

**BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA**

O. A. No. 60 of 2024 (EZ)  
(Earlier O. A. No. 157/2024/PB)

**Suo Moto:** News item titled "Jamshedpur Border Area Mining Department Action- Kapali ke Gauri Balu Ghat par Khanan Vibhag ka Chhapa Balu lade Tractor Samet Anya samaan Jabt" appearing in Sharp Bharat dated 09/01/2024

.....Applicant(s)

Versus

Jharkhand State Pollution Control Board & Ors. ... Respondent(s)

**INDEX**

S. N.	Particulars	Page No.
1.	Humble Suppl. Affidavit on behalf of Jharkhand State Pollution Control Board.	01-07
2.	<b>Annexure-A:</b> True copy of letter no 200 dated 30.01.2025	08
3.	<b>Annexure-B</b> True copy of letter No. 741 dated 11.03.2025	09
4.	<b>Annexure-C</b> True copy of calculation chart of Environmental Compensation against accused.	10

Filed by: -

  
 (Kumar Anurag Singh)  
 Advocate  
 JSPCB, Ranchi



L, KOLKATA

Reg. No. A/AB 22/89 O. A. No. 60 of 2024 (EZ)  
(Earlier O. A. No. 157/2024/PB)

**Moto:** News Item titled "Jamshedpur Border Area Mining Department Action- Kapali ke Gauri Balu Ghat par Khanan Vibhag ka Chhapa Balu lade Tractor Samet Anya samaan Jabt" appearing in Sharp Bharat dated 09/01/2024

... Applicant(s)

Versus

Jharkhand State Pollution Control Board & Ors. ... Respondent(s)

Supplementary Affidavit on behalf of Jharkhand State Pollution Control Board in compliance of the order dated 27.11.2024.

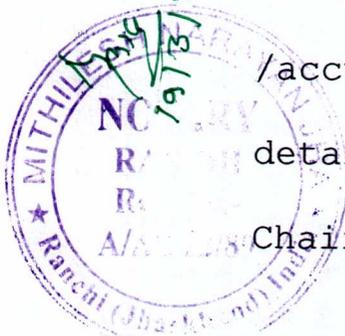
I, Manoj Kumar Gupta, son of Late Narayan Lal Gupta presently posted as Officer on Special Duty (OSD), legal section, Jharkhand State Pollution Control Board, Ranchi and am duly authorized to swear this affidavit and do here by solemnly state and affirm as follows: -

1. That, at present, I am working and posted as OSD (legal section), Jharkhand State Pollution Control Board, Ranchi and as such, I am well acquainted with all the facts and circumstances of this case.

Authorised under Notaries Act 1953  
Notaries Rules 1956 by Govt. of Jharkhand Ranchi  
Ref.No. 32 Date 17.01.2024



2. That, I have gone through the order dated 27/11/2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata and have understood the contents therein.
3. That, I have been authorized to swear this affidavit by the Competent Authority. Further, it is stated that I have gone through the relevant files and records in the present case.
4. That it is humbly stated and submitted that the Hon'ble Tribunal vide Order dated 27.11.2024 was pleased to direct the Jharkhand State Pollution Control Board to compute environmental compensation and file its affidavit.
5. That, it is humbly stated and submitted that Jharkhand State Pollution Control Board constituted a three Member Committee comprising of Environmental Engineers, namely Shri Ashutosh and Shri Gourav Jain and Shri Ashok Kumar Yadav, Officer on Special Duty to compute the Environmental Compensation against the violators /accused persons named in FIRs on the basis of the details provided by the Deputy Commissioner-cum-Chairman, District Task Force, District Mining



\*

Officers- cum- Member Secretary, District Task Force of respective places of occurrence in the State of Jharkhand.

Photocopy of Office Order no.200 dated 30.01.2025 is annexed and marked **Annexure-A**

6. That it is humbly stated and submitted that the Action Taken Report received from the Deputy Commissioner-cum- Chairman, District Task Force, Hazaribagh District, reveals that two named FIRs have been lodged against accused persons for storage of illegal mined sand as per details below:-

Sl no	Details of FIR	Name of Accused	Offence committed	Quantity of sand
1.	FIR no. <b>086</b> /2024 Dated 09.04.2024 u/s 411 IPC & Sec. 4&54 Minor Mineral Act.	Sri Bablu Singh S/o Sri Hazari Prasad, Vill. Gauri, Chandil, Dist. Saraikela	Illegal Storage Of Sand	5600cuft. (=56 Tractor loads)
2.	FIR no. <b>085</b> /2024 Dated 09.04.2024 u/s 34 & 411 IPC & Sec. 4&54 Minor Mineral Act	(1) Sri Gholu Singh S/o Sri Harendra Singh (2) Sri Vinod Singh, S/o Sri Triloknath Singh both Vill. Gauri, Chandil, Dist. Saraikela	Illegal Storage Of Sand	3300cuft (=33 Tractor Loads)



7. That it is humbly stated and submitted that the said Report was made available to the Shri Ashok Kumar Yadav, O.S.D and the Member of the Committee, vide letter no 741 dated 11.03.2025 for computation of Environmental Compensation (EC).

Photocopy of Office letter no.  
741 dated 11.03.2025 is  
annexed and marked **Annexure-B**

8. That, it is humbly stated and submitted that the Environmental Compensation was calculated against the accused named in the FIR as mentioned in the table shown above, in accordance with the methodology (*Approach-2*) adopted in paragraph 12 of the Order dated 26/02/2021 passed in O.A No.360 of 2015 with other O.As by Hon'ble NGT, Principal Bench, New Delhi. The calculation is being reproduced below in brief as follows:-

**Environment Compensation Calculation: (Approach 2)**

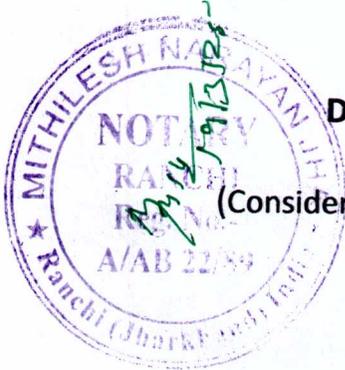
**NPV = PV - D**

where **PV** = Present value of foregone Ecological Values

(@ 5% discount rate and over 5 years)

**D** = Market value of illegally mined material

(Considering market value of illegal mined sand **D=Rs.4000/per Tractor**)



Annual value of forgone ecological values per Tractor= D\*RF

where RF is the Risk Factor (RF=1 in case of severe Risk Level)

D\*RF = Rs. 4000.00 x 1= Rs. 4000

$$PV = \sum_{t=1}^5 \frac{\text{(Annual ecological values)}}{(1 + r)^t}$$

$$PV = \sum_{t=1}^5 (4000)/(1 + 0.05)^t$$

$$= 4000/(1 + 0.05)^1 + 4000/(1 + 0.05)^2 + 4000/(1 + 0.05)^3 + 4000/(1 + 0.05)^4 + 4000/(1 + 0.05)^5$$

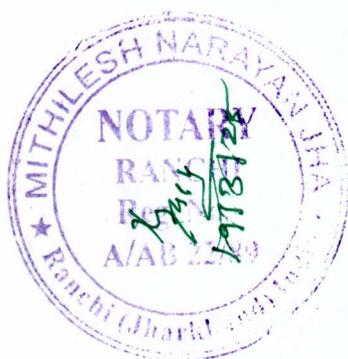
= Rs. 17320.00 per tractor (=100cuft per Tractor)

**Total compensation:**

**NPV = PV – D = 17320 – 4000 = Rs.13320 per tractor (Tractor capacity 100cuft)**

9. That it is humbly stated and submitted that accordingly the amount of environmental compensation (EC) calculated against accused (FIR no.0086/2024) Bablu Singh for illegal storage of 5600cuft sand is Rs.7,45,920/- and accused Gholu Singh & Vinod Singh (FIR no.0086/2024) for illegal storage of 3300cuft sand, the amount of EC is Rs.4,39,320/-only for which calculation chart was submitted by Shri Ashok Kumar Yadav, OSD of JSPCB.

Photocopy of calculation chart showing environmental compensation is annexed and marked **Annexure-C**





- 10. That it is humbly stated and submitted that necessary action for imposition/recovery of environmental compensation in accordance with law against the accused persons named aforesaid is being initiated and is under process.
- 11. That the instant Affidavit is filed bonafide and in the interest of justice.
- 12. That the statement made in forgoing paragraphs are true to my knowledge in annexure are true copy of its original.

Authorized under Notaries Act 1952  
 & Notaries Rules 1956 by Govt. of  
 Jharkhand, Ranchi (India)

*Manoj Kumar Gupta*  
 DEPONENT

**VERIFICATION:**

Verified at Ranchi on this the day of ..... March, 2025 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

*Manoj Kumar Gupta*  
 DEPONENT

Ref.No. 32 Date 19 MAR 2025



*Manoj*  
 19/3/2025  
 NOTARY PUBLIC  
 RANCHI



~~X~~ ANNEXURE - A  
**झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद**

366

नगर प्रशासन भवन, एच0 ई0 सी0, धुर्वा, राँची

Phone No:-0651- 2400852, 2400851, 2400979, Fax No:- 2400850/138

New Web : www.jspcb.nic.in; e-mail- ranchijspcb@gmail.com

का0आ0सं0:- 200

राँची, दिनांक:- 30/01/2025

**“कार्यालय आदेश”**

माननीय National Green Tribunal, Eastern Zone, Kolkata के वाद संख्या-O.A No. 19/2024/EZ In the Matter of: In re: News item appearing in Hindustan Dated-25.11.2023 titled “गौरी घाट से खुले आम बालू खनन, माफिया लगा रहे करोड़ों का चूना” में पारित आदेश दिनांक-15.04.2024 के Para-9 निम्नवत् है :-

**“Considering the facts noted hereinabove and the action taken by the State Respondents, we direct the State Respondents to take steps for determination of Environmental Compensation/Penalty against the illegal miners and proceed to recover the same in accordance with law from the from the illegal miners within a period of three months.”**

निदेशानुसार उक्त के आलोक में बालू के अवैध उत्खनन एवं परिवहन से संबंधित अन्य संदृश्य मामलों में संलिप्त उल्लंघनकर्ताओं एवं अभियुक्तों के विरुद्ध पर्यावरणीय क्षतिपूर्ति की गणना हेतु पर्षद की ओर से एक त्रिसदस्यीय समिति का गठन निम्नवत् किया जाता है :-

क्र0सं0	पदाधिकारी का नाम/पदनाम
1.	श्री आशुतोष, पर्यावरण अभियन्ता, झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद (मु0), राँची।
2.	श्री कुमार गौरव जैन, पर्यावरण अभियन्ता, झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद (मु0), राँची।
3.	श्री अशोक कुमार यादव, विशेष कार्य पदाधिकारी, झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद (मु0), राँची।

उक्त गठित समिति बालू के अवैध उत्खनन परिवहन मामलों में एवं जिला खनन पदाधिकारी/थाना प्रभारी से प्राप्त प्राथमिकी दर्ज अभियुक्तों एवं उल्लंघनकर्ताओं के विरुद्ध पर्यावरणीय क्षतिपूर्ति का आकलन कर विधि शाखा को प्रतिशपथ पत्र दायर करने हेतु आँकड़ा उपलब्ध करायेगी।

इसमें सक्षम प्राधिकार आदेश निहित है।

30/01/2025  
(मनोज कुमार गुप्ता)  
विशेष कार्य पदाधिकारी





# झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद

नगर प्रशासन भवन, एच0 ई0 सी0, धुर्वा, राँची

Phone No:-0651- 2400852, 2400851, 2400979, Fax No:- 2400850/138

New Web : www.jspcb.nic.in; e-mail- ranchijspcb@gmail.com

पत्रांक- 741

राँची दिनांक- 11/03/2025

प्रेषक,

मनोज कुमार गुप्ता,  
विशेष कार्य पदाधिकारी।

सेवा में,

श्री अशोक कुमार यादव,  
विशेष कार्य पदाधिकारी,  
झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद (मु०), राँची।

विषय:- माननीय नेशनल ग्रीन ट्रिब्यूनल, पूर्वी जोन बेंच, कोलकाता में विचाराधीन बाद O.A. No. 60/2024/EZ (Earlier O.A. No. 157/2024/PB) Sharp Bharat के दिनांक - 09.01.2024 संस्करण में प्रकाशित समाचार "Jamshedpur Boder area Mining Department Action – Kapali Ke Gauri Balu Ghat Par Khanan Vibhag ka Chhapa , Balu lade Tractor samet any saman Jabt "बनाम झारखण्ड राज्य द अन्य मामले में संलिप्त उल्लघनकर्ताओं एवं अभियुक्तों के विरुद्ध पर्यावरणीय क्षतिपूर्ति की गणना के संबंध में।

प्रसंग - थाना चांडिल अंतर्गत दर्ज प्रथमिकी सं -0085 एवं 0086 दिनांक-09.04.2024.

महाशय,

उपर्युक्त विषय एवं प्रसगाधीन पत्र की प्रति सलग करते हुए विषयगत वाद के संबंध में सूचित करना है कि माननीय NGT द्वारा पारित आदेश दिनांक 24.01.2025 के अनुपालन में अवैध खनन, परिवहन आदि के मामले में दर्ज प्राथमिकी में शामिल अभियुक्तों का नाम पता प्रसगाधीन प्रथमिकी द्वारा प्राप्त है, जिसकी छायाप्रति सलग कर आपके सुलभ संदर्भ हेतु भेजी जा रही है।

उक्त के आलोक में निवेदन है कि अवैध उत्खनन परिवहन मामलों में प्राप्त प्राथमिकी दर्ज अभियुक्तों एवं उल्लंघनकर्ताओं के विरुद्ध पर्यावरणीय क्षतिपूर्ति का आकलन कर विधि शाखा को ससमय प्रतिशपथ पत्र दायर करने हेतु ऑकडा 15 दिनों के अन्दर उपलब्ध कराने की कृपा की जाय।

इसमें सक्षम प्राधिकार का आदेश निहित है।

अनु०-यथोक्त।



विश्वासभाजन

*(Signature)*  
11/3/2025  
(मनोज कुमार गुप्ता)  
विशेष कार्य पदाधिकारी।

S. No.	Case No/ Date/ Clause	Name of accused	Quantity of Mineral in MT	Accusation			
				Factor	Quantity in tractor	Rate	Total EC in ₹
1	FIR No - 0086/2024; dt - 09.04.2024/ 411 IPC and 4 & 54 of Jh Minor Mineral Samudan manual 2004/ 7 & 13 of Jh Minerals (prevention of illegal mining, transportation & storage) manual 2017 Act	Shri Babalu Singh S/o Shri Hazari Prasad, Vill - Gauri, Thana - Chandil, Dist - Saraikela - Kharswan	5600	4.33	56	4000	745920
2	FIR No - 0085/2024; dt - 09.04.2024/ 34 & 411 IPC and 4 & 54 of Jh Minor Mineral Samudan manual 2004/ 7 & 13 of Jh Minerals (prevention of illegal mining, transportation & storage) manual 2017	1. Shri Gholu Singh S/o Shri Harendra Singh 2. Shri Vinod Singh S/o Shri Triloknath Singh Vill - Gauri, Thana - Chandil, Dist - Saraikela - Kharswan	3300	4.33	33	4000	439560

Note: 1. All the calculation has been made as per the direction given by the NGT in it's order dated 26.02.2021 in OA No - 360/2015 & 575/2019

2. NPV= PV-D (NPV is Net present value, Present value of foregone ecological value @ 5% discount rate, D is Market value of illegally mined material) Rate of tractor Rs. 4000.00



(अशोक कुमार यादव)  
विशेष कार्य पदाधिकारी