

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

(Under section 18(1) read with section 14 of the NGT Act. 2010)

ORIGINAL APPLICATION NO. _____ OF 2025/EZ

IN THE MATTER OF:

PARMOD KUMAR SWAIN

... APPLICANT

VERSUS

THE STATE LEVEL
ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY
(SEIAA), ODISHA & ORS.

...RESPONENTS

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DATE- 20.12.2025

PLACE- Bhubaneswar

TROUGH



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

(Under section 18(1) read with section 14 of the NGT Act. 2010)

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Synopsis & List of date

The present Original Application raises grave and substantial questions relating to the environment, enforcement of statutory environmental clearances, and criminal accountability of a public servant who has actively facilitated mining-related activities in clear violation of the Environment (Protection) Act, 1986 and the EIA Notification, 2006.

The Application arises from illegal sand mining–related activities carried out on the river embankment of River Kuakhai at Mouza Pratapnagari, Tahasil Cuttack Sadar, District Cuttack, including unlawful tree cutting and construction of an approach road, undertaken without compliance with mandatory conditions of Environmental Clearance and in breach of public trust by the Mining Officer, Cuttack Sadar.

An Environmental Clearance dated 03.06.2022 was granted by the State Environment Impact Assessment Authority (SEIAA), Odisha, for sand mining over an area of 5.26 hectares on River Kuakhai at Pratapnagari. The Environmental Clearance was not absolute or permanent, but was expressly ad-hoc, conditional and time-bound. One of its core conditions required submission of a replenishment study within one year, failing which the Environmental Clearance was liable to revocation. The Environmental Clearance further prohibited any modification in mining plan, access, or transportation infrastructure without prior approval of SEIAA, and expressly barred transportation of minerals through village or rural roads without prior consent of the Gram Panchayat and approval of the Block Development Officer.

The land involved in the present proceedings, including Plot No. 1261 under Khata No. 1027 of Mouza Pratapnagari, is recorded as Government land classified as river embankment (Aadibandha). River embankments are ecologically sensitive zones and form a critical component of riverine systems, flood control, and environmental safety.

Despite the conditional and defeasible nature of the Environmental Clearance, and without compliance with its mandatory requirements, trees standing on Plot No. 1261 were identified for removal. A joint verification exercise was conducted by officials of the Forest Department, Revenue Department and Water Resources Department, pursuant to which 143 trees were enumerated for felling. Permission for tree felling was granted subject to deposit of compensatory afforestation charges, and an amount of ₹3,15,029/- was deposited.

The tree cutting, however, was not for any independent or neutral public purpose. It was undertaken specifically for construction of an approach road to facilitate access and transportation to the sand mining area. This fact is not disputed or inferential; it stands categorically admitted by the Forest Department itself in a sworn affidavit filed as Opposite Party No. 8 in W.P.(C) No. 32830 of 2024 before the Hon'ble High Court of Orissa, wherein it has been admitted that the trees were felled for construction of an approach road connecting the river embankment to the sand sairat.

This admission conclusively establishes the direct and inseparable nexus between tree cutting, road construction, and mining operations. Construction of an approach road and creation of transportation access constitute integral and ancillary components of mining activity and fall squarely within the scope of Environmental Clearance regulation.

However, despite this admitted nexus, no material has been placed on record to demonstrate that the mandatory replenishment study required under the Environmental Clearance was ever submitted within the stipulated one-year period. No approval of SEIAA was obtained for modification of the mining plan or for creation of access infrastructure. No consent of the Gram Panchayat or approval of the Block Development Officer was obtained for transportation of minerals through village or rural roads, as mandatorily required under the Environmental Clearance.

The Mining Officer, Cuttack Sadar, who is statutorily obligated to ensure that mining operations strictly conform to environmental law and clearance conditions, failed to prevent, restrain, or regulate these illegal activities. On the

contrary, the Mining Officer permitted continuation of mining-related access and transportation despite clear and admitted non-compliance with Environmental Clearance conditions.

A formal complaint was therefore submitted to SEIAA, Odisha, pointing out the lapse of the Environmental Clearance, illegal continuation of mining-related activities, unauthorised construction of the approach road, and the active role of the Mining Officer in facilitating these violations. Despite the seriousness of the violations and the material placed before the authorities, no effective corrective or prosecutorial action has been initiated.

The present case does not involve a mere procedural lapse or technical irregularity. It discloses a sustained and deliberate course of illegal conduct facilitated by a public servant, resulting in alteration of a river embankment, removal of vegetation, and creation of mining access infrastructure in an ecologically sensitive zone without statutory sanction.

The conduct of the Mining Officer squarely attracts penal liability under Section 15 of the Environment (Protection) Act, 1986 and mandates prosecution under Section 19 thereof, which expressly contemplates criminal action against public servants who, by act or omission, permit or facilitate environmental offences.

The environmental harm occasioned by the impugned activities is continuing in nature, and unless immediate interim protection is granted, further irreversible damage to the river embankment and surrounding ecology is imminent. Permitting mining-related activities to continue in the absence of a valid Environmental Clearance would render statutory safeguards illusory and undermine the authority of environmental law.

The Applicant has therefore approached this Hon'ble Tribunal invoking its jurisdiction under Sections 14, 15 and 18 of the National Green Tribunal Act, 2010, seeking immediate preventive relief, enforcement of Environmental Clearance conditions, and initiation of criminal prosecution against the Mining Officer, Cuttack Sadar, in furtherance of the precautionary principle, public trust doctrine, and the rule of environmental law.

LIST OF DATES

Date	Particular
17.04.1984	Final publication of Record of Rights (Khata No. 1027), Mouza Pratapnagari, showing government ownership of river embankment land.
01.04.1985	Date of fixation of rent as per Khatiyani, confirming classification of land including Plot No. 1261 as river embankment (Aadibandha).
19.11.2020	Terms of reference for EC for Pratapnagari Sand Bed mines on river Kuakhai over an area of 5.26 Ha/13Acre in village Pratapnagari, under Cuttack Sadar Tahasil of Cuttack district of Tahasildar, Sadar Cuttack
03.06.2022	Environmental Clearance granted by SEIAA, Odisha for sand mining over 5.26 hectares on River Kuakhai at Pratapnagari; EC expressly ad-hoc and conditional.
11.10.2022	Tahasildar, Cuttack Sadar initiates correspondence regarding removal of trees from Plot No. 1261 for proposed access.
02.11.2022	Tahasildar issues letter calling for joint verification of trees on Plot No. 1261.
04.11.2022	Joint verification conducted by Forest, Revenue and Water Resources officials; enumeration of 143 trees on river embankment land.
16.12.2022	Tahasildar submits Joint Verification Report certifying Plot No. 1261 as non-forest land (river embankment / Aadibandha).
03.02.2023	Forest Department grants permission for felling of 143 trees subject to compensatory afforestation and deposit of charges.
24.02.2023	Deposit of ₹3,15,029/- made towards compensatory plantation fund for tree felling.
02.06.2023	Statutory deadline for submission of mandatory replenishment study under the Environmental Clearance expires; no record of submission placed on record.
2023	Trees felled and approach road constructed on Plot No. 1261 to facilitate access and transportation to sand mining area.
2024	Complaint submitted to SEIAA, Odisha alleging EC violations, illegal road construction, unauthorised transportation and role of the Mining Officer.
2025	Affidavit filed by Forest Department (Opp. Party No. 8) in W.P.(C) No. 32830 of 2024 admitting that tree cutting was undertaken for construction of an approach road for sand mining.
_.12.2025	Present Original Application filed before the National Green Tribunal seeking prosecution of the Mining Officer and interim environmental protection.

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 TRIBUNAL, EASTERN ZONE BENCH, KOLKATA
 (Under section 18(1) read with section 14 of the NGT Act. 2010)
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IN THE MATTER OF:

PARMOD KUMAR SWAIN

... APPLICANT

VERSUS

THE STATE OF ODISHA THROUGH THE
 FOREST ENVIRONMENT & CLIMATE CHANGE
 MINISTER OF ODISHA

...RESPONDENTS

Memo Of Parties

PARMOD KUMAR SWAIN

... APPLICANT

S/O LATE PRANAKRUSHNA SWAIN,
 AGED ABOUT 67 YEARS, AT- PRATAP NAGARI,
 PO- BHANAPUR PS-CUTTACK SADAR,
 DIST- CUTTACK, ODISHA-753011
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VERSUS

- 1- THE STATE LEVEL ENVIRONMENT IMPACT
 ASSESSMENT AUTHORITY (SEIAA), ODISHA
 THROUGH ITS MEMBER SECRETARY
 Email- seiaaodisha@gmail.com
- 2- DIVISIONAL FOREST OFFICER,
 CITY FOREST DIVISION, CWQ3+9RH, BALISAHU,
 GOVERNMENT PRESS EMPLOYEE QUARTERS,
 CUTTACK, ODISHA- 753010,
 Email- dfocity@gmail.com
- 3- MINING OFFICER CUTTACK CIRCLE CUTTACK,
 AT-NIMPUR, PO/PS- JAGATPUR, DIST- CUTTACK,
 PLOT NO. B/38, SECTOR-11, CDA, CUTTACK- 753015
 Email- mo.cuttack@orissaminerals.gov.in
- 4- TAHASILDAR CUTTACK SADAR,
 POST OFFICE CHANDINCHOWK (HEAD OFFICE),
 CUTTACK SADAR, TAHASIL OFFICE, CUTTACK
 ORISSA, INDIA(IN), PIN- 753002, DIST - CUTTACK
 Email- tah1ctc@nic.in
- 5- COLLECTOR-GUM- DISTRICT MAGISTRATE,
 CUTTACK, CHANDIN CHOWK, DIST- CUTTACK,
 ODISHA- 753002
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- 6- REGIONAL OFFICER CUTTACK,
 STATE POLLUTION CONTROL BOARD ODISHA, AT-
 PLOT NO-586, SURYA VIHAR, LINK ROAD,
 CUTTACK- 753012
 Email- rospcb.cuttack@ospcb.org

...RESPONDENTS

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...RESPONENTS

The Humble Petition is
on behalf of the
Applicant above
named

MOST RESPECTFULLY SHEWETH:

1. The address of the Applicant's Counsel is Given below for the service of notice of this application.
2. The address of the Respondents is Given below for the service of notice of this application.
3. That the Applicant above named respectfully submits that the present Original Application is being filed under Sections 14 and 15 of the National Green Tribunal Act, 2010, challenging the actions and omissions of the Respondent authorities, particularly the Mining Officer, Cuttack Sadar, in permitting and facilitating sand mining-related activities on River Kuakhai at Mouza Pratapnagari, Tahasil Cuttack Sadar, District Cuttack, without compliance with mandatory statutory requirements. The Applicant submits that the activities projected as routine administrative or forest-related actions, including tree cutting and construction of an approach road on the river embankment, are in reality a colourable and disguised exercise intended to enable illegal sand mining and transportation under the guise of ancillary works, without following due procedure under the Environment (Protection) Act, 1986, the EIA Notification, 2006, and the applicable Sand Mining Guidelines. It is

respectfully submitted that the impugned actions do not constitute lawful river management or embankment maintenance, but in substance involve facilitation of extraction and commercial exploitation of sand and minor minerals from River Kuakhai, amounting to illegal mining carried out in fraud of environmental law and statutory safeguards.

4. That the Applicant herein seeks to place the following relevant facts chronologically for kind perusal of this Hon'ble Tribunal which have a material bearing on the issue at hand and are imperative for the purposes of the present application.

A. BRIEF FACTS OF THE CASE

1. The present Original Application arises out of illegal mining-related activities, unauthorised tree cutting, and unlawful construction of an approach road on the river embankment of River Kuakhai at Mouza Pratapnagari, Tahasil Cuttack Sadar, District Cuttack, carried out in violation of the Environment (Protection) Act, 1986 and the EIA Notification, 2006.
2. An Environmental Clearance dated 03.06.2022 was granted by the State Environment Impact Assessment Authority (SEIAA), Odisha, for sand mining over an area of 5.26 hectares on River Kuakhai at Pratapnagari, Cuttack.
3. The said Environmental Clearance was expressly ad-hoc, conditional, and time-bound, and mandated submission of a replenishment study within one year from the date of grant, failing which the Environmental Clearance was liable to revocation, apart from requiring prior approval of SEIAA for any modification in mining plan or infrastructure and prior consent of the Gram Panchayat and approval of the Block Development Officer for transportation of minerals through village or rural roads. Copy of the ToR & the EC are attached herewith as **Annexure- A & B** respectively.
4. The land involved in the present proceedings, including Plot No. 1261 under Khata No. 1027 of Mouza Pratapnagari, is recorded as Government land, classified as river embankment (Aadibandha), and is under the administrative control of the Water Resources Department, Government of Odisha.
5. Subsequent to the grant of the Environmental Clearance, trees standing on Plot No. 1261 were identified for removal, without the joint verification exercise was conducted involving officials of the Forest Department, Revenue Department, and Water Resources Department. Copy of the ROR & revenue sketch are attached herewith as **Annexure- C & D** respectively.

6. Pursuant to the joint verification report, 143 trees of various species were enumerated and permission was granted by the Forest Department for felling of the said trees subject to deposit of compensatory afforestation charges.
7. An amount of ₹3,15,029/- was deposited towards compensatory plantation, and the Forest Department thereafter claims to have undertaken plantation activities pursuant thereto.
8. The tree cutting in question was not undertaken for any independent or neutral purpose, but was carried out specifically for construction of an approach road intended to facilitate access and transportation to the sand mining area on River Kuakhai.
9. The said fact stands categorically admitted by the Forest Department itself in a sworn affidavit filed as Opposite Party No. 8 in W.P.(C) No. 32830 of 2024 before the Hon'ble High Court of Orissa, wherein it has been stated that the trees were cut for construction of an approach road to the sand sairat and that the adjoining area pertains to sand mining activity. Despite the admitted nexus between tree cutting, approach road construction, and mining operations, no material has been placed on record by any authority to demonstrate that the mandatory replenishment study required under the Environmental Clearance was submitted within the stipulated period of one year.
- 10.No material has further been placed on record to show that any prior approval was obtained from SEIAA for modification of the mining plan or creation of access infrastructure in connection with the mining operations.
- 11.No document has been disclosed to show that consent of the Gram Panchayat or approval of the Block Development Officer was obtained for transportation of minerals through village or rural roads, as mandatorily required under the Environmental Clearance conditions.
- 12.The affidavit filed before the Hon'ble High Court proceeds solely on the basis of forest permissions, land classification, and compensatory plantation, without demonstrating compliance with the governing Environmental Clearance conditions, which constitute the primary statutory safeguard for the project. Copy of the affidavit is attached herewith as **Annexure- E**.
- 13.In view of the aforesaid violations, a formal complaint was submitted before SEIAA, Odisha, pointing out failure to submit the replenishment study, illegal continuation of mining-related activities,

unauthorised opening of an approach road, and transportation of minerals without statutory permissions.

14. The complaint specifically alleged that the Mining Officer, Cuttack Sadar, failed to discharge his statutory duties, did not insist upon compliance with Environmental Clearance conditions, and actively facilitated continuation of environmentally impermissible activities.
15. Despite the seriousness of the violations and the material placed before the authorities, no effective corrective or prosecutorial action has been initiated against the Mining Officer or other responsible officials.
16. The activities complained of have resulted in alteration of a river embankment, removal of vegetation, and creation of mining access infrastructure in an ecologically sensitive zone, without adherence to mandatory environmental safeguards. Copy of the affidavit is attached herewith as **Annexure- F**.
17. The present case thus discloses a continuing environmental offence arising from non-compliance with statutory conditions of Environmental Clearance and active facilitation thereof by a public servant, warranting intervention by this Hon'ble Tribunal.

B. GROUNDS OF CHALLENGE

1. Because an Environmental Clearance dated 03.06.2022 was granted for sand mining at Pratapnagari, Cuttack, which was expressly ad-hoc, conditional and time-bound, and imposed mandatory obligations including submission of a replenishment study within one year, without which the Environmental Clearance was liable to revocation and incapable of supporting any mining-related activity.
2. Because upon expiry of the stipulated one-year period, the mandatory replenishment study was admittedly not submitted, and no authority, including the Mining Officer, has placed any material on record to demonstrate compliance, rendering continuation of mining operations and allied activities *ex facie* illegal.
3. Because despite the lapse of the Environmental Clearance by operation of its own conditions, the Mining Officer, Cuttack Sadar, consciously permitted continuation of mining-related activities, thereby acting in patent violation of the Environment (Protection) Act, 1986 and the EIA Notification, 2006.
4. Because the Forest Department has categorically admitted on affidavit before the Hon'ble High Court of Orissa that 143 trees were felled

specifically for construction of an approach road to facilitate access and transportation to the sand mining area, thereby conclusively establishing a direct and inseparable nexus between tree cutting, road construction, and mining operations.

5. Because construction of an approach road and creation of transportation access constitute integral and ancillary components of mining activity, and could not have been undertaken without prior approval of SEIAA for modification of the mining plan and Environmental Clearance, which approval was admittedly never sought or obtained.
6. Because the Environmental Clearance expressly prohibited transportation of minerals through village or rural roads without prior consent of the Gram Panchayat and approval of the Block Development Officer, and no such statutory permissions have been disclosed or pleaded, demonstrating deliberate non-compliance.
7. Because reliance upon forest permissions, joint verification reports, land classification as non-forest land, or post-facto compensatory plantation is legally irrelevant and cannot override or substitute mandatory compliance with Environmental Clearance conditions, which form the primary statutory safeguard under environmental law.
8. Because compensatory plantation or post-event mitigation cannot legalise actions undertaken in violation of Environmental Clearance and amounts to an impermissible attempt at ex-post-facto validation of an environmental offence.
9. Because the Mining Officer, being a public servant entrusted with statutory duties to regulate mining in strict conformity with environmental law, failed to prevent, restrain, or regulate illegal mining-related activities despite clear knowledge of EC violations, thereby facilitating the commission of environmental offences.
10. Because such conscious omission and facilitation by the Mining Officer squarely attracts penal liability under Section 15 of the Environment (Protection) Act, 1986, and mandates prosecution under Section 19 thereof, which specifically contemplates criminal action against public servants who permit or abet environmental violations.
11. Because the conduct of the Mining Officer amounts to abuse of statutory power, breach of public trust doctrine, and deliberate subversion of the environmental regulatory regime, particularly in respect of a river embankment, which is an ecologically sensitive zone requiring heightened protection.
12. Because failure to initiate prosecution in the present case would render Environmental Clearance conditions illusory, embolden administrative

collusion, and defeat the object of environmental legislation, thereby warranting urgent intervention by this Hon'ble Tribunal.

13. Because the environmental harm occasioned by illegal alteration of the river embankment, removal of vegetation, and creation of mining access infrastructure continues to subsist, rendering the cause of action continuing in nature and squarely within the jurisdiction of this Hon'ble Tribunal under Sections 14, 15 and 18 of the National Green Tribunal Act, 2010.
14. Because the admitted facts disclose not a mere procedural lapse, but a sustained and deliberate course of illegal conduct facilitated by a statutory authority, necessitating criminal prosecution of the Mining Officer to uphold the rule of environmental law and deter recurrence of such offences.

C. LIMITATION

1. That the present Original Application is within the period of limitation as prescribed under the National Green Tribunal Act, 2010. The Applicant submits that the cause of action in the present case is continuing and recurring in nature, inasmuch as the illegal sand mining-related activities, including unauthorised tree cutting, construction and use of an approach road on the river embankment of River Kuakhai, and facilitation of mining operations without compliance with mandatory Environmental Clearance conditions, continue to subsist and cause ongoing environmental harm.
2. The Applicant further submits that the violations complained of pertain to non-compliance with statutory environmental safeguards, including failure to submit the mandatory replenishment study, illegal continuation of mining-related activities despite lapse of Environmental Clearance, and unauthorised alteration of a river embankment, all of which constitute continuing environmental offences within the meaning of environmental jurisprudence.
3. It is further submitted that material facts relating to the true nature and purpose of the impugned activities came to light only upon disclosure and admissions made by the Respondent authorities themselves, including the sworn affidavit filed by the Forest Department admitting that tree cutting was undertaken specifically for construction of an approach road to facilitate sand mining. The present Application has been filed with due diligence and without delay upon such disclosures.

4. In any event, this Hon'ble Tribunal has consistently held that where environmental damage is ongoing and statutory violations persist, technical objections as to limitation cannot defeat the Tribunal's jurisdiction under Sections 14 and 15 of the National Green Tribunal Act, 2010, which are founded upon the precautionary principle, the polluter pays principle, and the doctrine of continuing cause.
5. The present Original Application is therefore within limitation and maintainable in law, and no part of the reliefs sought is barred by lapse of time.

D. PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Hold and declare that the Environmental Clearance dated 03.06.2022 stood inoperative/lapsed upon failure to comply with mandatory conditions, including submission of the replenishment study within the stipulated period;
- b) Direct initiation of criminal prosecution against the Mining Officer, Cuttack Sadar, and such other responsible public officials, under Section 15 read with Section 19 of the Environment (Protection) Act, 1986, for knowingly permitting and facilitating environmental offences;
- c) Direct SEIAA, Odisha and OSPCB to place on record a detailed, reasoned affidavit explaining (i) the status of EC compliance, (ii) absence of approvals for access/transport infrastructure, and (iii) steps taken or proposed against erring officials;
- d) Direct a joint inspection and environmental damage assessment of the affected river embankment and adjoining areas by an independent committee comprising representatives of SEIAA, OSPCB, the State Forest Department, and an accredited expert institution, and to submit a time-bound report before this Hon'ble Tribunal;
- e) Order restoration and remediation of the affected river embankment and ecological features in accordance with an approved restoration plan, at the cost of the project proponent and/or responsible officials, applying the polluter pays principle;

- f) Impose environmental compensation commensurate with the damage caused, to be deposited in a dedicated restoration fund to be utilised exclusively for ecological restoration of River Kuakhai and its embankments;
- g) Pass such other and further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case, in the interest of environmental justice.

E. GROUNDS FOR INTERIM RELIEF

1. Because the Environmental Clearance dated 03.06.2022 governing the sand mining activity at Pratapnagari was expressly ad-hoc, conditional and time-bound, and the mandatory replenishment study required for its continuation has admittedly not been submitted, rendering the Environmental Clearance inoperative and incapable of supporting any mining-related activity.
2. Because despite the apparent lapse of the Environmental Clearance, mining-related access infrastructure has already been created, trees have been felled, and transportation routes have been opened, demonstrating an ongoing and imminent threat of further illegal activity unless restrained forthwith.
3. Because the Forest Department has admitted on affidavit that 143 trees were felled specifically for construction of an approach road to facilitate access and transportation for sand mining, thereby establishing a clear and admitted nexus between the impugned activities and mining operations, which are presently being carried out without a valid Environmental Clearance.
4. Because the Environmental Clearance expressly prohibits transportation of minerals through village or rural roads without prior consent of the Gram Panchayat and approval of the Block Development Officer, and no such statutory permissions have been disclosed, thereby rendering all existing access and transportation illegal.
5. Because river embankments constitute ecologically sensitive zones, and any unauthorised alteration thereof causes irreversible harm to river morphology, flood control mechanisms, riparian ecology and public safety, which cannot be adequately remedied by post-facto measures.
6. Because continuation of mining-related activities in the absence of valid environmental clearance amounts to a continuing environmental offence,

and this Hon'ble Tribunal is empowered and duty-bound to apply the precautionary principle and the polluter pays principle to prevent further degradation.

7. Because post-facto compensatory plantation or forest permissions cannot cure jurisdictional illegality or validate actions undertaken in violation of environmental clearance conditions, and permitting such activities to continue would defeat the very object of environmental regulation.
8. Because the Mining Officer, Cuttack Sadar, having facilitated the impugned activities, cannot be permitted to continue exercising control over the project pending adjudication, as this would result in fait accompli and frustrate the proceedings before this Hon'ble Tribunal.
9. Because the balance of convenience lies overwhelmingly in favour of grant of interim relief, as restraining illegal mining-related activities causes no legally cognisable prejudice, whereas failure to restrain would result in irreversible environmental damage.
10. Because denial of interim relief would effectively legitimise an admitted illegality and encourage continued non-compliance with Environmental Clearance conditions, thereby undermining the authority of this Hon'ble Tribunal and the environmental regulatory framework.
11. Because the Applicant has made out a strong prima facie case of environmental violations, public trust breach, and statutory abuse by a regulatory authority, warranting immediate preventive intervention.
12. Because irreparable injury to the environment is imminent and ongoing, and such injury cannot be compensated by monetary damages alone.

F. INTERIM PRAYER

Pending final disposal of the present Original Application, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Restrain all mining operations, including extraction, handling, storage and transportation of sand from the Pratapnagari sand bed on River Kuakhai, being carried out pursuant to the Environmental Clearance dated 03.06.2022 or otherwise, till strict compliance with all Environmental Clearance conditions is demonstrated;
- b) Direct suspension of use of the approach road constructed after felling of trees on Plot No. 1261 under Khata No. 1027 of Mouza Pratapnagari, and restrain movement of any vehicles or machinery for mining-related purposes on the said road;

- c) Direct the State Environment Impact Assessment Authority (SEIAA), Odisha and the Odisha State Pollution Control Board (OSPCB) to conduct a joint inspection of the project site and submit a factual report before this Hon'ble Tribunal on:
- Status of compliance with Environmental Clearance conditions;
 - Whether replenishment study has been submitted and approved;
 - Legality of the approach road and transportation routes;
 - Extent of tree cutting and alteration of the river embankment;
- d) Direct maintenance of status quo with respect to the river embankment, forest land, and access infrastructure at the project site, so as to prevent further environmental degradation during pendency of the proceedings;
- e) Pass any other interim order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of environmental justice.

TROUGH

DATE- 20.12.2025

PLACE- Bhubaneswar



Advocates for the Appellant

VERIFICATION

I, Pramod Kumar Swain, S/o Late Pranakrushna Swain, aged about 67 Years, At- Pratap Nagari, Po- Bhanapur, PS-Cuttack Sadar, Dist- Cuttack, Odisha-753011 the Applicant herein do hereby humbly verify that the statement made in paragraphs 1 to 5, B are true to the best of my knowledge and the statements made in paragraph nos. A and its various paragraphs and C belief to be based on records and the rest thereof are my humble submissions before this Learned Tribunal.

I sign this verification on this the 12th Day of December, 2025.

Pramod Kumar Swain
Deponent

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. _____ OF 2025/EZ

IN THE MATTER OF:

PARMOD KUMAR SWAIN

... APPLICANT

VERSUS

THE STATE LEVEL

ENVIRONMENT IMPACT

...RESPONENTS

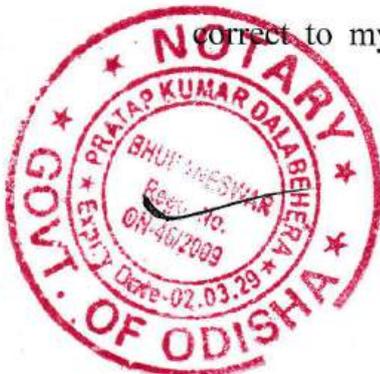
ASSESSMENT AUTHORITY

(SEIAA), ODISHA & ORS.

AFFIDAVIT

I, Sri Pramod Kumar Swain, S/o Late Pranakrushna Swain, aged about 67 Years, At- Pratap Nagari, Po- Bhanapur, PS-Cuttack Sadar, Dist- Cuttack, Odisha-753011 do hereby solemnly affirm and the state as under:

1. That the Applicant in the Present Original Application and as such I am well conversant with the facts of the case and competent to swear this affidavit and act as the deponent.
2. That the accompanying Original Application has been prepared and drafted under my instructions. I say that the facts stated in Synopsis and List of Dates along with the content in Para A to C and E are true and correct to my knowledge and belief. The annexures enclosed with the



O.A. are true and correct copies from their respective originals and the same from part of the records of the Courts below.

3. All the facts stated above are true and correct to the best of my knowledge, information, and belief.

Pramod Kumar Swain
DEPONENT

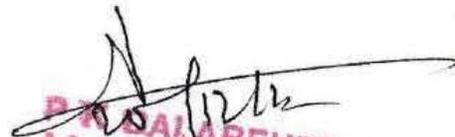
Identified by me

Advocate

Enrolment No. 0-303/24.03.2000



Before Me



PRAYAP KUMAR DALABEHERA
Advocate, Notary, BBSR
Regd. No. ON-46/09

**State Environment Impact Assessment Authority, (SEIAA),
Odisha**

Qr. No. 5RF-2/1, Unit – IX, Bhubaneswar – 751022, Tel: 0674-2540669

No. 9646/SEIAA

Dt. 19.11.2020

SEIAA File No. 54874/28-MINB1/08-2020

To

The Tahasildar
Sadar Cuttack Tahasil
Dist-Cuttack

Sub: Proposal for EC for Pratapnagari Sand Bed mines on river Kuakhai over an area of 5.26 Ha/13Acre in village Pratapnagari, under Cuttack Sadar Tahasil of Cuttack district of Tahasildar, Sadar Cuttack- Terms of Reference Reg.

Ref: 1) Your online application dated 23.08.2020 for issue of ToR vide Proposal No: SIA/OR/ MIN /54874/2020

2. SEIAA meeting held on 10.11.2020.

Sir,

This has reference to the online proposal submitted in the Ministry of Environment, Forest and Climate Change (SEIAA, Odisha) to prescribe the Terms of Reference (TOR) for undertaking detailed EIA study for the purpose of obtaining Environmental Clearance in accordance with the provisions of the EIA Notification, 2006. For this purpose, the proponent had submitted online information in the prescribed format. (Form-1) along with Pre-feasibility Report and Approved Mining Plan

In this regard, under the provisions of the EIA Notification 2006 as amended, the Standard ToR for the purpose of preparing environment impact assessment report and environment management plan for obtaining prior environment clearance is prescribed with public hearing is enclosed along with specific ToR as mentioned below.

Specific ToR:

- (i) The project proponent has to carry out by engaging appropriate consultant, a study of the annual replenishment rate of sand by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited /replenished & extracted in the mining lease area. The detailed comparison of both pre monsoon and post monsoon elevation data shall be included in the study report. The replenishment rate of sand may be studied as per the procedure laid down in the Enforcement and Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF&CC, Govt. of India. The finding of the study shall be submitted to SEIAA along with the final EIA / EMP report to assess the rate of replenishment of mined out sand.

- (ii) Distance of all nearby mines in Topomap and Google map.
- (iii) Certificate from the concerned Tahasildar about the geo coordinates and distance of the Bridge from the boundary of the lease area and other mines located within 500 meter from the periphery of the lease boundary.
- (iv) Details of river embankment / bank protection management including it's distance from the lease boundary.
- (v) Approach road for mineral transportation to be provided i.e. from lease boundary to the haulage road. Details of haulage road with length and width to be provided.
- (vi) Distance between haulage road and nearby village road to be indicated.
- (vii) Responsibilities of perpetual perennial maintenance of haulage road to be specified including the village road if used for the purpose of transportation of sand including the public road / village road till it intersects SH / NH etc.
- (viii) Mitigation measures to be taken to ensure not to disturb free flow of river.
- (ix) Traffic study and management in reference to area occupied by sensitive facilities (educational institutions, NH-5, bus stop nearby) through an expert of repute to be submitted.
- (x) Operation time i.e. time for movement of empty and loaded vehicles to be mentioned.
- (xi) Any electric HT line within 500 meters of the lease area if existing to be indicated.
- (xii) Distance of lease boundary from nearby habitation duly certified by the Tahasildar.
- (xiii) Certified copy of half yearly condition wise compliance Report on EC conditions submitted to MoEF&CC, Regional Office, Bhubaneswar.
- (xiv) NOC from concerned competent authority for usage of road for transportation of sand.
- (xv) Details of safety zone w.r.t lease area and river bank / embankment.

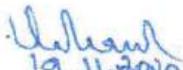
Yours faithfully,


19.11.2020
Member Secretary

Memo No. 9647/SEIAA
Copy forwarded to

Dated 19.11.2020

1. The ADM & Collector, Cuttack for information and necessary action.
2. The Deputy Secretary, of MM&S Branch of Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.


19.11.2020
Member Secretary

**STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR
PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

Terms of Reference (TOR) for preparation of Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for "Mining of Minerals" as per the EIA Notification, 2006 has been devised to improve the quality of the reports and facilitate decision-making transparent and easy. TOR will help the project proponents to prepare report with relevant project specific data and easily interpretable information. TOR for mining of minerals is expected to cover all environmental related features.

Mining of minerals plays a positive role in the process of country's economic development. In addition to the contribution towards economic growth, mining can also be a major source of degradation of physical as well as social environment, unless it is properly managed. Environmental impacts can arise during all activities of the mining process. Minimizing the damage due to mining operations depends on sound environmental practices in a framework of balanced environmental legislation. The potential adverse effects of mining activities include air pollution, surface and groundwater pollution, noise and vibration, damage to local ecology, natural topography and drainage, depletion of water resources etc. All these environmental components are required to be considered while selecting a proper methodology of mining, mitigation measures to reduce pollution load, conservation of natural resources etc.

The projects of mining of minerals as stated in the schedule require prior environment clearance under the EIA notification, 2006. Category 'A' Projects are handled in the MoEF&CC and Category 'B' projects are being handled by the respective State Environment Impact Assessment Authorities (SEIAAs) notified by MoEF&CC and following the procedure prescribed under the EIA Notification, 2006. As per this Notification, as amended, the projects of mining of minor minerals with mining lease area equal to or greater than 50 hectare are to be handled at the level of the MoEF&CC for grant of EC. Such projects with mining lease area less than 50 hectare are to be handled by the respective State Environment Impact Assessment Authority (SEIAA).

**1(a):STANDARD TERMS OF REFERENCE FOR CONDUCTING
ENVIRONMENT IMPACT ASSESSMENT STUDY FOR NON-COAL
MINING PROJECTS AND INFORMATION TO BE INCLUDED IN EIA/EMP
REPORT**

- 1) Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994.
- 2) A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given.
- 3) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
- 4) All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/ toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of

**STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/
ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

- the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).
- 5) Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
 - 6) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
 - 7) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the EIA Report.
 - 8) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
 - 9) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
 - 10) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
 - 11) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
 - 12) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.
 - 13) Status of forestry clearance for the broken up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.

**STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR
PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

- 14) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
- 15) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
- 16) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
- 17) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
- 18) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan alongwith budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
- 19) Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Dept. Should be secured and furnished to the effect that the proposed mining activities could be considered.
- 20) Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).
- 21) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.

**STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/
ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

- 22) One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.
- 23) Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
- 24) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
- 25) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
- 26) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
- 27) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
- 28) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
- 29) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.
- 30) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.
- 31) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered

**STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR
PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

- under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.
- 32) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
 - 33) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
 - 34) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.
 - 35) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
 - 36) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
 - 37) Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
 - 38) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
 - 39) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
 - 40) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
 - 41) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
 - 42) A Disaster management Plan shall be prepared and included in the EIA/EMP Report.

**STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/
ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

- 43) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
- 44) Besides the above, the below mentioned general points are also to be followed:-
- a) All documents to be properly referenced with index and continuous page numbering.
 - b) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
 - c) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.
 - d) Where the documents provided are in a language other than English, an English translation should be provided.
 - e) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
 - f) While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.
 - g) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
 - h) As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
 - i) The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

ENVIRONMENTAL
CLEARANCE

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), Orissa)

To,

The Lessee
 PRAKASH RAUTARAY
 AT-GURUJANGA, PS-KHORDHA, DIST-KHORDHA -752060

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/OR/MIN/54874/2020 dated 05 Feb 2022. The particulars of the environmental clearance granted to the project are as below.

1. EC Identification No.	EC22B001OR162187
2. File No.	54874/195-MINB1/02-2022
3. Project Type	New
4. Category	B1
5. Project/Activity including Schedule No.	1(a) Mining of minerals
6. Name of Project	Pratapnagari Sand Bed mines on river Kuakhai over an area of 5.26 Ha/ 13 Acre in village Pratapnagari, under Cuttack Sadar Tahasil of Cuttack district of Tahasildar, Sadar Cuttack
7. Name of Company/Organization	PRAKASH RAUTARAY
8. Location of Project	Orissa
9. TOR Date	01 Jan 1900

The project details along with terms and conditions are appended herewith from page no 2 onwards.

Date: 03/06/2022

(e-signed)
 Sri Susanta Nanda
 Member Secretary
 SEIAA - (Orissa)

PARIVESH

*(Pro-Active and Responsive Facilitation by Interactive,
 and Virtuous Environmental Single-Window Hub)*



Note: A valid environmental clearance shall be one that has EC identification number & E-Sign generated from PARIVESH. Please quote identification number in all future correspondence.

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**STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
ODISHA, BHUBANESWAR**

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022. Tel: 0674-3510075. E-mail-seiaaorissa@gmail.com

SEIAA File No: 54874/195-MINB1/02-2022

Project: Application of Sri.Prakash Chandra Rautaray for mining of Sand from Kuakhai River sand, Pratapnagari over an area of 13.00 Acres or 5.26Ha in Village-Pratapnagari, Tahasil- Sadar Cuttack, District- Cuttack - Environmental Clearance reg.

Ref: Your online application dated 05.02.2022 for issue of EC vide File No: SIA/OR/MIN/54874/2020

Sir,

This has reference to your online application seeking environmental clearance of the mining project for mining of Sand from Kuakhai River sand, Pratapnagari over an area of 13.00 Acres or 5.26Ha in Village-Pratapnagari, Tahasil- Sadar Cuttack, District - Cuttack. The proposal falls in the category 1(a)- 'Mining of minerals' in the schedule of EIA Notification, 2006 as amended from time to time. The proposal has been appraised on the basis of the documents enclosed with the application, such as Form-2, Final EIA/EMP Report, Public Hearing Proceedings, Form-1, PFR, Approved Mining Plan, etc and clarifications furnished to SEAC in response to their observations.

2. The proposed activities in a nut shell as observed are as follows: -

- a. This is a proposal for mining of sand from Kuakhai River sand, Pratapnagari lying in the Kuakhai River bed located at village- Pratapnagari, Tahasil- Sadar Cuttack, District - Cuttack, over lease area of 13.00 Acres or 5.26Ha.
- b. The mining lease is an identified sairat source in the DSR. The Kuakhai River sand, Pratapnagari sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Cuttack Sadar to the successful bidder on the basis of public auction for a lease period of 5 years.
- c. The mining plan of the mining project prepared has been approved by Deputy Director of Geology, Directorate of Geology, Bhubaneswar on 21.05.2020.

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- d. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mine located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.
- e. The Term of Reference (TOR) was issued for this project vide letter No. 9646/SEIAA on dated 19.11.2020.
- f. The Public Hearing meeting was held on 10.11.2021 at 11:30 A.M. at Dhakulei Nodal Bidyapitha, Pratapnagari, under Cuttack Sadar- Tahasil of Cuttack district. The major issues raised during public hearing were on dust pollution, water sprinkling arrangements, tarpaulin cover on sand loaded vehicles, plantations, increase of traffic movement, damage of road, humps on road, employment.
- g. The baseline data has been collected from October'2020 to December'2020 (Post - monsoon) for the project.
- h. **Location and Connectivity** - The mine area is a part of the Survey of India Toposheet No. 73 H/3 bounded by Latitude: 20°23'40.87"N to 20°23'53.84"N Longitudes: 85°52'09.60"E to 85°52'19.81"E. The mining of sand will be over Khata No.1030, Plot No- 1248 and the Kisam is 'Nadi'. Nearest Town is Cuttack, nearest road is Puri- Canal Road (0.5 Km), nearest railway station is Baranga Railway station (4.5 Km) from the mine.
- i. **Total Reserves and Production Details:** – The project proponent has submitted that the total geological reserve has been estimated as 189396 cum with depth of sand 3.0m. Similarly, the mineable reserve of river bed sand has been estimated to be 137520 cum with depth of sand 3.0m. The project proponent has proposed a total production of 82500 cum of sand with depth of sand 3.0m from this quarry during the valid lease period of 5 years with a maximum production of 16500 cum per annum by open cast semi mechanized method. Excavation & loading of sand will be done through dumpers and trucks/tractors manually and transportation will be carried out by haiwa/ truck/ tractors.
- j. **Replenishment Study Report:** The project proponent has submitted that replenishment study has been done during the pre-monsoon (May-2021) and post-monsoon season (Oct-2021). Replenishment Study Report has been submitted by project proponent and it shows that 100% replenishment can be done and the proposed production from the lease is 82500 cum for 5 years and replenishment quantity of sand is 145600 cum per year which is more than proposed mining capacity of sand i.e. 16500 cum per year.
- k. **Water Requirement:** – The total water requirement will be 3.0 KLD for different purposes like Domestic, Dust suppression, plantation purposes.
- l. **Power Requirement:** - No use of electric power as the operation will be done in the day time. DG set will be used as source of power.

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- m. **Green Belt Development:** Greenbelt plantation will be done by planting 250 saplings of suitable species per annum by the lessee in vicinity of the river bank, haulage roads and near village.
- n. **Employment Potential:** - A total of 30 nos. of manpower are to be employed in the sand quarry.
- o. The project cost is estimated to be Rs. 10.0 lakhs and environment management cost allocated for the project is Rs. 4.00 lakhs per annum and social development cost will be 8.40 lakhs for compliance to public hearing demand.
- p. The Environment consultant M/s Kalyani Laboratories Pvt. Ltd. Bhubaneswar along with the project proponent has made a detailed presentation on the EIA/EMP report on 18.02.2022.
3. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B1 as the mining lease area is more than 5ha and less than 100ha.
4. The proposal is duly appraised by the SEAC in its meeting held on 18.02.2022. The SEAC has submitted the appraisal report and recommended for grant of EC for the proposal valid upto lease period with stipulated conditions.
5. The State Environment Impact Assessment Authority (SEIAA) after considering the proposal and recommendations of SEAC, Odisha hereby accords Environmental Clearance in favour of the project valid upto lease period under the provisions of EIA Notification 2006 and subsequent amendments thereto subject to strict compliance of all stipulated conditions. This EC shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar and shall be coterminous with the expiry of lease period.
6. The Tahasildar, Cuttack Sadar who is the lease granting authority in this case is responsible for monitoring strict compliance of the following conditions of grant of environment clearance, by the project proponent(lessee).

7. Stipulated Conditions:

- 7.1 This Environmental Clearance is given with a condition that "maximum depth of extraction shall be 1.5m, and maximum permissible quantity of sand is 15780Cum in the 1st year, pending submission of rate of replenishment study at site. Rate of replenishment study at the site shall be conducted and report shall be submitted by November, 2022 as per prescribed method(enclosed as Annexure)."

- 7.2 In view of the likely revision of DSR for Cuttack District in future the details of this minor mineral reserve to be ascertained in the revised DSR.
- 7.3 In view of the difference commonly found in sand deposits, the determination of mining lease by local Tahasildar considering the dimensions like average length, breadth and height of the deposit to be re-ascertained by the Revenue Department and RQP for final exploitation of sand and higher revenue for the state of Odisha.
- 7.4 All the provisions of Sand Policy of Govt. Of Odisha dated 02.09.2021 to be followed for this sand mining project.
- 7.5 Revised mining plan shall be prepared based on essential physical criteria as per Enforcement and Monitoring Guidelines for Sand Mining, January 2020 of MoEF & CC, Govt. of India enclosed in Annexure. Lay out of Progressive Mine Closure Plan shall also be incorporated in the revised mining plan.
- 7.6 Adequate measures shall be taken to prevent unauthorised mining.
- 7.7 Sedimentation flow shall be determined through a study during pre-monsoon, monsoon & post-monsoon period.
- 7.8 Permission to use public road including Ring road, Cuttack from the appropriate authority shall be obtained by PP including its maintenance shall be done.
- 7.9 A site visit to be planned by SEAC in 3 months' time to ensure implementation of agreed measures.
- 7.10 All the individual quarry lessee holders coming under the Tahasil, Cuttack Sadar jurisdiction shall create a common forum in coordination with the Tahsildar and contribute funds to it for grading, compaction and maintenance of haulage road used for transportation of mineral, plantation of saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Gram Panchayat, etc for prevention of environmental pollution and damage during mining activity. All mining activity shall be done in scientific manner to safeguard degradation of environment. All the individual lease holders of the Tahasil shall implement the EMP as proposed for the project. The Tahasildar shall ensure the compliance of this condition along with all lease holders of his jurisdiction.
- 7.11 The project proponent has to carry out by engaging appropriate consultant, a study of the annual replenishment rate of sand by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the rate of

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- replenishment of mined out sand in the lease area. Pending carrying out of the study & submission of the report, this clearance is being granted in an adhoc manner and is liable to be revoked after one year if satisfactory replenishment study report is not submitted. The submission of study report of rate of annual replenishment of sand within one year is obligatory for the project proponent.
- 7.12 The project proponent should carry out River bed sand mining manually by engaging local laborers in force to check over exploitation of sand at the source.
- 7.13 Any change in the plan or quantity to be produced shall require prior approval of SEIAA.
- 7.14 The Tahasildar has submitted the cluster certificate of the mines located within 500 meters from the periphery of the proposed mine lease area. This EC is liable to be cancelled/revoked if the submission on cluster is found to be incorrect/false in future.
- 7.15 There shall be a 'no working zone' to protect the embankment on both sides, road or rail bridge in the vicinity, if any, dam, weir, water intake structure of irrigation or drinking water project, or any cross drainage structure. 10 % of the width of river shall be left intact along the embankments on both sides as 'no mining zone'. Further, no mining shall be allowed within 200 m of any existing structures dam, weir, water intake structure of irrigation or drinking water project, or any cross drainage structure. In case of River Bridge, this no mining zone shall extend upto a minimum stretch of 200 meters from the bridge and it may extend upto 500 meters in sensitive locations. The lease area shall be accordingly curtailed to carve out the actual sand mining area within the leasehold. Exact map of the lease area, and the 'no mining zone' shall be drawn to scale, showing the DGPS coordinates of all corner points, and the location of the bridge, embankment, extraction route & other structures; and such map has to be submitted to SEIAA by the project proponent through the Tahasildar within three months of the date of issue of the EC. The quantum of sand allowed to be extracted will be worked out on the basis of the actual working area.
- 7.16 The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent and photographs of proof of the same shall be submitted along with six monthly compliance report.
- 7.17 The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.
- 7.18 Mining is not permissible within the water channel or stream flow area. No stream shall be diverted for the purpose of mining and no natural water course shall be obstructed. The mining or any ancillary activity shall not in any way disturb the flow

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pattern of the river water during the non monsoon period. There shall be no sand mining in the river during the rainy season or when there is flow of water in the river.

- 7.19 Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
- 7.20 The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
- 7.21 No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/Gram Panchayat/BDO and only after required strengthening, such that the carrying capacity of road is increased to handle the sand truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density. Plying of sand extraction trucks may be allowed on roads / path ways passing close to schools, temples, hospitals and such other public places only with prior written permission of competent authority.
- 7.22 Vehicles hired for transportation of sand from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 7.23 The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of sand transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of sand trucks.
- 7.24 The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality. Necessary sprinkling of water on Haulage Road and avenue plantation shall be done. The PP shall plant and nurse to full establishment a minimum of 100 number of saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Gram Panchayat. Photographs of proof showing the plantation shall be submitted along with compliance report.

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- 7.25 Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
- 7.26 Bio - toilet provision shall be made by the project proponent.
- 7.27 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
- 7.28 Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed in coordination with the Tahasildar. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha, OSPCB and Regional Office of MoEF & CC, Bhubaneswar along with the six monthly compliance report.
- 7.29 The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.
- 7.30 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / SPCB, Odisha/ Regional Office of the MoEF& CC, Bhubaneswar, in hard and soft copies on 1st day of January, April, July, October of each calendar year, failing which EC is liable to be revoked The proponent shall upload the compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions. The concerned Tahasildar shall ensure the uploading of EC compliance report in the parivesh portal by the project proponent.
- 7.31 River Bank stabilization shall be made through stone patching. Plantation of adequate number native species on river banks and both sides of haulage roads shall be made.
- 7.32 The activities proposed in action plan prepared for addressing the issues raised during the Public Hearing shall be completed as per the budgetary provisions mentioned in the action plan and within a stipulated time frame. The Status Report on implementation of action plan shall be submitted to the concerned Regional Office of the Ministry along with District Administration.
- 7.33 The project proponent shall comply in true spirit all the issues raised and recorded in proceedings of public hearing w.r.t. environment / pollution / CER shall be complied by the Mining Authority as per OM F. No. 22-65/2017-IA.III, dated 30.09.2020 of MoEF&CC, Govt. of India.
- 7.34 Stone patching on river bank with plantation in-between and the ramp construction shall be done in consultation with and advice of concerned Water Resource Department, Government of Odisha.

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- 7.35 At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
- 7.36 The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar, who shall ensure that the project proponent submits quarterly compliance reports.
- 7.37 The concerned Regional Office of the MoEF&CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF&CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 7.38 A copy of this Environmental Clearance letter shall be displayed on the website of the Odisha State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tehsildar's office for 30 days.
- 7.39 The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry. The advertisement shall be made within seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of MoEF&CC, Bhubaneswar.
- 7.40 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParisad /Municipal Corporation / Urban Local Body as the case may be. A copy of the environmental clearance letter can be downloaded from the Ministry portal (www.parivesh.nic.in).
- 7.41 Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the State Pollution Control Board.
- 7.42 The SEIAA, Odisha may revoke or suspend this EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.
- 7.43 The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 7.44 Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in

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withdrawal of this environment clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.

- 7.45 The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.
- 7.46 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
- 7.47 Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

Yours Faithfully,


Member Secretary

Copy to

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


Member Secretary

Annexure-1

The replenishment study for river bed sand is very essential in order to have a check on possible over exploitation. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. It is imperative to have a study of replenishment of sand material during a defined period for sustainable sand mining. As per the MOEF&CC, Govt. of India's Enforcement and Monitoring Guideline for Sand Mining, 2020, there are two methods prescribed for the study of rate of replenishment of sand on a stretch of river bed. These are (1) physical survey of the field by the conventional method and (2) use of UAV / Drone and other image data processing techniques. The second method UAV/ Drone method is the one which has been found suitable for the above purpose, and recommended by the ORSAC, Bhubaneswar.

The UAV / Drone method briefly is as follows:

The Drone /UAV is fitted with the advanced camera used for survey purposes. The survey is conducted using a set of instruments and compatible software to depict the topography of the study area (the lease area) by utilizing the properly referenced data.

After running the prescribed steps, the software shall automatically generate orthorectified imagery. Ground truthing is done at minimum 5 locations spread evenly across the lease area by using DGPS instruments. The readings from DGPS instruments are compared with the Drone Data for accuracy assessment.

The study shall have the details of establishment of bench mark by putting a number of pillar points and various Ground Control Points (GCP) at the site, observing by DGPS the various GCPs for permanent bench marks and control points. The summary of the elevation data from each session's profile based on the post monsoon survey is mentioned in the tabular form. A detailed comparison sheet of both pre-monsoon and post-monsoon elevation data is prepared. Cross sectional depiction of deposition and erosion for each section in pre and post deposition seasons shall be given.

Drone images are used to recreate highly accurate orthomosaic maps of mining sites and quarries. Each pixel contains 2D geo tagged information (X, Y), and can be used for distance and surface measurements. A densified point cloud can be generated from Drone images and data. Each point contains geospatial (X,Y,Z) information. It provides an accurate model of a site for precise volume measurements and visual insights. The drone data is processed to generate Digital Terrain Model (DTM) and assessment of progressive volumetric change.

Adequate number of geomatic grade ground control bench marks (X,Y,Z), depending on the size of the lease area, are to be maintained permanently around the lease area within a maximum distance of 500 meters from the lease area for the entire study period. There should be pre and post monsoon survey to assess the sand replenishment within the study area.

There are some organizations in Odisha state who are empaneled by ORSAC to conduct such survey.

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Annexure-2**Essential Physical Criteria As Per Enforcement And Monitoring Guidelines For Sand Mining, January 2020 Of MoEF&CC, Govt. Of India**

Sl. No.	Essential Criteria	Reference
1.	"No Mining Zone": 1/4th part of the river width (excluding 3/4th central part of the river width) on both sides of the river towards the river bank	4.1.1 (Para - e) Page - 16
2.	a) Distance between two clusters: ≥ 2.5 km b) Area of mining lease area in a cluster: ≤ 10 ha. c)	4.1.1 (Para - k) Page - 19
3.	Concave River Bank: No extraction of sand	
4.	No mining if a) Upstream: Lease is 1 km from major Bridge and high ways or $5(x)$ of the Bridge / public civil structure / water intakes point subject to lease is located at a minimum 250 meters distance. Where x = Span of the bridge. b) Downstream side: Lease is 1 km from the major bridge and Highways Or $10x$ of the bridge / public civil structure / water intake point Subject to lease is located at a minimum distance of 500 meter where x = span of the bridge	4.3 (Para - h) Page - 23
5.	Mining depth: ≤ 3 meter (maximum 3 meter)	4.3 (Para - m) Page - 24
6.	Mining distance from river bank: $1/4^{\text{th}}$ of the river width, But subject to not less than 7.5 meter	4.31 (Para - m) Page - 24
7.	Area for removal of minerals: $\leq 60\%$ of mine lease area	4.3 (Para - s) Page - 25
8.	Minable sand per ha. Available for actual mining: $\leq 60,000$ MT/Annum	
9.	Regular replenishment study and replenishment rate	

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Signature Not Verified

Digitally signed by Sri Susanta Nanda
Member Secretary

Date: 6/3/2022 12:10:12 PM



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**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
(A statutory body constituted by Ministry of Environment, Forest & Climate Change under
Environment (Protection) Act, 1986)

File No. 54874/195-MINB1/02-2022

Dated 21st November, 2024
Bhubaneswar

To

Sri Prakash Chandra Rautaray
S/o-Late Prakash Chandra Rautray
At-Durgapur, Po-Bajapur, Ps-Khordha Sadar
Dist-Khordha, Odisha, Pin-752060

**Sub: Proposal for Amendment of Environmental Clearance (EC) of
Pratapnagari Sand Quarry over an area 5.26 ha or 13.00 acres village
Pratapnagari Cuttack Sadar Tahasil Cuttack District Odisha-reg.**

- Ref: (i) EC identification no. EC22B001OR162187 dated 03.06.2022
(ii) Letter of Tahasildar, Sadar Cuttack vide letter no. 3056 dt. 26.04.2023
(iii) Online Application no. SIA/OR/MIN/302244/2023 dtd.14.07.2023

Sir/Madam,

This has reference to your online application no. SIA/OR/MIN/302244/2023 dated 14.07.2023, wherein you have requested for amendment (i.e. amendment of EC in regard to annual production of sand as per Annual Rate of Replenishment Study (ARRS) report) of Environmental Clearance (EC) granted by SEIAA, Odisha vide letter no./EC identification No. EC22B001OR162187 dt. 03.06.2022 in favour of Sri Prakash Chandra Rautaray, the lessee/successful bidder.

2. The application was examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 177th meeting held on 28.10.2024 & 29.10.2024 in accordance with the EIA Notification, 2006 as amended from time to time and the following points are noted;

- (i) This is a proposal for amendment of EC of Pratapnagari Sand Quarry over an area 5.26 ha. or 13.00 acres Village Pratapnagari Cuttack sadar Tahasil Cuttack District of Sri Prakash Chandra Rautaray as per the Replenishment Study Report.
- (ii) Environmental Clearance for the proposal was granted vide EC identification no. EC22B001OR162187 dt. 03.06.2022.
- (iii) In Approved Mining Plan, the mineable reserve was 137520 cum with depth of sand deposition 3.0 meter and the annual production capacity is 16500 cum/year.
- (iv) The SEIAA has permitted for 15780 cum/year for 1st year for sand extraction, followed by submission of Replenishment Study Report by November 2022.
- (v) The SEAC in its meeting held on dated 28th, 29th and 30th December 2023 decided that decision will be taken after site visit by sub-committee of SEAC in respect to availability of sand in the proposed quarry.



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- (vi) The proposed site was visited by Sub-Committee of SEAC on dated 30.03.2023 and following observations has been made as mentioned below:
Following observations are made from KML file
- a) Size of the lease area: 154m x 90m.
 - b) 54m. towards south west is sand covered.
 - c) Top 100m. looks as bank of river with levels varying from 39 m. to 44m.
 - d) PHED water treatment plant is 90m. towards north east of the lease area.
 - e) One playground at RL 47m. is located at 50m. towards north of lease area.
 - f) A bridge and Puri canal syphon crossing Kuakhai river is about 250m. Northward (Upstream) of lease area.
- The observations at during site visit are as follows: -
- a) The lease area is completely free from water.
 - b) Pillars were not seen in lease area.
 - c) Access road to the quarry is not clear
- (vii) The KML file photo shows vast area beyond lease area covers with sand and the site condition also reveals that only 20% of lease area is sand and balance is stabilized bank and not advisable for consideration of mining. Sand mining of the area may risk the flood protection facility of the river at the location
- (viii) he entire lease area appears to be within 500 m of Downstream of existing Bridge and Syphon. As per annexure -2 of EC (03.06.2022), no mining should be done at 500m. D/S of bridge/ public civil structure. But para 7.15 of EC states "In case river bridge, no mining zone shall extend up to 200m. from the bridge and it may extend up to 500m in sensitive locations."
- (ix) Observations: As per the guidelines 2020, the lease area may not be suitable for sand extraction as within distance of 500m from bridge and syphon. It is suggested to shift the location downward with adequate safety distance from vulnerable EC22B001OR162187 dt. 03.06.2022 constructions and areas.
- (x) The PP has deposited the amount of Rs. 3,15,029/- to City DFO, Bhubaneswar vide A/c. No. 1160104000062754 dated 22.02.2023 for plantation.
- (xi) Documents submitted for amendment of EC;
- a. Form No. 4 for amendment of Environmental Clearance,



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b. Replenishment study report

3. The proposal was placed in SEAC meeting held on 16.05.2024 and after detailed discussion; the SEAC recommended that the lease area may not be suitable for sand extraction as within distance of 500m from bridge and syphon. It is suggested to shift the location downward with adequate safety distance from vulnerable constructions and areas.
4. The proposal was placed in 173rd SEIAA meeting held on 06.08.2024 & 08.08.2024 and the Authority decided seek clarification of the above-mentioned point of SEAC. Accordingly, ADS raised by SEIAA, Odisha to PP dated 27.08.2024.
5. The PP has submitted the clarification on 23.09.2024 with mentioned that the KML file submitted during EC application was wrong one and as per SEAC suggestion the lease area is shifted downward with adequate safety distance from vulnerable constructions and area. As per the SEAC observation, a field visit was conducted by the Mining Officer, Cuttack with in presence of undersigns. It was found that the lease area comes within 500 m of the Biju Setu Bridge (Kuakhai River Bridge). Then, the mining officer, Cuttack has issued a letter to lessee for modification of Mining Plan vide letter no. 1952/Mines dated 07.06.2024. Accordingly, the mining plan has been modified based on the sand reserve and suitable location without changing the khata no. and plot number in the same mouza. The revised KML file as per modified mining plan is sent to SEIAA, Odisha email dated 23.09.2024. The PP also mentioned that the source is not operation since obtaining the EC from SEIAA, Odisha. The ADM, Cuttack has already issued a letter vide letter no. 793 dated 26.06.2023 with direction that those minor mineral sources whose co-ordinate points are not matching during joint demarcation of quarry lease area as stated by the Mining Officer, Cuttack in the District Revenue Meeting held on 23.06.2023 is required to prepare the fresh Mining Plan through the concerned RQP and get it approved by Deputy Director of Mines to get accuracy of quarry lease area and take steps for smooth transfer of the same to Steel & Mines Department.
6. Amendment of Environmental Clearance (EC) of Pratapnagari Sand Quarry issued vides SEIAA, Odisha EC identification no. EC22B001OR162187 dt. 03.06.2022 in favour of Sri Prakash Chandra Rautaray is **allowed** for extraction quantity of sand **9900 cum** (i.e.60% of 16500 cum was approved in the approved modified mining plan dated 30.07.2024) **for one year period** in adhoc manner due to absence of ARRS report. Also, it is allowed the modification of co-ordinate point from Latitude-20°23'40.87"N to 20°23'53.84"N and Longitude-85°52'09.60"E to 85°52'19.81"E to **Lattitude-20°23'26.61"N to 20°23'38.30"N and Longitude-85°52'11.12"E to 85°52'19.58"E** as per approved modified mining plan. The other stipulated terms and conditions of the original EC initially granted remains same



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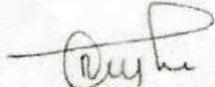
subject to satisfactory compliance to all the stipulated terms and conditions of EC along with following additional stipulation:

Additional stipulation

- (i) This Amendment of EC is being granted in adhoc manner and is liable to be revoked after one year i.e. after 31st March 2026 if satisfactory ARRS report is not submitted.
- (ii) The PP is required to submit Annual Rate of Replenishment Study (ARRS) report of revised lease area as per modified mining plan by **31st March, 2026** through ORSAC empanel agency or through NABET consultant.
- (iii) The Project proponent shall follow Enforcement & Monitoring Guideline for sand mining-2020 before and during operation of quarry.
- (iv) The PP shall implement the EMP with a budgetary allocation as proposed in the EMP report during EC application.
- (v) The PP shall plant some tree species like Banyan, Peepal, Neem, Jamun, Mango, Karanj, Arjun etc. as part of tree plantation campaign "**Ek Ped Ma Ke Naam**" and the details of the same shall be uploaded in the MeriLiFE Portal (<https://merilife.nic.in>).

In case, there is a change in the scope of the project, fresh Environment Clearance shall be obtained.

Yours faithfully,


Member Secretary

Copy to

1. Principal Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. The Director of Mines, Steel & Mines Dept. Govt. of Odisha Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-Office Complex, East Arjun Nagar, New Delhi-110032 for information
6. Chairman/Member/Member Secretary, SEIAA for information

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**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: sciaaodisha@gmail.com
(A statutory body constituted by Ministry of Environment, Forest & Climate Change under
Environment (Protection) Act, 1986)

7. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
8. Collector & DM, Cuttack, Sub-Collector, Cuttack, DFO, Cuttack, Tahasildar, Cuttack Sadar /Mining Officer, Cuttack for Information and necessary action.
9. Guard file for record/Website/Parivesh Portal

Member Secretary



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ଜିଲ୍ଲା : କଟକ

୧) ଖଟିୟାନର କ୍ରମିକ ନମ୍ବର	୨) ଜମିଦାରଙ୍କ ନାମ ଓ ଖେତର ବା ଖଟିୟାନର କ୍ରମିକ ନମ୍ବର				୩) ପ୍ରଜାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ	
1027	ଓଡ଼ିଶା ସରକାର ଖେତର ନମ୍ବର				ପୂର୍ଣ୍ଣ ବିଭାଗ	
୪) ସ୍ୱତ୍ୱ	୫) ଦେୟ				୬) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ	
ପଟାବାର	ଜଳକର	ଖଜଣା	ସେସ୍	ନିଷ୍କାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	
		8.00	4.00	0.00	12.00	
୭) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ	ଲିଜ ମାମଲା ସଂଖ୍ୟା 128 R / 93 ର ହୁକୁମ ମୁତାବକ ।					
BLANK SPACE FOR STAMPING						
ଅକ୍ତିମ ପ୍ରକାଶନ ତାରିଖ : 17/04/1984						
ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ : 01/04/1985						

47

KHATTIYAN-A

Apendix - A

Tahasil -Cuttack

Village - Pratapnagari

Form No-99

Police Station-Cuttack Sadar

Tahasil Number - 270

Paragraph- 402

Police Station Number 43

Distict - Cuttack

Serial number	Tenant Name And Serial Number				Tenant caste and Father Name
1027	Govt. of Odisha				p.w.d/
status	Rent				Recommodation Tenant
patadar	Water tax	Rent	cess	End cess& other cess	
		8.00	4.00	12.00	
Other summery	Lease case 128/R 93 ORDER				
END PUBLICATIONS 17/04/1984					
RENT COLLECTION DATE-01.04.1985					

ଖତିୟାନର କ୍ରମିକ ନଂ : 1027			ମୌଜା : ପ୍ରତାପ ନଗରୀ			ଜିଲ୍ଲା : କଟକ		
ଟକର ନମ୍ବର	ଟକ ଭୂମି ହୋଇଥିବା ପ୍ଲଟ	ଟକ ଭୂମି ହୋଇ ନଥିବା ପ୍ଲଟ	କିସମର ବିସ୍ତୀରଣ ବିବରଣୀ ଓ ଚୌହଦି	ରକବା			ଟକ ଭୂମି ହୋଇ ନଥିବା ଜମିର କିସମ	ମତ୍ତବ୍ୟ
				ଏକର	ଡି.	ହେକ୍ଟର		
8	9	10	11	12	13	14	15	
		507		0	4100	0.1659	ବଗାୟତ ବୁଇ	
		758		0	2200	0.0890	ପଟିତ	
		499		1	0000	0.4047	ପଟିତ	
		503		0	7100	0.2873	ପଟିତ	
		505		0	3400	0.1376	ପଟିତ	
		8		0	0700	0.0283	ପଟିତ	
		26		0	2200	0.0890	ପଟିତ	
		36		0	9000	0.3642	ପଟିତ	
		116		0	8400	0.3399	ପଟିତ	
		784		0	0900	0.0364	ପଟିତ	
		958		0	8800	0.3561	ପଟିତ	
		956		0	0800	0.0324	ପଟିତ	
		2723		3	7800	1.5298	ନଦୀ ବନ୍ଧ	
		2801		0	0500	0.0202	ନଦୀ ବନ୍ଧ	
		2837		3	1000	1.2546	ନଦୀ ବନ୍ଧ	
		1091		4	7100	1.9054	ନଦୀ ବନ୍ଧ	
		1259		1	9000	0.7689	ନଦୀ ବନ୍ଧ	
		1261		1	7500	0.7082	ନଦୀ ବନ୍ଧ	
		845		0	2500	0.1011	ନଦୀ ବନ୍ଧ	
		847		0	3400	0.1376	ନଦୀ ବନ୍ଧ	
		791		0	3100	0.1254	ନଦୀ ବନ୍ଧ	
		793		0	2600	0.1052	ନଦୀ ବନ୍ଧ	
		369		21	1200	8.5470	ନଦୀ ବନ୍ଧ	
		2		0	1200	0.0486	ନଦୀ ବନ୍ଧ	ବର୍ତ୍ତମାନ ପୂର୍ବ ରେଳ ଗଡାଗଡ, କରିବାର ଅଧିକାର ଅଛି ।
		5		2	1400	0.8661	ନଦୀ ବନ୍ଧ	
		6		0	6100	0.2464	ନଦୀ ବନ୍ଧ	
		109		5	9100	2.3916	ନଦୀ ବନ୍ଧ	



		369		21	1200	8.5470	River embrakment	
		2		0	1200	0.0486	River embrakment	Rights s.e. railway gattagat
		5		2	1400	0.8661	River embrakment	
		6		0	6100	0.2664	River embrakment	
		109		5	9100	2.3916	Riverd embrakment	

		506		3	6000	1.4569	ନଦୀ ବନ୍ଧ	
		792		0	3100	0.1254	ରାସ୍ତା	
		783		0	0800	0.0324	ରାସ୍ତା	
		846		0	2500	0.1011	ରାସ୍ତା	
		1492		1	4000	0.5667	ରାସ୍ତା	ପକ୍କା ରାସ୍ତା ।
		2375		9	6300	3.8971	ରାସ୍ତା	ପକ୍କା ରାସ୍ତା ।
		2376		5	4800	2.2177	ନୟନଯୋଗୀ	
		1493		0	7000	0.2833	ନୟନଯୋଗୀ	
		2374		0	9000	0.3642	ନୟନଯୋଗୀ	
		1368		0	4900	0.1983	ନୟନଯୋଗୀ	
		1491		0	2200	0.0890	ନୟନଯୋଗୀ	
		1056/2938		0	2700	0.1092	ନୟନଯୋଗୀ	
		848		0	3400	0.1376	ନୟନଯୋଗୀ	
		951		0	0400	0.0162	ନୟନଯୋଗୀ	
		752		1	5500	0.6272	ନୟନଯୋଗୀ	
		790		0	6000	0.2428	ନୟନଯୋଗୀ	
		794		0	3200	0.1295	ନୟନଯୋଗୀ	
		844		0	3700	0.1497	ନୟନଯୋଗୀ	
		759		0	0600	0.0243	ନୟନଯୋଗୀ	
		782		0	4500	0.1821	ନୟନଯୋଗୀ	
		518		0	4100	0.1659	ନୟନଯୋଗୀ	
		1367		0	0400	0.0162	ଜଳାଶୟ ଦୁଇ	
		2432		0	1300	0.0526	ଘରବାରି ଦୁଇ	
		957		0	1200	0.0486	ଦେବସ୍ଥଳି	ଶ୍ରୀ ଲକ୍ଷ୍ମୀ ନାରାୟଣ ଠାକୁର, କ ବିଜେକ୍ଷ୍ଟଳି ।
		602		0	0200	0.0081	ଦେବସ୍ଥଳି	ଶ୍ରୀ ଗ୍ରାମେଶ୍ୱର ମହାଦେବ, କ ବିଜେକ୍ଷ୍ଟଳି ।
		52 plots		79	8900	32.3290		

	506		3	6000	1.4569	RIVER DAM	
	792		0	3100	0.1254	ROAD	
	783		0	0800	0.0324	ROAD	
	846		0	2500	0.1011	ROAD	
	1492		1	4000	0.5677	ROAD	METALLED ROAD
	2375		9	6300	3.8971	ROAD	METALLED ROAD
	2376		5	4800	2.2177	NAYANJORI	
	1493		0	7000	0.2833	NAYANJORI	
	2374		0	9000	0.3642	NAYANJORI	
	1368		0	4900	0.1983	NAYANJORI	
	1491		0	2200	0.890	NAYANJORI	
	1056/2938		0	2700	0.1092	NAYANJORI	
	848		0	3400	0.1376	NAYANJORI	
	951		0	0400	0.0162	NAYANJORI	
	752		0	5500	0.6272	NAYANJORI	
	790		0	6000	0.2428	NAYANJORI	
	794		1	3200	0.1295	NAYANJORI	
	844		0	3700	0.1497	NAYANJORI	
	759		0	0600	0.0243	NAYANJORI	
	782		0	4500	0.1821	NAYANJORI	
	518		0	4100	0.1659	NAYANJORI	
	1367		0	0400	0.0162	NAYANJORI	
	2432		0	1300	0.0526	NAYANJORI	
	957		0	1200	0.0486	TEMPLE SITE	SHREE LAXMINARAYAN GODESS STATUS
	602		0	0200	0.0081	TEMPLE SITE	SHREE GRAMESWAR MAHAHADEV GOD STATUS
	52 Plots		79	8900	32.3290		



ପ୍ଲଟର ବିବରଣୀ (PLOT DESCRIPTION)

ପ୍ଲଟ ନମ୍ବର : (Plot No.) 1261

ଖତିଆର ନମ୍ବର: (Khata No.)

ଗ୍ରାମ (Village) : ପ୍ରତାପ ନଗରୀ (Pratapnagari)

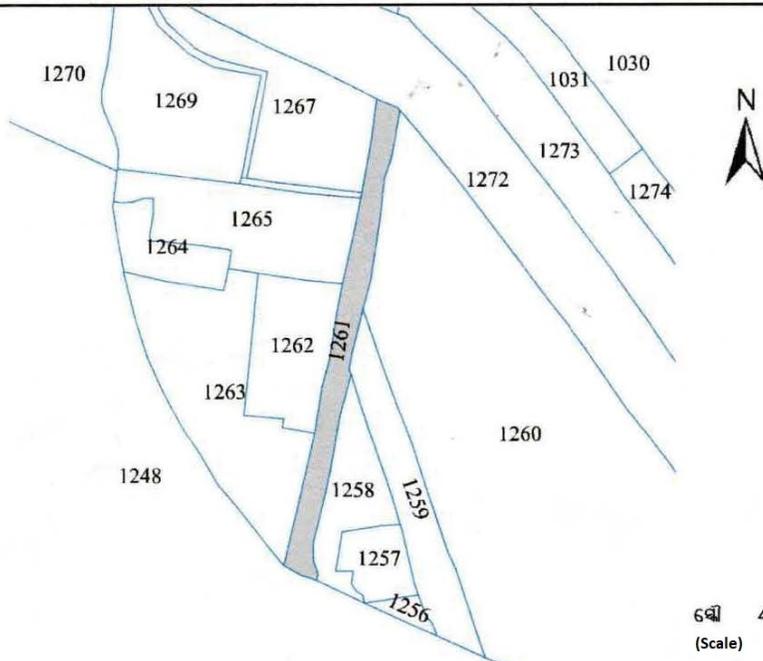
ତହସିଲ (Tahasil) : କଟକ Cuttack

ଥାନା (Police Station)

ତହସିଲ (Tahasil) : 4

ଥାନା ନମ୍ବର (PS No.)

ଜିଲ୍ଲା (District) : କଟକ Cuttack



ସ୍କେ 4000
(Scale)

ପ୍ଲଟ (Plot)	ଏକର (Acre)	ଡିସିମିଲ (Decimile)	ହେକ୍ଟର (Hectre)
	1	750	0.70805

ପୂର୍ଣ୍ଣ ବିଭାଗ (Works Deptt.)

ଭାରପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କ ସ୍ୱାକ୍ଷର (Signature of the Authority)

ତାରିଖ : (Date:)

The Maps and related data shown in this website are for the purpose of viewing only. The data displayed here is not meant for use in any legal purpose or any such activities. Neither National Informatics Centre nor Revenue & Disaster Management Department, Govt of Odisha is responsible

IN THE HIGH COURT OF ORISSA: CUTTACK.

W.P (C) No. 32830 of 2024

Prakash Chandra RoutrayPetitioner

-Versus-

State of Orissa & othersOpp. Parties.

INDEX

Sl. No.	Description of Documents	Pages
1.	Affidavit filed by the Opp. Party No. 8.	1-4
2.	<u>Annexure-A/8.</u> Copy of Letter No. 6084 dt.27.10.2025.	5-8
3.	<u>Annexure-B/8.</u> Copy of Letter No. 7266 dated 16.12.2022.	9-13
4.	<u>Annexure-C/8.</u> Copy of Office Letter No. 633 dt.03.02.2023.	14
5.	<u>Annexure-D/8.</u> Copy of Bank Statement showing deposit of Rs.3,15,029/-.	15-16

Cuttack

Dt. 26.11.2025


ADDL. GOVT. ADVOCATE

IN THE HIGH COURT OF ORISSA: CUTTACK.

W.P (C) No. 32830 of 2024

Prakash Chandra RoutrayPetitioner

-Versus-

State of Orissa & othersOpp. Parties.

**AFFIDAVIT FILED BY THE
OPP. PARTY NO. 8: -**

I Biswaraj Panda, aged about 50 years, S/o-Late Parameswar Panda, at present working as Divisional Forest Officer, City Forest Division, Bhubaneswar, Dist-Khordha, Odisha do hereby solemnly affirm and state as follows: -

1. That I am the Opp. Party No. 8 in the present Writ Petition and competent in my official to swear this Affidavit.
2. That I have gone through the copy of the Writ Petition as well as the documents annexed thereto and understood the contents and purport thereof. I am otherwise acquainted with the facts of the present case and competent to swear this Affidavit by virtue of my office.
3. That the petitioner has filed the aforesaid Writ Petition challenging the inaction on the part of the Opp. Parties in taking any steps with regard to the removal of the unauthorized encroachment made by some miscreants over the River Bank of Kuakhai.



Biswaraj Panda

26.11.24
AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-381200

4. That it is humbly submitted that, the Opp. Party No. 11. i.e. the Superintending Engineer, Prachi Division, Bhubaneswar has requested for removal of trees from Plot No. 1261 under Khata No. 1027 of Mouza Pratapnagari under Cuttack Sadar Tahasil vide his Letter No. 6084 dt.27.10.2025 which belongs to that area of Asst. Engineer, Water Resources Department, Pratapnagari. A copy of the Letter No. 6084 dt.27.10.2025 is annexed herewith as **Annexure-A/8**.

5. That accordingly the City Forest Division has requested to the Tahasildar, Cuttack Sadar to conduct a Joint verification with the Revenue Official, Odisha Forest Development Corporation Ltd. Range Officer, Phulnakhara with the staff of Superintending Engineer, Prachi Division, Bhubaneswar to know the Kissam of the land. From the Joint Verification Report submitted by the Tahasildar, Sadar Cuttack vide Letter No. 7266 dated 16.12.2022, it is ascertained that, the above plot comes under the Non-Forest Land i.e. Aadibandha. A copy of the Letter No. 7266 dated 16.12.2022 is annexed herewith as **Annexure-B/8**.

6. That basing on the Joint Verification Report submitted by the Tahasildar, Sadar Cuttack, this division has permitted for conversion and disposal of 143 nos. of different trees with a cost of Rs.3,15,029/- (Rupees Three lakh Fifteen Thousand Twenty Nine)



AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO.-ON-56/2001

only for raising and maintaining ten times of plant with 10% escalation over cost of maintenance for 4 years as per the Plantation Cost Norm, 2021 vide Office Letter No. 633 dt.03.02.2023. Accordingly the Tahasildar, Cuttack has deposited Rs. Rs.3,15,029/- (Rupees Three lakh Fifteen Thousand Twenty Nine) on the Project Activity Deposit Fund for DFO City Forest Division, Bhubaneswar vide Cheque No. SBINR52023022433849291 dated 24.02.2023. In the meantime, adequate steps have been taken for compensatory afforestation from out of the fund available in the Project Activity Deposit Fund and accordingly, 6000 trees have been planted which includes the trees ten times the number of 143 trees for which proposal has been submitted for felling of trees. The copies of the Office Letter No. 633 dt.03.02.2023 and Bank Statement showing deposit of Rs.3,15,029/- are annexed herewith as Annexure-C/8 & Annexure-D/8 respectively.

Biswajit Panda

7. That in view of the facts and submissions stated above, the Writ Petition is devoid of any merit and is liable to be dismissed.

8. That the facts / averments made in the Writ Application which are not specifically admitted by this deponent are deemed to be denied and further, this deponent craves leave to submit further Affidavit, if necessary at the time of hearing.

[Handwritten mark]

[Handwritten signature]

AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN

9. That the statements made above in Para-1 to Para-3 are true to the best of my knowledge and belief and those statements made in Para-4 to Para-6 are true to my information derived from the records and the statements made in Para-7 & Para-8 are my submissions to this Hon'ble Court. I believe the information to be true as per available official records.

Identified by:

Biswanoy Panda

SO / ASO of A.G's Office

DEPONENT

26.11.25
Divisional Forest Officer
City Forest Division, Bhubaneswar

Solemnly affirmed before me by

Biswanoy Panda who is identified before me

by _____, SO / ASO of Advocate

General's Office whom I officially known.

This the 26 day of 11, 2025.

AP
26.11.25

Cuttack
Dt. 26.11.2025

NOTARY PUBLIC

AMBIKA PRASAD RAY
CUTTACK TOWN
REGD. NO-ON-5610

CERTIFICATE

Certified that due to want of cartridge papers, plain papers are used.

Cuttack
Dt: 26.11.2025

[Signature]

ADDL. GOVT. ADVOCATE





ମାଧାକୁଲେଇ ଗ୍ରାମ୍ୟ ଉନ୍ନୟନ କମିଟି



ପ୍ରତାପନଗରୀ, କଟକ-୭୫୩୦୧୧

Trust Regd. No.- 397/2015

ତାରିଖ 11/12/2025

ପ୍ରମୋଦ କୁମାର ସ୍ୱାଇଁ
ସଭାପତି
9338063331

From,
Pramod Kumar Swain (President)
At-Pratap Nagari, Po-Bhanpur,
Ps- Cuttack Sadar,
Dist-Cuttack



To,
Member Secretary,
SEIAA, Odisha
5RF-2/1, Unit-X, Bhubaneswar-751022

ପ୍ରମୋଦ କୁମାର ବେହେରା
ସମ୍ପାଦକ
9337994806

Sub: Violation of EC condition in respect of Kuakhai River Sand, Pratapnagari over an area of 5.26 Ha. In village-Pratapnagari, Tahsil-Sadar Cuttack, dist-Cuttack.

Ref: EC No. 54874/195-MINB1/2-2022, Dtd. 03.06.2022



Sir,

In inviting above reference on the subject above, I am to inform you the following violation in the subject source by the Mining Officer, Cuttack and the lessee.

ବାବଲ କୁମାର ଜେନା
ସହ-ସମ୍ପାଦକ
9438126971

1. **With reference to EC condition No. 7.11** which reveals as follows.

"Pending carrying out of the study & submission of the report, this clearance is being granted in an adhoc manner and is liable to be revoked after one year if satisfactory replenishment study report is not submitted. The submission of study report of rate of annual replenishment of sand within one year is obligatory for the project proponent."

As per this condition, EC is no more in existence since the replenishment report is not submitted by the lessee by 02.06.2023. Copy of the EC & CTO are annexed herewith as Annexure-1 & 2 respectively.



ବାବଲ କୁମାର ସାଲ
ସହ-ନୋଷ୍ଟାଧ୍ୟକ୍ଷ
9861032306

2. **With reference to EC condition No. 7.13** which reveals as follows.

"Any change in the plan or quantity to be produced shall require prior approval of SEIAA"

P.T.O-P-2



ମାଧ୍ୟାକୁଲେଇ ଗ୍ରାମ୍ୟ ଉନ୍ନୟନ କମିଟି



ପ୍ରତାପନଗରୀ, କଟକ-୭୫୩୦୧୧

Trust Regd. No.- 397/2015

ତାରିଖ

ପ୍ରମୋଦ କୁମାର ସାଲ୍
ସହାପତି
9338063331



ପ୍ରମୋଦ କୁମାର ବେହେରା
ସମ୍ପାଦକ
9337994806



ବାଦଲ କୁମାର ଜେନା
ସହ-ସମ୍ପାଦକ
9438126971



ବାଦଲ କୁମାର ସାଲ୍
ସହ-କୋଷାଧ୍ୟକ୍ଷ
9861032306

The mining officer did not asked for modification of Mining Plan in compliance of above condition and CTO has been wrongly granted in contrary to above production capacity and deemed revoked of previous EC.

Further, Mining Officer being colluded to the lessee filed the affidavit in W.P (C) No. 32830 of 2024 and revelled that, all statutory clearances is available though there is a demand modification of EC, Mining Plan & CTO. Further also manage to give a road for transportation without NOC of Sarapanch & approval of BDO.

3. **With reference to EC condition No. 7.13** which reveals as follows.

"No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/Gram Panchayat/BDO and only after required strengthening, such that the carrying capacity of road is increased to handle the sand truck traffic".

In contrary to above conditions the Mining Officer, Cuttack cut all trees for evacuation of road without application / joint survey / obtaining consent of road proposal from the Sarapanch & BDO.

In the above facts and circumstances, it is humbly prayed to your kind authority to initiate criminal proceeding against respective Mining Officer, Cuttack U/s 19 of EP Act.

Your early action in this regard is highly solicited.

With regards

Yours faithfully

Pramod Kumar Swain

Encl: As above

- Copy to:
1. Director (Miner Mineral), Odisha, Bhubaneswar.
 2. Mining Officer, Cuttack Sadar, Cuttack
 3. OSPCB, Bhubaneswar.
 4. Regional officer (OSPCB), Cuttack

61



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ପ୍ରତାପନଗରୀ, କଟକ-୭୫୩୦୧୧

Trust Regd. No.- 397/2015

ତାରିଖ 19/12/2025

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From,
Pramod Kumar Swain (President)
At- Pratapnagari, Po-Bhanpur,
Ps- Cuttack Sadar,
Dist-Cuttack

To,
Member Secretary,
SEIAA, Odisha
5RF-2/1, Unit-X, Bhubaneswar-751022

Sub: Non compliance of the condition of EC & Amended EC in respect of Kuakhai River Sand, Pratapnagari over an area of 5.26 Ha. in village-Pratapnagari, Tahsil- Sadar Cuttack, Dist-Cuttack.

**Ref: (1) EC No. 54874/195-MINB1/2-2022, Dtd. 03.06.2022
(2) Amendment EC No. 54874/195-MINB1/02-2022, Dtd. 21.11.2024**

Sir,
In inviting above reference on the subject cited above, the EC condition below needs to be complied.

- 1. Ref-1 Condition No.-7.21** No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Corporator & Cuttack Municipality. The same condition is imposed at para no. 6 vide Ref.- 1
- 2. Old Mining Plan excavation drawing** became invalid, and approval of Modification Mining Plan for 16500 cum per annum is imposed vide para No.- 5 of Amended EC Ref.- 2

In spite of the above non compliance of the above conditions of EC & Amended EC, the Mining operation has allowed the operation which needs to be stopped. Accordingly it is requested to direct the Mining Officer Cuttack to ensure above compliance prior to operation of the subject mine.

Your early action in this regard is highly solicited.

With regards

Yours faithfully

Pramod Kumar Swain

Copy to: Mining Officer Cuttack

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ସହ-ସଭାପତି
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ସହ-କୋଷାଧ୍ୟକ୍ଷ
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VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.

IN THE MATTER OF:

Pramod Kumar Swain Applicant
Versus
State of Odisha & others Respondents

I, Pramod Kumar Swain, aged about 67 Years, S/o Late Pranakrushna Swain At- Pratap Nagari, Po- Bhanapur, PS- Cuttack Sadar, Dist- Cuttack, Odisha-753011, do hereby appoint Mr. Dipankar Thakur, Tapaswini Sahu, Chinmay Nayak, Prava Ranjan Mishra Advocates to appear, plead and act for us in the above matter/application and to conduct and prosecute all proceedings that may be taken in respect thereof and applications for return of documents, enter into compromise and to draw any moneys payable to us in the said proceeding and applications for review and also to appear in all proceedings before the High Court and for appeal to the Supreme Court of India and any further proceedings thereof.

Place: Bhubaneswar

Date: 20.12.2025

Pramod Kumar Swain
SIGNATURE OF APPLICANT(S)

Executed in my presence:

"Accepted"

P. Mishra

PRAVA RANJAN MISHRA
Advocates for the Applicant
Plot No. 652, Nayapally, Bhubaneswar
Mobile-9437044301

Dipankar Thakur
Dipankar Thakur
Adv
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