

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

I.A NO. OF 2025

In

Original Application No.100/2024/EZ

BETWEEN

SANJIB DHAL *& ORS.*

.....APPLICANT

- V E R S U S -

STATE OF ODISHA & OTHERS

.....RESPONDENTS

I N D E X

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Am.
AMITABH MISHRA, ADVOCATE
ENRL. NO.O-894/2002
MOB:-9937068659
Email:palit_subir02@yahoo.com
CDA, Sector-8, Cuttack, Odisha

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

I.A NO. OF 2024

In

Original Application No.100/2024/EZ

Between

1. Sanjib Dhal, S/o Murali Dhal, aged about 47 years, At/P.O-Nihhalprasad, Dist- Dhenkanal, Odisha
2. Likuna Dhal S/o Prasanna Dhal, aged about 42 years, At/P.O-Nihalprasad, Dist- Dhenkamal, Odisha
3. Adhikari Mohanty, S/o Golekha Mohanty, aged about 44 years, At/po- Nihalprasad, Dist- Dhenkanal, Odisha
4. Dharendra Raj S/o Kanhei Raj, aged about 52 years, At/poNihalprasad, Dist- Dhenkanal, Odisha

.....Applicants

-Versus-

1. State of Odisha, represented by Chief Secretary, Government of Odisha, Lokaseva Bhawan, csori@nic.in
2. Principal Secretary, Revenue and Dissaster Management, Government of Odisha, Lokaseva Bhawan, Bhubaneswar, 751001, revsec.od@nic.in
3. Additional Chief Secretary, Forest and Environment Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: fesec.or@nic.in
4. Collector & Dist. Magistrate Dhenkanal, At/PO/Dist- Dhenkanal Email- dm-dhenkanal@nic.in PIN-752069




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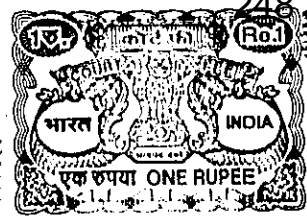
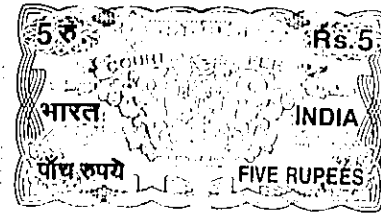
PRADIPTA KUMAR MOHANTY

Notary, Cuttack Town,
Regd.No-ON-04/1995

5. Superintendent of Police, Dhenkanal At/Po/PS- Dhenkanal
dhepol@nic.in , 752069
6. Divisional Forest Officer, Dhenkanal,
At/P.O/Dist - Dhenkanal, Email - dfo-dhenkanal@gmail.com
Pin - 752055
7. Member Secretary, Odisha State Pollution Control Board A/118,
Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha Email:
paribesh1@ospcbboard.org,
8. Regional Officer, Odisha State Pollution Control Board, Angul,
At/po/Ps-Angul, Odisha 751024. Email: rospcb.angul@ospcbboard.org
9. Member Secretary, State Environment Impact Assessment
Authority (SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit
- IX, 751022 Email: seiaaodisha@gmail.com , ms-seiaa-or@gov.in
10. Director of Mines and Geology, Bhubigyan Bhawan ,
Bhubaneswar, Khordha, PIN-751001 Email-
directorgeology_odisha@yahoo.in
11. Tahasildar, Gondia, At/Po/PS- Gondia, Dist- Dhenkanal
Emailtah.gondia-od@nic.in
12. Deputy Director General of Forests (C), Ministry of Environment,
Forest and Climate Change, Integrated Regional Office (EZ), A/3,
Chandersekharpur, Bhubaneswar – 751023, Email: roez.bsr-mef@nic.in
13. Ajit Sahu S/o Late Gokulananda Sahu, At/po- Nihalprasad,
PSGondia, pin- 759016 Dist- Dhenkanal (Lessee of Stone Quarry)

.....RESPONDENTS


PRADIPTA KUMAR MOHANTY
Notary, Cuttack
Regd.No-ON-04/1995



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

I.A NO. OF 2024

In

Original Application No.100/2024/EZ

BETWEEN

SANJIB DHAL & ORS.

.....APPLICANTS

-V E R S U S-

STATE OF ODISHA & OTHERS

.....RESPONDENTS


An application seeking direction for restoration of the Environment Clearance by the State Environment Impact Assessment Authority with respect to Respondent No.13 - Lessee;

THE HUMBLE PETITION OF THE
PRESENT RESPONDENT NO.13
NAMED ABOVE.

MOST RESPECTFULLY SHEWETH:-

1. That, the applicants has filed this Original Application interalia making various allegations against the Respondent No.13 seeking the prayer to direct SEIAA and SPCB to withdraw the environment clearance and CTO for violation of EC conditions and non-filing of quarterly environment compliance report amongst others.

2. That, on receipt of notice, the Respondent No.13 has appeared & filed counter affidavit clearly explaining the factual position & rebutting the unfounded allegations made in the Original Application. The contents


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Notary, Cuttack Town
Reqd.No-ON-04/1995

of the affidavits filed by the Respondent No.13 may be read & treated as part & parcel of this Interim Application for better appreciation of the facts and circumstances of the present case.

3. That, the matter is presently sub-judice before this Hon'ble Tribunal and posted to 31.01.2025.


4. That, this Hon'ble Tribunal on the last date i.e. 28.11.2024 was pleased to direct the SEIAA – Respondent No.9 to file an affidavit to put on record as to what action has been taken with regard to the non-filing of returns by the lessee – Respondent No.13.

5. That, a show cause notice was issued to the lessee – Respondent No.13 on 05.12.2024 and a reply was given on dated 20.12.2024 pointing out the following broad issues:

A. Instead of excess mining of 7092cum the lessee – Respondent No.13 has a surplus balance of 3682 cum which can be mined out of the approved quantity of 20034 cum. It is not a matter of excess rather a shortage.

B. The alleged excess mining quantity in the Joint Committee Report resulted from the non-issuance of Transit permits through Y Forms for the differential balance shown as excess at the relevant time of extraction. However, the Y-Forms were subsequently issued and uploaded, datasheet is available on the 4M portal.

C. Completed the entire plantation work as can be verified from the geo-tagged photographs.


PRADIPTA KUMAR MOHANTY
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Regd.No-ON-04/1995

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D. As regards filing of the compliance reports, the same has been done in approximately around the requisite time frame. It is not a case of evasion or avoidance to file the requisite data but it is a delayed filing which is neither deliberate nor intentional. The Respondent No.13 has substantially complied with the requirements.


E. Cancellation of the lease due to non-compliance of a directory provision of the statute would amount to violence of the object and purpose of the statute, especially when the lessee has not extracted in excess of the approved quantity and has not committed any other violations of mandatory statutory requirements.

(Copy of the showcause notice dated 05.12.2024 and reply dated 20.12.2024 are annexed as **Annexure-R13/1 Series**)

6. That, even while the matter was pending adjudication and even in the absence of any specific directions by this Hon'ble Tribunal to the Respondent No.9 - SEIAA to cancel the EC granted in favour of the Respondent No.13, the SEIAA on its own has revoked the Environment Clearance with immediate effect after vide order dated 18.01.2025. The said order was served on the lessee – Respondent No.13 by post as received on 28.01.2025.

(Copy of the letter – order dated 18.01.2025 is annexed as **Annexure-R13/2**)

7. That, it is humbly submitted here that, the letter dated 18.01.2025 (Annexure-R13/2) states that the revocation of the EC is as per the orders of this Hon'ble Tribunal as well as the decision of the SEIAA. This is not


PRADIPTA KUMAR MOHANTY
 Notary, Cuttack Town
 Regd.No-ON-04/1995


borne out from the records of this Hon'ble Tribunal and if allowed to stand shall result in miscarriage of justice.

8. That it is humbly submitted here that, the action of the Respondent No.9 in revoking the EC during the pendency of the present proceedings involving the very same issue before this Hon'ble Tribunal amounts to overreaching the jurisdiction of this Hon'ble Tribunal thereby denuding the proceedings of all sanctity.

9. That, it is humbly submitted here that from the above narration of facts it is apparent that the action of the Respondent No.9 SEIAA in revoking the EC when the very same issue is presently sub-judice before this Hon'ble Tribunal, is an act of overreaching the powers and jurisdiction of this Hon'ble Tribunal and therefore unsustainable in the eyes of law.

10. That, it is humbly submitted here that, the requirement of uploading the compliance reports is only directory in nature and revocation of EC entailing stoppage of mining only for the reason that there is some delay in complying with same amounts to travesty of justice moreso when the primary object and purpose of the statute – OMMC Rules, 2016 is to grant lease for mining / extraction of the mineral.

11. That, under the circumstances it is expedient in the interests of justice that the Respondent No.9 – SEIAA, Odisha be directed to restore the EC of the lessee – Respondent No.13 within a stipulated time as deemed just and proper pending final adjudication of the main Original Application.


PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995


Respondent


PRAYER

It is therefore most humbly and respectfully prayed that this Hon'ble Tribunal may graciously be pleased to allow this application and kindly direct that the Respondent No.9 – SEIAA, Odisha restores the EC of the lessee – Respondent No.13 as was granted to him vide letter no. 3397/SEIAA dated 18.10.2021, pending final adjudication of the main Original Application;

And may further be pleased to pass any other order / orders in favour of the present Respondent No.13 as it may deem just and proper;

And for this act of kindness the present Respondent No.13 shall as in duty bound ever pray.


AMITABH MISHRA, ADVOCATE
ENRL. NO.O-894/2002
MOB:-9937068659
Email:palit_subir02@yahoo.com
CDA, Sector-8, Cuttack, Odisha


PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995

VERIFICATION

I, Sri Ajit Sahu, aged about 35 years, S/o-Late Gokulananda Sahu, At/P.O-Nihalprasad, P.S-Gondia, Dist.-Dhenkanal, Odisha, (Lessee of Nihal Prasad Road Metal Stone Quarry No.1), do hereby solemnly verify that the facts stated above are true to the best of my knowledge and belief, and no material facts have been concealed therefrom.

Date:30.01.2025

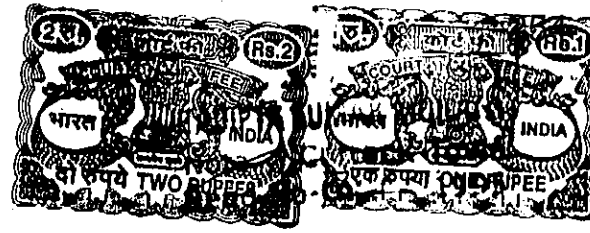
Place: Cuttack

Ajit Sahu

✓ VERIFICANT



PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995



AFFIDAVIT

I, Sri Ajit Sahu, aged about 35 years, S/o-Late Gokulananda Sahu, At/P.O-Nihalprasad, P.S-Gondia, Dist.-Dhenkanal, Odisha, (Lessee of Nihal Prasad Road Metal Stone Quarry No.1), do hereby solemnly affirm and state as follows:

1. That, I am the Respondent No.13 in Original Application in the accompanying I.A and being aware of the facts thereof, I am competent to swear the present affidavit.

2. That, the contents of the accompanying I.A have been drafted by my counsel upon my instruction and the legal submissions therein are based upon legal advice, and are believed to be true and correct to the best of my knowledge and belief.

3. That, the contents of the accompanying I.A are not being reproduced in the present affidavit for the sake of brevity and the same may be read from the application and may be considered as a part and parcel of the present affidavit.

Identified By:

Ananya Pradhan
Advocate

Ananya Pradhan
0-547/2020
8917222517

Place: Cuttack

Date: 30.01.2025

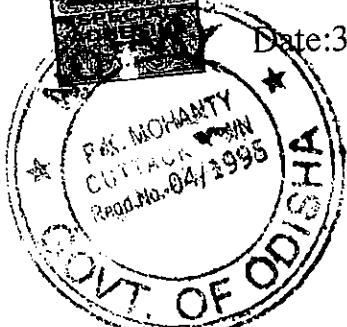
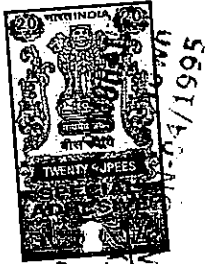
Ajit Sahu

DEPONENT

(Ajit Sahu)

Solemnly sworn before *Ajit Sahu*
me by..... *A. Pradhan* *Advocate*
being identified by.....
at Cuttack Town Dated..... *30/01/2025*

P.K. MOHANTY, Notary, Cuttack Town
Regd. No. ON-04/1995



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Annexure-R13/1 series



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

SRI-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. 6129/SEIAA

Dated 05.12.2024 :

To

Sri Ajit Sahu
At/Po-Nihalprasad, Po-Gondia,
Dist-Dhenkanal, Pin-756032, 759016.

**DIRECTIONS UNDER SECTION-5 OF ENVIRONMENT (PROTECTION) ACT, 1986-
SHOW CAUSE NOTICE THEREOF**

Ref: 1. Environment Clearance (EC) letter no. 3397/SEIAA dated 18.10.2021

2. Hon'ble NGT order dt. 16.05.2024 and 27.09.2024 on O.A. No.100/2024/EZ in the matter of Sanjib Dhal & Ors Vrs State of Odisha & Ors.

Sir/Madam,

With reference to the above cited subject, I am directed to inform you that initially, the environment clearance (EC) was issued vide letter no. 4344/SEIAA dated 17.08.2015 in favour of Sri Ajit Sahu for total extraction quantity of stone 12520 cum from Tolarpasi Road Metal Stone Quarry in 5 years lease period. After completion of 5 years lease period, again a fresh EC was issued by SEIAA, Odisha vide letter no. 3397/SEIAA dated 18.10.2021 for extraction of 20034 cum/annum and 100166 cum stone from Tolarpasi Road Metal Stone Quarry in 5 years lease period in favour of Sri Ajit Sahu. In the meantime, a case has been filed before the Hon'ble NGT, E.Z. Kolkata in O.A. No.100/2024/EZ in the matter of Sanjib Dhal & Ors Vrs State of Odisha & Ors. The Hon'ble NGT vide its order dt. 16.05.2024 have directed to constitute a Joint Committee comprising of the members of the Collector & District Magistrate, Dhenkanal or his Representative, SPCB, SEIAA, Odisha, Director of Mines & Geology, DFO, Dhenkanal to looking into the matter and the Committee shall visit the site and submit its report with regard to the allegation made in the Original Application within three weeks. Accordingly, the committee have visited the alleged site on 10.07.2024 and further, the site visited by the Tahasildar, Gondia and Joint Director Geology, Dhenkanal and Mining Officer, Dhenkanal on dated 16.07.2024. After joint inspection, it is

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observed that the lessee has extracted 7092 cum of stone as excess mining from the said source and not complied the conditions of EC letter dated 18.10.2021 in respect to tree plantation, implementation of environment management plan (EMP), management of Over Burden (OB) and submission of six (06) monthly EC compliance to SEIAA, Odisha.

NOW THEREFORE, in view of the above observation and in exercise of the powers vested with SEIAAA, Odisha under section-5 of the Environment (Protection) Act, 1986, the Project Proponent/lessee Sri Ajit Sahu is directed to reply through letter or presence by person or through authorized person in SEIAA, Odisha office within 15 days from the date of receipt of this show cause notice, why the environment clearance will not be revoked due to non-compliance of EC conditions and excess mining.

In the event of failure to comply with the above directions within the stipulated time frame, action as deemed appropriate shall be initiated against the Project Proponent in accordance with the provisions of the law.

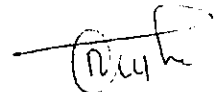
By order and Authority of SEIAA, Odisha



Member Secretary

Copy to

1. The Collector & District Magistrate/ADM/Sub-Collector, Dhenkanal/Tahasildar, Gondia/
Mining Officer, Dhenkanal/SPCB, Angul for his information.



Member Secretary

To,

-13-

The Member Secretary,

State Environment Impact Assessment Authority, Odisha

Subject: Reply to your show cause notice issued vide letter no. 6137 /SEIAA dated 05.12.2024 issued under section 5 of the Environment (Protection) Act, 1986.

Ref: letter no. 6137 /SEIAA dated 05.12.2024.

Sir,

I am the lessee of the Tolarpasi Road Metal Quarry which was finally settled in my favour on dated 30.04.2021 through the Form F for a period of 5 years subsequent to the exercising of my first right of refusal under Rule -8(3) (a) of the OMMC Rules, 2016 as per the directions of the Hon'ble High Court of Orissa in W.P.(C) No.26577 of 2020.

That, thereafter I duly obtained all the statutory clearances which unequivocally demonstrate my Bonafide & good faith in the management of the aforesaid road metal quarry, strictly adhering to the pertinent regulations and legal framework. This effectively negates any likelihood or prospect of illicit operations being conducted.

That the initial Environment Clearance (EC) as issued on 17.08.2015 in my favour was for a total extraction of 12520 cum for a period of 5 years. The subsequent EC was issued on 18.10.2021 for extraction of 20034 cum per annum for the subsequent 5 years.

In the meantime, an original application in O.A No.100 /2024 / EZ was filed before the Hon'ble NGT, wherein vide order dated 16.05.2024 it was directed to constitute a Joint Committee to look into the allegations made in the



original application. The Joint Inspection was conducted, wherein it was observed:

- i. The lessee has extracted 7092 cum of stone as excess mining;
- ii. The lessee has not complied the conditions of EC letter dated 18.10.2021 in respect of tree plantation.
- iii. The lessee has not uploaded online returns as per the EC conditions.

That, in reply to the allegation of the excess mining it is submitted here that the amount of excess mining as sated in the present notice has admittedly been borrowed from the Joint Verification Report (JVR) that was made pursuant to the orders of the Hon'ble National Green Tribunal passed in OA no. 100/2024/EZ. The Hon'ble Tribunal is presently in seisin over the matter and such report is part of the adjudicatory process before the Hon'ble Tribunal. As such the issuance of the present notice as regards such alleged excess mining, is an act of overreaching the powers and jurisdiction of the Hon'ble Tribunal more so, when SEIAA is also a party-Respondent before the Hon'ble Tribunal.

It is further submitted that, as per the approved mining plan and the EC granted in favour of this lessee, a total of 100166 cum mineral can be mined by me (20030 cum in the 1st year and 20034 cum each in the next 4 years). Therefore, the figure arrived at in the report having not factored in the approved quantity of mineral allowed to be mined is factually incorrect. For the year 2024-25 as on date I have mined 16352.00 cum of mineral and have a balance quantity of 3682.00 cum left out of a total approved quantity of 20034.00 cum of minor mineral. Therefore, to put it conversely as against instead of excess mining of 7092cum I have a surplus balance of 3682 cum which I can mine out of my approved quantity of 20034 cum. It is not a matter of excess rather a shortage.

That, the alleged excess mining quantity in the Joint Committee Report resulted from the non-issuance of Transit permits through Y Forms for the

differential balance shown as excess at the relevant time of extraction. However, the Y-Forms were subsequently issued and uploaded, and as a consequence the approved and permitted quantity was dispatched as per the datasheet from the 4M portal enclosed herewith.

(Copy of the datasheet from the 4M portal is enclosed for ready reference)

That, the contention that the lessee has not complied with the condition of tree plantation is factually incorrect inasmuch as I have carried out plantation as would be evident from the geo-tagged photographs. I have completed the entire plantation work as can be verified from the photographic evidence enclosed herewith.

(Geo-tagged photographs are enclosed for ready reference.)

That, I have filed the compliance report and have also uploaded the same. It is very much relevant to submit here that since such compliance reports and their submissions is a continuous process which is done in tandem with the mining operation therefore, in normal day to day operations some latitude is granted by the authorities. It is only for this reason that the E.C is neither revoked nor cancelled because of some delay in the uploading of the reports. Normally, what is insisted upon is a substantial compliance. In the present case also, it is not a case of evasion or avoidance to file the requisite data but it is a delayed filing which is neither deliberate nor intentional. But fact remains that such data has been duly generated in approximately around the requisite time frame.

Further, if the allegations are strictly upheld, no mines in the state of Odisha would survive. It is a common practice, and such compliance has been overlooked in the day-to-day operations of the quarry. The fact remains that the lessee has extracted within the approved quantity and is entitled to continue operations.

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Cancellation of the lease due to non-compliance of a directory provision of the statute would amount to violence of the object and purpose of the statute, especially when the lessee has not extracted in excess of the approved quantity and has not committed any other violations of mandatory statutory requirements.

That, from the preceding paragraphs it is forthcoming that none of the alleged violations are made out against me and therefore the present show cause notice be kindly withdrawn as such.

Place:- BB812

Dated:- 20.12.2024

Thanking you

Ajit Saw

Yours faithfully

Enclosure:-

1. Copy of the datasheet from the 4M portal.
2. Geo-tagged photographs.

True Copy
h
Attended

4M

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STONE	
Approved Quantity in CWS 20034.000	Balance Quantity in CWS 3682.00
Dispatch Quantity in CWS 16352.00	Total Amount 76,67,194.08
	Paid Amount 76,67,194.08
	Payment Due 0.00
	Arrear Payment Due 0.00
Past Financial Year	

CTE Details

Approved	Pending
0	0

CTO Details

Approved	Pending
0	0

Environment Clearance Details

Approved	Pending
0	0

Forest Clearance Details

Approved	Pending
0	0

Grant Order Details

Approved	Pending
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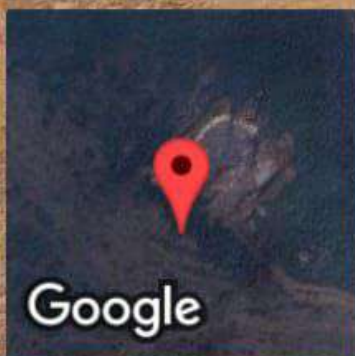
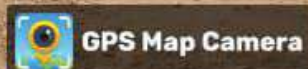
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Approved	Pending
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Lessee Details

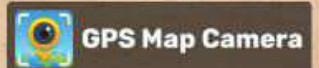
Mineral Information Details

Mining Plan Details

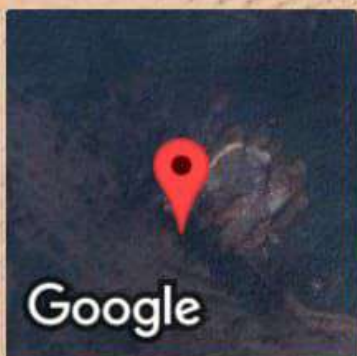


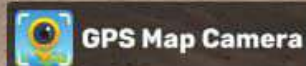
Google

Tolarpasi, Odisha, India
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Lat 20.79166° Long 85.931617°
23/10/24 10:20 AM GMT +05:30



Tolarpasi, Odisha, India
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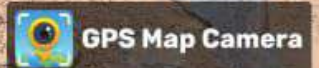




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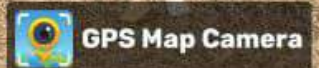
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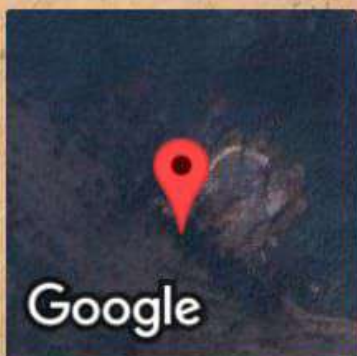
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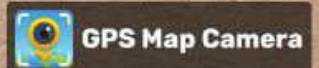
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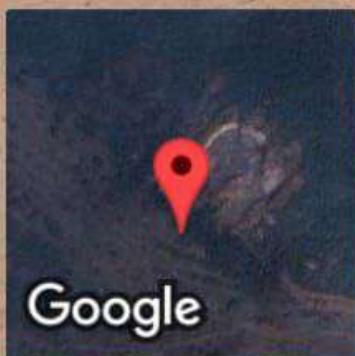
Tolarpasi, Odisha, India
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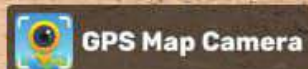
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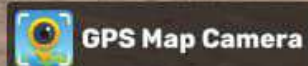
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Lat 20.792078° Long 85.931488°
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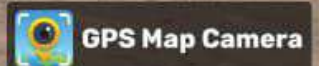
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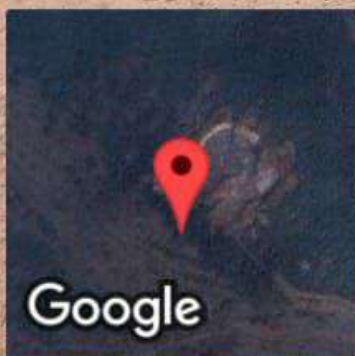
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Tolarpasi, Odisha, India
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Answer-1232



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

SRF-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 filed 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;

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- 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

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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).

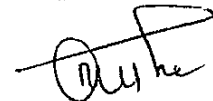
In compliance to the order dated 27.09.2024 & 28.11.2024 of Hon'ble Tribunal, the SEIAA, Odisha has issued Show Cause notice vide letter no. 6137/SEIAA dated 05.12.2024 to the PP, Sri Ajit Sahu with stating that why the environment clearance will not be revoked due to non-compliance of EC conditions 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 PF 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

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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

True copy
↓
Attested.

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Amalcode-R13/3

P.F.A

From: Yahoo (palit_subir02@yahoo.com)


To: sankarprasadpani@gmail.com; csori@nic.in; revsec.od@nic.in; fsec.or@nic.in; dm-dhenkanal@nic.in; dhapol@nic.in; paribesh1@ospcboard.org; rospcb.angul@ospcboard.org; ms-seiaa-or@gov.in; directorgeology_odisha@yahoo.com; tah.gondia-od@nic.in; roez.bsr-mef@nic.in

Date: Thursday 30 January, 2025 at 01:14 pm IST

Sir,

Please find attachment I.A filed on behalf of the Respondent No.13 in the matter of Sanjib Dhal -Versus- State of Odisha & Ors. vide O.A No.100 of 2024/EZ.

O/o Subir Palit, Senior Advocate,
Orissa High Court.

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