

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,
KOLKATA.

O.A. No. 68 of 2025 (EZ)

In the matter of:

Dusmant Kumar Bal

...

Applicant.

-Versus-

State of Odisha and others

...

Respondents.

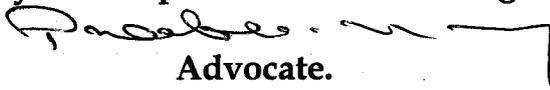
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Place: Kolkata

Date: 09.01.2026

By the Respondent No.16 through

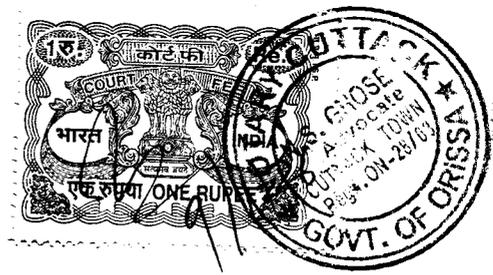
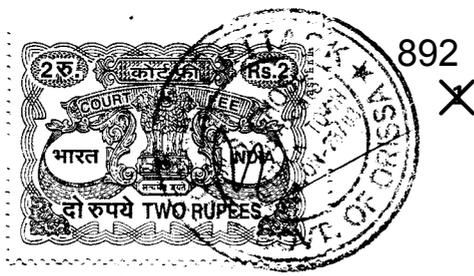

Advocate.

(PRABHU PRASAD MOHANTY)

E.N. O/162/1993

Mobile No. 9437019196

Email: prabhupadamohanty@gmail.com



**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,
KOLKATA.**

O.A. No. 68 of 2025 (EZ)

In the matter of:

Dusmant Kumar Bal

...

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...

Respondents.

**ADDITIONAL AFFIDAVIT FILED BY MANOJ KUMAR SAMAL,
RESPONDENT No. 16.**

I, Manoj Kumar Samal, aged about 35 years, son of Mahendra Kumar Samal, residing at Aruha, P.O. Aruha, P.S. Dharmasala, District- Jajpur, Odisha, do hereby solemnly affirm and state as follows: -

1. That I am the Respondent No.16 in the present case. I have gone through the contents of the Original Application and I am well acquainted with the facts of the case.

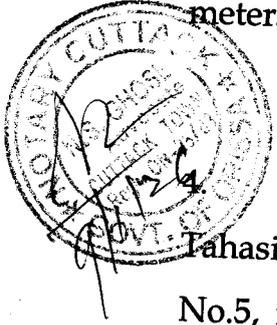
2. That pursuant to the order of this Hon,ble Tribunal, on 07.07.2025, this deponent has filed counter affidavit in the present case. After filing of the counter affidavit, there are some subsequent events/facts/developments, for which the present additional affidavit is filed here with.

Manoj Kumar Samal
NETAJI SBYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN

Manoj Kumar Samal

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3. That on 17.05.2025, the Collector and District Magistrate, Jajpur has filed counter affidavit in this Hon'ble Tribunal inter-alia stating that the penalty of Rs.4,20,47,585/- was imposed on the lessee Sri Manoj Kumar Samal, Respondent No.16 by the Tahasildar, Dharmasala for over extraction of black stone from Aruha BSQ No.5, which was cleared/deposited by the lessee. In the said counter affidavit, it was also stated that ORSAC was requested to submit a report with regard to extraction of black stone beyond 6 meters depth of the quarry.



That with regard to imposition of penalty of Rs.4,20,47,585/- by the Tahasildar, Dharmasala for over extraction of black stone from Aruha BSQ No.5, it is humbly submitted that on 15.04.2023, the Tahsildar, Dharmasala issued a show cause notice to the Respondent No.16 alleging the over extraction of 108112 cubic meter of black stone. After receipt of the aforesaid show cause notice, the Respondent No.16 wrote a letter to the Tahasildar, Dharmasala to supply the relevant documents with regard to over extraction. On 10.05.2023, the Tahasildar, Dharmasala without supplying the relevant documents with regard to over extraction of 108112 cubic meter of black stone issued a demand notice of Rs.8,63,33,919/- to the Respondent No.16 as the Royalty, DMF, EMF, Penalty etc for such over extraction. Being aggrieved by the demand notice dated 15.04.2023 issued by the Tahasildar, Dharmasala, the Respondent No.16 had filed a writ application in the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.17332 of 2023. On 01.06.2023, the Hon'ble High Court of Orissa was pleased to quash the demand notice dated 10.05.2023 of Tahasildaar, Dharamasala in W.P.(C) No.17332 of 2023 with a direction to supply the relevant documents to the Respondent No.16 with regard to over extraction of black stone from Aruha BSQ No.5.

Manoj Kumar Samal

M. S. Ghose
VETAJI SBYASACHI GHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
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It may be noted that the Hon'ble High Court of Orissa in the aforesaid order specifically directed the Tahasildar, Dharmasala to supply the relevant documents with regard to over extraction of black stone by the Respondent No.16 and to give a personal hearing. As the same was not adhered by the Tahasildar, Dharmasala, for which on 13.09.2023, the Respondent No.16 submitted a representation before the Collector, Jajpur. As there was no response from the Collector, Jajpur, on 07.11.2023, the Respondent No.16 again filed second writ application in the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.36628 of 2023. On 10.11.2023, the Hon'ble High Court of Orissa was pleased to dispose of W.P.(C) No.36628 of 2023 with a direction to the Collector, Jajpur to consider the representation dated 13.09.2023 of Respondent No.16 and pass appropriate order in accordance with law within a period of four weeks from the production of certified copy of order.

Pursuant to the aforesaid order of Hon'ble High Court of Orissa, on 18.01.2024, the Collector, Jajpur was pleased to pass order disposing of the representation of Respondent No.16. Pursuant to the aforesaid order of Collector, Jajpur, on 02.04.2024, the Tahasildar, Dharmasala passed the order in Sairat Case No.34 of 2021 (Aruha BSQ AC 20.00) and issued Demand Notice No.2244 dated 25.04.2024 directing the Respondent No.16 to deposit a sum of Rs.4,20,47,585.00 including penalty 100% of the royalty, which are contrary to the provisions of Odisha Minor Mineral Concession Rules, 2016.

After receipt of the aforesaid demand notice, on 31.04.2024, the Petitioner met the Collector, Jajpur and the Tahasildar, Dharmasala in their office and submitted a letter denying the over drawal/extraction of 80,112 cubic meter of black stone and further stated that there was no demarcation of stone quarry by the Tahasildar, Dharmasala at any point of time either at the

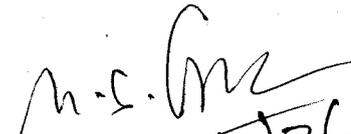
NETAJI SURENDRA MOHANTY
NOTARY ADVOCATE
GOVT. OF ORISSA
Regd. No-QN-18/03
CUTTACK TOWN

Manoj Kumar Samal

time of handing over possession of the lease or any point of time. At the time of measurement with regard to over extraction, the Respondent No.16 was never noticed by any authorities and behind the back of Respondent No.16, such measurement was carried on by the Tahasildar, Dharamasala.

While the matter stood thus, on 02.09.2024, one certificate case was initiated against the Respondent No.16 by the Mining Officer, Jajpur before the Collector, Jajpur alleging the non-payment of dues of Rs.4,20,47,585/- with regard to over extraction of black stone, which was registered as Certificate Case No.08 of 2024. After initiation of the aforesaid certificate case, the authorities specifically the Collector, Jajpur put pressure on the Respondent No.16 to deposit the certificate amount, otherwise the certificate amount will be recovered from him forcible. Finding no way out, the Respondent No.16 has deposited the said amount of Rs. 4,20,47,585.00 in instalments under protest. As the Respondent No.16 has deposited the entire amount of Rs.4,20,47,592.00 under protest, on 26.03.2025, the Collector, Jajpur was pleased to close the said certificate case against the Respondent No.16. After disposal of certificate case against the Respondent No.16, on 17.05.2025, the Respondent No.16 wrote a letter to the Collector, Jajpur requesting to intervene in the matter, as the Respondent No.16 is not liable to pay the said demand of Rs.4,20,47,592/- , which was paid under protest and further requested him to refund the amount with interest. Being aggrieved such action as well as the order dated 18.01.2024 passed by the Collector, Jajpur and subsequent order dated 02.04.2024 passed by the Tahsildar, Dharmasala, the Respondent No.16 has filed a writ application in the Hon'ble High Court of Orissa, which was registered as W.P. (C) No. 18637 of 2025. The said writ application is pending for adjudication.

Manoj Kumar Samal


 NETAJI BABYLASANI GHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
 Regd. No-GN-28/03
 CUTTACK TOWN

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Copy of the Orissa High Court website indicating the pendency of W.P.(C) No.18637 of 2025 is enclosed here with and marked as Annexure-CC/16.

5. That with regard to extraction of black stone beyond 6 meters depth of the quarry, on 16.06.2025, ORSAC submitted a report inter-alia stating that the Respondent No.16 has not extracted black stone beyond six meters from the lowest undisturbed contour line (Lowest R.L.) of the lease area (Page No.559 to 560).

6. That it is further submitted that after receipt of the notice from this Hon'ble Tribunal, on 06.05.2025, the SEIAA, Odisha was pleased to issue a letter with the following observations/directions etc (Internal Page No.17 to 19 of I.A.No.112 of 2025);

"xxx xxx Considering the facts and information submitted and discussion on the matter, the Authority decided that the Environmental Clearance (EC) granted to Sri Manoj Kumar Samal for operation of Aruha Black Stone Quarry No.5 (20.00 acres) vide EC Identification No.EC22B001OR164789 dated 11.05.2022 shall be kept in abeyance till the final decision on the enquiry report to be submitted by the District Administration as directed vide order dated 15.04.2025 by Hon'ble NGT (EZ) in OA No.68/25."

Manoj Kumar Samal



[Handwritten signature]

It may be noted that pursuant to the order dated 15.04.2025 of this Hon'ble Tribunal, on 08.05.2025, the committee constituted by the Collector and District Magistrate, Jajpur visited the Aruha Black Stone Quarry and accordingly, on 16.05.2025, one joint enquiry report was prepared and submitted before this Hon'ble Tribunal on 07.07.2025 enclosing therein in the counter affidavit of Collector and District Magistrate, Jajpur, Respondent No.4

V. S. CHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28903
CUTTACK TOWN

(Page No.243 to 256). Similarly, on 13.05.2025, the State Environment Impact Assessment Authority also submitted its counter affidavit before this Hon'ble Tribunal in Original Application No.68/2025/EZ. After submission of the enquiry report dated 16.05.2025 by the Collector and District Magistrate, Jajpur, Respondent No.4 in the present case, the SEIAA was not withdrawn its letter dated 06.05.2025.

7. That on 11.07.2025, the Respondent No.16 wrote a letter to the State Environment Impact Assessment Authority, Odisha requesting to recall the impugned letter dated 06.05.2025, as the district administration of Jajpur district has already filed enquiry report dated 16.05.2025 along with counter affidavit before this Hon'ble Tribunal in Original Application No.68/2025/EZ.

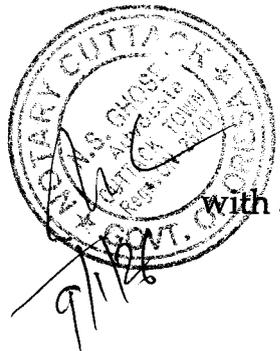
Copy of the letter dated 11.07.2025 of Respondent No.16 is enclosed here with and marked as **Annexure-DD/16**.

8. That after receipt of the aforesaid letter, the State Environment Impact Assessment Authority, Odisha had not taken any steps to recall the letter dated 06.05.2025. Finding no way out, on 28.07.2025, the Respondent No.16 again wrote a letter to the State Environment Impact Assessment Authority, Odisha requesting to recall the letter dated 06.05.2025, as the district administration of Jajpur district has already filed enquiry report dated 16.05.2025 along with counter affidavit before this Hon'ble Tribunal.

Copy of the letter dated 28.07.2025 of Respondent No.16 is enclosed here with and marked as **Annexure-EE/16**.

M. S. Ghose
 VETAJISADYASACHI GHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
 Regd. No-ON-28/03
 CUTTACK TOWN

Manoj Kumar Samal



B. Acharya

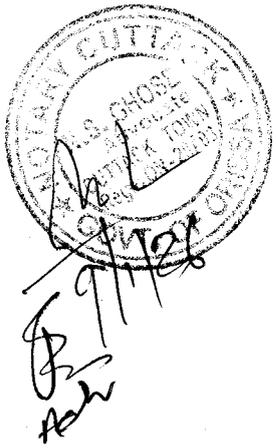
9. That being aggrieved by such action of SEIAA, Odisha, the Respondent No.16 had filed a writ application in the Hon'ble High Court of Orissa, which was registered as W.P. (C) No. 23964 of 2025. On 03.09.2025, the Hon'ble High Court of Orissa was pleased to dispose of W.P.(C) No.23964 of 2025 with a direction to SEIAA, Odisha to act upon the representation of Respondent No.16 within a period of two weeks from the date of presentation of the certified copy of the order.

Copy of the order dated 03.09.2025 passed by the Hon'ble High Court of Orissa in W.P.(C) No.23964 of 2025 is enclosed here with and marked as Annexure-FF/16.

10. That while the matter stood thus, the SEIAA, Odisha after receipt of the aforesaid order dated 03.09.2025 of Hon'ble High Court of Orissa, was pleased to pass a detailed order dated 12.11.2025, which is quoted here under for better appreciation of this Hon'ble Tribunal;

"xxxx xxxxx In this regard, the matter has been examined in 250th SEIAA, Odisha meeting held on 11.11.2025 and after careful perusal of all the case records, communications with different concerned authorities, and as per the direction of the Hon'ble High Court, Odisha order dated 03.09.2025 in W.P.(C) No.23964 of 2025, the Authority decided that the abeyance order of EC letter no.6433/SEIASA dated 06.05.2025 in respect of Aruha Black Stone Quarry (20.00 acres) in favour of Sri Manoj Kumar Samal is here by withdrawn subject to the out come of the final order of Hon'ble NGT, EZ, Kolkata in OA No.68/2025."

Copy of the order dated 12.11.2025 of SEIAA, Odisha is enclosed here with and marked as Annexure-GG/16.



Notary Signature
 NETAJI SARIASACHI CHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
 Regd. No-ON-28/03
 CUTTACK TOWN

Manoj Kumar Samal

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13. That in the aforesaid facts and circumstances, it is humbly submitted that the averments/allegations made in this original application with regard to over extraction of black stone by the Respondent No.16 are disputed and denied, as the same are the subject matter of pending writ application in the Hon'ble High Court of Orissa. In the said writ application, the Respondent No.16 has also prayed for refund of Rs.4,20,47,585.00 along with interest, which was paid under protest on the garb of pendency of Certificate Case No.08 of 2024 before the Collector, Jajpur. It is settled law that the payment under protest will not be treated as acceptance. Hence the present proceeding may kindly be dropped by this Hon'ble Tribunal in the interest of justice.

14. That the facts stated above are true to the best of my belief, knowledge and based on official records.

IDENTIFIED BY

[Handwritten signature]
9-1-26

Advocate

Manoj Kumar Samal
[Handwritten signature]

DEPONENT

CERTIFICATE

Certified that due to non-availability of cartridge papers, this counter affidavit has been typed on thick white papers, which may kindly be accepted.

Place: Kolkata

Date: 09.01.2026

By the Respondent No.16 through

[Handwritten signature]
Advocate.

(PRABHU PRASAD MOHANTY)

E.N. O/162/1993

Mobile No. 9437019196

Email: prabhupadamohanty@gmail.com

The above named deponent being identified by Mr./Ms. *[Handwritten name]* appears before me on this the *[Handwritten date]* 20*[Handwritten year]* solemnly affirms that the facts stated are true to his/her knowledge and belief.



[Handwritten signature]
NOTARY
CUTTACK TOWN
9/1/26

High Court of Orissa

[Back](#)High Court of Orissa
Case Details

Case Type	: WP(C)
Filing Number	: 26951/2025
Registration Number	: 18637/2025
CNR Number	: ODHC01-047166-2025
Filing Date	: 07-07-2025
Registration Date	: 08-07-2025

Case Status

First Hearing Date	:
Next Hearing Date	:
Stage of Case	: ---
Bench	: Division Bench
State	: ORISSA
District	: Jajapur
Judicial	: Civil Section
Not Before Me	:
Last Page Number	: 170
Next Page Number	: 171

Petitioner and Advocate

1) MANOJ KUMAR SAMAL
Advocate- PRABHU PRASAD MOHANTY,P.MOHANTY

Respondent and Advocate
Acts

Under Act(s)	Under Section(s)
CONSTITUTION OF INDIA, 1950	226,227,

Orders

Order Number	Order on	Judge	Order Date	Order Details
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Category Details

Category	MINES, MINERALS AND MINING LEASES (27)
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01

- 1) STATE OF ODISHA
- 2) PRINCIPAL SECY.,BBSR
- 3) THE COLLECTOR AND DIST. MAGISTRATE,JJAPUR
- 4) THE SUB COLLECTOR,JAJPUR
- 5) THE TAHASILDAR,DHARMASALA
- 6) THE DEPUTY DIRECTOR OF MINES,JJAPUR CIRCLE
- 7) THE MINING OFFICER,JAJPUR CIRCLE

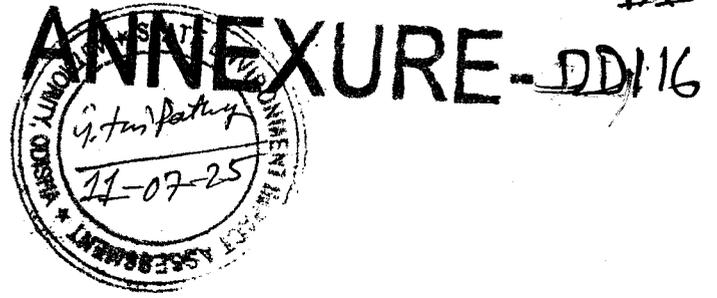
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 ADVOCATE

OBJECTION

Sr.No.	Scrutiny Date	OBJECTION	Compliance Date	Receipt Date
1	07-07-2025	All Objections are Complied	-	-

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To

**THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY, ODISHA, BHUBANESWAR.**

**Sub : An application for recall of letter No.6433/SEIAA-
161/01-2025 dated 06.05.2025 and permission to
allow Aruha Black Stone Quarry 5 to operate.**

Sir,

This is to inform you that I am the lessee of Aruha Black Stone Quarry No.5 over an area 20.00 Ac bearing Khata No.779, Plot No.2694 (P), 2807(P) and 2808(P) in village Aruha under the Dharmasala Tahasil of Jajpur district, Odisha. In this regard, on 11.05.2022, your Honor has granted EC in my favour for a period of five years.

After execution of lease deed and after obtaining all statutory permissions/clearances, I have been successfully operating the aforesaid black stone quarry. While the matter stood thus, on 15.04.2023, the Tahsildar, Dharmasala issued a show cause notice to me alleging the over extraction of 108112 cubic meter of black stone. After receipt of the aforesaid show cause notice, I wrote a letter to the Tahasildar, Dharmasala to supply of relevant documents with regard to over extraction. On 10.05.2023, the Tahasildar, Dharmasala without supplying the relevant documents to me with regard to over extraction of 108112 cubic meter of black stone issued a demand

Manoj Kumar Samal

notice of Rs.8,63,33,919/- as the Royalty, DMF, EMF, Penalty etc for such over extraction.

Being aggrieved by the demand notice dated 15.04.2023 issued by the Tahasildar, Dharmasala, I filed a writ application in the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.17332 of 2023. On 01.06.2023, the Hon'ble High Court of Orissa was pleased to quash the impugned demand notice dated 10.05.2023 with a direction to supply the relevant documents with regard to over extraction of black stone. The relevant portion of the order dated 01.06.2023 passed by Hon'ble High Court of Orissa in W.P.(C) No.17732 of 2023 is quoted here under for better appreciation of your Honour;

" Considering the above submissions of the learned counsel for the Parties, this Court is satisfied that the impugned demand notice cannot be sustained for want of adherence to the principles of natural justice. This Court, therefore, sets aside the order of demand dated 10.05.2023 vide Annexure-12 and directs that if the documents sought for by the Petitioner, are supplied to the Petitioner, as undertaken the Petitioner shall file a detailed show-cause reply to the Opposite Party No.3 within a period of two weeks from the date of receipt of the documents and on filing of the detailed show-cause, Opposite Party No.3 shall give an opportunity of personal hearing to the Petitioner and all the parties concerned and

Manoj Kumar Samal

pass fresh order in accordance with law within a period of two weeks thereafter and communicate the order to the Petitioner.

With the aforesaid order, the writ petition is disposed of.

It may be noted that the Hon'ble High of Orissa in the aforesaid order specifically directed the Tahasildar, Dharmasala to supply the relevant documents with regard to over extraction of black stone and to give a personal hearing to me. As the same was not adhered by the Tahsildar, Dharmasala, for which, on 13.09.2023, I submitted a representation before the Collector, Jajpur. As there was no response from the Collector, Jajpur, on 07.11.2023, I had filed another writ application in the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.36628 of 2023.

On 10.11.2023, the Hon'ble High Court of Orissa was pleased to dispose of W.P. (C) No.36628 of 2023 with the following directions/order;

"4. In course of hearing, learned counsel for the Petitioner states that highlighting his grievance, the Petitioner has made representation to Opposite Party No.2 vide Annexure-19 series and the same may be directed to be considered within a stipulated time, to which learned Counsel for the State has no objection.

Manoj Kumar Samal

5. As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.2 to consider the representation filed by the petitioner vide Annexure-19 series, and pass appropriate order in accordance with law within a period of four weeks from the date of production of certified copy of this order."

Pursuant to the aforesaid order of Hon'ble High Court of Orissa, on 18.01.2024, the Collector, Jajpur was pleased to dispose of my representation with the following observations/order :

"xxx xxx But records further reveal that much prior to the date of survey dt.10.03.2023, SEIAA already granted permission to the petitioner on 02.09.2022 by which MGQ was enhanced to 42,000 CUM per annum in place 14,000 CUM per annum. This fact has not been taken note of by the Tahasildar, Dharmasala while issuing the impugned demand notice. On the other hand the impugned demand notice reveals that the amount was calculated by Tahasildar, Dharmasala taking into account that the MGQ is 14,000 CUM per annum and not 42,000 CUM per annum. This appears to be an error on the face of record.

Manoj kumar Samal

The Tahasidar, Dharmasala in the impugned demand notice should have taken note of above fact and calculate the amount accordingly. The impugned demand notice has to be re-calculated taking into account the quantity permitted to be extracted as 42,000 CUM instead of 14,000 CUM and in that view of the matter the net unauthorized extraction is to be calculated as 80,112 CUM and basing on this quantity penalty and other charges should be levied from the petitioner and accordingly the Tahasildar, Dharmasala is directed to modify the impugned demand notice in terms of the above."

Manoj Kumar Samal

"The learned counsel for petitioner vehemently submitted that the over extraction is any is not due to the fault of the petitioner and that due to lack of proper demarcation of boundary resulting easy access to the local villagers there is illegal and unauthorized mining by the local villagers which ultimately resulted the alleged over extraction and further submitted that due to lack of proper boundary the drone mapping/ETS survey is not accurate. It is found from the record that prior to the survey and since the date of lease deed there was never official demarcation of the lease area of the petitioner by the Tahasildar, Dharmasala in presence of the petitioner. There is no material on record to show that there is any pilferage or illegal mining by local villagers which can not be ruled out but there is no evidence in support of it. So no definite conclusion can be drawn on this point."

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"Since the total extraction is within the total quantity allowed over the total lease period if the petitioner would give an undertaking to the Tahasildar, along with deposit in form of bank guarantee or post date check in full or installments, as per revised penalty amount, then he may be permitted to stare the mining operation for the balance MGQ of materials subject to further approval of mining plan by the department and issuance of Environment of Clearance by SEIAA."

Manoj Kumar Samal

It is humbly submitted that pursuant to the aforesaid order of the Collector, Jajpur, the Tahasildar, Dharmasla was pleased to modify the demand to the extent of Rs.4,20,47,585/- instead of Rs. 8,63,33,919/- and further granted eight installments of Rs.52,55,949/- each within a maximum period of one year with effect from 01.05.2024. On 25.04.2024, the Tahasildar, Dharmasala issued revise demand notice of Rs.4,20,47,585.00 to me and further directed to deposit the said amount in eight installments within a maximum period of one year with effect from 01.05.2024.

After receipt of the aforesaid demand notice, on 31.04.2024, I met the Collector, Jajpur and the Tahasildar, Dharmasala in their office and submitted a letter denying the over drawal/ ^{maximum period of} extraction of 80,112 cubic meter of black stone by me and further stated that there was no demarcation of stone

quarry by the Tahasildar, Dharmasala at any point of time either at the time of handing over possession of the lease to me or any point of time. At the time of measurement with regard to over extraction, I was never noticed by any authorities and behind my back, such measurement was carried out by the Tahasildar, Dharmasala, which violates the principles of natural justice as well as Article 14 of the Constitution of India. Further the survey conducted by the Tahasildar, Dharmasala was not in scientific manner and further requested to recall the demand notice.

Manoj Kumar Samal

While the matter stood thus, on 02.09.2024, one certificate case was initiated against me by the Mining Officer, Jajpur, before the Collector, Jajpur alleging the non-payment of dues of Rs.4,20,47,585/- with regard to over extraction of black stone, which was registered as Certificate Case No.08 of 2024.

It is humbly submitted that at the time of bid, I had huge personal loan from my friends and relatives. I had also taken huge amounts from my customer/buyer by way of signing the contract/agreement for supply of black stone. When the operation of black stone quarry was stopped by the authorities alleging false, vague and illegal demand of Rs.

8,63,33,919/- with regard to over extraction of black stone and initiation of Certificate Case No.08 of 2024, the buyers issued legal notices to me for non supply of black stone and further claimed huge damages/compensations against me. Finding no way out, on 28.09.2024, I met the authorities in their office and submitted a letter intimating therein that I will deposit the amount of Rs.4,20,47,585.00 under protest and without prejudice to my rights & contentions in the matter as I have never over extracted the alleged quantity of 80,112 cubic meter of black stone and further stated that the demand including 100% penalty of royalty is not leviable by the authorities, as it violates the provisions of Odisha Minor Mineral Concession Rules, 2016,

It is further submitted that after initiation of the aforesaid certificate case, the authorities specifically the Collector, Jajpur, put pressure on me to deposit demand amount, otherwise the certificate amount will be recovered from me forcible. Finding no way out, I have deposited the said amount of Rs. 4,20,47,585.00 under protest and without prejudice to my rights & contentions in the matter on the following dates only to overcome the pending certificate proceeding;

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Manoj Kumar Samal

Sl. No.	Date	Amount
1.	30.09.2024	Rs.52,55,949.00
2.	22.01.2025	Rs.15,00,000.00
3.	22.01.2025	Rs.30,00,000.00
4.	23.01.2025	Rs. 7,55,949.00
5.	23.01.2025	Rs.30,00,000.00
6.	24.01.2025	Rs.22,55,949.00
7.	03.03.2025	Rs.30,00,000.00
8.	03.03.2025	Rs.15,00,000.00
9.	04.03.2025	Rs. 7,55,949.00
10.	25.03.2025	Rs.2,10,23,796.00
	Total :	Rs.4,20,47,592.00

Manoj Kumar Samal

As I have deposited the entire amount of Rs.4,20,47,592.00 under protest, on 26.03.2025, the Collector, Jajpur was pleased to close the said certificate case against me.

In the aforesaid circumstances, on 06.12.2024, one public complaint petition was filed before your Honour alleging over production by me. Accordingly, on 30.01.2025, one show cause was issued to me by your Honour. After receipt of the aforesaid show cause notice, on 26.03.2025, I have submitted my show cause reply denying the allegation of over extraction of 80,112

cubic meter of black stone, which is pending consideration of your Honour.

In this regard, one Dushmant Kumar Bal had filed an application before the Hon'ble NGT, Kolkata, which was registered as O.A.No.68/2025/EZ. In the said O.A., on 15.04.2025, the Hon'ble NGT was pleased to issue notice to the Respondents and further directed the Collector and District Magistrate, Jajpur, Senior Scientist, Odisha State Pollution Control Board and the Director of Mines, Government of Odisha to constitute a committee with regard to allegations made in original application.

It may be noted that on 03.12.2024, the Deputy Director of Mines and Mining Officer, Jajpur, Regional Officer, State Pollution Control Board, Kalinga Nagar, Tahasildar, Dharmasala along with the revenue officials visited Aruha and after field inquiry prepared a joint inquiry report, wherein it is stated that Aruha BSQ No.5 is situated 210 meters away from the Railway lines, 310 meters away from the Jabartali village road, 315 meters away from the Habitations (Jabartali) and 290 meters away from Jabartali Government Primary School). On 10.12.2024, the said joint inquiry report was prepared and on 11.12.2024, the said inquiry report was submitted before the State

Mandj Kumar Samal

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Government by the Deputy Director of Mines, Jajpur for kind information and action.

It is further submitted that on 07.03.2025, the Mining Officials including Deputy Director of Mines and Mining Officer, Jajpur, Regional Officer, State Pollution Control Board, Kalinga Nagar, Tahasildar, Dharmasala along with the revenue officials also visited Aruha again and an ORSAC Empanelled Agency M/s. TKS Consultancy Services also conducted the survey through DGPS as per the request of State officials. On 17.03.2025, M/s. TKS Consultancy Services submitted its report and map on the distance measurement of human habitats, railway line, pond, schools etc. from Aruha Black Stone quarries before the Mining Officer, Jajpur, wherein Aruha BSQ No.5 are in safe distance i.e. more than 200 meter from the nearby Habitats, Railway line, Ponds and Schools etc.

On 24.03.2025, the Additional District Magistrate (Rev.) Jajpur, Divisional Forest Officer, Cuttack, Deputy Director of Mines (Minor Minerals), Jajpur Circle, Sub-Collector, Jajpur, , Regional Officer, State Pollution Control Board, Kalinga Nagar and Mining Officer, Jajpur were also jointly visited the black stone quarry area of Aruha village with field officials Tahasildar, Dharmasala and accordingly, on 28.03.2025, the joint enquiry report was prepared, wherein it was found that the Aruha BSQ No.3 and 5 are in safe

Manoj Kumar Samal

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distance i.e. more than 200 meter from the nearby habitants, railway line, ponds and schools etc. As regards the extraction of minor minerals beyond a depth of 6 meters from the surface area, the same could not be ascertained physically/eye estimation due to peculiar geographical conditions of the hilly terrain interspersed with valley like landscape and patches of the plain road, for which it was decided to engage ORSAC empanelled agency.

Manoj Kumar Samal

Pursuant to the order/direction dated 15.04.2025 of this Hon'ble NGT in O.A.No.68/2025/EZ, on 08.05.2025, the Additional District Magistrate (Rev.) Jajpur, Regional Officer, State Pollution Control Board, Kalinga Nagar, Deputy Director (Tech-Geology), Directorate of Minor Minerals, Odisha, Bhubaneswar, Deputy Director of Mines, Directorate of Mines & Geology, Odisha, Bhubaneswar, Deputy Director of Mines (Minor Minerals), Jajpur Circle, Mining Officer, Jajpur and Tahasildar, Dharmasala were jointly visited the black stone quarry area of Aruha BSQ 3 and 5. After due enquiry, on 16.05.2025 the joint enquiry report was prepared along with and findings, action taken etc.

It is further submitted that on 16.06.2025, the Odisha Space Applications Centre (ORSAC) has prepared a report, wherein the exaction of Aruha BSQ 5 has not gone beyond 6 meters from the lowest undisturbed contour line.

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In the meanwhile, on 07.07.2025, I have filed a writ application in the Hon'ble High Court of Orissa inter-alia challenging the order dated 18.01.2024 of the Collector, Jajpur and the order dated 02.04.2024 as well as the demand notice dated 25.04.2024 of the Tahasildar, Dharmasala, and further prayed to get the refund of Rs.4,20,47,585.00 along with interest. The said writ application was registered as W.P.(C) No.18637 of 2025, which is pending for adjudication.\

Manoj Kumar Samal

I have also filed my response/counter affidavit before Hon'ble NGT Kolkata denying the allegations and 08.07.2025, the aforesaid original case is adjourned to 12.09.2025 for filing of rejoinder affidavit by the Applicant as well as hearing.

In the aforesaid facts and circumstances, it is humbly submitted that the Aruha BSQ 5 is safe in distance as well as I have not operated more than 6 meters from the lowest undisturbed contour line. I have also filed a writ application in the Hon'ble High Court of Orissa being W.P.(C) No.18637 of 2025 with regard alleged extraction of 80,112 cubic meter of black stone, which is pending for adjudication. Further there is no interim order passed by Hon'ble NGT, Kolkata in OA No.68/2025/EZ

with regard to operation of Aruha BSQ 5 or any court of law has passed the interim order with regard to operation of Aruha BSQ 5. Hence the letter No.6433/SEIAA-161/01-2025 dated 06.05.2025 issued by your Honour may kindly be withdrawn and I may kindly be permitted to operate the Aruha Black Stone Quarry No.5 in the interest Justice as well as mineral development in the State of Odisha.

Thanking You,

Bhubaneswar

Date: 11.07.2025

Yours Sincerely

Manoj Kumar Samal

Manoj Kumar Samal

At/P.O. Aruha, Dist:: Jajpur,

Odisha

TRUE COPY ATTESTED
ADVOCATE

ANNEXURE-EE/16

To

**THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY, ODISHA, BHUBANESWAR.**

Sub : An application for recall of letter No.6433/SEIAA-161/01-2025 dated 06.05.2025 and permission to allow Aruha Black Stone Quarry 5 to operate.

Ref : My letter dated 11.07.2025 requesting to allow me for operation of Aruha Black Stone Quarry 5.

Sir,

On 11.07.2025, I have submitted the aforesaid letter before your Honour requesting you to allow me for operation of Aruha Black Stone Quarry No.5 in the district of Jajpur, Odisha, which is still pending consideration at your end till date.

However, at the cost of repetition, it is once again submitted that I am the lessee of Aruha Black Stone Quarry No.5 over an area 20.00 Ac bearing Khata No.779, Plot No.2694 (P), 2807(P) and 2808(P) in village Aruha under the Dharmasala Tahasil of Jajpur district, Odisha. In this regard, on 11.05.2022, your Honor has granted EC in my favour for a period of five years.

After execution of lease deed and after obtaining all statutory permissions/clearances, I have been successfully operating the

aforesaid black stone quarry. While the matter stood thus, on 15.04.2023, the Tahsildar, Dharmasala issued a show cause notice to me alleging the over extraction of 108112 cubic meter of black stone. After receipt of the aforesaid show cause notice, I wrote a letter to the Tahasildar, Dharmasala to supply of relevant documents with regard to over extraction. On 10.05.2023, the Tahasildar, Dharmasala without supplying the relevant documents to me with regard to over extraction of 108112 cubic meter of black stone issued a demand notice of Rs.8,63,33,919/- as the Royalty, DMF, EMF, Penalty etc for such over extraction.

Being aggrieved by the demand notice dated 15.04.2023 issued by the Tahasildar, Dharmasala, I filed a writ application in the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.17332 of 2023. On 01.06.2023, the Hon'ble High Court of Orissa was pleased to quash the impugned demand notice dated 10.05.2023 with a direction to supply the relevant documents with regard to over extraction of black stone. The relevant portion of the order dated 01.06.2023 passed by Hon'ble High Court of Orissa in W.P.(C) No.17732 of 2023 is quoted here under for better appreciation of your Honour;

" Considering the above submissions of the learned counsel for the Parties, this Court is satisfied that the impugned demand notice cannot be sustained for want of adherence to the principles of natural justice. This Court, therefore, sets

aside the order of demand dated 10.05.2023 vide Annexure-12 and directs that if the documents sought for by the Petitioner, are supplied to the Petitioner, as undertaken the Petitioner shall file a detailed show-cause reply to the Opposite Party No.3 within a period of two weeks from the date of receipt of the documents and on filing of the detailed show-cause, Opposite Party No.3 shall give an opportunity of personal hearing to the Petitioner and all the parties concerned and pass fresh order in accordance with law within a period of two weeks thereafter and communicate the order to the Petitioner.

With the aforesaid order, the writ petition is disposed of.

It may be noted that the Hon'ble High of Orissa in the aforesaid order specifically directed the Tahasildar, Dharmasala to supply the relevant documents with regard to over extraction of black stone and to give a personal hearing to me. As the same was not adhered by the Tahsildar, Dharmasala, for which, on 13.09.2023, I submitted a representation before the Collector, Jajpur. As there was no response from the Collector, Jajpur, on 07.11.2023, I had filed another writ application in the Hon'ble High Court of Orissa, which was registered as W.P.(C) No.36628 of 2023.

On 10.11.2023, the Hon'ble High Court of Orissa was pleased to dispose of W.P. (C) No.36628 of 2023 with the following directions/order;

"4. In course of hearing, learned counsel for the Petitioner states that highlighting his grievance, the Petitioner has made representation to Opposite Party No.2 vide Annexure-19 series and the same may be directed to be considered within a stipulated time, to which learned Counsel for the State has no objection.

5. As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.2 to consider the representation filed by the petitioner vide Annexure-19 series, and pass appropriate order in accordance with law within a period of four weeks from the date of production of certified copy of this order."

Pursuant to the aforesaid order of Hon'ble High Court of Orissa, on 18.01.2024, the Collector, Jajpur was pleased to dispose of my representation with the following observations/order :

"xxx xxx But records further reveal that much prior to the date of survey dt.10.03.2023, SEIAA already granted permission to the petitioner on 02.09.2022 by which MGQ was enhanced to 42,000 CUM per annum in place 14,000 CUM per annum. This fact has not been taken note of by the Tahasildar,

Dharmasala while issuing the impugned demand notice. On the other hand the impugned demand notice reveals that the amount was calculated by Tahasildar, Dharmasala taking into account that the MGQ is 14,000 CUM per annum and not 42,000 CUM per annum. This appears to be an error on the face of record.

The Tahasildar, Dharmasala in the impugned demand notice should have taken note of above fact and calculate the amount accordingly. The impugned demand notice has to be recalculated taking into account the quantity permitted to be extracted as 42,000 CUM instead of 14,000 CUM and in that view of the matter the net unauthorized extraction is to be calculated as 80,112 CUM and basing on this quantity penalty and other charges should be levied from the petitioner and accordingly the Tahasildar, Dharmasala is directed to modify the impugned demand notice in terms of the above."

"The learned counsel for petitioner vehemently submitted that the over extraction is any is not due to the fault of the petitioner and that due to lack of proper demarcation of boundary resulting easy access to the local villagers there is illegal and unauthorized mining by the local villagers which ultimately resulted the alleged over extraction and further submitted that due to lack of proper boundary the drone mapping/ETS survey is not accurate. It is found from the

record that prior to the survey and since the date of lease deed there was never official demarcation of the lease area of the petitioner by the Tahasildar, Dharmasala in presence of the petitioner. There is no material on record to show that there is any pilferage or illegal mining by local villagers which can not be ruled out but there is no evidence in support of it. So no definite conclusion can be drawn on this point."

"Since the total extraction is within the total quantity allowed over the total lease period if the petitioner would give an undertaking to the Tahasildar, along with deposit in form of bank guarantee or post date check in full or installments, as per revised penalty amount, then he may be permitted to start the mining operation for the balance MGQ of materials subject to further approval of mining plan by the department and issuance of Environment of Clearance by SEIAA."

It is humbly submitted that pursuant to the aforesaid order of the Collector, Jajpur, the Tahasildar, Dharmasala was pleased to modify the demand to the extent of Rs.4,20,47,585/- instead of Rs. 8,63,33,919/- and further granted eight installments of Rs.52,55,949/- each within a maximum period of one year with effect from 01.05.2024. On 25.04.2024, the Tahasildar, Dharmasala issued revise demand notice of Rs.4,20,47,585.00 to me and further directed to deposit the said amount in eight installments within a maximum period of one year with effect from 01.05.2024.

After receipt of the aforesaid demand notice, on 31.04.2024, I met the Collector, Jajpur and the Tahasildar, Dharmasala in their office and submitted a letter denying the over drawal/extraction of 80,112 cubic meter of black stone by me and further stated that there was no demarcation of stone quarry by the Tahasildar, Dharmasala at any point of time either at the time of handing over possession of the lease to me or any point of time. At the time of measurement with regard to over extraction, I was never noticed by any authorities and behind my back, such measurement was carried out by the Tahasildar, Dharmasala, which violates the principles of natural justice as well as Article 14 of the Constitution of India. Further the survey conducted by the Tahasildar, Dharmasala was not in scientific manner and further requested to recall the demand notice.

While the matter stood thus, on 02.09.2024, one certificate case was initiated against me by the Mining Officer, Jajpur, before the Collector, Jajpur alleging the non-payment of dues of Rs.4,20,47,585/- with regard to over extraction of black stone, which was registered as Certificate Case No.08 of 2024.

It is humbly submitted that at the time of bid, I had huge personal loan from my friends and relatives. I had also taken huge amounts from my customer/buyer by way of signing the contract/agreement for supply of black stone. When the operation of black stone quarry was stopped by the authorities alleging false, vague and illegal demand of Rs. 8,63,33,919/- with regard to over extraction of black stone and initiation of Certificate Case No.08 of 2024, the buyers issued legal notices to me for non supply of black stone and further claimed huge damages/compensations against me. Finding no way out, on 28.09.2024, I met the authorities in their office and submitted a letter intimating therein that I will deposit the amount of Rs.4,20,47,585.00 under protest and without prejudice to my rights & contentions in the matter as I have never over extracted the alleged quantity of 80,112 cubic meter of black stone and further stated that the demand including 100% penalty of royalty is not leviable by the authorities, as it violates the provisions of Odisha Minor Mineral Concession Rules, 2016,

It is further submitted that after initiation of the aforesaid certificate case, the authorities specifically the Collector, Jajpur, put pressure on me to deposit demand amount, otherwise the certificate amount will be recovered from

me forcible. Finding no way out, I have deposited the said amount of Rs. 4,20,47,585.00 under protest and without prejudice to my rights & contentions in the matter on the following dates only to overcome the pending certificate proceeding;

Sl. No.	Date	Amount
1.	30.09.2024	Rs.52,55,949.00
2.	22.01.2025	Rs.15,00,000.00
3.	22.01.2025	Rs.30,00,000.00
4.	23.01.2025	Rs. 7,55,949.00
5.	23.01.2025	Rs.30,00,000.00
6.	24.01.2025	Rs.22,55,949.00
7.	03.03.2025	Rs.30,00,000.00
8.	03.03.2025	Rs.15,00,000.00
9.	04.03.2025	Rs. 7,55,949.00
10.	25.03.2025	Rs.2,10,23,796.00
	Total :	Rs.4,20,47,592.00

As I have deposited the entire amount of Rs.4,20,47,592.00 under protest, on 26.03.2025, the Collector, Jajpur was pleased to close the said certificate case against me.

In the aforesaid circumstances, on 06.12.2024, one public complaint petition was filed before your Honour alleging over production by me. Accordingly, on 30.01.2025, one show cause was issued to me by your Honour. After receipt of the aforesaid show cause notice, on 26.03.2025, I have submitted my show cause reply denying the allegation of over extraction of 80,112 cubic meter of black stone, which is pending consideration of your Honour.

In this regard, one Dushmant Kumar Bal had filed an application before the Hon'ble NGT, Kolkata, which was registered as O.A.No.68/2025/EZ. In the said O.A., on 15.04.2025, the Hon'ble NGT was pleased to issue notice to the Respondents and further directed the Collector and District Magistrate, Jajpur, Senior Scientist, Odisha State Pollution Control Board and the Director of Mines, Government of Odisha to constitute a committee with regard to allegations made in original application.

It may be noted that on 03.12.2024, the Deputy Director of Mines and Mining Officer, Jajpur, Regional Officer, State Pollution Control Board, Kalinga Nagar, Tahasildar, Dharmasala along with the

revenue officials visited Aruha and after field inquiry prepared a joint inquiry report, wherein it is stated that Aruha BSQ No.5 is situated 210 meters away from the Railway lines, 310 meters away from the Jabartali village road, 315 meters away from the Habitations (Jabartali) and 290 meters away from Jabartali Government Primary School). On 10.12.2024, the said joint inquiry report was prepared and on 11.12.2024, the said inquiry report was submitted before the State Government by the Deputy Director of Mines, Jajpur for kind information and action.

It is further submitted that on 07.03.2025, the Mining Officials including Deputy Director of Mines and Mining Officer, Jajpur, Regional Officer, State Pollution Control Board, Kalinga Nagar, Tahasildar, Dharmasala along with the revenue officials also visited Aruha again and an ORSAC Empanelled Agency M/s. TKS Consultancy Services also conducted the survey through DGPS as per the request of State officials. On 17.03.2025, M/s. TKS Consultancy Services submitted its report and map on the distance measurement of human habitats, railway line, pond, schools etc. from Aruha Black Stone quarries before the Mining Officer, Jajpur, wherein Aruha BSQ No.5 are in safe distance i.e. more than 200 meter from the nearby Habitats, Railway line, Ponds and Schools etc.

3/6

On 24.03.2025, the Additional District Magistrate (Rev.) Jajpur, Divisional Forest Officer, Cuttack, Deputy Director of Mines (Minor Minerals), Jajpur Circle, Sub-Collector, Jajpur, , Regional Officer, State Pollution Control Board, Kalinga Nagar and Mining Officer, Jajpur were also jointly visited the black stone quarry area of Aruha village with field officials Tahasildâr, Dharmasala and accordingly, on 28.03.2025, the joint enquiry report was prepared, wherein it was found that the Aruha BSQ No.3 and 5 are in safe distance i.e. more than 200 meter from the nearby habitants, railway line, ponds and schools etc. As regards the extraction of minor minerals beyond a depth of 6 meters from the surface area, the same could not be ascertained physically/eye estimation due to peculiar geographical conditions of the hilly terrain interspersed with valley like landscape and patches of the plain road, for which it was decided to engage ORSAC empanelled agency.

Pursuant to the order/direction dated 15.04.2025 of this Hon'ble NGT in O.A.No.68/2025/EZ, on 08.05.2025, the Additional District Magistrate (Rev.) Jajpur, Regional Officer, State Pollution Control Board, Kalinga Nagar, Deputy Director (Tech-Geology), Directorate of Minor Minerals, Odisha, Bhubaneswar, Deputy Director of Mines, Directorate of Mines & Geology, Odisha, Bhubaneswar, Deputy Director of Mines (Minor Minerals), Jajpur Circle, Mining Officer, Jajpur and Tahasildar, Dharmasala were jointly visited the black stone quarry area of Aruha BSQ 3 and 5. After

due enquiry, on 16.05.2025 the joint enquiry report was prepared along with and findings, action taken etc.

It is further submitted that on 16.06.2025, the Odisha Space Applications Centre (ORSAC) has prepared a report, wherein the exaction of Aruha BSQ 5 has not gone beyond 6 meters from the lowest undisturbed contour line.

In the meanwhile, on 07.07.2025, I have filed a writ application in the Hon'ble High Court of Orissa inter-alia challenging the order dated 18.01.2024 of the Collector, Jajpur and the order dated 02.04.2024 as well as the demand notice dated 25.04.2024 of the Tahasildar, Dharmasala, and further prayed to get the refund of Rs.4,20,47,585.00 along with interest. The said writ application was registered as W.P.(C) No.18637 of 2025, which is pending for adjudication.\

I have also filed my response/counter affidavit before Hon'ble NGT Kolkata denying the allegations and 08.07.2025, the aforesaid original case is adjourned to 12.09.2025 for filing of rejoinder affidavit by the Applicant as well as hearing.

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In the aforesaid facts and circumstances, it is humbly submitted that the Aruha BSQ 5 is safe in distance as well as I have not operated more than 6 meters from the lowest undisturbed contour line. I have also filed a writ application in the Hon'ble High Court of Orissa being W.P.(C) No.18637 of 2025 with regard alleged extraction of 80,112 cubic meter of black stone, which is pending for adjudication. Further there is no interim order passed by Hon'ble NGT, Kolkata in OA No.68/2025/EZ with regard to operation of Aruha BSQ 5 or any court of law has passed the interim order with regard to operation of Aruha BSQ. Hence I request your Honour once again to withdraw the letter No.6433/SEIAA-161/01-2025 dated 06.05.2025 and allow me to operate the Aruha Black Stone Quarry No.5 without any further delay.

Thanking You,

Bhubaneswar

Date: 28.07.2025

Yours Sincerely

Manoj Kumar Samal

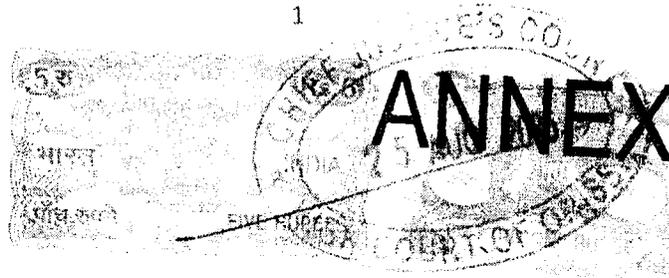
Manoj Kumar Samal

At/P.O. Aruha; Dist:: Jajpur,

Odisha

TRUE COPY ATTESTED
ADVOCATE

3A



ANNEXURE-FF/16

39102

IN THE HIGH COURT OF ORISSA: CUTTACK

(Original Writ Jurisdiction)

W.P.(C) No. 23964 of 2025

Code No.289900

In the matter of :

An application under Article 226 of the Constitution of India.

AND

In the matter of :

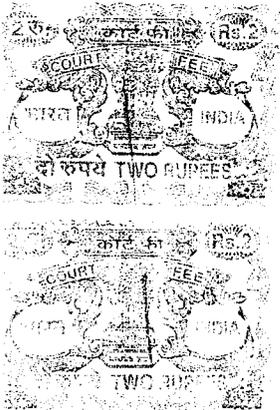
The Environment (Protection) Act, 1986 and Rules, Regulations made there under;

AND

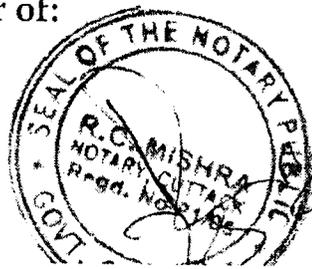
In the matter of :

An application challenging the in-action of State Environment Impact Assessment Authority, Odisha in allowing the Petitioner's Aruha Black Stone Quarry No.5 to operate irrespective of all statutory approval/clearances.

AND



er of:



25

LD

An application challenging the Letter No.6433/SEAIAA-161/01-2025 dated 06.05.2025 of State Environment Impact Assessment Authority, Odisha, wherein the Environmental Clearances (EC) granted to the Petitioner vide EC Identification No.EC22B001OR164789 dated 11.05.2022 for a period of five years (i.e. from the date of execution of lease deed) is kept in abeyance till the final decision on the enquiry report to be submitted by the District Administration as directed vide order dated 15.04.2025 by the learned NGT (EZ) in O.A.No.68/2025, whereas, pursuant to the order dated 15.04.2025 of the learned National Green Tribunal (EZ) passed in O.A.No.68/2025, on 16.05.2025, the District Administration, Jajpur has already submitted enquiry report before the learned National Green Tribunal (EZ), Kolkata in O.A.No.68/2025.

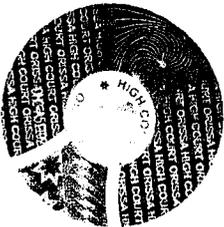


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AND

In the matter of:

Manoj Kumar Samal, aged about 34 years, son of Mahendra Kumar Samal, residing at Aruha, P.O. Aruha, P.S. Dharmasala, District- Jajpur, Odisha.



Petitioner.

-Versus-



Handwritten signature/initials

1. Union of India, represented through its Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-110 003.
2. The State Level Environment Impact Assessment Authority, Odisha, Plot No. 5RF-2/1, Acharya Vihar, Unit - IX, OPTCL Colony, Anand Bazar, Bhoi Nagar, Bhubaneswar, Odisha 751022 represented through its Member Secretary.

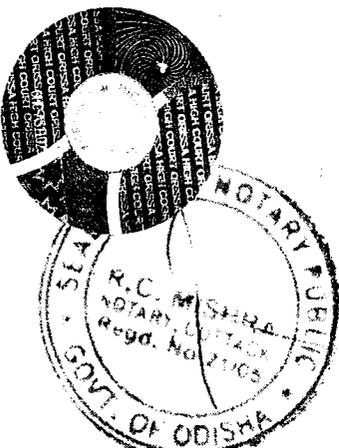
... **Opposite Parties.**

The matter out of which this Writ Application arises was not before this Hon'ble Court, however the other writ petitions relating to Odisha Minor Mineral Concession Rules, 2016 being W.P. (C) No.17332 of 2020 disposed of on 01.06.2023, W.P. (C) No.36628 of 2023 disposed of on 10.11.2023 and W.P. (C) No.18637 of 2025 (pending) as per the instruction of Petitioner.

To

The Hon'ble Chief Justice of the Hon'ble High Court of Orissa and His Lordships Companion justices of the said Hon'ble Court.

The humble petition of the Petitioner
above named.



42



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23964 of 2025

Manoj Kumar Samal

.....

Petitioner

*Mr. Prabhu Prasad Mohanty,
Advocate*

-versus-

Union of India & Anr.

.....

Opposite Parties

*Mr. Rajesh Kumar Mahapatra,
Sr. Panel Counsel*

CORAM:

THE HON'BLE DR. JUSTICE SANJEEB K. PANIGRAHI

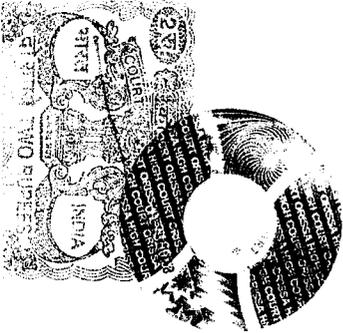
Order

ORDER

No.

03.09.2025

01. 1. This matter is taken up through hybrid arrangement.
2. The Petitioner, by filing this Writ Petition, has made a prayer to quash the letter dated 06.05.2025 of State Level Environment Impact Assessment Authority, Odisha/Opposite Party No.2 under Annexure-9.
3. During course of hearing, learned counsel for the Petitioner submits that before approaching this Court, the Petitioner has already ventilated his grievance before the State Level Environment Impact Assessment Authority, Odisha/Opposite Party No.2 by way of representations dated 11.07.2025 and 28.07.2025 vide Annexures-14 & 15.



Signature valid

Digitally Signed
Signed by: GITANJALI NAYAK
Reason: Authentication
Location: OHC
Date: 04-Sep-2025 16:33:12



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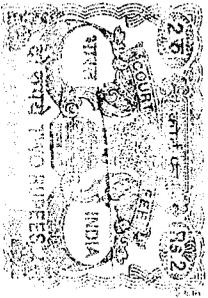
He further submits that the said grievance of the Petitioner is still pending.

4. He, accordingly, prays that a direction may be issued to the State Level Environment Impact Assessment Authority, Odisha/Opposite Party No.2 for considering the said grievance of the Petitioner.

5. Considering the submission of the Petitioner and on going through the averments made in this Writ Petition, this Court without going into the merits of the case, directs the State Level Environment Impact Assessment Authority, Odisha/Opposite Party No.2 to act upon the representation filed by the present Petitioner. The same exercise shall be completed within a period of two weeks from the date of presentation of a certified copy of this order.

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

Dr. S. K. Panigrahi, J.
(Dr. Sanjeeb K. Panigrahi)
Judge



Signature valid

Digitaly signed
Signed by: GITANJALI NAYAK
Reason: Authentication
Location: OHC
Date: 04-Sep-2025 16:33:12



Recd by
4/9/25

TRUE COPY ATTESTED
ADVOCATE

ANNEXURE ^{ENV} 37/116

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

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

seiaaodisha@gmail.com

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

File No. SEIAA-257538/545-MINB1/02-2022

Letter no 6848/SEIAADated 12-11-2025

OFFICE ORDER

To

Sri Manoj Kumar Samal
S/o- Mahendra Kumar Samal
At/Po-Aruha, Ps-Dharmasala,
Dist-Jajpur, Odisha, Pin-755024

Email-mksamal10@gmail.com

Sub: Withdrawn in abeyance of Environment Clearance (EC) Identification No.- EC22B001OR164789 dated 11.05.2022 granted to Sri Manoj Kumar Samal, the successful bidder for mining of stone from Aruha Black Stone Quarry No.05 over an Area 20.00 Ac or 8.09 Ha bearing Khata no.779, Plot No. 2694 (P), 2807 (P) & 2808 (P) in Village-Aruha, Tahasil-Dharmasala, Dist-Jajpur, Odisha -Reg.-regarding withdrawn of abeyance of order dated 06.05.2025 of Authority.

Ref: 1. Order passed by Hon'ble NGT, EZ, Kolkata on dated 15.04.2025 in O.A. No.68/2025/EZ in the matter of Dusmant Kumar Bal Vrs. State of Odisha & Ors.
2. EC Identification No.-EC22B001OR164789 dated 11.05.2022
3. Our Show Cause notice to Sri Manoj Kumar Samal vide letter no.6237/SEIAA dated 30.01.2025 & reminder letter no.6310/SEIAA dated 28.02.2025.
4. The Collector & District Magistrate, Jajpur letter no. 4858 dated 29.03.2025
5. Show Cause reply from Sri Manoj Kumar Samal on dated 26.03.2025
6. Order passed by Hon'ble High Court of Orissa, Cuttack dated 03.09.2025 in W.P. (C) No. 23964 of 2025.
7. SEIAA, Odisha letter no. 6751 dated 19.09.2025 to the Mining Officer, Jajpur regarding quantity of material extraction, depth of mining and penalty imposed for excess mining.
8. The Mining Officer, Jajpur reply letter no. 6269 dated 06.10.2025
9. Tahasildar letter no. 75158 dated 26.09.2025 addressing to the Mining Officer, Jajpur.
10. SEIAA, Odisha letter no. 6791/SEIAA dated 08.10.2025 to The Tahasildar, Dharmasala regarding Methodology adopted for calculation of Environmental compensation for the said matter.
11. Thasildar, Dharmasala reply letter no. 8071 dated 28.10.2025 to SEIAA, Odisha

Sir/Madam,

The Show Cause Notice was issued by the Authority, SEIAA, Odisha to Sri Manoj Kumar Samal lessee of Aruha Black Stone Quarry No.05 vide letter no. 6237/SEIAA dated 30.01.2025

LMS

& reminder letter no.6310/SEIAA dated 28.02.2025 on the basis of Public Complaint petition dated 06.12.2024 of Smt. Banaprava Bal. Sarapanch, Aruha G.P. and villagers of Aruha, Tahasil-Dharmasala, Dist-Jajpur, Odisha and subsequently a case has been file before Hon'ble NGT, EZ, Kolkata in OA. No. 68/2025/EZ regarding excess production and violation of EC conditions. The copy of Show Cause Notice dated 30.01.2025 & 28.02.2025 was also sent to the Collector, Jajpur and DDM, Jajpur to submit an enquiry report on the same.

The Collector, Jajpur vide his letter dated 29.03.2025 have intimated that excess mining of **80,112 cum stone** material from source Aruha Black Stone Quarry No.05 has been excavated and subsequent hearing on the matter was carried out by the Collector & District Magistrate, Jajpur, arising out of W.P. (C) No. 36628/23 for the excess mining and a fine amounting to **Rs. 4,20,47,585/-** was imposed on the lessee Sri. Manoj Kumar Samal which was collected from him in 08 (eight) instalments. The lessee has cleared all his outstanding dues at present and that OPDR case has been closed on 26.03.2025.

The matter was placed in 197th SEIAA, Odisha meeting held on 29.04.2025 and the Authority observed that project proponent, Sri Manoj Kumar Samal has accepted that there was excess mining of **80,112 cum stone** material from source of Aruha Black Stone Quarry No. 05 (20.00 acres) for which fine amounting of **Rs.4,20,47,585/-** was imposed by Tahasildar, Dharmasal which was deposited by him in 08 (eight) instalments and the same was also confirmed by the Collector & District Magistrate, Jajpur vide their letter dated 29.03.2025. However, the fact of mining being done beyond 6-meter depth has not been complied to conclusively and has been referred to ORSAC for scrutiny. Also, the environmental damage caused due to over production has still not been quantified and levied. Considering the facts and information submitted and discussion held on the matter, the Authority decided that Environmental Clearance (EC) granted to Shri Manoj Kumar Samal for operation of Aruha Black Stone Quarry No. 05 (20.00 acres) vide EC Identification No. EC22B001OR164789 dated 11.05.2022 shall be kept in abeyance till the final decision on the enquiry report to be submitted by the District Administration as directed vide order dated 15.04.2025 of Hon'ble NGT (EZ) in OA No. 68/2025. As per the decision of Authority, SEIAA, Odisha, the EC abeyance letter vide letter no. 6433/SEIAA dated 06.05.2025 was issued to Sri Manoj Kumar Samal till the final decision on the enquiry report to be submitted by the District Administration as directed vide order dated 15.04.2025 by Hon'ble NGT (EZ) in OA No. 68/2025. Accordingly, the Counter Affidavit was submitted by SEIAA before the Hon'ble NGT and the matter is sub-judice for next hearing on 04.12.2025.

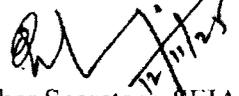
The Project Proponent Sri Manoj Kumar Samal aggrieved by the order dated 06.05.2025 of SEIAA, Odisha, filed a case before the Hon'ble High Court of Orissa vide W.P. (C) No. 23964 of 2025 and after hearing the matter, the Hon'ble High Court vide order dated 03.09.2025 has disposed of the matter with a direction to SEIAA, Odisha/respondent no. 02 to act upon the respondent filed by the present Petitioner. The same exercise shall be completed within a period of two weeks from the date of presentation of certified copy of this order. Further, the petitioner has submitted the petition copy along with certified copy of High Court dated 03.09.2025 by speed post dated **10.02.2025** for consideration of their case. In order to comply the Hon'ble High of Orissa order dated 03.09.2025, the SEIAA, Odisha has issued a letter vide letter no. 6751 dated 19.09.2025 to the Mining Officer, Jajpur regarding the excess quantity of material that has been extracted from the source, depth of mining and penalty imposed for excess mining. The Mining Officer vide their letter no. 6269 dated 06.10.2025 has mentioned that the extraction has not gone beyond six meters from the lowest undisturbed contour line of the lease area as per the authenticity of the report submitted by ORSAC on dated 16.06.2025. Also, mentioned that the lessee Sri Manoj Kumar Samal has deposited the imposed penalty amounting to **Rs.4,20,47,585/-** for over-extraction of **80112 Cum** of black stone which includes royalty, penalty and environmental compensation. The Tahasildar vide letter no. 75158 dated 26.09.2025 addressing to the Mining Officer, Jajpur has also clarified that the amount mentioned vide demand notice has been calculated in compliance to the order passed by the Collector & DM, Jajpur in Misc case no. 109/2023 arising out of W.P.(C) No. 36628/2023. Upon careful examination of the above demand notice along with other Demand passed in various Misc Case in respect of other BSQs, it revealed that same methodology has been adopted for arriving at the final demand amount. However, the demand notice under question i.e. 2244 dated 25.04.2024 along with its relevant case records has been maintained by a different officer. Hence, there are chances that while maintaining the order sheet the then incumbent officer might have failed to reflect the environmental compensation part in the said order sheet. Further, it is noticed that all the demand notice has adopted the same methodology with minor difference in the order sheet. It is further clarified that the environmental compensation has been duly assessed and imposed as part of penalty amount in the demand under question. With reference to Mining Officer letter dated 26.09.2025, the SEIAA, Odisha has issued a letter no. 6791/SEIAA dated 08.10.2025 to the Tahasildar, Dharmasala regarding submission of Methodology adopted for calculation of Environmental compensation for the said matter. The Tahasildar, Dharmasala vide letter no. 8071 dated 28.10.2025 has also clarified that the methodology adopted for calculating the environmental compensation towards environmental damage due to excess mining have been assessed by the competent Authority as per the Approached-2 methodology as prescribed in the

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order dated 07.03.2022 of the Hon'ble NGT in OA no. 150/2017/EZ. An amount of Rs.4.20.47,587/- has been realised towards environmental damage and excess extraction of stone material from Aruha Black Stone Quarry of lease area of 20.00 acres.

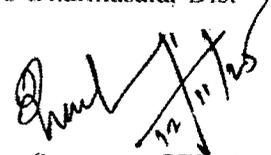
In this regard, the matter has been examined in 250th SEIAA, Odisha meeting held on 11.11.2025 and after careful perusal of all the case records, communications with different concerned authorities, and as per the direction of the Hon'ble High Court, Odisha Order dated 03.09.2025 in W.P.(C) No. 23964 of 2025, the Authority decided that the abeyance order of EC letter no. 6433/SEIAA dated 06.05.2025 in respect of Aruha Black Stone Quarry (20.00 acres) in favour of Sri Manoj Kumar Samal is hereby withdrawn subject to outcome of the final order of Hon'ble NGT, EZ, Kolkata in OA No. 68/2025.

By the order of Authority of SEIAA, Odisha


Member Secretary, SEIAA

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A.118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept. of Odisha Bhubaneswar for information.
6. Collector & DM, Jajpur, Sub-Collector, Jajpur, DFO, Cuttack, Tahasildar, Dharmasala /Mining Officer, Jajpur for Information and necessary action.
7. Sri Manoj Kumar Samal, S/o- Mahendra Kumar Samal, At/Po-Aruha, Ps-Dharmasala, Dist-Jajpur, Odisha. Pin-755024 for information.
8. Guard file for record/Website / Parivesh Portal.


Member Secretary, SEIAA

TRUE COPY ATTESTED


ADVOCATE