

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
OA No.48/2020/EZ.**

Pinak Ranjan Das Applicant

-versus

District Collector, Jajpur & Others Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	24 - 26
2.	<u>ANNEXURE-R5/1</u> Photocopy report of joint inspection dtd.13.08.2020.	27-29

By the Respondent No.5

Kolkata

Date:

Through the Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
OA No.48/2020/EZ.**

IN THE MATTER OF:

Pinak Ranjan Das Applicant

-versus

District Collector, Jajpur & Others Respondents

31 AUG 2020

**AFFIDAVIT FOR PLACING ON RECORD
THE COMMITTEE REPORT IN
COMPLIANCE WITH ORDER
DTD.10.07.2020 ON BEHALF OF STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.5.**

I, Santosh Kumar Kuanar, son of late Surendranath Kuanar aged around 46 years, working with the State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, PO-Nayapalli, Bhubaneswar, Dist – Khurda, Odisha – 751012, do hereby affirm and state as under:

I am working as Senior Law Officer, Level-II with the State Pollution Control Board, Odisha, hereinafter referred to as the



Santosh Kumar Kuanar

answering respondent and as such am competent and have been authorized to swear this affidavit.

2. That vide order dtd.10.07.2020, this Hon'ble Tribunal constituted a committee comprising of (i) The District Collector, Jajpur; (ii) The Deputy Director of Mines, Jajpur ; and (iii) The Odisha Pollution Control Board (State PCB) and directed to jointly inspect the area in question, verify on the factual allegations set out by the applicant in the application and submit a report. It is further directed that the State PCB will be the nodal agency for coordination and for providing logistic support.
3. That in compliance to the said direction, the Committee visited the site on dtd.13.08.2020 and carried out inspection and submitted their report. Copy of report of joint inspection is annexed to this affidavit and marked as ANNEXURE-R5/1.
4. That the Respondent No.5 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.
5. That the annexure annexed to the present affidavit is true and correct copy of its original.
6. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official

Santosh Kumar Kumar



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

31/8/2020 26

records, and that nothing material has been concealed therefrom.

Santosh Kumar Kumar
DEPONENT
Senior Law Officer, Level-II
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 31st day of August, 2020.

Santosh Kumar Kumar
DEPONENT
Senior Law Officer, Level-II
State Pollution Control Board,
Odisha, Bhubaneswar

SWORN BEFORE ME



Manjula Kumar Pradhan
31/8/2020
MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO ON-71/2009
PH.-9437627119 (M)

**OBSERVATIONS MADE DURING JOINT VISIT CONDUCTED ON 13.08.2020 IN
PURSUANT TO THE ORDER OF HON'BLE NGT, PRINCIPAL BENCH
NEW DELHI IN O.A. 48/2020/EZ**

The Hon'ble NGT, Principal Bench, New Delhi vide their order dated 10.07.2020 passed in the matter of O.A. No.48/2020/EZ have constituted a Committee comprising of (i) the District Collector, Jajpur; (ii) the Deputy Director of Mines Jajpur, Odisha and, (iii) the Odisha State Pollution Control Board (State PCB) and directed the committee to conduct a joint inspection and verify the factual aspects set out by the Applicant in the application and submit a report before the next date of hearing. In pursuant to the above order, a joint visit was conducted 13.08.2020 as per schedule fixed by the nodal agency i.e. State PCB. Following officers were present during joint visit.

1. Er. P. K Behera, Regional Officer, SPCB, Kalinganagar (Representative of State PCB)
2. Sri N. C. Dhal, Sub-Collector, Jajpur (Representative of District Collector Jajpur)
3. Sri B. K. Sahu, Asst. Mining Officer (I/C DDM) (Representative of DDM Jajpur, Odisha)

Followings were observed during the visit with respect to allegation made by the applicant in O.A. No.48/2020/EZ.

Sl. No.	Summary of allegations made in the application	Observation
i)	Villagers affected by the impact of illegal sand mining in Kharasrota river at Masudpur Mouza and due to transportation of the illegally mined sand through the village road have caused damage to the embankment of the river, the bridge and loss of revenue and pollution due to sand loaded vehicles.	1. Kharasrota River of about 5 km stretch near the Masudpur area is coming under the jurisdiction of Vyasaganagar Tahasil in district of Jajpur, Odisha which is the area in question. 2. The area in question is not a designated Sairat Source of minor mineral i.e. sand under the Vyasaganagar Tahasil jurisdiction.
ii)	Illegal sand mining takes place during night hours through excavators and dredging machine and transporting to the private stockyard.	3. The designated places and other places, coming under the jurisdiction of Vyasaganagar Tahasil was inspected and verified by the committee. 4. It was observed that most of the areas

M. S. Dhal
26.8.20

Asst. Mining Officer

P. K. Behera
26.8.20
Regional Officer
State Pollution Control Board, Odisha
Kalinganagar, Jajpur

N. C. Dhal
26/8/20
Sub-Collector
Jajpur

- iii) Damage of ecology of the area and disturbed flow of the Kharasrota river causing threat to the river embankment. Indiscriminate sand mining both in the designate places and other places in the river has already threatened the riverfront, soil erosion and changed the course of river flow
- iv) Present ongoing illegal sand mining in Kharasrota river bed in Vyasaganar Tahasil has caused serious environmental degradation and ecological impact and no environmental impact assessment has been taken place in areas earmarked for mining especially on the river bed.
- v) River and riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which damage the ecosystem of river, weakens river bank, destruction of natural habitats of organism living on the river beds, affects fish breeding and migration, spells disaster for the conservation of many bird species
- 5 The local people present during joint visit were asked regarding the illegal mining, it was ascertained from their view that no mining of sand is taking place as alleged by the applicant
- 6 The allegations i.e. illegal mining by excavators and dredging machine pollution caused due to transportation of sand by loading the vehicles, damage of embankment, soil erosion damage of the bridge, loss of revenue damage of ecology & environment, threat to riverfront, change of course of flow of the river, destruction of natural habitat, affecting fish breeding and spells of disaster to conservation of many bird species was not observed
- 7 However, it was found from the record of the Tahasil (enquiry report of Revenue Inspector (RI), Panikoili) that earlier sand was lifted illegally by mechanical means from the area in question.
- 8 On basis of the report of the RI & receipt of complaints, the area was raided by a team formed by Tahasildar on dated 25.05.2020 and 09.06.2020. Sand dumps in nearby area, at a distance of about 200 m away from the river bed, have been seized. Royalty & Penalty have been realized from one Sri Laxmidhar Mohanty of village Masudpur for illegal dumping of sand.

[Signature]
26.05.20

Regional Officer
State Pollution Control Board, Odisha
Kalinganagar, Jajpur

[Signature]
26/5/2020

Sub-Collector
Jajpur

20

	<p>9. The Revenue Inspector, Panikoili visits the area time to time and reported that no further mechanical mining or any illegal mining operation in the area</p> <p>10. There is no such major minable area in this river bed coming within the jurisdiction of Vyasaganar Tahasil. The Tahasil level squad for enforcement of illegal mining is making periodic raids and regular patrolling at night is also going on regular basis as the police station is at a distance of 4 km from this place.</p>
--	---

Recommendation:

The area in question was jointly inspected by the committee and all aspects of allegation was verified and found as above. Hence, no action is recommended as no illegal sand mining is taking place presently in that area.

B.K. Sahu
26.8.20

B. K. Sahu
Asst. Mining Officer
(Representative of DDM,
Jajpur, Odisha)

Pramod Kumar Behera
26.08.20

Pramod Kumar Behera
Regional Officer,
Kalinganagar
(Representative of SPCB,
Odisha)

Regional Officer
State Pollution Control Board, Odisha
Kalinganagar, Jajpur

Narayan Chandra Dhal
26/8/20

Narayan Chandra Dhal
Sub-Collector, Jajpur
(Representative of District
Collector, Jajpur, Odisha)

**Sub-Collector
Jajpur**

Deputy Director Mines
Labour Road