

**BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA**

**Original Application No. 122/2023/EZ**

Ajay Kumar Behera..... **Applicant.**

-Vrs.-

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

**I N D E X**

Sl. No.	Description of documents.	Pages.
<hr style="border-top: 1px dashed black;"/>		
1.	Affidavit filed by Collector & D.M, Khordha.	01-06
2.	<b><u>Annexure-C/4</u></b> True copy of Letter No. 510 dtd. 06.12.2023	07-08

Cuttack.

Dt. 07.12.2023.

  
Addl. Govt. Advocate

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA.**

Original Application No. 122/2023/EZ

Ajay Kumar Behera..... Applicant.

-Vrs.-

State of Odisha and others . ... Respondents.

**AFFIDAVIT FILED BY RESPONDENT NO 4.**

I, Sri K. Sudarshan Chakravarthy, aged about 42 years, S/O – Seetha Rama Raju Kapudasi, at present working as Collector & District Magistrate, Khordha, At/PO/Dist.- Khordha do hereby solemnly affirm and state as follows: -

1. That, I am working as above and have been arrayed as Respondant No.4 in the aforesaid Original Application. I have gone through the Original Application, relevant records and understood the contents thereof. I am well acquainted with the facts of the case and competent to swear this affidavit in my official capacity.
2. That, vide order dated 22.09.2023 passed in Original Application No. 122/2023/EZ, the Hon'ble NGT has directed as follows.

*19. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members: -*

K. Sudarshan Chakravarthy.



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i) Senior Scientist, Odisha State Pollution Control Board;

ii) Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha;

iii) Representative of the Collector and District Magistrate, Khordha, not below the rank of Additional District Magistrate (ADM);

iv) Divisional Forest Officer, Khordha; and

v) Senior Geologist, Directorate of Mines and Geology, Bhubaneswar;

20. The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.

21. The Collector and District Magistrate, Khordha shall be the Nodal Office for all logistic purposes and shall file the Committee Report on affidavit.

22. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any, as well as action under Rule 51 of Odisha Minor Mineral Concession Rules, 2016."

3. That, in compliance to the above direction of the Hon'ble National Green Tribunal and in order to complete the survey work in a systematic and scientific manner, the Deputy Director of Mines, Khordha Circle, Khordha had earlier requested to allow one month more time to complete the process vide letter No. 358

K. Sudarshan Chakravarty,



*[Handwritten signature]*

dtd. 26.10.2023. Accordingly, this deponent had filed Affidavit on 31.10.2023 praying therein to allow one month more time to complete the survey process.

4. That, in the mean time, it is submitted by the Deputy Director Mines(I/C), Khordha Circle, Dist-Khordha that during survey total volume of illegal mining of morrum and laterite of Damanbhuin Laterite Stone Quarry(A), over 10.230 Ac/4.131 Ha was assessed by ORSAC, an empanelled firm through DGPS, Drone Survey and Bathymetric Survey and a tune of 91,775.217 cum of laterite and 68,754.88 cum of morrum was assessed to have been excavated from the alleged Damanbhuin Laterite Stone Quarry(A).

Further, the lessee has given a written statement to Tangi Tahasildar that the quarry had been excavated earlier by local miscreants for which assessment had been done in manual method by tape measurement. But, the detail process of assessment and maps and plans are not available in the Tahasil office, Tangi. Hence, the process of assessment of mining of the



*[Handwritten signature]*

*K. Sudashan Chakraborty.*

quarry during April 2022 may not be considered as scientific method.

Regarding the case record, the Agreement was made on 25.04.2022 whereas; the CTO was obtained on 15.07.2022. As, there was illegal operation before the quarry lease, the actual mining by lessee is not being scientifically calculated.

Accordingly, the Chief Executive, ORSAC has been requested vide letter No. 469/Mines. Khordha/dt 24.11.23 to provide the following requirements to find out the actual illegal mining of the quarry. The requirements are: i) World image view 5cm/30 cm (preferable 5cm) during April 2022 and October 2023. ii. Digital elevation module of the excavation as on dt April 2022 & 2023 based on HRSI satellite image, iii) Slope, iv) Contour.

For the above requirement, ORSAC has submitted an estimated cost which may be met from the funds of Director of Mines & Geology, Odisha, Bhubaneswar and thereafter, ORSAC will be requested



*Handwritten signature/initials*

*Chakravarthy .  
K. Sudarshan*

to prepare DEM (Digital Elevation Module) of both 2022 & 2023 stereo pair image to find out the actual illegal mining.

5. That, in view of the above stated reasons and in order to submit the final report of survey, the Deputy Director of Mines, Khordha Circle, Khordha has requested to allow further two months time to process the payment and prepare the DEM by ORSAC to complete the process vide letter No. 510 dtd. 06.12.2023.

The copy of letter No. 510 dtd. 06.12.2023 is annexed herewith as Annexure-C/4

6. That, the Hon'ble NGT, Kolkata may graciously be pleased to allow two months time so as to prepare and submit final report on affidavit over the matter.

7. 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 there from and the present deponent



*[Handwritten signature]*

*R. Sudashan Chakravasthy.*

reserves the right to file further affidavit as and when required and directed by this Hon'ble Tribunal.

**Identified by**  
**Advocate**

*K. Sudarshan Chakravarthy*

**Deponent**

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

**VERIFICATION**

*Sonwale Palnalk*  
Addl. Govt. Advocate

I, K. Sudarshan Chakravarthy, aged about 42 years, Son of Seetha Rama Raju Kapudasi, at present serving as Collector and District Magistrate, Khordha, do hereby solemnly affirm and verify the contents of paragraph nos. 1 to 7 of the affidavit are true to my knowledge and that I have not suppress any material facts. I sign this verification at my office on 7<sup>th</sup> day of December, 2023.

*K. Sudarshan Chakravarthy*

**VERIFICANT**

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

**AFFIDAVIT**

The above deponent being personally known to me appears before me on 07.12.23 at 04:30 AM / PM and states on oath that the contents of the show cause reply are true to the best of his knowledge based on official records.

*K. Sudarshan Chakravarthy*

**Deponent**

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

*07-12-23*  
**Executive Magistrate, Khordha.**

**Executive Magistrate**  
**Khurda**



By-Email



**OFFICE OF THE DEPUTY DIRECTOR OF MINES  
KHORDHA CIRCLE, KHORDHA  
BDA Colony, Pallahat, Near New Bus Stand, District  
Khordha-752056  
(E-Mail: ddgmines.khordha@gmail.com)**

**Letter No...510...../Mines, Khordha. Date.06.12.2023**

From: D K Sahoo, Deputy Director Mines (I/c)  
Khordha Circle, Dist-Khordha

To

The Collector & District Magistrate  
District Khordha

Sub: Requirement of two months period to assess the illegal excavation of morrum and laterite in Damanbhuin Laterite Stone Quarry(A) over 10.230 Ac/4.139 Ha and in Village Damanbhuin under Tangi Tahasil of Khordha District in Connection with NGT-reg

Ref No: Letter No.13931/Tauzi/ dated 07.10.2023 of O/o Collector & DM,  
Khordha

Sir,

In reference to the subject cited above, I am to say that based on the committee constituted by Collector & DM, Khordha visit report on dt 11.10.2023, the total volume of illegal mining of morrum and laterite of Damanbhuin Laterite stone Quarry(A), over 10.230 Ac/4.131Ha was assessed by one ORSAC empaneled firm through DGPS, Drone survey and bathymetric survey with the consultation of ORSAC. During the survey a tune of 91,775.217 cum of laterite and 68,754.88 cum of morrum was assessed in Damanbhuin A quarry.

Further, the lessee has given a written statement to Tangi Tahasildar that the quarry had been excavated earlier by local miscreants for which assessment had been done in manual method by tape measurement. But,

*True copy attested.*

the detail process of assessment and maps and plans are not available in the Tahasil office, Tangi. Hence the process of assessment of mining of the quarry during April 2022 may not be considered as scientific method.

Regarding the case record, The Agreement was made on dt 25.04.2022 whereas the CTO was obtained on dt 15.07.2022. As there was illegal operation before the quarry lease the actual mining by lessee is not being scientifically calculated.

Hence, the Chief Executive, ORSAC has been requested vide letter nom 469/Mines. Khordha/dt 24.11.23 to provide the following requirements to find out the actual illegal mining of the quarry. The requirements are:

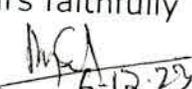
- i. World image view 5cm/30 cm (preferable 5cm) during April 2022 and October 2023.
- ii. Digital elevation module of the excavation as on dt April 2022 & 2023 based on HRSI satellite image.
- iii. Slope
- iv. Contour.

In the above requirement, ORSAC has submitted an estimated cost which may be met from the funds of Director of Mines & Geology, Odisha, Bhubaneswar and ORSAC will be requested to prepare DEM (Digital Elevation Module) of both 2022 & 2023 stereo pair image to find out the actual illegal mining.

In view of above, two months may be required to process the payment and prepare the DEM by ORSAC for submission of final report.

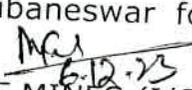
This is for favour of your kind information and necessary action.

Yours faithfully

  
DEPUTY DIRECTOR OF MINES (I/C),  
KHORDHA CIRCLE, KHORDHA

Memo No.511/Mines, Khordha. Date: 06.12.2023

Copy submitted to Director of Mines & Geology, Odisha, Bhubaneswar /Director of Minor Minerals, Odisha, Bhubaneswar for kind information and necessary action.

  
DEPUTY DIRECTOR OF MINES (I/C),  
KHORDHA CIRCLE, KHORDHA

*Original copy attached.*