

BEFORE THE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****ORIGINAL APPLICATION NO- 208 of 2024****IN THE MATTER OF****YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST ...Applicant**

Versus

STATE OF ODISHA & Ors

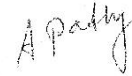
...Respondents

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PLACE: Bhubaneswar

DATE: 14/07/2025

**SANKAR PRASAD PANI ASHUTOSH PADHY
ADVOCATE'S**Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278, Email-
sankarprasadpani@gmail.com

and around the Nischinta hill in Gondia Tahasil of Dhenkanal district.

- II. Director of Mines and Geology, Government of Odisha to **assess the extent/quantum of Minor Minerals including black stone excavated illegally and its market value, cost of restitution and environmental compensation and recover from the persons involved in it.**
 - III. Fix the accountability/responsibilities of the concerned Govt. authorities for their inaction and willful dereliction of duties causing loss to the state exchequer and damage to the environment
 - IV. Direct the District Collector to initiate criminal proceedings U/s 19 of Environment Protection Act 1986 against the mining mafia's.
 - V. The applicant prays before this Hon'ble Tribunal for constitution of court monitored special task force for stringent enforcement of mining and environment laws against the mafias and restoration of the illegal quarries and pits with plantations and other remedial measures.
 - VI. Pass such other orders/directions as may be deemed fit and proper in the bonafide interests of justice.
3. That on dated **17-10-2024 while admitting the present Original Application Hon'ble Tribunal issued notice to all the respondents to file their reply** at least one week before the next date to the allegations

made by the Applicant and the next date for hearing was fixed on dated **20/12/2024, but as on date Except State Pollution Control Board and , Respondent 14 no respondent has filed their reply** to the allegations made by the applicant.

4. That on **17/10/2024 Hon'ble Tribunal has constituted a Joint Committee** comprising of representatives of Regional Officer, MoEF & CC at Bhubaneswar, Principal Chief Conservator of Forests, Government of Odisha, Director of Mines and Geology, Bhubigyan Bhawan, Bhubaneswar, Khordha, Odisha Pollution Control Board and District Magistrates, Dhenkanal and Jajpur and the Odisha Pollution Control Board will be the nodal agency for coordination and compliance. In pursuance to the order of the Hon'ble Tribunal, **the joint committee visited the alleged site on 26/11/2024** and during visit of the site following observations were made by the committee

- a. It was observed that the Nishinta Hill is located at the common boundary of Dhenkanal and Jajpur district, Odisha. It was observed that extraction of stone has been done in patches at multiple portions of the Nishinta Hill. (Copy of the google image attached as Annexure-IV) Demarcation of district and forest boundary is required to ascertain the portion that fall under Jajpur & Dhenkanal district.

- b. It was observed that the extraction of stone in the Nishinta Hill has been done illegally without obtaining Environmental Clearance (C), Consent to Operate (CTO), Blasting License, Forest Clearance etc. & clearance from the concerned Department. However, there was no machineries observed to be deployed during the visit.
 - c. **The quantum of mineral excavated from the above quarries could not be assessed due to non-availability of ORSAC empanelled agency with scientific instruments during the inspection.**
 - d. The joint committee visited the nearby stone crushers under the jurisdiction of Dhenkanal district namely 1. PRMM Crusher 2. Maa Chandi Stone Crusher 3. Aruni Stone Crusher 4. Sri Sai Stone Crusher, 5.Sri Durga Stone crusher & 6.GNS stone crusher. Although they have obtained consent to establish (CTE) and consent to operate (CTO) from SPCB but on the date of verification except Aruni Stone crusher, others Proprietors could not produce any documents regarding linkage & maintenance of Stock Register. However, the crushers have been verified by the team of the SPCB and based on the non-compliance to the consent conditions the crusher units have been served show cause notice (SCN) under section 31(A) of the Air (PCP) Act, 1981.
5. That based upon the abovementioned observations the joint committee recommended the following recommendations

- a. A joint visit may again be conducted comprising of Revenue Authorities of Jajpur & Dhenkanal Districts, Forest Officials of Jajpur & Dhenkanal Districts, Director of Mines & Geology along with the present members of the joint committee for demarcation of forest & revenue boundary.
- b. Restriction shall be imposed in the alleged site in order to check the theft of minor mineral by providing suitable cordons/barriers and shall be kept under strict vigilance of the District Administration.
- c. The forest department shall assess the quantum of deforestation caused due to the said stone quarries.
- d. **Quantification of the minerals excavated shall be carried out by Orissa Remote Sensing Application Center (ORSAC) empanelled agencies in consultation with Director of Mines & Geology. Subsequently penal action shall be taken on responsible person after due enquiry.**
- e. District Administration of Dhenkanal and Jajpur shall demarcate the district boundary by posting pillar so that the quantum of mineral excavated in their respective revenue districts can be assessed and environmental compensation can be computed thereafter. **It is pertinent to mention here that as on date no such ORSAC report has been filed by the committee.**

6. It is pertinent to mention here that the joint committee in its preliminary report in paragraph 2 of the recommendation categorically stated that ***“Restriction shall be imposed in the alleged site in order to check the theft of minor mineral by providing suitable cordons/barriers and shall be kept under strict vigilance of the District Administration”*** but as on date no such restrictions has been made by the District Administration to check the theft of minor minerals and the illegal mining is being done by the mining mafias on broad day light.
7. That the Notices of the present case has been **issued on dated 17/10/2024 and even after passing of more than nine months** no strict measures been taken by the State respondents in order to check the illegal mining.
8. It is pertinent to mention here that on dated 17/02/2025 while adjudicating the matter Hon’ble Tribunal directed the state Government to file an ORSAC inquiry report and granted four weeks time, relevant portion of the Order dated **17/02/2025** is reproduced as follows;

“7 -We direct the State Government to file the report of the Orissa Remote Sensing Application Center (ORSAC) with regard to the quantum of excavation so that if illegal excavation is found to have been carried out by the Stone crushers, appropriate action as per law may be taken against them.” Though more than four months have passed no report has been filed by the State Respondents as on date.

9. That on dated **17/02/2025** while adjudicating the matter Hon'ble **Tribunal directed the state Government to file para wise reply and granted three weeks time and the said period is over from 10/03/2025.**

However even after passing of more than four months from the granted period no para wise reply has been filed by the State Respondents and from this attitude of the State Government it appears that they are hand in gloves with the mining mafias and allowing them for looting the government properties. Relevant portion of the order dated 17/02/2025 is reproduced as follows;

“8. The State Government shall file para-wise reply to the allegations made in the Original Application within three weeks.”

10. That the former MLA of Dhenkanal and Gondia Sri Nabin Nanda on various occasions made representations to all the concerned authorities regarding illegal mining but no action has been taken by the concerned authorities as on date in order to check the illegal mining.

11. That the former MLA of Dhenkanal on dated 05/06/2025 and 11/07/2025 made representations to all the concerned authorities regarding the illegal quarrying activities in the Nischinta hill but as on date no action has been taken by the concerned authorities against the mining mafias which shows that the government officials are in nexus with the mining mafias for which they are not taking any action in order to check the illegal mining. Copy of

the representation dated 05/06/2025 and 11/07/2025 is annexed here unto as **ANNEXURE-1.**

12. That the **photographs dated 23/05/2025 and 31/05/2025** suggests that the mining mafias are still active in the Nischinta hill and are continuously illegally extracting stones from the Nischinta hill and transporting the same in broad day light but the District administration has become a mute spectator to the illegal mining being carried out by the mining mafias. This also suggests the District Administration is hand in gloves with the mining mafias. Copy of the photographs dated 23/05/2025 and 31/05/2025 is annexed here unto as **ANNEXURE-2.**

Bhubaneswar

14/07/2025

By the Applicant Through

S. Pani *A. Padhy*

ADVOCATE'S

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

ORIGINAL APPLICATION NO - 208 OF 2024/EZ

IN THE MATTER OF:

YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST
APPLICANT

VERSUS

STATE OF ODISHA AND Others ... RESPONDENTS

AFFIDAVIT

14 JUL 2025

I, Santanu Kumar Bhukta S/o Golak Bhukta, Aged about 32 years At/Po-Santhapada, PS-Talcher Dist-Angul, Odisha, 759104, do hereby solemnly affirm, and declare as under:

1. That I am the President of the Applicant Trust, Youth United For Sustainable Environmental Trust in the abovementioned application and authorized to sign this affidavit.
2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
3. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

Santanu Kumar Bhukta
DEPONENT

VERIFICATION

Verified on this 14 JUL 2025 day of2025 at that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By
Advocate

Santanu Kumar Bhukta
DEPONENT



The above named deponent(s) being duly identified by Sri. Advocate, Bhubaneswar Appears before me on 14 JUL 2025 at A.M./P.M. State on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief.

JANMEJAYA RAUTRAY
NOTARY, GOVT OF ODISHA
BHUBANESWAR
REGD. NO.-ON-86/2012
Mob. No. - 933, 121273

Deponent(s) ... Notary, Bhubaneswar



Protection of Nischinta reserve Hill and immediate intervention regarding.

3 messages

Nabin Nanda <nabinnanda2014@gmail.com> Thu, 5 Jun, 2025 at 2:36 pm
To: fesc.or@nic.in, directorodisha <dirmines_odisha@rediffmail.com>, dirmines.rev@govt.in, dirmmms-rev@govt.in, Collector & District Magistrate <dm-dhenkanal@nic.in>, oscbc.2021@gmail.com, seiaaodisha@gmail.com, rospcb.angul@ospboard.org, Chief Secretary & Chief Development Commissioner <csori@ori.nic.in>, cmo_ps@ori.nic.in

To
Shri Satyabrata Sahu, IAS
Additional Chief Secretary
Forest & Environment Department
Government of Odisha
Bhubaneswar

Subject: Urgent Request for Protection of Nischinta Reserve Hill from Illegal Mining Activities

Dear Satyabtata babu

I write to draw your urgent attention to the ongoing threat posed by illegal mining activities in and around the ecologically sensitive Nischinta Reserve Hill, located in Dhenkanal district. This area, richly surrounded by forest cover, is under serious risk due to unauthorized operations by stone crusher units and indiscriminate mining practices.

At the outset, I wish to express my sincere appreciation to the district administration for its commendable initiative in establishing a check gate at the Dhenkanal–Jajpur border in Chadakamara village, and for the installation of CCTV cameras in various parts of the Nischinta Reserve Hill. These steps are vital for monitoring and preventing illegal extraction activities. I also welcome the plan for a massive plantation program in the area, which will contribute greatly to the ecological restoration and long-term sustainability of this reserve.

However, I would like to bring to your kind notice that several crusher units have been operating in close proximity to the Nischinta Reserve Hill without any legally approved source of black stone/road metal extraction. The following six units are of particular concern:

1. PRMM Crusher
2. Sri Sai Stone Crusher
3. Chandi Stone Crusher
4. DNS Stone Crusher
5. Ratha Stone Crusher
6. Rajalaxmi Stone Crusher

It is requested that the concerned mining authorities and district administration be instructed not to issue any further permissions to new crusher units in this area. Furthermore, necessary action may kindly be taken for the withdrawal of permissions already granted to the above-mentioned units, which are operating in violation of norms and are contributing to the degradation of the reserve hill.

Of particular concern is the recent permission granted to PSK Infrastructure and Projects, a new crusher unit adjacent to the Nischinta Reserve Hill. This permission has reportedly been issued by the district administration despite the absence of an approved District Survey Report (DSR), a fact I have already brought to the notice of your esteemed office.

It is alarming that the SEIAA has granted Environmental Clearance (EC) on 05.05.2025 and the OSPCB, Angul has issued Consent to Establish (CTE) on 14.05.2025 in favor of this unit without proper verification or enquiry. If this unit is allowed to commence operations, it will become extremely difficult to curb illegal mining in the Nischinta Hill area, thereby endangering the local ecology and biodiversity.

In view of the above, I earnestly request your personal intervention in this matter to safeguard the Nischinta Reserve Hill from further ecological damage. Immediate action to halt further permissions and revoke illegal operations will go a long way in preserving this invaluable natural asset for future generations.

12

I look forward to your positive and timely response.

Thanking you.

Yours sincerely,

Sd/-
Nabin Nanda
Ex-MLA & President, Dhenkanal Swabhiman Surakhya Mancha
Dhenkanal
Email: nabinnanda2014@gmail.com
Phone: 8249434406 / 9438037603

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: nabinnanda2014@gmail.com

Thu, 5 Jun, 2025 at 2:36 pm



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Your message wasn't delivered to **dirmms-rev@govt.in** because the domain [govt.in](https://www.govt.in) couldn't be found. Check for typos or unnecessary spaces and try again.

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The response was:

DNS Error: DNS type 'mx' lookup of [govt.in](https://www.govt.in) responded with code NXDOMAIN Domain name not found: [govt.in](https://www.govt.in) For more information, go to <https://support.google.com/mail/?p=BadRcptDomain>

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: nabinnanda2014@gmail.com

Thu, 5 Jun, 2025 at 2:36 pm



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Your message wasn't delivered to **dirmines.rev@govt.in** because the domain [govt.in](https://www.govt.in) couldn't be found. Check for typos or unnecessary spaces and try again.

[LEARN MORE](#)



Illegal mining activities by some persons at Nischinta reserve Hill and action regarding.

1 message

Nabin Nanda <nabinnanda2014@gmail.com> Fri, 11 Jul, 2025 at 7:49 pm
To: digncr.odpol@nic.in, S P Dhenkanal <spdcl.odpol@nic.in>, Home Secretary, Odisha <homesec.od@nic.in>, Collector & District Magistrate <dm-dhenkanal@nic.in>

To
Sj Satyabtata Bhoi,IPS
The Deputy Inspector General of Police, NCR, Talcher,
District: Angul, Odisha

Subject: Complaint regarding the callous attitude of Nihalprasad Police Station towards illegal mining at Nischinta Reserve Hill

Respected Sir,

I wish to bring to your urgent notice the blatant illegal mining activities being carried out at the Nischinta Reserve Hill area under the jurisdiction of Nihalprasad Police Station. It has come to my knowledge that certain stone crusher units, which do not possess any legal source of raw material for their respective operations, have been indulging in rampant illegal mining with the connivance of officials of Nihalprasad Police Station for a considerable period of time.

This illegal activity continues unabated despite clear prohibitions imposed under Section 163 by the District Administration and restrictions laid down by the Hon'ble National Green Tribunal (NGT), Kolkata, for the past six months. Reportedly, illegal blasting is carried out regularly during the night, resulting in the extraction of approximately 10,000 MT of stone daily.

Such unlawful mining not only causes irreparable damage to the environment but has also become a lucrative source of illegal income for certain officials of the Nihalprasad Police Station. Their inaction and active collusion are a serious breach of their duty to uphold the law.

I, therefore, earnestly request you to look into this matter with utmost seriousness and take strict and exemplary action against the erring police officials and the illegal mining operators involved. Immediate intervention will not only curb this unlawful activity but also restore people's faith in the law enforcement machinery.

I await your prompt and positive response in this regard.

Yours sincerely,

Sd/-
Nabin Nanda
Ex-MLA, Dhenkanal & President, Dhenkanal Swabhimana Surakhya Mancha
Email: nabinnanda2014@gmail.com
Phone: 8249434406 / 9438037603

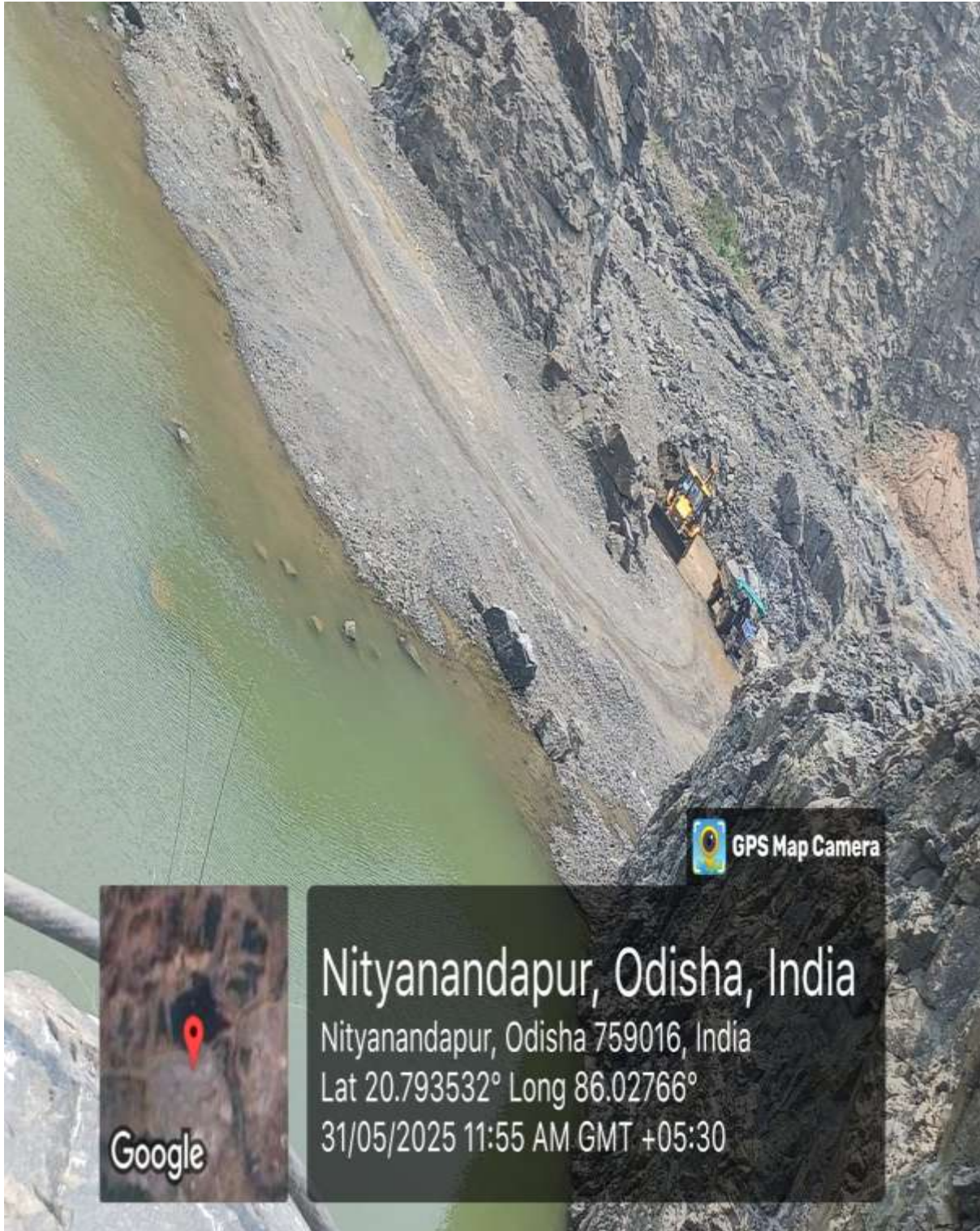
Copy submitted to:

Superintendent of Police, Dhenkanal./ Collector and District Magistrate Dhenkanal for their kind information and appropriate necessary action.

THAT THE BELOW ATTACHED PHOTOGRAPH DATED 23/05/2025 SUGGESTS THE MINING AND TRANSPORTATION ACTIVITY IS STILL CONTINUOUS IN NISCHINTA HILL.



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 31/05/2025 SUGGESTS THE MINING AND TRASPORTATION ACTIVITY IS STILL CONTINUOUS IN NISCHINTA HILL.





Sankar Pani <sankarprasadpani@gmail.com>

Supplementary affidavit on behalf of Applicant in OA-208/2024- EZ.

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Tue, Jul 15, 2025 at 5:18 PM

To: ADVOCATE GENERAL ODISHA <advgen@nic.in>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, Rashmi Bothra <rashmibothra24@gmail.com>, "Akhand." <akhand111@gmail.com>

Dear Sir/Madam, please find the attachment.

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Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
Res-Plot No 2132/4814(B), Nageswar Tangi,
Bhubaneswar, 751002
Cell- 9437279278
Skype- sankar.pani

**NISCHINTA SUPPLEMENTARY AFFIDAVIT july 2025-merged.pdf**

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