

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 163 OF 2023 / EZ**

Santanu Kumar Bhukta

...Applicant

VERSUS

State of Odisha & Others

...Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Additional Affidavit.	
2.	Photocopy of the letter No.11527 dtd.01.12.2023 of the Collector & DM, Dhenkanal. (ANNEXURE – R7/2)	
3.	Photocopy of the Memo No.4005 dtd.16.12.2023. along with the joint enquiry report (ANNEXURE – R7/3 Colly)	

SPCB Odisha, R.No.7

Through

Sri Dipanjan Ghosh,
Advocates for the Respondent No.7
(State Pollution Control Board, Odisha)
e-mail: dpnjnghsh0@gmail.com
Phone No.:9903080977

Kolkata
Date:

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 163 OF 2023 / EZ

30 DEC 2023

IN THE MATTER OF:

Santanu Kumar Bhukta ...Applicant

VERSUS

State of Odisha & Others ...Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE
STATE POLLUTION CONTROL BOARD,
ODISHA, RESPONDENT NO.7**

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 55 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.7 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.



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MANJULA KUMAR MADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON-71/2009
 PH:-9437627119 (M)

2. That the Hon'ble Tribunal in their order dtd.20.10.2023 while adjudicating the OA constituted a committee at Para-17 of the order comprising of the following members:

- i) Collector and District Magistrate, Dhenkanal or his representative Officer not below the rank of Additional District Magistrate (A.D.M.)
- ii) Senior Scientist, Odisha State Pollution Control Board;
- iii) Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha;
- iv) Divisional Forest Officer (DFO), Dhenkanal; and
- v) District Mining Officer.

and directed the committee to visit the site and submit its report with regard to the allegation made in the Original Application. The R.No.7 Board has been declared as the Nodal Body for filing inspection report on affidavit.

3. That in compliance to the aforesaid direction, the R.No.7 Board has produced the inspection report of the committee in the affidavit dated 18.11.2023 annexing it as Annexure-R7/1 Colly.



MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
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 PH:-9437627119 (M)

4. That this Hon'ble Tribunal while taking into consideration the affidavit dtd.18.11.2023 filed by the R.No.7 Board annexing the committee report vide their order dtd.22.11.2023 has not accepted the recommendation of the committee relating to constitution of a separate committee to assess the extraction quantity of minerals from the site. The relevant para-7 of the order dtd.22.11.2023 of this Hon'ble Tribunal is reproduced below for proper appreciation of this case.

7. In our opinion, the District Mining Officer and The Collector & District Magistrate, Dhenkanal are members of the Committee constituted by the Tribunal initially. The District Magistrate, Dhenkanal is competent to assess the extraction / quantity of minerals from the site taking the assistance of the State Mining Department and for that reason, it is not necessary to constitute another Committee.

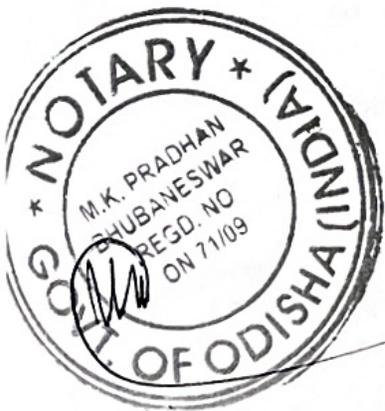
5. That in the meantime, in compliance to the aforesaid direction, the Collector & DM, Dhenkanal vide his letter No.11527 dtd.01.12.2023 has requested the Tahasildar, Gondia, the District Mining Officer, Dhenkanal and the Joint Director Geology, Dhenkanal to ascertain the



MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON-71/2023
 PH:-9437627119 (M)

quantity of minor mineral extracted from the source in question and submit the assessment report for further necessary action with copy to the R.No.7 Board for reference as Nodal Body. Copy of the letter No.11527 dtd.01.12.2023 of the Collector & DM, Dhenkanal referred above is annexed to this affidavit and marked as ANNEXURE-R7/2.

6. That in compliance to the direction of the Collector & DM, Dhenkanal at Annexure-R7/2, the officials visited the spot on dtd.12.12.2023 and submitted the report with a suggestion that for actual quantity of materials excavated by the lessee can be ascertained by utilising advance technology i.e. Drone DGPS Survey method which may be carried out by the Government Organisation, i.e. ORSAC (Odisha Space Applications Centre). The said joint enquiry report has been forwarded by the Tahasildar, Gondia to the Collector & DM, Dhenkanal with a copy to Regional Officer, Angul of the R.No.7 Board vide Memo No.4005 dtd.16.12.2023. Copy of the Memo dtd.16.12.2023 alongwith the joint enquiry report is annexed to this affidavit and marked as ANNEXURE – R7/3 Colly.



MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON-71/2009
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7. That the Respondent No.7 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for effective adjudication of this case.
8. That the annexures annexed to the present affidavit are true and correct copies of their originals.
9. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.

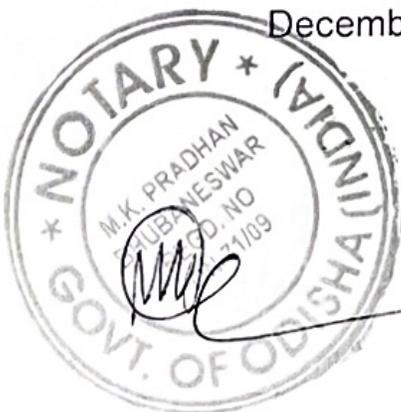
[Handwritten Signature]

DEPONENT
 Member Secretary
 State Pollution Control Board
 Odisha, Bhubaneswar

VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 30th day of December, 2023.



SWORN BEFORE ME

MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON-71/2009
 PH:-9437627119 (M)

[Handwritten Signature]

DEPONENT

Member Secretary
 State Pollution Control Board
 Odisha, Bhubaneswar

ANNEXURE-R7/2Court Matter Urgent

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE,
DHENKANAL

(Touzi Section)

No.VI-31/2023-11527, dt. 1.12.2023

e-mail Id : dki.touzi@nic.in
Tel. No. : (06762)225700

To

1. The Tahsildar, Gondia
2. The District Mining Officer, Dhenkanal.
3. The Joint Director Geology, Dhenkanal

Sub:

OA No. 163/2023/EZ filed by Santanu Kumar Bhukta- Vrs.- State of Odisha & others pending before the learned National Green Tribunal, Eastern Zone Bench, Kolkata.

Ref:

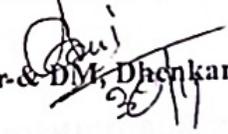
Order Dtd. 22.11.2023 of the Hon'ble NGT.

Sir,

In obedience to the order dtd 22.11.2023 passed by the Hon'ble in OA No. 163/2023/EZ, communicated by the Addl. Govt. Advocate, O/o the AG Odisha Cuttack vide his Letter No. 66938(6) Dtd. 24.11.2023, you are hereby directed to ascertain the quantity of minor mineral extracted from the source in question under Gondia Tahasil and submit the assesment report to the undersigned by 8.12.2023 for further necessary action with a copy to the RO, SPCB, Angul as Nodal body.

Encl: As above.

Yours faithfully.


Collector & DM, Dhenkanal

Memo No. 115287 Dt. 1.12.2023

Copy forwarded to the RO, SPCB, Angul, for information and necessary action. He is instructed to comply the observation of Hon'ble NGT within the timeline.


Collector & DM, Dhenkanal



ANNEXURE - R7/3 Colly.

OFFICE OF THE TAHASILDAR, GONDIA

Letter No. 4004 /Dt. 16.12.2023

To

The Collector & District Magistrate,
Dhenkanal

Sub-: Submission of joint enquiry report of Nihalprasad Road Metal
Quarry-I.

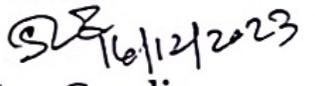
Ref-: Dist. Office Letter No-11527/(Touzi)Dt.01.12.2023.

Sir,

In inviting a kind reference to the subject cited above, I am to enclose herewith the joint enquiry report of Nihalprasad road metal quarry-I in connection with OA No 163/2023 filed by Santanu Kumar Bhukta -Vrs- State of Odisha & others before the Hon'ble NGT/EZ at Kolkata.

This is for favour of kind information and necessary action.

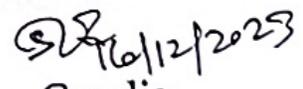
Yours faithfully


Tahasildar, Gondia

Memo No 4005

Date-16.12.2023

Copy to the RO, SPCB, Angul for information and necessary action with reference to the District Office, Dhenkanal memo no 11528 dated 01.12.2023.


Tahasildar, Gondia

JOINT FIELD VERIFICATION REPORT REGARDING VOLUMETRIC
ASSESSMENT OF NIHALPRASAD ROAD METAL QUARRY -1
CONDUCTED ON 12.12.2023

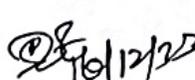
As per Letter No 11527/ (Touzi) Dated 01.12.2023 of Collector & District Magistrate, Dhenkanal, a joint field verification was conducted on 12.12.2023 consisted of the followings official.

- I) Tahasildar, Gondia
- II) District Mining Officer, Dhenkanal
- III) Joint Director Geology, Dhenkanal
- IV) R.O SPCB, Angul

The committee visited the spot i.e Nihalprasad auctioned road metal quarry-1 on dt 12.12.2023 and assess the actual material extracted by the lessee from the above source. That the Quarry exists over the plot no 2101, an area of Ac.12.25 having kissam- Parbat-II under holding no-1513 and seen that the pillar posting has already been completed surrounded by the quarry in presence of Mining Deptt. and Revenue Officials.

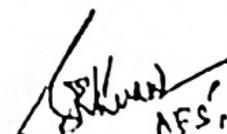
On verification of the above quarry it is seen that, there are very undulated with hilly terrain having high vertical walls. As a result, it is not possible to assess the actual volume of material excavated from the said quarry by using meter tape.

Therefore, it is suggested that for actual quantity of materials excavated by the lessee can be ascertained by utilizing advance technology i.e., Drone DGPS survey method which may be carried out by Government organization i.e. ORSAC.


Tahasildar
Gondia


Mining Officer
Dhenkanal


Joint Director Geology
Dhenkanal


R.O, SPCB
Angul