

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

**Appeal No. 22/2023/EZ**

Samir Kumar Pradhan & Anr. -----Applicants(s)

Versus

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

Affidavit on Behalf of the Opposite Party/Respondent No. 11 State  
Environment Impact Assessment Authority (SEIAA), Odisha

**INDEX**

<b>Sl. No.</b>	<b>Particulars</b>	<b>Page No.</b>
1.	Affidavit on Behalf of State Environment Impact Assessment Authority (SEIAA), Odisha	01-06
2.	ToR letter copy attached in <b>Annexure-I</b>	07-15
3.	Environmental Clearance Copy ( <b>Copy of EC letter is Attached in Annexure-II</b> )	16-25
4.	Letter to the Collector, Balasore for submission of afresh prepared DSR to SEIAA, Odisha approval ( <b>Copy attached in Annexure-III</b> )	26-27

Place: Bhubaneswar  
Date: 02/09/2024

**Shri Apurba Ghosh**  
Advocate for Respondent No.11  
(SEIAA), Odisha  
C/o Partha Sarathi Shamajder  
25/D Baderaipur Road  
P:O Jadavpur, Kolkata -700032  
Email-apu7law@gmail.com  
Phone No.9476239442



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

**Appeal No. 22/2023/EZ**

Samir Kumar Pradhan & Anr.-----Applicant(s)

Versus

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

Affidavit on Behalf of the Opposite Party/Respondent No. 05 State  
Environment Impact Assessment Authority (SEIAA), Odisha

1. Shri Prem Kumar Jha, IFS, son of late Dr. Harihar Jha aged 56 years, at present working as Director Environment-cum-Special Secretary to Govt. in Forest, Environment & Climate Change Department and Member Secretary, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.
2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opp. Party No.05 before this Hon'ble National Green Tribunal.
3. That, I have gone through the order dated 09.08.2023 & 11.07.2024 passed in this original application and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.



*Pradeep Kumar Nayak*  
**Environmental Scientist**  
**SEIAA, Odisha**





ToR conditions, again, the project proponent (PP) Smt. Laxmipriya Prusty had submitted their proposal for environmental clearance (EC) in Parivesh Portal vide online application no. SIA/OR/MIN/54634/2020 dt. 05.08.2022 and after initial scrutiny then the proposal was sent to SEAC for appraisal. The proposal was considered by the SEAC in its meeting held on 12.04.2023. The SEAC have duly recommended the proposal for grant of EC with standard and specific conditions. After SEAC recommendation, again the proposal was placed in the 117<sup>th</sup> meeting of SEIAA held on 02.05.2023 & 03.05.2023 and the Authority observed that the following information is required:

- (i). Whether the present lease area is included in the recent approved DSR of Balasore. If, so the sl. no. and page no. to be mentioned along with the xerox copy of the same.
- (ii). The validity of mining plan beyond 17.04,2023
- (iii). The Authority also perused the email received by SEIAA, Odisha dated 8<sup>th</sup> April 2023 from Sri Samir Kumar Pradhan and others. The Authority noted that while finalizing the DSR, the district Authority of Balasore had invited comments on the objection from public and also held a public consultation on 31.02.2023. The complain submitted by Sri Pradhan and others do not merits further consideration. After detailed deliberation in the matter, the Authority decided to deferred the proposal till the proponent submit the information mentioned in sl.no. (i) and (ii). Accordingly, letter



*Pradip Kumar Nayak*  
**Environmental Scientist**  
 SEIAA, Odisha

4

was issued to the project proponent on dt. 25.05.2023.

(iv). Based on SEIAA, Odisha letter dt. 25.05.2023, the lessee/project proponent had submitted compliance to SEIAA through online on dated 06.06.2023.

c) **08.06.2023**: - Then the proposal was placed in 122<sup>nd</sup> meeting of SEIAA, Odisha held on 08.06.2023, 09.06.2023 & 12.06.2023 and the Authority allowed EC for the said project with stipulated standard and specific conditions. Accordingly, EC was issued vide letter no. EC23B001OR110281 dated 23.06.2023. **(Copy of EC letter is Attached-Annexure-II)**

5. That, in reply to the averments made in the Para-02 to Para-04 of the Appeal, the deponent humbly submits that this deponent has no comments to offer.
6. That, in reply to the averments made in the Para-05 of the Appeal, the deponent humbly submits that presently DSR of Balasore District was approved earlier by SEIAA, Odisha dated 26.04.2023 is quashed by Hon'ble Tribunal in its order dated 16.07.2024 after hearing of Appeal No. 18/2323/EZ in the matter of Haripada Manna Vrs State of Odisha and the same is communicated to the Collector & District Magistrate, Balasore vide SEIAA letter dated 08.08.2024 for submission of afresh DSR after inclusion of replenishment study of sand report but still no communication has not been received from the Collector & District Magistrate, Balasore. Copy of SEIAA letter is attached **Annexure-III**.
7. That, in reply to the averments made in the Para-06 to Para-08 of the Appeal, the deponent humbly submits that the



*Pradeep Kumar Nayak*  
Environmental Scientist  
SEIAA, Odisha

5

environmental clearance was in favour of Smt. Laxmipriya Prusty for Rajnagar River Sand Bed after due procedure. In this case the public hearing was conducted by SPCB and both Regional Officer, SPCB, Balasore and Additional District Magistrate (ADM, Balasore) were present during public hearing. In the Public hearing proceeding main issue was transportation route and the lease holder assured that transportation will be made as per mining plan approval and there is EC conditions in point no. 7.16 in page no. 8 that *no transportation of the minerals shall be allowed on any road passing through village/habitations without prior explicit permission* and also conditions that *transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Dept/Grama Panchayat/BDO after required strengthening such that 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.* In this case the above EC conditions to be complied before quarry operation along with other EC conditions no. 7.1 to 7.7 of Part-B in page no. 5 and 6 which need to be complied before lease agreement but no compliance has been received at SEIAA, Odisha.

8. That in reply to the averments made in Paragraph-09 of the Appeal, the deponent humbly submits that during approval of DSR of Balasore District, the District Administration has submitted that the objection of Public was duly addressed during preparation of DSR at district Committee level at that time.
9. That, in reply to the averments made in the Para-10 to 27 of the Appeal, the deponent humbly submits that this deponent has




Pradyumn Kumar Nayak  
 Environmental Scientist  
 SEIAA, Odisha



no comments to offer.

- 10. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.
- 11. That the deponent reserves the right to file further affidavit as and when necessary.

Identified by

  
 02-09.2024  
 Advocate



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

**VERIFICATION**

Verified at Bhubaneswar on this day of 02-09.2024

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


Place: Bhubaneswar

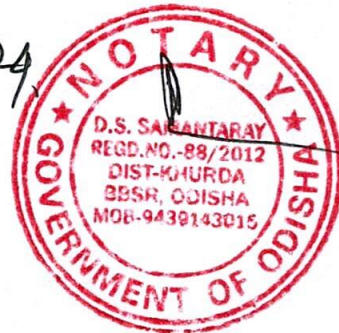
Date: 02-09.2024



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

**SWORN BEFORE ME**

  
 02-09.2024  
**DUSASAN SAMANTARAY**  
 NOTARY, GOVT. OF ODISHA  
 BHUBANESWAR, ODISHA  
 REGD. NO. 88/2012  
 MOB-9439143015



~~7~~  
**State Environment Impact Assessment Authority, (SEIAA),  
 Odisha**

Qr. No. 5RF-2/1, Unit – IX, Bhubaneswar – 751022, Tel: 0674-2540669

No. 9237/SEIAA

Dt. 14.10.2020

SEIAA File No. SIA/OR/MIN/54634/2020

To

Smt. Laxmipriya Prusty,  
 W/o-Ratikanta Rout,  
 At-Balaramprasad, PS-Motanga  
 Dist – Dhenkanal, Pin-759019

Sub: Proposal for EC for Rajnagar Sand Bed over an area 5.48 Ha at village- Rajnagar, Tahasil- Jaleswar, Dist-Balasore of Smt. Laxmipriya Prusty - Terms of Reference Reg.

Ref: 1) Your online application dated 18.09.2020 for issue of ToR vide Proposal No: SIA/OR/ MIN /54634/2020

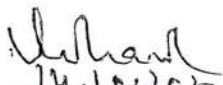
2. SEIAA meeting held on 08.10.2020.

Sir,

This has reference to the online proposal submitted in the Ministry of Environment, Forest and Climate Change (SEIAA, Odisha) to prescribe the Terms of Reference (TOR) for undertaking detailed EIA study for the purpose of obtaining Environmental Clearance in accordance with the provisions of the EIA Notification, 2006. For this purpose, the proponent had submitted online information in the prescribed format. (Form-1) along with Pre-feasibility Report and Approved Mining Plan.

In this regard, under the provisions of the EIA Notification 2006 as amended, the Standard ToR for the purpose of preparing environment impact assessment report and environment management plan for obtaining prior environment clearance is prescribed with public hearing is enclosed in Annexure-I.

Yours faithfully,

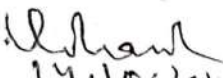
  
 14.10.2020  
 Member Secretary

Memo No. 9238/SEIAA

Dated 14.10.2020

Copy forwarded to

1. The ADM & Collector, Balasore for information and necessary action.
2. The Deputy Secretary, of MM&S Branch of Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.
3. The Tahasildar, Jaleswar, Dist-Balasore for information and necessary action.

  
 Member Secretary



**File No.54634/38-MINB1/09-2020**

Government of India

State Level Environment Impact Assessment Authority

Orissa

\*\*\*

To,

M/s LAXMIPRIYA PRUSTY  
AT- BALARAMPRASAD, GP- MOTANGA, DIST- DHENKANAL,  
Dhenkanal-759121  
Orissa

**Tel.No.0674-2525550; Email:rajnagarsand5@gmail.com**

**Sub. Terms of Reference to the Rajnagar Sand Bed, 5.48 Ha. At- Rajnagar, Tahasil- Jaleswar, AT- RAJNAGAR, TAHASIL- JALESWAR, DIST- BALESWAR**

Dear Sir/Madam,

This has reference to the proposal submitted in the Ministry of Environment, Forest and Climate Change to prescribe the Terms of Reference (TOR) for undertaking detailed EIA study for the purpose of obtaining Environmental Clearance in accordance with the provisions of the EIA Notification, 2006. For this purpose, the proponent had submitted online information in the prescribed format (Form-1 ) along with a Pre-feasibility Report. The details of the proposal are given below:

- |   |  |
|---|--|
| <b>1. Proposal No.:</b>                 | SIA/OR/MIN/54634/2020  |
| <b>2. Name of the Proposal:</b>         | Rajnagar Sand Bed, 5.48 Ha. At- Rajnagar,<br>Tahasil- Jaleswar |
| <b>3. Category of the Proposal:</b>     | Non-Coal Mining  |
| <b>4. Project/Activity applied for:</b> | 1(a) Mining of minerals  |
| <b>5. Date of submission for TOR:</b>   | 18 Sep 2020  |

Date : 16-11-2020

Dr.K.Murugesan,IFS  
( IFS )

Office : **Qrt. No. 5RF, 2/1, unit-IX , bhubneswar-751022 odisha**

Phone No : **2525550** Mobile : **7879772448**

Email id : **murug6994@gmail.com**

**Note :** This is auto tor granted letter.



In this regard, under the provisions of the EIA Notification 2006 as amended, the Standard TOR for the purpose of preparing environment impact assessment report and environment management plan for obtaining prior environment clearance is prescribed with public consultation as follows:

## **STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

---

Terms of Reference (TOR) for preparation of Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for "Mining of Minerals" as per the EIA Notification, 2006 has been devised to improve the quality of the reports and facilitate decision-making transparent and easy. TOR will help the project proponents to prepare report with relevant project specific data and easily interpretable information. TOR for mining of minerals is expected to cover all environmental related features.

Mining of minerals plays a positive role in the process of country's economic development. In addition to the contribution towards economic growth, mining can also be a major source of degradation of physical as well as social environment, unless it is properly managed. Environmental impacts can arise during all activities of the mining process. Minimizing the damage due to mining operations depends on sound environmental practices in a framework of balanced environmental legislation. The potential adverse effects of mining activities include air pollution, surface and groundwater pollution, noise and vibration, damage to local ecology, natural topography and drainage, depletion of water resources etc. All these environmental components are required to be considered while selecting a proper methodology of mining, mitigation measures to reduce pollution load, conservation of natural resources etc.

The projects of mining of minerals as stated in the schedule require prior environment clearance under the EIA notification, 2006. Category 'A' Projects are handled in the MoEF&CC and Category 'B' projects are being handled by the respective State Environment Impact Assessment Authorities (SEIAAs) notified by MoEF&CC and following the procedure prescribed under the EIA Notification, 2006. As per this Notification, as amended, the projects of mining of minor minerals with mining lease area equal to or greater than 50 hectare are to be handled at the level of the MoEF&CC for grant of EC. Such projects with mining lease area less than 50 hectare are to be handled by the respective State Environment Impact Assessment Authority (SEIAA).

### **1(a):STANDARD TERMS OF REFERENCE FOR CONDUCTING ENVIRONMENT IMPACT ASSESSMENT STUDY FOR NON-COAL MINING PROJECTS AND INFORMATION TO BE INCLUDED IN EIA/EMP REPORT**

- 1) Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994.
- 2) A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given.
- 3) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
- 4) All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/ toposheet, topographic sheet, geomorphology and geology of the areashould be provided. Such an Imagery of

## **STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

---

the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).

- 5) Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
- 6) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
- 7) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the EIA Report.
- 8) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
- 9) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
- 10) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
- 11) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
- 12) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.
- 13) Status of forestry clearance for the broken up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.

**STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR  
PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

---

- 14) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
- 15) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
- 16) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
- 17) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
- 18) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan alongwith budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
- 19) Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Dept. Should be secured and furnished to the effect that the proposed mining activities could be considered.
- 20) Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).
- 21) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.

## **STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

---

- 22) One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)]primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.
- 23) Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
- 24) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
- 25) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
- 26) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
- 27) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
- 28) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
- 29) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.
- 30) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.
- 31) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered

## STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE

---

under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.

- 32) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
- 33) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
- 34) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.
- 35) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
- 36) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
- 37) Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
- 38) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
- 39) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
- 40) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- 41) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- 42) A Disaster management Plan shall be prepared and included in the EIA/EMP Report.

## **STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

---

- 43) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
- 44) Besides the above, the below mentioned general points are also to be followed:-
- a) All documents to be properly referenced with index and continuous page numbering.
  - b) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
  - c) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.
  - d) Where the documents provided are in a language other than English, an English translation should be provided.
  - e) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
  - f) While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.
  - g) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
  - h) As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
  - i) The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

\*\*\*\*

16

ENVIRONMENTAL  
CLEARANCE

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

To,

The LESSEE  
LAXMIPRIYA PRUSTY  
AT- BALARAMPRASAD, GP- MOTANGA, DIST- DHENKANAL -759121

**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/54634/2020 dated 05 Aug 2022. The particulars of the environmental clearance granted to the project are as below.

- |  |   |
|--|---|
| 1. EC Identification No.                   | EC23B001OR110281  |
| 2. File No.                                | 54634/771-MINB1/08-2022   |
| 3. Project Type                            | New   |
| 4. Category                                | B1  |
| 5. Project/Activity including Schedule No. | 1(a) Mining of minerals   |
| 6. Name of Project                         | New Proposed project of Rajnagar sand mine with proposed excavation of 40,002 m <sup>3</sup> /year of sand, at Subarnarekha River bed having an area of 5.48 ha located at Khata No.-377, Plot no. 1295/1300 Village: Rajnagar, Tehsil: Jaleswar, District: Balasore (Odisha) |
| 7. Name of Company/Organization            | LAXMIPRIYA PRUSTY   |
| 8. Location of Project                     | Orissa  |
| 9. TOR Date                                | 16 Nov 2020   |

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

Date: 23/06/2023

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

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

*This is a computer generated cover page.*

PARIVESH

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



17



**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 SAND MINING

**Subject: Application of Smt. Laxmipriya Prusty for mining of Sand from Rajnagar River Sand Quarry Over an area 13.55 acres or 5.48 Ha bearing Khata No.- 377, Plot No - 1295/1300 in Village - Rajnagar, Tahasil - Jaleswar, District – Balasore, Odisha.**

The Project proponent Smt. Laxmipriya Prusty, (lessee/successful bidder) has submitted an application for EC to SEIAA, Odisha through the Parivesh portal of MOEF&CC, GOI vide online application no. SIA/OR/MIN/54634/2020 dated 05.08.2022 for mining of Sand from Rajnagar River Sand Quarry Over an area of 13.55 acres or 5.48 Ha bearing Khata No.- 377, Plot No - 1295/1300 in Village - Rajnagar, Tahasil - Jaleswar, District – Balasore, Odisha.

#### 2. Proposal in brief:

Proposal No.	SIA/OR/MIN/54634/2020
File No.	54634/771-MINB1/08-2022
Project Type	New proposal for EC
Category	B1
Project/Activity including Schedule No.	1(a) Mining of minerals
Name of the Project	Proposal for grant of EC for mining of Sand from Rajnagar River Sand Quarry Over an area of 13.55 acres or 5.48 Ha bearing Khata No.- 377, Plot No - 1295/1300 in Village - Rajnagar, Tahasil - Jaleswar, District – Balasore, Odisha.
Name of the company/Organization	Smt. Laxmipriya Prusty W/o-Sri Ratikanta Rout At-Balaramprasad, Patla, Ps-Matang, Dist-Dhenkanal
Location of Project	Village - Rajnagar, Tahasil - Jaleswar, District – Balasore, Odisha.
ToR Date	14.10.2020
Name of the Consultant	M/s. Green Circle, Inc.

*Ka*

18



**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

3. **Project details:** The highlights of the project, as ascertained from the application and as revealed from the proceedings/discussions held during the meetings of SEAC/SEIAA, are given as under:
- (i) This is a proposal for mining of river sand from Rajnagar River Sand Quarry Over an area 13.55 acres or 5.48 Ha bearing Khata No.- 377, Plot No - 1295/1300 in Village - Rajnagar, Tahasil - Jaleswar, District – Balasore, Odisha.
  - (ii) The mining area is a part of Survey of India Toposheet No. 73O/1(F45P1, bounded by Latitude: 21°48'30.9" N to 21°48'20.9"N & Longitude: E87°12'52.2" to 87°12'43.2"E.
  - (iii) The proposed quarry is not coming within wildlife sanctuary/National Park and any eco-sensitive zone.
  - (iv) The mining lease is an identified sairat source in the DSR. The Rajnagar River Sand Quarry sairat source will be leased out under the OMMC Ru289471les, 2016 by Tahasildar, Jaleswar to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
  - (v) The mining plan of the mining project has been approved by - Directorate of Geology & Mining, Bhubaneswar vide letter No.1061 dated 18.04.2018 for a period of 5 years.
  - (vi) As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 139563 cum of sand, total production in 5 years period-200010 cum and annual extraction of sand-40,002 cum/annum with 1.0 meter depth of mining from River- Subarnarekha.
  - (vii) No study of the annual rate of replenishment of sand has been done for the sairat source which is a pre requisite as per the guidelines of sustainable sand mining management issued by the MoEF & CC, Govt. of India, and as per orders dated 13.09.2018 of the Hon'ble NGT.
  - (viii) The project proponent has also not furnished the width of the river, nor the alignment of the extraction path for sand transportation. As reported by the tahasildar, a river bridge is 1.80 km, village-0.22 km away from the mining lease area.
  - (ix) The cluster certificate has been furnished by the Tahasildar certifying that there is no other mines located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.



**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

- (x) ToR was issued for this project vide letter no. 9237/SEIAA dated 14.10.2020 for EIA studies.
- (xi) The PP has submitted replenishment study report done by RQP Sri Apurba Ranjan Ray with help of Areal Construction & Geo-India Services (ORSAC empanel agency). The RQP has mentioned that Pre-monsoon reserve is 15950 cum and post-monsoon reserve 19353 cum and quantity of sand replenished 3403 cum.
- (xii) Public hearing was conducted on date 11.05.2022 at 10:00AM, in the locality of the sand quarry, near Shikharpur Gram Panchayat Office, under Jaleswar Block under Balasore district.
- (xiii) Issues raised during public hearing for this project – Operation of the sand quarry as per the Environmental Rules and Regulation, Dust suppression, safety and protection of road during transportation, mode of transportation, cost of Sand, timing of mining and restriction of transportation of sand during night time.
- (xiv) Budget provision for Environmental management Plan (EMP) is Rs 145000 and Recurring cost - Rs 75000/annum.
- (xv) The CER budget allotted – Rs. 20,000/- per annum.
4. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B1 as the mining lease area is more than 5 ha.
5. The proposal was considered by the State Level Expert Appraisal Committee (SEAC) in its meeting held on 12.04 2023. The SEAC have duly recommended for grant of EC to with following view:
- a) Environmental Clearance may be granted for the proposal valid upto lease period for extraction of **11,612cum/ annum** of sand as per the replenishment study report with stipulated conditions and following specific conditions as below:
- (i) Amended EIA Notification dated 25th July, 2018, Guidelines for sustainable sand mining, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, January 2020 of MoEF&CC, Govt. of India shall be adhered to in execution of Mining.
- (ii) Extraction should be limited to annual replenished quantity in workable area only subject to exclusion of safety zone as per Guidelines for sustainable sand mining, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, January 2020 of MoEF&CC, Govt. of India.
- (iii) Regular replenishment study to be conducted and report to be submitted.
- (iv) Provision of Bio-toilet shall be made at the site.

*h*

20



**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

- (v) Avenue plantation and plantation on both sides of the haulage road in consultation with/ on the advice of concerned Forest Department, Government of Odisha & W.R. Department Government of Odisha as well.
- (vi) Stone patching with plantation in between along the stretch of the bank associated with sand mining and necessary ramp construction shall be made.
6. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 122<sup>nd</sup> meeting held on 08.06.2023, 09.06.2023 & 12.06.2023 in accordance with the EIA Notification, 2006 and further amendments thereto as well as the Judgement dated 2<sup>nd</sup> February, 2022 of Hon'ble National Green Tribunal in OA No.33/2020/EZ (Laxmidhar Palai Vrs. District Collector, Balasore).
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 mining of Sand from Rajnagar River Sand Quarry Over an area of 13.55 acres or 5.48 Ha bearing Khata No.- 377, Plot No - 1295/1300 in Village-Rajnagar, Tahasil - Jaleswar, District-Balasore, Odisha with the following stipulations, environmental conditions and safeguards.**

**A: Stipulations:**

Sl.	Descriptions	Stipulation
(i)	Lease Area:	13.55 Acres or 5.48 Hectares
(ii)	No Mining Zone:	1/4 <sup>th</sup> of river width for protection of river bank and 7.5-meter safety zone from all side of lease boundary.
(iii)	Maximum Depth of Mining:	1.0 meter as per the approved mining plan
(iv)	Permitted Quantity:	1 <sup>st</sup> year: 11612 cum/per year 2 <sup>nd</sup> year: 2900 cum/per year
(v)	Validity Period of EC:	Two years from date of issue

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

- 7.1 **Boundary Demarcation:** - The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empanelled agency of ORSAC.



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

- 7.2 **Digital Map:** -A digital map (in KML format as well as PDF version) showing GPS coordinates of all boundary pillars duly countersigned by the Tahasildar shall be submitted to SEIAA, Odisha through email at [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.
- 7.4 **Tree Plantation:** - Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for avenue plantations of the State Forest Department. The Project Proponent (lease holder) shall deposit Rs.3,00,000/- with the respective District Environment Society for raising 600 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 and deposited to the State Environment Management Fund, which will be utilized as per provisions of Rule 49(3) of the OMMC Rule, 2016 preferably, in and around the areas where mining activities are undertaken.
- 7.6 **Condition by Collector:** - Any other condition(s) the Collector & Chairman, District Environment Impact Assessment Authority (DEIAA), may impose in the interest of protection and safeguarding the local environment.
- 7.7 **Compliance report for Transfer of EC:** - Any transfer of EC to a PP/Lessee shall be considered by SEIAA, Odisha only after receipt of the full compliance report through Tahasildar concerned of the above environmental conditions and safeguards.
- C: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED ON FIELD AFTER THE LEASE AGREEMENT**
- 7.8 **Maximum permissible depth:** This Environmental Clearance is given with the condition that maximum depth of digging of sand shall be 1.0 m as per mining plan. Any flouting of this restriction shall make this EC liable to cancellation.
- 7.9 **Maximum permissible quantity:** Maximum quantity of material is permitted to remove from the quarry area in 1<sup>st</sup> year is 11,612 cum and in 2<sup>nd</sup> year is 2900 cum. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 7.10 **Annual Replenishment Rate Study of Sand:** -The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the actual rate of replenishment of mined out sand in the lease area.

*[Handwritten Signature]*

22



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

- 7.11 **District Survey Report:** The District Survey Report (DSR) has been prepared by the competent District Authority as per the MoEF & CC, Govt. of India Notification S.O.3611(E) dated 25.07.2018, Sustainable Sand Mining Guidelines-2016, Enforcement & Monitoring Guidelines 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) submitted to competent authority for approval. The SEIAA, Odisha approved the DSR on 26.04.2023 with condition that the district administration shall include the replenishment data in the DSR within 1 year from grant of EC.
- 7.12 **EC Extension:** - Any further extension of EC beyond two years shall be considered only with submission of duly approved District Survey Report and Annual Replenishment Rate Study report of sand.
- 7.13 **Any change in mining plan requires fresh EC:** - Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. The detailed production of sand from the lease area of each year shall be submitted in tabular form during submission of compliance report.
- 7.14 **Environmental Management Plan:** EMP shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed in EMP. The PP will implement the EMP with a budgetary allocation of Rs 145000 and Recurring cost - Rs 75000/annum. The CER budget allotted - Rs. 20,000/- per annum. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The Tahasildar shall ensure the compliance of this condition along with all lease holders of his jurisdiction.
- 7.15 **No Working Zone:** - The lessee shall ensure that no sand mining is carried out in the areas as specified below: -
- During the rainy season;
  - Within the water channel or stream flow area throughout the year;
  - Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge, 200 meter upstream and downstream of water supply/irrigation scheme, 100 meter from the edge of National Highway and railway line, 50 meter from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meter from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.

23



**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)*

- d) The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non-monsoon period.
- e) No stream shall be diverted for the purpose of sand mining and no natural water course shall be obstructed.
- f) Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
- g) The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.

**7.16 Transport Safeguards:**

- a) No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
- b) Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project.
- c) Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- d) Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.
- e) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate additional road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.
- f) Water spraying should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.

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

- a) The Tahasildar shall take adequate measures to prevent unauthorized mining;
- b) The project proponent should carry out river bed sand mining manually by engaging local laborers to check over exploitation of sand at the source;
- c) The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.

24



**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*

- d) At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
- 7.18 **Common Forum for EMP:-** All the individual quarry lessee holders coming under the Tahasil may create a common forum in coordination with the Tahasildar and contribute funds to it for grading, compaction and maintenance of haulage road, provision of water spray on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry, and provision of thick, multilayer and a continuous green belt around the lease area excluding the entry and exit gate for prevention of environmental pollution and noise during mining activity.
- 7.19 **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 safeguards to the SEIAA, Odisha / Regional Office of the MoEF & CC, Bhubaneswar in soft copies on 1<sup>st</sup> day of June and December of each calendar year. The proponent shall also upload the compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions, failing which EC is liable to be revoked.
- 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, 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.
- 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 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

25

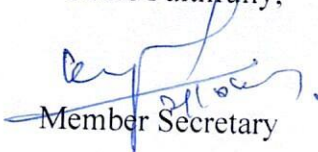


**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**

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

- 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. Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Cuttack / DFO, Balasore / Sub Collector, Balasore and Tahasildar. Jaleswar for Information and necessary action with specific reference to para in respect of year wise permitted quantity.
7. Guard file for record/Website/Parivesh Portal.

  
 Member Secretary



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

**SEIAA File No. SIA/OR/MIN/426984/2023**

Dated 08.08.2024

**To**

**The Collector & District Magistrate, Balasore  
 At/Po/Dist-Balasore**

**Sub: Preparation of District Survey Report of Minor Mineral Sources of Balasore District  
 and submit to SEIAA, Odisha for approval.**

**Ref: Appeal No. 18/2023/EZ (I.A. No. 10/2024/EZ) in the matter of Haripada Manna Vrs  
 State of Odisha and Others Order dated 16.07.2024 before the NGT, Eastern Zone  
 Bench, Kolkata.**

WHEREAS, the District Survey Report (DSR) of Balasore District was applied to SEIAA, Odisha in Parivesh Portal vide online application no. SIA/OR/MIN/426984/2023 dated 24.04.2023 for approval of SEIAA and the Authority has Approved the DSR of Balasore District in its 115<sup>th</sup> meeting held on 24.04.2023 as per the recommendation of SEAC. Accordingly, DSR approval letter was issued vide EC Identification No. - EC23B001OR140681 dated 27.04.2023 with specific condition in point no. 10 (iv) 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.*

WHEREAS, the approval of DSR was challenged before Hon'ble NGT/EZ, Kolkata vide Appeal No. 18/2023/EZ (I.A. No.10/2024/EZ) and after hearing Hon'ble Tribunal passed an order dated 16.07.2024 that in **point no. 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 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, and in point no. 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, and*

In view of you are herewith required to submit afresh DSR after inclusion of replenishment study report as per extant guideline and instructions.

Thanking you

Yours faithfully,

  
Member Secretary

Copy forwarded to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. The Director, Minor Minerals, Steel & Mines Dept, Loksabha Bhawan, Govt. of Odisha, Bhubaneswar for information and necessary action.
3. The Deputy Director of Mines, Balasore, Dist-Balasore for information and necessary action.

  
Member Secretary