

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

APPLICATION NO. 6 of 2024

IN THE MATTER OF

BABULI JENA & Ors

...Applicants

Versus

STATE OF ODISHA & Ors

...Respondents

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PLACE: Bhubaneswar

DATE: 19/07/2025

SANKAR PRASAD PANI

ADVOCATE

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

Original Application No.- 6 OF 2024/EZ

IN THE MATTER OF:

Babuli Jena and Others

.....APPLICANTS

VERSUS

State of Odisha and Others

...RESPONDENTS

**REJOINDER AFFIDAVIT ON BEHALF OF APPLICANT TO THE
AFFIDAVIT FILED BY RESPONDENT-8 DATED 29/04/2025**

MOST RESPECTFULLY SHOWETH:

I, Babuli Jena S/o Krsushna Chandra Jena aged about 27years At- Rampei Po-Batijoda, PS-Jenapur, Dist- Jajpur do hereby solemnly affirm, and declare as under:

1. That I am one of the applicant in the above mentioned Original Application and authorized by other co-petitioners to swear this affidavit. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit. That I have read over the contents of the Affidavit filed by Respondent-8 dated 29/04/2025 and therefore filing this present rejoinder.
2. It is submitted that as on date none of the state respondents has filed para wise counter affidavit apart from a two page sketchy report without any

supporting documents and the same has already been countered by the Applicant in its affidavit dated 05/03/2024.

3. That the issue of specific denial was considered by Hon'ble Supreme Court in **Lohia Properties (P) Ltd., Tinsukia, Dibrugarh, Assam Vs. Atmaram Kumar(1993) 4 SCC 6** after the 1976 Amendment Act in CPC whereby the existing Rule 5 of Order VIII of the CPC was numbered as sub-rule (1) and three more sub-rules were added dealing with different situations where no written statement is filed. In paras 14 and 15 of the aforesaid judgment, the position of law as stated earlier was reiterated. The same are extracted below: "14. What is stated in the above is, what amount to admit a fact on pleading while Rule 3 of Order 8 requires that the defendant must deal specifically with each allegation of fact of which he does not admit the truth. 15. Rule 5 provides that every allegation of fact in the plaint, if not denied in the written statement shall be taken to be admitted by the defendant. What this rule says is, that any allegation of fact must either be denied specifically or by a necessary implication or there should be at least a statement that the fact is not admitted. If the plea is not taken in that manner, then the allegation shall be taken to be admitted."
4. That there is no para wise reply/response filed by the Respondents and **in the garb of committee report, the state respondents and regulatory authorities are trying to file a sketchy and evasive report.** The contentions which were not specifically denied to be considered as

admission as per Order VIII Rule 3 of CPC and the essence of the provision is as follows

Order VIII Rules 3 and 5 CPC clearly provides for specific admission and denial of the pleadings in the plaint. A general or evasive denial is not treated as sufficient. Proviso to Order VIII Rule 5 CPC provides that even the admitted facts may not be treated to be admitted, still in its discretion the Court may require those facts to be proved. This is an exception to the general rule. General rule is that the facts admitted, are not required to be proved.”

5. That the Hon’ble Tribunal vide order dated 11/12/2024 directed the Deputy Director of Mines, Jajpur Circle to conduct a fresh inquiry with the help of ORSAC.

DISTANCE OF QUARRY FROM PAIKARAPUR MINOR IRRIGATION PROJECT (MIP)

6. That the Hon’ble Tribunal vide order dated 11/12/2024 in paragraph 4 has ordered,

“4. Since this application is in furtherance of the assistance to be provided to the State Authorities in obtaining an accurate picture with regard to the minor irrigation project in question, we allow this I.A. No.124/2024/EZ and direct the Deputy Director of Mines, Jajpur to conduct fresh inquiry with the assistance of the Odisha Space Applications Centre (ORSAC) to assess the quantum of minor minerals

excavated, mining beyond lease area, excess mining and the distance of the minor irrigation projects (Paikarapur and Ranibandh) from the quarry lease area and Rahadpur Cluster.” However in the affidavit dated 29/04/2025 the DDM Jajpur has only provided the data relating to the mining within lease area and distance of the MIP but **the affidavit does not say anything about the mining beyond lease area, excess mining.**

7. That in pursuance to the order the DDM Jajpur circle has filed its affidavit along with the ORSAC report wherein the distance of the Paikarapur Minor Irrigation Project (herein after referred as MIP) is shown as 236.24 meter from the quarry in question (page 263 of the paper book). It is pertinent to mention here that **the distance of the quarry has been measured from the farthest point of the Paikarapur MIP not from the nearest point.** The impact of the quarry is also reflected in the report of the Assistance Executive Engineer Minor Irrigation Sub- Division, Barachana (page No.34 of the OA). It is further submitted that if the distance is measured from the nearest point of the quarry and Paikarapur MIP then the distance is only 20.78 meter. Copy of the google earth image suggesting the Paikarapur MIP from the quarry in question is only at a distance of 20.87 meter is annexed here unto as **ANNEXURE-1.**
8. It is not out of place to mention here that the quarry in question is in the catchment area of the Paikarapur MIP and any kind of quarrying activity in the catchment area of the MIP will have a serious impact on the MIP as the

water coming from upper elevation will get stuck in the quarry and no water will come to the MIP for which the MIP will become de-functional and will also lost its characteristics if the quarrying activity is not stopped.

MINING BEYOND LEASE AREA AND PERMISSIBLE DEPTH

9. It is not out of place to mention here that the lessee has also excavated stones beyond the lease area and permissible depth however the same has not reported in the ORSAC report filed by the DDM Jajpur.

10. Further the images submitted by ORSAC also suggests mining and its allied activity beyond lease are as reflected in the KML file however the **report does not indicate the quantity excavated beyond lease area.**

Hence the report is incomplete. Copy of the google earth image dated 22/01/2024 suggesting mining beyond lease area is annexed here unto as **ANNEXURE-2.**

11. That the DDM Jajpur in its affidavit dated 29/04/2025 in paragraph 13 has stated that *“That, the ORSAC vide Letter No.1620Dt.22.04.2025 submitted the Assessment Report along with ORTHO Map, DSM (Digital Surface Model), DTM (Digital Terrain Model) and Contour Map. The Assessment Report reveals that 15101.963 Cu m of over extraction of black stone has been done from Rahadpur BSQ (6.00 Ac)till 28.02.2025 (date of survey) in excess of the allowed quantity as per the Approved Mining Plan. The detail report which was submitted by the ORSAC. reveals that, as per the approved mining plan, the volume of black stone to be extracted in three*

years is 1,73,300 Cum. But the total extracted materials by 28.2.2025 i.e. before completion of 3rd year, was 1,94,874.232 Cum. (Approximately). Therefore, the detail over extraction of black stone/road metal is 194874.232-173300-21574.232 Cum.

As per the Mining plan, the over burden ie, the soil which covers the mining materials on the surface spreading over an area of 2 Ac ie, which comes to the volume of 6472.269 Cum. Therefore, the detail actual over extraction comes to 21574.232-6472.269 15101.963 Cum” it is submitted that the excess mining as reported by the DDM is very less than the actual excess mining. Further the depth of the quarry **has already exceeded the permissible depth of 6 meter.**

12. That the assessment report is prepared by one consultant agency and not by the ORSAC itself. That the depth of the quarry also has not been indicated by the ORSAC in its report however the difference between Top RL and Bottom RL suggests the mining has been done more than 20 meters in different points, apart from this the DGMS report also indicates mining in Rahadpur cluster is from 20 meter to 50 meter. It is pertinent to mention here that the mining beyond 6 meter depth is prohibited as per the EC condition No. 8.7. Copy of the DGMS report is annexed here unto as **ANNEXURE-3.**

13. It is further submitted that the DDM Jajpur in its affidavit dated 29/04/2025 in paragraph 16 has stated that **“That, as per the CPCB Guidelines, the**

minimum distance criteria which require to be considered for permitting the stone quarry by CPCB is as follows:

When blasting is not involved 100 mts.

When blasting is involved 200 mts.

Further the regulation for danger zone (500 mts.) prescribed by the Director General, Mines safety also for to be complied compulsory and necessary measures should be taken to the minimum impact on the environment. In the present in hand, the distance of the quarry from the mining irrigation project is much beyond 500 mets.” It is not out of place

to mention here that the DDM in its affidavit dated 29/04/2025 has made a wrong submission as in the same affidavit in paragraph 12 it is stated that the Paikarapur MIP is at a distance of 236.24 meter away from the quarry.

14. Further the report saying over extraction of 21574.232 cum and again deducting 30% waste is also unfounded for the reason, ideally there should be only 10% of over burden exist in the stone quarries and so for the 2 meter of soil is concerned since it is an old quarry Numbered as Rahadpur Stone Quarry No.-5 now only renumbered as Rahadpur Stone Quarry No.-7/5, so the 2 meter top soil across the lease area of 6 acres is not correct. Google earth image dated 09/05/2020 suggests the quarry has started operation since 2020 and the present lessee has obtained EC only on dated 02/06/2022.

15. It is further submitted that once the quarry goes deeper the over burden percentage gets reduced and mostly the Over Burden is limited to the quarry operation in beginning wherein a layer of soil are being extracted. Since in this case the earlier quarry lease was granted from 2015-2020, hence there is no reason for over burden in its subsequent burden uniformly also they have calculated 2 meter soil layer is not correct hence the deduction of Over Burden is not supported by any evidence. As such the top soils are not found to be stacked separately.
16. It is further submitted that as per the Mining Plan of the quarry in question, the mining operation should not have taken place in the total lease area in the first year but should have go in phase wise.

NO ACTION AGAINST THE LESSEE

17. That the DDM Jajpur in its affidavit dated 29/04/2025 in paragraph 14 has stated that “That, immediate after receipt of the report from the ORSAC, the lessee Sri Jagdish Sankar Sahoo is noticed vide this office Letter No.2563 Dated 25.04.2025 to submit show cause within three days as to why penalty including other Govt, dues as applicable under OMMC Rules, 2016 and Amendments shall not be imposed on him for unauthorised over extraction of black stone from Rahadpur BSQ (6.00 Ac).” However as on date the DDM Jajpur has not filed any fresh affidavit showing what action they have taken pursuant to the show cause notice issued against the lessee.

18. Further the Record of Rights (ROR) of the mining area in question is finally published on dated 19/03/1998 the toposheet of the quarry site clearly suggest the land is Nischinta Reserve Forest, the Sabik record prior to 1998 has not been furnished by the State Respondents hence the quarry site is part of Nischinta Reserve Forest has not been clarified by the Committee report which is only one and half page saying on the date of inspection quarry operation was not there and further recorded some hearsay statements without any kind of evidence/ documents substantiating those statements.

19. That the District Collector who is supposed to give blasting permission to the lessee has not granted any such permission and the illegal blasting and use of explosive are ongoing in the quarry.

20. That the lessee of the quarry is supposed to maintain a daily register and file monthly report to the Mining Officer had it been verified properly then the mining beyond lease area and all other mining plan violations could have been reported much before and action could have been taken. It appears that the Mining Officer has failed to do the due diligence.

21. That the Procedure for **Processing of Consent To Operate (CTO)** Application By State Pollution Control Board, Odisha as uploaded in website of Odisha State Pollution Control Board says **that inspection of the site and compliance of CTE condition is pre-requisite**. The relevant portion is reproduced as follows:

“5. The concerned officers at HO / RO shall scrutinize the application and raise clarification to the industry online, if any deficiency / discrepancies are observed in respect of consent application or its accompaniments or fees. **Simultaneously, they will take steps for getting inspection report** so as to avoid delay and early disposal of the case.

6-The concerned officers of Regional office of OSPCB shall **conduct inspection of the industries and mines**, conduct monitoring of stack emission, ambient air quality, analysis of effluent samples etc. as per the standard procedure prepared for Air and Water sampling and analysis. They should also verify compliance to the Consent conditions (directions, if any) and upload the detailed observations (inspection and monitoring reports) online”

Further the check list prepared the board also requires compliance status of consent to establish for issuing consent to operate to a unit and the same has not been followed in the present case as evident from record. Copy of the guideline and checklist prepared by the Board is annexed here unto as **Annexure-4** and the link to the site is as follows, <http://ospcboard.org/wp-content/uploads/2017/03/09-Jun-2016PROCEDUREFORCTOAPPLICATION1.pdf>. However in the present case it appears that the SPCB has not visited the site prior to grant of CTO

as the Paikarapur MIP is adjacent to the quarry lease area and without considering this fact the SPCB has granted the CTO to the lessee of the quarry.

22. That in view of the above mentioned paragraphs the Hon'ble Tribunal may please to direct the DDM Jajpur to file fresh affidavit in compliance to the directions given by this Hon'ble Tribunal vide order dated 11/12/2024 in paragraph 4 and to conduct a fresh inquiry and in the mean time direct the DDM Jajpur to stop the mining activity till final disposal of the matter.

Bhubaneswar

By the Applicant Through

19/07/2025



ADVOCATE

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO -6 OF 2024/EZ

IN THE MATTER OF:

BABULI JENA AND OTHERS

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT

I, Babuli Jena S/o Krsushna Chandra Jena aged about 26 years At- Rampei Po-Batijoda, PS-Jenapur, Dist- Jajpur do hereby solemnly affirm, and declare as under:

1. That I am one of the applicant in the above mentioned Original Application and authorized by other co-petitioners to swear 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.

x Babuli Jena
DEPONENT

VERIFICATION

Verified on this 19 day of JULY 2025 at Bhubaneswar 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.

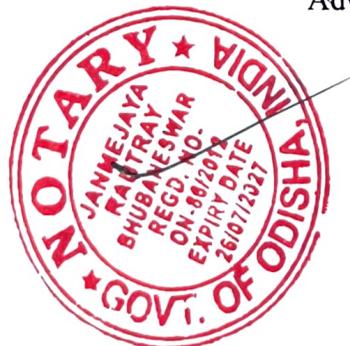
Identified By *[Signature]*
Advocate

x Babuli Jena
DEPONENT

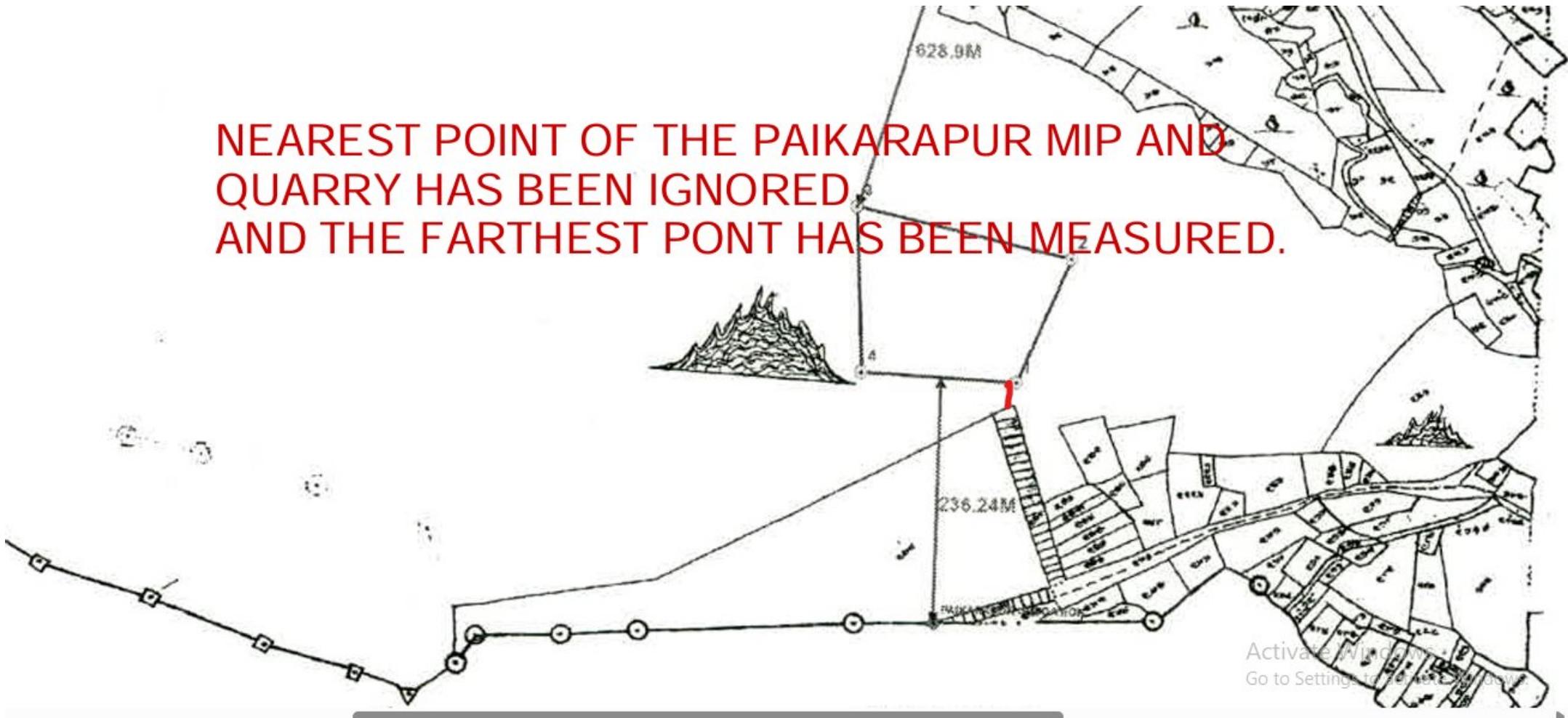
The above named deponent(s) being duly identified by Sri...
Advocate, Bhubaneswar
Appears before me on 19 JUL 2025
at... A.M./P.M. ...
on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief

JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
GO. NO-ON-86/2012
Mob No. - 9337121278

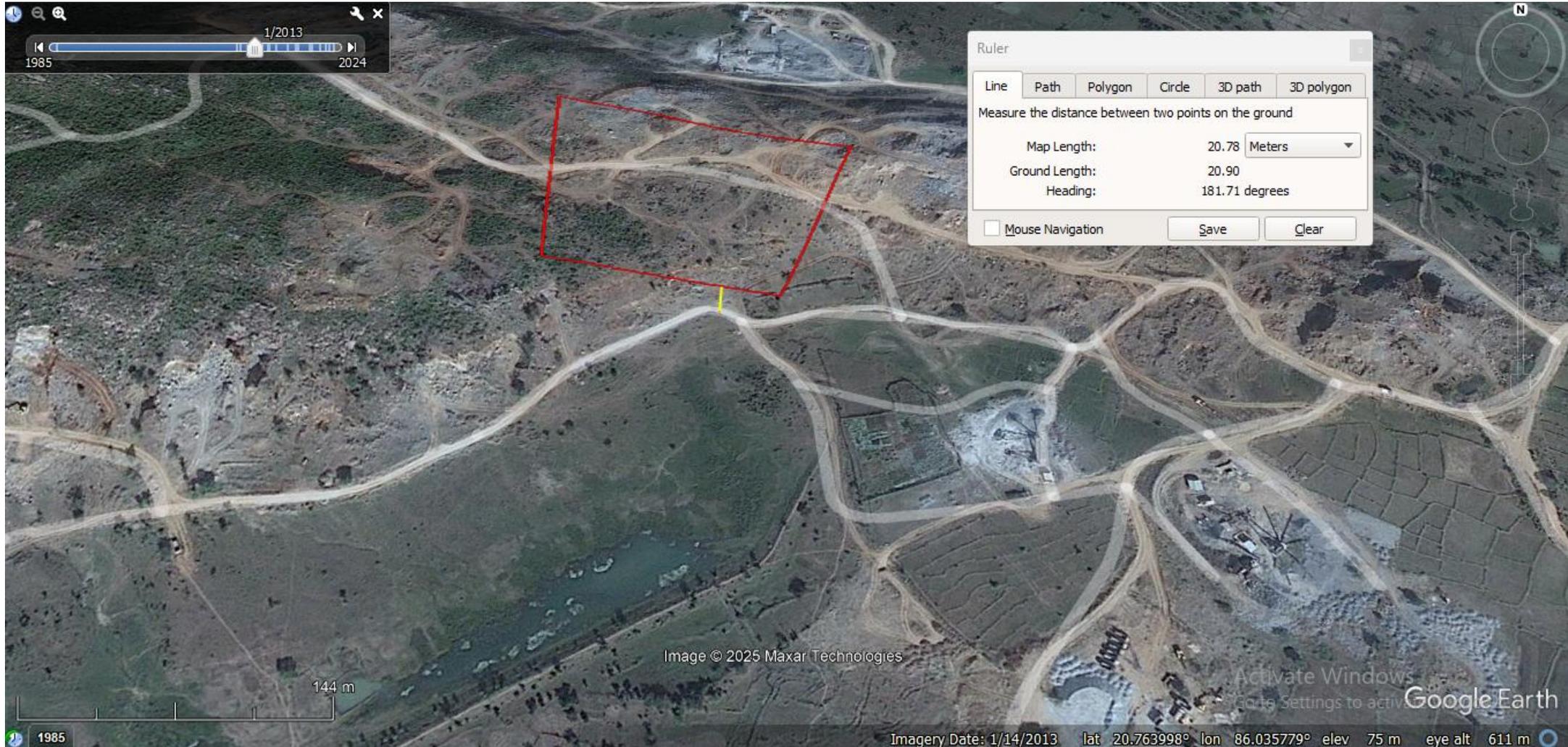
Deponent(s) Notary, Bhubaneswar



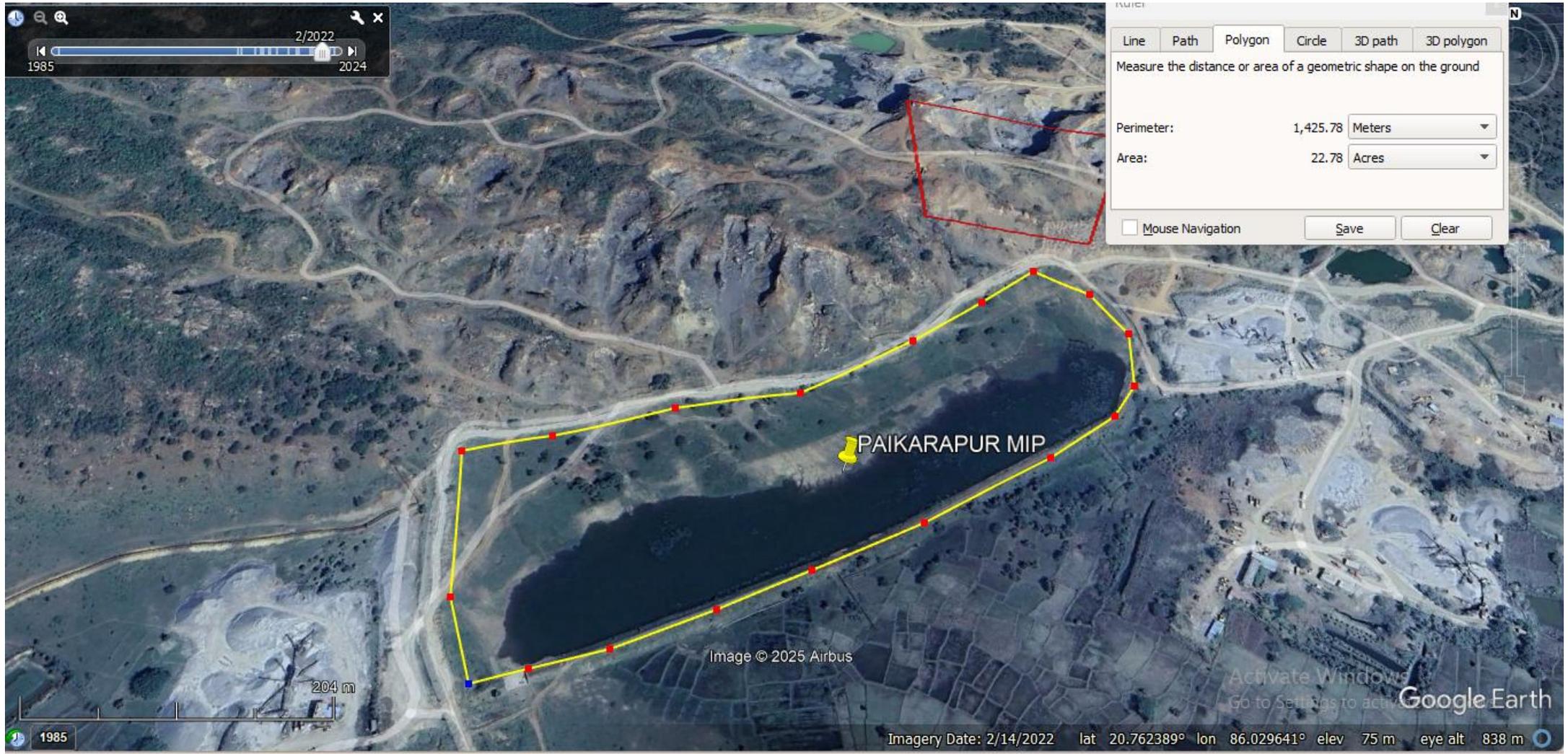
NEAREST POINT OF THE PAIKARAPUR MIP AND QUARRY HAS BEEN IGNORED AND THE FARTHEST POINT HAS BEEN MEASURED.



THAT THE BELOW ATTACHED GOOGLE EARTH IMAGE DATED 14/01/2013 SUGGESTS THE DISTANCE OF THE QUARRY FROM THE PAIKARAPUR MIP IS ONLY 20.78 METER



THAT THE BELOW ATTACHED GOOGLE EARTH IMAGE DATED 14/02/2022 SUGGESTS THE DISTANCE OF THE QUARRY FROM THE PAIKARAPUR MIP IS ONLY 20.78 METER AND THE RESERVIOR AREA IS NEARLY 23 ACRES.



THAT THE BELOW ATTACHED GOOGLE EARTH IMAGE DATED 22/01/2024 SUGGESTS THE MINING BEYOND LEASE AREA WHICH HAS NOT CALCULATED.



THAT THE BELOW ATTACHED GOOGLE EARTH IMAGE DATED 14/02/2022 SUGGESTS THE MINING BEYOND LEASE AREA WHICH HAS NOT CALCULATED.





भारत सरकार/Government of India
श्रम एवं रोजगार मंत्रालय/Ministry of Labour & Employment
खान सुरक्षा महानिदेशालय/Directorate General of Mines Safety
भुवनेश्वर क्षेत्र-1/Bhubaneswar Region-1



सं. BBR-1/NGT/BSQ/2024/ 103 /

भुवनेश्वर, दिनांक- 25 /10/2024

प्रेषक:

खान सुरक्षा निदेशक,
भुवनेश्वर क्षेत्र-1 ।

सेवा में,

The District Magistrate,
Jajpur district.

विषयः: Contraventions observed during inspection of quarries operating in Dharmasala Tahasil of Jajpur district in respect of NGT case No.147/2024 made by Shri K. Mondal, Director of Mines Safety and Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region 1, DGMS, Bhubaneswar on 24.09.2024, 25.09.2024 & 26.09.2024 - reg.

महोदय,

An Order of original application No.147/2024/EZ before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata enclosing therewith original application filed by Shri Shantanu Kumar Bhukta, President, Youth United for Sustainable Environment Trust was received in this office on dated 13.08.2024. The application was made under Section 14, 15, 20 read with Section 18 of the National Green Tribunal Act, 2010 in respect of violations of environmental norms and illegal mining operation of rampant stone quarries in Dharmasala Tahasil particularly and unscientific stone quarries in the entire Jajpur district in general.

Applicant, Shri Shantanu Kumar Bhukta, President, on behalf of registered trust, namely Youth United for Sustainable Environment Trust, has made prayer to Hon'ble tribunal to give direction to the DGMS for safety audit of quarries operating in Dankari Cluster.

As per Section 16 of the Mines Act, 1952 and Regulation 3 of the Metalliferous Mines Regulations, 1961, after getting lease from the state government, the lessee/owner of the mines are required to submit Notice of Opening of the mine to the Directorate General of Mines Safety (DGMS) along with surface plan of the mine and other mine details for registration in online Shram Suvidha portal. However, the details in respect of lessee and mines operating in Dankari Cluster are also not available in this office, as "Notice of Opening" from lessee of any quarry operating in Dankari Cluster was not received. Hence, vide this office letter No. BBR1/Minor Mineral/2024/711, dated 20.08.2024, Dy. Director of Mines(DDM, Minor Mineral), Govt. of Odisha, Jajpur Circle, was requested to provide a list of quarries in Dankari Cluster and in reply thereof, a list of 83 quarries(operating & non-operating) were received from Dy. Director of Mines(DDM, Minor Mineral), Govt. of Odisha, Jajpur Circle, vide letter no. 3578, dated 18.09.2024.

Based on the information of operating quarries provided by DDM(Minor Minerals), Jajpur and District Mining Officer(on deputation: Minor Minerals), inspection was undertaken in those mines of Dankari Cluster, of Dharmasala Tahasil by the undersigned and Shri T. Hariprasad, Dy. Director of Mines Safety and following officers of state government namely S/Shri Jay Prakash Nayak, Dy. Director of

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Mines(DDM, Minor Mineral), Govt. of Odisha, Jajpur Circle, Indramani Rout, District Mining Officer(DMO), (on deputation: Minor Minerals) other state government officers were present during inspection and enquiry on 24th, 25th & 26th September, 2024.

As per discussion with DDM(Minor Minerals), Jajpur and District Mining Officer(on deputation: Minor Minerals), 26 mines (list enclosed as Annexure-A) under Dharmasala Tahasil were operative, which were chosen for inspection.

During the inspection and enquiry, some serious contraventions under Mines Act, 1952, Metalliferous Mines Regulations (MMR), 1961 and Mines Rules (MR), 1955 which were common in all the mines were observed, as enclosed in Annexure-B (copy enclosed).

In view of the above, serious contraventions mentioned in Annexure-B found in mines mentioned in Annexure A are hereby being brought to your kind attention and you are requested to direct the lessees/Mine Owners (copy enclosed) to rectify above serious contraventions at the earliest. You are also requested to direct lessees to stop mining operations till the time all the serious contraventions mentioned in Annexure B are complied with.

This is for your information and necessary action please.

भवदीय,

Signature
25/10/24

(कृष्णोदु मंडल)

खान सुरक्षा निदेशक,

मुवनेश्वर क्षेत्र-1 ।

Encl: Annexure 'A' & 'B'

**List of quarries operating in Dharmasala Tahasil of Jajpur district in which
Inspection was made**

Sl. No	Name of Quarry	Name of Lessee/Owner	Inspection made by	Date of Inspection
1	Bajabati Black Stone Quarry-2	Sarat Chandra Behera	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
2	Bajabati Black Stone Quarry-6	Samarendra Nayak	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
3	Rahadpur Black Stone Quarry-4	Sarat Chandra Sahoo	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
4	Rahadpur Black Stone Quarry-3/4	Sandeep Chandak	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
5	Rahadpur Black Stone Quarry-9/5	Niranjan Rout	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
6	Dankari Black Stone Quarry-5/10	Narayan Rout	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
7	Dankari Black Stone Quarry- 2/3	Jayanti Jena	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
8	Dankari Black Stone Quarry- 5	M/s.Laxmi Export, PoA Agnibesh Swain	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
9	Baramana Black Stone Quarry-2	Kuna Pradhan	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
10	Bichhakhandi Black Stone Quarry-6	Ajaya Agarwal	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
11	Bichhakhandi Black Stone Quarry-8	Hemant Kumar Jena	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
12	Bichhakhandi Black Stone Quarry-17	Gynaranjan Mahapatra	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
13	Rahadpur Black Stone Quarry-1	Gynaranjan Mahapatra	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
14	Bajabati Black Stone Quarry-5	Sudhansu Jena	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
15	Rahadpur Black Stone Quarry-7	Utkal Highways	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
16	Rahadpur Black Stone Quarry-8	Sandeep Chndak	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
17	Rahadpur Black Stone Quarry- 6AC	Jagdish Shankar Sahoo	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
18	Rahadpur Black Stone Quarry-10 AC	Mahendra Swain	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
19	Dankari Black Stone Quarry- 14	Jayanti Jena	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
20	Dankari Black Stone Quarry-16	Jayanti Jena	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
21	Dankari Black Stone Quarry-17	Prasant Kumar Jena	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
22	Dankari Black Stone Quarry- 7/12	Narayan Rout	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
23	Dankari Black Stone Quarry- 6/11	Mahendra Swain	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
24	Bichhakhandi Black Stone Quarry-16	Sandip Barun Jena	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
25	Bichhakhandi Black Stone Quarry-21	Debendra Kumar Jena	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
26	Bichhakhandi Black Stone Quarry-22	Gyanaranjan Mahapatra	Shri T. Hariprasad, Dy.Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024

Serious contraventions observed under Mines Act, 1952, Metalliferous Mines Regulations, 1961 & Mines Rules, 1955 during inspection made on 24th, 25th & 26th September, 2024.

1. **Section 16 of Mines Act, 1952 read with Reg. 3 of MMR, 1961:** Notice of opening of the mine was not submitted to this Directorate by the owner before commencement of mining operations in the mine.
2. **Section 17(1) of Mines Act, 1952 read with Reg. 34(1) of MMR, 1961:** Manager was not appointed in the mine. Mining operation shall not be carried out in the mine unless the mine is kept under the sole control of a manager, being a person duly appointed and possessing the prescribed qualifications, to physically exercise his personal supervision and perform his duties under the Mines Act, 1952 and the rules and regulations made thereunder.
3. **Reg. 39 read with Regulation 160(1) of MMR, 1961:** Blaster was not appointed in the mine to exercise his personal supervision for the preparation of charges and the charging and stemming of blast holes and to carry out his duty in accordance with the provisions of the Regulations and of any order made thereunder with respect to the transport and use of explosives.
4. **Reg. 106(2)(a) & (3) of MMR, 1961:** The mines were not kept adequately benched, sloped or secured so as to prevent danger from fall of sides. The mines were made about 20m to 50m deep nearly vertical without forming any benches in height about 20m – 50m, as against the maximum permissible bench height of 6 m.
5. **Reg. 106(2)(b) of MMR, 1961:** Permission for use of heavy earth moving machinery (HEMM) and deep hole blasting was not obtained, however, the signs and impressions of carrying out deep hole drilling & blasting and of using excavator and tippers were observed in the mine. No HEMM or deep hole drilling & blasting shall be used in the mine without obtaining permission from this Directorate.
6. **Reg. 111(1) of MMR, 1961:** The boundary of the lease/mine was not found demarcated/fixed on the ground by providing permanent pillars.
7. **Reg. 115(1)(a) of MMR, 1961:** The top edges of the opencast workings were not kept securely fenced to prevent any person from entering or falling therein.
8. **Rule 29B of Mines Rules, 1955:** Persons employed in the mine had not undergone initial or periodical medical examination.
9. **Section 48(1) of Mines Act, 1952 and Rule 77 of the Mines Rules 1955 read with the Ease of Compliance to Maintain Registers under Various Labour Laws Rules, 2017:** Particulars of employees of the mine were not found maintained in Form-A register.
10. **Section 48(4) of Mines Act, 1952 and Rule 78 of the Mines Rules 1955 read with the Ease of Compliance to Maintain Registers under Various Labour Laws Rules, 2017:** Attendance of persons employed in the mine was not found maintained in Form-D register.





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STATE POLLUTION CONTROL BOARD, ODISHA
(Department of Forest & Environment, Govt. of Odisha)
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar-751012
email:Paribesh1@dataone.in, website:www.ospcboard.org

No. 10280 / Ind-II/NOC-M-196 Dt. 22-06-15
To

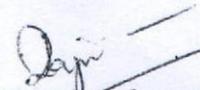
All Regional Officers
State Pollution Control Board
Odisha

Sub: Procedural guideline for conducting inspection in connection with grant of Consent to Operate.

Sir,

Please find enclosed herewith the "procedural guideline for conducting inspection in connection with grant of Consent to Operate" prepared by the Board for information and reference of all inspecting officers of the Board. The points contained in the guideline should be scrupulously followed while conducting inspection of the industries and mines in connection with grant of CTO.

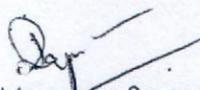
Yours faithfully,


Member Secretary

Encl: As above

Memo No. 10281 /Dt. 22-06-15

Copy alongwith the enclosures forwarded to All Sr. Env. Engineers/Sr. Env. Scientists/All EEs/All ESs/All DEEs/All DESs/All AESs/All AEEs/Administrative Officer/Sr. Law Officer/Law Officer, S.P.C. Board, Odisha, Bhubaneswar for information & necessary action.


Member Secretary

Encl: As above

PROCEDURAL GUIDELINE FOR CONDUCTING INSPECTION IN CONNECTION WITH GRANT OF CONSENT TO OPERATE.

A programme for inspection of any industry is to be made only if order/instruction from appropriate authority has been obtained in writing. If there is a verbal order, it needs to be recorded in the concerned file.

Preparedness before proceeding for inspection.

- ☞ Prepare the tour programme and get it approved by concerned authority.
- ☞ Go through the concerned file (and CTO order in particular) in detail and have a comprehensive idea on actions/ activities/ monitoring to be carried out during inspection.
- ☞ Prepare notices of inspection and sample collection.
- ☞ Carry photocopies of the latest consent order, latest show cause notice/ directions/ Bank guarantee other statutory clearances or any other important documents.
- ☞ Mobilize Lab. Personnel for stack and/or AAQ Monitoring and effluent sample collection. Check the fitness of stack monitoring kits, high volume samples etc.
- ☞ Carry sufficient thimbles/filter papers/chemical solutions etc. after conditioning in lab. Ensure that the chemical solutions are freshly prepared.
- ☞ Take the assistance of other officials/ staff for inspection/ monitoring if, felt necessary with consent of the concerned authority.
- ☞ In normal circumstances, conduct inspection without prior intimation. In case prior intimation is felt essential, then the intimation should be made with a shortest notice time. In case of surveillance inspection, always maintain confidentiality.
- ☞ Plan the travel and overnight stay.

Activities during inspection.

- ☞ Before entering in to the plant, have a visual look around the plant periphery from outside and assess emission status from the stacks as well as on fugitive emission. Have a look on effluent discharge channel to ascertain any abnormality in the flow and discharge.
- ☞ Serve the notices of inspection to the person in-charge of the Plant/in the helm of the affairs of pollution control matters immediately after entering into the plant. Get acknowledgement of receipt of notices from the concerned person of the industry on the body of office copy (of notices).
- ☞ Take stock of operational status of various process units which are potentially polluting and have relevance to pollution.
- ☞ Based on operational status, decide and plan the details of stack & AAQ Monitoring activities to be conducted. Mobilize the logistics by taking assistance of manpower of the plant and their monitoring equipment, if required. Form teams and assign specific jobs of monitoring to each team with proper instruction.
- ☞ Proceed to the effluent treatment plant (ETP) or any such treatment facilities and verify the operational status. Verify the log book on discharge quantity and inspect the flow measuring device, if any available to confirm it.
- ☞ Verify the log book on ETP operation to ascertain it's operational status on the preceding days/weeks and also ask for any other document, as felt necessary to ascertain it's functioning in the preceding period. Collect grab samples from the inlet, outlet and any other intermediate point(s) of ETP to ascertain the efficacy of ETP and compliance to discharge norms stipulated in the consent order. Procedure circulated by the Central Lab. needs to be followed scrupulously while collecting and preserving the samples.
- ☞ Inspect the key process areas which have the potential of air emission, fugitive emission or effluent generation or solid waste generation.
- ☞ Verify the status of process/operations from the control room to ascertain the rate of production and collect information relevant for the purpose of monitoring/ sampling.

- ☞ Visit the vital process areas to verify if there is any fugitive emission or leakage/discharge of any effluent taking place bypassing the ETP.
- ☞ Evidence of discharge of process effluent, if any, found to be taking place, then the point of final discharge needs to be verified and sample of such discharge needs to be collected as per the procedure prescribed by Central Lab.
- ☞ Inspect storm water drainage network and collect samples, if discharge of effluent to outside is taking place.
- ☞ Verify the water management aspects to verify the water consumption figures. Water drawal aspects like water meter readings are to be checked for it's correctness in connection with water cess as well as CTO.
- ☞ Move around the solid waste disposal site(s) and verify the compliance status of consent conditions. Verify the log book if dispatch or utilization of waste is taking place.
- ☞ Inspect the areas where the hazardous waste are stored / disposed and verify the compliance status of the conditions stipulated in the authorization.
- ☞ Ask for the documents in support of hazardous waste generation, storage, processing and disposal. Obtain copies of relevant documents as felt necessary for record in this regard.
- ☞ Collect the operational condition with emission and effluent discharge.
- ☞ Verify the conditions stipulated in the consent order and make specific observations.
- ☞ Verify the status of plantation programme.
- ☞ All the air and water samples so collected during the inspection are to be properly secured and sealed in a manner as prescribed by the Central Laboratory and submitted to the Regional Office Lab/Head Office Lab at the shortest possible time.
- ☞ Get the acknowledgement of the industry's representative on the body of notices intended for sample collection in respect of air / effluent samples so collected.
- ☞ Take photographs for better comprehension and corroboration.

In case of inspection of mines the following specific activities should also be verified in detail;

- ☞ Whether wet drilling/drilling with dust extractor system in place
- ☞ Controlled blasting practice followed or not
- ☞ Dust suppression facilities available for haulage roads, mineral handling plants, mineral stack yard, railway siding and internal mineral transportation roads etc.
- ☞ Verify whether the haulage road/ internal transportation roads are devoid of ruts and potholes and properly graded for prevention of dust emission.
- ☞ In order to assess the adequacy of air pollution control systems
 - (ii) Fugitive emission (SPM) monitoring need to be conducted at a distance of 25+ 2m from the sources of pollution in case of iron mines and 500m from the sources of pollution in case of coal mines for SPM,RSPM,SO₂, NO_x (as per the stipulated conditions of consent order).
 - (iii) Ambient air quality monitoring for the parameters such as PM₁₀ and PM_{2.5} shall also be conducted at suitable locations (locations decided on the basis of condition stipulated in CTO order) for other categories of mine as well as Iron and Coal mines.
- ☞ Verify the top soil and OB management facility
- ☞ Nos. of active and in-active top soil and OB dumps.
- ☞ Stabilization practices.
 - Coir mats with plantation
 - Only with plantation
- ☞ Retention wall to prevent the washout during monsoon around top soil and OB dumps.
- ☞ Garland drain terminating with settling pond around the top soil/OB dumps for surface runoff management.
- ☞ Verify whether check dams and catch drains are constructed at the appropriate places of the mine (Preferably natural drainage channels of the mine) for surface runoff management during monsoon.

- ☞ Verify the adequacy of surface runoff management system of entire mining area.
- ☞ Collect the surface runoff water of the mine discharged through the various facilities available to assess the compliance of standards stipulated in consent order.
- ☞ Verify the treatment facilities/management facilities available for mine drainage water/domestic effluent/ workshop effluent/ effluent generated from beneficiation plants etc. and collect the treated wastewater discharge if any for verification of compliance to the stipulated standards.
- ☞ Verify the impact of surface runoff, mining activities on the water bodies, streams, rivers etc. situated in & around the mining area.

Winding-up activities.

- ☞ After completion of the inspection, conduct a brief meeting with the senior level officials and management representative and apprise them of all major deficiencies/ lapses/ non-compliances observed during inspection and suggest remedial measures.
- ☞ Instruct them to take immediate corrective actions without waiting for communication/ direction from the Board and report compliance.

Report Preparation :

- ☞ An inspection report needs to be prepared containing the following:
 1. Date and time of inspection
 2. Constitution of team
 3. Representatives of the industry accompanied/ discussed.
 4. Background of inspection in brief containing status of CTO, show cause notices/directions/restriction, if, any in force, Bank Guarantee conditions pending if any etc.
 5. Production process/facilities granted under CTO, visa-a-vis operational status during inspection.
 6. Name and designation of inspecting officer.
- ☞ Process area wise observations made in respect of air pollution, water pollution, solid waste generation etc. are to be mentioned.. Deficiencies/ lapses/non-compliances in respect of pollution control measures leading to issues of pollution, if any, are to be reflected under the respective process area.

- ☞ Description of water/waste water samples, stack emission and AAQ Monitoring etc. collected during inspection are to be made in detail. Attach copies of analysis reports of all the samples collected during inspection.
- ☞ Make a clear cut observation if there was production in excess of consented quantity, emission/ effluent discharge made through any unauthorized outlet (i.e. not granted under CTO) or discharge/emission made in excess of permitted quantity. This is to be reflected in the report as “non-compliance”.
- ☞ Analyze and discuss the monitoring results on the context of production load, ETP operational status etc. and draw a conclusion.
- ☞ Detail compliance status on hazardous waste management and specific comments on non-compliance, if any.
- ☞ Target and achievement made on plantation.
- ☞ Selected photographs, which are felt necessary to support the observations.
- ☞ A separate paragraph containing summary of salient observations highlighting the non-compliances and issues leading to problems of environmental pollution needs to be prepared. Specific achievements in respect of environmental management and pollution control are to be highlighted.
- ☞ Report on any other activities to be taken up for further improvement of environment.
- ☞ Point wise compliance status to the direction if issued by the Board.
- ☞ Point wise compliance status on Bank guarantee conditions if imposed by the Board.
- ☞ A paragraph on recommendations containing specific actions required to be taken by the industry to remove the non-compliances / lapses (if any). Actions required to be taken by the Board on the above context as well as on disposal of CTO needs to be made clearly.
- ☞ The inspection report is to be submitted on-line within 72 hrs. after completion of the inspection if there is no Lab. analysis work is involved. In case Lab. analysis work is involved, then the complete report is to be submitted within 72 hrs. from the time of receipt of analysis report from the Lab.
- ☞ The inspection report is to be signed by the all the inspecting officers clearly mentioning their name, designation and the date.



Sankar Pani <sankarprasadpani@gmail.com>

REJOINER AFFIDAVIT ON BEHALF OF APPLICANT IN OA 6 OF 2024

1 message

Sankar Pani <sankarprasadpani@gmail.com> Mon, Jul 21, 2025 at 10:47 AM
To: Dipanjan Ghosh <dpnjnghsh0@gmail.com>, apurba ghosh <apu7law@gmail.com>, Prabhu Prasanna Behera <prabhuprasanna89@gmail.com>, pateluttkarsh96@gmail.com

DEAR SIR/MADAM, PLEASE FIND THE ATTACHMENT.

--

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