

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

**ORIGINAL APPLICATION NO .....OF 2024**

**IN THE MATTER OF:**

**SANJIB DHAL AND OTHERS**

**APPLICANTS**

**VERSUS**

**STATE OF ODISHA AND ORS**

**RESPONDENTS**

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PLACE: Bhubaneswar

DATE: 03/04/2024

*S.Pani* *A.Padhy*

**SANKAR PRASAD PANI**

**ASHUTOSH PADHY**

**ADVOCATE**

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### SYNOPSIS

That the present application challenges the illegal operation of Blackstone quarries in Tolarpasi, Gondia, Dhenkanal District by the lessee Ajit Sahoo in violation of conditions of Environment clearance and mining beyond the area prescribed in mining plan. The lessee is continuously operating the Tolarpasi Metal Quarry pursuant to EC letter dated 18/10/2021 for annual production capacity of 20034CuM over plot No1874, Khata No 467, Area 12.25 Acres. The lessee continued to operate the quarry much more beyond the approved quantity as laid down in EC letter. Apart from the excess mining the lessee had not complied the EC conditions in respect of Green Belt. 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 9.28 of EC letter

- i. There has been no plantation by the project proponent and on th other hand the lessee cleared a huge number of trees in order to operate the Quarry.
- ii. Operation of quarry without blasting permission from district administration

- iii. There has been no filing of quarterly compliance report and no action has been taken by SEIAA the authority who has granted environment clearance.

## LIST OF DATES

18/10/2021	Environment Clearance granted to tolarpasi Road Metal Quarry over an area of <b>(12.25Acres or 4.957 Hactres)</b> for production capacity of 1,00,166CuM for the entire lease period or <b>20,036 CuM per annum</b>
<b>01/02/2022</b>	<b>Lease agreement executed for 5 years</b>
10/03/2022	CTO for <b>20,036 CuM /per annum</b> with validity upto 31/01/2027
06/10/2023	Mining Plan approved by Joint Director of Geology, Zonal Survey Dhenkanal
<b>03/03/2022</b>	<b>Grant of Consent to Establish for production of 100166 CuM of Road Metal</b>
<b>0911/2023</b>	<b>PIO Collectorate stated in a RTI that, Till date blasting permission has not been issued in favour of Ajit Sahu Tolarpasi Road Metal Quarry</b>
14/03/2024	SEIAA Odisha in reply to RTI application stated that no compliance report furnished by the lessee

**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 2024**

**IN THE MATTER OF:**

- 1. Sanjib Dhal S/o Murali Dhal, Aged about 47 years, At/po-  
Nihhalprasad, Dist- Dhenkanal, Odisha**
  - 2. Likuna Dhal S/o Prasanna Dhal, aged about 42 years, At//po-  
Nihalprasad, Dist- Dhenkamal, Odisha**
  - 3. Adhikari Mohanty, S/o Golekha Mohanty, aged about 44 years ,  
At/po- Nihalprasad, Dist- Dhenkanal, Odisha**
  - 4. Dharendra Raj S/o Kanhei Raj, aged about 52 years, At/po-  
Nihalprasad, Dist- Dhenkanal, Odisha**
- APPLICANTS**

**VERSUS**

- 1. State of Odisha represented by Chief Secretary, Government of  
Odisha, Lokaseva Bhawan,751001 Bhubaneswar [csori@nic.in](mailto:csori@nic.in)**

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2. Principal Secretary, Revenue and Dissaster Management, Government of Odisha, Lokaseva Bhawan, Bhubaneswar, 751001, [revsec.od@nic.in](mailto: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](mailto:fesec.or@nic.in)
4. Collector & Dist. Magistrate Dhenkanal, At/PO/Dist- Dhenkanal  
Email- [dm-dhenkanal@nic.in](mailto:dm-dhenkanal@nic.in) PIN-752069
5. Superintendent of Police, Dhenkanal At/Po/PS- Dhenkanal  
[dhepol@nic.in](mailto:dhepol@nic.in) , 752069
6. Divisional Forest Officer, Dhenkanal, At/Po/Dist-Dhenkanal.  
PIN-752055, Email- [dfo.dhenkanal@gmail.com](mailto:dfo.dhenkanal@gmail.com)
7. **Member Secretary**, Odisha State Pollution Control Board  
A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012,  
Odisha Email: [paribesh1@ospcboard.org](mailto:paribesh1@ospcboard.org),
8. **Regional Officer, Odisha State Pollution Control Board**, Angul,  
At/po/Ps-Angul,Odisha751024. Email: [rospcb.angul@ospcboard.org](mailto:rospcb.angul@ospcboard.org)
9. **Member Secretary**, State Environment Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit – IX, 751022 Email: [seiaaodisha@gmail.com](mailto:seiaaodisha@gmail.com) , [ms-seiaa-or@gov.in](mailto:ms-seiaa-or@gov.in)
10. Director of Mines and Geology, Bhubigyan Bhawan , Bhubaneswar, Khordha, PIN-751001 Email- [directorgeology\\_odisha@yahoo.in](mailto:directorgeology_odisha@yahoo.in)

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11. Tahasildar, Gondia, At/Po/PS- Gondia, Dist- Dhenkanal Email- [tah.gondia-od@nic.in](mailto:tah.gondia-od@nic.in)

12. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office (EZ), A/3, Chandrasekharpur, Bhubaneswar – 751023, Email: [roez.bsr-mef@nic.in](mailto:roez.bsr-mef@nic.in)

13. Ajit Sahu S/o Late Gokulananda Sahu, At/po- Nihalprasad, PS- Gondia, pin- 759016 Dist- Dhenkanal ( Lessee of Stone Quarry)

### 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 Tolarpasi Road Metal 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 operation by lessee in violation of environment clearance conditions.

**IT IS MOST RESPECTFULLY SHOWETH**

1. That the applicants are the villagers of Nihalprasad under Gondia tahasil of Dhenkanal district where the lessee is operating this quarry and the applicants are concerned about the illegal blasting, excess mining and clearing of vegetation by the lessee. One of the applicants filed an Application under the Right To Information and from the reply he found that the Lessee has no blasting permit for the quarry. It is not out of place to mention that the private respondent in collusion with government authorities are operating most of stone quarries in the areas and responsible for damage to the local ecology and environment.
2. That there is a Temple called Sadhu Gosein Temple with in 100metres of the quarry which is a sacred place for the Mahima cult believers. Because of the uncontrolled blasting, the temple have developed cracks and because of his muscle and money power could manage the government authorities and continuing his illegal operation at the cost of damage to property of local people and government institution. The operation of quarry is in violation of EC condition 9.5 and NGT order in M Haridasan Case.
3. There used to be transportation of nearly 200 trips of stone over loaded vehicles plying on the RD road which is not meant to carry such heavy loaded vehicles. People of the 6 panchayats are facing inconvenience because of the plying of heavy loaded vehicles not having the carrying capacity top cater the traffic and load due to transportation of heavy loaded vehicles from the stone quarry. This is also in violation EC condition and

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no action has been taken to check the overloaded trucks. The road is damaged and full of potholes because of overloaded speedy trucks without cover plying on it. The plying of trucks in village road is in violation of EC condition 9.12, 9.13, 9.14

4. Because of the deep quarry, the water table in the village has gone down the quarry depth should not be more than 6metre but here it has exceeded more than 20metres. This is in violation of EC condition 9.2 and 9.6, 9.8
5. No permission obtained from ground water authority for borewell and same is in violation of EC condition 9.10
6. The lessee is extracting around 10 times of stone than the permissible limit and engaged in excess mining with support of authorities as because there has been no independent monitoring or scientific measurement of the volume of material extracted from the lease areas.
7. As per CTO condition the lease holder should not use blasting and avoid movement of vehicles at night but quarry operator use to ply loaded vehicles from 8 am till 9pm in the night.
8. The lease holder will **make solar fencing of the quarry area** to avoid any untoward incident in future for movement of wild animals but no such thing has been made
9. There is noise and air pollution because of the movement of hundreds of vehicles from the quarry to its crusher.

- 10.No green belt around the quarry though the operation is going since 2015 and there by the dust from quarry use to affect the adjoining agricultural fields, human habitation and commuters on the road
- 11.Quarterly compliance report have not been filed, Internal Roads are not graded to mitigate the dust emission, there is no sprinkling of water in road as well as around quarry to arrest the dust pollution, Top soil are no preserved, Over Burden dumps have not been stacked properly and there is not garland drain around Over burden dump suggesting a large scale non-compliance and no action by any of the regulatory authorities
- 12.That on 14/03/2024 SEIAA Odisha in response to a RTI application stated that the specific information related to the **Compliance report is not available in this office** which clearly shows that the lessee has not submitted the compliance report to the SEIAA authorities. Copy of the RTI reply dated 14/03/2024 is here unto annexed as **ANNEXURE-1**
- 13.It is pertinent to mention that submission of quarterly compliance report is mandatory and same is necessary to understand if the quarry is operating with fully compliance of the conditions or not and if any deviation terms of mining quantity and methodology is there or not. Even though is same is a kind of self certification and any false information as its consequences. It is further stated that the project proponent and regulatory authority both have duty to upload the compliance report in their website and same is not available in the website

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14. That the ongoing Road Metal Quarry is in gross violation of Environment protection Act 1986 and the standard conditions of environment clearance conditions. Such as 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 canceled as per condition no 9.23 of EC letter. though it should be quarterly monitored
15. There has been no authorization under Hazardous Waste Management Rules 2016 for disposal of waste oils, used oils generated from machines and mining operation.
16. That the Road Metal 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.**
17. That the Environment Clearance dated 18/10/2021 granted in favor of Sri Ajit Sahu, for Tolarpasi Road Metal Quarry over an area of 12.25 Acres, annual production quantity of **20,034 CM** and total production will be **100166 CM**. The Environment Clearance was granted **with 39 stipulated conditions and none of the conditions have been complied.** Copy of Environment clearance dated 18/10/2021 is annexed here unto as **ANNEXURE-2**

**18.** That the environment clearance was granted with specific conditions and failure to comply will lead to withdrawal of EC letter. The conditions are as follows

9.23 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine and has to submit a detailed plan of action in this regard within six months, indicating definite timelines and physical outcomes.

9.26 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.

9.27 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.

9.28 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

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soft copies on 1<sup>st</sup> day of January, April, July, October or each calendar year, failing which EC is liable to be revoked.

9.30 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 submits quarterly compliance reports.

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

9.34 The SEIAA, Odisha may revoke or suspended 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.

9.35 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

9.36 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 environmental clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.

**19. That the Environmental Clearance is granted under the following conditions and none of these conditions are complied**

- ✓ 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 1<sup>st</sup> day of January, April, July, October of each Calander 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

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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 extended full cooperation to the MoEF & CC officer(s) SPCB officer(s) by furnishing the requisite date/information/monitoring reports.
- ✓ 9.27 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti/ Zilla Parisad/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.

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- ✓ 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.

**20.**That for this quarry, the **consent to establish** was granted in favour of Lessee for the Tolarpasi Road Metal Quarry on 03/03/2022. The CTE is having 5 general Conditions, 15 Special Conditions, 5 conditions to check water pollution and 15 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 the CTE is here unto annexed as **ANNEXURE-3**

**21.**That the consent to operate was granted to the quarry on 10/03/2022 and with validity up to 31/01/2027. The CTO was granted with 43 general condition, 18 special condition, 5 condition to prevent water pollution and 17 condition to prevent air pollution and 3 condition to prevent Hazardous waste. But most of the conditions that are mentioned in the CTO is not being complied by the Lessee. It is further stated that the SPCB has a duty to monitor the compliance of conditions and same has not been done as. Copy of the CTO dated 110/03/2022 is here unto annexed as **ANNEXURE-4**

**22.**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

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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.

**23.**It is pertinent to mention here that the lessee have to plant 100 trees per year according to the mining plan but till date no plantation has been done by the lessee, though the lessee has cleared and damaged the preexisting vegetation and same can be evident from comparison of google earth images.

**24.** That the CPCB on 12/05/2020 issued a notice regarding the siting criteria for stone quarry, copy of the CPCB letter dated 12/05/2020 is here unto annexed as **ANNEXURE-5**

**25.** It is pertinent to mention here that the lessee has cleared a huge number of trees from the site prior to operating the stone quarry and the process of tree felling is still continuing. From the satellite images it can be clearly seen that prior to start the operation of quarry there is a number of vegetation exist there. Copy of the satellite image is here unto annexed as **ANNEXURE-6**

**26.** That the lessee is extracting minerals from the tolarpasi stone quarry by blasting method but the lessee don't have any **permission for blasting** from District Administration which is revealed from the RTI reply by the Office

of the District Collector Dhenkanal. Since no blasting permission is granted hence the entire quarry operation is illegal. Copy of the RTI reply dated 09/11/2023 is here unto annexed as **ANNEXURE-7**

- 27.** 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 mute spectator.
- 28.** That the Revenue and Dissaster Management, Odisha has come out with the resolution dated 28<sup>th</sup> 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.
- 29.** 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. Hence a detailed investigation by ORSAC can unveil the large scale illegal mining in the quarry lease and its adjoining areas.

30. It is further submitted that the lessee has quarried in violation of mining plan which prescribes for systemic mine closure plan and distinguish between mining areas and non-mining area in a lease, Apart from year wise mining pits are to be back filled and reclaimed. As it appears from the Google earth images the lessee has started operation all across the lease in violation of mining plan.

31. That in Original Application No 54 of 2018, Hon'ble Tribunal vide order dated 24<sup>th</sup> Dec 2021, has directed the Home Secretary, Government of Odisha to constitute a **Special Task Force** to look into the illegal morrum 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](mailto: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”

**32.** 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.

- 33.** 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.”

34. 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.

35. 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 can not 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 think twice before committing such offence and before causing damage to the earth and nature.

“It might be true that by permitting the violators to compound the offences under the MMDR Act or the rules made thereunder, the State may get the revenue and the same shall be on the principle of person who causes the damage shall have to compensate the damage and shall have to pay the penalty like the principle of polluters to pay in case of damage to the environment. However, in view of the large scale damages being caused to the nature, the policy and object of MMDR Act and Rules are the result of an increasing awareness of the compelling need to restore the serious ecological imbalance and to stop the damages being caused to the nature”

**36.**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 At, 2002.**

37. 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.”

38. 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.

### **GROUNDNS**

- A. That the illegal quarries by the private respondent in collusion with Tahasildar, Gondia resulted in endangering life and livestock of local residents
- B. 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.
- C. 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
- D. That the present illegal quarrying is against the principle of Sustainable Development, Precautionary Principle and attracts the Polluters Principle.

### **LIMITATION**

That there is a subsisting cause of action because of the ongoing illegal quarrying activity in violation of EC conditions on day to day basis hence the application is not barred by limitation

## **INTERIM PRAYER**

Hon'ble Tribunal may please to direct the District Collector Dhenkanal to immediately stop the Tolarpasi Road Metal Quarry stone quarrying in Tolarpasi Road Metal Quarry, Tolarpasi Mouza of Gondia Tahasil pending 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 Road Metal stone excavated illegally and its market value, **cost of restitution and environmental compensation and recover the same from the private respondent**
- III.** Fix the accountability/responsibilities of the concerned Govt. authorities and Tahasildar Gondia 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 Mining officer and Tahasildar, Gondia
- 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**

**03/04/2024**

*S. Pani* *A. Patil*

**ADVOCATE**

**BEFORE THE NATIONAL GREEN TRIBUNAL AT KOLKATA**

Original Application No. \_\_\_\_ of 2024

**SANJIB KUMAR DHAL**

**APPLICANTS**

**VERSUS**

**STATE OF ODISHA &ORS ...**

**RESPONDENTS**

**AFFIDAVIT**

**03 APR 2024**

I, SANJIB KUMAR DHAL S/o MURALI DHAR DHALA, Aged about 47 years At/Po/PS-NIHALPRASAD Dist-DHENKNAL 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 I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

*x Sanjib Dhal*

**DEPONENT**

IDENTIFIED BY  
*[Signature]*  
ADVOCATE

**VERIFICATION**

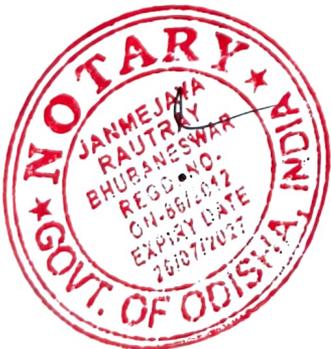
I, do hereby solemnly affirm verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from. Verified at *Bhubaneswar* on **03 APR 2024**

The above named deponent(s) being duly identified by Sri. *[Signature]* Advocate, *Bhubaneswar* appears before me on **03 APR 2024** at *[Signature]* States on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief

**VERIFICANT**

**JANMEJAYA RAUTRAY**  
NOTARY, GOVT. OF ODISHA  
BHUBANESWAR  
REGD. NO-ON-86/2012  
Mob. No. - 9337121273

Deponent(s) Notary, Bhubaneswar



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com

*(A statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment (Protection) Act, 1986)***File No. SEIAA-30 / 12-2022****Dated** 14<sup>th</sup> March, 2024

To

Mr. Ashutosh Padhy,  
Santosh Kumar Padhy,  
Plot No. 2132/4814, Nageswar Tangi,  
Bhubaneswar - 751002

Sub: RTI application of Mr. Mr. Ashutosh Padhy, received by SEIAA on dated 22.02.2024 under RTI Act, 2005.

Sir,

In inviting a reference to the above subject, I am directed to say that a copy of Right to Application (RTI) of Mr. Ashutosh Padhy has been received by this Office on dated 22.02.2024. This is to inform you that the information sought against Serial No. 5(c) in regard to EC of Nahada Road Metal Quarry-III and Tolarpasi Road Metal Quarry is enclosed herewith as Annexure-I.

Yours faithfully,

14/03/2024  
ES & PIO

Copy forwarded to

1. The Registrar, State Information Commission, Odisha, Block No. B-1, Toshali Bhawan, Satyanagar, Bhubaneswar for information.

14/03/2024  
ES & PIO

**Annexure-I****Question No. 5 (C)**

1. Please provide the copy of mining plan of Nahada Road Metal Quarry-III under Tahasil-Gondia of Dhenkanal district from December, 2022 to February, 2024?

Ans: The specific information is available in the Parivesh portal ([www.parivesh.nic.in](http://www.parivesh.nic.in)) (File No. 241457/799-MINB2/08-2022 for Nahada Road Metal Quarry-III, Gondia-Tahasildar)

2. Copy of quarterly compliance report filed by the lessee of Nahada Road metal Quarry-III under tahasil Gondia of Dhenkanal district from the date of CTO was granted to February, 2024?

Ans: The specific information is not available in this office.

3. Please provide copy of quarterly compliance report filed by the lessee of Tolarpasi road metal quarry under tahasil Gondia of Dhenkanal district from 10.03.2022 to February, 2024.

Ans: Ans: The specific information is not available in this office.



## 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)  
SRF-211, Unit-IX, Bhubaneswar-751022. Tel: 0674-2541029. E-mail: sae@seiaaodisha.gov.in

Letter No. **3097/SEIAA**

On **18.10.2021**

File No. SEIAA-1725/06-2021

To

Sri. Ajit Sahu,  
AVPo-Nihalprasad, Po-Gondia,  
Dist-Dhenkanal

Sub: Proposal of Sri. Ajit Sahu for mining of road metal from Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at village- Tolarpasi, Tahasil-Gondia, District- Dhenkanal- Environmental Clearance reg.

Ref: SEIAA File No: SEIAA-1725/06-2021 dt. 24.06.2021

Sir,

This is with reference to the application dated 24.06.2021 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 there is no provision at present for filing EC application for such cases (minor mineral extraction involving area less than or equal to 5ha; i.e., B2 category projects) 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.

3. The application in Form-I is supported by other necessary documents, namely the PFR, DSR, EMP, Approved Mining Plan and Checklist.

1  
D.S.

The proposed activities in a nut shell are as follows: -

- a. This is a proposal for mining of road metal from Tolarpaal Road Metal Quarry located at Village- Tolarpasi, Tahasil- Gondia, District- Dhenkanal over lease area of 12.25 acres or 4.957ha
  - b. The mine area is a part of the Survey of India Toposheet No F45T6 bounded by Latitude 20°47'29.27" N to 20°47'30.23" N and Longitude 85°55'47.34"E to 85°55'56.01" E
  - c. The mining lease is an identified sairat source in the DSR. The Tolarpasi Road Metal Quarry sairat source will be leased out under the OMMC Rules 2016 by Tahasildar, Gondia to Sri.Ajit Sahu (successful bidder on the basis of public auction) for a lease period of 5 years
  - d. The mining plan of the mining project prepared has been approved by Joint Director Geology, Zonal Survey, Dhenkanal on 25.03.2021.
  - e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 374757 cum of road metal.
  - f. The project proponent has not furnished the alignment of the extraction path for road metal transportation. As reported by the Tahasildar/PP in the Checklist, the village road is at a distance of 0.4Km away from the mining lease area.
  - g. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mines located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.
  - h. The Tahasildar vide letter no.2172 dated 03.06.2021 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, it is observed that road metal from the quarry will be extracted by semi-mechanized method with annual extraction of road metal not exceeding 20034 cum (maximum production capacity) during the valid lease period.
5. 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



6. The proposal is duly appraised by the SEAC in its meeting held on 28.09.2021. The SEAC has submitted the appraisal report and recommended for EC, vide their letter no 725/SEAC-Misc-02 dated 11.10.2021

7. The Environmental Clearance (EC) is accordingly granted to the proposed activity of road metal mining subject to the following conditions and stipulations. The EC 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.

8. The Tahasildar, Gondia who is the lease granting authority in this case is responsible for monitoring strict compliance of the following conditions of grant of environment clearance, by the project proponent(lessee).

9. Stipulated Conditions:

- 9.1 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.
- 9.2 Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. Maximum depth of quarry operation for starting level at the top shall not exceed 6 meter.
- 9.3 Maximum quantity of quarry material that can be permitted by the lessor to be removed from the quarry area is 20034Cum in a full year (January to December) and total production from the quarry shall be 100166Cum during the valid lease period of five years as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 9.4 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. This EC shall not be transferred without the permission of SEIAA. In case, the lease is settled in favour of any lessee, the permission of SEIAA will be taken along with the deposit of scrutiny fee.
- 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 involving blasting will be operated within 200 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 No mining shall be carried out in the vicinity of natural /manmade archeological sites

- It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs inter-venies within the permitted depth then also quarrying shall be stopped.
- 9.9 Topsoil if any shall be stacked properly with proper slope with inter-venies measures and should be used for plantation purpose.
- 9.10 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.
- 9.11 Pursuant to MoEF & CC, OM No. 22/14/2018 IA III dated 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.
- 9.12 No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO 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.
- 9.13 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. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.
- 9.14 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.
- 9.15 Wet drilling method is to be adopted to control dust emissions. Delay detonators and shock tube initiation system for blasting shall be used so as to reduce vibration and dust.
- 9.16 Drilling and blasting (wherever required) shall be done only by licensed explosive agent by the proponent after obtaining required approvals from competent authorities.



- 9.17 Blasting will be carried out after making adequate announcement to the inhabitants through public address system. Warning siren half an hour prior to blasting activity will be sounded adequately for alerting everybody around before the blast is detonated to avoid any accident. The nearby inhabitants shall be informed one day before the actual time of blasting. Blasting is permissible at fixed hour in day time only, after blowing the siren intermittently for 10 minutes before the actual start, for safety of the inhabitants. Blasting shall be carried out in such a manner that the splinters/debris generated shall not fall beyond the mining lease area.
- 9.18 Water spray should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Gulland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.
- 9.19 Plantation of 5000 saplings shall be carried out in the 1<sup>st</sup> year of quarry operation in the peripheries of the quarry area by making planting pits of 1 meter depth at suitable spots along the approach road and in village common lands, within 1km belt of the quarry. The PP shall submit real time photographs on latitude longitude grid at six monthly intervals to monitor the status of the plantation.
- 9.20 Dumping of quarry material is in no case permissible on any forest land; and all dump yard shall be on duly permitted non forest land.
- 9.21 Stone Crusher unit shall not be set up within 1km of the quarry site, and any crusher to be set up (beyond 1km) has to be with prior permission and after obtaining of license and consent as per law.
- 9.22 Staggered contour trenches shall be dug out to cover all sloping area and the hill surface in general, within a 1km belt of the quarry lease.
- 9.23 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine; and has to submit a detailed plan of action in this regard within six months, indicating definite timelines and physical outcomes.
- 9.24 The explosives shall be stored at site as per the conditions stipulated in the permits issued by the Licensing Authority.
- 9.25 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.
- 9.26 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.
- 9.27 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.

- 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 1<sup>st</sup> day of January, April, July, October of each calendar year, failing which EC is liable to be revoked
- 9.29 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
- 9.30 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.
- 9.31 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.
- 9.32 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.
- 9.33 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.
- 9.34 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.
- 9.35 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.
- 9.36 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 environmental clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.
- 9.37 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.

9.38 This Environmental Clearance (EC) is subject to compliance with the Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court Law, Common Cause Conditions as may be applicable

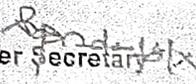
9.39 Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

  
Member Secretary

Memo No 3398/SEIAA /Dt. 18.10.2021

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. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G Forest., Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
5. Principal Secretary, Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Dhenkanal/ Sub Collector, Dhenkanal/Tahasildar, Gondia for Information and necessary action.
7. Guard file for record.

  
Member Secretary

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**RETYPED COPY OF ENVIRONMENTAL CLEARANCE LETTER**  
**DATED 18/10/2021**

File No.SEIAA-1725/06-2021

To

Sri.Ajit Sahu,

At/Po-Nihalprasad, Po-Gondia,M Dist-Dhenkanal

Sub: Proposal of Sri.Ajit Sahu for mining of road metal from Tolarpasi Road MetalQuarry over an area of 12.25acres or 4.957ha at village- Tolarpasi, Tahasil Gondia, District- Dhenkanal- Environmental Clearance reg.

Ref: SEIAA File No: SEIAA-1725/06-2021 dt.24.06.2021

Sir,

This is with reference to the application dated 24.06.2021 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 there is no provision at present for filing EC application for such cases (minor mineral extraction involving area less than or equal to 5ha;,e., B2 category projects) 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 up to 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

3.The application in Form-I is supported by other necessary documents, namely the PFR, DSR, EMP, Approved Mining Plan and Checklist

4. The proposed activities in a nut shell are as follows

a. This is a proposal for mining of road metal from Tolarpasl Road Metal Quarry located at Village. Tolarpasi, Tahasil. Gondia, District- Dhenkanal over lease area of 12.25acres or 4,957ha

b. The mine area is a part of the Survey of India Toposheet No. F45T6 bounded by Latitude  $20^{\circ}47'29.27$  N to  $20^{\circ}47'30.23$  N and Longitude  $85^{\circ}55'47.34$  E to  $85^{\circ}55'56.01$  E

c. The mining lease is an identified sairat source in the DSR The Tolarpasi Road Metal Quarry sairat source will be leased out under the OMMC Rules 2016 by Tahasildar, Gondia to Sn. Ajit Sahu (successful bidder on the basis of public auction) for a lease period of 5 years.

d. The mining plan of the mining project prepared has been approved by Joint Director Geology, Zonal Survey, Dhenkanal on 25.03 2021

e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 374757 cum of road metal.

f. The project proponent has not furnished the alignment of the extraction path for road metal transportation. As reported by the Tahasildar/PP in the Checklist, the village road is at a distance of 0.4 Km away from the mining lease area

g. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mines located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster

h. The Tahasildar vide letter no. 2172 dated 03.06 2021 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, it is observed that road metal from the quarry will be extracted by semi-mechanized method with annual extraction of road metal not exceeding 20034 cum (maximum production capacity) during the valid lease period

5. 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 of B2 as the mining lease area is less than 5 ha.

6. The proposal is duly appraised by the SEAC in its meeting held on 28/08/2021 and 05.10.2021. The SEAC has submitted the appraisal report and

recommended for granting EC, vide the letter no 725/SEAC Misc-02 dated 11.10.2021

7. The Environmental Clearance (EC) is any granted is the proposed activity of road metal mining subject to the following conditions and stipulations. The EC 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

8. The Tahasildar, Gondia who is the lease granting authority in this case is responsible for monitoring strict compliance of the following conditions of grant of environment clearance by the project proponent (lessee)

9. Stipulated Conditions:

9.1 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

9.2 Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. Maximum depth of quarry operation for starting level at the top shall not exceed 6 meter.

9.3 Maximum quantity of quarry material that can be permitted by the lessor to be removed from the quarry area is 20034Cum in a full year (January to December) and total production from the quarry shall be 100166Cum during the valid lease period of five years as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.

9.4 Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SELAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. This EC shall not be transferred without the permission of SEIAA. In case, the lease is settled in favour of any lessee, the permission of SEIAA will be taken along with the deposit of scrutiny fee.

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 involving blasting

will be operated within 200 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 No mining shall be carried out in the vicinity of natural /manmade archeological sites

9.8 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.

9.9 Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.

9.10 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.

9.11 Pursuant to MoEF & CC, O.M No 22-34/2018-1A 1/1dated 18.01.2020 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.

9.12 No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO 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.

9.13 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. Speed of vehicle be regulated and in no case >30 Kms/hr be allowed.

9.14 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.

9.15 Wet drilling method is to be adopted to control dust emissions. Delay detonators and shock tube Initiation system for blasting shall be used so as to reduce vibration and dust.

9.16 Drilling and blasting (wherever required) shall be done only by licensed explosive agent by the proponent after obtaining required approvals from competent authorities.

9.17 Blasting will be carried out after making adequate announcement to the log Inhabitants through public address system. Warning siren half an hour prior to blasting activity will be sounded adequately for alerting everybody around before the blast is detonated to avoid any accident. The nearby inhabitants shall be informed one day before the actual time of blasting. Blasting is permissible at fixed hour in day time only, after blowing the siren intermittently for 10 minutes before the actual start, for safety of the inhabitants. Blasting shall be carried out in such a manner that the splinters/debris generated shall not fall beyond the mining lease area.

9.18 Water spray should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.

9.19 Plantation of 5000 saplings shall be carried out in the 1st year of quarry operation in the peripheries of the quarry area by making planting pits of 1 meter depth at suitable spots along the approach road and in village common lands, within Tim belt of the quarry. The PP shall submit real time photographs

on latitude longitude grid at six monthly intervals to monitor the status of the plantation.

9.20 Dumping of quarry material is in no case permissible on any forest land, and all dump yard shall be on duly permitted non forest land.

9.21 Stone Crusher unit shall not be set up within 1km of the quarry site, and any crusher to be set up (beyond 1km) has to be with prior permission and after obtaining of license and consent as per law.

9.22 Staggered contour trenches shall be dug out to cover all sloping area and the hill surface in general, within a 1km belt of the quarry lease.

9.23 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine, and has to submit a detailed plan of action in this regard within six months, indicating definite timelines and physical outcomes,

9.24 The explosives shall be stored at site as per the conditions stipulated in the permits issued by the licensing Authority.

9.25 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 as amendments thereof to the recyclers authorized by SPCB, Odisha.

9.26 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 OSPCC along with the compliance report.

9.27 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.

9.28 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 1<sup>st</sup> day of

January, April, July, October of each calendar year, falling which Ec is liable to be revoked.

9.29 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.

9.30 The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, Le, the Tahasilder, 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

9.31 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 & CG officer(s)/SPCB officer(s) by furnishing the requisite data/information/monitoring reports.

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

9.33 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.

9.34 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

9.35 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.

9.36 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 environmental clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.

9.37 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

9.38 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.

9.39 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.

Memo No3398/SEIAA /Dt. 18-10-2021

Copy to

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

E-mail: [rospcb.angul@ospcbboard.org](mailto:rospcb.angul@ospcbboard.org)Website: [www.ospcbboard.org](http://www.ospcbboard.org)

**OFFICE OF THE REGIONAL OFFICER**  
**STATE POLLUTION CONTROL BOARD, ODISHA**  
 (DEPARTMENT OF FOREST & ENVIRONMENT, GOVT. OF ODISHA)  
 Plot No. S-3/3, Industrial Estate, Hakimpada, Angul-759143

"By Registered post"

No. 550 /QUARRY/ROSPCB/AGL/222/2021-22Date: 03.03.2022

**OFFICE MEMORANDUM**

In consideration of the online application no. **4013723**, dtd.02.03.2022 for obtaining Consent to Establish for **Tolarpasi Road Metal Quarry**, 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 Road Metal/ Stone of capacity **1,00,166 Cubic Meter (total)** (annual production not more than **20,034 Cubic Meter**) during valid mining lease period (as per approved mining plan and Environmental Clearance) over mining lease area of 12.25 acres or **4.957ha** bearing Plot No.1874, Khata No.467 (Kisam-Patharbani) as submitted by the applicant, at Mouza: Tolarpasi, PS/ Tahasil: Gondia in the district of **Dhenkanal** with the following conditions.

**GENERAL CONDITIONS:**

01. This Consent to Establish is valid for the product, method of mining and capacity as mentioned in the approved mining plan and Environmental Clearance. This order is valid for five years. The proponent shall do substantial mining activities for the proposal within a period of five years from the date of issue of this Consent to Establish order. If the proponent fails to do substantial mining activities for the proposal within five years then a renewal of this Consent to Establish shall be sought by the proponent.
02. The mine shall apply for grant of Consent to operate under section **25/26** of Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 at least 3 (three) months before the commencement of production and obtain Consent to Operate from this Board.
03. The mine 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 Transboundary 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.

04. No change in mining technology and scope of working shall be made without prior approval of the Board.
05. This consent to establish is subject to statutory and other clearances from Govt. of Odisha and/or Govt. of India, as and when applicable.

### **SPECIAL CONDITIONS:**

#### **A. GENERAL CONDITONS**

1. 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.
2. Mining activity shall be carried out as per approved mining plan prepared for this project.
3. Any change in the calendar plan, quantity to be produced, or method of mining shall require prior approval from the Board.
4. 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.
5. Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. Maximum depth of quarry operation for starting level at the top shall not exceed 6 meter.
6. Hon'ble NGT in its order dated 21.07.2020 in OA No.304/2019 in the matter of M.Haridasan & Ors. Vrs State of Kerala has approved minimum distance criteria proposed by CPCB in its report filed at NGT on 09.07.2020 for operation of stone quarries. As per CPCB's report, **minimum distance of quarry from Residential/Public buildings, inhibited sites, protected monuments, heritage sites, National/State Highway, District roads, Public roads, Railway line/area, ropeway or ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, Lakes or Tanks or any other locations to be considered by states shall be 200m when blasting is involved and 100m when blasting is not involved**
7. The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.
8. No mining shall be carried out in the vicinity of natural /manmade archeological sites.
9. Mining operation should not be carried out without compliance of provisions as enumerated in the OMMC Rules, 2016 as amended thereof along with the Notifications of Ministry of Environment, Forest and Climate Change from time to time.
10. 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.
11. Pursuant to MoEF& CC, O.M No 22-34/2018-1 A.11Idated 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.

12. 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 **1<sup>st</sup> day of January, April, July, October** of each calendar year, failing which EC/ CTE (NOC)/CTO is liable to be revoked.
13. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010 issued by the MoEF, GOI.
14. If any information furnished by the applicant is found to be incorrect or suppressed and detected on later stage, the consent to establish shall be revoked including initiation of appropriate legal action as deemed fit as per the provisions of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 as amended thereof and rules framed thereunder.
15. The Board may impose further conditions or modify the conditions as stipulated in this order during installation and / or at the time of obtaining consent to operate and may revoke this order in case the stipulate conditions are not implemented and / or information is found to have been suppressed / wrongly furnished in the application form.

#### **B. WATER POLLUTION**

16. The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level.
17. 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.
18. The mining shall not affect the existing sources of irrigation or drinking water for industrial purposes.
19. Staggered contour trenches shall be dug out to cover all sloping area and the hill surface in general, within a 1km belt of the quarry lease.
20. Surface run-off from OB dump area, mineral stock yard, and top soil storage area and rain water to be pumped from quarry shall be routed through adequate settling pond (designed maximum hourly rain fall basis) to meet prescribed standard of SS-100 mg/l and Oil & Grease-10 mg/l before discharge into natural stream/water courses during monsoon.

#### **C. AIR POLLUTION**

21. 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.

22. Vehicles hired for transportation of stone 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.
23. 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 stone 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 stone trucks.
24. The following measures are to be implemented to reduce Noise pollution:-
  - a. Proper and regular maintenance of vehicles and other equipment
  - b. Limiting time of exposure of workers to excessive noise.
  - c. The workers employed shall be provided with protection equipment and earmuffs etc.
  - d. Speed of trucks entering or leaving the mine is to be limited to moderate speed of 30 kmph to prevent undue noise from empty trucks.
25. The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality.
26. Plantation of 5000 saplings shall be carried out in the 1<sup>st</sup> year of quarry operation in the peripherals of the quarry area by making planting pits of 1 meter depth at suitable spots along the approach road and in the village common lands, within 1Km belt of quarry. The PP shall submit real time photographs on latitude and longitude grid at six monthly intervals to monitor the status of the plantation.
27. Water spray should be made on the village road/extraction paths to control dust emission during transportation of stone.
28. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.
29. Wet drilling method is to be adopted to control dust emissions. Delay detonators and shock tube initiation system for blasting shall be used so as to reduce vibration and dust.
30. Drilling and blasting (wherever required) shall be done only by licensed explosive agent by the proponent after obtaining required approvals from competent authorities.
31. Blasting will be carried out after announcing to the public adequately through public address system. Warning siren prior to blasting activity will be sounded adequately to the public before the blast is detonated to avoid any accident or casualty in the area to the inhabitants. The nearby inhabitants shall be informed one day before the actual day of blasting. Blasting is permissible at fixed hour in day time, only after blowing the siren intermittently for 10 minutes before the actual start, for safety of the inhabitants.

Blasting shall be carried out in such a manner that the splinters/debris generated shall not fall beyond the mining lease area.

32. Blasting shall be minimized. 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.
33. The explosives shall be stored at site as per the conditions stipulated in the permits issued by the licensing Authority.
34. The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
35. The unit shall maintain ambient air quality in order to meet the prescribed standard as per National Ambient Air Quality Standard.

#### **D. SOLID & HAZARDOUS WASTE**

36. Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.
37. Dumping of quarry material in no case permissible on any forest land: an all dump yard shall be on duly permitted non forest land.
38. Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous and Other Wastes (Management & Trans-boundary Movement) Rules, 2016 and its amendments thereof to the recyclers authorized by SPCB, Odisha.

To

Sri Ajit Sahu, Lessee  
**Tolarpasi Road Metal Quarry,**  
 At/PO: Nihalprasad, Gondia  
 Dist: Dhenkanal- 759016, Odisha

  
 03-03-2022  
**REGIONAL OFFICER**  
*Regional Officer*  
**State Pollution Control Board**  
**ANGUL**

Memo No. 551 (6) /

Date 03.03.2022 **State Pollution Control Board**  
**ANGUL**

#### **Copy forwarded to:**

1. The **Member Secretary**, SPC Board, Odisha, Bhubaneswar
2. The **Collector & District Magistrate**, Dhenkanal
3. The **D.F.O.**, Dhenkanal
4. The **Joint Director of Geology, Zonal Survey**, Dhenkanal
5. The **Tahasildar**, Gondia, Dhenkanal
6. **Guard File**, Regional Office, Angul.

  
 03-03-2022  
**REGIONAL OFFICER**  
*Regional Officer*  
**State Pollution Control Board**  
**ANGUL**

*ofc*





**OFFICE OF THE REGIONAL OFFICER  
STATE POLLUTION CONTROL BOARD, ODISHA**  
(DEPARTMENT OF FOREST & ENVIRONMENT, GOVT. OF ODISHA)  
Plot No. S-3/3, Industrial Estate, Hakimpada, Angul-759143

“By Registered Post”

**CONSENT ORDER**

No. 641 / QUARRY/ROSPCB/AGL/222/2021-22

Date: 10.03.2022

**CONSENT ORDER NO.959/21-22/RO-SPCB/Angul (APC & WPC)**

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

Ref: Your Consent to Operate online Application No.4065376, dtd.07.03.2022

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 Mine : **Tolarpasi Road Metal Quarry**

Name of the Occupier & Designation : **Sri Ajit Sahu, Lessee**

Address: : **Plot No.1874, Khata No.467 (Kisam-Patharbani), Total Mine Lease Area - 12.25 acres or 4.957ha, Mouza: Mouza: Tolarpasi, PS/ Tahasil: Gondia, Dist: Dhenkanal**

This consent order is valid for the period up to dt. 31.01.2027

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	Production Capacity (as per Approved Mining Plan & Environmental Clearance)
1.	Excavation/ Quarrying of Black Stone	1,00,166 Cubic Meter (total) (annual production not more than 20,034 Cubic Meter) during valid mining lease period

**B. Discharge permitted through the following outlet 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)	BOD (mg/l)	Oil & Grease (mg/l)
1.	Domestic waste water	To soak pit via septic tank	---				

**C. 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

**D. 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.

**E. GENERAL CONDITIONS FOR ALL UNITS**

- The consent is given by the Board in consideration of the particulars given in the application. Any change of 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 f 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 deemed fit for the purpose of the Acts
- The industry would immediately submit revised application or consent to operate to the 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.
- The applicant shall not change or alter either the quality or quantity of the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.
- 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.
- The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent order.
- 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.
- 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.
- The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board.
- An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
- 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.
- 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 taped by the consumer for utilization for any purposes whatsoever.
- Separate meters with necessary pipe-line for assessing the quantity of water used for each of the purposes mentioned below:
  - Industrial cooling, spraying in mine pits or boiler feed
  - Domestic purpose
  - Process
- The applicant shall display suitable caution board at the lace 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
- 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 satisfaction the liquid effluent arising out of the operation of the air pollution control equipment shall 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 of 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 no 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. Latter of authorization shall be obtained for handling and disposal of hazardous waste.

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 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.

## F. SPECIAL CONDITIONS:

### GENERAL CONDITONS

1. Stipulated conditions of SEIAA in the environmental clearance vide Order No.3397/SEIAA (File No.SEIAA-1725/06-2021), Dt.18.10.2021 shall be abided.
2. 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.
3. Mining activity shall be carried out as per approved mining plan prepared for this project.
4. Any change in the calendar plan, quantity to be produced, or method of mining shall require prior approval from the Board.
5. 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.
6. Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. Maximum depth of quarry operation for starting level at the top shall not exceed 6 meter.
7. Hon'ble NGT in its order dated 21.07.2020 in OA No.304/2019 in the matter of M.Haridasan & Ors. Vrs State of Kerala has approved minimum distance criteria proposed by CPCB in its report filed at NGT on 09.07.2020 for operation of stone quarries. As per CPCB's report, **minimum distance of quarry from Residential/Public buildings, inhibited sites, protected monuments, heritage sites, National/State Highway, District roads, Public roads, Railway line/area, ropeway or ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, Lakes or Tanks or any other locations to be considered by states shall be 200m when blasting is involved and 100m when blasting is not involved**

8. The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.
9. No mining shall be carried out in the vicinity of natural /manmade archeological sites.
10. Mining operation should not be carried out without compliance of provisions as enumerated in the OMMC Rules, 2016 as amended thereof along with the Notifications of Ministry of Environment, Forest and Climate Change from time to time.
11. 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.
12. Pursuant to MoEf & CC, O.M No 22-34/2018-1 A.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.
13. 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 **1<sup>st</sup> day of January, April, July, October** of each calendar year, failing which EC/ CTE (NOC)/CTO is liable to be revoked.
14. The environmental statement report for the financial year ending 31<sup>st</sup> March shall be submitted to the Board in **form-V** on or before 30<sup>th</sup> September every year.
15. The annual production and point wise compliances to the consent conditions shall be submitted to the Board latest by **30<sup>th</sup> April** every year.
16. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010 issued by the MoEF, GOI.
17. If any information furnished by the applicant is found to be incorrect or suppressed and detected on later stage, the consent to establish shall be revoked including initiation of appropriate legal action as deemed fit as per the provisions of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 as amended thereof and rules framed thereunder.
18. The Board may impose further conditions or modify the conditions as stipulated in this order during installation and / or at the time of obtaining consent to operate and may revoke this order in case the stipulate conditions are not implemented and / or information is found to have been suppressed / wrongly furnished in the application form.

#### **WATER POLLUTION**

19. The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level.

20. 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.
21. The mining shall not affect the existing sources of irrigation or drinking water for industrial purposes.
22. Staggered contour trenches shall be dug out to cover all sloping area and the hill surface in general, within a 1km belt of the quarry lease.
23. Surface run-off from OB dump area, mineral stock yard, and top soil storage area and rain water to be pumped from quarry shall be routed through adequate settling pond (designed maximum hourly rain fall basis) to meet prescribed standard of SS-100 mg/l and Oil & Grease-10 mg/l before discharge into natural stream/water courses during monsoon.

### **AIR POLLUTION**

24. 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.
25. Vehicles hired for transportation of stone 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.
26. 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 stone 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 stone trucks.
27. The following measures are to be implemented to reduce Noise pollution:-
  - a. Proper and regular maintenance of vehicles and other equipment
  - b. Limiting time of exposure of workers to excessive noise.
  - c. The workers employed shall be provided with protection equipment and earmuffs etc.
  - d. Speed of trucks entering or leaving the mine is to be limited to moderate speed of 25 kmph to prevent undue noise from empty trucks.

28. The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality.
29. Plantation of 5000 saplings shall be carried out in the 1<sup>st</sup> year of quarry operation in the peripherals of the quarry area by making planting pits of 1 meter depth at suitable spots along the approach road and in the village common lands, within 1Km belt of quarry. The PP shall submit real time photographs on latitude and longitude grid at six monthly intervals to monitor the status of the plantation.
30. Water spray should be made on the road/extraction paths to control dust emission during transportation of stone.
31. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.
32. Wet drilling method is to be adopted to control dust emissions. Delay detonators and shock tube initiation system for blasting shall be used so as to reduce vibration and dust.
33. Drilling and blasting (wherever required) shall be done only by licensed explosive agent by the proponent after obtaining required approvals from competent authorities.
34. Blasting will be carried out after announcing to the public adequately through public address system. Warning siren prior to blasting activity will be sounded adequately to the public before the blast is detonated to avoid any accident or casualty in the area to the inhabitants. The nearby inhabitants shall be informed one day before the actual day of blasting. Blasting is permissible at fixed hour in day time, only after blowing the siren intermittently for 10 minutes before the actual start, for safety of the inhabitants. Blasting shall be carried out in such a manner that the splinters/debris generated shall not fall beyond the mining lease area.
35. Blasting shall be minimized. 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.
36. The explosives shall be stored at site as per the conditions stipulated in the permits issued by the licensing Authority.
37. The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
38. The unit shall maintain ambient air quality in order to meet the prescribed standard as per National Ambient Air Quality Standard.

#### **SOLID & HAZARDOUS WASTE**

39. Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purposes.
40. Dumping of quarry material in no case permissible on any forest land: an all dump yard shall be on duly permitted non forest land.

41. Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous and Other Wastes (Management & Trans-boundary Movement) Rules, 2016 and its amendments thereof to the recyclers authorized by SPCB, Odisha.

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

To

Sri Ajit Sahu, Lessee  
**Tolarpasi Road Metal Quarry,**  
At/PO: Nihalprasad, Gondia  
Dist: Dhenkanal- 759016, Odisha



REGIONAL OFFICER

*Regional Officer*

**State Pollution Control Board**

**ANGUL**

Memo No. 642 (G)1

Date 10.03.2022

**Copy forwarded to:**

1. The **Member Secretary**, SPC Board, Odisha, Bhubaneswar
2. The **Collector & District Magistrate**, Dhenkanal
3. The **D.F.O.**, Dhenkanal
4. The **Joint Director of Geology, Zonal Survey**, Dhenkanal
5. The **Tahasildar**, Gondia, Dhenkanal
6. **Guard File**, Regional Office, Angul.



REGIONAL OFFICER

*Regional Officer*

**State Pollution Control Board**

**ANGUL**



59  
General Standards for discharge of environment pollutant Part-A: Effluents

Sl. No	Parameters	Standards			
		Inland surface	Public sewers	Land for irrigation	Marine Coastal Areas
1	2	3			
		(a)	(b)	(c)	(d)
1	Colour & odour	Colourless/ Odourless as far as practicable	-----	See 6 of Annex-1	See 6 of Annex-1
2	Suspended Solids (mg/l)	100	600	200	a. For process wastewater-100 b. For cooling water effluent 10% above total suspended matter of influent.
3	Particular size of SS	Shall pass 850	-----	-----	
4	-----	-----	-----	-----	
5	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6	Temperature	Shall not exceed 5° C above the receiving water temperature	-----	-----	Shall not exceed 5° C above the receiving water temperature.
7	Oil & Grease mg/l max.	10	20	10	20
8	Total residual chlorine	1.0	-----	-----	1.0
9	Ammonical nitrogen (as N) mg/l max.	50	50	-----	50
10	Total Kjeldahl nitrogen (as NH <sub>3</sub> ) mg/l max.	100	-----	-----	100
11	Free Ammonia (as NH <sub>3</sub> ) mg/l max.	5.0	-----	-----	5.0
12	Biochemical Oxygen Demand ( 3 days at (27°C) mg/l max.	30	350	100	100
13	Chemical Oxygen Demand, mg/l max.	250	-----	-----	250
14	Arsenic (as As) mg/l max.	0.2	0.2	0.2	0.2
15	Mercury (as Hg) mg/l max.	0.01	0.01	-----	0.001
16	Lead (as Pb) mg/l max.	01.	1.0	-----	2.0
17	Cadmium(as Cd) mg/l max.				
18	Hexavalent Chromium (as Cr+6) mg/l max.	0.1	2.0	-----	1.0
19	Total Chromium (as Cr) mg/l max.	2.0	2.0	-----	2.0
20	Copper (as Cu) mg/l max.	3.0	3.0	-----	3.0
21	Zinc (as Zn) mg/l max.	5.0	15	-----	15
22	Selenium (as Se) mg/l max.	0.05	0.05	-----	0.05
23	Nickel (as Ni) mg/l max.	3.0	3.0	-----	5.0
24	Cyanide (s CN) mg/l max.	0.2	2.0	0.2	0.02
25	Fluoride (as F) mg/l max.	2.0	15	-----	15
26	Dissolved Phosphates (as P) mg/l max.	5.0	-----	-----	-----
27	Sulphide (as S) mg/l max.	2.0	-----	-----	5.0
28	Phenolic compounds (as C <sub>6</sub> H <sub>5</sub> OH) mg/l max.	1.0	5.0	-----	5.0
29	Radioactive Materials a. Alpha emitter micro curie/ml. b. Beta emitter micocurie/ml.	10 <sup>7</sup>  10 <sup>5</sup>	10 <sup>7</sup>  10 <sup>6</sup>	10 <sup>8</sup>  10 <sup>7</sup>	10 <sup>7</sup>  10 <sup>6</sup>
30.	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
31.	Manganese (as Mn)	2 mg/l	2 mg/l	-----	2 mg/l
32.	Iron (as Fe)	3 mg/l	3 mg/l	-----	3 mg/l
33.	Vanadium (as V)	0.2 mg/l	0.2 mg/l	-----	0.2 mg/l
34.	Nitrate Nitrogen	10 mg/l	-----	-----	20 mg/l

**NATIONAL AMBIENT AIR QUALITY STANDARDS**

Sl. No.	Pollutant	Time weighted Average	Concentration in Ambient Air		
			Industrial Residential Rural & Other area	Ecologically sensitive Area (notified by Central Government)	Method of Measurement
1	2	3	4	5	6
1.	Sulphur Dioxide (SO <sub>2</sub> ) µg/m <sup>3</sup>	Annual * 24 Hours**	50 80	20 80	- Improved West and Gaeke method - Ultraviolet Fluorescence
2.	Nitrogen Dioxide (NO <sub>2</sub> ), µg/m <sup>3</sup>	Annual * 24 Hours**	40 80	30 80	- Modified Jacob and Hochheiser Na-Arsenite) - Chemiluminescence
3.	Particulate Matter (size less than 10 µg/m <sup>3</sup> ) or PM <sub>10</sub> µg/m <sup>3</sup>	Annual * 24 Hours**	60 100	60 100	- Gravimetric - TOEM - Beta Attenuation
4.	Particulate Matter (size less than 2.5 µg/m <sup>3</sup> ) or PM <sub>2.5</sub> µg/m <sup>3</sup>	Annual * 24 Hours**	40 60	40 60	- Gravimetric - TOEM - Beta Attenuation
5.	Ozone (O <sub>3</sub> ) µg/m <sup>3</sup>	8 Hours** 1 Hour**	100 180	100 180	- UV Photometric - Chemiluminescence - Chemical Method
6.	Lead (Pb) µg/m <sup>3</sup>	Annual * 24 Hours**	0.50 1.0	0.50 1.0	- AAS/ICP method after sampling on EMP 2000 or equivalent filter paper. - ED-XRF using Teflon filter.
7.	Carbon Monoxide (CO) mg/m <sup>3</sup>	8 Hours** 1 Hour**	02 04	02 04	- Non Dispersive Infra Red (NDIR) Spectroscopy
8.	Ammonia (NH <sub>3</sub> ) µg/m <sup>3</sup>	Annual * 24 Hours**	100 400	100 400	- Chemiluminescence - Indophenol Blue Method
9.	Benzene (C <sub>6</sub> H <sub>6</sub> ) µg/m <sup>3</sup>	Annual *	05	05	- Gas Chromatography based continuous analyzer - adsorption and Desorption followed by GC analysis.
10.	Benzo (a) Pyrene (BaP) – Particulate phase only, mg/m <sup>3</sup>	Annual *	01	01	- Solvent extraction followed by HPLC/GC analysis.
11.	Arsenic (As), µg/m <sup>3</sup>	Annual *	06	06	- AAS/ICP method after samplign on EMP 2000 or equivalent filter paper.
12.	Nickel (Ni), µg/m <sup>3</sup>	Annual *	20	20	- AAS/ICP method after samplign on EMP 2000 or equivalent filter paper.

\*Annual arithamatic mean of minimum 104 measurments in a year at a particular site taken twice a week 24 hourly at uniform interval.

\*\* 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be complied with 98% of the time in a year, 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

E-Mail

No. CPCB/IPC-II/NGT-OA 304 of 2019/2020/

May 12, 2020

To,  
The Member Secretary,  
State Pollution Control Boards / Pollution Control Committees,  
(As per list enclosed)

Sub.: In reference to Hon'ble NGT OA No. 304/2019 order dated-28.02.2020-reg.

Sir/Ma'am,

Hon'ble NGT in its order dated-09.10.2019 in OA No. 304/2019 observed that the Kerala SPCB has permitted stone quarrying beyond 50 m from residence and public roads, and directed the SPCB to revisit the existing criterion based on an appropriate study. Further, in its order dated-28.02.2020 the NGT noted that "a report has been filed by the Kerala State PCB on 17.12.2019 reiterating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB", and the NGT expressed that "We are of the view, as earlier observed that the distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.", and directed CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards.

Accordingly, in compliance of Hon'ble NGT Order dt.-28.02.2020 in OA No. 304/2019, CPCB has examined the matter and prepared a report on Distance Criteria for Permitting Stone Quarrying, which is enclosed for consideration and adoption by SPCB in consent mechanism.

Yours faithfully,

(Nazimuddin)

Additional Director &  
Divisional Head - IPC - II

Encl.: As above

## **DISTANCE CRITERIA FOR PERMITTING STONE QUARRYING**

### **1.0 Preamble:**

Hon'ble National Green Tribunal vide order dated-28.02.2020 in the matter of M. Haridasan & Ors. Vs. State of Kerala in OA No. 304/2019 observed that a distance of 50 metres for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health and accordingly, directed Central Pollution Control Board (CPCB) to examine and lay down more stringent conditions and appropriately longer distance.

### **2.0 Stone Quarrying:**

Stone is classified as minor minerals under Section 3(e) of the Mines and Minerals (Development and Regulations) Act, 1957. As per provisions of MMDR Act, the administrative and legal control over minor minerals vests with State Governments and empowered to make rules to govern minor minerals.

Stone Quarrying / Mining is an activity where extraction of stone is done from hillocks or mountain or ground surface having geological mineral deposits. The stone extracted from stone quarry are used either as construction materials or in stone crushers to produce rori/bajri and dust.

Systematic Mining (formation of benches) is done by blasting and drilling, to loosen up the rock materials followed by fragmentation of large size into smaller size. The reduced size material is then loaded and transferred to stone crushers for further processing in order to obtain necessary sizes required for final use. The blasting and drilling during mining operation have environmental impacts and requires mitigation measures to minimise the impacts on environment and nearby habitations.

### **3.0 Minor Mineral Concession Rules**

As per sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), State Government has to make Rules for regulating the grant of quarry lease, mining lease/permit, mineral concessions and purposes connected in respect of minor minerals.

Accordingly, State Governments have framed rules and defined the criteria of minimum distance of minor mineral mining from different locations based on the type of mining used. (Annexure I).

Minimum distance prescribed by various states is vary with respect to mining operation of minor mineral involved. In general, minimum distance prescribed by states such as Rajasthan, Madhya Pradesh, Punjab, Tamil Nadu, Orissa, Bihar, Uttar Pradesh, Himachal Pradesh, West Bengal, Sikkim, Meghalaya and Manipur are:

- In the range of **45 - 200 m** from any reservoir, canal, public works such as public roads and **buildings**
- In the range of **45 - 100 m** from any railway line / area
- In the range of **60 - 100 m** from National Highway, State Highway and other roads and **10 m** from village roads

Various states have further prescribed minimum distance based on the use of blasting in mining operation of minor mineral, as follow:

**Kerala:**

When blasting is involved, no mining within a range of **50 – 100 m** from the boundary line of any railway line, bridges, reservoirs, tanks, **residential buildings**, Government protected monuments, canals, rivers, public roads having vehicular traffic, any other public works or the boundary walls of places of worship whereas, when no blasting is involved, range of **50-75 m** is prescribed as minimum distance.

**Karnataka, Maharashtra, Goa, Gujarat:**

When blasting is involved, no mining within a distance of **200 m** from the boundary line of any railway line reservoir, tank bund, canal, or other public works and **public structures** or any public road or building whereas, when no blasting is involved, minimum distance of **50 m** is defined.

**Jammu & Kashmir:**

When blasting is involved, no mining within a distance of **500 m** from the outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs) whereas, when no blasting is involved, minimum distance of **150 m** is defined.

**Assam:**

When blasting is involved, no mining within a distance of **250 m** from the outer periphery of the defined limits of any **village habitation**, National Highway, State Highway and other roads whereas, when no blasting is involved, minimum distance of **50 m** is defined.

**Note:** Distance criteria defined by various states, has been defined from the outer edge of the cutting or outer edge of the bank, as the case may be and in the case of a building horizontally from the plinth thereof.

#### 4.0 Criteria of Danger Zone: Directorate General of Mines Safety

As per Directorate General of Mines Safety circular no. - DGMS (SOMA)/ (Tech) Cir No. 2 of 2003 Dt. 31/01/2003 (**Annexure II**), on subject of **Dangers due to blasting projectiles**, all places within the radius of **500 m** from the place of firing to be treated as danger zone and accordingly, all person in danger zone to take protection in substantially built shelter at the time of blasting.

Further, mine manager to control the throw and to prevent ejection of flying fragments within a safe distance with the use of refined blasting practices as well as developed explosives and accessories such as controlled blasting Technique with milli-second delay detonators / electric shock tubes/ cord relays or use of sequential blasting machines or by adequately muffling of holes etc.

#### 5.0 Criteria of no blasting distance around blast sites: Indiana Department of Natural Resource, USA

(Source: Citizen Guide to Coal Mine Blasting in Indiana)

Indiana Department of Natural Resource, USA has stated that the blasting not to be conducted within **300 feet (~ 91 m)** of an **occupied dwelling** or school, church or hospital, public building, community or institutional building.

#### 6.0 Conclusion:

In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs:

Mining Type		Minimum Distance	Locations
A.	When Blasting is not involved	100 m	Residential/Public buildings, Inhabited sites, Protected monuments, Heritage sites, National / State Highway, District roads, Public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, Lakes or Tanks, or any other locations to be considered by States.
B.	When Blasting is involved	200 m **	

**\*\*Note:** The regulations for danger zone (500 m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.

However, if any states is already having stringent criteria than the above for minor mineral mining (i.e. more prescribed distances than the above), the same shall be applicable.

\*\*\*\*\*

## Annexure I

State	Type of Mining	Distance	Location	Remarks	
Kerala	Quarry	100 m	Minimum distance from boundary of quarry operation area to residential buildings, places of worship, public buildings, public road, river or lake, railway line and bridges.	Quarry distance as per SPCB circular no. PCB/TAC/WP/236/2006 dated 13-6-2007.	
	Laterite Quarry	50 m	Minimum distance to residences and other establishments (m)	Laterite Quarry distance as per SPCB circular no. PCB/T4/115/97 dated 20-7-2011	
	Quarrying where explosives are used	100 m	Minimum distance from any railway line, bridges, reservoirs, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, any other public works or the boundary walls of places of worship	Kerala Minor Mineral Concession Rules 1967	
		50 m	Minimum distance from any burial grounds or burning ghats or forest lands		
	Quarrying where explosives are not used	75 m	Minimum distance from any railway line and any bridge on National Highway		
		50 m	Minimum distance from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands		
Karnataka	Blasting is involved	200 m	Minimum distance from the boundary line of any railway line reservoir, tank bund, canal, or other public works and public structures or any public road or building.		Karnataka Minor Mineral Concession Rules 1994
	No blasting is involved	50 m			
Maharashtra	Blasting is involved	200 m	Minimum distance from the boundary of any railway line, any reservoir, canal, road, river, nallah, irrigation works or public works or building.	Maharashtra Minor Mineral Extraction (Development and Regulation) Rules 2013	
	No blasting is involved	50 m			
Goa and Daman & Diu	Blasting is involved	200 m	Minimum distance from the boundary of any railway line, any reservoir, canal, road or public works or buildings	The Goa, Daman and Diu Minor Mineral Concession Rules 1985	
	No blasting is involved	50 m			
Gujarat	Blasting is involved	200 m	Minimum distance from any road, notified reservoirs, canal, national highway, state highway, boundary of any railway line, public works, cities, towns, villages and other approved continuous habitations.	Gujarat Minor Mineral Concession Rules 2017	
	No blasting is involved	50 m	Minimum distance from any road (excluding a village road or other district road), notified reservoirs, canal, national highway, state highway, boundary of any railway line, public works, cities, towns, villages and other approved continuous habitations.		

<b>Rajasthan</b>	Minor Mineral Mining	45 m	Minimum distance from any railway line, under or beneath any ropeway or ropeway trestle or station or from any public roads (excluding mines approach road or village roads), reservoir, canal or other public place or buildings, pillars of railway and road bridge or inhabited site.	Rajasthan Minor Mineral Concession Rules 2017
<b>Madhya Pradesh</b>	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, canal or other public works such as public roads and buildings or inhabited site	Madhya Pradesh Minor Mineral Rules 1996
<b>Punjab</b>	Minor Mineral Mining	75 m	Minimum distance from any railway line or bridges	Punjab Minor Mineral Concession Rules 1964
		60 m	Minimum distance from national highway	
		50 m	Minimum distance from any reservoir tank canal roads or other public works or buildings or inhabited sites	
<b>Tamil Nadu</b>	Minor Mineral Mining	50 m	Minimum distance from any railway line or under or beneath any ropeway or any ropeway trestle or station or from any reservoir, canal or other public works such as public roads and buildings	Tamil Nadu Minor Mineral Concession Rules 1959
<b>Orissa</b>	Minor Mineral Mining	100 m	Minimum distance from any railway line, National Highway, late Highway or any reservoir	Orissa Minor Minerals Concession Rules 2004
		50 m	Minimum distance from any tank, canal, road (other than a National or State Highway or other public works of buildings or inhabited sites), public roads, public buildings, temples, reservoirs, dams, burial ground, railway track monuments, heritage sites, etc.	
<b>Chhattisgarh</b>	Minor Mineral Mining	300 m	Minimum distance from sensitive area like radio station, doordarshan kendra, defence establishment etc. of the Central and State Government	Chhattisgarh Minor Mineral Rules 1996
		100 m	Minimum distance from abadi, school, hospital and other public places, buildings and habited sites	
		75 m	Minimum distance from any railway line, bridge or highway	
		50 m	Minimum distance from tank, river banks, reservoir, canal	
		10 m	Minimum distance from grameen kachcha road	
<b>Bihar</b>	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, public road, canal or other public work or buildings or inhabited site	Bihar Minor Mineral Concession Rules 1972
		10 m	Minimum distance from any village roads	
<b>Uttar Pradesh</b>	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, canal or other public works, such as public roads and buildings or inhabited site	Uttar Pradesh Minor Minerals (Concession) Rules 1963
		10 m	Minimum distance from any village roads	
<b>Himachal Pradesh</b>	Minor Mineral Mining	75 m	Minimum distance from any railway line or bridges	Himachal Pradesh Minor Minerals (Concession) Revised Rules 1971
		60 m	Minimum distance from National Highway	
		50 m	Minimum distance from any reservoir, tank, canal, roads or other public works or buildings or inhabited sites	
		50 m	Minimum distance for all type of mining from any river banks (except in cases of ordinary sand)	

<b>Jammu &amp; Kashmir</b>	Mining where excavation require use of explosives	500 m	Minimum distance from outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs)	Jammu & Kashmir Minor Mineral Concession Rules, 1962
	Mining where excavation does not require use of explosives	150 m	Minimum distance from outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs)	
	Minor Mineral Mining	100 m	Minimum distance from any other public roads	
		50 m	Minimum distance from upstream as well as downstream of water works, head works or hydraulic works as defined under the J&K Water Resources (Regulation and Management) Act, 2010.	
		25 m	Minimum distance from any 'embankment' or 'flood embankment' as defined under the J&K Water Resources (Regulation and Management) Act, 2010.	
<b>West Bengal</b>	Minor Mineral Mining	5000 m	Minimum distance from a barrage axis or dam or a river	West Bengal Minor Minerals Rules 2002
		200 m	Minimum distance from any hydraulic structure, reservoir, bridge, canal, road and other public works or buildings	
		200 m	Minimum distance from both sides of any river bridge or culvert over any waterway or from any embankment and structural works of the Irrigation and Waterways Department	
		100 m	Minimum distance from any Railway land	
<b>Sikkim</b>	Minor Mineral Mining	60 m	Minimum distance from bridges oh highways	Sikkim Minor Mineral Concession Rules 2016
		50 m	Minimum distance from any railway line or any reservoirs, canals or other public works, or buildings	
<b>Assam</b>	Mining where excavation require use of explosives	250 m	Minimum distance from the outer periphery of the defined limits of any village habitation, National Highway, State Highway and other roads	Assam Minor Mineral Concession Rules 2013
	Mining where excavation does not require use of explosives	50 m	Minimum distance from outer periphery of the defined limits of any village habitation, National Highway, State Highway and other roads	
	Minor Mineral Mining	500 m	Minimum distance from major structures like R.C.C. bridges, Guide bund etc.	
		75 m	Minimum distance from any railway line or bridges	
<b>Meghalaya</b>	Minor Mineral Mining	50 m	Minimum distance from any railway line or under or beneath any rope way or any ropeway trestle or station, or from any reservoir, canal or other public works such as public roads and buildings or inhabited site	Meghalaya Minor Mineral Concession Rules 2016
		10 m	Minimum distance from any village roads	
<b>Manipur</b>	Minor Mineral Mining	50 m	Minimum distance from any reservoir, canal or other public works, or buildings.	Manipur Minor Mineral Concession Rules 2012

## Annexure II

No.DGMS (SOMA)/(Tech)Cir.No.2 of 2003

Dhanbad, Dated the 31<sup>st</sup> January 2003.

To All Owners, Agents &amp; Managers of mines.

**Subject: Dangers due to blasting projectiles.**

Accidents due to projectiles ejecting from blasting had been a major source of accident in both below ground and opencast workings. Under the existing provisions of Coal Mines Regulations, 1957 and the Metalliferous Mines Regulations, 1961, before a shot is charged, stemmed or fired the shotfirer/blaster is required, amongst other things to ensure that all persons within a radius of 300m from the place of firing (referred to hereinafter as danger Zone) have taken proper shelter, apart from giving sufficient warning by efficient signals or other means approved by the manager over the entire zone. There had been, however, a number of instances where flying fragments due to blasting had ejected not only within but also beyond the danger Zone, resulting into serious and even fatal accidents.

This Directorate from time to time had drawn the attention of all concerned about the dangers from flying projectiles through issue of DGMS Circulars Viz. Circular Tech. 15/1977 and 8/1982. Recently, however, another fatal accident occurred due to same reason.

Enquiry into the accident revealed that in an open cast coal mine, overburden had been kept dumped against the free face of OB bench, 12 No. first row of holes were left uncharged because of spontaneous heating in the seam below, 17 holes of 150mm 6.5m Depth drilled in 7m x 5m Pattern (spacing & burden) charged with 75 kg/hole and 42 holes of 6.5m depth 250mm dia drilled in 6m x 6m pattern charged with 130 kg/hole were blasted. The projectiles ejected due to blasting travelled for a distance of about 412m in the reverse direction away from the free face and hit a mechanical supervisor. The enquiry further revealed that the deceased had taken proper shelter in a blasting shelter but had come out of the shelter immediately on hearing to the sound of blast and was subsequently hit by the projectiles.

Over years there had been refinement of blasting practices as well as development in explosives and accessories, whereby it is possible to control the throw and prevent ejection of flying fragments within a safe distance, with relative ease. There is, therefore, no reason why such type of accident should continue to occur.

The matter is brought to your attention so that following corrective measures are taken in case similar conditions exists in any mine under your control.

(1) In the interest of safety to treat all the places within a radius of 500m of the place of firing as the danger zone, all persons who are required to remain within the danger zone at the time of blasting should take protection in substantially built shelter.

(2) Formulate a code of practice for controlled blasting Technique with milli-second delay detonators/ electric shock tubes/ cord relays or use of sequential blasting machines or by adequately muffling of holes including precautions to be taken during blasting operation until all clear signal given by blaster.

(3) Training of persons and their helpers engaged in such blasting operation.

( Dashrath Singh )  
Director-General of Mines Safety.

Item No. 09

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 304/2019

(With report dated 09.07.2020)

M. Haridasan &amp; Ors.

Applicant(s)

Versus

State of Kerala

Respondent(s)

Date of hearing: 21.07.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s): Ms. Soni Singh, Advocate for CPCB  
Mr. Jogy Scaria, Advocate for KSPCB

**ORDER**

1. The Issue for consideration is the safeguards in operation of stone quarries close to residences and public roads. At present, the Kerala State PCB has permitted the stone quarry beyond 50 mtrs. from residences and public roads.

2. The Tribunal considered the matter on 28.02.2020. Finding the distance to be inadequate, CPCB was required to consider the matter and report. It was observed:

*"2. Accordingly, a report has been filed by the Kerala State PCB on 17.12.2019 retreating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB.*

3. *We are of the view, as earlier observed that the **distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.***
4. *In view of above, we direct the **CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards.** The State Board may take further action accordingly. Compliance reports be filed before the next date by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).”*

3. Accordingly, the CPCB has filed its report on 09.07.2020 concluding as follows:

**“6.0 Conclusion:**

*In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs:*

<b>Mining Type</b>		<b>Minimum Distance</b>	<b>Locations</b>
<b>A.</b>	<b>When Blasting is not involved</b>	<b>100 m</b>	<i>Residential/Public buildings, Inhabited sites, locations to be considered by States.</i>
<b>B.</b>	<b>When Blasting is involved</b>	<b>200 m **</b>	

**\*\*Note: The regulations for danger zone (500 m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.**

*However, if any states is already having stringent criteria than the above for minor mineral mining (i.e. more prescribed distances than the above), the same shall be applicable.”*

4. In view of the above, the said criteria be followed throughout India.  
The CPCB may monitor compliance.

A copy of this order be sent to the CPCB and all the State PCBs/PCCs by email for compliance.

The application is disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

July 21, 2020  
Original Application No. 304/2019  
AK

FIGURE-1, SATELLITE IMAGE DATED 14/02/2022

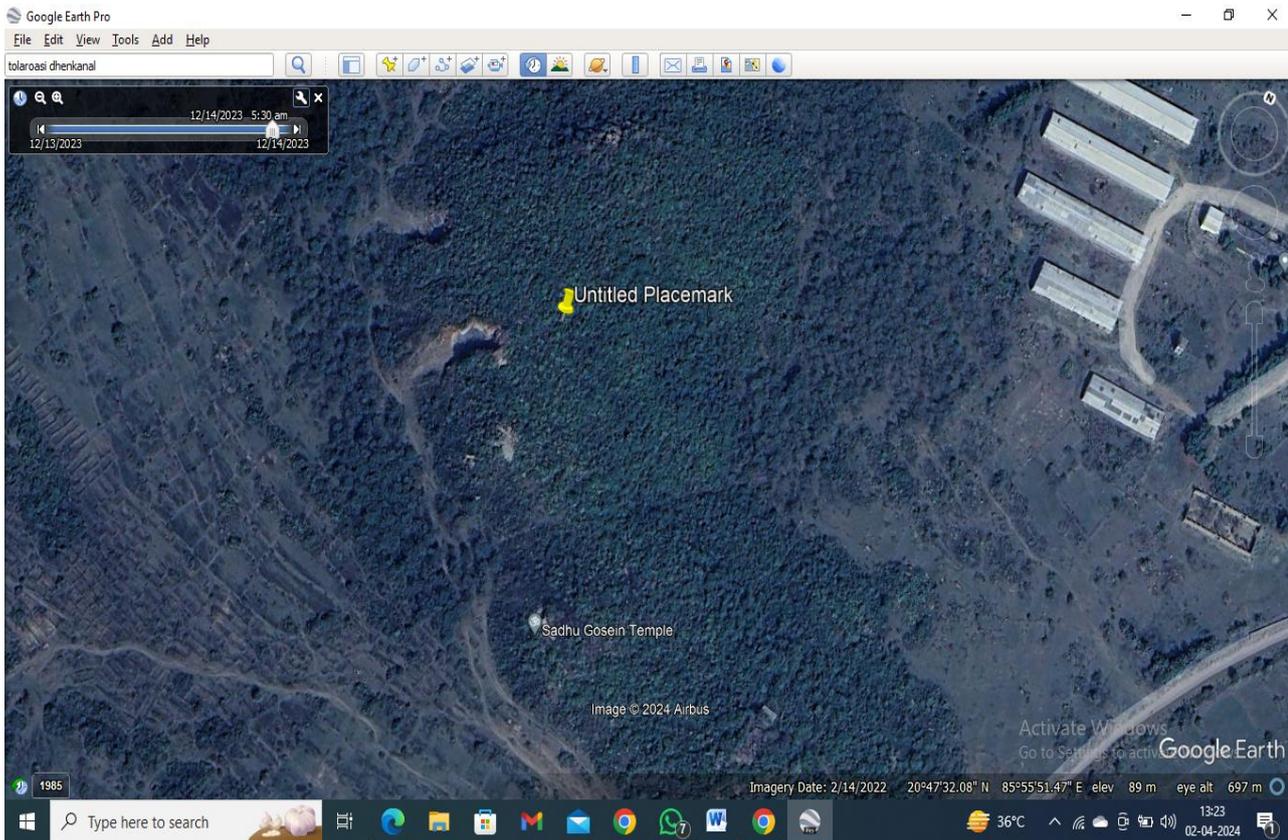
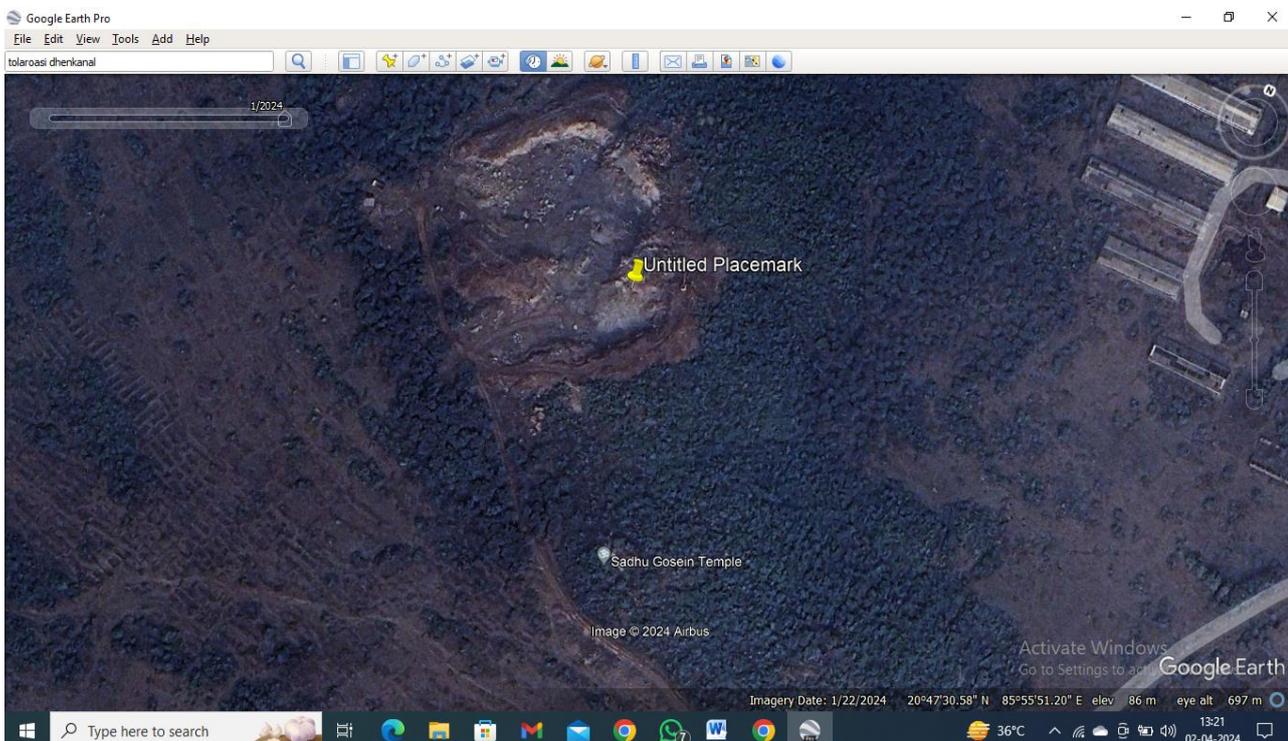


FIGURE-2, SATELLITE IMAGE DATED 22/01/2024



BY COMPARING BOTH THE ATTACHED PHOTOGRAPHS WE CAN SEE THAT THERE WAS A HUGE NUMBER OF TREES PRIOR TO STARTING OF THE QUARRY OPERATION AND THE LESSEE HAD CLEARED A NUMBER OF TREES IN ORDER TO START THE QUARRY OPERATION.



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

## BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

Original Application No. \_\_\_\_ of 2024

In re:

SAJIB KUMAR DHAL

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

KNOW ALL to whom these present shall come –I SANJIB KUMAR DHAL S/o MURALI DHAR DHALA, Aged about 47 years At/Po-NIHALPRASAD Dist-DHENKNAL Odisha, 759104, above named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-Sankar Prasad Pani,(O-785/2007) ASHUTOSH PADHY, ENROLMENT NO O-1018/2023 Advocate, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002

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 21ST day of JAN 2023

Accepted subject to the terms of fees.

*S. Pani*  
Advocate  
*A. Padhy*

*2024/214*

*Sanjib Dhal*  
Client

*Adhikare nchary*

*Lakuma Dhal*