

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
APPEAL No. 04 OF 2025 / EZ**

Bholanath Padhi

...Appellant

VERSUS

Member Secretary, State
Environment Impact Assessment
Authority, Odisha & Others

...Respondents

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By the Respondent No.11

Kolkata

Date:

Through



Smt Papiya Banerjee Bihani,
Advocates for the Respondent No.11
(State Pollution Control Board, Odisha)
e-mail:pbanerjeebihani@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
APPEAL No. 04 OF 2025 / EZ**

14 NOV 2025

Bholanath Padhi ...Appellant

VERSUS

Member Secretary, State
Environment Impact Assessment
Authority, Odisha & Others ...Respondents

**AFFIDAVIT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA,
R.NO.11.**



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.11 Board and, as such, am well-acquainted with the facts and



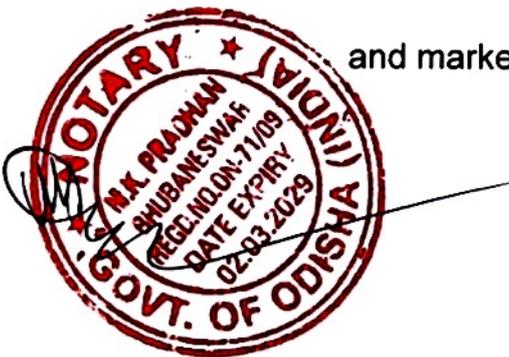
circumstances with the case and competent to swear this affidavit.

2. That in this appeal the appellant has challenged the legality and procedural validity of the District Survey Report of River Sand Minor Minerals of Balasore district dtd.25.03.2025 issued by the State Environment Impact Assessment Authority, Odisha (R-1) alleging that the same has been approved without proper adherence to the Sustainable Sand Mining Guidelines, 2016 and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 issued by the Ministry of Environment, Forest & Climate Change. Copy of the same has been annexed as Annexure-1 of the Appeal Memo.
3. That, at the outset it is humbly clarified that all averments, contentions and/or statement as contained in the Appel Memo filed by the Appellant which may not have been specifically denied or traversed by me herein but are in essence, contrary to the substance of this affidavit, should not be deemed to be admitted by reason of mere non-traverse, but should be treated as expressly denied and the Appellant should be put to strict proof in respect



thereof. I also crave leave of this Hon'ble Tribunal to file further affidavit or affidavits if the situation so warrants.

4. That it is humbly submitted that no specific relief has been sought for against the R-11 by the Appellant. The R-11 Board considers the application for consent to establish / operate under the provisions of Water (PCP) Act, 1974 and Air (PCP) Act, 1981 in respect of Sand Mining only after receipt of application with necessary documents such as Lease Deed, Approved Mining Plan and Environmental Clearance (EC). Further, as per the Standard Operating Procedure issued by the MoEF&CC, Govt. of India, the projects / activities requiring prior EC as per Environmental Impact Assessment Notification, 2006 under the Environment (Protection) Act, 1986 exempted from obtaining Consent to Establish separately subject to following certain procedures as indicated in the Notification dtd.14.11.2024 read with Notification dtd.14.01.2025 of the MoEF&CC. Copy of the same are annexed to this affidavit and marked as ANNEXURE – R11/1 Colly.



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REGD. NO. DN-71/2009
PH - 9437627119 (M)

- 5. That as regards the averments made in paras-1 to 22 of the Appeal Memo so also the Grounds, it is humbly submitted that the R-11 Board has no comments to offer.
- 6. That the annexure annexed to the present affidavit is true and correct copy of its original.
- 7. 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 14th November, 2025.

SWORN BEFORE ME



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

DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

ANNEXURE-R11/1 Colly.

File No. Q-15012/2/2022-CPW-Part (1) /e-240741
Government of India
Ministry of Environment, Forest and Climate Change
(CP Division)

2nd Floor, Jal Wing, Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi-110003.

Date: November the 14th, 2024

Subject: Notification to exempt certain categories of industrial plants from the application of the proviso to sub-section (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and proviso to sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981 –issuance of Standard Operating Procedure (SOP) -reg.

The Central Government published the notifications vide G.S.R. 703 (E) dated 12-11-2024 (copy enclosed) and G.S.R.702 (E) dated 12-11-2024 regarding exemption of certain categories of industrial plants from the application of the proviso to sub-section (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and proviso to sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

As provided in the above notification, a Standard Operating Procedure (SOP) for streamlining the implementation of the said notification is hereby appended with this letter for compliance.

2. SOP is hereby circulated to all concerned for compliance and necessary action.



(Ved Prakash Mishra)
Joint Secretary to the Government of India
Phone: 2081 9236
E-mail: mishra.vp@gov.in

To,

The Divisional Head, IA Division, MoEF&CC,
Chairman, Central Pollution Control Board,
Chairman, State Pollution Control Boards,
Chairman, Pollution Control Committees

Annexure to letter No. Q-15012/2/2022-CPW-Part (1) /e-240741] dated 14-11-2024

Standard Operating Procedure (SOP) for implementation of the Notification to exempt certain categories of industrial plants under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981

Consequent to the notification published vide G.S.R. 703 (E) dated 12-11-2024 and G.S.R.702 (E) dated 12-11-2024 regarding exemption of certain categories of industrial plants from the application of the proviso to sub-section (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and proviso to sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981, following SOP is issued for streamlining the implementation of these notifications :

1. All industries/activities, appended as schedule of the said notifications (categorized as **White**) exempted from the mandatory condition of obtaining CTE and CTO from SPCBs/PCCs as per the above referred notification will follow Procedure as given below:
 - a. *These units will have to intimate about their operation to SPCBs / PCCs in the form of a self-declaration, complying with all the prevalent rules and regulations. They are not required to pay any consent fee.*
 - b. *SPCBs / PCCs shall maintain list of such industries/ activities separately, which shall be updated from time to time.*
 - c. *SPCBs / PCCs shall ensure that no activities other than those intimated, are carried out by such exempted units.*

2. The projects / activities requiring prior EC as per the Environmental Impact Assessment notification, 2006 (as amended from time to time) under Environment (Protection) Act, 1986 exempted from obtaining CTE separately, as per the above referred notification will follow Procedure as given below:
 - a. *They will obtain necessary EC from the competent authority under the notification referred above.*
 - b. *The Conditions of CTE, as may be required, will be integrated in the conditions of EC itself in the following manner:*
 - i. The competent authority for issuance of EC under EIA Notification, 2006 shall communicate the application of the Project Proponent (PP) to the concerned SPCB/PCC, as the case may be.
 - ii. The concerned SPCB/PCC will examine the case and communicate its comments to the above-referred competent authority within the time limit prescribed by it, which shall not be less than 30 days.

- iii. SPCB / PCC may undertake inspection of the site, if required, before sending their comments. Further, SPCB / PCC may also raise queries to the PPs for additional information, if required. Any time taken by the PPs in responding to the queries of SPCBs / PCCs shall be in addition to the time limit prescribed.
- iv. The EC granting authority shall consider the comments of the concerned SPCB/PCC for inclusion of additional conditions while issuing the EC, which will inter-alia, include that the PP shall pay the requisite CTE fee to SPCBs/PCCs within 30 days of issuance of EC.
- v. The EC will become operational only after the payment of CTE fee. Delay in payment of CTE fee beyond 30 days may attract late fee as may be decided by the concerned SPCB / PCC.

c. Such industries / activities shall be required to obtain CTO separately from the SPCBs / PCCs and any other authorization /permission, wherever required as per the prevailing rules and regulations.

3. Industries/ activities not included in para 1 and 2 above shall be required to obtain CTE and CTO and other permissions, as per the prevailing rules and regulations.



(Ved Prakash Mishra)

Joint Secretary to the Govt. of India

File No. Q-15012/2/2022-CPW-Part(1)/e-240741
Government of India
Ministry of Environment, Forest and Climate Change
(CP Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi – 110003

Dated: 14th January, 2025

OFFICE MEMORANDUM

Subject: Streamlining the implementation of Notifications G.S.R. 702 and G.S.R. 703 dated 12th November 2024 – regarding.

The Ministry has issued notifications vide G.S.R. 703 (E) dated 12.11.2024 and G.S.R.702 (E) dated 12.11.2024 regarding exemption of certain categories of industries from the application of the sub-section (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

2. As per the above referred notifications, the project / activities requiring prior EC as per the Environmental Impact Assessment Notification, 2006 (as amended from time to time) under Environment (Protection) Act, 1986 are exempted from obtaining previous Consent To Establish (CTE) separately.

3. The Ministry has issued a Standard Operating Procedure (SOP) dated 14th November 2024 for implementing the notifications mentioned above. In the SOP, it has been, inter-alia, provided that, for the projects / activities requiring prior EC, the exemption provided from obtaining CTE is subject to obtaining necessary EC and the conditions of CTE, as may be required, will be integrated in the conditions of EC itself.

4. The matter has been examined in the Ministry and it has been decided to further streamline the procedure in partial modification of the Standard Operating Procedure dated 14th November 2024, with regard to the projects / activities requiring prior EC which are exempted from obtaining CTE as per the aforesaid Notifications G.S.R. 702 and G.S.R 703 dated 12th November 2024:

A. Obtaining comments from the State Pollution Control Boards (SPCBs) / Pollution Control Committees (PCCs)

i. In all cases where ToR is applicable (i.e. Category A and B1 Projects except projects that apply for expansion under para 7 (ii) (a) of EIA Notification 2006 and category B2 projects), the concerned Regulatory Authority while granting ToR shall forward the ToR in parallel to the concerned SPCBs/PCCs, through the PARIVESH portal with a request to upload their comments.

ii. In all such cases where ToR is not applicable (i.e. projects that apply for expansion under para 7 (ii) (a) of EIA Notification 2006 and category B2 projects), a copy of the proposal that was submitted for seeking EC shall be forwarded to the Member Secretary, SPCB/PCC through PARIVESH, with a request to upload their comments.

iii. In both the scenarios mentioned above, the SPCB/PCC shall carry out site inspection, if required, before furnishing their comments. The comments shall have the details of the project site, the feasibility of the project and the environmental safeguards prescribed for the concerned project.

B. Payment of requisite fees

i. Once the copy of the ToR or the proposal that was submitted for seeking EC (in cases where ToR is not applicable) is forwarded to the Member Secretary, SPCB/PCC through PARIVESH, the Member Secretary, SPCB/PCC shall raise the demand for applicable fee within seven days which shall be paid by the project proponent through the prescribed payment gateway of SPCB/PCC or in the interim through the method prescribed by the respective SPCB/PCC.

ii. Once the fee payment receipt is uploaded by the project proponent on PARIVESH, comments shall be uploaded by the SPCB/PCC within the prescribed timeframe mentioned below, as the case may be.

C. Timeframe prescribed for the SPCBs/PCCs to provide their comments

i. In all cases where ToR is applicable, the comments shall be uploaded on the PARIVESH portal by the concerned SPCBs/PCCs within thirty days from the date on which the fee payment receipt is uploaded by the project proponent on PARIVESH.

ii. In all such cases where ToR is not applicable, the comments shall be uploaded on the PARIVESH portal by the concerned SPCBs/PCCs within fifteen days from the date on which the fee payment receipt is uploaded by the project proponent on PARIVESH.

D. Non-receipt of comments within prescribed timeframe

i. In case the comments are not received within the prescribed timeframe, a representative from the concerned SPCB/PCC shall be invited to the next EAC/SEAC meeting for furnishing comments. However, within this period, SPCB/PCC may also provide their comments on PARIVESH.

ii. In the event that the representative from the concerned SPCB/PCC does not participate in the EAC/SEAC or their comments are not provided within the prescribed timeframe, it shall be deemed that the concerned SPCB/PCC has no

objection/comments to offer and the EAC/SEAC may take the decision on merit stipulating environmental safeguards in the form of conditions as applicable for the establishment of the Project/Activity, based on the details submitted by the project proponent as a part of EC application.

E. Projects which have already been granted EC after 12th November 2024 but for which CTE has not been granted

Such projects shall obtain the environmental safeguards required for the establishment of the Project/Activity, from the concerned SPCB/PCC within 30 days of this OM, after payment of requisite fees. The same shall be appended to the EC later and the project proponent shall file six monthly compliance for the safeguards also, along with the EC conditions.

5. The Projects / Activities exempted from obtaining CTE as per the procedure mentioned at para-4 above, shall be required to obtain CTO separately from the SPCBs / PCCs and any other statutory authorization /permission, wherever required as per the prevailing rules and regulations.

6. This is issued with the approval of the Competent Authority.



(Ved Prakash Mishra)
Joint Secretary

To

1. Chairman/Member Secretary, CPCB.
2. Chairperson/Member Secretaries of all the State/UT, PCBs/PCCs
3. Chairperson/Member Secretaries of all the EACs.
4. Chairperson/Member Secretaries of all the SEIAAs/ SEACs.
5. All Officers of IA Division

Copy to:

1. PS to Hon'ble MEFCC
2. PS to Hon'ble MoS (EF&CC)
3. Sr PPS to Secretary (EF&CC)
4. Sr PPS to DGF&SS (EF&CC)
5. Sr PPS to AS(AG)/ Sr PPS to JS(RA)
6. Website, MoEF&CC/Guard File