



BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,

KOLKATA

APPEAL NO4/2022/EZ

RUDRA MOHAN SAMAL & OTHERS APPLICANTS

Vrs.

SEIAA, ODISHA & OTHERS RESPONDENTS

FURTHER AFFIDAVIT ON BEHALF OF THE PETITIONERS TO THE COUNTER AFFIDAVIT DT.28.04.22 FILED BY THE RESPONDENT NO . 1 i.e STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY.

I, Shri Rudra Mohan Samal aged about 52 years son of Gokul Samal At- Suleipal Po- Gandamala P.s-Rengali Dam Site Dist- Anguldo hereby solemnly affirm and state as follows;

1. That I am one of the petitioner in this case. I have gone through the counter affidavit filed in the case and have understood the contents thereof. Being acquainted with the facts of the case, I am filing this Affidavit.
2. That petitioners filed the present appeal petition challenging the illegal action of the respondent no 1 State Level Impact Assessment Authority Bhubaneswar in granting clearance in allowing the Respondent no 7 to lift the sand from Suleipal Sand Sairat on the ground that

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Rudra Mohan Samal

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Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

- (i) There are no other place in the village to meet daily necessities of the Suleipal village except the said place.
- (II) Besides dead body of the villagers were being buried at that place which has become place of worship of the villagers and villagers also perform the shrada Ceremonies at that place.
- (iii) There are no passage for transportation of sand from river bed. The passage is to be paved over private plot of the villagers which villagers have objected and Respondent no 7 is lifting the sand forcefully over the private plot
- (iv) The place is in between Rengali Dam and Samal Bareage which is full of water except the above place.
- (v) The Respondent no 7 is lifting the sand with the help of Local Revenue authorities without demarcating the area and is also lifting the sand with heavy truck.
- (vi) When the revenue Inspector of the area categorically pointed that there are no passage for transportation of the sand from the river bed and in between the sand Sairat to Main Road there are Rayati Lands, the grant of approval is totally non application of mind
- (vii) The sands are being carried through the village Road which is totally congested area and the Primary school, Anganwadi Centre, High School and Temples are in the both side of the village and the residents are also residing in the both side of the Road. The Road is village Road and passing through the Congested village.
- (viii) The Tahasildar Kaniha without going to the factual report submitted by the Revenue Inspector of the area approved the sand Sairat with the finding that the sand Sairat has approach Road Facility which is totally illegal.

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(ix) The notice alleged to have been served upon the villagers have not been actually served and the report that villagers have signed the report is also illegal and totally false. No village Committee or the Palli Sabha has been called for in the village.

3. That the Respondent no-1 i.e. State Environment Impact Assessment Authority has filed the Affidavit only on the following grounds:-

(i) The Project Proponent submitted the project Proposal along with documents such as District survey Report, Environmental management Plan, Approved Mining Plan and also attached the forwarding letter of Tahasildar Kaniha and on the basis of documents, the environment clearance has been granted. It clearly reveals that there has been no application of Mind and clearance has been given on technical manner.

(ii) The MOEF & CC Govt. of India notification dated 25.07.18 stipulates for constitution of Sub-Divisional Committee to visit each site and make recommendation on suitability of site. In the Sustainable Sand Mining Guidelines 2016 it is clearly provided that the demarcation of the lease area should be done with Pillar and Geo-referencing prior to start of Mining.

(iii) The environment clearance was issued on 07.10.21 with stipulated condition vide clauses 9.3,9.4,9.5,9.6 and 9.11 of EC letter for manual mining and for demarcation of lease area and extraction route and pillar posting and with further condition that no transportation shall ordinarily be allowed on any road passing through village/habitations.

4. That in reply to averments made in the paragraph 3(iii) and 3(iv) of the Affidavit it is submitted that the State Environment Impact

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Assessment Authority has granted the clearance certificate with stipulated condition and the place has not been visited and the report of the Revenue Inspector has not been vividly examined. The Project proponent has not demarcated the area with pillar posting and also is carrying the sand through village road. The condition stipulated vide clauses 9.3,9.4,9.5, 9.6 and 9.11 of EC letter has been clearly violated the Proponent is carrying the sand violating all guidelines and forcibly in the village Road. Even though there is clear violation to the guidelines issued by the Respondent no 1 no adherence has been made to such guidelines.

5. That in view of the facts stated above, the Affidavit filed by the respondent no 3 is liable to be dismissed.

6. That the facts stated above are true to the best of my knowledge and belief.

Identified by

A.K. Sahoo
Advocate

Rudra Mohan Samal

Deponent

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 and nothing material has been concealed therefrom.

Cuttack

Date: 18.7.2022

Rudra Mohan Samal

Deponent

CERTIFICATE

This affidavit has been filed in thick white paper in absence of cartridge paper

Cuttack

Date: 18-07-2022

A.K. Sahoo
Advocate for the Appellant



The above named Deponent

Solemnly affirm on 18/7/2022

by A.M. Samal Being Identified

by A.K. Sahoo

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

18/7/2022