

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO-28 of 2026/EZ**

IN THE MATTER OF

PRAMOD KUMAR HEMBRAM

APPLICANT

Versus

STATE OF ODISHA &Ors ...

RESPONDENTS

INDEX

SI NO	PARTICULARS	PAGE NO
1	Original Application	1-28
2	Copy of the Environmental clearance dated 31/03/2022 granted in favor of Tahasildar Betonati as ANNEXURE-1.	29-36
3	Copy of the Environmental Clearance dated 27/01/2023 granted in favour of Private Respondent as ANNEXURE-2.	37-39
4	Copy of relevant portion of minutes of SEAC meeting held on dated 02/05/2024 as ANNEXURE-3.	40-43
5	Copy of relevant portion of minutes of SEAC meeting held on dated 22/05/2025 as ANNEXURE-4.	44-46
6	Copy of relevant portion of minutes of SEAC meeting held on dated 26/08/2025 as ANNEXURE-5.	47-49
7	Photographs dated 06/11/2025 suggesting the Private Respondent is carrying out the mining by engaging excavators as ANNEXURE-6.	50-51
8	Photograph dated 23/11/2025 suggesting the lessee is carrying out instream mining as ANNEXURE-7.	52
9	Copy of the google earth image suggesting the lessee is extracting sands beyond permissible area as ANNEXURE-8.	53
10	Copy of the photographs suggesting mining activities is carried out by the lessee in night time as ANNEXURE-9.	54-56
11	Copy of the Government order dated 26/04/2019 as ANNEXURE-10	57-61

12	Vakalatnama	62
----	-------------	----

PLACE: Bhubaneswar

SANKAR PRASAD PANI

ASHUTOSH PADHY

S Pani | *A Padhy*

DATE: 05/01/2026

ADVOCATE

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

3

SYNOPSIS

Application is being filed challenging the illegal operation of sand mine by the private respondent Smt. Priyanka Behera, the lessee of Budhabalanga River Sand Bed-III, over an area of 12.33 acres or 4.989 hectares in village Sankhmod under Betnoti Tahasil in Mayurbhanj District, Odisha and the said sand mining operation is in violation of Environment Clearance Conditions, Consent To Operate (CTO) Conditions, Sustainable Sand Mining Guideline 2016 and Enforcement and Monitoring of Sand Mining Guidelines 2020, Odisha Sand Policy 2021, Sand Mining Framework 2018(Ministry of Mines Govt of India) EIA Notification 2006 and Amendment 2016, Odisha Minor Minerals Concession Rules 2016 and Supreme Court Order in Deepak Kumar Case and Order of Hon'ble NGT in Sudarsan Das Case(OA 173 of 2018/PB). To summarise the violation of environment norms it may be listed as follows

- i) Use of heavy machines (Excavators) and Hyva when Mechanical Mining and use of Machine in sand Mining is prohibited. Earlier five machines used and now two machines are used for sand mining and loading.
- ii) Mining in absence of valid Environmental clearance
- iii) Mining beyond the lease area
- iv) Mining beyond the permissible limit

4

- v) **Mining carried out in Safety Zone and on River Bank which is prohibited as per the mining plan**
- vi) No Pillar Posting and Demarcation of Lease Area in the mining site
- vii) Sand Mining by **cutting the River Bank** and the sand extracted from the river bank and flood plain area
- viii) Satisfactory Annual replenishment study and Pre monsoon and Post Monsoon assessment has not been submitted by the lessee
- ix) Tahasildar and local administration are hand in glove with the lessee and wilfully violating the order of Hon'ble NGT as well as flouting the conditions of Mining Lease, Mining Plan, EC and CTO.
- x) There has been no monitoring of quantity of sand excavated and GPS Tracking of vehicles, Electronic Transit Pass, CCTV camera in mining site as prescribed in EIA Notification dated 15th January 2016 and Sand Mining Enforcement and Monitoring Guideline 2020
- xi) Vehicular Transportation through densely populated villages and Rural Roads not meant for over loaded heavy vehicles. Further the carrying capacity of the roads has not been assessed and as such the existing road cannot withstand the pressure of hundreds of sand loaded heavy vehicles.

5

- xii) Vehicles engaged in mining are overloaded and not covered with tarpaulin and cause air pollution during non-monsoon days.

LIST OF DATES

- 15/01/2016 Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on **Sustainable Sand Mining** detailing the provisions on environmental clearance for cluster, District Survey Report and proper monitoring of sand mining using information technology enabled services to track the mined out material from source to destination This amended notification was notified by Central Government in Gazette of India under Section 3 of EP Act 1986 and Sub-rule 3, Rule 5 of EP Rules 1986 as per the power conferred with.
- 23/11/2021 Mining Plan approved by Mining officer Baripada for Budhabalanga River Sand Bed-III Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Betnoti Tahasil of Mayurbhanj District of Odisha
- 31/03/2022 Environmental Clearance granted in favor of Tahasildar Betonati for Budhabalanga River Sand Bed-III Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Betnoti Tahasil of Mayurbhanj District of Odisha

6

- 27/01/2023 Environmental clearance transferred in favor of private respondent for Budhabalanga River Sand Bed-III Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Betnoti Tahasil of Mayurbhanj District of Odisha
- 14/02/2023 Consent to establish granted by state pollution control board for Budhabalanga River Sand Bed-III Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Betnoti Tahasil of Mayurbhanj District of Odisha
- 14/02/2023 Consent To Operate granted by state pollution control board for extraction of 5000 cubic meter/annum of sand from Budhabalanga River Sand Bed-III Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Betnoti Tahasil of Mayurbhanj District of Odisha and the same is valid up tp 13/02/2024.
- 19/05/2025 Consent To Operate granted by state pollution control board for extraction of 858 cubic meter/annum of sand from Budhabalanga River Sand Bed-III Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Betnoti Tahasil of Mayurbhanj District of Odisha and the same is valid up tp 31/03/2026.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

(Under Section 14, 15 read with Section 18 of the National Green Tribunal Act)

Original Application No----- OF 2026/EZ

Pramod Kumar Hembram, aged about 57years, S/o- Kshetri Charan Hembram, At- Ward No. 17, Bijayramchandrapur, Chipatastia, Po- Bhanjpur, Dist- Mayurbhanj, Pin- 757002 **APPLICANT**

VERSUS

- 1. State of Odisha** represented by Chief Secretary, Government of Odisha, Lokaseva Bhawan, Bhubaneswar csori@nic.in
- 2. Member Secretary**, Odisha State Pollution Control BoardA/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha
Email:paribesh1@ospcboard.org
- 3. Member Secretary**, State Environment Impact Assessment Authority (SEIAA), Odisha, 5RF-2/1, Acharya Vihar, Unit – IX, Bhubaneswar, Odisha 751022, email: seiaaorissa@gmail.com
- 4. The Collector and District Magistrate**, Mayurbhanj, At/PO- Baripada, Dist- Mayurbhanj, Odisha, Pin-770001. dm-mayurbhanj@nic.in

8

5. Tahsildar, Betonati, At/PO/PS- PVQ2+545, Betnoti, Odisha 757025,
Dist- Mayurbhanj, Odisha, Email- tah.betnoti-odi@nic.in
6. Smt. Priyaka Behera, Lessee, M/s. Budhabalanga River Sand Bed-III,
W/o- Sri Khageswar Behera, At-Sathilo, PO/Ps-Betnoti, Pin-757025,
Dist.-Mayurbhanj, Odisha.**RESPONDENTS**

MOST RESPECTFULLY SHOWETH:

- I. The address of the Applicant is given above 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 present Application is being filed challenging the inaction of the government respondents in curbing the illegalities and violation of Sustainable Sand Mining Guidelines 2016, environment norms by the private respondent in operating the **M/s. Budhabalanga River Sand Bed-III**, Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Betnoti Tahasil of Mayurbhanj District of Odisha and the said sand mining operation is in violation of Standard Environment Clearance Conditions and CTO Conditions, Sustainable Sand Mining Guideline 2016 and 2020, Odisha Sand Policy 2021, EIA Notification 2006 and Supreme Court Order and Order of Hon'ble NGT.

FACTS

1. That the present applicant is a Resident of Ward No 17 of Baripada Municipality and deeply engaged with conservation and environmental

issues of Mayurbhanja District. The applicant is deeply concerned with the ongoing illegal sand mining by the Private Respondent.

2. That the applicant is a resident of Baripada and is concerned with the illegalities in Budhabalanga River Sand Bed-III by the excess sand mining, obstruction of river, Mechanical Mining and transport of sand loaded heavy vehicles through village road and there by damaging the road, causing inconvenience, environmental pollution, health hazards and disrupting the public order and causing loss to the public exchequer.
3. The present application challenges the violation of sustainable sand mining guideline in Budhabalanga River Sand Bed-III Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Betnoti Tahasil of Mayurbhanj District of Odisha.
4. That on dated 31/03/2022 Environmental clearance has been granted in favor of Tahasildar Betonati for Budhabalanga River Sand Bed-III Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Betnoti Tahasil of Mayurbhanj District of Odisha. that in the **Environmental Clearance condition No. 7.1** under the heading of **Stipulate Conditions** it is categorically mentioned that “*Study report on rate of replenishment shall be submitted by November, 2022*” however the Betonati Tahasildar failed submit the same within the stipulated time. Copy of the Environmental clearance dated 31/03/2022 granted in favor of Tahasildar Betonati is annexed here unto as **ANNEXURE-1**.
5. It is pertinent to mention here that in the Environmental clearance dated 31/03/2022 in condition No.7.2 it is categorically mentioned that “*The project proponent has to carry out by engaging appropriate consultant, a study of the annual replenishment rate of sand by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The*

*detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The replenishment rate of sand may be calculated by using the volumetric survey method or any other methods as laid down in Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the rate of replenishment of mined out sand in the lease area. Pending carrying out of the study & submission of the report, **this clearance is being granted in an adhoc manner and is liable to be revoked after one year if satisfactory replenishment study report is not submitted.** The submission of study report of rate of annual replenishment of sand within one year is obligatory for the project proponent”, in the present case the **PP i.e the Tahasildar Betonati failed to file the ARSS report for which the Environmental Clearance dated 31/03/2022 automatically stands revoked.***

6. It is further submitted that again on dated 27/01/2023 the Environmental clearance has been transferred in favour of the private Respondent wherein it is categorically mentioned that “*Transfer of Environmental Clearance (EC) of Budhabalanga River Sand Bed-III issued vide SEIAA, Odisha EC letter/EC identification no./EC identification no. EC2280010R124834 dated 31.03.2022 is allowed in favour of Smt. Priyanka Behera the successful bidder for the said quarry for an annual extraction quantity of 5000 cum. **The annual rate of replenishment study report (ARSS) of sand shall be submitted by December 2024.** The other stipulated terms and conditions of the original EC initially granted remains same subject to satisfactory compliance to all the stipulated terms and conditions of EC along with additional stipulated conditions”.* However in the present case the private Respondent has failed to file the

satisfactory ARSS report for which the Environmental clearance has automatically becomes infructuous. Copy of the Environmental Clearance dated 27/01/2023 granted in favour of Private Respondent is annexed here unto as **ANNEXURE-2**.

7. It is pertinent to mention here that the Private Respondent on dated **21/03/2024** filed one **Environmental Clearance amendment proposal** before the SEIAA and the same has been placed before the 18th Meeting of State Expert Appraisal Committee, Odisha held on 02/05/2024, that in the SEAC meeting the SEAC rejected the proposal of Private Respondent Stating *“The SEAC decided to reject the proposal as the lease area is cover with water body as per the kml file”*. Copy of relevant portion of minutes of SEAC meeting held on dated 02/05/2024 is annexed here unto as **ANNEXURE-3**.
8. It is further submitted that the Private Respondent again on dated 24/04/2025 filed another **Environmental Clearance** amendment proposal before the SEIAA and the same proposal was placed before the 72nd Meeting of State Expert Appraisal Committee, Odisha held on 22/05/2025 and in the same meeting **members of SEAC has rejected** the proposal of the Private Respondent giving the following reasons,
“The SEAC decided to reject the proposal for the following reasons:
 - a) *The mining lease comprises of two parches at 200meters distance. The same cannot be considered as a single lease as boundary of the lease cannot be defined due to mineral deposit area is located in two different patches which are 200meters apart.*
 - b) *This lease area can be separated as two leases and they have to apply afresh in cluster approach after obtaining approval from Steel and Mlaes Department for two different leases.”* Copy of relevant portion of

minutes of SEAC meeting held on dated 22/05/2025 is annexed here unto as **ANNEXURE-4**.

9. It is further submitted that the Private Respondent again on dated 17/08/2025 filed another **Environmental Clearance** amendment proposal before the SEIAA and the same proposal was placed before the 88th Meeting of State Expert Appraisal Committee, Odisha was held on 26/08/2025 and in the same meeting **members of SEAC has rejected** the proposal of the Private Respondent giving the following reasons,

“The SEAC decided to reject the proposal for modification EC due to following reasons:

1. Two patches of Lease area should be considered as independent Lease under cluster approach.

2. This lease area can be separated as three leases and they have to apply afresh in cluster approach after obtaining approval from Steel and Mines Department for two different leases.

3. When the rejection letter was issued on 19. 07.2025, it is not clear how PP has submitted a Compliance letter to reasons of rejection duly signed on 17.06.2025.” Copy of relevant portion of minutes of SEAC meeting held on dated 26/08/2025 is annexed here unto as **ANNEXURE-5**.

10. It is pertinent to mention here that as per the Environmental Clearance **condition No. 7.3** of the Environmental Clearance dated 31/03/2022 the Project Proponent is required to carryout the mining in manual manner by engaging labourers however in the present case **the Private Respondent is extracting sands by engaging heavy excavators**. Photographs dated 06/11/2025 suggesting the Private Respondent is carrying out the mining by engaging excavators is annexed here unto as **ANNEXURE-6**.

13

11. It is humbly submitted that the mining is supposed to be of Dry Pit and Manual means of mining and loading. However the mining is done by engaging Earth Mover/Machines of different capacity which is strictly prohibited and not approved by any of the regulating authorities. The machine used for sand mining is with Model No Hundai **215, JCB 205, JCB 81 AND JCB 140** with 5.7m Boom length and 2.9m Arm length. The Bucket capacity is around 1.22 Cubic Meter.
12. That in the Environmental Clearance letter dated 31/03/2022 in **condition No. 7.5** it is categorically mentioned that *“The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent”*, however in the present case **no such concrete pillars have been posted** by the Private Respondent.
13. It is pertinent to mention here that in the Environmental Clearance letter dated 31/03/2022 in **condition No. 7.7** it is categorically mentioned that *“Mining is not permissible within the water channel or stream flow area. No stream shall be diverted for the purpose of mining and no natural water course shall be obstructed. The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non monsoon period. There shall be no sand mining in the river during the rainy season or when there is flow of water in the river.”* However in the present case the lessee is carrying out instream mining. Photograph dated 23/11/2025 suggesting the lessee is carrying out instream mining is annexed here unto as **ANNEXURE-7**.
14. It is further submitted that in the Environmental Clearance letter dated 31/03/2022 in **condition No. 7.10** it is categorically mentioned that no transportation of the minerals shall be permitted to pass through the

village road, however in the present case **all the mineral loaded heavy vehicles are passing through densely populated villages.**

15. It is not out of place to mention here that in the Environmental Clearance letter dated 31/03/2022 in **condition No. 7.12** it is categorically mentioned that the vehicles carrying sand should not be overloaded and shall be covered with tarpaulin, however in the present case **the mineral carrying vehicles are not covered with tarpaulin cover.**

16. It is pertinent to mention here that as per the mining plan the lease area has been divided into two parts and the should be considered as two mining lease area under cluster approach and not by a single lease area, further the lessee is extracting sands beyond the permissible area/lease boundary and the same is in violation of Environmental Clearance condition. Copy of the google earth image suggesting the lessee is extracting sands beyond permissible area is annexed here unto as **ANNEXURE-8.**

17. It is not out of place to mention here that the Mining should be restricted to single shift only that is for 8 hours (7am to 12noon and 2pm to 5PM) however it takes place all though out day and night using high-power excavators. No qualified Mines Manager, Foreman and Mate with certificate of competency as per mines act. Copy of the photographs suggesting mining activities is carried out by the lessee in night time is annexed here unto as **ANNEXURE-9.**

18.No Pillar posting in the lease area: Though the mining plan suggests that the lease area has been demarcated by the Revenue Inspector but on ground there has been no demarcation and no distinct pillar posting allowing the mining to spread randomly all across the riverbed.

- 19.No display board (information details) of statutory clearances** in the lease area: The details of environment clearance are supposed to be displayed in the lease area by the lessee and no such information of statutory clearance has been displayed in the mining lease area.
- 20.Mining in Safety Zone and Close to River Bank:** The Google Earth Image and photographic evidences confirms that the mining operation is violating the safety Zone and 1/5 width of stream bed from the River Bank.
- 21.Sand Mining by cutting the River Bank** and the sand extracted from the river bank and adjoining areas and damaging the adjoining agricultural lands. Several agitation has been made by the local villagers but no action taken by the authorities
- 22.Obstruction of free flow of river by making illegal road using concrete homepipes and morrum.** Obstruction of River and unauthorized road and bridge is not permissible in law. In this regard the Executive Engineer of Irrigation department should have taken action but remained mute spectator for the reason known to the authority
- 23.Sand Mining during Monsoon Period:** That in the present case the Mining continued even in Monsoon season. It is humbly submitted that the normal dates for onset of monsoon for Odisha state is 5th June and withdrawal date is 15th October and same has been considered in the Sustainable Sand Mining Management Guideline 2016. The River Bed mining should only be allowed during the dry season. No River bed mining should be permitted during rainy season (Appendix 9).That the data suggest the mining was done during the Monsoon Period. However no action has been taken by any of the Authorities

24. Illegal Hoarding and Stockpile: The extracted sand is required to be sent directly to the destination point and there is no provision for illegal hoarding and stock pile. However the lessee use to hoard and stock the sand near to lease area and all these stock piles are illegal.

25. Replenishment Study and Pre and Post Monsoon Assessment Not conducted: There has been no replenishment study conducted as required after every monsoon season and assessment of extraction prior to monsoon were also not conducted by the Mining Department and thereby allowing the excess mining to be covered up and resulting in loss of revenue and deep sand mining.

26. That in order to check the illegal sand mining, Government of Odisha has come out with a guideline dated 26/04/2019 where instructions for prevention of illegal sand quarrying issued from time to time. The instructions include robust monitoring mechanism, revenue and police administration shall seize the machine and vehicles, criminal proceedings, temporary check gates, squads should be constituted, technical support of ORSAC may be taken for satellite based monitoring, all complaints of unauthorized quarrying be inquired **by Sub-Collector/Tahasildar within 72 hours** and prompt remedial measures be taken and monthly review of violation cases are suggested in the guideline and none of the points have been followed by the District Administration and Tahasildar. Copy of the Government order dated 26/04/2019 is annexed here unto as **ANNEXURE-10**

27. That Odisha Sand Policy 2021 brought in shape of resolution dated 2/09/2021 by Revenue and Dissaster Management Department, Government of Odisha for stricter monitoring of sand mining in a sustainable manner but there has been no implementation of the policy on the ground there by confining the policy to papers without any action.

28. Further the environmental clearance letter/Consent to Operate restricts that there should not be any in stream mining and in the present case the private respondent is lifting the sand from in stream of the river and obstructing the free flow of the river.
29. The vehicles carrying the sand do not cover with tarpaulin and being overloaded and thereby causing air/dust pollution. It is humbly submitted that the local people have to face many inconvenience because of uncovered tractors carrying the sand from the mining site through busy streets and populated village road of the petitioners.
30. That there has been no sprinkling of water on Road and because of transportation of heavy vehicles it causes more air and dust pollution. It is further submitted that the vehicles use to operate even in Peak hour which is a violation of the Environment Clearance Condition
- 31. Transporting sand loaded heavy vehicles through the Village roads (PMGSY) resulted in complete damage and local peoples are suffering:**
32. That the measurement and replenishment study should have been conducted by Tahasildar at the beginning of the every financial year and prior to grant of work order for the next year and same has not been done.
33. That the Google Image clearly shows the impression of Mechanical Mining and the same technology was used by Expert Committee while assessing the damage and environment compensation in Subarnarekha River and many other cases.
34. It is submitted that the EIA Notification Amendment dated 15th January 2016 suggests that A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest

Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district. A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

35. There is No monitoring of compliance of Conditions of CTO by the Regional Office of SPCB, Blasore Considering the threat to the embankment, loss of revenue, violation of mining plan and standard environment clearance conditions, damages to the riparian ecology, the applicants have requested the authority to immediately enquire into the matter and take appropriate action against the Tahsildar and Revenue Staff for their dereliction in duty and apparent corruption and involvement in revenue loss to the exchequer by conducting the ground assessment of sand mining on weekly basis and obtaining the satellite information from ORSAC. The officers have failed in discharging their duties for not taking legal action to restrain the mechanical mining and plying of Hyvas and for that appropriate disciplinary proceedings is needed after due inquiry.

36. That the Deputy Director of Mines, Baripada who approves the mining plans of Sand Beds with conditions has a duty to monitor if the conditions are complied and not violated. Also while submitting the annual return in Form Z for the mining circle for every financial year has to state the quantity of mineral extracted and not just rely on the statement of lessee. In this regard also no such measurement takes place for sand mining in the mining circle.

37. That the Procedure for Processing of Consent to Operate (CTO) Application by State Pollution Control Board, Odisha as uploaded in website of Odisha State Pollution Control Board says that **inspection of the site and compliance of CTE condition is pre-requisite**. The relevant portion is reproduced as follows:

“5. The concerned officers at HO / RO shall scrutinize the application and raise clarification to the industry online, if any deficiency / discrepancies are observed in respect of consent application or its accompaniments or fees. **Simultaneously, they will take steps for getting inspection report** so as to avoid delay and early disposal of the case.

6-The concerned officers of Regional office of OSPCB shall **conduct inspection of the industries and mines**, conduct monitoring of stack emission, ambient air quality, analysis of effluent samples etc. as per the standard procedure prepared for Air and Water sampling and analysis. They should also **verify compliance to the Consent conditions** (directions, if any) and **upload the detailed observations (inspection and monitoring reports) online”**

Further the check list prepared the board also requires compliance status of consent to establish for issuing consent to operate to a unit and the same has not been followed in the present case. Further **the CTO and CTE is issued mechanically without any inspection of the site**. Copy of the guideline and checklist prepared by the Board and the link to the site is as follows. <http://ospcboard.org/wp-content/uploads/2017/03/09-Jun-2016PROCEDUREFORCTOAPPLICATION1.pdf>

38. That after issuing CTO, the state pollution control board did nothing to ensure if the conditions in the Consent to Operate were complied in letter and spirit. The violations continue unabated and no action has been taken by the pollution control board to revoke the consent to operate and ensure that the mining activity stops.
39. That the sustainable Sand Mining Guideline 2016 suggests a Standard Environment Clearance Conditions and the measures to be adopted to check illegal mining, **however none of the measures have been adopted** such as “(i) Project Proponent must ensure that the security features of Transport Permission viz. (a) Printed on Indian Bank Association (IBA) approved Magnetic Ink Character Recognition Code (MICR) paper; (c) Unique Barcode; (d) Unique Quick Response Code (QR); (e) Fugitive Ink Background; (f) Invisible Ink Mark; (g) Void Pantograph; (h) Watermark. (ii) Project Proponent must ensure that the CCTV camera, Personal Computer (PC), Internet Connection, Power Back up, access control of mine lease site; and arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used at mine lease site are available. (iii) Project Proponent must ensure the Scanning of Transport Permit or Receipt and uploading on Server. (iv) The State Mines and Geology Department should print the Transport Permits/Receipt with security features enumerated at Paragraph (i) above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued. When the Transport Permit or Receipt barcode gets scanned and invoice is generated, the particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out

material can be captured on the server and the Transport Permit or Receipt cannot be reused. (v) The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS. (vi) In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server/call centre. (vii) The route of vehicle from source to destination should be tracked through the system using check points, Radio-frequency identification (RFID) Tags, and Global Positioning System (GPS) tracking. (viii) The system shall enable the Authorities to develop periodic report on different parameters like daily lifting report, vehicle log/history, lifting against allocation, and total lifting. The system can be used to generate auto mails/SMS. This will enable the District Collector/Magistrate to get all the relevant details and will enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle should be tracked.

40. That the Chief Secretary, Government of Odisha on 11/11/2020 has discussed about the technical intervention such as I4MS in the line of I3MS (a software to track illegal mining in Major Minerals) to monitor the actual quantum of extraction and transportation minor minerals from source but same has been just confined to discussion and no action has

been taken despite of the mandate in Sustainable Sand Mining Guideline 2016 and 2020.

41. The Environment Impact Assessment (Amended) Notification dated 01/12/2009 has clarified the mode of communication of environment clearance letters in para 10 and the same is reproduced as follows

10. Post Environmental Clearance Monitoring:

(i) (a) In respect of Category 'A' projects, It shall be mandatory for the project proponent to make public the environmental clearance granted for their project along with the environmental conditions and safeguards at their cost by advertising it in at least two local newspapers of the district or state where the project is located and in addition, this shall also be displayed in the project proponent's website permanently.

(b) In respect of **category 'B' projects, irrespective of its clearance by MOEF/SEIAA**, the **project proponent** shall prominently advertise in the newspaper indicating that the project has been accorded environment clearance and the details of MOEF website where it is displayed

So the notification itself makes it ample clear that the SEIAA has to place the environmental clearance letters in public domain on governmental portal. However same has not been complied in the present case. In the present case the proponent has not put any prominent advertisement in newspaper indicating the project has been granted environment clearance.

42. Consultation with Gramsabha/Pallisabha/Village Assembly has not been conducted: Mayurbhanj District being a Schedule V Area under Constitution of India requires consultation with the village assembly prior to auction of the Sand Source and same has not been done in the present case.

The area in question is governed by Panchayats (Extension to the Scheduled Areas) Act, 1996 in Short PESA Act and “Scheduled Areas” means the Scheduled Areas as referred to in clause (1) of article 244 of the Constitution. The relevant provisions of PESA Act 1996 is reproduced as follows

(e) Every Gram Sabha shall—

(k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting license or mining lease for minor minerals in the Scheduled Areas;

(l) The prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;”

43. It is further submitted that Sand Mining in Budhabalang River bed at SANKHAMOD has caused serious environmental degradation and ecological impact and Riparian ecology have been badly affected by the alarming rate of unrestricted Sand Mining which damage the river ecosystem, destruction of natural habitats of organisms living on the river beds, affects fish breeding and migration, the associated riparian habitat. It has been further submitted that there has been no monitoring by any of the respondents whether the conditions are being complied or not and that allows the private respondent to violate the norms in broad day light

44. The Hon’ble Apex Court in Deepak Kumar Case has observed that “We are of the considered view that it is highly necessary to have an effective framework of Mining plan which will take care of all environmental issues and also evolve a long term rational and sustainable use of natural resource base and also the bio-assessment protocol. Sand Mining, it may

be noted, may have an adverse effect on bio-diversity as loss of habitat caused by Sand Mining will affect various species, flora and fauna and it may also destabilize the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEFCC, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48A, Article 51A(g) read with Article 21 of the Constitution.

45. That Rule 37 specifies Conditions of quarry permit:— (1) The holder of a quarry permit shall obey the following conditions, namely:— (e) The holder of the quarry permit shall maintain complete and correct accounts of the minor mineral excavated and quantity removed from the area; (2) The holder of the quarries shall allow the Director, Controlling Authority and Competent Authority or any officer authorized by any of them to inspect the quarrying operations and to check the accounts and verify the details of dispatches from the registers maintained by him. (3)If any minor mineral is removed in excess of the quantity permitted, such material shall be confiscated and the holder of the quarry shall be liable for punishment under the provisions of the Indian Penal Code 1860, Act and these rules. (4) As soon as removal of the mineral granted under the permit is completed, the holder of the quarry permit shall surrender the permit to the Competent Authority and furnish the particulars of permit contained in Form-S indicating the quantities of minor minerals removed and other information as may be required by the Competent Authority.

GROUND

A. That the Sand mining is permissible only by Manual Method but the use of mechanical methods/earth movers are in violation of the Mining plan, Environmental Clearance Conditions and Consent to Operate

conditions and Sustainable Sand Mining Management Guideline 2016 and Enforcement and Monitoring of Sand Mining Guidelines 2020, Odisha Minor Mineral Concession Rules 2016, EIA Notification 2006 and Amendment 2016, Sand Mining Framework 2018 by Ministry of Mines, Govt of India

- B. That the unscientific mining by obstructing the free flow of river by creating artificial bunds in the river is violation of approved mining plan and warrants revocation of lease agreement and suspension of mining
- C. That the ongoing sand mining is against the Precautionary Principle and Environment Impact Assessment Notification 2006 and subsequent amendments.
- D. That the private respondent has mined out more sand than the permissible limit and hence warrants stoppage of mining
- E. That transportation of sand loaded heavy vehicles through villages jeopardizing the safety of thousands of people and school going children warrant prohibition of such transportation. Further road not meant for heavy vehicles requires carrying capacity study of the road and particularly stoppage of such vehicular transportation.
- F. Mining during monsoon season is against the sustainable sand mining guideline 2016 and standard river bed mining conditions.
- G. That the State Respondents and the Regulatory Authorities like state Pollution Control Board and SEIAA have failed to discharge their duties and hence requires intervention of this Hon'ble Tribunal for an appropriate order to check the illegal mining
- H. That the Tahasildar being hand in glove with the lessee has resulted in huge loss of revenue to the state exchequer and warrants appropriate action

- I. That violation of EC condition is an offence under Section 15 of EP Act and warrants prosecution against the Lessee and the Tahasildar under Section 19 of EP Act 1986

LIMITATION

That there is a continuing cause of action due to the ongoing illegal sand mining without valid Environmental Clearance and further in violation of sustainable sand mining guideline hence the present application is not barred by limitation

INTERIM PRAYER

The Hon'ble Tribunal may constitute a High level Independent Committee to assess a) Cost of river bed material. b) Cost of ecological restoration and environment compensation. c) Net present value of the future ecosystem services foregone and restrain the Private Respondent from mining in river bed till disposal of the application

PRAYER

The applicants humbly prays the Hon'ble Tribunal to issue following directions to the respondents

- i. Permanently Restrain the Private Respondent from sand mining by use of machine and excavator.
- ii. Direct the independent Committee to inquire into the illegalities of mining such as mechanical mining and in-stream mining, Excess sand mining in violation of the permitted quantity.
- iii. Direct the District Collector to initiate Criminal Proceedings against Pvt Respondent and Tahasildar Betonati for causing loss to the exchequer and violation of EC Norms.
- iv. Impose exemplary penalty on the private respondent for violation of Environment Clearance and Consent to Operate conditions

- v. Fix the accountability of Government Respondents such as Tahasildar Betonati for lapses on their part for their inaction in enforcing the laws regulating the sand mining.
- vi. Direct the private respondent to restore the damages caused to the river bank and river bed
- vii. Call for a status report from Revenue Secretary on implementation Sand Mining Policy 2021 and mechanism to monitor exact quantity of sand extracted and transported from a source
- viii. Direct the Chief Secretary to make sure GPS TRACKING OF VEHICLES AND E TRANSIT PASS MANDATORY FOR MINING OPERATION for all sand mining leases.

And may further be pleased to pass any other order(s) as deemed fit and proper;

BHUBANESWAR

05/01/2026

Applicant Through

S. Panigrahy A.P. Panigrahy

Advocate

01 Vol. XI
05.01.2025



Notarial stamp not affixed
due to non availability

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

IN THE MATTER OF:

PRAMOD KUMAR HEMBRAM...

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS....

RESPONDENTS

AFFIDAVIT

I, Pramod Kumar Hembram, aged about 57 years, S/o- Kshetri Charan Hembram,
At- Ward No. 17, Bijayramchandrapur, Chipatastia, Po- Bhanjpur, Dist-
Mayurbhanj, Pin- 757002, do hereby solemnly affirm, and declare as under:

1. That I am the Applicant in the above mentioned Original Application and 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.

Pramod Kumar Hembram
DEPONENT
5/1/26

VERIFICATION

Verified on this 5th day of January, 2025 at Baripada 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
Advocate [Signature]
5/1/26
En 121 No - 0-1120-05

Pramod Kumar Hembram
DEPONENT
5/1/26

S. SAHOO
NOTARY Govt. of Orissa
Regd. No-ON-22/2004
BARIPADA

ENVIRONMENTAL
CLEARANCE

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

To,

The TAHASILDAR
 TAHASILDARBETNOTIMAYURBHANJ
 AT/PO-BETNOTI, TAHASIL/PS-BETNOTI DISTRICT-MAYURBHANJ -
 757025

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

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/OR/MIN/250561/2022 dated 07 Jan 2022. The particulars of the environmental clearance granted to the project are as below.

1. EC Identification No.	EC22B001OR124834
2. File No.	250561/183-MINB2/01-2022
3. Project Type	New
4. Category	B2
5. Project/Activity including Schedule No.	1(a) Mining of minerals
6. Name of Project	Budhabalanga River Sand Bed-III Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Betnoti Tahasil of Mayurbhanj District of Odisha
7. Name of Company/Organization	TAHASILDARBETNOTIMAYURBHANJ
8. Location of Project	Orissa
9. TOR Date	N/A

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

Date: 31/03/2022

(e-signed)
 Dr. K Murugesan
 Member Secretary
 SEIAA - (Orissa)

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

This is a computer generated cover page.

PARIVESH

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





STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY ODISHA, BHUBANESWAR

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2541029, E-mail-seiaaorissa@gmail.com

Letter No _____

Dt. _____

SEIAA File No: 250561/183-MINB2/01-2022

Project: Application of Tahasildar, Betnoti for mining of Sand from Budhabalanga River Sand Bed-III over an area of 12.33 Acres or 4.989 Ha in Village- Sankhmod, Tahasil- Betnoti, District- Mayurbhanj -Environmental Clearance reg.

Ref: Your online application dated 07.01.2022 for issue of EC vide File No: SIA/OR/MIN/250561/2022

Sir,

This has reference to your online application seeking environmental clearance of the mining project for mining of Sand from Budhabalanga River Sand Bed-III over an area of 12.33 Acres or 4.989 Ha in Village- Sankhmod, Tahasil- Betnoti, District- Mayurbhanj. The proposal falls in the category 1(a)- 'Mining of minerals' in the schedule of EIA Notification, 2006 as amended from time to time. The proposal has been appraised on the basis of the documents enclosed with the application, such as Form-2, supported by other necessary documents, namely the form-1, PFR, DSR, EMP, Approved Mining Plan and Checklist.

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

- a. This is a proposal for mining of sand from Budhabalanga River Sand Bed-III lying in the Budhabalanga River bed located at village- Sankhmod, Tahasil- Betnoti, Dist-Mayurbhanj, over lease area of 12.33 Acres or 4.989 Ha.
- b. The mine area is a part of the Survey of India Toposheet No. F45O14 bounded by Latitude: 21°38'33.1" N to 21°38'49.8" N and Longitude: 86°49'48.8" E to 86°49'58.3" E.
- c. The mining lease is an identified sairat source in the DSR. The Budhabalanga River Sand Bed-III sairat source will be leased out under the OMMC Rules, 2016

Day

by Tahasildar, Betnoti to the successful bidder(lessee) on the basis of public auction for a lease period of 5 years.

- d. The mining plan of the mining project prepared has been approved by Mining Officer, Baripada Circle, Baripada on 23.11.2021.
- e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 17070 cum of sand, when extracted upto a depth of 1.0 m. No study of the annual rate of replenishment of sand has been done for the sairat source which is a pre requisite as per the guidelines of sustainable sand mining management issued by the MoEF & CC, Govt. of India, and as per orders dated 13.09.2018 of the Hon'ble NGT.
- f. The project proponent has also not furnished the width of the river, nor the alignment of the extraction path for sand transportation. As reported by the tahasildar, a river bridge is at a distance of 1.7Km away from the mining lease area.
- g. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mine located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.
- h. As per the approved mining plan submitted, it is observed that sand from the quarry will be extracted upto a depth of 1.0 meter with annual extraction of sand not exceeding 17000cum, maximum production capacity during the valid lease period.

3. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5ha.

4. The proposal is duly appraised by the SEAC in its meeting held on 25.02.2022. The SEAC have recommended for grant of EC for the project valid upto the lease period stipulating various conditions.

5. The Environmental Clearance (EC) is accordingly granted to the proposed activity of sand mining subject to the following conditions and stipulations. The EC shall take

by

effect from the date of registration of duly executed lease deed in this regard by the Tahasildar and shall be coterminous with the expiry of lease period.

6. The Tahasildar, Betnoti who is the lease granting authority in this case is responsible for monitoring strict compliance of the following conditions of grant of environment clearance, by the project proponent(lessee).

7. Stipulated Conditions:

7.1 This Environmental Clearance is given with a condition that "maximum depth of digging of sand shall be 0.5m and maximum quantity of extraction of sand shall be 5000 cum in the 1st year, pending submission of rate of replenishment study at site. Study report on rate of replenishment shall be submitted by November, 2022."

7.2 The project proponent has to carry out by engaging appropriate consultant, a study of the annual replenishment rate of sand by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The replenishment rate of sand may be calculated by using the volumetric survey method or any other methods as laid down in Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the rate of replenishment of mined out sand in the lease area. Pending carrying out of the study & submission of the report, this clearance is being granted in an adhoc manner and is liable to be revoked after one year if satisfactory replenishment study report is not submitted. The submission of study report of rate of annual replenishment of sand within one year is obligatory for the project proponent.

7.3 The project proponent should carry out River bed sand mining manually by engaging local laborers in force to check over exploitation of sand at the source.

7.1 Any change in the plan or quantity to be produced shall require prior approval of SEIAA. This EC shall not be transferred without the permission of SEIAA. In case, the lease is settled in favour of any lessee, the permission of SEIAA will be taken along with the deposit of scrutiny fee.

7.4 There shall be a 'no working zone' to protect the embankment on both sides, road or rail bridge in the vicinity, if any, dam, weir, water intake structure of irrigation or drinking water project, or any cross drainage structure. 10 % of the width of river shall be left intact along the embankments on both sides as 'no mining zone'. Further, no mining shall be allowed within 200 m of any existing structures dam, weir, water intake structure of irrigation or drinking water project, or any cross

Das

drainage structure. In case of River Bridge, this no mining zone shall extend upto a minimum stretch of 200 meters from the said bridge and it may extend upto 500 meters in sensitive locations. The lease area shall be accordingly curtailed to carve out the actual sand mining area within the leasehold. Exact map of the lease area, and the 'no mining zone' shall be drawn to scale, showing the DGPS coordinates of all corner points, and the location of the bridge, embankment, extraction route & other structures; and such map has to be submitted to SEIAA by the project proponent through the Tahasildar within three months of the date of issue of the EC. The quantum of sand allowed to be extracted will be worked out on the basis of the actual working area.

- 7.5 The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent and photographs of proof of the same shall be submitted along with six monthly compliance report.
- 7.6 The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.
- 7.7 Mining is not permissible within the water channel or stream flow area. No stream shall be diverted for the purpose of mining and no natural water course shall be obstructed. The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non monsoon period. There shall be no sand mining in the river during the rainy season or when there is flow of water in the river.
- 7.8 Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
- 7.9 The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
- 7.10 No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/Gram Panchayat/BDO and only after required strengthening, such that the carrying capacity of road is increased to handle the sand truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density. Plying of sand extraction trucks may be allowed on roads / path ways passing

Day

- close to schools, temples, hospitals and such other public places only with prior written permission of competent authority.
- 7.11 Vehicles hired for transportation of sand from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 7.12 The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of sand transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of sand trucks.
- 7.13 The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality. The PP shall plant and nurse to full establishment a minimum of 100 number of saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Gram Panchayat. Photographs of proof showing the plantation shall be submitted along with compliance report.
- 7.14 Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
- 7.15 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
- 7.16 Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report.
- 7.17 The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.
- 7.18 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / SPCB, Odisha/ Regional Office of the MoEF& CC, Bhubaneswar, in hard and soft copies on 1st day of January, April, July, October of each calendar year, failing which EC is liable to be revoked. The proponent shall also upload the compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions.
- 7.19 At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.

24

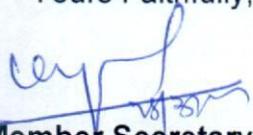
- 7.20 The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar, who shall ensure that the project proponent submits quarterly compliance reports.
- 7.21 The concerned Regional Office of the MoEF&CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF&CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 7.22 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParisad /Municipal Corporation / Urban Local Body as the case may be. A Copy of the environmental clearance letter can be downloaded from the Ministry portal (www.parivesh.nic.in).
- 7.23 A copy of this Environmental Clearance letter shall be displayed on the website of the Odisha State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tehsildar's office for 30 days.
- 7.24 Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the State Pollution Control Board.
- 7.25 The SEIAA, Odisha may revoke or suspend this EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.
- 7.26 The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 7.27 Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this environment clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.
- 7.28 The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.

SM

7.29 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.

7.30 Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

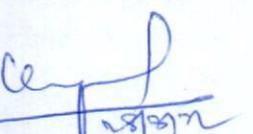
Yours Faithfully,


Member Secretary

Memo No _____ /Dt. _____

Copy to

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


Member Secretary



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email: seiaaodisha@gmail.com
(A statutory body constituted by Ministry of Environment, Forest & Climate Change under
Environment (Protection) Act, 1986)

File No. SIA/OR/MIN/296742/2022

Dated 27th January 2023.
Bhubaneswar

To

Smt. Priyanka Behera
W/o-Sri Khageswar Behera
At-Sathilo, Po/Ps-Betnoti,
Dist-Mayurbhanj

Sub: Proposal for Transfer of Environmental Clearance of Budhabalanga River Sand Bed-III over an area of 12.33 acres or 4.989 hectares in village Sankhmod under Betnoti Tahasil in Mayurbhanj District, Odisha from the name Tahasildar, Betnoti to Smt. Priyanka Behera -reg.

Ref: (i) EC letter no./EC identification no. EC22B001OR124834 dated 31.03.2022
(ii) Tahasildar, Betnoti letter no. 210 dated 16.01.2023
(iii) Online Application no. SIA/OR/MIN/296742/2022 dtd.17.01.2023

Sir,

This has reference to your online application no. SIA/OR/MIN/296742/2022 dated 17.01.2023, wherein you have requested for transfer of Environmental Clearance (EC) granted by SEIAA, Odisha vide letter no./EC identification No. EC22B001OR124834 dated 31.03.2022 issued earlier in favour of Tahasildar, Betnoti, Dist- Mayurbhanj.

2. The application was examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 107th meeting held on 21.01.2023 in accordance with the Para-11 of the EIA Notification, 2006 as amended from time to time and the following points are noted;

(i) As submitted by the Tahasildar, it is noted that EC was obtained for Budhabalanga River Sand Bed-III for a period of 5 years in favour of Tahasildar, Betnoti vide the above-mentioned EC letter under reference. Now, the said sairat source has been leased out by Tahasildar to the successful bidder (lessee) for a lease period of 5 years. Hence, the Tahasildar has requested for transfer of EC in favour of Smt. Priyanka Behera, who is the successful bidder in this case for operationalization of the sairat source for 5 years lease period under the provision of OMMC Rules, 2016.

(ii) Documents submitted for EC Transfer;

- a. Form No. 7 for transfer of Environmental Clearance,
- b. Letter no. 210 dated 16.01.2023 of Tahasildar, Betnoti for transfer of EC to Smt. Priyanka Behera as the successful bidder for Budhabalanga River Sand Bed-III.
- c. Cyber Treasury e-challan no. 35940D62CA dated 17.01.2023 for Rs. 2000/- towards scrutiny fee,
- d. Undertaking for accepting the terms and conditions in the original EC.



38
**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email: seiaaodisha@gmail.com
(A statutory body constituted by Ministry of Environment, Forest & Climate Change under
Environment (Protection) Act, 1986)

3. **Transfer of Environmental Clearance (EC) of Budhabalanga River Sand Bed-III issued vide SEIAA, Odisha EC letter/EC identification no./EC identification no. EC22B001OR124834 dated 31.03.2022 is allowed in favour of Smt. Priyanka Behera the successful bidder for the said quarry for an annual extraction quantity of 5000 cum. The annual rate of replenishment study report (ARSS) of sand shall be submitted by December 2024. The other stipulated terms and conditions of the original EC initially granted remains same subject to satisfactory compliance to all the stipulated terms and conditions of EC along with additional stipulated conditions mentioned below;**

- (i) **Undertaking:** The PP shall submit an undertaking in the Form of an Affidavit in a non-judicial stamp stating that they will comply with the conditions stipulated in the original Environmental Clearance issued for the project vide SEIAA, Odisha EC letter/EC identification no. EC22B001OR124834 dated 31.03.2022.
- (ii) **Boundary Demarcation:** - The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empaneled agency of ORSAC.
- (iii) **Digital Map:** -A digital map (in KML format as well as PDF version) showing GPS coordinates of all boundary pillars duly countersigned by the Tahasildar shall be submitted to SEIAA, Odisha through email at seiaaodisha@gmail.com.
- (iv) **Intimation of EC transfer:** - The copies of the EC transfer order shall be sent to the Sarpanch(s) of the concerned Gram Panchayat(s), Urban Local Bodies and relevant other Offices of the Government with a request to display the same for 30 days from the date of receipt.
- (v) **Tree Plantation:** - Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for avenue plantations of the State Forest Department. The Project Proponent (lease holder) shall deposit Rs.2,25,000/- with the respective District Environment Society for raising 500 plants of native species within 2 years in a suitable location adjoining to quarry.
- (vi) **State EMF Fund:** - An amount equal to five percent (5%) of the royalty payable shall be collected from the lessee by the Tahasildar and deposited to the State Environment Management Fund, which will be utilized as per provisions of Rule 49(3) of the OMMC Rule, 2016 preferably, in and around the areas where mining activities are undertaken.



39
**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email: seiaaodisha@gmail.com
(A statutory body constituted by Ministry of Environment, Forest & Climate Change under
Environment (Protection) Act, 1986)

4. The Tahasildar, Betnoti shall ensure that the above six additional conditions be complied with by the lessee before start of any mining operations and submitted compliance report to SEIAA, Odisha through email at seiaaodisha@gmail.com within 06 (six) months from date of issue of transfer of EC falling which the EC stands automatically revoked. In case, there is a change in the scope of the project, fresh Environment Clearance shall be obtained.

Yours faithfully,


Member Secretary

Encl: Copy of the Original EC

Copy to

1. Joint Secretary (Environment), Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
2. Principal Secretary, Forests & Environment Dept., Government of Odisha for information.
3. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for information.
6. Member Secretary, CGWA, 18/11, Jamnagar House, Man Singh Road, New Delhi-110011 for information.
7. Copy to the Collector/Sub Collector, Mayurbhanj and Tahasildar Betnoti for information and necessary action.
8. Chairman/Member / Member Secretary, SEIAA for information.
9. Chairman, SEAC/Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
10. Guard file for record.




Member Secretary



Government of India
Ministry of Environment, Forest and Climate Change
 (Issued by the State Level Expert Appraisal
 Committee(SEAC),
 ODISHA)



Minutes of Agenda for 18th Meeting of State Expert Appraisal Committee, Odisha
 scheduled to be held on 02/05/2024 at 4.00pm through Video Conferencing in Google Meet- MOD EC Proposals State Level Expert Appraisal Committee meeting held
 from 02/05/2024 to 02/05/2024 **Date: 29/05/2024**

MoM ID: EC/MOM/SEAC/403054/5/2024
Agenda ID: EC/AGENDA/SEAC/403054/5/2024
Meeting Venue: N/A
Meeting Mode: Virtual
Date & Time:

02/05/2024	04:00 PM	05:30 PM
------------	----------	----------

1. Opening remarks

N/A

2. Confirmation of the minutes of previous meeting

N/A

3. Details of proposals considered by the committee

Day 1 -02/05/2024

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

NIHALPRASAD ROAD METAL QUARRY -1 by AJIT SAHU located at DHENKANAL,ODISHA			
Proposal For		Amendment in EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/OR/MIN/465536/2024	465536/95-MIN/03-2024	09/03/2024	Mining of minerals (1(a))

3.1.2. Project Salient Features

The SEAC recommended the following:

A part of the lease covers the water course. Mining should not disturb the water course in any manner.

Estimated replenished amount is 35041.4890m³

Recommended to extract (60%) of the replenished amount i.e. **21024.8934 m³**.

3.26.5. Recommendation of SEAC

Recommended

3.27. Agenda Item No 27:

3.27.1. Details of the proposal

Proposal for Modification of EC on the basis of Replenishment study report of SARANPUR SAND QUARRY over an area 1.0acres or 0.405ha in Saranpur village under Nabarangpur tahasil of Nabarangpur district Odisha by RANJIT MOHANKUDA located at NABARANGPUR,ODISHA

Proposal For		Amendment in EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/OR/MIN/466867/2024	466867/122-MIN/03-2024	21/03/2024	Mining of minerals (1(a))

3.27.2. Project Salient Features

6. Replenishment volume after post monsoon is **1212 cum** and post-monsoon mineable sand reserve is **3935 cum**

3.27.3. Deliberations by the committee in previous meetings

N/A

3.27.4. Deliberations by the SEAC in current meetings

The SEAC decided to reject the proposal as the lease area is cover with water body as per the kml file.

3.27.5. Recommendation of SEAC

Not Recommended

3.28. Agenda Item No 28:

3.28.1. Details of the proposal

Budhabalanga River Sand Bed-III Over an area of 12.33 Acres or 4.989 Hectares in Village Sankhmod under Btnoti Tahasil of Mayurbhanj District of Odisha by PRIYANKA BEHERA located at MAYURBHANJ,ODISHA

Proposal For		Amendment in EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/OR/MIN/466875/2024	466875/123-MIN/03-2024	21/03/2024	Mining of minerals (1(a))

3.28.2. Project Salient Features

6. Considering a common safe workable area of 0.5265ha. , it is observed that 1181.76cum of sand has been done with an average thickness of 0.22m . Estimated sand Replenishment in total mineable area is 6733.67cum .

3.28.3. Deliberations by the committee in previous meetings

N/A

3.28.4. Deliberations by the SEAC in current meetings

The SEAC decided to reject the proposal as the lease area is cover with water body as per the kml file.

3.28.5. Recommendation of SEAC

Not Recommended

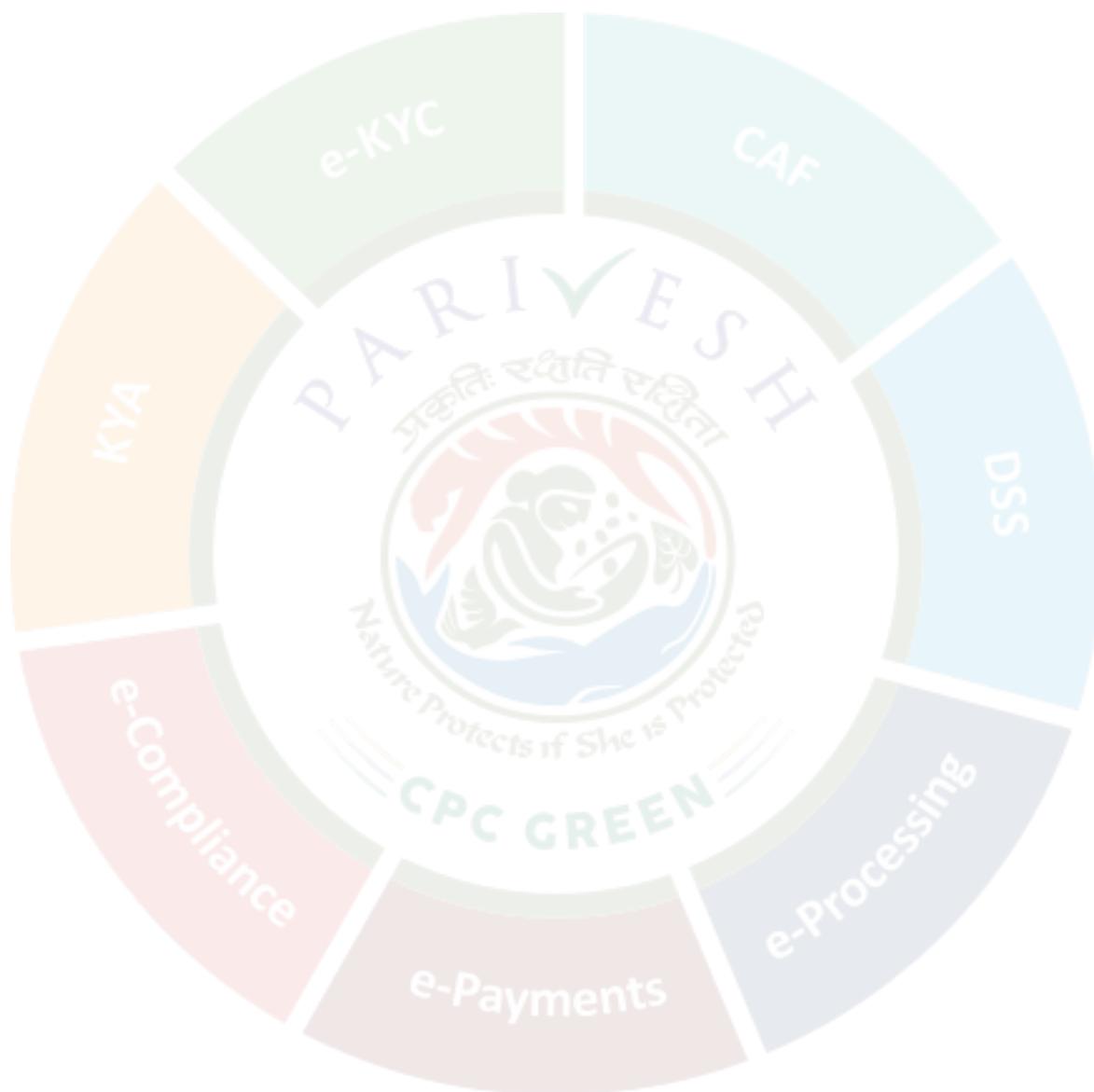
4. Any Other Item(s)

N/A

5. List of Attendees

Sr. No.	Name	Designation	Email ID	Remarks
1	K Murugesan	Member Secretary, SEAC	ms-*****@gov.in	
2	Sashi Paul	Chairman, SEAC	chm*****@gov.in	
3	Dr Ashok Kumar Sahu	SEAC MEMBER	aks***@immt.res.in	
4	Dr Abanti Sahoo	SEAC MEMBER	asa***@nitrkl.ac.in	
5	Bijoy Kumar Satpathy	SEAC MEMBER	bks*****@gmail.com	
6	Dr Chittaranjan Panda	SEAC MEMBER	drp*****@yahoo.com	
7	Himanshu Bhushan Sahu	SEAC MEMBER	hbs***@nitrkl.ac.in	
8	Er Fakir Mohan Panigrah	SEAC MEMBER	pan*****@gmail.co	

	i		m	
9	Kishore Chandra Sekhar	SEAC MEMBER	pan*****@niser.ac.in	
10	Rabi Narayan Patra	SEAC MEMBER	rpa***@hotmail.com	
11	Kumud Ranjan Acharya	SEAC MEMBER	kum*****@gmail.com	
12	Shri Jayant Kumar Das	SEAC MEMBER	jay*****@gmail.com	



Signature Not Verified

Digitally Signed by : K Murugesan
Member Secretary SEAC

Date: 03/06/2024



Government of India
Ministry of Environment, Forest and Climate Change
 (Issued by the State Level Expert Appraisal
 Committee(SEAC),
 ODISHA)



Minutes of Agenda for 72nd Meeting of State Expert Appraisal Committee, Odisha
 scheduled to be held on 22/05/2025 at 03:30 PM by Virtual mode (VC) through Video Conferencing in Google Meet - MINOR MINERAL Proposals State Level Expert Appraisal Committee meeting held from 26/05/2025 to 26/05/2025

Date: 31/05/2025

MoM ID: EC/MOM/SEAC/527596/5/2025

Agenda ID: EC/AGENDA/SEAC/527596/5/2025

Meeting Venue: N/A

Meeting Mode: Virtual

Date & Time:

26/05/2025	03:30 PM	05:30 PM
------------	----------	----------

1. Opening remarks

N/A

2. Confirmation of the minutes of previous meeting

N/A

3. Details of proposals considered by the committee

Day 1 -26/05/2025

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Majhiguda Decorative Stone Quarry by KOTARU RAO located at MALKANGIRI,ODISHA			
Proposal For		Fresh EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/OR/MIN/519773/2025	519773/62-MINB1/02-2025	11/02/2025	Mining of minerals (1(a))

6. Average thickness is **0.515 m**.

7. Volume replenished is **6068 cum**.

8. PP has asked SEIAA, Odisha to determine the sand amount for sand mining

3.8.3. Deliberations by the committee in previous meetings

N/A

3.8.4. Deliberations by the SEAC in current meetings

The SEAC decided to recommend the proposal for grant of EC as per the Replenishment Study Report maximum quantity up to 6068 cum with a depth of 0.5m by **manual method** subject to modification of Mining Plan, deposit of 5% royalty to state EMF and approved DSR.

3.8.5. Recommendation of SEAC

Recommended

3.9. Agenda Item No 9:

3.9.1. Details of the proposal

Submission of Replenishment Study Report (2024-25) for Amendment of Environment Clearance of Budhabalan ga River Sand Bed-III over an area of 12.33 acres or 4.989 hectares in Village Sankhamod under Betnoti Tahasil in Mayurbhanj District, Odisha of Smt. Priyanka Behera. by PRIYANKA BEHERA located at MAYURBHANJ, ODISHA

Proposal For		Amendment in EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/OR/MIN/535217/2025	535217/670-MIN/04-2025	24/04/2025	Mining of minerals (1(a))

3.9.2. Project Salient Features

1. Modification of EC as per the Replenishment Study Report
2. EC was granted vide letter no. **EC22B001OR124834** dated **31.03.2022**.
3. Approved Mining Plan capacity is **17000 (max) cum/annum**.
4. SEIAA has permitted for **5000 (max) cum/year for 1st Year** for sand extraction, followed by submission of Replenishment Study Report.
5. Transfer EC was granted vide letter dated **27.01.2023** .
6. Both Pre monsoon (**03.06.2024**) and Post Monsoon (**12.12.2024**) has been carried out by UAV/Drone survey method.
7. Average thickness is **1.11 m**.

8. Estimated sand replenished in mineable area is **11110.85 cum**.

9. PP has asked SEIAA, Odisha to allow **11110.85 cum** for sand mining.

3.9.3. Deliberations by the committee in previous meetings

N/A

3.9.4. Deliberations by the SEAC in current meetings

The SEAC observed the following:

1. Safe workable area is calculated as $(100-x)\%$ of lease area where x is %age of water covered lease area. Replenished volume is calculated with UAV/Drone software. Nothing is mentioned about safety zone allowance.
2. Again, two patches are there within 200m distance for one lease area. That is why it will be a case of cluster.

The SEAC decided to reject the proposal for the following reasons:

- a) The mining lease comprises of two patches at 200meters distance. The same cannot be considered as a single lease as boundary of the lease cannot be defined due to mineral deposit area is located in two different patches which are 200meters apart.
- b) This lease area can be separated as two leases and they have to apply afresh in cluster approach after obtaining approval from Steel and Mines Department for two different leases

3.9.5. Recommendation of SEAC

Not Recommended

3.10. Agenda Item No 10:

3.10.1. Details of the proposal

Proposal for Amendment of Environmental Clearance of Suktel Nadi Khari Sand Quarry Over an Area of 12.35 5 Acres or 5.00 Hectares in Village Khari Under Sonepur Tahasil of Subarnapur District. by SANJAY MISHRA located at SONEPUR,ODISHA

Proposal For		Amendment in EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/OR/MIN/535235/2025	535235/671-MIN/04-2025	24/04/2025	Mining of minerals (1(a))

3.10.2. Project Salient Features

1. Modification of EC as per the Replenishment Study Report.



Government of India
Ministry of Environment, Forest and Climate Change
 (Issued by the State Level Expert Appraisal
 Committee(SEAC),
 ODISHA)



Minutes of Agenda for 88th Meeting of State Expert Appraisal Committee, Odisha was held on 26/08/2025 at 03:30 PM by Virtual mode (VC) through Video Conferencing in Google Meet - MM+MOD EC PROPOSALS State Level Expert Appraisal Committee meeting held from 06/09/2025 to 06/09/2025

MoM ID: EC/MOM/SEAC/907461/9/2025

Agenda ID: EC/AGENDA/SEAC/907461/9/2025

Meeting Venue: N/A

Meeting Mode: Virtual

Date & Time:

06/09/2025	08:34 PM	08:34 PM
------------	----------	----------

1. Opening remarks

N/A

2. Confirmation of the minutes of previous meeting

N/A

3. Details of proposals considered by the committee

Day 1 -06/09/2025

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Proposal for Amendment of EC for Singuri Sand Bed is located in Village Singuri over an area of 5.00 Ac/ 2.023 ha. under Barkote Tahasil in Deogarh District of Odisha. by SMITA KAR located at DEOGARH,ODISHA			
Proposal For		Amendment in EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/OR/MIN/504012/2024	504012/357-MIN/11-2024	05/11/2024	Mining of minerals (1(a))

3.15.5. Recommendation of SEAC

Deferred for ADS

3.16. Agenda Item No 16:**3.16.1. Details of the proposal**

Submission of Replenishment Study Report (2024-25) for Amendment of Environment Clearance of Budhabalan ga River Sand Bed-III over an area of 12.33 acres or 4.989 hectares in Village Sankhamod under Betnoti Tahasil in Mayurbhanj District, Odisha of Smt. Priyanka Behera. by PRIYANKA BEHERA located at MAYURBHANJ, ODISHA			
Proposal For		Amendment in EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/OR/MIN/548345/2025	548345/784-MIN/08-2025	17/08/2025	Mining of minerals (1(a))

3.16.2. Project Salient Features

<ol style="list-style-type: none"> 1. Modification of EC as per the Replenishment Study Report. 2. EC was granted vide identification no. EC22B001OR124834 dated 31.03.2022. 3. Transfer EC was granted vide letter no. SIA/OR/MIN/296742/2022 dated 21.01.2023. 4. Approved Mining Plan capacity is 17000 cum for 1st year and 13600 for the rest of the plan period. 5. SEIAA has permitted for 5000 cum/year for sand extraction, followed by submission of Replenishment Study Report. 6. Both Pre monsoon (03.06.2024) and Post Monsoon (12.12.2024) has been carried out by Drone survey method. 7. Available replenishment mineable reserve after post monsoon is 6288.27 cum. <p>PP has proposed for 6288.27 cum/annum as per the Replenishment study report.</p>

3.16.3. Deliberations by the committee in previous meetings

N/A

3.16.4. Deliberations by the SEAC in current meetings

<p>The SEAC observed the following:</p> <p>1) Earlier proposal no SIA/OR/MIN/535217/2025 was rejected vide SEIAA letter dated 19/07/2025 with following observations;</p> <p>“After detailed deliberation, the authority decided to reject the amendment of EC as recommended by SEAC due to the following reasons:</p>

1. The mining lease comprises of two patches at 200meters distance. The same cannot be considered as a single lease as the boundary of the lease cannot be defined and the mineral deposit area is located in two different patches which are 200meters apart.
2. In the ARSS report submitted the safe workable area is calculated as $(100-x) \%$ of lease area where x is %age of water covered lease area. Replenished volume is calculated with UAV/Drone software and nothing is mentioned about safety zone allowance.
3. This lease area can be separated as two leases and the PP have to apply afresh in cluster approach after obtaining approval from Steel and Mines Department for two different leases”.
4. Hence, the proposal is Rejected as per provision of EIA Notification, 2006 and as amended thereof.

Compliance of PP is as follows:

1. The SEIAA has allowed to extract 5000 cum of sand for first year, PP extracted 4142 cum of sand in first year. The depth of working was restricted within 0.5 meters. The Quarry is not operation for the period of 2nd year.
2. The replenishment volume estimation had been carried out by DEM-to-DEM Comparison (Post - Pre) method as per the Sand Guideline’ 2020. Replenished volume is extracted from UAV/Drone software with in the common workable area excluding safety zone. However, the RSR has been re-calculated as per the suggestion of the Committee considering common workable area of both Pre and Post monsoon season and enclosed herewith for consideration.
3. Total lease area consists of two patches. Lease has been granted accordingly. EC has already been obtained. This proposal is for amendment of EC regarding submission of Replenishment report. This is a single quarry with multiple patches. So, this may not be a cluster case.

The SEAC decided to reject the proposal for modification EC due to following reasons:

1. Two patches of Lease area should be considered as independent Lease under cluster approach.
2. This lease area can be separated as three leases and they have to apply afresh in cluster approach after obtaining approval from Steel and Mines Department for two different leases.
3. When the rejection letter was issued on 19. 07.2025, it is not clear how PP has submitted a Compliance letter to reasons of rejection duly signed on 17.06.2025.

3.16.5. Recommendation of SEAC

Not Recommended

3.17. Agenda Item No 17:

3.17.1. Details of the proposal

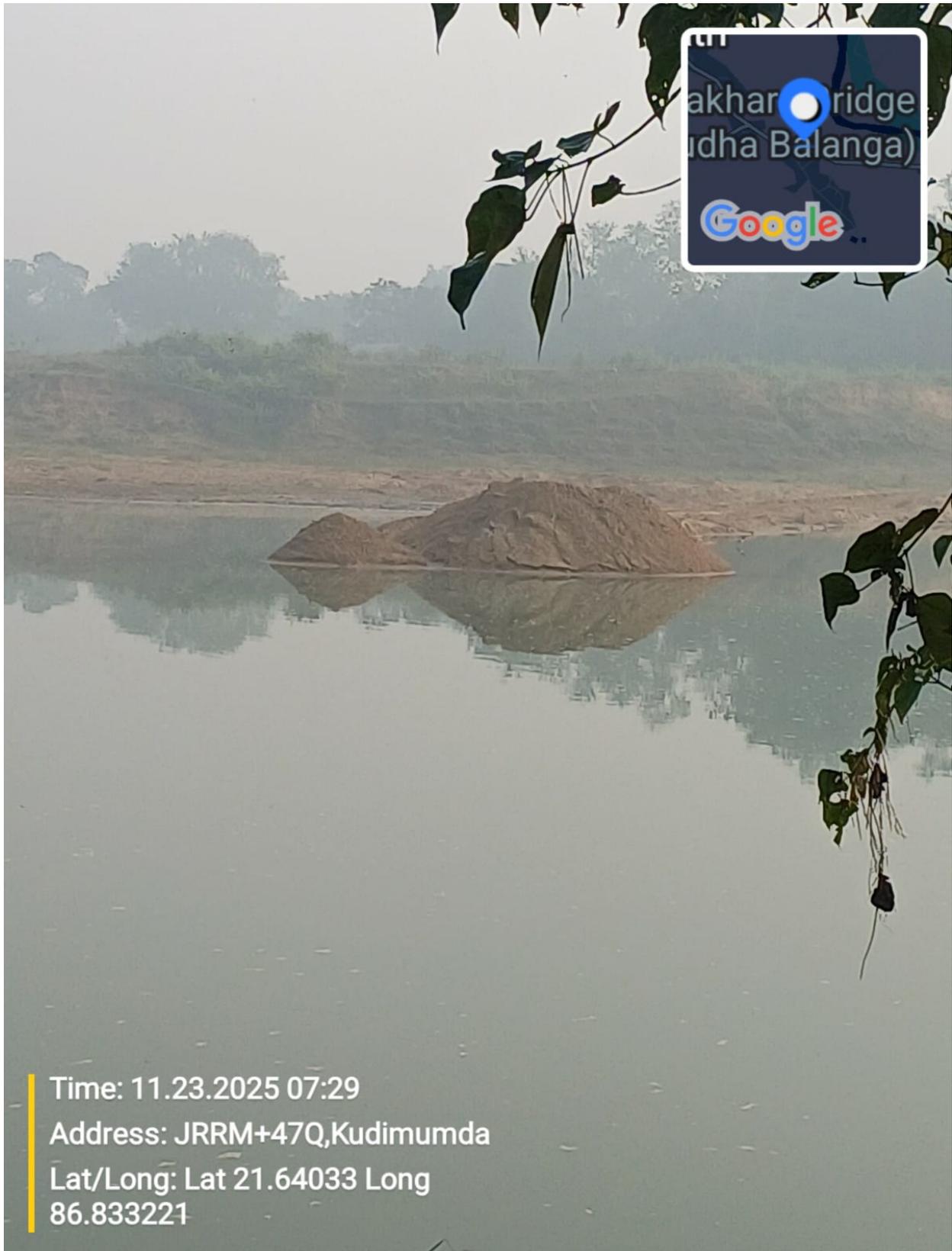
THAT THE BELOW ATTACHED PHOTOGRAPH DATED 06/11/2025 SUGGESTS THE LESSEE IS CARRYING OUT MINING ACTIVITY BY USING EXCAVATORS



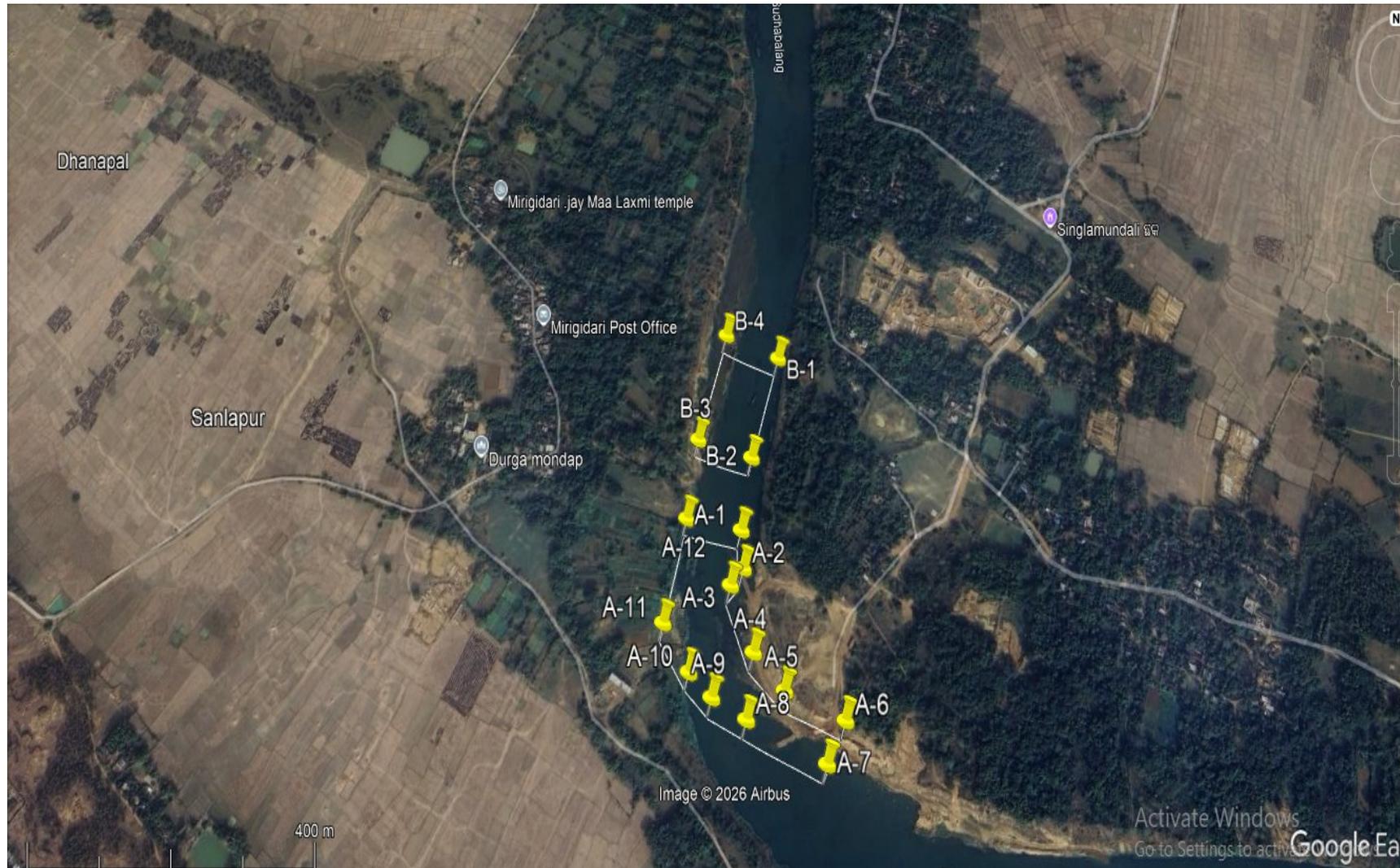
THAT THE BELOW ATTACHED PHOTOGRAPH DATED 06/11/2025 SUGGESTS THE LESSEE IS CARRYING OUT MINING ACTIVITY BY USING EXCAVATORS



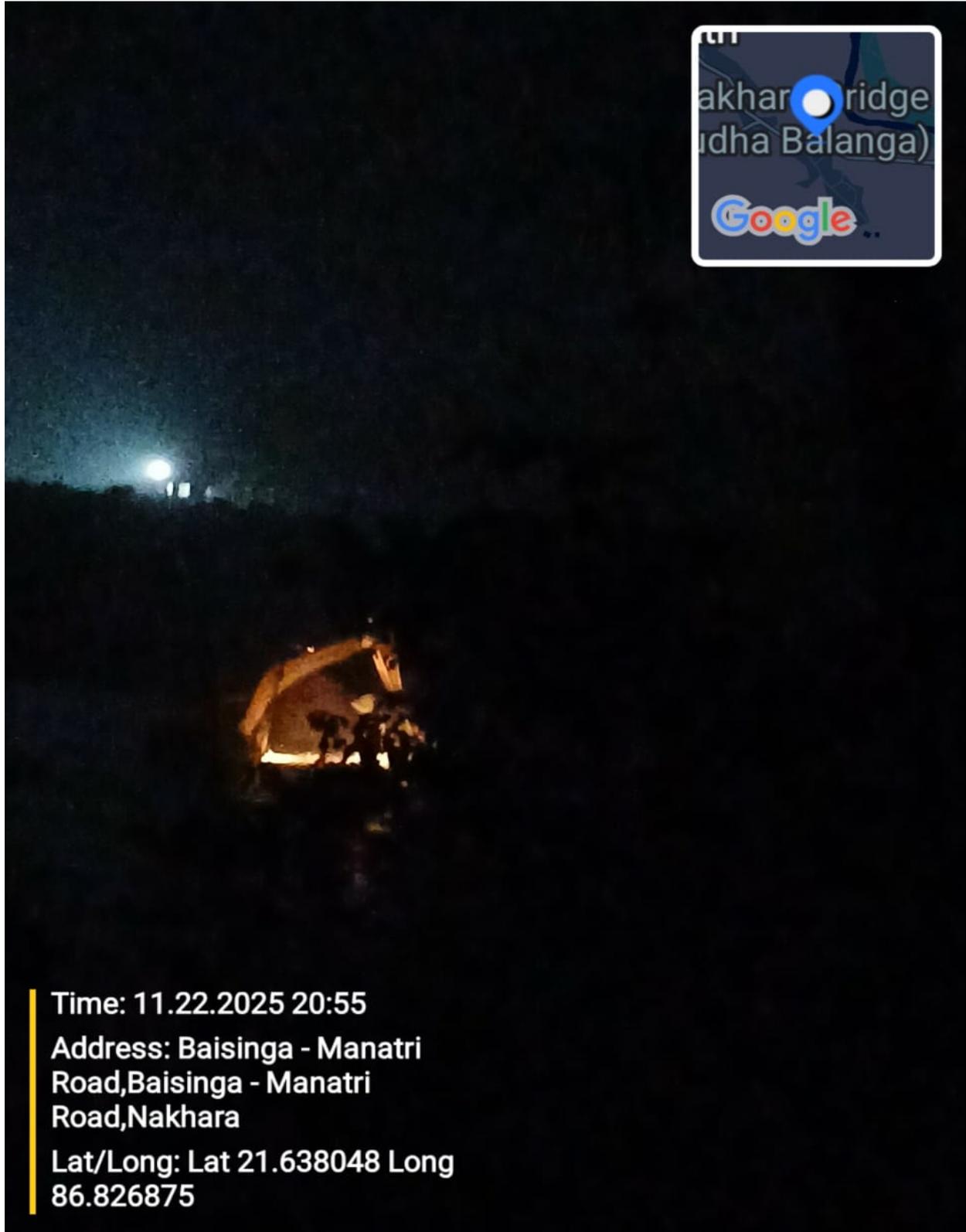
THAT THE BELOW ATTACHED PHOTOGRAPH DATED 23/11/2025 SUGGESTS THE LESSEE IS CARRYING OUT IN STREAM MINING BY OBSTRUCTING THE FREE FLOW OF WATER



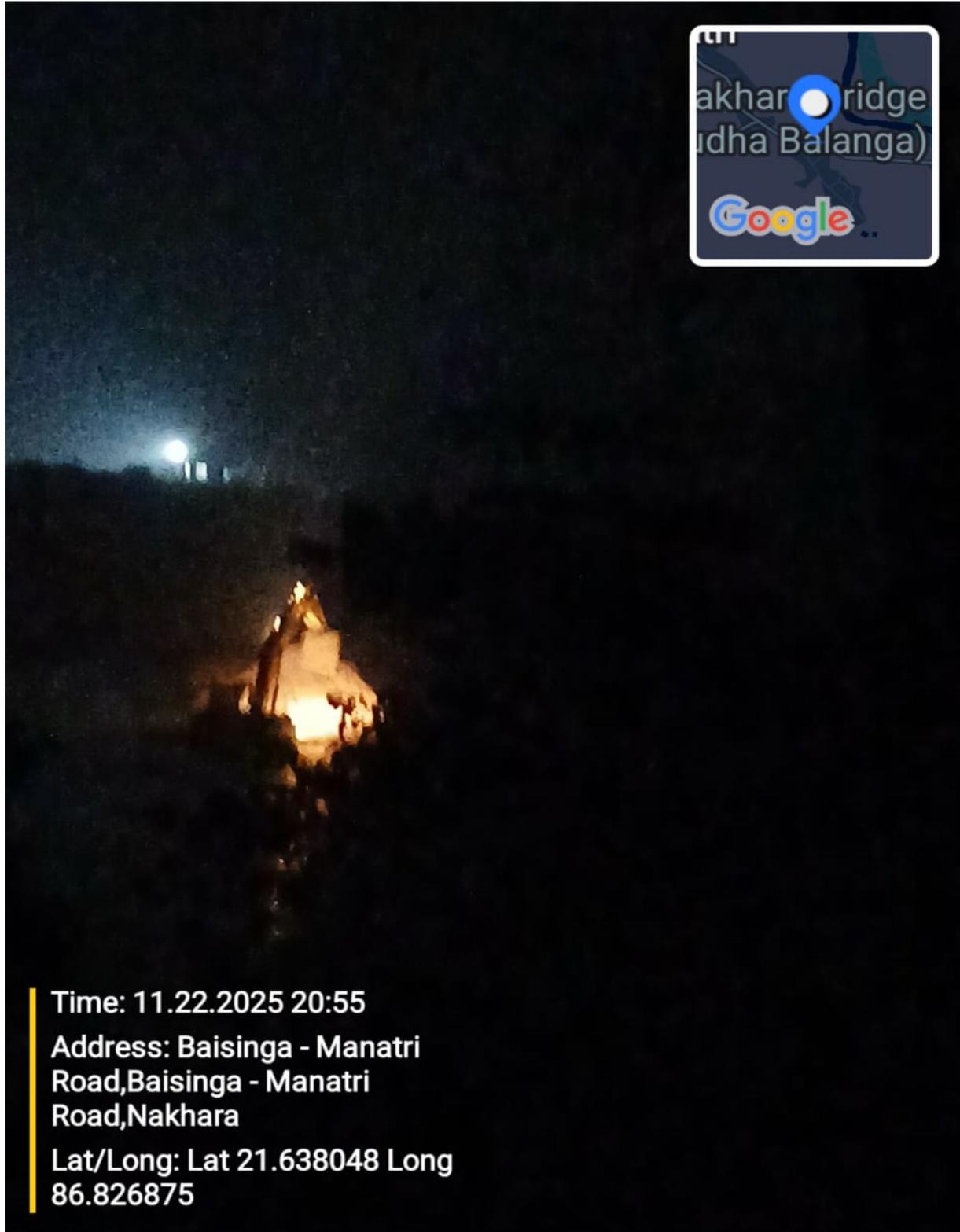
THAT THE BELOW ATTACHED GOOGLE EARTH IMAGE SUGGESTS THE LEASE AREA HAS BEEN DEVIDED INTO TWO PARTS AND THE LESSEE IS EXTRACTINGS SANDS BEYOND THE PERMISSIBLE AREA.



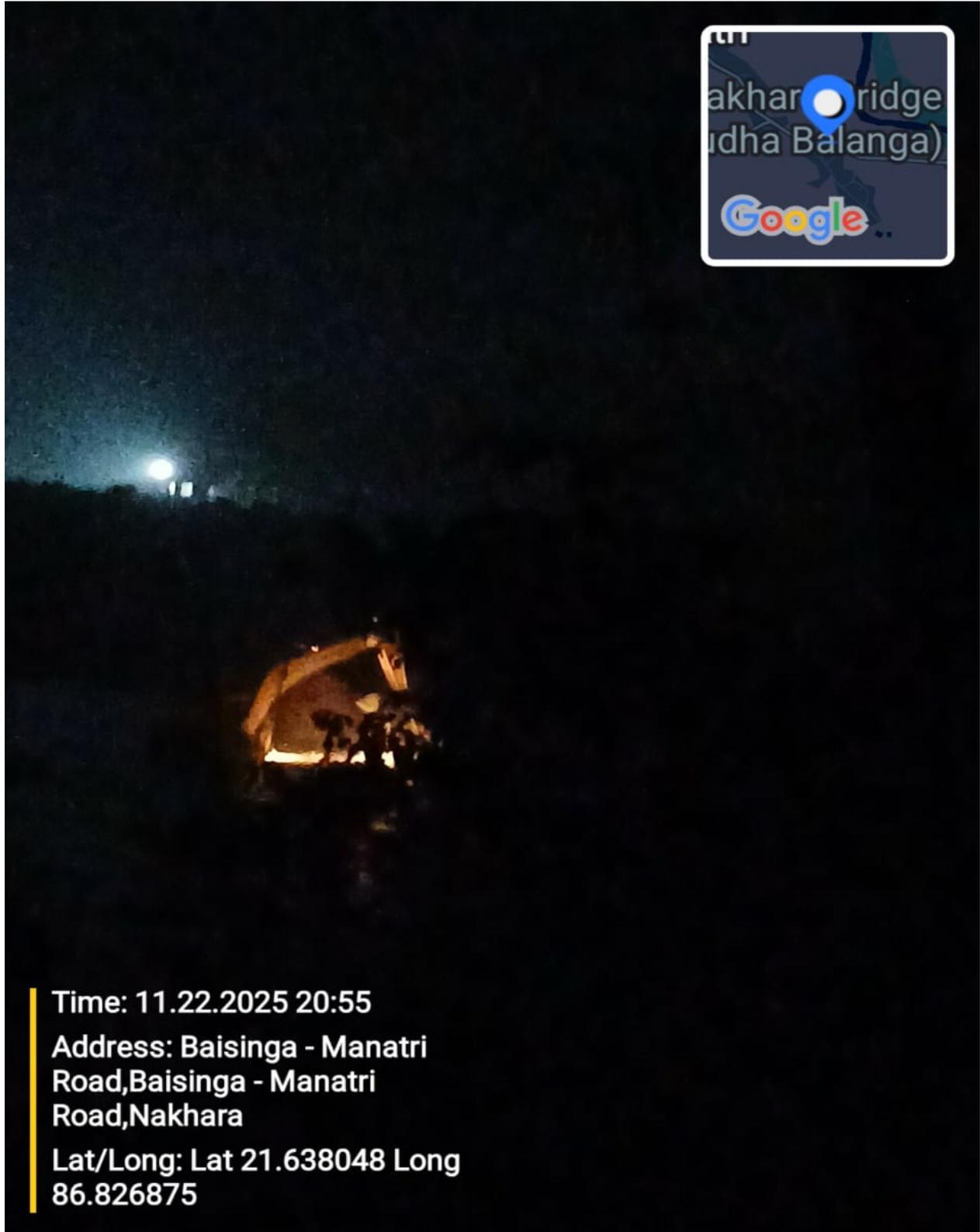
THAT THE BELOW ATTACHED PHOTOGRAPH DATED 22/11/2025 SUGGESTS THE LESSEE IS CARRYOUT MINING ACTIVITIES IN NIGHT TIME



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 22/11/2025 SUGGESTS THE LESSEE IS CARRYOUT MINING ACTIVITIES IN NIGHT TIME



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 22/11/2025 SUGGESTS THE LESSEE IS CARRYOUT MINING ACTIVITIES IN NIGHT TIME



By e-Mail/Fax

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

RDM-MMS-EXINST-0001-2019-

12611

/R&DM Dated 26.04.2019

From

Shri Nikunja B. Dhal, IAS
Principal Secretary to Government

To

All Collectors

Sub: Guidelines for regulating the sand quarrying in the State.

Madam/Sir,

Sand is the most important minor mineral used for various development projects and construction of buildings. Increase in demand of sand has put immense pressure on the sand sources, at times leading to illegal quarrying activities.

Unscientific sand quarrying and illegal lifting not only causes revenue loss to the state exchequer but also distorts the natural equilibrium of rivers. Indiscriminate sand mining may also lead to change of the course of rivers and embankment cave-in thereby threatening the life of inhabitants of villages situated along the river bank.

A number of instructions/guidelines have been issued by this Department from time to time to prevent illegal lifting of minor minerals. Grant of quarry lease is regulated as per the provisions of Chapter-IV of OMMC Rules, 2016.

To ensure scientific quarrying, transparent distribution and to prevent illegal lifting / theft of minor minerals, a scheme namely '*prevention of theft of minor minerals and eviction activities*' was launched during 2018-19 vide Resolution No. 23225/R&DM dated 28.06.2018. To implement the scheme, funds to the tune of Rs. 5.00 Crore was initially placed with Collectors vide this Department sanction order no. 25548 dated 11.07.2018.

In continuation of various instructions issued in the past, the following guidelines and instructions are issued for streamlining the process of sand quarrying and preventing illegal lifting of sand:

A. Identification of sources:

- i. Tahasildar shall conduct joint verification with Assistant Executive Engineer/ Executive Engineer of Water Resources Department for identification of specific river stretches having proper access for grant of quarry leases.
- ii. The boundaries of sand sources should be properly demarcated by pillar posting as instructed vide this Department letter No.15640 dtd. 15.05.2017.
- iii. In no case the lessee should be allowed to extract sand beyond the lease area.

B. Mining plan and environment clearances / approvals:

- i. Tahasildar (Competent Authority) shall get the mining plans prepared in advance through Registered Qualified Persons (RQP) in respect of the sources within his jurisdiction.
- ii. While preparing mining plan the distance of hydraulic structures including dams, barrages, check dams, bridges etc., location from habitations, heritage sites, monuments and public infrastructure facilities should be taken into consideration. Sand quarrying operation should not endanger the safety of these structures & imperil the lives of the people.
- iii. The Tahasildar shall apply for and obtain the Environmental Clearance (EC). The selected bidder shall bear cost of the preparation of mining plan and also the costs incurred for obtaining the EC.
- iv. In case the approval of mining plan and the Environmental Clearance have not been obtained by the Competent Authority, the selected bidder shall obtain the same before executing the lease deed.
- v. State Pollution Control Board (SPCB), Odisha vide their Notice dated 12.05.2016 (copy enclosed) have informed all concerned that the lease holders of all minor mineral mines (irrespective of lease hold area) in the State are brought under the consent administration of the Board under the Water (PCP) Act, 1974 and Air (PCP) Act, 1981 and that for

operation of any minor mineral mines in the State, consent from the SPCB shall be obtained. The operation of any minor mineral mines in the State without obtaining consent from the SPCB will be considered as violation under section 25 of Water (PCP) Act, 1974 and under section 21 of Air (PCP) Act, 1981 and would lead to initiation of appropriate legal action.

- vi. It shall be the responsibility of the lessee to obtain the Consent to Operate (CTO) from State Pollution Control Board (SPCB) before commencement of the quarrying operation.
- vii. Care should be taken to follow all the environmental norms issued from time to time by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Govt. of India and Forest & Environment Department, Govt. of Odisha prior to lease of any sand source and during operation of the same. The lessee shall be responsible for implementing the Environment Management Plan (EMP).

C. Quarrying/Mining operation:

- i. Quarrying operation should be done strictly within the mining area as per the Mining plan. It should be undertaken only after putting in place the required environmental safeguards.
- ii. The depth of the quarry shall be restricted to three meters or water level, whichever is less.
- iii. The lessee shall not damage the embankment of the river.
- iv. No quarrying operation of sand shall be allowed through mechanized means and suction method.
- v. The lessee shall not dispatch the sand without a valid transit pass in Form-Y issued by the Tahasildar.
- vi. Since Hon'ble High Court in the order dated 19.07.2012 in WP (C) No. 12232 of 2012 have observed that the transport permit is issued only to transport the sand extracted from the sand sairat within the state of Odisha, the lessees should be instructed not to transport sand outside the State. Clarification in this regard has already been issued from this Department vide letter No. 36404 dated 02.12.2014.

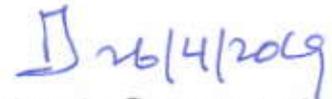
D. Steps for prevention of illegal sand quarrying/mining:

- i. District Administration shall put in place a robust monitoring mechanism to continuously monitor the quarrying activities of sand sources.
- ii. If any incidence of extraction of sand beyond the lease area by lessee is found, the same shall be treated as unauthorized and the lessee be penalized as per section 21(5) of MMDR Act, 1957 and the provisions of Rule 51 of OMMC Rules, 2016.
- iii. If any damage to embankments of the rivers comes to the notice, the lease shall be cancelled on obtaining the report from Assistant Executive Engineer / Executive Engineer of Water Resources Department.
- iv. The Revenue Administration and Police Administration shall seize all machines, vehicles, etc. used for carrying out illegal sand quarrying.
- v. Apart from instituting appropriate criminal proceedings against those carrying out illegal quarrying activities and transporting sand without valid 'Y' Form, maximum penalty should be imposed against them.
- vi. The District Administration should remain vigilant to prevent any incidence of interstate transportation of sand. If any such incidence comes to notice, the lease should be cancelled.
- vii. Temporary check gates may be set up during peak constructions season at common exit points to be decided by the Collectors. Care should be taken not to set up these posts on the National Highways and State Highways so that the general vehicular traffic is not affected and the commuters are not put to trouble.
- viii. Squads should be constituted at district and sub-divisional levels to conduct surprise checks in the sand quarrying areas and check the vehicles transporting sand. Raid/checking should always be done with adequate security arrangement to ward off any untoward situation.
- ix. Technical support of ORSAC may be taken for satellite based monitoring of very important sand sairats.

- x. All the complaints of unauthorized sand quarrying should be enquired by the Sub-Collector/ Addl. Sub-Collector/Tahasildar within 72 hours and remedial measures should be taken promptly.
- xi. Status of cases detected and action taken thereon for violation of provisions of OMMC Rules, 2016 and the Environmental Regulations should be reviewed in the monthly district level revenue meetings, and the issues arising thereon should be sorted out.

You are, therefore, advised to take all necessary measures for enforcing the above mentioned guidelines for preventing illegal and unauthorised sand quarrying in the State. Any deviation in implementation and enforcement of the provisions of the OMMC Rules, 2016 and the environmental regulations shall be viewed seriously and action deemed proper shall be initiated against the erring officer(s).

Yours faithfully,



Principal Secretary to Government

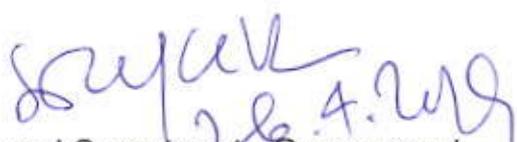
Memo No. 12612 /R&DM Dated 26.04.2019

Copy forwarded to Steel & Mines Department / Forest and Environment Department / Water Resources Department / Member Secretary, SPCB / CEO, ORSAC for information and necessary action.


26.4.2019
Additional Secretary to Government

Memo No. 12613 /R&DM Dated 26.04.2019

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ All Revenue Divisional Commissioners for information and necessary action.


26.4.2019
Additional Secretary to Government

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

Original Application No.-

In re:

Pramod Kumar Hembram

APPLICANT

Versus

State Of Odisha & Ors

... **RESPONDENTS**

KNOW ALL to whom these presents shall come I, Pramod Kumar Hembram, aged about 57 years, S/o- Kshetri Charan Hembram, At- Ward No. 17, Bijayramchandrapur, Chipatastia, Po- Bhanjpur, Dist- Mayurbhanj, Pin- 757002. Applicant in the above mentioned matter, do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :- **Sankar Prasad Pani**, Advocates, Plot No 2132/4814 B, Nageswartangi, Bhubaneswar, 751002, Mob-no. 9437279278, Email- sankarprasadpani@gmail.com Enrollment no. O-785/07 and **Ashutosh Padhy**, Enrollment no. O-1018/23.

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 05/01/2026.

Accepted subject to the terms of fees.


Advocate


Client