

**BEFORE HONBLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA.**

**APPEAL NO. \_\_\_\_\_ OF 2024**

**IN THE MATTER OF:**

SUKANTA KUMAR NAYAK

APPELLANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

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PLACE: Bhubaneswar

*S.Pani*      *A.Padhy*

DATE: 24/07/2024

**SANKAR PRASAD PANI ASHUTOSH PADHY  
ADVOCATE**

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### SYNOPSIS

That, the present appeal is being filed challenging the Environmental Clearance granted by SEIAA to SUBARNAREKHA PORT PRIVATE LIMITED for extraction of stone metal from Mirigini stone quarry- 1. That the EC was granted on 25/06/2024. That the said quarry is within 1km radius of the Kuldhia Wildlife Sanctuary and same is in violation of the order of THE HONBLE SUPREME COURT OF INDIA In Re: T.N.Godavarman Thirumulpad Versus Union of India and Ors DATED 3<sup>RD</sup> June 2022, mandating a minimum 1 Km Eco-sensitive Zone must be adhered and no construction or any activity will be allowed within 1km radius of the Sanctuary.

### **LIST OF DATES**

08/08/2019	MOEF&CC issued a office memorandum regarding the Procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary seeking Environmental clearance
12/05/2020	CPCB issued a notice regarding the siting criteria.
10/06/2022	Letter of DFO Balasore wild life division stating that Khata No.453 Plot No.572 notified as village forest under section 30 of Odisha Forest Act and coming partly within 1 km from boundary of Kuldhia wildlife sanctuary.
10/11/2023	Ex MLA of Nilagiri wrote a letter to Chairman
18/11/2023	
&21/11/2023	Joint inspection was carried out by Regional office SPCB

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Odisha, Additional Tahasildar Nilagiri, RI Nilagiri sadar

08/01/2024

List of beneficiaries of PMAY was given by NAC Nilagiri.

25/06/2024

Environmental Clearance granted by SEIAA Odisha in favor of  
Subarnarekha Port PVT LTD.

**BEFORE HONBLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA.**

(Under Section 18(1) read with Section 16(h) of the National Green Tribunal Act  
2010)

**Appeal No. \_\_\_\_\_ of 2024**

**IN THE MATTER OF:-**

1. Sukanta Kumar Nayak, S/o Late Srinibas Nayak, aged about 58 years, At-  
Sangrampur, Po- Kans, Via- Mitrapur ,Dist-Balasore, pin-756020

.....APPELLANT

VERSUS

1. STATE OF ODISHA represented through Additional Chief Secretary,  
Forest Environment and Climate Change Dept. Govt. of Odisha, At:-  
Kharavel Bhavan, Bhubaneswar, Odisha Pin: 751001Email-  
[fesec.or@nic.in](mailto:fesec.or@nic.in)
2. Deputy Director General of Forest, Ministry of Environment, Forest and  
Climate Change, Integrated Regional Office (EZ), A/3, Chandersekharpur,  
Bhubaneswar – 751023 Email: [roez.bsr-mef@nic.in](mailto:roez.bsr-mef@nic.in)
3. State Environment Impact Assessment Authority, Represented through it's  
Member-Secretary, At/Po- 5RF-2/1,Acharya Vihar,Unit – IX, OPTCL  
Colony, Anand Bazar, Bhoi Nagar, Bhubaneswar, Odisha 751022 ,~~Enl~~  
[seiaaodisha@gmail.com](mailto:seiaaodisha@gmail.com) , [MS-SEIAA-OR@gov.in](mailto:MS-SEIAA-OR@gov.in)

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4. District Collector, Balasore, At/Po/Dist- Kacheri Road, Vivekananda Marg, Manikhamb, Balasore, Odisha 756001 Email- [dm-balasore@nic.in](mailto:dm-balasore@nic.in)
5. Member Secretary, Odisha State Pollution Control Board, At/po- 7RH7+X5F, BRIT Colony, Nilakantha Nagar, Nayapalli, Bhubaneswar, Odisha 751012 [member.secy@ospcboard.org](mailto:member.secy@ospcboard.org), [paribesh1@ospcboard.org](mailto:paribesh1@ospcboard.org)
6. Tahasildar, Nilagiri, At/po- Nilagiri, Dist-Balasore, Pin-756040  
Email- [tah.nilgiri-od@nic.in](mailto:tah.nilgiri-od@nic.in)
7. Secretary, Ministry of Environment and Forest, Climate Change  
Indira Paryabaran Bhawan, Jorbag, Newdelhi, 110003, Email:  
[secy-moef@nic.in](mailto:secy-moef@nic.in)
8. Divisional Forest Officer, Balasore, Range Head Quarters:  
At/P0- Kuruda, Dist-Balasore Pin-756056 ...  
[dfo.balasorewl@odisha.gov.in](mailto:dfo.balasorewl@odisha.gov.in)
9. SUBARNAREKHA PORT PRIVATE LTD Represented through it's  
Director, DCB 414-417, 4 th Floor, DLF Cybercity, Chandaka Industrial  
Estates, Bhubaneswar, Orissa, Pin -  
751024. [environment.sppl@subarnarekhaport.com](mailto:environment.sppl@subarnarekhaport.com) ...Respondents.

## **Most Respectfully Showth :-**

- I. The Address of the Appellant is given above for the service of notices of this application.
- II. The Addresses of the Respondents are given above for the service of notice of this application.
- III. That, the present appeal is being filed challenging Environmental clearance dated 25/06/2024 granted by SEIAA Odisha to SUBARNAREKHA PORT PRIVATE LTD for extraction of stone metal from Mirigini stone quarry-1 which is located in Mirigini mouza , of Nilagiri Tahasil of Balasore district, Odisha.

## **FACTS OF THE CASE**

1. That the Appellant is a concerned citizen of Balasore district and also the Ex MLA of Nilagiri. That the appellant has concern about the environment and the appellant has consistently raised the issue before SEIAA considering the huge impact in the residential areas adjoining to the proposed stone quarry.
2. That the present appeal is filed challenging the Environmental clearance granted on 25/06/2024 by SEIAA Odisha in favor of Subarnarekha Port Private Limited for extraction of stone metal from Mirigini Stone Quarry-1 over an area 2.55 Hectares or 6.30 Acres in Village Mirigini under Nilagiri

Tahasil and District of Balasore Odisha, for extraction of 170068 cum/annum (max.), total production in 5 years period- 405882 cum. Copy of the Environmental clearance dated 25/06/2024 is here unto annexed as **ANNEXURE-1**.

3. It is pertinent to mention here that there was previously a OA was filed regarding the same site in question, and while deciding the case Hon'ble Tribunal gave a direction to SEIAA Odisha to consider the facts regarding site specifications while considering the proposal of the said Respondent for grant of Environmental Clearance, but the SEIAA authorities did not considered the facts that were brought before the Hon'ble tribunal. Para 25 of the order dated 4<sup>th</sup> March 2024 is extracted as follows;

Para 25- *“We, therefore, dispose of the present Original Application with a direction to the SEIAA, Odisha, Respondent No.3, to consider all the facts noted hereinabove with regard to the site specifications and the fact that the Respondent No.9 does not have any Consent to Establish or Consent to Operate, while considering the proposal of the said Respondent for grant of Environmental Clearance.”* Copy of the order dated 04/03/2024 is here unto annexed as **ANNEXURE-2**.

4. It is needless to mention here that the proposed stone quarry is at Mirigini Khandia Hudi, which is a mono-block and blasting at any point of the hill will have impact on the adjoining sanctuary and human habitation. Anganwadi, Primary School, Health and Wellness Centre, Community

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Centre and many other Pradan Mantri Awas Yojana (hereinafter PMAY for short) houses have been constructed in the closed vicinity of the proposed quarry. Any blasting activity will have serious impact on the said habitations and structures. Further quarry activity will deplete the underground water level in the adjoining area leading to water scarcity.

5. That the present appellant who is the Ex MLA of Nilagiri (from 2015-2024) has brought to the knowledge of the SPCB Chairman through his letter dated 10/11/2023 about the public resentment and misleading statement on the nearby hamlets and houses. Pursuant to the objection, another joint inquiry was conducted on 18/11/2023 and 21/11/2023. The joint inquiry report suggests that the near houses are within 140 meters of the quarry. The report further says that Chaturi Sahi Anganwadi is at 320 meter and Dhada Sahi Anganwadi Centre is at 390 meter, Copy of the inspection report along with the SPCB letter 16/12/2023 is annexed here with as **ANNEXURE-3**.
6. It is needless to mention here that the EC is granted to the project proponent for the Mirigini Stone quarry-1 which is situated in the middle of densely populated area. That replying to the request of the then MLA and present appellant, the NAC Nilagiri has submitted the list of Awas beneficiary under Ward no 3 and 4 of Nilagiri NAC. The list suggest that there are 181 houses in ward no 4 and 143 houses in ward no 3 of the NAC. It is submitted that the proposed Quarry no 1 Quarry No 2 are within

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the limits of NAC area and surprisingly the permit is granted right in the middle of the residential areas without consulting the Ward Sabhas as the area comes under Schedule V of the Constitution where in it is mandatory for recommendation of gramsabhas prior to grant of quarry permit. It is also submitted that adjoining to the quarry area the NAC Nilagiri has allotted work orders for developmental work like community hall and roads. Hence any kind of quarry in a residential area is antithetic to the precautionary principle and right to live in a peaceful and pollution free environment. Copy of letter dated 8/01/2024 along with list of beneficiaries is annexed here with as **ANNEXURE-4**.

7. Though the inquiry report of the SPCB suggests the nearest residential house is in a distance of 140 meter however the aerial distance measured on google earth map suggest houses with in 100 meters and at least two wards namely ward no 3 and 4 of Nilagiri NAC comes with in 500 meters. Copy of Google earth image is here unto annexed as **ANNEXURE-5**.
8. THAT THE EC IS GRANTED WITHOUT BLASTING PERMISSION HOWEVER SUCH A HUGE QUANTITY OF EXTRACTION IS NOT POSSIBLE THROUGH MANUAL PROCESS AND THIS IS AN ATTEMPT TO GET A BACK DOOR PERMISSION FOR OPERATING THE QUARRY BY AMMENDMENT OF THE EC.
9. The DFO Balasore vide letter dated 10<sup>th</sup> June 2022 has stated that plot No 572 and Khata No 453 **are recorded as DLC Forest and Notified Village**

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**Forest under** Section 30 of Odisha Forest Act 1972 **and it is pertinent to mention here that the same plot number 572 has been now proposed for quarrying activity.** Copy of DFO Balasore letter dated **10/06/2022** is annexed here with as **ANNEXURE-6.**

**10.** Surprisingly on the same plot SEIAA Odisha granted Environmental clearance in favor of Subarnarekha Port Pvt Ltd on **25/06/2024** for Production capacity per annum-170068 cum/annum (max.), total production in 5 years period is 405882 cum.

**11.** There has been no approach road to the quarry. As such government has allotted home stead land to Schedule Tribe community members in the said area. Dhada sahi, Salabandha hamlet and Chaturi Sahi are the tribal hamlets of Mirigini village now part of Nilagiri NAC will be severely affected considering close proximity to the proposed quarry. The **Tenda Reserve Forest is also within 1 km of the proposed quarry.** The Kuldhia Sanctuary is located within 675 meters radius of proposed quarry, and is famous for elephants and this is the movement area and pathway of elephants. Blasting will have serious impact on habitation and wildlife. However the project proponent claims it to be 1005 meter away from the eco sensitive zone which is untrue and the same is to defeat the Supreme Court order which says quarrying activity can not be permitted within 1000 meter of eco sensitive zone.

**12.**It is further stated that THE HONBLE SUPREME COURT OF INDIA In Re: T.N. Godavarman Thirumulpad Versus Union of India and Ors VIDE ORDER DATED 3<sup>RD</sup> June 2022, directed that a minimum 1 Km Eco-sensitive Zone must be adhered and no construction or any activity will be allowed within 1km radius of the Sanctuary.

**13.**It is needless to mention that the same hill is a mono lithic block and that cannot be fragmented to avoid the rigors of law and frustrate the order of Honble Supreme Court dated 3<sup>rd</sup> June 2022 only to accommodate a stone quarry activity at Mirigini.

**14.**It is further submitted that there are so many habitations adjoining the proposed quarry and Nilagiri Block is one of the Schedule Area under Schedule V of Constitution of India, hence Panchayat Extension to Schedule Area Squarely applies to the quarry activity where in prior recommendation of village gramsabha is mandatory and same has not been complied.

**15.**The villagers of Mirigini and members of Baba Rameswar Self Help Group have filed their objection to all the authorities against the proposed stone quarry at Mirigini.

**16.**It is further stated that Mirigini Stone Quarry is within 1 km from the boundary of Kuldiha Wildlife Sanctuary and same is within Eco-Sensitive Zone. That the Office Memorandum of MoEFCC **dated 08/08/2019** states

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that Proposals involving developmental activity/project located with ESZ require prior approval of National Board for Wildlife and the activities taken outside the stipulated boundary limit of notified ESZ and located within 10 km of National Park/ Wildlife Sanctuary, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) may not be applicable. However, such proposals from environmental angle including **impact of developmental activity/project on the wildlife habitat, if any, would be examined by the sector specific Expert Appraisal Committee and appropriate conservation measures in the form of recommendations shall be made.** These recommendations shall be explicitly mentioned in the environmental clearance letter and shall be ensured by the member secretary concerned. Copy of Office Memorandum of MoEFCC dated **08/08/2019** is annexed here with as **Annexure 7**

**17.**That the CPCB on 12/05/2020 issued a notice regarding the siting criteria for stone quarry, Where the CPCB has categorically stated that if blasting is involved then minimum distance from the said quarry should be 100 meter and if blasting is not involved then 200 meter from Residential/Public buildings, Inhabited sites, Protected monuments, Heritage sites, National / State Highway, District roads, Public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, of Lakes or Tanks, or any other locations to be

considered by States. Copy of the CPCB guideline dated 12/05/2020 is annexed here unto as **ANNEXURE-8**.

**18.** It is pertinent to mention here that various species of wild animals lives in the Kuldiha wildlife sanctuary, and the reserve forest is also named as the **paradise for elephants**. But this is very unfortunate that in last 5 years more than 20 elephants died in the reserve forest and in between April 2022 to April 2023 eight number of elephants died due to various reasons and one of the reason is water scarcity in the reserve forest. On dated 27/04/2023 a news article was also published in a leading English newspaper Orissapost. Copy of the news article is here unto annexed as **ANNEXURE-9**.

**19.** That in OA No 304 of 2019/PB, Honble NGT on 28/02/2020 observed that the 50mtre distance of 50mtres for stone quarry and particularly when blasting is involved is highly inadequate and can have deleterious effect on noise, air pollution, environment and public health and directed the CPCB to come out with the siting criteria for quarry and blasting. After CPCB filed its report on 9/07/2020 and the matter was disposed of on 21/07/2020

**20.** It is pertinent to mention here that the validity of the EC is given as till validity of DSR or lease period whichever is earlier, Pursuant to the order dated 16/07/2024 in Appeal no. 18/2023/EZ Hon'ble NGT has quashed the approval granted by SEIAA in respect of DSR of Balasore dated

26/04/2023 and hold that the impugned order of approval of the District Survey Report vide impugned order dated 26.04.2023 is liable for revocation and cannot be acted upon. Para 19 of the order dated 16/07/2024 is extracted as follows,

*Para-19- "In the present case, in view of the letter of the Collector & District Magistrate, Balasore, dated 30.05.2024, since no Replenishment Study has been carried out in the District-Balasore, the impugned order of approval of the District Survey Report vide impugned order 9 dated 26.04.2023 is liable for revocation and cannot be acted upon. In the absence of Replenishment Study in the District Balasore, duly considered by State Expert Appraisal Committee and approved by SEIAA, Odisha, no sand mining can be carried out in the stretch of the Subarnarekha river passing through the District Balasore. We accordingly allow the present Appeal and quash the impugned order dated 26.04.2023."* Copy of the order dated 16/07/2024 is here unto annexed as **ANNEXURE-10**.

## **GROUND**

- A. Proposed quarry is within 1km radius of Kuldiha wildlife sanctuary and quarrying activity is prohibited in ESZ area.
- B. That the DFO letter confirms the plot no 572 is a notified village forest hence Forest Conservation Act 1980 applicable to the land in question for

which no approval obtained as of now.

- C. That the DSR of Balasore is not valid. As the DSR of the Balasore was set aside by Hon'ble NGT EZ vide order dated 16/07/2024 passed in Appeal no-18 of 2023.
- D. That Section 20 of the NGT Act, 2010 recognises the three core principles while passing any order, decision or award, and states that the Tribunal shall apply three core principles, including the principles of sustainable development, precautionary principle, and the polluter pays principle". The principles have the potential to play an important role in shaping the performance of industries/commercial enterprises and make them adopt environmentally responsible practices.
- E. In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost- effective measures to prevent environmental degradation. The precautionary principle comes into play, which shifts the „burden of proof“ on the proponent of the activity to show that his activity does not pose a threat of severe harm to the environment. The Supreme Court of India (“SC”) adopted the „strong“ version of the principle as part of the „law of the land“ in the Vellore Citizens Welfare Forum v. Union of India and Ors. (“Popularly known as Vellore Case” 1996

5 SCC 647, WP 914/1991 Judgement dated 28/08/1996)

F. That the operation of a defaulter unit is against the Precautionary Principle.

The Precaution may be defined as "caution in advance", "caution practiced in the context of uncertainty", or informed prudence. Two ideas lie at the core of the principle: one of the primary foundations of the precautionary principle, and globally accepted definitions, results from the work of the Rio Conference, or "Earth Summit" in 1992. Principle 15 of the Rio Declaration notes

G. That the State and its authorities have duty to ensure that necessary steps are taken for arresting the problem of declining forest and tree cover. The State and its authorities should make meaningful and concerted efforts to ensure that the green cover in the State of Uttar Pradesh is not reduced and to ensure that it increases. The conservation of forest plays a vital role in maintaining the ecology. It acts as processors of the water cycle and soil and also as providers of livelihoods. As such, preservation and sustainable management offorests deserve to be given due importance in formulation of policies by the State. In this regard, it will be apposite to refer to certain earlier pronouncements of this Court.

H. That In the case of Samatha vs. State of A.P. and Ors. a three-Judge Bench of Supreme Court after referring to the earlier judgment in the case of State of H.P. and others vs. Ganesh Wood Products and others observed that, even

while considering the grant of renewal of mining leases, the provisions of the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986 would apply. This Court held that the MOEF and all the States have a duty to prevent mining operations affecting forests. It further observed that, whether mining operations are carried on within the reserved forest or other forest area, it is their duty to ensure that the industry or enterprise does not denude the forest to become a menace to human existence nor a source to destroy flora and fauna and biodiversity. It has further been held that if it becomes inevitable to disturb the existence of forests, there is a concomitant duty upon the State to reforest and restore the green cover and to ensure adequate measures to promote, protect and improve both man-made and natural environment, flora and fauna as well as biodiversity. It further held that there can be no distinction between government forests and private forests in the matter of forest wealth of the nation and in the matter of environment and ecology. Citation (AIR 1997 SC 3297 = (1997) 8 SCC 191, (1995) 6 SCC 363 70)

- I. In the case of *Essar Oil Ltd. vs. Halar Utkarsh Samiti and others*, the Supreme Court discussed the need for a balance between the economic and social needs and development on the one hand and environment considerations on the other. It was observed that laws on environment should be to create harmony between the two since neither one can be sacrificed at

the altar of the other. In this regard, the observations of this Court in the case of Indian Council for Enviro-Legal Action vs. Union of India and others were quoted as under: “While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment.” Citation (2004) 2 SCC 392 71

- J. In the case of Maharashtra Land Development Corporation and others vs. State of Maharashtra and another reference was made to Glanrock Estate Private Limited vs. State of Tamil Nadu wherein it was observed as under:

Forests in India are an important part of the environment. They constitute [a] national asset. In various judgments of this Court delivered by the Forest Bench of this Court in T.N. Godavarman Thirumulpad v. Union of India (Writ Petition No. 202 of 1995), it has been held that intergenerational equity“ is part of Article 21 of the Constitution.

- K. The present generation is answerable to the next generation by giving to the next generation a good environment. We are answerable to the next generation and if deforestation takes place rampantly then intergenerational equity would stand violated. The doctrine of sustainable development also

forms part of Article 21 of the Constitution. The “precautionary principle” and the „polluter pays principle“ flow from the core value in Article 21. The important point to be noted is that in this case we are concerned with vesting of forests in the State. When we talk about intergenerational equity and sustainable development, we are elevating an ordinary principle of equality to the level of overarching principle.”

L. Of course, one cannot ignore one of the several dicta of this Court in T.N. Godavarman Thirumulkpad vs. Union of India and others wherein this Court enunciated the definition of “forest” in the following words:

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters

connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof..." (AIR 1997 SC 1228 74 1)

**LIMITATION**

That the Environmental clearance was granted on 25/06/2024, and the present appeal is filed According to Section 16 of the National Green Tribunal (NGT) Act of 2010 within 30 days, hence the application is not barred by limitation.

**PRAYER**

In light of the present facts and circumstances it is most respectfully prayed that this Hon<sup>ble</sup> Tribunal may be pleased to

- a) Set aside the Environmental clearance dated 25/06/2024 granted in favor of Subarnarekha Port Private Limited.
- b) The Hon<sup>ble</sup> Tribunal may pass any other order deems fit in the interest of justice

For this act of kindness the applicant shall remain  
evergrateful to you

DATE-24<sup>th</sup> July 2024

APPELLANT THROUGH



PLACEBHUBANESWAR

ADVOCATE

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

APPEAL NO -..... OF 2024/EZ

IN THE MATTER OF:

SUKANTA KUMAR NAYAK

APPELLANT

VERSUS

STATE OF ODISHA AND OTHERS

RESPONDENTS

AFFIDAVIT

24 JUL 2024

I, SUKANT KUMAR NAYAK, S/o Late Srinibas Nayak, aged about 58 years, At-Sangrampur, Po- Kans, Via- Mitrapur ,Dist-Balasore, pin-756020 do hereby solemnly affirm, and declare as under:

1. That I am the appellant in the above mentioned Appeal and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

Sukanta Kumar Nayak  
DEPONENT

VERIFICATION

Verified on this 24<sup>th</sup> day of July, 2024 at B.B.S.R. 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 18-23

Sukanta Kumar Nayak  
DEPONENT



The above named deponent(s) being duly identified by S.P. Bora Advocate, Bhubaneswar on 24 JUL 2024 appears before me, S.P.M. States on oath that the contents of this affidavit are true to the best of his / her / their knowledge and belief.

Deponent(s) [Signature] Notary, Bhubaneswar [Signature]

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

24/7/24

ENVIRONMENTAL  
CLEARANCE

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

To,

The Director  
 SUBARNAREKHA PORT PRIVATE LIMITED  
 DCB-I 116, 11th Floor, DLF Cybercity, Chandaka Industrial  
 Estate, Bhubaneswar -600020

**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/445171/2023 dated 11 Dec 2023. The particulars of the environmental clearance granted to the project are as below.

- |  |   |
|--|---|
| 1. EC Identification No.                   | EC24B001OR199984  |
| 2. File No.                                | 445171/999-MINB2/12-2023  |
| 3. Project Type                            | New   |
| 4. Category                                | B   |
| 5. Project/Activity including Schedule No. | 1(a) Mining of minerals   |
| 6. Name of Project                         | NEW PROPOSAL FOR ENVIRONMENT CLEARANCE OF MIRIGINI STONE QUARRY-1 OVER AN AREA 2.55 HECTARES OR 6.30 ACRES IN VILLAGE MIRIGINI UNDER NILAGIRI TAHASIL AND DISTRICT OF BALASORE ODISHA |
| 7. Name of Company/Organization            | SUBARNAREKHA PORT PRIVATE LIMITED   |
| 8. Location of Project                     | ODISHA  |
| 9. TOR Date                                | N/A   |

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

Date: 25/06/2024

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

*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.*

*This is a computer generated cover page.*

PARIVESH

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





**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)

## ENVIRONMENTAL CLEARANCE FOR STONE QUARRY

**Subject: Application of M/s. Subarnarekha Port Pvt. Ltd. for extraction of stone metal from Mirigini Stone Quarry-1 over an area 2.55 Hectares or 6.30 Acres in Village Mirigini under Nilagiri Tahasil and District of Balasore Odisha- Environmental Clearance-Reg.**

The project proponent, Mr. Sushanta Kumar Mishra, Executive Director, of M/s. Subarnarekha Port Pvt. Ltd. has submitted an application for EC to SEIAA, Odisha through the Parivesh portal of MoEF&CC, GoI vide online application no. SIA/OR/MIN/144334/2023 dated 11.12.2023 for mining of stone from Mirigini Stone Quarry-1 over an area 2.55 Hectares or 6.30 Acres in Village Mirigini under Nilagiri Tahasil and District of Balasore Odisha.

### 2. Proposal in brief:

Proposal No.	SIA/OR/MIN/445171/2023
Date of Application	11.12.2023
File No.	445171/999-MINB2/12-2023
Project Type	New proposal for EC,
Category	B2
Project/Activity including Schedule No.	1(a) Mining of minerals
Name of the Project	Proposal for EC mining of stone from Mirigini Stone Quarry-1 over an area 2.55 Hectares or 6.30 Acres in Village Mirigini under Nilagiri Tahasil and District of Balasore Odisha.
Name of the company/Organization	M/s. Subarnarekha Port Private Limited
Location of Project	Village Mirigini under Nilagiri Tahasil and District of Balasore Odisha.
ToR Date	N/A
Name of the Consultant	N/A

3. **Project details:** The highlights of the proposal as ascertained from the application and as revealed from proceedings/discussion held during the meeting of SEAC/SEIAA, are given as under.

- (i) This is a proposal for mining of stone from Mirigini Stone Quarry-1 over an area 2.55 Hectares or 6.30 Acres in Village Mirigini under Nilagiri Tahasil and District of Balasore Odisha.



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- (ii) The mining area is a part of Survey of India Toposheet No. 73K/15 and is bounded between the Latitude - 21° 27'05.92" to 21° 27'13.66" N and longitudes of 86° 45' 22.10" to 86° 45'28.56" E bearing Khata no. 453, Plot no. 572(P), Kissam-Hudi.
- (iii) The mining lease is an identified sairat source in the DSR. The from Mirigini Stone Quarry-1 sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Nilgiri to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
- (iv) Documents submitted: -Form-1, PFR, DLC, EMP, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Tahasildar, topo map etc.
- (v) Whether submitted KML file of the lease area-Yes
- (vi) Whether submitted scrutiny fee- Yes of Rs. 1000/- vide e Challan Reference Id no. 35C3EF6D3A dt. 20.09.2023.
- (vii) Distance from nearest sanctuary/ESZ- Kuldiha WLS-1005 meter
- (viii) Whether the lease area coming in DLC report-No as certified by Tahasildar, Nilgiri vide letter no. Nil dt. 13.05.2023 and the DFO, Balasore letter vide letter no. letter no. 4278 dt. 30.05.2024
- (ix) Whether the lease area reflecting in DSR-Yes
- (x) Method of mining-Semi-mechanized, both drilling and blasting is proposed in the approved mining plan.
- (xi) Distance from nearest road bridge-0.83 km, village road -0.63 km, habitation-140 meter.
- (xii) Whether it is part of cluster -No
- (xiii) Whether EC obtained earlier-No
- (xiv) Date of approval of mining plan- the Deputy Director Geology, Steel & Mines Dept, Govt. of Odisha vide letter no.9180 dt. 11.07.2023.
- (xv) Production capacity per annum-170068 cum/annum (max.), total production in 5 years period- 405882 cum, Geological reserve- 51084 cum and Mineable reserve- 405882 cum.
- (xvi) The DSR has not 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 and as per the Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others).
- (xvii) The EMP budget provision of Rs.2.6 Lakh (Capital Cost) & Rs. 3.2 Lakh (Recurring cost).
- (xviii) The cluster certificate has been furnished by the Tahasildar, Nilgiri certifying that there are no other quarries are coming within the radius of 500meter of the proposed quarry. Hence it is not coming under cluster proposal.

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- (xix) The details on earlier EC application as follows:
- a) The project proponent Sri Ranjan Kumar Pattanaik had submitted proposal for environmental clearance for Mirigini Stone Quarry No.1 over an area of 6.30 acres or 2.549 ha bearing Khata no. 453, Plot No. 572 at village-Mirigini, Tahasil-Nilgiri, Dist-Balasore to the Respondent No.3, State Environment Impact Assessment Authority (SEIAA), Odisha, with attaching forwarding letter of Tahasildar, Nilgiri vide letter no. 618 dated 06.02.2020 and it was received at SEIAA, Odisha on dated 06.03.2020.
  - b) The proposal was placed in the 21<sup>st</sup> meeting of SEIAA, Odisha held on 17.03.2020 and the Authority decided that "Tahasildar may be asked to carefully verify its location vis-a-vis the eco-sensitive area of Kuldiha Wildlife Sanctuary and certify whether it is not part of a cluster of such quarries by referring to definition of cluster in EIA Notification 2006 and amendments thereto. He will submit a precise map drawn to scale identifying the location of all nearby quarries and boundary of eco-sensitive zone. DFO, Balasore Wildlife Division may be given a copy to provide the necessary information". Accordingly, a letter was issued by SEIAA, Odisha to Tahasildar, Nilgiri and copy to DFO, Balasore vide letter no. 8135/SEIAA dated 12.05.2020.
  - c) The Tahasildar, Nilgiri vide his letter no. 2183 dated 28.05.2020 has submitted their clarification to SEIAA, Odisha with reference to letter dated 12.05.2020 of SEIAA. The proposal was pending for longtime at project proponent end as no clarification has been received from DFO, Balasore in regard to clarification on Eco-sensitive zone of Wildlife sanctuary.
  - d) Again, the project proponent had submitted additional documents along with modified checklist no. 466(1) dated 01.02.2021 and the same was received at SEIAA, Odisha on dated 25.03.2021 with reference to clarification letter of SEIAA dated 12.05.2020.
  - e) Letter received from DFO, Balasore vide letter no. 2869 dated 29.04.2021 address to Tahasildar, Nilgiri and the same was received at SEIAA, Odisha on 30.04.2021. In this letter the DFO has not clarified specifically the Eco-sensitive zone of Kuldiha Wildlife Sanctuary. Hence, the proposal was placed 54<sup>th</sup> meeting of SEIAA, Odisha held on 28.06.2021 and the Authority decided that Ask for a complete reply to issues raised by us from DFO, Balasore. Accordingly, letter was issued by SEIAA, Odsha to DFO, Balasore vide letter no. 1459/SEIAA dated 03.06.2021, 1700/SEIAA dated 09.07.2021 and



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2666/SEIAA dated 06.09.2021 but no reply received from DFO, Balasore. Letter issued to DFO, Balasore.

- f) In the meantime, the MoEF & CC, Govt. of India has issued Office Memorandum (OM) dated 06.10.2021 and accordingly, the SEIAA, Odisha return all offline proposals to project proponent with request that they shall apply their proposal in Parivesh Portal only. Accordingly, the project proponent Sri Ranjan Kumar Pattnaik had applied their proposal again through online in Parivesh Portal on 14.12.2021 and after initial scrutiny the proposal was forwarded to the State Level Expert Appraisal Committee (SEAC) on 20.12.2021. The proposal was placed in SEAC meeting held on 28.01.2022 and the SEAC raised some clarification vide their letter no. 138(5) dated 04.02.2022 and the same uploaded in Parivesh Portal on 08.02.2022 and the details clarification sought by SEAC as follows:
- (i) The DFO, Balasore has to ascertain the status of the land schedule of proposed quarry as forest as on 25.10.1980 or in DLC Forest list.
- (ii) Certificate from the concerned DFO that the mine is not located within ESZ of Kuldiha Sanctuary as it is **675 meters** away from the boundary of proposed quarry. But no reply has been received neither from DFO, Balasore nor from lessee/Tahasildar. Due to non-reply to Essential Details Sought (EDS) sought by SEAC within one month time period, the proposal was delisted automatically from Parivesh Portal as per provision of MoEF & CC, Govt. of India OM dated 15.03.2021.
- (xx) Recently, the project proponent (PP) M/s. Subarnarekha Port Pvt. Ltd. has submitted project proposal for of Mirigini Stone quarry-1 over an area of 6.30 acres or 2.55 Ha in village Mirigini, Tahasil-Nilgiri, Dist-Balasore vide online proposal no. SIA/OR/MIN/445171/2023 dated 21.09.2023.
- (xxi) Any deficiencies/omission have been noticed in the above documents- There is a NGT case on OA. 80 of 2023 is pending in respect to Mirigini Stone Quarry-1. Thjere is Public complain from Sukanta Kumar Nayak, Ex- MLA, Nilgiri in regrad to Migirini Stone Quarry-1.
4. As per EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5 ha.
5. The proposal was considered by the State Level Expert Appraisal Committee (SEAC) in its meeting held on 28<sup>th</sup>, 29<sup>th</sup> & 30<sup>th</sup> December 2023 and the SEAC recommended to grant EC valid from the date of EC accorded up to the lease period with additional conditions.

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6. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 158<sup>th</sup> SEIAA meeting held on 01.03.2024 & 02.03.2024 and after detailed deliberation in the matter the Authority decided to seek clarification on the following points:
- The DFO, Balsore to clarify whether the proposed mining area is coming within Eco-Sensitive Zone of Kuldiha Wildlife Sanctuary and whether the proposed land coming under DLC list or forest land category.
  - There is another project proponent namely, Sri Ranjan Kumar Pattanaik who has followed for grant of EC for the same lease area vide application no. SIA/OR/MIN/244960/2021 dt. 14.12.2021. The Tahasildar, Nilgiri has clarified whether the earlier lease has been cancelled. The DFO, Balasore vide hir letter no. 4278 dt. 30.05.2024 has clarified that the proposed quarry is located outside Eco-Sensitive Zone of Kuldiha WLS as well as DLC Forest and Mirigini Village Forest land. The Tahasildar, Nilgiri vide his letter no. 1462 dt. 01.05.2024 has clarified that Sri Ranjan Kumar Pattanaik the earlier less was unable to obtained environmental clearance (EC) for this project hence, the bidding process was cancelled on 19.12.2022 after the due approval of Controlling Authority i.e. the Collector, Balasore vide order dt. 13.12.2022.
  - Finally, the proposal was placed in 167<sup>th</sup> SEIAA meeting held on 03.06.2024 in accordance with the EIA Notification, 2006 and further amendments thereto. After detailed deliberation in the matter, the Authority decided to grant Environmental Clearance with usual stipulated conditions as applicable for stone quarry.
7. **Environmental Clearance (EC) is granted under the provisions of EIA Notification No. S.O. 1533 (E) dated the 14<sup>th</sup> September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for Mirigini Stone Quarry-1 over an area 2.55 Hectares or 6.30 Acres in Village Mirigini under Nilagiri Tahasil and District of Balasore Odisha with the following stipulations, environmental conditions and safeguards.**

**A: Stipulations:**

Sl.	Descriptions	Stipulation
(i)	Lease Area:	6.30 Acres or 2.55 Ha
(ii)	No Mining Zone:	7.5meter safety zone from all along the lease boundary.
(iii)	Maximum Depth of Mining:	Maximum 6.00 Mtr. as stipulated in rule 37(1)(a) of the OMMC Rule, 2016.
(iv)	Method of Mining	<b>Semi-mechanized without blasting</b>
(v)	Permitted Quantity:	<b>1<sup>st</sup> year- 170068 cum/annum</b> <b>2<sup>nd</sup> year-198067 cum/annum</b>

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		<b>3<sup>rd</sup> year-14518 cum/annum</b> <b>4<sup>th</sup> year-12444 cum/annum</b> <b>5<sup>th</sup> year-10785 cum/annum</b>
(vi)	Validity Period of EC:	This EC is valid till validity of DSR or validity of lease period whichever is earlier.

### Specific Stipulation

- (i) **The lease granting Authority shall ensure that no blasting will be allowed in this case as the nearest authorized human habitation (house of Smt. Ratnamani Singh) is 140 meters from the alleged stone quarry (Stone Quarry No.01) in the South-East direction and also there are 4 houses adjacent to the house of Smt. Singh.**
- (ii) Consent / NoC shall be obtained from the concerned authority if village road is to be used for transportation. The said road shall also be maintained by the lessee.
- (iii) In view of likely revision of DSR the mention of this deposit with final coordinates is to be ensured.
- (iv) Depth of Mining as proposed should not be beyond 6m from the ground level.
- (v) Mitigation measures for flying Rock for safety be put in place.
- (vi) Stone quarry project proponent need to maintain periodic health check-up records of their employees and ensure use of face mask by workers in crushing and handling sections of the stone quarry for ensuring that working personnel are not affected by silicosis.
- (vii) The boundary area of the deposit as per the revised / updated DSR to be defined by geo coordinates based on DGPS survey superimposed on the cadastral map.
- (viii) Construction of garland drains retaining wall and settling tank should be ensured to prevent erosion during rainfall and to collect silt generated during the mining activity.
- (ix) Topsoil excavated during mining to be stacked separately in the ML area and to be used or plantation in and around the ML area.
- (x) The project proponent shall undertake re-grassing of the area or any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for fodder, flora, fauna etc. after ceasing mining operation that is at the time of mine closure.
- (xi) The project proponent shall maintain periodic health check-up records of their employees and ensure use of face mask by workers in crushing and handling sections of the stone quarry for ensuring that working personnel are not affected by silicosis.
- (xii) Haulage road shall be developed and maintained perennially and perpetually by the proponent in consultation with the concerned authority of the Govt.

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**B: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED WITH BY THE TAHASILDAR/MINING OFFICER BEFORE EXECUTING 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/Mining officer shall be submitted to SEIAA, Odisha through email at [seiaaodisha@gmail.com](mailto:seiaaodisha@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. The Project Authorities should widely advertise about the grant of this EC letter by printing the same in at least two local newspapers, one of which shall be in vernacular language of the concerned area. The advertisement shall be done within 7 days of the issue of the clearance letter mentioning that the instant project has been accorded EC and copy of the EC letter is available with the State Pollution Control Board and web site of the Ministry of Environment, Forest and Climate Change ([www.parivesh.nic.in](http://www.parivesh.nic.in)). A copy of the advertisement may be forwarded to the concerned MoEF&CC Regional Office for compliance and record.
- 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 plantations of the State Forest Department. The Project Proponent (lease holder) shall deposit Rs.1,50,000/-, with the respective District Environment Society for raising 300 plants of native species within 2 years in a suitable location adjoining to quarry.
- 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/Mining Officer 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/Mining Officer concerned of the above environmental conditions and safeguards.
- C: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED ON FIELD AFTER THE LEASE AGREEMENT:**
- 7.8 **Maximum permissible depth of mining:** -Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. The exploitation of stone material from the hill shall be carried out in a systematic manner, spreading the quarrying activity to cover all the economic veins of mineral and proceeding uniformly to more and more depths from all sides simultaneously. Maximum depth from the top surface, at any point, up to which quarrying may be permitted shall be 6 meters as stipulated in rule 37(1) (a) of the OMMC Rule, 2016.
- 7.9 **Maximum permissible quantity:** Maximum yearly quantity of extraction from the quarry shall not exceed annual limit as specified above under stipulation in Table 'A stipulations'-sl. A(iv) and the total production shall be 405882 cum during the valid lease period of five years as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 7.10 **District Survey Report:** In view of likely revision of DSR as per the Ministry guidelines, the mention of this deposit in DSR with final coordinates is to be ensured by Tahasildar/Mining Officer **before expiry of the existing current DSR.** The boundary area of the deposit as per the updated DSR defined by geo coordinates based on DGPS survey be superimposed on the cadastral map. The Grant of EC for further period will be considered after submission of DSR approved by SEIAA 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 and also as per the Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others).
- 7.11 **No change in the mining plan without prior approval of SEIAA:** - 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 laterite stone from the lease area of each year shall be submitted in tabular form during submission of compliance report.

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- 7.12 **Environmental Management Plan:** (i) 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 coordination with Tahasildar/Mining Officer. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The Tahasildar/Mining Officer shall ensure the compliance of this condition along with all lease holders of his jurisdiction.
- (ii) **The PP will implement the EMP with a budgetary allocation of Rs.2.6 Lakh (Capital Cost) & Rs. 3.2 Lakh (Recurring cost) for the lease area as proposed during the valid lease period of 5 years. The detailed expenditure on EMP shall be submitted with six monthly compliance report.**
- 7.13 **No Mining Zone:** The lessee shall ensure that no quarrying or mining is carried out in the areas as specified below: -
- 7.5-meter safety zone shall be kept from all side of the lease boundary as per the approved mining plan.
  - within 100m (minimum distance criteria when blasting is **not involved**) and within 200m (minimum distance criteria when blasting is **involved**) from residential/ public buildings, inhabited sites, protected monuments, Heritage sites, National/State Highway, District roads, public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dam, Reservoirs, river, Canals, lakes or Tanks, or any other locations etc.
  - below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted mining depth, then the quarrying shall be stopped immediately;
  - in the vicinity of natural /manmade archeological sites;
- 7.14 **Transport Safeguards:**
- No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
  - Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO 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.
  - 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.
  - 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

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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/Mining Officer 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.

**7.15 Other Environmental Conditions: -**

- a) The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.
- b) Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.
- c) Dumping of quarry material is in no case permissible on any forest land; and all dump yard shall be on duly permitted non forest land.
- d) Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, and trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
- 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.
- f) Permanent barricading/barbed wired fencing of the mining lease area site shall be done after completion of mining activities to prevent any danger for stray animals and human habitations from accidents.
- g) The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine. Filling of the ditch by fly ash is to be ensured by the lessee, as also fencing the area, guard wall for safety of cattle & traffic.

- 7.16 Common Forum for EMP:-** All the individual quarry lessee holders coming under the Tahasil may create a common forum in coordination with the Tahasildar/Mining Officer 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.

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- 7.17 **Reclamation & Restoration:**-Pursuant to MoEF & CC, O.M No 22-34/2018-1A.111dated 16.01.2020 and in compliance to the directions dated 8<sup>th</sup> January 2020 of Hon'ble Supreme Court in W.P. (Civil) No.114/2014 in the matter of Common Cause vs Union of India, the mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The Project Proponent shall submit a detailed plan of action in this regard to Tahasildar/Mining Officer within six months, indicating definite timelines and physical outcomes for the reclamation & restoration of the mined-out area. The Tahasildar/ Mining Officer shall submit a compliance report to SEIAA, Odisha at the end of lease period.
- 7.19 **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 and 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.
- 7.18 **Statutory compliance on Grant of CTE & CTO from SPCB:-** Project Proponent (PP) shall obtain Consent to Operate after grant of EC and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the concerned State Pollution Control Board. The SPCB, Odisha shall ensure that there is no change in the extraction quantity as given in the EC stipulations in respect of year wise permitted quantity before giving 'consent to operate' to this project.
- 7.20 **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/ Mining Officer, 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.
- 7.21 **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.

*[Signature]*



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- 7.22 **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.
- 7.23 **Change in Ownership of Lease:** - This EC shall not be transferred without the permission of SEIAA, Odisha. The Tahasildar/ Mining Officer 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. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.
9. 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.
10. 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, Forest, Environment & Climate Change 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., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.



**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

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6. Collector & DM, Balasore, Sub-Collector, Balasore, DFO, Balasore, Tahasildar, Nilgiri /Mining Officer, Balasore for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

  
Member Secretary

**Signature Not Verified**  
Digitally signed by: Dr. K. Murugesan,  
IFS  
Designation: Member Secretary  
Date and Time: 6/25/2024 12:56:35 PM

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH,  
KOLKATA**

.....

**ORIGINAL APPLICATION No. 80/2023/EZ**

**IN THE MATTER OF:**

**Sukanta Behera,**

S/o Laxmidhar Behera,

R/o at Bankisahi, P.O.- Garadihi,

P.S.- Rajbrahmapur, District- Baleswar, Odisha,

Pin - 756041,

**... Applicant(s)**

Versus

**1. State of Odisha,**

Through Principal Secretary, Forest and Environment  
Department, Government of Odisha,  
Loka Seba Bhawan, Bhubaneswar, District- Khurda,  
Odisha - 751001,

**2. Deputy Director General of Forest,**

Ministry of Environment, Forest and Climate Change,  
Integrated Regional Office (EZ),  
A/3, Chandrasekharapur, Bhubaneswar,  
Pin - 751023,

**3. Chairman,**

State Environment Impact Assessment Authority, Odisha,  
5RF-2/1, Acharya Vihar, Unit- IX,  
Bhubaneswar - 751022,

**4. District Collector, Balasore,**

At/P.O./Dist.-Balasore,  
Pin - 764059,

**5. Member Secretary,**

Odisha State Pollution Control Board,  
Nalakantha Nagar, Bhubaneswar,

**6. Tahasildar, Nilagiri,**

At/po- Nilagiri, Dist.- Balasore, Odisha,

**7. Secretary,**

Ministry of Environment and Forest, Climate Change,  
Indira Paryabaran Bhawan, Jorbag,  
New Delhi - 110003,

...(Deleted vide order dt.27.07.2023)

**8. Divisional Forest Officer,**  
Balasore, Range Head Quarters,  
At/ P.O.- Kuruda, Dist.- Balasore, 756056,

**9. Subarnarekha Port Private Ltd.,**  
MIG-93, Ananthvihar Phase-III,  
Pokhariput, Bhubaneswar,

....Respondent(s)

**COUNSEL FOR APPLICANT(S):**

**Mr. Sankar Prasad Pani, Advocate**

**COUNSEL FOR RESPONDENT(S) :**

**Mr. Janmejaya Katikia, AGA for R-1,4,6 & 8,**  
**Ms. Amrita Pandey, Advocate for R-2,**  
**Mr. Apurba Ghosh, Advocate for R-3,**  
**Mr. Dipanjan Ghosh, Advocate for R-5,**

**JUDGMENT**

**PRESENT:**

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**  
**HON'BLE Dr. ARUN KUMAR VERMA (EXPERT MEMBER)**

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**Reserved On:- February 08<sup>th</sup>, 2024**  
**Pronounce On:- March 04<sup>th</sup>, 2024**

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- |   |            |
|---|------------|
| 1. Whether the Judgment is allowed to be published on the net?          | <b>Yes</b> |
| 2. Whether the Judgment is allowed to be published in the NGT Reporter? | <b>Yes</b> |
- 

The Applicant in the present Original Application is, *inter alia*, seeking the following reliefs:-

- a) *Hold and declare the grant of quarry permit dated 26.12.2022 in eco-sensitive zone of Kuldhia Wildlife Sanctuary without grant of Environmental Clearance as illegal.*
- b) *The Hon'ble Tribunal may pass any other order deems fit in the interest of justice.*

2. The allegation of the Applicant in the present Original Application is that the Tahasildar, Nilgiri, has issued permit to Mirigini Stone Quarry which is situate within one kilometer radius of the Kuldhia Wildlife Sanctuary. It is also alleged that the proposed Stone Quarry at Mirigini Khandia Hudi is a mono-block and blasting, at any point of the hill will have impact on the adjoining sanctuary and human habitation. It is stated that Anganwadi, Primary School, Health and Wellness Centre, Community Centre and many houses under the Prime Minister Awas Yojana ('PMAY' for short) have been constructed in the close vicinity of the proposed quarry and blasting activities will have serious impact on the habitations and structures.

3. It is also alleged that the quarry activity will deplete the ground water level in the adjoining area leading to water scarcity. It is stated that the local villagers have filed their objection before the local authorities on 12.04.2023 but nothing has happened till date.

4. It is stated that the Mirigini Stone Quarry is located in Mirigini village of Nilagiri Tahasil, District – Balasore. The extent of the mining area is 2.549 ha. and depicted as Toposheet No. F45015. It is stated that there are two Stone Quarries, namely, Mirigini Stone Quarry – 1 and Quarry – 2 in Nilgiri Tahasil.

5. It is stated that the Divisional Forest Officer, Balasore, vide his letter dated 10.06.2022 has stated that the Plot No.572, Khata

No.453 is recorded as DLC Forest and Notified Village Forest under Section 30 of the Odisha Forest Act, 1972.

6. It is also stated that permit has been granted by the Tahasildar, Nilgiri in favour of the Respondent No.9, Subarnarekha Port Private Ltd., on 26.12.2022 for extraction of 21252 cubic meters stone from Quarry No.1 for a period of one year.

7. It is also stated that there is no approach road to the Quarry in question and the government has allotted homestead land to scheduled tribe community members in the said areas which will be severely affected considering the close proximity of the proposed Quarry.

8. It is also stated that the Tenda Reserve Forest is situate within one kilometer of the proposed stone quarry and the Kuldhia Wildlife Sanctuary is also located within one-kilometer radius of the proposed Quarry which is on the elephant path.

9. Reference has also been made to Ministry of Environment, Forests and Climate Change (MoEF&CC) Office Memorandum dated 08.08.2019 wherein it is stated that proposal involving developmental activity/project located within the Eco-Sensitive Zone ('ESZ' for short) requires prior approval of the National Board for Wildlife and for proposal involving development activity/project located outside the stipulated boundary limit of notified ESZ located within 10 kilometers of National Park/Wildlife Sanctuary, prior

clearance from the Standing Committee of the National Board for Wildlife may not be applicable.

10. Notice was also issued to the Respondent No.9, Subarnarekha Port Private Ltd., returnable within four weeks. The affidavit of service dated 08.02.2024 showing service upon the Respondent No.9 has also been filed by the Applicant. However, till date no counter-affidavit has been filed by the Respondent No.9 nor has the Respondent No.9 or anyone on his behalf appeared in the case.

11. The Respondent No.4, SEIAA, Odisha, has filed affidavit dated 04.10.2023 stating that in the present case no Environmental Clearance has been issued by the SEIAA, Odisha, to the Project of Respondent No.9. It is stated that the Project Proponent, Sri Ranjan Kumar Pattanaik, had submitted a proposal for grant of Environmental Clearance for Mirigini Stone Quarry No.1 over an area of 6.30 acres or 2.549 hectares in Khata No.453, Plot No.572 at Village-Mirigini, Tahasil-Nilgiri, District-Balasore, on 06.03.2020. It is stated that on 17.03.2020 proposal was placed in the 21<sup>st</sup> meeting of SEIAA and the Tahasildar concerned was asked to verify the location vis-à-vis the Eco-Sensitive Area of Kuldiha Wildlife Sanctuary. It is stated that the Tahasildar-Nilgiri, vide his letter dated 28.05.2020 submitted clarification but no clarification has been received from the Divisional Forest Officer, Balasore, with regard to the Eco-Sensitive Zone of Kuldiha Wildlife Sanctuary.

12. In the affidavit, it is further stated that on 25.03.2021 the Project Proponent submitted additional documents with modified

checklist. It is stated that the Divisional Forest Officer, Balasore, on 29.04.2021 addressed a letter to the Tahasildar, Nilgiri, copy of which was received in the office of SEIAA, Odisha, on 30.04.2021 but there was no clarification with regard to the location of the site vis-à-vis Eco-Sensitive Zone of Kuldiha Wildlife Sanctuary whereupon it was decided to raise the issue and seek complete reply from the Divisional Forest Officer, Balasore. Accordingly, a letter dated 03.06.2021 was issued to the Divisional Forest Officer, Balasore.

13. It is stated that in the meantime, the Ministry of Environment, Forests and Climate Change issued an Office Memorandum on 06.10.2021 directing the SEIAA, Odisha, to return all offline proposals to the Project Proponents with request to apply in the Parivesh Portal only. Accordingly, the Project Proponent, Sri Ranjan Kumar Pattanaik, again applied through online Parivesh Portal on 14.12.2021 after which the same was forwarded to the State Level Expert Appraisal Committee (SEAC) on 20.12.2021. It is stated that on 28.01.2022 the SEAC sought some clarification which were uploaded in the Parivesh Portal on 08.02.2022. It is also stated that the Divisional Forest Officer, Balasore, was required to ascertain the status of the land schedule of the proposed quarry as to whether it is forest as on 25.10.1980 or in DLC forest list and whether the site is not 675 meters away from the Eco-Sensitive Zone of Kuldiha Wildlife Sanctuary.

14. It is stated that in the meantime, on 21.09.2023 the Project Proponent, M/s Subarnarekha Port Pvt. Ltd., Respondent No.9 herein, submitted project proposal for Mirigini Stone Quarry-1 over an area of 6.30 acres or 2.55 hectares in Village-Mirigini, Tahasil- Nilgiri, District-Balasore, through online proposal dated 21.09.2023, on which certain queries were raised by the SEIAA, Odisha, to be replied by the Project Proponent and the matter, therefore, is still pending with the Project Proponent. It is reiterated that No Environmental Clearance has been granted by the SEIAA, Odisha, for Mirigini Stone Quarry No.1 over the land in question.

15. The Divisional Forest Officer, Balasore, Respondent No.8, has filed affidavit dated 28.11.2023 stating that the survey of the proposed Mirigini Stone Quarry has been carried out by the Odisha Space Application Centre ('ORSAC' for short). It is stated that the Tahasildar, Nilgiri, vide his letter dated 15.11.2023 submitted Differential Global Positioning System (DGPS) Surveyed Map prepared by the ORSAC, according to which the shortest distance of the proposed Mirigini Stone Quarry Pillar No.1 to Kuldiha Wildlife Sanctuary Pillar No.382 is 1006 meters, where the proposed Mirigini Stone Quarry is outside the limit of the Eco-Sensitive Zone around the Kuldiha Wildlife Sanctuary. Copy of DGPS Survey Map has also been filed alongwith the affidavit.

16. In the affidavit, it is further stated that the erstwhile Social Forestry Project Division, Balasore, in the year 1986-87 had raised plantation over 10.00 hectare of Government land in Plot Nos.370,

274, 385 & 527 (Part) under Khata No.453 of Mouza-Mirigini in Nilgiri Tahasil and in the year 1988-89 over an area of 5.00 hectares of Government land over Plot No.572 (Part), Khata No.453 of Mouza-Mirigini under Nilgiri Tahasil. It is further stated that subsequently above 15 hectares of Government land had been included in the DLC Forest List, out of which 5.00 hectares of Government land over Plot No.572 (Part), Khata No.453 of Mouza-Mirigini under Nilgiri Tahasil, has been notified as 'Village Forest' under Section 30 of the Orissa Forest Act, 1972, dated 05.05.1992.

17. It is also stated that the Tenda Reserve Forest comes under the limit of the Kuldiha Wildlife Sanctuary and is governed by the Wildlife (Protection) Act, 1972.

18. The Applicant has filed rejoinder affidavit dated 10.01.2024 bringing on record a Joint Enquiry Report dated 22.11.2023 of inspections carried out on 18.11.2023 and 21.11.2023 by the Revenue Inspector, Nilgiri Sadar Circle, Assistant Scientist, Regional Office, State pollution Control Board, Balasore, Deputy Environment Scientist, Regional Office, State pollution Control Board, Balasore, and the Additional Tahasildar, Nilgiri Tahasil. The Joint Enquiry Report reads as under:-

**“JOINT ENQUIRY REPORT ON ALLEGED MIRIGINI STONE  
QUARRY AT: MIRIGINI, NILGIRI, DIST.- BALASORE**

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*The alleged proposed Mirigini Stone Quarry (mentioned as proposed stone quarry in the O.A.) located at Marigine under the Tahasil-Nilgiri of Balasore District was jointly visited on 18.11.2023 and*

21.11.2023 by the Additional Tahasildar, Nilgiri, Balasore, Officials of Regional Office, SPCB, Balasore and RI, Nilgiri Sadar in connection with O.A. No. 80/2023/EZ – Sri Sukanta Bahera V/s State of Odisha & Others filled before the Hon'ble NGT, EZ, Kolkata at letter dated 10.11.2023 of Hon'ble MLA, Nilgiri for verification of present status and its surroundings.

During the joint enquiry, Sir Jayadev Muduli, Councillor of Ward No. 03 (Represented the Hon'ble MLA, Nilgiri), Sir Khetra Mohan Singh, Ex-Chairman, Nilgiri NAC, resident of Chaturi Sahi (Khandiahudi Sahi), and Sri Gangadhar Singh, resident of Chaturi Sahi (Chandiahudi Sahi) were present on 18.11.2023. But Sri Khetra Mohan Singh, Ex-Chairman of Nilgiri NAC was not present during the joint visit conducted on dated 21.11.2023.

**CONSENT STATUS OF THE STONE QUARRY:**

The alleged Mirigini Stone Quarry (Stone Quarry No. 01) has not been submitted any application to the State Pollution Control Board, Odisha for obtaining consent to establish/consent to operate under the Water (P&PC) Act, 1974 and Air (P&PC) Act, 1981. Hence, the SPCB has not issued any consent in favour of the stone quarry.

**OBSERVATIONS:**

1. The alleged stone quarry (Stone Quarry No. 01) has not been started for extraction of minor minerals by M/S Subarnarekha Port Pvt. Ltd.
2. There exist a road leading to the alleged stone quarry (Stone Quarry No.1) from Nilgiri- Panchalingeswar road.
3. The nearest authorized human habitation (House of Smt. Anjana Singh, W/o Sri Narayan Singh of Chaturi Sahi (Khandiahudi Sahi) is 220 meter from the alleged stone quarry (Stone Quarry No. 01) on West side.
4. There is a Angandadi Centre at 320 meter from the proposed stone quarry (Stone Quarry No. 01), on South- West direction in Chaturei Sahi (Khandiahudi Sahi,)but no Primary School, Health and Wellness centre exist in this village.
5. The nearest authorized human habitation (House of Smt. Ratnamani Singh, W/o Sri Padan Singh of Dhada Sahi (also

*known as Kaparabani) is 140 meter from the alleged stone quarry (Stone Quarry No. 01) on South-East direction. There are also 04 Nos. of houses adjacent to the House of Smt. Singh.*

6. *The Anganwadi Centre at Dhada Sahi is 390 meter from the alleged stone quarry ( Stone Quarry No.01) on South direction.*
7. *The Primary School named as Minigini Upgraded U.P. School at village Mirigini is 780 meter and Urban Health and Wellness Centre situated at Mirigini is 750 meter from the alleged proposed stone quarry (Stone Quarry No. 01).*
8. *The Salabandha hamlet is 730 meter from the alleged stone quarry (Stone Quarry No. 01) on South-West direction.*

**REMARKS:**

1. *M/s Subarnarekha Port Pvt. Ltd. has been accorded Quarry Permit vide Quarry Permit No. 3335, dt.12.02.2022 of Nilgiri Tahasil conditionally with a validity period of 01 year.*
2. *There exists another minor mineral source i.e. Stone Quarry no. 02 towards South of Stone Quarry No.01 at the same plot.*
3. *The proposed Mirigini Stone Quarry of M/S Subarnarekha Port Pvt. Ltd. has not obtained Consent to Establish or Consent to Operate from the SPCB.*
4. *The proposed stone quarry has also not started any extraction of stone/mining activities till date as observed during the joint verification.”*

19. In the rejoinder affidavit, it is stated that as per the list of Awas beneficiaries under Ward Nos.3&4 of Nilgiri (Notified Area Council) NAC, there are 181 houses in Ward No.4 and 143 houses in Ward No.3. It is stated that the proposed Quarry Nos.1 & 2 are within the limits of the NAC area and the quarry is in the middle of the residential areas, therefore, recommendations of the Gram Sabha prior to the grant of Quarry Permit is mandatory.

20. We have heard the learned Counsel for the parties and perused the documents on record.

21. As per the affidavit of the Divisional Forest Officer, Balasore, dated 28.11.2023, the site of the proposed Mirigini Stone Quarry is 1006 meters from the Pillar No.382 of Kuldiha Wildlife Sanctuary and is outside the limit of the Eco-Sensitive Zone of the Kuldiha Wildlife Sanctuary as per the DGPS Survey Map carried out by the ORSAC. The land in question is also notified as 'Village Forest' under Section 30 of the Orissa Forest Act, 1972.

22. The Joint Enquiry Report extracted hereinabove, also mentions that the said stone quarry has not started extraction of minor mineral by the Respondent No.9, M/s Subarnarekha Port Pvt. Ltd; the nearest authorized human habitation (house of one Smt. Anjana Singh) is 220 meters from the alleged stone quarry (Stone Quarry No.01) on the West side; there is an Anganwadi Centre at 320 meters from the proposed stone quarry (Stone Quarry No.01) in the South-West direction in Chaturi Sahi (Khandiahudi Sahi) but no Primary School or Health and Wellness Centre exist in this village; the nearest authorized human habitation (house of one Smt. Ratnamani Singh) is 140 meters from the alleged stone quarry (Stone Quarry No.01) in the South-East direction and there are also 4 houses adjacent to the house of Smt. Singh; the Anganwadi Centre at Dhada Sahi is 390 meters from the alleged stone quarry (Stone Quarry No.01) in the South direction; the Primary School, namely, Mirigini Upgraded U.P. School in Village-Mirigini is 780 meters and Urban Health and Wellness Centre in Mirigini is 750 meters from the alleged proposed stone quarry (Stone Quarry

No.01); the Salabandha hamlet is 730 meters from the alleged stone quarry (Stone Quarry No.01) in the South-West direction.

23. The Joint Enquiry Report also mentions that Respondent No.9 has been accorded Quarry Permit vide letter dated 26.12.2022 of Nilgiri Tahasil for a period of one year. It is also stated that there exists another minor mineral source i.e., Stone Quarry No.02 towards South of Stone Quarry No.1 at the same plot. The Report also mentions that the proposed Mirigini Stone Quarry of M/s Subarnarekha Port Pvt. Ltd, Respondent No.9, has not obtained any Consent to Establish or Consent to Operate from the State Pollution Control Board, Odisha. It is reiterated that the proposed stone quarry has not started any extraction of stone/mining activities till date.

24. Considering the documents on record, it is established that till date no extraction of stone or minor mineral has been started at the site in question by the Respondent No.9, M/s Subarnarekha Port Pvt. Ltd.

25. We, therefore, dispose of the present Original Application with a direction to the SEIAA, Odisha, Respondent No.3, to consider all the facts noted hereinabove with regard to the site specifications and the fact that the Respondent No.9 does not have any Consent to Establish or Consent to Operate, while considering the proposal of the said Respondent for grant of Environmental Clearance.

26. I.As., if any, stand disposed of accordingly.

27. There shall be no order as to costs.

.....  
**B. AMIT STHALEKAR, JM**

.....  
**Dr. ARUN KUMAR VERMA, EM**

**Kolkata,  
March 04<sup>th</sup>, 2024,  
Original Application No.80/2023/EZ  
AK**



REGIONAL OFFICE, BALASORE  
**STATE POLLUTION CONTROL BOARD, ODISHA**  
 (FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT, GOVERNMENT OF ODISHA)  
 Plot No.1602, Ganeswarpur, Balasore –756019

No. \_\_\_\_\_/Estt.(L)/370

Date. \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
By E-Mail/Regd. Post

To,  
 The Member Secretary  
 State Pollution Control Board, Odisha  
 Bhubaneswar

Sub: Joint enquiry report of Mirigini Stone Quarry, At. Mirigini under Nilgiri  
 Tahasil, Balasore – reg.

Ref. (i) O.A.No. 80/2023/EZ – Sri Sukanta Behera vs State of Odisha & Others  
 filled before the Hon'ble NGT, EZ, Kolkata  
 (ii) Allegation of dated 10.11.2023 made by Hon'ble MLA, Nilgiri, Balasore

Sir,

With reference to the letters cited above, it is to intimate that for verification of allegation made by Hon'ble MLA, Nilgiri a joint enquiry was conducted by the officials of Regional Office, SPCB, Odisha, Balasore and Tahasil Office, Nilgiri on 18.11.2023 and 21.11.2023 in presence of representative of the Hon'ble MLA and other villagers of Chaturi Sahi. The joint enquiry report is enclosed herewith for kind information and necessary action.

Yours faithfully,

Encl : As above

REGIONAL OFFICER

Memo. No. 3849 /Dt. 16/12/2023 (By Regd. Post)

Copy along with joint enquiry report forwarded to Sj. Sukanta Kumar Nayak,  
 Hon'ble MLA, Nilgiri at Sangrampur, PO: Kans, Via: Mitrapur Dist.: Balasore for kind  
 information.

Encl : As above

REGIONAL OFFICER

**JOINT ENQUIRY REPORT ON ALLEGED MIRIGINI STONE QUARRY  
AT : MIRIGINI, NILGIRI, DIST. BALASORE**

---

The alleged proposed Mirigini Stone Quarry (mentioned as proposed stone quarry in the O.A.) located at Mirigini under the Tahasil-Nilgiri of Balasore district was jointly visited on 18.11.2023 and 21.11.2023 by the Additional Tahasildar, Nilgiri, Balasore, Officials of Regional Office, SPCB, Balasore and RI, Nilgiri Sadar in connection with O.A.No.80/2023/EZ-Sri Sukanta Behera vs State of Odisha & Others filled before the Hon'ble NGT, EZ, Kolkata and letter dated 10.11.2023 of Hon'ble MLA, Nilgiri for verification of present status and its surroundings.

During the joint enquiry, Sri Jayadev Muduli, Councillor of Ward No. 03 (Represented the Hon'ble MLA, Nilgiri), Sri Khetra Mohan Singh, Ex- Chairman, Nilgiri NAC, resident of Chaturi Sahi (Khandiahudi Sahi) and Sri Gangadhar Singh, resident of Chaturi Sahi (Khandiahudi Sahi ) were present on 18.11.2023. But Sri Khetra Mohan Singh, Ex- Chairman of Nilgiri NAC was not present during the joint visit conducted on dated 21.11.2023.

**CONSENT STATUS OF THE STONE QUARRY:**

The alleged Mirigini Stone Quarry (Stone quarry No.01) has not submitted any application to the State Pollution Control Board, Odisha for obtaining consent to establish/consent to operate under the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981. Hence, the SPCB has not issued any consent in favour of the stone quarry.

**OBSERVATIONS:**


1. The alleged stone quarry (Stone Quarry No. 01) has not been started for extraction of minor minerals by M/S Subarnarekha Port Pvt. Ltd.
2. There exist a road leading to the alleged stone quarry ( Stone Quarry No. 01) from Nilgiri-Panchalingeswar road.
3. The nearest authorized human habitation (House of Smt. Anjana Singh, W/o Sri Narayan Singh of Chaturi Sahi (Khandiahudi Sahi) is 220 meter from the alleged stone quarry ( Stone Quarry No. 01) on West side.
4. There is a Anganwadi Centre at 320 meter from the proposed stone quarry (Stone Quarry No.01) on South-West direction in Chaturi Sahi (Khandiahudi Sahi), but no Primary School, Health and Wellness centre exist in this village.
5. The nearest authorized human habitation (House of Smt. Ratnamani Singh, W/o Sri Padan Singh of Dhada Sahi (also known as Khaparabani) is 140 meter from the alleged stone quarry ( Stone Quarry No. 01) on South- East direction. There are also 04 Nos. of houses adjacent to the house of Smt. Singh.
6. The Anganwadi Centre at Dhada Sahi is 390 meter from the alleged stone quarry (Stone Quarry No. 01) on South direction.

7. The Primary School named as Mirigini Upgraded U.P. School at village Mirigini is 780 meter and Urban Health and Wellness Centre situated at Mirigini is 750 meter from the alleged proposed stone quarry ( Stone Quarry No. 01).
8. The Salabandha hamlet is 730 meter from the alleged stone quarry ( Stone Quarry No. 01) on South-West direction.

**REMARKS:**

1. M/s Subamarekha Port Pvt. Ltd. has been accorded Quarry Permit vide Quarry Permit No.3335, dt.26.12.2022 of Nilgiri Tahasil conditionally with a validity period of 01 year.
2. There exists another minor mineral source i.e. Stone Quarry No. 02 towards South of Stone Quarry No.1 at the same plot.
3. The proposed Mirigini Stone Quarry of M/S Subamarekha Port Pvt. Ltd has not obtained Consent to Establish or Consent to Operate from the SPCB.
4. The proposed stone quarry has also not started any extraction of stone/ mining activities till date as observed during the joint verification.

  
22.11.2023  
**Revenue Inspector**  
**Nilgiri Sadar Circle**

  
22.11.2023  
**Asst. Env. Scientist**  
**RO, SPCB, Balasore**

  
22-11-2023  
**Dy. Env. Scientist**  
**RO, SPCB, Balasore**

  
22/11/23  
**Addl. Tahasildar**  
**Nilgiri Tahasil**

## OFFICE OF THE NOTIFIED AREA COUNCIL, NILGIRI

No. 61...../

Date. 08-01-2024/

To

The Hon' ble MLA,  
Nilgiri.

Sub:-

Submission of information under Book Circular 47 of OLA .

Ref:-

Letter No. Nil Dtd. 05.01.2024.

Sir,

In inviting reference to the subject cited above dated 05.01.2024, I am to submit herewith the required information related to sanction of PMAY beneficiaries household wise against the Ward No. 03 & 04 of Nilgiri NAC for favour of kind information and necessary action.

Enclosure :- As Above.

Yours Faithfully,

*Handwritten signature*  
8/1/2024  
Executive Officer,  
NAC, Nilgiri

## PMAY -U Beneficiary list of ward no 3 &amp; 4 Of Nilgiri NAC

Sl no	Name	FName	Gender	Ward
1	Dasharathi Singh	Mangala Sing	Male	03
2	Gajendr Sahu	Lt. Baidhara Sahu	Male	03
3	Jogendra Singh	Kuna Sing	Male	03
4	Lambodhar Singh	Lt. Gangu Sing	Male	03
5	Laxmidhar Singh	Shyama Sing	Male	03
6	Ratna Singh	Lt.Sukura Sing	Male	03
7	Debendra Singh	Baidhara Sing	Male	03
8	Keshab Singh <sup>05</sup>	Bharat Sing	Male	03
9	Manoranjan Sahu	Lt. Purushottam sahu	Male	03
10	Bauria Muduli	Kanduri Muduli	Male	03
11	Bijay Sing <sup>0</sup>	Baidhar Sing	Male	03
12	Binati singh	Madhu singh	Female	03
13	Buduni Sing	Rabindra Sing	Female	03
14	Chouduri Muduli	Gedu Muduli	Male	03
15	Harekrushna Sahu	Purusottam Sahu	Male	03
16	Jatia Singh	Baya Sing	Male	03
17	Nishamani Singh	Mania Singh	Female	03
18	Sabitri Muduli	Bhagaban Sing	Female	03
19	Sania Singh	Manguli Sing	Male	03
20	Suni Singh	Bishwanath Singh	Female	03
21	Sushanta Kumar Sing	Soma Sing	Male	03
22	Biju Muduli	Kalia Muduli	Male	03
23	Gyana Ranjan Mandal	Bhagabata Mandal	Male	03
24	Ananta Sing	Sarati Sing	Male	03
25	BALARAM SINGH <sup>180</sup>	SHRIDHAR SINGH	Male	03
26	KARUNAKAR NAYAK <sup>50</sup>	LAXMAN NAYAK	Male	03
27	Kati Sing <sup>- 100</sup>	Banshidhar Sing	Female	03
28	Parbati Singh <sup>- 100</sup>	Jagabandhu Singh	Female	03
29	SAJANI NAYAK <sup>50</sup>	SANATAN NAYAK	Female	03
30	SHAIBA SINGH <sup>- 200</sup>	SHANIA SINGH	Female	03
31	Baina Muduli	Surendra Choudhury	Female	03
32	Champa Muduli	Rout Naik	Female	03
33	GOURAHARI SINGH <sup>- 200</sup>	Lt. BAMADEV SINGH	Male	03
34	Haladhara Singh <sup>- 200</sup>	Keshab Singh	Male	03
35	Bela Dei Muduli	Haria Muduli	Male	03
36	Hemendra Sing	Baidhar Sing	Male	03
37	Jogendra Muduli	Lt. Karttik Muduli	Male	03

	KHAGENDRA SINGH.	KRUSHNA SINGH	Male	03
39	MARKAND SIN	BUDHIRAM SING	Male	03
40	Minati Muduli	Rout Naik	Female	03
41	PITAMBAR SING	BAMADEB SING	Male	03
42	Pitambar Sing	Gajendra Sing	Male	03
43	Puntia Muduli	Lt. Baishnaba Muduli	Male	03
44	Ramesh Singh	Gajendra Singh	Male	03
45	SOMABARI SINGH	BAMADEB SINGH	Female	03
46	SOMANATH SING	GOLAK SING	Male	03
47	Srikanta Muduli	Lt. Kailash Muduli	Male	03
48	Sukanti Muduli	Puna Muduli	Female	03
49	KARUNAKAR SING / 1 <sup>st</sup>	RAM SING	Male	03
50	Kuna Muduli	Laxmidhar Muduli	Male	03
51	Niranjn Sing	Kashinath Sing	Male	03
52	Puni Muduli	Ghana Muduli	Female	03
53	Anjana Singh	Narayan Singh	Female	03
54	Ashok Muduli	Tuku Muduli	Male	03
55	Babula Muduli	Tuku Muduli	Male	03
56	Chandramohan Singh / 1 <sup>st</sup>	Kusa Singh	Male	03
57	Goutam Muduli	Balia Muduli	Male	03
58	KANAKA SINGH / 1 <sup>st</sup>	LOMBODHARA SINGH	Female	03
59	Kuna Muduli	Budhia Muduli	Male	03
60	Laxmi Muduli	Budhia Muduli	Female	03
61	MAMINA SINGH	SARAT SINGH	Female	03
62	MAMITA SING	Basanta Sing	Female	03
63	Manoranjan Patra - 2 <sup>nd</sup>	Prafulla Patra	Male	03
64	Padnabati Sing	pitambar sing	Female	03
65	Pramila Sing	Gangadhar Sing	Female	03
66	RAJANI SING	ABHI SING	Female	03
67	RAMESH SINGH / 1 <sup>st</sup>	PARAMANADA SINGH	Male	03
68	Sabitri Sing	srikanta sing	Female	03
69	SASMITA SING	GANGADHAR SING	Female	03
70	Sumanta Parida	Dinabandhu Parida	Male	03
71	Suni Dei	Tuku Muduli	Female	03
72	BAPI MUDULI	DULU MUDULI	Male	03
73	JAMUNA MUDULI	BAYA MUDULI	Female	03
74	JANANI SING - 1 <sup>st</sup>	KIRAN SING	Female	03
75	JHAMPA MUDULI	SANIA MUDULI	Male	03
76	KHAGENDRA SINGH	PAHALA SINGH	Male	03

	Laxman Singh	Seeta Singh	Male	03
78	LAXMI MUDULI	ARJUN NAYAK	Female	03
79	LAXMI MUDULI	NABA MUDULI	Female	03
80	LIZA MUDULI	MUNA MUDULI	Female	03
81	MAMATA MUDULI	PARSHURAM NAIK	Female	03
82	PARBATI SING	GURA SING	Female	03
83	RAMACHANDRA SINGH	SITARAM SINGH	Male	03
84	Rina Sing	Sridhar Sing	Female	03
85	SABITA SINGH	JAYDEB SINGH	Female	03
86	SASMITA MUDULI	GAYADHAR MUDULI	Female	03
87	SUKUMARI SINGH	NARA SINGH	Female	03
88	TILOTTAMA SINGH	RABINDRA SING	Female	03
89	TULASI MUDULI	RAMACHANDRA MUDULI	Female	03
90	GURA MUDULI	BAYA MUDULI	Male	03
91	ARATI SINGH	BENUDHAR SINGH	Female	03
92	BADAL KUMAR MUDUL	JHAMPA MUDULI	Male	03
93	BASANTI MUDULI	DHARA MUDULI	Female	03
94	BENUDHARA SINGH	BRUNDABAN SINGH	Male	03
95	Bharat Sing	BHARAT SINGH	Male	03
96	BINATI SINGH	NITYANANDA SINGH	Female	03
97	BIPIN SINGH	LAXMIDHAR SINGH	Male	03
98	Chhabita Singh	TRILOCHAN SINGH	Female	03
99	DAMBARUDHAR SINGH	LALMOHAN SINGH	Male	03
100	Devi Sing	shyama sing	Female	03
101	GANESH SINGH	PRANABANDHU SINGH	Male	03
102	GANESH SINGH	SURENDRA SINGH	Male	03
103	Geetanjali Sing	PRAFULLA BEHERA	Female	03
104	GOURANGA NAYAK	BAISHNABA NAYAK	Male	03
105	Gouri Muduli	kedar muduli	Female	03
106	GOURI SING	HALADHAR SING	Female	03
107	JEMAMANI SINGH	SURENDRA SINGH	Female	03
108	KALABATI SINGH	LAXMIDHAR SINGH	Female	03
109	KANKI SING	TAPAN SING	Female	03
110	KUNI SINGH	BHAGABAN SINGH	Female	03
111	LATA MUDULI	RUSHNA CHANDRA MUDU	Female	03
112	LAXMI MUDULI	GURA MUDULI	Female	03
113	MADHUSMITA SINGH	RABI SINGH	Female	03
114	MALATI SINGH	KARUNAKAR SINGH	Female	03
115	MAMATA SING	PRADEEP SING	Female	03

117	MANORANJAN SINGH	BRUNDABAN SINGH	Male	03
118	NAMITA SING	GANGADHAR SING	Female	03
119	Narendra Singh	Sania singh	Male	03
120	NIKITA SING	RAJENDRA SING	Female	03
121	PAGILI SINGH	BANSHIDHAR SINGH	Female	03
122	PRANABANDHU SINGH	MANIA SINGH	Male	03
123	PURNIMA SING	SUNARAM SING	Female	03
124	RASHA SINGH	SHIBA SINGH	Female	03
125	SAMBARI SINGH	BIDYADHAR SINGH	Female	03
126	Sasmita Sing 102	RAMAKANTA SING	Female	03
127	SEEMA SINGH 102	BHAGIRATHI SINGH	Female	03
128	SHANTILATA SINGH	LALMOHAN SINGH	Female	03
129	SHRIDHARA SINGH	NARA SINGH	Male	03
130	SHUKANTI SINGH	BALABHADRA SINGH	Female	03
131	UMAMANI SINGH	BHAGABAN SINGH	Female	03
132	BUDHUNI SING	RABINDRA SING	Female	03
133	GAJENDRA SINGH	RAMACHANDRA SINGH	Male	03
134	PAGILI MUDULI	JATA MUDULI	Female	03
135	PRATIMA MUDULI	RATNAKAR MUDULI	Female	03
136	Sonali Muduli	Sania MUDULI	Female	03
137	TARAMANI MUDULI	DHANA MUDULI	Female	03
138	Jamuna Muduli	Jagannath Muduli	Female	03
139	LAXMI MUDULI	GANESH MUDULI	Female	03
140	Mangala Muduli	Gura Muduli	Male	03
141	Parbati Muduli	Lambodar Muduli	Female	03
142	SAMABARI DEI MUDULI	MANGULIA MUDULI	Female	03
143	Saraswati Muduli	Haria Muduli	Female	03
144	Saraswati Naik	Muna Naik	Female	03

1	Banchhanidhi Parida	Lt. Shiba Parida	Male	04
2	Bhagaban Behera	Lt. Pada Behera	Male	04
3	Bhagaban Nanda	Lt. Banamali Nanda	Male	04
4	Bhagirathi Biswal	Lt. Hari Biswal	Male	04
5	Dibakar Rath	Lt. Uday Narayan Ratha	Male	04
6	Niranjan Ojha	Lt. Shiba Ojha	Male	04
7	Pitambar Patra	Lt. Ghana Patra	Male	04
8	Rajendra Parida	Purna Chandra Parida	Male	04
9	Sarathi Behera	Lt. Gobinda Chandra Behera	Male	04
10	Surjya Narayan Panda	Lt. Shyama Sundar Panda	Male	04
11	Anadi Palei	Bauli Palei	Male	04
12	Antaryami Dwibedi	Narayan Dwebedi	Male	04
13	Anuranjan Behera	Harish Chandra Behera	Male	04
14	Ashok Parida	Lt. Dibakara Parida	Male	04
15	Ashwaini Kumar Parida	Lt. Dibakar Parida	Male	04
16	Babula Behera	Raghu Behera	Male	04
17	Benudhar Pradhan	Bhagabata Pradhan	Male	04
18	Bulendra Kumar Palei	Baidhara Palei	Male	04
19	Chintamani Behera	Chakradhara Behera	Male	04
20	Dasharath Palei	Narasingha Palei	Male	04
21	Dasharathi Jena	Lt. Madhaba Jena	Male	04
22	Debendra Nayak	Lt. Gangadhara Nayak	Male	04
23	Duryodhan Nayak	Lt. Chintamani Nayak	Male	04
24	Gajendra Dalei	Lt. Kalandri Dalai	Male	04
25	Gelhimani Parida	Jogendra Parida	Female	04
26	Gourahari Palei	Nrusingha Palei	Male	04
27	Harihar Nanda	Khetramohan Nanda	Male	04
28	Karunakar Patra	Kusha Patra	Male	04
29	Krushna Chandra Behera	Brundaban Behera	Male	04
30	Laxman Parida	Shiva Parida	Male	04
31	Mangal Singh	Sankar Sing	Male	04
32	Narendra Parida	Shiva Parida	Male	04
33	Padmolochan Nayak	Lt. Chintamani Nayak	Male	04
34	Pradip Behera	Rama Chandra Behera	Male	04
35	Prafulla Kumar Patra	Pravakara Patra	Male	04
36	Pravakar Behera	Lt. Trilochan Behera	Male	04
37	Purnachandra Behera	Raghu Behera	Male	04
38	Rajendra Malik	Padan Malik	Male	04
39	Ramchandra Nayak	Lt. Chintamani Nayak	Male	04

41	Rasananda Palei	Baidhara Palei	Male	04
42	Ratnakar Nayak	Laxman Nayak	Male	04
43	Ratnakar Sethi	Lt. Purastam Sethi	Male	04
44	Sabitri Behera	Banamali Jena	Female	04
45	Sabitri Nayak	Upendra Pradhan	Female	04
46	Satyabhama Kuanr	Umakanta Nayak	Female	04
47	Shashadhara Dalei	Bholanath Dalai	Male	04
48	Shiba Behera	Brundaban Behera	Male	04
49	Shukadev Palei	Narasingha Palei	Male	04
50	Shyam Sundar Behera	Raghu Behera	Male	04
51	Sudarshan Nayak	Chintamani Nayak	Male	04
52	Sudarshan Patra	Lt. Ananta Patra	Male	04
53	Sundar Mohan Behera	Raghu Behera	Male	04
54	Surendra Dalei	Lt. Benudhara Dalai	Male	04
55	Trilochan Nayak	Chintamani Nayak	Male	04
56	Udaynath Rout	Bhagaban Rout	Male	04
57	Upendra Nayak	Lt. Gangadhara Nayak	Male	04
58	Amaresh Chandra Nanda	Bhagaban Nanda	Male	04
59	Bapi Sing	Bhagaban Sing	Male	04
60	Bharat Kumar Behera	Sundar Mohan Behera	Male	04
61	Bhaskar Patra	Lt. Naba Patra	Male	04
62	Dibakar Patra	Lt. Kusha Patra	Male	04
63	Dushasan Dehuri	Karuna Dehuri	Male	04
64	Gopal chandra sethi	Lt. Baidhar sethi	Male	04
65	Haramani Patra	Baula Patra	Female	04
66	Iaxmi mani sing	sama behera	Female	04
67	Laxmipriya Jena	Ekadashia Mohanty	Female	04
68	Manachandra Behera	Harishchandra Behera	Male	04
69	Manoranjan Bhuyan	Jachindra Bhuyan	Male	04
70	Prafulla Patra	Bhagaban Patra	Male	04
71	Purna Chandra Rout	Bhagaban Rout	Male	04
72	Raghunath Sethi	Baidhar Sethi	Male	04
73	Rajendra Nayak	Lt. Narahari Nayak	Male	04
74	RAMESH PARIDA	Lt. Dayanidhi Parida	Male	04
75	Sandip Kumar Parida	Bharat Chandra Parida	Male	04
76	Santosh Kumar Parida	Krupasindhu Parida	Male	04
77	Shreedhara Patra	Kusha Patra	Male	04
78	Subhadra Malika	Lt. Rahasa Malik	Female	04
79	Tapas Kumar Parida	Dayanidhi Parida	Male	04

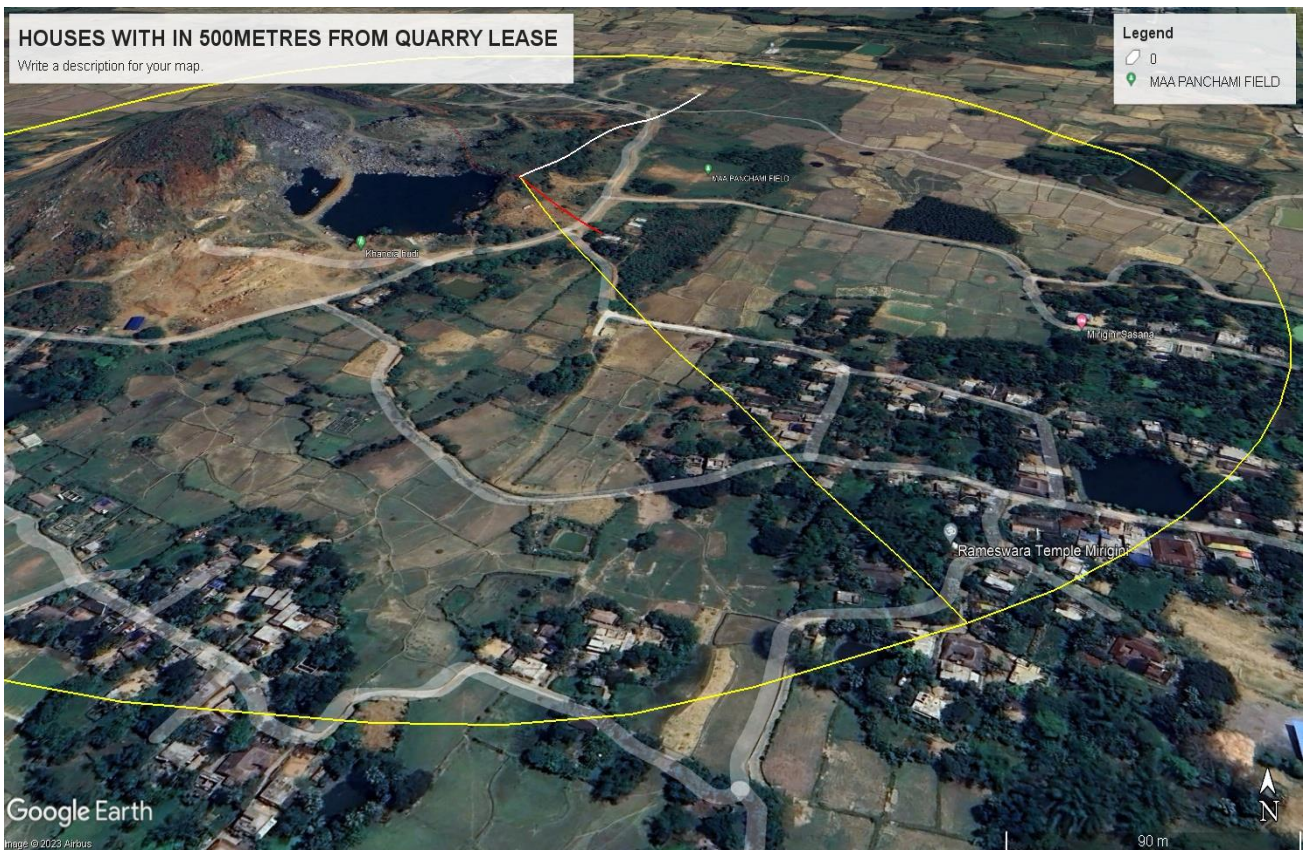
	Tarun Kumar Jena	Sarat Jena	Male	04
80	LAXMIDHARA MALIK	DAMODAR MALIK	Male	04
81	Mayadhara Nayak	Ratnakara Nayak	Male	04
82	Padan Singh	Lt. Chakara Singh	Male	04
83	Pramod Kumar Parida	Dinabandhu Parida	Male	04
84	ANTOSH KUMAR SWAIN	PRABHAKAR SWAIN	Male	04
85	Sukura Sing	Chakara Sing	Male	04
86	ANANTA MUDULI	CHANDRA MUDULI	Male	04
87	Annapurna Palei	Bhagaban Nayak	Female	04
88	MANAS KUMAR SWAIN	PRABHAKAR SWAIN	Male	04
89	MANORANJAN BEHERA	LT. TRILOCHAN BEHERA	Male	04
90	Manoranjan Swain	Prabhakar Swain	Male	04
91	NAROTTAM PRADHAN	MANORANJAN PRADHAN	Male	04
92	RABINDRA DALEI	LT. DIBYASINGHA DALEI	Male	04
93	Rajendra Dalei	Lt. Kalandri Dalei	Male	04
94	Sadashib Pradhan	Lt. Manoranjan Pradhan	Male	04
95	Shambhunath Malika	Rajendra Malika	Male	04
96	Umesh Parida	Lt. Dayanidhi Parida	Male	04
97	Kalpna Patra	Chaturbhuja Patra	Female	04
98	Kati Danak	Bairagi Danak	Female	04
99	Kuni Danak	Gayadhar Danak	Female	04
100	Mamali Malik	Jitendra Malik	Female	04
101	Mili Danak	Mayadhar Danak	Female	04
102	MINA NAYAK	KUNA NAYAK	Female	04
103	MITIK NAYAK	SHYAMA SUNDAR NAYAK	Female	04
104	Nayana Das	Pahala Patra	Female	04
105	Nina Dehuri	Chupuri Danak	Female	04
106	Prabhasini Mallik	Daitari Singh	Female	04
107	Raghunath Malik	Shankar Malik	Male	04
108	Sabitri Dehuri	Ganga Danak	Female	04
109	Sanju Danaka	Mangala Dehuri	Female	04
110	SANTOSH DANAKA	ANAM DANAKA	Male	04
111	SARITA MALIK	CHAITANYA DEHURI	Female	04
112	ARUN KUMAR BEHERA	JITENDRA KUMAR BEHERA	Male	04
113	Bidukar Swain	Lt. Baga Swain	Male	04
114	Biswanath sethi	Lt. Ratnakar sethi	Male	04
115	MULIA MALIK	Lt. BHAGUNI MALIK	Male	04
116	PAHALA PATRA	Lt. DUKHA PATRA	Male	04
117	PITAMBAR SWAIN	Lt. BAGA SWAIN	Male	04

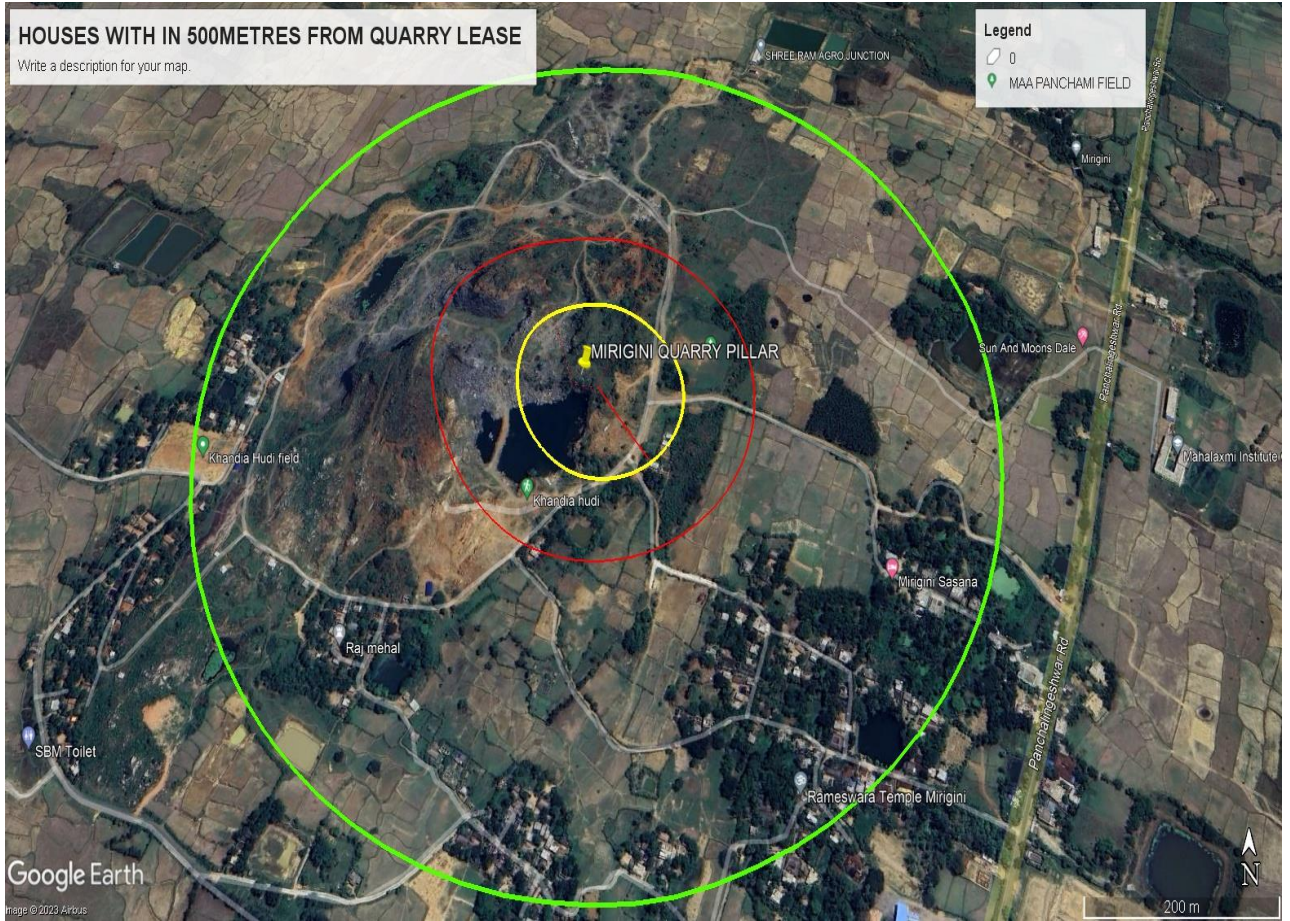
119	Sridhar Sing DEBI SING	Lt. Punna Sing JITENDRA SING	Male Female	04 04
120	HALADHARA DAS	KRUSHNA CHANDRA DAS	Male	04
121	Malati Sethi	Kambunath Sethi	Female	04
122	Rajendra Jena	Lambodhar Jena	Male	04
123	Sabitri Danak	Sanatan Danak	Female	04
124	Sujit Kumar Parida	Bharat Chandra Parida	Male	04
125	Upendra Jena	Lambodhar Jena	Male	04
126	Banamali Mallik	Baidhar Mallik	Male	04
127	BHANUMANI SINGH	HARIHAR SINGH	Female	04
128	DEBENDRA NATH BISWA	CHAKRADHAR BISWAL	Male	04
129	Gajendra Jena	Lambodhar	Male	04
130	PRABHASINI SETHI	RAMACHANDRA SETHI	Female	04
131	Sanjulata sethi	Santosh Kumar Sethi	Female	04
132	SHUBHALAXMI ROUT	MAHESWAR MOHANTY	Female	04
133	UPEENDRA NATH BISWA	CHAKRADHAR BISWAL	Male	04
134	ANAM DANAKA	PHAKIR DANAKA	Male	04
135	BASANTI PATRA	RAJENDRA PATRA	Female	04
136	Bibekananda Satapathy	RASANANDA SATAPATHY	Male	04
137	Bijay Biswal	Bhagirathi Biswal	Male	04
138	BISHWANATH DEHURI	KATI DEHURI	Male	04
139	Gopinath Sethi	RATNAKAR SETHI	Male	04
140	GOURI MALLIK	TAPAN MALLIK	Female	04
141	GURUBARI SINGH	SITARAM SINGH	Female	04
142	Harihar Jena	GAJENDRA JENA	Male	04
143	JAYANTI PARIDA	BABAJI JENA	Female	04
144	JHUMA PATRA	SHRIKANTA PATRA	Female	04
145	Jiban Kumar Patra	Narahari Patra	Male	04
146	KALPANA PATRA	PITAMBER PATRA	Female	04
147	KANAKA NAYAK	PRAVAS NAYAK	Female	04
148	Karttik Dalei	Purna Chandra Dalei	Male	04
149	LAXMIMANI PATRA	RATNAKAR PATRA	Female	04
150	Madan Parida	Shiva Parida	Male	04
151	MADHUSUDAN PATRA	GOBINDA PATRA	Male	04
152	MAMATA PATRA	RABINDRA PATRA	Female	04
153	MANJULATA DANAK	SANKAR DANAK	Female	04
154	MANORANJAN PATRA	BISWANATH PATRA	Male	04
155	PABANA MALLIK	SURESH CHANDRA MALLIK	Male	04
156	PADMALOCHAN PATRA	GOBINDA PATRA	Male	04

	PRAMILA PATRA	BHAGIRATHI PATRA	Female	04
158	RAJESH PATRA	RABINDRA PATRA	Male	04
159	RAMACHANDRA PATRA	BANCHHANIDHI PATRA	Male	04
160	RANJITA PATRA	JOGENDRA PATRA	Female	04
161	Sasmita Rana	Gangadhara Rana	Female	04
162	SITA SING	TAPU SING	Female	04
163	SUDARSHAN DALEI	Lt. PURNACHANDRA DALEI	Male	04
164	SULOCHANA PATRA	NARAYAN DAS	Female	04
165	TAPAN KUMAR DANAK	BHAGABAN DANAK	Male	04
166	YAMUNA NAYAK	SHYAM NAYAK	Female	04
167	ANIL KUMAR SETHI	BHAGABAT SETHI	Male	04
168	Bhaskar Chandra Parida	Lt. Chaina Parida	Male	04
169	LAXMIDHARA BISWAL	PANDAB BISWAL	Male	04
170	Niranjan Behera	Trilochan Behera	Male	04
171	RAJA PARIDA	HADIBANDHU PARIDA	Male	04
172	SANATAN DALEI	PURNACHANDRA DALEI	Male	04
173	Diptikanta Parida	Dibakar Parida	Male	04
174	Jayanta Kumar Parida	Jitendra Parida	Male	04
175	Jayanti Gochhayat	RAMESH RANJAN BEHERA	Female	04
176	Manoj Kumar Parida	DIBAKAR PARIDA	Male	04
177	NARESH MUKHI	Mathuri Mukhi	Male	04
178	PRAPHULLA MALIK	SHYAM MALIK	Male	04
179	ABINDRA KUMAR PARIDA	PURNACHANDRA PARIDA	Male	04
180	Rukmani Mukhi	Mahendra Behera	Female	04
181	Sharat Parida	dibakar parida	Male	04

See Committee  
31/1/24

GOOGLE EARTH IMAGE





**OFFICE OF THE DIVISIONAL FOREST OFFICER  
BALASORE WILDLIFE DIVISION**

At/PO : KURUDA, Dist : BALASORE, PIN – 756056, ODISHA  
Control Room : +91 – 9437691870 e-mail : dfowl\_bls@yahoo.co.in  
dfo.balasorewl@odisha.gov.in

Letter No. 5192 / 3F – Lease - F. No. 29/2021  
Balasore, dated the 10<sup>th</sup> June, 2022

To

Shri Sukanta Kumar Nayak  
Hon'ble Member of Odisha Legislative Assembly  
At : Sangarpur, PO : Kans, Via : Mitrapur, Dist : Balasore

Sub: - Supply of required information under Book Circular No. 47 of the Govt. of Odisha, Parliamentary Affairs Department.

Ref. : Your Letter No. Nil dated 07.06.2022..

Hon'ble Member,

With reference to your letter cited above on the captioned subject, the required information sought is furnished herein below.

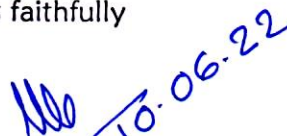
1. DLC Forest List in Mouza : Mirigini under Nilgiri NAC

Tahasil	Mouza	Khata No.	Plot No.	Area	Remarks
Nilgiri	Mirigini	453	370, 374, 385, 572	10.00	DLC Forest
		453	572	5.00	Notified Village Forest U/s. 30 of the Orissa Forest Act, 1972

2. The report of the SEAC, Odisha in respect of Mirigini Stone Quarry is concerned to Revenue Department and not available in this office.
3. Plot No. 572 of Mouza Mirigini Stone Quarry is coming partly within 01 KM from the boundary of Kuldiha Wildlife Sanctuary which has been ascertained during joint verification dated 12.08.2021 by both the Forest & Revenue Department Officials using GPS device. However, DGPS survey by ORSAC, Bhubaneswar is required for better clarity in the matter. Survey of Plot No. 522 of Mouza Mirigini hasn't ever been carried out by this division and there is no information available in this office regarding distance of the said plot from the boundary of Kuldiha Wildlife Sanctuary.

This is for favour of your kind information & necessary action.

Yours faithfully

  
 Divisional Forest Officer  
 Balasore Wildlife Division, Balasore

F.No. 22-43/2018-IA.III  
Government of India  
Ministry of Environment, Forest and Climate Change  
(IA Division)

Indira ParyavaranBhawan  
JorBagh Road, Aliganj,  
New Delhi – 110003

Dated: 8<sup>th</sup> August, 2019

**OFFICE MEMORANDUM**

**Subject: Procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary seeking environmental clearance under the provisions of the Environmental Impact Assessment (EIA) Notification, 2006 - regarding.**

The Hon'ble Supreme Court vide its Order dated 4.12.2006 in Writ Petition No. 460 of 2004 – Goa Foundation Vs. Union of India, has inter-alia directed that Ministry of Environment and Forests "(MoEF) would also refer to the Standing Committee of the National Board for Wildlife, under section 5(b) & 5(c) (ii) of the Wildlife Protection Act, 1972, the cases where environmental clearances has already been granted where activities are within 10km. zone" of the boundaries of the Sanctuaries and National Parks."

2. In this regard, the erstwhile MoEF vide Circular No. L-11011/7/2004-IAII (I)(Part) dated 27.02.2007 and Office Memorandum No. J-11013/41/2006-IA.II(I) dated 02.12.2009 delineated a procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary for grant of environmental clearance under EIA Notification, 2006. As per the stipulated procedure, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) would be required for the developmental projects located within 10km of the National Park/Wildlife Sanctuary.

3. Over a period of time, Ministry has notified number of Eco-Sensitive Zones (ESZs) around Protected Areas (PAs). Many of developmental activities are prohibited/regulated in these ESZs *inter-alia* including mining operations to be carried out in accordance with the order of the Hon'ble Supreme Court dated 4.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in

W.P.(C) No. 202 of 1995 and dated 21.4.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012 as per the notifications issued for their constitution.

4. In light of the aforesaid Orders passed by the Hon'ble Supreme Court, the issues related to the prior clearance from SCNBWL for the notified ESZs and the remaining areas have been examined in detail. In this regard, it has been decided by the Competent Authority in the Ministry to adopt a following procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary seeking environmental clearance under the provisions of the EIA Notification, 2006, in supersession of the earlier O.M.s dated 27.2.2007 and 2.12.2009:

- i. Proposals involving developmental activity/project located within the notified Eco-Sensitive Zones (ESZ) shall be regulated and governed by the concerned ESZ notification. However, for the developmental project/activity located within the notified ESZ and covered under the schedule of the EIA Notification 2006, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference as well as wildlife clearance.
- ii. Proposals involving developmental activity/project located outside the stipulated boundary limit of notified ESZ and located within 10 km of National Park/Wildlife Sanctuary, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) may not be applicable. However, such proposals from environmental angle including impact of developmental activity/project on the wildlife habitat, if any, would be examined by the sector specific Expert Appraisal Committee and appropriate conservation measures in the form of recommendations shall be made. These recommendations shall be explicitly mentioned in the environmental clearance letter and shall be ensured by the member secretary concerned.
- iii. Proposals involving developmental activity/project located within 10 km of National Park/Wildlife Sanctuary wherein final ESZ notification is not notified (or) ESZ notification is in draft stage, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference/environmental clearance as well as wildlife clearance.

- iv. Proposals involving mining of minerals within the ESZ (or) one kilometer from the boundaries of National Parks and Sanctuaries whichever is higher is prohibited in accordance with the order of the Hon'ble Supreme Court dated 4.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated 21.4.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012.
5. This issues with the approval of the Competent Authority.

*Sharath Kumar Pallerla*  
8/8/19

**(Sharath Kumar Pallerla)**  
**Director**

To

1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. All the Officers of I.A. Division
5. Chairpersons/Member Secretaries of all SPCBs/UTPCCs

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary(EF&CC)
4. PPS to SS(AKJ)
5. PPS to AS (RSP)
6. PPS to JS (GM)/ JS(RS)/JS(AKN)
7. Website, MoEF&CC
8. Guard file.



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

E-Mail

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

May 12, 2020

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

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

Sir/Ma'am,

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

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

Yours faithfully,

(Nazimuddin)

Additional Director &  
Divisional Head - IPC - II

Encl.: As above

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

### **1.0 Preamble:**

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

### **2.0 Stone Quarrying:**

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

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

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

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

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

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

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

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

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

**Kerala:**

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

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

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

**Jammu & Kashmir:**

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

**Assam:**

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

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

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

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

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

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

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

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

#### 6.0 Conclusion:

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

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

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

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

\*\*\*\*\*

## Annexure I

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

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

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

## Annexure II

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

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

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

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

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

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

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

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

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

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

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

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

( Dashrath Singh )  
Director-General of Mines Safety.

# Kuldiha deathtrap for jumbos as 8 die in a year

POST NEWS NETWORK

**Balasore, April 26:** With the death of as many as eight elephants within a year, Kuldiha wildlife sanctuary here in northern Odisha has turned into a deathtrap for the pachyderms.

Kuldiha wildlife sanctuary under Balasore forest division is spread over 272.75 sq km of area extending from Nilagiri to Oupada block in this district. Wild animals of various species live in this reserve forest which is also termed as a paradise for the elephants.

Earlier deemed as a safe and secure zone, Kuldiha has proved to be a deathtrap for the pachyderms. While 20 elephants have died in the sanctuary in the last five years, eight elephants perished within a year from April 2022 to April 2023.

The wildlife sanctuary has become extremely unsafe for the animals making them exposed to a host of threats. They often face problems due to food scarcity in the jungle while the rise in temperatures due to frequent forest fires threatens their existence.

Feeling threatened, wild animals often run for their lives and stray into human habitats. The jumbo deaths have sparked con-

cern among the environmentalists, nature lovers and wildlife enthusiasts while the Forest department is claiming that elephant population in the sanctuary is on the rise.

According to reports from the Forest department, the 2017 elephant census estimated 97 elephants living in Kuldiha wildlife sanctuary. Among them, 19 were tuskers, 51 female elephants and 27 calves. On the other hand, 20 elephants have died under Balasore forest division between 2018 and 2023.

One elephant died in 2018, five in 2019, two in 2020, four in 2021 and six in 2022 while two have died so far in 2023. The last elephant census was conducted in 2017 while no enumeration of the pachyderms has been carried out during last six years. The Forest department is now clueless about the exact number of elephants living in the reserve forest.

An environmentalist Prasant Padhi said acute shortage of water as well as food is leading to dehydration among the mammals which is the major cause behind their death. Moreover rise in atmospheric temperature due to frequent forest fires is disturbing the



## NEW BORN JUMBO FOUND DEAD

**BERHAMPUR:** A newborn elephant calf was found dead in Sorada forest range in Ganjam district Wednesday, Forest department officials said. A herd of 14 elephants, including the mother, was camping about half a km from the spot near Gajalbadi, divisional forest officer of South Ghumusar division Sudarshan Behera said. The female baby elephant may have died just after her birth, he said. The mother elephant stayed there for some time after her delivery and is likely to have tried to take away the baby but could not. It then moved some distance away along with other elephants of the herd, Behera said. A new born Asian elephant is approximately two feet high and weighs about 120 kg. The post mortem was conducted but the exact cause of the baby elephant's death is not known, he said. The herd might have migrated from Baliguda forest area in Kandhamal district, forest officials said. The samples of the carcass will be sent to Odisha University of Agriculture and Technology in Bhubaneswar for laboratory tests to ascertain the cause of the death, Behera said.

environment following which the animals fail to cope up and succumb to the heat. The threat posed by poachers is another reason behind their dwindling numbers.

He said that the forest officials

should remain cautious about these threats and create a favourable condition for the animals to survive and grow. They should also control the rampant poaching and take stringent

action against the poachers.

When contacted, Balasore DFO Khuswant Singh said that the elephants have died a natural death. He said most of the elephants are dying owing to infighting in the herds, deterioration in jumbos' health conditions, failure to cope with the changing environment and old-age related problems.

He said that various steps are being taken to create a natural and favourable habitats for the elephants and arrangement are being made for their food inside the sanctuary. Similarly steps are being taken for their protection and safety by involving the panchayat representatives and local residents while posters and banners highlighting the importance of elephants are being installed in the nearby villages, he added.

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Item No.11

Court No.1

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

Appeal No.18/2023/EZ  
(I.A. No.10/2024/EZ)

**IN THE MATTER OF:**

**Haripada Manna,**

S/o Late Paresh Chandra Manna,  
Aged about 48 years,  
R/o Sekhsarai, P.O.-Chalanti,  
P.S.-Jaleswar, District-Balasore,  
Pin – 756032,

...Appellant(s)

Versus

**1. State of Odisha,**

Through its Additional Chief Secretary,  
Forest, Environment and Climate Change Department,  
Kharavel Bhavan, Bhubaneswar, Odisha,  
Pin – 751001,

**2. District Collector, Balasore,**

At/PO/Dist.-Balasore, Odisha,  
Pin – 758001,

**3. Tahasildar, Jaleswar,**

At/PO/-Jaleswar, District-Balasore,  
Pin – 756001,

**4. Member Secretary,**

Odisha State Pollution Control Board,  
A/118, Unit-VII, Nilakantha Nagar,  
Bhubaneswar – 751012,

**5. Member Secretary,**

State Environment Impact Assessment Authority (SEIAA), Odisha,  
5RF-2/1, Acharya Vihar, Unit-IX, Bhubaneswar,  
Pin – 751022,

**6. Mining Officer, Baripada Circle, Baripada,**

At/PO/PS-Baripada,  
Pin – 757001,

**7. Secretary,**

Water Resource Department,  
Government of Odisha,  
Lok Seva Bhawan, Sachivalaya Marg,  
Bhubaneswar – 751001,

**8. Secretary,**

Revenue and Disaster Management Department,  
Government of Odisha,  
Lok Seva Bhawan, Sachivalaya Marg,  
Bhubaneswar – 751001,

**9. The Secretary,**

Ministry of Environment, Forest and Climate Change (MoEF&CC),  
Indira Paryavaran Bhawan, Jor Bagh,  
New Delhi – 110003,

...Respondent(s)

Date of hearing: 16.07.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Appellant(s) : Mr. Sankar Prasad Pani, Advocate (in Virtual Mode) a/w  
Mr. Ashutosh Padhy, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Tarun Patnaik, ASC for R-1-3,6-8, (in Virtual Mode)  
Mr. Dipanjan Ghosh, Advocate for R-4,  
Mr. Apurba Ghosh, Adv. for R-5, (in Virtual Mode)  
Ms. Rashmi Singhee, Adv. for R-9, (in Virtual Mode)

**ORDER**

1. Mr. Sankar Prasad Pani assisted by Mr. Ashutosh Padhy, learned Counsel is present (in Virtual Mode) for the Appellant.
2. The Appellant in the present Appeal is seeking quashing of the order dated 26.04.2023 (Annexure-6 to the Appeal), challenging the District Survey Report ('DSR' for short) of District-Balasore, for mining of River Sand, Stone, Morrum, Brick Earth for the period of 2023-2028, located in District-Balasore, Odisha.
3. The grounds for assailing the impugned order dated 26.04.2023, *inter alia*, are that DSR is still an Interim Report and there is no final Report and that the State Environment Impact Assessment Authority ('SEIAA' for short), has itself observed that "*this DSR is stated to have examined by DEIAA, but the agency/expert(s)*

*prepared the same is not made known. It is stated to be an Interim Report”.*

4. The DSR in question is stated to be in respect of four minor minerals, namely, Morrums, Brick Earth/Ordinary Soil, Road Metals and River Sand for the financial years of 2016-17, 2017-18 & 2018-19, ignoring the years 2019-20 to 2021-2022.
5. One of the grounds taken in the Memo of Appeal is that no Replenishment Study is found to be carried out. It is stated that the DSR is not in accordance with the Sustainable Sand Mining Guidelines, 2016, and the Enforcement and Monitoring Guidelines for Sand Mining, 2020.
6. We have gone through the impugned order dated 26.04.2023, copy of which has been filed as Annexure-6, page 99, to the Memo of Appeal, which mentions that the draft DSR of Balasore for Sand, Stone, Morrums, Brick Earth was examined by State Expert Appraisal Committee ('SEAC' for short) in its meetings held on 13.05.2022, 20.08.2022, 14.10.2022 and 12.04.2023. It is also mentioned that the DSR is stated to have been examined by the District Environment Impact Assessment Authority ('DEIAA' for short), but the agency/expert(s) who prepared the same is not made known. It is stated to be an Interim Report.
7. In Item No.'8' of the order, it is mentioned that the final DSR of Balasore was submitted to the SEIAA on 05.04.2023 and the matter was examined by the SEIAA, Odisha, in its 115<sup>th</sup> meeting held on 24.04.2023 with recommendation of SEAC for approval of DSRs for Sand, Stone, Morrums and Brick Earth of Balasore District in accordance with the EIA Notification, 2006, and it is observed that DSR has been prepared afresh and it has been signed by the

Collector & District Magistrate, Balasore, along with members of the designated Sub-Committee consisting of; Sub-Divisional Magistrate and District Level Officers from Irrigation Department, State Pollution Control Board, Forest Department and Mining Department.

8. At Item No.'10' of the impugned order, it is mentioned that approval is conveyed under the provision of EIA Notification, 2006, as amended from time to time for the DSR of Balasore comprising of 238 Sairat Sources for a period of 5 years (2023-2028) with certain conditions which are enumerated in the impugned order.
9. What is relevant to note is that at Item No.'10 (iv)' of the impugned order, it is mentioned that "*the approval is granted on the basis of undertaking that the annual replenishment study shall be completed within a period of one year. The approval of DSR will be liable for revocation if no replenishment study is submitted by 31<sup>st</sup> May, 2024*".
10. The Ministry of Environment, Forests and Climate Change, Respondent No.9, has filed affidavit dated 23.08.2023, stating that in the matter of minor minerals, the SEIAA has been delegated the powers vide Ministry's Notification S.O. No.1886 (E) dated 20.04.2022 to grant Environmental Clearances.
11. The Collector Balasore, has filed affidavit dated 05.10.2023 stating that the Committee, already referred to hereinabove, has visited the Sairat Sources and found the same to be suitable and feasible.
12. The Appellant has also filed rejoinder affidavit dated 04.05.2024, reiterating the contents of the Memo of Appeal.
13. Today, Mr. Apurba Ghosh, learned Counsel for the Respondent No.5, SEIAA, Odisha, has filed a letter through e-mail dated

16.07.2024, which is a letter of the Collector & District Magistrate, Balasore, addressed to the Chairman, SEIAA, Odisha, Bhubaneswar, wherein it is stated that the Mining Officer, Balasore, has requested the undersigned to inform the SEIAA for taking necessary steps for extension of one year time for submission of Replenishment Report in connection with all Sand Sairat Sources in respect of Balasore District. Relevant extract of the letter dated 30.05.2024 reads as under:-

“.....xxx.....xxx.....xxx.....”

*The Mining Officer, Balasore requests the undersigned to move the matter to your good office for taking necessary steps for extension of one year time for submission of replenishment report in connection with all sand sources in respect of Balasore District.”*

14. We have heard the learned Counsel for the parties and perused the documents on record.
15. In the impugned approval order dated 26.04.2023 which is under challenge in the present Appeal, SEIAA, Odisha, had mandated that the Annual Replenishment Study was required to be completed within one year, failing which approval of DSR shall be liable for revocation, if the Replenishment Study Report is not submitted by 31.05.2024. That date has already passed and no Replenishment Study has been carried out as is evident from the letter of the Collector & District Magistrate, Balasore, dated 30.05.2024.
16. The Standard Environmental Conditions for Sand Mining under the Sustainable Sand Mining Management Guidelines, 2016, provides that the District Survey Report should be prepared and area suitable for mining and area prohibited for mining be identified. It is also provided that the depth of mining in river bed shall not

exceed one meter or water level whichever is less, provided that where the Joint Inspection Committee certifies about excessive deposit or over accumulation of mineral in certain reaches requiring channelization, it can go up to three meters on defined reaches of the River.

17. The Standard Environmental Conditions for Sand Mining further provides for submission of Annual Replenishment Report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity/production levels shall be decreased/stopped accordingly till the replenishment is completed. Thus, the Replenishment Study is a fundamental condition for grant of approval of the District Survey Report with reference to sand mining as per Rules, 2016. The Standard Environmental Conditions for Sustainable Mining Practices Sl. Nos. 8 to 19 read as under:-

**“STANDARD ENVIRONMENTAL CONDITIONS FOR SAND MINING**

<b>Impact Category</b>	<b>S. No.</b>	<b>Environmental Conditions</b>
.....	.....	.....
<b>Sustainable Mining Practices</b>	8	<i>District Level Survey Report should be prepared and area suitable for mining and area prohibited for mining be identified.</i>
	9	<i>The depth of mining in Riverbed shall not exceed one meter or water level whichever is less, provided that where the Joint Inspection Committee certifies about excessive deposit or over accumulation of mineral in certain reaches requiring channelization, it can go up to 3 meters on defined reaches of the River.</i>
	10	<i>No River sand mining be allowed in</i>

	<i>rainy season.</i>
11	<i>To submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity/production levels shall be decreased/stopped accordingly till the replenishment is completed.</i>
12	<i>Ultimate working depth shall be up to 3.0 from Riverbed level and not less than one meter from the water level of the River channel whichever is reached earlier. In hilly terrain this depth be preferably restricted to one meter.</i>
13	<i>In River flood plain mining a buffer of 3 meter to be left from the River bank for mining.</i>
14	<i>In mining from agricultural field a buffer of 3 meter to be left from the adjacent field.</i>
15	<i>Mining shall be done in layers of 1 meter depth to avoid ponding effect and after first layer is excavated, the process will be repeated for the next layers.</i>
16	<i>To maintain safety and stability of Riverbanks i.e. 3 meter or 10% of the width of the River whichever is more will be left intact as no mining zone.</i>
17	<i>No stream should be diverted for the purpose of sand mining. No natural water course and/or water resources are obstructed due to mining operations.</i>
18	<i>No blasting shall be resorted to in River mining and without permission at any other place.</i>
19	<i>Depending upon the location, thickness of sand, deposition, agricultural land/Riverbed, the method of mining may be manual, semi-mechanized or mechanized; however, the manual</i>

		<i>method of mining shall be preferred over any other method.”</i>
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18. With regard to Replenishment Study, para 5.0 of the Enforcement and Monitoring Guidelines for Sand Mining, January, 2020, issued by the Ministry of Environment, Forests and Climate Change, enjoins that the need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessive sand extraction. Para 5.0 of the Guidelines, 2020, reads as under:-

“.....XXX.....XXX.....XXX.....”

#### **5.0 REPLENISHMENT STUDY**

*The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessing sand extraction. Mining within or near riverbed has a direct impact on the stream’s physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on instream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.”*

19. In the present case, in view of the letter of the Collector & District Magistrate, Balasore, dated 30.05.2024, since no Replenishment Study has been carried out in the District-Balasore, the impugned order of approval of the District Survey Report vide impugned order

dated 26.04.2023 is liable for revocation and cannot be acted upon. In the absence of Replenishment Study in the District Balasore, duly considered by State Expert Appraisal Committee and approved by SEIAA, Odisha, no sand mining can be carried out in the stretch of the Subarnarekha river passing through the District Balasore. We accordingly allow the present Appeal and quash the impugned order dated 26.04.2023.

20. However, without prejudice to the order that has been passed hereinabove, we may observe that it will always be open for SEIAA, Odisha, to reconsider the matter of grant of approval of District Survey Report, if the same is submitted afresh with Replenishment Study, in accordance with law.
21. I.As., if any, stand disposed of accordingly.
22. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

July 16, 2024,  
Appeal No.18/2023/EZ  
(I.A. No.10/2024/EZ)  
AK

## BEFORE THE NATIONAL GREEN TRIBUNAL

Appeal No. \_\_\_\_\_ of 2024

- In re:

SUKANTA KUMAR NAYAK

APPELLANT

Versus

STATE OF ODISHA &amp; Ors

RESPONDENTS

KNOW ALL to whom these present shall come I, Sukanta Kumar Nayak, S/o Late Srinibas Nayak, aged about 58 years, At-Sangrampur, Po- Kans, Via- Mitrapur, Dist-Balasore, pin-756020 appellant in the above mentioned case, do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani**, Advocates, Plot No 2132/4814 B, Nageswartangi, Bhubaneswar, 751002, Mob-no.9437279278, Email-*Sankarprasadpani@gmail.com* Enrollment no. O-785/07 and **Ashutosh Padhy**, Enrollment no. O-1018/23.

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.


And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 24<sup>th</sup> day of July 2024.  
Accepted subject to the terms of fees.

  
Advocate

  
Client