

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

Original Application No.100 of 2024/EZ

SANJIB DHAL AND OTHERS

APPLICANTS

Versus

STATE OF ODISHA AND ORS

RESPONDENTS

I N D E X

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Place: Cuttack.

Date: 26.09.2024

By the Respondent No.4 through

*Jee Hanu*  
Advocate

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

**O.A. NO. 100/2024/EZ.**

**SANJIB DHAL AND OTHERS                      APPLICANTS**

VERSUS

**STATE OF ODISHA  
AND ORS**

**RESPONDENTS**

**PRELIMINARY COUNTER AFFIDAVIT  
FILED BY THE RESPONDENT NO.4.**

I, Shri Somesh Kumar Upadhyay, aged about 35 years, Son of Shri Upendra Kumar Upadhyay, at present serving as the Collector and District Magistrate, Dhenkanal, in the district of Dhenkanal, Odisha, do hereby solemnly affirm and state as follows;

1. That, I am the respondent no.4 in the aforesaid Original Application. I have thoroughly and carefully gone through the contents of the original application and understood the same. I am well acquainted with the facts of the case and competent to swear this affidavit for self.

2. That the applicants have filed the aforesaid original application with the following prayers;

- 1) Direct the SEIAA and SPCB to withdraw the environment clearance and CTO for violation of EC conditions and non-filing of quarterly environment compliance report;

*Somesh Kumar Upadhyay*

*Keats Shri  
Adv.*

*2/10/2024*  
**Surendra Prasad Dhal**  
Advocate  
NOTARY, CUTTACK

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II) Direct the Director of Mines and Geology, Government of Odisha, to assess the extent/quantum of Road Metal stone excavated illegally and its market value, cost of restitution and environmental compensation and recover the same from the private respondent;

III) Fix the accountability/responsibilities of the concerned government authorities and Tahasildar, Gondia, for their inaction and wilful dereliction of duties causing loss to the State Exchequer and damage to the environment;

IV) Direct the District Collector to initiate criminal proceedings under section 379, 420, 120B of IPC and section 19 of Environment Protection Act, 1986 against the private respondent and Mining Officer and Tahasildar, Gondia.

2. That the allegations and the averments made in the original application are not correct and hereby denied. Since the applicants have not approached this Hon'ble Court with clean hands and have suppressed the true state of affairs, the prayers sought for in the original application merit no consideration and thus, the original application being devoid of any merit is liable to be dismissed.

3. That it is respectfully submitted that pursuant to the kind order of this Hon'ble Tribunal, the members of the Joint Committee visited the alleged site on 10.07.2024 and on 16.7.2024 and prepared a comprehensive report which observed certain irregularities, as mentioned under the heading "observations" of the said report and recommended certain measures to be taken by the

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Advocate  
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*Somesh Kumar Upadhyay*

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appropriate authorities, as would be evident from the recommendations of the said report.

4. That, it is respectfully submitted that Sri Ajit Sahu has been operating the source "Tolarpasi Road Metal Quarry" under Gondia Tahasil. As per the order dated 16.5.2024, the joint committee constituted by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, visited the site in question on 10.7.2024. On verification of official documents of the Lessee Sri Ajit Sahoo, the Committee observed that the Lessee has not obtained explosive permission from the Collector & DM, Dhenkanal but he has possessed an Explosive license issued by the joint Chief Controller of Explosive, East Circle, Kolkata vide License No. E/EC/OR/22/390(E-98095), which is valid up to 31.03.2025. Copy of the report of the joint committee & the copy of the License issued by Petroleum and Explosives Safety Organisation (PESO) are enclosed here with as at **Annexures-A/4 and B/4** respectively.

5. That as regards the averment made in Para-2 of the OA, it is humbly submitted that as per observation made by the joint Committee, the Sadhu Gosein Temple is located at a distance of more than 200 meters, from the quarry site & the distance of the nearest habitation is also more than 1.5 Km from the site. Further as per report of the Committee, there are no cracks on the temple, because of controlled blasting & as such no illegal operation was carried out by the lessee, at the cost of damage to the property of local people and Govt. institution as alleged by the petitioners.

Somesh Kumar Upadhyay

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Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

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Photographs showing the location of the temple and its surrounding are filed as **Annexure-C/4 series**.

6. That, as regards the averment made in Para-3 of the OA, it is most humbly submitted here that the District Mining Officer, Dhenkanal, has submitted a report on dated 16.7.2024 stating details of minor mineral dispatched from Tolarpasi Road Metal Quarry for the period from 1.4.2023 to 30.6.2024. From the said report, it is ascertained that during that period all total of 1464 trips have been transported & the highest no of trips, that has been transported from the quarry was in the month of March, 2024. It is clear beyond all reasonable doubt that on an average, 16 trips per day have been transported from the quarry area/site. Therefore, the allegation that nearly 200 trips of stone per day, by over loaded vehicles, were being transported on the RD road, causing damage is not correct and hereby denied. A copy of the report submitted by the Mining Officer, dated 16.7.2024 is filed as **Annexure-D/4** for kind perusal.

7. That, as regards the averments made in Para-4 & 5 of the original application, it is respectfully submitted that, there are no villages within the 1.5 Km radius, from the quarry site. Therefore, the question of decreasing of ground water level in the locality does not arise in as much as the private respondent has not been using ground water during operation of the source. Apart from that, the private respondent has also obtained permission from the Central Ground Water Authority for using ground water. On the other hand

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Surendra Prasad Dhal  
Advocate  
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the said private respondent is, accordingly, exempted from seeking NOC.

8. That, as regards the averment made in Para-6 of the OA, it is most humbly submitted that the Mining Officer, Dhenkanal, Joint Director Geology & Tahsildar Gondia, visited the quarry site on 16.7.2024 to ascertain the exact quantity of material extracted from the site. As per their report the lease was executed in favour of the Lessee on 1.02.2022. Subsequently the Lessee started its operation within the quarry area. The Lessee was allowed to extract 20030 cum of black stone during the 1<sup>st</sup> year, 20034 cum in the 2<sup>nd</sup> year & 20034 in the 3<sup>rd</sup> year considering the approved mining plan. But the Lessee has extracted **7092 cum** extra black stone till 16.7.2024 which is illegal and steps are being contemplated to realise the penalty as suggested by the committee.

9. That, as regards the averment made in Para-8 of the OA, it is humbly submitted that since there is no movement of wild animals, the question of solar fencing around the source does not arise. Similarly the allegation of the resolution dated 28<sup>th</sup> June, 2018 issued by the Revenue and Disaster Management Department is not correct and hereby denied. The applicants without interpreting the true purport and intent of the said resolution have made the aforesaid allegations, which have no basis at all.

10. That, all the allegations, averments, contentions and / or statement as contained in the writ petition which may not have been

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Advocate  
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specifically denied or traversed here in but are in essence, contrary to the substance of this affidavit should not be deemed to be admitted by reason of mere non-traverse, but should be treated as expressly denied and the petitioner should be put to strict proof in respect thereof. I also crave leave of this Hon'ble Tribunal to file further affidavit or affidavits if the situation so warrants.

11. That the facts stated above are true to the best of my knowledge, belief and based on official records.

Identified by  
*J. K. S. S. S.*  
Advocate

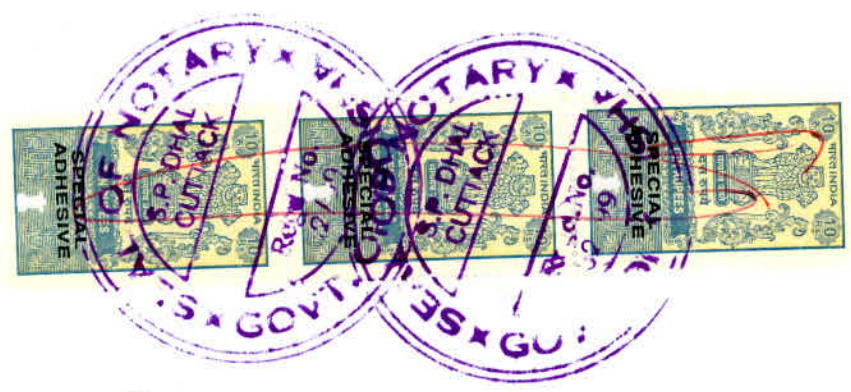
*Somesh Kumar Upadhyay*  
DEPONENT

**CERTIFICATE**

Certified that cartridge papers, not being available, the counter preliminary affidavit has been typed on thick white papers.

CUTTACK  
DT. 26.09.2024.

*J. K. S. S. S.*  
ADVOCATE



The above named Deponents  
Solemnly affirm on *26.09.2024*  
being identified  
by *J. K. S. S. S. Advocate*  
*Surendra Prasad Dhas*  
Advocate  
NOTARY, CUTTACK

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**Joint Committee Report as per the direction of Hon'ble NGT  
passed in O.A. No. 100/2024/EZ in the matter of  
Sanjib Dhal & Ors.-Vs.- State of Odisha & Others.**

Hon'ble NGT, EZB, Kolkata vide order dated 16.05.2024 directed to constitute a joint committee comprising of (i) Collector & DM, Dhenkanal or his Representative (ii) Sr. Scientist, OSPCB (iii) Sr. Scientist, SEIAA, Odisha (iv) DFO, Dhenkanal or his Representative (v) Senior Officer or Representative of the Director of Mines and Geology and visit the site and submit the report with regard to the allegation made in the OA. In compliance to the order of the Hon'ble NGT, EZB, Kolkata, the following members were visited the alleged site on **10.07.2024** for submission of fact finding report with regard to the allegation made in the OA. Besides the Tahasildar Gondia, District Mining Officer, Dhenkanal & Joint Director Geology visited the site on Dtd **16.7.2024** for assessment of the extraction of mineral by the Lessee through drone survey and measurement method of Tolarpasi Road Metal Quarry. This forms part of the Joint Committee report.

1. Smt. Anita Patra, OAS (S), Additional District Magistrate (Rev), Dhenkanal.
2. Er. R K Ekka, Sr. Env. Engineer & Regional Officer, SPC Board, Angul.
3. Dr. Pradeept Kumar Nayak, Environmental Scientist, SEIAA, Odisha
4. Sri. Dharanidhar Nayak, Deputy Director of Mines, Talcher Circle.
5. Sri. Kunja Bihari Nayak, OFS-A (JB), Asst. Conservator of Forest, Dhenkanal.

The following officers accompanied during field visit.

1. Smt. Meera Naik, OSA (JB), Deputy Collector, O/o Sub-Collector, Dhenkanal.
2. Sri. Sudhansu Sekhar Sao, OAS (JB), Tahasildar, Gondia, Dhenkanal.
3. Sri Soumya Ranjan Kuanr, Asst. Env. Scientist, SPC Board, Angul.
4. Sri Dambarudhar Mahata, District Mining Officer, Dhenkanal.

**Observations:**

**The committee has observed the following points during the visit.**

1. The Mining plan for Tolarpasi Road Metal Quarry was approved by the Joint Director Geology, Zonal Survey, Dhenkanal on dtd. 26.3.2021. The Environmental Clearance (EC) has been granted in favour of Ajit Sahu, Lessee by the SEIAA, Odisha to operate the Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at village-Tolarpasi, Tahasil-Gondia, Dist: Dhenkanal vide No. 3397/SEIAA. Dt. 18.10.2021 with subject to extraction of maximum quantity of material of 20,034 CuM. in a full year and total production from the quarry shall be 100166 CuM. during the valid lease period of five years as per the approved mining plan with some stipulated conditions. Accordingly lease deed was executed in favour of Ajit Sahu on

*In case copy attached*

*[Signature]*  
**Dy. Collector, 10uzi  
Collectorate, Dhenkanal**



Dtd. 01.02.2022. The Consent to Operate (CTO) has been granted by the State Pollution Control Board, Odisha in favour of Ajit Sahu, Lessee to operate the quarry in the name and style of M/s. Tolarpasi Road Metal Quarry over plot No. 1874, Khata No.467, Total ML Area of 12.25 Ac. Or 4.957 Ha. In mouza: Tolarpasi, Tahasil: Gondia Ps- Gondia, Dist: Dhenkanal vide Board's letter No. 641 dtd. 10.03.2022 which is valid for the period up to 31.01.2027. Subsequently, the Lessee started its operation within the quarry area. Further it was observed that over all Environmental compliances with respect to consent conditions were satisfactory.

2. It is observed that the said source has been handed over to Govt. in Steel & Mines Deptt. on Dtd. 04.08.2023 & now it is under the control of Dy. Director Mines, Talcher & District Mining Officer, Dhenkanal. The committee observed that some conditions like tree plantation, implementation of environmental management plan (EMP), management of Over Burden (OB) dump material and mainly submission of six (06) monthly EC compliance to SEIAA, Odisha has not been complied. During inspection, the project proponent informed that he is not aware of plantation and keeping record of separate account towards expenditure on EMP and he is agreed to do that part.
3. On verification of official documents of the Lessee Sri Ajit Sahoo, the Committee observed that the Lessee has not obtained explosive permission from the Collector & DM, Dhenkanal, but he has possessed an Explosive license issued by the joint Chief Controller of Explosive, East Circle, Kolkata vide License No. E/EC/OR/22/390(E-98095) which is valid up to 31.03.2025 (copy of the License issued by PESO is enclosed here with as at **Annexure-A/4 series**)
4. The joint Committee observed that the Sadhu Gosein Temple is located at a distance of more than 200 meters from the quarry site & the distance of the nearest habitation is also more than 1.5 Km from the site. There are no cracks on the temple because of uncontrolled blasting & no illegal operation was carried out by the lessee at the cost of damaged to property of local people and Govt. institution. (Photo copies of the temple are enclosed herewith as **Annexure-B/4 series.**)
5. From the report dtd. 16.7.2024 of District Mining Officer, Dhenkanal, it is observed that during the period 1.4.2023 to 30.6.2024 all total 1464 Nos of trips have been transported from Tolarpasi Road Metal Quarry & the highest no of trip transported from the quarry is during the month of March i.e 476 Nos of trips. So, it is observed that on an average 16 Nos of trip are transported from the quarry area on daily basis. So the allegation of nearly 200 trips of stone over loaded vehicles are plying on the RD road causing damaged and full of potholes to the road because of overloaded speedy trucks without cover plying on it is not based on fact. (The report of the Mining Officer is enclosed herewith as **Annexure-C/4**)

*True copy attested*

*Signature*  
**Dy. Collector, Iouzi**  
**Collectorate, Dhenkanal**



6. The Committee observed that no bore-well is constructed in the quarry area and water requirement for domestic, water sprinkling for dust suppression and planation activities are being sourced from Lessee's own pond located outside the mine leasehold area. The Lessee has obtained an exemption certificate from Central Ground Water Authority (CGWA) stating that the unit is exempted from seeking NOC. Further, there are no villages within the 1.5 Km radius from the quarry site. Hence there was no evidence for depletion of ground water in the village area due to this mining activity. (The report of the Ex. Engineer, RWS&S, Dhenkanal is enclosed herewith as **Annexure-D/4**)
7. As regards to the allegation of excess mining, during the joint visit of the Committee on Dtd. 10.7.2024 it could not be ascertained the quantity extracted by the Lessee, hence the Tahasildar Gondia, District Mining Officer, & Joint Director Geology were requested vide Letter No. 7255 Dtd. 10.7.2024 to measure the exact quantity of minor mineral extracted from the source in question.
8. Accordingly, Tahasildar Gondia, District Mining Officer, & Joint Director Geology have again visited the quarry on Dtd. 16.7.2024 to conduct the joint assessment survey in order to ascertain the exact quantity of material extracted from the site by the Lessee through drone survey & measurement. As per their report the lease was executed in favour of the Lessee on Dtd. 1.02.2022. The Lessee was allowed to extract 20,030 cum of black stone during the 1st year, 20,034 cum in the 2nd year & 20,034 in the 3rd year considering the approved mining plan. But the Lessee has extracted 7092 cum excess black stone from the quarry till 16.7.2024, which is illegal. (The report dtd. 16.7.2024 is enclosed herewith as **Annexure-E/4 series.**)
9. It was enquired and learnt that blasting and exploration in the mine is carried out in day time.
10. It was observed that, mine lease area has been demarcated by posting pillars but there is no wire fencing to avoid any type of accident of wild animals and human beings. No solar fencing of the quarry has been done. Hence, the Lessee shall provide solar fencing all around the quarry from his own cost in order to prevent any animal to face accident in future into the mine pit.
11. Some green cover were there as it appears in the KML file and during inspection it is observed that misc tree species are the dominated species grown naturally and exist there. Some unwanted species and bushes are cleared from the mining lease area due to mining activities.
12. The quarry is surrounded by green belt; however, the lessee has been instructed for plantation in safety zone and OB dump area.
13. It was observed that, top soil and Over Burden (OB) has been stacked at inside the leasehold area. OB dump has been compacted properly putting soil cover

*true copy attested*

*[Signature]*  
**Dy. Collector, Iouzi**  
**Collectorate, Dhenkanal**


on the top and garland drain has been constructed around the dump area. No mining activities were carried out during the visit.

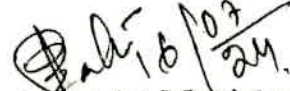
14. It was observed that there is no vehicle workshop center inside the mine lease hold area and also on further enquiry, it was learnt that the lessee is using hired vehicles for mining and transportation activities, hence, no generation of hazardous waste such as waste oil and used oil was observed.
15. The Lessee has constructed road on his mine lease area connecting to nearby RD Road for transportation of minerals and it was observed that water sprinkling is being done by mobile water tankers mounted on trucks. The condition of the road was observed to be in good condition.
16. It was learnt that, controlled blasting system with using sequence blasting with millisecond delay detonator is being adopted in order to prevent the fly of rocks and control of noise & vibration to the prescribed level.


#### Recommendations:


1. The Lessee shall reclaim the mined-out area after declaration of closure of the mine.
2. The Lessees shall inform the local people in advance while carry out blasting in the mine area before 30 minutes.
3. The project proponent shall implement the EMP and do plantation as per EC conditions after consultation with Divisional Forest Officer, Dhenkanal and submit its compliance report to SEIAA, Odisha.
4. The Lessee should submit an undertaking that the trees existing in the periphery mining lease area shall not be removed and for any deviation the Lessee will responsible for the same.
5. The Lessee shall pay the penalty for the excess mining of the mineral to the extent of 7092 CuM.
6. The Lessee shall provide solar fencing all around the quarry area in order to prevent any animal to face accident into the mine pit.
7. The Lessee shall take plantation in safety zone and OB dump area.

  
Regional Officer,  
SPC Board, Angul.

  
Deputy Director of Mines,  
Talcher Circle.

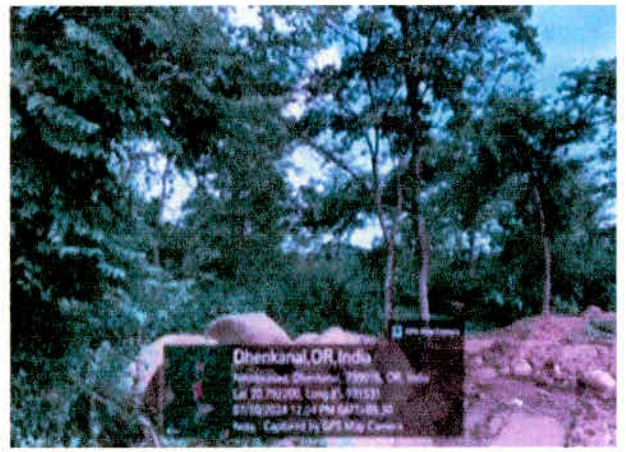
  
Additional District Magistrate  
(Rev), Dhenkanal.

  
Environmental Scientist,  
SEIAA, Odisha

  
Asst. Conservator of Forest,  
Dhenkanal Division.

*True copy attested*

  
Dy. Collector, Iouzi  
Collectorate, Dhenkanal



True copy attested  
*[Signature]*  
**Dy. Collector, 10uzi**  
**Collectorate, Dhenkanal**

## अनुज्ञप्ति प्ररूप एल. ई.-3 | LICENCE FORM LE-3

(विस्फोटक नियम, 2008 की अनुसूची V के भाग 1 के अनुच्छेद 3(क) से (घ) देखिए।)  
(See article 3(a) to (d) of Part I of Schedule IV of Explosives Rules, 2008)

(ग) उपयोग के लिए एक समय पर वर्ग 1,2,3,4,5 या 7 के विस्फोटक या किसी मैगजीन में वर्ग 6 के विस्फोटक रखने  
Licence to possess (g) for use explosives of class 1, 2,3,4,5,6 or 7 in a magazine

अनुज्ञप्ति सं. (Licence No.): E/EC/OR/22/390(E98095)  
वार्षिक फीस रूप (Annual Fee Rs): 9800/-

1. Licence is hereby granted to

Shri AJIT SAHU (अधिभोगी / Occupier : AJIT SAHU), S/o Late Gokul Chandra Sahu, At. PO & PS-Nihalprasad, Town/Village - NIHALPRASAD, District - DHENKANAL, State-Odisha, Pincode - 759016

को अनुज्ञप्ति अनुदत्त की जाती है।

2. अनुज्ञप्तिधारी की प्रास्थिति / Status of licensee : Individual

3. अनुज्ञप्ति निम्नलिखित प्रयोजनों के लिए विधिमान्य है।  
Licence is valid only for the following purpose.

possess for use of Nitrate Mixture, Detonating Fuse, Safety Fuse, Electric and/or Ordinary Detonators, - के उपयोग के लिए

4. अनुज्ञप्ति विस्फोटकों के निम्नलिखित किस्मों, प्रकार और मात्रा के लिए विधिमान्य है।  
Licence is valid for the following kinds and quantity of explosives: - (क) (a)

क्र. सं. / Sr. No.	नाम और विवरण / Name and Description	वर्ग और प्रभाग / Class & Division	उप-प्रभाग / Sub-division	मात्रा किसी एक समय में / Quantity at any one time
1.	Nitrate Mixture	2.0	0	4500 Kg.
2.	Detonating Fuse	6.2	0	20000 Mtrs
3.	Safety Fuse	6.1	0	10000 Mtrs
4.	Electric and/or Ordinary Detonators	6.3	0	44000 Nos.

(ख) किसी एक कलेंडर मास में खरीदे जाने वाले विस्फोटक की मात्रा [अनुच्छेद 3(ख) और (ग) के अधीन अनुज्ञप्ति के लिए]

(b) Quantity of explosives to be purchased in a calendar month [applicable for licence under article 3(b) and (c)]:

3 times as above.

5. निम्नलिखित रेखाचित्र (रेखाचित्रों) से अनुज्ञप्त परिसर की पुष्टि होती है।  
The licensed premises shall conform to the following drawing(s)

रेखाचित्र क्र. (Drawing No.) E/EC/OR/22/390(E98095)  
दिनांक (Dated) 17/06/2020

6. अनुज्ञप्ति परिसर निम्नलिखित पते पर स्थित है। The licensed premises are situated at following address:  
Plot No. 1833,1961,1833/9736, Khata No.1433/957, 1433/1111 ग्राम (Town/Village) NIHAL PRASAD

जिला (District) DHENKANAL  
दूरभाष (Phone) 09938206689

राज्य (State) Odisha  
ई मेल (E-Mail)

पुलिस थाना (Police Station): NIHAL PRASAD  
पिनकोड (Pincode) 759016  
फैक्स (Fax)

7. अनुज्ञप्ति परिसर में निम्नलिखित सुविधाएं अंतर्विष्ट हैं।  
The licensed premises consist of following facilities.

Regular Magazine

8. अनुज्ञप्ति समय-समय पर यथासंशोधित विस्फोटक अधिनियम, 1884 और उनके अधीन विरचित विस्फोटक नियम, 2004 के उपबंधों, शर्तों और अतिरिक्त शर्तों और निम्नलिखित उपाबंधों के अधीन रहते हुए अनुदत्त की जाती है।  
The licence is granted subject to the provision of Explosives Act 1884 as amended from time to time and the Explosives Rules, 2004 framed there under and the conditions, additional conditions and the following Annexures

- उपरोक्त क्रम सं 5 में यथा कथित रेखाचित्र (स्थान, संनिर्माण सबधी और अन्य विवरण दर्शित करते हुए)।  
Drawings (showing site, constructional and other details) as stated in serial No. 5 above.
- अनुज्ञप्ति प्राधिकारी द्वारा हस्ताक्षरित इस अनुज्ञप्ति की शर्तों और अतिरिक्त शर्तों।  
Conditions and Additional Conditions of this licence signed by the licensing authority.
- दूरी प्ररूप DE-2 | Distance Form DE-2.

9. यह अनुज्ञप्ति तारीख 31 मार्च 2025 तक विधिमान्य रहेगी। This licence shall remain valid till 31st day of March 2025.

यह अनुज्ञप्ति अधिनियम या उसके अधीन विरचित नियमों या अनुसूची V के भाग 1 के प्रति निर्दिष्ट सेट-VII के अधीन तथा उपबंधित इस अनुज्ञप्ति की शर्तों का अधिग्रहण करने या यदि अनुज्ञप्त परिसर योजना या उससे संबंधित उपबंध में दर्शित विवरण के अनुरूप नहीं पाए जाने पर निलंबित या प्रतिसंहत की जा सकती है।  
This licence is liable to be suspended or revoked for any violation of the Act or Rules framed there under or the conditions of this licence as set forth under Set VIII, wherever applicable, referred to in Part 4 of Schedule V or if the licensed premises are not found conforming to the description shown in the plans and Annexure attached hereto

तारीख | The Date - 17/06/2020

संयुक्त मुख्य विस्फोटक नियंत्रक | Joint Chief Controller of Explosives  
East Circle office, Kolkata

नवीनीकरण के पंढांकन के लिए स्थान  
Space for Endorsement of Renewal

नवीकरण की तारीख  
Date of Renewal

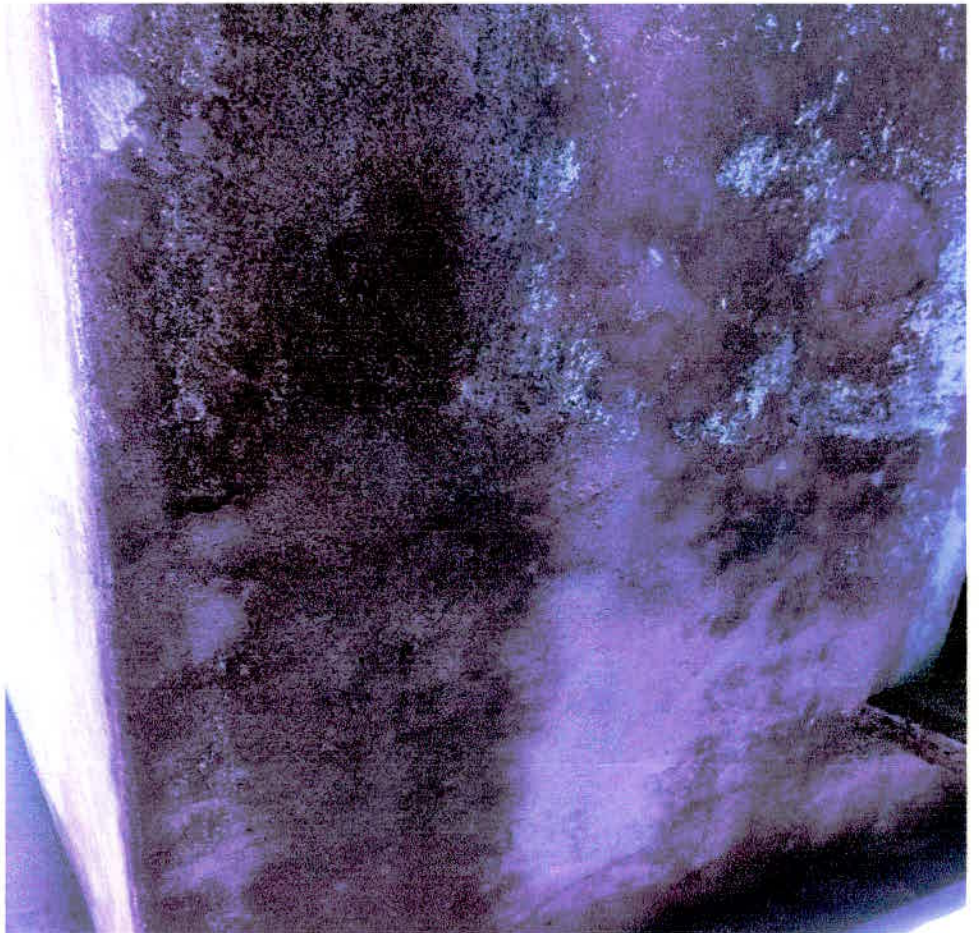
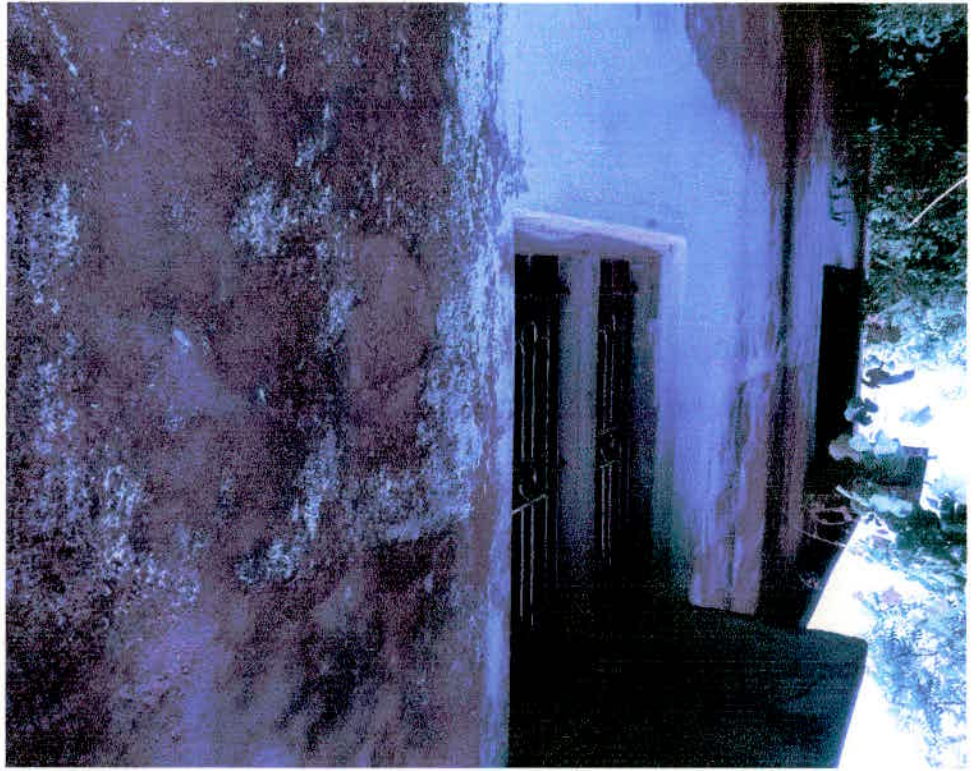
समाप्ति की तारीख  
Date of Expiry

अनुज्ञापन प्राधिकारी के हस्ताक्षर और स्टाम्प  
Signature of licensing authority and stamp

कागजी चेतावनी : विस्फोटकों को गलत ढंग से प्रयोग या उनका दुरुपयोग विधि के अधीन गंभीर दण्डित अपराध होगा।  
Statutory Warning : Mishandling and misuse of explosives shall constitute serious criminal offence under the law.

TAHASILDAR  
GONDIA

X3



*Handwritten:* <sup>4/18/20</sup> Inspected  
**Dy. Collector, Iouzi**  
**Collectorate, Dhenkanal**



True Copy attached  
 Dy. Collector, Jozu  
 Collectorate, Dhenkanal



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**ଗ୍ରାମ୍ୟ ଜଳଯୋଗାଣ ଓ ପରିମଳ ଖଣ୍ଡ, ଢେଙ୍କାନାଳ**  
**OFFICE OF THE SUPERINTENDING ENGINEER,**  
**RWS&S DIVISION, DHENKANAL**

E-Mail ID - eerwss-dkl@nic.in / eerwssdhenkanal@gmail.com (Tel - 06762-225080)

Letter No. 1470 /Date. 0/7/24

To

The Deputy Collector, TOUZI,  
 Collectorate, Dhenkanal.

Sub: - **Submission of field report regarding O.A No. 100/2024/EZ field by Sanjib Kumar Dhal - Vrs - State of Odisha & others pending before the learned Green tribunal, Eastern Zone Bench, Kolkata.**

Ref: - District Office Letter No. 7091 /Date. 06-07-2024.

Sir/Madam,

With reference to the above noted subject, it is to intimate that the Assistant Executive Engineer, RWS&S Sub-Division, Dhenkanal along with Additional District Magistrate (General), Forest Mining & Revenue Deptt. Officials visited the spot, on Date. 10-07-2024. During the visit to the Tolarpasi Road Metal Quarry (Black Stone Quarry) under Gondia Tahasil, it has been seen that there is no production well found near the quarry & water used for blasting is being taken from a pond which is nearly 10Km away from that quarry. Besides above the nearby village Tolarpasi is about 2.5Km away from that quarry.

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

Yours faithfully,

*[Signature]*  
 Executive Engineer  
 RWS & S Division, Dhenkanal

Copy Communicated to,

1. The Assistant Executive Engineer, RWS&S Sub-Division, Dhenkanal for information w.r.t to your letter No. 389 /Date. 10-07-2024.

*true copy attested*

*[Signature]*

**Dy. Collector, TOUZI**  
**Collectorate, Dhenkanal**

Details of Minor Mineral Despatched from Tolarpasi Road Metal Quarry from 01.04.23 to 30.06.24

Sl No	Source name	Month	Cum	Vehicle type	Total trip
1	Tolarpasi Road Metal Quarry	April 2023 To Dec 2023	4951	-	-
2	Tolarpasi Road Metal Quarry				
3	Tolarpasi Road Metal Quarry	January	5634	14 Cum *393 trip & 22Cum * 6 trip	399
4	Tolarpasi Road Metal Quarry	February	2772	14 Cum *198 trip	198
5	Tolarpasi Road Metal Quarry	March	6664	14 Cum *476 trip	476
6	Tolarpasi Road Metal Quarry	April	1190	14 Cum *85 trip	85
7	Tolarpasi Road Metal Quarry	May	2408	14 Cum *172 trip	172
8	Tolarpasi Road Metal Quarry	June	1876	14 Cum *134 trip	134
Total Cum			25495		1464

MINING OFFICER  
DHENKANAI

16/02/24

*file copy attached*  
Dy. Collector, rouzi  
Collectorate, Dhenkanal

X7

**VOLUME ASSESSMENT REPORT OF TOLARPASI  
ROAD METAL QUARRY IN GONDIA TAHASIL OF  
DHENKANAL DISTRICT**

(Use of UAV/Drone, DGPS Survey techniques adopted)

(DATE OF SURVEY: 16.07.2024)

*Prepared By*

**M/S TKS CONSULTANCY SERVICES**

Plot No-4482/12068, Pandara, Near Puri N.H,

GGP Colony, Rasulgarh, BBSR,

Khordha, Odisha-751025

E-mail: [tkscsbbs@gmail.com](mailto:tkscsbbs@gmail.com)

Contact: +91 7008115339

MINING OFFICE  
DHENKANAL

19/07/24

*B*  
19.7.24  
Deputy Director Geology  
Zonal Survey, Dhenkanal

*true copy attested*

*dlm*  
**Dy. Collector, IOZI  
Collectorate, Dhenkanal**

~~18~~

**REPORT ON ASSESSMENT OF THE ACTUAL VOLUME EXTRACTION FROM TOLARPASI ROAD METAL QUARRY OVER AN AREA OF 12.25ACRES OR 4.957 HECTARES IN VILLAGE TOLARPASI UNDER GONDIA TAHASIL OF DHENKANAL DISTRICT, ODISHA.**

**1.1 Introduction**

Tolarpasi road metal quarry over an area of 12.25Ac/ 4.957Hect. in village Tolarpasi under Gondia Tahasil of Dhenkanal district in Odisha. The mining plan was approved by Joint Director Geology, Zonal survey, Dhenkanal vide letter No.229/DZ on 26.03.2021. The lease was executed in favor of Sri Ajit Sahu on 01.02.2022. Subsequently, the lessee started the operation within the quarry lease. A Joint assessment survey has been conducted by Mining Officer, Dhenkanal in Presence of representative of Tahasildar Gondia, Mining Officer Dhenkanal and technical consultant on date 16th July-2024. The TKS Consultancy Services was deployed to assessment the volume of the Black Stone Quarry by the mining officer vide letter No.452/MM, Dhenkanal/Date-15.07.2024. As per letter we have surveyed the area in presence of Tahasildar Gondia, Mining Officer Dhenkanal & Lessee. The details of Boundary pillar coordinates are given below the table.

BOUNDARY PILLAR COORDINATES		
Point ID	LATITUDE	LONGITUDE
A	20° 47' 31.337"	N 85° 55' 58.832" E
B	20° 47' 38.088"	N 85° 55' 58.853" E
C	20° 47' 38.126"	N 85° 55' 50.425" E
D	20° 47' 31.491"	N 85° 55' 50.485" E

**1.2 Basis of calculation of extracted volume of Black Stone**

In the surface plan of Approved mining plan, it can be observed that there exist two quarries present in the lease area which is marked in surface plan ref. Plate No.3. Subsequently, a survey was conducted by M/s. TKS Consultancy Services by using ETS and drone survey on dated 16.07.2024 to verify the current resource position with respect to Tolarpasi road metal quarry. After survey by drone we have found a new quarry in southern side of the lease

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*[Signature]*  
**Dy. Collector, 10021**  
**Collectorate, Dhenkanal**

area, but in the approved mining plan prepared by Santosh Kumar Panda, RQP/OD/059/2016 shown in surface plan two existing quarries which is not excavated as per drone survey image. After the lease agreement, operation has been started and the lessee has developed new quarry situated at southern side within the lease area. Considering the quarry position volume of extraction of black stone has been estimated. The volume of excavation report is prepared based on the approved surface plan. The details are given below:

### 1.3 Geological Resource and mineable reserve as per approved Mining Plan

Geological Resource as per approved mining plan							
Category	Section	Cross Sectional area In (sqm)	Length of Influence In (m)	Volume of Stone in cum	Recovery Factor (90%)	Reserve in cum	Total Reserve in Cum
Proved	AB	1915	86	107240	0.9	96516	223254
	CD	1834	60	110040	0.9	99036	
	EF	513	60	30780	0.9	27702	
Probable	AB	1198	86	103028	0.9	92725	203533
	CD	1188	60	71280	0.9	64152	
	EF	864	60	51840	0.9	46656	
<b>Total</b>						<b>426787</b>	<b>426787</b>

Mineable Reserve as per approved mining plan							
Category	Section	Cross Sectional area In (sqm)	Length of Influence In (m)	Volume of Stone in cum	Recovery Factor (90%)	Reserve in cum	Total Reserve in Cum
Proved	AB	1630	78	127140	0.9	114426	220356
	CD	1550	60	93000	0.9	83700	
	EF	475	52	24700	0.9	22230	

True copy attached  
  
**Dy. Collector, 10uz1**  
**Collectorate, Dhenkanal**

Probable	AB	998	78	77844	0.9	70060	154401
	CD	989	60	53880	0.9	48492	
	EF	766	52	39832	0.9	35849	
<b>Total</b>						<b>374757</b>	<b>374757</b>

**1.4 Volume of Excavation of Black stone as per approved Mining Plan during 5 years of plan period.**

5 year Development Calculation						
Year	Section line	Cross Sectional area In (sqm)	Length of Influence In (m)	Volume of Stone in cum	Recovery Factor (90%)	Total Production in cum
1 <sup>st</sup> Year	EF	428	52	22256	0.9	20030
2 <sup>nd</sup> Year	CD	371	60	22260	0.9	20030
3 <sup>rd</sup> Year	CD	371	60	22260	0.9	20030
4 <sup>th</sup> Year	CD	371	60	22260	0.9	20030
5 <sup>th</sup> Year	EF	371	60	22260	0.9	20030
<b>Total</b>						<b>100166</b>

Generation of waste during plan period						
Year	Section line	Cross Sectional area In (sqm)	Length of Influence In (m)	Volume of Stone in cum	Waste Factor (10%)	Total Waste in cum
1 <sup>st</sup> Year	EF	428	52	22256	0.9	2226
2 <sup>nd</sup> Year	CD	371	60	22260	0.9	2226
3 <sup>rd</sup> Year	CD	371	60	22260	0.9	2226
4 <sup>th</sup> Year	CD	371	60	22260	0.9	2226
5 <sup>th</sup> Year	EF	371	60	22260	0.9	2226
<b>Total</b>						<b>11130</b>

True Copy attested  
  
**Dy. Collector, Iouzi**  
**Collectorate, Dhenkanal**

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## 1.5 Actual Extracted volume of Black stone as per Drone Survey

### 1.5.1 Method of calculation

- (i) As per the approved mining plan, prepared by RQP Santosh Kumar Panda, Regd No. RQP/OD/059/2016.
- (ii) The top RL of the Block was 87mRL.
- (iii) As per the Drone survey, new quarry has been developed after the lease agreement.
- (iv) The section of Approved mining plan has been considered to estimate the volume of excavation of black stone.
- (v) The volume of extraction of black stone has been estimated by cross sectional area method.
- (vi) The limit of developed quarry has been shown over the section to calculate the volume of excavation of black stone.
- (vii) The cross-sectional area of each section has been calculated and multiplied with the length of influence of the respective section to achieve the volume of rock mass in Cu.m.

### 1.5.2 ACTUAL EXTRACTED VOLUME OF BLACK STONE AS PER DRONE SURVEY FROM LEASE AGREEMENT 01.02.2022 TO 16.07.2024.

Section Considered	Cross sectional Area (m <sup>2</sup> )	Length of Influence(m)	Total Volume in cum	Volume of Recover able Stone (90%)	Volume of Waste (10%)m <sup>3</sup>
A	B	C	D=B X C	E=D X .9	F=D X .1
E- F	982	60	58920	53028	5892
<b>GRAND TOTAL</b>				<b>53028</b>	<b>5892</b>

true copy attested



**Dy. Collector, rouzi**  
**Collectorate, Dhenkanal**


22

**1.6 Conclusion:**

As per the approved mining plan, it was allowed to extract 20030 cum of black stone during 1<sup>st</sup> year, 20034 cum in 2<sup>nd</sup> Year & 20034cum in 3<sup>rd</sup> Year. The volume of extraction of black stone has been prepared considering the Approved mining plan.

- (a) As per the drone survey, the volume of black stone extracted is 53028 cum.  
(b) As per the drone survey the volume of waste is 5892 cum.  
(c) As per the approved Mining plan, the lessee has extracted 20000cum in 1<sup>st</sup> year, 20000cum in 2<sup>nd</sup> year & 5936 cum in 3<sup>rd</sup> Year from 01.02.2022 to 16.07.2024.

As per the calculation furnished in the above table, the total extracted volume of black stone is estimated to be 53028 cum (approx). Therefore, Lessee has extracted  $(53028 - 45936) = 7092$  cum extra volume of black stone till date from the date of execution. So Volume of extra black stone extracted till 16.07.2024 (Date of Survey) is calculated to be 7092 Cu m (Approximately)

  
K. K. Swain  
RQP/OD113/2022

*true copy attested*

5 | Page

  
**Dy. Collector, Iouzi**  
**Collectorate, Dhenkanal**

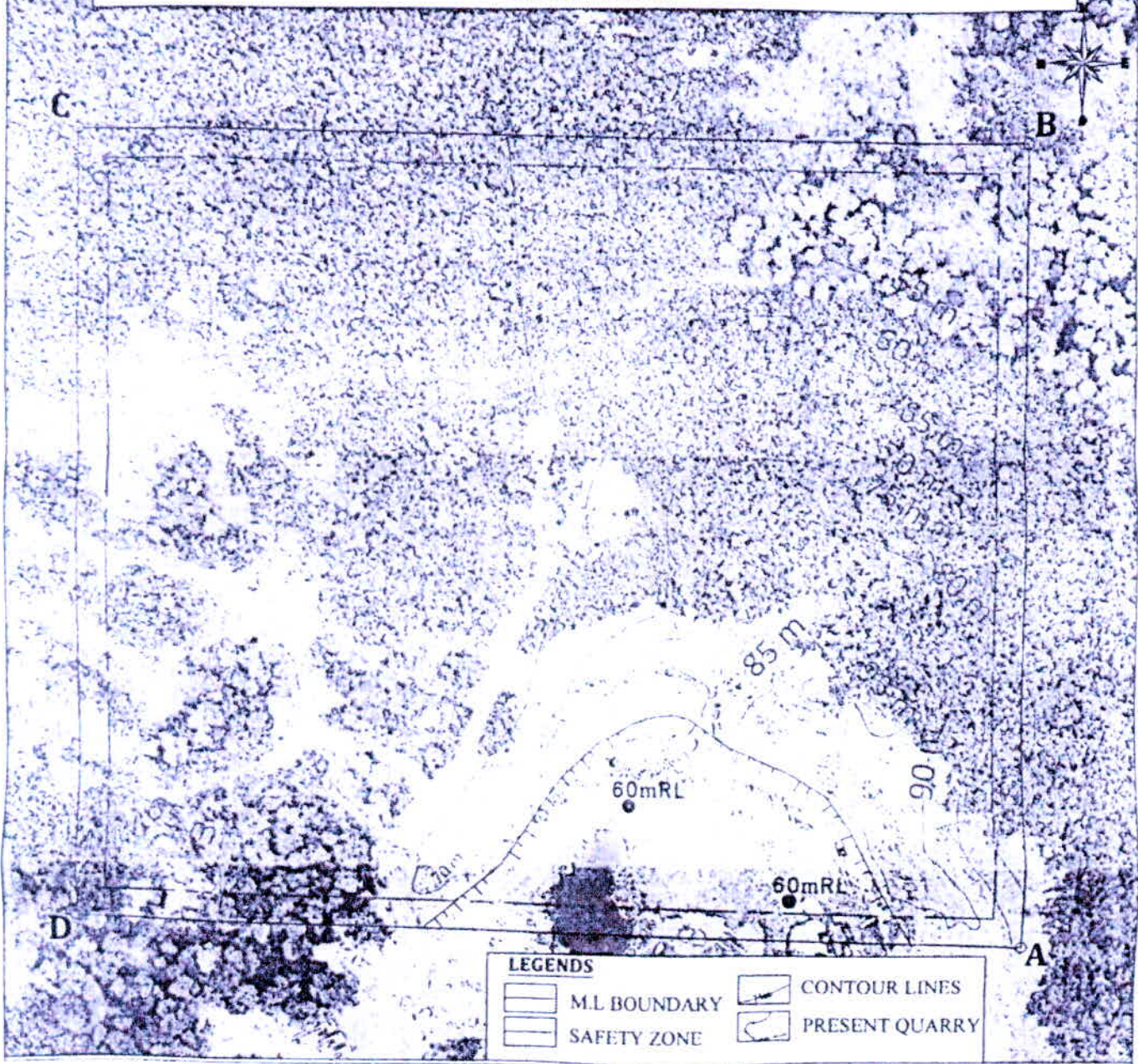
23

Tolarpasi Road Metal Quarry Over and area of 12.25Ac/ 4.957 Ha in Village Tolarpasi under Gondia Tahasil of Dhenkanal District, Odisha

Ortho Map

Date of Drone Survey-16.07.2024

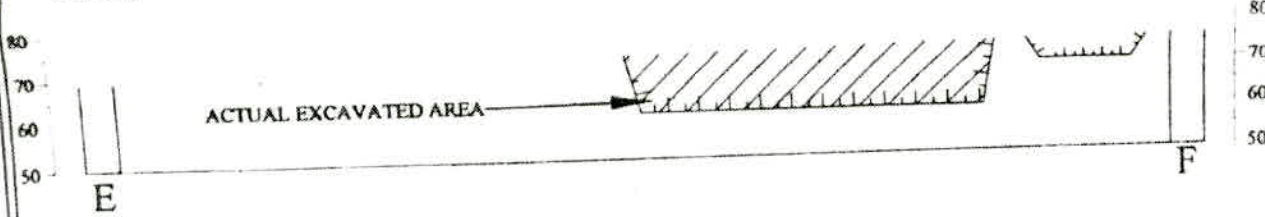
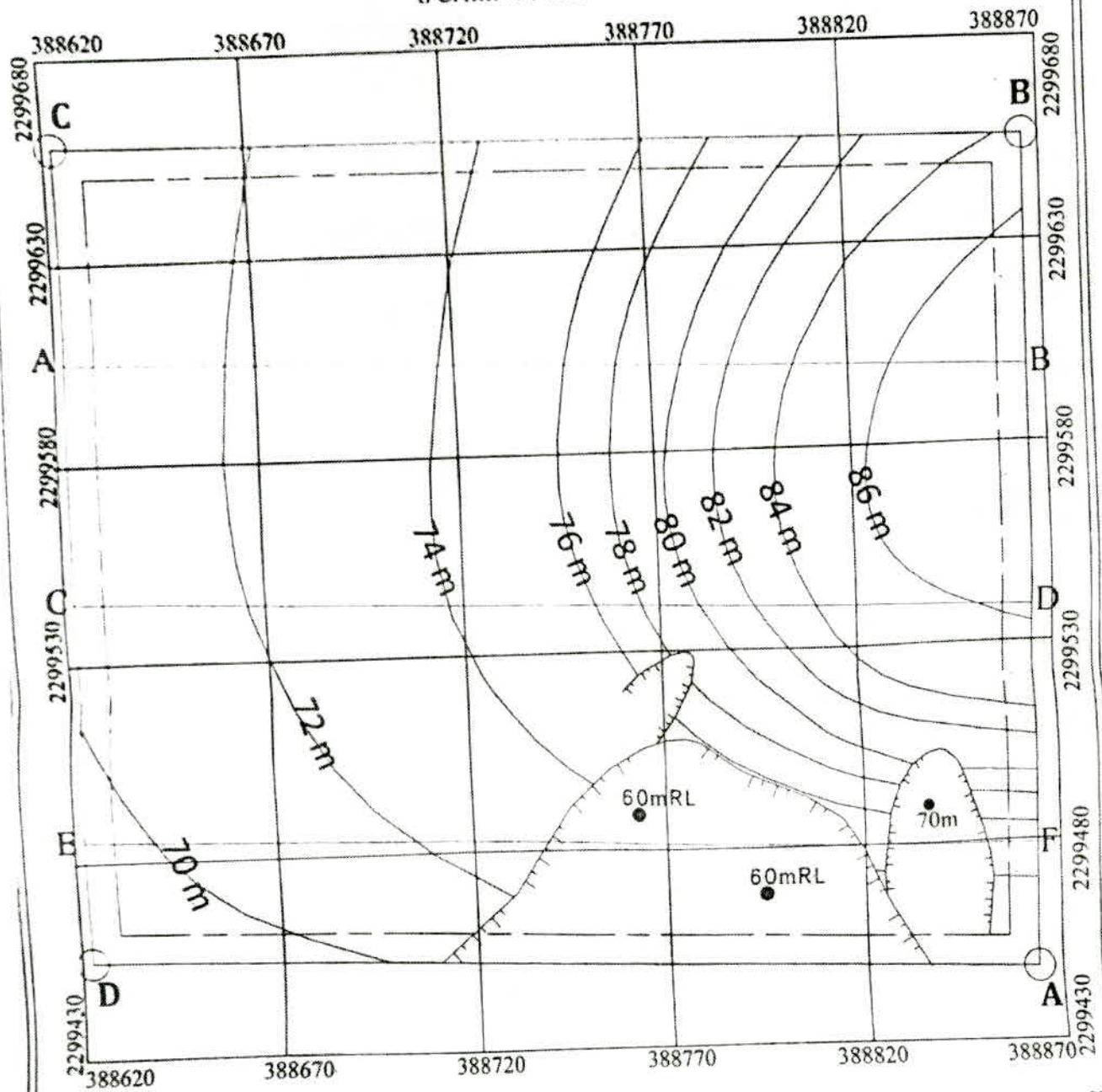
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True Copy attested  
 Dy. Collector, Iouzi  
 Collectorate, Dhenkanal

K. K. Swain  
 ROP/00113/2027

TOLARPASI ROAD METAL QUARRY OVER 12.25 ACRE OR 4.957 HECT IN  
 VILLAGE TOLARPASI UNDER GONDIA TAHSIL OF DHENKANAL DISTRICT  
 SUPER IMPOSED ON UPDATED QUARRY POSITION AS PER DRONE SURVEY  
 DATE OF DRONE SURVEY-16.07.2024  
 SCALE -1 : 1000



LEGENDS

- M.L. BOUNDARY
- SAFETY ZONE
- CONTOUR LINES
- QUARRY BEFORE PLAN PERIOD
- PRESENT QUARRY
- RL BEFORE PLAN PERIOD
- RL AS PER DRONE SURVEY

K. K. Swain  
 RQP/OD113/2024

*true copy attested*  
*[Signature]*  
**Dy. Collector, rouzi**  
**Collectorate, Dhenkanal**

**अनुज्ञप्ति प्रारूप एल.ई.-3 | LICENCE FORM LE-3**

**ANNEXURE = B/166**

(विस्फोटक नियम, 2008 की अनुसूची V के भाग 1 के अनुच्छेद 3(क) से (घ) देखिए।)  
(See article 3(a) to (d) of Part I of Schedule IV of Explosives Rules, 2008)

(ग) उपयोग के लिए एक समय पर वर्ग 1, 2, 3, 4, 5, 6 या 7 के विस्फोटक या किसी मैगजीन में वर्ग 6 के विस्फोटक रखने  
Licence to possess (g) for use explosives of class 1, 2, 3, 4, 5, 6 or 7 in a magazine

अनुज्ञप्ति सं. (Licence No.): E/FC/OR/22/390(E98095)  
वार्षिक फीस रूपर (Annual Fee Rs): 9800/-



1. Licence is hereby granted to

Shri. AJI SAHI (अधिगामी / Occupier: AJI SAHI), So (Town/Village), Samalpur, P.O./PS-Subarnasad, Town/Village: SHAI PRASAD, Dist: Dhenkanal, So (District): Dhenkanal, Pin: 759016.

को अनुज्ञप्ति अनुदत्त की जाती है।

2. अनुज्ञप्तिधारी की प्रस्थिति Status of licensee: **Individual**

3. अनुज्ञप्ति निम्नलिखित प्रयोजन के लिए विधिमार्ग्य है।

possess for use of Nitrate Mixture, Detonating Fuse, Safety Fuse, Electric and/or Ordinary Detonators, के उपयोग के लिए

Licence is valid only for the following purpose:

4. अनुज्ञप्ति विस्फोटकों के निम्नलिखित किस्मों प्रकार और मात्रा के लिए विधिमार्ग्य है।

Licence is valid for the following kinds and quantity of explosives - (क) (a):

क्र. सं. (Sr. No.)	नाम और विवरण (Name and Description)	वर्ग और प्रभाग (Class & Division)	उप-प्रभाग (Sub-division)	मात्रा किसी एक समय में (Quantity at any one time)
1.	Nitrate Mixture	2.0	0.	4500 Kg.
2.	Detonating Fuse	6.2	0.	20000 Mtrs.
3.	Safety Fuse	6.1	0.	10000 Mtrs.
4.	Electric and or Ordinary Detonators	6.3	0.	14000 Nos.

(ख) किसी एक कलेंडर मास में खरीदे जाने वाले विस्फोटक की मात्रा (अनुच्छेद 3(ख) और (ग) के अधीन अनुज्ञप्ति के लिए)

(b) Quantity of explosives to be purchased in a calendar month [applicable for licence under article 3(b) and (g)]

**3 times as above.**

5. निम्नलिखित रेखाचित्र (रेखाचित्रों) से अनुज्ञप्त परिसर की पुष्टि होती है।

रेखाचित्र क्र. (Drawing No.) E/FC/OR/22/390(E98095)  
दिनांक (Dated) 17/06/2020

The licensed premises shall conform to the following drawings

6. अनुज्ञप्ति परिसर निम्नलिखित पते पर स्थित है। (The licensed premises are situated at following address:

Plot No. 1833, 1961, 1833/9736, Khata No. 1433/987, 1433/1111, गम (Town/Village) : SHAI PRASAD

जिला (District) : DHENKANAL

1 नगर (Town) :

Odisha

पुलिस थाना (Police Station) : SHAI PRASAD

दूरभाष (Phone) : 09938206689

2 गाँव (V. No.) :

पिनकोड (Pincode) : 759016

कैबरा (Fax) :

7. अनुज्ञप्ति परिसर में निम्नलिखित सुविधाएँ अंतर्भूत हैं।

The licensed premises consist of following facilities

**Regular Magazine**

8. अनुज्ञप्ति समय-समय पर पर्याप्तोचित विस्फोटक अधिनियम 1884 और उनके अधीन विरचित विस्फोटक नियम 2008 के उपबंधों शर्तों और अतिरिक्त शर्तों और निम्नलिखित उपायों के अधीन रहते हुए अनुदत्त की जाती है।

The licence is granted subject to the provision of Explosives Act 1884 as amended from time to time and the Explosives Rules, 2008 framed there under and the conditions, additional conditions and the following Annexures

1. उपरोक्त क्रम सं. 5 में दया कथित रेखाचित्र (स्थान संबंधी) सबंधी और अन्य विवरण दर्शित करती हूँ।

Drawings (showing site, constructional and other details) as stated in serial No. 5 above

2. अनुज्ञप्ति प्राधिकारी द्वारा हस्ताक्षरित इस अनुज्ञप्ति की शर्तों और अतिरिक्त शर्तों।

Conditions and Additional Conditions of this licence signed by the licensing authority

3. दूरी प्रारूप DE-2 (Distance Form DE-2)

9. यह अनुज्ञप्ति तारीख 31 मार्च 2025 तक विधिमार्ग्य रहेगी। This licence shall remain valid till 31st day of March 2025.

यह अनुज्ञप्ति अधिनियम या इसके अधीन विरचित नियमों या अनुसूची V के भाग 1 के प्रति निर्दिष्ट सेट V में अधीन तथा उपरोक्त इस अनुज्ञप्ति की शर्तों का अधिग्रहण करने या यदि अनुज्ञप्त परिसर योजना या उससे संबंधित उपबंध में दर्शित विवरण के अनुरूप नहीं पाए जाने पर निलंबित या प्रतिरद्द की जा सकती है।

This licence is liable to be suspended or revoked for any violation of the Act or Rules framed there under or the conditions of this licence as set forth under Set VIII wherever applicable, referred to in Part I of Schedule V or if the licensed premises are not found conforming to the description shown in the plans and Annexure attached hereto

तारीख (The Date) : 17/06/20

संयुक्त मुख्य विस्फोटक नियंत्रक | Joint Chief Controller of Explosives  
East Circle office, Kolkata

नवीकरण के पंजीकरण के लिए स्थान  
Space for endorsement of Renewal

नवीकरण की तारीख  
Date of Renewal

समाप्ति की तारीख  
Date of Expiry

अनुज्ञापन प्राधिकारी के हस्ताक्षर और स्टाम्प  
Signature of licensing authority and stamp

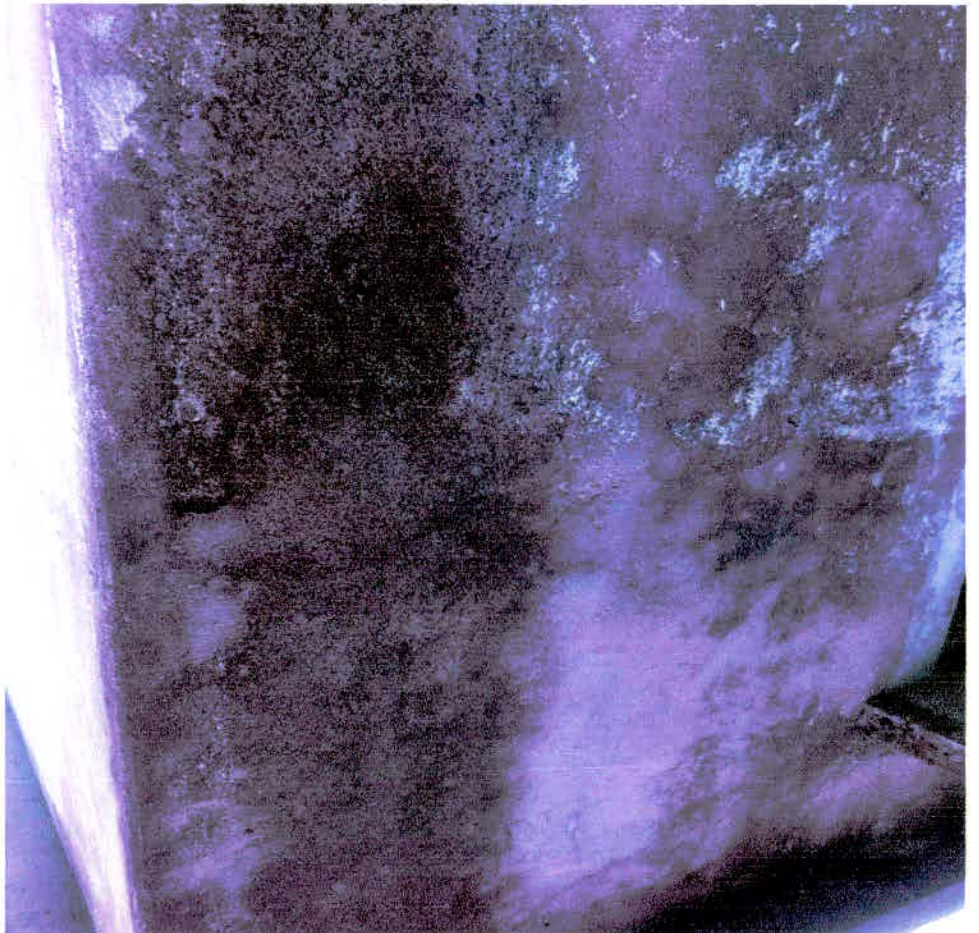
**कानूनी चेतावनी : विस्फोटकों को गलत ढंग से चलाने या उनका दुरुपयोग विधि के अधीन गंभीर दंडित अपराध होगा।**  
**Statutory Warning : Mishandling and misuse of explosives shall constitute serious criminal offence under the law.**

*true copy attested*  
**Dy. Collector, Iouzi**  
**Collectorate, Dhenkanal**



True Copy attested  
*[Signature]*  
 Dy. Collector, 10uzi  
 Collectorate, Dhenkanal

~~27~~



*True copy attached*  
*ASB*  
 Dy. Collector, Iouzi  
 Collectorate, Dhenkanal

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ANNEXURE - D/4

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Details of Minor Mineral Despatched from Tolarpasi Road Metal Quarry from 01.04.23 to 30.06.24					
Sl No	Source name	Month	Cum	Vehicle type	Total trip
1	Tolarpasi Road Metal Quarry	April 2023 To Dec 2023	4951	-	-
2	Tolarpasi Road Metal Quarry				
3	Tolarpasi Road Metal Quarry	January	5634	14 Cum *393 trip & 22Cum * 6 trip	399
4	Tolarpasi Road Metal Quarry	February	2772	14 Cum *198 trip	198
5	Tolarpasi Road Metal Quarry	March	6664	14 Cum *476 trip	476
6	Tolarpasi Road Metal Quarry	April	1190	14 Cum *85 trip	85
7	Tolarpasi Road Metal Quarry	May	2408	14 Cum *172 trip	172
8	Tolarpasi Road Metal Quarry	June	1876	14 Cum *134 trip	134
Total CuM			25495		1464

MINING OFFICER  
DHENKANAI

16/02/24

true copy attested

Hsu

Dy. Collector, Iouzi  
Collectorate, Dhenkanal