

(A)



অসম চৰকাৰ

GOVERNMENT OF ASSAM
OFFICE OF THE DISTRICT COMMISSIONER:::BAJALI
মদন-ৰাউতানগৰ, পাঠশালা;MADAN RAUTA NAGAR, PATHSALA.
E-mail: dcbajali@gmail.com Tel: 03666-296999

BJAD-35/2024/54/ 5359

Dated: 31/12/2024

To,

The Deputy Registrar,
National Green Tribunal
Eastern Zone Bench
Kolkata

Sub: Regarding submission of inspection report on affidavit.

Ref: Original application No.196/2024/EZ Dated: 27/09/2024

Sir,

With reference to the subject cited above, I have the honour to forward herewith a copy of inspection report submitted by the Committee constituted vide, Hon'ble NGT (Eastern Zone) in the matter of original application No. 196/2024/EZ dtd. 27/09/2024 in connection with allegation of illegal mining at village Chaibari, Bajali District for favour of your kind information and necessary action.

Judicial
B. Prasad

Yours faithfully


Addl. District Commissioner
Bajali


Enclosed: -

1. Inspection report on affidavit.
2. Copy of FIR lodged by Circle Officer, Bajali Revenue Circle Dated 28/07/2024
3. Copy of enquiry report submitted by ECF O/o the DFO, North Kamrup Division Rangia. Dated 27/08/2024.
4. Copy of enquiry report submitted by Range Forest Officer, Barpeta Road Range dated 07-09-2024.

Memo No. BJAD-35/2024/54/ 5359-A
Copy to:-

Dated: 31/12/2024

PA to DC Bajali for kind appraisal of District Commissioner Bajali.


Addl. District Commissioner
Bajali

NGT, EZB, KOLKATA
Receipt No. NGT/820/2025
Date: 9/1/2025

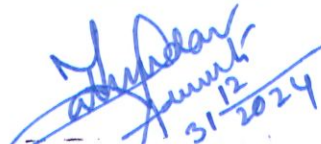


-2-

I, URMI MEDHI, ACS, aged about 37 years, W/O Sri Ratul Pathak, resident of Vill. Nagaon, P.O. Nagaon Bazar, P.S. & Dist.- Barpeta, Assam, PIN- 781311, presently serving as Additional District Commissioner, Bajali, do hereby solemnly affirm and declare as follows :-

1. That I am a Member cum Representative of the Committee constituted by District Commissioner, Bajali for inspection of mining activities on the river Kaldia at Chaibari village as per the order of Hon'ble Court.
2. That I have been duly authorized by District Commissioner, Bajali for submission of Inspection Report on affidavit in connection with O.A. No. 196/2024/EZ.
3. That being member cum representative of the said Committee constituted by District Commissioner, Bajali vide letter no. BJAD-35/2024/51 dated 05-11-2024 has visited the site at Chaibari village on 14-11-2024 at about 4.00 p.m. alongwith Senior Environmental Scientist, Pollution Control Board.
4. That the detailed Inspection report as per the order of Hon'ble Tribunal has been submitted by me as Annexure- III alongwith the Annexures- I, II (a) & II (b) enclosed hereto.
5. That the statements made in the said report are true and correct to the best of my knowledge and belief as derived from the official record as well as field inspection conducted by said Committee.
6. That the statements made above are true to the best of my knowledge and belief and I put my signature and seal hereunto it on this 31st day of December, 2024.

Identified by me


Advocate
Tridib Talukdar
Advocate
Bajali Bar, Pathsala
Dist.-Bajali(Assam)

Urmi Medhi

DEPONENT


31/12/24
NOTARY PUBLIC
Mr. Pranab Kr. Talukdar
Bajali

Inspection Report

Objective: Field visit to examine allegations received in connection with illegal mining at Bajali District, Assam in compliance to the direction of Hon'ble NGT (Eastern Zone) in the matter of O.A. No. 196/2024/EZ vide order dtd. 27.09.2024.

Description:

In execution of the Hon'ble NGT (Eastern Zone) in the matter of O.A. No. 196/2024/EZ vide order dtd. 27.09.2024, District Commissioner of Bajali has constituted a Committee comprising of 2(two) members vide Order No. BJAD-35/2024/51 dtd.Nil.

The Committee has visited the site on 14-11-2024 at 4.00 PM. The location of the site is mining on the Kaldiyariver located at Chaibari village in the district of Bajali, Assam. The GPS co-ordinates of the location is – Lat: 26.601357^o, Long: 91.209447^o.

Observation:

During the site visit, following observations have been made.

- (i) Chaibari village is located along the Kaldiyariver towards East side and Rehabari village towards West side of Kaldiya river. **(Fig 1 showing Kaldia River passing through Chaibari and Rehabari village).**
- (ii) Mining activities were carried out towards East side of Kaldiya River along the river embankment(dyke) of Chairbari village. Also, the Chaibaribridge is located approx. 200 m distance from the Sand mining site **(Fig 2 Chaibar bridge approx. 200 m. distance from sand mining site).** It is seen that the bridge is almost at the same distance from the mining site since July, 2024.
- (iii) The river embankment(dyke) was seen approx. one meter distance from the Sand mining site. This dyke has been protecting the Chaibari village from the flood of Kaldiyariver. **(Fig 3 Distance approx 1 m of sand mining location from the Dyke towards Chaibari village).**
- (iv) Regarding report on damage of two culverts of the village road, during inspection it is seen repaired by concerned department.
- (v) No sand mining activities including excavators, dumpers etc. were observed on the spot during the field visit; only abandoned mining site

- (vi) On the other side of Kaldiya River (towards Rehabari village), no sand mining activities were observed. **(Fig-4 : Opposite side of sand mining location towards Rehabari village where soil erosion taken place during flood of Kaldiya river).**
- (vii) No NOC was provided from the office of the District Administration, Bajali to extract ordinary clay/soil/earth cutting near river Kaldiya. One Shri Kishor Kalita used Excavator/Dumpers etc. for mining near river Kaldiya, public complaint received against him. Circle Officer, Bajali cum Executive Magistrate was asked to enquire into the matter. Accordingly, he has submitted an enquiry report vide letter No. BJC-02/2024/1980, dtd-15/07/2024. As directed, he further investigated the matter and filed FIR against Sri Kishor Kalita. (Copy of FIR at **Annexure-I**).
- (viii) Enquiry Report of ACF, O/o the DFO North Kamrup Division, Rangia (vide No. B/PublicGrievance/2212 dtd. 27/08/2024) and Range Forests Officer Barpeta Road Range (vide his letter No. BR/42/P.P.Land/651 dtd. 07/09/2024) it is stated that the mining activities were closed by the Forests Officials. (copy enclosed at **Annexure-II(a) & II(b)**).
- (ix) As per information received from the local people, sand mining activities has been stopped from the month of Oct, 2024 following interference from the Forests Department as well as District Administration of Bajali.
- (x) As complaint was received regarding illegal mining and also without the DSR and Mining Plan, Circle Officer was asked to carry out field verification immediately and when allegation was proved Circle Officer lodged an FIR at Patacharkuchi P.S. against Kishor Kalita.
- (xi) As per record, no 'Consent to Establish' (CTE)/ 'Consent to Operate' (CTO) has been obtained from the Pollution Control Board, Assam for the purpose of sand mining activities by the project proponent.
- (xii) A few photographs along with GPS co-ordinates of field visit site of sand mining location are enclosed in **Fig. 1 to 8**:

Urmi Medhi
Urmi Medhi, ACS
Addl. District Commissioner,
Bajali

P. K. Sarmah
(P. K. Sarmah)
Sr. Environmental Scientist
Pollution Control Board, Assam
(Member)

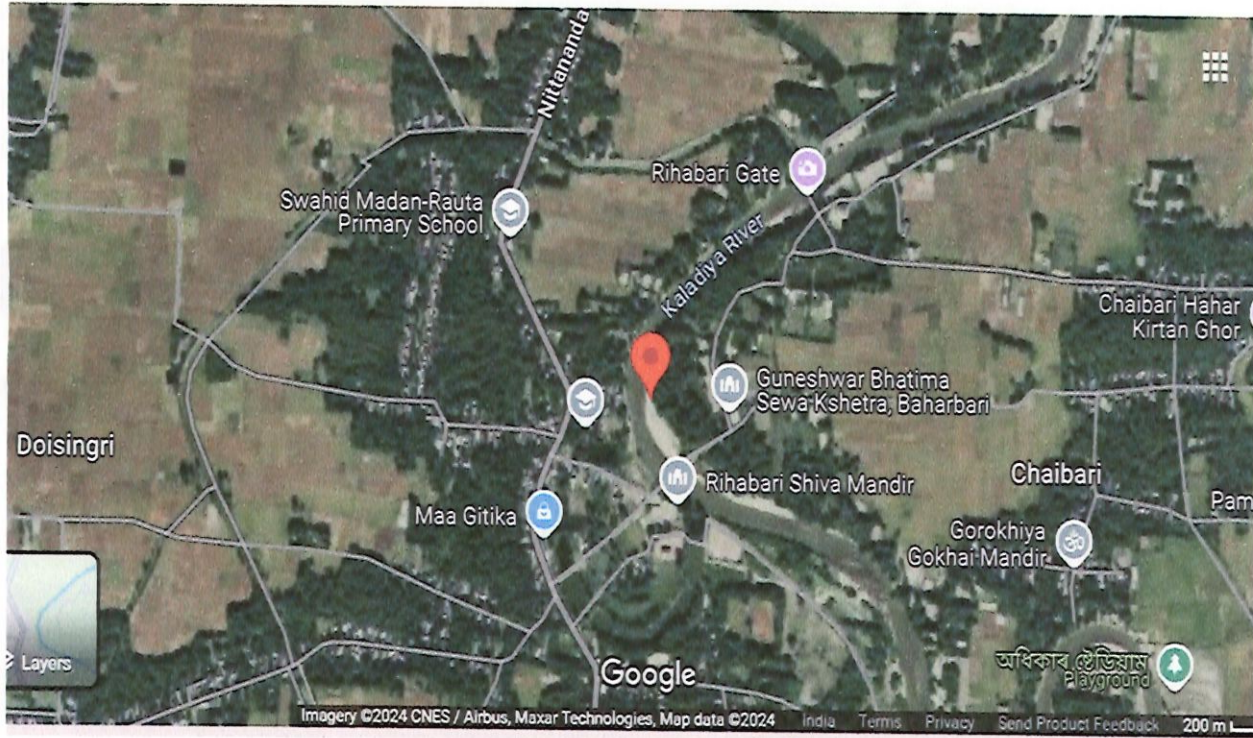


Fig 1: Kaldiya River passing through Chaibari and Rehabori village

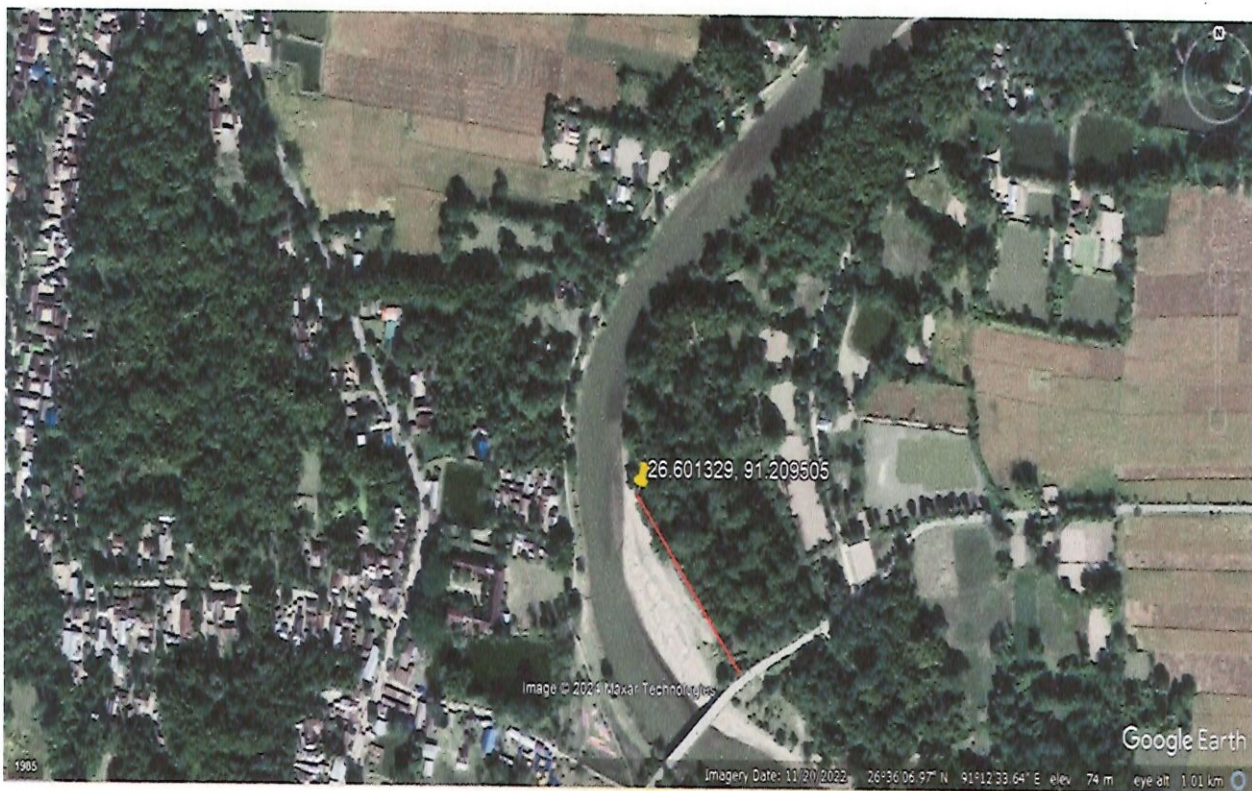


Fig 2: Chaibari bridge approx 200 m distance from the Sand mining site

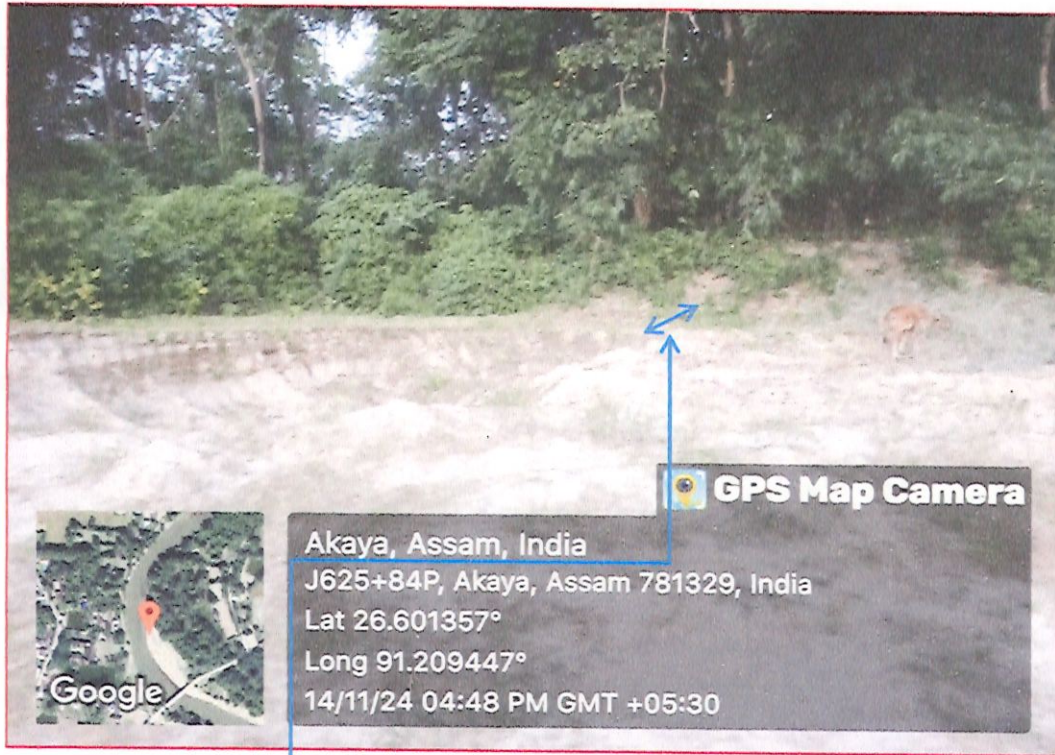


Fig 3: Distance (approx. 1 m) of Sand mining location from the Dyke towards Chaibari village

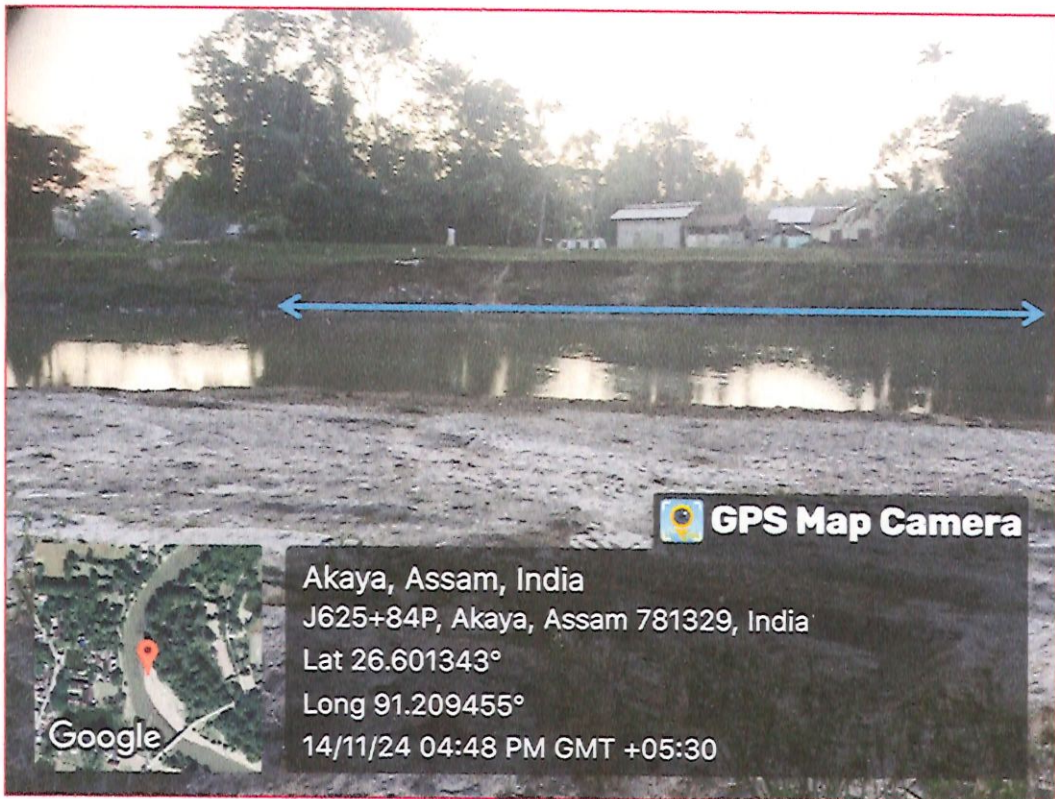


Fig 4: Opposite side of Sand mining location towards Rehabari village where soil erosion taken placed during flood of Kaldiya river

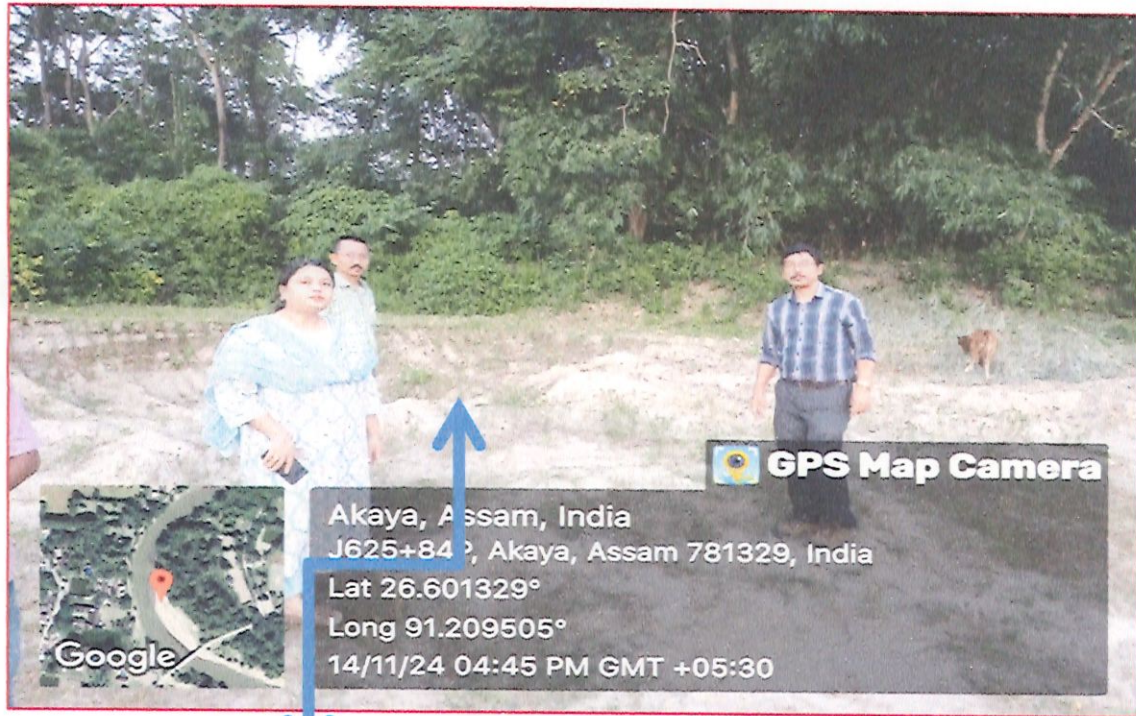
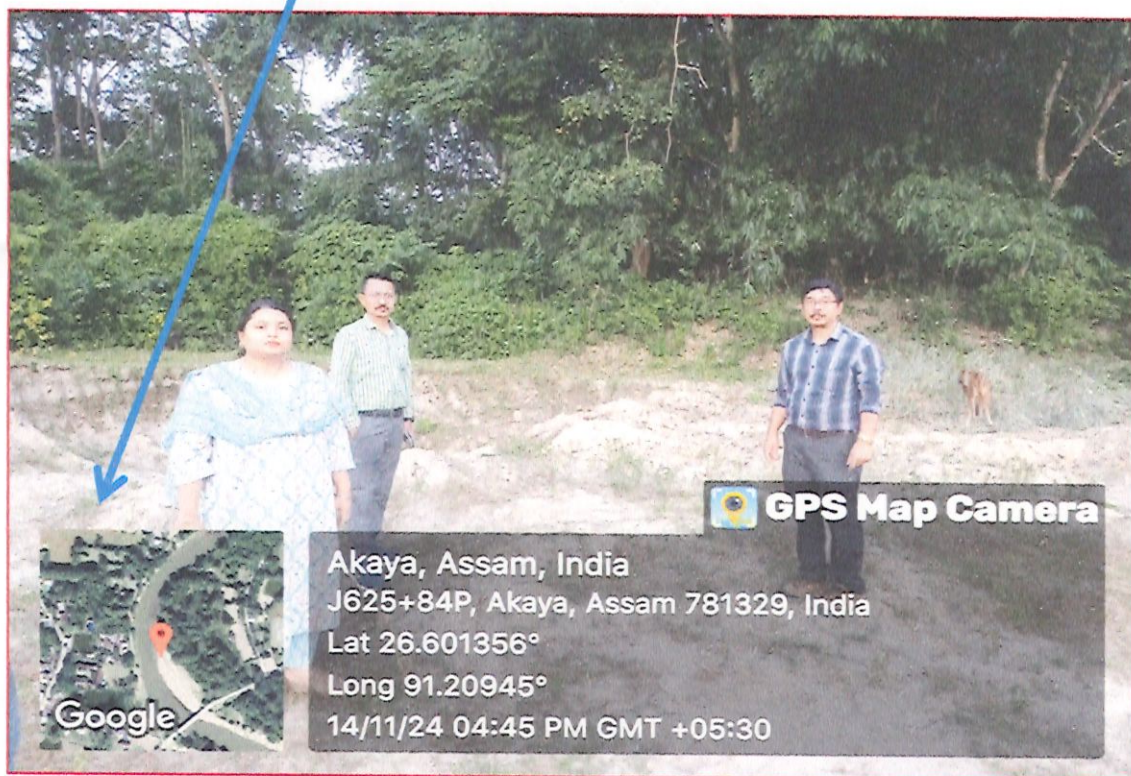


Fig 5 & 6: Location of sand mining towards the Dyke of Chaibari village



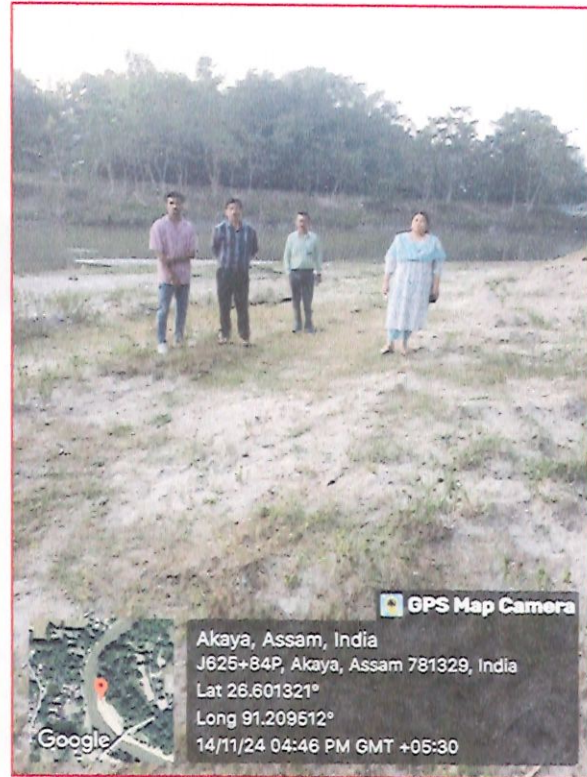
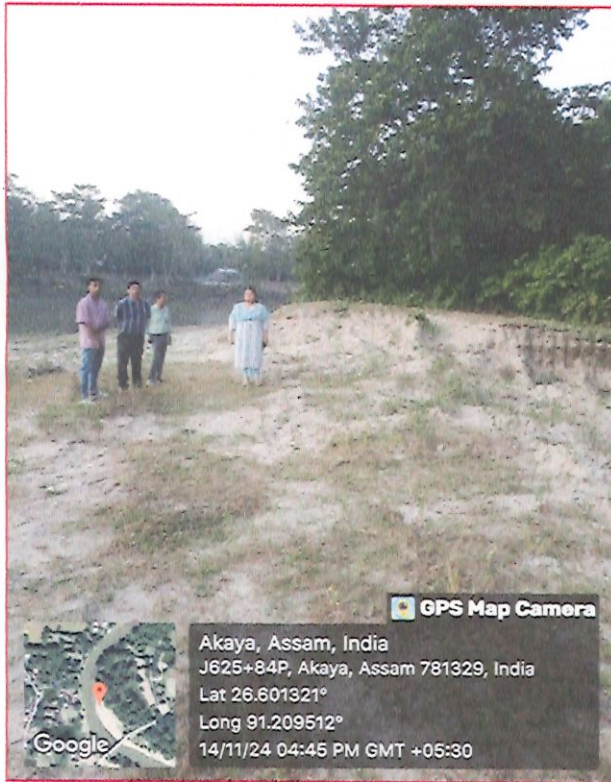
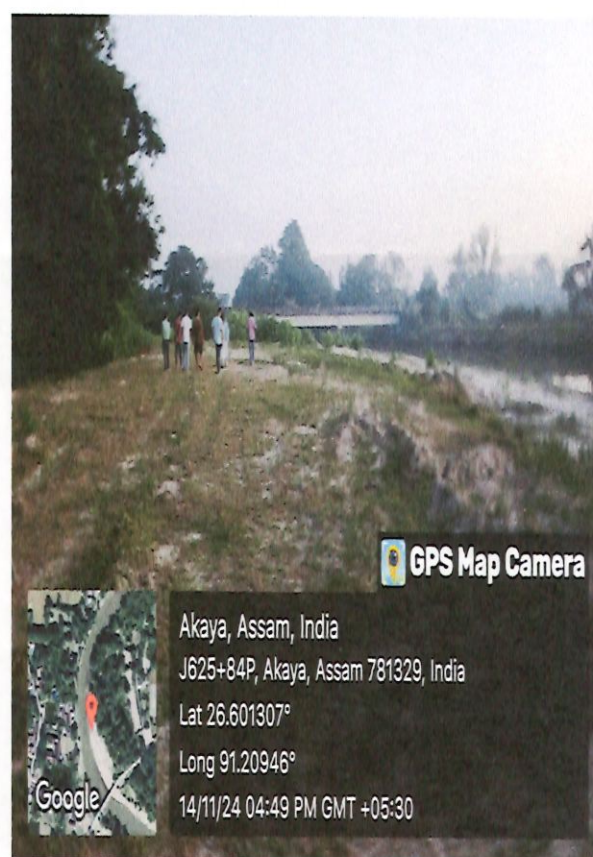
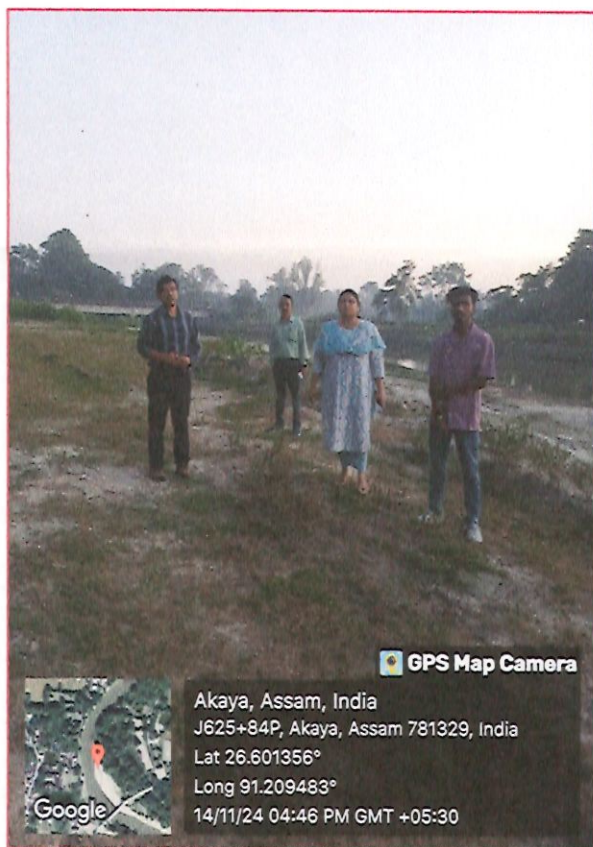


Fig 7,8: Location of sand mining



Annexure-I

Officer in charge
Patnagarh
Bhadrachal

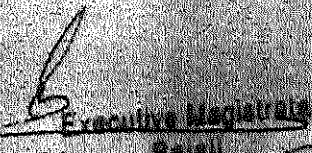
Date: 28/7/24.

Subj: FIR on unauthorized land excavation in
Chaibani.

Sir,

With respect to subject cited above I would like to inform that unauthorized land excavation in Chaibani area besides Kaldia River has been done by Mr. Kishore Kaika. It has been observed that although Mr. Kishore Kaika has Mining permission but he is excavating in area outside the permitted place which will lead to the damage of the embankment.

Hence you are requested to make provision for seizure of the excavating vehicles and take appropriate action on the matter as per law.


Executive Magistrate
Bajaj
Circle Officer Bajaj

27/8/2024
1279
27/8/2024
= food it
Sf.

Annexure-II (a)

1279
27/8/2024



GOVERNMENT OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER, NORTH KAMRUP DIVISION, RANGIA

Letter No B/Public Grievances/ 2212

Date. 27/8/24

To,
✓ The Divisional Forest Officer,
North Kamrup Division, Rangia

Sub: Regarding complaint of illegal mining.

Ref.- Your letter No B/Public Grievances/2058-59, dt-13.08.2024.

Sir,

With reference to the subject cited above, I have the honour to inform you that I have visited the area of Chaibari Govt. land ordinary clay mining permit area along with Range Forest Officer, Bārpeta Road Range, Bārpeta Road on dt-21.08.2024. During the time of enquiry I have not seen any fresh excavation in the spot. In the East site of the bridge I have found some spot of extraction of ordinary clay which had been extracted before 6-7 months.

In the west site of the bridge a temporary road was constructed by some person for transportation of minor mineral which had been closed by our Forest officials (Photocopy enclosed).

In this regard, the local people of the Chaibari village has submitted a prayer petition in the Office of the District Commissioner, Bajali district on dt-03.08.2024(Copy enclosed)

This is for favour of your kind information and necessary action.

Encl:- As stated above.

Yours faithfully

Sf ACF 23108
(Sanjib Bordoloi, AFS)
Assistant Conservator of Forest,
O/o the Divisional forest Officer,
North Kamrup Division, Rangia



GOVERNMENT OF ASSAM
OFFICE OF THE RANGE FOREST OFFICER: : BARPETA ROAD RANGE
BARPETA ROAD, ASSAM-781315

Annexure-II (b)

1499
11/9/2024

Memo No. BR/42/P.P.Land/ 651

Email ID:barpetaroadrange89@gmail.com

Dated 27/9/2024

To,

The Divisional Forest Officer
North Kamrup Division
Rangia, Assam

Sub. : Enquiry report on illegal mining at Chaibari Area

Ref : Your letter No. B/PMT/1855 dt. 30/07/2024

Sir,

With reference to the subject cited above, I have the honour to inform you that an enquiry was conducted regarding illegal mining of ordinary clay from govt. land of Chaibari as per instruction received vide letter under reference. A physical verification of the site was also conducted in presence of ACF, N.K. Division on 21/8/2024. The findings of the enquiry are as follows.

1. The mentioned area is on the bank of Kaldiya river in Chaibari area under Pathshala Forest Beat. GPS (N 26.599407, E 91.212085)
2. During physical verification, no fresh excavations were found at the spot and no mining work was seen to be ongoing.
3. Some evidences of old excavation of ordinary clay were seen. However office records show that an offence against this had already been booked in the past and the corresponding royalty was submitted to the government by the complainee Shri Kishor Kalita. vide B/Offence/BR/2990 dated: 30-08-2023
4. The temporary path created by the complainee for ordinary clay extraction has also been blocked and closed by the forest staff
5. Application for ordinary clay extraction permit was submitted by ADC, Bajali vide BJAD-07/2019/2589 dated:14-09-2023 and the same was forwarded to Directorate of Mining for preparation of Mining Plan vide DFO letter B/PMT/MP/4130-33 Dated. 03-11-2023
6. A mining plan for extraction of ordinary clay from Chaibari area had been approved vide letter no. GMM/86-B(40)/Pt.III/6813-1 dated:14-03-2024 which permitted extraction of 8692 cum ordinary clay within a period of 2(two) years.
7. No records of Environment Clearance (EC) for the same could be found in the office records of the undersigned.

This is for your kind information and necessary action.

Enclosed:

1. Photographs of site visit.
2. Inspection report submitted by BO, Pathshala
3. Statement of Shri Kishore Kalita

Yours faithfully

(Abhinav Baruah, AFS)
Range Forest Officer
Barpeta Road Range
N.K. Division.