

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

O.A. No.104/2024/EZ

Nilamani Mahapatra

... **Applicant**

-VERSUS-

State Of Odisha And Others

... **Respondents**

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Place: Cuttack

Dtd. 12/05/2025



ADVOCATE

For the Respondent No.17

(PRAVAT KUMAR MUDULI)

ADVOCATE

Email:pravatmuduli2007@gmail.com

Mob. No.9861143461

12/05/2025

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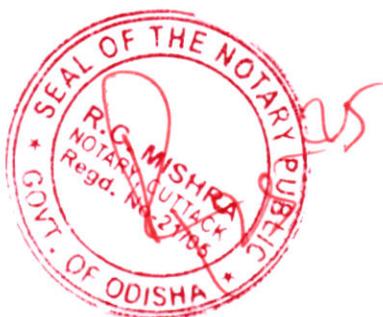
**REPLY ON BEHALF OF RESPONDENT NO.17 TO THE REJOINER
AFFIDAVIT DTD.18.02.2025 FILED BY APPLICANT:**

I, Sri Gangadhar Nayak, aged about 59 Years, S/o. late Nilakantha Nayak, at present working as Regional Manager, Narangarh Khondalite Mines, Odisha Mining Corporation Ltd., UNIT-V, Bhubaneswar-751001, Dist. Khurda, do hereby solemnly affirm and state as follows:

1. That, I am working as Regional Manager, Narangarh Khondalite Mines, Odisha Mining Corporation Ltd. and have been duly authorized to file this Affidavit for and on behalf of the Respondent No.17.
2. That, I have read and understood the contents of Rejoinder Affidavit dtd.18.02.2025 filed by the Applicant as well as the documents annexed thereto and understood the contents and purport thereof. I am otherwise well acquainted with the facts of the present Case. I am filing this Affidavit based on records maintained by the answering Respondent No.17.
3. That, at the outset, I deny each and every averment / assertion / allegation / contention made / raised by the Applicant in the Rejoinder Affidavit dtd.18.02.2025, unless same is admitted specifically herein after. No averment or assertion or allegation or contention raised by Applicant in the Rejoinder Affidavit should be deemed to have been admitted on the ground of non-traverse.

Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar

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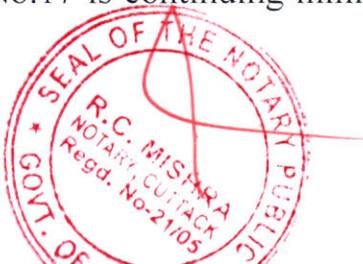
4. That, it is submitted that there is no Para Wise Reply by the Applicant to the Reply Affidavit dtd.17.02.2025 filed by Respondent No.17. Hence, the averments and submissions made by Respondent No.17 in the Reply Affidavit dtd.17.02.2025 are deemed to have been accepted by the Applicant.

5. That, the averments made in Paragraph-1 of Rejoinder Affidavit needs no reply from this answering Respondent No.17.

6. That, the allegations made in Paragraph-2 of Rejoinder Affidavit that Respondent No.17 is carrying out mining activities within Safety Zone, is not correct, disputed and denied specifically. The averment of the Applicant that "...and also as stated by the respondent No.17 they are not maintaining the 100 meter safety zone from the residential house of the villagers" is misconceived, disputed and denied hereby. It is submitted that Respondent No.17 has left Safety Zone of 7.5 mtrs. from the boundary of Mining Lease as per Metalliferous Mines Regulation, 1961. Area adjacent to Narangarh Khondalite Stone Quarry belongs to Shree Jagannath Temple Administration (SJTA), Puri as well as Government. Many people have forcibly encroached the area of SJTA. No quarrying operation is going on within 100 meters of any residential building / public building / inhabited site / School / Anganwadi Centre. The Committee which visited the Mines in question on 20.06.2024 in compliance of Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building.

7. That, the allegations made in Paragraph-3 of Rejoinder Affidavit that the statement of Respondent No.17 that they are maintaining a safe distance of 100 meters from the residential houses is not true but the reality is that in some portion of mining lease area, distance is less than 100 meter and in those portions also Respondent No.17 had already mined and in some place, Respondent No.17 is continuing mining activities, is not correct, misconceived,

Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar



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disputed and denied specifically. It is submitted that before grant of mining lease in favour of Respondent No.17 in respect of the area in question, lease area in question was under unauthorized occupation of illegal miners for illegal mining purposes. Applicant has never objected to illegal mining by outsiders over lands recorded in the name of Lord Jagannath. Lease area is surrounded by Plots which stands recorded in the name of Shree Jagannath Temple, Puri and some private persons are in forcible possession of said lands of Shree Jagannath Temple Administration, Puri. As stated earlier, no quarrying operation is going on within 100 meters of any residential building / public building / inhabited site / School / Anganwadi Centre. A distance of 7.5 meter has been left inside ML boundary as Safety Zone. The Committee which visited the Mines in question on 20.06.2024 in compliance of Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building.

8. That, the allegations made in Paragraph-4 of Rejoinder Affidavit that Narangarh High School boundary is just contiguous to mining lease area of Respondent No.17, is not correct, misconceived, disputed and denied hereby. It is submitted that the Committee which made the joint field visit to the Mines in question on 20.06.2024, in Point No.2 of Report observed that *"In Narangarh mouza, one Ashram school and one High school named Chintamani Vidya Niketan are located within a distance of 85 meters and 120 meters from lease boundary respectively as per report of Tahasildar, Khordha."* Hence, it is evident that the High School is located more than 100 meters away from lease boundary. The Committee which visited the Mines in question on 20.06.2024 in compliance of the Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building. The persons who are in unauthorized possession of lands belonging to Lord Shree Jagannath

Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar



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Mahaprabhu, Puri and Government, are involved in illegal mining throughout day and night over the lands of Lord Shree Jagannath, Puri without any permission from the Authorities concerned. Such illegal mining is, in and around the leasehold area of the Respondent No.17. Illegal mining is being done manually during the day time and by deploying heavy earth moving machineries during night, very very close to the inhabitants site. Applicant as well as the inhabitants have no objection at all to such illegal mining. It is relevant to mention here that mining operation / quarrying operation in the lease area, is going on more than 100 meters away from both the Schools. At the cost of repetition, it is submitted that no quarrying operation is going on within 100 meters of any residential building / public building / inhabited site / School / Anganwadi Centre. A distance of 7.5 meter has been left inside the ML boundary as Safety Zone.

9. That, the allegation made in Paragraph-5 of Rejoinder Affidavit that from the surface plan which was filed by Respondent No.17 before the Directorate General of Mines Safety also suggests that Respondent No.17 is carrying out mining activities within 100 meters, is not correct, misconceived, disputed and denied specifically. As stated earlier, no quarrying operation is going on within 100 meters of any residential / public building as well as inhabited site. Before the grant of mining lease in favour of the Respondent No.17 in respect of the area in question, the area in question was under unauthorized occupation of illegal miners for illegal mining purposes.

10. That, the averment made in Paragraph-6 of Rejoinder Affidavit that in Page-190 (Annexure-R-17/2) of Paper Book is the mining lease of quarry in question and in the Map, green portion suggests the Safety Zone of the quarry, in Page-332, another Land use/ Land cover map has been filed by the Respondent No.17 where the Map clearly suggests that the lessee i.e. Respondent No.17 has already mined in the Safety Zone, is not correct,

Gangadhar Nayak
Regional Manager
Khandaita Group of Mines
O.M.C. Ltd. Bhubaneswar



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misconceived, disputed and denied specifically. It is submitted that Respondent No.17 has left Safety Zone of 7.5 meters from the boundary of Mining Lease area as per Metalliferous Mines Regulation, 1961. The land use / land cover map as submitted under Annexure-R17/13 along with Counter Affidavit never indicated that mining has been done by Respondent No.17 along Safety Zone.

11. That, the allegation made in Paragraph-7 of Rejoinder Affidavit that the statement of Respondent No.17 that they are not mining in Safety Zone is not true and same is evident from the photographs taken by Applicant on 31.01.2025 which clearly suggest that lessee is mining from Pillar Nos.27, 28 & 29 and not maintaining Safety Zone, is not correct, misconceived, disputed and denied specifically. It is submitted that the photographs annexed by the Applicant as Annexure-3 is very clear which shows that illegal mining is rampant and very adjacent to intermediate boundary lease pillar and the illegal mining is so extensive that the illegal miners are pushing the dig out soil (OB) inside the lease area of Respondent No.17. Relevant to mention here that the lands surrounding the lease area, stands recorded in the name of Shree Jagannath Temple Administration, Puri as well as State Government and same have been forcibly occupied by several persons. It is seen that adjacent to Mining Lease area of answering Respondent No.17, outsiders are involved in illegal mining throughout day and night over the lands of Lord Shree Jagannath, Puri without any permission from the Authorities concerned. Such illegal mining is being done manually during day time and by deploying heavy earth moving machineries during night. Photographs showing illegal mining during day time as well as during night time have already been placed on record by this answering Respondent No.17 as Annexure-R-17/3 to the Counter Affidavit. Regarding illegal mining, FIR has also been lodged by the Mining Officer, Cuttack Circle under Annexure-R-17/4 to Counter Affidavit.

Gangadhar Nayak
Regional Manager
Khandalite Group of Mines
O.M.C. Ltd. Bhubaneswar

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12. That, the allegation made in Paragraph-8 of Rejoinder Affidavit that the Map which was submitted by the Respondent No.17 before the State Pollution Control Board prior to grant of CTE is a false and fabricated Map wherein Respondent No.17 has suppressed material facts regarding existence of residential houses within 500 meter radius of quarry, is not correct, misconceived, disputed and denied specifically. It is submitted that existence of School has been shown in the Plan submitted by the Respondent No.17. Relevant to mention here that in that Plan (Annexure-4 of Rejoinder), limit of 60 meter radius zone has been indicated and School is located much beyond that area. At present, School is having more than 100 meters distance from the mining working area. Lease area is surrounded by Plots which stands recorded in the name of Shree Jagannath Temple, Puri as well as Government and some private persons are in forcible possession of those lands of Shree Jagannath Temple Administration, Puri. However, as stated earlier, it is submitted that no quarrying operation is going on by the Respondent No.17 within 100 meters of any residential building / public building / inhabited site / School / Anganwadi Centre. The Committee which visited the Mines in question on 20.06.2024 in compliance of Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building.

13. That, the averment made in Paragraph-9 of Rejoinder Affidavit that after grant of CTE to Respondent No.17, another 300 meter illumination plan was filed wherein existence of many residential houses within 300 meter from the quarry lease area has been shown, is not correct, misconceived, disputed and denied specifically. It is submitted that those residential houses adjacent to quarry lease area exists over Plots which stands recorded in the name of Shree Jagannath Temple, Puri. As stated earlier, the Committee which visited the Mines in question on 20.06.2024 in compliance of Order dtd.28.05.2024 passed

Gangadhar Nayak
Regional Manager
Kironalite Group of Mines
O.M.C. Ltd. Bhubaneswar



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by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building.

14. That, in reply to the averments made in Paragraph-10 of Rejoinder Affidavit, it is submitted that the Committee which visited the Mines in question on 20.06.2024 in compliance of Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that any mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building.

15. That, in reply to the averments made in Paragraph-11 of Rejoinder Affidavit, it is submitted that Applicant has no right to question the observations made by the Committee Members in the Report, as the Committee visited the Mines in question in compliance of Order dtd.28.05.2024 passed by this Hon'ble Tribunal. It is further submitted that as per Rule-26(11)(a) of Odisha Minor Minerals Concession Rules, 2016, lessee shall not carry on or allow to be carried on, any mining operation at any point within a distance of one hundred meters from any Railway line, except in accordance with the written permission of the Railway Administration concerned. In the instant Case, Quarry in question is situated far away from the prescribed limit of 100 meters. Applicant himself has admitted in the answering Paragraph that Tapang Railway Station is 700-750 meters away from the Quarry in question.

16. That, the allegation made in Paragraph-12 of Rejoinder Affidavit that the lessee is not obeying its undertaking against which CTE has been granted by the State Pollution Control Board, is false, without any basis, misconceived, disputed and denied specifically. It is submitted that Respondent No.17 has restricted its mining activity more than 100 meters away from residential / public buildings and inhabited sites. Existence of boundary of ML area within 100 meters of any School / Anganwadi Centre / Residential Building / Public

Ganpatkar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar

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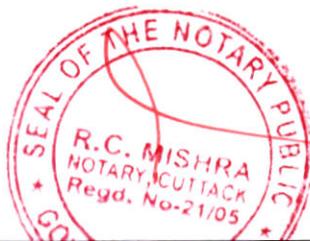
Building, does not mean that mining operation is also going on within 100 meters of the School / Anganwadi Centre / Residential Building / Public Building. The Committee which visited the Mines in question on 20.06.2024 in compliance of Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building.

17. That, the allegation made in Paragraph-13 of Rejoinder Affidavit that the State Pollution Control Board has granted the CTE mechanically without application of mind and also violated their own check list of documents prior to grant of CTE, is not correct, misconceived, disputed and denied specifically. It is submitted that after lapse of more than four years, Applicant is estopped to raise such incorrect and baseless pleas. Lease was granted by Government of Odisha in Steel & Mines Department Vide letter No.8086/S&M, dtd.24.09.2020.

Copy of letter No.8086/S&M, dtd.24.09.2020 is filed herewith and annexed as **Annexure-R-17/1**.

18. That, the allegation made in Paragraph-14 of Rejoinder Affidavit that Respondent No.17 has filed false six-monthly compliance report before the competent authority, is not correct, misconceived, disputed and denied specifically. It is submitted that for ensuring the safeguard and well-being of Villagers, one dedicated Ambulance has been provided for medical treatment of people of surrounding Villages. As and when required, people of the locality are being taken in the Ambulance free of cost to nearby Medical / Hospital for treatment. Cost of Ambulance as well as its maintenance and salary of Ambulance Staff are borne by Respondent No.17. All possible steps are being taken by Respondent No.17 for well-being of the Villagers. Occupational Health Check-ups for workers engaged in the Mines are undertaken from time to time. Relevant to mention here that since due to grant of mining lease in favour of Respondent No.17, illegal mining in the leasehold area has been completely

Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar



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stopped, mining operation by Respondent No.17 is being opposed by local Villagers at the instance of illegal miners. Due to non-co-operation of local Villagers, regular health monitoring of Villagers was not possible though several attempts were taken for health monitoring of Villagers on the day when Health Check-ups for workers engaged in Mines are undertaken. However, with much difficulty and with the active support of local administration, health monitoring of Villagers could be done by Respondent No.17 in the month of January & February, 2025 by conducting Health Camps. Steps have also been taken to conduct more Health Camp in future with the active support of local administration. Steps taken by OMC Management to conduct Health Camps in the month of April, 2025 could not yield any result due to non-availability of Approved Mining Plan which resulted in the stoppage of Mining Operation. The Approved Mining Plan has been received on 28.04.2025. Health Camp will be conducted in the month of May, 2025 with the help of local administration.

19. That, the allegation made in Paragraph-15 of Rejoinder Affidavit that Visiontek Consultancy Services Pvt. Ltd is providing false report to the Project Proponent, is false, without any basis, misconceived, disputed and denied specifically. It is submitted that earlier during month of August'2024, M/s. Visiontek Consultancy Services Pvt Ltd., an NABL accredited Agency was monitoring Ambient Air Quality (AAQ) by installing instrument at Roof of Saraswati Vidya Mandir. At present, M/s. Visiontek Consultancy Services Pvt Ltd. is taking Ambient Air Quality measurement at Jagannath Temple, Bhogapur which is nearer to mines, since Owner of premises of Saraswati Vidya Mandir is no more allowing M/s. Visiontek Consultancy Pvt. Ltd. to take air samples at School premises, after getting information from the present Applicant regarding filing of accompanying Original Application before this Hon'ble NGT. Hence, contrary allegations being devoid of merit are liable to be rejected.

Gangadhar Nayak
 Regional Manager
 Khondalite Group of Mines
 O.M.C. Ltd. Bhubaneswar

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20. That, the allegation made in Paragraph-16 of Rejoinder Affidavit that as per knowledge of Applicant, same road does not belong to Railway Administration, is not correct, disputed and denied specifically. It is submitted that 700 meters length road situated in between Railway Track and Railway Pillars which belongs to Railway Administration from main road to Railway Staff Quarter.

Photocopy of Road inside Railway area is filed herewith and annexed as **Annexure-R-17/2.**

21. That, the allegation made in Paragraph-17 of Rejoinder Affidavit that prior to grant of CTO dtd.18.11.2020, an inspection was carried out by SPCB on 07.10.2020 wherein it clearly stated that the Project Proponent shall take provisions of Community Hall for local inhabitants but as on date no such Community Hall has been made by the Project Proponent, is not correct, misconceived, disputed and denied specifically. It is submitted that a sum of Rs.1,14,20,000/- (One Crore Fourteen Lakh Twenty Thousand) has already been released one time during the FY 2023-24 by the Respondent No.17 in favour of BDO, Khordha towards implementation 23 no's of Projects in and around Narangarh Gram Panchayat. After receipt of funds amounting to Rs.1,14,20,000/- from Respondent No.17, it is the sole responsibility of Government Officials at Panchayat level for construction of Community Hall.

22. That, in reply to averments made in Paragraph-18 of Rejoinder Affidavit, it is submitted adjacent to Mining Lease area of Respondent No.17, outsiders are involved in illegal mining throughout day and night over the lands of Lord Shree Jagannath, Puri without any permission from Government Authority. Such illegal mining is being done manually during day time and by deploying heavy earth moving machineries during night. Photograph showing illegal mining during day time as well as during night time, Copy of FIR lodged by Mining Officer, Cuttack Circle, Copy of the Written Report sent to the Inspector In

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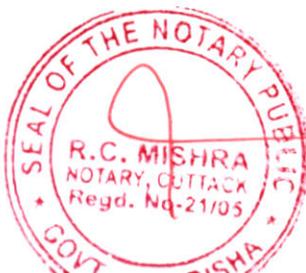
Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar

Charge of Jankia Police Station along with the Postal Receipt and Copy of the Written Report sent to the Mining Official of Cuttack and District Magistrate, Khordha along with the Postal Receipts, have already been filed as Annexures-R-17/3, R-17/4, R-17/17 & R-17/18 by the Respondent No.17. Till date, the Applicant has never lodged any Written Report before any Authority regarding illegal mining by Third Parties over the lands of Lord Jagannath which are adjacent to the boundary of Quarry Lease of Respondent No.17, which itself shows the intention of Applicant in filing this Original Application.

23. That, in reply to the averments made in Paragraph-19 of Rejoinder Affidavit, it is submitted that a distance of 7.5 meter has been left inside the ML boundary as Safety Zone. The Committee which visited the Mines in question on 20.06.2024 in compliance of Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building. No quarrying operation is being carried out within 100 meters of any residential building / public building / inhabited site / School / Anganwadi Centre. The machineries used for mining and its allied activities are regularly maintained and are well equipped with acoustic enclosures to avoid noise pollution. Further no high-level noise generating drilling machine is used for drilling of stone from the Quarry. In the Affidavit dtd.16.08.2024 filed by Collector & District Magistrate, Khordha, report dtd.05.07.2024 on the Ambient Air Quality & Noise Level Monitoring has been attached where it has been stated that Ambient Air Quality and Noise level monitoring were conducted by Officials of Regional Office, State Pollution Control Board, Odisha, Bhubaneswar on 25.06.2024 & 26.06.2024. In its conclusion, it is stated that basing upon the monitoring result i.e. Ambient Air Quality & Ambient Noise Level, no such high concentration of particulate matter (PM₁₀) and high intensity of noise were observed.

Spagadhar Nayak
Regional Manager
Khandalite Group of Mines
O.M.C. Ltd. Bhubaneswar

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24. That, the allegations made in Paragraph-20 of Rejoinder Affidavit that operation that took place in violation of CPCB guideline dtd.12.05.2020 is to be treated as illegal mining and Environmental Compensation need to be computed against Respondent No.17 and the excess mining has not been accessed by the Mining Department though the Committee has recommended for calculation of excess mining, is totally misconceived, disputed and denied specifically. It is submitted that Respondent No.17 have left Safety Zone of 7.5 mts and further there is encroachment by private persons surrounding the lease area which stands recorded in the name of Shree Jagannath Temple, Puri. Quantum of minor mineral extracted by Respondent No:17 has been assessed in a most erroneous manner. After receipt of Show Cause Notice issued Vide letter No.544/Mines, dtd.15.02.2025, following discrepancies have been observed:

- a. Extracted volume have been calculated considering the Satellite based image as Initial and Drone Image as final. It is also observed that with reference to Annexure-III submitted with the Notice, total volume has been assessed over an area of 4.795 Hects. (based on DGPS surveyed area). However, the actual total excavation area is 2.071 Hects. only out of the total leasehold area of 4.795 Hects. (as per DGPS).
- b. With reference to Map No.4371/3, dtd.13.02.2025 (Annexure-III to Notice), it was observed that most of the area has been considered as net loss area & the volume has been arrived at, accordingly but the mining operation in confined only to an area of 2.071 Hects.
- c. With reference to Map No.4371/3, dtd.13.03.2025 (Annexure-III of Notice), it was observed that most of non-working area inside lease area from 2020 to 2025 (Planation area, Dump Area, Office Infrastructure area, Road area etc.) has been taken as Net Loss Area which is clearly visible in Drone based Ortho Data shown in Map No.4371/7, dtd.13.02.2025.

Gangadhar Nayak
 Regional Manager
 Khondalite Group of Mines
 O.M.C. Ltd. Bhubaneswar



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Pursuant to Show Cause Notice No.544/Mines, dtd.15.02.2025, Show Cause Reply has been submitted by the Mines Manager, Kundakundi Kunda Khondalite Mines, Narangarh to DDM, Cuttack Circle Vide letter No.88/OMC/NKDL/2025, dtd.25.02.2025 wherein a request has been made to re-calculate the volume in the excavated area limited to 2.071 Hects. only.

Since no response was received from DDM, Cuttack Circle, the Mines Manager, Kundakundi Kunda Khondalite Mines, Narangarh Vide letter No.136/OMC/NKDL/2025, dtd.21.03.2025 requested the Chief Executive ORSAC, for re-measurement by following one method only i.e. either Ortho Satellite image or as per Drone based Ortho data and to conduct DGPS Survey by excluding the non-working area inside the leasehold area to recalculate the volume of excavation after excluding the infrastructure area, office, road, water reservoir etc and to submit the same to Deputy Director of Mines, Cuttack Circle, Cuttack. Copy of said letter datd.21.03.2025 was also sent to Director of Mines & Geology, Steel & Mines Department, Govt of Odisha, District Magistrate, Khordha and Deputy Director of Mines, Cuttack Circle, Cuttack.

In response, ORSAC Vide Office Order No. ORSAC/PR/1230/2024/1242(13), dtd.02.04.2025 deputed two Sr. Engg. Assts. to carry out Boundary Survey over excavation area around Kundakundi Kunda Stone Quarry (Khondalite), Narangarh on 04.04.2025. Accordingly, Boundary Survey over excavation area around Kundakundi Kunda Stone Quarry was done on 04.04.2025 by the Officials of ORSAC. After re-survey, volume of total excavation excavated from Kukdakundi Kunda Stone Quarry, during the period from 28.12.2020 to 29.01.2025 has been re-assessed by ORSAC. After re-assessment, volume of excavation comes to 1,98,731.100 Cubic Meter. After receipt of re-assessment report dtd.15.04.2025 of ORSAC, Respondent No.17 has requested the DDM, Cuttack Circle, to drop the Show Cause Notice dtd.15.02.2025 regarding excess extraction. Till date, no response has been

Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
G.M.C. Ltd. Bhubaneswar



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received from DDM, Cuttack Circle pursuant to letter No 208/OMC/NKDL/2025, dtd.02.05.2025 of Respondent No.17.

25. That, the allegations made in Paragraph-21 of Rejoinder Affidavit are not correct, misconceived, disputed and denied specifically. The allegation that SPCB while granting CTE & CTO has failed to recognize that the Quarry exists in close proximity to human habitation rather has given a false report saying that there is no residential house exists within 100 meter, that the Inspecting Officer of the Inspection Report dtd.15.09.2020 also gave false information regarding other parameters so as to favour the mining project in violation of environmental standard and Citing Criteria, is not correct, misconceived, disputed and denied specifically. It is submitted that while granting CTE and renewing CTO, each time Environmental Scientist from Regional Office, SPCB, Bhubaneswar has made site visit and done inspection.

26. That, the allegation made in Paragraph-22 of Rejoinder Affidavit that many of the CTO conditions have not been complied and still no action has been taken by the SPCB, is not correct, misconceived, disputed and denied specifically. It is submitted that the Project Proponent has taken all possible steps to comply the conditions stipulated in CTO.

27. That, the allegation made in Paragraph-23 of Rejoinder Affidavit is not correct, misconceived, disputed and denied specifically. It is submitted that Mining Technology and Scope of working has never been modified as alleged by the Applicant. Since OMC has never modified any Plan of excavation, quantum of mineral and Waste Mining Technology as well as the scope of working beyond the quantity mentioned in the Environment Clearance, prior approval of SEIAA is not required.

28. That, the allegation made in Paragraph-24 of Rejoinder Affidavit that mining project is being allowed to operate where there are age old human habitation exist as close as within 50 meter and further after grant of EC, SEIAA

Gangadhar Nayak
Regional Manager
Khandaita Group of Mines
O.M.C. Ltd. Bhubaneswar



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Authority failed to discharge its duty of filing quarterly compliance report by the Project Proponent and its verification of the report as whether all the conditions of EC are being fully complied or not, is not correct, misconceived, disputed and denied specifically. It is submitted that no quarrying operation is being done at present within 100 meters of any residential / public buildings as well as inhabited sites. The lease area is surrounded by Plots which stands recorded in the name of Shree Jagannath Temple, Puri as well as Government and some private persons are in forcible possession of the lands of Shree Jagannath Temple Administration, Puri.

29. That, the allegation made in Paragraph-25 of Rejoinder Affidavit that admittedly in the present case, many conditions are being violated including mining within Buffer Zone but no action has been taken by SEIAA like cancellation of Environmental Clearance as per Environmental Clearance stipulated Condition No.37, is not correct, misconceived, disputed and denied specifically. It is submitted that mining activity is being carried out within the mining lease area after leaving 7.5 meter of Safety Zone within the inner perimeter of ML area. As stated earlier, no mining / quarrying operation is going on within 100 meters of any residential building / public building / inhabited site / School / Anganwadi Centre. The Committee which visited the Mines in question on 20.06.2024 in compliance of the Order dtd.28.05.2024 passed by this Hon'ble Tribunal, never pointed out that mining operation is going on within 100 meters of any School / Anganwadi Centre / Residential Building / Public Building.

30. That, in reply to the averments made in Paragraph-26 of Rejoinder Affidavit, it is submitted that the accompanying Original Application is not a bonafide one but has been filed at the instance of illegal miners. By grant of mining lease in favour of the answering Respondent No.17, illegal mining in leasehold area which was earlier going on, has been stopped completely but

Gangadhar Nayak
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar



[Handwritten signature]

illegal mining is going on outside / adjacent to leasehold area. Illegal miners with the help of local Villagers as well as the Applicant are trying to completely stop the mining operation by Respondent No.17 so that they will again continue with their illegal mining activities in the leasehold area of Respondent No.17. As per MoU executed between the Works Department, Govt Of Odisha, Shree Jagannath Temple Managing Committee & Respondent No.17, Khondalite Stones are supplied by the Respondent No.17 to various temples as per the requirements of the Government of Odisha from time to time. As per the "Augmentation of Basic Amenities and Development of Heritage and Architecture" (ABADHA) Scheme and as per the directions issued by the State Government from time to time, Khondalite Stones from the mines in question are supplied to the State Government by the Respondent No.17-OMC Ltd. free of cost, for use in Shree Jagannath Temple Administration, Puri as well as other ancient temples of Puri district and other public places / public buildings of the Puri district, to make Puri as a World Heritage City. No production is made from the mines in question for commercial sale.

31. That, in reply to the averments made in Paragraph-26 of Rejoinder Affidavit, it is submitted that M/s. Visiontek Consultancy Pvt. Ltd. is a NABL accredited agency and State Pollution Control Board, Odisha recommended laboratory. M/s. Visiontek Consultancy Pvt. Ltd. is carrying out regular Environmental monitoring each month. Hence, the contrary averments being devoid of merit are liable to be rejected.

32. That, in view of the facts stated above, the prayers made in the Original Application are devoid of merit, hence liable to be rejected. Consequently, the Original Application being devoid of merit is also liable to be rejected with cost.

33. That, the averments / allegations made in the Rejoinder Affidavit which have not been specifically dealt with and / or denied, are deemed to have been denied.

(Handwritten signature)



(Handwritten signature)
Regional Manager
Khondalite Group of Mines
G.M.C. Ltd. Bhubaneswar

34. That, the deponent reserves the right to file further Affidavit / Affidavits, as and when required / directed, for an effective adjudication of the matter.

35. That, the facts stated above are true to the best of my knowledge and belief and also based upon available records as well as information.

Identified by
P. K. Muduli
Advocate
Cuttack
Dtd. 12/05/2025-

Gangadhar Nayak
DEPONENT
Regional Manager
Khondalite Group of Mines
O.M.C. Ltd. Bhubaneswar

Certified that cartridge papers are not available.

Muduli
ADVOCATE

(PRAVAT KUMAR MUDULI)
ADVOCATE
Email: pravatmuduli2007@gmail.com
Mob. No.9861143461



solemnly affirm on in Oath by the Dependent
at Cuttack on *12.5.25* being identified
by *P.K. Muduli*
Advocate/Adv's Office/Adv's office/Notary
personally, that the facts stated above are
true to the best of his/her knowledge.

R.C. Mishra
RAMA CHANDRA MISHRA, NOTARY
CUTTACK TOWN, REGD. No. 21/05

18

ANNEXURE-R-17/1

**GOVERNMENT OF ODISHA
STEEL & MINES DEPARTMENT**

No. 8086 /S & M, Bhubaneswar, dated the 24.09.2020
SM-MC2-MMCA-0004-2020

Sub: Grant of ML No.13 dated 10.01.2020 for Decorative stone (Khondalite) over an area of 11.545 Acres or Ha. 4.672 in village Narangarh under Khordha Tahasil of Khordha District in favour of Odisha Mining Corporation Limited (OMC Limited).

Order

Whereas, the prospecting of Kundakundi Kunda Stone quarry mining lease (Khondalite) over an area of 11.545 Acs or 4.672 Hectcs. in village-Narangarh under Khordha Tahasil of Khordha district was carried out by Shree Jagannath Temple Administration, Puri (SJTA). The GR for this block is available indicating the resource to be G2 level. The SJTA applied for mining lease vide its ML application No.12 dated 13.9.2019.

And whereas, the 6(six) Khondalite blocks were reserved with certain stipulations for mining purpose in favour of OMC Limited under rule-39 of the Odisha Minor Mineral Concession Rules, 2016 (herein after OMMC Rules, 2016) vide Government Notification No. 9804 dt. 11.12.2019 wherein reservation of aforesaid KundaKundi Kunda Stone Quarry, Narangarh was conditional upon withdrawal of M.L. application by Shree Jagannath Temple Administration, Puri (SJTA) in favour of OMC Limited. Accordingly OMC Limited submitted the ML application No.13 dated 10.1.2020.

And whereas, Shree Jagannath Temple Administration, Puri (SJTA) vide its letter dated 20.01.2020 withdrew the mining lease application No.12 dated 13.09.2019 as informed by the Mining Officer, Cuttack in his memo No.167/Mines dated 13.1.2020. Director of Mines while forwarding the said ML application No.13 dt.10.01.2020 has requested to consider the grant of mining lease in favour of OMC Limited.

And whereas, the lessee was asked vide Steel & Mines Department letter No.2826/SM, dated 16.03.2020 to accept the terms & conditions for grant of applied mining lease for Decorative stone (Khondalite) and the lessee vide its

Dibyajyoti Sahu **TRUE COPY ATTESTED**
D. Sahu
Asst. Manager (Mining)
Odisha Mining Corporation Ltd

letter No.4303/OMC/GS/2020 accepted those terms & conditions and intimated that it will also abide by the same.

And whereas, subsequently OMC Limited vide his letter No.10925/OMC/KNDL/2020 dated 07.09.2020 intimated that modified mining plan with progressive mining closure plan (PMCP) and Environmental Clearance were obtained in respect of the said mining lease.

Therefore, in view of the above, the State Government is hereby pleased to grant the mining lease for Decorative stone over an area of 11.545 Acres or Ha. 4.672 in village Narangarh under Khordha Tahasil of Khordha district under rule-8(2) read with rule 39 of the OMMC Rules, 2016 in favour of Odisha Mining Corporation Limited for a period of thirty years subject to the conditions laid down in the letter of intent issued by the State Government along with the conditions stipulated under Rule 26 and all other conditions pertaining to mining lease as provided in the said OMMC Rules, 2016.

The grant of aforesaid lease is also subject to the following conditions;

1. The mining lease holder(s) shall after ceasing mining operations, undertake re-grassing in the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
2. The lessee shall execute the lease deed(s) within a period of 3 (three) months from date of issue of this order subject to availability of the requisite clearances and the above conditions and undertakings shall form part of such deed.

By Order of the Governor

Abhe
24/9/2020
Joint Secretary to Government

Memo No. 8087 /S & M, Bhubaneswar, dated the 24.09.2020

Copy forwarded to the Managing Director, OMC Limited for information and necessary action.

TRUE COPY ATTESTED

Dibyajyoti Sahu
D. Sahu
Asst. Manager (Mining)
Odisha Mining Corporation Ltd

Abhe
24/9/2020
Joint Secretary to Government

20

Memo No. 8088 /S & M, Bhubaneswar, dated the 24.09.2020

Copy forwarded to the Director of Mines, Odisha, Bhubaneswar for information and necessary action.

A. Saha
24/9/2020
Joint Secretary to Government

Memo No. 8089 /S & M, Bhubaneswar, dated the 24.09.2020

Copy forwarded to the Mining Officer, Cuttack for information and necessary action.

The applicant company should comply with all the terms and conditions and execute the lease deed in the prescribed format as appended to the Rules, 2016 within 3 (three) months from the date of this order.

A. Saha
24/9/2020
Joint Secretary to Government

Memo No. 8090 /S & M, Bhubaneswar, dated the 24.09.2020

Copy forwarded to the Collector, Khordha for information and necessary action.

A. Saha
24/9/2020
Joint Secretary to Government

TRUE COPY ATTESTED

Dibyaranjan Sahu
D. Sahu
Asst. Manager (Mining)
Odisha Mining Corporation Ltd

ANNEXURE - R-17/2



Google

3H3J+3VJ, Narangarh, Odisha 752018, India

Latitude: 20.05283667

Longitude: 85.58193167

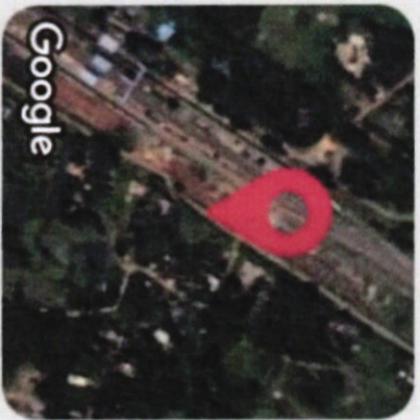
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TRUE COPY ATTESTED

Dibyranjan Sahu

D. Sahu

Asst. Manager (Mining),
Odisha Mining Corporation Ltd



3H3J+3VJ, Narangarh, Odisha 752018, India

Latitude: 20.05265500

Longitude: 85.58194000

28/03/2025 03:32 PM GMT+05:30

TRUE COPY ATTESTED

Dilipkrishna Sahu

D. Sahu

Asst. Manager (Mining)
Odisha Mining Corporation Ltd.