

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

APPEAL NOOF 2026

IN THE MATTER OF:

SANJIB DHAL

APPELLANT

VERSUS

STATE OF ODISHA AND OTHERS

RESPONDENTS

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PLACE: Bhubaneswar

DATE: 27/01/2026

S.Pani *A.Padhy*
SANKAR PRASAD PANI ASHUTOSH PADHY

ADVOCATE

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

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SYNOPSIS

That the present appeal is being filed challenging the environmental clearance dated 29/12/2025 granted in favor of Mr. Ajit Sahu for Tolarpasi Road Metal Quarry over an area 12.25 Acre or 4.957 Ha at Village - Tolarpasi under Tahasil - Gondia of District - Dhenkanal, Odisha by the State Environment Impact Assessment Authority Odisha. That the present Environmental Clearance has been granted by the SEIAA without considering the order passed by this Hon'ble Tribunal vide order dated 13/10/2025 passed in the matter of OA 185 of 2025. Further the lessee has already reached the maximum permissible depth of 6 meter and the same is evident from the affidavit filed by SEIAA in the matter of OA 100 of 2024.

LIST OF DATES.

18/10/2021	Earlier Environment Clearance granted to tolarpasi Road Metal Quarry over an area of (12.25Acres or 4.957 Hactres) for production capacity of 1,00,166CuM for the entire lease period or 20,036 CuM per annum
01/02/2022	Earlier Lease agreement executed for 5 years
05/12/2024	SEIAA authority issued a show cause notice to the lessee of Tolarpasi Road metal quarry.
18/01/2025	Environmental Clearance granted in favor of lessee of Tolarpasi Road metal quarry has been revoked by the SEIAA.
31/01/2025	Order passed by this Hon'ble Tribunal in the matter of OA 100 of 2024.

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- 15/05/2025 Lessee of Tolarpasi Road metal quarry approached Hon'ble High Court Orissa and the Hon'ble High Court Orissa **dismissed the** petition with liberty to approach the Hon'ble NGT
- 27/07/2025 Appellant along approached concerned Authorities including SEIAA Odisha
- 13/10/2025 Order passed by this Hon'ble Tribunal in the matter of OA 185 of 2025
- 29/12/2025 Impugned Environmental clearance granted in favor of Private Respondent.

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

*(Under Section 18(1) read with Section 16(h) of the National Green Tribunal
Act 2010)*

APPEAL NO OF 2026

IN THE MATTER OF:

Sanjib Dhal S/o Murali Dhal, Aged about 47 years, At/po- Nihhalprasad, Dist-
Dhenkanal, Odisha Pin- 759104 **APPELLANT**

VERSUS

1. State of Odisha represented by Chief Secretary, Government of Odisha,
Lokaseva Bhawan, 751001 Bhubaneswar csori@nic.in
2. Collector & Dist. Magistrate Dhenkanal, At/PO/Dist- Dhenkanal, Email-
dm-dhenkanal@nic.in PIN-752069
3. Deputy Director of Mines, Talcher, At/Po- W6X8+66X, Remuan Rd,
Talcher, Odisha 759100, Email- ddm.talcher@orissaminerals.gov.in
4. **Member Secretary**, State Environment Impact Assessment Authority
(SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit – IX,
751022 Email: seiaaorissa@gmail.com, MS-SEIAA-OR@gov.in

5. **Member Secretary**, Odisha State Pollution Control Board, A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha Email: paribesh1@ospcboard.org, member.secy@ospcboard.org
6. Ajit Sahu S/o Late Gokulananda Sahu, At/po- Nihalprasad, PS- Gondia, pin-759016 Dist- Dhenkanal (Lessee of Stone Quarry)... **RESPONDENTS**

- I. The address of the Counsel of Applicant is given for the service of notices of this APPLICATION.
- II. The addresses of the Respondents are given above for the service of notices of this APPLICATION. Private Respondent is the lessee of TOLARPASI Road Metal Quarry
- III. The Present Application Challenges grant of Environmental clearance dated 29/12/2025 in favor of Mr. Ajit Sahu by SEIAA Odisha.

IT IS MOST RESPECTFULLY SHOWETH

1. That the appellant is the villagers of Nihalprasad under Gondia Tahasil of Dhenkanal district where the lessee use to operate this quarry and the appellant is concerned about the illegal blasting, excess mining and clearing of vegetation by the lessee. It is not out of place to mention that the private respondent in collusion with government authorities are operating most of stone quarries in the areas and responsible for damage to the local ecology and environment.

2. That the present application is being filed challenging the Environmental Clearance dated 29/12/2025 granted in favor of the Private Respondent by SEIAA Odisha. The environmental clearance has been granted for Tolarpasi Road Metal Quarry over an area 12.25 Acre or 4.957 Ha at Village - Tolarpasi under Tahasil - Gondia of District - Dhenkanal, Odisha. That the quarry in question exists over plot No. 1874(P), Khata No. 467 of Mouza- Tolarpasi. Copy of the impugned Environmental Clearance letter dated 29/12/2025 is annexed here unto as **ANNEXURE-1**.
3. That the Appellant has already approached before the Hon'ble NGT vide Original Application No. 100 of 2024 and the matter was finally disposed on dated 31/01/2025, while disposing the OA Hon'ble Tribunal has observed that *“The Joint Committee Report further mentions that on the date of the site inspection i.e., 10.07.2024, the quantity extracted by the Lessee, Respondent No.13, could not be ascertained, hence, the Tahasildar-Gondia, District Mining Officer & Joint Director Geology, were requested vide letter dated 10.07.2024 to measure the exact quantity of minor mineral extracted from the source in question. It is also stated that the Tahasildar-Gondia, District Mining Officer and the Joint Director Geology, again visited the said quarry on 16.07.2024 to conduct joint assessment survey in order to ascertain the exact quantity of material extracted from the site by the Lessee through drone survey and measurement. The Report submitted by the three officers' Committee*

of their site inspection dated 16.07.2024 is that the lease was executed in favour of the Lessee Respondent No.13 on 01.02.2022; the Lessee was allowed to extract 20,030 cum of black stone during the first year, 20,034 cum in the second year and 20,034 in the third year, considering the approved Mining Plan but the Lessee has extracted 7092 cum excess black stone from the quarry till 16.07.2024 which is illegal.” However as on date concerned authorities have not calculated the Environmental compensation for illegal extraction. Copy of the order dated 31/01/2025 passed in the matter of OA 100 of 2024 is annexed hereunto as **ANNEXURE-2.**

4. That the private respondent has earlier given an Environmental Clearance on dated 18/10/2021 with a stipulated condition that, *“Maximum quantity of quarry material that can be permitted by the lessor to be removed from the quarry area is 20034Cum in a full year (January to December) and total production from the quarry shall be 100166Cum during the valid lease period of five years as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.”* Copy of the Environmental Clearance dated 18/10/2021 is annexed here unto as **ANNEXURE-3.**

5. It is not out of place to mention here that pursuant to the direction of Hon’ble NGT the committee constituted by the Hon’ble Tribunal visited the quarry in question and found certain non compliances and based upon

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the observations the committee made certain recommendations, those recommendations are as follows,

“1. The Lessee shall reclaim the mined-out area after declaration of closure of the mine.

2. The Lessees shall inform the local people in advance while carry out blasting in the mine area before 30 minutes.

3. The project proponent shall implement the EMP and do plantation as per EC conditions after consultation with Divisional Forest Officer, Dhenkanal and submit its compliance report to SEIAA, Odisha.

4. The Lessee should submit an undertaking that the trees existing in the periphery mining lease area shall not be removed and for any deviation the Lessee will responsible for the same.

5. The Lessee shall pay the penalty for the excess mining of the mineral to the extent of 7092 CuM.

6. The Lessee shall provide solar fencing all around the quarry area in order to prevent any animal to face accident into the mine pit.

7. The Lessee shall take plantation in safety zone and OB dump area.”

- 6.** That pursuant to the observations made by the joint committee appointed by the Hon’ble Tribunal the SEIAA authorities on dated 05.12.2024 issued one show cause notice to the lessee of the quarry stating that why the environment clearance will not be revoked due to noncompliance of Environmental Clearance conditions and excess mining of stone 7092 cum

as pointed out in the joint inspection report of sub-committee and non-compliance of Environmental Clearance compliance with respect to plantation, EMP, submission of six-monthly compliance on regular basis etc. The matter was placed in 185th SEIAA, Odisha meeting held on 07.01.2025 and the Authority observed that this is a case of violation as the PP has not submitted compliance of Environmental Clearance conditions on regular basis and 7092 cum of stone material has been extracted from the source as an excess mining and beyond the permission limit of Environmental Clearance conditions. The PP has submitted their reply on dated 20.12.2024 of show cause notice no. 6137/SEIAA dated 05.12.2024 issued by SEIAA, Odisha. The reply of the PP is not satisfactory and not acceptable. Hence, after detailed deliberation in the matter, the Authority decided to revoke the Environmental Clearance letter no. 3397/SEIAA dated 18.10.2021 for violation of Environmental Clearance conditions.

7. That the SEIAA authority after receiving the reply to the show cause notice dated 05.12.2024 decided to revoke the Environmental Clearance. Copy of the Environmental Clearance revocation letter dated 18/01/2025 is annexed here unto as **ANNEXURE-4**.
8. It is further submitted that in the above mentioned Environmental Clearance revocation letter it is specifically mentioned that “Any appeal against this order 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.” However the lessee of the said quarry choose to file a Writ Petition before the Hon’ble High Court of Orissa at Cuttack and approached the Hon’ble High Court vide WP(C) No. 11154 of 2025, and the Hon’ble High court dismissed the petition with liberty to the Applicant therein to approach the Hon’ble NGT, however the Applicant therein choose not to approach Hon’ble NGT. Relevant portion of Hon’ble High Court order is reproduced as follows,

“4. Learned counsel for the Intervener, at the outset, submits that since there is a provision of appeal under Section 16 of the National Green Tribunal Act, 2010, the Petitioner in order to redress his grievance should have preferred an appeal instead of preferring this Writ Petition.

5. In such view of the matter, this Court without going into the merits of the case directs the Petitioner to prefer an appeal along with a petition for condonation of delay before the learned National Green Tribunal. In such event, the learned National Green Tribunal shall condone the delay, if any, in accordance with law.

6. This Writ Petition is, accordingly, disposed of.” Copy of the order dated 15/05/2025 passed by Hon’ble High Court of Orissa is annexed here unto as **ANNEXURE-5**.

9. That the Appellant of the present appeal has already approached the concerned authorities on dated 27/07/2025 and 07/08/2025 regarding the realisation of Environmental Compensation and reclamation of mine voids,

however as on date no action has been taken by the concerned authorities. Copy of the letter dated 27/07/2025 and 07/08/2025 is annexed here unto as **ANNEXURE-6.**

- 10.** That **Excess mining of 7092 Cu Mtre has been found up to 16th July 2024, the day assessment was carried out by the Consultant engaged by Mines Department as per the Order of Hon'ble NGT in OA 100 of 2024.** However, the mining continued till the Environmental Clearance was revoked on 18/01/2025 and thereafter also continuing illegally **but no fresh measurement has been done to assess the total excess mining as on date.** That the Appellant demands a fresh measurement with help of ORSAC and **computation of environment compensation along with royalty and penalty and realisation of the same from the lessee.**
- 11.** Needless to say, the SEIAA has filed one affidavit before Honble NGT in connection with the OA 100 of 2024, wherein in para 6(d) also says that the **quarry depth is around 8 to 10mtre**, the top RL is 90metre while bottom RL is 60metre and in this case the difference comes around 30metre and **no quarry operation can go beyond 6 metre.**
- 12.** Hence the mining could no longer be in operation and to total excess mining as on date be calculated, then after the mine closure plan be adopted and reclamation of the quarry with plantation be carried out. Not out of place to mention that the surrounding site is a virgin land with full of trees qualifying the dictionary meaning of forest as per the Supreme Court Order

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dated 12/12/1996 in TN Godavarman case. The quarry operation started after felling the trees and this patch is a scar on the hill. Further mining will affect the existing vegetation in the hill.

13.After the Environmental Clearance was revoked for non-compliance of conditions, the Mining Officer Dhenkanal again recommended for restoration of the Environment Clearance while ignoring all the illegalities and violations of OMMC Rule and the SEIAA Odisha has granted Environmental clearance on dated 29/12/2025 to the Private Respondent again.

14.As such capacity of the mine could not have been increased without a fresh auction of the quarry. It is pertinent to mention that the auction for the stone quarry was for 20,000 cubic metre and without making a fresh auction, the mining officer is recommending the lessee to extract stones in the same rate. This will result in loss of state exchequer as the lessee will extract the source in old price while the govt. could get a better price of the source was re-auctioned.

15.It is not out of place to mention here that in the Environmental Clearance letter dated 18/01/2021 there is a stipulated condition which says that, “
8.23 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine; and has to submit a detailed plan of action in this regard within six months, indicating definite timelines and

physical outcomes.” However in the present case the restoration and reclamation of the quarry in question has not taken place as on date after revocation of the Environmental Clearance dated 18/10/2021 on the contrary the SEIAA authority again granted permission for quarry over the same plot.

16. It is pertinent to mention here that the Applicant of the present application has **again approached this Hon’ble Tribunal vide OA No. 185 of 2025** and Hon’ble Tribunal vide order dated 13/10/2025 ordered the SEIAA Odisha and DDM Talcher to consider the grievance of Applicant, however the concerned authorities failed to consider the grievance of the Applicant and issued the present impugned Environmental Clearance dated 29/12/2025 by SEIAA Odisha. Relevant portion of the order dated 13/10/2025 is reproduced as follows,

“6. Accordingly, the Original Application is disposed of with direction to SEIAA, Odisha and Deputy Director, Mines, Talcher to consider the representation dated 28.07.2025 and also present Original Application by treating the same as representation and pass appropriate orders on the same and also to take appropriate remedial action on the basis thereof within three months from the date of receipt of a copy of this order”. Copy of the order dated 13/10/2025 passed in the matter of OA 185 of 2025 is annexed hereunto as **ANNEXURE-7.**

17. It is further submitted that this Hon'ble Tribunal has also granted liberty to the Applicant to approach this Hon'ble Tribunal in case any grievance against orders so passed and actions so taken on the representation dated 28.07.2025, however in the present case the concerned authorities failed to take any action against the representation dated 28/07/2025 on the contrary they have granted the Environmental Clearance dated 29/12/2025.
18. It is not out of place to mention here that the environmental clearance granting authority has not considered the past violations of the lessee prior to grant of the impugned environmental clearance and also the environmental clearance has been granted on the basis of old mining plan no fresh mining plan has either been prepared or submitted by the lessee.
19. It is pertinent to mention here that due to the excessive mining the District of Dhenkanal, resulted in abandoned pits, Uncontrolled blasting and damages to houses, damages to road, Dust and fugitive pollution due to transportation of heavy vehicles, Damages to agricultural land, Depletion of ground water , Overloading and accident prone road, Noise pollution due to blasting, Death of domestic animals like cow in the **unguarded pits**, Siltation of Dams and water holding capacity declining, Lack of irrigation to land, School going children facing traffic problem, Loss of state exchequer, Blasting led to damages to wild animal and domestic animal, No water sprinkling in quarry as well as the stone crusher areas, the abandoned mining became a death trap for the domestic as well as wild animals.

20.That the cumulative impact assessment study of the present mining proposal has not been carried out prior to grant of Environmental Clearance. The cumulative impact assessment study evaluates the combined effects of a proposed project, alongside existing and future activities, on the environment and communities. It considers both direct and indirect impacts, as well as the cumulative effects of past, present, and reasonably foreseeable actions. The goal is to understand the overall impact of all activities on a specific area but in the present case no such study has been conducted by the competent authority prior to grant of Environmental Clearance.

21.It is further submitted that the Notification dated 15/01/2016 of MoEFCC clearly states that prior to grant of Environmental Clearance site visit is required. Relevant portion of the said notification is reproduced as follows;

“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.” Copy of the notification dated 15/01/2016 is annexed here unto as **ANNEXURE-8.**

22. That in the present case no site visit was conducted by the Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer prior to grant of Environmental Clearance.
23. It is further submitted that there has been no publication of the Environmental Clearance letter in Two leading news papers as per the Environmental Clearance letter and further no such communication has been made to the Gram Panchayat office.
24. It is not out of place to mention here that the lessee is operating the quarry in question without having valid CTE and CTO from the State Pollution Control Board Odisha.

GROUND

- A. That the grant of Environmental Clearance is bad in law and the fact as because the Environmental Clearance was granted without considering grievance of the Applicant as directed by Hon'ble Tribunal vide order dated 13/10/2025 in OA 185/2025.
- B. That the **cumulative impact assessment of the project and carrying capacity** of the site has not been furnished by the project proponent
- C. That the project proponent is a habitual offender and has already extracted stones beyond permissible limit.

- D. That the Environmental Clearance granted authority has not considered pas violation prior to grant of the present environmental clearance.
- E. That the environmental clearance has been granted in absence of fresh mining plan.
- F. That the Pollution and vibration to be caused by the quarries due to uncontrolled explosive and the damage to life and property of residents of adjoining villages where the quarrying operations.
- G. That the appellant and other residents of locality have a right to Clean Air and Water which is guaranteed by expanding the scope of Article 21 of Constitution of India and same has been violated.
- H. That the possible impact on the local ecology is against the spirit of Article 48A and 51A(g) that mandates for protection of environment
- I. That the present Environment Clearance is against the principle of Precautionary Principle.
- J. That the previous illegal quarries by the private respondent in collusion with Tahasildar, Gondia resulted in endangering life and livestock of local residents.
- K. That the quarry in question can not be further granted permission for operation as it is evident from the SEIAA affidavit filed before Hon'ble NGT in OA 100/2024, as the**

quarry has already exceeded the permissible limit of 6 meter depth.

LIMITATION

That the Environmental clearance was granted on 29TH December 2025 and the present appeal is filed within 30 days from the grant of EC, hence the Appeal is not barred by limitation.

INTERIM PRAYER

Hon'ble Tribunal may please to direct the State Environment Impact Assessment Authority to keep in abeyance the Environmental clearance dated 29/12/2025 pending final disposal of the present appeal.

PRAYER

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

- I. Quash the Environmental clearance dated 29/12/2025 granted in favor of Mr. Ajit Sahu. by the SEIAA.
- II. Pass such other orders/directions as may be deemed fit and proper in the bonafide interests of justice.

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

Bhubaneswar

By the Appellant

Through

27/01/2026

S. Panigrahi *A. Patra*

ADVOCATE

BEFORE THE NATIONAL GREEN TRIBUNAL AT KOLKATA

APPEAL NO. _____ OF 2026

SANJIB

DHAL

APPELLANT

VERSUS

STATE OF ODISHA &ORS ...

RESPONDENTS

AFFIDAVIT

27 JAN: 2026

I, SANJIB ... DHAL S/o MURALI DHAR DHALA, Aged about 47 years At/Po/PS-NIHALPRASAD Dist-DHENKNAL Odisha, 759104, do hereby solemnly affirm and declare as under:

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

Sanjib Dhal

IDENTIFIED BY
Advocate 0-10/8/23
ADVOCATE

DEPONENT

VERIFICATION

I, do hereby solemnly affirm verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from. Verified at *B.O.M.* on **27 JAN: 2026**

Sanjib Dhal

VERIFICANT

The above named deponent(s) being duly identified by Sri...
Advocate, Bhubaneswar
Appears before me on **27 JAN: 2026**
at...A.M.'s... States
on oath the contents of the affidavit are true to the best of his / her / their knowledge and belief

Notary, Bhubaneswar

JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
REGD. NO. ON/86/2012
MOB No-7978581217





सत्यमेव जयते

File No.: 546882/425-MINB2/08-2025

Government of India

Ministry of Environment, Forest and Climate Change

(Issued by the State Environment Impact Assessment
Authority(SEIAA), ODISHA)



Dated 29/12/2025



To,

Sri Ajit Sahu
S/o- Late Gokulananda Sahu
At/Po-Nihalprasad, Tahasil- Gondia, Dist-DHENKANAL, ODISHA, 759016
ajitsahunhl@gmail.com

Subject: Grant of prior Environmental Clearance (EC) to the proposed Mining Project under the provisions of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application submitted to SEIAA, Odisha vide proposal number SIA/OR/MIN/546882/2025 dated 11/08/2025 for grant of prior Environmental Clearance (EC) to the project of Tolarpasi Road Metal Quarry over an area 12.25 Acre or 4.957 Ha at Village-Tolarpasi under Tahasil - Gondia of District - Dhenkanal, Odisha, Sri Ajit Sahu, the successful bidder/lessee under the provision of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC25C0108OR5395883N
(ii) File No.	546882/425-MINB2/08-2025
(iii) Clearance Type	Mining EC Under 5 Ha
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a) Mining of minerals
(vii) Name of Project	Tolarpasi Road Metal Quarry over an area 12.25 Acre or 4.957 Ha at Village - Tolarpasi under Tahasil - Gondia of District - Dhenkanal, Odisha.
(viii) Location of Project (District, State)	DHENKANAL, ODISHA
(ix) Issuing Authority	SEIAA, Odisha
(x) Applicability of General Conditions	No

Plot/Survey Khasra Nos.: Plot No. 1874(P), Khata No. 467

3. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-2

(Part A, B and C), Form-1, EMP, PFR, DLC, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Mining Officer, Dhenkanal, topo map etc. were submitted to the SEIAA for an appraisal by the State Level Expert Appraisal Committee (SEAC) under the provision of EIA notification 2006 and its subsequent amendments.

4. The above-mentioned proposal has been considered by SEAC in the meeting held on 06.11.2025. The minutes of the meeting and all the project documents are available on the PARIVESH portal which can be accessed from the PARIVESH portal by scanning the QR Code above. Brief description of the project is as under:
5. Details of the minerals to be mined along with production capacity and the brief on the salient features of the project as submitted by the project proponent in Form 2 (Part A and C) in the reports and as presented during SEIAA are annexed to this EC as **Annexure (2)**.
6. The SEAC, in its meeting held on 06.11.2025, based on information submitted viz: Form-2 (Part A, B and C), Form-1, EMP, PFR, DLC, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Mining Officer, Dhenkanal, topo map etc. & clarifications provided by the project proponent and after detailed deliberations on all technical aspects and compliance thereto furnished by the Project Proponent, The SEAC recommended to grant EC valid from the date of EC accorded up to the lease period width standard and specific conditions.
7. The SEIAA, Odisha has examined the proposal in **261st meeting held on 23.12.2025** in accordance with the provisions contained in the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and based on the recommendations of the SEAC and hereby accords the prior Environment Clearance (EC) for the instant proposal for extraction of stone from Tolarpasi Road Metal Quarry over an area 12.25 Acre or 4.957 Ha at Village-Tolarpasi under Tahasil - Gondia of District - Dhenkanal, Odisha to Sri Ajit Sahu, the successful bidder is allowed under the provisions of EIA Notification, 2006 and as amended thereof subject to compliance of the Specific and Standard EC conditions as given in Annexure (1).

Stipulation		
Sl.	Descriptions	Stipulation
(i)	Lease Area:	12.25 Acres or 4.957 Ha
(ii)	No Mining Zone:	7.5 meter safety zone from all along the lease boundary.
(iii)	Maximum Depth of Mining:	The depth of the quarry below the surfaces shall not exceed six (06) meters as stipulated in rule 37(1)(a) of the OMMC Rule, 2016
(iv)	Method of Mining	Semi-mechanized with drilling and blasting
(v)	Permitted Quantity:	Maximum quantity of production limited to 20,030 cum/annum upto 24.03.2026 valid from the date of issue of this letter. Further, extension of EC shall be considered after submission of revised Mining Plan beyond 24.03.2026
(vi)	Validity Period of EC:	This EC is valid upto 24.03.2026

8. The SEIAA, Odisha reserves the right to stipulate additional conditions, if found necessary.
9. The Environmental Clearance to the aforementioned project is under provisions of EIA Notification, 2006. It does not tantamount to approvals/consent/permissions etc. required to be obtained under any other Act/Rule/regulation. The Project Proponent is under obligation to obtain approvals /clearances

under any other Acts/ Regulations or Statutes, as applicable, to the project.

10. The PP is under obligation to implement commitments made in the Environment Management Plan, which forms part of this EC.

11. Validity of EC is upto 24.03.2026.

12. General Instructions:

1. The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of SEIAA website where it is displayed.

2. The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn must display the same for 30 days from the date of receipt.

3. The project proponent shall have a well laid down environmental policy duly approved by the Board of Directors (in case of Company) or competent authority, duly prescribing standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest / wildlife norms / conditions.

4. An action plan for implementing EMP and environmental conditions along with a responsibility matrix of the project proponent (during construction phase) and authorized entity mandated with compliance of conditions (during operational phase) shall be prepared. The year wise funds earmarked for environmental protection measures shall be kept in a separate account and not to be diverted for any other purpose. Six monthly progress of implementation of the action plan shall be reported to the Ministry/Regional Office along with the Six-Monthly Compliance Report.

5. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.

6. The Regional Office of MoEF & CC, Bhubaneswar, SPCB, Odisha and the lease granting Authority shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/monitoring reports.

7. Any appeal against this EC 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.

13. This issue with an approval of the Competent Authority.

Copy To

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.

2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.

3. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
4. The Director of Minor Minerals, Govt. of Odisha Bhubaneswar for information.
5. Additional Principal Conservator of Forests, Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
6. Chairman, Central Pollution Control Board, CBD-cum-Office Complex, East Arjun Nagar, New Delhi-110032 for information.
7. Chairman/Member/Member Secretary, SEIAA for information.
8. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
9. Collector & DM, Dhenkanal, Sub-Collector, Dhenkanal, Deputy Director of Mines, Angul Circle, DFO, Dhenkanal, RO, SPCB, Angul, Tahasildar, Gondia /Mining Officer, Dhenkanal for Information and necessary action.
10. Guard file for record/Website/Parivesh Portal

Annexure 1**Specific EC Conditions for (Mining Of Minerals)****1. Specific Consitions**

S. No	EC Conditions
1.1	<ol style="list-style-type: none"> 1. A no mining zone of 200 meter (when blasting involved) and 100 meter (when blasting is not involved) shall be demarcated from the from residential/ public buildings, inhabited sites, protected monuments, Heritage sites, National/State Highway, District roads, public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dam, Reservoirs, river, Canals, lakes or Tanks, or any other locations etc. as per the guidelines issued vide letter no. 05.12.2020 in compliance with the Hon'ble NGT order dated 28.02.2020 in OA No. 304/2019 in the matter of M. Haridasan & Ors Vrs State of Kerala. 2. Consent / NoC shall be obtained from the concerned authority if village road is to be used for transportation. The said road shall also be maintained by the lessee. 3. The depth of the quarry below the surfaces shall not exceed six (06) meters as stipulated in rule 37(1)(a) of the OMMC Rule, 2016. 4. Mitigation measures for flying Rock for safety be put in place. 5. Stone quarry project proponents need to maintain periodic health check-up records of their employees and ensure use of face masks by workers in crushing and handling sections of the stone quarry for ensuring that working personnel are not affected by silicosis. 6. Construction of garland drains retaining walls and settling tanks should be ensured to prevent erosion during rainfall and to collect silt generated during the mining activity. 7. All the dumps shall be covered by retaining walls, garland drains and settling ponds. 8. No explosives shall be stored without approval of competent authority and all the

S. No	EC Conditions
	<p>precautions for blasting shall be put in place.</p> <p>9. The Working pit shall be fenced.</p> <p>10. No tree growth in the lease area if present shall be damaged</p> <p>11. Topsoil excavated during mining to be stacked separately in the ML area and to be used for plantation in and around the ML area.</p> <p>12. The project proponent shall undertake re-grassing of the area or any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for fodder, flora, fauna etc. in compliance to the direction dated 8th January, 2020 of Hon'ble Supreme Court in Writ Petition(s) Civil No. 114/2014, Common Cause Vs Union of India & Ors. after ceasing mining operation that is at the time of mine closure.</p> <p>13. The project proponent shall take geo-coordinating photographs of the lease area before mining and also subsequent period of mining and submit to SEIAA, Odisha in six (06) months EC compliance</p>
1.2	<p>Before lease agreement</p> <ol style="list-style-type: none"> 1. 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 coordinates by any empanelled agency of ORSAC. 2. 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/Mining officer shall be submitted to SEIAA, Odisha through email at seiaaodisha@gmail.com. 3. Intimation of EC: -The copies of the EC 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. The Project Authorities should widely advertise about the grant of this EC letter by printing the same in at least two local newspapers, one of which shall be in vernacular language of the concerned area. The advertisement shall be done within 7 days of the issue of the clearance letter mentioning that the instant project has been accorded EC and copy of the EC letter is available with the State Pollution Control Board and web site of the Ministry of Environment, Forest and Climate Change (www.parivesh.nic.in). A copy of the advertisement may be forwarded to the concerned MoEF&CC Regional Office for compliance and record. 4. State EMF Fund: - An amount equal to five percent (5%) of the royalty payable shall be collected from the lessee by the Tahasildar/Mining Officer 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. 5. Condition by Collector: - Any other condition(s) the Collector & Chairman, District Environment Impact Assessment Authority (DEIAA), may impose in the interest of protection and safeguarding the local environment. 6. Compliance report for Transfer of EC: - Any transfer of EC to a PP/Lessee shall be considered by SEIAA, Odisha only after receipt of the full compliance report through Tahasildar/Mining Officer concerned of the above environmental conditions and safeguards.

S. No	EC Conditions
	<p>7. Other conditions/NOC:- Consent / NoC shall be obtained from the concerned authority if village road is to be used for transportation. The said road shall also be maintained by the lessee.</p>
1.3	<p>After lease agreement</p> <ol style="list-style-type: none"> 1. The depth of the quarry below the surfaces shall not exceed six (06) meters as stipulated in rule 37(1)(a) of the OMMC Rule, 2016. 2. Mitigation measures for flying Rock for safety be put in place. 3. Stone quarry project proponents need to maintain periodic health check-up records of their employees and ensure use of face masks by workers in crushing and handling sections of the stone quarry for ensuring that working personnel are not affected by silicosis. 4. Construction of garland drains retaining walls and settling tanks should be ensured to prevent erosion during rainfall and to collect silt generated during the mining activity. 5. All the dumps shall be covered by retaining walls, garland drains and settling ponds. 6. No explosives shall be stored without approval of competent authority and all the precautions for blasting shall be put in place. 7. Worked out pit shall be fenced. 8. No tree growth in the lease area if present shall be damaged 9. The project proponent shall undertake re-grassing of the area or any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for fodder, flora, fauna etc. in compliance to the direction dated 8th January, 2020 of Hon'ble Supreme Court in Writ Petition(s) Civil No. 114/2014, Common Cause Vs Union of India & Ors. after ceasing mining operation that is at the time of mine closure. 10. The project proponent shall take geo-coordinating photographs of the lease area before mining and also subsequent period of mining and submit to SEIAA, Odisha in six (06) months EC compliance. <p>2. Maximum permissible depth of mining: - Maximum depth of mining to be 6 meters from the surface as stipulated in rule 37(1)(a) of the OMMC Rule, 2016. Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. The exploitation of stone material from the hill shall be carried out in a systematic manner, spreading the quarrying activity to cover all the economic veins of minerals and proceeding uniformly to more and more depths from all sides simultaneously</p> <p>3. Maximum permissible quantity: Maximum yearly quantity of extraction from the quarry shall not exceed its annual limit as specified above under stipulation in Table 'A stipulations'-sl. A(v) the maximum quantity of production limited to 20,030 cum/annum upto 24.03.2026 valid from the date of issue of this letter. Any flouting of this quantitative restriction shall make this EC liable to cancellation.</p> <p>4. No change in the mining plan without prior approval of SEIAA: - Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of the approved mining plan prepared for this project. The detailed production of stone from the lease area of each year shall be submitted in tabular form during submission of compliance report.</p> <p>5. Environmental Management Plan: (i) EMP shall be implemented by PP to ensure compliance</p>

S. No	EC Conditions
	<p>with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in a separate account and shall be spent according to the plan proposed in coordination with Tahasildar/Mining Officer. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The Tahasildar/Mining Officer shall ensure the compliance of this condition along with all the lease holders of his jurisdiction.</p> <p>(ii) The PP will implement the EMP with a budgetary allocation of Rs. 6.05 Lakh/annum (Recurring Cost) for the lease area as proposed during the valid lease period of 5 years. The detailed expenditure on EMP shall be submitted with six monthly compliance reports.</p>

Standard EC Conditions for (Mining of minerals)

1. Statutory Compliance

S. No	EC Conditions
1.1	<p>The State Government concerned shall ensure that mining operation shall not be commenced till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of Judgment of Hon'ble Supreme Court dated 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India & Ors.</p>
1.2	<p>A copy of EC letter will be marked to concerned Panchayat / local NGO etc. if any, from whom suggestion / representation has been received while processing the proposal.</p>
1.3	<p>State Pollution Control Board/Committee shall be responsible for display of this EC letter at its Regional office, District Industries Centre and Collector's office/ Tehsildar's Office for 30 days.</p>
1.4	<p>The Project Authorities should widely advertise about the grant of this EC letter by printing the same in at least two local newspapers, one of which shall be in vernacular language of the concerned area. The advertisement shall be done within 7 days of the issue of the clearance letter mentioning that the instant project has been accorded EC and copy of the EC letter is available with the State Pollution Control Board/Committee and web site of the Ministry of Environment, Forest and Climate Change (www.parivesh.nic.in). A copy of the advertisement may be forwarded to the concerned MoEFCC Regional Office for compliance and record.</p>
1.5	<p>The Project proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India & Ors before commencing the mining operations.</p>
1.6	<p>This Environmental Clearance (EC) is subject to orders/ judgment of Honble Supreme Court of India, Honble High Court, Honble NGT and any other Court of Law, Common Cause Conditions as may be applicable.</p>
1.7	<p>The Project Proponent shall inform the SEIAA, Odisha for any change in ownership of the mining lease. In case there is any change in ownership or mining lease is transferred. PP needs to apply for transfer of EC as per provisions of the para 11 of EIA Notification, 2006 as amended from time to time.</p>

2.

S. No	EC Conditions
2.1	The Project Proponent shall carryout plantation/ afforestation in backfilled and reclaimed area of mining lease, around water body, along the roadsides, in community areas etc. by planting the native species in consultation with the State Forest Department/ Agriculture Department/ Rural development department/ Tribal Welfare Department/ Gram Panchayat such that only those species be selected which are of use to the local people. The CPCB guidelines in this respect shall also be adhered. The density of the trees should be around 2500 saplings per Hectare. Adequate budgetary provision shall be made for protection and care of trees.
2.2	The Project Proponent shall make necessary alternative arrangements for livestock feed by developing grazing land with a view to compensate those areas which are coming within the mine lease. The development of such grazing land shall be done in consultation with the State Government. In this regard, Project Proponent should essentially implement the directions of the Hon'ble Supreme Court with regard to acquisition of grazing land. The sparse trees on such grazing ground, which provide mid-day shelter from the scorching sun, should be scrupulously guarded/ protected against felling and plantation of such trees should be promoted.

3. Air Quality Monitoring And Preservation

S. No	EC Conditions
3.1	Effective safeguard measures for prevention of dust generation and subsequent suppression (like regular water sprinkling, metalled road construction etc.) shall be carried out in areas prone to air pollution wherein high levels of PM10 and PM2.5 are evident such as haul road, loading and unloading point and transfer points. The Fugitive dust emissions from all sources shall be regularly controlled by installation of required equipments/ machineries and preventive maintenance. Use of suitable water-soluble chemical dust suppressing agents may be explored for better effectiveness of dust control system. It shall be ensured that air pollution level conform to the standards prescribed by the MoEFCC/ Central Pollution Control Board.

4. Water Quality Monitoring And Preservation

S. No	EC Conditions
4.1	Project Proponent shall plan, develop and implement rainwater harvesting measures on long term basis to augment ground water resources in the area in consultation with Central Ground Water Board/ State Groundwater Department. A report on amount of water recharged needs to be submitted to Regional Office MoEFCC annually.
4.2	In case, immediate mining scheme envisages intersection of ground water table, then Environmental Clearance shall become operational only after receiving formal clearance from CGWA. In case, mining operation involves intersection of ground water table at a later stage, then PP shall ensure that prior approval from CGWA and MoEFCC is in place before such mining operations. The permission for intersection of ground water table shall essentially be based on detailed hydro-geological study of the area.
4.3	Project Proponent shall regularly monitor and maintain records w.r.t. ground water level and quality in and around the mine lease by establishing a network of existing wells as well as new piezo-meter installations during the mining operation in consultation with Central Ground Water Authority/ State Ground Water Department. The Report on changes in Ground water level and quality shall be

S. No	EC Conditions
	submitted on six-monthly basis to the Regional Office of the Ministry, CGWA and State Groundwater Department / State Pollution Control Board.

5. Noise And Vibration Monitoring And Prevention

S. No	EC Conditions
5.1	The Project Proponent shall take measures for control of noise levels below 85 dBA in the work environment. The workers engaged in operations of HEMM, etc. should be provided with ear plugs /muffs. All personnel including laborers working in dusty areas shall be provided with protective respiratory devices along with adequate training, awareness and information on safety and health aspects. The PP shall be held responsible in case it has been found that workers/ personals/ laborers are working without personal protective equipment.
5.2	The illumination and sound at night at project sites disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. PPs must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day /night hours.
5.3	The peak particle velocity at 500m distance or within the nearest habitation, whichever is closer shall be monitored periodically as per applicable DGMS guidelines.

6. Mining Plan

S. No	EC Conditions
6.1	The Project Proponent shall adhere to approved mining plan, inter alia, including, total excavation (quantum of mineral, waste, over burden, inter burden and top soil etc.); mining technology; lease area; scope of working (method of mining, overburden & dump management, O.B& dump mining, mineral transportation mode, ultimate depth of mining, concurrent reclamation and reclamation at mine closure; land-use of the mine lease area at various stages of mining scheme as well as at the end-of-life; etc.).
6.2	The land-use of the mine lease area at various stages of mining scheme as well as at the end-of-life shall be governed as per the approved Mining Plan. The excavation vis-à-vis backfilling in the mine lease area and corresponding afforestation to be raised in the reclaimed area shall be governed as per approved mining plan. PP shall ensure the monitoring and management of rehabilitated areas until the vegetation becomes self-sustaining. The compliance status shall be submitted half-yearly to the MoEFCC and its concerned Regional Office.

7. Land Reclamation

S. No	EC Conditions
7.1	The Overburden (O.B.), waste and topsoil generated during the mining operations shall be stacked at earmarked OB dump site(s) only and it should not be kept active for a long period of time. The

S. No	EC Conditions
	physical parameters of the OB / waste dumps / topsoil dump like height, width and angle of slope shall be governed as per the approved Mining Plan and the guidelines/circulars issued by D.G.M.S. The topsoil shall be used for land reclamation and plantation.
7.2	Catch drains, settling tanks and siltation ponds of appropriate size shall be constructed around the mine working, mineral yards and Top Soil/OB/Waste dumps to prevent run off of water and flow of sediments directly into the water bodies (Nallah/ River/ Pond etc.). The collected water should be utilized for watering the mine area, roads, green belt development, plantation etc. The drains/ sedimentation sumps etc. shall be de-silted regularly, particularly after monsoon season, and maintained properly.
7.3	The slope of dumps shall be vegetated in scientific manner with suitable native species to maintain the slope stability, prevent erosion and surface run off. The selection of local species regulates local climatic parameters and help in adaptation of plant species to the microclimate. The gullies formed on slopes should be adequately taken care of as it impacts the overall stability of dumps. The dump mass should be consolidated with the help of dozer/ compactors thereby ensuring proper filling/ leveling of dump mass. In critical areas, use of geo textiles/ geo-membranes / clay liners / Bentonite etc. shall be undertaken for stabilization of the dump.
7.4	Reclamation & Restoration:- Pursuant to MoEF & CC, O.M No 22-34/2018-1A.IIIdated 16.01.2020 and in compliance to the directions dated 8th January 2020 of Hon'ble Supreme Court in W.P. (Civil) No.114/2014 in the matter of Common Cause vs Union of India, the mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The Project Proponent shall submit a detailed plan of action in this regard to Tahasildar/Mining Officer within six months, indicating definite timelines and physical outcomes for the reclamation & restoration of the mined-out area. The Tahasildar/ Mining Officer shall submit a compliance report to SEIAA, Odisha at the end of lease period.

8. Transportation

S. No	EC Conditions
8.1	No Transportation of the minerals shall be allowed in case of roads passing through villages/ habitations. In such cases, PP shall construct a 'bypass' road for the purpose of transportation of the minerals leaving an adequate gap (say at least 200 meters) so that the adverse impact of sound and dust along with chances of accidents could be mitigated. All costs resulting from widening and strengthening of existing public road network shall be borne by the PP in consultation with nodal State Govt. Department. Transportation of minerals through road movement in case of existing village/ rural roads shall be allowed in consultation with nodal State Govt. Department only after required strengthening such that the carrying capacity of roads is increased to handle the traffic load. The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly. Vehicular emissions shall be kept under control and regularly monitored. Project should obtain Pollution Under Control (PUC) certificate for all the vehicles from authorized pollution testing centers. [If applicable in case of road transport].
8.2	The Main haulage road within the mine lease should be provided with a permanent water sprinkling arrangement for dust suppression. Other roads within the mine lease should be wetted regularly with tanker-mounted water sprinkling system. The other areas of dust generation like crushing zone,

S. No	EC Conditions
	material transfer points, material yards etc. should invariably be provided with dust suppression arrangements. The air pollution control equipments like bag filters, vacuum suction hoods, dry fogging system etc. shall be installed at Crushers, belt-conveyors and other areas prone to air pollution. The belt conveyor should be fully covered to avoid generation of dust while transportation. PP shall take necessary measures to avoid generation of fugitive dust emissions.
8.3	<p>Transport Safeguards:</p> <ol style="list-style-type: none"> 1. No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission. 2. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO after required strengthening such that the carrying capacity of the road is increased to handle the mineral carrying 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. 3. Project proponents shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density. 4. Vehicles hired for transportation of minor minerals from the site should be in good condition and should have pollution check certificates and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed. 5. The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar/Mining Officer may collect an appropriate additional road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral 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 mineral carrying trucks. 6. Water spraying should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.

9. Green Belt

S. No	EC Conditions
9.1	The Project Proponent shall develop greenbelt in 7.5m wide safety zone all along the mine lease boundary as per the guidelines of CPCB in order to arrest pollution emanating from mining operations within the lease. The whole Green belt shall be developed within first 5 years starting from windward side of the active mining area. The development of greenbelt shall be governed as per the EC granted by the Ministry irrespective of the stipulation made in approved mine plan.

10. Miscellaneous

S. No	EC Conditions
10.1	The concerned Regional Office of the MoEF&CC shall randomly monitor compliance of the

S. No	EC Conditions
	stipulated conditions. The project authorities should extend full cooperation to the MoEF&CC officer(s) by furnishing the requisite data / information / monitoring reports.
10.2	In pursuant to Ministry's O.M No 22-34/2018-IA.III dated 16.01.2020 to comply with the direction made by Honble Supreme Court on 8.01.2020 in W.P. (Civil) No 114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake regrassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
10.3	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.
10.4	The Project Proponent shall prepare digital map (land use & land cover) of the entire lease area once in five years purpose of monitoring land use pattern and submit a report to concerned Regional Office of the MoEF&CC.
10.5	Concealing factual data failure to comply with any or submission of false/ fabricated data and of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
10.6	The SEIAA, Odisha or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
10.7	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.
10.8	The Project Authorities should inform to the Regional Office regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
10.9	The Project Proponent shall submit six monthly compliance reports on the status of the implementation of the stipulated environmental safeguards to the SEIAA, Odisha & and State Pollution Control Board.
10.10	<p>Other Environmental Conditions: -</p> <ol style="list-style-type: none"> 1. The lessee shall ensure safety of human life and livestock from accidents in case the village / any habitation is very near the mining lease area. 2. Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purposes. 3. Dumping of quarry material is in no case permissible on any forest land; and all dump yards shall be on duly permitted non forest land. 4. Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, and trans-boundary

S. No	EC Conditions
	<p>movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.</p> <p>5. 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.</p> <p>6. Permanent barricading/barbed wire fencing of the mining lease area site shall be done after completion of mining activities to prevent any danger for stray animals and human habitations from accidents.</p> <p>7. The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine. Filling of the ditch by fly ash is to be ensured by the lessee, as also fencing the area, guard wall for safety of cattle & traffic.</p>

Additional EC Conditions

1. The depth of the quarry below the surfaces shall not exceed **six (06) meters** as stipulated in rule 37(1)(a) of the OMMC Rule, 2016. and maximum quantity of extraction shall be limited to 20,030 cum/annum upto 24.03.2026 valid from the date of issue of this letter. Further, extension of EC shall be considered after submission of revised Mining Plan beyond 24.03.2026.
2. The method of mining shall be as per the approved Mining Plan.
3. The EC is valid upto 24.03.2026.
4. The PP shall implement the EMP with a budgetary allocation of **Rs. 6.05 Lakh/annum (Recurring Cost)** as proposed in the EMP report during EC application.
5. The PP shall plant **300 nos. of tree species** like Banyan (*Ficus benghalensis*), Peepal (*Ficus religiosa*), Neem (*Azadirachta indica*), Jamun(*Syzygium cumini*), Mango (*Mangifera indica*), Karanj(*Pongamia pinnata*), Arjun(*Terminalia Arjuna*), Jackfruit (*Artocarpus heterophyllus*), Siris (*Albizia lebeck*), etc.. as part of tree plantation campaign "**Ek Ped Maa Ke Naam**" and the details of the same shall be uploaded in the MeriLiFE Portal (<https://merilife.nic.in>).The PP shall submit the status of plantation during every six-months (06) compliance of EC conditions with geo-coordinating photographs.
6. The compliance of EC conditions of said quarry shall be monitored by DEIAA, concerned lease granting Authority either Mining Officer or Tahasildar, RO, SPCB, Odisha and Integrated Regional Office of MoEFCC, Bhubaneswar as per MoEF & CC, Govt. of India S.O. 141(E) in EIA Notification dated 15.01.2016.
7. As per the MoEF & CC, Govt. of India Office Memorandum (OM) dated 14.06.2024 and in accordance with EIA Notification 2006 and as amended, all the Project Proponents (PP) are **required to upload** their Half Yearly compliances in PARIVESH 2.0 on the environmental conditions stipulated in the Environmental Clearance (EC) letter in a timely manner on or before 1st June and 1st December of each calendar year.

1. Proposal in brief:

- (i) This is a proposal for mining of stone from Tolarpasi Road Metal Quarry over an area 12.25 Acre or 4.957 Ha at Village - Tolarpasi under Tahasil - Gondia of District - Dhenkanal, Odisha.
- (ii) The mining area is a part of Survey of India Toposheet No. F45T13 and is bounded between the Latitude- 20°47'31.337"N to 20°47'38.126"N and Longitude 85° 55' 50.425"E to 85° 55' 58.853"E bearing Khata no. 467, Plot No. 1874 (P), Kissam-Patharbani
- (iii) The mining lease is an identified sairat source in the DSR. The Tolarpasi Road Metal Quarry sairat source will be leased out under the OMMC Rules, 2016 by Mining Officer, Dhenkanal to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
- (iv) Documents submitted: -Form-1, EMP, DLC, PFR, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Mining Officer, Dhenkanal, topo map etc.
- (v) Whether submitted KML file of the lease area-Yes
- (vi) Whether submitted scrutiny fee- Yes
- (vii) Distance from nearest sanctuary/ESZ- Kapilash WLS-5.90 Km
- (viii) Whether the lease area coming in DLC report-No, as certified by the Tahasildar, Gondia vide letter no.3985 dated 13.10.2025 that the said quarry is not coming in DLC land
- (ix) Whether the lease area reflecting in DSR-Yes
- (x) Method of mining-Semi-mechanized **with drilling & blasting**
- (xi) Distance from nearest road bridge-8.68 km, Village road-0.40km
- (xii) Whether it is part of cluster – No.
- (xiii) Whether EC obtained earlier-Yes, previous EC granted by SEIAA, Odisha vide letter no. 3397/SEIAA dated 18.10.2021 for production quantity of stone 20034 cum/annum and 100166 cum in 5 years lease period
- (xiv) Date of approval of mining plan - by the Joint Director Geology, Koraput, O/o-Joint Director Geology, Zonal Survey Dhenkanal, vide letter no. 229 dated. 26.03.2021.
- (xv) Production capacity per annum-**20030 cum/annum** and the total production in 5 years period-100166 cum, Geological reserve-426787 cum and Mineable reserve-374757 cum.
- (xvi) Budget provision for EMP of Rs. 6.05 Lakh/annum (Recurring Cost)
- (xvii) Provision for plantation-300 no. of tree species in 5 years lease period.
- (xviii) Lease agreement was made on 01.02.2022 for a period of 5 years
- (xix) Earlier there is a NGT case against the said stone quarry before Hon'ble NGT in OA No. 100/2024/EZ in the matter of Sanjib Dhal & Ors. Vrs. State of Odisha & Ors. There is allegation on excess mining and violation of EC conditions for non-compliance of EC conditions. As per the direction of Hon'ble NGT a joint committee was formed and visited the site on 10.07.2024 and 16.07.2024 and observed that 7092 cum of stone has been extracted from the source as excess mining and implementation of EMP and Plantation was not complied as per the EC conditions. Hence, the committed recommended that the Project Proponent (PP) shall deposit the penalty for the excess mining of the mineral to the extent of 7092 cum and to implement EMP and plantation and accordingly, the submitted the inspection report to the Hon'ble Tribunal. The Hon'ble Tribunal also directed to take action against if EC conditions is not complied by the PP. Accordingly, after show cause, the Authority revoked the EC letter dated 18.01.2025 and submitted Counter Affidavit before the Hon'ble NGT. Finally, after hearing the matter vide order dated 31.01.2025, Hon'ble NGT deposed the matter with

view that considering the action taken by the SEIAA, Odisha, and the Report of the Joint Committee, nothing further remains for adjudication in the present Original Application. The Original Application No.100/2024/EZ is accordingly disposed of. In the meantime, Sri Ajit Sahu has filed a case before Hon'ble High Court of Orissa, Cuttack vide W.P. (C) No. 31843/2025 in the matter of Ajit Kumar Sahu & Other Vrs. State of Odisha & Ors. After hearing Hon'ble High Court vide order dated 12.11.2025 has disposed of the matter with opinion that *"In view of such facts and submission, without going into the merit of the case, the Opposite party No. 03/SEIAA, Odisha is directed to disposed of the representation of the Petitioner vide Annexure-15 by passing of one month from the date of production/presentation of a certified of this order."* The PP has submitted the Certified Copy of High Court order dated 12.11.2025 to SEIAA, Odisha through Email dated 18.11.2025.

(xx) Any deficiencies/omission have been noticed in the above documents- Nil

2. **Deliberation in SEAC Meeting-** The proposal was placed in SEAC meeting held on 06.11.2025 and the SEAC recommended to grant EC valid from the date of EC accorded up to the lease period with following additional conditions.

- i) Consent / NOC shall be obtained from the concerned authority if village road is to be used for transportation. The said road shall also be maintained by the lessee.
- ii) In view of likely revision of DSR the mention of this deposit with final coordinates is to be ensured
- iii) Plantation programme to be completed within first two years and to be maintained in remaining years.
- iv) iv) Depth of Mining as proposed should not be beyond 6m from the ground level.
- v) Mitigation measures for flying rock for safety be put in place.
- vi) Stone quarry project proponent need to maintain periodic health check-up records of their employees and ensure use of face mask by workers in crushing and handling sections of the stone quarry for ensuring that working personnel are not affected by silicosis.
- vii) The boundary area of the deposit as per the revised / updated DSR to be defined by geo coordinates based on DGPS survey superimposed on the cadastral map.
- viii) Construction of garland drains retaining wall and settling tank should be ensured to prevent erosion during rainfall and to collect silt generated during the mining activity.
- ix) All the dumps shall be covered by retaining wall, garland drains and settling ponds.
- x) No explosives shall be stored without approval of competent authority and all the precautions for blasting shall be put in place. Minimum distance criteria from nearest habitation to be followed as per guidelines.
- xi) Worked out pit shall be fenced.
- xii) No tree growth in the lease area if present shall be damaged.
- xiii) The PP shall operate as per the present Mining Plan

The proposal was placed in the 254th meeting of SEIAA held on 21.11.2025 and after detailed deliberation, the authority decided to seek information / document from PP on the following:

1. To upload the Annexure-15 of W.P.(C) No.31843 of 2025 in accordance with order dated 12.11.2025 of Hon'ble High Court of Orissa.
2. To submit the proof of payment of fine for excess mining and environmental compensation.

Now the PP has submitted their ADS for consideration of EC.

The proposal was placed in the 257th meeting of SEIAA held on 09.12.2025 and after detailed deliberation, the authority decided to seek information / document from PP on the following:-

1. The PP has not complied the query no. 2 of ADS raised on 21.11.2025.
2. The PP has to produce the proof of document from competent authority for deposit of environmental compensation of Rs.28,51,423/- (e-challan copy from Got. Treasury) and penalty amount of Rs.27,15,385/- (from Mining Officer) and Rs.11,95,620/- (from DFO, Dhenkanal) towards cost of plantation.

Now the PP has submitted their ADS raised by SEIAA for consideration of EC.



Item No.10

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.100/2024/EZ

Sanjib Dhal & Ors.

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 31.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Adv. a/w
Mr. Ashutosh Padhy, Adv. (in Virtual Mode)

For Respondent(s) : Ms. Aishwarya Dash, ASC for State of Odisha
(in Virtual Mode),
Mr. Dipanjan Ghosh, Adv. for R-7 & 8 (in Virtual Mode),
Mr. Apurba Ghosh, Adv. for R-9,
Mr. Subir Kumar Palit, Sr. Adv. a/w
Mr. Abhisek Kejriwal, Adv. for R-13 (in Virtual Mode)

ORDER

1. Mr. Sankar Prasad Pani, assisted by Mr. Ashutosh Padhy, learned Counsel is present (in Virtual Mode) on behalf of the Applicants.
2. Affidavit dated 28.01.2025 has been filed on behalf of the Respondent No.9, State Environment Impact Assessment Authority (SEIAA), Odisha; the same is taken on record.
3. Affidavit dated 02.12.2024 has been filed by the Divisional Forest Officer, Dhenkanal, Odisha on behalf of the Respondent Nos.1, 3 and 6; the same is taken on record.

(Final order of the said case will be uploaded in website in separate sheets of paper).

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

January 31, 2025,
Original Application No.100/2024/EZ
SKB

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.100/2024/EZ

IN THE MATTER OF:

- 1. Sanjib Dhal,**
S/o Murali Dhal, Aged about 47 years,
At/Po – Nihhalprasad, Dist – Dhenkanal,
Odisha,
- 2. Likuna Dhal,**
S/o Prasanna Dhal, Aged about 42 years,
At/Po- Nihalprasad, Dist. – Dhenkenal,
Odisha,
- 3. Adhikari Mohanty,**
S/o Golekha Mohanty, Aged about 44 years,
At/Po – Nihhalprasad, Dist – Dhenkanal,
Odisha,
- 4. Dharendra Raj,**
S/o Kanhei Raj, Aged about 52 years,
At/Po – Nihhalprasad, Dist – Dhenkanal,
Odisha,

.... Applicant(s)

Versus

- 1. State of Odisha,**
Represented by Chief Secretary,
Government of Odisha,
Lokaseva Bhawan,
Bhubaneswar – 751001,
- 2. Principal Secretary,**
Revenue and Disaster Management,
Government of Odisha,
Lokaseva Bhawan,
Bhubaneswar – 751001,
- 3. Additional Chief Secretary,**
Forest And Environment Department,
Government of Odisha,
Kharavela Bhawan,
Bhubaneswar,
Odisha – 751001,
- 4. Collector & Dist. Magistrate, Dhenkanal,**
At/PO/Dist. – Dhenkanal,
Pin – 752069,

- 5. Superintendent of Police, Dhenkanal,**
At/Po/PS - Dhenkanal,
Pin – 752069,
- 6. Divisional Forest Officer, Dhenkanal,**
At/Po/PS – Dhenkanal,
Pin – 752055,
- 7. Member Secretary,**
Odisha State Pollution Control Board,
A/118, Unit-VII, Nilakantha Nagar,
Bhubaneswar,
Pin – 751012,
- 8. Regional Officer,**
Odisha State Pollution Control Board, Angul,
At/Po/PS - Angul,
Odisha – 751024,
- 9. Member Secretary,**
State Environment Impact Assessment Authority (SEIAA), Odisha,
Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit-IX,,
Pin – 751022,
- 10. Director of Mines and Geology,**
Bhubigyan Bhawan, Bhubaneswar,
Khordha,
Pin – 751001,
- 11. Tahasildar, Gondia,**
At/Po/PS - Gondia,
Dist. – Dhenkanal,
- 12. Deputy Director General of Forests (C),**
Ministry of Environment, Forest and Climate Change,
Integrated Regional Office (EZ),
A/3, Chandersekharpur,
Bhubaneswar – 751023, ...(R-12 Deleted vide order dt.16.05.2024)
- 13. Ajit Sahu,**
S/o Latre Gokulananda Sahu,
At/Po - Nihalprasad, PS – Gondia,
Dist. – Dhenkanal (Lessee of Stone Quarry)
Pin – 759016,

.... Respondent(s)

Date of hearing: 31.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Advocate a/w
Mr. Ashutosh Padhy, Advocate (in Virtual Mode)

For Respondent(s) : Ms. Aishwarya Dash, ASC for State, (in Virtual Mode),
Mr. Dipanjan Ghosh, Adv. for R-7 & 8 (in Virtual Mode),
Mr. Apurba Ghosh, Advocate for R-9,
Mr. Subir Kumar Palit, Sr. Advocate a/w
Mr. Abhisek Kejriwal, Adv. for R-13 (in Virtual Mode)

ORDER

1. This Original Application has been filed by the four Applicants, who are stated to be the residents of Village-Nihalprasad under Gondia Tahasil of district – Dhenkanal, Odisha, who are aggrieved by the illegal blasting, excess mining and clearing of vegetation by the operation of the Tolarpasi Road Metal Quarry (Black Stone Quarry) of the Lessee Respondent No.13.
2. It is stated that Environmental Clearance was granted to the Tolarpasi Road Metal Quarry (black stone quarry) vide letter dated 18.10.2021 for annual production capacity of 20034 Cum over Plot No.1874, Khata No.467, area 12.25 acres.
3. It is alleged that the Respondent No.13 has no blasting permit for quarrying; the Lessee is quarrying much beyond the approved quantity capacity as laid down in the Environmental Clearance; the Lessee Respondent No.13 is operating the said quarry in violation of Condition No.9.28 of the Environmental Clearance letter dated 18.10.2021. Condition No.9.28 of the Environmental Clearance reads as under:-

“9.28 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.”

4. The allegation further is that the Lessee is carrying out transportation of nearly 200 trips of stone overloaded vehicles plying on the RD Road which is not capable of handling such heavy load of vehicles. People of 6 panchayats are directly affected; the plying of vehicles on village road is in violation of Environmental

Clearance Condition Nos.9.12, 9.13 and 9.14. Condition Nos.9.12, 9.13 and 9.14 of Environmental Clearance read as under:-

“9.12 No transportation of the minerals shall be allowed on any road passing through villages/habitations 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 carrying capacity of road is increased to handle the mineral carrying 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.

“9.13 Vehicles hired for transportation of minor mineral 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. Speed of vehicle be regulated in no case >30 kms/hr be allowed.

“9.14 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 mineral 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 mineral carrying trucks.”

5. The allegation further is that the quarry depth should not be more than 6 mtr. but the Respondent No.13 has extracted stone more than 20 mtrs. deep, which is in violation of condition No.9.2, 9.6 and 9.8 of the Environmental Clearance. Condition Nos.9.2, 9.6 and 9.8 of Environmental Clearance read as under:-

“9.2 Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. Maximum

depth of quarry operation for starting level at the top shall not exceed 6 meter.

“9.6 The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level.

“9.8 It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs/intervenes within the permitted depth, then also quarrying shall be stopped.”

6. It is also alleged that he is extracting ground water from the borewell without permission from the Central Ground Water Authority which is in violation of condition no. 9.10 of the Environmental Clearance. Environmental Clearance Condition No.9.10 reads as under:-

“9.10 The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and groundwater), if any, required for the project.”

7. It is also alleged that the quarry operator is illegally blasting the quarry in violation of the Consent to Operate condition.
8. It is also alleged that there is no green belt around the quarry and dust from the quarry operation is affecting the adjoining agricultural fields.
9. At the time of admission, the Tribunal constituted a fact finding Joint Committee comprising of the following Members:-

- i. Senior Scientist, Odisha State Pollution Control Board,*
- ii. Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha,*
- iii. Senior Officer or representative of the Director of Mines and Geology,*
- iv. Divisional Forest Officer, Dhenkanal or his Senior Representative; and*

v. Collector and District Magistrate, Dhenkanal or his Representative not below the rank of Additional District Magistrate (ADM),

10. The Committee was directed to visit the site in question and submit its Report with regard to the allegations made in the Original Application.
11. The State Environment Impact Assessment Authority (SEIAA), Odisha, Respondent No.9, has filed affidavit dated 24.09.2024 and it is stated that Environmental Clearance dated 18.10.2021 was granted to the Respondent No.13, Project Proponent, for extraction of stone material from Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 hectares in Village-Tolarpasi, Tahasil-Gondia, District-Dhenkanal, for a period of five years for extraction of 20,034 cum of stone material annually (maximum) and 1,00,166 cum in five years lease period. It is, however, stated that the Project Proponent has not submitted any six monthly/half yearly compliance report on post environmental monitoring in respect of stipulated terms and conditions in the Environmental Clearance to the SEIAA, Odisha. This is *prima facie* clear violation of Environmental Clearance Condition No.9.28.
12. The Collector & District Magistrate, Dhenkanal, Respondent No.4, has filed affidavit dated 26.09.2024 and along with this affidavit a Joint Committee Report of an inspection carried out on 10.07.2024 has been filed. The Joint Committee Report reads as under:-

“Joint Committee Report as per the direction of Hon’ble NGT passed in O.A. No.100/2024/EZ in the matter of Sanjib Dhal & Ors.-Vs.- State of Odisha & Others.”

Hon’ble NGT, EZB, Kolkata vide order dated 16.05.2024 directed to constitute a joint committee comprising of (i) Collector & DM,

Dhenkanal or his Representative (ii) Sr. Scientist, OSPCB (iii) Sr. Scientist, SEIAA, Odisha (iv) DFO, Dhenkanal or his Representative (v) Senior Officer or Representative of the Director of Mines and Geology and visit the site and submit the report with regard to the allegation made in the OA. In compliance to the order of the Hon'ble NGT, EZB, Kolkata, the following members were visited the alleged site on 10.07.2024 for submission of fact finding report with regard to the allegation made in the OA. Besides the Tahasildar Gondia, District Mining Officer, Dhenkanal & Joint Director Geology visited the site on Dtd 16.7.2024 for assessment of the extraction of mineral by the Lessee through drone survey and measurement method of Tolarpasi Road Metal Quarry. This forms part of the Joint Committee report.

- 1. Smt. Anita Patra, OAS (S), Additional District Magistrate (Rev), Dhenkanal.*
- 2. Er. R K Ekka, Sr. Env. Engineer & Regional Officer, SPC Board, Angul.*
- 3. Dr. Pradeept Kumar Nayak, Environmental Scientist, SEIAA, Odisha*
- 4. Sri. Dharanidhar Nayak, Deputy Director of Mines, Talcher Circle.*
- 5. Sri. Kunja Bihari Nayak, OFS-A (JB), Asst. Conservator of Forest, Dhenkanal.*

The following officers accompanied during field visit.

- 1. Smt. Meera Naik, OSA (JB), Deputy Collector, O/o Sub-Collector, Dhenkanal.*
- 2. Sri. Sudhansu Sekhar Sao, OAS (JB), Tahasildar, Gondia, Dhenkanal.*
- 3. Sri Soumya Ranjan Kuanr, Asst. Env. Scientist, SPC Board, Angul.*
- 4. Sri Dambarudhar Mahata, District Mining Officer, Dhenkanal.*

Observations:

The committee has observed the following points during, the visit.

- 1. The Mining plan for Tolarpasi Road Metal Quarry was approved by the Joint Director Geology, Zonal Survey, Dhenkanal on dtd. 26.3.2021. The Environmental Clearance (EC) has been granted in favour of Ajit Sahu, Lessee by the SEIAA, Odisha to operate the*

Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at Village-Tolarpasi, Tahasil-Gondia, Dist: Dhenkanal vide No. 3397/SEIAA. Dt. 18.10.2021 with subject to extraction of maximum quantity of material of 20,034 CuM. in a full year and total production from the quarry shall be 100166 CuM. during the valid lease period of five years as per the approved mining plan with some stipulated conditions. Accordingly lease deed was executed in favour of Ajit Sahu on Dtd. 01.02.2022. The Consent to Operate (CTO) has been granted by the State Pollution Control Board, Odisha in favour of Ajit Sahu, Lessee to operate the quarry in the name and style of M/s. Tolarpasi Road Metal Quarry over plot. No. 1874, Khata No.467, Total ML Area of 12.25 Ac. Or 4.957 Ha. In mouza: Tolarpasi, Tahasil: Gondia Ps- Gondia, Dist: Dhenkanal vide Board's letter No. 641 dtd. 10.03.2022 which is valid for the period up to 31.01.2027. Subsequently, the Lessee started its operation within the quarry area. Further it was observed that over all Environmental compliances with respect to consent conditions were satisfactory.

2. It is observed that the said source has been handed over to Govt. in Steel & Mines Deptt. on Dtd. 04.08.2023 & now it is under the control of Dy. Director Mines, Talcher & District Mining Officer, Dhenkanal. The committee observed that some conditions like tree plantation, implementation of environmental management plan (EMP), management of Over Burden (OB) dump material and mainly submission of six (06) monthly EC compliance to SEIAA, Odisha has not been complied. During inspection, the project proponent informed that he is not aware of plantation and keeping record of separate account towards expenditure on EMP and he is agreed to do that part.

3. On verification of official documents of the Lessee Sri Ajit Sahoo, the Committee observed that the Lessee has not obtained explosive permission from the Collector & DM, Dhenkanal, but he has possessed an Explosive license issued by the joint Chief Controller of Explosive, East Circle, Kolkata vide License No. E/EC/OR/22/390(E-98095) which is valid up to 31.03.2025 (copy of the License issued by PESO is enclosed here with as at Annexure-A/4 series)

4. The joint Committee observed that the Sadhu Gosein Temple is located at a distance of more than 200 meters from the quarry site & the distance of the nearest habitation is also more than 1.5 Km from the site. There are no cracks on the temple because of uncontrolled blasting & no illegal operation was carried out by the lessee at the cost of damaged to property of local people and Govt. institution.

(Photo copies of the temple are enclosed herewith as Annexure-B/4 series.)

5. *From the report dtd. 16.7.2024 of District Mining Officer, Dhenkanal, it is observed that during the period 1.4.2023 to 30.6.2024 all total 1464 Nos of trips have been transported from Tolarpasi Road Metal Quarry & the highest no of trip transported from the quarry is during the month of March i.e 476 Nos of trips. So, it is observed that on an average 16 Nos of trip are transported from the quarry area on daily basis. So the allegation of nearly 200 trips of stone over loaded vehicles are plying on the RD road causing damaged and full of potholes to the road because of overloaded speedy trucks without cover plying on it is not based on fact. (The report of the Mining Officer is enclosed herewith as Annexure-C/4)*

6. *The Committee observed that no bore-well is constructed in the quarry area and water requirement for domestic, water sprinkling for dust suppression and planation activities are being sourced from Lessee's own pond located outside the mine leasehold area. The Lessee has obtained an exemption certificate from Central Ground Water Authority (CGWA) stating that the unit is exempted from seeking NOC. Further, there are no villages within the 1.5 Km radius from the quarry site. Hence there was no evidence for depletion of ground water in the village area due to this mining activity. (The report of the Ex. Engineer, RWS&S, Dhenkanal is enclosed herewith as Annexure-D/4)*

7. *As regards to the allegation of excess mining, during the joint visit of the Committee on Dtd. 10.7.2024 it could not be ascertained the quantity extracted by the Lessee, hence the Tahasildar Gondia, District Mining Officer, & Joint Director Geology were requested vide Letter No. 7255 Dtd. 10.7.2024 to measure the exact quantity of minor mineral extracted from the source in question.*

8. *Accordingly, Tahasildar Gondia, District Mining Officer, & Joint Director Geology have again visited the quarry on Dtd.16.7.2024 to conduct the joint assessment survey in order to ascertain the exact quantity of material extracted from the site by the Lessee through drone survey & measurement. As per their report the lease was executed in favour of the Lessee on Dtd. 1.02.2022. The Lessee was allowed to extract 20,030 cum of black stone during the 1st year, 20,034 cum in the 2nd year & 20,034 in the 3rd year considering the approved mining plan. But the Lessee has extracted 7092 cum excess*

black stone from the quarry till 16.7.2024, which is illegal. (The report dtd. 16.7.2024 is enclosed herewith as Annexure-E/4 series.)

9. It was enquired and learnt that blasting and exploration in the mine is carried out in day time.

10. It was observed that, mine lease area has been demarcated by posting pillars but there is no wire fencing to avoid any type of accident of wild animals and human beings. No solar fencing of the quarry has been done. Hence, the Lessee shall provide solar fencing all around the quarry from his own cost in order to prevent any animal to face accident in future into the mine pit.

11. Some green cover were there as it appears in the KML file and during inspection it is observed that mist tree species are the dominated species grown naturally and exist there. Some unwanted species and bushes are cleared from the mining lease area due to mining activities.

12. The quarry is surrounded by green belt; however, the lessee has been instructed for plantation in safety zone and OB dump area.

13. It was observed that, top soil and Over Burden (OB) has been stacked at inside the leasehold area. OB dump has been compacted properly putting soil cover on the top and garland drain has been constructed around the dump area. No mining activities were carried out during the visit.

14. It was observed that there is no vehicle workshop center inside the mine lease hold area and also on further enquiry, it was learnt that the lessee is using hired vehicles for mining and transportation activities, hence, no generation of hazardous waste such as waste oil and used oil was observed.

15. The Lessee has constructed road on his mine lease area connecting to nearby RD Road for transportation of minerals and it was observed that water sprinkling is being done by mobile water tankers mounted on trucks. The condition of the road was observed to be in good condition.

16. It was learnt that, controlled blasting system with using sequence blasting with millisecond delay detonator is being adopted in order to prevent the fly of rocks and control of noise & vibration to the prescribed level.

Recommendations:

1. *The Lessee shall reclaim the mined-out area after declaration of closure of the mine.*
 2. *The Lessees shall inform the local people in advance while carry out blasting in the mine area before 30 minutes.*
 3. *The project proponent shall implement the EMP and do plantation as per EC conditions after consultation with Divisional Forest Officer, Dhenkanal and submit its compliance report to SEIAA, Odisha.*
 4. *The Lessee should submit an undertaking that the trees existing in the periphery mining lease area shall not be removed and for any deviation the Lessee will responsible for the same.*
 5. *The Lessee shall pay the penalty for the excess mining of the mineral to the extent of 7092 CuM.*
 6. *The Lessee shall provide solar fencing all around the quarry area in order to prevent any animal to face accident into the mine pit.*
 7. *The Lessee shall take plantation in safety zone and OB dump area.”*
13. The SEIAA, Odisha, Respondent No.9, has filed further affidavit dated 27.11.2024 stating therein that the Respondent No.13, Project Proponent, was earlier granted Environmental Clearance vide letter dated 17.08.2015 for total extraction quantity of stone 12,520 cum from Tolarpasi Road Metal Quarry in five years lease period and subsequently Environmental Clearance was again granted on 18.10.2021 for extraction of 20,034 cum/annum of stone and 1,00,166 cum stone from the said quarry in five years lease period. It is also stated that the Central Ground Water Authority has issued No Objection Certificate (NOC) to the Respondent No.13, Project Proponent, for ground water abstraction of less than 10 cum/day, since as per the S.O. 3289(E) dated 24.09.2020 issued by the Department of Water Resources, River Development and Ganga Rejuvenation, Guidelines to Regulate and

Control Ground Water Extraction in India, 2020, micro and small enterprises drawing ground water less than 10 cum/day are exempted. It is, however, stated that the Executive Engineer, RWS&S Division, Dhenkanal, vide his letter dated 11.07.2024 has informed that the Respondent No.13 is not extracting water either from pond or from any well for the Tolarpasi Road Metal Quarry.

14. The Divisional Forest Officer, Dhenkanal, Respondent No.6, has filed affidavit dated 02.12.2024 stating therein that during the inspection visit it was noticed that there were miscellaneous tree species growing naturally and some unwanted species and bushes had been cleared from the mining lease area due to mining activity but the quarry is surrounded by green belt, however, it is also stated that the lessee has been instructed for carrying out plantation in safe zone and Over Burden (OB) dump area. It is stated that the lessee has also been directed to submit undertaking that trees existing in the periphery of the mining lease area shall not be removed.
15. The SEIAA, Odisha, Respondent No.9, has filed further affidavit dated 28.01.2025 stating that it has issued a show cause notice dated 05.12.2024 to the Respondent No.13, Project Proponent, to show cause as to why Environmental Clearance be not revoked due to non-compliance of Environmental Clearance conditions and excess mining of stone of 7092 cum as shown from the Joint Inspection Report of the Committee constituted by the Tribunal and for non-compliance of Environmental Clearance conditions with regard to plantation, Environment Management Plant (EMP), non-submission of six monthly compliance report on regular basis. It is stated that the Project Proponent has submitted his reply on 20.12.2024 to the show cause notice dated 05.12.2024 which was

not accepted by the authority and the authority has, therefore, decided to revoke the Environmental Clearance dated 18.10.2021 issued to the Respondent No.13, Project Proponent, for the Tolarpasi Road Metal Quarry.

16. The Project Proponent, Respondent No.13, has filed affidavit dated 26.09.2024 denying the allegations in the Original Application and it is stated that subsequent to the issuance of Environmental Clearance, Tahasildar raised a demand of Rs.84,33,962/- towards royalty, EMP, DMF, TCS, surface rent and dead rent vide his letter dated 20.11.2021. It is stated that the Project Proponent has obtained Consent to Establish on 03.03.2022 and Consent to Operate on 10.03.2022 valid upto 31.01.2027. It is also stated that the Project Proponent has submitted an application to the Deputy Collector Judicial, Dhenkanal Collectorate, seeking issuance of Explosives License for increased amount of explosives which was required for execution of the mining operations. It is further stated that mining/excavation/wining of metals/minerals is well within the permitted MGQ approved in the Mining Plan, Environmental Clearance and Lease Agreement.
17. An **I.A. No.17/2025/EZ** has also been filed by the Respondent No.13, Project Proponent, praying that Environmental Clearance dated 18.10.2021 granted in favour of Respondent No.13 may be restored in his favour. The Project Proponent has accepted that a show cause notice dated 05.12.2024 was issued to him to which he has also submitted his reply on 20.12.2024 stating that instead of excess mining of 7092 cum the Project Proponent has surplus balance of 3682 cum which could be mined out of the approved quantity of 20,034 cum and, therefore, there has been no excess mining. It is also alleged that excess mining quantity in the Joint

Committee Report resulted from the non-issuance of Transit Permits through Y Forms for the differential balance shown as excess at the relevant time of extraction, however, the Y Forms were subsequently issued and uploaded on the 4M portal.

18. We have heard the learned Counsel for the parties and perused the documents on record.
19. The Joint Committee Report clearly records that Environmental Clearance conditions like – tree plantation, implementation of Environment Management Plan, management of Over Burden dump material and submission of six monthly Environmental Clearance compliance report to SEIAA, Odisha, has not been complied by the Project Proponent. The Report further mentions that during inspection the Project Proponent stated that he was not aware of requirement of plantation or of keeping record of separate account towards expenditure on Environment Management Plan (EMP) and he, in fact, agreed to comply with that part of the condition. The Joint Committee also observed that the lessee has not obtained explosives permission from the Collector & District Magistrate, Dhenkanal, but he possessed an Explosive License issued by the Joint Chief Controller of Explosives, East Circle, Kolkata, which is valid upto 31.03.2025.
20. The Joint Committee Report further mentions that on the date of the site inspection i.e., 10.07.2024, the quantity extracted by the Lessee, Respondent No.13, could not be ascertained, hence, the Tahasildar-Gondia, District Mining Officer & Joint Director Geology, were requested vide letter dated 10.07.2024 to measure the exact quantity of minor mineral extracted from the source in question. It is also stated that the Tahasildar-Gondia, District Mining Officer and the Joint Director Geology, again visited the

said quarry on 16.07.2024 to conduct joint assessment survey in order to ascertain the exact quantity of material extracted from the site by the Lessee through drone survey and measurement. The Report submitted by the three officers' Committee of their site inspection dated 16.07.2024 is that the lease was executed in favour of the Lessee Respondent No.13 on 01.02.2022; the Lessee was allowed to extract 20,030 cum of black stone during the first year, 20,034 cum in the second year and 20,034 in the third year, considering the approved Mining Plan but the Lessee has extracted 7092 cum excess black stone from the quarry till 16.07.2024 which is illegal.

21. The Joint Committee Report further mentions that though the mine lease area has been demarcated by posting pillars but there is no wire fencing to avoid any type of accident to wild animals or human beings and no solar fencing of the quarry has been done.
22. Considering the Joint Committee Report and the fact that a show cause notice dated 05.12.2024 has been issued to the Respondent No.13, Project Proponent, for revocation of Environmental Clearance dated 18.10.2021 and thereafter the said Environmental Clearance has also been revoked vide order dated 18.01.2025 (page 241 of the paper book), against which the Respondent No.13 has a statutory right of appeal, we are not inclined to express any opinion with regard to the revocation of the Environmental Clearance dated 18.10.2021. However, considering the action taken by the SEIAA, Odisha, and the Report of the Joint Committee, nothing further remains for adjudication in the present Original Application. The Original Application No.100/2024/EZ is accordingly disposed of.
23. I.A. No.17/2025/EZ and any other pending I.As. are disposed of accordingly.

24. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

January 31, 2025,
Original Application No.100/2024/EZ
AK

.....
Dr. Arun Kumar Verma, EM



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 3097/SEIAA

DI. 18.10.2021

File No. SEIAA-1725/06-2021

To

Sri. Ajit Sahu,
At/Po-Nihalprasad, Po-Gondia,
Dist-Dhenkanal

Sub: Proposal of Sri. Ajit Sahu for mining of road metal from Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at village- Tolarpasi, Tahasil-Gondia, District- Dhenkanal- Environmental Clearance reg.

Ref: SEIAA File No: SEIAA-1725/06-2021 dt.24.06.2021

Sir,

This is with reference to the application dated 24.06.2021 for grant of environmental clearance (submitted in the offline mode) for the proposed activities mentioned above.

2. [The application has been submitted in the offline mode because there is no provision at present for filing EC application for such cases (minor mineral extraction involving area less than or equal to 5ha; i.e., B2 category projects) in the online mode before SEIAA in the PARIVESH portal. The relevant application Form-IM does not appear on the screen of the said portal when EC application is to be filed to SEIAA]. The applicant has submitted the application in Form-I, i.e. the Form in which applications for minor mineral projects were being submitted upto the year 2016 before SEIAA. The Form-I does not contain some of the situational information relating to environmental sensitivity, but much of the required information has been submitted by the applicant in the Checklist and also in the PFR.

3. The application in Form-I is supported by other necessary documents, namely the PFR, DSR, EMP, Approved Mining Plan and Checklist.

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4. The proposed activities in a nut shell are as follows: -
- a. This is a proposal for mining of road metal from Tolarpasi Road Metal Quarry located at Village- Tolarpasi, Tahasil- Gondia, District- Dhenkanal over lease area of 12.25acres or 4.957ha.
 - b. The mine area is a part of the Survey of India Toposheet No. F45T6 bounded by Latitude:20°47'29.27" N to 20°47'36.23" N and Longitude:85°55'47.34"E to 85°55'56.01" E .
 - c. The mining lease is an identified sairat source in the DSR. The Tolarpasi Road Metal Quarry sairat source will be leased out under the OMMC Rules,2016 by Tahasildar, Gondia to Sri.Ajit Sahu (successful bidder 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 Joint Director Geology, Zonal Survey, Dhenkanal on 25.03.2021.
 - e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 374757 cum of road metal.
 - f. The project proponent has not furnished the alignment of the extraction path for road metal transportation. As reported by the Tahasildar/PP in the Checklist, the village road is at a distance of 0.4Km away from the mining lease area.
 - g. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mines 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. The Tahasildar vide letter no.2172 dated 03.06.2021 has submitted that the proposed quarry is situated on non-forest land, even after verification of the DLC report.
 - i. As per the approved mining plan, it is observed that road metal from the quarry will be extracted by semi-mechanized method with annual extraction of road metal not exceeding 20034 cum (maximum production capacity) during the valid lease period.
5. 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 5 ha.

6. The proposal is duly appraised by the SEAC in its meeting held on 26.08.2021 & 05.10.2021. The SEAC has submitted the appraisal report and recommended for grant of EC, vide their letter no. 725/SEAC-Misc-02 dated 11.10.2021.

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

8. The Tahasildar, Gondia 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).

9. **Stipulated Conditions:**

- 9.1 Demarcation of the quarry lease area by posting durable concrete pillars of 1m height above ground is a must prior to starting the quarry operation.
- 9.2 Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. Maximum depth of quarry operation for starting level at the top shall not exceed 6 meter.
- 9.3 Maximum quantity of quarry material that can be permitted by the lessor to be removed from the quarry area is 20034Cum in a full year (January to December) and total production from the quarry shall be 100166Cum during the valid lease period of five years as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 9.4 Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. 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.
- 9.5 It shall be ensured that quarrying is not carried out within 500 m of structures, bridges, embankment, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures. Pursuant to Hon'b'e NGT in its Order dated 21.07.2020 in OA No-304/2019 in the matter of M.Haridasan & Ors. Vrs State of Kerala and to comply with the direction made therein "No stone quarry involving blasting will be operated within 200 m (minimum distance criteria) from Residential/public buildings, inhabited sites, other location, etc."
- 9.6 The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level.
- 9.7 No mining shall be carried out in the vicinity of natural /manmade archeological sites.

26.08.2021 & 9.8
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- 9.8 It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted depth, then also quarrying shall be stopped.
- 9.9 Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.
- 9.10 The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and groundwater), if any, required for the project.
- 9.11 Pursuant to MoEF & CC, O.M No 22-34/2018-1A.111dated 16.01.2020 to comply with the direction made by Hon'ble Supreme Court on 8.01.2020 in W.P. (Civil) No.114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
- 9.12 No transportation of the minerals shall be allowed on any road passing through villages/habitations 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 mineral carrying 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.
- 9.13 Vehicles hired for transportation of minor mineral 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. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.
- 9.14 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 mineral 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 mineral carrying trucks.
- 9.15 Wet drilling method is to be adopted to control dust emissions. Delay detonators and shock tube initiation system for blasting shall be used so as to reduce vibration and dust.
- 9.16 Drilling and blasting (wherever required) shall be done only by licensed explosive agent by the proponent after obtaining required approvals from competent authorities.

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- 9.17 Blasting will be carried out after making adequate announcement to the local inhabitants through public address system. Warning siren half an hour prior to blasting activity will be sounded adequately for alerting everybody around before the blast is detonated to avoid any accident. The nearby inhabitants shall be informed one day before the actual time of blasting. Blasting is permissible at fixed hour in day time only, after blowing the siren intermittently for 10 minutes before the actual start, for safety of the inhabitants. Blasting shall be carried out in such a manner that the splinters/debris generated shall not fall beyond the mining lease area.
- 9.18 Water spray should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.
- 9.19 Plantation of 5000 saplings shall be carried out in the 1st year of quarry operation in the peripheries of the quarry area by making planting pits of 1 meter depth at suitable spots along the approach road and in village common lands, within 1km belt of the quarry. The PP shall submit real time photographs on latitude longitude grid at six monthly intervals to monitor the status of the plantation.
- 9.20 Dumping of quarry material is in no case permissible on any forest land; and all dump yard shall be on duly permitted non forest land.
- 9.21 Stone Crusher unit shall not be set up within 1km of the quarry site, and any crusher to be set up (beyond 1km) has to be with prior permission and after obtaining of license and consent as per law.
- 9.22 Staggered contour trenches shall be dug out to cover all sloping area and the hill surface in general, within a 1km belt of the quarry lease.
- 9.23 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine; and has to submit a detailed plan of action in this regard within six months, indicating definite timelines and physical outcomes.
- 9.24 The explosives shall be stored at site as per the conditions stipulated in the permits issued by the licensing Authority.
- 9.25 Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, and trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
- 9.26 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.
- 9.27 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.

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- 9.28 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.
- 9.29 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.
- 9.30 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 compliance of the stipulated conditions and take corrective measures promptly in case of any non-compliance and also ensure that the project proponent submits quarterly compliance reports.
- 9.31 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.
- 9.32 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat / Panchayat Samiti / Zila Parisad / Municipal Corporation / Urban Local Body as the case may be.
- 9.33 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.
- 9.34 The SEIAA, Odisha may revoke or suspend the 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.
- 9.35 **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.**
- 9.36 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 environmental clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.
- 9.37 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.

- 9.38 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.
- 9.39 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.

Memo No. 3398/SEIAA /Dt. 18.10.2021
Copy to


Member Secretary

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, Dhenkanal/ Sub Collector, Dhenkanal/Tahasildar, Gondia for Information and necessary action.
7. Guard file for record.


Member Secretary



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

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

seiaaodisha@gmail.com

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

File No. SEIAA-1725/06-2021

Letter no. 6242/SEIAA

Dated 18.01.2025

To

The Deputy Director of Mines,
Dhenkanal Circle, Dhenkanal
At/Po/Dist-Dhenkanal

Sub: Revocation of Environment Clearance (EC) of Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at village-Tolarpasi, Tahasil-Gondia, Dist: Dhenkanal, Odisha in favour of Sri Ajit Sahu -Reg.

Ref: 1. Order passed by Hon'ble NGT, EZ, Kolkata on dated 16.05.2024 & subsequent order in OA No.100/2024/EZ in the matter of Sanjib Dhal & Ors. Vrs. State of Odisha & Ors.
2. EC letter no.3397/SEIAA dated 18.10.2021
3. Our Show Cause notice to Sri Ajit Sahu vide letter no.6137/SEIAA dated 05.12.2024

Sir/Madam,

With reference to the above cited subject, it is to inform you that the Environmental Clearances have been granted by SEIAA, Odisha to the above-mentioned stone quarry of Tolarpasi Road Metal Quarry as per the application & based on information submitted by the Tahasildar, Gondia of Dhenkanal District and the project proponent Sri Ajit Sahu. After SEAC recommendation in its meeting held on 26.08.2021 & 05.10.2021, the proposal was placed in SEIAA, Odisha meeting and the Authority, SEIAA, Odisha approved the proposal for EC vide letter no. 3397/SEIAA dated 18.10.2021 with stipulated conditions and accordingly, the quarry was being operated by the successful bidder/lessee Sri Ajit Sahu.

In the meantime, a case was filled before Hon'ble NGT, Eastern Zone Bench, Kolkata in OA no. 100/2024/EZ matter of Sanjib Dhal & Ors. Vrs. State of Odisha & Ors. After hearing, the Hon'ble Tribunal passed an order on 16.05.2024 with direction as follows:

- i. **Para-11 of the order**-All the Respondents shall file their counter-affidavits within four weeks.
- ii. **Para-12 of the order**-Considering the allegations made in the Original Application, we deem it appropriate to constitute a Joint Committee comprising of the following members: -
 - a. Senior Scientist, Odisha State Pollution Control Board;

- b. Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha
 - c. Senior Officer or representative of the Director of Mines and Geology;
 - d. Divisional Forest Officer, Dhenkanal or his Senior Representative; and
 - e. Collector and District Magistrate, Dhenkanal or his Representative not below the rank of Additional District Magistrate (ADM)
- iii. **Para-13 of the order-**The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks
 - iv. **Para-14 of the order-**The Collector and District Magistrate, Dhenkanal shall be the Nodal Body for all logistic purposes and shall file the Fact-Finding Report on affidavit.
 - v. **Para-15 of the order-**In case violations are found, the Committee shall recommend remedial measures, if any.

As per direction of Hon'ble Tribunal order dated 16.05.2024, a joint committee was formed and was visited the site on 10.07.2024 and as per instruction of committee, a sub-committee also visited the site on 16.07.2024 and accordingly, the joint inspection report was submitted before Hon'ble Tribunal by the Collector and District Magistrate, Dhenkanal as nodal agency for this case. The SEIAA, Odisha also filed an individual counter affidavit dated 24.09.2024 before Hon'ble Tribunal stating in Para-04 that EC was obtained by Sri Ajit Sahu for Tolarpasi Road Metal Quarry dated 18.10.2021 for a period of 5 years and Para-05 that, the project proponent (PP) has not submitted any six monthly/half yearly compliance of EC condition.

Based on the affidavit dated 24.09.2024 of SEIAA, Odisha, the Hon'ble Tribunal has passed another order dated 27.09.2024 with the following observation & direction:

- i. **Para-05 of the order-** In the affidavit of SEIAA, Odisha, certain violations by the Project Proponent, Respondent No.13, have been outlined but what action has been taken by the SEIAA, Odisha, thereafter, has not been stated for reasons best known to SEIAA.
- ii. **Para-06 of the order-**We, therefore, direct the SEIAA, Odisha, to file fresh affidavit showing what action has been taken in pursuance of their averments in Paragraphs 4 and 5 of their affidavit.

Further, the Hon'ble Tribunal has passed another order dated 28.11.2024 as follows:

- i. **Para-07 of the order-** In our order dated 27.09.2024 we had directed the SEIAA, Odisha to show what action has been taken with regard to violations outlined in their affidavit against the Respondent No.13. We find that the affidavit of 27.11.2024 is

peculiarly silent with regard to compliance of the directions of this Tribunal in para 5 of its order for reasons best known to the Regulatory Authorities.

- ii. **Para-08 of the order-** Mr. Apurba Ghosh, learned Counsel prays for and is granted further four weeks time for filing the counter affidavit of SEIAA, Odisha in this regard, failing which the Member Secretary, SEIAA, Odisha will be liable to payment of cost of Rs.2500/- (Rupees two thousand five hundred only).

In compliance to the order dated 27.09.2024 & 28.11.2024 of Hon'ble Tribunal, the SEIAA, Odisha has issued Show Cause notice vide letter no. 6137/SEIAA dated 05.12.2024 to the PP, Sri Ajit Sahu with stating that why the environment clearance will not be revoked due to non-compliance of EC conditions and excess mining of stone 7092 cum as pointed out in the joint inspection report of sub-committee and non-compliance of EC compliance with respect to plantation, EMP, submission of six-monthly compliance on regular basis etc. The matter was placed in 185th SEIAA, Odisha meeting held on 07.01.2025 and the Authority observed that this is a case of violation as the PP has not submitted compliance of EC conditions on regular basis and 7092 cum of stone material has been extracted from the source as an excess mining and beyond the permission limit of EC conditions. The PP has submitted their reply on dated 20.12.2024 of show cause notice no. 6137/SEIAA dated 05.12.2024 issued by SEIAA, Odisha. The reply of the PP is not satisfactory and not acceptable. Hence, after detailed deliberation in the matter, the Authority decided to revoke the EC letter no. 3397/SEIAA dated 18.10.2021 for violation of EC conditions.

As per direction of Hon'ble Tribunal order dated 27.09.2024 & 28.11.2024 and decision of Authority, the SEIAA, Odisha hereby revoke the Environmental Clearance letter no. 3397/SEIAA dated 18.10.2021 issued to Tolarpasi Road Metal Quarry over an area of 12.25 acres or 4.957 ha at village-Tolarpasi, Tahasil-Gondia, Dist: Dhenkanal, Odisha with immediate effect under the Provision of EIA Notification, 2006 and Environment Protection Act, 1986.

Any appeal against this order 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.

This is for your kind information and necessary action.

Yours faithfully,



Member Secretary

Copy to

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Dhenkanal, Sub-Collector, Dhenkanal, DFO, Dhenkanal, Tahasildar, Gondia /Mining Officer, Dhenkanal for Information and necessary action.
7. Sri Ajit Sahu. S/o-Late Gokulananda Sahu, At/Po-Nihalprasad, Ps-Gondia, Pin-759016
8. Guard file for record/Website/Parivesh Portal.



Member Secretary



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11154 of 2025

Ajit Sahu

....

Petitioner(s)

Mr. Soumya Ranjan Mohanty, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. Sanjay Rath, AGA

Mr. B.P. Das, Adv.

Mr. D.R. Bhokta, CGC

Mr. Sankar Prasad Pani, Adv.

for the intervener

CORAM:

HON'BLE DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

15.05.2025

01. 1. This matter is taken up through hybrid arrangement.
2. In filing this Writ Petition, the Petitioner has challenged the letter dated 18.01.2025/Annexure-11 issued by the Member Secretary, State Environment Impact Assessment Authority, Odisha.
- Apart from the above, the Petitioner has also sought for a direction from this Court to the State Environment Impact Assessment Authority, Odisha/ Opposite Party No.4 for restoring the Environmental Clearance dated 18.10.2021.
3. Heard learned counsel for the respective parties.
4. Learned counsel for the Intervener, at the outset, submits that since there is a provision of appeal under Section 16 of the National Green Tribunal Act, 2010, the Petitioner in order



to redress his grievance should have preferred an appeal instead of preferring this Writ Petition.

5. In such view of the matter, this Court without going into the merits of the case directs the Petitioner to prefer an appeal along with a petition for condonation of delay before the learned National Green Tribunal. In such event, the learned National Green Tribunal shall condone the delay, if any, in accordance with law.

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

(Dr. S.K. Panigrahi)
Judge

EOB22094077IN IVR:697982207407
SP BHUBANESWAR G.P.O. 751001
Counter No:1,28/07/2025,19:06
To:MEMBER SECRETARY,SEIAA
PIN:751022, Bhubanagar S.O
From:S DHAL.,
Mt:25Jms
Amt:17.70, Tax:2.70,Amt.Faid:18.00(Cash)
<Track on www.indiapost.gov.in>



68

ANNEXURE-6

DATE-27th July 2025

TO,

✓ 1. Chief Secretary, Government of Odisha, Lokaseva Bhawan, 751001 Bhubaneswar csori@nic.in

✓ 2. Additional Chief Secretary, Forest and Environment Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: asec.or@nic.in

✓ 3. Collector & Dist. Magistrate Dhenkanal, At/PO/Dist- Dhenkanal Email- dm-dhenkanal@nic.in PIN-752069

✓ 4. Superintendent of Police, Dhenkanal At/Po/PS- Dhenkanal spenol@nic.in , 752069

✓ 5. Member Secretary, Odisha State Pollution Control Board A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha Email: paribesh1@ospceboard.org,

6. Member Secretary, State Environment Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit - IX, 751022 Email: seiaaodisha@gmail.com , seiaa-or@gov.in

✓ 7. Director of Mines and Geology, Bhubigyan Bhawan , Bhubaneswar, Khordha, PIN-751001 Email- director@geology.odisha@yahoo.in

8. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office (I/R), A/3, Chandrasekharpur, Bhubaneswar 751023, Email: ddg@forest.gov.in



Received Spokeeem
28-7-25

SUB- Excess Mining and continuous illegal mining in Tolarposi Road Metal Quarry, Gondia, Dhenkanal

Dear Sir,

We the villagers of Nihalprasad would like to bring your kind attention to the loot of minor minerals such as blackstone by one Ajit Sahu, Lessee of **Tolarposi Road Metal** who has been operating it illegally even after the Environment Clearance has been revoked.

1. **Excess mining of 7092 Cu Mtre has been found up to 16th July 2024, the day assessment was carried out by the Consultant engaged by Mines Department as per the Order of Honble NGT in OA 100 of 2024.** However, the mining continued till the EC was revoked on 18/01/2025 and thereafter also continuing illegally **but no fresh measurement has been done to assess the total excess mining as on date.** We demand a fresh measurement with help of ORSAC and **computation of environment compensation along with royalty and penalty and realisation of the same from the lessee**
2. Needless to say, the SEIAA affidavit filed before Honble NGT, in para 6(d) also says that the **quarry depth is around 8 to 10mtre**, the top RL is 90metre while bottom RL is 60metre and in this case the difference comes around 30metre and **no quarry operation can go beyond 6 metre.**
3. Hence the mining could no longer be in operation and to total excess mining as on date be calculated, then after the mine closure plan be adopted and reclamation of the quarry with plantation be carried out. Not out of place to mention that the surrounding site is a virgin land with full of trees qualifying the

dictionary meaning of forest as per the Supreme Court Order dated 12/12/1996 in TN Godavarman case. The quarry operation started after felling the trees and this patch is a scar on the hill. Further mining will affect the existing vegetation in the hill.

4. We are further informed that the present Mining Officer of Dhenkanal District has approved the quarry **permission from 20,000 to 100000 cubic metre vide letter dated 5/04/2024** while the case before Honble NGT in OA No 100/2024/EZ was still pending in respect of Tolarposi Road Metal Quarry
5. After the EC was revoked for non-compliance of conditions, the Mining Officer Dhenkanal again recommended for restoration of the Environment Clearance while ignoring all the illegalities and violations of OMMC Rule.
6. As such capacity of the mine could not have been increased without a fresh auction of the quarry. Hence how the capacity is increased to 5 times also need to be investigated. It is pertinent to mention that the auction for the stone quarry was for 20,000 cubic metre and without making a fresh auction, the mining officer is recommending the lessee to extract five times of the original quantity. This will result in loss of state exchequer as the lessee will extract the source in old price while the govt could get a better price of the source was re-auctioned.

In view of the afore mentioned paras, we request for fresh assessment of the quarry, realisation of the royalty and environment compensation for the excess mining, prosecution of the lessee, adoption of mine closure plan and restoration of the area with plantation. Apart from this an independent investigation on how the quarry was operating **without Blasting Permission,**

approval of mining plan for 5times increase (20,000 to 100000 cubic metre) and there after the recommendation from mining officer to SEIAA to restore the Environment Clearance be thoroughly inquired.

Sincerely

Sanjib Dhal

SANJIB KUMAR DHAL S/o MURALI DHAR DHAL,
A/Po-NIHALPRASAD Dist-DHENKNAL Odisha, 759104

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Ashutosh Padhy <sagarasutosh369@gmail.com>

Under Instruction of my client I am sending this complaint petition.

1 message

Ashutosh Padhy <sagarasutosh369@gmail.com>

7 August 2025 at 14:58

To: mo.dhenkanal@gov.in, "ddm.talcher@orissaminerals.gov.in" <ddm.talcher@orissaminerals.gov.in>

- Please find the attachment.

 **tolarposi_road_metal_quarry_complaint.pdf**
216K

DATE-7th August 2025

TO,

1. Mining Officer, Dhenkanal, At/Po- OFFICE OF THE MINING OFFICER, DHENKANAL, 759001, Email- mo.dhenkanal@gov.in
2. Deputy Director Mines Talcher Circle, At/Po-W6X8+66X, Remuan Rd, Talcher, Odisha 759100, Email- ddm.talcher@orissaminerals.gov.in

SUB- Excess Mining and continuous illegal mining in Tolarposi Road Metal Quarry, Gondia, Dhenkanal

Dear Sir,

I am a villager of Nihalprasad would like to bring your kind attention to the loot of minor minerals such as black stone by one Ajit Sahu, Lessee of **Tolarposi Road Metal** who has been operating it illegally even after the Environment Clearance has been revoked.

1. **Excess mining of 7092 Cu Mtre has been found up to 16th July 2024, the day assessment was carried out by the Consultant engaged by Mines Department as per the Order of Hon'ble NGT in OA 100 of 2024.** However, the mining continued till the EC was revoked on 18/01/2025 and thereafter also continuing illegally **but no fresh measurement has been done to assess the total excess mining as on date.** We demand a fresh measurement with help of ORSAC and **computation of environment compensation along with royalty and penalty and realisation of the same from the lessee**

2. Needless to say, the SEIAA affidavit filed before Honble NGT, in para 6(d) also says that the **quarry depth is around 8 to 10metre**, the top RL is 90metre while bottom RL is 60metre and in this case the difference comes around 30metre and **no quarry operation can go beyond 6 metre**.
3. Hence the mining could no longer be in operation and to total excess mining as on date be calculated, then after the mine closure plan be adopted and reclamation of the quarry with plantation be carried out. Not out of place to mention that the surrounding site is a virgin land with full of trees qualifying the dictionary meaning of forest as per the Supreme Court Order dated 12/12/1996 in TN Godavarman case. The quarry operation started after felling the trees and this patch is a scar on the hill. Further mining will affect the existing vegetation in the hill.
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5. After the EC was revoked for non-compliance of conditions, the Mining Officer Dhenkanal again recommended for restoration of the Environment Clearance while ignoring all the illegalities and violations of OMMC Rule.
6. As such capacity of the mine could not have been increased without a fresh auction of the quarry. Hence how the capacity is increased to 5times also need to be investigated. It is pertinent to mention that the auction for the stone quarry was for 20,000 cubic metre and without making a fresh auction, the mining

officer is recommending the lessee to extract five times of the original quantity. This will result in loss of state exchequer as the lessee will extract the source in old price while the govt could get a better price of the source was re-auctioned.

In view of the afore mentioned paras, we request for fresh assessment of the quarry, realisation of the royalty and environment compensation for the excess mining, prosecution of the lessee, adoption of mine closure plan and restoration of the are with plantation. Apart from this an independent investigation on how the quarry was operating **without Blasting Permission**, approval of mining plan for 5times increase (20,000 to 100000 cubic metre) and there after the recommendation from mining officer to SEIAA to restore the Environment Clearance be thoroughly inquired.



Sincerely

SANJIB DHAL S/o MURALI DHAR DHAL,
At/Po-NIHALPRASAD,Dist-DHENKNAL
Odisha, 759104

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.185/2025/EZ

Sanjib Dhal

Applicant

Versus

State of Odisha and Ors.

Respondents

Date of hearing: 13.10.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Applicant: Mr. Sankar P. Pani Advocate for the applicant (through VC).

ORDER

1. The applicant has filed present application under Sections 14, 15 and 20 read with Section 18 (1) and (2) of the National Green Tribunal Act, 2010 seeking following reliefs:-

- I. Direct the DDM Talcher to ensure implementation of mine closure plan for Tolarpasi road metal quarry and reclamation of the quarry.
- II. Direct the SEIAA to compute the environment compensation for excess mining and recover the same from the private Respondent.
- III. Alternatively, Hon'ble Tribunal may please to direct SEIAA authorities and DDM to consider the representation dated 28.07.2025 in a time bound manner.
- IV. Pass such other orders/directions as may be deemed fit and proper in the Bonafide interests of justice.

2. The applicant has submitted that O.A. No. 100 of 2024/EZ was filed complaining about illegal blasting, excess mining and clearing of vegetation by the lessee. The above said O.A. was disposed by this Tribunal by order dated 31.01.2025. Pursuant to the observations made by the Joint

Committee appointed by this Tribunal, SEIAA, Odisha issued show-cause notice dated 05.12.2024 and on due consideration of reply to the same submitted by respondent no.7, SEIAA, Odisha revoked EC vide letter dated 18.01.2025. Respondent no.7 challenged the revocation of EC by filing Writ Petition. (civil) 11154/2025 before Hon'ble Odisha High Court which was dismissed vide order dated 15.05.2025 with liberty to approach this Tribunal by filing appeal with direction to condone the delay, if any, in accordance with law. No appeal has been filed by respondent no.7 before this Tribunal. Mine closure plan has not been implemented for restoration and reclamation of the quarry and environmental compensation for excess mining has not been computed by the concerned authorities despite representations dated 28.07.2025 and 07.08.2025 made by the applicant.

3. The applicant has further submitted that further cause of action has accrued to the applicant in view of failure of the concerned authorities in implementation of the mine closure plan and computation of environmental compensation for excess mining.

4. We have heard Learned Counsel for the applicant and gone through the relevant record.

5. The averments made in the Original Application prima facie raise substantial questions relating to environment arising out of implementation of the enactments specified in Schedule-I of the National Green Tribunal Act, 2010. However, the applicant has alternatively prayed in the Original Application that SEIAA, Odisha and Deputy Director, Mines, Talcher may be directed to consider the representation dated 28.07.2025 in a time bound manner and we also consider it appropriate that the aforesaid authorities may be so directed to consider the abovementioned representation and also present Original Application by treating the same as representation and pass

appropriate orders on the same and take appropriate remedial action on the basis thereof.

6. Accordingly, the Original Application is disposed of with direction to SEIAA, Odisha and Deputy Director, Mines, Talcher to consider the representation dated 28.07.2025 and also present Original Application by treating the same as representation and pass appropriate orders on the same and also to take appropriate remedial action on the basis thereof within three months from the date of receipt of a copy of this order.

7. The applicant shall be at liberty to move this Tribunal by appropriate proceedings again in case of any grievance against orders so passed and actions so taken on the representation dated 28.07.2025 and the Original Application to be treated as representation by SEIAA, Odisha and Deputy Director, Mines, Talcher respectively.

8. A copy of this Original Application along with a copy of this order may be sent to Member Secretary, SEIAA, Odisha and Deputy Director, Mines, Talcher by email for requisite compliance.

Arun Kumar Tyagi, JM

Ishwar Singh, EM

October 13th, 2025
Original Application No.185/2025/EZ
AM

- 10 का.आ. 562(अ) तारीख 26 फ़रवरी 2014;
11. का.आ. 637(अ) तारीख 28 फ़रवरी 2014;
12. का.आ. 1599(अ) तारीख 25 जून 2014;
13. का.आ. 2601(अ) तारीख 7 अक्टूबर 2014;
14. का.आ. 2600(अ) तारीख 9 अक्टूबर 2014
15. का.आ. 3252(अ) तारीख 22 दिसम्बर 2014;
16. का.आ. 382(अ) तारीख 3 फरवरी, 2015;
17. का.आ. 811(अ) तारीख 23 मार्च, 2015;
18. का.आ. 996(अ) तारीख 10 अप्रैल 2015;
19. का.आ. 1142(अ) तारीख 17 अप्रैल 2015;
20. का.आ. 1141(अ) तारीख 29 अप्रैल 2015;
21. का.आ. 1834(अ) तारीख 6 जुलाई 2015;

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 15th January, 2016

S.O. 141(E).—Whereas in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), a draft notification for making certain amendments in the Environment Impact Assessment Notification, 2006, issued *vide* number S.O. 1533(E), dated the 14th September 2006, was published under sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, *vide* number S.O. 2588(E), dated 22nd September, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within a period of sixty days from the date of publication on which copies of Gazette containing the said notification were available to the public;

And whereas, copies of said notification were made available to the public on 22nd September 2015;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

And whereas, in pursuance to the order of Hon'ble Supreme Court dated the 27th February, 2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;

And whereas, as a result of the above said Order of Hon'ble Supreme Court, the number of cases which are now required to obtain prior environmental clearance has increased substantially;

And whereas, the Hon'ble National Green Tribunal, *vide* its order dated the 13th January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals;

And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;

And whereas, the 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, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification,-

(a) in paragraph 2, after the words “in the said Schedule”, the following words shall be inserted, namely:-
“and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category ‘B2’ for mining of minor minerals in the said Schedule”;

(b) after paragraph 3, the following paragraph shall be inserted, namely:-

“3 A. District Level Environment Impact Assessment Authority:-

- (1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.
 - (2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.
 - (3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.
 - (4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.
 - (5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert member.
 - (6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.
 - (7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC.
 - (8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.
 - (9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.
 - (10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert members.
 - (11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.
 - (12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.
 - (13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail.”;
- (c) in paragraph 4, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-
“(iv) The ‘B2’ Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as constituted for this notification.”;
- (d) for paragraph 5, the following paragraph shall be substituted, namely:-

“5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government, SEACs at the State or Union territory level and DEAC at the district level shall screen, scope and appraise projects or activity in category ‘A’, ‘B1 and B2’ and ‘B2’ projects for mining of minor minerals of lease area less than and equal to five hectare respectively. EAC, SEACs and DEACs shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union

territory Administration with identical composition. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3 A.

(b) The Central Government may with the prior concurrence of the concerned State Governments or the Union territory Administration constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost.

(c) The EAC and SEAC shall be reconstituted after every three years.

(d) The authorised members of the EAC, SEACs and DEACs concerned, may inspect any site connected with the project or activity in respect of which the prior environmental clearance is sought for the purpose of screening or scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary facilities for the inspection.

(e) The EAC, SEACs and DEACs shall function on the principle of collective responsibility. The Chairperson shall endeavor to reach a consensus in each case and if consensus cannot be reached the view of the majority shall prevail.”;

(e) for paragraph 6, the following paragraph shall be substituted, namely:-

“6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made by the project proponent in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II after the identification of prospective site (s) for the project and/or activities to which the application relates; and in Form 1M for mining of minor minerals up to five hectare under Category ‘B2’ projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form 1, Form 1A, and Form 1M; and in case of construction projects or activities (item 8 of the Schedule), a copy of the conceptual plan shall be provided instead of pre-feasibility report.”;

(f) in paragraph 7,-

(i) in sub-paragraph (i), under the heading “I. Stage (1)- Screening:”, the existing sub-paragraph shall be lettered as sub-paragraph “(A)” and after sub-paragraph as so lettered, the following sub-paragraph shall be inserted, namely:-
“(B) The cases as specified in Appendix IX shall be exempted from prior environmental clearance.” ;

(ii) after sub-paragraph 7 (ii), the following sub-paragraph shall be inserted, namely:-

“7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;

(g) in paragraph 8,-

(i) for the letters and word “EAC or SEAC”, the words and letters “EAC or SEAC or DEAC” shall be substituted;

(ii) for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee” wherever they occur, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(h) in paragraph 9, in sub-paragraph (i),-

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(i) in paragraph 10, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

“(iv) The prescribed procedure for sand mining or river bed mining and monitoring is given in Appendix XII.”;

(j) in paragraph 11, -

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(k) in the Schedule,-

(i) for item 1 (a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
“1(a)	(i) Mining of minerals	≥50 ha of mining lease area in respect of non-coal mine lease >150 ha of mining lease area in respect of coal mine lease Asbestos mining	<50 ha of mining lease area in respect of non-coal mine lease ≤150 ha of mining lease area in respect of coal mine lease	General Conditions shall apply except: (i) for project or activity of mining of minor minerals of Category ‘B2’ (up to 25 ha of mining lease area); (ii) River bed mining projects on account of inter-state boundary.

		irrespective of mining area		<p>Note:</p> <p>(1) Mineral prospecting is exempted. ”;</p> <p>(2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;</p> <p>(3) The mining leases which have obtained environmental clearance under Environment Impact Assessment Notification, 1994 and Environment Impact Assessment Notification, 2006 shall not require fresh environmental clearance during renewal provided the project has valid and subsisting environmental clearance.</p>
	(ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.	All projects.		

(l) after Appendix VI, the following appendices shall be inserted, namely:-

“APPENDIX VII

(See paragraph 3 A)

Qualifications and terms for the Experts in DEIAA and DEAC

- Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M Sc Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal training course together with prescribed practical training in the field leading to a B. Tech/ B.E./ B. Arch. Degree, or (iii) Other professional degree (e.g. MBA etc.) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/ article ship and pass examinations conducted by the concerned professional associations (e.g. Chartered Accountancy) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.
- Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience.
- Age:** Below 70 years. However, in the event of non-availability of paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
- Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.

5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each.
6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

APPENDIX VIII

(See paragraph 6)

FORM 1 M**APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'B2' FOR LESS THAN AND EQUAL TO FIVE HECTARE****(II) Basic Information**

- (viii) Name of the Mining Lease site:
- (ix) Location / site (GPS Co-ordinates):
- (x) Size of the Mining Lease (Hectare):
- (xi) Capacity of Mining Lease (TPA):
- (xii) Period of Mining Lease:
- (xiii) Expected cost of the Project:
- (xiv) Contact Information:

Environmental Sensitivity

Sl. No.	Areas	Distance in kilometer / Details
1.	Distance of project site from nearest rail or road bridge over the concerned River, Rivulet, Nallah etc.	
2.	Distance from infrastructural facilities Railway line National Highway State Highway Major District Road Any Other Road Electric transmission line pole or tower Canal or check dam or reservoirs or lake or ponds In-take for drinking water pump house Intake for Irrigation canal pumps	
3.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	
4.	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	
5.	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	
6.	Inland, coastal, marine or underground waters	
7.	State, National boundaries	
8.	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	
9.	Defence installations	
10.	Densely populated or built-up area, distance from nearest human habitation	
11.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	
12.	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	
13.	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	
14.	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	

15.	Is proposed mining site located over or near fissure / fracture for ground water recharge	
16.	Whether the proposal involves approval or clearance under the following Regulations or Acts, namely:- (a) The Forest (Conservation) Act, 1980; (b) The Wildlife (Protection) Act, 1972; (c) The Coastal Regulation Zone Notification, 2011. If yes, details of the same and their status to be given.	
17.	Forest land involved (hectares)	
18.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No. (c) Orders or directions of the Court, if any, and its relevance with the proposed project.	

(Signature of Project Proponent
Along with name and address)

APPENDIX – IX

[See paragraph 7(i) (B)]

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require prior environmental clearance, namely:-

1. Extraction of ordinary clay or sand, manually, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand, manually, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatama Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Oads in Gujarat *vide* notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
8. Digging of well for irrigation or drinking water.
9. Digging of foundation for buildings not requiring prior environmental clearance.
10. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nala, drain, water body, etc., to deal with any disaster or flood like situation upon orders of District Collector or District Magistrate.
11. Activities declared by State Government under legislations or rules as non-mining activity with concurrence of the Ministry of Environment, Forest and Climate Change, Government of India.

APPENDIX - X

[See paragraph 7 (iii) (a)]

PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
3. The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years
5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.

9. Physiography of the District
10. Rainfall: month-wise
11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source.
- (b) District wise availability of sand or gravel or aggregate resources.
- (c) District wise detail of existing mining leases of sand and aggregates.

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.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District

Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineral Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition

S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
Total for 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.

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up

to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

APPENDIX - XI

[See paragraph 7 (iii) (b)]

PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation:-

- (1). The data provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill States getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.
- (2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.
- (3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.
- (4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.
- (5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.
- (6). A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.
- (7). Form 1M, Pre-Feasibility Report and mine plan for Category 'B2' projects for mining of minor minerals shall be prepared by the Registered Qualified Person or Accredited Consultants of Quality Council of India, National Accreditation Board for Education and Training. The Environment Impact Assessment or Environment Management Plan for Category 'A' and Category 'B1' projects shall be prepared by the accredited consultants of Quality Council of India, National Accreditation Board for Education and Training.
- (8). The SEIAAs shall have supervisory jurisdiction over the DEIAAs and decisions of DEIAA shall be reviewed by the SEIAA without prejudice to any provisions under any existing law.

Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/ EMP	Who will apply for EC	Authority to appraise/ grant EC	Authority to monitor EC compliance
EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease								
0 - 5ha	'B2'	Form -1M, PFR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency

> 5 ha and < 25 ha	'B2'	Form -I, PFR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	nominated by MoEFCC
≥ 25ha and < 50ha	'B1'	Yes	Yes	Yes	Project Proponent	Project Proponent	SEAC/ SEIAA	
≥ 50 ha	'A'	Yes	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation								
Cluster area of mine leases up to 5 ha	'B2'	Form -IM, PFR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	'B2'	Form -I, PFR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	
Cluster of mine leases of area ≥ 25 hectares with individual lease size < 50ha	'B1'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	
Cluster of any size with any of the individual lease ≥ 50ha	'A'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	EAC/ MoEFCC	

APPENDIX - XII

[See paragraph 10 (iv)]

PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

1. The security feature of Transport Permit shall be as under:

- (a) Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.
- (b) Unique Barcode.
- (c) Unique Quick Response (QR) code.
- (d) Fugitive Ink Background.
- (e) Invisible Ink Mark.
- (f) Void Pantograph.
- (g) Watermark.

2. Requirement at Mine Lease Site:

- (a) Small Size Plot (Up to 5 hectare): Android Based Smart Phone.

- (b) Large Size Plots (More than 5 hectare): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.
- (c) Access control of mine lease site.
- (d) Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used.

3. Scanning of Transport Permit or Receipt and Uploading on Server:

- (a) Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;
- (b) Android Application: Scanning on mining site can be done using Android Application using smart phone. It will require internet availability on SIM card;
- (c) SMS: Transport Permit or Receipt shall be uploaded on server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, an unique invoice code gets generated with its validity period.

4. Proposed working of the system:

The State Mining Department should print the Transport Permit or Receipt with security features enumerated at Paragraph 1 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, that 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.

5. Checking On Route:

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.

6. Breakdown of Vehicle:

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 or call centre.

7. Tracking of Vehicles:

The route of vehicle from source to destination can be tracked through the system using check points, RFID Tags, and GPS tracking.

8. Alerts or Report Generation and Action Review:

The system will enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall 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 shall be tracked.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place not later than three months. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose.”.

[No. Z-11013/98/2014-IA-II (M)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended *vide* the following numbers :-

1. S.O. 1737 (E) dated the 11th October, 2007;
2. S.O. 3067 (E) dated the 1st December, 2009;
3. S.O. 695 (E) dated the 4th April, 2011;
4. S.O. 2896 (E) dated the 13th December, 2012;
5. S.O. 674 (E) dated the 13th March, 2013;
6. S.O. 2204 (E) dated the 19th July 2013;
7. S.O. 2555 (E) dated the 21st August, 2013;
8. S.O. 2559 (E) dated the 22nd August, 2013;
9. S.O. 2731 (E) dated the 9th September, 2013;
10. S.O. 562 (E) dated the 26th February, 2014;
11. S.O. 637 (E) dated the 28th February, 2014;
12. S.O. 1599 (E) dated the 25th June, 2014;
13. S.O. 2601 (E) dated the 7th October, 2014;
14. S.O. 2600 (E) dated the 9th October, 2014
15. S.O. 3252 (E) dated the 22nd December, 2014;
16. S.O. 382 (E) dated the 3rd. February, 2015;
17. S.O. 811 (E) dated the 23rd March, 2015;
18. S.O. 996 (E) dated the 10th April, 2015;
19. S.O. 1142 (E) dated the 17th April, 2015;
20. S.O. 1141 (E) dated the 29th April, 2015;
21. S.O. 1834 (E) dated the 6th July, 2015.

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VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA
 APPEAL NO. ___ OF 2026

SAJIB DHAL

In re:

APPELLANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

KNOW ALL to whom these present shall come –I SANJIB DHAL S/o MURALI DHAR DHAL, Aged about 47 years A/Po-NIHALPRASAD Dist-DHENKNAL Odisha, 759104, above named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-Sankar Prasad Pani,(O-785/2007) ASHUTOSH PADHY, ENROLMENT NO O-1018/2023 Advocate, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002

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 27TH day of JAN 2025.

Accepted subject to the terms of fees.


Advocate


Client