

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

ORIGINAL APPLICATION NO 163 OF 2023

IN THE MATTER OF:

SANTUNU KUMAR BHUKTA

APPLICANT

VERSUS

STATE OF ODISHA AND ORS

RESPONDENTS

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PLACE: Bhubaneswar



DATE: 08/08/2024

SANKAR PRASAD PANI

ADVOCATE

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

Email: sankarprasadpani@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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ORIGINAL APPLICATION NO 163 OF 2023

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SANTUNU KUMAR BHUKTA

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**AFFIDAVIT ON BEHALF OF APPLICANT IN RESPONSE TO THE
COUNTER AFFIDAVIT OF D.M DHENAKANAL DATES 29/05/2024**

MOST RESPECTFULLY SHOWTH

I, Santanu Kumar Bhukta S/o Golak Bhukta, Aged about 30 years At/Po-Santhapada, PS-Talcher Dist-Angul, Odisha, 759104, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above mentioned Application and I am fully conversant with the facts and circumstances of the case
2. That the report of ORSAC report which was filed by the Respondent no.4 the D.M Dhenkanal, in that report only the amount of minerals extracted from the lease area is mentioned, but nowhere mentions the amount of minerals extracted beyond the lease area.
3. Though it is evident from the ORSAC report that mining has done beyond the lease area contiguous to the lease area, and the same has

not been taken into consideration. Copy of the ORSAC report is here unto annexed as ANNEXURE-1.

4. Even if the calculation of the mined mineral is given as 360865.059 cubic meter, but the detailed report of calculation has not provided by the ORSAC as well as the Respondent no.4.
5. That the report submitted by ORSAC has not disclosed
 - i. the quantity of excess mining, mining beyond the lease area though it is clearly evident from the satellite image submitted by them ,
 - ii. that the SEIAA and SPCB had not made any environmental compensation for excess mining even though the authorities have the knowledge of illegal and excess mining.
6. That further the SPCB has not computed the environment compensation for the period of operation of the quarry without CTO in light of the judgement passed by Hon'ble NGT in Original Application No 26/2021/EZ disposed on 3/03/2022 and para 23 and 24 of the said order is quoted as follows.

Para23. Since the lessee has operated sand mining without a valid Consent to Operate albeit with a valid Environmental Clearance, since 30.01.2016 the Environmental Compensation of running the unit without a valid Consent to Operate from the

date it was applicable in the State of Odisha has already been computed

Para24. We, therefore, accept the determination of Environmental Compensation as determined by the Joint Inspection Committee earlier for a sum of Rs. 38,28,125/- (Rupees thirty eight lakhs twenty eight thousand one hundred twenty five only) to be paid by the Respondent No.9.

7. That the ORSAC report was supposed to be a fact finding report but as it appears from their report, they are trying to cover up the thing without making any independent assessment on ground.
8. It is further submitted that the unit is operating without blasting permission from the district magistrate and same is evident from the reply received from District Magistrate dated 9/11/2023. Copy of RTI reply dated 9/11/2023 is annexed here with as ANNEXURE-2.
9. That for the reason the lessee do not have CTO and Environment Clearance in its favor and continuing with mining operation, hence the entire mining operation is illegal and liable to pay environment compensation and to be proceeded under Section 19 of Environment protection Act 1986 for violation of EC conditions along with proceedings Water prevention and control) of Pollution 1974 and Air

(prevention and control) of Pollution Act 1981 for operating the quarry without CTO.

10. That the SEIAA authority no steps for action as per section 19 of EP Act 1986 even after same is brought to its knowledge.
11. That the applicant prays before the Honble Tribunal to pass appropriate order directing SEIAA and DM Dhenkanal to stop operation of quarry till necessary statutory compliance's are made and assessment of the excess mining as it appears a larger area of 19acres has been mined out than the permitted area

APPLICANT THROUGH

A handwritten signature in cursive script that reads "Spami". The signature is written in black ink and is underlined with a single horizontal stroke.

ADVOCATE

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO1630F 2023

IN THE MATTER OF:

SANTANU KUMAR BHUKTA

APPLICANT

VERSUS

- STATE OF ODISHA AND OTHERS -

RESPONDENTS

AFFIDAVIT

08 AUG 2024

I Santanu Kumar Bhukta S/o Golak Bhukta, aged about 32 years At/Po-Santhapada, PS-Talcher Dist-Angul, Odisha, 759104,, do hereby solemnly affirm and declare as under:

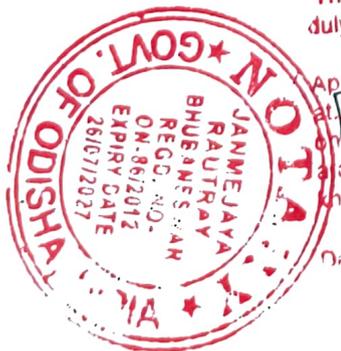
- 1. That I am one of the petitioners in the abovementioned application and I am fully conversant with the facts and circumstances of the case and authorized by other applicants to swear this affidavit.
- 2. That I have read over the contents of the accompanying AFFIDAVIT and the same is true and correct and is drafted on my instruction.

IDENTIFIED BY
[Signature]
ADVOCATE

Santanu Kumar Bhukta.
DEPONENT

VERIFICATION

I, Santanu Kumar Bhukta S/o Golak Bhukta, At/Po-Santhapada, PS-Talcher Dist-Angul, Odisha, 759104,, do hereby solemnly affirm verify that the contents of the above application are true and correct to the best of my knowledge and belief and nothing material has been concealed there from. Verified at *[Signature]* on *08-08-2024*.



The above named deponent(s) being duly identified by Sri...
Advocate, Bhubaneswar
Appears before me on oath that the above affidavit is true to the best of his knowledge and belief.
Deponent(s) Notary, Bhubaneswar

08 AUG 2024

Santanu Kumar Bhukta.
VERIFICANT

[Signature]
JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
REGD. NO. - ON-86/2012
MOB. NO. - 9337121273



ODISHA SPACE APPLICATIONS CENTRE (ORSAC)

Department of Science & Technology, Govt. of Odisha

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

To

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

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

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

Sir,

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

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

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

True copy attached
ELM
Dy. Collector, Iouzi
Collectorate, Dhenkanal



ODISHA SPACE APPLICATIONS CENTRE (ORSAC)

Department of Science & Technology, Govt. of Odisha

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

Thanking you,

Yours faithfully,

Encl: As above.

[Signature]
27/5/24
Administrative Officer

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

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

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

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

*True copy attached
gln*
**Dy. Collector, 10uzi
Collectorate, Dhenkanal**



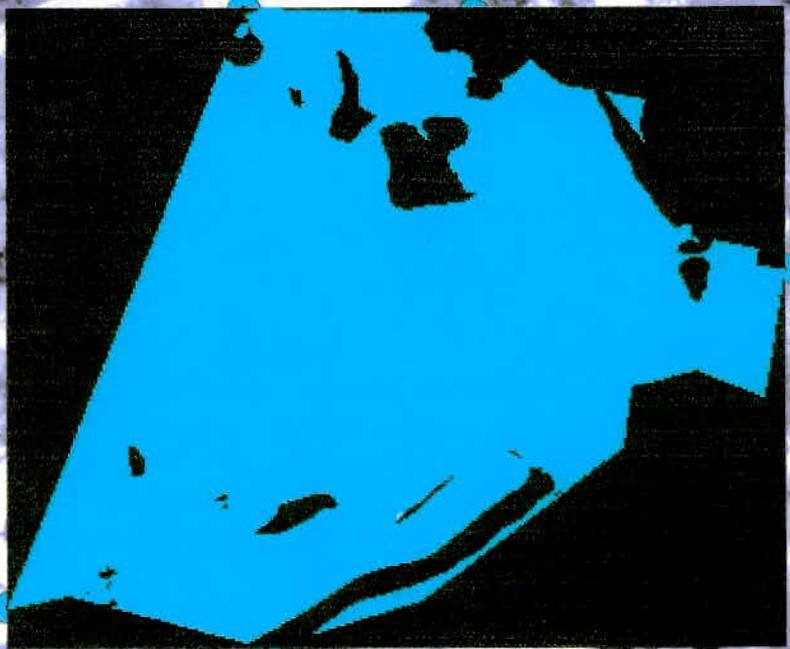
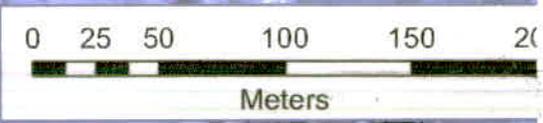
*Subhasmita Mahanty
Sr. Project Scientist
24/05/2024
ORSAC
BHUBANESWAR.*

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

OFFICE DEPUTY DIRECTOR OF
MENBS

TALCHER CFACEE
TALCHER

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



Legend

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

Volume extracted 2017_2023

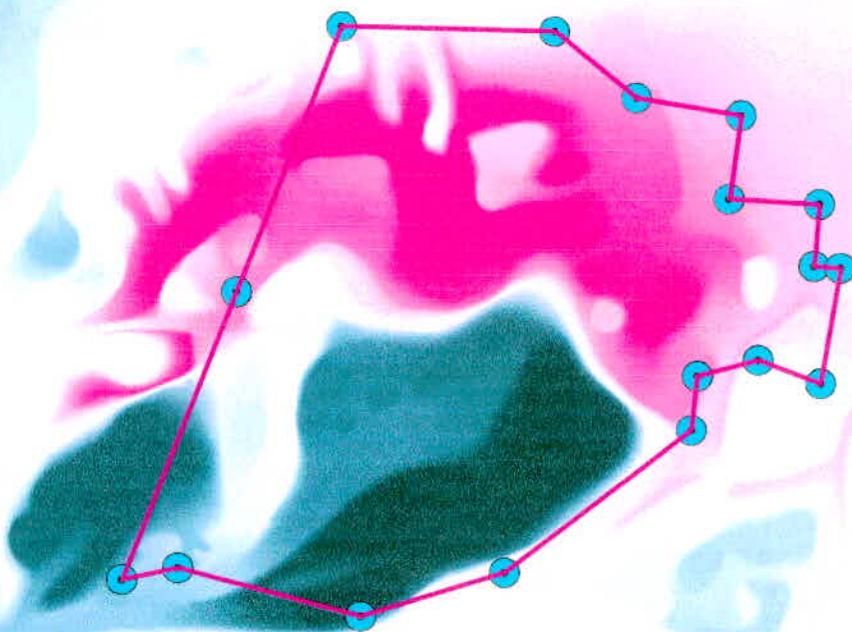
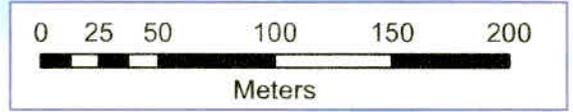
- FILL VALUE
- CUT VALUE

Cut Volume (±1.5m*1.5m*1.5m) = 360865.059 Meter t



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Dy. Collector, rouzi
Collectorate, Dhenkanal

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



Legend

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

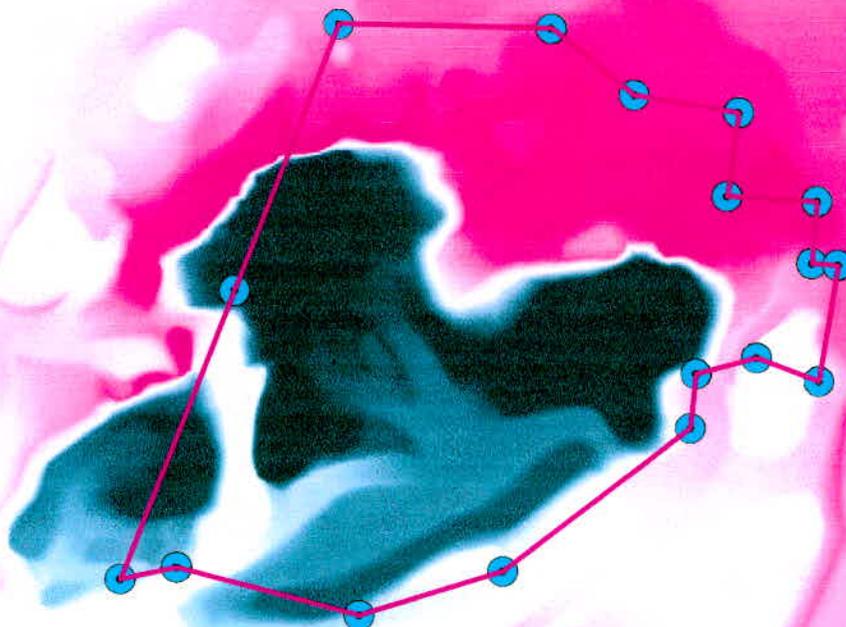
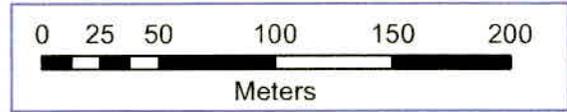
DEM

- High : 70.2318
- Low : 38.3175

True Copy attached
2/1/20
Dy. Collector, Iouzi
Collectorate, Dhenkanal



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



Legend

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

DEM

-  High : 62.5805
-  Low : 32.15



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



OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, DHENKANAL.
(JUDICIAL SECTION)

No-COLDHK/2023/ RTI-0001/10471/dt. 09.11.2023

E-mail Id - dm-dhenkanal@nic
Tel. No.-06762-226500

To

The Public Information Officer,
Collectorate, Dhenkanal.

Sub:- Furnishing of Information under RTI Act-2005.

Ref:- Your Memo No. 1880/ Dt.16.10.2023

Madam,

I am to furnish herewith the required information of Sri Sanjib Dhal S/o- Murali Dha At/Po- Nihalprasad, Gondia, Dist- Dhenkanal as available in this section for further action at your end.

Yours faithfully,

[Signature]
9/11/23

Assistant Collector, Judicial
Collectorate, Dhenkanal

1. No such information available in this office regarding blasting permission of Aruni Stor Crusher, Nihalprasad, Dhenkanal.
2. Till date blasting permission has not been issued in favour of Ajit Sahu S/o- Gokulananda Sat At/Po- Nihalprasad Dist- Dhenkanal for Nihalprasad Road Metal Quarry No.1 & Tolarpasi Road Metal Quarry.
3. Ajit Sahu has not submitted any explosive details used by him for extraction of Minor Minera of Nihalprasad Road Metal Quarry No.1 & Tolarpasi Road Metal Quarry to this office.

[Signature]
9/11/23

Assistant Collector, Judicial
Collectorate, Dhenkanal



Sankar Pani <sankarprasadpani@gmail.com>

Response affidavit to the counter affidavit of DM dhenkanal in OA163 of 2023 EZ NGT

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Fri, Aug 9, 2024 at 9:32 PM

To: Soubhagya Nayak Adv <saubhagya_1965@rediffmail.com>, palit subir02 <palit_subir02@yahoo.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, apurba ghosh <apu7law@gmail.com>, Ashok Prasad <Ashokadvhc@gmail.com>

Dear Sir/Madam, please find the attachment.

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Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
Res-Plot No 2132/4814(B), Nageswar Tangi,
Bhubaneswar, 751002
Cell- 9437279278
Skype- sankar.pani

**response to DM-OA 163.pdf**

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