

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

I.A. No. 19 of 2025

**(Arising out of Miscellaneous Application No.37 / 2024 EZ
in Original Application No.43 / 2023 / EZ)**

WITH

**(Arising out of Miscellaneous Application No.34 / 2024 /
EZ in Original Application No.47 / 2023 EZ)**

In the matter of:

Pradeep Kumar DhalApplicant

-Versus-

The State of Odisha & OrsRespondents

WITH

Rabindra GhadaiApplicant

-Versus-

The State of Odisha & OrsRespondents

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By the Respondent No.6 through,

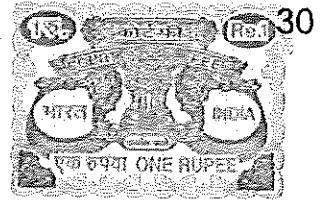
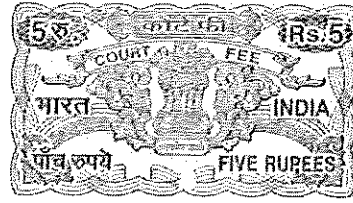
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(AISHWARYA DASH)

DATE: 12.02.2025

ADDL. STANDING COUNSEL



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

I.A. No. _____ of 2025

**(Arising out of Miscellaneous Application No.37 / 2024 EZ
in Original Application No.43 / 2023 / EZ)**

WITH

**(Arising out of Miscellaneous Application No.34 / 2024 /
EZ in Original Application No.47 / 2023 EZ)**

In the matter of:

An application for extension of time for filing of
another report for compliance of the judgment
dated 25.08.2023 passed by this Hon'ble Tribunal
in O.A. No.43/2023/EZ and O.A. No.47/2023/EZ.

AND

In the matter of:

Pradeep Kumar DhalApplicant

-Versus-

The State of Odisha & OrsRespondents

WITH

Rabindra GhadaiApplicant

-Versus-

The State of Odisha & OrsRespondents

To

The Hon'ble Chairman and His Companion Members of
the Hon'ble Green Tribunal, Eastern Zone Bench, Kolkata.

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Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Jayaprakash Nayak

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The humble petition of the Respondents named above.

MOST RESPECTFULLY SHEWETH:

1. That, the Applicant has filed the Original Applications bearing O.A. No.43/2023/EZ before this Hon'ble Tribunal with the following prayers:-

- "I. To permanently restrain the private Respondent in using of machine and direct the DM, Jaipur to recover the environment compensation for excess and illegal sand mining as assessed by the committee.*
- II. Direct the Respondent authorities to initiate Criminal Proceedings against Pvt. Respondent and to take appropriate action including suspension or revocation of environment clearance letter and consent to operate order for violation of the Environment Norms and conditions imposed for sand mining.*
- III. Fix the accountability of Government Respondents for lapses on their part for their inaction in enforcing the laws regulating the sand mining.*
- IV. Direct the State Respondents to seize the Excavators used for Sand Mining in SANLA-II Sand Quarry in violation of sand mining guidelines and EC conditions.*
- V. Direct the state respondents to make GPS Tracking of Vehicles and E-Transit Pass Mandatory for Sand Mining Operation."*

Prayer granted

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It is stated that another Original Application bearing O.A. No.47/23/EZ being the similar issue and both the matters were taken together by this Hon'ble Tribunal for hearing.

Surendra Prasad Dhal
 Surendra Prasad Dhal
 Advocate
 NOTARY, CUTTACK

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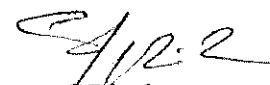
2. That, it is humbly submitted that the OMMC Rules 2016 has been amended by the Govt. of Odisha in Steel & Mines Department, wherein Tahasildar and Collector of the district have been substituted with Mining Officer and Deputy Director of Mines as the Competent Authority and Controlling Authority respectively as per the Schedule III and Schedule IV of the said Rules.

Copy of the relevant pages of the OMMC Rules, 2016 is annexed herewith as Annexure-A/6 Series.

3. That, the Original Applications i.e. O.A. No.43/2023/EZ and O.A. No.47/2023/EZ were disposed of by this Hon'ble NGT vide judgment dated 29.08.2023 with the following direction:-

"Xx xx xx

25. to the Respondent No.2, District Collector, Jajpur and Respondent No.6, Deputy Director of Mines, Jajpur Circle, Jajpur, to carry out a fresh inspection of the site in question along with the Senior Scientist of the Odisha State Pollution Control Board, and ascertain as to whether the excess sand has been extracted by the Project Proponent/Lease Holder (Respondent No.9), in excess of what is permitted in the Environmental Clearance granted by the SEIAA, Odisha, and in case violations are found, the concerned authorities shall proceed to determine the Environmental Compensation against the Respondent No.9 as well as suggest other remedial measures to mitigate the same. Compliance Report should be filed on affidavit by the District Collector, Jajpur, before the Registrar,


Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

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*National Green Tribunal, Eastern Bench, Kolkata, latest
by 31st December, 2023.*

Xx xx xx.

4. That, in compliance to the above directions of this Hon'ble Tribunal, a joint field visit was conducted on 24.11.2023 and Inspection Report dated 30.11.2023 along with its corrigendum dated 30.09.2024 and all the relevant documents were filed before this Hon'ble Tribunal through Show Cause Affidavit by the Respondent No.2 i.e. District Collector, Jajpur on 24.10.2024.

Copy of the Inspection Report dated 30.11.2023 along with its corrigendum dated 30.09.2024 are annexed herewith as Annexure-B/6 Series.

It is humbly submitted that as per the Inspection Report derived from the joint field visit, it was not possible to ascertain excess mining (if anything has been done by the lease holder in past) as far as surface expression is concerned since the field visit was conducted in the post monsoon period and the entire source was covered with sand.

5. That, it is respectfully submitted that, in the aforesaid Joint Inspection conducted on 24.11.2023, the exact amount of extracted sand / or excess mining done by the Project Proponent/Lease Holder (Respondent No.9), if any in the relevant period, could not be ascertained. Therefore, the State Respondents have decided to take further necessary steps to ascertain the alleged excess mining, if any, by the Project

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Surentra Prasad Dhal
Advocate
NOTARY, CUTTACK

Jajpur District Collector

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Proponent/Lease Holder (Respondent No.9) in excess of what is permitted in the Environmental Clearance granted by the SEIAA, Odisha. The following steps have been taken to ascertain the alleged excess mining:-

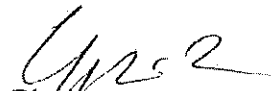
- i. The Deputy Director of Mines, Jajpur Circle, vide Letter No.667 dated 03.02.2025 requested the Chief Executive, Orissa Space Application Centre (ORSAC), Bhubaneswar to suggest any satellite imagery study method and/or any other possible way to ascertain if there is any excess sand mining done by the lease holder during the period in question.

Copy of the Letter No.667 dated 03.02.2025 of the Dy. DM, Jajpur is annexed herewith as Annexure-C/6.

- ii. On 05.02.2025 a meeting was held with Sri Anil Kumar Kanungo, Scientist, Orissa Space Application Centre (ORSAC), Odisha, at Bhubaneswar and discussed about the possible procedures which can be adopted to ascertain over extraction of sand, if anything has been done by the lease holder in the past.
- iii. Thereafter, the ORSAC, Bhubaneswar has requested vide Letter No.556, dated 11.02.2025 to provide the exact dates and period of satellite data required (period of mining, post mining and mining plan report) or any other supporting data to facilitate the study so that ORSAC can ask the vendors of IN-SPACE, ISRO, Govt. of India regarding availability of Stereo Imagery of the dates for conducting the study. In addition to this, if the satellite

Refer Annexure-C/6

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 Subenita Prasad Dhal
 Advocate
 NOTARY, CUTTACK

imagery for the period would not be available from the empanelled vendors of ISRO, the above study cannot be carried out by ORSAC.

Copy of the Letter No.556 dated 11.02.2025 of the ORSAC, Bhubaneswar is annexed herewith as Annexure-D/6.

- iv. The Deputy Director of Mines, Jajpur Circle vide Letter No.672 dated 03.02.2025 has requested the Tahasildar, Vyasanagar to verify the documents with respect to the source available at his establishment during the lease period in question and the reply is awaited.

Copy of the Letter No. 672 dated 03.02.2025 of the Dy. DM, Jajpur is annexed herewith as Annexure-E/6.

- v. The Deputy Director of Mines, Jajpur Circle vide Letter No.683 dated 03.02.2025 has requested the Regional Transport Officer (R.T.O), Jajpur has been requested vide this office to provide information on any case detected or registered for unauthorized transportation of sand from the source during that period for the above purpose and the reply is awaited.

Copy of the Letter No. 683 dated 03.02.2025 of the Dy. DM, Jajpur is annexed herewith as Annexure-F/6.

- vi. The Deputy Director of Mines, Jajpur Circle, vide Letter No.667, dated 03.02.2025 has also requested the Inspector In-Charge, Korei Police Station, Inspector In-Charge, Jajpur Road Police Station and Inspector In-Charge, Panikoili Police Station, Dist-Jajpur to provide

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Surentra Prasad Dhal
Advocate
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information on any case detected or registered for illegal extraction and transportation of sand from the source during the period in question to ascertain if there is any excess sand mining done by the lease holder and the reply is awaited.

Copy of the Letter No. 677 dated 03.02.2025 of the Dy. DM, Jajpur is annexed herewith as Annexure-G/6.

6. That, in view of the above, State Respondents are well concerned about the matter and necessary discussions / communications are being held with ORSAC, Odisha and other concerned officers regularly to find out the best possible methods, if any, in technical point of view to ascertain excess sand mining if anything has been done in past by the Project Proponent/Lease Holder (Respondent No.9).

7. That, the necessary information sought for from the concerned authorities as mentioned hereinabove are awaited and once all information are received, another report giving all the details will be filed before this Hon'ble Tribunal. Thus, the present application is being filed before this Hon'ble Tribunal for full compliance of the directions passed by this Hon'ble Court vide judgment dated 25.08.2023 and in order to ascertain as to whether excess sand has been extracted by the Project Proponent/Lease Holder (Respondent No.9) during the period in question.

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Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Jajpur DM

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8. That, in the circumstances, it is humbly prayed before this Hon'ble Tribunal that a further two months time may be granted to the State Machineries for the above purpose.

P R A Y E R

Under the aforesaid facts and circumstances, it is, therefore, humbly prayed that this Hon'ble Tribunal may graciously be pleased to allow this application and after hearing, be pleased to grant two months time to the State Respondents for filing of another report as per the judgment dated 25.08.2023 passed by this Hon'ble Tribunal in O.A. No.43/2023/EZ and O.A. No.47/2023/EZ giving details as to whether excess sand has been extracted by the Project Proponent/Lease Holder (Respondent No.9) in excess of what is permitted in the Environmental Clearance granted by the SEIAA, Odisha;

And the Hon'ble Tribunal further be pleased to pass any other order/orders, direction/directions as the Hon'ble Tribunal may deem fit and proper for the ends of justice;

And for which act of kindness, the Respondent No.6 as is in duty bound shall ever pray.

By the Respondent No.6 through,

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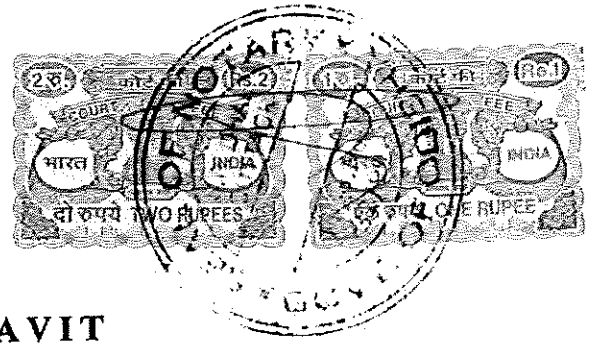
DATE: 12.02.2025

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ADDL. STANDING COUNSEL

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Jayprakash Dash



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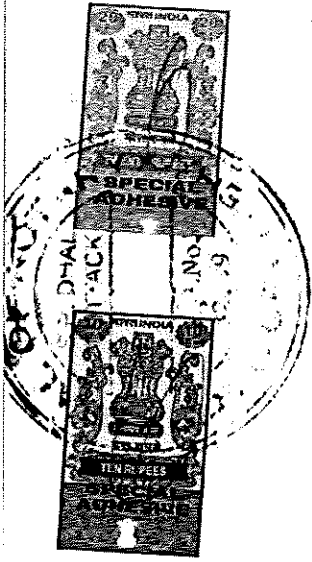
I, Sri Jayaprakash Nayak, aged about 35 years, S/o-Subash Chandra Nayak, at present serving as Deputy Director of Mines (I/C), Jajpur Circle, Jajpur, Odisha, do hereby solemnly affirm and state as follows:-

1. That, I working as above and joined as Deputy Director of Mines (I/C), Jajpur Circle, Jajpur on 30.06.2023.
2. That, I am the Respondent No.6 in the present case and I have also been duly authorized by the Respondent No.2 i.e. Collector & District Magistrate, Jajpur, to swear this affidavit on her behalf.
3. That the facts stated in this application are based on the available official records/documents which are true to the best of my knowledge and belief.

Identified by

Jayaprakash Nayak
DEPONENT

Advocate



CERTIFICATE Deputy Director of Mines I/C
Jajpur Circle, Jajpur

Certified that due to non-availability of cartridge papers, this has been prepared in white papers.

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(AISHWARYA DASH)

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ADDL. STANDING COUNSEL

DATE: 12.02.2025

The above named Deponent
Solemnly affirm on *12.2.2025*
S.P. Nayak
Being identified
by *P. Prasad*

12/2/2025
Surenbra Prasad Dhal
Advocate
NOTARY, CUTTACK

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STEEL & MINES DEPARTMENT

NOTIFICATION

The 14th December, 2016

ODISHA MINOR MINERAL CONCESSION RULES, 2016

S.R.O. No. 601/2016— In exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and in supersession of the provisions contained in the Odisha Minor Mineral Concession Rules, 2004, except as respects things done or omitted to be done before such supersession, the State Government hereby makes the following rules for regulating the grant of mineral concessions in respect of minor minerals and for the purposes connected therewith, namely:—

CHAPTER-I
PRELIMINARY

1. Short title and commencement: — (1) These rules may be called the Odisha Minor Mineral Concession Rules, 2016.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions:— (1) In these rules, unless the context otherwise requires,—

- (a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957;
- (b) "Additional charge" means the amount payable by a successful bidder on unit quantity of minerals towards auction money in addition to other charges leviable under these rules;
- (c) "Authorized Officer" means the Director of Mines and Geology in respect of Specified Minor Minerals and Director of Minor Minerals in respect of Minor Minerals Other than Specified Minor Minerals or any officer duly authorized by the Government in writing for the purpose;
- (d) "Captive use" means use of the entire quantity of mineral(s) extracted from the mining lease in a mineral processing unit or mineral beneficiation unit owned by the lessee excluding the mineral of substandard quality or mineral rejects;
- (e) "Collector" means the Chief Officer-in-Charge of the revenue administration of a district and also includes the Additional District Magistrate;
- (f) "Competent Authority" means officer mentioned in column (4) of Schedule IV for the purpose and jurisdiction specified against each of them in Columns (2) and (1) respectively thereof;
- (g) "Controlling Authority" means officer mentioned in column (3) of Schedule III for the purpose and jurisdiction specified against each of them in column (1) thereof;
- (h) "Decorative Stone" means all types of granites as defined in the Granite Conservation and Development Rules, 1999 and any other rock suitable for decorative or export purpose including dimension stone;

Deputy Director of Mines
Jajpur Circle, Jajpur

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SCHEDULE - III

[See rule 2(g)]

Sl. No.	Type of Minerals	Controlling Authority
(1)	(2)	(3)
1.	<p>Specified minor minerals and all minor minerals occurring in areas granted under mining lease for major minerals. Ordinary clay, silt, rehmatti, ordinary sand other than used for industrial and prescribed purposes, brick-earth, ordinary earth, moorum, laterite slabs, ordinary boulders, road metals including ballasts, chips, bajri and rock fines generated from stone crushers, gravels of ordinary stones and river shingles and pebbles-</p>	<p>Government in Steel & Mines Department</p>
	(a) When occurring in non-forest land	<p>Deputy Director of Mines of respective jurisdiction.</p>
	(b) When available in any forest area	<p>Principal Chief Conservator of Forests, Odisha</p>

Deputy Director of Mines I/C
 Jaipur Circle, Jaipur

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SCHEDULE - IV

[See rule 2(f), 48]

Jurisdiction (1)	Power to be Exercised (2)	Competent Authority (3)	Department (4)
1. Specified Minor Minerals	(a) For Mining Lease	Deputy Director of Mines/Mining Officers of respective jurisdiction	Steel & Mines
	(b) For Prospecting License-cum- Mining Lease	Deputy Director of Mines/Mining Officer of respective jurisdiction	Steel & Mines
2. Minor Minerals other than Specified Minor Minerals	Quarry lease and Quarry permit		
	a. When occurring within village boundaries	Mining Officer of respective jurisdiction	Steel & Mines
	b. When occurring within forest area	Divisional Forest Officer	Forest, Environment & CC


 Deputy Director of Mines I/C
 Jaipur Circle, Jaipur



GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR
 E- mail: ddmjajpur.mm@gov.in

Letter No. 3738 /MM, Jajpur/ Date 01.10.2024

To

The Collector & District Magistrate,
 Jajpur District.

Sub: Corrigendum of Inspection Report in respect of Baitarani River Sand Quarry at Sanla-II as per Order of Hon'ble NGT in OA No.43/2023 and 47/2023- in the matter of Pradeep Kumar Dhal Vs State of Odisha & others and Rabindra Ghadei Vs State of Odisha & Others.

Ref: Your Letter No.13474, Dated 22.11.2023 & this office Letter No.690, dated 30.11.2023.

Sir,

In inviting a kind reference to the subject cited above and in continuation to this office letter under reference, I am to submit herewith the Corrigendum of the Inspection Report of the field visit conducted on 24.11.2023 to Baitarani Sand Quarry at Sanla - II as per your letter under reference and Order of Hon'ble NGT in OA No.43/2023 and 47/2023- in the matter of Pradeep Kumar Dhal Vs State of Odisha & others and Rabindra Ghadei Vs State of Odisha & Others.

It is to mention here that, the observations mentioned in point no.4 in the observation table with respect to issue "Mechanical Mining" raised before the Hon'ble NGT by the petitioner may be read as "During the field visit of the committee, it is observed that, no machineries were engaged in source for excavation of sand" instead of "During the field visit of the committee, it is observed that, no labourers were engaged in source for excavation of sand". The revised field inspection report is enclosed herewith for favour of your kind information and onward action.

Yours faithfully,

Encl: As above.

[Signature]
 Deputy Director of Mines (I/C),
 Jajpur Circle, Jajpur

Memo No. 3739 /MM, Jajpur/ Date 01.10.2024

Copy submitted to the Regional Officer, SPCB, Kalinganagar // ADM,
 Kalinganagar for favour of kind information.

[Signature]
 Deputy Director of Mines (I/C)
 Jajpur Circle, Jajpur

Deputy Director of Mines I/C
 Jajpur Circle, Jajpur

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**OBSERVATIONS MADE DURING JOINT VISIT CONDUCTED ON 24.11.2023 IN
PERSUANT TO THE ORDER OF HON'BLE NGT, EASTERN ZONE, KOLKATA IN
OA NO.43/2023 AND 47/2023.**

The Hon'ble NGT, Eastern Zone, Kolkata vide order dated 29.08.2023 at Para 25 in OA No.43/2023 & 47/2023 directed to constitute a committee to inspect the area in question.

In pursuant to the above order, the site was inspected on dated 24.11.2023 as per schedule fixed by the Collector & District Magistrate, Jajpur. The following Officers were present during the visit.

1. Sri Santosh Kumar Mishra, Additional District Magistrate, Kalinganagar (Nominee of Collector & DM, Jajpur).
2. Sri Pramod Kumar Behera, Regional Officer, SPCB, Kalinganagar.
3. Sri Jayaprakash Nayak, Deputy Director of Mines, Jajpur Circle, Jajpur

General Observation:

The lessee of Sanla-II Baitarani River Sand Quarry has obtained all the statutory clearances from the competent authorities i.e., Environment Clearance (EC) from SEIAA, Bhubaneswar vide letter No.3260/07.10.2021, 3633/18.12.2021 & File No. SIA/OR/MIN/294456/2022 Dtd.09.01.2023, Consent to Establish (CTE) from Regional Officer, SPCB, Kalinganagar vide letter No.08/03.01.2022 and Consent to Operate (CTO) from Regional Officer, SPCB, Kalinganagar vide letter No.104/16.01.2023. Quarry Lease agreement is valid up to 31.01.2024.

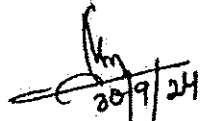
The followings were observed during the field visit with respect to the direction of the Hon'ble NGT.

Sl No.	Issues raised before the Hon'ble NGT by the petitioner	Observation
1.	Excess Mining: The lessee used to extract and transport more than 1000 cubic meters per day by engaging at least 200 vehicles of different size and capacity. Excess mining to the tune of more than 100 Hyva Truckload / day (one Hyva is having load capacity of 16 Cubic Metres of sand) and around 100 trips of tractors (1 Tractor is of 3 Cubic metres) which is around 1900 CM/Day when the permission is only for 14,500 CM for the year 2022 and only 3625 for the year 2023. As per the revised CTO the permitted sand is only 17 Cubic Metre per day considering maximum 210 days of sand mining in a year.	Since the field visit was conducted in the post monsoon period, the entire source was covered with sand and no mining activity has been noticed in the area during the visit. So, it is not possible to ascertain the excess mining (if anything has been done in past) as far as surface expression is concerned.
2.	That the mining is spread on an area of more than 56 acres and hundreds of heavy vehicles as well as machines engaged for sand mining is evident from the google earth images dated 13.05.2022.	During the visit of the committee, boundary pillars were posted over the approved area of 12 Acres of land.

Deputy Director of Mines
Jajpur Circle, Jajpur

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3. No Pillar posting in the lease area: Though the mining plan suggests that the lease area has been demarcated by the Revenue Inspector but on ground there has been no demarcation and no distinct pillar posting allowing the mining to spread randomly all across the riverbed.	During the field visit of the committee, it is observed that the lease area is well demarcated with boundary pillars.
4. Mechanical Mining: It is humbly submitted that the mining is supposed to be of Dry Pit and Manual means of mining and loading. However, the mining is done by engaging 3 earth Mover/Machines of different capacity which is strictly prohibited and not approved by any of the regulating authorities.	During the field visit of the committee, it is observed that no machineries were engaged in source for excavation of sand.
5. Compliance to conditions of CTO: No monitoring of compliance of conditions of CTO by Regional Offices of Kalinganagar SPCB.	During the field visit of the committee, it is observed that no violation of conditions as imposed in Consent to Operate order is found.



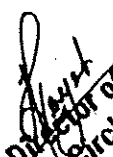
Sri S.K. Mishra,
Ex-Additional District Magistrate,
Kalinganagar



Sri P.K. Behera,
Ex-Regional Officer,
SPCB, Kalinganagar



Sri J.P. Nayak,
Deputy Director of Mines,
Jaipur Circle, Jaipur



Deputy Director of Mines I/C
Jaipur Circle, Jaipur

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Answer - B/2

**OBSERVATIONS MADE DURING JOINT VISIT CONDUCTED ON 24.11.2023 IN
PURSUANT TO THE ORDER OF HON'BLE NGT, EASTERN ZONE, KOLKATA IN
OA NO.43/2023 AND 47/2023.**

The Hon'ble NGT, Eastern Zone, Kolkata vide order dated 29.08.2023 at Para 25 in OA No.43/2023 & 47/2023 directed to constitute a committee to inspect the area in question.

In pursuant to the above order, the site was inspected on dated 24.11.2023 as per schedule fixed by the Collector & District Magistrate, Jajpur. The following Officers were present during the visit.

1. Sri Santosh Kumar Mishra, Additional District Magistrate, Kalinganagar (Nominee of Collector & DM, Jajpur).
2. Sri Pramod Kumar Behera, Regional Officer, SPCB, Kalinganagar.
3. Sri Jayaprakash Nayak, Deputy Director of Mines, Jajpur Circle, Jajpur

General Observation:

The lessee of Santa-II Baitarani River Sand Quarry has obtained all the statutory clearances from the competent authorities i.e., Environment Clearance (EC) from SEIAA, Bhubaneswar vide letter No.3260/07.10.2021, 3633/18.12.2021 & File No. SIA/OR/MIN/294456/2022 Dtd.09.01.2023, Consent to Establish (CTE) from Regional Officer, SPCB, Kalinganagar vide letter No.08/03.01.2022 and Consent to Operate (CTO) from Regional Officer, SPCB, Kalinganagar vide letter No.104/16.01.2023. Quarry Lease agreement is valid up to 31.01.2024.

The followings were observed during the field visit with respect to the direction of the Hon'ble NGT.

Sl No.	Issues raised before the Hon'ble NGT by the petitioner	Observation
1.	Excess Mining: The lessee used to extract and transport more than 1000 cubic meters per day by engaging at least 200 vehicles of different size and capacity. Excess mining to the tune of more than 100 Hyva Truckload / day (one Hyva is having load capacity of 16 Cubic Metres of sand) and around 100 trips of tractors (1 Tractor is of 3 Cubic metres) which is around 1900 CM/Day when the permission is only for 14,500 CM for the year 2022 and only 3625 for the year 2023. As per the revised CTO the permitted sand is only 17 Cubic Metre per day considering maximum 210 days of sand mining in a year.	Since the field visit was conducted in the post monsoon period, the entire source was covered with sand and no mining activity has been noticed in the area during the visit. So, it is not possible to ascertain the excess mining (if anything has been done in past) as far as surface expression is concerned.
2.	That the mining is spread on an area of more than 56 acres and hundreds of heavy vehicles as well as machines engaged for sand mining is evident from the google earth images dated 13.05.2022.	During the visit of the committee, boundary pillars were posted over the approved area of 12 Acres of land.

True Copy Attested

[Signature]
True copy attested
Tahsildar, Jajpur Road

[Signature]
Deputy Director of Mines I/C
Jajpur Circle, Jajpur

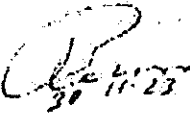
17

-9-

	than 56 acres and hundreds of heavy vehicles as well as machines engaged for sand mining is evident from the google earth images dated 13.05.2022.	boundary pillars were posted over the approved area of 12 Acres of land.
3.	No Pillar posting in the lease area: Though the mining plan suggests that the lease area has been demarcated by the Revenue Inspector but on ground there has been no demarcation and no distinct pillar posting allowing the mining to spread randomly all across the riverbed.	During the field visit of the committee, it is observed that the lease area is well demarcated with boundary pillars.
4.	Mechanical Mining: It is humbly submitted that the mining is supposed to be of Dry Pit and Manual means of mining and loading. However, the mining is done by engaging 3 earth Mover/Machines of different capacity which is strictly prohibited and not approved by any of the regulating authorities.	During the field visit of the committee, it is observed that no labourers were engaged in source for excavation of sand. see pg-10
5.	Compliance to conditions of CTO: No monitoring of compliance of conditions of CTO by Regional Offices of Kalinganagar SPCB.	During the field visit of the committee, it is observed that no violation of conditions as imposed in Consent to Operate order is found.


30.11.2022

Sri J.P. Nayak,
Deputy Director of Mines, Jajpur
Circle, Jajpur



30.11.22

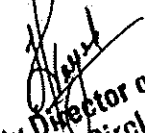
Sri P.K. Behera,
Regional Officer,
SPCB, Kalinganagar


30.11.22

Sri S.K. Mishra, Additional
District Magistrate,
Kalinganagar

True Copy Attested


22/12/23
Tahasildar, Vyasanaagar
Jajpur Road


Deputy Director of Mines I/C
Jajpur Circle, Jajpur



18

Annexure - AC/6'

GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES

JAJPUR CIRCLE, JAJPUR

E-mail: ddmjajpur.mm@gov.in

Letter No. 667 /MM, Jajpur/ Date 03.02.2025

To

The Chief Executive,
Orissa Space Applications Centre (ORSAC),
Bhubaneswar.

Sub: M. A No.37 of 2024 (arising out of O.A No.43/2023/EZ), filed by Pradeep Kumar Dhal & M.A No.34 of 2024 (arising out of O.A No.47/2023/EZ), filed by Rabindra Ghadei -Vrs- State of Odisha-regarding.


Sir.

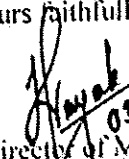
In inviting a kind reference to the subject cited above. I am to intimate you that, as per judgement dated 25.08.2023 of the Hon'ble NGT vide O.A No.43/2023/EZ & O.A No.47/2023/EZ in the matter of Pradeep Kumar Dhal Vrs State of Odisha & others and Rabindra Ghadei Vrs State of Odisha & others. a joint field visit was conducted on 24.11.2023 w.r.t Baitarani River Sand Quarry at Sanla-II under Vyasaganagar Tahasil of Jajpur district to ascertain excess mining, if any done by the lease holder. During joint enquiry, it was not possible to ascertain the excess sand any done by the lease holder as the field visit was conducted in the post monsoon period and the source was covered with sand. The inspection report was filed before the Hon'ble NGT on behalf of Respondent No.2 i.e. Collector, Jajpur. This matter was listed before the Hon'ble NGT on 21.01.2025. The Hon'ble NGT after reading the observation, showed his displeasure with respect to the conduct of the State missionaries and also raised question as to why proper verification for excess sand mining has not been done, as directed by judgment dated 25.08.2023 with a direction to conduct proper inspection (including documentary verification, digital survey and all other possible methods) to ascertain excess sand mining done by the lease holder, if any, as soon as possible. The matter is again listed on 14.02.2025.

In view of the above averments, it is requested to suggest any satellite imagery study method and/or any other possible way to ascertain if there is any excess sand mining done by the lease holder during the above-mentioned period.

Yours faithfully

Encl: As above


Deputy Director of Mines I/C
Jajpur Circle, Jajpur


Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

Memo No. 668 /MM, Jajpur/ Date 03.02.2025

Copy to the Mining Officer, Jajpur district for information and necessary follow up action.

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

Memo No. 669 /MM, Jajpur/ Date 03.02.2025

Copy Submitted to the Tahasildar, Vyasagar // Regional Officer, SPCB Kalinganagar // ADM, Kalinganagar for kind information

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

Memo No. 670 /MM, Jajpur/ Date 03.02.2025

Copy Submitted to the ADM (Revenue), Jajpur district for kind information.

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

Memo No. 671 /MM, Jajpur/ Date 03.02.2025

Copy Submitted to the Collector & D.M. Jajpur district // Directorate of Minor Minerals, Odisha for favour of kind information.

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

[Signature]



- 28 -

Annexure - D/6

49

[Signature]
11.02.2025

ODISHA SPACE APPLICATIONS CENTRE (ORSAC)
Department of Science & Technology, Govt. of Odisha

ORSAC/PR/1263/2025/ 556 Dt- 11/2/2025

To
The Deputy Director of Mines(I/C)
Office of the Deputy Director of Mines
Jajpur Circle, Jajpur

Sub: M. A No. 37 of 2024 (Arising out of O.A No. 43/2023/EZ), filed by Pradeep Kumar Dhal & M.A No. 34 of 2024 (Arising out of O.A No. 47/2023/EZ), filed by Rabindra Ghadei - Vrs - State of Odisha - regarding.

Ref: Letter No. 667 Dt. 03.02.2025.

Sir,

With reference to the subject cited above and letter under reference, it is to inform you that volume of sand mined in the particular Sand Quarry at Sanla -II under Vyasnagar Tahasil of Jajpur district may be determined after carrying out a detailed study, using Stereo pair satellite imageries of two dates i.e prior to mining and post mining before the monsoons. ORSAC will place an inquire to empanelled vendors. However you are requested to provide the exact dates and period of satellite date required (period of prior to mining, post mining and mining plan report) or any other supporting data for facilitating the study. Vendors of IN-SPACc, ISRO, Govt. of India will be asked regarding the availability of Stereo imageries of the above two dates for conducting the study. Once the data will be available, ORSAC will confirm to Deputy Director of Mines regarding the availability of data and it's cost for the necessary budgetary allocation by Deputy Director of Mines, Jajpur. After receiving the approval, ORSAC will procure Stereo data for processing the same to determine the volume of extracted sand for the said period.

If the Stereo imageries for the period will not be available from the empanelled vendors of ISRO, Govt. of India, the above study will not be carried out by ORSAC.

This is for your kind information and necessary action.

Yours faithfully,

[Signature]

SCIENTIST-D

[Signature]
Deputy Director of Mines I/C
Jajpur Circle, Jajpur

349
12-02-2025



Annexure - 'E/B'

GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR

E-mail: ddmjajpur.mm@gov.in

Letter No. 672 /MM, Jajpur/ Date 03.02.2025

To

Tahasildar, Vyasaganagar
District - Jajpur

Sub: M. A No.37 of 2024 (arising out of O.A No.43/2023/EZ), filed by Pradeep Kumar Dhal & M.A No.34 of 2024 (arising out of O.A No.47/2023/EZ), filed by Rabindra Ghadei -Vrs- State of Odisha-regarding.

Sir,

In inviting a kind reference to the subject cited above. I am to intimate you that. as per judgement dated 25.08.2023 of the Hon'ble NGT vide O.A No.43/2023/EZ & O.A No.47/2023/EZ in the matter of Pradeep Kumar Dhal Vrs State of Odisha & others and Rabindra Ghadei Vrs State of Odisha & others, a joint field visit was conducted on 24.11.2023 w.r.t Baitarani River Sand Quarry at Sanla-II under Vyasaganagar Tahasil of Jajpur district to ascertain excess mining, if any done by the lease holder. During joint enquiry, it was not possible to ascertain the excess sand any done by the lease holder as the field visit was conducted in the post monsoon period and the source was covered with sand. The inspection report was filed before the Hon'ble NGT on behalf of Respondent No.2 i.e. Collector, Jajpur. This matter was listed before the Hon'ble NGT on 21.01.2025. The Hon'ble NGT after reading the observation, showed his displeasure with respect to the conduct of the State missionaries and also raised question as to why proper verification for excess sand mining has not been done, as directed by judgment dated 25.08.2023 with a direction to conduct proper inspection (including documentary verification, digital survey and all other possible methods) to ascertain excess sand mining done by the lease holder, if any, as soon as possible. The matter is again listed on 14.02.2025.

In view of the above averments, it is requested to verify the documents during the above-mentioned period available in your establishment with respect to the source for the above purpose. In addition to this, you are requested to suggest any other possible way to ascertain if there is any excess sand mining done by the lease holder.

Yours faithfully

Encl: As above

[Signature]
Deputy Director of Mines
Jajpur Circle, Jajpur

[Signature]
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur
03.02.2025

29

Memo No. 673 /MM, Jaipur/ Date 03.02.2025

Copy to the Mining Officer, Jaipur district for information and necessary follow up action.

[Signature]
01.02.2024
Deputy Director of Mines (I/C),
Jaipur Circle, Jaipur

Memo No. 674 /MM, Jaipur/ Date 03.02.2025

Copy Submitted to the Regional Officer, SPCB, Kalinganagar // ADM, Kalinganagar for kind information

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jaipur Circle, Jaipur

Memo No. 675 /MM, Jaipur/ Date 03.02.2025

Copy Submitted to the ADM (Revenue), Jaipur district for kind information.

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jaipur Circle, Jaipur

Memo No. 676 /MM, Jaipur/ Date 03.02.2025

Copy Submitted to the Collector & D.M, Jaipur district // Directorate of Minor Minerals, Odisha for favour of kind information.

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jaipur Circle, Jaipur

[Signature]
Deputy Director of Mines I/C
Jaipur Circle, Jaipur



23

Annexure - F/6'

GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR
 E- mail: ddmjajpur.mm@gov.in

Letter No. 683 /MM, Jajpur/ Date 03.02.2025

To

Regional Transport Officer,
 Jajpur.

Sub: M. A No.37 of 2024 (arising out of O.A No.43/2023/EZ), filed by Pradeep Kumar Dhal & M.A No.34 of 2024 (arising out of O.A No.47/2023/EZ), filed by Rabindra Ghadei -Vrs- State of Odisha-regarding.

Sir,

In inviting a kind reference to the subject cited above, I am to intimate you that, as per judgement dated 25.08.2023 of the Hon'ble NGT vide O.A No.43/2023/EZ & O.A No.47/2023/EZ in the matter of Pradeep Kumar Dhal Vrs State of Odisha & others and Rabindra Ghadei Vrs State of Odisha & others, a joint field visit was conducted on 24.11.2023 w.r.t Baitarani River Sand Quarry at Sanla-II under Vyasanagar Tahasil of Jajpur district to ascertain excess mining, if any done by the lease holder. During joint enquiry, it was not possible to ascertain the excess sand any done by the lease holder as the field visit was conducted in the post monsoon period and the source was covered with sand. The inspection report was filed before the Hon'ble NGT on behalf of Respondent No.2 i.e. Collector, Jajpur. This matter was listed before the Hon'ble NGT on 21.01.2025. The Hon'ble NGT after reading the observation, showed his displeasure with respect to the conduct of the State missionaries and also raised question as to why proper verification for excess sand mining has not been done, as directed by judgment dated 25.08.2023 with a direction to conduct proper inspection (including documentary verification, digital survey and all other possible methods) to ascertain excess sand mining done by the lease holder, if any, as soon as possible. The matter is again listed on 14.02.2025.

In view of the above averments, it is requested to provide information on any case detected or registered for unauthorised transportation of sand from the source during that period for the above purpose.

Yours faithfully,


[Signature]
 03.02.2025
 Deputy Director of Mines (I/C),
 Jajpur Circle, Jajpur

Encl: As above

[Signature]
 Deputy Director of Mines I/C
 Jajpur Circle, Jajpur


Memo No. 684 ²⁴ /MM, Jajpur/ Date 03.02.2025

Copy to the Mining Officer, Jajpur district for information and necessary follow up action.


Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur


Memo No. 685 /MM, Jajpur/ Date 03.02.2025

Copy Submitted to the Tahasildar, Vyasagar // Regional Officer, SPCB, Kalinganagar // ADM, Kalinganagar for kind information


Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur


Memo No. 686 /MM, Jajpur/ Date 03.02.2025


Copy Submitted to the ADM (Revenue), Jajpur district for kind information.


Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

Memo No. 687 /MM, Jajpur/ Date 03.02.2025

Copy Submitted to the Collector & D.M, Jajpur district // Directorate of Minor Minerals, Odisha for favour of kind information.


Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur


Deputy Director of Mines I/C
Jajpur Circle, Jajpur



2/3

Annexure - 6/6

GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
JAJPUR CIRCLE, JAJPUR

E- mail: ddmjajpur.mm@gov.in

Letter No. 677 /MM, Jajpur/ Date 03.02.2025

To

Inspector-in-Charge, Korei PSInspector-in-Charge, Jajpur Road PSInspector-in-Charge, Panikoili

Sub: M. A No.37 of 2024 (arising out of O.A No.43/2023/EZ), filed by Pradeep Kumar Dhal & M.A No.34 of 2024 (arising out of O.A No.47/2023/EZ), filed by Rabindra Ghadei -Vrs- State of Odisha-regarding.

Sir,

In inviting a kind reference to the subject cited above. I am to intimate you that. as per judgement dated 25.08.2023 of the Hon'ble NGT vide O.A No.43/2023/EZ & O.A No.47/2023/EZ in the matter of Pradeep Kumar Dhal Vrs State of Odisha & others and Rabindra Ghadei Vrs State of Odisha & others, a joint field visit was conducted on 24.11.2023 w.r.t Baitarani River Sand Quarry at Sanla-II under Vyasaganar Tahasil of Jajpur district to ascertain excess mining, if any done by the lease holder. During joint enquiry, it was not possible to ascertain the excess sand any done by the lease holder as the field visit was conducted in the post monsoon period and the source was covered with sand. The inspection report was filed before the Hon'ble NGT on behalf of Respondent No.2 i.e. Collector, Jajpur. This matter was listed before the Hon'ble NGT on 21.01.2025. The Hon'ble NGT after reading the observation. showed his displeasure with respect to the conduct of the State missionaries and also raised question as to why proper verification for excess sand mining has not been done. as directed by judgment dated 25.08.2023 with a direction to conduct proper inspection (including documentary verification, digital survey and all other possible methods) to ascertain excess sand mining done by the lease holder, if any, as soon as possible. The matter is again listed on 14.02.2025.

In view of the above averments, it is requested to provide information on any case detected or registered for illegal extraction of and transportation of sand from the source during above mentioned period to ascertain if there is any excess sand mining done by the lease holder.

Yours faithfully

Encl: As above

[Signature]
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur
03.02.2025

2/6

Memo No. 678 /MM, Jajpur/ Date 03.02.2025

Copy submitted to the Superintendent of Police, Jajpur for kind information.

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

Memo No. 679 /MM, Jajpur/ Date 03.02.2025

Copy to the Mining Officer, Jajpur district for information and necessary follow up action.

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

Memo No. 680 /MM, Jajpur/ Date 03.02.2025

Copy Submitted to the Tahasildar, Vysanagar // Regional Officer, SPCB, Kalinganagar // ADM, Kalinganagar for kind information

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

Memo No. 681 /MM, Jajpur/ Date 03.02.2025

Copy Submitted to the ADM (Revenue), Jajpur district for kind information.

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

Memo No. 682 /MM, Jajpur/ Date 03.02.2025

Copy Submitted to the Collector & D.M, Jajpur district // Directorate of Minor Minerals, Odisha for favour of kind information.

[Signature]
03.02.2025
Deputy Director of Mines (I/C),
Jajpur Circle, Jajpur

[Signature]
Deputy Director of Mines I/C
Jajpur Circle, Jajpur

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From : ADVOCATE GENERAL ODISHA <advgen@nic.in> Thu, Feb 13, 2025 03:45 PM
Subject : Copy Served  1 attachment
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sagarasutosh369@gmail.com,
amritalegal@gmail.com,
pbanerjeebihani@gmail.com, apu7law@gmail.com
Cc : aishwaryadash010
<aishwaryadash010@gmail.com>

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With Regards,
Aishwarya Dash
Addl.Standing Counsel
M - 9583615112

 **OA NO 43 OF 2023-2.pdf**
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