

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

(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Original Application No. 125/2024/EZ

Bibekananda Pattnaik-----Applicant(s)

Versus

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

Affidavit on Behalf of the Opposite Party/Respondent No. 03 State
Environment Impact Assessment Authority (SEIAA), Odisha

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Place: Bhubaneswar
Date: 01/10/2024

Shri Apurba Ghosh
Advocate for Respondent No.03
(SEIAA), Odisha
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25/D Baderaipur Road
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Affidavit on Behalf of the Opposite Party/Respondent No. 03 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.03 before this Hon'ble National Green Tribunal.
3. That, I have gone through the original application and order dated 08.07.2024 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.


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



4. That, in reply to the averments made in the Para-01 to Para-03 in O.A., the deponent humbly submits that that this deponent has no comments to offer.
5. That, in reply to the averments made in the Para-04 in O.A., the deponent humbly submits that the SEIAA, Odisha vide EC Identification No.-EC22B001OR188764 has issued Environmental Clearance (EC) for extraction of sand from Bhudhabalanga River Sand Bed-I over an area of 12.33 acres or 4.989 Ha in Village-Demphouda, Belanpura & Madhunanda, Tahasil-Betnoti, Dist-Mayurbhanj, Odishain favour of Tahasildar, Betnoti, Mayurbhanj, Odishafor a period of 5 years and extraction quantity of sand limited to 5000 cum in 1st year with condition that the pending submission of the Annual Rate of Replenishment Study (ARRS) report by November, 2022. A copy of the EC letter is attached in **Annexure-I**.
6. That, in reply to the averments made in the Para-05 to Para-31 in O.A., the deponent humbly submits that the District Collector & District Magistrate, Mayurbhanj had submitted the District Survey report of sand to SEIAA, Odisha vide their letter no. 736 dated 19.07.2022 through SEIAA E-mail dated 19.07.2022 for approval of SEAC & SEIAA. Accordingly, a letter was issued to the Collector & District Magistrate, Mayurbhanj and Balasore for a joint meeting at SEIAA Office chamber for discussion in respect to DSR of both Mayurbhanj and Balasore District. After joint meeting, the DSR of Balasore District was approved by SEIAA and presently is pending with District Authority end for re-appraisal as per order of Hon'ble Tribunal dated 16.07.2024 in Appeal No. 18/2023 (I.A. No. 10/2024/EZ

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





in the matter of Haripada Manna Vrs State of Odisha and Others). But the DSR of Mayurbhanj is yet to approved by SEIAA. Copy of the letter of District Collector & District Magistrate, Mayurbhanj submitted to SEIAA for approval of DSR is attached in **Annexure-II** and copy of SEIAA letter for a joint meeting is attached in **Annexure-III**.

7. It is pertinent to mention that further, a letter vide letter no. 25/12-2022 dated 16.12.2022 was issued by SEIAA, Odisha to the All Collector for submission of DSR of Minor Mineral for approval of SEIAA as per Hon'ble Supreme Court order dated 10.11.2021 in Civil Appeal nos. 36613662 of 2020 (State of Bihar Vrs Pawan Kumar and Others) and as per MoEF & CC Notification no. S.O. 3611 (E) dated 25.07.2018 and subsequent reminder letter dated 03.03.2023 and 29.07.2024 has been issued to All Collectors for approval of SEIAA. Presently, no DSR copy of Mayurbhanj District and other districts has not been submitted to SEIAA, Odisha for approval. A Copy of letter to All Collectors for submission of DSR to SEIAA, Odisha approval is attached in **Annexure-IV**.

[Handwritten signature]

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

8. 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.





9. That the deponent reserves the right to file further affidavit as and when necessary.

IDENTIFIED BY ME
A.V. 2024
Identified by
Advocate

[Signature]
Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

VERIFICATION

Verified at Bhubaneswar on this day of 01-10-2024
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:

[Signature]
Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

SWORN BEFORE ME



A.V. 2024
DUSASAN SAMANTARAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR, ODISHA
REGD. NO. 88/2012
MOB-9439143015



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



ENVIRONMENTAL
CLEARANCE

To,

The TAHASILDAR
TAHASILDARBETNOTIMAYURBHANJ
AT/PO-BETNOTI, TAHASIL/PS-BETNOTI DISTRICT-MAYURBHANJ -
757025

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/247458/2021 dated 07 Jan 2022. The particulars of the environmental clearance granted to the project are as below.

1. EC Identification No.	EC22B001OR188764
2. File No.	247458/179-MINB2/01-2022
3. Project Type	New
4. Category	B2
5. Project/Activity including Schedule No.	1(a) Mining of minerals
6. Name of Project	Budhabalanga River Sand Bed-I Over an area of 12.33 Acres or 4.989 Hectares in Village Demphouda, Belanpura, Madhunanda under Betnoti Tahasil of Mayurbhanj District of Odisha.
7. Name of Company/Organization	TAHASILDARBETNOTIMAYURBHANJ
8. Location of Project	Orissa
9. TOR Date	N/A

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

Date: 31/03/2022

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

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

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PARIVESH

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





STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY ODISHA, BHUBANESWAR

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2541029, E-mail-seiaaorissa@gmail.com

Letter No _____

Dt. _____

SEIAA File No: 247458/179-MINB2/01-2022

Project: Application of Tahasildar, Betnoti for mining of Sand from Budhabalanga River Sand Bed-I over an area of 12.33 Acres or 4.989 Ha in Village- Demphouda, Belanpura & Madhunanda, Tahasil- Betnoti, District- Mayurbhanj -Environmental Clearance reg.

Ref: Your online application dated 07.01.2022 for issue of EC vide File No: SIA/OR/MIN/247458/2021

Sir,

This has reference to your online application seeking environmental clearance of the mining project for mining of Sand from Budhabalanga River Sand Bed-I over an area of 12.33 Acres or 4.989Ha in Village- Demphouda, Belanpura & Madhunanda, Tahasil- Betnoti, District- Mayurbhanj. The proposal falls in the category 1(a)- 'Mining of minerals' in the schedule of EIA Notification, 2006 as amended from time to time. The proposal has been appraised on the basis of the documents enclosed with the application, such as Form-2, supported by other necessary documents, namely the form-1, PFR, DSR, EMP, Approved Mining Plan and Checklist.

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

- a. This is a proposal for mining of sand from Budhabalanga River Sand Bed-I lying in the Budhabalanga River bed located at village- Demphouda, Belanpura & Madhunanda, Tahasil- Betnoti, Dist-Mayurbhanj, over lease area of 12.33 Acres or 4.989 Ha.
- b. The mine area is a part of the Survey of India Toposheet No. F45O9 bounded by Latitude: 21°38'01.9" N to 21°38'08.5" N and Longitude: 86°51'00.00"E to 86°51'20.5" E.

DA



- c. The mining lease is an identified sairat source in the DSR. The Budhabalanga River Sand Bed-I sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Betnoti to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
 - d. The mining plan of the mining project prepared has been approved by Mining Officer, Baripada Circle, Baripada on 23.11.2021.
 - e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 30397 cum of sand, when extracted upto a depth of 1.0 m. 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.
 - f. 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 at a distance of 0.25Km away from the mining lease area.
 - g. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mine located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.
 - h. As per the approved mining plan submitted, it is observed that sand from the quarry will be extracted upto a depth of 1.0 meter with annual extraction of sand not exceeding 27000cum, maximum production capacity during the valid lease period.
3. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5ha.
 4. The proposal is duly appraised by the SEAC in its meeting held on 25.02.2022. The SEAC have recommended for grant of EC for the project valid upto the lease period stipulating various conditions.

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5. The Environmental Clearance (EC) is accordingly granted to the proposed activity of sand mining subject to the following conditions and stipulations. The EC shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar and shall be coterminous with the expiry of lease period.

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

7. Stipulated Conditions:

- 7.1 This Environmental Clearance is given with a condition that "maximum depth of digging of sand shall be 0.5m and maximum quantity of extraction of sand shall be 5000 cum in the 1st year, pending submission of rate of replenishment study at site. Study report on rate of replenishment shall be submitted by November, 2022."
- 7.2 The project proponent has to carry out by engaging appropriate consultant, a study of the annual replenishment rate of sand 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 replenishment rate of sand may be calculated by using the volumetric survey method or any other methods as laid down in 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 rate of replenishment of mined out sand in the lease area. Pending carrying out of the study & submission of the report, this clearance is being granted in an adhoc manner and is liable to be revoked after one year if satisfactory replenishment study report is not submitted. The submission of study report of rate of annual replenishment of sand within one year is obligatory for the project proponent.
- 7.3 The project proponent should carry out River bed sand mining manually by engaging local laborers in force to check over exploitation of sand at the source.
- 7.1 Any change in the plan or quantity to be produced shall require prior approval of SEIAA. This EC shall not be transferred without the permission of SEIAA. In case, the lease is settled in favour of any lessee, the permission of SEIAA will be taken along with the deposit of scrutiny fee.
- 7.4 There shall be a 'no working zone' to protect the embankment on both sides, road or rail bridge in the vicinity, if any, dam, weir, water intake structure of irrigation or drinking water project, or any cross drainage structure. 10 % of the width of river shall be left intact along the embankments on both sides as 'no mining zone'.

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Further, no mining shall be allowed within 200 m of any existing structures dam, weir, water intake structure of irrigation or drinking water project, or any cross drainage structure. In case of River Bridge, this no mining zone shall extend upto a minimum stretch of 200 meters from the said bridge and it may extend upto 500 meters in sensitive locations. The lease area shall be accordingly curtailed to carve out the actual sand mining area within the leasehold. Exact map of the lease area, and the 'no mining zone' shall be drawn to scale, showing the DGPS coordinates of all corner points, and the location of the bridge, embankment, extraction route & other structures; and such map has to be submitted to SEIAA by the project proponent through the Tahasildar within three months of the date of issue of the EC. The quantum of sand allowed to be extracted will be worked out on the basis of the actual working area.

- 7.5 The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent and photographs of proof of the same shall be submitted along with six monthly compliance report.
- 7.6 The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.
- 7.7 Mining is not permissible within the water channel or stream flow area. No stream shall be diverted for the purpose of mining and no natural water course shall be obstructed. The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non monsoon period. There shall be no sand mining in the river during the rainy season or when there is flow of water in the river.
- 7.8 Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
- 7.9 The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
- 7.10 No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/Gram Panchayat/BDO and only after required strengthening, such that the carrying capacity of road is increased to handle the sand truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC

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Guidelines with respect to complying with traffic congestion and traffic density. Plying of sand extraction trucks may be allowed on roads / path ways passing close to schools, temples, hospitals and such other public places only with prior written permission of competent authority.

- 7.11 Vehicles hired for transportation of sand 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.
- 7.12 The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of sand transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of sand trucks.
- 7.13 The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality. The PP shall plant and nurse to full establishment a minimum of 100 number of saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Gram Panchayat. Photographs of proof showing the plantation shall be submitted along with compliance report.
- 7.14 Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
- 7.15 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
- 7.16 Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report.
- 7.17 The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.
- 7.18 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / SPCB, Odisha/ Regional Office of the MoEF& CC, Bhubaneswar, in hard and soft copies on 1st day of January, April, July, October of each calendar year, failing which EC is liable to be revoked. 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.

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- 7.19 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.
- 7.20 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 that the project proponent submits quarterly compliance reports.
- 7.21 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 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParisad /Municipal Corporation / Urban Local Body as the case may be. A Copy of the environmental clearance letter can be downloaded from the Ministry portal (www.parivesh.nic.in).
- 7.23 A copy of this Environmental Clearance letter shall be displayed on the website of the Odisha State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tehsildar's office for 30 days.
- 7.24 Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the State Pollution Control Board.
- 7.25 The SEIAA, Odisha may revoke or suspend this EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.
- 7.26 The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 7.27 Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this environment clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.
- 7.28 The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act,1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.

D.H.

- 7.29 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
- 7.30 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,

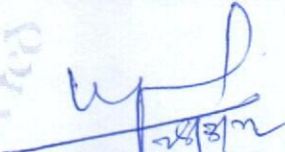

Member Secretary

Memo No _____ /Dt. _____

Copy to

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




Member Secretary

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OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, MAYURBHANJ, BARIPADA
(TOUZI SECTION)

No. 736 /Touzi. dt. 19.7.22 //

To

The Member Secretary, SEIAA,
 Odisha, Bhubaneswar

Sub: - Submission of District Survey Report (DSR) on sand mining for approval.

Ref:- Govt. in R&DM letter No. 39345/R&DM, Dt. 28.12.2021.

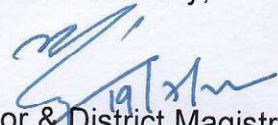
Sir,

In inviting a reference to the letter on the subject cited above, I am to submit herewith the District Survey Report on sand mining both in hard copy & soft copy in respect of Mayurbhanj District which was duly prepared and approved by all the members of DEIAA on 28.12.2019. In the present DSR certain modifications has been made on the sand sources whose validity of lease has been expired during the plan period 2015-16 to 2019-20 and fresh auction has been made after approval of Mining Plan and Environmental Clearance.

In addition to it, the essential data required for making proper assessment of sand mining i.e location details, distance from Eco sensitive Zone area / village / temple/ Railway bridge, etc , cluster if any, status on replenishment study of sand sources have been given in Annexure –A (1) for your kind information and necessary action.

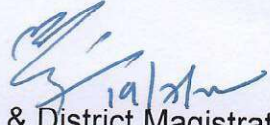
Encl – Sand Mining (Page 1 to 54)
 Additional Information (Page 55 to 78)

Yours faithfully,


 Collector & District Magistrate
 & Mayurbhnaj

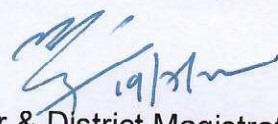
Memo No. 737 /Tz, Dt. 19.7.22

Copy submitted to the Additional Chief Secretary to Govt., R & DM Deptt. Odisha, Bhubaneswar, for favour of information and necessary action.


 Collector & District Magistrate
 & Mayurbhnaj

Memo No. 738 /Tz, Dt. 19.7.22

Copy submitted to the Secretary to RDC (CD), Cuttack for information and necessary action.


 Collector & District Magistrate
 & Mayurbhnaj



State Environment Impact Assessment Authority, (SEIAA),
Odisha

Qr. No. 5RF-2/1, Unit – IX, Bhubaneswar – 751022, Tel: 0674-3510075

No. 5483/SEIAA

Dt. 13.10.2022

From

Dr. K. Murugesan, IFS
Member Secretary, SEIAA, Odisha

To

1. The Collector & District Magistrate, Balasore
Dist- Balasore
2. The Collector & District Magistrate, Mayurbhanj
Dist-Mayurbhanj

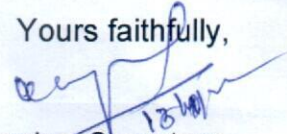
Sub: Meeting on District Survey Report (DSR) of Sand /Stone of Balasore, District and Mayurbhanj District submitted to SEIAA and Annual Replenishment Study (ARS) - reg.

Sir,

With reference to the above cited subject, I am to inform you that the Chairman SEIAA will hold a meeting on 17.10.2022 at 11.00 am in the Conference Hall of SEIAA, Odisha.

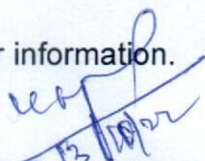
You are requested to make it convenient to attend the meeting or depute a senior officer well conversant in the matter. The consultant who has prepared the District Survey Report / Annual Replenishment Study may be advised to make a presentation in the said meeting.

Yours faithfully,


Member Secretary,
SEIAA, Odisha

Memo No. 5484/SEIAA Dated 13.10.2022

Copy forwarded to the Chairman, SEIAA and Member, SEIAA for information.


Member Secretary,
SEIAA, Odisha

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**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. 25/12-2022

Dated 29th July, 2024

To

The All Collectors of Odisha

.....
The Deputy Director of Mines of All District of Odisha

.....

Sub: 2nd Reminder for Submission of District Survey Report (DSR) for Minor Minerals to SEIAA, Odisha for approval-Reg

- Ref:** 1. This office letter dated 16.12.2022 of SEIAA, Odisha through e-mail dated 21.12.2022.
2. 1st Reminder letter issued by SEIAA, Odisha on 03.03.2023

Sir / Madam,

This has reference to the Government of Odisha, Revenue and Disaster Management Department letter no.RDM-LRGEC-EXINST-002-2008-27689 dated 27th July, 2018 regarding preparation of District Survey Report. The guidelines stipulate that the DSR shall be prepared for each minor mineral sources of the district separately in the prescribed structure, which shall form the basis for EC.

However, in many instances the applications for Environmental Clearance (EC) are submitted with a combined DSR and/or without following the prescribed structure, procedure, and without annexures. In the Notification dt. 25.07.2018 of MoEF& CC, Govt. of India regarding preparation of DSR it is mentioned that "the District Survey Report (DSR) shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The DSR report shall be

updated **once every five years**” and mostly the validity of DSR of all districts of Odisha will end on December 2024 and some other by December 2025 (copy of the expiry date of DSR list attached). Presently, the SEIAA, Odisha is considering the environmental clearance (EC) application based on the DSR approved by District Environment Impact Assessment Authority (DEIAA) earlier.

It is reiterated that the structure of DSR should be as per MoEF&CC Notification No. S.O. 3611 (E) dated 25th July 2018 and the procedure and annexures should be as per the MoEF & CC Enforcement and Monitoring Guidelines of January 2020. Copies of the DSR Structure and Annexures (I to VII) is enclosed for ready reference.

Hon’ble Supreme Court vide its order dated 10.11.2021 in Civil Appeal Nos. 36613662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others) has ordered that the draft DSR shall be prepared by the sub-divisional committee consisting of Sub-Divisional Magistrate, officers from Irrigation Department, State Pollution Control Board, Forest Department, Geological or mining officer by site visit using modern technology. The DSR should contain a Certificate stating that a survey has been carried out by the District Environmental Impact Assessment Authority (DEIAA) with the assistance of Geology Deptt., Irrigation Deptt., Forest Deptt., Public Works Deptt., Ground Water Boards, Remote Sensing Deptt., Mining Deptt. etc. in the district by site visit using modern technology and the recommendation are made on the suitability of site for mining or prohibition thereof. The State Government shall give an advertisement in the local and national newspaper for seeking comments of the general public on the list of mining lease included in the DSR. The DSR should be placed in the public domain for at least one month from the date of publication of the advertisement for obtaining comments of the general public. The comments shall be placed before the sub-divisional committee for active consideration and accordingly, change/modified in the format as per Annexure-V, VI & VII and to SEIAA& SEAC for approval. The District Magistrate of the concerned District shall forward the DSR to SEIAA for approval, which will be considered after its examination and evaluation by the SEAC.



In view of the above the SEIAA, Odisha has issued letter to all the Collectors vide letter no. 25/12-2022 dt. 16.12.2022 and 1st reminder letter dt. 03.03.2023 for submission of DSR to SEIAA, Odisha approval but the DSR of all districts of Odisha except Balasore District (DSR of Balasore District was approved by SEIAA, Odisha on 27.04.2023 subject to condition that the DSR will be liable for revocation if no replenishment study is submitted by 31st May 2024 but they unable to submit the replenishment study report in due time period and the matter was taken before Hon'ble NGT in an Appeal No.18/2023/EZ (I.A. No.10/2024/EZ) and finally the Hon'ble NGT in its order dated 16.07.2024 quash the approval of DSR of Balasore by SEIAA, Odisha dt. 26.04.2023) and the DSR of Angul District (is under consideration) has not been received at SEIAA, Odisha approval.

Therefore, it is reminded you and requested to kindly submit separate DSR for each minor minerals are to be prepared following prescribed procedure, format and annexures and submitted to SEIAA, Odisha for approval at an early date.

Yours faithfully,


Member Secretary, SEIAA

Copy for favour of information and necessary action 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. Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
5. Director, Environment-cum-Special Secretary to Government, FE & CC Department for kind information and necessary action.


Member Secretary, SEIAA

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**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. 25/12-2022

Dated ^{rcd} 03 March, 2023.

To

The All Collectors

Sub:Reminder for Submission of District Survey Report (DSR) for Minor Minerals to SEIAA, Odisha for approval.

Ref: This office letter dated 16.12.2022 of SEIAA, Odisha through e-mail dated 21.12.2022.

Sir / Madam,

This has reference to the Government of Odisha, Revenue and Disaster Management Department letter no.RDM-LRGEC-EXINST-002-2008-27689 dated 27th July, 2018 regarding preparation of District Survey Report. The guidelines stipulate that the DSR shall be prepared for each minor mineral sources of the district separately in the prescribed structure, which shall form the basis for EC.

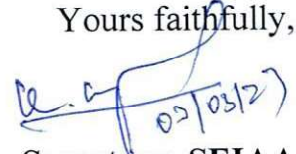
However, in many instances the applications for Environmental Clearance (EC) are submitted with a combined DSR and/or without following the prescribed structure, procedure, and without annexures.

It is reiterated that the structure of DSR should be as per MoEF&CC Notification No. S.O. 3611 (E) dated 25th July 2018 and the procedure and annexures should be as per the MoEF & CC Enforcement and Monitoring Guidelines of January 2020. Copies of the DSR Structure and Annexures (I to VII) is enclosed for ready reference.

Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 36613662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others) (**copy attached**) has ordered that the draft DSR shall be prepared by the sub-divisional committee consisting of Sub-Divisional Magistrate, officers from Irrigation Department, State Pollution Control Board, Forest Department, Geological or mining officer by site visit using modern technology. The District Magistrate of the concerned District shall forward the DSR to SEIAA for approval, which will be considered after its examination and evaluation by the SEAC.

It is therefore requested that separate DSR for each minor minerals are to be prepared following the prescribed procedure, format and annexures and submitted to SEIAA, Odisha for accordane of approval.

Yours faithfully,



Member Secretary, SEIAA

Copy for favour of information and necessary action to:

1. Additional Chief Secretary to Government of Odisha, Revenue & Disaster Management Department.
2. Director of Minor Minerals, Government of Odisha.



Member Secretary, SEIAA



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY ODISHA, BHUBANESWAR

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, E-mail-seiaaorissa@gmail.com

SEIAA File No. 25/12-2022

Dated 16th December, 2022.

To

All Collectors

Sub: Preparation of District Survey Report (DSR) for Minor Minerals

Sir / Madam,

This has reference to the Government of Odisha, Revenue and Disaster Management Department letter no.RDM-LRGEC-EXINST-002-2008-27689 dated 27th July, 2018 regarding preparation of District Survey Report. The guidelines stipulate that the DSR shall be prepared for each minor mineral sources of the district separately in the prescribed structure, which shall form the basis for EC.

However, in many instances the applications for Environmental Clearance (EC) are submitted with a combined DSR and/or without following the prescribed structure, procedure, and without annexures.

It is reiterated that the structure of DSR should be as per MoEF&CC Notification No. S.O. 3611 (E) dated 25th July 2018 and the procedure and annexures should be as per the MoEF&CC Enforcement and Monitoring Guidelines of January 2020. Copies of the DSR Structure and Annexures (I to VII) is enclosed for ready reference.

Hon'ble Supreme Court vide its order dated 10.11.2021 in Civil Appeal Nos. 36613662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others) has ordered that the draft DSR shall be prepared by the sub-divisional committee consisting of Sub-Divisional Magistrate, officers from Irrigation Department, State Pollution

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Control Board, Forest Department, Geological or mining officer by site visit using modern technology. The District Magistrate of the concerned District shall forward the DSR to SEIAA for approval, which will be considered after its examination and evaluation by the SEAC.

It is therefore requested that separate DSR for each minor minerals are to be prepared following the prescribed procedure, format and annexures and submitted to SEIAA, Odisha for accordance of approval.

Yours faithfully,


(Member Secretary, SEIAA)

Copy for favour of information and necessary action to:

1. Additional Chief Secretary to Government of Odisha, Revenue & Disaster Management Department.
2. Director of Minor Minerals, Government of Odisha.