

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 12 OF 2022 / EZ**

Srinath Mishra

...Applicant

VERSUS

State of Odisha & others

...Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	
2.	Photocopy of the office memorandum dtd.29.09.2020. (ANNEXURE – R4/1)	
3.	Photocopy of consent to operate order dtd.30.09.2020. (ANNEXURE – R4/2)	
4.	Photocopy of the joint field enquiry report referred above along with Geo Tag Photographs. (ANNEXURE – R4/3 Colly)	
5.	Photocopy of show cause notice vide letter No.1487 dtd.18.05.2022. (ANNEXURE – R4/4)	

6.	Photocopy of revocation letter No.1558 dtd.23.05.2022. (ANNEXURE – R4/5)	
----	---	--

SPCB Odisha, R.No.4

Through

Kolkata

Date:

Smt Papiya Banerjee Bihani,
Advocates for the Respondent No.4
(State Pollution Control Board, Odisha)
e-mail: pbanerjeebihani@gmail.com
Phone No.:9831493390

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 12 OF 2022 / EZ**

IN THE MATTER OF

Srinath Mishra

...Applicant

VERSUS

State of Odisha & others

...Respondents

**AFFIDAVIT ON BEHALF OF STATE POLLUTION
CONTROL BOARD, ODISHA, R.NO.4.**

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 54 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.4 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.



2. That this Hon'ble Tribunal in their order dtd.19.04.2022 at para-9 & 10 made some observation pertaining to the R.No.4 Board, which are given below:

9. Since the Consent of Lessee itself mentions that morrum is being permitted for extraction, we are surprised as to how exemption from the mandatory requirement of Environmental Clearance could have been granted and the Odisha State Pollution Control Board has also granted exemption from Consent Administration under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

10. In para 8(C) of the affidavit, it is also mentioned that temporary permit was granted for extraction of morrum for linear projects. We are surprised as to how lease was granted for extraction of morrum which is a minor mineral without Environmental Clearance and



without Consent Administration from the Odisha State Pollution Control Board.

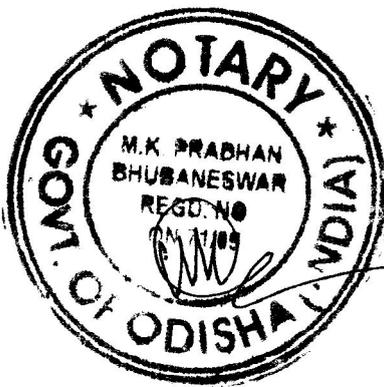
3. That with regard to the above said observation of this Hon'ble Tribunal, the following facts are placed for kind perusal.

a. The Regional Officer, Kalinga Nagar of the R.No.4 Board has granted Consent to Establish to Lunibar Morrum and Soil Quarry vide Office Memorandum No.1673 dtd.29.09.2020 for excavation / quarrying of minor minerals as follows:

Soil of total quantity 12,275m³ and Morrum of quantity 49,100 m³ during the approved mining plan period for 05 years.

In the said consent to establish order at Sl.No.4 under the heading General Conditions, a condition has been imposed as follows:

"The consent to establish is subject to statutory and other clearances from Govt.



of Odisha and/or Govt. of India as and when applicable.”

Copy of the office memorandum dtd.29.09.2020 referred above granting consent to establish is annexed to this affidavit and marked as ANNEXURE-R4/1.

4. That thereafter consent to operate in favour of M/s. Lunibar Morrums and Soil Quarry was granted by the Regional Officer, Kalinga Nagar of the R.No.4 Board vide letter No.1677 dtd.30.09.2020 for extraction / transportation of ordinary earth / morrum for the linear projects from the borrowing land, which was valid upto 31.03.2025 with certain conditions for strict compliance. Copy of consent to operate order dtd.30.09.2020 is annexed to this affidavit and marked as ANNEXURE-R4/2.

5. That as per the instruction of District Level Committee on assessment of environment loss headed by Collector, Jajpur, a joint enquiry was conducted by the Regional Officer, Kalinga Nagar of the R.No.4 Board along with



Tahasildar, Dharmasala on dtd.07.05.2022 and it was observed that no trace of any extraction of ordinary earth / morrum was found over the lease hold area. Copy of the joint field enquiry report referred above along with Geo Tag Photographs is annexed to this affidavit and marked as ANNEXURE-R4/3 Colly.

6. That it was observed that M/s. Lunibar Morrum & Soil Quarry has not obtained Environmental Clearance in respect of Morrum. However, so far as soil for linear project is concerned, environmental clearance is not required. Accordingly, the Regional Officer, Kalinga Nagar of the R.No.4 Board has issued a show cause notice to the aforesaid unit vide letter No.1487 dtd.18.05.2022 as to why the consent granted upto 31.03.2025 in respect of extraction of morrum shall not be revoked. As no response was received from the lessee of the aforesaid unit, the Regional Officer, Kalinga Nagar has passed order on dtd.23.05.2022 by revoking Consent to Operate. Copy of show cause notice dtd.18.05.2022 and revocation letter No.1558 dtd.23.05.2022 are annexed to this affidavit and



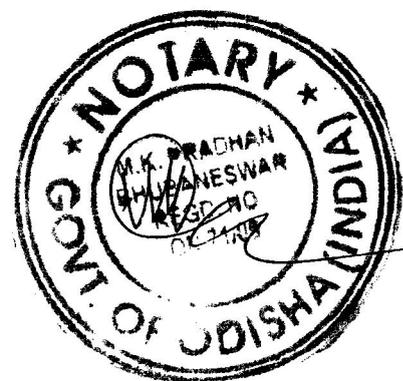
marked as ANNEXURE-R4/4 and ANNEXURE-R4/5 respectively.

7. That this Hon'ble Tribunal in their order dtd.19.04.2022 at para-14 directed the R.No.4 Board to calculate the environmental compensation on account of degradation of environment due to over extraction and illegal extraction of morrum. The Collector, Jajpur, R.No.2 in this case vide his letter dtd.19.05.2022 has also instructed the Regional Officer, Kalinga Nagar of the R.No.4 Board to calculate the environmental compensation and submit the same before the District Level Committee on assessment of environmental loss for approval by the said committee so that the same can be placed before the Hon'ble NGT. Accordingly, the Regional Officer, Kalinga Nagar of the R.No.4 Board has calculated the environmental compensation and submitted to the Collector, Jajpur vide his letter No.104 dtd.21.05.2022. Copy of the letter dtd.21.05.2022 of the Regional Officer, Kalinga Nagar of the R.No.4 Board along with the proceedings of Environmental Loss / Impact Assessment Committee has



already been produced by the Collector, Jajpur before this Hon'ble Tribunal in his affidavit dtd.25.05.2022 vide Annexure-J/2 and K/2 respectively. Copy of the said affidavit dtd.25.05.2022 filed by the R.No.2 has already been taken note of by this Hon'ble Tribunal in their order dtd.27.05.2022.

8. That the annexures annexed to the present affidavit are true and correct copies of their originals.
9. That the Respondent No.4 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.
10. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.




— DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

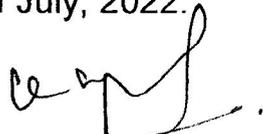
MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (M)

VERIFICATION:

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

Verified at Bhubaneswar on this the 15th day of July, 2022.

SWORN BEFORE ME


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar




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



ANNEXURE - R4/1

E-mail: rospcb.kalinganagar@ospboard.org

Website: www.ospboard.org

Tel No.06726 221153

REGIONAL OFFICE, KALINGANAGAR
STATE POLLUTION CONTROL BOARD, ODISHA
 [DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
 At. Dhabalgiri, PO. Ferro Chrome Project
 Dist. Jajpur-755019, Odisha

No. 1673 /KNG/MM/10

Date 29/09/2020
By Regd. Post

OFFICE MEMORANDUM

In consideration of the online application No.3168575 of M/s. Lunibar Morrum and Soil Quarry for obtaining Consent to Establish, the State Pollution Control Board is pleased to convey its Consent to Establish under Section 25 of Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention and Control of Pollution) Act, 1981, for excavation/quarrying of minor mineral as follows:

Soil of total quantity 12, 275 m³ and Morrum of quantity 49, 100 m³ during the approved mining plan period for 05 years

At. Lunibar Mouza, PO. Purunabaulamala under Dharmasala Tahasil over Plot No.159/1253, 103, 122, 121, 118, 111, 175, 174, 172, 107, 106, 105 & 104 of Khata No. 222/92 and Plot No.117, 123, 119, 113, 112 & 108 of Khata No.222/91 measuring an area 6.01 Acres or 2.43 Ha (mentioned as per application form) in the district of Jajpur with the following conditions.

GENERAL CONDITIONS:

1. This consent to establish is valid for the raw materials, product, manufacturing process and capacity mentioned in the application form. This order is valid for five years, which means the proponent shall commence construction of the project within a period of five years from the date of issue of this order. If the proponent fails to do substantial physical progress of the project within five years, then a renewal of this consent to establish shall be sought by the proponent.
2. The industry shall comply to the provisions of Environment Protection Act, 1986 and the Rules made there under with their amendments from time to time such as Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016, as amended from time to time, Hazardous Chemical Rules/Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 etc. and the amendments there under. The industry shall also comply with the provisions of Public Liability Insurance Act, 1991, if applicable.
3. The industry is to apply for grant of consent to operate under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 for at least 3 (three) months before the commercial production and obtain consent to operate from this Board.
4. The consent to establish is subject to statutory and other clearances from Govt. of Odisha and/ or Govt. of India as and when applicable.

SPECIAL CONDITIONS:

1. This consent to establish granted under Section 25 of Water (P&CP) Act, 1974 and Section 21 of Air (P&CP) Act, 1981 shall be subject to the mining plan approved by the Deputy Director Geology, Directorate of Geology, Bhubaneswar and Permission of Tahasildar, Dharmasala for extraction/transportation of ordinary earth/morrum for the



linear projects from the borrowing land as per OMMC Rules, 2016 issued vide letter No.3307, dt.18.09.2020.

2. The water sprinkling systems shall be provided in the haul road, transportation roads, quarry areas, stockpiled areas and other dust generating areas to control the fugitive dust emission.
3. The Lessee/Project Proponent shall provide adequate sanitation facilities for its workers to avoid any open defecation and unhygienic condition in the surrounding areas
4. Domestic effluent, if any, generated from mine shall be discharged to soak pit via septic tank constructed as per BIS specification.
5. The mine shall comply with additional guidelines/environmental regulations as stipulated/ revised from time to time.
6. Vehicles hired for transportation of minor mineral from the site should be in good condition and should have PUC Certificate. Vehicles should conform to the air & noise emission standards and should be operated during non-peak hours.
7. The vehicles in which soil is to be transported shall not be overloaded and shall be covered with tarpaulin to prevent spillage and getting airborne. The speed of the trucks shall be kept moderate i.e. 15 km per hour to prevent undue noise and other problems.
8. The mines shall undertake plantation as mentioned in the mining plan.
9. The project proponent shall obtain NOC from CGWA for withdrawal of groundwater required for the project, if any.
10. Ambient air quality inside the mining lease area shall be maintained as per National Ambient Air Quality Standards.
11. The mine shall abide by the provisions of E (P) Act 1986 and Rules framed thereunder.
12. **The Board may impose further conditions or modify the conditions as stipulated in this order during installation and/or at the time of obtaining consent to operate and may revoke this order in case the stipulate conditions are not implemented and / or information are found to have been suppressed / wrongly furnished in the application form.**

To,

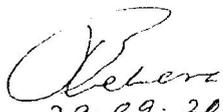
Smt. Binapani Pradhan
M/s Lunibar Morrum and Sand Quarry
At. Ragadiposi, PO. Madhupurgada
Dist. Jajpur, Odisha – 755023

Memo No. 1674⁽⁴⁾ Dt. 29/09/2020

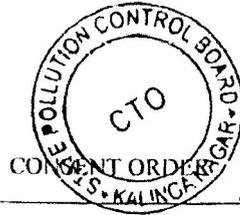
Copy forwarded to:

1. The Member Secretary, S.P.C. Board, Odisha, Bhubaneswar.
2. The Collector & District Magistrate, Jajpur.
3. The Deputy Director Geology, Directorate of Geology, Bhubaneswar
4. Copy to Guard file


29.09.20
REGIONAL OFFICER
Regional Officer
State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur


29.09.20
REGIONAL OFFICER
Regional Officer
State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur

0/0



ANNEXURE-R4/2

Page-1

By Regd. Post with AD

REGIONAL OFFICE, KALINGANAGAR
STATE POLLUTION CONTROL BOARD, ODISHA
(DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA)
Kalinganagar, At. Dhabalgiri, PO. Ferro Chrome Project
Jajpur Road, Jajpur, 755020

No. 1677 /KNG/MM/10Dt. 30/09/2020
By Regd. PostCONSENT ORDER NO. 407/RO-SPCB-Kalinganagar/APC&WPC

Sub: Consent under Section 25/26 of Water (P&CP) Act, 1974 and Section 21 of Air (P&CP) Act, 1981

Ref: Your Online Application No. 3168756 & consent to establish order issued vide this office letter No.1673, dt.29.09.2020

Consent is hereby granted under Section 25/26 of Water (Prevention and Control of Pollution) Act, 1974 and 21 of Air (Prevention & Control of Pollution) Act, 1981 and the Rules framed there under to

Name of the Industry: M/s Lunibar Morrurum & Soil QuarryName of the Occupier & Designation: Smt. Binapani PradhanAddress: At. Lunibar, PO. Purunabaulamala, Dharmasala Tahasil, Dist. JajpurThis consent order is valid for the period up to 31.03.2025.

This consent to operate is granted based on approved mining plan & subjected to validity of permission period.

This consent order is valid for the product quantity, specified outlets, discharge quantity and quality, specified chimney/stack, emission quantity and quality of emissions as specified below. This consent is granted subject to the general and special conditions stipulated therein.

A. Details of Products Manufactured

Sl. No.	Product	Year	Quantity of morrum in m ³	Quantity of soil in m ³
1	Extraction/transportation of ordinary earth/morrum for the linear projects from the borrowing land	2020-21	25608	6402
		2021-22	14000	3500
		2022-23	5156	1289
		2023-24	3208	802
		2024-25	1128	282



B. Emission permitted through the following stack subject to the prescribed standard

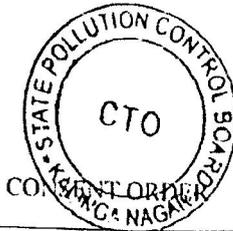
Chimney Stack No.	Description of Stack	Stack height (m)	Quantity of emission	Prescribed Standard				
				PM (mg/Nm ³)	SO ₂	NO _x		
1	Domestic wastewater	Soak pit via septic tank						

C. Disposal of solid waste permitted in the following manner

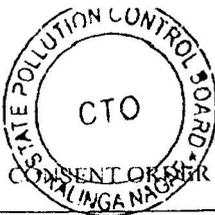
Sl.No.	Type of Solid waste	Quantity generated (TPD)	Quantity to be reused on site(TPD)	Quantity to be reused off site(TPD)	Quantity disposed off (TPD)	Description of disposal site.

D. GENERAL CONDITIONS FOR ALL UNITS

- The consent is given by the Board in consideration of the particulars given in the application. Any change or alternation or deviation made in actual practice from the particulars furnished in the application will also be the ground liable for review/variation/revocation of the consent order under section 27 of the Act of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 and to make such variations as deemed fit for the purpose of the Acts.
- The industry would immediately submit revised application for consent to operate to this Board in the event of any change in the quantity and quality of raw material / and products / manufacturing process or quantity /quality of the effluent rate of emission / air pollution control equipment / system etc.
- The applicant shall not change or alter either the quality or quantity or the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.
- The application shall comply with and carry out the directives/orders issued by the Board in this consent order and at all subsequent times without any negligence on his part. In case of non-compliance of any order/directives issued at any time and/or violation of the terms and conditions of this consent order, the applicant shall be liable for legal action as per the provisions of the Law/Act.
- The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent order.
- The issuance of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State laws or regulation.
- This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course



8. The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board
9. An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
10. The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment system / air pollution control system / stack monitoring system any other particulars as may be pertinent to preventing and controlling pollution of Water / Air.
11. Meters must be affixed at the entrance of the water supply connection so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act provided that the place where it is affixed shall in no case be at a point before which water has been tapped by the consumer for utilization for any purposes whatsoever.
12. Separate meters with necessary pipe-line for assessing the quantity of water used for each of the purposes mentioned below:
 - a) Industrial cooling, spraying in mine pits or boiler feed,
 - b) Domestic purpose
 - c) Process
13. The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/bathing.
14. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
15. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
16. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems install or used by him to achieve with the term(s) and conditions of the consent.
17. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed with sides and bottom made impervious.
18. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by overflow
19. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
20. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the industry must adopt alternate satisfactory treatment and disposal measures.
21. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
22. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
23. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Act or Rules made therein.
24. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples / stack monitoring / inspection.
25. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
26. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
27. The liquid effluent arising out of the operation of the air pollution control equipment shall be treated in the manner and to ion of standards prescribed by the Board in accordance with the provisions of Water (Prevention and Control of Pollution) Act, 1974 (as amended).
28. The stack monitoring system employed by the applicant shall be opened for inspection to this Board at any time
29. There shall not be any fugitive or episodal discharge from the premises.
30. In case of such episodal discharge/emissions the industry shall take immediate action to bring down the emission within the limits prescribed by the Board in conditions/stop the operation of the plant. Report of such accidental discharge /emission shall be brought to the notice of the Board within 24 hours of occurrence.
31. The applicant shall keep the premises of the industrial plant and air pollution control equipments clean and make all hoods, pipes, valves, stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all times
32. Any upset condition in any of the plant/plants of the factory which is likely to result in increased effluent discharge/emission of air pollutants and / or result in violation of the standards mentioned above shall be reported to the Headquarters and Regional Office of the Board by fax / speed post within 24 hours of its occurrence.



33. The industry has to ensure that minimum three varieties of trees are planted at the density of not less than 1000 trees per acre. The trees may be planted along boundaries of the industries or industrial premises. This plantation is stipulated over and above the bulk plantation of trees in that area.
34. The solid waste such as sweeping, wastage packages, empty containers residues, sludge including that from air pollution control equipments collected within the premises of the industrial plants shall be disposed off scientifically to the satisfaction of the Board, so as no to cause fugitive emission, dust problems through leaching etc., of any kind.
35. All solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by :
 - i) Land fill in case of inert material, care being taken to ensure that the material does not give rise to leachate which may percolate into ground water or carried away with storm run-off.
 - ii) Controlled incineration, wherever possible in case of combustible organic material.
 - iii) Composting, in case of bio-degradable material.
36. Any toxic material shall be detoxicated if possible, otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The detoxication or sealing and burying shall be carried out in the presence of Board's authorized persons only. Letter of authorization shall be obtained for handling and disposal of hazardous wastes.
37. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard, vary all or any of such condition and thereupon the applicant shall be bound to comply with the conditions so varied.
38. The applicant, his/heirs/legal representatives or assignees shall have no claim whatsoever to the condition or renewal of this consent after the expiry period of this consent.
39. The Board reserves the right to review, impose additional conditions or condition, revoke change or alter the terms and conditions of this consent.
40. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
41. The conditions imposed as above shall continue to be in force until revoked under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 A of Air (Prevention & Control of Pollution) Act, 1986.
42. In case the consent fee is revised upward during this period, the industry shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board the consent order will be revoked without prior notice.
43. The Board reserves the right to revoke/refuse consent to operate at any time during period for which consent is granted in case any violation is observed and to modify/ stipulate additional conditions as deemed appropriate.

GENERAL CONDITIONS FOR UNITS WITH INVESTMENT OF MORE THAN Rs 60 CRORES, AND 17 CATEGORIES OF HIGHLY POLLUTING INDUSTRIES (RED A).

1. The applicant shall analyse the emissions every month for the parameters indicated in TABLE B & C as mentioned in this order and shall furnish the report thereof to the Board by the 10th of the succeeding month.
2. The applicant shall provide and maintain at his own cost three ambient air quality monitoring stations for monitoring Suspended Particulate Matter, Sulphur Dioxide, Oxides of Nitrogen, Hydro-Carbon, Carbon-Monoxide and monitor the same once in a day/week/fortnight/month. The data collected shall be maintained in a register and a monthly extract be furnished to the Board.
3. The applicant shall provide and maintain at his own cost a meteorological station to collect the data on wind velocity, direction, temperature, humidity, rainfall, etc. and the daily reading shall be recorded and the extract sent to the Board once in a month.
4. The applicant shall forward the following information to the Member Secretary, State Pollution Control Board, Orissa, Bhubaneswar regularly.
 - a. Report of analysis of stack monitoring, ambient air quality monitoring meteorological data as required every month.
 - b. Progress on planting of trees quarterly.
5. The applicant shall install mechanical composite sampling equipment and continuous flow measuring / recording devices on the effluent drains of trade as well as domestic effluent. A record of daily discharge shall be maintained.
6. The following information shall be forwarded to the Member Secretary on or before 10th of every month:
 - a. Performance / progress of the treatment plant.
 - b. Monthly statement of daily discharge of domestic and/or trade effluent.

7. Non-compliance with effluent limitations

- a) If for any reason the applicant does not comply with or is unable to comply with any effluent limitations specified in this consent, the applicant shall immediately notify the consent issuing authority by telephone and provide the consent issuing authority with the following information in writing within 5 days of such notification.
 - i) Causes of non-compliance
 - 1) A description of the non-compliance discharge including its impact on the receiving waters.



Page -5

- ii) Anticipated time of continuance of non-compliance if expected to continue or if such condition has been corrected the duration or period of non-compliance.
 - iii) Steps taken by the applicant to reduce and eliminate the non-complying discharge and
 - iv) Steps to be taken by the applicant too prevent the condition of non-compliance
 - b) The applicant shall take all reasonable steps to minimize any adverse impact to natural waters resulting from non-compliance with any effluent limitation specified in this consent including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
 - c) Nothing in this consent shall be construed to relieve the applicant from civil or criminal penalties for non-compliance whether or not such non-compliance is due to factors beyond his control, such as break-down, electric failure, accident or natural disaster
8. The applicant shall at his own cost get the effluent samples collected both before and after treatment and get them analysed at an approval laboratory every month for the parameters indicated in Part-D and shall submit in duplicate the report thereof to the Board.
 9. The addition of various treatment chemicals should be done only with mechanical dosers and proper equipment for regulation of correct dosages determined daily and for proper uniform feeding. Crude practices such as dumping of chemicals in drains or sumps or trickling of acids or alkalies arbitrarily and utilizing poles for stirring etc. should not be resorted to.
 10. In the disposal of treated effluent on land for irrigation, the industry shall keep in view of the need for:

Rotation of crops

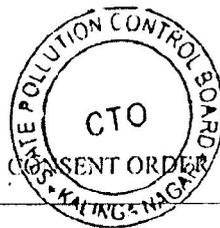
Change of point of application of effluent on land

A portion of land kept fallow.

11. The adoption of these would avoid soil becoming sick or slate, the industry may ensure this in consultation with the Agriculture Department.
12. It is the sole responsibility of the industry to ensure that there are no complaints at any time from the royats in the surrounding areas as a result of discharge of sewage or trade effluent if any.
13. Proper house keeping shall be maintained by a dedicated team.
14. The industry must constitute a team of responsible and technically qualified personnel who will ensure continuous operation of all pollution control devices round the clock (including night hours) and should be in a position to explain the status of operation of the pollution control measures to the inspecting officers of the Board at any point of time. The name of these persons with their contact telephone numbers shall be intimated to the concerned. Regional Officer and Head Office of the Board and in case of any change in the team it shall be intimated to the Board immediately.

E. SPECIAL CONDITIONS

1. The production shall not exceed the consented quantity.
2. Dust suppression measures on haul roads, transportation roads and stockpile areas shall be carried out by spraying water through mobile/fixed water tanker/sprinklers.
3. Domestic effluent, if any, generated from mine shall be discharged to soak pit via septic tank constructed as per BIS specification.
4. Ambient air quality inside the mining lease area shall be maintained as per National Ambient Air Quality Standards, 2009 (Enclosed Annexure-II).
5. The project proponent shall comply with additional guidelines/environmental regulations as stipulated/ revised from time to time.
6. The truck in which sand is to be transported shall be covered with tarpaulin to prevent spillage. The speed of the trucks shall be kept moderate i.e. 15 km per hour to prevent undue noise and other problems.



Page -6

7. The project proponent shall abide by the provisions of E (P) Act 1986 and Rules framed thereunder.
8. The project proponent shall submit the annual return to this office by 31st May every year incorporating the quantities of material handled during the preceding financial year (1st April to 31st March).
9. The project proponent shall undertake plantation as mentioned in the mining plan.
10. The project proponent shall undertake that in case of consent fee is revised upward during this period, he/she shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If he/she fails to pay the amount within the period stipulated by the Board, the consent order shall be revoked without prior notice.
11. The Board reserves the right to revoke / refuse consent at any time during this period or to modify / stipulate additional conditions as deemed appropriate in case any violation is observed.

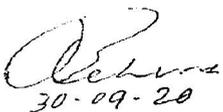
The occupier must comply with the conditions stipulated in section A, B, C, D and E to keep this consent order valid.

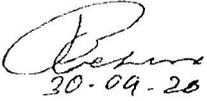
To,

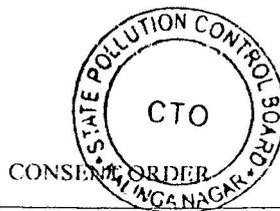
Smt. Binapani Pradhan
M/s Lunibar Morrum & Soil Quarry
At. Ragadiposi, PO. Madhupurgada
Dist. Jajpur, Odisha 755023

Memo No. 1678 (4), dt. 30/09/2020
Copy forwarded to

- i) The Member Secretary, SPC Board, Odisha, Bhubaneswar
- ii) The Collector & District Magistrate, Jajpur
- iii) The Dy. Director of Geology, Directorate of Geology, Bhubaneswar
- iv) Guard File/Consent Register


30-09-20
REGIONAL OFFICER
Regional Officer
State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur

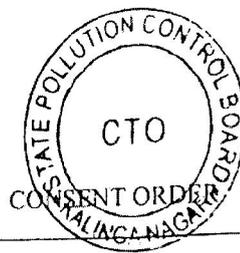

30-09-20
REGIONAL OFFICER
Regional Officer
State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur



Page - 7
Annexure-I

**GENERAL STANDARDS FOR DISCHARGE OF
ENVIRONMENTAL POLLUTANTS PART -A : EFFLUENTS**

Sl. No.	Parameters	Standards			
		Inland surface	Public sewers	Land for irrigation	Marine Coastal Areas
		(a)	(b)	(c)	(d)
1.	Colour & odour	Colourless/Odourless as far as practicable	-----	See 6 of Annex-1	See 6 of Annex-1
2.	Suspended Solids (mg/l)	100	600	200	For process wastewater - 100 b. For cooling water effluent 10% above total suspended matter of influent.
3.	Particular size of SS	Shall pass 850	----	----	
5.	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6.	Temperature	Shall not exceed 5°C above the receiving water temperature	-----	-----	Shall not exceed 5°C above the receiving water temperature
7.	Oil & Grease mg/l max.	10	20	10	20
8.	Total residual chlorine	1.0	---	----	1.0
9.	Ammonical nitrogen (as N) mg/l max.	50	50	----	50
10.	Total Kjeldahl nitrogen (as NH ₃) mg/l max.	100	---	----	100
11.	Free ammonia (as NH ₃) mg/l max.	5.0	---	----	5.0
12.	Biochemical Oxygen Demand (5 days at 20°C) mg/l max.	30	350	100	100
13.	Chemical Oxygen Demand, mg/l max.	250	---	----	250
14.	Arsenic (as As) mg/l max.	0.2	0.2	0.2	0.2
15.	Mercury (as Hg) mg/l max.	0.01	0.01	----	0.001



16.	Lead (as pb) mg/1 max.	01.	1.0	-----	2.0
17.	Cardmium (as Cd) mg/1 max.	2.0	1.0	-----	2.0
18.	Hexavalent Chromium (as Cr + 6) mg/l max.	0.1	2.0	-----	1.0
19.	Total Chromium (as Cr) mg/l max.	2.0	2.0	-----	2.0
20.	Copper (as Cu) mg/l max.	3.0	3.0	-----	3.0
21.	Zinc (as Zn) mg/l max.	5.0	15	-----	15
22.	Selenium (as Sc) mg/l max.	0.05	0.05	-----	0.05
23.	Nickel (as Nil) mg/l max.	3.0	3.0	-----	5.0
24.	Cyanide (as CN) mg/l max.	0.2	2.0	0.2	0.02
25.	Fluoride (as F) mg/l max.	2.0	15	-----	15
26.	Dissolved Phosphates (as P) mg/l max.	5.0	-----	-----	-----
27.	Sulphide (as S) mg/l max.	2.0	-----	-----	5.0
28.	Phenolic compounds as (C ₆ H ₅ OH) mg/l max.	1.0	5.0	-----	5.0
29.	Radioactive materials a. Alpha emitter micro curie/ml. b. Beta emitter micro curie/ml.	10 ⁷ 10 ⁶	10 ⁷ 10 ⁶	10 ⁸ 10 ⁷	10 ⁷ 10 ⁶
30.	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
31.	Manganese (as Mn)	2 mg/l	2 mg/l	-----	2 mg/l
32.	Iron (Fe)	3 mg/l	3 mg/l	-----	3 mg/l
33.	Vanadium (as V)	0.2 mg/l	0.2 mg/l	-----	0.2 mg/l
34.	Nitrate Nitrogen	10 mg/l	-----	-----	20 mg/l



NATIONAL AMBIENT AIR QUALITY STANDARDS

Sl. No.	Pollutants	Time Weighed Average	Concentrate of Ambient Air		
			Industrial Residential, Rural and other Area	Ecologically Sensitive Area (notified by Central Government)	Methods of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1.	Sulphur Dioxide (SO ₂), $\mu\text{g}/\text{m}^3$	Annual * 24 Hours **	50 80	20 80	-Improved west and Gaeke - Ultraviolet fluorescence
2.	Nitrogen Dioxide (NO ₂), $\mu\text{g}/\text{m}^3$	Annual * 24 Hours **	40 80	30 80	- Modified Jacob & Hochheiser (Na-Arsenite) - Chemiluminescence
3.	Particulate Matter (size less than 10 μm) or PM ₁₀ , $\mu\text{g}/\text{m}^3$	Annual * 24 Hours **	60 100	60 100	-Gravimetric - TOEM - Beta Attenuation
4.	Particulate Matter (size less than 2.5 μm) or PM _{2.5} , $\mu\text{g}/\text{m}^3$	Annual * 24 Hours **	40 60	40 60	-Gravimetric - TOEM - Beta Attenuation
5.	Ozone (O ₃), $\mu\text{g}/\text{m}^3$	8 Hours ** 1 Hours **	100 180	100 180	- UV Photometric - Chemiluminescence - Chemical Method
6.	Lead (Pb), $\mu\text{g}/\text{m}^3$	Annual * 24 Hours **	0.50 1.0	0.50 1.0	-AAS/ICP method after sampling on EMP 2000 or equivalent filter paper. - ED-XRF using Teflon filter
7.	Carbon Monoxide (CO), mg/m^3	8 Hours ** 1 Hours **	02 04	02 04	- Non Dispersive Infra Red (NDIR) Spectroscopy
8.	Ammonia (NH ₃), $\mu\text{g}/\text{m}^3$	Annual* 24 Hours**	100 400	100 400	-Chemiluminescence - Indophenol Blue Method
9.	Benzene (C ₆ H ₆), $\mu\text{g}/\text{m}^3$	Annual *	05	05	-Gas Chromatography based continuous analyzer - Adsorption and Desorption followed by GC analysis
10.	Benzo (a) Pyrene (BaP)-Particulate phase only, ng/m^3	Annual*	01	01	-Solvent extraction followed by HPLC/GC analysis
11.	Arsenic (As), ng/m^3	Annual*	06	06	-AAS/ICP method after sampling on EPM 2000 or equivalent filter paper
12.	Nickel (Ni), ng/m^3	Annual*	20	20	-AAS/ICP method after sampling on EPM 2000 or equivalent filter paper

* Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

** 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be complied with 98% of the time in a year, 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.

ANNEXURE-R4/3 Colly

JOINT FIELD ENQUIRY REPORT FOR LUNIBAR MORRUM AND SOIL QUARRY

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

Observations:

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

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

Recommendations to the Committee:-

1. In the absence of an approved Environmental Clearance, CTO (valid up to 31.03.2025) and CTE (valid up to 28.09.2025) granted in favour of the lessee Smt. Binapani Pradhan should be **revoked with immediate effect** in order to curb the possibility of morrum extraction in the future.
2. In the event of non-operation of lease with valid approval of mandatory clearances and failure of the lessee to inform the Competent Authorities regarding the same in due time, the **royalty amount of Rs. 24,22,806.00** should be forfeited.
3. For the unauthorized extraction of 25608 cum,

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

4. The assessment of the cost of the Environmental loss

Volume of mined out material(Y)	25608	cum	Remarks
Permitted quantity in environmental clearance(X)	0	cum	
Unauthorized extraction(Z=Y-X)	25608	cum	
Market Value of earth material (Soil)			
Market Value of illegally mined material(D=Z*Market Value)	80	Rs. /cum	
Discount factor(RF)	2048640	Rs.	Significant
Market value of Foregone Ecological values(D*RF)	0.50		
Present value(PV) of Foregone Ecological value / %discount rate(r) and over 5 years	1024320		
	0.07		
	957308		
	894681		
	836150		
	781449		
	730326		
	4199914		
Total Demand (Environmental Compensation)	21,51,274	Rs.	

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

$$= \text{Rs. } 40,97,280.00 + \text{Rs. } 21,51,274.00$$

$$= \text{Rs. } 62,48,554.00$$

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

[Signature]
7-05-22
Sub-Divisional Officer
Dharmasala

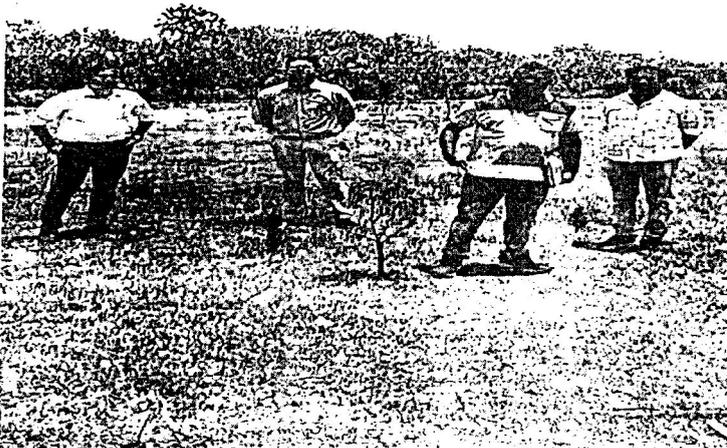
[Signature]
07-05-2022
Tahasildar,
Dharmasala

97 ALTITUDE -23.2 M
314°NW COURSE SE 152° GPS



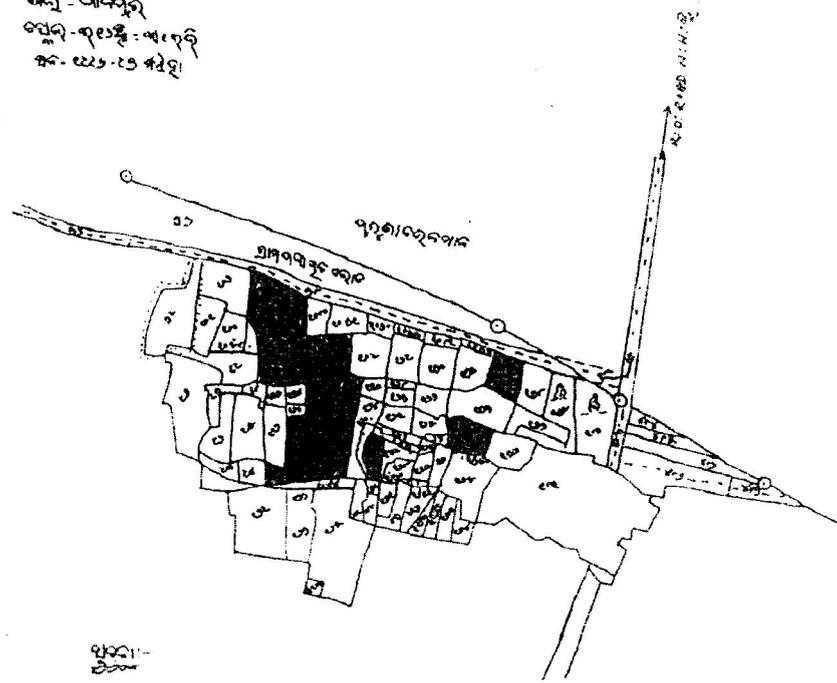
LAT 20°48'30.254"N SATURDAY 05.07.2022
LONG 86°2'34.40"E LOCAL TIME 11:42:14
Unnamed Road, Lunlbara, Odisha 755023, India

04 ALTITUDE -19.2 M
47°NE COURSE E 90° GPS



LAT 20°48'32.540"N SATURDAY 05.07.2022
LONG 86°2'25.189"E LOCAL TIME 11:32:37
Unnamed Road, Lunlbara, Odisha 755023, India

ଚିତ୍ରାଙ୍କନ :- ପ୍ରକାଶନ ସମ୍ବନ୍ଧ - ୧
 କୋଡ୍ - ନୈମିତ୍ତିକ ନଂ - ୨୧୪
 ଦି. ଅଂକ - ୧୧୩୩୩
 ଚିତ୍ରାଙ୍କନ :- ପ୍ରକାଶନ
 ଚିତ୍ରାଙ୍କନ :- ପ୍ରକାଶନ
 ଚିତ୍ରାଙ୍କନ :- ପ୍ରକାଶନ
 ଚିତ୍ରାଙ୍କନ :- ପ୍ରକାଶନ



:- କିଛି ବିଷୟ ଥିବା କାରଣ, ଏହି କାର୍ଯ୍ୟ କାର୍ଯ୍ୟକାରୀ ପ୍ରକାଶନ ସ୍ୱାଧୀନ ପ୍ରକାଶନ ଓ ନିୟନ୍ତ୍ରଣ କାର୍ଯ୍ୟକାରୀ

କ୍ର. ସଂଖ୍ୟା	କ୍ଷେତ୍ର	ଫଳ	ଫଳ	ଫଳ	ଫଳ
୧	୧୩୩/୧୩	୧୩୩/୧୩	୧୩୩/୧୩	୧୩୩/୧୩	୧୩୩/୧୩
୨	"	"	"	"	"
୩	"	"	"	"	"
୪	"	"	"	"	"
୫	"	"	"	"	"
୬	"	"	"	"	"
୭	"	"	"	"	"
୮	"	"	"	"	"
୯	"	"	"	"	"
୧୦	"	"	"	"	"
୧୧	"	"	"	"	"
୧୨	"	"	"	"	"
୧୩	"	"	"	"	"
୧୪	"	"	"	"	"
୧୫	"	"	"	"	"
୧୬	"	"	"	"	"
୧୭	"	"	"	"	"
୧୮	"	"	"	"	"
୧୯	"	"	"	"	"
୨୦	"	"	"	"	"

21/8/2019
 Revenue Inspector
 Bhubaneswar

R/D: ROAD & Panchayat Road

Plot
LUNIBAR MORRUM QUARRY
 Over an area of 6.01 AC. 2.432 ha in Vth Lunbar Tr.
 Dhamrasilla of Jajpur District, Odisha

Lessee - Smt. Binapani Pradhan

LEASE MAP

Scale - 18" = 1 mile

Certified that this plan is up to date & correct to the knowledge.

LEGEND



QUARRY LEASE BOUNDARY LINE

APPROVED

Deputy Director Geology
 Directorate of Geology
 Bhubaneswar

M/s. Synergy Resources
 Plot No. 127, New Bhubaneswar
 Odisha - 751 005

21/8/2019
 Revenue Inspector
 Bhubaneswar

ANNEXURE - R4/A

Tel:06726221153

E mail : rospcb.kalinganagar@ospboard.orgWebsite : www.ospboard.org

REGIONAL OFFICE, KALINGANAGAR
STATE POLLUTION CONTROL BOARD, ODISHA
 [DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]

AT- DHABALAGIRI, NEAR OMC OFFICE, J.K Road, PO: Ferro Chrome Plant, Jajpur
 DIST- JAJPUR-755019, ODISHA, INDIA

No. 1487 ----- IMM-10

Date: 18.05.2022 /

"By Speed Post/E-mail/By Hand"

SHOW CAUSE NOTICE UNDER SECTION 31(A) OF THE AIR (PCP) ACT, 1981 AND SECTION 33 A OF THE WATER (PCP) ACT 1974 & AMENDMENT THEREOF.

Whereas, you have been granted consent to establish and consent to operate from the State Pollution Control Board in respect of a morrum and soil quarry at Mouza Lunibara under Dharmasala Tahasil in the district of Jajpur in the name and style of Lunibar Morrum and Soil Quarry over plot no. 159/1253, 103, 122, 121, 118, 111, 175, 174, 172, 107, 106, 105 & 104 of Khata no. 222/92 and plot no. 117, 123, 119, 113, 112 & 108 of Khata no. 222/91 measuring an area 6.01 Acres or 2.43 Ha which was granted up to 31.03.2025 with strict consent conditions to comply with;

And whereas, Hon'ble National Green Tribunal (NGT) Eastern Zone Bench, Kolkata dtd. 19.04.2022 in OA No. 12/2022 (EZ)-Srinath Mishra Vs State of Odisha & others has directed the State Pollution Control Board, Odisha to file its affidavit how Odisha State Pollution Control Board has granted exemption of Environmental Clearance for excavation of morrum from the consent administration under Water (PCP) Act, 1974 and Air (PCP) Act, 1981 and to calculate the environmental compensation on account of degradation of environment due to over extraction and illegal extraction of morrum;

And whereas, consent to establish was granted to your quarry vide this office letter no.1673 dtd. 29.09.2020 subjected to statutory and other clearances from Govt. of Odisha and/ or Govt. of India as and when applicable for excavation of morrum and soil as mentioned in SI No. 4 of General Conditions of consent to establish order;

And whereas, consent to operate was granted to your quarry vide this office letter no.1677 dtd. 30.09.2020 for excavation of soil and morrum based on your application and consent to establish granted by this Office;

And whereas, in pursuance of the decision taken in 121st Board meeting, extraction or sourcing or borrowing of ordinary earth for linear project such as roads, pipeline etc. are exempted from the consent administration of the Board under Water (PCP) Act, 1974 and Air (PCP) Act, 1981 through Board's resolution vide Board's letter no. 363 dtd. 07.01.2021 and for which you are exempted from consent administration of the Board for excavation of ordinary earth since permission was accorded for excavation of minor minerals for up gradation of road from Duburi to Chandikhole (NH-16) as per the letter of Tahasildar, Dharmasala vide letter no. 3307.18.09.2020 ;

And whereas, your quarry was visited and the same was also verified by the undersigned on 07.05.2022 alongwith the Tahasildar, Dharmasala and it was found that you have not yet obtained Environmental Clearance in respect of excavation of morrum as per the consent conditions of the Board and no extraction of morrum has been done from the quarry;

And whereas, the Ministry of Environment and Forest and Climate Change, Govt of India vide its F No. 1A3-22/19/2021-1A.III[E 164361] dated 05.04.2022 has directed all the State Pollution Control Board under section 5 of Environmental Protection Act, 1986 to not to grant or renew Consent to Operate unless Environmental Clearance, as applicable, has been obtained;

And whereas, the above noncompliance of not obtaining of Environmental Clearance for extraction of morrum, as it is applicable as per the EIA notification vide S. O. 1227(E) dated 28.03.2020, violates the SI No. 4 of General Conditions of consent to establish order under section 25 of the Water (PCP) Act, 1974 and Section 21 of Air (PCP) Act, 1981;

Now, therefore, you are directed to show cause within 05 days from the date of issue of this notice as to why consent to operate granted to your quarry in respect of extraction of morrum shall not be revoked and direction under section 33 A of the water (PCP) Act, 1974 and section 31A of the Air (PCP) Act, 1981 shall not be issued not to extract morrum in future. If you fail to submit the reply along with the copy of environmental clearance in respect of extraction of morrum within the stipulated time or the reply submitted by you is found to be not satisfactory, consent to operate shall be revoked, direction as deemed fit shall be issued without further notice.

18-05-22
REGIONAL OFFICER

To

Smt. Binapani Pradhan, Lessee,
M/s Lunibara Morrum and Soil Quarry.
At-Ragadiposi, PO-Madhupurgada,
Dist-Jajpur, Odisha

Memo No: 1488 /Dtd. 18-05-2022

Copy to the Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar for kind information w.r.t the direction of Hon'ble NGT dated 19.04.2022 in OA No. 12/2022/EZ.

18-05-22
REGIONAL OFFICER

o/c

ANNEXURE - R415

Tel:06726221153

E mail : rospcb.kalinganagar@ospboard.orgWebsite : www.ospboard.org

REGIONAL OFFICE, KALINGANAGAR
STATE POLLUTION CONTROL BOARD, ODISHA
 [DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
 AT- DHABALAGIRI, NEAR OMC OFFICE, J.K Road, PO: Ferro Chrome Plant, Jajpur
 DIST- JAJPUR-755019, ODISHA, INDIA

No. 1558 / MM-10Date: 23.05.2022 /

"By Speed Post/E-mail/By Hand"

REVOCATION OF CONSENT TO OPERATE.

Whereas, you have been granted consent to establish and consent to operate from the State Pollution Control Board in respect of a morrum and soil quarry at Mouza Lunibara under Dharmasala Tahasil in the district of Jajpur in the name and style of Lunibar Morrum and Soil Quarry over plot no. 159/1253, 103, 122, 121, 118, 111, 175, 174, 172, 107, 106, 105 & 104 of Khata no. 222/92 and plot no. 117, 123, 119, 113, 112 & 108 of Khata no. 222/91 measuring an area 6.01 Acres or 2.43 Ha which was granted up to 31.03.2025 with strict consent conditions to comply with;

And whereas, Hon'ble National Green Tribunal (NGT) Eastern Zone Bench, Kolkata dtd. 19.04.2022 in OA No. 12/2022 (EZ)-Srinath Mishra Vs State of Odisha & others has directed the State Pollution Control Board, Odisha to file its affidavit how Odisha State Pollution Control Board has granted exemption of Environmental Clearance for excavation of morrum from the consent administration under Water (PCP) Act, 1974 and Air (PCP) Act, 1981 and to calculate the environmental compensation on account of degradation of environment due to over extraction and illegal extraction of morrum;

And whereas, consent to establish was granted to your quarry vide this office letter no.1673 dtd. 29.09.2020 subjected to statutory and other clearances from Govt. of Odisha and/ or Govt. of India as and when applicable for excavation of morrum and soil as mentioned in SI No. 4 of General Conditions of consent to establish order;

And whereas, consent to operate was granted to your quarry vide this office letter no.1677 dtd. 30.09.2020 for excavation of soil and morrum based on your application and consent to establish granted by this Office;

And whereas, in pursuance of the decision taken in 121st Board meeting, extraction or sourcing or borrowing of ordinary earth for linear project such as roads, pipeline etc. are exempted from the consent administration of the Board under Water (PCP) Act, 1974 and Air (PCP) Act, 1981 through Board's resolution vide Board's letter no. 363 dtd. 07.01.2021 and for which you are exempted from consent administration of the Board for excavation of ordinary earth since permission was accorded for excavation of minor minerals for up gradation of road from Duburi to Chandikhole (NH-16) as per the letter of Tahasildar, Dharmasala vide letter no. 3307.18.09.2020 ;

And whereas, your quarry was visited and the same was also verified by the undersigned on 07.05.2022 alongwith the Tahasildar, Dharmasala and it was found that you have not yet obtained Environmental Clearance in respect of excavation of morrum as per the consent conditions of the Board and no extraction of morrum has been done from the quarry;

And whereas, the Ministry of Environment and Forest and Climate Change, Govt of India vide its F No. 1A3-22/19/2021-1A.III[E 164361] dated 05.04.2022 has directed all the State Pollution Control Board under section 5 of Environmental Protection Act, 1986 to not to grant or renew Consent to Operate unless Environmental Clearance, as applicable, has been obtained;

And whereas, the above noncompliance of not obtaining of Environmental Clearance for extraction of morrum as it is applicable as per the EIA notification vide S. O. 1227(E) dated 28.03.2020, violates the SI No. 4 of General Conditions of consent to establish order under section 25 of the Water (PCP) Act, 1974 and Section 21 of Air (PCP) Act, 1981.

And whereas, you have been directed vide this office letter no. 1487 dtd. 18.05.2022 to show cause within 05 days from the date of issue of the notice as to why consent to operate granted to your quarry in respect of extraction of morrum should not be revoked and direction under section 33 A of the water (PCP) Act, 1974 and section 31A of the Air (PCP) Act, 1981 should not be issued not to extract morrum in future. If you fail to submit the reply along with the copy of environmental clearance in respect of extraction of morrum within the stipulated time or the reply submitted by you is found to be not satisfactory, consent to operate shall be revoked, direction as deemed fit shall be issued without further notice.

And whereas, the Board did not receive any reply and did not find any admissible ground for further extension of time as well as giving any opportunity of being personally heard;

Now, therefore, consent to operate granted in respect of your quarry for extraction of morrum vide letter no. 1677 dtd. 30.09.2020 is hereby revoked and you are directed under section 33 A of the water (PCP) Act, 1974 and section 31A of the Air (PCP) Act, 1981 not to extract morrum in future.

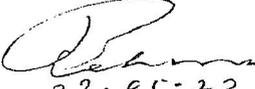

23.05.22
REGIONAL OFFICER

To

Smt. Binapani Pradhan, Lessee,
M/s Lunibara Morrum and Soil Quarry.
At-Ragadiposi, PO-Madhupurgada,
Dist-Jajpur, Odisha

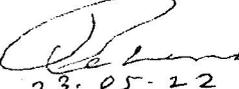
Memo No: 1559 /Dtd. 23.05.2022

Copy to the Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar for kind information w.r.t the direction of Hon'ble NGT dated 19.04.2022 in OA No. 12/2022/EZ.


23.05.22
REGIONAL OFFICER

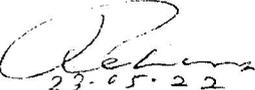
Memo No: 1560 /Dtd. 23.05.2022

Copy to the Collector and District Magistrate, Jajpur for kind information and necessary action.


23.05.22
REGIONAL OFFICER

Memo No: 1561 /Dtd. 23.05.2022

Copy to the Dy. Director of Geology, Directorate of Geology, Bhubaneswar for kind information and necessary action.


23.05.22
REGIONAL OFFICER

Memo No: 1562 /Dtd. 23.05.2022

Copy to the Tahasildar, Dharmasala, Jajpur for kind information and necessary action.


23.05.22
REGIONAL OFFICER

Memo No: 1563 /Dtd. 23.05.2022

Copy to the Guard File/Consent to operate Register for record


23.05.22
REGIONAL OFFICER