

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

**O. A. No: 83 of 2022/EZ**

**Dillip Kumar Samantara and others ..... APPLICANTS**

**- VERSUS-**

**THE STATE OF ODISHA & OTHERS ...RESPONDENTS**

**I N D E X**

<b>SR. NO.</b>	<b>PARTICULARS</b>	<b>PAGE NO.</b>	<b>FE E</b>
<b>1-</b>	Reply Affidavit dated: 30.03.2023 of the Respondent No: 17 and its Annexure	01 to 81	

**CERTIFIED THAT THE COPIES ARE CORRECT**

**BY THE RESPONDENT NO: 17**

*Doy*  
*30.03.2023*

**THROUGH ADVOCATE**

**Date: 30.03.2023**

**BIRANCHI NARAYAN MAHAPATRA**

**ADVOCATE, ORISSA HIGH COURT**

**Mob. No: 8984383812**

**Whats App No: 9438383812**

**E. Mail: imbiranchi@gmail.com**

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**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
O. A. No: 83 of 2022/ EZ**

**IN THE MATTER OF:**

**Dillip Kumar Samantara and Others.... Applicants**

**-Versus-**

**The State of Odisha and others .....Respondents**

**REPLY AFFIDAVIT FILED BY THE  
ABOVE NAMED RESPONDENT NO: 17  
RELATING TO THE ADDITIONAL  
AFFADIVIT DATED: 19.09.2022 AND  
REJOINDER AFFADIVIT DATED:  
01.03.2023 OF THE APPLICANTS MOST  
RESPECTFULLY SHOWETH AS  
FOLLOWS:-**

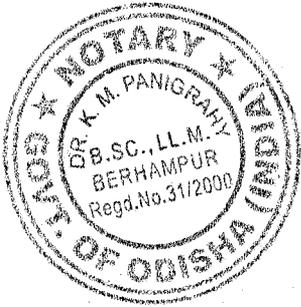
I **Susanta Kumar Barad**, S/O: Sarbeswar Barad, aged about 35 years, at: Sri Krushnapur, Po: Champagarh-752024, P/S: Chandapur, Dist: Nayagarh, State: Odisha do hereby state on solemn affirmation as under:-

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*Susanta Kumar Barad*

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1. That I am Respondent No: 17 of the O.A and as such I am fully conversant with the facts and proceedings of the Case.
2. That the facts and proceedings of the Counter affidavit dated: 04.12.2022 and I.A No: 189 of 2022/ EZ and supplementary affidavit dated 30.08.2022 and 13.11.2022 filed in the I.A and Reply affidavit dated: 21.01.2023, Supplementary affidavit dated: 05.03.2023 May kindly read as part and parcel of this affidavit.
3. That the Applicants have alleged at Para 2 in their Rejoinder affidavit dated: 01.03.2023 is not based on the material evidence and there is no document available on record to shows that the Plots in question is forest land. The Applicants rightly filed the document under Page No: 43 to 45, it clearly shows that the Plots in question Kissam recorded as Patita (waste land) in the Revenue record. The said Paragraph is false, fabricated and got up story as created by the Applicants to take revenge against the Respondent No: 17. It is apt to mention here that the SEIAA is also filed in their affidavit dated: 25.08.2022 along with joint inspection report dated: 07.11.2020 (available at internal Page No: 11 to 13 of the SEIAA affidavit dated: 25.08.2022) which is shows that the Plots in



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question is also recorded as Patita Kissm. The Applicants are ignoring to this material available on record and unnecessary raised allegations against the Respondent No: 17 as a Personal vindictive measure. It shows from the Pleadings of the Applicants in their Rejoinder affidavit dated: 01.03.2023 is completely misleading. The Respondent No: 17 has got permission from the SEIAA/SPCB/ Mining Department/State authority to do the Mining activity as per law. In view of this the Respondent No: 17 has been allowed for mining activity by the Statutory authorities/ SPCB/ SEIAA in the open Sky. Hence, at that Stage nobody has authority to raise question against the Respondent No: 17.



4. That the allegations raised by the Applicants in their Rejoinder affidavit dated: 01.03.2023 at Para-3 is not based on the official records of the Revenue Departments. The Director Geology has not mentioned in his affidavit dated: 05.12.2022 against the Respondent No: 17 and he has only relied the measurement report and the Mining officer stated in his measurement report that legal mining of the literate Stone is 1066.769 CUM and illegal Mining of the literate Stone is 1724.330 CUM. As per the approved Mining Plan MGQ has

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been fixed for the year 7,704 CUM by the authorities in connection of the lateriate Stone quarry of the Respondent No: 17. The Respondent No: 17 is already deposited amounting of Rs: 68, 56,992/- within 2 year. So, the lessee is entitled for Ming activity 7,704+7,704 CUM as per the approved Mining Plan. But, the lessee has not done Mining activity as per the approved Mining Plan of the Mining Department within 2 year. So, there is no question arise within the lease area in connection of the excess lateriate stone mining. It is again to mention here that as per the Mining Plan within the lease area there is no availability of the Murom and waste dust materials of the lateriate Stone quarry is not a Murom which has not proved either technically/scientifically. Nobody will be prove to it with technically and scientifically to reach a conclusion that Murom has been found in the lateriate Stone quarry. It is again repeated here that the red color materials are stone dust (i.e. waste Material and it is not a Murom). None of the authorities were found and not raised any question to the Respondent No: 17 during the time of the lease and after 2 year of the lease the Applicants have raised unnecessary allegation against the Respondent No: 17. There is



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Susanta Kumar Baroi

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no cause of action arise after 2 year of the operation of the quarry. The Deponent has been clearly mentioned all the things in his reply affidavit dated: 21.01.2023. The Respondent No: 17 has no concern with the Outside the lease area and there is no Murom Source has been found as per the record available from the Revenue Department. The Revenue Department officials have no point of time identified the Murom Source in the outside lease area as Stated by the **Public Information officer ( PIO) under RTI Act, 2005** vide letter **No: 5124/dated: 31.12.2022 (internal Page No: 98 to 105 of the reply affidavit of Respondent No: 17)**. The Applicants should know, that before initiation of Criminal Proceeding against the Respondent No: 17 the State/SPCB/SEIAA/Mining officials along with the Present Applicants should be at first prove that the date/time/Place of Occurrence. Each date/ time of occurrence is required before initiation of Criminal Proceeding. The State/ SPCB/ SEIAA/ Police including the Applicants have no locus standi to say that the Respondent No: 17 has done illegal mining/committed theft in the lease area as well as outside the lease area within ambit of omnibus manner. It is settled Principle of law



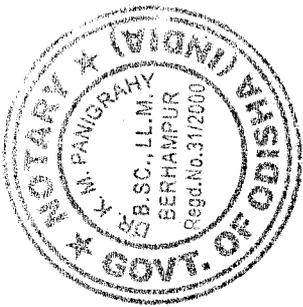
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without enquiry by the Investigating agency nobody is authority to say that who has committed theft of the Minor Minerals. It is very difficult to apply Criminal law against any Persons without sufficient/direct evidence, if anybody will take a motion in connection of the theft of Minor Minerals he must be fulfill the parameters of the Criminal law. Without investigation in connection of the theft of Minor Minerals how the Collector has raised finger to the Respondent No: 17, which is not permissible in the eye of law. The investigation agency is only authority to speak who has committed Crime after completion of the investigation. But, in this Case the applicants are without any material evidence repeatedly / frequently made allegation against the Respondent No: 17 and in the same way the Collector is also made allegation by filing an affidavit on 06.12.2022 before this Hon'ble Tribunal. The Collector affidavit is itself speaking that he has failed to annex single document to support his claim as explained in the said affidavit. The affidavit dated: 06.12.2022 filed by the Collector is only imaginary, he is duty bound to prove against the Respondent No: 17 beyond all reasonable doubt in connection of his allegation.



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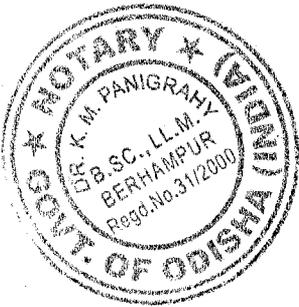
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Again the Respondent No: 17 stated here that the IIC, Chandpur Police Station has filed his affidavit dated: 25.08.2022 in this Case and stated there in one of the Applicant namely Deepak Kumar Routray and his associates committed theft the Minor Minerals and accordingly Criminal Cases has been registered against them and the Respondent No: 17 is also relied the Bail orders/vehicle release orders passed by the Hon'ble Orissa High Court in connection of the said accused parsons ( including the Applicant namely Deepak Kumar Routary and others co-accused persons), which are available in the reply affidavit dated: 21.01.2023 ( R-17) . The Collector, Nayagarh while filing of his affidavit dated: 06.12.2022 before this Hon'ble Tribunal has ignored to the Chandpur Police Station records in connection of the Applicant namely Deepak Kumar Routray and other Co- accused persons, who has been involved the illegal Mining activities (theft of Minor Minerals). Surprisingly, they have filed this Case against the Respondent No: 17 without any material evidence.

5. That it is profitable to mention here that the Applicants are misleading to this Hon'ble Tribunal and have filed this Case as a Personal vindictive



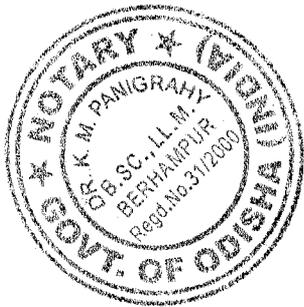
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weapon. Thus, the Applicants are liable to be prove strictly all the allegations raised in their O.A, additional affidavit dated: 19.09.2022 and Rejoinder affidavit dated: 01.03.2023 beyond all reasonable doubts against the Respondent No: 17. The Applicants along with Collector, Nayagarh have no authority to raise allegation against the Respondent No: 17 directly without Police enquiry. It is very difficult to raise allegation in connection of the Indian Penal Code, 1860 by the Applicants as well as Civil Servants against the Respondent No: 17. The Police is only authority to raise allegation against any persons under the provision of Indian Penal Code or competent Criminal Courts will be who has found guilty. But, till date no Criminal Cases has been registered against the Respondent No: 17 in connection of the theft of Minor minerals. But, unfortunately in this Case the Applicants are saying so many things and expressing their views directly/ elaborating / attracting the provisions of Indian Penal Code, 1860, which is not permissible in the eye of law. The Applicants have no authority to use words like theft / cheating / criminal conspiracy with reference to the U/S: 379, 420, 120-B, 411 of I.P.C and other Criminal law against the Respondent



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No: 17. The Police is only authority to use the wordings during course of the registration of the FIR and filing of the Charge Sheet against any accused Person before the competent Criminal Courts and the said Court will use such type of wordings against the accused persons. Police and Criminal Courts are authority to use/elaborate/express such type wordings under the Indian Penal Code, 1860. The Applicants without filing any Criminal Complaint before the Police and Competent Criminal Courts and they have directly raised such issues before this Hon'ble Tribunal, which is not maintainable and permissible in the eye of law.



6. That the Applicants have relied the orders of the Hon'ble Tribunal passed in other Cases are against the State not against the present Respondent No: 17 passed specifically. The said orders could not be applicable to all Case including this Case. Each Case will be decide on its own merits basing on the facts and circumstances. The Respondent No: 17 is operating the lease area by way valid clearance from the Statutory authorities and the Collector, Nayagarh and Director Geology have no authority to say anything after lapse of 2 year from the Period of Mining Plan i.e. 13.07.2020

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Susanta Kumar Boroi

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and the Police has been registered Series of Criminal Cases in connection of the theft of Minor Minerals against the Applicant Namely Deepak Kumar Routary and his associates ( Co-accused persons), it is evident from the affidavit dated: 25.08.2022 of I.I.C, Chandpur Police Station. The Applicants and other Co-accused persons involved in the theft of Minor minerals, but the respondent No: 17 is not involving any illegal mining activity. The Collector, Nayagarh and the Applicants have no authority to say against the Respondent No: 17 directly without any materials. The investigation agency is only authority to say after enquiry, who has been done the illegal mining. But, the investigation agency i.e. Inspector- In- Charge of Police Station, Chandpur is already filed his affidavit on 25.08.2022 before this Hon'ble Tribunal and he is categorically stated there in series of Cases registered against the Applicant namely Deepak Kumar Routray and his associates, in this context some of the bail orders of the Hon'ble Orissa High Court along with Vehicle release orders has been filed by the Respondent No: 17 in his reply affidavit dated: 21.01.2023.



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7. That the affidavit filed by the Collector on 06.12.2022 is not based on the factual aspects and Crime records of the District Police Head quarter as well as Tahasil office records. In the other hand the IIC, Chandpur Police Station affidavit dated: 25.08.2022 filed before this Hon'ble Tribunal which shows that the Applicant namely Deepak Kumar Routray and other Co- accused persons have committed theft the Minor minerals and they have released on bail by virtue of the orders of the Hon'ble Orissa High Court passed in different Cases in different times. The Hon'ble Orissa High Court series of bail orders/Vehicle release orders are already annexed be the Respondent No: 17 in his reply affidavit dated: 21.01.2023. So, it is clear case from the Police Station record the Applicant namely Deepak Kumar Routary and other Co-accused persons. As per the Police Station record as well the bail order/ Vehicle release orders passed by the Hon'ble Orissa High Court shows that the Deepak Kumar Routray( One of the Applicant of the Case) and others Co- accused persons are involving in the theft of Minor Minerals and all the Cases are pending before the competent criminal Courts.



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Susanta Kumar Das

8. That the Applicants have relied the transit Pass (Page No: 70) of the Paper Book of the O.A is false and they have prepared a forged document against the Respondent No: 17 to file before the Hon'ble Tribunal. The Applicants are duty bound to produce the Original Copy of the said material before this Hon'ble Tribunal and also to disclose from which source they have acquired this document before filing in this Tribunal for the purpose of the examination/ comparison of the signature of the Respondent No: 17 and it may be sent to the forensic science laboratory and the Applicants will be bear the expenses of the examination/comparison as per the provision U/S: 73 of Indian evidence Act, 1872. It is evident from the Transit Pass the Applicants have unauthorized acquired this material from which source it needs judicial scrutiny. If the Applicants will be fail to produce the Original Copy of the said document as well to disclose the Source of the acquisition of such documents, it will be presumes that they have joined hands of the duplicate transit pass permit printing racket as well as they have committee fake /forgery in this Proceeding to obtain order /orders in their favor and with intent to cause injury as well as for the purpose for Punishment to



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the Respondent No: 17. Such type of attitude of the Applicants in the judicial proceeding is highly objectionable in nature and it is liable to be declare as illegal. The issues are already explained by the Respondent No: 17 in his Counter affidavit dated: 04.12.2022 (at Para-12, internal Page No: 9). So, this Hon'ble Tribunal may kindly examine this aspect and fix responsibility against the Applicants. Failing which other Persons will be encourage to make a mockery to this Hon'ble Tribunal.



9. That the Respondent No: 17 is already Submitted the E.C Compliance before the competent authorities. It is evident from the Postal acknowledgements filed in the Counter affidavit dated: 04.12.2022 (under internal Page No: 17 to 21) and for better appreciation of this Hon'ble Tribunal the E.C Compliance report is attached here with under ANNEXURE-R/17/M SERIES. The Applicants are unnecessarily made an allegation against the Respondent No: 17 in respect of the EC Compliance issues, which is not permissible in the eye of law. The Applicants are repeatedly / frequently misleading to this Hon'ble to get favorable orders and with intent to cause injury to the Respondent No: 17. The entire

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proceeding and the affidavits filed before this Hon'ble Tribunal by the Applicants shows that the they have used the wordings as a personal vindictive weapon and not for the purpose of the protection of the Environmental law as well as implementation of the Environmental law.

10. That the Applicants namely Deepak Kumar and other Co-accused persons are involving Minor mineral theft offences, which is evident from the Cases registered against them in the affidavit dated: 25.08.2022 filed by the IIC, Chandpur Police Station and the Respondent No: 17 is already filed their Bail orders/ Vehicle release orders of the Hon'ble Orissa High Court passed in the different Cases in connection of the theft of Minor Minerals. The Applicant namely Deepak Kumar Routray and other Co-accused persons have formed a gang in the District of Khordha / Nayagarh District to commit theft of the Minor Minerals by dominating to the State officials along with lessee ( Respondent No: 17) and they are not willing to allow the valid lease by way of different means and creating hindrances not to operate the lease area by the lessee and the Applicant namely Deepak Kumar Routray and other Co-accused persons have been committed



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Susanta Kumar Baroi

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theft the minor Minerals from the different source of the State Government, It is very clear from the affidavit dated: 25.08.2022 of the I.I.C, Chandpur Police Station and also it is crystal clear from the bail orders/Vehicle release orders Passed by the Hon'ble Orissa High Court, which has been attached with the reply affidavit dated: 21.01.2023 of the Respondent No: 17 . Now it is alarming situation in the District of Khordha/ Nayagarh District the Applicants namely Deepak Kumar Routray/ Dillip Kumar Samantra along with other persons namely Ganeswar Mandhata/ Anil Kumar Ray and Pradeep Kumar Jayasingh have been harassing to the lease holders by way of different means. In this Context the lease holder is already approached to the local Police for necessary action against the alleged persons. Even though the Applicant namely Deepak Kumar Routray and others are accused persons involves in connection of the minor mineral theft Cases, it is evident from the Chandpur Police Station record and IIC, Chandpur Police Station categorically appraised the real facts and accordingly filed his affidavit dated: 25.08.2022 before this Hon'ble Tribunal. How the alleged Applicants have been approached to this Hon'ble Tribunal daringly by suppressing



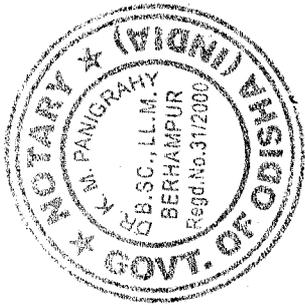
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his criminal antecedents. It is a right time the Hon'ble Tribunal may kindly pass necessary order/orders against the Applicants of the O.A and such practice of the Applicants should be curbed with strong hand for better purity of the administration of justice. They are creating Pollution in the administration justice system by taking false plea and by placing misleading information, which is not permissible in the eye of law.



11. That the Respondent No: 17 has filed a Case before the Hon'ble Orissa High Court vide CRLMP No: 377 of 2023 and prayed there in to register a Criminal Case against the Collector, Nayagarh ( Sri Rabindra Nath Sahu, IAS) along with Deepak Kumar Raoutray, Dillip Kumar Samantra, Ganeswar Mandhata and others. The Hon'ble Orissa High Court after carefully considering the materials available on record passed an order on 28.02.2023 and directed to the Respondent No: 17 of this Case and Petitioner before the Hon'ble High Court to approach the IIC, Chandpur Police Station of Nayagarh District with fresh Complaint. In such event, such motion is made, the said IIC is directed to take a decision on the said Complaint in accordance with law

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keeping in the mind the decision of the Hon'ble Supreme Court in the Case of Lalita Kumari-Versus- Govt. of U.P & Others with in the Period of 4 weeks from the date of Production of the Certified Copy of the orders of the Hon'ble High Court. Copy of the order dated: 28.02.2023 passed in CRLMP No: 377 of 2023 of the Hon'ble Orissa High Court along with copy of the said CRLMP filed before the Hon'ble High Court is annexed here to as **ANNEXURE-R/17/N Series** for ready reference of this Hon'ble Tribunal. Copy of the FIR dated: 26.01.2023 which is addressed to the IIC, Chandpur Police Station and Superintendent of Police, Nayagarh Police District is already annexed under **Annexure-R/17/I & J Series** respectively ( internal Page No: 06 to 16) with the Additional Counter affidavit dated: 25.02.2023 of the Respondent No: 17. The Respondent No: 17 is again submitted a Complaint having regard to the orders dated: 28.02.2023 Passed in CRLMP No: 377 of 2023 before the IIC, Chandpur Police Station on 09.03.2023 against the accused persons namely Rabindra Nath Sahu ( IAS), Collector, Nayagarh and others with reference to invoking U/S: 166, 167, 181, 182, 193, 199, 200, 202, 209, 219, 294, 506, 384 of I.P.C, 1860) . The



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*Susanta Kumar Boroi*

averments/ contents of the affidavit dated: 06.12.2022 of the Collector, Nayagarh is disputed as per order dated: 28.02.2023 of the Hon'ble Orissa High Court passed in CRLMP No: 377 of 2023 in the matter of Susanta Kumar Barad-Versus- Superintendent of Police, Nayagarh and Others. The contents of the affidavit dated: 06.12.2022 of the Collector, Nayagarh is disputed, which has been agitated by the Respondent No: 17 in CRLMP No: 377 of 2023 before the Hon'ble Orissa High Court. So, this Hon'ble Tribunal may kindly ignore the issues involved in the affidavit dated: 06.12.2022 of the Collector, Nayagarh filed in this Case till completion of the investigation by the Police as per order dated: 28.02.2023 passed by the Hon'ble Orissa High Court in CRLMP No: 377 of 2023. Copy of the FIR dated: 09.03.2023 along with Postal acknowledgement has been filed here with as ANNEXURE-R/17/O SERIES.



12. That the affidavit dated: 06.12.2022 filed by the Collector, Nayagarh is motivated/ disputed/ biased and the Collector has no authority to say who has been done/ theft of the Minor Minerals without any basis. The affidavit dated: 25.08.2022 of the IIC, Chandpur Police Station is itself speaking that

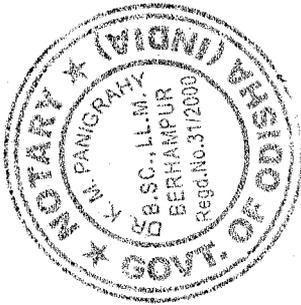
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the Respondent No: 17 is not involving any Cases relating to the theft of Minor Minerals. Surprisingly, the Collector how and which way made allegation against the Respondent No: 17 by way of filing affidavit dated: 06.12.2022 before this Hon'ble Tribunal. The Collector has been relied only the measurement report of the Geology Department in his affidavit dated: 06.12.2022. But, the measurement report is itself silent that, who has done the illegal mining and Geology Department officials and the Collector- Cum-District Magistrate, Nayagarh have also no authority to say who has done illegal mining. The Collector, Nayagarh without authority has made allegation against the Respondent No: 17 and filed his affidavit dated: 06.12.2022 before this Hon'ble Tribunal by way of omnibus manner. It is apt to mention here that without investigation by the Police and any other agency nobody is authority to say who has done illegal Mining and the Collector has failed to attach any other materials to prove his allegation against the respondent No: 17. The affidavit filed by the Collector is not based on official record and without any valid prove he has filed his affidavit before this Hon'ble Tribunal by way of imaginary pleading against the Respondent



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No: 17. The Collector while filing his affidavit dated: 06.12.2022 has failed to honor the affidavit dated: 25.08.2022 of the IIC, Chandpur Police Station. It is crystal clear from the affidavit of the IIC, Chandpur Police Station the Respondent No: 17 is not involving in Minor Mineral theft Cases. It is very clear from the affidavit of the IIC, Chandpur Police Station that the Applicant namely Deepak Kumar Routray and his associates are involving in the theft of Minor Minerals and Police is already registered Criminal Cases against them and the accused persons have been released on bail by order of the Hon'ble Orissa High Court and also their vehicles has been released by order of the Hon'ble Orissa High Court. The Collector while filing of the affidavit before this Hon'ble Tribunal suppressed the real facts of the Police Station records and unnecessarily made an allegation against the Respondent No: 17. It is again agitated here that the RTI reply of the Public Information officer (PIO) of Ranpur Tahasil office released under RTI Act, 2005 vide office letter No: 5124/dated: 31.12.2022 (internal Page No: 98 to 105 of the reply affidavit dated: 21.01.2023 of the Respondent No: 17) shows that there is no information available in the



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Tahasil office record against the Respondent No: 17. Thus, it is clear Case that the Collector has made an allegation against the Respondent No: 17 by way of filing affidavit dated: 06.12.2022 without any materials of the Tahasil Office as well as Police Station record. The Collector has no authority to file such type of affidavit dated: 06.12.2022 before this Hon'ble Tribunal without any official record. The Collector has filed the affidavit before this Hon'ble Tribunal according to his will and pleasure and not based on official record. It is apt to mention here that the RTI reply dated: 31.12.2022 is itself clear that the Collector, Nayagarh has filed false affidavit dated: 06.12.2022 against the respondent No: 17 before this Hon'ble Tribunal to satisfy the applicants. So, the affidavit dated: 06.12.2022 of the Collector, Nayagarh is completely false / fabricated and got up story as created by him sitting in his office.

13. That surprisingly, the Collector, Nayagarh has filed his affidavit on 06.12.2022 on behalf of the Tahasildar, Ranpur. It is a settled Principle any subordinate official could have been file the affidavit on behalf of his higher authority. But, in this Case the Collector has filed his affidavit on



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behalf of his subordinate officer (i.e. Tahasildar, Ranpur). It shows that the Collector- Cum- District Magistrate has no idea how and which way the affidavit could have been file before this Hon'ble Tribunal.

14. That the Respondent No: 17 is craves leave of this Hon'ble Tribunal to file further affidavit, if necessary for proper adjudication of the matter.

**VERIFICATION**

I **Susanta Kumar Barad**, S/O: Sarbeswar Barad, aged about 35 years, At: Sri Krushnapur, Po: Champagarh-752024, P/S: Chandapur, Dist: Nayagarh, State: Odisha do her by verify that the contents of Para 01 to 14 believed to be true and that I have not suppressed any material fact.

Verified at Berhampur on 30.03.2023.



**IDENTIFIED BY**

*Done*  
*30.03.2023*

**ADVOCATE**

*(B.N. Mahapatra)*

Dr. K.M. Panigrahy

**NOTARY**

Berhampur (Ganjam)

No. *1256*

Time *11:30*

Place *B.N.*

*Susanta Kumar Barad*

**DEPONENT**

**DECLARATION**

The deponent having been identified by Advocate  
Sh. *B.N. Mahapatra* before me  
this the *30* day of *March* 20*23* Before the Notary, Berhampur  
*11:30* A.M./P.M. read over and explained the  
deponent who seems perfectly to have understood  
the contents and toh affidavit.

*[Signature]*  
Dr. K.M. Panigrahy  
Notary Berhampur (Gm.)  
Regd. No.31/2000

23

Annexure-R/17/MSeries.

To,  
Regional Office,  
Ministry of Environment, Forest and Climate Change,  
Regional Office Bhubaneswar

Date: 01.10.2022

**Sub: Regarding Compliance of the Environmental Clearance of Mining Of Laterite Stone From "Mayurajhalia Laterite Quarry" At Village- Mayurajhalia Tahasil- Ranpur, District Nayagarh, Odisha Mining Lease Area - 1.62 Ha/4.00 Acres**

**Ref: Environment Clearance Letter no- Ref No. 271/SEIAA Dated 2-02-2021, File No- SEIAA-880/11-2020**

Dear Sir,

This has reference to the EC letter no **Ref No. 271/SEIAA Dated 2-02-2021, File No- SEIAA-880/11-2020** Issued by SEIAA Odisha, we have been asked to submit the quarterly compliance reports with all the Stipulated Conditions of the same.

In view of above, I am submitting a copy of the following information/ documents for your kind perusal:

1. Point-wise compliance of the stipulated environmental conditions/ safeguards.
2. quarterly compliance reports & environmental monitoring report (Session: October 2022)

Thanking You.

Yours truly,

*Susant Kumar Barad*

Sri. Susant Kumar Barad

Copy to:

- Regional office,*
1. The Member Secretary, Odisha State Pollution Control Board
  2. The Member Secretary, State Level Environmental Impact Assessment Authority Odisha
  3. The collector-cum-District magistrate, Nayagoh, Odisha
  4. The Tahsilidar, Ranapur, Dist:- Nayagoh, Odisha
- Encl: as above

(24)

Annexure-R/17/M serial

**COMPLIANCE REPORT**

Ref No- 271/SEIAA Dated 2-02-2021, File No- SEIAA 880/11-2020

**OCT-22**

**COMPLIANCE REPORT OF  
ENVIRONMENTAL CLEARANCE  
LETTER**

(Ref No. 271/SEIAA Dated 2-02-2021, File n- SEIAA-  
880/11-2020)

Of

**MINING OF LATERITE STONE FROM  
"MAYURAJHALIA LATERITE QUARRY"  
AT**

**VILLAGE- MAYURAJHALIA TAHASIL-  
RANPUR,**

**DISTRICT NAYAGARH, ODISHA**

**MINING LEASE AREA - 1.62 Ha/4.00 Acres**

For

**SRI. SUSANT KUMAR BARAD**

**AT/PO-SRIKRUSHNAPUR**

**DIST-NAYAGARH**

(25)

Annexure-R/17/M series.

**COMPLIANCE REPORT**

Ref No- 271/SEIAA Dated-2-02-2021, File No- SEIAA 330/11-2020

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## COMPLIANCE REPORT

### PURPOSE OF THE REPORT

As per the "Sub Para (ii)" of "Para 10" of EIA Notification 2006, it is stated that ***"It shall be mandatory for the project management to submit compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on prescribed date by the SEIAA Odisha for each calendar year"*** and as per compliance of condition mentioned in Environment Clearance Letter, quarterly compliance reports should be submitted to the SEIAA, Odisha/ SPCB, Odisha/Regional Office of the MoEF & CC, Bhubaneswar.

It is mandatory to submit a quarterly compliance Report to show the status & compliance of all the Conditions mentioned in Environment clearance Letter, along with monitoring of various Environmental Parameters (as per CPCB Norms).

The regulatory authorities in this case are Odisha/ SPCB, Odisha/Regional Office of the MoEF & CC, Bhubaneswar. Various scheduled Site Visits were conducted by a team of Experts to Monitor Pollution related parameters as defined by CPCB / UPPCB. Samples for water and soil were also collected for further analysis.

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**COMPLIANCE REPORT**

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Based on the Specific and General Conditions mentioned in the EC Letter, a Compliance Report was prepared by the Team on behalf of Project Proponent; details of which are present in Chapter – “Compliance Report”.

• **Methodology for Preparation of Report is as follows:**

- 1) Study of EC Letter & Related Documents,
- 2) Site Visits by a Team of Experts,
- 3) Monitoring of Environment Parameters, viz. Ambient Air, Water, Noise and Soil
- 4) Analysis of Samples collected during Monitoring,
- 5) Interpretation of Monitoring Results,

• **Generic Structure of Report:**

1. Purpose of the Report, explaining the need of a Compliance Report and Methodology Adopted for preparation of Report.
2. Environment Clearance Letter, prescribing all the conditions & guidelines to be followed during construction Phase and Operation Phase of the Project.
3. Site Study Report, showing status of the project and site photographs.
4. Compliance Report, explaining the entire General & specific conditions in the EC Letter and providing details w.r.t. each condition/guidelines.
5. Monitoring Reports & Analysis, showing the level of emission within the project site for various Environment Parameters.

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**COMPLIANCE REPORT**

Ref No: 271/SEIAA Dated 2-02-2021, File No: SEIAA 880/11-2020

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**POINT WISE REPLY OF ENVIRONMENTAL CLEARANCE COMPLIANCE:-**

**COMPLIANCE OF STIPULATED CONDITIONS**

**Stipulated Conditions**

1.	The yearly total production (maximum) from the quarry shall not exceed more than 7704 cum for the valid lease period and the total production from the quarry shall be 38520 cum during the valid lease period of five years.	Noted & Agreed.
2.	Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project.	Noted & Agreed. If Any change in the calendar plan, change in production quantity or method of mining is to be proposed in future will be carry out after getting prior approval of the SEIAA.
3.	Demarcation of mining area with pillars and geo-referencing should be done prior to start of mining at	Agreed, & complied, Permanent pillars & geo referencing is complied.

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	<p>the cost of the lease holder after certification by the mining official and its geo-coordinates are made available to the concerned authority. The area should be properly surveyed and mapped with the help of DGPS to assign geo-coordinates and accordingly erect durable masonry/concrete pillars.</p>	
4.	<p>No mining shall be carried out in the vicinity of natural/manmade archeological sites.</p>	<p>Noted &amp; Agreed. There is no any natural/manmade archeological sites in nearby project site.</p>
5.	<p>It shall be ensured that quarrying is not carried out within 500 m of structures, bridges, embankment, dams, weirs, ground water extraction points, water supply head</p>	<p>Agreed and complied.</p>
	<p>works, extraction points for irrigation and any other cross drainage structures. Pursuant to Hon'ble NGT in its Order dated 21</p>	

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	.07.2020 in OA No- 304/2019 in the matter of M.Haridasan & Ors. Vrs State of Kerala and to comply with the direction made therein "No stone quarry without involving blasting will be operated within 100 m (minimum distance criteria) from Residential/public buildings, inhabited sites, other location etc".	
6	The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level.	Agreed. No change in the mining plan shall be carried out beyond 6 m below ground level.
7	It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted depth, then also quarrying shall be stopped.	Agreed we assure that quarrying shall not be below ground water table whichever is comes first.
8.	Topsoil, if any, shall be stacked properly with proper slope with	Noted & Agreed.

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	adequate measures and should be used for plantation purpose.	
9.	The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and groundwater), if any, required for the project.	Noted & Agreed.
10.	Pursuant to MoEf & CC, O.M No 22-34/2018-1A.111 dated 16.01.2020 to comply with the direction made by Hon'ble Supreme Court on 8.01.2020 in W.P. (Civil) No. 114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the	Agreed, the Project.  We assure that in conceptual period restoration of land to a condition which is fit for growth of fodder, flora , fauna is being done.

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	land to a condition which is fit for growth of fodder, flora , fauna etc.	
11.	No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned State Govt. Department/Gram Panchayat and only after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed	Agreed.  We assure that no movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. we ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.  An alternate road is being used for the transportation of the mineral which does not pass through any of the village.  Regular water sprinkling is being carried out to prevent generation of dust due to movement of vehicular

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	on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall	movement on haul road.
	ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.	
12.	Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.	Noted. The vehicles used for the transportation of minor mineral from the site is well maintained and have pollution check certificate.
13.	The vehicles shall not be overloaded and shall be covered with Tarpaulin.	Noted & agreed,

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	The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum	Vehicles which is used for transportation of minerals is not overloaded and they have covered with Tarpaulin.
	of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.	
14.	The project proponent shall take all precautionary measures during mining operation for conservation of flora and fauna. The PP shall plant and nurse a minimum of 100 numbers of saplings of native species along the approach roads,	Agreed and is being complied, we will develop a green belt along the boundary of the mine site, along the road sides or near the civic amenities in consultation with village panchayat & Forest department with the native plant species.
	safety zone of lease area and in community areas in consultation with the Gram Panchayat.	
15.	Water spray should be made on the	Noted.

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	village road to control dust emission during transportation of mineral. Wet drilling method is to be adopted to control dust emissions.	Proper water sprinkling has been conducted for dust suppression during the transportation of minerals.
16.	A scheme for disposal of waste generated shall be prepared and faithfully implemented. The sites where tree plantation shall be raised must be specified and protection measures for the saplings planted have to be undertaken by the project proponent.	Noted & Agreed.  we will develop a green belt along the boundary of the mine site, along the road sides or near the civic amenities in consultation with village panchayat & Forest department with the native plant species
17.	Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, and trans-boundary movement) Rules, 2008 and its amendments	Noted & Agreed.  The vehicles used for transportation of minerals is well maintained and always checking for proper PUC.  If any waste oil used oils generated from such vehicles & EM machines their disposal will be done as per

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	thereof to the recyclers authorized by SPCB, Odisha.	Hazardous Wastes (Management, Handling, and trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
18.	Permanent barricading/barbed wired fencing of the mining lease area site shall be done after completion of mining activities to prevent any danger for stray animals and human habitations from accidents.	Noted & Agreed.  During conceptual plan & after life of mine proper permanent barricading/barbed wired fencing of the mining lease area site will be done to prevent any danger for stray animals and human habitations from accidents.
19.	The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine. Filling of the ditch by fly ash is to be ensured by the lessee, as also fencing the area,	Noted & Agreed.

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	guard wall for safety of cattle & traffic.	
20.	<p>Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report.</p>	<p>Noted &amp; Agreed.</p> <p>We ensure for the compliance with the environmental conditions specified above. we also concern about the year wise funds earmarked for environmental protection measures as per the plan.</p>
21.	<p>The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.</p>	<p>Noted &amp; Agreed.</p>

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22.	It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha/SPCB, Odisha/Regional Office of the MoEF & CC, Bhubaneswar, in hard and soft copies on 1 <sup>st</sup> day of January, April, July, October of each calendar year <b>failing which EC is liable to be revoked</b>	Noted & Agreed.  We assure that we have submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha/ SPCB, Odisha/Regional Office of the MoEF & CC, Bhubaneswar, in hard and soft copies on 1 <sup>st</sup> day of January, April, July, October of each calendar year.
23.	At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.	Noted & Agreed.  We will remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
24.	The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e.	Noted & Agreed.  We assure that we have submit quarterly compliance reports on the status of implementation of the above

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	the Tahasildar, who shall ensure that the project proponent submits quarterly compliance reports.	stipulated environmental safeguards to the SEIAA, Odisha/ SPCB, Odisha/Regional Office of the MoEF & CC, Bhubaneswar, in hard and soft copies on 1 <sup>st</sup> day of January, April, July, October of each calendar year.
25.	The concerned Regional Office of the MoEF & CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.	Noted & Agreed.
26.	A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParisad	Noted

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	/Municipal Corporation / Urban Local Body as the case may be.	
27.	Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the State Pollution Control Board.	Complied.
28.	The SEIAA, Odisha may revoke or suspend the EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.	Noted & Agreed.
29.	The Project Proponent (lease	Noted

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	holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.	
30.	Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this environment clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.	Noted
31.	The above conditions will be enforced inter-alia, under the	Yes, the we will follow all the statutory requirements and judgment of Hon'ble

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	provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/High Court and any other Court of Law relating to the subject matter.	Supreme Court.
32.	This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.	Environment Clearance has already been granted by SEIAA/Odisha.
33.	Any appeal against this	Noted

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	environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section	
	16 of the National Green Tribunal Act, 2010.	

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# EC LETTER

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**STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY  
ODISHA, BHUBANESWAR**

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC Govt of India)  
5RF-2/1, Unit-IX, Bhubaneswar-751022. Tel. 0674-2540669. E-mail-seuaairussa@gmail.com

Letter No 231/SEIAA

DT. 02.02.2021

File No. SEIAA-880/11-2020

To

Sri.Susant Kumar Barad,  
At/Po-Srikrushnapur,  
Dist-Nayagarh

Sub: Proposal for mining of laterite stone from Mayurajhalia Laterite Quarry over an area of 4.00 acres or 1.62 ha at village- Mayurajhalia, Tahasil- Ranpur, District- Nayagarh of Sri.Susant Kumar Barad -Environmental Clearance reg.

Ref: Proposal No: SEIAA-880/11-2020 dt. 18.11.2020

Sir,

This is with reference to the application dated 18.11.2020 for grant of environmental clearance (submitted in the offline mode) for the proposed activities mentioned above.

2. The application has been submitted in the offline mode because it is a case of minor mineral extraction involving area of less than 5ha. (a B2 category project), and there is no provision at present for filing EC application for such cases in the online mode before SEIAA in the PARIVESH portal(the relevant application Form-IM does not appear on the screen of the said portal when EC application is to be filed to SEIAA). The applicant has submitted the application in Form-I,i.e. the Form in which applications for minor mineral projects were being submitted upto the year 2016 before SEIAA. The Form-I does not contain some of the situational information relating to environmental sensitivity, but much of the required information has been submitted by the applicant in the Checklist and also in the PFR. The State Govt. vide their letter no.21253/F&E dated 05.11.2019 have requested the MoEF&CC to make necessary provision in the PARIVESH portal to facilitate filing of environmental clearance applications for minor

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mineral projects before SEIAA in the online mode; but so far the necessary provision has not been given in the said portal.

3. The application in Form-I is supported by other necessary documents, namely the PFR, DSR, EMP, Approved Mining Plan and Checklist.

4. The Tahasildar, Ranpur who is the lease granting authority in this case is responsible for monitoring strict compliance by the project proponent with the following conditions of grant of environment clearance.

5. The proposed activities in a nut shell are as follows: -

- a. This is a proposal for mining of Laterite stone from **Mayurajhalia Laterite Quarry** located at **Village- Mayurajhalia, Tahasil- Ranpur, District-Nayagarh, Odisha** over lease area of 4.00 acres or 1.62 ha.
- b. The mine area is a part of the Survey of India Toposheet No. 74E/5 bounded by Latitude:19°59'46.06" N to 19°59'50.15" N and Longitude:85°24'48.14" E to 85°24'53.39"E.
- c. The mining lease is an identified sairat source in the DSR. The Mayurajhalia Laterite Quarry sairat source has been leased out under the OMMC Rules,2016 by Tahasildar, Ranpur to Sri.Susant Kumar Barad on the basis of public auction to the successful bidder(lessee)for a lease period of 5 years.
- d. The mining plan of the mining project prepared on behalf of successful bidder (lessee)has been approved by Deputy Director Geology, Directorate of Geology, Bhubaneswar on 13.07.2020.
- e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 54436 cum of laterite stone.
- f. The project proponent has not furnished the alignment of the extraction path for laterite stone transportation. As reported by the Tahasildar/PP in the Checklist, the village road is at a distance of 0.6Km from the mining lease area.
- g. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mine located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.
- h. The Tahasildar vide letter no.3663 dated 12.11.2020 has submitted that the proposed quarry is situated on non-forest land, even after verification of the DLC report.
- i. As per the approved mining plan, it is observed that laterite stone from the quarry will be extracted by semi-mechanized method with annual extraction of laterite

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stone not exceeding 7704 cum (maximum production capacity) during the valid lease period.

6. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5 ha).

7. The proposal is duly appraised by the SEAC in its meeting held on 23.12.2020. The SEAC has submitted the appraisal report and recommended for grant of EC, vide their letter no. 788/SEAC-Misc-02 dated 24.12.2020.

8. The Environmental Clearance is accordingly granted to the proposed activity of laterite mining / quarrying which shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar and shall be coterminous with the expiry of lease period.

**9. Stipulated Conditions:**

- 9.1 The yearly total production (maximum) from the quarry shall not exceed more than 7704 cum for the valid lease period and the total production from the quarry shall be 38520 cum during the valid lease period of five years.
- 9.2 Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project.
- 9.3 Demarcation of mining area with pillars and geo-referencing should be done prior to start of mining at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the concerned authority. The area should be properly surveyed and mapped with the help of DGPS to assign geo-coordinates and accordingly erect durable masonry/concrete pillars.
- 9.4 No mining shall be carried out in the vicinity of natural /manmade archeological sites.
- 9.5 It shall be ensured that quarrying is not carried out within 500 m of structures, bridges, embankment, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures. Pursuant to Hon'b'e NGT in its Order dated 21.07.2020 in OA No-304/2019 in the matter of M.Haridasan & Ors. Vrs State of Kerala and to comply with the direction made therein "No stone quarry without involving blasting will be operated within 100 m (minimum distance criteria) from Residential/public buildings, inhabited sites, other location, etc".
- 9.6 The project proponent shall ensure that no mining activity takes place beyond 6 m below ground level.
- 9.7 It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted depth, then also quarrying shall be stopped.

*[Signature]*

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- 9.8 Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.
- 9.9 The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water and groundwater), if any, required for the project.
- 9.10 Pursuant to MoEf & CC, O.M No 22-34/2018-1A.111 dated 16.01.2020 to comply with the direction made by Hon'ble Supreme Court on 8.01.2020 in W.P. (Civil) No. 114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
- 9.11 **No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.** Transportation of minerals through existing rural roads can be allowed only by the concerned State Govt. Department/Gram Panchayat and only after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- 9.12 Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 9.13 The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.
- 9.14 The project proponent shall take all precautionary measures during mining operation for conservation of flora and fauna. The PP shall plant and nurse a minimum of 100 number of saplings of native species along the approach roads, safety zone of lease area and in community areas in consultation with the Gram Panchayat.
- 9.15 Water spray should be made on the village road to control dust emission during transportation of mineral. Wet drilling method is to be adopted to control dust emissions.
- 9.16 A scheme for disposal of waste generated shall be prepared and faithfully implemented. The sites where tree plantation shall be raised must be specified and protection measures for the saplings planted have to be undertaken by the project proponent.



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- 9.17 Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, and trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.
- 9.18 Permanent barricading/barbed wired fencing of the mining lease area site shall be done after completion of mining activities to prevent any danger for stray animals and human habitations from accidents.
- 9.19 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine. Filling of the ditch by fly ash is to be ensured by the lessee, as also fencing the area, guard wall for safety of cattle & traffic.
- 9.20 Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report.
- 9.21 The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.
- 9.22 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / SPCB, Odisha/ Regional Office of the MoEF & CC, Bhubaneswar, in hard and soft copies on 1<sup>st</sup> day of January, April, July, October of each calendar year, failing which EC is liable to be revoked.
- 9.23 At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
- 9.24 The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar, who shall ensure that the project proponent submits quarterly compliance reports.
- 9.25 The concerned Regional Office of the MoEF & CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 9.26 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParisad /Municipal Corporation / Urban Local Body as the case may be.
- 9.27 Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the State Pollution Control Board.
- 9.28 The SEIAA, Odisha may revoke or suspend the EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.



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Annexure-R/17/M Series

- 9.29 The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then mining operation can be carried out only after transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 9.30 Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this environment clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.
- 9.31 The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.
- 9.32 This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
- 9.33 Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

*[Signature]*  
Member Secretary

Memo No 272/SEIAA /Dt. 02.02.2021  
Copy to

- 1. Additional Chief Secretary, Forests & Environment Dept., Government of Odisha for information.
- 2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
- 3. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
- 4. Deputy Secretary, MM&S Branch of Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.
- 5. Collector & ADM, Nayagarh, / Sub Collector, Nayagarh/ Tahasildar, Ranpur for Information and necessary action.
- 6. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
- 7. Guard file for record.

*[Signature]*  
Member Secretary

Susanta Kumar Barua

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Annexure-R/17/Mseries.

# LAB REPORT

Susanta Kumar Borah



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# NOIDA TESTING LABORATORIES

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Ameyuse-R/17/m. series

## TEST CERTIFICATE

Test Report of	Report Code	Date of Issue
Ambient Air Quality Analysis	AAQ-120522-01	18/05/2022

Issued To : Sri. Susant Kumar Barad  
 Project Details: Mayurajhalia Laterite Quarry at Viliage - Mayurajhalia Tahasil- Ranpur,  
 District Nayagarh Odisha (Area 4.00 acres or 1.62 ha)

### Sampling & Analysis Data

Sample Drawn By : Laboratory  
 Date of Sampling : 11/05/2022  
 Sample Description : Ambient Air  
 Sampling Plan & Procedure : SOP-AAQ/08  
 Analysis Duration : 12/05/2022 to 18/05/2022  
 Sampling Location : Project Site  
 Average Flow Rate of SPM (m<sup>3</sup>/min.) : 1.14  
 Average Flow Rate of Gases (lpm) : 1.0  
 Sampling Instrument Used : RDS (PM<sub>10</sub>) FPS (PM<sub>2.5</sub>) With Gaseous Attachment  
 Weather Condition : Clear

TEST RESULT					
S.No.	Parameter	Test Method	Results	Units	Limits as per Environment (Protection) Act.
1.	Particulate Matter (PM <sub>10</sub> )	IS:5182 Part-XXIII	78.19	µg /m <sup>3</sup>	100.0
2.	Particulate Matter (PM <sub>2.5</sub> )	IS:5182 Part-XXIV	45.60	µg /m <sup>3</sup>	60.0
3.	Sulphur dioxide (SO <sub>2</sub> )	IS:5182 Part-II	9.28	µg /m <sup>3</sup>	80.0
4.	Nitrogen dioxide (NO <sub>2</sub> )	IS:5182 Part-VI	17.80	µg /m <sup>3</sup>	80

- Notes:
- The results given above are related to the tested sample, as received & mentioned parameters. The customer asked for the above tests only.
  - Responsibility of the Laboratory is limited to the invoiced amount only.
  - This test report will not be generated again, either wholly or in part, without prior written permission of the laboratory.
  - The test samples will be disposed of after two weeks from the date of issue of test report, unless until specified by the customer.

*[Signature]*

CHECKED BY

*Susanta Kumar Barad*



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## TEST CERTIFICATE

Test Report of Ambient Noise	Report Code AN-120522-02	Date of Issue 18/05/2022
---------------------------------	-----------------------------	-----------------------------

Issued To : Sri. Susant Kumar Barad  
 Project Details: Mayurajhalia Laterite Quarry at Viliage - Mayurajhalia Tahasil- Ranpur,  
 District Nayagarh Odisha (Area 4.00 acres or 1.62 ha)

### SAMPLING & ANALYSIS DATA

Sample Drawn On : 11/05/2022  
 Sample Drawn By : Laboratory  
 Sample Location : Project Site  
 Sample Received On : 12/05/2022  
 Sample description : Ambient Noise  
 Sampling Time : 24hrs

### TEST RESULT

S. No	Test Parameters	Results	Units	Requirement (as per CPCB Guidelines Limits in dB (A) Leq		
				Category of Area/ Zone	Day Time	Night Time
1.	EQUIVALENT NOISE LEVEL (6.0 AM TO 10.0 PM)	57.6	dB(A)	Industrial Area	75	70
				Commercial Area	65	55
2.	EQUIVALENT NOISE LEVEL (10.0 PM TO 6.0 AM)	40.2	dB(A)	Residential Area	55	45
				Silence Zone	50	40

#### Notes:

- The results given above are related to the tested sample, as received & mentioned parameters. The customer asked for the above tests only.
- Responsibility of the Laboratory is limited to the invoiced amount only.
- This test report will not be generated again, either wholly or in part, without prior written permission of the laboratory.
- The test samples will be disposed of after two weeks from the date of issue of test report, unless until specified by the customer.

*John*

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Annexure-R/17/m 2022



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## TEST CERTIFICATE

Test Report of	Report Code	Date of Issue
Water	W-120522-03	18/05/2022

Issued To : Sri. Susant Kumar Barad  
 Project Details: Mayurajhalia Laterite Quarry at Viliage - Mayurajhalia Tahasil- Ranpur,  
 District Nayagarh Odisha (Area 4.00 acres or 1.62 ha)

### SAMPLING & ANALYSIS DATA

Sample Drawn By : Laboratory  
 Sample Received Date : 12/05/2022  
 Sample Quantity : 2.0 Lt.  
 Analysis Duration : 12/05/2022 to 18/05/2022  
 Sampling Location : Near Project Site  
 Sample Description : Water

### RESULTS

Essential test as per IS:10500-2012

S. No.	Parameter	Test Method	Results	Units	Desirable Limit	Extended Limit
1.	pH	IS:3025(Part-11)	7.42	-	6.0 - 9.0	-
2.	Colour	IS:3025(Part-4)	<5.00	Hazen	5	15
3.	Odour	IS:3025(Part-5)	Agreeable	-	Agreeable	Agreeable
4.	Taste	IS:3025(Part-8)	Agreeable	-	Agreeable	-
5.	Turbidity	IS:3025(Part-10)	<1.00	NTU	1	5
6.	Total Hardness (as CaCO <sub>3</sub> )	IS:3025(Part-21)	189.50	mg/l	200	600
7.	Chloride (as Cl)	IS:3025(Part-32)	32.60	mg/l	250	1000
8.	Calcium (as Ca)	IS: 3025 (P- 40)	41.80	mg/l	75	200
9.	Iron (as Fe)	IS:3025(Part-52)	0.135	mg/l	1	No Relaxation
10.	Nitrate (as NO <sub>3</sub> )	IS: 3025 (P- 34)	5.80	mg/l	45	No Relaxation
11.	Total Dissolved Solid	IS:3025(Part-16)	546.0	mg/l	500	2000
12.	Alkalinity (as Ca CO <sub>3</sub> )	IS: 3025 (P- 23)	197.80	mg/l	200	600
13.	Sulphate (as SO <sub>4</sub> )	IS: 3025 (P- 24)	32.50	mg/l	200	400

### MICROBIOLOGICAL REQUIREMENT

### RESULTS

S.No.	Parameter	Test Method	Results	Required as per IS-10500:2012
1.	<i>Escherichia coli</i>	IS-15185	Absent	Absent/100ml
2.	<i>Coliform Bacteria</i>	IS-15185	Absent	Absent/100ml

### Notes:

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- The test samples will be disposed off after two weeks from the date of issue of test report, unless until specified by the customer

*[Signature]*

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*Susant Kumar Barad*



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# NOIDA TESTING LABORATORIES

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## TEST CERTIFICATE

Test Report of Soil Quality	Report Code SQ-120522-04	Date of Issue 18/05/2022
--------------------------------	-----------------------------	-----------------------------

Issued To : Sri. Susant Kumar Barad  
 Project Details: Mayurajhalia Laterite Quarry at Viliage - Mayurajhalia Tahasil- Ranpur,  
 District Nayagarh Odisha (Area 4.00 acres or 1.62 ha)

### Sampling & Analysis Data

Sample Received On : 12/05/2022  
 Sample Drawn By : Laboratory (NTL)  
 Sample Description : Soil Sample Collected from Near Project Site  
 Analysis Duration : 12/05/2022 to 18/05/2022

Sl. No.	Parameters	Results	Test Method
1.	pH	7.41	IS:2720(Part-26)
2.	Conductivity (µmhos/cm)	389.0	IS:2720(Part-21)
3.	Sodium (as Na)(mg/kg)	174.0	STP/SOIL
4.	Water holding capacity (%)	32.80	STP/SOIL
5.	Potassium (as K) (mg/kg)	85.20	STP/SOIL
6.	Texture	Sand (% by mass)	64.00
		Clay (% by mass)	18.00
		Silt (% by mass)	18.00
7.	Calcium (as Ca)(mg/kg)	421.0	STP/SOIL
8.	Magnesium (as Mg) (mg/kg)	118.0	STP/SOIL
9.	SAR	0.54	STP/SOIL
10.	CEC (meq/100gm)	2.60	STP/SOIL
11.	Available Phosphorus (as P),(mg/kg)	14.20	STP/SOIL
12.	Organic carbon (%)	0.58	STP/SOIL
13.	Porosity (% by mass)	34.80	STP/SOIL
14.	Permeability (cm/hr)	1.95	STP/SOIL
15.	Bulk Density (kg/cm <sup>3</sup> )	1.32	STP/SOIL
16.	TKN%	0.026	STP/SOIL

#### Notes:

- The results given above are related to the tested sample, as received & mentioned parameters. The customer asked for the above tests only.
- Responsibility of the Laboratory is limited to the invoiced amount only.
- This test report will not be generated again, either wholly or in part, without prior written permission of the laboratory.
- The test samples will be disposed of after two weeks from the date of issue of test report, unless until specified by the customer.

*[Handwritten Signature]*

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## Track Consignment

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\* Consignment Number

EO607935327IN

EO607935327IN INR16979607935327 भारतीय डाक  
 SP BERHAMPUR RMS COUNTER (76999)  
 Counter No:169/19/2022,11:31  
 Today DIRECTOR G,REGIONAL OFFICE India Post  
 PIN:751023, S.E Rly.Proj. Complex S.O  
 From:SUSANT KU B.SRIKRUSHNAPUR  
 Wt:255gms  
 Amt:59.00 (Cash)Tax:9.00  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666668> (wear Masks, Stay Safe)

Quick help

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Booked At	Booked On	Destination Pincodes	Tariff	Article Type	Delivery Location
Berhampur RMS COUNTER	05/10/2022 11:31:05	751023	59.00	Inland Speed Post	S.E Rly.Proj. Complex S.O

## Event Details For : EO607935327IN

## Current Status : Item Delivered [To: moef (Addressee) ]

Date	Time	Office	Event
07/10/2022	13:48:18	S.E Rly.Proj. Complex S.O (Beat Number:1)	Item Delivered [To: moef (Addressee) ]
06/10/2022	09:24:11	Bhubaneswar NSH	Item Received
06/10/2022	07:09:45	Bhubaneswar RMS TMO	Item Dispatched
06/10/2022	07:05:54	Bhubaneswar RMS TMO	Item Received
06/10/2022	01:55:48	TMO BERHAMPUR RMS	Item Dispatched
05/10/2022	19:51:53	TMO BERHAMPUR RMS	Item Received
05/10/2022	16:07:14	Berhampur NSH	Item Dispatched
05/10/2022	15:15:44	Berhampur NSH	Item Bagged
05/10/2022	14:15:46	Berhampur NSH	Item Received
05/10/2022	14:04:33	Berhampur RMS COUNTER	Item Dispatched
05/10/2022	14:00:06	Berhampur RMS COUNTER	Item Bagged
05/10/2022	11:31:05	Berhampur RMS COUNTER	Item Booked

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EO607935579IN

EO607935579IN IVR:6979607935579

SF BERHAMPUR RMS COUNTER <76008  
Counter No:1,05/10/2022,11:31  
To:THE REGIONAL OFFICER, IDOD  
PIN:760008, Lanjipalli S.O  
From:SUBANT K O B.SRIKRISHNAAPURwt:2600g  
Rat:35.40(Cash) / a:15.40  
<Track on www.indiapost.gov.in>  
<Dial 18002666868> <wear Masys. Stay Safe>

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Berhampur RMS COUNTER	05/10/2022 11:31:05	760008	35.40	Inland Speed Post	Lanjipalli S.O	06/10/2022 16:52:05

## Event Details For : EO607935579IN

## Current Status : Item Delivery Confirmed

Date	Time	Office	Event
06/10/2022	16:52:05	Lanjipalli S.O	Item Delivery Confirmed
06/10/2022	11:05:09	Lanjipalli S.O	Out for Delivery
06/10/2022	10:38:17	Lanjipalli S.O	Item Received
06/10/2022	04:38:40	TMO BERHAMPUR RMS	Item Dispatched
05/10/2022	19:51:53	TMO BERHAMPUR RMS	Item Received
05/10/2022	16:07:14	Berhampur NSH	Item Dispatched
05/10/2022	15:50:11	Berhampur NSH	Item Bagged
05/10/2022	14:15:46	Berhampur NSH	Item Received
05/10/2022	14:04:33	Berhampur RMS COUNTER	Item Dispatched
05/10/2022	14:00:06	Berhampur RMS COUNTER	Item Bagged
05/10/2022	11:31:05	Berhampur RMS COUNTER	Item Booked

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## Track Consignment

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EO607935582IN

EO607935582IN IVR:6979607935582  
 BP BERHAMPUR RMS COUNTER <76000>  
 Counter No:1,05/10/2022,11:31  
 To:THE TAHASILDAR,RAJANPUR  
 PIN:752026, Rajranpur S.O  
 From:SUSANT KU B.SRIKRUSHNAPUR  
 Wt:260gms  
 Amt:59.00(Cash)Tax:9.00  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666888> <Wear Masks, Stay Safe>



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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Berhampur RMS COUNTER	05/10/2022 11:31:05	752026	59.00	Inland Speed Post	Rajranpur S.O	07/10/2022 17:28:16

## Event Details For : EO607935582IN

Current Status : Item Delivered [To: tahasildar (Addressee) ]

Date	Time	Office	Event
07/10/2022	17:47:27	Rajranpur S.O (Beat Number:1)	Item Delivered [To: tahasildar (Addressee) ]
07/10/2022	17:28:16	Rajranpur S.O	Item Delivery Confirmed
07/10/2022	11:49:13	Rajranpur S.O	Out for Delivery
07/10/2022	11:09:45	Rajranpur S.O	Item Received
06/10/2022	09:24:11	Bhubaneswar NSH	Item Received
06/10/2022	07:09:45	Bhubaneswar RMS TMO	Item Dispatched
06/10/2022	07:05:54	Bhubaneswar RMS TMO	Item Received
06/10/2022	01:55:48	TMO BERHAMPUR RMS	Item Dispatched
05/10/2022	19:51:53	TMO BERHAMPUR RMS	Item Received
05/10/2022	16:07:14	Berhampur NSH	Item Dispatched
05/10/2022	15:15:44	Berhampur NSH	Item Bagged
05/10/2022	14:15:46	Berhampur NSH	Item Received
05/10/2022	14:04:33	Berhampur RMS COUNTER	Item Dispatched
05/10/2022	14:00:06	Berhampur RMS COUNTER	Item Bagged
05/10/2022	11:31:05	Berhampur RMS COUNTER	Item Booked

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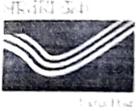
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Language selection: Hindi, English, etc.

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### Track Consignment

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EO607935335IN

EO607935335IN IVR:6979607935335  
 SP: BERHAMPUR RMS COUNTER (7600)  
 Counter No:1,(05/10/2022,11:31)  
 To:THE MEMBER SE,ASSESSMENT AUTH  
 PIN:751022, Bhoinagar S.O  
 From:SUSANT KU B,SRIKRUSHNAPUR  
 Wt:255gms  
 Amt:59.00(Cash)Tax:9.00  
 (Track on www.indiapost.gov.in)  
 (Dia) 18002666868 (wear Mask, Stay Safe)



Quick help

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Berhampur RMS COUNTER	05/10/2022 11:31:05	751022	59.00	Inland Speed Post	Bhoinagar S.O	07/10/2022 15:35:12

#### Event Details For : EO607935335IN

#### Current Status : Item Delivery Confirmed

Date	Time	Office	Event
07/10/2022	15:35:12	Bhoinagar S.O	Item Delivery Confirmed
07/10/2022	11:01:59	Bhoinagar S.O	Out for Delivery
07/10/2022	10:34:30	Bhoinagar S.O	Item Received
06/10/2022	09:24:11	Bhubaneswar NSH	Item Received
06/10/2022	07:09:45	Bhubaneswar RMS TMO	Item Dispatched
06/10/2022	07:05:54	Bhubaneswar RMS TMO	Item Received
06/10/2022	01:55:48	TMO BERHAMPUR RMS	Item Dispatched
05/10/2022	19:51:53	TMO BERHAMPUR RMS	Item Received
05/10/2022	16:07:14	Berhampur NSH	Item Dispatched
05/10/2022	15:15:44	Berhampur NSH	Item Bagged
05/10/2022	14:15:46	Berhampur NSH	Item Received
05/10/2022	14:04:33	Berhampur RMS COUNTER	Item Dispatched
05/10/2022	14:00:06	Berhampur RMS COUNTER	Item Bagged
05/10/2022	11:31:05	Berhampur RMS COUNTER	Item Booked

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## Track Consignment

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EO607935450IN

EO607935450IN IVR:6979607935450  
 SP BERHAMPUR RMS COUNTER <760075>  
 Counter No:1,05/10/2022,11:31  
 To:THE COLLECTOR,NAYAGARH  
 PIN:752069, Nayagarh H.O  
 From:SUSANT KU B,SRIKRUSHNAPUR  
 Wt:255gms  
 Amt:59.00 (Cash)Tax:9.00  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666868> <Wear Masks, Stay Safe>



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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Berhampur RMS COUNTER	05/10/2022 11:31:05	752069	59.00	Inland Speed Post	Nayagarh H.O	07/10/2022 15:55:59

## Event Details For : EO607935450IN

## Current Status : Item Delivery Confirmed

Date	Time	Office	Event
07/10/2022	15:55:59	Nayagarh H.O	Item Delivery Confirmed
07/10/2022	10:57:43	Nayagarh H.O	Out for Delivery
07/10/2022	10:27:24	Nayagarh H.O	Item Received
06/10/2022	09:24:11	Bhubaneswar NSH	Item Received
06/10/2022	07:09:45	Bhubaneswar RMS TMO	Item Dispatched
06/10/2022	07:05:54	Bhubaneswar RMS TMO	Item Received
06/10/2022	01:55:48	TMO BERHAMPUR RMS	Item Dispatched
05/10/2022	19:51:53	TMO BERHAMPUR RMS	Item Received
05/10/2022	16:07:14	Berhampur NSH	Item Dispatched
05/10/2022	15:15:44	Berhampur NSH	Item Bagged
05/10/2022	14:15:46	Berhampur NSH	Item Received
05/10/2022	14:04:33	Berhampur RMS COUNTER	Item Dispatched
05/10/2022	14:00:06	Berhampur RMS COUNTER	Item Bagged
05/10/2022	11:31:05	Berhampur RMS COUNTER	Item Booked

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Annexure-R/17/N series.

1

**IN THE HIGH COURT OF ORISSA, CUTTACK.**

**CRLMP NO. 377 OF 2023.**

In the matter of:

An application under Articles 226 of the  
Constitution of India..

A N D

In the matter of:

An application challenging the inaction of  
the authorities in not registering the FIR and  
not taking any action.

A N D

In the matter of:

Susanta Kumar Barad,  
Aged about 35 years,  
S/o. Sarbeswar Barad,  
At- Sri Krushnapur,  
Po.- Champagarh,  
P.S.- Chandapur,  
Dist. Nayagarh. ... Petitioner

- Versus -

- (1) The Superintendent of Police,  
Nayagarh, Po./Dist.- Nayagarh.
- (2) The Inspector-In-Charge,  
Chandpur Police Station,  
Dist. Nayagarh, Odisha.

Susanta Kumar Barad

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Annexure-R/17/N series.

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- (3) The Director General of Police,  
Odisha Police,  
Head Quarter at Buxi Bazar,  
Town/Dist.- Cuttack-7530011.
- (4) The Commissioner-cum-Secretary,  
Government of Odisha,  
Home Department,  
Secretariat Building,  
Town/Post-Bhubaneswar,  
Dist.-Khordha. ... Opp. Parties.

The matter out of which this  
CRLMP petition arises was not  
before this Hon'ble Court in the  
present form as per instruction.

To,

The Hon'ble Chief Justice of Orissa High Court and  
His Lordship's Companion Justices of the said  
Hon'ble Court.

The humble petition of the  
above named petitioner;

MOST RESPECTFULLY SHEWETH:

1. That the petitioner finding no other alternative  
equally speedy and efficacious remedy invokes the  
extraordinary jurisdiction of this Hon'ble Court  
challenging the inaction of the authorities in not  
registering the FIR and not taking any action on the

Susanta Kumar Barua

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Annexure-R/17/N.S.P.12.

3

complaint made by the petitioner, which is illegal and denial of legal rights and hence, the petitioner seeks a direction to the Opp. Parties to register the FIR on the complaint made by the petitioner and take appropriate action within a stipulated time.

2. That the petitioner is a citizen of India and resides within the territorial jurisdiction of this Hon'ble Court. The parties are amenable to the writ jurisdiction of this Hon'ble Court. Cause of action also arises within the territorial jurisdiction of this Hon'ble Court.
3. That it is humbly submitted that after approval of the mining plan by the competent authority and grant of Environmental Clearance by the State Environmental Impact Assessment Authority (SEIAA), Odisha vide order/letter dtd.02.02.2021, stone quarry lease agreement for Mayurajhalia Laterite Stone Quarry lease over an Area-4.00 acres/1.62 Hc. at village- Mayurajhalia, Tahasil-Ranapur, Dist.-Nayagarh was executed between the Government and the petitioner for five years from February, 2021 to February, 2026 vide registered Lease Agreement dtd.22.02.2021.

Susanta Kumar Boroo

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Annexure-R/17/Nseries.

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4. That it is humbly submitted that on the application of the petitioner to the State Pollution Control Board for grant of Consent to Operate (C.T.O.) to operate Mayurajhalia Laterite Stone Quarry lease over an Area-4.00 acres/1.62 Hc. at village-Mayurajhalia, Tahasil-Ranapur, Dist.-Nayagarh, the Regional Officer, State Pollution Control Board, Odisha vide order dtd.29.07.2021 granted the Consent to Operate (CTO) under Sec-25/26 of Water (Prevention & Control Pollution) Act, 1974 and under Section-21 of Air (Prevention & Control Pollution) Act, 1981 in favour of the petitioner till dtd.31.03.2025. Copies of the Environmental Clearance order and Consent to Operate (CTO) order are annexed hereto as ANNEXURE-1 Series.
5. That while the petitioner was preparing for the operation of the quarry as per the lease, one Dillip Kumar Samantara and one Deepak Kumar Routray, who were thievery illegally and unauthorisedly exwho without any basis, filed Original Application No.83 of 2022/EZ before the National Green Tribunal making false allegations against the

SUSANTA KUMAR BOYAJ

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ANNEXURE-R/17/N series.

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petitioner. On receiving the notice, the petitioner has filed his reply.

6. That it is humbly submitted that unfortunately, the Collector-Sri Rabindra Nath Sahu has filed an affidavit on dtd.06.12.2022 before the NGT by making false allegations against the petitioner, who is the genuine lease holder and on the other hand has tried his best to cover up the criminal cases of theft of Minor Minerals pending against the two applicants in NGT, namely Dillip Kumar Samantara and Deepak Kumar Routray and their henchmen. This fact is clear from the F.I.R.s, Bail orders in respect of two applicants in NGT namely Dillip Kumar Samantara and Deepak Kumar Routray and the affidavit filed by the I.I.C., Chandpur Police Station.

Copies of the F.I.R. and Bail orders in respect of two applicants in NGT, namely Dillip Kumar Samantara and Deepak Kumar Routray and the affidavit filed by the I.I.C., Chandpur P.S. are annexed here with ANNEXURE- 2 Series.

Copy of the affidavit dtd.06.12.2022 of the Collector, Nayagarh is annexed here with ANNEXURE- 3.

Susanta Kumar Baroj

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ANNEXURE-R/17/N Series.

6

7. That on getting the affidavit filed by the Collector-Sri Rabindra Nath Sahu, the father of the petitioner sought for information under RTI Act from the office of Tahasildar, Ranpur regarding the allegations made against the petitioner before the NGT by the Collector-Sri Rabindra Nath Sahu. The information was supplied to the father of the petitioner wherein it is clear that there is no information available with regard to the allegations against the petitioner. Thus, it is clear that the affidavit filed by the Collector-Sri Rabindra Nath Sahu is false as without any record and basis. Copies of the RTI application and RTI information(reply) are annexed hereto as ANNEXURE-4 Series.

8. That it is humbly submitted that when it was placed before the learned NGT, on dtd.26.01.2023 at about 3 P.M., the Collector-Sri Rabindra Nath Sahu along with the two applicants Dillip Kumar Samantara and Deepak Kumar Routray and four others came to the lease area of the petitioner and threatened the petitioner. They also demanded Rs.25 lakhs from the petitioner. The petitioner finding no other

Susanta Kumar Borah

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Annexure-R/17/N series.

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alternative, lodged an F.I.R. in Chandpur Police Station. Since the F.I.R. was against the Collector, nobody in Police Station kept the F.I.R. Finding no other alternative, the petitioner sent the F.I.R. to the I.I.C., Chandpur Police Station through registered post on dtd.27.01.2023. Copy of the F.I.R. is annexed hereto as ANNEXURE-5.

9. That it is further humbly submitted that since the F.I.R. was against the Collector and illegal mining operators and was not accepted in the Police Station, the petitioner also lodged the F.I.R. before the Superintendent of Police/Opp. Party No.1 through registered post and also sent the copies to the Director General of Police/ Opp. Party No.3 and the Commissioner-cum-Secretary/ Opp. Party No.4 through registered post on dtd.27.01.2023. Copies of the F.I.R. before the Superintendent of Police/Opp. Party No.1 and postal receipts are annexed hereto as ANNEXURE-6 Series.

10. That it is humbly submitted that even though more than 25 days have lapsed in the meantime, no F.I.R. has been lodged against the accused persons. It reveals from the action of the Opp. Parties that they

Susanta Kumar Boroi

are not investigating the matter because of direct involvement of the Collector-Sri Rabindra Nath Sahu. The Opp. Parties are not registering F.I.R. and not investigating into the matter even after the F.I.R. of the petitioner, which clearly proves the highhanded action of the authorities/Opp. Parties which is illegal, arbitrary exercise of power and denial of legal rights to the petitioner.

11. That it is apparent on the face of record that the learned Collector-Sri Rabindra Nath Sahu has filed the false affidavit before the learned NGT against the petitioner as it is without any basis and in supporting the offenders. He along with others has also threatened the petitioner in demanding bribe but no action has yet been taken against the accused persons. The Opp. Parties are not registering the F.I.R. and not investigating the matter because of direct involvement of the Collector-Sri Rabindra Nath Sahu, which is illegal, arbitrary and denial of legal rights to the petitioner.

12. That in view of the facts, submissions and circumstances and in the interest of justice, the authorities/Opp. Parties be directed to register the

SUSANTA KUMAR BOYD

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Annexure-R/17/Nseries.

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F.I.R. against the accused persons as per the F.I.R. lodged by the petitioner under Annexure-5 and 6 Series and investigate into the matter within a stipulated time or else the petitioner will suffer irreparably and substantially.

**PRAYER.**

It is, therefore, humbly prayed that this Hon'ble Court may graciously be pleased to direct the Opp. Parties to register the F.I.R. against the accused persons as per the F.I.R. lodged by the petitioner under Annexure-5 and 6 Series and investigate into the matter within a stipulated time and may pass such other order/orders as deemed just and proper.

And for this act of kindness the petitioner shall, as in duty bound, ever pray.

C U T T A C K:  
DATE:

By the Petitioner through

Advocate.  
SANGRAMJEET SENAPATI,  
0-925-94, 9437308166.

Susanta Kumar Barof

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Annexure-R/F/N series.

10

**AFFIDAVIT.**

I, Susanta Kumar Barad, aged about 35 years, S/o. . Sarbeswar Barad, At- Sri Krushnapur, Po.- Champagarh, P.S.- Chandapur, Dist. Nayagarh, do hereby solemnly affirm and state as follows:-

- (1) That I am the petitioner in this case and am acquainted with the facts of the case. I am competent to swear this affidavit.
- (2) That the facts stated here and above are based on records and information, which I believe to be true.

Identified by:

A.C.

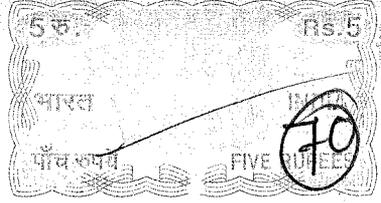
**DEPONENT.**

**CERTIFICATE**

Certified that A4 Size papers have been used.

Advocate.

Susanta Kumar Barad



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Annexure-A/17/N/series.

IN THE HIGH COURT OF ORISSA, CUTTACK.

CRLMP NO. 377 OF 2023.

Code - 092100

In the matter of:

An application under Articles 226 of the Constitution of India..

A N D

In the matter of:

An application challenging the inaction of the authorities in not registering the FIR and not taking any action.

Presented in Court

L. Sahu  
22/09/23

B.O.

A N D

In the matter of:

Susanta Kumar Barad,  
Aged about 35 years,  
S/o. Sarbeswar Barad,  
At- Sri Krushnapur,  
Po.- Champagarh,  
P.S.- Chandapur,  
Dist. Nayagarh.

... Petitioner

- Versus -

- (1) The Superintendent of Police,  
Nayagarh, Po./Dist.- Nayagarh.
- (2) The Inspector-In-Charge,  
Chandpur Police Station,  
Dist. Nayagarh, Odisha.



Pr

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-04/1995

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Susanta Kumar Barad



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Annexure R/17/N series.

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- (3) The Director General of Police,  
Odisha Police,  
Head Quarter at Buxi Bazar,  
Town/Dist.- Cuttack-7530011.
- (4) The Commissioner-cum-Secretary,  
Government of Odisha,  
Home Department,  
Secretariat Building,  
Town/Post-Bhubaneswar,  
Dist.-Khordha. ... Opp. Parties.



Susanta Kumar Baroi

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Annexure-R/17/N series.

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.377 of 2023

Susanta Kumar Barad

....

Petitioner

Mr. J.K. Mohapatra, Advocate.

-versus-

State of Odisha & others

....

Opp. Parties

Mr. G.R. Mohapatra,

Additional Standing Counsel.

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

28.02.2023

Order No.

1.

1. This matter is taken up through Hybrid Arrangement.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. According to learned counsel for the petitioner, the grievance of the petitioner in this case pertains to non-registration of his complaint dated 26.01.2023 under Annexure-5 as F.I.R. by I.I.C., Chandpur Police Station (opposite party no.2). As no action has been taken, the petitioner has approached the Superintendent of Police, Nayagarh (opposite party no.1) for such inaction by sending a grievance petition dated 26.01.2023, no action has been taken on the same till date. In such background, he prays that necessary direction be issued to the opposite party no.1

Susanta Kumar Barad

/ms

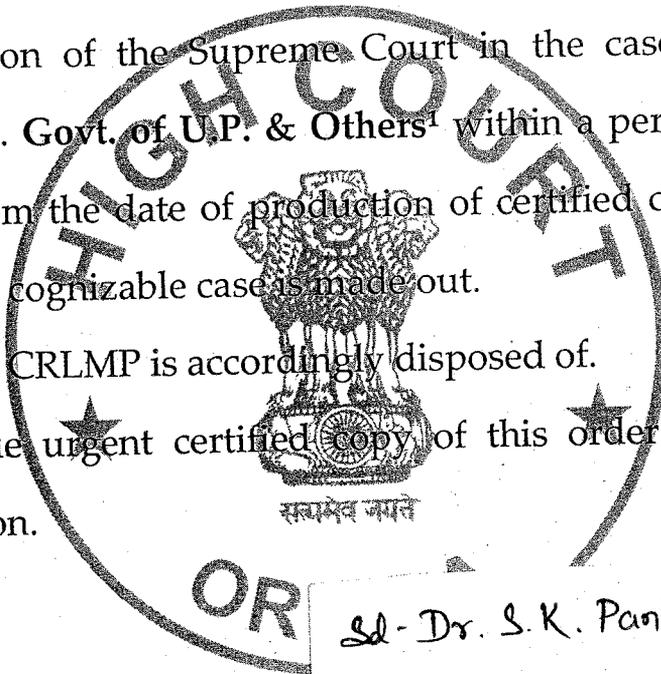


to take a decision on the said grievance petition within a specific time period.

4. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs petitioner to approach the I.I.C., Chandpur Police Station (opposite party no.1) along with a fresh complaint along with a copy of this order. In the event, such a motion is made, the said I.I.C. is directed to take a decision on the said complaint in accordance with law keeping in the mind the decision of the Supreme Court in the case of *Lalita Kumari v. Govt. of U.P. & Others*<sup>1</sup> within a period of four weeks from the date of production of certified copy of this order, if a cognizable case is made out.

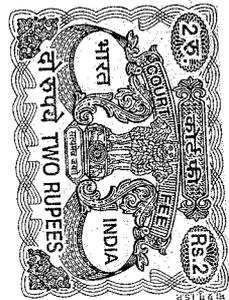
5. The CRLMP is accordingly disposed of.

6. Issue urgent certified copy of this order on proper application.



Sd- Dr. S. K. Panigrahi, J.

Comp by  
Sudh  
02/03/23



amit



<sup>1</sup> AIR 2014 SC 187

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Annexure-R/17/N series.

Date of Application :- 1  
 Date of Notification :- 02/03/23  
 Date of Supply :- 2  
 Date of Ready :- 2  
 Date of Delivery :- 23

C.No- 25586/23

MEMO OF FEES

	Rs.	P.
Application Fee.....	5	50
Searching Fee.....		
Extra Fee for Urgency..	3	00
Folios 4 Pages.....	10	00
Hologram Fees (4)	4	00
Other Items if any.....	2	60
<b>Total</b>	<b>25</b>	<b>10</b>

(Rupees Twenty Five & Paise ten only)

  
 02/03/23  
 ASO

  
 EXAMINER OF COPIES  
 CUM  
 SUPERINTENDENT  
 COURT AND DEPARTMENT



**CERTIFIED TO BE A TRUE COPY**  
  
 Assistant Registrar (Estt.)  
 ORISSA HIGH COURT  
 Authorised Under Section-76, Act-I of 1972

Susanta Kumari Borah

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Annexure-R/17/0 series.

To,

**BY SPEED POST**

Date: 09.03.2023

**The Inspector- In-Charge**

Chandpur Police Station, at/Po: Chandpur-752024

Dist: Nayagarh, Odisha

**Sub:** F.I.R against Sri Rabindra Nath Sahu (IAS), Collector-Cum-District Magistrate, Nayagarh District of Odisha, Dillip Kumar Samantray, Deepak Kumar Routray and Ganeswar Mandhata and others with reference to under Section -154 (1) Cr.P.C- **reg.**

**Ref:** i. Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata O.A Case No: 83 of 2022/EZ-**reg.**

ii. Hon'ble Apex Court observations made In the matter Lalita Kumari v. Govt. of U.P [W.P.(Cri) No; 68/2008]-**reg.**

iii. Hon'ble Orissa High Court orders dated: 28.02.2023 Passed in CRLMP No: 377 of 2023-**reg.**

**Sir,**

I Susanta Kumar Barad, S/O: Sarbeswar Barad, aged about 35 years, at: Sri Krushnapur, Po: Champagarh-752024, P/S: Chandapur, Dist: Nayagarh, State: Odisha, Mob No: 7008504022 beg to draw your kind attention as follows:-

1. That on 26.01.2023 at about 3 P.M the Collector(Sri Rabindra Nath Sahu (IAS) of Nayagarh and his henchmen Dillip Kumar Samantory, S/O: Lingaraj Samantra, at: Bajrakot, Po: Baunsagarh, P/S: Ranapur, Dist: Nayagarh, Deepak Kumar Routray, S/O: Rabi Narayan Routray, aged about 28 years, at: Ostapada, Po: Kamaguru, P/S: Dist: Nayagarh,

Susanta Kumar Barad

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Annexure-R/17/0 Series.

Ganeswar Mandhata, S/O; Pananga Bhusan Mandhata, at/Po: Champagada, P/S: Chandapur, Dist: Nayagarah and other 4 Persons suddenly came to the maurojholia leased lateriate Stone quarry of the informant and the Collector demanded 25 Lakhs illegal Money from the informant and accordingly he said with rowdy voice if I will not give the demanded money the administration will be debarred/ imposed restriction to enter in to the quarry. At that time Dillip, Ganeswar and Deepak threatened to kill me, if I will not give the demanded Money. In presence of the Collector the accused namely Deepak / Dillip / Ganeswar said to me "TO MAGIA SALA JALDI PAISA JOGADA KARA", otherwise collector will take revenge against you and they will defame to me by making false allegation by publishing news in print/Electronic media/Social media/face Book/Twitter / whats app post. The informant requested to the accused Persons with folded hand and stated that he is unable to give the huge amount as a bribe. During that time other persons have seen the occurrence and they will give their independent statements during the course of inquiry.

2. That Sri Rabindra Nath Sahu (IAS) has filed affidavit on 06.12.2022 before the Hon'ble NGT is completely false, fabricated and got up story as created by him with intent to cause injury to the informant. It is evident from the RTI reply dated: 31.12.2022 of the Tahasil Office, Ranapur, Odisha.
3. That it is evident from reply affidavit dated: 21.01.2023 of the informant for the Hon'ble NGT O.A Case No: 83 of 2022/EZ shows that the Sri Rabindra Nath Sahu (IAS) is trying to cover up the criminal Cases in respect of theft of Minor Minerals and other offences pending against Dillip Kumar Samantray and Deepaka Kumar Routray (both are Applicants before the Hon'ble NGT in O.A No: 83 of 2022/EZ) and other persons. In this Context the informant enclosed

Susanta Kumar Bora

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Annexure-R/17/0 series.

the Bail orders of the Hon'ble Orissa High Court as well the Copies of the trail Court records of the proceedings in the affidavit dated: 21.01.2023 for the Hon'ble NGT Proceedings. The Applicant before the Hon'ble NGT have got bail from the Hon'ble Orissa High Court for theft of Minor minerals and , but the Collector suppressed such facts before the Hon'ble NGT while filing of his affidavit dated: 06.12.2022 in O.A Case No: 83 of 2022/EZ.

4. That the affidavit dated: 06.12.2022 filed by the Collector, Nayagarah is not based/derived from the Ranapur Tahasil office records. It is evident from the RTI reply dated: 31.12.2022 of the Tahasil Office, Ranapur, Odisha. The RTI reply is clearly shows that the informant is not involved in any case of illegal mining. But, the Collector, Nayagarh has filed affidavit on 06.12.2022 before the Hon'ble NGT in O.A Case No: 83 of 2022/EZ and stated there in some base less issues against the informant.
5. That the Collector without verifying the Ranapur Tahasil office records he has filed affidavit dated: 06.12.2022 before the Court of justice (NGT) according to his will and pleasure and the collector has no authority to made allegation against the informant without enquiry by the investigation agency. The Collector has no authority to say who has committed offence. The investigating agency is authority to ascertain the truth in connection of the offence which has been raised by the Collector in his affidavit dated: 06.12.2022 filed before the Hon'ble NGT. Surprisingly, without making enquiry by the investigating agency the Collector has made allegation against the informant is highly illegal and he has committed offence under section 167 I.P.C.

Susanta Kumar Boro

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Annexure-R/17/0 series.

6. That it is settled principle Public Servant has no authority to disobey the law and particularly the Collector made an allegation before the Hon'ble NGT against the informant without any valid reason. Thus, the accused persons have committed offence under Section 166, 167, 181, 182, 193, 199, 200, 202, 209, 219, 294, 506, 384 of I.P.C, 1860 and the Collector has made false statement/evidence by way of affidavit before the Hon'ble NGT and suppressed /omitted the real facts and shown undue favour and trying to save to the Dillip Kumar Samantory / Deepak Kumar Routray and other accused Persons. Even though the accused Persons have been released on bail by virtue of the order of the Hon'ble Orissa High Court. But, the Collector suppressed such facts before the NGT while filing of the affidavit. So, it is clear Case that there is unholy nexus among the Collector, Nayagarah and the accused namely Dillip Kumar Samantory / Deepak Kumar Routeray (Applicants before the NGT). The accused persons regularly committed theft of Minor Minerals under the blessing/umbrella of the Collect, Nayagarh. So, this Case may kindly enquiry by the CID (CB), Odisha to find out the real truth and how many government officials have been involved and joins hands with the accused persons will be clear after enquiry.
7. That while filing of the affidavit before the Hon'ble NGT on 06.12.2022 by the Collector, Nayagarh ignored to the contents / averments of the affidavit dated: 25.08.2022 filed in O.A Case No: 83 of 2022/EZ before the NGT by Sri Mukesh Kumar Behera, IIC, Chandpur Police Station. The content of the affidavit of the I.I.C, Chandpur P.S proves that the accused Persons are involving in the theft of Minor Minerals, but no name of the informant has been found in the Police

Sasanta Kumar Barua

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Annexure-R/17/0series.

Station record. But, how the collector, Nayagarh has been prepared/manufactured the imaginary story against the informant, it needs high level enquiry and punish the accused Persons according to law.

8. That the affidavits filed by the informant and all the parties in the O.A No: 83 of 2022/EZ may kindly seize from the custody of the informant and make a seizure list for fair enquiry/trail of the Case.
9. That the informant is submitting this report as per order dated: 28.02.2023 passed in CRLMP No: 377 of 2023 by the Hon'ble Orissa High Court. **Certified Copy of the orders dated: 28.02.2023 passed by the Hon'ble Orissa High Court in CRLMP No: 377 of 2023 is enclosed here with for your ready reference and needful action.**

Yours faithfully,

*Susanta Kumar Barad*  
(Susanta Kumar Barad)

Date: 09.03.2023

**Copy Submitted to:**

1. **The Director General Of Police ( DGP),** Odisha Police Head Quarter, Buxi Bazar, Cuttack-753001, Odisha
2. **The Special Director General of Police,** Human Rights protection Cell, Odisha Police Head Quarter, Buxi Bazar, Cuttack-753001, Odisha
3. **The Commissioner- Cum- Secretary,** Home Department, Government of Odisha, State Secretariate-751001, Bhubaneswar, Odisha for kind information and necessary action.

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Annexure-R/17/0series-

भारतीय डाक  
ED689123588IN IVR:69796891235  
SP COURTPEETA S.O (760004)  
Counter No:1,09/03/2023,11:51  
To:INSP IN CHARGE,CHANDPUR PS  
PIN:752024, Chandapur S.O (Nayagarh)  
From:SUSANTA KU .SRI KRUSHNAPUR  
Wt:56gms  
Amt:41.30(Cash)Tax:6.30  
<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
<Dial 18002666888> <Wear Masks, Stay Safe>

Susanta Kumar Borah

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Aadefuse R/17/0 series.



Sign In

Register



A

3

हिन्दी



भारतीय डाक



India Post



सत्यमेव जयते

You are here Home&gt;&gt; Track Consignment

## Track Consignment

Quick help

\* Indicates a required field.

\* Consignment Number

EO689123588IN

Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Courtpeta S.O	09/03/2023 11:51:48	752024	41.30	Inland Speed Post	Chandapur S.O (Nayagarh)	13/03/2023 15:39:21

## Event Details For : EO689123588IN

## Current Status : Item Delivery Confirmed

Date	Time	Office	Event
13/03/2023	15:39:21	Chandapur S.O (Nayagarh)	Item Delivery Confirmed
13/03/2023	11:12:35	Chandapur S.O (Nayagarh)	Out for Delivery
13/03/2023	10:58:14	Chandapur S.O (Nayagarh)	Item Received
10/03/2023	19:27:21	Bhubaneswar NSH	Item Dispatched
10/03/2023	19:17:52	Bhubaneswar NSH	Item Bagged
10/03/2023	15:04:18	Bhubaneswar NSH	Item Received
10/03/2023	06:55:37	Bhubaneswar RMS TMO	Item Dispatched
10/03/2023	06:44:00	Bhubaneswar RMS TMO	Item Received
10/03/2023	01:56:46	TMO BERHAMPUR RMS	Item Dispatched
09/03/2023	21:30:52	TMO BERHAMPUR RMS	Item Received
09/03/2023	21:09:00	Berhampur NSH	Item Dispatched
09/03/2023	21:00:31	Berhampur NSH	Item Bagged
09/03/2023	19:14:20	Berhampur NSH	Item Received
09/03/2023	18:12:04	Berhampur RMS L1S	Item Dispatched
09/03/2023	15:48:00	Courtpeta S.O	Item Dispatched
09/03/2023	15:47:21	Courtpeta S.O	Item Bagged

Subanta Kumar Baroo