

Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata

OA No. 147 of 2024

Youth United For Sustainable
Environment Trust.

..... Applicant

-VERSUS-

State of Odisha & Ors.

..... Respondents

I.N.D.E.X

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Place:- Kolkata
Date: 15/01/25

Ashok Prasad
Ashok Prasad, Advocate
Counsel for Respondent No. 12
Mobile: 9883069404
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15 JAN 2025

SL. NO. 29 OT 15.1.2025

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OA No. 147 of 2024

**Youth United For Sustainable
Environment Trust.**

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..... Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 12
DIRECTOR GENERAL OF MINES SAFETY, GOVT. OF
INDIA.**

MOST RESPECTFULLY SHEWETH:

I, Krishnendu Mondal, Son of Sri Bimalendu Mondal,
aged about 51 years, employed / appointed as the
Director of Mines Safety, South Eastern Zone,
Bhubaneswar Region-1, Under Ministry of Labour and

Mondal
Krishnendu



Employment, Govt. of India, do hereby solemnly affirm and declare as follows: -

1. That I am well conversant with the facts and circumstances of the case, and as such, I am duly authorized and competent to swear this affidavit on behalf of R-12, in the above matter.
2. That I have read and understood the original application and have been advised to traverse by way of this Counter Affidavit as reply thereto.
3. That have and except those which are matter of record and those which are specifically admitted hereto the contents of the OA that have not been specifically admitted hereunder or are a matter of record be deemed denied.
4. That the deponent craves liberty to raise additional submission or file supplementary affidavits in case need arises during the course of arguments.

K.ri Shree Dr Mondal



PARA WISE REPLY

5. That the contents of Para 1 of the Original Application are matter of record, hence does not warrant any reply.

6. With regards to the para 2 of the Original Application, it is humbly submitted that: -

- The provisions of Section 16 of the Mines Act, 1952 are reproduced below:

"Notice to be given of mining operations - (1) The owner, agent or manager of a mine shall, before the commencement of any mining operation, give to the Chief Inspector, the Controller, Indian Bureau of Mines and the District Magistrate of the district in which the mine is situated, notice in writing in such form and containing such particulars relating to the mine, as may be prescribed. (2) Any notice given under sub-section (1) shall be so given as to reach the persons concerned at least one month before the commencement of any mining operation".

- The provisions of Regulation 3 of the Metalliferous Mines Regulation (MMR), 1961 are reproduced below -

"Notice of opening - (1) The notice required by section 16 of the Act shall be submitted in Form I or First Schedule 1 [and a copy thereof shall be submitted to the Regional Inspector. The form shall be accompanied by a plan showing the boundaries of the mine and the shafts or opening of the mine, trijunction or revenue pillars and other prominent and permanent surface features : Provided that, in respect of amine which has already been opened such a plan shall be submitted within sixty days of coming into force of the Metalliferous Mines (Amendment)



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Regulations, 1985: Provided further that if the boundary of amine is changed as per sub-regulation(1) of regulation 111 a plan showing the boundary shall be submitted within seven days of the said change] (2) When a mine has been opened, the owner, agent or manager shall forthwith communicate the actual date of opening to the Chief Inspector and to the Regional Inspector."

Notice of opening in Form-I of First Schedule has not been submitted by the mine management of Dankari Stone Quarry to the DGMS.

Further, it is also stated that –

The provisions of Section 23 of the Mines Act, 1952 are reproduced below:

"Notice to be given of accidents :- (1) Whenever there occurs in or about a mine:- (a) an accident causing loss of life or serious bodily injury, or (b) an explosion, ignition, spontaneous heating, outbreak of fire or irruption or inrush of water or other liquid matter, or (c) an influx of inflammable or noxious gases, or (d) a breakage of ropes, chains or other gear by which persons or materials are lowered or raised in a shaft or an incline, or (e) an overwinding of cages of other means of conveyance in any shaft while persons or materials are being lowered or raised, or (f) a premature collapse of any part of the workings, or (g) any other accident which may be prescribed, the owner, agent or manager of the mine shall give notice of the occurrence to such authority in such form and within such time as may be prescribed, and he shall simultaneously post one copy of the notice on a special notice-board in the prescribed manner at a place where it may be inspected by trade union officials, and shall ensure that the notice is kept on the board for not less than fourteen days from the date of such posting."

Kishore Mohan

Notice of accident has not been given by the mine management of Dankari Stone Quarry to the DGMS. Illegal mining does not come under the purview of Mines Act, 1952.



7. With regards to the para 3 of the Original Application, it is humbly submitted that no information received in this directorate about the incidences listed from the year 2017 to 2023-24. Illegal mining does not come under the purview of Mines Act, 1952.

8. With regards to the para 4 of the Original Application, it is humbly submitted that this para does not come under the purview of the DGMS, hence no comments to offer by the answering respondent. Illegal mining is not covered under the purview of Mines Act, 1952.

9. With regards to the para 5 of the Original Application, it is humbly submitted that Notice of opening in Form-I of First Schedule has not been submitted by the mine managements of any

Krishendu Mondal



lease hold area comes under Dharmasala Tahsil of Jajpur District, Odisha to the DGMS.

10. With regards to the para 6 of the Original Application, it is humbly submitted that this para does not relate DGMS, hence no comments to offer by the answering respondent.

11. With regards to the para 7, 11 & 14 of the Original Application, it is humbly submitted that: -

The provisions of Regulation 109(1) of the Metalliferous Mines Regulation (MMR), 1961 are reproduced below -

"No workings shall be made and no work of extraction or reduction of pillars shall be conducted at, or extended to, any point within 45 metres of any railway, or of any public works in respect of which this regulation is applicable by reason of any general or special order of the Central Government, or of any public road or building, or of other permanent structure not belonging to the owner of the mine, without the prior permission in writing of the Chief Inspector and subject to such conditions as he may specify therein."

No permission under Regulation 109(1) of the MMR, 1961 has been given by the DGMS to the Stone Quarries under Dharmasala Tahsil of Jajpur District, Odisha.

12. With regards to the para 8 & 9 of the Original Application, it is humbly submitted that this para



K. N. Shrivastava

does not relate to the DGMS, hence no comments to offer by the answering respondent.

13. With regards to the para 10 of the Original Application, it is humbly submitted that: -

- The provisions of Regulation 155(1) of the Metalliferous Mines Regulation (MMR), 1961 are reproduced below -

"Unless otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, no explosive, other than a fuse or a detonator, shall be issued for use in mine, or taken into or used in any part of a mine, unless it is in the form of a cartridge. Cartridges shall be used only in the form in which they are received."

- The provisions of Regulation 162(5) of the Metalliferous Mines Regulation (MMR), 1961 are reproduced below -

"Unless otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, the charge in any shothole shall consist of one or more complete cartridges of the same diameter and the same type of explosive."

No permission under Regulation 155(1) & 162(5) of the MMR, 1961 has been given by the DGMS to any Stone Quarries under Dharmasala Tahsil of Jajpur District, Odisha.

14. With regards to the para 12,13 and 15 to 23 of the Original Application, it is humbly submitted that this para does not come under the purview of the



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DGMS, hence no comments to offer by the answering respondent.

15. With regards to the para 24 of the Original Application, it is submitted that: -

- The provisions of Regulation 124(6)(f) of the Metalliferous Mines Regulation, 1961 are reproduced below-

No process of crushing, breaking, disintegrating, opening, grinding, screening or sieving of ores, minerals or stone or any operation incidental thereto shall be carried out at any mine unless appropriate and effective dust control measures, such as, burst not limited to isolation, enclosure, exhaust ventilation and dust collection are designed, provided, maintained and used.

- The provisions of Regulation 124(8) of the Metalliferous Mines Regulation, 1961 are reproduced below -

The manager of every mine where airborne dust is generated, shall formulate and implement a scheme specifying -

- (a) the location, frequency, timing duration and pattern of sampling ;*
- (b) the instruments and accessories to be used for sampling ;*
- (c) the laboratory at which respirable dust content of samples and quartz content shall be determined ;*
- (d) the format in which the results of measurements of dust concentration and other particulars have to be recorded ;*
- (e) the organization for dust monitoring and for the examination and maintenance of dust prevention and suppression measures and dusts respirators ; and*



Krishna Venkatesh

(f) the manner of making all persons concerned with the implementation of the dust control measures fully conversant with the nature of work to be performed by each in that behalf.

No permission/exemption under Regulation 124 of the MMR, 1961 has been given by the DGMS to any Stone Quarries under Dharmasala Tahsil of Jajpur District, Odisha.

- The provisions of Regulation 155(1) of the Metalliferous Mines Regulation (MMR), 1961 are reproduced below –

"Unless otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, no explosive, other than a fuse or a detonator, shall be issued for use in mine, or taken into or used in any part of a mine, unless it is in the form of a cartridge. Cartridges shall be used only in the form in which they are received."

- The provisions of Regulation 162(5) of the Metalliferous Mines Regulation (MMR), 1961 are reproduced below –

"Unless otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, the charge in any shothole shall consist of one or more complete cartridges of the same diameter and the same type of explosive."

No permission under Regulation 155(1) & 162(5) of the MMR, 1961 has been given by the DGMS to any Stone Quarries under Dharmasala Tahsil of Jajpur District, Odisha.



K. Krishnakumar

PRAYER

In view of what has been stated hereinbefore, It is respectfully submitted that the application may kindly be disposed with orders/ directions as deemed fit and proper in the facts and circumstances of this case. The answering respondent may kindly be exempted from personal appearance forthwith.

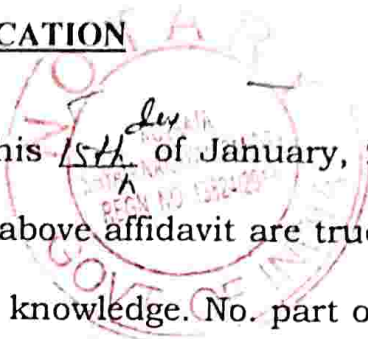
Krishendu Mondal

DEPONENT



VERIFICATION

Verified at Kolkata on this ^{15th} of January, 2025,
that the contents of the above affidavit are true and
correct to the best of my knowledge. No. part of it is
false and nothing material has been concealed
therefrom.



S. Krishna

DEPONENT

Identified by me

Ashu Band

Advocate

**Solemnly Affirm & Declared
Before Me on Identification
of Ld. Advocate**

S. Narayan

**SHYAM NARAYAN PANDEY
NOTARY, GOVT. OF INDIA
REGN. NO. 13824/2018**

15.1.2025



15 JAN 2025