

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

O.A NO.153/2023/EZ

Kabiraj Mahapatra APPLICANT

-VERSUS-

The Union of India & Others ... RESPONDENTS

I N D E X

Sl. No.	Description of Documents	Pages
1.	Affidavit filed by Respondent No.4.	1-5
2.	<u>Annexure – A/4</u> Copy of committee report dtd.30.11.2023	

Cuttack.

✓
By the Respondent No.4 through

Dt. 12.01.2024.

STANDING COUNSEL.

Upendra Nath Pradhan
ADVOCATE, A.P.P
Executive Magistrate Court
Chikita

12/1/2024

**-BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA.**

O.A NO.153/2023/EZ

Kabiraj Mahapatra Applicant

-VERSUS-

The Union of India & Others ... Respondents

**AFFIDAVIT FILED BY RESPONDENT NO.4
PURSUANT TO ORDER DTD.17.10.2023 &
01.12.2023.**

I, Sri Dibya Jyoti Parida, aged about 35 years, Son of Sri Prasanna Kumar Parida, at present serving as the Collector & District Magistrate, Ganjam Chhatrapur, Dist.- Ganjam, do hereby solemnly affirm and state as follows:-

1. That, I have been arrayed as Respondent No.4 in the aforesaid Original Application.
2. That, this affidavit is being filed pursuant to order dtd.17.10.2023 and dtd.01.12.2023 of this Hon'ble Tribunal.
3. That, it is respectfully submitted that, pursuant to order dtd.17.10.2023 and order dtd.01.12.2023 of this Hon'ble Tribunal, the present Respondent No.4 has nominated Sri Debabrata Sahoo, Addl. District Magistrate, Ganjam as member of the joint Committee vide letter No.4142/Rev.dtd. 04.11.2023.

Dibya Jyoti Parida

Forms Part of Affidavit
M J 12.01.24
Executive Magistrate, Chatrapur

The Committee Members visited the site on 30.11.2023 and following observation has been made.

i) It is ascertained during the site visit that, there had been some illegal sand mining carried out in the past from the alleged site of Siripur Sand Quarry and illegal excess sand mining from Sundarada Birachaitanyapur Sand Quarry lease area located downstream of Siripur Sand Quarry. Hence, in order to arrive at a conclusion on exact quantification of sand illegally extracted from both the sources, the committee members unanimously decided to seek the help of mining and geology Experts from Deptt. of Mines and geology for calculation of quantity of sand illegally extracted from both the sources. Accordingly, the committee members requested RO, SPCB, Berhampur to move the Deputy Director of Mines, Berhampur, Ganjam with a request to assess the quantity of illegal sand mining at the alleged site of Siripur Sand Quarry and at Sundarada Birachaitanyapur Sand Quarry lease area for calculation of environmental compensation with the help of geologist.

- a) Environmental compensation will be calculated based on the report of Deputy Director of Mines, Berhampur, Ganjam.
- b) At present there is no such illegal sand mining is being carried out from the alleged site of Siripur Sand Quarry and from Sundarada Birachaitanyapur Sand

Diksha Tyoti Purish

Forms Part of Affidavit
M. P. 12.01.24
Executive Magistrate, Chatanpur

Quarry. Tahasildar, Chikiti, Ganjam and Deputy Director of Mines, Berhampur, Ganjam are also ensuring this by regular enforcement and surveillance.

Final report will be submitted by the committee after quantification of sand illegally extracted along with compensation amount.

Copy of committee report dtd.30.11.2023 is annexed herewith as Annexure-A/4.

4. That, the facts stated above are true to the best of my knowledge, belief and based on official records.

CERTIFICATE

Certified that Cartridge papers are not available.

CUTTACK

DATE: 29.01.2024

Uendra
12/1/2024

ADVOCATE

Uendra Nath Pradhan
ADVOCATE, A.P.P
Executive Magistrate Court,
Chikiti

Dilman Jyoti Panik

Forms Part of Affidavit
12-01-24
Executive Magistrate, Chatranur

VERIFICATION

I, Sri DibyaJyoti Parida, aged about 35 years, Son of Sri Prasanna Kumar Parida, at present serving as the Collector & District Magistrate, Ganjam, At/P.O-Chhatrapur, Dist.-Ganjam do hereby verify and state that the facts stated above in the affidavit are all based on official records and I signed on this verification being present in the office of my Advocate at Cuttack, on this the day of January, 2024.

Cuttack.

Dt. 12.01.2024.

Dibya Jyoti Parida

VERIFICANT.

✓

Forms Part of Affidavit
M.P. 12.01.24
Executive Magistrate, Chhatrapur



AFFIDAVIT.

I, Sri Dibya Jyoti Parida, aged about 35 years, Son of Sri Prasanna Kumar Parida, at present serving as the Collector & District Magistrate, Ganjam At/P.O-Chatrapur, Dist.- Ganjam, do hereby solemnly affirm and state as follows:-

1. That I am the Respondent No.4 in this case. I am well acquainted with the facts of the case and as such competent to swear this affidavit in my official capacity.
2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by:

[Signature]

Advocate 2024

Upendra Nath Pradhan
ADVOCATE, A.P.P
Executive Magistrate Court
Chikiti

[Signature] Dibya Jyoti Parida

DEPONENT



The Deponent having been identified by Sri Upendra Nath Pradhan Advocate, solemnly affirmed before me this day this 12.1.2024 about 12:30 A.M./P.M Readover and explained the comments to the deponent who seemed perfectly to understand the same at the time of making this affidavit.

[Handwritten] (Chikiti) Tatenid's APP

[Signature] 12.01.24
Executive Magistrate
Chatrapur



**JOINT INSPECTION REPORT OF THE COMMITTEE CONSTITUTED BY
THE HON'BLE NGT, EASTERN ZONE BENCH, KOLKATA IN COMPLIANCE
TO THE ORDER DTD.17.10.2023 IN THE MATTER OA NO. 153/2023/EZ-
KABIRAJ MAHAPATRA VRS. THE UNION OF INDIA & OTHERS.**

The Hon'ble NGT, EZB, Kolkata in their Order dtd. 17.10.2023 has constituted a committee in the matter O.A. No. 153/2023/EZ- Titled Kabiraj Mahapatra Vrs. The Union of India & others to visit the site and submit its report with regard to allegations made in the Original Application. The committee comprises of the following members:

- i) Senior Scientist, State Pollution Control Board, Odisha.
- ii) Senior Scientist, Central Pollution Control Board.
- iii) Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha.
- iv) Collector & District Magistrate, Ganjam or his representative Officer not below the rank of Additional District Magistrate (ADM).

Accordingly in compliance to the aforesaid direction of the Hon'ble NGT, the State Pollution Control Board, Odisha, Bhubaneswar vide their letter no. 16894 dtd. 30.10.2023 requested Central Pollution Control Board, Kolkata, Member Secretary, SEIAA, Odisha and the Collector & District Magistrate, Ganjam for nomination of their representatives as per Order of the Hon'ble NGT. The Regional Officer, State Pollution Control Board, Odisha, Berhampur was nominated to represent the Committee on behalf of SPC, Board, Odisha Cum Nodal Officer vide above referred letter (**copy of the letter is enclosed as Annexure-I**). The Collector & District Magistrate, Ganjam nominated Sri Debabrata Sahoo, ADM, Ganjam as the Committee Member vide letter no. 4142 dtd. 04.11.2023 (**copy of the letter is enclosed as Annexure-II**).

Prior to visit to the alleged site a preparatory meeting was held on 16.11.2023 through VC to ascertain the present position of the sand mining quarries such as EC, Lease status, Consent status etc. During course of discussion, it was decided to provide necessary documents/ information by the Committee members of their respective departments (as primary data) prior to conducting of field verification. The proceeding of such meeting has been communicated by the Nodal Officer vide letter memo nos. 3774, 3775, 3776 dtd. 17.11.2023(**Copy enclosed as Annexure-III**).

Following documents/information were received from respective members:

- a) **Environmental Clearance:** Environmental Clearance was granted by SEIAA, Odisha vide EC Identification No. EC22B0010R155306 dtd. 18.07.2022 in favour of Tahasildar, Chikiti for Siripur Sand Bed over an area of 12.355 Acres or 5.0 Ha.

TRUE COPY

Collector, Ganjam
Chaitanya Jyoti Panda

having Khata No. 115 over Plot Nos. 130/830, 134/831, 192/832 in village Siripur, Tahasil Chikiti in District Ganjam for mining of Sand @ 12500 Cum in the 1st Year pending submission of Annual Rate of Replenishment Study of the Sand. Subsequently, EC was transferred in favour of Sri Krupasindhu Muduli on dtd. 09.11.2022 (copy of EC and Transferred EC are enclosed as annexure-IV).

- b) **Consent Status:** Regional Officer, SPC, Board, Berhampur has intimated that Consent to Establish and Consent to Operate have not been granted for the said sand quarry.
- c) **Lease status:** As per the document submitted by the Tahasildar, Chikiti vide letter no. 6740 dtd. 29.11.2023 the lease agreement is yet to be executed with the successful bidder (copy of this letter is enclosed as Annexure- V).

Joint inspection of the alleged site of Siripur Sand Quarry (River Bahuda) over Plot No. 130/830 & 134/832 (as per Original Application) under Khata No. 115 under Tahasil of Chikiti was held on 30.11.2023 to verify allegations made in the Application. During inspection, the following members were present:

- a) Sri Debabrata Sahoo, ADM, Ganjam.
 b) Sri Sandeep Roy, Scientist- D, CPCB, Kolkata.
 c) Dr. Pradeept Kumar Nayak, Environmental Scientist (SEIAA), Odisha.
 d) Er. Deepak Kumar Sahoo, RO, SPCB, Berhampur

Apart from the constituted committee the following officials were also present:

- a) Sri Baladev Behera, Tahasildar, Chikiti.
 b) Sri Biplab Kumar Sahoo, AES, SPC Board, Berhampur
 c) Sri Biswanath Behera, Revenue Supervisor, Chikiti Tahasil
 d) Sri Debaraj Nayak, Revenue Inspector, RI Circle Nuapada

During the inspection the committee members observed the following points:

- a) On the day of inspection, there were no mining activities at the alleged site. Any type of mining machinery like: Hyva, JCB, Payloader, Dumpers, Tractors etc. were also not found in and around the alleged mining site.
- b) The Revenue Inspector of RI Circle Nuapada was present and identified the Siripur Sand Quarry which is located over Plot Nos. 130/830, 134/831, 192/832 under Khata No. 115 over an area of 12.355 out of 27.132 Acres.

TRUE COPY

Collector, Ganjam
 Chairapur
 Dibya Jyoti Panigrahi

- c) During visit, the committee members also interacted with the local villagers of Siripur. As informed by them there was no mining activity in the alleged Siripur Sand Quarry since last one year (approximate).
- d) The water flow of the River Bahuda at Siripur region was found in lean condition. Sand was found to be extracted from the Siripur Sand Quarry considered to be illegal mining as no lease agreement has been executed till now.
- e) At the Site, Tahasildar, Chikiti has informed that regular enforcement activity is being conducted in that area to prohibit the illegal sand mining and its transportation. Under the enforcement activity, they have collected penalty from the vehicles engaged in illegal sand transportation. Details of penalty collected as furnished by the Tahasildar, Chikiti year wise from 2021-22, 2022-23 and 2023-24 is enclosed as **Annexure- V**).
- f) The committee also observed that another sand quarry namely, Sundarada Birachaitanyapur River Sand Bed, over an area of 12.355 Acres or 5.0 Ha bearing Khata No. 223, Plot No. 1059 in village Sundarada Birachaitanyapur, Tahasil, Chikiti, Dist- Ganjam (Sri Santosh Kumar Behera, Lessee) is located downstream of Siripur Sand Quarry. The lessee has obtained necessary statutory clearance (Mining Plan, EC, Lease Agreement, and CTE & CTO) for operation of this source.
- g) Environmental Clearance was granted by SEIAA, Odisha vide EC Identification No. EC22B001OR124364 dtd. 30.07.2022 in favour of Tahasildar, Chikiti for Sundarada Birachaitanyapur River Sand Bed over an area of 5.0 Ha. having Khata No. 223 over Plot No. 1059 in village Sundarada Birachaitanyapur, Tahasil Chikiti in District Ganjam for mining of Sand @ 7000 Cum in the 1st Year pending submission of Annual Rate of Replenishment Study of the Sand. Subsequently, EC was transferred in favour of Sri Santosh Kumar Behera on dtd. 19.08.2022 (**copy of EC and Transferred EC are enclosed as annexure-VI**).
- h) Lease agreement was executed with the lessee Sri Santosh Kumar Behera by the Tahasildar, Chikiti for Sundarada Birachaitanyapur River Sand Bed on 03.09.2022 for the period of 5 years i.e. from August, 2022 to August, 2027 (**copy of lease agreement is enclosed as Annexure- VII**).
- i) Consent to Establish was issued in favour of Sundarada Birachaitanyapur River Sand Bed vide Board's letter no. 2686 dtd. 08.09.2022 & Consent to Operate was issued in favour of Sundarada Birachaitanyapur River Sand Bed vide Board's letter no. 2688 dtd. 08.09.2022 upto 30.11.2023 for mining of Sand @ 7000 Cum (**copies of CTE and CTO orders are enclosed as Annexure- VIII**).
- j) It is also observed that excess mining might have been carried out from the lease area of Sundarada Birachaitanyapur River Sand Bed as it appears during field verification.

TRUE COPY

- k) The villagers informed the committee members that DD Builders and ARSS Companies along with Sri Santosh Kumar Behera, Lessee of Sundarada Birachaitanyapur River Sand Bed were involved in illegal mining from both Siripur Sand Quarry and Sundarada Birachaitanyapur River Sand Bed. That was also reflected in the enforcement report of Tahasildar, Chikiti submitted vide letter no. 6740 dtd. 29.11.2023 (copy attached as Annexure- V).
- l) The photographs during the Joint inspection of the alleged site on dtd. 30.11.2023 are attached as below :



TRUE COPY

Collector, Ganjam
Chitrapur

Dilip Jyoti Panda

Conclusion and Recommendation:

- a) The 2nd meeting of the Committee was held on 26th Dec 2023 to discuss the various issues aroused during inspection and individual's submission.
- b) The committee members observed that some illegal sand mining have been carried out from the alleged site of Siripur Sand Quarry and illegal excess sand mining from Sundarada Birachaitanyapur River Sand Bed lease area located downstream of Siripur Sand Quarry. Hence, in order to arrive at a conclusion on exact quantification of sand illegally extracted from both the sources, the Committee members unanimously decided to seek the help of Experts from Dept. of Steel & Mines for calculation of quantity of sand illegally extracted from both the sources. Accordingly, the Committee members requested RO, SPCB, Berhampur to move to the Deputy Director of Mines, Berhampur, Ganjam with a request to assess the quantity of illegal sand mining at the alleged site of Siripur Sand Quarry and Sundarada Birachaitanyapur River Sand Bed lease area for calculation of environmental compensation with the help of geologist.
- c) Environmental compensation will be calculated based on the report of Deputy Director of Mines, Berhampur, Ganjam.
- d) No further illegal sand mining from the alleged site of Siripur Sand Quarry and from Sundarada Birachaitanyapur River Sand Bed shall be allowed. Tahasildar, Chikiti, Ganjam and Deputy Director of Mines, Berhampur, Ganjam shall ensure this by regular enforcement and surveillance.
- e) Final report will be submitted by the committee after quantification of sand illegally extracted along with compensation amount as necessary compliance.


30/12/2023
(Er. Deepak Kumar Sahoo)
RO, OSPCB, Berhampur


30/12/2023
(Dr. Pradeept Kumar Nayak)
Environmental Scientist (SEIAA), Odisha


(Sri Sandeep Roy)
Scientist- D, CPCB, Kolkata


30.12.23
(Sri Debabrata Sahoo)
ADM, Ganjam, Chatrapur

TRUE COPY

Page 5 of 5

Collector, Ganjam
Chatrapur
