

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

Miscellaneous Application No.34/2024/EZ

In

Original Application No.47 OF 2023 / EZ

Rabindra Ghadai ...Applicant

VERSUS

State of Odisha & Others ...Respondents

With

Miscellaneous Application No.37/2024/EZ

In

Original Application No.43 OF 2023 / EZ

Pradeep Kumar DhalApplicant

VERSUS

State of Odisha & Others ...Respondents

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SPCB Odisha, R.No.4

Through



Smt Papiya Banerjee Bihani
Advocates for the Respondent No.4
(State Pollution Control Board, Odisha)
E-mail:pbanerjeebihani@gmail.com

Kolkata
Date:

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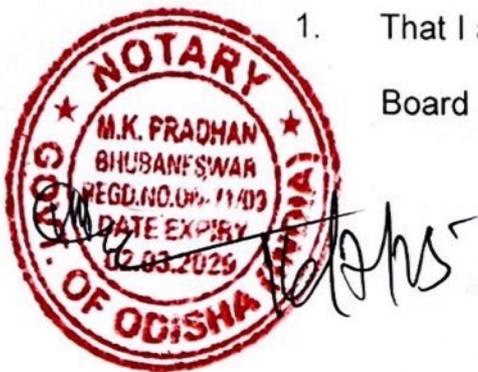
16 JUL 2025



**AFFIDAVIT ON BEHALF OF STATE
POLLUTION CONTROL BOARD, ODISHA,
R.NO. 4 IN COMPLIANCE TO ORDER
DTD.01.05.2025.**

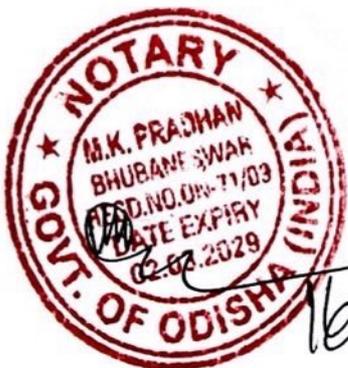
I, Smt. Uma Nanduri, IFS, wife of Sri Prem Kumar Jha, IFS aged around 58 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

- 1. That I am the Member Secretary of the Respondent No.4 Board and, as such, am well-acquainted with the facts



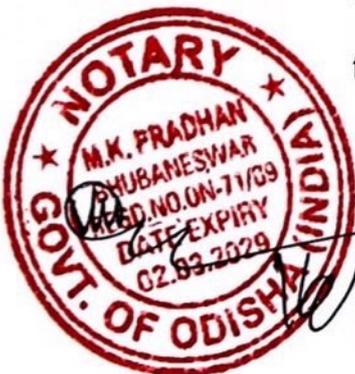
and circumstances with the case and competent to swear this affidavit.

2. That this Hon'ble Tribunal vide their order dtd.29.08.2023 has been pleased to dispose the aforesaid two OAs with direction to the Collector & DM, Jajpur (R-2) and Dy. Director of Mines, Jajpur (R-6) to carry out a fresh inspection of the site in question along with the Senior Scientist of Odisha PCB and ascertain as to whether the excess sand has been extracted by the project proponent / lease holder (R-9), in excess of what is permitted in the Environmental Clearance granted by the SEIAA, Odisha, and in case violations are found, the concerned authorities shall proceed to determine the environmental compensation against the R-9 as well as suggest other remedial measures to mitigate the same and compliance report in the form of affidavit is to be filed by the District Collector, Jajpur by 31.12.2023.
3. That in compliance to the aforesaid direction dtd.29.08.2023 of the Hon'ble Tribunal, the Board has nominated the Regional Officer, Kalinga Nagar for the purpose of fresh inspection and intimated the same to the Collector & DM, Jajpur vide Board's letter No.13890



dtd.02.09.2023. A copy of the said letter is annexed to this affidavit and marked as ANNEXURE – R4/1.

4. That this Hon'ble Tribunal has suo motu initiated the aforesaid two MAs since compliance affidavit has not been filed by the Collector & DM, Jajpur in terms of direction dtd.29.08.2023 and allowed two month's more time for filing affidavit of compliance vide their order dtd.14.02.2025.
5. That the Dy. Director of Mines, Jajpur Circle, Jajpur has in the meantime, filed the compliance affidavit dtd.29.04.2025 before the Hon'ble Tribunal. In Para-18 of the said affidavit it is submitted as follows:
 18. That the Regional Officer, SPCB, Kalinganagar has been requested vide this office Letter No.2559, Dt.25.04.2025 to calculate the Environmental Compensation against the extracted quantity of 4767.068 cu.m of sand and impose the same on the lessee.
6. That this Hon'ble Tribunal after taking into consideration the affidavit dtd.29.4.25 filed on behalf of R-2 & 6 vide their order dtd.01.05.2025 at para-3 directed as follows:



3. We, therefore, direct the State Pollution Control Board to file fresh affidavit within three weeks to bring the updated facts with regard to the recovery of the penalty and royalty amount of Rs.18,40,740/- and computation and calculation of environmental compensation and action taken to recover the same.
7. That the Mining Officer (I/c), Jajpur vide his letter No.3675 dtd.12.06.2025 directed the lessee (R-9) to deposit Rs.8,21,490/- within 7 days and a memo of the same was forwarded to the Regional Officer of this Board at Kalinga Nagar to take steps to realise the environmental compensation. The penalty amount has already been deposited A copy of letter No.3675 dtd.12.06.2025 issued by the Mining Officer (I/c), Jajpur to the R-9 is annexed to this affidavit and marked as **ANNEXURE – R4/2.**
8. That in pursuance of the letter at Annexure-R4/2 read with the direction dtd.01.05.2025 of the Hon'ble Tribunal, the Regional Officer of the R-4 Board at Kalinga Nagar has calculated the environmental compensation and issued a show cause to the R-9 to deposit the amount of Rs.10,23,704/ in shape of bank draft in favour of the



Member Secretary, State Pollution Control Board payable at Bhubaneswar vide letter No.2130 dtd.18.06.2025. A copy of the said letter dtd.18.06.2025 along with the calculation sheet of environmental compensation is annexed to this affidavit and marked as **ANNEXURE – R4/3 Colly.**

9. That it is further humbly submitted that in response to the letter at Annexure-R4/3, the R-9 vide his letter dtd.24.06.2025 has forwarded the Bank Draft dtd.23.06.2025 amounting to Rs.10,23,704/- drawn in favour of Member Secretary of the R-4 Board. Copy of the letter dtd.24.06.2025 of the R-9 along with the bank draft is annexed to this affidavit and marked as **ANNEXURE – R4/4 Colly.**

10. That it is humbly submitted that in the meantime, it has come to the notice of the Board about a notification dtd.17.2.2022 issued by the Revenue & Disaster Management Deptt., Govt. of Odisha wherein it is categorically stated that compensation amount so collected from the illegal sand mining shall be deposited in "Interest bearing bank account opened separately by Forest, Environment & Climate Change Deptt. name



[Handwritten signature]

"Environment Compensation" bearing account No.06640110075074, IFSC – UCBA0000664, MICR Code-751028004, Forest Environment and Climate Change, Govt. of Odisha – 751001 to utilise the amount for restoration of environment by preparing action. A copy of Notification No.5157 dtd.17.02.2022 of the Revenue & Disaster Management Deptt. Govt. of Odisha is annexed to this affidavit and marked as **ANNEXURE – R4/5**.

11. That it is humbly submitted that although the amount has been deposited by the R-9 vide Annexure – R4/4 with the R-4 Board in shape of bank draft but the same could not be deposited in view of specific notification of the Revenue & Disaster Management Deptt. at Annexure-R4/5. Hence, it is submitted before the Hon'ble Tribunal to pass appropriate order by clarifying as to whether the environmental compensation will be deposited in the account of the Board or will be deposited in the accounts indicated at Annexure-R4/5. The bank draft will automatically elapsed after expiry of a period of three months from the date of execution of the same i.e. from 23.06.2025.



7
MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH - 9437627119 (M)

12. That the Respondent No.4 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for effective adjudication of this case.
13. That the annexures annexed to the present affidavit are true and correct copies of their originals.
14. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 16th day of July, 2025.

SWORN BEFORE ME



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH - 9437627119 (M)


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



EPABX: 2561909/2562847
Tel: 2562822, 2560955
Email: Paribesh1@ospcboard.org
Website: www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA]
Paribesh Bhawan, A/118, Nilakanthanagar, Unit – VIII,
Bhubaneswar – 751 012, INDIA

No. 13890

Date: 02/09/2023

VII – L – Misc – 1002

E-mail / Speed Post

To

The Collector & District Magistrate
Jajpur.

Sub: OA No.43/2023 and 47/2023 – in the matter of Pradeep Kumar Dhal v. State of Odisha & Others and Rabindra Ghadei v. State of Odisha & Others.

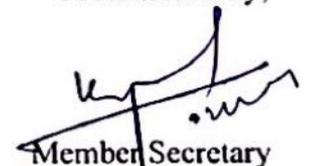
Sir,

The Hon'ble NGT while disposing the aforesaid two OAs vide their judgment dtd.29.08.2023 at para-25 directed you as well as the Deputy Director of Mines, Jajpur to carry out a fresh inspection of the site in question along with the senior scientist of SPCB, Odisha and ascertain the details as indicated in the said para and you have been directed to file compliance report on affidavit before the Registrar, NGT, EZB, Kolkata by 31.12.2023.

Er. Pramod Kumar Behera, Senior Environmental Engineer and Regional Officer, SPC Board, Kalinga Nagar (Mob-9438883904 / 9338009827) has been nominated to represent the Board for the purpose of fresh inspection along with you and Deputy Director of Mines, Jajpur. Copy of the judgment dtd. 29.08.2023 is enclosed for your information and necessary action.

Encl: As above.

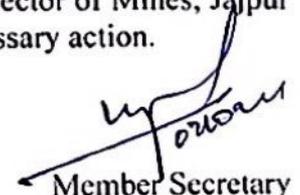
Yours faithfully,


Member Secretary

Memo No. 13891 / Date: 02/09/2023

E-mail/Speed Post

Copy along with copy of enclosure forwarded to the Deputy Director of Mines, Jajpur / Regional Officer, SPC Board, Kalinga Nagar for information and necessary action.
Encl: As above.

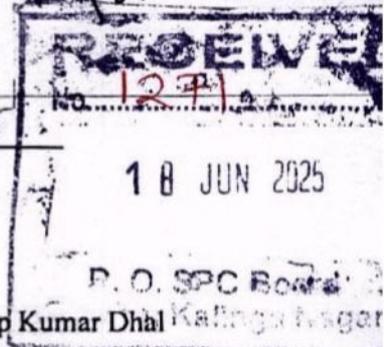

Member Secretary



ANNEXURE-R4/2

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

J A
S
18/06/25



Letter No. 3675 /MM, Jajpur/ Date 12-06-2025

To
Sri Ananda Chandra Mohanty-Lessee,
Brahmani River Sand Quarry, Sanla-II

Sub: M.A No. 37 of 2024 (arising out of O.A No.43/2023/EZ), filed by Pradeep Kumar Dhal
& M.A No.34 of 2024 (arising out of O.A No.47/2023/EZ), filed by Rabindra Ghadei-
Vrs-State of Odisha & Others-regarding.

Ref: (1) Order dated 01.05.2025 of the Hon'ble NGT/EZ, Kolkata.
(2) Your application dated 28.04.2025.

Sir,

As per the outcomes of the personal hearing held on dated 10.06.2025 in the O/o the Deputy Director of Mines, Jajpur Circle, Jajpur considering your application under reference, based on the Assessment Report submitted by the Odisha Space Application Centre (ORSAC), Bhubaneswar, Environmental Clearances issued by SEIAA, Bhubaneswar and after scrutiny of the other supportive documents submitted by you, it is ascertained that, a quantity of **1143.068 Cu m** of sand has been extracted by you beyond the permissible limit of 3624 Cu m during the period from **November 2022 to April 2023**.

Hence, an amount of **Rs.8,21,490/- (Rupees Eight Lakh Twenty-One Thousand Four Hundred Ninety)** only as calculated below is hereby imposed on you towards penalty and other Govt. dues against the quantity **1143.068 Cu m** for extraction beyond the permissible limit, with a direction to deposit the same within 7 (seven) days of receipt of this letter.

Calculation Table

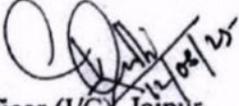
Sl No.	Item	Amount to be deposited (in Rs.)	Account / Head of Account
01	Royalty for 1143.068 Cum @ 35 /- per Cum	40008	0853-00-102-0217-02021 Under Odisha Minor Minerals Concession Rules
02	Addl. Charges for 1143.068 Cum @ 234/- per Cum	267478	
03	Penalty	500000	
Total =		Rs.8,07,486/-	
06	DMF @ 30% of Royalty	12003	Ac. No.35618440771, SBI, IFSC No.0012064 Beneficiary name; The Collector, Jajpur
07	EMF @ 5% of the Royalty	2001	Ac. No.06640100956287, IFSC Code, UCBA0000664, Branch UCO, Govt. Secretariate, Customer name: Odisha Env Management Trust (OMEF)
Total =		Rs.8,21,490/-	

Yours faithfully,

Mining Officer (I/C), Jajpur

Memo No. 3676, M.M, Jajpur, Date. 12-06-2025 /

Copy submitted to the Regional Officer, State Pollution Control Board, Kalinganagar, Jajpur for favour of kind information, with a request to realise the Environmental Compensation from the lessee against the over-extracted quantity i.e. 1143.068 Cum under intimation to this office.


Mining Officer (I/C), Jajpur

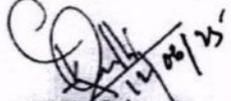
Memo No. 3677, M.M, Jajpur, Date. 12-06-2025 /

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


Mining Officer (I/C), Jajpur

Memo No. 3678, M.M, Jajpur, Date. 12-06-2025 /

Copy submitted to the Director of Minor Minerals, Odisha for favour of kind information.


Mining Officer (I/C), Jajpur



REGIONAL OFFICE KALINGANAGAR
STATE POLLUTION CONTROL BOARD, ODISHA
 [DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
 AT- DHABALAGIRI, NEAR OMC OFFICE, J.K Road, PO: Ferro Chrome Plant, Jajpur
 DIST- JAIPUR-755019, ODISHA, INDIA

No. 2130 / LEGAL / 111

Date. 18-06-2025
 By Hand/E-mail/Post

To,

Sri Ananda Chandra Mohanty, Project Proponent,
 M/s Sanla-II Baitarani River Sand Quarry
 At-Madhapur, PO-Rudhia, P.S.-Panikoile,
 Dist-Jajpur, Odisha,

Sub: M.A No 37 of 2024 (Arising out of O.A No 43/2023/EZ) Filled by Pradeep Kumar Dhal & M.A no 34 of 2024 (Arising out of O.A No 47/2023/EZ), filled by Rabindra Ghadei Vrs State of Odisha & Others-Regarding.

Ref: i. Order Dated 01.05.2025 of the Hon'ble NGT/EZ, Kolkata.
 ii. Letter received from office of The Deputy Director of Mines, Jajpur Circle Jajpur Vide letter no 3675/MM, Jajpur Dated 12.06.2025

Sir,

In inviting a reference to the above subject, I am to inform you that as per the direction of Hon'ble NGT dtd. 01.05.2025 in OA No. 43/2023/EZ & OA No 47/2023/EZ, this Board has been directed to calculate the environmental compensation and take steps for recovery of the said amount.

In compliance to the above said direction of the Hon'ble NGT, the environmental compensation has been calculated on the basis of CPCB guideline is of Rs.1023704.00/- (Rupees Ten Lakhs Twenty Three Thousand Seven hundred Four only). **(Copy of the calculation sheet and order dated 01.05.2025 attached for your reference).**

In view of the above you are directed to show cause within 10 days why the environmental compensation calculated by the Board shall not be deposited by you in the form of bank draft to be drawn in favour of **The Member Secretary, State Pollution Control Board, Odisha payable at Bhubaneswar**. In case you have failed to submit any response within the stipulated time, appropriate action as deemed fit shall be initiated against you without further notice.

Encl: As above

Yours faithfully,

M.M. Schoa
 18/06/25

Regional Officer

Memo No. 2131 Dt 18-06-2025

Copy along with detailed environmental compensation assessment report forwarded to the Member Secretary, State Pollution Control Board, Odisha Bhubaneswar for kind information and necessary action in pursuant to the direction of Hon'ble NGT dtd. 01.05.2025 in OA No. 43/2023/EZ & O.A No 47/2023/EZ for onward compliance to hon'ble NGT. Further communication shall be made on receipt of environmental compensation from the violator.

Encl: As above

M.M. Sahoo
18/06/25
Regional Officer

Memo No. 2132 Dt 18-06-2025

Copy along with detail environmental compensation assessment report forwarded to the Sr. Law Officer, L-II, for kind information and necessary action in pursuant to the direction of Hon'ble NGT dtd. 01.05.2025 in OA No. 43/2023/EZ & O.A No 47/2023/EZ for onward compliance to hon'ble NGT. Further communication shall be made on receipt of environmental compensation from the violator.

Encl: As above

M.M. Sahoo
18/06/25
Regional Officer

Memo No. 2133 Dt 18-06-2025

Copy along forwarded to the Deputy Director(mines) Minor Mineral, Jajpur Circle, jajpur for kind information and necessary action in pursuant to the direction of Hon'ble NGT dtd. 01.05.2025 in OA No. 43/2023/EZ & O.A No 47/2023/EZ for onward compliance to hon'ble NGT.

Encl: As above

M.M. Sahoo
18/06/25
Regional Officer

**REPORT ON CALCULATION OF ENVIRONMENTAL COMPENSATION BY
HON'BLE NGT VIDE M.A NO 37 OF 2024 (ARISING OUT O.A NO 43/2023/EZ)
FILED BY PRADEEP KUMAR DHAL & M.A NO 34 OF 2024 (ARISING OUT OF O.A
NO 47/2023/EZ0 FILED BY RABINDRA GHADDEI-VRS STATE OF ODISHA &
OTHERS ON BAITARANI RIVER SAND QUARRY, SANLA-II**

Letter was received from Office of the Deputy Director of Mines, Jajpur Circle Jajpur regarding excess extraction of sand from Baitarani River Sand Quarry, Sanla-II and it was reported that based on the assessment report submitted by the Odisha Space Application Center (ORSAC), Bhubaneswar, Environmental Clearance issued by SEIAA, Bhubaneswar & other documents submitted by the lessee, a quantity of 1143.068 Cu m of sand has been extracted by the lessee beyond the permissible limit of 3624 Cu M during the period from November 2022 to April 2023. An amount of Rs 8,21,490/- (Rupees Eight Lakh Twenty-One Thousand Four Hundred Ninety) only as calculated is imposed towards penalty and others Govt dues against the quantity 1143.68 Cu M for extraction beyond the permissible limit.

Consent Status of the unit: -

Consent to operate has been granted to M/s Sanla-II Baitarani River Sand Quarry for mining of sand 8365 Cum/Annum which is valid up to 31.03.2026.

Environmental Clearance Status:

- i. Environmental Clearance Obtained vide SEIAA order No **3260/SEIAA** Dtd 07.10.2021 and later transferred by order no. **3633/SEIAA**, dt.18.12.2021 for production limited to 15200 cum/annum
- ii. Amendment EC was obtained by the unit for extraction of sand of quantity 3625 cum/Annum vide SEIAA letter no SIA/OR/MIN/294456/2022 Dtd 09.01.202, Further amendment EC was obtained by the unit for extraction of sand of quantity 8365 cum/Annum for the rest of the lease period i.e 3rd year, 4th year & 5th Year vide SEIAA letter no SIA/OR/MIN/306734/2023 Dtd 28.02.2024

ASSESSMENT OF ENVIRONMENTAL COMPENSATION

- The committee has finalized the Environmental Compensation based on the methodologies formulated by the above-mentioned committee constituted in the matter of Hon'ble NGT OA No. 360 of 2015.

- The environmental compensations shall be calculated based on the following formula;
- As per recommendation of the committee constituted in the matter of Hon'ble NGT OA No. 360 of 2015 on dt.30.01.2020, since the risk categorisation is unavailable, following Risk Factor and Discount Rates may be considered:

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount Rate	8%	7%	6%	5%

- NB:- In the present case Risk Factor is considered as 1.0.

Violation with respect to Quantity / Production: As per letter received from Dy Director mines.

EC Calculation:

<u>Approach#2</u>	<u>Quantity</u>	<u>Unit</u>	<u>Remarks</u>
Total Volume of mined out material (Y)	4767	Cum	
Total Permitted Quantity in Environmental Clearance (X)	3624	Cum	
Excess Extraction (Z=Y-X)	1143	Cum	
Market Value of Sand Material (River Sand)	269	Rs/Cum	
Market Value of Illegally Mined Material (D = Z x Market Value)	307467	Rs.	
Risk Factor (RF)	1.00	--	Severe
Annual Value of Foregone Ecological Values (D*RF)	307467		
Present Value (PV) of Foregone Ecological Values (@ 5% discount rate (r) and over 5 years)	0.05		
1st Year	292826		

2nd Year	278882		
3rd Year	265602		
4th Year	252954		
5th Year	240908		
Total	1331171		
NPV = PV - D (Environmental Compensation)	1023704	Rs.	

Conclusion:

The sand bed unit may be imposed environmental compensation as calculated Rs.1023704.00/- (Rupees Ten Lakhs Twenty Three Thousand Seven hundred Four only). Hence Environmental Compensation may be recovered from the Lessee of M/s. Sanla-II Baitarani River sand Quarry .

M. M. Sahas
18/06/24
Regional Officer
SPCB, Kalinganagar

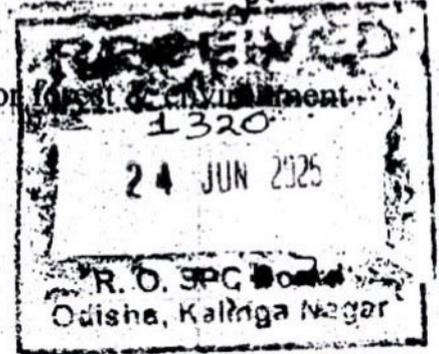
To

The Regional Officer
SPC Board, Odisha, Kalinganagar
Jajpur

forwarded to
JA
M
10/6/24

Sub: Submission of Demand Draft amounting Rs.1023704.00 for forest & environment compensation against O.A No.43/2023/EZ.

Ref.: Your office letter no. 2130/Legal/111 dtd.18.06.2025



Respected Sir

I am Sri Ananda Chandra Mohanty, lessee of M/s Sanla-II Baitarani River Sand Quarry, At-Madhupur, Po-Rudhia, PS-Panikoili, Dist-Jajpur hereby depositing a demand draft amounting Rs.1023704.00 (Ten lakhs twenty-three thousand seven hundred & four only) issued from State Bank of India, Jajpur Road Branch vide DD No.815902 dtd.23.06.2025 in favour of "The Member Secretary, State Pollution Control Board, Odisha" payable at Bhubaneswar against your office letter no.2130/Legal/111 dtd.18.06.2025 arising out of M.A No.37 of 2024 (Arising out of O.A No.43/2023/EZ) filled by Pradeep Kumar Dhal and M.A No.34 of 2024 (Arising out of O.A No.47/2023/EZ) filled by Rabindra Ghadei vs State of Odisha and others.

Therefore, I request you kindly accept the above said Demand Draft bearing DD No.815902 dtd.23.06.2025 for kind information & necessary action.

Yours Faithfully

Ananda Chandra Mohanty

Place : Jajpur Road

Date. 24.06.2025

Sri Ananda Chandra Mohanty

M/s Sanla-II Baitarani River Sand Quarry

At-Madhupur, Po-Rudhia, PS-Panikoili, Dist-Jajpur

भारतीय स्टेट बैंक
जारी करी / Issued by Bank of India
Issuing Branch: JAJPUR ROAD
कोड क्रं / CODE No: 01820
Tel No.

A/C Payee

मांगद्राफ्ट
DEMAND DRAFT

Key: ROHCIY
Sr. No: 171260

2 3 0 6 2 0 2 5
D D M M Y Y Y Y

मांगे जानेपर THE MEMBER SECRETARY STATE POLLUTION CONTROL BOARD ODISHA***

या उनके आदेश पर

ON DEMAND PAY

OR ORDER

रुपये RUPEES Ten Lakh Twenty Three Thousand Seven Hundred and Four Only

अदा करें ₹ 1023704.00

IOI 000544815902
Name of Applicant

Key: ROHCIY Sr. No: 171260
ANANDA MOHANTY

AMOUNT BELOW 1023705(0/7)

मूल्य प्राप्त / VALUE RECEIVED

Priyanshu Kumar
K13891

AM

भारतीय स्टेट बैंक
STATE BANK OF INDIA
अदाकर्ता शाखा / DRAWEE BRANCH: BHUBANESWAR MAIN BRANCH
कोड क्रं. / CODE No: 00041

प्राधिकृत हस्ताक्षरकर्ता
AUTHORISED SIGNATORY

शाखा प्रबंधक
BRANCH MANAGER

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Marginal Technologies Limited - Marged / CTS-2010

05-21

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION



Bhubaneswar, Dated 17 FEB 2022

No RDM-MMS-POLICY-0008-2021- 5157 / R&DM,

Sub: Fixation of scale of compensation regime towards environmental and ecological damage for illegal mining of sand.

Whereas, Hon'ble National Green Tribunal, Principal Bench, New Delhi by order on dated 26.02.2021 in OA No. 360/2015- in the matter of 'National Green Tribunal Bar Association Vrs. Virender Singh (State of Gujarat) and 18 other OAs' have considered the issue relating enforcement and monitoring mechanism to control and regulate illegal sand mining (including riverbed sand mining) activities.

And whereas, with direction to strictly follow the "Sustainable Sand Mining and Management Guidelines-2016 (SSMG-2016) and "Enforcement of Monitoring Guidelines of Sand Mining-2020" (EMGSM-2020) the Hon'ble NGT, by the said order has accepted the report of the Central Pollution Control Board (CPCB) and has directed that the scale of compensation calculated with reference to Approach-2 be adopted by all the States and/UTs.

And whereas, in the said order the Hon'ble Tribunal has analyzed the report of the Expert Committee constituted by CPCB and has discussed two approaches viz. Approach-1- Direct Compensation based on the market value of extraction adjusted for ecological damages and Approach-2 – Computing a simplified NPV: Net Present Value (after netting out market value of illegally mined material i.e. Total Compensation to be levied) for ecological damages as per the mathematical presentation of Approach-2 , $NPV = PV - D$ where 'PV' is being Present Value of Foregone Ecological Values and 'D' is being Market Value of Illegally Mined Material.

Now, therefore the State Government do hereby order as follows:

- i. Adoption of the Approach-2 for fixation of the scale of compensation regime for illegal mining of sand towards environmental and ecological damages as per CPCB. Compensation amount on illegally mined sand is to be fixed at 3.33 times of the market value.



- ii. In order to facilitate such determination of compensation charge the market value of sand is to be fixed by a District Level Committee constituted under the Chairmanship of District Collector as below :-

Collector	... Chairman
ADM (Revenue)	... Member Convener
District Forest Officer	... Member
Suptd. Engineer/Executive Engineer, PWD	... Member
Suptd. Engineer/Executive Engineer, Irrigation	...Member
Suptd. Engineer/Executive Engineer, RD	...Member
Mining Officer/ Deputy Director (Mines)	...Member

The Committee shall decide market value of sand per cubic metre for the district on annual basis. While fixing the market value the Committee shall take into account the royalty and additional charge from sand in respect of different sources.

- iii. Compensation amount so collected from the illegal sand mining shall be deposited in 'Interest' bearing bank account opened separately by Forest, Environment and Climate Change Department named 'Environment Compensation' bearing Account No. 06640110075074, IFSC-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 to utilize the amount for restoration of environment by preparing action.

By order of the Governor,

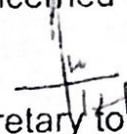

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Additional Chief Secretary to Government

Memo No. 5158 /RDM Dated 17 FEB 2022

Copy along with soft copy forwarded to Odisha Gazette Cell-in-Charge, Odisha Gazette Cell, Commerce & Transport (Commerce) Department for information and necessary action.

They are requested to publish the Notification in the next Extra-ordinary issue of the Odisha Gazette and supply copies to all concerned with 50 (fifty) spare copies to this Department.


Joint Secretary to Government

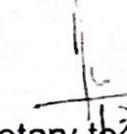
Memo No. 5159 /RDM Dated 17 FEB 2022

Copy forwarded to Principal Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue and DM for kind information of Hon'ble Chief Minister and Hon'ble Minister, Revenue and DM respectively.


Joint Secretary to Government

Memo No. 5160 /RDM Dated 17 FEB 2022

Copy forwarded to OSD-cum-Special Secretary to Chief Secretary, Odisha/ P.S to Addl. Chief Secretary, Revenue and DM Department for kind information Chief Secretary/ Addl. Chief Secretary respectively.


Joint Secretary to Government

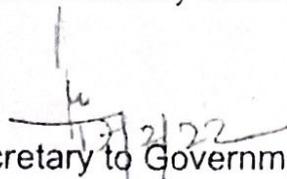
Memo No. 5161 /RDM Dated 17 FEB 2022

Copy forwarded to Forest, Environment & Climate Change Department/ Steel & Mines Department / Member, Board of Revenue, Odisha, Cuttack/ Revenue Divisional Commissioner (CD), Cuttack/ Revenue Divisional Commissioner (SD), Berhampur/ Revenue Divisional Commissioner (ND), Sambalpur/ Director of Mines, Odisha/ Director of Geology, Odisha/ Director of Minor Minerals, Odisha/ Chairman, SEIAA/ Member Secretary, State Pollution Control Board, Odisha / all Collectors & District Magistrates for information and necessary action.


Joint Secretary to Government

Memo No. 5162 /RDM Dated 17 FEB 2022

Copy forwarded to Officer on Special Duty (in charge of e- Governance Cell) of Revenue and DM Department for information and necessary action.


Joint Secretary to Government