

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

Original Application No. 68/2025/EZ

Dusmant Kumar Bal -----Applicant

Versus

State of Odisha & Ors. ----- Respondent(s)

Affidavit on Behalf of the Opposite Party/Respondent No. 08 State
Environment Impact Assessment Authority (SEIAA), Odisha

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Place: Bhubaneswar
Date: 13/05/2025

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Affidavit on Behalf of the Opposite Party/Respondent No. 08 State
Environment Impact Assessment Authority (SEIAA), Odisha

[Handwritten Signature]
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

1. Shri G. Rajesh, IFS, son of Shri O.V. Gopalan Nair aged 51 years, at present working as Director Environment-cum-Special Secretary to Govt. in Forest, Environment & Climate Change Department and Member Secretary, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows:

2. That, I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opp. Party No.08 before this Hon'ble National Green Tribunal.

3. That, I have gone through the original application along with the order dated 15.04.2025 of Original Application No. 68/2025/EZ filed by the Applicant and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.





4. That, in reply to the averments made in the Original Application point no. 01 to 04 of O.A., the deponent humbly submits the following in a chronological order:

i. **19.03.2020:** The project proponent, i.e. Tahasildar, Dharmasala had submitted online application to SEIAA, Odisha vide application no. SIA/OR/MIN/52472/2020 dated 19.03.2020 for issue of Terms of Reference (ToR) as a part of Environment Clearance (EC) for category-B1 project (lease area more than 5.0 ha) based on EIA Notification 2006 and amended therein for mining of Black Stone from Cluster-2 mines (5 quarries are coming under single cluster) which is constituted of Aruha hillocks over an area of 148-00 acres or 59.89 hectares located in village-Aruha, Tahasil- Dharmasala, Dist-Jajpur, Odisha.

ii. **03.06.2020:** As per the State Level Expert Appraisal Committee (SEAC) recommendation, the SEIAA, Odisha had issued ToR vide letter no. 8344/SEIAA dated 03.06.2020 for said cluster proposal for Environmental Impact Assessment (EIA) studies and Environmental Management Plan (EMP) along with Public Hearing.

iii. **03.08.2021:** The cluster EIA & EMP has been recommended by the SEAC in its meeting held on 03.08.2021 and approved by SEAAA, Odisha and the same has been communicated vide letter no.2329/SEIAA dated 31.03.2021 to Tahasildar, Dharmasala as an applicant for applying individual EC application for



(S. Ramesh)
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individual quarries.

- iv. **19.02.2022:** The Project Proponent, Sri Manoj Kumar Samal who is the respondent no. 16 in this case has submitted individual EC application vide application no. SIA/OR/MIN/257538/2022 dated 19.02.2022 for EC of Aruha Black Stone Quarry over an area of 20.00 acres or 8.09 Ha in village-Aruha, Tahasil-Dharmasala, Dist-Jajpur, Odisha
- v. **11.05.2022:** As per the recommendation of SEAC, the individual ECs was granted by SEIAA, Odisha for the Aruha Black Stone Quarry No.05 over an Area 20.00 Ac or 8.09 Ha bearing Khata no.779, Plot No. 2694 (P), 2807 (P) & 2808 (P) in Village-Aruha, Tahasil-Dharmasala, Dist-Jajpur, Odisha vide EC Identification No.-EC22B001OR164789 dated 11.05.2022 to Sri Manoj Kumar Samal, the successful bidder. The extraction quantity of stone material was 42000 cum/annum and total extraction of 210000 cum in 5 years lease period as per approved Mining Plan dated 29.01.2022.
- Copy of EC Identification No.-EC22B001OR164789 dated 11.05.2022 is attached in **Annexure-I.**
- vi. **03.05.2022:** Similarly, the Project Proponent, Sri Sarat Kumar Jena who is the respondent no. 15 in this case had submitted individual EC application vide application no. SIA/OR/MIN/76469/2020 dated 03.05.2022 for EC of Aruha Black Stone Quarry (cluster Serial no.-2/3,



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(Khata no.-779, Plot no.2807, 2808, 2811) over an area of 18.88 acres or 7.64 Ha in village-Aruha, Tahasil-Dharmasala, Dist-Jajpur, Odisha

- vii. **17.01.2023:** As per the recommendation of SEAC, the individual ECs was granted by SEIAA, Odisha 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, Dist-Jajpur, Odisha vide EC Identification No.- EC23B001OR163112 dated 17.01.2023 to Sri Sarat Kumar Jena, the successful bidder. The extraction quantity of stone material was 42034 cum/annum for 1st & 2nd years of the lease period with EC expiring on 16.01.2025.

Copy of EC Identification No.- EC23B001OR163112 dated 17.01.2023 is attached in **Annexure-II**.

- viii. **06.12.2024:** A public complaint petition dated 06.12.2024 was received from Smt. Banaprava Bal, Sarapanch, Aruha G.P. and villagers of Aruha, Tahasil-Dharmasala, Dist-Jajpur with allegation about Aruha Black Stone Quarry over an Area 20.00 Ac or 8.09 Ha issued to Sri Manoj Kumar Samal and similarly about the proposal of Aruha Black Stone Quarry over an area of 18.88 acres or 7.64 Ha issued to Sri Sarat Kumar Jena, the successful bidder/lessee.



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ix. **25.12.2024**: In the meantime, the Project Proponent, Sri Sarat Kumar Jena vide application no. SIA/OR/MIN/516088/2024 dated 25.12.2024 had submitted Extension of Validity of EC application in Form-06 for Aruha Black Stone Quarry (Cluster serial No.-2/3) over an area of 18.88 acres or 7.64 ha in the village-Aruha, Tahasil-Dharmasala, Dist-Jajpur, Odisha. The proposal was placed in 197th Meeting of SEIAA, Odisha held on 29.04.2025 and the authority, opined that there is a complaint petition dated 06.12.2024 against the Project Proponents (PP) on the grounds of overproduction. Further, there is an OA filed by Shri Dusmant Kumar Bal, wherein the PPs are party, also on the grounds of overproduction. Hence, the proposal for grant of Extension of the Validity of the Environmental Clearance (EC) was returned with instructions to the PP, namely- Shri Sarat Jena to apply again after the finalization of the said complaint petition and the said OA by the NGT and accordingly, the proposal was returned back to the Project Proponent. Further, the SEIAA authority in the said meeting opined to keep the EC granted earlier to Sri Manoj Samal in abeyance on the grounds mentioned above.



Copy of Minutes of 197th Meeting of SEIAA, Odisha held on 29.04.2025 is attached in **Annexure-III**.

x. **30.01.2025 & 11.03.2025**: Based on the Public complaint two Show Cause Notices were issued to Sri

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 Orissa, Bhubaneswar

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Manoj Kumar Samal and Sri Sarat Kumar Jena vide letter dated 30.01.2025 and 11.03.2025 respectively and copy of the same has been sent to the Collector, Jajpur and DDM, Jajpur for information and to conduct and enquiry into the matter and submit a report on the same. Subsequently, as no Show Cause reply was received from Sri Manoj Kumar Samal, a reminder to the Show Cause Notice was issued vide letter no. 6310/SEIAA dated 28.02.2025 to Manoj Kumar Samal for Aruha Black Stone Quarry No. 05 (20.00 acres).

Copy of Show Cause Notice issued to Sri Manoj Kumar Samal dated 30.01.2025 along with the reminder dated 28.02.2025 and Sri Sarat Kumar Jena letter dated 11.03.2025 respectively are attached in **Annexure-IV & V**.

- xi. **26.03.2025:** The Sri Manoj Kumar Samal has submitted their reply on 26.03.2025 on Show Cause Notice letter dated 30.01.2025 with accepting that there was excess mining of **80,112 cum stone** material from source of Aruha Black Stone Quarry No. 05 (20.00 acres) by Sri Manoj Kumar Samal for which a fine amounting of **Rs.4,20,47,585/-** was imposed by Tahasildar, Dharmasala to the lessee Sri Manoj Kumar Samal and that was deposited by him in 08 (eight) instalments and also, submitted EC compliance report. However, Sri Sarat Kumar Jena, has not submitted their reply yet.

Copy of Show cause Notice reply submitted by Sri Manoj Kumar Jena is attached in **Annexure-VI**.



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Orissa, Bhubaneswar



xii. **29.03.2025:** The Collector has submitted their reply to SEIAA, Odisha vide letter dated 29.03.2025 detailing the following points:

- a. That, the Mining Officer, Jajpur during his visit to the Aruha Black Stone Quarry No. 03 of Sarat Kumar Jena on 11.03.2025, found that the said quarry was operational even though the EC had expired on 16.01.2025. The Mining Officer, Jajpur seized 16 nos. of vehicles & machinery from the quarry site and imposed a penalty of **Rs.40,25,000/-** vide Demand Note No. 1801/MM dated 26.03.2025 which is yet to be realised from the lessee, namely- Sri Sarat Jena.
- b. That, due to excess mining of **80,112 cum stone** material from source of Aruha Black Stone Quarry No. 05 (20.00 acres) by Sri Manoj kumar Samal and after hearing the matter, the Collector & District Magistrate, Jajpur arising out of W.P. (C) No. 36628/23 for excess mining the fine amounting of **Rs. 4,20,47,585/-** has been imposed on the lessee Sri Manoj Kumar Samal and that has been already collected from him in 08 (eight) instalments. The lessee has cleared outstanding dues by now and OPDR case has been closed on 26.03.2025.
- c. The extraction of Minor Minerals beyond a depth of



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 Orissa, Bhubaneswar



6 meters from the surface area could not be ascertained physically by ocular estimation due to peculiar geographical conditions of the hilly terrain for which the Mining Officer, Jajpur has requested the Odisha Remote Sensing Application Centre (ORSAC) empanelled agency, M/s. TKS Consultancy Services vide letter no. 1751/MM dated 24.03.2025 for survey of both the stone quarry cases.

- d. With regard to the allegation on the distance factor, a field visit was conducted on 07.03.2025 by Mining Officer, Jajpur, Regional Officer, SPCB, Kalingnagar and Revenue Officials of Dharmasala Tahasil along with the ORSAC empanelled agency, M/s. TKS Consultancy Services and it has been mentioned that Aruha Black Stone Quarry No. 03 (18.88 acres) & Aruha Black Stone Quarry No. 05 (20 acres) are in safe distance i.e. more than 200 meter from the nearby habitats, railway line, ponds and schools.


MEMBER (SECRETARY)
State E.I.A Authority
Orissa, Bhubaneswar



Copy of Collector's reply to SEIAA, Odisha vide letter dated 29.03.2025 on Aruha Black Stone Quarry No. 03 (18.88 acres) & Aruha Black Stone Quarry No. 05 (20 acres) is attached in **Annexure-VII.**

- xiii. **15.04.2025:** In the meantime, a case has been filed before the Hon'ble NGT/EZ, Kolkata vide OA. No. 68 of 2025 in the matter of Dusmant Kumar Bal Vrs Sate of



Odisha and Ors. on Aruha Black Stone Quarry over an Area 20.00 Ac or 8.09 Ha of Sri Manoj Kumar Samal and Aruha BSQ. 03 of Sri Sarat Jena and final joint inspection report is to be submitted by the Collector & District Magistrate, Jajpur before the Honourable Court.

5. That, in reply to the averments made in the Para-05 to Para-06 of the OA, deponent humbly submits that as per documents submitted by Sri Manoj Kumar Samal on 26.03.2025 in reply of Show Cause Notice letter dated 30.01.2025, it is observed that a Demand Notice vide Notice No. 2244 dated 25.04.2024 was issued by Tahasildar, Dharmasala to Sri Manoj Kumar Samal for excess mining of 80,112 cum stone material from source of Aruha Black Stone Quarry No. 05 (20.00 acres) for which fine amounting of Rs.4,20,47,585/- was imposed and that was deposited by him in 08 (eight) instalments.


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Copy of the Demand Notice issued by Tahasildar, Dhamasala vide notice no. 2244 dated 25.04.2024 is attached in **Annexure-VIII.**

6. That, in reply to the averments made in the Para-07 of the OA, deponent humbly submits that the averments are matters on record and this deponent has no comments to offer.
7. That, in reply to the averments made in the Para-09 to Para-11 of the OA, deponent humbly submits that there is an EC condition in point no. 9.9 that "No stone quarry involving blasting will be operated within 200 meter (minimum distance criteria) from residential/public building, road, railway lines,



inhabited sites, other location etc.” The Collector has submitted their reply to SEIAA, Odisha vide letter dated 29.03.2025 with intimate that a field visit was conducted on 07.03.2025 by Mining Officre, Jajpur, Regional Officer, SPCB, Kalingnagar and Revenue Officials of Dharmasal Tahasil along with the ORSAC empanelled agency, M/s. TKS Consultancy Services and mentioned that Aruha Black Stone Quarry No. 03 (18.88 acres) & Aruha Black Stone Quarry No. 05 (20 acres) are in safe distance i.e. more than 200 meter from the nearby habitats, railway line, ponds and schools.

8. That, in reply to the averments made in the Para-12 of the OA, deponent humbly submits that as per Show Cause Notice dated 11.03.2025 was issued by SEIAA, Odisha to Sri Sarat Kumar Jena on Aruha Black Stone Quarry (cluster serial No.-2/3) over an area of 18.88 acres a copy being given to the Collector & District Magistrate, Jajpur, ADM, Jajpur, Deputy Director of Mines, Jajpur Mining Officer, Jajpur & Tahasildar, Dhamasal for necessary action and to enquiry in the matter on over exploitation done by project proponent and to submit Action Taken Report. Accordingly, the Collector has submitted their reply to SEIAA, Odisha vide letter dated 29.03.2025 with their observation and the details are mentioned in point no. **(xii)**. Also, direction has been given by Hon’ble NGT for joint inspection and to submit report accordingly, the final report is awaited.
9. That, in reply to the averments made in the Para-13 of the OA, deponent humbly submits that the Project Proponent Sri Manoj Kumar Samal has submitted their reply on 26.03.2025 in



(G. R. Jena)
MEMBER SECRETARY
State E.I.A. Authority
Orissa, Bhubaneswar

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response to the Show Cause Notice letter dated 30.01.2025 with accepting that there was excess mining of **80,112 cum stone** material from source of Aruha Black Stone Quarry No. 05 (20.00 acres) for which fine amounting of **Rs.4,20,47,585/-** was imposed by Tahasildar, Dharmasala and that was deposited by him in 08 (eight) instalments and the also confirmed by the Collector & District Magistrate, Jajpur vide their letter dated 29.03.2025. However, the penalty/compensation for the environmental damage may be considered after the final decision of the Honourable Court

10. That, in reply to the averments made in the Para-14 to Para-41 of the OA, deponent humbly submits that the matter was placed in 197th SEIAA, Odisha meeting held on 29.04.2025 and the Authority observed that project proponent Sri Manoj Kumar Samal has accepted that there was excess mining of **80,112 cum stone** material from source of Aruha Black Stone Quarry No. 05 (20.00 acres) for which fine amounting of **Rs.4,20,47,585/-** was imposed by Tahasildar, Dharmasal and that was deposited by him in 08 (eight) instalments and the also confirmed by the Collector & District Magistrate, Jajpur vide their letter dated 29.03.2025. However, the fact of mining being done beyond 6 meter depth has not been complied to conclusively and has been referred to ORSAC for scrutiny. Also, the environmental damage caused due to over production has still not been quantified and levied. Considering the facts and information submitted and discussion in the matter, the Authority decided that Environmental Clearance (EC) granted to Shri Manoj Kumar Samal for operation of Aruha Black Stone Quarry No. 05 (20.00 acres) vide EC Identification No.



(Signature)
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 State E.I.A Authority
 Orissa, Bhubaneswar

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EC22B001OR164789 dated 11.05.2022 shall be kept in abeyance till the final decision on conclusive of the enquiry report to be submitted by the District Administration as directed vide order dated 15.04.2025 of Hon'ble NGT (EZ) in OA No. 68/2025. Accordingly, the EC kept in abeyance letter is issued vide letter no. 6433/SEIAA-161/01-2025 dated 06.05.2025. Similarly, the proposal of Sri Sarat Kumar Jena vide application no. SIA/OR/MIN/516088/2024 dated 25.12.2024 had submitted Extension of Validity of EC application in Form-06 for Aruha Black Stone Quarry (cluster serial No.-2/3) over an area of 18.88 acres or 7.64 ha in the village-Aruha, Tahasil-Dharmasala, Dist-Jajpur, Odisha is returned with instructions to the PP to apply again after the finalization of the said complaint petition and the said OA by the NGT.

Copy of the EC abeyance letter no. 6433/SEIAA-161/01-2025 dated 06.05.2025 is attached in **Annexure-IX**.

11. That, in reply to the averments made in the Para-42 to Para-47 of the OA, deponent humbly submits that the averments are matters on record and this deponent has no comments to offer.

12. That, in reply to the averments made in the Para-48 to Para-55 of the OA, deponent humbly submits that the averments are matters on record and this deponent has no comments to offer.

13. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.

14. That the deponent reserves the right to file further affidavit as

(S. P. A. S. H.)
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar



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NOTARISED

and when necessary.

Identified by
Advocate



Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

VERIFICATION

Verified at Bhubaneswar on this day of 09-05-2015
that the contents of the above affidavits are true and correct on
the basis of the records maintained by the respondent in the daily
course of its business, no part of it is false and nothing has been
concealed therefore.

Place: Bhubaneswar

Date: 09-05-2015



Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

IDENTIFIED BY MP
09-05-2015
ADVOCAT



09.05.2015

DUSASAN SAMANTARAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR, ODISHA
REGD. NO. 88/2012
MOB-9439143015

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

ENVIRONMENTAL
CLEARANCE

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

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- 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

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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

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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.

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- 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.

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- 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.

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Member Secretary

Validity unknown

Digitally signed by Sri Susanta Nanda
Member Secretary
Date: 5/11/2022 4:17:08 PM

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.

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PARIVESH

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





**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

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

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.

DAJ



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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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**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
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Environment (Protection) Act, 1986)

- 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.

DAE



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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
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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 spirit 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.IIIdated 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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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.

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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

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- 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, Chandrasekharpur, 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.

DA

Member Secretary

Signature Not Verified

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

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

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**Agenda Note for the 197th meeting of the SEIAA, Odisha
scheduled to be held on 29.04.2025**

**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
(SEIAA), ODISHA, BHUBANESWAR**

PARIVESH 2.0, AGENDA No.197.01	
Proposal No.	SIA/OR/MIN/516088/2024
Date of application	25.12.2024
File no.	516088/418-MIN/12-2024
Project Type	Proposal for Extension of validity of EC
Category	B2
Project/Activity including Schedule No.	1(a) Mining of minerals
Name of the Project	Proposal for Extension of validity of EC of Aruha Black Stone Quarry (cluster serial No.-2/3) over an area of 18.88 acres or 7.64 ha in the village-Aruha, Tahasil-Dharmasala, Dist-jajpur, Odisha
Name of the company/Organization	Sri Sarat Jena
Location of Project	Village-Aruha, Tahasil-Dharmasala, Dist-jajpur, Odisha

1. Proposal in brief:

The highlights of the proposal as ascertained from the application and as revealed from proceedings/discussion held during the meeting of SEAC/SEIAA, are given as under.

- (i) This is a proposal for Extension of validity of EC of Aruha Black Stone Quarry (cluster serial No:-2/3) over an area of 18.88 acres or 7.64 ha in the village-Aruha, Tahasil-Dharmasala, Dist-jajpur, Odisha.
- (ii) The project proponent has obtained EC from SEIAA, Odisha vide EC Identification no./letter no. EC23B001OR163112 dated 17.01.2023 in favour of Sri Sarat Jena (successful bidder) for Aruha Black Stone Quarry (cluster serial No.-2/3) over an area of 18.88 acres or 7.64 ha in the village-Aruha, Tahasil-Dharmasala, Dist-Jajpur, Odisha.
- (iii) The EC granted dated 17.01.2023 for extraction quantity of stone 42034 cum/annum for 1st and 2nd year subject to submission of compliance report of EC conditions.
- (iv) The CTO was issued by SPCB, Odisha vide letter no. 993 dated 28.03.2023 and 3770 dated 13.11.2024 valid upto 31.03.2025.
- (v) Any deficiencies/omission have been noticed in the above documents- Nil

2. **Whether SEAC recommended the proposal** – Yes, the proposal was placed in the SEAC meeting held on 27.01.2025 and the SEAC decided to recommended the proposal for extension of EC validity for the remaining period subject to submission of the following:

- (i) Valid approved DSR.
- (ii) Compliance to EC conditions at point 7.5 and 7.6 which had not been complied as appears from compliance report.

3. The Proposal was placed in 190th SEIAA, Odisha meeting held on 01.03.2025 and after detailed deliberation, the authority approved the extension of validity of EC upto the lease period with maximum quantity of production of **42,034 cum/annum upto a depth of 6m** from the surface subject to the quantity prescribed in the revised DSR or modified Mining Plan (approved by the competent authority) whichever is less subject to submission of the following information:

- i) Past production details from the Mining Officer.
- ii) Compliance to EC conditions at point 7.5 and 7.6 which had not been complied as appears from compliance report.
- iii) The method of mining shall be as per the approved Mining Plan.

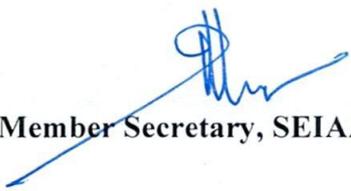
3. The Mining Officer, Jajpur vide his letter no. 1360 dated 10.03.2025 clarified that there was no production in the year 2023-24 and 28 cum out 42034 cum of stone has been extracted from the source for the period 2024-25.

4. There is a public complaint petition dated 06.12.2024 received from Smt. Banaprava Bal, Sarapanch, Aruha G.P. and villagers of Aruha, Tahasil-Dharmasala, Dist-Jajpur on Aruha BSQ 20 acres and Aruha BSQ (Cluster Sl. No. 2/3) 18.88 acres issued in favour of Sri Manoj Kumar Samal and Sri Sarat Jena respectively and for which public allegation was made on validity of lease or any illegal mining activities in the cluster area. In this regard Show Cause Notice was issued to Sri Manoj Kumar Samal and Sri Sarat Jena and Sri Manoj Kumar Samal has replied the Show Cause Notice dated 30.01.2025 and 1st reminder of Show Cause dated 28.02.2025. Similarly, the Show cause was issued to Sri Sarat Jena dated 11.03.2025.

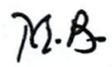
Decision of Authority: Returned in Present Form

After detailed deliberation, the Authority noted that there is a complaint petition dated 06.12.2024 against the Project Proponent (PP) on the grounds of overproduction. Further, there is an OA filed by Shri Dusmant Kumar Bal, wherein the PP is a party, also on the grounds of overproduction. Hence, the proposal for grant of extension of the validity of the Environmental Clearance (EC) is returned with instructions to the PP to apply again after the finalization of the said complaint petition and the said OA by the NGT.

Signed by


Member Secretary, SEIAA


Member, SEIAA


Chairman, SEIAA

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Minutes of 197th Meeting of SEIAA, Odisha held on 29.04.2025 at 10.00 AM

Additional Agenda Item No. 197.02

Reply to Show Cause Notice of SEIAA dated 30.01.2025 from Sri Manoj Kumar Samal, Lease holder of Aruha Black Stone Quarry No.5

About Aruha Black Stone Quarry

1. The Aruha Black Stone Quarry over an Area 20.00 Ac or 8.09 Ha is a single proposal under cluster approach with 5 Black Stone quarries **cluster-2** mine constituted in the Aruha Hillock over an area of 59.89 hectares.
2. ToR for this Cluster was issued vide letter no. 8344/SEIAA dated 03.06.2020 by SEIAA, Odisha. As per ToR, the EIA & EMP was prepared and Public Hearing was held on 26.08.2020 for entire cluster of quarries.
3. The cluster EIA & EMP was approved by the SEAC in its meeting held on 03.08.2021
4. As per the recommendation of SEAC, the individual EC were granted along with the Aruha Black Stone Quarry over an Area 20.00 Ac or 8.09 Ha bearing Khata no.779, Plot No. 2694 (P), 2807 (P) & 2808 (P) in Village- Aruha, Tahasil- Dharmasala, Dist- Jajpur, Odisha has been issued by SEIAA, Odisha vide EC Identification No. - EC22B001OR164789 dated 11.05.2022 to Sri Manoj Kumar Samal, the successful bidder. The extraction quantity of stone material was 42000 cum/annum and total extraction of 210000 cum in **5 years lease period** as per approved mining plan dated 29.01.2022.

Present Status:-

A public complaint petition dated 06.12.2024 was received from Smt. Banaprava Bal, Sarapanch, Aruha G.P. and villagers of Aruha, Tahasil-Dharmasala, Dist-Jajpur with regard to allegation on Aruha Black Stone Quarry over an Area 20.00 Ac or 8.09 Ha of Sri Manoj Kumar Samal.

Based on the Public complaint a Show Cause Notice was issued to Sri Manoj Kumar Samal vide letter dated 30.01.2025 under intimation to the Collector, Jajpur and DDM, Jajpur for information and to enquire the matters and submit an action taken report on the same. The Sri Manoj Kumar Samal has submitted their reply on Show Cause Notice dated 26.03.2025.

Decision of SEIAA: The Authority observed that in response to the show cause notice of SEIAA dated 30.01.2025, Sri. Manoj Kumar Samal in para 15 of the show cause notice has admitted that there is over production of Black Stone of 80,112 cum and he has deposited the total penalty amount of Rs. 4,20,47,585, with the last instalment on 25.03.2025. The Collector, Jajpur vide his letter No 4858 dated 29.03.2025 has submitted an interim inquiry report wherein he has also confirmed the over exploitation and subsequent the deposit of penalty and the OPDR case of Manoj Samal being closed on dated 26.03.2025. However, the fact of mining being done beyond 6m depth has not been complied to conclusively and has been referred to ORSAC for scrutiny. Also, the environmental damage caused due to over production has still not been quantified and levied.

Considering the facts and information submitted and discussion in the matter, the authority decided that the Environmental Clearance granted to Shri. Manoj Samal for operation of Aruha Black Stone Quarry No.5 vide EC Identification No - EC22B001OR164789 dated 11.05.2022 shall be kept in abeyance till the final decision on

Minutes of 197th Meeting of SEIAA, Odisha held on 29.04.2025 at 10.00 AM

conclusion of the enquiry report to be submitted by the District Administration as directed vide order dated 15.04.2025 of Hon'ble NGT (EZ) in OA No. 68/2025.

Signed by


Member Secretary, SEIAA


Member, SEIAA


Chairman, SEIAA

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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

5RF-2/1, Unit-IX, Bhubaneswar-751022. Tel: 0674-3512840. Email:

seiaaodisha@gmail.com

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

Letter No. 6271/SEIAA File No. SEIAA-161/01-2025 Dated 30.01.2025.

To

Sri Manoj Kumar Samal
S/o- Mhendra Kumar Samal
At/Po-Aruha, Ps-Dharmasala
Dist-Jajpur, Odisha. Pin-755024

SUB: DIRECTIONS UNDER SECTION-5 OF ENVIRONMENT (PROTECTION) ACT, 1986- SHOW CAUSE NOTICE THEREOF

Ref: 1. EC Identification No. - EC22B001OR164789 dated 11.05.2022.
2. Show Cause Notice No. 1583 dated 15.04.2023 issued by Tahasildar, Dharmasala.
3. Petition dated 06.12.2024 received from Smt. Banaprava Bal, Sarapanch, Aruha G.P. and villagers of Aruha, Tahasil-Dharmasala, Dist-Jajpur.

Sir,

WHEREAS, the Environment Clearance (EC) of Aruha Black Stone Quarry over an Area 20.00 Ac or 8.09 Ha bearing Khata no.779, Plot No. 2694 (P), 2807 (P) & 2808 (P) in Village-Aruha, Tahasil- Dharmasala, Dist- Jajpur, Odisha has been issued by SEIAA, Odisha vide EC Identification No. - EC22B001OR164789 dated 11.05.2022 to Sri Manoj Kumar Samal, the successful bidder/ lessee for extraction of stone from the source with production upto 14000 cum/annum subject to compliance of stipulated conditions given in EC letter.

WHEREAS, the Project Proponent (PP) has not submitted the statutory compliance of EC conditions in PARIVESH 2.0 Portal.

WHEREAS, there is an allegation petition received at SEIAA, Odisha dated 07.12.2024 from the Sarapanch Aruha Grama Panchayat and villagers of Aruha against the Aruha Black Stone Quarry on violation of environmental norms with respect to excess mining for which the Tahasildar, Dharmasal has issued Show Cause Notice dated 15.04.2023 for non-compliance of EC conditions in account of not maintaining the safety zone distance from quarry boundary to nearest Cuttack-vJajpur Railway line and for mining beyond permitted depth etc. The Show Cause letter issued by Tahasildar, Dharmasala vide letter no. 1583 dated 15.04.2023 clearly mentioned that the PP has extracted 1,08,112 cum of stone from the source unauthorizedly by over-extraction against the permitted limit of 14000 cum per annum which is clearly a violation of the conditions under

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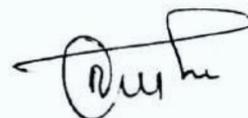
the Mining Plan, Environmental Clearance (EC) and Consent to Operate (CTO) as granted by respective Competent Authorities.

WHEREAS, this shows the violation of EC conditions in light of non-compliance of EC conditions and over extraction of 108112 cum of stone from the source by the PP unauthorizedly/ over-extraction as mentioned by the Tahasildar, Dhamasala vide letter no. 1583 dated 15.04.2023 in Show Cause Notice.

NOW THEREFORE, in view of the above evidence and in exercise of the powers vested with SEIAA, Odisha under section-5 of the Environment (Protection) Act, 1986 & Amended therein, the Project Proponent/ lessee Sri Manoj Kumar Samal is directed to reply in writing to the Member Secretary, SEIAA, Odisha office within 15 days from the date of receipt of this Show Cause Notice as to why the EC Identification No. - EC22B001OR164789 dated 11.05.2022 issued for Aruha Black Stone Quarry shall not be revoked due to violation of EC conditions in respect of non-compliance of EC conditions and excess mining beyond the permissible limit of EC and also explain as to why the environmental compensation will not be imposed for environmental degradation/ damage due to excess mining.

In the event of failure to comply with the above directions within the stipulated time frame, action as deemed appropriate shall be initiated against the Project Proponent in accordance with the provisions of the law.

By order and Authority of SEIAA, Odisha



Member Secretary, SEIAA, Odisha

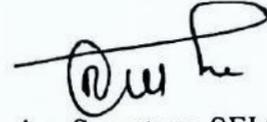
Memo No. 6272/SEIAA File No. SEIAA-161/01-2025 Dated 30.01.2025.

Copy forwarded to

1. The Collector & District Magistrate, ADM, Jajpur; the Sub-Collector, Jajpur; the Deputy Director of Mines, Jajpur; the RO, SPCB, Jajpur; the DFO, Cuttack; the Mining Officer, Jajpur & Tahasildar, Dharmasal, Dist-Jajpur for information and necessary action. They are requested to cause an enquiry into the over exploitation done by the Project Proponent for the said quarry and submit an Action Taken Report to the undersigned on the factual position at the earliest and also submit information of any other cases of Dharmasala Tahasil which have excess mining and violation of EC conditions.
2. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.

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3. The Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
4. The Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.



Member Secretary, SEIAA, Odisha

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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

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

First Reminder

Letter No. 6310/SEIAA File No. SEIAA-161/01-2025 Dated 28.02.2025

To,

Sri Manoj Kumar Samal
S/o- Mhendra Kumar Samal
At/Po-Aruha, Ps-Dharmasala
Dist-Jajpur, Odisha, Pin-755024

Sub: First Reminder Notice in compliance to the order dated 30.01.2025 of the Authority, SEIAA, Odisha with respect to Show Cause Notice issued to the Project Proponent-Reg.

Ref: Show Cause Notice letter number 6271/SEIAA dated 30.01.2025.

Sir/Madam,

This is in continuation to the SEIAA, Odisha earlier Show Cause letter no. 6271/SEIAA dated 30.01.2025 wherein direction was given to Sri Manoj Kumar Samal, the Project Proponent/ lessee of Aruha Black Stone Quarry over an Area 20.00 Ac or 8.09 Ha bearing Khata no.779, Plot No. 2694 (P), 2807 (P) & 2808 (P) in Village- Aruha, Tahasil- Dharmasala, Dist- Jajpur, Odisha for submitting their reply in writing to the Member Secretary, SEIAA, Odisha office within 15 days from the date of receipt of the Show Cause Notice as to why the EC Identification No. - EC22B001OR164789 dated 11.05.2022 issued for Aruha Black Stone Quarry shall not be revoked due to violation of EC conditions in respect of non-compliance of EC conditions and excess mining beyond the permissible limit of EC and also explain as to why the environmental compensation will not be imposed for environmental degradation/ damage due to excess mining as per Hon'ble National Green Tribunal (NGT) Principal Bench, New Delhi by order on dated 26.02.2021 in OA. No. 360/2015 in the matter of NGT Bar Association Vrs. Virendra Singh (State of Gujarat) and 18 other OAs and also as per Notification letter no.5157 dated 17.02.2022 of Revenue & Disaster management Dept., Govt. of Odisha.

In the above context, it to mention here that no response of the Show Cause Notice of Authority SEIAA, Odisha letter dated 30.01.2025 has been received from the said project proponent in writing through hard copy or email although the time limit of 15 days from the receipt of the letter has long expired. Hence, once again it is to remind you to submit your reply in writing to the

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Member Secretary, SEIAA, Odisha office **within 10 days** from the date of receipt of this reminder letter as to why the EC Identification No. - EC22B001OR164789 dated 11.05.2022 issued for Aruha Black Stone Quarry shall not be revoked due to violation of EC conditions in respect of non-compliance of EC conditions and excess mining beyond the permissible limit of EC as intimated by the concerned Tahasildar and also explain as to why the environmental compensation will not be imposed for environmental degradation/ damage due to excess mining.

In the event of failure to comply the Show Cause letter no. 6271/SEIAA dated 30.01.2025 within the stipulated time frame, action as deemed appropriate shall be initiated against the Project Proponent in accordance with the provisions of the law.

By order and Authority of SEIAA, Odisha

Encl: As above

Member Secretary, SEIAA, Odisha

Memo No. 6311/SEIAA File No. SEIAA-161/01-2025 Dated 28.02.2025

Copy forwarded to

1. The Collector & District Magistrate, ADM, Jajpur; the Sub-Collector, Jajpur; the Deputy Director of Mines, Jajpur; the RO, SPCB, Jajpur; the DFO, Cuttack; the Mining Officer, Jajpur & Tahasildar, Dharmasal, Dist-Jajpur for information and necessary action. They are requested to cause an enquiry into the over exploitation done by the Project Proponent and submit an Action Taken Report to the undersigned on the factual position of the case at the earliest.
2. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information and necessary information. He / she is requested to look into the matter personally and cause an enquiry into the violations made by the project proponent in the over exploitation done by the Project Proponent and submit an Action Taken Report to the undersigned on the factual position of the case at the earliest. In case of any delay, the officer concerned will be personally liable before the court of law for any act of omission/ commission.
3. The Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
4. The Member Secretary, State Pollution Control Board, Odisha, Parivesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.

Member Secretary, SEIAA, Odisha

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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

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

Letter No. 6032/SEIAA File No. SEIAA-165/03-2025 Dated 11.03.2025

To

Sri Sarat Kumar Jena
S/o- Hrudananda Jena
At/Po/Ps-Dharmasala
Dist-Jajpur, Odisha, Pin-755024

SUB: DIRECTIONS UNDER SECTION-5 OF ENVIRONMENT (PROTECTION) ACT, 1986- SHOW CAUSE NOTICE THEREOF

Ref: 1. EC Identification No. - EC23B001OR163112 dated 17.01.2023.
2. Petition dated 06.12.2024 received from Smt. Banaprava Bal, Sarapanch, Aruha G.P. and villagers of Aruha, Tahasil-Dharmasala, Dist-Jajpur and subsequent petition dated 26.12.2024 received from Sri Dusmanta Kumar Bal and other villagers of Aruha Village.

Sir,

WHEREAS, the Environment Clearance (EC) of Aruha Black Stone Quarry (Cluster serial No.2/3) over an area 18.88.00 Ac or 7.64 Ha bearing Khata no.779, Plot No. 2807, 2808, 2811 in Village- Aruha, Tahasil- Dharmasala, Dist- Jajpur, Odisha has been issued by SEIAA, Odisha vide EC Identification No.-EC23B001OR163112 dated 17.01.2023 to Sri Sarat Kumar Jena, the successful bidder/ lessee for extraction of stone from the source with production quantity of stone 42034 cum/annum in 1st and 2nd year subject to compliance of stipulated conditions given in EC letter.

WHEREAS, the Project Proponent (PP) has not submitted the statutory compliance of EC conditions in PARIVESH 2.0 Portal.

WHEREAS, there is an allegation petition received at SEIAA, Odisha dated 06.12.2024 from the Sarapanch Aruha Grama Panchayat and villagers of Aruha and subsequent letter dated 26.12.2024 from Sri Dusmanta Kumar Bal and other villagers of Aruha Village against the Aruha Black Stone Quarry on violation of environmental norms with respect to excess mining for non-compliance of EC conditions in account of not maintaining the safety zone distance from quarry boundary to nearest Cuttack-Jajpur Railway line and for mining beyond permitted depth etc.

WHEREAS, the EC stipulated conditions (Point No. A in page no.05 to 06) mentioned that the production quantity of stone 42034 cum/annum was allowed for 1st year and 2nd year only and the EC is valid for two years from the date of issue of EC letter dated 17.01.2023. As per EC

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conditions, the validity of EC is already expired on 18.01.2025 but there is no information received at SEIAA, Odisha whether the quarry is in operation after expired of validity of EC.

WHEREAS, the project proponent, Sri Sarat Kumar Jena was issued EC with Validity upto 17.1.2025 and has not submitted the compliance to the conditions of previous EC granted to him.

NOW THEREFORE, in view of the above and in exercise of the powers vested with SEIAA, Odisha under section-5 of the Environment (Protection) Act, 1986 & amended therein, the Project Proponent/ lessee Sri Sarat Kumar Jena is directed to reply in writing to the Member Secretary, SEIAA, Odisha office within 15 days from the date of receipt of this Show Cause Notice as to why the EC Identification No.-EC23B001OR163112 dated 17.01.2023 issued for Aruha Black Stone Quarry (18.88 acres /7.64 Ha) shall not be revoked due to violation of EC conditions in respect of non-compliance of EC conditions and as per complaint petition received on excess mining beyond the permissible limit and depth mentioned in the said EC. In the meantime, the extraction of material from the said quarry is kept in abeyance.

In the event of failure to comply with the above directions within the stipulated time frame, action as deemed appropriate shall be initiated against the Project Proponent in accordance with the provisions of the law.

By order and Authority of SEIAA, Odisha



Member Secretary, SEIAA, Odisha

6333/SEIAA
Memo No. _____ File No. SEIAA-165/03-2025 Dated 11.03.2025

Copy forwarded to

1. The Collector & District Magistrate, ADM, Jajpur; the Sub-Collector, Jajpur; the Deputy Director of Mines, Jajpur; the RO, SPCB, Jajpur; the DFO, Cuttack; the Mining Officer, Jajpur & Tahasildar, Dharmasal, Dist-Jajpur for information and necessary action. They are requested to cause an enquiry into the over exploitation done by the Project Proponent and submit an Action Taken Report to the undersigned on the factual position of the case at the earliest.
2. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
3. The Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
4. The Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.



Member Secretary, SEIAA, Odisha

**BEFORE THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY, ODISHA, BHUBANESWAR.**

In the matter of :

Sri Manoj Kumar Samal, aged about 34 years,
Son of Mahendra Kumar Samal, At/P.O Aruha,
P.S. Dharmasala, District-Jajpur, Odisha-755024.

...Lessee



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Bhubaneswar

Date : 26.03.2025

Manoj Kumar Samal

Manoj Kumar Samal

Lessee of Aruha Black Stone

Aruha, District : Jajpur.

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**BEFORE THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY, ODISHA, BHUBANESWAR.**

In the matter of :

Show Cause Notice dated 30.01.2025 issued under
Section 5 of Environment (Protection) Act, 1986.

A N D

In the matter of :

Sri Manoj Kumar Samal, aged about 34 years,
Son of Mahendra Kumar Samal, At/P.O Aruha,
P.S. Dharmasala, District-Jajpur, Odisha-755024.

...Lessee

PRELIMINARY SHOW CAUSE REPLY FILED BY THE LESEE

I, Manoj Kumar Samal, aged about 34 years, Son of Mahendra Kumar Samal, At/P.O Aruha, P.S. Dharmasala, District-Jajpur, Odisha-755024, do hereby solemnly affirm and state as follows :-

1. That I am the lessee Aruha Black Stone Quarry No.2 in the district of Jajpur, Odisha.

Manoj Kumar Samal

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2. That I have gone through the allegation petition of the Sarapanch, Aruha Grama Panchayat as well as the villagers of Aruha and understood the contents thereof.

3. That on 16.06.2021, the Tahasildar, Dharmasala issued an auction notice inviting applications from the intending bidders for auction of twenty seven black stone quarry in Dharmasala Tahasil under the provisions of Odisha Minor Mineral Concession Rules, 2016.

4. That I had submitted my bid along with other bidders for auction of Aruha Black Stone quarry over an area 20.00 acres having Khata No.779, Plot No.2694(p) and 2807p) in the village Aruha, Tahasil Dharmasala in the district of Jajpur. After opening of tender paper, I was declared as the successful bidder under the provisions of Section 27(6) of the Odisha Minor Mineral Concession Rules, 2026 by issuing Form-F in my favour. Thereafter I had deposited the requisite amount as directed by the Tahasildar, Dharmasala from time to time.

5. That for the said purpose, my mining plan was approved by the competent authority. I have also obtained necessary permissions including Consent to Operate from the appropriate authorities to raise black stone from the aforesaid quarry.

Manoj Kumar Samal

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6. That while the matter stood thus, on 11.05.2022, your Honour was pleased to issue the environment clearance.

7. That after execution of lease deed and after obtaining all statutory permissions/clearances, I have been successfully operating the aforesaid black stone quarry.

8. That while the matter stood thus, on 15.04.2023, the Tahsildar, Dharmasala issued a show cause notice to me alleging the over extraction of 108112 cubic meter of black stone. After receipt of the aforesaid show cause notice, I wrote a letter to the Tahasildar, Dharmasala to supply of relevant documents with regard to over extraction. On 10.05.2023, the Tahasildar without supplying the relevant documents with regard to over extraction of 108112 cubic meter of black stone issued a demand notice of Rs.8,63,33,919/- as the Royalty, DMF, EMF, Penalty etc for such over extraction.

Copy of the show cause Notice dated 15.04.2023 and Demand Notice dated 10.05.2023 of the Tahasildar, Dharmasala are enclosed here with and marked as **Annexure-A and B respectively**.

9. That being aggrieved by the demand notice dated 15.04.2023 issued by the Tahasildar, Dharmasala, I filed a writ application in

Manoj Kumar Samal

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the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.17332 of 2023. On 01.06.2023, the Hon'ble High Court of Orissa was pleased to quash the impugned demand notice dated 10.05.2023 with a direction to supply the relevant documents with regard to over extraction of black stone. The relevant portion of the order dated 01.06.2023 passed by Hon'ble High Court of Orissa in W.P.(C) No.17732 of 2023 is quoted here under for better appreciation of your Honour;

" Considering the above submissions of the learned counsel for the Parties, this Court is satisfied that the impugned demand notice cannot be sustained for want of adherence to the principles of natural justice. This Court, therefore, sets aside the order of demand dated 10.05.2023 vide Annexure-12 and directs that if the documents sought for by the Petitioner, are supplied to the Petitioner, as undertaken the Petitioner shall file a detailed show-cause reply to the Opposite Party No.3 within a period of two weeks from the date of receipt of the documents and on filing of the detailed show-cause, Opposite Party No.3 shall give an opportunity of personal hearing to the Petitioner and all the parties concerned and pass fresh order in accordance with law within a period of two weeks thereafter and communicate the order to the Petitioner.

With the aforesaid order, the writ petition is disposed of.

Manoj Kumar Samal

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Copy of the order dated 01.06.2023 passed by Hon'ble High Court of Orissa in W.P.(C) No.17332 of 2023 is enclosed here with and marked as **Annexure-C**.

10. That the Hon'ble High of Orissa in the aforesaid order specifically directed the Tahasildar, Dharmasala to supply the relevant documents with regard to over extraction of black stone and to give a personal hearing, the same was not adhered by the Tahsildar, Dharmasala, for which on 13.09.2023, I submitted a representation before the Collector, Jajpur. As there was no response from the Collector, Jajpur, on 07.11.2023, I had filed another writ application in the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.36628 of 2023.

11. That on 10.11.2023, the Hon'ble High Court of Orissa was pleased to dispose of W.P. (C) No.36628 of 2023 with the following directions/order;

"4. In course of hearing, learned counsel for the Petitioner states that highlighting his grievance, the Petitioner has made representation to Opposite Party No.2 vide Annexure-19 series and the same may be directed to be considered within a stipulated time, to which learned Counsel for the State has no objection.

Manoj Kumar Samal

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5. As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.2 to consider the representation filed by the petitioner vide Annexure-19 series, and pass appropriate order in accordance with law within a period of four weeks from the date of production of certified copy of this order."

Copy of the order dated 10.11.2023 passed by Hon'ble High Court of Orissa in W.P.(C) No.36628 of 2023 is enclosed here with and marked as **Annexure-D**.

12. That pursuant to the aforesaid order of Hon'ble High Court of Orissa, on 18.01.2024, the Collector, Jajpur was pleased to dispose of my representation with the following observations/order :

"xxx xxx But records further reveal that much prior to the date of survey dt.10.03.2023, SEIAA already granted permission to the petitioner on 02.09.2022 by which MGQ was enhanced to 42,000 CUM per annum in place 14,000 CUM per annum. This fact has not been taken note of by the Tahasildar, Dharmasala while issuing the impugned demand notice. On the other hand the impugned demand notice reveals that the amount was calculated by Tahasildar, Dharmasala taking into

Manoj Kumar Samal

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account that the MGQ is 14,000 CUM per annum and not 42,000 CUM per annum. This appears to be an error on the face of record.

The Tahasidar, Dharmasala in the impugned demand notice should have taken note of above fact and calculate the amount accordingly. The impugned demand notice has to be re-calculated taking into account the quantity permitted to be extracted as 42,000 CUM instead of 14,000 CUM and in that view of the matter the net unauthorized extraction is to be calculated as 80,112 CUM and basing on this quantity penalty and other charges should be levied from the petitioner and accordingly the Tahasildar, Dharmasala is directed to modify the impugned demand notice in terms of the above."

"The learned counsel for petitioner vehemently submitted that the over extraction is any is not due to the fault of the petitioner and that due to lack of proper demarcation of boundary resulting easy access to the local villagers there is illegal and unauthorized mining by the local villagers which ultimately resulted the alleged over extraction and further submitted that due to lack of proper boundary the drone mapping/ETS survey is not accurate. It is found from the record that prior to the survey and since the date of lease deed there was never official demarcation of the lease area of the petitioner by the Tahasildar, Dharmasala in presence of the

Manoj Kumar Samal

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petitioner. There is no material on record to show that there is any pilferage or illegal mining by local villagers which can not be ruled out but there is no evidence in support of it. So no definite conclusion can be drawn on this point."

"Since the total extraction is within the total quantity allowed over the total lease period if the petitioner would give an undertaking to the Tahasildar, along with deposit in form of bank guarantee or post date check in full or installments, as per revised penalty amount, then he may be permitted to start the mining operation for the balance MGQ of materials subject to further approval of mining plan by the department and issuance of Environment of Clearance by SEIAA."

Copy of the order dated 18.01.2024 passed by the Collector, Jajpur is enclosed here with and marked as **Annexure-E**.

13. That pursuant to the aforesaid order of the Collector, Jajpur, the Tahasildar, Dharmasla was pleased to modify the demand to the extent of Rs.4,20,47,585/- instead of Rs. 8,63,33,919/- and further granted eight installments of Rs.52,55,949/- each within a maximum period of one year with effect from 01.05.2024.

Copy of the order dated 02.04.2024 of the Tahasildar, Dharmasala is enclosed here with and marked as **Annexure-F**.

Manoj Kumar Samal

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14. That on 25.04.2024, the Tahasildar, Dharmasala issued revise demand notice of Rs.4,20,47,585.00 to me and further directed to deposit the said amount in eight installments within a maximum period of one year with effect from 01.05.2024.

Copy of the revised demand notice dated 25.04.2024 of the Tahasildar, Dharmasala is enclosed here with and marked as **Annexure-G**.

15. That it is humbly submitted that at the time of bid, I have taken huge personal loan from my relatives. I have also taken huge amounts from my customer/buyer by way of signing the contract/agreement for supply of black stone. When the operation of black stone quarry was stopped by the authorities alleging false, vague and illegal demand of Rs. 8,63,33,919/- with regard to over extraction of black stone, the buyers issued legal notices to me and further claimed huge damages/compensations against me. Finding no way out, I have agreed to deposit the said amount under protest. In the meanwhile, I have also deposited the said amount of Rs. 4,20,47,585.00 under protest on the following dates;

Sl. No.	Date	Amount
1.	30.09.2024	Rs.52,55,949.00
2.	22.01.2025	Rs.15,00,000.00
3.	22.01.2025	Rs.30,00,000.00

Manoj Kumar Samal

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4.	23.01.2025	Rs. 7,55,949.00
5.	23.01.2025	Rs.30,00,000.00
6.	24.01.2025	Rs.22,55,949.00
7.	03.03.2025	Rs.30,00,000.00
8.	03.03.2025	Rs.15,00,000.00
9.	04.03.2025	Rs. 7,55,949.00
10.	25.03.2025	Rs.2,10,23,796.00
	Total :	Rs.4,20,47,592.00

It may be noted that I have already deposited the entire amount as per the revise demand notice dated 25.04.2024 of the Tahasildar, Dharmasala under protest. I have also deposited other dues/amount to operate the said Aruha quarry as per the provisions of Odisha Minor Mineral Concession Rules, 2016.

Copies of the challan dated 30.09.2024, 22.01.2025, 22.01.2025, 23.01.2025, 23.01.2025, 24.01.2015, 03.03.2025, 03.03.2025, 04.03.2025 and 25.03.2025 are enclosed here with and marked as Annexure-H series.

16. That at the cost of repetition, it is once again submitted that I have paid the aforesaid amount of Rs. 4,20,47,585.00 under protest and without prejudice to my rights and contentions with

Manoj Kumar Samal

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regard to alleged over extraction of black stone, order dated 18.01.2024 passed by the Collector, Jajpur in Misc. Case No.109 of 2023, order dated 02.04.2024 and revised demand dated 25.04.2024 of the Tahasildar, Dharmasala. I will challenge the same in the Hon'ble High Court of Orissa by way of writ application very shortly. As soon as I will file the writ petition in the Hon'ble High Court of Orissa, I will inform your Honour.

17. That the following are the reply of the allegation petition dated 06.12.2024 of the Sarapach Aruha Grama Panchayat and some villagers;

(i) That the averments made in paragraph No.1 and 2 of the petition are disputed and denied. It is also disputed and denied that the villagers of Aruha are never affected by the operation of my black stone quarry. It is an old black stone quarry and had already operated by many persons. It is humbly submitted that I have been specifically complaining against the persons, who are illegally involving the pilferage and illegal mining by local villagers. The said allegations have also been reflected/noted down by the Collector, Jajpur vide order dated 18.01.2024 under Annexure-E. The local villagers who are involving in the matter of illegal mining including the Sarapanch of Aruha Panchayat are aggrieved for auction of the aforesaid black stone quarry, as they are not able to do the illegal mining of black stone quarry. Furthermore, except me, there are other lessees who are

Manoj Kumar Samal

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operating the black stone quarries in the village of Aruha and they are not making any allegations against the other lessee.

All other averments/allegations made in these paragraphs are here by disputed and denied.

(ii) That the averments made in paragraph No.3 of the petition are disputed and denied. It is also disputed and denied that the Aruha BSQ has illegally extracted 108112 cum stones and it is put them to prove the same.

(iii) That the averments made in paragraph No.4 and 5 of the petition are disputed and denied.

(iv) That the averments made in paragraph No.5, 6., 7, 8 and 9 of the petition are disputed and denied. It is humbly submitted the Deputy Director of Mines, Jajpur has already conducted the joint survey and DGPS etc. wherein it is observed that I have been operating the Aruha black stone quarry in accordance with law.

All other averments/allegations made in these paragraphs are here by disputed and denied.

Manoj Kumar Samal

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(v) That the averments made in paragraphs No. 10 to 18 are disputed and denied.

18. That as I am only male member of my family and as there was my marriage function, which was over on 21.03.2025, hence I am unable to file my show cause reply immediately, hence I pray before your Honour to accept this show cause reply. The delay caused in filing this preliminary show cause reply is unintentional.

Copy of my marriage invitation card is enclosing here with and marked as **Annexure-I**.

19. That the Sarapanch, Aruha Grama Panchayat and the villagers of Aruha have filed this vexus petition before your Honour only to harass me and only due to political rivalry, as they belong to a political party.

20. That after forming of new government in the State, the Sarapanch, Aruha Grama Panchayat and the villagers of Aruha are much aggrieved and offensive with me, as I am restraining them to do illegal mining .

Manoj Kumar Samal

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21. That in the aforesaid facts and circumstances, the leave may be granted to file a detail show cause reply in the interest of justice if necessary.

22. That I reserve my right to add, alter, amend or modify the present preliminary show cause reply if necessary.

23. That in the interest of justice and fair play, I may kindly be afforded a personal hearing before taking any action against me.

24. That in the interest of justice the present proceeding may kindly be dropped by your Honour.

Bhubaneswar

Date : 26.03.2025

Manoj Kumar Samal

Manoj Kumar Samal

Lessee of Aruha Black Stone

Aruha, District : Jajpur.



-16-~~63~~ ANNEXURE-183

OFFICE OF THE TAHASILDAR, DHARMASALA

Tel:-06725-273036 Web:- tdrdharmaasala.in Email:-tdrdharmaasala@gmail.com

Show Cause Notice No. 1583 Date: 15.04.2023

To

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

Sir/Ma'am,

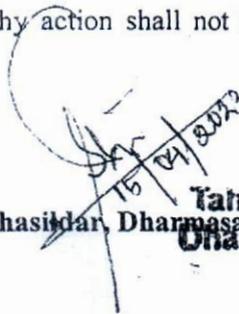
This is to inform you that, an assessment via *Drone mapping/ETS survey* by an ORSAC-empowered Technical Expert (RQP) as a part of the initiative under "*Prevention of theft of Minor Minerals*" was conducted for your leasehold quarry Lessee of **Aruha BSQ (Ac.20.00)** vide sairat case no 34/2021 on dt. **10.03.2023** From the survey, it has been revealed that a total extraction of **122112** cum has been made since the operation began post execution of lease deed agreement on dt. **31.05.2022** This assessment has been done based on the Surface plan, which forms a part of the Approved Mining plan based on which EC has been obtained by you from SEIAA. As per the lease deed agreement executed on 31.05.2022 with you, the permissible limit for extraction is **14000** cum This clearly indicates that an unauthorized/over-extraction of **108112** cum has been made by you.

This is a *clear violation of the conditions under the Mining Plan, Environmental Clearance and Consent To Operate* as granted by the respective Competent Authorities. Further, this has also led to damage to the environment due to unscientific mining and loss of revenue to the Govt exchequer. Again, OMMC Rule 2016 clearly envisages the following rules with regards to the extractions made and related assessment by the authorities concerned:

1. Rule No. 32(4):- Dealing with the actual extraction exceeding MGQ that has not been pre-intimated by you to this office prior to transportation of over extracted quantity beyond lease area thereby violating laws and attracting penalties.
2. Rule No. 33(16):- Directs the lessee to offer reasonable facilities for inspection of the quarry to the Competent Authority and other authorized officers that automatically fixes responsibility on you to be present/send your representative at the time of inspection.
3. Rule No. 33(26): - Directs the lessee to keep the Govt. indemnified from any liability, compensation damage etc., arising out of acts or omissions as a lessee during the subsistence of lease.

Therefore, you are directed to submit a showcause reply as to why action shall not be taken against you for the multiple violations caused within 15 days positively.

This is to be treated as **MOST URGENT**.


15/04/2023
Tahasildar, Dharmasala
Dharmasala



-16- ~~64~~ ANNEXURE-B-

OFFICE OF THE TAHASILDAR, DHARMASALA

Tel:-06725-273036 Web:- tdrdharmasala.in Email:-tdrdharmasala@gmail.com

Demand Notice No. 1955 Date: 10.05.2023

Sent via Regd. Post / w

To

Sri Manoj Kumar Samal S/o- Mahendra Kumar Samal
A/P.O-Aruha P.S- Dharmasala, Dist- Jajpur, Lessee for Aruha BSQ (Ac. 20.00)

Sub: -

Demand for extraction beyond the permissible quantity

Sir,

With reference to the subject cited above, it is to inform you that as a part of the initiative- 'Prevention of theft of minor minerals', a semi-annual assessment of extraction of minor mineral beyond the permissible quantity by Drone/DGPS/ETS mapping was undertaken for the lease hold quarry- Aruha BSQ (Ac. 20.00) on 10.03.2023. Subsequently, on receipt of the scientific assessment report from the Technical Expert (ORSAC empanelled RQP), a show cause notice was issued to you vide L no. 1583 dtd. 15.04.2023. In response, a preliminary reply dtd. 29.04.2023 was received by this office. The contention made in the reply was examined in detail and a point-wise reply to the same was communicated to you vide L no. 1821 dtd. 02.05.2023, which was received by you in person. Therefore, as per the decision of the Joint District Assessment Committee consisting of the Sub-Collector, Jajpur and the Deputy Director of Mines, Jajpur Road communicated to this office vide letter No 6444 Dtd 10.05.2023, the following demand amount is hereby imposed for the unauthorized extraction of blackstones beyond the permitted quantity as per the Lease deed agreement executed in your favour:

Total quantity extracted (in CuM)	Quantity permitted to extract as per lease deed (in CuM)	Net Unauthorized extraction (in CuM)
122112	14000	108112

The detail calculation of the royalty and penalty (100% as royalty) is as follows: -

Sl. No.	Item	Amount in Rs.
1	Royalty	39785216
2	DMF @ 10%	3978521.6
3	EMF @ 5%	1989260.8
5	IT @ 2%	795704.32
6	Penalty (@100% of royalty)	39785216
	TOTAL	8,63,33,919

Hence, you are hereby directed to deposit an amount of Rs. 8,63,33,919.00 (Rupees eight crores sixty-three lakhs thirty three thousand nine hundred and nineteen only) towards royalty and penalty within 30 days from the date of receipt of this letter failing which action will be taken as per law. In the meantime, it is directed to immediately stop the quarrying operation.

Tahasildar, Dharmasala

-12 ~~65~~ ANNEXURE-C

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17732 of 2023

Manoj Kumar Samal **Petitioner**

*Mr. Subir Palit, Sr. Advocate along
with Mr. Amitav Mishra, Advocate*

-versus-

**State of Odisha and
others** **Opp. Parties**

Mr. J.P. Pattnaik, GA

CORAM:

JUSTICE S.K. SAHOO

JUSTICE M.S. RAMAN

ORDER

01.06.2023

Order No.

01.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. Subir Palit, learned Senior Advocate appearing for the Petitioner and Mr. J.P. Pattnaik, learned Government Advocate.

This writ petition has been filed by the Petitioner-Manoj Kumar Samal with a prayer to quash the demand notice No.1955 dated 10.05.2023.

Mr. Subir Palit, learned Senior Advocate appearing for the Petitioner contended that the show-cause notice was issued against the Petitioner on 15.04.2023 (Annexure-10) and the Petitioner submitted a preliminary reply to the said show-cause notice on 29.04.2023 indicating therein that he may be supplied with the materials/reports of the survey conducted and any other materials on the basis of which the allegation of over-extraction is made against him in order to enable him to



// 2 //

file a detailed show-cause reply. Learned Senior Counsel for the Petitioner further submitted that in reply to the letters submitted by the Petitioner on dated 29.04.2023, the Tahasildar, Dharmasala, Opposite Party No.3 has given intimation to the Petitioner that the documents can be availed through RTI Act, 2005 and thereafter without affording any opportunity, straight away issued the demand notice dated 10.05.2023 directing the Petitioner to deposit an amount of Rs.8,63,33,919/- towards royalty and penalty within thirty days from the date of receipt of the said notice. Learned Senior Counsel for the Petitioner further submits that the impugned demand notice is illegal and violative of the principle of natural justice and the documents sought for by the Petitioner were available with the authorities and it should have been supplied to the Petitioner to give a detailed show-cause reply and an opportunity of hearing should have been afforded to the Petitioner before issuing the impugned demand notice. In support of submission, learned Senior Counsel for the Petitioner places reliance on the decision of the Apex Court in the case of ***Dharamapal Satyapal Ltd. vs. Deputy Commissioner of Central Excise, (2015) 8 SCC 519; T. Takano v. Securities and Exchange Board of India, (2022) 8 SCC 162; and Pradyumna Pattnaik Vs. State of Odisha, 2022 SCC OnLine Ori 4020.*** It is submitted that in absence of evidential material, the Petitioner is potentially prejudiced and the action of the authority is, therefore, not only unfair but also flagrant violation of principles of natural justice. Referring to **Takano (Supra)**, learned Senior Counsel submitted that if the relevant part of the report pertaining to the Petitioner is not disclosed/confronted, the authority

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is not justified in relying on such untested material for the purpose of raising huge demand of royalty, besides penalty to the tune of Rs.3,97,85,216/- (100% of royalty) which ought not to have been imposed. Mr. Palit, learned Senior Counsel laid stress on the following paragraph contained in ***Oryx Fisheries Pvt. Ltd. vs. Union of India, (2010) 13 SCC 427;***

"An opportunity to deny his guilt and establish his innocence, which he can only do if he is told that the charges leveled against him are and the allegations on which such charges are based."

Mr. J.P. Pattnaik, learned Government Advocate appearing for the State on the other hand pointed out that in view of the provision contained in Rule 46 of the Odisha Minor Minerals Concession Rules, 2016, alternative forum is available for the Petitioner and the said provision says that if any person is aggrieved by the order of the competent authority (here, the Tahasildar, Dharmasala), he may file an appeal within one month from the date of communicate of the order to the sub-collector concerned. However, with all fairness of things, the learned Government Advocate submits that the documents sought for by the Petitioner would be supplied to him within a week from today.

Considering the above submissions of the learned counsel for the Parties, this Court is satisfied that the impugned demand notice cannot be sustained for want of adherence to the principles of natural justice. This Court, therefore, sets aside the order of demand dated 10.05.2023 vide Annexure-12 and directs that if the documents sought for by the Petitioner, are supplied to the Petitioner, as undertaken the Petitioner shall file a

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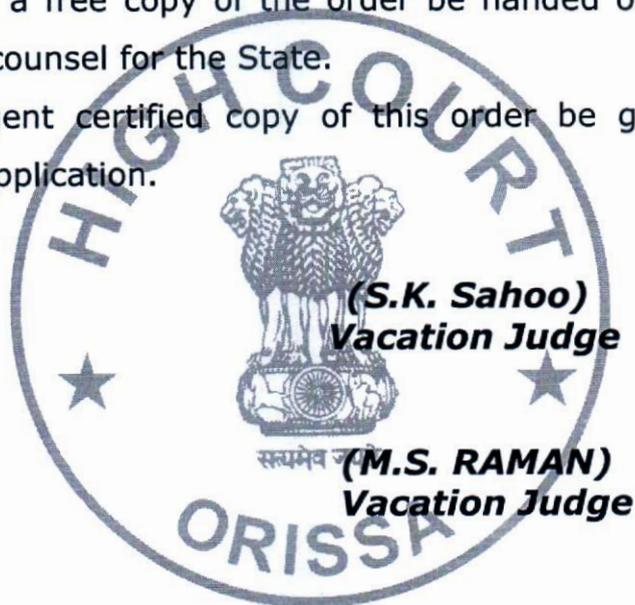
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detailed show-cause reply to the Opposite Party No.3 within a period of two weeks from the date of receipt of the documents and on filing of the detailed show-cause, Opposite Party No.3 shall give an opportunity of personal hearing to the Petitioner and all the parties concerned and pass fresh order in accordance with law within a period of two weeks thereafter and communicate the order to the Petitioner.

With the aforesaid order, the writ petition is disposed of.

Let a free copy of the order be handed over to the learned counsel for the State.

Urgent certified copy of this order be granted on proper application.



MRS/Laxmikant

Signature Not Verified

Digitally Signed
Signed by: LAXMIKANT MOHAPATRA
Designation: Junior Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 01-Jun-2023 17:18:27

-21 ~~69~~ ANNEXURE-1

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36628 of 2023**Manoj Kumar Samal**

.....

Petitioner*Mr. S. Palit, Sr. Advocate along with
Ms. S. Das, Advocate*

Vs.

State of Odisha & Others

.....

Opposite Parties*State Counsel***CORAM:****ACTING CHIEF JUSTICE DR. B.R. SARANGI
MR. JUSTICE MURAHARI SRI RAMAN****ORDER****10.11.2023****Order No.**

01.

This matter is taken up through hybrid mode.

2. Heard.

3. The present Writ Petition has been filed with the following prayer:-

"It is therefore, most humbly and most respectfully prayed that this Hon'ble Court may graciously be pleased to admit this writ petition, issue Rule Nisi in the nature of a writ of certiorari/mandamus calling upon the Opp. Parties to show cause as to why they shall not be directed to give a personal hearing to the petitioner by the Opp. Party No.2-Collector, Jajpur, after which a fresh order pursuant to the personal hearing dated 24.07.2023 be passed within a stipulated time as fixed by this hon'ble Court or in the alternate the petitioner be allowed to operate his quarry on payment of royalty and other charges equivalent to the amount paid by him at the starting of the first year without prejudice to the claims of the parties passing the orders to the personal hearing dated 24.07.2023;

And be further pleased to pass any such other order/direction in favour of the petitioner as would deem fit and proper, under the facts and in the circumstances of the present case;"

4. In course of hearing, learned counsel for the Petitioner states that highlighting his grievance, the Petitioner has made

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representation to Opposite Party No.2 vide Annexure-19 series and the same may be directed to be considered within a stipulated time, to which learned Counsel for the State has no objection.

5. As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.2 to consider the representation filed by the petitioner vide Annexure-19 series, and pass appropriate order in accordance with law within a period of four weeks from the date of production of certified copy of this order.

Issue urgent certified copy as per Rules.

Laxmikant



Signature Not Verified

Digitally Signed
Signed by: LAXMIKANT MOHAPATRA
Designation: Senior Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Nov-2023 13:10:03

IN THE COURT OF THE COLLECTOR, JAJPUR

Misc Case No.109/2023

(Arises out of W.P.(C) No.36628/2023)

Manoj Kumar Samal

S/o-Mahendra Kumar Samal,

-Versus -

State of Odisha & others.

At/P.O-Aruha, P.S-Dharmasala,

Dist-Jajpur.

ORDER**(CONTINUATION OF ORDER SHEET)**

(See Paragraph 207 of O.R.M. 1964)

Sl No. of Order & Date	Order of Magistrate & Signature	Remarks
1	2	3
Dt.18.01.2024 -	<p>The Hon'ble High Court of Orissa vide its order dt.10.11.2023 in WP(C) No. 36628/2023 (Manoj Kumar Samal Vs State of Odisha & others) directed the Collector and District Magistrate, Jajpur to consider and dispose of the representation of the petitioner after giving opportunity of hearing to the petitioner.</p> <p>This Misc. case is registered for disposal of such representation of the petitioner and accordingly notice was issued to the petitioner for hearing. Sri Subir Kumar Palit, Sr. Advocate entered his appearance for and on behalf of the petitioner and argued the matter on 30.11.2023 and has also filed a written note of submission. The Tahasildar, Dharmasala also produced the records in connection with Sairat Case No.34/2021 and other connected records. The petitioner is afforded opportunity of hearing.</p> <p>The matter was heard at length and the records pertaining to the case are perused. It is found that the Tahasildar, Dharmasala had issued a demand notice dt. 10.05.2023 to the petitioner for excess extraction of 1,08,112 CUM of material amounting to Rs.8,63,33,919/- and the said demand notice was challenged by the petitioner in the Hon'ble High Court in WP(C) No. 17732/2023 which was disposed of by order dt. 01.06.2023 in which the Hon'ble Court has directed the Tahasildar, Dharmasala to give opportunity to the petitioner to file his show cause with reply to the said demand notice and further directed the Tahasildar, Dharmasala to supply requisite documents to the petitioner. Accordingly the Tahasildar, Dharmasala on 24.07.2023 heard the matter and as the order was not communicated by the Tahasildar, Dharmasala to the petitioner, hence he filed another representation and such representation was directed to be considered and disposed of by the Collector and District Magistrate, Jajpur by the Hon'ble High Court by order dt.10.11.2023 in WP(C) No. 36628/2023. The point for consideration is whether the demand notice dt. 10.05.2023 for excess extraction of 1,08,112 CUM of material amounting to Rs.8,63,33,919/- issued by the Tahasildar, Dharmasala to the petitioner is legal and valid.</p> <p>The background of the case in short is that,</p> <p>i) The Tahasildar, Dharmasala in Sairat Case No. 34/2021 leased out Aruha BSQ covering an area of Ac.20.00 dec. in village Aruha</p>	

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Schedule LIII Form No.321

- 218 -

(CONTINUATION OF ORDER SHEET)

(See Paragraph 207 of O.R.M. 1964)

Sl No. of Order & Date	Order of Magistrate & Signature	Remarks
1	2	3
	<p>under Dharmasala Tahasil of Jajpur district. The long term lease deed was executed and registered by the Tahasildar, Dharmasala on 31.05.2022 for a period of 5 years.</p> <p>ii) On verification of record it is found that the Tahasildar, Dharmasala issued tender notice No. 2244 dt. 16.06.2021 and in Sl. No. 21 Aruha Black Stone Quarry (BSQ) was sought to be auctioned which is having area Ac.20.00 in Plot No. 2694(P), 2807() under Khata No. 779 of MouzaAruha, Kisam – Pahada. As per the tender notice the annual MGQ for this BSQ is fixed at 42,000 CUM.</p> <p>iii) The petitioner being the highest bidder was issued with Form 'F' notice by Tahasildar, Dharmasala vide letter No. 2681 dt. 23.07.2021 in which he was directed to deposit Rs.38,61,950/- towards security deposit which is one fourth of the bid amount of the year as prescribed under Rule 27(7) and (9) of OMMC Rules, 2016. This amount was duly deposited by the petitioner with the Tahasildar, Dharmasala vide rent receipt No. 0196258 dt.10.08.2021. Consequently the mining plan for the said BSQ was approved by Deputy Director of Geology, Bhubaneswar on 29.01.2022 for a plan period of 5 years. The petitioner also deposited Rs.1,82,32,060/- on different dates towards total royalty for the first year of lease period calculating the same as MGQ of 42,000 CUM per annum.</p> <p>iv) On 11.05.2022 the Environment Clearance (EC) was obtained by the petitioner from SEIAA for a part quantity of MGQ of 14,000 CUM instead of 42,000 CUM and consequently lease deed was executed on 31.05.2022 for a quantity of MGQ of 14,000 CUM.</p> <p>v) Thereafter the petitioner submitted a proposal to SEIAA for corrigendum of EC and basing on it SEIAA by letter No. 5394 dt. 02.09.2022 corrected the annual extraction from 14,000 CUM to 42,000 CUM. In furtherance to it, the Tahasildar, Dharmasala again executed and registered another lease deed in favour of the petitioner on 13.03.2023 for remaining amount of MGQ of 28,000 Cum per annum and such lease deed is valid up to 30.05.2023.</p> <p>vi) The net result is that for the first year of the lease period two lease deeds are executed and registered by the Tahasildar, Dharmasala in favour of the petitioner on 31.05.2022 and 13.03.2023 both for a</p>	



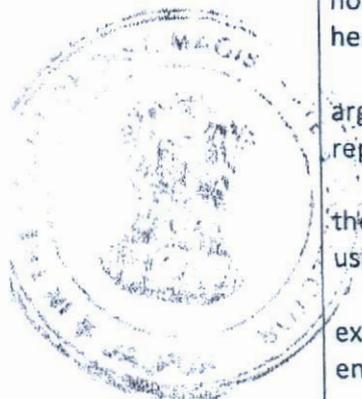
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(CONTINUATION OF ORDER SHEET)

(See Paragraph 207 of O.R.M. 1964)

Sl No. of Order & Date	Order of Magistrate & Signature	Remarks
1	2	3
	<p>period of one year till 30.05.2023 for MGQ of 14,000 CUM and 28,000 CUM respectively and as such in both the registered lease deed the quantity of MGQ to be extracted is 42,000 CUM per annum which is in terms of the tender call notice.</p> <p>vii) While the matter stood thus, on the basis of drone mapping ETS survey conducted on 10.03.2023, the Tahasildar, Dharmasala came to a conclusion that there is over extraction of material by the petitioner to the tune of 1,08,112 CUM from the BSQ which is more than the MGQ amount to be extracted during the lease period for which the Tahasildar, Dharmasala issued the impugned demand notice with penalty (@100% of royalty) and other charges.</p> <p>The learned Sr. Advocate appearing for the petitioner raised the following contentions :-</p> <p>i) The impugned demand raised by the Tahasildar, Dharmasala is not attributable to any legal provision of OMMC Rules, 2016, hence the same is beyond jurisdiction. To substantiate his stand he has relied upon Section 21(5) of MMDR Act and also Rule 51(4) of OMMC Rules. He has further contended that in view of Rule 51(4) of the OMMC Rules, 2016 the amount of penalty and other dues charged in the demand notice are not leviable, being not sanctioned by the statutory provision, hence are void.</p> <p>ii) The learned counsel for the petitioner to strengthen his argument placed reliance on the decision of the Hon'ble Apex Court reported in (2017) 9 SCC 499 (Common Cause Vs Union of India).</p> <p>iii) The learned counsel for the petitioner further submitted that the survey conducted by the Tahasildar, Dharmasala and the methods used to measure the excess extraction is not scientific.</p> <p>iv) He has further submitted that the amount of excess extraction needs to be accurate and not approximate estimation as the entire penalty is imposed depending on the said measurement.</p> <p>v) It is further submitted by the learned counsel for the petitioner that at the time of grant of lease there was no ETS survey or drone mapping and further he has disputed the correctness of the drone mapping ETS survey alleging that there cannot be any uniformity</p>	



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Schedule LIII Form No.321

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(CONTINUATION OF ORDER SHEET)

(See Paragraph 207 of O.R.M. 1964)

Sl No. of Order & Date	Order of Magistrate & Signature	Remarks
1	2	3
	<p>or comparative assessment between the reports of survey thereby leading to serious anomaly.</p> <p>vi) Further it is submitted that the petitioner was not provided with details of the mineral source at the time of grant of lease for calculating the actual excavation of the minerals. It is further submitted that a geological survey should be conducted on field on the basis of the mining plan from which accurate estimation of mineral reserve can be drawn. He has submitted that the survey conducted by the Tahasildar, Dharmasala was made without any geological survey report and having not followed the procedure the survey rendered is inaccurate as a consequence thereof the impugned demand itself is unsustainable.</p> <p>vii) The learned counsel for the petitioner vehemently argued that there is no proper and effective demarcation of the quarry area and that on account of it there was easy access to the local villagers who involved themselves in unauthorised mining resulting the excess mining, which needs to be taken note of by the authority.</p> <p>viii) It is further submitted by the learned counsel for the petitioner that after conclusion of the tender process till execution of the lease deed the quarry was under the control of the Tahasildar, Dharmasala and it was subjected to illegal extraction by the local people and previous leaseholders and this should have been taken note of by the Tahasildar, Dharmasala and accordingly the demand raised should have been reduced by the Tahasildar, Dharmasala.</p> <p>The case of the petitioner as has been submitted by his learned counsel is that as per the tender notice the MGQ was fixed at 42,000 CUM per annum and accordingly the petitioner made the security deposit to the tune of Rs. 38,61,950/- which is the one fourth of the bid amount for 42,000 CUM MGQ per annum which is also reflected in the letter No. 2681 dt. 23.07.2021 (Form F notice) issued by the Tahasildar, Dharmasala to the petitioner. Subsequently SEIAA also by letter No. 5294 dt. 02.09.2022 rectified the EC and corrected it to 42,000 CUM per annum instead of 14,000 CUM per annum, on the basis of which the Tahasildar, Dharmasala again executed and registered a fresh lease deed for MGQ of 28,000 CUM per annum on 13.03.2023. It is contended that by virtue of both the registered lease deeds</p>	

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Schedule LIII Form No.321

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(CONTINUATION OF ORDER SHEET)

(See Paragraph 207 of O.R.M. 1964)

Sl No. of Order & Date	Order of Magistrate & Signature	Remarks
1	2	3
	<p>dt.31.05.2022 and 13.03.2023 and the EC of SEIAA dt. 11.05.2022 and 02.09.2022, the MGQ amount to be extracted by the petitioner is 42,000 CUM per annum which is in terms of the tender call notice. In this background it is contended by the learned counsel for the petitioner that in the impugned demand notice the Tahasildar, Dharmasala calculated the excess extraction taking into account the permissible limit of 14,000 MGQ per annum which is erroneous and therefore the remaining quantity of 28,000 CUM per annum should be adjusted by making necessary deduction from the amount involved in the demand notice.</p> <p>The records produced by the Tahasildar, Dharmasala reveal that in the tender call notice the quantity of MGQ per annum to be extracted is noted as 42,000 CUM, furthermore SEIAA has also issued permission for extraction of 42,000 CUM of material per annum by means of two different letters dt. 11.05.2022 and 02.09.2022 and furthermore the Tahasildar, Dharmasala has also executed and registered two different lease deeds dt. 31.05.2022 and 13.03.2023 for extraction of MGQ 42,000 CUM per annum.</p> <p>It is further noted that soon before the execution of the second lease deed dt. 13.03.2023 and after the second SEIAA permission dt. 02.09.2022, the Tahasildar, Dharmasala conducted the survey on 10.03.2023 and it was found that there is over extraction of material to the tune of 1,08,112 CUM which has been mentioned in the show cause Notice No. 1583 dt. 15.04.2023 issued by Tahasildar, Dharmasala to the petitioner. Apparently by the time this survey was conducted and over extraction was noticed, the second lease deed for the remaining part of MGQ of 28,000 CUM was not executed and registered and therefore the Tahasildar, Dharmasala issued the demand notice taking into consideration that the MGQ is 14,000 CUM per annum and as such the excess extraction is 1,08,112 CUM. But records further reveal that much prior to the date of survey dt. 10.03.2023, SEIAA already granted permission to the petitioner on 02.09.2022 by which MGQ was enhanced to 42,000 CUM per annum in place of 14,000 CUM per annum. This fact has not been taken note of by the Tahasildar, Dharmasala while issuing the impugned demand notice. On the other</p>	



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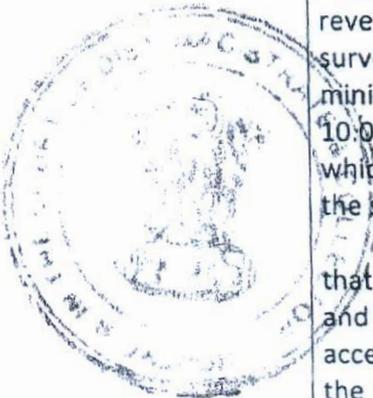
Schedule LIII Form No.321

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(CONTINUATION OF ORDER SHEET)

(See Paragraph 207 of O.R.M. 1964)

Sl No. of Order & Date	Order of Magistrate & Signature	Remarks
1	2	3
	<p>hand the impugned demand notice reveals that the amount was calculated by Tahasildar, Dharmasala taking into account that the MGQ is 14,000 CUM per annum and not 42,000 CUM per annum. This appears to be an error on the face of the record.</p> <p>The Tahasildar, Dharmasala in the impugned demand notice should have taken note of the above fact and calculate the amount accordingly. The impugned demand notice has to be re-calculated taking into account the quantity permitted to be extracted as 42,000 CUM instead of 14,000 CUM and in that view of the matter the net unauthorised extraction is to be calculated as 80,112 CUM and basing on this quantity penalty and other charges should be levied from the petitioner and accordingly the Tahasildar, Dharmasala is directed to modify the impugned demand notice in terms of the above.</p> <p>As regards the other contentions raised by the learned counsel for the petitioner, the same are duly considered in the light of the decision of the Hon'ble Courts. The main contention of the petitioner is that the survey conducted by the Tahasildar, Dharmasala is erroneous and not in a scientific manner. The letter No. 934 dt. 06.03.2023 of Tahasildar, Dharmasala to Sri Pradeep Mohapatra, RQP reveals that he has requested the said RQP for a drone mapping and ETS survey for this BSQ to assess the excess extraction with regard to the mining plan and lease agreement. The survey was conducted on 10.03.2023 and it is found that there is no infirmity in the said survey which is in accordance with the provisions of OMMC Rules, 2016. Hence the survey report is acceptable so far as over extraction is concerned.</p> <p>The learned counsel for the petitioner vehemently submitted that the over extraction is any is not due to the fault of the petitioner and that due to lack of proper demarcation of boundary resulting easy access to the local villagers there is illegal and unauthorised mining by the local villagers which ultimately resulted the alleged over extraction and further submitted that due to lack of proper boundary the drone mapping / ETS survey is not accurate. It is found from the record that prior to the survey and since the date of lease deed there was never any official demarcation of the lease area of the petitioner by the Tahasildar, Dharmasala in presence of the petitioner. There is no</p>	



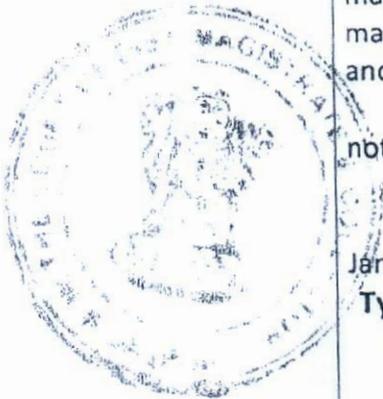


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(CONTINUATION OF ORDER SHEET)

(See Paragraph 207 of O.R.M. 1964)

Sl No. of Order & Date	Order of Magistrate & Signature	Remarks
1	2	3
	<p>material on record to show that there is any pilferage or illegal mining by local villagers which cannot be ruled out but there is no evidence in support of it. So no definite conclusion can be drawn on this point.</p> <p>The learned counsel for the petitioner vehemently objected the accuracy of the survey report and has submitted that the procedure has not been followed while conducting such survey. The Tahasildar, Dharmasala appears to have followed the rules and therefore this court is not inclined to entertain this ground.</p> <p>However, this court has taken into consideration the fact that the petitioner has deposited royalty for one year of lease period for 42,000 CUM MGQ per annum and therefore the petitioner is entitled to get the benefit of such quantity of MGQ for extraction.</p> <p>Accordingly, the representation of the petitioner is disposed of with the following direction to the Tahasildar, Dharmasala,</p> <p>i) The Tahasildar, Dharmasala is directed to modify the demand notice dt. 10.05.2023 taking into account the net unauthorised extraction as 80,112 CUM and issue revised demand notice to the petitioner within a period of 15 days.</p> <p>ii) Since the total extraction is within the total quantity allowed over the total lease period if the petitioner would give an undertaking to the Tahasildar, along with deposit in form of bank guarantee or post date check in full or installment, as per revised penalty amount, then he may be permitted to start the mining operation for the balance MGQ of materials subject to further approval of mining plan by the department and issuance of Environment Clearance by SEIAA.</p> <p>iii) The petitioner may also be directed to give an undertaking not to indulge in illegal mining henceforth in future.</p> <p>Accordingly the case is disposed of.</p> <p>Order pronounced in the open court to-day i.e. 18th day of January - 2024.</p> <p>Typed out to my dictation and corrected by me.</p> <p style="text-align: center;"><i>a</i></p> <p style="text-align: center;">Collector, Jajpur</p>	



Memo No. 30(4) /Dt. 29.01.2024

Copy of extract order of the Collector, Jajpur dt.18.01.2024 passed in Misc Case No.109/2023⁴⁵ Page | 7
forwarded to the Tahasildar, Dharmasala for information and necessary action.

Copy to Manoj Kumar Samal, S/o-Mahendra Kumar Samal, At/ P.O-Aruha, P.S-Dharmasala, Dist-Jajpur for information.

Copy to the Superintendent of Hon'ble High Court, Orissa, Cuttack/ Advocate General, Odisha, Cuttack for favour of kind information.

Sd/-
**Deputy Collector, Judicial,
Collectorate, Jajpur**

Orissa Records Manual, 1964
See Paragraph -207 (1)
(CONTINUATION OF ORDER SHEET)

Sl No. of Order &	Order of Magistrate & Signature	Remarks
1	2	3
02.04.2024	<p><u>Sairat Case No. 34/2021 (Aruha BSO Ac. 20.00)</u></p> <p>The case record is taken up today. The lessee is present in the Court today.</p> <p>With regard to WP(C) No. 17732 / 2023 of the Hon'ble High Court of Odisha and Misc. Case No. - 109/2023 of the Court of the Collector, Jajpur arising out of WP(C) No - 36628 / 2023 , the Case is heard today afresh.</p> <p>As per the order of the Hon'ble High Court of Odisha with regard to WP(C) No. 17732 / 2023 on dt. 01.06.2023, the then Tahsildar, Dharmasala gave opportunity to the petitioner for personal hearing on dt. 05.07.2023 which was subsequently rescheduled to dt. 24.07.2023 .</p> <p>Advocate of the Petitioner gave the written submission where the claim was to consider additional 28000 CUM over 14000 CUM thereby increasing the total permissible MGQ to 42000 CUM which may be adjusted by making necessary deductions from the alleged amount of the over extraction. Accordingly, the penalty was to be further adjusted.</p> <p>On verification of record, it is found that The Tahasildar Dharmasala issued Tender notice No. 2244 dt. 16.06.2021 and in Sl. No. 21 Aruha BSQ having Area Ac. 20.00. As per the tender notice the annual MGQ for this BSQ was fixed at 42000 CUM per annum. Petitioner being the highest bidder was issued Form 'F' by The Tahasildar Dharmasala vide letter no. 2681 dt. 23.07.2021 in which he was directed to deposit Rs.38,61,950/- towards SD and this amount was duly deposited by the petitioner vide MR. No.-0196258 dt 10.08.2021.</p>	

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Orissa Records Manual, 1964
See Paragraph -207 (1)
(CONTINUATION OF ORDER SHEET)

Sl No. of Order &	Order of Magistrate & Signature	Remarks
1	2	3
02.04.2024	<p>Consequently, the mining plan for the said BSQ was approved by DD of Geology, Bhubaneswar on dt 29.01.2022 for a term of 5 years.</p> <p>Initially, the Petitioner executed a long term lease deed agreement (Form 'N') with The Tahasildar, Dharmasala on dt. 31.05.2022 for operation of quarry Aruha BSQ Ac. 20.00 for the long term lease of 05 years where the MGQ per annum was 14,000 CUM as the E.C was approved or 14,000 CUM.</p> <p>Further, EC was obtained from SEIAA for remaining MGQ of 28,000 CUM with subsequent lease deed was registered in favour of the petitioner on dt. 13.03.2023 and such lease deed was valid upto 30.05.2023. Hence the total MGQ for the first year was 42,000 CUM.</p> <p>The Petitioner also deposited Rs.1,82,32,060/- on different dates towards total royalty for MGQ of 42,000 CUM for the first year of the lease period.</p> <p>During the semi-annual assessment on the basis of drone mapping ETS survey conducted on 10.03.2023 , the Tahasildar, Dharmasala came to a conclusion that there was 1,22,112 CUM of total extraction of black Stone from the said BSQ.</p> <p>While taking 14,000 CUM into account, the net unauthorized-extraction came to 1,08,112 CUM quantum of Black Stone. Hence on dt. 10.05.2023, the Tahasildar, Dharmasala impugned demand notice to the petitioner with penalty (@100% of royalty) and other charges.</p>	

~~802~~
Orissa Records Manual, 1964
See Paragraph -207 (1)
(CONTINUATION OF ORDER SHEET)

Sl No. of Order &	Order of Magistrate & Signature	Remarks																								
1	2	3																								
02.04.2024	<p>It is pertinent to mention that in such demand notice permissible quantum of 14,000 CUM is considered instead of 42,000 CUM in total for calculation of net unauthorized extraction.</p> <p>As the petitioner has deposited the royalty for first year of the lease period for 42,000 CUM MGQ and entitled to get benefit of such quantity of MGQ for extraction, therefore the net unauthorized extraction reduced to 80,112 CUM instead of 1,08,112 CUM .</p> <p>Hence in pursuance of the direction of the Collector, Jajpur vide Misc Case No. – 109/2023, the demand notice no. 1955 issued on dt. 10.05.2023 is here by modified as per the below revised calculation.</p> <p style="text-align: center;">Revised Demand</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Sl. No.</th> <th style="text-align: center;">Item</th> <th style="text-align: center;">Amount in Rs.</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>Royalty @ 130 / CUM 130*80112</td> <td style="text-align: right;">1,04,14,560</td> </tr> <tr> <td></td> <td>Addl. Charges @ 238 / CUM 238*80112</td> <td style="text-align: right;">1,90,66,656</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Income tax @ 2% of (royalty + addl. Charges)</td> <td style="text-align: right;">5,89,625</td> </tr> <tr> <td style="text-align: center;">3</td> <td>DMF @ 10% of royalty</td> <td style="text-align: right;">10,41,456</td> </tr> <tr> <td style="text-align: center;">4</td> <td>EMF @ 5% of royalty</td> <td style="text-align: right;">5,20,728</td> </tr> <tr> <td style="text-align: center;">5</td> <td>Penalty(@100% of royalty)</td> <td style="text-align: right;">1,04,14,560</td> </tr> <tr> <td></td> <td style="text-align: center;">Total</td> <td style="text-align: right;">4,20,47,585</td> </tr> </tbody> </table> <p>(Rupees four crore twenty lakh forty-seven thousand five hundred eighty-five only)</p> <p>Issue revised Demand Notice to the petitioner for the above mentioned figure.</p> <p>Further, in this Court today, the petitioner expresses his inability to pay the said revised demand amount at a time. Also, the petitioner submitted an</p>	Sl. No.	Item	Amount in Rs.	1	Royalty @ 130 / CUM 130*80112	1,04,14,560		Addl. Charges @ 238 / CUM 238*80112	1,90,66,656	2	Income tax @ 2% of (royalty + addl. Charges)	5,89,625	3	DMF @ 10% of royalty	10,41,456	4	EMF @ 5% of royalty	5,20,728	5	Penalty(@100% of royalty)	1,04,14,560		Total	4,20,47,585	
Sl. No.	Item	Amount in Rs.																								
1	Royalty @ 130 / CUM 130*80112	1,04,14,560																								
	Addl. Charges @ 238 / CUM 238*80112	1,90,66,656																								
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4	EMF @ 5% of royalty	5,20,728																								
5	Penalty(@100% of royalty)	1,04,14,560																								
	Total	4,20,47,585																								

813 →
~~81~~
 Orissa Records Manual, 1964
 See Paragraph -207 (1)
 (CONTINUATION OF ORDER SHEET)

Sl No. of Order &	Order of Magistrate & Signature	Remarks
1	2	3
02.04.2024	<p>Under taking for payment of the said amount through 08(eight) installments and seek a permission to start the mining operation for the balance MGQ of materials (87,888 CUM) during the installment payment period.</p> <p>Hence after due consideration of the submission of the petitioner through the undertaking and based on the direction of the Collector & D.M, Jajpur vide Misc Case No. – 109/2023, the petitioner is hereby allowed an opportunity to pay of the said amount through 08(eight) installments by post-dated cheque/D.D at regular interval of 45 days (each installment of Rs. 52,55,949/- only) within 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 Nazir of this Office is also directed to realize the revised demand amount from the petitioner in the proper receipt and endorse in the order sheet of the case record.</p> <p>As per the Lease Deed Agreement between the Governor of Odisha represented through the Tahasildar, Dharmasala on dt.31.05.2022 & 13.03.2023, the five (05) years of total lease period of the petitioner has not yet been exhausted. Also, the agreement has not been cancelled by the Competent Authority and it is valid as on date. Again the total quantum of extraction (1,22,112 CUM) is within the total permissible quantity(2,10,000 CUM) allowed over the total 05 years lease period.</p> <p>Hence based on the undertaking of the petitioner, the petitioner shall be permitted to start the mining operation for the balance MGQ of materials (87,888 CUM) during the installment payment period subject to non-lapse of installments as per the time stipulation and execution of subsequent Lease Deed agreement with the</p>	

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 Orissa Records Manual, 1964
 See Paragraph -207 (1)
 (CONTINUATION OF ORDER SHEET)

Sl No. of Order &	Order of Magistrate & Signature	Remarks
1	2	3
02.04.2024	<p>Mining Officer-cum-Competent Authority, Jajpur.</p> <p>The petitioner shall also obtain approval of the revised Mining Plan from the Competent Authority and Environmental Clearance from the SEIAA for the balance MGQ of materials (87,888 CUM) as per the term and conditions in the Tender notice no. 2244 dt. 16.06.2021 for Sl. No. 21 Aruha BSQ having Area Ac. 20.00 and the prevailing agreement. In this regard, the petitioner shall submit an affidavit.</p> <p>As per the tender notice, the annual MGQ for this BSQ was fixed at 42,000 CUM per annum. The two years from the five years of lease period is going to be ended on dt.30.05.2024 as per the agreement. Hence the petitioner shall be allowed the mining operation for the balance MGQ of materials (87,888 CUM) at the rate 42,000 CUM per annum for subsequent 3rd year, 42,000 CUM per annum for subsequent 4th year and 3,888 CUM for subsequent 5th year respectively. The Mining Officer-cum- Competent Authority, Jajpur/ Dy, Director of Mines, Jajpur Circle shall obtain information on the details of installment payment by the lessee before execution of the subsequent lease deed agreements with the lessee.</p> <p>Further, the petitioner is directed to submit an undertaking not to indulge in any illegal mining activities henceforth in future.</p> <p>The case is disposed of.</p> <p>Order pronounced in the open court today, i.e on dt.02nd Apr.,2024.</p> <p>Dictated</p> <p>TdkDy 02/04/2024</p>	
	<p>Tahasildar Dharmasala</p>	<p>Tahasildar, Dharmasala</p> <p>Tahasildar Dharmasala</p>

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Orissa Records Manual, 1964
See Paragraph -207 (1)
(CONTINUATION OF ORDER SHEET)

Sl No. of Order &	Order of Magistrate & Signature	Remarks
1	2	3
03.04.2024	<p>Memo No. 1807 Dt.03.04.2024</p> <p>The copy of extract of the Order of the Tahasildar, Dharmasala on dt.02.04.2024 is forwarded to the Mining Officer-cum- Competent Authority, Jajpur, the Dy. Director of Mines, Jajpur Circle for information and necessary action.</p> <p>Copy to Sri Manoj Ku. Samal, S/o- Mahendra Ku. Samal, At/Po- Aruha, P.S- Dharmasala, Jajpur for information.</p> <p>Copy forwarded to the Collector, Jajpur/ the Superintendent of Hon'ble High Court, Odisha, Cuttack/ the Advocate General of Odisha, Cuttack for favour of kind information.</p> <p style="text-align: right;">  Tahasildar, Dharmasala Tahasildar Dharmasala </p>	



2684 ANNEXURE-204

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.

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OFFICE OF THE TAHASILDAR, DHARMASALA

Tel:-06725-273036 Web:- tdrdharmasala.in Email:-tdrdharmasala@gmail.co

As the annual MGQ for this BSQ was fixed at 42,000 CUM per annum, you shall only be allowed the mining operation for the balance MGQ of materials (87,888 CUM) at the rate 42,000 CUM per annum for subsequent 3rd year, 42,000 CUM per annum for subsequent 4th year and 3,888 CUM for subsequent 5th year respectively.

Memo No. 2245

Date: 25.04.2024

Copy submitted to the Mining Officer, Jajpur/ D.D.M, Jajpur for kind information and necessary action.

ch/ Tahasildar, Dharmasala
25/04/2024

Memo No. 2246

Date: 25.04.2024

Copy submitted to the Collector & D.M, Jajpur for favour of kind information.

ch/ Tahasildar, Dharmasala
25/04/2024

Memo No. 2247

Date: 25.04.2024

Copy submitted to the Superintendent of Hon'ble High Court, Odisha, Cuttack for favour of kind information.

ch/ Tahasildar, Dharmasala
25/04/2024

Copy submitted to the Advocate General, Odisha, Cuttack for favour of kind information.

ch/ Tahasildar, Dharmasala
25/04/2024



Government of Odisha
 Offline Challan Deposit Form
 Depositor's Copy

~~28~~



ANNEXURE H

Challan of Cash/Cheque/DD paid through HDFC BANK at Cyber Treasury, Odisha, Bhubaneswar

1. Name of the Depositor : MANOJ KUMAR SAMAL
 2. Mobile No. : 8093701067
 3. Department Identification ID :
 4. Challan Generation Date & Time : 30/09/2024 04:26:45 PM

5. Head of Account

Purpose	Head Of Account	Amount
Odisha Minor Mineral Concession Rules	0853-00-102-0217-02021	Rs. 5255949/-
	Total Amount	Rs. 5255949/-

Total Amount (In words) - Fifty Two Lakh Fifty Five Thousand Nine Hundred Forty Nine Only

6. Treasury Reference ID : 381890A261
 7. Bank Transaction Date & Time :

- This challan is valid for 7 days from the date of online entry.
- In case of Cheque, bank transaction id will be available after realization of the cheque.
- In case of Cheque/DD, it should be payable to 'State Government Receipts - Challan Reference Id'.

Manoj kumare samal
 Signature of the Depositor

Manoj Samal
Ramesh Pandey
 FINDS TRANSFER
 [] BY Check [] Sign. Verif.

Signature of Bank Officer with S



~~87~~
Government of Odisha
Cyber Treasury
eChallan

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1.	Name of the Depositor	MANOJ KUMAR SAMAL
2.	Depositor's Address	ATPO- ARUHA DHARMASALA Odisha Jajpur 755024
3.	District	Jajpur
4.	e Challan Reference Id	3A3C772D9F
5.	Total Transaction Amount (In Rs.)	Rs. 1500000/- (echallan- Rs. 1500000/- + agency- Rs. 0/-)
6.	Amount (In words)	Fifteen Lakh Only

Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Odisha Minor Mineral Concession Rules	0853-00-102-0217-02021-000	Rs. 1500000/-	Not Generated
	Total Amount	Rs. 1500000/-	

Bank Details

Name of the Bank	HDFC BANK
Mode of Transaction	Net Banking
Bank Transaction ID	ZHREONI0BDHCGP
Bank Transaction Date & Time	22/01/2025 06:47:38 PM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

Payment Remarks

MINES INSTALLMENT PAYMENT

GOVERNMENT OF ODISHA
Directorate of Treasuries and Inspection

* This is a computer generated challan and doesn't require any signature or stamp.

Generated on : 22/01/2025 06:47:09 PM




 Government of Odisha
 Cyber Treasury
 eChallan



1.	Name of the Depositor	MANOJ KUMAR SAMAL
2.	Depositor's Address	ATPO- ARUHA DHARMASALA Odisha Jajpur 755024
3.	District	Jajpur
4.	e Challan Reference Id	3A3C770BD5
5.	Total Transaction Amount (In Rs.)	Rs. 3000000/- (echallan- Rs. 3000000/- + agency- Rs. 0/-)
6.	Amount (in words)	Thirty Lakh Only

Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Odisha Minor Mineral Concession Rules	0853-00-102-0217-02021-000	Rs. 3000000/-	Not Generated
Total Amount		Rs. 3000000/-	

Bank Details

Name of the Bank	HDFC BANK
Mode of Transaction	Net Banking
Bank Transaction ID	ZHRESG50BD6H4Z
Bank Transaction Date & Time	22/01/2025 04:33:54 PM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

Payment Remarks

MINES INSTALLMENT PAYMENT

GOVERNMENT OF ODISHA
Directorate of Treasuries and Inspection

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Generated on : 22/01/2025 04:33:09 PM



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 Government of Odisha
 Cyber Treasury
 eChallan



1.	Name of the Depositor	MANOJ KUMAR SAMAL
2.	Depositor's Address	ATPO- ARUHA DHARMASALA Odisha Jajpur 755024
3.	District	Jajpur
4.	e Challan Reference Id	3A3C869104
5.	Total Transaction Amount (In Rs.)	Rs. 755949/- (echallan- Rs. 755949/- + agency- Rs. 0/-)
6.	Amount (In words)	Seven Lakh Fifty Five Thousand Nine Hundred Forty Nine Only

Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Odisha Minor Mineral Concession Rules	0853-00-102-0217-02021-000	Rs. 755949/-	Not Generated
	Total Amount	Rs. 755949/-	

Bank Details

Name of the Bank	HDFC BANK
Mode of Transaction	Net Banking
Bank Transaction ID	ZHREB4W0BEZDP6
Bank Transaction Date & Time	23/01/2025 01:27:19 PM
Bank Transaction Status	Successful. Confirmation Received from Bank as Success

Payment Remarks

MINES INSTALLMENT 1ST CLEAR

GOVERNMENT OF ODISHA
 Directorate of Treasuries and Inspection

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Generated on : 23/01/2025 01:26:41 PM



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 Government of Odisha
 Cyber Treasury
 eChallan



1.	Name of the Depositor	MANOJ KUMAR SAMAL
2.	Depositor's Address	ATPO- ARUHA DHARMASALA Odisha Jajpur 755024
3.	District	Jajpur
4.	e Challan Reference Id	3A3C86905E
5.	Total Transaction Amount (In Rs.)	Rs. 3000000/- (echallan- Rs. 3000000/- + agency- Rs. 0/-)
6.	Amount (In words)	Thirty Lakh Only

Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Odisha Minor Mineral Concession Rules	0853-00-102-0217-02021-000	Rs. 3000000/-	Not Generated
	Total Amount	Rs. 3000000/-	

Bank Details

Name of the Bank	HDFC BANK
Mode of Transaction	Net Banking
Bank Transaction ID	ZHREV710BEYK9M
Bank Transaction Date & Time	23/01/2025 01:17:03 PM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

Payment Remarks

MINES INSTALLMENT PAYMENT

GOVERNMENT OF ODISHA
 Directorate of Treasuries and Inspection

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Generated on : 23/01/2025 01:15:53 PM



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Government of Odisha
Cyber Treasury
eChallan

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1.	Name of the Depositor	MANOJ KUMAR SAMAL
2.	Depositor's Address	ATPO-ARUHA DHARMASALA Odisha Jajpur 755024
3.	District	Jajpur
4.	e Challan Reference Id	3A3C963B8D
5.	Total Transaction Amount (In Rs.)	Rs. 2255949/- (echallan- Rs. 2255949/- + agency- Rs. 0/-)
6.	Amount (In words)	Twenty Two Lakh Fifty Five Thousand Nine Hundred Forty Nine Only

Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Odisha Minor Mineral Concession Rules	0853-00-102-0217-02021-000	Rs. 2255949/-	Not Generated
Total Amount		Rs. 2255949/-	

Bank Details

Name of the Bank	HDFC BANK
Mode of Transaction	Net Banking
Bank Transaction ID	ZHRE0CS0BGYHJB
Bank Transaction Date & Time	24/01/2025 12:03:42 PM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

Payment Remarks

MINES DUE INSTALLMENT PAYMENT CLEAR

GOVERNMENT OF ODISHA
Directorate of Treasuries and Inspection

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 Government of Odisha
 Cyber Treasury
 eChallan



1.	Name of the Depositor	MANOJ KUMAR SAMAL
2.	Depositor's Address	ATPO- ARUHA DHARMASALA Odisha Jajpur 755024
3.	District	Jajpur
4.	e Challan Reference Id	3A47438823
5.	Total Transaction Amount (In Rs.)	Rs. 3000000/- (echallan- Rs. 3000000/- + agency- Rs. 0/-)
6.	Amount (in words)	Thirty Lakh Only

Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Odisha Minor Mineral Concession Rules	0853-00-102-0217-02021-000	Rs. 3000000/-	Not Generated
Total Amount		Rs. 3000000/-	

Bank Details

Name of the Bank	HDFC BANK
Mode of Transaction	Net Banking
Bank Transaction ID	ZHRETHJ0ECO9UG
Bank Transaction Date & Time	03/03/2025 06:16:01 PM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

Payment Remarks

DDM EMI PAYMENT

GOVERNMENT OF ODISHA
Directorate of Treasuries and Inspection

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9X3
Government of Odisha
Cyber Treasury
eChallan



1.	Name of the Depositor	MANOJ KUMAR SAMAL
2.	Depositor's Address	ATPO- ARUHA DHARMASALA Odisha Jajpur 755024
3.	District	Jajpur
4.	e Challan Reference Id	3A4743736E
5.	Total Transaction Amount (In Rs.)	Rs. 1500000/- (echallan- Rs. 1500000/- + agency- Rs. 0/-)
6.	Amount (In words)	Fifteen Lakh Only

Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Odisha Minor Minera Concession Rules	0853-00-102-0217-02021-000	Rs. 1500000/-	Not Generated
	Total Amount	Rs. 1500000/-	

Bank Details

Name of the Bank	HDFC BANK
Mode of Transaction	Net Banking
Bank Transaction ID	ZHRE9280ECCQ493
Bank Transaction Date & Time	03/03/2025 06:29:44 PM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

Payment Remarks

DDM EMI PAYMENT

GOVERNMENT OF ODISHA
Directorate of Treasuries and Inspection

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Generated on : 03/03/2025 06:28:35 PM



94
Government of Odisha
Cyber Treasury
eChallan

~~16~~



1.	Name of the Depositor	Manoj Kumar Samal
2.	Depositor's Address	AtPo- Aruha Dharmasala Odisha Jajpur 755024
3.	District	Jajpur
4.	e Challan Reference Id	3A475362EA
5.	Total Transaction Amount (In Rs.)	Rs. 755949/- (echallan- Rs. 755949/- + agency- Rs. 0/-)
6.	Amount (In words)	Seven Lakh Fifty Five Thousand Nine Hundred Forty Nine Only

Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Odisha Minor Mineral Concession Rules	0853-00-102-0217-02021-000	Rs. 755949/-	Not Generated
Total Amount		Rs. 755949/-	

Bank Details

Name of the Bank	HDFC BANK
Mode of Transaction	Net Banking
Bank Transaction ID	ZHRE2AV0EFWU04
Bank Transaction Date & Time	04/03/2025 07:20:48 PM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

Payment Remarks

MINES EMI PAYMENT CLEAR

GOVERNMENT OF ODISHA
Directorate of Treasuries and Inspection

* This is a computer generated challan and doesn't require any signature or stamp.

Generated on : 04/03/2025 07:19:37 PM



Government of Odisha
Offline Challan Deposit Form
Depositor's Copy

~~42~~



Challan of Cash/Cheque/DD paid through HDFC BANK at Cyber Treasury, Odisha, Bhubaneswar

1. Name of the Depositor : MANOJ KUMAR SAMAL

2. Mobile No. : 8093701067

3. Department Identification ID :

4. Challan Generation Date & Time : 25/03/2025 02:52:21 PM

5. Head of Account

Purpose	Head Of Account	Amount
Odisha Minor Mineral Concession Rules	0853-00-102-0217-02021	Rs. 21023796/-
	Total Amount	Rs. 21023796/-

Total Amount (In words) - Two Crore Ten Lakh Twenty Three Thousand Seven Hundred Ninety Six Only

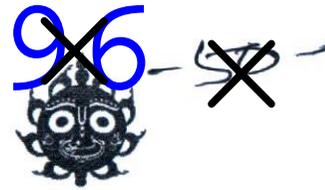
6. Treasury Reference ID : 3A4888AF49

7. Bank Transaction Date & Time

- This challan is valid for 7 days from the date of online entry.
- In case of Cheque, bank transaction id will be available after realization of the cheque.
- In case of Cheque/DD, it should be payable to 'State Government Receipts- <Challan Reference Id>'.

Manoj Kumar Samal
Signature of the Depositor

[Circular Stamp]
Signature of Bank Officer with S



Om Sri Sri Prajapataye Namah

॥ मङ्गलम् भगवान् विष्णुः, मङ्गलम् गरुणध्वजः।
मङ्गलम् पुण्डरी काक्षः, मङ्गलाय तनो हरिः॥ ॥

Dear Sir/Madam,

We solicit your gracious presence with family on the auspicious occasion of the

Marriage Ceremony of Our Youngest Brother

Late Mahendra Kumar Samal & Smt. Subashini Samal's only son

Ayushman **MANOJ** (Babuna)

Weds

Ayushmati **MITALI** (Mita)

*Youngest daughter of Sj. Rabindra Kumar Behera & Smt. Nirmala Behera
of Jabara, Manpur.*

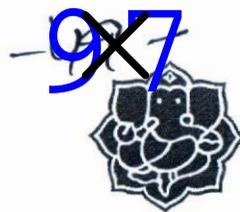
On 12th. March, 2025, Wednesday.

Kindly grace the occasion and bless the newly weds.



Awaiting Yours
Sj. Prakash Kumar Samal
Sj. Nabakishore Samal

Wedding
Invitation



॥ वक्रतुंड महाकाय सूर्यकोटि समप्रभ
निर्विघ्नं कुरुमेदेव सर्वकार्येषु सर्वदा ॥



Programme

Dt. 11.03.2025 (Tuesday):

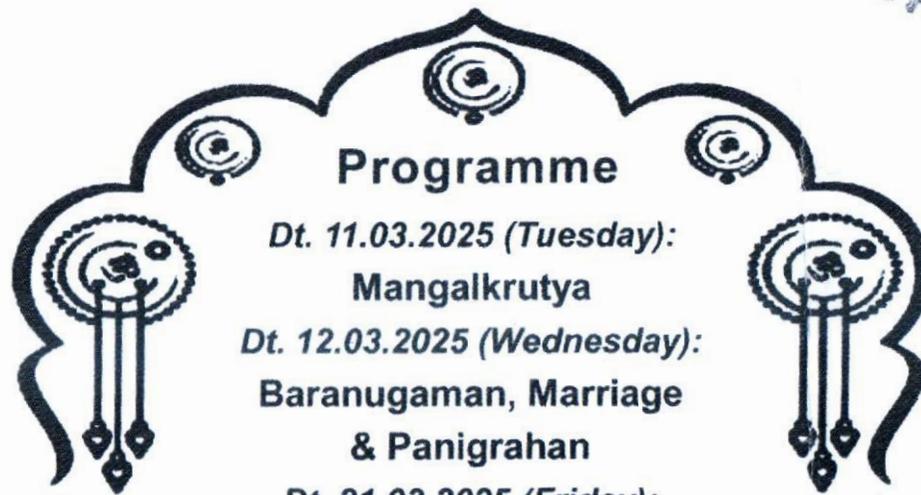
Mangalkrutya

Dt. 12.03.2025 (Wednesday):

Baranugaman, Marriage
& Panigrahan

Dt. 21.03.2025 (Friday):

RECEPTION At 6 PM. Onwards



-: VENUE :-

Aruha, Dharmasala, Jajpur



With Best Compliments From:
Family, Friends & Relatives.



COLLECTORATE : JAJPUR

Ph. 06728-222001 (O), 222330 (R), FAX – 222087
E-mail: dm-jajpur@nic.in, web site: www.jajpur.nic.in
(Revenue Section)

No. 4858 / Date. 29-03-2025

From:

P. Anvesha Reddy, IAS
Collector & District Magistrate, Jajpur

To,

The Chairman, SEIAA, Odisha.
Bhubaneswar

Sub: Allegation of the residents of the Aruha Village, Dharmasala Tahasil, Jajpur regarding illegal mining going on in the Aruha Stone Quarries, Dharmasala- regarding

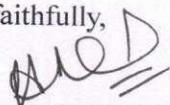
Ref: (1) Your Office Letter No.6330/SEIAA-161/012025 dated 11.03.2025 addressed to the ACS, Department of Home & In addl. Charge of Department of Forest Environment & Climate Change, Govt. of Odisha, Bhubaneswar.
(2) Memo No. 6331/CR dt. 11.01.2025

Madam/Sir,

In inviting a reference to the subject and communiqué quoted above, I am to enclose herewith an interim inquiry report duly enquired into by a team comprising of officers as per terms of reference contained in ibid letter. The inquiry report is self-explanatory and the final report will be transmitted upon receipt of DGPS survey report by ORSAC empanelled agency as quoted in the said inquiry report.

This is for your kind information and necessary action.

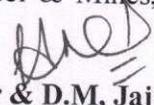
Yours faithfully,


Collector & D.M, Jajpur

Encl: As above.

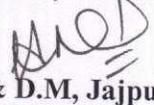
Memo No. 4859 //Dated 29.03.2025

Copy forwarded to the Addl. Chief Secretary, Department of Steel & Mines, Govt. of Odisha, Bhubaneswar .


Collector & D.M, Jajpur

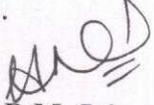
Memo No. 4860 //Dated 29.03.2025

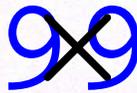
Copy forwarded to the Director of Mines/Director of Minor Mineral, both, Steel & Mines Department, Govt. of Odisha, Bhubaneswar .


Collector & D.M, Jajpur

Memo No. 4861 //Dated 29.03.2025

Copy forwarded to the Member Secretary, SPCB, Odisha, Bhubaneswar .


Collector & D.M, Jajpur



ENQUIRY REPORT ON ALLEGATION OF THE RESIDENTS OF ARUHA VILLAGE, DHARMASALA TAHASIL, JAJPUR REGARDING ILLEGAL MINING GOING ON IN THE ARUHA STONE QUARRY, DHARMASALA.

Ref:- Letter No. M6330/SEIAA-161/01-2025 dated 11.03.2025 of SEIAA, Odisha, Bhubaneswar.

.....

1. Introduction. In pursuance of above quoted letter of SEIAA, Odisha, Bhubaneswar and as directed by Collector & District Magistrate, Jajpur, an enquiry team comprising of following officers jointly visited in BSQ area of Village- Aruha under Dharmasala Tahasil of Jajpur District.

1. Addl. District Magistrate (Rev.), Jajpur
2. D.F.O., Cuttack
3. Deputy Director of Mines (Minor Minerals), Jajpur Circle
4. Sub-Collector, Jajpur
5. Tahasildar, Dharmasala, Dist-Jajpur
6. Regional Officer, SPCB, Kalinga Nagar Circle, Jajpur
7. Mining Officer, Jajpur district

Accordingly, the team visited Black Stone Quarry (BSQ) area of Aruha village on 24.03.2025 along with field officials of Dharmasala Tahasil to assist the inquiry team along with village map and land records.

2. Terms of Reference (TOR). Terms of Reference (TOR) for the enquiry as contained in ibid Letter of SIEAA, Odisha, Bhubaneswar are as follows.

- (a) An enquiry by the District Administration into the matter is to be initiated immediately. The points in the subsequent items are to be considered for enquiry.
- (b) The lease period and the date upto which it is valid for each of these mines is to be ascertained from the concerned Tahasildar, Mining Officer. The individual period and the dates are to be mentioned in the in last two columns of the proforma given above. The same is to be communicated to your office along with o/o SEIAA, Odisha by the return of mail.
- (c) In the case, the validity of the lease has expired or any illegal activity is observed in any of the mines under the cluster, this mining activity has to be closed with immediate effect. The support of Police in this action may also be required and solicited.
- (d) Extraction of the Minor Mineral from the Black Stone Quarry beyond a depth of 6 meters below surface area as prescribed in the approved mining plan of Aruha BSQ is to be ascertained.

3. **The details of lease of Aruha BSQ area.** A detailed information about the Aruha BSQ in the given format is as follows

SI No.	E.C Serial No.	Name of the Proponent / Lessee	Name of Proposal	Date of Grant of E.C	Validity period of Lease	Date of expiry of lease
1.	EC22B001OR1 64789	Manoj Kumar Samal	Aruha BSQ over 20 Acre or 8.09 Hect in village Aruha under Dharmasala Tahasil, Jajpur	11.02.2022	5 years	30.05.2027
2.	EC23B001OR1 63112	Sri Sarat Jena	Proposal for EC of Aruha BSQ (Cluster SI No.2/3), Khata No.779, Plot No.2807,2808,2811, over an area of 18.88 acres or 7.64 hacters or 7.64 hacters in village Aruha under Dharmasala Tahasil, Dist-Jajpur.	17.01.2023	5 years	21.03.2028

4. **Findings of the Enquiry Team.** The Inquiry Team after physical verification of Aruha BSQ area observed the followings.

(a) **Lessee Sri Sarat Jena Aruha BSQ No. 3 (Ac. 18.88 dec).** Tthe enquiry team physically inspected Aruha BSQ No. 3 (Ac. 18.88 dec) leased out in favour of Sri Sarat Jena and the followings were observed.

- (i) The lease period was up to 21st March 2028.
- (ii) The lease deed has been executed between the Lessee and Tahasildar, Dharmasala on dated 22.03.2023, the E.C has been obtained vide EC-23B-001-OR163112 dated 17.01.2023 along with CTO & CTE from RO, SPCB, Kalinga Nagar.
- (ii) Permissible quantity of minor mineral was 42034 cum per annum.
- (iii) The EC was valid upto 16.01.2025.
- (iv) During physical inspection of BSQ No. 3 it was found to be non-operational and there was no trace of deployment of any equipment or manpower.
- (v) As regards extraction of Minor Minerals beyond a depth of 6 metres from surface area, the same could not be ascertained physically / eye estimation due to peculiar geographical conditions of the hilly terrain interspersed with valley like landscape and patches of plain land. Therefore, it was decided to engage DGPS/UAV/Drone survey by an ORSAC empanelled agency for which Mining Officer, Jajpur has

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requested M/S. TKS Consultancy Services, Bhubaneswar vide his Letter No. 1751/MM dated 24.03.2025 for said survey. A copy of his Letter No. 1751/MM dated 24.03.2025 is enclosed for kind reference).

(vi) In addition, the Mining Officer, Jajpur during his visit to the BSQ No. 3 on 11.03.2025 found that the said BSQ was operational even though the EC clearance had expired on 16.01.2025. The Mining Officer, Jajpur seized 16 nos. of vehicles & machinery from the quarry site and imposed a penalty of Rs. 40,25,000/- (Rupees Forty Lakh Twenty-Five Thousand Only) vide Demand Note No. 1801/MM dated 26.03.2025 which is yet to be realised from the lessee. A copy of the Demand Note No. 1801 dated 26.03.2025 is enclosed for ready reference please.

(b) **Lessee Sri Manoj Kumar Samal. Aruha BSQ No. 5 (Ac. 20.00 dec).** The Inquiry Team after physical inspection of the Quarry observed the followings.

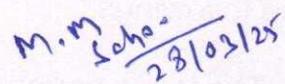
- (i) The lease period is upto 30.05.2027.
- (ii) The lease deed has been executed between the lessee and the Tahasildar, Dharmasala on 31.05.2022. EC has been obtained vide No. EC-2022B-001-OR-16478 dated 11.05.2022 along with CTO & CTE from RO, SPCB, Jajpur and Kalinga Nagar.
- (iii) Permissible quantity of minor mineral is 42000 cum / per annum as per approved Mining Plan.
- (iv) It may also be supplemented that the same lessee was imposed a fine of Rs. 4,20,47,585/- (Rupees Four Crores Twenty Lakh Forty-Seven Thousand Five Hundred Eighty-Five Only) after hearing by the Collector & District Magistrate, Jajpur arising out of W.P (C) No. 36628/23 for excess extraction of Minor Mineral to be payable by the lessee in 8 (eight) equal instalments @ Rs. 52,55,949/- in regular interval of 45 days w.e.f. 01.05.2024. The lessee has cleared outstanding dues by now and OPDR case has been closed on 26.03.2025.
- (v) As regards extraction of Minor Minerals beyond a depth of 6 metres from surface area, the same could not be ascertained physically / eye estimation due to peculiar geographical conditions of the hilly terrain interspersed with valley like landscape and patches of plain land. Therefore, it was decided to engage DGPS/UAV/Drone survey by an ORSAC empanelled agency for which Mining Officer, Jajpur has requested M/S. TKS Consultancy Services, Bhubaneswar vide his Letter No. 1751/MM dated 24.03.2025 for said survey. A copy of his Letter No. 1751/MM dated 24.03.2025 as stated previously is enclosed for kind reference).

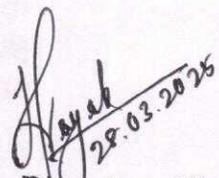
102

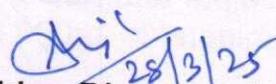
5. **The distance factor.** To ascertain the distance factor, a field visit was conducted on 07.03.2025 by Mining Officials, Regional Officer, State Pollution Control Board, Kalinganagar and Revenue Officials of Dharmasala Tahasil. In this context, an ORSAC empanelled agency i.e. M/S TKS Consultancy Services, Bhubaneswar was requested to conduct a survey through DGPS for measurement of distance from BSQs to nearby habitats, railway line, ponds, schools and crusher units in Aruha cluster under Dharmasala Tahasil of Jajpur district. The said agency has submitted its report which reveals that both the quarries i.e. Aruha BSQ No.3 (18.88 Acre) & Aruha BSQ No.5 (20 Acre) are in safe distance i.e. more than 200 meter from the nearby habitats, railway line, ponds and schools. The said report along with the Map showing the distance factor is annexed herewith for ready reference.

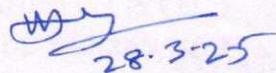
Encl: As above

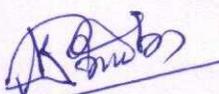

Mining Officer, Jajpur District

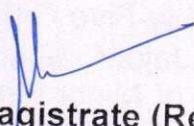

RO, SPCB,
Kalinga Nagar

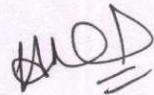

Deputy Director, Mines
Jajpur Circle


Tahasildar, Dharmasala


Sub-Collector, Jajpur


D.F.O., Cuttack


Addl. District Magistrate (Rev),
Jajpur


Collector & DM, Jajpur

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GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR

E - mail: ddmjajpur.mm@gov.in

Letter No. 1801

To /MM, Jajpur/ Date 26-03-2025

Sarat Kumar Jena, Lessee - Aruha BSQ (18.88Ac).

Sub: Notice for imposition of Penalty.

You are directed to show-cause within three days why an amount of Rs. 40,25,000/- as detailed below shall not be imposed on you towards penalty against the vehicles / machines seized on 12.03.2025 from your quarry.

SI No.	Type of Vehicles / Machines seized	Regd. No. / SI No.	Penalty Imposed INR
1	Excavator, Kobalco Model-SK220XDLC-10	YQ1551195	4,00,000.00
2	Tata Hitachi-model-EX210LCSUPER+	*SP2163416*	4,00,000.00
3	Kobelco-Model-SK220XD-10	VN15505025	4,00,000.00
4	JCB	84563316 (SI No.)	4,00,000.00
5	Tractor	PUNJDIACR3400417 (PI No.)	4,00,000.00
6	JCB	OR04A9875	75,000.00
7	JCB	84578416	4,00,000.00
8	JCB	84559134	4,00,000.00
9	Hywa	84563941	4,00,000.00
10	Tata	OD04L1167	4,00,000.00
11	Hywa	OD14AH4557	3,00,000.00
12	Tractor	OD19F0222	2,00,000.00
13	Tractor	OD05D4044	3,00,000.00
14	Tractor	CA650001221 (Chesis No.)	50,000.00
15	Tractor	MBNBF52AFICP08439	75,000.00
16	Tractor	OD-04 K5832	75,000.00
	Total	SAJ32760303 (Engin No.)	75,000.00
			40,25,000.00

Yours faithfully,

[Signature]
26/03/25

Mining Officer (I/C), Jajpur.

Memo No. 1802

M.M. Jajpur, Date. 26-03-2025

Copy submitted to the Deputy Director of Mines, Jajpur Circle, Jajpur for favour of kind information.

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GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR

E - mail: ddmjajpur.mm@gov.in

Letter No. 1751 /MM, Jajpur/ Date 24-03-2025

From

Mining Officer,
Jajpur District.

To

TKS Consultancy Services.
Plot No. 4482/12068, Pandra near puri NH
GGP Colony, Rasulgarh, BBSR - 751025

Sub: Allegation of the residents of Aruha Village, Dharmasala Tahasil, Jajpur regarding illegal mining going on in the Aruha Stone Quarry, Dharmasala-regarding.

Ref: (1) Letter No.6330 Dated 11.03.2025 of the Chairman, SEIAA, Odisha.
(2) This office Letter No.924, Dated.18.02.2025.

Sir,

With reference to the subject and this office letter under reference, you were requested to submit the Drone & DGPS Survey Report at the earliest which is still awaited. In addition to this, the Chairman, SEIAA, Odisha has sought information regarding extraction of black stone within the permissible limit i.e. up to a depth of 6 metres from the surface as prescribed in the approved mining plan of the concerned stone quarry.

In this regard, you are requested to submit a report primarily whether excavation has been done beyond 6 metre or not with a supporting Map w.r.t Aruha BSQ (20 Acre) and Aruha BSQ (18.88) Acre under Tahasil Dharmasala, Dist-Jajpur within two (2) days.

Yours faithfully,

Mining Officer (I/C), Jajpur.

Memo No. 1752, M.M, Jajpur, Date. 24-03-2025

Copy submitted to the Deputy Director of Mines, Jajpur Circle, Jajpur for favour of kind information.

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DISTANCE FROM BSQs TO HABITATIONS, RAILWAY LINE, POND, SCHOOLS, CRUSHER UNITS IN ARUHA CLUSTER UNDER DHARMASALA TAHASIL OF JAJPUR DISTRICT

Sl No.	Habitation/Structures/Schools	DGPS CO-ORDINATES (Longitude & Latitude)	Distance From (Fixed points)	Actual Distance as per DGPS Survey (in Meter)
1	NANPUR V-1	86° 6' 32.971" E, 20° 44' 36.145" N	BSQ-4, PILLAR-15	445.53
2	RAILWAY-LINE	86° 6' 33.652" E, 20° 44' 52.173" N	BSQ-1, PILLAR-2	112.2
3	MANOJ KU SAMAL-CRUSHER	86° 5' 56.329" E, 20° 45' 13.144" N	BSQ-2, PILLAR-23	16.35
4	RAILWAY-LINE	86° 6' 1.413" E, 20° 45' 20.849" N	BSQ-2, PILLAR-23	294.06
5	PRASANT KUMAR NAYAK CRUSHER	86° 6' 17.307" E, 20° 44' 59.442" N	BSQ-4, PILLAR-3	31.35
6	ASHOK PARIDA CRUSHER-	86° 6' 15.597" E, 20° 45' 3.739" N	BSQ-5 & BSQ-3, COMMON PILLAR-6	116.32
7	RAILWAY-LINE	86° 6' 16.662" E, 20° 45' 7.232" N	BSQ-5 & BSQ-3, COMMON PILLAR-6	205.113
8	SARAT KUMAR JENA CRUSHER	86° 5' 58.530" E, 20° 44' 53.608" N	BSQ-2, PILLAR-3	99.67
9	JABERA TALI SCHOOL	86° 5' 47.786" E, 20° 45' 0.017" N	BSQ-2, PILLAR-13	202.16
10	JABERA TALI POND	86° 5' 48.849" E, 20° 44' 57.780" N	BSQ-2, PILLAR-12	200.87
11	GODHI SAHI VILLEGE	86° 5' 42.821" E, 20° 45' 13.142" N	BSQ-2, PILLAR-19	338.14
12	SUNDUREI SCHOOL PAKHARA VILLAGE	86° 5' 37.378" E, 20° 45' 24.564" N	BSQ-2, PILLAR-20	651.133
13	ARUHA SCHOOL	86° 6' 7.221" E, 20° 44' 11.423" N	BSQ-3, PILLAR-18	1137.14
14	ARUHA HIGHSCHOOL	86° 6' 4.716" E, 20° 44' 7.339" N	BSQ-3, PILLAR-17	1276.43
15	ARUHA POND	86° 6' 12.218" E, 20° 44' 7.269" N	BSQ-3, PILLAR-20	1256.58
16	NANPUR-SCHOOL	86° 6' 28.885" E, 20° 44' 22.191" N	BSQ-4, PILLAR-16	818.62
17	MURARIPUR SCHOOL	86° 6' 37.863" E, 20° 44' 57.353" N	BSQ-1, PILLAR-1	329.26
18	GANGA POND ARUHA	86° 6' 0.234" E, 20° 44' 33.603" N	BSQ-3, PILLAR-14	547.03
19	PAKHARA VILLAGE	86° 5' 32.185" E, 20° 45' 27.501" N	BSQ-2, PILLAR-21	826.77
20	RAILWAY-LINE	86° 6' 23.507" E, 20° 45' 1.365" N	BSQ-4, PILLAR-8	168.37
21	RAILWAY-LINE	86° 6' 19.182" E, 20° 45' 5.084" N	BSQ-3, PILLAR-3	205.41





ANNEXURE-~~106~~

OFFICE OF THE TAHASILDAR, DHARMASALA

Tel:-06725-273036 Web:- tdrdharmaasala.in Email:-tdrdharmaasala@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.

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OFFICE OF THE TAHASILDAR, DHARMASALA

Tel:-06725-273036 Web:- tdrdharmasala.in Email:-tdrdharmasala@gmail.co

As the annual MGQ for this BSQ was fixed at 42,000 CUM per annum, you shall only be allowed the mining operation for the balance MGQ of materials (87,888 CUM) at the rate 42,000 CUM per annum for subsequent 3rd year, 42,000 CUM per annum for subsequent 4th year and 3,888 CUM for subsequent 5th year respectively.

Memo No. 2245

Date: 25.04.2024


 Tahasildar, Dharmasala

Copy submitted to the Mining Officer, Jajpur/ D.D.M, Jajpur for kind information and necessary action.

Memo No. 2246

Date: 25.04.2024


 Tahasildar, Dharmasala

Copy submitted to the Collector & D.M, Jajpur for favour of kind information.

Memo No. 2247

Date: 25.04.2024


 Tahasildar, Dharmasala

Copy submitted to the Superintendent of Hon'ble High Court, Odisha, Cuttack for favour of kind information.

Copy submitted to the Advocate General, Odisha, Cuttack for favour of kind information.


 Tahasildar, Dharmasala

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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

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

Letter no. **6433/** SEIAAA-161/01-2025

Dated: 06.05.2025

To

Sri Manoj Kumar Samal
S/o- Mahendra Kumar Samal
At/Po-Aruha, Ps-Dharmasala,
Dist-Jajpur, Odisha, Pin-755024

Sub: Intimation on the decision on "Keeping in Abeyance" of the Environment Clearance (EC) Identification No.-EC22B001OR164789 dated 11.05.2022 granted to Sri Manoj Kumar Samal, the successful bidder for mining of stone from Aruha Black Stone Quarry No.05 over an Area 20.00 Ac or 8.09 Ha bearing Khata no.779, Plot No. 2694 (P), 2807 (P) & 2808 (P) in Village-Aruha, Tahasil- Dharmasala, Dist-Jajpur, Odisha -Reg.

Ref: 1. EC Identification No.-EC22B001OR164789 dated 11.05.2022
2. Our Show Cause notice to Sri Manoj Kumar Samal vide letter no.6237/SEIAA dated 30.01.2025 & reminder letter no.6310/SEIAA dated 28.02.2025.
3. The Collector & District Magistrate, Jajpur letter no. 4858 dated 29.03.2025
4. Show Cause reply from Sri Manoj Kumar Samal on dated 26.03.2025

Sir/Madam,

With reference to the above cited subject, it is to inform you that the Environmental Clearance (EC) has been granted by SEIAA, Odisha to the above-mentioned stone quarry of Aruha Black Stone Quarry No.05 as per the application submitted and based on information by the Tahasildar, Dharmasal of Jajpur District and the Project Proponent Sri. Manoj Kumar Samal. The approval for EC was granted vide EC Identification No.-EC22B001OR164789 dated 11.05.2022 to Sri Manoj Kumar Samal, the successful bidder for an extraction quantity of stone material of 42000 cum/annum and total extraction of 210000 cum in 5 years lease period as per the approved Mining Plan dated 29.01.2022 with stipulated conditions and accordingly, the quarry was being operated by the successful bidder/lessee Sri Manoj Kumar Samal.

In the meantime, a public complaint petition dated 06.12.2024 was received from Smt. Banaprava Bal, Sarapanch, Aruha G.P. and villagers of Aruha, Tahasil-Dharmasala, Dist-Jajpur with allegation on over production from Aruha Black Stone Quarry No. 05 over an Area 20.00 Ac or 8.09 Ha. Accordingly, a Show Cause Notice was issued by SEIAA vide letter dated 30.01.2025 with subsequent reminder letter no. 6310/SEIAA dated 28.02.2025 to Sri. Manoj Kumar Samal for excess mining and violation of EC conditions. A copy of the said letter was also marked to the Collector, Jajpur and DDM, Jajpur for

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 information and to submit enquiry report on the same. Sri. Manoj Kumar Samal has submitted his reply against the Show Cause Notice on dated 26.03.2025 wherein he has accepted that an excess mining of 80,112 cum of stone has been extracted from the source.

The Collector, Jajpur has also intimated vide letter dated 29.03.2025 that due to excess mining of **80,112 cum stone** material from source, a hearing was conducted on the matter by Collector & District Magistrate, Jajpur arising out of W.P. (C) No. 36628/23 for excess mining and a fine amounting of **Rs. 4,20, 47,585/-** was imposed on the lessee Sri. Manoj Kumar Samal, which he has already deposited in 08 (eight) instalments and the OPDR case against him was closed on 26.03.2025.

Further, a case has been filed before the Hon'ble NGT, Eastern Zone Bench, Kolkata vide OA no. 68/2025/EZ in the matter of Dusmant Kumar Bal Vrs Sate of Odisha and Ors. on Aruha Black Stone Quarry over an Area 20.00 Ac or 8.09 Ha of Sri. Manoj Kumar Samal and Aruha BSQ. 03 of Sri. Sarat Jena. After hearing the case, the Hon'ble Tribunal has passed an order on 15.04.2025 with the following directions as follows:

- i. **Para-17 of the order**-All the Respondents shall file their counter-affidavits within four weeks.
- ii. **Para-18 of the order**-Considering the allegations made in the Original Application, we deem it appropriate to constitute a Joint Committee comprising of the following members: -
 - a. Collector & District Magistrate, District- Jajpur or his representative not below the rank of Additional District Magistrate (ADM);
 - b. Senior Scientist, Odisha State Pollution Control Board
 - c. Director of Mines, Directorate of Mines, Government of Orissa, Khordha, Bhubaneswar or his representative.
- iii. **Para-19 of the order**-The Committee shall visit the site in question and thereafter submit an Inspection Report on Affidavit within four weeks with regard to the allegations made in the Original Application.
- iv. **Para-20 of the order**-The Collector and District Magistrate, Dhenkanal shall be the Nodal Office for all logistic purposes and for file the Inspection Report on affidavit.

The matter was placed in the 197th meeting of SEIAA, Odisha held on 29.04.2025 and the Authority observed that the project proponent Sri. Manoj Kumar Samal has accepted that there was excess mining of **80,112 cum stone** material from the source of Aruha Black Stone Quarry No. 05 (20.00 acres) for which a fine amounting to **Rs.4,20,47,585/-** was imposed by Tahasildar, Dharmasal which was deposited by him in 08 (eight) instalments and the same was also confirmed by the Collector & District Magistrate, Jajpur vide their letter dated 29.03.2025. However, the fact of mining being done beyond 6 meters depth has not been complied to conclusively and has been referred to ORSAC for scrutiny. Also, the environmental damage caused due to over production has still not been quantified and levied.

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Considering the facts and information submitted and discussion on the matter, the Authority decided that Environmental Clearance (EC) granted to Sri. Manoj Kumar Samal for operation of Aruha Black Stone Quarry No. 05 (20.00 acres) vide EC Identification No. EC22B001OR164789 dated 11.05.2022 shall be kept in abeyance till the final decision on the enquiry report to be submitted by the District Administration as directed vide order dated 15.04.2025 by Hon'ble NGT (EZ) in OA No. 68/2025.

As per the decision taken by SEIAA, the Environmental Clearance (EC) granted to Sri. Manoj Kumar Samal vide EC Identification No.-EC22B001OR164789 dated 11.05.2022 is hereby kept in abeyance for mining of stone from Aruha Black Stone Quarry No.05 over an Area 20.00 Ac or 8.09 Ha bearing Khata no.779, Plot No. 2694 (P), 2807 (P) & 2808 (P) in Village-Aruha, Tahasil-Dharmasala, Dist-Jajpur, Odisha with immediate effect under the Provision of Section 5 of the Environment Protection Act, 1986 and EIA Notification, 2006 and amendments thereof. This is for your kind information and necessary action.

This is issued with approval of Competent Authority

By order of Authority of SEIAA, Odisha

D Nayak
Environment Engineer, SEIAA, Odisha

Memo no. *6434* / SEIAA-161/01-2025

Dated: 06.05.2025

Copy forwarded to

1. The Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. The Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. The Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information and necessary action with respect to the query on issue of CTO to the Project Proponent.
4. The Deputy D.G. Forest (C), Integrated Regional Office (IRO), Ministry of Environment & Forests, A/3, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. The Collector & DM, Jajpur, Sub-Collector, DDM, Jaajpur, Jajpur, DFO, Cuttack, Tahasildar, Dharmasala /Mining Officer, Jajpur for Information and necessary action.
7. Guard file for record/Website/ Parivesh Portal.

D Nayak
Environment Engineer, SEIAA, Odisha