

**Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata**

OA No. 68 of 2025/EZ

Dusmant Kumar BalApplicant(S)
Vs.
State of Odisha & Ors. Respondent(S)

I.N.D.E.X

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Place:- Kolkata

Date: 18/06/25

Ashok Prasad

Ashok Prasad, Advocate
Counsel for Respondent No. 14
Mobile: 9883069404
Email id: ashokadvhc@gmail.com



18 JUN 2025

SL NO 14 DT 18.06.2025

**Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata**

OA No. 68 of 2025/EZ

Dusmant Kumar Bal Applicant(S)
Vs.
State of Odisha & Ors. Respondent(S)

**REPLY ON BEHALF OF THE RESPONDENT NO. 14
DIRECTOR GENERAL OF MINES SAFETY, GOVT. OF
INDIA.**

MOST RESPECTFULLY SHEWETH:

I, Awanish Kumar Mishra son of Shri Radheshyam Mishra, aged about 53 years, employed/appointed as the Director of Mines Safety, Bhubaneswar Region-1, Directorate General of Mines Safety (D.G.M.S.), South Eastern Zone, under the Ministry of Labour and employment, Govt. of India, do hereby solemnly and declare as follows: -

1. That I am well conversant with the facts and circumstances of the case, and as such, I am duly

(Signature)
डा. अ. क. मिश्रा
Director of Mines Safety
भुवनेश्वर क्षेत्र-1
Bhubaneswar Region-1



authorized and competent to swear this affidavit on behalf of R-14, in the above matter.

2. That I have read and understood the original application and have been advised to traverse by way of this Counter Affidavit as reply thereto.
3. That have and except those which are matter of record and those which are specifically admitted hereto the contents of the OA that have not been specifically admitted hereunder or are a matter of record be deemed denied.
4. That the deponent craves liberty to raise additional submission or file supplementary affidavits in case need arises during the course of arguments.

PARA WISE REPLY

5. That the contents of Para 1 & 7 of the original application it is humbly submitted that these paragraphs do not come under the purview of the DGMS, hence no comments to offer by the answering respondent.



S. S. Saha
 Director of Mines Safety
 Eastern Region
 Shubaneswar, Kolkata

6. With regards to the para 8 & 9 of the Original Application, it is humbly submitted that: -

The provisions of Regulation 164(1B)(a) of the Metalliferous Mines Regulation (MMR), 1961 states that – *"In the case of an opencast working, where any permanent building or structure of permanent nature, not belonging to the owner, lies within the danger zone, the aggregate maximum charge in all the holes fired at one time shall not exceed two kilograms unless permitted in writing by the Chief Inspector of the Regional Inspector and subject to such conditions as he may specify therein : Provided that if blasting is done with delay detonators or other means an that there is a delay of at least half a second between successive shots fired, a maximum charge of two kilograms can be used in each hole; Provided further that if the shortest distance from the place of firing to any part of such building or structure is less than 50 metres irrespective of the amount of the charge, no blasting shall be done except with the permission in writing of the Chief Inspector or the Regional Inspector and subject to such conditions as he may specify therein."*

No permission/exemption under Regulation 164(1B)(a) of the MMR, 1961 has been granted by the DGMS to any Stone Quarries in Aruha Village under Dharmasala Tahsil of Jajpur District, Odisha.

7. With regards to the para 10 to 31 of the Original Application, it is humbly submitted that these paragraphs do not come under the purview of the




 ଶ୍ରୀ ମୁଖାର୍ଜୁନ ମହାପାତ୍ର
 Director, Of Mines Safety
 ଲମ୍ବୁଗଡ଼ ଖଣି-୧
 Bhubaneswar Region-1

DGMS, hence no comments to offer by the answering respondent.

8. With regards to the para 32 of the Original Application, it is humbly submitted that: -

The provisions of Regulation 164(1B)(a) of the Metalliferous Mines Regulation (MMR), 1961 states that – *"In the case of an opencast working, where any permanent building or structure of permanent nature, not belonging to the owner, lies within the danger zone, the aggregate maximum charge in all the holes fired at one time shall not exceed two kilograms unless permitted in writing by the Chief Inspector of the Regional Inspector and subject to such conditions as he may specify therein : Provided that if blasting is done with delay detonators or other means an that there is a delay of at least half a second between successive shots fired, a maximum charge of two kilograms can be used in each hole; Provided further that if the shortest distance from the place of firing to any part of such building or structure is less than 50 metres irrespective of the amount of the charge, no blasting shall be done except with the permission in writing of the Chief Inspector or the Regional Inspector and subject to such conditions as he may specify therein."*

No permission/exemption under Regulation 164(1B)(a) of the MMR, 1961 has been granted by the DGMS to any Stone Quarries in Aruha Village under Dharmasala Tahsil of Jajpur District, Odisha.



Shyam
 SHYAM NARAYAN PANDA
 Director Of Mines Safety
 Bhubaneswar Region-1

9. (A) With regards to the sub-paras of A, B & E of para 33 of the Original Application, it is humbly submitted that: -

- A. Twenty-six (26) black stone mines under Dharmasala Tahsil of Jajpur District submitted Notice of Opening under Section 16 of Mines Act, 1952 read with Regulation 3 of the MMR, 1961 to this Directorate.
- B. Twenty-six (26) black stone mines under Dharmasala Tahsil of Jajpur District appointed mine manager under Section 17(1) of Mines Act, 1952 read with Regulation 34(1) of the MMR, 1961.
- E. Six (6) black stone mines under Dharmasala Tahsil of Jajpur District obtained permission under Reg.106 (2) (b) of the MMR, 1961 to use Heavy Earth Moving Machinery (HEMM) without deep hole blasting.

(B) Further with regards to the sub-paras of C, D, F, G, H, I & J of para 33 of the Original Application, it is humbly submitted that: -

A letter was issued to the District Magistrate, Jajpur District, Odisha to direct the lessee/Mine Owners to rectify serious contraventions & stop mining operations till the time all the serious contraventions are complied with.



Sup. (M&S)
 दिग्गज सुरक्षा निदेशक
 Director Of Mines Safety
 भुवनेश्वर क्षेत्र-1
 Bhubaneswar Region-1

10. With regards to the para 34 & 35 of the Original Application, it is humbly submitted that this para does not come under the purview of the DGMS, hence no comments to offer by the answering respondent.

11. With regards to the para 36 of the Original Application, it is humbly submitted that: -

- i. The provisions of Regulation 124(6)(f) of the Metalliferous Mines Regulation, 1961 states that - *"No process of crushing, breaking, disintegrating, opening, grinding, screening or sieving of ores, minerals or stone or any operation incidental thereto shall be carried out at any mine unless appropriate and effective dust control measures, such as, burst not limited to isolation, enclosure, exhaust ventilation and dust collection are designed, provided, maintained and used."*
- ii. The provisions of Regulation 124(8) of the Metalliferous Mines Regulation, 1961 states that - *"The manager of every mine where airborne dust is generated, shall formulate and implement a scheme specifying -*

(a) the location, frequency, timing duration and pattern of sampling ;

(b) the instruments and accessories to be used for sampling ;

(c) the laboratory at which respirable dust content of samples and quartz content shall be determined ;



Director Of Mines Safety
 Bhubaneswar Region-1

(d) the format in which the results of measurements of dust concentration and other particulars have to be recorded ;

(e) the organization for dust monitoring and for the examination and maintenance of dust prevention and suppression measures and dusts respirators ; and

(f) the manner of making all persons concerned with the implementation of the dust control measures fully conversant with the nature of work to be performed by each in that behalf."

No permission/exemption under Regulation 124 of the MMR, 1961 has been granted by the DGMS to any Stone Quarries under Dharmasala Tahsil of Jajpur District, Odisha.

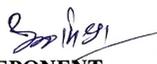
S. P. Mishra
 ଶ୍ରୀମତୀ ସୁମତୀ ମିଶ୍ରାଙ୍କ
 Director Of Mines Safety
 ଭୁବନେଶ୍ୱର ଖଣି-1
 Bhubaneswar Region-1

12. With regards to the para 37 to 56 of the Original Application, it is humbly submitted that these paragraphs do not come under the purview of the DGMS, hence no comments to offer by the answering respondent.



PRAYER

in view of what has been stated hereinbefore, it is respectfully submitted that the application may kindly be disposed with orders/ directions as deemed fit and proper in the facts and circumstances of this case. The answering respondent may kindly be exempted from personal appearance forthwith.


DEPONENT

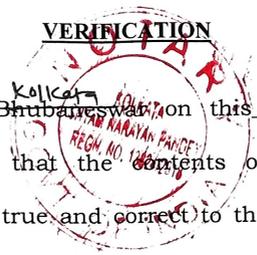
खान सुरक्षा निदेशक
Director Of Mines Safety
भुवनेश्वर क्षेत्र-1
Bhubaneswar Region-1



X

VERIFICATION

Verified at ^{Kolkata} ~~Bhubaneswar~~ on this 17th of June 2025, that the contents of the above affidavit are true and correct to the best of my knowledge. No. part of it is false and nothing material has been concealed there from.



Identified by me

[Signature]

Advocate

DEPONENT

[Signature]
जन सुरक्षा निदेशक
Director Of Mines Safety
भुवनेश्वर क्षेत्र-1
Bhubaneswar Region-1

Solemnly Affirm & Declared
Before Me on Identification
of Ld. Advocate

[Signature]
SHYAM NARAYAN PANDEY
NOTARY, GOVT. OF INDIA
REGN. NO. 13824/2018

18-06-2025



18 JUN 2025

