

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO .....<sup>185</sup>.....OF 2025

IN THE MATTER OF:

SANJIB DHAL

APPLICANT

VERSUS

STATE OF ODISHA AND ORS

RESPONDENTS

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PLACE: Bhubaneswar

DATE: 11/09/2025

*S.Pani* *A.Padhy*

**SANKAR PRASAD PANI**

**ASHUTOSH PADHY**

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278,

Email: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)

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### SYNOPSIS

That the present application is being filed challenging the inaction of the Govt. Authorities as well as the SEIAA Odisha for not taking steps for implementation of Mine closure plan and there after reclamation with plantation of indigenous trees as per the Environment Clearance Condition(9.11, 9.23, 9.29) and further computation of environment compensation for excess mining of road metal/stone from Tolarposi Road Metal Quarry and realise the same from the lessee of the quarry.

### LIST OF DATES

18/10/2021	Environment Clearance granted to tolarpasi Road Metal Quarry over an area of <b>(12.25Acres or 4.957 Hactres)</b> for production capacity of 1,00,166CuM for the entire lease period or <b>20,036 CuM per annum</b>
<b>01/02/2022</b>	<b>Lease agreement executed for 5 years</b>
05/12/2024	SEIAA authority issued a show cause notice to the lessee of Tolarpasi Road metal quarry.
18/01/2025	Environmental Clearance granted in favor of lessee of Tolarpasi Road metal quarry has been revoked by the SEIAA.
15/05/2025	Lessee of Tolarpasi Road metal quarry approached Hon'ble High Court Orissa and the Hon'ble High Court Orissa <b>dismissed the</b> petition with liberty to approach the Hon'ble NGT in Appeal. No appeal filed and the outerlimit of appeal period also expired.
28/07/2025	Applicant approached concerned Authorities including SEIAA Odisha
07/08/2025	Applicant approached DDM Talcher and DM Dhenkanal



5. **Member Secretary**, State Environment Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit – IX, 751022 Email: [seiaaodisha@gmail.com](mailto:seiaaodisha@gmail.com) , [ms-seiaa-or@gov.in](mailto:ms-seiaa-or@gov.in)
6. Tahasildar, Gondia, At/Po/PS- Gondia, Dist- Dhenkanal Email- [tah.gondia-od@nic.in](mailto:tah.gondia-od@nic.in)
7. Ajit Sahu S/o Late Gokulananda Sahu, At/po- Nihalprasad, PS- Gondia, pin- 759016 Dist- Dhenkanal ( Lessee of Stone Quarry)
8. Deputy Director of Mines, Talcher, At/Po- W6X8+66X, Remuan Rd, Talcher, Odisha 759100, Email- [ddm.talcher@orissaminerals.gov.in](mailto:ddm.talcher@orissaminerals.gov.in) RESPONDENTS

- I. The address of the Counsel of Applicant is given for the service of notices of this APPLICATION.
- II. The addresses of the Respondents are given above for the service of notices of this APPLICATION. Private Respondent is the lessee of Tolarpasi Road Metal Quarry. SEIAA has a duty to monitor the compliance of EC conditions.
- III. The Present Application Challenges the inaction of the state respondents against illegal operation by lessee in violation of environment clearance conditions.

**IT IS MOST RESPECTFULLY SHOWETH**

1. That the applicant is the villagers of Nihalprasad under Gondia tahasil of Dhenkanal district where the lessee use to operate this quarry and the applicant is concerned about the illegal blasting, excess mining and clearing of vegetation by the lessee. It is not out of place to mention that the private respondent in collusion with government authorities are operating most of stone quarries in the areas and responsible for damage to the local ecology and environment.
2. That the present application is being filed challenging the inaction of the Govt. Authorities as well as the SEIAA Odisha for not taking steps for implementation of Mine closure plan and there after reclamation with plantation of indigenous trees as per the EC Condition (9.11, 9.23, 9.29) and further computation of environment compensation for excess mining of road metal/stone from Tolarposi Road Metal Quarry and realise the same from the lessee of the quarry.
3. That the pursuant to order passed in OA 100 of 2024 the SEIAA Authority who has granted EC has revoked the same and further the committee appointed by Hon'ble Tribunal has assessed an excess mining of 7092 cum, since the Environmental Clearance was revoked during pendency of the OA 100 of 2024, Hon'ble Tribunal disposed of that OA without any further direction and the present application is subsequent to the revocation of Environmental Clearance and as because there is a fresh cause of action in regard to mine closure plan, reclamation of minivoids, computation of

environmental compensation for excess mining, hence this OA is based on the subsequent cause of action and nothing related to the final direction in OA 100 of 2024, for which the present OA is an independent application.

4. That the Applicant has earlier approached before the Hon'ble NGT vide Original Application No. 100 of 2024 and the matter was finally disposed on dated 31/01/2025, while disposing the OA Hon'ble Tribunal has observed that *"The Joint Committee Report further mentions that on the date of the site inspection i.e., 10.07.2024, the quantity extracted by the Lessee, Respondent No.13, could not be ascertained, hence, the Tahasildar-Gondia, District Mining Officer & Joint Director Geology, were requested vide letter dated 10.07.2024 to measure the exact quantity of minor mineral extracted from the source in question. It is also stated that the Tahasildar-Gondia, District Mining Officer and the Joint Director Geology, again visited the said quarry on 16.07.2024 to conduct joint assessment survey in order to ascertain the exact quantity of material extracted from the site by the Lessee through drone survey and measurement. The Report submitted by the three officers' Committee of their site inspection dated 16.07.2024 is that the lease was executed in favour of the Lessee Respondent No.13 on 01.02.2022; the Lessee was allowed to extract 20,030 cum of black stone during the first year, 20,034 cum in the second year and 20,034 in the third year, considering the approved Mining Plan but the Lessee has extracted 7092 cum excess black stone from the quarry till 16.07.2024 which is*

*illegal.*” However as on date concerned authorities have not calculated the Environmental compensation for illegal extraction. Copy of the order dated 31/01/2025 is annexed hereunto as **ANNEXURE-1**.

5. That the private respondent has been granted EC **on dated 18/10/2021** with a stipulated condition that, *“Maximum quantity of quarry material that can be permitted by the lessor to be removed from the quarry area is 20034Cum in a full year (January to December) and total production from the quarry shall be 100166Cum during the valid lease period of five years as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.”* Copy of the EC dated 18/10/2021 is annexed here unto as **ANNEXURE-2**.

6. It is not out of place to mention here that pursuant to the direction of Hon’ble NGT the committee constituted by the Hon’ble Tribunal visited the quarry in question and found certain non compliances and based upon the observations the committee made certain recommendations, those recommendations are as follows,

*“1. The Lessee shall reclaim the mined-out area after declaration of closure of the mine.*

*2. The Lessees shall inform the local people in advance while carry out blasting in the mine area before 30 minutes.*

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- 3. The project proponent shall implement the EMP and do plantation as per EC conditions after consultation with Divisional Forest Officer, Dhenkanal and submit its compliance report to SEIAA, Odisha.*
  - 4. The Lessee should submit an undertaking that the trees existing in the periphery mining lease area shall not be removed and for any deviation the Lessee will responsible for the same.*
  - 5. The Lessee shall pay the penalty for the excess mining of the mineral to the extent of 7092 CuM.*
  - 6. The Lessee shall provide solar fencing all around the quarry area in order to prevent any animal to face accident into the mine pit.*
  - 7. The Lessee shall take plantation in safety zone and OB dump area.”*
- 7.** That pursuant to the observations made by the joint committee appointed by the Hon'ble Tribunal the SEIAA authorities on dated 05.12.2024 issued one show cause notice to the lessee of the quarry stating that why the environment clearance will not be revoked due to noncompliance of EC conditions and excess mining of stone 7092 cum as pointed out in the joint inspection report of sub-committee and non-compliance of EC compliance with respect to plantation, EMP, submission of six-monthly compliance on regular basis etc. The matter was placed in 185th SEIAA, Odisha meeting held on 07.01.2025 and the Authority observed that this is a case of violation as the PP has not submitted compliance of EC conditions on regular basis and 7092 cum of stone material has been extracted from the

source as an excess mining and beyond the permission limit of EC conditions. The PP has submitted their reply on dated 20.12.2024 of show cause notice no. 6137/SEIAA dated 05.12.2024 issued by SEIAA, Odisha. The reply of the PP is not satisfactory and not acceptable. Hence, after detailed deliberation in the matter, the Authority decided to revoke the EC letter no. 3397/SEIAA dated 18.10.2021 for violation of EC conditions.

8. That the SEIAA authority after receiving the reply to the show cause notice dated 05.12.2024 the SEIAA authority decided to revoke the EC. Copy of the EC revocation letter dated 18/01/2025 is annexed here unto as **ANNEXURE-3.**

9. It is further submitted that in the above mentioned EC revocation letter it is specifically mentioned that “Any appeal against this order shall lie with the national Green Tribunal, if preferred within a period of 30 days as prescribed under section 16 of the national Green Tribunal Act, 2010.” However the lessee of the said quarry choose to file a Writ Petition before the Hon’ble High Court of Orissa at Cuttack and approached the Hon’ble High Court vide WP(C) No. 11154 of 2025, and the Hon’ble High court dismissed the petition with liberty to the Applicant therein to approach the Hon’ble NGT, however the Applicant therein choose not to approach Hon’ble NGT. Relevant portion of Hon’ble High Court order is reproduced as follows,

*“4. Learned counsel for the Intervener, at the outset, submits that since there is a provision of appeal under Section 16 of the National Green Tribunal Act, 2010, the Petitioner in order to redress his grievance should have preferred an appeal instead of preferring this Writ Petition.*

*5. In such view of the matter, this Court without going into the merits of the case directs the Petitioner to prefer an appeal along with a petition for condonation of delay before the learned National Green Tribunal. In such event, the learned National Green Tribunal shall condone the delay, if any, in accordance with law.*

*6. This Writ Petition is, accordingly, disposed of.”* Copy of the order dated 15/05/2025 is annexed here unto as **ANNEXURE-4**.

**10.** Lessee of Tolarpasi Road metal quarry approached Hon’ble High Court Orissa and the Hon’ble High Court Orissa **dismissed the** petition on 15/05/2025 with liberty to approach the Hon’ble NGT in Appeal. No appeal filed in between and the outer limit of appeal period against Revocation of Environment Clearance order dated 18/01/2025 also expired, thereby the EC revocation order attained Finality.

**11.** That the Applicant of the present OA has already approached the concerned authorities on dated 28/07/2025 and 07/08/2025 regarding the realisation of Environmental Compensation and reclamation of mine voids, however as on date no action has been taken by the concerned authorities. Copy of the

letter dated 28/07/2025 and 07/08/2025 is annexed here unto as **ANNEXURE-5.**

**12.**That **Excess mining of 7092 Cu Mtre has been found up to 16<sup>th</sup> July 2024, the day assessment was carried out by the Consultant engaged by Mines Department as per the Order of Hon'ble NGT in OA 100 of 2024.** However, the mining continued till the EC was revoked on 18/01/2025 and thereafter also continuing illegally **but no fresh measurement has been done to assess the total excess mining as on date.**

We demand a fresh measurement with help of ORSAC and **computation of environment compensation along with royalty and penalty and realisation of the same from the lessee. Needless to say, that despite of revocation of Environment Clearance, the Quarry still continues to be in the name of Present Lessee and the procedure for Mine closure plan and cancellation of lease is still to be acted upon.**

**13.** Needless to say, the SEIAA affidavit filed before Honble NGT, in para 6(d) also says that the **quarry depth is around 8 to 10mtre**, the top RL is 90metre while bottom RL is 60metre and in this case the difference comes around 30metre and **no quarry operation can go beyond 6 metre**

**14.**Hence the mining could no longer be in operation and to total excess mining as on date be calculated, then after the mine closure plan be adopted and reclamation of the quarry with plantation be carried out. It is not out of place to mention that the **surrounding site is a virgin land with full of**

**trees qualifying the dictionary meaning of forest** as per the Supreme Court Order dated 12/12/1996 in TN Godavarman case. The quarry operation started after felling the trees and this patch is a scar on the hill. Further mining will affect the existing vegetation in the hill.

15. After the EC was revoked for non-compliance of conditions, the Mining Officer Dhenkanal again recommended for restoration of the Environment Clearance while ignoring all the illegalities and violations of OMMC Rule.
16. As such capacity of the mine could not have been increased without a fresh auction of the quarry. Hence how the capacity is increased to 5times also need to be investigated. It is pertinent to mention that the auction for the stone quarry was for 20,000 cubic metre and without making a fresh auction, the mining officer is recommending the lessee to extract five times of the original quantity. This will result in loss of state exchequer as the lessee will extract the source in old price while the govt could get a better price of the source if it is re-auctioned.
17. It is not out of place to mention here that in the EC letter there is a stipulated condition which says that, “ **9.23 *The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine; and has to submit a detailed plan of action in this regard within six months, indicating definite timelines and physical outcomes.***” However in the

present case the restoration and reclamation of the quarry in question has not taken place as on date after revocation of the EC.

**18.** It is further submitted that in the EC letter there is a stipulated condition which says that *“9.11 Pursuant to MoEF & CC, O.M No 22-34/2018-1A.111 dated 16.01.2020 to comply with the direction made by Hon'ble Supreme Court on 8.01.2020 in W.P. (Civil) No.114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.”* However in the present case the restoration and reclamation of the quarry in question has not taken place as on date after revocation of the EC.

**19.** That the Tahasil authorities have obligation to ensure implementation of laws & entrusted to protect govt. assets but in this case the concerned authorities have grossly failed to discharge their duty. They never filed any complaint or filed any FIR U/s 379 & 414 with police station or exercise their power to desist an offender from unauthorized extraction of minor minerals rather supported it to continue such illegal lifting of minor minerals remaining as a mute spectator.

**20.** That the Revenue and Disaster Management, Odisha has come out with the resolution dated 28<sup>th</sup> June 2018 to adopt the technologies to check the

illegal mining and responsibilities of authorities to be fixed for failure to curb illegal mining, but no action has been taken as on date. In fact, the authorities who has duty to check illegal mining are becoming partner in the crime to loot illegal minerals and thereby causing the loss to state exchequer and damage to environment.

**21.**That Hon'ble NGT in OA 83 of 2022 has directed the Director of Geology to measure the illegal laterite Stone and Morrums quarries in Mayurjhalia Mouza. Pursuant to the direction, Geology department with help of ORSAC and Mining Consultant, a detailed scientific measurement was carried out. Hence a detailed investigation by ORSAC can unveil the large scale illegal mining in the quarry lease and its adjoining areas.

**22.**It is further submitted that the lessee has quarried in violation of mining plan which prescribes for systemic mine closure plan and distinguish between mining areas and non-mining area in a lease, Apart from year wise mining pits are to be back filled and reclaimed. As it appears from the Google earth images the lessee has started operation all across the lease in violation of mining plan.

**23.**That in Original Application No 54 of 2018, Hon'ble Tribunal vide order dated 24<sup>th</sup> Dec 2021, has directed the Home Secretary, Government of Odisha to constitute a **Special Task Force** to look into the illegal morrum mining in NijigarhTapang Panchayat of Khordha District. The relevant para 7 of the order is reproduced as follows

“Para-7: In view of above, we direct Home Secretary, DGP and Chairman, State PCB, Odisha to hold a joint meeting within two weeks and constitute an appropriate Special Task Force (STF) to consider registering a criminal case for investigation of the crime in question to identify the violators and bring them to justice. Apart from such action, there is need for further preventive and remedial action for protection of environment and enforcement of environmental laws, including recovery of compensation and restoration measures. A joint Committee comprising of MoEF&CC (Regional Office at Bhubaneswar), CPCB, State PCB, SEIAA, Odisha and District Magistrate, Khurda may meet within two weeks to plan remedial action in this regard. The State PCB will be the nodal agency for coordination and compliance. The Committee may undertake visit to the site, interact with the stakeholders and plan further action. The Committee may also ascertain the identity of the law violators in coordination with the investigators or otherwise and proceed against them for enforcement of environmental norms, including action of stopping the illegal mining. It may furnish its action taken report within four months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The report may also be uploaded on the website of CPCB

to enable any of the parties to file response thereto. List for further consideration on 25.04.2022”

**24.** That the Hon’ble Tribunal in Original Application No. 837/2018 vide order dated 31/07/2020 (**Sandeep Mittal vs MOEFCC**) in Para 2 there was flagrant violation of conditions of Environmental Clearance and adequate monitoring was not taking place, vide order dated 30.10.2018, the Tribunal observed that compliance of conditions of Environmental Clearance must be monitored on periodical basis, **at least once in a quarter**. Accordingly, the Ministry of Environment, Forest and Climate Change (MoEF&CC) was directed to review and strengthen the mechanism for the purpose and furnish a report.

Para3. The matter has thereafter been considered on several dates including 29.04.2019, 23.07.2019 and 22.11.2019. It has been repeatedly found that the mechanism for monitoring environmental norms is inadequate, as a result of which there is rampant violation of Environmental Clearance (EC) conditions, as noted by this Tribunal in several cases. The Tribunal also noted the observations in the Judgments of the Hon’ble Supreme Court in T.N. Godavarman Thirumulpad Vs. Union of India & Ors. (2014) 4 SCC 61 and Lafarge Umiam Mining Private Limited Vs. Union of India, (2011) 7 SCC 338 that power of the regulator under Section 3(3) of the Environment (Protection) Act, 1986 is **coupled with duty and there is a need for**

**effective monitoring mechanism.** The Hon'ble Supreme Court also observed that there is poor monitoring and there are huge gaps in laying down of conditions and enforcement thereof. Such observations have also been made by the Comptroller and Auditor General of India (CAG), pointing out deficiencies on this aspect.

- 25.** That Extraction of Minor Minerals without prior Environment Clearance is an offence under Section 15 of the Environment Protection Act 1986 **and same is reproduced as follows**

“(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.”

34. That District Collector is the authority under the Environment Protection Act 1986 to initiate criminal prosecution under Section 19 of Environment Protection Act 1986 and the District Magistrate, Khordha in the present case failed to discharge the duties and hence the Hon'ble Tribunal may call for a satisfactory reply and direct the Chief Secretary for necessary action to that effect.

35. That while **upholding the Criminal Prosecution in an illegal sand mining case namely Jayant Etc Vs State of Madhya Pradesh, Criminal Appeal No 824-825 of 2020, Hon'ble Supreme Court on 3rd December 2020 has opined that violators can not be permitted to go scot free on payment of penalty only.** There must be some stringent provisions which may have deterrent effect so that the violators think twice before committing such offence and before causing damage to the earth and nature.

“It might be true that by permitting the violators to compound the offences under the MMDR Act or the rules made thereunder, the State may get the revenue and the same shall be on the principle of person who causes the damage shall have to compensate the damage and shall have to pay the penalty like the principle of polluters to pay in case of damage to the environment. However, in view of the large scale damages being caused to the nature, the policy and object of MMDR Act and Rules are the

result of an increasing awareness of the compelling need to restore the serious ecological imbalance and to stop the damages being caused to the nature”

36. Illegal mining of minor minerals is not only theft of Govt. revenue inviting prosecution under the appropriate provisions of the Penal Code but also invites prosecution under the provisions of **the Prevention of Money Laundering At, 2002.**

37. That Section 3 of the Prevention of Money-Laundering Act, 2002, reads as under: - “3. Offence of money-laundering- Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming it is untainted property shall be guilty of offence of money-laundering.”

38. Section 4 of the Act which prescribes the punishment for money laundering, reads as under: - “4. Punishment for money-laundering- Whoever commits the offence of money-laundering shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

## **GROUND**

A. That the quarry in question can not be further granted permission for operation as it is evident from the SEIAA affidavit filed before Hon’ble

NGT in OA 100/2024, as the quarry has already exceeded the permissible limit of 6 meter depth.

- B. That the quarry needs to implement its mine closure plan as because the quarry has already reached its permissible limit of 6 meter.
- C. That if the mine is not closed then will lead to further illegal mining
- D. Death trap for Wild animals, cattle's
- E. That reclamation of quarry voids is also the mandate of Environmental Protection Act, conditions imposed in Environmental Clearance as well as in Mining Plan, hence the quarry is requires to adopt the scientific mine close plan with reclamation of the area by plantation of native species.
- F. That the illegal quarries by the private respondent in collusion with Tahasildar, Gondia resulted in endangering life and livestock of local residents
- G. That the Petitioners and other residents of locality have a right to Clean Air and Water which is guaranteed by expanding the scope of Article 21 of Constitution of India and same has been violated.
- H. That the ongoing illegal quarrying destroying the local ecology is against the spirit of Article 48A and 51A(g) that mandates for protection of environment
- I. That the present quarry is against the principle of Sustainable Development, Precautionary Principle and attracts the Polluters Principle.

## LIMITATION

That there is a subsisting cause of action because of the Applicant has approached the concerned authorities on dated 28/07/2025 and 07/08/2025 and the mine closure plan has not been executed as on date, hence the application is not barred by limitation

## PRAYER

The Hon'ble Tribunal may please to consider to pass the following directions.

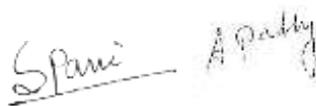
- I. Direct the DDM Talcher to ensure implementation of mine closure plan for Tolarpasi road metal quarry and reclamation of the quarry.
- II. Direct the SEIAA to compute the environment compensation for excess mining and recover the same from the private Respondent.
- III. Alternatively Hon'ble Tribunal may please to direct SEIAA authorities and DDM to consider the representation dated 28/07/2025 in a time bound manner.
- IV. Pass such other orders/directions as may be deemed fit and proper in the bonafide interests of justice.

And for this act of kindness, the petitioners as in duty bound shall ever pray.

Bhubaneswar

11/09/2025

By the Applicant  
Through

 S. P. Mishra

ADVOCATE

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

ORIGINAL APPLICATION NO -..... OF 2025/EZ

IN THE MATTER OF:

SANJIB DHAL

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT

11 SEP 2025

I, Sanjib Dhal S/o MURALI DHAR DHAL, Aged about 47 years At/Po/PS-NIHALPRASAD Dist-DHENKNAL Odisha, 759104, do hereby solemnly affirm, and declare as under:

1. That I am the applicant in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Original Application and the same is true and correct and is drafted on my instruction.

x Sanjib Dhal  
DEPONENT

VERIFICATION

Verified on this 11 SEP 2025 day of .....2025 at .....that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By  
*[Signature]*  
Advocate

x Sanjib Dhal  
DEPONENT



The above named deponent(s) being duly identified by Sri *S.P. Dore* Advocate, Bhubaneswar appears before me on 11 SEP 2025 at .....A.M./P.M. .... States on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief

Deponent(s) Notary, Bhubaneswar

*[Signature]*  
JANMEJAY RAUTRAY  
NOTARY, GOVT. OF ODISHA  
BHUBANESWAR  
REGD. NO. ON-86/2012  
Mob No-7978581217

Item No.10

Court No.1

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

Original Application No.100/2024/EZ

Sanjib Dhal &amp; Ors.

Applicant(s)

Versus

State of Odisha &amp; Ors.

Respondent(s)

Date of hearing: 31.01.2025

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

For Applicant(s) : Mr. Sankar Prasad Pani, Adv. a/w  
Mr. Ashutosh Padhy, Adv. (in Virtual Mode)

For Respondent(s) : Ms. Aishwarya Dash, ASC for State of Odisha  
(in Virtual Mode),  
Mr. Dipanjan Ghosh, Adv. for R-7 & 8 (in Virtual Mode),  
Mr. Apurba Ghosh, Adv. for R-9,  
Mr. Subir Kumar Palit, Sr. Adv. a/w  
Mr. Abhisek Kejriwal, Adv. for R-13 (in Virtual Mode)

**ORDER**

1. Mr. Sankar Prasad Pani, assisted by Mr. Ashutosh Padhy, learned Counsel is present (in Virtual Mode) on behalf of the Applicants.
2. Affidavit dated 28.01.2025 has been filed on behalf of the Respondent No.9, State Environment Impact Assessment Authority (SEIAA), Odisha; the same is taken on record.
3. Affidavit dated 02.12.2024 has been filed by the Divisional Forest Officer, Dhenkanal, Odisha on behalf of the Respondent Nos.1, 3 and 6; the same is taken on record.

***(Final order of the said case will be uploaded in website in separate sheets of paper).***

.....  
**B. Amit Sthalekar, JM**

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

January 31, 2025,  
Original Application No.100/2024/EZ  
SKB

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

Original Application No.100/2024/EZ

**IN THE MATTER OF:**

- 1. Sanjib Dhal,**  
S/o Murali Dhal, Aged about 47 years,  
At/Po – Nihhalprasad, Dist – Dhenkanal,  
Odisha,
- 2. Likuna Dhal,**  
S/o Prasanna Dhal, Aged about 42 years,  
At/Po- Nihalprasad, Dist. – Dhenkenal,  
Odisha,
- 3. Adhikari Mohanty,**  
S/o Golekha Mohanty, Aged about 44 years,  
At/Po – Nihhalprasad, Dist – Dhenkanal,  
Odisha,
- 4. Dharendra Raj,**  
S/o Kanhei Raj, Aged about 52 years,  
At/Po – Nihhalprasad, Dist – Dhenkanal,  
Odisha,

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

**Versus**

- 1. State of Odisha,**  
Represented by Chief Secretary,  
Government of Odisha,  
Lokaseva Bhawan,  
Bhubaneswar – 751001,
- 2. Principal Secretary,**  
Revenue and Disaster Management,  
Government of Odisha,  
Lokaseva Bhawan,  
Bhubaneswar – 751001,
- 3. Additional Chief Secretary,**  
Forest And Environment Department,  
Government of Odisha,  
Kharavela Bhawan,  
Bhubaneswar,  
Odisha – 751001,
- 4. Collector & Dist. Magistrate, Dhenkanal,**  
At/PO/Dist. – Dhenkanal,  
Pin – 752069,

**5. Superintendent of Police, Dhenkanal,**

At/Po/PS - Dhenkanal,  
Pin - 752069,

**6. Divisional Forest Officer, Dhenkanal,**

At/Po/PS - Dhenkanal,  
Pin - 752055,

**7. Member Secretary,**

Odisha State Pollution Control Board,  
A/118, Unit-VII, Nilakantha Nagar,  
Bhubaneswar,  
Pin - 751012,

**8. Regional Officer,**

Odisha State Pollution Control Board, Angul,  
At/Po/PS - Angul,  
Odisha - 751024,

**9. Member Secretary,**

State Environment Impact Assessment Authority (SEIAA), Odisha,  
Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit-IX,,  
Pin - 751022,

**10. Director of Mines and Geology,**

Bhubigyan Bhawan, Bhubaneswar,  
Khordha,  
Pin - 751001,

**11. Tahasildar, Gondia,**

At/Po/PS - Gondia,  
Dist. - Dhenkanal,

**12. Deputy Director General of Forests (C),**

Ministry of Environment, Forest and Climate Change,  
Integrated Regional Office (EZ),  
A/3, Chandrasekharapur,  
Bhubaneswar - 751023, ... (R-12 Deleted vide order dt.16.05.2024)

**13. Ajit Sahu,**

S/o Latre Gokulananda Sahu,  
At/Po - Nihalprasad, PS - Gondia,  
Dist. - Dhenkanal (Lessee of Stone Quarry)  
Pin - 759016,

.... Respondent(s)

Date of hearing: 31.01.2025

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

For Applicant(s) : Mr. Sankar Prasad Pani, Advocate a/w  
Mr. Ashutosh Padhy, Advocate (in Virtual Mode)

For Respondent(s) : Ms. Aishwarya Dash, ASC for State, (in Virtual Mode),  
Mr. Dipanjan Ghosh, Adv. for R-7 & 8 (in Virtual Mode),  
Mr. Apurba Ghosh, Advocate for R-9,  
Mr. Subir Kumar Palit, Sr. Advocate a/w  
Mr. Abhisek Kejriwal, Adv. for R-13 (in Virtual Mode)

**ORDER**

1. This Original Application has been filed by the four Applicants, who are stated to be the residents of Village-Nihalprasad under Gondia Tahasil of district – Dhenkanal, Odisha, who are aggrieved by the illegal blasting, excess mining and clearing of vegetation by the operation of the Tolarpasi Road Metal Quarry (Black Stone Quarry) of the Lessee Respondent No.13.
2. It is stated that Environmental Clearance was granted to the Tolarpasi Road Metal Quarry (black stone quarry) vide letter dated 18.10.2021 for annual production capacity of 20034 Cum over Plot No.1874, Khata No.467, area 12.25 acres.
3. It is alleged that the Respondent No.13 has no blasting permit for quarrying; the Lessee is quarrying much beyond the approved quantity capacity as laid down in the Environmental Clearance; the Lessee Respondent No.13 is operating the said quarry in violation of Condition No.9.28 of the Environmental Clearance letter dated 18.10.2021. Condition No.9.28 of the Environmental Clearance reads as under:-

*“9.28 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha/SPCB, Odisha/Regional Office of the MoEF&CC, Bhubaneswar, in hard and soft copies on 1<sup>st</sup> day of January, April, July, October of each calendar year, failing which EC is liable to be revoked.”*

4. The allegation further is that the Lessee is carrying out transportation of nearly 200 trips of stone overloaded vehicles plying on the RD Road which is not capable of handling such heavy load of vehicles. People of 6 panchayats are directly affected; the plying of vehicles on village road is in violation of Environmental

Clearance Condition Nos.9.12, 9.13 and 9.14. Condition Nos.9.12, 9.13 and 9.14 of Environmental Clearance read as under:-

*“9.12 No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/Gram Panchayat/BDO and only after required strengthening such that carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.*

*“9.13 Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated in no case >30 kms/hr be allowed.*

*“9.14 the vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.”*

5. The allegation further is that the quarry depth should not be more than 6 mtr. but the Respondent No.13 has extracted stone more than 20 mtrs. deep, which is in violation of condition No.9.2, 9.6 and 9.8 of the Environmental Clearance. Condition Nos.9.2, 9.6 and 9.8 of Environmental Clearance read as under:-

*“9.2 Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. Maximum*

*depth of quarry operation for starting level at the top shall not exceed 6 meter.*

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

*“9.8 It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs/intervenes within the permitted depth, then also quarrying shall be stopped.”*

6. It is also alleged that he is extracting ground water from the borewell without permission from the Central Ground Water Authority which is in violation of condition no. 9.10 of the Environmental Clearance. Environmental Clearance Condition No.9.10 reads as under:-

*“9.10 The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and groundwater), if any, required for the project.”*

7. It is also alleged that the quarry operator is illegally blasting the quarry in violation of the Consent to Operate condition.
8. It is also alleged that there is no green belt around the quarry and dust from the quarry operation is affecting the adjoining agricultural fields.
9. At the time of admission, the Tribunal constituted a fact finding Joint Committee comprising of the following Members:-

- i. Senior Scientist, Odisha State Pollution Control Board,*
- ii. Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha,*
- iii. Senior Officer or representative of the Director of Mines and Geology,*
- iv. Divisional Forest Officer, Dhenkanal or his Senior Representative; and*

*v. Collector and District Magistrate, Dhenkanal or his Representative not below the rank of Additional District Magistrate (ADM),*

10. The Committee was directed to visit the site in question and submit its Report with regard to the allegations made in the Original Application.
11. The State Environment Impact Assessment Authority (SEIAA), Odisha, Respondent No.9, has filed affidavit dated 24.09.2024 and it is stated that Environmental Clearance dated 18.10.2021 was granted to the Respondent No.13, Project Proponent, for extraction of stone material from Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 hectares in Village-Tolarpasi, Tahasil-Gondia, District-Dhenkanal, for a period of five years for extraction of 20,034 cum of stone material annually (maximum) and 1,00,166 cum in five years lease period. It is, however, stated that the Project Proponent has not submitted any six monthly/half yearly compliance report on post environmental monitoring in respect of stipulated terms and conditions in the Environmental Clearance to the SEIAA, Odisha. This is *prima facie* clear violation of Environmental Clearance Condition No.9.28.
12. The Collector & District Magistrate, Dhenkanal, Respondent No.4, has filed affidavit dated 26.09.2024 and along with this affidavit a Joint Committee Report of an inspection carried out on 10.07.2024 has been filed. The Joint Committee Report reads as under:-

**“Joint Committee Report as per the direction of Hon’ble NGT passed in O.A. No.100/2024/EZ in the matter of Sanjib Dhal & Ors.-Vs.- State of Odisha & Others.”**

*Hon’ble NGT, EZB, Kolkata vide order dated 16.05.2024 directed to constitute a joint committee comprising of (i) Collector & DM,*

*Dhenkanal or his Representative (ii) Sr. Scientist, OSPCB (iii) Sr. Scientist, SEIAA, Odisha (iv) DFO, Dhenkanal or his Representative (v) Senior Officer or Representative of the Director of Mines and Geology and visit the site and submit the report with regard to the allegation made in the OA. In compliance to the order of the Hon'ble NGT, EZB, Kolkata, the following members were visited the alleged site on 10.07.2024 for submission of fact finding report with regard to the allegation made in the OA. Besides the Tahasildar Gondia, District Mining Officer, Dhenkanal & Joint Director Geology visited the site on Dtd 16.7.2024 for assessment of the extraction of mineral by the Lessee through drone survey and measurement method of Tolarpasi Road Metal Quarry. This forms part of the Joint Committee report.*

- 1. Smt. Anita Patra, OAS (S), Additional District Magistrate (Rev), Dhenkanal.*
- 2. Er. R K Ekka, Sr. Env. Engineer & Regional Officer, SPC Board, Angul.*
- 3. Dr. Pradeept Kumar Nayak, Environmental Scientist, SEIAA, Odisha*
- 4. Sri. Dharanidhar Nayak, Deputy Director of Mines, Talcher Circle.*
- 5. Sri. Kunja Bihari Nayak, OFS-A (JB), Asst. Conservator of Forest, Dhenkanal.*

*The following officers accompanied during field visit.*

- 1. Smt. Meera Naik, OSA (JB), Deputy Collector, O/o Sub-Collector, Dhenkanal.*
- 2. Sri. Sudhansu Sekhar Sao, OAS (JB), Tahasildar, Gondia, Dhenkanal.*
- 3. Sri Soumya Ranjan Kuanr, Asst. Env. Scientist, SPC Board, Angul.*
- 4. Sri Dambarudhar Mahata, District Mining Officer, Dhenkanal.*

**Observations:**

**The committee has observed the following points during, the visit.**

- 1. The Mining plan for Tolarpasi Road Metal Quarry was approved by the Joint Director Geology, Zonal Survey, Dhenkanal on dtd. 26.3.2021. The Environmental Clearance (EC) has been granted in favour of Ajit Sahu, Lessee by the SEIAA, Odisha to operate the*

*Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at Village-Tolarpasi, Tahasil-Gondia, Dist: Dhenkanal vide No. 3397/SEIAA. Dt. 18.10.2021 with subject to extraction of maximum quantity of material of 20,034 CuM. in a full year and total production from the quarry shall be 100166 CuM. during the valid lease period of five years as per the approved mining plan with some stipulated conditions. Accordingly lease deed was executed in favour of Ajit Sahu on Dtd. 01.02.2022. The Consent to Operate (CTO) has been granted by the State Pollution Control Board, Odisha in favour of Ajit Sahu, Lessee to operate the quarry in the name and style of M/s. Tolarpasi Road Metal Quarry over plot. No. 1874, Khata No.467, Total ML Area of 12.25 Ac. Or 4.957 Ha. In mouza: Tolarpasi, Tahasil: Gondia Ps- Gondia, Dist: Dhenkanal vide Board's letter No. 641 dtd. 10.03.2022 which is valid for the period up to 31.01.2027. Subsequently, the Lessee started its operation within the quarry area. Further it was observed that over all Environmental compliances with respect to consent conditions were satisfactory.*

*2. It is observed that the said source has been handed over to Govt. in Steel & Mines Deptt. on Dtd. 04.08.2023 & now it is under the control of Dy. Director Mines, Talcher & District Mining Officer, Dhenkanal. The committee observed that some conditions like tree plantation, implementation of environmental management plan (EMP), management of Over Burden (OB) dump material and mainly submission of six (06) monthly EC compliance to SEIAA, Odisha has not been complied. During inspection, the project proponent informed that he is not aware of plantation and keeping record of separate account towards expenditure on EMP and he is agreed to do that part.*

*3. On verification of official documents of the Lessee Sri Ajit Sahoo, the Committee observed that the Lessee has not obtained explosive permission from the Collector & DM, Dhenkanal, but he has possessed an Explosive license issued by the joint Chief Controller of Explosive, East Circle, Kolkata vide License No. E/EC/OR/22/390(E-98095) which is valid up to 31.03.2025 (copy of the License issued by PESO is enclosed here with as at Annexure-A/4 series)*

*4. The joint Committee observed that the Sadhu Gosein Temple is located at a distance of more than 200 meters from the quarry site & the distance of the nearest habitation is also more than 1.5 Km from the site. There are no cracks on the temple because of uncontrolled blasting & no illegal operation was carried out by the lessee at the cost of damaged to property of local people and Govt. institution.*

*(Photo copies of the temple are enclosed herewith as Annexure-B/4 series.)*

*5. From the report dtd. 16.7.2024 of District Mining Officer, Dhenkanal, it is observed that during the period 1.4.2023 to 30.6.2024 all total 1464 Nos of trips have been transported from Tolarpasi Road Metal Quarry & the highest no of trip transported from the quarry is during the month of March i.e 476 Nos of trips. So, it is observed that on an average 16 Nos of trip are transported from the quarry area on daily basis. So the allegation of nearly 200 trips of stone over loaded vehicles are plying on the RD road causing damaged and full of potholes to the road because of overloaded speedy trucks without cover plying on it is not based on fact. (The report of the Mining Officer is enclosed herewith as Annexure-C/4)*

*6. The Committee observed that no bore-well is constructed in the quarry area and water requirement for domestic, water sprinkling for dust suppression and planation activities are being sourced from Lessee's own pond located outside the mine leasehold area. The Lessee has obtained an exemption certificate from Central Ground Water Authority (CGWA) stating that the unit is exempted from seeking NOC. Further, there are no villages within the 1.5 Km radius from the quarry site. Hence there was no evidence for depletion of ground water in the village area due to this mining activity. (The report of the Ex. Engineer, RWS&S, Dhenkanal is enclosed herewith as Annexure-D/4)*

*7. As regards to the allegation of excess mining, during the joint visit of the Committee on Dtd. 10.7.2024 it could not be ascertained the quantity extracted by the Lessee, hence the Tahasildar Gondia, District Mining Officer, & Joint Director Geology were requested vide Letter No. 7255 Dtd. 10.7.2024 to measure the exact quantity of minor mineral extracted from the source in question.*

*8. Accordingly, Tahasildar Gondia, District Mining Officer, & Joint Director Geology have again visited the quarry on Dtd.16.7.2024 to conduct the joint assessment survey in order to ascertain the exact quantity of material extracted from the site by the Lessee through drone survey & measurement. As per their report the lease was executed in favour of the Lessee on Dtd. 1.02.2022. The Lessee was allowed to extract 20,030 cum of black stone during the 1st year, 20,034 cum in the 2nd year & 20,034 in the 3rd year considering the approved mining plan. But the Lessee has extracted 7092 cum excess*

*black stone from the quarry till 16.7.2024, which is illegal. (The report dtd. 16.7.2024 is enclosed herewith as Annexure-E/4 series.)*

*9. It was enquired and learnt that blasting and exploration in the mine is carried out in day time.*

*10. It was observed that, mine lease area has been demarcated by posting pillars but there is no wire fencing to avoid any type of accident of wild animals and human beings. No solar fencing of the quarry has been done. Hence, the Lessee shall provide solar fencing all around the quarry from his own cost in order to prevent any animal to face accident in future into the mine pit.*

*11. Some green cover were there as it appears in the KML file and during inspection it is observed that mist tree species are the dominated species grown naturally and exist there. Some unwanted species and bushes are cleared from the mining lease area due to mining activities.*

*12. The quarry is surrounded by green belt; however, the lessee has been instructed for plantation in safety zone and OB dump area.*

*13. It was observed that, top soil and Over Burden (OB) has been stacked at inside the leasehold area. OB dump has been compacted properly putting soil cover on the top and garland drain has been constructed around the dump area. No mining activities were carried out during the visit.*

*14. It was observed that there is no vehicle workshop center inside the mine lease hold area and also on further enquiry, it was learnt that the lessee is using hired vehicles for mining and transportation activities, hence, no generation of hazardous waste such as waste oil and used oil was observed.*

*15. The Lessee has constructed road on his mine lease area connecting to nearby RD Road for transportation of minerals and it was observed that water sprinkling is being done by mobile water tankers mounted on trucks. The condition of the road was observed to be in good condition.*

*16. It was learnt that, controlled blasting system with using sequence blasting with millisecond delay detonator is being adopted in order to prevent the fly of rocks and control of noise & vibration to the prescribed level.*

**Recommendations:**

1. *The Lessee shall reclaim the mined-out area after declaration of closure of the mine.*
  2. *The Lessees shall inform the local people in advance while carry out blasting in the mine area before 30 minutes.*
  3. *The project proponent shall implement the EMP and do plantation as per EC conditions after consultation with Divisional Forest Officer, Dhenkanal and submit its compliance report to SEIAA, Odisha.*
  4. *The Lessee should submit an undertaking that the trees existing in the periphery mining lease area shall not be removed and for any deviation the Lessee will responsible for the same.*
  5. *The Lessee shall pay the penalty for the excess mining of the mineral to the extent of 7092 CuM.*
  6. *The Lessee shall provide solar fencing all around the quarry area in order to prevent any animal to face accident into the mine pit.*
  7. *The Lessee shall take plantation in safety zone and OB dump area.”*
13. The SEIAA, Odisha, Respondent No.9, has filed further affidavit dated 27.11.2024 stating therein that the Respondent No.13, Project Proponent, was earlier granted Environmental Clearance vide letter dated 17.08.2015 for total extraction quantity of stone 12,520 cum from Tolarpasi Road Metal Quarry in five years lease period and subsequently Environmental Clearance was again granted on 18.10.2021 for extraction of 20,034 cum/annum of stone and 1,00,166 cum stone from the said quarry in five years lease period. It is also stated that the Central Ground Water Authority has issued No Objection Certificate (NOC) to the Respondent No.13, Project Proponent, for ground water abstraction of less than 10 cum/day, since as per the S.O. 3289(E) dated 24.09.2020 issued by the Department of Water Resources, River Development and Ganga Rejuvenation, Guidelines to Regulate and

Control Ground Water Extraction in India, 2020, micro and small enterprises drawing ground water less than 10 cum/day are exempted. It is, however, stated that the Executive Engineer, RWS&S Division, Dhenkanal, vide his letter dated 11.07.2024 has informed that the Respondent No.13 is not extracting water either from pond or from any well for the Tolarpasi Road Metal Quarry.

14. The Divisional Forest Officer, Dhenkanal, Respondent No.6, has filed affidavit dated 02.12.2024 stating therein that during the inspection visit it was noticed that there were miscellaneous tree species growing naturally and some unwanted species and bushes had been cleared from the mining lease area due to mining activity but the quarry is surrounded by green belt, however, it is also stated that the lessee has been instructed for carrying out plantation in safe zone and Over Burden (OB) dump area. It is stated that the lessee has also been directed to submit undertaking that trees existing in the periphery of the mining lease area shall not be removed.
15. The SEIAA, Odisha, Respondent No.9, has filed further affidavit dated 28.01.2025 stating that it has issued a show cause notice dated 05.12.2024 to the Respondent No.13, Project Proponent, to show cause as to why Environmental Clearance be not revoked due to non-compliance of Environmental Clearance conditions and excess mining of stone of 7092 cum as shown from the Joint Inspection Report of the Committee constituted by the Tribunal and for non-compliance of Environmental Clearance conditions with regard to plantation, Environment Management Plant (EMP), non-submission of six monthly compliance report on regular basis. It is stated that the Project Proponent has submitted his reply on 20.12.2024 to the show cause notice dated 05.12.2024 which was

not accepted by the authority and the authority has, therefore, decided to revoke the Environmental Clearance dated 18.10.2021 issued to the Respondent No.13, Project Proponent, for the Tolarpasi Road Metal Quarry.

16. The Project Proponent, Respondent No.13, has filed affidavit dated 26.09.2024 denying the allegations in the Original Application and it is stated that subsequent to the issuance of Environmental Clearance, Tahasildar raised a demand of Rs.84,33,962/- towards royalty, EMP, DMF, TCS, surface rent and dead rent vide his letter dated 20.11.2021. It is stated that the Project Proponent has obtained Consent to Establish on 03.03.2022 and Consent to Operate on 10.03.2022 valid upto 31.01.2027. It is also stated that the Project Proponent has submitted an application to the Deputy Collector Judicial, Dhenkanal Collectorate, seeking issuance of Explosives License for increased amount of explosives which was required for execution of the mining operations. It is further stated that mining/excavation/wining of metals/minerals is well within the permitted MGQ approved in the Mining Plan, Environmental Clearance and Lease Agreement.
17. An **I.A. No.17/2025/EZ** has also been filed by the Respondent No.13, Project Proponent, praying that Environmental Clearance dated 18.10.2021 granted in favour of Respondent No.13 may be restored in his favour. The Project Proponent has accepted that a show cause notice dated 05.12.2024 was issued to him to which he has also submitted his reply on 20.12.2024 stating that instead of excess mining of 7092 cum the Project Proponent has surplus balance of 3682 cum which could be mined out of the approved quantity of 20,034 cum and, therefore, there has been no excess mining. It is also alleged that excess mining quantity in the Joint

Committee Report resulted from the non-issuance of Transit Permits through Y Forms for the differential balance shown as excess at the relevant time of extraction, however, the Y Forms were subsequently issued and uploaded on the 4M portal.

18. We have heard the learned Counsel for the parties and perused the documents on record.
19. The Joint Committee Report clearly records that Environmental Clearance conditions like – tree plantation, implementation of Environment Management Plan, management of Over Burden dump material and submission of six monthly Environmental Clearance compliance report to SEIAA, Odisha, has not been complied by the Project Proponent. The Report further mentions that during inspection the Project Proponent stated that he was not aware of requirement of plantation or of keeping record of separate account towards expenditure on Environment Management Plan (EMP) and he, in fact, agreed to comply with that part of the condition. The Joint Committee also observed that the lessee has not obtained explosives permission from the Collector & District Magistrate, Dhenkanal, but he possessed an Explosive License issued by the Joint Chief Controller of Explosives, East Circle, Kolkata, which is valid upto 31.03.2025.
20. The Joint Committee Report further mentions that on the date of the site inspection i.e., 10.07.2024, the quantity extracted by the Lessee, Respondent No.13, could not be ascertained, hence, the Tahasildar-Gondia, District Mining Officer & Joint Director Geology, were requested vide letter dated 10.07.2024 to measure the exact quantity of minor mineral extracted from the source in question. It is also stated that the Tahasildar-Gondia, District Mining Officer and the Joint Director Geology, again visited the

said quarry on 16.07.2024 to conduct joint assessment survey in order to ascertain the exact quantity of material extracted from the site by the Lessee through drone survey and measurement. The Report submitted by the three officers' Committee of their site inspection dated 16.07.2024 is that the lease was executed in favour of the Lessee Respondent No.13 on 01.02.2022; the Lessee was allowed to extract 20,030 cum of black stone during the first year, 20,034 cum in the second year and 20,034 in the third year, considering the approved Mining Plan but the Lessee has extracted 7092 cum excess black stone from the quarry till 16.07.2024 which is illegal.

21. The Joint Committee Report further mentions that though the mine lease area has been demarcated by posting pillars but there is no wire fencing to avoid any type of accident to wild animals or human beings and no solar fencing of the quarry has been done.
22. Considering the Joint Committee Report and the fact that a show cause notice dated 05.12.2024 has been issued to the Respondent No.13, Project Proponent, for revocation of Environmental Clearance dated 18.10.2021 and thereafter the said Environmental Clearance has also been revoked vide order dated 18.01.2025 (page 241 of the paper book), against which the Respondent No.13 has a statutory right of appeal, we are not inclined to express any opinion with regard to the revocation of the Environmental Clearance dated 18.10.2021. However, considering the action taken by the SEIAA, Odisha, and the Report of the Joint Committee, nothing further remains for adjudication in the present Original Application. The Original Application No.100/2024/EZ is accordingly disposed of.
23. I.A. No.17/2025/EZ and any other pending I.As. are disposed of accordingly.

24. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

January 31, 2025,  
Original Application No.100/2024/EZ  
AK

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



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY  
ODISHA, BHUBANESWAR

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)  
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2541029, E-mail-seiaaorissa@gmail.com

Letter No 3097/SEIAA

DI. 18.10.2021

File No. SEIAA-1725/06-2021

To

Sri. Ajit Sahu,  
At/Po-Nihalprasad, Po-Gondia,  
Dist-Dhenkanal

Sub: Proposal of Sri. Ajit Sahu for mining of road metal from Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at village- Tolarpasi, Tahasil-Gondia, District- Dhenkanal- Environmental Clearance reg.

Ref: SEIAA File No: SEIAA-1725/06-2021 dt.24.06.2021

Sir,

This is with reference to the application dated 24.06.2021 for grant of environmental clearance (submitted in the offline mode) for the proposed activities mentioned above.

2. [The application has been submitted in the offline mode because there is no provision at present for filing EC application for such cases (minor mineral extraction involving area less than or equal to 5ha; i.e., B2 category projects) in the online mode before SEIAA in the PARIVESH portal. The relevant application Form-IM does not appear on the screen of the said portal when EC application is to be filed to SEIAA]. The applicant has submitted the application in Form-I, i.e. the Form in which applications for minor mineral projects were being submitted upto the year 2016 before SEIAA. The Form-I does not contain some of the situational information relating to environmental sensitivity, but much of the required information has been submitted by the applicant in the Checklist and also in the PFR.

3. The application in Form-I is supported by other necessary documents, namely the PFR, DSR, EMP, Approved Mining Plan and Checklist.

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4. The proposed activities in a nut shell are as follows: -
- a. This is a proposal for mining of road metal from Tolarpasi Road Metal Quarry located at Village- Tolarpasi, Tahasil- Gondia, District- Dhenkanal over lease area of 12.25acres or 4.957ha.
  - b. The mine area is a part of the Survey of India Toposheet No. F45T6 bounded by Latitude:20°47'29.27" N to 20°47'36.23" N and Longitude:85°55'47.34"E to 85°55'56.01" E .
  - c. The mining lease is an identified sairat source in the DSR. The Tolarpasi Road Metal Quarry sairat source will be leased out under the OMMC Rules,2016 by Tahasildar, Gondia to Sri.Ajit Sahu (successful bidder on the basis of public auction) for a lease period of 5 years.
  - d. The mining plan of the mining project prepared has been approved by Joint Director Geology, Zonal Survey, Dhenkanal on 25.03.2021.
  - e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 374757 cum of road metal.
  - f. The project proponent has not furnished the alignment of the extraction path for road metal transportation. As reported by the Tahasildar/PP in the Checklist, the village road is at a distance of 0.4Km away from the mining lease area.
  - g. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mines located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.
  - h. The Tahasildar vide letter no.2172 dated 03.06.2021 has submitted that the proposed quarry is situated on non-forest land, even after verification of the DLC report.
  - i. As per the approved mining plan, it is observed that road metal from the quarry will be extracted by semi-mechanized method with annual extraction of road metal not exceeding 20034 cum (maximum production capacity) during the valid lease period.
5. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5 ha.

6. The proposal is duly appraised by the SEAC in its meeting held on 26.08.2021 & 05.10.2021. The SEAC has submitted the appraisal report and recommended for grant of EC, vide their letter no. 725/SEAC-Misc-02 dated 11.10.2021.

7. The Environmental Clearance (EC) is accordingly granted to the proposed activity of road metal mining subject to the following conditions and stipulations. The EC shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar and shall be coterminous with the expiry of lease period.

8. The Tahasildar, Gondia who is the lease granting authority in this case is responsible for monitoring strict compliance of the following conditions of grant of environment clearance, by the project proponent(lessee).

9. **Stipulated Conditions:**

- 9.1 Demarcation of the quarry lease area by posting durable concrete pillars of 1m height above ground is a must prior to starting the quarry operation.
- 9.2 Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. Maximum depth of quarry operation for starting level at the top shall not exceed 6 meter.
- 9.3 Maximum quantity of quarry material that can be permitted by the lessor to be removed from the quarry area is 20034Cum in a full year (January to December) and total production from the quarry shall be 100166Cum during the valid lease period of five years as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 9.4 Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. **This EC shall not be transferred without the permission of SEIAA. In case, the lease is settled in favour of any lessee, the permission of SEIAA will be taken along with the deposit of scrutiny fee.**
- 9.5 It shall be ensured that quarrying is not carried out within 500 m of structures, bridges, embankment, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures. Pursuant to Hon'b'e NGT in its Order dated 21.07.2020 in OA No-304/2019 in the matter of M.Haridasan & Ors. Vrs State of Kerala and to comply with the direction made therein "No stone quarry involving blasting will be operated within 200 m (minimum distance criteria) from Residential/public buildings, inhabited sites, other location, etc."
- 9.6 The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level.
- 9.7 No mining shall be carried out in the vicinity of natural /manmade archeological sites.

26.08.2021 & 9.8  
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- 9.8 It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted depth, then also quarrying shall be stopped.
- 9.9 Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.
- 9.10 The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and groundwater), if any, required for the project.
- 9.11 Pursuant to MoEF & CC, O.M No 22-34/2018-1A.111dated 16.01.2020 to comply with the direction made by Hon'ble Supreme Court on 8.01.2020 in W.P. (Civil) No.114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
- 9.12 No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO and only after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- 9.13 Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.
- 9.14 The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.
- 9.15 Wet drilling method is to be adopted to control dust emissions. Delay detonators and shock tube initiation system for blasting shall be used so as to reduce vibration and dust.
- 9.16 Drilling and blasting (wherever required) shall be done only by licensed explosive agent by the proponent after obtaining required approvals from competent authorities.

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- 9.17 Blasting will be carried out after making adequate announcement to the local inhabitants through public address system. Warning siren half an hour prior to blasting activity will be sounded adequately for alerting everybody around before the blast is detonated to avoid any accident. The nearby inhabitants shall be informed one day before the actual time of blasting. Blasting is permissible at fixed hour in day time only, after blowing the siren intermittently for 10 minutes before the actual start, for safety of the inhabitants. Blasting shall be carried out in such a manner that the splinters/debris generated shall not fall beyond the mining lease area.
- 9.18 Water spray should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.
- 9.19 Plantation of 5000 saplings shall be carried out in the 1<sup>st</sup> year of quarry operation in the peripheries of the quarry area by making planting pits of 1 meter depth at suitable spots along the approach road and in village common lands, within 1km belt of the quarry. The PP shall submit real time photographs on latitude longitude grid at six monthly intervals to monitor the status of the plantation.
- 9.20 Dumping of quarry material is in no case permissible on any forest land; and all dump yard shall be on duly permitted non forest land.
- 9.21 Stone Crusher unit shall not be set up within 1km of the quarry site, and any crusher to be set up (beyond 1km) has to be with prior permission and after obtaining of license and consent as per law.
- 9.22 Staggered contour trenches shall be dug out to cover all sloping area and the hill surface in general, within a 1km belt of the quarry lease.
- 9.23 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine; and has to submit a detailed plan of action in this regard within six months, indicating definite timelines and physical outcomes.
- 9.24 The explosives shall be stored at site as per the conditions stipulated in the permits issued by the licensing Authority.
- 9.25 Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, and trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
- 9.26 Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report.
- 9.27 The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.

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- 9.28 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / SPCB, Odisha/ Regional Office of the MoEF & CC, Bhubaneswar, in hard and soft copies on 1<sup>st</sup> day of January, April, July, October of each calendar year, failing which EC is liable to be revoked.
- 9.29 At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
- 9.30 The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar, who shall ensure compliance of the stipulated conditions and take corrective measures promptly in case of any non-compliance and also ensure that the project proponent submits quarterly compliance reports.
- 9.31 The concerned Regional Office of the MoEF & CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 9.32 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat / Panchayat Samiti / Zila Parisad / Municipal Corporation / Urban Local Body as the case may be.
- 9.33 Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the State Pollution Control Board.
- 9.34 The SEIAA, Odisha may revoke or suspend the EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter / modify the above conditions or stipulate any further condition in the interest of environment protection.
- 9.35 **The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.**
- 9.36 Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this environmental clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.
- 9.37 The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.

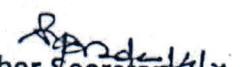
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- 9.38 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
- 9.39 Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

Memo No 3398/SEIAA /Dt. 18.10.2021  
Copy to

  
Member Secretary

- DL*
1. Additional Chief Secretary, Forests & Environment Dept., Government of Odisha for information.
  2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
  3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
  4. Deputy D.G.Forest., Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
  5. Principal Secretary, Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.
  6. Collector & DM, Dhenkanal/ Sub Collector, Dhenkanal/Tahasildar, Gondia for Information and necessary action.
  7. Guard file for record.

  
Member Secretary

*DL*



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

(A statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment (Protection) Act, 1986)

**File No. SEIAA-1725/06-2021**

Letter no. 6242/SEIAA

Dated 18.01.2025

To

The Deputy Director of Mines,  
Dhenkanal Circle, Dhenkanal  
At/Po/Dist-Dhenkanal

**Sub: Revocation of Environment Clearance (EC)** of Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at village-Tolarpasi, Tahasil-Gondia, Dist: Dhenkanal, Odisha in favour of Sri Ajit Sahu -Reg.

**Ref:** 1. Order passed by Hon'ble NGT, EZ, Kolkata on dated 16.05.2024 & subsequent order in OA No.100/2024/EZ in the matter of Sanjib Dhal & Ors. Vrs. State of Odisha & Ors.  
2. EC letter no.3397/SEIAA dated 18.10.2021  
3. Our Show Cause notice to Sri Ajit Sahu vide letter no.6137/SEIAA dated 05.12.2024

Sir/Madam,

With reference to the above cited subject, it is to inform you that the Environmental Clearances have been granted by SEIAA, Odisha to the above-mentioned stone quarry of Tolarpasi Road Metal Quarry as per the application & based on information submitted by the Tahasildar, Gondia of Dhenkanal District and the project proponent Sri Ajit Sahu. After SEAC recommendation in its meeting held on 26.08.2021 & 05.10.2021, the proposal was placed in SEIAA, Odisha meeting and the Authority, SEIAA, Odisha approved the proposal for EC vide letter no. 3397/SEIAA dated 18.10.2021 with stipulated conditions and accordingly, the quarry was being operated by the successful bidder/lessee Sri Ajit Sahu.

In the meantime, a case was filled before Hon'ble NGT, Eastern Zone Bench, Kolkata in OA no. 100/2024/EZ matter of Sanjib Dhal & Ors. Vrs. State of Odisha & Ors. After hearing, the Hon'ble Tribunal passed an order on 16.05.2024 with direction as follows:

- i. **Para-11 of the order**-All the Respondents shall file their counter-affidavits within four weeks.
- ii. **Para-12 of the order**-Considering the allegations made in the Original Application, we deem it appropriate to constitute a Joint Committee comprising of the following members: -
  - a. Senior Scientist, Odisha State Pollution Control Board;

- b. Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha
  - c. Senior Officer or representative of the Director of Mines and Geology;
  - d. Divisional Forest Officer, Dhenkanal or his Senior Representative; and
  - e. Collector and District Magistrate, Dhenkanal or his Representative not below the rank of Additional District Magistrate (ADM)
- iii. **Para-13 of the order-**The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks
  - iv. **Para-14 of the order-**The Collector and District Magistrate, Dhenkanal shall be the Nodal Body for all logistic purposes and shall file the Fact-Finding Report on affidavit.
  - v. **Para-15 of the order-**In case violations are found, the Committee shall recommend remedial measures, if any.

As per direction of Hon'ble Tribunal order dated 16.05.2024, a joint committee was formed and was visited the site on 10.07.2024 and as per instruction of committee, a sub-committee also visited the site on 16.07.2024 and accordingly, the joint inspection report was submitted before Hon'ble Tribunal by the Collector and District Magistrate, Dhenkanal as nodal agency for this case. The SEIAA, Odisha also filed an individual counter affidavit dated 24.09.2024 before Hon'ble Tribunal stating in Para-04 that EC was obtained by Sri Ajit Sahu for Tolarpasi Road Metal Quarry dated 18.10.2021 for a period of 5 years and Para-05 that, the project proponent (PP) has not submitted any six monthly/half yearly compliance of EC condition.

Based on the affidavit dated 24.09.2024 of SEIAA, Odisha, the Hon'ble Tribunal has passed another order dated 27.09.2024 with the following observation & direction:

- i. **Para-05 of the order-** In the affidavit of SEIAA, Odisha, certain violations by the Project Proponent, Respondent No.13, have been outlined but what action has been taken by the SEIAA, Odisha, thereafter, has not been stated for reasons best known to SEIAA.
- ii. **Para-06 of the order-**We, therefore, direct the SEIAA, Odisha, to file fresh affidavit showing what action has been taken in pursuance of their averments in Paragraphs 4 and 5 of their affidavit.

Further, the Hon'ble Tribunal has passed another order dated 28.11.2024 as follows:

- i. **Para-07 of the order-** In our order dated 27.09.2024 we had directed the SEIAA, Odisha to show what action has been taken with regard to violations outlined in their affidavit against the Respondent No.13. We find that the affidavit of 27.11.2024 is

peculiarly silent with regard to compliance of the directions of this Tribunal in para 5 of its order for reasons best known to the Regulatory Authorities.

- ii. **Para-08 of the order-** Mr. Apurba Ghosh, learned Counsel prays for and is granted further four weeks time for filing the counter affidavit of SEIAA, Odisha in this regard, failing which the Member Secretary, SEIAA, Odisha will be liable to payment of cost of Rs.2500/- (Rupees two thousand five hundred only).

In compliance to the order dated 27.09.2024 & 28.11.2024 of Hon'ble Tribunal, the SEIAA, Odisha has issued Show Cause notice vide letter no. 6137/SEIAA dated 05.12.2024 to the PP, Sri Ajit Sahu with stating that why the environment clearance will not be revoked due to non-compliance of EC conditions and excess mining of stone 7092 cum as pointed out in the joint inspection report of sub-committee and non-compliance of EC compliance with respect to plantation, EMP, submission of six-monthly compliance on regular basis etc. The matter was placed in 185<sup>th</sup> SEIAA, Odisha meeting held on 07.01.2025 and the Authority observed that this is a case of violation as the PP has not submitted compliance of EC conditions on regular basis and 7092 cum of stone material has been extracted from the source as an excess mining and beyond the permission limit of EC conditions. The PP has submitted their reply on dated 20.12.2024 of show cause notice no. 6137/SEIAA dated 05.12.2024 issued by SEIAA, Odisha. The reply of the PP is not satisfactory and not acceptable. Hence, after detailed deliberation in the matter, the Authority decided to revoke the EC letter no. 3397/SEIAA dated 18.10.2021 for violation of EC conditions.

As per direction of Hon'ble Tribunal order dated 27.09.2024 & 28.11.2024 and decision of Authority, the SEIAA, Odisha hereby revoke the Environmental Clearance letter no. 3397/SEIAA dated 18.10.2021 issued to Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at village-Tolarpasi, Tahasil-Gondia, Dist: Dhenkanal, Odisha with immediate effect under the Provision of EIA Notification, 2006 and Environment Protection Act, 1986.

Any appeal against this order shall lie with the national Green Tribunal, if preferred within a period of 30 days as prescribed under section 16 of the national Green Tribunal Act, 2010.

This is for your kind information and necessary action.

Yours faithfully,



Member Secretary

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Dhenkanal, Sub-Collector, Dhenkanal, DFO, Dhenkanal, Tahasildar, Gondia /Mining Officer, Dhenkanal for Information and necessary action.
7. Sri Ajit Sahu. S/o-Late Gokulananda Sahu, At/Po-Nihalprasad, Ps-Gondia, Pin-759016
8. Guard file for record/Website/Parivesh Portal.



Member Secretary



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11154 of 2025

*Ajit Sahu*

....

*Petitioner(s)*

*Mr. Soumya Ranjan Mohanty, Adv.*

-versus-

*State of Odisha & Ors.*

....

*Opposite Party(s)*

*Mr. Sanjay Rath, AGA*

*Mr. B.P. Das, Adv.*

*Mr. D.R. Bhokta, CGC*

*Mr. Sankar Prasad Pani, Adv.*

*for the intervener*

**CORAM:**

**HON'BLE DR. JUSTICE S.K. PANIGRAHI**

Order

No.

ORDER

15.05.2025

01. 1. This matter is taken up through hybrid arrangement.
2. In filing this Writ Petition, the Petitioner has challenged the letter dated 18.01.2025/Annexure-11 issued by the Member Secretary, State Environment Impact Assessment Authority, Odisha.
- Apart from the above, the Petitioner has also sought for a direction from this Court to the State Environment Impact Assessment Authority, Odisha/ Opposite Party No.4 for restoring the Environmental Clearance dated 18.10.2021.
3. Heard learned counsel for the respective parties.
4. Learned counsel for the Intervener, at the outset, submits that since there is a provision of appeal under Section 16 of the National Green Tribunal Act, 2010, the Petitioner in order



to redress his grievance should have preferred an appeal instead of preferring this Writ Petition.

5. In such view of the matter, this Court without going into the merits of the case directs the Petitioner to prefer an appeal along with a petition for condonation of delay before the learned National Green Tribunal. In such event, the learned National Green Tribunal shall condone the delay, if any, in accordance with law.

6. This Writ Petition is, accordingly, disposed of.

*(Dr. S.K. Panigrahi)*  
*Judge*

EOB22094077IN IVR:697982207407  
SP BHUBANESWAR G.P.O. 751001  
Counter No:1,28/07/2025,19:06  
To:MEMBER SECRETARY,SEIAA  
PIN:751022, Bhubaneswar S.O  
From:S DHAL.,  
Mt:250ms  
Amt:17.70, Tax:2.70,Amt.Faid:18.00(Cash)  
<Track on www.indiapost.gov.in>



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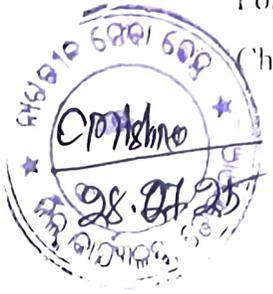
ANNEXURE-5

DATE-27th July 2025

TO,

- ✓ 1. Chief Secretary, Government of Odisha, Lokaseva Bhawan, 751001 Bhubaneswar [csori@nic.in](mailto:csori@nic.in)
- ✓ 2. Additional Chief Secretary, Forest and Environment Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: [asec.or@nic.in](mailto:asec.or@nic.in)
- ✓ 3. Collector & Dist. Magistrate Dhenkanal, At/PO/Dist- Dhenkanal Email- [dm-dhenkanal@nic.in](mailto:dm-dhenkanal@nic.in) PIN-752069
- ✓ 4. Superintendent of Police, Dhenkanal At/Po/PS- Dhenkanal [spenol@nic.in](mailto:spenol@nic.in) , 752069
- ✓ 5. Member Secretary, Odisha State Pollution Control Board A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha Email: [paribesh1@ospceboard.org](mailto:paribesh1@ospceboard.org),
6. Member Secretary, State Environment Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit – IX, 751022 Email: [seiaaodisha@gmail.com](mailto:seiaaodisha@gmail.com) , [seiaa-or@gov.in](mailto:seiaa-or@gov.in)
- ✓ 7. Director of Mines and Geology, Bhubigyan Bhawan , Bhubaneswar, Khordha, PIN-751001 Email- [director@geology.odisha@yahoo.in](mailto:director@geology.odisha@yahoo.in)
8. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office (I/R), A/3, Chandrasekharpur, Bhubaneswar 751023, Email: [ddg@forest.gov.in](mailto:ddg@forest.gov.in)

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28-7-25



SUB- Excess Mining and continuous illegal mining in Tolarposi Road Metal Quarry, Gondia, Dhenkanal

Dear Sir,

We the villagers of Nihalprasad would like to bring your kind attention to the loot of minor minerals such as blackstone by one Ajit Sahu, Lessee of **Tolarposi Road Metal** who has been operating it illegally even after the Environment Clearance has been revoked.

1. **Excess mining of 7092 Cu Mtre has been found up to 16<sup>th</sup> July 2024, the day assessment was carried out by the Consultant engaged by Mines Department as per the Order of Honble NGT in OA 100 of 2024.** However, the mining continued till the EC was revoked on 18/01/2025 and thereafter also continuing illegally **but no fresh measurement has been done to assess the total excess mining as on date.** We demand a fresh measurement with help of ORSAC and **computation of environment compensation along with royalty and penalty and realisation of the same from the lessee**
2. Needless to say, the SEIAA affidavit filed before Honble NGT, in para 6(d) also says that the **quarry depth is around 8 to 10mtre**, the top RL is 90metre while bottom RL is 60metre and in this case the difference comes around 30metre and **no quarry operation can go beyond 6 metre.**
3. Hence the mining could no longer be in operation and to total excess mining as on date be calculated, then after the mine closure plan be adopted and reclamation of the quarry with plantation be carried out. Not out of place to mention that the surrounding site is a virgin land with full of trees qualifying the

dictionary meaning of forest as per the Supremecourt Order dated 12/12/1996 in TN Godavarman case. The quarry operation started after felling the trees and this patch is a scar on the hill. Further mining will affect the existing vegetation in the hill.

4. We are further informed that the present Mining Officer of Dhenkanal District has approved the quarry **permission from 20,000 to 100000 cubic metre vide letter dated 5/04/2024** while the case before Honble NGT in OA No 100/2024/EZ was still pending in respect of Tolarposi Road Metal Quarry
5. After the EC was revoked for non-compliance of conditions, the Mining Officer Dhenkanal again recommended for restoration of the Environment Clearance while ignoring all the illegalities and violations of OMMC Rule.
6. As such capacity of the mine could not have been increased without a fresh auction of the quarry. Hence how the capacity is increased to 5times also need to be investigated. It is pertinent to mention that the auction for the stone quarry was for 20,000 cubic metre and without making a fresh auction, the mining officer is recommending the lessee to extract five times of the original quantity. This will result in loss of state exchequer as the lessee will extract the source in old price while the govt could get a better price of the source was re-auctioned.

In view of the afore mentioned paras, we request for fresh assessment of the quarry, realiasation of the royalty and environment compensation for the excess mining, prosecution of the lessee, adoption of mine closure plan and restoration of the are with plantation. Apart from this an independent investigation on how the quarry was operating **without Blasting Permission,**

approval of mining plan for 5times increase ( 20,000 to 100000 cubic metre) and there after the recommendation from mining officer to SEIAA to restore the Environment Clearance be thoroughly inquired.

Sincerely

*Sanjib Dhal*

SANJIB KUMAR DHAL S/o MURALI DHAR DHAL,  
A/Po-NIHALPRASAD Dist-DHENKNAL Odisha, 759104



Ashutosh Padhy <sagarasutosh369@gmail.com>

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**Under Instruction of my client I am sending this complaint petition.**

1 message

---

**Ashutosh Padhy** <sagarasutosh369@gmail.com>

7 August 2025 at 14:58

To: mo.dhenkanal@gov.in, "ddm.talcher@orissaminerals.gov.in" <ddm.talcher@orissaminerals.gov.in>

- Please find the attachment.

---

 **tolarposi\_road\_metal\_quarry\_complaint.pdf**  
216K

DATE-7<sup>th</sup> August 2025

TO,

1. Mining Officer, Dhenkanal, At/Po- OFFICE OF THE MINING OFFICER, DHENKANAL, 759001, Email- [mo.dhenkanal@gov.in](mailto:mo.dhenkanal@gov.in)
2. Deputy Director Mines Talcher Circle, At/Po-W6X8+66X, Remuan Rd, Talcher, Odisha 759100, Email- [ddm.talcher@orissaminerals.gov.in](mailto:ddm.talcher@orissaminerals.gov.in)

SUB- Excess Mining and continuous illegal mining in Tolarposi Road Metal Quarry, Gondia, Dhenkanal

Dear Sir,

I am a villager of Nihalprasad would like to bring your kind attention to the loot of minor minerals such as black stone by one Ajit Sahu, Lessee of **Tolarposi Road Metal** who has been operating it illegally even after the Environment Clearance has been revoked.

1. **Excess mining of 7092 Cu Mtre has been found up to 16<sup>th</sup> July 2024, the day assessment was carried out by the Consultant engaged by Mines Department as per the Order of Hon'ble NGT in OA 100 of 2024.** However, the mining continued till the EC was revoked on 18/01/2025 and thereafter also continuing illegally **but no fresh measurement has been done to assess the total excess mining as on date.** We demand a fresh measurement with help of ORSAC and **computation of environment compensation along with royalty and penalty and realisation of the same from the lessee**

2. Needless to say, the SEIAA affidavit filed before Honble NGT, in para 6(d) also says that the **quarry depth is around 8 to 10metre**, the top RL is 90metre while bottom RL is 60metre and in this case the difference comes around 30metre and **no quarry operation can go beyond 6 metre**.
3. Hence the mining could no longer be in operation and to total excess mining as on date be calculated, then after the mine closure plan be adopted and reclamation of the quarry with plantation be carried out. Not out of place to mention that the surrounding site is a virgin land with full of trees qualifying the dictionary meaning of forest as per the Supreme Court Order dated 12/12/1996 in TN Godavarman case. The quarry operation started after felling the trees and this patch is a scar on the hill. Further mining will affect the existing vegetation in the hill.
4. We are further informed that the present Mining Officer of Dhenkanal District has approved the quarry **permission from 20,000 to 100000 cubic metre vide letter dated 5/04/2024** while the case before Hon'ble NGT in OA No 100/2024/EZ was still pending in respect of Tolarposi Road Metal Quarry
5. After the EC was revoked for non-compliance of conditions, the Mining Officer Dhenkanal again recommended for restoration of the Environment Clearance while ignoring all the illegalities and violations of OMMC Rule.
6. As such capacity of the mine could not have been increased without a fresh auction of the quarry. Hence how the capacity is increased to 5times also need to be investigated. It is pertinent to mention that the auction for the stone quarry was for 20,000 cubic metre and without making a fresh auction, the mining

officer is recommending the lessee to extract five times of the original quantity. This will result in loss of state exchequer as the lessee will extract the source in old price while the govt could get a better price of the source was re-auctioned.

In view of the afore mentioned paras, we request for fresh assessment of the quarry, realisation of the royalty and environment compensation for the excess mining, prosecution of the lessee, adoption of mine closure plan and restoration of the are with plantation. Apart from this an independent investigation on how the quarry was operating **without Blasting Permission**, approval of mining plan for 5times increase ( 20,000 to 100000 cubic metre) and there after the recommendation from mining officer to SEIAA to restore the Environment Clearance be thoroughly inquired.



Sincerely

SANJIB DHAL S/o MURALI DHAR DHAL,  
At/Po-NIHALPRASAD,Dist-DHENKNAL  
Odisha, 759104

**VAKALATNAMA**  
BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

Original Application No. \_\_\_\_\_ of 2025

SAJIB DHAL

In re:

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

KNOW ALL to whom these present shall come –I SANJIB DHAL S/o MURALI DHAR DHAL, Aged about 47 years A/Po-NIHALPRASAD Dist-DHENKNAL Odisha, 759104, above named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-Sankar Prasad Pani,(O-785/2007) ASHUTOSH PADHY, ENROLMENT NO O-1018/2023 Advocate, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

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 undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

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 \_\_\_\_\_ day of \_\_\_\_\_ 2025.

Accepted subject to the terms of fees.

  
Advocate

  
Client