

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO ~~---~~ ²⁰²⁶ ~~---~~ ²¹ OF ~~2025~~

IN THE MATTER OF:

MRUTYUNJAY PRADHAN

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

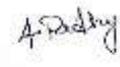
RESPONDENTS

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PLACE: BHUBANESWAR

SANKAR PRASAD PANI 

ASHUTOSH PADHY 

DATE: 16/12/2025

ADVOCATES

Bubaneswar, 751002, Cell-9437279278, Email: sankarprasadpani@gmail.com

SYNOPSIS

That the present application is being filed by the Applicant challenging the illegal lifting of soil/ earth by the private respondent from Plot No. 65,66,67,67/1491,73,1255/1494 of Khata No.- 130/244, Mouza- Gangasagar, Tahasil- Patnagarh, Dist- Bolangir. That the soil lifting has been done by the private respondent without having valid environmental clearance and permission from the competent authority. That the Applicant has also made representation to the concerned authorities regarding the illegal lifting of soil from the above mentioned plots and acting upon the representation of the Applicant Tahasildar Patnagarh has also issued one demand notice to the person who has illegally excavated the soil, however during the service of the demand notice the person in whose name land record exists, has passed away and the Government authorities issued notice to the legal heirs to recover the demand amount/ penalty amount, hence the present application is being filed to collect the demanded amount and to restore the land in question.

LIST OF DATES

08/08/2022	Clarification on the applicability of EIA notification MoEFCC OM dated 8/08/2022
28/02/2022	Judgment of Honble NGT dated in OA 110 of 2020(Santanu Kumar Bhukta vs State of Odisha)

03/07/2025 Mining Officer Balangir intimated Tahasildar Balangir regarding illegal soil lifting

05/07/2025 Demand notice issued by Tahasildar Patnagarh

15/07/2025 Tahasildar issued a letter to RI Batharlla to prepare the genealogy of Smt. Nirmala Meher

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

(Under Section 14 , 15 r/w. Section 18(1) & (2) of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO ----- OF 2025

IN THE MATTER OF:

Mrutyunjay Pradhan aged about 54 years, S/o Late Kirtan Padhan, resident of At/Po- Gangasagar Ps-Patanagarh, Dist-Balangir, Odisha -767025

...APPLICANT

Versus

- 1. STATE OF ODISHA** Through Chief Secretary, Government of Odisha, Lokaseba Bhawan At/po-Bhuabneswar, Dist-Khurdha, 751002 email: csori@nic.in
- 2. District Collector, Balangir**, Office of the Collector & District Magistrate, Balangir, At/PO - Balangir, Dist - Balangir, Pin- 767001, Email- dm-balangir@nic.in
- 3. Member Secretary**, Odisha State Pollution Control Board, A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha Email: paribesh1@ospcboard.org

4. **Member Secretary**, State Environment Impact Assessment Authority
(SEIAA) Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit – IX,
751022 Email: seiaaorissa@gmail.com
5. **Tahasildar Patnagarh**, At/Po- Tahasil Office, Patnagarh, Dist: Balangir,
Pin-767025, email- tah.patnag-od@nic.in
6. **Mining Officer (Minor Mineral)**, Balangir circle, AT/PO-Rajendra
College Chowk road, Balangir, Pin-767002,Odisha Email:-
mo.bolangir@orissaminerals.gov.in miningofficebolangir@gmail.com
7. Krushna Chandra Meher, At/Po- Patnagarh, Dist- Balangir, Pin-767025

RESPONDENTS

- I. The address of the Counsel of Applicant is given for the service of notices of this APPLICATION.
- II. The addresses of the Respondents are given above for the service of notices of this APPLICATION.
- III. That the Applicant is challenging the illegal lifting of Soil (Minor Minerals) in Patnagarh Tahasil of Balangir District without any Environment Clearance. The Tahasildar has only issued one demand notice however not recovered the same and also not took any deterrent action like Criminal Prosecution to prevent from

further illegal mining or to restore the land in question to its original condition.

IT IS MOST RESPECTFULLY SHOWETH

1. That the Applicant is a **local resident of Gangasagar village and the complainant before the authorities** and further he is concerned about the ecological damage and damage to adjoining agricultural lands caused by the Private Respondent who has illegally excavated 14580CM of the soil/earth from Plot No. 65,66,67,67/1491,73,1255/1494, of Khata No. 130/244. Mouza- Gangasagar, under Tahasil- Patnagarh of Dist- Bolangir.
2. That the Applicant has filed one representation through the Janasunani portal acting on which the Mining Officer Balangir inspected the site in question on dated **19/06/2025 and found that 14,580** cum of soil has been excavated in unauthorized manner and subsequently computed the penalty amount amounting to **Rs. 29,67,030,00**. Copy of the letter dated 03/07/2025 written by Mining Officer Balangir addressing to Tahasildar Patnagarh is annexed here unto as **ANNEXURE-1**.
3. That on dated 05/07/2025 Tahasildar Patnagarh has issued one demand notice to Smt. Nirmala Meher, the wife of the private respondent for recovery of the penalty amount computed by the Mining Officer Balangir. However the same has been returned as the addressee was found to be dead

during the service of the demand notice and son of the deceased refused to accept the notice. Copy of the letter dated 05/07/2025 is annexed here unto as **ANNEXURE-2**.

4. It is further submitted that again on dated 15/07/2025 the Tahasildar Patnagarh has written a letter to the Revenue Inspector Batharlla for preparation of genealogy of Recorded Tenant of deceased Smt Nirmala Meher, W/o Krushna Chandra Meher of Patnagarh and make column-2 correction. Further in the same letter the Tahasildar has also directed the RI to prepare the genealogy of Smt. Nirmala Meher and to start the process for correction of column-2 and to submit the action taken report by the next date i.e. on 16/07/2025. However as on date no action has been taken to realize the amount. Copy of the letter dated 15/07/2025 issued by Tahasildar Patnagarh is annexed here unto as **ANNEXURE-3**.
5. It is not out of place to mention here that the Private Respondent is trying to change the land use by illegally excavating soil from the site in question and trying to convert it for real estate purpose at the site in question. That due to the unauthorized excavation of soil, **the adjoining agricultural lands are getting affected and the owners of adjoining plots are suffering a lot due to the indiscriminate soil lifting by the Private Respondent.**
6. It is not out of place to mention here that all the soil/earth mining has been done **in absence of Environmental clearance**, from SEIAA Odisha.

7. That the photographs of the site in question also suggests that due to the unauthorized soil lifting a pond like structure has created and one part the adjoining agricultural lands are getting water logged during rain and the other side the water which use to come to the lands got stocked and land got dried in absence of water. Copy of the photographs of the site in question is annexed here unto as **ANNEXURE-4**.
8. That the mining of ordinary earth requires environment clearance and in view of the **MoEFCC OM dated 8/08/2022** and the Judgment of Honble NGT dated 28/02/2022 and order of Honble SC in Deepak Kumar case. Copy of MoEFCC letter dated 8/08/2022 is annexed here unto as **ANNEXURE-5**.
9. It is submitted that the lifting of Soil from all the afore mentioned sources are illegal and warrants appropriate action by the Tahasildar to the extent of seizure of vehicles, criminal proceedings against the person concerned and prohibiting the persons from lifting the soil/earth. Further, collecting the royalty and allowing the miners to go on further quarrying is not sufficient and deterrent too.
10. It appears that the Tahasil Office being in the helm of affairs and having obligation to ensure the laws are strictly followed has grossly failed in discharging the responsibilities. Further in absence of all the requisites necessary for obtaining environment clearance, consent to operate, consent

to establish, environment management plan, District Mineral Survey Report and mining plan all such illegal mining must be stopped.

11. That despite of the provision for criminal prosecution which upon conviction will end in two years imprisonment, the Tahasildar simply penalized the peanuts and compounded the offence that encourages the offender to continue with the illegal mining.

12. That the judgment of the National Green Tribunal, Principal Bench, in **Noble M. Paikada (Supra) was challenged in the Hon'ble Supreme Court in Civil Appeal No.1628-1629/2021**, wherein the Ministry of Environment, Forest and Climate Change Office Memoranda dated 20.03.2020, 08.08.2022, and 30.08.2023 as well as SOP have been duly considered by the Hon'ble Supreme Court and item 6 of the substituted Appendix IX forming part of the impugned Notification dated 28.03.2020 and item 6 of the amended impugned Notification dated 30.08.2023 have been struck down. Paragraphs 24 to 33 of the judgment dated 21.03.2024 read as under:-

“24. The impugned notification was issued two days after the nationwide lockdown was imposed due to the COVID-19 pandemic. At that time, the work of linear projects, such as roads, pipelines, etc., had come to a grinding halt. So, there was no tearing hurry to modify the EC notifications. Apart from the fact that no reasons have been assigned in

the counter affidavit filed by the Central Government for coming to the conclusion that in the public interest, the requirement of prior publication of notice was required to be dispensed with, we fail to understand the undue haste shown by the Central Government in issuing the impugned notification during the nationwide lockdown. Therefore, the inclusion of item 6 of the substituted Appendix-IX will have to be held illegal. We have already given reasons for not dealing with the challenge to item 7 of the impugned notification.

ARBITRARINESS

25. There is one more important ground for striking down item 6. But for item 6 in Appendix-IX to the impugned notification, for extraction, sourcing, or borrowing of ordinary earth for linear projects, prior EC would have been required in terms of the first EC notification. The very object of issuing the first EC notification incorporating the mandatory requirement of obtaining EC for projects was that the damage to the environment must be minimised while implementing projects.

When an exception is sought to be carved out by incorporating Appendix-IX to the requirement of obtaining EC in the first EC notification, the exception must be specific. Item 6 grants exemption for “extraction or sourcing or borrowing of ordinary earth for linear projects, such as

roads, pipelines, etc.” There is no specification about the quantum of ordinary earth, which can be extracted on the basis of the exemption.

32. Therefore, we have no hesitation in striking down item 6 of the substituted Appendix-IX forming part of the impugned notification dated 28th March 2020 and item 6 of the amended impugned notification dated 30th August 2023. Accordingly, we quash item 6 in the two notifications above.

33. The appeals are, accordingly, partly allowed on above terms. There will be no order as to costs.”

13. That Extraction of Minor Minerals without prior Environment Clearance is an offence under Section 15 of the Environment Protection Act 1986 **and same is reproduced as follows**

“(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.”

14. That District Collector is the authority under the Environment Protection Act 1986 to initiate criminal prosecution under Section 19 of Environment Protection Act 1986 and the District Magistrate in the present case have not asserted his authority and thereby failed to discharge his duties and hence the Hon’ble Tribunal may call for a satisfactory reply and direct the Chief Secretary for necessary action to that effect.

GROUND

- A. That the Private Respondent is illegally lifting soil/earth without Environment Clearance is in violation of Environment Impact Assessment Notification 2006
- B. That the right to Clean Air and Water which is guaranteed by expanding the scope of Article 21 of Constitution of India and same has been violated.
- C. That the ongoing illegal soil mining destroying the local ecology is against the spirit of Article 48A and 51A(g) that mandates for protection of environment

- D. Indiscriminate and illegal soil mining is in violation of Environment (Protection) Act, 1986, Forest Conservation Act 1980, and Hon'ble Supreme Court Order in Deepak Kumar Vs State of Hariyana and Common Cause Case.
- E. That the present illegal mining is against the principle of Precautionary Principle and attracts the Polluters Pay Principle.
- F. That due to the unauthorized soil mining adjoining agricultural lands are getting affected.

LIMITATION

That there is a subsisting cause of action because on dated 05/07/2025 the Tahasildar Ptnagarh has issued the demand notice and the same has not been recovered as on date, hence the application is not barred by limitation.

INTERIM PRAYER

Direct the Respondents to stop mining of soil/ordinary earth without environment clearance till disposal of the Original Application

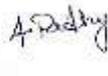
PRAYER

The Applicant humbly prays for the following reliefs in view of aforementioned facts and grounds

- I. Direct the district magistrate Balangir to restore the land in question.
- II. Direct the Respondents to compute environmental compensation and recover the same from the Private Respondent.
- III. Direct the Private Respondent to Restore and reclaim the void created due to extraction of soil.
- IV. Fix the accountability of the public authorities for their inaction in restraining the private respondent from illegal mining
- V. Direct the authorities to initiate criminal proceedings against the private respondent under Environment Protection Act 1986
- VI. Pass such other orders/directions as may be deemed fit and proper (including appropriately moulding the reliefs) in the bonafide interests of justice.

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

By the Applicant Through

ADVOCATE

Date-16/12/2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NOOF 2025/EZ

IN THE MATTER OF:

MRUTYUNJAY PRADHAN

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT 16 DEC 2025

I, Mrutyunjay Pradhan aged about 54 years, S/o Late Kirtan Padhan, resident of At/Po- Gangasagar Ps-Patanagarh, Dist-Balangir, Odisha -767025, hereby solemnly affirm, and declare as under:

- 1. That I am the Applicant in the abovementioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
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

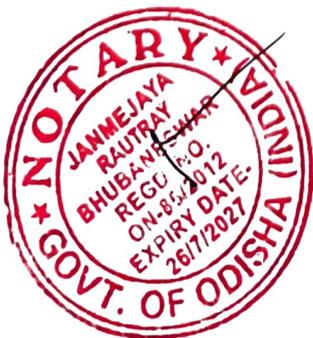
Mrutyunjaya Pradhan
DEPONENT

VERIFICATION

Verified on this the day of 16 DEC 2025 at Bhubaneswar that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By [Signature]

Mrutyunjaya Pradhan.
DEPONENT



The above named deponent(s) being duly identified by Sri... Advocate, Bhubaneswar appears before me on 16 DEC 2025 at ... A.M./P.M. ... States on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief

JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
REGD. NO. ON-852012
Mob No-7978581217

Office of the Mining Officer(Minor Mineral),Balangir Circle, Balangir

AT/PO-Rajendra College Chowk road,Balangir, Pin-767002,Odisha.

Emailid:- mo.bolangir@orissaminerals.gov.in/miningofficebolangir@gmail.com

Letter No 574 /Mines

Dt. 03/07/2025

To:

Tahsildar, Patnagarh
Patnagarh, Odisha

Subject: Intimation Regarding Janasunani Petition for Illegal Soil Lifting at Gangasagar.

Ref: Janasunani Grievance Petition No.: DEPT20251112472

Sir,

This is to bring to your notice that a Janasunani petition has been filed by Mrutunjaya Pradhan regarding the illegal lifting of soil at Gangasagar, Plot No: 65,66,67,67/1491,73,1255/1494 , 42. As per the joint verification conducted on 19.06.2025, it has been found that approximately 14,850 cubic meters (CUM) of soil has been lifted in an unauthorized manner.

As per the provisions of the S&M Notification No.9238/SM, Bhubaneswar, Dated 25/10/2024, the penalty for such unauthorized lifting is to be calculated based on the latest Schedule of Rates (SoR) published by the Works Department, which is Rs. 60 per cubic meter. Accordingly, the total penalty amount for the unauthorized lifting of 14,850 CUM of soil is calculated as follows:

Penalty Calculation:

Quantity Lifted: 14,850 CUM

Rate as per SoR: Rs. 60/CUM

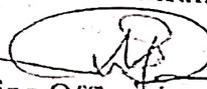
Total Penalty: $14,850 \times 60 = \text{Rs. } 891000.00$

Compensation amount @ 3.33 times =Rs. 29,67,030.00

The above penalty amount of Rs. 29,67,030.00 (Rupees Twenty-Nine Lakh Sixty-Seven Thousand Thirty only) is to be deposited in the IFMS Treasury Account No. "0853-00-102-0217-02021-000" under the head "Odisha Minor Mineral Concession Rules."

You are requested to take necessary action to ensure compliance and inform the concerned parties to deposit the penalty amount in the aforementioned treasury account at the earliest. This is for favour of your kind information and necessary action.

Yours faithfully,


Mining Officer, Balangir
Mining Officer (I/c)
Minor Minerals
Balangir

Received
Patnagarh
05/07/2025

OFFICE OF THE TAHASILDAR, PATNAGARH

LETTER NO.- 3612/SAIRAT, DATE- 05/07/2025

To,

Sri/Smt:- Nirmala Meher

W/o- Krushna Chandra Meher

Village- Patnagarh

P.S.- Patnagarh, Dist- Balangir

This is to inform you that you have illegally extracted 14850 Cum of earth from Plot No. 65 and dumped in Plot No. -67. Khata No. -130/244, Area – 2.06, Mouja- Gangasagar in the custody of the enforcement team and Mining Officer, Balangir. Therefore, you are directed to pay the following amount within 15 (fifteen) days of receipt of this notice in accordance with the government's prescribed time limit. In case of default, action will be taken as per law.

Details of Royalty demand

Penalty Calculation.

Quantity lifted 14850 Cum

Rate as per SoR Rs 60/Cum

Total penalty: $14850 \times 60 =$ Rs. 891000/-

Compensation amount @3.33times= Rs 29,67,030/-

Tahasildar Patnagarh

Letter No: 3613/ Sairat

Date: 05/07/2025

Two copies of this were sent to the Revenue Inspector, Batharli with instructions to issue one copy to the person concerned and return the third copy to the office, having obtained his signature.

Tahasildar Patnagarh

As per instructions notice has been issued to the person concerned. However during service of the notice the addressee found to be dead and we tried to serve

to serve the upon the Son of the deceased after telling the details of the notice, however he denied to receive the notice.



ANNEXURE-3

OFFICE OF THE TAHASILDAR : PATNAGARH

(TouziSection)

No 3764 / Date 15/7/25

To

The Revenue Inspector, Batharlla

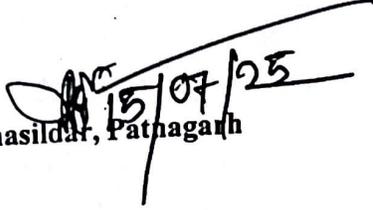
Sub: Regarding preparation of genealogy of R.T of deceased Smt Nirmala Meher, W/o- Krushna Chandra Meher of Patnagarh and make column-2 correction.

You have returned unserved demand notice of Smt Nirmala Meher, W/o- Krushna Chandra Meher of Patnagarh stating that the R.T is died and her son has denied to received the demand notice.

Therefore you are directed to prepare a genealogy of Smt Nirmala Meher and start process for correction of column -2 and submit action taken report by tomorrow i.e on 16.07.2025 for taking necessary action at this end.

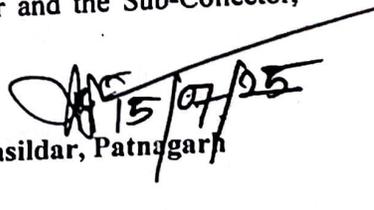
Memo No 3765 Date 15.07.25

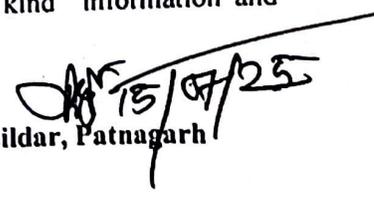
Copy submitted to the Additional District Magistrate, Balangir and the Sub-Collector, Patnagarh for favour of kind information and necessary action.


Tahasildar, Patnagarh

Memo No 3766 Date 15.07.25

Copy submitted to the Mining Officer, Balangir for favour of kind information and necessary action.


Tahasildar, Patnagarh


Tahasildar, Patnagarh

THAT THE BELOW ATTACHED PHOTOGRAPH SUGGESTS THE PRIVATE RESPONDENT HAS ILLEGALLY EXCAVATE SOIL/EARTH FROM THE SITE IN QUESTION



THAT THE BELOW ATTACHED PHOTOGRAPH SUGGESTS DUE TO THE UNAUTHORIZED SOIL LIFTING A POND LIKE STRUCTURE HAS BEEN CREATED



THAT THE BELOW ATTACHED PHOTOGRAPHS SUGGESTS DUE TO THE UNAUTHORIZED SOIL LIFTING THE ADJOINING LANDS ARE GETTING AFFECTED



F. No. 3-70/2020-IA.III [141127]
 Government of India
 Ministry of Environment, Forest and Climate Change
 (IA Division)

Indira Paryavaran Bhawan
 Jor Bagh Road, Aliganj,
 New Delhi - 110003

Dated: 8th August, 2022

OFFICE MEMORANDUM

Subject: Clarification on the applicability of EIA Notification 2006 for excavation of Ordinary Earth from borrow area for linear projects - reg.

The Ministry, vide Notification S.O. 1224 (E) dated 28.03.2020, amended the appendix IX of EIA Notification to inter-alia provide exemption from Environmental Clearance (EC) for "*extraction or sourcing or borrowing of ordinary earth for linear projects such as roads, pipelines etc.*"

2. Subsequently, the above mentioned Notification was challenged before the National Green Tribunal, Principal Bench in Original Application No. 190/2020 in the matter of Noble M. Paikada Vs. Union of India & Ors., wherein the Hon'ble Tribunal while disposing of the application vide order dated 28/10/2020, *inter-alia* held that "*.....the exemption should strike balance and instead of being blanket exemption, it needs to be hedged by appropriate safeguards such as the process of excavation and quantum...*" and directed to revisit the impugned notification dated 28.03.2020.

3. Subsequently vide order dated 31/05/2022, the Hon'ble NGT in M.A. No. 07/2022(WZ) & M.A. No. 08/2022(WZ) in Original Application No. 68/2020(WZ) titled Shri Rajiv Babasaheb Waman & Ors. vs. Ministry of Environment, Forest & Climate Change & Ors inter-alia held that "*... that excavation of earth and mining of sand and other minor minerals being hazardous activity having serious adverse impact on environment in view of 'Precautionary' and 'Sustainable Development' principles, such activity cannot be left unregulated by statutory enforceable mechanism. Blanket exemption is against ecologically sustainable development norms and judgment of Hon'ble Supreme Court...*"

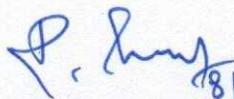
4. The matter was referred to the concerned Expert Appraisal Committee (EAC) for deliberation. After due deliberation, the EAC was of the opinion that if such linear project has obtained EC based on EIA studies incorporating such sourcing of construction material or other activities, necessary safeguards are already incorporated in the EC appraisal process. However, if such sourcing of material is not considered in the EIA or such linear project does not attract provisions of EC, then

such individual activities will be subject to extant environmental regulations as per EIA Notification 2006, as amended and/or applicable environmental safeguard related directions issued by the State Government /SPCB which need to be observed while sourcing construction material.

5. Based on the recommendations of the EAC and keeping in view the direction of Hon'ble NGT, the matter has been examined by the Ministry in detail and it has been decided that the exemption from EC provided vide S.O. 1224 (E) dated 28.03.2020 for "extraction or sourcing or borrowing of ordinary earth for linear projects such as roads, pipelines etc." shall be subject to Standard Operating Procedure (SOP) as enclosed to this Office Memorandum.

6. This is issued with the approval of the Competent Authority.

Encl: as above.


8/8/22
(Sundar Ramanathan)
Scientist 'E'

To

1. Chairman and Member Secretaries of SEIAA/ SEACs.
2. Chairman, Central Pollution Control Board (CPCB).
3. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
4. All the Officers of I.A. Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DGF&SS (EF&CC)
5. PPS to AS(TK)/PPS to JS (SKB)
6. Website, MoEF&CC/Guard file

SOP for Borrow Area Identification; its operation, safety and redevelopment

The activity relates to identification of borrow areas to obtain earth/soil materials; its operation, safety and redevelopment shall be carried out as per the following criteria:

1. Selection of site, operation and site-specific measures to adopt

- i. Environmental issues like siting borrow pit location, soil erosion aspects, accumulation of run-off and associated problems, disposal of debris by local community in open borrow area, transport of borrow earth to construction site, preservation of top soil of 15m depth and reuse for plantation, reinstatement of borrow pits and sites shall be considered before selection of site.
- ii. Guidelines, Manuals, Notifications etc issued by various agencies from time to time like IRC, MoRTH, MoEFCC etc shall be followed.
- iii. For selection of the site for the borrow area, agricultural land, cut material available from other road construction projects, dredging material from dredging operations of ponds, lakes, rivers and canals, material from barren land or land without tree cover outside the road RoW, material from excavation of proposed culverts can be considered. Provided further that, highly productive top-soil shall be stored separately and used for plantation activity.
- iv. Borrowing shall be avoided on the lands close to toe line, irrigated agricultural lands, grazing land, lands within settlements, 1 Km from environmentally sensitive areas such as Reserve Forests, Protected Forests, Sanctuary, National Parks, Conservation Reserve, Wetlands etc, unstable and fragile side-hills, streams and seepage areas, areas supporting rare plants/ animal species. It should be ensured that unsuitable soft rock is not prominent within the proposed depth of excavation which will render rehabilitation difficult.

2. The General Guidelines

- i. The preservation of topsoil will be carried out in stockpile.
- ii. A 15 cm topsoil will be stripped off from the borrow pit and this will be stored in stockpiles in a designated area for height not exceeding 2m and side slopes not steeper than 1:2 (Vertical: Horizontal).
- iii. Preservation of Top Soil of 15cm depth and its reuse for plantation
- iv. Validation of the work of re-use of Top Soil by the AE/IE. Competent authority to check the re-use anytime if warranted.
- v. Borrowing of earth will be carried out up to a depth of 2m from the existing ground level.
- vi. Borrowing of earth will not be done continuously throughout the stretch.
- vii. Ridges of not less than 8m widths will be left at intervals not exceeding 300m.
- viii. Small drains will be cut through the ridges, if necessary, to facilitate drainage.
- ix. Depends upon the location of borrow areas, the safeguard measures & management specific treatment as a particular borrow area depending upon its

location viz Agriculture Land, Elevated Land, Waterbody, near Settlement and along the alignment.

3. Re-development of Borrow Areas

The objective of the rehabilitation programme is to return the borrow pit sites to a safe and secure area, which the general public should be able to use safely. Securing borrow pits in a stable condition is fundamental requirement of the rehabilitation process. This could be achieved by filling the borrow pit approximately to the road level. Following measures shall be taken for Rehabilitation:

- i. Borrow pits shall be backfilled with rejected construction wastes (unserviceable materials) including fly ash, compacted and will be given a turfing or vegetative cover on the surface. If this is not possible, then excavation slope should be smoothed, and depression is filled in such a way that it looks more or less like the original ground surface.
- ii. During works execution, the Contractor shall ensure preservation of trees during piling of materials; spreading of stripping material to facilitate water percolation and allow natural vegetation growth; re-establishment of previous natural drainage flows; improvement of site appearance; digging of ditches to collect runoff; and plantation may be carried out wherever feasible or pit may be developed for water storage as per Amrit Sarovar Scheme of MoRTH.

4. Development of Amrit Sarovar

Under Amrit Sarovar Programme, water bodies are being developed by MoRT&H/NHAI/other road development agencies and the desilting of existing water body is also being taken up for water harvesting and re-charge of ground water. The earth available from development of such water bodies is to be utilised for road works and plantations as per suitability of soil. The State Authorities have already been advised not to levy any royalty for borrowing of earth for development of water bodies under Amrit Sarovar Programme.

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

Appeal/Application No. _____ of 2025

In re:

Mrutyunjaya Pradhan

Applicant

V E R S U S

State of Odisha and Others

Defendant/Respondent

KNOW ALL to whom this present shall come that Mrutyunjay Pradhan aged about 54 years, S/o Late Kirtan Padhan, resident of At/Po- Gangasagar Ps-Patanagarh, Dist-Balangir, Odisha -767025, the above-named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-

Sankar Prasad Pani And Asutosh Padhi, Advocates, Plot No 2132/4814 B, Nageswartangi, Bhubaneswar, 751002. Email-sankarprasadpani@gmail.com, cell- 9437279278, enrolment no-O-785/2007

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

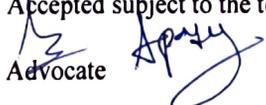
And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

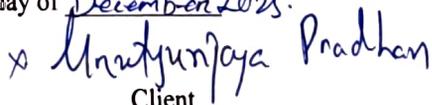
And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 16th day of December 2025.

Accepted subject to the terms of fees.


Advocate

Client


Client