

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO – 104 OF 2024

I.A NO- 82 OF 2024

IN THE MATTER OF:

NILAMANI MAHAPATRA

APPLICANT

VERSUS

STATE OF ODISHA AND ORS

RESPONDENTS

INDEX

SL No	Description of Document	Page No
1	I.A FOR STAY OF MINING OPERATION IN KUNDAKUNDI KUNDA STONE QUARRY	1-6
2	Photographs dated 30/09/2024 and 01/10/2024 as ANNEXURE-1	7-9

PLACE: Bhubaneswar

DATE: 01/10/2024

S.Pani *A.Padhy*

SANKAR PRASAD PANI

ASHUTOSH PADHY

ADVOCATE

Plot 2132/4814, Nageswartangi Khordha, Bhubaneswar 751002 Cell-9437279278,

Email: sankarprasadpani@gmail.com

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

Under Section 19(4) (i) read with 18(1) of National Green Tribunal Act, 2010

ORIGINAL APPLICATION NO - 104 OF 2024**I.A NO- ____ OF 2024****IN THE MATTER OF:**

NILAMANI MAHAPATRA

APPLICANT

VERSUS

STATE OF ODISHA AND ORS

RESPONDENTS**I.A FOR STAY OF MINING OPERATION IN KUNDAKUNDI****KUNDA STONE QUARRY****IT IS MOST RESPECTFULLY SHOWETH**

1. I, Nilamani Mahapatra S/o Narayan Mahapatra, aged about 36 years, At- Bhogapur (Narangarh), po- Hadapada, Dist- Khordha, pin-752018 do hereby solemnly affirm, and declare as under. That I am the applicant in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That the Hon'ble Tribunal vide order dated 28/05/2024 constituted a fact finding committee to visit the site and to submit its report on affidavit within four weeks, though already four months have passed but no

committee report has been filed by the District Magistrate Khordha as he is the nodal officer for the inspection and to file the committee report on affidavit.

3. It is pertinent to mention here that even though the Hon'ble Tribunal granted four weeks on 28/05/2024 to file inspection report but till date the committee report has not been filed by the DM Khordha though the committee visited the site in question on 20/06/2024.
4. That the mining operation is being carried out by the respondent No-17 i.e. Odisha Mining Corporation Limited by violating the siting criteria, that the Respondent 17 is operating the stone quarry which is in close proximity of the village for which the villagers are facing unbearable Air and Noise pollution.
5. That the present quarry operation is in blatant violation of Siting Criteria which prescribes a minimum of 500metre from residential areas and as per the CPCB guideline at least 100metre buffer area for quarry without involving blasting.
6. That the photographs dated 30/09/2024 and 01/10/2024 also suggests that the mining operation is being carried out in close proximity of the residential houses and the lease boundary of the quarry falls within the village. That the photograph dated 30/09/2024 shows that the mining operation is being carried out in night also which creates deafening noise for which the villagers cannot even sleep peacefully during night. Copy of

the photographs dated 30/09/2024 and 01/10/2024 is annexed here unto as **ANNEXURE-1.**

7. That the project proponent is using heavy machines to operate the stone quarry and those heavy machines creates uncontrolled vibrations for which many houses of the village developed cracks in their wall.
8. It is again pertinent to mention here that the Project proponent is operating the quarry in night also which is prohibited under the Environmental condition number 14, condition number 14 of the Environmental clearance dated 04/09/2020 is reproduced as follows;

“The illumination and sound at night at project sites disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. PPs must ensure that the biological clock of the villages is not disturbed, by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day light/night hours”.

9. That the project proponent is transporting the mined minerals through the village road, which also violates the Environmental clearance condition number 5. Due to plying of heavy vehicles through the village road the road is completely damaged and the villagers are facing problems while using the road.

10. It is pertinent to mention here that the mining operation is being carried out by violating the siting criteria issued by the CPCB, which says that there should be 500 meter distance from the residential areas.

PRAYER

That in view of the above mentioned paragraphs it is humbly prayed before this Hon'ble Tribunal to stop the mining operation carried out by the Respondent No 17 i.e. Odisha Mining Corporation Limited till final disposal of the Original Application.

Bhubaneswar

By the Applicant Through

01/10/2024



ADVOCATE

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

ORIGINAL APPLICATION NO - 102 OF 2024/EZ

I.A NO- OF 2024

IN THE MATTER OF:

Nilamani Mahapatra

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT

01 OCT 2024

I, Nilamani Mahapatra S/o Narayan Mahapatra, aged about 36 years, At-Bhogapur (Narangarh)po- Hadapada, Dist- Khordha, pin-752018 do hereby solemnly affirm, and declare as under:

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

Nilamani Mahapatra

DEPONENT

VERIFICATION

Verified on this 01 OCT 2024 day of2024 at ... that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By

Advocate 10/18/23

Nilamani Mahapatra

DEPONENT



The above named deponent(s) being duly identified by Sri. S.P. Jari Advocate, Bhubaneswar Appears before me on 01 OCT 2024 atA.M./ P.M.States on oath the contents of his / her / their affidavit are true to the best of his / her / their knowledge and belief

Deponent(s) Notary, Bhubaneswar

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

ANNEXURE-1

PHOTOGRAPH DATED 30/09/2024 SHOWING MINING OPERATION BEING CARRIED OUT IN NIGHT BY USING HEAVY MACHINES





PHOTOGRAPH DATD 01/10/2024 SHOWS MINING OPERATION IS CARRIED OUT BY USING HEAVY MACHINES





Sankar Pani <sankarprasadpani@gmail.com>

IA FILED IN OA 104/2024 NGT-EZ

1 message

Sankar Pani <sankarprasadpani@gmail.com> Tue, Oct 1, 2024 at 3:03 PM
To: Soubhagya Nayak Adv <saubhagya_1965@rediffmail.com>, apurba ghosh <apu7law@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, Sibojyoti Chakrabarti <subho.advocate@gmail.com>, Pravat Muduli <pravatmuduli2007@gmail.com>

Dear Sir, please find the attachment.

--

Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
Res-Plot No 2132/4814(B), Nageswar Tangi,
Bhubaneswar, 751002
Cell- 9437279278
Skype- sankar.pani



IA IN OA 104.pdf
1129K