

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO-~~----~~<sup>60</sup> of 2025/EZ**

**IN THE MATTER OF**

**JHADESWAR PRADHAN**

**APPLICANT**

Versus

**STATE OF ODISHA &Ors**

...

**Respondents**

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PLACE: Bhubaneswar

DATE: 25/02/2025

Refiled on: 28/03/2025

*Spani* *A Padhy*

SANKAR PRASAD PANI, ASHUTOSH PADHY

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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 RASHMIREKHA SAHU, the lessee of TENDRA II SAND BED IN **BRAHMANI RIVER** under Bonai Tahasil of SUNDARGARH District and the said sand mining operation is in violation of Standard Environment Clearance Conditions, Consent To Operate (CTO) Conditions, Sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020, Odisha Sand Policy 2021, Sand Mining Framework 2018(Ministry of Mines Govt of India) 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). To summarise the violation of environment norms it may be listed as follows

- i) Use of heavy machines (Excavators) and Hyva when Mechanical Mining and use of Hyva in sand Mining is prohibited in the Auction Notice for Sand Source
- ii) Sand mining operation during Monsoon seasons while the same is prohibited as per Sustainable Sand Mining Management guideline 2016.
- iii) Excess mining to the tune of more than 150 Hyva Truck load /day and other heavy trucks of more than 40 to 50 number (one Hyva is having load capacity of 16 to 20 Cubic Metres of sand) which is around 4,000 CM/Day when the permission is only for 30000 for the entire year around and roughly around 142.85 Cubic Metre per day considering 210 days of sand mining in a year.

- iv) Daily Mining Register not maintained and transit permits (Form Y)not given to every vehicle and in few cases where Y forms issued to the Hyva Trucks used to carry 16 CM and this is being done in collusion with Tahasildar and Revenue Inspector.
- v) No Pillar Posting and Demarcation of Lease Area prior to commencement of mining and presently quarry area beyond the lease area of 12.35 acres or 5.0ha
- vi) Vehicles engaged in mining are overloaded and not covered with tarpaulin and the spill over of wet sands on road makes the road muddy and accident prone during rainy days and cause air pollution during non-monsoon days.
- vii) Annual replenishment study and Pre monsoon assessment has not been conducted while allowing the mine to operate
- viii) There has been no 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
- ix) Vehicular Transportation through densely populated villages and through the private plot of the applicant bearing **KhataNo. 13, Plot No.- 3976**. Further the carrying capacity of the roads has not been assessed and as such the existing road cannot withstand the pressure of hundreds of sand loaded heavy vehicles.
- x) There is no approved road for the transportation of sand loaded vehicles all the vehicles use to ply through the private plots.

**LIST OF DATES**

- 02/09/2021 Odisha Sand Policy 2021 brought in shape of resolution dated 2/09/2021 by Revenue and Dissaster Management Department, Government of Odisha for stricter monitoring of sand mining in a sustainable manner
- 13/07/2023 Environmental Clearance granted in favor of the private respondent.
- 22/12/2023 Consent to Establish (CTE) granted by Regional Office of SPCB, Rourkela with 4 general conditions and 26 specific conditions.
- 02/01/2024 Consent to Operate (CTO) granted by SPCB with 43 general conditions 33 special conditions.
- 04/01/2025 Villagers have brought to the notice of The Director Minor Mineral about illegal sand mining and violation of Standard EC conditions in violation of sustainable sand mining management guideline.



8. Additional Chief Secretary, Water Resource Department, Government of Odisha, At/Po- Rajiv Bhawan, Keshari Nagar, Bhubaneswar,751001, Email: [wrsec.or@nic.in](mailto:wrsec.or@nic.in)
9. **Member Secretary**, Odisha State Pollution Control BoardA/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha Email: [member.secy@ospcboard.org](mailto: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](mailto:seiaaorissa@gmail.com)
11. 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](mailto:roez.bsr-mef@nic.in)
12. Smt. Rashmi Rekha Sahu, Lessee Tendra-II Sand Bed, At: Singal, PO: Amgaon, PS: Barkote Dist: Deogarh - 768110, Odisha.

## **RESPONDENTS**

### **MOST RESPECTFULLY SHOWETH:**

- I. The address of the Applicant's 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. 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 in operating the **TENDRA-II SAND BED, BRAHMANI RIVER**, Tendra Mouza, Bonai Tahasil of Sundargarh District and the said sand

mining operation is in violation of Standard Environment Clearance Conditions and CTO Conditions, Sustainable Sand Mining Management Guideline 2016 and 2020, Odisha Sand Policy 2021, EIA Notification and Supreme Court Order and Order of Hon'ble NGT.

### **FACTS**

1. That the applicant is the villager of Tendra and affected by the excess sand mining, obstruction of river, Mechanical Mining and transport of sand loaded heavy vehicles through their village road and through his private plot **bearing Khata No.-13, Plot No.- 3976** and there by damaging the cultivable land, road, causing inconvenience, environmental pollution, health hazards and disrupting the public order.
2. The **present application challenges the violation of sustainable sand mining management guideline in Tendra Sand Bed of Bramhani River at Village –Tendra, Plot No.149/P, 151/P, Khata No.1 (Kisam-Nadi), Total ML Area of 12.35 acres or 5.0ha, Mouza: Tendra, Tahasil: Bonai, Dist: Sundargarh.**
3. That the present case is being filed challenging the illegal mining and transporting of sand loaded heavy vehicles through the private plots bearing **khata no. 13 and Plot No.3976 of the applicant** and of another Complainant Namely **Lokanath Pradhan bearing Khata No.- 45 and plot No.-2855** who made a complaint before the Director of Minor Minerals against the private respondent.
4. The sand loaded vehicles are plying through the residential areas of villages like Tendra, Khajuribahal, Kasada, during day and night for which the villagers not able to live peacefully. Apart from that there is no approved approach road for transportation of the vehicles on the agricultural lands for

which the villagers are unable to cultivate in their cultivable land and facing huge inconvenience. This is in violation of EC condition No. 7.15 (b).

5. It is pertinent to mention here that on dated 04/01/2025 applicant along with the villagers made a representation to The Director of Minor Minerals regarding the illegal mining and transportation of heavy vehicles through the private land but as on date no action has been taken against the private respondent. Copy of the complaint letter dated 04/01/2025 is annexed here unto as **ANNEXURE-1**.
6. That the lessee is extracting sands illegally during day and night time and to that effect photographs of mining and tyre impressions are also evident that the lessee is extracting sand by using heavy machines and Online Y forms has already exhausted and now the lessee is extracting sands illegally without having valid Y form.
7. That the environment clearance was granted in favor of the lessee by the SEIAA Odisha on dated 13/07/2023 for extraction of sand 30000 cum in the first year and 7500 cum of sand in the second year from the said source but in the present case the lessee is extracting beyond the permitted quantity and permitted lease area. Copy of the Environmental Clearance granted in favor of the lessee dated 13/07/2023 is annexed here unto as **ANNEXURE-2**.
8. It is pertinent to mention here that in the environmental clearance letter under the head of project details in point No. iv, it is categorically mentioned that *“No study of the annual rate of replenishment of sand has been done for the sairat source which is a pre requisite as per the guidelines of sustainable sand mining management issued by the MoEF & CC. Govt. of India, and as per orders dated 13.09.2018 of the Hon'ble*

*NGT.*” That the SEIAA authorities granted the EC even after the absence of the pre requisite documents.

9. It is pertinent to mention here that the EC is granted without the pre requisite documents which are essential to grant the EC and those essential documents which are not provided by the lessee is mentioned as below

- I. No study of the annual rate of replenishment of sand has been done for the sairat source which is a pre requisite as per the guidelines of sustainable sand mining management issued by the MoEF & CC. Govt. of India, and as per orders dated 13.09.2018 of the Hon'ble NGT.
- II. The project proponent has also not furnished the width of the river, nor the alignment of the extraction path for sand transportation. As reported by the tahasildar, a river bridge is at a distance of 0.9km away from the mining lease area.
- III. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mine 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. It is needless to state that another sand quarry exists in the same Mouza namely Tendra-I.
- IV. Whether the DSR has been prepared as per the MoEF& CC. Govt. of India Notification 5.O. 3611(E) dated 25.07.2018. Sustainable sand mining management 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)- No

V. Whether the replenishment rate study of sand was done as per the Enforcement & Monitoring Guideline for sand mining-2020-No

**VIOLATION OF ENVIRONMENTAL CLEARANCE**  
**CONDITIONS**

**10. Condition No.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 coordinates by any empanelled, agency of ORSAC, this has not been done by the private respondent as on date though the EC was granted from 13/07/2023.***

**11. Condition No.7.8- *Maximum depth of mining 1.5 meter and maximum quantity of extraction shall be limited to 30000 cum in 1st year and 7500 cum in 2nd year. PP shall submit Annual rate of replenishment study (ARRS) report each year through ORSAC empanel agency. The Project proponent shall follow Enforcement & Monitoring Guideline for sand mining-2020 before and during operation of quarry. Any flouting of this restriction shall make this EC liable to cancellation.*** It is submitted that the lessee has already extracted the permissible limit and now engaged in illegal mining and also extracting sand beyond the permissible area/lease area.

**12. Condition No.7.9- *The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method 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.* It is submitted that the private respondent has not submitted the annual replenishment rate study prior to grant of the EC and the annual replenishment rate study is pre requisite to grant of EC.

**13.**Condition No.7.10- *In view of likely revision of DSR as per the Ministry guidelines, the mention of this deposit in DSR with final coordinates is to be ensured by Tahasildar within two years. The boundary area of the deposit as per the updated DSR defined by geo coordinates based on DGPS survey be superimposed on the cadastral map. The Grant of EC for further period will be considered after submission of DSR approved by SEIAA as per the MoEF& CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining management guidelines-2016 and Enforcement & Monitoring Guideline 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).* It is pertinent to mention here that the DSR of the Sundargarh district has not been approved by the SEIAA authority.

**14.**Condition No.7.12- *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.* Though in the mining plan it is categorically mentioned that the mining

should be done manually but in the present case the private respondent is operating the sand bed by using heavy machines and also the private respondent has not submitted any detailed production of sand from the lease area.

**15. Condition No.7.14- *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; 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.* In the present case the private respondent is operating the mining in the above mentioned no working zones.

**16. Condition No.7.15- a) Consent/NoC shall be obtained from the concerned authority if village road is to be used for transportation. The said road shall also be maintained by the lessee.**

b) No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.

c) 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.

d) 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.

e) 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.

f) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar 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.

g) 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.

***17. Condition No.7.16- The Project Proponent shall follow all the provisions of Sand Policy of Govt. Of Odisha dated 02.09.2021 for this sand mining project.***

***a) The Tahasildar shall take adequate measures to prevent unauthorized mining:***

***b) The project proponent should carry out river bed sand mining manually by engaging local laborers to check over exploitation of sand at the source:***

*c) The lessee shall ensure safety of human life and livestock from accidents in case village/any habitation is very nearby the mining lease area.* In the present case the above mentioned conditions are being violated by the private respondent.

**18.**Condition No.7.18- *It shall be mandatory for the project management to submit half yearly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SELAA, Odisha / Regional Office of the MoEF& CC, Bhubaneswar in soft copies on 1 day of June and December of each calendar year. The proponent shall also upload the compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions, failing which EC is liable to be revoked.* It is submitted that as per the information of the applicant the half yearly compliance report is not available in the website of the Ministry for monitoring compliance of EC Conditions for which EC is liable to be revoked.

**19.**Condition No.7.19- *The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e., the Tahasildar, 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 quarterly compliance reports.* As per the information of the applicant the Tahasildar Bonai is not monitoring the compliance of EC conditions and also in nexus with the Private Respondent.

**20.**That the Consent to Operate was granted in favour of the private respondent on dated 22/12/2023 for production of Sand of capacity limited to 30,000 Cubic Meter/Annum and maximum depth of mining up to 1.0m during valid mining lease period (as per Environmental Clearance) over mining lease

area of 12.35 acres or 5.00ha bearing Plot No.149/P, 151/P, Khata No.1 (K1sam-Nadi). That the CTE was granted with having 4 number of general condition and 26b number of special conditions. The CTE conditions which are being violated by the Private respondent is as follows;

**VIOLATION OF CONSENT TO ESTABLISH CONDITIONS**

21. That in general condition No.1 it is specifically mentioned that *“This Consent to Establish is valid for the product, method of mining and capacity as mentioned in the approved mining plan and Environmental Clearance. This order is valid for five years. The proponent shall do substantial mining activities for the proposal within a period of five years from the date of issue of this Consent to Establish order. If the proponent falls to do substantial mining activities for the proposal within five years then a renewal of this Consent to Establish shall be sought by the proponent.”* But in the present case the lessee is extracting sands by using heavy machines which is not permitted as per the EC and Mining plan. Copy of the Consent to Establish granted in favour of the lessee dated 22/12/2023 is here unto annexed as **ANNEXURE-3**

22. That in special condition No. A-2- of the CTE it is stated that *“The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method 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/SPCB to assess the actual rate of replenishment of mined out sand in the lease area”* but as on date the project proponent has not carried out the annual replenishment rate study.

23. That in special condition No. A-3- of the CTE it is specifically mentioned that *“Mining activity shall be carried out as per approved mining plan prepared for this project”* but in the present case the private respondent is mining sand by violating the approved mining plan.

24. That in special condition No. A-6- of the CTE it is specifically mentioned that *“The lease area and the actual working area shall be demarcated on the ground-by erecting durable masonry/concrete pillars by the project proponent”* in the present case the working area has not been demarcated by the private respondent and the lessee is extracting sands beyond the lease area.

25. That in special condition No. A-7- of the CTE it is specifically mentioned that *“The operation of excavation as proposed shall be manual and shall be strictly as per the method laid down in the approved mining plan. No excavator machine shall be deployed/used by the project proponent for the extraction of sand from the river bed”* , in the present case the lessee has engaged heavy machines for extraction of sands from the sand bed and the same is violation of Approved mining plan and CTE special condition No. A-7 for which the CTE needs to be rejected.

26. That in special condition No. A-9- of the CTE it is specifically mentioned that *“ The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation, if any, existing nearby”* in the present case due to the excess and illegal mining by the proponent and transporting through the densely populated

village and also plying of vehicles through the private plot of the applicant the villagers alongwith the applicant facing huge inconvenience.

27. That in special condition No. A-11- of the CTE it is specifically mentioned that “ *If any information furnished by the applicant is found to be incorrect or suppressed and detected on later stage, the consent to establish shall be revoked including initiation of appropriate legal action as deemed fit as per the provisions of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 as amended thereof and rules framed thereunder*” that in the present case the proponent has not provided the approved DSR, replenishment study, cluster certificate, width of river, and route of transportation for which the CTE needs to be revoked by the CTE granting authority.

28. That in special condition No. B-13- of the CTE it is specifically mentioned that “*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 250-500 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.”* That in the present case the lessee is operating the sand bed by violating the above mentioned condition.

**29.**That in special condition No. B-14- of the CTE it is specifically mentioned that *“1/4th of the width of river shall be left intact along the embankments on both sides as 'no mining zone' and 7.5m safety zone shall be left from all side of lease boundary.”* In the present case the private respondent i.e. the lessee of the Tendra-II sand bed is not maintaining the ‘No Mining Zone’ and carrying the mining activities in the safety zone and no mining zone of the sand bed.

**30.**That in special condition No. C-15- of the CTE it is specifically mentioned that *“No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission.”* In the present case as per the information of the applicant no permission has been obtained by the private respondent from the competent authority to transport the sand loaded vehicles through the village road.

**31.**That in special condition No. C-16- of the CTE it is specifically mentioned that *“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.”* In the present case the carrying capacity of the roads has not been calculated as per the information of the applicant.

**32.** That in special condition No. C-19- of the CTE it is specifically mentioned that *“The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of sand 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 sand trucks.”* That the private respondent use to transport the sand loaded vehicles through densely populated villages without being covered with tarpaulin for which the sand are being spilled over the road and inconvenience occurs to the travellers and also to the local villagers.

**33.** That in special condition No. C-19- of the CTE it is specifically mentioned that *“Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.”* In the present case the private respondent has not provided any measures to control the dust pollution.

**34.** That the Consent To Operate for the Tendra-II sand bed was granted in favour of the present Private respondent on dated 02/01/2024 for extraction of sand from Plot No.149/P, 151/P, Khata No.1 (Kisam-Nadi), Total ML Area of 12.35 acres or 5.0ha, Mouza: Tendra, Tahasil: Bonai, Dist: Sundargarh. Copy of the CTO letter dated 02/01/2024 is annexed here unto as **ANNEXURE-4**.

35. That the Consent To Operate was granted with 43 general conditions and 33 special conditions, violations of CTO conditions are reproduced as follows;

**VIOLATIONS OF CTO CONDITIONS**

- A. Production of Sand shall be limited to 30,000 Cubic Meter during 1st year and 7,500 Cubic Meter during 2nd year and maximum depth of mining up to 1.0m.
- B. The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished it 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/SPCB to assess the actual rate of replenishment of mined out sand in the lease area.
- C. Mining activity shall be carried out as per approved mining plan prepared for this project.
- D. Any change in the calendar plan, quantity to be produced, or method of mining shall require prior approval from the Board.
- E. The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.

- F. The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry/concrete pillars by the project proponent.
- G. The operation of excavation as proposed shall be manual and shall be strictly as per the method laid down in the approved mining plan. No excavator machine shall be deployed/used by the project proponent for the extraction of sand from the river bed.
- H. Mining operation should not be carried out without compliance of provisions as enumerated in the OMMC Rules, 2016 as amended thereof along with the Notifications of Ministry of Environment, Forest and Climate Change from time to time.
- I. Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above.
- J. The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation, if any, existing nearby.
- K. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010 issued by the MoEF, GOI.
- L. 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 250-500 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.

M. 1/4th of the width of river shall be left intact along the embankments on both sides as 'no mining zone' and 7.5m safety zone shall be left from all side of lease boundary.

N. River Bank stabilization shall be made through stone patching. Stone patching on river bank with plantation in-between and the ramp construction shall be done in consultation with and advice of concerned Water Resource Department, Government of Odisha.

**O. No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission.**

P. 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.

- Q. 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.
- R. 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.
- S. The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of sand transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation of account of plying of sand trucks.
- T. Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for avenue plantations of the State Forest Department. The project proponent shall plant saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Forest Gram Panchayat.
- U. Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
- V. The annual production and point wise compliances to the consent conditions shall be submitted to the Board latest by 30th April every year

- 36.** That from the KML file of the sand bed in question also suggests that the lessee is extracting sand beyond the lease area which is violation of EC, CTE, and CTO conditions. Copy of the google earth image suggesting the lessee is extracting sands beyond the permissible area is annexed here unto as **ANNEXURE-5**.
- 37.** That the photographs dated 24/02/2025, 09/03/2025 and 11/03/2025 also suggest that the lessee is extracting sands by using JCB machines, safety zone and no mining zone is not maintained by the lessee. Copy of the photographs dated 24/02/2025, 09/03/2025 and 11/03/2025 is annexed here unto as **ANNEXURE-6**.
- 38.** It is pertinent to mention here that the method of mining is to be dry pit and mining operation must stop on reach to the water level or up to the permissible depth of the mining, in the present case as mentioned in the mining plan and Environmental condition 1meter is the permissible depth and the mining should be for manual mining, but in the present case the photographs suggests the mining has reached the water level and mining continues and the mining pits are already in pond structure while it should have been surface mining.
- 39.** It is further submitted that since the mining operation takes place by using excavators the depth of the mining is more than 4 meter considering the length of the arm of the excavator, while the permissible depth for sand mining is only 1 meter and manual method of mining is permitted.
- 40.** That the permissible quantity for the second year is only for 7500 cum but the lessee has already extracted more than 50000 cum of sand from the sand bed by using heavy machines and the same can be ascertained by taking assistance of ORSAC.

**41. Revenue loss to state exchequer and Corruption by the Bonai**

**Tahasildar :** That the Tahasildar Bonai, 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.

**42. Replenishment Study and Pre and Post Monsoon Assessment Not**

**conducted:** There has been no replenishment study conducted as required after every monsoon season and assessment of extraction prior to monsoon were also not conducted by the Mining Department and thereby allowing the excess mining to be covered up and resulting in loss of revenue and deep sand mining.

**43. 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. Basis the information gathered from historical imagery before granting lease, it is clearly revealed that near to the riverbank of Tendra 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). All these reservoirs already confronted with three monsoons, but still, huge ditches are remained as such, without any recovery. Also the Google image revealed that there seems to be huge amount of sand mining was carried out from the sand deposits inside the river stream.

**44.** 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 April 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 order dated 26/04/2019 is annexed here unto as **ANNEXURE-7**

**45.** That Odisha Sand Policy 2021 brought in shape of resolution dated 2/09/2021 by Revenue and Dissaster Management Department, Government of Odisha for stricter monitoring of sand mining in a sustainable manner but there has been no implementation of the policy on the ground there by confining the policy to papers without any action. Copy of Odisha Sand Mining Policy dated 2/09/2021 is annexed here unto as **ANNEXURE-8**

**46.** It is submitted that the EIA Notification Amendment dated 15<sup>th</sup> January 2016 suggests that A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district. A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each

site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

**47.**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 15<sup>th</sup> 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.

**48.** There is No monitoring of compliance of Conditions of CTO by the Regional Office of SPCB, Rourkela 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 Tahsildar and Revenue Staff for their dereliction in duty and apparent corruption and involvement in revenue loss to the exchequer by conducting the ground assessment of sand mining on weekly basis and obtaining the satellite information from ORSAC. It is submitted that as per Govt of Odisha Revenue Dissaster and Management Department letter dated 26/04/2019, the illegal sand extraction are required to be enquired 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.

- 49.** That the Deputy Director of Mines, Koira who approves the mining plans of SandBeds 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.
- 50.** That the Regional Transport Officer, Rourkela has the duty to monitor that the vehicles running should have fitness and pollution under control certificate. Further have the duty to monitor the traffic density and that heavy vehicles do not run on the rural roads, hence the concerned authority has failed in discharging the responsibilities and warrants appropriate action. The villagers have time and again reported to the authority but they chose to remain a mute spectator.
- 51.** Mining is being carried out without any annual replenishment study. The sand extraction is only allowed in the deposition area and dry pit mining method, however the lessee is carrying the in-stream mining from the deep water using machine which in violation of mining plan and EC Condition.
- 52.** That the standard 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.
- 53.** The mechanical mining, in stream mining, diversion of river flow and vehicles carrying the sand without tarpaulin covered and being overloaded and thereby causing air/dust pollution. It is humbly submitted that the local

people have to face many inconvenience because of uncovered heavy vehicles carrying the sand from the mining site.

**54.** 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>

**55.** 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.

**56.** Mining should be restricted to single shift only that is for 8 hours (7am to 12noon and 2pm to 5PM) however it takes place all through out day and night using high-power excavators. No qualified Mines Manager, Foreman and Mate with certificate of competency as per mines act.

**57.** That the State Government is losing revenue because of the unaccounted illegal mining. At present one tractor load of sand is sold around Rs 800, while Tipper load of sand is sold at Rs 4000 and 10 wheeler load is sold at Rs 6000 in the market.

**58.** This clearly indicates that the private respondent 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 Tahasildar, Bonai with the private respondent in allowing the illegalities to continue on day to day basis

**59.**That the sustainable Sand Mining Management Guideline 2016 suggests a 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 centre, 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. Copy of relevant pages of Sustainable Sand Mining Management Guideline 2016(pg 73 to 78) is Annexed here unto as **ANNEXURE-9**

**60.**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 Guideline 2016 and 2020. Copy of the minutes of meeting dated 11/11/2020 is annexed here unto as **ANNEXURE-10**.

**61.** It is pertinent to mention here that the issue of illegal mining and complaint of the villagers to the Director of mines has also widely covered by vernacular odia newspaper namely Pragatibadi and Sakala on dated 15/01/2025. Copy of the Odia newspaper namely Pragatibadi and Sakala published on dated 15/01/2025 is here unto annexed as **ANNEXURE-11**.

**62.** The National Green Tribunal in number of cases while adjudicating the issue of delay in filing Appeals against environment clearances has referred to the EIA Notification 2006 and discussed the issue of completion of communication of Environment Clearance to public at large.

The National Green Tribunal in [1]**Save Mon Region Federation case** held that “The MoEF shall discharge its onus and complete its acts to ensure communication of the environmental clearance so as to trigger the period of limitation. The MoEF upon granting of the environmental clearance must upload the same on its website within seven days of such order, which would remain uploaded for at least 90 days, as well as put it on its notice board of the Principal as well as the Regional Office for a period of at least 30 days. It should be accessible to the public at large without impediments”

*After going through the above judgments, it is crystal clear that the MoEF/SEIAA has responsibility to upload the environment clearance letters in their official website in a time bound manner, failing which they cannot take the benefit of limitation period prescribed in the statute. Further the onus is always on the SEIAA/MoEF to establish*

*that the environment clearance has been communicated to larger public and such communication is complete in all respect.*

**63.** Further it is more important for general public to engage with the decision making bodies and in this regard more proactive steps should be taken on behalf the SEIAA and Forest and Environment Department, so that people can know more about the activities of SEIAA and SEAC. The proactive disclosure of decision making process, is essential for vibrant and transparent decision making process. As such disclosure of information relation to functioning of SEIAA no more an option but a mandatory legal obligation and **SEIAA Odisha has miserably failed in discharging it's legal obligations for so many years**

**64.** It is further submitted that Sand Mining in Brahmani River bed at Tendra 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 respondent to violate the norms in broad day light

**65.** 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.

- 66.** 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.
- 67.** That Rule 37 specifies Conditions of quarry permit:— (1) The holder of a quarry permit shall obey the following conditions, namely:— (a) The depth of the quarry below the surfaces shall not exceed six meters; (b) The quarry permit shall be non-transferable; (c) Minor mineral, other than that for which quarry permit has been granted, shall not be excavated or removed without prior approval of the Competent Authority; (d) If any mineral other than minor mineral is found during quarrying operations, the holder of the quarry permit shall report the matter to the Competent Authority and the Director forthwith and the quarry permit shall be determined without payment of any compensation to the holder of the quarry permit; (e) The holder of the quarry permit shall maintain complete and correct accounts of the minor mineral excavated and quantity removed from the area; (f) The

holder of the quarry permit shall immediately report all accidents to the Competent Authority and the Collector of the district; (g) The holder of the quarry permit shall have no right over the quarried material and other properties lying in the permit area after expiry of the validity of the quarry permit; (h) The holder of the quarry permit shall not undertake any operation in forest area without obtaining the permission from the Competent Authority of the Forest Department, Odisha; (i) The permit holder of the quarry permit shall not carry on the quarrying operation within a distance of fifty meters from any public roads, public buildings, temples, reservoirs, dams, burial grounds, railway track monuments, heritage sites, etc. and shall not cause any damage to any public and private properties. (2) The holder of the quarries shall allow the Director, Controlling Authority and Competent Authority or any officer authorized by any of them to inspect the quarrying operations and to check the accounts and verify the details of dispatches from the registers maintained by him. (3) If any minor mineral is removed in excess of the quantity permitted, such material shall be confiscated and the holder of the quarry shall be liable for punishment under the provisions of the Indian Penal Code 1860, Act and these rules. (4) As soon as removal of the mineral granted under the permit is completed, the holder of the quarry permit shall surrender the permit to the Competent Authority and furnish the particulars of permit contained in Form-S indicating the quantities of minor minerals removed and other information as may be required by the Competent Authority.

### **GROUND**

- 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 Guideline 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 jeopardizing 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 guideline 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 proposed 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 sand mining in violation of sustainable sand mining guideline and there has been no action pursuant to the public complaint dated 04/01/2025 hence the present application is not barred by limitation

**INTERIM PRAYER**

The Hon'ble Tribunal may constitute a High level Independent Committee to assess the illegally excavated mineral cost and restrain the Private Respondent from mechanical mining in river bed till disposal of the application.

**PRAYER**

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

- I. Permanently Restrain the Private Respondent from sand mining by use of machine and excavator.
- II. 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.
- III. Direct the Respondent 1 to initiate Criminal Proceedings against Private Respondent and Tahasildar Bonai to take appropriate action including revocation of environment clearance letter and consent to operate order for violation of the Environment Norms and conditions imposed for sand mining.
- IV. Impose exemplary penalty on the private respondent for violation of Environment Clearance and Consent to Operate conditions

V. Direct the independent committee to assess the Cost of river bed material illegally excavated, Cost of ecological restoration, and Net present value of the future ecosystem services foregone may be calculated and recovered for the private respondent.

VI. Fix the accountability of Government Respondents such as Tahasildar Bonai for lapses on their part for their inaction in enforcing the laws regulating the sand mining.

VII. Direct the State Respondents to seize the Excavators used for Sand Mining in Tendra-II Sand Quarry.

VIII. Call for a status report from Chief Secretary on implementation Sand Mining Policy 2021 and mechanism to monitor exact quantity of sand extracted and transported from a source

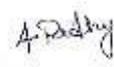
IX. GPS TRACKING OF VEHICLES AND E TRANSIT PASS MANDATORY FOR MINING OPERATION

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

DATE-25/02/2025

APPLICANT THROUGH

Refilled on 28/03/2025

PLACE-BHUBANESWAR

ADVOCATES

BEFORE THE HUMBLE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH KOLKATA

Original Application No-.....of 2025

IN THE MATTER OF;

Jhadeswar Pradhan

... Applicant

-Versus-

State of Odisha and Others

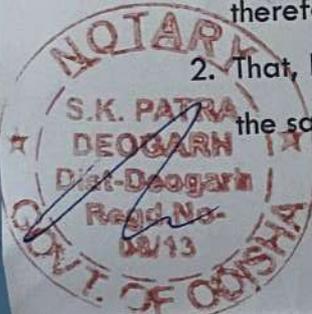
... Respondent

SI No. 1078  
Dated 28/3/25

AFFIDAVIT

I Jhadeswar Pradhan, S/o-Rasananda Pradhan, aged about 60 years, resident of village Tendra, P.S-Bonaigarh, Dist-Sudargarh, Odisha do hereby solemnly affirm & declare as under;  
That, I am the applicant No. 1 in above mentioned Application and I am fully conversant with the facts & circumstances of the case and therefore competent to swear this affidavit.

2. That, I have read over the contents of the accompanying affidavit and the same is true & correct and is drafted on my instructed.



Jhadeswar Pradhan  
DEPONENT

VERIFICATION

Verified on this the 28<sup>th</sup> day of March 2025 at Deogarh that the contents of the above OA are true & correct. No part of it is false and nothing material has been concealed there from.

Identified by me

*[Signature]*  
Advocate, Deogarh

The deponent (S) sworn before me this 28<sup>th</sup> day of March 2025 stated on that contains of this affidavit are all true and correct to the best of his/her their knowledge & belief.

SARU KUMAR PATRA  
NOTARY, DEOGARH

*[Signature]*  
03  
2025

To  
The Director, (Minor minerals)  
Loksewa Bhawan Bhubaneswar.

Sub: Illegal mining and transporting of sand loaded truck / tipper over cultivated Patta land without mining T.P.

Respected Sir,

Most humbly, we the villagers Tendra, P.O. Tendra, P.S. Bonai, Dist. Sundargarh beg to state that the leaseholder of Tendra sand-bed on the bank of the Brahmani river have been mining sand out of his lease area. Though there is no govt. roadway to the sand-bed, her loaded sand trucks are transporting through public cultivated patta land and along the play ground. she is using an excavator and backhoe loader, Pach lane machine for mining of sand illegally. By operating such types of machine, she is creating a high air-pollution alongwith high value noise pollution, we are unable to sleep in the night.

We, therefore pray you to kindly take necessary action to check the above problem in our village and oblige.

yours faithfully,  
villagers of Tendra,

on dated. 4.01.2025

1. Anandh Pradhan
2. Shafiqur Pradhan
3. Sibana K. Majhi
4. Malati Mahalik (KANO)
5. Pitabasa Mahalik
6. Gagan Mahalik

DA.  
04/01/25

ENVIRONMENTAL  
CLEARANCE

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

To,

The Owner  
 RASHMIREKHA SAHU  
 AT- AMGAON , PO- SINGSAL -768110

**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/291225/2022 dated 21 Feb 2023. The particulars of the environmental clearance granted to the project are as below.

- |   |  |
|---|--|
| 1. <b>EC Identification No.</b>                   | <b>EC23B000OR130060</b>  |
| 2. <b>File No.</b>                                | 291225/882-MINB2/03-2023   |
| 3. <b>Project Type</b>                            | New  |
| 4. <b>Category</b>                                | B2   |
| 5. <b>Project/Activity including Schedule No.</b> | N/A  |
| 6. <b>Name of Project</b>                         | Proposal for EC of TENDRA II SAND BED over an area 12.35acres or 5.00hectares in Brahmani nadi Kha adjoining Tendra village under Bonai tahasil of Sundargarh district Odisha. |
| 7. <b>Name of Company/Organization</b>            | RASHMIREKHA SAHU   |
| 8. <b>Location of Project</b>                     | Orissa   |
| 9. <b>TOR Date</b>                                | N/A  |

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

Date: 13/07/2023

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

*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.*

*This is a computer generated cover page.*

PARIVESH

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





**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**  
 5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email: seiaaodisha@gmail.com  
 statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment  
 (Protection) Act, 1986

### ENVIRONMENTAL CLEARANCE FOR SAND MINING

**Subject: Application of Smt. Rashmirekha Sahu for mining of Sand from Tendra II Sand Bed (on River Brahamani) over an area 12.35Acres or 5.00Ha bearing Khata No-01, Plot No- 149/P,151/P located in village-Tendra, tahasil-Bonai, District-Sundargarh- Environmental Clearance reg.**

The project proponent Smt. Rashmirekha Sahu has submitted an application for EC to SEIAA, Odisha through the Parivesh portal of MOEF&CC,GOI vide online application no. SIA/OR/MIN/291225/2022 dated 21.02.2023 for mining of Sand from Tendra II Sand Bed (on River Brahamani)over an area 12.35Acres or 5.00Ha bearing Khata No-01, Plot No-149/P,151/P located in village-Tendra, tahasil-Bonai, District-Sundargarh in terms of the provisions of the Environment Impact Assessment(EIA) Notification, 2006 under the Environment(Protection) Act,1986 and subsequent amendments thereto.

#### 2. Proposal in brief:

Proposal No.	SIA/OR/MIN/291225/2022
Date of application	21.02.2023
File No.	291225/882-MINB2/03-2023
Project Type	EC
Category	B2
Project/Activity including Schedule No.	1(a) Mining of minerals
Name of the Project	Proposal for grant of EC for Tendra II Sand Bed over an area 12.35acres or 5.00hectares in Brahmani nadi Kha adjoining Tendra village under Bonai tahasil of Sundargarh district Odisha.
Name of the company/Organization	Applicant:- Smt. Rashmirekha Sahu At- Amgaon, Po- Singal Dist- Deogarh Odisha
Location of Project	Odisha

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:

- i. This is a proposal for mining of sand from Tendra II Sand Bed (on River Brahamani) over an area 12.35Acres or 5.00Ha bearing Khata No-01, Plot No- 149/P,151/P located in village-Tendra, tahasil-Bonai, District-Sundargarh.



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

- ii. The mining area is a part of Survey of India Toposheet No. F45M14 bounded by Latitude: 21°41'14.76" N to 21°41'29.13" N and Longitude: 84°56'51.27" E to 84°56'56.88" E.
- iii. The mining lease is an identified sairat source in the DSR. The Tendra II Sand Bed sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Bonai to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years. The lease period of 5 years shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar.
- iv. The mining plan of the mining project prepared has been approved by Deputy Director of Geology, O/o Joint Director of Geology, Zonal Survey, Sambalpur on dated 27.10.2021.
- v. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 63446 cum of sand, when extracted upto a depth of 1.5 m., maximum annual extraction of sand-30000 cum/annum with 1.0 meter depth by manual method mining.
- vi. No study of the annual rate of replenishment of sand has been done for the sairat source which is a pre requisite as per the guidelines of sustainable sand mining management issued by the MoEF & CC, Govt. of India, and as per orders dated 13.09.2018 of the Hon'ble NGT.
- vii. The project proponent has also not furnished the width of the river, nor the alignment of the extraction path for sand transportation. As reported by the tahasildar, a river bridge is at a distance of 0.9Km away from the mining lease area.
- viii. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mine 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.
- ix. Whether the DSR has been prepared as per the MoEF & CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining 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)- **No**
- x. Whether the replenishment rate study of sand was done as per the Enforcement & Monitoring Guideline for sand mining-2020-**No**
4. This proposal conforms to the item no. 1(a)-'Mining of Minerals' 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 considered by the State Level Expert Appraisal Committee (SEAC) in its meeting held on 6<sup>th</sup>-10<sup>th</sup> May 2023. The SEAC have duly recommended for grant of EC to the proposal.
6. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 125<sup>th</sup> meeting held on 26.06.2023 in accordance with the EIA Notification, 2006 and further amendments thereto as well as the Judgement dated 2<sup>nd</sup> 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 14<sup>th</sup> September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for**



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mining of Sand from Tendra II Sand Bed (on River Brahamani) over an area 12.35Acres or 5.00Ha bearing Khata No-01, Plot No- 149/P,151/P located in village-Tendra, tahasil-Bonai, District-Sundargarh by Smt. Rashmirekha Sahu with the following stipulations, environmental conditions and safeguards.

**A: Stipulations:**

Sl.	Descriptions	Stipulation
(i)	Lease Area:	12.35Acres or 5.00Ha
(iii)	No Mining Zone:	1/4 <sup>th</sup> of river width for protection of river bank and 7.5 meter safety zone from all side of lease boundary.
(iv)	Maximum Depth of Mining:	1.0 meter as per the approved mining plan
(v)	Permitted Quantity:	1 <sup>st</sup> year:30000 cum 2 <sup>nd</sup> year:7500 cum
(vi)	Validity Period of EC:	The validity of EC is for 1 <sup>st</sup> year and 2 <sup>nd</sup> year or validity of DSR or validity of lease period whichever is earlier.

**B: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED WITH BY THE TAHASILDAR BEFORE EXECUTING 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 shall be submitted to SEIAA, Odisha through email at [info.seiaaorissa@gmail.com](mailto:info.seiaaorissa@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 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 avenue 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 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.

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- 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 **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 concerned of the above environmental conditions and safeguards (from 7.1 to 7.6).
- C: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED ON FIELD AFTER THE LEASE AGREEMENT**
- 7.8 **Maximum Depth of Mining:** Maximum depth of mining 1.5 meter and maximum quantity of extraction shall be limited to **30000 cum** in 1<sup>st</sup> year and **7500 cum** in 2<sup>nd</sup> year. PP shall submit Annual rate of replenishment study (ARRS) report each year through ORSAC empanel agency. The Project proponent shall follow Enforcement & Monitoring Guideline for sand mining-2020 before and during operation of quarry. Any flouting of this restriction shall make this EC liable to cancellation.
- 7.9 **Annual Replenishment Rate Study of Sand:-** The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method 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.
- 7.10 **District Survey Report:** In view of likely revision of DSR as per the Ministry guidelines, the mention of this deposit in DSR with final coordinates is to be ensured by Tahasildar within two years. The boundary area of the deposit as per the updated DSR defined by geo coordinates based on DGPS survey be superimposed on the cadastral map. The Grant of EC for further period will be considered after submission of DSR approved by SEIAA as per the MoEF& CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining guidelines-2016 and Enforcement & Monitoring Guideline 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).
- 7.11 **EC Extension:-** Any further extension of EC beyond two year shall be considered only with submission of duly approved District Survey Report and Annual Replenishment Rate Study report of sand.
- 7.12 **No change in the mining plan without prior approval of SEIAA:-** 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.



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- 7.13 **Environmental Management Plan:-** (i) 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. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The Tahasildar shall ensure the compliance of this condition along with all lease holders of his jurisdiction.  
 (ii) The PP will implement the EMP with a budgetary allocation of Rs. 2.80 Lakh per annum as proposed during the valid lease period of 5 years. The detailed expenditure on EMP shall be submitted with six monthly compliance report.
- 7.14 **No Working Zone:** - The lessee shall ensure that no sand mining is carried out in the areas as specified below:-
- During the rainy season;
  - Within the water channel or stream flow area throughout the year;
  - Mining shall not be undertaken in a mining lease located in 250-500 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.
  - The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non- monsoon period.
  - No stream shall be diverted for the purpose of sand mining and no natural water course shall be obstructed.
  - Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
  - The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
- 7.15 **Transport Safeguards:**
- Consent / NoC shall be obtained from the concerned authority if village road is to be used for transportation. The said road shall also be maintained by the lessee.
  - No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
  - 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.
  - 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.
  - 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.
- f) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar 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.
- g) 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.
- 7.16 **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.
- a) The Tahasildar shall take adequate measures to prevent unauthorized mining;
- b) The project proponent should carry out river bed sand mining manually by engaging local laborers to check over exploitation of sand at the source;
- c) The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.
- d) 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.
- 7.17 **Common Forum for EMP:-** All the individual quarry lessee holders coming under the Tahasil may create a common forum in coordination with the Tahasildar 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.
- 7.18 **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 safeguards to the SEIAA, Odisha / Regional Office of the MoEF & CC, Bhubaneswar in soft copies on 1<sup>st</sup> day of June and December of each calendar year. The proponent shall also upload the compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions, 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, 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 quarterly 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 &



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- 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 shall inform the SEIAA of any change in ownership of the mining lease. No mining is allowed without transfer of EC as per the provision of the Para 11 of EIA Notification,2006, as amended from time to time.
- 7.23 **Statutory compliance on Grant of CTE & CTO from SPCB:-** Project Proponent (PP) shall obtain Consent to Operate after grant of EC and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the concerned State Pollution Control Board. The SPCB, Odisha shall ensure that there is no change in the extraction quantity as given in the EC stipulations in respect of year wise permitted quantity before giving 'consent to operate' to this project.
8. **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 1<sup>st</sup> 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 1<sup>st</sup> year quantity is allowed for 2<sup>nd</sup> year w.r.t Order dated 02.02.02022 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 2<sup>nd</sup> year shall be considered on submission of duly approved ARRS.
9. 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.
10. 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.

*[Signature]*



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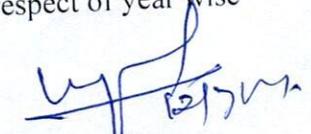
11. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

Yours Faithfully,

  
 Member Secretary

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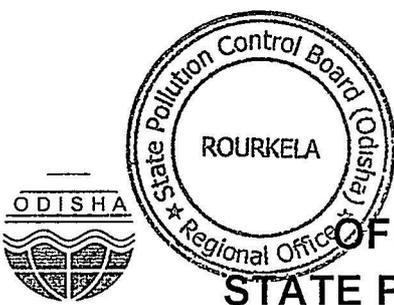
1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information and necessary action.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
5. Principal Secretary, Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Sundargarh/ DFO, Bonai / Sub Collector, Sundargarh /Tahasildar, Bonai for Information and necessary action with specific reference to para in respect of year wise permitted quantity for extraction.
7. Guard file for record/Website/Parivesh Portal.

  
 Member Secretary

Signature Not Verified

Digitally signed by Dr. K. Murugesan, IFS, Member Secretary

Date: 7/13/2023 12:45:32 PM



**OFFICE OF THE REGIONAL OFFICER  
STATE POLLUTION CONTROL BOARD, ODISHA**

(DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVT OF ODISHA)

At: Near Hockey Chowk, Panposh, Rourkela, Sundargarh-769004, Odisha

No. 5327 /CTE/055

“By Registered post”

Date: 22/12/2023

**CONSENT TO ESTABLISH ORDER**

In consideration of the online application No.5237067 for obtaining Consent to Establish for Tendra-II Sand Bed, the State Pollution Control Board is 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 production of Sand of capacity limited to 30,000 Cubic Meter/Annum and maximum depth of mining up to 1.0m during valid mining lease period (as per Environmental Clearance) over mining lease area of 12.35 acres or 5.00ha bearing Plot No.149/P, 151/P, Khata No.1 (Kısam-Nadı) as submitted by the applicant at Mouza: Tendra, Tahasil: Bonai in the district of Sundargarh with the following conditions.

**GENERAL CONDITIONS:**

01. This Consent to Establish is valid for the product, method of mining and capacity as mentioned in the approved mining plan and Environmental Clearance. This order is valid for five years. The proponent shall do substantial mining activities for the proposal within a period of five years from the date of issue of this Consent to Establish order. If the proponent fails to do substantial mining activities for the proposal within five years then a renewal of this Consent to Establish shall be sought by the proponent.
02. The mine shall 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 at least 3 (three) months before the commencement of production and obtain Consent to Operate from this Board.
03. The mine shall comply to the provisions of Environment Protection Act, 1986 and the rules made there under with their amendments from time to time such as the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended from time to time, Hazardous Chemical Rules, / Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 etc. and amendments there under. The industry shall also comply to the provisions of Public Liability Insurance

Act, 1991, if applicable. No change in mining technology and scope of working shall be made without prior approval of the Board.

04. This consent to establish is subject to statutory and other clearances from Govt. of Odisha and/or Govt. of India, as and when applicable.

**SPECIAL CONDITIONS:**

**A. GENERAL CONDITONS**

1. Conditions stipulated in the Environmental Clearance approved and issued by SEIAA vide EC ID No.EC23B000OR130060 (Proposal No. SIA/OR/MIN/291225/2022), dtd.13.07.2023 shall be abided.
2. The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method 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/SPCB to assess the actual rate of replenishment of mined out sand in the lease area.
3. Mining activity shall be carried out as per approved mining plan prepared for this project.
4. Any change in the calendar plan, quantity to be produced, or method of mining shall require prior approval from the Board.
5. The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.
6. The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent.
7. The operation of excavation as proposed shall be manual and shall be strictly as per the method laid down in the approved mining plan. No excavator machine shall be deployed/used by the project proponent for the extraction of sand from the river bed.
8. Mining operation should not be carried out without compliance of provisions as enumerated in the OMMC Rules, 2016 as amended thereof along with the Notifications of Ministry of Environment, Forest and Climate Change from time to time.
9. The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation, if any, existing nearby.

10. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010 issued by the MoEF, GOI.
11. If any information furnished by the applicant is found to be incorrect or suppressed and detected on later stage, the consent to establish shall be revoked including initiation of appropriate legal action as deemed fit as per the provisions of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 as amended thereof and rules framed thereunder.
12. 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 stipulate conditions are not implemented and / or information is found to have been suppressed / wrongly furnished in the application form.

#### **B. WATER POLLUTION**

13. 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 250-500 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.
14. 1/4<sup>th</sup> of the width of river shall be left intact along the embankments on both sides as 'no mining zone' and 7.5m safety zone shall be left from all side of lease boundary.

#### **C. AIR POLLUTION**

15. No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission.
16. 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.

17. 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.
18. 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.
19. The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of sand 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 sand trucks.
20. The following measures are to be implemented to reduce Noise pollution:-
  - a. Proper and regular maintenance of vehicles and other equipment
  - b. Limiting time of exposure of workers to excessive noise.
  - c. The workers employed shall be provided with protection equipment and earmuffs etc.
  - d. Speed of trucks entering or leaving the mine is to be limited to moderate speed of 30 kmph to prevent undue noise from empty trucks.
21. The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality.
22. Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for avenue plantations of the State Forest Department. The project proponent shall plant saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Forest Department & Gram Panchayat.
23. Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
24. The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
25. The unit shall maintain ambient air quality in order to meet the prescribed standard as per National Ambient Air Quality Standard.

**D. SOLID & HAZARDOUS WASTE**

26. Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 and its amendments thereof to the recyclers authorized by SPCB, Odisha.

To

Smt. Rashmi Rekha Sahu, Lessee  
Tendra-II Sand Bed,  
At: Singal, PO: Amgaon, PS: Barkote  
Dist: Deogarh - 768110, Odisha

*Mallik*  
22-12-23  
REGIONAL OFFICER

Memo No. 5328(7) /

Date 22/12/2023

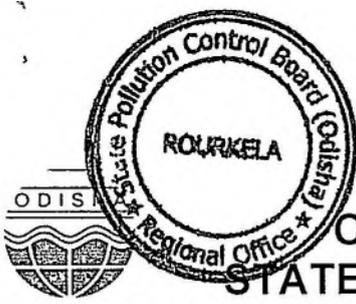
**Copy forwarded to:**

1. The Member Secretary, SPC Board, Odisha, Bhubaneswar
2. The Collector & District Magistrate, Sundargarh
3. The DDM, Rourkela, Sundargarh
4. The D.F.O., Sundargarh
5. The Joint Director of Geology, Zonal Survey, Sambalpur
6. The Tahasildar, Bonai, Sundargarh
7. Guard File, Regional Office, SPCB, Rourkela



*Mallik*  
22-12-23  
REGIONAL OFFICER

*ofc*

**OFFICE OF THE REGIONAL OFFICER  
STATE POLLUTION CONTROL BOARD, ODISHA**

(DEPARTMENT OF FOREST, ENVIRONMENT &amp; CLIMATE CHANGE, GOVT OF ODISHA)

At: Near Hockey Chowk, Panposh, Rourkela, Sundargarh-769004, Odisha

"By Registered Post"

**CONSENT ORDER**

No...13...../CTO-1433

Date: 02/01/2024

CONSENT ORDER NO. 0188/SPCB/RKL (APC & WPC)

Sub: Consent for discharge of sewage and trade effluent under section 25/26 of Water (PCP) Act, 1974 and for existing/new operation of the plant under section 21 of Air (PCP) Act, 1981.

Ref: Your Consent to Operate online Application No.5237104.

Consent to operate is hereby granted under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 and rules framed thereunder to:

Name of the Industry/ Mine : Tendra-II Sand Bed

Name of the Occupier & Designation : Smt. Rashmi Rekha Sahu, Lessee

Address of the quarry : Plot No.149/P, 151/P, Khata No.1 (Kisam-Nadi), Total ML Area of 12.35 acres or 5.0ha, Mouza: Tendra, Tahasil: Bonai, Dist: Sundargarh

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

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	Period	Production Capacity (as per Approved Mining Plan & Environmental Clearance)
1.	Minor Mineral - Sand	1 <sup>st</sup> Year	30,000 Cubic Meter
		2 <sup>nd</sup> Year	7,500 Cubic Meter

**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 standard			
				pH	TSS (mg/l)	BOD (mg/l)	Oil & Grease (mg/l)
1	Domestic waste water	To 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

**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

**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 of 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 f 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 deemed fit for the purpose of the Acts
- 2 The industry would immediately submit revised application or consent to operate to the 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 of 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 satisfaction the liquid effluent arising out of the operation of the air pollution control equipment shall 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 of 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 not 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 waste.
- 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 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. Conditions stipulated in the Environmental Clearance approved and issued by SEIAA vide EC ID No.EC23B000OR130060 (Proposal No. SIA/OR/MIN/291225/ 2022), dtd.13.07.2023 shall be abided.
02. Production of Sand shall be limited to 30,000 Cubic Meter during 1<sup>st</sup> year and 7,500 Cubic Meter during 2<sup>nd</sup> year and maximum depth of mining up to 1.0m.
03. The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method 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/SPCB to assess the actual rate of replenishment of mined out sand in the lease area.

04. Mining activity shall be carried out as per approved mining plan prepared for this project.
  05. Any change in the calendar plan, quantity to be produced, or method of mining shall require prior approval from the Board.
  06. The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.
  07. The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent.
  08. The operation of excavation as proposed shall be manual and shall be strictly as per the method laid down in the approved mining plan. No excavator machine shall be deployed/used by the project proponent for the extraction of sand from the river bed.
  09. Mining operation should not be carried out without compliance of provisions as enumerated in the OMMC Rules, 2016 as amended thereof along with the Notifications of Ministry of Environment, Forest and Climate Change from time to time.
  10. Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above.
  11. The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation, if any, existing nearby.
  12. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010 issued by the MoEF, GOI.
  13. 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.
14. 1/4<sup>th</sup> of the width of river shall be left intact along the embankments on both sides as 'no mining zone' and 7.5m safety zone shall be left from all side of lease boundary.
  15. River Bank stabilization shall be made through stone patching. Stone patching on river bank with plantation in-between and the ramp construction shall be done in consultation with and advice of concerned Water Resource Department, Government of Odisha.
  16. No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission.
  17. 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.
  18. 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.
  19. 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.
  20. The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of sand 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 sand trucks.
  21. The following measures are to be implemented to reduce Noise pollution:-
    - a. Proper and regular maintenance of vehicles and other equipment
    - b. Limiting time of exposure of workers to excessive noise.
    - c. The workers employed shall be provided with protection equipment and earmuffs etc.
    - d. Speed of trucks entering or leaving the mine is to be limited to moderate speed of 30 kmph to prevent undue noise from empty trucks.
-

22. The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality.
  23. Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for avenue plantations of the State Forest Department. The project proponent shall plant saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Forest Gram Panchayat.
  24. Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
  25. The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
  26. The unit shall maintain ambient air quality in order to meet the prescribed standard as per National Ambient Air Quality Standard.
  27. Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
  28. Mine shall abide by the provisions of Environment (Protection) Act, 1986 and rules framed there under.
  29. The annual production and point wise compliances to the consent conditions shall be submitted to the Board latest by 30<sup>th</sup> April every year.
  30. In case the consent fee is revised upwards during this period of consent, the unit shall pay the differential amount to the Board to keep the consent order in force. If the industry fails to pay the amount within the period stipulated by the Board the consent order will be revoked without giving prior notice.
  31. The Board reserves the right to revoke/refuse consent at any time during this period incase any violation is observed and to modify / stipulate additional conditions as deemed appropriate.
  32. If any information furnished by the applicant is found to be incorrect or suppressed and detected on later stage, the consent to operate shall be revoked including initiation of appropriate legal action as deemed fit as per the provisions of Air (Prevention and Control of Pollution) Act, 1981 as amended thereof and rules framed thereunder.
  33. In case the proprietor/partner sells/transfers the unit to any other person, he shall intimate the same in advance and submit the audited balance sheet showing capital cost of investment including land & building, plant & machinery without depreciated cost.
-



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

To

Smt. Rashmi Rekha Sahu, Lessee  
Tendra-II Sand Bed,  
At: Singal, PO: Amgaon, PS: Barkote  
Dist: Deogarh - 768110, Odisha

  
02-01-24  
REGIONAL OFFICER

Memo No. 14 (07)

Date 02/01/2024

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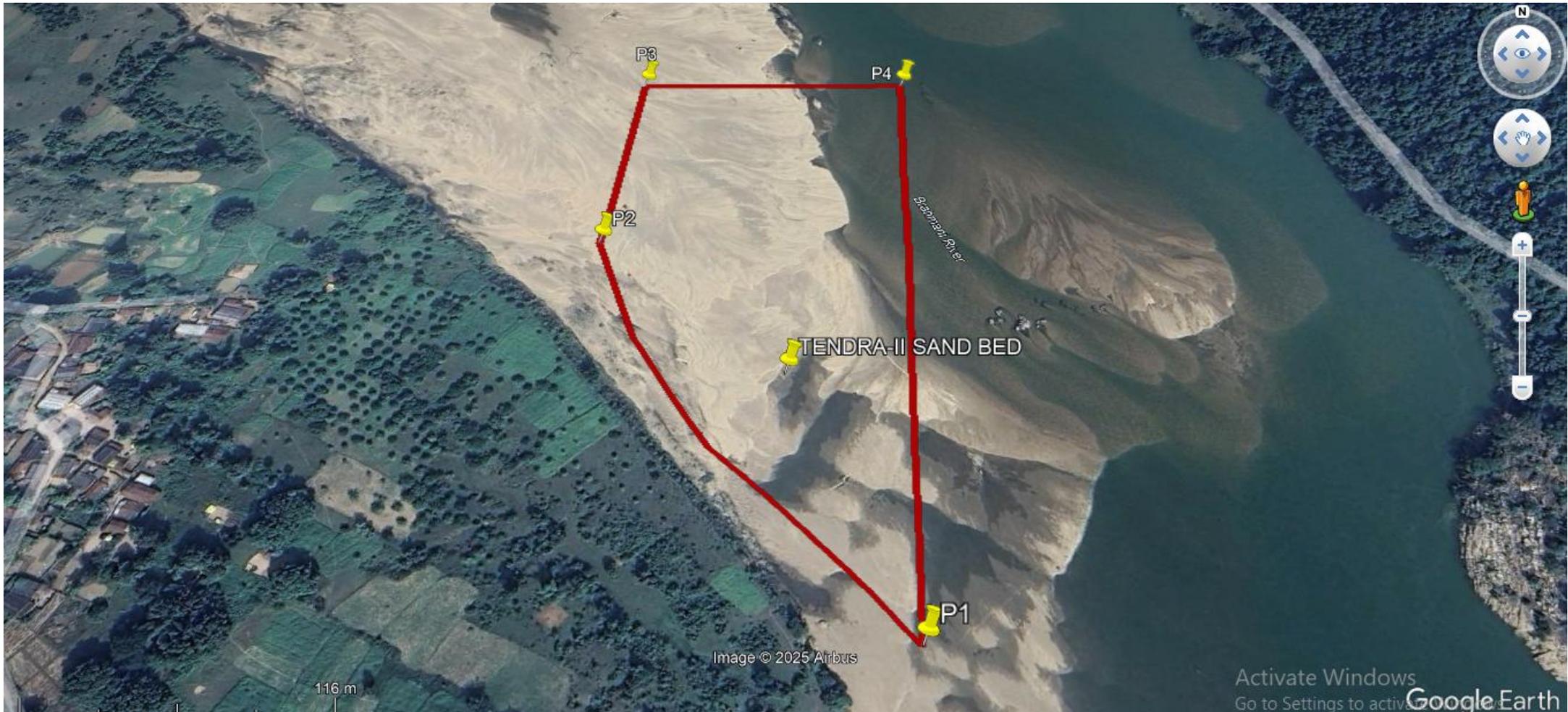
1. The Member Secretary, SPC Board, Odisha, Bhubaneswar
2. The Collector & District Magistrate, Sundargarh
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7. Guard File, Regional Office, SPCB, Rourkela



  
02-01-24  
REGIONAL OFFICER

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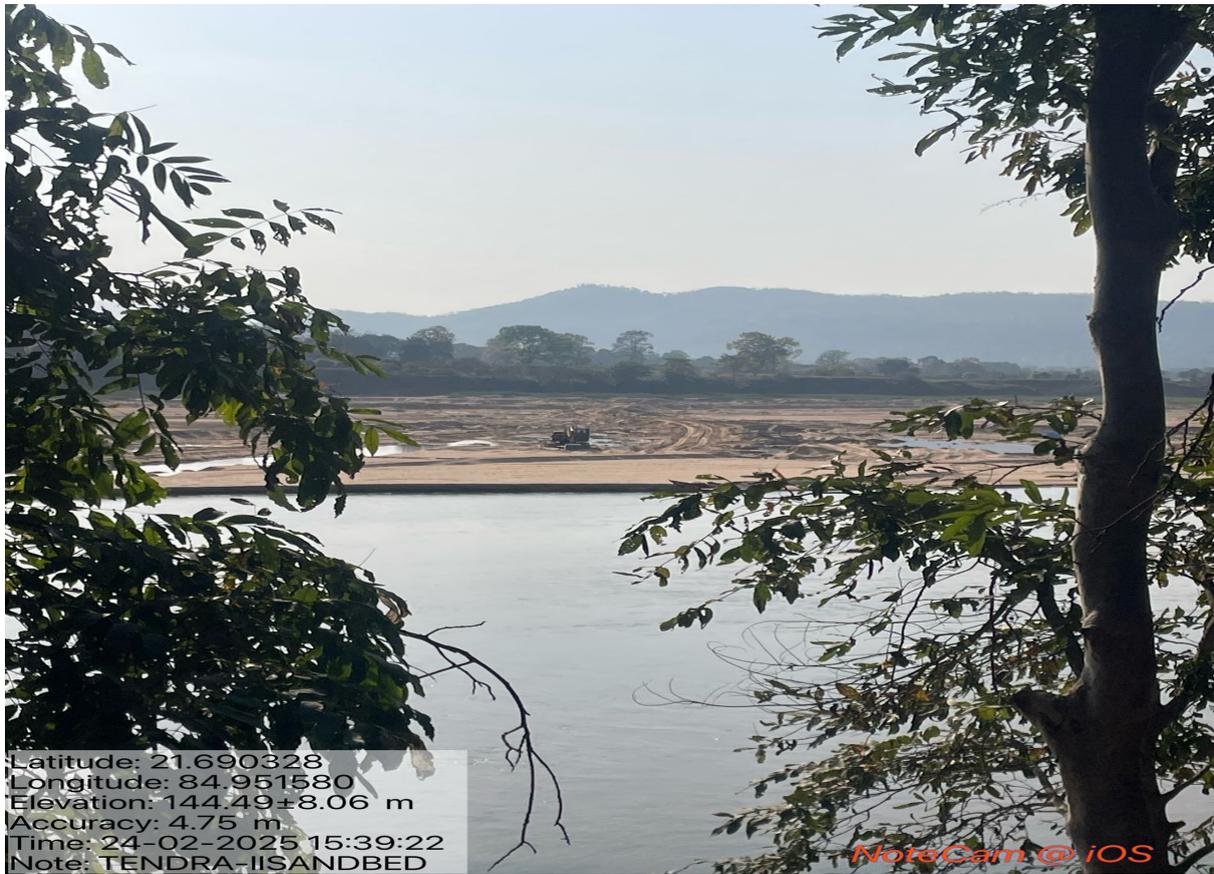
THAT THE BELOW ATTACHED GOOGLE EARTH IMAGE SUGGESTS THAT THE LESSEE HAS EXTRACTED SANDS BEYOND THE PERMISSIBLE LIMIT



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 24/02/2025 SHOWS THAT THE PRIVATE RESPONDENT IS OPERATING THE SAND BED BY USING JCB MACHINES



THAT THE BELOW ATTACHED PHOTOGRAPH SUGGESTS THE LESSEE IS NOT MAINTAINING THE NO MINING ZONE AND SAFETY ZONE.

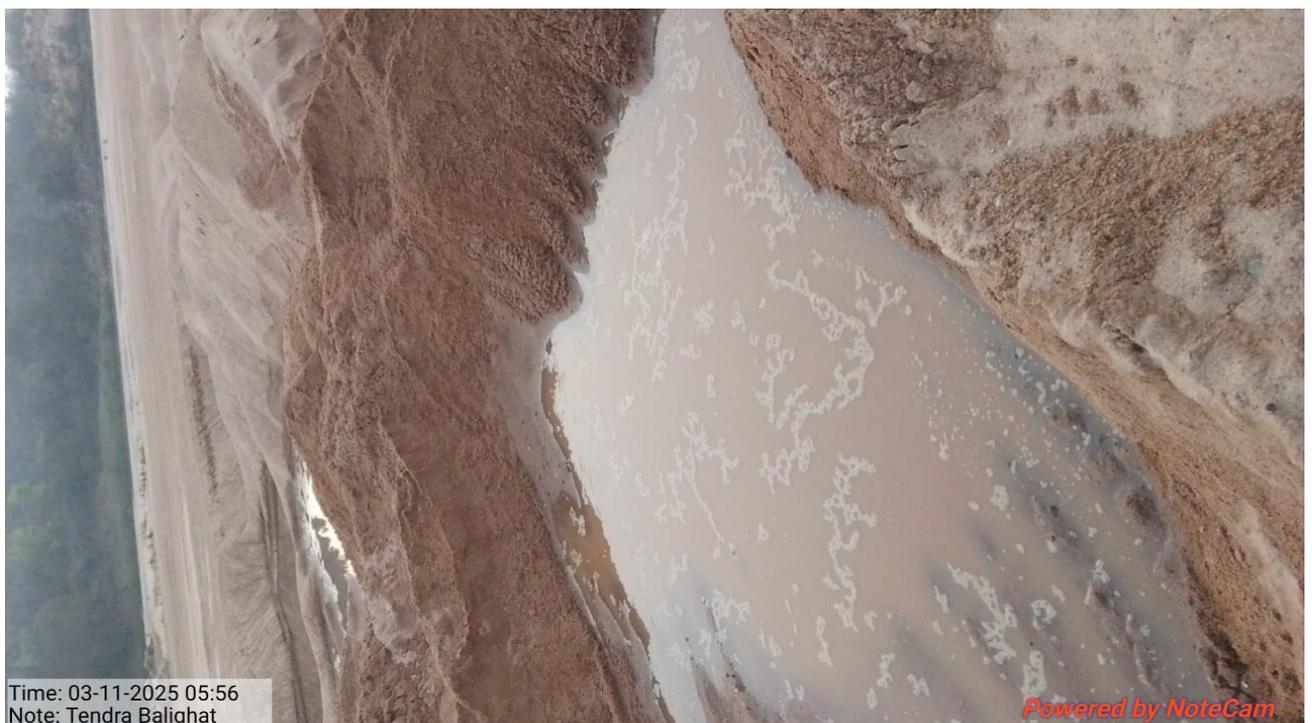




Latitude: 21.690328  
Longitude: 84.951586  
Elevation: 146.20±12.85 m  
Accuracy: 7.32 m  
Time: 24-02-2025 15:39:31  
Note: TENDRA-IISANDBED

NoteCam @ iOS

THAT THE BELOW ATTACHED PHOTOGRAPH SUGGEST THAT THE LESSEE OF THE TENDRA-II SAND BED HAD EXTRACTED SANDS UPTO A DEPTH OF MORE THAN 4 METER FOR WHICH A POND LIKE STRUCTURE HAS BEEN CREATED.



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 09/03/2025 SUGGESTS THAT THE LESSEE IS EXTRACTING THE SANDS BY USING JCB MACHINES.



By e-Mail/Fax

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

\*\*\*\*\*

RDM-MMS-EXINST-0001-2019-

12611

/R&amp;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.

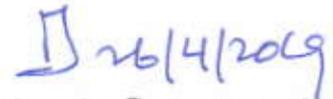
**D. Steps for prevention of illegal sand quarrying/mining:**

- 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,

 26/4/2019

Principal Secretary to Government

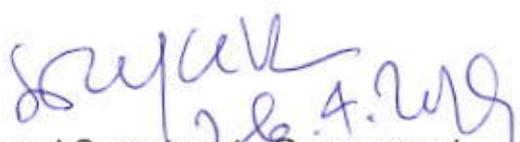
Memo No. 12612 /R&DM Dated 26.04.2019

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

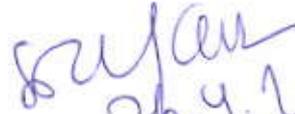
Memo No. 12613 /R&DM Dated 26.04.2019

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

Memo No. 12614 /R&DM Dated 26.04.2019

Copy forwarded to all Sub-Collectors/ all Tahasildars for information and necessary action.

  
26.4.2019

Additional Secretary to Government

Memo No. 12615 /R&DM Dated 26.04.2019

Copy forwarded to e-Governance Branch of this Department for uploading the same in the Department Website.

  
26.4.2019

Additional Secretary to Government

**GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

\*\*\*\*\*

**RESOLUTION**

No. 26372 / R & DM, Bhubaneswar, dated the 02 SEP 2021  
(RDM-LRGEC-POLICY-0004-2018)

**Sub: Odisha Sand Policy, 2021.**

Odisha has a number of river systems flowing into the Bay of Bengal. Majority of rivers as well as their tributaries and distributaries create and deposit sufficient sand in river beds making it a sand sufficient State. Heavy demand of sand in different parts of the State for developmental and welfare projects and demand of quality sand in neighbouring states may create a scope for unsustainable mining of sand. Illegal and unscientific mining of sand may adversely affect the river morphology. There is need for stricter monitoring of sand mining in a sustainable and scientific manner without causing damage to embankments, bridges and hydraulic structures or adversely affecting the river morphology.

In order to streamline the process, it is felt necessary to ensure a holistic process-chain with sustainable and scientific mining and management of sand with IT-enabled monitoring of its movement from the source to the end-user. The Odisha Sand Policy, 2021 proposes to systematize the process chain of river sand mining so as to ensure scientific and sustainable sand mining and to meet the requirement of the river sand.

**1. Objectives:**

- a. Identification and Quantification of all potential sand sources and its optimal utilization, ensuring availability of sand commensurate with reducing demand supply gap, bringing professionalism in sand mining.
- b. Regulate the sand mining in the State from its identification to its final end-use.

- c. Ensure greater transparency through e-auction.
- d. Develop scientific sand mining giving due weightage to safety, conservation, cost-effectiveness, environmental and social sustainability.
- e. To bring in greater efficiency, responsibility, responsiveness and effective management of sand mining with technology based management system like i4MS.
- f. To bring in place a robust system of enforcement to curb illegal mining of sand by use of IT enabled services and latest technologies for surveillance of the sand mining at each step.
- g. Development of procedure for replenishment study of sand mining.
- h. Post Environmental Clearance Monitoring and Environmental Audit.
- i. To protect the environment and the right of the population to live in clean and safe surroundings, with the need to use natural resources in a way that will make a positive and sustainable contribution to the economy.

## **2. Demand-Supply Estimation**

District Survey Report (DSR) for demand-supply estimation and gap assessment of every district shall be prepared by the competent authority for sustainable sand mining, as per the guidelines issued by MoEF & CC which inter alia includes the following:

- a. Inventory of river bed material and other sand sources in the district;
- b. Periodical auditing of rivers;
- c. Identification of Mining and no mining zones considering various environmental and social factors;

- d. Future demand for successive five years needs to be incorporated in the District Survey Report (DSR);
- e. Mining lease area should be so selected as to cover the entire deposition area excluding the safety zones; and
- f. Transportation route with its carrying capacity to be selected in such a way that the movement of vehicles through the villages/ habitation can be avoided to the extent possible.

### **3. Identification of sources:**

- i. Revenue and Disaster Management Department through the field functionaries and in consultation with Water Resources Department and Odisha Space Application Centre (ORSAC) shall identify the potential sand sources suitable for mining operation and such identified sources be made part of the DSR.
- ii. To ensure better management of sand mining public consultation with comments of the various stakeholders shall be sought on the list of mining lease to be auctioned.
- iii. To ensure scientific exploration, large stretches of river sand beds vis-à-vis- river morphology in relation to the local geomorphology situation in all the river systems, sand beds shall be identified by using remote sensing technology through ORSAC or any other qualified agency with assistance from Water Resources Department who in turn may conduct a study by taking technical support from reputed specialists/ institutions like IITs, while deciding locations of sand mining, the existing geomorphology, its impact on river morphology and hydrology, embankment and river flow etc.

### **4. DGPS Survey of sand sairat sources**

On completion of pillar posting and on requisition by Revenue and Disaster Management Department, Odisha Space Application Centre (ORSAC) will take up Differential Global Positioning System (DGPS) survey of the source boundaries. It would provide improved location accuracy.

## **5. Auction of Sand Mining Rights**

Auction of Sand mining shall be done as per Odisha Minor Mineral Concession Rules, 2016 and where sources exist in clusters as defined under Odisha Minor Mineral Concession Rules, 2016, cluster mining shall be given priority over individual mines.

## **6. Eligibility**

Eligibility of the bidder or applicant shall be decided as per the criteria specified under Mines and Minerals (Development and Regulation) Act, 1957 & Odisha Minor Mineral Concession Rules, 2016.

## **7. Mining Plan, Environment Clearance (EC) and other statutory clearance:**

All the statutory clearance shall be obtained by concerned Tahasildar beforehand, prior to putting any source into auction to facilitate seamless operation and the expenditure incurred for obtaining such approvals or clearances shall be raised against the prospective lessees.

- i. Calculation of annual rate of replenishment and allowing time for replenishment after mining in the area.
- ii. A reclamation plan including baseline survey, the proposed mining cross-section data, a planting plan and a monitoring plan can be a part of the mining plan.

## **8. Quarrying Operation**

- i. Quarry –operation shall be carried out as per the approved mining plan duly adhering to the provisions of Odisha Minor Mineral Concession Rules, 2016 and terms or conditions of the respective statutory clearances & approvals.
- ii. No quarrying of sand shall be allowed through mechanized suction method and with blasting in any form.
- iii. No mining operation shall be carried out in the safety zone and any other prohibitory areas as prescribed under Odisha Minor Mineral Concession Rules, 2016.

- iv. A bench mark (BM) with respect to mean sea level (MSL) should be made essential to in mining channel reaches (MCR). Below which no mining shall be allowed.

### **9. Inter -State transportation of sand**

Inter-state transportation of sand may be allowed as per the provisions of Odisha Minor Mineral Concession Rules, 2016 considering the demand for consumption of sand in the State.

### **10. Monitoring & Enforcement**

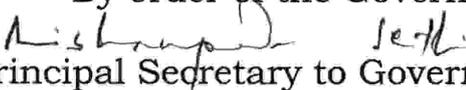
- i. Robust mechanism shall be put up in place by use of modern technology including IT enabled technology for the purpose of monitoring quarrying activities of the sources and making enforcement activities effective.
- ii. Mining Surveillance System (MSS) for Minor Minerals shall be implemented with technical assistance from Odisha Space Application Centre to curb illegal mining.
- iii. Customer Grievance Redressal Centre shall be established to inquire into and address the grievances faced by the sand consumers.

### **11. Implementation:**

- i. The Policy shall come into force with immediate effect.
- ii. Government in Revenue and Disaster Management Department shall formulate the detailed guidelines for implementation of this policy.
- iii. Government may from time to time review this policy and make amendments as it may deem fit.

This will come into force with immediate effect from date of issue of this Resolution in Odisha Gazette.

This has got the approval of the Cabinet in their 33rd meeting held on 27th August, 2021.

By order of the Governor  
  
 Principal Secretary to Government

29/8/2021

**ORDER:** Ordered that the Resolution be published in the extraordinary issue of the Odisha Gazette for general information and copies thereof be sent to all Departments of Government/ all Heads of Department/ Board of Revenue, Odisha, Cuttack/ Inspector General of Registration, Odisha, Cuttack/Director of Land Records & Surveys, Odisha, Cuttack/all Revenue Divisional Commissioners/all Collectors for information.

*Mishra*  
Principal Secretary to Government  
29/9/2021

Memo No. 26373 /RDM Dated 02 SEP 2021

Copy along with soft copy forwarded to Odisha Secretariat Gazette Cell, C/o Commerce Department for information and necessary action. They are requested to publish the resolution in an extraordinary issue of the Odisha Gazette and supply 50 (fifty) copies to this Department for use.

*SB*

Under Secretary to Government

Memo No. 26374 /RDM Dated 02 SEP 2021

Copy forwarded to Accountant General (A&E), Odisha, Bhubaneswar for information and necessary action.

*SB*

Under Secretary to Government

Memo No. 26375 /RDM Dated 02 SEP 2021

Copy forwarded to Additional Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue and DM for kind information of Hon'ble Chief Minister and Hon'ble Minister, Revenue and DM respectively.

*SB*

Under Secretary to Government

Memo No. 26376 /RDM Dated 02 SEP 2021

Copy forwarded to OSD-cum-Special Secretary to Chief Secretary for kind information Chief Secretary, Odisha.



Under Secretary to Government

Memo No. 26377 /RDM Dated 02 SEP 2021

Copy forwarded to all Departments of Government/ all Heads of Department/ Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ Inspector General of Registration, Odisha, Cuttack/Director of Land Records & Surveys, Odisha, Cuttack/ Director of Mines, Odisha/ Director of Geology, Odisha/ Director of Minor Minerals, Odisha/ Chief Executive, ORSAC/ Chairman, SEIAA/ Member Secretary, State Pollution Control Board, Odisha / all Collectors for information and necessary action.



Under Secretary to Government

Memo No. 26378 /RDM Dated 02 SEP 2021

Copy forwarded to Additional Secretary to Government (in charge of e- Governance Cell) / all Officers/ all Sections of Revenue and DM Department for information and necessary action.



Under Secretary to Government



## STANDARD ENVIRONMENTAL CONDITIONS FOR SAND MINING

Impact Category	S.No.	Environmental Conditions
Stakeholder Engagement	1	In the case of private land not owned by the lease holder an affidavit should be obtained regarding consent of the concerned land owner (s) for carrying out the mining operation.
	2	Stakeholder awareness and ability to raise concerns and getting it to be addressed.
	3	Implementation of Action Plan on the issues raised during the Public Hearing. The Proponent shall complete all the tasks as per the Action Plan submitted with the budgetary provisions during the Public Hearing.
	4	Having valid lease and all the permits is very much needed.
	5	To establish a Monitoring Committee including Local Panchayat, to check on traffic due to transportation and submit an annual report on the same.
	6	The directions given by the Hon'ble Supreme Court of India vide order dated 27.02.2012 in Deepak Kumar case [SLP(C) Nos. 19628-19629 of 2009] and order dated 05.08.2013 of the Hon'ble National Green Tribunal in application No. 171/2013 may be strictly followed.
	7	All the provisions made and restrictions imposed as covered in the Minor Mineral Rule, shall be complied with, particularly regarding Environment Management Practices and its fund management and Payment of compensation to the land owners.
Sustainable Mining Practices	8	District level Survey Report should be prepared and area suitable for mining and area prohibited for mining be identified.
	9	The depth of mining in Riverbed shall not exceed one meter or water level whichever is less, provided that where the Joint Inspection Committee certifies about excessive deposit or over accumulation of mineral in certain reaches requiring channelization, it can go up to 3 meters on defined reaches of the River.
	10	No River sand mining be allowed in rainy season.
	11	To submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production,



		then the mining activity / production levels shall be decreased / stopped accordingly till the replenishment is completed.
	12	Ultimate working depth shall be up to 3.0 m from Riverbed level and not less than one meter from the water level of the River channel whichever is reached earlier. In hilly terrain this depth be preferably restricted to one meter.
	13	In River flood plain mining a buffer of 3 meter to be left from the River bank for mining.
	14	In mining from agricultural field a buffer of 3 meter to be left from the adjacent field.
	15	Mining shall be done in layers of 1 meter depth to avoid ponding effect and after first layer is excavated, the process will be repeated for the next layers.
	16	To maintain safety and stability of Riverbanks i.e. 3 meter or 10% of the width of the River whichever is more will be left intact as no mining zone.
	17	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.
	18	No blasting shall be resorted to in River mining and without permission at any other place.
	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.
<b>Identification and Preparation of Mining Site</b>	20	Mining should be done only in area / stretch identified in the District Level Survey Report suitable for mining and so certified by the Sub-Divisional Level Committee after site visit.
	21	Mining should begin only after pucca pillar marking the boundary of lease area is erected at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the District Level Committee.
	22	The top soil in case of surface land mining shall be stored temporarily in an earmarked site and concurrently used for land reclamation.



<b>Monitoring the Mining of Mineral and its Transportation</b>	23	The EC holder shall keep a correct account of quantity of mineral mined out, dispatched from the mine, mode of transport, registration number of vehicle, person in-charge of vehicle and mine plan. This should be produced before officers of Central Government and State for inspection.
	24	For each mining lease site the access should be controlled in a way that vehicles carrying mineral from that area are tracked and accounted for.
	25	The State / District Level Environment Committee should use technology like Bar Coding, Information and Communications Technology (ICT), Web based and ICT enabled services, mobile SMS App etc. to account for weight of mineral being taken out of the lease area and the number of trucks moving out with the mineral.
	26	There should be regular monitoring of the mining activities in the State to ensure effective compliance of stipulated EC conditions and of the provisions under the Minor Mineral Concessions Rules framed by the State Government.
<b>Noise Management</b>	27	Noise arising out of mining and processing shall be abated and controlled at source to keep within permissible limit.
	28	Restricted working hours. Sand mining operation has to be carried out between 6 am to 7 pm.
<b>Air Pollution and Dust Management</b>	29	The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly.
	30	Air Pollution due to dust, exhaust emission or fumes during mining and processing phase should be controlled and kept in permissible limits specified under environmental laws.
	31	The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Wheel washing facility should be installed and used.
<b>Management of Visual Impact</b>	32	The mining operations are to be done in a systematic manner so that the operations shall create a major visual impact on the site.
<b>Bio-Diversity Protection</b>	33	Restoration of flora affected by mining should be done immediately. Twice the number of trees destroyed by mining to be planted preferably of indigenous species. Each EC holder should plant and maintain for lease period at least 5 trees per hectare in area near lease.
	34	No mining lease shall be granted in the forest area without forest clearance in accordance with the provisions of the Forest Conservation Act, 1980 and the rules made thereunder.



	35	Protection of turtle and bird habitats shall be ensured.
	36	No felling of tree near quarry is allowed. For mining lease within 10km of the National Park / Sanctuary or in Eco-Sensitive Zone of the Protected Area, recommendation of Standing Committee of National Board of Wild Life (NBWL) have to be obtained as per the Hon'ble Supreme Court order in I.A. No. 460 of 2004.
	37	Spring sources should not be affected due to mining activities. Necessary Protection measures are to be incorporated.
<b>Management of Instability and Erosion</b>	38	Removal, stacking and utilization of top soil in mining are should be ensured. Where top soil cannot be used concurrently, it shall be stored separately for future use keeping in view that the bacterial organism should not die and should be spread nearby area.
	39	The EC should stipulate conditions for adequate steps to check soil erosion and control debris flow etc. by constructing engineering structures
	40	Use of oversize material to control erosion and movement of sediments
	41	No overhangs shall be allowed to be formed due to mining and mining shall not be allowed in area where subsidence of rocks is likely to occur due to steep angle of slope.
	42	No extraction of stone / boulder / sand in landslide prone areas.
	43	Controlled clearance of riparian vegetation to be undertaken
<b>Waste Management</b>	44	Site clearance and tidiness is very much needed to have less visual impact of mining.
	45	Dumping of waste shall be done in earmarked places as approved in Mining Plan.
	46	Rubbish burial shall not be done in the Rivers.
<b>Pollution Prevention</b>	47	The EC holder shall take all possible precautions for the protection of environment and control of pollution.
	48	Effluent discharge should be kept to the minimum and it should meet the standards prescribed.
<b>Protection of Infrastructure</b>	49	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 meters from the edge of National Highway and railway line, 50 meters from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meters from the edge of other



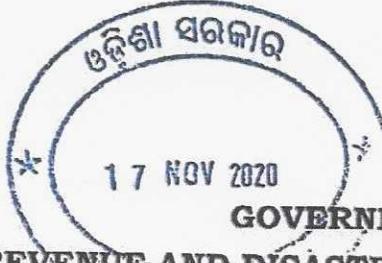
		roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
	50	For carrying out mining in proximity to any bridge or embankment, appropriate safety zone (not less than 200 meters) should be worked out on case to case basis, taking into account the structural parameters, location aspects and flow rate, and no mining should be carried out in the safety zone so worked out.
	51	Mining activities shall not be done for mine lease where mining can cause danger to site of flood protection works, places of cultural, religious, historical, and archeological importance.
<b>Enhancement Road Safety</b>	52	Vehicles used for transportation of sand are to be permitted only with of fitness and PUC Certificates.
	53	Junction at takeoff point of approach road with main road be properly developed with proper width and geometry required for safe movement of traffic by concession holder at his own cost.
	54	Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of minerals will be as per IRC Guideliness with respect to complying with traffic congestion and density.
	55	No stacking allowed on road side along National Highways.
<b>Closure and Reclamation of Mined Out Area</b>	56	The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
	57	Restoration, reclamation and rehabilitation in cluster should be done systematically and jointly by each EC holder in that cluster. This should be appropriately reflected as EC condition in each EC in cluster.
	58	Site specific plan with eco-restoration should be in place and implemented.
<b>Health and Safety</b>	59	Health and safety of workers should be taken care of.
	60	Transport of mineral will not be done through villages / habitations.
	61	The Project Proponent shall make arrangement for drinking water, first aid facility (along with species specific anti-venom provisioning) in case of emergency for the workers.



	62	Project Proponent shall implement the Disaster Management Plan if the mine lease area is located in Seismic Zone-IV. Project Proponent shall appoint a Committee to have a check over any disaster to warn workers well before for the safety of the workers. Emergency helpline number will be displayed at all levels.
	63	Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and records maintained; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for Labour for ensuring good occupational environment for mine workers would also be adopted.
<b>Monitoring the Impact of Mining</b>	64	The Project Proponent shall report monitoring data on replenishment, traffic management, levels of production, River Bank erosion and maintenance of Road etc.
<b>Mineral Conservation</b>	65	Use of alternate material such as M-sand in place of natural River sand shall be encouraged in order to reduce stress on natural eco-system.

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&amp;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

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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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ବେଆଇନ ବାଲି ଉତ୍ତୋଳନ ଓ ପରିବହନ ଅଭିଯୋଗ

ଖଣି ନିର୍ଦ୍ଦେଶକଙ୍କୁ ଫେରାଦହେଲେ ଗ୍ରାମବାସୀ

ବନ୍ଧୁଗଣ, ୧୪୧୧ (ସମ୍ପାଦକ)

ବନ୍ଧୁଗଣ ଦୁଇ ବ୍ରାହ୍ମଣୀ ନଦୀର ତେଣୁରା ବାଲିଘାଟରେ ଲିଭିଧାରାଙ୍କ ଦ୍ଵାରା ବେଆଇନ ବାଲି ଉତ୍ତୋଳନ ଓ ପରିବହନ

କ୍ଷେତ୍ରରେ ଘାଣ୍ଟି ଉତ୍ତୋଳନ କରାଯାଇ ନାହିଁ। ପକରେ ଲିଭିଧାରା ବେଆଇନ ଭାବେ ଫରଷ୍ଟିତ ଜଙ୍ଗଲ, ଗ୍ରାମବାସୀଙ୍କ ରେକର୍ଡ ଜମି ଓ ଖେଳ ପଡ଼ିଆ ଦେଇ ବାଲି ପରିବହନ କରୁଥିବାରୁ ଘାନୀୟ ଲୋକେ ଅସୁବିଧାର



କରାଯାଉଥିବା ଅଭିଯୋଗ କରିଛନ୍ତି ଘାନୀୟ ଗ୍ରାମବାସୀ। ସୁଦେ ନିଜ ଅଧିକାରରେ ଲିଭି ଉତ୍ତୋଳନ କରାଯାଉଥିବା ବାଲି ଉତ୍ତୋଳନ ବିନିୟମିତ ପ୍ରୋଜେକ୍ଟର ସାହାଯ୍ୟରେ ବାଲି ଉତ୍ତୋଳନ କରାଯାଉଥିବା ବେଳେ ଲିଭି ଘାଟରୁ ପରିବହନ କରିବା ପାଇଁ ବର୍ତ୍ତମାନ ପର୍ଯ୍ୟନ୍ତ

ସମ୍ପୂର୍ଣ୍ଣାନ୍ତ ହେଉଥିବା ଅଭିଯୋଗ ହେଉଛି। ରାତି ସମୟରେ ମଧ୍ୟ ମେସିନ୍ ଯୋଗେ ବାଲି ଉତ୍ତୋଳନ କରାଯାଉଥିବା ବେଳେ ଶବ୍ଦ ପ୍ରଦୂଷଣ ହେବା ସହ ଗାଁ ଗିରୀର ଦେଇ ଗାଡ଼ି ସବୁ ଯାତାୟତ କରିବା ପାଇଁ ଖବର ନିଦ ଭାଙ୍ଗିବା ସହ ରାତିରେ ଖୋର

ପାରୁନାହାନ୍ତି। ଏକର ଏକର ଜମିରେ ବାଲି ପଡ଼ି ବାଷ୍ପ ଜମି ନଷ୍ଟ ହେଉଥିବା ବେଳେ ଖେଳ ପଡ଼ିଆରେ ବାଲି ପଡ଼ିବା ଯୋଗୁଁ ଗାଁ ପିଲାମାନେ ସେଥିରେ ଖେଳ ହୁଏ ଜରି ପାରୁନାହାନ୍ତି। କହିଛନ୍ତି। ତେଣୁ ଘାନୀୟ ଗ୍ରାମ ନିର୍ଦ୍ଦେଶକଙ୍କୁ ଫେରାଦହ କରିଛନ୍ତି ଓ

ପରିବହନ ନିବନ୍ଧିତ। ସହ ଉକ୍ତ ବାଲି ଘାଟରୁ ସମ୍ପୂର୍ଣ୍ଣ ବନ୍ଦ କରିବା ପାଇଁ ଗତକାଲି ଘାନୀୟ ପ୍ରଶାସନ, ଖଣି ବିଭାଗର ରାଜକର୍ମଚାରୀ ତେପୁଟି ନିର୍ଦ୍ଦେଶକ ଓ ରାଜ୍ୟ ଖଣି ନିର୍ଦ୍ଦେଶକଙ୍କ ନିକଟରେ ଲିଖିତ ଅଭିଯୋଗ କରି ଫେରାଦ ହୋଇଛନ୍ତି ଗ୍ରାମବାସୀ।

ENGLISH TRANSLATION OF NEWS PUBLISHED IN ODIA NEWS PAPER NAMELY SAKALA ON 15/01/2025

Allegations of illegal sand mining and transportation

VILLAGERS APPROACHED TO THE DIRECTOR OF MINES

Son, 141 (Samis)

Illegal extraction and transportation of sand by lease holders at Tendra Sand Ghat of Banai Block Brahmani River

No permanent road has been constructed. Locals are in trouble as leaguers illegally transport sand through protected forests, villagers' record land and playgrounds.



The local villagers have complained. According to the information, the sand was lifted from the leased sand bed day and night with the help of proclin to transport it from the lease ghat till now.

The charges being faced are. Even during the night, when the sand is being plowed by machines, there is noise pollution and the traffic of the roads inside the village disturbs the sleep at night due to the noise of the roads.

Can't. The children of the village are unable to play in Seth due to the falling of the umbrellas in the playground while the acre of land is destroyed by the sand. Therefore, until the permanent road is built, the ongoing construction and

Yesterday, the villagers complained to the local administration, Rourkela Deputy Director of Mines and State Director of Mines for non-transportation and complete closure of the sand pit.

## ବେଆଇନ ବାଲିଘାଟ ଲାଗି ଖଣି ମହାନିର୍ଦ୍ଦେଶକଙ୍କୁ ଫେରାଦ

■ ବଣାଇ,ତା ୧୪୧(ପିଏନଏସ) ବଣାଇ ବ୍ଲକ ଅନ୍ତର୍ଗତ ଟେଣ୍ଡରା ଗ୍ରାମରେ ଥିବା ବ୍ରାହ୍ମଣୀ ନଦୀ ୨ ନମ୍ବର ବାଲିଘାଟ ପାଇଁ ରାଷ୍ଟ୍ରା ନଥିବା ବେଳେ ବାଲି ଘାଟ ନେଇଥିବା ଲିଜଧାରୀ ରେକର୍ଡ଼ଭୁକ୍ତ ଜମି ଓ ସର୍ଫିସିଡ ଜଙ୍ଗଲ ଭିତରେ ବାଲି ନେଉଥିବାରୁ ଶହ ଶହ ଏକର ଜମିରେ ବାଲି ପଡ଼ି ଚାଷ ଜମି ନଷ୍ଟ ହେଉଛି । ଟେଣ୍ଡରା ଗ୍ରାମରେ ଥିବା ଖେଳପଡ଼ିଆ ନଷ୍ଟ ହୋଇଯାଇଥିବାରୁ ଗ୍ରାମର ପିଲାମାନେ ଖେଳି ପାରୁନାହାନ୍ତି । ବ୍ରାହ୍ମଣୀ ନଦୀରୁ ମେସିନ ସାହାଯ୍ୟରେ ବାଲି ଲୋଡ଼

କରୁଥିବା ଯୋଗୁଁ ଶବ୍ଦ ପ୍ରଦୂଷଣ ହେଉଥିବାରୁ ବିଶେଷ କରି ରୋଗୀ ଓ ବୟସ୍କ ଲୋକ ଶୋଇପାରୁ ନାହାନ୍ତି । ଗ୍ରାମର ମଝି ରାଷ୍ଟ୍ରାରେ ଗାଡ଼ି ଚଳାଚଳ କରୁଥିବା ଯୋଗୁଁ ଭାରିଯାନରୁ ନିର୍ଗତ ଗ୍ୟାସ ଦ୍ଵାରା ପ୍ରଦୂଷଣ ହେଉଛି ବୋଲି ଅଭିଯୋଗ ହେଉଛି । ଉକ୍ତ ବାଲିଘାଟକୁ ସମ୍ପୂର୍ଣ୍ଣ ବନ୍ଦ କରିବା ପାଇଁ ରାଜ୍ୟ ଖଣି ବିଭାଗ ମହା ନିର୍ଦ୍ଦେଶକଙ୍କୁ ଲିଖିତ ଭାବେ ଗ୍ରାମବାସୀ ଜଣାଇଛନ୍ତି । ଏଥିପ୍ରତି ସ୍ଥାନୀୟ ପ୍ରଶାସନ, ତେପୁଟି ନିର୍ଦ୍ଦେଶକ ମାଇନିଙ୍ଗ ରାଉରକେଲା ଦୃଷ୍ଟିଦେବାକୁ ସାଧାରଣରେ ଦାବି ଜୋର ଧରିଛି ।



**ENGLISH TRANSLATION OF ODISIA NEWSPAPER NAMEDLY PRAGATIBADI ON 15/01/2025**

### **Villagers approached Director General of Mines for illegal sand mining**

While there is no road for Brahmani River No. 2 sand ghat in Tendra village under Banai block, hundreds of acres of sand cultivation land is being lost due to the sand extraction by the lessees of the sand ghat in the recorded land and protected forests. The children of the village cannot play because the playground in Tendra village has been destroyed. Load sand from Brahmani river with the help of machine Due to noise pollution, especially sick and elderly people are unable to sleep. It is alleged that there is pollution due to the gas emitted from the trucks due to the vehicles plying in the middle of the village. The villagers have informed the director general of the state mining department to close the said sand pit completely. Meanwhile, the local administration, the Deputy Director of Mining, Rourkela, has been strongly demanding to look into the matter.

## BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

Original Application No. \_\_\_\_\_ of 2025

Jhadeswar Pradhan ..... Applicant

V E R S U S

State of Odisha..... Respondents

KNOW ALL to whom these present shall come that Jhadeswar Pradhan, S/o Rasanand Pradhan, Aged about 60years, Res- Tendra, PS- Bonaigarh, Sundergarh, Odisha The above named APPLICANTS do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani, Ashutosh Padhy, Advocates, Address- Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002, ENROLMENT NO O-785/2007, Email- [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)**

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.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. 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 25th day of Feb 2025.

Accepted subject to the terms of fees.

*Sankar Prasad Pani*  
Advocate

Client

Client

*Jhadeswar Pradhan*