

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,
KOLKATA.

O.A. No. 68 of 2025 (EZ)

In the matter of:

Dusmant Kumar Bal

...

Applicant.

-Versus-

State of Odisha and others

...

Respondents.

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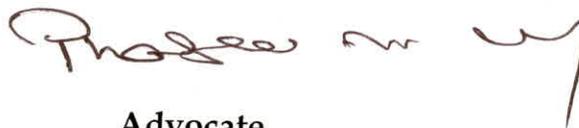
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Place: Kolkata

By the Respondent No.16 through

Date: 07.07.2025



Advocate.

(PRABHU PRASAD MOHANTY)

E.N. O/162/1993

Mobile No. 9437019196

Email: prabhupadamohanty@gmail.com



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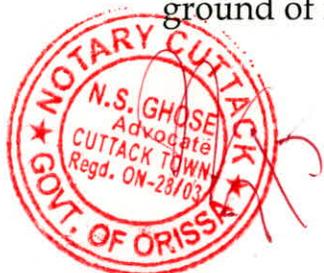
Respondents.

COUNTER AFFIDAVIT FILED BY RESPONDENT No. 16.

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

Manoj Kumar Samal

1. That I am the Respondent No.16 in this instant case. I have gone through the contents of the Original Application and I am well acquainted with the facts of the case.
2. That the present Original Application as laid is not maintainable and is liable to be dismissed.
3. That the present Original Application is liable to be dismissed on the ground of mis-joinder and non-joinder of parties.



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4. That the Applicant has not disclosed his locus-standi in the present Original Application, for which the present Original Application is liable to be dismissed with cost.

5. That the Original Application as laid is not maintainable either in facts or in law and wholly misconceived. The present Original Application has been filed by the Applicant with the malafide intention and political motive. Hence the present Original Application is totally misconceived and an abuse of the judicial process.

6. That the present Original Application was filed in this Hon'ble Tribunal with the following prayer;

"This Hon'ble Tribunal may please consider to pass the following directions;

- I. Direct SEIAA and SPCB to withdraw the environment clearance and CTO for violation of EC conditions and non-filing of quarterly environment compliance.
- II. Direct the Committee to ascertain if the quarry is in compliance of guidelines dated 12.05.2020
- III. Show cause the SEIAA authority and SPCB for inaction despite of complaint dated 07.12.2024 and fix the responsibility of the erring officer
- IV. Director of Mines and Geology, Government of Odisha to assess the extent/quantum of Minor Minerals/Stone from Aruha BSQ Cluster No.2/3 and Aruha BSQ excavated illegally and its market value,

Manoj Kumar Samal



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cost of restitution and environmental compensation and recover the same from the private respondent.

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

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

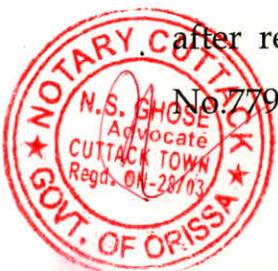
7. That for better appreciation of this Hon'ble Tribunal, the following facts are necessary for proper adjudication of the present case;

(A) That on 16.06.2021, the Tahasildar, Dharmasala, Respondent No.10 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.

Copy of the auction notice dated 16.06.2021 issued by the Tahasildar, Dharmasala, Respondent No.10 is enclosed here with and marked as **Annexure-A/16**.

(B) That the Respondent No.16 submitted his bid along with other bidders for participation of auction Aruha Black Stone Quarry No.5 (herein after referred as Aruha BSQ No.5) over an area 20.00 acres having Khata No.779, Plot No.2694(p) and 2807p) in the village Aruha, Tahasil Dharmasala

Manoj Kumar Samal



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in the district of Jajpur. After opening of tender paper, the Respondent No.16 was declared as the successful bidder under the provisions of Section 27(6) of the Odisha Minor Mineral Concession Rules, 2026. On 23.07.2021, the Tahasildar, Dharmasala, Respondent No.10 issued Form-F in favour of Respondent No.16 under the provisions of Section 27(6) of the Odisha Minor Mineral Concession Rules, 2026. After receipt of the aforesaid, the Respondent No.16 accepted the terms & conditions and deposited the required amount as per the direction of Tahasildar, Dharmasala, Respondent No.10.

Copy of the FORM-F dated 23.07.2021 issued by Tahasildar, Dharmasala, Respondent No.10 is enclosed here with and marked as **Annexure-B/16**.

(C) That after depositing the required amount, the Respondent No.16 submitted its mining plan for necessary approval, which was approved on 29.01.2022 by the Deputy Director Geology, Bhubaneswar. On 11.05.2022, the Environmental Clearance (EC) was granted by the Member Secretary, SEIAA, Odisha. After receipt of approved mining plan and environmental clearance, on 31.05.2022, the lease deed was executed between the Tahasildar, Dharmasala, Respondent No.10 and Respondent No.16. While the matter stood thus, on 02.09.2022, the State Level Environment Impact Assessment Authority, Odisha, Bhubaneswar (SEIAA) issued a corrigendum of environmental clearance with regard to extraction of 42,000 cubic meter of road metal (black stone) per annum instead of 14,000 cubic meter per annum. Accordingly on 13.03.2023, another lease deed was also executed between the Tahasildar, Dharmasala, Respondent No.10 and the Respondent No.16. It may be noted that after execution of lease deed, the Respondent No.16 has been successfully operating Aruha BSQ-5.

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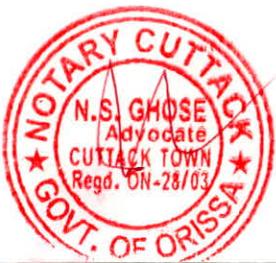
Copy of the mining plan approved by the Deputy Director Geology, Bhubaneswar, Copy of the Environmental Clearance (EC) dated 11.05.2022, Copy of the mining lease dated 31.05.2022, Copy of the corrigendum Environmental Clearance (EC) dated 02.09.2022 and Copy of the mining lease deed dated 13.03.2023 are enclosed here with and marked as **Annexures-C/16, D/16, E/16, F/16 and G/16** respectively.

(D) That while the matter stood thus, on 15.04.2023, the Tahsildar, Dharmasala issued a show cause notice to the Respondent No.16 alleging the over extraction of 108112 cubic meter of black stone. In the said show cause notice, it was stated that "an assessment via Drone mapping/ETS survey by an ORSAC-empanelled 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 no34/2021 on dated 10.03.2023." It may be noted that the aforesaid drone survey was conducted by the Tahasildar, Dharmasala, Respondent No.10 in the absence of Respondent No.16 and the Respondent No.16 was never noticed nor informed by the Tahasildar, Dharmasala to remain present at the time of drone survey.

Copy of the show cause Notice dated 15.04.2023 of the Tahasildar, Dharmasala, Respondent No.10 is enclosed here with and marked as **Annexure-H/16**.

(E) That after receipt of the aforesaid show cause notice, on 29.04.2023, the Respondent No.16 wrote a letter to the Tahasildar, Dharmasala, Respondent No.10 requesting to supply the relevant documents with regard to over extraction.

Manoj Kumar Samal



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Copy of the letter dated 29.04.2023 of Respondent No.16 addressed to the Tahasildar, Dharmasala is enclosed here with and marked as **Annexure-I/16**.

(F) That after receipt of letter dated 29.04.2023, on 02.05.2023, the Tahasildar, Dharmasala, Respondent No.10 wrote a letter to the Respondent No.16 inter-alia stating that the departmental enquiry and corresponding reports need not be attached with the show cause notices, as all the requisite details have been mentioned in the show cause notice. Therefore under no circumstances the principles of natural justice has been violated by the authorities.

Copy of the letter dated 02.05.2023 of the Tahasildar, Dharmasala is enclosed here with and marked as **Annexure-J/16**.

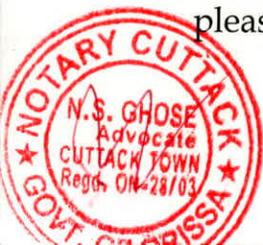
(G) That on 10.05.2023, the Tahasildar, Dharmasala, Respondent No.10 without supplying the relevant documents with regard to over extraction of 108112 cubic meter of black stone issued a demand notice to the Respondent No.16 directing to pay a sum of Rs.8,63,33,919/- as the Royalty, DMF, EMF, Penalty etc for such over extraction.

Copy of the Demand Notice dated 10.05.2023 of the Tahasildar, Dharmasala is enclosed here with and marked as **Annexure-K/16**.

(H) That being aggrieved by the demand notice dated 15.04.2023 issued by the Tahasildar, Dharmasala, the Respondent No.16 filed a writ application in 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 of the

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Tahasildar, Dharmasala with a direction to supply the relevant documents with regard to over extraction of black stone by the Respondent No.16.

Copy of the order dated 01.06.2023 passed by the Hon'ble High Court of Orissa in W.P.(C) No.17332 of 2023 is enclosed here with and marked as **Annexure-L/16.**

(I) That the Hon'ble High Court of Orissa in the aforesaid order specifically directed the Tahasildar, Dharmasala, Respondent No.10 to supply the relevant documents with regard to over extraction of black stone by the Respondent No.16 and to give a personal hearing. As the same was not adhered by the Tahsildar, Dharmasala, for which on 13.09.2023, the Respondent No.16 submitted a representation before the Collector, Jajpur, Respondent No.4 with a request to intervene in the matter. As there was no response from the Collector, Jajpur, on 07.11.2023, the Respondent No.16 filed another writ application in the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.36628 of 2023.

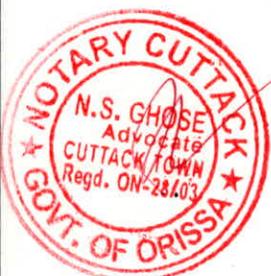
(J) That on 10.11.2023, the Hon'ble High Court of Orissa was pleased to dispose of W.P. (C) No.36628 of 2023 with the following directions/order;

"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.

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

Manoj Kumar Samal

*For
N.S.*



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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 the Hon'ble High Court of Orissa in W.P. (C) No.36628 of 2023 is enclosed here with and marked as **Annexure-M/16**.

(K) That pursuant to the aforesaid order of Hon'ble High Court of Orissa, on 18.01.2024, the Collector, Jajpur, Respondent No.4 was pleased to dispose of the representation of Respondent No.16 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 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



Manoj Kumar Samal

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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 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 stare 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."



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Copy of the order dated 18.01.2024 passed by the Collector, Jajpur, Respondent No.4 is enclosed here with and marked as **Annexure-N/16**.

(L) That pursuant to the aforesaid order of the Collector, Jajpur, Respondent No.4, on 02.04.2024, the Tahasildar, Dharmasla, Respondent No.10 was pleased to pass the impugned order modifying the earlier demand to the extent of Rs.4,20,47,585/- instead of Rs. 8,63,33,919/- and further granted eight instalments 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, Respondent No.10 is enclosed here with and marked as **Annexure-O/16**.

(M) That on 25.04.2024, the Tahasildar, Dharmasala issued a revised demand notice of Rs.4,20,47,585.00 to the Respondent No.16 and further directed to deposit the said amount in eight instalments 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-P/16**.

(N) That after receipt of the aforesaid demand notice, on 31.04.2024, the Respondent No.16 met the Collector, Jajpur, Respondent No.4 and the Tahasildar, Dharmasala, Respondent No.10 in their office and submitted a

Manoj Kumar Samal



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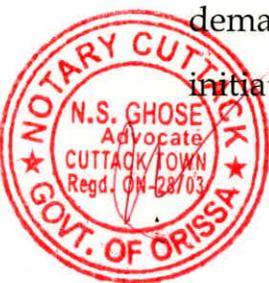
letter denying the over drawal/extraction of 80,112 cubic meter of black stone and further stated that there was no demarcation of stone quarry by the Tahasildar, Dharmasala at any point of time either at the time of handing over possession of the lease or any point of time. At the time of measurement with regard to over extraction, the Respondent No.16 was never noticed by any authorities and behind the back of Respondent No.16, such measurement was carried out by the Tahasildar, Dharmasala, which violates the principles of natural justice as well as Article 14 of the Constitution of India. Further the survey conducted by the Tahasildar, Dharmasala not in scientific manner and further requested to recall the demand notice.

Copy of the letter dated 31.04.2024 of Respondent No.16 is enclosed here with and marked as **Annexure-Q/16**.

(O) That while the matter stood thus, on 02.09.2024, one certificate case was initiated against the Respondent No.16 by the Mining Officer, Jajpur before the Collector, Jajpur alleging the non-payment of dues of Rs.4,20,47,585/- with regard to over extraction of black stone, which was registered as Certificate Case No.08 of 2024.

(P) That it is humbly submitted that at the time of bid, the Respondent No.16 had huge personal loan from his relatives. The Respondent No.16 had also taken huge amounts from the 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 and initiation of Certificate Case No.08 of 2024, the buyers issued legal notices to

Manoj Kumar Samal



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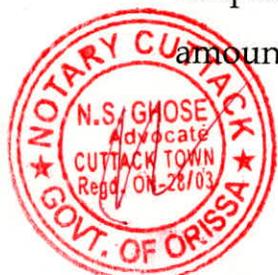
the Respondent No.16 for non supply of black stone and further claimed huge damages/compensations against the Respondent No.16. Finding no way out, on 28.09.2024, the Respondent No.16 also met the authorities in their office and submitted a letter intimating therein that he will deposit the amount of Rs.4,20,47,585.00 under protest, as he has not over extracted the alleged quantity of 80,112 cubic meter of black stone and further stated that the impugned demand including 100% penalty of royalty is not leviable by the authorities, as it violates the provisions of Odisha Minor Mineral Concession Rules, 2016, for which he requested further to recall the said demand. In the said letter, the Respondent No.16 also reiterated his stand that at no point of time there was no demarcation of the lease by the authorities and the measurement is not scientific, which was carried out by the authorities in his absence.

Manoj Kumar Samal

Copy of the letter dated 28.09.2024 of Respondent No.16 is enclosed here with and marked as **Annexure-R/16**.

(Q) That on 22.10.2024, one Nrusingha Charan Baik and four others of Aruha village filed a writ application in the Hon'ble High Court of Orissa in shape of public interest litigation with a prayer for direction to enquiry into the matter of illegal operation of quarry and crusher units in and around Aruha hill and the said public interest litigation was registered as W.P. (C) PIL No.28032 of 2024, which is pending for adjudication.

(R) That after initiation of the aforesaid certificate case, the authorities specifically the Collector, Jajpur, Respondent No.4 put pressure on the Respondent No.16 to deposit the impugned amount, otherwise the certificate amount will be recovered from him forcibly. Finding no way out, the

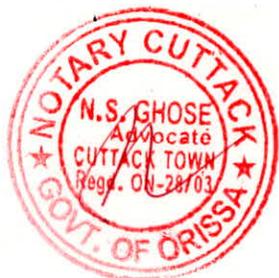


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Respondent No.16 has deposited the said amount of Rs. 4,20,47,585.00 under protest on the following dates only to overcome the pending certificate proceeding;

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
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

Copies of the challans along with letters of Respondent No.16 depositing of Rs.4,20,47,592.00 under protest are enclosing here with and marked as Annexure-S/16 series.



Manoj Kumar Samal

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(S) That as the Respondent No.16 has already paid the entire amount of Rs.4,20,47,592.00 under protest, on 26.03.2025, the Collector, Jajpur was pleased to close the said certificate case against the Respondent No.16.

Copy of the order dated 26.03.2025 passed by the Collector, Jajpur in Certificate Case No.08 of 2024 is enclosed here with and marked as **Annexure-T/16**.

(T) That after disposal of certificate case against the Respondent No.16, on 17.05.2025, the Respondent No.16 wrote a letter to the Collector, Jajpur requesting to intervene in the matter, as the Respondent No.16 is not liable to pay the aforesaid impugned demand of Rs.4,20,47,592/- and further requested him to refund the said amount with interest.

Copy of the letter dated 17.05.2025 of Respondent No.16 is enclosed here with and marked as **Annexure- U/16**.

(U) That in the meanwhile, the Respondent No.16 has filed a writ application in the Hon'ble High Court of Orissa inter-alia challenging the order dated 18.01.2024 passed by the Collector, Jajpur, Respondent No.4 and the order dated 02.04.2024 as well as the demand notice dated 25.04.2024 of the Tahasildar, Dharmasala, Respondent No.10 and further prayed for refund of Rs.4,20,47,592/- along with interest and the said writ application was registered as D-WP(C) 26951 of 2025.

Manoj Kumar Samal



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(V) That it is humbly submitted that on 20.08.2020, the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the case of O.A.No.304 of 2019 (M. Haridasan and others Vrs. State of Kerala) was pleased to direct the Central Pollution Control Board, New Delhi to examine and lay down more stringent conditions with regard to distance of stone quarry, when blasts are involved. Pursuant to the aforesaid directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi, on 09.07.2020, the Central Pollution Control Board, New Delhi submitted a report before Hon'ble National Green Tribunal, Principal Bench, New Delhi inter-ala stating;

"DISTANCE CRITERIA FOR PERMITTING STONE QUARRYING

3.0 Minor Mineral Concession Rules

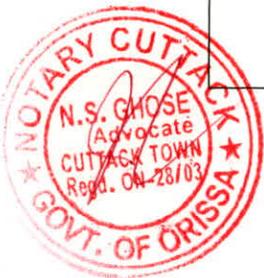
As per sub-section 1 of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 Of 1957), State Government has to make Rules for regulating the grant of quarry lease, mining lease/permit, mineral concessions and purposes connected in respect of minor minerals.

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

Annexure-I

(At Page No.6 of report)

Orissa	Minor Mineral Mining	100m	Minimum distance from any railway line, National Highway, State Highway or any reservoir	Orissa Minor Mineral Concession Rules, 2004
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Minor Mineral Mining	50m	Minimum distance from any tank, canal, road (other than a National or State Highway or other public works of buildings or inhabited sites) public roads, public buildings, temples, reservoirs, dams, burial ground, railway track, monuments, heritage sites etc.	Orissa Minor Mineral Concession Rules, 2004
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6.0 Conclusion :

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

Mining Type	Minimum Distance	Locations
A. When Blasting is not Involved.	100m	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,
B. When Blasting is Involved.	200m **	Bridges, Dams, Reservoirs, River, Canals, Lakes or Tanks or any other locations to be considered by States.

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

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



Manoj Kumar Samal

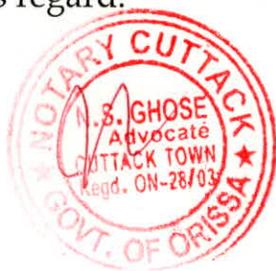
X

Copy of the report dated 09.07.2020 of Central Pollution Control Board, New Delhi submitted before Hon'ble National Green Tribunal, Principal Bench, New Delhi in O.A.No. 304 of 2019 is enclosed here with and marked as **Annexure-V/16**.

(W) That It is further submitted that on 03.12.2024, the Deputy Director of Mines and Mining Officer, Jajpur, Regional Officer, State Pollution Control Board, Kalinga Nagar, Tahasildar, Dharmasala along with the revenue officials visited Aruha and after field inquiry prepared a joint inquiry report, wherein it is stated that Aruha BSQ No.5 is situated 210 meters away from the Railway lines, 310 meters away from the Jabartali village road, 315 meters away from the Habitations (Jabartali) and 290 meters away from Jabartali Government Primary School). On 10.12.2024, the said joint inquiry report was prepared and on 11.12.2024, the said inquiry report was submitted before the State Government by the Deputy Director of Mines, Jajpur for kind information and action.

Copy of the letter dated 11.12.2024 along with the Joint Inquiry report dated 10.12.2024 is enclosed here with and marked as **Annexure-W/16** series.

(X) That on 05.03.2025, the Deputy Director of Mines, Jajpur Circle, Jajpur, Respondent No.13 wrote a letter to M/s. TKS Consultancy Services to carry out distance measurement of human habitants, schools, railway line etc. from the black stone quarries of Aruha Clauster, Dharmasala tahasil and further informed that one joint field enquiry will be conducted on 07.03.2025 in this regard.



Manoj Kumar Samal

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Copy of the letter dated 05.03.2025 of the Deputy Director of Mines, Jajpur Circle, Jajpur, Respondent No.13 is enclosed here with and marked as **Annexure-X/16**.

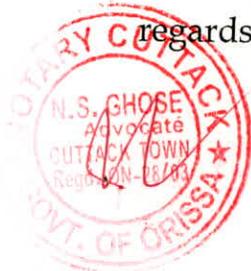
(Y) That it is further submitted that on 07.03.2025, the Mining Officials including Deputy Director of Mines and Mining Officer, Jajpur, Regional Officer, State Pollution Control Board, Kalinga Nagar, Tahasildar, Dharmasala along with the revenue officials also visited Aruha again and an ORSAC Empanelled Agency M/s. TKS Consultancy Services also conducted the survey through DGPS as per the request of State officials. On 17.03.2025, M/s. TKS Consultancy Services submitted its report and map on the distance measurement of human habitats, railway line, pond, schools etc. from Aruha Black Stone quarries before the Mining Officer, Jajpur, wherein Aruha BSQ No.5 are in safe distance i.e. more than 200 meter from the nearby Habitats, Railway line, Ponds and Schools etc.

Copy of the DGPS report dated 17.03.2025 is enclosed here with and marked as **Annexure-Y/16**.

(Z) That on 24.03.2025, the Additional District Magistrate (Rev.) Jajpur, Divisional Forest Officer, Cuttack, Deputy Director of Mines (Minor Minerals), Jajpur Circle, Sub-Collector, Jajpur, , Regional Officer, State Pollution Control Board, Kalinga Nagar and Mining Officer, Jajpur were jointly visited the black stone quarry area of Aruha village with field officials Tahasildar, Dharmasala and accordingly, on 28.03.2025, the joint enquiry report was prepared, wherein it was found that the Aruha BSQ No.3 and 5 are in safe distance i.e. more than 200 meter from the nearby habitants, railway line, ponds and schools etc. As regards the extraction of minor minerals beyond a depth of 6 meters from the

Manoj Kumar Samal

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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 the plain road, for which it was decided to engage ORSAC empanelled agency.

Copy of the Joint Enquiry Report dated 28.03.2025 is enclosed here withy and marked as **Annexure-Z/16**.

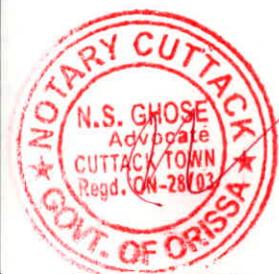
(AA) That pursuant to the order/direction dated 15.04.2025 of this Hon'ble Tribunal in the present original application, on 08.05.2025, the Additional District Magistrate (Rev.) Jajpur, Regional Officer, State Pollution Control Board, Kalinga Nagar, Deputy Director (Tech-Geology), Directorate of Minor Minerals, Odisha, Bhubaneswar, Deputy Director of Mines, Directorate of Mines & Geology, Odisha, Bhubaneswar, Deputy Director of Mines (Minor Minerals), Jajpur Circle, Mining Officer, Jajpur and Tahasildar, Dharmasala were jointly visited the black stone quarry area of Aruha BSQ 3 and 5. After due enquiry, on 16.05.2025 the joint enquiry report was prepared along with and findings, action taken etc.

Copy of the joint enquiry report dated 16.05.2025 is enclosed here with and marked as **Annexure-AA/16**.

(BB) That while the matter stood thus, on 01.07.2025, this deponent has obtained the report dated 16.06.2025 of Odisha Space Applications Centre (ORSAC) from the office of Deputy Director of Mines, Japur Circle, Jajpur

Manoj Kumar Samal

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under RTI Act, wherein the exaction of Aruha BSQ 5 has not gone beyond 6 meters from the lowest undisturbed contour line.

Copy of the letter dated 01.07.2025 of Deputy Director of Mines, Japur Circle, Jajpur along with report dated 16.06.2025 of Odisha Space Applications Centre (ORSAC) are enclosed here with and marked as **Annexure-BB/16 series.**

8. That your deponent craves leave to deal with the averments/ allegations made in the original application in seriatim as hereunder:-

(I) That the averments made in paragraphs No.1 and 34 of original application are disputed and denied. It is also disputed and denied that this deponent is operating the black stone quarry illegally and in violation of the conditions of environmental clearance as well as the consent to establish and mining plan. The Applicant is put to strict proof of the same. It is humbly submitted that the State Pollution Control Board has granted Consent to Operate (CTO) in favour of this deponent after receiving the statutory clearance of quarry.

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

(II) That the averments made in paragraphs No.2 and 29 of original application are disputed and denied. It is humbly submitted that on 03.12.2024, the Deputy Director of Mines and Mining Officer, Jajpur, Regional Officer,

Manoj Kumar Samal

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State Pollution Control Board, Kalinga Nagar, Tahasildar, Dharmasala along with the revenue officials visited Aruha and after field inquiry prepared a joint inquiry report, wherein it is stated that Aruha BSQ No.5 is situated 210 meters away from the Railway lines, 310 meters away from the Jabartali village road, 315 meters away from the Habitations (Jabartali) and 290 meters away from Jabartali Government Primary School). On 10.12.2024, the said joint inquiry report was prepared and on 11.12.2024, the said inquiry report was submitted before the State Government by the Deputy Director of Mines, Jajpur for kind information and action. Hence the allegations made in letter dated 06.12.2024 are not correct all.

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

(III) That the averments made in paragraph No.3 of the original application shall be dealt with at the time of hearing.

(IV) That the averments made in paragraph No.4 of original application are disputed and denied. The same shall be dealt with at the time of hearing.

(v) That in reply to the averments made in paragraph No.5 of original application, it is humbly submitted that on 25.04.2024, the Tahasildar, Dharmasala, Respondent No.10 issued a demand notice to this deponent directing to pay a sum of Rs.4,20,47,585.00. As this deponent did not deposit the aforesaid amount, for which, the Mining Officer, Jajpur submitted an application before the Collector, Jajpur, Respondent No.4 with a prayer for



Manoj Kumar Samal

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initiation of certificate case against Respondent No.16 under OPDR Act and the said application was registered as Certificate Case No.08 of 2024. Finding no way out, as the Collector, Jajpur put pressure on this deponent to deposit the amount of Rs.4,20,47,585.00, otherwise the same will be recovered forcibly from Respondent No.16, on 28.09.2024, the Respondent No.16 met the authorities in their office and submitted a letter intimating therein that he will deposit the amount of Rs.4,20,47,585.00 under protest, as he has not over extracted the alleged quantity of 80,112 cubic meter of black stone and further stated that the impugned demand including 100% penalty of royalty is not leviable by the authorities, as it violates the provisions of Odisha Minor Mineral Concession Rules, 2016. In the meanwhile, this deponent has deposited the entire amount under protest and without prejudice his rights & contentions and has further filed a writ application in the Hon'ble High Court of Orissa inter-alia challenging the order dated 18.01.2024 passed by the Collector, Jajpur, Respondent No.4 and the order dated 02.04.2024 as well as the demand notice dated 25.04.2024 of the Tahasildar, Dharmasala, Respondent No.10 and further prayed for refund of Rs.4,20,47,592/- along with interest and the said writ application is pending for adjudication.

Manoj Kumare Samal

All other allegations/averments made in this paragraph are here by disputed and denied.

(VI) That the averments made in paragraph No.6 of the original application shall be dealt with at the time of hearing.

(VII) That the averments made in paragraph No.7 of original application are disputed and denied. The same shall be dealt with at the time of hearing.



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(VIII) That in reply to the averments made in paragraphs No.8,9,10,11,19, 41 and 43 of original application, it is humbly submitted that on 20.08.2020, the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the case of O.A.No.304 of 2019 (M. Haridasan and others Vrs. State of Kerala) was pleased to direct the Central Pollution Control Board, New Delhi to examine and lay down more stringent conditions with regard to distance of stone quarry, when blasts are involved. Pursuant to the aforesaid directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi, on 09.07.2020, the Central Pollution Control Board, New Delhi submitted a report before Hon'ble National Green Tribunal, Principal Bench, New Delhi inter-ala stating that for permitting stone quarry, the minimum distance of stone quarries from Residential/Public buildings, Inhabited sites, Protected monuments, Heritage sites, National/State Highway, District Roads, Public roads, Railway line/area, Ropeway trestle or station, Bridges, Dams, Reservoirs, Rivers, Canals or Lakes or Tanks or any other location to be considered by States has been fixed to 100 meter when a blasting is not involved and 200 meter when blasting is involved and the same is applicable to the State of Odisha. Further the Joint Enquiry reports dated 10.12.2024 and 28.03.2025 and DGPS report dated 17.03.2025 states that the Aruha BSQ No.3 and 5 are in safe distance i.e. more than 200 meter from the nearby habitants, railway line, ponds and schools etc.

Manoj Kumar Samal

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

(IX) That the averments made in paragraphs No.12 and 13 of original application are disputed and denied. It is humbly submitted that on 02.09.2022, the State Level Environment Impact Assessment Authority,



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- Odisha, Bhubaneswar (SEIAA) issued a corrigendum of environmental clearance with regard to extraction of 42,000 cubic meter of road metal (black stone) per annum instead of 14,000 cubic meter per annum.

All other allegations/averments made in this paragraph are here by disputed and denied.

- (X) That the averments made in paragraph No.14 of original application are disputed and denied. The same shall be dealt with at the time of hearing.

(XI) That the averments made in paragraphs No.15 and 16 of original application are disputed and denied. It is humbly submitted that on 16.06.2025, the Odisha Space Applications Centre (ORSAC) has prepared survey report, wherein the exaction of Aruha BSQ 5 has not gone beyond 6 meters from the lowest undisturbed contour line.

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

(XII) That the averments made in paragraph No.17 of original application are disputed and denied. It is humbly submitted that there is no withdrawal of ground water inside the lease hold area.

(XIII) That the averments made in paragraph No.18 of original application are disputed and denied. The same shall be dealt with at the time of hearing.



Manoj Kumar Samal

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(XIV) That the averments made in paragraph No.20 of original application are disputed and denied. The same shall be dealt with at the time of hearing.

(XV) That the averments made in paragraphs No.21, 22, 23, 24, 25, 26, 27, 28, 30, 32, 35, 36 and 42 of original application are disputed and denied. The same shall be dealt with at the time of hearing.

(XVI) That in reply to the averments made in paragraph No.31 and 38 of original application, this deponent has no comment.

(XVII) That the averments made in paragraph No.33 of the original application shall be dealt with at the time of hearing.

(XVIII) That the averments made in paragraphs No.37, 39, 40, 44, 45, 46 and 47 of original application are disputed and denied. The same shall be dealt with at the time of hearing.

(XIX) That the averments made in paragraphs No.48 to 56 of original application shall be dealt with at the time of hearing.

9. That the averments which have not been specifically denied by this deponent are hereby disputed and denied.

10. That this deponent carves leave of this Hon'ble Tribunal to file additional counter affidavit, affidavits, documents etc. if deemed necessary for a just decision in the case.

Manoj Kumar Samal





11. That the facts stated above are true to the best of my belief, knowledge and based on official records.

IDENTIFIED BY

[Handwritten signature]
Advocate's Clerk

Manoj Kumar Samal
DEPONENT

CERTIFICATE

Certified that due to non-availability of cartridge papers, this counter affidavit has been typed on thick white papers, which may kindly be accepted.

Place: Kolkata

By the Respondent No.16 through

Date: 07.07.2025

[Handwritten signature]
Advocate.

(PRABHU PRASAD MOHANTY)

E.N. O/162/1993

Mobile No. 9437019196

Email: prabhupadamohanty@gmail.com

[Red stamp text: The above named deponent being identified by Mr./Ms. ... appears before me at ... on this the ... day of ... solemnly affirms that the facts stated are true to his/her knowledge and belief.]



[Handwritten signature]
NOTARY
CUTTACK TOWN



- ୪୩ - ANNEXURE - A116

ତହସିଲ କାର୍ଯ୍ୟାଳୟ, ଧର୍ମଶାଳା, ଜି:- ଯାଜପୁର, ପିନ:- ୭୫୫୦୦୮, ଓଡ଼ିଶା

ବିଜ୍ଞପ୍ତି ସଂଖ୍ୟା :- ୨୨୪୪ /ତାରିଖ:- ୧୭.୦୭.୨୦୨୧

ସର୍ବସାଧାରଣ ନୋଟିସ

(OMMC Rule-2016 ଅନୁଯାୟୀ)

ଲଘୁ ଖଣିଜ ଦ୍ରବ୍ୟ ଉତ୍ତ୍ୱ ଦୀର୍ଘମିଆଦି ଲିଜ ନିମନ୍ତେ ବିଜ୍ଞାପନ

ଏତଦ୍ୱାରା ସର୍ବସାଧାରଣଙ୍କ ଅବଗତ ନିମନ୍ତେ ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ, ଓଡ଼ିଶା ସରକାରଙ୍କ ରାଜସ୍ୱ ଓ ବିପର୍ଯ୍ୟୟ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ ଅଧିନସ୍ଥ ଧର୍ମଶାଳା ତହସିଲ ଅନ୍ତର୍ଗତ ନିମ୍ନ ସୂଚୀ ପ୍ରଦତ୍ତ(ଲଘୁ ଖଣିଜ) କଳାପଥର ଏବଂ ବାଲି ସୈରାତ ଉତ୍ତ୍ୱ ଗୁଡ଼ିକୁ ଅନୁନ୍ୟ ୦୫ (ପାଞ୍ଚ) ବର୍ଷ ନିମନ୍ତେ ଦୀର୍ଘମିଆଦି ଲିଜ ସୂତ୍ରେ ନେବାପାଇଁ ଦରଖାସ୍ତ ଆହ୍ୱାନ କରାଯାଉଅଛି। ଇଚ୍ଛୁକ ବ୍ୟକ୍ତି ବିଶେଷ କିମ୍ବା ଅନୁଷ୍ଠାନ OMMC Rule- 2016, ପରିଚ୍ଛେଦ-୦୪ ର ଧାରା ୨୭ ଅନୁଯାୟୀ ନିର୍ଦ୍ଧାରିତ ଫର୍ମରେ ସମସ୍ତ ତଥ୍ୟାବଳୀ ପୂରଣ କରି ଜଉମୁଦ୍ଦ ଲଫାପାରେ Registered Post/ Speed Post ମାଧ୍ୟମରେ ତହସିଲଦାର ଧର୍ମଶାଳାଙ୍କ ଠିକଣାରେ ଆବେଦନ କରିପାରିବେ। ଆବେଦନ ଗ୍ରହଣ କରିବାର ଶେଷ ତାରିଖ ତା ୧୫.୦୭.୨୦୨୧ ରିଖ ଅପରାହ୍ନ ୦୫.୩୦ ଘଟିକା । ଧାର୍ଯ୍ୟ ତାରିଖ, ସମୟ ପରେ ପ୍ରାପ୍ତ କୌଣସି ଦରଖାସ୍ତକୁ ବିଚାରକୁ ନିଆଯିବ ନାହିଁ । ଉକ୍ତ ବିଜ୍ଞାପନ ସମ୍ବନ୍ଧୀୟ କୌଣସି ଦୁର୍ଘଟି ସଂଶୋଧନ କରିବା କ୍ଷମତାପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କ ନିକଟରେ ଅଛି । ଆବଶ୍ୟକ ତା ୧୭.୦୭.୨୦୨୧ ଏବଂ ତା ୧୯.୦୭.୨୦୨୧ ରିଖ ସମୟ ୧୦.୩୦ ମିନିଟରେ ନିଲାମ କାର୍ଯ୍ୟ ଆରମ୍ଭ କରାଯାଇ ଯୋଗ୍ୟ ଲିଜଧାରୀ ଚୟନ କରାଯିବ। ଅସଂପୂର୍ଣ୍ଣ ଏବଂ ଦୁର୍ଘଟିୟୁକ୍ତ ଦରଖାସ୍ତକୁ ବିଚାରକୁ ନିଆଯିବ ନାହିଁ ।

ନିଲାମ ସମ୍ବନ୍ଧୀୟ ସମସ୍ତ ସର୍ତ୍ତାବଳୀ OMMC Rule -2016 ରେ ଉପଲବ୍ଧ ହୋଇପାରିବ।

ନିଲାମ ସମ୍ବନ୍ଧୀୟ ସମସ୍ତ ତଥ୍ୟ ଧର୍ମଶାଳା ତହସିଲ କାର୍ଯ୍ୟାଳୟରେ ଓ ଯାଜପୁର ଜିଲ୍ଲା ୱେବ ସାଇଟ www.jajpur.nic.in ର tender link ମାଧ୍ୟମରେ ଉପଲବ୍ଧ ହୋଇପାରିବ।

ସୈରାତ ଉତ୍ତ୍ୱ ଗୁଡ଼ିକର ବିବରଣୀ , ଧର୍ମଶାଳା ତହସିଲ

Sino	Name of the Sairat Sources	Mouza	Khat a	Plot	Area	Kissam	MGQ (Annual)	Royalty	Additional Charge
1	Anjira Black Stone Quarry No. 4	Anjira	1729	673 (P), 1343 (P)	3.80 2.20	Pahada	89662	130.00	60.00
2	Anjira Black Stone Quarry No. 17	Anjira	1729	1343 (P), 845 (P)	6.00	Pahada	34020	130.00	60.00
3	Barada Black Stone Quarry No. 03	Barada	362	193 (P), 41(P)	4.60, 0.40	Pahada	8736	130.00	60.00

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23	Aruha Black Stone Quarry	Aruha	779	2808 (P), 2807 (P)	15.91, 3.07	Pahada	42000	130.00	60.00
24	Aruha Black Stone Quarry	Aruha	779	2808 (P), 2807 (P)	9.78, 9.10	Pahada	42000	130.00	60.00
24	Anjira Black Stone Quarry No 12	Anjira	1729	1385 (P), 845 (P)	6.00	Parabata 1	30636	130.00	60.00
25	Anjira Black Stone Quarry 9	Anjira	1729	1343 (P), 1385 (P)	0.64, 9.76	Parabata 1	48300	130.00	60.00
26	Rahadpur Black Stone Quarry No. 3/4	Rahadpur	235	1 (P)	7.50	parbata	96786	130.00	60.00
27	Rahadpur Black Stone Quarry No. 9/5	Rahadpur	235	1 (P)	7.50	parbata	122801	130.00	60.00

Sand Sairat Sources

Sino	Name of the Sairat Sources	Mouza	Khata	Plot	Area	Kissam	MGQ (Annual)	Royalty	Additional Charge
28	Brahamani River Sand Jenapur	Jenapur	864	2	5.00	Nadi	2242	35.00	45.00
29	Brahamani River Sand Marjitapur	Marjitapur	640	1	2.00	Nadi	3736	35.00	45.00

ତା:- ୧୨/୦୬/୨୦୨୧

ଓଡ଼ିଶା ସରକାର

ଉପରାଜ୍ୟ ସମ୍ପତ୍ତି ବିଭାଗ

TRUE COPY ATTESTED

 ADVOCATE

FORM - F

~~30~~ ANNEXURE-B16

Intimation to Successful Bidder [See rule 10(11), 16(9), 27(6)]

Letter No. 2681 Dated 23.7.21

From: - Tahasildar, Dharmasala

To

Manoj Kumar Samal S/O- Mahendra Kumar Samal Vill- Aruha Ps- Dharmasala Dist- Jajpur
--

Sub: Intimation to successful bidder.

Sir/Madam,

This is to intimate that, you have been selected as the successful bidder for quarry lease described below, namely: -

Aruha Black Stone Quarry vide Sairat Case No 34/2021, Area Ac. 20.00 for a period of five years based on your application for the said lease. The amount of additional charge bid by you and accepted is Rs (130+238+1) = 369 per cubic meter. The Cluster mining plan has been approved and the environment clearance for the said lease has not been obtained. The tentative selection is subject to the provisions of the OMMC Rules, 2016 and to the terms and conditions annexed with this letter.

You are directed to convey your acceptance to the terms and conditions and to deposit an amount of Rs 3861950.00 (Rupees Thirty Eight Lakh Sixty One Thousand Nine Hundred Fifty) only as 1/4th of the bid amount of the year as prescribed under rule 27(7) & (9). Proof of deposit of the aforesaid amount along with acceptance should reach the undersigned within fifteen days of the date of issue of this letter failing which this intimation shall stand automatically revoked without any further notice and the earnest money shall stand forfeited.

You are also directed to execute deed in respect of the quarry lease for the aforesaid area within the period specified in sub-rule (1) of rule 43 of the Odisha Minor Mineral Concession Rules, 2016.

Yours faithfully,

[Signature]
23.07.21
Tahasildar, Dharmasala
(Name/ Designation)
(Competent Authority)

TRUE COPY ATTESTED
[Signature]
ADVOCATE

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ANNEXURE - C/116 MINING PLAN

ALONG WITH PROGRESSIVE MINE CLOSURE PLAN

(Prepared under Rule 28 (4) of the Odisha Minor
Mineral Concession Rules, 2016)

OF
ARUHA BLACK STONE QUARRY

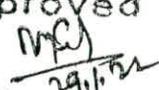
(CLUSTER SERIAL NO - 2/5)
OVER 20.00 ACRES OR 8.09 HECT IN VILLAGE
ARUHA UNDER DHARMASALA TAHASIL OF
JAJPUR DISTRICT, ODISHA.

APPLICANT :-MANOJ KUMAR SAMAL

PLAN PERIOD -FIVE YEARS

PREPARED BY

SATYARANJAN MOHANTY
RQP/OD/058/2016

Approved

Deputy Director Geology
Authorised Officer
Directorate of Geology
Bhubaneswar

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2808 CP

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CONSENT LETTER

The Mining plan in respect of Aruha Black stone Quarry over 20.00 Acres or 8.09 Ha under khata No779 bearing plot no.2694(p) & 2807(p) in mouza Aruha of Tahasil Dharmasala in the District of Jajpur state of Odisha has been prepared by Sri Satyaranjan Mohanty RQP/OD/058/2016 Laliteswar Nagar, Dist – Jajpur as per Form- O prescribed under OMMC Rules-2016. I request the Concerned Authority of Directorate of Geology, Bhubaneswar, Odisha to make further correspondence regarding approval of the Mining plan with the said recognized person on his following address:-

Sri Satyaranjan Mohanty
 Recognized Qualified Person
 Laliteswar Nagar(Near Apex School)
 Dist:- Jajpur
 Pin:- 755001
 Mail id :- msatyaranjan76@gmail.com
 Mobile No :- 9438563781, 7978039315

I hereby undertake that all the modification so made in the Mining plan by the recognized person be deemed to have made with my knowledge, consent and shall be acceptable to me and binding on me in all respects.

Manoj Kumar Samal

Signature of the applicant in full

Full name in block letters:

(MANOJ KUMAR SAMAL)

S/o – Mahendra samal

At:- Aruha

Po:-Aruha

Ps/- Dharmasala

Dist :- Jajpur

Place :

Date :

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UNDERTAKING

I hereby undertake to submit the financial assurance as decided by the competent authority in form bank guarantee from any nationalized bank as and when required by the competent authority.

Manoj kumar Samal

Signature of the applicant in full

Full name in block letters:

(MANOJ KUMAR SAMAL)

S/o – Mahendra samal

At/- Aruha

Po/-Aruha

Ps/- Dharmasala

Dist :- Jajpur

Place :

Date :

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d.
Satyaranjan Mohanty
RQP/OD/058/2016

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LIST OF PLATES

Plate No	Description	Scale (RF)
I	Key Plan	1 : 50,000
II	Lease plan	16" = 1 mile
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d
Satyaranjan Mohanty
RQP/OD/058/2016

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FORM-O

[See Rule 28 (4) of the Odisha Minor Mineral Concession Rules, 2016]

**MINING PLAN OF ARUHA BLACK STONE QUARRY FOR WINNING OF
BLACK STONE UNDER, DHARMASALA TAHASIL OF JAJPUR DISTRICT.**

CATEGORY: (B)

As specified by MoEF vide Notification No. J-13012/12/2013-IA-II (I) dated
24.12.2013

CHAPTER-1.0

1. **Name & Address of the Lessee** : Manoj kumar samal
S/o-mahendra samal,
At – Aruha,
Ps- Dharmasaia
Dist - Jajpur
2. **Particulars of the area(Acreage, Boundary Description & Land Schedule): (Attach location map and surface plan showing the existing features of the area with contours at 2 m interval)** : Aruha black stone quarry over 20.00 acres or 8.09 hectares. Khata No.779, PlotNo.2694(p),2807(p)&2808(p),Kissam pahada, Village-Aruha. Authenticated Land Schedule is mentioned on plan provided by revenue Authority and attached in **Plate No -II**. Location Map- **Plate No-I**, Surface Plan- **Plate No- III**.
3. **Status of the Lessee(Private Individual/Private Company/ Public sector Undertaking / Joint sector Under taking/ Others)** : Private Individual
4. **Period of Concession** : Five years.
5. **Mineral intended to be won** : Building stone/ Road metal

Approved

MCS
29.1.13
Deputy Director Geology
Authorised Officer
Directorate of Geology
Bhubaneswar

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d
Satyaranjan Mohanty
RQP/OD/058/2016

- ~~SECRET~~
6. Name, Address & Regd. No. of RQP preparing the mining plan with validity of Recognition : Satyaranjan Mohanty
Baidyaraipur.
Laliteswar nagar (Near Apex School)
Dist:- Jajpur-755001
Email - msatyaranjan76@gmail.com
Mobile No- 9438563781, 7978039315
Registration No - RQP/OD/058/2016
Valid up to- 02.08.2026
7. Order No. & date of competent Authority granting the Concession (copy of the Order to be attached) : Order no – 4813, dated 06.12.2021 (copy enclosed in **(Annexure I)**)
8. If, forest area, whether forest clearance obtained (attach copy of forest clearance) : The total area is non-forest Govt. land as envisaged from the land schedule supplied by the revenue authorities. Hence, Forest clearance is not required.

Approved
MAJ
Deputy Director Geology
Authorised Officer
Directorate of Geology
Bhubaneswar

TRUE COPY ATTESTED
MAJ
ADVOCATE

d
Satyaranjan Mohanty
RQP/OD/058/2016

ANNEXURE-D116

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

To,

The
 MANOJ SAMAL

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

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

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC)
 in respect of project submitted to the SEIAA vide proposal number
 SIA/OR/MIN/257538/2022 dated 19 Feb 2022. The particulars of the environmental
 clearance granted to the project are as below:

- | | |
|---|---|
| 1. EC Identification No. | EC22B001OR164789 |
| 2. File No. | 257538/545-MINB1/02-2022 |
| 3. Project Type | New |
| 4. Category | B2 |
| 5. Project/Activity including
Schedule No. | (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)

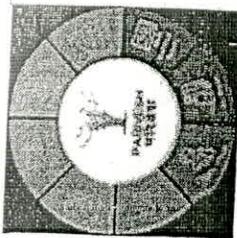
Note: A valid environmental clearance shall be one that has EC identification
 number & E-Sign generated from PARIVESH. Please quote identification
 number in all future correspondence.

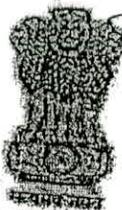
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ENVIRONMENTAL
CLEARANCE

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)
 SRF-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

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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 EIAEMP study has already been carried out for the entire cluster. The SEAC have approved the cluster EIAEMP 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 EIAEMP 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
- M.J.

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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'ble 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 NOG 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.

D.H.

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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 / Zila Parishad / 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.

Dy.

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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, Chandrasekharpur, 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.

14


Member Secretary

TRUE COPY ATTESTED

ADVOCATE

Validity unknown

Digitally signed by Susanta Nanda
Member Secretary

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

12201564

265100/-

10812201551

GOVT. OF ODISHA
SR. DHARMASALA
JAJPUR



STAMP DUTY
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ANNEXURE-E/16

NON JUDICIAL

Rs. ≈ 0265100 ≈ 31.5.2022

365513

ODISHA

0558 54325

LICENSE NO : JPRFRA004

INDIA **Zero*Two**Six**Five*One**Zero*Zero**

SUB-REGISTRAR
DHARMASALA



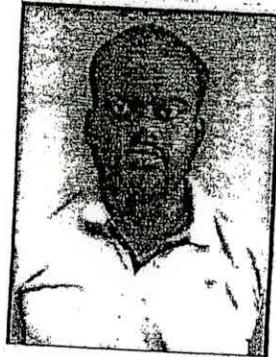
Fees paid
As 106011-00
Vc ' 490-00
106501-00

Tahasildar
Dharmasala

LEASE DEED AGREEMENT
FORM-N
FROM OF QUARRY LEASE
[SEE RULE 27(13)]

THIS INDENTURE MADE THIS
31st.....Day of May 2022
Between,
The Governor of Odisha
Represented through Tahasildar DHARMASALA
Swagat Das OAS {A} JB
hereinafter called the "Lessor" (Competent
Authority

Manoj Kumar Samal
31/5/22



Manoj kumar Samal

Dibya Ranjan Samal.

AND

Manoj Kumar Samal about 31 years, S/O-
Mahendra Kumar Samal of Village - Aruha, PO-
Aruha, PS- Dharmasala, Dist- Jajpur, by caste-
Khandayat , Profession - Business, Adhara No.-
700086205577, Mob-8093701067, pin - 755024

(Hereinafter called the lessee which expression shall there the context to admit be deemed to include his Heirs Executors, Administrators, Assigns) of the other part.

Manoj kumar Samal
21/5/22

21/5/2022

~~40~~

~~Manoj Kumar Samal~~
Tahasildar
Dharmasala

WHEREAS the lessee has applied to the competent Authority concerned for a quarry lease for Black Stone (miner mineral) in accordance with the provision of the Odisha minor Minerals Concession Rules, 2016 and subsequently amendment rule 2017 and 2018 in respect of the lands described in part I of the Schedule and has deposited a sum of as security will be adjustable.

AND WHEREAS the component Authority has communicated his approval to grant of lease on terms, covenants and condition hereinafter contained.

Manoj Kumar Samal
3/1/22

NOW THIS INDENTURE Witnessh as follows:

~~51~~

~~10/05/2022~~

The lessor hereby demises to the lessee the land described in part I of the Schedule hereunder written and delineated in the map hereunto annexed.

The said demised pieces of land shall be held by the lessee for term of 5 years from the date on which this executed deed is registered under the Indian.

Registration Act. And Odisha Registration manual, subject to the term, convent, condition hereinafter provided.

IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.

The schedule above referred to

Manoj Kumar Samal
8/1/22

PART-1

DETAILS OF PAYMENT, LOCATION AND AREA OF THE QUARRY LEASE

1. Sairat Case Record bearing No. 34/2021
2. Name of the quarry : Aruha
Blackstone Quarry
- ✓ 3. Lease Period: Long Terms Lease
(5Years)
4. Period for which lease deed is executed from (From the date of execution of the deed to One Year)
5. Minimum Guaranteed : 14000 Cum. .
Quantity per Annum


 21/05/2022
 Tahasildar
 Dharmasala

Manoj Kumar Samal
 21/5/22

- 58 -

25/05/2022
 Manoj Kumar Samey
 Tahasildar
 Dharmasala

6. Amount to be deposited as per mining plan for minimum granted quantity (for the 1st year) with additional charge, dead rent surface rent etc as per OMMC Rule 2016 calculated below :-

Royalty +Addl. Charge	Rs.	51.52.000.00
Dead Rent:	Rs.	1.45.620.00
Surface Rent:	Rs.	2.920.00
Total Amount	Rs.	<u>53.00.540.00</u>

The lessee has deposited an amount of Rs 8,66,560 vide

MR No. 02/0196769 dated 04.25.5.2022

MR No. 02/0196772 dated 04.27.5.2022
 The lessee will deposit the rest of amount within two months.

7. Location of the Quarry

Dist- Jajpur SRO/PS- Dharmasala ,Ps no/ 858

<u>Mouza</u>	<u>Khata No</u>	<u>Plot No.</u>	<u>Area (Ac. & Ha)</u>	<u>Kisam</u>
Aruha	779 (AAA)	2694{P}	Ac10.98	<u>Pahada</u>
		2807{P}	Ac 9.02	

As per plan annexed and bounded

On the North Part of plot No.

On the south Part of plot No

On the East Part of plot No

And on the west part of plot No.

Hereinafter called as "said land"

Manoj Kumar Samey
 25/5/22

- 5XP -


 21/05/2022
 Tahasidar
 Dharmasala

TERM AND CONDITION OF THE LEASE
PART-II

Whereas the registered qualified person Satya Ranjan Mohanty-RQP/OD/058/2016 has prepared the mining plan of the sairat source e.i- Aruha Blackstone Quarry in favour of Manoj Kumar Samal . This lease is subject to the conditions laid down in rule-33 and also all other conditions containing to lease as provided in the Rule. All conditions given by the SEIAA vide File No 257538/545 MINB 1/02/2022EC Identification No EC22B001OR164789 Dt 11/05/2022 Besides all the above mention term and condition lessee is directed not to transport the minor mineral i.e. Sand before & after opening and closing time of the school and also during the recess time of the school due transportation of Sand done by lessee or any other vehicle owner, the lessee shall be hold responsible for the same .

Manoj kumar Samal
 21/5/22

- 685 -


 15/11/2012
 Tahasildar
 Dharmasala

**TERMS AND CONDITIONS OF QUARRY LEASE LAID DOWN IN RULE-33
CHAPTER-IV OF OMMC RULES-2016.**

1. The lessee shall pay to the state government surface rent before the execution of the lease-deed for the remaining period of the year and thereafter pay such yearly rent on or before the 15th January of every year.
2. The lessee shall pay dead rent for the remaining period of the year before the execution of the lease deed and thereafter pay yearly dead rent on or before the 15th January of every year and an account of the royalty payable by him shall be kept by the Competent Authority and as soon as the royalty payable by him becomes equal to or in excess of the dead rent already paid by him, he shall remove the minor minerals only after payment of the royalty and in such case advance dead rent paid by him shall be deemed to have been merged into the amount of royalty he was liable to pay.
3. The lessee shall pay to the government, compensation for all damages, injuries or disturbance which has been caused by him in the course of mining operation and shall indemnify the government against the claims which may be made by third parties in respect of such damage, injury or disturbances.

Manoj Kumar Samal
 15/11/22

~~426~~


~~Manoj Kumar Samal~~
 24/05/2022
 Mahasidhar
 Dharmasala

4. The lessee shall commence quarrying operations within three months from the date of execution of the lease deed which shall be carried on in a proper, skillful and workman-like manner and the lessee shall send to the director and deputy Director or Mining Officer concerned, under whose jurisdiction the area is located and to the director of mines safety, Bhubaneswar an intimation in form H of the opening or reopening of the quarry so as to reach them within a period of fifteen days from the date of such commencement.

5. If the lessee does not work upon the quarry for a continuous period of six months, the lease shall be liable to be cancelled, unless prior permission had been granted by the competent Authority for such stoppage on reasonable grounds:

Provided that the competent Authority may, on an application made by the lessee before it is cancelled and on being satisfied that it will not be possible for the lessee to undertake mining operations or to continue such operations for reasons beyond his control, make an order within a period of one month from the date of receiving such application and subject to such conditions as may be specified to the effect that such lease shall not be cancelled.

Manoj Kumar Samal
 24/5/22

~~(S)~~ -


 21/5/2022
 Manoj Kumar Sameer
 Dharmasala

6. The lessee shall allow reasonable facilities of access to other concessionaires of major and minor minerals, as may be directed by the competent authority .

7. If any minor mineral not specified in the lease deed is discovered in the leased area the lessee shall report it forthwith to the competent authority and the Director and the lessee shall not win or dispose of any such minor mineral unless such minor mineral is included in the lease deed or a separate prospecting license -cum-mining lease or mining lease or quarry lease, as the case may be ,is granted in favour of lessee .If he fails to apply for a prospecting license-cum-mining lease or mining lease or quarry lease ,as the case may be ,to extract the newly discovered minor mineral within three months from the date of discovery or if he declare his intention not to work upon the discovered minor mineral .the state Government or the competent Authority,as the case may be ,may grant prospecting license -cum-

Manoj Kumar Sameer
 21/5/22

~~88~~ -

31/05/2022
Tahasildar
Dharmasala

mining lease or mining lease or quarry lease in respect of that minor mineral to any other person after observing the procedure specified under these rules for the purpose.

Provided that, if the mineral discovered is not a minor mineral, the lessee shall not be entitled to any preference for the purpose of obtaining a lease for the new mineral, by reason only of the land being included in his earlier lease for extraction of minor mineral.

8. The lessee shall not carry on or allow to be carried on, any quarrying operation at any point within a distance of:-
- (a) One hundred meters from any Railway line (except under and in accordance with the written permission of the Railway Administration concerned) and in case of National Highway, state Highway, monuments, heritage sites, or any reservoir; except in accordance with the previous permission of the collector.
- (b) Fifty meters from any tank, canal, road (other than a National or state Highway or other public works or buildings or inhabited sites), except under in accordance with the previous permission of the collector.
9. The railway administration or the collector, as the case may be, may grant such permission as required under clause (a) or (b) of sub-rule (8) on such condition as may be specified.

Manoj Kumar Saha
31/5/22

- 59 -

21/05/2022
 Tahasidar
 Dharmasala

10. The state or central Government shall have right to construct any road, railway or canal or reservoir or to lay electric or telephone lines in or over the lands held under the lease: Provided that the lessee shall be given at least sixty days prior notice before the right is exercised in the area thus utilized shall be excluded from the area held under lease.
11. The lessee, with prior written permission of the competent authority, can erect at his own cost, temporary structures including buildings required for the purpose of quarrying operation within the leased area, without violating any law or obstructing any natural flow, community access or without causing damage to any embankment or public property, which shall be dismantled by the lessee at his own cost on completion of the lease term or on determination of the lease. The competent authority can pass orders to dismantle such structures if found erected illegally or causing damage to public.
12. The lessee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the leased area.

Manoj Kumar Samal
 21/05/22

- 6X -

22/10/2012
 Tahasildar
 Phamasala

13. The lessee shall obtain permission of the competent authorities of the forest Department, odisha to carry on any operation in forest area.
14. The lessee shall abide by the provisions of all laws for the time being in force ,relating to the working of quarries and matters affecting the safety ,health and convenience of the persons employed for quarrying and of the public and he shall also obey all existing laws of way,water and other easements and shall not use power cutters and other machinery in case of laterite quarries.
15. The lessee shall keep correct accounts of minor minerals other than specified minor minerals quarried and dispatched and shall furnish a quarterly return in form-p and annual in form-k to the competent Authority and the Director.
16. The lessee shall afford reasonable facilities for inspection of the quarries , accounts and records pertaining to quarrying operation ,to the competent Authority and Director or any other officer authorized by any of them and such officer may issue directions to prevent wasteful extraction of minerals and to ensure observation of the provisions of rules and specify the limit not exceeding sixty days within which the directions shall be complied with.

Manoj Kumar Samal
 31/5/22

-61-

21/5/22
Tahasildar
Dharmasala

17. If the lessee does not allow the inspecting officer reasonable facilities for inspection or fails to comply with the directions within the specified time limit, the competent authority may forfeit the whole or part of the security deposit paid by the lessee or impose penalty not exceeding rupees fifty thousand and may cancel the lease and forfeit the security deposit.
18. The lessee shall report about all accidents involving injury or loss of life or loss or damage to property forthwith to the concerned competent authority and collector of the District.
19. If any government dues payable under the lease deed remain unpaid for one month beyond the date fixed in the lease deed for such payment, the competent authority or any officer authorized by him may enter into the leased area and seize all or any of the minor minerals or other movable properties and may disposed of such seized minor mineral properties towards sufficient satisfaction of the government dues and all costs expenses occasioned by the non-payment the lease agreement for such payment, the competent authority may determine the lease, and take possession of the leased area on re-entry without prejudice to such action as may be taken under the provisions of the Odisha public demand recovery act, 1962 for recovery of such dues.

Manoj Kumar Samey
21/5/22

- 62 -

~~22/5/2022
Tahasildar
Dhamsala~~

Manoj Kumar Samej
31/5/22

- 20. The controlling Authority shall have the right to pre-emption at current market rates over all minor minerals extracted or collected by the lessee and shall be indemnified by the lessee against the claim of any third party in respect of such minerals .
- 21. The lessee shall remove all minor minerals extracted before the end of the lease period or of its determination, if it is determined earlier and all other materials and structures within such reasonable period not exceeding two months or as the competent authority may allow.
- 22. All minor minerals, materials, machineries, buildings and other structures left in the leased area after the date line fixed or time allowed by the competent authority shall be deemed to be the property of the Government and Competent authority may dispose of such property by public auction and the sale-proceeds shall be credited to Government account with the approval of controlling Authority.

- 63 -

[Signature]
22/10/2022
Yahasidar
Dharmasala

- 23. If any mineral other than minor mineral is found in the area in course of quarrying of minor minerals, the lessee shall intimate in writing the fact to the competent authority and the Director forthwith and the lease shall be determined without payment of any compensation to the lessee.
- 24. The lessee shall ensure proper maintenance of hill slopes so as to prevent major erosion and observe all such safeguards as provided in the mines Act, 1952 and the rules and regulations framed thereunder from time to time.

Manoj kumar Samal
21/11/22

-6X1-

2001-50/1/2002
Tahsildar
Dharmasala

(25) The lessee shall carry out quarrying operation with appropriate environment safeguards and shall take such steps for reclamation and raising of plantations in the lease area in line with the prescriptions under rules 29 to 37 of the Granite Conservation and Development Rules, 1999.

(26) The lessee shall keep the Government indemnified from any liability, compensation damage etc. arising out of his acts or omissions as a lessee during the subsistence of the lease.

(27) No rejected/off grade major mineral shall be removed on payment of royalty as minor mineral, under this rule.

(28) The Competent Authority may include such other conditions in the lease deed with the approval of the Controlling Authority.

(29) The lessee shall abide by the provision of the Mines Act.1952 and rules and regulations framed thereunder, the Explosives Act. 1884 and rules made thereunder for development of the source of minor minerals to workman like manner and for avoidance of any danger arising out of such winning of minor mineral

Manoj Kumar Samal
31/5/22

- 645 -

~~30/10/2012~~
~~Manoj Kumar Sama~~
Tahasildar
Dharmasala

PART-III

Liberties, power and privileges to be exercised and enjoyed by the
Lessee

1. To enter upon and use the land, described in part 1 of the schedule during the term hereby demised to carry on all operations necessary for extraction, collection, stacking, processing, transport and disposal of minor mineral/minerals leased in natural or in processed/converted form.
2. To make roads, tram ways, install machineries, lay electric and telephone line, on and over the said lands.

Manoj Kumar Sama
31/5/12

-66-

31/5/22
Tahasildar
Dharmasala

- 3. To use water from streams ,watercourses and springs in and upon the said lands in natural state or by means of impounding with the written permission of the collector of the district.

PART-IV

Restrictions and conditions as to the exercise of liberties ,powers and privileges in

Part-ii

- 1. No land shall be used for surface operations if objection is raised by the competent authority or the Collector of the district to the effect that use of the land will be detrimental to public interest.

Manoj Kumar Samal
31/5/22

- 6A -

[Signature]
2021/10/12
Tahasidar
Dharmasala

- 2. The lessee shall not cut or injure any tree in the leased area falling within Reserved/protected forest without prior permission of the divisional forest officer or the officer authorized by him in this behalf and upon payment of royalty and fees for compensatory afforestation as may be specified.
- 3. The lessee shall undertake mining operation only in accordance with approved mining plan or scheme of mining, as the case may be.

Manoj Kumar Samal
31/5/22

~~68~~ -

31/5/2016
 Sahasidhar
 Dharmasala

4. The lessee shall not transport or store or cause to be transported or stored any specified minor mineral for the purpose of selling or trading otherwise than in accordance with these rules and as may be specified under Odisha minerals (Prevention of theft, Smuggling and Illegal mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.
5. The lessee shall submit the total extraction of minor mineral after closure of the mining period; which shall be surveyed and estimated by the Recognized Qualified person and duly approved by the authorized officer.
6. The RQP shall be paid by the lessee for survey and estimate. The differential amount of royalty and other charges shall be realised from the lessee along with penalty under OMMC rule 2016.

Manoj Kumar Samal
 31/5/2016



Endorsement of the certificate of admissibility

Admissible under rule 25: duly stamped under the Indian stamp (Orissa Amendment act 1 of 2008) Act 1899, Schedule 1-A No. 352 1000
 Paid : A5(b)-106011 ;; User Charges-490 , Total 106501

Date: 31/05/2022

Endorsement under section 52

Presented for registration in the office of the Sub-Registrar, Sub-Registrar DHARMASALA between the hours of 7.30 AM and 12.00 PM on the 31/05/2022 by THE GOVERNOR OF ODISHA REPRESENTED THROUGH THASILDAR DHARMASALA (GOVT), son/daughter/wife of , of TAHASILDAR, DHARMASALA , by caste , profession and finger prints affixed.

[Signature]
 Signature of Registering officer
 DHARMASALA

Signature of Presenter / Date: 31/05/2022

Endorsement under section 58

[Signature]
 REGISTERING OFFICER
 Signature of Registering officer
 DHARMASALA

Execution is admitted by :

Name	Photo	Thumb Impression	Signature	Date of Admission or Execution
THE GOVERNOR OF ODISHA REPRESENTED THROUGH THASILDAR DHARMASALA (GOVT)	Execution By THE GOVERNOR OF ODISHA REPRESENTED THROUGH THASILDAR DHARMASALA (GOVT) Who is Exempt from personal Appearance in this office U/S 88 Act XVI of 1908 approved by	Execution By THE GOVERNOR OF ODISHA REPRESENTED THROUGH THASILDAR DHARMASALA (GOVT) Who is Exempt from personal Appearance in this office U/S 88 Act XVI of 1908 approved by	Execution By THE GOVERNOR OF ODISHA REPRESENTED THROUGH THASILDAR DHARMASALA (GOVT) Who is Exempt from personal Appearance in this office U/S 88 Act XVI of 1908 approved by Signature of the Registering officer	
MANOJ KUMAR SAMAL		 243260240	<i>[Signature]</i>	31-May-2022

~~X~~

~~20/11/2021
Prasiddha
Dharmasala~~

PART-V

Liberties, powers and privileges reserved to the State Government

The State Government or any other officer, or persons authorized by it in that behalf has the liberty and power to enter into and upon the leased area to carry on any operation in connection with survey, sampling, testing, quarrying, processing, stacking and transportation of minerals as may be deemed necessary.

~~Manoj Kumar Sama
21/11/21~~

PART-VI

Provision regarding Rents and Royalties

1. The lessee shall, during the subsistence of this lease pay to Government royalty in respect of the minor mineral removed by him from the leased area at the rates prescribed in Schedule II and surface rent at the rate prescribed in schedule 1.

2. All payment relating to rents, royalties, fees, etc., as provided under these rules shall be paid to the state government free from all deductions, at the district Treasury/sub-Treasury and in such manner as the competent authority may prescribe.

- 1 -

~~21/05/2022
 Tahesildar
 Chamesala~~

3. For the purpose of computing the royalty, the lessee shall keep correct amount of the mineral produced, stacked and removed from the lease area and submit a return to the Competent Authority and Director in form K& form P.

4. The lessee shall pay the royalty in advance and the differential amount, if any, on computation shall be paid by the end of the first fortnight of each half yearly period during the subsistence of the lease.

5. The lessee shall pay surface rent in advance and not later than 15th January and 15th July of each year.

In witness of the parties to this quarry lease put their respective hands and seal being present on the date month and year first above mentioned after the contents are read and explained to them and finding the same to be true and correct.

Manoj Kumar Samay
 21/5/22

~~32~~

Signed By

[Handwritten signature]
31/05/2022

For and On Behalf Of Governor Of Odisha in the presence of

1. Samaundha Das, SRA.
31-5-22

2. Gordon Kumar Das SRA
31-05-22

Signed By

Lessee in the presence of Manoj Kumar Samal
31/5/22

1. Dibya Ranjan Samal.
S/o Nitinjan Samal.
31.5.22

Ad/PO- Aruha, Dharmasala.

Athar. 5379 3965 4749 ✓

2. Sunil Kumar Sahu.

S/o. Madhubudan Sahu

31-5-22

Ad/PO- Aruha.

PS - Dharmasala

bist - Jaipur.

TRUE COPY ATTESTED
[Signature]
ADVOCATE

Prepared by
Dattaprasad Lenka
Advocate
Eno. 1/2000



ANNEXURE- F116

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: 0674-3510075, E-mail-seiaaorissa@gmail.com

Letter No 5094/SEIAA

File No. SIA/OR/MIN/284399/2022

DI. 02.09.2022

To

Sri Manoj Kumar Samal
At-Aruha, Ps-Dharmasala
Dist-Jajpur, Odisha

Sub: Proposal for **Corrigendum of Environmental Clearance** of Aruha Black Stone Quarry over an area of 20.00 Acres or 8.09 Hectares (total lease area under cluster-2 is 148.00 acres/59.89 Ha) in village-Aruha, Tahasil-Dharmasala, District-Jajpur of Sri Manoj Kumar Samal-reg.

Ref: (i) EC letter no. EC22B001OR164789 dated 11.05.2022
(ii) Your letter no. 3122 dated 15.07.2022
(iii) Online proposal No. SIA/OR/MIN/284399/2022 dtd. 20.07.2022

Sir

Kindly refer your online application on dated 20.07.2022, wherein you have requested for Corrigendum of environmental clearance granted by SEIAA, Odisha vide letter no. EC22B001OR164789 dated 11.05.2022 issued earlier in favour of Sri Manoj Kumar Samal.

As submitted by the Tahasildar, Dharmasala, it is noted that EC was obtained for Aruha Black Stone Quarry for a period of 5 years in favour of Sri Manoj Kumar Samal vide the above Corrigendum EC letter under reference. Now, the lessee has requested for corrigendum of EC on point no. 2i of Page no. 03, point no.9.7 of page no.04 be modified as there are some typological error during drafting of EC application.

The proposal was registered in PARIVESH Portal on dated 20.07.2022 with required documents and was placed in the SEIAA, Odisha meeting held on 23.08.2022 and the Authority decided that corrigendum of EC be as per the above mentioned point as follows the same terms and conditions under which prior environmental clearance was initially granted and for the same validity period subject to satisfactory compliance to all the stipulated terms and conditions of EC.

[Signature]

-24-

Point No. 2.-i.(Page no.03).As per the approved mining plan the maximum annual extraction of road metal is corrected to **42,000 cum/annum** instead of **14,000 cum/annum**.

Pont No. 9.7(page no. 04). Maximum quantity of quarry material is corrected to **42,000 cum/annum** instead of **14,000 cum** in a full year (January to December) and total production from the quarry is **2,10,000 cum** during the valid lease period of five years as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.

X

Yours faithfully,

[Signature]
Member Secretary

Memo No 5395/SEIAA /Dt. 02.09.2022

Copy to

1. Joint Secretary (Environment), Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
2. Principal Secretary, Forests & Environment Dept., Government of Odisha for information.
3. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for information.
6. Member Secretary, CGWA, 18/11, Jamnagar House, Man Singh Road, New Delhi-110011 for information.
7. **Collector & DM, Jajpur/ Sub Collector, Jajpur/Tahasildar, Dharmasala for Information and necessary action.**
8. Chairman/Member / Member Secretary, SEIAA for information.
9. Chairman, SEAC/Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.

X

[Signature]
Member Secretary

TRUE COPY ATTESTED
[Signature]
ADVOCATE

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- 25 - B. 515300 =

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ANNEXURE.

GOVT. OF ODISHA
 SR. DHARMASALA
 JAJPUR
 LICENSE NO : JPRFRA004

भारत

 INDIA

STAMP DUTY
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 Rs. ≈ 0515300 ≈
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 NON JUDICIAL
 10.3.2023
 ODISHA

Zero*Five*OneFive*ThreeZero*Zero**

0708 7029369

9/16

10/3/23
 SUB-REGISTRAR
 DHARMASALA



fees paid
 As 206080-00
 VC 340-00
 206420-00

12/03/2023
 Tahasildar
 Dharmasala

LEASE DEED AGREEMENT
FORM-N
 FROM OF QUARRY LEASE
 [SEE RULE 27(13)]

THIS INDENTURE MADE THIS
 ...13th... Day of March 2023

Between,
 The Governor of Odisha
 Represented through Tahasildar DHARMASALA
Sri Swagat Das OAS (1) SB
 hereinafter called the "Lessor" (Competent Authority|)

AND

MANOJ KUMAR SAMAL aged about 32 years, S/O-MAHENDRA
KUMAR SAMAL, of Village /PO- Aruha, PS-Dharmasala, Dist-
 Jajpur, by caste- Khandayat, Profession - Business, Adhara No.-
 700086205577, Mob-8093701067, pin - 755024

Manoj Kumar Samal
 13.3.23

(Hereinafter called the lessee which expression shall
 there the context to admit be deemed to include his
 Heirs Executors, Administrators, Assigns) of the other
 part .



Manoj Kumar Samal
Satyajit Samal

WHEREAS the lessee has applied to the competent Authority concerned for a quarry lease for Black Stone (miner mineral) in accordance with the provision of the Odisha minor Minerals Concession Rules, 2016 and subsequent amendment 2017-18 in respect of the lands described in part I of the Schedule and has deposited a sum of as security which may be refundable at the end of lease period.

AND WHEREAS the component Authority has communicated his approval to grant of lease on terms, covenants and condition hereinafter contained.

NOW THIS INDENTURE Witnessh as follows:

The lessor hereby demises to the lessee the land described in part I of the Schedule hereunder written and delineated in the map hereunto annexed.

The said demised pieces of land shall be held by the lessee for term of 5 years from the date on which this executed deed is registered under the Indian.

Registration Act. And Odisha Registration manual, subject to the term, convent, condition hereinafter provided.

13/03/2023
Tahasildar
Dhamasala

Manoj Kumar Samal
13.3.23

N WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.

The schedule above referred to

PART-1

DETAILS OF PAYMENT, LOCATION AND AREA OF THE QUARRY LEASE

1. Sairat Case Record bearing No. 34/2021
2. Name of the quarry : Aruha
Blackstone Quarry
3. Lease Period: Long Terms Lease
(5Years)
4. Period for which lease deed is executed from (From the date of execution to the deed to dt-30.05.2023)
5. Minimum Guaranteed : 28000 Cum.
Quantity per Annum
6. Amount to be deposited as per mining plan for minimum granted quantity (for the 1st year) with additional charge, dead rent surface rent etc as per OMMC Rule 2016 calculated below:-

Royalty+Addl. charges -Rs	<u>1,03,04,000.00</u>
Total Amount Rs	<u>1,03,04,000.00</u>

The lessee has deposited an amount of Rs. 70,00,000/- vide MR No. 0078190 dated- 9.3.2023

The rest of amount will be pay by the Lessee on^{or} before 30.05.2023.

Tahasilkar
Dharmasala

Manoj Kumar Samal
13.3.23



Endorsement of the certificate of admissibility

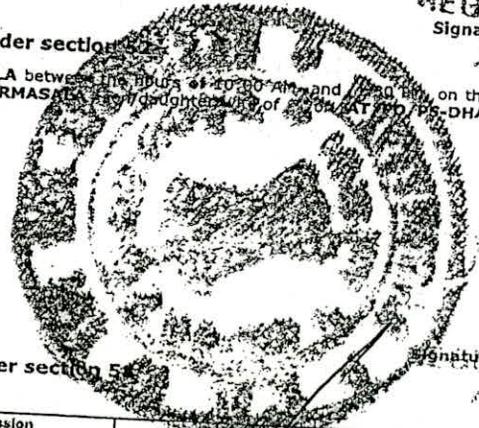
Admissible under rule 25: duly stamped under the Indian stamp (Orissa Amendment act 1 of 2008) Act 1899, Schedule 1-A No. 350 Fees Paid : A5(b)-206080 . User Charges: 340 ,Total 206420

Date: 13/03/2023

Endorsement under section 5

Presented for registration in the office of the Sub-Registrar Sub-Registrar DHARMASALA between the hours of 10:30 AM and 4:30 PM on the 13/03/2023 by THE GOVERNOR OF ODISHA REPRESENTED THROUGH TAHASILDAR SWAGAT DAS DHARMASALA by caste , profession and finger prints affixed.

REGISTRAR OFFICE
Signature of Registering officer
DHARMASALA



Signature of Presenter / Date: 13/03/2023

Endorsement under section 5

Signature of Registering officer
DHARMASALA

Execution is admitted by :

Name	Photo	Thumb Impression	Signature	Date of Admission of Execution
THE GOVERNOR OF ODISHA REPRESENTED THROUGH TAHASILDAR SWAGAT DAS DHARMASALA	—	—	—	—
MANOJ KUMAR SAMAL		 243744335	 Manoj Kumar Samal	13-Mar-2023
Identified by SATYAJIT SAMAL Son/Wife of PRAMOD SAMAL of AT-JHARAGADIA, PO-ARUHA, DIST-JAJPUR by profession Cultivation	Photo	Thumb Impression	Signature	Date of Admission of Execution
ATYAJIT SAMAL		 42711086	 Satyajit Samal	13-Mar-2023

Date: 13/03/2023

Endorsement of certificate of registration under section 60

Registered and true copy filed in : Office of the Sub-Registrar, DHARMASALA

Book Number : 1 || Volume Number : 17

Document Number : 10812300804

the year : 2023

at :

Date: 14/03/2023

REGISTRAR OFFICE
Signature of Registering officer
DHARMASALA

REGISTRAR OFFICE
Signature of Registering officer
DHARMASALA

-XP-

7. Location of the Quarry

Dist- Jajpur ,SRO-Dharmasala,PS- Dharmasala, PS No-858

<u>Mouza</u>	<u>Khata No</u>	<u>Plot No.</u>	<u>Area (Ac. & Ha)</u>	<u>Kisam</u>
Aruha	779(AAA)	2694(P)	Ac.10.98	Pahada
		2807(P)	Ac.9.02	


 12/02/2023
 Tabasiddhar
 Dharmasala

As per plan annexed and bounded
 On the North Part of plot No.
 On the south Part of plot No.
 On the East Part of plot No.
 And on the west part of plot No.
 Hereinafter called as "said land"

Manoj Kumar Samal
 13.3.23

TERM AND CONDITION OF THE LEASE

PART-II

Whereas the registered qualified person Satyaranjan Mohanty - RQP/OD/058/2016 has prepared the mining plan of the sairat source e.i- Aruha Blackstone Quarry in favour of Manoj Kumar Samal.

This lease is subject to the conditions laid down in rule-33 and also all other conditions containing to lease as provided in the Rule. All conditions given by the vide EC File No- CRO/SIA/OR/MIN/284399/2022 dated-02.09.2022.

Besides all the above mention term and condition lessee is directed not to transport the minor mineral i.e. Black Stone before & after opening and closing time of the school and also during the recess time of the school due transportation of Black Stone done by lessee or any other vehicle owner, the lessee shall be hold responsible for the same .

Before it the Lessee has been executed an agreement of 14000 cum vide registered agreement no-10812201551 dated 31.05.2022 after grant of modify EC No- SIA/OR/MIN/284399/2022 dated 02.09.2022 for a quantity of 42000 cum of Black Stone by the competent authority hence the rest of 28000cum quantity executed by this deed. From this next year the Lessee will be executed as per quantity of modify by the competent authority.

[Handwritten signature]
Tahsilidar
Dharmasala

Manoj Kumar Samal
13.5.23

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**TERMS AND CONDITIONS OF QUARRY LEASE LAID DOWN IN RULE-33
CHAPTER-IV OF OMMC RULES-2016.**

1. The lessee shall pay to the state government surface rent before the execution of the lease-deed for the remaining period of the year and thereafter pay such yearly rent on or before the 15th January of every year.
2. The lessee shall pay dead rent for the remaining period of the year before the execution of the lease deed and thereafter pay yearly dead rent on or before the 15th January of every year and an account of the royalty payable by him shall be kept by the Competent Authority and as soon as the royalty payable by him becomes equal to or in excess of the dead rent already paid by him, he shall remove the minor minerals only after payment of the royalty and in such case advance dead rent paid by him shall be deemed to have been merged into the amount of royalty he was liable to pay.
3. The lessee shall pay to the government, compensation for all damages, injuries or disturbance which has been caused by him in the course of mining operation and shall indemnify the government against the claims which may be made by third parties in respect of such damage, injury or disturbances.
4. The lessee shall commence quarrying operations within three months from the date of execution of the lease deed which shall be carried on in a proper, skillful and workman-like manner and the lessee shall send to the director and deputy Director or Mining Officer concerned, under whose jurisdiction the area is located and to the director of mines safety, Bhubaneswar an intimation in form H of the opening or reopening of the quarry so as to reach them within a period of fifteen days from the date of such commencement.
5. If the lessee does not work upon the quarry for a continuous period of six months, the lease shall be liable to be cancelled, unless prior permission had been granted by the competent Authority for such stoppage on reasonable grounds:
Provided that the competent Authority may, on an application made by the lessee before it is cancelled and on being satisfied that it will not be possible for the lessee to undertake mining operations or to continue such operations for reasons beyond his control, make an order within a period of one month from the date of receiving such application and subject to such conditions as may be specified to the effect that such lease shall not be cancelled.
6. The lessee shall allow reasonable facilities of access to other concessionaires of major and minor minerals, as may be directed by the competent authority.

13/03/2023
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Dharmasala

Manoj Kumar Samal
13-3-23

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7. If any minor mineral not specified in the lease deed is discovered in the leased area the lessee shall report it forthwith to the competent authority and the Director and the lessee shall not win or dispose of any such minor mineral unless such minor mineral is included in the lease deed or a separate prospecting license -cum-mining lease or mining lease or quarry lease, as the case may be, is granted in favour of lessee. If he fails to apply for a prospecting license-cum-mining lease or mining lease or quarry lease, as the case may be, to extract the newly discovered minor mineral within three months from the date of discovery or if he declare his intention not to work upon the discovered minor mineral the state Government or the competent Authority, as the case may be, may grant prospecting license -cum-mining lease or mining lease or quarry lease in respect of that minor mineral to any other person after observing the procedure specified under these rules for the purpose. Provided that, if the mineral discovered is not a minor mineral, the lessee shall not be entitled to any preference for the purpose of obtaining a lease for the new mineral, by reason only of the land being included in his earlier lease for extraction of minor mineral.
8. The lessee shall not carry on or allow to be carried on, any quarrying operation at any point within a distance of:-
- (a) One hundred meters from any Railway line (except under and in accordance with the written permission of the Railway Administration concerned) and in case of National Highway, state Highway, monuments, heritage sites, or any reservoir; except in accordance with the previous permission of the collector.
- (b) Fifty meters from any tank, canal, road (other than a National or state Highway or other public works or buildings or inhabited sites), except under in accordance with the previous permission of the collector.
9. The railway administration or the collector, as the case may be, may grant such permission as required under clause (a) or (b) of sub-rule (8) on such condition as may be specified.
10. The state or central Government shall have right to construct any road, railway or canal or reservoir or to lay electric or telephone lines in or over the lands held under the lease: Provided that the lessee shall be given at least sixty days prior notice before the right is exercised in the area thus utilized shall be excluded from the area held under lease.
11. The lessee, with prior written permission of the competent authority, can erect at his own cost, temporary structures including buildings required for the purpose of quarrying operation within the leased area, without violating any law or obstructing any natural flow, community access or without causing damage to any

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 Dharmasala

Manoj Kumar Samal
 13-7-23

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- embankment or public property, which shall be dismantled by the lessee at his own cost on completion of the lease term or on determination of the lease. The competent authority can pass orders to dismantle such structures if found erected illegally or causing damage to public.
12. The lessee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the leased area.
 13. The lessee shall obtain permission of the competent authorities of the forest Department, Odisha to carry on any operation in forest area.
 14. The lessee shall abide by the provisions of all laws for the time being in force, relating to the working of quarries and matters affecting the safety, health and convenience of the persons employed for quarrying and of the public and he shall also obey all existing laws of way, water and other easements and shall not use power cutters and other machinery in case of laterite quarries.
 15. The lessee shall keep correct accounts of minor minerals other than specified minor minerals quarried and dispatched and shall furnish a quarterly return in form-p and annual in form-k to the competent Authority and the Director.
 16. The lessee shall afford reasonable facilities for inspection of the quarries, accounts and records pertaining to quarrying operation to the competent Authority and Director or any other officer authorized by any of them and such officer may issue directions to prevent wasteful extraction of minerals and to ensure observation of the provisions of rules and specify the limit not exceeding sixty days within which the directions shall be complied with.
 17. If the lessee does not allow the inspecting officer reasonable facilities for inspection or fails to comply with the directions within the specified time limit, the competent authority may forfeit the whole or part of the security deposit paid by the lessee or impose penalty not exceeding rupees fifty thousand and may cancel the lease and forfeit the security deposit.
 18. The lessee shall report about all accidents involving injury or loss of life or loss or damage to property forthwith to the concerned competent authority and collector of the District.
 19. If any government dues payable under the lease deed remain unpaid for one month beyond the date fixed in the lease deed for such payment, the competent authority or any officer authorized by him may enter into the leased area and seize all or any of the minor minerals or other movable properties and may disposed of such seized minor mineral properties towards sufficient satisfaction of

3/03/2023

Takasidhar
Dharmasala

Manoj Kumar Samal
3.3.23

the government dues and all costs expenses occasioned by the non-payment the lease agreement for such payment ,the competent authority may determine the lease, and take possession of the leased area on re-entry without prejudice to such action as may be taken under the provisions of the Odisha public demand recovery act,1962 for recovery of such dues.

20. The controlling Authority shall have the right to pre-emption at current market rates over all minor minerals extracted or collected by the lessee and shall be indemnified by the lessee against the claim of any third party in respect of such minerals.
21. The lessee shall remove all minor minerals extracted before the end of the lease period or of its determination, if it is determined earlier ,and all other materials and structures within such reasonable period not exceeding two months or as the competent authority may allow.
22. All minor minerals, materials, machineries, buildings and other structures left in the leased area after the date line fixed or time allowed by the competent authority shall be deemed to be the property of the Government and Competent authority may dispose of such property by public auction and the sale-proceeds shall be credited to Government account with the approval of controlling Authority.
23. If any mineral other than minor mineral is found in the area in course of quarrying of minor minerals, the lessee shall intimate in writing the fact to the competent authority and the Director forthwith and the lease shall be determined without payment of any compensation to the lessee.
24. The lessee shall ensure proper maintenance of hill slopes so as to prevent major erosion and observe all such safeguards as provided in the mines Act,1952 and the rules and regulations framed thereunder from time to time.

~~Manoj Kumar Samal~~
Tahasildar
Dharmasala

Manoj Kumar Samal
13-3-23

20/03/2023
 Tahsildar
 Dhamasala

(25) The lessee shall carry out quarrying operation with appropriate environment safeguards and shall take such steps for reclamation and raising of plantations in the lease area in line with the prescriptions under rules 29 to 37 of the Granite Conservation and Development Rules, 1999.

(26) The lessee shall keep the Government indemnified from any liability, compensation damage etc. arising out of his acts or omissions as a lessee during the subsistence of the lease.

(27) No rejected/off grade major mineral shall be removed on payment of royalty as minor mineral, under this rule.

(28) The Competent Authority may include such other conditions in the lease deed with the approval of the Controlling Authority.

(29) The lessee shall abide by the provision of the Mines Act. 1952 and rules and regulations framed thereunder, the Explosives Act. 1884 and rules framed thereunder for development of the source of minor minerals to workman in a safe manner and for avoidance of any danger arising out of such winning of minor minerals.

Manoj Kumar Sena
 13.3.23

PART-III

Liberties, power and privileges to be exercised and enjoyed by the Lessee

1. To enter upon and use the land, described in part 1 of the schedule during the term hereby demised to carry on all operations necessary for extraction, collection, stacking, processing, transport and disposal of minor mineral/minerals leased in natural or in processed/converted form.
2. To make roads, tram ways, install machineries, lay electric and telephone line, on and over the said lands.
3. To use water from streams, watercourses and springs in and upon the said lands in natural state or by means of impounding with the written permission of the collector of the district.

~~Manoj Kumar Samal~~
Tahasildar
Dharmasala

PART-IV

Restrictions and conditions as to the exercise of liberties, powers and privileges in Part-ii

1. No land shall be used for surface operations if objection is raised by the competent authority or the Collector of the district to the effect that use of the land will be detrimental to public interest.
2. The lessee shall not cut or injure any tree in the leased area falling within Reserved/protected forest without prior permission of the divisional forest officer or the officer authorized by him in this behalf and upon payment of royalty and fees for compensatory afforestation as may be specified.
3. The lessee shall undertake mining operation only in accordance with approved mining plan or scheme of mining, as the case may be.

Manoj Kumar Samal
12-3-23

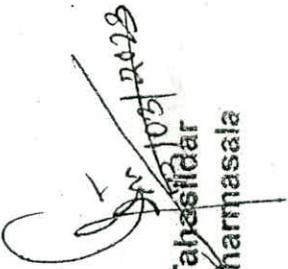
- (87) -

4. The lessee shall not transport or store or cause to be transported or stored any specified minor mineral for the purpose of selling or trading otherwise than in accordance with these rules and as may be specified under Odisha minerals (Prevention of theft, Smuggling and Illegal mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.
5. The lessee shall submit the total extraction of minor mineral after closure of the mining period; which shall be surveyed and estimated by the Recognized Qualified person and duly approved by the authorized officer.
6. The RQP shall be paid by the lessee for survey and estimate. The differential amount of royalty and other charges shall be released from the lessee along with penalty under OMMC rule 2016.

PART-V

Liberties, powers and privileges reserved to the State Government

The State Government or any other officer, or persons authorized by it in that behalf has the liberty and power to enter into and upon the leased area to carry on any operation in connection with survey, sampling, testing, quarrying, processing, stacking and transportation of minerals as may be deemed necessary.


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 Tahasildar
 Dharmasala

Manoj Kumar Samal
 13-3-22

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PART-VI

Provision regarding Rents and Royalties

1. The lessee shall, during the subsistence of this lease pay to Government royalty in respect of the minor mineral removed by him from the leased area at the rates prescribed in Schedule II and surface rent at the rate prescribed in schedule 1.
2. All payment relating to rents, royalties, fees, etc., as provided under these rules shall be paid to the state government free from all deductions, at the district Treasury/sub-Treasury and in such manner as the competent authority may prescribe.
3. For the purpose of computing the royalty, the lessee shall keep correct amount of the mineral produced, stacked and removed from the lease area and submit a return to the Competent Authority and Director in form K & form P.
4. The lessee shall pay the royalty in advance and the differential amount, if any, on computation shall be paid by the end of the first fortnight of each half yearly period during the subsistence of the lease.
5. The lessee shall pay surface rent in advance and not later than 15th January and 15th July of each year.

13-03-23
 Manoj Kumar Samal
 Tahasildar
 Dharmasala

Manoj Kumar Samal
 13-3-23

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In witness of the parties to this quarry lease put their respective hands and seal being present on the date month and year first above mentioned after the contents are read and explained to them and finding the same to be true and correct.

Signed by.....

For and on behalf of governor of Odisha, in the presence of

1. Samarendra Das, SRA
Dhamada Tahasil
13/3/23

2. Ramesh Chandra Das Dhamada Tahasil
13/3/2023 SRA

Signed by..... Lessee in the presence of

1. Satyajit Samal
Prasad Samal

At - Jharagadia
Po - Aduha
Dist - Jajpur Adhar 731920017198
13/3/23

2. ପ୍ରକାଶ କୁମାର ଦାସ
ସି. ଅନିଲ ଦାସ
ସା. କୁମାର, ଅନିଲ
ଓ ବାଲୁଆ ମ/ମ/ମ

Prepared by
Bidyashree Kumar
Advocate
E.No. 1/2000
13/3/23



ସତ୍ୟଜିତ ସାମଲ
SATYAJIT SAMAL
ପିତା: ପ୍ରମୋଦ ସାମଲ
Father: PRAMOD SAMAL
ଜନ୍ମ ତାରିଖ / DOB: 27/08/1989
ପୁରୁଷ / Male



ଆଧାର
ଭାରତ
Address:
ARUHA, Jharagadja, Aruha,
Jajapur, Odisha, 755024

7319 2001 7198

ଆଧାର - ସାଧାରଣ ଲୋକର ଅଧିକାର

7319 2001 7198

1947
1800 300 1947

help@uidai.gov.in

www.uidai.gov.in

Satyajit Samal

TRUE COPY ATTESTED
ADVOCATE



OFFICE OF THE TAHASILDAR, DHARMASALA

Tel:-06725-273036 Web:- tdrdharmasala.in Email:-tdrdharmasala@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)

ANNEXURE-

H116

Sir/Ma'am,

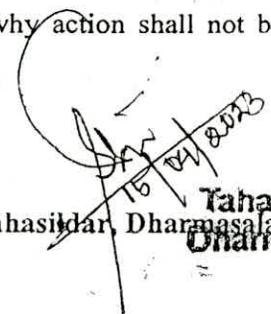
This is to inform you that, an assessment via *Drone mapping/ETS survey* by an ORSAC-empowered Technical Expert (RQP) as a part of the initiative under "*Prevention of theft of Minor Minerals*" was conducted for your leasehold quarry Lessee of Aruha BSQ (Ac.20.00) vide sairat case no 34/2021 on dt. 10.03.2023. 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 assessments 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**.


Tahasildar, Dharmasala
Dharmasala

TRUE COPY ATTESTED
ADVOCATE

- 98 =

ANNEXURE-I/16

Date: 29.04.23

To,

The Tahasildar,

Dharmasala,

Dist - Jajpur

Sub - Preliminary Reply to the show cause notice no. 1583 dated
15.04.2023

Respected Sir,

With respect to the letter under reference, I beg to state here that the show cause notice is unreasonable and the materials/reports on the basis of which the show cause has been rendered is not attached along with the letter under reference as a result of which I am unable to justify the alleged extraction.

In this regard, it is humbly submitted that as per the auction notice as well as the lease deed, the permissible quantity for extraction/ MGQ is 42, 000 cum per annum, however, in the show cause notice, it has been erroneously mentioned as 14, 000cum. As per our records, the extraction in the quarry till the date of receipt of the show cause notice is only 31, 000cum. Hence, on what basis your good office has arrived at the figure of 1, 08, 112 cum is not stated in the show cause notice.

← 9A →

It is also necessary to bring to the notice that as you are aware when the quarry was auctioned, the RL (Reducing Level) was measured by resorting to the GPS Survey and was based on only arithmetical co-ordinates as done by the RQP. Thus, the mineral reserve at the time of grant of quarry was only taken on assumption and not on the basis of real-time assessment. Furthermore, the drone mapping/ ETS survey was not conducted at the time of grant of quarry whereby the RL would have been appropriately been determined. In this regard, it is unfortunate that while granting the quarry your good office only conducted the GPS survey based on co-ordinates and now the demand is raised by way of drone mapping/ ETS survey, however, as the fact remains, the quarry is not viable for the said survey because it cannot determine the definite boundaries of the leases. Moreover, the survey if any conducted by your good office has not been done in our presence nor any report has been attached/ confronted to us in order to legitimately justify our reasons.

In the said circumstances, the show cause notice is in complete violation of the principle of natural justice and also, is in complete derogation to the settled position of law that the materials on the basis of which allegation is made should be supplied to the person against whom the allegation is made.

In this connection, it is also necessary to state here that there is not a single occasion of illegal transportation of raw materials against me till date from the date of operation of the quarry nor I have ever violated the conditions mentioned in the lease deed as well as the OMMC Rules, 2016.

Hence, in the above premises, with folded hands I request you to kindly withdraw the show cause notice on the basis of the patent illegalities as pointed out herein above or in the alternate, if your good office is willing to justify the show cause notice, then I may kindly 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 me in order to enable me to file a detailed show cause reply.

Yours Faithfully,

Manoj Kumar Samal

TRUE COPY ATTESTED
ADVOCATE

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OFFICE OF THE TAHASILDAR, DHARMASALA

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

Letter No. 1821 Date: 02.05.2023

ANNEXURE-116

Sri Manoj Kumar Samal S/o- Mahendra Kumar Samal

AVPO- Aruha, PS-Dharmasala, Dist- Jajpur, Lessee for Aruha BSQ (Ac.20.00)

Sub: Reply to your letter dated 29.04.2023

Sir,

It is to intimate you that, the preliminary reply submitted on your behalf to the show cause notice No. 1583 dt. 15.04.2023 was examined at our level and the following points may be noted in this regard:

1. The departmental enquiry and corresponding reports neednot be attached with the showcause notices, as all the requisite details have been mentioned therein. It may be requested separately by the party interested via the Right To Information Act, 2005.
2. The date of survey for the Aruha BSQ was 10.03.2023 that has been clearly mentioned in the notice whereas the Date of Execution of Lease Agreement permitting for an extraction of 42000 CuM based on the Modified EC is 13.03.2023. So, as on the date of survey, you were permitted for extraction only limited to 14000 CuM.
3. It must be noted here that this Office has no expertise to 'Conduct' the GPS Survey for Mining Plan. The field work has been completed by a Technical Expert- ORSAC Empanelled RQP and approved by the Deputy Director of Geology who are experts in their respective fields..
4. The definite boundaries of the leases have been based on the Approved Mining Plan and the technology employed for assessment are drone mapping/DGPS which give a more accurate assessment than the earlier employed GPS technology.
5. As the Competant Authority and teams composed by the Controlling Authority (as per OMMC Rules 2016), the assessments can be conducted at any point of time in order to take action for any *LOSS OF REVENUE to the State Exchequer resulting from the unauthorized extraction (if any)*
6. It must be noted here that, due to large number of sairat sources and considerable distance from the Office, it is not feasible to spot every illegal vehicular movement from the quarry areas. In order to counter this inability of the authorities, periodic assessment of quarry extraction has been planned and is being implemented to check unauthorized extraction (if any)

Therefore, under no circumstances has any principle of natural justice been violated and every requisite procedure have been duly followed allowing your goodself optimum time and opportunity to put forth genuine grievances (if any).

TRUE COPY ATTIES IED
for
ADVOCATE

Yours faithfully,

[Signature]
Tahasildar, Dharmasala
Tahaalldar
Dharmasala

ANNEXURE-K16

OFFICE OF THE TAHASILDAR, DHARMASALA

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

To

Demand Notice No. 1955 Date: 10.05.2023

Sent via Registered w/

Sri Manoj Kumar Samal S/o- Mahendra Kumar Samal
At/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.

TRUE COPY ATTESTED
ADVOCATE

Tahasildar, Dharmasala



IN THE HIGH COURT OF ORISSA: CUTTACK

(ORIGINAL JURISDICTION CASE)

W.P.(C) NO. 17732 OF 2023

CODE NO:-270000

In the matter of:

An application under Article 226 and 227
of the Constitution of India;

AND

In the matter of:

An application under the provisions of
Mines and Minerals (Development and
Regulation) Act, 1957 & Orissa Minor
Minerals Concession Rules, 2016;

Presented in Court

31/5/23 B.O.

AND

In the matter of:

The petitioner challenges the illegal,
whimsical and arbitrary demand notice
dated 10.05.2023 (Annexure-12) issued by
the Tahasildar, Dharmasala on the ground
that the same has been issued without
giving the petitioner a reasonable
opportunity to file the show cause reply.
Hence, the same is illegal, arbitrary and in
complete derogation of the principles of
natural justice;



Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

31/5/2023

R

In the matter of:

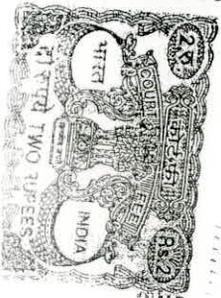
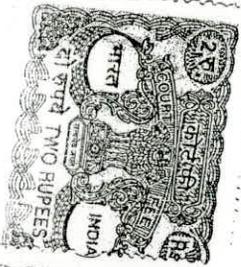
Sri Manoj Kumar Samal, aged about 32
years, S/o-Mahendra Kumar Samal,
At/P.O-Aruha, P.S-Dharmasala, Dist-
Jajpur, Pin-755024

.....PETITIONER

-VERSUS-

1. State of Odisha, represented through its
Secretary, Revenue and Disaster
Management Department, Secretariat
Building, Bhubaneswar.
2. Collector, Jajpur, AT/PO-Jajpur, Dist-
Jajpur.
3. Tahasildar, Dharmasala, AT/PO-
Dharmasala, Dist-Jajpur.

.....OPP.PARTIES



9

-100-

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

Manoj Kumar Samal

....

PetitionerMr. 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).

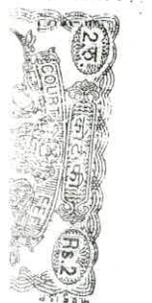
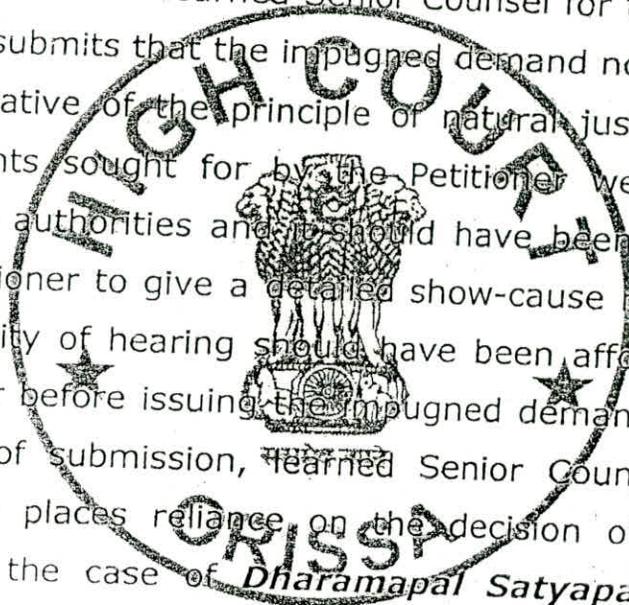
Heard Mr. Subir Palit, learned Senior Advocate
appearing for the Petitioner and Mr. J.P. Pattnaik,
learned Government Advocate.

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



Q

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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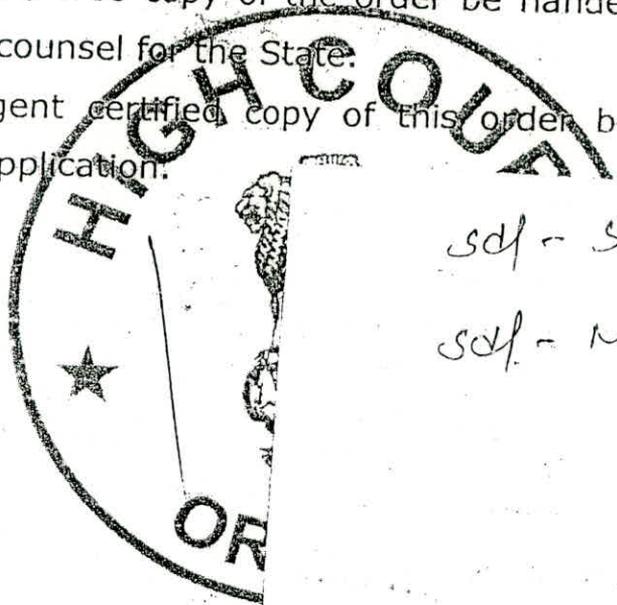
// 4 //

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.

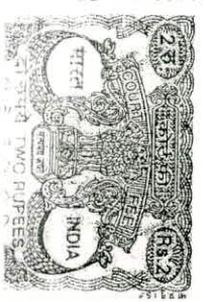
Let a free copy of the order be handed over to the learned counsel for the State.

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



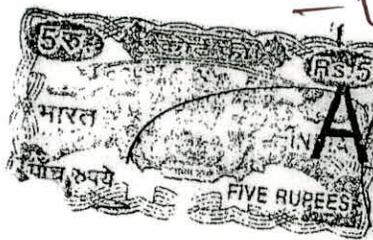
sd/- S.K. Sahoo, VJ
sd/- M.S. Raman, VJ

MRS/Laxmikant



TRUE COPY ATTESTED
ADVOCATE

copy by *[Signature]*
02.16.22



ANNEXURE-

M116

IN THE HIGH COURT OF ORISSA: CUTTACK
(ORIGINAL JURISDICTION CASE)

62790

W.P.(C) NO. 36628 OF 2023

CODE NO:-270000

In the matter of:

An application under Article 226 and 227
of the Constitution of India;

AND

In the matter of:

An application under the provisions of
Mines and Minerals (Development and
Regulation) Act, 1957 & Orissa Minor
Minerals Concession Rules, 2016;

AND

In the matter of:

An application challenging the in-action of
the Opp. Parties more particularly the Opp.
Party No.2 & 3 in not disposing of the
representation of the petitioner thereby
creating a limbo as regards the functioning
of his quarry which he has taken up by
virtue of registered lease deed dated
31.05.2022 in respect of Aruha BSQ (20.00
Acre) moreso when his lease period is yet
to expire and not being allowed to operate
the quarry due to the pendency of the
representation / personal hearing;

AND

B.O.

SR
27/11/23



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-105-

In the matter of:

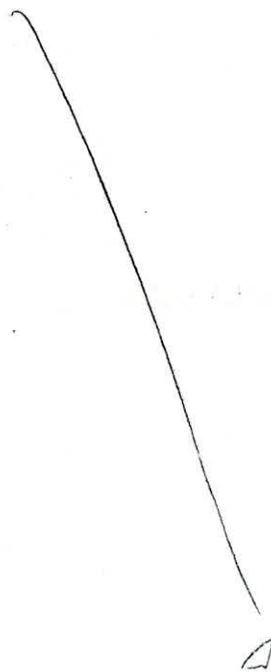
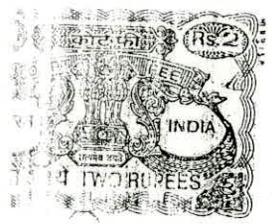
Sri Manoj Kumar Samal, aged about 32 years, S/o-Mahendra Kumar Samal, At/P.O-Aruha, P.S-Dharmasala, Dist-Jajpur, Pin-755024

.....PETITIONER

-VERSUS-

1. State of Odisha, represented through its Secretary, Revenue and Disaster Management Department, Secretariat Building, Bhubaneswar.
2. Collector, Jajpur, AT/PO-Jajpur, Dis - Jajpur.
3. Tahasildar, Dharmasala, AT/PO-Dharmasala, Dist-Jajpur.

.....OPP.PARTIES



~~126~~

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;"

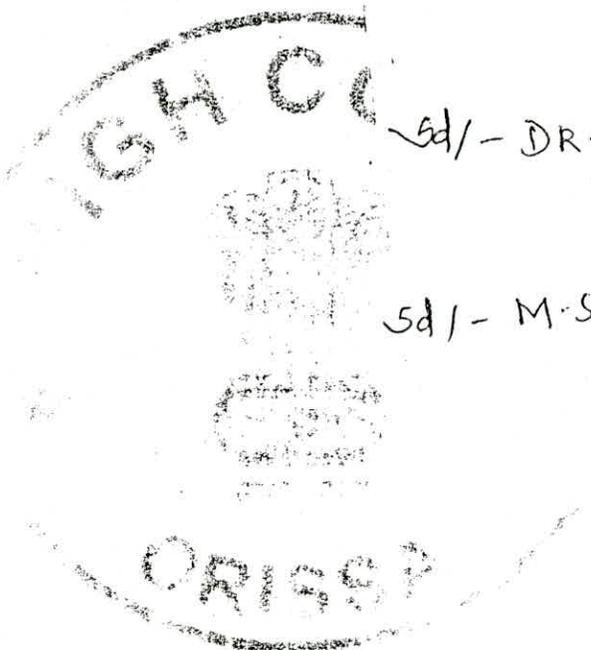
4. In course of hearing, learned counsel for the Petitioner states that highlighting his grievance, the Petitioner has made

- 127 -

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.

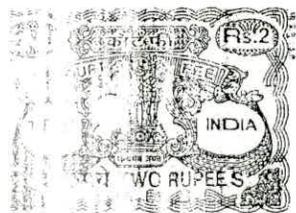
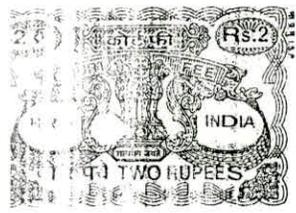
5. As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.2 to consider the representation filed by the petitioner vide Annexure-19 series, and pass 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.



Sd/- DR. B.R. Sarangi, ACJ

Sd/- M.S. Ramani, J



TRUE COPY ATTESTED
ADVOCATE

Copy by S. Sahu
10-11-23



ANNEXURE - D/16

Schedule LIII Form No.321

IN THE COURT OF THE COLLECTOR, JAIPUR

Misc Case No.109/2023

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

Manoj Kumar Samal

S/o-Mahendra Kumar Samal,

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

Dist-Jajpur.

-Versus -

State of Odisha & others.

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>	

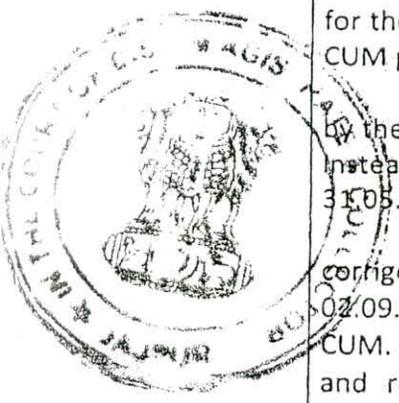


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(CONTINUATION OF ORDER SHEET)

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

SI 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 SI. 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 Mouza Aruha, 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)

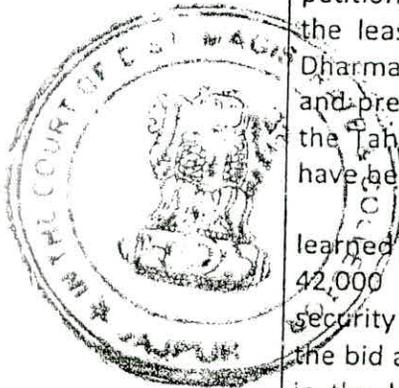
Sl No. of Order & Date	Order of Magistrate & Signature	Remarks
1	2	3
	<p>period of one year till 30.05.2023 for MGQ of 14,000 CUM and 28,000 CUM respectively and as such in both the registered lease deed the quantity of MGQ to be extracted is 42,000 CUM per annum which is in terms of the tender call 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>	



(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>	

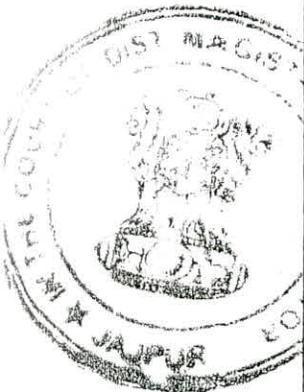


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(CONTINUATION OF ORDER SHEET)

(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>	



- XB -

(CONTINUATION OF ORDER SHEET)

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

Sl No. of Order & Date 1	Order of Magistrate & Signature 2	Remarks 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> Collector, Jajpur</p> <p> Collector, Jajpur</p>	



Memo No. 30(4) /Dt. 29.01.2024

Page 7

Copy of extract order of the Collector, Jajpur dt.18.01.2024 passed in Misc Case No.109/2023 is forwarded to the Tahasildar, Dharmasala for information and necessary action.

Copy to Mano; 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.


Deputy Collector, Judicial,
Collectorate, Jajpur

JE COPY ATTESTED

ADVOCATE

~~XXXX~~

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

ANNEXURE-

0116

Sl No. of Order &	Order of Magistrate & Signature	Remarks
1	2	3
02.04.2024	<p style="text-align: center;"><u>Sairat Case No. 34/2021 (Aruha BSQ 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
<p>02.04.2024</p>	<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>	

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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>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																								
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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>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>Td (D) <i>[Signature]</i> 02/04/2024</p> <p>Tahasildar, Dharmasala</p>	
	<p><i>[Signature]</i> 02/04/2024</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: center;">  Tahasildar, Dharmasala Tahasildar Dharmasala </p>	

TRUE COPY ATTESTED
ADVOCATE

ANNEXURE

OFFICE OF THE TAHASILDAR, DHARMASALA

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

Demand Notice

To

Notice No.2244

Date: 25.04.2024

P116

Sri Manoj Kumar Samal, S/o- Mahendra Kumar Samal
At/PO- Aruha, PS- Dharmasala, Dist- Jajpur.
(Lessee of Aruha BSQ (Ac.29.00))

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:

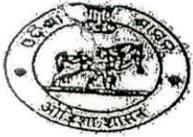
<u>Revised Demand</u>		
Sl. No.	Item	Amount in Rs.
1	Royalty @ 130 / CUM (130*80112)	1,04,14,560
2	Addl. Charges @ 238/CUM (238*80112)	1,90,66,656
3	Income tax @ 2% of (royalty + addl. Charges)	5,89,625
4	DMF @ 10% of royalty	10,41,456
5	EMF @ 5% of royalty	5,20,728
6	Penalty @100% of royalty	1,04,14,560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

-1X2-



OFFICE OF THE TAHA SILDAR, DHARMA SALA

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

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

TRUE COPY ATTESTED

ADVOCATE

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ANNEXURE-0116

To

Date: 31.04.2024

The Collector, Jajpur, Odisha.

Sub : Demand Notice dated 25.04.2024 issued by the Tahasildar,
Dharmasala.

Sir,

I am the lessee of Aruha BSQ 5 stone quarry under the tahasil of Dharmasala. While I have been successfully operating my stone quarry, on 15.04.2023, one show cause notice was issued to me by the Tahasildar, Dharmasala alleging over extraction of 108112 cub black stone. In this regard, pursuant to the order of Hon'ble High Court of Orissa, on 18.01.2024, your Honour was pleased to modify the said quantity to 80,112 cubic meter. I am denying the said quantity of excess extraction i.e. 80,112 cubic meter as because there was no demarcation of lease hold area by the Tahasildar, Dharmasala either at the time of auction or at the time of handing over possession to me. Further I was never noticed by the Tahasildar, Dharmasala to remain present on 10.03.2023 on the lease hold area i.e. at the time of drone survey. The Tahasildar, Dharmasala conducted the drone survey behind my back and the survey conducted not in scientific matter. Hence the survey report is not binding to me. On the basis of survey report, on 25.04.2024, the Tahasildar, Dharmasala has issued the demand notice to me directing to pay a sum of Rs.4,20,47,585.00, which is not payable by me.

It is therefore prayed that your Honour may kindly be pleased to intervene in the matter and issue necessary directions to the Tahasildar, Dharmasala to recall the Demand Notice dated 25.04.2024, for which I will be very much obliged.

Thanking You,

Yours Sincerely

Manoj Kumar Samal

Manoj Kumar Samal,
At/P.O. Aruha, Jajpur.

Copy to : The Tahasildar, Dharmasala, Jajpur.

TRUE COPY ATTESTED
ADVOCATE

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ANNEXURE- R116

To

The Collector, Jajpur, Odisha.

Sub : Demand Notice dated 25.04.2024 issued by the
Tahasildar, Dharmasala.

Ref : My letter dated 31.04.2024

Sir,

This is to inform you that kindly refer my earlier letter dated 31.04.2024, wherein I have specifically requested your Honour to intervene in the matter of demand notice dated 25.04.2024 issued by the Tahasildar, Dharmasala directing me to pay a sum of Rs.4,20,47,585.00 towards excess extraction of 80,112 cubic meter black stone.

In the meanwhile, on the application of Mining Officer, Jajpur, one Certificate Case No.08 of 2024 was initiated against me before your Honour to recovery the said amount. I am once again submitting that I am denying the said quantity of excess extraction i.e. 80,112 cubic meter as because there was no demarcation of lease hold area by the Tahasildar, Dharmasala either at the time of auction or at the time of handing over possession to me. Further I was never noticed by the Tahasildar, Dharmasala to remain present on 10.03.2023 on the lease hold area i.e. at the time of drone survey. The Tahasildar, Dharmasala conducted the drone survey behind my back and the survey conducted not in scientific matter. Hence the survey report is not binding to me. Further the levy of 100% penalty of royalty is not permissible under the provisions of Odisha Minor Mineral Concession Rules, 2016. However I will deposit the said amount of Rs.4,20,47,585.00 in installments under protest and without prejudice to my rights & contentions.

Thanking You,

At/P.O Aruha, Jajpur

Date:28.09.2024

Yours Sincerely

Manoj Kumar Samal
Manoj Kumar Samal.

Copy to : **The Tahasildar, Dharmasala, Jajpur.**
The Deputy Director of Mines, Jajpur Circle/Mining
Officer, Jajpur.

TRUE COPY ATTESTED

[Signature]
ADVOCATE

~~125~~
ANNEXURE- S/16
series

Date: 30.09.2024

To

- (1) The Deputy Director of Mines, Jajpur Circle,
Jajpur.
- (2) The Mining Officer, Jajpur.
- (3) The Tahasildar, Dharmasala, Jajpur.

Sub : Deposit of amount pursuant to the Demand Notice
dated 25.04.2024 of the Tahasildar, Dharmasala.

Sir,

I am submitting here with the treasury challan dated 30.09.2024 indicating deposit of Rs. 52,55,949.00 as a part payment of Rs.4,20,47,592.00 as per the Demand Notice dated 25.04.2024 of the Tahasildar, Dharmasala. I have deposited the said amount under protest and without prejudice to my rights & contentions in the aforesaid matter.

Thanking You,

At/P.O Aruha, Jajpur

Yours Sincerely

Manoj Kumar Samal

Manoj Kumar Samal.



Government of Odisha — 12X6 —
 Offline Challan Deposit Form
 Depositor's Copy



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 :

- 1. This challan is valid for 7 days from the date of online entry.
- 2. In case of Cheque, bank transaction id will be available after realization of the cheque.
- 3. 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 Cheque
 Stamp, Vaid

Signature of Bank Officer with S

~~12~~

Date: 22.01.2025

To

- (1) The Deputy Director of Mines, Jajpur Circle,
Jajpur.
- (2) The Mining Officer, Jajpur.
- (3) The Tahasildar, Dharmasala, Jajpur.

Sub : Deposit of amount pursuant to the Demand Notice dated
25.04.2024 of the Tahasildar, Dharmasala.

Sir,

I am submitting here with the treasury challan dated 22.01.2025 indicating deposit of Rs. 15,00,000.00 as a part payment of Rs.4,20,47,592.00 as per the Demand Notice dated 25.04.2024 of the Tahasildar, Dharmasala. I have deposited the said amount under protest and without prejudice to my rights & contentions in the aforesaid matter.

Thanking You,

At/P.O Aruha, Jajpur

Yours Sincerely

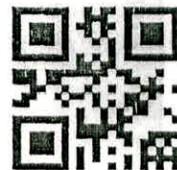
Manoj Kumar Samal

Manoj Kumar Samal.



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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	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

- 129 -

Date: 22.01.2025

To

- (1) The Deputy Director of Mines, Jajpur Circle,
Jajpur.
- (2) The Mining Officer, Jajpur.
- (3) The Tahasildar, Dharmasala, Jajpur.

Sub : Deposit of amount pursuant to the Demand Notice dated
25.04.2024 of the Tahasildar, Dharmasala.

Sir,

I am submitting here with the treasury challan dated 22.01.2025 indicating deposit of Rs. 30,00,000.00 as a part payment of Rs.4,20,47,592.00 as per the Demand Notice dated 25.04.2024 of the Tahasildar, Dharmasala. I have deposited the said amount under protest and without prejudice to my rights & contentions in the aforesaid matter.

Thanking You,

At/P.O Aruha, Jajpur

Yours Sincerely

Manoj Kumar Samal

Manoj Kumar Samal.



- 130 -

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

~~121~~

Date: 23.01.2025

To

- (1) The Deputy Director of Mines, Jajpur Circle,
Jajpur.
- (2) The Mining Officer, Jajpur.
- (3) The Tahasildar, Dharmasala, Jajpur.

Sub : Deposit of amount pursuant to the Demand Notice dated
25.04.2024 of the Tahasildar, Dharmasala.

Sir,

I am submitting here with the treasury challan dated 23.01.2025 indicating deposit of Rs. 7,55,949.00 as a part payment of Rs.4,20,47,592.00 as per the Demand Notice dated 25.04.2024 of the Tahasildar, Dharmasala. I have deposited the said amount under protest and without prejudice to my rights & contentions in the aforesaid matter.

Thanking You,

At/P.O Aruha, Jajpur

Yours Sincerely

Manoj Kumar Samal

Manoj Kumar Samal.



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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

- 123 -

Date: 23.01.2025

To

- (1) The Deputy Director of Mines, Jajpur Circle,
Jajpur.
- (2) The Mining Officer, Jajpur.
- (3) The Tahasildar, Dharmasala, Jajpur.

Sub : Deposit of amount pursuant to the Demand Notice dated
25.04.2024 of the Tahasildar, Dharmasala.

Sir,

I am submitting here with the treasury challan dated 23.01.2025 indicating deposit of Rs. 30,00,000.00 as a part payment of Rs.4,20,47,592.00 as per the Demand Notice dated 25.04.2024 of the Tahasildar, Dharmasala. I have deposited the said amount under protest and without prejudice to my rights & contentions in the aforesaid matter.

Thanking You,

At/P.O Aruha, Jajpur

Yours Sincerely

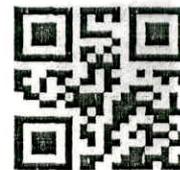
Manoj Kumar Samal

Manoj Kumar Samal.



~~132~~

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	ZHREV7I0BEYK9M
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

- 128 -

Date: 24.01.2025

To

- (1) The Deputy Director of Mines, Jajpur Circle,
Jajpur.
- (2) The Mining Officer, Jajpur.
- (3) The Tahasildar, Dharmasala, Jajpur.

Sub : Deposit of amount pursuant to the Demand Notice dated
25.04.2024 of the Tahasildar, Dharmasala.

Sir,

I am submitting here with the treasury challan dated 24.01.2025 indicating deposit of Rs. 22,55,949.00 as a part payment of Rs.4,20,47,592.00 as per the Demand Notice dated 25.04.2024 of the Tahasildar, Dharmasala. I have deposited the said amount under protest and without prejudice to my rights & contentions in the aforesaid matter.

Thanking You,

At/P.O Aruha, Jajpur

Yours Sincerely

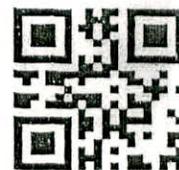
Manoj Kumar Samal

Manoj Kumar Samal.



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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	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

~~132~~

Date: 03.03.2025

To

- (1) The Deputy Director of Mines, Jajpur Circle,
Jajpur.
- (2) The Mining Officer, Jajpur.
- (3) The Tahasildar, Dharmasala, Jajpur.

Sub : Deposit of amount pursuant to the Demand Notice
dated 25.04.2024 of the Tahasildar, Dharmasala.

Sir,

I am submitting here with the treasury challan dated 03.03.2025 indicating deposit of Rs. 30,00,000.00 as a part payment of Rs.4,20,47,592.00 as per the Demand Notice dated 25.04.2024 of the Tahasildar, Dharmasala. I have deposited the said amount under protest and without prejudice to my rights & contentions in the aforesaid matter.

Thanking You,

At/P.O Aruha, Jajpur

Yours Sincerely

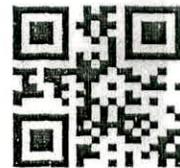
Manoj Kumar Samal

Manoj Kumar Samal.

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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

- 179 -

Date: 03.03.2025

To

- (1) The Deputy Director of Mines, Jajpur Circle,
Jajpur.
- (2) The Mining Officer, Jajpur.
- (3) The Tahasildar, Dharmasala, Jajpur.

Sub : Deposit of amount pursuant to the Demand Notice
dated 25.04.2024 of the Tahasildar, Dharmasala.

Sir,

I am submitting here with the treasury challan dated 03.03.2025 indicating deposit of Rs. 15,00,000.00 as a part payment of Rs.4,20,47,592.00 as per the Demand Notice dated 25.04.2024 of the Tahasildar, Dharmasala. I have deposited the said amount under protest and without prejudice to my rights & contentions in the aforesaid matter.

Thanking You,

At/P.O Aruha, Jajpur

Yours Sincerely

Manoj Kumar Samal

Manoj Kumar Samal.

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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	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 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	ZHRE9280ECQ493
Bank Transaction Date & Time	03/03/2025 06:29:14 PM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

Payment Remarks

DDM EMI PAYMENT

GOVERNMENT OF ODISHA
Directorate of Treasuries and Inspection

- 198 -

Date: 04.03.2025

To

- (1) The Deputy Director of Mines, Jajpur Circle,
Jajpur.
- (2) The Mining Officer, Jajpur.
- (3) The Tahasildar, Dharmasala, Jajpur.

Sub : Deposit of amount pursuant to the Demand Notice
dated 25.04.2024 of the Tahasildar, Dharmasala.

Sir,

I am submitting here with the treasury challan dated 04.03.2025 indicating deposit of Rs. 7,55,949.00 as a part payment of Rs.4,20,47,592.00 as per the Demand Notice dated 25.04.2024 of the Tahasildar, Dharmasala. I have deposited the said amount under protest and without prejudice to my rights & contentions in the aforesaid matter.

Thanking You,

At/P.O Aruha, Jajpur

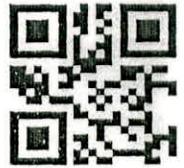
Yours Sincerely

Manoj Kumar Samal

Manoj Kumar Samal.



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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	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.

-103-

Date: 25.03.2025

To

- (1) The Deputy Director of Mines, Jajpur Circle,
Jajpur.
- (2) The Mining Officer, Jajpur.
- (3) The Tahasildar, Dharmasala, Jajpur.

Sub : Deposit of amount pursuant to the Demand Notice
dated 25.04.2024 of the Tahasildar, Dharmasala.

Sir,

I am submitting here with the treasury challan dated 25.03.2025 indicating deposit of Rs. 2,10,23,796.00 as a part payment of Rs.4,20,47,592.00 as per the Demand Notice dated 25.04.2024 of the Tahasildar, Dharmasala. I have deposited the said amount under protest and without prejudice to my rights & contentions in the aforesaid matter.

Thanking You,

At/P.O Aruha, Jajpur

Yours Sincerely

Manoj Kumar Samal

Manoj Kumar Samal.



Government of Odisha - 104 -
 Offline Challan Deposit Form
 Depositor's Copy



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

(Handwritten signature of Manoj Kumar Samal)

(Handwritten signature of Bank Officer)
 Signature of Bank Officer with S

TRUE COPY
 ADVOCATE

Schedule LIII Form No.321

~~ANNEXURE~~

T-116

IN THE COURT OF THE COLLECTOR, JAJPUR
(Certificate Case No.08/2024)

Mining Officer (I/C), Jajpur
Office of the Deputy Director of Mines,
Jajpur Circle, Jajpur,
Directorate of Minor Minerals Steel &
Mines Department, Govt. of Odisha.

- Versus -

Manoj Kumar Samal,
S/o- Mahendra Kumar Samal,
At/Po- Aruha, Ps- Dharmasala,
Dist- Jajpur.

ORDER**(CONTINUATION OF ORDER SHEET)**

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

Order of Magistrate & Signature

Sl No. of Order & Date

Remarks

1

2

3

Dt.26.03.2025 -

The case record is put-up to-day. The CHR submitted the status report regarding payment of pending installments of the penalty dues due to excess extract of black stone in Aruha BSQ.

The contention of the Certificate case is that as per orders of the Collector, Jajpur in Misc Case No.109/2023 arises out of W.P(C) No.36628/2023, the present CDR was to pay Rs.4,20,47,585/- through bank guarantee or post date cheque in full installments. Accordingly the Tahasildar, Dharmasala has fixed 08 installments in regular interval of 45 days within 1 year on 01.05.2024. But the present CDR did not take any sincere step to pay the penalty amount for which the Mining Officer filed this certificate case on 02.09.2024. After receipt of Form-1 & 2 with notice in this certificate case the CDR submitted an affidavit to the Mining Officer, Jajpur Circle, Jajpur and deposited Rs.52,55,949/- as 1st installment on 05.10.2024. Further the CDR deposited 2nd and 3rd installments @ Rs.52,55,949/- each and total deposited Rs.1,57,67,847/- in 3 installments. Now the Mining Officer, Jajpur Circle, Jajpur has reported that the certificate debtor has cleared the total certificate dues i.e Rs.4,20,47,585/- vide Treasury reference ID No.381890A261, dt.30.09.2024, No.3A3C7708D5, 3A3C772D9F, dt.22.01.2025, No.3A3C869104, dt.23.01.2025, No.3A3C86905E, dt.23.01.2025, No.3A3C963B8D, dt.24.01.2025, No.3A47438823, 3A4743736E, dt.03.03.2025, No.3A475362EA, dt.04.03.2025, No.3A4888AF49, dt.25.03.2025 vide his Letter No.1755/MM, Jajpur dt.25.03.2025.

Gone through the case record and report of the Mining Officer (I/C), Jajpur regarding payment of the installments of the penalty amount of Rs.4,20,47,585/- by the Certificate Debtor. It is ascertained

Deputy Director of Mines I/C
Jajpur Circle, Jajpur

True Copy
attested

[Signature]
04.04.2025

~~146~~

(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>that the present CDR has deposited all the certificate dues through Treasury reference IDs in different dates.</p>		

In view of the facts stated above the CDR has already cleared all the certificate dues. Hence the certificate case is closed.

Typed out to my dictation
and corrected by me.

[Signature]
Collector, Jajpur

[Signature]
Collector, Jajpur

True copy attested

[Signature]
04.04.2025

Deputy Director of Mines I/C
Jaipur Circle, Jajpur

TRUE COPY ATTESTED
[Signature]
ADVOCATE

~~142~~

ANNEXURE-

0/16

To

Date:17.05.2025

The Collector, Jajpur, Odisha.

Sub : Demand Notice dated 25.04.2024 issued by the Tahasildar, Dharmasala and refund of Rs.4,20,47,592/- along with interest.

Sir,

Pursuant to your notice issued in Certificate Case No.08 of 2024, I have deposited the amount of Rs.4,20,47,592/- in installments under protest and without prejudice to my rights & contentions in the above matter. I am not liable to pay the said amount of Rs.4,20,47,592/-, which was forcible collected from me. The said amount was collected from me on the allegations of excess extraction of 80,112 cubic meter of black stone from Aruha BSQ 5.

I once again submitted before your Honour that I am not liable to pay the same. It is an admitted fact that there was no demarcation of lease hold area by the Tahasildar, Dharmasala either at the time of auction or at the time of handing over possession to me. Further I was never noticed by the Tahasildar, Dharmasala to remain present on 10.03.2023 on the lease hold area i.e. at the time of drone survey. The Tahasildar, Dharmasala conducted the drone survey behind my back and the survey conducted not in scientific matter. Hence the survey report is not binding to me. Further the levy of 100% penalty of royalty is not permissible under the provisions of Odisha Minor Mineral Concession Rules, 2016. In such facts and circumstances, I request your Honour to refund the amount of Rs.4,20,47,592/- along with interest for which I will be very much obliged to your Honour.

Thanking You,

At/P.O Aruha, Jajpur

Yours Sincerely

Manoj Kumar Samal

Manoj Kumar Samal.

Copy to : The Tahasildar, Dharmasala, Jajpur.
The Deputy Director of Mines, Jajpur Circle/Mining Officer, Jajpur.

TRUE COPY ATTESTED

[Signature]
ADVOCATE

~~148~~ - ANNEXURE - VII/16

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

In

Original Application No. 304/2019

In the Matter of: -

M. Haridasan & Ors.

Applicant (s)

Vs.

State of Kerala

Respondent(s)

Index

S. No.	Particulars	Page No.
1.	Report in compliance to Hon'ble NGT, PB order dated 28.02.2020 in the matter of O.A. No. 304/2019 titled as M. Haridasan & Ors. Vs. State of Kerala.	
2.	Annexure-I: Distance criteria for permitting stone quarrying	
3.	Annexure- II: CPCB E-mail letter dated 12.05.2020 sent to SPCB's regarding Distance criteria for permitting stone quarrying for consideration and adoption in Consent mechanism.	
4.	Annexure-III: A copy of Hon'ble NGT order dated 28.02.2020.	


(Nazimuddin)

Scientist 'E'

Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar
Delhi-110032

Place: Delhi

Date: 9th July, 2020

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REPORT

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

In compliance of Hon'ble NGT order dt.-28.08.2020, CPCB examined the matter and prepared the report on Distance Criteria For Permitting Stone Quarrying (Annexure I) and forwarded it to SPCBs/PCCs vide E-mail dt.-12.05.2020 due to prevalent COVID 19 conditions. Further, the report has been sent to SPCBs/PCCs by post also through letter dt.-06.07.2020.

1

DISTANCE CRITERIA FOR PERMITTING STONE QUARRYING

1.0 Preamble:

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

2.0 Stone Quarrying:

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

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

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

3.0 Minor Mineral Concession Rules

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

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

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

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

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

Kerala:

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

Karnataka, Maharashtra, Goa, Gujarat:

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

Jammu & Kashmir:

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

Assam:

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

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

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4.0 Criteria of Danger Zone: Directorate General of Mines Safety

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

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

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

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

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

6.0 Conclusion:

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

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

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

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

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Annexure I

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

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

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

Annexure II

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

Dharbad, Dated the 31st January 2003

To All Owners, Agents & Managers of mines.

Subject: Dangers due to blasting projectiles.

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

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

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

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

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

- (1) In the interest of safety to treat all the places within a radius of 500m of the place of firing as the danger zone, all persons who are required to remain within the danger zone at the time of blasting should take protection in substantially built shelter.
- (2) Formulate a code of practice for controlled blasting Technique with mill-second delay detonators/ electric shock tubes/ cord relays or use of sequential blasting machines or by adequately muffling of holes including precautions to be taken during blasting operation until all clear signal given by blaster.
- (3) Training of persons and their helpers engaged in such blasting operation.

(Dashrath Singh)
Director-General of Mines Safety

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

E-Mail

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

May 12, 2020

To,

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

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

Sir/Ma'am,

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

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

Yours faithfully,

(Nazimuddin)

Additional Director &
Divisional Head - IPC - II

Encl.: As above

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SPCBs / PCCs	E-mails
Andhra Pradesh State Pollution Control Board D. No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet. Vijayawada - 520 010 Andhra Pradesh	memberscy@appcb.gov.in
Arunachal Pradesh State Pollution Control Board Paryavaran Bhawan, Papu Hill, Yupia Road, Naharlagun- 791110 Arunachal Pradesh	arunachalspcb@gmail.com
Assam Pollution Control Board Bamunimaidan, Guwahati 781021 Assam	membersecretary@pcbassam.org
Bihar State Pollution Control Board Parivesh Bhawan, Plot No. NS-B/2 Paliputra Industrial Area, Patliputra, Patna 800 023 Bihar	mcellbspcb@gmail.com
Chhattisgarh Environment Conservation Board Paryavas Bhavan, North Block Sector-19, Naya Raipur 492002 Chhattisgarh	hocecb@gmail.com
Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa - 403511 Goa	goapcb@rediffmail.com goapcb@rediffmail.com
Gujarat Pollution Control Board Paryavan Bhavan, Sector 10- A Gandhinagar - 382 043 Gujarat	membersecretarygpcb@gmail.com ms-gpcb@gujarat.gov.in
Haryana State Pollution Control Board C-11, Sector-6, Panchkula-134109, Haryana	mshspcb@gmail.com
Himachal Pradesh Pollution Control Board Him Parivesh, Phase-III, New Shimla 171009 Himachal Pradesh	mshpcb-hp@nic.in
Jammu & Kashmir State Pollution Control Board Parivesh Bhawan, Shiekh-ul-Campus, behind Govt. Silk Factory, Raj Bagh, Srinagar Jammu & Kashmir	membersecretaryjkspcb@gmail.com
Jharkhand Pollution Control Board T.A Building, HEC, P.O. Dhurwa, Ranchi - 834004 Jharkhand	ranchijspcb@gmail.com
Karnataka State Pollution Control Board Parisara Bhavan, 4th & 5th Floor, # 49, Church St., Bangalore-560 001 Karnataka	memsccy@kspcb.gov.in ho@kspcb.gov.in

Kerala State Pollution Control Board Plamoodu Jn., Pattom Palace P.O. Thiruvananthapuram-695 004 Kerala	ms.kspcb@gov.in
Madhya Pradesh Pollution Control Board E-5, Arera Colony, Paryavaran Parisar, Bhopal - 462 016. Madhya Pradesh	lt_mppcb@rediffmail.com
Maharashtra Pollution Control Board Kalpataru Point, 2nd - 4th Floor Opp. Cine Planet Cinema, Nr. Sion Circle, Sion (E) Mumbai - 400 022 Maharashtra	ms@mpcb.gov.in
Manipur Pollution Control Board Lamphelpat, Near Imphal West D.C. Office, Imphal Manipur	pcb-man@nic.in
Meghalaya Pollution Control Board Arden, Lumpyngngad Shillong: 793014 Meghalaya	megspcb@rediffmail.com
Mizoram Pollution Control Board New Secretariat Complex, Khatla Thlanmual Peng, Khatla, Aizawl 796001 Mizoram	duhawma15@yahoo.com
Nagaland Pollution Control Board Signal Point, Dimapur 797112 Nagaland	rusoviljohn@yahoo.co.in
Odisha Pollution Control Board A-118, Nilakanta Nagar, Unit -VIII, Bhubaneshwar - 751012 Odisha	membersecretary@ospboard.org
Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala, Punjab	msppcb@punjab.gov.in
Rajasthan Pollution Control Board, 4, Jhalana Institutional Area, Jhalana Doongri, Jaipur - 302 004 Rajasthan	member-secretary@rpcb.nic.in
Sikkim State Pollution Control Board Department of Forest, Environment & Wildlife Management Government of Sikkim, Deorali, Gangtok, -737102 Sikkim	drgopalpradhan@gmail.com spcbsikkim@gmail.com
Tamil Nadu Pollution Control Board 76, Mount Salai, Guindy, Chennai-600 032 Tamil Nadu	tnpcbmembersecretary@yahoo.com

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<p>Telangana State Pollution Control Board Paryavaran Bhawan, A-3, I.E. Sanath Nagar, Hyderabad-500 018 Telangana</p>	<p>ts_ms@pcb.ap.gov.in</p>
<p>Tripura Pollution Control Board Vigyan Bhawan Pandit Nehru Complex, Gorkhabasti, PO: Kunjaban Agartala: 799006 Tripura</p>	<p>mukherjee_manas@rediffmail.com</p>
<p>Uttar Pradesh Pollution Control Board Building No. TC-12V Vibhuti Khand, Gomti Nagar Lucknow-226 010 Uttar Pradesh</p>	<p>ms@uppcb.com</p>
<p>Uttarakhand Environmental Protection & Pollution Control Board 29/20, Nemi Road, Dehradun, Uttarakhand</p>	<p>msukpcb@gmail.com</p>
<p>West Bengal Pollution Control Board Paribesh Bhavan, 10A, Block-L.A., Sector III, Bidhan Nagar, Kolkata - 700 106 West Bengal</p>	<p>ms@wbpcb.gov.in</p>
<p>Andaman & Nicobar Islands Pollution Control Committee Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair - 744102 Andaman & Nicobar</p>	<p>dstandamans@gmail.com</p>
<p>Chandigarh Pollution Control Committee Paryavaran Bhawan, Ground Floor, Sector 19 B Madhya Marg, Chandigarh</p>	<p>cpcc-chd@nic.in</p>
<p>Daman, Diu & Dadra Nagar Haveli Pollution Control Committee Office of the Deputy Conservator of Forests, Moti Daman, 396220 Daman</p>	<p>mppcc_dmn@pccdaman.in</p>
<p>Delhi Pollution Control Committee Government of N.C.T. Delhi 4th Floor, ISBT Building, Kashmere Gate 110006 Delhi</p>	<p>msdpc@nic.in</p>
<p>Lakshadweep Pollution Control Committee Department of Science, Technology & Environment, Kavarati- 682555 Lakshadweep</p>	<p>lk-dst@nic.in</p>
<p>Pondicherry Pollution Control Committee Housing Board Complex, Anna Nagar, 600 005 Pondicherry</p>	<p>ppcc_pon@nic.in</p>

Item No.04

Court No. 1

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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 304/2019

(With report dated 17.12.2019)

M. Haridasan&Ors.

Applicant(s)

Versus

State of Kerala

Respondent(s)

Date of hearing: 28.02.2020

CORAM:

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Respondent(s):

Mr. Jogy Scaria, Advocate and Mr.
Keerthipriyan, Advocate for Kerala SPCB
Mr. Nishe Rajen Shonker, Advocate for State
of Kerala
Mr. Rajkumar, Advocate for CPCB

ORDER

1. Issue for consideration is the safeguards in operation of stone quarries close to residence and public roads. At present, the Kerala State PCB has permitted the stone quarry beyond 50 mtrs. from residence and public roads. This Tribunal vide order dated 09.10.2019 considered the matter and observed:

- "3. We find that the environmental norms require assessment of impact of such activities and mere distance of 50 mtrs. By itself is not enough to dispense with such norms. In absence of any study, any stone quarry near the residence and public road is bound to cause air and noise pollution even beyond 50 mtrs. In this regard, reference may be made of observations in the judgments of the Hon'ble Supreme Court in *M.C. Mehta v. Union of India*, (1996) 8 SCC 496 and *Mohammed Haroon Ansari v. District Collector, Ranga Reddy District*, (2004) 1 SCC 491. In granting EC, this

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consideration has to be kept in mind in view of the fact that clean and safe environment is a part of right to life.

4. Accordingly, we direct State PCB to revisit the existing criteria based on an appropriate study. CPCB may give its view in the matter to the State PCB within two weeks in light of available expert studies on the subject. The State PCB may furnish its action taken report in the matter by e-mail at judicial-ngt@gov.in before the next date."
2. Accordingly, a report has been filed by the Kerala State PCB on 17.12.2019 retreating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB.
3. We are of the view, as earlier observed that the distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.
4. In view of above, we direct the CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards. The State Board may take further action accordingly. Compliance reports be filed before the next date by email at judicial-ngt@gov.in.

List again on 08.05. 2020.

Adarsh Kumar Goel, CP

Dr.Nagin Nanda, EM

Siddhanta Das, EM

February 28, 2020
Original Application No. 304/2019
AK

TRUE COPY ATTESTED
ADVOCATE

TRUE COPY ATTESTED
ADVOCATE



ANNEXURE
O/K, serial

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

E - mail: ddmjajpur.mm@gov.in

Letter No. 4967 /MM, Jajpur/ Date 11. 12. 2024

From

Deputy Director Mines
Jajpur Circle, Jajpur

To

Deputy Secretary to Government,
Steel and Mines Department, Govt. of Odisha

Sub:

Regarding Notice issued by Sri Mihir Sekhar Sahoo, Advocate, praying for necessary legal action to stop illegal operation of quarries and crusher units around Aruha hills and Aruha village.

Ref:

- 1. Your Memo No 9999/SM/Bhubaneswar, Date. 20.11.2024.
- 2. Letter No. 14503, Dt. 27.11.2024 of the Collectorate, Jajpur
- 3. Letter No. 14735, Dt. 30.11.2024 of the Collectorate, Jajpur

Sir,

With reference to the subject and letters cited above, I am to submit that, a joint field enquiry has been conducted on 03.12.2024 by the officials constituting Dy. Director Mines (I/C), Jajpur Circle, Tahasildar Dharmasala and Regional Officer, SPCB to with respect to the notice issued by Sri Mihir Sekhar Sahoo, Advocate, praying for necessary legal action to stop illegal operation of quarries and crusher units around Aruha hills and Aruha village. The detailed report is enclosed herewith for your kind information and onward action.

Encl: As above

Yours faithfully

[Signature]
11.12.2024

Memo No. 4968 /MM, Jajpur/ Date 11. 12. 2024
Deputy Director of Mines (I/C)
Copy submitted to the Director, Minor Minerals, Odisha // Collector & D.M, Jajpur for favour of kind information

[Signature]
11.12.2024

Memo No. 4969 /MM, Jajpur/ Date 11. 12. 2024
Deputy Director of Mines (I/C)
Copy submitted to the Regional Officer, SPCB, Kalinganagar // Tahasildar, Dharmasala Jajpur for kind information.

[Signature]
11.12.2024

[Signature]
11.12.2024
Deputy Director of Mines I/C
Jajpur Circle, Jajpur

[Signature]
11.12.2024
Deputy Director of Mines (I/C)

~~SECRET~~

Joint Enquiry Report on Operation Of Quarries And Crushers Units on and around Aruha Hills by
the Officials constituting Dy. Director Mines(I/C), Tahasildar Dharmasala and Regional Officer,
SPCB, Kalinganagar

Rel

Letter No. 14503/ dt. 27.11.2024 of Collectorate , Jajpur

Letter No. 12125/ dt 28.10.2024 of Office of the RDC (C.D.), Cuttack,

Letter No. 9998/ dt. 20.11.2024 of Steel and Mines Dept.

As per the direction of The Collector & DM, Jajpur, a team comprising of Dy. Director Mines(I/C) and Mining Officer(I/C), Jajpur, Regional Officer, SPCB Kalinga Nagar and Tahasildar, Dharmasala along with the revenue officials visited Aruha on dt. 03.12.2024 to enquire the forwarded grievance petition by Adv Sri. Mihir Sekhar Sahoo, Advocate praying for necessary action to stop illegal operation of quarries and crusher units on and around Aruha hills and Aruha Village.

There are 05 nos. of Black Stone quarries (BSQ) in Mouza - Aruha under Dharmasala Tahasil have been leased out by the Competent Authority and detailed as follows.

Sl. No.	Name of Quarry	Name of Lessee	Mining Method	Status	Consent Validity
01	Aruha BSQ 1 (Ac 3.00)	Sri. Trinath Jena	NA	Not Operational	NA
02	Aruha BSQ 2 (Ac 19.90)	Sri. Trinath Jena	NA	Not Operational	NA
03	Aruha BSQ Ac 20.00	Sri. Manoj Ku. Sama	Semi-mechanized open cast	Operational	31.03.2025
04	Aruha BSQ Ac 18.88	Sri. Sarat Ku. Jena	Semi-mechanized open cast	Operational	31.03.2025
05	Aruha BSQ Ac 18.98	Sri. Trinath Jena	NA	Not Operational	NA

From the field enquiry, the distance of BSQs from the nearby habitation, schools and railway lines have been assessed which have been mentioned in the following table.

Sl. No.	Quarry Name	Area In Ac.	Railways (Mts)	Village Road (Mts)	Habitation (Mts.)	School (Mts.)
1	ARUHA BSQ-1	3	129	334 (Nanpur Village Road)	305 (Nanpur Sasan)	331 (Muraripur Up School)
2	ARUHA BSQ-2	19.9	226	200 (Jabaratali Village Road)	205 (Jabaratali)	168 (Jabaratali Govt Primary School)

we copy attached

Deputy Director of Mines I/C
Jajpur Circle, Jajpur

[Signature]
10/12/24

[Signature]
Deputy Director of Mines I/C
Jajpur Circle, Jajpur

[Signature]
Mining Officer
Jajpur District

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3	ARUHA BSQ-3	18.88	210	431 (Jabaratali Village Road)	551 (Jabaratali)	511 (Jabaratali Govt Primary School)
4	ARUHA BSQ-4	18.98	166	433 (Muraripur Village Road)	330 (Nanpu Sasani)	381 (Muraripur Up School)
5	ARUHA BSQ-5	20	210	310 (Jabaratali Village Road)	315 (Jabaratali)	290 (Jabaratali Govt Primary School)

During the day of visit, none of the quarries were not in operation. Also, it is evident from spot of enquiry that none of the quarries are in operation since long and no proof of wagon blasting found. Additionally, from the local enquiry, it is also ascertained that there exists no evidence of any causality in recent past related to unauthorised quarry activities and wagon blasting. On the ground of the health hazard, nothing has been reported by the Jabaratali villagers. No transportation related hassle reported by the local villagers as both the quarries and crushers are not in operational state since a long

There are 07 nos. of stone crushers in Mouza - Aruha under Dharmasala Tahasil. Consent to Establish and Consent to Operate have been granted to the stone crusher units after obtaining the sitting clearance certificate from the District Administration. The details of the stone crushers are as follows. During the day of visit, all the stone crushers were not in operational state.

Sl. No.	Name & Address of the stone Crusher	Address of the stone Crusher	Name of The Proprietor	Consent to operate status	Operational Status
1	Ashutosh Stone Product	At-Muraripur, Village-Pandua, Po-Jaraka, Dist-Jajpur	Sarat Chandra Nayak Proprietor At-Pandua Po-Jaraka Dist-Jajpur	31.03.2025	Non-Operational
2	M.A.A Stone Crusher	At-Aruha, Po-Purunabaulamala, Dharmasala Dist. - Jajpur	Ashok Parida, Managing Partner At-Kaduaboulamala, Po- Purunabaulamala, PS-Jenapur Dist. - Jajpur	31.03.2025	Non-Operational
	Madhusmita Infrastructure Pvt. Ltd.,	At-Muraripur, Aruha, Dharmasala, Jajpur.	Tapas Ranjan Mallick, Managing Director At. Kandarkana.	31.03.2025	Non-Operational

True copy attested

[Signature]
04.04.2025

Deputy Director of Mines I/C
Jajpur Circle, Jajpur

[Signature]
Mining Officer I/C
Jajpur District

[Signature]
10/12/2024
Tahasil

[Signature]
10.12.24
Deputy Director of Mines I/C
Jajpur Circle, Jajpur

M. M. Jaiswal
Regional Officer
- Poshan Board Odisha
Khinda Nagar, Jajpur

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			PO. Kotasahi, PS. Tangi Dist. Cuttack, Pin-754022		
4	Kanika Stone Crushing Unit,	At/Po-Aruha, Tehsil-Dharmasala Dist-Jajpur.	Sarat Kumar Jena, Proprietor At/Po-Aruha, Tehsil-Dharmasala Dist-Jajpur Pin-755024	31.03.2025	Non- Operational
5	Nirman Udyog,	At-Aruha, Dist- Jajpur.	Sri Akshaya Kumar Samal, Proprietor At/Po-Aruha, Dist- Jajpur	31.03.2022	Non- Operational
6	SreeMandir Stone Product	At/Po-Aruha, Dist- Jajpur	Sachindra Patra, Proprietor At/Po-Aruha, PS-Dharmasala, Dist-Jajpur	31.03.2023	Non- Operational
7	Balaji Enterprises	At/Po-Aruha, Jajpur	Chitta Ranjan Pattnaik At-PatraSahi, College Square Dist-Cuttack	31.03.2021	Non- Operational

[Signature]
12.12.24
Tahsilidar,
Dharmasala

[Signature]
10.12.24
Mining Officer (I/C),
Mining Officer I/C
Jajpur District

[Signature]
10.12.24
Dy. Director
Mines (I/C), Jajpur
Deputy Director of Mines I/C
Jajpur Circle, Jajpur

[Signature]
Regional Officer,
SPCB, Kalinganagar

Regional Officer
State Pollution Control Board Odisha
Kalinganagar, Jajpur

True Copy attested

[Signature]
09.04.2025
Deputy Director of Mines I/C
Jajpur Circle, Jajpur

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ADVOCATE

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[Signature]
ADVOCATE

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ANNEXURE-X16



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

E-mail: ddmjajpur.mm@gov.in

Letter No. 1224 /MM, Jajpur/ Date 05-03-2025

From

Deputy Director of Mines
Jajpur Circle, Jajpur

To

M/s TKS Consultancy Service,
E-mail: tkscsbbs@gmail.com, Contact: +91 7008115339

Sub:

To carry out distance measurement of Human habitat, Schools, Railway line etc. from the Black Stones quarries of Aruha Cluster, Dharmasala Tahasil.

Ref:

W.P. (C) (PIL) No. 28032/2024 filed by Nrusingh Charan Barik & Others

Sir,

With reference to the subject cited above, a joint field enquiry is scheduled to be conducted on 07.03.2025 at 8.00 AM for measurement of distances from Human habitat, Schools, Railway line etc. from the Black Stones quarries situated in Aruha Cluster, Dharmasala Tahasil of Jajpur district. You are requested to conduct the measurement using DGPS Technology or any other latest technology and submit the detailed report before the undersigned within 2 days post survey for further action at this end.

Memo No. 1225 /MM, Jajpur/ Date 05-03-2025
Deputy Director of Mines (I/C)

Copy to the Tahasildar, Dharmasala with a request to remain present or depute his staff during the scheduled date and time for the above purpose.

Memo No. 1226 /MM, Jajpur/ Date 05-03-2025
Deputy Director of Mines (I/C)

Copy submitted to the Regional Officer, SPGB, Kalinganagar with a request to remain present or depute his staff during the scheduled date and time for the above purpose.

Memo No. 1227 /MM, Jajpur/ Date 05-03-2025
Deputy Director of Mines (I/C)

Copy to the concerned Lessees for information. They are directed to remain present at the spot during the scheduled date and time for the above purpose positively.

True Copy
Attested

Deputy Director of Mines I/C
Jajpur Circle, Jajpur

TRUE COPY ATTESTED
ADVOCATE

Deputy Director of Mines (I/C)

~~108~~ → ANNEXURE. 4116

TKS CONSULTANCY SERVICES

mail:tkscsbbs@gmail.com,

Contact: +91 8249834881



Letter No: TKSCS/2024-25/248

Date: 17.03.2025

To.

The Mining Officer (I/C)

Jajpur District, Odisha

Sub: - Submission of Distance Measurement report from Aruha Black Stone Quarry to Habitats, Railway Line, Pond, Schools & Crusher Units In Aruha Cluster under Dharmasala Tahasil of Jajpur district, Odisha.

Ref: - Your Letter No. 1224/MM, Jajpur/Date: - 05.03.2025.

Respected Sir,

With reference to the above subject and your letter under reference, we hereby submit the report and map on the distance measurement of human habitats, railway line, pond, schools, and crusher units from Aruha Black Stone Quarries of Aruha Cluster, Dharmasala Tahasil, Jajpur district.

The joint field enquiry was conducted on 07.03.2025 at 8:00 AM, In the Presence of Regional officer, SPCB, Kalinganagar, R.I, Aruha & M.O, Jajpur district the distance measurements were carried out using DGPS Technology to ensure accuracy. The findings have been compiled in the enclosed report for your kind perusal and necessary action.

This is for favour of your kind consideration and necessary approval.

Thanking You

Yours faithfully

Authorized Signatory
For M/S TKS Consultancy Services

Enclosure: 1. Distance Measurement Map
2. Distance Measurement Report

True Copy Attached

1768
17.03.2025

17.03.2025

Deputy Director of Mines I/C
Jajpur Circle, Jajpur

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17.03.2025

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DISTANCE FROM BSQs TO HABITATS, 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 CRUSHAR	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 SCHOOLPAKHARA 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

True Copy
Attested

[Signature]
07.04.2025
Deputy Director of Mines I/C
Jaipur Circle, Jaipur

TRUE COPY ATTESTED

ADVOCATE

TRUE COPY ATTESTED
ADVOCATE



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

Sl 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 Proposal for EC of Aruha BSQ (Cluster SI No.2/3), Khata No.779, Plot No.2807,2808,2811,	11.02.2022	5 years	30.05.2027
2	EC23B001OR1 63112	Sri Sarat Jena	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).

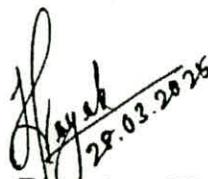
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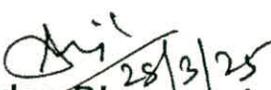
5. **The distance factor.** To ascertain the distance factor, a field visit was conducted on 07.03.2025 by Mining Officials, Regional Officer, State Pollution Control Board, Kalinganagar and Revenue Officials of Dharmasala Tahasil. In this context, an ORSAC empanelled agency i.e. M/S TKS Consultancy 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.

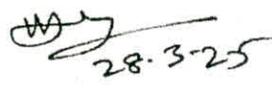
Encl: As above

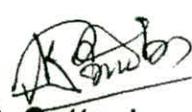

Mining Officer, Jajpur District

M.M. Saha
28/03/25
RO, SPCB,
Kalinga Nagar

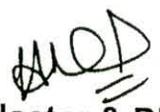

Deputy Director, Mine
Jajpur Circle


Tahasildar, Dharmasala


Sub-Collector, Jajpur


D.F.O, Cuttack


Addl. District Magistrate (Rev),
Jajpur


Collector & DM, Jajpur

TRUE COPY ATTESTED

ADVOCATE

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ANNEXURE-AD1544

OFFICE OF THE COLLECTOR AND DISTRICT MAGISTRATE, JAJPUR

Ph 06728-222001(O) 222330 (R) Fax -222087

E-mail: dm-jajpur@nic.in. Web site: www.jajpur.odisha.gov.in

Letter No 6956 Date 16.5.2025

From

Mrs. P. Anvesha Reddy, IAS,
Collector & D.M. Jajpur District.

To

The Advocate General,
Odisha, Cuttack.

Sub: Submission of inquiry report of Aruha black stone quarry located under Tahasil-Dharmasala of Jajpur district in pursuance of order dated 15/04/2025 passed by the Hon'ble National Green Tribunal (NGT), Eastern Zone Bench, Kolkata in Original Application No.- 68/2025/EZ filed by Sri Dusmanta Kumar Bal -Vrs-state & others.

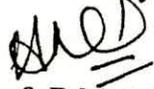
Ref: Original Application No.- 68/2025/EZ filed by Sri Dusmanta Kumar Bal -Vrs-state & others before Hon'ble National Green Tribunal (NGT), Eastern Zone Bench, Kolkata

Sir.

Enclosed please find herewith the inquiry report of Aruha black stone quarry (BSQ) located under Tahasil-Dharmasala of Jajpur district in pursuance of order dated 15/04/2025 passed by the Hon'ble National Green Tribunal (NGT), Eastern Zone Bench, Kolkata in Original Application No.- 68/2025/EZ filed by Sri Dusmanta Kumar Bal-Vrs-state & others for favour of your kind information and necessary action

Yours faithfully

Encl: As above


Collector & D.M. Jajpur

Memo No. 6957 / Date 16-5-2025

Copy to persons concerned for information and necessary action.


Collector & D.M. Jajpur

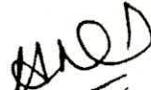
Memo No. 6958 Date 16-5-2025

Copy submitted to the Member Secretary, Odisha State Pollution Control Board for kind information.


Collector & D.M. Jajpur

Memo No. 6959 / Date 16-5-2025

Copy submitted to the Director of Mines & Geology, Odisha, Bhubaneswar // Director of Minor Minerals, Odisha, Bhubaneswar for kind information.


Collector & D.M. Jajpur

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**INQUIRY REPORT OF ARUHA BLACK STONE QUARRY (BSQ) LOCATED
UNDER TAHASIL-DHARMASALA OF JAJPUR DISTRICT IN PURSUANCE OF
ORDER DATED 15/04/2025 PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL (NGT), EASTERN ZONE BENCH, KOLKATA IN ORIGINAL
APPLICATION NO.- 68/2025/EZ FILED BY SRI DUSMANTA KUMAR BAL
-VRS-STATE & OTHERS**

- Ref: 1. Order dated 15/04/2025 of the Hon'ble NGT, EZ, Kolkata.
2. Letter No.6631 dated 06.05.2025 of the Collector & District Magistrate, Jajpur (copy enclosed).
3. Previous joint Inquiry Report dated 28.03.2025 submitted before the Chairman, State Environmental Impact Assessment Authority (SEIAA), Odisha on allegation of residents of Aruha Village (copy enclosed).
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1. **Introduction.** In pursuance of the Order dated 15/04/2025 passed by the Hon'ble NGT, EZ, Kolkata in Original Application No. 68/2025/EZ filed by Dusmant Kumar Bal-Vrs-State & Others. an Inquiry Team comprising of following officers duly authorized by the respective competent authority in reference to above quoted letter of the Collector & DM, Jajpur, jointly visited Black Stone Quarry (BSQ) Area of Aruha i.e. Aruha BSQ No. 3 (Acre 18.88 Decimal) & Aruha BSQ No. 5 (Acre 20.00 Decimal) under Tahasil - Dharmasala of Dist-Jajpur on 08/05/2025.

Team Composition

- (i) Addl. District Magistrate (Revenue), Jajpur -Representative of the Collector & District Magistrate, Jajpur -cum-Nodal Officer (Inquiry & Logistic support).
- (ii) Regional Officer (RO), State Pollution Control Board (SPCB), Kalinganagar - Representative of Sr. Scientist, Odisha State Pollution Control Board, Odisha).
- (iii) Deputy Director (Tech-Geology), Directorate of Minor Minerals, Odisha, Bhubaneswar.
- (iv) Deputy Director of Mines, Directorate of Mines & Geology, Odisha, Bhubaneswar
- (v) Deputy Director of Mines (Minor Mineral), Jajpur - Representative of Director of Mines & Geology, Odisha (for all logistic supports)

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Accordingly, the Inquiry Team visited the above two Aruha BSQs on 08/05/2025 along with Deputy Director of Mines, Jajpur Circle, Mining Officer, Jajpur district, Tahasildar, Dharmasala & other revenue officials to assist in the survey and inquiry at Aruha BSQ site.

2. **Terms of Reference (ToR) for Joint Inquiry.** With regard to the allegations made in Original Application filed by Sri Sumanta Kumar Bal Vrs. State & Others in O.A No. - 68 of 2025 filed before Hon'ble NGT. EZ, Kolkata.

3. **Details of lease area of Aruha BSQ.** The details of mining lease area of subject quarries are as follows.

Sl No.	Environmental Clearance (E.C) Serial No.	Name of the Proponent / Lessee	Quarry Details	Date of Grant of E.C	Validity period of Lease	Date Line valid up to
01	EC22B001 OR164789	Manoj Kumar Samal	Name-Aruha BSQ No.-5 Khata No. 779 Plot Nos. - 2694(P) & 2807(P) Area- Acre 20.00 Decimal or 8.09 Ha. Village- Aruha Tahasil -Dharmasala, Dist-Jajpur Method of Mining- Semi Mechanised Open Cast Permissible Quantity- 42,000 cum/annum	11.02.2022	5 years	Lease- 30.05.2028 CTO- 31.03.2025

Remarks- The above Lessee i.e. Sri Manoj Kumar Samal was imposed a penalty amounting to Rs. 4,20,47,585/- (Rupees Four Crores Twenty Lakhs Forty-Seven Thousand Five Hundred Eighty-Five Only) by the Tahsildar, Dharmasala for over extraction of black stone from Aruha BSQ - 20 Ac. The Lessee has cleared the dues.

Sl No.	Environmental Clearance (E.C) Serial No.	Name of the Proponent / Lessee	Quarry Details	Date of Grant of E.C	Validity period of Lease	Date Line valid up to
02	EC23B001 OR163112	Sri Sarat Jena	Name-Aruha BSQ No.-3 (Cluster SI No.2/3), Khata No.-779, Plot Nos.-2807, 280 & 2811 Area- Acres 18.88 Decimal or 7.64 Ha. Village- Aruha Tahasil -Dharmasala, Dist. - Jajpur Method of Mining- Semi Mechanised Open Cast Permissible Quantity 42,034 cum/annum	17.01.2023	5 years	Lease- 21.03.2028 CTO- 31.03.2025

Remarks- The Mining Officer, Jajpur district during his visit to the Aruha BSQ No. 3 (Area – 18.88 Ac) on 11.03.2025 found that the said BSQ was operational even though the Environmental clearance had expired on 16.05.2025. The Mining Officer, Jajpur seized 16 nos. of vehicles & machinery from the quarry site and imposed a total penalty amounting to Rs. 40,25,000/- (Rupees Forty Lakhs Twenty Five Thousands Only) vide Demand Note No. 1801/MM dated 26.03.2025 against the vehicles. The stated amount being outstanding on the above Lessee i.e. Sri Sarat Jena, the Mining Officer, Jajpur has filed an FIR at Dharmasala Police Station, Dist. - Jajpur.

4. Site Survey and Physical Inspection of the Inquiry Team. The joint Inquiry Team with the help of local revenue officials, village map/cadastral map and GPS carried out the detailed survey of the subject quarries at site and physically moved from co-ordinate to co-ordinate and pillars posted on ground zero.

During physical inspection of the Aruha BSQ site, it was ascertained that no quarrying activities are being undertaken at present . That apart, no vehicles, no manpower and no machinery were detected at site. A close inspection revealed that there was no trace of any

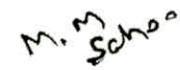
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vehicular movement on ground to suggest mining activities. It was also seen that minor mineral i.e. black stone of moderate quantity which was extracted previously was stacked at the base of the quarry.

5. Observation/Findings of the Joint Inquiry Team. The para-wise observations/findings of the joint inquiry on allegations as per original application are enclosed as Annexure-'A' to this report for kind perusal of the Hon'ble NGT, EZ, Kolkata.


Mining Officer, Jajpur
District


Tahasildar, Dharmasala


R.O, SPCB,
Kalinga Nagar

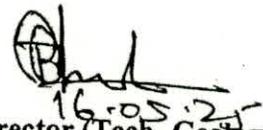
Date: 16.05.2025

Date:

Date: 16.05.2025


Deputy Director of Mines,
Jajpur Circle


Deputy Director of Mines,
Directorate of Mines &
Geology, Odisha,
Bhubaneswar


Deputy Director (Tech-Geology)
Directorate of Minor Minerals,
Odisha, Bhubaneswar

Date: 16.05.2025

Date:

Date:


Addl. District Magistrate (Revenue), Jajpur

16/05/2025


Collector & D.M, Jajpur

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Relevant Para No. in Original O.A. No. 68/2023 (ToR)	Allegations in brief	Findings/ Action taken
(1)	(2)	(3)
Para-01 Para-34	Violation of EC & CTO norms	State Pollution Control Board grants consent to operate (CTO) after receiving all the statutory clearance of the quarry as per the requirement of the Board. The present status of consent to operate granted to the Black Stone Quarries Aruha Cluster are enclosed as Annexure-I. (Copy enclosed as <u>Annexure-I</u> Series).
Para-02 Para-29	Inaction with respect to written application dated 06.12.2024 of the complainant.	A Joint enquiry was conducted on dated 03.12.2024 by the officials of Mining, Revenue and SPCB to look into the allegation. Further The Mining Officer, Jajpur district during his visit to the Aruha BSQ No. 3 (Area – 18.88 Ac) on 11.03.2025 found that the said BSQ was operational even though the Environmental clearance had expired on 16.05.2025. The Mining Officer, Jajpur seized 16 nos. of vehicles & machinery from the quarry site and imposed a total penalty amounting to Rs. 40,25,000/- (Rupees Forty Lakhs Twenty FiveT Thousands Only) vide Demand Note No. 1801/MM dated 26.03.2025 against the vehicles. The stated amount being outstanding on the above Lessee i.e. Sri Sarat Jana, the Mining Officer, Jajpur has filed an FIR at Dharmasala Police Station, Dist. - Jajpur. In addition to this a Joint enquiry was conducted on dated 24.03.2025 by the district administration to look into the allegation of residents of Aruha Villages regarding Illegal Mining Operation in Aruha BSQs. (Copy of reports enclosed as <u>Annexure-II</u>

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		Series)
Para-03 Para-15 Para-16	Allegation on excavation beyond 6 metres depth.	For verification of the same, M/S TKS Consultancy Services, Bhubaneswar was requested to conduct survey and submit its report. The report submitted by the agency on dated 19.04.2025 revealed, excavation has been done beyond six metres in some places of the above two quarries. Taking into account the sensitiveness of the matter & to avoid any future litigation, the ORSAC, Bhubaneswar has been requested vide this office Letter No.2787 dated 07.05.2025 to check the authenticity of the report submitted by M/S TKS Consultancy Services. After confirmation from the ORSAC, the report will be submitted before the Hon'ble Tribunal. (Copy of Letter No.2787 dated 07.05.2025 enclosed as <u>Annexure-III Series</u>).
Para-04 Para-12 Para-13	Extraction beyond the permissible quantity	M/s. TKS Consultancy Services, Bhubaneswar has been requested vide this office Letter No. 924 dated 18.02.2025 & Letter No.2692 dated 02.05.2025 to assess the volume of black stone extracted which is awaited at its end. (Copy of Letter No. 924 dated 18.02.2025 & Letter No.2692 dated 02.05.2025 enclosed as <u>Annexure-IV Series</u>).
Para-05	Regarding non-deposition of Govt. dues issued vide demand notice dated 25.04.2024 by the Tahasildar,	The Lessee Sri Manoj Kumar Samal was imposed a penalty amounting to Rs. 4,20,47,585/- (Rupees Four Crores Twenty Lakhs Forty-Seven Thousand Five Hundred Eighty-Five Only) by the Tahsildar, Dharmasala for over extraction of black stone from

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	Dharmasala	Aruha BSQ – 20 Ac. The Lessee has cleared the dues.
Para-06	Regarding non-deposition of Govt. dues issued vide demand notice dated 16.05.2023 by the Tahasildar, Dharmasala	The revised demand issued by the Tahasildar, Dharmasala was challenged by the lessee Sri Sarat Kumar Jena and as per the order of the Hon'ble Court passed in WP(C) No.22490/2023, the lessee was allowed to operate the quarry after depositing 30% of the revised demanded amount, on dtd 02.09.23.
Para-07	Unscientific quarry operation in broad day light.	The Mining operation is being done by Open cast semi-mechanised method of mining.
Para-08 Para-09 Para-10 Para-11 Para-19 Para-41 Para-43	Allegation regarding distance of stone quarries to nearby Habitats, Railway line, Ponds, Schools and Crusher Units in Aruha Cluster under Dharmasala Tahasil of Jajpur district and violation of CBCB guidelines.	In compliance to the Order dated 28.02.2020 of the Hon'ble NGT passed in O.A No.304/2019 in the matter of M. Haridasan & others Vrs State of Kerla, the Central Pollution Control Board (CPCB) has submitted a report on distance criteria for permitting Stone Quarrying wherein the minimum distance of stone quarries from Residential/Public buildings, Inhabited sites, Protected monuments, Heritage sites, National/State Highway, District roads, Public roads, Railway line/area, Ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, or Lakes or Tanks, or any other locations to be considered by States has been fixed to 100 metre when blasting is not involved and 200 metre when blasting is involved and the same is applicable to the State of Odisha. 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 regard, an ORSAC Empanelled Agency M/S TKS Consultancy Service was requested to conduct a survey through DGPS for measurement

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		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 met (Copy of the report along with map showing the distance factor is enclosed as <u>Annexure-V Series</u>)
Para-14	There is transportation of nearly 200 trips of stone loaded vehicles resulting pot holes.	No vehicular movement is noticed during joint field visit.
Para-17	Not obtaining permission from ground water authority and violation of E.C	As per the consent to operate condition, the lessee shall obtain NOC from CGWA for withdrawal of groundwater required for the project, if any. During visit it was found that there was no withdrawal of ground water inside the lease.
Para-18	Requirement of water for quarry operation	No permission has been granted by any authority to take water from nearby villages.
Para-20	Contaminated water condition & operation without valid explosive licence.	During visit on 07.01.2025 samples from ground water collected from the tube well at Jabaratali village and sample collected from the tube well at Jabaratali Prakalpa Primary School were taken and analysed. From analysis report it is revealed that water in adjoining area is not contaminated. (Copy of the monitoring report is enclosed as <u>Annexure-VI Series</u>).

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Para-21 Para-22 Para-23 Para-32 Para-35 Para-42	Wagon blasting, illegal and uncontrolled blasting, use of illegal explosive, plying of vehicles at night	During joint field visit there was no mining operation at ground zero. However, the lessees of Aruha BSQ No.3 (18.88 Acre) & Aruha BSQ No.5 (20 Acre), prior to operational of the quarries have obtained permission from the Directorate General of Mines Safety (DGMS), Bhubaneswar under Regulation 106 (2) (b) of the Metalliferous Mines Regulation, 1961 and appointed Mines Manager in their respective quarries as per section 17 of Mines Act, 1952 and under regulation 34(1) of Metalliferous Mines Regulation Act, 1961.
Para-24	For making of solar fencing.	No such provision is incorporated in the Mining Plan, EC, CTE & CTO.
Para-25 Para-27	No plantation and green belt around quarries by project proponent	At present there are approximately 30 numbers of tress around the Aruha BSQ Cluster. As per EC conditions the project proponent (lease Holder) shall deposit certain amount with respective District Environment Society for raising plants of native species within 2 years in a suitable location adjoining the quarry.
Para-26	No sprinkling of water to arrest dust, no proper stacking of over burdens	During visit there were no mining operation found. The rain water are stored inside the quarry as observed. Moreover, less quantity of over burdens noticed inside the quarries.
Para-28	Hazardous waste authorization	There is no workshop inside the lease area so hazardous waste authorization is not required as per Hazardous waste management Rules 2016.

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Para-30 Para-36	Air & noise pollution while plying on the village road.	During visit there is no mining operation as well as transportation observed.
Para-31 Para-38	Establishment of stone crusher unit	There are 07 numbers of Crusher are in Aruha Mouza and all are having Sitting Clearance Certificate. Consent to establish granted to the stone crushers after obtaining the sitting clearance certificate from District Administration. (The list of stone crushers is enclosed as <u>Annexure-VII</u> Series).
Para-33	Violation of DGMS guidelines	That the Director General of the Mines safety on dated 24th 25th and 26th of September 2024 conducted an inspection in the Dharmasala Tahasil of Jajpur District Odisha and observed major contraventions during inspection of quarries. Accordingly, all the Lessee of black stone quarries were directed vide Letter No. 4288 dated 16.011.204 of Deputy Director Mines, Jajpur Circle to stop mining operation and other allied activities with immediate effect till rectification of the contraventions pointed out by the DGMS. (The Letter No. 4288 dated 16.011.204 is enclosed as <u>Annexure-VIII</u> Series). The lessees of Aruha BSQ No.3 (18.88 Acre) & Aruha BSQ No.5 (20 Acre), prior to operational of the quarries have obtained permission from the Directorate General of Mines Safety (DGMS), Bhubaneswar under Regulation 106 (2) (b) of the Metalliferous Mines Regulation, 1961 and appointed Mines Manager in their respective quarries as per section 17 of Mines Act, 1952 and under regulation 34(1) of Metalliferous Mines

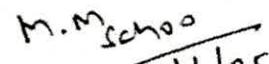
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		Regulation Act, 1961.
<p>Para-37 Para-39 Para-40</p>	<p>Violation of CTO conditions</p>	<p>There are two number of quarries namely Aruha Black Stone quarry 2/3 and Aruha Black stone quarry were under consent administration.</p> <p>(i) The rain water is stored inside the quarry as observed.</p> <p>(ii) The rain water are channelized inside the quarry as observed.</p> <p>(iii) There was no mining operation found during visit.</p> <p>(iv) There was no mining operation found during visit</p> <p>There was no mining operation as well as transportation found during visit.</p> <p>(v) There was no mining operation as well as transportation found during visit.</p> <p>(vi) There was no mining operation as well as transportation found during visit</p> <p>(vii) As per the consent to operate condition, the lessee shall obtain NOC from CGWA for withdrawal of groundwater required for the project, if any. During visit it was found that there was no withdrawal of ground water inside the lease.</p> <p>(viii) No obstruction of flow of water from higher to lower land was observed.</p>
<p>Para-44 Para-45</p>	<p>Non-action of Revenue Officials/district administration to</p>	<p>The allegation is non-maintainable. The District Administration is delivering its full strength in preventing theft and illegal transportation of minor minerals through District</p>

<p>Para-46 Para-47</p>	<p>stop illegal mining operation</p>	<p>Level Task Force Committee i.e. in district level under the Chairmanship of the District Collector, Sub-divisional Level under the Chairmanship of District Sub-Collector and Tahasil Level under the Chairmanship of concerned Tahasildar. Further the Authorities are well concerned about their duties and responsibilities. Action as deemed proper is being taken against the offenders and will also be taken if any violation is observed in future.</p>
<p>Para-48 to 51</p>	<p>Miscellaneous issues related to mining of minor minerals (murroms, sand etc.) and violation of EC, CTO, CTE norms and Orders passed previously by the Hon'ble NGT – regarding</p>	<p>Compliance to the Orders of the Hon'ble Courts are being meticulously implemented. Remedial actions are also being taken whenever violations of any of the norms / terms & conditions are brought to fore. Further, action against contravention of any of the rules/norms/terms & conditions of the lease will be taken as deemed proper as per law.</p>


Mining Officer, Bajpur District


Tahasildar, Dharmasala


R.O, SPCB, 16/05/2025
Kalinga Nagar

Date: 16/05/25

Date:

Date: 16/05/2025

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Deputy Director of Mines,
Jajpur Circle

Date: 16.05.2025

Deputy Director of Mines,
Directorate of Mines & Geology, Odisha,
Bhubaneswar

Date:

Deputy Director (Tech- Geology)
Directorate of Minor Minerals, Odisha, Bhubaneswar

Date:

Addl. District Magistrate (Revenue), Jajpur

Date: 16th May 2025

Collector & D.M, Jajpur

TRUE COPY ATTESTED
ADVOCATE



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ANNEXURE-

BB16

GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR
E-mail: ddmjajpur.mm@gov.in

Letter No 4066 / Dt 01-07-2025

To

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

Sub

Supply of information under RTI Act 2005.

Ref

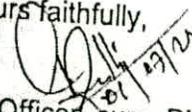
Your application dt. 30.6..2025

Sir,

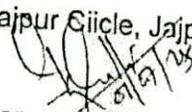
With reference to the subject cited above, I am to enclose herewith all the available information as sought by you under RTI Act. 2005.

Encl: As above.

Yours faithfully,


Mining Officer cum- PIO,
O/o the Deputy Director of Mines, Jajpur

Memo No. 4067 dt. 01-07-2025
Copy submitted to the D.D.D-cum-1st Appellate Authority, Jajpur Circle, Jajpur for
favour of Kind information.


Mining Officer- cum- PIO,
O/o the Deputy Director of Mines, Jajpur



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H.O. (I/C)

ODISHA SPACE APPLICATIONS CENTRE (ORSAC)
 Department of Science & Technology, Govt. of Odisha

ORSAC/PR/1271/2025/ 2372 Dt. 16/6/2025

To,
 The Deputy Director of Mines (I/C)
 Jajpur Circle, Jajpur

Sub: Submission of authenticity of the report submitted by M/s. TKS Consultancy Services, Bhubaneswar

Ref: (1) Your Letter No. 2787, Dated 07.05.2025
 (2) Letter No. 1080 dated on 10.04.2025 of the Director of Minor Minerals, Odisha.

Sir,

With reference to the subject and your letter cited above, you have requested to check for the authenticity of the reports based on Modification of Mining plan approved on 17.12.2024 and drone surveyed on 28.10.2024 w.r.t. Aruha BSQ (Cluster SI No. 2/5) and Aruha BSQ (Cluster SI No. 2/3) in village Aruha under Dharmasal Tahasil of JAJPUR District, Odisha, submitted by M/s. TKS Consultancy Services, Bhubaneswar regarding whether excavation has been done beyond the depth of 6 metres or not. In this regard, the reports w.r.t. Aruha BSQ (Cluster SI No. 2/5) and Aruha BSQ (Cluster SI No. 2/3) were examined considering the "SOP regarding clarification on area and depth to be considered for volume consideration for minor minerals for drone survey" issued by the Directorate of Minor Minerals, vide Letter No. 1080 Dated 10.04.2025. It is stated that, for stone, depth to be considered six metres from the undisturbed lowest contour line (Lowest RL) of the lease area or extrapolated minimum contour line of the lease area. Considering the above criteria following observations have been made w.r.t. Aruha BSQ (Cluster SI No. 2/5) and Aruha BSQ (Cluster SI No. 2/3)

1. Aruha BSQ (Cluster SI No. 2/5), Area-20 Acres:

It is observed that from the drone survey report conducted on 28.10.2024, the lowest undisturbed surface height is 45 metres as per mining plan and excavation has been done up to a depth of 40 metres drone surveyed on 28.02.2025 which implies excavation has not gone beyond 6 metres from the lowest undisturbed contour line (Lowest RL) of the lease area.

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 18-06-2025

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2. Aruha BSQ (Cluster SI No.2/3)-Area-18.88 Acres

It is observed that from the drone survey report conducted on 28 10 2024, the lowest undisturbed surface height is 45 metres as per mining plan and excavation has been done up to a depth of 36 metres drone surveyed on 28 02.2025 which implies excavation has gone beyond 6 metres from the lowest contour line.(Lowest RL.) of the lease area.

3 Bajabati BSQ - 3 and Bajabati BSQ -5 are under process.

Encl.-SOP from Director Minor Mineral, steel & mines department

Your's Faithfully,

Cecilia
SCIENTIST-D 16 02 2025

TRUE COPY
ADVOCATE

TRUE COPY ATTESTED
[Signature]
ADVOCATE