

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

Original Application No. 04/2026/EZ

IN THE MATTER OF: -

Pramod Kumar Swain-----Appellant(s)

Versus

The State Level Environment Impact
Assessment Authority (SEIAA), Odisha & Ors. -----Respondent(s)

**AFFIDAVIT ON BEHALF OF THE OPPOSITE
PARTY/RESPONDENT NO.01 STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY (SEIAA), ODISHA**

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Shri Apurba Ghosh
Advocate for Respondent No.01
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Place: Bhubaneswar
Date: 09/03/2026

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**AFFIDAVIT ON BEHALF OF THE OPPOSITE
 PARTY/RESPONDENT NO.01 STATE ENVIRONMENT IMPACT
 ASSESSMENT AUTHORITY (SEIAA), ODISHA**

Dr. Pradeept Kumar Nayak, son of Bhimasen Nayak aged about 43 years, at present working as Environmental Scientist, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.

2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opposite Party No.01 before this Hon'ble National Green Tribunal.
3. That, I have gone through the original application and Hon'ble NGT, EZ order dated. 04.02.2026 and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment

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Environmental Scientist
 SEIAA, Odisha



not dealt with in the present affidavit shall be construed as denied.

- 4. That, in reply to the averments made in the Para-01 to Para-02 of the original application, deponent humbly submits that the averments are matters on record and this deponent has no comments to offer.
- 5. That in reply to the averments made in the Para-03 and Para-04 (1 to 17) of the original application, the deponent humbly submits the following facts in chronological order for the kind consideration and better appreciation of the Hon'ble NGT, EZ, Kolkata.

a) **06.03.2020**: This is matter on Kuakhai River Sand Bed, Pratapnagari over an area 13.00 Acre or 5.26 Ha at Village-Pratapnagari under Tahasil-Sadar Cuttack of Cuttack District, Odisha. Sri Prakash Chandar Rautray, the successful bidder was selected vide letter 1747 dated 06.03.2020 by the Tahasildar Sadar, Cuttack. The Mining Plan for Kuakhai River Sand Bed, Pratapnagari was approved vide letter no. 3166 dated 21.05.2020 for a period of 5 years.

The copy of the successful bidder letter No.- 1747 dated 06.03.2020 is attached in **Annexure-I**.

b) **23.10.2020**: Initially, the Tahasildar, Sadar Cuttack, District-Cuttack has submitted an application vide application no. SIA/OR/MIN/54874/2020 dated 23.08.2020 to SEIAA, Odisha for Terms of Reference

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(ToR) for EIA (Environmental Impact Studies) for the said mining project as a part of EIA Notification, 2006 for B1-category projects (lease area more than 5.0 ha).

- c) **19.11.2020:** After the recommendation of State Level Expert Appraisal Committee (SEAC), the ToR proposal was placed in SEIAA, Odisha Authority Meeting held on 10.11.2020 and the Authority issued ToR vide letter no. 9646/SEIAA dated 19.11.2020 for Kuakhai River Sand, Pratapnagari in favour of Tahasildar, Sadar Cuttack for EIA studies, EMP (Environmental Management Plan) and Public Hearing.

The copy of the ToR letter No.-9646/SEIAA dated 19.11.2020 is attached in **Annexure-II**.

- d) **29.01.2022:** The Tahasildar, Sadar Cuttack vide letter no. 453 dated 29.01.2022 has issued No Objection Certificate (NOC) in favour of Sri Prakash Chandra Routray, successful bidder/lessee for filing Environmental Clearance (EC) application in respect of Kuakhai River Sand Bed, Pratapnagari, Dist-Cuttack.

The copy of the NOC letter No.- 453 dated 29.01.2022 is attached in **Annexure-III**.

- e) **05.02.2022:** The project proponent/lessee/successful bidder has submitted fresh EC application in Parivesh Portal vide online proposal no. SIA/OR/MIN/54874/2020 dated 05.02.2022. The



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- SEIAA, Odisha

proposal was placed in SEAC meeting held on 18.02.2022 and the SEAC reaccommodated the proposal for to grant EC.

f) **03.06.2022**: After SEAC recommendation, the project proposal of Kuakhai River Sand, Pratapnagari for EC was placed in Authority Meeting held on 03.06.2022. After detailed deliberation, the authority accorded the Environmental Clearance (EC) vide EC Identification No. EC22B001OR162187 dated 03.06.2022 with allowing the extraction quantity of sand 15,780 cum in 1st year subject to condition for submission further replenishment study report by November, 2022. The Environmental Clearance has been issued on the basis of the following points are as follows:

- i. Compliance of ToR conditions dated 19.11.2020 was submitted before SEAC and the SEAC apprised the EIA and EMP report.
- ii. Public Hearing conducted on 10.11.2021 and its preceding.
- iii. Replenishment study report submitted by NABET consultant.
- iv. District Survey Report (DSR)
- v. As per the approved mining plan vide letter no. 3166 dated 21.05.2020 of Kuakhai River Sand, Pratapnagari, the Geological Reserve is 1,89,396 cum, Mineable Reserve is 82,512 cum, proposed annual extraction of sand 16,500 cum/annum with depth of mining 3.0



Dr. Adarsh Kumar Nayak

Environmental Scientist
SEIAA, Odisha

meter and 82,500 cum in 5 years lease period.

The copy of the EC letter No.- EC22B001OR162187 dated 03.06.2022 is attached in **Annexure-IV**.

g) **21.11.2024**: Further, the project proponent/successful bidder submitted an Amendment of EC application in Parivesh Portal vide proposal no. SIA/OR/MIN/302244/2023 dated 14.07.2023 in respect of replenishment study report and to change of coordinate of the lease as per Modified Mining Plan dated 30.07.2024. The proposal was placed in SEAC meeting held on 16.05.2024 and after detailed discussion; the SEAC recommended to shift the location downward with adequate safety distance from vulnerable constructions and areas. Thereafter, the proposal was placed in 173rd SEIAA meeting held on 06.08.2024 & 08.08.2024 and 177th meeting held on 28.10.2024 & 29.10.2024 and the Authority accorded the Amendment of EC vide letter dated 21.11.2024 with allowing the extraction quantity of sand 9900 cum for 2nd year subject to submission of further replenishment study report by 31.03.2026.

Pradeep Kumar Nayak
Environmental Scientist
SEIAA, Odisha



The copy of the Amendment of EC letter dated 21.11.2024 is attached in **Annexure-V**.

h) **08.01.2026**: The Project proponent Sri Prakash Chandar Rautray has submitted a fresh Amendment of EC application to SEIAA, Odisha vide application no.

SIA/OR/MIN/564831/2026 dated 08.01.2026 on the basis of replenishment study report which is under consideration before SEAC.

- 6. That, during the present Amendment of EC application dated 08.01.2026, the project proponent attached a letter of Mining Officer, Cuttack issued vide letter no. 01 dated 03.01.2026 where it is mentioned that, the pre-monsoon survey for replenishment could not be carried out before monsoon due to legal issues i.e. a case was pending before Hon'ble High Court of Orissa, Cuttack in **W.P. (C) No. 32830 of 2024**. Also, mentioned that in obedience to the order of Hon'ble High Court of Orissa, Cuttack in regard to encroachment in the approach road to the said area was removed. Hence, only post-monsoon survey report is submitted for grant of Amendment of EC. Further, the Mining Officer, Cuttack mentioned that the above source has not been operational since the execution of the lease deed i.e. 23.08.2022 to 02.01.2026.
- 7. That, the SEIAA, Odisha accorded the mentioned EC and Amendment of EC for the Kuakhai River Sand, Pratapnagari in due procedure as per EIA Notification, 2006 and amendment therein.
- 8. That the deponent reserves the right to file further affidavit as and when necessary.

Pradeep Kumar Nayak
Environmental Scientist
SEIAA, Odisha



9. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.

Identified by
Advocate

Pradeep Kumar Nayak

Deponent
Environmental Scientist
SEIAA, Odisha

VERIFICATION

Verified at Bhubaneswar on this day of **09 MAR 2025**
that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

Date:

Pradeep Kumar Nayak

Deponent
Environmental Scientist
SEIAA, Odisha

SWORN BEFORE ME



D.S. Samantaray

DUSASAN SAMANTARAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR, ODISHA
REGD. NO. 88/2012
MOB-9439143015



FORM - F

Intimation to Successful Bidder

Letter No. 1747 Dated 06.03.2020From-

Tahasildar, Sadar, Cuttack

To-

Sri Prakash Chandra Rautaray

S/o-Late Pramod Kumar Rautaray

At- Gurujanga, PS-Khordha,

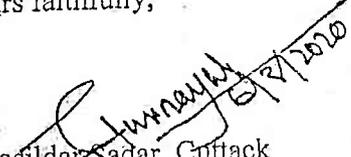
Dist- Khordha.

Sub: Intimation to successful bidder.

Sir,

This is to intimate that you have been selected as the successful bidder for the prospecting quarry lease namely:—Kuakhai R/S Pratapnagari of Area-Ac13.000dec for a period of 5 years based on your application for the said lease. The Amount of additional charge bid by you and accepted is Rs 683/- per cubic metre .The environment clearance for the said lease has not been obtained. The tentative selection is subject to the provisions of the OMMC Rules, 2016 and to the terms and conditions annexed with this letter. You are directed to convey your acceptance to the terms and conditions and to deposit an amount as prescribed under rule 27(7) & (9). Proof of deposit of the aforesaid amount along with acceptance should reach the undersigned within fifteen days of the date of issue of this letter failing which this intimation shall stand automatically revoked without any further notice and the earnest money shall stand forfeited. You are also directed to execute deed in respect of the prospecting quarry lease for the aforesaid area within the period specified in sub-rule (1) of rule 43 of the Odisha Minor Mineral Concession Rules, 2016

Yours faithfully,


Tahasildar, Sadar, Cuttack

(Name/ Designation)

(Competent Authority)



**State Environment Impact Assessment Authority, (SEIAA),
Odisha**

Qr. No. 5RF-2/1, Unit – IX, Bhubaneswar – 751022, Tel: 0674-2540669

No. 9646/SEIAA

Dt. 19.11.2020

SEIAA File No. 54874/28-MINB1/08-2020

To

The Tahasildar
Sadar Cuttack Tahasil
Dist-Cuttack

Sub: Proposal for EC for Pratapnagari Sand Bed mines on river Kuakhai over an area of 5.26 Ha/13Acre in village Pratapnagari, under Cuttack Sadar Tahasil of Cuttack district of Tahasildar, Sadar Cuttack- Terms of Reference Reg.

Ref: 1) Your online application dated 23.08.2020 for issue of ToR vide Proposal No: SIA/OR/ MIN /54874/2020

2. SEIAA meeting held on 10.11.2020.

Sir,

This has reference to the online proposal submitted in the Ministry of Environment, Forest and Climate Change (SEIAA, Odisha) to prescribe the Terms of Reference (TOR) for undertaking detailed EIA study for the purpose of obtaining Environmental Clearance in accordance with the provisions of the EIA Notification, 2006. For this purpose, the proponent had submitted online information in the prescribed format. (Form-1) along with Pre-feasibility Report and Approved Mining Plan.

In this regard, under the provisions of the EIA Notification 2006 as amended, the Standard ToR for the purpose of preparing environment impact assessment report and environment management plan for obtaining prior environment clearance is prescribed with public hearing is enclosed along with specific ToR as mentioned below.

Specific ToR:

- (i) The project proponent has to carry out by engaging appropriate consultant, a study of the annual replenishment rate of sand by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited /replenished & extracted in the mining lease area. The detailed comparison of both pre monsoon and post monsoon elevation data shall be included in the study report. The replenishment rate of sand may be studied as per the procedure laid down in the Enforcement and Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF&CC, Govt. of India. The finding of the study shall be submitted to SEIAA along with the final EIA / EMP report to assess the rate of replenishment of mined out sand.

- (ii) Distance of all nearby mines in Topomap and Google map.
- (iii) Certificate from the concerned Tahasildar about the geo coordinates and distance of the Bridge from the boundary of the lease area and other mines located within 500 meter from the periphery of the lease boundary.
- (iv) Details of river embankment / bank protection management including it's distance from the lease boundary.
- (v) Approach road for mineral transportation to be provided i.e. from lease boundary to the haulage road. Details of haulage road with length and width to be provided.
- (vi) Distance between haulage road and nearby village road to be indicated.
- (vii) Responsibilities of perpetual perennial maintenance of haulage road to be specified including the village road if used for the purpose of transportation of sand including the public road / village road till it intersects SH / NH etc.
- (viii) Mitigation measures to be taken to ensure not to disturb free flow of river.
- (ix) Traffic study and management in reference to area occupied by sensitive facilities (educational institutions, NH-5, bus stop nearby) through an expert of repute to be submitted.
- (x) Operation time i.e. time for movement of empty and loaded vehicles to be mentioned.
- (xi) Any electric HT line within 500 meters of the lease area if existing to be indicated.
- (xii) Distance of lease boundary from nearby habitation duly certified by the Tahasildar.
- (xiii) Certified copy of half yearly condition wise compliance Report on EC conditions submitted to MoEF&CC, Regional Office, Bhubaneswar.
- (xiv) NOC from concerned competent authority for usage of road for transportation of sand.
- (xv) Details of safety zone w.r.t lease area and river bank / embankment.

Yours faithfully,

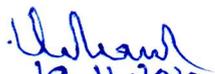

19.11.2020
Member Secretary

Memo No. 9647/SEIAA

Dated 19.11.2020

Copy forwarded to

1. The ADM & Collector, Cuttack for information and necessary action.
2. The Deputy Secretary, of MM&S Branch of Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.


19.11.2020
Member Secretary

**STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR
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Terms of Reference (TOR) for preparation of Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for "Mining of Minerals" as per the EIA Notification, 2006 has been devised to improve the quality of the reports and facilitate decision-making transparent and easy. TOR will help the project proponents to prepare report with relevant project specific data and easily interpretable information. TOR for mining of minerals is expected to cover all environmental related features.

Mining of minerals plays a positive role in the process of country's economic development. In addition to the contribution towards economic growth, mining can also be a major source of degradation of physical as well as social environment, unless it is properly managed. Environmental impacts can arise during all activities of the mining process. Minimizing the damage due to mining operations depends on sound environmental practices in a framework of balanced environmental legislation. The potential adverse effects of mining activities include air pollution, surface and groundwater pollution, noise and vibration, damage to local ecology, natural topography and drainage, depletion of water resources etc. All these environmental components are required to be considered while selecting a proper methodology of mining, mitigation measures to reduce pollution load, conservation of natural resources etc.

The projects of mining of minerals as stated in the schedule require prior environment clearance under the EIA notification, 2006. Category 'A' Projects are handled in the MoEF&CC and Category 'B' projects are being handled by the respective State Environment Impact Assessment Authorities (SEIAAs) notified by MoEF&CC and following the procedure prescribed under the EIA Notification, 2006. As per this Notification, as amended, the projects of mining of minor minerals with mining lease area equal to or greater than 50 hectare are to be handled at the level of the MoEF&CC for grant of EC. Such projects with mining lease area less than 50 hectare are to be handled by the respective State Environment Impact Assessment Authority (SEIAA).

**1(a):STANDARD TERMS OF REFERENCE FOR CONDUCTING
ENVIRONMENT IMPACT ASSESSMENT STUDY FOR NON-COAL
MINING PROJECTS AND INFORMATION TO BE INCLUDED IN EIA/EMP
REPORT**

- 1) Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994.
- 2) A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given.
- 3) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
- 4) All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/ toposheet, topographic sheet, geomorphology and geology of the areashould be provided. Such an Imagery of

**STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/
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the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).

- 5) Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
- 6) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
- 7) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the EIA Report.
- 8) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
- 9) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
- 10) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
- 11) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
- 12) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.
- 13) Status of forestry clearance for the broken up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.

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- 14) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
- 15) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
- 16) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
- 17) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
- 18) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan alongwith budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
- 19) Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Dept. Should be secured and furnished to the effect that the proposed mining activities could be considered.
- 20) Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).
- 21) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.

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- 22) One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.
- 23) Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
- 24) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
- 25) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
- 26) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
- 27) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
- 28) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
- 29) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.
- 30) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.
- 31) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered

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under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.

- 32) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
- 33) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
- 34) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.
- 35) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
- 36) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
- 37) Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
- 38) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
- 39) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
- 40) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- 41) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- 42) A Disaster management Plan shall be prepared and included in the EIA/EMP Report.

**STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/
ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE**

- 43) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
- 44) Besides the above, the below mentioned general points are also to be followed:-
- a) All documents to be properly referenced with index and continuous page numbering.
 - b) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
 - c) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.
 - d) Where the documents provided are in a language other than English, an English translation should be provided.
 - e) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
 - f) While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.
 - g) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
 - h) As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
 - i) The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

**OFFICE OF THE TAHASILDAR, SADAR, CUTTACK**E-Mail Id- tah1.ctc@nic.in, Ph. No.-0671-2507053

Letter No 453

Date 29.01.2022

To

**The Member Secretary
State Environment Impact Assessment Authority
Qr. No. 5RF-2/1, Unit – IX
Bhubaneswar – 751022**

Sub: Issue of NOC for applying of Environmental Clearance by successful bidder rather than Tahasildar

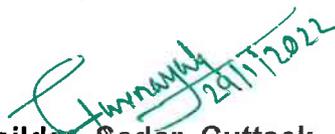
Ref: Tor Proposal No. - 54874/28-MINB1/08-2020

Sir,

With reference to the captioned subject above, I am to inform herewith that, the ToR for Pratapnagari Sand Bed Mines on river Kuakhai over an area of 5.26 Ha/13 Acre has been issued by SEIAA, Odisha vide letter no. 9646/SEIAA in favour of Tahasildar, Sadar, Cuttack. Further, it is to inform that the FIA/ EMP study has been carried out for the lease area and it is in the verge of final EC application. During this period the bidding has been done and lease has been allocated to the successful bidder Sri Prakash Ch. Rautaray S/O Late Pramod Kumar Rautaray At- Gurujanga PS- Khordha, Dist.- Khordha . Though the ToR has been issued in favour of Tahasildar, Sadar, Cuttack, the undersigned has no objection for application made by successful bidder Sri Prakash Ch. Rautaray for grant of EC with respect to Pratapnagari Sand Bed Mines on river Kuakhai over an area of 5.26 Ha/13 Acre.

This is for kind information and necessary action.

Yours faithfully,


Tahasildar, Sadar, Cuttack

ENVIRONMENTAL
CLEARANCE

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

To,

The Lessee
PRAKASH RAUTARAY
AT-GURUJANGA, PS-KHORDHA, DIST-KHORDHA -752060

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

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/OR/MIN/54874/2020 dated 05 Feb 2022. The particulars of the environmental clearance granted to the project are as below.

- | | |
|--|---|
| 1. EC Identification No. | EC22B001OR162187 |
| 2. File No. | 54874/195-MINB1/02-2022 |
| 3. Project Type | New |
| 4. Category | B1 |
| 5. Project/Activity including Schedule No. | 1(a) Mining of minerals |
| 6. Name of Project | Pratapnagari Sand Bed mines on river Kuakhai over an area of 5.26 Ha/ 13 Acre in village Pratapnagari, under Cuttack Sadar Tahasil of Cuttack district of Tahasildar, Sadar Cuttack |
| 7. Name of Company/Organization | PRAKASH RAUTARAY |
| 8. Location of Project | Orissa |
| 9. TOR Date | 01 Jan 1900 |

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

Date: 03/06/2022

(e-signed)
Sri Susanta Nanda
Member Secretary
SEIAA - (Orissa)

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

This is a computer generated cover page.

PARIVESH

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





**STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
ODISHA, BHUBANESWAR**

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, E-mail-seiaaorissa@gmail.com

SEIAA File No: 54874/195-MINB1/02-2022

Project: Application of Sri.Prakash Chandra Rautaray for mining of Sand from Kuakhai River sand, Pratapnagari over an area of 13.00 Acres or 5.26Ha in Village-Pratapnagari, Tahasil- Sadar Cuttack, District- Cuttack - Environmental Clearance reg.

Ref: Your online application dated 05.02.2022 for issue of EC vide File No: SIA/OR/MIN/54874/2020

Sir,

This has reference to your online application seeking environmental clearance of the mining project for mining of Sand from Kuakhai River sand, Pratapnagari over an area of 13.00 Acres or 5.26Ha in Village-Pratapnagari, Tahasil- Sadar Cuttack, District - Cuttack. The proposal falls in the category 1(a)- 'Mining of minerals' in the schedule of EIA Notification, 2006 as amended from time to time. The proposal has been appraised on the basis of the documents enclosed with the application, such as Form-2, Final EIA/EMP Report, Public Hearing Proceedings, Form-1, PFR, Approved Mining Plan, etc and clarifications furnished to SEAC in response to their observations.

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

- a. This is a proposal for mining of sand from Kuakhai River sand, Pratapnagari lying in the Kuakhai River bed located at village- Pratapnagari, Tahasil- Sadar Cuttack, District - Cuttack, over lease area of 13.00 Acres or 5.26Ha.
- b. The mining lease is an identified sairat source in the DSR. The Kuakhai River sand, Pratapnagari sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Cuttack Sadar to the successful bidder on the basis of public auction for a lease period of 5 years.
- c. The mining plan of the mining project prepared has been approved by Deputy Director of Geology, Directorate of Geology, Bhubaneswar on 21.05.2020.

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- d. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mine located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.
- e. The Term of Reference (TOR) was issued for this project vide letter No. 9646/SEIAA on dated 19.11.2020.
- f. The Public Hearing meeting was held on 10.11.2021 at 11:30 A.M. at Dhakulei Nodal Bidyapitha, Pratapnagari, under Cuttack Sadar- Tahasil of Cuttack district. The major issues raised during public hearing were on dust pollution, water sprinkling arrangements, tarpaulin cover on sand loaded vehicles, plantations, increase of traffic movement, damage of road, humps on road, employment.
- g. The baseline data has been collected from October'2020 to December'2020 (Post - monsoon) for the project.
- h. **Location and Connectivity** - The mine area is a part of the Survey of India Toposheet No. 73 H/3 bounded by Latitude: 20°23'40.87"N to 20°23'53.84"N Longitudes: 85°52'09.60"E to 85°52'19.81"E. The mining of sand will be over Khata No.1030, Plot No- 1248 and the Kisam is 'Nadi'. Nearest Town is Cuttack, nearest road is Puri- Canal Road (0.5 Km), nearest railway station is Baranga Railway station (4.5 Km) from the mine.
- i. **Total Reserves and Production Details:** – The project proponent has submitted that the total geological reserve has been estimated as 189396 cum with depth of sand 3.0m. Similarly, the mineable reserve of river bed sand has been estimated to be 137520 cum with depth of sand 3.0m. The project proponent has proposed a total production of 82500 cum of sand with depth of sand 3.0m from this quarry during the valid lease period of 5 years with a maximum production of 16500 cum per annum by open cast semi mechanized method. Excavation & loading of sand will be done through dumpers and trucks/tractors manually and transportation will be carried out by haiwa/ truck/ tractors.
- j. **Replenishment Study Report:** The project proponent has submitted that replenishment study has been done during the pre-monsoon (May-2021) and post-monsoon season (Oct-2021). Replenishment Study Report has been submitted by project proponent and it shows that 100% replenishment can be done and the proposed production from the lease is 82500 cum for 5 years and replenishment quantity of sand is 145600 cum per year which is more than proposed mining capacity of sand i.e. 16500 cum per year.
- k. **Water Requirement:** – The total water requirement will be 3.0 KLD for different purposes like Domestic, Dust suppression, plantation purposes.
- l. **Power Requirement:** - No use of electric power as the operation will be done in the day time. DG set will be used as source of power.

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- m. **Green Belt Development:** Greenbelt plantation will be done by planting 250 saplings of suitable species per annum by the lessee in vicinity of the river bank, haulage roads and near village.
 - n. **Employment Potential:** - A total of 30 nos. of manpower are to be employed in the sand quarry.
 - o. The project cost is estimated to be Rs. 10.0 lakhs and environment management cost allocated for the project is Rs. 4.00 lakhs per annum and social development cost will be 8.40 lakhs for compliance to public hearing demand.
 - p. The Environment consultant M/s Kalyani Laboratories Pvt. Ltd. Bhubaneswar along with the project proponent has made a detailed presentation on the EIA/EMP report on 18.02.2022.
3. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B1 as the mining lease area is more than 5ha and less than 100ha.
4. The proposal is duly appraised by the SEAC in its meeting held on 18.02.2022. The SEAC has submitted the appraisal report and recommended for grant of EC for the proposal valid upto lease period with stipulated conditions.
5. The State Environment Impact Assessment Authority (SEIAA) after considering the proposal and recommendations of SEAC, Odisha hereby accords Environmental Clearance in favour of the project valid upto lease period under the provisions of EIA Notification 2006 and subsequent amendments thereto subject to strict compliance of all stipulated conditions. This 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.
6. The Tahasildar, Cuttack Sadar who is the lease granting authority in this case is responsible for monitoring strict compliance of the following conditions of grant of environment clearance, by the project proponent(lessee).

7. Stipulated Conditions:

- 7.1 This Environmental Clearance is given with a condition that "maximum depth of extraction shall be 1.5m, and maximum permissible quantity of sand is 15780Cum in the 1st year, pending submission of rate of replenishment study at site. Rate of replenishment study at the site shall be conducted and report shall be submitted by November, 2022 as per prescribed method(enclosed as Annexure)."

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- 7.2 In view of the likely revision of DSR for Cuttack District in future the details of this minor mineral reserve to be ascertained in the revised DSR.
- 7.3 In view of the difference commonly found in sand deposits, the determination of mining lease by local Tahasildar considering the dimensions like average length, breadth and height of the deposit to be re-ascertained by the Revenue Department and RQP for final exploitation of sand and higher revenue for the state of Odisha.
- 7.4 All the provisions of Sand Policy of Govt. Of Odisha dated 02.09.2021 to be followed for this sand mining project.
- 7.5 Revised mining plan shall be prepared based on essential physical criteria as per Enforcement and Monitoring Guidelines for Sand Mining, January 2020 of MoEF & CC, Govt. of India enclosed in Annexure. Lay out of Progressive Mine Closure Plan shall also be incorporated in the revised mining plan.
- 7.6 Adequate measures shall be taken to prevent unauthorised mining.
- 7.7 Sedimentation flow shall be determined through a study during pre-monsoon, monsoon & post-monsoon period.
- 7.8 Permission to use public road including Ring road, Cuttack from the appropriate authority shall be obtained by PP including its maintenance shall be done.
- 7.9 A site visit to be planned by SEAC in 3 months' time to ensure implementation of agreed measures.
- 7.10 All the individual quarry lessee holders coming under the Tahasil, Cuttack Sadar jurisdiction shall create a common forum in coordination with the Tahsildar and contribute funds to it for grading, compaction and maintenance of haulage road used for transportation of mineral, plantation of saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Gram Panchayat, etc for prevention of environmental pollution and damage during mining activity. All mining activity shall be done in scientific manner to safeguard degradation of environment. All the individual lease holders of the Tahasil shall implement the EMP as proposed for the project. The Tahasildar shall ensure the compliance of this condition along with all lease holders of his jurisdiction.
- 7.11 The project proponent has to carry out by engaging appropriate consultant, a study of the annual replenishment rate of sand by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the rate of

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- replenishment of mined out sand in the lease area. Pending carrying out of the study & submission of the report, this clearance is being granted in an adhoc manner and is liable to be revoked after one year if satisfactory replenishment study report is not submitted. The submission of study report of rate of annual replenishment of sand within one year is obligatory for the project proponent.
- 7.12 The project proponent should carry out River bed sand mining manually by engaging local laborers in force to check over exploitation of sand at the source.
- 7.13 Any change in the plan or quantity to be produced shall require prior approval of SEIAA.
- 7.14 The Tahasildar has submitted the cluster certificate of the mines located within 500 meters from the periphery of the proposed mine lease area. This EC is liable to be cancelled/revoked if the submission on cluster is found to be incorrect/false in future.
- 7.15 There shall be a 'no working zone' to protect the embankment on both sides, road or rail bridge in the vicinity, if any, dam, weir, water intake structure of irrigation or drinking water project, or any cross drainage structure. 10 % of the width of river shall be left intact along the embankments on both sides as 'no mining zone'. Further, no mining shall be allowed within 200 m of any existing structures dam, weir, water intake structure of irrigation or drinking water project, or any cross drainage structure. In case of River Bridge, this no mining zone shall extend upto a minimum stretch of 200 meters from the bridge and it may extend upto 500 meters in sensitive locations. The lease area shall be accordingly curtailed to carve out the actual sand mining area within the leasehold. Exact map of the lease area, and the 'no mining zone' shall be drawn to scale, showing the DGPS coordinates of all corner points, and the location of the bridge, embankment, extraction route & other structures; and such map has to be submitted to SEIAA by the project proponent through the Tahasildar within three months of the date of issue of the EC. The quantum of sand allowed to be extracted will be worked out on the basis of the actual working area.
- 7.16 The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent and photographs of proof of the same shall be submitted along with six monthly compliance report.
- 7.17 The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.
- 7.18 Mining is not permissible within the water channel or stream flow area. No stream shall be diverted for the purpose of mining and no natural water course shall be obstructed. The mining or any ancillary activity shall not in any way disturb the flow

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pattern of the river water during the non monsoon period. There shall be no sand mining in the river during the rainy season or when there is flow of water in the river.

- 7.19 Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
- 7.20 The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
- 7.21 No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/Gram Panchayat/BDO and only after required strengthening, such that the carrying capacity of road is increased to handle the sand truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density. Plying of sand extraction trucks may be allowed on roads / path ways passing close to schools, temples, hospitals and such other public places only with prior written permission of competent authority.
- 7.22 Vehicles hired for transportation of sand from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 7.23 The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of sand transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of sand trucks.
- 7.24 The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality. Necessary sprinkling of water on Haulage Road and avenue plantation shall be done. The PP shall plant and nurse to full establishment a minimum of 100 number of saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Gram Panchayat. Photographs of proof showing the plantation shall be submitted along with compliance report.

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- 7.25 Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
- 7.26 Bio - toilet provision shall be made by the project proponent.
- 7.27 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
- 7.28 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 in coordination with the Tahasildar. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha, OSPCB and Regional Office of MoEF & CC, Bhubaneswar along with the six monthly compliance report.
- 7.29 The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.
- 7.30 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / SPCB, Odisha/ Regional Office of the MoEF& CC, Bhubaneswar, in hard and soft copies on 1st day of January, April, July, October of each calendar year, failing which EC is liable to be revoked. The proponent shall upload the compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions. The concerned Tahasildar shall ensure the uploading of EC compliance report in the parivesh portal by the project proponent.
- 7.31 River Bank stabilization shall be made through stone patching. Plantation of adequate number native species on river banks and both sides of haulage roads shall be made.
- 7.32 The activities proposed in action plan prepared for addressing the issues raised during the Public Hearing shall be completed as per the budgetary provisions mentioned in the action plan and within a stipulated time frame. The Status Report on implementation of action plan shall be submitted to the concerned Regional Office of the Ministry along with District Administration.
- 7.33 The project proponent shall comply in true spirit all the issues raised and recorded in proceedings of public hearing w.r.t. environment / pollution / CER shall be complied by the Mining Authority as per OM F. No. 22-65/2017-IA.III, dated 30.09.2020 of MoEF&CC, Govt. of India.
- 7.34 Stone patching on river bank with plantation in-between and the ramp construction shall be done in consultation with and advice of concerned Water Resource Department, Government of Odisha.

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- 7.35 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.
- 7.36 The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar, who shall ensure that the project proponent submits quarterly compliance reports.
- 7.37 The concerned Regional Office of the MoEF&CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF&CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 7.38 A copy of this Environmental Clearance letter shall be displayed on the website of the Odisha State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tehsildar's office for 30 days.
- 7.39 The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry. The advertisement shall be made within seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of MoEF&CC, Bhubaneswar.
- 7.40 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParisad /Municipal Corporation / Urban Local Body as the case may be. A copy of the environmental clearance letter can be downloaded from the Ministry portal (www.parivesh.nic.in).
- 7.41 Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the State Pollution Control Board.
- 7.42 The SEIAA, Odisha may revoke or suspend this EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.
- 7.43 The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 7.44 Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in

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withdrawal of this environment clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.

- 7.45 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.
- 7.46 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
- 7.47 Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

Yours Faithfully,


Member Secretary

Copy to

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




Member Secretary

Annexure-1

The replenishment study for river bed sand is very essential in order to have a check on possible over exploitation. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. It is imperative to have a study of replenishment of sand material during a defined period for sustainable sand mining. As per the MOEF&CC, Govt. of India's Enforcement and Monitoring Guideline for Sand Mining, 2020, there are two methods prescribed for the study of rate of replenishment of sand on a stretch of river bed. These are (1) physical survey of the field by the conventional method and (2) use of UAV / Drone and other image data processing techniques. The second method UAV/ Drone method is the one which has been found suitable for the above purpose, and recommended by the ORSAC, Bhubaneswar.

The UAV / Drone method briefly is as follows:

The Drone /UAV is fitted with the advanced camera used for survey purposes. The survey is conducted using a set of instruments and compatible software to depict the topography of the study area (the lease area) by utilizing the properly referenced data.

After running the prescribed steps, the software shall automatically generate orthorectified imagery. Ground truthing is done at minimum 5 locations spread evenly across the lease area by using DGPS instruments. The readings from DGPS instruments are compared with the Drone Data for accuracy assessment.

The study shall have the details of establishment of bench mark by putting a number of pillar points and various Ground Control Points (GCP) at the site, observing by DGPS the various GCPs for permanent bench marks and control points. The summary of the elevation data from each session's profile based on the post monsoon survey is mentioned in the tabular form. A detailed comparison sheet of both pre-monsoon and post-monsoon elevation data is prepared. Cross sectional depiction of deposition and erosion for each section in pre and post deposition seasons shall be given.

Drone images are used to recreate highly accurate orthomosaic maps of mining sites and quarries. Each pixel contains 2D geo tagged information (X, Y), and can be used for distance and surface measurements. A densified point cloud can be generated from Drone images and data. Each point contains geospatial (X,Y,Z) information. It provides an accurate model of a site for precise volume measurements and visual insights. The drone data is processed to generate Digital Terrain Model (DTM) and assessment of progressive volumetric change.

Adequate number of geomatic grade ground control bench marks (X,Y,Z), depending on the size of the lease area, are to be maintained permanently around the lease area within a maximum distance of 500 meters from the lease area for the entire study period. There should be pre and post monsoon survey to assess the sand replenishment within the study area.

There are some organizations in Odisha state who are empaneled by ORSAC to conduct such survey.

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Annexure-2Essential Physical Criteria As Per Enforcement And Monitoring Guidelines For Sand Mining, January 2020 Of MoEF&CC, Govt. Of India

Sl. No.	Essential Criteria	Reference
1.	"No Mining Zone": 1/4th part of the river width (excluding 3/4th central part of the river width) on both sides of the river towards the river bank	4.1.1 (Para - e) Page - 16
2.	a) Distance between two clusters: ≥ 2.5 km b) Area of mining lease area in a cluster: ≤ 10 ha. c)	4.1.1 (Para - k) Page - 19
3.	Concave River Bank: No extraction of sand	
4.	No mining if a) Upstream: Lease is 1 km from major Bridge and high ways or $5(x)$ of the Bridge / public civil structure / water intakes point subject to lease is located at a minimum 250 meters distance. Where x = Span of the bridge. b) Downstream side: Lease is 1 km from the major bridge and Highways Or $10x$ of the bridge / public civil structure / water intake point Subject to lease is located at a minimum distance of 500 meter where x = span of the bridge	4.3 (Para - h) Page - 23
5.	Mining depth: ≤ 3 meter (maximum 3 meter)	4.3 (Para - m) Page - 24
6.	Mining distance from river bank: $1/4^{\text{th}}$ of the river width, But subject to not less than 7.5 meter	4.31 (Para - m) Page - 24
7.	Area for removal of minerals: $\leq 60\%$ of mine lease area	4.3 (Para - s) Page - 25
8.	Minable sand per ha. Available for actual mining: $\leq 60,000$ MT/Annum	
9.	Regular replenishment study and replenishment rate	

DNY

Validity unknown

Digitally signed by Sri Susanta Nanda
Member Secretary

Date: 6/3/2022 12:10:12 PM



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
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Environment (Protection) Act, 1986)

ANNEXURE-V

298

File No. 54874/195-MINB1/02-2022

Dated 21st November, 2024

Bhubaneswar

To

Sri Prakash Chandra Rautaray
S/o-Late Prakash Chandra Rautray
At-Durgapur, Po-Bajapur, Ps-Khordha Sadar
Dist-Khordha, Odisha, Pin-752060

**Sub: Proposal for Amendment of Environmental Clearance (EC) of
Pratapnagari Sand Quarry over an area 5.26 ha or 13.00 acres village
PratapnagariCuttack Sadar Tahasil Cuttack District Odisha-reg.**

- Ref: (i) EC identification no. EC22B001OR162187 dated 03.06.2022
(ii) Letter of Tahasildar, Sadar Cuttack vide letter no. 3056 dt. 26.04.2023
(iii) Online Application no. SIA/OR/MIN/302244/2023 dtd.14.07.2023

Sir/Madam,

This has reference to your online application no. SIA/OR/MIN/302244/2023 dated 14.07.2023, wherein you have requested for amendment (i.e. amendment of EC in regard to annual production of sand as per Annual Rate of Replenishment Study (ARRS) report) of Environmental Clearance (EC) granted by SEIAA, Odisha vide letter no./EC identification No. EC22B001OR162187 dt. 03.06.2022 in favour of Sri Prakash Chandra Rautaray, the lessee/successful bidder.

2. The application was examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 177th meeting held on 28.10.2024 & 29.10.2024 in accordance with the EIA Notification, 2006 as amended from time to time and the following points are noted;

- (i) This is a proposal for amendment of EC of Pratapnagari Sand Quarry over an area 5.26 ha. or 13.00 acres Village Pratapnagari Cuttack sadarTahasil Cuttack District of Sri Prakash Chandra Rautaray as per the Replenishment Study Report.
- (ii) Environmental Clearance for the proposal was granted vide EC identification no. EC22B001OR162187 dt. 03.06.2022.
- (iii) In Approved Mining Plan, the mineable reserve was 137520 cum with depth of sand deposition 3.0 meter and the annual production capacity is 16500 cum/year.
- (iv) The SEIAA has permitted for 15780 cum/year for 1st year for sand extraction, followed by submission of Replenishment Study Report by November 2022.
- (v) The SEAC in its meeting held on dated 28th, 29th and 30th December 2023 decided that decision will be taken after site visit by sub-committee of SEAC in respect to availability of sand in the proposed quarry.



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- (vi) The proposed site was visited by Sub-Committee of SEAC on dated 30.03.2023 and following observations has been made as mentioned below:
Following observations are made from KML file
- a) Size of the lease area: 154m x 90m.
 - b) 54m. towards south west is sand covered.
 - c) Top 100m. looks as bank of river with levels varying from 39 m. to 44m.
 - d) PHED water treatment plant is 90m. towards north east of the lease area.
 - e) One playground at RL 47m. is located at 50m. towards north of lease area.
 - f) A bridge and Puri canal syphon crossing Kuakhai river is about 250m. Northward (Upstream) of lease area.
- The observations at during site visit are as follows: -
- a) The lease area is completely free from water.
 - b) Pillars were not seen in lease area.
 - c) Access road to the quarry is not clear
- (vii) The KML file photo shows vast area beyond lease area covers with sand and the site condition also reveals that only 20% of lease area is sand and balance is stabilized bank and not advisable for consideration of mining. Sand mining of the area may risk the flood protection facility of the river at the location
- (viii) he entire lease area appears to be within 500 m of Downstream of existing Bridge and Syphon. As per annexure -2 of EC (03.06.2022), no mining should be done at 500m. D/S of bridge/ public civil structure. But para 7.15 of EC states "In case river bridge, no mining zone shall extend up to 200m. from the bridge and it may extend up to 500m in sensitive locations."
- (ix) Observations: As per the guidelines 2020, the lease area may not be suitable for sand extraction as within distance of 500m from bridge and syphon. It is suggested to shift the location downward with adequate safety distance from vulnerable EC22B001OR162187 dt. 03.06.2022 constructions and areas.
- (x) The PP has deposited the amount of Rs. 3,15,029/- to City DFO, Bhubaneswar vide A/c. No. 1160104000062754 dated 22.02.2023 for plantation.
- (xi) Documents submitted for amendment of EC;
- a. Form No. 4 for amendment of Environmental Clearance,



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b. Replenishment study report

3. The proposal was placed in SEAC meeting held on 16.05.2024 and after detailed discussion; the SEAC recommended that the lease area may not be suitable for sand extraction as within distance of 500m from bridge and syphon. It is suggested to shift the location downward with adequate safety distance from vulnerable constructions and areas.
4. The proposal was placed in 173rd SEIAA meeting held on 06.08.2024 & 08.08.2024 and the Authority decided seek clarification of the above-mentioned point of SEAC. Accordingly, ADS raised by SEIAA, Odisha to PP dated 27.08.2024.
5. The PP has submitted the clarification on 23.09.2024 with mentioned that the KML file submitted during EC application was wrong one and as per SEAC suggestion the lease area is shifted downward with adequate safety distance from vulnerable constructions and area. As per the SEAC observation, a field visit was conducted by the Mining Officer, Cuttack with in presence of undersigns. It was found that the lease area comes within 500 m of the Biju Setu Bridge (Kuakhai River Bridge). Then, the mining officer, Cuttack has issued a letter to lessee for modification of Mining Plan vide letter no. 1952/Mines dated 07.06.2024. Accordingly, the mining plan has been modified based on the sand reserve and suitable location without changing the khata no. and plot number in the same mouza. The revised KML file as per modified mining plan is sent to SEIAA, Odisha email dated 23.09.2024. The PP also mentioned that the source is not operation since obtaining the EC from SEIAA, Odisha. The ADM, Cuttack has already issued a letter vide letter no. 793 dated 26.06.2023 with direction that those minor mineral sources whose co-ordinate points are not matching during joint demarcation of quarry lease area as stated by the Mining Officer, Cuttack in the District Revenue Meeting held on 23.06.2023 is required to prepare the fresh Mining Plan through the concerned RQP and get it approved by Deputy Director of Mines to get accuracy of quarry lease area and take steps for smooth transfer of the same to Steel & Mines Department.
6. Amendment of Environmental Clearance (EC) of Pratapnagari Sand Quarry issued vides SEIAA, Odisha EC identification no. EC22B001OR162187 dt. 03.06.2022 in favour of Sri Prakash Chandra Rautaray is **allowed** for extraction quantity of sand **9900 cum** (i.e.60% of 16500 cum was approved in the approved modified mining plan dated 30.07.2024) **for one year period** in adhoc manner due to absence of ARRS report. Also, it is allowed the modification of co-ordinate point from Latitude-20°23'40.87"N to 20°23'53.84"N and Longitude-85°52'09.60"E to 85°52'19.81"E to ***Lattitude-20°23'26.61"N to 20°23'38.30"N and Longitude-85°52'11.12"E to 85°52'19.58"E*** as per approved modified mining plan. The other stipulated terms and conditions of the original EC initially granted remains same



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subject to satisfactory compliance to all the stipulated terms and conditions of EC along with following additional stipulation:

Additional stipulation

- (i) This Amendment of EC is being granted in adhoc manner and is liable to be revoked after one year i.e. after 31st March 2026 if satisfactory ARRS report is not submitted.
- (ii) The PP is required to submit Annual Rate of Replenishment Study (ARRS) report of revised lease area as per modified mining plan by **31st March, 2026** through ORSAC empanel agency or through NABET consultant.
- (iii) The Project proponent shall follow Enforcement & Monitoring Guideline for sand mining-2020 before and during operation of quarry.
- (iv) The PP shall implement the EMP with a budgetary allocation as proposed in the EMP report during EC application.
- (v) The PP shall plant some tree species like Banyan, Peepal, Neem, Jamun, Mango, Karanj, Arjun etc. as part of tree plantation campaign "**Ek Ped Ma Ke Naam**" and the details of the same shall be uploaded in the MeriLiFE Portal (<https://merilife.nic.in>).

In case, there is a change in the scope of the project, fresh Environment Clearance shall be obtained.

Yours faithfully,

Member Secretary

Copy to

1. Principal 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. Additional Principal Conservator of Forests, Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-Office Complex, East Arjun Nagar, New Delhi-110032 for information
6. Chairman/Member/Member Secretary, SEIAA for information

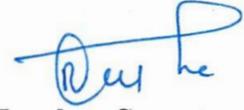


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**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

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7. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
8. Collector & DM, Cuttack, Sub-Collector, Cuttack, DFO, Cuttack, Tahasildar, Cuttack Sadar /Mining Officer, Cuttack for Information and necessary action.
9. Guard file for record/Website/Parivesh Portal



Member Secretary





OFFICE OF THE DEPUTY DIRECTOR OF MINES, CUTTACK CIRCLE, CUTTACK
AT- NIMPUR, P.O-JAGATPUR, CUTTACK - 754021, PH.: 06712490357
E-mail: ddm.cuttack@orissaminerals.gov.in

Letter No.....01/...../ MM, Dt...03.01.2026

From,

The Mining Officer,
Cuttack Circle, Cuttack.

To,

The Member Secretary,
Environmental Impact Assessment Authority
Qtr. No.: 5RF-2/1, Unit-IX
Bhubaneswar-751 022, Odisha.

Sub: Submission of Replenishment Study Report (Post-Monsoon survey report) and Compliance report of Environmental Clearance for grant of Amendment of EC w.r.t Kuakhai River Sand, Pratapnagari over an area 13.00 Acre or 5.26 Hectares in village Pratapnagari under, Sadar Cuttack Tahasil of Cuttack District, Odisha.

Ref.: 1) EC vide file No. 54874/195-MINB1/02-2022, dated 03.062022.
2) Amendment EC File No. 54874/195-MINB1/02-2022, dated: 21.11.2024

Sir,

With reference to the subject cited above, I am submitting herewith the Replenishment Study Report and Compliance report of the above sand Sairat sources as per the stipulated condition No. 7 of Environment Clearance granted by SEIAA vide file No. 54874/195-MINB1/02-2022, dated 03.062022 for grant of Amendment of EC. It is worthwhile to mention here that, the Pre-Monsoon survey could not be carried out before monsoon due to legal issues i.e. a case was pending before Hon'ble High Court of Orissa, Cuttack [W.P.(C) No. 32830 of 2024]. In obedience to the order of Hon'ble High Court of Orissa, in W.P.(C) No. 32830 of 2024 encroachments in the approach road to the said area was removed (Geotagged Photo Enclosed) on Dt. 02.12.2025. Hence only post-monsoon survey report is submitted for grant of Amendment EC. **The above sairat source has been non-operational since the execution of the lease deed i.e 23.08.2022 to 02.01.2026.**

Therefore, I request before your good office kindly consider the above matter and grant the Amendment EC which shall enable continuous mining operation at the said sand source.

This is for your kind information and necessary action.

Yours faithfully,

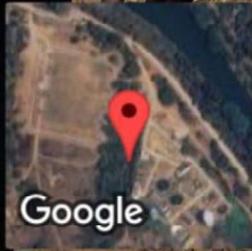

Mining Officer-Cuttack Competent Authority,
Minor Minerals, Cuttack.







GPS Map Camera



Urali, Odisha, India 

9vwf+m8g, Urali, Odisha 754001, India

Lat 20.397162° Long 85.873894°

Tuesday, 02/12/2025 01:39 PM GMT +05:30



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.32830 of 2024

Prakash Chandra Rautaray ... **Petitioner**

Mr. Sanjib Kumar Bhanjadeo, Advocate

-Versus-

State of Odisha and others ... **Opposite Parties**

Mr. Saswat Das, Additional Government Advocate

CORAM:

THE HON'BLE THE CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

10.12.2025

Order No.

04.

1. The instant writ petition was filed by the petitioner alleging inaction on the part of the authorities in not taking any steps for removal of an unauthorized encroachment over the river bank of Kuakhai and clearing of the herbs, shrubs and the trees grown due to 'un-keep', which impedes the operation of a sand quarry allotted to the petitioner.

2. Earlier, the matter was listed on 07.02.2025, where a sum of Rs.3,15,029/- was recorded to be deposited for cutting the trees and removal of other herbs and shrubs and the grass grown at the sand quarry, but no final direction could be passed as the learned Addl. Government Advocate sought for adjournment to take necessary instruction.

3. The instant writ petition was listed from time to time, but was adjourned as the learned Addl. Government Advocate sought for an adjournment so that appropriate action may be taken to redress the grievance raised by the petitioner.



4. Today, the written instruction received from the Mining Officer, Cuttack Circle, Cuttack (opposite party No.5) is handed over by the learned Addl. Government Advocate, which reveals that all such obstructions and/or hurdles as pointed out by the petitioner have been removed and the entire area is not only free from any encroachment but also the bushes and the trees which were grown for 'un-keep' have also been cleared up. The Mining Officer further opined that after the removal of all such obstacles, the approach road is otherwise may be conducive for clearing of the sand. There is no fetter on the part of the petitioner to operate the said sand quarry in terms of the relevant statutory rules.

5. Since the primary grievance raised in the instant writ petition relates to removal of an encroachment and clearing of bushes and/or the trees having grown upon, the approach road has already been redressed and there is no impediment on the part of the petitioner to operate the sand quarries in terms of the relevant statutory rules, there is no point in keeping the instant writ petition pending.

6. On the basis of the facts recorded hereinabove, the writ petition stands disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Aswini

Signature valid

Digitally Signed
Signed by: ASWINI KUMAR SATHY
Designation: Personal Assistant
(Secretary in-charge)
Reason: Authentication
Location: ORISSA HIGH COURT,
CUTTACK
Date: 10-Dec-2025 20:24:39