



**Before The Hon'ble National Green Tribunal  
Eastern Zone Bench, Kolkata**

**OA No. 183 of 2025/EZ**

**Urbashi Jena** ..... **Applicant**

**Vs.**

**State of Odisha & Ors.**

.....**Respondents**

**I.N.D.E.X**

<b>Sr. No.</b>	<b>Particulars of the Documents</b>	<b>Annexure</b>	<b>Page No.</b>
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Place:- Kolkata

Date: 16/11/25

*Ashok Prasad*

Ashok Prasad, Advocate

Counsel for Respondent No. 13

Mobile: 9883069404

Email id: [ashokadvhc@gmail.com](mailto:ashokadvhc@gmail.com)



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60 14.11.2025

**Before The Hon'ble National Green Tribunal  
Eastern Zone Bench, Kolkata**

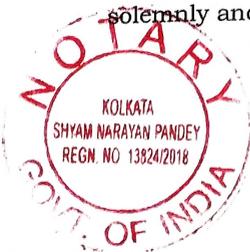
**OA No. 183 of 2025/EZ**

**Urbashi Jena** ..... **Applicant**  
**Vs.**  
**State of Odisha & Ors.** ..... **Respondents**

**REPLY ON BEHALF OF THE RESPONDENT NO.13  
DIRECTOR GENERAL OF MINES SAFETY, GOVT.  
OF INDIA.**

**MOST RESPECTFULLY SHEWETH:**

I, Awanish Kumar Mishra son of Shri Radheshyam Mishra, aged about 53 years, employed/appointed as the Director of Mines Safety, Bhubaneswar Region-1, Directorate General of Mines Safety (D.G.M.S.), South Eastern Zone, under ministry of Labour and employment, Govt. of India, do hereby solemnly and declare as follows:-



14 NOV 2025



1. That I am well conversant with the facts and circumstances of the case, and as such, I am duly authorized and competent to swear this affidavit on behalf of R-13, in the above matter.
2. That I have read and understood the original application and have been advised to traverse by way of this Counter Affidavit as reply thereto.
3. That have and except those which are matter of record and those which are specifically admitted hereto the contents of the OA that have not been specifically admitted hereunder or are a matter of record be deemed denied.
4. That the deponent craves liberty to raise additional submission or file supplementary affidavits in case need arises during the course of arguments.

**PARA WISE REPLY**

5. With regards to the contents of Para 1 of the original application, with respect to complaint dated 09.04.2025, it is humbly submitted that points raised in the original application, action





was already taken by Directorate General of Mines Safety (DGMS) on the similar issues raised earlier in an another Original Application bearing OA No. 147/2024 and the observation of the learned court at para 24 of the order dated 31.01.2025. The remaining part of Para 1 is the matter of records hence no comments to offer by the answering respondent.

A copy of the order dated 31.01.2025 is annexed herewith and marked as **Annexure- R1**.

6. With regards to the contents of Para 2, 3, 4, & 5 of the original application, it is humbly submitted that these paragraphs are not related, hence no comments to offer by the answering respondent.
7. With regards to the sub-paras of XIV para 6 of the Original Application, it is humbly submitted:-

That, the provisions of Regulation 164(1-A) of the Metalliferous Mines Regulation (MMR), 1961 states that -

*"In the case of an opencast working the blaster shall not charge or fire a shot- (a) unless he has taken the precautions laid down in sub-regulation (1).*



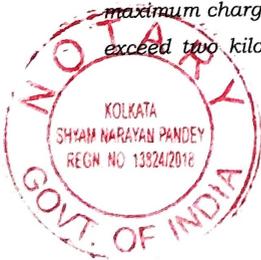
(b) Unless sufficient warning, by efficient signals or other means approved by the manager, is given over the entire area falling within a radius of 300 metres from the place of firing (hereinafter referred to as the danger zone) an also he has ensured that all persons within such area have taken proper shelter, and

(c) Where any part of a public road or railway lies within the danger zone, unless two persons are posted, one in either direction at the two extreme points of such road or railway which fall within the danger zone who have, by an efficient system of telephonic communication or hooter or loudspeakers or other means approved by the Chief Inspector or Regional Inspector intimated clearance of traffic to the blaster and have also warned the passers-by and whenever possible the vehicle also, if any, which have passed by such road or railway:

Provided that if blasting is done in such a manner approved in writing, by the Chief Inspector or Regional Inspector, that the flying fragments from blasting cannot project beyond a distance of ten metres from the place of firing, the provisions of clauses (b) and (c) need not be complied with."

That, the provisions of Regulation 164(1-B)(a) of the Metalliferous Mines Regulation (MMR), 1961 states that -

"In the case of an opencast working, where any permanent building or structure of permanent nature, not belonging to the owner, lies within the danger zone, the aggregate maximum charge in all the holes fired at one time shall not exceed two kilograms unless permitted in writing by the



*Chief Inspector of the Regional Inspector and subject to such conditions as he may specify therein:*

*Provided that if blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, a maximum charge of two kilograms can be used in each hole:*

*Provided further that if the shortest distance from the place of firing to any part of such building or structure is less than 50 metres irrespective of the amount of the charge, no blasting shall be done except with the permission in writing of the Chief Inspector or the Regional Inspector and subject to such conditions as he may specify therein."*

**No permission/exemption under Regulation 164(1-B)(a) of the Metalliferous Mines Regulations (MMR), 1961 has been obtained from this Directorate by the lessee of Bajabati Stone Quarry No.6 in Bajabati Village under Dharmasala Tahsil of Jajpur District, Odisha.**

That, with regards to the remaining sub-paras of Para 6 of the original application, it is humbly submitted that these sub-paragraphs are not related to DGMS, hence no comments to offer by the answering respondent.

8. With regards to the contents of Paras 7 to 10 of the original application, it is humbly submitted that these paragraphs are matter of records,

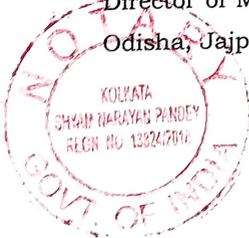


hence no comments to offer by the answering respondent.

9. With regards to the paras 11 & para 12 of the Original Application, it is humbly submitted: -

In the NGT Case OA No.147/2024, dated 03.07.2024 the applicant had prayed to the Hon'ble NGT, Eastern Zone, Kolkata, to 'Direct the DGMS for safety audit of quarries operating in Dankari cluster.

As per Section 16 of the Mines Act, 1952 and Regulation 3 of the Metalliferous Mines Regulations, 1961, after getting lease from the state government, the lessee/owner of the mines are required to submit Notice of Opening of the mine to the Directorate General of Mines Safety (DGMS) along with surface plan of the mine and other mine details for registration in online Shram Suvidha portal. However, the details in respect of lessee and mines operating in Dankari Cluster were not available in this office, as "Notice of Opening" from lessee of any quarry operating in Dankari Cluster was not received. Hence, vide this office letter No. BBR1/Minor Mineral/2024/711, dated 20.08.2024, Dy. Director of Mines (DDM, Minor Mineral), Govt. of Odisha, Jajpur Circle, was requested to provide a



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list of quarries in Dankari Cluster and in reply thereof, a list of 83 quarries (operating & non-operating) were received from Dy. Director of Mines (DDM, Minor Mineral), Govt. of Odisha, Jajpur Circle, vide letter no. 3578, dated 18.09.2024.

That, subsequently, based on the information of operating quarries provided by Dy. Director of Mines (Minor Minerals), Jajpur and District Mining Officer (on deputation: Minor Minerals), and discussion with DDM (Minor Minerals), Jajpur and District Mining Officer (Minor Minerals), 26 mines under Dharmasala Tahasil were operative, which were inspected during the period from 24<sup>th</sup> to 26<sup>th</sup> September, 2024, including Bajabati BSQ No.6. During the inspection, common serious contraventions under Mines Act, 1952, Metalliferous Mines Regulations (MMR), 1961 and Mines Rules (MR), 1955 were observed in all inspected mines, which was addressed to the District Magistrate, Jajpur District, Jajpur vide letter No.BBR-1/NGT/BSQ/2024/ 103, dated 25.10.2024 as annexed at **Annexure-R2** with a request to direct the lessees/mine owners to rectify serious contraventions at the earliest.





That, on 22.11.2024, as per Section 16 of Mines Act, 1952 read with Regulation 3 of the MMR, 1961, the lessee of Bajabati Black Stone Quarry No.6 had submitted Notice of Opening in Form-I and appointed mine manager under Section 17(1) of Mines Act, 1952 read with Regulation 34(1) of the MMR, 1961. That, the lessee had obtained authorisation under Regulation 34(6) of the Metalliferous Mines Regulation, 1961 to work as mine manager vide letter No.270663 dated 06.12.2024 as annexed at **Annexure-R3**. Thus, the contraventions mentioned at sub-para I & II of para 12 of the Original Application were complied with by the lessee of Bajabati BSQ No.6.

However, with regards to the remaining sub-paras of Para 12 of the original application, it is humbly submitted that compliance to other contraventions has not received in this Directorate from the lessee of Bajabati BSQ No.6.

10. With regards to the para 13 & 14 of the Original Application, it is humbly submitted the reply is same as stated in para 7.

11. With regards to the para 15, 16 & 17 of the Original Application, it is humbly submitted that



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these paragraphs are not related to DGMS, hence no comments to offer by the answering respondent.

12. With regards to the para 18 of the Original Application, it is humbly submitted:

*That, the provisions of the Regulation 106(2) (a) of MMR, 1961 provides that: "Where 'float' or other similar deposit is worked by manual means on a sloping face, the face shall be benched and the sides shall be sloped at an angle of not more than 60 degrees from the horizontal. The height of any bench shall not exceed six metres and the breadth thereof shall not be less than the height: Provided that where the ore-body consists of comparatively hard and compact rock, the Regional Inspector may, by an order in writing an subject to such conditions as he may specify therein, permit the height of the bench to be increased up to 7.5 metres while its width is not less than six metres : Provided further that in case of a mine or part where special difficulties exist, the Chief Inspector may, by an order in writing an subject to such conditions as he may specify therein, relax the provisions of this sub-regulation".*

In this regard action has already been taken by DGMS as mentioned in reply to para 12 of the Original Application.

13. With regards to the para 19, 20 & 21 of the Original Application, it is humbly submitted that

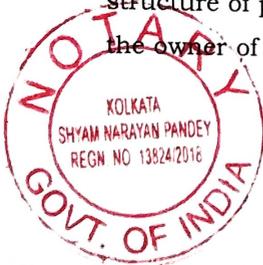


these paragraphs are not related to DGMS, hence no comments to offer by the answering respondent.

14. With regards to the para 22 of the Original Application, it is humbly submitted:

Permissions for conducting blasting in mines are required to be obtained from DGMS under the MMR 1961 in the following special circumstances:

- (i) Permission for conducting deep hole blasting (blasting with holes more than 3 m in depth), as required under Regulation 106(2)(b) of the MMR 1961.
- (ii) Permission for using explosives in non-cartridge form or for using more than one type of explosives (other than fuse or detonator) in the same hole (for example use of ANFO, SMS, SME along with cast booster), as required under Regulation 155(1) and 162(5) of the MMR 1961; and
- (iii) Permission for blasting within danger zone of 300 m from any permanent building or structure of permanent nature, not belonging to the owner of the mine, by using more than 2 kg





of aggregate maximum explosive charge in all holes fired at one time or more than 2 kg of maximum explosive charge in each hole where blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, as required under Regulation 164(1-B). However, if the shortest distance from the place of firing to any part of such building or structure is less than 50 metres, prior permission for blasting is required to be obtained under Regulation 164(1-B) of the MMR 1961 irrespective of the amount of the charge used.

However, for blasting in mine under circumstances other than the above, **no permission is required to be obtained from DGMS under the MMR 1961** and the blasting may be carried out in the mine by observing the precautions as prescribed under the provisions of Regulations 153-170 and other provisions of the MMR 1961.

**No permission under Regulations Reg.106(2)(b), Reg.155(1) & 162(5) and 164(1A) & (1B) (a) of the Metalliferous Mines Regulations (MMR), 1961 have been obtained from this Directorate by the lessee of**





**Bajabati Stone Quarry No.6 in Bajabati Village under  
Dharmasala Tahsil of Jajpur District, Odisha**

15. With regards to the para 23, 24, 25, 26 and 27 of the Original Application, it is humbly submitted that these paragraphs are not related to DGMS, hence no comments to offer by the answering respondent.
16. With regards to the para 28 of the Original Application, it is humbly submitted:

That, the provisions of Regulation 164(1-B)(a) of the Metalliferous Mines Regulation (MMR), 1961 states that –  
*“In the case of an opencast working, where any permanent building or structure of permanent nature, not belonging to the owner, lies within the danger zone, the aggregate maximum charge in all the holes fired at one time shall not exceed two kilograms unless permitted in writing by the Chief Inspector of the Regional Inspector and subject to such conditions as he may specify therein:*

*Provided that if blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, a maximum charge of two kilograms can be used in each hole:*

*Provided further that if the shortest distance from the place of firing to any part of such building or structure is less than 50 metres irrespective of the amount of the charge, no blasting shall be done except with the permission in writing*



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*of the Chief Inspector or the Regional Inspector and subject to such conditions as he may specify therein."*

**No permission/exemption under Regulation 164(1-B)(a) of the Metalliferous Mines Regulations (MMR), 1961 has obtained from this Directorate by the lessee of Bajabati Stone Quarry No.6 in Bajabati Village under Dharmasala Tahsil of Jajpur District, Odisha**

17. With regards to the para 29 of the Original Application, it is humbly submitted that: -

As per provisions of Regulation 124(8) of the Metalliferous Mines Regulation, 1961, it is responsibility of mine management to ensure the compliance provided as follows: -

*The manager of every mine where airborne dust is generated, shall formulate and implement a scheme specifying -*

*(a) the location, frequency, timing duration and pattern of sampling;*

*(b) the instruments and accessories to be used for sampling;*

*(c) the laboratory at which respirable dust content of samples and quartz content shall be determined;*





*(d) the format in which the results of measurements of dust concentration and other particulars have to be recorded;*

*(e) the organization for dust monitoring and for the examination and maintenance of dust prevention and suppression measures and dusts respirators; and*

*(f) the manner of making all persons concerned with the implementation of the dust control measures fully conversant with the nature of work to be performed by each in that behalf.*

18. With regards to the para 30 to 52 of the Original Application, it is humbly submitted that these paragraphs are not related to DGMS, hence no comments to offer by the answering respondent.





**PRAYER**

in view of what has been stated hereinbefore, It is respectfully submitted that the application may kindly be disposed with orders/ directions as deemed fit and proper in the facts and circumstances of this case. The answering respondent may kindly be exempted from personal appearance forthwith.

*Identified by me  
Akhil Basu  
Advocate*

*[Handwritten Signature]*

**DEPONENT**

**ଶ୍ରୀମତୀ ସୁମିତ୍ରା ପାଣିଗ୍ରାହୀ**  
**Director of Mines Safety**  
ଅଫିସ୍ ନଂ ୧୫-୧  
Bhubaneswar Region-1



**Substantive Advice & Endorsement**  
**Endorse the on Identification**  
**of Ld. Advocate**

*[Handwritten Signature]*

**SHYAM NARAYAN PANDEY**  
**NOTARY, GOVT. OF INDIA**  
**REGN. NO. 136242016**

**14.11.2025**

**14 NOV 2025**



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**VERIFICATION**

Verified at Kolkata on this 14th of November, 2025, that the contents of the above affidavit are true and correct to the best of my knowledge. No. part of it is false and nothing material has been concealed there from.

*Shyam Marayan Pandey*  
**DEPONENT**

ଶ୍ୟାମ ମରାୟନ ପାଣ୍ଡେ  
Director of State's Safety  
Bhubaneswar Region-4

Identified by me

*Advocate*  
Advocate





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counter affidavit till the next date of listing by way of last chance.  
Today also no one has appeared nor has any counter affidavit been  
filed.

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

.....  
**B. Amit Bhalaskar, JM**

January 31, 2025,  
Original Application No.147/2024/EZ  
SKB

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



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

Original Application No.147/2024/EZ

**In the matter of:**

**Youth United for Sustainable Environment Trust**  
Represented by its President Santanu Kumar Bhukta  
S/o Golak Bhukta,  
Aged about 32 years  
At/PO – Santhapada,  
PS- Talcher, Dist. - Angul,  
Odisha – 759104

.... Applicant(s)

Versus

1. **State of Odisha,**  
Represented by Chief Secretary,  
Government of Odisha,  
Lokaseva Bhawan,  
Bhubaneswar – 751001;
2. **District Collector, Jajpur,**  
At/Po/Dist. - Jajpur,  
Odisha – 755001;
3. **Tahasildar, Dharmasala,**  
At/PO/PS – Dharmasala,  
Pin – 755008;
4. **Additional Chief Secretary,**  
Water Resource Department,  
Government of Odisha,  
Rajiv Bhawan,  
Keshari Nagar,  
Bhubaneswar – 751001;
5. **Member Secretary,**  
Odisha State Pollution Control Board,  
A/118, Unit-VII, Nilakantha Nagar,  
Bhubaneswar – 751012  
Odisha;
6. **Member Secretary,**  
State Environment Impact Assessment Authority (SEIAA), Odisha,  
5RF-2/1, Acharya Vihar,  
Unit – IX,  
Bhubaneswar – 751022  
Odisha;





7. **Executive Engineer,**  
Road and Building Division,  
Panikoili,  
Pin - 755043  
Odisha;
8. **Deputy Director of Mines,**  
At/Po Jajpur Road,  
Dist - Jajpur  
Pin - 755019;
9. **Superintendent of Police, Jajpur,**  
At/Po//PS - Panoikoili,  
Pin - 755043;
10. **Executive Engineer,**  
Minor Irrigation Division Jajpur,  
At - Bhabaniganj,  
P.O. - Jajpur,  
Pin - 755001;
11. **Deputy Director General of Forests,**  
Ministry of Environment and Forests, Climate Change,  
Integrated Regional Office,  
Bhubaneswar, A/3, Rail Vihar,  
Chandrasekharapur,  
Bhubaneswar,  
Odisha - 751023;
12. **Director General of Mine Safety,**  
Government of India,  
Head Office, Dhanbad (Jharkhand),  
Pin - 826001;
13. **Sri Narayan Rout,**  
Lessee of Dankari Black Stone Quarry No.5/10,  
At Taranjia, PO - Aruha,  
Dist. - Jajpur  
Odisha - 755024

.... 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): Mr. Raman Yadav, Adv. for the State of Odisha  
(in Virtual Mode),  
Mr. Dipanjan Ghosh, Adv. for R-5 (in Virtual Mode),  
Mr. Apurba Ghosh, Adv. for R-6,  
Mr. Dibyendra Narayan Ray, Sr. Adv. a/w  
Mr. Sourav Halder, Adv. for R-11 (in Virtual Mode),  
Mr. Ashok Prasad, Adv. for R-12

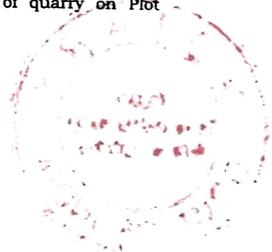


**ORDER**

1. Mr. Sankar Prasad Pani, assisted by Mr. Ashutosh Padhy, learned Counsel is present on behalf of the Applicant.
2. The Applicant in this Original Application has alleged rampant stone quarrying in Dankari Hill in particular and unscientific stone quarries in the entire District Jajpur in general.
3. It is alleged that on 15.05.2024 an accident occurred when a stone mine quarry collapsed due to which five people got trapped under the debris of the said stone quarry resulting in the death of three people. It is stated that the labourers were engaged in quarrying of black stone, copy of the news article dated 17.05.2024 published in Orissa Post has been filed with the Original Application.
4. It is also alleged that similar issues and accidents have occurred in other stone quarries in the District-Jajpur, Odisha, between 2017 and 2024, list of which has been filed in para 3 of the Original Application which reads as under:-

<b>Date of Incident</b>	<b>No. of people died</b>	<b>Place</b>	<b>Quarry name</b>
<i>In the year 2017</i>	10	Jajpur District	
<i>In the year 2018</i>	14	Jajpur District	
01/06/2023	2	Dharmasala tahasil, District-Jajpur	
17/03/2024	1	Dharmasala tahasil, District-Jajpur	Rahadpur Black stone quarry
14/07/2024	2	Dharmasala tahasil, District-Jajpur	Lunibar Black stone quarry
<i>In the year 2023-24</i>	15	Dharmasala tahasil, District-Jajpur tahasil	

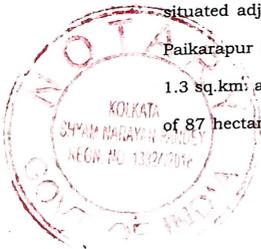
5. It is stated that the Respondent No.13 was granted Environmental Clearance (EC) on 06.05.2022 for operation of quarry on Pbt





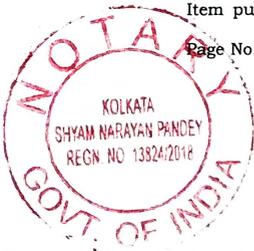
No.128 (P) & Plot No.45 (P), Khata No.465, over an area of 4.00 acres in Tahasil-Dharmasala, District-Jajpur, Odisha.

6. It is stated that the quarry operation is taking place in the catchment area of Ranibandha Minor Irrigation Project (MIP) and the said Ranibandha MIP is just 200 meters away from the nearest quarry and the Irrigation Project is badly affected due to blasting activities and is also getting stocked in the upper elevation of the quarry and does not reach the dam. It is stated that one mega stone crusher is also operating in close proximity of the said Minor Irrigation Project.
7. It is alleged that the Respondent No.13 was granted Consent to Operate on 18.04.2024 for the quarry in question without proper site verification and without periodic inspection being carried out by the State Pollution Control Board.
8. It is also alleged that the Respondent No.13 is carrying on excess mining in mining pits; carrying on uncontrolled blasting and damage to houses; carrying capacity of road and damage to road; there is dust and fugitive pollution due to transportation of heavy vehicles; damage to agricultural land; there is depletion of ground water and pollution infiltrate to ground water; there is overloading and the road is accident prone; there is air pollution due to blasting etc.
9. It is also alleged that there are two Minor Irrigation Projects, namely, Ranibandha and Paikarapur Minor Irrigation Projects, situated adjoining the proposed Dankari Stone Quarries of which Paikarapur Minor Irrigation Project is having a catchment area of 1.3 sq.km and ayacut area of 41 hectares and certified ayacut area of 87 hectares whereas the Ranibandha Minor Irrigation Project is



having a catchment area of 1.30 sq.km. and ayacut area of 48 hectares.

10. It is stated that the Assistant Executive Engineer, Minor Irrigation Division Badachana, vide his letter dated 31.08.2018 addressed to the Tahasildar-Dharamsala, has raised important issues regarding impact of quarrying on the Irrigation Project, namely, that due to blasting of stone in Rahadpur (Dankari south side), the basin of Paikarapur Dam Project is heavily silted with debris of stone quarry dust for which capacity of water spread in the area is decreasing and ayacut area of the project is affected due to shortage of water in the reservoir area as a result of which the area has already seen drought. The residents of Village-Paikarapur and Turang have also complained about non-availability of water due to silting of the basin area of the project.
11. It is also alleged that the siting criteria of the quarry in question is in violation of the Guidelines issued by the Central Pollution Control Board; namely, that there should be a minimum distance of 200m between the quarry involved in blasting from nearby residences, public buildings, inhabited sites, areas, protected monuments, heritage sites, National/State Highways, public roads, railway tracks, ropeway or ropeway trestle or station, bridges, dams, reservoirs, rivers, lakes, canal or tank or any other locations to be considered by the States.
12. Learned Counsel for the Applicant has also referred to the Newspaper Report of the incident as published in the 'Orissa Post' dated 17.05.2024 filed at Page No.21 of the paper book and News Item published in the 'New Indian Express' dated 19.05.2024 at Page No.22 of the paper book. Reference has also been made to the





letter of the Assistant Executive Engineer, Minor Irrigation Sub-Division, Barachana dated 31.01.2018 which is addressed to the Tahasildar, Dharmasala, which clearly mentions that due to blasting of stone in Rahadpur Black Stone Quarry (Dankari south side) the basin of the Paikarapur dam is silted up by debris from quarry dust due to which the capacity of the water spread area is decreasing and also ayacut area of the project is also suffering due to shortage of water in the reservoir.

13. Affidavit dated 18.09.2024 has been filed by the Respondent No.8, Deputy Director of Mines, Jajpur Circle, Jajpur, wherein it is confirmed that on 16.05.2024, a landslide occurred at Dankari in the Black Stone Quarry ('BSQ' for short) No.5/10 under Dharmasala Tahasil. It is stated that the Dankari Black Stone Quarry No.5/10, Land Schedule: Khata No.221, Plot No.600 (P), Ac 4.00, Kisam-Pahad A.A.A., Mouza-Dankari was leased in favour of Sri Narayan Rout, Village Taranjia, Respondent No.13 herein for five years. It is also stated that three dead bodies were recovered from the debris of the landslide site. It is further stated that FIR was lodged by the Mining Officer, Jajpur District, mentioning the unscientific method of mining about Dankari BSQ No.5/10 landslide. Prohibitory order at Dankari BSQ No.5/10 was also passed under Section 144 Cr.P.C. the same day i.e. 18.05.2024, by the Sub-Collector & Sub-District Magistrate, Jajpur.
14. It is stated that a Joint Assessment was conducted through Drone Survey by M/s T.K.S. Consultancy Services, Bhubaneswar, the Drone Survey Report revealed a quantity of 79999.41 Cum of black stone has been over extracted in Dankari BSQ No.5/10. It is also stated that a Show Cause Notice was issued to the Lessee,





Respondent No.13, for over extraction of 79999.41 Cum of black stone for imposition of an amount of Rs.3,81,39,725.00/- (Rupees Three Crores Eighty-One Lakhs Thirty-Nine Thousand Seven Hundred Twenty-Five only) by the Mining Officer, Jajpur; Environmental Compensation has also been calculated for an amount of Rs.3,57,03,093/- (Rupees Three Crores Fifty-Seven Lakhs Three Thousand Ninety-Three only) by the Regional Officer, State Pollution Control Board, Kalinganagar; Thus, a total amount of Rs.7,38,42,818/- (Rupees Seven Crores Thirty-Eight Lakhs Forty-Two Thousand Eight Hundred Eighteen only) has been imposed on the Lessee for over extraction of 79999.41 Cum of black stone vide order dated 17.08.2024.

15. As regards the death of persons in the Dankari Quarry, it is stated that a Preliminary Report has been submitted to the Collector & District Magistrate, Jajpur by the Deputy Director of Mines, Jajpur Circle, Jajpur, along with a detailed Enquiry Report about the incident; a site visit has also been conducted on 17.07.2024 and 18.07.2024 comprising of officials of the Directorate of Minor Minerals, Odisha, to ascertain the cause of landslide.
16. The Executive Engineer, Road and Building Division, Panikoili, has filed affidavit dated 24.09.2024 stating that vehicles carrying minor minerals mined from Dankari Stone Quarry are mostly plying on roads of the Public Works Department, Road & Building, namely, (i) Nakpole Mandia Road, (ii) Thanual Tranajia Road, (iii) Neulpur Haridaspur Road and (iv) Kustira Gadamadhpur Road. It is also stated that these roads are connected to NH-53 and suffer wear and tear due to transportation of minor minerals.





17. The Tahasildar, Dharmasala, has filed affidavit dated 26.09.2024 confirming the facts which have already been stated in the affidavit of the Respondent No.8, Deputy Director of Mines, Jajpur Circle, Jajpur.
18. The Ministry of Environment, Forests and Climate Change has filed counter-affidavit dated 01.11.2024 stating that SEIAA, Odisha has issued Environmental Clearance to the Project Proponent as per EIA Notification, 2006 vide EC dated 06.05.2022.
19. The Odisha State Pollution Control Board has filed its affidavit dated 01.11.2024 bringing on record the Inspection Report of an inspection carried out on 16.04.2024. The Inspection Report reads as under:-

**“INSPECTION REPORT ON M/s DANKARI BLACK STONE QUARRY  
5/10, AT-DANKARI, TEHSIL - DHARMASALA, DIST. JAJPUR**

1	Name of the Mine	Dankari Black Stone Quarry 5/10	
2	Location of the Mine	At Dankari Tehsil-Dharmasala, Dist. Jajpur	
3	Date of Inspection	16.04.2024	
4	Name of the person present during inspection	Sri Narayan Rout, Lessee	
5	Total lease hold area of the mine and validity of lease	Ac 4.00 Black Stone Quarry over Plot No.128(P) & 45(P) of Khata No.465 at Mouza Dankari, Tahasil Dharmasala, Dist. Jajpur	
6	Production quantity (Proposed as per approved mining plan)	Year	Volume of Rock Mass-(Road Metal) in m <sup>3</sup>
		1 <sup>st</sup> year	34000
		2 <sup>nd</sup> year	34001
		3 <sup>rd</sup> year	33999
		4 <sup>th</sup> year	33999





		5 <sup>th</sup> year	34001
		Total	170000
7	Consent Status	<p>Consent to operate has been granted to the stone quarry vide this office letter no. 854/BSQ/68 Dtd. 23.03.2023 which is valid up to 31.03.2024 for excavation of road metal 34000 m<sup>3</sup>/Annum.</p> <p>The unit has applied for consent to operate for Excavation/Quarrying of road metal of quantity: 34000 m<sup>3</sup>/Annum for one year i.e. up to 31.03.2025 with consent to operate fees of Rs.4500/-</p>	
8	Status of Environmental clearance	<p>Dankari Black Stone Quarry 5/10 to Sri Narayan Rout has been granted EC vide SEIAA file no. SEIAA 257607/548-minb1/02-2022 dtd. 06.05.2022 for excavation of road metal of quantity 11334 m<sup>3</sup>/Annum. Further corrigendum EC has been obtained by SEIAA vide no.5352/SEIAA on dtd. 02.09.2022 for total production of 1,70,000 Cum ROM during lease period with maximum annual production <b>34000 cum.</b></p>	
9	Method of mining	Semi-mechanized method	
10	Pollution potential and control measures	<p>Quarry was not in operation on the day of visit.</p> <p><b><u>Water pollution:</u></b> Mine drainage water or rainwater in the mine pit will be discharged to outside by engaging pump to facilitate mining work.</p>	





		<p><b><u>Air pollution:</u></b></p> <p>The lessee of the stone quarry has made provision of mobile water tanker for sprinkling in road for control of dust suppression and fugitive emission. Vehicles covered with tarpaulin are also used for transportation activities. Pillar posting has been made in order to demarcate the lease hold area around the stone quarry. It has proposed to adopt wet drilling and deep hole blasting with help of slurry explosive.</p>
11	OB / solid waste management	As per the approved mining plant 11730, m <sup>3</sup> of waste is proposed to be generated during the plan period of 5 years in course of mining. It has proposed to store the above top soil in the earmarked temporary soil stack and utilize for plantation purpose around the hill/patch and adjacent to haul roads of the same lease area. Over burden rock material is proposed to be disposed up by the unit as per approved mining plan.
12	Plantation	Plantation is proposed to be done by the stone quarry as per approved mining plan.
13	Recommendation	In view of the above, consent to operate may be considered."



20. It is stated that Consent to Operate (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 has been granted in

favour of the Respondent No.13, M/s Dankari Black Stone Quarry No.5/10 which is valid upto 31.03.2025. It is also stated that two Crusher Units namely, M/s Padmabati Infra Projects Pvt. Ltd. and M/s P.K. Traders are being operated with valid consent from the State Pollution Control Board.

21. It is also stated that the establishment/operation of a Stone Crusher Unit in the State of Odisha is mainly regulated through a siting criteria issued by the State Government in the Forest & Environment Department, in exercise of powers conferred by Section 5 of the Environment (Protection) Act, 1986 vide order dated 06.08.2010 published in the Odisha Gazette No.1297 dated 16.08.2010. It is stated that both the Crusher Units have obtained Siting Clearance Certificate from the Collector & District Magistrate, Jajpur.
22. It is, however, stated that the Dankari Black Stone Quarry No.5/10 was not in operation since May, 2024 but during inspection carried out on 16.04.2024, it was found that the lessee of the Stone Quarry had made provisions for mobile water tanker for sprinkling on the road for control of dust and fugitive emission; Tarpauline covered vehicles were also used for transportation activities; the lessee has also proposed to adopt wet drilling method during blasting to control fugitive dust emission.
23. The Respondent No.6, SEIAA, Odisha, has filed affidavit dated 02.11.2024 confirming that Environmental Clearance was granted to the Respondent No.13 on 06.05.2022 for extraction of stone material from Dankari Black Stone Quarry No.5/10 over an area of 4.00 acres or 1.618 Ha. (Total cluster area is 243.19 acres/98.42 Ha.) at Village-Dankari, Tahasil-Dhamasala, District-Jajpur, for a





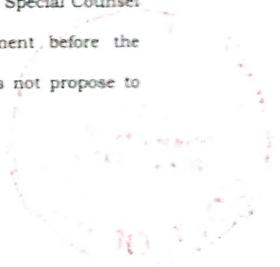
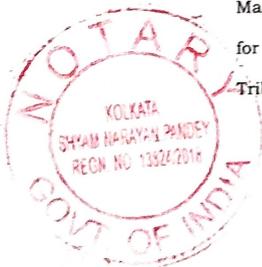
period of five years; it is also stated that Environmental Clearance was granted for extraction of 11334 Cum of stone material annually (maximum) and 170000 Cum in five years; it is further stated that Environmental Clearance was issued by SEIAA, Odisha with standard and specific conditions in respect to condition given for blasting, dust & silt management, plantation, peripheral environmental management and compliance to Public Hearing issues; condition was also given for drilling and blasting (wherever required) to be done by licensed explosive agent by the Project Proponent after obtaining required approvals from the Competent Authority. It is 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 SEIAA, Odisha.

24. Affidavit dated 15.01.2025 has been filed by the Respondent No.12, Director General of Mines Safety, stating in paragraph-7 and 8 that "*Illegal mining does not come under the purview of Mines Act, 1952*". It is stated that no permission/exemption has been granted under Regulation 124 of the Metalliferous Mines Regulations ('MMR' for short), 1961 by the Director General Mines Safety to any Stone Quarry under Dharmasala Tahasil of Jajpur District, Odisha. It is also stated that no permission under Regulation 155 (1) and 162 (5) of the Metalliferous Mines Regulations, 1961 has been given by the Director General Mines Safety to any Stone Quarry under Dhamasala Tahasil of Jajpur District, Odisha. It is further stated that no permission under Regulation 109 (1) of the Metalliferous Mines Regulations, 1961 has been given by the Director General



Mines Safety to the Stone Quarries under Dhamasala Tehasail of Jajpur District, Odisha

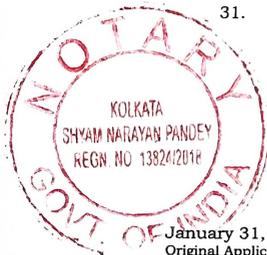
25. We have heard the learned Counsel for the parties and perused the documents on record.
26. The allegation of death of three persons in a landslide in the quarry in question has been confirmed by the various Reports and affidavits on record. The Tahasildar, Dhamasala, District Jajpur, in his affidavit on behalf of the Respondent No.4 confirmed that three dead bodies buried under the debris were recovered from the landslide site. The Respondent No.8 in his affidavit dated 18.09.2024 has also confirmed the incident and the fact that Rs.3,81,39,725/- (Rupees Three Crores Eighty-One Lakhs Thirty-Nine Thousand Seven Hundred Twenty-Five only) has been proposed to be imposed against the Respondent No.13 for over extraction of 79999.41 Cum of black stone. It is also stated that Environmental Compensation has been calculated amounting to Rs.3,57,03,093/- (Rupees Three Crores Fifty-Seven Lakhs Three Thousand Ninety-Three only) by the Regional Officer, State Pollution Control Board, Kalinganagar i.e., total Rs.7,38,42,818/- (Rupees Seven Crores Thirty-Eight Lakhs Forty-Two Thousand Eight Hundred Eighteen only).
27. It is confirmed that in the incident three persons have died. The Tahasildar, Dhamasala has not stated anything with regard to payment of compensation to the persons who have died in the landslide and this information should have come from the District Magistrate, Jajpur but we regrettably note that the Special Counsel for the State Respondents has made a statement, before the Tribunal that the District Magistrate, Jajpur does not propose to





file any counter-affidavit. This virtually shows that the State Respondents are shirking their responsibility regarding payment of compensation to the deceased persons which shows the complete apathy of the State Government towards the loss of lives of persons in the landslide which occurred in the Dankari Stone Quarry.

28. We, therefore, dispose of this Original Application with a direction to the State Respondents to proceed to take action for recovery of the Environmental Compensation as well as the amount towards over extraction of black stone from the Quarry of the Respondent No.13 and carry the proceedings to its logical conclusion within a period of two months hereof.
29. We also direct the State Government to pay ex-gratia amount of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) each to the three persons who have died in the landslide at the Dankari Stone Quarry whose names have not been disclosed in any of the affidavits of the Respondents and such payment shall be made within a period of one month hereof. The payment of ex-gratia shall be without prejudice to any claims which may be raised by the family of the deceased as per law.
30. I.As., if any, stand disposed of accordingly.
31. There shall be no order as to costs.



January 31, 2025,  
Original Application No.147/2024/EZ  
MN

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

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



भारत सरकार/Government of India

श्रम एवं रोजगार मंत्रालय/Ministry of Labour & Employment  
खान सुरक्षा महानिदेशालय/Directorate General of Mines Safety  
भुवनेश्वर क्षेत्र-1/Bhubaneswar Region-1



सं. BBR-1/NGT/BSQ/2024/ 103 /

भुवनेश्वर, दिनांक- 15/10/2024

प्रेषक:

खान सुरक्षा निदेशक,  
भुवनेश्वर क्षेत्र-1 ।

सेवा में,

The District Magistrate,  
Jajpur district.

**विषय: Contraventions observed during inspection of quarries operating in Dharmasala Tahasil of Jajpur district in respect of NGT case No.147/2024 made by Shri K. Mondal, Director of Mines Safety and Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region 1, DGMS, Bhubaneswar on 24.09.2024, 25.09.2024 & 26.09.2024 - reg.**

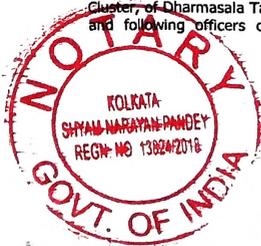
महोदय,

An Order of original application No.147/2024/EZ before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata enclosing therewith original application filed by Shri Shantanu Kumar Bhukta, President, Youth United for Sustainable Environment Trust was received in this office on dated 13.08.2024. The application was made under Section 14, 15, 20 read with Section 18 of the National Green Tribunal Act, 2010 in respect of violations of environmental norms and illegal mining operation of rampant stone quarries in Dharmasala Tahasil particularly and unscientific stone quarries in the entire Jajpur district in general.

Applicant, Shri Shantanu Kumar Bhukta, President, on behalf of registered trust, namely Youth United for Sustainable Environment Trust, has made prayer to Hon'ble tribunal to give direction to the DGMS for safety audit of quarries operating in Dankari Cluster.

As per Section 16 of the Mines Act, 1952 and Regulation 3 of the Metalliferous Mines Regulations, 1961, after getting lease from the state government, the lessee/owner of the mines are required to submit Notice of Opening of the mine to the Directorate General of Mines Safety (DGMS) along with surface plan of the mine and other mine details for registration in online Shram Suvidha portal. However, the details in respect of lessee and mines operating in Dankari Cluster are also not available in this office, as "Notice of Opening" from lessee of any quarry operating in Dankari Cluster was not received. Hence, vide this office letter No. BBR1/Minor Mineral/2024/711, dated 20.08.2024, Dy. Director of Mines (DDM, Minor Mineral), Govt. of Odisha, Jajpur Circle, was requested to provide a list of quarries in Dankari Cluster and in reply thereof, a list of 83 quarries (operating & non-operating) were received from Dy. Director of Mines (DDM, Minor Mineral), Govt. of Odisha, Jajpur Circle, vide letter no. 3578, dated 18.09.2024.

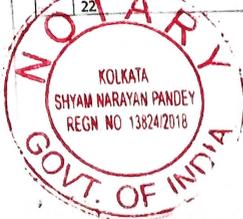
Based on the information of operating quarries provided by DDM (Minor Minerals), Jajpur and District Mining Officer (on deputation: Minor Minerals), inspection was undertaken in those mines of Dankari Cluster of Dharmasala Tahasil by the undersigned and Shri T. Hariprasad, Dy. Director of Mines Safety and following officers of state government namely S/Shri Jay Prakash Nayak, Dy. Director of





**List of quarries operating in Dharmasala Tahasil of Jajpur district in which  
Inspection was made**

Sl. No	Name of Quarry	Name of Lessee/Owner	Inspection made by	Date of Inspection
1	Bajabati Black Stone Quarry-2	Sarat Chandra Behera	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
2	Bajabati Black Stone Quarry-6	Samarendra Nayak	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
3	Rahadpur Black Stone Quarry-4	Sarat Chandra Sahoo	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
4	Rahadpur Black Stone Quarry-3/4	Sandeep Chandak	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
5	Rahadpur Black Stone Quarry-9/5...	Niranjan Rout	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
6	Dankari Black Stone Quarry-5/10	Narayan Rout	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
7	Dankari Black Stone Quarry- 2/3	Jayantl Jena	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region 1.	26.09.2024
8	Dankari Black Stone Quarry- 5	M/s.Laxmi Export, PoA Agnilbesh Swain	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
9	Baramana Black Stone Quarry-2	Kuna Pradhan	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
10	Bichhakhandi Black Stone Quarry-6	Ajaya Agarwal	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
11	Bichhakhandi Black Stone Quarry-8	Hemant Kumar Jena	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
12	Bichhakhandi Black Stone Quarry-17	Gynaranjan Mahapatra	Shri Krishnendu Mondal, Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
13	Rahadpur Black Stone Quarry-1	Gynaranjan Mahapatra	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
14	Bajabati Black Stone Quarry-5	Sudhansu Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	24.09.2024
15	Rahadpur Black Stone Quarry-7	Utikal Highways	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
16	Rahadpur Black Stone Quarry-8	Sandeep Chndak	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
17	Rahadpur Black Stone Quarry- 6AC	Jagdlish Shankar Sahoo	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
18	Rahadpur Black Stone Quarry-10 AC	Mahendra Swain	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
19	Dankari Black Stone Quarry- 14	Jayantl Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	25.09.2024
20	Dankari Black Stone Quarry-16	Jayantl Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
21	Dankari Black Stone Quarry-17	Prasant Kumar Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
22	Dankari Black Stone Quarry- 7/12	Narayan Rout	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
23	Dankari Black Stone Quarry- 6/11	Mahendra Swain	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
24	Bichhakhandi Black Stone Quarry-16	Sandip Barun Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
25	Bichhakhandi Black Stone Quarry-21	Debendra Kumar Jena	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024
26	Bichhakhandi Black Stone Quarry-22	Gyanaranjan Mahapatra	Shri T. Hariprasad, Dy. Director of Mines Safety, Bhubaneswar Region-1.	26.09.2024



9

## ANNEXURE 'B'

**Serious contraventions observed under Mines Act, 1952, Metalliferous Mines Regulations, 1961 & Mines Rules, 1955 during inspection made on 24<sup>th</sup>, 25<sup>th</sup> & 26<sup>th</sup> September, 2024.**

1. **Section 16 of Mines Act, 1952 read with Reg. 3 of MMR, 1961:** Notice of opening of the mine was not submitted to this Directorate by the owner before commencement of mining operations in the mine.
2. **Section 17(1) of Mines Act, 1952 read with Reg. 34(1) of MMR, 1961:** Manager was not appointed in the mine. Mining operation shall not be carried out in the mine unless the mine is kept under the sole control of a manager, being a person duly appointed and possessing the prescribed qualifications, to physically exercise his personal supervision and perform his duties under the Mines Act, 1952 and the rules and regulations made thereunder.
3. **Reg. 39 read with Regulation 160(1) of MMR, 1961:** Blaster was not appointed in the mine to exercise his personal supervision for the preparation of charges and the charging and stemming of blast holes and to carry out his duty in accordance with the provisions of the Regulations and of any order made thereunder with respect to the transport and use of explosives.
4. **Reg. 106(2)(a) & (3) of MMR, 1961:** The mines were not kept adequately benched, sloped or secured so as to prevent danger from fall of sides. The mines were made about 20m to 50m deep nearly vertical without forming any benches in height about 20m – 50m, as against the maximum permissible bench height of 6 m.
5. **Reg. 106(2)(b) of MMR, 1961:** Permission for use of heavy earth moving machinery (HEMM) and deep hole blasting was not obtained, however, the signs and impressions of carrying out deep hole drilling & blasting and of using excavator and tippers were observed in the mine. No HEMM or deep hole drilling & blasting shall be used in the mine without obtaining permission from this Directorate.
6. **Reg. 111(1) of MMR, 1961:** The boundary of the lease/mine was not found demarcated/fixed on the ground by providing permanent pillars.
7. **Reg. 115(1)(a) of MMR, 1961:** The top edges of the opencast workings were not kept securely fenced to prevent any person from entering or falling therein.
8. **Rule 29B of Mines Rules, 1955:** Persons employed in the mine had not undergone initial or periodical medical examination.
9. **Section 48(1) of Mines Act, 1952 and Rule 77 of the Mines Rules 1955 read with the Ease of Compliance to Maintain Registers under Various Labour Laws Rules, 2017:** Particulars of employees of the mine were not found maintained in Form-A register.
10. **Section 48(4) of Mines Act, 1952 and Rule 78 of the Mines Rules 1955 read with the Ease of Compliance to Maintain Registers under Various Labour Laws Rules, 2017:** Attendance of persons employed in the mine was not found maintained in Form-D register.



 <p>सत्यमेव जयते</p>	<p>भारत सरकार Govt. of India जन एवं रोजगार मंत्रालय Ministry of Labour &amp; Employment सामान सुरक्षा महाविभाग Directorate-General of Mines Safety</p>	
NO: 51253573 SEZ Bhubaneswar Region I Perm 2024 270663		Date: 06/12/2024

प्रेषक

खान सुरक्षा निदेशक,

भुवनेश्वर क्षेत्र-1।

सेवा में,

Sri Samarendra Nayak,

Bajabati Black Stone Quarry-6,

Bajabati, Thanual,

Dist:Jajpur, Odisha-755024

**विषय:** Authorization under Regulation 34(6) of the Metalliferous Mines Regulations, 1961 to work as Manager at Bajabati Black Stone Quarry-6 of Sri Samarendra Nayak at Plot no.1050(P), Khata No.215, Mouza- Bajabati, Tahsil-Dharmasala, Dist-Jajpur, State-Odisha.

महोदय,

Please refer to your application No. 270663 dated 04/12/2024 and plan submitted on the above mentioned subject.

The matter has since been considered in the light of what has been stated in your application. In exercise of the powers conferred on the Chief Inspector of Mines under Regulation 34(6) of the Metalliferous Mines Regulations, 1961 and by virtue of the authorization granted to me by the Chief Inspector of Mines (now designated as Director General of Mines Safety) under Section 6 of the Mines Act, 1952, I hereby authorize **Sri Kumar Navnit**, holder of Second Class Certificate to work as manager of **Bajabati Black Stone Quarry- 6 of Shri Samrendra Nayak** at Plot no. 1050 (P), Khata No.215, Mouza- Bajabati, Tahsil-Dharmasala, Dist-Jajpur, Odisha for a period of **one year from the date of issue of this letter or validity of statutory certificate held, whichever is earlier** subject to the following conditions being strictly complied with:

1. The Manager shall not take up any appointment in any capacity whatsoever in another mine.
2. The average daily employment does not exceed 100 in all in the mine.
3. The mine shall be inspected by the Manager daily.
4. The mine shall be operated only in one shift in daylight hours of eight (08) hours duration.
5. No mining operations shall be conducted in absence of the Manager.
6. The use of explosives and shot-firing at the mine shall be governed by Chapter XV of the Metalliferous Mines Regulations, 1961, shall be strictly complied with.



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7. The aggregate horsepower of the machinery used in such opencast workings shall not exceed 500, including a maximum number of two excavators deployed at the mine with a total horsepower not exceeding 200.
8. Heavy Earth Moving Machines (HEMMs) shall not be deployed in the mines without obtaining permission under regulation 106(2)(b) of MMR, 1961 in writing from this Directorate.
9. The total amount of explosives used per day in such workings shall not exceed 500 kg.
10. No Ammonium Nitrate Fuel Oil (ANFO) explosives shall be used or kept without having a license from the Competent Authority and obtaining prior permission from this Directorate.
11. No ore dressing, handling or processing plant is attached to the mine.
12. Adequate numbers of supervisors including duly qualified Foreman and Mining Mate are to be appointed in each working shift to assist the Manager.
13. Where by reason of absence or for any other reason, the Manager is unable to exercise daily personal supervision or is unable to perform his duties under the Act or these regulations, or orders made thereunder, the Owner, Agent or Manager shall authorize in writing a person whom he considers competent to act as Manager of the mine provided that such person holds a Manager's or Forman's Certificate of Competency and if no such qualified person is available, the mine workings shall be kept suspended during the such absence of the Manager. Attention is drawn to Regulation 34(7)(a) and (b) of the Metalliferous Mines Regulations, 1961 in respect of the period of authorization permitted, intimation of authorization to Director General of Mines Safety, Dhanbad and the undersigned etc.
14. Only wet drilling shall be done by directing a water jet onto the tip of the cutting edge of the ergonomically designed drill machine to prevent the dreaded disease like Silicosis. The Jackhammer drill machines shall be ergonomically designed to minimize harm from vibration and noise.
15. No workings shall be made or extended within 45 m of any buildings, structures or railway of permanent nature, not belonging to the Owner of the mine without permission in writing from this Directorate as required under Regulation 109 of the Metalliferous Mines Regulations, 1961.
16. The provisions of Regulation No.164(1-A)(c) and 164(1-B)(a) of the Metalliferous Mines Regulations, 1961 shall be strictly complied with.
17. The above permission shall stand cancelled as soon as the person, to whom it is being granted leaves the service of the mines within the validity period of the Manager's Authorisation under reference. However, the Manager shall not vacate his office without giving due notice in writing to the Owner or Agent at least 30 days before the day on which he wishes to vacate his office. A copy of such notice shall be submitted to the Director of Mines Safety, Bhubaneswar Region-1, and the Directorate General of Mines Safety, Dhanbad.
18. Intimation about the termination of the manager as a result of his transfer or termination of service or resignation shall also be submitted in Form-I of the First Schedule of the Metalliferous Mines Regulations, 1961, immediately.
19. This authorization is being issued specifically under Regulation 34(6) of the Metalliferous Mines Regulations, 1961 without prejudice to any other provisions of law which may become applicable at any time.
20. If at any time any one of the conditions, subject to which this authorization has been granted, is violated or not complied with, this authorization shall be deemed to have been revoked with immediate effect.
21. This authorization may be amended, modified, or withdrawn at any time, if considered necessary in the interest of safety.
22. This permission is valid as long as adequate supervision is ensured in the mine.

Unless renewed, this authorization will remain valid for a period of one year from the date of issue of this letter or validity of the statutory certificate held, whichever is earlier. Notwithstanding this, however, it may be amended or withdrawn at any time, if considered necessary in the interest of safety.

Your Faithfully



**NOTARY**  
KOLKATA  
SHYAM NARAYAN PANDEY  
REGN NO 13824/2018  
**GOVT OF INDIA**

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*[Handwritten Signature]*

K. MONDAL (DIRECTOR - BHUBANESHWAR REGION 1)

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