

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH
Appeal No.05 of 2025/EZ.**

Nabin Nanda Petitioner / Appellant

Vs.

Member Secretary, SEIAA, Odisha
and Others Respondent / Defendant

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SPCB Odisha, R.No.2

Through

Papiya Banerjee Bihani

Smt Papiya Banerjee Bihani,
Advocates for the Respondent No.2
(State Pollution Control Board, Odisha)
e-mail: pbanerjeebihani@gmail.com

Kolkata

Date:

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH
Appeal No.05 of 2025/EZ.**

08 AUG 2025

Nabin Nanda Petitioner / Appellant

Vs.

Member Secretary, SEIAA, Odisha
and Others Respondent / Defendant

**AFFIDAVIT ON BEHALF OF STATE POLLUTION
CONTROL BOARD, RESPONDENT NO.2.**

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.2
Board and, as such, am well-acquainted with the facts and
circumstances with the case and competent to swear this
affidavit.



2. That I have gone through the averments made in the Appeal Memo and understood the contents thereof. Further I say and submit that, the averments made by the appellant in any of the paragraphs of the Appeal Memo are denied by the R.No.2 Board which are contrary to the facts on record, and/or unless specifically admitted by the R.No.2 Board.
3. That in the aforesaid Appeal the Appellant has challenged the order of Environmental Clearance granted by State Environment Impact Assessment Authority (SEIAA), Odisha (R-1) in favour of R-6 granting environmental clearance for Nihal Prasad Road Metal Quarry over an area of 11.10 acres or 4.492 hectares in village Nihalprasad of Gondia Tahasil of Dhenkanal district, Odisha. Copy of the order dtd.05.05.2025 granting environmental clearance has already been annexed as Annexure-1 of the Appeal Memo.
4. That the parawise reply of the appeal memo are given below:
5. That as regards the averments made in para-1 to para-22 of the Appeal Memo, the R-2 Board has no comments to offer as this is matter of records.



6. That as regards the averments made in para-23 of the Appeal Memo, it is humbly submitted that the R-2 Board has granted consent to establish in favour of R-6 for production of Black Stone of capacity 33888.4 M² per year during valid mining lease period (as per approved mining plan and Environmental Clearance) over mining lease area of 11.10 acres or 4.492 ha bearing Khata No.1433/1812, Plot No.6890, 6890/9993, Kissam-Sarad-III, at Mouza-Nihalprasad of Gondia Tahasil in the district of Dhenkanal vide Board's letter No.1681 dated 14.05.2025. Copy of the consent to establish order dtd.14.05.2025 is annexed to this affidavit and marked as ANNEXURE – R2/1.
7. That as regards the averments made in para-24 of the Appeal Memo, it is humbly submitted that the R-2 Board through Sri S.K.Bhoi, Asst. Environmental Scientist of Regional Office, Angul has carried out inspection on dtd.08.05.2025 to the proposed project site before grant of consent to establish vide Annexure-R2/1. A copy of the inspection report carried out on dtd.08.05.2025 is annexed to this affidavit and marked as ANNEXURE – R2/2.



8. That as regards the averments made in para-25 of the Appeal Memo, the R-2 Board has no comments to offer since it is a matter of record.
9. That in view of the facts stated in the foregoing paragraphs of the present affidavit, the R-2 Board has no further comments to offer on the grounds stated in the Appeal Memo as the same is relating to grant of environmental clearance by the SEIAA, Odisha (R-1), who is the competent authority to comment on this matter.
10. That the Respondent No.2 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of the case.
11. That the annexures annexed to the present affidavit are true and correct copies of their originals.
12. 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

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

[Handwritten Signature]
 08/08/25

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 8th August, 2025.

SUBORN BEFORE ME



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

[Handwritten Signature]
DEPONENT
 Member Secretary
 State Pollution Control Board
 Odisha, Bhubaneswar

[Handwritten Signature]
 08/08/25



REGIONAL OFFICE
STATE POLLUTION CONTROL BOARD, ODISHA
 (DEPARTMENT OF FOREST & ENVIRONMENT, GOVT. OF ODISHA)
 Plot No. S-3/3, Industrial Estate, Hakimpada, Angul-759143
 E-mail: rospcb.angul@ospboard.org

"By Registered post"

No. 1681 / QUARRY/ROSPCB/AGL/261/2025-26

Date: 14.05.2025

OFFICE MEMORANDUM

In consideration of the online application no. **6426242**, dtd. **07.05.2025** for obtaining Consent to Establish for M/s. **Nihalprasad Road metal Quarry**, (PSK Infrastructures & Projects) the State Pollution Control Board is pleased to convey its Consent to Establish under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 for production of Black Stone of capacity **33888.4 m³/year** during valid mining lease period (as per approved mining plan and Environmental Clearance) over mining lease area of **11.10 acres or 4.492 ha** bearing Khata no. 1433/1812, Plot No. 6890, 6890/9993, Kissam-Sarad-III, as submitted by the applicant, at Mouza: Nihalprasad of Gondia Tahasil in the district of Dhenkanal with the following conditions .

GENERAL CONDITIONS:

01. This Consent to establish is valid for the product, method of mining and capacity as mentioned in the approved mining plan and Environmental Clearance. This order is valid for the lease period as recommended by the lease granting authority, which means the proponent shall commence mining activities for the proposal within the lease period from the date of issue of this consent to establish order. If the proponent fails to commence mining activities for the proposal within lease period then a renewal of this consent to establish shall be sought by the proponent.
02. The mine shall apply for grant of Consent to operate under section 25/26 of Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 at least 3 (three) months before the commencement of production and obtain Consent to Operate from this Board.
03. The mine shall comply to the provisions of Environment Protection Act, 1986 and the rules made there under with their amendments from time to time such as the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended from time to time, Hazardous Chemical Rules, / Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 etc. and amendments there under. The industry shall also comply to the provisions of Public Liability Insurance Act, 1991, if applicable.
04. No change in mining technology and scope of working shall be made without prior approval of the Board.
05. This consent to establish is subject to statutory and other clearances from Govt. of Odisha and/or Govt. of India, as and when applicable.

SPECIAL CONDITIONS:**A. GENERAL CONDITONS**

1. The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and groundwater), if any, required for the project.
2. Mining activity shall be carried out as per approved mining plan prepared for this project.
3. Maximum annual production capacity of the quarry is 33888.4 m³/year.
4. Any change in the calendar plan including excavation, quantum of mineral production and waste generation shall not be made.
5. Sabik reference for each quarrying plot is to be reflected. In case of no Sabik reference is available; the Tahasildar shall furnish a certificate to that effect.
6. The lease holder should avoid blasting and avoid movement of vehicles at night.
7. The lease holder will make solar fencing of the quarry area to avoid any untoward incident in future for movement of wild animals.
8. Mining operation should not be carried out without compliance of provisions as enumerated in the OMMC Amendment Rules, 2014 and 2015 along with the Notifications of Ministry of Environment, Forest and Climate Change from time to time.
9. No mining shall be carried out in the vicinity of natural / manmade archeological sites.
10. It shall be ensured that quarrying is not carried out within 500m of structures, bridges, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures.
11. The project proponent shall ensure that no mining activity takes place beyond 6m below ground level.
12. It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs/intervenes within the permitted depth, then also quarrying shall be stopped.
13. Wet drilling method is to be adopted to control dust emissions.
14. The area should be prepared in such a way as to stimulate /ensure the re-growth of vegetation.
15. At the end of mine closure, the Proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area at the time of closure of the operation of quarry.
16. The following measures are to be implemented to reduce Noise pollution:-
 - a. Proper and regular maintenance of vehicles and other equipment
 - b. Limiting time of exposure of workers to excessive noise.
 - c. The workers employed shall be provided with protection equipment and earmuffs etc.
 - d. Speed of trucks entering or leaving the mine is to be limited to moderate speed of 25 kmph to prevent undue noise from empty trucks.
17. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010 issued by the MoEF, GOI.
18. The project proponent shall take all precautionary measures during mining operation for conservation of flora and fauna.
19. The proponent shall obtain all other mandatory clearances from respective departments.
20. The quarry area after excavation should be refilled and plantation raised over the area.

21. The proponent shall take necessary measures to ensure no adverse impacts due to mining operations on the human habitation existing nearby.
22. If any information furnished by the applicant is found to be incorrect or suppressed and detected on later stage, the consent to establish shall be revoked including initiation of appropriate legal action as deemed fit as per the provisions of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 as amended thereof and rules framed thereunder.
23. The Board may impose further conditions or modify the conditions as stipulated in this order during installation and / or at the time of obtaining consent to operate and may revoke this order in case the stipulate conditions are not implemented and / or information is found to have been suppressed / wrongly furnished in the application form.

B. WATER POLLUTION

24. The mining shall not affect the existing sources of irrigation or drinking water for industrial purposes.
25. Domestic effluent shall be discharged to soak pit via septic tank constructed as per BIS specification.
26. Surface run-off from OB dump area, mineral stock yard, and top soil storage area and rain water to be pumped from quarry shall be routed through adequate settling pond (designed maximum hourly rain fall basis) to meet prescribed standard of SS-100 mg/l and Oil & Grease-10 mg/l before discharge into natural stream/water courses during monsoon.

C. AIR POLLUTION

27. Greenbelt shall be developed along the boundary of mining lease area as stated in the approved mining plan, with the native tree species or necessary fund for environmental measures shall be deposited in Odisha Environment Management Fund as per the simplified guidelines provided by the State Govt. in case of minor mineral extraction over area less than 5 ha.
28. The proponent should re-vegetate the area through indigenous plants which were removed from the areas for the mining.
29. Fugitive dust emissions from all the sources should be controlled regularly.
30. Water spraying arrangement on haul roads, should be provided and properly maintained.
31. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.
32. The unit shall maintain ambient air quality in order to meet the prescribed standard as per National Ambient Air Quality Standard.
33. Dust suppression on mine haul roads, active OB dumps and mine working benches shall be done by spraying water through water sprinklers along with chemical binders/wetting agents at frequent interval in order to reduce water consumption and to improve retention and re-absorption capacity of water.
34. Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of minerals. The vehicles shall be covered with a tarpaulin and shall not be overloaded. The Project Proponent shall ensure that the vehicle must have pollution under control certificate.
35. The following measures are to be further implemented to reduce air pollution during transportation of mineral:-
 - Roads shall be graded to mitigate the dust emission.

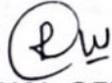
- Overloading of tippers and consequent spillage on the roads shall be avoided. The trucks shall be covered with tarpaulin.

D. SOLID & HAZARDOUS WASTE WASTE

36. Top soil, if any, should be stacked separately with proper slope at earmarked site (s) with adequate measures and shall be used for reclamation and rehabilitation of mined out areas.
37. The OB/waste dumps shall be properly dressed benched stopped at low angle (30°) with terracing and bamboo barricades in the slopes making retaining walls stone barriers at the toe of the dumps gully plugging etc. to prevent the solid erosion during monsoon, besides establishing vegetation on dump top as well as its slope surface. In difficult cases, hydro-seedling technique or use of geo-tiles mat embedded with seeds shall be adopted.
38. Rejected material shall be disposed of into the low lying area inside the mine lease hold area in proper manner without causing any environmental pollution.
39. Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous and Other Wastes (Management & Trans-boundary Movement) Rules, 2016 and its amendments thereof to the recyclers authorized by SPCB, Odisha.

To

M/s. **Nihalprasad Road metal Quarry**
 PSK Infrastructures & Projects Pvt. Ltd. (Lessee)
 Sri P Ramanaiah, Project Manager
 At- Plot no. 477/220, Kusunpur, Balabhadrapur, Raghudasapur,
 Kendrapara, Odisha-754217.

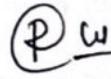

REGIONAL OFFICER
 Regional Officer
 State Pollution Control Board
 Regional Office, Angul

Memo No. 1682 /

Date 14.05.2025

Copy forwarded to:

1. The **Member Secretary**, SPC Board, Odisha, Bhubaneswar
2. The **Collector & District Magistrate**, Dhenkanal.
3. The **Joint Director of Geology, Zonal Survey**, Dhenkanal
4. The Mining Officer, Dhenkanal
5. **Guard File**, Regional Office, Angul.


REGIONAL OFFICER
 Regional Officer
 State Pollution Control Board
 Regional Office, Angul

Signature Not Verified

Digitally Signed by : Regional Officer

Date: 2025.05.14 10:43:12 IST

Inspection Report of M/S.NIHALPRASAD ROAD METAL QUARRY ,
VILLAGE -NIHALPRASAD,TAHASIL-GONDIA, DISTRICT-
DHENKANAL,

Background of Inspection:

M/s. Nihalprasad Road Metal Quarry, Village -Nihalprasad,Tahasil-Gondia,District-Dhenkanal, was inspected on dtd. 08.05.2025 by undersigned to verify the compliances for the grant of Consent To Establish. EC and mining plan has been approved in the favour of lessee, PSK Infrastructures and Projects Pvt Ltd.,

Statutory clearances:

clearances:

1. The road metal quarry has obtained Environmental Clearances from the State Environment Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar vide EC Identification No. EC24C0108OR5489658N, File no. 503605/138-MINB2/11-2024 (Proposal No. SIA/OR/MIN/503605/2024 dated 02/11/2024) for project Nihalprasad Road metal Quarry over an area of 11.10 acres or 4.492 ha, in village Nihalprasad of Gondia Tahasil of Dhenkanal District in favour of M/s. PSK Infrastructures & Projects, the successful bidder/lessee.
2. Maximum depth of mining shall be upto 6 meter from the surface and maximum quantity of production shall be limited to 62560 cum/annum with total production in 5 years lease period 312825 cum and the method of mining shall be as per the approved Mining Plan.
3. The Project Proponent (PP) shall maintain the minimum distance 200 meter from the village road, village, habitation etc. to mining operation area as per CPCB guidelines dated 12.05.2020 based on the Hon'ble NGT order dated 28.02.2020 in OA No. 304/2019 and also as per approved mining plan.
4. Rule 43 (2) of OMMC Rules, 2016 states 'The date of commencement of the period for which a prospecting license-cum-mining lease or mining lease or quarry lease is granted shall be the date on which a duly executed deed is registered'. Rule 8 (4) of OMMC Rules, 2016 states 'minimum period for which any such lease may be granted shall be five years'.
5. The mining lease deed of Durgapur panasahi Stone Quarry has been executed between Mining Officer-cum-Competent Authority Minor Mineral Angul (lease granting authority) and Sri Giridhari Pradhan, Lessee on dt.22.11.2024 for 24-25 and 25-26 from the date of execution.
6. Mining plan along with progressive mine closure plan under Rule 28 (4) of Odisha Minor Mineral Concession Rules, 2016 has been approved by Joint Director Geology, Zonal Survey, Dhenkanal for 5 years.
7. The mine has been granted Consent to establish vide Lno. 303 dtd 02-02-2024 for the annual excavation of sand not more than **33888.4 m³** /year of lease period.
8. The Mine has applied for CTE to the Board vide online application no. **6426242**. Mine has submitted adequate CTE fees of ₹30,000 to the Board vide receipt No. 174467608 dtd 07-05-2025.

Mine at a Glance:

	Particulars	Details
1.	Corresponding Address	<u>Lessee</u> M/s. PSK Infrastructures & Projects Pvt. Ltd. Sri P ramanaiyah, Project Manager At- Plot no. 477/220, Kusunpur, Balabhadrapur, Raghudasapur, KENDRAPARA, ODISHA, 754217 nihalprasadoradmetal@gmail.com
2.	Mine leasehold area	over an area of 11.10 acres or 4.492 ha, in village Nihalprasad of Gondia Tahasil of Dhenkanal District
3.	Production	As per approved EC and mining plan maximum quantity of production shall be limited to 62560 cum/annum with total production in 5 years lease period 312825 cum
4.	Plan Period / Period of concession	5 Years
5.	Source name	Nihalprasad Road metal Quarry
6.	Type of mine	Open cast, Manual
7.	Geological reserve	633868 cum
8.	Mineable reserve	312825 Cum
9.	Depth of Extractable Stone	6.0 m as per approved EC
10.	OB & Top Soil Generation	
11.	Manpower	Supervisor: 01, Skilled:4, Semi-Skilled: 04, Unskilled: 4, OMS: 4010 cum/300 days =13.37 Cum

Observations:

1. This is a proposal for mining of stone from Nihalprasad Road Metal Quarry over an area of 11.10 acres or 4.492 ha In Village Nihalprasad of Gondia Tahasil of Dhenkanal District, Odisha.
2. The mining area is a part of Survey of India Toposheet No. 73L/1 and is bounded between the Latitude 20°47'10.54" N-20°47'26.28" N and longitude 86°00'47.85" E-86°01'02.37" E bearing Khata no. 1433/1812, Plot No. 6890, 6890/9993, Kissam-Sarad-III. 20°47'20.1"N 85°59'01.0"E 20°47'26.28"N 86°01'02.37"E
3. The mining lease is an identified sairat source in the DSR. The Nihalprasad Road Metal Quarry sairat source will be leased out under the OMMC Rules, 2016 by Mining Officer, Dhenkanal to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
4. Documents submitted: -Form-1, D.L.C., EMP, PFR, checklist, Mining Plan and approval letter, Village sheet, Cluster certificate from Mining Officer, topo map etc.

5. Whether submitted KML file of the lease area-Yes, and it is found that habitation located 100 meter away from the proposed quarry lease boundary.
6. Whether submitted scrutiny fee- Yes, Rs. 1000/- vide e-Challan Ref. No. 3822D5B92F dated 02.11.2024.
7. Distance from nearest sanctuary/ESZ- Kapilash WLS-13.0 Km
8. Whether the lease area coming in DLC report-No, certified by the Deputy Director Mines (I/C) Sambalpur Circle, Sambalpur vide letter no. Nil dated 30.01.2025.
9. Whether the lease area reflecting in DSR- Yes, but as a newly added source included in the revised DSR which has been deferred for ADS by SEIAA, Odisha for compliance.
10. The Project Proponent (PP) shall maintain the minimum distance 200 meter from the village road, village, habitation etc. to mining operation area as per CPCB guidelines dated 12.05.2020 based on the Hon'ble NGT order dated 28.02.2020 in OA No. 304/2019 and also as per approved mining plan.
11. Method of mining-Semi-mechanized with drilling & blasting
12. Distance from nearest road bridge-16.3 km, Village road-1.80 km
13. Whether it is part of cluster – No
14. Whether EC obtained earlier-No
15. Date of approval of mining plan- by the Deputy Director of Geology, Zonal Survey, Dhenkanal vide letter no. 895 dt. 14.01.2024.
16. As per the mining plan the production capacity per annum- 62560 cum/annum (max.), total production in 5 years period-250260 cum, Geological reserve-633868 cum and Mineable reserve- 312825 cum.
17. Depth of Mining as proposed should not be beyond 6m from the ground level
18. The boundary area of the deposit as per the revised / updated DSR to be defined by geo coordinates based on DGPS survey superimposed on the cadastral map.
19. Construction of garland drains retaining wall and settling tank should be ensured to prevent erosion during rainfall and to collect silt generated during the mining activity.
20. All the dumps shall be covered by retaining wall, garland drains and settling ponds.
21. No explosives shall be stored without approval of competent authority and all the precautions for blasting shall be put in place.
22. Worked out pit shall be fenced.
23. The PP shall plant 298 nos. of tree species like Banyan (*Ficus benghalensis*), Peepal(*Ficus religiosa*), Neem (*Azadirachta indica*), Jamun(*Syzygium cumini*), Mango(*Mangifera indica*), Karanj(*Pongamia pinnata*), Arjun(*Terminalia Arjuna*), Jackfruit (*Artocarpus heterophyllus*), Siris (*Albizia lebbeck*), etc.. as part of tree plantation campaign "Ek Ped Maa Ke Naam" and the details of the same shall be uploaded in the MeriLiFE Portal (<https://merilife.nic.in>).The PP shall submit the status of plantation during every six-months (06) compliance of EC conditions with geo-coordinating photographs.
24. The compliance of EC conditions of said quarry shall be monitored by DEIAA, concerned lease granting Authority either Mining Officer or Tahasildar, RO, SPCB, Odisha and Integrated Regional Office of MoEFCC, Bhubaneswar as per MoEF & CC, Govt. of India S.O. 141(E) in EIA Notification dated 15.01.2016

Pollution Potential:

Water:

The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level

Air:

The major source of air pollution in the sand quarry is the dust emission during transportation and material handling. Adequate water sprinkling arrangement on roads shall be provided to control fugitive emission during transportation.

Mine has proposed to plantation @50 saplings/year along river bank, approach road, village road and vacant area nearby mine during plan period.

Solid Waste Management:

During mining overburden (OB), reject or topsoil will be generated and shall be disposed at designated dump or may be used for road making.

Recommendation:

In the view of the above, consent to establish may be granted for the excavation of **stone quarry** not exceeding 62560 cum/annum (max.), as per the mining plan over mining lease area of 11.10 acres or 4.492 ha.

Sri S K Bhoi
Sri S K Bhoi,
Asst. Env. Scientist
Asst. Env. Scientist
State Pollution Control Board
Regional Office, Angul

