

(2021)

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No.:50 of 2021(EZ)

Debashis Das

Applicant

Vs.

State of Jharkhand & Ors.

Respondents

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Filed by: -

Surendra Kumar
Advocate
Jharkhand State Pollution Control Board

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BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No:50 of 2021(EZ)

Debashis Das

Applicant

Vs.

State of Jharkhand & Ors.

Respondents

Counter Affidavit on behalf of Respondent No. - 3
Jharkhand State Pollution Control Board in
compliance of order dated 25.04.2022.

I Yatindra Kumar Das, son of Late K. K. Das
presently posted as the Member Secretary, Jharkhand
State Pollution Control Board, H.E.C, Dhurwa, Ranchi
and am duly authorized and here by solemnly state
and affirm as follows :-

1. That at present, I am working and posted as the
Member Secretary, Jharkhand State Pollution
Control Board, H.E.C, Dhurwa, Ranchi and as

Authorised under Notaries Act 1952
& Notaries Rules 1956 by Govt. of
Jharkhand, Ranchi (India)

25 MAY 2022

Ref. No. 1197
Date



such, I am well acquainted with all the facts and circumstances of this case.

2. That I have gone through the order dated 25.04.2022 passed by Hon'ble NGT and has understood the contents therein.

3. That, I have been authorized to swear this affidavit on behalf of the Respondent No. - 3 Jharkhand State Pollution Control Board (JPSCB) by the competent authority. Further it is stated that I have gone through the relevant files and records.

4. That, it is humbly stated and submitted that in light of direction issued by the Hon'ble NGT, EZB, Kolkata dated 25.04.2022 in O.A No. 50/2021/EZ in the matter of Debashis Das Vs State Of Jharkhand & Ors., the Board vide its letter no. B-923 dated 10.05.2022 has requested the District Mining Officer, Dumka to compute the royalty & penalty and cost of restitution of the loss caused to the state exchequer due to illegal mining of sand.

25 MAY 2022



Photocopy of the letter issued by the Board vide letter no. B - 923 dated 10.05.2022 is annexed and marked as Annexure-I.

5. That, it is humbly stated and submitted that the District Mining Officer, Dumka vide his letter no. - 677/M, dated 13/05/2022 has informed that 7,00,000 cubic feet of sand has been illegally mined out by the defaulters Sri Tauhid Alam alias Mansur Alam Alias Mansur Miya and Sri Kamal Khan. Moreover, the abovementioned both the defaulters has been ordered to submit an amount of INR. 1,05,00,000/- (Rs One Crore Five Lacs Only) and notices of the same intent have been issued to Sri Tauhid Alam alias Mansur Alam Alias Mansur Miya and Sri Kamal Khan vide letter no. 625 dated 02.05.2022 and vide letter no. 664 dated 09.05.2022 for payment of the amount within seven days from the day of issuance of the letter.

25 MAY 2022



Photocopy of the letter issued by District Mining Officer, Dumka vide his letter no. - 677/M, dated 13/05/2022 along with all the annexure is annexed and marked as Annexure - II.

6. That, it is humbly stated and submitted that the Interim Environmental compensation of the Unit has been calculated as per the "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" by assuming the period of illegal mining from May 2020 to August 2021 (i.e. 500 days) as the operational no. of days which amounts to ₹ 78,12,500.00/- (i.e. Rupees Seventy Eight Lakhs Twelve Thousand Five Hundred Only).

25 MAY 2022

Photocopy of the Calculation sheet of Environmental Compensation is annexed



and marked as Annexure -
III.

7. That the statement made in forgoing paragraphs
are true to my knowledge in annexure are true
copy of its original.

Yashwardhan Kumar

DEPONENT

VERIFICATION:

Verified at Ranchi on this the day of May,
2022 that the averments & facts stated herein
above are true and correct to my knowledge and
belief and nothing material has been concealed
therefrom.

Yashwardhan Kumar

DEPONENT



25 MAY 2022

Mahto
25/05/22
NOTARY PUBLIC, RANCHI

[Signature]
25/05/22
ENo. 3993/05

Signature Attested and
Identification of Lawyer



JHARKHAND STATE POLLUTION CONTROL BOARD

TOWNSHIP ADMINISTRATION BUILDING, HEC COMPLEX, DHURWA, RANCHI 834004
Telephone: 0651-2400850 (Fax)/ 2400851/2400852/2401847/2400979/2400139

ANNEXURE-I

259

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By Email

Hon'ble NGT Matter
Time Bound (Urgent)

Ref. No. B-923

Ranchi, Dated...10/5/2022

From,

Yatindra Kumar Das,
Member Secretary.

To,

The District Mining Officer,
Dumka.

Sub: - Compliance of the directions issued by the Hon'ble NGT, Eastern Zone Bench, Kolkata in its order dated 25/04/2022 in O.A. No. 50/2021/EZ – Regarding.

Sir,

With reference to the subject noted above, it is to inform that the Hon'ble NGT, Eastern Zone Bench, Kolkata has passed an order on 25/04/2022 in Original Application No. – 50/2021 (EZ) in the matter of Debashis Das Versus State of Jharkhand & Ors. (Copy enclosed as Annexure – I). The operative / relevant part of which is as follows:-

“7. Mr. Surendra Kumar, learned Counsel prays for and is granted three weeks time to compute the Environmental Compensation as well as royalty and penalty and cost of restitution of the loss caused to the state exchequer due to illegal mining.”

In light of the above direction, it is requested to compute the royalty and penalty and cost of restitution of the loss caused to the state exchequer due to illegal mining and provide the same to the JSPCB at the earliest so that the directions issued by the Hon'ble Tribunal may be complied in time. The copy of the Report of the committee as constituted by the Hon'ble Tribunal is also attached herewith for your ready reference as Annexure – II. The matter is listed to be heard on 30/05/2022. This is for your information and necessary action please.

Thanking you.

Encl: As above.

Yours sincerely,
Sd/-

(Yatindra Kumar Das)
Member Secretary

Memo No. B-923

Ranchi, Dated...10/5/2022

Copy to: The Director, Mines and Geology Department, Government of Jharkhand / The Deputy Commissioner, Dumka for information and necessary action please.

(Yatindra Kumar Das)
Member Secretary

KMB/398



Item No. 07

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No. 50/2021/EZ

Debashis Das

Applicant(s)

Versus

State of Jharkhand & Ors.

Respondent(s)

Date of hearing: 25.04.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Somnath Roy Chowdhury, Advocate

For Respondent(s) : Ms. Aishwarya Rajyashree, Advocate for R-1, 2 & 6,
Mr. Surendra Kumar, Advocate for R-3,
Mr. Dipanjan Ghosh, Advocate for R-4,
Mr. Ashok Prasad, Advocate for R-5

ORDER

1. Mr. Somnath Roy Chowdhury, learned Counsel for the Applicant, is appearing in virtual court proceedings.
2. Ms. Aishwarya Rajshree, learned Counsel for Respondent Nos.1, 2 & 6, Mr. Surendra Kumar, learned Counsel for Respondent No.3, Mr. Dipanjan Ghosh, learned Counsel for Respondent No.4 and Mr. Ashok Prasad, learned Counsel for Respondent No.5, are physically present in Court.
3. One affidavit dated 16.04.2022 has been filed by Respondent No.6; the same is taken on record.
4. The affidavit of District Magistrate, Dumka states that he had been informed by Mr. Yatindra Kumar Das, Member Secretary, Jharkhand State Pollution Control Board that inspection was fixed for 25.08.2021 but the inspection was carried out on a date prior to the date fixed i.e. on 20.08.2021 and 21.08.2021 due to which Mr. Atul Ranjan Bhagat, Circle Officer, Raneshwar appeared in the Committee and therefore, action has been directed to be taken against Mr. Atul Ranjan Bhagat. It is further stated that the said Circle Officer, Raneshwar joined the inspection team on his own without prior order or information of the District Magistrate,



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Dumka and therefore, a Show Cause Notice has been issued to the said Circle Officer on 15.04.2022 calling for his explanation.

5. This affidavit does not explain that when the District Magistrate was informed that the inspection would be held on 25.08.2021 whether he made any enquiry from the Member Secretary, Jharkhand State Pollution Control Board as to why the inspection was not carried out on 25.08.2021 which would have shown the bona fide of the District Magistrate, Dumka that he was not having knowledge of rescheduling of the inspection from 25.08.2021 to 20.08.2021 and 21.08.2021.
6. Mr. Surendra Kumar, learned Counsel states that after the intimation letter was sent to the District Magistrate, Dumka on 07.08.2021 fixing 25.08.2021 as the date of inspection, another scanned letter was sent by email on 13.08.2021 to the District Magistrate, Dumka and all other members of the Committee informing that the inspection was rescheduled to 20.08.2021 and 21.08.2021 instead of 25.08.2021. The affidavit of the District Magistrate, Dumka is silent in this regard. We also find that the Environmental Compensation has not been determined.
7. Mr. Surendra Kumar, learned Counsel prays for and is granted three weeks time to compute the Environmental Compensation as well as royalty and penalty and cost of restitution of the loss caused to the state exchequer due to illegal mining.
8. The affidavit of the District Magistrate mentions that at present there is no illegal mining going on in the area. It is immaterial whether illegal mining is going on at present or not determination of compensation is for loss caused to the environment and then state exchequer for past violations. Even otherwise once the F.I.R. has been lodged, the identity of the person is known. The affidavit of the District Magistrate does not show whether the two accused person have been arrested or not. It appears that the state is not diligently prosecuting the criminal case against the said Tohid Alam @ Mansur Alam and Kamal Khan who are the accused persons of Raneshwar Police Station Case No.8/2022.



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9. The District Magistrate, Dumka is directed to file his additional affidavit within three weeks with respect to our observation made above.
10. List on 30.05.2022.

.....
B. Amit Sthalekar, JM

.....
Saibal Dasgupta, EM

April 25, 2022,
Original Application No. 50/2021/EZ
MN



Site Inspection Report of Sand Ghats situated in Sukhjora Gram Panchayat and Govindpur Gram Panchayat in Raneshwar Area, Police Station - Raneshwar, Dist. - Dumka, in the state of Jharkhand in light of the Hon'ble NGT, EZB, Kolkata order dated 24/06/2021 in O.A. No. 50/2021 EZ in the matter of Debashis Das Vs State of Jharkhand and Ors.

In light of the Hon'ble NGT, EZB, Kolkata order dated 24/06/2021 in O.A. No. 50/2021 EZ in the matter of Debashis Das Vs State of Jharkhand and Ors., the Sand Ghats situated in Sukhjora Gram Panchayat and Govindpur Gram Panchayat in Raneshwar Area, Police Station - Raneshwar, Dist. - Dumka, in the state of Jharkhand was inspected on 20-21/08/2021 by the committee constituted by the Hon'ble NGT, EZB, Kolkata in the said matter. The Committee consisted of Sri Yatindra Kumar Das, Member Secretary, Jharkhand State Pollution Control Board; Sri A. T. Mishra, Member Secretary, State Level Environment Impact Assessment Authority, Jharkhand; Sri Toufic Aslam, Scientist - B, CPCB Regional Directorate, Kolkata and Sri Atul Ranjan Bhagal, Circle Officer, Raneshwar, Dumka (Representative of the District Magistrate, Dumka, Jharkhand) in the presence of some local people of the nearby area. Moreover, the learned advocate of the Applicant (Sri Debashis Das) was intimated about the site visit schedule but neither Sri Debashis Das nor his representative came to assist the committee for site visit. So, the committee conducted the site visit without the Applicant.

During inspection the following observations were found At Mauza - Diguli, Govindpur Gram Panchayat: -

- 1) The Area in question lies at the Latitude $23^{\circ}59'22.88''$ and Longitude $87^{\circ}26'36.84''$ E.
- 2) As per the report of the Circle Officer, Raneshwar there is a huge deposit of sand measuring an area of 259 Bigha 14 Katha (34.74 Hectares approx). The trace map of the area as provided by the Circle Officer is enclosed as Annexure - I.
- 3) During inspection fresh marks of wheels of various vehicles and marks of used equipments were found at the site (sand ghat). These marks appeared to be very recent (either of morning hours or of late-night hours of the day before). From these marks it appears that sand mining is going on using vehicles/equipments such as tractors, pockleins, trucks, hyva, loader etc.

J *h* *Islam* *gpi*



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- 4) There was a haul road (approach road) connecting the metalled road to the sand Ghat. Fresh wheel marks were found on the haul road.
- 5) That, at present Environmental clearance has not been accorded to any of the sand ghat in the Govindpur Gram Panchayat, Raneshwar Area, Police Station - Raneshwar, Dist. - Dumka, in the state of Jharkhand from the Competent Authority as per the Environment Impact Assessment Notification, 2006, as amended.
- 6) That, at present no Consent to Operate has been issued to any of the sand ghat in the Govindpur Gram Panchayat, Raneshwar Area, Police Station - Raneshwar, Dist. - Dumka, in the state of Jharkhand from the Competent Authority as per the Water (Prevention and Control of Pollution) Act, 1974 and the Air(Prevention and Control of Pollution) Act, 1981.
- 7) During the inspection it was observed that there is huge accumulation of sand due to indiscriminate and unscientific mining at the bank of the river Mayurakshi.
- 8) The Circle Officer, Raneshwar has provided a copy of FIR lodged by Sri Dilip Kumar Tanti, District Mining Officer, Dumka vide his Letter No. 01/camp, Raneshwar dated 26/06/2021 in which he has mentioned that a VOLVO EC 2100 model Pocklein machine has been seized. (The copy of the FIR lodged by Sri Dilip Kumar Tanti, District Mining Officer, Dumka vide his Letter No. 01/camp, Raneshwar dated 26/06/2021 is attached as Annexure - II.)

During inspection the following observations were found At Mauza - Ektalla, Sukhjora Gram Panchayat:-

- 1) The Area in question lies at the Latitude 24°0'21.14"N and Longitude 87°25'45.99"E.
- 2) As per the report of the Circle Officer, Raneshwar there is a deposit of sand measuring an area of 87 Bigha 15 Katha and 16 Dhur (11.74 Hectares approx). The trace map of the area as provided by the Circle officer is enclosed as Annexure - I.
- 3) There were no marks of the wheel found at the site (sand ghat) but at the sand ghats damaged pathway and sand deposit were seen. It appears that sand mining was done few months back. When enquired, the local people said that the mining activities were carried out 2-3 months back.
- 4) There was a haul road connecting the metalled road to the sand Ghat. No wheel marks were found on the haul road.
- 5) That, at present Environmental clearance has not been accorded to any of the sand ghat in the Sukhjora Gram Panchayat, Raneshwar Area, Police Station - Raneshwar, Dist. - Dumka, in the

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BISHWAMBHAR MAHTO
NOTARY PUBLIC
Ranchi Jharkhand (India)

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NOTARY PUBLIC
Ranchi Jharkhand (India)

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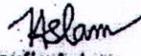
state of Jharkhand from the Competent Authority as per the Environmental Impact Assessment Notification, 2006, as amended.

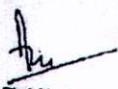
- 6) That, at present no Consent to Operate has been Issued to any of the sand ghats in the Sukhjora Gram Panchayat, Raneshwar Area, Police Station - Raneshwar, Dist. - Dumka, in the state of Jharkhand from the Competent Authority as per the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- 7) During the inspection it was observed that there is accumulation of sand due to indiscriminate and unscientific mining at the bank of the river Mayurakohl.

The various site visit photographs are attached as Annexure - III.

Encl :- As mentioned above.


Atul Ranjan Bhagat,
Circle Officer, Raneshwar, Dumka
(Representative of the District Magistrate,
Dumka, Jharkhand).


Toufic Aslam,
Scientist - B,
CPCB Regional Directorate, Kolkata.


A. T. Mishra,
Member Secretary,
SEIAA, Jharkhand.


Yatindra Kumar Das,
Member Secretary,
Jharkhand State Pollution Control Board.



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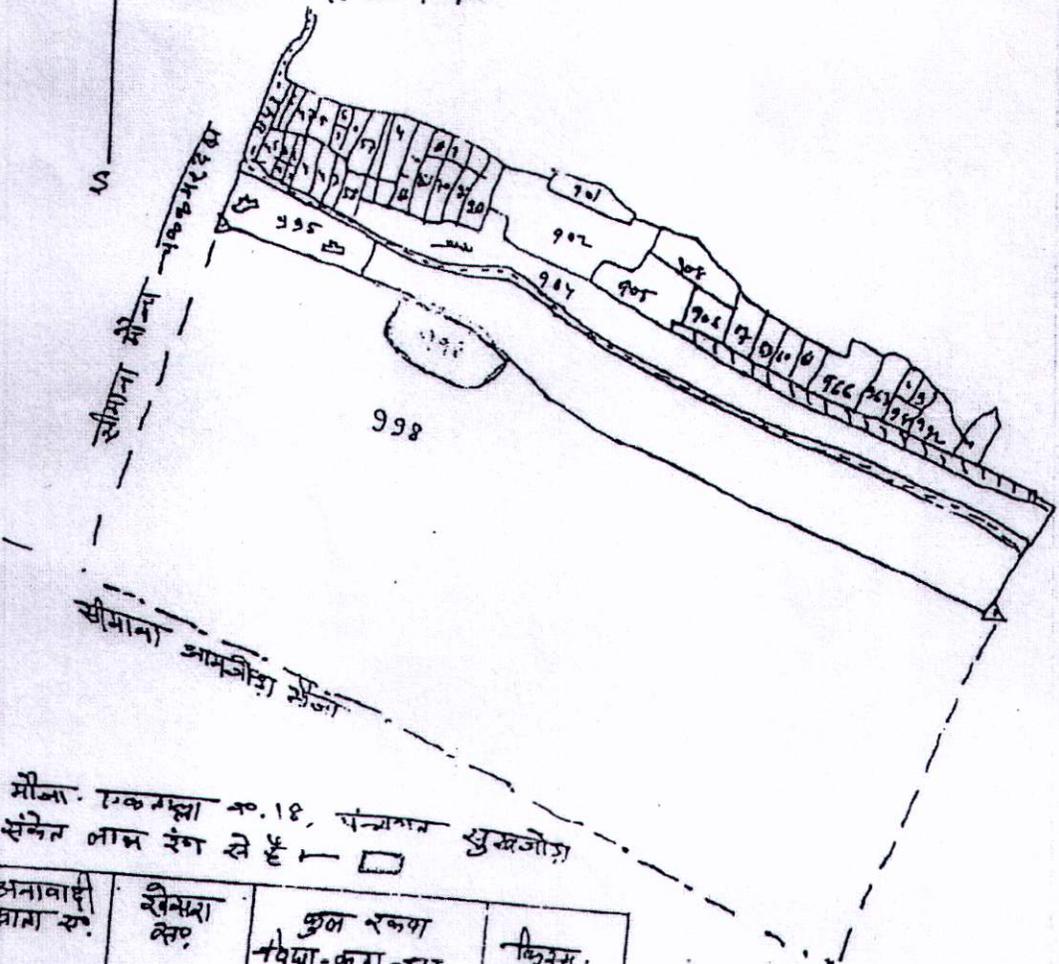
ANNEXURE-I

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सीमा एकाही नं. 18
 सं.सकिल सुखजोडा
 अ.न.ल शनीश्वर
 जिला हुमना
 स्केल 1" = 1 मील.



पिपरण सीमा एकाही नं. 18, पन्नागान सुखजोडा
 संकेत लाल रंग से है - □

अनावदी सारा सं.	विमोदा क्षेत्र	कुल रकबा विघा-कठ्ठा-चुर	कि.सं.
110	998	87-15-16	नदी (मुराली नदी)

M. H. H. H.
 2/9/2023
 अ. अ. अ. अ.
 रामेश्वर

अ. अ. अ. अ.
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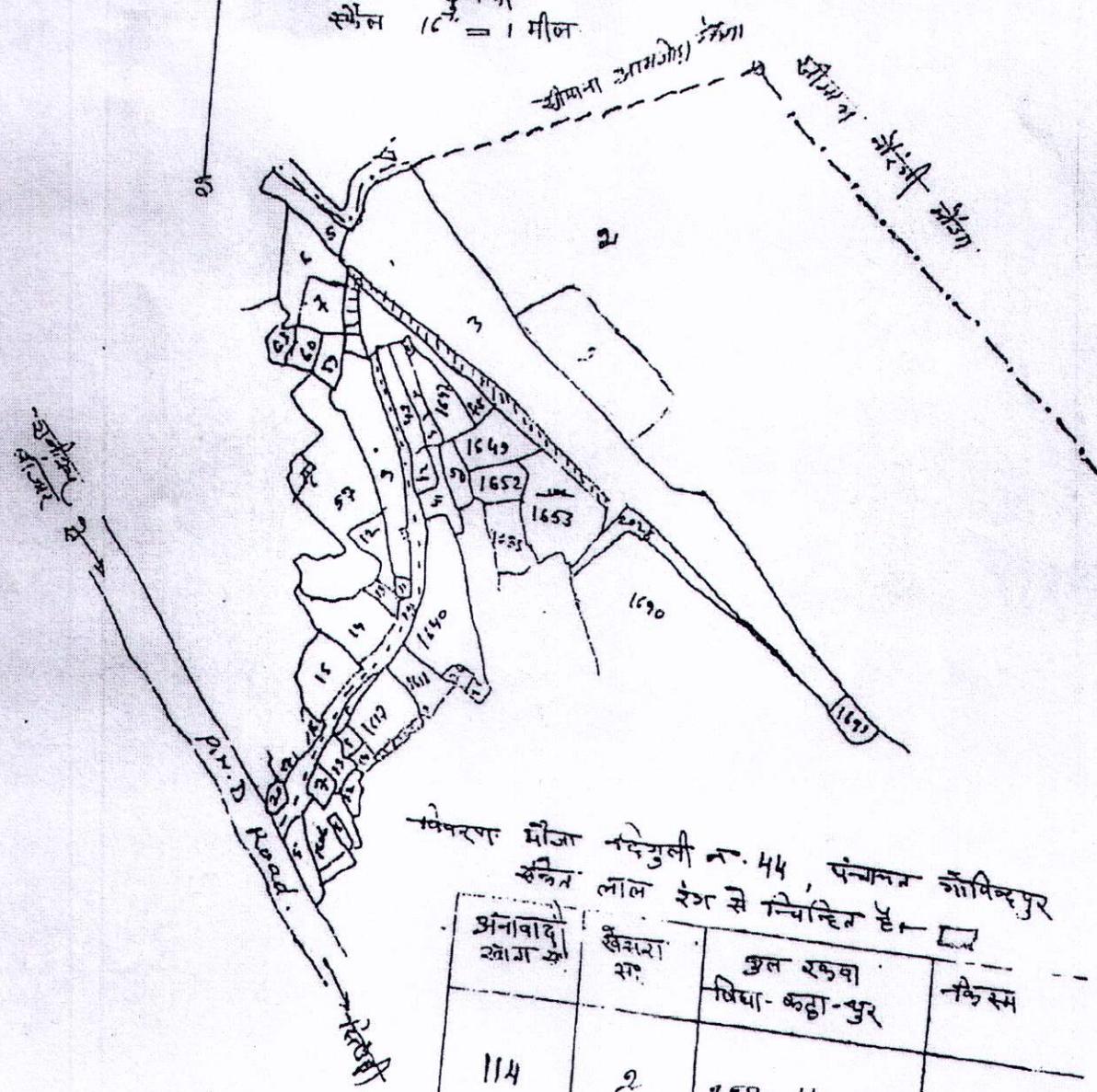


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गाँव - देगुली नं. 44
 स.सफिका - अमजोडा
 तालिका - रानीसर
 तालिका - दुमफा
 स्केल 1" = 1 मील



पंचायत गाँव देगुली नं. 44, पंचायत गोविन्दपुर
 क्षेत्र लाल रंग से चिह्नित है -

प्रतिवादी खेत का	खेता सं.	कुल रकबा बिघा-कठ्ठा-पुर	नक़्श
114	2	259-14-0	नदी (मनुराही नदी)

Md. Husayn
 21/8/2021
 370 अमीन
 जमीन

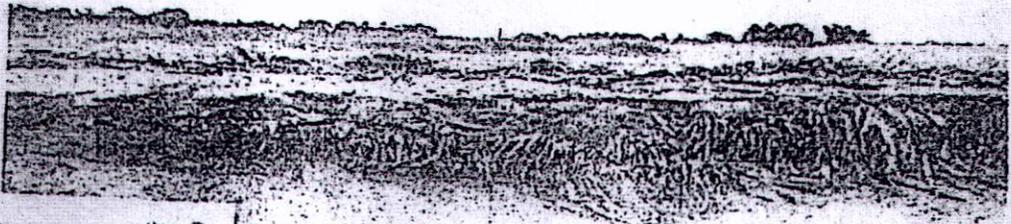
431
 21.6.21



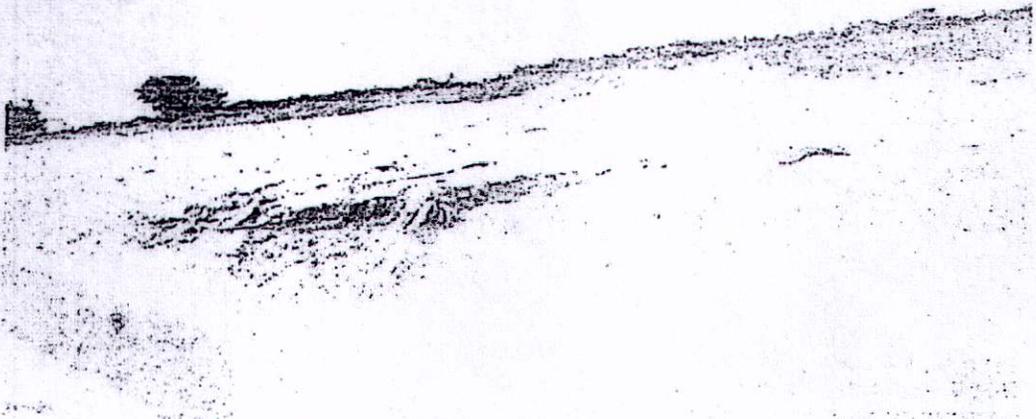
269 ~~270~~
82
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Annexure - III

Photographs of Sand Deposit area of Ektalla Village, Sukhjora Gram Panchayat.



Pathway created with the help of the palm leaves.

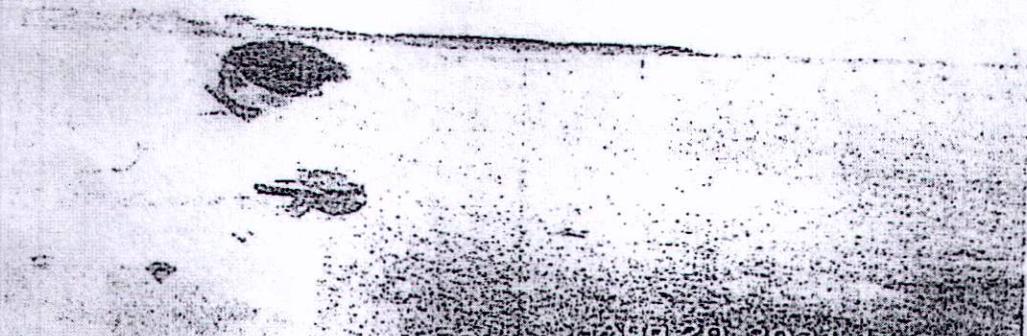


Damaged pathway created with the help of the palm leaves.

[Handwritten signature]

BISHAMBHAR MAHITO
NOTARY PUBLIC
Reg. No. 1225-1981
PHOTO COPY
ATTESTED
Ranchi Jharkhand (India)

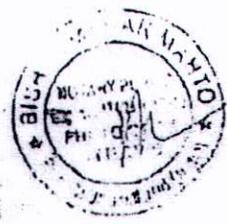
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Sand deposit along the bank of the Mayurakshi River in Ektalla Village, Sukhjora Gram Panchayat.



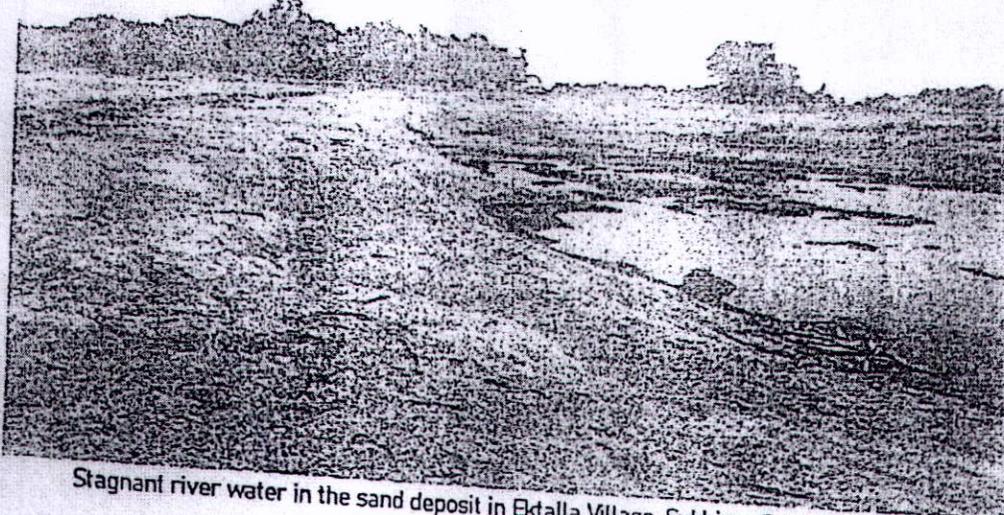
Committee Members and the excavated sand from the bank area and nearby bridge area.



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Stagnant river water in the sand deposit in Ektalla Village, Sukhjora Gram Panchayat.

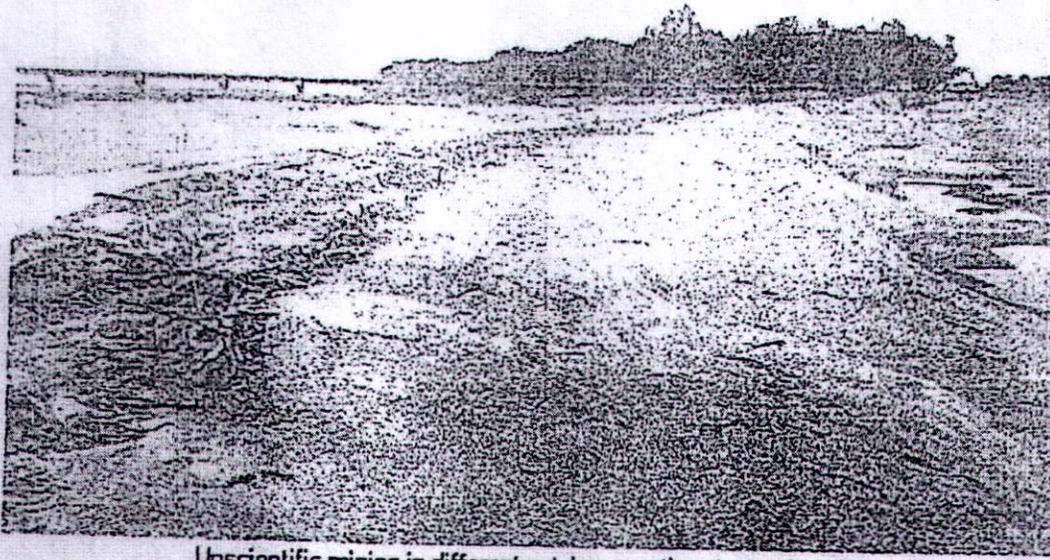


Natural Flow of river has been obstructed due to Palm Leaves

BISHAMBHAR MAHTO
NOTARY PUBLIC
Reg No-11086/1944
PHOTO COPY
ATTESTED
Rangli Jharband (Village)

BISHAMBHAR MAHTO
NOTARY PUBLIC
Reg No-11086/1944
PHOTO COPY
ATTESTED
Rangli Jharband (Village)

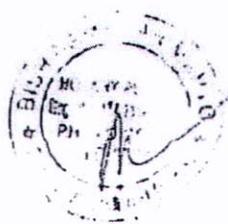
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273
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Unscientific mining in different patches creating stagnant water

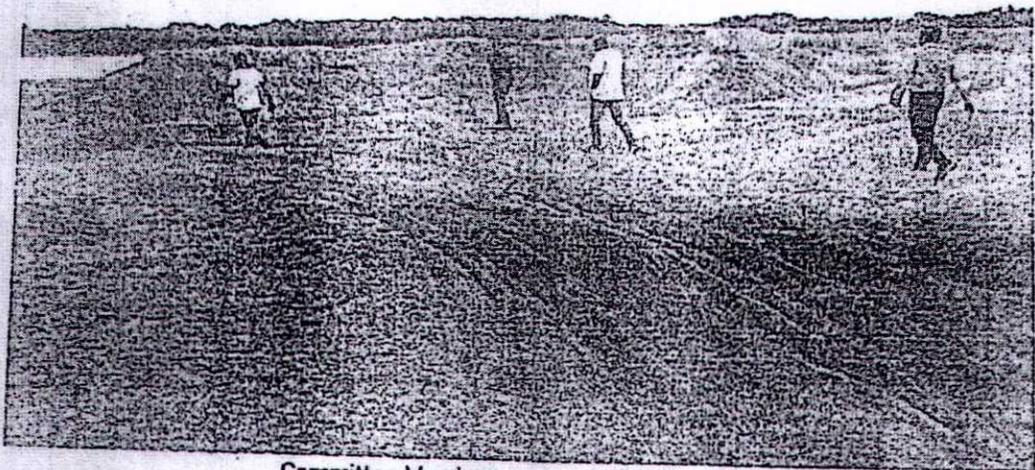


Haul road has been constructed with the help of tiny stone chips

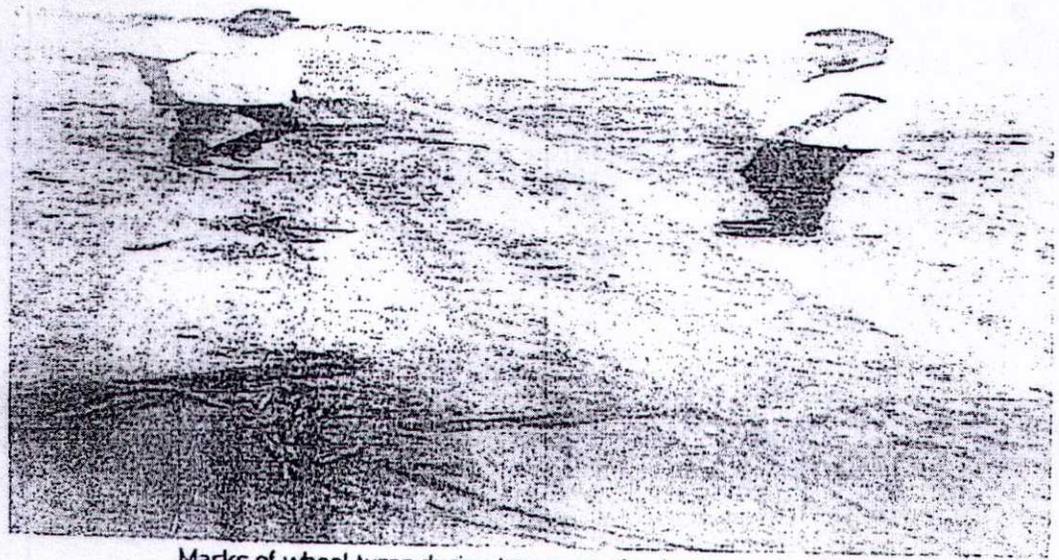


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27
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Photographs of Sand Deposit area of Diguli Village, Govindpur Gram Panchayat.



Committee Members near sand loading point



Marks of wheel tyres during transportation in the sand deposit.

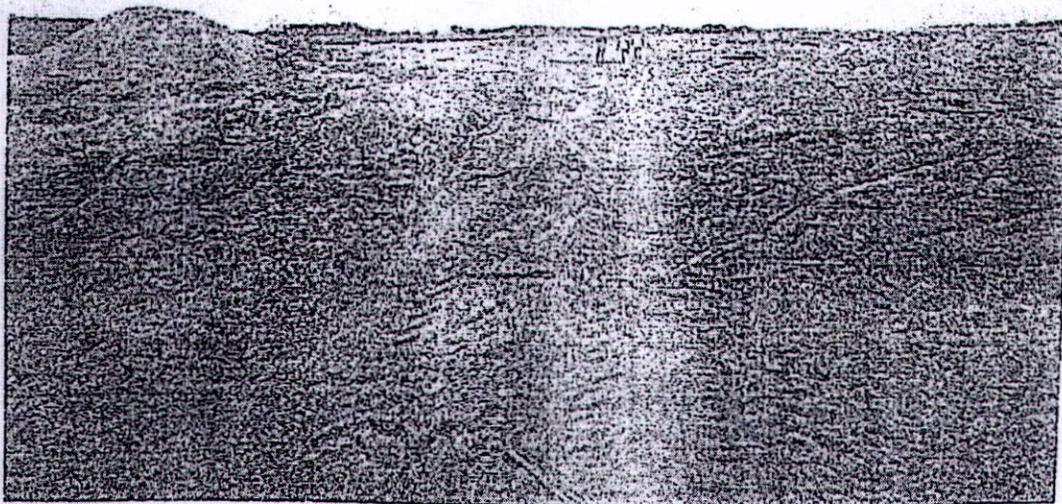
BISHWANATHAR MAHTO
NOTARY PUBLIC
Reg No. 1743/15-1564
PHOTOCOPY
ATTESTED
Raichak, Jharkhand (India)

BISHWANATHAR MAHTO
NOTARY PUBLIC
Reg No. 1743/15-1564
PHOTOCOPY
ATTESTED
Raichak, Jharkhand (India)

274 275
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77 84



Marks of wheel tyres during loading in the sand deposit.



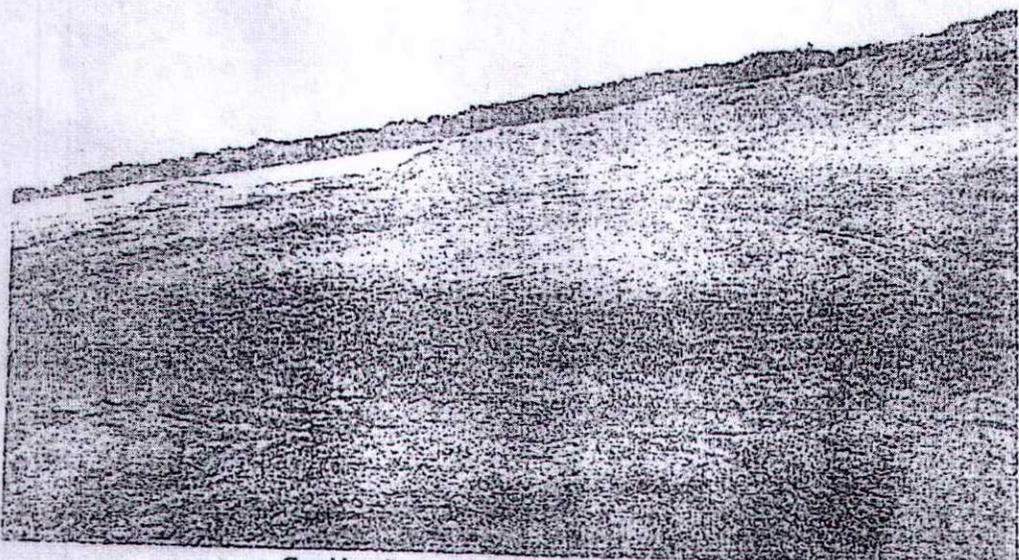
Marks of wheel tyres on sand transportation



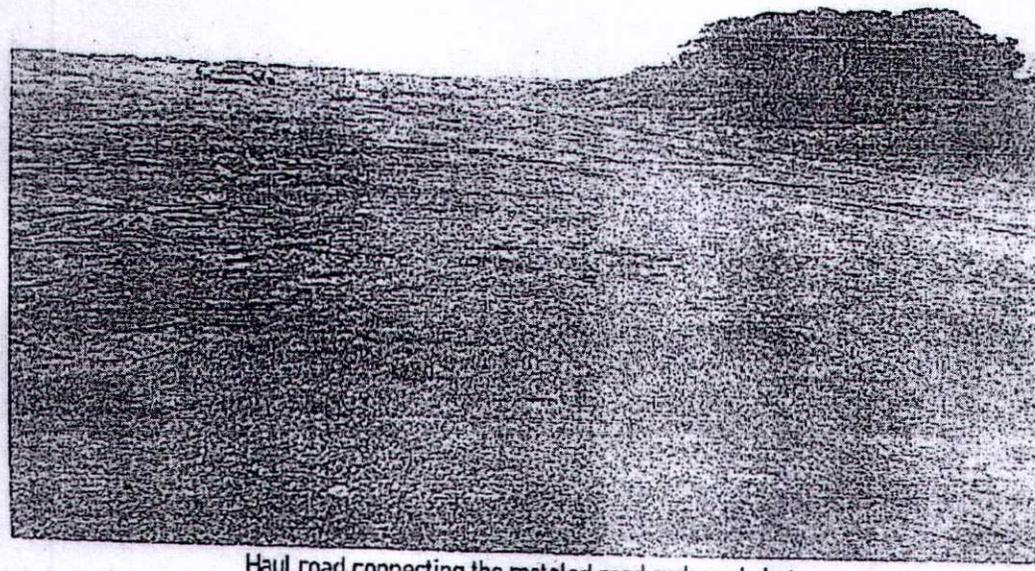
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Sand Loading point and marks of wheel tyres



Haul road connecting the metaled road and sand ghat

BISHWAMBHAR MARTO
NOTARY PUBLIC
Reg. No. 37496/1524
PHOTO COPY
ATT. ST. 1/2
Ranchi, Jharkhand (India)

BISHWAMBHAR MARTO
NOTARY PUBLIC
Reg. No. 37496/1524
PHOTO COPY
ATTESTED
Ranchi, Jharkhand (India)

99 277
278



जिला खनन कार्यालय, दुमका।
पत्रांक 677/एम0 दिनांक 13/05/22

प्रेषक, जिला खनन पदाधिकारी, दुमका।

सेवा में, सदस्य सचिव, झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद, धुर्वा झारखण्ड रांची।

विषय :- नेशनल ग्रीन ट्रिब्यूनल ईस्टर्न जोन बेंच कोलकाता में दायर O.A. NO. 50/2021 देवाशीष दास बनाम झारखण्ड राज्य एवं अन्य के संबंध में।

प्रसंग :- आपका पत्रांक B-923 Ranchi Dt. 10.05.2022

महाशय,

उपर्युक्त विषय एवं प्रसंग के संबंध में सूचित करना है कि माननीय न्यायाधिकरण में नेशनल ग्रीन ट्रिब्यूनल ईस्टर्न जोन बेंच कोलकाता में दायर O.A. No. 50/2021 देवाशीष दास बनाम झारखण्ड राज्य एवं अन्य के मामले में पारित आदेश दिनांक 25.04.2022 के क्रम में कार्यालय पत्रांक 611/एम0 दिनांक 29.04.2022 द्वारा अंचल अधिकारी रानेश्वर से अवैध खनन स्थल का आकलन कर प्रतिवेदन की मांग की गई थी कि कितनी मात्रा बालू का उत्खनन श्री तौहिद आलम एवं कमल खान के द्वारा किया गया है (छाया प्रति संलग्न)।

अंचल अधिकारी, रानेश्वर ने अपने पत्र संख्या 401/रा0 दिनांक 30.04.2022 द्वारा प्रतिवेदित किया गया कि मौजा रागडीह थाना संख्या 22 अनावादी खाता संख्या 24, प्लॉट संख्या 410 मयूराक्षी नदी में लम्बाई 700' X चौड़ाई 200' X गहराई 5' कुल 700000 घनफीट बालू का उत्खनन किया गया है (छाया प्रति संलग्न)।

700000 घनफीट बालू का अवैध उत्खनन कर प्रेषण करने के विरुद्ध झारखण्ड लघु खनिज समानुदान नियमावली 2004 के नियम 54 (b) के तहत अवैधकर्ता श्री तौहिद आलम एवं कमल खान के विरुद्ध खनिज मूल्य की दुगुनी राशि की वसूली हेतु कार्यालय ज्ञापांक 625/एम0 दिनांक 02.05.2022 द्वारा मांग पत्र एवं ज्ञापांक .664/एम0 दिनांक 09.05.2022 द्वारा स्मार पत्र निर्गत किया गया है (छाया प्रति संलग्न)।

सादर सूचनार्थ।
अनुलग्नक :- यथोक्त।

विश्वासमाजन

(Signature)
जिला खनन पदाधिकारी,
दुमका।

ज्ञापांक 677/एम0 दिनांक 13/05/22

प्रतिलिपि :- निदेशक खान, झारखण्ड रांची को अनुलग्नक सहित सादर सूचनार्थ प्रेषित।
प्रतिलिपि :- उपायुक्त, दुमका को अनुलग्नक सहित सादर सूचनार्थ प्रेषित।

(Signature)
जिला खनन पदाधिकारी,
दुमका। 13/05/2022





जिला खनन कार्यालय, दुमका।

ज्ञापांक.....664..... / एम0 दिनांक 09/05/22

सेवा में,



विषय-

श्री तौहिद आलम उर्फ मंसूर आलम उर्फ मंसूर मियाँ,

पिता - श्री कासिम मियाँ,

ग्राम-सोनातरपाड़ा, पोस्ट-सिउड़ी, थाना-सिउड़ी, जिला-वीरभूम (पं0बं0) एवं

2. कमल खान, पिता - श्री बसरत अली खान,

ग्राम - तालबांध, पोस्ट - एन0 जगतपुर,

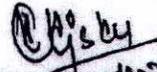
थाना - मो0 बाजार, जिला - वीरभूम (पं0बं0)

दुमका जिला के रानेश्वर अंचल के मौजा नौरंगी तथा रागडीह स्थित मयूराक्षी नदी से अवैध रूप से बालू का उठाव कर बिक्री करने के संबंध में।

उपर्युक्त विषय के संबंध में इस कार्यालय के पत्र संख्या 625/एम0 दिनांक 02.05.2022 द्वारा आपको सूचित किया गया था कि आपके द्वारा पश्चिमबंगाल से सटे दुमका जिलान्तर्गत रानेश्वर अंचल के मौजा - रागडीह/नौरंगी स्थित मयूराक्षी नदी से अवैध रूप से बालू खनिज का उठाव कर बिक्री किया गया है। जिसकी जांच अंचल अधिकारी, रानेश्वर ने करते हुए अपने पत्र संख्या 401/रा0 दिनांक 30.04.2022 द्वारा प्रतिवेदित किया गया है कि मौजा रागडीह थाना संख्या 22 अनावादी खाता संख्या 24, प्लॉट संख्या 410 मयूराक्षी नदी से लम्बाई 700' x चौड़ाई 200' x गहराई 5' कुल 700000 घनफीट अवैध रूप से बालू का निष्कासन कर प्रेषण किया गया है, जिसके लिये झारखण्ड लघु खनिज समनुदान नियमावली 2004 के नियम 54 (8) के तहत निष्कासित अवैध रूप से 700000 घनफीट बालू खनिज का सरकार द्वारा निर्धारित बिक्री मूल्य प्रति सैकड़ा घनफीट 750/- रूपया की दर से 5250000/-रूपये एवं दोगुनी दण्ड की राशि 5250000/-रूपये कुल 10500000/- (एक करोड़ पाँच लाख) रूपये भुगतान हेतु मांग पत्र निर्गत किया गया था, परन्तु आपके द्वारा अबतक उक्त राशि 10500000/- (एक करोड़ पाँच लाख) रूपये का भुगतान नहीं किया गया है।

अतः आपको आदेश दिया जाता है कि पत्र निर्गत की तिथी से एक सप्ताह के अन्दर 10500000/- (एक करोड़ पाँच लाख) रूपये का भुगतान ऑन लाईन करतें हुए चालान की प्रति कार्यालय में दाखिल करे। अन्यथा रकम की वसूली हेतु बिना किसी अन्य सूचना के नीलाम पत्र मुकदमा दायर कर दी जायेगी।

इसे सख्त ताकिद जानें।


जिला खनन मंडल, दुमका।
09/05/22



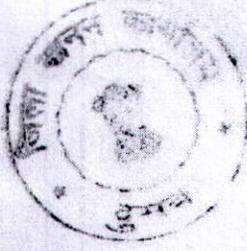
(निबंधित)



जिला खनन कार्यालय, दुमका।

जापाक.....625 / एम0 दिनांक02/05/22

सेवा में,



श्री तौहिद आलम उर्फ मंसूर आलम उर्फ मंसूर मियाँ,

पिता - श्री कासिम मियाँ,

ग्राम-सोनातरपाड़ा, पोस्ट-सिउड़ी, थाना-सिउड़ी, जिला-वीरभूम (पं0बं0) एवं

2. कमल खान, पिता - श्री बसरत अली खान,

ग्राम - तालबांध, पोस्ट - एन0 जगतपुर,

थाना - मो0 बाजार, जिला - वीरभूम (पं0बं0)

विषय:-

दुमका जिला के रानेश्वर अंचल के मौजा नौरंगी तथा रागडीह स्थित मयूराक्षी नदी से अवैध रूप से बालू का उठाव कर बिक्री करने के संबंध में।

उपर्युक्त विषय के संबंध में आपको सूचित किया जाता है कि आपके द्वारा पश्चिमबंगाल से सटे दुमका जिलान्तर्गत रानेश्वर अंचल के मौजा - रागडीह/नौरंगी स्थित मयूराक्षी नदी से अवैध रूप से बालू खनिज का उठाव कर बिक्री किया गया है। जिसकी जांच अंचल अधिकारी, रानेश्वर ने करते हुए अपने पत्र संख्या 401/रा0 दिनांक 30.04.2022 द्वारा प्रतिवेदित किया गया है कि मौजा रागडीह थाना संख्या 22 अनावादी खाता संख्या 24, प्लॉट संख्या 410 मयूराक्षी नदी से लम्बाई 700' x चौड़ाई 200' x गहराई 5' कुल 700000 घनफीट अवैध रूप से बालू का निष्कासन कर प्रेषण किया गया है।

झारखण्ड लघु खनिज समनुदान नियमावली 2004 के नियम 54 (8) के तहत निष्कासित अवैध रूप से 700000 घनफीट बालू खनिज का सरकार द्वारा निर्धारित बिक्री मूल्य प्रति सैकड़ा घनफीट 750/- रुपया की दर से 5250000/-रुपये एवं दोगुनी दण्ड की राशि 5250000/-रुपये कुल 10500000/- (एक करोड़ पाँच लाख) रुपये देय होता है।

अतः आपको आदेश दिया जाता है कि पत्र प्राप्ति के एक सप्ताह के अन्दर 10500000/- (एक करोड़ पाँच लाख) रुपये का भुगतान ऑन लाईन करतें हुए चालान की प्रति कार्यालय में दाखिल करे। अन्यथा रकम की वसूली हेतु नीताम पत्र मुकदमा दायर कर दी जायेगी। इसे सख्त ताकिद जानें।

जिला खनन कार्यालय,
दुमका।

दुमका।



शुद्धी कार्य वही
के।

279

96



अंचल कार्यालय, रानेश्वर (दुमका)

पत्रांक... 401/रा10

प्रेषक,

अंचल अधिकारी,
रानेश्वर।

सेवा में,

जिला खनन पदाधिकारी,
दुमका।

02/05/2022

विषय:-

नेशनल ग्रीन ट्रिब्यूनल ईस्टर्न जोन बेंच कोलकाता में दायर O.A.NO-50/2021
देवशीष दास बनाम झारखण्ड राज्य एवं अन्य के संबंध में।

रानेश्वर, दिनांक- 30.4.2022

प्रसंग:-

भवदीय पत्रांक-611/एम0, दिनांक-29.04.2022, एवं उपायुक्त दुमका के
पत्रांक-1462/गो0, दिनांक-28.04.2022

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के आलोक में सूचित करना है कि
मौजा-रागडीह के संबंधित राजस्व उप निरीक्षक/प्रभारी अंचल निरीक्षक/अंचल अमीन एवं
स्वयं द्वारा स्थानीय जाँच किया गया। अमीन द्वारा नापी के अनुसार जाँच प्रतिवेदन निम्न
प्रकार है:-

क्र०सं०	मौजा का नाम	थाना सं०	अनाबादी खाता सं०	प्लॉट न०	उत्खनन क्षेत्र (लम्बाई X चौड़ाई X गहराई) 700'X200'X5'=700000 घनफीट
1	रागडीह	22	24	410	

अतः अनुसूचित है कि जाँच प्रतिवेदन एवं इस नक्सा इस पत्र के साथ संलग्न कर
आवश्यक कार्रवाई हेतु भेजा जाता है।

अनुलग्नक:-
1 यथोक्त।

विश्वासभाजन

अंचल अधिकारी,
रानेश्वर।
30/4/22

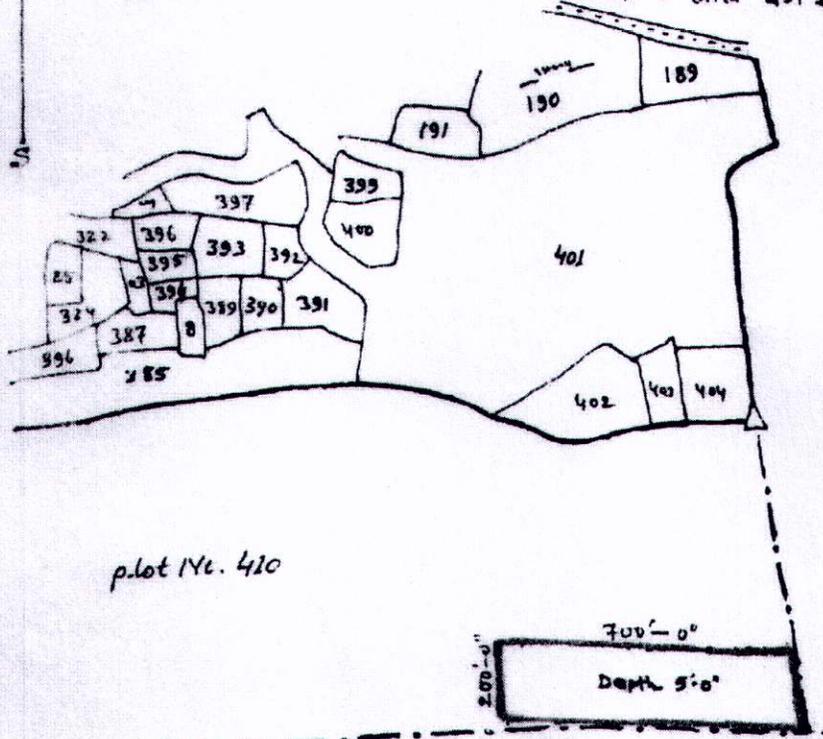


281
~~982~~
 34



मौजा रासडीह नं. 22
 स.सफिल सुखजोड़ा
 अंचल रानीशंकर
 जिला कुमाका
 स्केल 16" = 1 मील

अनावदी खाता नं. 24
 रैसरा नं. $\frac{401}{410}$
 उत्तमन क्षेत्र 700' x 200' x 5'
 = 7,00,000 घनफीट
 - 1 फीट = 30.48 सेंटीमीटर
 अक्षर 2 लाल रंग से चिह्नित है



→ मधुराक्षी नदी → मौजा रामपुर शौमाना
 जिला वीरभुम
 पाकिस्तान वंगाल

1st Hand
 आ. अमीन
 रानीशंकर



CALCULATION OF ENVIRONMENTAL COMPENSATION OF ILLEGAL SAND MINING IN DUMKA DISTRICT

Nature of violation – Illegal Mining.

Basis to levy the Environmental Compensation – Pollution Index

The environmental compensation is based on the following formula:

$$\underline{EC = PI \times N \times R \times S \times LF}$$

Where,

- EC- Environmental compensation
- PI- Pollution Index of Industrial Sector
- N – Number of days of violation took place
- R – A factor in rupees for EC
- S- Factor of scale of operation
- LF – Location Factor

Now in this case,

PI is to be taken as 50 as the industry belongs to Orange category (Excavation of sand from the river bed (excluding manual excavation) as per CPCB's industrial Classification).

N is to be taken as 500 days by assuming the period of illegal mining from May 2020 to August 2021.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 1.0 for medium scale Unit as the operation of illegal mining involved use of Tractors, Trucks, Hyva, Pocklein, Loader etc. (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.25 as the population of Dumka town is > 1 million. (District Census Handbook, Dumka of 2011).

Therefore,

$$\begin{aligned} \text{EC (Per day)} &= PI \times R \times S \times LF \\ &= 50 \times 250 \times 1.0 \times 1.25 \\ &= ₹ 15,625.00/- \end{aligned}$$

Henceforth, the Environmental Compensation for one day comes out to be ₹ 15,625.00/-. So the total Environmental Compensation for 500 days comes out to be ₹ 78,12,500.00/- (i.e. Rupees **Seventy Eight Lakhs Twelve Thousand Five Hundred Only**).

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