

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

Original Application No. 104/2024/EZ

Nilamani Mahapatra-----Applicants(s)

Versus

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

Affidavit on Behalf of the Opposite Party/Respondent No. 09 State
Environment Impact Assessment Authority (SEIAA), Odisha

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Place: Bhubaneswar
Date: 08/08/2024

Shri Apurba Ghosh
Advocate for Respondent No.09
(SEIAA), Odisha
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Environment Impact Assessment Authority (SEIAA), Odisha

1. Dr. Kailasam Murugesen, IFS, son of late Paramasivam Kailasam aged 56 years, at present working as Member Secretary, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.
2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opp. Party No.09 before this Hon'ble National Green Tribunal.
3. That, I have gone through the original application order dated. 28.05.2024 and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.
4. That, in reply to the averments made in the Para-01 to Para-03 of O.A., the deponent humbly submits that this deponent has no comments to offer.
5. That, in reply to the averments made in the Para-04 of O.A., the deponent humbly submits that the Environmental Clearance

[Handwritten Signature]
**MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar**



(EC) has been issued by SEIAA, Odisha vide its letter no. 8881/SEIAA dated 04.09.2020 for mining of Decorative Stone from Narangarh Decorative Stone (Khondalite) of M/s. Odisha Mining Corporation Ltd. over an mining lease area of 11.545 acres or 4.672 ha in Village-Narangarh, Tahasil-Khordha, Dist-Khordha for a period of 30 years or upto lease period as per State Level Expert Appraisal Committee (SEAC) recommendation. Copy of the EC letter is attached in **Annexure-I.**

6. That, in reply to the averments made in the Para-05 of O.A., the deponent humbly submits that there is specific condition no. 02 in EC letter that tree cutting inside the lease area, if any, shall be with prior permission of competent Authority and it is revels from compliance of EC conditions submitted by the Project Proponent (PP) that cutting of tress is being undertaken by taking permission of State Forest Dept. The details status of the Narangarh Decorative Stone (Khondalite) mining are reflected in the joint committee report to be submitted by District Magistrate, Khordha, Odisha in pursuance to the order dated 28.05.2024 of Hon'ble NGT/EZ, Kolkata.

7. That, in reply to the averments made in the Para-06 to Para-08 of O.A., the deponent humbly submits that this deponent has no comments to offer.

8. That, in reply to the averments made in the Para-09 of O.A., the deponent humbly submits that in compliance to the NGT order of February 28, 2020, the CPCB examined the matter and prepared the report on Distance Criteria for Permitting Stone Quarrying and forwarded it to SPCBs/PCCs vide email dated May 12, 2020. The CPCB has recommended a minimum distance of 100 meters, when blasting was not involved from

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State E.I.A. Authority
Orissa, Bhubaneswar



residential, public buildings, inhabited sites, protected monuments, public roads, railway lines, bridges, dams, reservoirs, rivers, lakes or any other locations to be considered by states. When blasting was involved, CPCB has said that a minimum distance of 200 meters from residential buildings and others be followed. In this case the progressive mine closer plan has been approved by Joint Director Geology, O/o-Directorate of Mines, Odisha Bhubaneswar on 12.06.2020 for semi-mechanized mining without blasting but drilling will be occurred and accordingly, the SEIAA, Odisha has issued EC for semi-mechanized mining without blasting.

9. That, in reply to the averments made in the Para-10 in O.A., the deponent humbly submits that the Project Proponent (PP) has submitted compliance report of EC condition through SEIAA email dated 26.05.2023 which reveals that plantation activities are yet to be done and the PP assured that the plantation activities will be completed within a period of 5 years of lease operation. Similarly, the health-checkup of mines workers, implementation of Environmental Management Plan (EMP) and upload of EC compliance in Parivesh Portal are not complied and the PP assured to complied it.
10. That, in reply to the averments made in the Para-11 in O.A., the deponent humbly submits that this deponent has no comments to offer as the specific point is already addressed in the joint inspection report dated 20.06.2024.
11. That, in reply to the averments made in the Para-12 to Para-14 in O.A., the deponent humbly submits that this deponent has no comments to offer.
12. That, in reply to the averments made in the Para-15 in O.A., the deponent humbly submits that this deponent has no comments


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Orissa, Bhubaneswar



to offer as the specific point is already addressed in the point no.09 of above.

- 13. That, in reply to the averments made in the Para-16 to Para-32 in O.A., the deponent humbly submits that this deponent has no comments to offer.
- 14. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.
- 15. That the deponent reserves the right to file further affidavit as and when necessary.

Identified by


08-08-2024
Advocate



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

VERIFICATION

Verified at Bhubaneswar on this day of 08.08.2024
that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

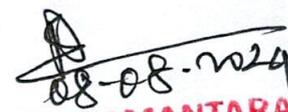
Date: 08.08.2024

SWORN BEFORE ME



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




08-08-2024
DUSASAN SAMANTARA
NOTARY, GOVT. OF ODISHA
BHUBANESWAR, ODISHA
REGD. NO. 88/2012
MOB-9439143015



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA, BHUBANESWAR

Ref. No. 8881/SEIAA
Date 04.09.20

File No. SEIAA-433/08-2020

To

M/s Odisha Mining Corporation Limited,
(A Govt. of Odisha undertaking)
OMC House, Post Box No-34, Bhubaneswar,
Dist-Khorda, Pincode-751001

Sub: Proposal for mining of Decorative Stone from Narangarh Decorative stone (Khondalite) of M/s Odisha Mining Corporation Limited, in Village- Narangarh, Tahasil-Khorda, Dist-Khorda (MLA: 11.545 acres or 4.672 Ha) - environmental clearance regarding.

Ref: Proposal No: SEIAA-433/08-2020 dt. 06.08.2020.

Sir,

This has reference to your EC application submitted on 06.08.2020 seeking environmental clearance for the above project under EIA Notification, 2006. The proposed project activity is listed at item no. 1(a) (i) in the schedule of EIA Notification, 2006 as amended from time to time and the project falls under Category B2 project as the mining lease area is less than 5 ha. The proposal is for mining of decorative stone from Narangarh Decorative stone (Khondalite) located in Village- Narangarh, Tahasil-Khorda, District-Khorda, Odisha over lease area of 11.545 acres or 4.672 Ha. The mine area is a part of the Survey of India Toposheet No.73H/12 bounded by Latitude: 20°02'33.30"N to 20°02'44.90"N and Longitude: 85°34'54.80"E to 85°35'05.10" E. This Khondalite block of Narangarh has been reserved for mining purpose in favour of M/s Odisha Mining Corporation Limited (OMC), a Govt. of Odisha undertaking by the Department of Steel & Mines, Govt. of Odisha vide Notification no.9804/SM, Bhubaneswar dated 11.12.2019 as well as the letter of Intent No.2826/SM, Bhubaneswar dated 16.03.2020 of the Department of Steel & Mines, Govt. of Odisha for the grant of mining lease in favour of M/s OMC Limited Kundakundi Kunda stone quarry, Narangarh for khondalite for a period of 30 years. The mining plan along with the progressive mine closure plan of the mining project has been approved by Joint Director Geology,

Directorate of Mines, Odisha, Bhubaneswar on 12.06.2020. As per the approved mining plan submitted by the project proponent, it is observed that mineable reserves in the lease area are 475905 cum and decorative stone will be mined out by semi-mechanized method with annual extraction not exceeding 25186 cum (maximum production capacity) for the valid lease period. The proponent has submitted letter no.6149/4F(F.C Act & lease)-21/2020, Bhubaneswar dated 02.07.2020 of DFO, Chandaka WL Division, Bhubaneswar that the village Narangarh is not coming within the eco-sensitive zone of Chandaka-Dampara WL Sanctuary. Further, the proponent has submitted that the lease area is 45 Kms away from Nandankanan Zoo park and 19 Kms away from the eco-sensitive zone of Chandaka WL Sanctuary. During the plan period, plantation will be done by the project proponent along the safety zone of the proposed lease area. Environmental Management Plan (EMP) shall be implemented by project proponent.

The proposal has been duly appraised by SEAC, Odisha in its meetings held on 31.08.2020 on the basis of the documents enclosed with the application, namely Checklist, Form-1, Prefeasibility Report, Approved Mining Plan, Environment Management Plan furnished to SEIAA & SEAC. The State Expert Appraisal Committee (SEAC) has recommended for grant of Environmental Clearance to the project with certain stipulations.

The State Environment Impact Assessment Authority (SEIAA) after considering the proposal and recommendations of SEAC, Odisha hereby accords Environmental Clearance in favour of the project valid from the date of Environmental Clearance accorded upto the lease period under the provisions of EIA Notification 2006 and subsequent amendments thereto, subject to strict compliance of all stipulated conditions, as follows. Detailed half yearly compliance report of these conditions has to be submitted by the project proponent to the Member Secretary, SEIAA on the 1st June and 1st December each year.

Stipulated Conditions:

A. Specific conditions

1. The environmental clearance granted shall be valid up to the lease period and coterminous with lease period. Exploitation shall be as per the mining plan and reclamation plan.
2. Tree cutting inside the area, if any, shall be with prior permission of competent authority.
3. The Project Proponent shall obtain consent from the State Pollution Control Board, Odisha and effectively implement all the conditions stipulated therein.
4. Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and records

maintained; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for Labour for ensuring good occupational environment for mine workers would also be adopted; All the old age people of the surrounding villages may be provided medical facilities.

5. Transport of minerals shall be done either by dedicated road or it should be ensured that the trucks/dumpers carrying the mineral should not be allowed to pass through the villages. The 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 density.
6. Project Proponent shall ensure the safeguard and wellbeing of villagers and school, regular health monitoring of all residents in the area and the compliance Report shall be submitted to the Regional office of the Ministry and SEIAA, Odisha.

B. Standard conditions

1. The applicant will submit half-yearly compliance report on post environmental monitoring in respect of the stipulated terms and conditions in the Environmental Clearance to the State Environmental Assessment Authority (SEIAA) ,Odisha , SPCB & Regional Office of the Ministry of Environment & Forest, Odisha on 1st June and 1st December of each Calendar Year and shall also upload the compliance report on the website of the MoEF & CC.
2. A Final Mine Closure Plan along with details of Corpus Fund shall be submitted to the SEIAA, Odisha 5 years in advance of final mine closure for approval.
3. No mining activities will be allowed in forest area, if any, for which the Forest Clearance is not available.
4. No change in mining technology and scope of working should be made without prior approval of the SEIAA, Odisha.
5. No change in the calendar plan including excavation, quantum of mineral and waste should be made.
6. The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and ground water) for the project.
7. Mining shall be carried out as per the provisions outlined in the approved mining plan as well as by abiding to the guidelines of Directorate General Mines Safety (DGMS).
8. Protection of vegetation in the surrounding areas, and proper storage of solid waste, subgrade ore and their use have to be given priority during mining operation.
9. 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.
10. Digital processing of the entire lease area using remote sensing technique shall be carried out regularly once in three years for monitoring land use pattern and report submitted to Ministry of Environment, Forest and Climate Change its Regional Office and SEIAA, Odisha.
11. Effective safeguard measures such as regular water sprinkling shall be carried out

in critical areas prone to air pollution and having high levels of PM₁₀ and PM_{2.5} such as haul road, loading and unloading point and transfer points. Fugitive dust emissions from all the sources shall be controlled regularly. It shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard. Monitoring of Ambient Air Quality to be carried out based on the Notification 2009, as amended from time to time by the Central Pollution Control Board.

12. Regular monitoring of ground water level and quality shall be carried out in and around the mine lease by establishing a network of existing wells and constructing new piezometers during the mining operation. The project proponent shall ensure that no natural water course and/or water resources shall be obstructed due to any mining operations. The monitoring shall be carried out four times in a year pre-monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected may be sent regularly to Ministry of Environment, Forest and Climate Change and its Regional Office, Central Ground Water Authority and Regional Director, Central Ground Water Board.
13. Transportation of the minerals by road passing through the village shall not be allowed. A 'bypass' road should be constructed (say, leaving a gap of at least 200 meters) for the purpose of transportation of the minerals so that the impact of sound, dust and accidents could be mitigated. The project proponent shall bear the cost towards the widening and strengthening of existing public road network in case the same is proposed to be used for the Project. No road movement should be allowed on existing village road network without appropriately increasing the carrying capacity of such roads.
14. The illumination and sound at night at project sites disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. PPs must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day light/night hours.
15. Sufficient number of Gullies to be provided for better management of water. Regular Monitoring of pH shall be included in the monitoring plan and report shall be submitted to the Ministry of Environment, Forest and Climate Change and its Regional Office on six monthly basis.
16. There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
17. The Project Proponent has to take care of gullies formed on slopes. Dump mass should be consolidated with proper filling/leveling with the help of dozer/compactors.
18. The reclamation at waste dump sites shall be ecologically sustainable. Scientific reclamation shall be followed. The local species may be encouraged and species are so chosen that the slope, bottom of the dumps and top of the dumps are able to sustain these species. The aspect of the dump is also a factor which regulates some climatic parameters and allows only species adopted to that micro climate.

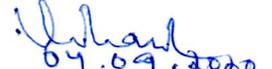
19. The top soil, if any, shall temporarily be stored at earmarked site(s) only and it should not be kept unutilized for long. The topsoil shall be used for land reclamation and plantation. The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only and it should not be kept active for a long period of time. The maximum height of the dumps shall not exceed 8m and width 20 m and overall slope of the dumps shall be maintained to 45°. The OB dumps should be scientifically vegetated with suitable native species to prevent erosion and surface run off. In critical areas, use of geo textiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled and afforested. Monitoring and management of rehabilitated areas should continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Ministry of Environment, Forest and Climate Change and its Regional Office on six monthly basis.
20. Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, mineral and OB dumps to prevent run off of water and flow of sediments directly into the river and other water bodies. The water so collected should be utilized for watering the mine area, roads, green belt development etc. The drains shall be regularly desilted particularly after monsoon and maintained properly. The drains, settling tanks and check dams of appropriate size, gradient and length shall be constructed both around the mine pit and over burden dumps to prevent run off of water and flow of sediments directly into the river and other water bodies and sump capacity should be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity should also provide adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and desilted at regular intervals.
21. Plantation shall be raised in a 7.5 m wide green belt in the safety zone around the mining lease, backfilled and reclaimed area, around water body, along the roads etc. by planting the native species in consultation with the local DFO/Agriculture Department and as per CPCB Guidelines. The density of the trees should be around 2500 plants per ha. Greenbelt shall be developed all along the mine lease area in a phased manner and shall be completed within first five years.
22. The Project Proponent shall make necessary alternative arrangements, where required, in consultation with the State Government to provide alternate areas for livestock grazing, if any. In this context, Project Proponent should implement the directions of the Hon'ble Supreme Court with regard to acquiring grazing land. The sparse trees on such grazing ground, which provide mid-day shelter from the scorching sun, should be scrupulously guarded against felling and plantation of such trees should be promoted.
23. The project proponent shall take all precautionary measures during mining operation for conservation and protection of endangered fauna, if any, spotted in the study area. Action plan for conservation of flora and fauna shall be prepared and implemented in consultation with the State Forest and Wildlife Department. A copy of action plan shall be submitted to the Ministry of Environment, Forest and Climate Change and its Regional Office.
24. Provision shall be made for the housing of construction labour within the site with all

- necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, creche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
25. Measures should be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. should be provided with ear plugs / muffs.
 26. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
 27. The project authorities should inform to the Regional Office regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
 28. The project proponent shall submit six monthly reports on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment, Forest and Climate Change, its Regional Office, Central Pollution Control Board and State Pollution Control Board.
 29. 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.
 30. A copy of clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom suggestion / representation has been received while processing the proposal.
 31. State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/ Tahsildar's Office for 30 days.
 32. The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the Ministry of Environment, Forest and Climate Change at www.environmentclearance.nic.in and a copy of the same should be forwarded to the Regional Office.
 33. The SEIAA, Odisha may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
 34. 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.
 35. 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.
 36. Any appeal against this 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.

37. The above mentioned stipulated conditions shall be complied in a time-bound manner. Failure to comply with any of the conditions mentioned above may result in cancellation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.

Yours faithfully,


04.09.2020
Member Secretary

Memo No 8882/SEIAA /Dt. 04.09.20
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. Additional Chief 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, Chandrasekharpur, 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, ManSingh Road, New Delhi-110011 for information.
7. Copy to the Collector, Khorda for information.
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.


04.09.2020
Member Secretary

o/c