

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

APPEAL NO.22 OF 2023/EZ

**SAMIR KU. PRADHAN
& ANOTHER. ... APPLICANTS**

-VERSUS-

**STATE OF ODISHA
AND OTHERS. ... RESPONDENTS**

I N D E X

Sl. No.	Description of documents	Pages
1.	Counter Affidavit filed on behalf of the Respondent No.6.	1-5
2.	<u>Annexure-A/6.</u> True copy of Letter No.3438/Mines, dated 12.11.2018.	-6-
3.	<u>Annexure-B/6.</u> True copy of Letter No.3543/Mines, dated 24.11.2018.	7-8
4.	<u>Annexure-C/6.</u> Copy of Memo No.10664/DM, dated 19.12.2017.	9-11

**CUTTACK.
DATE: 10.03.2025 ADDL. GOVT. ADVOCATE.**



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STATE OF ODISHA
AND OTHERS.

... RESPONDENTS

COUNTER AFFIDAVIT FILED
ON BEHALF OF THE RESPONDENT NO.6

I, Bhaktabandhu Patra, aged about 55 years, Son of Late Gangadhar Patra, at present working as Mining Officer, Baripada, Office of the Deputy Director of Mines, Baripada, At/Po-Baripada, Dist: Mayurbhanj, do hereby solemnly affirm and state as follows:-

1. That I am working as Mining Officer, Baripada, hereinafter referred to as the answering Respondent No.6.
2. That I have gone through the contents of the Memorandum of Appeal No.22/2023/EZ as well as the annexures appended thereto and have understood the contents thereof. I am well acquainted with the facts of the case.
3. That the brief facts of the case is that originally, the application alongwith a draft copy of Mining Plan



Patra
Bhaktabandhu

AMBHIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

in respect of Rajnagar Sand Bed over an area of Ac. 13.55 decimal or 5.48 hectares in village Rajnagar under Jaleswar Tahasil of Balasore District was received by the Office of the Respondent No.6 on dated 27.10.2018 from Sri Pravat Kumar Sahoo, Recognised Qualified Person (hereinafter called as RQP) (Regd. No.RQP/OD/025/2015) on behalf of the Tahasildar, Jaleswar, Balasore (the then Competent Authority) as per OMMC Rules, 2016. Accordingly, joint field verification alongwith the officials of Jaleswar Tahasil was scheduled and conducted on 08.11.2018. After joint field verification, the concerned RQP was requested to comply with the wanting documents and submit 4 copies of revised Mining Plans vide Letter No.3438/Mines, dated 12.11.2018 and in the subsequent memo the Tahasildar, Jaleswar was also requested to submit the demarcation certificate of the Revenue Inspector through concerned RQP pertaining to approval of Mining Plan in respect of Rajnagar Sand Bed. Copy of Letter No.3438/Mines, dated 12.11.2018 is filed herewith as **Annexure-A/6**.

4. That it is humbly submitted that the RQP submitted the revised copies of Mining Plan complying all wanting documents before the office of the Respondent No.6 on 17.11.2018. Accordingly, Mining Plan of Rajnagar Sand Bed was approved by the Mining Officer, Baripada vide Letter No.3543/ Mines,

Shaktabandhu Patra

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AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

dated 24.11.2018 subject to some terms and conditions which are to be obeyed by the lessee during the tenure of Mining Plan i.e. 2018-19 to 2022-23. Copy of Letter No.3543/Mines, dated 24.11.2018 is filed herewith as **Annexure-B/6**.

It is pertinent to mention here that the Directorate of Mines, Odisha by exercising the power conferred as per Clause 1 (c) of Rule 2 of the Odisha Minor Mineral Concession Rules, 2016 authorised the Mining Officer, Baripada to approve the mining plan/scheme in respect of Mayurbhanj, Balasore and Bhadrak Districts vide Memo No.10664/DM, dated 19.12.2017, copy of which is filed herewith as **Annexure-C/6**.

5. That it is humbly submitted that the Tahasildar, being the then Competent Authority was requested vide the letter under Annexure-B/6 to monitor the commitments made by the concerned lessee. Further, the Mining Plan approved by the Mining Officer, Baripada was valid up to the financial year 2018-19 2022-23 i.e. from April, 2018 to March, 2023. The environmental clearance in respect of Rajnagar Sand Bed has been granted on 23.06.2023 i.e. after expiry of the original Mining Plan period.

6. That as regards the averments made in Para-1 to 19 of the memorandum of appeal, this deponent has no


AMBIKA PRASAD RAY
 NOTARY, CUTTACK TOWN
 REGD. NO-ON-56/2004

Bhaktabandhu Patra

AS

comments to offer. However, it is humbly submitted that joint field verification of every source has been conducted as per the direction of Balasore District Administration as and when required before approval of District Survey Report for Balasore District. Further, the Environmental Clearance in respect of Rajnagar Sand Bed has been granted on 23.06.2023 i.e. after expiry of the original Mining Plan period as at Annexure-1 to the appeal.

7. That the averments/assertions/allegations made in the Original Application which are not specifically admitted by this deponent shall be deemed to have been denied. This deponent craves leave of the Hon'ble Tribunal to file further affidavit, if required at the time of hearing.

8. That in view of the above submissions made by the Respondent No.6, the prayer made in the Original Application is devoid of any merit and liable to be rejected.

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

Bhaktabandhu Patra
Deponent 10/03/2025
 Mining Officer

VERIFICATION Baripada Circle, Baripada

I, Bhaktabandhu Patra, aged about 55 years, Son of Late Gangadhar Patra, at present working as Mining

AR
AMBIKA PRASAD RAY
 NOTARY, CUTTACK TOWN
 REGD. NO-ON-56/2004

Officer, Baripada, Office of the Deputy Director of Mines, Baripada, At/Po-Baripada, Dist: Mayurbhanj, do hereby verify and states that the contents of the above affidavit are true and correct to the best of my knowledge as derived from official records and that nothing material has been concealed there from.

Verified at Cuttack on this the 10th day of March, 2025.

Identified by: *[Signature]*
ADDL. GOVT. ADVOCATE.
Bhaktabandhu Patra
VERIFICANT 10/3/25
Mining Officer
Baripada Circle, Baripada

AFFIDAVIT

I, Bhaktabandhu Patra, aged about 55 years, Son of Late Gangadhar Patra, at present working as Mining Officer, Baripada, Office of the Deputy Director of Mines, Baripada, At/Po-Baripada, Dist: Mayurbhanj, do hereby solemnly affirm and state as follows:-

- 1. That I am the Respondent No.6 in this Original Application.
- 2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by: *B.B. Patra*
ADDL. GOVT. ADVOCATE.
Bhaktabandhu Patra
VERIFICANT 10/3/25
Mining Officer
Baripada Circle, Baripada

The above named respondent being identified by *Dimbisagar Das* solemnly affirm and states before me that the contents of this affidavit are true to the best of his/her knowledge and belief.

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Annexure- A/6

OFFICE OF THE MINING OFFICER, BARIPADA
CIRCLE, BARIPADA

E-mail Id:-mo.baripada@orissaminerals.gov.in
No. 3438 //Mines, Date 12.11.18 //

From The Mining Officer,
Baripada Circle, Baripada.
To Sri Pravata Kumar Sahoo, RQP,
(IBM, Regd No. RQP/OD/025/2015)
AT- N/4- 289 (F), IRC Village, Nayapalli,
Bhubaneswar-15
Sub: Rectification/Modification of the Mining Plans under Jaleswar
Tahasil of Balasore district.

Sir,
With reference to the above captioned subject, I am to say that the field verification in respect of **Rajnagar Sand Bed** over an area of 13.55 acrs. or 5.48 hec. in village Rajnagar under Jaleswar Tahasil of Balasore district has been conducted on **08.11.2018**. After due verification of the areas & draft copies of Mining plans, you are here by requested to comply the following documents and submit four copies of revised Mining Plans for each area with draft plans to the undersigned within one week from the date of issue of this letter for necessary approval of the Mining Plans:

Wanting Documents:

1. RI demarcation Certificate.
2. Change the location in the location plan as per the field co-ordinate.
3. Recalculate the reserve and production accordingly as per the field discussion.

Any modifications made in the text and plates of the draft plan to be corrected as per the field discussion. **All the relevant documents should be dully signed by the concerned RQP.**
Encl: Draft Mining Plans.

Yours faithfully

[Signature]
12.11.18
Mining Officer,
Baripada Circle, Baripada

Memo No. 3439 //Mines, Dt. 12.11.18 //

Copy to the Tahasildar, Jaleswar for information and necessary action. You are also requested to submit the **RI demarcation certificate** through the concerned RQP for approval.

[Signature]
12.11.18
Mining Officer,
Baripada Circle, Baripada

TRUE COPY ATTESTED

[Signature]
10/12/25
Mining Officer
Baripada Circle, Baripada

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Annexure - B/6

OFFICE OF THE MINING OFFICER, BARIPADA
CIRCLE, BARIPADA

E-mail Id: -mo.baripada@orissaminerals.gov.in

No. **XXB-01/2018-3543** // Mines, Date **24.11.18** //

From

The Mining Officer,
Baripada Circle, Baripada.

To

The Tahasildar, Jaleswar,
Dist- Balasore.

Sub:

Approval of Mining plan in respect of Rajnagar Sand Bed over 13.55 acres or 5.48 hect., in village - Rajnagar under Jaleswar Tahasil of Balasore District for the year 2018-19 to 2022-23.

Sir,

In exercise of powers conferred by Sub Rule 8 of Rule 28(9) of Odisha, Minor Mineral Concession Rules 2016, Read with Govt. of Odisha, Steel & Mines Department, order No. 5311/SM, dt.11.06.2015, the Mining plan submitted by Sri Pravat Kumar Sahoo, RQP (Regd. No. RQP/OD/025/2015) in respect of above cited quarry lease is hereby approved for the year 2018-19 to 2022-23 subject to the following conditions.

1. The Mining plan is approved without prejudice to any other law applicable to the quarry / area from time to time, whether made by Central Government, State Government or any other authority.
2. The Mining plan is approved without prejudice to any order of direction from the Court of competent Jurisdiction.
3. The approval of aforesaid Mining plan does not in any way imply the approval of the Government in terms of any other provisions under Odisha Minor Mineral Concession Rules 2016 or any other laws.
4. The approval of Mining plan is subject to provision of Forest (Conservation) Act.1980 & Rules made there under any other relevant statutes & guide lines as they may be applicable to the lease area from time to time.
5. The approval of the Mining plan is based on the information provided by the concerned RQP & if anything is found to be concealed in the contents of the Mining plan, the approval shall be deemed to have been withdrawn with immediate effect.
6. The boundary pillars of the quarry area shall be maintained in good order throughout the tenure of the quarry lease.
7. Forest growth, if any, available in the area shall not be cut or cleared during operation without prior permission from forest Deptt.

TRUE COPY ATTESTED

Mining Officer
Baripada Circle, Baripada

Contd.....

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8. The resources have been estimated based on the present conditions which may be changed after rainy seasons. As such, reassessment of resources required after rainy seasons every year.
 9. Provisions of the Mines Act, 1952 & Rules & Regulations made there under including submission of notices of opening, appointment of Managers & others statutory personnel as required by the Act, shall be complied with & if anything is found to be concealed in the contents of the Mining plan, this approval shall be deemed to have been withdrawn with immediate effect.
 10. The approval is subject to strict compliance by the lessee in respect of the observation made in the mining plan which shall be monitored during field visit by the competent authority
 11. The approval of mining plan is subject to submission of required Financial Assurance in shape of Bank Guarantee in favour of the competent authority before execution of the quarry lease.

You are requested to monitor the commitments made by the concerned RQP on behalf of the applicant in the approved Mining Plan during the concession period. A copy of the approved Mining Plan in respect of the above cited quarry lease is submitted herewith for necessary action.

Encl: As above.

Yours faithfully


Mining Officer,
Baripada Circle, Baripada

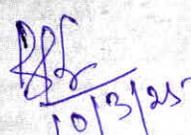
Memo No. _____ // Mines, Date _____ //
Copy submitted to the concerned RQP, Sri Pravat Kumar Sahoo, RQP
(Regd. No. RQP/OD/025/2015), Plot No. N/4-289(F), IRC Village, Nayapali,
Bhubaneswar-751015 for information and necessary action.

Mining Officer,
Baripada Circle, Baripada

Memo No. _____ // Mines, Date _____ //
Copy submitted to the Sub Collector, Balasore for information &
necessary action.

Mining Officer,
Baripada Circle, Baripada

TRUE COPY ATTESTED


10/3/25
Mining Officer
Baripada Circle, Baripada

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DIRECTORATE OF MINES, ODISHA
BHUBANESWAR

24/12
OFFICE ORDER NO. MXIV-(q)-2/14-



In partial modification of this Directorate order No 9231/DM, dt. 26.10.2017 the power conferred by clause 1(c) of rule 2 of the Odisha Minor Mineral Concession Rules, 2016 the following officers are hereby authorized to approve the mining plan/mining scheme for quarry leases and specified minor mineral in their respective Jurisdiction.

Sl. No	Name of the Officer	Presently posted as	Jurisdiction (District /Areas) for quarry leases	Jurisdiction (District /Areas) for Specified Minor Mineral.
1	U.C. Jena	Joint Director of Mines, Head Quarter.	Ganjam, Gajapati, Boudh, Kandhamal, Khurda, Puri, Cuttack, Nayagarh, Jagatsinghpur.	Keonjhar (except Champua Sub-Division), Jajpur, Angul, Dhenkanal, Koraput, Malkangiri, Nawarangpur, Rayagada, Ganjam, Gajapati, Kalahandi, Nuapada, Bolangir, Sonepur, Mayurbhanj, Balasore, Bhadrak, Sundargarh (except Banei Sub-Division), Cuttack, Kendrapada, Jagatsinghpur, Puri, Nayagarh, Khurda, Phulbani, Boudh, Deogarh, Bargarh, Jharsuguda, Sambalpur,
2	S. K. Nayak	DDM, Joda.	Champua Sub-Division of Keonjhar.	Champua Sub-Division of Keonjhar District.
3	S. K. Behera.	DDM, Koira.	Bonai Sub-Division of Sundargarh.	Banei Sub-Division of Sundargarh District.
4	J.S. Banra	Mining Officer, Koraput.	Koraput, Malkangiri, Rayagada & Nawrangpur.	
5	Bimbadhara Sethi	Mining Officer, Kalahandi	Kalahandi & Nuapada.	
6	P. K. Nayak	Mining Officer, Bolangir	Bolangir & Sonepur.	
7	B.P. Rout.	Mining Officer, Sambalpur	Sambalpur, Jharsuguda, Bargarh & Deogarh.	

TRUE COPY ATTESTED

Mining Officer
Baripada Circle, Baripada

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8	B. Mohanta	Mining Officer, Rourkela	Sundargarh dist. Except Bonai Sub- Division.	
9	L.D. Nayak	Mining Officer, Talcher.	Angul & Dhenkanal.	
10	S.N. Sinku	Mining Officer, Baripada	Mayurbhanj, Balasore & Bhadrak.	
11	D.C. Sahu	Mining Officer, Keonjhar.	Keonjhar except Champua Sub- Division.	
12	P.K. Ojha	Mining Officer, Jajpur Road	Jajpur & Kendarapada.	

Deepak Mohanty

DIRECTOR OF MINES, ODISHA

Memo No. _____ /DM, Dt. _____

Copy forwarded to all the Authorized Officers for approval of the mining plan/mining scheme for specified minor mineral and quarry leases for information and necessary action with reference to Memo No.4513/DM dt. 06.05.2017 , memo No.7530/DM dt. 17.08.2017 and memo No. 9232/DM, dt. 26.10.17.

Sd/-

DIRECTOR OF MINES, ODISHA

Memo No. _____ /DM, Dt. _____

Copy to Sr. Steno to the Director of Mines/JDMs'/ DDMs'/all Mining Officers'/ Chief Surveyor (HQ)/ S.O. M.C./W/M Section/ all D.As' of M.C./W/M section with reference to Memo No.4514/DM, dt. 06.05.2017 and memo No. 9233/DM, dt. 26.10.17.

Sd/-

DIRECTOR OF MINES, ODISHA

Memo No. _____ /DM, Dt. _____

Copy to the Private Secretary to Principal Secretary to Govt. Steel & Mines Department for kind information of the Principal Secretary with reference to Memo No. 4515/DM dt. 06.05.2017 and memo No. 9234/DM, dt.26.10.17.

TRUE COPY ATTESTED

Sd/-

DIRECTOR OF MINES, ODISHA

[Signature]
10/2/25

Mining Officer
Baripada Circle, Baripada

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Memo No. 10667 /DM, Dt. 19-12-17

Copy to the Principal Secretary to Govt. Revenue and Disaster Management for kind information of the Principal Secretary with reference to Memo No 4516/DM, dt. 06.05.2017 and memo No. 9235/DM, dt. 26.10.17.

[Signature]
19/12/2017

DIRECTOR OF MINES, ODISHA

Memo No. _____ /DM, Dt. _____

Copy to Director of Geology, Bhubaneswar for information and necessary action with reference to Memo No 4517/DM, dt.06.05.2017 and memo No. 9236/DM, dt. 26.10.2017.

DIRECTOR OF MINES, ODISHA

TRUE COPY ATTESTED

[Signature]
10/2/25

Mining Officer
Baripada Circle, Baripada