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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 68 OF 2025

I.A NO.- 02 OF 2026

IN THE MATTER OF:

DUSMANT KUMAR BAL

APPLICANT

VERSUS

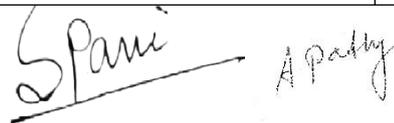
STATE OF ODISHA AND ORS

RESPONDENTS

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PLACE: Bhubaneswar



DATE: 10/01/2026

SANKAR PRASAD PANI

ASHUTOSH PADHY

ADVOCATE

Plot 2132/4814, Nageswartangi, Bhubaneswar 751002 Cell-9437279278,

Email: sankarprasadpani@gmail.com

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****ORIGINAL APPLICATION NO. 68 OF 2025**

Under Section 19(4) (i), (j), (k) read with 18(1) of National Green Tribunal Act,
2010

I.A No.- _____ OF 2026**IN THE MATTER OF:**

Dusmant Kumar Bal S/o Golakh Chandra Bal, Aged about 45 years
At/Po/-Aruha Ps-Dharmasala Dist-Jajpur, Odisha, 755024,

APPLICANT**VERSUS**

1. State of Odisha represented by Chief Secretary, Government of Odisha, Lokaseva Bhawan, 751001 Bhubaneswar csori@nic.in
2. Additional Chief Secretary, Revenue and Disaster Management Department, Government of Odisha, Lokaseva Bhawan, Bhubaneswar, 751001, revsec.od@nic.in
3. Additional Chief Secretary, Forest and Environment Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: fesec.or@nic.in



4. Collector & Dist. Magistrate Jajpur, At/PO/Dist- Office of the Collector and District Magistrate, Jajpur-755001, Email- dm-jajpur@nic.in
5. Superintendent of Police, Jajpur, AT/PO-Panikioli, Jajpur, 755043, Pin-
Email- spjpp.odpol@nic.in
6. **Member Secretary, Odisha State Pollution Control Board**
A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012,
Odisha Email: paribesh1@ospcboard.org,
7. **Regional Officer, Odisha State Pollution Control Board, Kalinga**
nagar, At- Dhabalagiri, Po – F.C Project, Jajpur Road, Dist – Jajpur –
755020. Email: rospcb.kalinganagar@ospcboard.org (**deleted vide order dated 15/04/2025**)
8. **Member Secretary, State Environment Impact Assessment Authority**
(SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit – IX,
751022 Email: member.secy@ospcboard.org
9. Director of Mines, directorate of Mines, Government of Orissa,
Bhubigyan Bhawan , Bhubaneswar, Khordha, PIN-751001
dirmines_odisha@rediffmail.com
10. Tahasildar Dharmasala, At/Po/PS- Office of Tahsildar, Dharmasala, Pin-
755008, Email- tdrdharmasala@gmail.com



11. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office (EZ), A/3, Chandersekharpur, Bhubaneswar – 751023, Email: roez.bsr-mef@nic.in
12. **Regional Director, Central Ground Water Board**, South Eastern Region, Bhubaneswar Bhujal Bhawan, Khandagiri, Bhubaneswar, Pin- 751030, Email: rdser-cgwb@nic.in
13. Deputy Director of Mines, At/Po Jajpur Road, Dist-japur Email: ddm.jajpurroad@orissaminerals.gov.in Pin- 758001
14. Director General of Mine Safety, Government of India, HEAD OFFICE, DHANBAD (Jharkhand), PIN: 826001, Email- usaha@dgms.gov.in
15. SARAT KUMAR JENA, aged about-62 years, S/o- Hrudananda Jena, At/Po- Aruha, Tehsil-Dharmasala, Jajpur -755024
16. MANOJ KUMAR SAMAL, aged about-32 years, S/o- Mahendra Samal, At/Po- Aruha, Tehsil-Dharmasala, Jajpur -755024

.....**RESPONDENTS**

IN THE MATTER OF : Interlocutory Application for direction to the Respondent No. 13 to furnish the total volumetric assessment of the Quarry No. 2/5 and 2/3 from the date of grant of Environmental clearance to till today.

IT IS MOST RESPECTFULLY SHOWETH

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I, Dusmant Kumar Bal S/o Golakh Chandra Bal, Aged about 45 years At/Po/-Aruha Ps-Dharmasala Dist-Jajpur, Odisha, 755024, do hereby solemnly affirm and declare that I am the Applicant in the above mentioned Application and I am fully conversant with the facts and circumstances of the case.

1. That the present original application has been filed by the Applicant praying for the following reliefs,

The Hon'ble Tribunal may please to consider to pass the following directions.

- I. Direct the SEIAA and SPCB to withdraw the environment clearance and CTO for violation of EC conditions and non-filing of quarterly environment compliance report
- II. Direct the Committee to ascertain if the quarry is in compliance of CPCB guideline dated 12/05/2020
- III. Show cause the SEIAA authority and SPCB for inaction despite of complaint dated 07/12/2024 and fix the responsibility of the erring officer
- IV. Director of Mines and Geology, Government of Odisha to assess the extent/quantum of Minor Minerals/Stone from the Aruha BSQ Cluster No.2/3 and Aruha BSQ excavated illegally and its market value, **cost of restitution and environmental compensation and recover the same from the private respondent**
- V. Fix the accountability/responsibilities of the concerned Govt. authorities and Tahasildar Dharmasala for their inaction and wilful dereliction of duties causing loss to the state exchequer and damage to the environment

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- VI. Pass such other orders/directions as may be deemed fit and proper in the bonafide interests of justice.
2. **The Environmental Clearance** has been granted on dated **11/05/2022** to the Aruha BSQ-5 and **Environmental Clearance dated 17/01/2023** for Aruha Black Stone quarry (Cluster Serial No-2/5), **Mining plan has been approved on dated 29/01/2022 and 28/03/2022** respectively.
 3. That the lessee is supposed to maintain a register and actual amount of excavation and there after file a monthly, quarterly and half yearly report. However, in the present case, it appears there has been no monitoring by the Mining department/ Tahasildar (before handing over the Mining Sources to mining department) and the **concerned department has not verified the quantity of minor mineral excavated quarterly for which the excess mining has gone much more beyond the capacity and no action has been taken against the lessee.** Further not verifying the source from time to time as prescribed in the Orissa Minor Mineral Concession Rules 2016 (OMMC rule) as well as EC condition No. 7.20 and 7.21 and the same amounts dereliction of duty on the part of mining officer/ Tahasildar.
 4. It is further submitted that when this issue of excess mining, mining beyond lease area, violation of EC conditions and mining plan are raised before the Hon'ble Tribunal, the **Deputy Director of Mines is under obligation to disclose the full and clear information about the violations** committed by the lessee and the Deputy Director of Mines is **now trying to withhold**

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the information from the Hon'ble Tribunal in terms of furnishing information in piecemeal (assessment report of only 3 months) and same is contemptuous, for which appropriate action is warranted against the mining officer and Deputy Director of Mines.

5. Needless to say that when the Environmental Clearance is granted on dated **11/05/2022 to the Aruha BSQ-2/5** and Environmental clearance dated 17/01/2023 for Aruha Black Stone quarry (Cluster Serial No-2/3) and the notice from this **Hon'ble Tribunal is being issued on dated 15/04/2025**, ideally the assessment should have been done from the date of grant of environmental clearance to till the date of notice of the OA, however in the present case the **volumetric assessment is being carried out from dated 19/10/2024 to 28/02/2025** and from dated 08/11/2024 to 28/02/2025 of the Aruha BSQ-2/5 and Aruha Black Stone quarry (Cluster Serial No-2/3) respectively, the **reason for choosing this date and for the period of 3 months is best known to the Deputy Director of Mines**. It is not out of place to mention here that the **quarry is in operation for last 3 years**. This itself suggests the DDM is trying to cover up the violations and excess mining by furnishing a **half-baked report of three months only**. Further the Applicant believes ORSAC has prepared the total excavation report which indicated a huge amount of excavation and the same report has been shared with DDM Jajpur so as to cover up the large scale illegal excavation a three month report has been prepared.



6. It is further evident from the ortho images that **there has been no safety zone, no plantation/greenbelt, mining beyond lease area, however the DDM has not mentioned or measured such illegal mining beyond lease area and within safety zone.** Further even after it is brought to his notice no remedial measures has been taken nor the environment compensation has been computed and recovered.
7. Surprisingly the **SEIAA authority which has earlier revoked the Environment clearance pursuant to public complaint** and based on the report of DDM, have now reinstated the Environmental clearance letter when the violation is still there, no remedial measures has been taken and no change in the ground situation from the time of suspension of Environmental clearance and reinstatement of Environmental clearance.
8. It is further submitted that the Mining Officer, Jajpur vide letter No. 924 dated **18/02/2025** requested the M/S T.K.S. consultancy services to conduct Drone Survey w.r.t five (5) nos. of Minor Minerals Sources under Dharmasala Tahasil of Jajpur district and again vide letter No 1751 dated **24/03/2025**, however as on date no such report has been filed before the Hon'ble Tribunal. Copy of the letters are annexed here with as **ANNEXURE-1.**
9. It is not out of place to mention here that the Respondent No.4 has filed one additional counter affidavit on dated **02/10/2025** wherein one volume assessment report has been filed by the Respondent No.4 in page number



784 onwards. In page number 786 of the paper book it is categorically mentioned that *“The modification of mining plan was approved on dated - 28.10.2024.”* however as on date the same has never been placed before the State Expert Appraisal Committee for their recommendation and **never been approved by the SEIAA authority.** It is pertinent to mention here that as per the Environmental Clearance condition No. 9.8 it is categorically mentioned that *“9.8 Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. The detailed production of road metal from the lease area of each year shall be submitted in tabular form during submission of compliance report”* however in the present case no such mining plan has been approved by the SEIAA authority and never been placed before the SEAC and mining activity is allowed in absence of the SEIAA approved mining plan.

10. It is further submitted that the Deputy Director of Mines has permitted the quarrying activity in absence of the SEIAA approved mining plan and the same suggests the Deputy Director of Mines is in nexus with the lessee of Aruha BSQ 2/5 and also encouraging the illegal mining activity.
11. It is further submitted that there has been **no assessment of quantity of over burden and topsoil available at designated site however more than 20% of the total excavation were being treated as over burden** and has

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not been corroborated with the existing over burden and top soil. Let the Respondent No. 13 place on record the **quantum of top soil and over burden stacked** and existing at the designated site as per the approved mining plan.

12. That the photograph dated 06/01/2026 suggests the Respondent No. 16 started operation of the quarry and carried out blasting with explosives. Copy of the photograph dated 06/01/2026 is annexed here unto as **ANNEXURE-2.**

PRAYER

In view of the afore mentioned submissions the Respondent No.13 may be directed to furnish the total **volumetric assessment of the quarry No. 2/5 and 2/3 from the date of grant of Environmental clearance to till today indicating details of overburden and top soil exists at the quarry site, Violations of Mining Plan, Lease Conditions and EC conditions.**

And for this act of kindness, the petitioners as in duty bound shall ever pray.

Bhubaneswar

10/01/2026

**By the Applicant
Through**

S. Pani → *A. Pathy*

ADVOCATE



BEFORE THE NATIONAL GREEN TRIBUNAL AT KOLKATA

Original Application No. 68 of 2024

DUSMANT KUMAR BAL

APPLICANTS

VERSUS

STATE OF ODISHA &ORS ...

RESPONDENTS

AFFIDAVIT 10 JAN. 2026

I, Dusmant Kumar Bal S/o Golakh Chandra Bal, Aged about 45 years At/Po/-Aruha Ps-Dharmasala Dist-Jajpur, Odisha, 755024, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above mentioned Application and I am fully conversant with the facts and circumstances of the case
2. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

Dusmanta Kumar Bal

DEPONENT

IDENTIFIED BY
Advocate - 0-108/23
ADVOCATE

10 JAN. 2026

VERIFICATION

I, Dusmant Kumar Bal S/o Golakh Chandra Bal, Aged about 45 years At/Po/-Aruha Ps-Dharmasala Dist-Jajpur, Odisha, 755024, do hereby verify that the contents of the Para 1 to 12 are true to my personal knowledge and Para to.....believed to be true on legal advice and that I have not suppressed any material fact . Verified at Bhubaneswar on 10/01/2026.



S.P. Jais
10 JAN 2026
Notary, Bhuvaneshwar

Dusmanta Kumar Bal

VERIFICANT

JANMEJAYA RAUTRAY
NOTARY, GOVT OF ODISHA
BHUVANESWAR
REGD. NO. 09-86/2012
Mob No-7978501217



GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR
 E - mail: ddmjajpur.mm@gov.in

Letter No. 924 /MM, Jajpur/ Date 18.02.2025

To

M s. TKS Consultancy Services,
 ORSAC Empanelled Agency,
 Plot No.4482/12068, Pandara,
 Rasulgarh, Bhubaneswar.

Sub: Request to conduct Drone Survey w.r.t five (5) nos. of Minor Minerals Sources under Dharmasala Tahasil of Jajpur district.

Ref: Letter No.463 Dated 17.02.2025 of the Director of Minerals, Odisha.

Sir,

With reference to the subject cited above, you are requested to conduct Drone Survey of five (5) nos. of Minor Minerals Sources i.e. (1) Aruha Black Stone Quarry-18.88 Acre, (2) Aruha Black Stone Quarry-20 Acre, (3) Aruha Black Stone Quarry-1, (4) Aruha Black Stone Quarry-2 and (5) Aruha Black Stone Quarry under Dharmasala Tahasil of Jajpur district at the earliest, as the compliance report needs to be submitted before the Director of Minor Minerals, Odisha within seven days.

Yours faithfully,

Encl: Letter of the DOMM, Odisha.

Memo No. 925 M.M. Jajpur/Date. 18.02.2025 Mining Officer (I/C), Jajpur.

Copy submitted to the Chief Executive, Odisha Space Application Centre (ORSAC), Odisha, Bhubaneswar for favour of kind information and necessary action.

Memo No. 926 M.M. Jajpur/Date. 18.02.2025 Mining Officer (I/C), Jajpur.

Copy submitted to the Deputy Director of Mines, Jajpur Circle, Jajpur for favour of kind information.

Mining Officer (I/C), Jajpur.



GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR

E-mail: ddmjajpur.mm@gov.in

Letter No. 1751 /MM, Jajpur/ Date 24-03-2025

From

Mining Officer,
Jajpur District.

To

FKS Consultancy Services,
Plot No. 4482 12068, Pandra near puri NH
GGP Colony, Rasulgarh, BBSR - 751025

Sub: Allegation of the residents of Aruha Village, Dharmasala Tahasil, Jajpur regarding illegal mining going on in the Aruha Stone Quarry, Dharmasala-regarding.

Ref: (1) Letter No.6330 Dated 11.03.2025 of the Chairman, SEIAA, Odisha.
(2) This office Letter No.924, Dated.18.02.2025.

Sir,

With reference to the subject and this office letter under reference, you were requested to submit the Drone & DGPS Survey Report at the earliest which is still awaited. In addition to this, the Chairman, SEIAA, Odisha has sought information regarding extraction of black stone within the permissible limit i.e. up to a depth of 6 metres from the surface as prescribed in the approved mining plan of the concerned stone quarry.

In this regard, you are requested to submit a report primarily whether excavation has been done beyond 6 metre or not with a supporting Map w.r.t Aruha BSQ (20 Acre) and Aruha BSQ (18.88) Acre under Tahasil Dharmasala, Dist-Jajpur within two (2) days.

Yours faithfully,

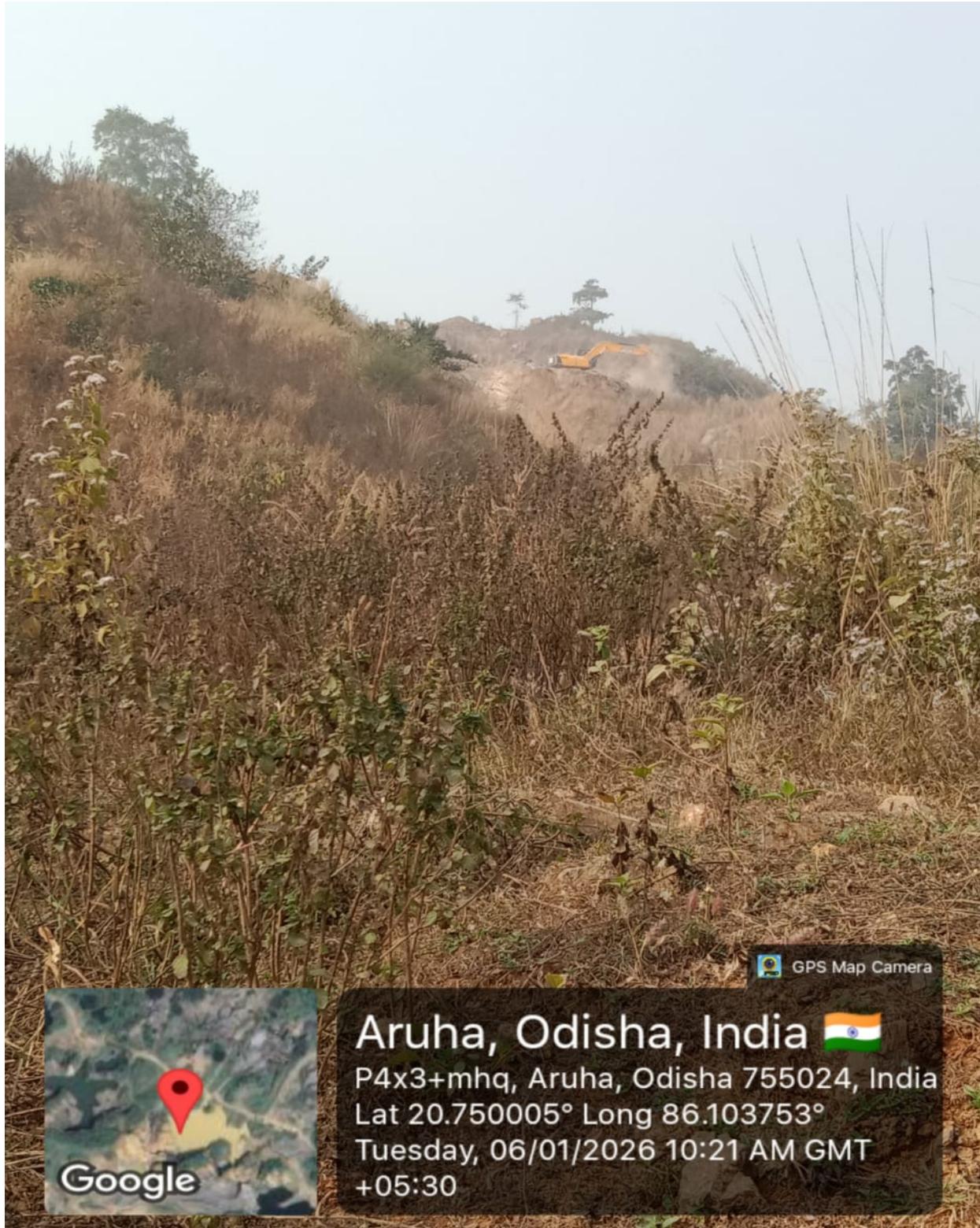
Mining Officer (I/C), Jajpur.

Memo No. 1752 , M.M. Jajpur, Date. 24-03-2025

Copy submitted to the Deputy Director of Mines, Jajpur Circle, Jajpur for favour of kind information.

Mining Officer (I/C), Jajpur.

THAT THE BELOW ATTACHED PHOTOGRAPH DATED 06/01/2026 SUGGESTS THE LESSEE OF ARUHA BSQ2/5 HAS STARTED MINING ACTIVITY WITHOUT HAVING SEIAA APPROVED MINING PLAN.



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 06/01/2026 SUGGESTS THE LESSEE OF ARUHA BSQ2/5 HAS STARTED MINING ACTIVITY WITHOUT HAVING SEIAA APPROVED MINING PLAN.





Sankar Pani <sankarprasadpani@gmail.com>

IA FILED BY APPLICANTIN OA 68 OF 2025, NGT/EZ

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Mon, Jan 12, 2026 at 10:15 AM

To: office@padmeshmishra.com, Papiya Banerjee Bihani <pbanerjeebihani@gmail.com>, apurba ghosh <apu7law@gmail.com>, Ashok Prasad <Ashokadvhc@gmail.com>, prabhupadamohanty@gmail.com

Dear Sir/Madam, please find the attachment.

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Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
Res-Plot No 2132/4814(B), Nageswar Tangi,
Bhubaneswar, 751002
Cell- 9437279278
Skype- sankar.pani

**ARUHA IA revised excavation FINAL.pdf**

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