

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

O.A. No. 58 /2025/EZ

Kali Charan Chand Applicant
-Versus-
State of Odisha & Ors. Respondent(s)

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Cuttack
Date: 22.07.2025


(SANIB SWAIN)
ADDL. GOVT. ADVOCATE



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

O.A.No.58/2025/EZ

Kali Charan Chand Applicant

-Versus-

State of Odisha & Ors. Respondent(s)

**COUNTER AFFIDAVIT FILED ON BEHALF OF
RESPONDENT NO.10**

I, Abhay Kumar Dalai, aged about 41 years, S/o. Bhaktabandhu Dalai, at present working as Divisional Forest Officer, Balasore Wildlife Division, Forest, Environment & Climate Change Department, Govt. of Odisha, At/P.O.- Kuruda, Dist.-Balasore, Pin- 756056, Odisha, do hereby solemnly affirm and state as follows:-

1. That, I have been arrayed as Respondent No. 10 in the aforesaid Original Application. I have gone through the copy of the Original Application as well as the annexures appended thereto and have understood the contents thereof. I am well acquainted with the facts of the case to swear this affidavit in official capacity.

Abhay Kumar Dalai.
Dt- 22/07/25
Divisional Forest officer
Balasore Wildlife Division
Balasore

3/227.2025
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

2. That, it is respectfully submitted that the above case has been filed before this Hon'ble Tribunal by the Applicant alleging illegal sand mining in Subernarekha River under Jaleswar Tahasil of Balasore District of Odisha.
3. That, at the outset, this deponent denies each and every averment /assertion /contention raised by the applicant unless the same is admitted specifically hereinafter. No averment or assertion or contention raised by the applicant should be deemed to have been admitted on the ground of non-traverse.
4. That, with regard to the averments made in Paragraph Nos.1 to 06 of the Original Application, the present deponent has nothing to offer any comment, since the averments made are the submission of the applicant and concerned to other departments.
5. That, in reply to the averments made in Paragraph Nos. 07 to 09 of the Original Application, it is humbly submitted that the allegations made by the petitioner regarding illegal sand mining over DLC forest land in Mouza: Sekhasarai under Jaleswar Tahasil of Balasore District are false, baseless and wholly misconceived, and are therefore denied in toto. Pursuant to such allegations, a joint verification was conducted on dated 29.04.2025 by officials of

Abhay Kumar Dalai.
Dt- 22/07/25
Divisional Forest officer
Balasore Wildlife Division
Balasore

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

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Revenue and Forest Department. During the said field inspection, it was observed that:

- i. There is no motorable or accessible road connecting the interior portion of the DLC forest land as alleged in the complaint.
- ii. The team did not observe any active sand mining activity, transportation machinery, or temporary labour camps on site.
- iii. There are no visible heaps of freshly excavated sand, no excavation pits, nor signs of recent vehicular movement.
- iv. The ground condition appears undisturbed and devoid of any recent human intervention indicative of sand extraction.
- v. No evidence of illegal sand mining activity was found at the site during the course of joint field inspection. The area remains in its natural state.

Abhay Kumar Dalai.
Dt. 22/07/25
Divisional Forest officer
Balasore Wildlife Division
Balasore

Surenara Prasad Das
Advocate
NOTARY, CUTTACK

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Thus, the contention of the petitioner that the area is a hub of illegal mining is factually incorrect and misleading.

As regards the allegations concerning Mouza: Mahammad Nagar Patana, during the said field inspection dated 29.04.2025, it was observed that;

- i. There are no ongoing or active sand mining operations during the time of visit.
- ii. However, traces of past sand lifting activities such as minor ground depressions, flattened paths leading to riverbanks and residual sand deposits in patches were observed in some locations.
- iii. No personnel or mining tools/machinery were present at the site at the time of inspection.
- iv. No embankment cutting or obstruction to the river course was found during inspection.
- v. While no current sand mining activity was detected, traces of previous sand lifting were visible, indicating that sand may have been extracted in the past, prior to inspection.

Abhay Kumar Dalai
Dt. 29/07/25
Divisional Forest officer
Balasore Wildlife Division
Balasore

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

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True copy of Joint Verification Report dated 29.04.2025 duly signed by all concerned is filed herewith and marked as Annexure- A/10.

6. That, in reply to the averments made in Paragraph Nos. 10 to 17 of the Original Application, it is respectfully submitted here that DLC forest lands identified based on the criteria laid down as per the directions of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 202 of 1995 (*T.N. Godavarman Thirumulpad v. Union of India & Others*). The judgment significantly broadened the definition of "forest" and directed the regulation of all activities on forest land, regardless of ownership or classification. The DLC Forest Lands are under the administrative control of Revenue Department and are regulated under the provisions of the Forest (Conservation) Act, 1980 (as amended) and the executive instructions issued by the Government from time to time. The present answering opposite party does not exercise any exclusive or complete administrative control over the sand source areas or minor mineral bearing zones in question. The enforcement and regulatory jurisdiction in relation to mining operations, including those involving sand in

Abhay Kumar Dalai.
Dt 22/07/25
Divisional Forest officer
Balasore Wildlife Division
Balasore

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

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DLC or non-forest areas lies with the Revenue Authorities, District Administration and the Mining Department.

That, to address and prevent illegal mining and unauthorised transportation of minor minerals in the district, the Government of Odisha has constituted multitier Enforcement Committees through Notification issued by the Steel & Mines Department, namely:

- i. District Level Task Force, Chaired by the Collector;
- ii. Sub-Divisional Level Committees, Chaired by the Sub-Collector;
- iii. Tahasil Level Committees, Chaired by the Tahasildars.

In these Committees, officials from the Forest Department act as members and render support as per directions of the Chairperson of the respective Committees. These Committees have been formed to strengthen coordination and ensure effective monitoring of illegal mining across the district.

True copy of Notification No. 10491/S&M dated 04.12.2024 and Notification No. 10481 dated 04.12.2024 issued by the Steel & Mines Department, Govt. of Odisha are filed herewith

Surendra Prasad Dhai
Advocate
NOTARY, CUTTACK

Abhay Kumar Dalai
Dt-02/10/25
Divisional Forest officer
Balasore Wildlife Division
Balasore

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and marked as Annexure- B/10& Annexure- C/10 respectively.

7. That, despite the above, the office of the present deponent remains vigilant without any negligence or inaction. Any illegal activity coming to notice is promptly brought to the notice of the District Administration and concerned enforcement agencies for appropriate action. The answering opposite party has never neglected its duties and has always acted in conformity with law.
8. That the deponent is vigilant regarding illegal sand mining activities in the district and is committed to ensuring compliance with the law. The deponent holds the highest regard for the orders of the Hon'ble Tribunal. In the event that any such illegal mining is detected, prompt and appropriate legal action will be initiated in accordance with the law. The Deponent assures this Hon'ble Tribunal that continuous efforts shall be made to curb such illegal activities through regular patrolling, surveillance and coordination with concerned departments
9. That, the deponent craves leave of the Hon'ble Tribunal to file further affidavit, if required at a later stage.

Abhay Kumar Dalai.
DA-22/07/25
Divisional Forest officer
Balasore Wildlife Division
Balasore

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

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10. That, the statements above in Para 01 to 06 are true to the best of my knowledge and based on official records and the statements made in Para 07 to 09 are my humble submission to this Hon'ble Tribunal.

Identified by,

Sanib Swain
Addl. Govt. Advocate

Abhay Kumar Dalai
Dt: 22/07/25
DEPONENT
Divisional Forest officer
Balasore Wildlife Division
Balasore

CERTIFICATE

Certified that the cartridge papers are not available.

Cuttack
Date: 22.07.2025

Sanib Swain
(SANIB SWAIN)
ADDL. GOVT. ADVOCATE

The above named Deponent
solemnly affirm on *22/7/2025*
..... Being Identified
by *S. Swain* (Ade)



22/7/2025
Surenara Prasad Dhali
Advocate
NOTARY, CUTTACK

JOINT VERIFICATION REPORT

In Respect of Alleged Illegal Sand Mining over DLC Forest Land at Mouza: Sekhasarai and Mahammad Nagar Patana under Jaleswar Tahasil in O.A. No. 58 of 2025 filed by the Petitioner Kali Charan Chand before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata

1. Name of the Verification Team:

The following officers conducted the joint field verification on dated 29.04.2025.

Sl. No.	Name & Designation	Department
1.	Jayshree Murmu, Asst. Conservator of Forests, I/c. Jaleswar Wildlife Range, Jaleswar	Forest, Environment & Climate Change Department, Govt. of Odisha.
2.	Minarani Behera, Forester, Jaleswar Wildlife Section, Jaleswar Wildlife Range, Jaleswar	Forest, Environment & Climate Change Department, Govt. of Odisha
3.	Ranjita Biswal, Forest Guard, Jaleswar Wildlife Beat, Jaleswar Wildlife Range, Jaleswar	Forest, Environment & Climate Change Department, Govt. of Odisha
4.	Sarat Kumar Behera, Revenue Supervisor, Jaleswar Tahasil	Revenue and Disaster Management Department, Govt. of Odisha
5.	Saroj Kumar Bhanja, Revenue Inspector, Mahammadnagarpatna, Jaleswar Tahasil	Revenue and Disaster Management Department, Govt. of Odisha

2. Purpose of Verification:

The joint verification was undertaken to ascertain the averments made in O.A. No. 58 of 2025 filed by the Petitioner Kali Charan Chand before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata regarding illegal sand mining activities over DLC forest land in Mouza Mahammad Nagar Patana (Khata No. 422, Plot No. 02 earlier CS Khata No. 243, Plot No. 01) and Mouza: Sekhasarai (Khata No. 142, Plot No. 02) under Jaleswar Tahasil of Balasore District. The plot was identified by the Revenue Officials participated in the joint verification referring the records available.

3. Observations of the Verification Team:

A. Mouza: Mahammad Nagar Patana

- The inspection revealed no ongoing or active sand mining operations during the time of visit.
- However, traces of past sand lifting activities such as minor ground depressions, flattened paths leading to riverbanks and residual sand deposits in patches were observed in some locations.
- No personnel or mining tools/machinery were present at the site at the time of inspection.
- No embankment cutting or obstruction to the river course was found during inspection.

Conclusion for Mahammad Nagar Patana:

While no current sand mining activity was detected, traces of previous sand lifting were visible, indicating that sand may have been extracted in the past, prior to inspection.

B. Mouza: Sekhasarai

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Page 1 of 2



Divisional Forest officer
Balasore Wildlife Division
Balasore

- i. There is no motorable or accessible road connecting the interior portion of the DLC forest land as alleged in the complaint.
- ii. The team did not observe any active sand mining activity, transportation machinery, or temporary labour camps on site.
- iii. There are no visible heaps of freshly excavated sand, no excavation pits, nor signs of recent vehicular movement.
- iv. The ground condition appears undisturbed and devoid of any recent human intervention indicative of sand extraction.

Conclusion for Sekhasarai:

No evidence of illegal sand mining activity was found at the site during the course of joint field inspection. The area remains in its natural state.

Jayshree Murmu
29/04/25

Jayshree Murmu, Asst. Conservator of Forests,
I/c. Jaleswar Wildlife Range, Jaleswar

Ghosh
29.04.2025

Gouranga Charan Ghosh
Tahasildar, Jaleswar

M.B.
29/04/2025

Minarami Behera
Forester,
Jaleswar Wildlife Section

Ranjita Biswal
29/04/25

Ranjita Biswal
Forest Guard,
Jaleswar Wildlife Beat

Saroj Kumar Bhanja
29/04/25

Saroj Kumar Bhanja
Revenue Inspector,
Mahammadnagarpatna

Sarat Kumar Behera
29/4/25

Sarat Kumar Behera
Revenue Supervisor
Jaleswar Tahasil

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**Divisional Forest officer
Balasore Wildlife Division
Balasore**

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GOVERNMENT OF ODISHA

STEEL & MINES DEPARTMENT

No. 10491 /S&M, Bhubaneswar, dated the 04/12/2024

SM-MC3-PAGG-0001-2023

NOTIFICATION

Sub : Constitution of District Level Task Force(DLTF) for uniform monitoring and strengthening of enforcement activities for minor minerals.

In obedience to order dated 26.02.2021, of Hon'ble NGT, Eastern Zone, Kolkata Bench passed in OA No. 360/2015 and after careful considerations, Government have been pleased to constitute District Level Task Force with the following members:

1.	Collector & DM	Chairman
2.	Superintendent of Police	Member
3.	Divisional Forest Officer	Member
4.	District Transport Officer	Member
5.	Regional Officer- SPCB	Member
6.	Executive Engineer of Irrigation Department of respective Division	Member
7.	Joint Director of Geology of respective Division	Member
8.	One/ two independent members	Independent members shall be nominated by the Chairman. The independent member shall be retired government officials/teacher or ex-serviceman or ex-judiciary member
9.	Deputy Director of Mines	Member Convenor

The DLTF shall keep regular watch over the mining activities and movement of

SM-MC3-PAGG-0001-2023/01/2024



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**Divisional Forest officer
Balasore Wildlife Division
Balasore**

minerals in the district.

The DLTF shall have its regular meetings, preferably on Quarterly basis to review the information from Sub-divisional and Tahasil level committee and supervise and monitor all aspects of enforcement activities to curb illegal mining and transportation of minor minerals.

The recommendation may also include action under the provision of EP Act, 1986.

This supersedes District level committee which was constituted vide this Department Notification No.12595 dated 16.12.2023.

By Order of the Governor

[Signature]
Additional Chief Secretary to Government

Memo No. 10492 /SM, Bhubaneswar dated 04/12/2024

Copy forwarded to the Officer-in-charge, Gazette Cell, Odisha, Government Press, Commerce & Transport (Commerce) Department, Odisha Secretariat, Bhubaneswar with a request to publish the said notification in the Extraordinary issue of the Odisha Gazette and send copy to this Department.

[Signature]
04. XII. 2024
Special Secretary to Government

Memo No. 10493 /SM, Bhubaneswar dated 04/12/2024

Copy forwarded to the OSD to Hon'ble Chief Minister, Odisha/ PS to Hon'ble Minister, Steel & Mines for kind information of Hon'ble Chief Minister, Odisha / Hon'ble Minister, Steel & Mines respectively.

[Signature]
04. XII. 2024
Special Secretary to Government

Memo No. 10494 /SM, Bhubaneswar dated 04/12/2024

Copy forwarded to the OSD to Chief Secretary, Odisha/ Senior P.S. to Development Commissioner-cum-Additional Chief Secretary, Odisha/ Senior PS to Additional Chief Secretary, Steel & Mines Department for kind information of Chief Secretary, Odisha/ Development Commissioner -cum-Additional Chief Secretary, Odisha / Additional Chief Secretary, Steel & Mines Department respectively.

[Signature]
04. XII. 2024
Special Secretary to Government

Memo No. 10495 /SM, Bhubaneswar dated 04/12/2024

Copy forwarded to Additional Secretary to Government, Revenue & DM Department/ Forest, Environment & Climate Change Department/ Home Department /Commerce & Transport (T) Department/ Water Resources Department information and necessary action.

[Signature]
04. XII. 2024
Special Secretary to Government

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[Signature]

**Divisional Forest officer
Balasore Wildlife Division
Balasore**

Memo No. 10496 /SM, Bhubaneswar dated 04/12/2024

Copy forwarded to all Departments(Except Revenue & DM Department/ Forest Environment & Climate Change Department/ Home Department/ Commerce & Transport (T) Department)/Water Resources Department) for information and necessary action.

Sr
04. XII. 2024
Special Secretary to Government

Memo No. 10497 /SM, Bhubaneswar dated 04/12/2024

Copy forwarded to the Director of Mines & Geology, Odisha/ Director of Minor Minerals, Odisha/ MD, OMC Limited for information and necessary action.

Sr
04. XII. 2024
Special Secretary to Government

Memo No. 10498 /SM, Bhubaneswar dated 04/12/2024

Copy forwarded to all RDCs/ to all Collectors/all SPs/all DFOs/ all Deputy Director of Mines for information and necessary action.

Sr
04. XII. 2024
Special Secretary to Government

Memo No. 10499 /SM, Bhubaneswar dated 04/12/2024

Copy forwarded to Member Secretary , SPCB for information and necessary action.

Sr
04. XII. 2024
Special Secretary to Government

Memo No. 10500 /SM, Bhubaneswar dated 04/12/2024

Copy forwarded to all Sections of Steel & Mines Department for information and necessary action.

Sr
04. XII. 2024
Special Secretary to Government

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**Divisional Forest officer
Balasore Wildlife Division
Balasore**



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Annexure - C/10

The Odisha Gazette



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STEEL & MINES DEPARTMENT

NOTIFICATION

The 4th December, 2024

Sub.: Constitution of Sub-Divisional Level Committee and Tahasil level Committee for minor minerals in order to strengthen the enforcement mechanism in the field.

No.10481—SM-MC3-PAGG-0001/2023/S&M.— State Government after careful consideration, have been pleased to constitute Sub-Divisional Level Committee and Tahasil Level Committee for minor minerals in order to strengthen the enforcement mechanism with the following members;

Sub-Divisional Level Committee

1.	Sub-Collector & SDM	Chairman
2.	SDPO	Member
3.	ACF/Range Officer	Member
4.	Concerned Tahasildar	Member
5.	IIC	Member
6.	Mining Officer or Junior Mining Officer	Member Convener

Tahasil Level Committee

1.	Tahasildar & EM	Chairman
2.	IICs	Member
3.	Range Officer	Member
4.	Mining Officer or Junior Mining Officer	Member Convener

These Committees shall review regulation and enforcement of minor minerals sources in the respective Sub-divisions and Tahasils at least once in a month and submit report to District Level Task Force and Director Minor Minerals, Odisha.

By Order of the Governor

SURENDRA KUMAR

Additional Chief Secretary to Government

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Divisional Forest officer
Balasore Wildlife Division
Balasore

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