

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


**I. A. No. _____ Of 2024
(Arising out of O.A. No.104/2024/EZ)**

Nilamani Mahapatra ... **Applicant**
-VERSUS-
State Of Odisha And Others ... **Respondents**

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Place: Cuttack
Dtd. 01.10.2024


ADVOCATE
For the Respondent No.17

(PRAVAT KUMAR MUDULI)
ADVOCATE
Email:pravatmuduli2007@gmail.com
Mob. No.9861143461

BEFORE THE NATIONAL GREEN TRIBUNAL:
EASTERN ZONE BENCH, KOLKATA

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(Arising out of O.A. No.104/2024/EZ)



Nilamani Mahapatra ... Applicant
-VERSUS-
State Of Odisha And Others ... Respondents

OBJECTION ON BEHALF OF RESPONDENT NO.17:

I, Sri Gangadhar Nayak, aged about 59 Years, S/o. late Nilakantha Nayak, at present working as Regional Manager, Narangarh Khondalite Mines, Odisha Mining Corporation Ltd., UNIT-V, Bhubaneswar-751001, Dist. Khurda, do hereby solemnly affirm and state as follows:

1. That, I am working as Regional Manager, Narangarh Khondalite Mines, Odisha Mining Corporation Ltd. and have been duly authorized to file this Affidavit for and on behalf of the Respondent No.17.
2. That, I have read and understood the contents of the accompanying Interim Application as well as the Photographs annexed thereto and understood the contents and purport thereof. I am filing this Affidavit on the basis of record maintained by the answering Respondent No.17.
3. That, at the outset, I deny each and every averment / assertion / allegation / contention made / raised by the Applicant in the Interim Application, unless the same is admitted specifically herein after. No averment or assertion or allegation or contention raised by the Applicant should be deemed to have been admitted on the ground of non-traverse.
4. That, the averments made in Paragraph-1 of the Interim Application needs no reply.

Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar



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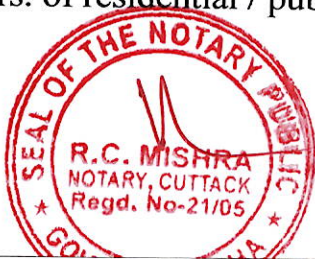
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5. That, in reply to the averments made in Paragraphs-2 & 3 of the Interim Application, it is submitted that the Respondent No.17 has also not received any Committee Report.

6. That, the assertions made in Paragraphs-4 & 5 of the Interim Application are not correct, misconceived, disputed and denied hereby.

7. It is submitted that the lease area is surrounded by the Plots which stands recorded in the name of Shree Jagannath Temple, Puri and some private persons are in forcible possession of the lands of Shree Jagannath Temple Administration, Puri. The quarry in question is being operated by complying the minimum distance criteria prescribed by CPCB & SPCB for permitting a stone quarry wherein blasting is not involved. Before the grant of mining lease in favour of the Respondent No.17 in respect of the area in question, the area was under the unauthorized occupation of illegal miners for illegal mining purposes. It is seen that adjacent to the Mining Lease area of the answering Respondent No.17-OMC Ltd, outsiders are involved in illegal mining through out day and night over the lands of Lord Shree Jagannath, Puri without any permission from the Government Authority. Such illegal mining is being done manually during the day time and by deploying heavy earth moving machineries during night, very very close to the inhabitants site. The inhabitants as well as the Applicant have no objection at all to such illegal mining. Sole intention is to stop the mining operation by the Respondent No.17 so that illegal mining which has been stopped in the grant area, due to grant of mining lease in favour of the Respondent No.17, will start again. First Information Reports have been lodged by the Mining Officer, Cuttack Circle before the Inspector In Charge, Jankia Police Station regarding illegal mining over SJTA lands. No quarrying operation is made at present by the Respondent No.17 within 100 mtrs. of residential / public buildings as well as inhabited site.

Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar



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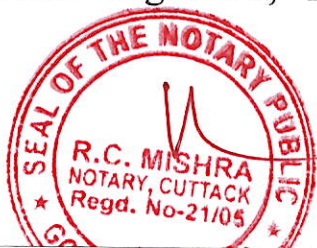
It is submitted that the machineries used for mining and its allied activities are regularly maintained and are well equipped with acoustic enclosures to avoid noise pollution. Further no high-level noise generating drilling machine is used for drilling of stone from the Quarry. Wire Saw Cutting machine along with water is used for cutting of stones from the Quarry which never generate high intensity of sound. It is further submitted that the mine is in operation adopting adequate pollution control measures. Regular Water sprinkling is being carried out in critical areas prone to air pollution and having high level of PM10 and PM2.5 such as haul road, loading and unloading point and transfer point and to control fugitive dust emission. Also, to have a check on pollution, the environment components such as air (ambient & fugitive), noise (ambient & work zone), water (surface & ground), soil is being regularly monitored by the NABL accredited agencies and the results are found well within the permissible limit. Hence, the contrary averments being devoid of merit are liable to be rejected.

8. That, the allegations made in Paragraphs-6 to 8 of the Interim Application are not correct, misconceived, untenable, disputed and denied specifically. False and baseless allegations have been made only malign a responsible PSU. As stated earlier, neither the Applicant nor any Villager has any objection to the illegal mining by outsiders using heavy machineries during night time and manually during day time over the lands recorded in the SJTA which are adjacent to the boundary of the Respondent No.17.

No quarrying operation is made at present within 100 mtrs. of residential / public buildings as well as inhabited site. It is submitted that OMC Ltd. has got permission under Regulation-106(2)(b) of Metalliferous Mines Regulation, 1961 for using Heavy Earth Moving Machinery

Gangadhar Nayak
Regional Manager
Khandalite Group of Mine.
O.M.C. Ltd. Bhubaneswar

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(HEMM) without Deep Hole Blasting at Mines Vide letter dtd.29.01.2021. It is further submitted that the Respondent No.17-OMC has obtained the permission from the Government Of India for working the said mines in three shift operations Vide letter No.519270/SEZ/Bhubaneswar Region 1/Perm/2023/256722, dtd.30.06.2023.

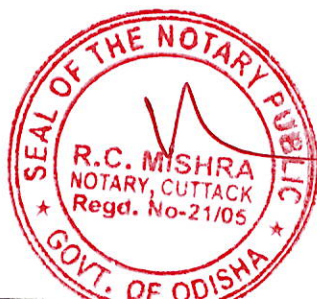
It is submitted that noise level is regularly monitored both by OMC Officials as well as by the agency namely; Visiontek Consultancy Services Pvt Ltd., an NABL accredited Agency. Only certified machineries from Original Equipment Manufacturer (OEM), are used to maintain noise level within the permissible limit. Further, the machineries used for cutting and its allied activities are regularly maintained and are well equipped with acoustic enclosures to avoid noise pollution. No high-level noise generating drilling machine is used for drilling of stone from the Quarry. Wire Saw Cutting machine is used along with water for cutting of stones from the Quarry which never generate high intensity of sound. Further it is submitted that Illumination Survey is being carried on as per guidelines of DGMS and the same are according to the standards of DGMS.

It is submitted that no blasting is being carried out. No quarrying operation is being done at present within 100 mtrs. of residential / public buildings as well as inhabited sites at present. So, there is no vibration. Only stone cutting is being carried out using mining machinery i.e. Wire Saw Cutting machine which are being maintained on regular basis. So, development of crack has not been occurred due to mining operation.

Dust suppression measures such as water sprinkling on haul road, water spray on Diamond wire saw stone cutting machine, transportation of Khondalite Block through covered trucks are being done by the Respondent No.17 during mining operation to prevent spreading of stone

Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar

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dusts to nearby areas. The machineries used by the Respondent No.17 for mining and its allied activities are regularly maintained and are well equipped with acoustic enclosures to avoid noise pollution. No high-level noise generating drilling machine is used for drilling of stone from the Quarry in question. Wire Saw Cutting machine is used for cutting of stones from the Quarry which never generate high intensity of sound.

Copy of the permission dtd.29.01.2021 is filed herewith and annexed as Annexure-R-17/1.

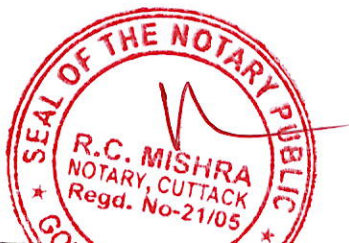
Copy of the letter dtd.30.06.2023 is filed herewith and annexed as Annexure-R-17/2.

9. That, the allegations made in Paragraph-9 of the Interim Application are not correct, without any basis, misconceived, disputed and denied specifically. It is submitted that all efforts are being taken for transportation of mineral through covered trucks. Road is being regularly repaired and maintained regularly by OMC. The vehicles are passing through the bypass road and number of vehicle is also limited. Regular water sprinkling of the approach road as well as the mines area during drilling and cutting operation is being done for minimising the dust. Dust parameter like PM10 and PM2.5 are monitored by NABL accredited agency and as per the report the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board. Hence, the contrary allegations being devoid of merit are liable to be rejected.

10. That, the allegations made in Paragraph-10 of the Interim Application are not correct, without any basis, misconceived, disputed and denied specifically. It is submitted that no blasting is carried out by the lessee for mining of the Khondalite Stone. The minerals are extracted by Cutting of Stone by using Wire Saw Cutting Machine. All efforts are taken for mining of the mineral as per the guideline dtd.12.05.2020 of CPCB. No

Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar

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quarrying operation is being done presently within 100 mtrs. of residential / public buildings as well as inhabited sites. Hence, the contrary allegations being devoid of merit are liable to be rejected.

11. That, in view of the facts stated above, the prayers made in the Interim Application are devoid of merit, hence liable to be rejected. Consequently, the Original Application being devoid of merit is also liable to be rejected with cost.

12. That, the facts stated above are true to the best of my knowledge and belief.

Identified by
Ch. Row
Advocate
Dtd. 01.10.2024

Gangadhar Nayak
DEPONENT
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar

Certified that cartridge papers are not available.

Pravat Kumar Muduli
ADVOCATE

(PRAVAT KUMAR MUDULI)
ADVOCATE
Email:pravatmuduli2007@gmail.com
Mob. No.9861143461



solemnly affirm on in Oath by the Deponent
at Cuttack on..01.10.24..being indentified
by*Ch. Row*.....
Advocate/Adv's Clerk/S.O.,AG's office/Notary
Personally, that the facts stated above are
true to the best of his/her knowledge.

01-10-24
RAMA CHANDRA MISHRA, NOTARY
CUTTACK TOWN, REGD. No-21/04

29/11/2021, 11:14

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ANNEXURE-R-17/11¹¹³

From

Director of Mines Safety

Bhubaneswar Region

To

The Manager,

Kundakundi Kunda Stone Mine,

M/s Odisha Mining Corporation Limited,

Village- Narangarh, Tahasil-Khordha,

District-Khordha, Pin-752018 (Odisha)

Subject: Permission under Regulation 106(2)(b) of the Metalliferous Mines Regulations, 1961 for using Heavy Earth Moving Machineries (HEMMs) without deep hole blasting at Kundakundi Kunda Stone Mine (leasehold area - 4.672 hectare) of M/s Odisha Mining Corporation Limited.

Dear Sir,

Please refer to your online application No.193937 dated 17.08.2021 enclosing therewith surface Plan NKDL/DGMS/SP/OMC/01 dated 30.09.2021 on the above subject.

The matter has since been examined on the basis of information furnished in your application under reference and shown on the enclosed plans and sections submitted by you.

In exercise of the powers conferred on the Chief Inspector of Mines (also designated as Director-General of Mines Safety) under the provisions of Regulations 106(2)(b) of the Metalliferous Mines Regulations, 1961 and by virtue of authorisation granted to me by the Chief Inspector of Mines (also designated as Director-General of Mines Safety) under Section 6(1) of the Mines Act, 1952, I, hereby permit you to work Kundakundi Kunda Stone Mine, Survey No.73H/12, Village-Narangarh, District-Khordha of M/s Odisha Mining Corporation Limited by deployment of Heavy Earth-Moving Machineries (HEMMs) without deep hole blasting, subject to the following conditions as stipulated herein, being strictly complied with -

1.0 GENERAL:

1.1 Except where otherwise provided for in this permission, all provisions of the Metalliferous Mines Regulations, 1961 relating to opencast workings, use of explosives and use of machinery shall be strictly complied with.

1.2 The mine shall be worked in one shift only during day light hours.

1.3 No deep hole blasting shall be practiced in the mine, unless separate permission in this regard, as is required under the Metalliferous Mines Regulations, 1961, is obtained from this Directorate.

1.4 This conditional relaxation is subject to the amendment or withdrawal at any time.

2.0 OPENCAST WORKINGS:

2.1 Height and Width of Benches:

2.1.1 The height of the benches in overburden, mineral or other rock formation shall not be more than the digging height of the machine deployed thereat for digging, excavation or removal.

TRUE COPY ATTESTED

D. Sahu
D. Sahu
Asst. Manager (Mining)
Odisha Mining Corporation Ltd.



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2.1.2 The width of any bench shall not be less than : (i) the width of the widest machine plying on the bench plus two metres, or (ii) three times the width of the largest dumper/truck/ tipper if dumpers/trucks/tippers ply on the bench, or (iii) the height of the bench, whichever is more.

2.2 No manual workers shall be employed on any bench where HEMM is deployed or on the next lower bench. Manual workers shall be employed only after withdrawal of HEMM and only at the places where benches conform to the requirements of Regulation 106(1), (4) & (5) of the Metalliferous Mines Regulations, 1961.

2.3 No mineral or debris or overburden shall be stacked within 100 metres around the active faces and periphery of the opencast workings.

3.0 ROADS FOR TRUCKS AND DUMPERS ETC:

3.1 All haul roads for dumpers/trucks/tippers or other mobile machinery shall be constructed to suit its load capacity and shall be maintained in good condition. No vehicle other than the transport vehicles shall be used on the haul roads, except between designated points and when permitted in writing by the manager.

3.2 Where practicable, all haul roads leading from the opencast workings to surface shall be arranged to provide one-way traffic. Where it is not practicable to provide for one way traffic, no haul road shall be of a width less than three times the width of the largest vehicle plying on that road plus(+) 5 m, or definite turn-outs, crossing points, and waiting points shall be designated and demarcated by proper sign boards for the guidance of operators/drivers of such vehicles.

3.3.1 If large capacity dumpers and smaller capacity tipping trucks or similar transport vehicles are deployed in the mine, separate roads for tipping trucks or similar transport vehicles shall be provided.

3.3.2 Plying of dumpers or tipping trucks on the same bench where men are to work, travel or rest shall be avoided.

3.4 All corners and bends on haul roads shall be so designed, made and kept maintained that the operators and drivers of vehicles plying on the haul road have clear view for a distance not less than 3 times the braking distance of the largest HEMM working at 40 kms/hour. Where it is not possible to ensure the visibility as stated above the road shall be provided with two separate lanes for up and down traffic, each of width not less than 2 times the width of the largest vehicles plying thereon plus 3 m, with a strong divider at centre with adequate lighting and reflector along the divider.

3.5 Except with the express permission in writing of the Regional Inspector of Mines (now designated as Director of Mines Safety), no haul roads shall have a gradient steeper than 1 in 16 at any place, except for ramps over small stretches not exceeding 10 m in length, where gradient upto 1 in 10 may be permitted.

3.6 Where any part of the road exists above the level of the surrounding area, a strong parapet wall or berm or embankment of the following dimensions:

- (i) width at top not less than 1 m,
- (ii) width at bottom not less than 2.5 m,
- (iii) the height not less than the diameter of the tyre of largest vehicle plying on the road.

It may be noted that mere dumping of mud or overburden shall not be treated as strong parapet wall.

3.7 Warning notices and road signs shall be posted along the haul roads at appropriate places like crossings, curves etc. for guidance of drivers of dumpers/trucks/tippers.

3.8 At every curve, parapet wall or vertical posts with zebra lines shall be provided to help the drivers to keep the trucks/tippers/dumpers on the track.

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D. Sahu

Asst. Manager (Mining)
Mining Corporation Ltd.

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4.0 FENCING AROUND OPENCAST WORKINGS:

4.1 The periphery around the limits of opencast workings shall be kept fenced with a masonry wall not less than 0.40m thick and not less than 1.2 m in height, with a parapet top.

4.2 The top edges of the opencast workings shall be kept fenced with wire rope strands or barbed wire, supported on movable posts (wooden, iron or concrete). The gap between the adjacent rope strands or wires shall not be more than 0.30 m, the bottom-most rope strand/wire shall not be more than 0.25 m above the ground level and the top most rope strand or wire shall not be less than 1.00m from ground level.

5.0 SPOIL, OVERBURDEN OR DEBRIS BANKS:

5.1.1 Spoil, overburden or debris shall be deposited at places belonging to the mine and duly approved by the manager in writing.

5.1.2 Spoils, overburden or debris shall not be deposited, beneath transmission, telephone or power lines or near any other public structure.

5.1.3 The slope of a spoil bank face shall be determined by natural angle of repose of the material being deposited, but shall in no case exceed 37.5° from the horizontal. The spoil bank face shall not be retained by artificial means at an angle in excess of its natural angle of repose.

5.1.4 Any spoil bank exceeding 30 m in height shall be kept benched so that no such bench exceeds 30 m in height and the general slope does not exceed 1 vertical to 1.5 horizontal. In no case, the height of any spoil bank shall be allowed to exceed 60 metres unless a scientific study on its stability has been done and a separate permission is obtained from this Directorate.

5.1.5 The spoil bank face shall not be retained by any artificial means at an angle in excess of its natural angle of repose.

5.1.6 Garland drains shall be provided around the periphery of the dumps, both at top and bottom, to collect run-off water. A clay capping shall be made over the exposed dump surface to prevent water entry.

5.2.1 The spoils, overburden or debris shall not be deposited within 45 m of a railway line, public road, other public works or other structures of permanent nature, not belonging to management.

5.2.2 The toe of the dump shall not be allowed to approach any of the above-stated structures closer than 1.5 times the vertical height of its face.

5.2.3 A suitable fence shall be erected between any railway line, other public works or road, or building or structures of permanent nature not belonging to the management, and the toe of every active spoil bank so as to prevent un-authorized persons from approaching the spoil bank.

5.3 No person shall, or shall be permitted to approach the toe of an active spoil bank where he may be endangered from material rolling down the face. Suitable warning signs at conspicuous places shall also be displayed.

6.0 PRECAUTIONS AGAINST FIRE:

6.1 A code of practice shall be drawn up for dealing with fires at different locations in the opencast mine, and for dealing of fires in heavy earth moving machinery.

6.2 Automatic fire protection system shall be provided and kept maintained in working order on every HEMM used for loading and transportation. Recommended procedure for testing of such fire protection system, at a given interval as prescribed by the manufacturer shall also be adopted.

7.0 SUPERVISION:

approval-permission-dgms.gov.in/PermissionExemptionRelaxation/PEREmailCorrespondence/Draft?q=vLsFXMMHQaZ9QFJFTN1fIA%3d%3d 3/13

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D. Sahu
Asst. Manager (Mining)
Mining Corporation Ltd.

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7.1 During every working shift, the opencast workings shall be placed under the charge of a mine foreman or mining mate to have overall control and guidance of operations connected with the mine, who shall be responsible to see that all the regulations and orders made thereunder are strictly complied with.

7.2 Each and every operation, including operations carried out through contractors' workers or by outside agency, shall be placed under the charge of a competent supervisor, duly appointed and authorised by the manager, with his jurisdiction being clearly demarcated.

7.3 A code specifying duties and responsibilities of all mine-officials, i.e., Assistant Managers, Under Managers, Engineer(s), Supervisors, Technicians, Mechanics, Fitters, Machine Operators, helpers, loading supervisors etc. shall be drawn up and distributed to all concerned.

7.4 The Manager shall issue to every Driver/Operator, Supervisor and Mine Official connected with the use of Heavy Earth Moving Machinery, a copy of rules/regulations, orders made there-under and guidelines listed in this permission governing his duties, in a language understood by the person concerned. The Manager and the Engineer shall be responsible to ensure that all the precautions and guidelines listed in this permission are strictly followed by all concerned.

7.5 It shall be the responsibility of the Manager, Engineer and other supervisors to ensure that all persons working in the mine, and those working on machines/equipments etc. work as per the code and all machines and equipments etc. are installed, operated and maintained in safe working conditions.

8.0 ADDITIONAL DUTIES OF ENGINEERS PLACED IN CHARGE OF MACHINES AND EQUIPMENTS IN OPENCAST WORKINGS :

8.1 All machines and equipments deployed in the mine shall be placed under the charge of such number of qualified and experienced engineers as is adequate to effect adequate inspection, examination, safe operation and maintenance of the machines, equipments and accessories, who shall

- (i) inspect & examine machines, equipments and accessories, and satisfy himself that they are in sound and safe working order.
- (ii) not allow any machine, equipment to be used, if it is found defective.
- (iii) ensure that every machine, equipment, accessory is used in a safe and efficient manner.
- (iv) ensure that each operation/activity concerning repair, maintenance and operation of machinery/equipment is carried on in a safe and efficient manner.

9.0 INSPECTION, EXAMINATION, REPAIR AND MAINTENANCE OF HEMM AND OTHER MACHINES:

9.1 A scheme for proper maintenance, repair, overhaul and erection in respect of heavy earth moving machinery (commensurate with the capacity/size type of machines used in the mine), covering places such as repair sheds and workshops, shall be drawn and implemented. This shall also include framing and implementation of Code of Practice for erection, inspection, examination, repair, maintenance, etc. of such equipment before putting the same into use in the mine.

9.2 Every drilling and earth moving machinery or equipment or accessory (herein after called machine) shall be thoroughly examined at least once in every shift and maintained in good and safe working condition. In case of wheeled trackless HEMM like dumpers, trucks, tippers and other such machinery, special attention shall be paid to safe working order of brakes, steering system, horn, audio-visual reversing alarm, side indicator lamps, rear view mirrors and head lights & tail lights.

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Debjyot Sahu
Asst. Manager (Mining)
Mining Corporation Ltd

9.3 A record of examination and maintenance carried out in accordance with the above shall be maintained in a bound paged register which shall be signed by the concerned shift engineer and countersigned by the Engineer-in-charge.

9.4 If the engineer, mechanical foreman or other competent person making an inspection notices any defect in any machinery, the said machinery shall not be used until the defect has been remedied.

9.5 Any defect in any machinery, reported by its operator, shall be promptly attended to.

9.6 Any machinery found to be in an unsafe operating condition shall be tagged at the operator's position; "Out of Service, Do not Use" and its use shall be prohibited until the unsafe condition has been corrected.

9.7 All repairs to a machine shall be done at a location which provides a safe place for the persons engaged on repairs.

9.8 Except for testing, trial or adjustment, which must necessarily be done while the machine is in motion, every machine shall be shut down, and positive means taken to prevent its operation, before any repair, maintenance or lubrication is undertaken on it.

9.9 Power shall be disconnected when repairs are to be carried on any electrically powered machine/apparatus.

9.10 Any machinery, equipment or part thereof which is suspended or held apart by use of slings, hoists, or jacks shall be substantially blocked or cribbed, before men are permitted to work underneath or between the same.

9.11 While inflating tyres, suitable protective cages shall be used. Tyres shall in no case be inflated by sitting either in the front of it or on top of the same.

9.12 Operation and maintenance of heavy machineries such as shovels, excavators, pay-loaders, dumpers, tippers, trucks etc. shall be done strictly in accordance with the OEM's operation and maintenance instructions which shall be obtained from the manufacturers.

9.13 The stability of HEMM shall be carried out at least once in every year and after every major overhaul by an independent agency.

9.14 The crane and overhead crane shall be subjected to proof load test and NDT test once in a year from a competent authority.

9.15 The pressure vessel receiver shall be subjected to hydraulic and NDT test and shall be carried by a competent authority.

9.16 In case of any defect in equipment such as brake, steering and safety device, the equipment shall immediately be taken out from use keeping a record thereof.

10.0 PROTECTIVE EQUIPMENT:

10.1 Every person working in the mine shall be provided with, and shall use, a helmet and protective footwear of a type approved by the Chief Inspector of Mines.

10.2 All the persons employed beyond day-light hours shall be provided with, and shall use, fluorescent jacket and helmet with fluorescent band.

11.0 PRECAUTIONS AGAINST DUST:

11.1 Adequate arrangements to allay dry dust, by wetting, shall be made on haul roads and benches where mobile HEMM, trucks and dumpers operate.

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Dibyranjan Sahu
D. Sahu
 Asst. Manager (Mining)
 NCL Mining Corporation Ltd.

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11.2 All drills shall be provided with wet drilling arrangement and it shall be maintained in efficient working order. No dry drilling operation shall be carried on.

12.0 DESIGN, OPERATION AND MAINTENANCE OF SHOVELS, EXCAVATORS, PAYLOADER & OTHER MACHINERIES:

12.1 Every shovel, excavator and pay-loader shall be so designed as to afford the operator clear and uninterrupted vision all around.

12.2.1 Every shovel, excavator, pay-loader and dozer shall be maintained in good and safe working condition and shall be provided with -

(i) efficient warning devices;

(ii) front and rear lights of adequate intensity and a portable lamp for use in an emergency, unless the loading equipment is not intended to be used beyond day-light hours; and

(iii) an approved type of portable fire extinguisher or other approved type fire suppression system in efficient working condition so placed as to be within easy reach of the operator.

(iii) fire resistant hydraulic hoses in place of ordinary hoses to decrease the chance of fire and fire resistant sleeves and conduits where cable/wire is used;

(iv) a retractable ladder for mounting onto the machine;

(v) proper seat belt for operator;

(vi) turbo charge guard

12.2.2 The following safety features shall also be provided with every shovel and excavator -

(i) all functions cut-off switch;

(ii) swing motor brake;

(iii) vent valve on top of hydraulic tank of such a type which is removable without any tool;

(iv) a baffle plate between cold zone and hot zone;

(v) provision for limiting of hydraulic cylinders – stopper.

12.2.3 All dozers shall also be provided with roll over protection.

12.3 The operator's cabins of every shovel, excavator, pay-loader and other HEMM shall be well designed and substantially built and air-conditioned so as to render adequate protection to the operator against heat, dust, noise etc. A seat belt for the safety of the operator shall also be provided in the equipment/HEMM.

12.4 Every shovel, excavator and pay-loader shall be under the charge of a competent person, authorised in writing by the manager, herein called the 'Operator'.

12.5.1 All persons employed or to be employed to operate shovel, excavator, pay-loader and other HEMM shall be trained and their competency shall be evaluated by a Board constituted by the management. The members of such board shall be persons who are not connected with imparting of training. However, the training officer(s) may be co-opted in the Board as observer.

12.5.2 Only such fitters/mechanics possessing driver's/operator's license, shall be allowed to carry out test-run of shovel, excavator, pay-loader and other HEMM.

TRUE COPY ATTESTED

D. Sahu
D. Sahu
Asst. Manager (Mining)
Nishant Mining Corporation Ltd

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- 12.6 No person other than the operator or the manager or any person so authorised in writing by the manager shall ride on a shovel, excavator or pay-loader.
- 12.7 No person shall be permitted to ride in the bucket of a shovel, excavator or pay-loader.
- 12.8 Shovel/excavator dippers and pay loader bucket shall be lowered to the ground during greasing operations.
- 12.9 No shovel, excavator or pay loader shall be operated in a position, where any part of the machine or suspended loads therefrom are brought closer than 3m to exposed high voltage transmission lines, unless the current has been cut off from such exposed transmission lines, and positive means have been taken to prevent the lines from being energised. A notice of this requirement shall be posted at the operator's position.
- 12.10 Electrical cables, if any, shall be laid in such a manner that they are not endangered either by falling rocks or by any mobile equipment.
- 12.11 The shovel/excavator/pay-loader bucket shall be pulled out of the bank as soon as it is full.
- 12.12 When being operated in soft or unstable ground, every shovel and excavator shall be supported on mats, heavy planks or poles so as to distribute the load of the machinery over larger area and prevent its toppling.
- 12.13 When not in use, shovel, excavator and pay-loader shall be moved to and stood on stable ground.
- 12.14 If more than one stripping machine is in use in any area, either on the same bench or on different benches, the machines shall be so spaced that there is adequate space for safe operation of each equipment, and there is no danger from flying or falling pieces of stones etc. from one machine to the other.
- 12.15 The safety features recommended in equipments shall be made a part of the notice inviting tender for new procurement and the design and drawing shall be obtained from OEM for fitting the same in old equipment.

13.0 DUTIES OF SHOVEL, EXCAVATOR & PAYLOADER OPERATORS:

- 13.1 Before any machine is put into operation, the operator shall look for any placards/tags on the machine like "OUT OF ORDER", "UNDER REPAIRS", etc. and in case such tags are seen anywhere in the entire system, the machine shall not be started.
- 13.2 At the commencement of his shift, the operator shall personally inspect and test the machine, paying special attention to the following details –
- (i) that every warning device is in working order.
 - (ii) that it is mechanically sound and in efficient working order, and
 - (iii) that the lighting fixtures are in proper working order, if the machine is required to work beyond day-light hours.
- 13.3 He shall not take out the machine for work nor shall he work the machine, unless he is satisfied of its safe working order.
- 13.4 The operator shall maintain a record of every inspection made under clause 13.2 in a bound paged book kept for the purpose, and shall sign every entry made therein.
- 13.5 The operator shall keep the cab window clean so as to ensure clear vision at all times.

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Asst. Manager (Mining)
Indira Mining Corporation Ltd.

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13.6 The walkways in or about the cab of any shovel, excavator and pay-loader shall be kept free of loose tools, grease containers or other materials that might fall or give rise to tripping hazard.

13.7 The operator shall not operate the machine when persons are in such proximity as to be endangered.

13.8 The operator shall not swing the bucket over-passing the trucks/dumpers when they are being loaded. He shall swing the bucket over the body of the truck/dumpers whilst loading and not over the cab, unless the cab is protected by a substantially strong cover.

13.9 Before leaving the machine, the operator shall lower the bucket to the ground.

13.10 The operator shall not allow any unauthorised person to ride on the machine.

14.0 DESIGN, OPERATION AND MAINTENANCE OF TRUCKS AND DUMPERS:

14.1 Every truck or dumper and other mobile equipment shall be maintained in good and safe working condition and shall be provided with:

- (i) efficient service brake, secondary brake, parking brake and an emergency steering in case the steering system is hydraulically operated;
- (ii) efficient exhaust/retard brake to control the speed while operating down the gradient;
- (iii) limiting speed device/speed governor for restricting speed of the vehicle within maximum allowable speed value;
- (iv) efficient horn;
- (v) rear view mirrors of adequate size on either side of the vehicle and blind spot mirror apart from the rear view mirrors to enable operator to have clear visibility of blind spot in and around dumpers;
- (vi) rear vision system, as required under DGMS (Tech.) Circular No. 12 of 2009;
- (vii) automatically operated audio-visual alarm which gets switched on no sooner the gear lever is shifted in "reverse" position, of a type conforming to DGMS Approval No.1 of 2010;
- (viii) side indicator lights;
- (ix) efficient head-lights, if the truck/dumper/equipment is required to work beyond day-light hours,
- (x) proper seat with seat belt for driver or operator and seat belt reminder to alert operator for using the seat belt;
- (xi) a substantially strong canopy to cover the driver's/operator's cabin fully;
- (xii) mechanical steering locking to prevent untoward movement of steering wheel and;
- (xiii) mechanical type anti collision device in tippers and dumpers to avoid head to tail collision on haul road such as tail gate, bumper extension or any other strong device;
- (xiv) fire resistant hydraulic hoses in place of ordinary hoses to decrease the chance of fire and fire resistant sleeves and conduits/wires where electric cable/wire is used;
- (xv) turbo charge guard and exhaust tube coated with heat insulated paint to decrease chance of fire;
- (xvi) battery cut-off switch to decrease chance of fire;

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Nishu Mining Corporation Ltd.

- (xvii) propeller shaft guard;
- (xviii) proximity warning device;
- (xix) retro reflective reflectors on all sides for visibility of trucks or dumpers during night;
- (xx) provision of restricting maximum speed of the vehicle to 30 kms/hour by blocking higher gear or any other automatic means;
- (xxi) factory-fitted fire suppression system of a type approved by the DGMS and conforming to DGMS (Tech.) Circular No. 10 of 2004;
- (xxii) body lifting position locking arrangement and a hooter along with an indicator to give warning while the body in lifted position;
- (xxiii) auto dipping system to reduce glaring on eyes of operator during night operation;
- (xxiv) load indicator and recorder to detect and prevent over-loading.

14.2 The operator's cabins of dumpers/tippers/other mobile equipments shall be well designed, substantially built and air-conditioned so as to render adequate protection to the operator against heat, dust, noise, etc. A seat belt for the safety of the operator shall also be provided in the dumper/vehicle.

14.3 The audio-visual alarm provided on trucks/dumpers/other mobile equipment shall be of such intensity which is not less than 5dB(A) above the surrounding noise level.

14.4 Every truck or dumper shall be under the charge of a competent person authorised in writing by the manager herein called the 'driver'.

14.5.1 All persons employed or to be employed to drive/operate trucks/dumpers/tippers shall be trained and their competency shall be evaluated by a Board constituted by the management. The members of such board shall be persons who are not connected with imparting of training. However, the training officer(s) may be co-opted in the Board as observer.

14.5.2 Only such fitters/mechanics possessing driver's/operator's license, shall be allowed to carry out test-run of trucks/dumpers/tippers.

14.6 No person other than the driver or the manager or any person authorised in writing by the manager shall ride on a truck or dumper.

14.7 No person shall, or shall be permitted to, ride on the board of a running truck or dumper.

14.8 No vehicle shall be loaded/unloaded on gradient.

14.9 As far as possible, loaded trucks or dumpers shall not be reversed on gradients.

14.10 Sufficient stop blocks shall be provided at every tipping point and these shall be used on every occasion, material is dumped.

14.11 Code of Traffic Rules framed by the Manager shall be adopted and followed during movement of all trucks and dumpers. They shall be prominently displayed at relevant places in the opencast workings and on truck/dumpers roads.

14.12 When not in use, every truck or dumper or other wheeled trackless machinery shall be moved to and parked at proper parking place(s) which shall be on level ground and away from working area of other mobile equipment. The truck or dumper or other wheeled trackless machinery shall not be parked at a place where it cannot be observed.

14.13 No person shall, or shall be permitted to, work on the chassis of a truck or dumper, with the body in a raised position unless the truck or dumper body has been securely blocked in position. The

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Jharkhand Mining Corporation Ltd.

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hoist mechanism shall not be depended upon to hold the body of the truck or dumper in a raised position.

14.14 Suitable points shall be designated for parking utility vans and other light vehicles in the opencast workings, which in no case shall be less than 30m away from the area where mobile HEMM operates. The light vehicles shall in no case be taken beyond the designated point unless operation of HEMM in the vicinity has been stopped.

14.15 No person other than those authorised shall be permitted to enter or remain in any dumping yard, loading and unloading points and turning points.

14.16 In respect of every truck/dumper or class of truck/dumper, the maximum load to be hauled shall be determined and notified to operators/drivers by the Manager. Speed limits at which such loads can be hauled shall also be determined and fixed by the Manager, depending on the road gradient, direction of movement, road surface etc., and notices/sign boards specifying the same shall be posted along the haul road at appropriate places/sections.

14.17 The safety features recommended in dumpers/trucks/tippers shall be made a part of the notice inviting tender for new procurement and the design and drawing shall be obtained from OEM for fitting the same in old equipment.

15.0 DUTIES OF TRUCK/DUMPER/TIPPER OPERATORS:

15.1 Before commencing work, the driver shall personally check the dumper/truck/tipper for oil(s), fuel & water levels, tyre inflation, and general cleanliness, and inspect and test the vehicle, paying special attention to the following details:

- (i) that brakes and steering system are in proper working order;
- (ii) that the warning devices including automatically operated audio visual reversing alarm are in working order;
- (iii) that rear view mirrors on either side of the vehicle is provided;
- (iv) that side indicator lights are in working order; and
- (v) that head lights are in working order, if the vehicle is required to work after day-light hours.

15.2.1 The driver/operator shall not take out the vehicle for work nor shall he drive the vehicle, unless he is satisfied that it is mechanically sound and in efficient working order.

15.2.2 He shall wear the seat belt before starting the vehicle and shall also ensure that other person(s), if so authorised to ride in the vehicle, are properly seated and also wear safety belts.

15.3 The driver shall maintain a record of every inspection made under clause 15.1 in a bound paged book kept for the purpose and shall sign every entry made therein.

15.4 The driver shall keep the cab window clean so as to ensure clear vision at all times.

15.5.1 The driver shall ensure that the gear is in neutral position, and parking brake is on, before stopping the engine.

15.5.2 The driver shall handle the truck/dumper carefully and keep it under control at all times. He shall negotiate downhill gradients in low gear so that minimum of braking is required.

15.5.3 He shall not drive too fast, shall avoid distractions and shall drive defensively. He shall not attempt to overtake another vehicle unless he can see clearly area enough ahead to be sure that he can pass it safely without exceeding the speed limit, and that area ahead is free of any road intersection or

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Odisha Mining Corporation Ltd



junction. He shall also sound audible warning signal before overtaking and shall not attempt to pass the other vehicle until he has received a proper audible signal in reply.

15.5.4 When approaching stripping equipment, the driver of the truck or dumper shall sound the audible warning signal and shall not attempt to pass the stripping equipment until he has received a proper audible signal in reply.

15.5.5 Before crossing a road or railway line, he shall reduce his speed, look in both directions along the road or railway line and shall proceed across the road or railway line only if it is safe to do so.

15.5.6 The driver shall not operate the truck or dumper in reverse unless he has a clear view of the area behind the vehicle. He shall give an audible warning signal before reversing a truck or dumper.

15.5.7 Driver shall be sure of clearance before driving through tunnels, archways, plant structure etc

15.5.8 The driver shall not drive 'nose to tail' particularly behind a vehicle with twin rear wheels from which a stone piece wedged between the tyres may fly back into the windscreen of his vehicle.

15.5.9 He shall sound audible warning while approaching blind corners or any other points where person may walk in front unexpectedly.

15.6 The driver shall see that the vehicle is not overloaded and that material is not loaded in a manner as to project horizontally beyond the sides of the vehicle's body and that any material projecting beyond the front or rear is indicated by the red flag during day and a red light after day-light hours.

15.7 The driver shall not allow any unauthorised person to ride on the vehicle. He shall also not allow more than the authorised number of persons to ride on the vehicle.

16.0 TESTING OF BRAKES:

16.1 Brakes of every truck, dumper and any other wheeled trackless machine shall be tested atleast once in two weeks, in a manner as indicated below:

(i) **Service brake test:** The brake shall be tested on a specified gradient and speed when the vehicle is fully loaded. The vehicle shall stop within a distance as specified by the OEM when the brake is applied, which shall be obtained from the manufacturer of the vehicle.

(ii) **Parking brake test:** The parking brake shall be capable to hold the vehicle for a period of at least ten minutes when it is fully loaded and placed at the maximum gradient of roadway on which it is permitted to ply.

16.2 A record of every such test carried on every dumper/truck/tipper/other mobile HEMM shall be kept maintained in a bound paged book which shall be signed by the person carrying out the tests and shall be countersigned by the engineer and the manager.

17.0 PROTECTION OF WORKERS AGAINST NOISE & VIBRATION:

17.1 Suitable steps shall be taken by all appropriate means to reduce the exposure of workers to any excessive noise and vibration. Guidelines given in DGMS (Tech.) Circular No.18 of 1975 may be followed.

18.0 CODE OF SAFE WORK PRACTICES:

18.1 A suitable 'Code of Traffic Rules & Safe Work Procedures' for regulating the movement of Heavy Earth Moving Machinery, trucks, tippers and other wheeled trackless machinery (commensurate with the capacity/size type of machines used in the mine) shall be framed and enforced immediately. Such Code of Traffic Rules should be deliberated and approved by Tri-partite Committee. A copy of traffic rules, in a language understood by them, shall be made over to all concerned, i.e., to drivers and operators of HEMM/trucks/tippers (including those belonging to

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contractors), supervisors and mine officials, and to such other persons who monitor/control movement of HEMM.

18.2 A suitable 'Code of Practice' for prevention of injuries to persons engaged in tipping on stock piles, tipping at crusher, dumping of overburden at dump yards, at loading and unloading points etc. (commensurate with the capacity/size type of machines used in the mine) shall be framed and enforced immediately. Such Code of Practice should be deliberated and approved by Tri-partite Committee. A copy of the code of practice, in a language understood by them, shall be made over to all concerned, i.e., to dump-men, drivers and operators of HEMM/trucks/tippers (including those belonging to contractors), supervisors and mine officials, and to such other persons who monitor/control dumping/tipping operations.

19.0 ADDITIONAL PRECAUTIONS WHILE DEPLOYING CONTRACTOR WORKERS AND MACHINERIES NOT BELONGING TO THE OWNER:

19.1 Buyers' trucks shall be parked away from the mine premises and only such number of trucks shall be allowed to enter the mine which can be accommodated in the despatch yard and are due for loading during the shift, with due consideration of safety of persons engaged in loading operations.

19.2 Trucks, tippers and other heavy vehicles, not belonging to management (including trucks/tippers engaged for transport of mineral from opencast workings to Crusher/Siding, and for transport of mineral from Crusher to Siding), shall not be allowed in the mine premises without a valid pass issued by the manager or other competent person. Before the pass is issued, the engineer shall ensure the road-worthiness of such vehicles.

19.3 In order to check entry of unauthorised trucks, tippers and other vehicles in mine premises, properly manned check gate(s) at the mine entrance(s) shall be set up, where record of entry and exit of each vehicle shall be maintained.

19.4 At the check gate(s), driving license of the drivers shall also be checked for eliminating the possibility of unlicensed persons driving the vehicles. Entry of unauthorised persons shall also be checked & controlled at such check gate(s) which shall be manned suitably for the purpose.

19.5 Persons engaged through contractors in any work within the mine premises shall be imparted relevant training and other job-related briefings, and the drivers/operators of HEMM/trucks/tippers/vehicles belonging to contractors shall additionally be explained the salient provisions of "traffic rules".

20.0 MISCELLANEOUS:

20.1 Separate stock yards shall be maintained for dumping and despatch of minerals and it shall be ensured that despatch of minerals is not carried out from the stock yard where dumping is under progress.

20.2 No work whatsoever shall be done where provisions of Regulation 127 of the Metalliferous Mines Regulations, 1961, are attracted due to the presence of river, jore or any nallah in the vicinity. The entire ground lying within 15m of such river, nallah or jore shall be filled up and consolidated and raised to a RL which is at least 3m above the known highest flood level of the river/nallah/jore.

20.3 Garland drains of adequate size shall be provided on the surface on the periphery of the opencast workings to divert rain water from flowing down the slopes. The drains shall preferably be made impervious by plastering of floor and sides to minimize seepage of water through the strata.

20.4 The layout of the workshop for maintenance of HEMM and other equipments shall be as per requirement mentioned in the DG's Circular No.8 of 2003.

20.5 In the event of any change in the circumstances connected with this permission which is likely to endanger the life of persons employed in the mine or the mine, the mining operations for which this permission has been granted shall be stopped forthwith and intimation thereof shall be sent to this

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Asst. Manager (Mining)
Odisha Mining Corporation Ltd.

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Directorate. The said mining operation shall not be resumed without express and fresh permission in writing from this Directorate.

20.6 If at any time any one of the conditions, subject to which this permission has been granted, is violated or not complied with, this permission shall be deemed to have been revoked with immediate effect.

20.7 This permission may be amended or withdrawn at any time if considered necessary in the interest of safety and is being issued under Regulation 106(2)(b) of the Metalliferous Mines Regulations, 1961 only without prejudice to any other provisions of law which may be or may become applicable at any time.

20.8 This relaxation is in supersession of the exemption/relaxation, if any, granted under the aforesaid regulations in the past.

20.9 This permission is valid for five (05) years from the date of issue of this letter or validity of lease period whichever is earlier.

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Asst. Manager (Mining)
Odisha Mining Corporation Ltd

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ANNEXURE- R-17/2

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|  <p>भारत सरकार Govt. of India श्रम एवं रोजगार मंत्रालय Ministry of Labour & Employment खान सुरक्षा महाविदेशालय Directorate-General of Mines Safety</p> |  |
| NO: 519270 SEZ Bhubaneswar Region I Perm 2023 256722 | Date: 30/06/2023 |

From,
Director of Mines Safety,
Bhubaneswar Region-I
To
The Manager,
Kundakundi Kunda Stone Mine,
M/s Odisha Mining Corporation Limited,
Village-Narangarh, Tahasil- Khordha,
District-Khordha, PIN-752018(Odisha).

Sub: Permission under Regulation 106(2)(b) of the Metalliferous Mines Regulations, 1961 to use HEMM for digging, excavation and removal of mineral and overburden without deep hole blasting at Kundakundi Kunda Khondalite Mine of M/s Odisha Mining Corporation; modification there of.

Ref: Management's letters:

1. No.270/OMC/NKDL/2023, dated 02.06.2023 (RO.Dy.No.484 dated 06.06.2023)
2. Online Application Id No.256722 dated 02.06.2023

Plan: Illumination Plan No. Nil dated 31.03.2023 in a scale 1:1000

Sir,

Please refer to your online application Id No.256722 dated 02.06.2023 enclosing therewith the necessary supporting documents like list of competent persons, illumination standard to be maintained, notice of commencement and end of work and shift-wise deployment of machinery status on the above subject.

In exercise of the powers conferred on the Chief Inspector of Mines (also designated as Director-General of Mines Safety) under the provisions of Regulations 106(2)(b) of the Metalliferous Mines Regulations, 1961 and by virtue of authorisation granted to me by the Chief Inspector of Mines (also designated as Director General of Mines Safety) under Section 6(1) of the Mines Act, 1952, I, hereby modify the permission granted, vide this Directorate's letter No. 519270/SEZ/Bhubaneswar Region/Perm/2021/193937/PL common-MMR-1961/3 dated 29.11.2021 to the following extent:

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<https://approval-permission-dgms.gov.in/PermissionExemptionRelaxation/PEREmailCorrespondence/Sent?q=14WSuZze%2f37kRa%2bfb7PrwQ%3d...> 1/2

Dibyaranjan Sahu
D. Sahu
Asst. Manager (Mining)
Odisha Mining Corporation Ltd

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1.0 Condition No.1.2 of the permission letter No.519270/SEZ/Bhubaneshwar Region/Perm/2021/193937/PL common-MMR-1961/3, dated: 29.11.2021 stands modified and it shall be read as follows:

"The mine may be worked in three shifts, each shift with 8 hours duration".

The following additional conditions and all other conditions stipulated in letter No. 519270/SEZ/Bhubaneshwar Region/Perm/2021/193937/PL common-MMR-1961/3 dated 29.11.2021 shall be strictly complied with.

2.0 Safety Management Plan shall be prepared and implemented as per DGMS Tech (S&T) Circular No.5, dated: 02.04.2016 and DGMS Technical Circular No. 3/2019.

3.0 Emergency Management Plan shall be prepared and implemented as per the DGMS (Tech.) (S&T) Circular No. 08 of 2016.

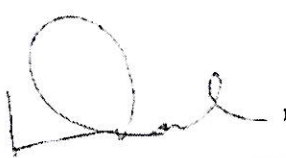
4.0 GENERAL LIGHTING:

4.1 Adequate general lighting arrangements conforming to stipulations not less than as specified in DGMS (Legis.) Circular No.03 of 2017 dated 06.11.2017 issued under Regulation 148(2) of the Metalliferous Mines Regulations, 1961, shall be strictly complied with.

4.2 Illumination surveys at interval not exceeding 30 days shall be conducted at all work-places to ascertain the standards of illumination.

4.3 Suitable search lights shall be provided to the concerned mine officials for better supervision at night.

5.0 This Directorate shall be informed as soon as the mining operations are commenced in accordance with the above relaxation. Intimation about completion of the mining operations should also be sent promptly and in any case not later than one month thereof.

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| Your Faithfully |
|  |
| K. MONDAL (DIRECTOR - BHUBANESHWAR REGION I) |
| THIS IS A SYSTEM GENERATED DOCUMENT, DOES NOT REQUIRE ANY SIGNATURE. |

TRUE COPY ATTESTED
Dibyanjan Sahu
D. Sahu
 Asst. Manager (Mining)
 Odisha Mining Corporation Ltd.