

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO----- of 2024/EZ

IN THE MATTER OF

YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST

APPLICANT

Versus

STATE OF ODISHA &Ors

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Respondents

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PLACE: Bhubaneswar

SANKAR PRASAD PANI

DATE: 12/02/2024

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SYNOPSIS

Application is being filed challenging the inaction of the government respondents in curbing the illegalities and violation of environment norms by the private respondent Pitambar Bhutia, the lessee of Nizgarhzami Sand Quarry (locally known as Gopinathpur sand quarry), Over an area of 24.86 Acres or 10.06Ha in Village-Nizgarhzami, Tahasil- Talcher, District-Angul, and the said sand mining operation is in violation of Environment Clearance Conditions, Consent To Operate (CTO) Conditions, Sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring of Sand Mining Guidelines, 2020, Odisha Sand Policy 2021, EIA Notification 2006 and Amendment 2016, Odisha Minor Minerals Concession Rules 2016 and Supreme Court Order in Deepak Kumar Case and Order of Hon'ble NGT in Sudarsan Das Case(OA 173 of 2018/PB). To summarise the violation of environment norms it may be listed as follows:

- i) Use of 4 heavy machines (Excavators) and hundreds of Heavy vehicles when Mechanical Mining is prohibited as per Sustainable Sand Mining Guideline 2016 and EC conditions
- ii) Mining beyond lease area in Gopinathpur Mouza
- iii) Sand mining operation during Monsoon seasons while the same is prohibited as per Sustainable Sand Mining Management Guidelines, 2016.

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- iv) Excess mining to the tune of more than 50 Hyva Truck load/day (one Hyva is having load capacity of around 20 Cubic Metres of sand) which is around **1,000 CM/Day** when the permission is only for **18000CM for the first year and 4,500** for the entire second year. Roughly around **85.71 Cubic Meter per day** in the first year and **21.42 Cubic Metre per day** in the second year of mining, considering 210 days of sand mining in a year. The rate at which mining is ongoing, the annual target has already been exhausted within 5days of mining operation.
- v) Daily Mining Register has not been maintained and transit permits (Form Y) not given to every vehicle and this is being done in collusion with Tahasildar and Revenue Inspector.
- vi) No Pillar Posting and Demarcation of Lease Area prior to commencement of mining and presently quarry area beyond the lease area. Vehicles engaged in mining are overloaded and the spill over of wet sands on road makes the road muddy and accident prone during rainy days and cause air pollution during non-monsoon days.
- vii) Annual replenishment study and Pre-monsoon assessment has not been conducted while allowing the mine to operate.

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- viii) There has been no monitoring of quantity of sand excavated and GPS Tracking of vehicles, Electronic Transit Pass, CCTV camera in mining site as prescribed in Enforcement & Monitoring Guidelines for Sand Mining, 2020.
- ix) Vehicular Transportation through densely populated villages and in front of Sub-Divisional Hospital Talcher. Further the carrying capacity of the roads has not been assessed and as such the existing road cannot withstand the pressure of hundreds of sand loaded heavy vehicles.

LIST OF DATES

26/04/2019	That in order to check the illegal sand mining, Government of Odisha has come out with a guideline where instructions for prevention of illegal sand quarrying issued from time to time.
11/11/2020	That the Government of Odisha held its meeting for the optimum and sustainable exploitation of minor mineral for increasing availability of minor minerals augmentation of revenue
10/03/2021	Tahasildar letter to SEIAA for grant of EC in favor of present lessee
8/07/2021	Terms of Reference issued for EC process

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- 24/11/2021 public hearing for grant of EC
- 02/09/2021 Odisha Sand Policy 2021 brought in shape of resolution dated 2/09/2021 by Revenue and Disaster Management Department, Government of Odisha for stricter monitoring of sand mining in a sustainable manner
- 28/04/2022 Brother of Lessee issued the NOC as Chairman of Talcher Municipality
- 28/12/2022 EC was granted in favor of lessee Pitambar Bhutia, Over an area of 24.86 Acres or 10.06Ha in Village-Nizgarhzami Tahasil- Talcher, District- Angul-district
- 6/04/2023 Consent to Operate (CTO) granted by SPCB and further the CTO has condition no 30 stating that the permission will be revoked in case of violation of conditions
- 22/01/2024 Photographs showing that the lessee have constructed embankment over the flow of the river.
- 09/02/2024 Photographs of illegal sand mining by using heavy machines beyond lease area.

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

*(Under Section 14, 15, 20 read with Section 18 of the
National Green Tribunal Act)*

Original Application No----- OF 2024/EZ

1. YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST,
Represented by its president Santanu Kumar Bhukta S/o Golak
Bhukta, Aged about 32 years At/Po-Santhapada, PS-Talcher Dist-
Angul, Odisha, 759104 **APPLICANT**

VERSUS

1. **State of Odisha** represented by Chief Secretary, Government of
Odisha, Lokaseva Bhawan, Bhubaneswar csori@nic.in
2. Tahsildar Talcher, **Adress:** W6X7+6CJ, Talcher, Odisha
759100 Email- tah.talcher-od@nic.in
3. Tahasildar, Parajang, At/Po/Ps- Parjamg, Dhenkanal tah.parjang-od@nic.in
4. District Collector, Angul, At/Po/Dist- Angul, 759001 Email:
dm-angul@nic.in
5. Regional Transport Officer Angul, R3F5+5G8, NH55,
Nuamauja, Odisha 759132 , Dist- Angul, Email-
rtoangul@yahoo.co.in

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6. The Superintendent of Police, Angul, At/Po- Amalapada, Angul, Odisha 759122 Email- spang.odpol@nic.in
7. Inspector In Charge(IIC), Talcher police station, At-Talcher,PS-Talcher,Dist-Angul,PIN-759100, Email- iic.talcher@odishapolice.gov.in
8. Deputy Director of Mines, Talcher circle, W6X8+66X, Remuan Rd, Talcher, Odisha 759100. ddm.talcher@orissaminerals.gov.in
9. Principal Secretary, Water Resource Department, Government of Odisha, Lokaseba Bhawan, Bhubaneswar, Odisha 751001, Email: wrsec.od@nic.in
10. **Member Secretary**, Odisha State Pollution Control Board A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha Email: paribesh1@ospcboard.org
11. **Member Secretary**, State Environment Impact Assessment Authority (SEIAA), Odisha, 5RF-2/1, Acharya Vihar, Unit – IX, Bhubaneswar, Odisha 751022, email: seiaaorissa@gmail.com
12. **Deputy Director General of Forests**, Ministry of Environment and Forests, Climate Change, Integrated Regional Office, Bhubaneswar, A/3, Rail Vihar, Chandrasekharapur, Bhubaneswar, Odisha 751023 roez.bsr-mef@nic.in

13. Talcher Thermal Power Station (TTPS), Represented by it's Managing director, Talcher Thermal Power Station P.O. Talcher Thermal ANGUL 759101, CORPORATE OFFICE: NTPC Limited NTPC Bhawan, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi – 110003, Email: ntpccc@ntpc.co.in

14. PITAMBAR BHUTIA (Lessee) Nizgarhzami Sand Quarry At/po-MANDAPAL ,TALCHER TOWN -759107, Email- pitambarbhutia@yahoo.com

RESPONDENTS

MOST RESPECTFULLY SHOWETH:

- I. The address of the Applicant is given above 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.
- III. That the present Application is being filed challenging the inaction of the Government Respondents in curbing the illegalities and violation of Sustainable Sand Mining Management Guidelines 2016, environment norms by the private respondent has been leased out the Nizgarhzami Sand Quarry but operating Gopinathpur sand quarry which has not been leased out to anybody), Over an area of 24.86 Acres or 10.06Ha in Village-Nizgarhzami, Tahasil- Talcher, District- Angul, and the said sand mining operation is in

violation of Standard Environment Clearance Conditions and Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020, Odisha Sand Policy 2021, EIA Notification and Supreme Court Order and Order of Hon'ble NGT.

FACTS

1. That the applicant namely Youth United for Sustainable Environment is a registered trust with a mandate for protecting the public interest. The president of the applicant society has continuously brought to the notice of government authorities on violation of environment norms and illegal mining operation. He has also filed some cases before this Honble Tribunal. The trust is based in Talcher Tahasil of Angul District where the illegal sand mining is in operation.
2. The **present application challenges the illegal operation of sand mining in Nizgarhzami Sand Quarry, Over an area of 24.86 Acres or 10.06Ha in Village-Nizgarhzami, Tahasil- Talcher, District- Angul, Khata No.446, Plot No.3695 in violation of Sustainable Sand Mining Management Guideline, 2016.** The Mining lease was granted in favour of Pitambar Bhutia over an area of 10.06ha and volume of 18000 Cubic Metre in the 1st year and 4500 cum in the 2nd

year. Copy of the Environmental Clearance dated 28/12/2022 is here unto annexed as **ANNEXURE-1**.

3. It is submitted that there is no habitation namely NizigarhZami but there is a revenue Mouza in record without any habitation. The nearest habitation is Gopinathpur and locally the sand quarry operation is named after Gopinathpur. However on record there are two sand sources namely Gopinathpur Sand Sairat and Nizigarhzami Sand Sairat. Gopinathpur Sand Sairat have not been auctioned but Nizigarh zami Sand Sairat was leased out before in 2017 and now the present private respondent is the lessee. The present lessee is operating the quarry mostly during night and some times in daytime using three excavators. The present lessee is also operating on plot 2833 and 2883, Khata no 326, Mouza- Khalapal in ParajangTahasil as the Brahmani river divide both the Tahasils.Hence the lessee in the garb of a lease is illegally mining sand from hundreds of acres land spread in three different mouzas. Further the lessee prior to grant of lease and soon after auction process completed in the year 2021 have started mining operation along with his brother and father for which two FIRS have been registered in Talcher Police Station namely 13/2021(Sanjib Bhutia brother of lessee). 220/2022(Banambar Bhutia father of lessee) for theft of minor minerals.The legal action was limited to registration of FIRs and coercive action taken for which the illegal mining

continued. All these illegal mining are protected because of the political influence of brother of lessee namely Pabitra Bhutia is the Chairman of Talcher Municipality.

4. That because of the political influence, the Mining Officer and Revenue officers have closed their eyes to the illegalities of the lessee and no action has been taken in terms of measurement of quarry and recovery of cost of the minerals.

5. That the Consent to Operate (CTO) granted by Regional Office of SPCB, Angul with 43 general conditions and 32 specific conditions.

The condition no 30 says power to revoke the consent in case any violation is observed. In the present case the mining operator is violating conditions no 15 by transporting the heavy loaded vehicles through the village road without having the permission from the concerned authorities, Copy of CTO letter dated 21/01/2023 is here unto annexed as ANNEXURE-2A and Copy of the Consent to Operate Letter dated 06/04/2023 is here unto annexed as ANNEXURE-2B

6. Mechanical Mining: It is humbly submitted that the mining is supposed to be of Dry Pit and **Manual means of mining and loading.** However the mining is done by engaging Earth Mover/Machines of different capacities which is strictly prohibited and not approved by

any of the regulating authorities. The Mining plan suggests that operation shall be manual, No sand shall be collected from the stream of the river, Sand mining will be carried out only 1mts from the existing surface. Mining will be carried in the day time only. Extraction of sand in the monsoon season will not be done. It further says that 30 labors to be engaged. But here in this Four machines are being used for sand mining they are Hyundai 210 Machines **with** 5.7m Boom length and 2.9m Arm length. The Bucket capacity is around 1.22 Cubic Meter. Copy of Photographs dated 9th February 2024 depicting Mechanical Mining is annexed here unto as **ANNEXURE-3**

7. Mining beyond the lease area: It is needless to mention that sand mining is going illegally as the lessee is mining the sand beyond the permitted lease area as per the knowledge of the petitioner the mining is carried out from the permitted lease area also from the nearby areas. From the KML file uploaded in SEIAA website, it is clear that he is illegally extracting sand from beyond the permitted area. The KML file uploaded for the leased out quarry is almost 900metres from where the quarry operation is ongoing. The same is evident from the google earth images where in the lease areas and mining operation areas are clearly visible. Copy of the KML file (Keyhole Markup Language)

photograph along with google earth image is here unto annexed as **ANNEXURE-4.**

- 8. Excess Mining and Transportation through Hyva:** Excess mining to the tune of more than 50 Hyva (12 wheeler and 16 wheeler) load/day (one Hyva is having load capacity of **22 Cubic Metres of sand**). **The plying of vehicles occurs** throughout day and night and at least 1,000 CM/Day when the permission is only for **4500CM** in the year 2023-24 and that comes **around 21.42 Cubic Metre per day** considering maximum 210 days of sand mining in a year. Roughly only **1 Hyva Load of Sand** can be permitted to lift and transport daily from the Sand Source. .
- 9.** It is humbly submitted that the normal dates for onset of monsoon for Odisha state is 5th June and withdrawal date is 15th October and same has been considered in the Sustainable Sand Mining Management Guidelines, 2016. The River Bed mining should only be allowed during the dry season. No River bed mining should be permitted during rainy season (Appendix 9). That the data suggest the mining was done during the Monsoon Period. However no action has been taken by any of the Authorities. Copy of the Table 9 of Sand Mining Management Guidelines, 2016 is annexed here unto as **Annexure-5**

10.No Pillar posting in the lease area: Though the mining plan suggests that the lease area has been demarcated by the Revenue Inspector but on ground there has been no demarcation and no distinct pillar posting allowing the mining to spread randomly all across the riverbed.

11.No display board (information details) of statutory clearances in the lease area: The details of environment clearance are supposed to be displayed in the lease area by the lessee and no such information of statutory clearances has been displayed in the mining lease area.

12. Carrying capacity of the road and impact of plying of sand loaded heavy vehicles on local population has not been studied: Transporting sand loaded heavy vehicles through the village, very close to the old houses, resulted in serious damage and directly affecting the safety of the villagers. Many houses are located in very close vicinity to the village road and the heavy vehicles are frequently running just in front of house with a distance of around 20 to 30 feet. Some families are greatly suffering by getting exposed to the heavy amount of fine dust due to constant movement of heavy number of sand loaded hyva trucks, both day and night and the local villages are forced to continuous exposure of heavy amount of aerosol particles every day through the ingestion, inhalation and all other possible ways. Due to intolerance to heavy amount of fine dust, many of the

local villagers are suffering from serious health hazard and some of the symptoms/complicacies seem to be irreversible in nature. Needless to say EC condition specifies **that the transportation will not take place through village road.**

13.That there is a school namely Xavier International School near to the sand source of the lessee which creates a fear atmosphere among the students. Similarly the Sub divisional hospital which is catering to the need of health care of entire subdivision and which is badly affected due to the regular transportation of heavy vehicles in front of it.

14.Impact on the flow pattern of the river water - Due to mechanical sand mining, now there is a threat of change in river course and already disturbed the flow pattern of the river water. This data is clearly evident from the image captured through Google map. This is most likely to affect the safety of the nearby villagers, therefore, the villagers prayed before the opposite parties to restrain the sand mining in violation of Sustainable Sand Mining Management Guidelines, 2016.

15.Transporting sand loaded heavy vehicles through the Village roads (RD) resulted in complete damage and local peoples are suffering. This road provides connectivity for the villagers for their educational, health and marketing facilities etc. This RD road was

constructed by Rural Development Department, Odisha. On the basis of the pavement strength and carrying capacity, “**Heavy Vehicles Prohibited**” through this village road. Due to continuous plying of sand loaded heavy vehicles the RD road is fully damaged.

16.Revenue loss to state exchequer and Corruption by the Tahasildar

Talcher : That the Tahasildar Talcher, in connivance with the lessee have been causing huge amount of loss to the state exchequer by extracting hundred times more than the permitted quantity without paying the Royalty for the entire extracted quantity.

17.That the lessee is doing the illegal mining in nexus with the local IIC and mining officer, it is pertinent to mention here that the applicant on various occasions informed the local IIC regarding this illegal mining but till date no action has been taken by the IIC against the lessee.

18.It is pertinent to mention here that the lessee is doing illegal extraction from the said quarry since 2021 for which two FIR's have been lodged against the lessee and his family members in the Talcher police station bearing case no-0220/2022.

19.That there was a news telecast on 22nd April 2022 in a leading TV channel OTV regarding the illegal sand mining in broad day light by the father and brother of the lessee using machine and no action from the district administration. Copy of the link to the story is here

https://www.facebook.com/watch/?v=1168166263919512&extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C&ref=sharing&mibextid=Nif5oz

20. Replenishment Study and Pre and Post Monsoon Assessment Not

conducted: There has been no replenishment study conducted as required after every monsoon season and assessment of extraction prior to monsoon were also not conducted by the Mining Department and thereby allowing the excess mining to be covered up and resulting in loss of revenue and deep sand mining.

21. In stream Mining, Obstruction and Diversion of River Course:

The mining is carried out in contravention of the Mining Plan and standard Environment Clearance conditions. Based on the information gathered from historical imagery before granting lease, it is clearly revealed that near to the riverbank of Bramhani because of deep sand mining from this area, it looks like small reservoirs/ponds where the water color is very dark. This clearly revealed that the sand was possibly excavated from very high depth (expected depth more than 20 to 30 feet or maybe more). Also the Google image revealed that there seems to be huge amount of sand mining carried out from the sand deposits inside the river stream. The magnified image clearly revealed that a small bridge is constructed over the river stream and a drastic decrease in recent sand deposit area. Also various road network

constructed inside the river by dumping the Slags/Waste Materials of Steel Plants. The photograph dated 22nd January 2024 confirm the same and the authorities duty bound to inspect the lease area has derelicted duty and possible bribery to be a mute spectator cannot be ruled out.

22.That in order to check the illegal sand mining, Government of Odisha has come out with a guideline dated 26/04/2019 where instructions for prevention of illegal sand quarrying issued from time to time. The instructions include robust monitoring mechanism, revenue and police administration shall seize the machine and vehicles, criminal proceedings, temporary check gates, squads should be constituted, technical support of ORSAC may be taken for satellite based monitoring, all complaints of unauthorized quarrying be inquired by **Sub-Collector/Tahasildar within 72 hours** and prompt remedial measures be taken and monthly review of violation cases are suggested in the guideline and none of the points have been followed by the District Administration and Tahasildar. Despite of the illegal mining takes place since 2021, no action has been taken as on date while action should have been taken within 72 hours and to this effect responsibility of the officers may be fixed. Copy of the Government order dated 26/04/2019 is annexed here unto as **ANNEXURE-6**

23. That the Government of Odisha held its meeting for the optimum and sustainable exploitation of minor mineral for increasing availability of minor minerals and augmentation of revenue. Copy of the minutes meeting held on 11/11/2020 is here unto annexed as **ANNEXURE-7**.
24. That the petitioner approached all the concerned authorities to stop the illegal mining but no action has been taken till date, copy of the complaint letter dated 24/01/2024 and again on dated 06/02/2024 is here unto annexed as **ANNEXURE-8**.
25. It is pertinent to mention here that the applicant has informed to all the authorities regarding the use of unauthorized lifted sand in filling and construction of Talcher Thermal Power Plant by BHEL through its contractors on 06/02/2024. Copy of the complaint letter dated 06/02/2024 is here unto annexed as **ANNEXURE-9**.
26. That the lessee is supplying the illegally extracted sand to the Talcher Thermal Power Project (TTPP) Talcher, Dist-Angul, and the TTPP is stocking and using these illegally extracted minerals in their premises.
27. Pursuant to complaint dated 30/01/2024, the Tahasildar Talcher has forwarded the same to Mining Officer on 9/02/2024 but no action has been taken by Mining Officer as on date. Copy of letter dated 9/02/2024 as **ANNEXURE-10**

28. That the issue of illegal mining also widely covered in two daily local news papers on 12/02/2024. Copy of News Papers dated 12/02/2024 is annexed here with as ANNEXURE-11

29. That the copy of NOC issued by Chairman Talchers Municipality who is happens to be the brother of the lessee and the Tahasildar letter to SEIAA are annexed here with as ANNEXURE-12

30. It is pertinent to mention here that mining was allowed without a proper District Survey Report as required to be done by Geology Department, Mining Department Irrigation Department, Forest Department, Public Works Department, Ground Water Boards and Remote Sensing Department as prescribed in Appendix X (procedure for preparation of DSR) and Paragraph 7(iii) of EIA Notification Amendment dated 15th January 2016. Possibly the EC has been granted in absence of Joint inspection report from Sub-Divisional Committee comprising of Sub Divisional Magistrate, State Pollution Control Board, Forest Department, Irrigation Department and Mining Officer.

31. There is no monitoring of compliance of conditions of CTO by the Regional Office of SPCB, Angul considering the threat to the embankment, loss of revenue, violation of mining plan and standard Environment Clearance conditions, damages to the riparian ecology, the applicants have requested the authority to immediately enquire into

the matter and take appropriate action against the lessee. It is submitted that as per Govt. of Odisha Revenue Disaster and Management Department letter dated 26/04/2019, the illegal sand extraction are required to be inquired by the Sub-Collector/Tahasildar within 72 Hours of the complaint and same has not been followed here indicating the connivance of the authorities with the lessee. The Sub-Collector has failed in discharging his duties for not taking legal action to restrain the mechanical mining and plying of Hyvas and for that appropriate disciplinary proceedings is needed after due inquiry.

- 32.** That the Joint Director of Geology Zonal Survey, Dhenkanal who approved the mining plans of Sand Beds with conditions has a duty to monitor if the conditions are complied and not violated. Also while submitting form. Also while submitting the annual return in Form Z for the mining circle for every financial year has to state the quantity of mineral extracted and not just rely on the statement of lessee. In this regard also no such measurement takes place for sand mining in the mining circle.
- 33.** That the EC condition specifies that non satisfactory implementation of the conditions and failure to comply any of the conditions will lead to suspension of EC letter, Revocation/Withdrawal of EC letter and proceedings under EP Act, 1986.

34. Mining in Safety Zone and Close to River Bank: The photographic evidences confirms that the mining operation is violating the safety Zone and 1/4 width of stream bed from the River Bank. It is pertinent to mention here that for this purpose the miners have constructed embankment over the flow and rest of the river stretch to the mining source is being connected by the raising the sand bars filled with Sandbags and morrum and broken bricks are laid on it so that the heavy vehicles can move over it

35. That the Procedure for Processing of Consent to Operate (CTO) Application by State Pollution Control Board, Odisha as uploaded in website of Odisha State Pollution Control Board says that **inspection of the site and compliance of CTE condition is pre-requisite**. The relevant portion is reproduced as follows:

“5. The concerned officers at HO / RO shall scrutinize the application and raise clarification to the industry online, if any deficiency / discrepancies are observed in respect of consent application or its accompaniments or fees. **Simultaneously, they will take steps for getting inspection report** so as to avoid delay and early disposal of the case.

6-The concerned officers of Regional office of OSPCB shall **conduct inspection of the industries and mines**, conduct monitoring

of stack emission, ambient air quality, analysis of effluent samples etc. as per the standard procedure prepared for Air and Water sampling and analysis. They should also **verify compliance to the Consent conditions** (directions, if any) and **upload the detailed observations (inspection and monitoring reports) online”**

Further the check list prepared the board also requires compliance status of consent to establish for issuing consent to operate to a unit and the same has not been followed in the present case. Further **the CTO and CTE is issued mechanically without any inspection of the site.** Copy of the guideline and checklist prepared by the Board and the link to the site is as follows:
<http://ospcboard.org/wp-content/uploads/2017/03/09-Jun-2016PROCEDUREFORCTOAPPLICATION1.pdf>

36.That after issuing CTO, the State Pollution Control Board did nothing to ensure if the conditions in the Consent to Operate were complied in letter and spirit. The authorities have also not acted upon the complaint petition of the applicant. The violations continue unabated and no action has been taken by the pollution control board to revoke the consent to operate and ensure that the mining activity stops. The Consent Condition Point 1 (General) says that any change or deviation made in the actual practice from particulars furnished in application

will be the ground liable for revocation of consent. Here the application is for Manual Mining while in reality Mechanical Mining takes place and for that it is liable to be revoked and same has not been done. Similarly Point 4 and 43 says violation of conditions of consent is liable for legal action.

37. Mining should be restricted to single shift only that is for 8 hours (7am to 12noon and 2pm to 5 PM) however it takes place all through out day and night using high-power excavators. No qualified Mines Manager, Foreman and Mate with certificate of competency as per mines act. It is pertinent to mention here that the lessee is also using his heavy machines during night for illegally extract sand from the river.

38. That the State Government is losing revenue because of the unaccounted illegal mining. At present one Hyva load (10 wheeler) of sand is sold at Rs 8000 in the market and Hyva load (16 wheeler) about Rs15, 500 in market.

39. This clearly indicates that the private respondent has mined out more sand than the permitted quantity. This excess mining without prior approval is violation of the Consent Letter, Lease agreement, Mining Plan and environment clearance condition. This also clearly indicates there is an unholy nexus of the Deputy Director Mines Talcher with the private respondent in allowing the illegalities to continue on day to day basis.

40. That the Sustainable Sand Mining Management Guidelines, 2016 suggests Standard Environment Clearance Conditions and the measures to be adopted to check illegal mining, **however none of the measures have been adopted** such as “(i) Project Proponent must ensure that the security features of Transport Permission viz. (a) Printed on Indian Bank Association (IBA) approved Magnetic Ink Character Recognition Code (MICR) paper; (c) Unique Barcode; (d) Unique Quick Response Code (QR); (e) Fugitive Ink Background; (f) Invisible Ink Mark; (g) Void Pantograph; (h) Watermark. (ii) Project Proponent must ensure that the CCTV camera, Personal Computer (PC), Internet Connection, Power Back up, access control of mine lease site; and arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used at mine lease site are available. (iii) Project Proponent must ensure the Scanning of Transport Permit or Receipt and uploading on Server. (iv) The State Mines and Geology Department should print the Transport Permits/Receipt with security features enumerated at Paragraph (i) above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued. When the

Transport Permit or Receipt barcode gets scanned and invoice is generated, the particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused. (v) The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS. (vi) In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call center, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server/call centre. (vii) The route of vehicle from source to destination should be tracked through the system using check points, Radio-frequency identification (RFID) Tags, and Global Positioning System (GPS) tracking. (viii) The system shall enable the Authorities to develop periodic report on different parameters like daily lifting report, vehicle log/history, lifting against allocation, and total lifting. The system can be used to generate auto mails/SMS. This will enable the District Collector/Magistrate to get all the relevant

details and will enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle should be tracked.

41.That the Chief Secretary, Government of Odisha on 11/11/2020 has discussed about the technical intervention such as I4MS in the line of I3MS (a software to track illegal mining in Major Minerals) to monitor the actual quantum of extraction and transportation minor minerals from source but same has been just confined to discussion and no action has been taken despite of the mandate in Sustainable Sand Mining Management Guidelines, 2016 and 2020.

42.It is further submitted that Sand Mining in Bramhani River bed at Nizgarhjami has caused serious environmental degradation and ecological impact, over the years river and riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which damage the river ecosystem, destruction of natural habitats of organisms living on the river beds, affects fish breeding and migration, the associated riparian habitat. It has been further submitted that there has been no monitoring by any of the respondents whether the conditions are being complied or not and that allows the private respondent to violate the norms in broad day light.

43. The Hon'ble Apex Court in Deepak Kumar Case has observed that

“We are of the considered view that it is highly necessary to have an effective framework of Mining plan which will take care of all environmental issues and also evolve a long term rational and sustainable use of natural resource base and also the bio-assessment protocol. Sand Mining, it may be noted, may have an adverse effect on bio-diversity as loss of habitat caused by Sand Mining will affect various species, flora and fauna and it may also destabilize the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEFCC, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48A, Article 51A(g) read with Article 21 of the Constitution.

44. That while upholding the Criminal Prosecution in one illegal sand mining case namely **Jayant Vs State of Madhya Pradesh**, Criminal Appeal No 824-825 of 2020, Hon'ble Supreme Court on 3rd December 2020 has opined that violators cannot be permitted to go scot free on payment of penalty only. There must be some stringent provisions which may have deterrent effect so that the violators may think

twice before committing such offences and before causing damage to the earth and the nature.

45.The Hon'ble Supreme Court in **Common Cause -Vs- Union of India & Ors.** in judgment dated 02.08.2017 passed in Writ Petition (Civil) No.114 of 2014 in para 128 has held as under :- The simple reason for not accepting this interpretation is that Rule 2 (ia) of the Mineral Concession Rules (MCR) was inserted by a notification dated 26th July, 2012 while we are concerned with an earlier period. That apart, as mentioned above, the holder of a mining lease is required to adhere to the terms of the mining scheme, the mining plan and the mining lease as well as the statutes such as the EPA, the FCA, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. If any mining operation is conducted in violation of any of these requirements, then that mining operation is illegal or unlawful. Any extraction of a mineral through an illegal or unlawful mining operation would become illegally or unlawfully extracted mineral.”

46.That while disposing the **OA 67 of 2021(Alok Malik vs State of Odisha)**, Final Order dated 26th August 2022 and Paragraph 31 is reproduced as follows

“We further direct that the Collector, Jajpur, must ensure **effective mechanism for annual environmental audit to be**

conducted by experts in the field. Further, the State Authorities, particularly the Collector, Jajpur, must ensure that the vehicles transporting sand and minor minerals may be fixed with electronic devices (GPS enabled) for facilitating and tracking the movement of vehicles carrying sand and minor minerals. The Collector, Jajpur, is further directed that the CCTV cameras may be installed at strategic locations near the sand beds as well as entry and exit points of the vehicles to ensure continuous monitoring.”

It is submitted that the direction of the Hon'ble NGT has not been complied and instead violated in the present case.

47.That the Hon'ble Tribunal while deciding the **Original Application No 9 of 2021(Saral Kumar Parida Vs District Collector Balasore and others)** vide order dated 13th October 2022 held that the illegally mining to be assessed using scientific method such as **Satellite Imagery** and further held that the Tahasildar will be responsible for illegal mining and criminal prosecution has to be instituted against concerned Tahasildar. The relevant paras 36, 37, 39, 41, 44 and 47 is reproduced as follows

“Para 36 The Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM) issued by the Ministry of Environment, Forests and Climate Change (MoEF&CC) has laid down

the procedure for monitoring mechanism to check environmental damage due to illegal mining.

Para 37- The Guidelines provide for establishment of a Task Force to be headed by an officer not below the rank of Additional District Magistrate who shall submit quarterly reports to the district administration

Para 39-The Guidelines further provide for lodging of F.I.R. against persons involved in illegal excavation, storage and/or transportation of minor minerals including sand and imposition of fine as also initiation of actions under the provisions of the Income Tax Act, 1961 for unaccounted income and under the Central Goods and Services Act, 2017 for non-payment of GST as well as action under the provisions of the Motor Vehicles Act, 1989 against the driver and permit holder of the vehicle.

Para 41- Be that as it may, the Tahasildar, Basta, within whose jurisdiction the sand quarry exists, is the representative of the district administration, who is responsible for ensuring that no illegal sand mining is being carried out within his Tahasil and if he finds that illegal sand mining is going on, it is his duty to report the matter to the District Magistrate concerned immediately

Para 44-We, therefore, direct the State Level Environment Impact Assessment Authority (SEIAA), Odisha to re-

determine Environmental Compensation for illegal extraction of sand by the Respondent No.10 for the five years period from 2017 (included) up to 2021 with the help of satellite imagery.

Para 47-We further direct the Collector & District Magistrate, Balasore to lodge F.I.R. against the Tahasildar, Basta who was the Tahasildar during the period 2017 to 2021 during which the illegal extraction of sand has occurred according to the SEIAA, Odisha and such F.I.R. shall thereafter be carried to its logical conclusion. The Collector & District Magistrate shall also initiate departmental proceedings against the concerned Tahasildars in accordance with law.
”

48.Rule 14 and Clause (22) of Odisha Minor Mineral Concession Rules 2016 states that **In the case of breach of any condition of prospecting license-cum-mining lease**, the Government may give notice of sixty days to the holder of the prospecting license-cum-mining lease to rectify the defects and if the holder of the prospecting license-cum-mining lease fails to rectify the defects within the specified time, the Government may, by order in writing, cancel the prospecting license-cum-mining lease, and forfeit, in whole or part, the amount deposited by the holder of the prospecting license-cum-mining lease towards security deposit: Provided that no such order

shall be made without giving the holder of the prospecting license-cum-mining lease a reasonable opportunity of being heard.

GROUNDS

- A. That the sand mining is permissible only by Manual Method but the use of mechanical methods/earth movers are in violation of the Mining plan, EC conditions and Consent to Operate conditions and Sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring of Sand Mining Guidelines, 2020, Odisha Minor Mineral Concession Rules 2016, EIA Notification 2006 and Amendment 2016, Sand Mining Framework 2018 by Ministry of Mines, Govt. of India.
- B. That the unscientific mining by obstructing the free flow of river by creating artificial bunds in the river is violation of approved mining plan and warrants revocation of lease agreement and suspension of mining
- C. That the ongoing sand mining is against the Precautionary Principle and Environment Impact Assessment Notification 2006 and subsequent amendments.
- D. That the private respondent has mined out more sand than the permissible limit and hence warrants stoppage of mining
- E. That transportation of sand loaded heavy vehicles through villages jeopardizes the safety of thousands of people and school going

children warrant prohibition of such transportation. Further road not meant for heavy vehicles requires carrying capacity study of the road and particularly stoppage of such vehicular transportation.

F. Mining during monsoon season is against the Sustainable Sand Mining Management Guidelines, 2016 and standard river bed mining conditions.

G. That the State Respondents and the Regulatory Authorities like State Pollution Control Board and SEIAA have failed to discharge their duties and hence requires intervention of this Hon'ble Tribunal for an appropriate order to check the illegal mining

H. That the present river bed mining is against the spirit of Article 48A and 51 A (g) that mandates for protection of environment and Article 21 of Constitution of India.

LIMITATION

That there is a continuing cause of action due to the ongoing illegal sand mining with evidence of photographs dated 9/02/2024 and complaint letter dated 6/02/2024 and 24/01/2024 in violation of Sustainable Sand Mining Management Guidelines, 2016 and 2020 and hence the present application is not barred by limitation.

INTERIM PRAYER

The Hon'ble Tribunal may constitute a High level Independent Committee to assess a) Cost of river bed material illegally excavated b) Cost of ecological restoration. c) Net present value of the future ecosystem services foregone and restrain the Private Respondent from mechanical mining in river bed pending disposal of the application.

PRAYER

The applicant humbly prays the Hon'ble Tribunal to issue following directions to the respondents considering the facts and grounds set out in the application:-

- I. Direct the Mining department to conduct Drone Survey to assess the mining beyond lease area and excess mining.
- II. Direct the SEIAA Odisha to withdraw the EC letter for violation of EC conditions.
- III. Direct the Independent Committee to inquire into the illegalities of mining such as mechanical mining and in-stream mining, Excess sand mining in violation of the permitted quantity.
- IV. Direct the State Respondents to seize the Excavators used for Sand Mining in Brahmani River at Gopinathpur.
- V. Direct the State Respondents to immediately remove the illegal approach road constructed by the lease holders/sand mafias in

Ensure the free flow of river by removing the artificial approach roads for transportation of sand loading vehicles inside the river.

VI. Direct the State Respondents for GPS TRACKING OF VEHICLES AND make E TRANSIT PASS MANDATORY FOR MINING OPERATION.

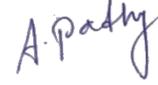
For this act of kindness the applicant shall ever remain grateful to you

UNDERTAKING

That I undertake to file the English translation of vernacular documents as and when directed by the Hon'ble Tribunal.

DATE-12th FEBRUARY 2024

APPLICANT THROUGH

PLACE-BHUBANESWAR

ADVOCATE



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

ORIGINAL APPLICATION NO -..... OF 2024/EZ

IN THE MATTER OF:

YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST
APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT

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

1. That I am the President of the Applicant Trust, Youth United For Sustainable Environmental Trust in the abovementioned application and authorized to sign this affidavit.
2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
3. That I have read over the contents of the accompanying Original application and the same is true and correct and is drafted on my instruction.

Santanu Kumar Bhukta
Youth United for
Sustainable Environment Trust
President
DEPONENT

VERIFICATION

Verified on this 12th day of Feb...2024 at Talcher that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By
[Signature]
Advocate
Talcher Court
12/2/2024

Santanu Kumar Bhukta
Youth United for
Sustainable Environment Trust
President
DEPONENT

[Signature]
12/2/2024
Kumuda Ranjan Mishra
Notary Talcher
Govt. of Odisha
Regd.No-ON-37-2004



N.R. No. 434 Date 12.2.2024

AFFIDAVIT

The above named deponent having been identified by Sri. KRM Advocate Talcher, Solemnly affirmed before me this.....day at of.....12/2/2024 20.....in the court premises that the contents of the affidavit are true to the best of belief & knowledge.

SIGNED BEFORE ME

12/2/2024
Kumuda Ranjan Mishra
Notary Talcher
Govt. of Odisha
Regd.No-ON-37-2004

Santanu Kumar Bhattacharya
President
State Enviro. Protection
Committee

ENVIRONMENTAL
CLEARANCE

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), Orissa)

To,

The LESSEE
 PITAMBAR BHUTIA
 MANDAPAL TALCHER TOWN -759107

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/OR/MIN/61829/2021 dated 04 Jul 2022. The particulars of the environmental clearance granted to the project are as below.

- | | |
|---|-------------------------|
| 1. EC Identification No. | EC22B001OR190307 |
| 2. File No. | 61829/250-MINB1/07-2022 |
| 3. Project Type | New |
| 4. Category | B1 |
| 5. Project/Activity including Schedule No. | 1(a) Mining of minerals |
| 6. Name of Project | Nizgarhzami Sand Quarry |
| 7. Name of Company/Organization | PITAMBAR BHUTIA |
| 8. Location of Project | Orissa |
| 9. TOR Date | 08 Jul 2021 |

The project details along with terms and conditions are appended herewith from page no 2 onwards.

Date: 28/12/2022

(e-signed)
 Dr. K. Murugesan, IFS
 Member Secretary
 SEIAA - (Orissa)

Note: A valid environmental clearance shall be one that has EC identification number & E-Sign generated from PARIVESH. Please quote identification number in all future correspondence.

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PARIVESH

*(Pro-Active and Responsive Facilitation by Interactive,
 and Virtuous Environmental Single-Window Hub)*





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 statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986

ENVIRONMENTAL CLEARANCE FOR SAND QUARRY

Subject: Application of Sri Pitambar Bhutia for mining of Sand from Nizgarhzami Sand Quarry Over an area of 24.86Acres or 10.06Ha in Village- Village –Nizgarhzami, Tahasil- Talcher, District- Angul - Environmental Clearance reg.

The Project Proponent Sri Pitambar Bhutia has submitted an application for EC to SEIAA, Odisha through the Parivesh portal of MOEF&CC,GOI vide online application no. SIA/OR/MIN/61829/2021 dated 04.07.2022 for mining of Sand from Nizgarhzami Sand Quarry Over an area of 24.86Acres or 10.06Ha in Village- Village –Nizgarhzami, Tahasil- Talcher, District- Angul in terms of the provisions of the Environment Impact Assessment(EIA) Notification, 2006 & amendments thereto under the Environment(Protection) Act,1986.

2. Proposal in Brief:

Proposal No.	SIA/OR/MIN/61829/2021
Date of Application	04.07.2022
File No.	61829/250-MINB1/07-2022
Project Type	EC
Category	B1
Project/Activity including Schedule No.	1(a) Mining of minerals
Name of the Project	Proposal for EC for Nizgarhzami Sand Quarry Over an area of 24.86Acres or 10.06Ha in Village- Village –Nizgarhzami, Tahasil- Talcher, District- Angul
Name of the company/Organization	Sri Pitambar Bhutia
Location of Project	Odisha
ToR Date	24.05.2021

3. Project details: The highlights of the project, as ascertained from the application and as revealed from the proceedings/discussions held during the meetings of SEAC/SEIAA, are given as under:

- (i) This is a proposal for mining of river sand of Nizgarhzami Sand Quarry lying in the Brahmani River bed, over an area of 24.86 Acre or 10.06 Ha located at Village - Nizgarhzami, Tahasil- Talcher, District- Angul of Sri Pitambar Bhutia.
- (ii) The mining lease is an identified sairat source in the DSR. The Nizgarhzami Sand Quarry (Brahmani River bed), sairat source will be leased out under the OMMC Rules,2016 by

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- Tahasildar, Talcher Sadar to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years. The lease period of 5 years shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar.
- (iii) The mining plan for the sand mining project has been approved by Joint Director of Geology Zonal Survey, Dhenkanal vide letter No. 666 on 01.06.2020.
- (iv) The cluster certificate has been furnished by the Tahasildar certifying that there is no other mine 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.
- (v) The Terms of Reference (ToR) has been granted by SEIAA, Odisha vide letter no. 1341/SEIAA dated 24.05.2021 for undertaking detailed EIA study for the project.
- (vi) The public hearing has been conducted on 24.11.2021 at 10 A.M. at Tahasil Office, Talcher under Angul district, Odisha. Major issues raised during PH were on Employment opportunity to local villagers, sand at low cost to the villagers for construction of their house, Plantation in village and Water sprinkling for dust suppression.
- (vii) The baseline data has been collected from Dec, 2020 to Feb, 2021 (post Monsoon) for the project.
- (viii) Location and Connectivity - The mining area is a part of Survey of India Toposheet No.73H/1, bounded by Latitude: 20° 55' 20.56" N to 20° 55' 35.14" N & Longitude: 85° 14' 19.86" E to 85° 14' 31.77" E. The quarry area is accessible by all weather & well-connected by road and rail. The lease area is located at a distance of 3.2kms from Talcher town, 21kms from the District Headquarters Angul and 130kms from the State Capital Bhubaneswar. Talcher Railway station is the nearest railway station located at a distance of 4.13kms from the lease area. Nearest Road bridge is at a distance of 1kms from the mining lease. Metal road connecting to the lease area with the village – Nizgarhjami is at distance of 0.32 meters. SH – 63 is the nearest State Highway which is at distance of 17.7km. NH 200 is the nearest National Highway at 1 km and NH 23 which is major district road at a distance of 2.5kms. The project proponent has submitted that there is no national park, wild life sanctuary, eco sensitive areas situated within 10Kms radius of the lease area.
- (ix) Total Reserves and Production Details: – The project proponent has submitted that the total geological reserve has been estimated as 103069 cum considering the thickness of the sand is 1.0m for the QL period. Similarly, the extractable mineable reserve of river bed sand has been estimated to be 46488 cum (excluding safety zone) considering the thickness of the sand is 1.0m. The project proponent has proposed a total production of 90000 cum of sand considering the thickness of the sand is 1.0m from this quarry during the valid lease period of 5 years, with a maximum production 18000 cum per annum. Mining will be done by semi mechanized method. Excavation & loading of sand will be

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done through dumpers and trucks/tractors.

- (x) Replenishment study: - The replenishment study has been carried out during May,2021 (pre monsoon) and November, 2021 (post monsoon) by volumetric method. Estimated annual replenishment volume is 20120 cum. However, the extractable Mineable Reserve as per approved Mining Plan is 90636 cum. The annual proposed production is 18000 cum.
 - (xi) Water Requirement: – The total water requirement will be 7.0 KLD for different purposes like Domestic, Dust suppression, plantation purposes. Source: Nearby village with the help of tankers.
 - (xii) Power Requirement: - No use of electric power as the operation will be done in the day time.
 - (xiii) Green Belt Development: Greenbelt plantation will be done by planting 940 nos. saplings of suitable species by the lessee in vicinity of the river bank, haulage roads and near village.
 - (xiv) Employment Potential - A total of 30 nos. of workers are to be employed during mining operation.
 - (xv) The project cost is estimated to be Rs.60.00 lakhs and there is a budgetary provision of Rs.4.67 lakhs as capital cost and Rs.4.20 Lakhs as recurring cost towards environmental protection measures. The PP has estimated a budget of Rs.1.20 lakhs on CER.
 - (xvi) Whether the DSR has been prepared as per the MoEF& CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining guidelines-2016 and Enforcement & Monitoring Guideline for sand mining-2020- **No**
 - (xvii) Whether the replenishment rate study of sand was done as per the Enforcement & Monitoring Guideline for sand mining-2020-**No**
 - (xviii) The Environment consultant M/s P & M Solutions, Noida (U.P) along with the project proponent has made a detailed presentation on the EIA/EMP report on 05.08.2022.
4. 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 B1 as the mining lease area is more than 5ha.
 5. The proposal is duly appraised by the SEAC in its meeting held on 05.11.2022. The SEAC has submitted the appraisal report and recommended for grant of EC for the proposal with stipulated conditions.
 6. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 102th meeting held on 06.12.2022 in accordance with the EIA Notification, 2006 and further amendments thereto as well as the Judgement dated 2nd February,2022 of Hon'ble National Green Tribunal in OA No.33/2020/EZ (Laxmidhar PalaiVrs. District Collector, Balasore).

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7. Environmental Clearance (EC) is granted under the provisions of EIA Notification No. S.O. 1533 (E) dated the 14th September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for mining of Sand from Nizgarhzami Sand Quarry Over an area of 24.86Acres or 10.06Ha located in Village-Village –Nizgarhzami, Tahasil- Talcher, District- Angul with the following stipulations, environmental conditions and safeguards.

A: Stipulations:

Sl.	Descriptions	Stipulation
(i)	Lease Area:	24.86 Acres or 1.06 Ha
(ii)	No Mining Zone:	1/4 th of river width for protection of river bank and 7.5 meter safety zone from all side of lease boundary.
(iii)	Maximum Depth of Mining:	1.0 meter as per the approved mining plan
(iv)	Permitted Quantity:	1 st year:18000 cum 2 nd year:4500 cum
(v)	Validity Period of EC:	Two years from date of issue

B: SPECIFIC ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED WITH BY THE TAHASILDAR BEFORE LEASE AGREEMENT:

- 7.1 **Boundary Demarcation:-**The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empanelled agency of ORSAC.
- 7.2 **Digital Map:-**A digital map (in KML format as well as PDF version) showing GPS coordinates of all boundary pillars duly countersigned by the Tahasildar shall be submitted to SEIAA, Odisha through email at seiaaorissa@gmail.com.
- 7.3 **Intimation of EC:-**The copies of the EC shall be sent to the Sarpanch(s) of the concerned Gram Panchayat(s), Urban Local Bodies and relevant other Offices of the Government with a request to display the same for 30 days from the date of receipt.
- 7.4 **Tree Plantation:-**Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for avenue plantations of the State Forest Department. The Project Proponent (lease holder) shall deposit Rs. 4,50,000/-, with the respective District Environment Society for raising 1000 plants of native species within 2 years in a suitable location adjoining to quarry.



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- 7.5 **State EMF Fund:-**An amount equal to five percent(5%) of the royalty payable shall be collected from the lessee by the Tahasildar and deposited to the State Environment Management Fund, which will be utilized as per provisions of Rule 49(3) of the OMMC Rule, 2016 preferably, in and around the areas where mining activities are undertaken.
- 7.6 **Condition by Collector:-**Any other condition(s) the Collector & Chairman, District Environment Impact Assessment Authority (DEIAA), may impose in the interest of protection and safeguarding the local environment.
- 7.7 **Compliance report for Transfer of EC:-**Any transfer of EC to a PP/Lessee shall be considered by SEIAA, Odisha only after receipt of the full compliance report through Tahasildar concerned of the above environmental conditions and safeguards.
- C: STANDARD ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED ON FIELD AFTER THE LEASE AGREEMENT**
- 7.8 **Specific Condition:** NOC from Irrigation Deptt., Govt. of Odisha shall be obtained that proposed mining will not affect the barrage proposed/under construction adversely. Mining activity shall be commenced after obtaining NoC from Irrigation Deptt., Govt. of Odisha
- 7.9 **Maximum permissible depth:** This Environmental Clearance is given with the condition that maximum depth of digging of sand shall be 1.0m as per mining plan. Any flouting of this restriction shall make this EC liable to cancellation.
- 7.10 **Maximum permissible quantity:** Maximum quantity of quarry material that can be permitted by the lesser to be removed from the quarry area is 18000 cum in the 1st year and 4500 cum in the 2nd year. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 7.11 **Annual Replenishment Rate Study of Sand:-**The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the actual rate of replenishment of mined out sand in the lease area.
- 7.12 **District Survey Report:** The District Survey Report (DSR) shall be prepared by the competent District Authority as per the MoEF & CC, Govt.of India Notification S.O.3611(E) dated 25.07.2018, Sustainable Sand Mining Guidelines-2016 and

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- Enforcement & Monitoring Guidelines for Sand Mining-2020 and submitted to competent authority for approval..
- 7.13 **EC Extension:-**Any further extension of EC beyond two year shall be considered only with submission of duly approved District Survey Report and Annual Replenishment Rate Study report of sand.
- 7.14 **Any change in mining plan requires fresh EC:-**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. The detailed production of sand from the lease area of each year shall be submitted in tabular form during submission of compliance report.
- 7.15 **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 in EMP. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The Tahasildar shall ensure the compliance of this condition along with all lease holders of his jurisdiction.
- 7.16 **No Working Zone:** - The lessee shall ensure that no sand mining is carried out in the areas as specified below:-
- During the rainy season;
 - Within the water channel or stream flow area throughout the year;
 - Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge, 200 meter upstream and downstream of water supply/irrigation scheme, 100 meter from the edge of National Highway and railway line, 50 meter from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meter from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
 - The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non monsoon period.
 - No stream shall be diverted for the purpose of sand mining and no natural water course shall be obstructed.
 - Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
 - The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
- 7.17 **Transport Safeguards:**

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- a) No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
- b) Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO 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.
- c) Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- d) 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.
- e) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate additional 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.
- f) Water spraying 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.

7.18 **Other Environmental Conditions:-**The Project Proponent shall follow all the provisions of Sand Policy of Govt. Of Odisha dated 02.09.2021 for this sand mining project.

- a) The Tahasildar shall take adequate measures to prevent unauthorized mining;
- b) The project proponent should carry out river bed sand mining manually by engaging local laborers to check over exploitation of sand at the source;
- c) The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.
- d) River Bank stabilization shall be made through stone patching. Stone patching on river bank with plantation in-between and the ramp construction shall be done in consultation with and advice of concerned Water Resource Department, Government of Odisha.

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- e) 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.
- 7.19 **Common Forum for EMP:-** All the individual quarry lessee holders coming under the Tahasil may create a common forum in coordination with the Tahasildar and contribute funds to it for grading, compaction and maintenance of haulage road, provision of water spray on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry, and provision of thick, multilayer and a continuous green belt around the lease area excluding the entry and exit gate for prevention of environmental pollution and noise during mining activity.
- 7.20 **Public Hearing Compliance:-**The activities proposed in action plan prepared for addressing the issues raised during the Public Hearing shall be completed as per the budgetary provisions mentioned in the action plan and within a stipulated time frame as submitted in the Final EIA/EMP Report. The Status Report on implementation of action plan shall be submitted to the concerned Regional Office of the Ministry along with District Administration. The project proponent shall comply in true spirit all the issues raised and recorded in proceedings of public hearing w.r.t. environment / pollution / CER shall be complied by the Mining Authority as per OM F. No. 22-65/2017-IA.III, dated 30.09.2020 of MoEF&CC, Govt. of India.
- 7.21 **Intimation of EC:-** (i)The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry. The advertisement shall be made within seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of MoEF&CC, Bhubaneswar.
 (ii) A copy of this Environmental Clearance letter shall be displayed on the website of the Odisha State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tahasildar's office for 30 days.
- 7.22 **Half-yearly Compliance Report:-**It shall be mandatory for the project management to submit half yearly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / Regional Office of the MoEF& CC, Bhubaneswar in soft copies on 1st day of June and December of each calendar year. The proponent shall also upload the compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions, failing which EC is liable to be revoked.

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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
*statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986*

- 7.23 **Concomitant Monitoring:-**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.
- 7.24 **Independent Monitoring:-**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.
- 7.25 **Revocation of EC:-**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.
- 7.26 **Change in Ownership of Lease:-**This EC shall not be transferred without the permission of SEIAA, Odisha. The Tahasildar shall inform the SEIAA of any change in ownership of the mining lease. No mining is allowed without transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
8. **Basis of Permitted Quantity:-**It is made clear that the EC granted is on adhoc basis as the applicant has not submitted the approved District Survey Report (DSR) or Annual Replenishment Rate Study Report (ARRS). In the absence of approved District Survey Report (DSR) the area for removal of minerals shall not exceed 60% of the mine lease area, and any deviation or relaxation in this regard shall be adequately supported by the scientific report (Refer Para: 4.3 (r) of the Enforcement & Monitoring Guidelines for Sand Mining issued in January, 2020 by the Ministry of Environment, Forest and Climate change). The permitted quantity in the 1st year has been calculated on the basis of 60% mine lease area or quantity mentioned in the Mining Plan, whichever is less. Further in the absence of approved Annual Replenishment Rate Study Report an annual replenishment rate of @25% of the 1st year quantity is allowed for 2nd year w.r.t Order dated 02.02.2022 of the Hon'ble NGT in OA No.33/2020/EZ (Laxmidhar Palai Vrs. District Collector, Balasore). Further amendment to the permitted quantity in the 2nd year shall be considered on submission of duly approved ARRS.
9. 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

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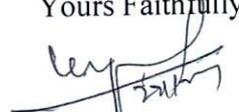


STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
 statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986

other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.

10. This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court and Hon'ble NGT as may be applicable.
11. 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.

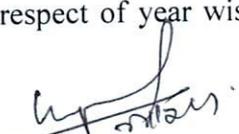
Yours Faithfully,


Member Secretary

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, Chandrasekharpur, Bhubaneswar for information.
5. Principal Secretary, Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Angul/ DFO, Angul/ Sub Collector, Talcher /Tahasildar, Talcher for Information and necessary action with specific reference to para in respect of year wise permitted quantity.
7. Guard file for record/Website/Parivesh Portal.




Member Secretary

Signature Not Verified

Digitally signed by D. K. Murugesan, IFS
 Member Secretary

Date: 12/28/2022 4:01:04 PM

E-mail: rospcb.angul@ospcbboard.orgWebsite: www.ospcbboard.org

**OFFICE OF THE REGIONAL OFFICER
STATE POLLUTION CONTROL BOARD, ODISHA**

(DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVT. OF ODISHA)

Plot No. S-3/3, Industrial Estate, Hakimpada, Angul-759143

"By Registered Post"

CONSENT ORDER

No. 258 / QUARRY/ROSPCB/AGL/86/2017-18

Date: 21.01.2023

CONSENT ORDER NO.638

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.4643783.

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 Industry/ Mine : Nizagarh Zami Sand Quarry (Brahmani River Sand Bed)

Name of the Occupier & Designation : Sri Pitambar Bhutia, Lessee

Address of the quarry : Plot No.3695, Khata No.446 (Kisam-Nadi), Total ML Area of 24.86 acres or 10.06ha, Mouza: Nizagarh Zami, PS /Tahasil: Talcher, Dist: Dhenkanal

This consent order is valid for the period up to 31.03.2023

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	Period	Production Capacity (as per Approved Mining Plan & Environmental Clearance)
1.	Minor Mineral - Sand	1 st Year	18,000 Cubic Meter/Annum



**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.

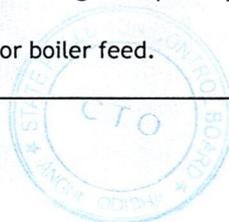
Chimney Stack No.	Description of stack	Stack height (m)	Quantity of emission	Prescribed standard

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.





- b) Domestic purpose
c) Process
13. The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/ bathing.
 14. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
 15. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
 16. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems install or used by him to achieve with the term(s) and conditions of the consent.
 17. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed with sides and bottom made impervious.
 18. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by overflow.
 19. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
 20. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the industry must adopt alternate satisfactory treatment and disposal measures.
 21. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
 22. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
 23. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Act or Rules made therein.
 24. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples/stack monitoring/inspection.
 25. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
 26. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
 27. The 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:

01. **Conditions stipulated in the Environmental Clearance approved and issued by SEIAA vide EC ID No.EC22B001OR190307 (Proposal No. SIA/OR/MIN/61829/ 2021), dtd.28.12.2022 shall be abided**
02. The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to



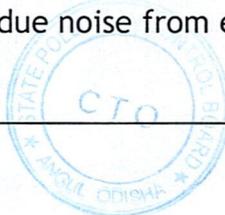


- SEIAA/SPCB to assess the actual rate of replenishment of mined out sand in the lease area.
03. Mining activity shall be carried out as per approved mining plan prepared for this project.
 04. Any change in the calendar plan, quantity to be produced, or method of mining shall require prior approval from the Board.
 05. 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.
 06. The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent.
 07. The operation of excavation as proposed shall be manual and shall be strictly as per the method laid down in the approved mining plan. No excavator machine shall be deployed/used by the project proponent for the extraction of sand from the river bed.
 08. 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.
 09. Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above.
 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. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010 issued by the MoEF, GOI.
 12. The lessee shall ensure that no sand mining is carried out in the areas as specified below;
 - a) During the rainy season.
 - b) Within the water channel or stream flow area throughout the year;
 - c) Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge. 200 meter upstream and downstream of water supply/irrigation scheme, 100 meter from the edge of National Highway and railway line, 50 meter from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meter from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
 - d) The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non-monsoon period.
 - e) No stream shall be diverted for the purpose of sand mining and no natural water



course shall be obstructed.

- f) Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
 - g) The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
13. 1/4th of the width of river shall be left intact along the embankments on both sides as 'no mining zone' and 7.5m safety zone shall be left from all side of lease boundary.
 14. River Bank stabilization shall be made through stone patching. Stone patching on river bank with plantation in-between and the ramp construction shall be done in consultation with and advice of concerned Water Resource Department, Government of Odisha..
 15. No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission.
 16. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO 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.
 17. Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
 18. 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.
 19. 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 sand 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 sand trucks.
 20. 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.





21. The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality.
22. Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for avenue plantations of the State Forest Department. The project proponent shall plant saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Forest Gram Panchayat.
23. Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
24. The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
25. The unit shall maintain ambient air quality in order to meet the prescribed standard as per National Ambient Air Quality Standard.
26. 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.
27. Mine shall abide by the provisions of Environment (Protection) Act, 1986 and rules framed there under.
28. The annual production and point wise compliances to the consent conditions shall be submitted to the Board latest by 30th April every year.
29. In case the consent fee is revised upwards during this period of consent, the unit shall pay the differential amount to the Board to keep the consent order in force. If the industry fails to pay the amount within the period stipulated by the Board the consent order will be revoked without giving prior notice.
30. The Board reserves the right to revoke/refuse consent at any time during this period incase any violation is observed and to modify / stipulate additional conditions as deemed appropriate.
31. If any information furnished by the applicant is found to be incorrect or suppressed and detected on later stage, the consent to operate shall be revoked including initiation of appropriate legal action as deemed fit as per the provisions of Air (Prevention and Control of Pollution) Act, 1981 as amended thereof and rules framed thereunder.
32. In case the proprietor/partner sells/transfers the unit to any other person, he shall intimate the same in advance and submit the audited balance sheet showing capital cost of investment including land & building, plant & machinery without depreciated cost.





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

To

Sri Pitambar Bhutia, Lessee
Nizagarh Zami Sand Quarry (Brahmani River Sand Bed),
AT/PO: Mandhapal, Talcher Town,
Dist: Angul-759107, Odisha

Hallick
21-01-23

REGIONAL OFFICER
Regional Officer
State Pollution Control Board
ANGUL

Memo No. 259 /

Date 21.01.2023 /

Copy forwarded to:

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

Hallick
21-01-23

REGIONAL OFFICER
Regional Officer
State Pollution Control Board
ANGUL

efc



E-mail: rospcb.angul@ospcbboard.orgWebsite: www.ospcbboard.org

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

"By Registered Post"

CONSENT ORDER

No.....1292/ QUARRY/ROSPCB/AGL/86/2017-18Date: 06.04.2023**CONSENT ORDER NO.638**

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.4850261.

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 Industry/ Mine : Nizagarh Zami Sand Quarry (Brahmani River Sand Bed)

Name of the Occupier & Designation : Sri Pitambar Bhutia, Lessee

Address of the quarry : Plot No.3695, Khata No.446 (Kisam-Nadi), Total ML Area of 24.86 acres or 10.06ha, Mouza: Nizagarh Zami, PS /Tahasil: Talcher, Dist: Angul

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

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

A. Details of products manufactured:

Sl. No.	Product	Period	Production Capacity (as per Approved Mining Plan & Environmental Clearance)
1.	Minor Mineral - Sand	1 st Year	18,000 Cubic Meter
		2 nd Year	4,500 Cubic Meter

**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 tapped 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.



- b) Domestic purpose
 - c) Process
13. The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/ bathing.
 14. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
 15. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
 16. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems install or used by him to achieve with the term(s) and conditions of the consent.
 17. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed with sides and bottom made impervious.
 18. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by overflow.
 19. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
 20. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the industry must adopt alternate satisfactory treatment and disposal measures.
 21. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
 22. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
 23. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Act or Rules made therein.
 24. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples/stack monitoring/inspection.
 25. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
 26. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
 27. The 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:

01. **Conditions stipulated in the Environmental Clearance approved and issued by SEIAA vide EC ID No.EC22B001OR190307 (Proposal No. SIA/OR/MIN/61829/ 2021), dtd.28.12.2022 shall be abided**
02. The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to

SEIAA/SPCB to assess the actual rate of replenishment of mined out sand in the lease area.

03. Mining activity shall be carried out as per approved mining plan prepared for this project.
04. Any change in the calendar plan, quantity to be produced, or method of mining shall require prior approval from the Board.
05. 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.
06. The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent.
07. The operation of excavation as proposed shall be manual and shall be strictly as per the method laid down in the approved mining plan. No excavator machine shall be deployed/used by the project proponent for the extraction of sand from the river bed.
08. 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.
09. Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above.
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. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010 issued by the MoEF, GOI.
12. The lessee shall ensure that no sand mining is carried out in the areas as specified below;
 - a) During the rainy season.
 - b) Within the water channel or stream flow area throughout the year;
 - c) Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge.200 meter upstream and downstream of water supply/irrigation scheme, 100 meter from the edge of National Highway and railway line, 50 meter from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meter from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
 - d) The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non-monsoon period.
 - e) No stream shall be diverted for the purpose of sand mining and no natural water

course shall be obstructed.

- f) Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
 - g) The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
13. 1/4th of the width of river shall be left intact along the embankments on both sides as 'no mining zone' and 7.5m safety zone shall be left from all side of lease boundary.
 14. River Bank stabilization shall be made through stone patching. Stone patching on river bank with plantation in-between and the ramp construction shall be done in consultation with and advice of concerned Water Resource Department, Government of Odisha..
 15. No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission.
 16. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO 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.
 17. Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
 18. 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.
 19. 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 sand 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 sand trucks.
 20. 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.
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21. The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality.
 22. Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for avenue plantations of the State Forest Department. The project proponent shall plant saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Forest Gram Panchayat.
 23. Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
 24. The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
 25. The unit shall maintain ambient air quality in order to meet the prescribed standard as per National Ambient Air Quality Standard.
 26. Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
 27. Mine shall abide by the provisions of Environment (Protection) Act, 1986 and rules framed there under.
 28. The annual production and point wise compliances to the consent conditions shall be submitted to the Board latest by 30th April every year.
 29. In case the consent fee is revised upwards during this period of consent, the unit shall pay the differential amount to the Board to keep the consent order in force. If the industry fails to pay the amount within the period stipulated by the Board the consent order will be revoked without giving prior notice.
 30. The Board reserves the right to revoke/refuse consent at any time during this period incase any violation is observed and to modify / stipulate additional conditions as deemed appropriate.
 31. If any information furnished by the applicant is found to be incorrect or suppressed and detected on later stage, the consent to operate shall be revoked including initiation of appropriate legal action as deemed fit as per the provisions of Air (Prevention and Control of Pollution) Act, 1981 as amended thereof and rules framed thereunder.
 32. In case the proprietor/partner sells/transfers the unit to any other person, he shall intimate the same in advance and submit the audited balance sheet showing capital cost of investment including land & building, plant & machinery without depreciated cost.
-



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

To

Sri Pitambar Bhutia, Lessee
Nizagarh Zami Sand Quarry (Brahmani River Sand Bed),
AT/PO: Mandhapal, Talcher Town,
Dist: Angul-759107, Odisha

Mallick
06-04-23

REGIONAL OFFICER

Regional Officer

Memo No. 1293 /

Date 06-04-2023 State Pollution Control Board

Copy forwarded to:

1. The Member Secretary, SPC Board, Odisha, Bhubaneswar
2. The Collector & District Magistrate, Angul
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6. Guard File, Regional Office, Angul.

ANGUL

Mallick
06-04-23

REGIONAL OFFICER

Regional Officer

State Pollution Control Board

ANGUL

ofc

PHOTOGRAPH DATED 22/01/2024 SHOWING THAT THE LESSEE HAD CONSTRUCTED ARTIFICIAL BRIDGE OVER THE FLOW OF RIVER BY USING THE SAND BARS FILLED WITH SANDBAGS AND MORRUMS AND BROKEN BRICKS ARE LAID ON OT SO THAT THE HEAVY VEHICLES CAN MOVE OVER IT.













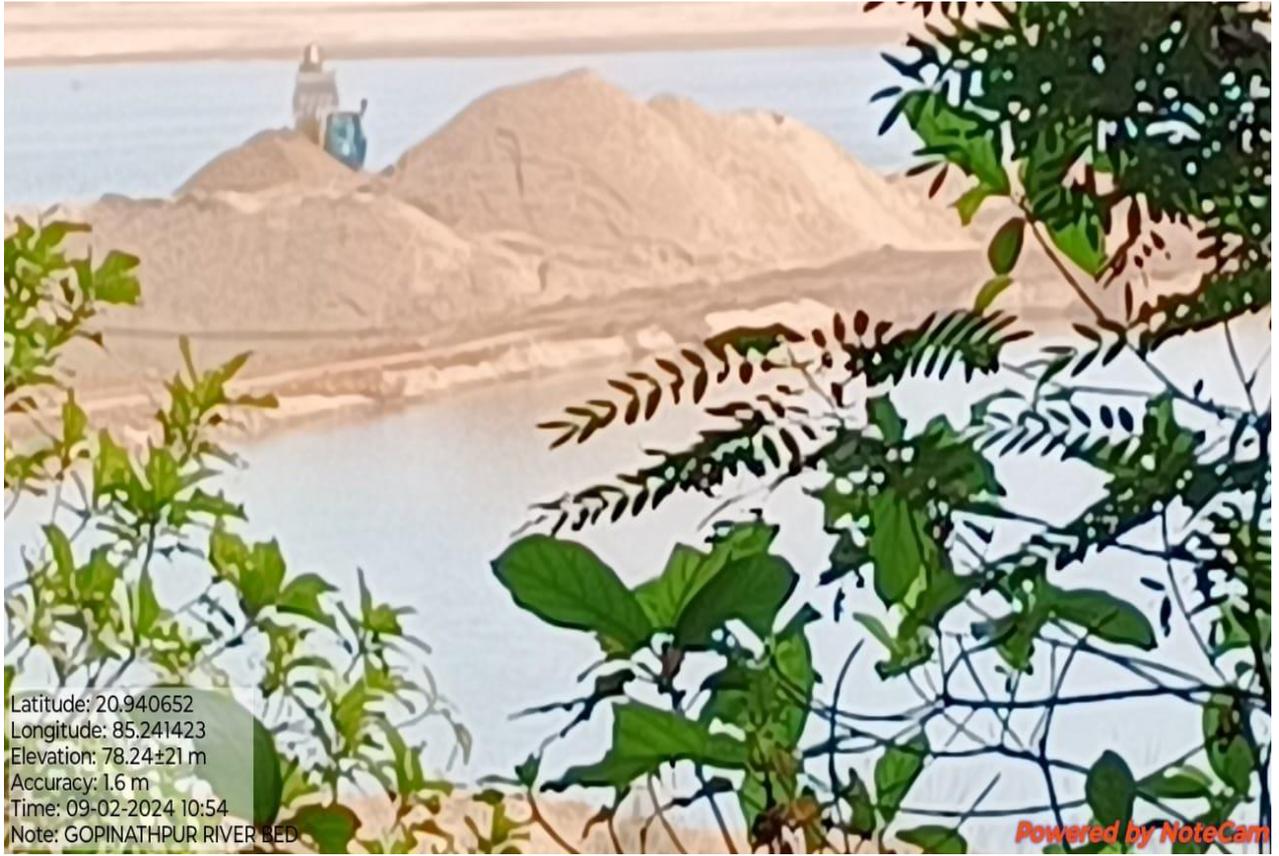
PHOTOGRAPH DATED 09/02/2024 WHICH SHOWS HEAVY MACHINES ARE USED FOR THE PURPOSE OF SAND MINING.

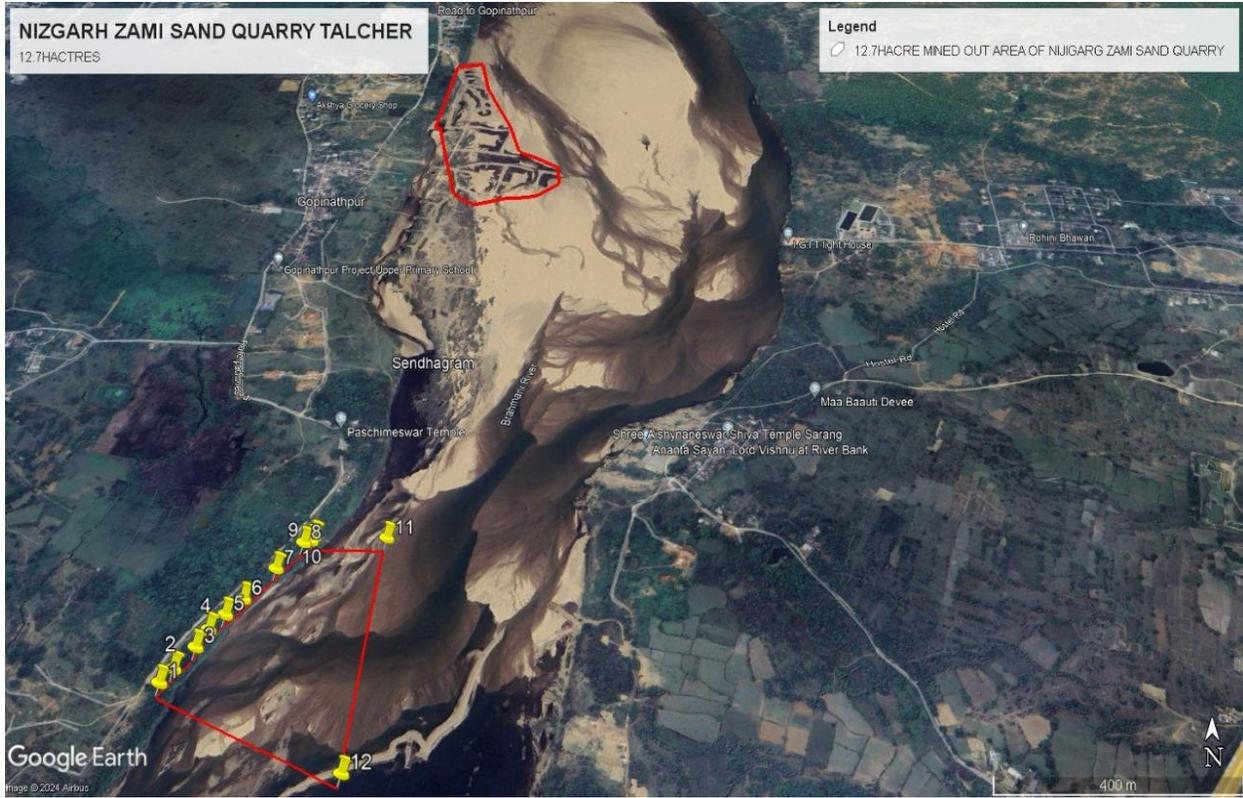
















APPENDIX: TABLE -9

**NORMAL DATES OF ONSET AND WITHDRAWAL OF
SOUTH-WEST MONSOON**

The India Meteorological Department, Nagpur, vide letter No. NAGPUR RMC /CS-312, dated 18th January, 2016 has provided the period of Rainy Season viz. Normal dates of Onset and Withdrawal of Southwest Monsoon over India as state-wise and union territory-wise which are as below:-

States	Normal date of Onset of SW-Monsoon	Normal date of Withdrawal of SW-Monsoon
Andhra Pradesh	1st June	15th October
Arunachal Pradesh	5th June	15th October
Assam	5th June	15th October
Bihar	10th June	15th October
Chhattisgarh	10th June	15th October
Goa	5th June	15th October
Gujarat	15th June	15th September
Haryana	1st July	15th September
Himachal Pradesh	1st July	15th September
Jammu & Kashmir	1st July	15th September
Jharkhand	10th June	15th October
Karnataka	5th June	15th October
Kerala	1st June	15th October
Madhya Pradesh	15th June	1st October
Maharashtra	10th June	1st October
Manipur	1st June	15th October
Meghalaya	1st June	15th October
Mizoram	1st June	15th October
Nagaland	5th June	15th October
Odisha (Orissa)	5th June	15th October
Punjab	1st July	15th September
Rajasthan	1st July	1st September
Sikkim	5th June	15th October
Tamil Nadu	1st June	15th October
Telangana	5th June	15th October
Tripura	1st June	15th October

TRUE COPY

Advocate

By e-Mail/Fax

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

RDM-MMS-EXINST-0001-2019-

12611

/R&DM Dated 26.04.2019

From

Shri Nikunja B. Dhal, IAS
Principal Secretary to Government

To

All Collectors

Sub: Guidelines for regulating the sand quarrying in the State.

Madam/Sir,

Sand is the most important minor mineral used for various development projects and construction of buildings. Increase in demand of sand has put immense pressure on the sand sources, at times leading to illegal quarrying activities.

Unscientific sand quarrying and illegal lifting not only causes revenue loss to the state exchequer but also distorts the natural equilibrium of rivers. Indiscriminate sand mining may also lead to change of the course of rivers and embankment cave-in thereby threatening the life of inhabitants of villages situated along the river bank.

A number of instructions/guidelines have been issued by this Department from time to time to prevent illegal lifting of minor minerals. Grant of quarry lease is regulated as per the provisions of Chapter-IV of OMMC Rules, 2016.

To ensure scientific quarrying, transparent distribution and to prevent illegal lifting / theft of minor minerals, a scheme namely '*prevention of theft of minor minerals and eviction activities*' was launched during 2018-19 vide Resolution No. 23225/R&DM dated 28.06.2018. To implement the scheme, funds to the tune of Rs. 5.00 Crore was initially placed with Collectors vide this Department sanction order no. 25548 dated 11.07.2018.

In continuation of various instructions issued in the past, the following guidelines and instructions are issued for streamlining the process of sand quarrying and preventing illegal lifting of sand:

A. Identification of sources:

- i. Tahasildar shall conduct joint verification with Assistant Executive Engineer/ Executive Engineer of Water Resources Department for identification of specific river stretches having proper access for grant of quarry leases.
- ii. The boundaries of sand sources should be properly demarcated by pillar posting as instructed vide this Department letter No.15640 dtd. 15.05.2017.
- iii. In no case the lessee should be allowed to extract sand beyond the lease area.

B. Mining plan and environment clearances / approvals:

- i. Tahasildar (Competent Authority) shall get the mining plans prepared in advance through Registered Qualified Persons (RQP) in respect of the sources within his jurisdiction.
- ii. While preparing mining plan the distance of hydraulic structures including dams, barrages, check dams, bridges etc., location from habitations, heritage sites, monuments and public infrastructure facilities should be taken into consideration. Sand quarrying operation should not endanger the safety of these structures & imperil the lives of the people.
- iii. The Tahasildar shall apply for and obtain the Environmental Clearance (EC). The selected bidder shall bear cost of the preparation of mining plan and also the costs incurred for obtaining the EC.
- iv. In case the approval of mining plan and the Environmental Clearance have not been obtained by the Competent Authority, the selected bidder shall obtain the same before executing the lease deed.
- v. State Pollution Control Board (SPCB), Odisha vide their Notice dated 12.05.2016 (copy enclosed) have informed all concerned that the lease holders of all minor mineral mines (irrespective of lease hold area) in the State are brought under the consent administration of the Board under the Water (PCP) Act, 1974 and Air (PCP) Act, 1981 and that for

operation of any minor mineral mines in the State, consent from the SPCB shall be obtained. The operation of any minor mineral mines in the State without obtaining consent from the SPCB will be considered as violation under section 25 of Water (PCP) Act, 1974 and under section 21 of Air (PCP) Act, 1981 and would lead to initiation of appropriate legal action.

- vi. It shall be the responsibility of the lessee to obtain the Consent to Operate (CTO) from State Pollution Control Board (SPCB) before commencement of the quarrying operation.
- vii. Care should be taken to follow all the environmental norms issued from time to time by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Govt. of India and Forest & Environment Department, Govt. of Odisha prior to lease of any sand source and during operation of the same. The lessee shall be responsible for implementing the Environment Management Plan (EMP).

C. Quarrying/Mining operation:

- i. Quarrying operation should be done strictly within the mining area as per the Mining plan. It should be undertaken only after putting in place the required environmental safeguards.
- ii. The depth of the quarry shall be restricted to three meters or water level, whichever is less.
- iii. The lessee shall not damage the embankment of the river.
- iv. No quarrying operation of sand shall be allowed through mechanized means and suction method.
- v. The lessee shall not dispatch the sand without a valid transit pass in Form-Y issued by the Tahasildar.
- vi. Since Hon'ble High Court in the order dated 19.07.2012 in WP (C) No. 12232 of 2012 have observed that the transport permit is issued only to transport the sand extracted from the sand sairat within the state of Odisha, the lessees should be instructed not to transport sand outside the State. Clarification in this regard has already been issued from this Department vide letter No. 36404 dated 02.12.2014.

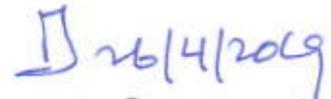
D. Steps for prevention of illegal sand quarrying/mining:

- i. District Administration shall put in place a robust monitoring mechanism to continuously monitor the quarrying activities of sand sources.
- ii. If any incidence of extraction of sand beyond the lease area by lessee is found, the same shall be treated as unauthorized and the lessee be penalized as per section 21(5) of MMDR Act, 1957 and the provisions of Rule 51 of OMMC Rules, 2016.
- iii. If any damage to embankments of the rivers comes to the notice, the lease shall be cancelled on obtaining the report from Assistant Executive Engineer / Executive Engineer of Water Resources Department.
- iv. The Revenue Administration and Police Administration shall seize all machines, vehicles, etc. used for carrying out illegal sand quarrying.
- v. Apart from instituting appropriate criminal proceedings against those carrying out illegal quarrying activities and transporting sand without valid 'Y' Form, maximum penalty should be imposed against them.
- vi. The District Administration should remain vigilant to prevent any incidence of interstate transportation of sand. If any such incidence comes to notice, the lease should be cancelled.
- vii. Temporary check gates may be set up during peak constructions season at common exit points to be decided by the Collectors. Care should be taken not to set up these posts on the National Highways and State Highways so that the general vehicular traffic is not affected and the commuters are not put to trouble.
- viii. Squads should be constituted at district and sub-divisional levels to conduct surprise checks in the sand quarrying areas and check the vehicles transporting sand. Raid/checking should always be done with adequate security arrangement to ward off any untoward situation.
- ix. Technical support of ORSAC may be taken for satellite based monitoring of very important sand sairats.

- x. All the complaints of unauthorized sand quarrying should be enquired by the Sub-Collector/ Addl. Sub-Collector/Tahasildar within 72 hours and remedial measures should be taken promptly.
- xi. Status of cases detected and action taken thereon for violation of provisions of OMMC Rules, 2016 and the Environmental Regulations should be reviewed in the monthly district level revenue meetings, and the issues arising thereon should be sorted out.

You are, therefore, advised to take all necessary measures for enforcing the above mentioned guidelines for preventing illegal and unauthorised sand quarrying in the State. Any deviation in implementation and enforcement of the provisions of the OMMC Rules, 2016 and the environmental regulations shall be viewed seriously and action deemed proper shall be initiated against the erring officer(s).

Yours faithfully,

 26/4/2019

Principal Secretary to Government

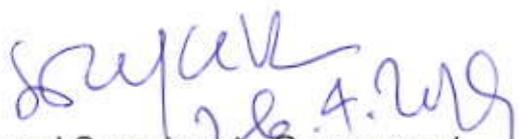
Memo No. 12612 /R&DM Dated 26.04.2019

Copy forwarded to Steel & Mines Department / Forest and Environment Department / Water Resources Department / Member Secretary, SPCB / CEO, ORSAC for information and necessary action.

 26.4.2019
Additional Secretary to Government

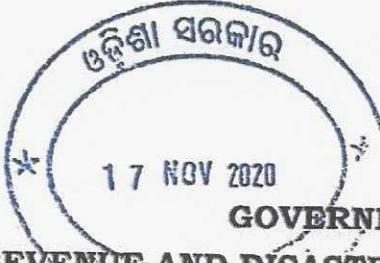
Memo No. 12613 /R&DM Dated 26.04.2019

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ All Revenue Divisional Commissioners for information and necessary action.

 26.4.2019
Additional Secretary to Government

11/16/2020

Rich Text Editor, qA8Pgs-cnt



BY FAX/ E-MAIL

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-MMS-POLICY-0001-2020- 33056 / R&DM, dtd.16 NOV 2020

From

Sri Biranchi Narayan Dash,
Deputy Secretary to Government

To

Addl. Chief Secretary to Government, F & E Department/
Principal Secretary to Government, WR Department/
Principal Secretary to Government, Steel & Mines Deptt./
Comm. -cum- Secretary to Government, Works Deptt./
Secretary, Board of Revenue, Odisha, Cuttack/
Revenue Divisional Commissioner (CD), Cuttack, Odisha/
Revenue Divisional Commissioner (SD), Berhampur,
Odisha/
Revenue Divisional Commissioner (ND), Sambalpur,
Odisha/
Director, Minor Minerals, Odisha

Sub: Minutes of meeting held on 11.11.2020 on optimum and sustainable exploitation of minor minerals for increasing availability of minor minerals and augmentation of revenue.

Madam/Sir,

I am directed to enclose herewith a copy of the minutes of the meeting on optimum and sustainable exploitation of minor minerals for increasing availability of minor minerals and augmentation of revenue held on 11.11.2020 under the Chairmanship of Chief Secretary through MICROSOFT TEAMS for kind information and necessary action.

Yours faithfully,

[Signature]
16/11/2020
Deputy Secretary to Government

9

TRUE COPY

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MINUTES OF THE MEETING ON OPTIMUM AND SUSTAINABLE EXPLOITATION
OF MINOR MINERALS FOR INCREASING AVAILABILITY OF MINOR MINERALS AND
AUGMENTATION OF REVENUE.

A meeting on optimum and sustainable exploitation of minor minerals for increasing availability of minor minerals and augmentation of revenue was held under the Chairmanship of Chief Secretary through MICROSOFT TEAMS at 12.30 PM on 11.11.2020. Additional Chief Secretary, Forest & Environment, Principal Secretary, Water Resources, Principal Secretary, Steel & Mines, Principal Secretary, R & DM, Commissioner-cum-Secretary, Works, Secretary, Board of Revenue, all RDCs, Director, Minor Minerals attended the meeting.

Initiating the discussion, Principal Secretary, R&DM briefed on the objectives of the meeting and made a power point presentation of the strategy adopted/ contemplated by R&DM Deptt. for optimum and sustainable exploration on minor minerals so as to increase availability of minerals and enhancement of the state revenue. He highlighted strategies like operationalization of all sources, identification of new sources, more particularly large patches and rivers sand beds, provision of lease/ permit with regard to private land making necessary amendment to OMMC Rules and OLR Act, regulation of stone crusher units and brick kilns, technological interventions like i4MS and e-auction to bring about substantial transformation in minor minerals administration etc.

RDC (ND) suggested to give responsibility of enforcement activities to prevent theft/illegal mining of minor minerals to the Tahasildar and IIC/OIC of concerned police station jointly instead of Tahasildar only. RDC (SD) pointed out the delay in grant of Environmental Clearance by SEIAA and suggested to have a full proof mechanism for monitoring of actual quantum of extraction and transportation of minor minerals from the sources. Principal Secretary, Steel & Mines Deptt. discussed about the functioning of i3MS which provides real time information on material extracted at source point till delivery at destination point. A similar system in the form of i4MS can address the monitoring issue in respect of minor minerals. Commissioner-cum-Secretary, Works opined on reservation of big minor mineral sources for leasing in favour of State PSUs and suggested to issue step by step instruction to Collectors for implementation of such provision. Secretary, Board of Revenue shared his view on delay in signing of lease deed. Additional Chief Secretary, Forest & Environment laid stress on submission of error free proposals by Tahasildars for grant of E.C. so that queries raised at SEIAA/ SEAC level are minimized.

Chief Secretary emphasized on optimum exploration of minor mineral potential through scientific and sustainable mining to bridge the demand supply gap and increase revenue. After detailed discussion following decisions were taken.

1. Water Resources Department will take special initiative to do scientific analysis of river sand availability for excavation. Specific river stretches will be identified by them and recommended to Revenue & DM Department within next two months.

2. Revenue & DM Deptt. will take steps for identification of large minor mineral sources which can be reserved/ leased out to State PSUs following due procedure.



3. Forest & Environment Deptt. will work out the additional staff need of SEIAA to meet the workload in respect of processing proposals/ applications for grant of Environmental Clearance and to intimate to Home Department so that Home Department will take steps to deploy staff accordingly.

4. Revenue Divisional Commissioners will conduct weekly review meetings on every Monday of the pendency of applications submitted by Tahasildars to SEIAA for grant of EC and position with regard to submission of compliances by Tahasildars on objections raised by SEIAA and intimate the progress to Revenue & DM Department.

5. Revenue & DM Department will examine the suggestion of RDC(ND) regarding joint responsibility of Tahasildars and IICs/OICs of concerned police stations to prevent theft/ illegal mining of minerals. It will also work on the prospect of establishment of a Minor Mineral Corporation in the state.

The meeting ended with vote of thanks to the Chair.

This issues with kind approval of the Chief Secretary in OSWAS File No. RDM-MMS-POLICY-0001-2020.



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**ENVIRONMENT TRUST**

(Regd. Number-40052302150)

+91 89176 28386

youthunitedtrust@gmail.com

At/Po- Santhapada
PS-Talcher Dist-Angul
pin-759104**Ref-2501202402****Dt-24/01/2024
ANNEXURE-8**

To,

1.Principal Secretary, Revenue and Disaster Management Department, Government of

Odisha, Email: revsec.od@nic.in

2.Additional Chief Secretary, Forest and Environment Department, Government of Odisha,

email: forestandenv1@gmail.com

3.Member Secretary, State Environment Impact Assessment Authority(SEIAA), Odisha,

Bhubaneswar Email: seiaaorissa@gmail.com 5RF-2/1, Acharya Vihar, Unit – IX,

Bhubaneswar, Odisha 751022 seiaaorissa@gmail.com

4.Member Secretary, Odisha State Pollution Control Board, A/118, Unit-VII, Nilakantha

Nagar, Bhubaneswar, PIN-751012, Odisha, Email: paribesh1@ospcboard.org

5. District Collector, Angul, At/Po/Dist- Angul, 759001 Email: dm-angul@nic.in

6. Tahasildar, Talcher Dist- Angul, E-mail: tah.talcher-od@nic.in

7. Secretary, Water Resource Department, Government of Odisha,

8. Deputy Director of Mines, Talcher, At/Po/Ps-Talcher

Subject: Illegal sand mining in Brahmani River at Nizigarh Zami Sand Quarry by Sri

Pitambar Bhutia, Lessee in Violation of order of Honble NGT Principal Bench, Environment

Clearance Conditions and Sustainable sand Mining Guideline 2016 and 2020.

Dear Sir,

In the interest of public at large and to control illegal sand mining, We Youth United for Sustainable Environment(YUSE) wish to bring your kind attention to the illegal sand mining, transportation, obstruction of river and plying of hundreds of sand loaded trucks/Tipper/Hiwa and mechanical sand mining In Nizigarhzami Sand quarry,

1. That the environment clearance granted to Nizigarhjami Sand Quarry Talcher on dated 28/12/2022 to remove 18000 cum /Amnnum(maximum) in first year and 4500cum in second year from khata No. 446, Plot No. 3695 of Village-Nizgarhjami, Tahasil- Talcher, District- Angul Odisha State.

2. The Mining plan suggests that operation shall be manual, No sand shall be collected from the stream of the river, Sand mining will be carried out only 1mts from the existing surface. Mining will be carried in the day time only. Extraction of sand in the monsoon season will not be done. It further says that 30 labors to be engaged.

3. That there is clear violations of Mining Plan, lease Conditions, Consent Letter of OPCB and Environment Clearance letter while operating the sand quarry.. The details of illegalities are as follows

- i) Use of machines (excavators) when permission is only for manual mining (only through labor and no machine to be used for mining the sand)
- ii) Obstructing the free flow of the river water by creating approach road in the river.
- iii) Excess mining beyond the permissible limit and mining throughout day and night and beyond the designated lease area
- iv) Mining with in 50 mtres of the bridge and endangering the safety of the bridge
- v) Sand mining close to embankment in violation of safety zone which is usually 1/4 of the width of the river so as to protect the embankment from erosion and breach.
- vi) Mining without verifying the actual replenishment rate of sand in the lease area
- vii) In stream Mining and Mining beyond 1mtre from surface
- viii) Mining during Monsoon season while the same is banned
- ix) Mining without annual replenishment study
- x) Half yearly Compliance reports are not uploaded in the website of MoEFCC
- xi) No plantation as mandated in the EC for @100 trees per Ha.

xii) NO monitoring by the revenue officials to ensure the lease conditions are complied in letter and spirit

xiii)No pillar posting in lease area

4.It is pertinent to mention here that for this purpose the miners have constructed artificial bridge over the flow and rest of the river stretch to the mining source is being connected by the raising the sand bars filled with Sandbags and morrum and broken bricks are laid on it so that the heavy vehicles can move over it

5.The private lease holders use to engage 5earth movers (high capacity machine), around 50tipper(6cm capacity)/hywa(17cm capacity) per day engaged for transportation of 200 trips of sand to the tune of 600cm per day. It is pertinent to mention here that Mechanical sand Mining is not permitted and contrary to the mining plan as well as Environment Clearance letter..

6. Further the water flow have been obstructed and diverted so as to facilitate the sand mining which is not permissible as per EC and Mining Plan.

7. Apart from this, the respondents have created artificial sand bars/embankment and obstructing the water flow and polluting the water. Also approach roads made using huge pipes with in river for plying of vehicles.

8. That there is a school near to the plying vehicle route of the lessee which creates a fear atmosphere among the students.

9. That there is a Sub divisional hospital which is catering to the need of health care of entire subdivision and which is badly affected due to the regular transportation of heavy vehicles in front of it.

10. That the lessee is also using his machines to extract the sand during night also.

11. Frequent accident on because of the sands being spilled over the road from the overloaded trucks and

12. When all the sand mining operation is banned in Monsoon, this ghats use to operate even in July to October.

13. It is pertinent to mention here that the lessee is already extracted the leased quantity mineral and now he's doing the mining illegal from the leased are as well as outside the lease area also.

14. That the lessee is using the village road for the transportation of sand, and due to heavy vehicles the village road becomes a death trap for the villagers.

For the above mentioned reasons we demand the authorities

i) Seizure Machines and Vehicles used in Mining

ii) To immediately remove the illegal approach road constructed by the lease holders/sand mafias in Ensure the free flow of river by dismantling the artificial approach roads for transportation of sand loading vehicles inside the river

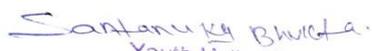
iii) Surprise raid and measure the extent and quantity of sand mining carried beyond the permissible limit

iv) Suspend the Mining Leases, Environment Clearance and Consent to operate granted to the leases.

v) Initiate Criminal Proceeding against the Mining Mafias and seize the Machines and vehicles and impose exemplary penalty

Sincerely

Santanu Kumar Bhukta, At/po-Santhapada, Talcher(President)


Youth United for
Sustainable Environment Trust
President

NB: For better clarifications the photographs and video links are attached below.























YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST

(Regd. Number-40052302150)

+91 89176 28386

youthunitedtrust@gmail.com

At/Po- Santhapada
PS-Talcher Dist-Angul
pin-759104

Ref:06022403

Date: 06/02/2024

To,

1. Principal Secretary, Revenue and Disaster Management Department, Government of Odisha, Email: revsec.od@nic.in
2. Additional Chief Secretary, Forest and Environment Department, Government of Odisha, email: forestandenv1@gmail.com
3. Member Secretary, State Environment Impact Assessment Authority(SEIAA), Odisha, Bhubaneswar Email: seiaaorissa@gmail.com 5RF-2/1, Acharya Vihar, Unit – IX, Bhubaneswar, Odisha 751022 seiaaorissa@gmail.com
4. Member Secretary, Odisha State Pollution Control Board, A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha, Email: paribesh1@ospcboard.org
5. District Collector, Angul, At/Po/Dist- Angul, 759001 Email: dm-angul@nic.in
6. Tahasildar, Talcher Dist- Angul
7. Deputy Director of Mines, Talcher, At/Po/Ps-Talcher

Subject: use of unauthorized lifted sand in filling and construction of Talcher Thermal Power Plant by BHEL through its contractors,

Reference earlier letter dated 24/01/2024

Illegal sand mining in Brahmani River at NizigarhJami by the Lessee in Violation of order of Honble NGT Principal Bench, Environment Clearance Conditions and Sustainable sand Mining Guideline 2016 and 2020

Dear Sir,

In the interest of public at large and to check illegal sand mining, Youth United for Sustainable Environment(YUSE), wish to bring to your kind attention to the illegal sand mining, transportation, obstruction of river and plying of hundreds of sand loaded trucks/Tipper/Hiwa and mechanical sand mining In Nizigarh Sand Sairat, Talcher

1. That the environment clearance granted to Nizigarhzami Sand Quarry Talcher on dated 28/12/2022 to remove 18000 cum /Amnum(maximum) in first year and 4500cum in second year from khata No. 446, Plot No. 3695 of VillageNizigarhzami, Tahasil- Talcher, District- Angul Odisha State.
2. The Mining plan suggests that operation shall be manual, No sand shall be collected from the stream of the river, Sand mining will be carried out only 1mts from the existing surface. Mining will be carried in the day time only. Extraction of sand in the monsoon season will not be done. It further says that 16 unskilled and 4skilled labors to be engaged.
3. Nizigarhzami sand sairat lessee Pitambar Bhutia using his political influence use to excavate sand during night and the tyre impression and freshly mined pits show the illegal operation of quarry. It is stated that the lessee has already exhausted the permitted quantity of 4500cm since long as it use to transport hundreds of tippers of sand from the source every day.
4. Surprisingly lakhs of cubic metre of Sand which has been illegally excavated from various sources including NizigarhZami, Gopinathpur Sand Sairat in Talcher Tahasil. These sand have been used by Bharat Heavy Electrical Limited(BHEL) in the construction and filling work of Talcher Thermal Power Station. It is pertinent to mention that illegal excavation of sand and its uses are offence punishable under Indian penal code as well as environment Protection Act 1986.

5. That there is clear violations of Mining Plan, lease Conditions, Consent Letter of OPCB and Environment Clearance letter while operating the sand quarry. In this regard Tahasalidar Talcher has also been informed and requested to take action, but no action has been taken as of now. The details are as follows

- i) Use of machines(excavators) when permission is only for manual mining (only through labour and no machine to be used for mining the sand)
- ii) Obstructing the free flow of the river water by creating artificial sand bars and approach road in the river
- iii) Excess mining beyond the permissible limit and mining throughout day and night and beyond the designated lease area
- iv) Mining with in 50 mtres of the bridge and endangering the safety of the bridge
- v) Sand mining close to embankment in violation of safety zone which is usually 1/5 of the width river so as to protect the embankment for erosion and breach.
- v) Mining without verifying the actual replenishment rate of sand in the lease area
- vi) In stream Mining and Mining beyond 1mtre from surface
- vii) Mining during Monsoon season while the same is banned
- viii) Mining without annual replenishment study
- ix) Half yearly Compliance reports are not uploaded in the website of MoEFCC
- x) No plantation as mandated in the mining plan for 250 plants in 5years
- xi) NO monitoring by the revenue officials to ensure the lease conditions are complied in letter and spirit

- xii) **No pillar posting in lease area**
6. **The plying of heavy vehicle causing inconvenience to the patients and visitor who are under treatment in SubDivisonal Hospital Talcher as it passes in front of hospital road**
7. **Further the water flow have been obstructed and diverted so as to facilitate the sand mining which is not permissible as per EC and Mining Plan. Apart from this, the respondents have created artificial sand bars/embankment and obstructing the water flow and polluting the water. Also approach roads made using huge pipes with in river for plying of vehicles. Frequent accident on because of the sands being spilled over the road from the overloaded trucks and When all the sand mining operation is banned in Monsoon, these ghats use to operate even in July to October. For the above mentioned reasons we demand the authorities**
- i) **Seizure Machines and Vehicles used in Mining**
 - ii) **To immediately remove the illegal approach road constructed by the lease holders/sand mafias in Ensure the free flow of river by dismantling the artificial approach roads for transportation of sand loading vehicles inside the river**
 - iii) **Surprise raid and measure the extent and quantity of sand mining carried beyond the permissible limit**
 - iv) **Suspend the Mining Leases, Environment Clearance and Consent to operate if any granted to the leases.**
 - v) **Initiate Criminal Proceeding against the Mining Mafias and seize the Machines and vehicles and impose exemplary penalty**
8. **We request you to immediately seize and inquire into the sand stock and uses in TTPS. Further quantify the amount of sand already used and recover the royalty as well as environment compensation from BHEL. Request to assess the quantum of sand mined out from Nizigarhzami lease area and its adjoining areas from 2022 till date and recover the same from the lessee.**

Sincerely

Santanu Kumar Bhukta, At/po-Santhapada, Talcher

President YUSE, Santhapada, -Talcher , Angul

Santanu Kumar Bhukta.
Youth United for
Sustainable Environment Trust
President



Latitude: 20.907357
Longitude: 85.211684
Elevation: 75.57±9 m
Accuracy: 9.0 m
Time: 01-31-2024 08:54
Note: NTPC/TTPS plant



Latitude: 20.907279
Longitude: 85.211652
Elevation: 88.47±9 m
Accuracy: 7.9 m
Time: 01-31-2024 08:53
Note: NTPC/TTPS plant

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**OFFICE OF THE TAHSILDAR, TALCHER**

ତହସିଲଦାରଙ୍କ ଅଫିସ, ତାଳଚେର

Telephone: 06760-240239(O) || E-mail: tah.talcher-od@nic.inLetter No. 587 / PGC File No.XII-01/24 Date: 09.02.2024

To,

The Deputy Collector, P.G. Cell
Collectorate, Angul.

Sub : Submission of compliance report on grievance of Santanu Kumar Bhukta.

Ref: Jana Sunani Portal Registration No. DM2024438343 /Dt.30.01.2024.

Sir,

With reference to the above grievance of Santanu Kumar Bhukta , I am to state that regular enforcement is being conducted by the Tahasil Enforcement Squard, the grievance petition may be forwarded to the Mining Officer-cum-Competent Authority, Minor Mineral, Talcher.

This is for kind information and further action.

Addl. Tahsildar, Talcher

**ବେଧଡ଼କ ବାଲି
ଚୋରାଚାଲାଣ**

ଉତ୍ତୋଳନକାରୀଙ୍କୁ ସୁରକ୍ଷା ଦେଉଛି କିଏ

ଅନୁଗୋଳ, ୧୧/୧୨(ସମିପ)



ଲଘୁକ ଖଣିଜ ଦ୍ରବ୍ୟ ଚୋର ଚାଲାଣ ରୋକିବାକୁ ରାଜ୍ୟ ସରକାରଙ୍କ ପକ୍ଷରୁ କଡ଼ା ନିର୍ଦ୍ଦେଶ ଜାରି କରାଯାଇଥିବା ବେଳେ ତାଳଚେର ତହସିଲ ଅଧୀନରେ ଥିବା ନିଜିଗଡ଼ ବାଲିଘାଟରୁ ଦୈନନ୍ଦିନ ହଜାର ହଜାର ଘନଫୁଟ ବେଆଇନ ଭାବେ ବାଲି ଚୋରାଚାଲାଣ ହେଉଥିବା ନେଇ ଅଭିଯୋଗ ପରେ ମଧ୍ୟ ନିରବଦ୍ରଷ୍ଟା ସାଜିଛି ପ୍ରଶାସନ। ଅଭିଯୋଗ ମୁତାବକ ତାଳଚେର ତହସିଲ ଅନ୍ତର୍ଗତ ନିଜିଗଡ଼ ବାଲିଘାଟରୁ ଆର୍ଥିକ ବର୍ଷ ୨୦୨୩-୨୪ ମସିହା ରେ ବାଲି ଉତ୍ତୋଳନ କରିବା ପାଇଁ ରାଜ୍ୟ ପରିବେଶ ସଂଘାତ ନିର୍ଦ୍ଦାରିତ ପ୍ରାଧିକରଣ (ସିଆ) ପକ୍ଷରୁ ୪୫୦୦ ଘନଫୁଟ ବାଲି ଉତ୍ତୋଳନ କରିବା ପାଇଁ ଲିଜ୍‌ଧାରୀଙ୍କୁ ଅନୁମତି ରହିଥିବା ବେଳେ ଉକ୍ତ ବାଲିଘାଟରୁ ଲକ୍ଷାଧିକ ଟଙ୍କାର ବାଲି ଉତ୍ତୋଳନ ହୋଇଥିବା ନେଇ ନିର୍ଦ୍ଦେଶ ଏକ ସ୍ୱେଚ୍ଛାସେବୀ ସଂଗଠନ ପକ୍ଷରୁ ତାଳଚେର ସ୍ଥିତ ଖଣି ବିଭାଗର ଉପନିର୍ଦ୍ଦେଶକ, ତହସିଲଦାର,

ସ୍ଥାନୀୟ ଆରକ୍ଷା ନିରୀକ୍ଷକଙ୍କୁ ଅବଗତ କରାଇଥିଲେ ମଧ୍ୟ ଚତୁର କରାଯିବା ବଦଳରେ ସୁରକ୍ଷା ଦିଆଯାଇଥିବା ନଜିର ରହିଛି। ସେହିପରି ଭାବରେ ବାଲି ଉତ୍ତୋଳନ ପାଇଁ ଏସ୍‌ଭେଟର ମେସିନ ବେଆଇନ ଭାବେ ରହିଥିବା ବେଳେ ଖୁଲମଖୋଲା ଲିଜ୍‌ଧାରୀ ନଦୀର ଗର୍ଭରେ କୃତ୍ରିମ ରାସ୍ତା ନିର୍ମାଣ କରି ସ୍ରୋତକୁ ପରିବର୍ତ୍ତନ କରି ବେଧଡ଼କରେ ୩-୪ ଟି ଏସ୍‌ଭେଟର ମେସିନ ଲଗାଇ ଲକ୍ଷାଧିକ ଘନଫୁଟ ଅହୋରାତ୍ର ବାଲି

ଉତ୍ତୋଳନ କରୁଛନ୍ତି। କିଛିଦିନ ହେବ ତାଳଚେର ଉପଖଣ୍ଡ ଆରକ୍ଷା ଅଧିକାରୀଙ୍କ ଅଧୀନରେ ଥିବା ବିକ୍ରମପୁର, କୋଲିୟରୀ, ତାଳଚେର ସଦର ଆରକ୍ଷା ନିରୀକ୍ଷକମାନେ ପଡ଼ଡ଼ୋଶୀ ଜିଲ୍ଲାରୁ ଆସୁଥିବା ବାଲିଘାଟରୁ ବାଲି ବୋଝେଇ ଗାଡ଼ିକୁ ଯାଅ କରି ଗାଡ଼ି ଚାଳକ ଓ ମାଲିକଙ୍କ ନାମରେ ଅପରାଧିକ ମାମଲା ରୁକ୍ତକରି ଅଦାଲତ ଚାଲାଣ କରିଥିବାର ଜଣାପଡ଼ିଥିଲା ବେଳେ ସଦର ଆନଠାରୁ ମାତ୍ର ଅଳ୍ପକିଛି ଦୂରରେ ଅହୋରାତ୍ର ନିଜିଗଡ଼

ବାଲିଘାଟରୁ ଲକ୍ଷାଧିକ ଘନଫୁଟ ବାଲି ଉତ୍ତୋଳନ ହେଉଛି। ଅଭିଯୋଗ ପରେ ମଧ୍ୟ ଗୋଟିଏ ବି ବେଆଇନ ବାଲି ଗାଡ଼ି ଜବତ କରିବାରେ ବିଫଳ ତାଳଚେର ଆରକ୍ଷା ବିଭାଗ। ନିଜିଗଡ଼ ବାଲିଘାଟ ଲିଜ୍‌ଧାରୀ ତାଳଚେର ଅଞ୍ଚଳର ଜଣେ ଜଣାଶୁଣା ପ୍ରଭାବଶାଳୀ ବ୍ୟକ୍ତି ହୋଇଥିବାରୁ ଖଣି, ଆରକ୍ଷା ଓ ରାଜସ୍ୱ ବିଭାଗ ଚତୁର କରିବାକୁ କୁଣ୍ଠାବୋଧ ବୋଲି ଅଭିଯୋଗ ହେବା ସହିତ ମାସିକ ମୋଟା ଅଙ୍କର ମୁନାପା ନେଇ ସମସ୍ତ ଅଧିକାରୀ ସୁରକ୍ଷା ଦେଉଥିବା ସାଧାରଣରେ ଚର୍ଚ୍ଚା ଜୋର ଧରିଛି। ଏହି ସଂକ୍ରାନ୍ତିରେ ତାଳଚେର ଖଣି ଓ ଲଘୁକ ବିଭାଗର ଉପନିର୍ଦ୍ଦେଶକ ଧରଣୀଧର ନାୟକ ପୋଲି ଯୋଗେ କହିଛନ୍ତି କି ଆମ କାର୍ଯ୍ୟାଳୟରେ କର୍ମଚାରୀ କମ ଅଛନ୍ତି, ବାଲିଘାଟ ଉପରେ ଚତୁର ପାଇଁ ଅଧିକ କର୍ମଚାରୀ ମନାଯିବ। ବର୍ତ୍ତମାନ କୋଇଲା ଉପରେ ଧ୍ୟାନ ଦିଆଯାଉଛି। ଆଶାମା ଦିନରେ ବାଲିଘାଟ ଉପରେ ଚତୁର କରାଯିବ। ଏଥିପ୍ରତି ଜିଲ୍ଲାପାଳ ଓ ଜିଲ୍ଲା ଆରକ୍ଷା ଅଧିକାରୀଙ୍କ ଦୃଷ୍ଟି ଆକର୍ଷଣ କରିବା ସହିତ ନିରପେକ୍ଷ ଚଦନ୍ତ ଦାବି ହୋଇଛି।

ବେଧଡ଼କରେ ଚାଲିଛି ବାଲି ଚୋରାଚାଲାଣ

ତାଳଚେର, ୧୧/୧୨(ନି.ପ୍ର): ଲଘୁକ ଖଣିଜ ଦ୍ରବ୍ୟ ଚୋରା ଚାଲାଣ ରୋକିବାକୁ ରାଜ୍ୟ ସରକାରଙ୍କ ପକ୍ଷରୁ ସମସ୍ତ ଜିଲ୍ଲାପାଳଙ୍କୁ କଡ଼ା ନିର୍ଦ୍ଦେଶ ଜାରି କରିଥିବା ବେଳେ ତାଳଚେର ତହସିଲ ଅଧୀନରେ ଥିବା ନିଜିଗଡ଼ ବାଲି ଘାଟରୁ ଦୈନନ୍ଦିନ ହଜାର ହଜାର ଘନଫୁଟ ବେଆଇନ ଭାବେ ବାଲି ଚାଲାଣ ହେଉଥିବା ନେଇ ଅଭିଯୋଗ ପରେ ମଧ୍ୟ ନିରବଦ୍ରଷ୍ଟା ସାଜିଛି ପ୍ରଶାସନ। ଅଭିଯୋଗ ମୁତାବକ ତାଳଚେର ତହସିଲ ଅନ୍ତର୍ଗତ ନିଜିଗଡ଼ ବାଲିଘାଟରୁ ଆର୍ଥିକ ବର୍ଷ ୨୦୨୩-୨୪ ମସିହା ରେ ବାଲି ଉତ୍ତୋଳନ କରିବା ପାଇଁ ରାଜ୍ୟ ପରିବେଶ ସଂଘାତ ନିର୍ଦ୍ଦାରିତ ପ୍ରାଧିକରଣ (ସିଆ) ପକ୍ଷରୁ ୪୫୦୦ ଘନଫୁଟ ବାଲି ଉତ୍ତୋଳନ କରିବା ପାଇଁ

ଲିଜ୍‌ଧାରୀଙ୍କୁ ଅନୁମତି ରହିଥିବା ବେଳେ ଉକ୍ତ ବାଲି ଘାଟରୁ ଲକ୍ଷାଧିକ ବାଲି ଉତ୍ତୋଳନ ହୋଇଥିବା ନେଇ ନିର୍ଦ୍ଦେଶ ଏକ ସ୍ୱେଚ୍ଛାସେବୀ ସଂଗଠନ ପକ୍ଷରୁ ଜିଲ୍ଲାପାଳ, ତାଳଚେର ସ୍ଥିତ ଖଣି ବିଭାଗର ଉପନିର୍ଦ୍ଦେଶକ, ତହସିଲଦାର, ସ୍ଥାନୀୟ ଆରକ୍ଷା ନିରୀକ୍ଷକଙ୍କୁ ଅବଗତ କରାଇଥିଲେ ମଧ୍ୟ ଚତୁର କରାଯିବା ବଦଳରେ ସୁରକ୍ଷା ଦେଉଥିବା ସନ୍ଦେହ କରାଯାଉଛି। ସେହିପରି ବାଲି ଉତ୍ତୋଳନ ପାଇଁ ଏସ୍‌ଭେଟର ମେସିନ ବେଆଇନ ଥିବା ବେଳେ ଲିଜ୍‌ଧାରୀ ନଦୀର ଗର୍ଭରେ କୃତ୍ରିମ ରାସ୍ତା ନିର୍ମାଣ କରି ସ୍ରୋତକୁ ପରିବର୍ତ୍ତନ କରି ବେଧଡ଼କରେ ୩-୪ ଟି ଏସ୍‌ଭେଟର ମେସିନ ଲଗାଇ ଲକ୍ଷାଧିକ ଘନଫୁଟ ଅହୋରାତ୍ର ବାଲି ଉତ୍ତୋଳନ କରୁଛନ୍ତି। କିଛି

ଦିନ ହେବ ତାଳଚେର ଉପଖଣ୍ଡ ଆରକ୍ଷା ଅଧିକାରୀଙ୍କ ଅଧୀନରେ ଥିବା ବିକ୍ରମପୁର, କୋଲିୟରୀ, ତାଳଚେର ସଦର ଆରକ୍ଷା ନିରୀକ୍ଷକ ମାନେ ପୋଡ଼ଶୀ ଜିଲ୍ଲା ମାନଙ୍କରୁ ଆସୁଥିବା ବାଲି ବୋଝେଇ ଗାଡ଼ିକୁ ଯାଅ କରି ଗାଡ଼ି ଚାଳକ ଓ ମାଲିକ ମାନଙ୍କ ନାମରେ ଅପରାଧିକ ମାମଲା ରୁକ୍ତ କରି ଅଦାଲତ ଚାଲାଣ କରିଥିଲେ। ବେଳେ ସଦର ଆନଠାରୁ ମାତ୍ର ଅଳ୍ପ କିଛି ଦୂରରେ ଅହୋରାତ୍ର ନିଜିଗଡ଼ ବାଲି ଘାଟରୁ ଲକ୍ଷାଧିକ ଘନଫୁଟ ବାଲି ଉତ୍ତୋଳନ ହେଉଥିବା ଅଭିଯୋଗ ପରେ ମଧ୍ୟ ଗୋଟିଏ ବି ବେଆଇନ ବାଲି ଗାଡ଼ି ଜବତ ହୋଇନାହିଁ। ଏଥିପ୍ରତି ଜିଲ୍ଲାପାଳ ଓ ଜିଲ୍ଲା ଆରକ୍ଷା ଅଧିକାରୀଙ୍କ ଦୃଷ୍ଟି ଆକର୍ଷଣ କରିବା ସହିତ ନିରପେକ୍ଷ ଚଦନ୍ତ ଦାବି ହୋଇଛି।

ଦିନ ହେବ ତାଳଚେର ଉପଖଣ୍ଡ ଆରକ୍ଷା ଅଧିକାରୀଙ୍କ ଅଧୀନରେ ଥିବା ବିକ୍ରମପୁର, କୋଲିୟରୀ, ତାଳଚେର ସଦର ଆରକ୍ଷା ନିରୀକ୍ଷକ ମାନେ ପୋଡ଼ଶୀ ଜିଲ୍ଲା ମାନଙ୍କରୁ ଆସୁଥିବା ବାଲି ବୋଝେଇ ଗାଡ଼ିକୁ ଯାଅ କରି ଗାଡ଼ି ଚାଳକ ଓ ମାଲିକ ମାନଙ୍କ ନାମରେ ଅପରାଧିକ ମାମଲା ରୁକ୍ତ କରି ଅଦାଲତ ଚାଲାଣ କରିଥିଲେ। ବେଳେ ସଦର ଆନଠାରୁ ମାତ୍ର ଅଳ୍ପ କିଛି ଦୂରରେ ଅହୋରାତ୍ର ନିଜିଗଡ଼ ବାଲି ଘାଟରୁ ଲକ୍ଷାଧିକ ଘନଫୁଟ ବାଲି ଉତ୍ତୋଳନ ହେଉଥିବା ଅଭିଯୋଗ ପରେ ମଧ୍ୟ ଗୋଟିଏ ବି ବେଆଇନ ବାଲି ଗାଡ଼ି ଜବତ ହୋଇନାହିଁ। ଏଥିପ୍ରତି ଜିଲ୍ଲାପାଳ ଓ ଜିଲ୍ଲା ଆରକ୍ଷା ଅଧିକାରୀଙ୍କ ଦୃଷ୍ଟି ଆକର୍ଷଣ କରିବା ସହିତ ନିରପେକ୍ଷ ଚଦନ୍ତ ଦାବି ହୋଇଛି।

ENGLISH TRANSLATION OF NEWS PUBLISHED ON
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While the state government has issued strict orders to all the district magistrates to prevent smuggling of minor mineral products, the administration has maintained silence even after the complaint that thousands of cubic feet of sand is being illegally smuggled from Nijigarh Sand quarry in Talcher Tehsil. According to the complaint, the State Environment Impact Assessment Authority (SEIAA) has issued an order to extract 4500 cubic feet of sand from Nijigarh Sand quarry in Talcher Tehsil during the year 2023-24. It is suspected that lakhs of sand have been extracted from the said sand quarry by the lease holder and the same has been informed by a certain voluntary organization to the District Magistrate, Talcher Deputy Director of Mines Department, Tehsildar, and the local superintendent of police. Similarly, while the excavator machine for sand extraction is illegal, the lease holder has constructed an artificial road in the bed of the river, changed the current flow of the river and installed 3-4 excavator machines in and is excavating lakhs of cubic feet of sand day and night. Sometimes ago the RI's of Talcher, Bikrampur, Colliery, checked the vehicles carrying sand coming from the neighboring districts and filed criminal cases against the drivers and owners of the vehicles. Despite allegations that lakhs of cubic feet of sand were being lifted from Nijigarh Sand quarry day and night just a short distance from Sadar police station, not a single sand bar was seized. In this regard, an independent investigation has been demanded by drawing the attention of the District Magistrate and the Superintendent of police.



OFFICE OF THE MUNICIPAL COUNCIL, TALCHER
DIST :- ANGUL

Phone No.- (06760) 240259

E-Mail ID : e.o.talcher@gmail.com

No. 1516 / Dt. 28.04.2022

"TO WHOM IT MAY CONCERN"

I, Shri Pabitra Bhutia for and on behalf of Municipality Talcher as its Chairman, do hereby solemnly declare and affirm that Talcher Municipal shall have no objection if the Project proponent construct the road as per route attached herewith for reaching the M/s Nizgharzami Sand Bed over an area of 10.06 ha / 24.86 Acre of sand quarry in village Nizgharzami, Tehsil - Talcher, District- Anugul, Odisha.

Hence this certificate is issued in their favour.

Pabitra
Chairperson
Talcher Municipality





**OFFICE OF THE TAHSILDAR, TALCHER,
DIST.-ANUGUL, ODISHA**

To

The Member Secretary,
State Environment Impact Assessment Authority, Odisha
Bhubaneswar, Odisha.

Sub: Submission of clarification regarding the operation status of Proposed Sand Quarry of Nizgharhazami Sand Quarry, over an area 10.06Ha or 24.86 acre at/Mouza - Nizgharhazami, Tahsil - Talcher, Dist.- Anugul in favor of the Lessee Sri Pitambar Bhutia.

Sir,

With reference to the above cited subject, the proposed sand quarry was successfully bided by Sri Mahendra Behera for long-term lease from 2015-16 to 2019-20 vide letter no.- 1732 dated 17th April, 2015. After completion of lease period, now it will be auctioned as a new quarry which mining plan and other documents are submitted near you for grant of E.C in favor of Sri Pitambar Bhutia. After getting E.C, the lessee will comply all the conditions stipulated by SEIAA.

Therefore, I would request you to kindly consider my EC application for grant of EC at the earliest.

Thanking You.

Yours faithfully,

G.Naik
10.03.2021
Tahsildar, Talcher
Tahsildar, Talcher

BEFORE THE NATIONAL GREEN TRIBUNAL

Original Application No. _____ of 2024

In re:
Youth United For Sustainable Environment Trust Applicant

VERSUS

State of Odisha and Others Respondent

KNOW ALL to whom these present shall come that I, Santanu Kumar Bhukta S/o Golak Bhukta, Aged about 22 years At/Po-Santhapada, PS-Talcher Dist-Angul, Odisha, 759104, that I am the President of the Applicant Trust in the 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 O-1018/23 Advocates, Plot No 2132/4814 B, Nageswartangi, Bhubaneswar, 751002, , sankarprasadpani@gmail.com, 9437279278.**

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.

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 12th day of Feb 2024.

Accepted subject to the terms of fees.

Sankar Prasad Pani
A Padhy

Advocates

Santanu Kumar Bhukta
Youth United for
Sustainable Environment Trust
Client President