

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO68.....OF 2025

IN THE MATTER OF:

DUSMANT KUMAR BAL

APPLICANT

VERSUS

STATE OF ODISHA AND ORS

RESPONDENTS

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PLACE: Bhubaneswar

DATE: 26/12/2024

SANKAR PRASAD PANI

ASHUTOSH PADHY

ADVOCATE

Plot 2132/4814, Nageswartangi, Bhubaneswar 751002 Cell-9437279278,

Email: sankarprasadpani@gmail.com

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SYNOPSIS

That the present application challenges the illegal operation of Road metal quarries in ARUHA (CLUSTER SL NO.2) under Dharmasala Tahasil of Jajpur district of Odisha. That there are 5 stone quarries exist in the cluster 2 of Aruha stone quarry, among those 2 stone quarries are operating in violation of govt. guidelines and rest three are not in operation. That the quarries which are in violation of environment norms are Aruha Black Stone quarry (Cluster Serial No-2/3) and Aruha Black Stone Quarry in village Aruha under Dharmasala Tahasil of Jajpur District, Odisha. That all the above mentioned two quarries are being operated by the lessees SARAT JENA and MANOJ SAMAL are in violation of conditions of Environment clearance and mining beyond the area prescribed in the mining plan. Apart from this the quarry is operating using explosives which is prohibited as per the approved Environmental clearance. There has been no monitoring of compliance of conditions and the requirement of submission of quarterly compliance report has not been furnished and uploaded by the project proponent as well as Tahasildar for which the EC is liable to be cancelled as per condition no 7.22 and 9.53 of EC letter respectively.

LIST OF DATES

11/05/2022	Environment Clearance granted in favor of ARUHA BLACK STONE QUARRY OVER 20.00 AC OR 8.09
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HECT IN VILLAGE ARUHA UNDER DHARMASALA TAHSIL OF JAJPUR DISTRICT, ODISHA

- 17/01/2023 Environment Clearance granted in favor of Aruha Black Stone quarry (Cluster Serial No-2/3), (Khata No-779, Plot No-2807,2808,2811) over an area of 18.88 acres or 7.64 hacters in village Aruha under Dharmasala Tahasil of Jajpur District, Odisha.
- 16/05/2023 Demand notice issued by the Tahasildar Dharmasala to the lessee of Aruha BSQ cluster serial No.2/3
- 25/04/2024 Demand notice issued by the Tahasildar Dharmasala to the lessee of Aruha BSQ
- 13/05/2024 News article published in Orissa post newspaper
- 14/10/2024 News article published in Orissa post newspaper
- 13/11/2024 Consent to operate granted in favor of Aruha Black Stone quarry (Cluster Serial No-2/3)
- 18/11/2024 Consent to operate granted in favor of Aruha Black Stone quarry
- 17/11/2024 photographs of quarrying activity

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07/12/2024

Complaint to all the concerned authorities through email regarding the violations of environmental norms and illegal mining in Aruha Stone quarries.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

*(Under Section 14, 15, 20 r/w. Section 18(1) & (2) of the National
Green Tribunal Act, 2010)*

ORIGINAL APPLICATION NO OF 2025

IN THE MATTER OF:

Dusmant Kumar Bal S/o Golakh Chandra Bal, Aged about 45 years
At/Po/-Aruha Ps-Dharmasala Dist-Jajpur, Odisha, 755024,

APPLICANTS

VERSUS

1. State of Odisha represented by Chief Secretary, Government of Odisha, Lokaseva Bhawan, 751001 Bhubaneswar csori@nic.in
2. Additional Chief Secretary, Revenue and Disaster Management Department, Government of Odisha, Lokaseva Bhawan, Bhubaneswar, 751001, revsec.od@nic.in
3. Additional Chief Secretary, Forest and Environment Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: fesec.or@nic.in

4. Collector & Dist. Magistrate Jajpur, At/PO/Dist- Office of the Collector and District Magistrate, Jajpur-755001, Email- dm-jajpur@nic.in
5. Superintendent of Police, Jajpur, AT/PO-Panikioili, Jajpur, 755043, Pin- Email- spjpp.odpol@nic.in
6. **Member Secretary**, Odisha State Pollution Control Board
A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012,
Odisha Email: paribesh1@ospcboard.org,
7. **Regional Officer, Odisha State Pollution Control Board**, Kalinga
nagar, At- Dhabalagiri, Po – F.C Project, Jajpur Road, Dist – Jajpur –
755020. Email: rospcb.kalinganagar@ospcboard.org
8. **Member Secretary**, State Environment Impact Assessment Authority
(SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit – IX,
751022 Email: member.secy@ospcboard.org
9. Director of Mines, directorate of Mines, Government of Orissa,
Bhubigyan Bhawan , Bhubaneswar, Khordha, PIN-751001
dirmines_odisha@rediffmail.com
10. Tahasildar Dharmasala, At/Po/PS- Office of Tahsildar, Dharmasala, Pin-
755008, Email- tdrdharmasala@gmail.com
11. Deputy Director General of Forests (C), Ministry of Environment,
Forest and Climate Change, Integrated Regional Office (EZ), A/3,
Chandersekharapur, Bhubaneswar – 751023, Email: roez.bsr-mef@nic.in

12. Regional Director, Central Ground Water Board, South Eastern Region, Bhubaneswar Bhujal Bhawan, Khandagiri, Bhubaneswar, Pin- 751030, Email: rdser-cgwb@nic.in

13. Deputy Director of Mines, At/Po Jajpur Road, Dist-japur Email: ddm.jajpurroad@orissaminerals.gov.in Pin- 758001

14. Director General of Mine Safety, Government of India, HEAD OFFICE, DHANBAD (Jharkhand), PIN: 826001, Email- usaha@dgms.gov.in

15. SARAT KUMAR JENA, aged about-62 years, S/o- Hrudananda Jena, At/Po- Aruha, Tehsil-Dharmasala, Jajpur -755024

16. MANOJ KUMAR SAMAL, aged about-32 years, S/o- Mahendra Samal, At/Po- Aruha, Tehsil-Dharmasala, Jajpur -755024.....RESPONDENTS

- I. The address of the Counsel of Applicant is given 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. Private Respondent is the lessee of Aruha BSQ (Cluster Serial No-2/3) and Aruha BSQ. Regional office of MoEFCC and SEIAA has a duty to monitor the compliance of EC conditions. Director of Geology Bhubaneswar has approved the mining plan.

III. The Present Application Challenges the inaction of the state respondents against illegal operation by lessee in violation of environment clearance conditions.

IT IS MOST RESPECTFULLY SHOWETH

1. That the applicant is the villager of Aruha where the private respondents are operating the illegal stone quarries and operating in violations of the conditions imposed by Environmental clearance, Consent to establish and other environmental norms. In this particular case the applicant has sent a detailed complaint to the authorities for violation of environment norms by the quarry operator through email on 07/12/2024 but no action has been taken as on date for which the present application is filed. That the present application challenges the illegal operation of Aruha Cluster **Serial No. 2 located at Village-Aruha, Tahasil-Dharmasala, Dist-Jajpur**, by the lessees Sarat Jena and Manoj Kumar Samal in violation of conditions of Environment clearance, CTO and the mining plan. That the Aruha Cluster consists of (5 nos. of quarries) mines having total cluster area of 148.00 acres or 59.89ha.
2. It is pertinent to mention here that with regard to the illegal quarry operation by Respondent 15 and 16, the villagers of Aruha wrote a letter to all the concerned authorities on dated 06/12/2024 and send the same through email on dated 07/12/2024 but as on date no action has been

taken by the concerned authorities. Copy of the letter dated 06/12/2024 and send the same through email on dated 07/12/2024 is here unto annexed as **ANNEXURE-1**.

3. Though the quarry has been granted environment clearance in favour of Sarat Jena on dated 17/01/2023. That the Lessee of the quarry is illegally operating the quarry from the date of grant of Environment Clearance and in violation of EC condition number 7.9 which clearly states that *“Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. The exploitation of stone material from the hill shall be carried out in a systematic manner, spreading the quarrying activity to cover all the economic veins of mineral and proceeding uniformly to more and more depths from all sides simultaneously. Maximum depth from the top surface, at any point, up to which quarrying may be permitted shall be 6 meters as stipulated in rule 37(1) (a) of the OMMC Rule, 2016.* It is pertinent to mention here that the lessee of the Aruha BSQ Cluster Serial No.2/3 (Respondent 15) has already extracted the stones beyond the permissible depth and now operating in violation of the EC condition. Copy of the Environmental clearance dated 17/01/2023 granted in favour of Sarat Jena for Aruha BSQ Cluster Serial No.2/3 is here unto annexed as **ANNEXURE-2**.
4. It is not out of place to mention here that the permission for extraction of stone from the Aruha BSQ Cluster Serial No.2/3 is granted for 42034

cum but the lessee has already excavated the permissible quantity and now operating illegally by extracting beyond permissible limit which is also violation of Environmental clearance condition No. 7.10, that the same condition also says that mining beyond permissible quantity shall be liable for cancellation of the Environmental clearance but even after the complaint from the villagers no action has been taken by the state respondents which shows that the concerned authorities are in nexus with the lessee. Condition No.7.10 says that “***Maximum permissible quantity: Maximum quantity of material permitted to remove from the quarry area is 42034 cum in a full year (January to December). Any flouting of this quantitative restriction shall make this EC liable to cancellation***”.

5. It is pertinent to mention here that on dated 25/04/2024 the Tahasildar Dharmasala also issued a demand notice to the then lessee of Aruha BSQ for illegal extraction of stones from the quarry. Copy of the demand notice dated 25/04/2024 is here unto annexed as **ANNEXURE-3**.
6. That the Tahasildar Dharmasala on dated 16/05/2023 issued a revised demand notice reminder to the lessee of Aruha BSQ for execution of lease deed but as on date no payment has been made. And the lessee of the Aruha BSQ is operating the quarry illegally without execution of the lease deed. Copy of the demand notice reminder letter dated 16/05/2023 is annexed here unto as **ANNEXURE-4**.

7. That the photographs of the quarry is also suggests that the mining is being done unscientifically without following the prescribed manners and photographs also suggests that the mafias are operating the stone quarries by using heavy machines in broad day light. The applicant submits same is not possible without collusion of local administration and political support, Photographs dated 17/11/2024 is annexed here unto as **ANNEXURE-5**.
8. It is pertinent to mention here that with in 500 metre radius of Aruha hillock there exist- Arulia Village, Nanpur Village, Anganwadi, Muraripur Upper Primary School, Cuttack-Jajapur road main train line, village road. Tarakasuni Upper Primary School, Water-bodies are already with in the quarry area and one pond has been destroyed by mining activities. Copy of map indicating the distance of affected places by quarry operation is annexed here with as **ANNEXURE-6**.
9. That the quarrying operation is in close proximity to the Cuttack Jajapur main train line which is about 179 metre away from the Aruha stone cluster. Though there is a clear condition given in the EC stating that no mining should be take place within 200 metre from the train line but the lessees of the Aruha stone cluster are operating the quarries by violating the Environmental clearance condition number 7.15 (b) *“within 100m (minimum distance criteria when blasting is not involved) and within 200m (minimum distance criteria when blasting is involved) from*

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*residential/ public buildings, inhabited sites, protected monuments, Heritage sites, National/State Highway, District roads, public roads, **Railway line/area**, Ropeway or Ropeway trestle or station, Bridges, Dam. Reservoirs, river, Canals, lakes or Tanks, or any other locations etc.”*

10.It is pertinent to mention here that there is a pond exists within 200 metre from the cluster and this fact is also suppressed by the lessees of the cluster while obtaining EC for which the Environmental clearances granted for Aruha cluster needs to be cancelled as the lessees obtained Environmental clearances by submitting false information's.

11.That the quarry is operating adjoining to Aruha village and same is in violation of the CPCB guideline. It is pertinent to mention that **No quarry is allowed to operate with in 200metres from the structures and roads.** There are more than 100 residential houses the village Aruha is within 200metres of the quarry. Because of the uncontrolled blasting, the nearby buildings have developed cracks and because of his muscle and money power could manage the government authorities and continuing his illegal operation at the cost of damage to property of local people and government institution. The operation of quarry is in violation of EC condition and NGT order in M Haridasan Case.

12. That the EC is granted to the lessee of EC of Aruha Black Stone quarry (Cluster Serial No-2/3) for extraction of 42034 cum per annum but the

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lessee has already extracted the permissible quantity and now extracting beyond permissible quantity which is illegal and for this the EC is required to be withdrawn by the Ec granting authority and Environmental computation needs to be calculated against the lessee of Aruha Black Stone quarry (Cluster Serial No-2/3).

13.That the similarly the EC is granted to the lessee of Aruha Black Stone quarry for extraction of 14000 cum per annum but the lessee has already extracted the permissible quantity and now extracting beyond permissible quantity which is illegal and for this the EC is required to be withdrawn by the EC granting authority and Environmental computation needs to be calculated against the lessee of Aruha Black Stone quarry. Copy of the Environmental clearance granted in favour of Aruha Black Stone quarry dated 11/05/2022 is annexed here unto as **ANNEXURE-7**.

14.That there used to be transportation of **nearly 200 trips** of stone over loaded vehicles from both the quarries plying on the RD road which is not meant to carry such heavy loaded vehicles. People of the nearby panchayats are facing inconvenience because of the plying of heavy loaded vehicles not having the carrying capacity to cater the traffic and load due to transportation of heavy loaded vehicles from the stone quarry. This is also in violation EC condition and no action has been taken to check the overloaded trucks. The road is damaged and full of potholes because of overloaded speedy trucks without cover plying on it.

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The plying of trucks in village road is in violation of EC condition No. 7.16 and 9.16 of EC of Aruha Black Stone quarry (Cluster Serial No-2/3), Aruha Black Stone quarry respectively.

15.Because of the deep quarry, the water table in the village has gone down.

The quarry depth should not be more than 6metre but here it has exceeded more than 60 metres. This is in violation of EC condition.

Because of the deep quarries the lift irrigation points for agricultural purposes have also failed and the wells and tube wells in and around the villages of the quarry have drastically gone down resulting a water scarcity in the area.

16.It is needless to mention here that due to the deep quarry activities the depth of the quarry has already exceeded the permissible limit i.e. 6 meter depth from the ground level and it is also categorically mentioned in the EC letter that it shall be declared as no mining zone if the mining touches the water table of the area but in the present cluster due to lack of enforcement by the authorities the lessees are illegally extracting stones beyond 6 metre depth.

17.That both the respondents (15 &16) has not obtained any permission from ground water authority and same is in violation of EC and CTO condition.

18.That the total water requirement of Aruha Black Stone quarry (Cluster Serial No-2/3) is 3.5 KLD for different purposes like Domestic, Dust

suppression, plantation purposes, but as on date no permission has been granted by any authority to take water from the nearby villages.

19.It is pertinent to mention here that in the EC letter of Aruha Black Stone quarry (Cluster Serial No-2/3), under the head of Project details it is categorically mentioned that the village road is at a distance of 0.02 km which means the road is at a distance of 200 meter and as per the CPCB guidelines no quarrying activity shall be permitted within 200 meter from the village road but here in this case the EC granting authority without verifying the fact granted the EC in favour of the lessee.

20.The ground water of the adjoining area is contaminated because of the infiltration of the explosive materials and urea used for the blasting purpose. The water during summer gets contaminated mostly and smells from the water makes it unfit for drinking. It is pertinent to mention the **quarry is operating without valid explosive license.**

21.It is pertinent to mention here that in the EC letter it is clearly mentioned in condition No. 7.17 (a) that, “*Under no circumstances, the lessee shall use wagon drilling blasting during mining activity*” but the lessee of the Aruha Black Stone quarry (Cluster Serial No-2/3) is extracting the stones from the quarry by using explosives which is illegal and also no permission has been taken in this context from the concerned authorities.

22. It is pertinent to mention here that the lessee of Aruha Black Stone quarry (Cluster Serial No-2/3) is using illegal explosives to loosen the stones from the quarry and in this regard the PP does not have any permission from the concerned authorities.
23. As per EC and CTO condition the lease holder should not use blasting and avoid movement of vehicles at night but quarry operator use to ply loaded vehicles from 8 am till 9pm in the night and blasting randomly by obstructing the public road.
24. The lease holder will **make solar fencing of the quarry area** to avoid any untoward incident in future for movement of wild animals but no such thing has been made. But as on date no such solar fencing of the quarry has been made by the project proponents of the Aruha Black Stone quarry (Cluster Serial No-2/3).
25. No green belt around the quarry though the operation is going since 2005 and there by the dust from quarry use to affect the adjoining agricultural fields, human habitation and commuters on the road.
26. Quarterly compliance report has not been filed, Internal Roads are not graded to mitigate the dust emission, there is no sprinkling of water in road as well as around quarry to arrest the dust pollution, No adequate settling pond to meet prescribed standard of SS, Top soil are not preserved, Over Burden dumps have not been stacked properly and there is no garland drain around OB dump. It is not out of place to mention

here that the **EC letter in condition number 7.19 and 7.20** states that the Tahasilda/Mining officer shall closely monitor the compliance of the EC conditions on ground and the PP shall file the quarterly compliance report but as on date no such compliance report has been filed by PP neither the lease granting authority have made any inspection regarding the compliance of EC conditions.

27.There has been no plantation and green belt done by the project proponent and the progressive mine closure and phased reclamation has not been followed as it should have started once one pit is completed. Currently there are more than 10 different pits on which quarrying activities are going.

28.There has been no authorization under Hazardous Waste Management Rules 2016 for disposal of waste oils, used oils generated from machines and mining operation.

29.It is submitted that on 07/12/2024 villagers have made complaint to all the authorities requesting for urgent action against illegal stone quarry but no action has been taken though the govt guideline of 2019 prescribes 72 hours the maximum period to inquire and take action in case of illegal mining, but as on date no action has been taken by the concerned authorities which shows that the government authorities are in nexus with

the Project proponents and gives protection to the lessees to continue the illegal mining.

30.That the stone loaded vehicles of Aruha Black Stone quarry (Cluster Serial No-2/3) and Aruha Black Stone quarry use to ply on PMGSY road through densely populated villages in violation of EC condition. **The vehicles use to cause air pollution and noise pollution while plying on the village road.** There is noise and air pollution because of the movement of hundreds of vehicles from the quarry to it's crusher.

31.That there are number of illegal stone crushers also exists within the cluster though there is a prohibition of establishment of crushers inside any quarry/cluster but the mining mafias has established crushers inside the cluster and operating those illegal crushers without any permission from the competent authorities.

32.It is pertinent to mention here that due to the illegal and uncontrolled blasting in the entire cluster of Aruha nearby houses of the cluster developed cracks. That the houses of the some villagers developed cracks in the wall and roof because of the illegal and uncontrolled blasting in the entire cluster.

33. That the Director General of the Mines safety on dated 24th 25th and 26th of September 2024 conducted an inspection in the Dharmasala Tahasil of Jajpur District Odisha and during the inspection observed major

contraventions throughout the Tahasil. Contraventions which were observed during the inspection are as follows;

- A. Section 16 of Mines Act, 1952 read with Reg. 3 of MMR, 1961:
Notice of opening of the mine was not submitted to this Directorate by the owner before commencement of mining operations in the mine.
- B. Section 17(1) of Mines Act, 1952 read with Reg. 34(1) of MMR, 1961: Manager was not appointed in the mine. Mining operation shall not be carried out in the mine unless the mine is kept under the sole control of a manager, being a person duly appointed and possessing the prescribed qualifications, to physically exercise his personal supervision and perform his duties under the Mines Act, 1952 and the rules and regulations made thereunder
- C. Reg. 39 read with Regulation 160(1) of MMR, 1961: tester was not appointed in the mine to exercise his personal supervision for the preparation of charges and the charging and stemming of blast holes and to carry out his duty in accordance with the provisions of the Regulations and of any order made thereunder as to the transport and use of explosives.
- D. Reg. 106(2)(a) & (3) of MMR, 1961 The mines were not kept adequately benched, sloped or secured so as to prevent danger

from fall of sides. The mines were made about 20m to 50m deep nearly vertical without forming any benches in height about 20m-50m, as against the maximum permissible bench height of 6m.

- E. Reg. 106(2)(b) of MMR, 1961: Permission for use of heavy earth moving machinery (HEMM) and deep hole blasting was not obtained, however, the signs and impressions of carrying out deep hole drilling & blasting and of using excavator and tippers were observed in the mine. No HEMM or deep hole drilling & blasting shall be used in the mine without obtaining permission from this Directorate.
- F. Reg. 111(1) of MMR, 1961: The boundary of the lease/mine was not found demarcated/fixed on the ground by providing permanent pillars.
- G. Reg. 115(1)(a) of MMR, 1961: The top edges of the opencast workings were not kept securely fenced to prevent any person from entering or falling therein.
- H. Rule 29(B) of Mines Rules, 1955: Persons employed in the mine had not undergone Initial or periodical medical examination.
- I. Section 48(1) of Mines Act, 1952 and Rule 77 of the Mines Rules 1955 read with the Ease of Compliance to Maintain Registers under Various Labour Laws Rules, 2017: Particulars of

employees of the mine were not found maintained in Form-A register.

- J. Section 48(4) of Mines Act, 1952 and Rule 78 of the Mines Rules 1955 read with the Ease of Compliance to Maintain Registers under Various Labour Laws Rules, 2017: Attendance of persons employed in the mine was not found maintained in Form-D register. Copy of the DGMS report dated 25/10/2024 is here unto annexed as **ANNEXURE-8**

34. That the environment clearance was granted with specific conditions and failure to comply will lead to withdrawal of EC letter. It is submitted that none of the conditions imposed in EC letter have been complied. The conditions are as follows

- A. Condition No-2.3 *Mitigation measures for flying Rock for safety of human beings and animals during blasting to be ensured by the project proponent.*
- B. Condition No-2.5 *Construction of garland drains retaining walls and settling tanks should be ensured to prevent erosion during rainfall and to collect silt generated during the mining activity.*
- C. Condition No-2.6 *Haulage road shall be developed and maintained perennially and perpetually by the proponent in consultation with the concerned authority of the Govt.*

- D. Condition No-2.7 *Topsoil excavated during mining to be stacked separately in the ML area and to be used for plantation in and around the ML area.*
- E. Condition No-2.10 *Maximum permissible depth of mining: - Maximum depth of mining from the top surface/ground level of this area, at any point, up to which quarrying may be permitted shall be 6 meters as stipulated in rule 37(1) (a) of the OMMC Rule, 2016. Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. The exploitation of stone material from the hill shall be carried out in a systematic manner, spreading the quarrying activity to cover all the economic veins of minerals and proceeding uniformly to more and more depths from all sides simultaneously.*
- F. Condition No-2.11 Maximum permissible quantity: Maximum yearly quantity of extraction from the quarry shall not exceed its annual limit as specified above under stipulation in Table ‘A stipulations’-sl. A(v) and the total production shall be 80147 cum during the valid lease period of five (05) years as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- G. Condition No-2.16 No Mining Zone: The lessee shall ensure that no quarrying or mining is carried out in the areas as specified

below: - a) 7.5-meter safety zone shall be kept from all sides of the lease boundary as per the approved mining plan. b) within 100m (minimum distance criteria when blasting is not involved) and within 200m (minimum distance criteria when blasting is involved) from residential/ public buildings, inhabited sites, protected monuments, Heritage sites, National/State Highway, District roads, public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dam, Reservoirs, river, Canals, lakes or Tanks, or any other locations etc. c) below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted mining depth, then the quarrying shall be stopped immediately; d) in the vicinity of natural /manmade archaeological sites;

35.That further the lessees of the Aruha Cluster were failed to comply with the following conditions,

- a) Not to use wagon drilling blasting has to be submitted.
- b) No storage and usage of blasting materials/explosives inside the lease area without license/permission/authorization from competent Authority as per Indian Explosives Rules, 1983 shall be ensured by the lessee.

- c) PP will submit the Traffic Density study report at Crusher points along with silt management plan to arrest or removal of in-grassed silts to surrounding agricultural fields, if any.

36.It is submitted that there has been no measures taken to mitigate the Air Pollution such wet drilling, the stone is cut in dry method, No water sprinkling in the quarry area as well as the roads, overloading vehicles are rampant, roads are already damaged and not graded to mitigate the dust emission, no water sprinklers in the mining site, the quarrying activity does not meet the ambient air quality standard, loading and unloading areas do not have dust suppression measures, Mining beyond 6metres, six monthly environmental statement has not been submitted and no green belt developed by the lessee.

37.It is humbly submitted that because of the illegal deep quarrying the water that use to flow from upper elevation to the agricultural land is being obstructed in the quarries and the villagers are facing water scarcity for their agricultural land. The animals are severely affected being trapped in the deep quarries.

38.It is further submitted that there are 3 crushers also exists within the cluster of Aruha hillock and the same is also prohibited.

39.That the consent to operate was granted in favor of the lessee of Aruha Black Stone Quarry (Cluster Serial No.2/3) on dated 13/11/2024 and the

lessee is operating the quarry in violations of the CTO conditions, that the violated CTO conditions are as follows,

- I. The accumulated water in the quarry pit, if any during monsoon shall be treated in series of settling tanks before discharge to natural drainage systems.
- II. Garland drain shall be constructed on the hill slope and shall be channelized to settling tanks for treatment of runoff
- III. The water sprinkling systems shall be provided in the haul road, transportation roads, quarry areas, stockpile areas and other dust generating areas to control fugitive dust emission.
- IV. Wet drilling method shall be adopted to control dust emission. Delay detonator and shock tube initiation system for blasting shall be adopted so as to reduce dust emission
- V. Vehicles hired for transportation of things minor mineral from the site shall be in good condition and shall have PUC Certificate. Vehicles shall conform to the air & noise emission standards and shall be operated during nonpeak hours
- VI. The truck in which mineral is to be transported shall be covered with tarpaulin to prevent spillage and from getting minor mineral airborne.
- VII. Ambient air quality inside the mining lease area shall be maintained as per National Ambient Air Quality Standards.

VIII. The Lessee shall obtain NOC from CGWA for withdrawal of ground water required for the project, if any, and submit the same to the Board. Copy of the CTO dated 13/11/2024 granted in favour of the lessee of Aruha Black Stone Quarry (Cluster Serial No.2/3) is here unto annexed as **ANNEXURE-9**.

40. That the consent to operate was granted in favor of the lessee of Aruha Black Stone Quarry on dated 18/11/2024 and the lessee is operating the quarry in violations of the CTO conditions, that the violated CTO conditions are as follows

- I. The accumulated water in the quarry pit, if any during monsoon shall be treated in series of settling tanks before discharge to natural drainage systems.
- II. Garland drain shall be constructed on the hill slope and shall be channelized to settling tanks for treatment of runoff
- III. The water sprinkling systems shall be provided in the haul road, transportation roads, quarry areas, stockpile areas and other dust generating areas to control fugitive dust emission.
- IV. Wet drilling method shall be adopted to control dust emission. Delay detonator and shock tube initiation system for blasting shall be adopted so as to reduce dust emission
- V. Vehicles hired for transportation of things minor mineral from the site shall be in good condition and shall have PUC Certificate.

Vehicles shall conform to the air & noise emission standards and shall be operated during nonpeak hours

- VI. The truck in which mineral is to be transported shall be covered with tarpaulin to prevent spillage and from getting minor mineral airborne.
- VII. Ambient air quality inside the mining lease area shall be maintained as per National Ambient Air Quality Standards.
- VIII. The Lessee shall obtain NOC from CGWA for withdrawal of ground water required for the project, if any, and submit the same to the Board. Copy of the CTO dated 18/11/2024 granted in favour of the lessee of Aruha Black Stone Quarry is here unto annexed as **ANNEXURE-10.**

41. It is pertinent to mention here that due to the mining activities near the train line makes it very dangerous to the railway tracks and the illegal mining near the schools also poses threat to the school going children in this regard a news was published in the Orissa post on dated 13/05/2024. Copy of the news article dated 13/05/2024 is annexed here unto as **ANNEXURE-11.**

42. That even after many efforts by the state government the illegal mining in the Aruha cluster is still continuing and in this regard a news article was also published in the Orissa Post on dated 14/10/2024 which suggests that the state authorities failed to address the actual facts while

giving the cluster permission for Aruha hillock. Copy of the news article dated 14/10/2024 is annexed here unto as **ANNEXURE-12**.

43.That the CPCB on 12/05/2020 issued a notice regarding the siting criteria for stone quarry, copy of the CPCB guideline dated 12/05/2020 is annexed here unto as **ANNEXURE-13**.

44.That the Tahasil authorities have obligation to ensure implementation of laws & entrusted to protect govt. assets but in this case the concerned authorities have grossly failed to discharge their duty. They never filed any complaint or filed any FIR U/s 379 & 414 with police station or exercise their power to desist an offender from unauthorized extraction of minor minerals rather supported it to continue such illegal lifting of minor minerals by becoming mute spectator.

45.That in order to check the illegal mining, Government of Odisha has come out with a guideline dated **26/04/2019** where in instructions for prevention of illegal mining of minor minerals 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 buy 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.

46.Hence the lifting of stone from all the afore mentioned sources are illegal and warrants appropriate action by the concerned Tahasildar to the extent of seizure of vehicles, criminal proceedings against the person concerned and prohibiting the persons from lifting the minor minerals. Further, collecting the royalty and allowing the miners to go on further quarrying is not sufficient and deterrent too. It is submitted that no deterrent action has been taken till date, though the Govt. Circular of 26/04/2019 says action has to be taken within 72 hours (3days).

47. That the Revenue and Dissaster Management, Odisha has come out with the resolution dated 28th June 2018 to adopt the technologies to check the illegal mining and responsibilities of authorities to be fixed for failure to curb illegal mining, but no action has been taken as on date. In fact, the authorities who has duty to check illegal mining are becoming partner in the crime to loot illegal minerals and thereby causing the loss to state exchequer and damage to environment.

**PREVIOUS ORDERS OF HONBEL NGT IN MATTERS
RELATING TO MINING**

48. That HON'BLE NGT in OA 83 of 2022 has directed the Director of Geology to measure the Morrum quarries in Mayurjhalia Mouza. Pursuant to the direction, Geology department with help of ORSAC and Mining Consultant, a detailed scientific measurement was carried out.
49. That in Original Application No 54 of 2018, HON'BLE Tribunal vide order dated 24th Dec 2021, has directed the Home Secretary, Government of Odisha to constitute a **Special Task Force** to look into the illegal morrum mining in Nijigarh Tapang Panchayat of Khordha District. The relevant para 7 of the order is reproduced as follows

“Para-7: In view of above, we direct Home Secretary, DGP and Chairman, State PCB, Odisha to hold a joint meeting within two weeks and constitute an appropriate Special Task Force (STF) to consider registering a criminal case for investigation of the crime in question to identify the violators and bring them to justice. Apart from such action, there is need for further preventive and remedial action for protection of environment and enforcement of environmental laws, including recovery of compensation and restoration measures. A joint Committee comprising of MoEF&CC (Regional Office at Bhubaneswar), CPCB, State PCB, SEIAA, Odisha and District Magistrate, Khurda may meet within two weeks to plan remedial

action in this regard. The State PCB will be the nodal agency for coordination and compliance. The Committee may undertake visit to the site, interact with the stakeholders and plan further action. The Committee may also ascertain the identity of the law violators in coordination with the investigators or otherwise and proceed against them for enforcement of environmental norms, including action of stopping the illegal mining. It may furnish its action taken report within four months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The report may also be uploaded on the website of CPCB to enable any of the parties to file response thereto. List for further consideration on 25.04.2022”

50.That the Hon’ble Tribunal in Original Application No. 837/2018 vide order dated 31/07/2020 (**Sandeep Mittal vs MOEFCC**) in Para 2 there was flagrant violation of conditions of Environmental Clearance and adequate monitoring was not taking place, vide order dated 30.10.2018, the Tribunal observed that compliance of conditions of Environmental Clearance must be monitored on periodical basis, **at least once in a quarter**. Accordingly, the Ministry of Environment, Forest and Climate Change (MoEF&CC) was directed to review and strengthen the mechanism for the purpose and furnish a report.

Para3. The matter has thereafter been considered on several dates including 29.04.2019, 23.07.2019 and 22.11.2019. It has been repeatedly found that the mechanism for monitoring environmental norms is inadequate, as a result of which there is rampant violation of Environmental Clearance (EC) conditions, as noted by this Tribunal in several cases. The Tribunal also noted the observations in the Judgments of the Hon'ble Supreme Court in T.N. Godavarman Thirumulpad Vs. Union of India & Ors. (2014) 4 SCC 61 and Lafarge Umiam Mining Private Limited Vs. Union of India, (2011) 7 SCC 338 that power of the regulator under Section 3(3) of the Environment (Protection) Act, 1986 is **coupled with duty and there is a need for effective monitoring mechanism**. The Hon'ble Supreme Court also observed that there is poor monitoring and there are huge gaps in laying down of conditions and enforcement thereof. Such observations have also been made by the Comptroller and Auditor General of India (CAG), pointing out deficiencies on this aspect.

51. That Extraction of Minor Minerals without prior Environment Clearance is an offence under Section 15 of the Environment Protection Act 1986 **and same is reproduced as follows**

“(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be

punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.”

- a) That on dated 07/07/2021 Government of India came with an office memorandum which states about the standard operating procedure for identification and handling of violation cases under EIA notification 2006. Copy of the letter dated 07/07/2021 is here unto annexed as **ANNEXURE-14**

52. That District Collector is the authority under the Environment Protection Act 1986 to initiate criminal prosecution under Section 19 of Environment Protection Act 1986 and the District Magistrate, Dhenkanal in the present case failed to discharge the duties and hence the Hon'ble Tribunal may call for a satisfactory reply and direct the Chief Secretary for necessary action to that effect.

53. That while upholding the Criminal Prosecution in an illegal sand mining case namely Jayant Etc Vs State of Madhya Pradesh, Criminal Appeal No 824-825 of 2020, Hon'ble Supreme Court on 3rd December 2020 has opined that violators can not be permitted to go scot free on payment of penalty only. There must be some stringent provisions which may have deterrent effect so that the violators think twice before committing such offence and before causing damage to the earth and nature.

“It might be true that by permitting the violators to compound the offences under the MMDR Act or the rules made thereunder, the State may get the revenue and the same shall be on the principle of person who causes the damage shall have to compensate the damage and shall have to pay the penalty like the principle of polluters to pay in case of damage to the environment. However, in view of the large scale damages being caused to the nature, the policy and object of MMDR Act and Rules are the result of an increasing awareness of the compelling need to restore the serious ecological imbalance and to stop the damages being caused to the nature”

54. Illegal mining of minor minerals is not only theft of Govt. revenue inviting prosecution under the appropriate provisions of the IPC but also

invites prosecution under the provisions of **the Prevention of Money Laundering Act, 2002.**

55. That Section 3 of the Prevention of Money-Laundering Act, 2002, reads as under: - “3. Offence of money-laundering- Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming it is untainted property shall be guilty of offence of money-laundering.”

56. Section 4 of the Act which prescribes the punishment for money laundering, reads as under: - “4. Punishment for money-laundering- Whoever commits the offence of money-laundering shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

GROUND

- A. That the Quarry is operating in violation of Siting Criteria fixed by CPCB, Hence liable to be closed.
- B. That the private respondent started operation of quarry without EC being transferred in his name and same is in violation of EC condition

- C. That the past violations of EC conditions such as mining exceeding the approved quantity in EC letter and same need to be taken into account prior to allowing the quarry to be operated by the private respondent
- D. That the illegal quarry by the private respondent in collusion with Tahasildar, Dharmasala resulted in abandoned pits and same is endangering life and livestock of local residents
- E. That the Petitioners and other residents of locality have a right to Clean Air and Water which is guaranteed by expanding the scope of Article 21 of Constitution of India and same has been violated.
- F. That the ongoing illegal quarrying destroying the local ecology is against the spirit of Article 48A and 51A(g) that mandates for protection of environment
- G. That the present illegal quarrying is against the principle of Sustainable Development, Precautionary Principle and attracts the Polluters Pay Principle.

LIMITATION

That there is a subsisting cause of action because of the ongoing illegal quarrying activity in violation of EC conditions on day-to-day basis and inaction of state respondents pursuant to the complaint dated 07/12/2024. As such the limitation for restoration is 5 years and there are

evidences of mining exceeding the EC limit, hence the application is not barred by limitation.

INTERIM PRAYER

Hon'ble Tribunal may please to constitute a high-level committee comprising of responsible officers from SEIAA, MoEFCC, CPCB, Director of Mining and District Collector to inquire into the allegations such as excess mining and violations of EC conditions, compute the environmental compensation and in case of violations confirmed direct the District Collector Jajpur to immediately stop the operation of Bajabati Cluster 3A pending final disposal of the Original Application

PRAYER

The Hon'ble Tribunal may please to consider to pass the following directions.

- I. Direct the SEIAA and SPCB to withdraw the environment clearance and CTO for violation of EC conditions and non-filing of quarterly environment compliance report
- II. Direct the Committee to ascertain if the quarry is in compliance of CPCB guideline dated 12/05/2020
- III. Show cause the SEIAA authority and SPCB for inaction despite of complaint dated 07/12/2024 and fix the responsibility of the erring officer
- IV. Director of Mines and Geology, Government of Odisha to assess the extent/quantum of Minor Minerals/Stone from the Aruha BSQ Cluster No.2/3 and Aruha BSQ excavated illegally and its market

value, **cost of restitution and environmental compensation and recover the same from the private respondent**

- V. Fix the accountability/responsibilities of the concerned Govt. authorities and Tahasildar Dharmasala for their inaction and wilful dereliction of duties causing loss to the state exchequer and damage to the environment
- VI. Pass such other orders/directions as may be deemed fit and proper in the bonafide interests of justice.

And for this act of kindness, the petitioners as in duty bound shall ever pray.

Bhubaneswar

26/12/2024

**By the Applicant
Through**

S. Pani *A.P. Pathy*

ADVOCATE

BEFORE THE NATIONAL GREEN TRIBUNAL AT KOLKATA

Original Application No. ____ of 2024

DUSMANT KUMAR BAL

APPLICANTS

VERSUS

STATE OF ODISHA & ORS ...

RESPONDENTS

AFFIDAVIT

25 DEC 2024

I, Dusmant Kumar Bal S/o Golakh Chandra Bal, Aged about 45 years At/Po/-
Aruha Ps-Dharmasala Dist-Jajpur, Odisha, 755024, do hereby solemnly affirm
and declare as under:

1. That I am the Applicant in the above mentioned Application and I am fully conversant with the facts and circumstances of the case
2. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

* Dusmanta Kumar Bal
DEPONENT



IDENTIFIED BY
S. Pan
ADVOCATE

VERIFICATION

I, Dusmant Kumar Bal S/o Golakh Chandra Bal, Aged about 45 years At/Po/-
Aruha Ps-Dharmasala Dist-Jajpur, Odisha, 755024, do hereby verify that the
contents of the Para 1 to 47 are true to my personal knowledge and
Para 48 to 56 believed to be true on legal advice and that I have not
suppressed any material fact. Verified at Bhubaneswar on 26/12/2024.

*The above named deponent(s) being
duly identified by Sri. S. Pan
Advocate, Bhubaneswar
Appears before me on 25 DEC 2024
at Bhubaneswar State of Odisha
Signature of Notary
Signature of Deponent*

Dusmanta Kumar Bal
VERIFICANT
JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR



ANNEXURE-1

Ashutosh Padhy <sagarasutosh369@gmail.com>

Complaint petition against illegal mining from Aruha stone quarries under Dharmasala Tahasil of Jajpur District on behalf of Aruha villagers.

1 message

Ashutosh Padhy <sagarasutosh369@gmail.com>

7 December 2024 at 16:59

To: SEIAA Odisha <seiaaodisha@gmail.com>, "paribesh1@ospcboard.org" <paribesh1@ospcboard.org>, dm-jajpur@nic.in, "tdrdharmasala@gmail.com" <tdrdharmasala@gmail.com>, "ddm.jajpurroad@orissaminerals.gov.in" <ddm.jajpurroad@orissaminerals.gov.in>, "dgmsindia@gmail.com" <dgmsindia@gmail.com>, roez.bsr-mef@nic.in



New Document(419)-merged.pdf

Dear Sir/ Madam, please find the attachment.

6th December 2024

Through Email/Post

To

1. Member Secretary, State Environment Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar SRF-2/1, Acharya Vihar,
Unit – IX, Bhubaneswar, Odisha 751022
Email: seiaaodisha@gmail.com
2. Member Secretary, Odisha State Pollution Control Board, A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha,
Email: paribesh1@ospcboard.org
3. District Collector, Jajpur At/Po/Dist- Jajpur Email dm-jajpur@nic.in
4. Tahasildar, Dharmasala At/Po/PS- Dharmasala 756032 Email:
tdrdharmasala@gmail.com
5. Deputy Director of Mines, Jajpur ddm.jajpurroad@orissaminerals.gov.in Pin-758001
6. Deputy Director General of Forests, Ministry of Environment and Forests, Climate Change, Integrated Regional Office, Bhubaneswar, A/3, Rail Vihar, Chandrasekharpur, Bhubaneswar, Odisha 751023, email- roez.bsr-mef@nic.in
7. Director General of Mine Safety, Government of India, Dhanbad, Jharkhand
dgmsindia@gmail.com

SUB-OBJECTION TO ILLEGAL OPERATION OF ARUHA STONE QUARRIES IN DHARMASALA TAHASIL JAJPUR

Dear Sir

1. We the villagers of Aruha Village affected by the stone quarry operation in Aruha Mouza wish to bring your kind attention to stop the quarry operation in Aruha hillock.
2. That the Aruha Hillocks (Cluster 2) is existing over an area of 59.89 Ha, at Village-Aruha under Dharmasala tahasil, District Jajpur, Odisha. And currently there are Five quarries are operating violating the prescribed environment norms.

3. It is pertinent to mention here that in the year 2023 during the survey under the initiative of "*Prevention of theft of Minor Minerals*" it was found that the lessee of Aruha BSQ has illegally extracted 108112 cum of stones and for which a show cause notice was also issued by the Tahasildar on dated 15/04/2023.
4. That in the year 2024 the DGMS has also conducted an survey where most of the stone quarries in the district of Jajpur has found to be serious non compliances of mine safety for which the DGMS has directed to close 26 stone quarries in the district.
5. That the Aruha stone quarry has a past record for non-compliances of environmental norms and DGMS guidelines.
6. It is note worthy to mention here that there are various news articles are there where it is categorically highlighted that the mining activities of the Aruha hillocks are posing a serious threat to the school going children as well as to the trains passing through the Aruha stone quarries, that the railway track of the Cuttack- Jajapur road main train line is at a distance of 179 meter which is falling under the no mining zone, but in this case the stone quarries are continuing to be carry on the quarrying activities within the no mining zone. Copy of the news articles are also attached for better appreciation.
7. Previously the quarry depth has already reached more than 60 feet and for a while villagers were in peace because of the closure of quarry operation. Now again the quarry and crusher operation are continuing day and night and villagers are in deep traumatic condition because of the blasting in quarry and the dust due to transportation and crushers.
8. The quarry operation is in close proximity of the village and is in violation of CPCB guideline stating that there should be minimum **200 meters of distance** shall be maintained for quarry involving blast from that of the nearby "**residencies,**

public buildings, inhabited sites, areas, protected monuments, Heritage Sites, National/State Highway, public roads, railway tracks, Ropeway or Ropeway Trestle or Station, bridges, dams, reservoirs, rivers, lakes, canal or Tank or any other locations to be considered by states". That the regulation for danger zone (500mtre) prescribed by the Director General of Mine Safety vide letter dated 31st January 2003 also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.

9. That with in 500 metre radius of Aruha hillock, Aruha Village, Nanpur Village, Anganwadi, Muraripur Upper Primary School, Cuttack- Jajapur road main train line, village road, Tarakasuni Upper Primary School, Water-bodies are already with in the quarry area and one pond has been destroyed by mining activities. Copy of map indicating the distance of affected places by quarry operation is annexed for better appreciation.
10. That because of deep quarry the water level in adjoining villagers are depleting and drying rapidly. The mining operation is taking by pumping out the mine water and discharging the same to adjoining agricultural fields. The farmers are getting skin irritation after coming in contact with the mine discharge water
11. Because of the deep quarries the water from the uplands that use to flow downwards and irrigate the agricultural lands are now got stuck in the quarries and the agricultural lands are no more getting any water.
12. Similarly because of high power blasting in the quarry operation the houses in Aruha village gets cracked and damaged. There use to be a layer of dust in houses and trees because of the dust generated from quarry, crusher and transportation.
13. The overloading of vehicles and plying on the R and B Road are affecting the local villagers and school going children. The road does not have the carrying capacity to sustain the pressure of overloaded vehicles in hundreds of number

every day. There is no measurement of quarry and this goes on unabated with impunity.

14. That because of dust and contaminated water there is increasing number of Kidney patients in Aruha village. The situation is worsening day by day. The constant dust and noise from mining operations are causing severe respiratory and auditory health issues for residents, especially children and the elderly.
15. **Noncompliance of Mine Closure Plan:** in the past excess mining has been done in Aruha and to that effect the assessments and remediation plan has not been made as on date. As such the pits need to be reclaimed by filling the Void and There after plantation on those lands which has not been done. On the contrary the mining has been done more than 60feet while it should not be allowed beyond 6mtre. As of now no green belt has been developed around the quarry and crusher. Quarrying activity with in safety zone and no demarcation with boundary pillar in the quarry area is there.
16. That the cumulative study assessment has also not been conducted by the concerned authorities as there are atleast 200 hundred quarries and crushers exist within 10KM radius of the Aruha stone quarry.
17. That the quarry activity having adverse impact on the human habitation is against the principle of sustainable development. That the quarry operation is threatening and endangering the life and property of adjoining villagers. That because of the ongoing quarry activity is against the Precautionary Principle and Inter-generational equity warrants closure of all such activities.
18. That the proposed mining is against the spirit of Article 48A and 51A(g) that mandates for protection of environment and Article 21 of Constitution of India.

For the above reasons, I request you to measure the quantum of illegally extracted minerals from the Aruha hillock, and

to penalize the persons who are involved in illegal mining and collect the same alongwith environmental compensation from the persons involved in illegal mining. As the Aruha hillock has already been mined out and is in violations of DGMS guidelines therefore we request you not to issue any further order for mining of minerals from the Aruha hillock.

Banapvara Bal

**Sarapanch
Aruha G. P.**

Makar Senapati

ward number - 7

Jabaratali

Ninan Ranjan Behera

ward Member - 13

Aruha

Narayan Ojha.

ward Number - 9

Najib Sankarha (Aruha)

एनईएल ८/१५

Ex ward no - 10

Parbati Singh

ward no - 8

Aruha

ସମ୍ପଦା ସାହିତ୍ୟ

Ward Member - 16
(Nanpara)

Rabindranath

ନିର୍ଦ୍ଦେଶକ

ନିର୍ଦ୍ଦେଶକ

Ward member - 16

(Nanpara)

Headmaster (ex-ward member)

Amal Ka Samudra

Bikram Saha

ପ୍ରମୁଖ ସଭ୍ୟ

Pranab Saha

Nitendra Behara

ବିଜୟା ସାହିତ୍ୟ

ନିର୍ଦ୍ଦେଶକ

ନିର୍ଦ୍ଦେଶକ

ନିର୍ଦ୍ଦେଶକ

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Subendro Malika

Bijanu Malika

Subash Chandra Saha

ସେନା ସଭ୍ୟ

Ranjana Malika

ନିର୍ଦ୍ଦେଶକ

ନିର୍ଦ୍ଦେଶକ

Bhagadhar Behara

ନିର୍ଦ୍ଦେଶକ

Sandeep Barik
Dusmanta Kumar Barik
Godadhar Samal

Sushil Kumar Nayak
Dilip Kumar Nayak
Satyajit Nayak

Jatindra Pradham
Trilochan Patramanik
Sourya Barik

Susant Kumar Nayak

Gobinda Chandra Saha

Sanjay Kumar Behena
Mahendra Nayak

Tapas Kumar Patramanik

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Subhas Nayak

Nayendra Nayak

Prasanna Samal (Wardmember - 14 Anuna)
Subham Ranjan Nayak

Shesha Das

Subhadra Behera

ସୁଭଦ୍ରା ବେହେରା

Diprimayee Behara

ମାଧବିନୀ

ସୁଧାଞ୍ଜଳି ଦେବୀ

ସୁସମ୍ପର୍କା

Kanchan Behera .

Ashis bed Behera

Jagan Kumar Behera .

Pranallad Behera

Ganaka ka Rana

ନନ୍ଦିନୀ ବେହେରା

ସୁମିତ୍ରା ଦେବୀ

ଶୋଭା ଦେବୀ

କୋମଳା ଦେବୀ

Manoja Rana

Manas Rana

ନିର୍ମଳା ଦେବୀ

Jharna Behera

Ganat Behera

Ashw bed Behera

Kapila Rana

ସୁମିତ୍ରା ଦେବୀ

ନନ୍ଦିନୀ ଦେବୀ

Kapila Rana

ନିର୍ମଳା ଦେବୀ

Pradiptra Rana.

ପ୍ରଦୀପ୍ତ୍ର ରାମା

Rakesh Sahoo

Shasha Phak - Behera

Brajajishor Behera

Dibyamanin Rana

Shunya Kanta Swain

Tapay Rana

Jusanta Rana

ଜୁସାନ୍ତା ରାମା

Lakare Senapati

Pranod Behera

Ram Narayan Mallick

Anirekha Behera

Tara Behera

Ashok Behera

Prasanta Behera

Debasish Behera

Saraswati Rana

Tita Rana Sani

Bijaya Kumar Sahoo

Sanjaya Sahoo

Sangram Rana

୨୬ ୨୦୧୧

Jyotsnarani Sahoo

Aruha hill turns mound of misdeeds

With illegal mining, smuggling of minor minerals yet to see a let-up and a crusher unit coming up close to a school with dubious clearances, irregularities galore surround the Aruha hill in Jajpur

POST NEWS NETWORK

Jajpur, Oct 14: Despite many efforts taken by the state government to contain rampant plunder of minor minerals, there has been no let-up in illegal quarrying and smuggling of black stone, murrum and soil from Dharmasala tehsil area in Jajpur district.

It has been over a year since the state government established the office of the deputy director of Minor Minerals department in Jajpur district as part of its move to curb the smuggling. However, this has failed to stop the illegal mining and smuggling of minor minerals. Instead, the illegal practice, depriving the state's exchequer of huge earnings, has only flourished over the years.

The Jajpur district administration has directed for deposit of penalty and closure of the quarries after mining of black stones beyond the permissible limit was proved at Aruha black stone mines under the Dharmasala tehsil. However, some unscrupulous miners continue to extract and smuggle murrum from the area.

The murrum is being used for establishment of a crusher unit named 'Mass', located at about 300 metres from Tarakasuni Primary School in Aruha panchayat. Similarly, the Jajpur Road-Cuttack rail



route lies at a distance of 200 metres from the under-construction crusher unit.

Reports said that there are five black stone mines on the Aruha hill and the state government has prepared a cluster mining plan for the area. However, it has comfortably ignored the presence of a school and the rail route near it before preparing the cluster mining plan.

This has left the local residents surprised as they questioned the wisdom of the district administration in giving permission for establishment of a crusher unit which is likely to cause deafening noise and will lead to air pollution in the area.

Apprehending severe sound and air pollution, over 100 students and their guardians have sought the intervention of the district Collector, demanding to save them from the problem which is likely to impact their health and studies.

Peeved over the development, locals have written to the dis-

trict Collector demanding closure of the illegal black stone quarry and crusher unit and necessary action for violation of norms. They have also forwarded the copies of their complaints to the deputy director of Minor Minerals department, secretary of Steel and Mines department and the regional officer of State Pollution Control Board (SPCB) at Kalinganagar in the district.

According to the complaints, the district administration is yet to collect the penalty which was levied on the concerned leaseholders following satellite mapping held earlier.

However, surprisingly, the district administration has registered a certified case against one of the three leaseholders while the names of two of them have been excluded by allegedly showing them undue favour. It has been alleged that this is in direct contravention of the norms for environmental clearance.

According to the complaints,

two of the quarries BSQ-2 quarry no-1/16-17 and 34/21-22 are situated at a distance of about 300 metres from the primary school. Moreover, three of the quarries BSQ no-1 quarry no-35/21-22 and quarry no-36/21-22 lie at a distance of about 200 metre from the railway line. The presence of the quarry might endanger the railway line anytime as residents expressed concerned over its security.

This apart, four stone crushing units are in operation near these quarries on plot number-2733, 2594, 2704 and 2705 for which the students have been seriously affected by the deafening sound and air pollution emanating from the units.

Residents Nirmal Nayak, Harihar Sahu, Pratap Rana, Anand Behera, Pramod Behera, Anam Behera, Sahadev Rana, Mohan Nayak, Chittarnjan Jena and over 100 others have demanded a proper probe into these irregularities and sought stringent action against the wrongdoers.

Illegal blackstone mining in Jajpur poses threat to school kids, trains



POST NEWS NETWORK

Jajpur, May 12: Rampant illegal mining of black stones from quarries in Aruha panchayat under Dharماسala tehsil in Jajpur district has not only put the lives of hundreds of students of a primary school to imminent hazards but also raises concerns over safety of trains (and passengers) plying on the nearby tracks, a report stated.

Locals alleged that black stones are being extracted from a quarry on a plot (no-2677), through blasting of explosives, which is situated in close proximity of Tarakasuni Primary School in Aruha panchayat. The miners while mining stones never spare a thought about the safety of the children. Moreover, black stones are also being extracted from four other quarries in the panchayat where a rail line, farmlands and the school are situated in close vicinity.

The deafening sound during explosive blasts at the quarries sparks fear among the children, while the pollutants emanating from there and adjoining crusher units is seriously af-

fecting their health. Peeved at the state of affairs, the locals have made a written complaint to the Jajpur Collector demanding immediate closure of the illegal black stone quarries and stringent legal action against the smugglers.

They have also filed similar complaints before the Director of Minor Minerals department, Principal Secretary of Steel and Mines department and the regional officer of the State Pollution Control Board (SPCB) at Kalinganagar.

Residents alleged that black stone loot from the quarries in Aruha panchayat has become rampant in complete violation of pollution norms. This is happening as revenue officials have failed to collect penalty from the lease holders on the basis of satellite mapping of the mines carried out earlier.

They alleged that two black stone quarries - BSQ-2 quarry number 16/16-17 and 34/21-22 - are situated at a distance of 500 metres from the school. Similarly, the BSQ-1 quarry number 10/17-18, quarry number-35/21-22 and quarry number -36/21-22 are sit-

uated at a distance of 200 metres from the railway line. The mining of black stones from the quarries near the railway track has raised concerns over the safety of the railway track and the trains running on it.

Moreover, four stone crusher units functioning on plot nos-2733, 2594, 2704 and 2705 near the black stone quarries has resulted in heavy air and sound pollution. This has severely hit studies of the students and seriously affected their health.

This has angered the residents as over 100 villagers, including Nirmal Nayak, Harihar Sahu, Pratap Rana, Anand Behera, Pramod Behera, Anam Behera, Sahadev Rana, Mohan Nayak, Chittaranjan Jena and others have lodged written complaint with the district Collector.

Until a year ago, the Minor Minerals department used to function under the Revenue department. But now it has got a separate office at Jajpur. The office is headed by a deputy director with five officers to support him.

It is alleged that illegal mining and smuggling of minor minerals like murrums, black stones, sand, laterite stones have become rampant in Jajpur district after the establishment of this office. Residents have also alleged that illegal black stone mining and smuggling is not only limited to Aruha panchayats, but similar loot of the black stones worth crores are also taking place from Dankari, Rahadpur, Bichhakhandi hills under the Dharماسala tehsil.

They said that a firm, VCI Industries Private Ltd, took land from the state government for establishment of its plant, but instead used the land for murrum mining and smuggled murrums worth ₹20 crores outside.

ENVIRONMENTAL
CLEARANCE

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

To,

The Lessee
SARAT JENA
At/Po- Aruha, Tehsil-Dharmasala, Jajpur -755024

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/76469/2020 dated 03 May 2022. The particulars of the environmental clearance granted to the project are as below.

- | | |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. EC Identification No. | EC23B001OR163112 |
| 2. File No. | 76469/662-MINB1/05-2022 |
| 3. Project Type | New |
| 4. Category | B1 |
| 5. Project/Activity including Schedule No. | 1(a) Mining of minerals |
| 6. Name of Project | For the grant of EC of Aruha Black Stone quarry (Cluster Serial No-2/3), (Khata No -779, Plot No-2807,2808,2811) over an area of 18.88 acres or 7.64 hacters in village Aruha under Dharmasala Tahasil of Jajpur District, Odisha. |
| 7. Name of Company/Organization | SARAT JENA |
| 8. Location of Project | Orissa |
| 9. TOR Date | 03 Jun 2020 |

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

Date: 17/01/2023

(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

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(A statutory body constituted by Ministry of Environment, Forest & Climate Change under
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ENVIRONMENTAL CLEARANCE FOR STONE QUARRY

Subject: Application of Sri Sarat Kumar Jena for mining of road metal from Aruha Black Stone quarry (Cluster Serial No-2/3), (Khata No-779, Plot No-2807,2808,2811) over an area of 18.88 acres or 7.64 ha in village- Aruha, Tahasil-Dharmasala, District- Jajpur submitted under cluster approach(Total ML area under cluster-148.00 Acres or 59.89Ha, consisting of 5Nos. of Individual Quarries) -Environmental Clearance reg.

The Project Proponent Sri Sarat Kumar Jena has submitted an application for EC to SEIAA, Odisha through the Parivesh portal of MOEF&CC,GOI vide online application no. SIA/OR/MIN/76469/2022 dated 03.05.2022 for mining of road metal from Aruha Black Stone quarry (Cluster Serial No-2/3), (Khata No-779, Plot No-2807,2808,2811) over an area of 18.88 acres or 7.64 ha in village- Aruha, Tahasil- Dharmasala, District- Jajpur, Odisha submitted under cluster approach(Total ML area under cluster-148.00 Acres or 59.89Ha, consisting of 5Nos. of Individual Quarries) in terms of the provisions of the Environment Impact Assessment(EIA) Notification, 2006 & subsequent amendments thereto under the Environment(Protection) Act,1986.

2. Proposal in brief:

Proposal No.	SIA/OR/MIN/76469/2020
Date of application	03.05.2022
File No.	76469/662-MINB1/05-2022
Project Type	EC
Category	B1(Individual Lease area),B1(Cluster Lease area)
Project/Activity including Schedule No.	1(a) Mining of minerals
Name of the Project	Proposal for grant of EC of for the grant of EC of Aruha Black Stone quarry (Cluster Serial No-2/3), (Khata No-779, Plot No-2807,2808,2811) over an area of 18.88 acres or 7.64 ha in village- Aruha, Tahasil-Dharmasala, District- Jajpur, Odisha.
Name of the company/Organization	Sri Sarat Kumar Jena S/o-Hrudananda Jena At/Po-Dharmasala Dist-Jajpur
Location of Project	village- Aruha, Tahasil- Dharmasala, District- Jajpur, Odisha
ToR date	03.06.2020

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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 Stone from Aruha Black Stone quarry (Cluster Serial No-2/3), (Khata No-779, Plot No-2807,2808,2811) over an area of 18.88 acres or 7.64 Ha in village- Aruha, Tahasil- Dharmasala, District- Jajpur, Odisha.
 - (ii) The mining area is a part of Survey of India Toposheet No. F45U1 bounded by Latitude: 20°44'48"N to 20°45'01"N and longitudes of 86°06'04"E to 86°06'15"E.
 - (iii) The mining lease is an identified sairat source in the DSR. Aruha Black Stone quarry (Cluster Serial No-2/3) sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Dharmasala 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 cluster certificate has been furnished by Tahasildar Dharmasala certifying that this sairat source is a part of a cluster. There are 05 nos. of mines(including this lease) located within 500m radius of lease area confirming to cluster situation.
 - (v) The Terms of Reference (ToR) was granted by SEIAA vide letter no 8344/SEIAA dated 03.06.2020 for Aruha Stone Quarry Cluster for undertaking detailed EIA studies.
 - (vi) **Location & Connectivity:** The total area is Govt. land comprising of 5 nos. quarry leases covering a total mineralized area of 59.89Ha or 148.00 Acres located in village/Mouza - Aruha of Dharmasala Tahasil of Jajpur District, Odisha. The project site is located in survey of India toposheet no. 73L/1 and bounded between the latitudes 20°44'32.54"N to 20°44'12.94"N and Longitudes 86°05'53.25"E to 86°06'43.76"E as per survey. The cluster is well accessible through NH 200 which is located at a distance of about 0.5km and NH-5 is about 3.5km from the cluster. The area is at a distance of 4 km from Chandikhole town. The nearest railway siding is at Haridashpur railway station located at a distance of about 2km from the cluster area. Nearest Airport is Biju Patnaik International Airport is at a distance of approx. 60 km from the project site. Kapilash wildlife sanctuary is located at a distance of 15Km from the cluster area. Nearest river is Brahmani River- 4 Km. Nearest Reserve forest is Mahabinayak RF - 4 Km. No state or national boundary exists within 10 Km radius of the project. Nearest habitation is Aruha village.
 - (vii) The baseline data has been collected from March'2020 to May'2020 (Summer season) for the cluster project.
 - (viii) The public hearing for the said project was conducted on 26.08.2020 at 10.30 AM at Dharmasala Bhawan, Chandikhole, Jajpur and the issues raised by the public were on Environment Employment Other local Development activity & the issues of public

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- has been address in the EIA/EMP report and an amount of Rs.21.00/-Lakhs has been earmarked for peripheral developmental activities as per public demand.
- (ix) The project proponent along with the consultant M/s Kalyani Laboratories, Bhubaneswar made a detailed presentation on the cluster proposal on 06.04.2021.
 - (x) The project proponent has submitted Additional documents/information to SEAC on the project on 09.07.2021.
 - (xi) The proposal in cluster was duly appraised by the SEAC in its meeting held on 03.08.2021. The SEAC has approved the EIA/EMP report in cluster approach and recommended that the SEIAA may consider to grant Environmental Clearance to individual lease in cluster after the lessee in cluster submit individual applications. The lessee has submitted the individual EC application in the Parivesh portal
 - (xii) Documents submitted: -Form-1, D.L.C., PFR, EMP, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Tahasildar, topo map etc.
 - (xiii) Whether submitted KML file of the lease area-Yes
 - (xiv) Distance from nearest sanctuary/ESZ- Kapilash WLS-23.0 Km
 - (xv) Whether the lease area coming in DLC report-No, It has been clarified by the Tahasildar, Dharmasala, vide letter Nil dated 20.08.2022.
 - (xvi) Whether the lease area reflecting in DSR-Yes
 - (xvii) Method of mining-Semi-mechanized
 - (xviii) Distance from nearest road bridge-6.20 km, village road-0.02 km
 - (xix) Whether it is part of cluster -Yes, total lease area under cluster-2 is 59.89 Ha for which already EIA and EMP approved by SEAC on 03.08.2021 and in this regards a letter was issued by SEIAA, Odisha vide letter no. 2340/SEIAA dated 31.08.2021 for individual application with required documents and now individual application applied by PP.
 - (xx) Whether EC obtained earlier-Yes
 - (xxi) Date of approval of mining plan- the Deputy Director of Geology, O/o Directorate of Geology, Bhubaneswar on 08.03.2022.
 - (xxii) Production capacity per annum-42034 cum/annum (max.), total production in 5 years period-210170 cum, Geological reserve-3131289 cum and Mineable reserve-2638853 cum.
 - (xxiii) Water Requirement: - The total water requirement will be 3.5 KLD for different purposes like Domestic, Dust suppression, plantation purposes. Source: Nearby village with the help of tankers.
 - (xxiv) Power Requirement: -No use of electric power as the operation will be done in the day time. DG set will be used as source of power.
 - (xxv) Employment Potential - A total of 18 nos. of workers are to be employed during mining operation.

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- (xxvi) Green Belt Development: Greenbelt plantation will be done by planting 1025 nos. saplings of suitable species by the lessee as per EMP submitted.
- (xxvii) The project cost is estimated to be Rs. 26.00 lakhs and there is a budgetary provision of Rs.2.00 lakhs as capital cost and Rs.40,000/-as recurring cost towards environmental protection measures.
- (xxviii) 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- **No**
4. This proposal conforms to the project/activity in item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B1 as the mining lease area is more than 5 ha & the cluster proposal also falls under Category B1 as the mining lease area is more than 5 ha.
 5. The proposal in cluster was duly appraised by the SEAC in its meeting held on 03.08.2021. The SEAC has approved the EIA/EMP report in cluster approach and recommended that the SEIAA may consider to grant Environmental Clearance to individual lease in cluster after the lessee in cluster submit individual applications. The lessee has also submitted the individual EC application in the Parivesh portal.
 6. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 103rd meeting held on 15.12.2022 in accordance with the EIA Notification, 2006 and further amendments thereto.
 7. **Environmental Clearance (EC) is granted under the provisions of EIA Notification No. S.O. 1533 (E) dated the 14th September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for Aruha Black Stone quarry (Cluster Serial No-2/3), (Khata No-779, Plot No-2807,2808,2811) over an area of 18.88 acres or 7.64 ha in village- Aruha, Tahasil- Dharmasala, District- Jajpur submitted under cluster approach(Total ML area under cluster-148.00 Acres or 59.89Ha, consisting of 5Nos. of Individual Quarries) with the following stipulations, environmental conditions and safeguards.**

A: Stipulations:

Sl.	Descriptions	Stipulation
(i)	Total ML Area in Cluster	148.00 Acres or 59.89Ha
(ii)	Individual Lease Area:	18.88 Acres or 7.64 Ha
(iii)	No Mining Zone:	7.5meter safety zone from all along the lease boundary.
(iv)	Maximum Depth of Mining:	6.00 Mtr.as per approved mining plan

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(v)	Permitted Quantity:	1 st year: 42034 cum/per year 2 nd year: 42034 cum/per year
(vi)	Validity Period of EC:	Two years from date of issue

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

- 7.1 **Specific Condition:** (i) The village road is at 0.02Km distance from the lease area. A non-mineable zone/safety zone of 200 meters from road shall be strictly maintained and mining activity shall be carried out beyond 200meters from the road. The proponent shall earmark the safety zone in concrete pillar before carrying out any mining activity. The Tahasildar shall ensure the safety of village road during blasting by the PP.
- (ii) The PP will implement the EMP with a budgetary allocation of Rs.2.00Lakhs as Capital Cost & Rs.40000/- as Recurring Cost, as proposed within the first three years of start of mining activities.
- 7.2 **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.
- 7.3 **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.seiaaodisha@gmail.com.
- 7.4 **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.
- 7.5 **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. 3,60,000/- with the respective District Environment Society for raising 800 plants of native species within 2 years in a suitable location adjoining to quarry.
- 7.6 **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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- 7.7 **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.
- 7.8 **Compliance report for transfer of EC:-** Any transfer of EC to a PP/Lessee shall be considered by SEIAA, Odisha only after receipt of the full compliance report through Tahasildar concerned of the above environmental conditions and safeguards.
- C: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED ON FIELD AFTER THE LEASE AGREEMENT:**
- 7.9 **Maximum permissible depth:-** Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. The exploitation of stone material from the hill shall be carried out in a systematic manner, spreading the quarrying activity to cover all the economic veins of mineral and proceeding uniformly to more and more depths from all sides simultaneously. Maximum depth from the top surface, at any point, up to which quarrying may be permitted shall be 6 meters as stipulated in rule 37(1) (a) of the OMMC Rule, 2016.
- 7.10 **Maximum permissible quantity:** Maximum quantity of material permitted to remove from the quarry area is 42034 cum in a full year (January to December). Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 7.11 **District Survey Report:** In view of likely revision of District Survey Report (DSR) as per the Ministry guidelines on DSR, the mention of this deposit in DSR with final coordinates shall be ensured by Tahasildar within two years. The District Survey Report (DSR) shall be prepared by the competent District Authority as per the MoEF & CC, Govt. of India Notification S.O.3611 (E) dated 25.07.2018 and Enforcement & Monitoring Guidelines for Sand Mining-2020.
- 7.12 **EC Extension:** - Any further extension of EC beyond two years shall be considered only with submission of duly approved District Survey Report.
- 7.13 **Any change in mining plan requires fresh EC:** - Any change in the calendar plan, change in production quantity or method of mining shall not be made without **prior** approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. The detailed production of laterite stone from the lease area of each year shall be submitted in tabular form during submission of compliance report.
- 7.14 **Environmental Management Plan:** EMP shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed in coordination with Tahasildar. 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.
- 7.15 **No Mining Zone:** The lessee shall ensure that no quarrying or mining is carried out in the areas as specified below:-

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- a) 7.5 meter safety zone shall be kept from all side of the lease boundary as per the approved mining plan.
- b) within 100m (minimum distance criteria when blasting is **not involved**) and within 200m (minimum distance criteria when blasting is **involved**) from residential/ public buildings, inhabited sites, protected monuments, Heritage sites, National/State Highway, District roads, public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dam, Reservoirs, river, Canals, lakes or Tanks, or any other locations etc.
- c) below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted mining depth, then the quarrying shall be stopped immediately;
- d) in the vicinity of natural /manmade archeological sites;

7.16 Transport Safeguards:

- a) No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
- b) Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project.
- c) Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- d) Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.
- e) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar 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.
- f) Water spraying should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.

7.17 Other Environmental Conditions:-

- a) Under no circumstances, the lessee shall use wagon drilling blasting during mining activity.
- b) The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.
- c) Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.

DJ



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- d) Dumping of quarry material is in no case permissible on any forest land; and all dump yard shall be on duly permitted non forest land.
 - e) Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, and trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
 - f) 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.
 - g) Permanent barricading/barbed wired fencing of the mining lease area site shall be done after completion of mining activities to prevent any danger for stray animals and human habitations from accidents.
 - h) The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine. Filling of the ditch by fly ash is to be ensured by the lessee, as also fencing the area, guard wall for safety of cattle & traffic.
 - i) The illumination and sound at night at the lease area disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. PPs must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day light/night hours.
- 7.18 **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.
- 7.19 **Public Hearing Compliance:-**The activities proposed in action plan prepared for addressing the issues raised during the Public Hearing shall be completed as per the budgetary provisions mentioned in the action plan and within a stipulated time frame as submitted in the Final EIA/EMP Report. The Status Report on implementation of action plan shall be submitted to the concerned Regional Office of the Ministry along with District Administration. The project proponent shall comply in true sprit all the issues raised and recorded in proceedings of public hearing w.r.t. environment / pollution / CER shall be complied by the Mining Authority as per OM F. No. 22-65/2017-IA.III, dated 30.09.2020 of MoEF&CC, Govt. of India.
- 7.20 **Reclamation & Restoration:** Pursuant to MoEF & CC, O.M No 22-34/2018-1A.III dated 16.01.2020 and in compliance to the directions dated 8th January 2020 of Hon'ble Supreme Court in W.P. (Civil) No.114/2014 in the matter of Common

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**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
(A statutory body constituted by Ministry of Environment, Forest & Climate Change under
Environment (Protection) Act, 1986)

- Cause vs Union of India, the mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The Project Proponent shall submit a detailed plan of action in this regard to Tahasildar within six months, indicating definite timelines and physical outcomes for the reclamation & restoration of the mined out area. The Tahasildar shall submit a compliance report to SEIAA, Odisha at the end of lease period.
- 7.19 **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 1st 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.
- 7.20 **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.
- 7.21 **Independent Monitoring:-** The concerned Regional Office of the MoEF & CC/SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 7.22 **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.
- 7.23 **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 provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 8 The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.

MM

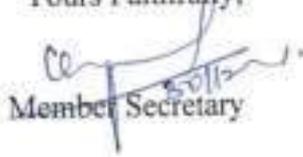


**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
(A statutory body constituted by Ministry of Environment, Forest & Climate Change under
Environment (Protection) Act, 1986)

- 9 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court and Hon'ble NGT as may be applicable.
- 10 Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

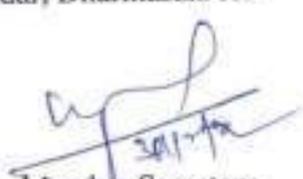
Yours Faithfully,


Member Secretary

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
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, Jajpur/ DFO, Jajpur/ Sub Collector, Jajpur/Tahasildar, Dharmasala for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

DM


Member Secretary

Signature Not Verified

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

Date: 1/17/2023 10:53:51 AM



OFFICE OF THE TAHASILDAR, DHARMASALA
 Tel:-06725-273036 Web:- tdrdharmasala.in Email:-tdrdharmasala@gmail.co

Demand Notice

Notice No.2244

Date: 25.04.2024

To

Sri Manoj Kumar Samal, S/o- Mahendra Kumar Samal
 At/PO- Aruha, PS-Dharmasala, Dist- Jajpur.
 (Lessee of Aruha BSQ (Ac.20.00))

Sub:-

Modified Demand Notice for deposit of revised royalty along with other charges payable to the Govt. Account

Sir,

This is to intimate you that, as per the order of the Hon'ble High Court passed in the W.P.C No. 36628/2023 and subsequent order passed by the Collector-Cum-Controlling Authority, Jajpur in the Misc Case No. 109/2023 on 18.01.2024 arising out of WP(C) No - 36628 / 2023, your case has been heard in the Court of the undersigned on dt.02.04.2024. As per the orders pronounced in the court of the undersigned, you are hereby directed to deposit the revised demand as per the calculation detailed below:

Revised Demand

Sl. No.	Item	Amount in Rs.
1	Royalty @ 130 / CUM (130*80112)	1,04,14,560
2	Addl. Charges @ 238/CUM (238*80112)	1,90,66,656
3	Income tax @ 2% of (royalty + addl. Charges)	5,89,625
4	DMF @ 10% of royalty	10,41,456
5	EMF @ 5% of royalty	5,20,728
6	Penalty @100% of royalty	1,04,14,560
	Total	4,20,47,585

(Rupees four crore twenty lakh forty-seven thousand five hundred eighty-five only)

You are directed to deposit the above said amount in the Accounts of this Tahasil in form of DD or Cash either in full or in eight (08) installments at regular interval of 45 days (each instalment of Rs. 52,55,949/- only) with a maximum up to one (01) year period w.e.f 01.05.2024 failing which appropriate action shall be taken as per the rule. The first instalment shall be paid within the 15 days of the effective date.

In the mean time during the instalment payment period you may go for the mining operation for the balance MGQ of 87,888 CuM of black stone subject to non-lapse of installments as per the stipulation and execution of subsequent Lease Deed agreement with the Mining Officer-cum- Competent Authority, Jajpur as per the term and conditions in the Tender notice no. 2244 dt. 16.06.2021 and in the prevailing Agreement. You have also to obtain approval for the revised Mining Plan from the Competent Authority and Environmental Clearance by the SEIAA for the balance MGQ of 87,888 CuM of black stone. In this regard, the petitioner shall submit an affidavit before the undersigned.



Demand Notice

L No. 2032 Date 16.05.2023

REMINDER-I



To
Sri Sarat Kumar Jena, S/O-Hrudananda Jena
At/PO-Aruha PS-Dharmasala Dist-Jajpur

**Revised demand for delay in execution of lease deed for Aruha BSQ
(Ac.18.88).**

Ref: This Office L Nos. 244 dtd.19.01.2023 and 1540 dtd 13.04.2023

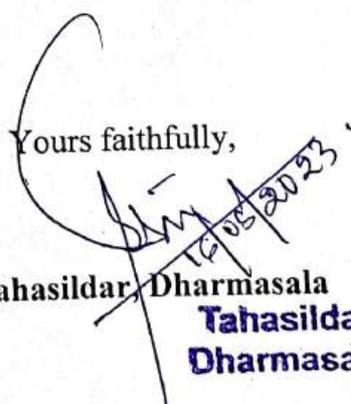
Sir,

This is to remind you that, a revised demand of Rs. 1,41,12,497.00 (Rupees one Crore forty-one lakh twelve thousand four hundred ninety-seven only) has been imposed on you with regards to the operation of Aruha BSQ (Ac 18.88)- sairat case no. 36/2021. However, it is observed that, no payment has been received as on present date. Hence, it is directed to deposit the balance Govt. dues and other charges as per the revised calculation within 15 days positively.

It must be noted here that, failure to deposit the amount within the stipulated time period will be treated as intentional violation of OMMC Rules 2016 and recommendation will be made for cancellation of tender garnted in your favour along with forfeiture of the deposited amount.

This must be treated as ***MOST URGENT***

Yours faithfully,


Tahasildar, Dharmasala
**Tahasildar
Dharmasala**



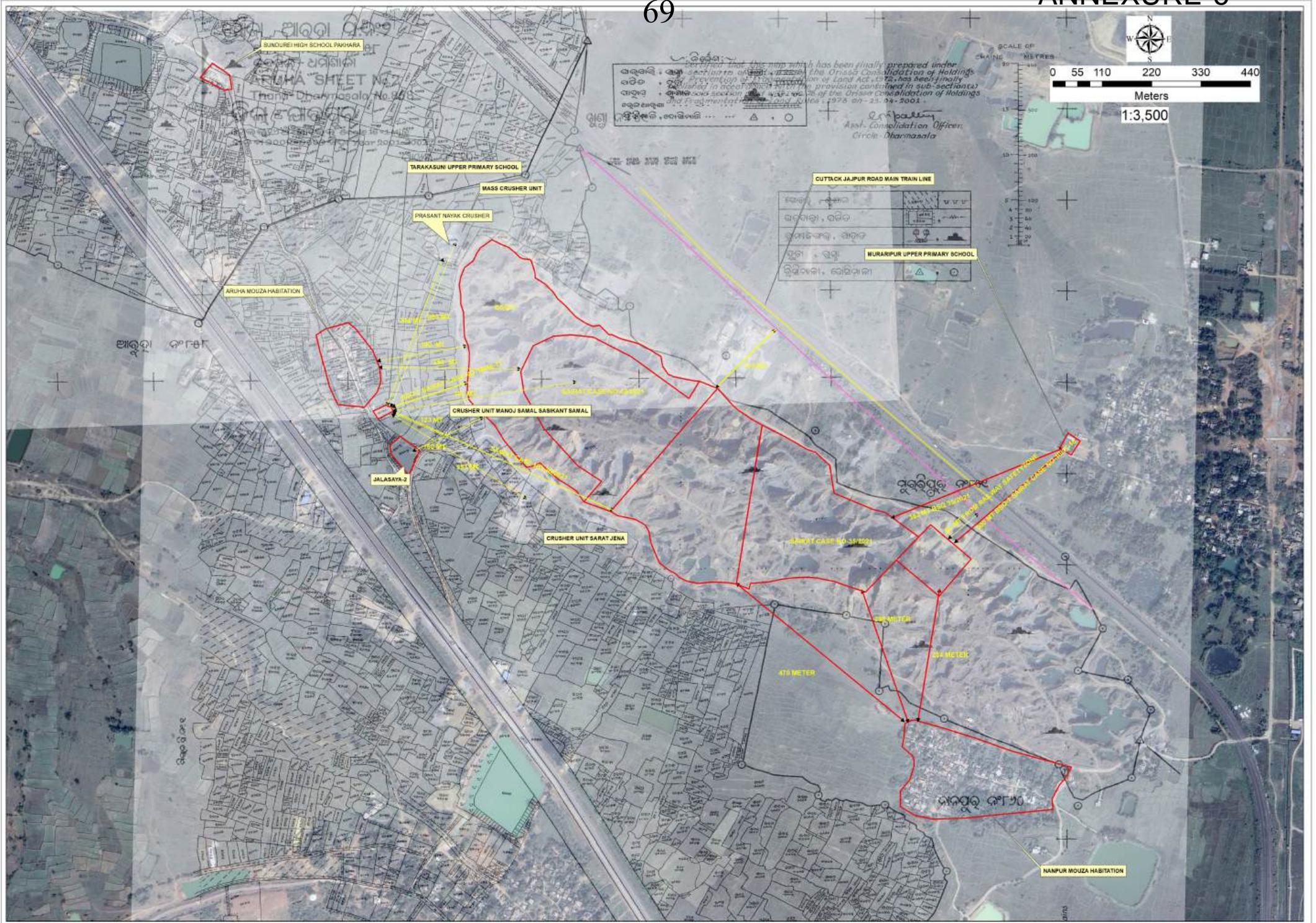


GPS Map Camera

Bajabati, Odisha, India
Q475+xv3, Bajabati, Odisha 755024, India
Lat 20.765628° Long 86.1087°
17/11/24 11:26 AM GMT +05:30



Google



This map which has been finally prepared under the Orissa Consolidation of Holdings and Prevention of Sub-division of Land Act, 1972, has been finally prepared in accordance with the provision contained in sub-section (3) of section 10 of the Orissa Consolidation of Holdings and Prevention of Sub-division of Land Act, 1972.

Assistant Consolidation Officer,
 Circle - Dharmasala

SCALE OF METRES

0 55 110 220 330 440

Meters

1:3,500

CRUSHER UNIT	(Symbol)

ARUHA SHEET No. 20/1
 Thana - Dharmasala No. 20/1

SINOURI HIGH SCHOOL PAKHARA

ARUHA MOUZA HABITATION

TARAKASUNI UPPER PRIMARY SCHOOL

MASS CRUSHER UNIT

PRASANT NAYAK CRUSHER

CRUSHER UNIT MANOJ SAMAL SASIKANT SAMAL

JALASAYA-2

CRUSHER UNIT SARAT JENA

CRUSHER UNIT SURESH KUMAR

MURARUPUR UPPER PRIMARY SCHOOL

NANPUR MOUZA HABITATION

ENVIRONMENTAL
CLEARANCE

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

To,

The
 MANOJ SAMAL

ARUHA BLACK STONE QUARRY OVER AN AREA OF 20.00AC OR 8.09
 HECT IN VILLAGE ARUHA OF DHARMASALA TAHSIL OF JAJPUR
 DISTRICT ODISHA. -755024

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/257538/2022 dated 19 Feb 2022. The particulars of the environmental
 clearance granted to the project are as below.

- | | |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 1. EC Identification No. | EC22B001OR164789 |
| 2. File No. | 257538/545-MINB1/02-2022 |
| 3. Project Type | New |
| 4. Category | B2 |
| 5. Project/Activity including
Schedule No. | 1(a) Mining of minerals |
| 6. Name of Project | ARUHA BLACK STONE QUARRY OVER
20.00 AC OR 8.09 HECT IN VILLAGE
ARUHA UNDER DHARMASALA TAHSIL
OF JAJPUR DISTRICT, ODISHA. |
| 7. Name of Company/Organization | MANOJ SAMAL |
| 8. Location of Project | Orissa |
| 9. TOR Date | N/A |

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

Date: 11/05/2022

(e-signed)
 Sri Susanta Nanda
 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 LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY ODISHA, BHUBANESWAR

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2541029, E-mail-seiaaorissa@gmail.com

Letter No _____

Dt. _____

SEIAA File No: 257538/545-MINB1/02-2022

Project: Proposal of Sri. Manoj Kumar Samal for mining of road metal from Aruha Black Stone Quarry over an area of 20.00 acres or 8.09Ha(Total Cluster-2 Area-148.00Acres or 59.89Ha) at village- Aruha, Tahasil- Dharmasala, District- Jajpur- Environmental Clearance reg.

Ref: Your online application dated 19.02.2022 for issue of EC vide File No: SIA/OR/MIN/257538/2022

Sir,

This has reference to your online application seeking environmental clearance of the mining project for mining of road metal from Aruha Black Stone Quarry over an area of 20.00 acres or 8.09Ha(Total Cluster-2 Area-148.00Acres or 59.89Ha) at village- Aruha, Tahasil- Dharmasala, District- Jajpur. The proposal falls in the category 1(a)- 'Mining of minerals' in the schedule of EIA Notification, 2006 as amended from time to time. The proposal has been appraised on the basis of the documents enclosed with the application, such as Form-2, form-1, supported by other necessary documents, namely the PFR, DSR, EMP, Approved Mining Plan, cluster EIA/EMP and Checklist.

2. The proposed activities in a nut shell are as follows: -

- a. This is a proposal for mining of road metal from Aruha Black Stone Quarry over an area of 20.00 acres or 8.09Ha(Total Cluster-2 Area-148.00Acres or 59.89Ha) located at village- Aruha, Tahasil- Dharmasala, District- Jajpur.
- b. The mine area is a part of the Survey of India Toposheet No. 73L/1&73L/2 bounded by Latitude: 20°44'53.21"N to 20°45'04.08"N and Longitude: 86°05'59.62"E to 86°06'10.46" E .
- c. The mining lease is an identified sairat source in the DSR. The Aruha Black Stone Quarry sairat source will be leased out under the OMMC Rules,2016 by

DH

- Tahasildar, Dharmasala to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
- d. The mining plan along with PMCP of the mining project prepared has been approved by Deputy Director Geology, Directorate of Geology, Bhubaneswar on 29.01.2022.
 - e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 1207050cum of building stone/road metal.
 - f. The project proponent has not furnished the alignment of the extraction path for road metal transportation. As reported by the Tahasildar/PP in the checklist, the village road is at a distance of 1.6Km away from the mining lease area.
 - g. The cluster certificate has been furnished by Tahasildar Dharmasala certifying that this sairat source is a part of a cluster. There are 05 nos. of mines(including this lease) located within 500m radius of lease area confirming to cluster situation and EIA/EMP study has already been carried out for the entire cluster. The SEAC have approved the cluster EIA/EMP prepared for the entire cluster in its meeting held on 03.08.2021.
 - h. The Tahasildar vide letter dated 12.01.2022 has submitted that the proposed quarry is situated on non-forest land, even after verification of the DLC report.
 - i. As per the approved mining plan submitted, it is observed that road metal/building stone from the quarry will be extracted by semi-mechanized method with annual extraction of road metal not exceeding 14000cum, maximum production capacity during the valid lease period.
3. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B1 as the mining lease area is more than 5 ha and less than 100ha and in cluster.
4. The proposal in cluster was duly appraised by the SEAC in its meeting held on 03.08.2021. The SEAC has approved the EIA/EMP report in cluster approach and recommended that the SEIAA may consider to grant Environmental Clearance to individual lease in cluster after the lessee in cluster submit individual applications. The lessee has already submitted the individual EC application in the Parivesh portal.
5. The State Environment Impact Assessment Authority (SEIAA) after considering the proposal and recommendations of SEAC, Odisha hereby accords Environmental

by

Clearance in favour of the project valid upto the lease period under the provisions of EIA Notification 2006 and subsequent amendments thereto subject to strict compliance of all stipulated conditions as mentioned below.

6. The Environmental Clearance (EC) is accordingly granted to the proposed activity of road metal mining subject to the following conditions and stipulations. The EC shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar and shall be coterminous with the expiry of lease period.

8. The Tahasildar, Dharmasala who is the lease granting authority in this case is responsible for monitoring strict compliance of the following conditions of grant of environment clearance, by the project proponent(lessee).

9. Stipulated Conditions:

- 9.1 This Environmental Clearance is given with a stipulation for compliance that "the case has to be seen in the context of the rampant quarrying activity within this Hill block beyond the proposed cluster of lease areas, as is apparent from an inspection of the google map of this area, and as per appraisal note and recommendation of SEAC. Whether it is a fact that there has been and continuing unauthorized stone quarry operation from the Aruha Hill block, and if so the actual quantum and extent of such unauthorized quarrying and over-exploitation may be reported by Tahasildar/PP, along with the action taken to curb all such practices and to realize compensation. Steps to be taken in case of any such wanton over-exploitation of quarry material for restitution of the environment of the hill and the surrounding villages may be worked out in detail".
- 9.2 The lessee shall implement the pollution control measures and safeguards as proposed in the approved EIA/EMP in the cluster approach.
- 9.3 Demarcation of the quarry lease area by posting durable concrete pillars of 1m height above ground is a must prior to starting the quarry operation. Photographs of proof showing the demarcation of the quarry lease shall be submitted along with compliance report.
- 9.4 No mining activities shall be allowed in forest area, if any, for which the Forest Clearance is not available.
- 9.5 Under no circumstances, the lessee shall use wagon drilling blasting during mining activity.
- 9.6 Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. Maximum depth of quarry operation for starting level at the top shall not exceed 6 meter.
- 9.7 Maximum quantity of quarry material that can be permitted by the lessor to be removed from the quarry area is 14000Cum in a full year (January to December) during the valid lease period. During the plan period of 5years, the total production

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- from the quarry shall be **210000Cum** as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 9.8 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 road metal from the lease area of each year shall be submitted in tabular form during submission of compliance report.
- 9.9 It shall be ensured that quarrying is not carried out within 500 m of structures, bridges, embankment, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures. Pursuant to Hon'b'e NGT in its Order dated 21.07.2020 in OA No-304/2019 in the matter of M.Haridasan & Ors. Vrs State of Kerala and to comply with the direction made therein "No stone quarry involving blasting will be operated within 200 m (minimum distance criteria) from Residential/public buildings, inhabited sites, other location, etc."
- 9.10 The lessee shall obtain NOC from CGWA and permission from WR department, Govt. of Odisha for use of ground water/surface water if any, required for the project.
- 9.11 Protection of vegetation in the surrounding areas, and proper storage of solid waste, subgrade ore and their use has to be given priority during mining operation.
- 9.12 The illumination and sound at night at the lease area disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. PPs must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/masks away from the villagers and keeping the noise levels well within the prescribed limits for day light/night hours.
- 9.13 No mining shall be carried out in the vicinity of natural /manmade archeological sites.
- 9.14 The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level. It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted depth, then also quarrying shall be stopped.
- 9.15 Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.
- 9.16 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 and only 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. No movement on any road is allowed on existing village road network

by

without appropriately increasing the carrying capacity of such roads. 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 Guidelines with respect to complying with traffic congestion and traffic density.

- 9.17 Transport of minerals shall be done either by dedicated road or it should be ensured that the trucks/dumpers carrying the mineral should not be allowed to pass through the villages. The lessee shall obtain NOC of Panchayat for usage of haulage road/Panchayat road.
- 9.18 All the lease holders in a cluster should join hand for grading of the main haulage road to maintain the gradient facilitating smooth movement of vehicles.
- 9.19 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.
- 9.20 The vehicles shall not be overloaded and shall be covered with Tarpaulin. The competent lease granting authority may collect an appropriate 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.
- 9.21 Wet drilling method is to be adopted to control dust emissions. Delay detonators and shock tube initiation system for blasting shall be used so as to reduce vibration and dust.
- 9.22 The lessee shall not store and use blasting materials/explosives inside the lease area without obtaining license/permission/authorization from competent Authority as per Indian Explosives Rules, 1983.
- 9.23 Drilling and blasting (wherever required) shall be done only by licensed explosive agent by the proponent after obtaining required approvals from competent authorities.
- 9.24 Blasting will be carried out after making adequate announcement to the local inhabitants through public address system. Warning siren half an hour prior to blasting activity will be sounded adequately for alerting everybody around before the blast is detonated to avoid any accident. The nearby inhabitants shall be informed one day before the actual time of blasting. Blasting is permissible at fixed hour in day time only, after blowing the siren intermittently for 10 minutes before the actual start, for safety of the inhabitants. Blasting shall be carried out in such a manner that the splinters/debris generated shall not fall beyond the mining lease area.
- 9.25 Water spray 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.

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- 9.26 Issues raised and recorded in proceedings of public hearing w.r.t. environment / pollution / CSR shall be complied with. All the lease holders in a cluster to join hand through a registered MOU on cluster to cluster basis for implementation of the same as per the provision of OM dated 30.09.2020 of MoEF&CC, Govt. of India. All the commitments made during the Public Hearing/Public Consultation meeting shall be satisfactorily implemented within the first three years and for this adequate budget provision shall be collectively made by all holders in the cluster.
- 9.27 The lessee 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; all the old age people of the surrounding villages may be provided medical facilities.
- 9.28 Pursuant to MoEF & CC, O.M No 22-34/2018-1A.111 dated 16.01.2020 to comply with the direction made by Hon'ble Supreme Court on 8.01.2020 in W.P. (Civil) No.114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
- 9.29 The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.
- 9.30 The lessee shall ensure the safeguard and well being of villagers and school, regular health monitoring of all residents in the area and the compliance Report shall be submitted to the Regional office of the MoEF & CC, Govt. of India and SEIAA, Odisha.
- 9.31 All the lease holders in a cluster should join hand for development of green belt all around the cluster area. Plantation of 5000 saplings shall be carried out in the 1st year of quarry operation in the peripheries of the quarry area by making planting pits of 1 meter depth at suitable spots along the approach road and in village common lands, within 1km belt of the quarry. The PPs shall submit real time photographs on latitude longitude grid at six monthly intervals to monitor the status of the plantation. Total Plantation shall be carried out within 2-3 years of mining activity and maintenance shall be continued in remaining years. Trees present in mining area shall be uprooted & transplanted in safety zone.
- 9.32 Dumping of quarry material is in no case permissible on any forest land; and all dump yard shall be on duly permitted non forest land.
- 9.33 Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.

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- 9.34 The soil to be generated during mining activity shall be stacked in the earmarked temporary soil stack and shall be utilized for the plantation purpose to be undertaken around the respective hill/patch and adjacent to haul roads of the same in lease area.
- 9.35 The abandoned mine pit shall be converted to rain water storage tank and the rain water stored in pit shall be utilized for plantation as well as dust suppression.
- 9.36 Stone Crusher unit shall not be set up within 1km of the quarry site, and any crusher to be set up (beyond 1km) has to be with prior permission and after obtaining of license and consent as per law.
- 9.37 Staggered contour trenches shall be dug out to cover all sloping area and the hill surface in general, within a 1km belt of the quarry lease.
- 9.38 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine; and has to submit a detailed plan of action in this regard within six months, indicating definite timelines and physical outcomes. Photographs showing the reclamation & restoration of the mined out area shall be submitted along with compliance report at the end of lease period.
- 9.39 Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, and trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
- 9.40 Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report.
- 9.41 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.
- 9.42 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / SPCB, Odisha/ Regional Office of the MoEF& CC, Bhubaneswar, in hard and soft copies on 1st day of January, April, July, October of each calendar year, failing which EC is liable to be revoked. 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.
- 9.43 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.
- 9.44 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.

34

- 9.45 The concerned Regional Office of the MoEF & CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 9.46 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParisad /Municipal Corporation / Urban Local Body as the case may be.
- 9.47 A copy of this Environmental Clearance letter shall be displayed on the website of the Odisha State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tehsildar's office for 30 days.
- 9.48 The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry. The advertisement shall be made within seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of MoEF&CC, Bhubaneswar.
- 9.49 Project proponent shall obtain Consent to Operate from the OSPCB 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 State Pollution Control Board.
- 9.50 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.
- 9.51 The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 9.52 Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this environmental clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.
- 9.53 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.

Das

- 9.54 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
- 9.55 Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

Yours Faithfully,


Member Secretary

Copy to

1. Additional Chief Secretary, Forests & Environment Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Regional Office (EZ), 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, Jajpur/Sub Collector, Jajpur/Tahasildar, Dharmasala for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

SH


Member Secretary

Signature Not Verified

Digitally signed by Sri Susanta Nanda
Member Secretary

Date: 5/11/2022 4:17:08 PM



भारत सरकार/Government of India
 श्रम एवं रोजगार मंत्रालय/Ministry of Labour & Employment
 खान सुरक्षा महानिदेशालय/Directorate General of Mines Safety
 भुवनेश्वर क्षेत्र-1/Bhubaneswar Region-1



Handwritten signature
 M.O. No. 1
 12/10/2024

सं. BBR-1/NGT/BSQ/2024/_____ /

भुवनेश्वर, दिनांक— /10/2024

प्रेषक:

खान सुरक्षा निदेशक,
 भुवनेश्वर क्षेत्र-1 ।

सेवा में,

The District Magistrate,
 Jajpur district.

विषय: Contraventions observed during inspection of quarries operating in Dharmasala Tahasil of Jajpur district in respect of NGT case No.147/2024 made by Shri K. Mondal, Director of Mines Safety and Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region 1, DGMS, Bhubaneswar on 24.09.2024, 25.09.2024 & 26.09.2024 - reg.

महोदय,

An Order of original application No.147/2024/EZ before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata enclosing therewith original application filed by Shri Shantanu Kumar Bhukta, President, Youth United for Sustainable Environment Trust was received in this office on dated 13.08.2024. The application was made under Section 14, 15, 20 read with Section 18 of the National Green Tribunal Act, 2010 in respect of violations of environmental norms and illegal mining operation of rampant stone quarries in Dharmasala Tahasil particularly and unscientific stone quarries in the entire Jajpur district in general.

Applicant, Shri Shantanu Kumar Bhukta, President, on behalf of registered trust, namely Youth United for Sustainable Environment Trust, has made prayer to Hon'ble tribunal to give direction to the DGMS for safety audit of quarries operating in Dankari Cluster.

As per Section 16 of the Mines Act, 1952 and Regulation 3 of the Metalliferous Mines Regulations, 1961, after getting lease from the state government, the lessee/owner of the mines are required to submit Notice of Opening of the mine to the Directorate General of Mines Safety (DGMS) along with surface plan of the mine and other mine details for registration in online Shram Suvidha portal. However, the details in respect of lessee and mines operating in Dankari Cluster are also not available in this office, as "Notice of Opening" from lessee of any quarry operating in Dankari Cluster was not received. Hence, vide this office letter No. BBR1/Minor Mineral/2024/711, dated 20.08.2024, Dy. Director of Mines(DDM, Minor Mineral), Govt. of Odisha, Jajpur Circle, was requested to provide a list of quarries in Dankari Cluster and in reply thereof, a list of 83 quarries(operating & non-operating) were received from Dy. Director of Mines(DDM, Minor Mineral), Govt. of Odisha, Jajpur Circle, vide letter no. 3578, dated 18.09.2024.

Based on the information of operating quarries provided by DDM(Minor Minerals), Jajpur and District Mining Officer(on deputation: Minor Minerals), inspection was undertaken in those mines of Dankari Cluster, of Dharmasala Tahasil by the undersigned and Shri T. Hariprasad, Dy. Director of Mines Safety and following officers of state government namely S/Shri Jay Prakash Nayak, Dy. Director of

Mines(DDM, Minor Mineral), Govt. of Odisha, Jajpur Circle, Indramani Rout, District Mining Officer(DMO), (on deputation: Minor Minerals) other state government officers were present during inspection and enquiry on 24th, 25th & 26th September, 2024.

As per discussion with DDM(Minor Minerals), Jajpur and District Mining Officer(on deputation: Minor Minerals), 26 mines (list enclosed as Annexure-A) under Dharmasela Tahasil were operative, which were chosen for inspection.

During the inspection and enquiry, some serious contraventions under Mines Act, 1952, Metalliferous Mines Regulations (MMR), 1961 and Mines Rules (MR), 1955 which were common in all the mines were observed, as enclosed in Annexure-B (copy enclosed).

In view of the above, serious contraventions mentioned in Annexure-B found in mines mentioned in Annexure A are hereby being brought to your kind attention and you are requested to direct the lessees/Mine Owners (copy enclosed) to rectify above serious contraventions at the earliest. You are also requested to direct lessees to stop mining operations till the time all the serious contraventions mentioned in Annexure B are complied with.

This is for your information and necessary action please.

भवदीय,

ह0/-
(कृष्णोदु मंडल)
खान सुरक्षा निदेशक,
मुवनेश्वर क्षेत्र-1 ।

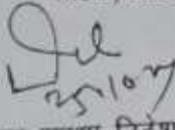
Encl: Annexure 'A' & 'B'

सं. BBR-1/NGT/BSQ/2024/104-05 ।

मुवनेश्वर, दिनांक- 25/10/2024

Copy forwarded for information and necessary action to:

1. The Director of Mines(Minor Mineral), Govt. of Odisha, Bhubaneswar.
2. The Dy. Director of Mines(Minor Mineral), Govt. of Odisha, Jajpur Circle, Jajpur, Odisha.


खान सुरक्षा निदेशक,
मुवनेश्वर क्षेत्र-1 ।

ANNEXURE 'A'

**List of quarries operating in Dharmasala Tahasil of Jajpur district in which
Inspection was made**

Sl. No	Name of Quarry	Name of Lessee/Owner	Inspection made by	Date of Inspection
1	Bajabati Black Stone Quarry-2	Sarat Chandra Behera	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
2	Bajabati Black Stone Quarry-6	Samarendra Nayak	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
3	Rahadpur Black Stone Quarry-4	Sarat Chandra Sahoo	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
4	Rahadpur Black Stone Quarry-3/4	Sandeep Chandak	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
5	Rahadpur Black Stone Quarry-9/5	Niranjan Rout	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
6	Dankari Black Stone Quarry-5/10	Narayan Rout	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
7	Dankari Black Stone Quarry- 2/3	Jayanti Jena	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
8	Dankari Black Stone Quarry- 5	M/s.Laxmi Export, PoA Agnibesh Swain	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
9	Baramana Black Stone Quarry-2	Kuna Pradhan	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
10	Bichhakhandi Black Stone Quarry-6	Ajaya Agarwal	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
11	Bichhakhandi Black Stone Quarry-8	Hemant Kumar Jena	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
12	Bichhakhandi Black Stone Quarry-17	Gynaranjan Mahapatra	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
13	Rahadpur Black Stone Quarry-1	Gynaranjan Mahapatra	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
14	Bajabati Black Stone Quarry-5	Sudhansu Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
15	Rahadpur Black Stone Quarry-7	Utkal Highways	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
16	Rahadpur Black Stone Quarry-8	Sandeep Chndak	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
17	Rahadpur Black Stone Quarry- 6AC	Jagdish Shankar Sahoo	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
18	Rahadpur Black Stone Quarry-10 AC	Mahendra Swain	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
19	Dankari Black Stone Quarry- 14	Jayanti Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
20	Dankari Black Stone Quarry-16	Jayanti Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
21	Dankari Black Stone Quarry-17	Prasant Kumar Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
22	Dankari Black Stone Quarry- 7/12	Narayan Rout	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
23	Dankari Black Stone Quarry- 6/11	Mahendra Swain	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
24	Bichhakhandi Black Stone Quarry-16	Sandip Barun Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
25	Bichhakhandi Black Stone Quarry-21	Debendra Kumar Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
26	Bichhakhandi Black Stone Quarry-22	Gyanaranjan Mahapatra	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024

Serious contraventions observed under Mines Act, 1952, Metalliferous Mines Regulations, 1961 & Mines Rules, 1955 during inspection made on 24th, 25th & 26th September, 2024.

1. **Section 16 of Mines Act, 1952 read with Reg. 3 of MMR, 1961:** Notice of opening of the mine was not submitted to this Directorate by the owner before commencement of mining operations in the mine.
2. **Section 17(1) of Mines Act, 1952 read with Reg. 34(1) of MMR, 1961:** Manager was not appointed in the mine. Mining operation shall not be carried out in the mine unless the mine is kept under the sole control of a manager, being a person duly appointed and possessing the prescribed qualifications, to physically exercise his personal supervision and perform his duties under the Mines Act, 1952 and the rules and regulations made thereunder.
3. **Reg. 39 read with Regulation 160(1) of MMR, 1961:** Blaster was not appointed in the mine to exercise his personal supervision for the preparation of charges and the charging and stemming of blast holes and to carry out his duty in accordance with the provisions of the Regulations and of any order made thereunder with respect to the transport and use of explosives.
4. **Reg. 106(2)(a) & (3) of MMR, 1961:** The mines were not kept adequately benched, sloped or secured so as to prevent danger from fall of sides. The mines were made about 20m to 50m deep nearly vertical without forming any benches in height about 20m – 50m, as against the maximum permissible bench height of 6 m.
5. **Reg. 106(2)(b) of MMR, 1961:** Permission for use of heavy earth moving machinery (HEMM) and deep hole blasting was not obtained, however, the signs and impressions of carrying out deep hole drilling & blasting and of using excavator and tippers were observed in the mine. No HEMM or deep hole drilling & blasting shall be used in the mine without obtaining permission from this Directorate.
6. **Reg. 111(1) of MMR, 1961:** The boundary of the lease/mine was not found demarcated/fixed on the ground by providing permanent pillars.
7. **Reg. 115(1)(a) of MMR, 1961:** The top edges of the opencast workings were not kept securely fenced to prevent any person from entering or falling therein.
8. **Rule 29B of Mines Rules, 1955:** Persons employed in the mine had not undergone initial or periodical medical examination.
9. **Section 48(1) of Mines Act, 1952 and Rule 77 of the Mines Rules 1955 read with the Ease of Compliance to Maintain Registers under Various Labour Laws Rules, 2017:** Particulars of employees of the mine were not found maintained in Form-A register.
10. **Section 48(4) of Mines Act, 1952 and Rule 78 of the Mines Rules 1955 read with the Ease of Compliance to Maintain Registers under Various Labour Laws Rules, 2017:** Attendance of persons employed in the mine was not found maintained in Form-D register.





ANNEXURE-9

Ph. No.06726-296155

E-mail : rospcb.kalinganagar@ospboard.org

Website: www.ospboard.org

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

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
AT-DHABALAGIRI, PO: F.C. PROJECT, JAJPUR ROAD
DIST- JAJPUR-755020, ODISHA

No. 3770 /KNG/BSQ-91

Date 13.11.2024 /

By Regd. Post/On-line

CONSENT ORDER

CONSENT ORDER NO.623/RO-SPCB/Kalinganagar/ (APC & WPC)

Sub: Consent to operate U/S 25/26 of Water (P&CP) Act, 1974 and U/S 21 of Air (P&CP) Act, 1981

Ref: Your online Application No. 5960785 & this office consent to operate order issued vide letter no.993, dtd. 28.03.2023.

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 Mine : **M/s. Aruha Black Stone Quarry
(Cluster Serial No.2/3)**

Address : **At- Aruha over Plot No. 2808 (P) & 2807(P)
of Khata No. 779 measuring an area 18.88
Acres (7.64 Ha), Tahasil- Dharmasala,
Dist. Jajpur, Odisha**

Name of the Occupier & Designation: **Sri Sarat Kumar Jena, Lessee**

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

This consent to operate is granted based on Environmental Clearance issued by SEIAA vide EC Identification EC23B001OR163112, dtd. 17.01.2023 & subjected to validity of lease period.

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

A. Details of Products to be Manufactured:

Sl. No.	Product	Quantity (in m ³)/Annum
1	Extraction of Road Metal	42034 m ³ /Annum

PTO

5. The applicant shall make an application for grant of fresh consent at least 30 days before the date of expiry of this consent order.
6. The issuance of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State laws or regulation.
7. This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course.
8. The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board.
9. An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
10. The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment system / air pollution control system / stack monitoring system any other particulars as may be pertinent to preventing and controlling pollution of Water / Air.
11. Meters must be affixed at the entrance of the water supply connection so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act provided that the place where it is affixed shall in no case be at a point before which water has been tapped by the consumer for utilization for any purposes whatsoever.
12. Separate meters with necessary pipe-line for assessing the quantity of water used for each of the purposes mentioned below:
 - a) Industrial cooling, spraying in mine pits or boiler feed,
 - b) Domestic purpose
 - c) Process
13. The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/bathing.
14. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
15. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
16. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems install or used by him to achieve with the term(s) and conditions of the consent.
17. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed with sides and bottom made impervious.
18. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by overflow.
19. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
20. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the industry must adopt alternate satisfactory treatment and disposal measures.
21. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
22. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
23. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Act or Rules made therein.
24. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples / stack monitoring / inspection.
25. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
26. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
27. The liquid effluent arising out of the operation of the air pollution control equipment shall be treated in the manner and to ion of standards prescribed by the Board in accordance with the provisions of Water (Prevention and Control of Pollution) Act, 1974 (as amended).
28. The stack monitoring system employed by the applicant shall be opened for inspection to this Board at any time.
29. There shall not be any fugitive or episodal discharge from the premises.
30. In case of such episodal discharge/emissions the industry shall take immediate action to bring down the emission within the limits prescribed by the Board in conditions/stop the operation of the plant. Report of such accidental discharge /emission shall be brought to the notice of the Board within 24 hours of occurrence.



31. The applicant shall keep the premises of the industrial plant and air pollution control equipments clean and make all hoods, pipes, valves, stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all times.
32. Any upset condition in any of the plant/plants of the factory which is likely to result in increased effluent discharge/emission of air pollutants and / or result in violation of the standards mentioned above shall be reported to the Headquarters and Regional Office of the Board by fax / speed post within 24 hours of its occurrence.
33. The industry has to ensure that minimum three varieties of trees are planted at the density of not less than 1000 trees per acre. The trees may be planted along boundaries of the industries or industrial premises. This plantation is stipulated over and above the bulk plantation of trees in that area.
34. The solid waste such as sweeping, wastage packages, empty containers residues, sludge including that from air pollution control equipments collected within the premises of the industrial plants shall be disposed off scientifically to the satisfaction of the Board, so as 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 wastes.
37. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard, vary all or any of such condition and thereupon the applicant shall be bound to comply with the conditions so varied.
38. The applicant, his/heirs/legal representatives or assignees shall have no claim whatsoever to the condition or renewal of this consent after the expiry period of this consent.
39. The Board reserves the right to review, impose additional conditions or condition, revoke change or alter the terms and conditions of this consent.
40. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
41. The conditions imposed as above shall continue to be in force until revoked under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 A of Air (Prevention & Control of Pollution) Act, 1981.
42. In case the consent fee is revised upward during this period, the industry shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board the consent order will be revoked without prior notice.
43. The Board reserves the right to revoke/refuse consent to operate at any time during period for which consent is granted in case any violation is observed and to modify/ stipulate additional conditions as deemed appropriate.

GENERAL CONDITIONS FOR UNITS WITH INVESTMENT OF MORE THAN Rs 60 CRORES, AND 17 CATEGORIES OF HIGHLY POLLUTING INDUSTRIES (RED A).

1. The applicant shall analyse the emissions every month for the parameters indicated in TABLE .B & C as mentioned in this order and shall furnish the report thereof to the Board by the 10th of the succeeding month.
2. The applicant shall provide and maintain at his own cost three ambient air quality monitoring stations for monitoring Suspended Particulate Matter, Sulphur Dioxide, Oxides of Nitrogen, Hydro-Carbon, Carbon-Monoxide and monitor the same once in a day/week/fortnight/month. The data collected shall be maintained in a register and a monthly extract be furnished to the Board.
3. The applicant shall provide and maintain at his own cost a meteorological station to collect the data on wind velocity, direction, temperature, humidity, rainfall, etc. and the daily reading shall be recorded and the extract sent to the Board once in a month.
4. The applicant shall forward the following information to the Member Secretary, State Pollution Control Board, Orissa, Bhubaneswar regularly.
 - a. Report of analysis of stack monitoring, ambient air quality monitoring meteorological data as required every month.
 - b. Progress on planting of trees quarterly.
5. The applicant shall install mechanical composite sampling equipment and continuous flow measuring / recording devices on the effluent drains of trade as well as domestic effluent. A record of daily discharge shall be maintained.
6. The following information shall be forwarded to the Member Secretary on or before 10th of every month.
 - a. Performance / progress of the treatment plant.
 - b. Monthly statement of daily discharge of domestic and/or trade effluent.

7. Non-compliance with effluent limitations

- a) If for any reason the applicant does not comply with or is unable to comply with any effluent limitations specified in this consent, the applicant shall immediately notify the consent issuing authority by telephone and provide the consent issuing authority with the following information in writing within 5 days of such notification.
- i) Causes of non-compliance
 - ii) A description of the non-compliance discharge including its impact on the receiving waters.
 - iii) Anticipated time of continuance of non-compliance if expected to continue or if such condition has been corrected the duration or period of non-compliance.
 - iv) Steps taken by the applicant to reduce and eliminate the non-complying discharge and
 - v) Steps to be taken by the applicant too prevent the condition of non-compliance.
- b) The applicant shall take all reasonable steps to minimize any adverse impact to natural waters resulting from non-compliance with any effluent limitation specified in this consent including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
- c) Nothing in this consent shall be construed to relieve the applicant from civil or criminal penalties for non-compliance whether or not such non-compliance is due to factors beyond his control, such as break-down, electric failure, accident or natural disaster.
8. The applicant shall at his own cost get the effluent samples collected both before and after treatment and get them analysed at an approval laboratory every month for the parameters indicated in Part-D and shall submit in duplicate the report thereof to the Board.
9. The addition of various treatment chemicals should be done only with mechanical dosers and proper equipment for regulation of correct dosages determined daily and for proper uniform feeding. Crude practices such as dumping of chemicals in drains or sumps or trickling of acids or alkalies arbitrarily and utilizing poles for stirring etc. should not be resorted to.
10. In the disposal of treated effluent on land for irrigation, the industry shall keep in view of the need for;
- Rotation of crops
 - Change of point of application of effluent on land
 - A portion of land kept fallow.
11. The adoption of these would avoid soil becoming sick or slate, the industry may ensure this in consultation with the Agriculture Department.
12. It is the sole responsibility of the industry to ensure that there are no complaints at any time from the royats in the surrounding areas as a result of discharge of sewage or trade effluent if any.
13. Proper housekeeping shall be maintained by a dedicated team.
14. The industry must constitute a team of responsible and technically qualified personnel who will ensure continuous operation of all pollution control devices round the clock (including night hours) and should be in a position to explain the status of operation of the pollution control measures to the inspecting officers of the Board at any point of time. The name of these persons with their contact telephone numbers shall be intimated to the concerned. Regional Officer and Head Office of the Board and in case of any change in the team it shall be intimated to the Board immediately.

F. SPECIAL CONDITIONS:

1. The accumulated water in the quarry pit, if any during monsoon shall be treated in series of settling tanks before discharge to natural drainage systems.
2. Garland drain shall be constructed on the hill slope and shall be channelized to settling tanks for treatment of runoff.
3. The water sprinkling systems shall be provided in the haul road, transportation roads, quarry areas, stockpile areas and other dust generating areas to control fugitive dust emission.
4. The Lessee/Project Proponent shall provide adequate sanitation facilities for its workers to avoid open defecation and unhygienic condition in the surrounding area.
5. Wet drilling method shall be adopted to control dust emission. Delay detonator and shock tube initiation system for blasting shall be adopted so as to reduce dust emission.



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STATE POLLUTION CONTROL BOARD
ODISHA
CONSENT ORDER

6. Vehicles hired for transportation of minor mineral from the site shall be in good condition and shall have PUC Certificate. Vehicles shall conform to the air & noise emission standards and shall be operated during nonpeak hours.
7. The truck in which mineral is to be transported shall be covered with tarpaulin to prevent spillage and from getting minor mineral airborne.
8. Ambient air quality inside the mining lease area shall be maintained as per National Ambient Air Quality Standards.
9. The mine shall abide by the provisions of E (P) Act 1986 and Rules framed thereunder.
10. The mines shall undertake plantation as mentioned in the mining plan.
11. The Lessee shall obtain NOC from CGWA for withdrawal of ground water required for the project, if any, and submit the same to the Board.
12. The lessee shall undertake that in case of consent fee is revised upward during this period, he/she shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If he/she fails to pay the amount within the period stipulated by the Board, the consent order shall be revoked without prior notice.
13. The Board reserves the right to revoke / refuse consent at any time during this period or to modify / stipulate additional conditions as deemed appropriate in case any violation is observed.

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

To,

Sri Sarat Kumar Jena, Lessee
M/s Aruha Black Stone Quarry (Cluster Serial No.2/3)
At/PO- Aruha, Tahasil- Dharmasala
Dist- Jajpur, Odisha

Memo No. 3771 /dt. 13.11.2024

Copy forwarded to:

1. The Member Secretary, SPC Board, Odisha, Bhubaneswar
2. The Collector & District Magistrate, Jajpur
3. The Dy. Director of Mines (Minor Minerals), Jajpur
4. Guard File

M. M. Jaha
13/11/24
REGIONAL OFFICER
Regional Officer
State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur

M. M. Jaha
13/11/24
REGIONAL OFFICER
Regional Officer
State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur

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

Sl.No.	Parameters	Standards			
		Inland surface water	Public sewers	Land for irrigation	Marine Coastal Areas
		(a)	(b)	(c)	(d)
1.	Colour & odour	Colourless/Odourless as far as practicable	-----	See 6 of Annex-1	See 6 of Annex-1
2.	Suspended Solids (mg/l)	100	600	200	For process wastewater – 100 b. For cooling water effluent 10% above total suspended matter of influent.
3.	Particular size of SS	Shall pass 850	----	-----	
5.	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6.	Temperature	Shall not exceed 5°C above the receiving water temperature	-----	-----	Shall not exceed 5°C above the receiving water temperature
7.	Oil & Grease mg/l max.	10	20	10	20
8.	Total residual chlorine	1.0	---	-----	1.0
9.	Ammonical nitrogen (as N) mg/l max.	50	50	-----	50
10.	Total Kjeldahl nitrogen (as NH ₃) mg/1 max.	100	----	-----	100
11.	Free ammonia (as NH ₃) mg/1 max.	5.0	----	-----	5.0
12.	Biochemical Oxygen Demand (5 days at 20°C) mg/1 max.	30	350	100	100
13.	Chemical Oxygen Demand, mg/1 max.	250	----	-----	250
14.	Arsenic (as As) mg/1 max.	0.2	0.2	0.2	0.2
15.	Mercury (as Hg) mg/1 max.	0.01	0.01	-----	0.001
16.	Lead (as pb) mg/1 max.	01.	1.0	-----	2.0



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

NATIONAL AMBIENT AIR QUALITY STANDARDS

Sl. No.	Pollutants	Time Weighted Average	Concentrate of Ambient Air		
			Industrial Residential, Rural and other Area	Ecologically Sensitive Area (notified by Central Government)	Methods of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1.	Sulphur Dioxide (SO ₂), µg/m ³	Annual * 24 Hours **	50 80	20 80	-Improved west and Gaeke - Ultraviolet fluorescence
2.	Nitrogen Dioxide (NO ₂), µg/m ³	Annual * 24 Hours **	40 80	30 80	- Modified Jacob & Hochheiser (Na-Arsenite) - Chemiluminescence
3.	Particulate Matter (size less than 10µm) or PM ₁₀ µg/m ³	Annual * 24 Hours **	60 100	60 100	-Gravimetric - TOEM - Beta Attenuation
4.	Particulate Matter (size less than 2.5µm) or PM _{2.5} µg/m ³	Annual * 24 Hours **	40 60	40 60	-Gravimetric - TOEM - Beta Attenuation
5.	Ozone (O ₃) µg/m ³	8 Hours ** 1 Hours **	100 180	100 180	- UV Photometric - Chemiluminescence - Chemical Method
6.	Lead (Pb) µg/m ³	Annual * 24 Hours **	0.50 1.0	0.50 1.0	-AAS/ICP method after sampling on EMP 2000 or equivalent filter paper. - ED-XRF using Teflon filter
7.	Carbon Monoxide (CO) mg/m ³	8 Hours ** 1 Hours **	02 04	02 04	- Non Dispersive Infra Red (NDIR) Spectroscopy
8.	Ammonia (NH ₃) µg/m ³	Annual* 24 Hours**	100 400	100 400	-Chemiluminescence - Indophenol Blue Method
9.	Benzene (C ₆ H ₆) µg/m ³	Annual *	05	05	-Gas Chromatography based continuous analyzer - Adsorption and Desorption followed by GC analysis
10.	Benzo (a) Pyrene (BaP)-Particulate phase only, ng/m ³	Annual*	01	01	-Solvent extraction followed by HPLC/GC analysis
11.	Arsenic (As), ng/m ³	Annual*	06	06	-AAS/ICP method after sampling on EPM 2000 or equivalent filter paper
12.	Nickel (Ni),ng/m ³	Annual*	20	20	-AAS/ICP method after sampling on EPM 2000 or equivalent filter paper

* Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

** 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be complied with 98% of the time in a year, 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.



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REGIONAL OFFICE, KALINGANAGAR
STATE POLLUTION CONTROL BOARD, ODISHA
 [DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
 AT- DHABALAGIRI, NEAR OMC OFFICE, J.K Road, PO: Ferro Chrome Plant, Jajpur
 DIST- JAJPUR-755019, ODISHA, INDIA

CONSENT ORDER

No 3803 /BSQ/80

Date 18.11.2024

CONSENT ORDER NO. 572 /RO-SPCB/KALINGA NAGAR (APC &WPC)

Sub: Consent to operate under section 25/26 of Water (PCP) Act, 1974 and under section 21 of the Air (PCP) Act, 1981.

Ref : Your online application No. 5970515 & This Office consent to operate order granted vide letter no 696/BSQ/80 Dtd 09.03.2023

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

Name of the Mine

M/s. ARUHA BLACK STONE QUARRY

Name of the Occupier & Designation

Sri Manoj Kumar Samal, Lessee

Address

At- Village Aruha (Plot No- 2694 (P), 2807(P) & 2808(P) of Khata No. 779 over an area of 20.00 Ac), Tehsil : Dharmasala Dist- Jajpur, Odisha

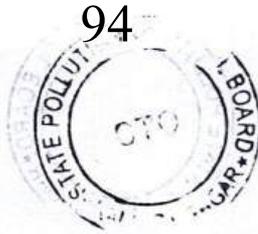
This consent order is valid for the period up to **31.03.2025**.

(This Consent to operate order is granted based on environmental clearance issued vide SEIAA Identification no EC22B001OR164789 dtd 11.05.2022 & SEIAA letter No 5394/SEIAA Dtd 02.09.2022 and subjected to validity of mining lease)

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

A. Details of Products Manufactured.

Sl. No.	Product.	Quantity (in cu meters)/Annum
1	Excavation of Granite Stone for the year 2024-25	42000 m³



CONSENT ORDER

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	SS mg/l	O&G mg/l		
1	Domestic waste water	Soak pit via septic tank.	-	5.5 – 9.0	100	10	-	-
2	-	-	-	-	-	-	-	-

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

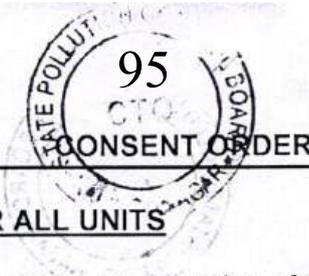
Chimney Stack No.	Description of stack.	Stack height (m)	Quantity of emission	Prescribed standard. mg/Nm ³				
1	-	-	-	PM	SO ₂	NO _x	-	-

The Unit shall maintain within its premises the prescribed Ambient Noise Level for Residential Area.

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

Sl. No.	Type of solid waste	Quantity generated (TPD)	Quantity to be reused on site (TPD)	Quantity to be reused off site (TPD)	Quantity disposed off (TPD)	Description of disposal site.
1	Overburden/Top soil	-	-	-	-	Shall be stored as per approved mining plan
2	-	-	-	-	-	-

Contd...



E. GENERAL CONDITIONS FOR ALL UNITS

1. The consent is given by the Board in consideration of the particulars given in the application. Any change or alternation or deviation made in actual practice from the particulars furnished in the application will also be the ground liable for review/variation/revocation of the consent order under section 27 of the Act of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 and to make such variations as deemed fit for the purpose of the Acts.
2. The industry would immediately submit revised application for consent to establish and operate to this Board in the event of any change in the quantity and quality of raw material / and products / manufacturing process or quantity /quality of the effluent rate of emission / air pollution control equipment / system etc.
3. The applicant shall not change or alter either the quality or quantity or the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.
4. The application shall comply with and carry out the directives/orders issued by the Board in this consent order and at all subsequent times without any negligence on his part. In case of non-compliance of any order/directives issued at any time and/or violation of the terms and conditions of this consent order, the applicant shall be liable for legal action as per the provisions of the Law/Act.
5. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent order.
6. The issuance of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State laws or regulation.
7. This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course.
8. The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board.
9. An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
10. The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment system / air pollution control system / stack monitoring system any other particulars as may be pertinent to preventing and controlling pollution of Water / Air.
11. Meters must be affixed at the entrance of the water supply connection so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act provided that the place where it is affixed shall in no case be at a point before which water has been taped by the consumer for utilization for any purposes whatsoever.

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CONSENT ORDER

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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.

Contd...

24. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples / stack monitoring / inspection.
25. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
26. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
27. The liquid effluent arising out of the operation of the air pollution control equipment shall be treated in the manner and to ion of standards prescribed by the Board in accordance with the provisions of Water (Prevention and Control of Pollution) Act, 1974 (as amended).
28. The stack monitoring system employed by the applicant shall be opened for inspection to this Board at any time.
29. There shall not be any fugitive or episodal discharge from the premises.
30. In case of such episodal discharge/emissions the industry shall take immediate action to bring down the emission within the limits prescribed by the Board in conditions/stop the operation of the plant. Report of such accidental discharge /emission shall be brought to the notice of the Board within 24 hours of occurrence.
31. The applicant shall keep the premises of the industrial plant and air pollution control equipments clean and make all hoods, pipes, valves, stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all times.
32. Any upset condition in any of the plant/plants of the factory which is likely to result in increased effluent discharge/emission of air pollutants and / or result in violation of the standards mentioned above shall be reported to the Headquarters and Regional Office of the Board by fax / speed post within 24 hours of its occurence.
33. The industry has to ensure that minimum three varieties of trees are planted at the density of not less than 1000 trees per acre. The trees may be planted along boundaries of the industries or industrial premises. This plantation is stipulated over and above the bulk plantation of trees in that area.
34. The solid waste such as sweeping, wastage packages, empty containers residues, sludge including that from air pollution control equipments collected within the premises of the industrial plants shall be disposed off scientifically to the satisfaction of the Board, so as no to cause fugitive emission, dust problems through leaching etc., of any kind.

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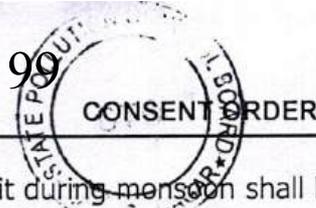


CONSENT ORDER

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35. All solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by:
 - i) Land fill in case of inert material, care being taken to ensure that the material does not give rise to leachate which may percolate into ground water or carried away with storm run-off.
 - ii) Controlled incineration, wherever possible in case of combustible organic material.
 - iii) Composting, in case of bio-degradable material.
36. Any toxic material shall be detoxicated if possible, otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The detoxication or sealing and burying shall be carried out in the presence of Board's authorized persons only. Letter of authorization shall be obtained for handling and disposal of hazardous wastes.
37. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard, vary all or any of such condition and thereupon the applicant shall be bound to comply with the conditions so varied.
38. The applicant, his/heirs/legal representatives or assignees shall have no claim whatsoever to the condition or renewal of this consent after the expiry period of this consent.
39. The Board reserves the right to review, impose additional conditions or condition, revoke change or alter the terms and conditions of this consent.
40. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
41. The conditions imposed as above shall continue to be in force until revoked under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 A of Air (Prevention & Control of Pollution) Act, 1981.
42. In case the consent fee is revised upward during this period, the industry shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board 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.

Contd...

**E. SPECIAL CONDITIONS**

1. The accumulated water in the quarry pit during monsoon shall be treated in series of settling tanks before discharge to natural drainage systems.
2. Garland drain shall be constructed on the hill slope and shall be channelized to settling tanks for treatment of runoff.
3. The water sprinkling systems shall be provided in the haul road, transportation roads, quarry areas, stockpiled areas and other dust generating areas to control the fugitive dust emission.
4. The Lessee/Project Proponent shall provide adequate sanitation facilities for its workers to avoid any open defecation and unhygienic condition in the surrounding areas.
5. Wet drilling method shall be adopted to control fugitive dust emission. Delay detonators and shock tube initiation system for blasting shall be adopted so as to reduce dust emission.
6. Vehicles hired for transportation of minor mineral from the site shall be in good condition and shall have PUC Certificate. Vehicles shall conform to the air & noise emission standards and shall be operated during non-peak hours.
7. The vehicles in which soil is to be transported shall be covered with tarpaulin to prevent spillage and getting minor mineral airborne.
8. The mines shall undertake plantation as mentioned in the mining plan..
9. The project proponent shall obtain NOC from CGWA for withdrawal of groundwater required for the project, if any.
10. Ambient air quality inside the mining lease area shall be maintained as per National Ambient Air Quality Standards
11. This unit has to abide by the provisions of E (P) Act, 1986 and rules framed there under.
12. The Board may impose further condition or modify the conditions as stipulated in this order during installation / or at the time of obtaining consent to operate and may revoke this order in case the stipulated conditions are not implemented and / or information is found to have been suppressed / wrongly furnished in the application form.
13. 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.

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

M. M. Sahar
18/11/24

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

To

Sri Manoj Kumar Samal, Lessee
M/s ARUHA BLACK STONE QUARRY
At/Po: Aruha, PS-Dharmasala
Dist-Jajpur, Odisha

Memo No. 3804 / Dt. 18.11.2024

Copy forwarded to

1. The Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar.
2. The District Collector **Jajpur**
3. The Deputy Director of Mines, **Jajpur**
4. The Tahasildar, Dharmasala, **Jajpur**
5. Guard File.

M. M. Sahar
18/11/24

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

Illegal blackstone mining in Jajpur poses threat to school kids, trains



POST NEWS NETWORK

Jajpur, May 12: Rampant illegal mining of black stones from quarries in Aruha panchayat under Dharماسala tehsil in Jajpur district has not only put the lives of hundreds of students of a primary school to imminent hazards but also raises concerns over safety of trains (and passengers) plying on the nearby tracks, a report stated.

Locals alleged that black stones are being extracted from a quarry on a plot (no-2677), through blasting of explosives, which is situated in close proximity of Tarakasuni Primary School in Aruha panchayat. The miners while mining stones never spare a thought about the safety of the children. Moreover, black stones are also being extracted from four other quarries in the panchayat where a rail line, farmlands and the school are situated in close vicinity.

The deafening sound during explosive blasts at the quarries sparks fear among the children, while the pollutants emanating from there and adjoining crusher units is seriously af-

fecting their health. Peeved at the state of affairs, the locals have made a written complaint to the Jajpur Collector demanding immediate closure of the illegal black stone quarries and stringent legal action against the smugglers.

They have also filed similar complaints before the Director of Minor Minerals department, Principal Secretary of Steel and Mines department and the regional officer of the State Pollution Control Board (SPCB) at Kalinganagar.

Residents alleged that black stone loot from the quarries in Aruha panchayat has become rampant in complete violation of pollution norms. This is happening as revenue officials have failed to collect penalty from the lease holders on the basis of satellite mapping of the mines carried out earlier.

They alleged that two black stone quarries - BSQ-2 quarry number 16/16-17 and 34/21-22 - are situated at a distance of 500 metres from the school. Similarly, the BSQ-1 quarry number 10/17-18, quarry number-35/21-22 and quarry number -36/21-22 are sit-

uated at a distance of 200 metres from the railway line. The mining of black stones from the quarries near the railway track has raised concerns over the safety of the railway track and the trains running on it.

Moreover, four stone crusher units functioning on plot nos-2733, 2594, 2704 and 2705 near the black stone quarries has resulted in heavy air and sound pollution. This has severely hit studies of the students and seriously affected their health.

This has angered the residents as over 100 villagers, including Nirmal Nayak, Harihar Sahu, Pratap Rana, Anand Behera, Pramod Behera, Anam Behera, Sahadev Rana, Mohan Nayak, Chittaranjan Jena and others have lodged written complaint with the district Collector.

Until a year ago, the Minor Minerals department used to function under the Revenue department. But now it has got a separate office at Jajpur. The office is headed by a deputy director with five officers to support him.

It is alleged that illegal mining and smuggling of minor minerals like murrums, black stones, sand, laterite stones have become rampant in Jajpur district after the establishment of this office. Residents have also alleged that illegal black stone mining and smuggling is not only limited to Aruha panchayats, but similar loot of the black stones worth crores are also taking place from Dankari, Rahadpur, Bichhakhandi hills under the Dharماسala tehsil.

They said that a firm, VCI Industries Private Ltd, took land from the state government for establishment of its plant, but instead used the land for murrum mining and smuggled murrums worth ₹20 crores outside.

Aruha hill turns mound of misdeeds

With illegal mining, smuggling of minor minerals yet to see a let-up and a crusher unit coming up close to a school with dubious clearances, irregularities galore surround the Aruha hill in Jajpur

POST NEWS NETWORK

Jajpur, Oct 14: Despite many efforts taken by the state government to contain rampant plunder of minor minerals, there has been no let-up in illegal quarrying and smuggling of black stone, murrum and soil from Dharmasala tehsil area in Jajpur district.

It has been over a year since the state government established the office of the deputy director of Minor Minerals department in Jajpur district as part of its move to curb the smuggling. However, this has failed to stop the illegal mining and smuggling of minor minerals. Instead, the illegal practice, depriving the state's exchequer of huge earnings, has only flourished over the years.

The Jajpur district administration has directed for deposit of penalty and closure of the quarries after mining of black stones beyond the permissible limit was proved at Aruha black stone mines under the Dharmasala tehsil. However, some unscrupulous miners continue to extract and smuggle murrum from the area.

The murrum is being used for establishment of a crusher unit named 'Mass', located at about 300 metres from Tarakasuni Primary School in Aruha panchayat. Similarly, the Jajpur Road-Cuttack rail



route lies at a distance of 200 metres from the under-construction crusher unit.

Reports said that there are five black stone mines on the Aruha hill and the state government has prepared a cluster mining plan for the area. However, it has comfortably ignored the presence of a school and the rail route near it before preparing the cluster mining plan.

This has left the local residents surprised as they questioned the wisdom of the district administration in giving permission for establishment of a crusher unit which is likely to cause deafening noise and will lead to air pollution in the area.

Apprehending severe sound and air pollution, over 100 students and their guardians have sought the intervention of the district Collector, demanding to save them from the problem which is likely to impact their health and studies.

Peeved over the development, locals have written to the dis-

trict Collector demanding closure of the illegal black stone quarry and crusher unit and necessary action for violation of norms. They have also forwarded the copies of their complaints to the deputy director of Minor Minerals department, secretary of Steel and Mines department and the regional officer of State Pollution Control Board (SPCB) at Kalinganagar in the district.

According to the complaints, the district administration is yet to collect the penalty which was levied on the concerned leaseholders following satellite mapping held earlier.

However, surprisingly, the district administration has registered a certified case against one of the three leaseholders while the names of two of them have been excluded by allegedly showing them undue favour. It has been alleged that this is in direct contravention of the norms for environmental clearance.

According to the complaints,

two of the quarries BSQ-2 quarry no-1/16-17 and 34/21-22 are situated at a distance of about 300 metres from the primary school. Moreover, three of the quarries BSQ no-1 quarry no-35/21-22 and quarry no-36/21-22 lie at a distance of about 200 metre from the railway line. The presence of the quarry might endanger the railway line anytime as residents expressed concerned over its security.

This apart, four stone crushing units are in operation near these quarries on plot number-2733, 2594, 2704 and 2705 for which the students have been seriously affected by the deafening sound and air pollution emanating from the units.

Residents Nirmal Nayak, Harihar Sahu, Pratap Rana, Anand Behera, Pramod Behera, Anam Behera, Sahadev Rana, Mohan Nayak, Chittarnjan Jena and over 100 others have demanded a proper probe into these irregularities and sought stringent action against the wrongdoers.



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

E-Mail

No. CPCB/IPC-II/NGT-OA 304 of 2019/2020/

May 12, 2020

To,
The Member Secretary,
State Pollution Control Boards / Pollution Control Committees,
(As per list enclosed)

Sub.: In reference to Hon'ble NGT OA No. 304/2019 order dated-28.02.2020-reg.

Sir/Ma'am,

Hon'ble NGT in its order dated-09.10.2019 in OA No. 304/2019 observed that the Kerala SPCB has permitted stone quarrying beyond 50 m from residence and public roads, and directed the SPCB to revisit the existing criterion based on an appropriate study. Further, in its order dated-28.02.2020 the NGT noted that "a report has been filed by the Kerala State PCB on 17.12.2019 reiterating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB", and the NGT expressed that "We are of the view, as earlier observed that the distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.", and directed CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards.

Accordingly, in compliance of Hon'ble NGT Order dt.-28.02.2020 in OA No. 304/2019, CPCB has examined the matter and prepared a report on Distance Criteria for Permitting Stone Quarrying, which is enclosed for consideration and adoption by SPCB in consent mechanism.

Yours faithfully,

Nazimuddin

(Nazimuddin)

Additional Director &
Divisional Head - IPC - II

Encl.: As above

DISTANCE CRITERIA FOR PERMITTING STONE QUARRYING

1.0 Preamble:

Hon'ble National Green Tribunal vide order dated-28.02.2020 in the matter of M. Haridasan & Ors. Vs. State of Kerala in OA No. 304/2019 observed that a distance of 50 metres for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health and accordingly, directed Central Pollution Control Board (CPCB) to examine and lay down more stringent conditions and appropriately longer distance.

2.0 Stone Quarrying:

Stone is classified as minor minerals under Section 3(e) of the Mines and Minerals (Development and Regulations) Act, 1957. As per provisions of MMDR Act, the administrative and legal control over minor minerals vests with State Governments and empowered to make rules to govern minor minerals.

Stone Quarrying / Mining is an activity where extraction of stone is done from hillocks or mountain or ground surface having geological mineral deposits. The stone extracted from stone quarry are used either as construction materials or in stone crushers to produce rori/bajri and dust.

Systematic Mining (formation of benches) is done by blasting and drilling, to loosen up the rock materials followed by fragmentation of large size into smaller size. The reduced size material is then loaded and transferred to stone crushers for further processing in order to obtain necessary sizes required for final use. The blasting and drilling during mining operation have environmental impacts and requires mitigation measures to minimise the impacts on environment and nearby habitations.

3.0 Minor Mineral Concession Rules

As per sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), State Government has to make Rules for regulating the grant of quarry lease, mining lease/permit, mineral concessions and purposes connected in respect of minor minerals.

Accordingly, State Governments have framed rules and defined the criteria of minimum distance of minor mineral mining from different locations based on the type of mining used. (Annexure I).

Minimum distance prescribed by various states is vary with respect to mining operation of minor mineral involved. In general, minimum distance prescribed by states such as Rajasthan, Madhya Pradesh, Punjab, Tamil Nadu, Orissa, Bihar, Uttar Pradesh, Himachal Pradesh, West Bengal, Sikkim, Meghalaya and Manipur are:

- In the range of **45 - 200 m** from any reservoir, canal, public works such as public roads and **buildings**
- In the range of **45 - 100 m** from any railway line / area
- In the range of **60 - 100 m** from National Highway, State Highway and other roads and **10 m** from village roads

Various states have further prescribed minimum distance based on the use of blasting in mining operation of minor mineral, as follow:

Kerala:

When blasting is involved, no mining within a range of **50 – 100 m** from the boundary line of any railway line, bridges, reservoirs, tanks, **residential buildings**, Government protected monuments, canals, rivers, public roads having vehicular traffic, any other public works or the boundary walls of places of worship whereas, when no blasting is involved, range of **50-75 m** is prescribed as minimum distance.

Karnataka, Maharashtra, Goa, Gujarat:

When blasting is involved, no mining within a distance of **200 m** from the boundary line of any railway line reservoir, tank bund, canal, or other public works and **public structures** or any public road or building whereas, when no blasting is involved, minimum distance of **50 m** is defined.

Jammu & Kashmir:

When blasting is involved, no mining within a distance of **500 m** from the outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs) whereas, when no blasting is involved, minimum distance of **150 m** is defined.

Assam:

When blasting is involved, no mining within a distance of **250 m** from the outer periphery of the defined limits of any **village habitation**, National Highway, State Highway and other roads whereas, when no blasting is involved, minimum distance of **50 m** is defined.

Note: Distance criteria defined by various states, has been defined from the outer edge of the cutting or outer edge of the bank, as the case may be and in the case of a building horizontally from the plinth thereof.

4.0 Criteria of Danger Zone: Directorate General of Mines Safety

As per Directorate General of Mines Safety circular no. - DGMS (SOMA)/ (Tech) Cir No. 2 of 2003 Dt. 31/01/2003 (Annexure II), on subject of **Dangers due to blasting projectiles**, all places within the radius of **500 m** from the place of firing to be treated as danger zone and accordingly, all person in danger zone to take protection in substantially built shelter at the time of blasting.

Further, mine manager to control the throw and to prevent ejection of flying fragments within a safe distance with the use of refined blasting practices as well as developed explosives and accessories such as controlled blasting Technique with milli-second delay detonators / electric shock tubes/ cord relays or use of sequential blasting machines or by adequately muffling of holes etc.

5.0 Criteria of no blasting distance around blast sites: Indiana Department of Natural Resource, USA

(Source: Citizen Guide to Coal Mine Blasting in Indiana)

Indiana Department of Natural Resource, USA has stated that the blasting not to be conducted within **300 feet (~ 91 m)** of an **occupied dwelling** or school, church or hospital, public building, community or institutional building.

6.0 Conclusion:

In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs:

Mining Type		Minimum Distance	Locations
A.	When Blasting is not involved	100 m	Residential/Public buildings, Inhabited sites, Protected monuments, Heritage sites, National / State Highway, District roads, Public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, of Lakes or Tanks, or any other locations to be considered by States.
B.	When Blasting is involved	200 m **	

****Note:** The regulations for danger zone (500 m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.

However, if any states is already having stringent criteria than the above for minor mineral mining (i.e. more prescribed distances than the above), the same shall be applicable.

Annexure I

State	Type of Mining	Distance	Location	Remarks	
Kerala	Quarry	100 m	Minimum distance from boundary of quarry operation area to residential buildings, places of worship, public buildings, public road, river or lake, railway line and bridges.	Quarry distance as per SPCB circular no. PCB/TAC/WP/236/2006 dated 13-6-2007.	
	Laterite Quarry	50 m	Minimum distance to residences and other establishments (m)	Laterite Quarry distance as per SPCB circular no. PCB/T4/115/97 dated 20-7-2011	
	Quarrying where explosives are used	100 m	Minimum distance from any railway line, bridges, reservoirs, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, any other public works or the boundary walls of places of worship	Kerala Minor Mineral Concession Rules 1967	
		50 m	Minimum distance from any burial grounds or burning ghats or forest lands		
	Quarrying where explosives are not used	75 m	Minimum distance from any railway line and any bridge on National Highway		
		50 m	Minimum distance from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands		
Karnataka	Blasting is involved	200 m	Minimum distance from the boundary line of any railway line reservoir, tank bund, canal, or other public works and public structures or any public road or building.		Karnataka Minor Mineral Concession Rules 1994
	No blasting is involved	50 m			
Maharashtra	Blasting is involved	200 m	Minimum distance from the boundary of any railway line, any reservoir, canal, road, river, nallah, irrigation works or public works or building.	Maharashtra Minor Mineral Extraction (Development and Regulation) Rules 2013	
	No blasting is involved	50 m			
Goa and Daman & Diu	Blasting is involved	200 m	Minimum distance from the boundary of any railway line, any reservoir, canal, road or public works or buildings	The Goa, Daman and Diu Minor Mineral Concession Rules 1985	
	No blasting is involved	50 m			
Gujarat	Blasting is involved	200 m	Minimum distance from any road, notified reservoirs, canal, national highway, state highway, boundary of any railway line, public works, cities, towns, villages and other approved continuous habitations.	Gujarat Minor Mineral Concession Rules 2017	
	No blasting is involved	50 m	Minimum distance from any road (excluding a village road or other district road), notified reservoirs, canal, national highway, state highway, boundary of any railway line, public works, cities, towns, villages and other approved continuous habitations.		

Rajasthan	Minor Mineral Mining	45 m	Minimum distance from any railway line, under or beneath any ropeway or ropeway trestle or station or from any public roads (excluding mines approach road or village roads), reservoir, canal or other public place or buildings, pillars of railway and road bridge or inhabited site.	Rajasthan Minor Mineral Concession Rules 2017
Madhya Pradesh	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, canal or other public works such as public roads and buildings or inhabited site	Madhya Pradesh Minor Mineral Rules 1996
Punjab	Minor Mineral Mining	75 m	Minimum distance from any railway line or bridges	Punjab Minor Mineral Concession Rules 1964
		60 m	Minimum distance from national highway	
		50 m	Minimum distance from any reservoir tank canal roads or other public works or buildings or inhabited sites	
Tamil Nadu	Minor Mineral Mining	50 m	Minimum distance from any railway line or under or beneath any ropeway or any ropeway trestle or station or from any reservoir, canal or other public works such as public roads and buildings	Tamil Nadu Minor Mineral Concession Rules 1959
Orissa	Minor Mineral Mining	100 m	Minimum distance from any railway line, National Highway, late Highway or any reservoir	Orissa Minor Minerals Concession Rules 2004
		50 m	Minimum distance from any tank, canal, road (other than a National or State Highway or other public works of buildings or inhabited sites), public roads, public buildings, temples, reservoirs, dams, burial ground, railway track monuments, heritage sites, etc.	
Chhattisgarh	Minor Mineral Mining	300 m	Minimum distance from sensitive area like radio station, doordarshan kendra, defence establishment etc. of the Central and State Government	Chhattisgarh Minor Mineral Rules 1996
		100 m	Minimum distance from abadi, school, hospital and other public places, buildings and habited sites	
		75 m	Minimum distance from any railway line, bridge or highway	
		50 m	Minimum distance from tank, river banks, reservoir, canal	
		10 m	Minimum distance from grameen kachcha road	
Bihar	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, public road, canal or other public work or buildings or inhabited site	Bihar Minor Mineral Concession Rules 1972
		10 m	Minimum distance from any village roads	
Uttar Pradesh	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, canal or other public works, such as public roads and buildings or inhabited site	Uttar Pradesh Minor Minerals (Concession) Rules 1963
		10 m	Minimum distance from any village roads	
Himachal Pradesh	Minor Mineral Mining	75 m	Minimum distance from any railway line or bridges	Himachal Pradesh Minor Minerals (Concession) Revised Rules 1971
		60 m	Minimum distance from National Highway	
		50 m	Minimum distance from any reservoir, tank, canal, roads or other public works or buildings or inhabited sites	
		50 m	Minimum distance for all type of mining from any river banks (except in cases of ordinary sand)	

Jammu & Kashmir	Mining where excavation require use of explosives	500 m	Minimum distance from outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs)	Jammu & Kashmir Minor Mineral Concession Rules, 1962
	Mining where excavation does not require use of explosives	150 m	Minimum distance from outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs)	
	Minor Mineral Mining	100 m	Minimum distance from any other public roads	
		50 m	Minimum distance from upstream as well as downstream of water works, head works or hydraulic works as defined under the J&K Water Resources (Regulation and Management) Act, 2010.	
		25 m	Minimum distance from any 'embankment' or 'flood embankment' as defined under the J&K Water Resources (Regulation and Management) Act, 2010.	
West Bengal	Minor Mineral Mining	5000 m	Minimum distance from a barrage axis or dam or a river	West Bengal Minor Minerals Rules 2002
		200 m	Minimum distance from any hydraulic structure, reservoir, bridge, canal, road and other public works or buildings	
		200 m	Minimum distance from both sides of any river bridge or culvert over any waterway or from any embankment and structural works of the Irrigation and Waterways Department	
		100 m	Minimum distance from any Railway land	
Sikkim	Minor Mineral Mining	60 m	Minimum distance from bridges oh highways	Sikkim Minor Mineral Concession Rules 2016
		50 m	Minimum distance from any railway line or any reservoirs, canals or other public works, or buildings	
Assam	Mining where excavation require use of explosives	250 m	Minimum distance from the outer periphery of the defined limits of any village habitation, National Highway, State Highway and other roads	Assam Minor Mineral Concession Rules 2013
	Mining where excavation does not require use of explosives	50 m	Minimum distance from outer periphery of the defined limits of any village habitation, National Highway, State Highway and other roads	
	Minor Mineral Mining	500 m	Minimum distance from major structures like R.C.C. bridges, Guide bund etc.	
75 m		Minimum distance from any railway line or bridges		
Meghalaya	Minor Mineral Mining	50 m	Minimum distance from any railway line or under or beneath any rope way or any ropeway trestle or station, or from any reservoir, canal or other public works such as public roads and buildings or inhabited site	Meghalaya Minor Mineral Concession Rules 2016
		10 m	Minimum distance from any village roads	
Manipur	Minor Mineral Mining	50 m	Minimum distance from any reservoir, canal or other public works, or buildings.	Manipur Minor Mineral Concession Rules 2012

Annexure II

No.DGMS (SOMA)/(Tech)Cir.No.2 of 2003

Dhanbad, Dated the 31st January 2003.

To All Owners, Agents & Managers of mines.

Subject: Dangers due to blasting projectiles.

Accidents due to projectiles ejecting from blasting had been a major source of accident in both below ground and opencast workings. Under the existing provisions of Coal Mines Regulations, 1957 and the Metalliferous Mines Regulations, 1961, before a shot is charged, stemmed or fired the shotfirer/blaster is required, amongst other things to ensure that all persons within a radius of 300m from the place of firing (referred to hereinafter as danger Zone) have taken proper shelter, apart from giving sufficient warning by efficient signals or other means approved by the manager over the entire zone. There had been, however, a number of instances where flying fragments due to blasting had ejected not only within but also beyond the danger Zone, resulting into serious and even fatal accidents.

This Directorate from time to time had drawn the attention of all concerned about the dangers from flying projectiles through issue of DGMS Circulars Viz. Circular Tech. 15/1977 and 8/1982. Recently, however, another fatal accident occurred due to same reason.

Enquiry into the accident revealed that in an open cast coal mine, overburden had been kept dumped against the free face of OB bench, 12 No. first row of holes were left uncharged because of spontaneous heating in the seam below, 17 holes of 150mm 6.5m Depth drilled in 7m x 5m Pattern (spacing & burden) charged with 75 kg/hole and 42 holes of 6.5m depth 250mm dia drilled in 6m x 6m pattern charged with 130 kg/hole were blasted. The projectiles ejected due to blasting travelled for a distance of about 412m in the reverse direction away from the free face and hit a mechanical supervisor. The enquiry further revealed that the deceased had taken proper shelter in a blasting shelter but had come out of the shelter immediately on hearing to the sound of blast and was subsequently hit by the projectiles.

Over years there had been refinement of blasting practices as well as development in explosives and accessories, whereby it is possible to control the throw and prevent ejection of flying fragments within a safe distance, with relative ease. There is, therefore, no reason why such type of accident should continue to occur.

The matter is brought to your attention so that following corrective measures are taken in case similar conditions exists in any mine under your control.

(1) In the interest of safety to treat all the places within a radius of 500m of the place of firing as the danger zone, all persons who are required to remain within the danger zone at the time of blasting should take protection in substantially built shelter.

(2) Formulate a code of practice for controlled blasting Technique with milli-second delay detonators/ electric shock tubes/ cord relays or use of sequential blasting machines or by adequately muffling of holes including precautions to be taken during blasting operation until all clear signal given by blaster.

(3) Training of persons and their helpers engaged in such blasting operation.

(Dashrath Singh)
Director-General of Mines Safety.

F. No. 22-21/2020-IA.III

Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira ParyavaranBhawan
Jor Bagh Road, Aliganj
New Delhi – 110003
sujit.baju@gov.in

Date: 7th July, 2021**Office Memorandum**

Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.

The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) **for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process**".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "**...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.

7. Relevant Court Cases on the issue: It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, **the Hon'ble courts have, *inter-alia*, deliberated on various facets involving 'violation' cases and have enunciated principles of 'Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-Legal Action Vs Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212); Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited Vs Union of India in (W.P. (C) No. 2364 of 2014, order dated 28.11.2014).** The salient extracts of the judgements are as under:

Issue 1: Proposal for grant of Environmental Clearance in violation cases – to be considered on merits:

i. Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014

Held: "(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent."

*"(...) the proposal of the petitioner company for **environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws.**"*

ii. Hon'ble Madras High Court in the matter of Puducherry Environment Protection Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017

Held "27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating

SA

pollution laws or the pollution, if any, can conveniently and effectively be checked. **The answer necessarily has to be in the negative.**"

"29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms."

Issue 2: Environmental Clearance – Prospective & not ex-post facto:

Hon'ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017

*Held: "(...) an EC will come into force **not earlier than the date of its grant.**"*

Issue 3: 'Principles of Proportionality' – to be applied:

Hon'ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020

*Held: "(...) **this Court must take a balanced approach** which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord **with the principle of proportionality**"*

**Issue 4: 'Polluter pays' principle &
&**

Issue 5: Costs for remedial measures implicit in Sections 3 & 5 of Environment (Protection) Act, 1986.

Hon'ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3] 212)

Held:

a) The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will **include giving directions ...** and also the power to **impose the cost of remedial measures** on the offending industry and utilize the amount so recovered for carrying out remedial measures.....

SA

b) **Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5** which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the "**Polluter Pays**" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

8. Legal provisions:

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (reference sub-section (1) of Section 3 of Environment (Protection) Act, 1986). Further, clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act'.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Environment Protection Act, 1986, Section 5 of the Environment (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

9. Definition of Violation and Non-compliance:

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-compliance' from the following perspective:

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i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

10. Standard Operating Procedure - Guiding Principles:

i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**

ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2.	If prior EC is available for existing/old unit	Order to revert the activity/production to permissible limits.
3.	If prior EC was not required for earlier production level but is now required	Restrict the activity/production to the extent to which prior EC was not required.

Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

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Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

*Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished.***

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluters Pay principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present**

form/configuration/features then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA).** The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.**

Note - The activities, as per above clauses, shall be undertaken simultaneously wherever feasible. Environmental Clearance, if granted, to such projects or activities, after due appraisal of EIA/EMP report, **shall be effective only from the date of issuance of such clearance** and shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized in each case.

12. Penalty provisions for Violation cases and applications:

a. For new projects:

- i. **Where operation has not commenced:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs.1 Cr]
- ii. **Where operations have commenced without EC:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report **PLUS** 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs.1.25 Cr]

sd

b. For expansion projects:

- i. **Where operation/production with expanded capacity has not commenced:**
1% of the project cost, attributable to the expansion, incurred up to the date of filing of application along with EIA/EMP report.
- ii. **Where operation/ production with expanded capacity have commenced:**
1% of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or activity is considered for appraisal as above & the project proponent fails to provide required information or requisite documents or complete the requisite study for the purpose of EIA/EMP reports or does not furnish such reports within such period, as specified by the appraisal committee, without reasonable cause, it shall be inferred that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent *suo-moto* reports such violations without such violations coming to the knowledge of the Government either on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as per Step 3 enumerated above].

13. Identification of Violation cases:

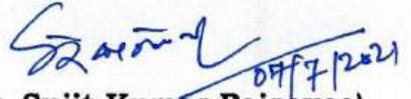
With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action stipulated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violation, examine and appraise such projects so as to refrain them from causing further environmental damage and also to compensate for causing damage to the environment. Therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Central Government hereby directs that:-

- i. State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention& Control of Pollution) Act, 1981, shall ensure that the project proponents applies for or possess valid Prior



Environmental Clearance in terms of extant EIA Notification and shall not grant or renew CTO (Consent to Operate) unless Environment Clearance (if applicable) has been obtained.

- ii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard.
 - iii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.
14. This is issued with the approval of the Competent Authority.


 (Dr. Sujit Kumar Bajpayee)
 Joint Secretary (IA)

To

1. Chairperson/Member Secretary of Central Pollution Control Board
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman/Members of all the Expert Appraisal Committees
4. Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
5. All the officers of IA Division
6. Website of MoEF&CC/PARIVESH/Guard file

Copy (by email) also forwarded to the Registrar, NGT, in compliance to instruction given in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors.(order dated 24.05.2021).

VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

Original Application No. ____ of 2024

In re:

DUSMANT KUMAR BAL **APPLICANT**

VERSUS

STATE OF ODISHA AND Others ... **RESPONDENTS**

KNOW ALL to whom these present shall come –I Dusmant Kumar Bal S/o Golakh Chandra Bal, Aged about 45 years At/Po/-Aruha Ps-Dharmasala Dist-Jajpur, Odisha, 755024 above named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani,(O-785/2007) ASHUTOSH PADHY, ENROLMENT NO O-1018/2023 Advocate, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002**

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. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

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.

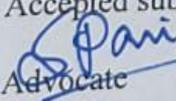
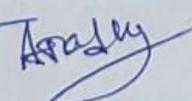
And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

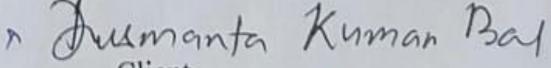
And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

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 26th day of DECEMBER 2024

Accepted subject to the terms of fees.


Advocate 


Client