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**IN THE LD. NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

L.A. NO. _____ OF 2024.

(Arising out of Original Application No. 05 / 2024 / EZ)

In the matter of: An interlocutory application
under Section 19(4)(i) of the
National Green Tribunal Act,
2010;

And in the matter of: Giridhari Das

**...Interlocutory Applicant /
Respondent No. 11 in O.A.**

And in the matter of: Madhusudan Palai

...Applicant

-Versus-

State of Odisha & Ors.

...Respondents

**The humble petition of the
Interlocutory Applicant above named;**



MOST RESPECTFULLY SHEWETH:

1. That, the applicant has filed the false and frivolous application thereby challenging the operation of Laterite stone quarries in Mouza - Bariko and Ramchandrapur, Tahasil - Tangi, District - Khordha by the respondent no. 11 even though the respondent no. 11 is the legitimate lease holder.
2. That, the facts stated in different paragraphs of the accompanying original application and the grounds advanced therein may be treated as part and parcel of this petition and the same are not reiterated for the sake of brevity.
3. That, it is humbly submitted that the present respondent no. 11 i.e., M/s. Bariko Laterite Stone Quarry, Bariko, was granted the CTE on 03.12.2022 by the 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. The total production for the plan period of 5 years from the quarry for Laterite Stone was fixed as a quantity of 7500 Cubic Meter or 15000 Metric Tons. Consequently, the CTO was granted on 05.01.2023 and the Environment



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clearance was granted to lessee on 02.06.2022 respectively.

4. That, as the matter stood thus, the present respondent no. 11 applied for renewal of CTO for the period 2024-25 in prescribed format i.e., Form-4 along with appropriate fee. However, his application was rejected on the ground that an O.A. Case No. 05/2024 (EZ) i.e., Madhusudan Palai vs. State of Odisha & Ors. has been filed by one Madhusudan Palai. As such, since the case is under prejudice of the Hon'ble NGT, the application was not considered. It was further stated that the application of the present respondent no. 11 will be disposed of after obtaining the final order of the Hon'ble Court. It is further humbly submitted that the representation of the present respondent no. 11 for renewal of CTO has not been considered even though there is no stay granted by the Hon'ble NGT. Thus, the non-renewal of CTO amounts to gross miscarriage of justice and irreparable loss to the present respondent no. 11 even though he is the legitimate lease holder of the mining quarry.

The copy of the application renewal of CTO and the rejection letter are annexed herewith and marked as ANNEXURE-8 and ANNEXURE-9 respectively.



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5. That, the facts stated and averments made in different paragraphs of the application and accompanying original application would reveal that the applicant has a good *prima facie* case and the balance of convenience tilts in his favour and in view of the aforesaid the applicant will be seriously prejudiced if the CTO is not renewed for the period of 2024 - 2025. Unless the Hon'ble Court grants the leave, the petitioners shall be highly prejudiced.



P R A Y E R

It is therefore prayed that this Hon'ble Court graciously be pleased to direct that respondents to renew the CTO in favour of the applicant for the year 2024 - 2025 with respect to Bariko Laterite Stone Quarry, Village - Bariko Tahasil - Tangi;

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

Cuttack

By the petitioners through,

Date 06.08.2024

Adv. Anup Kumar Pattnaik,

O-546/2014; Ph no. 9438011661

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VERIFICATION

I, Giridhari Das, aged about 46 years, S/o.- Radha Charan Das, R/o. Vill./P.O.- Badapari, P.S.- Tangi, Dist.- Khordha, Odisha, do hereby solemnly affirm and verify at Bhubaneswar on this 06.08.2024 that the facts stated above are true to the best of my knowledge and I sign this verification today in Bhubaneswar.

Giridhari Das
VERIFICANT



AFFIDAVIT

I, Giridhari Das, aged about 46 years, S/o.- Radha Charan Das, R/o. Vill./P.O.- Badapari, P.S.- Tangi, Dist.- Khordha, Odisha, do hereby solemnly affirm and state as follows:-

1. That, I am the respondent no. 11 in this present petition. I know and/or have made myself acquainted with the facts and circumstances of the case. I am duly authorized and competent to make and affirm this affidavit.

2. That, the statements made in paragraphs of the foregoing I.A. are true to my knowledge and those contained in paragraphs and rest are my respectful submissions before this Learned Court.



Identified by me

Advocate

[Handwritten signature of Advocate]

[Handwritten signature of Giridhari Das]
Deponent

The above named deponent being identified by Mr./Ms. A.K. Patra Advocate appear/s before me at 4 P.M. AM/PM. on this the 6/8/2024 day of August 2024. He/She solemnly affirms that the facts stated are true to his/her knowledge and belief.

[Handwritten signature of Notary]
NOTARY
CUTTACK TOWN
6/8/2024

[Handwritten signature of Notary]
NETAJI SABYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN



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STATE POLLUTION CONTROL BOARD, ODISHA

**THE WATER(PREVENTION AND CONTROL OF POLLUTION
ACT, 1974(ACT, 6 OF 1974)**

FORM IV

Application for consent for beginning to make new discharge/continuing discharge of sewage or
trade effluent under Section 25 or 26 of the Act.

(To be submitted in triplicate)

(See Rule 21)

From:

BARIKO LATERITE STONE QUARRY, AT/PO- BARIKO, TAHASIL- TANGI

City:BARIKO

Tehsil:Tangi

District:Khurda

To

The Chairman
State Pollution Control Board,ODISHA,
Bhubaneshwar

Sir,

1. I/We apply to the State Pollution Board, ODISHA for consent under 'Section 25/Section 26' of the Water(Prevention & Control of Pollution)Act, 1974(Act 6 of 1974)to bring into use any new or altered outlet for the discharge of *Sewage/trade effluent, to being to make new discharge of *Sewage/trade effluent or continue to make discharge of *Sewage/trade effluent from land/ premises owned by (1) **BARIKO LATERITE STONE QUARRY** for a period from 16/11/2022 TO 15/11/2027 in accordance with the facts indicated in the Annexure, Appendices plan etc.

I/We are discharging or propose to discharge.

- (a) Sewage/Sullage Via drain/outfall sewers/treatment works
- (b) Trade effluent Via drains/outfall sewers/treatment works
- (c) Solid wastes into (3)

- (i) Stream/River

OR

- (ii) On land for irrigation, bearing Survey No.

adjoining/at a distance of _____ from stream/River

OR

(iii) Lake, Pond adjoining/at distance of _____ form stream/River

OR

(iv) Directly on land for open percolation into subttanean state of Survey No. _____ adjoining/at distance of _____ from stream/River.

OR

(v) Tidal waters/estuarine water known as _____

OR

(vi) Sea along/off the shore known as _____

2. The annexure, appendices other particulars and plans in triplicate are attached herewith.

3. I/We further declare that the statements made and informations furnished in the Annexures, appendices, and plans are true to the best of my/our knowledge. I/We understand that it is an offence to make a false statement in apply for any proposed consent,(See Section 42(1) (f) of the Act.

4. I/We hereby submit that in case of change of the point or the quantity of discharge or its quality, a fresh application for CONSENT shall be made and until such CONSENT is granted no change shall be made.

5. I/We hereby agree to submit to be Board an application for renewal of CONSENT three months in advance of the date of expiry of the period consented to for outlet discharge, if to be continued thereafter.

6. I/We undertake to furnish any other information within one month of its being called for by the Board. We further understand that only the dates on which all the relevent particulars in order to make the application complete in all respects, are furnished by us, will be reckoned as the date of making the application irrespective of the date of submission of the original application, which is incomplete.

Signature:

Name(s) of the Occupier(s): SRI
GIRIDHARI DAS

Name(s) of the Applicant(s): SRI
GIRIDHARI DAS

Address of Applicant(s) with seal:
AT/PO- BADAPARI PS. TANGI

Accompaniments:-

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1. mine envclerance (Attached)
2. valid lease deed (Attached)
3. Approved mining plan (Attached)

*Note: Strike out entries not relevent
(33/2375/8)

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ANNEXURE TO FORM-IV

Existing/New/Altered

Note: Any applicant knowingly giving incorrect information or suppressing any information pertaining there to shall be liable to be furnished under the Act, while filling the Annexure, the applicant not concerned with any of the items shall be liable to be furnished under the Act, while filling this Annexure, the Applicant not concerned with any of the items shall state 'Not concerned' against the relevant one.

1. Full name of Applicant with address(in block letters) : SRI GIRIDHARI DAS
Address: AT/PO- BADAPARI PS. TANGI
Telephone: +91-7978434494
2. Full name of the land/premises/Area/Institute/Factory/Industry/ Treatment plant with address. : AT/PO- BARIKO, TAHASIL- TANGI
City: BARIKO
Tehsil: Tangi
District: Khurda
Industry Telephone: +91-7978434494
3. Revenue/Survey number of land premises for which the application is made stating District Subdivision and Village. : District: Khurda
Town: BARIKO
Tehsil: Tangi
City Survey no./Revenue Survey no.:
4. State the month and the year in which the land premises/Area/Institute/Factory/Industry/Treatment plant was actually put into commission or is proposed to be put into Commission. : January, 1925
5. State the Civil/Minister/Defence/Industrial etc. under whose administrative jurisdiction the applicant's land/Premises is situated. : Civil

District: Khurda
Corporation:
Municipality:
Village Panchayat/Cantonment/Defence department:

Post Trust:
State Government:
Prohibited Area:
6. (a). State whether the land/premises/factory/industry has been declared as prohibited area : NO

(b) If yes, state the name of the authority and furnish a certified copy of the order under which the area has been declared as the prohibited area. :

7. Is the industry/factory for which application is made closed on any days of the week. if so give the days on which it is closed. :

8. State working season in a year for the industry/Factory : (from: Jan to: Jan)

9. (a) No. of workers attending the factory :

(b) No. workers residing in the premises :

10. (For local Bodies only)
(a) Present Population :
(b) Population covered under regular sewerage facilities. :
(c) Population covered by conservancy latrins. :
(d) Population having septic tank/pit privy facilities. :

11. (a) List the raw materials used such as metals, alloys, oils fuel etc. used per month in Metric tonnes.

Material & Alloys	Material Details	Weight
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(b) List of the products and by-products manufactured and the production per month.

Name of Products	Quantity	Unit
Laterite Stone	1500.0	Cubic Meters/Year

(c) Brief description of production process : (As Attached)

12. Water source and consumption details:

a)

Source Type	Source Name	Quantity(KL/D)
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b)

Purpose	Quantity (KL/D)
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13. State whether storm water drains are kept separate from Industrial/Domestic effluent drains. :

14. (a) If domestic effluent allowed to get mixed in industrial effluent : NO

(c) State whether any treatment is given to the domestic waste before allowing to mix with an industrial effluent. : NO

(d) If no, state how it is disposed of :
and treatment given if any.

15. Is there any provision or proposal for disposal of

- | | | |
|---|---------------------|----------------------------|
| | Already Made | Proposed to be made |
| (a) Domestic effluent in public underground sewer | | |
| (b) Industrial effluent in public underground sewer | | |
| (c) Give the name of public authority : --
owing the sewer | | |

16. Location of Discharge : Dump,

17. Effluent Details:

Type of Effluent	Maximum generation of Effluent (Kl/d)	Mode of disposal	Effluent to be Recycle(KL/D)	Effluent to be Disposal/Discharge Quantity(KL/D)

18. Is there any provision for equalizing or holding lagoons or tanks to store the effluents during unfavourable streams or tidal conditions

- | | | |
|-------------------------|---------------------|----------------------------|
| | Already Made | Proposed to be made |
| (i) Domestic | | |
| (ii) Industrial | | |
| (iii) Combined effluent | | |

19. Is sufficient land available/can be made available in case land disposal of effluent is proposed : NO

Area available : --

20. (a) Is the effluent toxic :

- (b) State if the industrial effluent is
- (i) having unpleasant smell :
 - (ii) irritating :
 - (iii) corrosive :
 - (iv) with colour :

(c) Is there any sudden change of temperature of effluent exceeding 10 degree C at any time :

21. a) Whether an environment management cell is functional : NO

b) Whether an environment lab has been established : NO

C) REPORT OF SOLID WASTE DETAILS :

Source	Type of Waste	Other waste type detail	Place of disposal	Distance of discharge point from factor(in meters)
Mining	Any Other	Waste	Dump	1

22. Discharge details:

REPORT OF ANALYSIS OF EFFLUENT/SEWAGE DETAILS

Reference number outlet in the Map	Effluent before treatment			Effluent after treatment		
	Before Max	Before Min	Before Avg	After Max	After Min	After Avg

Signature(s) :

Name(s) of the Occupier(s): SRI GIRIDHARI DAS

Name(s) of the Applicant(s): SRI GIRIDHARI DAS

Address of the applicant(s) with Seal:
AT/PO- BADAPARI PS. TANGI

Note : 1. Furnish a copy of the analysis report of representative samples carried out by a competent laboratory.

2. Expecting where such methods of determination are not available in ISI, the standard methodes as laid down in the book 'Standard method for the examination of Water and Waste Water' published by APHA will be followed for determination of the above mentioned parameters.

3. If there is absolutely no possibility constituent being present in the effluent, the applicant must state this fact in the analysis report against the particular characteristic and this need not be analysed for. but the applicant should take full responsibility for this statement and he will be proceeded against according to the provisions of the Act if his statement is found to be incorrect.

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ANNEXURE - 9

Date Time: 05-06-2024 04:07

Reply Within 15 Days from 05-06-2024 04:07

During scrutinization of your application form and file it was found that you have applied for renewal of CTO for the period 2024-25 with adequate fee. But it was also found that now a OA Case No.

Clarification Description: 05/2024(EZ) has been filed by Madhusudan Palai vrs State of Odisha in the Court of Hon'ble Nation Green Tribunal, Eastern Zone Bench, Kolkata. Since your case is under prejudice of the Hon'ble NGT Court, your case at this stage cannot be considered and will be disposed off after obtaining the final order of the Court.

Consent period: From: 05-06-2024 TO 05-06-2024

Amount: 0

Levy Amount: 0

Total Amount: 0

Notes:

Upload Document No file chosen
*Upload only non-editable files as Gif,pdf or Jpg files

In case of Additional Fees [Click Here](#)

Save