

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

Original Application No. 91/2024/EZ

(Earlier O.A. No. 140/2024/PB)

Saubhagya Ranjan----- Applicants(s)

Versus

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

Affidavit on Behalf of the Opposite Party/Respondent No. 04 State  
Environment Impact Assessment Authority (SEIAA), Odisha

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Place: Bhubaneswar

Date: 19/09/2024

**Shri Apurba Ghosh**  
Advocate for Respondent No.04  
(SEIAA), Odisha  
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Versus

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Affidavit on Behalf of the Opposite Party/Respondent No. 04 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.04 before this Hon'ble National Green Tribunal.

3. That, I have gone through the original application order dated. 24.05.2024 & 06.08.2024 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 point no. 01 in Para-02 of O.A. No.140/2024/PB and petition of Saubhagya Ranjan Dash and other villagers addressing to Hon'ble NGT, Principal Bench, New Delhi letter dated 28.08.2023, the deponent humbly submits that the SEIAA, Odisha vide its letter no. 2409/SEIAA dt. 31.08.2021 has issued Environmental Clearance (EC) for Bhatimunda River Sand Quarry over an area of 12.34 acres or 4.993 Ha. at village-Bhatimunda, Tahasil-Tangi-Choudwar, Dist-Cuttack in favour of Tahasildar, Tangi-Choudwar for extraction of 2000 cum of sand in the 1<sup>st</sup> year subject to submission of annual rate of replenishment study (ARRS) report after one year i.e. after 15<sup>th</sup> October 2022. Copy of the EC letter is attached in **Annexure-I.**

5. That, in reply to the averments made in point no. 02 in the Para-2 of O.A. No.140/2024/PB and petition, the deponent humbly submits that the SEIAA, Odisha vide its letter no. 4038/SEIAA dt. 22.02.2022 has issued Transfer of Environmental Clearance (EC) in favour of Sri Sachin Kumar Sahoo, the successful bidder/lessee for Bhatimunda River Sand Quarry as per recommendation of Tahsildar, Tangi-Choudwar with the same terms and conditions of original EC was issued on dated 31.08.2021 subject to condition that pending carrying out of the study & submission of the replenishment study report, this clearance is being granted in an adhoc manner and liable to be revoked after one year i.e. after 31<sup>st</sup> December, 2022 if satisfactory replenishment study report is not submitted. The submission of Annual Rate of Replenishment Study (ARRS) report after one year is obligatory for the project proponent. (Copy of the Transfer of EC is attached in **Annexure-II.**)

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



- 6. That, in reply to the averments made in point no. 03 in the Para-2 of O.A. No.140/2024 and petition, the deponent humbly submits that in the EC letter dated 31.08.2021 there are conditions given in point no. 9.1 and 9.2 that extraction quantity of sand limited to 2000 cum for 1<sup>st</sup> year lease period subject to submission of annual rate of replenishment study (ARRS) report after one year i.e after 15<sup>th</sup> October, 2022 and later the date changed to 31<sup>st</sup> December, 2022, failing which EC is liable to be revoked.
  
- 7. That, in reply to the averments made in point no. 04 in the Para-2 of O.A. No.140/2024 and petition, the deponent humbly submits that the EC issued dated 31.08.2022 is valid for 5 years or lease period whichever is earlier but the SEIAA, Odisha allowed 1<sup>st</sup> year production quantity of sand 2000 cum subject to submission of ARRS report by 31.12.2022. Then, the Project Proponent (PP) has submitted application for Amendment of EC application vide online application SIA/OR/MIN/300740/2023 dated 30.05.2023 based of replenishment study report certified by concerned Tahasildar with attaching compliance report of EC conditions where it is mentioned that 1500 cum of sand has been extracted from the source in 1<sup>st</sup> year lease period. The proposal was placed in SEAC meeting held on 13<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, & 18<sup>th</sup> November 2023 and the SEAC recommended that mineable quantity may be recommended as per replenishment quantity. Based on the recommendation of SEAC, the Authority allowed the Amendment of EC letter dated 30.08.2021 with allowing the production quantity of sand 2050 cum per annum for rest of the lease period i.e. for 2<sup>nd</sup> year, 3<sup>rd</sup> year, 4<sup>th</sup> year and for 5<sup>th</sup> year with same terms and condition of original EC letter was issued

*[Handwritten Signature]*

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



dated 30.08.2021 along with additional specific condition mentioned in Amendment of EC letter which is yet to comply. The Copy of Amendment of EC letter is attached in **Annexure-III**.

8. That, in reply to the averments made in point no. 05 to 09 in the Para-2 of O.A. No.140/2024 and petition, the deponent humbly submits that this deponent has no comments to offer.
9. That, as per order dated 06.08.2024 of Hon'ble Tribunal, the deponent humbly submits that the environmental compensation amounting of **Rs.2,70,35,349/-** has been calculated for lifting of 2900 cum of sand beyond the lease area of Bhatimunda Sand Quarry source by Sri Sachin Kumar Sahoo based on the information submitted by Tahasildar, Tangi-Choudwar, Dist-Cuttack. Copy of details environmental compensation is attached in **Annexure-IV**.
10. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.
11. That the deponent reserves the right to file further affidavit as and when necessary.

Identified by  
Advocate



**Deponent**

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

*A*  
**NOTARISED**

**VERIFICATION**

Verified at Bhubaneswar on this day of 19-09-2024 that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

Date: 19-09-2024

*[Signature]*

**Deponent**

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

*A*

**SWORN BEFORE ME**



*A*  
19-09-2024

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



**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)  
SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2541029, E-mail-seiaaorissa@gmail.com

Letter No 2409/SEIAA

Dt. 31.08.2021

**File No. SEIAA-1404/02-2021**

To

The Tahasildar, Tangi-Choudwar,  
Tahasil-Tangi-Choudwar,  
Dist-Cuttack

Sub: Proposal of Tahasildar, Tangi-Choudwar for mining of sand from Bhatimunda Sand Quarry over an area of 12.34 acres or 4.993ha at village- Bhatimunda, Tahasil- Tangi-Choudwar, District- Cuttack - Environmental Clearance reg.

Ref: SEIAA File No: SEIAA-1404/02-2021 dated 18.02.2021

Sir,

This is with reference to the application dated 18.02.2021 for grant of environmental clearance (submitted in the offline mode) for the proposed activities mentioned above.

2. [The application has been submitted in the offline mode because there is no provision at present for filing EC application for such cases (minor mineral extraction involving area less than or equal to 5ha; i.e., B2 category projects) in the online mode before SEIAA in the PARIVESH portal. The relevant application Form-IM does not appear on the screen of the said portal when EC application is to be filed to SEIAA]. The applicant has submitted the application in Form-I, i.e. the Form in which applications for minor mineral projects were being submitted upto the year 2016 before SEIAA. The Form-I does not contain some of the situational information relating to environmental sensitivity, but much of the required information has been submitted by the applicant in the Checklist and also in the PFR.

3. The application in Form-I is supported by other necessary documents, namely the PFR, DSR, EMP, Approved Mining Plan and Checklist.



4. **The proposed activities in a nut shell are as follows: -**

- a. This is a proposal for mining of sand from **Bhatimunda Sand Quarry** lying in the **Birupa River** bed located at **village- Bhatimunda, Tahasil- Tangi-Choudwar, District- Cuttack**, over lease area of **12.34acres or 4.993ha**.
  - b. The mine area is a part of the Survey of India Toposheet No. E45U/2 bounded by Latitude:20°32'04.20" N to 20°32'23.2" N and Longitude: 86°01'33.1"E to 86°01'42.2" E.
  - c. The mining lease is an identified sairat source in the DSR. The Bhatimunda Sand Quarry sairat source will be leased out under the OMMC Rules,2016 by Tahasildar, Tangi-Choudwar to the successful bidder(lessee) on the basis of public auction for a lease period of 5 years.
  - d. The mining plan along with the PMCP of the mining project prepared has been approved by Deputy Director Geology, Directorate of Geology, Bhubaneswar on 03.07.2020.
  - e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 39780 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 1.11Km 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, it is observed that sand from the quarry will be extracted upto a depth of 0.50 meter with annual extraction of sand not exceeding 5400 cum (maximum production capacity) during the valid lease period.
5. 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.



6. The proposal is duly appraised by the SEAC in its meeting held on 28.07.2021. The SEAC has submitted the appraisal report and recommended for grant of EC, vide their letter no. 502/SEAC-Misc-02 dated 30.07.2021.
7. 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.
8. The Tahasildar, Tangi-Choudwar 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).
- 9. Stipulated Conditions:**
- 9.1 This Environmental Clearance is given with a Condition that 'Extraction shall be capped at 2000 cum per in the 1<sup>st</sup> year. Rate of replenishment be studied in that period and reported, failing which EC is liable to be revoked'.
- 9.2 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 i.e. after 15<sup>th</sup> October, 2022 if satisfactory replenishment study report is not submitted. The submission of study report of rate of annual replenishment of sand is obligatory for the project proponent within one year.
- 9.3 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.
- 9.4 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.**
- 9.5 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'. 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 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.

- 9.6 The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent.
- 9.7 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.
- 9.8 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.
- 9.9 Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
- 9.10 The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
- 9.11 **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 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 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.
- 9.12 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.
- 9.13 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.
- 9.14 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.
- 9.15 Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
- 9.16 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
- 9.17 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.
- 9.18 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.
- 9.19 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 1<sup>st</sup> day of January, April, July, October of each calendar year, failing which EC is liable to be revoked.
- 9.20 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.
- 9.21 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.
- 9.22 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.
- 9.23 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.
- 9.24 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.
- 9.25 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.

- 9.26 **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.**
- 9.27 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.
- 9.28 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.
- 9.29 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.
- 9.30 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.

  
Member Secretary

Memo No 2A10/SEIAA /Dt. 31.08.2021

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, Cuttack/ Sub Collector, Cuttack/ Tahasildar, Tangi-Choudwar for Information and necessary action.
7. Guard file for record.

  
Member Secretary



## 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. 4038/SEIAA

Dt. 22.02.2022

**File No. SIA/OR/MIN/255215/2022**

To

Sri Sachin Kumar Sahoo  
S/o-Nirmal Kumar Sahoo  
At-Naranpur, PS-Baranga,  
Dist-Cuttack

Sub: Proposal for **Transfer of Environmental Clearance** of Bhatimunda Sand Quarry over an area of 12.34 Acres or 4.993 Ha. in village Bhatimunda under Tangi-Choudwar, Tahasil of Cuttack District from Tahasildar Tangi-Choudwar to Sri Sachin Kumar Sahoo (Successful Bidder) - reg.

Ref: (i) EC Letter No. 2409/SEIAA dated 31.08.2021.  
(ii) Letter no. 8317 dated 16.11.2021 of Tahasildar.  
(iii) Online proposal No. SIA/OR/MIN/255215/2022 dtd. 05.02.2022

Sir

Kindly refer your online application on dated 05.02.2022, where in you have requested for transfer of environmental clearance granted by SEIAA, Odisha vide Letter No. 2409/SEIAA dated 31.08.2021 issued earlier in favour of Tahasildar, Tangi-Choudwar, Cuttack.

As submitted by the Tahasildar, it is noted that EC was obtained for **Bhatimunda Sand Bed** for a period of 5 years in favour of Tahasildar, Tangi-Choudwar vide the above mentioned EC letter under reference. Now, the said sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar to the successful bidder (lessee) for a lease period of 5 years. Hence, the Tahasildar has requested for transfer of EC in favour of Sri Sachin Kumar Sahoo, Successful Bidder under the provision of OMMC Rules, 2016 for operationalization of the sairat source.

The proposal was considered by the SEIAA in its meeting held on 11.02.2022 and the Authority decided that EC may be transferred in favour of Sri Sachin Kumar Sahoo as recommended by Tahasildar and the new Project Proponent has to submit the detailed compliance report on all EC conditions on quarterly basis.

The SEIAA has no objection for transfer of environmental clearance accorded by SEIAA's Letter no. 2409/SEIAA dated 31.08.2021 in the name of Sri Sachin Kumar Sahoo with the same terms and conditions under which prior environmental clearance was initially granted and for the same validity period subject to satisfactory compliance to all the stipulated terms and conditions of EC.

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 i.e. after 31<sup>st</sup> December, 2022 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.** The PP is allowed to extract provisionally **2000 cum of sand in the first year.**

In case any change is proposed in the scope and limit of the project, the project proponent shall obtain fresh prior environmental clearance.



Yours faithfully,



**Member Secretary**

Memo No 4039/SEIAA /Dt. 22.02.2022

Copy to

1. Joint Secretary (Environment), Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
2. Principal Secretary, Forests & Environment Dept., Government of Odisha for information.
3. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.

5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for information.
6. Member Secretary, CGWA, 18/11, Jamnagar House, ManSingh Road, New Delhi-110011 for information.
7. **Copy to the Collector, Cuttack /Sub Collector, Cuttack and Tahasildar, Tangi-Choudwar** for information and necessary action.
8. Chairman/Member / Member Secretary, SEIAA for information.
9. Chairman, SEAC/Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
10. Guard file for record.



  
Member Secretary



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,  
ODISHA**

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

**ANNEXURE-III**

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**File No. SIA/OR/MIN/300740 /2023**

Dated 10<sup>th</sup> January 2024  
Bhubaneswar

To

Sri Sachin Kumar Sahoo,  
S/o- Nirmal Kumar Sahoo  
At- Naranpur, Ps-Baranga  
Dist-Cuttack, Pin-754022, Odisha

**Sub: Proposal for Amendment of Environmental Clearance (EC) of Bhatimunda River Sand Quarry (River-Birupa) over an area of 12.34 Acres or 4.993 Ha. at Village Bhatimunda, under Tangi-Choudwar Tahasil, District Cuttack, Odisha of Sri Sachin Kumar Sahoo, the PP/Successful bidder/lessee-reg.**

- Ref: (i) EC identification no. 2409/SEIAA dated 30.08.2021 & EC transfer vide letter no.4038/SEIAA dt. 22.02.2022  
(ii) Letter of Tahasildar Tang-Choudwar letter no. 2183 dt. 03.04.2023  
(ii) Online Application no. SIA/OR/MIN/300740 /2023 dtd.30.05.2023

Sir/Madam,

This has reference to your online application no. SIA/OR/MIN/300740 /2023 dated 30.05.2023, wherein you have requested for amendment (i.e. amendment of EC regard to annual production of sand as per replenishment study report) of Environmental Clearance (EC) granted by SEIAA, Odisha vide letter no./EC identification No. 2409/SEIAA dated 30.08.2021 in favour of Sri Sachin Kumar Sahoo, the lessee/successful bidder.

2. The application was examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 149<sup>th</sup> meeting held on 28.12.2023 & 29.12.2023 in accordance with the EIA Notification, 2006 as amended from time to time and the following points are noted;

- (i) This is a proposal for amendment of EC of Bhatimunda River Sand Quarry (River-Birupa) over an area of 12.34 Acres or 4.993 Ha. at Village Bhatimunda, under Tangi-Choudwar Tahasil, District Cuttack, Odisha.



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,  
ODISHA**

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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)

- (ii) The project proponent has obtained EC from SEIAA, Odisha vide EC letter no. 2409/SEIAA dated 31.08.2021 and EC transfer vide letter no. 4038/SEIAA dt. 22.02.2022 in favour of Sri Sachin Kumar Sahoo for Bhatimunda River Sand Quarry over an area of 12.34 Acres or 4.993 Ha. at Village Bhatimunda, under Tangi-Choudwar Tahasil, District Cuttack, Odisha.
  - (iii) During EC application the PP has submitted required documents along with mining plan where it is mentioned that mineable reserve of the proposed sand was 39780 cum with depth of sand deposition was 1.0 meter and proposed for annual extraction-5400 cum.
  - (iv) The SEIAA also granted EC for 1<sup>st</sup> year production 2000 cum with depth of mining 2.0 meter.
  - (v) There is an EC conditions point no. 9.1 to 9.2 in page no. 03 that "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 i.e. after 31<sup>st</sup> December 2022 if satisfactory replenishment study report is not submitted."
  - (vi) The PP has submitted EC compliance report and mentioned that 1500 cum sand already extracted from the source in 1<sup>st</sup> year.
  - (vii) Now, the PP has submitted amendment of EC application and submitted replenishment study report by RQP Sri Pradeept Mohapatra along with World Consultancy Services Pvt. Ltd. with mentioned that pre-monsoon RL 38.9219m and post-monsoon 39.3123m and 2057.4 cum of sand replenished in the said sand bed and proposed production for next year is 2057.4 cum.
  - (viii) Documents submitted for amendment of EC;
    - a. Form No. 4 for amendment of Environmental Clearance,
    - b. Letter of Tahasildar Cuttack Sadar letter no. 2183 dt. 03.04.2023
    - c. Replenishment study report
3. The proposal was placed in SEAC meeting held on 13<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup> & 18<sup>th</sup> November 2023 and after detailed discussion, the SEAC recommended that mineable quantity may be recommended as per Replenishment quantity.
4. Amendment of Environmental Clearance (EC) of Bhatimunda River Sand Quarry (River-Birupa) issued vides SEIAA, Odisha EC identification no. 2409/SEIAA dated 30.08.2021 in favour of Sri Sachin Kumar Sahoo, is allowed to **2050 cum per year** for the rest of the lease period i.e. for the 2<sup>nd</sup> year, 3<sup>rd</sup> year, 4<sup>th</sup> year and 5<sup>th</sup> year. The other stipulated terms and conditions of the original EC initially granted remains same subject to satisfactory compliance to all the stipulated terms and conditions of EC along with following additional stipulation:

**Additional stipulation**

- (i) The PP is required to carry out the Annual rate of replenishment study (ARRS) through ORSAC empanel agency in subsequent year and submit the report to SEIAA, Odisha.



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,  
ODISHA**

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(A statutory body constituted by Ministry of Environment, Forest & Climate Change under  
Environment (Protection) Act, 1986)

- (ii) The validity of EC is for validity of DSR or validity of lease period whichever is earlier.
- (iii) **Boundary Demarcation:** -The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empanelled agency of ORSAC.
- (iv) **Intimation of EC:** -The copies of the EC shall be sent to the Sarpanch (s) of the concerned Gram Panchayat (s), Urban Local Bodies and relevant other Offices of the Government with a request to display the same for 30 days from the date of receipt.
- (v) **Tree Plantation:** -Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for plantations of the State Forest Department. The Project Proponent (lease holder) shall deposit Rs.2,50,000/- with the respective District Environment Society for raising 500 plants of native species within 2 years in a suitable location adjoining to quarry or other places.
- (vi) **State EMF Fund:** - An amount equal to five percent (5%) of the royalty payable shall be collected from the lessee by the Tahasildar /Mining Officer and deposited to the State Environment Management Fund, which will be utilized as per provisions of Rule 49(3) of the OMMC Rule, 2016 preferably, in and around the areas where mining activities are undertaken.

The Project Proponent shall comply the above conditions and also to uploaded/submitted six monthly EC compliance in the Parivesh Portal of MoEF & CC., Govt. of India only within six months (06) from date of issue of transfer of EC, falling which the EC stands automatically revoked.

In case, there is a change in the scope of the project, fresh Environment Clearance shall be obtained.

Yours faithfully,

  
Member Secretary

Encl: Copy of the Original EC

Copy to

1. Joint Secretary (Environment), Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
2. Principal Secretary, Forests & Environment Dept., Government of Odisha for information.
3. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.



STATE ENVIRONMENT ~~18~~ IMPACT ASSESSMENT AUTHORITY,  
ODISHA

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SRF-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)

4. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for information.
6. Member Secretary, CGWA, 18/11, Jamnagar House, Man Singh Road, New Delhi-110011 for information.
7. Copy to Director of Mines, Steel & Mines Dept., Govt. of Odisha for information and necessary action.
8. Copy to the Collector/Sub Collector, Cuttack and Tahasildar Tangi-Choudwar /Mining Officer, Cuttack for information and necessary action.
9. Chairman/Member / Member Secretary, SEIAA for information.
10. Chairman, SEAC/Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
11. Guard file for record.

2.



  
Member Secretary

**Report on Environmental Compensation against Bhatimunda River Sand Quarry in pursuance to order dt. 06.08.2024 passed by Hon'ble NGT in O.A. No.91/2024/EZ (Earlier OA 140/2024) in the matter of Soubhagya Ranjan & Ors. Vrs State of Odisha & Ors.**

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**1.0 Background:**

With reference to Hon'ble NGT order dated 06.08.2024 in O.A. No.91/2024/EZ (Earlier OA 140/2024) on the matter of Soubhagya Ranjan & Ors. Vrs State of Odisha & Ors. (copy enclosed as **Annexure A**), it is directed to "the SEIAA, Odisha to filing counter-affidavit also showing computation of Environmental Compensation" accordingly, the environmental compensations have been calculated.

Initially, the environmental clearance (EC) for Bhatimunda River Sand Quarry over lease area 12.34 acres/4.993 ha in village-Bhatimunda, Tahasil-Tangi-Choudwar, Dist-Cuttack was issued by SEIAA, Odisha vide letter no. 2409/SEIAA dated 31.08.2021 in favour of Tahasildar, Tangi-Choudwar for extraction of 2000 cum of sand from the source in 1<sup>st</sup> year lease period with condition that the project proponent (PP) is required to submit Annual Rate of Replenishment Study (ARRS) report after one year i.e. after 31<sup>st</sup> December, 2022. Further, as per recommendation of concerned Tahasildar, the EC transferred vide letter no. 4038/SEIAA dated 22.02.2022 by SEIAA, Odisha in favour of the successful bidder Sri Sachin Kumar Sahoo with the same terms and conditions of EC was issued earlier. Based on the ARRS report, the PP again submitted their proposal to SEIAA, Odisha vide online application no. SIA/OR/MIN/300740/2023 dated 30.05.2023 for Amendment of EC in respect to replenished quantity of sand and proposed for next year production. The proposal was recommended by State level Expert Appraisal Committee (SEAC) in its meeting held on 13<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, & 18<sup>th</sup> November, 2023, then the proposal was placed 149<sup>th</sup> SEIAA, Odish meeting held on 28.12.2023 & 29.12.2023 and the Authority allowed the replenished quantity of sand 2050 cum/annum for the rest of the lease period i.e. 2<sup>nd</sup> year, 3<sup>rd</sup> year 4<sup>th</sup> year & 5<sup>th</sup> year. The PP/lessee has not submitted any six-monthly compliance of EC conditions to SEIAA, Odisha after issue of Amendment of EC letter. The Tahasildar-Tangi-Choudwar, Dist-Cuttack in his letter no. 3278 dated 23.05.2023 has mentioned that

(1)

*[Signature]*

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during inspection it is found that the lessee has extracted **2900 cum** of sand beyond the lease area unauthorizedly. Copy of Tahasildar letter is attached in **Annexure-B**.

There is a Govt. of Odisha Revenue & Disaster Management Department Notification No. RDM-MMS-POLICY-0008-2021-5157/R&DM dated 17.02.2022 for fixation of market value towards environmental compensation of sand as per direction of Hon'ble NGT Principal Bench, New Delhi order dated 26.02.2021 in OA No. 360/2015 in the matter of National Green Tribunal Bar Association Vrs. Virendra Singh (State of Gujarat) and 18 other OAs (Copy of Govt. Notification in respect to fixation of market value of sand material is attached in **Annexure-C**).

It is also pertinent to mention that during calculation of environmental compensation, it is observed that the Market Value of sand material of Cuttack District, Odisha has yet to be finalized which is an important factor for calculation of environmental compensation against the excess/illegal mining. It is also observed that the Collector, Cuttack has fixed the total royalty amounting of Rs.49/- per cum of sand for Bhatimunda Sand Quarry as on dated 07.08.2020 and accordingly, bidding process was started and finally Sri Sachin Kumar Sahoo was selected the successful bidder/highest bidder accordingly the same is communicated to successful bidder vide letter no. 2713 dt. 25.03.202 where it is mentioned that the highest bidding amount of Rs. 2800/- is fixed for Bhatimunda Sand Quarry (Copy of Successful bidder letter is attached in **Annexure-D**). In absence of the market value of sand in Cuttack District, the highest bidding amount of Rs. 2800/- per cum of sand is taken as the market value and accordingly, environmental compensation has been calculated.

1. **Calculation for environmental compensation of Bhatimunda Sand Quarry based on order dt. 06.08.2024 of Hon'ble NGT on O.A. No.91/2024/EZ (Earlier OA 140/2024) in the matter of Soubhagya Ranjan & Ors. Vrs State of Odisha & Ors as per CPCB guidelines:**

Market value of sand material of Bhatimunda Sand Quarry is taken as the highest bidding amount for Bhatimunda Sand Quarry i.e. **Rs.2800/- per cum of sand** in absence of the market value of sand in Cuttack District.

(2) -

*Romy*

Market value of unauthorizedly mined out sand material (D) = 2900 Cum × Rs.2800/- = Rs.81,20,000/-

Market Value of Illegally mined out material (D)	2900 cum × Rs. 2800/- per cum	= Rs.81,20,000/-
Annual value of Foregone Ecological Values (D × RF) i.e. Risk factor taken as 1 for severe case.	Rs.81,20,000/- × 1	= Rs.81,20,000/-

Discount Rate may be considered as below:

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount Rate	8%	7%	6%	5%

- **Present value of Foregone Ecological values (@ 5% discount rate and over 5 years)**

$$PV = \sum_{t=1}^5 (D \cdot RF) / (1+r)^t$$

$$= \sum 8120000 / (1+0.05)^1 + 8120000 / (1+0.05)^2 + 8120000 / (1+0.05)^3 + 8120000 / (1+0.05)^4 + 8120000 / (1+0.05)^5$$

$$= \text{Rs.}77,33,333/- + \text{Rs.}73,65,079/- + \text{Rs.}70,14,361/- + \text{Rs.}66,80,344/- + \text{Rs.}63,62,232/- = \text{Rs. } 3,51,55,349/-$$

- Net present value (after netting out market value of illegally/unauthorized mined out material) – i.e., Total Compensation to be levied

$$= NPV = PV - D$$

$$= \text{Rs. } 3,51,55,349/- - \text{Rs.}81,20,000/- = \text{Rs.}2,70,35,349/-$$

Compensation Charge in above case for extraction sand:  
**Rs.2,70,35,349/-**

### Recommendations

In view of the above and as per Hon'ble NGT vide order dated 06.08.2024, the Respondent Sri Sachin Kumar sahu, the lessee of Bhatimunda River Sand Quarry is required to deposit the environmental compensation amount of **Rs.2,70,35,349/-** for un-authorized extraction of sand from outside lease area. The District Administration may recover the same from the lessee and deposit it in the account of Govt. of Odisha bearing Account No. 06640110075074, IFSC Code No-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 and acknowledged the same to SEIAA, Odisha.

*Pradeept Kumar Nayak*  
13/09/2024  
Dr. Pradeept Kumar Nayak  
Environmental Scientist, SEIAA, Odisha

Item No.06

Court No.1

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

Original Application No.91/2024/EZ  
(Earlier OA 140/2024/PB)

Soubhagya Ranjan &amp; Ors.

Applicant(s)

Versus

State of Odisha &amp; Ors.

Respondent(s)

Date of hearing: 06.08.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*

For Respondent(s) : Mr. Dipanjan Ghosh, Advocate for R-2 (in Virtual Mode),  
Ms. Anamika Pandey, Advocate for R-3 (in Virtual Mode),  
Mr. Apurba Ghosh, Advocate for R-4 (in Virtual Mode)

**ORDER**

1. Affidavit dated 03.08.2024 has been filed by the Respondent No.2, Odisha State Pollution Control Board; the same is taken on record. Along with this affidavit an Inspection Report has been filed. This Inspection Report does not disclose whether Environmental Compensation has been determined or not.
2. Since the matter relates to illegal sand mining, counter-affidavit should have been filed by SEIAA, Odisha but till date no counter-affidavit has been filed.
3. Mr. Apurba Ghosh, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.4, State Environment Impact Assessment Authority (SEIAA), Odisha, prays for one week time for filing counter-affidavit also showing computation of Environmental Compensation.
4. Time as prayed is granted.

5. The Inspection Report discloses that Rs. 38,56,710.00 was imposed upon the Lessee by way of penalty. Another amount of Rs. 23,97,042.00 was imposed towards Royalty, Additional Charge, DMF, EMF, Surface Rent, Dead Rent and TCS against the Lessee, Sri Sachin Kumar Sahoo.
6. It is also disclosed that another demand of Rs. 59,93,004.50 was raised against the Lessee but it is informed that till date the amount has not been paid.
7. Sri Sachin Kumar Sahoo has not been impleaded in the present Original Application No.91/2024/EZ.
8. We, therefore, direct that Sri Sachin Kumar Sahoo, son of Sri Nirmal Kumar Sahoo, residing at Naranpur, PS-Baranga, Dist-Cuttack, be impleaded in the array of Respondents as Respondent No.5.
9. Issue notice to the newly added Respondent No.5 returnable within four weeks. He shall file his counter-affidavit within four weeks.
10. The Respondent No.1, District Magistrate, Cuttack shall also file his counter-affidavit within four weeks.
11. **List on 20.09.2024.**

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

August 06, 2024,  
Original Application No.91/2024/EZ  
(Earlier OA 140/2024/PB)  
OM

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ANNEXURE-IV(B)



Phone:0671-2491742  
e-mail Id: [tah.tangich-od@nic.in](mailto:tah.tangich-od@nic.in)

**OFFICE OF THE TAHASILDAR, TANGI CHOUDWAR, JAGATPUR,  
CUTTACK**

Letter No: 3278 /Date: 23/05-23

To

**Sri Sachin Kumar Sahoo  
S/o Nirmal Chandra Sahoo  
Vill-Bidyadharpur, PS-Chauliaganj, Cuttack**

**Sub:** Lifting of sand beyond lease area by using bdrazing machine..

Sir,

From the joint enquiry, it is revealed that you have extracted 2900 cum of sand beyond the lease area by using drazing machine.

You are therefore directed to deposit the fine amounting to Rs.38,56,710/- (Rupees thirty eight lakhs ninty six thousand seven hundred ten)only within a fortnight failing which action as deemed fit as per O.M.M.C. Rule,2016.

Yours faithfully

Tahasildar, Tangi-Choudwar

Memo No. 3279 Date- 23/05-23

Copy to Nazir / R.I. Bhatimunda for information and necessary action.

Tahasildar, Tangi-Choudwar

Memo No. 3280 Date- 23/05-23

Copy submitted to the Addl District Magistrate, Cuttack / Sub-Collector, Sadar, Cuttack for favour of kind information and necessary action.

Tahasildar, Tangi-Choudwar

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TAHASILDAR  
TANGI-CHOUDWAR



Phone: 0671-2491742  
e-mail Id: tah.tangich-od@nic.in

**OFFICE OF THE TAHASILDAR, TANGI CHOUDWAR, JAGATPUR,  
CUTTACK**

Letter No: 4428 /Date: 25/07/23

To

**Sri Sachin Kumar Sahoo  
S/o Nirmal Chandra Sahoo  
Vill-Bidyadharpur, PS-Chauliaganj, Cuttack**

**Sub:** Payment of dues.

**Ref:** This office letter No. 3278 dated 23.05.2023

Sir,

With reference to the letter on the subject cited above, I am to intimate that you have not yet deposited the dues as demanded vide letter under reference.

You are therefore directed to deposit the said amount within a week failing which action as deemed fit as per O.M.M.C. Rule, 2016.

Yours faithfully

*[Signature]*  
Tahasildar, Tangi-Choudwar

Memo No. 4424 Date- 25/07/23

Copy to Nazir / R.I. Bhatimunda for information and necessary action.

*[Signature]*  
Tahasildar, Tangi-Choudwar

Memo No. 4425 Date- 25/07/23

Copy submitted to the Addl District Magistrate, Cuttack / Sub-Collector, Sadar, Cuttack for favour of kind information and necessary action.

*[Signature]*  
Tahasildar, Tangi-Choudwar

[Type here]

*[Signature]*  
**TAHASILDAR  
TANGI-CHOUDWAR**

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

\*\*\*\*\*

NOTIFICATION

Bhubaneswar, Dated 17 FEB 2022

No RDM-MMS-POLICY-0008-2021- 5157 / R&amp;DM,

**Sub: Fixation of scale of compensation regime towards environmental and ecological damage for illegal mining of sand.**

Whereas, Hon'ble National Green Tribunal, Principal Bench, New Delhi by order on dated 26.02.2021 in OA No. 360/2015- in the matter of 'National Green Tribunal Bar Association Vrs. Virender Singh (State of Gujarat) and 18 other OAs" have considered the issue relating enforcement and monitoring mechanism to control and regulate illegal sand mining (including riverbed sand mining) activities.

And whereas, with direction to strictly follow the "Sustainable Sand Mining and Management Guidelines-2016 (SSMG-2016) and "Enforcement of Monitoring Guidelines of Sand Mining-2020" (EMGSM-2020) the Hon'ble NGT, by the said order has accepted the report of the Central Pollution Control Board (CPCB) and has directed that the scale of compensation calculated with reference to Approach-2 be adopted by all the States and/UTs.

And whereas, in the said order the Hon'ble Tribunal has analyzed the report of the Expert Committee constituted by CPCB and has discussed two approaches viz. Approach-1- Direct Compensation based on the market value of extraction adjusted for ecological damages and Approach-2 – Computing a simplified NPV: Net Present Value (after netting out market value of illegally mined material i.e. Total Compensation to be levied) for ecological damages as per the mathematical presentation of Approach-2 ,  $NPV = PV - D$  where 'PV' is being Present Value of Foregone Ecological Values and 'D' is being Market Value of Illegally Mined Material.

Now, therefore the State Government do hereby order as follows:

- i. Adoption of the Approach-2 for fixation of the scale of compensation regime for illegal mining of sand towards environmental and ecological damages as per CPCB. Compensation amount on illegally mined sand is to be fixed at 3.33 times of the market value.



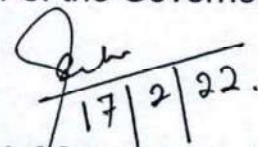
- ~~27~~
- ii. In order to facilitate such determination of compensation charge the market value of sand is to be fixed by a District Level Committee constituted under the Chairmanship of District Collector as below ::

Collector	... Chairman
ADM (Revenue)	... Member Convener
District Forest Officer	... Member
Suptd. Engineer/Executive Engineer, PWD	... Member
Suptd. Engineer/Executive Engineer, Irrigation	...Member
Suptd. Engineer/Executive Engineer, RD	...Member
Mining Officer/ Deputy Director ( Mines)	...Member

The Committee shall decide market value of sand per cubic metre for the district on annual basis. While fixing the market value the Committee shall take into account the royalty and additional charge from sand in respect of different sources.

- iii. Compensation amount so collected from the illegal sand mining shall be deposited in 'Interest' bearing bank account opened separately by Forest, Environment and Climate Change Department named 'Environment Compensation' bearing Account No. 06640110075074, IFSC-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 to utilize the amount for restoration of environment by preparing action.

By order of the Governor,

  
17/2/22.

Additional Chief Secretary to Government

Memo No. 5158 /RDM Dated 17 FEB 2022

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Copy along with soft copy forwarded to Odisha Gazette Cell-in-Charge, Odisha Gazette Cell, Commerce & Transport (Commerce) Department for information and necessary action.

They are requested to publish the Notification in the next Extra-ordinary issue of the Odisha Gazette and supply copies to all concerned with 50 (fifty) spare copies to this Department.

  
Joint Secretary to Government

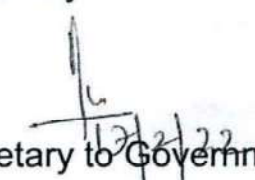
Memo No. 5159 /RDM Dated 17 FEB 2022

Copy forwarded to Principal Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue and DM for kind information of Hon'ble Chief Minister and Hon'ble Minister, Revenue and DM respectively.

  
Joint Secretary to Government

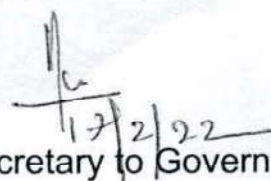
Memo No. 5160 /RDM Dated 17 FEB 2022

Copy forwarded to OSD-cum-Special Secretary to Chief Secretary, Odisha/ P.S to Addl. Chief Secretary, Revenue and DM Department for kind information Chief Secretary/ Addl. Chief Secretary respectively.

  
Joint Secretary to Government

Memo No. 5161 /RDM Dated 17 FEB 2022

Copy forwarded to Forest, Environment & Climate Change Department/ Steel & Mines Department / Member, Board of Revenue, Odisha, Cuttack/ Revenue Divisional Commissioner (CD), Cuttack/ Revenue Divisional Commissioner (SD), Berhampur/ Revenue Divisional Commissioner (ND), Sambalpur/ Director of Mines, Odisha/ Director of Geology, Odisha/ Director of Minor Minerals, Odisha/ Chairman, SEIAA/ Member Secretary, State Pollution Control Board, Odisha / all Collectors & District Magistrates for information and necessary action.

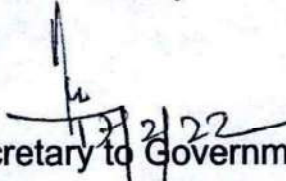
  
Joint Secretary to Government

Memo No. 5162

/RDM Dated ~~29~~ 17 FEB 2022

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Copy forwarded to Officer on Special Duty (in charge of e- Governance Cell) of Revenue and DM Department for information and necessary action.

  
Joint Secretary to Government

*Handwritten signature*

Magistrates order with initial	Action taken with date										
2	3										
<p>This is put up to me today</p> <p>Perused the orders dt.30.06.2020 Passed by the Tahasildar, Tangi-Choudwar and recommendation of Sub-Collector, Sadar Cuttack Dt. 21.07.2020 for approval of a new source, Minimum guaranteed quantity (MGQ) and additional charges of source Birupa River Sand Bhatimunda in Mouza-Bhatimunda for a period of 5 years i.e. from 2020-21 to 2024-25 as per land scheduled given below.</p> <table border="1" data-bbox="256 790 1082 913"> <thead> <tr> <th>Mouza</th> <th>Khata no.</th> <th>Plot No.</th> <th>Area in Ac.</th> <th>Kissam</th> </tr> </thead> <tbody> <tr> <td>Bhatimunda</td> <td>441(AAA)</td> <td>1116</td> <td>12.34</td> <td>Nadi</td> </tr> </tbody> </table> <p>The Tahasildar, Tangi-Choudwar has observed all formalities before submission of proposal to Collector through Sub-Collector, Sadar Cuttack for approval of new sairat source at Mouza-Bhatimunda, Khata.no-441(AAA), Plot no- 1116, Area-12.34 Acre, Kissam- Nadi, both Tahasildar and Sub-Collector, Sadar have recommended that there is deposit of sand of Minimum guaranteed quantity (MGQ) 5400cum in the source. The total royalty @ Rs 38.50/-per cum (Rs 35/- as royalty and Rs 3.50/- as addl. charges) of the source is to be approved.</p> <p>However the new sand source, MGQ 5400 cum and Additional Charge in respect of source Birupa River sand Bhatimunda is Rs.49 per cum (Rs 35/- as royalty and Rs 14/- as addl. charges) is approved.</p> <p>Return the sairat case records to the Tahasildar Tangi-Choudwar for taking necessary follow up action as per OMMC Rules.</p> <p>Dictated &amp; Corrected</p> <p><i>[Signature]</i> Collector Cuttack</p> <p><i>[Signature]</i> Collector Cuttack</p>	Mouza	Khata no.	Plot No.	Area in Ac.	Kissam	Bhatimunda	441(AAA)	1116	12.34	Nadi	<p><i>[Signature]</i></p> <p>True copy attested</p> <p><i>[Signature]</i> Mining Officer, O/o. Deputy Director of Mines Cuttack Circle, Cuttack</p>
Mouza	Khata no.	Plot No.	Area in Ac.	Kissam							
Bhatimunda	441(AAA)	1116	12.34	Nadi							

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**COMPARATIVE STATEMENT OF TENDERS RECEIVED**

- 1. Name of the Sairat Source :- Bircepa River Sand Bhatimunda
- 2. Case No :- 55/20-21
- 3. Date of Tender :- 24.3.21
- 4. Period From :- 5 years
- 5. Rate of Additional Charge :- ₹ 14/- per cum
- 6. Earnest Money Rs :- ₹ 13230/-

Name and address of the Bidder	Application Fee	Deposited vide Treasury Challan No. Date	Rate of Addl. Charges per C.M. offered	D.D No Dt Against EMD	An amount of Solvency/B.G.	Affidavit for non dues pending	Indenting quantity of minor mineral offered	Signature of Bidder	Remarks
1	2	3	4	5	6	7	8	9	10
1. Laxminagar Jena	1000/-	30177B 75CEB 12.03.21	1321/-	232643 12.03.21	88,00,000/-	Yes	5400		
2. Nishakar Mohanty	1000/-	30177A 75CEB 12.03.21	2055/-	814006 12.03.21	2,34,00,600/-	Yes	- do.		
3. Rajesh Mahapatra	1000/-	30177C 2913 28.3.21	1055/-	814005 12.03.21	1,06,65,710/-	Yes	- do.		
x 4. Chinnayee Mukherjee	1000/-	30177T EEE 3 12.03.21	1292.77	588073 12.3.21	4,92,85,000/-	Yes	- do.	S. Khat	
x 5. SUKANTA MUKHERJEE	1000/-	30177T A E 08 12.03.21	1745.77	588078 12.3.21	5,84,00,000/-	Yes	- do.	S. Khat	

The highest bid by way of tender is knocked down in favour of Sachin Saha  
 s/o Nirmala Saha Village Naxospur PS Berhampur Dist Cuttack at  
 additional charges of Rs 2800/- (Rupees Two thousand eight hundred) Only per cubic meter.

Revenue Supervisor: [Signature]  
 Tahasildar: [Signature]  
 Chairman: [Signature]  
 P.T.O.

True copy attached  
 Mining Officer,  
 D/o. Deputy Director of Mines  
 Cuttack Circle, Cuttack

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**COMPARATIVE STATEMENT OF TENDERS RECEIVED**

- 1. Name of the Sairat Source :- *Birrapariv & Son/ Bhatmunda*
- 2. Case No :-
- 3. Date of Tender :-
- 4. Period From :-
- 5. Rate of Additional Charge :-
- 6. Earnest Money Rs :-

Name and address of the Bidder	Application Fee	Deposited vide Treasury Challan No. Date	Rate of Addl. Charges per C.M. offered	D.D No Dt Against EMD	An amount of Solvency/B.G.	Affidavit for non dues pending	Indenting quantity of minor mineral offered	Signature of Bidder	Remarks
1	2	3	4	5	6	7	8	9	10
6 TAPAN KUMAR Nanda	1000/-	305844 2670 23.3.21	2735/-	638206 23.3.21	1.57.00.000/-	yes	5400		
7 Ananya Prasad Mishra Chandigarh Agency	1000/-	305778 E99A 10.3.21	1753/-	169281 23.3.21	99.00.000/-	yes	-d-		
8 Mr. K. U. M. J. Patil	1000/-	305706 19FD 15.02.21	482.50	500736 15.02.21	45.00.000/-	yes	-d-		
9 Akshay K. Mohanty	1000/-	366 24.03.21	714/-	497214 12.3.21	92.00.000/-	yes	-d-		
10 K. U. S. Das	1000/-	166 12.3.21	1950/-	393555 12.3.21	90.00.000/-	yes	-d-		

The highest bid by way of tender is knocked down in favour of .....  
 S/o ..... Village ..... PS ..... Dist ..... at  
 additional charges of Rs (Rupees) ) Only per cubic meter.

*[Signatures and stamps of Revenue Supervisor, Tahasildar, and other officials]*


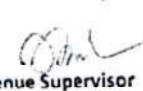


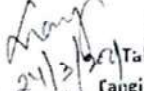
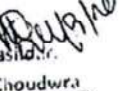
*True copy attested*  
 Mining Officer,  
 D/o. Deputy Director of Mines  
 Cuttack Circle, Cuttack

**COMPARATIVE STATEMENT OF TENDERS RECEIVED**

1. Name of the Sairat Source :- *Biraporiya Sang Abotemunda*
2. Case No :-
3. Date of Tender :-
4. Period From :-
5. Rate of Additional Charge :-
6. Earnest Money Rs :-

Name and address of the Bidder	Application Fee	Deposited vide Treasury Challan No. Date	Rate of Addl. Charges per C.M. offered	D.D No Dt Against EMD	An amount of Solvency/B.G.	Affidavit for non dues pending	Indenting quantity of minor mineral offered	Signature of Bidder	Remarks
1	2	3	4	5	6	7	8	9	10
11 Sachin K.V. Saboo	1000/-	30F797 18EE 23-3-21	2800/-	504259 12-03-21	6,53,21,000/-	yes	5400	B. Saboo	
12 Sakantale Kabu	1000/-	30F8544 146 24-3-21	2300/-	087804 23-03-21	1,31,00,000/-	yes	-do-	Manoj	
13 A. Imat A. III	1000/-	30F8544 087 24-3-21	-	087805 24-03-21	5,10,000/-	yes	-do-		
14 Saraswati Agrawal	1000/-	16 12-3-21	385/-	046773 24-3-21	9,50,000/-	yes	-do-		
15 Roshan Rajan Jena	1000/-	30F8544 F05 24-3-21	871/-	087803 23-03-21	49,00,000/-	yes	-do-		

The highest bid by way of tender is knocked down in favour of .....  
 S/o. .... Village ..... PS. .... Dist. .... at  
 additional charges of Rs ..... (Rupees) ; Only per cubic meter.

 Revenue Supervisor  
 Tahasildar  
 Revenue Officer  
 Revenue Officer  
 Revenue Officer  
 Revenue Officer  
 P.T.O.

  
 True copy attested  
 Deputy Director of Mines  
 Central Office, Cuttack.



## COMPARATIVE STATEMENT OF TENDERS RECEIVED

1. Name of the Sairat Source :- *biacop River Sand Blot mark*
2. Case No :- *53/20.21*
3. Date of Tender :- *24.3.21*
4. Period From :- *5 yrs*
5. Rate of Additional Charge :- *14.00*
6. Earnest Money Rs :- *13230/-*

Name and address of the Bidder	Application Fee	Deposited vide Treasury Challan No. Date	Rate of Addl. Charges per C.M. offered	D.D No Dt Against EMD	An amount of Solvency/B.G.	Affidavit for non dues pending	Indenting quantity of minor mineral offered	Signature of Bidder	Remarks
1	2	3	4	5	6	7	8	9	10
6 DUKHENDRA SAHOO	1000/-	305834 E16E 22-3-21	169/-	255210 22-03-21	2,10,00,000/-	Yes.	5400		
7 Chaitrubhusa pradhan	1000/-	256 22-3-21	200/-	706780 22-3-21	7,62,850/-	Yes.	-d.u.		

The highest bid by way of tender is knocked down in favour of SACHIN SARKAR  
 S/o. MANMATA SARKAR Village NARAYAN PS. Berongia Dist. Cuttack at  
 additional charges of Rs 2800/- (Rupees two thousand eight hundred) Only per cubic meter.

Revenue Supervisor  
 Tahasildar  
 Member  
 24/3/21

True copy attested  
 Mining Officer,  
 O/o. Deputy Director of Mines  
 Cuttack Circle, Cuttack

Intimation to Successful Bidder  
[See rule 10(11), 16(9), 27(6)]

Letter No.....2713..... Dated...25/3/21

From

Sri Ajaya Kumar Mallik, OAS  
Tahasildar & Executive Magistrate.

To

Sri Sachin Kumar Sahoo  
S/o-Nirmala Kumar Sahoo  
At-Naranapur,Ps-Baranga, Dist-CuttackSub: Intimation to successful bidder.  
Sir/Madam.

This is to intimate that you have been provisionally selected as the successful bidder for the prospecting license -cum- mining lease /mining lease/ quarry lease (strike off the lease not intended for ) described below, namely:-Birupa River Sand Bhatimunda, In Mouza-Bhatimunda, Khata No-441,Plot No-1116. Kisam Nadi. Area Ac.12.34dec.(MGQ 5400 CuM) based on your application for the said lease. The amount of additional charge bid by you and accepted is Rs.2800.00 (Rupees Two Thousand eight hundred) only per cubic meter.

The mining plan for the said lease has been obtained and the Environment clearance for the said lease has not been obtained. The tentative selection is subject to the provisions of the OMMC Rules, 2016 and to the terms and conditions annexed with this letter.

You are directed to convey your acceptance to the terms and conditions and to deposit an amount of Rs.3817975.00 (Rupees Thirty eight lakhs seventeen thousand nine hundred seventy five)only after deduct of the DD submitted by you as prescribed under OMMC Rules -2016-27(7) & (9) towards EMD. Proof or deposit of the aforesaid amount along with acceptance should reach the undersigned within fifteen days of the date of issue of this letter failing which this intimation shall stand automatically revoked without any further notice and the earnest money shall stand forfeited.

Further you are directed to submit an affidavit duly executed before the Executive Magistrate to the effect that this solvency certificate submitted for this source has not been used in any other sairat sources throughout the state.

You are also directed to execute deed in respect of the prospecting license -cum-mining lease/mining lease/quarry lease(strike-off whichever is not applicable) for the aforesaid area within the period specified in sub-rule (1) of rule 43 of the Odisha Minor Mineral Concession Rules, 2016.

Your's faithfully

Tahasildar, Tangi-Choudwar

(Competent Authority)

Memo No...2714.....dtd...25/3/21..

Copy submitted to Collector and District Magistrate, Cuttack for kind information and necessary action.

Memo No...2715.....dtd...25/3/21..

Copy submitted to Sub-Collector and Sub-Divisional Cuttack for kind information and necessary action.

Tahasildar, Tangi-Choudwar

True copy attached

O/o. Deputy Director of Mines  
Cuttack Circle, Cuttack