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**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA**

**IN**

**OA No. 108/2025/EZ  
(Earlier OA No. 224/2025/PB)**

**IN THE MATTER OF:**

**News Item titled "Sand smuggling rampant in Odisha's Cuttack as officials turn blind to the menace" appearing in The Indian Express dated 26.04.2025"**

**....Applicant(s)**

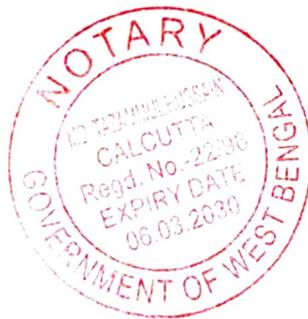
**Versus**

**State of Odisha & Others**

**....Respondent(s)**

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*Mrinal Kanti Biswas*  
**Mrinal Kanti Biswas**  
Regional Director & Scientist E,  
CPCB, Kolkata

Filed Through  
*Subhajyoti Chakrabarti*  
Counsel  
Email:- *subho.advocate@gmail.com*

Dated: 15/07/2025  
Place: Kolkata

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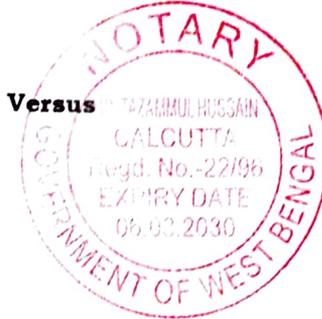
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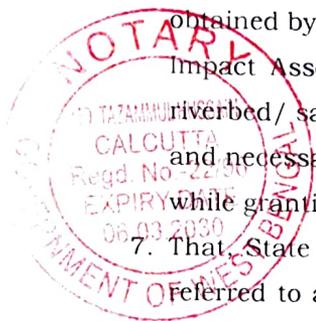
**....Respondent(s)**

**Reply on Behalf of Respondent No.-02 i.e. Central Pollution Control Board**

1. That, the Hon'ble NGT (PB) has registered a *suo-moto* case as O.A. No. 224 of 2025 (PB) on the basis of newspaper report titled "Sand smuggling rampant in Odisha's Cuttack as officials turn blind to the menace" appearing in The Indian Express dated 26.04.2025 and observed that news item alleges the happening of illegal sand mining in Cuttack District of Odisha. The matter was heard on 07.05.2025 in the Hon'ble NGT Principal Bench and subsequently the matter has been transferred to the Hon'ble NGT Eastern Zone Bench.
2. That, the Hon'ble NGT (PB) vide its order dated 07.05.2025 impleaded respondents including CPCB as Respondent No. 02 in the matter and directed to file reply/response, thereby the reply is made in succeeding paragraphs.
3. That, CPCB is a Statutory Board constituted under Section 3 of The Water (Prevention and Control) Act, 1974. It performs the functions under The Water (Prevention and Control) Act, 1974, The Air (Prevention and control) Act, 1981 and The Environment (Protection) Act, 1986.
4. That, it is further submitted that the State Pollution Control Boards /Pollution Control Committees have been constituted in States/UTs under the Water Act, 1974 and the Air Act, 1981, and they perform their functions and implement the provisions of these Acts in respect of territories falling in respective territorial jurisdiction of the concerned State/UT.

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5. That, under the provisions of the Mines and Minerals (Development and Regulation) Act 1957, the State are empowered to make rules for regulating the grant of prospecting/mining licenses or mining leases in respect of minor minerals and making rule for preventing illegal mining, transportation and storage of minerals. As per the provision 23(C) of Mines and Minerals (Development and Regulation) Act 1957, the State Government is empowered to make rules for preventing illegal mining and transportation & storage of illegal minerals. All such mining which are illegal can be dealt with in the provision of MMDR Act by the concerned authorities. Thus, response from the appropriate department of the State of Odisha (Directorate of Mines) in this regard may be important in adjudicating the matter under reference.
6. That, the Central Government has made it mandatory to obtain Environmental Clearance for mining of minerals. Ministry of Environment, Forest and Climate Change (hereinafter to be referred as "MoEF&CC") published EIA Notification 2006 regarding Environmental Clearance to be obtained by mine owner for mining activities, which includes Environment Impact Assessment/Environment Management Plan Reports. Impact of riverbed/ sand mining on the water resources and biodiversity is assessed and necessary conditions for safeguarding the environment are stipulated while granting necessary environmental clearances required as per law.
7. That, State level Environment Impact Assessment Authority (hereinafter referred to as "SEIAA") are constituted in States/UTs and empowered to grant Environmental Clearance as per procedures specified in the EIA Notification for the respective States/UTs.
8. That, the MoEF&CC has issued "Sustainable Sand Mining Management Guidelines 2016" to promote scientific mining of sand and encourage environmental friendly management practices and to ensure conservation of the river equilibrium and its natural environment by protection and restoration of the ecological system. For enforcement of the regulatory provisions related to river sand mining for effective monitoring and ensuring sustainable sand mining, MoEF&CC has released "Enforcement and Monitoring Guidelines for Sand Mining" in January 2020. These two guidelines shall be read and implemented in sync with each other.
9. That, it is humbly submitted that in the matter of Hon'ble NGT (PB) New Delhi in OA No. 360/2015 titled as National Green Tribunal Bar Association Vs. Virendra Singh (State of Gujarat), a report was prepared by a committee to recommend a scale of compensation to NGT (PB) to deal with cases of illegal sand mining in whole of country. Based on the above



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report, Hon'ble NGT vide order dated 26.02.2021 directed that the scale of compensation as per report dated 30.01.2020 (Approach-2) to be adopted by all States/UTs and Environment Secretaries to evolve an appropriate mechanism for assessment of compensation in all Districts of the States and for utilisation of recovered compensation for restoration of environment by preparing appropriate action plan.

10. That, in compliance of para 25 of aforesaid Hon'ble NGT (PB) order dated 26.02.2021, CPCB vide letter dated 11.06.2021 issued directions to Environment Secretaries of States/UTs (copy to all SPCBs/PCCs) to evolve an appropriate mechanism for assessment of compensation in all Districts of the State and for utilisation of recovered compensation for restoration of environment by preparing appropriate action plan. Copy of letter is enclosed as **Annexure - I**. The Odisha SPCB may respond on the action taken in the matter.

11. That, CPCB vide letter 22.09.2023 directed all SPCBs/PCCs to adopt and implement the categorization of sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation) into consent mechanism. Recently, CPCB has revised the Classification of sectors and vide letter dated 12.02.2025 directed SPCBs/PCCs for its adoption and implementation, wherein "Sand / riverbed material mining from riverbed and its floodplains" are classified under "Other/special category sectors" which include those projects which cannot be classified based on the scoring methodology of pollution index but require classification based on precautionary principle and considering the potential of ecological damage, health and environment related risk etc. There is no change in the category of sand/riverbed material mining projects in the revised classification and all such projects require consent from concerned SPCB/PCC.

12. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional reply, if required, in future.

13. That, in light of the above submissions, it is respectfully submitted that this answering respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in this Original Application.

Identified by me  
Sibojyoti Chakrabarti  
Advocate  
for CPCB  
15.07.2025

  
**Mrinal Kanti Biswas**  
Regional Director & Scientist E,  
CPCB, Kolkata

SL. NO... 2

X



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**State of Odisha & Others**

**Versus**



**....Applicant(s)**

**....Respondent(s)**

**AFFIDAVIT**

I, Mrinal Kanti Biswas, Son of Saroj Kumar Biswas aged about 43 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor,1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

**Identified by me**

*Sibojyoti Chakrabarti*  
**Advocate**  
*for CPCB 15/07/2025*

**Solemnly affirmed and declared  
before me on Identification**

*T Huss*

**MD. T. HUSSAIN Notary  
City Civil Court  
Kolkata  
Regd. No. 22/96, Govt. of W.B**

*Mrinal Kanti Biswas*  
**DEPONENT**

**15 JUL 2025**



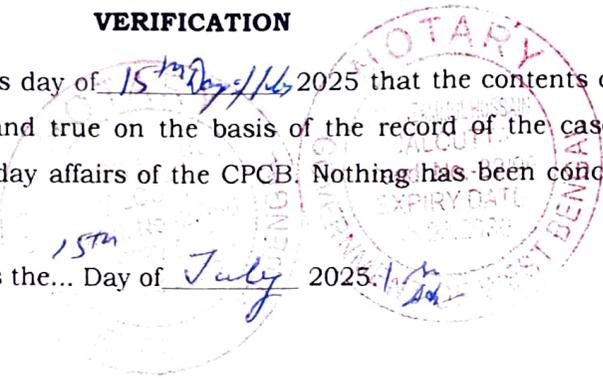
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**VERIFICATION**

Verified at Kolkata on this day of 15<sup>th</sup> July 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

1/6/24

Verified at Kolkata on this the... Day of July 2025.



**Identified by me**

*Sibojyoti Chakrabarti*

*[Signature]*  
**DEPONENT**

**Advocate**

*for CPCB*

*15.07.2025*



15 JUL 2025

Annexure - (R-1)

✗

No. CPCB/IPC-II/NGT-OA(360/2015)/2021/2027-2061

11 June, 2021

To,  
The Environment Secretary,  
(As per list)

**Sub.: Direction under Section 5 of The Environment (Protection) Act, 1986 regarding development of mechanism for assessment and recovery of compensation as per Hon'ble NGT order dated-26.02.2021 in O.A. No. 360/2015-reg.**

**WHEREAS**, Hon'ble National Green Tribunal (NGT) by order dated-26.02.2021 (Para 10 to 12 & 25) in O.A. No. 360 of 2015 (and other clubbed applications) has accepted the report of an Expert Committee constituted by NGT order regarding Scale of Environmental Compensation to deal with the cases of illegal sand mining, that was submitted by CPCB to NGT on 30.01.2020, and which was re-iterated in the report submitted by CPCB to NGT on dated-12.10.2020 (available at NGT website at the link <https://greentribunal.gov.in/news-update?title=360+of+2015>):

**WHEREAS**, Hon'ble NGT by the above mentioned order dated-26.02.2021 (Para 25) has directed that the scale of compensation calculated with reference to Approach II of the Expert Committee report dated-30.01.2020 be adopted by all the States/UTs and that the recovered compensation may be kept in a separate account and utilized for restoration of environment by preparing an appropriate action plan under the directions of the Environment Secretary with the assistance of such individual/institutions as may be considered necessary;

**WHEREAS**, by the above mentioned order dated-26.02.2021 (Para 25), Hon'ble NGT has further directed CPCB to issue an appropriate statutory direction to Environment Secretaries of all the States / UTs for the facility of monitoring and compliance of above NGT direction;

**AND WHEREAS**, Central Government has delegated the power to issue directions under Section 5 of the Environment (Protection) Act, 1986 to CPCB also.

**NOW THEREFORE**, in compliance of above mentioned direction of NGT and in exercise of powers under Section 5 of the Environment (Protection) Act, 1986, you are hereby directed to evolve an appropriate mechanism for assessment and recovery of compensation in all Districts of the State and for utilization of the recovered compensation for restoration of environment by preparing an appropriate action plan, as per order dated-26.02.2021 of Hon'ble National Green Tribunal (Principal Bench) in OA No. 360/2015.

The action taken report in above reference may be provided to CPCB within one month.

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
निर्गत... N. S. Gangwar  
दिनांक... 14/06/2021

(Naresh Pal Gangwar)  
Chairman

N. S. Gangwar  
o/c



Copy for information to:

1. **The Joint Secretary,**

IA-II Division,

Ministry of Environment, Forest & Climate Change,

Indira Paryavaran Bhawan,

Jor Bagh Road, New Delhi – 110003

: for information, please

2. **The Member Secretary,**

SPCBs/PCCs

(As per list)

: for information, please

  
(Prashant Gargava)  
Member Secretary

hgf  
o/c



S.No.	States/UTs	Address	
		Environment Secretary - Office	Member Secretary - Office
1.	Andaman & Nicobar Islands	The Environment Secretary, Department of Environment & Forest, O/o Secretary (G A), Andaman & Nicobar Administration, Secretariat, Port Blair, ANDAMAN & NICOBAR	The Member Secretary, Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, P.O. Haddo Port Blair – 744102 ANDAMAN & NICOBAR
2.	Andhra Pradesh	The Environment Secretary, Department of Environment, Forest, Science & technology, 4 <sup>th</sup> Block, 1 <sup>st</sup> Floor, Room No. 268, A.P. Secretariat Office, Velagapudi, ANDHRA PRADESH	The Member Secretary, Andhra Pradesh Pollution Control Board D. No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada – 520 010 ANDHRA PRADESH
3.	Arunachal Pradesh	The Environment Secretary, Department of Environment & Forest, Civil Secretariat, Itanagar – 791 111 ARUNACHAL PRADESH	The Member Secretary, Arunachal Pradesh State Pollution Control Board Govt. of Arunachal Pradesh, Department of Environment & Forests, Paryavaran Bhawan, Yupia Road, Papu Nalah, Naharlagun - 791 110 ARUNACHAL PRADESH
4.	Assam	The Environment Secretary, Department of Environment & Forest, Assam Secretariat, Block 'A', 2nd Floor Dispur, Guwahati – 781 006 ASSAM	The Member Secretary, Pollution Control Board- Assam, Bamunimaidam, Guwahati – 781 021 ASSAM
5.	Bihar	The Environment Secretary, Department of Environment, Forest & Climate Change, Van Vibhag Road, Nehru Nagar, Patliputra Colony, Patna - 800 013 BIHAR	The Member Secretary, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2, Patliputra Industrial Area, Patliputra, Patna – 800 023 BIHAR
6.	Chandigarh	The Environment Secretary, Department of Environment & Climate Change, MGSIPA Complex, Sector 26, CHANDIGARH – 160 019	The Member Secretary, Chandigarh Pollution Control Committee Paryavaran Bhawan, Ground Floor, Sector-19 B, Madhya Marg, CHANDIGARH – 160 019
7.	Chhattisgarh	The Environment Secretary, Department of Environment, Mahanadi Bhawan, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur- 492 001 CHHATTISGARH	The Member Secretary, Chhattisgarh State Environment Conservation Board, Paryavas Bhawan, North Block Sector-19, Atal Nagar, Raipur - 492 002, CHHATTISGARH



8.	Dadra & Nagar Haveli, Daman & Diu	The Environment Secretary, Department of Environment & Forest Secretariat, Daman, Fort Area, Post Office Moti Daman – 396 220 DAMAN & DIU	The Member Secretary, Pollution Control Committee, UTs of Daman, Diu and Dadra & Nagar Haveli Fort Area, Court Compound, Moti Daman - 396 220 DAMAN & DIU
09.	Delhi	The Environment Secretary, Department of Environment, 6th Level, Delhi Secretariat, IP Estate, DELHI – 110 002	The Member Secretary, Delhi Pollution Control Committee, Government of N.C.T. Delhi 4th Floor, ISBT Building, Kashmere Gate, DELHI-110 006
10.	Goa	The Environment Secretary, Department of Environment and Climate Change . 4th Floor Dempo Towers, Patto - Panaji - 403 511. GOA	The Member Secretary, Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa – 403 511 GOA
11.	Gujarat	The Environment Secretary, Forests & Environment Department, Block 14, 8 th floor, Sachivalaya, Gandhinagar - 382 010 GUJARAT	The Member Secretary, Gujarat Pollution Control Board Paryavaran Bhavan, Sector 10-A, Gandhi Nagar 382 010, GUJARAT
12.	Haryana	The Environment Secretary, Department of Environment & Climate Change, Seventh Floor, Main Secretariat, Sector 16, CHANDIGARH – 160 017	The Member Secretary, Haryana State Pollution Control Board C-11, Sector-6, Panchkula- 134109, HARYANA
13.	Himachal Pradesh	The Environment Secretary, Department of Environment, Science & Technology, Paryavaran Bhawan, Near US Club, Shimla – 171 001 HIMACHAL PRADESH	The Member Secretary, Himachal Pradesh State Pollution Control Board Him Parivesh, Phase-III, New Shimla – 171 009 HIMACHAL PRADESH
14.	Jammu & Kashmir	The Environment Secretary, Department of Forest, Environment & Ecology, 4 <sup>th</sup> Floor, Mini Block Secretariat, Jammu, JAMMU & KASHMIR	The Member Secretary, J&K Pollution Control Board, Parivesh Bhawan, Shiekh-ul- Campus, Behind Govt. Silk Factory, Raj Bagh, Srinagar – 190 008 JAMMU & KASHMIR
15.	Jharkhand	The Environment Secretary, Department of Environment, Forest & Climate Change, Nepal House, Doranda, Ranchi – 834 002 JHARKHAND	The Member Secretary, Jharkhand State Pollution Control Board T.A. Bldg., IIEC, P. O. Dhurwa, Ranchi - 834 004 JHARKHAND
16.	Karnataka	The Environment Secretary, Forest, Ecology and Environment Department,	The Member Secretary, Karnataka State Pollution Control Board "Parisara Bhavan", #49,4th & 5th Floor, Church Street, Bangalore 560 001

		Secretariat, 4th Floor, M. S. Building, Bangalore – 560 001 KARNATAKA	KARNATAKA
17.	Kerala	The Environment Secretary, Department of Environment and Climate Change, 4th Floor, K.S.R.T.C Bus Terminal Thampanoor, Thiruvananthapuram – 695 001 KERALA	The Member Secretary, Kerala State Pollution Control Board Head Office, Pattom, P. O Thiruvananthapuram - 695 004 KERALA
18.	Lakshadweep	The Environment Secretary, Department of Environment and Forest, 1st Floor, Paryavaran Bhavan, Kavaratti, LAKSHADWEEP	The Member Secretary, Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati – 682 555. LAKSHADWEEP
19.	Madhya Pradesh	The Environment Secretary, Housing and Environment Department, Paryavaran Parisar, E- 5, Arera Colony, Bhopal – 462 016 MADHYA PRADESH	The Member Secretary, Madhya Pradesh Pollution Control Board Paryavaran Parisar, E-5, Arera Colony Bhopal - 462 016 MADHYA PRADESH
20.	Maharashtra	The Environment Secretary, Environment & Climate Change Department, New Administrative Building, Madam Cama Road, Hutatma Chowak, Mumbai – 400 032 MAHARASHTRA	The Member Secretary, Maharashtra Pollution Control Board, Kalpataru Points, 3rd & 4th Floor, Sion Matunga Scheme Road No.6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai-400 022 MAHARASHTRA
21.	Manipur	The Environment Secretary, Directorate of Environment and Climate Change, Mini Secretariat Rd, opposite Superintendent of Police, Porompat – 795 010 MANIPUR	The Member Secretary, Manipur Pollution Control Board Lamphalpat, Imphal – 795 004, MANIPUR
22.	Meghalaya	The Environment Secretary, Forest and Environment Department, Secretariat Building, North Range, Forest Colony, Khasi Hills, Shillong – 793 001 MEGHALAYA	The Member Secretary, Meghalaya State Pollution Control Board, "ARDEN", Lumpynggad, Shillong – 793 014, MEGHALAYA
23.	Mizoram	The Environment Secretary, Department of Environment, Forest & Climate Change, Tuikhuahtlang, Aizawl, MIZORAM	The Member Secretary, Mizoram Pollution Control Board New Secretariat Complex, Khatla, Aizawl – 796 001, MIZORAM
24.	Nagaland	The Environment Secretary, Department of Environment, Forest & Climate Change,	The Member Secretary, Nagaland Pollution Control Board Signal Point, Dimapur,

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		New Secretariat, Kohima, NAGALAND	NAGALAND
25.	Odisha	The Environment Secretary, Forest & Environment Department, Kharavel Bhavan, Bhubaneswar, ODISHA	The Member Secretary, Odisha State Pollution Control Board Paribesh Bhawan, A-118, Nilakantha Nagar Unit VIII Bhubaneswar – 751 012, ODISHA
26.	Puducherry	The Environment Secretary, Department of Science, Technology and Environment, III Floor, PHB Building Anna Nagar, PUDUCHERRY - 605 005	The Member Secretary, Puducherry Pollution Control Committee 'B' Block, Ground Floor, Chief Secretariat, PUDUCHERRY-605 001
27.	Punjab	The Environment Secretary, Department of Science, Technology and Environment, 6th Floor, Punjab Civil Secretariat-2, Sector 9, CHANDIGARH – 160 009	The Member Secretary, Punjab Pollution Control Board Vatavaran Bhawan, Nabha Road Patiala 147 001 PUNJAB
28.	Rajasthan	The Environment Secretary, Department of Environment, 4, Jhalana Institutional Area, Jhalana Doongri, Jaipur – 302 004 RAJASTHAN	The Member Secretary, Rajasthan Pollution Control Board, A-4, Institutional Area, Jalana Dungri, Jaipur 302 004, RAJASTHAN
29.	Sikkim	The Environment Secretary, Forest and Environment Department, Government of Sikkim Forest Secretariat Deorali - 737102 Gangtok, East Sikkim, SIKKIM	The Member Secretary, Sikkim State Pollution Control Board State Land Use & Environment Cell Govt. of Sikkim, Deorali Gangtok – 737 102 SIKKIM
30.	Tamil Nadu	The Environment Secretary, Department of Environment, No. 1, Jeenis Road, Panagal Building, Ground Floor, Saidapet, Chennai – 600 015 TAMIL NADU	The Member Secretary, Tamil Nadu Pollution Control Board 76, Anna Salai, Guindy Industrial Estate, Race View Colony, Guindy, Chennai – 600 032 TAMIL NADU
31.	Telangana	The Environment Secretary, Department of Environment, Forests, Science and Technology, Telangana Secretariat 5th Floor, Burgula Rama Krishna Rao Bhavan, NII 44, Hill Fort, Adarsh Nagar, Hyderabad – 500 063 TELANGANA	The Member Secretary, Telangana State Pollution Control Board Paryavaran Bhawan, A-III, Industrial Estate, Sanathnagar, Hyderabad – 500 018 TELANGANA
32.	Tripura	The Environment Secretary, Department of Science, Technology & Environment,	The Member Secretary, Tripura State Pollution Control Board Parivesh Bhawan, Pandit Nehru Complex

		Vigyan Prajukti O Paribesh Bhawan, P.N. Complex, Gorkhabasti, Agartala – 799 006, West Tripura TRIPURA	P.O. Kunjaban, Gorkhabasti, Agartala – 799 006 TRIPURA
33.	Uttar Pradesh	The Environment Secretary, Environment, Forest and Climate Change Department, Bapu Bhawan Secretariat, Vidhan Sabha, Lucknow – 226 001 UTTAR PRADESH	The Member Secretary, Uttar Pradesh Pollution Control Board IIIrd Floor PICUP Bhavan Vibhuthi Khand, Gonti Nagar, Lucknow – 226 020 UTTAR PRADESH
34.	Uttarakhand	The Environment Secretary, Department of Environment & Forest, 4, Subhash Road, Secretariat, 4 <sup>th</sup> floor, New Building, Dehradun – 248 001 UTTARAKHAND	The Member Secretary, Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dalanwala, Dehradun – 268 001 UTTARAKHAND
35.	West Bengal	The Environment Secretary, Department of Environment, 5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake, Sector III, Bidhannagar, Kolkata – 700 106 WEST BENGAL	The Member Secretary, West Bengal Pollution Control Board Paribesh Bhawan, 10-A, Block LA, Sector III, Salt Lake City, Kolkata-700 091 WEST BENGAL