

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

ORIGINAL APPLICATION NO. 151 2025

Dambarudhar Ramsingh.

...Applicant.

VERSUS

The State of Odisha & Ors.

...Respondents.

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ADVOCATE FOR THE PETITIONER

PLACE: Kolkata

SYNOPSIS

The Applicant, a lawful lessee of Galganda-Duruba Sand Sairat, challenges the Demand Notice dated 12.11.2024 issued by the Mining Officer, Koraput, directing payment of ₹41,91,754/- as Environmental Compensation for alleged illegal extraction of 25,590.3 cum of sand without Environmental Clearance (EC), Consent to Establish (CTE), or Consent to Operate (CTO).

The Applicant held valid leases (2018–2023 and 2023–2024) through public tenders, had an approved Mining Plan, and applied for EC in 2018 and CTE/CTO in 2023—applications still pending due to departmental delay. Actual extraction was 11,280 cum as per lease terms.

The impugned demand is arbitrary, unsupported by measurement or

scientific basis, ignores deemed consent under Section 25(7) of the Water Act, and violates principles of natural justice as no prior hearing was granted. The Joint Committee report relied upon contains factual inaccuracies and misapplies the NGT order dated 09.08.2024.

Reliefs Sought

1. Quash Demand Notice dated 12.11.2024 and reminder.
2. Declare deemed CTO validity under Section 25(7), Water Act.
3. Direct expeditious disposal of pending EC/CTE/CTO applications.
4. Grant any other relief deemed fit.

Jurisdiction is invoked under Section 14 of the National Green Tribunal Act, 2010, involving substantial environmental questions under the Environment (Protection) Act, 1986.

LIST OF DATES/EVENTS

Date	Event
27.04.2018	Mining Plan approved by Joint Director Geology, Zonal Survey, Koraput for Galganda and Duruba Sand bed (28.65 acres/11.59 ha) under Orissa Minor Mineral Concession Rules, 2016.
30.10.2018	Application submitted to State Level Environment Impact Assessment Authority, Odisha for Environmental Clearance (EC).
27.03.2019	Agreement executed with Tahasildar, Nandapur for sand mining; royalty and charges paid for 9,300 cum as per Mining Plan.
27.03.2019 – 31.03.2023	First lease period for sand mining at Galganda-Duruba Sand Sairat.
29.02.2024	Complaint by Pooja Phillo filed before NGT alleging illegal mechanized sand lifting.
09.08.2024	NGT, Eastern Zone Bench, Kolkata passes order in O.A. No. 66/2024/EZ (arising from O.A. No. 20/2024/PB) directing computation of Environmental Compensation.
20.04.2023	Second lease granted by Tahasildar, Nandapur (RMC No. 646/2022-23 and RMC No. 836/2023) for one year till 26.03.2024.
21.04.2023	Agreement executed for second lease; royalty paid for 1,980 cum as per Mining Plan.
28.04.2023	Online application filed before State Pollution Control Board, Odisha for Consent to Establish (CTE) and Consent to Operate (CTO).
26.03.2024	Second lease period ends.
12.11.2024	Demand Notice issued by Mining Officer, Koraput for ₹41,91,754/- as Environmental Compensation for alleged illegal mining (25,590.3 cum).

Date	Event
12.11.2024	Reminder issued by Mining Officer for payment of Environmental Compensation.
27.02.2025	Applicant replies to the Demand Notice contesting the allegations and computation.

4. The Joint Director Geology, Government of Odisha, Zonal Survey, Koraput, Pin Code: 764020. Email Id: jdg_kpt@Yahoo.co.in

...Respondent No. 4

5. State Pollution Control Board, Odisha, service through the Member Secretary, having office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit VIII, Bhubaneswar 751012, Odisha. Email Id: paribesh1@ospboard.org.

...Respondent No. 5

6. Ministry of Environment, Forest and Climate Change, service through the Member Secretary, having office at Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi 110 003. Email Id: mefcc@gov.in

...Respondent No. 6

7. State Level Environment Impact Assessment Authority, Odisha, service through the Chairman, having office at 5RF-2/1, Acharya Vihar, Unit IX, OPTCL Colony, Anand Bazar, Bhoi Nagar, Bhubaneswar, Odisha, Pin Code: 751022. Email Id : seiaaodisha@gmail.com

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ADVOCATE FOR THE APPLICANT

FACTS IN BRIEF

1. The applicant above named are peace-loving and law abiding citizen of India permanently residing at the address mentioned in the cause title hereinabove.
2. Your applicant states that the applicant is highly and seriously aggrieved by and dissatisfied with the inaction on the part of the Mining Officer Cum Competent Authority, Koraput for issuing purported Demand Notice thereby directing to pay the Environmental Compensation charges amounting to Rs. 41,91,754/- (Rupees Forty One Lakhs Ninety One Thousand Seven Hundred Forty only) for sand mining at Galganda and Duruba Sand bed under Nandapur Tahasil as assessed by the joint team in terms of the order dated 09.08.2024 passed by the National Green Tribunal, Eastern Zone Bench Kolkata, in the Original Application being O. A. No. 66 of 2024/EZ arising out O. A. No. 20 of 2024/PB (Pooja Phillo & Ors. Vs. Principal Secretary, Directorate of Geology & Ors.) for extraction of 25590.3 cum during the period from 27.03.2019 to 26.03.2024 without having Environmental Clearance, the Certificate of “ Consent to Establish” and the Certificate of “ Consent to Operate” .
3. Your applicant states that the Applicant, a small-scale miner, is engaged in lawful minor mineral extraction under long-term leases duly granted by the competent authorities of the Government of Odisha. The Applicant, after being a successful bidder in a tender process, was granted a mining lease over Galganda-Duruba Sand Sairat by the Tahasildar, Nandapur via RMC No. 1/2018-19 for the period of five years, i.e. the said lease was valid till 31.03.2023.
4. Your applicant states that thereafter, the Mining Plan dated 27.04.2018 was approved by the Joint Director Geology, Zonal Survey, Koraput in connection with Galganda and Duruba Sand bed measuring about 28.65 acre and/or 11.59 hectares in terms of the provisions of the Orissa Minor Mineral Concession Rules, 2016. Photocopy of the aforesaid Mining Plan is annexed hereto and marked as “ Annexure P-1” .
5. Your applicant states that after obtaining the mining plan from the competent authority, the applicant had applied in prescribed format for granting and/or issuing the Certificate of Environment Clearance before the competent authority of State Level Environment Impact Assessment Authority, Odisha on 30.10.2018 in connection with the sand mining at Galganda and Duruba

Sand bed. Photocopy of the aforesaid application for the Certificate of Environment Clearance is annexed hereto and marked as “ Annexure P-2” .

6. Your applicant states that thereafter, an agreement dated 27.03.2019 was executed between the Tahsildar, Nandapur and the applicant herein in connection with the said sand mining at Galganda and Duruba Sand bed and the applicant had deposited the royalty price of approved quantity as per the mining plan @ Rs. 37/- per cum. Including I. T. , Environmental Fund, Compensatory Afforestation, Surface Rent, Dead Rent and other charges of Rs. 2,03,688/- (Rs. 64,380/- + Rs. 4,173/- + Rs. 1,21,695/- + Rs. 3,219/- + Rs. 1,288/- + Rs. 6,438/- + Rs. 2,495/-) for lifting 9,300 Cum. Photocopy of the aforesaid agreement dated 27.03.2019 is annexed hereto and marked as “ Annexure P-3” .
7. Your applicant states that in terms of the aforesaid Mining Plan, the applicant was continuing the operation of sand mining at Galganda and Duruba Sand bed till 31.03.2023. Needless to mention, no complaint was filed before any authority by any person of the locality about any pollution of environment caused by the applicant in any manner whatsoever.
8. Your applicant states that thereafter, the applicant requested the competent authority for extending the said lease period in connection with the said sand mining. Accordingly, the said Tahasildar, Nandapur had floated another tender for the said sand mining at Galganda and Duruba Sand bed and the applicant had duly participated in the said tender process. After being a successful bidder, the applicant was further granted a mining lease over Galganda-Duruba Sand Sairat by the Tahasildar, Nandapur via RMC No. 646/2022-23 and RMC No. 836/2023 dated 20.04.2023 for the period of one year, i.e. the said lease was valid till 26.03.2024.
9. Your applicant states that thereafter, an agreement dated 21.04.2023 was executed between the Tahsildar, Nandapur and the applicant herein in connection with the said sand mining at Galganda and Duruba Sand bed and the applicant had deposited the royalty price of approved quantity as per the mining plan @ Rs. 37/- per cum. Including I. T. , Environmental Fund, Compensatory Afforestation, Surface Rent, Dead Rent and other charges of Rs. 2,07,769/- (Rs. 73,260/- + Rs. 360/- + Rs. 1,21,695/- + Rs. 3,663/- + Rs. 7,326/- + Rs. 1,465/-) for lifting 1980 Cum. Photocopy of the aforesaid agreement dated 21.04.2023 is annexed

hereto and marked as “ Annexure P-4” .

10. Your applicant states that the applicant made an online application with prescribed fees dated 28.04.2023 before the State Pollution Control Board, Odisha for granting and/or issuing the Certificates of “ Consent to Establish” and “ Consent to Operate” in connection with the said sand mining at Galganda and Duruba Sand bed and needless to mention that the said application is still pending for consideration before the concerned authority of the State Pollution Control Board, Odisha. Photocopy of the Online Application along with payment receipt is annexed hereto and marked as “ Annexure P-5” .
11. Your applicant states that the applicant had completed the said sand mining at Galganda and Duruba Sand bed as per the said Mining Plan as well as the terms and conditions of the aforesaid agreement. Surprisingly, a Demand Notice dated 12.11.2024, under Memo No. 2099/Mines, issued by the Mining Officer, Koraput, was served upon the applicant thereby directing to pay the Environmental Compensation charges amounting to Rs. 41,91,754/- (Rupees Forty One Lakhs Ninety One Thousand Seven Hundred Forty only) for sand mining at Galganda and Duruba Sand bed under Nandapur Tahasil as assessed by the joint team in terms of the order dated 09.08.2024 passed by the National Green Tribunal, Eastern Zone Bench Kolkata, in the Original Application being O. A. No. 66 of 2024/EZ arising out O. A. No. 20 of 2024/PB (Pooja Phillo & Ors. Vs. Principal Secretary, Directorate of Geology & Ors.) for extraction of 25590.3 cum during the period from 27.03.2019 to 26.03.2024 without having Environmental Clearance, the Certificate of “ Consent to Establish” and the Certificate of “ Consent to Operate” . Photocopy of the aforesaid Demand Notice is annexed hereto and marked as “ Annexure P-6” .
12. Your applicant states that it is pertinent to mention that the applicant was not a party in the aforesaid Original Application and the applicant has no knowledge in connection with the proceeding of the said Original Application. After knowing the order dated 09.08.2024 passed by the National Green Tribunal, Eastern Zone Bench Kolkata, in the Original Application being O. A. No. 66 of 2024/EZ arising out O. A. No. 20 of 2024/PB (Pooja Phillo & Ors. Vs. Principal Secretary, Directorate of Geology & Ors.), the applicant has downloaded the said order from the website of the National Green Tribunal. Photocopy of the aforesaid order dated 09.08.2024 is annexed hereto and marked as “ Annexure P-7.

13. Your applicant states that after going through the said order dated 09.08.2024, the applicant came to know that one Pooja Phillo had made a complaint dated 29.02.2024 before the Hon^{ble} Tribunal in connection with illegal sand lifting from the river by using JCP machine day by day the river is going deeper from the previous, by which the flowing of water has gone deeper and the farmers are unable to use the river water for their farming. It is pertinent to mention that the said complaint suffers from non-application of mind and reflects a whimsical conduct. The said complaint is based on extraneous considerations. Photocopy of the complaint dated 29.02.2024 is annexed hereto and marked as "Annexure P-8" .
14. Your applicant states that after receiving the said complaint, the Hon^{ble} Tribunal had constituted a Joint Committee and directed to inspect the site in question and submit a factual report and also suggest remedial action. The said Joint Committee had visited and inspected the site situated at Galganda and Duruba Sand bed and submitted a report before the Hon^{ble} Tribunal. The relevant portion of the said report is as follows:

"4.3 Averment 3:

Galganda- Duruba sand sairat, though the lease holder completed his quota of sand lifting the lease has been extended to one year more. Rather the Nandapur Tahsildar is charging the legal sand miners of Odisha with hefty fine of Rs 30000/- per trip to fulfil his own financial needs.

Factual Position:

The Applicant is not aware about this Averment and stated, she did not make this complaint (Averment 3). The committee members visited the Galganda- Duruba sand sairat site and made following observations but Applicant was not interested and did not accompany with the committee.

Galaganda-Duruba-The Sairat Source for Sand is located at 18°21'37.524"N - 82°44'19.966"E along the Patala River which is a contributory to Jalaput Reservoir in the downstream of Koraput District, Orissa State. Sand has been stored in the river bank at Duruba. Similarly at Galaganda at 18°21'2.962"N - 82°43'2.590"E.

The Sairat Source for Sand over an area of Ac 28. 65 or Ha 11.59 was auctioned on dt.11.06.2018 as per letter of Competent Authority Tahasildar Nandapur vide Lt.no-1161/18 dt.20.06.2018 for 5 years on long

term basis. The first Mining Plan was approved vide Lt. No-996/KZ dt.24.07.2018 with year wise production of 1740 Cum for 2018-19, 1800 Cum for 2019-20, 1860 Cum for 2020-21, 1920 Cum for 2021-21 and 1980 Cum for 2022-23. A total of 9300 Cum for lifting of sand over five years as Minimum Guaranteed Quantity @ Rs.37/- per Cum and other levies. The lease agreement was executed on dt.27.03.2019 vide Lt. No- 646/2023 dt.28.03.2023 of Tahasildar Nandapur as per Odisha Minor Minerals Concession Rules (OMMC) Rules 2016 the lease is valid up to 26.03.2024, and hence Modification of Mining Plan up to 26.03.2024 was approved vide Lt. No- 292/KZ dt.19.04.2023.

1. The Galganda- Duruba sand sairat is having lease area of 26.65 Acre under the Plot No. 480, 481 & 321, 322 (Khata No. 65 & 78 respectively). The mining lease was allotted by O/o Tahsildar- Nandpur (vide Letter No. 646/2023 dt. 26/03/23) to Sri Damburudhara Ramsingh w.e.f. 01/04/23 to 26/03/24. At present mining activities have been stopped and further lease validity procedure is not executed due to Code of Conduct in the State.
 2. Galganda- Duruba sand sairat has not obtained Environmental Clearance and Odisha State Pollution Control Board does not have any record about this source.
 3. No mechanized mining activity using JCB/Hydra or other Machineries is taking place in the area.”
15. Your applicant states that at the very outset, it is stated that the original applicant in O. A. No. 66 of 2024/EZ arising out O. A. No. 20 of 2024/PB (Pooja Phillo & Ors. Vs. Principal Secretary, Directorate of Geology & Ors.) had specifically denied that the said applicant was not aware about the complaint in connection with illegal sand lifting from the river by using JCP machine day by day at Galganda and Duruba Sand bed and the river is going deeper from the previous, by which the flowing of water has gone deeper and the farmers are unable to use the river water for their farming and also stated that the said applicant did not make the said complaint.
16. Your applicant states that in the aforesaid report submitted by the said Joint Committee, the Ministry of Environment, Forest and Climate Change (hereinafter referred as “ MOEF&CC”) and the State Pollution Control Board, Odisha had misled the Honi ble Tribunal by submitting false statement that neither the applicant has obtained the Certificate of Environment Clearance nor has obtained the Certificates of “ Consent to Establish” and “ Consent to

Operate” . There were no records in the name of the applicants before the competent authority in connection with the said sand mining at Galganda and Duruba Sand bed.

17. It is respectfully submitted that the Mining Plan dated 27.04.2018 was approved by the Joint Director Geology, Zonal Survey, Koraput in connection with Galganda and Duruba Sand bed measuring about 28.65 acre and/or 11.59 hectares in terms of the provisions of the Orissa Minor Mineral Concession Rules, 2016 and the applicant had applied in prescribed format for granting and/or issuing the Certificate of Environment Clearance before the competent authority of State Level Environment Impact Assessment Authority, Odisha on 30.10.2018 in connection with the sand mining at Galganda and Duruba Sand bed. The MOEF&CC has knowledge about the aforesaid application of the applicant for granting the Certificate of Environment Clearance which is still pending on and from 2018 before State Level Environment Impact Assessment Authority and the said State Level Environment Impact Assessment Authority has maintained an angelic silence to grant the Certificate of Environment Clearance in the name of the applicant as well as to assign any reason for pending the approval of the said application to the applicant.
18. It is also respectfully submitted that the applicant also made an online application with prescribed fees dated 28.04.2023 before the State Pollution Control Board, Odisha for granting and/or issuing the Certificates of “ Consent to Establish” and “ Consent to Operate” in connection with the said sand mining at Galganda and Duruba Sand bed and needless to mention that the said application is still pending for consideration before the concerned authority of the State Pollution Control Board, Odisha. The State Pollution Control Board, in the report of the Joint Committee, it was arbitrarily stated that there was no record in connection with submitting application for granting and/or issuing the Certificate of “ Consent to Operate” in the name of the applicant in respect of the said sand mining at Galganda and Duruba Sand bed. It is well settled that in terms of Section 25 (7) of the Water (Prevention and Control of Pollution) Act, 1974, if the renewal application is pending for the period of 4(Four) months then the Certificate of “ Consent to Operate” is deemed to be issued by the concerned authority. Therefore, the applicant is enjoying unconditional deemed Consent to Operate under Section 25 (7) of the Water (Prevention and Control of Pollution) Act, 1974.
19. Your applicant submits that in the said Demand Notice, it was wrongly stated that the applicant had excavated total sand measuring about

25,590.3 cum on and from 27.03.2019 to 26.03.2024. Such findings of the said Mining Officer, Koraput is perverse and conjectural at best.

20. It is respectfully submitted that in terms of the agreement dated 27.03.2019, the applicant was granted for lifting 9,300 Cum. sand at Galganda and Duruba Sand bed and in terms of the agreement dated 21.04.2023, the applicant was granted for lifting 1980 Cum. sand at Galganda and Duruba Sand bed. Therefore, the applicant had excavated total sand measuring about 11,280 cum on and from 27.03.2019 to 26.03.2024. The impugned demand suffers from substantive procedural lapses. There is no evidence, no measurement record, no scientific basis or EIA study, nor any audit trail to support the alleged figure of 25,590.3 cum of sand extraction. The demand appears to be an outcome of a hypothetical or blanket calculation without due regard to the specifics of the Applicant's lease and operations. Such arbitrary action, unsupported by cogent material or justification.
21. Your applicant submits that accordingly, at the time of passing the order in the aforesaid original application, the Hon^{ble} Tribunal wrongly mentioned in the order that illegal sand mining has also been found to be carried out in Galganda-Duruba where sand has been stored in the river bank at Duruba and Galganda. The committee has also noted that at places the river bank has been broken to make way for the approach road connecting to the loading site.
22. It is respectfully submitted that in Galganda and Duruba Sand bed, out of total leased area, i.e. 28.56 acre and/or 11.59 hec., most of the area is covered by water flow area and very less area of the said leased area is covered by sand.
23. Your applicant submits that in the aforesaid order dated 09.08.2024, the Hon^{ble} Tribunal directed the State Respondents to take steps forthwith for taking appropriate legal action against illegal miners as well as for computation of Environmental Compensation.
24. It is respectfully submitted that the Mining Officer, Koraput had issued the aforesaid Demand Notice to the applicant as illegal miners for executing the directions of the Hon^{ble} Tribunal without issuing any notice for hearing and it is the blatant violation of the principle of natural justice.
25. Your applicant submits that the aforesaid Demand Notice is illegal,

improper, illogical, unreasonable, unfounded, bad in law, arbitrary, whimsical and liable to be set aside. The aforesaid Demand Notice suffers from clear non-application of mind and the same is not sustainable either in facts or law and as such, any proceeding on the basis of impugned notice is also unsustainable.

26. Your applicant states that the said Mining Officer, Koraput had further issued a reminder dated 12.11.2024 upon the applicant to pay the aforesaid Environmental Compensation charges amounting to Rs. 41,91,754/- (Rupees Forty One Lakhs Ninety One Thousand Seven Hundred Forty only) for sand mining at Galganda and Duruba Sand bed under Nandapur Tahasil. Photocopy of the reminder dated 12.11.2024 is annexed hereto and marked as "Annexure P-9" .
27. Your applicant states that the applicant replied to the aforesaid Demand Notice on 27.02.2025. Photocopy of the aforesaid reply to the said Demand Notice is annexed hereto and marked as "Annexure P-10" .
28. Your applicant submits that the State Respondents has failed to consider that society has often faced situations where the needs of environmental protection have been pitted against the demands of economic development. In response to this difficulty, policy makers and judicial bodies across the world have produced the concept of "sustainable development". This concept, as defined in the 1987 report of the World Commission on Environment and Development (Brundtland Report) defines it as "Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs". Returning to the Stockholm Convention, a support of such a notion can be found in Paragraph 13, which states: "In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population. "Subsequently the Rio Declaration on Environment and Development, passed during the Earth Summit at 1992, to which also India is a party, adopts the notion of sustainable development. Principle 4 of the declaration states:"In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it. ".
29. Your applicant submits that the applicant has no selfish ends to serve, but the applicant, at the same time, seek no charity from the concerned authority.

the applicant is entitled to get a fair treatment from an authority which is an authority within the ambit of Article 12 of the Constitution of India. The life and livelihood of the employees are depended upon the applicant. the applicant does not do business at the cost of others' lives and are completely conscious of the corporate social responsibility.

30. It is submitted that the applicant has filed the instant application under the Section 14 of the National Green Tribunal Act, 2010, i.e. under the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule-I, i.e. under The Noise Pollution (Regulation and Control) Rules, 2000 and The Environment (Protection) Act, 1986.

GROUND

1. FOR THAT the grounds on which the applicant relies for the purpose of this application are as follows:

2. FOR THAT the applicant is highly and seriously aggrieved by and dissatisfied with the inaction on the part of the Mining Officer Cum Competent Authority, Koraput for issuing purported Demand Notice thereby directing to pay the Environmental Compensation charges amounting to Rs. 41,91,754/- (Rupees Forty One Lakhs Ninety One Thousand Seven Hundred Forty only) for sand mining at Galganda and Duruba Sand bed under Nandapur Tahasil as assessed by the

joint team in terms of the order dated 09.08.2024 passed by the National Green Tribunal, Eastern Zone Bench Kolkata, in the Original Application being O. A. No. 66 of 2024/EZ arising out O. A. No. 20 of 2024/PB (Pooja Phillo & Ors. Vs. Principal Secretary, Directorate of Geology & Ors.) for extraction of 25590.3 cum during the period from 27.03.2019 to 26.03.2024 without having Environmental Clearance, the Certificate of " Consent to Establish" and the Certificate of " Consent to Operate" .

3. FOR THAT the Applicant, a small-scale miner, is engaged in lawful minor mineral extraction under long-term leases duly granted by the competent authorities of the Government of Odisha. The Applicant, after being a successful bidder in a tender process, was granted a mining lease over Galganda-Duruba Sand Sairat by the Tahasildar, Nandapur via RMC No.

1/2018-19 for the period of five years, i.e. the said lease was valid till 31.03.2023.

4. FOR THAT in terms of the aforesaid Mining Plan, the applicant was continuing the operation of sand mining at Galganda and Duruba Sand bed till 31.03.2023. Needless to mention, no complaint was filed before any authority by any person of the locality about any pollution of environment caused by the applicant in any manner whatsoever.
5. FOR THAT thereafter, the applicant requested the competent authority for extending the said lease period in connection with the said sand mining. Accordingly, the said Tahasildar, Nandapur had floated another tender for the said sand mining at Galganda and Duruba Sand bed and the applicant had duly participated in the said tender process. After being a successful bidder, the applicant was further granted a mining lease over Galganda-Duruba Sand Sairat by the Tahasildar, Nandapur via RMC No. 646/2022-23 and RMC No. 836/2023 dated 20.04.2023 for the period of one year, i.e. the said lease was valid till 26.03.2024.
6. FOR THAT it is pertinent to mention that the applicant was not a party in the aforesaid Original Application and the applicant has no knowledge in connection with the proceeding of the said Original Application.
7. FOR THAT at the very outset, it is stated that the original applicant in O. A. No. 66 of 2024/EZ arising out O. A. No. 20 of 2024/PB (Pooja Phillo & Ors. Vs. Principal Secretary, Directorate of Geology & Ors.) had specifically denied that the said applicant was not aware about the complaint in connection with illegal sand lifting from the river by using JCP machine day by day at Galganda and Duruba Sand bed and the river is going to dipper from the previous, by which the flowing of water going dipper and side by farmers not able to use the river water for their farming and also stated that the said applicant did not make the said complaint.
8. FOR THAT in the aforesaid report submitted by the said Joint Committee, the Ministry of Environment, Forest and Climate Change (hereinafter referred as "MOEF&CC") and the State Pollution Control Board, Odisha had misled the Hon'ble Tribunal by submitting false statement that neither the applicant has obtained the Certificate of Environment Clearance nor has obtained the Certificates of "Consent to Establish" and "Consent to Operate". There were no records in the

name of the applicants before the competent authority in connection with the said sand mining at Galganda and Duruba Sand bed.

9. FOR THAT the Mining Plan dated 27.04.2018 was approved by the Joint Director Geology, Zonal Survey, Koraput in connection with Galganda and Duruba Sand bed measuring about 28.65 acre and/or 11.59 hectares in terms of the provisions of the Orissa Minor Mineral Concession Rules, 2016 and the applicant had applied in prescribed format for granting and/or issuing the Certificate of Environment Clearance before the competent authority of State Level Environment Impact Assessment Authority, Odisha on 30.10.2018 in connection with the sand mining at Galganda and Duruba Sand bed. The MOEF&CC has knowledge about the aforesaid application of the applicant for granting the Certificate of Environment Clearance which is still pending on and from 2018 before State Level Environment Impact Assessment Authority and the said State Level Environment Impact Assessment Authority has maintained an angelic silence to grant the Certificate of Environment Clearance in the name of the applicant as well as to assign any reason for pending the approval of the said application to the applicant.

10. FOR THAT the applicant also made an online application with prescribed fees dated 28.04.2023 before the State Pollution Control Board, Odisha for granting and/or issuing the Certificates of "Consent to Establish" and "Consent to Operate" in connection with the said sand mining at Galganda and Duruba Sand bed and needless to mention that the said application is still pending for consideration before the concerned authority of the State Pollution Control Board, Odisha. The State Pollution Control Board, in the report of the Joint Committee, it was arbitrarily stated that there was no record in connection with submitting application for granting and/or issuing the Certificate of "Consent to Operate" in the name of the applicant in respect of the said sand mining at Galganda and Duruba Sand bed. It is well settled that in terms of Section 25 (7) of the Water (Prevention and Control of Pollution) Act, 1974, if the renewal application is pending for the period of 4(Four) months then the Certificate of "Consent to Operate" is deemed to be issued by the concerned authority. Therefore, the applicant is enjoying unconditional deemed Consent to Operate under Section 25 (7) of the Water (Prevention and Control of Pollution) Act, 1974.

11. FOR THAT in the said Demand Notice, it was wrongly stated that the applicant had excavated total sand measuring about 25,590.3 cum on and from 27.03.2019 to 26.03.2024. Such findings of the said Mining Officer, Koraput id perverse and conjectural at best.
12. FOR THAT in terms of the agreement dated 27.03.2019, the applicant was granted for lifting 9,300 Cum. sand at Galganda and Duruba Sand bed and in terms of the agreement dated 21.04.2023, the applicant was granted for lifting 1980 Cum. sand at Galganda and Duruba Sand bed. Therefore, the applicant had excavated total sand measuring about 11,280 cum on and from 27.03.2019 to 26.03.2024. The impugned demand suffers from substantive procedural lapses. There is no evidence, no measurement record, no scientific basis or EIA study, nor any audit trail to support the alleged figure of 25,590.3 cum of sand extraction. The demand appears to be an outcome of a hypothetical or blanket calculation without due regard to the specifics of the Applicant s lease and operations. Such arbitrary action, unsupported by cogent material or justification.
13. FOR THAT accordingly, at the time of passing the order in the aforesaid original application, the Hon^{ble} Tribunal wrongly mentioned in the order that illegal sand mining has also been found to be carried out in Galganda-Duruba where sand has been stored in the river bank at Duruba and Galganda. The committee has also noted that at places the river bank has been broken to make way for the approach road connecting to the loading site.
14. FOR THAT in Galganda and Duruba Sand bed, out of total leased area, i.e. 28.56 acre and/or 11.59 hec., most of the area is covered by water flow area and very less area of the said leased area is covered by sand.
15. FOR THAT in the aforesaid order dated 09.08.2024, the Hon^{ble} Tribunal directed the State Respondents to take steps forthwith for taking appropriate legal action against illegal miners as well as for computation of Environmental Compensation.
16. FOR THAT the Mining Officer, Koraput had issued the aforesaid Demand Notice to the applicant as illegal miners for executing the directions of the Hon^{ble} Tribunal without issuing any notice for hearing and it is the blatant violation of the principle of natural justice.

17. FOR THAT the aforesaid Demand Notice is illegal, improper, illogical, unreasonable, unfounded, bad in law, arbitrary, whimsical and liable to be set aside. The aforesaid Demand Notice suffers from clear non-application of mind and the same is not sustainable either in facts or law and as such, any proceeding on the basis of impugned notice is also unsustainable.

18. FOR THAT the State Respondents has failed to consider that society has often faced situations where the needs of environmental protection have been pitted against the demands of economic development. In response to this difficulty, policy makers and judicial bodies across the world have produced the concept of "sustainable development". This concept, as defined in the 1987 report of the World Commission on Environment and Development (Brundtland Report) defines it as "Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs". Returning to the Stockholm Convention, a support of such a notion can be found in Paragraph 13, which states: "In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population. "Subsequently the Rio

Declaration on Environment and Development, passed during the Earth Summit at 1992, to which also India is a party, adopts the notion of sustainable development. Principle 4 of the declaration states:"In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it. "

19. FOR THAT the applicant has no selfish ends to serve, but the applicant, at the same time, seek no charity from the concerned authority. the applicant is entitled to get a fair treatment from an authority which is an authority within the ambit of Article 12 of the Constitution of India. The life and livelihood of the employees are depended upon the applicant. the applicant does not do business at the cost of others' lives and are completely conscious of the corporate social responsibility.

20. FOR THAT the applicant has filed the instant application under the Section 14 of the National Green Tribunal Act, 2010, i.e. under the jurisdiction over all civil cases where a substantial question relating to

environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule-I, i.e. under The Noise Pollution (Regulation and Control) Rules, 2000 and The Environment (Protection) Act, 1986.

LIMITATION

That the instant application is being filed within the period of limitation as prescribed under Section 14 of the National Green Tribunal Act, 2010.

P R A Y E R -

The applicant, therefore, prays that:

Under the circumstances the applicant most humbly prays as follows:

- i) Direct the Mining Officer, Koraput to set aside and/or withdraw and/or quash the said Demand Notice dated 12.11.2024 issued by the Mining Officer, Koraput without further delay.
- ii) Mandatory injunction may kindly be granted directing the authorities concerned to allow the applicant to run and/or operate the sand mining for the survival.
- iii) Direct to declare the Certificate of the " Consent to Operate" has been deemed sanctioned by the concerned authority in the name of the applicant under the provisions of the Water (Prevention and Control of Pollution) Act, 1974.
- iv) An order of Stay may be passed by the Hon^{ble} Tribunal against the operation of the said Demand Notice dated 12.11.2024 issued by the Mining Officer, Koraput till the disposal of the instant application.
- v) Ad-Interim orders as prayed for in prayers (ii) and (iv) hereinabove.
- v) Such other or further order and/or orders, direction and/or directions as this Hon^{ble} Tribunal may deem fit and proper.

And your applicant as in duty bound shall ever pray.

Manas Ranjan Mohanta
Galganda
/ Durubha

GOVERNMENT OF ODISHA
OFFICE OF THE JOINT DIRECTOR GEOLOGY
ZONAL SURVEY, KORAPUT - 764 020
Tel / Fax: (06852) 251383
E-Mail: jdg_kot@yahoo.co.in

No. / KZ Dated.

From The Joint Director Geology,
Zonal Survey, Koraput.

To The Tahasildar, Nandapur,
Dist- Koraput, Odisha.

Sub : Approval of Mining Plan in respect of Galganda Sand Quarry over an area of 28.65 Acre or 11.59 hectares in village Galganda and Durubha under Nandapur Tahasil of Koraput district of Sri Dambarudhar Ramsing, Lessee.

Sir,
In exercise of powers conferred by the Rules-28 (5) of Chapter-IV of OMMC Rules 2016 and Notification No.2016/ SM dtd. 10.03.2017 of Steel & Mines Department, Government of Odisha, the Mining plan prepared for and submitted by Sri Manas Ranjan Mohanta, RQP/OD/053/2016 in respect of the above Sand quarry is hereby APPROVED as per Rule 23(5) of OMMC Rules, 2016 subject to the following terms and conditions.

- (i) The Mining plan is approved subject to correctness of the precise area granted by Tahasildar, Nandapur.
- (ii) The Mining plan is approved as per the terms and conditions laid down by Tahasildar, Nandapur.
- (iii) The lessee should strictly adhere to OMMC Rules 2016 in all respects while undertaking the mining operation during his tenure.
- (iv) The lessee should strictly adhere to restrict excavation up to the water table during the mining operation.

Yours faithfully,

Encd: Two Copies of the approved Mining plan

Manas Ranjan Mohanta
24/07/18
Joint Director Geology,
Koraput

Memo No. _____ / KZ Dated. _____
Copy to Sri Manas Ranjan Mohanta, RQP/OD/053/2016, At/Po- Saharapada, Keonjhar -758016 along with approved Mining Plan for information and necessary action.

Joint Director Geology,
Koraput

Memo No. _____ / KZ Dated. _____
Copy to Sri Manas Ranjan Mohanta, RQP/OD/053/2016, At/Po- Saharapada, Keonjhar -758016 along with approved Mining Plan for information and necessary action.

**MINING PLAN
ALONG WITH
PROGRESSIVE MINE CLOSURE PLAN
OF
GALGANDA SAND BED**



Over an Area 28.65 Acre or 11.59 Hectare
in Village GALGANDA and DURUBHA under NANDAPUR Tahasil of
KORAPUT District, (Odisha)

Plan Period: 5 Years
Financial year from 2018-19 to 2022-23

Prepared for & on behalf of

Sri Dambarudhar Ramsing
At- Pujariput, Po- Padua
Koraput, Odisha-764038

APPROVED

Prepared by:

MANAS RANJAN MOHANTA

RQP/ GD/053/2016
Contact- 9078233663
Bhubaneswar

[Signature]
21/12/2016
Joint Director of Geology
Zonal Survey, Koraput

**MINING PLAN
ALONG WITH
PROGRESSIVE MINE CLOSURE PLAN
OF
GALGANDA SAND BED**



Over an Area 28.65 Acre or 11.59 Hectare
in Village GALGANDA and DURUBHA under NANDAPUR Tahasil of
KORAPUT District, (Odisha)

Plan Period: 5 Years
Financial year from 2018-19 to 2022-23

Prepared for & on behalf of

Sri Dambarudhar Ramsingh
At- Pujariput, Po- Padua
Koraput, Odisha-764038

APPROVED
[Signature]
Joint Director of Geology
Zonal Survey, Koraput

Prepared by:

MANAS RANJAN MOHANTA
RQP/ OD/053/2016
Contact- 9078233663
Bhubaneswar



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Sr No	Description	Page No
1	Consent letter of lessee	A
2	Certificate from RQP	B
3	List of plates and List of Annexure	C
4	Form-'O'	1-10
5	Undertaking form lease applicant	11
6	Certificate from RI	

APPROVED

[Signature]
Joint Director of Geology,
Zonal Survey, Koraput

CONSENT LETTER OF LESSEE

The Mining plan in respect of Galganda Sand Bed of Nandapur Tahasil over an area of 11.59 Hectares in village Galganda and Durubha, District Koraput of Odisha has been prepared by Sri Manas Ranjan Mohanta, RQP/OD/053/2016 as per Form-'O' prescribed under OMMC Rules, 2016. I request the Authorized Officer, O/o The Joint Director Geology, Koraput, Dist. Koraput, Odisha, to make further correspondence regarding modification of the mining plan with the RQP in the following address.

Manas Ranjan Mohanta (RQP)

Nageswar residency,
Nandan Bihar
Bhubaneswara

E-mail: geology.manas@gmail.com

Regn. No. - RQP/ OD/053/2016

Contact- 9078233663

I hereby undertake that the mining plan prepared by Sri Manas Ranjan Mohanta in accordance with OMMC Rule 2016 shall be acceptable to me and binding on me in all respect.

Place: Galganda

Date:

Dambarudhar Ramsingh
Sri Dambarudhar Ramsingh
At- Pujariput, Po- Padua
Koraput, Odisha-764038

A

CERTIFICATE FROM ROP

Certified that the provisions of Odisha Minor Minerals Concession Rules, 2016 have been observed in The Mining plan along with progressive Mine closure plan in respect of Galganda Sand Bed of 11.59 Hect. In Khata no- 65 and 78, Plot no - 480, 481, 321 & 322 in Galganda and Durubha Village, Nandapur Tahasil, Koraput District, Odisha prepared under rule 28(4) of OMMC Rules 2016 in favour of Sri Dambarudhar Ramsingh and wherever specific permission is required, the lessee will approach the concerned statutory authorities.

Certified that the information furnished in the mining plan is correct to the best of my knowledge and belief.

Place: Bhubaneswar

Date :

Manas Ranjan Mohanta
Manas Ranjan Mohanta
RQP/OD/053/2016
Bhubaneswar

B

Certificate from Revenue Inspector

Certified that the lease area is demarcated and shown in the field by me in respect of **Galganda Sand Bed** over an area of **28.65 Acres/11.59 Hectares** from village **Galganda & Durubha** under **Nandapur Tahasil of Koraput district, Odisha** of the lessee **Sri Dambarudhar Ramsingh** for quarrying and mining the area.

The detail of the land schedule is given in the below table:-

Mauza	Khata no	Plot No.	Kisam	Area in Ac
Galganda Durubha	65	480	Nadi	5.9
	65	481	Nadi	2.93
	78	321	Nadi	8.42
	78	322	Nadi	11.40
		4 plots		28.65 Acre/ 11.59 Hectares

Certified that the information furnished by me is correct to the best of my knowledge.


 REVENUE INSPECTOR
~~Revenue Inspector,~~
 R.I. SECTOR
~~Revenue Inspector,~~
 PADWA



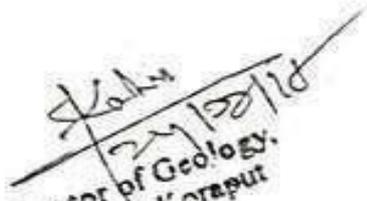
LIST OF PLATES

SL.NO	PARTICULARS	PLATE NO.	SCALE
1	Location Plan /Key Plan	I	1:50,000
2	Lease Plan	II	1:2000
3	Surface Plan	III	1:2000
4	Geological Plan	IV	1:2000
5	Development Plan	V	1:2000
6	Environment Management Plan	VI	1:2000
7	Progressive Mine Closure Plan	VII	1:2000

LIST OF ANNEXURES

SL. NO.	DESCRIPTION	ANNEXURE NO.
1	Copy of the Tahasildar letter	I
2	Copy of the Land Schedule (ROR)	II
3	RQP Certificate	III

APPROVED


 Joint Director of Geology,
 Zonal Survey, Koraput

C



FORM -'O' (See rule 28 (4) of the Odisha Minor Mineral Concession Rules, 2016)

Category- B2

MINING PLAN FOR WINNING OF SAND BED FROM VILLAGE GALGANDA AND DURUBHA UNDER NANDAPUR TAHASIL OF KORAPUT DISTRICT, ODISHA.

1. NAME & ADDRESS OF THE LESSEE:	Dambarudhar Ramsingh At-Pujariput, Po- Padua Dist. KORAPUT Odisha-764038
2. PARTICULARS OF THE AREA (Acreage, boundary Description & land schedule): (Attach location map and surface plans showing the existing features of the area with contours at 2m interval)	<p>The lease area comprises 28.65acre / 11.59 ha. and is featured in parts of T.S No- 65J/11 & 65J/15 and bounded by Latitude 18°21'44.03"N to 18°20'49.83"N & Longitude 82°43'54.98"E to 82°44'07.79"E</p> <p>It comes under GALGANDA and DURUBHA village of NANDAPUR Tahasil of KORAPUT District, Odisha.</p> <p>The lease area is about 70 km away from Koraput district head quarters and 10 km from Tahasil Nandapur.</p> <p>Location map on 1:50,000 scale (Plate-1) and surface plan with 1m contour interval on 1:2000 scale (Plate-III) are attached for reference.</p> <p>Boundary description & land schedule are furnished below :</p>

APPROVED

Skatm
 27/07/16
 Joint Director of Geology,
 Zonal Survey, Koraput

Manas Ranjan Mohanta
 MANAS RANJAN MOHANTA
 RQP/OD/053/2016



• Land Schedule: (Attached as Annexure-II)

Mauza	Khata no	Plot No.	Kisam	Area in Ac
Galganda	65	480	Nadi	5.9
	65	481	Nadi	2.93
Durubha	78	321	Nadi	8.42
	78	322	Nadi	11.40
		4 plots		28.65 Ac/ 11.59 Ha

Pillar No.	Lattitude	Longitude
1	18°21'44.03"N	82°43'54.98"E
2	18°21'42.10"N	82°43'56.69"E
3	18°20'51.84"N	82°44'07.79"E
4	18°20'49.83"N	82°44'05.56"E

3. STATUS OF THE LESSEE: (Private individual/Private /Company/Public Sector Undertaking/joint Sector Undertaking/Others)	Private individual
4. PERIOD OF CONCESSION:	5 Years (From 2018-19 to 2022-23)
5. MINERAL INTENDED TO BE WON:	River sand
6. NAME, ADDRESS & REGISTRATION NO. OF RQP PREPARING THE MINING PLAN WITH VALIDITY OF RECOGNITION	Manas Ranjan Mohanta (RQP) Nageswar Residency, Nandanbihar Bhubaneswar- 751001 E-mail: geology.manas@gmail.com Contact- 9078233663 Regn. No. - RQP/ OD/053/2016
7. ORDER NO & DATE OF COMPETENT AUTHORITY GRANTING THE CONCESSION	Letter No: 1161/ 18, Date: 20.06.2018 (The copy of the Tahasildar letter is enclosed as ANNEXURE- I)
8. IF, FOREST AREA, WHETHER FOREST CLEARANCE OBTAINED:	The area is not coming under forest area and hence forest clearance is not required.

Ketan
24/5/18

Manas Ranjan Mohanta
MANAS RANJAN MOHANTA
RQP/OD/053/2016

**9 Reserve**

(Estimation to be based on the exploration, if any, carried out in the area or on the local parameters)

Estimation carried out in the area on local parameters.

Geology

The river sand deposits are derived from hard rock due to weathering, erosion and long term transportation. Size of the sand grain is small and shape is rounded because of long transportation. Unlike other mineral occurrences sand is formed and gets deposited through majority physical action. However, the assessment has been done based on prevailing surface conditions.

As observed in the field the thickness of sand horizon is 0.2m to 1m. The river flows from S to N direction in quarry lease area. However, for estimation of only proved reserve 0.6m thickness sand has been considered by adopting surface area method. The details of estimation of reserve is furnished below.

- Geological Reserve**

Category	Area in sq. m	Avg Thickness of sand in mtrs	Volume sand in Cum
Proved	58890	0.6	35,334
Total Proved			35,334

- Mineable reserve**

The mineable reserve has been calculated by considering 7.5m as safety zone from lease boundary and estimated as follows.

Category	Area in sq. m	Avg thickness of sand in mtrs	Volume in Cum (mineable)
Proved	44275	0.6	26,565
Total Proved			26,565

Joint Director of Geology,
Zonal Survey, Koraput

Manas Ranjan Mohanta
MANAS RANJAN MOHANTA
RQP/OD/053/2016



10. Mining:

(a) Whether manual or semi-mechanized or mechanized : Manual

In the applied Bed lease area, the sand will be extracted by manual mining method. Handpicks, spade, hand shovel will be used by manual labourers for extracting & loading of sand. The sand will be loaded in to tippers/tractors manually and dispatched. There are some precautionary measures for the protection of environment in and around the lease area which are described below;

- ✓ The boundary marks & pillars are to be maintained to keep in good conditions.
- ✓ No mining operations will be carried out within the safety zone area which has been considered 7.5 m wide all along the lease boundary.
- ✓ Mining activities will be carried out with appropriate environment safeguards and shall take such steps for reclamation whenever necessary.
- ✓ The extraction of sand will be up to the limit of maximum 1m depth or the water table whichever is less.
- ✓ The provisions of *Mines Act, 1952, Mines and Minerals (Development & Regulation) Act, 1957* and the rules & regulations framed under time to time and rules made there under for development of minor minerals shall be strictly observed by the lessee.

(b) If semi-mechanized or mechanized, number, type and capacity of machines to be used:

As mentioned earlier the mining will be operated manually. However tippers/tractors having capacity 4 Cu.m/2.5 Cu.m will be used for loading and dispatch as per requirement.

(c) Whether drilling and blasting will be made use of, If yes, state monthly quantity of explosives to be consumed

Not applicable as the mining will be done total manually.

[Signature]
Joint Director of Geology,
Zonal Survey, Koraput

[Signature]
MANAS RANJAN MOHANTA
RQP/OD/053/2016

ANNEXURE-"1"



(d) Benching pattern (Height x Width)

As it is a sand bed with a maximum depth (or thickness) of 0.6m, benching pattern with height and width is not necessarily required.

(e) Face lay out (attach development plan)

The sand will be extracted from the West to east side of the mineable part of the lease area and every year the sand will be replenished by natural river action flows in the said area.

(Ref; Plate no. V)

(f) Quarry Floor level (RL) at the end of each year & at the end of period of the concession :

The extraction of sand proposed up to a depth of 0.6m from the existing surface.

YEAR	QUARRY FLOOR LEVEL
2016-17	261.4mRL
2016-17	261.4mRL
2017-18	261.4mRL
2018-19	261.4mRL
2019-20	261.4mRL

(g) Quantity of mineral to be won (Annual Level of Production)

The annual production proposed is given in the following table.

Year	Average thickness of sand (m)	Surface Area of sand (m ²)	Volume In m ³
	A	B	C=A*B
1 st year(2018-19)	0.6	2900	1740
2 nd year(2019-20)	0.6	3000	1800
3 rd year(2020-21)	0.6	3100	1860
4 th year(2021-22)	0.6	3200	1920
5 th year(2022-23)	0.6	3300	1980

The maximum annual production is 1980 Cum and the average is 1860 Cum.

Joint Director of Geology,
Zonal Survey, Koraput

Manas Ranjan Mohanta
MANAS RANJAN MOHANTA
RQP/OD/053/2016



(h) Quantity of overburden to be removed (Show location of such disposal in development plan)

As it is a sand bed no overburden present.

(i) Whether heavy blasting to be adopted, if yes, location of nearest habitation (To be shown in the surface plan)

As it is a sand bed no blasting required.

(j) Safety precautions to be adopted

As per the safety guidelines of DGMS, all the machineries used for mining operation shall be checked and calibrated by the competent person/authority. Vehicles are to be covered with tarpaulin during transportation from source to destination to avoid air pollution. Employees are to be supplied all types of safety equipment by the employer as per the safety rules and regulations based on their types of work. All accidents that includes injury or loss of life or damage to the property will must be reported to the district administrative.

(k) Brief description on method of procurement and storage of explosives :

Not applicable as no blasting required.

<p>11. WASTE DISPOSAL:</p> <p>(a) Location (show it in the development Plan):</p> <p>(b) Area covered:</p> <p>(c) Environmental safeguards for such Disposal:</p>	<p>a. No waste material will be generated.</p> <p>b. No area will be reserved for dumping of waste material.</p> <p>c. Not Applicable</p>
<p>12. MINE DRAINAGE:</p>	<p>The lease hold area lies in river sand Bed. During rainy season & flood, mining activity cannot take place. In the dry season the water bearing river width will be reduced and the sandy horizon of the lease hold area will be operated for excavation above water table of sand. The bench slope & barrier zone will</p>

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Joint Director of Geology,
Zonal Survey, Koraput

Manas Ranjan Mohanta
MANAS RANJAN MOHANTA
RQP/OD/053/2016



(h) Quantity of overburden to be removed (Show location in development plan)

As it is a sand bed no overburden present.

(i) Whether heavy blasting to be adopted, if yes, location of nearest habitation (To be shown in the surface plan)

As it is a sand bed no blasting required.

(j) Safety precautions to be adopted

As per the safety guidelines of DGMS, all the machineries used for mining operation shall be checked and calibrated by the competent person/authority. Vehicles are to be covered with tarpaulin during transportation from source to destination to avoid air pollution. Employees are to be supplied all types of safety equipment by the employer as per the safety rules and regulations based on their types of work. All accidents that includes injury or loss of life or damage to the property will must be reported to the district administrative.

(k) Brief description on method of procurement and storage of explosives :
Not applicable as no blasting required.

<p>11. WASTE DISPOSAL:</p> <p>(a) Location (show it in the development Plan):</p> <p>(b) Area covered:</p> <p>(c) Environmental safeguards for such Disposal:</p>	<p>a. No waste material will be generated.</p> <p>b. No area will be reserved for dumping of waste material.</p> <p>c. Not Applicable</p>
<p>12. MINE DRAINAGE:</p>	<p>The lease hold area lies in river sand Bed. During rainy season & flood, mining activity cannot take place. In the dry season the water bearing river width will be reduced and the sandy horizon of the lease hold area will be operated for excavation above water table of sand. The bench slope & barrier zone will</p>

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Joint Director of Geology,
Zonal Survey, Koraput

Manas Ranjan Mohanta
MANAS RANJAN MDHANTA
RQP/OD/053/2016



	prevent the river water to infiltrate the mining area.
13. MINERAL PROCESSING:	Not required.
14. (a) NO. OF TREES TO BE UPROOTED DUE TO MINING OPERATION	(a) The area is devoid of any trees and bush, hence uprooting of trees will not be required.

(b) PROGRAMME OF PLANTATION:

Year	Number of saplings proposed	Area covering in ha	Type of saplings
1 st year(2018-19)	30	Plantation is carried out safety zone of the lease area(river bank)	Teak, Mango, Jammu, Jhaun,Neem
2 nd year(2019-20)	30		
3 rd year(2020-21)	30		
4 th year(2021-22)	30		
5 th year(2022-23)	30		
Total	150		

Plantation will be made in the river bank and along the approach road.

APPROVED

[Signature]
 Joint Director of Geology,
 Zonal Survey, Koraput

[Signature]
 MANAS RANJAN MOHANTA
 RQP/OD/053/2016



<p>15. Manpower: (a) Supervisory (inclusive of statutory Personnel's) (b) Non-Supervisory : (Skilled- semiskilled & unskilled):</p>	<p>(a) Supervisory-1 no (b) The total semiskilled & unskilled personnel to be engaged in the mine are given below in the table.</p> <table border="1" data-bbox="762 651 1358 891"> <thead> <tr> <th>Category</th> <th>Nos.</th> </tr> </thead> <tbody> <tr> <td>Semi skilled workers</td> <td>1</td> </tr> <tr> <td>Un-skilled workers</td> <td>04</td> </tr> <tr> <td>Total</td> <td>5</td> </tr> </tbody> </table>	Category	Nos.	Semi skilled workers	1	Un-skilled workers	04	Total	5
Category	Nos.								
Semi skilled workers	1								
Un-skilled workers	04								
Total	5								
<p>(c) OMS:</p>	<p>Output per man shift (OMS)=1.65 Maximum annual excavation: 1980 Cu.m maximum (5th year) Working days in a year: 240 days Production per day: 8.25 Cu.m Output per man shift (OMS): $8.25 \text{ Cu.m} / 5 = 1.65 \text{ Cu.M}$ Output per man shift (OMS) is 1.65 Cu.m The deployment of skilled and unskilled workers Shall be done as per requirement.</p>								
<p>16. USE OF MINERALS (a) For domestic use: (b) For export:</p>	<p>(a) On an average of 206.25 Cu.m per month is considering for domestic use. (b) Nil</p>								

The proposed mined out area (shown in Development plan) will gradually get filled up by river, sands, transported with water from upstream direction.

APPROVED

[Signature]
 Joint Director of Geology,
 Zonal Survey, Koraput

[Signature]
 MANAS RANJAN MOHANTA
 RQP/OD/053/2016



17. Mine Closure Plan	Type of land use	At the beginning of the Plan Period in Ha	At the end of the 5 years Plan Period In Ha
(a) The Process/ activities to be undertaken for reclamation and rehabilitation in respect of the following:	Mining	Nil	1.48
(i) Mined out land	Top soil stock:	Nil	Nil
	Overburden dump	Nil	Nil
	Mineral storage	Nil	Nil
	Sub-Grade Storage	Nil	Nil
	Infrastructure	Nil	Nil
	Roads	Nil	Nil
	Green belt area	Nil	Nil
	Screening plant/	Nil	Nil
	Washing plant	Nil	Nil
	Tailing pond	Nil	Nil
	Total land degradation	Nil	1.7
	Area Which will Remain Untouched (River)	11.59	9.89
	Total	11.59	11.59
(ii) Waste/reject dump	Nil		
(iii) Top-soil stack and its utilization	Nil		
(B) Financial assurance:	(B) Financial assurance:		
APPROVED	An undertaking from lessee is enclosed		

Joint Director of Geology,
Zonal Survey, Koraput

Manas Ranjan Mohanta
MANAS RANJAN MOHANTA
RQP/OD/053/2016



18. CERTIFICATE; I, the holder of GALGANDA SAND Bl (Galganda river) sand over 11.59 hecets, in GALGANDA and DURUBHA (village), under NANDAPUR Tahasil, of KORAPUT District hereby solemnly affirm that the plans and programmes in this mining plan will be scrupulously implemented by me and I will be strictly held responsible for any deviation thereof. I also hereby certify that the provisions of Mines and Minerals (Development & Regulation) Act 1957, and the Mines Act, 1952 and Rules and Regulations made under these Acts, along with the provisions of 28(4)OMMC Rule 2016 will be strictly adhered to while implementing this mining plan and wherever specific permissions will be required, I will approach the concerned authorities of Directorate General of Mines Safety and State Government as the case may be.

Place: GALGANDA

Date :

APPROVED

[Signature]
Joint Director Geology,
Zaonal Survey, Koraput

[Signature]
Sri Dambarudhar Ramsingh

S/o Damodar Ramsingh

At- Pujariput, PO- Padwa

Dist- Koraput

Odisha-764038

[Signature]
MANAS RANJAN MOHANTA
RQP/OD/053/2016



UNDERTAKING

I hereby undertake to submit the financial assurance for 11.59 ha. As decided by the competent authority in form of bank guarantee from any nationalized bank as and when required by the authority concerned.

Place: Galganda

Sri Dambarudhar Ramsingh

Sri Dambarudhar Ramsingh
At- Pujariput, PO- Padwa
Dist- Koraput
Odisha-764038

h

Manas Ranjan Mohanta
MANAS RANJAN MOHANTA
RQP/OD/053/2016

APPENDIX I

(See Paragraph-6)

CATEGORY - B

Note : If space provided against any parameter is inadequate, Kindly upload supporting document under 'Additional Attachments if any' at the last part of the Form1. Please note that all such Annexures must be part of single pdf document.

(I) Basic Informations

S.No.	Item	Details	
	Whether proposal involved violation of EIA notification	NA	
	Weather Consent to Establishment Obtained	NA	
	Upload copy of CTE	NA	
1.	Name of the Project	GALGANDA SAND QUARRY OVER AN AREA 11.59 HA. IN VILLAGE GALGANDA & DURUBHA UNDER NANDAPUR TAHASIL OF KORAPUT DISTRICT.	
	Proposal No	SIA/OR/MIN/29151/2018	
2.	Project Sector	Non-Coal Mining	
3.	Location of the project	GALGANDA & DURUBHA	
4.	Shape of the project land Uploaded GPS file Uploaded copy of survey of India Toposheet	Block (Polygon) Annexure-GPS file  Annexure-Survey of india toposheet	
5.	Brief summary of project	Annexure-Brief summary of project	
6.	State of the project	Orissa	
Details of State of the project			
S.no	State Name	District Name	Tehsil Name
NIL			
7.	Town / Village	GALGANDA & DURUBHA	
8.	Plot/Survey/Khasra No.	Plot No-480,481,321,322, Khata No-65,78	
9.	S. No. in the schedule	1(a) Mining of minerals	
10.	Proposed capacity/area/length/tonnage to be handled/command area/lease area/number or wells to be drilled	35334 CUM ha.	
11.	New/Expansion/Modernization	New	
12.	Category of project	B	
13.	Does it attract the general condition? If yes, please specify	No	
15.	Does it attract the specific condition?	No	

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Report Part 1(FORM - B)

16.	Is there any litigation pending against the project?	No
17.	Nearest railway station along with distance in kms.	DARLIPUT, 03 km
18.	Nearest airport along with distance in kms	Visakhapatnam, 110 km
19.	Nearest Town/City/District Headquarters along with distance in kms	KORAPUT , 75 km
20.	Distance of the project from nearest Habitation	6 , 6 km
21.	Details of alternative sites examined shown on a toposheet	No
22.	Whether part of interlinked projects?	No
23.	Whether the proposal involves approval/clearance under the Forest (Conservation)Act,1980?	No
24.	Whether the proposal involves approval/clearance under the wildlife (Protection)Act,1972?	No
25.	Whether the proposal involves approval/clearance under the C.R.Z notification,2011?	No
26.	Whether there is any Government Order/Policy relevent/relating to the site?	No
27.	Whether there is any litigation pending against the project and/or land in which the project is proposed to be set up?	No
28.	Project Cost(in Lac.)	3
29.	Mining lease area (in ha,)	11.59
30.	Whether the proposed project/activity located in notified Industrial area(Yes/No)	N/A

Activity

- 1 **Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)**

S.No	Information/Checklist confirmation	Yes/No	Details there of (with approximate quantities/rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)	Yes	Mining will be carried out as per approved Mining Plan.
1.2	Clearance of existing land, vegetation and buildings?	No	NA

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Report Part 1(FORM - B)

1.29	Introduction of alien species?	No	--
1.30	Loss of native species or genetic diversity?	No	--
1.31	Any other actions?	No	--

2 Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)	Yes	Non Forest Govt. land will be converted to Mining purposes.
2.2	Water (expected source & competing users) unit: KLD	Yes	Water requirement will be 5 KLD. Water would be purchased from wells and tube wells from nearby areas..
2.3	Minerals (MT)	Yes	The maximum annual production is 1980 Cum and the average is 1860 Cum.
2.4	Construction material – stone, aggregates, sand / soil (expected source – MT)	No	NIL
2.5	Forests and timber (source – MT)	No	NIL
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT),energy (MW)	No	--
2.7	Any other natural resources (use appropriate standard units)	No	NA

3 Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)	No	NA
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)	No	NIL
3.3	Affect the welfare of people e.g. by changing living conditions?	Yes	Socio-economic condition will improve and will have positive impact due to increasing earning sources of nearby peoples.
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.	No	NIL
3.5	Any other causes	No	NIL

4 Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes	Yes	No Generated of waste.
4.2	Municipal waste (domestic and or commercial wastes)	No	NIL
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)	No	NIL
4.4	Other industrial process wastes	No	NIL
4.5	Surplus product	No	NIL
4.6	Sewage sludge or other sludge from effluent treatment	No	NIL
4.7	Construction or demolition wastes	No	NIL
4.8	Redundant machinery or equipment	No	NIL
4.9	Contaminated soils or other materials	No	NIL
4.10	Agricultural wastes	No	NIL
4.11	Other solid wastes	No	NIL

5 Release of pollutants or any hazardous, toxic or noxious substances to air(Kg/hr)

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources	No	Negligible emission is seen due to vehicular movement on the unmetalled road.
5.2	Emissions from production processes	No	--
5.3	Emissions from materials handling including storage or transport	No	NA
5.4	Emissions from construction activities including plant and equipment	No	NIL
5.5	Dust or odours from handling of materials including construction materials, sewage and waste	No	NIL
5.6	Emissions from incineration of waste	No	NIL
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	NIL
5.8	Emissions from any other sources	No	NIL

6 Generation of Noise and Vibration, and Emissions of Light and Heat:

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Report Part 1(FORM - B)

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances	No	NIL
8.2	From any other causes	No	NIL
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?	No	This project area is coming under low damage risk zone in the context of seismic intensity.

9 Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting utilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: <ul style="list-style-type: none"> o Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) o housing development o extractive industries o supply industries o Other 	Yes	Mining will be carried out as per approved Mining Plan.
9.2	Lead to after-use of the site, which could have an impact on the environment	Yes	After excavation of mineral, the area will be naturally replenished after rainy season. plantation will be done along approach road and river bank as per approved mining plan.
9.3	Set a precedent for later developments	No	--
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	No	--

(III) Environmental Sensitivity

S.No	Areas	Name/Identity	Aerial distance (within 15km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	No	NA
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	No	NA

ANNEXURE-"2"

5/2/23, 10:40 AM

Report Part 1(FORM - B)

3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	No	NIL
4	Inland, coastal, marine or underground waters	No	NIL
5	State, National boundaries	No	Odisha-Andhrapradesh border is 8 km
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	No	--
7	Defence installations	No	NIL
8	Densely populated or built-up area	No	--
9	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	Yes	Hospitals and schools are available in nearby villages.
10	Areas containing important, high quality or scarce resources. (ground water resources,surface resources,forestry,agriculture,fisheries,tourism,minerals)	No	--
11	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	No	--
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions) similar effects.	No	This project area is coming under low damage risk zone in the context of seismic intensity.

(IV) PROPOSED TERMS OF REFERENCE FOR EIA STUDIES

1	Uploaded Proposed TOR File	Annexure-TOR file
2	Uploaded scanned copy of covering letter	Annexure-scanned copy of covering letter
3	Uploaded Pre-Feasibility report(PFR)	Annexure-PFR
4	Uploaded additional attachments(only single pdf file)	Annexure-Additional attachments

(V) Undertaking

The aforesaid application and documents furnished here with are true to my knowledge

V.(i)	Name	DAMBARUDHAR RAMSING	
	Designation	LESSEE	
	Company	DAMBARUDHAR RAMSING	
	Address	AT- GALGANDA, TAHASIL- NANDAPUR, DIST- KORAPUT	
Essential Details Sought			
S. No.	EDS Sought Date	EDS Sought	Letter
(1.)	30/10/2018	Submit the application along with the District Survey Report for minor mineral mining as mandated vide MoEF & CC	

ANNEXURE-“2”

5/2/23, 10:40 AM

Report Part 1(FORM - B)

notification dated 14.08.2018. comply & resubmit application.

Additional Details Sought					
S. No.	ADS Sought Date	ADS Sought			Letter
NO Record					
Transferred Details(Category A To B)					
S. No.	Category A(Proposal No)	Category B(Proposal No)	Transferred Date	Reason	Letter
NO Record					



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Dambarudhar Ramsingh

AGREEMENT

THIS AGREEMENT is made on this the 7th day of March, 2019 at Lamataput, District: Koraput between the parties, i.e. State Government of Odisha, being represented by its competent authority, the Tahsildar, Nandapur, PS: Nandapur, Dist.: Koraput (Odisha) hereinafter called the First Party on the one part;

AND

Sri Dambarudhar Ramsingh aged about 44 years, S/O: Damdar Ramsingh, resident of vill Pujariput (Banjalaput), PO/PS: Padwa, Dist.: Koraput (Odisha) hereinafter called the Second Party on the other part Showeth.

Tahsildar
First party

Dambarudhar Ramsingh
Second Party

Contd...p/2



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That, a Stone Quarry/Sand bed in the land scheduled below has settled in favour of Sri Dambarudhar Ramsingh aged about 44 years, S/O: Damdar Ramsingh, resident of vill Pujariput(Banjalaput), PO/PS: Padwa, Dist.: Koraput the second party in long term lease through tender process vide RMC No. 1/2018-19 and accordingly the 2nd party has deposited the royalty price of approved quantity as per the mining plan @ Rs.37/- per cum. including I.T., Environmental Fund, Compensatory Afforestation, Surface Rent, Dead Rent and other charges of Rs.2,03,688.00 (Rs.64,380 + Rs4173 + Rs.1,21,695 + Rs.3219 + Rs1288 + 6438 + Rs.2495) for lifting 9,300 Cum. Of minor mineral within a period of five years ending 31.03.2023 Or earlier as the case may be.

Whereas it is imperative to safeguard the interest of the Govt. and public, the second party is hereby required to abide by the following terms and conditions.

Land Schedule

Mouza	Khata No.	Plot No.	Kissam	Auctioned Area
Galganda and Duruba	65	480	Patharabani	Ac.5.9
	65	481		Ac 2.93
	78	321		Ac8.42
	78	322		Ac11.40



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TERMS AND CONDITIONS OF AUCTION

The terms and conditions of the auction sale agreement shall be as follows:-

- 1) The lessee shall pay to the State Government surface rent before the execution of the lease deed for the remaining period of the year and thereafter pay such yearly rent on or before the 15th January of every year.
- 2) The lessee shall pay dead rent for the remaining period of the year before the execution of the lease deed and thereafter pay yearly dead rent on or before the 15th January of every year and an account of the royalty payable by him shall be kept by the competent authority and as soon as the royalty payable by him becomes equal to or in excess of the dead rent already paid by him, he shall remove the minor minerals only after payment of the royalty and in such cases advance dead rent paid by him shall be deemed to have been merged into the amount of royalty he was liable to pay.
- 3) The lessee shall pay to the Government, compensation for all damages, injuries or disturbances which has been caused by him in the course of mining operation and shall indemnify the Government against all claims which may be by third parties in respect of such damage, injury or disturbances.

Rinardol Patra
First Party

Rambhadrachandra Patra
Second Party

Contd...p/4



उड़ीसा ORISSA

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4) The lessee shall commence quarrying operations within three months from the date of execution of the lease deed which shall be carried on in a proper, skillful and workman-like manner and the lessee shall send to the Director and Deputy Director or Mining Officer concerned, under whose jurisdiction the area is located and to the Director of Mines, Safety, Bhubaneswar an intimation in Form H of the opening or reopening of the quarry so as to reach them within a period of fifteen days from the date of such commencement.

95. If the lessee does not work upon the quarry for a continuous period of six months, the lease shall be liable to be cancelled, unless prior permission has been granted by the competent authority for such stoppage on reasonable grounds.

Provided that the competent authority may, on an application made by the lessee before it is cancelled and on being satisfied that it will not be possible for the lessee to undertake mining operations or to continue such operations for reason beyond his control, make an order within a period of one month from the date of receiving such application and subject to such conditions as may be specified to the effect that such lease shall not be cancelled.

Leaseholder
First Party

Director of Mines
Second Party

Contd..p/5



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06. The lessee shall allow reasonable facilities of access to other concessionaires of major and minor minerals, as may be directed by the competent authority.

07. If any minor mineral not specified in the lease deed is discovered in the leased area, the lessee shall report it forthwith to the Competent Authority and the Director and the lessee shall not win or dispose of any such minor mineral unless such minor mineral is included in the lease deed or a separate prospecting license-cum-mining lease or mining lease or quarry lease, as the case may be, is granted in favour of the lessee. If he fails to apply for a prospecting license-cum-mining lease or mining lease or quarry lease, as the case may be, to extract the newly discovered minor mineral within three months from the date of discovery or if he declares his intention not to work upon the discovered minor mineral, the State Government or the Competent Authority, as the case may be, may grant prospecting license-cum-mining lease or mining lease or quarry lease in respect of that minor mineral to any other person after observing the procedure specified under these rules for the purpose.

Provided that, if the mineral discovered is not a minor mineral, the lessee shall not be entitled to any preference for the purpose of obtaining a lease for the new mineral, by reason only of the lands being included in his earlier lease for extraction of minor mineral.

Sivaram Chandra Patra
First Party

Sambaram Chandra Ramling
Second Party

Contd...p/6



उड़ीसा ORISSA

E 81254

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808. The lessee shall not carry on or allow to be carried on, any quarrying operation at any point within a distance of:-

8a) one hundred meters from any Railway line (except under and in accordance with the written permission of the Railway Administration concerned) and in case of National Highway, State Highway, monuments, heritages sites or any reservoir; except in accordance with the previous permission of the Collector.

8b) fifty meters from any tank, canal, road (other than a National or State Highway or other public works or buildings or inhabited sites), except under in accordance with the previous permission of the Collector.

809. The Railway Administration or the Collector, as the case may be, may grant such permission as required under clause (a) or (b) of sub-rule (8) on such conditions as may be specified.

810. The State or Central Government shall have right to construct any road, railway or canal or reservoir or to lay electric or telephone lines in or over the lands held under the lease:

Amarendra Patel
First Party

Sambhu Manu Ranu Singh
Second Party

Contd...p/7



ORISSA

E 812

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Provided that the lessee shall be given at least sixty days prior notice before the right is exercised and the area thus utilized shall be excluded from the area held under lease.

11. The lessee, with prior written permission of the competent authority, can erect at his own cost, temporary structures including buildings required for the purpose of quarrying operation within the leased area, without violating any law or obstructing any natural flow, community access or without causing damage to any embankment or public property, which shall be dismantled by the lessee at his own cost on completion of the lease term or on determination of the lease. The competent authority can pass orders to dismantle such structures if found erected illegally or causing damage to public.

12. The lessee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the leased area.

13. The lessee shall obtain permission of the competent authorities of the Forest Department, Odisha to carry on any operation in forest area.

Semanant of who
First Party

Dombant of Shaua Ram Singh
Second Party

Contd...p/8



ORISSA

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14. The lessee shall abide by the provisions of all laws for the time being in force, relating to the working of quarries and matters affecting the safety, health and convenience of the persons employed for quarrying and of the public and he shall also obey all existing laws of way, water and other easements and shall not use power cutters and other machinery in case of laterite quarries.

15. The lessee shall keep correct accounts of minor minerals other than specified minor minerals quarries and dispatched and shall furnish a quarterly return in Form-P and annual return in Form-K to the Competent Authority and the Director.

16. The lessee shall afford reasonable facilities for inspection of the quarries, accounts and records pertaining to quarrying operation, to the Competent Authority and Director or any other Officer authorised by any of them and such officer may issue directions to prevent wasteful extraction of minerals and to ensure observance of the provisions of rules and specify the time limit not exceeding sixty days within which the directions shall be complied with.

Si m... Pahi
First Party

Dem... Shama Khan Singh
Second Party

Contd...p/9



उड़ीसा ORISSA

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17. If the lessee does not allow the inspecting officer reasonable facilities for inspection or fails to comply with the directions within the specified time limit, the Competent Authority may forfeit the whole or part of the security deposit paid by the lessee or impose penalty not exceeding rupees fifty thousand and may cancel the lease and forfeit the security deposit.

18. The lessee shall report about all accidents involving injury or loss of life or loss or damage to property forthwith to the concerned Competent Authority and Collector of the District.

19. If any Government dues payable under the lease deed remain unpaid for one month beyond the date fixed in the lease deed for such payment, the Competent Authority or any Officer authorised by him may enter into the leased area and seize all or any of the minor minerals or other movable properties and may dispose of such seized minor minerals or properties towards sufficient satisfaction of the Government dues and all costs and expenses occasioned by the non-payment thereof and if any such government dues remain unpaid over two months beyond the date fixed in the lease agreement for such payment, the Competent Authority may determine the lease and take possession of the leased area on re-entry without prejudice to such action as may be taken under the provisions of the Odisha Public Demands Recovery Act, 1962 for recovery of such dues.

Simanchal Pratih
First Party

Dantoni Shankar Kaur Singh
Second Party

Contd...p/10



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20. The Controlling Authority shall have the right to pre-emption at current market rates over all minor minerals extracted or collected by the lessee and shall be indemnified by the lessee against the claims of any third party in respect of such minerals.
21. The lessee shall remove all minor minerals extracted before the end of the lease period or of its determination, if it is determined earlier, and all other materials and structures within such reasonable period not exceeding two months or as the Competent Authority may allow.
22. All minor minerals, materials, machineries, buildings and other structures, left in the leased area after the date line fixed or time allowed by the Competent Authority shall be deemed to be the property of the Government and the Competent Authority may dispose of such property by public Auction and the sale proceeds shall be credited to Government account with the approval of Controlling Authority.
23. If any mineral other than minor mineral is found in the area in course of quarrying of minor minerals, the lessee shall intimate in writing the fact to the Competent Authority and the Director forthwith and the lease shall be determined without payment of any compensation to the lessee.

Emmanuel Saha
First Party

Dambomphani Raut Singh
Second Party

Contd...p/11



उड़ीसा ORISSA

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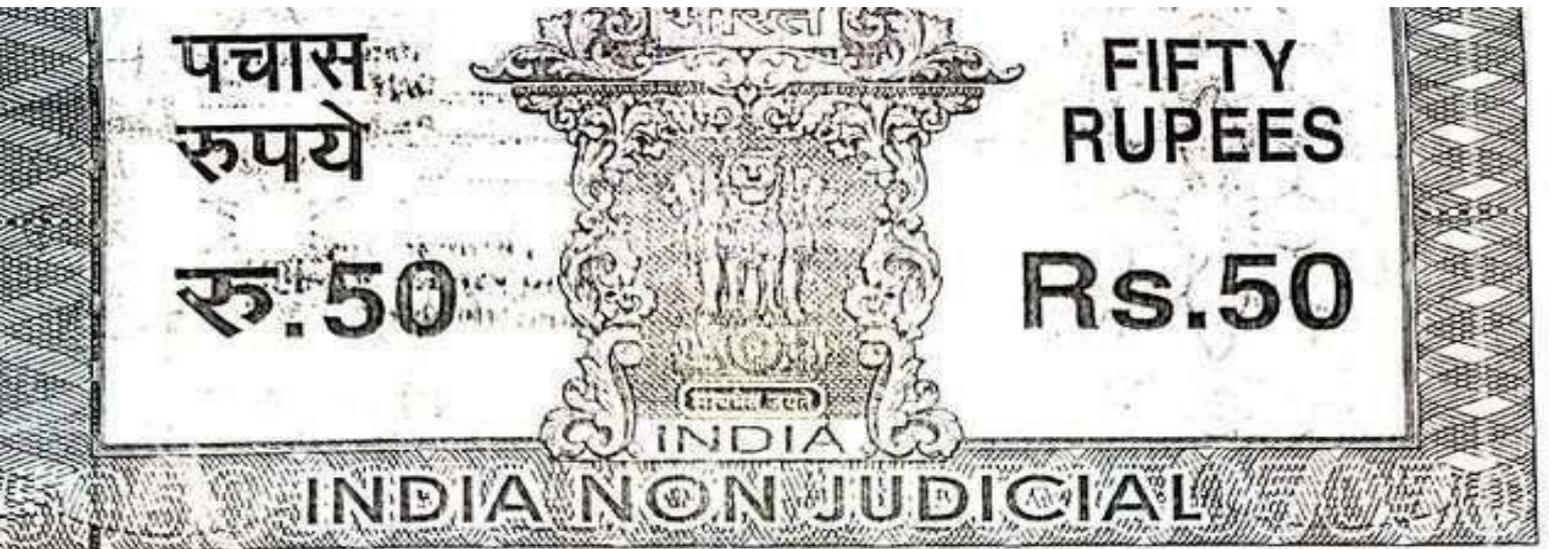
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24. The lessee shall ensure proper maintenance of hill slopes so as to prevent major erosion and observe all such safeguards as provided in the Mines Act, 1952 and the rules and regulations framed there under from time to time.
25. The lessee shall carry out quarrying operation with appropriate environment safeguards and shall take such steps for reclamation and raising of plantations in the lease area in line with the prescriptions under rules-29 to 37 of the Granite Conservation and Development Rules, 1999.
26. The lessee shall keep the Government indemnified from any liability, compensation damage etc., arising out of his acts and omissions as a lessee during the subsistence of the lease.
27. No rejected/off grade major mineral shall be removed on payment of royalty as minor mineral, under this rule.
28. The Competent Authority may include such other conditions in the leased deed with the approval of the Controlling Authority.

Sunanda Prasad Mishra
First Party

Domban Dasgupta
Second Party

Contd...p/12



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29. The lessee shall abide by the provisions of the Mines Act, 1952 and rules and regulations framed there under, the Explosives Act, 1884 and rules made there under for development of the source of minor minerals in workman like manner and for avoidance of any danger arising out of such winning of minor mineral.

The lease is for five years commencing from 2018-19 to 2022-23 as mentioned hereunder.

1740 Cum. of minor minerals within a period of one year ending 2018-19, 1800 Cum. for the year ending 2019-20, 1860 Cum. for the year ending 2020-21, 1920 cum. for the year ending 2021-22 and 1980 cum. for the year ending 2022-23.

For the purpose of Registration, as per the G.O. of Department of Steel and Mines Letter No.312/SM, dated: 13.01.2012, the stamp duty should be paid for the highest annual production, as such the highest rent is Rs.1980 Cum. x Rs. 37/- = Rs.73,260/-

Sivachal Saha
First Party

Dambam Shaha Ram Singh
Second Party

Contd...p/13



उड़ीसा ORISSA

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In witnesses whereof both the parties have executed this deed of agreement on this day of day of March, 2019.

[Signature]
First Party

[Signature]
Second Party

[Signature]
Tahsildar, Nandapur

WITNESSES:

1. Santosh Kumar Sahoo, Sp. Subash Ch. Sahoo
A/c- D.P Camp, Padma, Ps. Padma, P.O. 764038, Lo

2. *[Signature]*

[Signature]
drafted by M. Mutyala Rao
Advocate Koraput

1802300069

Registration documents
Copy-

सत्यमेव जयते

INDIA NON JUDICIAL Government of Odisha

e-Stamp

Certificate No.	: IN-OD06093528143656V
Certificate Issued Date	: 20-Apr-2023 06:30 PM
Account Reference	: CSCACC (GV)/ odcscceg07/ OD-KRPCHA0117/ OD-KRP
Unique Doc. Reference	: SUBIN-ODODCSCEG0708491444274401V
Purchased by	: DAMBARUDHAR RAMSINGH
Description of Document	: Article IA-35 Lease Deed
Property Description	: AS PER DEED
Consideration Price (Rs.)	: 2,07,769 (Two Lakh Seven Thousand Seven Hundred And Sixty Nine only)
First Party	: TAHASILDAR NANDAPUR
Second Party	: DAMBARUDHAR RAMSINGH
Stamp Duty Paid By	: DAMBARUDHAR RAMSINGH
Stamp Duty Amount(Rs.)	: 11,000 (Eleven Thousand only)



Please write or type below this line-----

4
SUB-REGISTRAR
MACHKUND

0002503419

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.thcestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the authenticity of the users of the certificate
3. In case of any discrepancy please inform the Competent Authority.

ପଢ଼ାଳୀ L... ଯାଜନ ସଂ. 175

ଉପକ୍ରମ ସଂଖ୍ୟା P 2269656
(Receipt Book)

ତାରିଖ ସଂ.

ପ୍ରମାଣ ସଂ.

21-04-2023

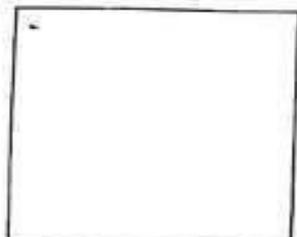
Received from... Dan Saru Dhar Ram Singh
towards Royalty, surface rent etc. of Galganda and
Suruba Sand bed
Rs. 2,07,779/- ଅର୍ଥାତ୍ 2,07,779 ଟଙ୍କା
Seven Hundred Seventy nine only
ଅର୍ଥାତ୍ କେବଳ 7... ଟଙ୍କା ମାତ୍ର

DD No. 636566
Dtd. 21-04-2023

Dm 21/4/2023

ଅଧିକାରୀଙ୍କର ଦସ୍ତଖତ ଓ ପଦନାମ
Signature of the Officer and Designation

JGP (Forms) DTP--227-80,000 Bks.--02-12-2013



AGREEMENT

THIS AGREEMENT is made on this the 21 day April 2023 Lamataput, Koraput ,Koraput between the parties i.e Stae Government of Odisha, being represented by its component authority , the Tahasildar , Nandapur ,PS:- Nandapur , Dist:- Koraput (Odisha) hereinafter called the First Party on the part;

AND

Sri Dambarudhar Ramsingh aged about 48 years, Aadhar No-3443 8016 6597, S/O- Dandar Ramsingh , resident of vill Pujariput (Banjalaput), PO/PS: Padwa,Dist: Koraput (Odisha) hereinafter called the Second Party on the other part showeth.

That , a Stone Quarry/ Sand bed in the land scheduled below has settled on favour of Sri Dambarudhar Ramsingh aged about 48 years , S/O- Dandar Ramsingh, resident of vill Pujariput (Banjalaput), PO/PS Padwa , Dist:-Koraput the second party in long term lease through tender process vide RMC No. 646/2022-2023 and Vide RMC No-836/2023 Dt. 20-04-2023 accordingly the 2nd party has deposited the royalty price of approved quantity as per the mining plan @Rs.37/-per cum. Including I.T., Environmental Fund, Compensatory Afforestation, Surface Rent ,Dead Rent and other charges of Rs. 2,07769.00 (Rs 73260+Rs. 360+Rs.1,21695+Rs.3663+Rs. 7326+1465) for lifting 1980 cum . Of minor minerals within a period of one years ending 26.03.2024 or earlier as the case may be.

Whereas it is imperative to safeguard the interest of the Govt. and public, the second party is hereby required to abide by the following terms and conditions.

Land Schedule

Mouza	Khita No	Plot No	Kissam	Auctioned Area
Golganda and Duruba	65	480	Patharabani	Ac.5.9
	65	481		Ac.2.93
	78	321		Ac8.42
	78	322		Ac.11.40

14/23
First Party
Tahasildar
Nandapur

Sri Dambarudhar Ramsingh
Second Party
Sri Damabrudhar Ramdsingh

Contd....p2

Page -2

TERMS AND CONDITIONS OF AUCTION

The terms and conditions of the auctions sale agreement shall be as follows.

1. The lease shall pay to the State Government surface rent before the execution of the lease deed for the remaining period of the year and thereafter par such yearly rent on or before the 15th January of every year.
2. The lease shall pay dead rent for the remaining period of the year before the execution of the lease deed and thereafter pay yearly dead rent of or before the 15th January every year and an account of the royalty payable by him shall be kept by the competent authority and as soon as the royalty payable by him becomes by him become equal to or in excess of the dead rent already paid by him , he shall n remove the minor mineral only after payment of the royalty and in such case advance dead rent paid by him shall deemed to have merged into the amount of royalty he was liable to pay.
3. The lessee shall pay to the Government, compensation for all damages injuries or disturbances which has been caused by him in the course of mining operation and shall indemnify the Government against all claims which may be by third parties in respect of such damages, injury or disturbances.
4. The lessee shall commence quarrying operations within three days from the date of execution of the lease deed which shall be carried on in a proper, skillful and workman like manner and lessee shall send to the Director and Deputy Director or Mining Officer concerned , under whose jurisdiction the area is located and to the Director of Mines, Safety, Bhubaneswar ad intimation in From H of the opening or reopening of the quarry so as to reach them within a period of fifteen days from the date of such commencement.
5. If the lessee does not work upon the quarry for a continuous period of six months, the lease shall be liable to be cancelled, unless prior permission has been granted by the competent authority for such stoppage on reasonable grounds.

Provided that the competent authority may, on an application made by the lessee before it is cancelled and on being satisfied that it will not be possible for the lessee to undertake mining operations or to continue such operation for reason beyond his control, make an order within a period of one months from the date of receiving such application and subject to such conditions as may be specified to the effect that such lease shall not be cancelled.

6. The lessee shall allow reasonable facilities of access to other concessionaries of major and minor minerals, as may be directed by the competent authority.
7. If any minor mineral not specified in the lease deed is discovered in the leased area, the lessee shall report it forthwith to the competent Authority and the Director and the lessee shall not win or dispose of any such minor minerals unless such minor mineral is included in the lease deed or a separate prospecting license -cum-mining lease or mining lease or quarry lease, as the case be , is granted in favour of the lessee.

First Party
Tahasildar
TANARDAPUR

Second Party
Sri Damabrudhar Ramdsingh

Contd....p3

Page-3

If he fails to apply for a prospecting license-cum-mining lease or mining lease or quarry lease, as the case may be, to extract the newly discovered minor mineral within three months from the date of discovery or he declares his intention not to work upon the discovered minor mineral, the State Government or the Competent Authority, as the case may be, may grant prospecting license-cum-mining lease or mining lease or quarry lease in respect of that minor mineral to any other persons after observing the procedure specified under these rules for the purpose.

Provided that, if the mineral discovered is not a minor mineral, the lessee shall not be entitled to any preference for the purpose of obtaining a lease for the new mineral, by reason only of the lands being included in his earlier lease for extraction of minor mineral.

8. The lessee shall not carry on or allow to be carried on, any quarrying operation at any point within a distance of :-
- One hundred meters from any Railway Line (except under and in accordance with the written permission of the Railway Administration concerned) and in case of National Highway, State Highway, monuments, heritages sites or any reservoir except in accordance with the previous permission of the Collector.
 - Fifty meters from any tanks, canal, road (other than a National or State Highway or other public works or building or inhabited sites) except under in accordance with the previous permission of the Collector.
9. The Railway Administration or the Collector, as the case may be, may grant such permission as required under clause (a) or (b) of sub rule (8) on such conditions as may be specified.
10. The State or Central Government shall have right to construct any road, railway or canal or reservoir or to lay electric or telephone lines in or over the lands held under the lease:

Provided that the lessee shall be given at least sixty days prior notice before the right is exercised and the area thus utilized shall be excluded from the area held under lease.

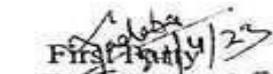
11. The lessee, with prior written permission of the competent authority, can erect at his own cost, temporary structures including building required for the purpose of quarrying operation within the leased area, without violating any law or obstructing any natural flow, community access or without causing damages to any embankment or public property, which shall be disclaimed by the lessee at his own cost on completion of the lease term or be determination of the lease. The competent authority can pass orders to dismantle such structures if found erected illegally or causing damages to public.

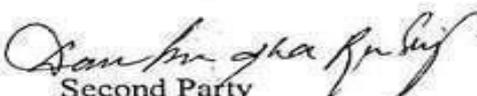
Adoba
First Party
Tahasildar
TA Nandapur
NANDAPUR

Damabrudhar Ramdsingh
Second Party
Sri Damabrudhar Ramdsingh

Contd....p4

12. The lessee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the leased area.
13. The lessee shall obtain permission of the competent authorities of the Forest Department, Odisha to carry on any operation of forest area.
14. The lessee shall abide by the provisions of all laws for the time being in force, relating to the working of quarries and matters affecting the safety, health and convenience of the persons employed for quarrying and of the public and he shall also obey all existing laws of way, water and other easements and shall not use powers cutters and other machinery in case of laterite quarries.
15. The lessee shall keep corrects accounts of minor mineral other than specified minor minerals quarries and dispatched and shall furnish a quarterly return in Form -P and annual return in Form -K to the competent Authority and Director.
16. The lessee shall afford reasonable facilities for inspection of the quarries, account and records and records pertaining to quarrying operation, to the competent Authority and Director or any other Officer authorized by any of them and such officer may issue directions to prevent wasteful extraction of minerals and to ensure observance of the provision of rules and specify the time limit not exceeding sixty days within the direction shall be complied with.
17. If the lessee does not allow the inspecting officer reasonable facilities for inspection or fails to comply with the directions within the specified time limit, the Competent Authority may forfeit the whole or part of the security deposit paid by the lessee or impose penalty not exceeding rupees fifty thousand and may cancel the lessee and forfeit the security deposits.
18. The lessee shall report about all the accidents involving injury or loss of life or loss damages to property forthwith to the concerned Competent Authority and Collector of the District.
19. If any Government dues payable under the lease deed remain unpaid for one month beyond the date fixed in the lease deed for such payment, the Competent Authority or any officer authorized by him may enter into the leased area and seize all or any of the minor minerals or other movable properties and may dispose of such seized minor mineral or properties towards sufficient satisfaction of the Government dues and all costs and expense occasioned by the non-payment thereof and if any such Government dues remain unpaid over two months beyond the date fixed in the lease agreement for such payment, the Competent Authority may determine the lease and take possession of the leased area on re-entry without prejudice to such action as may be taken under the provision of the Odisha Public Demands Recovery Act, 1962 for recovery of such dues.
20. The controlling authority shall have the right to pre-emption at current market rates over all minor minerals extracted or collected by the lease and shall be indemnified by the lessee against the claims of any third party in respect of such minerals.


 First Party
 Tahasildar
 TANDAPUR
 NANI PUR.


 Second Party
 Sri Damabrudhar Ramdsingh

Contd....p5

21. The lessee shall remove all minor minerals extracted before the end of the lease period or of its determination, if it is determined earlier, and all other materials and structures within such reasonable period not exceeding two months or as the Competent Authority may allow.
22. All minor minerals, materials, machineries, buildings and other structures, left in the leased area after the date line fixed or time allowed by the Competent Authority shall be demand to be the property of the government and the Competent Authority may dispose of such property by the public Auction and the sale proceeds shall be credited to Government account with the approval of Controlling Authority.
23. If any mineral other than minor mineral is found in the area in course of quarrying of minor minerals, the lessee shall intimate in writing the fact to the Competent Authority and the Director forthwith and the lease shall be determined without payment of any compensation to the lessee.
24. The lessee shall ensure proper maintenance of hill slopes so as to prevent major erosion and observe all such safeguards as provided in the Mines Act, 1952 and the rules and regulations framed there under from time to time.
25. The lessee shall carry out quarrying operation with appropriate environment safeguards and shall take such steps for reclamation and rising of plantations in the lease area on line with the prescriptions under rules -29 to 37 of the granite Conservation and Development Rules, 1999.
26. The lessee shall keep the Government indemnified from any liability compensation damages etc. arising out of his acts and omissions lessee during the subsistence of the lease.
27. No rejected /off grade major mineral shall be removed on payment of royalty as minor minerals, under this rule.
28. The Competent Authority may include such other conditions in the leased deed with the approval of the Controlling Authority.
29. The lessee shall abide by the provisions of the Mines Act, 1952 and rules and regulations framed there under, the Explosive Act, 1884 and rules made there under for development of the source of minor mineral in workman like manner and for avoidance of any danger arising out of such winning of minor mineral.
30. E-stamp amount deposited. Vide Certificate No- IN-OD06093528143656V, 20-04-2023 time 6.30 PM amounting 11000/-
The lease is for one year's commencing from 01/04/2023 to 26/03/2024 as mentioned hereunder.

First Party
Tabasildar
TANDAPUR

Second Party
Sri Damabrudhar Ramdsingh

Contd....p6



Endorsement of the certificate of admissibility

Admissible under rule 25: duly stamped under the Indian stamp (Orissa Amendment act 1 of 2008) Act 1899, Schedule No. 35@ Fees Paid : A5(b)-4156 ,, User Charges-250 ,Total 4406

Date: 24/04/2023

[Signature]
24.04.23
Signature of Registering officer
SUB-REGISTRAR
MACHKUND

Endorsement under section 52

Presented for registration in the office of the Sub-Registrar Sub-Registrar MACHHAKUND between the hours of 10:00 A and 1:30 PM on the 24/04/2023 by STATE GOVERNMENT OF ODISHA REPRESENTED BY THE TAHASILDAR NANDAPUR(GOVT) , son/daughter/wife of , of AT/PO/PS- NANDAPUR, DIST- KORAPUT , by caste , profession and finger prints affixed.

Signature of Presenter / Date: 24/04/2023

[Signature]
24.04.23
Signature of Registering officer.
SUB-REGISTRAR
MACHKUND

Endorsement under section 58

Execution is admitted by :

Name	Photo	Thumb Impression	Signature	Date of Admission of Execution
STATE GOVERNMENT OF ODISHA REPRESENTED BY THE TAHASILDAR NANDAPUR(GOVT)	Execution By STATE GOVERNMENT OF ODISHA REPRESENTED BY THE TAHASILDAR NANDAPUR(GOVT) Who is Exempt from personal Appearance in this office U/S 88 Act XVI of 1908 approved by	Execution By STATE GOVERNMENT OF ODISHA REPRESENTED BY THE TAHASILDAR NANDAPUR(GOVT) Who is Exempt from personal Appearance in this office U/S 88 Act XVI of 1908 approved by	Execution By STATE GOVERNMENT OF ODISHA REPRESENTED BY THE TAHASILDAR NANDAPUR(GOVT) Who is Exempt from personal Appearance in this office U/S 88 Act XVI of 1908 approved by Signature of the Registering officer	—
DAMBARUDHAR RAMSINGH		 243823010	<i>[Signature]</i>	24-Apr-2023

Page-6

31. Online slot booked for registration at Tahasildar Machkund with Ticket No SBIS0202301058 Dt. 24/04/2023 time 10.00 AM of second party Sri Dambarudhar Ramsingh with first party Tahasildar Nandapur.

1780 cum. Of minor minerals within a period of one year ending 2018-2019, 1800 cum. For the years ending 2019-20, 1860 Cum. For the year ending 2020-2021, 1920 cu. For the year ending 2021-2022 and 1980 cum. For the year ending 2022-2023, and for the year ending 2023-2024 sand quantity 1980 cum.

For the purpose of Registration, as per the G.O of Department of Steel and Mines Letter No312/SM, dated: 13.01.2012, the stamp duty should be paid for the highest annual production, as such the highest rent is Rs. 1980 Cum.xRs.37/-=Rs 73260/-

In witnesses whereof both the parties have executed this deed of agreement on this day of 21st day of April 2023.

Kishore
21/4/23
First Party
TAHASILDAR
NANDAPUR
TAHASILDAR NANDAPUR

Dambarudhar Ramsingh
Second Party

SRI DAMBARUDHAR RAMSINGH

WITNESSES

1. SRI SANTOSH KUMAR SAHOO, ADHAR NO-9664 4383 6306, S/O-SUBASH CHANDRA SAHOO, D.P.CAMP, AT-KULABIR, P.O/PS-PADWA, DIST-KORAPUT, ODISHA, PIN CODE-764038
2. SRI JAGABANDHU SUKRI, ADHAR NO-6940 5951 6423, S/O SHYAMA SUNDAR SUKRI AT:-BALDA, PO:-BALDA, PS:-PADWA, DIST:-KORAPUT, ODISHA. PIN CODE-764038

SIGNATURE OF WITNESS:-

1. Santosh Kumar Sahoo,
2. ଜଗବନ୍ଧୁ ସୁକ୍ରି

[Signature]
Drafted By Advocate
SANJAY KUMAR DARLI
ADVOCATE, KORAPUT
En NO - 1539/2023.

4/24/23, 12:15 PM

Print endorsement

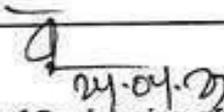
OFFICE



Identified by **SANTOSH KUMAR SAHOO** Son/Wife of **SUBASH CHANDRA SAHOO** of **AT- D.P CAMP, KULABIR, DIST**
KORAPUT KORAPUT by profession **Business**

Name	Photo	Thumb Impression	Signature	Date of Admission of Execution
SANTOSH KUMAR SAHOO		 42770827		24-Apr-2023

Date: 24/04/2023


 Signature of Registering officer

Endorsement of certificate of registration under section 160 MACHKUND

Registered and true copy filed in : Office of the Sub-Registrar, MACHHAKUND

Book Number : 1 || Volume Number : 2

Document Number : 11802300067

For the year : 2023

Seal :

Date: 24/04/2023


 Signature of Registering officer
 SUB-REGISTRAR
 MACHHAKUND



OFFICE OF THE TAHASILDAR, NANDAPUR

Phone & Fax No 06368 273555

E-mail: tah.nandapur@nic.in

No. 836/2023

Dtd. 20.04.2023

To

Sri Damburudhara Ramsingh,
S/o- Damodar Ramsingh,
At: Banjalaput,
Ps: Padwa, Dist.: Koraput

Sub:- Deposit of Royalty and other amount on lease as per revised mining plan of Galganda & Durubha Sand Bed.

With reference to the subject cited above, I am to inform you that, as per revised Mining plan of leased Sand Bed at Galganda & Durubha the proven reserves from 01.04.2023 to 26.03.2024 is 1980 Cum.

You are therefore requested to deposit the following dues through cash or RTGS/account deposit vide A/C No. 30482126612 of Tahasildar, Nandapur for execution of lease deed agreement of 1980 Cum of Minor Minerals from 01.04.2023 to 26.03.2024.

The detail calculation is given below.

Sl No.	Item	Quantity to be removed in (cum)	Amount of Royalty quoted (cum)	Total amount (in Rs.)
1	Quantity of Minor Mineral to be Removed as per Mining Plan X Royalty amount	1980	37/-	73260.00
2	Surface Rent @ 360	-	-	360.00
3	Dead Rent @ Rs.10500/- Per Hec.11.59	-	-	121695.00
4	Fees for compensatory afforestation	-	-	-
5	5% of above Royalty towards environment Management fund	-	-	3663.00
6	10% of the Royalty amount Towards District Mineral Foundation (DMF) fund	-	-	7326.00
7	2% of Royalty towards income tax	-	-	1465.00
			Total	207769.00

4

SUB-REGISTRAR
MACHHKUND

Tahasildar, Nandapur
20/4/23


OFFICE OF THE TAHASILDAR, NANDAPUR

E-mail: tah.nandapur@btl.in

 No. 646/2023
 To

Dtd 28.03.2023

**Sri Damburudhara Ramsingh,
 S/o- Damodar Ramsingh,
 At: Banjalaput,
 Ps: Padwa, Dist.: Koraput**

Sub:- Prepare the revised Mining Plan.

Sir,

With reference to the subject cited above, you have requested for extension of lease period from 01.04.2023 to 31.03.2024 of the leased Sand Bed which is situated at the following land schedule which lease period will be completed on 31.03.2023. But after verify the records it is found that, the quarry has been auctioned on 2018-19 for 5 yrs. long term lease i.e upto 2022-23 and agreement executed by you on dt: 27.03.2019.

LAND SCHEDULE

Mouza	Khata No.	Plot No.	Khasam	Area in Ac.
Galganda	65	480	Nadii	5.90
		481		2.93
Durubha	7H	321	Nadii	8.42
		322		11.40

Further, as per Rule-27 of OMMC Rules, 2004 as amended by OMMC (Amendment) Rules 2014 and Rule 8(4) of OMMC Rules, 2016 provide that "minimum period of lease shall be five years" Rule 61(2) of OMMC Rules,2004 and Rule 43(2) of OMMC Rules,2016 stipulate "the date of commencement of period for which the quarry lease is granted shall be the date on which duly executed deed is registered" and clarification is communicated by the R & DM Deptt. vide their letter No. 15040, dt: 02.05.2020 that, Operation of the quarry for the lease period beyond 31.03.2020 shall be subject to approval of mining plan. Hence, in the above circumstances for extension of lease period is hereby considered and you are directed to produce revised Mining Plan for the period of **01.04.2023 to 26.03.2024** from the authorized RQP for further course of action at this level.

Yours faithfully

Tahasildar, Nandapur

Date: 28.03.2023

Memo No. - 647/2023

Copy submitted to the Addl. District Magistrate, Koraput (Revenue Section) for favour of kind information and necessary action with reference to their Memo No. 1327, dt: 12.05.2020.

Tahasildar, Nandapur.

Date: 28.03.2023

Memo No. - 648/2023

Copy submitted to the Sub-Collector, Koraput for favour of kind information and necessary action.

Tahasildar, Nandapur.

ANNEXURE-"5"

Annexure 5

eTo Online.
application fees
④

18/4/23, 12:58 PM

SPCB



Odisha
State Pollution Control Board

Online Consent Management & Monitoring System

Ministry of Environment, Forest and Climate Change
Government of India



On-line Payment Receipt

Receipt No.	611862595
Depositor Name	Damburudhara Ramsingh
Bank Id.	410
Bank Name.	HDFC Net Banking
Application No.	4690640
Name and Address of Industry	Galganda Sand Bed, Galganda Sand Bed, Khata No. 65 & 78, Nandapur, Koraput
Name of Regional Office	SE I
Applied For	CTE - both Mine - new
Payment Date	Fri Apr 28 12:39:54 IST 2023
Payment Details	
CTE (Rs.)	20000.0
Total Amount Paid (Rs.)	20000.00
Transaction Status	Successfully Completed

Proceed

Print

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Annexure 5

CTE -> Permission fees online ₹8

28/4/23, 4:31 PM

SPCB



Online Consent Management & Monitoring System
Ministry of Environment, Forest and Climate Change
Government of India



On-line Payment Receipt

Receipt No.	532742796
Depositor Name	Damburudhara Ramsingh
Bank Id.	410
Bank Name.	HDFC Net Banking
Application No.	4698516
Name and Address of Industry	Galganda Sand Bed, Galganda Sand Bed, Khata No. 65 & 78, Nandapur, Koraput
Name of Regional Office	SE I
Applied For	CTO - Air+Water+AddSheet - new
Payment Date	Fri Apr 28 16:13:20 IST 2023

Payment Details

CTO (Rs.)	15000.0
Total Amount Paid (Rs.)	15000.00
Transaction Status	Successfully Completed

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Comply Letter - DDM

(9)



**OFFICE OF THE DEPUTY DIRECTOR OF MINES, JEYPORE CIRCLE,
DIST- KORAPUT.**

Lane 7A, Lingaraj Nagar, Jeypore, 764004
Mail: ddm-jeyporemim@gov.in Mob: 8984727514.

No. **43** /Mines.

Date. **06.01.2025**

From:

The Mining officer cum Competent Authority
Koraput

To

Sri Dambrudhar Ramsing
S/o Damdor Ramsing
At Pujariput(Banjalaput),PO/PS Padwa-Nandapur
Dist Koraput 764038

Sub: Reminder against deposit of Environmental compensation charges for Galganda
& Duruba Sand Bed.

Ref: No.2099/Mines Dtd.12-11-2024

Sir,

As per the subject & letter under reference, I am to inform you that you haven't deposited the environmental compensation charges demanded against Galganda & Dhuruba Sand Bed under Nandapur Tahasil of amount Rs.41,91,754/- till date vide letter no.2099/Mines dtd.12-11-2024 in accordance with the Hon'ble NGT order no. OA No.66/2024/EZ..

Hence you are once again requested to deposit the above said amount within 15days of receiving this letter, failing which the legal action as per law will be prosecuted against you.

This may please be treated as most urgent.

Yours Faithfully,


Mining Officer, Koraput
Mining Officer
Koraput

Copy forwarded to the Deputy Director of Mines, Jeypore Circle for favour of kind information.


Mining Officer, Koraput
Mining Officer
Koraput



**OFFICE OF THE DEPUTY DIRECTOR OF MINES, JEYPORE CIRCLE
DIST-KORAPUT**

Mail: - ddm-jeyporemm@gov.in, Mob: 8984727514.

No. 2099 / Mines.

Date: 12 .11.2024

DEMAND NOTICE

From

The Mining Officer Cum Competent Authority
Koraput

To

Sri Dambarudhar Ramsingh
S/O Damodar Ramsingh
At-Pujariput (Banjalput), PO/PS-Padwa, Tahasil-Nandapur
Dist-Koraput -764038

Sub: Deposit of Environmental Compensation charges for **Galganda & Duruba Sand Bed** under Nandapur Tahasil.

Sir,

In inviting a reference to the subject cited above, you are requested to deposit the following environmental compensation charges against **Galganda & Duruba Sand Bed** under Nandapur Tahasil as assessed by the joint team as per the Hon'ble NGT order vide case no.OA No.66/2024/EZ for extraction quantity of 25590.3 Cum during the period from 27.03.2019 to 26.03.2024 without having Environmental Clearance, CTE & CTO and submit the Receipts/DD etc to the undersigned.

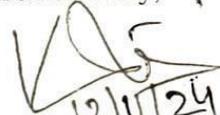
	Quantity	Unit	Remarks
Total Volume of mined out material (Y)	25590.3	Cum	As mentioned in the case record of the source
Total Permitted Quantity in Environmental Clearance (X)	0	Cum	
Excess Extraction (Z=Y-X)	25590.3	Cum	
Market Value of Sand	75.86	Rs/ Cum	As per Schedule of rate 2022 (Pg no.- 104), fixed by Works Deptt., Govt. of Odisha & Steel and Mines Deptt., letter no. 9238, dtd. 25.10.2024
Market Value of Illegally Mined Material (D = Z x Market Value)	1941280	Rs.	
Risk Factor (RF)	0.75	--	Significant
Annual Value of Foregone Ecological Values (D*RF)	1455960		
Present Value (PV) of Foregone Ecological Values (@ 7 % discount rate (r) and over 5 years) $PV = \sum_{t=1}^5 (D * RF) / (1 + r)^t$	0.06		
1st Year	1373547		
2nd Year	1295799		
3rd Year	1222452		
4th Year	1153257		
5th Year	1087978		
Total	6133034		
NPV = PV - D (Environmental Compensation)	41,91,754	Rs.	

ANNEXURE-"6"

Hence, you are requested to deposit an amount of Rs. 41,91,754/- (Rupees Forty-one lakh Ninety-one thousand Seven hundred Fifty-four) only towards the Environmental Compensation charges in the 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, Govt. of Odisha-751001 at early possible date, failing which, action as per law will be initiated against you.

This may please be treated as most **URGENT**.

Yours faithfully,


12/11/24
MINING OFFICER,
KORAPUT

Memo No. 2100 / Mines

Dt. 12.11.2024

Copy forwarded to the Director of Minor Minerals, Odisha, Bhubaneswar for kind information.


12/11/24
MINING OFFICER,
KORAPUT

Memo No. 2101 / Mines

Dt. 12.11.2024

Copy forwarded to the Dy Director of Mines, Jeypore Circle, Jeypore, Dist-Koraput for kind information.


12/11/24
MINING OFFICER,
KORAPUT

Item No.03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.66/2024/EZ
(Earlier O.A. No.20/2024/PB)

IN THE MATTER OF

Pooja Phillo & Ors.,
Nandapur Tahsil,
District- Koraput, Odisha.

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

Versus

- 1. Principal Secretary, Directorate of Geology,
Government of Odisha,**
- 2. Collector, Koraput,**
- 3. Secretary, Integrated Regional Office of Ministry of
Environment, Forests and Climate Change,
Bhubaneswar,**
- 4. Member Secretary, Central Pollution Control Board,**
- 5. Member Secretary, Odisha State Pollution Control Board,**
- 6. Principal Secretary, Department of Mines and Geology,
Andhra Pradesh,**
- 7. Member Secretary, Andhra Pradesh State Pollution Control
Board,**

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

Date of hearing: 09.08.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : None

For Respondent(s) : Mr. Anand Prakash Das, ASC for R-1&2 (in Virtual Mode),
Mr. Dipanjan Ghosh Advocate for R-4,
Ms. Papiya Banerjee Bihani, Adv. for R-5 (in Virtual Mode),
Mr. TVS Raghavendra Sreyas, Adv. a/w
Mr. Siddharth Vasudev, Adv. for APPCB (in Virtual Mode)

ORDER

1. The Original Application No.20/2024/PB was registered by the New Delhi Bench of the National Green Tribunal taking cognizance of a letter petition submitted by the Applicants, Ms. Pooja Phillo and others.
2. Thereafter, the case was transferred to the Eastern Bench of the National Green Tribunal at Kolkata and has now been re-numbered as Original Application No.66/2024/EZ.
3. The Delhi Bench of the Tribunal also constituted a Joint Committee comprising of the following Members:-
 - (i) Central Pollution Control Board,
 - (ii) Odisha State Pollution Control Board,
 - (iii) Andhra Pradesh Pollution Control Board,
 - (iv) Collector, Koraput, Orissa,
 - (v) Integrated Regional Office of MoEF&CC, Bhubaneswar,
 - (vi) Directorate Geology, Odisha, and
 - (vii) Department of Mines & Geology, Andhra Pradesh
4. The Committee was directed to inspect the site in question and submit a factual report and also suggest remedial action.
5. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

X X X X

"It is to be noted that the Tahsildar of Nandapur Tahsil Office, District-Koraput have been ignoring our demands when we approached for an explanation regarding Sobhaput Bridge construction which is towards Andhra Pradesh upto an extension of 400 meters it's construction have been done by RD Sunabeda, District-Koraput, Odisha.

But the Bridge road both side are now in the capture of Andhra Pradesh which is being claimed by the authorities of Andhra Pradesh basing on which Andhra Pradesh is constructing Mobile towers, schools and other institutions.

ANNEXURE-"7"

Instead of identifying the boundaries of the state the revenue officials of Nandapur Tahsil are also face shaving from their duties that the Sobhaput Bridge river is the natural boundary of Odisha border. When several people of Panthlung Grampanchayat informed this matter to the Tahsildar Nandapur he in a horrible way responded to the demands of the Grampanchayat Panthlung.

More importantly the Tahsildar Nandapur without any fail have shaken his hands with the Sand mafias of Andhra Pradesh who have been illegally mining sand from Sudu, Sariapall, Mariput, Ratulput, Pradhaniput, Sobhaput and several other places.

A special shed have been constructed near Padwa Badadebta Temple by the Mafias for entertaining the Tahsildar Nandapur with Booze and other favours. More importantly the Tahsildar Nandapur is not issuing "R n Y" form for the legal sand miners of Odisha.

Galganda- Duruba sand sairat, though the lease holder completed his quota of sand lifting the lease has been extended to one year more. Rather the Nandapur Tahsildar is charging the legal sand miners of Odisha with hefty fine of Rs 30000/- per trip to fulfil his own financial needs. Due to illegal sand lifting from the river by using JCP machine day by day the river is going to dipper from the previous, by which the flowing of water going dipper and side by farmers not able to use the river water for their farming.

Thus we request you to kindly take stringent necessary action over this Tahsildar and immediately he should be removed from such important position. He is not treating his position as a Public Servant but a Public Monarch.

X X X X

6. Counter-affidavit dated 20.05.2024 has been filed by the Central Pollution Control Board bringing on record the Joint Committee Inspection Report. The Report reads as under:

"Joint Committee report submitted to the Hon'ble NGT (EZ), Kolkata in OA 66 of 2024 (EZ) in the matter Pooja Phillo and Ors Versus State of Odisha & Ors, earlier registered as OA 20 of 2024 at Hon'ble NGT (PB)

1. Background

The Original Application 20 of 2024 was registered at the Hon'ble NGT, Principal Bench, New Delhi based on the letter petition received through post from Smt. Pooja Phillo, resident of Nandapur Tahsil, District- Koraput, Odisha.

In the letter petition, it is enumerated that due to illegal sand lifting from the Machkund river by using JCP machine day by day the river is going to deeper from the previous, by which the flowing of water going deeper and side by farmers are not able to use the river water for their farming.

The Hon“ble NGT, Principal Bench heard the case on 19/02/2024 and directed the following:

“In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Pollution Control Board, Odisha State Pollution Control Board, Andhra Pradesh Pollution Control Board, Collector, Koraput, Orissa. Integrated Regional Office of MoEF&CC, Bhubaneswar, Odisha, Directorate Geology, Odisha and Department of Mines and Geology, Andhra Pradesh and direct the same to undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, verify the factual position and suggest to the concerned Authorities appropriate remedial action. The Central Pollution Control Board will be the nodal agency for coordination and compliance.”

Further, the matter was transferred to the Hon“ble NGT, Eastern Bench, Kolkata.

The case is numbered as OA No 66 of 2024 and pending before the Hon“ble NGT, Eastern Bench, Kolkata.

2. Formation of the Joint Committee

In compliance to the Hon“ble NGT directions, the Joint Committee was constituted with following members:

Sl	Name	Department	Designation
1.	Sri Q J Khan	Directorate of Mines and Geology, Steel & Mines	Joint Director Geology, Koraput

ANNEXURE-"7"

		<i>Department, Govt. of Odisha</i>	
2	<i>Sri Benudhar Sabar</i>	<i>District Magistrate, Koraput</i>	<i>Sub-Divisional Magistrate and Sub-Collector, Koraput</i>
3	<i>Dr B B Saritha</i>	<i>Andhra Pradesh Pollution Control</i>	<i>Environmental Engineer</i>
4	<i>Sri D E V S S N Raju</i>	<i>Directorate of Mines and Geology, Govt. of Andhra Pradesh</i>	<i>Assistant Director</i>
5	<i>Sri Deepesh Biswal</i>	<i>Odisha State Pollution Control Board, Regional Office, Koraput</i>	<i>Regional Officer</i>
6	<i>Sri Sandeep Nandi</i>	<i>Ministry of Environment, Forest & Climate Change, Integrated Regional Office, Bhubaneswar</i>	<i>Scientist „B“</i>
7	<i>Smt Sowmya D</i>	<i>Central Pollution Control Board, Regional Directorate, Chennai</i>	<i>Scientist „E“</i>
8	<i>Sri Sandeep Roy</i>	<i>Central Pollution Control Board, Regional Directorate, Kolkata</i>	<i>Scientist „D“</i>

3. Joint Committee Meetings and Site Inspection

Central Pollution Control Board, Kolkata being the Nodal Agency in this matter, coordinated with all the concerned departments and the 1st Meeting of the Joint Committee was held on 28th March, 2024 via Video Conferencing for preliminary discussions and other associated activities including schedule for site visit. The Joint Committee decided to schedule the site visit on 04th April, 2024.

After the meeting, as per direction of Hon"ble NGT, an email was also sent to the Applicant intimating about the date and time of inspection so that she may be present during site inspection. The applicant was also informed over telephone and via WhatsApp message service.

The Joint Committee visited the following locations on 04th April, 2024 at Machkund riverbed at Nandapur Tahsil, Koraput, Odisha:

- 1. Sobhaput Bridge*
- 2. Sand mining locations along the river at Sudu, Sariapall, Mariput, Ratulput, Pradhaniput and Sobhaput.*

The applicant Smt. Pooja Phillo, with spouse, was present during the inspection and showed the locations of sand mining mentioned in Application.

4. Site Observations by Joint Committee w.r.t. Averments made by the Applicant

Based on the inspection with reference to the averments outlined in the application, pointwise observation/factual position are provided for each averment as follows:

Observation w.r.t. Averment -1

4. 1 Averment -1:

Sobhaput Bridge construction which is towards Andhra Pradesh upto an extension of 400 metres its construction has been done by RD Sunabeda, District-Koraput, Odisha. But the Bridge and road on both sides are now in the capture of Andhra Pradesh which is being claimed by the authorities of Andhra Pradesh basing on which Andhra Pradesh is constructing Mobile towers, schools, and other institutions.

Instead of identifying the boundaries of the state the revenue officials of Nandapur Tahsil are also face shaving from their duties that the Sobhaput Bridge River is the natural boundary of Odisha border.

Factual Position:

During the Joint Committee inspection, the Applicant was present and informed the committee that State boundaries between Odisha and Andhra Pradesh is not properly demarcated in Nandpur Tahsil, Koraput District i.e. the land adjacent to Shobhaput bridge and upto 400 m distance belongs to Odisha State. People from Andhra Pradesh is carrying out the sand mining activities without necessary permissions from concerned Authorities.

As per the documents furnished by the Department of Land and Revenue, Koraput, the mid line of Machkund river serves as a border boundary between Odisha and Andhra Pradesh. It is informed that the Bridge over River Machkund has been constructed by Road and Development, Sunabeda, Koraput of Odisha and connects Odisha and Andhra Pradesh.

As per Topo Sheet (No. 65 J/11/SW), published in the Year 1985 by Survey of India, the mid-line of River Machkund is demarcated as Border between the Odisha and Andhra Pradesh States.

In the Averment it is mentioned that the Bridge and road on both sides are now in the capture of Andhra Pradesh and authorities of Andhra Pradesh is constructing Mobile towers, schools, and other institutions. During the Joint Committee visit no such activities like construction of Mobile towers, schools and other institutions by the State of Andhra Pradesh in the area near the Shobhaput Bridge that belongs to Orissa was observed. The habitation/establishment area was only present in the Sithaganta Village of Andhra Pradesh which is 2 Km (Road distance approx.) from the bridge.

Observation w.r.t. Averment-2

4.2 Averment-2:

More importantly the Tahsildar Nandapur without any fail have shaken his hands with the Sand mafias of Andhra Pradesh who have been illegally mining sand from Sudu, Sariapall, Mariput, Ratulput, Pradhaniput, Sobhaput and several other places.

Factual Position:**i. Sand mining Policy in Andhra Pradesh:**

In Andhra Pradesh, mining of Minor Mineral is governed by Andhra Pradesh Minor Mining Concession (APMMC) Rules, 1966. As per Government of Andhra Pradesh Industries and Commerce (M-III) Department Memo no. INC04-26024/5/2021/A3-M-III dated 20.07.2021, sand mining is allowed for local consumption in 1st to 3rd order river streams, where sand deposits occur, less than 5000 cubic meters.

ii. Sand mining Policy in Orissa:

*Any mining of Minor Mineral in Odisha is governed by OMMC Rules 2016, in which after auction of a sairat source (**Sand Source**- which may be leased out) the bidder or the lessee needs to submit approved Mining Plan as well as other Statutory Clearances like Environment Clearance, Consent to Establish, Consent to Operate from concerned Department.*

iii. Factual position as per site visit to sand mining locations:

The Joint Committee visited Sudu, Sariapall, Mariput, Ratulput, Pradhaniput and Sobhaput regions from the Odisha side to verify any sand mining activities are being carried out. The Tahasildar, Nandapur and the concerned revenue inspector (RI) located the spots in the village sheet, all the spots are along the River Machkund. These areas featured in Survey of India Topo Sheet (SITS No-65J/11 (E44K11) wherein the State Boundary of Odisha and Andhra Pradesh follows the mid-line of River Machkund.

In all the locations there were no indications of mechanized mining activities, however, it was observed that local populace from Andhra Pradesh, approached the River from Andhra Pradesh side only and manual mining was being carried out across the width of the river.

The officials of Directorate of Mines and Geology, Steel & Mines Department, Govt. of Odisha and Directorate of Mines and Geology, Govt. of Andhra Pradesh confirmed that the Departments have not identified or notified the aforesaid locations (Sudu, Sariapall, Mariput, Ratulput, Pradhaniput, Sobhaput) for commercial mining in River Machkund.

The observations made at the locations visited are as follow:

Location 1: Sudu

Manual excavation of sand from the river bed below the water level of river is being carried out at the location. About 4 numbers of trucks out of which 2 numbers are Hyva are parked near the river and people were engaged in excavation and loading of sand. The river bank has been broken up by developing approach road to the loading site and a gorge has developed. 10 small dumps of sand were observed. The mining of sand is carried out in unscientific manner. This spot is in the meandering region of River Machhkund towards the Andhra Pradesh side.

Location 2: Sariapal

The location is in the River Machhkund. Mining was not being carried out during the inspection, but it was evident from the physical remnant that sand mining was carried out unscientifically at the location. A dump of sand along the bank towards Odisha side was observed. The river bank was damaged by developing approach road for loading site and a gorge has developed in the Andhra Pradesh side.

Location 3: Pradhaniput

Manual excavation of sand from the river bed below the water level of river was being carried out at the location in Pradhaniput. People were engaged in excavating sand across width of the River and dumping on the bank. The river bank was broken due to development of approach road to the loading site. More than 10 numbers of dumps of sand were observed. The mining of sand is carried out unscientifically as the spot is in the meandering region of River Machhkund towards the Andhra Pradesh side.

Location 4: Rutuluput-Mariput

Any type of mining activity or dumping of sand in these spots were not observed. These spots are in the meandering region River Machhkund. The O/o Tahsildar- Nandapur (Odisha) is carrying out checking activities on regular basis of the area and in case of violation/illegal transportation of the sand, the penalty is being imposed towards Royalty & Ecological Damages purpose. In the

FY 2023-24, an amount of Rs 7,14,450 is recovered as Penalty from the violators.

Observation w.r.t. Averment -3

4.3 Averment 3:

Galganda- Duruba sand sairat, though the lease holder completed his quota of sand lifting the lease has been extended to one year more. Rather the Nandapur Tahsildar is charging the legal sand miners of Odisha with hefty fine of Rs 30000/- per trip to fulfil his own financial needs.

Factual Position:

The Applicant is not aware about this Averment and stated, she did not make this complaint (Averment 3). The committee members visited the Galganda- Duruba sand sairat site and made following observations but Applicant was not interested and did not accompany with the committee.

Galaganda-Duruba-The Sairat Source for Sand is located at 18°21'37.524"N - 82°44'19.966"E along the Patala River which is a contributory to Jalaput Reservoir in the downstream of Koraput District, Orissa State. Sand has been stored in the river bank at Duruba. Similarly at Galaganda at 18°21'2.962"N - 82°43'2.590"E.

The Sairat Source for Sand over an area of Ac 28. 65 or Ha 11.59 was auctioned on dt.11.06.2018 as per letter of Competent Authority Tahasildar Nandapur vide Lt.no-1161/18 dt.20.06.2018 for 5 years on long term basis. The first Mining Plan was approved vide Lt. No- 996/KZ dt.24.07.2018 with year wise production of 1740 Cum for 2018-19, 1800 Cum for 2019-20, 1860 Cum for 2020-21, 1920 Cum for 2021-21 and 1980 Cum for 2022-23. A total of 9300 Cum for lifting of sand over five years as Minimum Guaranteed Quantity @ Rs.37/- per Cum and other levies. The lease agreement was executed on dt.27.03.2019 vide Lt. No- 646/2023 dt.28.03.2023 of Tahasildar Nandapur as per Odisha Minor Minerals Concession Rules (OMMC) Rules 2016 the lease is valid up to 26.03.2024, and hence Modification of Mining Plan up to 26.03.2024 was approved vide Lt. No- 292/KZ dt.19.04.2023.

1. The Galganda- Duruba sand sairat is having lease area of 26.65 Acre under the Plot No. 480, 481 & 321, 322 (Khata No. 65 & 78 respectively). The mining lease was allotted by O/o Tahsildar- Nandpur (vide Letter No. 646/2023 dt. 26/03/23) to Sri Damburudhara Ramsingh w.e.f. 01/04/23 to 26/03/24. At present mining activities have been stopped and further lease validity procedure is not executed due to Code of Conduct in the State.
2. Galganda- Duruba sand sairat has not obtained Environmental Clearance and Odisha State Pollution Control Board does not have any record about this source.
3. No mechanized mining activity using JCB/Hydra or other Machineris is taking place in the area.

Observation w.r.t. Averment -4

4.4 Averment -4:

A special shed have been constructed near Padwa Badadebta Temple by the Mafias for entertaining the Tahsildar Nandapur with Booze and other favours. More importantly the Tahsildar Nandapur is not issuing "R n Y" form for the legal sand miners of Odisha.

Factual Position:

The Applicant was not able to furnish any information about the Averment. The complaint associated with the Averment was stated to not have been made by the Applicant.

5. General Observations:

During discussion with Applicant and Representatives, they were unable to provide the documents which have been submitted before Hon"ble NGT- PB. Further, Applicant was unaware about some content in her Letter Petition as above. However, other people/representatives stated that the major concern in the area is border of the two States i.e. Odisha & Andhra Pradesh near Shobhaput Bridge over River Machkund.

6. Action plan for Remediation:

In view of above observations, following action plan for remedial are proposed by the Joint Committee:

- 1. The Department of Land and Revenue and Department of Irrigation of Andhra Pradesh and Orissa states may examine the boundary issues prevailing in Koraput district.*
- 2. The District Magistrate (of concerned District in Odisha & Andhra Pradesh) may constitute a district-level committee for anti- illegal sand mining measures as per guidelines on "Enforcement & Monitoring Guidelines for Sand mining" (2020) published by MoEF&CC.*
- 3. District Magistrates shall ensure sand mining activities are carried out as per EIA Notification, 2006 and Sustainable Sand Mining Management Guidelines,2016. Strict regulations maybe enforced in governing sand mining activities, including obtaining proper permits and adhering to environmental guidelines.*
- 4. All mining activities in the river should be allowed only on the basis of Environmental Clearance from SEIAA, except for very limited activities which are exempted by MoEF & CC Notification S.O. 1224 (E) Dt 28/03/2020. The Mining Depts in both the States may examine their existing provision for allowing mining in terms of conformity with said Notification and if required, it may modify the existing provisions to align them with the notification.*
- 5. Mining must be done only after obtaining Mining Plan, Environmental Clearance, and Consent to Operate from the State Pollution Control Board. Competent authorities shall lease out the sand sairat sources only after due verification of above statutory clearances.*
- 6. Installation of check gates in areas of sand mining is recommended. This step is key factor for directing legal transportation and ensuring that only approved routes are used for the movement of sand.*
- 7. It is recommended to increase surveillance efforts through the deployment of law enforcement agencies, including police and forest officials, to monitor the area for any illegal sand mining activities. It is suggested to carry regular police patrols in the affected area to check for illegal sand mining and transportation even during odd hours. By maintaining a continuous police presence, authorities could effectively enforce regulations and timely respond to any unlawful operations.*
- 8. It is recommended to Conduct regular remote sensing or drone surveys to check any illegal mining in the area by the Department*

of Mines & Geology / Remote Sensing Agencies. Utilizing modern technologies such as drones, satellite imagery, and GPS tracking will enhance monitoring capabilities and will be helpful to detect illegal activities more effectively.

9. The local communities living in the area may be engaged and awareness may be conducted about the negative impacts of illegal sand mining on the environment, water resources, and livelihoods. Community participation may be encouraged in monitoring efforts and reporting of any suspicious activities to the authorities promptly."

7. The site observation of the Committee shows that the said boundaries between Odisha and Andhra Pradesh have not been properly demarcated in Nandapur Tahsil, Koraput District i.e. the land adjacent to Shobhaput bridge and upto 400 m distance belongs to Odisha State. It is mentioned that people from Andhra Pradesh are carrying out the sand mining activities without necessary permissions from concerned Authorities.
8. The Report mentions that the mid line of Machkund river serves as a border boundary between Odisha and Andhra Pradesh and the Sobhaput Bridge serves as a connection between Odisha and Andhra Pradesh. It is stated that the Bridge over the River Machkund has been constructed by Road and Development, Sunabeda, Koraput of Odisha, connecting Odisha and Andhra Pradesh.
9. The Report further mentions that during the visit of the Committee no such activities like construction of Mobile towers, schools or other constructions were observed being carried out by the State of Andhra Pradesh in the area near the Shobhaput Bridge that belongs to Odisha. Habitation/establishment area was only present in the Sithaganta Village of Andhra Pradesh which is approximately 2 Km from the bridge.

10. It is also stated that as per the Government of Andhra Pradesh Industries and Commerce (M-III) Department Memo dated 20.07.2021, sand mining is allowed for local consumption in 1st to 3rd order river streams, where sand deposits occur, less than 5000 cubic meters.
11. The Joint Committee also visited Sudu, Sariapall, Mariput, Ratulput, Pradhaniput and Sobhaput regions from the Odisha side to verify any sand mining activities are being carried out. The Tahasildar, Nandapur and the concerned revenue inspector (RI) located the spots in the village sheet, and all the spots were found to be along the River Machkund.
12. It is stated that these areas also featured in the Survey of India Topo Sheet (SITS) No-65J/11 (E44K11) wherein the State Boundary of Odisha and Andhra Pradesh follows the mid-line of River Machkund. In all the locations there were no indications of mechanized mining activities, however, it was observed that local populace was carrying out manual mining of sand from River Machkund.
13. It is stated that the local populace from the side of Andhra Pradesh, approached the River and manual mining was carried out across the width of the river.
14. The Report further mentions that the officials of the Directorate of Mines and Geology, Steel & Mines Department, Govt. of Odisha and Directorate of Mines and Geology, Govt. of Andhra Pradesh confirmed that the Departments have not identified or notified the aforesaid locations (Sudu, Sariapall, Mariput, Ratulput, Pradhaniput, Sobhaput) for commercial mining in River Machkund.

15. At the Sudu locations, the Committee observed that manual excavation of sand from the river bed below the water level of river was being carried out; 4 trucks out of which 2 were Hyva, were parked near the river and people were engaged in excavation and loading of sand; the river bank was broken up by developing approach road to the loading site and a gorge has developed; 10 small dumps of sand were observed; mining of sand was being carried out in an unscientific manner. This spot was found to be out of the region of River Machkund towards Andhra Pradesh side.
16. As regards Sariapal, the Report mentions that there was no mining being carried out during inspection but physical remnants showing sand mining being carried out unscientifically was observed; dump of sand along the river bank towards Odisha side was observed; the river bank was damaged by developing approach road for loading site and a gorge had developed in the Andhra Pradesh side.
17. As regards Pradhaniput, the Committee observed that manual excavation of sand from the river bed below the water level of the river was being carried out; people were engaged in excavation of sand across the width of the River and there was dumping of sand on the river bank; the river bank was broken due to developing of approach road to the loading site; more than 10 dumps of sand were observed; mining of sand was being carried out unscientifically and the area is in the River Machkund towards Andhra Pradesh side.
18. As regards location of Rutuluput-Mariput, the Committee observed that no activity of sand mining or dumping of sand was observed. The area is in the meandering region of River Machkund. The

Tahsildar-Nandapur (Odisha) is carrying out checking activities on a regular basis in the area.

19. It is also stated that in the Financial Year (FY) 2023-24, an amount of Rs. 7,14,450 has been recovered towards Penalty.
20. The Report further mentions that the Committee Members visited the Galganda-Duruba sand sairat site but the Applicant did not accompany the Committee. The Committee observed that the Sairat Source for Sand is located at 18° 21' 37.0524"N - 82° 44' 19.966" E along the Patala River which is a contributory to Jalaput Reservoir in the downstream of Koraput District, Orissa State. Sand had been stored on the river bank at Duruba and Galaganda. The Sairat Source for Sand over an area of 28.65 acres or 11.59 Ha was auctioned on 11.06.2018 by the Tahasildar Nandapur for five years. Lease agreement was executed on 27.03.2019 and lease is valid upto 26.03.2024. It is stated that the first Mining Plan was approved vide Letter dated 24.07.2018 with year wise production of 1740 Cum for 2018-19, 1800 Cum for 2019-20, 1860 Cum for 2020-21, 1920 Cum for 2021-22 and 1980 Cum for 2022-23, a total 9300 Cum for lifting of sand over five years as Minimum Guaranteed Quantity (MGQ) at Rs. 37/- per Cum and other levies.
21. As regards Galganda-Duruba sand sairat, it is stated that the same has a lease area of Ac 26.65 decimal under Plot No. 480, 481 & 321, 322 (Khata No.65 & 78 respectively). It is stated that the mining lease was allotted by the Tahsildar- Nandapur (vide Letter No.646/2023 dt 26/03/23) to Sri Damburudhara Ramsingh w.e.f. 01/04/23 to 26/03/24 but at present mining activities had been stopped and further lease validity procedure could not executed due to Model Code of Conduct (MCC) in the State.

22. It is stated that Galganda-Duruba sand sairat has not obtained Environmental Clearance and Odisha State Pollution Control Board does not have any record about this source. No mechanized mining activity using JCB/Hyva or other Machineries was found in the area.
23. The Committee has also made certain recommendations in its Report with an Action plan for Remediation (APR) which has been proposed with the Department of Land and Revenue and Department of Irrigation of Andhra Pradesh and Orissa to examine the boundary issues prevailing in Koraput district.
24. It is also recommended inter alia, that the (District Magistrates of the concerned districts in Odisha and Andhra Pradesh) may constitute a district-level committee for prevention and taking measures against illegal sand mining as per "Enforcement & Monitoring Guidelines for Sand mining" (2020) issued by the MoEF&CC.
25. We have considered the Joint Committee Inspection Report and we find that illegal sand mining using Hyva trucks has been found to be carried out in Sudu area at the spot in the meandering region of River Machkund towards Andhra Pradesh.
26. Similarly, illegal mining activities have been observed at the sand site in Pradhaniput on the Andhra Pradesh side in the area meandering region of River Machkund towards Andhra Pradesh. Similarly, illegal sand mining in an unscientific manner was found being carried out at the Sariapal where physical remnants of sand mining was found on the Odisha side and at Rutuluput-Mariput on the Odisha side where mining activities have been carried out in the past and penalties have also been recovered. Illegal sand

mining has also been found to be carried out in Galganda-Duruba where sand has been stored in the river bank at Duruba and Galganda. The committee has also noted that at places the river bank has been broken to make way for the approach road connecting to the loading site. This is a serious matter which shows damage to the river bank which if not corrected and not checked for future will lead to disastrous consequences to the riverine ecology. Preventive measures have been recommended to be taken with regard to both the State of Odisha and Andhra Pradesh.

27. The Enforcement and Monitoring Guidelines for Sand Mining 2020 issued by the Ministry of Environment, Forest and Climate Change, New Delhi mandates **Monitoring of Mining near Inter-district or inter-state boundary** and provides that:-

- a) *The districts/state sharing the boundary shall constitute the combined task force for monitoring of mined materials, mining activity and also should actively participate in the preparation of DSR by providing appropriate inputs.*
- b) *The task force shall meet every quarter to reconcile the data collected during the period and identify any gap/lapses based on the outcome of such meeting. The respective district shall take action/corrective measures.*
- c) *The Guidelines provide that the task-force shall include essentially the representative of respective districts from the mining department, transport department, regional office of State Pollution Control Board (SPCB) concerned and a reputed citizen nominated by district administration. The Taskforce shall be headed by officer not less than ADM rank and quarterly outcome shall be submitted to District administration.*

The Committee provides for standard operating procedure for assessing illegal mining by the committee constituted and it is provided that the Committee shall, but not be limited to, include the steps given in the following table given in the guidelines which reads as under:-

Suggestive standard Practice for assessing illegal mining

<i>Step 1</i>	<i>The assessment team should collect the information and documents prescribed in the Pre-Requisite section.</i>
<i>Step 2</i>	<i>The assessment team should verify the applicability/validity of statutes under EPA-1986, Air and Water Act, MMDR 1957, State Mines and Mineral Rules, etc.</i>
<i>Step 3</i>	<i>Field visit should be conducted for identification of mining lease area (in hectare) and boundary pillar constructed to indicate the same.</i>
<i>Step 4</i>	<i>With the help of GPS instrument, the team should assess the area where any extraction or mining have been carried out on the day of visit and calculate the mined-out area in a hectare.</i>
<i>Step 5</i>	<i>If available, the team may avail the use of latest satellite images for calculating the total mined out area.</i>
<i>Step 6</i>	<i>The team should verify the Ground / Surface Level (in meter above MSL) of at least 04 highest points in or around the area where mining has been done. The Ground / surface level will then be computed based on averaging of 04 highest points verified by the team.</i>
<i>Step 7</i>	<i>With the help of Depth Measurement kit or any depth measuring instruments, the depth should be measured for at least 04 points in the mined-out area.</i> <i>For computing, the depth, averaging of the value obtained at 04 points should be done.</i>

<i>Step 8</i>	<i>Verification of compliance conditions of Environmental Clearance and Consent to operate, mining methodology under Mining Plan.</i>
<i>Step 9</i>	<i>Identification of vulnerable impacts observed on the field and non-compliance of conditions of Environmental Clearance and Consent to Operate.</i>
<i>Step 10</i>	<i>Field Survey for identification, monitoring and verification of ecological species based on the information available and documents mentioned in the Pre-requisite section.</i>
<i>Step 11</i>	<i>Preparation of inventory of machinery used/observed on the field (optional)</i>
<i>Step 12</i>	<i>Preparation of inventory of hydraulic structures observed on the field (optional)</i>
<i>Step 13</i>	<i>Water sampling for assessment of water quality including physical and biological parameters. (optional)</i>
<i>Step 14</i>	<i>Reconciliation collation of data/information and compilation to maintain violation.</i>
<i>Step 15</i>	<i>Identification of restoration plan and computation of cost of the restoration plan.</i>

28. We, therefore, dispose of this Original Application No.66/2024/EZ with a direction to the Chief Secretaries of Andhra Pradesh and Odisha to forthwith take steps for constituting a Committee as provided in the Enforcement and Monitoring Guidelines for Sand Mining 2020 and ensure strict and due compliance of the aforesaid Guidelines to prevent illegal sand mining mechanical or otherwise.
29. The State Respondents shall also take steps forthwith for taking appropriate legal action against illegal miners as well as for computation of Environmental Compensation. Action in this regard shall be taken within two months and action taken report shall be

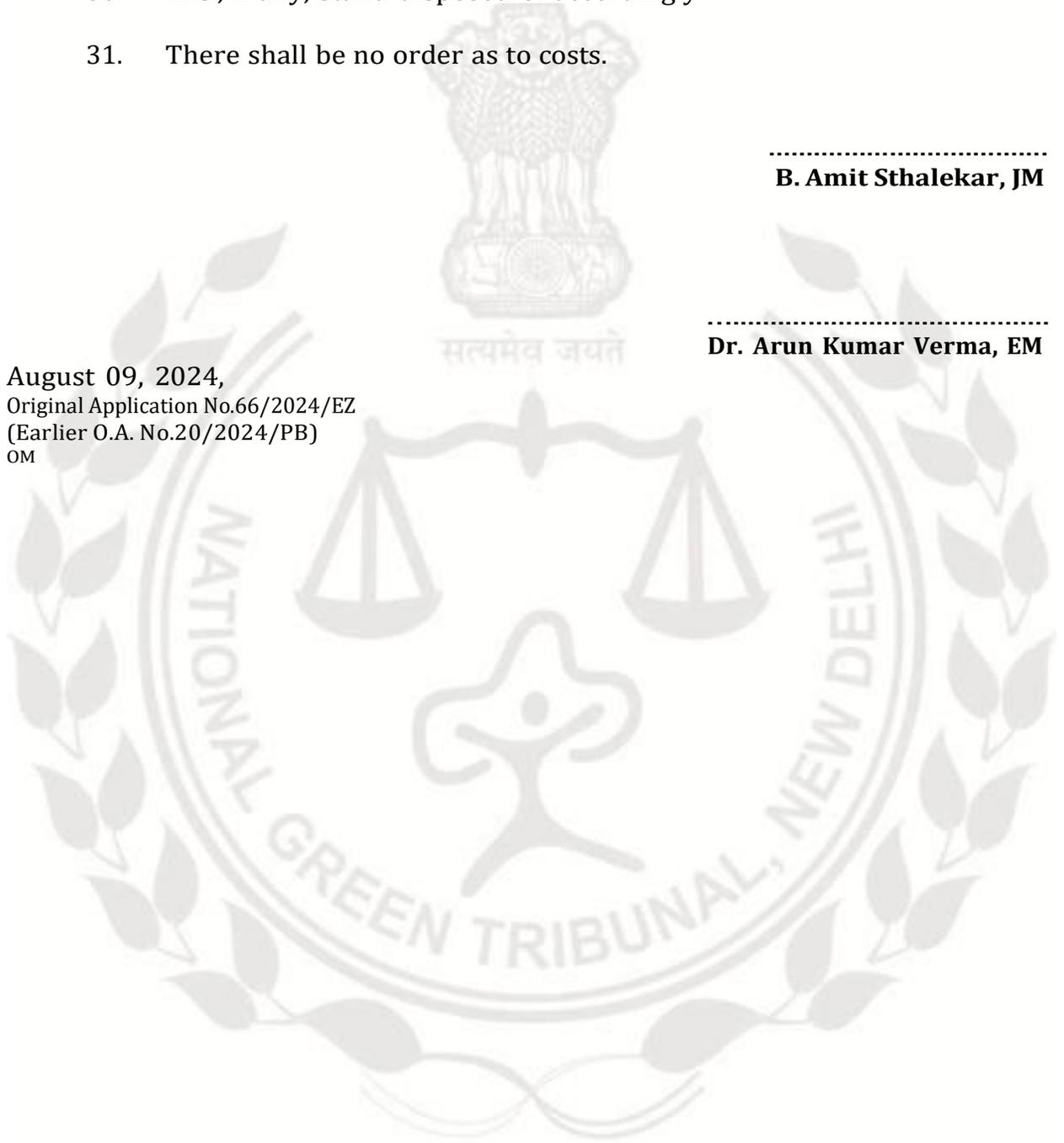
filed by the Member Secretaries of the State Pollution Control Board, Odisha and Andhra Pradesh respectively by 30.11.2024.

30. I.As., if any, stand disposed of accordingly.
31. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

August 09, 2024,
Original Application No.66/2024/EZ
(Earlier O.A. No.20/2024/PB)
OM



NGT

ANNEXURE-"8"

19



OFFICE OF THE GRAMPANCHAYAT PANTHLUNG,
DISTRICT-KORAPUT, ODISHA, 764038

Letter No:- 674/23

JWO

Dated:- 13/07/23

To
The Prime Minister of India,
South Block, Raisina Hills, New Delhi-110011

NATIONAL GREEN TRIBUNAL	
Principal Bench, New Delhi	
Receipt & Issue Branch	
Received	
19 JUL 2023	
Dairy No.	3563
Signature	[Signature]

E28

Dated:-

1718/P/2023
21/7/23

Subject:- Complaining against the Tahsildar Nandapur Tahsil for ignoring his duty.

Respected Sir,

It is to be noted that the Tahsildar of Nandapur Tahsil Office, District-Koraput have been ignoring our demands when we approached for an explanation regarding Sobhaput Bridge construction which is towards Andhra Pradesh upto an extension of 400 meters It's construction have been done by RD Sunabeda, District-Koraput, Odisha.

But the Bridge and road both side are now in the capture of Andhra Pradesh. which is being claimed by the authorities of Andhra Pradesh basing on which Andhra Pradesh is constructing Mobile towers, schools and other institutions.

Instead of identifying the boundaries of the state the revenue officials of Nandapur Tahsil are also face shaving from their duties that the Sobhaput Bridge river is the natural boundary of Odisha border. When several people of Panthlung Grampanchayat informed this matter to the Tahsildar Nandapur he in a horrible way responded to the demands of the Grampanchayat Panthlung.

More importantly the Tahsildar Nandapur without any fail have shaken his hands with the Sand mafias of Andhra Pradesh who have been illegally mining sand from Sudu, Sariapalli, Mariput, Ratulput, Pradhaniput, Sobhaput and several other places.

A.R.C.
17/7/23
LP

ANNEXURE-"8"

20

A special shed have been constructed near Padwa Badadebta Temple by the Mafias for entertaining the Tahsildar Nandapur with Booze and other favours. More importantly the Tahsildar Nandapur is not issuing "R n Y" form for the legal sand miners of Odisha. Galganda- Duruba sand sairat, though the lease holder completed his quota of sand lifting the lease has been extended to one year more. Rather the Nandapur Tahsildar is charging the legal sand miners of Odisha with hefty fine of Rs 30000/- per trip to fulfil his own financial needs. Due to illegal sand lifting from the river by using JCP machine day by day the river is going to dipper from the previous, by which the flowing of water going dipper and side by farmers not able to use the river water for their farming.

Thus we request you to kindly take stringent necessary action over this Tahsildar and immediately he should be removed from such important position. He is not treating his position as a Public Servant but a Public Monarch.

Thanking you

Yours faithfully

Grampanchayat Panthlung, Nandapur, Koraput, Odisha

Ranajit
Sarapanch
Panthlung G.P. 12/01/2023

CC to

ଶ୍ରୀ ବି. ପ୍ର. ସାହୁ
C. Samet Sahy's, Panthlung, G.P.

1. The Collector, Office of the District Collector, Koraput-764020, Odisha
- ✓ 2. The National Green Tribunal, Faridkot House, Copernicus Marg, New Delhi-110001

3. The Chief Minister of Odisha, Lok Seva Bhawan, Sachivalaya Marg, Bhubaneswar-751001, Odisha

4. The Superintendent of Police, Office of the Superintendent of Police Koraput, Koraput-764020, Odisha

5. The Southern Revenue Divisional Commissioner, RDC Southern Division Odisha, Courtpetta, Forest Colony, Berhampur-760004, Odisha

ANNEXURE-"9"

Demand Copy
(6)



**OFFICE OF THE DEPUTY DIRECTOR OF MINES, JEYPORE CIRCLE
DIST-KORAPUT**

Mail: - ddm-jeyporemm@gov.in, Mob: 8984727514.

No. 2099 /Mines.

Date: 12 .11.2024

DEMAND NOTICE

From The Mining Officer Cum Competent Authority
Koraput

To **Sri Dambarudhar Ramsingh**
S/O Damodar Ramsingh
At-Pujariput (Banjalput), PO/PS-Fadwa, Tahasil-Nandapur
Dist-Koraput -764038

Sub: Deposit of Environmental Compensation charges for **Galganda & Duruba Sand Bed** under Nandapur Tahasil.

Sir,
In inviting a reference to the subject cited above, you are requested to deposit the following environmental compensation charges against **Galganda & Duruba Sand Bed** under Nandapur Tahasil as assessed by the joint team as per the Hon'ble NGT order vide case no.OA No.66/2024/EZ for extraction quantity of 25590.3 Cum during the period from 27.03.2019 to 26.03.2024 without having Environmental Clearance, CTE & CTO and submit the Receipts/DD etc to the undersigned.

	Quantity	Unit	Remarks
Total Volume of mined out material (Y)	25590.3	Cum	As mentioned in the case record of the source
Total Permitted Quantity in Environmental Clearance (X)	0	Cum	
Excess Extraction (Z=Y-X)	25590.3	Cum	
Market Value of Sand	75.86	Rs./ Cum	As per Schedule of rate 2022 (Pg no.- 104), fixed by Mines Deptt., Govt. of Odisha & Steel and Mines Deptt., letter no. 9238, dtd 25.10.2024
Market Value of Illegally Mined Material (D = Z x Market Value)	1941280	Rs.	
Risk Factor (RF)	0.75	--	Significant
Annual Value of Foregone Ecological Values (D*RF)	1455960		
Present Value (PV) of Foregone Ecological Values (@ 7 % discount rate (r) and over 5 years) $PV = \sum_{t=1}^5 (D \cdot RF)/(1+r)^t$	0.06		
1st Year	1373547		
2nd Year	1295799		
3rd Year	1222152		
4th Year	1153257		
5th Year	1087978		
Total	6133034		
NPV = PV - D (Environmental Compensation)	41,91,754	Rs.	

ANNEXURE-"9"

Hence, you are requested to deposit an amount of Rs. 41,91,754/- (Rupees Forty-one lakh Ninety-one thousand Seven hundred Fifty-four) only towards the Environmental Compensation charges in the 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, Govt. of Odisha-751001 at early possible date, failing which, action as per law will be initiated against you.

This may please be treated as most **URGENT**.

Yours faithfully,


12/11/24
MINING OFFICER,
KORAPUT

Memo No. 2100 / Mines

Dt. 12.11.2024

Copy forwarded to the Director of Minor Minerals, Odisha, Bhubaneswar for kind information.


12/11/24
MINING OFFICER,
KORAPUT

Memo No. 2101 / Mines

Dt. 12.11.2024

Copy forwarded to the Dy Director of Mines, Jeypore Circle, Jeypore, Dist-Koraput for kind information.


12/11/24
MINING OFFICER,
KORAPUT

ANNEXURE-10

river is going to dipper from the previous, by which the flowing of water going dipper and side by farmers not able to use the river water for their farming." Hence it can be clearly understood that my client is no way involved with any illegal sand lifting. However the relevant portion of the order to be meticulously analysed so as to have a better understanding whether my client is liable to pay any compensation.

3. **Observation w. r. t. Averment – 3** as mentioned in the aforesaid order passed by Hon'ble NGT is reproduced for your kind reference to determine the legal veracity of the above referred demand notice. The said observation spells that: "4.3 **Averment 3: Galganda- Duruba sand sairat, though the lease holder completed his quota of sand lifting the lease has been extended to one year more. Rather the Nandapur Tahsildar is charging the legal sand miners of Odisha with hefty fine of Rs 30000/- per trip to fulfil his own financial needs.**

Factual Position: The Applicant is not aware about this Averment and stated, she did not make this complaint (Averment 3). The committee members visited the Galganda- Duruba sand sairat site and made following observations but Applicant was not interested and did not accompany with the committee.

Galaganda-Duruba-The Sairat Source for Sand is located at 18°21'37.524"N - 82°44'19.966"E along the Patala River which is a contributory to Jalaput Reservoir in the downstream of Koraput District, Orissa State. Sand has been stored in the river bank at Duruba. Similarly at Galaganda at 18°21'2.962"N - 82°43'2.590" "E. The Sairat Source for Sand over an area of Ac 28. 65 or Ha 11.59 was auctioned on dt.11.06.2018 as per letter of Competent Authority Tahasildar Nandapur vide Lt.no-1161/18 dt.20.06.2018 for 5 years on long term basis. The first Mining Plan was approved vide Lt. No-996/KZ dt.24.07.2018 with year wise production of 1740 Cum for 2018-19, 1800 Cum for 2019-20, 1860 Cum for 2020-21, 1920 Cum for 2021-21 and 1980 Cum for 2022-23. A total of 9300 Cum for lifting of sand over five years as Minimum Guaranteed Quantity @ Rs.37/- per Cum and other levies. The lease agreement was executed on dt.27.03.2019 vide Lt. No- 646/2023 dt.28.03.2023 of Tahasildar Nandapur as per Odisha Minor Minerals Concession Rules (OMMC) Rules 2016 the lease is valid

up to 26.03.2024, and hence Modification of Mining Plan up to 26.03.2024 was approved vide Lt. No- 292/KZ dt.19.04.2023.

1. The Galganda- Duruba sand sairat is having lease area of 26.65 Acre under the Plot No. 480, 481 & 321, 322 (Khata No. 65 & 78 respectively). The mining lease was allotted by O/o Tahsildar- Nandpur (vide Letter No. 646/2023 dt. 26/03/23) to Sri Damburudhara Ramsingh w.e.f. 01/04/23 to 26/03/24. At present mining activities have been stopped and further lease validity procedure is not executed due to Code of Conduct in the State.
2. Galganda- Duruba sand sairat has not obtained Environmental Clearance and Odisha State Pollution Control Board does not have any record about this source.
4. No mechanized mining activity using JCB/Hydra or other Machineris is taking place in the area."

The aforesaid observation clearly indicates that there was appropriate lease agreement was in place supported by the required mining plan. Therefore my client is not at err for lifting sand as he had been duly permitted by virtue of the lease agreement so also issuance of Form Y. Needless to mention that my client has also duly made the prescribed payment and obtained the receipts thereof from the office of Tahasildar Nandapur. Therefore imposing the compensation in your above referred demand notice highly prejudices my client.

5. It is apposite to mention that from the aforesaid observation of the Hon'ble NGT it is apparently clear that the complainant was not aware about the averments regarding my client and she did not make the complaint (averment -3) Also she was not present at the time of joint inspection. Needless to mention that my client was also not intimated about the joint inspection or opportunity was not given to my client to participate in the said joint inspection. Therefore the figure as mentioned in aforesaid in the aforesaid demand notice issued by you is not supported by any substantial fact rather derived from a hypothetical situation for which my client is not liable to pay the compensation as demanded.

Annexure - 10

6. It is also to bring your notice that my client was neither a party to the aforesaid O A No. 66/2024/EZ before the Hon'ble NGT nor was given an opportunity of being heard by any competent authority prior to making the demand to my client. On the other hand it is documented that due lease has been given my client and my client lifted the sand within the permissible limit depositing the required amount.
7. On a meticulous reading of the aforesaid order passed by the Hon'ble NGT, there is no observation by the joint Committee so far as quantity of sand as mentioned in your demand notice. Also no cogent evidence or substantial proof is available in support of your claim regarding quantity of sand as mentioned in your demand notice. Hence the demand is not in consonance to the settled principle of law rather an outcome of hypothetical calculation for which the said demand notice should be recalled.
8. So far as the recommendation of the Hon'ble NGT to take steps for taking legal action against illegal miners, this is to mention that in view of aforesaid lease agreement as mentioned in the order supported by appropriate Mining Plan, my client is not an illegal miner for which he should be demanded to pay compensation. Therefore your aforesaid demand notice should be recalled.

In the aforesaid circumstances I call upon you to recall the aforesaid demand notice served on my client for just and proper end of justice.

Thanking you.



Tapan Kumar Hartchandan
Advocate

Copy to:

- 1) The Principal Secretary, Govt. of Odisha, Steel & Mines, Odisha, Secretariat, Bhubaneswar- 751001
- 2) The Director of Geology Heads of the Deptt. Building, Bhubaneswar – 751001
- 3) The Collector Koraput, Koraput Collectorate District- Koraput-764020
- 4) The Member Secretary, Odisha State Pollution Board, Parivesh Bhawan, Nilakantha Nagar, Unit – VIII, Bhubaneswar- 751012
- 5) The Principal Secretary, Depart of Mines and Geology, Ad Mines & Geology Narasimaharao Peta, West Godavari-534006
- 6) The Member Secretary, Andhra Pradesh State Pollution Control Board, Door No. 33-26-14D/2, Near Sunrise Hospital, Kasturibaipet, Vijayawada-20010, AP
- 7) Ministry of Environment, Forest and Climate Change, Integrated Regional Office, A/3, Chandersekharpur, Bhubaneswar-751023

BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS
WEST BENGAL

AFFIDAVIT



I, Sri Dambarudhar Ramsingh, son of Damdar Ramsingh, resident of Vill Pujaripada, Koraput, P.O/P. S : Padwa, Dist. Koraput, (Odisha) do hereby solemnly affirm and state as follows:

That I am the Applicant in the above matter, and I am well acquainted with the facts, circumstances, and documents pertaining to this case.

That the facts stated in the accompanying Original Application, including all paragraphs, statements, submissions, annexures, and enclosures, have been drafted under my instructions and supervision, and I state that the same are true and correct to the best of my knowledge and belief.

That the accompany petition/application has been drafted by my Advocate and I have carefully read over and gone through the contents of the petition/applications which are true and correct to the best of my knowledge and information derived from the records.

That the facts stated in the affidavit are true to my knowledge. And no part of the same is false and no material has been kept concealed, therefore.

That the documents and annexures filed along with the application are true copies of their respective originals.



06 AUG 2025
05 AUG 2025

[Signature]
K. K. HALDAR
NOTARY PUBLIC
GOVT OF INDIA
Reg. No. - 13582/2018
Bidhannagar Court
Dist. North 24 Parganas
West Bengal

DEPONENT

VERIFICATION

Verified at, Kolkata, on this theday of July 2025, that the contents of this affidavit are true and correct to my knowledge and belief and that no part of it is false and nothing material has been concealed therefrom.

[Signature]

(Signature of Advocate)

[Signature]
DEPONENT

Dambarudhar Ramsingh

[Signature]

Identified and verified by:

IN THE COURT OF THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No..... /2025 JURISDICTION

IN THE MATTER OF:

SRI DAMBARUDHAR RAMSINGH APPLICANT / PETITIONER

VERSUS

STATE OF ODISHA & ORS DEFENDANT / RESPONDENT

KNOW ALL to whom these presents shall come that I/ we

The above named/applicant to hereby appoint

PANTU RAI

ADVOCATE

F-1296/2016

Email: panthu92@gmail.com

Contact: 9163300923

(hereinafter called the advocate/s) to be my/our Advocate in the above noted and I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee

is paid, I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 6th day of August, 2025.



Advocate



Client

Sri Dambarudhar Ramsingh