

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 23 OF 2023 / EZ**

IN THE MATTER OF:

Pradeep Ku. Dhal & Anr. ...Appellant

VERSUS

State Level Environment Impact
Assessment Authority & Others ... Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	
2.	Photocopy of the Inspection Report dtd.15.04.2023 of the Committee. (ANNEXURE – R7/1)	

By the Respondent No.7

Through

Kolkata

Date:

Sri Papiya Banerjee Bihani,
Advocates for the Respondent No. 7
(State Pollution Control Board, Odisha)
e-mail:pbanerjeebihani@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 23 OF 2023 / EZ

4 APR 2023

IN THE MATTER OF:

Pradeep Ku. Dhal & Anr. ...Appellant

VERSUS

State Level Environment Impact
Assessment Authority & Others ...Respondents

AFFIDAVIT ON BEHALF OF THE STATE PCB,
ODISHA, R.NO.7 IN COMPLIANCE WITH ORDER
OF THIS HON'BLE TRIBUNAL DTD.13.03.2023.

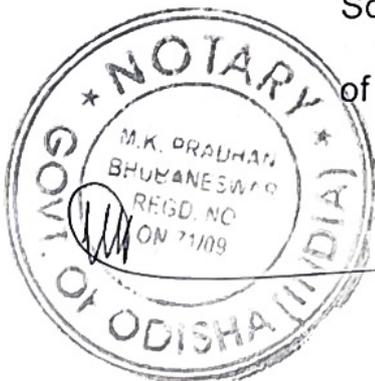


I, Dr. Kailasam Murugesan, IFS, son of late
Paramasivam Kailasam aged around 54 years, at present
working as Member Secretary, State Pollution Control Board,
having my office at Paribesh Bhawan, A/118, Nilakantha Nagar,
Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-
751012, do hereby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



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

1. That I am the Member Secretary of the Respondent No.7 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That I have gone through the contents of OA and understood the contents thereof.
3. That in the OA the applicants have prayed for revocation of environmental clearance vide Annexure-1 Series issued in favour of R.No.6 as the R.No.6 has seriously failed to comply to the conditions imposed in the said environmental clearance order granted by State Level Environment Impact Assessment Authority (SEIAA), Odisha (R.No.1).
4. That this Hon'ble Tribunal while adjudicating the OA and considering the allegation made therein have been pleased to constitute a committee consisting of Sr. Scientist from SPCB, Odisha (R.No.7) and representative of Collector & DM, Jajpur (R.No.4) not below the rank of



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

Addl. District Magistrate to verify the allegation and submit a report.

5. That in compliance to the said direction, the committee have carried out inspection over the alleged site on 15.04.2023 and submitted a detail report dealing with the issue raised before the Hon'ble NGT by the applicants in the present OA along with their observations. The copy of the report of the committee dtd.15.04.2023 is annexed to this affidavit and marked as ANNEXURE-R7/1 for kind perusal of Hon'ble Tribunal.
6. That the Respondent No. 7 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.
7. That the annexure annexed to the present affidavit is true and correct copy of its original.
8. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the



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

official records, and that nothing material has been
concealed therefrom.


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

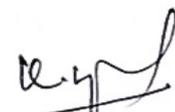
VERIFICATION:

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 24th day of April,
2023.

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 - R7/L

OBSERVATIONS MADE DURING JOINT VISIT CONDUCTED ON 15-04-2023 IN PERSUANT TO THE ORDER OF HON'BLE NGT, EASTERN ZONE, KOLKATA IN OA NO 23/2023/EZ

The Hon'ble NGT, Eastern Zone, Kolkata vide order dated 13.03.2023 directed to constitute a committee to inspect the area in question.

In pursuant to the above order, the site was inspected on dtd.15-04-2023 as per the schedule fixed by the Collector & District Magistrate, Jajpur. Following officers were present during the visit.

1. Sri Santosh Kumar Mishra, Additional District Magistrate, Kalinganagar (Nominee of Collector & DM, Jajpur).
2. Sri Pramod Kumar Behera, Regional Officer, SPCB, Kalinganagar.
3. Sri Ashok Kumar Majhi, Tahasildar, Vyasaganagar.

General Observation: -

The Salaba Baitarani River Sand Quarry is operational and the lessee has obtained all the statutory clearances from the competent authorities i.e. Environment Clearance (EC) from SEIAA, Bhubaneswar vide letter No.1167/dt.30.03.2021 & 4941/dt.26.07.2022, Consent to Establish (CTE) vide letter No.1127/dt.09.04.2021 & Consent to Operate (CTO) vide letter No.2468/dt.13.09.2022 from the Regional Officer, SPCB, Kalinganagar. The Sairat Lease Agreement is valid upto dt.30.11.2023.

The followings were observed during the field visit with respect to the direction of the Hon'ble NGT.

Sl No	Issues raised before the Hon'ble NGT by the petitioner	Observation
1	That the lease deed dated 30.04.2021 under Annexure-5 vide Clause 12 and Clause (xii) of other conditions stipulates that the lessee at his own expense shall erect boundary marks and pillars necessary to delineate the leased area but the project proponent has not constructed any pillar posting till date.	During the visit of the committee, it is observed that the leased area of the quarry is well demarcated by pillar postings.
2	That the Project proponent at Salaba namely Sri Raja Kishore Mishra without constructing any	During the field visit, no sand loaded vehicles were found over



	<p>separate Passage for transportation of sand is transporting the sand over the private land forcibly causing serious difficulties to the villagers and nearby villages for which there has been several disturbances with the villagers. Since the grievances of the villagers were not redressed the villagers of the nearby villages submitted representation to the SEIAA on dated 30.12.2022 by Regd. Post but the grievance has not been mitigated.</p>	<p>the village road and private land.</p>
3	<p>That the Environment clearance dated 30.03.2021 under Annexure-1 vide Clause-8 cast responsibility over the Tahasildar Vyasnanagar for monitoring the strict compliance to the condition laid down in the Environment clearance letter but all such disturbances are being caused in transporting the sand in the village road by the project proponent with Heavy Trucks forcibly with Muscle power to which the Tahasildar Vyasnanagar is silent spectator.</p>	<p>During the field visit, it is observed that no heavy trucks are being used for transportation of sand from the sairat source. However, Tahasildar, Vyasnanagar is conducting enforcement in regular basis. Further, the IIC, Panikoili was instructed to keep a close watch over movement of vehicles.</p>
4	<p>That the Environment clearance issued vide Letter dated 30.03.2021 vide clause 9.3 clearly stipulates that the project proponent should carry on river bed mining manually by engaging local laborer in force to check the over exploitation of sand at Source. But the project proponent is extracting the sand by engaging heavy JCB with Heavy trucks</p>	<p>During the field visit, no JCB machine and Heavy Trucks were found on the spot.</p>
5	<p>That the Environment clearance vide clause 9.6 provides that the actual working area shall be demarcated on the ground by</p>	<p>During the visit of the committee, it is observed that the leased area of the quarry is well demarcated</p>

	<p>erecting durable masonry /concrete Pillars by the Project Proponent. But the Project Proponent has not demarcated the area till date and no concrete pillars have been erected over the area. The project proponent is forcibly lifting the sand over the vast area causing great loss to the public exchequer even though 23 months have lapsed. The aerial survey will clarify the actual position regarding lifting of sand from the area.</p>
<p>6 That the Environment clearance vide clause 9.11 provides that no transportation shall ordinarily be allowed on any road passing through villages/habitation/forest land. It was also specifically stipulated that no transportation shall be made without increasing the carrying capacity of such road. The project proponent shall ensure that the road may not be damaged due to transportation of the minerals. It was also stipulated that transportation shall be as per IRC guidelines with respect to complying with traffic congestion and traffic density. But, violating all the term and conditions, the project proponent is carrying the sand forcibly over the village road and causing serious damage to the embankment</p>	<p>by pillar postings and lifting is made Inside the leased area.</p> <p>During the field visit, no sand loaded vehicles were found over the village road and private land.</p>
<p>7 That the Environment clearance vide clause 9.13 provides that the vehicles should not be overloaded and shall be covered with Tarpaulin but even though the project proponent is carrying the sand by engaging heavy trucks and more</p>	<p>During the visit of the committee, it is observed that no heavy vehicle is engaged in the transportation and all the transporting vehicles are well</p>

	<p>than 10 to 15 heavy trucks have been engaged dally In transporting of the sands but some of the trucks are being covered with tarpaulin and other Trucks are not being covered with Tarpaulin by which sands are being thrown over the road causing dust emisslon and air pollution and also slppage of the road and creating difficulties In the movement of travelling public</p>	<p>covered with tarpaulin sheets. The IIC, Panikolll was also directed to keep close watch on the matter.</p>
8	<p>That the Environment clearance vide clause 9.14 provides that the project proponent shall take all precautionary measures against causing of damage to flora and Fauna. The PP shall plant and nurse minimum 100 numbers of saplings of native varieties along the approach road, river bank and In community area in consultation of the Gram Panchayat. But surprisngly the Project Proponent forgetting the guidelines has not planted single tree in the area clearly causing serious violation to the guidellnes</p>	<p>During the visit of the committee, It is observed that around 120 nos of saplings have been planted by the lessee along the road, river bank and other community area.</p>


 15.07.23
 Regional Officer
 SPCB, Kalinganagar


 15/7/2023
 Tahasildar, Vyasnanagar


 15/4/23
 Additional District Magistrate
 Kalinganagar