

**BEFORE THE NATIONAL GREEN  
TRIBUNAL, EASTERN ZONE BRANCH,  
KOLKATA**

**ORIGINAL APPLICATION NO.12 OF 2022**

In the matter of :

Srinath Mishra

.... Applicant.

- Versus-

State of Odisha & Ors

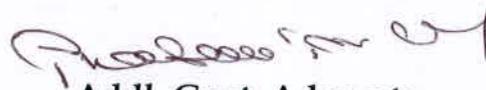
... Respondent(s).

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Place:- Kolkata

  
Addl. Govt. Advocate

Date:-25.05.2022

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BRANCH, KOLKATA

ORIGINAL APPLICATION NO.12 OF 2022

In the matter of :

Srinath Mishra

... Applicant.

- Versus-

State of Odisha & others

... Respondent(s).

**AFFIDAVIT FILED BY THE RESPONDENT**  
**NO. 1 & 2 IN PURSUANCE TO THE ORDER**  
**DATED 19.04.2022 PASSED BY THIS HON'BLE**  
**TRIBUNAL**

I, Chakravarti Singh Rathore, aged about 33 years, S/o-Hari Singh Rathore, at present working as Collector & District Magistrate, Jajpur, At/P.O./P.S./ Dist-Jajpur, Odisha, do hereby solemnly affirm and state as follows:

1. That I am the Respondent No. 2 in the present case. I have gone through the contents of original application and have understood the contents made therein. I have been duly authorized by the Respondent No. 1 to file this present affidavit. I am otherwise acquainted with the facts of the case.

*Pradipta Kumar Mohanty*  
PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-04/1995



*Chakravarti Singh Rathore*  
COLLECTOR  
JAJPUR

*[Handwritten signature]*

2. That I am competent to swear and affirm this affidavit. I have gone through the present original application and understood the contents thereof.
3. That the present original application as laid is not maintainable and is liable to be dismissed.
4. That the present original application is also devoid of merit and is therefore liable to be dismissed with compensatory costs.
5. That the Applicant has not disclosed its locus-standi in the present original application, for which, the present application is liable to be dismissed with cost.
6. That pursuant to the order dated 19.4.2022 of this Hon'ble Tribunal, this deponent is filing the present affidavit.
7. That at the outset, I deny all the allegations, averments and contentions urged in the present original application individually and collectively, save and expect to the extent specifically admitted by me herein below. Any allegation, averments and / or contentions not

Chakravarti Singh Pattnaik

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Regd. No- ON-04/1995

specifically admitted, though not traversed, shall be deemed to have denied.

8. That the present original application was filed by the Applicant in this Hon'ble Tribunal praying for a direction to the respondents to ensure the restoration of mined out areas for ordinary earth/morrum in Dharmasala Tahasil, and declare the ongoing expansion work of NH-200 from Chandikhole to Duburi as illegal. Further, he has also prayed for the recovery of the cost of minerals and initiate criminal proceeding against the violators for extraction and use of minor minerals.
9. That it is humbly submitted that the National Highway Authority of India, Respondent No. 4, awarded work in favour of M/s. Gammon India Ltd, Respondent No. 5 for construction as well as widening the National Highway No. 200, Four Lane Road from Chandikhole to Duburi in the district of Jajpur, Odisha. For the said work, M/s. Gammon India Ltd, Respondent No.5, has engaged some sub-contractors like M/s. Infra Engineers Pvt. Ltd. to do such construction and widening work. While the matter stood thus, the sub-contractor, i.e. M/s. Infra Engineer Pvt Ltd had executed a

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*Chakravarti Raju Rathor*  
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*ASR*

lease deed on dated 13.08.2020 with Smt. Binapani Pradhan, W/o- Raghunath Pradhan, At-Madhupur Garh, Jenapur, Dist-Jajpur, for extraction/removal/transportation of earth/morrum from Khata No. 222/92 Plot No. 159/1253, 103, 122, 121, 118, 111, 175, 174, 172, 107, 106, 105, 104, Area Ac. 4.4000 and Khata No.222/91, Plot No.117, 123, 119, 113, 112, 108 of village Lunibar, District- Jajpur for a period of three month. For such purpose, one mining plan was submitted by Smt. Binapani Pradhan, which was duly approved by the Deputy Director, Geology, Directorate of Geology, Bhubaneswar. On 18.9.2020, the Tahasildar, Dharmasala issued a temporary permit with regard to extraction/transportation of ordinary earth/morrum from the aforesaid plots of Lunibar village with a condition to obtain CTE and CTO-Cum-State Pollution Control Board before extraction/transportation of earth/morrum. The period of temporary permit was three months.

It may be noted that the sub-contractor, M/s. Infra Engineer Pvt Ltd has not extracted/transported earth/morrum from the aforesaid plots, whereas, M/s. Infra Engineer Pvt Ltd., the sub-contractor of M/s. Gammon

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India Ltd, Respondent No. 5 has unauthorisedly/illegally extracted 8,500 Cum of morrum from Khata No. 778, Plot No. 1136 of village Aruha, Jajpur District. At the time of raid by the Police and Tahsil Office, Dhramsala, it was found that the morrum was illegally extracted by way of engaging one Hydraulic Excavator, which was seized by the team. After receipt of the report dated 06.07.2021 of Revenue Inspector, Aruha, on the same day i.e. 06.07.2021, the Tahasildar, Dhramasala wrote a letter to the sub-contractor directing to remain present in the office on 13.07.2021 for hearing as well as the assessment of royalty and penalty with regard to illegal extraction and transportation of morrum. After receipt the report of Revenue Inspector, Aruha Circle, on 07.07.2021, the Tahasildar, Dhramasala lodged an FIR before the IIC, Dharmasala with regard to illegal extraction of morrum. On 13.07.2021, the Tahasildar, Dharmasala wrote a letter to the sub-contractor directing to pay a sum of Rs.9,80,000/- as the royalty, additional charges and penalty etc.

Copy of the report dated 06.07.2021 of Revenue Inspector, Aruha Circle along with photographs, Copy of the letter dated

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06.07.2021 of Tahasildar, Dharmasala, Copy of the FIR dated 07.07.2021 and Copy of the letter dated 13.07.2021 of the Tahasildar, Dharmasala are enclosed here with and marked as **Annexures-A/2, B/2, C/2 and D/2** respectively.

It is further submitted that the same sub-contractor of M/s. Gammon India Ltd, Respondent No.5 had also illegally extracted/transported 16,600 cubic meter of Morrum from Khata No. 223, Plot No. 144 of Mouza-Lunibar, District Jajpur. On 21.10.2021, Revenue Inspector, Balarampur-2 Circle wrote a letter to the Tahasildar, Dharmasala intimating therein that the sub-contractor of Respondent No.5 has illegally/unauthorisedly extracted 16,600 cubic meter of morroum from the Khata No.223, Plot No.144, Khata No.225, Plot No.184 of Village Lunibar, District-Jajpur. After receipt of report dated 21.10.2021 of Revenue Inspector, Balarampur-2 Circle, on 23.10.2021, the Tahasildar, Dharmasala wrote a letter to the sub-contractor directing to pay a sum of Rs.26,56,000/- as the royalty, additional charges and penalty etc. It may be noted that the sub-contractor of Respondent No.5 has already deposited the aforesaid amount of Rs.9,80,000/- and Rs.26,56,000/-, which was also deposited in

*Chakravarti Singh Rathore*

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the state treasury by the Tahasildar, Dharmasala.

Copy of the report dated 21.10.2021 of Revenue Inspector, Balarampur-2 Circle along with photograph and Copy of the letter dated 23.10.2021 of Tahasildar, Dharmasala are enclosed here with and marked as **Annexures-E/2, and F/2** respectively.

It is humbly submitted that M/s. Infra Engineer Pvt Ltd, the sub-contractor of M/s. Gammon India Ltd, Respondent No. 5 has illegally extracted/raised morrum from the aforesaid plots without having any Mining Plan, Environmental Clearance, Consent, to Operate as well the permission from the competent authority under the provisions of Orissa Minor Mineral Concession Rules, 2016.

*Chakrabarti s/o Rambar*

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10. That it is humbly submitted that National High Way Authority of India was requested to furnish details of quantity of minor minerals used in the project for widening of the National High Way No. 2000, from Chandikhole to Dubuli, for 40 Kms. On 22.03.2022, the National High Way Authority of India had informed this

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deponent, inter-alia, stating that the Engineer vide letter dated 19.03.2022 informed the details abstract of quantities of materials like earth, stone, dust and sand used in construction of project.

Copy of the letter dated 22.03.2022 of NHAI along with the letter dated 19.03.2022 of concerned Engineer are enclosed here with and marked as **Annexure-G/2 series**.

11. That this Hon'ble Tribunal by its order dated 19.04.2022 has directed this deponent to file a personal affidavit with regard to calculation of royalty, penalty etc. for the total quantity of unauthorized extraction of minor minerals for the entire stretch of 40 kms in the on-going expansion work of NH-200 from Chandikhole to Duburi.

12. That in pursuance to the direction passed by this Hon'ble Tribunal, an Environmental Impact Assessment Committee was called upon on 05.05.2022 at 10:30 am. In the meeting, NHAI was asked to submit the documents within 14 days showing the legality of the total extraction of 260833 cum of soil, 189166 cum of stone,

*Chandrikanta Singh Rathore*

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*Pradipta Kumar Mohanty*  
**PRADIPTA KUMAR MOHANTY**  
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112851 cum of dust and 19481 cum of sand, which entailed an amount of Rs 1,72,17,117.00 royalty to the Government treasury, as confirmed by NHAI. In the meantime, a provisional royalty, penalty and environmental compensation amount was calculated. In addition, RO(SPCB), Kalinganagar and Tahasildar, Dharmasala were directed by the Committee to conduct a field enquiry of the Lunibar Morrum & Soil Quarry to assess the status of operation of the source and the minor mineral extracted without the mandatory Environmental Clearance and subsequent assessment of the corresponding royalty, penalty and cost of environmental loss which can be realized from the violator.

From the Joint Field Enquiry report and geo-tagged photographs submitted by Tahasildar, Dharmasala and RO, SPCB Kalinganagar, it was confirmed that, the Lessee for the Lunibar Morrum & Earth Quarry had been granted the Quarry Permit to excavate a quantity of 25608 cum of morrum and earth based on the agreement between the NH sub-contractor and the lessee, keeping in view the up gradation work of NH-200 from Duburi to Chandikhole. However, no trace of any

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extraction was observed in the leasehold area. Therefore, it is evident that the requisite quantity of 25608 cum has been extracted by the Contractor from an unidentified place without mandatory Environmental Clearance and other statutory requirements. In this regard, an additional royalty of Rs 20,48,640.00 and penalty of Rs 20,48,640.00 with an Environmental Compensation of Rs 21,51,274.00 was assessed on the violator over and above the earlier assessment made.

- i.
- ii. Copy of the Joint Field Enquiry Report dated 07.05.2022 along with photograph are enclosed here with and marked as **Annexure-H/2 series**.

iii.

13. That a 2<sup>nd</sup> Environmental Impact Assessment Committee was called upon on 24.05.2022 at 10:30 am, wherein NHAI could not produce any documents showing the legality of the used materials. Therefore, it was ascertained that the entire utilized quantity of soil, stone, dust and sand etc. in the project are extracted without any authorization, valid documents and without fulfilling the statutory requirements. Hence both National Highway Authority of India, Respondent No.4, M/s.

*Charanwarth Singh Rathore*

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Gammon India Limited, Respondent No.5 and its sub contractor M/s. Infra Engineers Private Limited are liable to pay royalty of Rs 1,72,17,117.00, penalty of Rs 1,72,17,117.00 with an additional Environmental Compensation amount of Rs 7,07,71,126.00, as calculated and submitted by RO, SPCB Kalinganagar vide letter dated 21.05.2022.

iv.

v. Copy of the letter dated 21.05.2022 of the Regional Officer, State Pollution Control Board and Copy of the Proceedings of the Environmental Impact Assessment Committee dated 24.05.2022 are enclosed herewith as and marked as Annexures- J/2 and K/2 respectively.

14. That while the matter stood thus, the gross demand amount was assessed as Rs 11,14,53,914.00 ( Rs 1,72,17,117.00 as royalty, Rs.1,72,17,117.00 as penalty, Rs 7,07,71,126.00 as Environmental Compensation), out of which an amount of Rs.68,13,813.00 royalty amount has already been deposited by the sub-contractor in the State treasury through Tahasildar, Dharmasala. Hence on 24.05.2022, the Collector and District Magistrate, Jajpur, Respondent No.2 issued a demand notice to the Project Director, NHAI directing to deposit the balance

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amount of Rs.7,29,22,400.00 without any further delay.

vi. Copy of Demand letter No. 3024, dated 11.03.2022 from the Office of the Collectorate, Jajpur to NHAI communicating the final assessment of the Joint Committee is enclosed here with and marked as **Annexure- L/2**.

15. That the this deponent craves leave to deal with the averments/allegations made in the Original Application in seriatim;
- (i) That the averments made in paragraph No.1 of the Original Application, this deponent has no comment to offer. However, the same shall be dealt with at the time of hearing.
- (ii) That in reply to the averments made in paragraph No.2 of the original application, it is humbly submitted that currently, the construction work for the widening of the NH-200 from Chandikhole to Duburi for the stretch of 40 km is being carried out by the M/S Infra Engineers Pvt. Ltd. (MSIL), At -Khatuapada, PO- Madhupatana, Dist- Cuttack under the Principal Employer/ Project Proponent- Project

*Chakravarti sign Rathore*

**COLLECTOR  
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Director (Construction), NHAI, Dhenkanal Zone, Dhenkanal.

All other averments/allegations made in this paragraph are here by disputed and denied.

- (iii) That in reply to the averments made in paragraph No. 3 of the Original Application, it is humbly submitted that it is the responsibility of users agency, i.e. M/s. Gammon India Ltd , Respondent No. 5 as well as its sub-contractor, M/s. Infra Engineer Pvt Ltd, are to inform and to produce the details of sources from which the earth and morrum etc were extracted and used for the widening of the NH-200 from Chandikhole to Duburi.

All other averments/allegations made in this paragraph are here by disputed and denied.

- (iv) That the averments made in paragraph No. 4 of the Original Application are disputed and denied. It is humbly submitted that user agency M/s. Gammon India Ltd, Respondent No. 5 as well as its sub-contractor, M/s. Infra Engineer Pvt Ltd had illegally extracted/transported 8,500 cubic meter of morrum from Khata No. 778, Plot No. 1136 of village Aruha, Jajpur District without having mining plan,

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environment certificate, consent to operate and permission from the competent authority. At the time of raid by the Police and Tahsil Office, Dhramsala, it was found that the morrum was illegally extracted by way of engaging one Hydraulic Excavator, which was seized by the team. After receipt of the report dated 06.07.2021 of Revenue Inspector, Aruha, on the same day i.e. 06.07.2021, the Tahasildar, Dhramasala wrote a letter to the sub-contractor directing to remain present in the office on 13.07.2021 for hearing as well as the assessment of royalty and penalty with regard to illegal extraction and transportation of morrum. After receipt the report of Revenue Inspector, Aruha Circle, on 07.07.2021, the Tahasildar, Dhramasala lodged an FIR before the IIC, Dharmasala with regard to illegal extraction of morrum. On 13.07.2021, the Tahasildar, Dharmasala wrote a letter to the sub-contractor directing to pay a sum of Rs.9,80,000/- as the royalty, additional charges and penalty etc.

It is further submitted that the same sub-contractor of M/s. Gammon India Ltd, Respondent No.5 had also illegally extracted/transported 16,600 cubic meter of Morrum from Khata No. 223, Plot No. 144 of Mouza-

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Lunibar, District Jajpur. On 21.10.2021, Revenue Inspector, Balarampur-2 Circle wrote a letter to the Tahasildar, Dharmasala intimating therein that the sub-contractor of Respondent No.5 has illegally/unauthorisedly extracted 16,600 cubic meter of morroum from the Khata No.223, Plot No.144, Khata No.225, Plot No.184 of Village Lunibar, District-Jajpur. After receipt of report dated 21.10.2021 of Revenue Inspector, Balarampur-2 Circle, on 23.10.2021, the Tahasildar, Dharmasala wrote a letter to the sub-contractor directing to pay a sum of Rs.26,56,000/- as the royalty, additional charges and penalty etc. It may be noted that the sub-contractor of Respondent No.5 has already deposited the aforesaid amount of Rs.9,80,000/- and Rs.26,56,000/-, which was also deposited in the state treasury by the Tahasildar, Dharmasala.

Chakravarti Gopinath Kishore  
COLLECTOR  
JAJPUR

All other averments/allegations made in this paragraph are here by disputed and denied.

- (v) That the averments made in paragraphs No. 5 and 6 of the Original Application shall be dealt with at the time of hearing.

PRADIPTA KUMAR MOHANTY  
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Regd. No- ON-04/1995

(vi) That the averments made in paragraph No. 7 of the Original application, it is humbly submitted that prior to submission of representation under Annexure-5 series before the Collector, Jajpur, as well as Tahasildar, Dharmasala, Jajpur, on 5.7.2021, the field officials of Dharmasala Tahasil Office along with I.I.C. Dharmasala Police Station had conducted a raid and found that one Hydraulic Excavator was engaged for illegal extraction of minor mineral in the Village, Aruha and accordingly on 7.7.20221, an F.I.R. was lodged by the Tahasildar, Dharmasala before the IIC, Dharmasala Police Station. On 13.7.2021, the Tahasildar, Dharmalasa wrote a letter to M/s. Infra Engineer Pvt Ltd, directing to pay a sum of Rs. 9,80,000/- as royalty and penalty for illegal removal of 8500 cubic meter of Morrums. On 23.10.2021, the Tahasildar, Dharmasala again issued a demand letter to M/s Infra Engineer Pvt Ltd directing to pay a sum of Rs, 26,56,000/- for illegal extraction and transportation of 16,600 cubic meter of morrum in village-Lunibar of Jajpur district.

All other allegation/averments made in this paragraph are disputed and denied.

*Chakravarti sign Ratham*  
**COLLECTOR  
 JAJPUR**

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**PRADIPTA KUMAR MOHANTY**  
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(vii) That the averments made in paragraphs No. 8.9 and 10 of the Original Application shall be dealt at the time of hearing.

16. That the deponent carves leave of this Hon'ble Tribunal to file additional affidavit, documents etc., if any, at the time of hearing.

17. That the facts stated above are true to the best of my belief and knowledge and based on official records.

IDENTIFIED BY

*[Handwritten signature]*  
Advocate *[Handwritten signature]*

*Chakravarti sign Return*  
**COLLECTOR**  
**JA IPUR**  
**DEPONENT**

**CERTIFICATE**

Certified that due to non- availability of cartridge papers, this count affidavit has been typed on thick white paper, which may kindly be accepted.



Place:- ~~Kolkata~~ <sup>Cuttack</sup>

*[Handwritten signature]*  
Addl. Govt. Advocate

Date:- 25.05.2022

Solemnly Sworn before  
me by..... *C.S. Remore*  
being identified by..... *P.P. Mohanty advocate*  
at Cuttack Town Dated..... *25/5/2022*  
*[Handwritten signature]*  
*25/5/2022*  
P.K. Mohanty, Notary, Cuttack Town  
Regd. No-ON-04/1995

OFFICE OF THE REVENUE INSPECTOR ARUHA CIRCLE

To

The Tahasildar Dharmasala,

Sub- Report regarding on illegal Morrums lifting and transporting from village- Aruha .

Sir,

With due respect I want to inform you that after the seizure of one poclairn machine on DE-05.07.2021 by the Tahasil Enforcement team over plot no-1136 for illegal lifting and transportation of Morrums (khata no-778 , Rayat -Abada Jogya Anabadi , plot no-1136 total Area -Ac 39.00 kism-Patita) of mouza- Aruha , It is found from the spot verification and local enquiry that approximate 8500 CUM of Morrums has been illegally lifted and Transported by Construction Unit namely MSIL and used in the construction of NH-53.

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

Yours faithfully,

*R. T. Aruha*  
06.07.2024  
R. T. Aruha  
Revenue Inspector

Aruha Circle

*True copy attested*

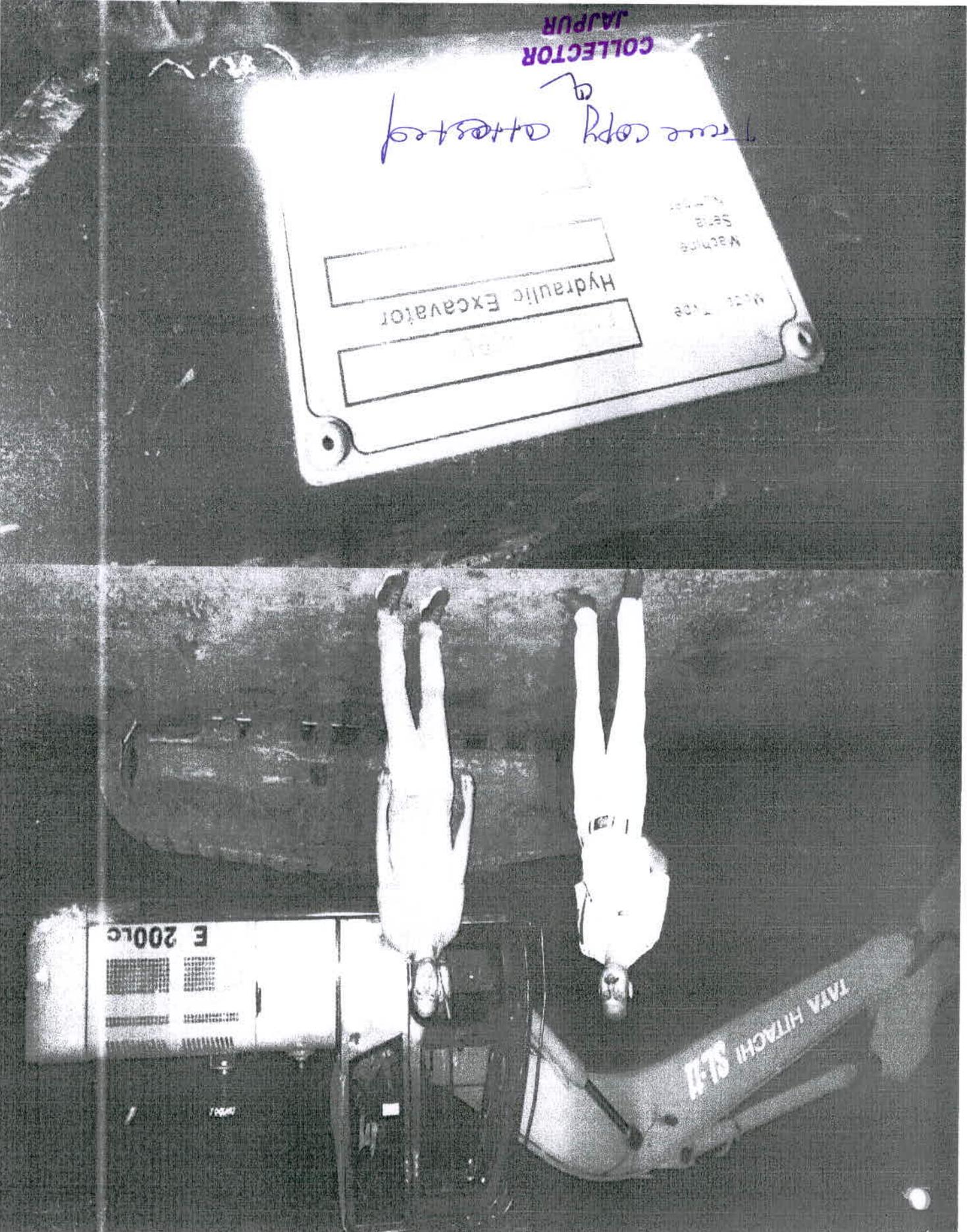
*g*  
**COLLECTOR  
JAJPUR**

During

Raid on 05.07.2021 at 9:00 PM

FIR filed with I No. 2586 / DL 03-07-2021

At Chandigarh, Punjab





-20-

GPS Map Camera

Lat 20.786098° Long 86.177667°

MSILMoorum Kolha Samil

Hingilpatia

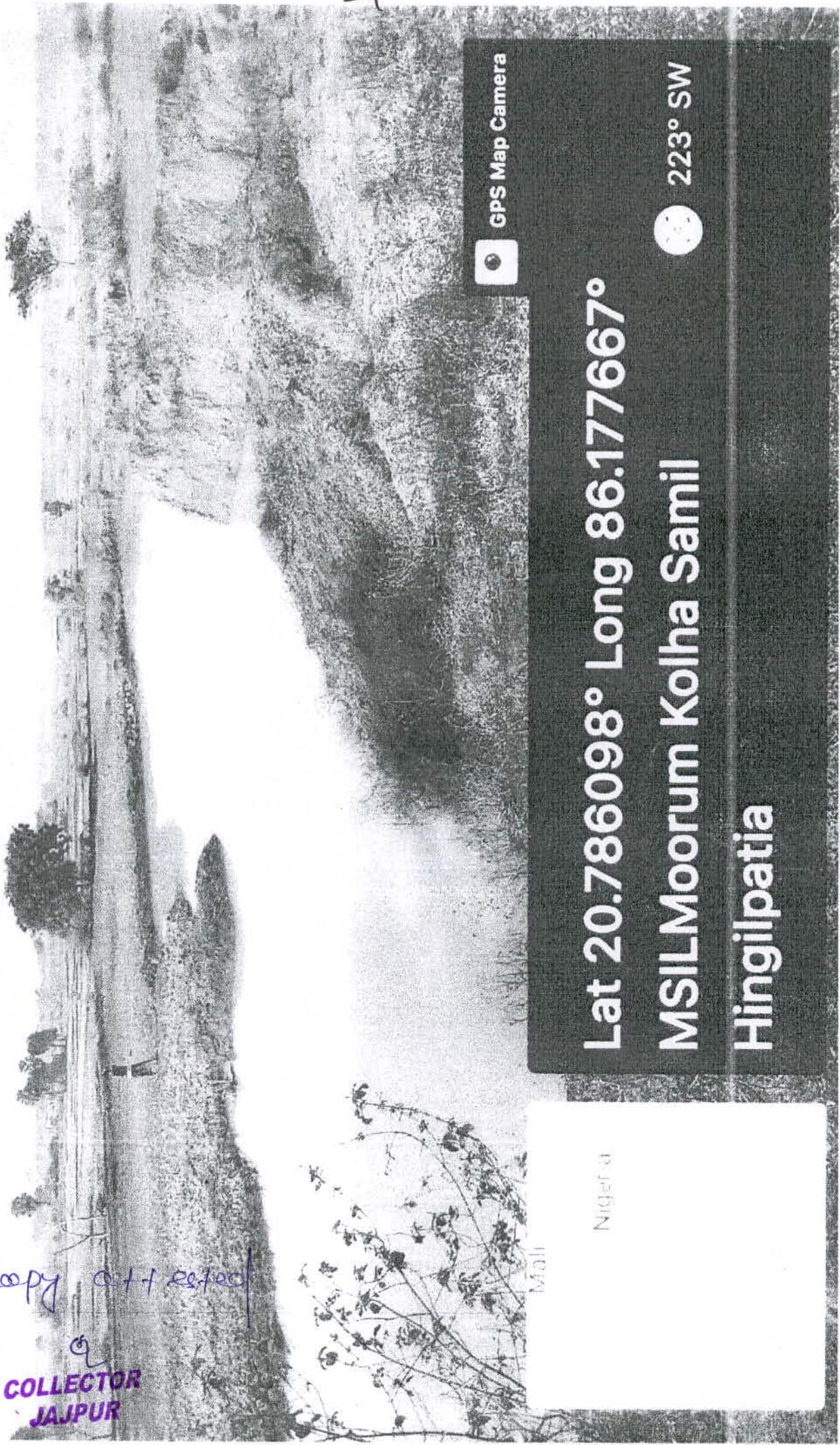
269° W

Nigeria

Mali Attested

True Copy

COLLECTOR  
JAJPUR



GPS Map Camera

Lat 20.786098° Long 86.177667°

MSILMoorum Kolha Samil

223° SW

Hingilpatia

Mali  
Nigeria

True Copy of + rest

COLLECTOR  
JAIPUR

Mali

Nigeria

Lat 20.786098° Long

86.177667°

MSIL Moorum Aruha (Bihnduburi)



GPS Map Camera



334° NW

*True copy attested*

*[Signature]*  
**COLLECTOR  
JAJPUR**

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ANNEXURE - B/2

OFFICE OF THE TAHASILDAR, DHARMASALA

Tel:-06725-273036 Web:- tdrdharmaasala.in Email:-tdrdharmaasala@gmail.com

Letter No 2506 Date 06.07.2021

To

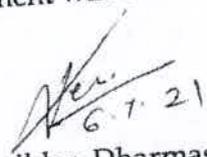
MSIL, Proprietor Mahendra Swain, At- Khatuapada,  
PO-Madhupatana Dist- Cuttack

Sub:-

Illegal Extraction & Transportation Morrum of Mouza- Aruha under RI  
Circle Aruha.

On perusal of the report of the RI Aruha you are hereby directed to be  
present on dt. 13.07.2021 for hearing as well as measurement and assessment of  
the royalty and penalty in the office of the undersigned at 11 am.

In case of non-appearance the measurement and assessment will be  
conducted in absence of you

  
6.7.21  
Tahasildar, Dharmasala

True copy attested

  
COLLECTOR  
JAJPUR

Scanned by TapScanner



-24-

ANNEXURE-12

OFFICE OF THE TAHASILDAR, DHARMASALA

Letter no: - 2526

/Date: - 07.07.2021

To

The IIC Dharmasala Police Station

Sub: - FIR against illegal quarrying of minor mineral (Morrum) in Aruha, Bhinduguri, under RI Circle Aruha.

Sir,

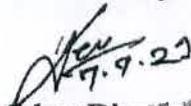
With reference to the subject cited above, I am to intimate you that during joint enforcement conducted by the Tahasildar Dharmasala and team along with IIC, Dharmasala on dt. 05.07.2021 around 9.00 P.M a Hydraulic Excavator found illegally extracting Morrum near Aruha, Bhinduguri, under RI Circle Aruha. The detail of vehicle is enclosed for your ready reference.

1. Hydraulic Excavator, Mfg. by: - Tata Hitachi, Construction Machinery Co. Pvt.  
Model No- EX200 SUPER  
Machine SI No: - S200-53590

Hence you are requested to take necessary legal action as per the provision of law.

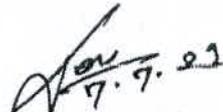
This may be treated as FIR

Yours faithfully

  
Tahasildar, Dharmasala  
Dharmasala

Memo no:- 2527 /Date:- 07.07.2021

Copy Submitted to the Sub- Collector, Jajpur for favour of kind information and necessary action.

  
Tahasildar, Dharmasala  
Dharmasala

True copy attested



COLLECTOR  
JAJPUR

-25-

ANNEXURE-D/2



**OFFICE OF THE TAHASILDAR, DHARMASALA**

Tel:-06725-273036 Web:- tdrdharmasala.in Email:-tdrdharmasala@gmail.com

Demand Notice No

Date

Letter No.2588 dt. 13.07.2021

To

MSIL, Proprietor Mahendra Swain, At- Khatuapada,  
PO-Madhupatana Dist- Cuttack

Sub:- Deposit royalty along with other charges payable to the Govt. Account  
under the provision of OMMC Rule-2016 and subsequent amendments thereof

This is to intimate you that, the following amount in the form of Royalty,  
Additional Charges & Penalty as calculated below is levied and you are hereby  
directed to deposit the same amount in Tahasil Office within 7 days positively.  
Failing which action will be taken as per the provisions of OMMC Rules 2016.

Sl. No	Item	Amount
01	Royalty + Additional Charges $8500 \times (45+35=80)$	680000.00
02	Penalty	300000.00
	<b>Total</b>	<b>980000.00</b>

*Hei*  
13.7.21  
Tahasildar, Dharmasala

True copy attested

*q*

**COLLECTOR  
JAJPUR**

Scanned by TapScanner

-26-

ANNEXURE- E12

**OFFICE OF THE REVENUE INSPECTOR,**  
**BALARAMPUR-2 CIRCLE**

To

The Tahasildar, Dharmasala.

Sub: Unauthorized Morrur extraction by MSIL- Contractor engaged in the expansion work of NH-53 (NH 200 New)

Sir,

As per my filed enquiry in the Village- Lunibar, based on local complaints, it is ascertained that, a Contractor Company - MSIL has extracted **16600 cum of morrum** illegally for the expansion work of NH-53 (old) from Duburi to Paradeep from two Govt plots of Village Lunibar : Plot No- 144, Khata No. 223(AJA), Kissam- Patita, Area Ac 1.35 and Plot No 184, Khata No. 225 (Sarbasadharan), Kissam- Danda, Area Ac 1.76. It must also be mentioned here that, the above Contractor Company has been given a Temporary Permit for the expansion of the NH-53(old) from Khata No. 222/91 and 222/92, Area Ac 5.65 , Village- Lunibar.

This for your kind information.

*Encl: Field photographs of unauthorized extraction*

sd/-  
Revenue Supervisor,  
Dharmasala

sd/-  
Revenue Inspector,  
Balarampur 2 Circle

True copy attested

  
**COLLECTOR**  
**JAJPUR**

Temporary Permit to be issued immediately  
21/10/21

ରାଜସ୍ୱ ନିରୀକ୍ଷକଙ୍କ କାର୍ଯ୍ୟାଳୟ ବଳରାମପୁର-୨ ମଣ୍ଡଳ

ମାନନୀୟ,

ଶ୍ରୀଯୁକ୍ତ ତହସିଲଦାର ଧର୍ମଶାଳା,

ବିଷୟ - ଜାତୀୟ ରାଜପଥ-୫୩ ର ସଂପ୍ରସାରଣ କାର୍ଯ୍ୟ ରେ ନିୟୋଜିତ ଠିକା ସଂସ୍ଥା MSIL ଦ୍ୱାରା ବେଆଇନ ଭାବେ ମୋରମ ଉତ୍ତୋଳନ ସମ୍ବନ୍ଧେ ।

ମହାଶୟ,

ମହାଶୟ ସ୍ଥାନୀୟ ଅଭିଯୋଗ ଆଧାରରେ ମୌଜା ଲୁଣିବର କୁ ଯାଇ ସରକମିନ ତଦନ୍ତ କରିବାରେ ଜଣାଯାଏ ଯେ MSIL ନାମରେ ଏକ ଠିକା ସଂସ୍ଥା ତୁରୁରି ଠାରୁ ପାରାଦୀପ ଜାତୀୟ ରାଜପଥ-୫୩ ର ସଂପ୍ରସାରଣ କାର୍ଯ୍ୟ ରେ ମୌଜା - ଲୁଣିବର ସରକାରୀ ଜମିରୁ ଯାହାକି ଖାତା ନଂ -୨୨୩ (ଆବାଦ ଯୋଗ୍ୟ ଅନାବାଦି) ପୁଟ ନଂ -୧୪୪ ଏ ୧.୩୫ କିସମ ପଡିତ , ଖାତା ନଂ -୨୨୫ (ସର୍ବସାଧାରଣ ) ପୁଟ ନଂ -୧୮୪ ଏ ୧.୭୭ କିସମ -ଦଣ୍ଡା ରୁ ବେଆଇନ ଭାବେ ୧୭୭୦୦ CUM ମୋରୋମ ଉତ୍ତୋଳନ କରି ଉପରୋକ୍ତ କାର୍ଯ୍ୟ ରେ ବ୍ୟବହାର କରିଆଛନ୍ତି । ଏଠାରେ ସୂଚନା ଥାଉକି ଉକ୍ତ ଠିକାଦାରି ସଂସ୍ଥା କୁ ଲୁଣିବର ମୌଜା ର ଖାତା ନଂ-୨୨୨/୯୧ ଓ ୨୨୨/୯୨ ମୋଟ ରକବା ଏ ୫.୬୫ ରୁ ଜାତୀୟ ରାଜପଥ-୫୩ ର ସଂପ୍ରସାରଣ କାର୍ଯ୍ୟ ନିମନ୍ତେ ଆବଶ୍ୟକ ହେଉଥିବା ମୋରୋମ ଉତ୍ତୋଳନ କରିବା ପାଇଁ ଧର୍ମଶାଳା ତହସିଲ କାର୍ଯ୍ୟାଳୟ ରୁ Temporary Permit ଦିଆଯାଇଥିଲା ।

ଏହା ଆପଣଙ୍କ ଅବଗତ ନିମନ୍ତେ ଜଣାଇଲୁ ।

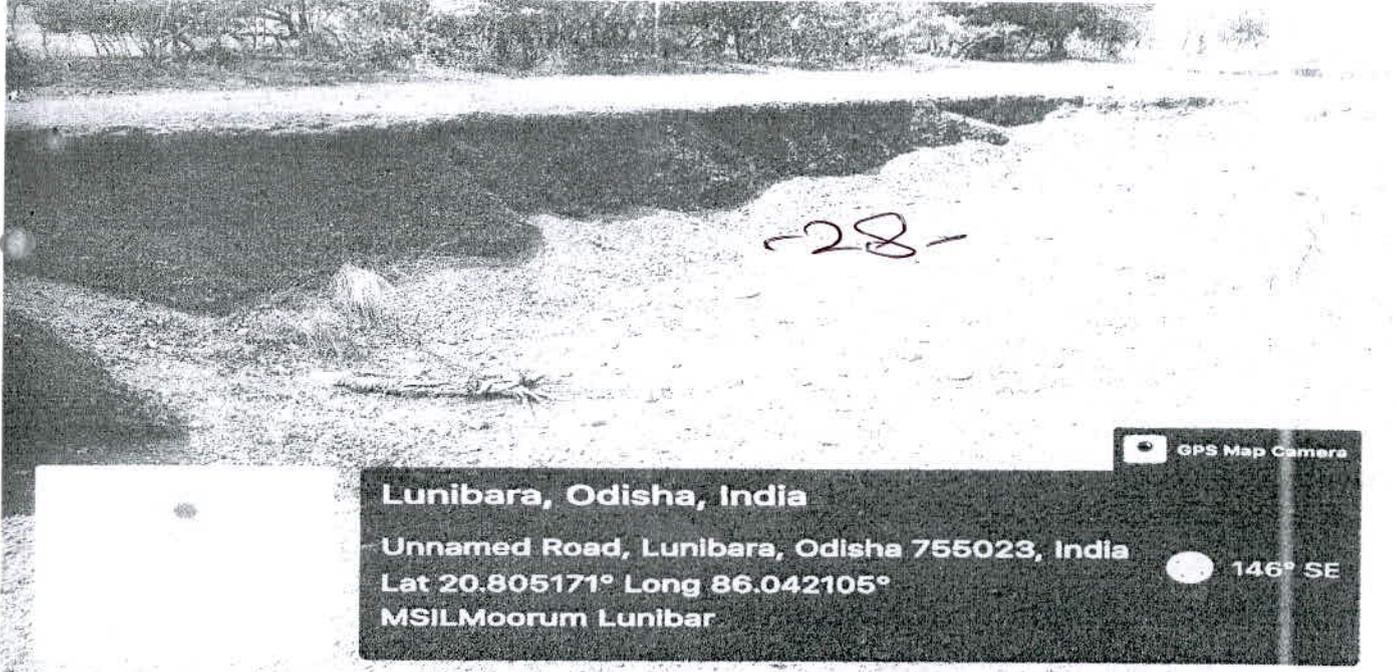
\*ଉକ୍ତ ବେଆଇନ ଉତ୍ତୋଳନ ର ଫୋଟୋ ଏହି ରିପୋର୍ଟ ରେ ସାମିଲ କରାଗଲା ।

ରାଜସ୍ୱ ପରିବର୍ତ୍ତକ  
ଧର୍ମଶାଳା SUPERVISOR  
DHARMASALA TANASIL

ରାଜସ୍ୱ ନିରୀକ୍ଷକ  
ବଳରାମପୁର-୨ ମଣ୍ଡଳ  
21/10/2021

True copy attested  
[Signature]

COLLECTOR  
JAJPUR



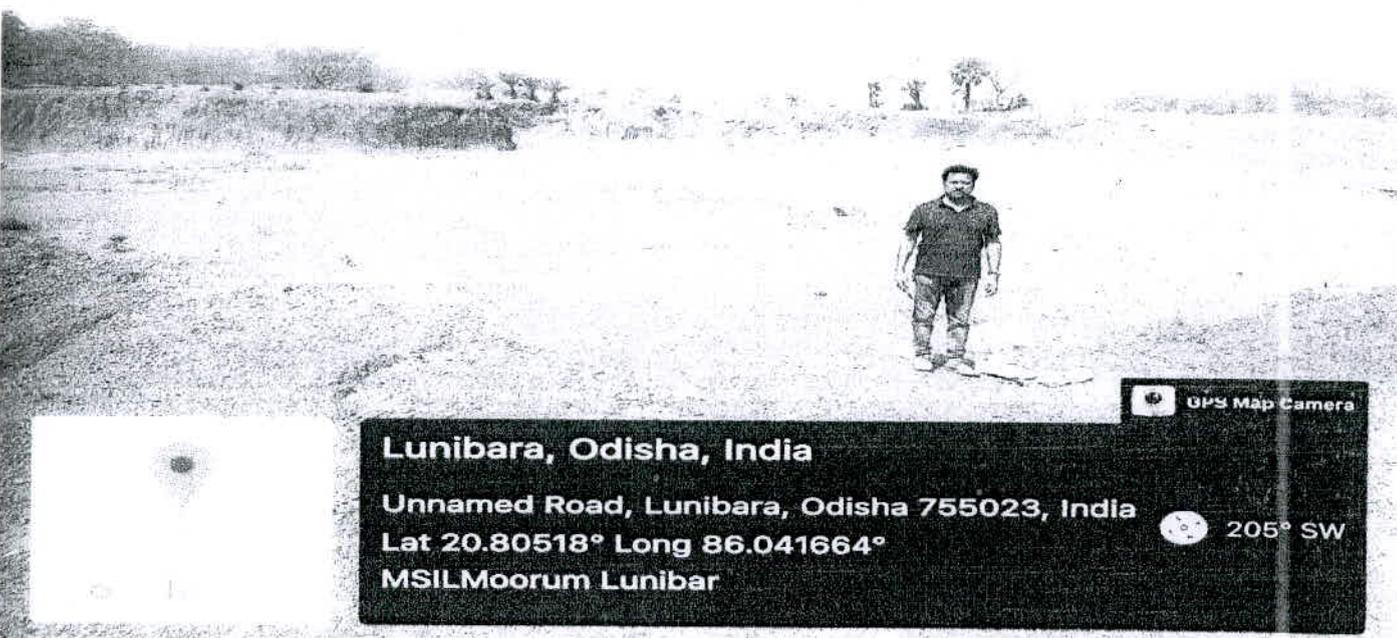
2/4  
C

Lunibara, Odisha, India

Unnamed Road, Lunibara, Odisha 755023, India  
Lat 20.805171° Long 86.042105°  
MSILMoorum Lunibar

GPS Map Camera

146° SE



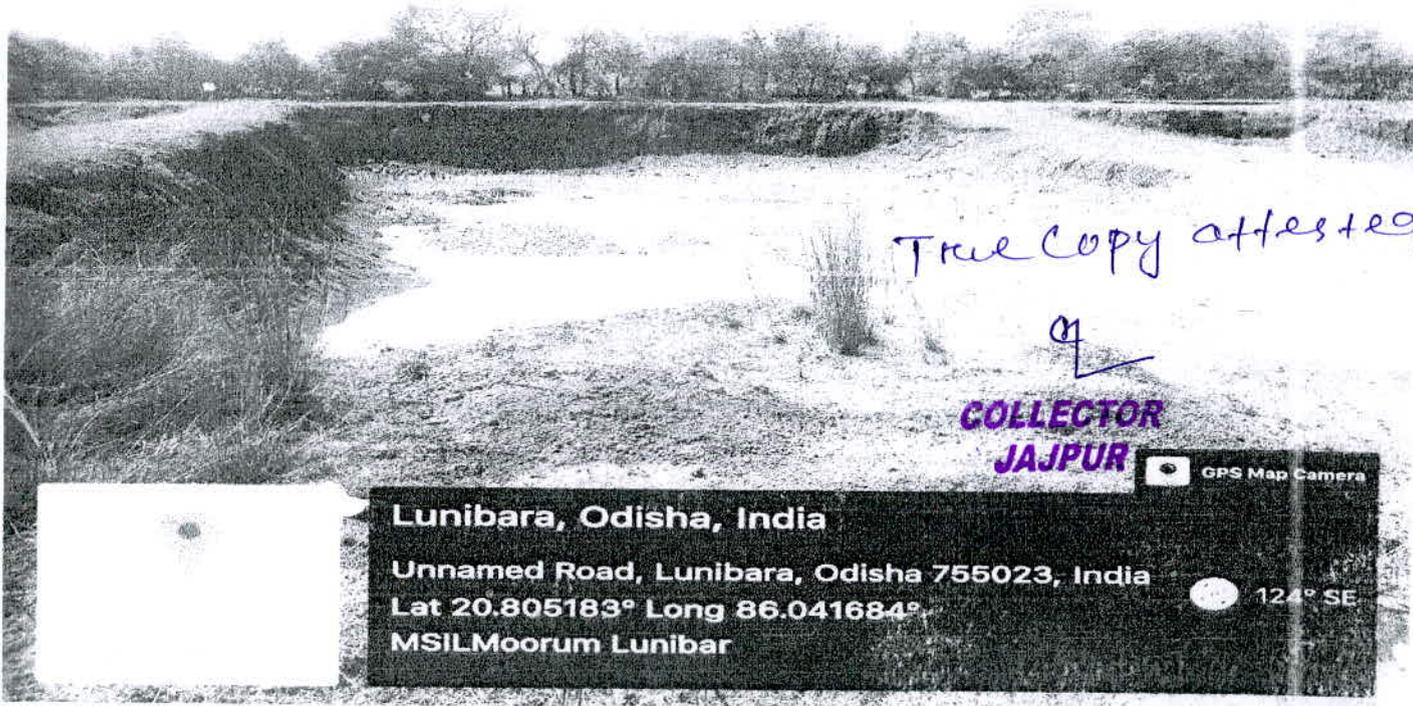
95  
C

Lunibara, Odisha, India

Unnamed Road, Lunibara, Odisha 755023, India  
Lat 20.80518° Long 86.041664°  
MSILMoorum Lunibar

GPS Map Camera

205° SW



True Copy attested  
of

**COLLECTOR  
JAJPUR**

9  
C

Lunibara, Odisha, India

Unnamed Road, Lunibara, Odisha 755023, India  
Lat 20.805183° Long 86.041684°  
MSILMoorum Lunibar

GPS Map Camera

124° SE



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ANNEXURE-F12

OFFICE OF THE TAHASILDAR, DHARMASALA

Tel:-06725-273036 Web:- tdrdharmasala.in Email:-tdrdharmasala@gmail.com

Demand Notice No.

4138

Date 23.10.2021

To

Mahendra Swain, Proprietor, MSIL  
At- Khatuapada, Madhupatana, Cuttack

Sub:- Demand for illegal extraction and transportation of morrum from Lunibar mouza under RI circle Balarampur-II.

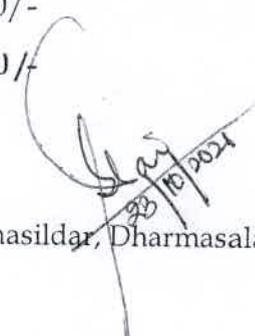
It is hereby intimate you that, as per the report of RI Balarampur-II, you have removed 16600 Cum of morrum from Lunibar mouza, without necessary permission from the competent authority for the upgradation of four laning of NH road from Duburi to Chandikhole(New NH-53). Hence you are directed to pay the royalty and penalty as per the calculation given below within 2 weeks from the date of receipt of this notice failing which action shall be taken as per law.

Quantity extracted= 16600 Cum

Royalty & additional charges @ (35+45)/cum =Rs.1328000/-

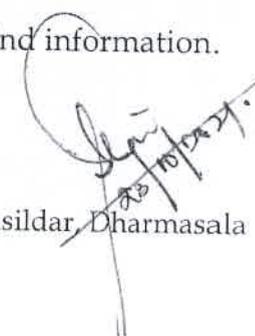
Penalty =Rs. 1328000/-

Total =Rs. 2656000/-

  
Tahasildar, Dharmasala

Memo No. 4139 Date 23.10.2021.

Copy submitted to the Collector, Jajpur/ Sub-Collector, Jajpur for kind information.

  
Tahasildar, Dharmasala

True copy attested

  
COLLECTOR  
JAJPUR



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)  
**National Highways Authority of India**  
(Ministry of Road Transport & Highways, Govt. of India)

परियोजना क्रियान्वयन इकाई - डेंकानाल / Project Implementation Unit - Dhenkanal  
प्लॉट नं - 1768. कलिंग आंखों के अस्पताल के समीप, दक्षिणकाली मार्ग, डेंकानाल- 759001 (ओडिशा)  
Plot No: 1768. Near Kalinga Eye Hospital. Dakkhinkali Road, Dhenkanal- 759001 (Odisha)  
दूरभाष / Ph.: 06762 -226850 / 830 (का/ओ).  
ई-मेल E-mail : piudhenkanal@nhai.org, nhaidhenkanal@gmail.com



No.NGT/01/Duburi-Chandikhole/NHAI/PIU-DKL/2022/388

dated.22.03.2022.

The Collector & District Magistrate,  
Jajpur

Sub: Rehabilitation and upgradation of existing 2-lane to four lane standards from Duburi to Chandikhole section of ( Km.388.382 to 428.074) of NH-200 (New NH-53) under NHDP Ph-III on EPC Mode (Pkg-III):- **Submission of compliance of O.A No.12/2022/EZ Bench Kolkata filed by Srinath Mishra Vs. State of Odisha and others - Reg.**

Ref: (i) Collector & DM, Jajpur letter No. 3002 dated 10.03.2022  
(ii) Authority's Engineer letter No.TPF-SCIA/AE/NHAI/NH-53 Pkg-III DC/2021-22/259 dt.19.03.2022

Sir,

In inviting reference to the above cited subject matter, it is mentioned that the Contractor/Authority's Engineer of the subject work was requested to submit the details of quantity of Minor Minerals like sand/earth/morrum and Road metals used in the subject work and the Royalty and other Govt. Dues paid along with copies of payment receipt & challan duly indexed thereof within 05 days for onward submission to Collector & District Magistrate, Jajpur in compliance to your letter under reference at SI No.(i).

In this connection, the Authority's Engineer vide letter under reference at SI No.(ii) (copy enclosed) has informed that the Contractor has submitted the details Abstract of quantities of materials like earth, Stone, Dust & sand used in construction of the subject project up to IPC-12 for Royalty payment. The Royalty payments details along with challan to be submitted within 07 days after reconciliation. However, a sum of Rs.1,72,17,117/- has already been withheld from IPCs towards Royalty

This is for kind information and necessary action please.

Encl: As above

Yours faithfully,  
Srinath  
GM (T) & Project Director

Copy to: The Tahasildar, Dharmasala, Dist.Jajpur for information please.

True copy attested

COLLECTOR  
JAJPUR

Rehabilitation and Upgradation of Existing 2-Lane to 4-Lane standards from Duburi to Chandikhole section of NH 200 (New NH 53) from Km.388.376 to Km.428.074 In the state of Odisha under NHDP-III, On EPC Mode (Package-III)

Royalty Status				
Sl. No.	SPS No.	Royalty Amount	Cumulative Royalty Amount	Remarks
1	SPS-01	1500000	1500000	
2	SPS-02	1000000	2500000	
3	SPS-03	0	2500000	
4	SPS-04	0	2500000	
5	SPS-05	2400000	4900000	
6	SPS-06	0	4900000	
7	SPS-07	0	4900000	
8	SPS-08	0	4900000	
9	SPS-09	7909045	12809045	
10	SPS-10	1287333	14096378	
11	SPS-11	1959425	16055803	
12	SPS-12	1161969	17217772	
Total Hold Amount towards Royalty			17217772	Upto 90%

*Prasanna Kumar*  
Team Leader cum  
Sr. Highway Engineer

True copy attested

*g*  
**COLLECTOR  
JAJPUR**

TPF GETINSA EUROESTUDIÓS, S.L.

in association with

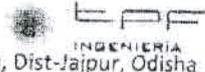
**Segmental Consulting & Infrastructure Advisory (P) Ltd**

Project Office: Plot No.168, Mr. Mihir Ranjan Das, Mouza-Sunguda, PO-Dhanmandal, Chandikhole, Dist-Jajpur, Odisha 754024. E-Mail: scia035.duburi@segmental.in

Project: Consultancy Services for Authority's Engineer for Supervision of Rehabilitation and up-gradation or existing 2-lane to 4-lane standards from Duburi to Chandikhole section of NH 200 (New NH 53) from km 388.376 to km 428.074 in the state of Odisha Under NHDP Phase- III on EPC Mode (Pkg- III).

FCRN: F04460, CIN: U7A1400L2009PTC188591

getinsa-euroestudios



Ref: TPF-SCIA/AE/NHAI/NH-53 Pkg III DC/2021-22/259

Date: 19.03.2022

To  
The Project Director,  
National Highway Authority of India,  
Project Implementation Unit,  
Plot No. 1768, Near Kalinga Eye Hospital,  
Dakkhinkali Road, Dhenkanal-759001.

Subject: Consultancy services for Authority's Engineer for Supervision of Rehabilitation and up-gradation of existing 2-lane to 4-lane standards from Duburi to Chandikhole section of NH 200 (New NH 53) from km 388.376 to km 428.074 in the state of Odisha Under NHDP Phase- III on EPC Mode (Pkg- III). **Submission of compliance of O.A. No. 12/2022/EZ bench Kolkata filed by Srinath Mishra Vs State of Odisha and others - Reg.**

Reference: 1) NHAI PIU Dhankenal Letter No. NGT/01/Duburi- Chandikhol/NHAI/PIU-DKL/2022/352, dated 14.03.2022.  
2) EPC Letter: GIPL-GECPL-JV/BBSR/UTILITY/NHAI/AE/2021-22/308, Dated 16.03.2022

Dear Sir,

Please refer to the above captioned subject & reference, wherein it is mentioned that National Green Tribunal in its order dated 31.01.2022, it is alleged that earth & Morrum is being unauthorized extracted from village of Aruhan, Mandia Gada, Sukuti Jhara without Environmental Clearance.

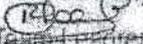
In this connection, as requested EPC has furnished the detail for Abstract of quantities of materials like Earth, Stone, Dust & Sand used in construction of Project Highway up to IPC-12 for Royalty payment. Further, EPC informed that documents related Royalty payment details along with challans will be submitting within 7 (seven) days to this office after proper reconciliation.

However, a sum of Rs. 1,72,17,117/- has been withheld from IPC towards Royalty of above construction materials.

This is for your kind information and reference.

Thanks & Regards,

Yours sincerely

  
Team Leader cum

Sr. Highway Engineer  
R. P. Chaudhari

Team Leader

Duburi Chandikhole Section  
TPF Getinsa Euroestudios S.L.,

In Association With

Segmental Consulting & Infrastructure Advisory (P) Ltd.

Encl: as above

Copy submitted to:

1. The Regional Director, TPF, Getinsa Euroestudios, S.L. in Association with Segmental Consulting & Infrastructure Advisory (P) Ltd. ----- For kind information.

Plot No.168, Mr. Mihir Ranjan Das, Mouza-Sunguda, PO-Dhanmandal, Chandikhole, Dist-Jajpur, Odisha - 754024

True copy attested 

COLLECTOR  
JAJPUR

ABSTRACT OF ROYALTY QUANTITY UPTO IPC-12									
S.No	Item	Unit	Quantity as per IPC	Quantity for Royalty	Royalty Quantity				
					Earth	Stone	Dust	Sand	
1	E/W & SUBGRADE	Cum	26032.95	26032.95	26032.950				
2	GSB	Cum	12620.58	16082.99		1794.995	6267.697		
3	WALA	Cum	11926.17	25918.14		10704.117	5073.806		
4	D/W	Cum	2568.59	3625.69		23845.700	12839.952		
5	BC	Cum	1967.90	2738.62		1368.811	1368.811		
6	FCC M-15	Cum	5618.66	5671.66		5069.599		2524.797	
7	FCC M-20	Cum	2364.27	2364.27		2118.841		1059.421	
8	RCC M-30	Cum	2159.70	2128.70		1806.726		952.863	
9	RCC M-35	Cum	13815.67	43625.67		12634.106		6217.053	
10	RCC M-40	Cum	351.13	351.13		316.016		158.008	
TOTAL					268332.950	138166.125	112851.506	19481.343	



*Chand*  
Team Leader cum  
Sr. Highway Engineer

True copy attested

*Q*

**COLLECTOR  
JAJPUR**

JOINT FIELD ENQUIRY REPORT FOR LUNIBAR MORRUM AND SOIL QUARRY

As per the directions of proceedings of Environment loss/impact assessment Committee held on 05.05.2022 at 10.30 AM in the Office Chamber of Collector, Jajpur, a joint field enquiry was conducted on dt. 07.05.2022 at 11.25 am.

Observations:

The entire lease hold area for quarry is spread over 19 nos. of plots in 2 Khatas covering an area of Ac 6.01 (2.432 Ha) which is a private land owned by the lessee- Smt Binapani Pradhan/ W/o- Rangadhar Pradhan, At- Ragadipasi PO-Madhupurgarh, PS-Jenapur, Dist-Jajpur

1. The lease hold area is divided into 4 patches (As shown in the map attached)
2. **No trace of any extraction of ordinary earth/ morrum** was found over the lease hold area (Geotagged photographs attached)
3. However, from the Approved Quarry Permit permission granted vide Letter **No.3307 dt 18.09.2020**, it is evident that a permission for extraction of **25608 cum of ordinary earth and morrum** was granted to the Lessee based on the requirement of the Contractor- M/S Infra Engineers Pvt. Ltd. to be utilized in the Rehabilitation and upgradation of existing 2-Lane to 4-Lane standards from Duburi to Chandikhole section of NH-200 (new NH53) under NHDP
4. This automatically implies that, the requisite quantity ie 25608 cum has been unauthorizely lifted from an unidentified place by the Contractor- M/S Infra Engineers Pvt. Ltd. which attracts royalty, penalty and environmental impact assessment for the violator.

Recommendations to the Committee:-

1. In the absence of an approved Environmental Clearance, CTO (valid up to 31.03.2025) and CTE (valid up to 28.09.2025) granted in favour of the lessee Smt. Binapani Pradhan should be **revoked with immediate effect** in order to curb the possibility of morrum extraction in the future.
2. In the event of non-operation of lease with valid approval of mandatory clearances and failure of the lessee to inform the Competent Authorities regarding the same in due time, the **royalty amount of Rs. 24,22,806.00 should be forfeited.**

3. For the unauthorized extraction of 25608 cum,

Royalty @Rs80/cum = 80 * 25608 = Rs 20,48,640.00	
Penalty (100% as royalty)	= Rs 20,48,640.00
<b>Total</b>	<b>= Rs 40,97,280.00</b>

True copy attested

*Ch*  
**COLLECTOR  
JAJPUR**

4. The assessment of the cost of the Environmental loss

Total volume of mined out material(Y)	25608	cum	Remarks
Total permitted quantity in environmental clearance(X)	0	cum	
Excess extraction(Z=Y-X)	25608	cum	
Market Value of earth material (Soil)			
Market Value of illegally mined material(D=Z*Market Value)	80	Rs. /cum	
Risk Factor(RF)	2048640	Rs.	Significant
Annual value of Foregone Ecological values(D*RF)	0.50		
	1024320		
Present value(PV) of Foregone Ecological values(@7%discount rate(r) and over 5 years)	0.07		
1 <sup>st</sup> year	957308		
2 <sup>nd</sup> year	894681		
3 <sup>rd</sup> year	836150		
4 <sup>th</sup> year	781449		
5 <sup>th</sup> year	730326		
Total	4199914		
NPV=PV-D(Environmental Compensation)	21,51,274	Rs.	

Hence the total demand amount recommended for the violator (M/S Infra Engineers Pvt. Ltd.) for the unauthorized extraction of 25608 cum utilized in the Rehabilitation and upgradation of existing 2-Lane to 4-Lane standards from Duburi to Chandikhole section of NH-200 (new NH53) under NHDP is

= Rs. 40,97,280.00+Rs.21,51,274.00

= Rs. 62,48,554.00

( Sixty two lakhs forty eight thousand five hundred fifty four only)

*[Signature]*  
07.05.22

Regional Officer  
SPCB, Kalinga Nagar

*[Signature]*  
01.05.2022  
Tahasildar,  
Dharmasala

True copy attested

*[Signature]*  
COLLECTOR  
JAJPUR

g7 ALTITUDE -23.2 M  
 314° NW COURSE SE 152° BS

-36-



LAT 20°48'30.254"N SATURDAY 05.07.2022  
 LONG 86°2'34.401"E LOCAL TIME 11:42:14  
 Unnamed Road, Lunibara, Odisha 756023, India

g4 ALTITUDE -19.2 M  
 47° NE COURSE E 90° BS

*True copy attested*

*Rekha*  
 07-05-22  
 RO, SPCB  
 Kathanganga  
 03/06/2022  
 Tahasildar  
 Dharmasahi



*Collector*  
**COLLECTOR  
 JAJPUR**

LAT 20°48'32.540"N SATURDAY 05.07.2022  
 LONG 86°2'25.189"E LOCAL TIME 11:32:37  
 Unnamed Road, Lunibara, Odisha 756023, India



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ANNEXURE-512

Website : [www.ospcbboard.org](http://www.ospcbboard.org)  
E mail : [rospcb.kalinganagar@ospcbboard.org](mailto:rospcb.kalinganagar@ospcbboard.org)  
Tel No.06726 221153

REGIONAL OFFICE, KALINGANAGAR  
STATE POLLUTION CONTROL BOARD, ODISHA  
[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]  
At. Dhabalgiri, PO: Ferro Chrome Project, Jajpur Road  
Dist. Jajpur, Odisha 755020

No. 1544/legal-104

Date. 21.05.2022  
By E mail

From,

Er. P. K. Behera  
Regional Officer

To,

The Collector & District Magistrate,  
Jajpur

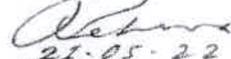
**Sub:** Submission of cost of Environmental Loss of Mineral Minerals.

**Ref:** Your letter no. 6546 dtd. 19.05.2022.

Sir,

With reference to the letter cited above, I am submitting herewith the report on calculation of Environmental Compensation based on the market value of minor minerals in Jajpur District, as per the direction of hon'ble NGT in No. 12/2022/EZ-Sri Srinath Mishra Vs State of Odisha and others. This is for kind information and necessary approval by the committee for onward submission to hon'ble NGT.

Yours faithfully,

  
21.05.22  
Regional Officer

Encl-As above

Memo No. 1545 dt. 21.05.2022

Copy forwarded to the Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar for kind information w.r. t. order of hon'ble NGT in OA No. 12/2022/EZ.

Encl-As above

  
21.05.22  
Regional Officer

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**JAJPUR**

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Report on calculation of Environmental Compensation in NGT Case No.12/2022/EZ

**Introduction:**

Hon'ble NGT in OA No. 12/2022/EZ in hearing on 19.04.2022 has directed the State Pollution control Board to calculate the Environmental Compensation on account of degradation of environment due to over extraction and illegal extraction of morrum. In this regard, as per the discussion held in the meeting on Environment loss of minor minerals on 05.05.2022, the Regional Officer, SPCB, Kalinganagar was instructed to calculate the environmental compensation for environmental loss of minor minerals used by Contractor in NH Project work and minor minerals extracted by Smt. Binapani Pradhan from Lunibar Morrun and Soil quarry and submit the same before committee.

**Background of the approach adopted for calculation of Environmental Compensation:**

In OA No. 150/2017/EZ, the Hon'ble NGT in its hearing dated 07.03.2022 accepted one of the approach out of two approaches for calculation of Environmental Compensation on polluter pay principle taking into account of the value of the illegality mined material and cost of restoration of the environment. Central Pollution Control Board had done the exercise by constituting an expert committee. The Tribunal considered the report as follows.

- (i) **Approach 1:** Direct compensation based on the market value of extraction, adjusted for ecological damages.  
In this approach, the criteria adopted are Exceedance Factor (EF), Risk Factor (RF), and Deterrence Factor (DF)
- (ii) **Approach 2:** Computing a simplified Net Present Value (NPV) for ecological damages.

Till such time as data and information for a comprehensive NPV is worked out in a site specific manner to account for all (or at least the major) ecological damages, a simplified NPV, proxied on the market value of the illegally extracted amount may be computed. In this case the NPV approach would imply that the total benefits from the activity of the mining (as represented by the market value of the extracted amount) be deducted from the total ecological costs imposed by the activity.

However, the final recommendation was "till date on site specific assessments becomes available, this approach i.e. 2<sup>nd</sup> approach may be adopted in the interim." The Hon'ble Tribunal proposed to approve approach2 in the report.

**Calculation of Environmental Compensation:**

**(A) Environmental compensation calculation for illegal extraction of minor mineral by Smt. Binapani Pradhan from Lunibar Morrum and Soil quarry**

In this regard, a joint visit was done by Regional Officer, SPCB, Kalinganagar and Tahasildar, Dharmasala (copy of report enclosed) to verify the operational status of Lunibar Morrum/Soil Quarry. It is evident from the report that no trace of any extraction of

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ordinary earth/ morrum was found over the lease hold area. Hence no environmental compensation is calculated for extraction of morrum by Smt Binapani Pradhan.

**(B) Environmental Compensation Calculation for illegal extraction of minor mineral by the NH Contractor engaged for construction of NH:**

It is evident in the joint enquiry report (report enclosed) of the Regional Officer, SPCB, Kalinganagar and Tahasildar, Dharmasala, no extraction of material has been done in the lease hold area covering an area Ac 6.01 Dec which is private land owned by Smt Binapani Pradhan in the name of Lunibar Morrum and Soil Quarry. However, from the approved quarry permit permission granted vide letter no. 3307 dtd. 18.09.2020, it is evident that a permission for extraction of 25608 Cum morrum was granted based on the requirement of Contractor M/s Infra Engineers Pvt Ltd to be utilized for NH work. This automatically implies that the requisite quantity i.e 25608 Cum has been unauthorized lifted from unidentified place by the contractor M/s Infra Engineers Pvt Ltd which attracts royalty, penalty and environmental compensation.

Approach#2	Quantity	Unit	Remarks
Total Volume of mined out material (Y)	25608	Cum	
Total Permitted Quantity in Environmental Clearance (X)	0	Cum	
Excess Extraction (Z=Y-X)	25608	Cum	
Market Value of Earth Material (Soil)	80	Rs/Cum	
Market Value of Illegally Mined Material (D = Z x Market Value)	2048640	Rs.	
Risk Factor (RF)	0.50	--	Significant
Annual Value of Foregone Ecological Values (D*RF)	1024320		
Present Value (PV) of Foregone Ecological Values (@ 7% discount rate (r) and over 5 years)	0.07		
1st Year	957308		
2nd Year	894681		
3rd Year	836150		
4th Year	781449		
5th Year	730326		
Total	4199914		
NPV = PV - D (Environmental Compensation)	2151274	Rs.	

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JAJPUR**

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Since, hon'ble Tribunal has approved the 2<sup>nd</sup> approach, the amount of Environmental Compensation may be Rs 2151274/- as per the 2<sup>nd</sup> approach and may be recovered from M/s Infra Engineers Pvt Ltd.

**(C) Environmental Compensation Calculation for illegal sourcing of minor mineral by NHAI:**

NHAI has submitted vide its letter no. NGT/01/Duburi-Chandikhole/NHAI/PIU-DKL/2022/388 dated 22.03.2022(copy enclosed) addressing to the Collector & District Magistrate with a copy to the Tahasildar, Dharmasala mentioning that Rs 1,72,17,117/- has been paid towards royalty against the material i.e. earth, stone, dust and sand of quantity. The letter was collected from the Tahasildar, Dharmasala during joint enquiry. As per this report, 260832.950 Cum of Earth, 189166.125 Cum of Stone, 112851.506 Cum of Dust and 19481.141 Cum of Sand have been used for construction of NH and for which Royalty has been paid. Based on this quantity and Market Value of Material prevailing in Jajpur district, Environmental Compensation has been calculated separately for Soil, Stone, Dust and Sand. No sourcing of morrum has been done by NHAI as per the available report.

**(1) Environmental Compensation calculation for illegally extraction of soil:**

MoEF & CC, Govt of India has exempted Environmental Clearance for extraction or sourcing of soil for linear projects vide its notification no. 1224(E) dated 28.03.2020. Subsequently, State Pollution Control Board has exempted the same from the consent administration of the Board vide its resolution no.363 dated 07.01.2021. However, the NHAI has not cleared whether; the sourcing of 260832.950 Cum of soil is exempted from the above mentioned statutory clearance. Hence, the environmental compensation may be calculated as follows.

<u>Approach#2</u>	<u>Quantity</u>	<u>Unit</u>	<u>Remarks</u>
Total Volume of mined out material (Y)	260833	Cum	
Total Permitted Quantity in Environmental Clearance (X)	0	Cum	
Excess Extraction (Z=Y-X)	260833	Cum	
Market Value of Earth Material (Soil)	80	Rs/Cum	
Market Value of Illegally Mined Material (D = Z x Market Value)	20866636	Rs.	
Risk Factor (RF)	0.50	--	Significant
Annual Value of Foregone Ecological Values (D*RF)	10433318		
Present Value (PV) of Foregone Ecological Values (@ 7% discount rate (r) and over 5 years)	0.07		

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**COLLECTOR  
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1st Year	9750764		
2nd Year	9112864		
3rd Year	8516695		
4th Year	7959528		
5th Year	7438812		
Total	42778664		
NPV = PV - D (Environmental Compensation)	21912028	Rs.	

(2) Environmental Compensation calculation for illegally extraction of Stone:

NHAI has not cleared the legality of sourcing of the stone and hence Environmental Compensation may be calculated as follows.

Approach#2	Quantity	Unit	Remarks
Total Volume of mined out material (Y)	189166	Cum	
Total Permitted Quantity in Environmental Clearance (X)	0	Cum	
Excess Extraction (Z=Y-X)	189166	Cum	
Market Value of Earth Material (Stone)	190	Rs/Cum	
Market Value of Illegally Mined Material (D = Z x Market Value)	35941540	Rs.	
Risk Factor (RF)	0.50	--	Significant
Annual Value of Foregone Ecological Values (D*RF)	17970770		
Present Value (PV) of Foregone Ecological Values (@ 7% discount rate (r) and over 5 years)	0.07		
1st Year	16795112		
2nd Year	15696366		
3rd Year	14669501		
4th Year	13709814		
5th Year	12812911		
Total	73683705		
NPV = PV - D (Environmental Compensation)	37742165	Rs.	

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(3) Environmental Compensation calculation for illegally extraction of Dust:

NHAI has not cleared the legality of sourcing of the dust and hence Environmental Compensation may be calculated as follows.

<u>Approach#2</u>	<u>Quantity</u>	<u>Unit</u>	<u>Remarks</u>
Total Volume of mined out material (Y)	112851	Cum	
Total Permitted Quantity in Environmental Clearance (X)	0	Cum	
Excess Extraction (Z=Y-X)	112851	Cum	
Market Value of Earth Material (Dust)	80	Rs/Cum	
Market Value of Illegally Mined Material (D = Z x Market Value)	9028080	Rs.	
Risk Factor (RF)	0.50	--	Significant
Annual Value of Foregone Ecological Values (D*RF)	4514040		
Present Value (PV) of Foregone Ecological Values (@ 7% discount rate (r) and over 5 years)	0.07		
1st Year	4218729		
2nd Year	3942737		
3rd Year	3684801		
4th Year	3443740		
5th Year	3218448		
Total	18508455		
NPV = PV - D (Environmental Compensation)	9480375	Rs.	

(4) Environmental Compensation calculation for illegally extraction of sand:

NHAI has not cleared the legality of sourcing of the sand and hence Environmental Compensation may be calculated as follows.

<u>Approach#2</u>	<u>Quantity</u>	<u>Unit</u>	<u>Remarks</u>
Total Volume of mined out material (Y)	19481	Cum	
Total Permitted Quantity in Environmental Clearance (X)	0	Cum	

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Excess Extraction (Z=Y-X)	19481	Cum	
Market Value of Earth Material (Sand)	80	Rs/Cum	
Market Value of Illegally Mined Material (D = Z x Market Value)	1558480	Rs.	
Risk Factor (RF)	0.50	--	Significant
Annual Value of Foregone Ecological Values (D*RF)	779240		
Present Value (PV) of Foregone Ecological Values (@ 7% discount rate (r) and over 5 years)	0.07		
1st Year	728262		
2nd Year	680618		
3rd Year	636092		
4th Year	594478		
5th Year	555587		
Total	3195038		
NPV = PV - D (Environmental Compensation)	1636558	Rs.	

(5) Environmental Compensation calculation for illegally extraction of Morrum:

Since no sourcing of morrum has been done by NHAI, as per the available record, no Environmental Compensation is calculated for illegal extraction of morrum

Total Environmental Compensation for illegal sourcing of minor mineral by NHAI:

E. C. in respect of Soil: Rs 21912028/-

E. C. in respect of Stone: Rs 37742165/-

E. C. in respect of Dust: Rs 9480375/-

E. C. in respect of Sand: Rs 1636558/-

E. C. in respect of Morrum: Rs 0/-

Total E. C. :E.C. in respect of soil, stone, dust, sand and morrum =

Rs 70771126/-

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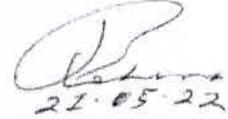


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**Recommendation:**

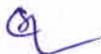
The Environmental compensation calculated for illegal sourcing of minor minerals by Smt. Binapani Pradhan from Lunibar Morrum and Soil Quarry, by Contractor M/s Infra Engineers Pvt Ltd and by NHA1 will be **Rs 0/-, Rs 21,51,274/- and Rs 7,07,71126/-** respectively which may be approved by the District Level Committee for assessment of Environmental Loss



Regional Officer,  
SPCB, Kalinganagar

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**COLLECTOR  
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# ANNEXURE-142

**PROCEEDINGS OF ENVIRONMENT LOSS/IMPACT ASSESSMENT  
COMMITTEE HELD ON 24.05.2022 AT 10.30 AM IN THE OFFICE  
CHAMBER OF COLLECTOR, JAJPUR**



Meeting on Environment loss/impact assessment Committee was held under the Chairmanship of -Collector, Jajpur in the Office Chamber on 24.05.2022 at 10.30 AM to comply the order of the Hon'ble NGT passed in OA No 12/2022. The list of members present in the meeting is at Annexure-I.

At the outset of the meeting the Collector welcomed all the participants present in the meeting. The discussion was made for realization of Royalty, Penalty and environment compensation on consumption of unauthorized extraction of morrum used in the NH work from Duburi to Chandikhole.

As per decision of the Committee on Environmental loss/Impact Assessment held on 05.05.2022:

- (A) No supporting documents showing the legality of excavation of various minor minerals used in the NH work from Duburi to Chandikhole (category wise) could be submitted by NHA.
- (B) A Joint filed enquiry was conducted by Tahasildar Dharmasala and Regional Officer State Pollution Control Board to evaluate the field position of the Lunibar Morrum and Earth Quarry, Dharmasala. As per the observation of the joint field enquiry, quantity of 25,608 cum of ordinary earth & morrum for which the agency was given Quarry Permit with a condition to obtain all necessary clearances from Competent Authorities, has been unauthorizedly lifted from an unidentified place outside the lease area by the contractor M/S infra Engineers Pvt. Ltd. This has been inferred from the fact that no excavation is observed from the permitted leasehold areas (Geo-tagged photographs).

Accordingly, the members of the Committee decided to impose royalty of Rs. 1,72,17,117.00 & penalty of Rs. 1,72,17,117.00 with environmental compensation assessment of Rs.7,07,71,126.00 for unauthorized extraction and consumption of 260833 cum of Soil, 189166 cum of Stone, 112851 cum of Dust & 19481 cum of Sand as per the NHA letter No. 388 dt. 22.3.2022 and assessment submitted by R.O, SPCB, Kalinga Nagar vide letter No. 1544 dt. 21.5.2022 (Annexed herewith).

Further, for the unauthorized extraction and consumption of 25,608 cum ordinary earth & morrum from an unidentified place, royalty of Rs. 20,48,640.00 & penalty of Rs. 20,48,640.00 with environmental compensation assessment of Rs. 21,51,274.00

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is imposed on the contractor. Out of the gross demand amount of Rs. 11,14,53,914.00, the contractor has already deposited Rs. 68,13,813.00 with the Tahasildar, Dharmasala.

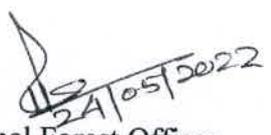
Therefore, P.D. NHA (Dhenkanal) is hereby asked to withhold the remaining payable demand amount of **Rs. 10,46,40,101.00 (Rupees ten crore forty six lakh forty thousand one hundred one)** only from IPCs towards royalty till the final order of Hon'ble NGT.

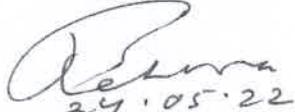
Moreover, the contractor is directed to deposit assessment of cost for **Environment compensation i.e. Rs. 7,29,22,400.00** out of the net payable demand mentioned above, to the BDO Dharmasala who in turn will utilize the amount for plantation activities within next 2 years, subject to confirmation of Hon'ble NGT.

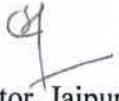
Meeting ended with thanks to the Chair.

  
Additional District Magistrate, (Rev)

Jajpur

  
24/05/2022  
Divisional Forest Officer  
Forest Division, Cuttack

  
24.05.22  
Regional Officer, S.P.C.B  
Kalinga Nagar, Jajpur

  
Collector, Jajpur.

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JAJPUR**

-42- ANNEXURE-42  
COLLE CTORATE, JAJPUR

Ph 06728-222001(O) 222330 (R) Fax -222087  
E-mail: dm-jajpur@nic.in. Web site: [www.jajpur.nic.in](http://www.jajpur.nic.in)  
[Revenue Section]

Letter No 7062 Date 21.5.2022

From,

Sri Chakravarti Singh Rathore, IAS,  
Collector & District Magistrate, Jajpur

To

The Project Director, NHAI,  
Dhenkanal.

Sub: - Demand notice for deposit of royalty, penalty and Environment Compensation Assessment for unauthorized lifting of minor mineral from the unidentified places under Dharmasala Tahasil in the District of Jajpur

Sir,

With reference to the subject cited above, I am to say that quarry permit was issued in favour of M/s. Infra Engineers Pvt. Ltd, a contractor of NHAI for extraction of 25608 cum. of ordinary earth and morrum from the Lunibar Morrum and Earth quarry with a condition to obtain all necessary clearances from Competent Authorities. But during joint field enquiry by the Tahasildar, Dharmasala and Regional Officer, State Pollution Control Board, it is found that the M/s. Infra Engineers Pvt. Ltd, has lifted earth and morrum unauthorizedly from an unidentified place outside the quarry lease area. In this connection it has been decided in the Environment Loss/impact assessment Committee meeting held on 24.5.2022 at 10.00 a.m to impose royalty of Rs. 1,72,17,117.00 and penalty of Rs. 1,72,17,117.00 with environmental compensation assessment of Rs. 7,07,71,126.00 for unauthorized extraction and consumption of 260833 cum of Soil, 189166 cum of Stone, 112851 cum of Dust & 19481 cum of sand as per your letter No 388 dt 22.3.2022 and assessment submitted by R.O.SPCB, Kalinga Nagar vide his letter No. 1544 dt, 21.5.2022. Further, for the unauthorized extraction and consumption of 25,608 cum ordinary earth & morrum from an unidentified place, royalty of Rs. 20,48,640.00 and penalty of Rs. 20,48,640.00 with environmental compensation assessment of Rs. 21,51,274.00 making total amount of Rs. 11,14,53,914.00. Out of the above amount, the Contractor has deposited Rs. 68,13,813.00 with the Tahasildar, Dharmasala and balance amount of Rs. 10,46,40,101.00 is required to be deposited by the Contractor before the BDO, Dharmasala Rs. 7,29,22,400.0 towards Environment Compensation and Rs. 3,17,17,701.00 before the Tahasildar, Dharmasala towards royalty, penalty for unauthorized extraction and consumption of earth and morrum etc.

In view of the above fact, you are hereby directed to held up the bill of the Contractor and direct the contractor to deposit the balance amount before the authority concerned. After receipt of the clearance from the Tahasildar, Dharmasala and BDO, Dharmasala, the payment should be made to the Contractor towards his bill.

Matter is most urgent.

Yours faithfully,

  
Collector & District Magistrate,  
Jajpur

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COLLECTOR  
JAJPUR