

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Physical Hearing with Hybrid Mode)

Original Application No. 14/2023/EZ

IN THE MATTER OF:

Krushna Chandra Khatua & Ors.-----Applicant(s)

Vrs

Odisha State Level Environment Impact Assessment Authority &
Ors.----- Respondent(s)

Affidavit on Behalf of the State Environment Impact Assessment
Authority (SEIAA), Odisha (Respondent No-01) Before the Hon'ble
National Green Eastern Zone Bench, Kolkata

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Place: Bhubaneswar
Date: 12/04/2023

Shri Apurba Ghosh
Advocate for Respondent No.01
(SEIAA), Odisha
C/o Partha Sarathi Shamajder
25/D Baderaipur Road
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Authority (SEIAA), Odisha (Respondent No-01) Before the Hon'ble
National Green Eastern Zone Bench, Kolkata

I, Dr. Kailasam Murugesen, IFS, son of late Paramasivam
Kailasam aged 54 years, at present working as Member Secretary,
State Environment Impact Assessment Authority, Odisha, do hereby
solemnly affirm and state on oath as follows.

1. That, I have gone through the original application and
Hon'ble NGT order on dtd. 09.02.2023 and understood the
contents thereof. I am well acquainted with the facts of the
case and the relevant official records. Any contention,
allegation or averment not dealt with in the present affidavit
shall be construed as denied.

That, the Hon'ble Tribunal vide order dated 09.02.2023 has
directed to all respondents shall file their counter-affidavit
with regard to the allegations made in the original
application (O.A.) that respondent No.6/lessee of Baitarani
River Dhantari Sand Bed has been transported sand by
engaging heavy trucks and over the village road is reserved
for Gramya Jungle and Samshan without following Collector,
Jajapur order. Also, allegation for damage and destroyed of
tree plantation by villagers and school children due to
transportation of heavy vehicles and violation environmental
clearance conditions.

3. That, pursuant to the said order passed by the Hon'ble
Tribunal, and allegation in the Original Application, I am

Muralidhar Sahu
Notary of Adv. State
Govt. of Odisha
Bhubaneswar, 14
Regd. No.-76/2012
Ph:-9437089248

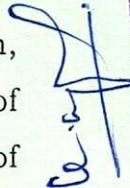


Muralidhar Sahu
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

herewith submitting the views of SEIAA through this affidavit for kind perusal of this Hon'ble Tribunal on following points:

- i. Initially, the Tahasildar Vyasaganar, Dist-Jajpur as a project proponent had applied a proposal for environmental clearance (EC) for Dhanatri Baitarani River sand Bed over an area of 12.00 acres or 4.86 Ha at village-Dhanatri, Tahasil-Vyasaganar, Dist-Jajpur to SEIAA, Odisha on 08.03.2021 and after recommendation of State Level Expert Appraisal Committee (SEAC) on its meeting held on 06.08.2021, the Authority SEIAA, Odisha accorded EC for this project vide letter no. 2607/SEIAA dated 04.09.2021(**Copy Attached-Annexure-I**). Later the EC transferred from the name Tahasildar, Vyasaganar to the successful bidder/lessee i.e. Sri Bikash Swain vide SEIAA, Odisha letter no. 3635/SEIAA dated 18.12.2021(**Copy Attached-Annexure-II**). Again, the project proponent had applied amendment of EC with attaching the Annual Rate of Replenishment Study report as it is a conditions no. 9.2 in EC for 1st production 5000 cum in adhoc manner and is liable to be revoked after one year i.e. after 15th October, 2022 if Satisfactory replenishment study report is not submitted. Based on the replenishment study report, the Authority, SEIAA, Odisha had amended the EC on dated 07.01.2023 (**Copy attached. Annexure-III**).
- ii. There is EC conditions in condition no. 9.11 that No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission.
- iii. Also, there is condition no. 9.21 in EC that the environmental clearance will be closely monitored on the ground by the lease granting authority i.e.



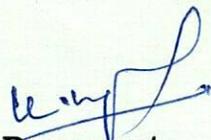

MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

the Tahasildar, who shall ensure that the project proponent submits quarterly compliance reports. But in this case no compliance report received at SEIAA, Odisha.

4. That, the facts stated above are true and correct to the best of my knowledge, as derived from officials records and nothing material has been concealed there from and the answering respondent reserve the right to file any further affidavit as and when required as and when required by this Hon'ble Tribunal.
5. In view of the above-mentioned facts, this Hon'ble Tribunal is graciously requested to pass any orders as may deem to fit in the interest of justice. The answering Respondents prays accordingly

Identified by

Advocate

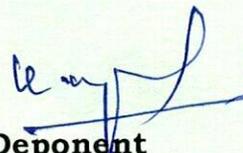

Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

VERIFICATION

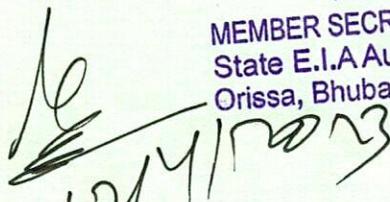
Verified at Bhubaneswar on this day of 12-04-2023 that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

Date: 12-04-2023


Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar




Muralidhar Sahu
Notary of Advocate
Govt. of Odisha
Bhubaneswar-14
Regd. No.-76/2012
Ph:-9437089248



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

(Constituted under the EP Act, 1986 and EIA Notification, 2000 by the MoEF & CC, Govt. of India)
SRF-2/1, Unit-IX, Bhubaneswar-751022. Tel: 0674-2541020, E-mail-selanorissa@gmail.com

Letter No 2607/SEIAA

Di. 04.09.2021

File No. SEIAA-1525/03-2021

To

The Tahasildar, Vyasaganar,
Tahasil-Vyasaganar,
Dist-Jajpur

Sub: Proposal of Tahasildar, Vyasaganar for mining of sand from Dhanatri Baitarani River Sand Quarry over an area of 12.00acres or 4.86ha at village- Dhanatri, Tahasil- Vyasaganar, District- Jajpur - Environmental Clearance reg.

Ref: SEIAA File No: SEIAA-1525/03-2021 dated 08.03.2021

Sir,

This is with reference to the application dated 08.03.2021 for grant of environmental clearance (submitted in the offline mode) for the proposed activities mentioned above.

2. [The application has been submitted in the offline mode because there is no provision at present for filing EC application for such cases (minor mineral extraction involving area less than or equal to 5ha; i.e., B2 category projects) in the online mode before SEIAA in the PARIVESH portal. The relevant application Form-IM does not appear on the screen of the said portal when EC application is to be filed to SEIAA]. The applicant has submitted the application in Form-I, i.e. the Form in which applications for minor mineral projects were being submitted upto the year 2016 before SEIAA. The Form-I does not contain some of the situational information relating to environmental sensitivity, but much of the required information has been submitted by the applicant in the Checklist and also in the PFR.

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

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4. The proposed activities in a nut shell are as follows: -
- a. This is a proposal for mining of sand from **Dhanatri Baltarani River Sand Quarry** lying in the **Baltarani River** bed located at village- **Dhanatri, Tahasil-Vyasanagar, District- Jajpur**, over lease area of **12.00acres or 4.86ha**.
 - b. The mine area is a part of the Survey of India Toposheet No. **F45U5** bounded by Latitude:**20°57'30.63" N to 20°57'45.56" N** and Longitude: **86°17'10.05"E to 86°17'14.79" E**.
 - c. The mining lease is an identified **sairat** source in the DSR. The **Dhanatri Baltarani River Sand Quarry** **sairat** source will be leased out under the **OMMC Rules,2016** by **Tahasildar, Vyasanagar** to the successful bidder(lessee) on the basis of public auction for a lease period of 5 years.
 - d. The mining plan of the mining project prepared has been approved by **Deputy Director Geology, Directorate of Geology, Bhubaneswar** on **25.06.2020**.
 - e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is **15200 cum** of sand, when extracted upto a depth of **1.0 m**. No study of the annual rate of replenishment of sand has been done for the **sairat** source which is a pre requisite as per the guidelines of sustainable sand mining management issued by the **MoEF & CC, Govt. of India**, and as per orders dated **13.09.2018** of the **Hon'ble NGT**.
 - f. The project proponent has also not furnished the width of the river, nor the alignment of the extraction path for sand transportation. As reported by the **tahasildar**, a railway bridge is at a distance of **0.5Km** away from the mining lease area.
 - g. The cluster certificate has been furnished by the **Tahasildar** certifying that there is no other mine located within **500 meters** from the periphery of the proposed mine lease area. As reported by the **Tahasildar**, this **sairat** source is not a part of any cluster.
 - h. As per the approved mining plan, it is observed that sand from the quarry will be extracted upto a depth of **1.0 meter** with annual extraction of sand not exceeding **9680 cum** (maximum production capacity) during the valid lease period.
5. This proposal conforms to the item no. **1(a)** in the schedule of **EIA Notification, 2006** as amended time to time, and the minor mineral extraction project falls under **Category B2** as the mining lease area is less than **5ha**.

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6. The proposal is duly appraised by the SEAC in its meeting held on 06.08.2021. The SEAC has submitted the appraisal report and recommended for grant of EC, vide their letter no. 526/SEAC-Misc-02 dated 07.08.2021.

7. The Environmental Clearance (EC) is accordingly granted to the proposed activity of sand mining subject to the following conditions and stipulations. The EC shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar and shall be coterminous with the expiry of lease period.

8. The Tahasildar, Vyasnanagar who is the lease granting authority in this case is responsible for monitoring strict compliance of the following conditions of grant of environment clearance, by the project proponent(lessee).

9. **Stipulated Conditions:**

- 9.1 This Environmental Clearance is given with a condition that "Maximum extraction of sand allowed is 5000 cum in the 1st year & maximum depth allowed is 0.5 meter. Rate of replenishment study report shall be submitted within a year".
- 9.2 The project proponent has to carry out by engaging appropriate consultant, a study of the annual replenishment rate of sand by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The replenishment rate of sand may be calculated by using the volumetric survey method or any other methods as laid down in Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the rate of replenishment of mined out sand in the lease area. Pending carrying out of the study & submission of the report, this clearance is being granted in an adhoc manner and is liable to be revoked after one year i.e. after 15th October, 2022 if satisfactory replenishment study report is not submitted. The submission of study report of rate of annual replenishment of sand within one year is obligatory for the project proponent.
- 9.3 The project proponent should carry out River bed sand mining manually by engaging local laborers in force to check over exploitation of sand at the source.
- 9.4 Any change in the plan or quantity to be produced shall require prior approval of SEIAA. This EC shall not be transferred without the permission of SEIAA. In case, the lease is settled in favour of any lessee, the permission of SEIAA will be taken along with the deposit of scrutiny fee.
- 9.5 There shall be a 'no working zone' to protect the embankment on both sides, road or rail bridge in the vicinity, if any, dam, weir, water intake structure of irrigation or drinking water project, or any cross drainage structure. 10 % of the width of river shall be left intact along the embankments on both sides as 'no mining zone'. Further, no mining shall be allowed within 200 m of any existing structures dam, weir, water intake structure of irrigation or drinking water project, or any cross

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drainage structure. In case of River Bridge, this no mining zone shall extend upto a minimum stretch of 200 meters from the bridge and it may extend upto 500 meters in sensitive locations. The lease area shall be accordingly curtailed to carve out the actual sand mining area within the leasehold. Exact map of the lease area, and the 'no mining zone' shall be drawn to scale, showing the DGPS coordinates of all corner points, and the location of the bridge, embankment, extraction route & other structures; and such map has to be submitted to SEIAA by the project proponent through the Tahasildar within three months of the date of issue of the EC. The quantum of sand allowed to be extracted will be worked out on the basis of the actual working area.

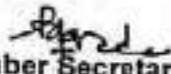
- 9.6 The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent.
- 9.7 The project proponent shall take prior statutory and regulatory clearance as required from the concerned authorities in respect of the project, before carrying out any operation.
- 9.8 Mining is not permissible within the water channel or stream flow area. No stream shall be diverted for the purpose of mining and no natural water course shall be obstructed. The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non monsoon period. There shall be no sand mining in the river during the rainy season or when there is flow of water in the river.
- 9.9 Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
- 9.10 The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
- 9.11 No transportation of the minerals shall ordinarily be allowed on any road passing through villages/habitations/forest land without prior explicit permission. Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/Gram Panchayat and only after required strengthening, such that the carrying capacity of road is increased to handle the sand truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project. No movement on any road is allowed on existing village road network without appropriately increasing the carrying capacity of such roads. Project proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density. Plying of sand extraction trucks may be allowed on roads / path ways passing close to schools, temples, hospitals and such other public places only with prior written permission of competent authority.
- 9.12 Vehicles hired for transportation of sand from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 9.13 The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate road maintenance levy from the lessee as

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- part of the lease conditions on the basis of quantum of sand transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of sand trucks.
- 9.14 The project proponent shall take all precautionary measures against causing damage to flora and fauna of the locality. The PP shall plant and nurse to full establishment a minimum of 100 number of saplings of native tree species along the approach roads, river banks and in community areas in consultation with the Gram Panchayat.
- 9.15 Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
- 9.16 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
- 9.17 Environmental Management Plan (EMP) shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report.
- 9.18 The proponent shall take necessary measures to ensure that there is no adverse impact of the mining operations on the human habitation if any, existing nearby.
- 9.19 It shall be mandatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / SPCB, Odisha/ Regional Office of the MoEF& CC, Bhubaneswar, in hard and soft copies on 1st day of January, April, July, October of each calendar year, failing which EC is liable to be revoked.
- 9.20 At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
- 9.21 The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar, who shall ensure that the project proponent submits quarterly compliance reports.
- 9.22 The concerned Regional Office of the MoEF&CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF&CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 9.23 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParisad /Municipal Corporation / Urban Local Body as the case may be.
- 9.24 Project proponent shall obtain Consent to Operate from the OSPCB and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the State Pollution Control Board.
- 9.25 The SEIAA, Odisha may revoke or suspend this EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter

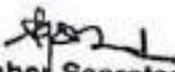
- modify the above conditions or stipulate any further condition in the interest of environment protection.
- 9.26 The Project Proponent (lease holder) shall inform the SEIAA of any change in ownership of the mining lease. In case, there is any change in ownership or mining lease is transferred, then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

Memo No 2608/SEIAA Dt. 04.09.2021


Member Secretary

Copy to

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


Member Secretary

DH



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY ODISHA, BHUBANESWAR

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2541029, E-mail-seiaaorissa@gmail.com

Letter No 3605/SEIAA

Dt. 18.12.2021

File No. SIA/OR/MIN/238344/2021

To

Sri. Bikash Swain
S/o – Late Basudev Swain,
Plot No. HIG Duplex-26, Sailshree Vihar,
Bhubaneswar, PS-Chandrasekharpur,
Dist-Khordha, Pin -751022

Sub: Proposal for **Transfer of Environmental Clearance** of Dhanatri Baitarani River Sand Quarry over an area of 12.00 Acres or 4.86 Ha in village Dhanatri under Vyanagar Tahasil of Jajpur district from Tahasildar, Vyanagar to Sri.Bikash Swain - reg.

Ref: (i) Online Application No. SIA/OR/MIN/238344/2021 dtd. 12.11.2021 for transfer of EC.
(ii) Letter no. 6630 dtd. 09.11.2021 of Tahasildar.
(iii) EC letter no. 2607 /SEIAA dated 04.09.2021.

Sir

Kindly refer your online application on dated 12.11.2021, wherein you have requested for transfer of environmental clearance granted by SEIAA, Odisha vide letter no. 2607 /SEIAA dated 04.09.2021 issued earlier in favour of Tahasildar, Vyanagar.

As submitted by the Tahasildar, it is noted that EC was obtained for Dhanatri Baitarani River Sand Quarry for a period of 5 years in favour of Tahasildar, Vyanagar vide the above mentioned EC letter under reference. Now, the said sairat source will be leased out under the OMMC Rules,2016 by Tahasildar to the successful bidder (lessee) for a lease period of 5 years. Hence, the Tahasildar has requested for transfer of EC in favour of Sri. Bikash Swain, Successful Bidder under the provision of OMMC Rules, 2016 for operationalization of the sairat source.

The proposal was considered by the SEIAA in its meeting held on 09.12.2021 and the Authority decided that EC may be transferred in favour of Sri. Bikash Swain as recommended by Tahasildar and the new Project Proponent has to submit the detailed compliance report on all EC conditions on quarterly basis.

The SEIAA has no objection for transfer of environmental clearance accorded by SEIAA's letter no. 2607 /SEIAA dated 04.09.2021 in the name of Sri. Bikash Swain with the same terms and conditions under which prior environmental clearance was initially granted and for the same validity period subject to satisfactory compliance to all the stipulated terms and conditions of EC.

In case any change is proposed in the scope and limit of the project, the project proponent shall obtain fresh prior environmental clearance.

Yours faithfully,




Member Secretary

Memo No 3606/SEIAA /Dt. 18.12.2021

Copy to

1. Joint Secretary (Environment), Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
2. Principal Secretary, Forests & Environment Dept., Government of Odisha for information.
3. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for information.
6. Member Secretary, CGWA, 18/11, Jamnagar House, ManSingh Road, New Delhi-110011 for information.
7. **Copy to the Collector, Jajpur / Sub Collector, Jajpur and Tahasildar, Vyasagar** for information and necessary action.
8. Chairman/Member / Member Secretary, SEIAA for information.
9. Chairman, SEAC/Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
10. Guard file for record.




Member Secretary



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
(A statutory body constituted by Ministry of Environment, Forest & Climate Change under
Environment (Protection) Act, 1986)

File No. SIA/OR/MIN/294907/2022

Dated 07th January 2023
Bhubaneswar

To

Sri Bikash swain
S/o-Late Basudev Swain,
Plot No. HIG Duplex-26, Sailshree Vihar,
Bhubaneswar, Ps-Chandrasekharpur,
Dist-Khordha, Pin-751022

Sub: Proposal for Amendment of Environmental Clearance of Dhanatri Baitarani River Sand Quarry over an area of 12.00 ac or 4.86 ha under village Dhanatri, Vyasaganar Tahasil in Jajpur District, Odisha of Sri Bikash Swain, lessee/project proponent -reg.

Ref: (i) EC letter no./EC identification no. 2607 dated 04.09.2021 and transfer of EC vide letter no. 3635/SEIAA dated 18.12.2021
(ii) Tahasildar, Vyasaganar letter no. 6384/Sairat dated 01.12.2022
(iii) Online Application no. SIA/OR/MIN/294907/2022 dtd.16.12.2022

Sir,

This has reference to your online application no. SIA/OR/MIN/294907/2022 dated 16.12.2022, wherein you have requested for amendment of Environmental Clearance (EC) granted by SEIAA, Odisha vide letter no./EC identification No. 2607 dated 04.09.2021 and transfer of EC vide letter no. 3635/SEIAA dated 18.12.2021 issued earlier in favour of Sri Bikash Swain.

2. The application was examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 105th meeting held on 04.01.2023 in accordance with the EIA Notification, 2006 as amended from time to time and the following points are noted;

- (i) As submitted by the project proponent, it is noted that EC was obtained Dhanatri Baitarani River Sand Quarry for a period of 5 years in favour of Sri Bikash Swain vide the above-mentioned EC letter under reference. The SEIAA granted EC with stipulation for 1st year production of sand 5000 cum with 0.5-meter depth of mining.
- (ii) There is an EC conditions point no. 9.1 in page no. 03 that "Pending carrying out of the study & submission of the report, this clearance is being granted in an adhoc manner and is liable to be revoked after one year i.e. after 15th October, 2022 if satisfactory replenishment study report is not submitted."
- (iii) The replenishment study was done by the RQP Mr. Harirakjyoti Mahanta with mentioned that 10600 cum sand available in pre-monsoon period and 6952 cum deposited in the post monsoon survey and only 860 cum sand extracted during pre-monsoon period.



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA**

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
(A statutory body constituted by Ministry of Environment, Forest & Climate Change under
Environment (Protection) Act, 1986)

- (iv) Now, the project proponent has request for amendment of EC with proposed production of sand 5000cum/annum as per the replenishment study report with attaching Tahasildar letter.
- (v) The proposal was placed in the SEAC meeting held on 23.12.2022 and the SEAC recommended the proposal for amendment of EC with recommended the following:
- a) Since the replenishment study conducted shows there is sufficient sand reserve in the mine lease area to extract the approved production capacity 5000 cum/year, the SEAC recommended to continue mining of sand with same production capacity i.e. 5000 cum/year as per the approved EC subject to result of subsequent replenishment studies.

Documents submitted for amendment of EC;

- a. Form No. 4 for amendment of Environmental Clearance,
b. Letter no. 6384/Sairat dated 01.12.2022 of Tahasildar, Vyasagar, Jajapur carrying out replenishment study in respect of Dhanatri Baitarani River Sand Bed.
c. Annual Rate of Replenishment Study (ARRS) report of sand bed.
d. Earlier EC compliance

3. **Amendment of Environmental Clearance (EC) of Dhanatri Baitarani River Sand Bed issued vide SEIAA, Odisha EC letter/EC identification no./EC identification no. 2607 dated 04.09.2021 and transfer of EC vide letter no. 3635/SEIAA dated 18.12.2021 is allowed in favour of Sri Bikash Swain, the successful bidder for the said quarry for an annual extraction quantity of 5000 cum/annum for a period of 4 years. The other stipulated terms and conditions of the original EC initially granted remains same subject to satisfactory compliance to all the stipulated terms and conditions of EC along with additional stipulated conditions mentioned below;**

- (i) **Undertaking:** The PP shall submit an undertaking in the Form of an Affidavit in a non-judicial stamp stating that they will comply with the conditions stipulated in the original Environmental Clearance issued for the project vide SEIAA, Odisha EC letter/EC identification no. 2607 dated 04.09.2021.
- (ii) **Boundary Demarcation:** - The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empaneled agency of ORSAC.
- (iii) **Digital Map:** -A digital map (in KML format as well as PDF version) showing GPS coordinates of all boundary pillars duly countersigned by the Tahasildar shall be submitted to SEIAA, Odisha through email at seiaaodisha@gmail.com.
- (iv) **Intimation of EC transfer:** - The copies of the EC transfer order shall be sent to the Sarpanch(s) of the concerned Gram Panchayat(s), Urban Local Bodies and relevant other Offices of the Government with a request to display the same for 30 days from the date of receipt.
- (v) **Tree Plantation:** - Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for avenue plantations of the State Forest Department. The Project Proponent (lease holder) shall

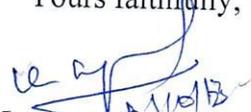


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- deposit Rs.2,25,000/- with the respective District Environment Society for raising 500 plants of native species within 2 years in a suitable location adjoining to quarry.
- (vi) **State EMF Fund:** - An amount equal to five percent (5%) of the royalty payable shall be collected from the lessee by the Tahasildar and deposited to the State Environment Management Fund, which will be utilized as per provisions of Rule 49(3) of the OMMC Rule, 2016 preferably, in and around the areas where mining activities are undertaken.
4. The Tahasildar, Vyasaganar shall ensure that the above six additional conditions be complied with by the lessee before start of any mining operations and submitted compliance report to SEIAA, Odisha through email at seiaaodisha@gmail.com within 06 (six) months from date of issue of transfer of EC falling which the EC stands automatically revoked. In case, there is a change in the scope of the project, fresh Environment Clearance shall be obtained.

Yours faithfully,


Member Secretary

Encl: Copy of the Original EC

Copy to

1. Joint Secretary (Environment), Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
2. Principal Secretary, Forests & Environment Dept., Government of Odisha for information.
3. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for information.
6. Member Secretary, CGWA, 18/11, Jamnagar House, Man Singh Road, New Delhi-110011 for information.
7. Copy to the Collector/Sub Collector, Jajpur and Tahasildar Vyasaganar for information and necessary action.
8. Chairman/Member / Member Secretary, SEIAA for information.
9. Chairman, SEAC/Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
10. Guard file for record.


Member Secretary