

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO-~~----~~⁵⁹of 2025/EZ**

IN THE MATTER OF

**YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST
APPLICANT**

Versus

STATE OF ODISHA &Ors

...

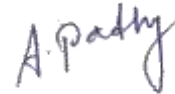
Respondents

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PLACE: Bhubaneswar

ASHUTOSH PADHY


DATE: 22/02/2025

ADVOCATE

Plot 2132/4814(B), Nageswar
Tangi, Bhubaneswar 751002 Cell-
9348543289, Email:
sagarasutosh369@gmail.com

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SYNOPSIS

That the present application is being filed challenging the inaction of the government respondents in curbing the illegalities and violation of environment norms by the private respondent DILLIP KUMAR SAHOO, the lessee of Pankapal-1 Sand Quarry Over an area of 12.30 Acres or 4.978 hectares in village Pankapal under Danagadi Tahasil in Jajpur District, Odisha., and the said sand mining operation is in violation of Environment Clearance Conditions, Consent To Operate (CTO) Conditions, Sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring of Sand Mining Guidelines, 2020, Odisha Sand Policy 2021, EIA Notification 2006 and Amendment 2016, Odisha Minor Minerals Concession Rules 2016 and Supreme Court Order in Deepak Kumar Case and Order of Hon'ble NGT in Sudarsan Das Case(OA 173 of 2018/PB).

LIST OF DATES

- | | |
|------------|--|
| 26/04/2019 | That in order to check the illegal sand mining, Government of Odisha has come out with a guideline where instructions for prevention of illegal sand quarrying issued from time to time. |
| 11/11/2020 | That the Government of Odisha held its meeting for the optimum and sustainable exploitation of minor mineral for |

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increasing availability of minor minerals augmentation of revenue.

- 14/12/2022 Order passed by Hon'ble NGT EZ in OA 03/2022
- 13/04/2022 Consent to establish granted in favour of Dillip Kumar Sahoo for Pankapal-1 sand quarry
- 01/12/2024 Complaint by the applicant to all concerned authorities.
- 01/12/2024 News published in Odia newspaper Dharitri
- 12/03/2024 Environmental Clearance granted in favour of the private respondent No-11.
- 20/03/2024 Consent to operate granted by regional office state pollution control board, Kalinganagar in favour of private respondent No.-11.
- 10/12/2024 Photographs taken by the applicant

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

*(Under Section 14, 15, 20 read with Section 18 of the National Green Tribunal
Act)*

Original Application No----- OF 2025/EZ

1. YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST,
Represented by its president Santanu Kumar Bhukta S/o Golak Bhukta,
Aged about 32 years At/Po-Santhapada, PS-Talcher Dist-Angul, Odisha,
759104 **APPLICANT**

VERSUS

1. **State of Odisha** represented by Chief Secretary, Government of Odisha,
Lokaseva Bhawan, 751001 Bhubaneswar csori@nic.in
2. Additional Chief Secretary, Forest, Environment and Climate Change Dept,
Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email:
fesec.or@nic.in
3. District collector Jajpur, At/Po- Office of the Collector and District
Magistrate, Jajpur-755001, Email- dm-jajpur@nic.in
4. Tahasildar, Danagadi, At/Po- X37C+MM3, Andhari, Odisha 755019 ,
Email- tdrdangadi@gmail.com
5. Deputy Director of Mines, At/Po Jajpur Road, Dist-japur Email:
ddm.jajpurroad@orissaminerals.gov.in Pin- 755019

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6. Director of Mines and Geology, Bhubigyan Bhawan, Bhubaneswar, Khordha, PIN-751001 dirmines_odisha@rediffmail.com
7. Superintendent of Police, Jajpur, AT/PO-Panikioili, Jajpur, Pin-755043
Email- sp.jjp@odishapolice.gov.in
8. Deputy Director General of Forests, Ministry of Environment and Forests, Climate Change, Integrated Regional Office, Bhubaneswar, A/3, Rail Vihar, Chandrasekharpur, Bhubaneswar, Odisha 751023 roez.bsr-mef@nic.in
9. **Member Secretary**, Odisha State Pollution Control Board A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha Email: member.secy@ospcboard.org
10. **Member Secretary**, State Environment Impact Assessment Authority (SEIAA), Odisha, 5RF-2/1, Acharya Vihar, Unit – IX, Bhubaneswar, Odisha 751022, email: seiaaorissa@gmail.com
11. Dillip Kumar Sahoo, At/Po- Plot No.-746, 1st Floor, Saheed Nagar Bhubaneswar, Khordha, 751007, lessee of Brahmani River Sand Bed, Pankapal-I
12. **Sri Daitari Dhal**, S/o- Chatrubhuja Dhal, At:- Braja Nagar, PO:- Rudhiya, PS: Panikoili, Dist- Jajpur, PIN-755043 (Successful bidder of Pankapal-II)

.....RESPONDENTS

MOST RESPECTFULLY SHOWETH:

- I. The address of the Applicant is given above for the service of notices of this Application.
- II. The addresses of the Respondents are given above for the service of notices of this Application.
- III. That the present Application is being filed challenging the inaction of the Government Respondents in curbing the illegalities and violation of Sustainable Sand Mining Management Guidelines 2016, environment norms by the private respondent. That the Pankapal-1 sand quarry has been leased out in favour of the private respondent Over an area of 12.30 Acres or 4.978 hectares in village Pankapal under Danagadi Tahasil in Jajpur District, Odisha, and the said sand mining operation is in violation of Standard Environment Clearance Conditions and Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020, Odisha Sand Policy 2021, EIA Notification and Supreme Court Order and Order of Hon'ble NGT.

FACTS

1. That the applicant namely Youth United for Sustainable Environment is a registered trust with a mandate for protecting the public interest. The president of the applicant society has continuously brought to the notice of

government authorities on violation of environment norms and illegal mining operation. He has also filed some cases before this Hon'ble Tribunal.

2. The **present application challenges the illegal operation of sand mining in Pankapal-1 Sand Quarry** Over an area of 12.30 Acres or 4.978 hectares in village Pankapal under under Danagadi Tahasil in Jajpur District, Odisha **in violation of Sustainable Sand Mining Management Guideline, 2016 and NGT order dated 14/12/2022 passed in** the matter of Puspakanta Nayak Vs. state Of Odisha. The Mining lease is granted in favour of Dillip Kumar Sahoo for extraction of volume of 5514 Cubic Metre in the 1st year. Copy of the Environmental Clearance granted in favour of Dillip Kumar Sahoo dated 12/03/2024 is here unto annexed as **ANNEXURE-1**.
3. That the present lessee of PANKAPAL-I is operating the quarry mostly during night and sometimes in daytime by using three excavators as evident from the photographs. That the lessee in the garb of a lease for Pankapal-1 is illegally extracting sand beyond the lease area. Further the lessee of Pankapal-I is operating the sand quarry prior to grant of environmental clearance in his favor.
4. It is pertinent to mention here that on dated 19/01/2022 the respondent No. 12 has been selected as the successful bidder for lease of Pankapal-II sand bed but as on date no Environmental clearance has been granted in favor of the Respondent No.12 still the respondent no.12 continues the illegal sand

mining and as per the news article published in the Dharitri dated 01/12/2024 the same Respondent No.12 is extracting sands from the Pankapal-II sand bed illegally without obtaining the required permissions from the competent authorities.

5. It is submitted that on dated 28/06/2024 the Tahasildar Danagadi issued a show cause notice to the Respondent No.11 and 12 for **illegally lifting of sand from Pankapal river revenue sand bed out side of your lease area and illegally engaged poclain Machine regarding**. In the said letter it is mentioned that “It is to take your notice that the Pankapal-I and Pankapal-II sand bed have been allotted to you on lease basis. It is complained by the villagers that you both are lifting the sand other than your leased area which is totally illegal and it brings to leakage Govt. revenue on that spot. Also you are using the poclain Machine in the said river bed as there is no such provision for use of machine in the sand bed. Keeping in view of above revenue loss and unauthorised use of poclain machine. You are directed to produce all the documents regarding deposit of Royalty etc. along with transit Pass Register duly certified by the competent authority from date of inception of the operation within three days from date of receipt of this letter positively. Other wise action will be initiated against you as per OMMC Rule-2016.” But as on date no action has been taken by the competent authorities. Copy of the showcase notice dated 28/06/2024 issued by

Tahasildar Danagadi to the Respondent 11 and 12 is annexed here unto as **ANNEXURE-2**

6. That the Consent to Operate (CTO) granted by Regional Office of SPCB, Kalinganagar with 43 general conditions and 10 specific conditions. The condition no 09 says power to revoke the consent in case any violation is observed. In the present case the mining operator is violating conditions no 2 and 3 by transporting the heavy loaded vehicles through the village road without having the permission from the concerned authorities, Copy of CTO letter dated 20/03/2024 is here unto annexed as **ANNEXURE-3**.

7. **Mechanical Mining:** It is humbly submitted that the mining is supposed to be of Dry Pit and **Manual means of mining and loading**. However the mining is done by engaging Earth Mover/Machines of different capacities which is strictly prohibited and not approved by any of the regulating authorities. The Mining plan suggests that operation shall be manual, No sand shall be collected from the stream of the river, Sand mining will be carried out only 1mts from the existing surface. Mining will be carried in the day time only. Extraction of sand in the monsoon season will not be done. It further says that 30 labors to be engaged. But here in this case Four machines are being used for sand mining they are Hyundai 210 Machines **with** 5.7m Boom length and 2.9m Arm length. The Bucket capacity is around 1.22 Cubic

Meter. Copy of Photographs dated 10/12/2024 depicting Mechanical Mining is annexed here unto as **ANNEXURE-4**.

8. Mining beyond the lease area: It is needless to mention that sand mining is going illegally as the lessee of Pankapal-I is mining the sand beyond the permitted lease area as per the knowledge of the petitioner the mining is carried out from the permitted lease area also from the nearby areas. From the KML file uploaded in SEIAA website, it is clear that he is illegally extracting sand from beyond the permitted area. The KML file uploaded for the leased out quarry is almost 900metres from where the quarry operation is ongoing. The same is evident from the google earth images where in the lease areas and mining operation areas are clearly visible. Copy of the KML file (Keyhole Markup Language) photograph along with google earth image is here unto annexed as **ANNEXURE-5**.

9. Excess Mining and Transportation through Hyva: Excess mining to the tune of more than 50 Hyva (12 wheeler and 16 wheeler) load/day (one Hyva is having load capacity of **22 Cubic Metres of sand**). **The plying of vehicles occurs** throughout day and night and at least 1,000 CM/Day when the permission is only for **5514 CM** in the year 2024-25 and that comes **around 26.25 Cubic Metre per day** considering maximum 210 days of sand mining in a year. Roughly only **1 Hyva Load of Sand** can be permitted to lift and transport daily from the Sand Source.

10.That there is a Bridge in Brahmani River at (Kabatghai- Sasan) in close proximity to the present mining site at Pankapal-I and II. Further the bridge is already in damaged condition and in this regard a warning has been placed on the bridge. Hence using earth movers (excavators) and heavy vehicles at mining site and further the plying of heavy vehicles on bridge will further impact the damaged condition of the bridge.

11.The vehicles carrying the sand do not cover with tarpaulin and being overloaded and thereby causing air/dust pollution. That the local people have to face much inconvenience because of uncovered tractors carrying the sand from the mining site through busy streets and populated village road.

12.It is humbly submitted that the normal dates for onset of monsoon for Odisha state is 5th June and withdrawal date is 15th October and same has been considered in the Sustainable Sand Mining Management Guidelines, 2016. The River Bed mining should only be allowed during the dry season. No River bed mining should be permitted during rainy season (Appendix 9). That the data suggest the mining was done during the Monsoon Period. However no action has been taken by any of the Authorities. Copy of the Table 9 of Sand Mining Management Guidelines, 2016 is annexed here unto as **Annexure-6**

13.No Pillar posting in the lease area: Though the mining plan suggests that the lease area of Pankapal-I has been demarcated by the Revenue Inspector

but on ground there has been no demarcation and no distinct pillar posting allowing the mining to spread randomly all across the riverbed.

14.No display board (information details) of statutory clearances in the

lease area: The details of environment clearance are supposed to be displayed in the lease area by the lessee of Pankapal-I but no such information of statutory clearances has been displayed in the mining lease area.

15. Carrying capacity of the road and impact of plying of sand loaded

heavy vehicles on local population has not been studied: Transporting sand loaded heavy vehicles through the village, very close to the old houses, resulted in serious damage and directly affecting the safety of the villagers. Many houses are located in very close vicinity to the village road and the heavy vehicles are frequently running just in front of house with a distance of around 20 to 30 feet. Some families are greatly suffering by getting exposed to the heavy amount of fine dust due to constant movement of heavy number of sand loaded hyva trucks, both day and night and the local villages are forced to continuous exposure of heavy amount of aerosol particles every day through the ingestion, inhalation and all other possible ways. Due to intolerance to heavy amount of fine dust, many of the local villagers are suffering from serious health hazard and some of the symptoms/complicacies seem to be irreversible in nature. Needless to say

EC condition specifies **that the transportation will not take place through village road.**

16.Impact on the flow pattern of the river water - Due to mechanical sand mining, now there is a threat of change in river course and already disturbed the flow pattern of the river water. This data is clearly evident from the image captured through Google map. This is most likely to affect the safety of the nearby villagers, therefore, the villagers prayed before the opposite parties to restrain the sand mining in violation of Sustainable Sand Mining Management Guidelines, 2016.

17.Revenue loss to state exchequer and Corruption by the Tahasildar Danagadi: That the Tahasildar **Danagadi**, in connivance with the lessee have been causing huge amount of loss to the state exchequer by extracting hundred times more than the permitted quantity without paying the Royalty for the entire extracted quantity.

18.In stream Mining, Obstruction and Diversion of River Course: The mining is carried out in contravention of the Mining Plan and standard Environment Clearance conditions. Based on the information gathered from historical imagery before granting lease, it is clearly revealed that near to the riverbank of Bramhani because of deep sand mining from this area, it looks like small reservoirs/ponds where the water color is very dark. This clearly revealed that the sand was possibly excavated from very high depth

(expected depth more than 20 to 30 feet or maybe more). Also the Google image revealed that there seems to be huge amount of sand mining carried out from the sand deposits inside the river stream. The magnified image clearly revealed that a small bridge is constructed over the river stream and a drastic decrease in recent sand deposit area. Also various road network constructed inside the river by dumping the Waste Materials. The photograph dated 10/12/2024 confirm the same and the authorities duty bound to inspect the lease area has derelicted duty and possible bribery to be a mute spectator cannot be ruled out.

19.It is not out of place to mention here that the Private Respondent-11 is using heavy suction machines to extract sand from the river however the same is banned. That the photographs dated 10/12/2024 annexed in **annexure-3** of the present original application suggests that in the site in question there exist a boat where the suction machine is installed and the same is used for extraction of sands from inside of the river.

20.That in order to check the illegal sand mining, Government of Odisha has come out with a guideline dated 26/04/2019 where instructions for prevention of illegal sand quarrying issued from time to time. The instructions include robust monitoring mechanism, revenue and police administration shall seize the machine and vehicles, criminal proceedings, temporary check gates, squads should be constituted, technical support of

ORSAC may be taken for satellite based monitoring, all complaints of unauthorized quarrying be inquired **by Sub-Collector/Tahasildar within 72 hours** and prompt remedial measures be taken and monthly review of violation cases are suggested in the guideline and none of the points have been followed by the District Administration and Tahasildar. Despite of the illegal mining takes place since 2021, no action has been taken as on date while action should have been taken within 72 hours and to this effect responsibility of the officers may be fixed. Copy of the Government of Odisha order dated 26/04/2019 is annexed here unto as **ANNEXURE-7**

21. That the Government of Odisha held its meeting for the optimum and sustainable exploitation of minor mineral for increasing availability of minor minerals and augmentation of revenue. Copy of the minutes meeting held on 11/11/2020 is here unto annexed as **ANNEXURE-8**.

22. That the petitioner approached all the concerned authorities to stop the illegal mining but no action has been taken till date, copy of the complaint letter dated 01/12/2024 is here unto annexed as **ANNEXURE-9**.

23. That the issue of illegal mining was also widely covered in local daily news paper namely Dharitri on 01/12/2024 where in it is mentioned that the sand mining operation is being carried by using heavy machines. Copy of the News Paper dated 01/12/2024 is annexed here with as **ANNEXURE-10**.

24.It is pertinent to mention here that mining was allowed without a proper District Survey Report as required to be done by Geology Department, Mining Department Irrigation Department, Forest Department, Public Works Department, Ground Water Boards and Remote Sensing Department as prescribed in Appendix X (procedure for preparation of DSR) and Paragraph 7(iii) of EIA Notification Amendment dated 15th January 2016. Possibly the EC has been granted in absence of Joint inspection report from Sub-Divisional Committee comprising of Sub Divisional Magistrate, State Pollution Control Board, Forest Department, Irrigation Department and Mining Officer.

25. There is no monitoring of compliance of conditions of CTO by the Regional Office of SPCB, Kalinganagar considering the threat to the embankment, loss of revenue, violation of mining plan and standard Environment Clearance conditions, damages to the riparian ecology, the applicants have requested the authority to immediately enquire into the matter and take appropriate action against the lessee. It is submitted that as per Govt. of Odisha Revenue Disaster and Management Department letter dated 26/04/2019, the illegal sand extraction are required to be inquired by the Sub-Collector/Tahasildar within 72 Hours of the complaint and same has not been followed here indicating the connivance of the authorities with the lessee. The Sub-Collector has failed in discharging his duties for not taking

legal action to restrain the mechanical mining and plying of Hyvas and for that appropriate disciplinary proceedings is needed after due inquiry.

26. That the Director of Geology, Bhubaneswar who approved the mining plans of Sand Beds with conditions has a duty to monitor if the conditions are complied and not violated. Also while submitting form. Also while submitting the annual return in Form Z for the mining circle for every financial year has to state the quantity of mineral extracted and not just rely on the statement of lessee. In this regard also no such measurement takes place for sand mining in the mining circle.

27. That the EC condition specifies that non satisfactory implementation of the conditions and failure to comply any of the conditions will lead to suspension of EC letter, Revocation/Withdrawal of EC letter and proceedings under EP Act, 1986.

28. Mining in Safety Zone and Close to River Bank: The photographic evidences confirms that the mining operation is violating the safety Zone and 1/4 width of stream bed from the River Bank. It is pertinent to mention here that for this purpose the miners have constructed embankment over the flow and rest of the river stretch to the mining source is being connected by the raising the sand bars filled with Sandbags and morrum and broken bricks are laid on it so that the heavy vehicles can move over it

29. That the Procedure for Processing of Consent to Operate (CTO) Application by State Pollution Control Board, Odisha as uploaded in website of Odisha

State Pollution Control Board says that **inspection of the site and compliance of CTE condition is pre-requisite**. The relevant portion is reproduced as follows:

“5. The concerned officers at HO / RO shall scrutinize the application and raise clarification to the industry online, if any deficiency / discrepancies are observed in respect of consent application or its accompaniments or fees. **Simultaneously, they will take steps for getting inspection report** so as to avoid delay and early disposal of the case.

6-The concerned officers of Regional office of OSPCB shall **conduct inspection of the industries and mines**, conduct monitoring of stack emission, ambient air quality, analysis of effluent samples etc. as per the standard procedure prepared for Air and Water sampling and analysis. They should also **verify compliance to the Consent conditions** (directions, if any) and **upload the detailed observations (inspection and monitoring reports) online”**

Further the check list prepared the board also requires compliance status of consent to establish for issuing consent to operate to a unit and the same has not been followed in the present case. Further **the CTO and CTE is issued mechanically without any inspection of the site**. Copy of the guideline and checklist prepared by the Board and the link to the site is as

follows. <http://ospcboard.org/wp-content/uploads/2017/03/09-Jun-2016PROCEDUREFORCTOAPPLICATION1.pdf>

30. That after issuing CTO, the State Pollution Control Board did nothing to ensure if the conditions in the Consent to Operate were complied in letter and spirit. The authorities have also not acted upon the complaint petition of the applicant. The violations continue unabated and no action has been taken by the pollution control board to revoke the consent to operate and ensure that the mining activity stops. The Consent Condition Point 1 (General) says that any change or deviation made in the actual practice from particulars furnished in application will be the ground liable for revocation of consent. Here the application is for Manual Mining while in reality Mechanical Mining takes place and for that it is liable to be revoked and same has not been done. Similarly Point 4 and 43 says violation of conditions of consent is liable for legal action.

31. It is not out of place to mention here that the Consent to Establish was granted on dated 13/04/2022 in favor of Private respondent No.-11 for the Excavation/Quarrying of Sand of quantity 36000 m³/Annum during the lease period (Maximum quantity of sand allowable: 6000 m³ in 1st year) on Plot No. 1089 of Khata No. 224(A.A.A), measuring area Ac. 12.30 Dec (4.978 Ha.), at Mouza Pankapal, Tahasil-Danagadi in the district of Jajpur, for the earlier Environmental clearance which was later rejected by the Seiaa, but

after grant of the new EC i.e Environmental clearance dated 12/03/2024 the project proponent has not obtained any fresh CTE for the sand mining. Copy of the Consent to Establish granted in favour of Dillip Kumar Sahoo dated 13/04/2022 is here unto annexed as **ANNEXURE-11**.

32. It is pertinent to mention here that previously one original application (OA 3/2022, Puspakanta Nayak Vs. state Of Odisha and others) has been filed before this Hon'ble Tribunal relating to the present sand bed/sand sairat and in the order dated 14/12/2022 hon'ble Tribunal directed the state respondents to “ *Para 27. We further direct that the Collector, Jajpur, shall ensure effective mechanism for annual environmental audit to be conducted by experts in the field. Further, the State Authorities, particularly the Collector, Jajpur, must ensure that the vehicles transporting sand and minor minerals may be fixed with electronic devices (GPS enabled) for facilitating and tracking the movement of vehicles carrying sand and minor minerals. The Collector, Jajpur, is further directed that CCTV cameras be installed at strategic locations near the sand beds as well as entry and exit points of the vehicles to ensure continuous monitoring.*”

But as on date order of dated 14/12/2022 has not been complied and the SEIAA authority granted Environmental clearance for the mining and SPCB granted CTE and CTO violating the order of the Hon'ble Tribunal. Copy of the order dated 14/12/2022 passed by Hon'ble Tribunal in the matter of

Puspakanta Nayak Vs. state Of Odisha is here unto annexed as **ANNEXURE-12.**

33. It is further submitted that as per the order of this Hon'ble Tribunal dated 14/12/2022 there has been no installation of CCTV cameras in the sand bed and the vehicles transporting sand and minor minerals has not fixed with electronic devices (GPS enabled) for facilitating and tracking the movement of vehicles carrying sand and minor minerals. And it is further submitted that neither the Collector nor the Mining officer or the SEIAA authorities or SPCB authorities are monitoring the compliance of order of this Hon'ble Tribunal and the conditions imposed in EC and CTE, CTO letter.
34. it is pertinent to mention here that the Respondent-11 i.e. the Lessee of Pankapal-1 Sand Quarry use to operate the sand quarry without compliance of the order of this Hon'ble Tribunal and also without compliance of the EC, CTE and CTO conditions.
35. It is not out of place to mention here that on dated 05/07/2024 the Mining Officer cum Competent Authority Jajpur district issued a Notice for penalty for violation of OMMC Rules, 2016 and terms and conditions of EC to the Respondent No.11, and in the letter it is categorically mentioned that *“During enforcement drive conducted on dated 05.07.2024, it is noticed that, no pillars and notice board were posted at your quarry which is violation to the OMMC Rules, 2016 as well as terms and conditions drafted under Mining Plan and EC. Also, on perusal of your case record it is*

revealed that, though manual method of quarrying operation is allowed in your Mining Plan, one excavator was found engaged at your quarry during enforcement.

Hence, you are directed to comply the above mandatory conditions with immediate effect and show cause within seven days of receipt of this notice why necessary action shall not be initiated against you as per OMMC Rules, 2016.

Also, an amount of Rs.2,00,000/- (two lakhs) only is hereby imposed upon you as penalty for engaging excavator at your quarry and directed to deposit the same within seven (7) days of receipt of this notice in the following head of account.

Head of Account: 0853-00-102-0217-02021-000-Odisha Minor Minerals Concession Rules

N.B: You hereby instructed to adopt manual method of sand mining”

36. Mining should be restricted to single shift only that is for 8 hours (7am to 12noon and 2pm to 5 PM) however it takes place all though out day and night using high-power excavators. No qualified Mines Manager, Foreman and Mate with certificate of competency as per mines act. It is pertinent to mention here that the lessee is also using his heavy machines during night for illegal extraction of sand from the river.

37. That the State Government is losing revenue because of the unaccounted illegal mining. At present one Hyva load (10 wheeler) of sand is sold at Rs 8000 in the market and Hyva load (16 wheeler) about Rs15, 500 in market.
38. This clearly indicates that the private respondent No.-11 has mined out more sand than the permitted quantity. This excess mining without prior approval is violation of the Consent Letter, Lease agreement, Mining Plan and environment clearance condition. This also clearly indicates there is an unholy nexus of the Deputy Director Mines Jajpur with the private respondent in allowing the illegalities to continue on day to day basis.
39. That the Sustainable Sand Mining Management Guidelines, 2016 suggests Standard Environment Clearance Conditions and the measures to be adopted to check illegal mining, **however none of the measures have been adopted** such as “(i) Project Proponent must ensure that the security features of Transport Permission viz. (a) Printed on Indian Bank Association (IBA) approved Magnetic Ink Character Recognition Code (MICR) paper; (c) Unique Barcode; (d) Unique Quick Response Code (QR); (e) Fugitive Ink Background; (f) Invisible Ink Mark; (g) Void Pantograph; (h) Watermark. (ii) Project Proponent must ensure that the CCTV camera, Personal Computer (PC), Internet Connection, Power Back up, access control of mine lease site; and arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used at mine lease site are available. (iii) Project Proponent must ensure the Scanning of

Transport Permit or Receipt and uploading on Server. (iv) The State Mines and Geology Department should print the Transport Permits/Receipt with security features enumerated at Paragraph (i) above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued. When the Transport Permit or Receipt barcode gets scanned and invoice is generated, the particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.

(v) The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS. (vi) In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call center, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server/call centre. (vii) The route of vehicle from source to destination should be tracked through the system using check points, Radio-frequency

identification (RFID) Tags, and Global Positioning System (GPS) tracking.

(viii) The system shall enable the Authorities to develop periodic report on different parameters like daily lifting report, vehicle log/history, lifting against allocation, and total lifting. The system can be used to generate auto mails/SMS. This will enable the District Collector/Magistrate to get all the relevant details and will enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle should be tracked.

40.That the Chief Secretary, Government of Odisha on 11/11/2020 has discussed about the technical intervention such as I4MS in the line of I3MS (a software to track illegal mining in Major Minerals) to monitor the actual quantum of extraction and transportation minor minerals from source but same has been just confined to discussion and no action has been taken despite of the mandate in Sustainable Sand Mining Management Guidelines, 2016 and 2020.

41.It is further submitted that Sand Mining in Bramhani River bed at Pankapal has caused serious environmental degradation and ecological impact, over the years river and riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which damage the river ecosystem, destruction of natural habitats of organisms living on the river beds, affects

fish breeding and migration, the associated riparian habitat. It has been further submitted that there has been no monitoring by any of the respondents whether the conditions are being complied or not and that allows the private respondents to violate the norms in broad day light.

42.The Hon'ble Apex Court in Deepak Kumar Case has observed that "We are of the considered view that it is highly necessary to have an effective framework of Mining plan which will take care of all environmental issues and also evolve a long term rational and sustainable use of natural resource base and also the bio-assessment protocol. Sand Mining, it may be noted, may have an adverse effect on bio-diversity as loss of habitat caused by Sand Mining will affect various species, flora and fauna and it may also destabilize the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEFCC, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48A, Article 51A(g) read with Article 21 of the Constitution.

43.That while upholding the Criminal Prosecution in one illegal sand mining case namely **Jayant Vs State of Madhya Pradesh**, Criminal Appeal No 824-825 of 2020, Hon'ble Supreme Court on 3rd December 2020 has opined that violators cannot be permitted to go scot free on payment of penalty only.

There must be some stringent provisions which may have deterrent effect so that the violators may think twice before committing such offences and before causing damage to the earth and the nature.

44. The Hon'ble Supreme Court in Common Cause -Vs- Union of India & Ors.

in judgment dated 02.08.2017 passed in Writ Petition (Civil) No.114 of 2014 in para 128 has held as under :- The simple reason for not accepting this interpretation is that Rule 2 (iia) of the Mineral Concession Rules (MCR) was inserted by a notification dated 26th July, 2012 while we are concerned with an earlier period. That apart, as mentioned above, the holder of a mining lease is required to adhere to the terms of the mining scheme, the mining plan and the mining lease as well as the statutes such as the EPA, the FCA, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. If any mining operation is conducted in violation of any of these requirements, then that mining operation is illegal or unlawful. Any extraction of a mineral through an illegal or unlawful mining operation would become illegally or unlawfully extracted mineral.”

45. That while disposing the OA 67 of 2021(Alok Malik vs State of Odisha),

Final Order dated 26th August 2022 and Paragraph 31 is reproduced as follows

“We further direct that the Collector, Jajpur, must ensure **effective mechanism for annual environmental audit to be conducted by experts in the field.** Further, the State Authorities, particularly the Collector,

Jajpur, must ensure that the vehicles transporting sand and minor minerals may be fixed with electronic devices (GPS enabled) for facilitating and tracking the movement of vehicles carrying sand and minor minerals. The Collector, Jajpur, is further directed that the CCTV cameras may be installed at strategic locations near the sand beds as well as entry and exit points of the vehicles to ensure continuous monitoring.”

It is submitted that the direction of the Hon’ble NGT has not been complied and instead violated in the present case.

46. That the Hon’ble Tribunal while deciding the **Original Application No 9 of 2021(Saral Kumar Parida Vs District Collector Balasore and others)** vide order dated 13th October 2022 held that the illegally mining to be assessed using scientific method such as **Satellite Imagery** and further held that the Tahasildar will be responsible for illegal mining and criminal prosecution has to be instituted against concerned Tahasildar. The relevant paras 36, 37, 39, 41, 44 and 47 is reproduced as follows

“Para 36 The Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM) issued by the Ministry of Environment, Forests and Climate Change (MoEF&CC) has laid down the procedure for monitoring mechanism to check environmental damage due to illegal mining.

Para 37- The Guidelines provide for establishment of a Task Force to be headed by an officer not below the rank of Additional

District Magistrate who shall submit quarterly reports to the district administration

Para 39-The Guidelines further provide for lodging of F.I.R. against persons involved in illegal excavation, storage and/or transportation of minor minerals including sand and imposition of fine as also initiation of actions under the provisions of the Income Tax Act, 1961 for unaccounted income and under the Central Goods and Services Act, 2017 for non-payment of GST as well as action under the provisions of the Motor Vehicles Act, 1989 against the driver and permit holder of the vehicle.

Para 41- Be that as it may, the Tahasildar, Basta, within whose jurisdiction the sand quarry exists, is the representative of the district administration, who is responsible for ensuring that no illegal sand mining is being carried out within his Tahasil and if he finds that illegal sand mining is going on, it is his duty to report the matter to the District Magistrate concerned immediately

Para 44-We, therefore, direct the State Level Environment Impact Assessment Authority (SEIAA), Odisha to re-determine Environmental Compensation for illegal extraction of sand by the Respondent No.10 for the five years period from 2017 (included) up to 2021 with the help of satellite imagery.

Para 47-We further direct the Collector & District Magistrate, Balasore to lodge F.I.R. against the Tahasildar, Basta who was

the Tahasildar during the period 2017 to 2021 during which the illegal extraction of sand has occurred according to the SEIAA, Odisha and such F.I.R. shall thereafter be carried to its logical conclusion. The Collector & District Magistrate shall also initiate departmental proceedings against the concerned Tahasildars in accordance with law. ”

47.Rule 14 and Clause (22) of Odisha Minor Mineral Concession Rules 2016 states that In the **case of breach of any condition of prospecting license-cum-mining lease**, the Government may give notice of sixty days to the holder of the prospecting license-cum-mining lease to rectify the defects and if the holder of the prospecting license-cum-mining lease fails to rectify the defects within the specified time, the Government may, by order in writing, cancel the prospecting license-cum-mining lease, and forfeit, in whole or part, the amount deposited by the holder of the prospecting license-cum-mining lease towards security deposit: Provided that no such order shall be made without giving the holder of the prospecting license-cum-mining lease a reasonable opportunity of being heard.

GROUNDS

A. That the sand mining is permissible only by Manual Method but the use of mechanical methods/earth movers are in violation of the Mining plan, EC conditions and Consent to Operate conditions and Sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring of Sand

Mining Guidelines, 2020, Odisha Minor Mineral Concession Rules 2016, EIA Notification 2006 and Amendment 2016, Sand Mining Framework 2018 by Ministry of Mines, Govt. of India.

- B. That the unscientific mining by obstructing the free flow of river by creating artificial bunds in the river is violation of approved mining plan and warrants revocation of lease agreement and suspension of mining
- C. That the ongoing sand mining is against the Precautionary Principle and Environment Impact Assessment Notification 2006 and subsequent amendments.
- D. That the private respondent has mined out more sand than the permissible limit and hence warrants stoppage of mining
- E. That transportation of sand loaded heavy vehicles through villages jeopardizes the safety of thousands of people and school going children warrant prohibition of such transportation. Further road not meant for heavy vehicles requires carrying capacity study of the road and particularly stoppage of such vehicular transportation.
- F. Mining during monsoon season is against the Sustainable Sand Mining Management Guidelines, 2016 and standard river bed mining conditions.
- G. That the State Respondents and the Regulatory Authorities like State Pollution Control Board and SEIAA have failed to discharge their duties and hence requires intervention of this Hon'ble Tribunal for an appropriate order to check the illegal mining

H. That the present river bed mining is against the spirit of Article 48A and 51 A (g) that mandates for protection of environment and Article 21 of Constitution of India.

LIMITATION

That there is a continuing cause of action due to the ongoing illegal sand mining with evidence of photographs dated 10/12/2024 and complaint letter dated 01/12/2024 hence the present application is not barred by limitation.

INTERIM PRAYER

The Hon'ble Tribunal may constitute a High level Independent Committee to assess a) Cost of river bed material illegally excavated b) Cost of ecological restoration. c) Net present value of the future ecosystem services foregone and restrain the Private Respondent from mechanical mining in river bed pending disposal of the application.

PRAYER

The applicant humbly prays the Hon'ble Tribunal to issue following directions to the respondents considering the facts and grounds set out in the application:-

- I. Direct the Mining department to conduct Drone Survey to assess the mining beyond lease area and excess mining.
- II. Direct the SEIAA Odisha to withdraw the EC letter for violation of EC conditions.
- III. Direct the Independent Committee to inquire into the illegalities of mining such as mechanical mining and in-stream mining, Excess sand mining in violation of the permitted quantity.
- IV. Direct the State Respondents to seize the Excavators used for Sand Mining in Brahmani River at Pankapal.
- V. Direct the State Respondents to immediately remove the illegal approach road constructed by the lease holders/sand mafias and ensure

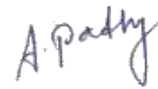
the free flow of river by removing the artificial approach roads for transportation of sand loading vehicles inside the river.

VI. Direct the State Respondents for GPS TRACKING OF VEHICLES AND make E TRANSIT PASS MANDATORY FOR MINING OPERATION.

For this act of kindness the applicant shall ever remain grateful to you

DATE-22/02/2025

APPLICANT THROUGH



PLACE-BHUBANESWAR

ADVOCATE

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO - OF 2024/EZ

IN THE MATTER OF:

YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST
APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT

22 FEB 2025

I, Santanu Kumar Bhukta S/o Golak Bhukta, Aged about 32 years At/Po-Santhapada, PS-Talcher Dist-Angul, Odisha, 759104, do hereby solemnly affirm, and declare as under:

- 1. That I am the President of the Applicant Trust, Youth United For Sustainable Environmental Trust in the abovementioned application and authorized to sign this affidavit.
- 2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
- 3. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

Santanu Kumar Bhukta
DEPONENT
Youth United for Sustainable Environment Trust
President

VERIFICATION

Verified on this 22 FEB 2025 day of2025 atthat the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By
Advocate

Santanu Kumar Bhukta,
DEPONENT
Youth United for Sustainable Environment Trust
President



(The above named deponent(s) being duly identified by me, I have verified the contents of the above affidavit.

Appears to me that the contents of the above affidavit are true to the best of his / her / their knowledge and belief.

Deponent(s) Notary, Bhubaneswar

22 FEB 2025

JANMEJAYA RAUTRAY
NOTARY, GOVT OF ODISHA
BHUBANESWAR
REGD. NO. ON-86/2012
Mob. No. - 9337121273

ENVIRONMENTAL
CLEARANCE

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), ODISHA)

To,

The LESSEE
 DILLIP KUMAR SAHOO
 PLOT NO-746,1ST FLOOR,SAHEED NAGAR,BHUBANESWAR
 KHORDHA -751007

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/OR/MIN/439601/2023 dated 07 Aug 2023. The particulars of the environmental clearance granted to the project are as below.

1. EC Identification No.	EC24B001OR134297
2. File No.	B2-proposal new, EC obtained earlier but not oper
3. Project Type	New
4. Category	B
5. Project/Activity including Schedule No.	1(a) Mining of minerals
6. Name of Project	Pankapal-1 Sand Quarry Over an area of 12.30 Acres or 4.978 hectares in village Pankapal under under Danagadi Tahasil in Jajpur District, Odisha.
7. Name of Company/Organization	DILLIP KUMAR SAHOO
8. Location of Project	ODISHA
9. TOR Date	N/A

The project details along with terms and conditions are appended herewith from page no 2 onwards.

Date: 12/03/2024

(e-signed)
 Dr. K. Murugesan, IFS
 Member Secretary
 SEIAA - (ODISHA)

Note: A valid environmental clearance shall be one that has EC identification number & E-Sign generated from PARIVESH. Please quote identification number in all future correspondence.

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PARIVESH

*(Pro-Active and Responsive Facilitation by Interactive,
 and Virtuous Environmental Single-Window Hub)*





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

ENVIRONMENTAL CLEARANCE FOR SAND MINING

Subject: Application of Sri Dillip Kumar Sahoo for extraction of Sand from Pankapal-1 Sand Quarry Over an area of 12.30 Acres or 4.978 hectares in village Pankapal under under Danagadi Tahasil in Jajpur District, Odisha -Environmental Clearance (EC)-Reg.

The project proponent Sri Dillip Kumar Sahoo, the lessee/successful bidder has submitted an application for EC to SEIAA, Odisha through the Parivesh portal of MOEF&CC, GOI vide online application no. SIA/OR/MIN/439601/2023 dated 07.08.2023 for mining of Sand from Pankapal-1 Sand Quarry Over an area of 12.30 Acres or 4.978 hectares in village Pankapal under under Danagadi Tahasil in Jajpur District, Odisha.

2. Proposal in brief:

Proposal No.	SIA/OR/MIN/439601/2023
Date of application	07.08.2023
File No.	-
Project Type	Proposal for EC
Category	B2
Project/Activity including Schedule No.	1(a) Mining of minerals
Name of the Project	Proposal for EC of Pankapal-1 Sand Quarry Over an area of 12.30 Acres or 4.978 hectares in village Pankapal under under Danagadi Tahasil in Jajpur District, Odisha.
Name of the company/Organization	Sri Dillip Kumar Sahoo Plot No-746, 1st Floor, Saheed Nagar,Bhubaneswar Khordha
Location of Project	village Pankapal under under Danagadi Tahasil in Jajpur District, Odisha.
ToR Date	N/A
Name of the Consultant	N/A

3. **Project details:** The highlights of the project, as ascertained from the application and as revealed from the proceedings/discussions held during the meetings of SEAC/SEIAA, are given as under:

(Signature)


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- (i) This is a proposal for mining of river sand from Pankapal-1 Sand Quarry Over an area of 12.30 Acres or 4.978 hectares in village Pankapal under under Danagadi Tahasil in Jajpur District, Odisha.
- (ii) The mining area is a part of Survey of India Toposheet No. F45U1, F45T13 and is bounded between the Latitude - 21° 53' 10.68"N to 21° 53' 16.27"N and Longitude – 86° 01' 31.79" E to 86° 01' 41.68" E.
- (iii) The project proponent has obtained EC from SEIAA, Odisha vide EC letter no. 2889/SEIAA dated 28.09.2021 and transfer of EC vide letter no. 4167/SEIAA dated 02.03.2022 for Brahmani River Sand Quarry, Pankapal-I over an area of 12.30 acres or 4.978 hectares in village Pankapal under Dangadi Tahasil in Jajpur District, Odisha
- (iv) During EC application the PP has submitted required documents along with mining plan where it is mentioned that mineable reserve of the proposed sand was 43200 cum with depth of sand deposition was 1.2 meter and proposed for annual extraction-36000 cum.
- (v) The SEIAA also granted EC for 1st year production 6000 cum with 0.6 meter depth of mining.
- (vi) There is an EC conditions point no. 9.1 & 9.2 in page no. 03 that "Pending carrying out of the study & submission of the report, this clearance is being granted in an adhoc manner and is liable to be revoked after one year i.e. after 31st December, 2022 if satisfactory replenishment study report is not submitted."
- (vii) The quarry is not operated yet as mentioned by the Tahasildar vide his letter no. 3922 dated 30.12.2022 due to court case.
- (viii) The PP has requested for amendment of EC for extension of 1st year lease period with same production as EC issued earlier.
- (ix) The proposal was placed in the SEAC meeting held on 13.01.2023 and the SEAC recommended the proposal on the following point:
 - a) The Environmental Clearance for the proposal has been recommended for 5 years.
 - b) The lease deed could not be executed due to Court case and sairat source was not operational.
 - c) After detailed discussion, the SEAC recommended that the SEIAA, Odisha may consider for extension of date of submission of Replenishment Study Report since the quarry is not operational.
- (x) The proposal was placed 108th SEIAA meeting held on 07.02.2023, 08.02.2023 & 09.02.2023. After detailed deliberations, the Authority decided for amendment of EC on the following points. Accordingly, the EC



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is allowed with a production capacity of 6000 cum/annum for 1st year period of the lease.

- (xi) Again, the matter was placed in 116th SEIAA meeting held on 26.04.2023, 27.04.2023 & 28.04.2023. The Authority observed that the order dt. 14.12.2022 of Hon'ble NGT in O.A. case 03/2022/EZ has not been complied by the PP while submitting application for amendment of EC. As per letter dated 25.04.2023 of Tahasildar, Danagadi it is mentioned that they had not got any official communication regarding this but only telephonic information from AG office. But that shows in view of the order dated 14.12.2022 of Hon'ble NGT, the EC issued vide 2889/SEIAA dated 28.09.2021 as well as amendment of EC on 15.02.2023 showed null and void. Accordingly, the EC as well as amendment of EC issued dated 28.09.2021 and 15.02.2023 respectively stands revoked.
- (xii) The Authority decided that the PP may submit fresh application with full compliance of the order of Hon'ble NGT dated 14.12.2022. Accordingly, the PP has submitted fresh EC application no. SIA/OR/MIN/439601/2023 dt. 07.08.2023.
- (xiii) In the meantime, the PP has submitted amendment of EC application vide application no. SIA/OR/MIN/298628/2023 dt. 15.04.2023. The PP had submitted replenishment study report which reveals that the pre-monsoon study was conducted on 27.05.2022 and extractable quantity is 19674 cum. post-monsoon study was conducted on 19.01.2023 and accordingly, the replenishment quantity after post-monsoon is 9191 cum. Proposed quantity for 1sy year lease period is 5514.6 cum.
- (xiv) Further, the proposal was placed in the SEAC meeting held on 6th, 8th, 9th and 10th the SEAC recommended the following: The SEAC decided to recommend quantity actually replenished as per study report (5514.6 cum/year) till receipt of next replenishment study report.
- (xv) Again, the proposal was placed in 122nd meeting held on 08.06.2023, 09.06.2023 & 12.06.2023 and after detailed deliberation the Authority decided to reiterate its decision taken vide letter dated 04.05.2023. Accordingly, the application for amendment in EC is rejected
- (xvi) The proposed quarry is not coming within wildlife sanctuary/National Park and any eco-sensitive zone.
- (xvii) The mining lease is an identified sairat source in the DSR. Pankapal-1 Sand Quarry sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Danagadi to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
- (xviii) DSR has not been prepared as per the MoEF&CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining


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- guidelines-2016 and Enforcement & Monitoring Guideline for sand mining-2020 and as per the Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others).
- (xix) The cluster certificate has been furnished by the Tahasildar certifying that there are no other mines located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.
- (xx) The EMP budget provision of Rs. 1.20 Lakh/annum
4. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5 ha.
 5. The proposal was placed in the SEAC meeting held on The Proposal was placed in the SEAC meeting held on 29th & 30th January 2024 and the SEAC observed the following:
 - a) EC was granted to the proposal by SEIAA vide letter no. 2889/SEIAA dated 28.09.2021.
 - b) Transfer of EC granted by SEIAA vide letter no. 4167/SEIAA dated 02.03.2022.
 - c) Amendment of EC was recommended by SEAC and granted by SEIAA for following proposal because the quarry was not operated due to court case and requested to submit the replenishment study report by DEC 2024 through ORSAC empanelled agency.
 - d) Later, the PP applied again for Amendment of EC based on Replenishment Study Report which was approved by SEAC and was rejected by SEIAA and asked to apply again as fresh proposal.
 - e) Now, PP has applied as fresh proposal.
 - f) The SEAC had already recommended Environment Clearance to the proposal. Hence, the SEAC reiterated its earlier recommendation for grant of EC and decided to return this proposal to SEIAA, Odisha for consideration of EC.
 6. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 157th meeting held on 22.02.2024 in accordance with the EIA Notification, 2006 and further amendments thereto as well as the Judgement dated 2nd February, 2022 of Hon'ble National Green Tribunal in OA No.33/2020/EZ (Laxmidhar Palai Vrs. District Collector, Balasore).
 7. **Environmental Clearance (EC) is granted under the provisions of EIA Notification No. S.O. 1533 (E) dated the 14th September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for mining of Sand from Brahmani River Sand Quarry, Pankapal-I over an area of 12.30 acres or 4.978 hectares in village**



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Pankapal under Dangadi Tahasil in Jajpur District, Odisha with the following stipulations, environmental conditions and safeguards.

A: Stipulations:

Sl.	Descriptions	Stipulation
(i)	Lease Area:	12.30 Acres or 4.978 Ha.
(ii)	No Mining Zone:	(i). The PP shall maintain safety and stability of Riverbanks i.e. 3 meter or 10% of river width whichever is more for protection of river bank and (ii). 7.5-meter safety zone from all side of lease boundary. (iii). No stream should be diverted for the purpose of sand mining. No natural water course and/or water resources are obstructed due to mining operations.
(iii)	Maximum Depth of Mining:	1.0 meter as per the approved mining plan
(iv)	Method of Mining:	Manual as per approved mining plan
(v)	Permitted Quantity:	5514 cum/annum ➤ Any modification in the extraction quantity, the PP is required to submit modified Mining Plan.
(vi)	Validity Period of EC:	The validity of EC is validity of DSR or validity of lease period whichever is earlier.
(vii)	ARRS report	PP shall submit Annual rate of replenishment study (ARRS) report through NABET Consultant or ORSAC empanel agency in subsequent year and submit to SEIAA, Odisha.

B: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED WITH BY THE TAHASILDAR/MINING OFFICER BEFORE LEASE AGREEMENT:

- 7.1 **Boundary Demarcation:** - The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empanelled agency of ORSAC.
- 7.2 **Digital Map:** -A digital map (in KML format as well as PDF version) showing GPS coordinates of all boundary pillars duly countersigned by the Tahasildar/Mining Officer shall be submitted to SEIAA, Odisha through email at seiaaodisha@gmail.com.
- 7.3 **Intimation of EC:** - The copies of the EC shall be sent to the Sarpanch (s) of the concerned Gram Panchayat (s), Urban Local Bodies and relevant other Offices of

[Handwritten signature]


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the Government with a request to display the same for 30 days from the date of receipt.

- 7.4 **Tree Plantation:** - Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for plantations of the State Forest Department. The Project Proponent (lease holder) shall deposit Rs.2,50,000/- with the respective District Environment Society for raising 500 plants of native species within 2 years in a suitable location adjoining to quarry.
- 7.5 **State EMF Fund:** - An amount equal to five percent (5%) of the royalty payable shall be collected from the lessee by the Tahasildar/ Mining Officer and deposited to the State Environment Management Fund, which will be utilized as per provisions of Rule 49(3) of the OMMC Rule, 2016 preferably, in and around the areas where mining activities are undertaken.
- 7.6 **Condition by Collector:** - Any other condition(s) the Collector & Chairman, District Environment Impact Assessment Authority (DEIAA), may impose in the interest of protection and safeguarding the local environment.
- 7.7 **Compliance report for Transfer of EC:** - Any transfer of EC to a PP/Lessee shall be considered by SEIAA, Odisha only after receipt of the full compliance report through Tahasildar/ Mining Officer concerned of the above environmental conditions and safeguards.

C: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED ON FIELD AFTER THE LEASE AGREEMENT

- 7.8 **Maximum permissible depth:** This Environmental Clearance is given with the condition that maximum depth of digging of sand shall be 1.0 m as per mining plan. Any flouting of this restriction shall make this EC liable to cancellation.
- 7.9 **Maximum permissible quantity:** Maximum quantity of material is permitted to remove from the quarry area 5514cum/annum. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 7.10 **Annual Replenishment Rate Study of Sand:** -The Project Proponent shall carry out Annual Rate of Replenishment study of sand by ORSAC empanel agency or NABET Consultant as per prescribed drone method of MoEF & CC, Govt. of India by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the actual rate of replenishment of mined out sand in the lease area. PP shall carry out



- Annual Rate of Replenishment Study (ARRS) through ORSAC empanel agency in every year and submit the report to SEIAA, Odisha during submission of EC compliance with attaching real-time geo-coordinating photographs both pre and post monsoon data collection time.
- 7.11 **District Survey Report:** The District Survey Report (DSR) shall be prepared by the competent District Authority as per the MoEF & CC, Govt. of India Notification S.O.3611(E) dated 25.07.2018, Sustainable Sand Mining Guidelines-2016, Enforcement & Monitoring Guidelines for Sand Mining-2020 and also as per the Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others) submitted to competent authority for approval.
- 7.12 **EC Extension:** - Any further extension of EC beyond two years shall be considered only with submission of duly approved District Survey Report and Annual Replenishment Rate Study report of sand.
- 7.13 **Any change in mining plan requires fresh EC:** - Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. The detailed production of sand from the lease area of each year shall be submitted in tabular form during submission of compliance report.
- 7.14 **Environmental Management Plan:** EMP shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed in EMP. The PP will implement the EMP with a budgetary allocation of Rs.1.20 Lakh/annum. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The Tahasildar/ Mining Officer shall ensure the compliance of this condition along with all lease holders of his jurisdiction.
- 7.15 **Common Forum for EMP:-** All the individual quarry lessee holders coming under the Tahasil may create a common forum in coordination with the Tahasildar/ Mining Officer and contribute funds to it for grading, compaction and maintenance of haulage road, provision of water spray on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry, and provision of thick, multilayer and a continuous green belt around the lease area excluding the entry and exit gate for prevention of environmental pollution and noise during mining activity.



7.16 **No Working Zone:** - The lessee shall ensure that no sand mining is carried out in the areas as specified below: -

- a) During the rainy season;
- b) Within the water channel or stream flow area throughout the year;
- c) Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge, 200 meter upstream and downstream of water supply/irrigation scheme, 100 meter from the edge of National Highway and railway line, 50 meter from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meter from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
- d) The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non-monsoon period.
- e) No stream shall be diverted for the purpose of sand mining and no natural water course shall be obstructed.
- f) Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
- g) The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.

7.16 **Transport Safeguards:**

- a) No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
- b) Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project.
- c) Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- d) Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.
- e) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar/ Mining Officer may collect an appropriate additional road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.


STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com

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

- f) Water spraying should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.
- 7.17 **Other Environmental Conditions:** -The Project Proponent shall follow all the provisions of Sand Policy of Govt. Of Odisha dated 02.09.2021 for this sand mining project.
- The Tahasildar/ Mining Officer shall take adequate measures to prevent unauthorized mining;
 - The project proponent should carry out river bed sand mining manually by engaging local laborers to check over exploitation of sand at the source;
 - The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.
 - At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
- 7.18 **Half-yearly Compliance Report:** -It shall be mandatory for the project management to submit half yearly compliance reports on the status of implementation of the above stipulated environmental. The project authority mandatory to upload the compliance report of EC conditions including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions. No hard copy and soft copy required to submit to SEIAA, Odisha, failing which EC is liable to be revoked.
- 7.19 **Concomitant Monitoring:** - The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar/mining officer, who shall ensure compliance of the stipulated conditions and take corrective measures promptly in case of any non-compliance and also ensure that the project proponent submits half yearly compliance reports.
- 7.20 **Independent Monitoring:** -The concerned Regional Office of the MoEF & CC/SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 7.21 **Revocation of EC:** - The SEIAA, Odisha may revoke or suspend the EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.
- 7.22 **Change in Ownership of Lease:** - This EC shall not be transferred without the permission of SEIAA, Odisha. The Tahasildar/ Mining Officer shall inform the SEIAA of any change in ownership of the mining lease. No mining is allowed without transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.



- 7.23 **Basis of Permitted Quantity:** - It is made clear that the EC granted is on adhoc basis as the applicant has not submitted the approved District Survey Report (DSR) or Annual Replenishment Rate Study Report (ARRS). In the absence of approved District Survey Report (DSR) the area for removal of minerals shall not exceed 60% of the mine lease area, and any deviation or relaxation in this regard shall be adequately supported by the scientific report (Refer Para: 4.3 (r) of the Enforcement & Monitoring Guidelines for Sand Mining issued in January, 2020 by the Ministry of Environment, Forest and Climate change). The permitted quantity in the 1st year has been calculated on the basis of 60% mine lease area or quantity mentioned in the Mining Plan, whichever is less. Further in the absence of approved Annual Replenishment Rate Study Report an annual replenishment rate of @25% of the 1st year quantity is allowed for 2nd year w.r.t Order dated 02.02.2022 of the Hon'ble NGT in OA No.33/2020/EZ (Laxmidhar Palai Vrs. District Collector, Balasore). Further amendment to the permitted quantity in the 2nd year shall be considered on submission of duly approved ARRS.
8. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.
9. This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court and Hon'ble NGT as may be applicable.
10. Any appeal against this environmental clearance 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.

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.



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**

SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com

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

4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Jajpur / DFO, Cuttack /Sub Collector, Jajpur and Tahasildar, Danagadi /Mining Officer, Jajpur for Information and necessary action with specific reference to para in respect of year wise permitted quantity.
7. Guard file for record/Website/Parivesh Portal.

Member Secretary**Signature Not Verified**Digitally signed by: Dr. K. Murugesan,
IFS
Designation: Member Secretary
Date and Time: 3/12/2024 11:34:26 AM



ତହସିଲ କାରିଗ୍ରହାଳୟ, ଦାନଗାଦି

ANNEXURE-2

OFFICE OF THE TAHASILDAR, DANAGADI

ଦୁରାକାଶ ନମ୍ବର - ୦୬୭୮-୨୧୪୨୧୫

ଇ-ମେଲ : tdrdanagadi@gmail.com

ଫିନ - ୭୫୫୦୨୨

Letter No. 1612

Dt. 22/06/2024

To

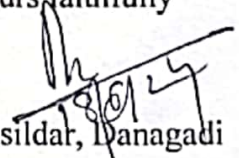
1. Sri Dillip Kumar Sahoo (Lessee Pankapal-I Sand Bed)
At:- Plot No.746, First Floor Sahid Nagar,
PO/PS:- Sahid Nagar,
Dist:- Khorda, PIN:- 751007.
2. Sri Daitari Dhal (Lessee Pankapal-II Sand Bed)
S/o- Chaturbhuj Dhal
At- Brajanagar, PO- Rudhia, Dist- Jajpur.

Sub:- Show cause notice for illegally lifting of sand from Pankapal river revenue sand bed out side of your lease area and illegally engaged poclain Mechine regarding.

It is to take your notice that the Pankapal-I and Pankapal-II sand bed have been allotted to you on lease basis. It is complained by the villagers that you both are lifting the sand other than your leased area which is totally illegal and it brings to likage Govt. revenue on that spot. Also you are using the poclain Mechine in the said river bed as there is no such provison for use of mechine in the sand bed.

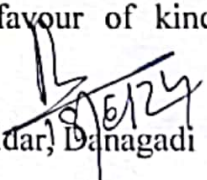
Keeping in view of above revenue loss and unauthorised use of poclain mechine. You are directed to produce all the documents regarding deposit of Royalty etc. along with transit Pass Register duely certified by the competent authority from date of inception of the operation within three days from date of receipt of this letter positively. Other wise action will be initiated against you as per OMMC Rule-2016.

Yours faithfully


Tahasildar, Danagadi

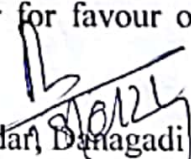
Memo No. 1613 Dt 18/06/2024

Copy submitted to the Deputy Director, Mines, Jajpur for favour of kind information and necessary action.


Tahasildar, Danagadi

Memo No. 1614 Dt 18/06/2024

Copy submitted to the ADM(Rev), Jajpur/ Sub-Collector, Jajpur for favour of kind information and necessary action.


Tahasildar, Danagadi





49

E-mail: rospcb.kalinganagar@ospcbboard.orgWebsite: www.ospcbboard.org

**REGIONAL OFFICE, KALINGANAGAR
STATE POLLUTION CONTROL BOARD, ODISHA**

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]

At: Dhabalagiri, PO: F.C. Project, Jajpur Road
Dist- Jajpur-755020, Odisha

No. 1098/KNG/SDQ/02Dt. 20.03.2024

By Regd. Post/E-dispatch/Online

CONSENT ORDER

CONSENT ORDER NO. 564/ RO-SPCB-Kalinganagar/APC & WPC

Sub: Consent under Section 25/26 of Water (P&CP) Act, 1974 and Section 21 of Air (P&CP) Act, 1981.

Ref: Your online Application No. 4730969 and this office Consent to operate order issued vide letter no. 1221 dated 26.04.2022.

Consent is hereby granted under Section 25/26 of Water (Prevention and Control of Pollution) Act, 1974 and 21 of Air (Prevention & Control of Pollution) Act, 1981 and the Rules framed there under to:

Name of the Industry/Mine : **M/s Brahmani River Sand Bed, Pankapal-01**
Address : **At-Pankapal (Over Plot No.1089 of Khata No. 224 (A-A-A) measuring area Ac. 12.30 dec./4.978 Ha., Mouza-Pankapal, Tahasil-Danagadi, Dist.-Jajpur)**

Name of the Occupier & Designation : **Sri Dillip Kumar Sahoo, Lessee**
Address : **At-Plot No.-746, 1st Floor, Saheed Nagar Bhubaneswar, Khordha.**

This consent order is valid for the period up to **31.03.2025**.

(This consent to operate is granted based on environmental clearance issued by SEIAA, Odisha vide EC Identification No.EC24B001OR134297 dtd. 12.03.2024 and subjected to validity of mining lease period)

This consent order is valid for the product quantity, specified outlets, discharge quantity and quality, specified chimney/stack, emission quantity and quality of emissions as specified below. This consent is granted subject to the general and special conditions stipulated therein.

A. Details of Products Manufactured:

Sl. No.	Product	Quantity
1.	Excavation/Quarrying of Sand	5514 m ³

PTO



B. Discharge permitted through the following outlet subject to the standard:

Outlet No.	Description of outlet	Point of discharge	Quantity of discharge KLD or KL/hr	Prescribed standards			
				pH	TSS (mg/l)	O&G (mg/l)	BOD (mg/l)
1	Domestic waste water	Soak pit via septic tank	--				

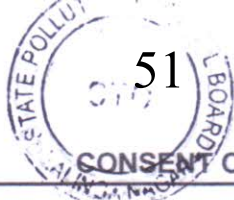
C. Emission permitted through the following stack subject to the prescribed standard:

Chimney Stack No.	Description of stack.	Stack height (m)	Quantity of emission	Prescribed standard.			
				PM	SO ₂	NO _x	

The unit shall maintain the prescribed Ambient Air & Noise Level for industrial Area within its premises

D. Disposal of solid waste permitted in the following manner:

Sl. No.	Type of solid waste	Quantity generated (TPD)	Quantity to be reused on site (TPD)	Quantity to be reused off site (TPD)	Quantity disposed off (TPD)	Description of disposal site.
1	Over burden/ Top soil	- As per approved mining plan	-	-	-	As per approved mining plan

**CONSENT ORDER****E. GENERAL CONDITIONS FOR ALL UNITS**

1. The consent is given by the Board in consideration of the particulars given in the application. Any change or alternation or deviation made in actual practice from the particulars furnished in the application will also be the ground liable for review/variation/revocation of the consent order under section 27 of the Act of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 and to make such variations as deemed fit for the purpose of the Acts.
2. The industry would immediately submit revised application for consent to operate to this Board in the event of any change in the quantity and quality of raw material / and products / manufacturing process or quantity /quality of the effluent rate of emission / air pollution control equipment / system etc.
3. The applicant shall not change or alter either the quality or quantity or the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.
4. The application shall comply with and carry out the directives/orders issued by the Board in this consent order and at all subsequent times without any negligence on his part. In case of non-compliance of any order/directives issued at any time and/or violation of the terms and conditions of this consent order, the applicant shall be liable for legal action as per the provisions of the Law/Act.
5. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent order.
6. The issuance of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State laws or regulation.
7. This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course.
8. The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board.
9. An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
10. The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment system / air pollution control system / stack monitoring system any other particulars as may be pertinent to preventing and controlling pollution of Water / Air.
11. Meters must be affixed at the entrance of the water supply connection so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act provided that the place where it is affixed shall in no case be at a point before which water has been tapped by the consumer for utilization for any purposes whatsoever.
12. Separate meters with necessary pipe-line for assessing the quantity of water used for each of the purposes mentioned below:
 - a) Industrial cooling, spraying in mine pits or boiler feed,
 - b) Domestic purpose
 - c) Process
13. The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/bathing.
14. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
15. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
16. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems install or used by him to achieve with the term(s) and conditions of the consent.
17. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed with sides and bottom made impervious.
18. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by overflow.
19. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
20. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the industry must adopt alternate satisfactory treatment and disposal measures.
21. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
22. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
23. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Act or Rules made therein.

24. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples / stack monitoring / inspection.
25. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
26. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
27. The liquid effluent arising out of the operation of the air pollution control equipment shall be treated in the manner and to ion of standards prescribed by the Board in accordance with the provisions of Water (Prevention and Control of Pollution) Act, 1974 (as amended).
28. The stack monitoring system employed by the applicant shall be opened for inspection to this Board at any time.
29. There shall not be any fugitive or episodal discharge from the premises.
30. In case of such episodal discharge/emissions the industry shall take immediate action to bring down the emission within the limits prescribed by the Board in conditions/stop the operation of the plant. Report of such accidental discharge /emission shall be brought to the notice of the Board within 24 hours of occurrence.
31. The applicant shall keep the premises of the industrial plant and air pollution control equipments clean and make all hoods, pipes, valves, stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all times.
32. Any upset condition in any of the plant/plants of the factory which is likely to result in increased effluent discharge/emission of air pollutants and / or result in violation of the standards mentioned above shall be reported to the Headquarters and Regional Office of the Board by fax / speed post within 24 hours of its occurrence.
33. The industry has to ensure that minimum three varieties of trees are planted at the density of not less than 1000 trees per acre. The trees may be planted along boundaries of the industries or industrial premises. This plantation is stipulated over and above the bulk plantation of trees in that area.
34. The solid waste such as sweeping, wastage packages, empty containers residues, sludge including that from air pollution control equipments collected within the premises of the industrial plants shall be disposed off scientifically to the satisfaction of the Board, so as no to cause fugitive emission, dust problems through leaching etc., of any kind.
35. All solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by :
 - i) Land fill in case of inert material, care being taken to ensure that the material does not give rise to leachate which may percolate into ground water or carried away with storm run-off.
 - ii) Controlled incineration, wherever possible in case of combustible organic material.
 - iii) Composting, in case of bio-degradable material.
36. Any toxic material shall be detoxicated if possible, otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The detoxication or sealing and burying shall be carried out in the presence of Board's authorized persons only. Letter of authorization shall be obtained for handling and disposal of hazardous wastes.
37. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard, vary all or any of such condition and thereupon the applicant shall be bound to comply with the conditions so varied.
38. The applicant, his/heirs/legal representatives or assignees shall have no claim whatsoever to the condition or renewal of this consent after the expiry period of this consent.
39. The Board reserves the right to review, impose additional conditions or condition, revoke change or alter the terms and conditions of this consent.
40. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
41. The conditions imposed as above shall continue to be in force until revoked under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 A of Air (Prevention & Control of Pollution) Act, 1981.
42. In case the consent fee is revised upward during this period, the industry shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board the consent order will be revoked without prior notice.
43. The Board reserves the right to revoke/refuse consent to operate at any time during period for which consent is granted in case any violation is observed and to modify/ stipulate additional conditions as deemed appropriate.

**F. SPECIAL CONDITIONS :**

01. Dust suppression shall be carried out by spraying water through mobile/fixed water sprinklers in the haul road, transportation roads, quarry areas, stockpiled areas and other dust generating areas to control the fugitive dust emission.
02. The trucks in which sand is to be transported shall be covered with tarpaulin to prevent spillage. The speed of the trucks shall be kept moderate i.e. 15 km per hour to prevent undue noise and other problems.
03. Spillage of material during transportation shall be prevented. Regular collection of spilled material, if any, from haul road shall be practiced to prevent the generation of dust due to movement of the vehicle.
04. The unit shall maintain the Ambient Air Quality as per the prescribed standards of National Ambient Air Quality inside the mining lease area.
05. The rejected sand, if any, shall be disposed of on low lying areas inside the lease hold area in proper manner without causing environmental pollution.
06. The area from which sand has been extracted be leveled and free of any foreign debris/materials after completion of the mining and expiry of the lease period.
07. The proponent shall take necessary measures to ensure no adverse impact due to mining activities shall occur to the nearby existing human habitation.
08. The unit shall abide by all the provisions of E (P) Act 1986 and Rules framed there under.
09. The Board reserves the right to revoke / refuse consent at any time during this period in case any violation is observed and to modify / stipulate additional conditions as deemed appropriate.
10. The lessee has to undertake that, in case of consent fee is revised upward during this period, they shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board, the consent order will be revoked without prior notice.

**CONSENT ORDER**

The lessee must comply with the conditions stipulated in section A, B, C, D, E and F to keep this consent order valid.

[Signature]
20-03-24

REGIONAL OFFICER

Regional Officer
State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur

To

Sri Dillip Kumar Sahoo, Lessee
M/s Brahmani River Sand Bed, Pankapal-01
At-Plot No.-746, 1st Floor, Saheed Nagar
Bhubaneswar, Khordha, 751007.

Memo No. 1099 / Dt. 20-03-2024 / E-dispatch

Copy forwarded to:

1. The Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar.
2. The Collector & District Magistrate, Jajpur.
4. The Dy. Director of Minor Minerals, Jajpur Town, Jajpur
5. Guard File/Consent register.

[Signature]
20-03-24

REGIONAL OFFICER

Regional Officer
State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur

9/c



CONSENT ORDER

GENERAL STANDARDS FOR DISCHARGE OF ENVIRONMENTAL POLLUTANTS PART -A : EFFLUENTS

Sl. No.	Parameters	Standards			
		Inland surface	Public sewers	Land for irrigation	Marine Costal Areas
		(a)	(b)	(c)	(d)
1.	Colour&odour	Colourless/Odourless as far as practicable	----	See 6 of Annex-1	See 6 of Annex-1
2.	Suspended Solids.(mg/l)	100	600	200	a For process wastewater – 100 b. For cooling water effluent 10% above total suspended matter of influent.
3.	Particular size of SS	Shall pass 850	----	----	
5.	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6.	Temperature	Shall not exceed 5°C above the receiving water temperature	-----	-----	Shall not exceed 5°C above the receiving water temperature
7.	Oil & Grease mg/l max.	10	20	10	20
8.	Total residual chlorine	1.0	---	-----	1.0
9.	Ammonical nitrogen (as N) mg/l max.	50	50	-----	50
10.	Total Kjeldahl nitrogen (as NH ₃) mg/1 max.	100	---	-----	100
11.	Free ammonia (as NH ₃) mg/1 max.	5.0	---	-----	5.0
12.	Biochemical Oxygen Demand (5 days at (20°C) mg/1 max.	30	350	100	100
13.	Chemical Oxygen Demand, mg/1 max.	250	---	-----	250
14.	Arsenic (as As) mg/1 max.	0.2	0.2	0.2	0.2
15.	Mercury (as Hg) mg/1. max.	0.01	0.01	-----	0.001



16.	Lead (as pb) mg/1 max.	01	1.0	-----	2.0
17.	Cardmium (as Cd) mg/1 max.	2.0		-----	2.0
18.	Hexavalent Chromium (as Cr + 6) mg/l max.	0.1	2.0	-----	1.0
19.	Total Chromium (as Cr) mg/l max.	2.0	2.0	-----	2.0
20.	Copper (as Cu) mg/l max.	3.0	3.0	-----	3.0
21.*	Zinc (as Zn) mg/l max.	5.0	15	-----	15
22.	Selenium (as Sc) mg/l max.	0.05	0.05	-----	0.05
23.	Nickel (as Nil) mg/l max.	3.0	3.0	-----	5.0
24.	Cyanide (as CN) mg/l max.	0.2	2.0	0.2	0.02
25.	Fluoride (as F) mg/l max.	2.0	15	-----	15
26.	Dissolved Phosphates (as P) mg/l max.	5.0	-----	-----	-----
27.	Sulphide (as S) mg/l max.	2.0	-----	-----	5.0
28.	Phennolic compounds as (C ₆ H ₅ OH) mg/l max.	1.0	5.0	-----	5.0
29.	Radioactive materials a. Alpha emitter micro curle/ml. b. Beta emitter micro curle/ml.	10 ⁷ 10 ⁶	10 ⁷ 10 ⁶	10 ⁸ 10 ⁷	10 ⁷ 10 ⁶
30.	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
31.	Manganese (as Mn)	2 mg/l	2 mg/l	-----	2 mg/l
32.	Iron (Fe)	3 mg/l	3 mg/l	-----	3 mg/l
33.	Vanadium (as V)	0.2 mg/l	0.2 mg/l	-----	0.2 mg/l
34.	Nitrate Nitrogen	10 mg/l	-----	-----	-----

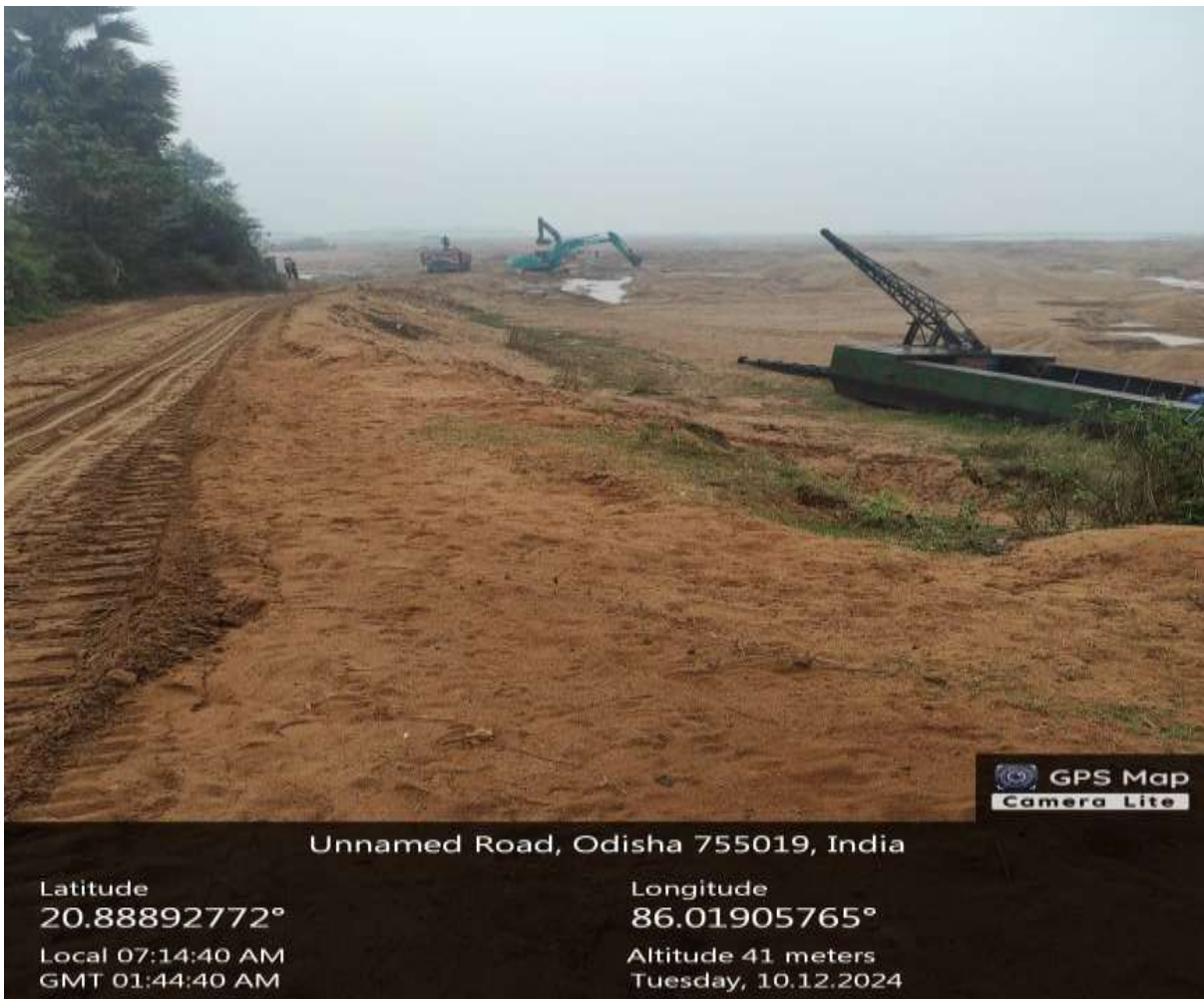
Signature Not Verified

Digitally Signed by : REGIONAL OFFICER KALINGANAGAR

Date: 2024.03.21 10:30:08 IST

PTO

THAT THE BELOW ATTACHED PHOTOGRAPH DATED 10/12/2024 SUGGESTS THAT THERE EXIST A SUCTION MACHINE WHICH IS INSTALLED IN A BOAT AND THE SAME IS USED BY THE PRIVATE RESPONDENT NO.-11 FOR IN STREAM MINING WHICH IS BANNED.



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 10/12/2024 SUGGESTS THAT THE PRIVATE RESPONDENT NO.11 IS USING HEAVY MACHINES FOR SAND MINING FROM THE SITE IN QUESTION.



GPS Map
Camera Lite

Unnamed Road, Odisha 755019, India

Latitude

20.88902224°

Longitude

86.01970388°

Local 07:12:22 AM

GMT 01:42:22 AM

Altitude 41 meters

Tuesday, 10.12.2024

THAT THE BELOW ATTACHED PHOTOGRAPH DATED 10/12/2024 SUGGESTS THAT THE PRIVATE RESPONDENT NO.-11 IS USING HEAVY MACHINES FOR SAND MINING FROM THE SITE IN QUESTION.



GPS Map
Camera Lite

Unnamed Road, Odisha 755019, India

Latitude
20.88893771°

Longitude
86.01949301°

Local 07:11:23 AM
GMT 01:41:23 AM

Altitude 41 meters
Tuesday, 10.12.2024

THAT THE BELOW ATTACHED PHOTOGRAPH DATED 10/12/2024 SUGGESTS THAT THE PRIVATE RESPONDENT NO.-11 IS USING HEAVY MACHINES FOR SAND MINING FROM THE SITE IN QUESTION.



GPS Map
Camera Lite

Unnamed Road, Odisha 755019, India

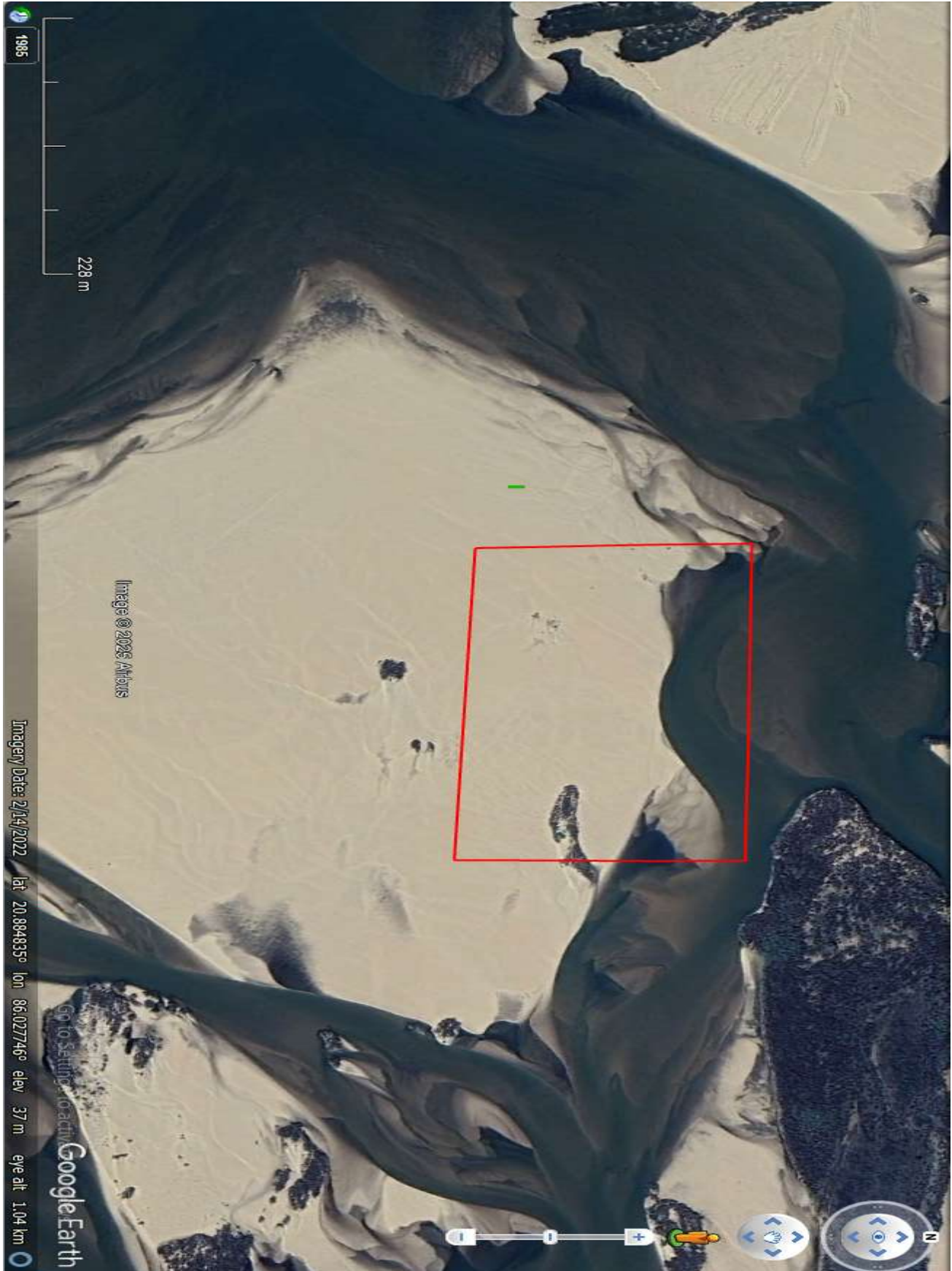
Latitude
20.88889716°

Longitude
86.01904859°

Local 07:09:13 AM
GMT 01:39:13 AM

Altitude 41 meters
Tuesday, 10.12.2024

THAT THE BELOW ATTACHED GOOGLE EARTH IMAGE SUGGESTS THAT THE RESPONDENT NO.11 HAS EXTRACTED SANDS BEYOND THE LEASE AREA.





APPENDIX: TABLE -9

**NORMAL DATES OF ONSET AND WITHDRAWAL OF
SOUTH-WEST MONSOON**

The India Meteorological Department, Nagpur, vide letter No. NAGPUR RMC /CS-312, dated 18th January, 2016 has provided the period of Rainy Season viz. Normal dates of Onset and Withdrawal of Southwest Monsoon over India as state-wise and union territory-wise which are as below:-

States	Normal date of Onset of SW-Monsoon	Normal date of Withdrawal of SW-Monsoon
Andhra Pradesh	1st June	15th October
Arunachal Pradesh	5th June	15th October
Assam	5th June	15th October
Bihar	10th June	15th October
Chhattisgarh	10th June	15th October
Goa	5th June	15th October
Gujarat	15th June	15th September
Haryana	1st July	15th September
Himachal Pradesh	1st July	15th September
Jammu & Kashmir	1st July	15th September
Jharkhand	10th June	15th October
Karnataka	5th June	15th October
Kerala	1st June	15th October
Madhya Pradesh	15th June	1st October
Maharashtra	10th June	1st October
Manipur	1st June	15th October
Meghalaya	1st June	15th October
Mizoram	1st June	15th October
Nagaland	5th June	15th October
Odisha (Orissa)	5th June	15th October
Punjab	1st July	15th September
Rajasthan	1st July	1st September
Sikkim	5th June	15th October
Tamil Nadu	1st June	15th October
Telangana	5th June	15th October
Tripura	1st June	15th October

TRUE COPY

Advocate

By e-Mail/Fax

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

RDM-MMS-EXINST-0001-2019- ¹²⁶¹¹ /R&DM Dated 26.04.2019

From

Shri Nikunja B. Dhal, IAS
Principal Secretary to Government

To

All Collectors

Sub: Guidelines for regulating the sand quarrying in the State.

Madam/Sir,

Sand is the most important minor mineral used for various development projects and construction of buildings. Increase in demand of sand has put immense pressure on the sand sources, at times leading to illegal quarrying activities.

Unscientific sand quarrying and illegal lifting not only causes revenue loss to the state exchequer but also distorts the natural equilibrium of rivers. Indiscriminate sand mining may also lead to change of the course of rivers and embankment cave-in thereby threatening the life of inhabitants of villages situated along the river bank.

A number of instructions/guidelines have been issued by this Department from time to time to prevent illegal lifting of minor minerals. Grant of quarry lease is regulated as per the provisions of Chapter-IV of OMMC Rules, 2016.

To ensure scientific quarrying, transparent distribution and to prevent illegal lifting / theft of minor minerals, a scheme namely '*prevention of theft of minor minerals and eviction activities*' was launched during 2018-19 vide Resolution No. 23225/R&DM dated 28.06.2018. To implement the scheme, funds to the tune of Rs. 5.00 Crore was initially placed with Collectors vide this Department sanction order no. 25548 dated 11.07.2018.

In continuation of various instructions issued in the past, the following guidelines and instructions are issued for streamlining the process of sand quarrying and preventing illegal lifting of sand:

A. Identification of sources:

- i. Tahasildar shall conduct joint verification with Assistant Executive Engineer/ Executive Engineer of Water Resources Department for identification of specific river stretches having proper access for grant of quarry leases.
- ii. The boundaries of sand sources should be properly demarcated by pillar posting as instructed vide this Department letter No.15640 dtd. 15.05.2017.
- iii. In no case the lessee should be allowed to extract sand beyond the lease area.

B. Mining plan and environment clearances / approvals:

- i. Tahasildar (Competent Authority) shall get the mining plans prepared in advance through Registered Qualified Persons (RQP) in respect of the sources within his jurisdiction.
- ii. While preparing mining plan the distance of hydraulic structures including dams, barrages, check dams, bridges etc., location from habitations, heritage sites, monuments and public infrastructure facilities should be taken into consideration. Sand quarrying operation should not endanger the safety of these structures & imperil the lives of the people.
- iii. The Tahasildar shall apply for and obtain the Environmental Clearance (EC). The selected bidder shall bear cost of the preparation of mining plan and also the costs incurred for obtaining the EC.
- iv. In case the approval of mining plan and the Environmental Clearance have not been obtained by the Competent Authority, the selected bidder shall obtain the same before executing the lease deed.
- v. State Pollution Control Board (SPCB), Odisha vide their Notice dated 12.05.2016 (copy enclosed) have informed all concerned that the lease holders of all minor mineral mines (irrespective of lease hold area) in the State are brought under the consent administration of the Board under the Water (PCP) Act, 1974 and Air (PCP) Act, 1981 and that for

operation of any minor mineral mines in the State, consent from the SPCB shall be obtained. The operation of any minor mineral mines in the State without obtaining consent from the SPCB will be considered as violation under section 25 of Water (PCP) Act, 1974 and under section 21 of Air (PCP) Act, 1981 and would lead to initiation of appropriate legal action.

- vi. It shall be the responsibility of the lessee to obtain the Consent to Operate (CTO) from State Pollution Control Board (SPCB) before commencement of the quarrying operation.
- vii. Care should be taken to follow all the environmental norms issued from time to time by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Govt. of India and Forest & Environment Department, Govt. of Odisha prior to lease of any sand source and during operation of the same. The lessee shall be responsible for implementing the Environment Management Plan (EMP).

C. Quarrying/Mining operation:

- i. Quarrying operation should be done strictly within the mining area as per the Mining plan. It should be undertaken only after putting in place the required environmental safeguards.
- ii. The depth of the quarry shall be restricted to three meters or water level, whichever is less.
- iii. The lessee shall not damage the embankment of the river.
- iv. No quarrying operation of sand shall be allowed through mechanized means and suction method.
- v. The lessee shall not dispatch the sand without a valid transit pass in Form-Y issued by the Tahasildar.
- vi. Since Hon'ble High Court in the order dated 19.07.2012 in WP (C) No. 12232 of 2012 have observed that the transport permit is issued only to transport the sand extracted from the sand sairat within the state of Odisha, the lessees should be instructed not to transport sand outside the State. Clarification in this regard has already been issued from this Department vide letter No. 36404 dated 02.12.2014.

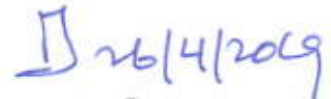
D. Steps for prevention of illegal sand quarrying/mining:

- i. District Administration shall put in place a robust monitoring mechanism to continuously monitor the quarrying activities of sand sources.
- ii. If any incidence of extraction of sand beyond the lease area by lessee is found, the same shall be treated as unauthorized and the lessee be penalized as per section 21(5) of MMDR Act, 1957 and the provisions of Rule 51 of OMMC Rules, 2016.
- iii. If any damage to embankments of the rivers comes to the notice, the lease shall be cancelled on obtaining the report from Assistant Executive Engineer / Executive Engineer of Water Resources Department.
- iv. The Revenue Administration and Police Administration shall seize all machines, vehicles, etc. used for carrying out illegal sand quarrying.
- v. Apart from instituting appropriate criminal proceedings against those carrying out illegal quarrying activities and transporting sand without valid 'Y' Form, maximum penalty should be imposed against them.
- vi. The District Administration should remain vigilant to prevent any incidence of interstate transportation of sand. If any such incidence comes to notice, the lease should be cancelled.
- vii. Temporary check gates may be set up during peak constructions season at common exit points to be decided by the Collectors. Care should be taken not to set up these posts on the National Highways and State Highways so that the general vehicular traffic is not affected and the commuters are not put to trouble.
- viii. Squads should be constituted at district and sub-divisional levels to conduct surprise checks in the sand quarrying areas and check the vehicles transporting sand. Raid/checking should always be done with adequate security arrangement to ward off any untoward situation.
- ix. Technical support of ORSAC may be taken for satellite based monitoring of very important sand sairats.

- x. All the complaints of unauthorized sand quarrying should be enquired by the Sub-Collector/ Addl. Sub-Collector/Tahasildar within 72 hours and remedial measures should be taken promptly.
- xi. Status of cases detected and action taken thereon for violation of provisions of OMMC Rules, 2016 and the Environmental Regulations should be reviewed in the monthly district level revenue meetings, and the issues arising thereon should be sorted out.

You are, therefore, advised to take all necessary measures for enforcing the above mentioned guidelines for preventing illegal and unauthorised sand quarrying in the State. Any deviation in implementation and enforcement of the provisions of the OMMC Rules, 2016 and the environmental regulations shall be viewed seriously and action deemed proper shall be initiated against the erring officer(s).

Yours faithfully,



Principal Secretary to Government

Memo No. 12612 /R&DM Dated 26.04.2019

Copy forwarded to Steel & Mines Department / Forest and Environment Department / Water Resources Department / Member Secretary, SPCB / CEO, ORSAC for information and necessary action.


26.4.2019
Additional Secretary to Government

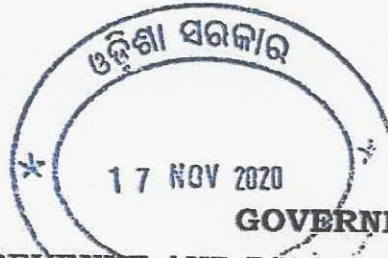
Memo No. 12613 /R&DM Dated 26.04.2019

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ All Revenue Divisional Commissioners for information and necessary action.


26.4.2019
Additional Secretary to Government

11/16/2020

Rich Text Editor, qA8Pgs-cnt



BY FAX/ E-MAIL

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-MMS-POLICY-0001-2020- 33056 / R&DM, dtd.16 NOV 2020

From

Sri Biranchi Narayan Dash,
Deputy Secretary to Government

To

Addl. Chief Secretary to Government, F & E Department/
Principal Secretary to Government, WR Department/
Principal Secretary to Government, Steel & Mines Deptt./
Comm. -cum- Secretary to Government, Works Deptt./
Secretary, Board of Revenue, Odisha, Cuttack/
Revenue Divisional Commissioner (CD), Cuttack, Odisha/
Revenue Divisional Commissioner (SD), Berhampur,
Odisha/
Revenue Divisional Commissioner (ND), Sambalpur,
Odisha/
Director, Minor Minerals, Odisha

Sub: Minutes of meeting held on 11.11.2020 on optimum and sustainable exploitation of minor minerals for increasing availability of minor minerals and augmentation of revenue.

Madam/Sir,

I am directed to enclose herewith a copy of the minutes of the meeting on optimum and sustainable exploitation of minor minerals for increasing availability of minor minerals and augmentation of revenue held on 11.11.2020 under the Chairmanship of Chief Secretary through MICROSOFT TEAMS for kind information and necessary action.

Yours faithfully,

[Signature]
16/11/2020
Deputy Secretary to Government

9

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MINUTES OF THE MEETING ON OPTIMUM AND SUSTAINABLE EXPLOITATION
OF MINOR MINERALS FOR INCREASING AVAILABILITY OF MINOR MINERALS AND
AUGMENTATION OF REVENUE.

A meeting on optimum and sustainable exploitation of minor minerals for increasing availability of minor minerals and augmentation of revenue was held under the Chairmanship of Chief Secretary through MICROSOFT TEAMS at 12.30 PM on 11.11.2020. Additional Chief Secretary, Forest & Environment, Principal Secretary, Water Resources, Principal Secretary, Steel & Mines, Principal Secretary, R & DM, Commissioner-cum-Secretary, Works, Secretary, Board of Revenue, all RDCs, Director, Minor Minerals attended the meeting.

Initiating the discussion, Principal Secretary, R&DM briefed on the objectives of the meeting and made a power point presentation of the strategy adopted/ contemplated by R&DM Deptt. for optimum and sustainable exploration on minor minerals so as to increase availability of minerals and enhancement of the state revenue. He highlighted strategies like operationalization of all sources, identification of new sources, more particularly large patches and rivers sand beds, provision of lease/ permit with regard to private land making necessary amendment to OMMC Rules and OLR Act, regulation of stone crusher units and brick kilns, technological interventions like i4MS and e-auction to bring about substantial transformation in minor minerals administration etc.

RDC (ND) suggested to give responsibility of enforcement activities to prevent theft/illegal mining of minor minerals to the Tahasildar and IIC/OIC of concerned police station jointly instead of Tahasildar only. RDC (SD) pointed out the delay in grant of Environmental Clearance by SEIAA and suggested to have a full proof mechanism for monitoring of actual quantum of extraction and transportation of minor minerals from the sources. Principal Secretary, Steel & Mines Deptt. discussed about the functioning of i3MS which provides real time information on material extracted at source point till delivery at destination point. A similar system in the form of i4MS can address the monitoring issue in respect of minor minerals. Commissioner-cum-Secretary, Works opined on reservation of big minor mineral sources for leasing in favour of State PSUs and suggested to issue step by step instruction to Collectors for implementation of such provision. Secretary, Board of Revenue shared his view on delay in signing of lease deed. Additional Chief Secretary, Forest & Environment laid stress on submission of error free proposals by Tahasildars for grant of E.C. so that queries raised at SEIAA/ SEAC level are minimized.

Chief Secretary emphasized on optimum exploration of minor mineral potential through scientific and sustainable mining to bridge the demand supply gap and increase revenue. After detailed discussion following decisions were taken.

1. Water Resources Department will take special initiative to do scientific analysis of river sand availability for excavation. Specific river stretches will be identified by them and recommended to Revenue & DM Department within next two months.

2. Revenue & DM Deptt. will take steps for identification of large minor mineral sources which can be reserved/ leased out to State PSUs following due procedure.



RDM-MMS-POLICY-0001-2020/1/2020

3. Forest & Environment Deptt. will work out the additional staff need of SEIAA to meet the workload in respect of processing proposals/ applications for grant of Environmental Clearance and to intimate to Home Department so that Home Department will take steps to deploy staff accordingly.

4. Revenue Divisional Commissioners will conduct weekly review meetings on every Monday of the pendency of applications submitted by Tahasildars to SEIAA for grant of EC and position with regard to submission of compliances by Tahasildars on objections raised by SEIAA and intimate the progress to Revenue & DM Department.

5. Revenue & DM Department will examine the suggestion of RDC(ND) regarding joint responsibility of Tahasildars and IICs/OICs of concerned police stations to prevent theft/ illegal mining of minerals. It will also work on the prospect of establishment of a Minor Mineral Corporation in the state.

The meeting ended with vote of thanks to the Chair.

This issues with kind approval of the Chief Secretary in OSWAS File No. RDM-MMS-POLICY-0001-2020.



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**YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST**

(Regd. Number-40052302150)

+91 89176 28386

youthunitedtrust@gmail.com

At/Po- Santhapada
PS-Talcher Dist-Angul
pin-759104

Ref : 01122414

Date : 01/12/2024

To

1. Chairman, State Pollution Control Board, Unit VIII, Bhubaneswar, 751016, chairman@ospcboard.org
2. Principal Secretary, Water Resource Department, Government of Odisha, Rajib Bhawan, Bhubaneswar, Dist- Khurda, 751001, wrsec@nic.in
3. District Collector, Jajpur, At/po- Jajpur, PIN-755001, dm-jajpur@nic.in
4. Member Secretary, State Environment Impact Assessment Authority, Odisha, QR No- 5RF-2/1, Unit IX, Bhubaneswar , Odisha, 751022, [ms-seiaa-or@gov.in](mailto:seiaa-or@gov.in)
5. Regional Officer, State Pollution Control Board Odisha Kalinga Nagar, At- Dhabalagiri, Po – F.C Project, Jajpur Road, Dist – Jajpur – 755020, rospcb.kalinganagar@ospcboard.org
6. Deputy Director of Mines, Jajpur, At/po- Jajpur Road, Dist-Jajpur PIN-755001, Odisha, ddm.jajpur@orissamineals.gov.in
7. Superintendent of Police, At/Po-Jajpur, Dist-Jajpur PIN-755001, Odisha, spjpp.odpol@nic.in

Sub- Illegal Mechanical Sand Mining at Pankapal-1 and Pankapal-2 sand bed, Brahmani River, Danagadi, Jajpur

Dear Sir,

1. I Santanu Kumar Bhukta president of Youth United For Sustainable Environment Trust wish to bring to your kind attention to the following few lines for urgent action and necessary intervention,

1. That there are two sand beds namely pankapal-1 and pankapal-2 in Pankapal village of Danagadi Tahasil, and the illegal mining is continues in both the quarries.

2. The environment clearance letter dated 12th March 2024, granted for sand mining over an area of 4.978 Ha in Pankapal-I in Danagadi Tehsil, Jajpur in Brahmani River in favour of the lessee Dillip Kumar Sahoo who is operating the Pankapal- 1 sand quarry by violating the conditions of lease, mining plan, consent to operate as well as environment clearance.

3. That the lessees of both the sand quarries are operating the mining by violating the conditions of lease, mining plan, consent to operate as well as environment clearance. The non-compliances are listed as follows

- i) use of machines(excavators) when permission is only for manual mining (only through labour and no machine to be used for mining the sand)

- ii) Excess mining than the permissible limit,
 - iii) Mining beyond the designated lease area of 4.978 hactre
 - iv) Plying of over loaded vehicles on river embankment without approval from Irrigation department
 - v) Vehicles engaged in mining causing pollution and not covered with tarpaulin causing more pollution
 - vi) Sand mining close to embankment in violation of safety zone which is usually $1/5$ of the width of the river so as to protect the embankment from erosion and breach.
4. That there is a Bridge in Brahmani River at (Kabatghai- Sasan) in close proximity to the present mining site at Pankapal. Further the bridge is already damaged and in this regard a warning has been placed on the bridge. Hence using earth movers (excavators) and heavy vehicles at mining site and further the plying of heavy vehicles on bridge will further impact the damaged condition of the bridge.
5. That the embankment do not have carrying capacity to endure the over loaded heavy vehicles and the embankment cannot be used for transportation of heavy vehicles for any purposes other than irrigation. It is further submitted that the transportation of vehicles on embankment and unsafe bridge poses further threat to the Brahmani Bridge
6. That the present sand mining at Pankapal has not maintained the safe distance from embankment and as required the mining should be in river leaving apart $1/5^{\text{th}}$ of the total width of river from the embankment. In the present case the width of the river is around

1200mtre and in that case the mining should not be allowed with in 250mtre from the embankment. However the sand mining is taking place within 50mtre from the embankment. This will threaten the embankment

7. That around 200 heavy vehicles and two excavators are engaged every day by the private respondent in transporting sand from the mining site and around 1200cm of sand are lifted every day there by in a month around 36000cm of sand are lifted. This excess mining without prior approval is violation of the environment clearance condition.
8. Further the environmental clearance letter restricts that there should not be any in stream mining and in the present case the lessee is lifting the sand from in stream of the river
9. The vehicles carrying the sand do not cover with tarpaulin and being overloaded and thereby causing air/dust pollution. That the local people have to face much inconvenience because of uncovered tractors carrying the sand from the mining site through busy streets and populated village road of the petitioners.
10. That there has been no sprinkling of water on Road and because of transportation of heavy vehicles it causes more air and dust pollution.

That the vehicles use to operate even in Peak hour which is a violation of the Environment Clearance Condition

11. That there has been no monitoring by any of the regulators or the Tahasildar whether the conditions are being complied or not and that allows the lessee to violate the norms in broad day light.

12. That in this regard in the year 2022 an original application was filed before the Hon'ble National Green Tribunal and while deciding the case Hon'ble NGT held that ,

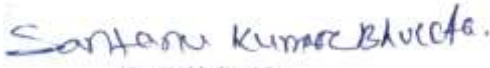
Para 27- "We further direct that the Collector, Jajpur, shall ensure effective mechanism for annual environmental audit to be conducted by experts in the field. Further, the State Authorities, particularly the Collector, Jajpur, must ensure that the vehicles transporting sand and minor minerals may be fixed with electronic devices (GPS enabled) for facilitating and tracking the movement of vehicles carrying sand and minor minerals. The Collector, Jajpur, is further directed that CCTV cameras be installed at strategic locations near the sand beds as well as entry and exit points of the vehicles to ensure continuous monitoring". That the

mining operation has been started without complying with the order of the Hon'ble NGT, and there has been no facility available for GPS tracking to track the movement of sand carrying/transporting, and also no CCTV has been installed in the Pankapal-1 and Pankapal-2 sand bed.

13. That in this regard a news also published in an Odia news paper Dharitri on 01/12/2024 copy of the news paper is also attached.

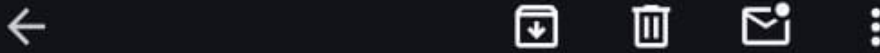
Therefore I request you to look into the matter and take necessary action such as revocation of environment clearance and Consent to Operate, Cancellation of Lease Agreement and impose the heavy penalty for environmental compensation and cost of excess mining be recovered from the lessee.

Sincerely


Youth United for
Sustainable Environment Trust
President

Santanu Kumar Bhukta

(President) Youth United For Sustainable Environment Trust



Illegal mechanical sand mining plz look the matter  Inbox



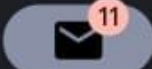
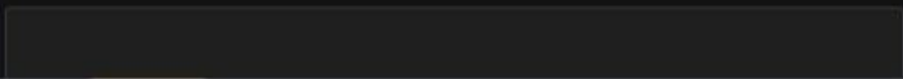
Youth United For... 12/1/2024
to dm-jajpur, ddm.jajpur, ...



Illegal mechanical sand mining at pankapal-1&2 sand bed
bramhmani river, danagadi,jajpur



Mail Delivery Su... 12/1/2024
to me





ବାଲି ଉତ୍ତୋଳନରେ ଲାଗିଛି ମେଣିନ, ଭାରିଯାନ

ଯାଜପୁର, ୩୦.୧୧
(ବର୍ତ୍ତମାନ ବେଳେ)

ଯାଜପୁର ଜିଲ୍ଲା ବାଲିର ବିଭିନ୍ନ ଅଞ୍ଚଳରେ ବାଲି ଉତ୍ତୋଳନ ପାଇଁ ଉତ୍ତୋଳନ କରାଯାଉଛି। ବାଲି ଉତ୍ତୋଳନରେ ମେଣିନ ବ୍ୟବହାର ନ କରିବାକୁ ନ୍ୟାଶନାଲ ଗ୍ରାଉଁ ଡିଭିଜନ (ଏନ୍‌ଡିଡି) ନିର୍ଦ୍ଦେଶ ଦେଇଛି। ଯେଉଁ ଖଣି, ପୋଲିସ, ପ୍ରଶାସନ, ସ୍ଥାନୀୟ ନେତା, ରାଜ୍ୟ ପ୍ରଦୁଷଣ ନିୟନ୍ତ୍ରଣ ବୋର୍ଡ (ଏପିସିଏନି)ର ସ୍ଥାନୀୟ ଅଧିକାରୀଙ୍କୁ ହାତ କରି ଲିଭିଥାଏ ଏବଂ ଏହାକୁ ମେଣିନ ଉତ୍ତୋଳନରେ ନିର୍ଦ୍ଦେଶ ଦେଇଛି। ଏ ସଂସ୍ଥାରେ ୨୦୨୦ ଜାନୁଆରୀରେ ବାଲି ଖାଦ୍ୟ ଓ ପରିବହନରେ ପ୍ରଭାବିତ ପକ୍ଷର ଗ୍ରାମବାସୀ ବିଭାଗୀୟ ଦୁର୍ଗ୍ଗ ଆକର୍ଷଣ କରିଥିଲେ ବୁଝା ଲାଗିଥିବା ପ୍ରକାର ପାଇ ନ ଥିଲେ। ୨୦୨୨ରେ

ସଙ୍କୀର୍ଣ୍ଣ ବାଲି ସେବା

- ନିର୍ଦ୍ଦେଶ ପରିମାଣଠାରୁ ବହୁ ଗୁଣ ଅଧିକ ଚାଲାଇ
- ଖଣି, ପୋଲିସ, ପରିବେଶ ବିଭାଗ ନୀତି

ପକ୍ଷର ବାଲି ସେବାକୁ ୫ ବର୍ଷ ନିମନ୍ତେ ସେବାରେ ଧରିଆଣ ଆଇନ ଅନୁସାରେ ବିଭିନ୍ନ ସର୍ତ୍ତରେ ଲିଭି ଦିଆଯାଇଥିଲା। ଯେଉଁ ପୂର୍ବରୁ ବାଲି ଉତ୍ତୋଳନ ବେଳାରେ ଧାରା ଏବେ ବି ଚାଲି ରହିଥିବା ଅନୁମତିପାତ୍ର ଅଧିକାରୀଙ୍କୁ କୁହାଯାଇଛି। ଏହାକୁ ଅନୁମତିପାତ୍ର ପକ୍ଷରୁ ପ୍ରତ୍ୟେକ ବର୍ଷ ନିୟମିତ ଭାବରେ ଉତ୍ତୋଳନ କରାଯିବ ବୋଲି ନିର୍ଦ୍ଦେଶ ଦିଆଯାଇଛି। ଏପିସିଏନିର ସହାୟକ ସମିତିର ଦ୍ଵାରା ଆକର୍ଷଣ କରିଥିବା ଆଇନ ଅନୁଯାୟୀ ବାଲି ଖାଦ୍ୟରେ



ବାଲି ଉତ୍ତୋଳନରେ ମେଣିନ ବ୍ୟବହାର କରାଯାଉଛି।

ବାଲି ଉତ୍ତୋଳନରେ ମେଣିନ ବ୍ୟବହାର କରାଯାଉଛି। ବାଲି ଉତ୍ତୋଳନରେ ମେଣିନ ବ୍ୟବହାର କରାଯାଉଛି। ବାଲି ଉତ୍ତୋଳନରେ ମେଣିନ ବ୍ୟବହାର କରାଯାଉଛି।

ଅବସ୍ଥା ଉତ୍ତୋଳନରେ ମେଣିନ ବ୍ୟବହାର କରାଯାଉଛି। ବାଲି ଉତ୍ତୋଳନରେ ମେଣିନ ବ୍ୟବହାର କରାଯାଉଛି। ବାଲି ଉତ୍ତୋଳନରେ ମେଣିନ ବ୍ୟବହାର କରାଯାଉଛି।

ENGLISH TRANSLATION OF ANNEXURE-10**MACHINES AND HEAVY VEHICLES ARE ENGAGED IN SAND
MINING**

There is an allegation of daily illegal extraction of sand from Pankapal Sand Sairat of Brahmani river under Dangadi Tahasil of Jajpur district. The National Green Tribunal (NGT) has directed not to use machines in sand extraction. The miners, police, administration, local leaders, local officials of the State Pollution Control Board (SPCB) have been accused of grinding sand many times more than the prescribed amount with the help of league-owned sandblasting machines.

In this regard, in January 2020, the villagers of Pankpal, who were affected by sand mining and transport, drew the attention of the District Collector, but did not get any results. In 2022 Pankapal sand quarry was given a 5-year lease to Daitari Dhal on various conditions as per the law. The residents of the area are still complaining about the ongoing illegal mining. Pratap Chandra Mohanty, on behalf of the residents of the area, has drawn the attention of Jajpur District, Deputy Director of Minor Mines (DDM), Member Secretary of SPCB to conduct an immediate investigation and take appropriate measures.

Residents of that area are also alleging that the Mining department, District administration and police department have the power to seize the machines and vehicles that are used in illegal sand mining but the authorities have become mute spectators and are not taking any action against the persons involved in illegal sand mining from the Pankapal sand quarry. Due to excessive use of heavy machines in the sand quarry, water supply pump houses, Brahmani Bridge, riverbeds and river embankments in nearby areas are under threat. Sand are being transported using heavy vehicles for which the roads are completely unusable. It is alleged that the sand is being transported to various industrial plants through fake transit passes and excessive sand hauling. Earlier, the villagers filed a case in NGT 48/2016. There was an order from the NGT to lift the sand manually instead of lifting sand with the help of cranes and machines. It is urged by the villagers to take necessary action against the persons violating the law. The government is losing huge crores of rupees by supporting such illegal activities. The officers are also helping the sand mafias by taking huge amount of bribes.



Tel : 06726-221153

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REGIONAL OFFICE, KALINGANAGAR
STATE POLLUTION CONTROL BOARD, ODISHA
 [DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
 At Dhabalagiri, PO: F.C. Project, Jajpur Road
 Dist- Jajpur-755020, Odisha

No. 1140 /KNG/SDQ/02Dt. 13.04.2022 /
By Regd. Post**OFFICE MEMORANDUM**

In consideration of your online application no. 4069132 for obtaining Consent to Establish, for **Brahmani River Sand Quarry, Pankapal-I** the State Pollution Control Board, Odisha, has been pleased to convey its Consent to Establish under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 for **Excavation/Quarrying of Sand of quantity 36000 m³/Annum during the lease period (Maximum quantity of sand allowable: 6000 m³ in 1st year)** on Plot No. 1089 of Khata No. 224(A.A.A), measuring area **Ac. 12.30 Dec (4.978 Ha.)**, at Mouza Pankapal, Tahasil-Danagadi in the district of Jajpur with the following conditions:-

GENERAL CONDITIONS:

1. This Consent to establish is valid for the raw material, product, manufacturing process and capacity mentioned in the application form. This order is valid for 5 years, which means the proponent shall commence construction of the project within a period of five years from the date of issue of this order. If the proponent fails to do substantial physical progress of the project within 5 years, then a renewal of this consent to establish shall be sought by the proponent.
2. The proponent is to comply with the provisions of E (P) Act, 1986 and the rules made there under with their amendments from time to time such as Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016, as amended from time to time, Hazardous Chemical / Manufacture, Storage and Import Rule, 1989 etc. and the amendments there under. The industry shall also comply to the provisions of Public Liability Insurance Act, 1991, if applicable.
3. The mine is to apply for grant of consent to operate under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 (If coming under air pollution control area) at least 3(three) months before the commercial production and obtain Consent to Operate from the Board.
4. **This consent to establish is subject to statutory and other clearances from Government of Odisha and / or Government of India as and when applicable.**

SPECIAL CONDITIONS:-

1. This consent to establish granted under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 shall be subject to mining plan approved by the Deputy Director Geology, Bhubaneswar, Environment clearance issued by SEIAA and lease granted under O.M.M.C. Rules, 2016.



2. The water sprinkling system shall be provided in the haul road, transportation roads, quarry areas, stockpiled areas and other dust generating areas to control the fugitive dust emission.
3. The lessee/project proponent shall provide adequate sanitation facilities for its workers to avoid any open defecation and unhygienic condition in the surrounding areas.
4. Domestic effluent, if any, generated from the mine shall be discharged to soak pit via septic tank constructed as per BIS specification.
5. The mine shall comply with additional guidelines/environmental regulations as stipulated/revised from time to time.
6. Vehicle hired for transportation of minor mineral from the mine should be in good condition and should have PUC Certificate. Vehicles should conform to the air & noise emission standards and should be operated during non peak hours.
7. The vehicles on which soil is to be transported shall not be overloaded and to be covered with tarpaulin to prevent spillage and getting air borne. The speed of the trucks shall be kept 15 Km per hour to prevent undue noise and other problems.
8. The mine shall undertake plantation as mentioned in the approved mining plan.
9. The rejected sand, if any, shall be disposed within the lease hold area as per the approved mining plan.
10. The project proponent shall obtain NOC from CGWA for withdrawal of groundwater required for the project, if any.
11. Ambient air quality inside the mining lease area shall be maintained as per National Ambient Air Quality Standards.
12. The unit shall abide by provisions of the E (P) Act, 1986 and the relevant rules framed there under.
13. The Board may impose further conditions or modify the conditions as stipulated in this order during installation and / or at the time of obtaining consent to operate and may revoke this order in case the stipulated conditions are not implemented and / or information are found to have been suppressed / wrongly furnished in the application form.


13.04.22

REGIONAL OFFICER

Regional Officer
State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur

To,

Sri Dillip Kumar Sahoo, Lessee
M/s Brahmani River Sand Quarry, Pankapal-I
Plot no. 746, 1st Floor, Sahid nagar
Bhubaneswar

Memo No. 1141 /Dtd. 13.04.2022 /

Copy forwarded to:

1. The Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar.
2. The Collector & District. Magistrate, Jajpur
3. The Deputy Director of Mines, Jajpur road, Jajpur
4. Copy to Guard File / Consent to Establish Register.


13.04.22

REGIONAL OFFICER

Regional Officer
State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur

Item No. 07

Court No.1

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

Original Application No.03/2022/EZ

In the matter of:

Puspakanta Nayak
Aged about 48 years,
S/o Late Sarangadhar Nayak
R/o at/PO/PS Jakhapura,
District-Jajpur.

..... Applicant(s)

Versus

1. State of Odisha

Represented by Chief Secretary,
Government of Odisha,
Lokaseva Bhawan, Bhubaneswar.

2. District Collector, Jajpur

At/Po/Dist- Jajpur,
Odisha, 758001.

3. Tahasildar, Danagadi

At/Po/PS-Danagadi-756032

4. Principal Secretary

Water Resource Department, Government of Odisha,
Lokaseba Bhawan,
Bhubaneswar, Odisha-751001.

5. Member Secretary

Odisha State Pollution Control Board,
Paribesh Bhawan,
A/118, Nilakantha Nagar,
Unit – 8, Bhubaneswar – 751012,
Odisha

6. Member Secretary

State Environment Impact Assessment Authority (SEIAA),
Odisha, 5RF-2/1, Acharya Vihar,
Unit-IX, Bhubaneswar,
Odisha-751022.

7. Deputy Director of Mines

At/Po-Jajpur Road,
Dist- Jajpur.

8. Superintendent of Police

Jajpur, At/Po/PS-Panoikoili.

9. Deputy Director General of Forests

Ministry of Environment and Forests, Climate Change,

Integrated Regional Office, Bhubaneswar,
A/3, Rail Vihar, Chandrasekharpur,
Bhubaneswar, Odisha-751023.

10. Hemanta Kumar Sahoo

At/Po/PS-Jakhapurara,
Dist- Jajpur, 755023, Odisha.

..... Respondent(s)

Date of hearing: 14.12.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Advocate (in Virtual Mode)

For Respondent(s): Mr. P. P. Mohanty, AGA for R-1-4 & 7-9 (in Virtual Mode)
Mr. Gora Chand Roy Chowdhury, Adv. for R-6 (in Virtual Mode),
Mr. Dipanjan Ghosh, Advocate for R-5,
Mr. Tusar Kumar Mishra, Advocate for R-10 (in Virtual Mode)

ORDER

1. Mr. Sankar Prasad Pani, learned Counsel is present (in Virtual Mode) for the Applicant.
2. This Original Application has been filed by the Applicant alleging therein that the Respondent No.10, (Private Respondent) is carrying on illegal sand mining in the Brahmani River Sand Pankapal Quarry in Pankapal Mouza, Danagadi Tehsil of District- Jajpur, Odisha. The contention of the Applicant is that the Environmental Clearance was granted to the Respondent No.10 on 14.01.2016 which was valid for five years, copy of which has been filed as Annexure-2 (at page no. 21 of the paper book), and the same has expired in 2021 itself but the Respondent No.10 is still carrying on illegal mining.
3. The allegation of non-compliance of environmental norms is as under: -
 - i. Use of machines (excavators) when permission is only for manual mining (only through labour and no machine to be used for mining the sand),

- ii. Excess mining than the permissible limit,
 - iii. Mining beyond the designated lease area,
 - iv. Sand mining close to embankment in violation of safety zone which is usually 1/5 of the width of the river so as to protect the embankment from erosion and breach excess mining to the tune of more than 200 Hyva Truckload/day (one Hyva is having load capacity of 16 Cubic Meters of sand) and around 100 trips of tractors (1 tractor is of cubic meters) which is around 3200 CM/Day,
 - v. Daily mining register not maintained and transit permits (Form Y) not given to every vehicle and in few cases where Y forms issued are only to carry 3 CM load in tractors while the Hyva Trucks used to carry 16 CM and this is being done in collusion with Tahasildar and revenue inspector.
 - vi. Mining without annual replenishment study and pre-monsoon assessment has not been done,
 - vii. There has been no effective monitoring of quantity of sand excavated and GPS tracking of vehicles, electronic transit pass, CCTV camera in mining site as prescribed in Sand Mining Enforcement and Monitoring Guideline 2020.
4. The Tribunal at the time of admission directed the Respondent No.2, District Collector, Jajpur, Odisha, to examine the site in question and file personal affidavit with regard to the allegations made in the Original Application. He was also directed to determine whether the sand mining being carried on by the Respondent No.10 is under a valid mining lease and Environmental Clearance and if not, he shall take action against the Respondent No.10, in accordance with law.

5. A counter-affidavit dated 21.03.2022 has been filed by the Respondent No.2, District Collector, Jajpur, Odisha, stating therein that the sand quarry lease was granted in favour of the Respondent No.10 being the highest bidder for Pankapal-I and lease deed for the same was executed on 08.10.2015 and lease deed for Pankapal-II was executed on 21.12.2016. The lease period was five years from the date of execution of the lease deed as per Rule 27 and Rule 43 (2) of the Odisha Minor Mineral Concession (Amendment) Rules, 2014. It is stated that the lease period of the sand quarry of Pankapal-II was extended but the lease period of Pankapal-I expired on 05.10.2020 as the sand source was not operational since 18.03.2020 due to water logging and COVID-19. It is also stated that the lease period of sand quarry Pankapal-II expired on 21.12.2021 and is not operational since then.
6. So far as the consent rules and requisite certificates is concerned, it is stated that the Respondent No.10 had an approved Mining Plan, Environment Certificate and Consent to Operate till the expiry of both the leases. After expiry of the lease period, the Respondent No.10 is not operating the sand quarry i.e. Pankapal-I and Pankapal-II. It is also stated that the Collector, Jajpur, Respondent No.2, visited the two sand quarries of Pankapal-I and Pankapal-II on 21.02.2022 along with the Tahasildar, Dangadi, Respondent No.3 herein and found that the sand bed of Pankapal-I quarry was water logged and the sand bed of Pankapal-II quarry is not operational.
7. The District Collector, Jajpur, Odisha, has also categorically denied that the lessee, Respondent No.10, had lifted sand in the stream of Brahmani River or that only a single Y form was used for transportation of sand for a whole day. It is stated that no

temporary permit was issued for mining of the two sand quarries in question and that action has been taken by the Tahasil office for sampling and geo-referencing which has been completed with regard to Pankapal-II. However, the study is an annual process with mandatory four sampling for final observation which will be completed in due time. It is also stated that as per Mining Plan, mining manual was done by the lessee, Respondent No.10, but sometimes machines were used for making and maintenance of haul roads and for pulling sand loaded vehicles which were trapped in sand but it was specifically denied that the lessee, Respondent No.10, had used machines for excavation of sand.

8. The Tahasildar, Danagadi, Jajpur, has also filed his affidavit dated 21.03.2022 reiterating the facts stated in the affidavit of the District Collector, Jajpur.
9. The Respondent No.10 has filed counter-affidavit stating therein that with respect to Pankapal-I sand quarry and Pankapal-II sand quarry in the Brahmani River bearing Khata No.224, Plot No.1075 and 1089 over an area of 18 and 15 acres respectively, having annual quarrying capacity of 36,000 cubic meters per annum and 12,110 cubic meters per annum respectively, he was granted quarry lease having qualified in open bidding process and lease deed for Pankapal-I sand quarry was executed on 05.10.2015 valid up to 04.10.2020 and lease deed for the Pankapal-II sand quarry was executed on 21.12.2016 which was valid up to 20.12.2021. It is also stated that the sand quarrying in Pankapal-I quarry was valid up to 04.10.2020 and no quarrying is being carried out in the said sand quarry after 18.03.2020 due to COVID-19 and frequent release of water from Rengali Dam resulting in the Pankapal-I sand quarry being water logged.

10. With reference to the allegations made in the paragraph-7 of the Original Application that the Bridge on Brahmani River at Kabatghai-Sasan has been damaged due to sand quarry it is stated that the said bridge at Kabatghai-Sasan is an express highway from Duburi to Paradeep, the distance between the Mining Area and the Bridge being about 1 km and therefore, there is no damage to the said bridge. It is also stated that the Tahasildar has floated a fresh tender notice on 31.12.2021 vide advertisement No.4029 dated 18.01.2022 and Pankapal-I and Pankapal-II sand quarry has been leased out to one Dillip Kumar Sahu and Daitary Dhal respectively, for operation of sand mining for the year 2022-23 to 2026-27.
11. The Respondent No.5, Odisha State Pollution Control Board, has filed its affidavit dated 21.06.2022, bringing on record an Inspection Report of an inspection carried out on 25.03.2017 as Annexure-R-5/4. The Inspection Report is extracted hereinbelow for proper appreciation of the case.

“INSPECTION REPORT ON CONSENT TO OPERATE OF M/S PANKAPAL-1 SAND QUARRY, PANKAPAL, DANAGADI, JAJPUR

01.	Date of Inspection	25-03-2017
02.	Name of the Sand Quarry	Pankapal-1 Sand Quarry of Sri Hemanta Kumar Sahoo
03.	Location of the Mine	At river Brahmani over Plot No.1075 & 1089 Khata No.224 of Mouza- Pankapal, Post.- Pankapal, Tahasil-Danagadi.
04.	Name and Address of Lease Holder	Sri Hemanta Kumar Sahoo. AT/PO/PS- Jakhapura, Danagadi, Dist.- Jajpur
05.	Area of Mining Lease:	Ac. 18.00res (7.284 Ha.)
06.	Product & Quantity:	36,000 M ³ /Annum
07.	Period of Mine Settled:	Effect from 03.10.2015 to

		02.10.2020
08.	Person Present:	Sri Hemanta Kumar Sahoo, Prop.
09.	Consent Status:	The unit has obtained consent to operate vide L.No.275 dtd. 27.01.2016 and applied for renewal of consent for the period upto 31.03.2020. The unit has earlier deposited consent fees of Rs.75,000/- on 20.01.2016 adequate upto 31.03.2020.
10.	Pollution Potential and Control measures	The unit has provided a mobile water tanker for spraying the internal road and haul road inside the sand quarry area so as to suppress the dust generated during the mining activities. The domestic waste water discharged to soak pit via septic tank.
COMPLIANCE TO SPECIAL CONDITIONS OF CONSENT TO OPERATE		
	SPECIAL CONDITIONS	COMPLIANCE
1.	The mining activities shall be carried out as per the approved mining plan and any change in mining activities/technology/scope shall not be made without approval mining authority and SEIAA.	The mining of the sand is being done as per the mining plan.
2.	The sand mining shall not be carried out within 200 m. of any existing structure such as bridges, dams, weirs, intake structure(s) either for irrigation or drinking water purposes, or any other cross drainage structure.	Complied
3.	The mining shall not be carried	Mining of sand is being

	<i>out in stream of river.</i>	<i>done away from the stream.</i>
4.	<i>The mining of sand shall be done manually and it shall be ensured that mining activities should not disturb the flow pattern of the river.</i>	<i>Complied</i>
5.	<i>The sand mining should not affect the existing sources for irrigation or drinking water or industrial purposes.</i>	<i>The intake point for irrigation/drinking purposes does not exist within 200 meter radius.</i>
6.	<i>The water sprinkling system should be provided in haul road, transportation roads, quarry areas, stocked piles areas and other dust generating areas to control the fugitive dust emission.</i>	<i>Complied</i>
7.	<i>The unit shall maintain the Ambient air quality as per the prescribed standard of National Ambient Air Quality inside the mining lease area.</i>	<i>During inspection the sand mine was not in operation. So, monitoring of Ambient Air quality could not be conducted.</i>
8.	<i>The rejected sands if any shall be disposed off on low lying areas inside the lease hold area in proper manner without causing any environmental pollution.</i>	<i>Complied</i>
9.	<i>The area from which the sand has been extracted be leveled and free of any foreign debris/materials after completion of mining and expiry of lease period.</i>	<i>After completion of mining activities, the pit will be leveled.</i>
10.	<i>The proponent shall take necessary measures to ensure no adverse impacts due to</i>	<i>As reported necessary precaution has been taken to minimize the adverse</i>

	<i>mining activities on the human habitations existing nearby.</i>	<i>impacts to the local habitants.</i>
11.	<i>The mining of sand shall not be done in safety zone and beyond the 0.70 meter depth or upto water table whichever is less of the lease hold area.</i>	<i>The mining of sand is not being done in safety zone above the water level.</i>
12.	<i>The Domestic effluent generated from the office premises shall be discharged to a soak pit via septic tank constructed as per BIS specification.</i>	<i>Domestic waste water discharged to temporary soak pit.</i>
13.	<i>The D.G. Set shall be installed in an acoustic enclosures to control noise level and over anti vibration pad to avoid vibration.</i>	<i>The unit has not installed any D.G. Set.</i>
14.	<i>The height of the stack attached to the D.G. sets shall confirm to the following. $H=h+0.2\sqrt{KVA}$ where, <i>h=Height of the building where it is installed</i> <i>KVA=Capacity of the D.G. sets</i> <i>H=Height of the D.G. Set</i></i>	<i>The unit has not installed any D.G. Set.</i>
15.	<i>Th unit has to undertake that, in case of consent to operate fee is revised upward during this period, they shall pay the differential fees to the Board (for remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board, the consent order will be revoked without prior notice.</i>	<i>agreed</i>
16.	<i>If any public complaint is received against the unit and</i>	<i>Agreed</i>

	<i>found to be genuine, the consent order issued to the proprietor may be revoked. The unit will stop the operation of the mining activities since then and required to shift to the suitable location after obtaining consent to establish from the Board.</i>	
17.	<i>The unit shall abide by provisions of the E (P) Act, 1986 and the relevant rules framed there under.</i>	<i>Agreed</i>
18.	<p><u>REMARKS/OBSERVATIONS:</u> -</p> <ol style="list-style-type: none"> 1. <i>The unit was granted consent to operate by the Board vide L.No. 275 dtd. 27.01.2016 valid upto 31.03.2017.</i> 2. <i>The case was filed against the unit by Udaya Kumar Mallick & Other before the National Green Tribunal, EZB, Kolkata vide OA No.48/2016/EZ for non-compliance of Environmental Clearance. The Hon'ble National Green Tribunal has dismissed the case vide order dtd. 10.02.2017 as case has no merit.</i> 3. <i>The unit has provided a mobile water tanker for water sprinkling purpose to suppress the dust generated during the plying of vehicles inside the sand mining areas.</i> 4. <i>The mining of sand is being stopped during the rainy season and the flooding of the river.</i> 5. <i>The vehicles engaged for transportation of sand are covered with tarpaulin during the transportation.</i> 	
19.	<p><u>RECOMMENDATIONS:</u> -</p> <p><i>The unit has submitted renewal consent to operate application consent fees of Rs.75,000/- adequate upto 31.03.2020. During the day of inspection the quarry was not in operational condition. The unit has complied most of the special conditions imposed in the previous Consent to operate order, so, grant of consent to operate for further period may be considered by imposing the proper conditions.</i></p>	

12. Prima facie reading of the Inspection Report will show that there has been no violation of any Environmental laws or certificate conditions as required by the Mining Plan under the Odisha Minor Minerals Concession (Amendment) Rules, 2014 or the Consent to Operate (CTO).
13. It is further stated in the affidavit of the Odisha State Pollution Control Board that the Respondent No.10 has a valid Consent to Operate (CTO) and during inspection the sand quarry in respect of Pankapal-I was found to be not in operation and the validity of the sand quarry had also expired since 31.03.2020 i.e. prior to the receipt of the complaint dated 27.04.2021 and as a consequence even otherwise there was no cause for revocation of the Consent to Operate (CTO). Copy of the consent order dated 28.03.2017 has been filed as Annexure-R-5/1 to the affidavit which shows that the same was valid up to 28.03.2020.
14. The Respondent No.6, State Environment Impact Assessment Authority, Odisha, has also filed its affidavit dated 04.05.2022 stating therein that the Project Proponent, Respondent No.10, had obtained Environmental Clearance for Brahamani River sand bed Pankapal-II over lease area 6.070 Ha. in Village- Pankapal under Danagadi Tahasil, District Jajpur issued by SEIAA, Odisha, vide letter dated 14.01.2016 valid up to the lease period.
15. The Applicant has filed a rejoinder affidavit dated 11.08.2022 stating therein that the Modified Mining Plan of Pankapal-II sand quarry, copy of which has been filed with the affidavit of the District Collector, Jajpur, shows that surface area is 40,900 Sq. meters, thickness of sand is 0.6 meter; per day mining quantity is 45 cubic meters; manpower requirement per day is 9 and the mining is to be manual, opencast and dry pit method. It is stated

that photographs filed with the affidavit show use of Hyvas and only three Hyva load of sand can be loaded per day. It is alleged that satellite image of 04.02.2021 shows that there is a deep impression of denting on the river bed indicating use of machines. It is also alleged that lease area is 6.07 Ha. while excavation area is 2.18 Ha.

16. The Tahasildar, Dangadi, has filed a rejoinder affidavit dated 12.09.2022 in reply to the rejoinder affidavit filed by Applicant, denying that the satellite image dated 04.02.2021 to be the image of Pankapal Sand Quarry.
17. So far as the allegation of use of heavy vehicles is concerned, the categorical stand of the District Administration is that machines have been used only for purposes of maintenance of haul road for and for dragging sand loaded vehicles which get stuck in sand bed and otherwise no vehicles are being used for loading of sand nor any machinery is being used for excavation of sand.
18. The Respondent No.10 has also filed its reply affidavit dated 08.10.2022 to the rejoinder affidavit filed by the Applicant, denying that the satellite picture filed by the Applicant in his rejoinder affidavit has no connection with the sand quarry of Pankapal-I or Pankapal-II.
19. We have perused the satellite image pictures filed by the Applicant along with his rejoinder affidavit and we find that the same does not disclose whether it pertains to the sand quarry Pankapal-I or Pankapal-II. It does not even give the date of satellite imageries and only in a paragraph of the rejoinder affidavit of the Applicant, it is stated that the same is of 04.02.2021. Be that as it may even otherwise it is not clear as to whether the satellite image in question is of Pankapal-I and Pankapal-II sand quarries.

20. From perusal of the Inspection Report filed by the Odisha State Pollution Control Board what emerges is that there is no violation of any Environmental norms and that mining has been carried on in the sand quarries in question as per Mining Plan and that the Project Proponent, Respondent No.10, has due Environmental Certificates of Consent to Operate (CTO) dated 27.01.2016.
21. It is also not denied between the parties to the present lis that the sand quarry Pankapal-I was executed on 08.10.2015 and lease deed for Pankapal-II was executed on 21.12.2016 and that the lease period of the two leases was five years from the date of execution of the lease deed as per Rule 27 and Rule 43 (2) of the Odisha Minor Minerals Concessions (Amendment) Rules, 2014. It is not in dispute between the parties that the lease period of Pankapal-I expired on 04.10.2020 and that even otherwise the same is not in operation since 18.03.2020 due to water logging and COVID-19 conditions. It is also not in dispute that the lease period of Pankapal-II has expired on 21.12.2021 and the same is not in operation so far as Project Proponent, Respondent No.10, is concerned. It is not disputed either that fresh tenders had been floated for the sand quarries in question on 31.12.2021 vide advertisement No.4029 and the lease deed for Pankapal-I and Pankapal-II have been executed on 18.01.2022 in favour of one Dillip Kumar Sahu and Daitary Dhal, respectively, for operation of the said mining quarries for 2022-23 to 2026-27.
22. In this view of the matter, nothing further remains for adjudication in the present case, however, certain directions need to be given for regulation and proper management and execution of quarrying of sand.

23. We may further observe that the Sustainable Sand Mining Management Guidelines, 2016 at Sl. No.19 with regard to use of machinery in sand excavation operations has to be culled out from the strict language of Sl. No. 19 wherein it says that the method of mining may be manual, semi-mechanized or mechanized but manual method of mining shall be preferred over any other method. Relevant extract of the Guidelines 2016, Sl. No.19 read as under:

“19. Depending upon the location, thickness of sand, deposition, agricultural land/Riverbed, the method of mining may be manual, semi-mechanized or mechanized; however, manual method of mining shall be preferred over any other method.”

This means that there is no blanket liberty given to a sand operator for using semi-mechanized or mechanized methods to carry out sand mining operations during excavation of sand and the use of mechanized and semi-mechanized operations has to be in exceptional and rare cases and though Sl. No. 19 does not say as much, we may add that the use of JCB machines can be permitted only if the transportation vehicle gets stuck in sand or in the river water where extrication of such vehicle from sand or river water might become impossible without the use of JCBs or other mechanized vehicles. Here also we may observe that JCBs or other mechanized vehicles shall be permitted in the lease area only with the permission of the District Collector for reasons to be stated in the permit and the operations of extrication of transportation vehicle stuck in sand or in river water shall be carried out strictly under the supervision of the District Collector or some Senior Officer as may be assigned by him for this task and only for that

moment and for the purpose to be stated in the permit and the District Collector of the concerned District through the Tahasildar of the area concerned shall ensure that no JCBs or other mechanized vehicles other than transportation vehicles shall be allowed to be present in the sand lease area after the extrication of the stuck transportation vehicles is completed. If any JCBs are found in a sand lease without due permit or beyond the stipulated time mentioned in the permit the Tahasildar of the area concerned shall be personally responsible for infraction of our directions and shall become liable for disciplinary proceedings against him.

24. In *Original Application No.67/2021/EZ, Alok Malik & Anr. Vs. State of Odisha & Ors.*, an affidavit was filed by the Tahasildar/State Respondents with regard to District Level Replenishment Study of 'all the leased as well as potential sand sources' of Brahmani River, District Jajpur. Paragraph-28 of the said judgment reads as under:-

"28. The affidavit of the Tahasildar/State Respondents also only states that the District Level Replenishment Study of 'all the leased as well as potential sand sources is also being proposed'. This means that the State Respondents have also not carried out any replenishment study for annual replenishment rate of sand by collecting pre-monsoon and post-monsoon data."

25. In this view of the matter, we direct that until a study report of annual replenishment rate of sand by collecting pre-monsoon and post-monsoon data from the field to know the quantum of volume of sand deposited/replenished and extracted in the mining lease area which is to be duly carried out by an authorized consultant, by the Project Proponent is not submitted to the Collector, Jajpur,

the Project Proponent shall not be permitted to carry out any sand mining operations.

26. We may also note that this does not, however, absolve the State Respondents from their statutory duty to carry out the study on annual replenishment rate of sand.
27. We further direct that the Collector, Jajpur, shall ensure effective mechanism for annual environmental audit to be conducted by experts in the field. Further, the State Authorities, particularly the Collector, Jajpur, must ensure that the vehicles transporting sand and minor minerals may be fixed with electronic devices (GPS enabled) for facilitating and tracking the movement of vehicles carrying sand and minor minerals. The Collector, Jajpur, is further directed that CCTV cameras be installed at strategic locations near the sand beds as well as entry and exit points of the vehicles to ensure continuous monitoring.
28. With the aforesaid directions, the Original Application No. 03/2022/EZ is disposed of accordingly.
29. Interlocutory Applications if any stand disposed of accordingly.
30. There shall be no order as to costs.

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B. Amit Sthalekar, JM

.....
Dr. Afroz Ahmad, EM

December 14, 2022
Original Application No.03/2022/EZ
MN

BEFORE THE NATIONAL GREEN TRIBUNAL

Original Application No. _____ of 2025

In re:
Green United For Sustainable Environment Trust

Applicant

VERSUS

State of Odisha and Others

Respondent

KNOW ALL to whom these present shall come that I, Santanu Kumar Bhukta S/o Golak Bhukta, Aged about 32 years At/Po-Santhapada, PS-Talcher Dist-Angul, Odisha, 759104, that I am the President of the Applicant Trust in the above named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Ashutosh Padhy O-1018/23 Advocate, Plot No 2132/4814 B, Nageswartangi, Bhubaneswar, 751002, sagarasutosh369@gmail.com , Cell-9348543289.**

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 22 nd Day of Feb 2025.

Accepted subject to the terms of fees.

Ashutosh Padhy

Advocates

Santanu Kumar Bhukta

Client

Asst
Kumuda Ranjan Mishra
Notary, Talcher
Govt. of Odisha
Regd. No. ON-37/2004



YOUTH UNITED
FOR SUSTAINABLE ENVIRONMENT TRUST

**YOUTH UNITED FOR SUSTAINABLE
ENVIRONMENT TRUST**

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At/Po- Santhapada
PS-Talcher Dist-Angul
pin-759104

Ref : 22022514

Date : 22/02/2025

AUTHORISATION

That the trust members hereinafter authorise the President Sri Santanu Kumar Bhukta to file the present case before the Hon'ble National Green Tribunal in the name of the Trust.

Santanu Kumar Bhukta.

Youth United for
Sustainable Environment Trust
President

ସ୍ୱାମିନୀ ଭୁକ୍ତା

Youth United for
Sustainable Environment Trust
Trustee

Pujarani Bhukta.

Youth United for
Sustainable Environment Trust
Trustee.

Pranve Kumar Bhukta

Youth United for
Sustainable Environment Trust
Trustee