

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

Original Application No. 100/2024/EZ

Sanjib Dhal & Ors-----Applicant(s)

Versus

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

Affidavit on Behalf of the Opposite Party/Respondent No. 09 State
Environment Impact Assessment Authority (SEIAA), Odisha

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Place: Bhubaneswar
Date: 28/01/2025

Shri Apurba Ghosh
Advocate for Respondent No.09
(SEIAA), Odisha
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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.09 before this Hon'ble National Green Tribunal.
3. That, I have gone through the original application order dated 27.09.2024 & SEIAA, Odisha earlier Counter Affidavit dated 24.09.2024 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 SEIAA, Odisha earlier Counter Affidavit dated 24.09.2024 made in the Para-04 & 05, the deponent humbly submits that the SEIAA, Odisha has issued a Show Cause notice vide letter no. 6137/SEIAA dated 05.12.2024 to the PP, Sri Ajit Sahu with stating that why the environment clearance will not be revoked due to non-compliance of EC conditions and excess mining of stone 7092 cum as pointed out in the joint inspection report of sub-committee and non-compliance of EC compliance with respect to plantation, EMP, submission of six-monthly compliance on regular basis etc. The matter was placed in 185th SEIAA, Odisha meeting held on 07.01.2025 and the Authority observed that this is a case of violation as the PP has not submitted compliance of EC conditions on regular basis and 7092 cum of stone material has been extracted from the source as an excess mining and beyond the permission limit of EC conditions. The PP has submitted their reply on dated 20.12.2024 of show cause notice no. 6137/SEIAA dated 05.12.2024 issued by SEIAA, Odisha and after hearing the Authority opined that the reply of the PP is not satisfactory and not acceptable. Hence, after detailed deliberation in the matter, the Authority decided to revoke the EC letter no. 3397/SEIAA dated 18.10.2021 issued to Tolarpasi Road Metal Quarry for violation of EC conditions. Accordingly, EC revocation letter was issued to project proponent by SEIAA, Odisha letter no. 6242/SEIAA dated 18.01.2025 and the same is communicated to the PP and concerned lease granting Authority.

The copy od EC revocation letter is attached in **Annexure-I**.


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

5. 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.
6. That the deponent reserves the right to file further affidavit as and when necessary.

Identified by _____
 Advocate

[Handwritten Signature]

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

VERIFICATION

Verified at Bhubaneswar on this day of 28-01-2025 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: 28.01.2025

[Handwritten Signature]

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



[Handwritten Signature]
28.01.2025

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





STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

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

File No. SEIAA-1725/06-2021

Letter no. 6242/SEIAA

Dated 18.01.2025

To

The Deputy Director of Mines,
Dhenkanal Circle, Dhenkanal
At/Po/Dist-Dhenkanal

Sub: **Revocation of Environment Clearance (EC)** of Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at village-Tolarpasi, Tahasil-Gondia, Dist: Dhenkanal, Odisha in favour of Sri Ajit Sahu -Reg.

Ref: 1. Order passed by Hon'ble NGT, EZ, Kolkata on dated 16.05.2024 & subsequent order in OA No.100/2024/EZ in the matter of Sanjib Dhal & Ors. Vrs. State of Odisha & Ors.
2. EC letter no.3397/SEIAA dated 18.10.2021
3. Our Show Cause notice to Sri Ajit Sahu vide letter no.6137/SEIAA dated 05.12.2024

Sir/Madam,

With reference to the above cited subject, it is to inform you that the Environmental Clearances have been granted by SEIAA, Odisha to the above-mentioned stone quarry of Tolarpasi Road Metal Quarry as per the application & based on information submitted by the Tahasildar, Gondia of Dhenkanal District and the project proponent Sri Ajit Sahu. After SEAC recommendation in its meeting held on 26.08.2021 & 05.10.2021, the proposal was placed in SEIAA, Odisha meeting and the Authority, SEIAA, Odisha approved the proposal for EC vide letter no. 3397/SEIAA dated 18.10.2021 with stipulated conditions and accordingly, the quarry was being operated by the successful bidder/lessee Sri Ajit Sahu.

In the meantime, a case was filled before Hon'ble NGT, Eastern Zone Bench, Kolkata in OA no. 100/2024/EZ matter of Sanjib Dhal & Ors. Vrs. State of Odisha & Ors. After hearing, the Hon'ble Tribunal passed an order on 16.05.2024 with direction as follows:

- i. **Para-11 of the order**-All the Respondents shall file their counter-affidavits within four weeks.
- ii. **Para-12 of the order**-Considering the allegations made in the Original Application, we deem it appropriate to constitute a Joint Committee comprising of the following members: -
 - a. Senior Scientist, Odisha State Pollution Control Board;

- b. Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha
 - c. Senior Officer or representative of the Director of Mines and Geology;
 - d. Divisional Forest Officer, Dhenkanal or his Senior Representative; and
 - e. Collector and District Magistrate, Dhenkanal or his Representative not below the rank of Additional District Magistrate (ADM)
- iii. **Para-13 of the order-**The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks
 - iv. **Para-14 of the order-**The Collector and District Magistrate, Dhenkanal shall be the Nodal Body for all logistic purposes and shall file the Fact-Finding Report on affidavit.
 - v. **Para-15 of the order-**In case violations are found, the Committee shall recommend remedial measures, if any.

As per direction of Hon'ble Tribunal order dated 16.05.2024, a joint committee was formed and was visited the site on 10.07.2024 and as per instruction of committee, a sub-committee also visited the site on 16.07.2024 and accordingly, the joint inspection report was submitted before Hon'ble Tribunal by the Collector and District Magistrate, Dhenkanal as nodal agency for this case. The SEIAA, Odisha also filed an individual counter affidavit dated 24.09.2024 before Hon'ble Tribunal stating in Para-04 that EC was obtained by Sri Ajit Sahu for Tolarpasi Road Metal Quarry dated 18.10.2021 for a period of 5 years and Para-05 that, the project proponent (PP) has not submitted any six monthly/half yearly compliance of EC condition.

Based on the affidavit dated 24.09.2024 of SEIAA, Odisha, the Hon'ble Tribunal has passed another order dated 27.09.2024 with the following observation & direction:

- i. **Para-05 of the order-** In the affidavit of SEIAA, Odisha, certain violations by the Project Proponent, Respondent No.13, have been outlined but what action has been taken by the SEIAA, Odisha, thereafter, has not been stated for reasons best known to SEIAA.
- ii. **Para-06 of the order-**We, therefore, direct the SEIAA, Odisha, to file fresh affidavit showing what action has been taken in pursuance of their averments in Paragraphs 4 and 5 of their affidavit.

Further, the Hon'ble Tribunal has passed another order dated 28.11.2024 as follows:

- i. **Para-07 of the order-** In our order dated 27.09.2024 we had directed the SEIAA, Odisha to show what action has been taken with regard to violations outlined in their affidavit against the Respondent No.13. We find that the affidavit of 27.11.2024 is

peculiarly silent with regard to compliance of the directions of this Tribunal in para 5 of its order for reasons best known to the Regulatory Authorities.

- ii. **Para-08 of the order-** Mr. Apurba Ghosh, learned Counsel prays for and is granted further four weeks time for filing the counter affidavit of SEIAA, Odisha in this regard, failing which the Member Secretary, SEIAA, Odisha will be liable to payment of cost of Rs.2500/- (Rupees two thousand five hundred only).

In compliance to the order dated 27.09.2024 & 28.11.2024 of Hon'ble Tribunal, the SEIAA, Odisha has issued Show Cause notice vide letter no. 6137/SEIAA dated 05.12.2024 to the PP, Sri Ajit Sahu with stating that why the environment clearance will not be revoked due to non-compliance of EC conditions and excess mining of stone 7092 cum as pointed out in the joint inspection report of sub-committee and non-compliance of EC compliance with respect to plantation, EMP, submission of six-monthly compliance on regular basis etc. The matter was placed in 185th SEIAA, Odisha meeting held on 07.01.2025 and the Authority observed that this is a case of violation as the PP has not submitted compliance of EC conditions on regular basis and 7092 cum of stone material has been extracted from the source as an excess mining and beyond the permission limit of EC conditions. The PP has submitted their reply on dated 20.12.2024 of show cause notice no. 6137/SEIAA dated 05.12.2024 issued by SEIAA, Odisha. The reply of the PP is not satisfactory and not acceptable. Hence, after detailed deliberation in the matter, the Authority decided to revoke the EC letter no. 3397/SEIAA dated 18.10.2021 for violation of EC conditions.

As per direction of Hon'ble Tribunal order dated 27.09.2024 & 28.11.2024 and decision of Authority, the SEIAA, Odisha hereby revoke the Environmental Clearance letter no. 3397/SEIAA dated 18.10.2021 issued to Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at village-Tolarpasi, Tahasil-Gondia, Dist: Dhenkanal, Odisha with immediate effect under the Provision of EIA Notification, 2006 and Environment Protection Act, 1986.

Any appeal against this order 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.

This is for your kind information and necessary action.

Yours faithfully,



Member Secretary

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Dhenkanal, Sub-Collector, Dhenkanal, DFO, Dhenkanal, Tahasildar, Gondia /Mining Officer, Dhenkanal for Information and necessary action.
7. Sri Ajit Sahu. S/o-Late Gokulananda Sahu, At/Po-Nihalprasad, Ps-Gondia, Pin-759016
8. Guard file for record/Website/Parivesh Portal.



Member Secretary