂପର୍କରେ ଅଭିଯୋଗ ପାଇଥିବା ସେ ସ୍ୱୀକାର କରିଥିଲେ । ହେଲେ ଖଣି ନିଲାମ ପରେ ନିଲାମଧାରୀ ପାଞ୍ଚାରଟିଲର୍ କି ଅନ୍ୟ କେଉଁ ଯନ୍ତ୍ର ସାହାଯ୍ୟରେ ପଥର ଉତ୍ତୋଳନ କରିବ, ସେହଂପର୍କରେ କୌଣସି ନିର୍ଦ୍ଦିଷ୍ଟ ସରକାର ନିୟମ ନଥିବା ଜଣାଇଥିଲେ ।

ବେଆଇନ ପଥର ଖଣିକୁ ରାମଚନ୍ଦ୍ରପୁରବାସୀଙ୍କ ବିରୋଧ

ଟାଙ୍ଗା (ଖୋର୍ଦ୍ଧା), ଦକ୍ଷିଣ (ନି.ପ୍ର): ଟାଙ୍ଗା ତହସିଲ ଅନ୍ତର୍ଗତ ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତର ଗାଁଗଣରେ ଚାଲିଛି ବେଆଇନ ପଥର ଖଣି । କିଛି ଅସାଧୁ ତହସିଲ କର୍ମଚାରୀଙ୍କ ସହାୟତାରେ ବେଆଇନ ଖଣି ଖନନ କରାଯାଉଥିବାରୁ ସମ୍ବନ୍ଧିତ ଭାବେ ପଞ୍ଚାୟତ ସଭାକୁ ଏହାର ବିରୋଧ ଅଭିଯାନ ଆରମ୍ଭ ହୋଇଛି । ଏଥିପାଇଁ ସରପଞ୍ଚ ମଧୁସୂଦନ ମାଲିଆଙ୍କ ନେତୃତ୍ୱରେ ଶତାଧିକ ପଞ୍ଚାୟତବାସୀ କିଶ୍ମତ ଭାବେ ଟାଙ୍ଗା ତହସିଲଦାରଙ୍କୁ ଅଭିଯୋଗପତ୍ର ପ୍ରଦାନ କରିଥିବା ଜଣାପଡ଼ିଛି । ସେମାନଙ୍କ ଅଭିଯୋଗ ହେଲାଣି ଯେ, ବେଆଇନ ଭାବେ ସରକାରୀ, ପ୍ରାଥମିକ, ଗୋଷ୍ଠୀ, ଅନାବାଦି, ପୁରାତନ ପଦ୍ମିତ, ସର୍ବସାଧାରଣ ରାସ୍ତା ଓ କାଳୁ ଜଙ୍ଗଲରେ ଅନେକ ପଥର ଖଣି ଖନନ କରାଯାଇ ଇସ୍ତୁ ଖଣିକ୍ରମେ ଚୋରାଚୋରୀ କରାଯାଉଛି । ଏହି ସବୁ ବେଆଇନ ଖଣିଗୁଡ଼ିକର ନଗରର ପ୍ରାୟ ୨୫ ପ୍ରତିଶତ



ଅଧିକ ହୋଇଥିବା ବେଶାଯାଉଛି । ଫଳରେ ଏହା ଦ୍ୱାରା ପରିବେଶ ନଷ୍ଟ ହେବା ସହିତ ପ୍ରାକୃତିକ ସମ୍ପଦର ନଷ୍ଟ ହେବା ପଡ଼ୁଛି । ଉପରମୁଖରେ ଖଣି ଖନନ ଯୋଗୁଁ ବର୍ଷା ପାଣି ଠିକ ଭାବେ ପ୍ରବାହିତ ନହେବାରୁ ଚାଷକର୍ମିଗୁଡ଼ିକରେ ପାଣିର ଅଭାବ ଯୋଗୁଁ କୃଷିମ ମହୁଡ଼ି ହୁଏ ହେଉଛି । ଜଙ୍ଗଲ ଓ ପାହାଡ଼ଗୁଡ଼ିକରୁ ଆସୁଥିବା ପାଣିରେ ପଚୁମାଟି

ଖଣିରେ ଅଧିକ ଯିବାକୁ କମିଗୁଡ଼ିବ ଅନୁବର ହେଉଛି ଓ ଠିକ୍ ସମୟରେ ବେଶେଶ କରିବା ସମ୍ଭବ ହେଉନାହିଁ । କେତେକ ବେଆଇନ ଖଣି ଜନବସତି ନିକଟରେ ଓ ରାସ୍ତାର ଦୁଇ କଡ଼ରେ ଥିବାରୁ ଛୋଟ ଛୋଟ ପିଲା, ବୟସ୍କ ଲୋକ, ଗାଈ ଗୋରୁ, ଛେଳି ମେଣ୍ଟା ଇତ୍ୟାଦି ଏଥିରେ ପଡ଼ି ଅକାଳରେ ମୃତ୍ୟୁବରଣ କରୁଛନ୍ତି । ବୃତ୍ତପାଳିତ ପ୍ରାଣୀମାନେ ଚରାବୁଲା

କରିବାରେ ଅସୁବିଧା ହେଉଛି । ପ୍ରାଣୀ ଗାଈଗୁଡ଼ିକ ଏହି ଖଣି ଖନନ ଯୋଗୁଁ ବନ୍ଦ ହୋଇଯିବା ଫଳରେ ଗମନାଗମନରେ ବାଧା ଦୃଷ୍ଟି ହେଉଛି । ଅନେକ ବୃକ୍ଷମ ଖଳ ଓ ସ୍ତମ୍ଭ ଦୃଷ୍ଟି ହେବାରେ ଲାଗିଛି । ମାଟୁ ଗଛ ଓ ଛୋଟ ଗ୍ରାମ୍ୟ ଜଙ୍ଗଲ କଟାଯାଇ ଖଣି ଖନନ କରାଯାଇଥିବାରୁ ମୃତ୍ତିକା କ୍ଷୟ ହୋଇ ଜଙ୍ଗଲର ସୁସୁକ୍ତିତା ଓ ପରିବେଶ ନଷ୍ଟ ହେବାରେ ଲାଗିଛି । ଏହି ସବୁ କାରଣ ଦଶର ପଞ୍ଚାୟତ ଚରପରୁ ବାରମ୍ବାର ଅଭିଯୋଗ କରାଯାଇଥିଲେ ମଧ୍ୟ ଖଣି ମାଫିଆଙ୍କ ପ୍ରଭାବ ଯୋଗୁଁ ବିରାଗ ଚରପରୁ କୌଣସି ପଦକ୍ଷେପ ଗ୍ରହଣ କରାଯାଇ ନାହିଁ । ସରକାରୀ ନିୟମ ମୁତାବକ ଖଣି ଖନନ ବନ୍ଦ ହେବା ପରେ ସେହି ଖଣିକୁ ବାଲିରେ ପୋଡ଼ାଯାଇ ସମତଳ କରିବାର ବ୍ୟବସ୍ଥା ରହିଛି । ମାତ୍ର ତାହା କରାଯାଇନଥିବାରୁ ବର୍ଷା ପିନେ ସମସ୍ତ ଅଞ୍ଚଳ କଳାଶବ୍ଦ ହୋଇଯାଉଛି । ଏହାର ସ୍ୱାଭାବ ପ୍ରତିକାର ନିମିତ୍ତ ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତର ଦୁହଟ ଗ୍ରାମ ଝରିଆନାସୀଙ୍କ ଚରପରୁ ଉଚ୍ଚ

ନ୍ୟାୟାଳୟରେ ୯ଟି କମ୍ପ୍ଲେଣ୍ଟ ମାଗଲା ବାଖଲ ହୋଇଥିଲେ ମଧ୍ୟ ତାହାର ରାୟ ଏଯାବତ୍ ପ୍ରକାଶ ପାଇନାହିଁ । ଫଳରେ ଖଣି ମାଫିଆମାନଙ୍କ ବୌଦ୍ଧାତ୍ମ୍ୟ ଦୃଷ୍ଟି ପଦକ୍ଷେପରେ ଲାଗିଛି । ଏହି ଖଣି ମାଫିଆମାନେ ଅତ୍ୟନ୍ତ ପ୍ରଭାବଶାଳୀ ହୋଇଥିବାରୁ ସେମାନଙ୍କ ବିରୁଦ୍ଧରେ କନମ୍ପଟ ସେକ୍ଟର ହୋଇପାରୁ ନାହିଁ । ସମସ୍ୟ ବିବେଚ୍ଚା ଦିନ କଟିବ ହୋଇପଡ଼ିବାରୁ ଅଞ୍ଚଳବାସୀ ସେକ୍ଟର ହୋଇ ଏହି ବେଆଇନ ଖଣିଗୁଡ଼ିକ ବନ୍ଦ କରିବା ପାଇଁ ଟାଙ୍ଗା ତହସିଲଦାରଙ୍କୁ ଅଭିଯୋଗ ବାଖଲ କରି ଏହାର ନକସା କୋଡ଼ାଞ୍ଚଳ ରାଜ୍ୟ କମିଶନର, ରାଜ୍ୟ ସରକାରଙ୍କ ରାଜ୍ୟ ମନ୍ତ୍ରୀ ଓ ଟାଙ୍ଗା ଆନାଧିକାରୀଙ୍କୁ ପ୍ରଦାନ କରିଥିବା ସୂଚନା ମିଳିଛି । ଅଞ୍ଚଳବାସୀଙ୍କ ଏହି ଶାନ୍ତିପୂର୍ଣ୍ଣ ଆନ୍ଦୋଳନ କରିବା ସହାୟତା ଆଇନଶୁଙ୍ଘୀ ଭୂମି ଦୃଷ୍ଟି ହେବାର ସମ୍ଭାଷଣ ସଭାରେ ରହିଥିବା ଦୃଷ୍ଟିରୁ ଟାଙ୍ଗା ତହସିଲଦାର ଟାଙ୍ଗା ଆନାଧିକାରୀ ବିହାର ସେକ୍ଟର ଓ କଟକରୁ ସାଧାରଣଙ୍କୁ ଦାବି ହେଉଛି ।

ଟାଙ୍ଗା ତହସିଲ ଅଞ୍ଚଳରେ ଚାଲିଛି ବେଆଇନ ମାଙ୍କଡ଼ା ପଥର କାରବାର

ସ୍ଥାନୀୟ ପ୍ରଶାସନ ସହିତ ମଧୁଚନ୍ଦ୍ରିକା: ଖଣି ମାଫିଆ ମାଲାମାଲ୍

ଟାଙ୍ଗା (ଭାସର ବ୍ଲକ୍) : ଖୋର୍ଦ୍ଧା ଜିଲ୍ଲାର ଟାଙ୍ଗା ତହସିଲ ଏରିଆରେ ବେଧବେଧ ଭାବେ ଚାଲିଛି ମାଙ୍କଡ଼ା ପଥର ଖନନ କାର୍ଯ୍ୟ । ଖଣି ମାଫିଆ ଓ ସ୍ଥାନୀୟ ପ୍ରଶାସନ ତଥା ରାଜସ୍ୱ ବିଭାଗର କେତେକ କର୍ମଚାରୀଙ୍କ ଲିଆସେନିକ୍ ଯୋଗୁଁ ମାଙ୍କଡ଼ା ଖଣି ମାଫିଆ ଓ ସ୍ଥାନୀୟ ପ୍ରଶାସନର ମିଳି ଭଗତରେ ସରିବି ମାଲୋମାଲ୍ । ଏଭଳି ଗୁରୁତର ଅଭିଯୋଗ ଆଣିଛନ୍ତି ଟାଙ୍ଗା ବ୍ଲକ୍ ଅଧିକାରୀ ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତର ଜନ ପ୍ରତିନିଧିମାନେ । ନିର୍ଦ୍ଦିଷ୍ଟ କିଛି ଜନ ପ୍ରତିନିଧିଙ୍କୁ ସମ୍ବୁଞ୍ଜ କରିବା ପାଇଁ ତାଙ୍କର ସମ୍ପର୍କୀୟଙ୍କୁ ମାଙ୍କଡ଼ା ଖଣି ଲିଜ୍ ଦେଇଦେଲେ, ଯାହାଦ୍ୱାରା ସେମାନେ ସରକାରୀ ଜମି ଖନନ କଲେ, ଏପରିକି ଗ୍ରାମବାସୀଙ୍କ ବିରୋଧ ସତ୍ତ୍ୱେ ମାଙ୍କଡ଼ା ଖଣି ପଥର ମାଫିଆ ମାନଙ୍କୁ ମାଙ୍କଡ଼ା ପଥର ଖଣି କରିବା ପାଇଁ ଲିଜ୍ ଦେଇଦେଲେ, ଏହି ପଥର ମାଫିଆମାନେ କିଛି ଲୋକଙ୍କ ବ୍ୟକ୍ତିଗତ ଜାଗାକୁ ମାଙ୍କଡ଼ା ପଥର ଓ ମୋରମ ଖଣି ବନେଇ ଦେଲେ, ସରକାରୀ ନାଟିନିୟମ କୁ ଉଲ୍ଲଙ୍ଘନ କରି ନିର୍ଦ୍ଦିଷ୍ଟ ପରିସୀମା ଠାରୁ ଅଧିକ ଏରିଆରୁ ମାଙ୍କଡ଼ା ପଥର ଚୋରା କରି ନେଲେ ଏହି ପଥର

ମାଫିଆମାନେ । ଏ ସବୁକୁ ବିରୋଧ କରି ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତର ଗ୍ରାମବାସୀମାନେ ଜନପ୍ରତିନିଧିଙ୍କ ଦ୍ୱାରା ତହସିଲଦାରଙ୍କ ଦୃଷ୍ଟି ଆକର୍ଷଣ କଲେ, ହେଲେ ଫଳ ଶୁନି, କାରଣ ରାମଚନ୍ଦ୍ରପୁର ରାଜସ୍ୱ ନିରୀକ୍ଷକ ଓ ରାଜସ୍ୱ ବିଭାଗର କ୍ଷେତ୍ର ପରିଦର୍ଶକ ଏବଂ ଟାଙ୍ଗା ତହସିଲଦାରଙ୍କ ଉପସାରେ ହିଁ ଏହି ମାଙ୍କଡ଼ା ପଥର ଖଣି ଚାଲିଛି, ଯାହାଦ୍ୱାରା ରାଜ୍ୟ ସରକାରଙ୍କର କୋଟି କୋଟି ଟଙ୍କାର ରାଜସ୍ୱ କ୍ଷତି ଘଟୁଛି ବୋଲି ସ୍ଥାନୀୟ ସରପଞ୍ଚ ଅଭିଯୋଗ କରିଛନ୍ତି । ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତର କେତେକ ସ୍ଥାନରେ ଖଣି ଲିଜ୍-ଧାରୀ ଓ ପଥର ମାଫିଆଙ୍କ ବେଧବେଧ ଭାବେ ମାଙ୍କଡ଼ା



ପଥର ଖନନ, ଚୋରା ଚାଲିଣ ସାଙ୍ଗକୁ ମୋରମ ଚୋରା ଚାଲିଣ ଘଟଣା ଉପରେ କୌଣସି କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ ନକରାଯିବାରୁ ଆଜି ସ୍ଥାନୀୟ ସରପଞ୍ଚ ମଧୁସୂଦନ ପଲାଇ ଓ ସ୍ଥାନୀୟ ସମିତି ସଭ୍ୟା ତଥା ଟାଙ୍ଗା ବ୍ଲକ୍ ଚେୟାରମ୍ୟାନ ରାସ୍ତା ମାହାତାଙ୍କ ନେତୃତ୍ୱରେ ଶହ ଶହ ଗ୍ରାମବାସୀ ଏହି ମାଙ୍କଡ଼ା ପଥର ଖଣିରେ ପ୍ରବେଶ କରିଥିଲେ । ଏପରିକି ପଥର ମାଫିଆ ମାନଙ୍କ ପାଖ-ଟିକାର ମୋସିନକୁ ଜବତ କରି ପଞ୍ଚାୟତ ରେ ଗଢ଼ୁଥିଲେ । ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତର ବିଭିନ୍ନ ସ୍ଥାନରେ ବେଆଇନ ଭାବେ ମାଙ୍କଡ଼ା ପଥର ଖଣି ଚାଲିଥିଲେ ମଧ୍ୟ ଏବଂ ଲୋକମାନଙ୍କ ଅଭିଯୋଗ ପରେ ମଧ୍ୟ ଏହା ଉପରେ କାର୍ଯ୍ୟକାରୀ ରାମଚନ୍ଦ୍ରପୁର

ପଥର ଖନନ, ଚୋରା ଚାଲିଣ ସାଙ୍ଗକୁ ମୋରମ ଚୋରା ଚାଲିଣ ଘଟଣା ଉପରେ କୌଣସି କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ ନକରାଯିବାରୁ ଆଜି ସ୍ଥାନୀୟ ସରପଞ୍ଚ ମଧୁସୂଦନ ପଲାଇ ଓ ସ୍ଥାନୀୟ ସମିତି ସଭ୍ୟା ତଥା ଟାଙ୍ଗା ବ୍ଲକ୍ ଚେୟାରମ୍ୟାନ ରାସ୍ତା ମାହାତାଙ୍କ ନେତୃତ୍ୱରେ ଶହ ଶହ ଗ୍ରାମବାସୀ ଏହି ମାଙ୍କଡ଼ା ପଥର ଖଣିରେ ପ୍ରବେଶ କରିଥିଲେ । ଏପରିକି ପଥର ମାଫିଆ ମାନଙ୍କ ପାଖ-ଟିକାର ମୋସିନକୁ ଜବତ କରି ପଞ୍ଚାୟତ ରେ ଗଢ଼ୁଥିଲେ । ରାମଚନ୍ଦ୍ରପୁର ପଞ୍ଚାୟତର ବିଭିନ୍ନ ସ୍ଥାନରେ ବେଆଇନ ଭାବେ ମାଙ୍କଡ଼ା ପଥର ଖଣି ଚାଲିଥିଲେ ମଧ୍ୟ ଏବଂ ଲୋକମାନଙ୍କ ଅଭିଯୋଗ ପରେ ମଧ୍ୟ ଏହା ଉପରେ କାର୍ଯ୍ୟକାରୀ ରାମଚନ୍ଦ୍ରପୁର

ପରେ ଦନ୍ତ୍ୟା ଉଦ୍ୟମ ଘଟଣା ମାଣି ପାଇଁ ତହସିଲଦାର, ବ୍ଲକ୍ କ

ENGLISH TRANSLATION OF NEWS PUBLISHED ON 15/05/2023

Illegal laterite stone mining is going on in the mouzas of Ramchandrapur, Bariko, Singrama etc. of Ramchandrapur panchayat under Tangi tehsil. As illegal mining is being done with the help of some unscrupulous tehsil officials, a collective campaign against it has been launched by the panchayat. For this, under the leadership of Sarpanch Madhusudan Palai, hundreds of villagers Panchayat has given a written complaint to the Tangi Tehsildar. Their complaint is that many stone quarries are being illegally mined in government, private, open, uncultivated, public roads and cashew forests and smuggling of minor minerals. The depth of all these illegal mines is about 25 feet. Lands become infertile due to stoppage in mining and timely harvesting is not possible. As some of the illegal mines are on both sides of the road, children, old people, cows, cattle, goats and sheep etc. are falling into them and dying prematurely. Domesticated animals are large herbivores as the mining mafias are mining indiscriminately from the grazing lands the domestic animals do not get their food. Lands become infertile due to mining and timely harvesting is not possible. Some of the illegal mines are near settlements roads and street, children, elderly people, cows, goats and sheep are falling into them and dying prematurely. Rural roads are blocked due to mining, causing disruption to traffic. Many manmade digs are emerging. Due to deforestation and mining, the vegetation of the forest and the ecosystem is being destroyed due to the erosion of the soil. Despite repeated complaints from the panchayat citing all these reasons, no action is being taken by the department due to the influence of the mining mafia. According to the government rules, there is a provision to bury the ore in sand and level it after the mining is stopped. But because that is not being done, the entire area is being washed away on a rainy day. Ramchandrapur Panchayat, a large village of Jharia, has raised the issue of its long-term solution to flooding has filed 2 public interest cases in Highcourt, but his verdict is yet to be released. As a result, the violence of miners is on the rise. These mining mafias are so powerful that public opinion cannot be organized against them. As the problem is getting complicated day by day, the residents of the area got together and submitted a complaint to the Tangi Tehsildar to stop these illegal mines and gave a copy to the Central Revenue Commissioner, State Government Revenue Minister and the Tangi Thanafarghagi. As there is a high possibility of law and order situation during this peaceful movement of the people of the area, they are demanding Tangi Tahsildar and Tangi IIC to take appropriate measures.

By e-Mail/Fax

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

RDM-MMS-EXINST-0001-2019- ¹²⁶¹¹ /R&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.

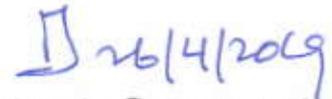
D. Steps for prevention of illegal sand quarrying/mining:

- 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,

 26/4/2019

Principal Secretary to Government

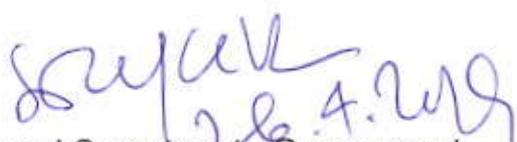
Memo No. 12612 /R&DM Dated 26.04.2019

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

Memo No. 12614 /R&DM Dated 26.04.2019

Copy forwarded to all Sub-Collectors/ all Tahasildars for information and necessary action.


26.4.2019

Additional Secretary to Government

Memo No. 12615 /R&DM Dated 26.04.2019

Copy forwarded to e-Governance Branch of this Department for uploading the same in the Department Website.


26.4.2019

Additional Secretary to Government



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY ODISHA, BHUBANESWAR

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2540669, E-mail-seuaairussa@gmail.com

Letter No 10091/SEIAA

Dt. 17.12.2020

File No. SEIAA-649/09-2020

To

The Tahasildar, Tangi,
Tahasil-Tangi,
Dist-Khorda

Sub: Proposal for mining of laterite stone from Bariko Laterite Stone Quarry over an area of 2.173 acres or 0.88 ha at village Bariko Tahasil Tangi in the district of Khordha of Tahasildar, Tangi -Environmental Clearance reg.

Ref: Proposal No: SEIAA-649/09-2020 dt. 22.09.2020

Sir,

This is with reference to the application dated 22.09.2020 for grant of environmental clearance (submitted in the offline mode) for the proposed activities mentioned above.

2. The application has been submitted in the offline mode because it is a case of minor mineral extraction involving area of less than 5ha. (a B2 category project), and there is no provision at present for filing EC application for such cases in the online mode before SEIAA in the PARIVESH portal (the relevant application Form-IM does not appear on the screen of the said portal when EC application is to be filed to SEIAA). The applicant has submitted the application in Form-I, i.e. the Form in which applications for minor mineral projects were being submitted upto the year 2016 before SEIAA. The Form-I does not contain some of the situational information relating to environmental sensitivity, but much of the required information has been submitted by the applicant in the Checklist and also in the PFR. The State Govt. vide their letter no.21253/F&E dated 05.11.2019 have requested the MoEF&CC to make necessary provision in the PARIVESH portal to facilitate filing of environmental clearance applications for minor mineral projects before SEIAA in the online mode; but so far the necessary provision has not been given in the said portal.

3. The application in Form-I is supported by other necessary documents, namely the PFR, DSR, cluster EMP, Approved Mining Plan and Checklist.
4. The Tahasildar, Tangi who is the lease granting authority in this case is responsible for monitoring strict compliance by the project proponent with the following conditions of grant of environment clearance.
5. **The proposed activities in a nut shell are as follows: -**
 - a. This is a proposal for mining of Laterite stone from **Bariko Laterite Stone Quarry** located at **Village- Bariko, Tahasil- Tangi, District-Khorda**, Odisha over lease area of 2.173 acres or 0.88 ha.
 - b. The mine area is a part of the Survey of India Toposheet No. 74E/5 bounded by Latitude:19°55'43.336" N to 19°55'37.168" N and Longitude:85°21'22.715" E to 85°21'19.117"E.
 - c. The mining lease is an identified sairat source in the DSR. The Bariko Laterite Stone Quarry sairat source will be leased out under the OMMC Rules,2016 by Tahasildar, Tangi on the basis of public auction to the successful bidder(lessee)for a lease period of 5 years.
 - d. The mining plan of the mining project prepared on behalf of successful bidder (lessee)has been approved by Deputy Director Geology, Directorate of Geology, Bhubaneswar on 11.03.2020.
 - e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 7500 cum of laterite stone.
 - f. The project proponent has not furnished the alignment of the extraction path for laterite stone transportation. As reported by the Tahasildar/PP in the Checklist, the village road is at a distance of 500 meter from the mining lease area.
 - g. The cluster certificate has been furnished by the Tahasildar certifying that there is one mine located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is a part of cluster.
 - h. The Tahasildar, Tangi vide their letter no.1877 dated 31.08.2020 has submitted that the proposed quarry is situated on non-forest land, even after verification of the DLC report.
 - i. As per the approved mining plan, laterite stone from the quarry will be extracted by semi-mechanized method with annual extraction of laterite stone not exceeding 1500 cum (maximum production capacity) during the valid lease period.

6. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5 ha).

7. The proposal is duly appraised by the SEAC in its meeting held on 21.10.2020 and 02.12.2020. The SEAC has submitted the appraisal report and recommended for grant of EC, vide their letter no. 696/SEAC-Misc-02 dated 03.12.2020.

8. The Environmental Clearance is accordingly granted to the proposed activity of laterite mining / quarrying which shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar and shall be coterminous with the expiry of lease period.

9. Stipulated Conditions:

- 9.1 The yearly total production (maximum) from the quarry shall not exceed more than 1500 cum for the valid lease period and the total production from the quarry shall be 7500 cum during the valid lease period of five years.
- 9.2 Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project.
- 9.3 Demarcation of mining area with pillars and geo-referencing should be done prior to start of mining at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the concerned authority. The area should be properly surveyed and mapped with the help of DGPS to assign geo-coordinates and accordingly erect durable masonry/concrete pillars.
- 9.4 No mining shall be carried out in the vicinity of natural /manmade archeological sites.
- 9.5 It shall be ensured that quarrying is not carried out within 500 m of structures, bridges, embankment, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures. Pursuant to Hon'b'e NGT in its Order dated 21.07.2020 in OA No-304/2019 in the matter of M.Haridasan & Ors. Vrs State of Kerala and to comply with the direction made therein "No stone quarry without involving blasting will be operated within 100 m (minimum distance criteria) from Residential/public buildings, inhabited sites, other location, etc".
- 9.6 The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level.
- 9.7 It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted depth, then also quarrying shall be stopped.
- 9.8 Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.

- 9.9 The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and groundwater), if any, required for the project.
- 9.10 Pursuant to MoEf & CC, O.M No 22-34/2018-1A.111dated 16.01.2020 to comply with the direction made by Hon'ble Supreme Court on 8.01.2020 in W.P. (Civil) No. 114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
- 9.11 No transportation of the minerals shall be allowed on any road passing through villages/habitations. Transportation of minerals through existing rural roads can be allowed only by the concerned State Govt. Department/Gram Panchayat and only after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- 9.12 Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 9.13 The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.
- 9.14 The project proponent shall take all precautionary measures during mining operation for conservation of flora and fauna. The PP shall plant and nurse a minimum of 100 number of saplings of native species along the approach roads, safety zone of lease area and in community areas in consultation with the Gram Panchayat.
- 9.15 Water spray should be made on the village road to control dust emission during transportation of mineral. Wet drilling method is to be adopted to control dust emissions.
- 9.16 A scheme for disposal of waste generated shall be prepared and faithfully implemented. The sites where tree plantation shall be raised must be specified and protection measures for the saplings planted have to be undertaken by the project proponent.
- 9.17 Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, and



- trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
- 9.18 Permanent barricading/barbed wired fencing of the mining lease area site shall be done after completion of mining activities to prevent any danger for stray animals and human habitations from accidents.
- 9.19 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine. Filling of the ditch by fly ash is to be ensured by the lessee, as also fencing the area, guard wall for safety of cattle & traffic.
- 9.20 Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report.
- 9.21 The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.
- 9.22 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / SPCB, Odisha/ Regional Office of the MoEF& CC, Bhubaneswar, in hard and soft copies on 1stday of January, April, July, October of each calendar year, failing which EC is liable to be revoked.
- 9.23 At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
- 9.24 The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar, who shall ensure that the project proponent submits quarterly compliance reports.
- 9.25 The concerned Regional Office of the MoEF & CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 9.26 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParisad /Municipal Corporation / Urban Local Body as the case may be.
- 9.27 Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the State Pollution Control Board.
- 9.28 The SEIAA, Odisha may revoke or suspend the EC, 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.

- 9.29 The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 9.30 Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this environment clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.
- 9.31 The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.
- 9.32 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
- 9.33 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.


17.12.2020

Member Secretary

Memo No 10372/SEIAA /Dt. 17.12.2020

Copy to

1. Additional Chief Secretary, Forests & Environment Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
4. Deputy Secretary, MM&S Branch of Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.
5. Collector & ADM, Khorda, / Sub Collector, Khorda for Information and necessary action.
6. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
7. Guard file for record.


17.12.2020

Member Secretary



**STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
ODISHA, BHUBANESWAR**

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2541029, E-mail-seiaaorissa@gmail.com

Letter No AG68/SEIAA

Dt. 02.06.2022

File No. SIA/OR/MIN/271779/2022

To

Sri Giridhari Das
S/o- Sri Radha Chandra Das
At/Po-Badapari, Ps.-Tangi
Dist-Khordha, Pin-752023

Sub: Proposal for **transfer of environmental clearance** of Bariko Laterite Stone Quarry over an area of 2.173 Acres or 0.88 Hectares in village Bariko under Tangi Tahasil of Khordha District from the name Tahasildar, Tangi to Sri Giridhari Das- reg.

Ref: (i) EC letter no. 10371/SEIAA dated 17.12.2020
(ii) Your letter no. 673/Sairat dated 26.04.2022
(iii) Online proposal No. SIA/OR/MIN/271779/2022 dtd.09.05.2022

Sir

Kindly refer your online application on dated 09.05.2022, wherein you have requested for transfer of environmental clearance granted by SEIAA, Odisha vide letter no. 10371/SEIAA dated 17.12.2020 issued earlier in favour of Tahasildar, Tangi, Khordha.

As submitted by the Tahasildar, it is noted that EC was obtained for Bariko Laterite Stone Quarry for a period of 5 years in favour of Tahasildar, Tangi vide the above mentioned EC letter under reference. Now, the said sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar to the successful bidder (lessee) for a lease period of 5 years. Hence, the Tahasildar has requested for transfer of EC in favour of Sri Giridhari Das, Successful Bidder under the provision of OMMC Rules, 2016 for operationalization of the sairat source.

The proposal was registered in PARIVESH Portal with attaching required documents on dated 09.05.2022 and the Authority decided that EC be transferred in favour of Sri Giridhari Das as recommended by Tahasildar and the new Project

Proponent has to submit the detailed compliance report on all EC conditions on quarterly basis.

The SEIAA has no objection for transfer of environmental clearance accorded by SEIAA's letter no. 10371/SEIAA dated 17.12.2020 in the name of Sri Giridhari Das with the same terms and conditions under which prior environmental clearance was initially granted and for the same validity period subject to satisfactory compliance to all the stipulated terms and conditions of EC along with some additional stipulated conditions as follows:

1. The Project Authority (PA) shall maintain the minimum 200 meter distance if blasting involved or 100 meter if, blasting not involved from nearest Residential/Public building, inhabited sites, Protected monuments, Heritage sites, national/State Highways, District Roads, Public Roads, Railway lines/Area, Ropeway or Ropeway trestle or station, Bridge, Dams, Reservoirs, River, canals or lakes or Tanks or any other location be considered by the states.
2. Demarcation of the quarry lease area by posting durable concrete pillars of **1m height** above ground is a must prior to starting the quarry operation. Photographs of proof showing the demarcation of the quarry lease shall be submitted along with compliance report.
3. Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. The Rule 37(1)(a) of the OMMC Rule, 2016 stipulates that **the depth of the quarry below the surface shall not exceed 6 meters**. The exploitation of stone material from the hill shall be carried out in a systematic manner, spreading the quarrying activity to cover all the economic veins of mineral and proceeding uniformly to more and more depths from all sides simultaneously. Maximum depth from the top surface, at any point on the hill, upto which quarrying may be permitted shall be 6 meters. The total expected quantity of stone material to be exploited by operating in the above manner shall be calculated, which is the maximum quantity that is allowed to be extracted.
4. The Environmental Management Plan(EMP) shall be created for individual lease and the fund shall be kept in a single account and be implemented by the concerned Tahasildar to ensure the compliance with environmental conditions specified for grading, compaction and maintenance of haulage road, provision of water spray on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry, and provision of thick, multilayer and a continuous green belt around the lease area excluding the entry and exit gate for prevention of environmental pollution and noise during mining activity. All mining activity shall be done in scientific manner to safeguard degradation of environment. All the individual lease holders of the Tahasil shall implement the EMP as proposed. The Tahasildar shall ensure the compliance of this condition along with all lease holders of his jurisdiction.

5. The PA shall submit half yearly EC compliance report with attaching real-time (geo-coordinate photographs) photographs of quarry activities, plantation activities, construction of garland train and sprinkling of water to avoid dust pollution and other activities mentioned in the EMP etc.

In case any change is proposed in the scope and limit of the project, the project proponent shall obtain fresh prior environmental clearance.



Yours faithfully,



Member Secretary

Memo No 4669/SEIAA /Dt. 02.06.2022

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. Member Secretary, CGWA, 18/11, Jamnagar House, Man Singh Road, New Delhi-110011 for information.
7. **Copy to the Collector/Sub Collector, Khordha and Tahasildar, Tangi** for information and necessary action.
8. Chairman/Member / Member Secretary, SEIAA for information.
9. Chairman, SEAC/Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
10. Guard file for record.




Member Secretary

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

Original Application No. of 2023

MADHU SUDAN PALAI

Applicant

V E R S U S

STATE OF ODISHA AND OTHER

Respondents

KNOW ALL to whom these present shall come **MADHUSUDAN PALAI S/O LATE BINAYAK PALAI** aged about 48 years. At/ **JHARIA Po- BADAPARI, Dist- Khordha**.the above named APPLICANTS do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani, Advocates, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002, Enrolment No O-785/07, Email: sankarprasadpani@gmail.com, Mob-9437279278, Ashutosh padhy** Enrolment No O-1018/2023

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 5th day of Dec 2023 .Accepted subject to the terms of fees.


Advocate

Client

Client

