

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 104 OF 2024 / EZ**

IN THE MATTER OF:

Nilamani Mahapatra

...Applicant

VERSUS

State of Odisha & Ors

...Respondents

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By the Respondent No.7

Through

Kolkata

Date:

Sri Dipanjan Ghosh,
Advocates for the Respondent No.7
(State Pollution Control Board, Odisha)
e-mail: dpnjnghsh0@gmail.com
Phone No.:990308097

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 104 OF 2024 / EZ

10 NOV 2025

IN THE MATTER OF:

Nilamani Mahapatra ...Applicant

VERSUS

State of Odisha & Ors ...Respondents

AFFIDAVIT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA, R.NO.7
IN COMPLIANCE TO ORDER DTD.25.08.2025 OF
THIS HON'BLE TRIBUNAL



I, Smt. Uma Nanduri, IFS, wife of Sri Prem Kumar Jha, IFS
aged around 58 years, at present working as Member Secretary,
State Pollution Control Board, having my office at Paribesh
Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli,
Bhubaneswar, Dist - Khurda, Odisha-751012, do hereby
solemnly affirm and state as under:

- 1. That I am the Member Secretary of the Respondent No.7
Board and, as such, am well-acquainted with the facts and



circumstances with the case and competent to swear this affidavit.

2. That this Hon'ble Tribunal while adjudicating the OA vide their order dtd.28.05.2024 considering the allegation that Narangarh Khondalit Stone Quarry is operating adjoining to the Ward No.3 & 7 of Bhogapur Village of Narangarh Gram Panchayat and close to the residential area, constituted a committee and directed for inspection of the site and submission of report on affidavit by the District Magistrate, Khurda (R-4), who has been declared as the Nodal Office for all logistic purposes and for filing the report of the committee.
3. That in compliance to the order dtd.28.05.2024 of the Hon'ble Tribunal, the R-7 Board has nominated the Regional Officer, Bhubaneswar (R-8) to represent the Board in the committee constituted by the Hon'ble Tribunal and intimated the same to the Collector & DM, Khurda (R-4) vide Board's letter No.8043 dtd.31.05.2024. A copy of the letter dtd.31.05.2024 is annexed to this affidavit and marked as ANNEXURE – R7/1.



4. That it is reported by the Regional Officer, Bhubaneswar (R-8) of this Board, who has been nominated to represent the Board in the committee constituted by the Hon'ble Tribunal that the committee has already inspected the site and the report will be submitted by the R-4 before the Hon'ble Tribunal.
5. That this Hon'ble Tribunal in their order dtd.25.08.2025 has directed the R-7 Board to file the response to the Supplementary Affidavit dtd.23.08.2025 filed on behalf of the Applicant.
6. That I have gone through the Supplementary Affidavit dtd.23.08.2025 filed on behalf of the Applicant and the para wise reply is given below:
7. That at the outset, it is humbly submitted that the State Govt. has framed a Rules called "Odisha Minor Mineral (Concession) Rules, 2016" in exercise of powers conferred by Sub-Section-1 of Sec-15 of the Mines Mineral (Development & Regulation) Act, 1957 for regulating the grant of Mineral Concession in respect of Minor Minerals and for the purposes connected therewith. The R-7 Board



is not the enforcing authority for implementation / granting lease under the aforesaid rules.

PARA WISE REPLY TO THE SUPPLEMENTARY AFFIDAVIT DTD.23.08.2025 OF THE APPLICANT:

8. That as regards the averments made in Para-1 of the Supplementary Affidavit dtd.23.08.2025 filed by the applicant, it is humbly submitted that the R-7 Board has no comments to offer.
9. That as regards the averments made in Para-2 & 3 of the Supplementary Affidavit dtd.23.08.2025 filed by the applicant, it is humbly submitted that:
 - a. The R-7 Board vide letter dtd.25.08.2020 annexed as Annexure-1 of the Supplementary Affidavit issued a circular regarding distance criteria for stone quarrying in compliance with the directions dtd.21.07.2020 of the Hon'ble National Green Tribunal, Principal Bench, New Delhi in O.A. No. 304/2019 in the matter of M. Haridasan & Ors. vs. State of Kerala.



- b. That the Hon'ble Tribunal while accepting the report dtd.09.07.2020 of the Central Pollution Control Board vide their order dtd.21.07.2020 prescribed the minimum distance criteria as follows: (a) 100 meters when blasting is not involved; (b) 200 meters when blasting is involved - from residential/public buildings, inhabited sites, protected monuments, heritage sites, National/State highways, district roads, public roads, railway lines/areas, bridges, dams, reservoirs, rivers, canals, lakes, tanks, or any other locations to be considered by the States.
- c. That the said circular further clarified that the regulations for danger zone (500m) prescribed by the Directorate General of Mines Safety must also be complied with compulsorily.
- d. That it is categorically submitted that the distance criteria prescribed by CPCB/NGT vide Order dated 21.07.2020 was subsequently reiterated by the Hon'ble NGT through subsequent order dated 09.12.2021 constituting Expert Committees to



undertake scientific studies for determining appropriate safe distance criteria.

It is also further observed in the said order that out of abundant caution further expert study on the subject safe distance for mining from habitations is necessary and accordingly, Expert Committee has been constituted. The matter is still pending for hearing. A copy of the order dtd.09.12.2021 of the Hon'ble NGT, Principal Bench is annexed to this affidavit and marked as **ANNEXURE – R7/2**.

- e. That the Narangarh Decorative Stone (Khondalite) quarry of M/s Odisha Mining Corporation Ltd. (R-17) was granted mining lease by the Director of Mines and the survey and demarcation was completed in October 2020. The mining lease was granted after verification by the Mining Department that all statutory requirements including distance norms as per Odisha Minor Mineral Concession Rules, 2016 were satisfied.



- f. That the allegation that R-7 Board is "disobeying distance criteria from time to time and renewing CTO" is not correct and the same is denied and the R-7 Board consider the application for grant / renewal of consent under the Air (PCP) Act, 1981 and Water (PCP) Act, 1974 and dispose of the same in accordance with law.
- g. That as regards the allegation that CTE was granted on 05.10.2020 before execution of lease deed on 10.11.2020, it is clarified that the R-7 Board has granted Consent to Establish after grant of environmental clearance from the competent authority i.e. R-9 on dtd.04.09.2020 and approval of the Mining Plan along with Progressive Mine Closure Plan on dtd.12.06.2020.
- h. That the checklist of documents for grant of CTE includes "land document like registration/lease/rent deed" as one of the requirements. However, in case of mining projects, the mining lease application/approval-in-principle from the Mining



Department along with approved Mining Plan is considered sufficient for processing CTE application.

- 10. That as regards the averments made in Para-4 to Para-10 of the Supplementary Affidavit dtd.23.08.2025 filed by the applicant, it is humbly submitted that the allegations with regard to distance criteria has already been dealt in Para-9 of the present affidavit.
- 11. That as regards the averments made in Para-11 of the Supplementary Affidavit dtd.23.08.2025 filed by the applicant, it is humbly submitted that the R-7 has also carried out inspection through the officials of Regional Office, Bhubaneswar on dtd.25.06.2024 and 26.06.2024 has carried out Ambient Air Quality monitoring and Ambient Noise Level monitoring and the reports have been submitted to the committee constituted by the Hon'ble Tribunal in their order dtd.28.05.2024 in the aforesaid case. The reports reveal that the Ambient Air Quality standard and Noise Level standard are within the prescribed norms. That apart, the R-7 Board also examined the reports submitted by the project proponent. Copy of the reports of the Ambient Air Quality monitoring



and Ambient Noise Level monitoring are annexed to this affidavit and marked as ANNEXURE – R7/3 Colly.

12. That as regards the averments made in Para-12 & 13 of the Supplementary Affidavit dtd.23.08.2025 filed by the applicant, it is humbly submitted that the R-7 Board has no comments to offer.
13. That as regards the averments made in Para-14 of the Supplementary Affidavit dtd.23.08.2025 filed by the applicant, it is humbly submitted that this aspect has already been dealt in Para-9 of this present affidavit.
14. That as regards the averments made in Para-15 & 19 of the Supplementary Affidavit dtd.23.08.2025 filed by the applicant, it is humbly submitted that in the order dtd.28.05.2024 at para-15, the Hon'ble Tribunal has been pleased to constitute a committee and directed for site inspection by the said committee and filing of the report by the Nodal Office on affidavit. The R-7 Board in compliance to the said order vide letter at Annexure-R7/1 of the present affidavit has nominated its representative in the committee constituted by the Hon'ble Tribunal and as the



said committee has already visited the site on dtd.20.06.2024 and the same is pending before the Hon'ble Tribunal for consideration, the R-7 Board has not chosen to file separate affidavit. Now in compliance to the specific direction of the Hon'ble Tribunal dtd.25.08.2025, the R-7 Board is filing this affidavit.

15. That as regards the averments made in Para-20 to Para-22 of the Supplementary Affidavit dtd.23.08.2025 filed by the applicant, it is humbly submitted that this aspect has already been dealt in Para-9 of the present affidavit.

16. That as regards the averments made in Para-23 of the Supplementary Affidavit dtd.23.08.2025 filed by the applicant, it is humbly submitted that so far as environmental clearance is concerned, the SEIAA, Odisha (R-9) is the competent authority to offer their views with regard to compliance of conditions thereof. So far as the conditions of consent to operate is concerned, the R-8 after considering the compliance status of the project proponent has granted consent to operate, which is valid upto 31.03.2027.



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

- 17. That the Respondent No.7 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.
- 18. That the Annexures annexed to the present affidavit are true and correct copies of their originals.
- 19. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 10th day of November, 2025.

SWORN BEFORE ME



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




DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



ANNEXURE-R7/1406

EPABX: 2561909/2562841

Tel: 2562822, 2560955

Email: Paribesh1@ospcbboard.orgWebsite: www.ospcbboard.org**STATE POLLUTION CONTROL BOARD, ODISHA**

[DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA]

Paribesh Bhawan, A/118, Nilakanthanagar, Unit – VIII,
Bhubaneswar – 751 012, INDIANo. 8043
VII – L – Misc – 1103Date: 31-5-2024
Speed Post/ E-mail

To

The Collector & District Magistrate
Khurda.Sub: OA No.104/2024/EZ – Nilamani Mohapatra v. State of Odisha & Others – regarding
Narangarhh Khondalite Stone Quarry matter.

Sir,

The Hon'ble NGT while adjudicating the aforesaid OA vide their order dtd.28.05.2024 at para-15 has been pleased to constitute a committee comprising of the following members.

- i. District Magistrate, Khurda or his representative not below the rank of Addl. District Magistrate;
- ii. Sr. Scientist, Odisha SPC Board.
- iii. Sr. Scientist, CPCB;
- iv. Sr. Scientist, SEIAA.

The committee has been directed to visit the site and submit its report on affidavit with regard to the allegations made in the OA. The DM, Khurda shall be the Nodal Office for all logistic purposes and for filing the report of the committee on affidavit. The case is posted to 8.8.24 for hearing. Dr. Sohan Giri, Addl. Chief Environmental Scientist and Regional Officer, Bhubaneswar, SPC Board (Mob-9437278633) has been nominated to represent the Board in the committee constituted by the Hon'ble Tribunal. Copy of the OA along with copy of order dtd.28.05.2024 referred above is enclosed for information and necessary action.

Encl: As above.

Yours faithfully,


Member SecretaryMemo No. 8044 / Date: 31-5-2024

E-mail/Speed Post

Copy along with copy of enclosure forwarded to the Regional Officer, SPC Board, Bhubaneswar for information and necessary action.

Encl: As above.


Member Secretary

o/c

ANNEXURE-R7/2

Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

M.A. Nos. 80 to 83, 85 to 88, 95 and 96/2021

IN

Original Application No. 304/2019

M. Haridasan

Applicant

Versus

State of Kerala & Ors.

Respondent(s)

Poabs Granites (Pvt.) Ltd. & Anr.
Kuthirakulam P.O., Vellanand,
Thiruvanthapuram District,
Kerala State

Applicants in M.A.
Nos. 80 & 81/2021

M/s. Panachayil Industries
West Othara P.O.,
Thiruvalla Taluk,
Pathanamthitta District
Kerala State

Applicant in M.A.
Nos. 82 & 83/2021

Crystal Granites Ltd. & Anr.
Chulli P.O., Thathupara,
Ernakulam,
Kerala State-683581

Applicants in M.A.
Nos. 95 & 96/2021

Raju K. Thomas & Ors.
Vadasserikkara Post,
Pathanamthitta District,
Kerala-689662

Applicants in M.A.
No. 85/2021

Reji Joseph & Anr.
Narikkattu House,
Chamampathal Post,
Vazhoor, Kottayam District
Kerala-686517

Applicants in M.A.
No. 86/2021

Thomsun Aggregates
Kuttiyparambil (H),
Vadaathoor P.O., Kottayam District
Kerala State-686010

Applicants in M.A.
No. 87/2021

Michael Granites & Ors.
Kanjirathumkunnu House,
Ramapuram Bazar Post,
Kottayam District,
Kerala State-686576

Applicants in M.A.
No. 88/2021

Date of hearing: 09.12.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Nishtha Kumar Advocate for original applicant

Respondent(s): Mr. Krishnan Venugopal, Senior Advocate with
Mr. E.M.S. Anam, Advocate for Applicant in M.A 80-81/2021
Mr. E.M.S. Anam, Advocate for Applicant in
M.A. 82,83,95&96/2021
Mr. Abhilash M.R., Advocate for Applicant in M.A 85 to 88/2021
Mr. Jogy Scaria, Advocate for KSPCB

ORDER

1. These applications have been filed by mining lessees (project proponents) undertaking quarry mining at various locations in Kerala, which also involves blasting. Mining is beyond 50 meters while according to the original applicant longer distance has to be maintained, following precautionary principle having regard to the right of inhabitants, who are affected by air and noise pollution generated in the course of mining operations. This Tribunal earlier passed order dated 21.7.2020 laying down longer distance in the light of report of the CPCB by which the present PPs are aggrieved.

2. The PPs have drawn attention to the order of the Hon'ble Supreme Court dated 25.10.2021 in a batch of matters permitting filing of

applications before this Tribunal by the parties affected by the order of this Tribunal. The said batch of matters involved *inter-alia* the issue whether this Tribunal has jurisdiction to initiate *suo motu* action against violation of environmental norms which stands concluded by the judgment reported in *Municipal Corporation of Gr. Mumbai Vs. Ankita Sinha & Ors.*, 2021 (12) SCALE 184. Therein, it was held that the affected parties are entitled to be heard and they had not been heard in the present matter. The operative part of the order is reproduced below:

*“In light of the issue answered by this Court in Civil Appeal Nos. 12122-12123 of 2018 and connected cases titled as “Municipal Corporation of Gr. Mumbai Vs. Ankita Sinha & Ors.” reported in 2021(12) SCALE 184, **it would be appropriate to permit the appellant(s) to raise all contentions/objections as may be available and permissible in law before the National Green Tribunal (In short “the Tribunal”) in the first place. The Tribunal may consider those contentions/objections and record reasons for accepting or rejecting the same, so that the appellant(s) if dis-satisfied may have further remedy of appeal(s) before this Court.***

In other words, all contentions raised in the present appeal(s) on these aspects, including on merits are left open, to be considered by the Tribunal afresh.

We say so because the judgment rendered by this Court predicates that even if the Tribunal intends to initiate suo motu action, must give opportunity to the parties likely to be affected before passing any adverse order against them. Viewed thus, the ex-parte preemptory order(s) passed by the Tribunal without giving opportunity to the person(s) likely to be affected by such order(s), be treated as effaced from the record.

Keeping that principle in mind, we deem it appropriate to relegate the appellant(s) before the Tribunal with liberty to raise all contentions as may be permissible in law, to be decided by the Tribunal afresh on its own merits.

Notably, the decision of the High Court assailed in these appeal(s) also gives that liberty to the appellant(s). However, we expressly grant such liberty to the appellant(s), as aforesaid, in terms of this order.

The appellant(s) may, therefore, file a formal application to take up all contentions before the Tribunal which may be considered by the Tribunal afresh on its own merits and in accordance with law, including raised in this appeal(s) and in respect of matters, referred to by the Tribunal in the earlier order. The Tribunal to decide the proposed application expeditiously.

Learned counsel for the appellant(s) submits that before the Tribunal finally answers the issues raised by the appellant(s), the Tribunal may consider of issuing appropriate interim order to enable the appellant(s) to give effect to the contract/lease agreement in respect of the project in question. We accede to this prayer.”

3. All the Applications are identical and relief sought is impleadment and directions not to interfere with the distance presently being followed as per rules laid down by the mining department and Kerala PCB.

4. We have heard learned Counsel for the parties.

5. As far as impleadment is concerned, the said prayer is granted, as the applicant has no objection to such a course being adopted in the light of order of the Hon'ble Supreme Court.

6. On merits also, stand in all the applications is almost same. The PPs claim to be carrying on quarry mining, using blasting at various locations under leases granted by the Mines Department of Kerala under the Kerala Minor Mineral Concession Rules, 1967. Minimum safety distance of 50m is maintained from nearest dwelling units. Grievance of the original applicant that 50m distance is not enough and reliance on observations of the Hon'ble Supreme Court in *M.C. Mehta v. Union of India, (1996) 8 SCC 462* and *Mohammaed Haroon Ansari v. District Collector, Ranga Reddy District, (2004) 1 SCC 491* is uncalled for.

7. To complete the narration, we may record that the Tribunal sought a report from CPCB and as per report dated 09.07.2020, it was suggested

that minimum distance should be 100m where blasting is not involved and 200m where blasting is involved. The Tribunal accepted the said view and, vide order dated 21.07.2020, issued directions in terms thereof which are reproduced for ready reference, as follows:

“3. Accordingly, the CPCB has filed its report on 09.07.2020 concluding as follows:

“6.0 Conclusion:

In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs:

Mining Type		Minimum Distance	Locations
A.	When Blasting is not involved	100 m	<i>Residential/Public buildings, Inhabited sites, Protected monuments, Heritage sites, National / State Highway, District roads, Public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, Lakes or Tanks, or any other locations to be considered by States.</i>
B.	When Blasting is involved	200 m **	

****Note: The regulations for danger zone (500 m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.**

However, if any states is already having stringent criteria than the above for minor mineral mining (i.e. more prescribed distances than the above), the same shall be applicable.”

4. In view of the above, the said criteria be followed throughout India. The CPCB may monitor compliance.”

8. In view of rival submissions, question is whether there is any scope for interference by this Tribunal.

9. Original applicant has opposed the applications of the PPs and submitted that minimum distance of 200m must be maintained in the interest of safety of the inhabitants as well as flora and fauna in the area. The Tribunal must follow the ‘Precautionary’ principle and, if any, further

study is undertaken, mining may not be allowed within 200m pending such study. It was also submitted that mining is continuing illegally in violation of orders of Hon'ble Supreme Court and on that aspect the matter is being further raised before the Hon'ble Supreme Court by the applicant.

10. Stand of learned Counsel for the PPs is that distance of 50m is laid down under the Mines and Mineral Rules as well as under the orders of the State PCB. Any longer distance is beyond the jurisdiction of this Tribunal. CPCB also has no jurisdiction as powers under the EP Act are only with MoEF&CC.

11. Further submission is that due to topography of the State of Kerala, longer distance will obstruct the legitimate mining activities in violation of sustainable development principle. With the use of Nonel Detonation technology, 50m distance is adequate and does not cause any adverse impact.

12. Reliance has also been placed on a CSIR-Central Institute of Mining & Fuel Research study conducted in June 2021 on "SCIENTIFIC STUDIES FOR DESIGN OF SAFE BLAST PARAMETERS AT PEROORKADA STONE MINE, KUTHIRAKALAM P.O. VELLANADU, THIRUVANANTHAPURAM, KERALA" concluding and recommending as follows:

"8. CONCLUSIONS AND RECOMMENDATIONS

8.1 Conclusions:

The following conclusions can be drawn from the results of the study on blast vibration analysis:

- i) *From the blasting trials, with the designed blast patterns, it was observed that blast induced ground vibrations; air overpressure and fly rock were within safe limits*
- ii) *The use of bottom hole-initiation systems like shock tubes in conjunction with noiseless trunk line delays (NTLD) during trial blasts kept the vibration and air over-pressure to the allowable limits.*

- iii) *Proper stemming with coarse grained sand reduced the chances of flyrock and limited to bare minimum within the quarry area.*
- iv) *The throw of the muck was found to be favourable for easy removal and handling by machines*
- v) *The maximum value of blast induced ground vibration (PPV) level recorded at the south eastern boundary from where the closest civil structure (water tank), is 1.024 mm/s with dominant excitation frequency as 82.25 Hz at a distance of 125 m.*
- vi) *The maximum projectiles range of flyrock was observed as 10-15 m from the blast site and the air overpressure levels recorded were within the safe limits (<128 dB).*
- vii) *This clearly indicates that the blast design parameters followed during the studies at the mine are quite safe to the nearby habitats and structures.*

8.2 Recommendations:

On the basis of data analysis and results of the study the following points are recommended for consideration and strict adherence for controlled blasting and safety of structures:

1. *It is recommended to practice the blast design parameters as burden = 1 m spacing = 1.2m, hole depth = 1.8 m to 3m and specific charge = 0.35 kg/m³.*
2. *Maximum hole depth can be upto 3m. Holes of lesser depth may have a tendency of generating more flyrock.*
3. *In case of varying hole depth, charge per holes should be calculated on the basis of specific charge (0.35 kg/m³)*
4. *The hole diameter should be kept at 32mm and there should be no variation in diameter of the drilled holes.*
5. *Typical blast designs shown in the figure 6 and 7 should be followed for safe blasting practice*
6. *The safe maximum charge per delay for the distances of 45m and above, from the dwellings/structures is mentioned in Table-5, and Figure 16, which should be followed to contain the ground vibrations and flyrock within the limits.*
7. *Although, the nearest house not belonging to quarry owner, is towards South-east direction of the mine at a distance of 250 m and the safe maximum charge per blast for that distance, as per the Table-4, is 8.29 kg*
8. *Prilled Ammonium Nitrate Fuel Oil (ANFO) and Cartridge emulsion explosive of 25mm diameter to be used for all production blast rounds. Care should be taken to ensure utilization of explosive within the prescribed shelf-life period.*
9. *Blast rounds should be planned in such a manner that at least one free face is available*
10. *Maximum four rows are to be fired in each blast round to avoid cumulative confinement and flyrock problem.*
11. *Top of the face should be cleaned for any debris. The face should be cleared of muck of the previous blast as it creates flyrock.*
12. *The free face direction should be, as far as possible, opposite from the hutments/ structures (temporary or*

permanent). The propagation of the initiation should be opposite to the structures/ habitats.”

13. We have duly considered the above submissions. We do not find any merit in the objection of the PPs that this Tribunal has no jurisdiction in view of distance laid down under the Mines and Mineral Rules. in view of law laid down *inter-alia* in *Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors.*,¹ and *the Director General (Road Development) NHAI v. Aam Aadmi Lok Manch.*² There is also no merit in the contention that CPCB has no jurisdiction under the EP Act. CPCB has jurisdiction under EP Act, as per delegation under section 23 of the said Act as well statutory powers under the Air and Water Acts and also under directions of this Tribunal. Plea of the PPs that the study relied upon clinches the matter in their favour is also not born out from the said study. There is also no merit in the contention that even at the cost of environment mining must be allowed having regard to peculiar topography of Kerala.

14. Thus, while the stand of the PPs cannot be accepted, out of abundant caution, we are inclined to consider further expert study on the subject of safe distance for mining from habitations.

15. Accordingly, we constitute a seven-member joint Committee comprising CPCB, Indian Institute of Mines/ IIT, Dhanbad, CSIR - Central Institute of Mining & Fuel Research (CIMFR), Dhanbad, CSIR-Central Building Research Institute (CBRI), Roorkee, IIT Roorkee, Wadia Institute of Himalayan Geology, Dehradun and Directorate General of Mines Safety, GoI. The nodal agency will be CPCB for coordination and compliance. The cost of the study will be initially borne by CPCB and thereafter as may be decided by this Tribunal. The Committee may undertake visit to the

¹ 2019 SCC online SC 322, Para 43-47

² AIR 2020 (SC) 3471, Para 75

relevant sites and except for such visits, conduct proceedings online, if necessary. The Committee will be at liberty to take assistance from any other expert/institution. The Committee may inter-alia study the impact of blasting with Nonel Detonation technology at distances of 50m, 75m, 100m, 125m, 150m, 200m and 250m. The study will include the impact caused by vibrations on different soil strata /earth profile in the area and on noise and air levels, on building and human and wildlife. The study may be completed within three months and report furnished within four months. Any stakeholder will be at liberty to give their respective view point to the Committee. State of Kerala and Kerala State PCB will facilitate undertaking of above study. The report may be furnished to this Tribunal within four months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF and also upload the same on website of CPCB simultaneously so that the concerned parties/Departments can access the same for further course of action.

M.A. Nos. 80/2021, 82/2021, 95/2021 stand disposed of.

List OA 304/2019 for further consideration on 11.05.2022.

A copy of this order be forwarded to CPCB, Indian Institute of Mines/ IIT, Dhanbad, CSIR - Central Institute of Mining & Fuel Research (CIMFR), Dhanbad, CSIR-Central Building Research Institute (CBRI), Roorkee, IIT Roorkee, Wadia Institute of Himalayan Geology, Dehradun, Directorate General of Mines Safety, GoI, State of Kerala and Kerala State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

December 09, 2021
M.A. No. 80/2021 to M.A. No. 83/2021,
M.A. No. 95/2021, M.A. No. 96/2021,
M.A. No. 85/2021 to M.A. No. 88/2021
DV

ANNEXURE-R7/3 Colly.**REPORT ON THE AMBIENT AIR QUALITY AND NOISE LEVEL MONITORING MADE W.R.T
HON'BLE NGT OA NO. 104/2024/EZ, KOLKATA (SRI NILAMANI MOHAPATRA -VRS-
STATE OF ODISHA AND OTHERS)****Prima facie of the above cited case:**

A case has been filed in the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata i.e. OA No. 104/2024/EZ, Kolkata by Sri Nilamani Mahapatra -vrs- State of Odisha and Ors with respect to illegal operation of Khondalite Stone from Kundakundi Kunda Stone Quarry at Narangarh. As per the direction of Hon'ble Green Tribunal, Kolkata dt. 28.5.2024, a Committee was constituted comprising of the following members i.e. (i) District Magistrate, Khordha or his representative not below the rank of Additional District Magistrate; (ii) Senior Scientist, Odisha State Pollution Control Board; (iii) Senior Scientist, Central Pollution Control Board and (iv) Senior Scientist, SEIAA, Odisha,

The joint committee headed by the Additional District Magistrate, Khordha along with other nominated members meet on the quarry site i.e. Kundakundi Kunda Stone Quarry at Narangarh on dt. 20.06.2024 and visited different locations within the quarry lease hold areas. In the above cited case the State Pollution Control Board, Odisha is also cited as Respondent No.7.

After the visit of the committee member within the lease hold area it was decided that the Regional Office, State Pollution Control Board, Bhubaneswar will conduct an ambient air quality and ambient noise level monitoring to verify the air quality status (Particulate Matter) and noise level in and around the quarry lease hold area produced during its mining activity i.e. excavation and stone cutting-cum-sizing for which the petitioner has highlighted the issue before the Hon'ble National Green Tribunal.

Location of mining activity:

- a) Khondalite stone quarry and its cutting and sizing activities are located at Mouza Narangarh within Khordha district. The Khondalite stone quarry lease hold area has been properly demarcated with pillars.
- b) At the South-eastern side of mining activity area i.e. after lease hold demarcated area there lies a natural thin green belt followed by habitation of Bhogapur village where complainant residence is present along with other houses.

Details about the Monitoring Locations:

A. Three (03) monitoring locations were selected to verify the ambient air quality status of mining excavation site along with its adjoining area. The location are as follows:

- (i) Dumping site of rejected stone cutting (i.e. between Anusuchita Jati Abasika Primary School and stone cutting area).
- (ii) Inside the quarry lease hold area (i.e. at south-east corner of the quarry area (near Mining Lease Pillar No. 11). **(Core Zone)**)
- (iii) Near Bhogapur village Shiva Temple (i.e. nearby to the complainant resident). **(Buffer Zone)**

B. Likewise Ambient Noise Level monitoring was conducted at following four (04) locations. The location selected are:

- (i) Dumping site of rejected stones cutting (between Anusuchita Jati Abasika Primary School & stone cutting sizing area).
- (ii) Inside quarry lease hold area at south east corner of quarry.
- (iii) Near Siva Temple before entry point of Bhogapur Village.
- (iv) Within the village area of Bhogapur (complainant's Residence area).

Observations:

- (i) Ambient Air Quality monitoring were conducted by the officials of the Regional Office, State pollution Control Board, Odisha, Bhubaneswar on dtd. 25.06.2024 and dt. 26.06.2024 at the above stated locations for 24Hrs continuously. **(Report is annexed).**
- (ii) Ambient noise level monitoring were conducted by the officials of Regional Office, State pollution Control Board, Odisha, Bhubaneswar on dtd. 25.06.2024 and dt. 26.06.2024 at the locations cited above. **(Report is annexed).**
- (iii) The average data of PM₁₀ (Particulate Matter) in the atmosphere at the 03 locations were found to be below 100 µg/M³ which is within prescribed standard of Board.
- (iv) As per the Noise Pollution(Regulation & Control) Rules 2000;the ambient air quality standards with respect to noise, it has been stipulated that in the Industrial/Mine area the noise limit is 75dB(Day Time)i.e from 6:00AM to 10:00PM.In the residential area it has been mentioned that the Noise limits should be within 55dB(A) in day time. From the analysis report it is revealed that the ambient noise limit within the Mine lease area

(SI No.1&2) and residential area(SI No.3&4) are within prescribed standards as mentioned above.

- (v) On the day of monitoring, no high intensity of noise generating drilling machine was used for drilling of stone in the quarry area.
- (vi) On the day of inspection, cutting of Khondalite stone was observed to be carried out with the wire-saw cutting machine for which there was no high intensity of the sound.
- (vii) Near the main entrance gate the stone cutting-cum-sizing unit has been established and during cutting and sizing, water is sprayed for dust suppression and dispersion of fugitive dust to nearby areas/locations. During the time of inspection, it was not in operation.
- (viii) The noise intensity was not high at the Bhogpur village areas and within school area during the day of monitoring and from the report it is revealed that it was within prescribed standard of the Board.
- (ix) No dust depositions were observed on the leaf surface area of trees existing nearby to the quarry lease hold area.

Conclusion:

So basing upon the monitoring result i.e. Ambient Air Quality and Ambient Noise Level at above cited locations, no such high concentration of particulate matter (PM₁₀) and high intensity of noise were observed on the day of visit to the area concerned that has been cited by the petitioner before the Hon'ble National Green Tribunal.


Ms. Rashmi Rekha Padhan
Dy. Env. Scientist


Er. S.N. Mohanty
Dy. Env. Engineer


Dr. R.K. Mishra
Sr. Env. Scientist



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OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST , ENVIRONMENT& CLIMATE CHANGE GOVT. OF ODISHA]
Plot No. B-59/2 & 59/3, Chandaka Industrial Estate, Patia,
Bhubaneswar - 751 024

TEST REPORT

1. Report No.: As/04/07/2024
2. Date: 05.07.2024
3. Sample Submitted By : Dr.R.K.Mishra, SES ,Er S. N. Mohanty, DEE. Ms R.R.Padhan,DES & (Name and address) Sri B.N.Sepapati, JLA & Sri P.K.Nayak,FA OF Regional Office, Bhubaneswar
4. Reference Letter No. : 2220, dtd.24.06.2024
5. Date of Sampling: 25.06.2024 & 26.06.2024
6. Date of sample receipt: 27.06.2024
7. Analysis Starting Date-Analysis Completion Date: 28.06.2024 to 01.07.2024
8. Analysis Results:
(Attach separate sheet if necessary)

SL. No.	Parameter , Unit	Standards/ Regulatory Limits	*Test Method	Ambient Air Quality Monitoring of M/s Kundakundiunda khondalite Mines, Naranagarh, Khordha		
1	PM ₁₀ , (µg/m ³)	100(24 Hourly)	IS-5182 (Part-23)-2006	Inside the mining lease hold area (south east corner of the quarry) Near ML pillar No-11	Near Bhogapur Siva Temple at buffer zone area	Near dumping site of stone cutting stack yard and Anusuchita jati Abasika primary school
				Results		
				52.0	57.0	65.0

* Standard prescribed in/ referred to: Last CTO order

B. N. Sepapati (JLA)
Signature. Of 05.07.24
Analyst

(Handwritten Signature)
AES/DES/SES
05/07/24
SR. Env. Scientist
Regional Office
S.P.C. Board

(Handwritten Signature)
REGIONAL OFFICER
Regional Officer
State Pollution Control Board, Odisha
Bhubaneswar



**OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR
STATE POLLUTION CONTROL BOARD, ODISHA**

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE GOVT. OF ODISHA]

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**TEST REPORT
(AMBIENT NOISE LEVEL MONITORING RESULTS)**

1. Report No. : AN/03/July/2024
2. Date : 05.07.2024
3. Sample Submitted By : Dr.R.K.Mishra, SES ,Er S. N. Mohanty, DEE. Ms R.R.Padhan, DES
Sri B.N.Sepapati, JLA & Sri P.K.Nayak,FA
4. Reference Letter No. : 2220, dt.16.12.2019
5. Date of sampling : 25.06.2024 and 26.06.2024
6. Date of sample receipt : 27.06.2024
7. Analysis Results:
(Attach separate sheet if necessary)

Ambient Noise Level Monitoring in and around of M/s. Kundakundi Kunda Khandalite mines, Naranagarh Khordha, Odisha		Parameters (with Unit)		
		Noise level in dB(A) Leq		
Method No.* of Analysis		IS-9989 (RA-2008)		
Sl. No.	Noise Level Monitoring Location	Noise level in dB(A) Leq		
		25.06.2024		26.06.2024
		3pm-4pm	9pm-10pm	8am-9am
1.	Dumping side rejected cutting stones stack yard side i.e. between Anusuchita jati Abasika primary school and stone cutting-sizing area	62.7	53.8	63.0
2.	Inside mine lease hold area i.e. south east corner of the quarry area (ML pillar No.-11)	63.4	52.5	61.2
3.	Near Siva temple before entering in to Bhogapur (village area of compliant)	52.9	51.7	49.1
4.	Within the village Bhogapur (Complaint ^s residential area)	51.5	50.6	48.9
Ambient Noise Level Standard in Industrial and Residential area w.r.t Daytime respectively		75.0 & 55.0		

(B.N. Sepapati, JLA)
Signature Of
Analyst.

(Dr. R. K. Mishra)
AES / DES / SES
SR. Env. Scientist
Regional Office
S.P.C. Board
Bhubaneswar (Odisha)

(Dr. S. N. Mohanty)
REGIONAL OFFICER
Regional Officer
State Pollution Control Board, Odisha
Bhubaneswar