

BEFORE THE NATIONAL GREEN TRIBUNAL,
KOLKATA BENCH, KOLKATA.

O.A.NO. 84/2021/ EZ

Akshya Kumar Tripathy & others. ... APPLICANTS.

-VERSUS-

State of Odisha & others. ... RESPONDENTS.

INDEX

<u>Sl.No.</u>	<u>Description of documents</u>	<u>Pages</u>
1.	Counter Affidavit filed by Respondent No.7 Sri Subhranshu Sekhar Padhi.	1-9A
2.	<u>ANNEXURE-A/7.</u> Copy of the Mining Plan dated 30.07.2020.	10-42
3.	<u>ANNEXURE-B/7.</u> Copy of the Environmental Clearance Certificate dated 25.11.2020.	43-48
4.	<u>ANNEXURE-C/7</u> Copy of letter No.736 dated 19.03.2021 addressed to Respondent No.7.	49
5.	<u>ANNEXURE-D/7 Series.</u> Copy of W.P(C) No.14046 of 2021 with Annexures.	50-93
6.	<u>ANNEXURE-E/7.</u> Copy of order dated 30.09.2021 passed in Sairat Appeal No. 01/2021.	94-105
7.	<u>ANNEXURE-F/7 Series.</u> Copies of the Receipts evidencing payment of Security Deposit & Royalty.	106
8.	<u>ANNEXURE-G/7.</u> Copy of the Lease Deed dated 31.05.2021.	107-120

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9. ANNEXURE-H/7.
Copy of the Revised Mining Plan.

121-150

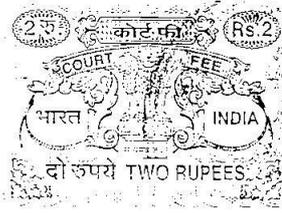
10. ANNEXURE-I/7.
Copy of order dated 24.08.2021 passed in
W.P(C) No. 24045 of 2021.

151-153

CUTTACK
Date: 25-11-2021.

S. Jindal

ADVOCATE



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

O.A.NO. 84/2021/ EZ

Akshya Kumar Tripathy & others. ... APPLICANTS.

-VERSUS-

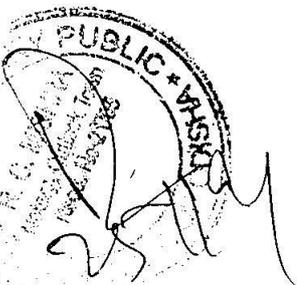
State of Odisha & others. ... RESPONDENTS.

COUNTER AFFIDAVIT FILED BY RESPONDENT NO.7
SRI SUBHRANSHU SEKHAR PADHI.

I, Sri Subhranshu Sekhar Padhi, aged about 45 years, Son of Narayan Chandra Padhi, resident of Plot No.3840, At- Barimund, Bhubaneswar, Dist- Khurdha, Pin- 754001 (*E-mail: chairmanniim@gmail.com*), do hereby solemnly affirm and state as follows;

1. That I am Respondent No.7 in the aforesaid Original Application.
I have gone through the contents and averments made in the Original Application and having understood the same, I am filing this Counter Affidavit before this Hon'ble Tribunal.
2. That the Original Application filed by the Applicants in the present form is not maintainable and is liable to be dismissed. The Applicants are guilty of suppressing material facts and misrepresented the facts with regard to operation of Sand Sairat by the lawful lessee/ Respondent No.7, which is backed by Tender Process, Mining Approval, Consent to Operate and Environmental Clearance as required.

S. Padhi
Adv



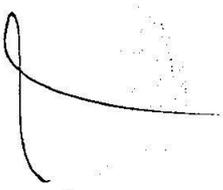
3. That the Applicants despite availability of aforesaid clearances have suppressed this fact and have obtained Interim order by playing fraud on the Tribunal, for which the Original Application is liable to be dismissed in limini.
4. That the Applicants have no locus to seek stop operation of a lawfully permitted Sand Sairat . On parallel issue, other villagers are already pursuing remedy in the Hon'ble High Court of Orissa by filing Writ Petition. This Respondent No.7 reserves right to give detail particulars of the same in the latter part of this Counter Affidavit.
5. That this Respondent No.7 is raising preliminary issue as to maintainability of O.A on the precise grounds of misleading the Hon'ble Tribunal suppressing material facts.
6. That the averments made in Paragraph-1 &2 of the O.A are all matters of record and do not require any reply. The averments and statement made in Para-3 of the application by the applicants, it may be stated here that there has been no lifting of sand in violation of any of the provisions of Mining Plan. It is not a fact that operation of Jagannath Prasad Sand Sairat in any manner endangers any local inhabitants or nearby villagers. On the other hand, it may be submitted here that the Bali Pokhari Escape is

Jagannath Prasad
Adv

located on the left embankment of river Baitarani at about 2.5 KMs distance along the downstream of Akhuapada Anicut. The Sand Sairat is situated at about 600 Mtrs distance from the Escape along the upstream and about 1.5 Km away along the downstream from Akhuapada Anicut. In such view of the matter the averments and statements with regard to alleged threat to the Escape is unfounded & imaginary based on no technical knowledge.

7. That in reply to the averments made in Para-4 of the Original Application, it may be submitted here that the letter issued by Assistant Executive Engineer, Akhuapada Irrigation Sub-Division, Akhuapada dated 10.03.2021 is at a point of time when the lease in respect of Sairat in question was not even settled with Respondent No.7. These applicants are the sand mafias who were doing illegal sand mining in and around the lawful source of the Respondent No.7. The Assistant Executive Engineer has written letter dated 10.03.2021, which is no way connected to the present lease-hold sources of this Respondent No.7. It is the present applicants and some of their villagers were illegally lifting sand from the nearby area of the Escape. It is in the context of that, the letter dated 10.03.2021 was issued by Assistant Executive Engineer, Akhuapada Irrigation Sub-Division. More particularly,

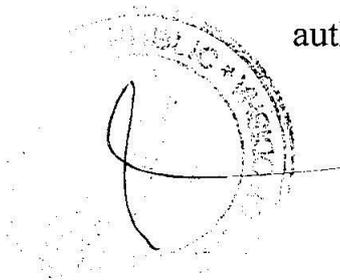
S. Panda
Hd.



the letter nowhere indicates about the lawful sources created by the Revenue authorities and leased out in favour of the present Respondent No.7.

8. That the averments made in Para-5 of the application are all misplaced and mis-representation of fact. Since Annexure-3 is not concerned about the present leasehold Source, rest of the averments in Para-4 & 5, therefore, are fallacious and incorrect statement of facts.
9. That the averments made in Para-6 of the application with regard to representation dated 30.06.2021, the application is again tainted with malafide, bias and without any substance in the same.
10. That the source in question was created by Revenue authorities, so as to check theft of sand and illegal mining by unauthorised persons.
11. That the Sairat Source at Jagannath Prasad bearing Khata No. 799, Plot No. 1653/ 2734, Area Ac. 12.20 (Kisam- Nadi) was created consequent upon the field visit by Tahasildar at relevant point of time on 19.06.2020. The Government authorities have found the approach road connecting the river bed and have certified about lack of danger to the embankment as well as bridge. The authorities have also reported that there is no educational

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institution and religious temple and plying Trucks nearby the Sand Sairat. The Sairat was found feasible for long term lease.

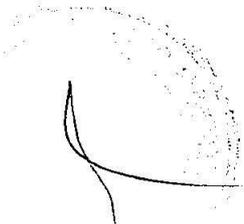
12. That Mining Plan for the Sairat was duly approved by Joint Director of Geology, Keonjhar dated 30.07.2020. A copy of the Mining Plan dated 30.07.2020 is annexed herewith as ANNEXURE-A/7.

13. That there is also Environmental Clearance Certificate issued by State Level Environment Impact Assessment Authority, (SEIAA) Odisha, vide letter No.9732/SEIAA dated 25.11.2020 in respect of the Sairat. A copy of the Environmental Clearance Certificate dated 25.11.2020 is annexed herewith as ANNEXURE-B/7.

14. That the Sairat in question was put to tender vide Tender Notice bearing No. 584 dated 04.03.2021. The tenders were opened on 16.03.2021. The present Respondent No.7 was found to be the highest bidder and was noticed to deposit the bid amount. A copy of such letter No. 736 dated 19.03.2021 is annexed herewith as ANNEXURE-C/7.

15. That at the instance of all these Applicants, some of the villagers of Kumbharia, Balipokhari, Mantapur & Jagannath Prasad represented by Sri Sanjib Parida & others challenged the present Auction of Sand Sairat before the Hon'ble High Court in W.P(C)

Sanjib
Adv



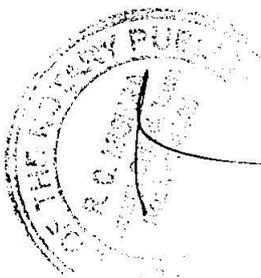
No. 14046 of 2021 on the same ground of apprehending threat to the Bali Pokhari Escape. A copy of the said W.P(C) No. 14046 of 2021 with Annexures are annexed herewith as ANNEXURE-D Series.

16. That the Hon'ble High Court of Orissa disposed of the Writ Petition v ide order dated 09.06.2021 holding the same as not maintainable with liberty to file Appeal before the Sub-Collector, Bhadrak.
17. That the villagers filed Appeal before the Sub-Collector, Bhadrak which was registered as Sairat Appeal No.01/2021. The issue raised in this Writ Petition was subject matter of the Appeal opposed by other villagers and the said Appeal has been adjudicated upon with final order dated 30.09.2021. The Appeal filed opposing Auction of Sairat has been dismissed on merit. A copy of such order dated 30.09.2021 passed in Sairat Appeal No. 01/2021 is annexed herewith as ANNEXURE-E/7.
18. That the Respondent No.7 being successful in the tender process, on the issue of deposit of Royalty had approached the Hon'ble High Court in a separate Writ Petition bearing W.P(C) No. 15664/2021, which was disposed of vide order dated 29.04.2021.

S
Janda
Adv

19. That as on date, this Respondent No.7 has deposited a sum of Rs.1,37,77,838/- as Security Deposit and Rs.2,76,35,571/- towards Royalty. Copies of the Receipts evidencing payment of the aforesaid amounts are annexed herewith as ANNEXURE-F/7 Series.
20. That the Lease Deed has been executed with this Respondent by the Tahasildar, Bhandaripokhari on 31.05.2021. A copy of the Lease Deed dated 31.05.2021 is annexed herewith as ANNEXURE-G/7.
21. That the Mining Plan has been little modified on account of mistake in the name of the River and also the road to the leasehold area. A copy of the Revised Mining Plan is annexed herewith as ANNEXURE-H/7.
22. That it may be further submitted here that these applicants and other villagers are trying to create law and order problem by forcefully prohibiting the lawful lessee from operating the source. The present Respondent No.7 has filed W.P(C) No. 24045/ 2021, wherein the Hon'ble High Court vide order dated 24.08.2021 has been pleased to direct the authorities to give adequate protection. A copy of such order dated 24.08.2021 passed in W.P(C) No.

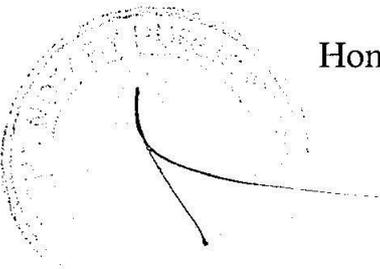
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24045/2021 is annexed herewith as ANNEXURE-I/7. The applicants No.1 & 2 in this O.A are parties to this Writ Petition.

23. That this Respondent No.7 has filed W.P(C) No. 34851/2021 before the Hon'ble High Court on the question of adjustment of Royalty, since he was forcefully obstructed by these applicants from operating the source. The road for carriage of sand from the Sairat is being blocked by these applicants, for which this Respondent No.7 is not in a position to make the Sairat fully operational.
24. That the narration of facts as aforesaid makes it clear that the Sairat in question is a lawful Sairat being backed by statutory permissions. The applicants on a false pretext of Bali Pokhari Escape are trying to stop operation of the Sairat, so as to facilitate illegal sand mining.
25. That there is absolutely no threat to the embankment or the road passing through the Sairat. The allegations to that effect in different parts of the Original Application are based on no material evidences.
26. That the averments and statements in the Original Application that there is illegal mining, is again a false statement before this Hon'ble Tribunal by the applicants.

Janaka
AKW



27. That consequent upon Interim order passed by the Hon'ble Tribunal, there was joint verification of the Sand Sairat and leasehold source. There is no adverse report available against the lessee either of any illegal mining or excess mining. As a matter of fact, because of these applicants, this Respondent No.7 is unable to lift adequate quantity of Sand having paid huge revenue to the State. These applicants are creating law and order problem, for which this Respondent No.7 is seeking exemptions from payment of Royalty.

In the joint verification, the area of the leasehold Sairat has been well demarcated. Apprehensions of the Applicants are unfounded, tainted with malafides and the Original Application, therefore, is liable to be dismissed.

28. That the facts stated above are true to the best of my knowledge and belief.

Identified by,

Satyendra Kumar

Advocate ~~at~~

Satyanand Kumar Saini Palak

DEPONENT

CERTIFICATE

Certified that due to want of cartridge papers, the Counter Affidavit has been typed in thick white papers.

Identified by the Deponent

Dated: 25-11-2021

Notary

stated above are

knowledge.

Saini

ADVOCATE



VERIFICATION

I, Sri Subhranshu Sekhar Padhi, aged about 45 years, S/o Narayan Chandra Padhi, resident of Plot No.3840, At- Barimund, Bhubaneswar, Dist-Khurdha, Pin- 754001, do hereby verify that the contents of the above Counter Affidavit are true and correct to the best of my knowledge as derived from official records and that nothing material has been concealed there from.

Verified at Cuttack on this the day of
November, 2021.

Cuttack.
Date: 25.11.2021

Subhranshu Sekhar Padhi

VERIFICANT

CERTIFICATE

Certified that due to non-availability of cartridge papers, thick white papers have been used.

Cuttack,
Dated: 25-11-2021

Sande
ADVOCATE

ANNEXURE - A/7

MINING PLAN



(Prepared under Rule 28 (4) of the Odisha Minor Mineral Concession Rules, 2016)

OF

BALIPOKHARI SAND QUARRY, JAGANNATHPRASAD

OVER 4.95 HECT OR 12. 23 ACRES IN VILLAGE JAGANNATHPRASAD
UNDER BHANDARIPOKHARI TAHASIL OF BHADRAK DISTRICT, ODISHA

APPLICANT -: TAHASILDAR, BHANDARIPOKHARI

PREPARED BY

BIPIN BEHARI KHANDUAL

RQP/OD/049/2016

APPROVED

(Sri N. Sahu)
Joint Director Geology
Khandaker

GEO CONSULTANTS PVT LTD,

BHUBANESWAR

APG



CONSENT LETTER FROM APPLICANT

The Mining Plan of the Bhandarpokhari Sand Quarry in respect of the lease area over an area of 1.96 Ha. or 2.29 acre in village Idganadih Prasad under Bhandarpokhari Taluqa of Bhandarpokhari District, Odisha, has been prepared by Sri. Binu Behara Khandaal, Consulting Geologist, Regn. No. ROP/OD/019/2016. I request the Authorised Officer (A.O.) of the Joint Director of Geology, Keonjhar, Odisha, to make further correspondence regarding final approval of the mining plan with the said recognised person at the following address:

Geo Consultants Pvt. Ltd.
853, Gobind Prasad (Medical) Lane
In front of Reliance Fresh (Rachika Complex)
Rhubaneswar-751006
Phone : 0674-2575702
Email : consultants.geoyahoo.co.in
Mobile : 919487012019

The quarry area will be leased out to the successful bidder through auction after obtaining statutory clearances. I hereby undertake that all modifications so made in the mining plan by the said recognised person be deemed to have been made with my knowledge and consent and shall be acceptable to me and binding on the successful bidder in all respects.

Place: Bhandarpokhari
Date:

Signature of Bhandarpokhari
BHANDARPOKHARI
BHANDARPOKHARI

CONSENT LETTER FROM APPLICANT

The Mining Plan of the Balipokhari Sand Quarry in respect of the Quarry Lease area over an area of 4.95 Ha or 12.26 Acres in village- Jagannath Prasad under Bhandaripokhari Tahsil of Bhadrak District, Odisha has been prepared by Sri Bipin Behari Khandual, Consulting Geologist, Regn No. ROP/OD/049/2016. I request the Authorized Officer, O/o The Joint Director, Geology, Keonjhar, Odisha, to make further correspondence regarding final approval of the Mining Plan with the said recognized person in his following address.

Geo Consultants Pvt Ltd.
853, Gobind Prasad (Medical Lane),
In front of Reliance Fresh (Radhika Complex),
Bhubaneswar- 751006.
Phone: 0674-2575702,
Email: consultants_geo@yahoo.co.in
Mobile : 91-9437019019

The quarry area will be leased out to the successful auction holder through auction after obtaining statutory clearances. I hereby undertake that all modifications so made in the Mining Plan by the said recognized person be deemed to have been made with my knowledge and consent and shall be acceptable to me and binding on the successful bidder in all respect.

Place: Bhandaripokhari

Date:

Sd/-

Tahasildar, Bhandaripokhari

TRUE COPY ATTESTED

ADVOCATE



UNDERTAKING

This is to undertake that the financial assistance related to the Progressive Mining Operation of the Mining Plan in respect of Lalpakhari Sand Quarry, District Jabalpur, State Madhya Pradesh, Jajannala Prant, under the financial control of the District Collector, will be provided by the Government of Madhya Pradesh, in the form of bank guarantee from any nationalized banks and when required by the competent authority.

Place: Chandrapokhari
Date:

Jajannala Prant, Lalpakhari
Tahasildar
CHANDRAPOKHARI

Neat Typed Copy

UNDERTAKING

This is to undertake that the financial assurance related to the Progressive Mine Closure Plan of the Mining Plan in respect of Balipokhari Sand Quarry over 4.95 Ha of 12.23 Acres in village Jagannath Prasad under Bhandaripokhari Tahasil of Bhadrak District, Odisha will be submitted by the successful auction holder in the form of Bank Guarantee from any Nationalized Bank as and when required by the competent authority.

Place: Bhandaripokhari

Date:

Sd/-

Tahasildar, Bhandaripokhari.

TRUE COPY ATTESTED

ADVOCATE



CERTIFICATE

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I, Jhasidhar Bhandarpokhari, hereby solemnly affirm that the plans and programmes in this mining plan will be scrupulously implemented by the auction holder of the lease of Bhandarpokhari and family, covering 1.98 Ha. or 12.28 Acres in village Jhandanpura, under Bhandarpokhari Taluqa of Bhadrak District Odisha, and will be held responsible for any deviation thereof.

I also hereby certify that the provisions of Mines and Minerals (Development & Regulation) Act, 1957, and the Mines Act, 1952 and Rules and Regulations made under these Acts, along with the provisions of Odisha Minor Minerals Concession Rules, 2012 will be strictly adhered to by the auction holder while implementing this Mining Plan and wherever specific permissions will be required, the auction holder will approach the concerned authorities, viz. Directorate General of Mines Safety and the State Government as the case may be.

APPROVED

Place: Bhandarpokhari, (Sri N. Sahu) Jhasidhar Bhandarpokhari
 Date: Joint Director Geology, Bhadrak
 JHASIDHAR
 BHANDARPOKHARI

Neat Typed Copy

CERTIFICATE

18.0:

I, Tahasildar, Bhandaripokhari hereby solemnly affirm that the plans and programmes in this Mining Plan will be scrupulously implemented by the auction holder of the lease of Balipokhari Sand Quarry over 4.95 Ha or 12.23 Acres in village Jagannath Prasad under Bhandaripokhari Tahasil of Bhadrak District, Odisha and will be strictly held responsible for any deviation thereof.

I, also hereby, certify that the provision of Mines and Minerals (Development & Regulation) Act, 1957, and the Mines Act, 1952 and Rules and Regulations made under these Acts, along with the provisions of Odisha Minor Mineral Concession Rules, 2016 will be strictly adhered to by the auction holder while implementing this Mining Plan and wherever specific permissions will be required the auction holder will approach the concerned authorities of Directorate General of Mines Safety and the State Government as the case may be.

APPROVED

Place: Bhandaripokhari
Date:

Sd/- Sri N.Sahu,
30.07.20
Joint Director, Geology,
Keonjhar.

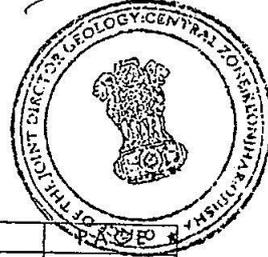
Sd/- Tahasildar,
Bhandaripokhari.

TRUE COPY ATTESTED

ADVOCATE

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CONTENTS



CHAPTER NO.	DESCRIPTION	PAGE
0.0	INTRODUCTION	1
1.0	PARTICULARS OF THE AREA	3
2.0	RESERVES	5
3.0	MINING	11
4.0	WASTE DISPOSAL	14
5.0	MINE DRAINAGE	15
6.0	MINERAL PROCESSING	16
7.0	PLANTATION	17
8.0	MANPOWER	18
9.0	USE OF MINERAL	19
10.0	MINE CLOSURE PLAN	20

38

- 008 -



LIST OF PLATES

Plate No	Description	Scale (R F)
I	Key Plan	1 : 50,000
II	Lease plan	16" = 1 mile
III	Surface Plan	1 : 2,000
IV	Geological plan	1 : 2,000
V	Composite development plan	1 : 2,000
VI	Progressive Mine Closure Plan	1 : 2,000

IV

BIPIN BEHARI KHANDU
RQPIO/2012/316

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LIST OF ANNEXURES



DESCRIPTION	ANNEXURE NO.
Copy of letter of Tahasildar to prepare mining plan	I
Copy of RQP certificate	II
Copy of letter of Revenue authority in support of demarcation of the area on field.	III

SHRI BEHARI KUMAR
RQP/OD/45/25/6

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CHAPTER -0.0



Introduction:

The area over 12.23 Ac. or 4.95 Ha. under reference is located in Village Jagannathprasad of Bhandaripokhari Tahasil in Bhadrakh district of Odisha. Quarry lease has been proposed to be granted by the Tahasildar, Bhandaripokhari to the applicant for minor mineral (River Sand) for five years (Annexure I).

The area under reference is featured in the Survey of India Toposheet No. F45U5 (73 L/5) and bounded between the latitudes of 20°54'00.03" N to 20°54'06.08" N and longitudes of 86°17'00.16" E to 86°17'18.38" E. The area is located at a distance of 100 Km from the district head quarters Bhadrakh and is at a distance of 125 Km from the state capital Bhubaneswar.

In the absence of boundary description of the area by the competent authority, the co-ordinates of boundary pillar /corner points of the area as revealed from geo referencing has been taken for field study/observation over the area and data has been collected to prepare this mining plan. Accordingly, the area has been surveyed by the RQP through hand held GPS along with revenue officials for obtaining other required co-ordinates as well as the existing RL's of the required points.

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The co-ordinates of boundary corner points are listed in the Settlement Plan (Plate NO III) and given as follows.



Pillar No	Longitude	Latitude
1	86°17'04.48"	20°54'06.08"
2	86°17'05.97"	20°54'05.31"
3	86°17'06.88"	20°54'04.76"
4	86°17'08.97"	20°54'04.28"
5	86°17'10.26"	20°54'03.96"
6	86°17'11.90"	20°54'02.82"
7	86°17'13.60"	20°54'01.38"
8	86°17'14.22"	20°54'01.08"
9	86°17'15.68"	20°54'00.70"
10	86°17'16.51"	20°54'00.96"
11	86°17'17.75"	20°54'01.58"
12	86°17'18.19"	20°54'01.68"
13	86°17'18.38"	20°53'59.93"
14	86°17'04.21"	20°54'00.03"
15	86°17'03.14"	20°54'00.57"
16	86°17'01.26"	20°54'01.31"
17	86°17'00.16"	20°54'01.86"

BIPIN BEHARI KHANDUAL
RQ/P/OD/049/2016

29 - 22 -

FORM-O

[See Rule 28 (4) of the Odisha Minor Mineral Concession Rules 2013]
MINING PLAN FOR WINNING OF RIVER SAND UNDER JAGANNATHPRASAD
VILLAGE IN BHANDARIPOKHARI TAHASIL OF BHADRAKHETA DISTRICT



CHAPTER -1

- 1. Name & Address of the Lessee : Tahasildar, Bhandaripokhari has asked to prepare the mining plan of the area after which the sairat will be auctioned for leasing purpose (Annexure -I).
- 2. Particulars of the area(Acreage, Boundary Description & Land Schedule): : Name of the Quarry- Balipokhari Sand Quarry, Jagannathprasad
(Attach location map and surface plan showing the existing features of the area with contours at 2 m interval) Area- 12.23 acres or 4.95 hectares
Land schedule mentioned on plan provided by revenue Authority and attached in *Plate no -II*. Location Map- Ref. *Plate no - I*, Surface Plan - Ref. *Plate No- III*.
- 3. Status of the Lessee(Private individual/ Private Company/ Public sector Undertaking / Joint sector Under taking/ Others) : The sairat will be leased out by the Tahasildar, Bhandaripokhari after obtaining statutory clearances.
- 4. Period of Concession : Five years
- 5. Mineral intended to be won : River Sand

APPROVED

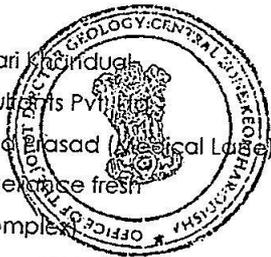
(Signature)
28-7-20
(Sri N. Sahu)
Joint Director Geology
Keonjhar

BIPIN BEHARI BHANDUAL
ROP/OD/02/2017

22/07/2016 - 23-

6. Name, Address & Regd. No. of RQP preparing the mining plan with validity of Recognition

: Bipin Behari Khandual
Geo Consultants Pvt. Ltd.
853, Gobind Prasad (Medical Lodge)
In front of Renaissance Fresh
(Radhika Complex)
Bhubaneswar-751006
Phone - 0674-2575702
Email-consultants_geo@yahoo.co.in
Mobile - 9437019019
Registration No - RQP/OD/049/2016
Valid up to- 02.08.2026



7. Order No. & date of competent Authority granting the Concession (copy of the Order to be attached)

: Not applicable as the area is yet to be leased out.

8. If, forest area, whether forest clearance Obtained (attach copy of forest clearance)

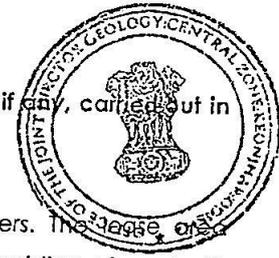
: The total area is non-forest Govt. land as envisaged from the land schedule provided by the revenue authority.
Hence, Forest clearance is not required.

APPROVED

(Signature)
30.7.2016
(Sri N. Sahu)
Joint Director Geology
Keonjhar

24 -

CHAPTER -2



9. Reserve (Estimation to be based on the Exploration, if any, carried out in the area or on local Parameters):

The reserve is estimated based on local parameters. The area belongs to recent quaternary River bed deposits consisting of sand, silt, clay, gravel and alluvial deposits.

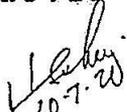
a. Physiography:

The Sand bed is on the river Budha. The Balipokhari Sand Quarry, Jagannathprasud represents a gently sloping to almost flat terrain with highest altitude of 11.5mRL. There is no human settlement within the area.

b. Regional Geology:

Geologically, the area belongs to recent to sub-recent period which is located in the Budha river bed at Jagannathprasud village, Tahasil-Bhandaripokhari, District- Bhadrakh. The quaternaries overlie directly on the Tertiaries and are composed of younger and older alluvia. The sediments of older alluvia are greyish to brownish in colour, unfossiliferous. Cenozoic's occupy about 20% of the land area of Orissa mostly along the costal tract and river valleys. They are represented by Baripada bed, late rites, bauxites, and the costal alluvia. They could be grouped into two major divisions: Tertiary and Quaternary. The Tertiary rocks are represented by a small exposure of Mio-Pliocene rocks (Baripada Bed) around Baripada town while the Quaternary is represented by many residual products of weathering (laterite, bauxite, china clay etc) and coastal alluvia in the coastal plains and river valleys.

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The Stratigraphic succession of the area on regional basis can be given as follows:

Type of Lithology	Geological Horizon	Age
Sand, silt and clay	Debi - kuakhai stage (fluvial)	Upper Holocene recent age
Coastal sand deposits with a variety of recent marine shells e.g., <i>Macra</i> sp. etc. with corresponding light colored yellow, yellowish brown sediments without any organic remains of fluvial nature.	Puri formation (Marine stage) prachi - Alaka fluvial stage	Youngest marine horizon. Age of shells by C14 dating about 5000 to 8000 years B.P. Represents fluvial sediments of early Holocene age to upper Ho Holocene age.
Light coloured limestone bearing sediments with fragmented and weathered organic remains (Echinoids, corals) occurring around 20-30 meters depth in Bhagabanpur bore hole with equivalent fluvial deposits.	Bhagabanpur formation (marine) and Burdha-Sukhabhadra fluvial stage	C14 dating of shell fragments show ages of 20,000 to 30,000 year BP. Late Upper Pleistocene
Unconformity		
Dark grey, very coarse to fine grained sediments containing significant quantity of organic shells, e.g., <i>Oliva</i> sp (Gastropoda), <i>Glycimeris</i> sp (Pelecypod) and typical iron silicates oolites	lolapada Bed (Marine) equivalent of Baripada Beds	Pre Deltatic sediments could be of Pliocene age
Unconformity		
Basement rocks, e.g. khondalite, chamockite, gneisses etc. of Eastern Ghats group and sandstones and Carbonaceous shales of upper Gondwana Group.		

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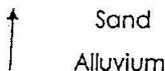
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43 - 26 -



c. Local Geology

The sand deposit in Budha River near Jagannathprasad belongs to recent to sub recent deposits of Holocene age. Beach Sand, younger sand and alluvium also belongs to the same age. The proposed area is occupied by a gently sloping to almost flat deposits of sand. The basement consists of Tertiary deposits and the sequence of litho-units encountered in the auction hold area is as follows:



d. Lithology:

The characteristic features of the litho units of the area are described below:

Sand: The area under reference is covered with grey to white sand deposits with average thickness of 3 m throughout sand part of the lease area. Sand by definition is a loose, incoherent mass of mineral materials and is a product of natural processes. These processes are the disintegration of rocks and corals under the influence of weathering and abrasion. When sand is freshly formed, the particles are usually angular and sharply pointed, but they grow gradually smaller and more rounded as they become constantly worn down by the wind or water. Sand particles tend to settle quite rapidly because of their shape, density and size. Therefore the concentration of sand is highest near the bed of the river and lowest at the surface. Clean sand is indeed a rare commodity on land, but common in sand dunes and beaches.

The composition of sand is highly variable in nature, depending on the local rock types/sources and conditions, but the most common constituent of sand in inland continental and non-tropical coastal

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settings is silica (silicon dioxide or SiO₂), usually in the form of quartz which because of its chemical inertness and considerable hardness, is the most common mineral resistant to weathering.



Alluvium: Decomposed vegetal materials admixed with soil constitutes alluvium which is underlain by the sand bed with some clayey matter.

e. Reserve

The Geological reserve has been estimated by considering the following parameters.

The Geological reserve has been estimated by considering the following parameters.

- i) Outcome of geological mapping: Patches of unexploited river sand occurrences are also observed within the area. The maximum RL of the surface sand zone is around 11.5m.
- ii) It is observed that, the difference in elevation between the highest and lowest points is much less. Gradient of the river is also very low. Therefore, Surface area method has been adopted for estimation of reserve for this river bed sand.
- iii) Thickness of sand zone: The mRL of the surface sand zone is around 11.5m. Considering the observations of thickness of sand bed of the area the maximum possible thickness of sand bed that can be mined out i.e. 3.0 m is assumed as the thickness of sand over the area for estimation of reserve.
- iv) The present document is being prepared for the lessee which would be decided through auction by the competent authority and would require at least 2 to 3 months from now. At that point of time the position and quantity of the present resource of river sand within the area cannot be calculated now. Also, the

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28 -



pattern of sand deposition in the ensuing years as the lease period is impossible to ascertain right now. To overcome this, the total lease area has been considered as potential zone for sand deposition excluding the water channel area if any located within the area (Plate No IV) and Geological resource has been calculated based on this area and the present thickness of sand deposit.

In the absence of any monitored database, it is assumed that 200% of the above calculated resource would be replenished cumulatively within the total QL period of 5 years. Considering the above, the total geological Resource of the QL area for the lease period has been calculated by doubling the above calculated resource.

- v) The resource of river sand over the area has been categorized as probable reserve.
- vi) The foreign particles in the sand such as wood and other floating waste have been considered as waste. However, the volume of waste is negligible in quantity and in practice the waste will not be separated during mining. So recovery factor has been taken as 100% for sand.
- vii) Total volume of excavation of sand is saleable.

Mineable Reserve:

The sand resource within Safety Zone area of 7.5 m barrier all along the proposed area boundary and 10 m barrier around the water channel (if any) present within the proposed area have been excluded from the above calculated geological resource for computation of mineable reserve (Ref. Plate No IV). Besides, 60% of the above computed mineable reserve as above has been taken as available mineable reserve over the area as per MoEF Notification dated 24.01.2018 which can be extracted during the total span of the plan period.

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408 - 29 -



Calculation of Reserve:

Based on the above considerations, site specificity & chemical local parameters, the reserve has been calculated for river bed sand by surface area method.

Formula adopted for calculation of volume of river sand is $V = A \times T \times RF$

Where,

V is total volume of river sand in m³

A is the surface area of occurrence of sand bed.

T is the average thickness of sand bed in m &

RF is recovery factor in %.

The total geological reserve has been estimated as 445500 Cum.

Similarly, the extractable mineable reserve of river bed sand is worked out to be 219305 Cum.

The geological reserve and mineable reserve of sand Quarry calculated are given in table no.1 & 2 respectively as follows:

Table.No.1

CATEGORY WISE GEOLOGICAL RESERVE OF SAND BED

GEOLOGICAL RESOURCE CALCULATION				
AREA OF POTENTIAL SAND ZONE (m ²)	THICKNESS OF SAND (m)	REPLENISHMENT FACTOR (100%)	GEOLOGICAL RESOURCE OF SAND (m ³)	CATEGORY
A	B	C	D= A X B X C	E
49500	3	3	445500	PROBABLE

Table No.2

CATEGORY WISE MINEABLE RESERVE OF SAND BED

MINEABLE RESERVE CALCULATION					
AREA OF POTENTIAL SAND ZONE EXCLUDING SAFETY ZONE (m ²)	THICKNESS OF SAND (m)	REPLENISHMENT FACTOR (100%)	MINEABLE RESERVE OF SAND (m ³)	EXTRACTABLE MINEABLE RESERVE	CATEGORY
A	B	C	D=A X B X C	E= D X 0.6	F
40612	3	3	365508	219305	PROBABLE

Right now, the sand resource available within the source is 18620 m² x 3m = 55860 m³ which is more than the MGQ provided by the Tahasildar.

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- 30 -

CHAPTER -3



10. Mining

a. Whether manual or semi-mechanized or mechanized
Semi Mechanized only. Mining shall be undertaken to extract sand, mainly through an open pit spread over a course devoid of water or nominal water that may be encountered below.

Mining Method:

The mode of the deposit, geomorphology of the area and its hydrological condition are some of the factors that favours the open cast method of mining.

Mining will be done with semi mechanized excavation & loading into Haiwa/trucks for transport to the users' destination. The mining will be undertaken on single shift basis. The local man power shall be engaged in the mine.

b. If semi-mechanized or mechanized, number, type and capacity of machines to be used:

Loading of the sand to transporting vehicles will be achieved through deployment of excavator. The transportation from the River sand bed site to respective users/destinations shall be achieved by Haiwa/trucks. The no. of fleets with their capacity is as below:

Sl. no	Name	Capacity	No. of Fleet
1	Excavator	0.9/2.5 m ³	4/2
2	Haiwa/Trucks	13Cum/6Cum	8/16
3	Safety gears Helmets, safety shoes, Goggles & Hand gloves	-----	As required

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c. Whether drilling and blasting will be made use of, if yes state quantity of explosive consumed:

As such the river bed sand are loose. No drilling & blasting is required.

d. Benching pattern (Height x Width): Benching pattern is not in case of sand, as the angle of repose of sand is 35°, based on this the Ultimate pit slope Limit has been taken as 35°. The maximum depth of mining will be of 3m or up to water table whichever is less.

e. Proposed pit face lay out (Plate No-V):

As there is no existing quarry with the applied area, hence development for five year plan period is proposed accordingly in fresh area. First year is proposed in the western part of the lease area due to presence of accessible road. It will gradually progress towards east in subsequent years of the plan period. The composite year wise development plan for five years has been provided on a scale 1:1000 in Plate-V.

f. Quarry Floor Level (RL) at the end of the year or period of the concession:

8.5 mRL or up to water table whichever is less. The present level of the lease area is 11.5mRL. During plan period, the quarry floor will be 8.5mRL or up to water table whichever is less. The proposed pit lay out have been shown in the development plan and also in Progressive Mine Closure Plan (Ref Plate-V & Plate-VI).

g. Quantity of mineral to be won (Annual Level of Production) :

Total available mineable reserve over the area has been estimated considering the probable zone of occurrence of river sand bed within the proposed area which will be extracted year wise during the plan period. Based on the total extractable mineable reserve, the MGQ has been fixed by the competent authority.

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Table No.3

YEAR WISE PRODUCTION OF SAND BED DURING PLAN PERIOD

YEAR	PRODUCTION (m ³)
1 ST YEAR	43861
2 ND YEAR	43861
3 RD YEAR	43861
4 TH YEAR	43861
5 TH YEAR	43861
TOTAL	219305



h. Quantity of overburden to be removed (Show location of such disposal in development plan) :

Since the river bed sand deposit is devoid of any over burden, development for over-burden does not arise.

i. Whether heavy blasting to be adopted: If yes, location of nearest habitation (to be shown in the surface plan)

No blasting is required for sand mining.

j. Safety precautions to be adopted:

It is suggested to cover the loaded vehicle of river sand very securely by tarpaulin sheet before transportation to the dispatch point.

k. Brief description on the method of Procurement and storage of explosives:

Not applicable.

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- 34 -

CHAPTER -5



12 Mine drainage :

(Give details of total make of water during dry and rainy season and its method of handling)

The shallow depth excavation on dry/nominally wet sand close to the bank or dry river bed has been proposed, which will have negligible or no impact on drainage. Abandoned stream channels on terrace and inactive flood plains have been preferred rather than active channels and flood-plains.

Water that might percolate (if any) into excavation area has to be pumped out to channelize to river course during excavation. Stream will not be diverted to form inactive channel. Mining below subterranean water level will be avoided as a safeguard against any water contamination. Excavation at the concave side of river bank/channel has been avoided to prevent bank erosion.

It is observed from the dug well in the adjacent plain area and in the nearby villages that the ground water table varies between 4m to 8 m from the surface level depending upon seasonal variations. During dry season the water table falls to 8 m from the surface where as during rainy season the water table remains at 4m from the surface. As the mining activities presently proposed are maximum up to 3 m that to within the river course and the total mining operation will be achieved through manual means, so there will be no effect on ground water table.

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20-7-2016
(Sri N. Sahu)
Joint Director Geology
Konejhar

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52 008 - 35 -

CHAPTER -6



13. Mineral Processing : (Give details of processing including sizing, sorting generation of rejects/fines etc)

Sand excavation from the river bed mining is not required to be processed as the end consumer will purchase the sand as such for their requirement.

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30.7.20
(Sri N. Sahu)
Joint Director Geology
Keonjhar

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BIPIN BHARI BHANDAL
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08 - 37 -

CHAPTER - 8



15. Manpower:

a) Supervisory (inclusive of statutory personnel):

1 (one) number of supervisory personnel preferred by Mining Mats with Certificate of Competency from DGMS will be employed.

b) Non- Supervisory (skilled, semi-skilled & unskilled):

Skilled: 10

Semi-skilled-18

Unskilled-25

Total- 54

c) OMS

Total production during plan period : 719305 Cum

Average ore production / annum : 43861 Cum

Working days in the year : 200 days (on an average)

Production per day : $43861/200 = 219$

Output per man shift (OMS) = $219/54 = 4$ Cum

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(Sri N. Sahu)
Joint Director Geology
Keonjhar

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CHAPTER -9



16. Use of Mineral : (Specification and monthly quantity to be dispatched to be furnished)

- a) For domestic use: For construction purpose the sand of BudhaRiver will be used. 43861 Cum of sand per annum is likely to be dispatched by the lessee (auction holder) to domestic and commercial users. It is suggested to cover the loaded vehicle of river sand very securely by tarpaulin sheet before transportation to the dispatch point.
- b) For export: No material will be exported at present.

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N. Sahu
9.07.20
(Sri N. Sahu)
Joint Director Geology:
Keonjhar

CHAPTER -10



17. Mine Closure Plan:

a) Describe the process/activities to be undertaken for Reclamation and Rehabilitation in respect of the following:

i) Mined out land: During plan period the mined out land will be 4.06 ha.

The Balipokhari Sand Quarry, Jagannathprasad comprises of 12.23 acres or 4.95 hectares under Bhandaripokhari Tahasil of Bhadrakh district. The entire area is of river bed and devoid of any forest growth. Since it is a River sand bed and the total mining activities will be confined to the river sand bed, no reclamation measure is proposed for mine closure. Invariably, the total/partial volume of sand extracted in each year will be re-deposited in subsequent years during rainy season. Therefore, only avenue plantation has been proposed @50 saplings per annum on the river bank adjacent to this leasehold.

The existing land use as well as proposed land use of the area is given as below:

Type of land use	Area (Ha)
Quarry Safety zone area	0.89
Potential Mineable surface area within the plan period	4.06
Total	4.95

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Joint Director Geology
20 Keonjhar

BIPIN BEHARACHANDAL
Regional Director



Geo
Consultants
Private Limited

AN ISO : 9001:2008 CERTIFIED COMPANY

Ref. Letter No.158, dated 02.07.2020.

To

The Tahasildar, Bhandaripokhari.
Dist- Bhadrak.



Sub: (1) Calculation of MGQ (Minimum Guaranteed Quantity) from the calculated resources and intimation to us for the preparation of Mining Plans.

(2) Submission of required documents like - Consent Letters, Undertaking, Certificate by the Competent Authority and Demarcation Certificate from the concerned RI, the drafts of which are attached to this letter.

Ref: Your Letter No. 1033 & 1048, dated 25.06.2020 & 29.06.2020

Sir,

As per your above referred letter, we have visited the sources and surveyed the areas through handheld GPS and accordingly, the mineable resource of the minor mineral within the sources calculated by us is mentioned below:

Sl No	Name of the source	Area in Ha.	Extractable Mineable Reserve of sand in the QL for the period of 5 yrs in m ³	Suggestive MGQ in m ³ Per year
1	Balipokhari Sand Quarry, Jagannathprasad	4.95	219305	43861
2	Jhutuna Sand Quarry, Jhutuna	4.20	186165	37233

Therefore, you are requested to intimate the MGQs of these sources and submit the required signed documents in seven hard copies at the earliest for submission of the Mining Plan to respective Authorised Officers for necessary processing.

Thanking you.

For, Geo Consultants Pvt. Ltd.

Chandrabhanu Das, RQP

RQP/OD/001/2015.

BIPIN BEHAR KHANDUAL
RQP/OD/040/2016

CERTIFICATE OF REVENUE INSPECTOR



This is to certify that the area proposed to be...
have been...
where...
...with the...
...of the...

SIGNATURE

BIPIN BEHARY MANDAL
- ROP/CD/.../2016

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CERTIFICATE OF REVENUE INSPECTOR

This is to intimate that the area proposed to be granted for quarry lease in respect of Jagannath Prasad Sand Quarry over 4.95 Ha or 12.23 Acres in village Jagannath Prasad under Bhandaripokhari Tahasil of Bhadrak District, Odisha has been demarcated on hold by me with the help of existing revenue village sheets of the adjoining area for preparation of Mining Plan.

Dated:
Place:

Sd/- Sarat Kumar Jena,
R.I,
14.07.2020

TRUE COPY ATTESTED

ADVOCATE

True Copy Attested

S
Advocate

ANNEXURE B/7



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ODISHA, BHUBANESWAR

Ref. No. 9332/SEIAA

File No. SEIAA-652/09-2020

Date 25.11.2020

To

The Tahasildar, Bhandaripokhari,
Tahasil-Bhandaripokhari,
Dist-Bhadrak

Sub: Proposal for mining of sand from Balipokhari Sand Quarry, Jagannathprasad over an area 12.23 acres or 4.95 Ha at village- Jagannathprasad, Tahasil-Bhandaripokhari, District- Bhadrak of Tahasildar, Bhandaripokhari- Environmental Clearance reg.

Ref: Proposal No: SEIAA-652/09-2020 dated 22.09.2020

Sir,

This is with reference to the application dated 22.09.2020 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 it is a case of minor mineral extraction involving area of less than 5ha. (a B2 category project), and there is no provision at present for filing EC application for such cases 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. The State Govt. vide their letter no.21253/F&E dated 05.11.2019 have requested the MoEF&CC to make necessary provision in the PARIVESH portal to facilitate filing of environmental clearance applications for minor mineral projects before SEIAA in the online mode; but so far the necessary provision has not been given in the said portal.

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

1

[Signature]

[Constituted under the Environment Protection Act, 1986 and Environment Impact Assessment Notification, 2006 vide Notification No. S.O. 1217(E) dated the 8th March, 2019 of Ministry of Environment, Forests & Climate Change, Govt. of India]
Address: 5RF-2/4, Unit-IX, Bhubaneswar - 751022,
Tel: 0674-2540669, E-Mail: selaorissa@gmail.com

25 2019 - 114 -

4. The Tahasildar, Bhandaripokhari who is the lease granting authority in this case is responsible for monitoring strict compliance by the project proponent with the following conditions of grant of environment clearance.
5. The proposed activities in a nut shell are as follows: -
 - a. (This is a proposal for mining of sand from Balipokhari Sand Quarry, Jagannathprasad lying in the Budha River bed located at Village- Jagannathprasad, Tahasil-Bhandaripokhari, District-Bhadrak, over lease area of 12.23 acres or 4.95 Ha.
 - b. The mine area is a part of the Survey of India Toposheet No. F45U5 bounded by Latitude: 20°54'00.03"N to 20°54'06.08"N and Longitude: 86°17'00.16"E to 86°17'18.38"E.
 - c. The mining lease is an identified sairat source in the DSR. The Balipokhari Sand Quarry, Jagannathprasad sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Bhandaripokhari for a lease period of 5 years.
 - d. The mining plan of the mining project prepared on behalf of successful bidder (lessee) has been approved by Joint Director Geology, Keonjhar on 30.07.2020.
 - e. As per the approved mining plan submitted, it is observed that the mineable reserve in the lease area is 55860 cum of sand, when extracted upto a depth of 3.0 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 12.12.2018 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 river bridge is at a distance of 2.0 Km away from the mining lease area.
 - g. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mines 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 3.0 meter with annual extraction of sand not exceeding 43861 cum (maximum production capacity) during the valid lease period.

200 - 45 -

6. 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 5 ha).
7. The proposal is duly appraised by the SEAC in its meeting held on 21.10.2020 and 06.11.2020. The SEAC has submitted the appraisal report and recommended for grant of EC, vide their letter no. 626/SEAC-Misc-02 dated 10.11.2020.
8. The Environmental Clearance is accordingly granted to the proposed activity of sand mining / quarrying which 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.

9. **Stipulated Conditions:**

- 9.1 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 November, 2021 if satisfactory replenishment study report is not submitted.
- 9.2 In the first year i.e. before the rainy season of 2021, the extraction of sand shall not exceed 43861 cum, calculated by multiplying the working area in sqmtr by 3.0 meter depth of excavation.
- 9.3 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 of the above existing structures, and in case of River bridge, this no mining zone shall extend upto 500 meters from the bridge. 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

28 21 - 46 -

- EC. The quantum of sand allowed to be extracted will be worked out on the basis of the actual working area.
- 9.4 The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent.
- 9.5 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.
- 9.6 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.
- 9.7 Any change in the plan, quantity to be produced, or method of mining shall require prior approval of SEIAA.
- 9.8 Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
- 9.9 The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
- 9.10 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 State 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.
- 9.11 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.
- 9.12 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 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.
- 9.13 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

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28
- 02 - 47 -

the approach roads, river banks and in community areas in consultation with the Gram Panchayat.

- 9.14 Water spray should be made on the road/extraction paths to control dust emission during transportation of sand.
- 9.15 The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
- 9.16 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.
- 9.17 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.
- 9.18 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.
- 9.19 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.
- 9.20 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.
- 9.21 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.
- 9.22 A copy of the clearance letter shall be sent by the proponent to concerned Gram Panchayat /Panchayat Samiti /ZilaParasad /Municipal Corporation / Urban Local Body as the case may be.
- 9.23 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.
- 9.24 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.
- 9.25 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.

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48 -

- 9.26 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 clearance besides attracting penal provisions in the Environment (Protection) Act, 1986.
- 9.27 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.
- 9.28 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.
- 9.29 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.

Ulhas
25.11.2020
Member Secretary

Memo No 9433/SEIAA /Dt. 25.11.2020

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. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
4. Deputy Secretary, MM&S Branch of Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.
5. Collector & ADM, Bhadrak, / Sub Collector, Bhadrak for information and necessary action.
6. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
7. Guard file for record.

Ulhas
25.11.2020
Member Secretary

TRUE COPY ATTESTED

ADVOCATE

True Copy Attested

S. Jambh
Advocate

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- 49 -

FORM - F
Intimation to Successful Bidder
[See rule 10(11), 16(9), 27(6)]

Letter No.....736.....

Dated.....19/03/21.....

From

Tahasildar,
Bhandaripokhari Dist. Bhubaneswar

To

Sri Subhramshu Sekhari Padhi
S/O. Nityan ch. Padhi, Plot No. 3840
Bariyunda, P.S. Manchewara, BBSR.

Sub: Intimation to successful bidder.

Sir/Madam,

This is to intimate that you have been selected as the successful bidder for the prospecting License-~~cum~~ mining lease/~~mining lease~~/ quarry lease (strike off the lease not intended for) described below, namely:—

Baitarani River Sand Quarry at N2-Jagannathprasad
Khata No. 799 Pl. No. 1652/2734 A 12.20 Lease Period 2021-22 to 2025-26

(Name of lease, area, period of lease) based on your application for the said lease the amount of additional charge bid by you and accepted is Rs. 1218K per ~~tonne~~/cubic meter (strike off whichever is not applicable). The mining plan and the environment clearance for the said lease has been obtained/ ~~has not been obtained~~ (strike-off whichever is not applicable). The tentative selection is subject to the provisions of the OMMC Rules, 2016 and to the terms and conditions annexed with this letter.

You are directed to convey your acceptance to the terms and conditions and to deposit an amount as prescribed under rule 10~~(2)~~ & 13~~(1)~~ 16~~(10)~~ & 17(7) & (9) (strike-off whichever is not applicable) Proof of deposit of the aforesaid amount along with acceptance should reach the undersigned within fifteen days of the date of issue of this letter failing which this intimation shall stand automatically revoked without any further notice and the earnest money shall stand forfeited.

You are also directed to execute deed in respect of the prospecting license-~~cum~~ mining lease/~~mining lease~~/ quarry lease (strike-off whichever is not applicable) for the aforesaid area within the period specified in sub-rule (1) of rule 43 of the Odisha Minor Mineral Concession Rules, 2016

True Copy Attested

Yours faithfully Sanda
Advocate

Encl : 4 (Four) pages.

Subhramshu Sekhari Padhi

19/3/21
Tahasildar, Bhandaripokhari
(Competent Authority)

IN THE HIGH COURT OF ORISSA: CUTTACK

(ORIGINAL JURISDICTION CASE)

W.P (C) No. 14046 of 2021

Code No.

Sanjeev Parida & others ... Petitioner

-Versus-

State of Odisha & others Opp. Parties

I N D E X

Sl No.	Description of documents	Pages
1.	WRIT PETITION.	1 to 21
2.	<u>Annexure-1</u> Copy of the of the notice dt.3.3.2021.	22-23
3.	<u>Annexure-2 & 3</u> Copy of the corrigendum issued by way of Notification No.584 dt.4.3.2021 and the publication of the said notification in the district portal dt.8.3.2021.	24-30
4.	<u>Annexure-4</u> Copy of the sketch map of the river and the area notified for sand mining operation.	31
5	<u>Annexure-5</u> Copy of the of the letter issued by the Asst. Executive Engineer, Akhuapada Irrigation Division dt.10.3.2021.	32

Total
24 pages

6	<u>Annexure-6</u> Copy of the representation given to the collector dt.12.3.2021.	33-35
7	<u>Annexure-7</u> Copy of the application submitted by the petitioner No.1 dt.17.3.2021	36-37
8	<u>Annexure-8</u> Copy of the letter No.9450/WE dt.19.3.2021 issued by the OP No.4.	-38-
9	<u>VAKALATNAMA</u>	

CUTTACK

DATE /04/2021

NIROD KUMAR SAHU
ADVOCATE
ENROLLMENT NO.
0-239/86
Ph No. 9937167902

IN THE HIGH COURT OF ORISSA: CUTTACK

(ORIGINAL JURISDICTION CASE)

W.P (C) No. 1310 of 2021

Code No.

In the matter of:

An application under Article 226 & 227 of the Constitution of India.

AND

In the matter of:

An application under the provisions of Odisha Minor Mineral Concession Rules, 2016.

AND

In the matter of:

An application challenging the Notification No. 584 issued by the Tahasildar dated 04.03.2021 by way of corrigendum declaring the river bed of Baitarani near village Jagannathprasad as a sand sairat source and putting the same into auction, by contravening the provisions of the OMMC Rule, 2016 and by overlooking the genuine grievance of the villagers of six Grampanchayats who are residing near 'Balipokhari Escape', where the sand is proposed to be lifted by way of the impugned auction.

AND

In the matter of:

1. Sanjeev Parida, aged about 56 years,
son of Judhistir Parida, Village/PO-
Kumbharia, P.S. Bhandaripokhari,
Dist.- Bhadrak.
2. Smt. Ranjulata Sethi, aged about 40 years,
W/o. Gagan bihari Sethi, Sarapanch
Balipokhari Gram Panchayat, At- Balipokhari,
PO: Paramanandapur, P.S. Bhandaripokhari,
Dist. - Bhadrak.
3. Pravat Kumar Jena, aged about 44 years,
S/o. Krushna Chandra Jena, At/PO: Khumharia,
P.S. Bhandaripokhari, Dist.- Bhadrak.
4. Prasanna Kumar Barik, aged about 66 years,
S/o. Bansidhar Barik, At-Jagannath Prasad,
PO: Akhuapada, P.S. Bhandaripokhari,
Dist.- Bhadrak
5. Bimal Kumar Mohapatra, aged about 56 years,
S/o. Abhaya Kumar Mohapatra,
At-Jagannath Prasad, PO: Akhuapada,
P.S. Bhandaripokhari, Dist.- Bhadrak.
6. Bibhu Ranjan Das, aged about 62 years,
S/o: Dinabandhu Das, At-Jagannath Prasad,

PO: Akhuapada, P.S. Bhandaripokhari,

Dist.- Bhadrak.

7. Kanhu Charan Mohanty, aged about 74 years,

S/o. late Musei Mohanty, At/PO: Khumharia,

P.S. Bhandaripokhari, Dist.- Bhadrak.

8. Indramani Swain, aged about 48 years,

S/o. Nityananda Swain, At/PO: Khumharia,

P.S. Bhandaripokhari, Dist.- Bhadrak.

9. Pradip Nayak, aged about 38 years,

S/o. Nakuli Nayak, At/PO: Khumharia,

P.S. Bhandaripokhari, Dist.- Bhadrak.

10. Ramakanta Sahoo, aged about 55 years,

S/o. Babaji Sahoo, At/PO: Khumharia,

P.S. Bhandaripokhari, Dist.- Bhadrak.

11. Bishnu Charan Sahoo, aged about 48 years,

S/o. Nakula Sahoo, At- Mantapur,

PO: Paramanandapur, P.S. Bhandaripokhari,

Dist.- Bhadrak.

12. Rabindra Kumar Sahoo, aged about 51 years,

S/o. Late Bansidhar Sahoo, Vill- Balipokhari,

PO: Paramanandapur, P.S. Bhandaripokhari,

Dist.- Bhadrak.

..... Petitioners

-Versus-

1. State of Odisha, represented by the Secretary,
Revenue & Disaster Management Department,
Government of Odisha, At- Secretariat Building,
At /P.O. /P.S.- Bhubaneswar, Dist. - Khurda.
2. Collector, Bhadrak,
At /P.O. /P.S. / Dist.- Bhadrak.
3. Tahasildar, Bhandaripokhari,
At /P.O. /P.S. - Bhandaripokhari,
Dist- Bhadrak.
4. Engineer-in-Chief, Water Resource
Department, At/PO: Bhubaneswar,
P.S. Bhubaneswar, Dist.- Khurda.

..... Opp.Parties.

The matter out of which the present writ
petition arises was never before this Hon'ble
Court in any form whatsoever.

To

The Hon'ble the Chief Justice of Orissa High Court
and His Lordship's other companion justices of the said
Hon'ble Court.

Opp.Parties.

The humble petition of the
above named petitioners;

MOST RESPECTFULLY SHEWETH:

1. That, the petitioners are the residents of Balipokhari Grampanchayat and are challenging the illegal and arbitrary action of the opp.party No.2 & 3, who have issued the impugned auction notice by declaring the river bed of Baitarani abutting to the 'Balipokhari Escape' as the sand sairat source and putting the same into public auction for lifting up the sand near to the said escape is highly illegal, contrary to the procedure provided under the relevant provisions of the OMMC Rule, 2016. Moreover, the issuance of the impugned notification by declaring Khata No.779, Plot No.1053/2734, area Ac.12.20 dec. (Kisam-Nadi) in Sairat Case No.18 of 2020 as a sand sairat source by overlooking the genuine interest of the inhabitants of six Panchayats is completely illegal and as such is liable to be quashed. The geographical condition of the area involved in the plot in question which has been notified to be a sand sairat source is situated adjacent to the 'Balipokhari Escape', a flood water

clearing by-pass. If the sand of the river nearer to the aforesaid water escape is lifted by engaging the contractor for five years, certainly the water escape will be seriously damaged or would be completely washed-out during the flood in the river, as a result of which the life and livelihood of the inhabitants of six panchayats namely Balipokhari, Ranjit, Napanga, Malada, Solampur & Rahania will be at stake.

After construction of the Balipokhari Escape for release of the surplus water during the flood, the river bed of Baitarani near to such escape was never put to auction, keeping in view the safety of the water Escape. But, for this year, the opp.party No.2 & 3 in order to execute the vested interest of some of the political people have put the aforesaid plot into auction by declaring as sand sairat source without conducting any survey by consulting with the Water Resource Department, though, Rule-30 of the OMMC Rule, 2016 clearly provides that incase of grant of quarry leases for river bed sand mining, specific river stretches shall be identified and quarry lease shall be granted stretch wise. The competent authority in consultation with the local officials not below the rank of Asst. Engineer of Water Resource Department shall workout

appropriate safety zone, taking into account the structural parameters, location aspects, flow rate etc. for carrying out mining operation in proximity with any bridge or embankment. In view of the aforesaid express provision provided under the rule before grant of sand mining quarry lease in the river bed and carrying out mining operation in proximity with any bridge or embankment, the consultation with the local officials not below the rank of Asst. Engineer of the Water Resource Department is a sine quo non to be fulfilled. In the present case, as would be revealed from the materials on record, the opp.party No.2 & 3 without consulting with technical persons under the Water Resource Department has allowed to carry-out the mining operation adjacent to the 'Balipokhari Water Escape' by issuing the impugned notification dt.4.3.2021 under Annexure-2. This action of the opp.party No.2 & 3 being contrary to law, against the mandatory provision of the OMMC Rule, 2016 and vitiated with arbitrariness, the same shall deserve to be quashed.

2. That the petitioners are the permanent residents of village Balipokhari, Jagannathprasad, Kumbharia under Balipokhari Grampanchayat in the district of Bhadrak, hence, citizens of India and the cause of action for filing of the writ application arose within the territorial jurisdiction of this Hon'ble Court.

3. That the petitioners are the resident of Balipokhari Grampanchayat and are residing just below the embankment of river Baitarani. Though the major part of the Balipokhari Panchayat and five other Panchayats i.e. Ranjit, Napanga, Malada, Solampur & Rahania are used to affected in the flood in river Baitarani every year, by construction of the Balipokhari water escape in the embankment of Baitarani near to their village they are being prevented from the severity of the flood water. After construction of this concrete water escape, for last 30 years, the sand generated in the river bed near to the aforesaid water escape was never put to auction declaring the same as a sand sairat source and no sand mining operation was ever conducted abutting to the water escape. The sand mining operation was not allowed to

be conducted at the vicinity of the 'water escape' in question keeping in mind, the safety of the said Escape and life of the people residing nearer to such 'water escape'.

4. That by taking the safety of the 'water escape' in to consideration, though the auction of the mining operation near to the water escape was prohibited for last 30 years, but for this year, the District Collector and the Tahasildar, Bhandaripokhari (OP No.2 & 3) being instigated by some of the local ruling party political leaders suddenly made a notification vide Notification No.517 dt.3.3.2021 declaring the river bed of village Jagannathprasad consisting of 219305 q.lt as sand sairat source and applications were invited from the intending bidders to participate in the auction by dropping the application in 'Form-J' in the drop box with necessary documents from 3.3.2021 to 15.3.2021. It was further stated in the said notice that the application of the bidders will be opened on 16.3.2021 and it will be scrutinized in presence of all the applicants and the highest bidder of the sand source will be decided. On bare reading of this notification, it is absolutely clear that the Tahasildar while

making such notification had not followed the provisions as provided under Rule-27, 28, 29 & 30 respectively. No publication in two local news papers as required under Rule-27 was made before issuance of such notice, no khata number or plot number was given in this notification marking the area from which they intended to take up the quarry operation, no technical survey was conducted as per Rule-30 (3) of the OMMC Rule, 2016.

The copy of the notice, dt.3.3.2021 is annexed herewith as Annexure-1.

5. That, this process was adopted by the Tahasildar only to accommodate some handful persons without giving due publicity to the said mining operation as required under the law.

6. That, when the opp.party No.3 knew that without giving the Khata no. and Plot no. the notification may not survive under the law, again by issuing a notice on 4.3.2021 by way of a corrigendum, the earlier notice dt.3.3.2021 was cancelled and a fresh notice was issued vide Notification No.584 dt.4.3.2021 without giving due publicity of said notice

as required under Rule-27 of the OMMC Rule, 2016. This notice was only uploaded in the District Portal on 8.3.2021 and the end date of application was given as 15.3.2021. From this document it is quite clear that the opp. parties behind the back of the general public and without bringing it to the notice of the affected persons had attempted to finalize the auction by giving only 07 days time, though the rule clearly provides that the area of the quarry lease and the notification inviting application for grant of such quarry lease through auction shall be published in two daily newspapers: one of which shall be a State Level and other having wide publicity in the area where the lease is located and such notification shall be published at least 15 days before the intended date of inviting application. The aforesaid disputed notification issued by the Tahasildar on 4.3.2021 reflects that Khata No.799, Plot No.1653/2734, area Ac.12.20 dec. covering 43861-Mgq of mineral is to be lifted per annum. This plot incorporated in the corrected notification dt.4.3.2021 is adjacent to the area of Balipokhari 'water escape' for which area the application is invited for long term quarry lease for 05 years.

The copy of the impugned corrigendum issued by way of Notification No.584 dt.4.3.2021 and the publication of the said notification in the district portal dt.8.3.2021 is annexed herewith as Annexure-2 & 3 respectively.

7. That, it is appropriate to bring to the notice of this Hon'ble Court the geographical condition of the disputed area for which the opp.party No.3 had issued the aforesaid notification for sand mining operation. The petitioners have shown the left embankment of the Baitarani river in yellow color, the Balipolhari Escape has been shown in the red color and the river course of Baitarani is shown in the blue color of the sketch map. The plot and the area earmarked in the river bed for sand mining operation is 1653 and 2734 adjacent to the embankment and 'water escape'.

The copy of the sketch map of the river and the area notified for sand mining operation is annexed herewith as Annexure-4.

8. That it is further appropriate to state here that after issuance of this illegal notice dt.4.3.2021, the Asst. Executive Engineer, Akhuapada Irrigation Division under the

Water Resource Department has issued the letter No.46 dt.10.3.2021, where he has advised the Tahasildar to take necessary steps to stop illegal sand lifting from the Balipokhari and nearby areas which is creating panic in the local people and also creates endanger to the stability of the Balipokhari, 'water escape' and threatens the life and property of the adjacent villagers of Bhandaripokhari Block in Bhadrak district.

The copy of the letter issued by the Asst. Executive Engineer, Akhuapada Irrigation Division dt.10.3.2021 is annexed herewith as Annexure-5.

9. That, at this juncture, the villagers by coming to know about the aforesaid illegal notification under Annexure-2 made representation to the Collector for immediate action at his end to stop the auction process taken to lease out the area near Balipokhari 'water escape' with the reason that the auction of minor minerals (sand) of Jagannathprasad-Balipokhari escape under Balipokhari R.I circle may be considered for cancellation in as much as the hip of sand in Jagannathprasad -Balipokhari escape has not been generated

in a day or two rather it is for more than 100 years stock. It is a natural storage; it functions as a natural check to the excess flow of flood water in site of Jagannathprasad -Balipokhari escape to the locality. In the last flood of 1999 and 2011 in the river Baitarani, despite the flow of water in the escape in question, the north embankment of river Baitarani near village Balipokhari, Kumbharia and Korkora was over flown. Due to help of the north-east wind these villagers were narrowly saved because the south canal embankment of Jajpur near Sundarpur and Laxmanpur was washed away. After 1999 and 2011 flood, the district administration of Jajpur has constructed a ring road in south side of Baitarani which restricts the free flow of flood water towards the south side. In this situation if the sand deposited near the escape is lifted through auction for years together that will create another river over the Jagannathprasad -Balipokhari Escape which will cause serious damage to the life and property of the inhabitants of more than five Panchayats. Due to this reason, they prayed to the Collector for cancellation of the auction in question for the greater interest of the community at large.

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The copy of the representation given to the Collector dt.12.3.2021 is annexed herewith as Annexure-6.

10. That the petitioner No.1 by pointing out various irregularities in the notice dt.3.3.2021 under Annexure-1 and the notice dt.4.3.2021 by way of corrigendum under Annexure-2 had submitted the representation to the Tahasildar (OP No.3), the copy thereof to the Collector and the Engineer-in-Chief, Water Resource Department for his intervention in the matter.

The copy of the application submitted by the petitioner No.1 dt.17.3.2021 is annexed herewith as Annexure-7.

11. That in spite of bringing of all the irregularities to the notice of the opp.parties, the opp.parties have continued with the process of auction. The Engineer-in-Chief, Water Resource Department in response to the representation of the petitioner No.1 has wrote a letter to the Collector, (OP No.2) by requesting him to make a joint verification of the alleged side through the functionaries of Revenue & Disaster Management Department, Water Resource Department and

ORSAC and should furnish a detail report to the Department to avoid any unpleasant situation in future.

The copy of the letter No.9450/WE dt.19.3.2021 issued by the OP No.4 is annexed herewith as Annexure-8.

12. That in spite of repeated objection from the general public and in spite of the clear view of the Water Resource Department that any kind of sand lifting from the side of the Balipokhari Water Escape should be stopped to safeguard the life and property and to protect the flood protective embankment from the flood hazards, since the opp.party No.1 & 2 are bent down to lease out the disputed source by way of auction, the petitioners have no option but to approach this Hon'ble Court for its interference in the matter.

13. That in the background of the aforesaid facts, the petitioners humbly beg to submit that the impugned auction notice issued by the opp.party No.2, putting the source into auction is against the mandate of the law in as much as the impugned notice contravenes the provisions of Rule-27 (1) and Rule-30 (3) of the OMMC Rule, 2016. The opp.party No.2 & 3 in view of objection raised by the Water Resource

Department in their letter dt.10.3.2021 and 19.3.2021 as stated above should not have proceeded with the auction of the source without conducting the joint survey as recommended by the Water Resource Department. The aforesaid action of the opp.parties is clearly contravening the provision of Rule-30 (3) of the OMMC Rule, 2016 and as such the impugned notice under Annexure-2 is liable to be quashed.

14. That the petitioners further humbly beg to submit that the lifting of the sand by putting the source into auction and leasing out the same for a period of five years is thoroughly illegal in as much as the position of law is well settled that extracts of alluvial materials from nearest stream bed have a direct impact on the streams physical habitat characteristics. The affected villagers have repeatedly brought to the notice of the authority that if the sand mining operation is allowed to be started near the 'Water Escape' the said extraction would cause serious damage to the water escape and the peripheral embankment causing damage to the life and property of the residents of six Grampanchayats. In

69

view of the aforesaid grievance of the petitioners the competent authority before issuance of the impugned notice putting the river bed in the side of Balipokhari Water Escape into auction should have consulted with the Water Resource Department to workout appropriate safety zone, taking into account the structural parameters and flow rate of water as provided under Rule-30 of the Orissa Mineral Mineral Concession Rule, 2016. Since the impugned notice under Annexure-2 has been issued without making any study as required under the law, the same is unsustainable and as such the impugned notice dt.4.3.2021 under Annexure-2 is liable to be quashed.

15. That as would be revealed from the impugned notice dt.4.3.2021, the same has been issued without complying the mandatory requirement as provided under Rule-27, 28, 29 & 30 of the OMMC Rule, 2016. The impugned notice putting the sairat source into auction having been defective from its very threshold, the same is illegal and deserves to be quashed.

16. That in the aforesaid facts and circumstances, of the matter, the petitioners have no other alternative and efficacious remedy available, but to approach this Hon'ble Court by invoking the extraordinary jurisdiction under Articles 226 & 227 of the Constitution of India.

PRAYER

It is, therefore, prayed that the Hon'ble Court may graciously be pleased to:-

- i) Admit the writ petition;
- ii) Call for the records;
- iii) Issue Rule Nisi, calling upon the opp.parties to show cause as to why the river bed of Baitarani abutting to the Balipokhari Water Escape shall not be kept out of the purview of the auction as sand sairat source;

And further to show cause as to why the auction notice (corrigendum) dt.4.3.2021 issued by the opp.party No.3 under Annexure-2 in respect of Baitarani river sand sairat, Jagannathprasad vide Sairat case No.18/2020-21 shall not be quashed;

And if the opp.parties do not show cause or show insufficient cause, issue a writ in the nature of certiorari in quashing the impugned notice under Annexure-2 as stated above;

And further issue a writ in the nature of mandamus by directing the opp.parties to undertake the technical study as required under Rule-30 by involving the Water Resource Department and declares the river bed of Baitarani near Balipokhari Water Escape of village Jagannathprasad as auction free zone and prohibited area for lifting of the sand from said source.

And pass all other Order/Orders, Writ/Writs, direction/directions which would be deem fit and proper in the ends of justice.

And for this act of kindness, the petitioners as in duty bound shall ever pray.

CUTTACK:

By the petitioners through

DATE:

Advocate



AFFIDAVIT

I, Sri Sanjeev Parida, aged about 56 years, son of Judhistir Parida, Village/PO- Kumbharia, P.S. Bhandaripokhari, Dist.- Bhadrak, do hereby solemnly affirm and state as follows;

- (i) That I am the Petitioner No.1 in this case and have been duly authorized by the other petitioners to swear this affidavit on their behalf
- (ii) That the facts stated above are true to my knowledge.

Identified by

Advocate's clerk

DEPONENT

Certificate

Certified that due to non-availability of cartridge papers this petition has been typed in thick white papers.

Advocate

- 73 -

Annexure - 1

OFFICE OF THE TAHASILDAR, BHANDARIPOKHARI
NOTIFICATION FOR LEASE OF MINOR MINERAL SOURCE
NOTIFICATION NO.517 DATE.03.03.2021

It is hereby bring to the notice of general public that the sand source of village JAGANNATHPRASAD pertaining to Bhandaripokhari Tahasil under Revenue Department of State of Odisha shall be leased out for 219305Qft(Minor mineral,sand) by the Tahasildar, Bhandaripokhari for a period of five years from the financial year 2020-21. The desirous persons intended to apply shall fill up Form-J of OMMC (Amendment) Rules, 2014 in three sets along with the documents. Drop the documents in sealed cover in the Drop Box kept in Tahasil office from 3.3.2021 to 15.3.2021 by 5.00 P.M or send through Post. On 16.3.2021 at 11.00 A.M in presence of the lease applicant or their representatives, the applications will be verified in the office of Tahasildar and the highest bidder will be decided. After expiry of the fixed date and time, no application is to be accepted. Incomplete applications will be rejected. Except Form-J, no other applications will be considered.

Sd/-
Tahasildar,
Bhandaripokhari

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Annexure-1

ତହସିଲଦାର ଉତ୍ତୀରଣପୋଖରୀ କାର୍ଯ୍ୟାଳୟ

ଲଘୁ ଖଣିଜ ବ୍ୟବହାର ଲିଜ ସଜାଣେ ଇସ୍ତହାର

ବିଜ୍ଞପ୍ତି ସଂଖ୍ୟା 517 ତାରିଖ 03.03.2021

ଏତଦ୍ ଦ୍ଵାରା ସର୍ବସାଧାରଣ ଜ୍ଞ ଅବଗତ ନିମନ୍ତେ ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ ଓଡ଼ିଶା ସରକାରଙ୍କ ରାଜସ୍ଵ ବିଭାଗ ଅଧିନସ୍ଥ ଉତ୍ତୀରଣପୋଖରୀ ତହସିଲ ଅନ୍ତର୍ଗତ ଜଗନ୍ନାଥପୁସାଦ ଲଘୁ ଖଣିଜ (ବାଲି) ଖାଦାନ ଟିକ୍ସ 5 (ପାଞ୍ଚ) ବର୍ଷ ନିମନ୍ତେ 219305 ବର୍ଗ ଘନପୁଟ ଲଘୁ ଖଣିଜ (ବାଲି) କୁ 2020-21 ଆର୍ଥିକ ବର୍ଷଠାରୁ ଲିଜ ପାଇଁ ନିମ୍ନ ସାରଣୀ ମୁତାବକ ତହସିଲଦାର ଉତ୍ତୀରଣପୋଖରୀ ଦ୍ଵାରା ନିଲାମ କରାଯିବ ଇଚ୍ଛୁକ ବ୍ୟକ୍ତି ବିଶେଷ OMCC (Amendment) Rule-2014 ର Form-J ପୂର୍ଣ୍ଣ କରି ଏହାର ତିନି କିଟା ସହ ନିମ୍ନଲିଖିତ ଦଲିଲ ସଲଗ୍ନ କରି sealed cover ରେ ଆବେଦନ କରିବେ, ଯାହାକି ନିମ୍ନ ସ୍ଵାକ୍ଷରକାରୀ ଜ୍ଞ କାର୍ଯ୍ୟାଳୟ ରେ ତା 03.03.2021 ରିଖ ଠାରୁ ତା 15.03.2021 ରିଖ ଅପରାହ୍ନ ୯ ଟିକା ସୁଦ୍ଧା ତହସିଲ କାର୍ଯ୍ୟାଳୟରେ ଥିବା Drop Box ରେ ପକାଇ ପାରିବେ କିମ୍ବା ତାଙ୍କ ସୋଗେ ପ୍ରେରଣ କରିପାରିବେ । ତା 16.03.2021 ରିଖ ପୂର୍ବାହ୍ନ ୯ 11 ଟିକା ସମୟରେ ଲିଜ ଦରଖାସ୍ତକାରୀ କିମ୍ବା ତାଙ୍କ ପ୍ରତିନିଧି ଉପସ୍ଥିତିରେ ଦରଖାସ୍ତ ଗୁଡ଼ିକ ଉତ୍ତୀରଣପୋଖରୀ ତହସିଲ କାର୍ଯ୍ୟାଳୟ ରେ ତନଖି କରାଯାଇ ସର୍ବୋଚ୍ଚ ନିଲାମଧାରୀ ଛିର କରାଯିବ । ଧାର୍ଯ୍ୟ ତାରିଖ ଓ ସମୟ ଅତିବାହିତ ହେଲା ପରେ କୌଣସି ଦରଖାସ୍ତ ଗ୍ରହଣୀୟ ନୁହେଁ ଅସଂପୂର୍ଣ୍ଣ ଦରଖାସ୍ତ ଗୁଡ଼ିକ ବାଟିଲ କରାଯିବ Form-J ବ୍ୟତୀତ ଅନ୍ୟ କୌଣସି ଦରଖାସ୍ତ ଫର୍ମ କୁ ବିଚାରକୁ ନିଆଯିବ ନାହିଁ ।

(Signature)
 ତହସିଲଦାର, ଉତ୍ତୀରଣପୋଖରୀ

TRANSLATED COPY

OFFICE OF THE TAHASILDAR, BHANDARIPOKHARI

Advertisement for long term lease minor mineral source

CORREIGNNDUM

(Previous notification dt.25.2.2021 and 3.3.2021 for the aforesaid minor mineral source was cancelled)

Notification No.584Date.04.03.2021

It is hereby intimated to the general public that applications are invited to lease out the following minor mineral (sand) source of Bhandaripokhari Tahasil under Revenue and Disaster Management Department for a period of long term five years.

The intending person, after filling up three sets of Form-'M' of Odisha Minor Mineral Concession rules, 2016 and Odisha Minor Mineral Concession (Amendment) Rules 2019 alongwith necessary documents in sealed envelope may send to the Tahasildar, Bhandaripokhari, AVPO: Bhandaripokhari, Dist-Bhadrak, Pin-756120 through Regd. Post/Speed Post or drop in the sealed tender drop box on or before 15.3.2021, 5.00P.M. On 16.3.2021 at 11.00 A.M the applications shall be opened in presence of the applicants or their authorised representatives and there after the process of selection shall be started. The applications which are being received after 5.00 P.M on the scheduled date shall not be considered for the said purpose.

Whereas, if the auction could not be held on the date fixed for any reason, subsequent date having fixed by the authority shall be notified on the notice board of Tahasil Office. If no application is received in the first instance, then for the second time i.e. on 17.3.2021 on or before 5.00 P.M the applications shall be received by following the same process and auction shall be held on 18.3.2021 at 11.00A.M and for third time applications shall be received on 19.3.2021 by 5.00 P.M and auction shall be held on 22.3.2021 at 11.00 A.M.

All informations, date of auction, terms and conditions etc. with regard to auction shall be available in the office of Tahasildar except holiday and Bhadrak district website (www.bhadrak.nic.in) link.

Sd/-

Tahasildar, Bhandaripokhari

- 76 -

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Sl No	Sairat case No & year	Name of Sairat	villago	Khata No	Plot No.	Kisam	Area	MGQ	Minimum Royal ly value (cum)	Minimum additional payment
1	2	3	4	5	6	7	8	9	10	11
1	18/2020-21	Baitarani River Sand Sairat, Jagannath Prasad	Jagannath Prasad	799	1653/2734	River	Ac.12.20	43861	Rs.35/-	Rs.10/-
	19/2020-21	Baitarani River Sand Sairat Jhutuna	Jhutuna	531	1884/2930	River	Ac.10.36	37233	Rs.35/-	Rs.10/-

Memo No.585

Dt.4.3.2021

Copy submitted to the Collector, Bhadrak/ Sub-Collector, Bhadrak for kind information & necessary action.

Sd/-
Tahasilidar, Bhandaripokhari

Memo No.586

Dt.4.3.2021

Copy forwarded to the BDO, Bhandaripokhari/ Executive Officers of all Gram Panchayat, All R.Is of Bhandaripokhari for information and they are requested to publish the same in their notice board.

Sd/-
Tahasilidar, Bhandaripokhari

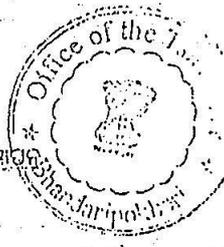
Memo No.587

Dt.4.3.2021

Copy submitted to the D.I.O, NIC, Collector, Bhadrak with request for hosting the copy of the notice in the District website and the same will be displayed in website till date 15.3.2021.

Sd/-
Tahasilidar, Bhandaripokhari

- 23 - 77 -



Annexure - 2

ତହସିଲଦାର, ଉତ୍ତରପୋଖରୀ କାର୍ଯ୍ୟାଳୟ
ଲଗୁ ଖଣିଜ କ୍ରୟ ଉପର ଦାର୍ମ ମିଆଦି ଲିଜ ସୁରକ୍ଷା ବିଧାନ

ଶୁଦ୍ଧ ପତ୍ର
(CORREIGENDUM)

(ପୂର୍ବ ତା 25.02.2021 ଓ 03.03.2021 ରେ ପ୍ରକାଶିତ ଉଚ୍ଚ ଲଗୁ ଖଣିଜ କ୍ରୟ ଉପ ଦାନବଦେ ବିଜୟ କୁ ଭବ କରାଗଲା)
ବିଧାନ ସଂଖ୍ୟା 584 ତାରିଖ 04.03.2021

ଏହାଦ୍ୱାରା ସର୍ବସାଧାରଣ କୁ ଅବଗତ କିମତେ ଜଣାଇ ବିଆହାରଅଛି ଯେ ଓଡ଼ିଶା ଉତ୍ତରପୋଖରୀ ରାଜ୍ୟ ଓ ବିପର୍ଯ୍ୟୟ

ପରିଚାଳନା ବିଭାଗ ଅଧିକାରୀ ଉତ୍ତରପୋଖରୀ ତହସିଲ ଅନ୍ତର୍ଗତ ନିମ୍ନ ସୂଚି ପ୍ରଦତ ଲଗୁ ଖଣିଜ (ବାଲି) ଉପ ଖାଦାନ ନିକୁ 5
(ପାଞ୍ଚ) ବର୍ଷ ନିମନ୍ତେ ଦିର୍ଘ ମିୟାଦ ଲିଜ ଦୁକ୍ରେ ନେବା ପାଇଁ ବରଖାସ୍ତ ଆବୁନ କରାଯାଇଅଛି ।

ଉତ୍ତର କ୍ୟାଡି ବିଶେଷ ଓଡ଼ିଶା ଲଗୁ ଖଣିଜ କ୍ରୟ ଶିଫ୍ଟ ନିୟମାବଳୀ-2016 ଓ ଓଡ଼ିଶା ଲଗୁ ଖଣିଜ କ୍ରୟ ଶିଫ୍ଟ
ନିୟମାବଳୀ (ସଂଶୋଧନ)-2019 ରେ ବର୍ଣ୍ଣିତ ଡିନି କିଟା Form-M ପୂରଣ କରି ତତ୍ ସହିତ ନିମ୍ନ ଲିଖିତ ଆବଶ୍ୟକିୟ ଜାଗରତ
ସଂଲଗ୍ନ କରି ଜଗ ମୂଳ ଲିପାପାରେ Regd.post/ Speed post କରିଆରେ ତହସିଲଦାର ଉତ୍ତରପୋଖରୀ, ସା/ପୋ-
ଉତ୍ତରପୋଖରୀ ଡି- ଉତ୍ତର ପିନ-756120 କୁ ଠିକଣାରେ କିମ୍ବା ତହସିଲ କାର୍ଯ୍ୟାଳୟରେ ଉଦ୍ଦିଷ୍ଟ sealed Tender Drop
Box-ରେ-ଉପ-ସଂଶୋଧିତ-ବିଜୟ-ପ୍ରକାଶନ-ତାରିଖ-ପରଦିନ. ଠାରୁ ଆସନ୍ତା ତା-15.03.2021- ଦିନ- 5- ଘଟିକା-ସୁଦ୍ଧା
ପକାଇପାରିବେ (ଛୁଟି ଦିନ ବ୍ୟତିତ) । ଲିପାପା ଉପରେ ସୈରାତ କେଶନ ଓ ଉତ୍ତର ନାମ ଉଲ୍ଲେଖ ହୋଇଥିବା ଆବଶ୍ୟକ । ପ୍ରାପ୍ତ
ବରଖାସ୍ତ ଗୁଡ଼ିକ ତା 16.03.2021 ରିଖ ଦିନ 11 ଘଟିକା ସମୟରେ ବରଖାସ୍ତକାରୀ କିମ୍ବା ତାଙ୍କ ସମତାପ୍ରାପ୍ତ ପ୍ରତିନିଧି କ
ଉପସ୍ଥିତରେ sealed Tender Drop Box ଖୋଲା ହୋଇ ତତ୍ତ୍ୱପୂର୍ଣ୍ଣ ଆରମ୍ଭ କରାଯିବ । ନିଲାମ ଧାର୍ଯ୍ୟ ତାରିଖ ପୂର୍ବ ଦିନ
ଅପରାହ୍ଣ 5 ଘଟିକା ପରେ ପ୍ରାପ୍ତ ହୋଇଥିବା ବରଖାସ୍ତ ଗୁଡ଼ିକ ବିଚାରକୁ ନିଆଯିବ ନାହିଁ ।

ଯଦି କୌଣସି କାରଣରୁ ଧାର୍ଯ୍ୟ ତାରିଖ ଓ ସମୟ ମଧ୍ୟରେ ନିଲାମ ନହୋଇପାରିଲା ତେବେ ପରବର୍ତ୍ତୀ ନିଲାମ ତାରିଖ
କ୍ଷମତା ସମ୍ପର୍କ ଅଧିକାରୀ କୁ ଦ୍ୱାରା ଶିଳା କରାଯାଇ ତହସିଲ କାର୍ଯ୍ୟାଳୟ ନୋଟିସ ବୋର୍ଡରେ ଜଣାଇନିଆଯିବ । ଯଦି ପ୍ରଥମ
ବିଧାନେ କୌଣସି ନିଦିଷ୍ଟ ସୈରାତ ଉପ ପାଇଁ କୌଣସି ବରଖାସ୍ତ ଗ୍ରହଣ କରାଯାଇନଥିବ ତେବେ ଦ୍ୱିତୀୟ ବିଧାନ ଅର୍ଥାତ ତା
17.03.2021 ରିଖ ଅପରାହ୍ଣ 5 ଘଟିକା ସୁଦ୍ଧା ଉପରୋକ୍ତ ପ୍ରକାଶିତ ବରଖାସ୍ତ ଗ୍ରହଣ କରାଯାଇ ତା 18.03.2021 ରିଖ ବିଧାନ
11 ଘଟିକା ସମୟରେ ନିଲାମ ପଦ୍ଧତୀ ସଂଶୋଧନ କରାଯିବ ଓ ତୃତୀୟ ବିଧାନ ଅର୍ଥାତ ତା 19.03.2021 ରିଖ ଅପରାହ୍ଣ 5 ଘଟିକା
ସୁଦ୍ଧା ଉପରୋକ୍ତ ପ୍ରକାଶିତ ବରଖାସ୍ତ ଗ୍ରହଣ କରାଯାଇ ତା 22.03.2021 ରିଖ ବିଧାନ 11 ଘଟିକା ସମୟରେ ନିଲାମ ପଦ୍ଧତୀ
ସଂଶୋଧନ କରାଯିବ । ନିଲାମ ସମ୍ପର୍କୀୟ ସମସ୍ତ ତଥ୍ୟ, ସର୍ତ୍ତାବଳୀ ଓ ନିଲାମ ଧାର୍ଯ୍ୟ ତାରିଖ ଉତ୍ତରପୋଖରୀ ବାବଦରେ ତହସିଲ
କାର୍ଯ୍ୟାଳୟରେ (ଛୁଟିଦିନ ବ୍ୟତିତ) ସମସ୍ତ କାର୍ଯ୍ୟ ବିବସରେ ଉପଲବ୍ଧ ହେବ ଏବଂ ଉତ୍ତର ଜିଲ୍ଲା Website
(www.bhadra.nic.in) link ମାଧ୍ୟମରେ ମଧ୍ୟ ସମସ୍ତ ସୂଚନା ପାଇପାରିବେ ।

(Signature)
ତହସିଲଦାର, ଉତ୍ତରପୋଖରୀ
TAHASILDAR
BHANDARIPOKHARI

78
24



ଦରଖାସ୍ତ ସହ ଦାଖଲ କରିବାକୁ ଥିବା ଦଲିଲ ଓ କାଗଜାତ

1. ଦରଖାସ୍ତ ଫି ସକାଶେ ଟ 1000/- (ଏକ ହଜାର ଟଙ୍କା) ର ଚେକେରି ତାରିଖ ଆବଶ୍ୟକ
(Head of Account= 0853-non-Ferrous Mining and Metallurgical Industries-102- Mineral Concession Fees, Rent & Royalties) ଦାଖଲ କରିବେ । ଏହି ଦରଖାସ୍ତ ଫି ଫେରସ୍ତ କରାଯିବ ନାହିଁ ।
2. ଦରଖାସ୍ତକାରୀ କ ନାମରେ କୌଣସି ମାଇନିଙ୍ଗ୍ ବାବଦକୁ ବଦେୟା ଦେୟ ନଥିବା ନେଇ ଏକ ସତ୍ୟପାଠ ।
3. ବାର୍ଷିକ ସର୍ବନିମ୍ନ ଧାର୍ଯ୍ୟ ଉତ୍ପାଦନ ପରିମାଣ ଉପରେ ସର୍ବନିମ୍ନ royalty ଓ ସର୍ବନିମ୍ନ ଅତିରିକ୍ତ ଦେୟ ଶତକଡା 5 ଜାରୀ ମୂଲ୍ୟ ଓ EMD (Earnest Money Deposit) ଡିମାଣ୍ଡ ଉପାରିପୋଖରୀ କ ନାମରେ Demand Draft ଦାଖଲ କରିବେ । $EMD=5\% \text{ of Annual MGO} \times (\text{Royalty} + \text{Minimum Addl. Charge})$
4. ଆବେଦନକାରୀ 18 ମାସ ପର୍ଯ୍ୟନ୍ତ ବ୍ୟବଧି ଥିବା original Bank Guarantee / original Solvency Certificate ଦାଖଲ କରିବେ, ଯାହାର ମୂଲ୍ୟ = $\text{Annual MGO} \times (\text{Royalty} + \text{Offered Addl. Charge})$
5. ଆବେଦନକାରୀ ତାଙ୍କର ରାଜସ୍ୱ ଅଧିକାରୀ କ ଠାରୁ ପ୍ରାପ୍ତ ହାବର ସମ୍ପର୍କିତ ତାରିଖା ସଂଲଗ୍ନ କରିବେ ।
6. Income Tax Return ସମ୍ବନ୍ଧିତ ସଂପର୍କିତ ନକଲ ଦାଖଲ କରିବେ ।
7. ଆବେଦନ କରିଥିବା କୌଣସି ଉତ୍ପାଦନ ତପସିଲ ସହ ନଦୀ ଓ ଚୌହଦି ର ସମ୍ପୂର୍ଣ୍ଣ ବିବରଣୀ ପ୍ରଦାନ କରିବେ ।
8. ଅନ୍ୟ ବିଭାଗରୁ ଦାଖଲ କରାଯାଇଥିବା କୌଣସି ଦାଖଲ ଥିବା ସମ୍ବନ୍ଧରେ ସମସ୍ତ ସୂଚନା ଉପରେ ଆଧାର ରଖି ଦାଖଲ କରିବେ ।

ସର୍ତ୍ତାବଳୀ

1. ଆବେଦନକାରୀ ଓଡ଼ିଶା ଖଣିଜ ପ୍ରବ୍ୟାସିନି ଆକ୍ଟ-2016 ଓ Amendment Rule-2019 ନିୟମାବଳୀର ଅନୁଯାୟୀ ପରିସର ଭୁକ୍ତ ରହିବେ ।
2. ସର୍ବୋଚ୍ଚ ଅତିରିକ୍ତ ଦେୟ ନକଲ କରିଥିବା ଆବେଦନକାରୀ କୁ ଲିଜ ପ୍ରଦାନ ନିମନ୍ତେ ଚୟନ କରାଯିବ । ଯଦି ଏକ ରୁ ଅଧିକ ଆବେଦନକାରୀ ସମାନ ମୂଲ୍ୟ ପ୍ରଦାନ କରିଥିବେ ତେବେ ଲାଭଦାୟୀ ମାଧ୍ୟମରେ ଲିଜ ପ୍ରଦାନ ନିମନ୍ତେ ଚୟନ କରାଯିବ ।
3. ଯୋଗ୍ୟ ବିବେଚିତ ଆବେଦନକାରୀଙ୍କୁ ମନୋନୟନର 7 ଦିନ ମଧ୍ୟରେ ନିମ୍ନ ଅଧିକାରୀଙ୍କ ଦ୍ୱାରା ନିର୍ଦ୍ଧାରିତ ଫର୍ମରେ ଜଣାପଡ଼ିଥାଏ । ମୂଳକା ଯାଞ୍ଚକାରୀ 15 ମଧ୍ୟରେ ଆବେଦନକାରୀ ସର୍ତ୍ତାବଳୀ ର ଦାଖଲ ପ୍ରଦାନ କରିବା ସଙ୍ଗେ ସଙ୍ଗେ ନିମ୍ନ ଅଧିକାରୀ କ ଦ୍ୱାରା ଧାର୍ଯ୍ୟ ଅମାନତ ରାଶି ପ୍ରଦାନ କରିବେ । ଯଦି ମନୋନିତ ବ୍ୟକ୍ତି 15 ଦିନ ମଧ୍ୟରେ

TAHASILDAR Bhanjaripokhar



28 - 79 -

ମନୁଷ୍ୟ ପ୍ରଦାନ ନ କରନ୍ତି ଡିମ୍ବା ଉଚ୍ଚ ଅମାତ୍ୟ ଗାଣି ଜମା ନକରନ୍ତି ତାଙ୍କ ଦ୍ୱାରା ଦାଖଲ ହୋଇଥିବା EMD କୁ ବାକ୍ୟାସ୍ତି କରାଯିବ ଓ ବିତାନ୍ତ ସର୍ବାଧିକ ଆବେଦନକାରୀ କୁ ଲିଜ ପ୍ରଦାନ ନିମନ୍ତେ ତୟନ କରାଯିବ ।

ନିଲାମଧାରୀ ଚୟନ ପ୍ରକ୍ରିୟା ସମାପ୍ତ ପରେ ଅସଫଳ ଆବେଦନକାରୀ ଦାଖଲ କରିଥିବା EMD କୁ ପେରସ୍ତ କରାଯିବା ସହିତ ଜର୍ଜି Bank Guarantee ଦାଖଲ କରିଥାନ୍ତି ତାହାକୁ ବିମୁକ୍ତ କରାଯିବ ।

5. ସଫଳ ନିଲାମଧାରୀ Mining Plan ପ୍ରସ୍ତୁତି ଖର୍ଚ୍ଚ ବହନ କରିବା ସହିତ ନିର୍ଧାରିତ ସମୟ ମଧ୍ୟରେ ନିଜ ଶର୍ତ୍ତ ରେ Environment Clearance Certificate and Regional Officer, State Pollution Control Board କୁ ନିକଟରୁ consent to Establish and consent to operate order ହାସଲ କରିବେ ।
6. ଲିଜ ପାଇଁ ଆବେଦନ କରିବା ପୂର୍ବରୁ ଲଘୁ ଖଣିଜ ଖାଦାନଟିକୁ ପରିଦର୍ଶନ କରି ସୈନ୍ଧାତ ପରିଚାଳନା ପାଇଁ ଜମିରା ଜମନ ସୁବିଧା ଗଠିତ ଥିବା ଖଣିଜ ପଦାର୍ଥ ଓ ଅନ୍ୟାନ୍ୟ ଆନୁଷ୍ଠାନିକ ସୁବିଧା ସଂପର୍କରେ ପର୍ଯ୍ୟବେକ୍ଷଣ କରି ଲିଜରେ ଅଂଶ ଗ୍ରହଣ କରିବେ ।
7. ନିଲାମ ପରେ ସୈନ୍ଧାତ ଚଳାଇବା ସଂପର୍କରେ କୌଣସି ଅଭିଯୋଗ ଗ୍ରହଣ ନେବ ନାହିଁ ଡିମ୍ବା କଟୁପକ୍ଷ ଦାୟା ରହିବେ ନାହିଁ ।
8. ଲିଜ ବିଆଦାଉଥିବା ଧାର୍ଯ୍ୟ ସମୟ ଭିତରେ କୌଣସି ପ୍ରାକୃତିକ ବିପର୍ଯ୍ୟୟ ପାଇଁ କଟୁପକ୍ଷ ଦାୟା ରହିବେ ନାହିଁ ।
9. ମାଜୁରିଆ ପାଇଁ ରେ ଚର୍ଚ୍ଚାଧାରଥିବା ବାଣିଜ୍ୟ ସର୍ବନିମ୍ନ ଧାର୍ଯ୍ୟ ଉଦ୍ଦୋଳନ ପରିମାଣ ସହିତ Royalty ଓ ବରଖାତରେ ଚର୍ଚ୍ଚାଧାରଥିବା ଅତିରିକ୍ତ ଦେୟତ ସମସ୍ତ କୁ ଗୁଣନ ନକଲେ ଯେଉଁ ଅର୍ଥ ହେବ ସେହି ଅନୁଯାୟୀ ସରକାରଙ୍କ ସମତ୍ତ ଦେୟ ଯଥା Royalty, Addl. Charge, DMF, EMF, Income Tax, Fees for compensatory afforestation etc. ଦାଖଲ କରିବେ । ଉଚ୍ଚ ଗାଣି ପିଠ ନେଲା ପରେ ଲିଜ ଧାରୀ ଟିକ୍ସ ରେଜିଷ୍ଟ୍ରେସନ ଥାକୁ 1908 ଓ ସାମ୍ପ୍ରାୟ 1899 ଅନୁଯାୟୀ କୁଡ଼ିପତ୍ର (Lease Deed) ସମ୍ପାଦନ କରିବେ ।
10. ଲିଜଧାରୀ ଲିଜ ବାବଦକୁ ଚାୟାଲିଟି ଦେୟତ ଉଚ୍ଚତମ 5 ଭାଗ Environment Management Fund ବାବଦକୁ ତହସିଲଦାରଙ୍କ ପାଖରେ ଦାଖଲ କରିବେ ।
11. ପୁନଶ୍ଚ ନିୟମାବଳୀ ଅନୁଯାୟୀ ଆବଶ୍ୟକ ଗଲେ ସୈନ୍ଧାତ ହୋଇଥିବା ଜମାଗାଣିକୁ ବ୍ୟାଜାସ୍ତ କରିବାର କ୍ଷମତା ପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କର ଗର୍ବିଅଛି ।
12. ଲିଜଧାରୀ ସୈନ୍ଧାତ ଉପର ନିୟମାବଳୀ ସିଲଭ ଦ୍ୱାରା ବାବଦଦେଇ ଶିହତ କରିବେ ଏବଂ ସମସ୍ତ ଚାଳରେ ଏକ Display Board ତିଆରି କରି ସେଥିରେ ସୈନ୍ଧାତ ଉପର ନିୟମାବଳୀ ତଥା ମଞ୍ଜୁର ହୋଇଥିବା ଆର୍ଥିକ ବର୍ଷ ଉଲ୍ଲେଖ କରିବେ ଏ ସବୁ କାର୍ଯ୍ୟ ସମ୍ପାଦନ ଖର୍ଚ୍ଚ ଲିଜଧାରୀ ବହନ କରିବେ ।
13. ଉପରୋକ୍ତ ସମସ୍ତ ସର୍ତ୍ତାବଳୀ ପୂରଣ ହେଲାପରେ କାର୍ଯ୍ୟାଦେଶ ତିଆରିବ । କ୍ଷମତା ପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କ କାର୍ଯ୍ୟାଦେଶ ନ ମିଳିବା ପର୍ଯ୍ୟନ୍ତ ଲିଜଧାରୀ ଉପରୁ ଲଘୁ ଖଣିଜ ଉଦ୍ଧାର ପାରିବେ ନାହିଁ ।

Tahasildar
Ramanagar Pokhari



26 - 80 -

ଯଦି ଉକ୍ତ ଜମାଦାର କୌଣସି ଦୃଷ୍ଟି ପରିଲିଖିତ ବ୍ୟୟ ଦେବେ ତାହା ସଂଶୋଧନ କରିବାର ସମତା ପ୍ରାପ୍ତ ଅଧିକାରୀଙ୍କ ଉପସ୍ଥିତିରେ ।

15. ଲିଜିଆରାକୁ ରୟାଲିଟି ସହିତ ନିର୍ଦ୍ଧାରିତ Source Rent & Dead Rent ମଧ୍ୟ ଥିଏଠ ଲଗିବାକୁ ପଡ଼ିବ ।
16. ଲିଜି ବିଆଯାଇଥିବା ଧାର୍ଯ୍ୟ ସମୟ ଭିତରେ କର୍ତ୍ତୃତଃ କୌଣସି ପ୍ରାକୃତିକ ବିପର୍ଯ୍ୟୟ ପାଇଁ ଦାୟା ରହିବେ ନାହିଁ ।
17. କୌଣସି କାରଣ ନ ଦର୍ଶାଇ ନିଲାମ ପରିବର୍ତ୍ତନ ତଥା ବାଟିଲ କରିବାର ସମତା ଅଧିକାରୀଙ୍କ ପାଖରେ ସଂଗ୍ରହଣ ଅଛି ।
18. ନିଲାମ ପ୍ରକ୍ରିୟା ସମୟରେ ସମସ୍ତ ଆବେଦନକାରୀ COVID-19 ନିୟମ ଅନୁଯାୟୀ କରିବାକୁ ବାଧ୍ୟ ହେବେ ।

୩୧/୩/୨୧
ତହସିଲଦାର, ଭଣ୍ଡାରିପୋଖରୀ

କ୍ରମ	ଦୈନିକ କେଶ ନଂ ଓ ବର୍ଷ	ଦୈନିକ ଜମା ନାମ	ମୌଜା	ଖାତା ନଂ	ପୂର୍ବ ନଂ	ଜିସମ	ଉତ୍ପାଦ	MGQ	ମର୍ଚ୍ଚନା ମୂଲ୍ୟ (cum)	ସର୍ବନିମ୍ନ ଅତିରିକ୍ତ ଦେୟ
1	2	3	4	5	6	7	8	9	10	11
1	18/2020-21	ଦୈନିକ ଜମା ନାମ, ଭଣ୍ଡାରିପୋଖରୀ	ଭଣ୍ଡାରିପୋଖରୀ	799	1653/2734	ନଦୀ	12.20	43267	Rs35/-	Rs 10/-
2	19/2020-21	ଦୈନିକ ଜମା ନାମ, ଭଣ୍ଡାରିପୋଖରୀ	ଭଣ୍ଡାରିପୋଖରୀ	531	1884/2980	ନଦୀ	10.38	37233	Rs35/-	Rs 10/-

Memo No 585 Dt. 04.03.2021

Copy Submitted to the Collector, Bhadrak / Sub-Collector, Bhadrak for kind information & necessary action.

୩୧/୩/୨୧
Tahasildar, Bhandaripokhari

Memo No 586 Dt. 04.03.2021

Copy forwarded to the B.D.O Bhandaripokhari / Executive Officers of all Gram Panchayat All R.I.s of Bhandaripokhari Tahasil for Information & they are requested to publish the same in their notice board.

୩୧/୩/୨୧
Tahasildar, Bhandaripokhari

Memo No 587 Dt. 04.03.2021

Copy Submitted to the D.I.O NIC Collectorate, Bhadrak with request for hosting the copy of notice in the District Website and the same will be displayed In Website till date 15.03.2021

୩୧/୩/୨୧
Tahasildar, Bhandaripokhari

୩୧/୩/୨୧
Tahasildar, Bhandaripokhari

TAHASILDAR
BHANDARIPOKHARI



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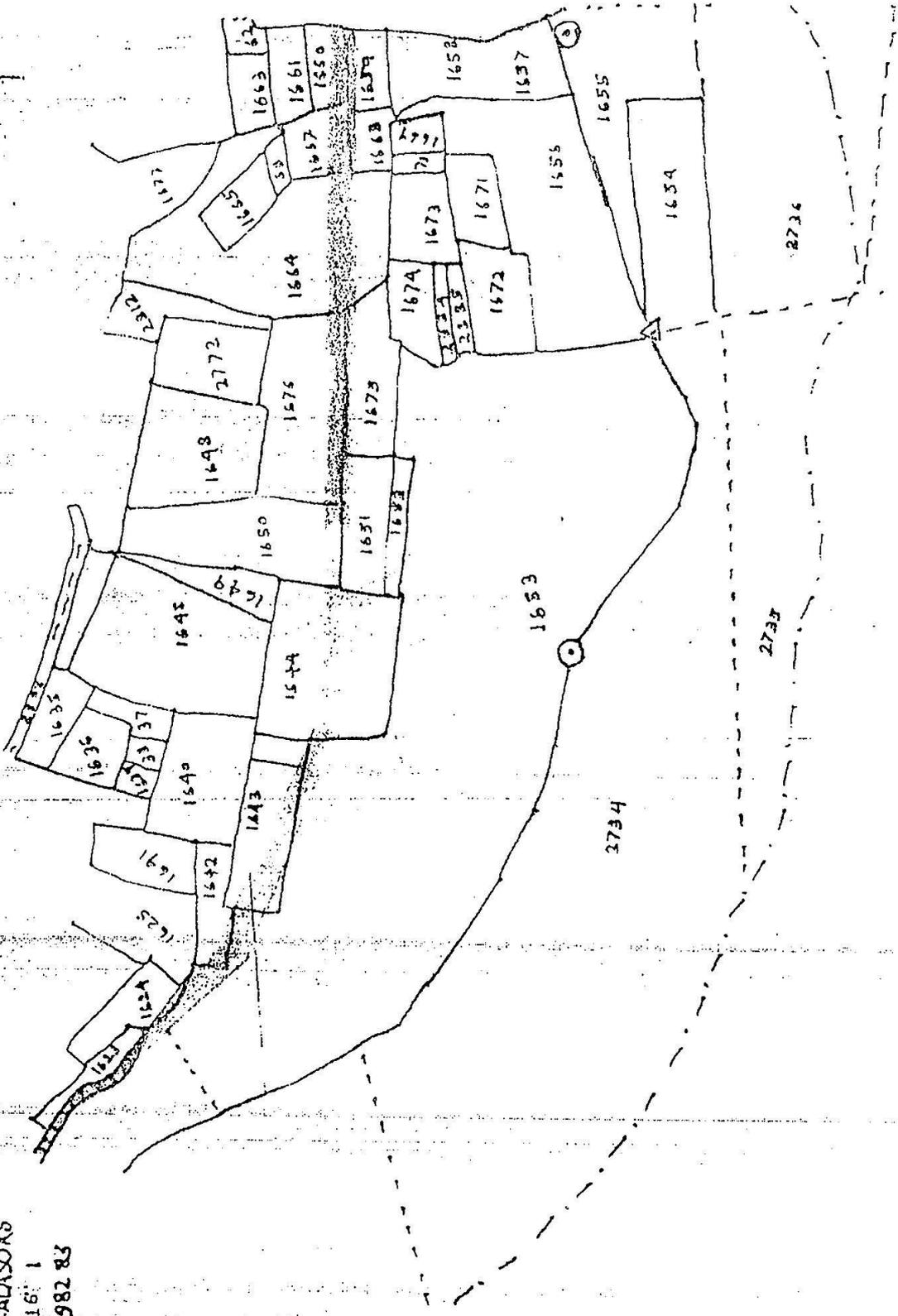
Title	Description	Start Date	End Date	File
Baudpur Sand Sattrac Source lease :Office Of The Tahasildar, Bhadrak	Tenders are invited by the Office of The Tahasildar, Bhadrak for long term lease of Baudpur sand sattrac source.	09/03/2021	24/03/2021	View (1 MB) PDF
Tender Call Notice, Office Of The Child Development Project Officer, Dhamnagar, Bhadrak	Sealed Tenders are invited from the intending registered firms for supply of stationary articles to Anganwadi centers under ICDS project, Dhamnagar.	09/03/2021	22/03/2021	View (1 MB) PDF
Tender Call Notice, Office Of The Child Development Project Officer Bhadrak	Sealed Tenders are invited from the intending registered firms for supply of stationary articles to Anganwadi centers under ICDS project Bhadrak.	09/03/2021	22/03/2021	View (2 MB) PDF
Compendium, Tahasil, Bhandarpokhari	compendium to Tenders are invited by the Office of The Tahasildar Bhandarpokhari, Bhadrak for five years lease of Jhucana and JAGANNATH PIRASAD sattrac source.	08/03/2021	15/03/2021	View (2 MB) PDF
Allocation of 24 Completed Shop room near Nayakondilhi Market :RMC Bhadrak	Application are invited from Shopkeeper vide Notice NO.349 for allocation of 24 completed Shop room on monthly rent basis in the Nayakondilhi Market.	04/03/2021	22/03/2021	View (4 MB) PDF

AAAKKOR

88-30-62

BANTARANI LEFT EMEAN: MEET - SHOWN IN YELLOW
BALI POKHRI: ESCAPE SHOWN IN RED
BANTAPARI RIVER - SHOWN IN BLUE

MUNZA - CHANNATHIPRASAD (SHEET No.1)
THANA - WAND - BHOOGARI NO. 123
TAHSEEL - CHHANNESAR NO. 130
ZILLA - PALASOR
YEAR 1982-83



Handwritten signature or mark at the bottom right of the page.

OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER
AKHUAPADA IRRIGATION SUB-DIVISION, AKHUAPADA

Letter No. 46 // Dated 14/3/2021

To: The Tahasildar,
Bhandarpokhari, Bhadrak.

Sub: - Illegal lifting of sand from Ballpokhari.

Sir, In inviting a reference to the subject cited above, I like to inform you that the Ballpokhari escape is located on the left embankment of river Ballpokhari. Ballpokhari escape is used to escape excess of flood water during flood from river Ballpokhari. Large quantity of sand has been deposited at the nearby areas of Ballpokhari escape since long which divert the flow of flood and protects the Ballpokhari escape and the embankments from flood hazards.

Some miscreants lifting sand from the Ballpokhari and nearby areas which is creating panic in the local people and also created endanger to the stability of the Ballpokhari escape, embankments and threatens the life and property of the adjacent villagers of the Bhandarpokhari Block in Bhadrak District.

So, necessary steps may be taken to stop the illegal sand lifting from the Ballpokhari and nearby areas for the safeguard of the Ballpokhari escape, flood protective embankments and the life and property of the nearby villagers from the flood hazards during rainy season.

This is for favour of your information and necessary action.

Yours faithfully,

[Handwritten signature]
18/3/21

Asst. Executive Engineer
Akhuapada Irrigation Sub-Division
Akhuapada

Memo No. // Dated

Copy submitted to the Executive Engineer, Jajpur Irrigation Division, Jajpur for favourable information and necessary action.

Asst. Executive Engineer
Akhuapada Irrigation Sub-Division
Akhuapada

20-84-

Amr...-6

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17.03.2021

TO

The Collector, Bhadrak

Sub: Reconsideration for cancellation of the auction of Minor - Minerals (sands) from Jagannath Prasad - Balipokhari Escape under Jagannath Prasad RI circle of Bhandaripokhari Tahasil.

Sir,

With due respect, we the following signatories of Balipokhari, Nopanga, Ranjit, Malada, Solampur and Rahania Gram-panchayats under Bhandaripokhari Tahashil of Bhadrak district beg to state that auction of minor-minerals (sands) of Jagannath Prasad-Balipokhari Escape under Jagannath Prasad RI circle may be reconsidered for cancellation on the following grounds.

That the heap of sands in Jagannath Prasad - Balipokhari Escape (J-BE) is not of today rather is in more than hundreds of years stock. It is a natural storage. It functions as a natural check to the excess flow of flood water in the J-B escape to the locality.

That in the last flood of 1999 and 2011 in the river Baitarani, despite the flow of water in the J-B escape the North- Embankment of Baitarani near village Balipokhari Kumbharia and Korkara was overflowed. The North East wind helped and these villages were narrowly saved by God when South- Canal Embankment to Jajpur near Sundarpur and Laxmanpur washed away.

That after floods of 1999 and 2011 the District Administration of Jajpur has constructed a ring road in south side of Baitarani around Panasa GP, which restricted the free flow of flood water over Panasa GP. This year, the river bed along with valley is filled up for purposes known to District Administration Jajpur there by making the river narrower.

That in the flood of future in river Baitarani, more water will flow to the North side - in the J-B escape.

That, if the sand-deposit in the Escape is dug by the administration through auction for years together as per tender for infrastructure development in other places then that will create another river over J-B Escape like Kanti Ghai.

That the river will come to the locality and even a flood minuscule will affect lives and properties of villages of two Blocks: Bhandaripokhari and Dhamnagar- of Bhadrak District to a large extent .

Therefore we pray with folded hand as common men co-reconsider for cancellation of the auction of sands from J-B Escape for the greater interest of the community- lives and properties of thousands - in two Blocks (Bhandaripokhari and Dhamnagar) of the District and obliged .

DA - 12/03/2021

Yours

N.B. - Copy to Tahasildar, Bhandaripokhari Tahasil,
Bhandaripokhari

Sarapanch
Ballipokhari G.P.

Rajendra Kumar Mishra
Ganesh Bhatnagar
Anand Kumar Sahasr
Mandakant Rai

Gagan Bihari Sahu
Bibhuranjan Das
Jyoti Prasad Mishra
Durgachand Mahalik
Dibakar Sahoo
Pradeep Kumar Mishra
Kantim Choudhary Mahalik
Pravata Kumar Jena

Anil Kumar Barik
Indramani Swain
Pradeep Nayak
Adha Kumar Barik

Bishnu Prasad Mahalik
Gopi Nath Mahalik
Rajendra Kumar
Hemanta Kumar Mahalik
Durga Kumar Das
Dama Dama Sahoo
Charata Mahalik Sahoo

Manoj Kumar Barik
Naren Choudhary

Kusip Kumar Mahalik
Akhaya Kumar Sahoo
Rajendra Kumar
Rajendra Kumar

Prachinad Saha

Prachinad Saha
Durgacharan Saha
Dhanwan Pradhan

Gangadhar Saha

Pradip Saha

DIMP K. Saha

Panchanan Saha

Pradip Saha

Ganesh Behara

Ganesh Behara
Jitendra K. Saha

Suryam Mishra

Pradip Saha

Pradip Saha

Ramesh Behara

Pradip Saha

Surendra Saha

Biswajit Behera

Pradip Saha

Pradip Saha

Pradip Saha

Pradip Saha

Gobinda Chandrasekhara

Pradip Saha

ANJEEV PARIDA, B.Com, L.L.B

Member, T.A.C., Balasore Telecom District.

At/PO- Kumbharia, Via- Akwapada.

Dist:-Bhadrak, Pin:-756122.

- 87 -
- 23 -

Annexure 7
Phone:- (06728) 222676 (O)
(06728) 222071 (R)
(06786) 235076 (R)

Kumbharia

Date:-17-03-2021

To,

The Tahasildar,
Bhandaripokhari Tahasil.
Bhadrak.

Subject:- Defective and illegal auction for 5 years lease of Baitarani river sand at Jagannath Prasad (Sairat case No.18/20-21) in Bhandaripokhari Tahasil of Bhadrak district.

Sir,

As a concerned resident of Bhandaripokhari Tahasil, I would like to draw your attention to the various irregularities in the captioned auction process, the details of which have been mentioned below.

You had invited a notice No. 517 dated on 03/03/2021 in Bhadrak district web portal ignoring publishing the same in one local newspaper and in another national newspaper.

In the same notice there was no information about the quantity of minor mineral to be auctioned, details of the proposed auction like khata number, Plot Number, Lease Area, Yearly Quantity, Minimum rate of royalty, Minimum Additional rate of royalty and amount of solvency of the bidder.

Subsequently, first corrigendum was published vide letter no 541 on the same date i.e. 03/03/2021 instructing the bidders to be included under the OMMC Rule 2016 and Amendment OMMC Rule 2019 without minimum necessary information to the bidders.

Further, a second and last corrigendum was published vide letter no. 584 dated 04/03/2021 but the same was available in the Bhadrak district portal only on 08/03/2021 with all necessary information which was missing in the previous notice and corrigendum.

Hence, it is to be noted that you have given only one week time i.e. from 08/03/2021 to 15/03/2021 instead of a stipulated time frame of 30 days mentioned as per the Chapter IV clause number 27 sub-clause 1 of OMMC Rule 2016.

It may be further noted that there were 3 non-working days in the provided 1 week time which is technically insufficient for a bidder to acquire necessary documents like solvency certificate, etc. from the appropriate authority. This makes me believe it was done deliberately by the authorities with a malafide intention to facilitate certain bidders to gain undue advantage over other competent bidders.

Recd
18/3/21

OFFICE ADDRESS:- At-Habilli Bazar, P.O:-Jajpur Town, Dist:- Jajpur, Odisha, Pin:-755001

25 - 88 -

Annexure 9

Office of the Engineer-In-Chief, Water Resources,
Odisha, Bhubaneswar

No. Proc-Misc-Petition-LMB-01/20
From

9450/WE

Date: 19.03.2021

Er. Jyotirmaya Rath,
Engineer-in-Chief, Water Resources
Odisha, Bhubaneswar

To
The Collector & District Magistrate,
Bhadrak, Odisha

Sub: Regarding representation received vide letter no. nil dated 17.03.2021 from Sri Sanjeev Parida, At/Po Kumbharia, Via-Akuapada, Dist. Bhadrak.

Ref: (i) Representation of Sri Sanjeev Parida dated 17.03.2021.
(ii) Odisha Sand Policy 2021 of R&DM, Department

Sir,

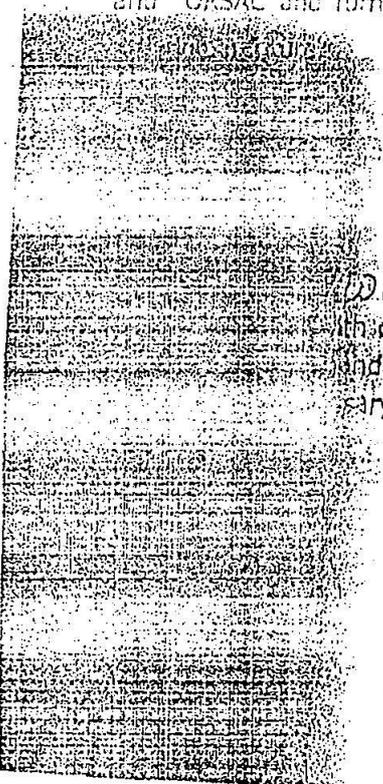
With reference to the subject cited above and in enclosing here with the copies of letters cited under reference, I am to request you to make it convenient for joint verification of the alleged site through the field functionaries of Revenue & DM Department, W.R. Department and ORSAC and furnish a detailed report on the said matter to avoid any unpleasant

Yours faithfully,


Engineer-in-Chief, WR 19/3/21

CC: DDE Dated. 19.03.2021
A copy of representation forwarded to the CE, FC & BM, LMB, BBSR / SE, Sandikhole/ Executive Engineer, Jajpur Irrigation Division, Jajpur for early follow up action.


Engineer-in-Chief, WR 19/3/21



 **SANJEEV PARIDA, B.Com, L.L.B**
Member, T.A.C., Balasore Telecom District.
P.O.- Kumbharla, Via:- Akwapada.
Dist:-Bhadrak, Pin:-756122.

Phone:- (06728) 222676 (O)
(06728) 222076 (R)
(06786) 235076 (R)

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89

Out of many above mentioned irregularities, the most critical irregularity is that could put the lives and livelihoods of six gram panchayat (namely Balipokhari, Ranjit, Napanga, Malada, Solampur and Rahanía) at stake is by not taking a prior approval from the Water Resources Department, which is a clear deviation to Chapter IV Clause 30 Sub-clause 3 of OMMC Rule 2016. This ignorance of not taking technical consultation from the appropriate authorities will result in the collapse of Balipokhari Escape (adjacent and upstream of proposed sand sairat) may leading to devastating floods in the above mentioned six gram Panchayats.

Therefore, it is my humble request to cancel the auction in the better interest of around 1 lakh residents of these six Gram Panchayats to avoid an uprising people's revolution in Bhandaripokhari Tahasil.

Awaiting a positive response from your side.

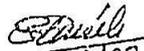
Thanking you!

Yours Truly,


(Sanjeev Parida)

Enclosers:- 1) Copy of the Original Auction notice
2) Copy of 1st corrigendum
3) Copy of 2nd corrigendum
4) Photocopy of screen shut of Bhadrak District Portal.

- 1) Copy submitted to the Collector and District Magistrate, Bhadrak for his kind information and intervention in the matter save guard the live and livelihood of resident of above six Grama Panchayats under Bhandaripokhari Block.
- 2) Copy forwarded to the Sub-Collector, Bhadrak for his kind Information and necessary action.
- 3) Copy submitted to the Engineer-in-Chief, Water Resources Department for his kind intervention in the matter to take of the issue as such Baitani left embankment i.e OAE No-6(abcd)b including Balipokhari Escape is kept secured.
- 4) Copy forwarded to the Executive Engineer, Jajpur Irrigation Division for his kind information and necessary action.


12/03/21
(Sanjeev Parida)

IN THE HIGH COURT OF ORISSA: CUTTACK

I.A No. 6188 of 2021
(Arising out of W.P.(C) No. 14046 of 2021)

In the matter of:

An application under Chapter-VI Rule-27-A of the
Orissa High Court Rules for stay operation of the
notice (corrigendum) No.584 dt.4.3.2021 under
Annexure-2 issued by the opp.party No.3.

AND

In the matter of:

Sanjeev Parida & others ... Petitioners

-Versus-

State of Odisha & others Opp.Parties

To

The Hon'ble the Chief Justice of Orissa High Court
and His Lordship's other companion justices of the said
Hon'ble Court.

The humble petition of the
above named petitioners;



MOST RESPECTFULLY SHEWETH:

1. That, the petitioners by representing the entire villagers of village Jagannathprasad, Balipokhari, Kumbharia have filed the aforesaid writ application for quashing of the impugned auction notice (corrigendum) dt.4.3.2021 under Annexure-2 in respect of Jagannathprasad Sand Sairat mentioned in Item No.1 bearing Sairat Case No.18/2020-21, issued by the Tahasildar (OP No.3). The petitioners have further prayed to issue a writ a mandmous, directing the opp.party No.1 to 3 to declare the river bed near to Balipokhari Water Escape of village Jagannathprasad as auction free zone and prohibited area for lifting of the sand from the said source.

2. That, as would be revealed from the averments made in the writ petition the petitioners have a fair chance of success in the writ petition and the contents made in the writ petition may be treated as a part and parcel of the present I.A for the purpose of considering the application to grant the interim relief.

3. That, if the notice dt.4.3.2021 under Annexure-2 issued by the opp.party No.3, relating to auction of Jagannath Prasad sand sairat source is not stayed, the petitioners will be highly prejudiced and will suffer irreparable loss.

4. That in the aforesaid facts and circumstances of the matter, it is necessary in the interest of justice to pass an order of stay operation of the impugned notice (corrigendum) dt.4.3.2021 under Annexure-2 relating to auction of Jaghannathprasad sand sairat mentioned in Sl. No.1 of sairat case No.18/2020-21 till disposal of the writ application.

P R A Y E R

It is, therefore, prayed that the Hon'ble Court may graciously be pleased to pass an order of stay operation of the impugned notice (corrigendum) dt.4.3.2021 under Annexure-2 relating to auction of Jaghannathprasad sand sairat mentioned in Sl. No.1 of sairat case No.18/2020-21 till disposal of the writ application.

And for this act of kindness, the petitioners as in duty bound shall ever pray.

CUTTACK

DATE:

By the petitioners through

Advocate

AFFIDAVIT

I, Sri Sanjeev Parida, aged about 56 years, son of Judhistir Parida, Village/PO- Kumbharia, P.S. Bhandaripokhari, Dist.- Bhadrak, do hereby solemnly affirm and state as follows;

- (i) That I am the Petitioner No.1 in this case and have been duly authorized by the other petitioners to swear this affidavit on their behalf
- (ii) That the facts stated above are true to my knowledge.

Identified by

Advocate's clerk

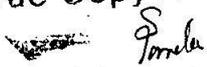
DEPONENT

Certificate

Certified that due to non-availability of cartridge papers this petition has been typed in thick white papers.

Advocate

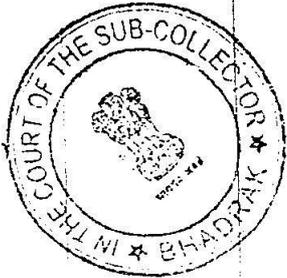
True Copy Attester


Advocate

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021
of Hon'ble High Court in W.P.(c) No.14046 of 2021.

Sl. No. of the Order & date	Orders of the Presiding Officer	Action Taken
1	2	3
30.09.2021	<p align="center"><u>In the Court of the Sub-Collector, Bhadrak</u></p> <p>In the matter of:</p> <ol style="list-style-type: none"> 1. Sanjeev Parida. aged about 56 years. S/O- Judhistir Parida. Village/Po-Kumbharia, PS-Bhandaripokhari, Dist-Bhadrak. 2. Smt. Ranjulata Sethi, aged about 40 years, W/o-Gagan Bihari Sethi. Sarapanch Balipokhari Gram Panchayat, At-Balipokhari, PO: Paramanandapur, PS-Bhandaripokhari, Dist-Bhadrak. 3. Pravat Kumar Jena, aged about 44 years, S/o-Krushna Chandra Jena. At/Po-Khumharia. PS-Bhandaripokhari, Dist-Bhadrak. 4. Prasanna Kumar Barik, aged about 66 years, S/o-Bansidhar Barik. At-Jagannath Prasad. PO-Akhuapada, 5. Bimal Kumar Mohapatra, aged about 56 years, S/o-Abhaya Kumar Mohapatra, At-Jagannath Prasad, PO-Akhuapada, \ 6. Bibhu Ranjan Das, aged about 62 years, S/o-Dinabandhu Das, At- Jagannath Prasad, PO-Akhuapada, 7. Kanhu Charan Mohanty, aged about 74 years, S/o-Late Musei Mohanty, AT/PO-Khumharia, 8. Indramani Swain, aged about 48 years, S/o-Nityananda Swain. At/Po-Khumharia. 9. Pradip Nayak, aged about 38 years, S/o- Nakuli Nayak, At/Po-Khumharia, 10. Ramakanta Sahoo, aged about 55 years, S/o- Babaji Sahoo, At/Po-Khumharia. PS-Bhandaripokhari. Dist-Bhadrak. 11. Bishnu Charan Sahoo, aged about 48 years, S/o-Nakula Sahoo, At- Mantapur, PO-Paramanandapur, PS-Bhandaripokhari, Dist-Bhadrak. 12. Rabindra Kumar Sahoo, aged about 51 years, S/o-Late Bansidhar Sahoo, Vill-Balipokhari, PO-Paramanandapur, PS-Bhandaripokhari, Dist-Bhadrak. Appellants. <p align="center">-Vrs-</p> <ol style="list-style-type: none"> 1. Subhransu Sekhar Padhi, aged 41 years S/o-Narayan Chandra Padhi, House NO.3840, At-Barimud, PS-Mancheswar, Bhubaneswar, Dist-Khorda, PIN-754001. 2. Tahasildar, Bhandaripokhari, At/Po/PS-Bhandaripokhari, Dist-Bhadrak. Respondents. <p>Sri Narayan Prasad Dash, Learned A.G.P.- for Respondent No. 2 Sri Basanta Kumar Das, Learned Advocate- for Appellants. Sri S.B. Panda, Learned Advocate- for Respondent No.1.</p>	



Sub-Collector
BHADRAK

CONTINUATION OF ORDER SHEET

(SEE PARAGRAPH-207 (1) OF ORM)

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021 of Hon'ble High Court in W.P.(c) No.14046 of 2021.

Orders of the Presiding Officer

Action Taken

Sl. No. of the Order & date

2

This Sairat Appeal bearing No.01/2021 (arising out of W.P. (C) No. 14046 /2021) challenging the illegal and arbitrary action of the Respondent No.2 passed in Sairat case No.18/20-21 under Bhandaripokhari Tahasil.

Notice was duly served upon the parties to appear before the appellate authority to adduce their claims.

Short background involved in this case is that impugned notification by declaring Khata No.779.Polt No.1653/2734. area Ac.12.20 decl.(kisam-Nadi) in Sairat Case No.18 of 2020 as a sand sairat source by overlooking the genuine interest of the inhabitants of six Panchayats is completely illegal and as such is liable to be set-aside quashed. The geographical condition of the area involved in the plot in question which has been notified to be a sand sairat source is situated adjacent to the "Balipokhari Escape", a flood water clearing by-pass.

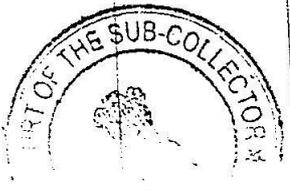
Being aggrieved by the impugned order passed in sairat case No.18/20-21, the appellants taken shelter before the Hon'ble High Court filling W.P.C No. 14046 /2021) praying therein that the impugned order of Tahasildar. Bhandaripokhari be quashed on the ground that the auction notice was not followed the provisions as provided under Rule-27, 28, 29 & 30 of the OMMC Rules, 2016.

Accordingly, the Hon'ble High Court passed order which is as follows:

"In fact when the matter the prayer in the present petition cannot be entertained at this stage. If the petitioners are aggrieved by the award of the sand sairat in favour of the above mentioned successful bidder, it would be open to them to file an appropriate appeal under the OMMC Rules in accordance with law. If such an appeal if filed, not later than 5th July 2021, it will be disposed of in accordance with law by the Appellate Authority after hearing the petitioners as well as the successful bidder by passing a reasoned order, not later than 4th October, 2021. If aggrieved by such order, it would be open to the parties to seek appropriate relief in accordance with law"

Learned Counsel on behalf of Appellants files written Note of Argument along with supporting documents in support of their claim and to quash the said sairat source on the following grounds:

Learned Counsel for appellants contented that the river bed of Baitarani abutting to the "Balipokhari Escape" declaring as the sand sairat source and



Sub-Collector
BHADRAK

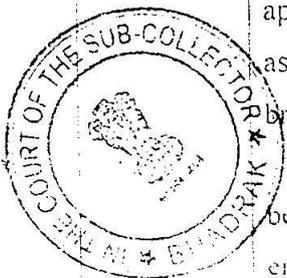
CONTINUATION OF ORDER SHEET - 96 -

(SEE PARAGRAPH-207 (1) OF ORM)

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021 of Hon'ble High Court in W.P.(c) No.14046 of 2021.

Sl. No. of the Order & date	Orders of the Presiding Officer	Action Taken
1	<p style="text-align: center;">2</p> <p>putting the same into public auction for lifting up the sand near to the said escape is highly illegal, contrary to the procedure provided under the relevant provisions of the OMMC Rule, 2016. Moreover, the issuance of the impugned notification by declaring Khata No.779, Polt No.1653 2734, area Ac.12.20 dec. (kisam-Nadi) in Sairat Case No.18 of 2020 as a sand sairat source by overlooking the genuine interest of the inhabitants of six Panchayats is completely illegal and as such is liable to be set-aside/quashed.</p> <p>The geographical condition of the area involved in the plot in question which has been notified to be a sand sairat source is situated adjacent to the "Balipokhari Escape" a flood water clearing by-pass.</p> <p>He further submitted that water escape will be seriously damaged or would be completely washed-out during the flood in the river, as a result of which the life and livelihood of the inhabitants of six panchayats namely Balipokhari, Ranjit, Napanga, Malada, Solampur & Rahania will be at a stake. After construction of the Balipokhari Escape for release of the surplus water during the flood, the river bed of Baitarani near to such Escape was never put to auction, keeping in view the safety of the water Escape. But, for this year, the opp. Party No.2 in order to oblige some of the people have put the aforesaid plot into auction by declaring as sand sairat source without consulting with the water Resource Department, though, Rule-30 of the O.M.M.C. Rule, 2016 clearly provides that incase of grant of quarry leases for river bed sand mining, specific river stretches shall be identified and quarry lease shall be granted stretch wise.</p> <p>The competent authority in consultation with the local officials not below the rank of Asst. Engineer of Water Resource Department shall workout appropriate safety zone, taking into account the structural parameters, location aspects, flow rate etc. for carrying out mining operation in proximity with any bridge or embankment.</p> <p>In view of the aforesaid express provision provided under the rule before grant of sand mining operation in proximity with any bridge or embankment, the consultation with the local officials not below the rank of Asst. Engineer of the Water Resource Department is a sine quo none to be fulfilled. In the present case, as would be revealed from the materials on record,</p>	3



Suo-Motion
BHADRAK

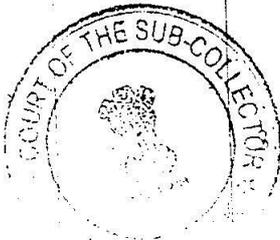
CONTINUATION OF ORDER SHEET
(SEE PARAGRAPH-207 (1) OF ORM)

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03. Dt.09.06.2021
of Hon'ble High Court in W.P.(c) No.14046 of 2021.

- 97 -

Sl. No. of the Order & date	Orders of the Presiding Officer	Action Taken
1	<p style="text-align: center;">2</p> <p>the Respondent No.2 without consulting with technical persons under the Water Resource Department has allowed to carry-out the mining operation adjacent to the "Balipokhari water Escape" by issuing the impugned notification dated.4.3.2021 under Annexure-2.</p> <p>Later on put in to auction which is contrary to law, against the mandatory provision of the OMMC Rule, 2016 which is illegal and arbitrary.</p> <p>Learned A.G.P. on behalf of the Respondent No.2, referring to the objection/parawise comments along with supporting documents strenuously urged that the objection raised by the appellants are not sustain in the eye of law and dismissed devoid of any merit in the following grounds:</p> <ol style="list-style-type: none"> 1. That. It is not a fact that. the respondent no.2 has not committed any illegal and arbitrary act issuing public auction notice is highly illegal, contrary to the procedure provided under the provisions of OMMC Rule declaring khata No.799, plot no.1653 2734 area A12.20 (Kisam Nadi) in sairat case no.18/2020 by overlooking genuine interest of the inhabitants of 6 panchayats. Rather, the Tahasildar, Bhandaripokhari takes step for augment of Govt. revenue taking into better interest of local peoples. 2. That, the real fact of this case is that, the respondent has legally & scrupulously followed the provisions of the OMMC Rule regarding identification of sand source at Jagannath Prasad as per spot visit of sub-collector and his discussion with potential of minor mineral sairat source and obtained clarification from revenue and disaster management dept. dated 29/02/2020. So also R.I of Jagannath Prasad has submitted report over the total land appertaining to khata-799, plot-1653/2734 area A12.20 (Kisam Nadi) and R.I also proposed for taking necessary steps for auction of the aforesaid source. <p>This respondent also issued proclamation for wide publicity to invite objection from the public vide order dated 23-05-2020. This respondent also made joint verification the spot along with R.I and found the source is potential for auction and road communication is available to the proposed quarry.</p>	3



41
309
Sub-Collector
BHADRAK

CONTINUATION OF ORDER SHEET

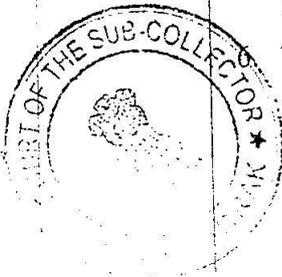
(SEE PARAGRAPH-207 OF FORM)

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021
of Hon'ble High Court in W.P.(c) No.14046 of 2021.

98

Sl. No. of the Order & date	Orders of the Presiding Officer	Action Taken
1	2	3
	<p>4. This respondent also requested to Geo consultant private ltd for approval of mining plan and obtaining environmental clearance for lease vide office letter no. 1033 dated 25 06 2020. On 30/07/2020 of Joint Director Geology, Keonjhar has approved the mining plan in respect of Jagannath Prasad sand quarry on 30/07/2020 vide letter no. 2386. Accordingly, proposal for mining of the sand quarry of village Jagannath Prasad was approved by the member secretary S.E.I.A.A., Odisha, Bhubaneswar vide letter no. 9732 dated 25/11/2020.</p> <p>5. That, Collector Bhadrak has approved MGQ of 43 per year and Rs.10/- for additional charge for public auction. The tender was opened in presence of all concerned officers as well as bidders. After completion of tender opening process respondent no.1 became successful bidder and intimation slip was issued to respondent no.1 to convey his acceptance within 15 days. Similarly, respondent no.1 was deposited Rs.1,36,79,150/- at UCO Bank, Dhamnagar in the account no. of Respondent no.2 along with Rs.98,688/- in shape of D.D bearing no. 478684 dated 12/03/2021 issued from UCO Bank, Patia, Bhubaneswar which has been realized. Respondent no.2 also verified mining plan, environmental clearance and issued intimation to Sri Padhi to deposit the royalty, additional charge, amount of contribution to district mineral foundation and to environmental management fund. Thereafter the lessee is intimated to submit consent certificate issued by State Pollution Control Board, Odisha. Then the respondent.1 that he has deposited Rs.2,76,35,571 /- in the account of respondent no.2. then lease deed was registered on 03/06/2021.</p> <p>That, the clarification towards threat to Balipokhari flood escape and nearby population the answer is due to excavation of river sand there will be no threat to the escape and the inhabitants during flood rather scientific extraction of the present sand will facilitate free flow of flood water down stream and water reserve capacity of the patch will be increased due to removal of the sand which is definitely reduce the quantum of flood water passing through the escape there by decreasing the chance of flood damage in the nearby area.</p>	



Sub-Collector
BHADRAK

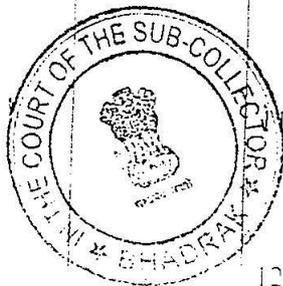
CONTINUATION OF ORDER SHEET -99-

(SEE PARAGRAPH-207 (1) OF ORM)

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021
of Hon'ble High Court in W.P.(c) No.14046 of 2021.

Sl. No. of the Order & date	Orders of the Presiding Officer	Acti Taka 3
	<p>7. A joint verification team visited the spot headed by Sub-Collector, Bhadrak in response of letter no.5404 dated 05/07/2021 of Collector, Bhadrak and submitted report accordingly.</p> <p>8. That, the appellants have no <i>locus standi</i> to file this appeal. they are not aggrieved person. no order communicated to them. appeal not filed in form-X. they are not bidders nor authorised persons of the people of 6 panchayats. they have not complied Rule-46 (1)(2) and have not paid assessment amount as per Rule-50. As per rule-27 (16) the appellants have not filed any appeal before Collector or conservator of forest who have power to cancel the bid if not satisfied with the publicity. participation of bidders and amount of additional charge quoted.</p> <p>9. That, the appellants have mainly challenged about the location of sand quarry and about not following Rule-27, 28 & 30 of the O.M.M.C. Rule 2016. They say there was no paper publication and 15 days time was not given. They also challenge Rule-30 regarding grant of quarry lease of river bed sand mining. So also Rule-4 (6) of these aid rule because concerned gram panchayat not recommended for quarry lease.</p> <p>10. That the appellants have misled the Court and raised a question for recommendation of the Gram Panchayat. Rule-4 (6) is meant for scheduled area which has been defined in Article-244 (1) of the constitution of India. so also defined in Rule-2 (z) of OMCC Rule-2016 which says scheduled area means and refer in clause-1 of Article-244 of the constitution of India. So the Bhadrak district is not coming under scheduled area as per the constitution of India and definition of OMCC Rule-2016. So recommendation of the concerned panchayat is not required under the Rule.</p> <p>That, the notification was issued vide letter number 584 dated 04/03/2021 and tender was finalised on 19/03/2021. So Rule-27 has been correctly complied giving 15 days notice.</p> <p>12. That, the respondent no.1 after finalisation of auction and approval by the controlling authority has issued the work order. The respondent-1 its defence is that the work order was issued security amount</p>	



Sub-Collector
BHADRAK

CONTINUATION OF ORDER SHEET

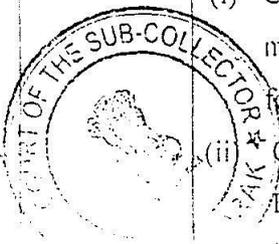
(SEE PARAGRAPH-207 (1) OF ORM)

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021 of Hon'ble High Court in W.P.(c) No.14046 of 2021.

- 100 -

Sl. No. of the Order & date	Orders of the Presiding Officer	Action Taken
1	2	3
	<p>13. The respondent-2 also asked respondent no.1 to submit document of consent vide Letter No.828 dated 05/04/2021 for submitting document of consent and certificate from pollution control board. Respondent no.1 submitted amount and certificate from Pollution Control Board.</p> <p>Hence, it is respectfully submitted that, considering the above facts and Circumstances as well as documentary evidence it be held that the quarry lease of Jagannath Prasad source has been legally leased out to the respondent no.1 and the appeal filed by the appellants is devoid of any merit and the appeal may kindly be dismissed on exemplary cost.</p> <p>Learned Counsel on behalf of Respondent No.1 files written Note of Argument along with supporting documents strenuously urged that the objection raised by the appellants are not sustain in eye of law and dismissed devoid of any merit in the following grounds:</p> <ol style="list-style-type: none"> 1. That, the appellants have no <i>locus standi</i> to file this appeal , they are not aggrieved person, no order communicated to them, appeal not filed in form-X , they are not bidders nor authorised persons of the people of 6 Panchayats. they have not complied Rule-46 (1)(2) and have not paid assessment amount as per Rule-50. As per rule-27 (16) the appellants have not filed any appeal before collector or conservator of forest who have power to cancel the bid. if not satisfied with the publicity, participation of bidders and amount of additional charge quoted. 2. That . to answer the point raised by the appellants the present respondent no.1 submits that: <ol style="list-style-type: none"> (i) Competent authority issued notification dated 04/03/2021 clearly mentioning. Mouza, Khata, Plot, Area, MGQ, Royalty as well as additional fee as per Rule-27. (ii) Competent authority herein after shall be known as Tahasildar, Bhandaripokhari has published notice in the office notice board, on the spot i.e Mouza Jagannath Prasad and adjoining 6 no's of G.P office notice boards . Also wrote letter to IDPRO/DPRO to publish detail advertisement of auction of said quarry lease in daily 2no's of news papers as per notice dated 04/03/2021. So it has been duly published. 	



~~Sub-Collector~~
BHADRAK

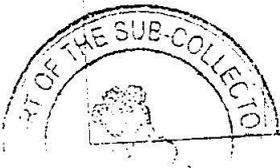
CONTINUATION OF ORDER SHEET
(SEE PARAGRAPH-207 (1) OF ORM)

< 101 >

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021
of Hon'ble High Court in W.P.(c) No.14046 of 2021.

Sl. No. of the Order & date	Orders of the Presiding Officer	Action Taken
1	2	3
	<p>(iii) After proper publication 14 bidders participated belonging to different district of Odisha i.e Bhadrak, Jajpur, Keonjhar, Khordha and Bhubaneswar. The second question is about 15 days time is not mandatorily required because as per instruction of the Govt. Auction process was completed expeditiously for collection of revenue for the financial year 2020-2021 which ends on 31st March 2021.</p> <p>(iv) The appellant cannot challenge about 15 days time for opening of auction because they are not the bidders nor aggrieved persons. Firstly, They are in one place challenging the place of quarry lease at Jagannath Prasad apprehending damage of their life and property by Baitarani flood. Secondly, about the process of auction. They cannot challenge about the location of river bed sand quarry after finalisation of the mining plan, environment clearance, approval of DSR by collector and due approval of the Water Resource Department.</p> <p>(v) As they are inhabitants of adjoining 6 panchayats they have to file civil suit or appeal as per rule-46 (5) of the OMCC Rule.</p> <p>3. That, Rule-28 says mining plan as a pre-requisite to grant of quarry lease. In the present case mining plan of river sand at Jagannath Prasad was granted in form-O as marked as Annexure-D (Rule-28 (4)) below. Said mining plan has contains mining plan, area, extend of mineral, minimum operation for 3 meters, showing natural water course etc.</p> <p>4. That, Regarding Rule-29 environment clearance for grant of said quarry lease obtained by Tahasildar vide Annexure-F from state level environment assessment authority, Odisha, Bhubaneswar vide reference no. 9732 / ACLAA dated 25/11/2020.</p> <p>5. That, Rule-28 says mining plan as a pre-requisite to grant of quarry lease. In the present case mining plan of river sand at Jagannath Prasad was granted in form-O as marked as Annexure-D (Rule-28 (4)) below. Said mining plan has contains mining plan, area, extend of mineral, minimum operation for 3 meters, showing natural water course etc.</p>	



Sub-Collector
BHADRAK

CONTINUATION OF ORDER SHEET
(SEE PARAGRAPH-207 (1) OF ORM)

-102-

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021
of Hon'ble High Court in W.P.(c) No.14046 of 2021.

Sl. No. of the Order & date	Orders of the Presiding Officer	Action Taken
1	2	3
	<p>6. That, Regarding Rule-29 environment clearance for grant of said quarry lease obtained by Tahasildar vide Annexure-F from state level environment assessment authority. Odisha, Bhubaneswar vide reference no. 9732 / ACLAA dated 25/11/2020.</p> <p>7. That, Rule-28 says mining plan as a pre-requisite to grant of quarry lease. In the present case mining plan of river sand at Jagannath Prasad was granted in form-O as marked as Annexure-D (Rule-28 (4)) below. Said mining plan has contains mining plan, area, extend of mineral, minimum operation for 3 meters, showing natural water course etc.</p> <p>8. That, Regarding Rule-29 environment clearance for grant of said quarry lease obtained by Tahasildar vide Annexure-F from state level environment assessment authority. Odisha, Bhubaneswar vide reference no. 9732 / ACLAA dated 25/11/2020.</p> <p>9. That, Rule-30 provides grant of quarry lease for river bed sand mining. As per Rule specific river stretches is duly identified and granted stretch wise and the depth is restricted to 3 meter which is less than water level. In due consultation with the executive engineer/ Asst. engineer of the water resource dept. and appropriate safety zone finalised taking into account the structural parameters, location aspect, flow rate for carrying out mining operation in proximity with bridge and embankment. In the present case Jagannath Prasad quarry lease is duly identified after district survey report by all the authorities on proper verification, joint meetings of the concerned authority. Said mining plan was kept in Collector's portal for three month for public objection and hearing. Nobody from the above 6 panchayats nor the appellants challenged about the said quarry lease nor filed any objection, so it was finalized.</p> <p>10. That, after complying all the rules auction process was completed and lease was finalised between the Tahasildar and respondent no.1 and registered agreement was executed on 31/05/2021 and work order was issued by Tahasildar on 03-06/2021. So the allegation of the appellant regarding violation of Rule-30 is out and out false.</p>	

OF THE SUB-COLLECTOR

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Sub-Collector
BHADRAK

CONTINUATION OF ORDER SHEET

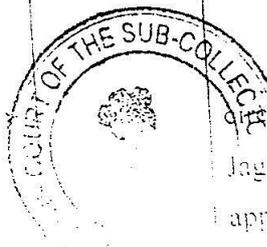
(SEE PARAGRAPH-207 (1) OF ORM)

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021
of Hon'ble High Court in W.P.(c) No.14046 of 2021.

- 103 -

Sl. No. of the Order & date	Orders of the Presiding Officer	Action Taken
1	2	3
	<p>11. That the appellants have misled the Court and raised recommendation of the Gram Panchayat. Rule-4 (6) is meant for scheduled area which has been defined in Article-244 (1) of the constitution of India also defined in Rule-2 (z) of OMCC Rule-2016 which says scheduled area means and refer in clause-1 of Article-244 of the constitution of India. So the Bhadrak district is not coming under scheduled area as per the constitution of India and definition of OMCC Rule-2016. So recommendation of the concerned Panchayat is not required under the Rule.</p> <p>12. That, the notification number 584 dated 04/03/2021 is marked as Annexure-B and tender was finalized on 19/03/2021. So Rule-27 has been correctly complied giving 15 days notice.</p> <p>13. That, the Resp.-1 after finalization of auction and approval by the controlling authority has executed agreement and he was issued work order. The Resp.-1 also deposited Rs.2,76,35,571/- towards security amount. The Tahasildar also asked respondent no.1 to submit document of consent vide letter no. 828 dated 05/04/2021 for submitting document of consent and certificate from Pollution Control Board and respondent no.1 has submitted above amounts and submitted certificate from the pollution control board. Thereafter lease deed was executed and it was registered.</p> <p>14. That, after demarcation of the sand quarry area by fixing of pillars created some person who are illegally lifting sand created disturbance with respondent-1. So he filed WP (C) No.24045/2021 and Hon'ble High Court vide order dated 24/08/2021 directed district and police administration for protection.</p> <p>15. That, the document submitted by the respondent.1 is mentioned in the schedule below.</p> <p>Hence it is respectfully submitted that, considering the above facts and circumstances as well as documentary evidence it be held that the quarry lease of Jagannath Prasad source has been legally leased out to the respondent no.1 and the appeal filed by the appellants is devoid of any merit and the appeal may kindly be dismissed on exemplary cost</p>	



Sub-Collector
BHADRAK

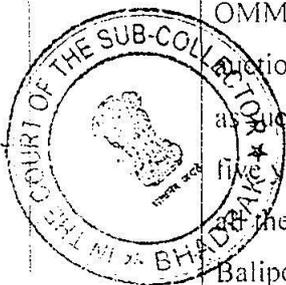
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CONTINUATION OF ORDER SHEET
(SEE PARAGRAPH-207 (1) OF ORM)

Nature of Case-

Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021
of Hon'ble High Court in W.P.(c) No.14046 of 2021.

Sl. No. of the Order & date	Orders of the Presiding Officer	Action Taken
1	2	3
	<p>Gone through the appeal memo, written note of argument submitted by learned A.G.P. Learned Counsel for both the parties, L.C.R. and available documents in the case record. It is revealed that all the mandatory provisions laid down under OMMC Rules, 2016 has duly followed by Tahasildar Bhandaripokhari for granting lease in respect of Balipokhari Sand quarry located at Jagannathprasad in accordance with law.</p> <p>The stretch of Balipokhari Sand quarry in Baitarani river was identified over Plot No-1653/2734 Ac.12.50 kissam- Nadi under Khata No-799 pertaining to Mouza-Jagannathprasad in accordance with rules laid down under the provisions of OMMC Rules,2016 and found place in District Survey Report (DSR) which was duly approved by the Chairman, DEIAA-cum-Collector, Bhadrak on 20.12.2019. After being approved, the same was uploaded in the district website for public domain.</p> <p>As per Rule-28 of OMMC Rules,2016 the Mining Plan in respect of Jagannath Prasad sand quarry was prepared and approved by Joint Director Geology, Keonjhar on 30/07/2020 vide Letter No. 2386 dtd. 30.07.2020. As per Rule 29 of OMMC Rules, 2016 Environmental Clearance was also approved by the Member Secretary S.E.I.A.A., Odisha, Bhubaneswar vide letter no. 9732 dated 25/11/2020.</p> <p>After obtaining Mining Plan and Environmental Clearance from competent authority, the said sairat source was put to auction by Tahasildar, Bhandaripokhari following due procedures as per the provisions laid down under OMMC Rules,2016 wherein 13(thirteen) Nos. of bidders were participated in the auction process. Sri Subhranshu Sekhar Padhi was the highest bidder and declared as successful bidder for the said sairat source on long term lease basis for a period of five years. Sri Subhranshu Sekhar Padhi being the highest bidder and after obtaining the required permission / clearance from the appropriate authorities in respect of Balipokhari Sand Quarry, Jagannathprasad, the lease agreement has been executed with the Competent Authority on dt. 03.06.2021. Prior to execution of agreement, the lessee Sri Padhi has obtained Consent to Establish and Consent to Operate from the Regional Officer, OSPCB, Balasore vide their Letter No.1090/CTE-3073/2021, Dt.1.6.2021 and Letter No.1092/con-332 2021, dt.1.6.2021 respectively.</p>	



Sub-Collector
BHADRAK

CONTINUATION OF ORDER SHEET

(SEE PARAGRAPH-207 (1) OF ORM)

Nature of Case- Sairat Appeal No: 01/2021 arising out of Order No.03, Dt.09.06.2021 of Hon'ble High Court in W.P.(c) No.14046 of 2021.

Sl. No. of the Order & date	Orders of the Presiding Officer	Action Taken
		3

Subsequently, he has obtained revised Consent to Operate Order No. 1186/con-3332 2021, Dt.24.6.2021 from the Regional Officer, OSPCB, Balasore. After completion of all mandatory requirements/clearances from the authorities, the operation of sand quarry was allowed by the Tahasildar, Bhandaripokhari and Y-Forms were issued for mining operation to the lessee.

The lesee Sri Padhi has already been deposited a sum of Rs.1,37,77,838/- (Rupees one crore thirty seven lakh seventy seven thousand eight hundred thirty eight) only towards security money and Rs. 2,76,35,571/- (Rupees Two crore Seventy Six lakh Thirty five thousand Five hundred seventy one) only towards royalty, addl. charges DMF-EMF fund etc. as per terms and conditions of bidding process and lease agreement. As such the Tahasildar, Bhandaripokhari has taken right steps to curbe illegal mining operation and to augment govt. revenue taking into better interest of the general public.

After careful analysis of the impugned order, the case records, the related rules and the guidelines of the government, I find that view taken by appellants is not reasonable and logical to grant relief, as the same is without jurisdiction and nullity. However, there is no illegality or infirmity in the impugned order passed in sairat case No.18/20-21 by Tahasildar, Bhandaripokhari.

Accordingly, the appeal being devoid of any merits stands **dismissed**.

Order pronounced in the open court today i.e. 30th September 2021.

Computerized to my dictation & corrected by me.

af
Sub-Collector,
BHADRAK

af
30/9/21
Sub-Collector, Bhadrak,
BHADRAK

MEMO No 1910 /Judl. Date 01/10/2021

Copy forwarded to the Tahasildar, Bhandaripokhari for kind info for Matiom and necessary action True Copy Attested



af
10-21
Assistant Collector
Sub-Collector Office Bhadrak

True Copy Attested
Samir
Advocate

106-

FORM XIV - 1963 311

ANNEXURE - F/7

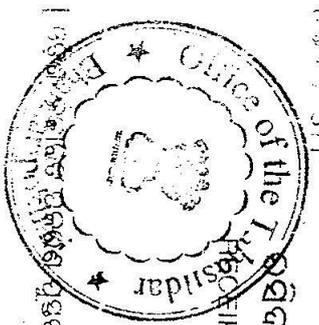
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RECEIPT BOOK

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[ଉତ୍ତର ଗଣତନ୍ତ୍ର ପୁସ୍ତକ, 1963 ନିୟମ 31(1) ଦ୍ୱାରା]

ପୁସ୍ତକ ସଂ. 6 ମସିହା 2021

ଅର୍ଥାଧିକାରୀଙ୍କ ଦ୍ୱାରା Subhasishu Sekhar Padhi

ହାଉସ୍ ରୋୟାଲ୍ଟି & ଅଥର ଫିର
in song case No. 18/20-21 Ministry
Bank transaction

ଟୋଟାଲ୍ RS. 2,76,35,591.00

ଟୋଟାଲ୍ 1

RS. 2,76,35,591.00

(ମାତ୍ର) Two crores seventy six Lakhs thirty
five thousand five hundred & seventy 0

18.06.21 20

ଶ୍ରୀମତୀ
BHANDRAIPOKHARI
TAHASIL

(FORMS) DTP-207-10,000 Bks.-24-07-2012

True Copy Attested
Advocate
Joshi

106-

FORM XIV - 1963 311

ANNEXURE - F/7

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RECEIPT BOOK

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[ଉତ୍ତର ଗଣତନ୍ତ୍ର ପୁସ୍ତକ, 1963 ନିୟମ 31(1) ଦ୍ୱାରା]

ପୁସ୍ତକ ସଂ. 6 ମସିହା 2021

ଅର୍ଥାଧିକାରୀଙ୍କ ଦ୍ୱାରା Sri Sulekhanal S

Slp - Manuvaran ch. pu Sekhara padhi
holder of song Sabhi, lease
H2 - Jagannath pradhikarant source
towards security case No. 18/20-21
Bank transfer: RS. 1,37,77,838/- deposit.

ଟୋଟାଲ୍ 1

ଟୋଟାଲ୍ = RS. 1,37,77,838

38/-

(ମାତ୍ର) one crore thirty
seventy seven thousand

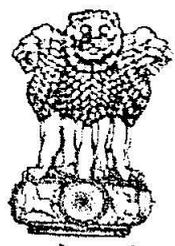
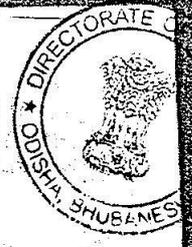
07/07/2021

ଶ୍ରୀମତୀ
BHANDRAIPOKHARI
TAHASIL

(FORMS) DTP-207-10,000 Bks.-24-07-2012

ଶ୍ରୀମତୀ
BHANDRAIPOKHARI
TAHASIL

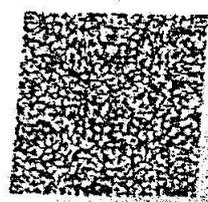
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सत्यमेव जयते

INDIA NON JUDICIAL
Government of Odisha
e-Stamp

Certificate No.	: IN-OD02058096188718T
Certificate Issued Date	: 02-Jun-2021 10:30 AM
Account Reference	: SHCIL (FI)/ odshcil01/ DOLIPUR/ OD-JPR
Unique Doc. Reference	: SUBIN-ODODSHCIL0102769033269123T
Purchased by	: SUBHRANSHU SEKHAR PADHI
Description of Document	: Article IA-35 Lease Deed
Property Description	: KHATA-799, PLOT-1653/2734, AREA-4.95, VILLAGE/ FOREST BLOCK-JAGANNATHAPRASAD,TAHASIL-BHANDARIPOKHARI
Consideration Price (Rs.)	: 5,52,71,142 (Five Crore Fifty Two Lakh Seventy One Thousand One Hundred And Forty Two only)
First Party	: THE GOVERNOR OF ODISHA TAHASILDAR BHANDARIPOKHARI
Second Party	: SUBHRANSHU SEKHAR PADHI
Stamp Duty Paid By	: SUBHRANSHU SEKHAR PADHI
Stamp Duty Amount(Rs.)	: 11,05,500 (Eleven Lakh Five Thousand Five Hundred only)



Please write or type below this line

45(a) - 11,05,423.00
 VC - 11,200.00
 Total 11,05,623.00

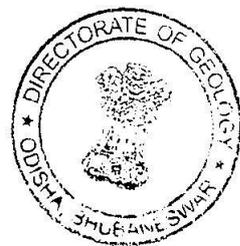
Registration ID No... 377
 Registration Doct. No... 273
 k No... 01
 02/06/2021 year 20 21
 Registering Officer
 Bhandaripokhari

0002039305
 BIPIN BEHARI KHANDUAL
 07/04/2016

Statutory Alert

1. The authenticity of the e-stamp certificate should be verified at www.shohastamp.com or using e-Stamp Mobile App of Stock Holding Corporation of India available on the website & Mobile App renders it invalid.
 2. The stamp certificate for registration is on the users of the certificate.

- 108 -



Endorsement of the certificate of admissibility

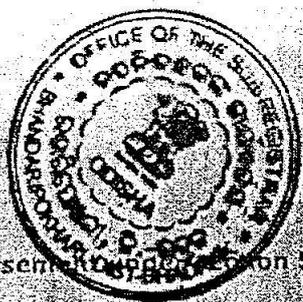
Admissible under rule 25: duly stamped under the Indian Stamp (Orissa Amendment act 1 of 2008) Act 1899, Schedule 1-A No. 33(a) Fees Paid AS(a)-1105423 .. User Charges-200 , Total 1105623

Date: 03/06/2021

Signature of Registering officer

Endorsement under section 52

Presented for registration in the office of the Sub-Registrar Sub-Registrar BHANDARIPOKHARI between the hours of 10:00 AM and 1:30 PM on the 03/06/2021 by GOVERNOR OF ODISHA REPRESENTED THROUGH THE TAHASILDAR BHANDARIPOKHARI(GOVT) , son/daughter/wife of , of BHANDARIPOKHARI , by caste , profession and finger prints affixed.



Signature of Presenter / Date: 03/06/2021

Signature of Registering officer.

Endorsement under section 58

Execution is admitted by :

Name	Photo	Thumb impression	Signature	Date of Admission of Execution
GOVERNOR OF ODISHA REPRESENTED THROUGH THE TAHASILDAR BHANDARIPOKHARI(GOVT)			Execution By GOVERNOR OF ODISHA REPRESENTED THROUGH THE TAHASILDAR BHANDARIPOKHARI(GOVT) Who is Exempt from personal Appearance in this office U/S 88 Act XVI of 1908 approved by	
			Execution By GOVERNOR OF ODISHA REPRESENTED THROUGH THE TAHASILDAR BHANDARIPOKHARI(GOVT) Who is Exempt from personal Appearance in this office U/S 88 Act XVI of 1908 approved by	
			Execution By GOVERNOR OF ODISHA REPRESENTED THROUGH THE TAHASILDAR BHANDARIPOKHARI(GOVT) Who is Exempt from personal Appearance in this office U/S 88 Act XVI of 1908 approved by Signature of the Registering officer	

UBHARANSHU SEKHAR PADHI



242678398

03-Jun-2021

Signature of Registering officer: **BIJIN BEHARI KHANDUAL**



-109-



Subhanshu Sekhar Padhi

FORM - N

Form of Quarry Lease [See rule 27(13)]

THIS INDENTURE made this 31 day of may 2021 between the GOVERNOR OF ODISHA represented through the Tahasildar, Bhandaripokhari (hereinafter called the "Lessor") of the one part and Subhanshu Sekhar Padhi of (address and occupation) S/o- Narayana Chandra Padhi, Plot No- 3840, Barimund, Mancheswar, Bhubaneswar, Dist- Khordha, 754 001 (hereinafter called the "lessee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, assignees) of the other part. *age - 47, cast - Brahmin, M - 8249398364.*

WHEREASE the lessee has applied to the Competent Authority concerned for a quarry lease for River sand (minor mineral) in accordance with the provisions of the Odisha Minor Minerals Concession Rules, 2016 in respect of the lands described in Part I of the Schedule and has deposited a sum of Rs 1,37,77,838/- (Rupees one crore thirty seven lakh seventy seven thousand eight hundred thirty eight only) as security.

AND WHEREAS the Competent Authority has communicated his approval to the grant of lease on the terms, covenants and conditions hereinafter contained. NOW THIS INDENTURE witnesseth as follows:

Subhanshu Sekhar Padhi
31.5.21
Tahasildar
Bhandaripokhari

Bipin Behari Khandual
BIPIN BEHARI KHANDUAL
ROB/OD/049/2016



The lessor hereby demises to the lessee the land described in Part I of the Schedule hereunder written on a plan attached to the map hereunto annexed.

The said demised pieces of land shall be held by the lessee for a term of five years (from the year 2021-21 to 2025-26, dt. 01.04.2021 to 31.03.2026) from the date on which this executed deed is registered under Indian Registration Act and Odisha Registration Manual, subject to the terms, covenants, conditions hereinafter provided.

IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.

The schedule above referred to

Guruprasanna Sankar Saha
31.5.21

PART-I

Location and area of the lease

Village Plot Nos. - Khata- 799, Plot- 1653/2734

Village/Forest Block- Jagannathprasad.

Tahasil/Forest Range- Bhandarpokhari

Area (in hectares)- 4.95

As per plan annexed and bounded

On the North by- Plot No 1653

On the South by- River Baitarani

On the East by- Plot No 1656

And on the West by- Plot No 2733

hereinafter called as "said lands"

Bhandarpokhari
31.5.21

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BIPIN BEHARI KHANDUAL
ROPIOD/049/2016

PART - II

Terms and conditions of the lease

This lease is subject to the conditions laid down in rule 33 and also all other conditions pertaining to lease as provided in the Rules.

1. The lease agreement is not transferable.
2. The Minor Mineral other than for which the lease is confirmed shall not be removed from the lease area.
3. This agreement is subject to final outcome of WP(C) No 15664/2021.
4. The terms and conditions imposed in the respective Environment clearance as well as Mining Plan lessee shall be abided strictly otherwise held responsible for the purpose.
5. The Lessee to pay.

a) Royalty for the first year	Rs (43861 × 35) =	1535135.00
Additional charge	Rs 43861 × 1218 =	53422698.00
b) Dead Rent for 5 years	Rs	51975
c) Surface rent for 5 years	Rs	360.00
d) District Mineral foundation fee	Rs	153514 (10% of Royalty)
e) Environment management fund	Rs	76757 (5% of Royalty)
f) Income Tax	Rs	30703 (2% of Royalty)

Total Rs **5,52,71,142/-**

(Rupees Five crore fifty two lakh seventy one thousand one hundred forty two) only

He has already paid Rs 2,76,35,571 (Rupees two crore seventy six lakh thirty five thousand five hundred seventy one) only i.e 50% of the total payable amount.

The balance "delayed amount for first financial year towards royalty, additional charges amount of contribution to DMF, amount of contribution payable to EMF and other charges as determined under Rule 3 2(6)



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BIFIN BEHARI KHANDUAL
 BOP/05/049/2016



shall be paid latest by 30.11.2021 or per provisions laid down under Rules 47 of OMMC Rule-2016.

He shall pay the Royalty for the next four years after the study of the annual replenishment rate of sand by collecting pre-monsoon and post monsoon data from the field to know the quantum of volume of sand deposited/ replenished and extracted in the Mining lease area by engaging appropriate consultant.

6. The lessee shall pay to the State Government Surface Rent before the execution of the lease deed for the remaining period of the year and thereafter pay such yearly rent on or before the 15th January of every year.

7. The lessee shall pay dead rent for the remaining period of the year before the execution of the lease deed and thereafter pay yearly dead rent on or before the 15th January of every year and an account of the royalty payable by him shall be kept by the Competent Authority and as soon as the royalty payable by him becomes equal to or in excess of the deed rent already paid by him, he shall remove the Mirror Minerals only after payment of the royalty and in such cases advance dead rent paid by him shall be deemed to have been merged in to the amount of royalty he was liable to pay.

8. The lessee shall pay to the Government compensation for all damages, injuries or disturbance which has been caused by him in the course of Mining operation and shall identify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbance.

9. The lessee shall commence quarrying operation within three months from the date of execution of the lease deed which shall be carried on in a proper, skillful and workman

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Minister

B. B. Khandual
BIPIN BEHARI KHANDUAL
RO/OD/049/2016



like manner and the lessee shall send to the Director and Deputy Director or Mining Officer concerned under whose jurisdiction the area is located and to the Director of Mines Safety, Bhubaneswar an intimation in Form H of the opening or reopening of the quarry so as to reach them within a period of fifteen days from the date of such commencement.

10. If the lessee does not work upon the quarry for a continuous period of six months, the lease shall be liable to be cancelled unless prior permission has been granted by the competent for such stoppage on reasonable grounds provided that the competent Authority may on an application made by the lessee before it is cancelled and on being satisfied that it will not be possible for the lessee to undertake mining operations or to continue such operations for reasons beyond his control, make an order within a period of one month from the date of receiving such application and subject to such conditions as may be specified to the effect that such lease shall not be cancelled.

11. The lessee shall allow reasonable facilities of access to other concessionaires of major and minor minerals, as may be directed by the competent authority.

12. If any minor mineral not specified in the lease deed is discovered in the leased area, the lessee shall report it forthwith to the Competent Authority and the Director and the lessee shall not win or dispose of any such Minor Mineral unless such Minor Minerals is included in the lease deed or a separate prospecting license-cum-mining lease or quarry lease, as the case may be, is granted in favour of the lessee. If he fails to apply for a prospecting license-cum-mining lease or Mining lease or quarry lease, as the case may be

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Tahasildar
Talapatkhani


BIPIN BEHARI KHANDUAL
RO/10/149/2016



Sudhansu Sekharam
31.5.16

to extract the newly discovered minor Mineral within three months from the date of discovery or if he declares his intention not to work upon the discovered minor mineral, the State Govt. or the Competent Authority, as the case may be, may grant prospecting license-cum-mining lease or Mining lease or quarry lease in respect of that minor mineral to any other person after observing the procedure specified under these rules for the purpose.

Provided that, if the mineral discovered is not a minor mineral, the lessee shall not be entitled to any preference for the purpose of obtaining a lease for the new minerals by reason only of the lands being included in his earlier lease for extraction of minor mineral.

13. The lessee shall not carry on or allow to be carried on, any quarrying operation at any point within a distance of:-
 - a) One hundred meters from the Railway line (except under and in accordance with the written permission of the Railway Administration concerned) and in case of National Highway, State Highway monuments, heritage sites or any reservoir except in accordance with the previous permission of the Collector.
 - b) Fifty meters from any tank, canal, road (other than a National or State Highway or other public works or buildings or inhabited or uninhabited sites) except under in accordance with the previous permission of the Collector.
14. The Railway Administration or the Collector, as the case may be, may grant such permission as required under clause (a) or (b) of Sur-Rule (8) on such conditions as may be specified.
15. The state or Central Govt. shall have right to construct any road, Railway or canal operation or to lay electric or telephonic lines or over the land held under the lease.

Provided that the lessee shall be given at least sixty days prior notice before the right is exercised and the area

Ms. S. S. Talasidhar
Talasidhar
Talasidharipokhari



thus utilized shall be excluded from the area held under lease.

16. The lessee with prior written permission of the competent Authority can erect at his own cost, temporary structure including building required for the purpose of quarrying operation within the leased area, without violating any law or obstructing any natural flow, community access or without causing damage to any embankment or public property, which shall be dismantled by the lessee at his own cost on completion of the lease term or on determination of the lease. The competent authority can pass orders to dismantle such structures if found created illegally or causing damage to public.
17. The lessee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the leased area.
18. The lessee shall obtain permission of the competent authority of the Forest Department Odisha to carry on any operation in forest area.
19. The lessee shall abide by the provisions of all laws for the time being in force, relating to the working of quarries and matters affecting the safety, health and convenience of the persons employed for quarrying and of the public and he shall also obey all existing laws of way water and other easements and shall not use power cutters and other machinery in case of laterite quarries.
20. The lessee shall keep correct accounts of minor minerals other than specified minor minerals quarried and dispatched and shall furnish a quarterly return in Form-P and annual return in Form-K to the Competent Authority and the Director.
21. The lessee shall afford reasonable facilities for inspection of the quarries accounts and records pertaining to quarrying operation, to the Competent Authority and Director or any other Officer authorized by any of them and such officer

Sudhanshu Behera
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M.S.M.
Tahasildar
Bhandarpokhari

BIPIN BEHARI KHANDUAL
RO/103/1049/2013



Subhan Kumar Sahoo
31.5.16

may issue directions to prevent wasteful extraction of minerals and to ensure observance of the provisions of rules and specify the time limit not exceeding sixty days within which the directions shall be complied with.

22. If the lessee does not allow the inspecting officer reasonable facilities for inspection or fails to comply with the directions within the specified time limit, the Competent Authority may forfeit the whole or part of the security deposit paid by the lessee or impose penalty not exceeding rupees fifty thousand and may cancel the lease and forfeit the security deposit.

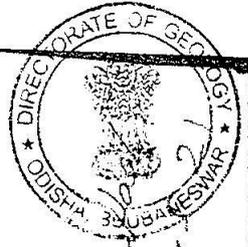
23. The lessee shall report about all accidents involving injury or loss of life or loss of damage to property forthwith to the concerned Competent Authority and Collector of the District.

24. If any Govt. dues payable under the lease deed remain unpaid for one month beyond the date fixed in the lease deed for such payment, the competent authority or any officer authorized by him may enter in to the leased area and seize all or any of the minor minerals or other movable properties and may dispose of such seized minor minerals or properties towards sufficient satisfaction of the Govt. dues and all costs and expenses occasioned by the non payment thereof and if any such Govt. dues remain unpaid over two months beyond the date fixed in the lease agreement for such payment, the Competent Authority may determine the lease, and take possession of the leased area on re-entry without prejudice to such action as may be taken under the provisions of the Odisha Public Demands Recovery Act, 1962 for recovery of such dues.

25. The Controlling Authority shall have the right to pre-emption at current market rates over all minor minerals extracted or collected by the lessee and shall be indemnified by the lessee against the claims of any third party in respect of such minerals.

Subhan Kumar Sahoo
31.5.16

BIPIN BEHARI KHANDUAL
ROPI/00/049/2016



Sudhama on the Secretary

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34. The lessee shall abide by the provisions of the Mines Act, 1952 and rules and regulations framed there under, the Explosives Act, 1881 and rules made thereunder for development of the source of minor minerals in workman like manner and for avoidance of any danger arising out of such winning of minor minerals.

PART-III

Liberties, powers and privileges to be exercised and enjoyed by the Lessee

1. To enter upon and use the land, described in Part I of the Schedule during the term hereby demised to carry on all operations necessary for extraction, collection, stacking, processing, transport and disposal of minor mineral/minerals leased in natural or in processed/converted form.
2. To make roads, tram ways, install machineries, lay electric and telephone line, on and over the said lands.
3. To use water from streams, watercourses and springs in and upon the said lands in natural state or by means of impounding with the written permission of the Collector of the district.

PART-IV

Restrictions and conditions as to the exercise of liberties, powers and privileges in Part-II

1. No land shall be used for surface operations if objection is raised by the Competent Authority or the Collector of the district to the effect that use of the land will be detrimental to public interest.
2. The lessee shall not cut or injure any tree in the leased area falling within Reserved/Protected forest without prior permission of

W.S. Ch
Talashidhar
Adaripokhari

BIPIN BEHARI KHANDUAL

(Signature)



Sudhakar Pradhan
31.5.

the Divisional Forest Officer or the officer authorized by him in this behalf and upon payment of royalty and fees for compensatory afforestation as may be specified.

3. The lessee shall undertake mining operation only in accordance with approved mining plan or scheme of mining, as the case may be.

4. The lessee shall not transport or store or cause to be transported or stored any specified minor mineral for the purpose of selling or trading otherwise than in accordance with these Rules and as may be specified under Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.

PART-V

Liberties, powers and privileges reserved to the State Government

The State Government or any officer, or persons authorized by it in that behalf has the liberty and power to enter into and upon the leased area to carry on any operation in connection with survey, sampling, testing, quarrying, processing, stacking and transportation of mineral as may be deemed necessary.

PART-VI

Provision regarding Rents and Royalties

1. The lessee shall, during the subsistence of this lease pay to Government royalty in respect of the minor mineral removed by him from the leased area at the rates prescribed in Schedule II and surface rent at the rate prescribed in Schedule I.

2. All payments relating to rents, royalties, fees, etc. as provided under these rules shall be paid to the State Government free from all deductions, at the District Treasury/Sub Treasury and in such manner as the Competent Authority may prescribe.

3. For the purpose of computing the royalty, the lessee shall keep correct account of the mineral produced, stacked and

W. S. Patra
Tahasiladar
Rajnandrapurkhand

BIPIN BEHARI KHANDUAL
ROPI/OD/149/2016



removed from the lease area and submit a return to the Competent Authority and Director in Form K & Form P.

4. The lessee shall pay royalty in advance and the differential amount, if any, on computation shall be paid by the end of the first fortnight of each half yearly period during the subsistence of the lease.

5. The lessee shall pay surface rent in advance and not later than 15th January and 15th July of each year.

6. The lessee shall in addition to the rents and royalties, also pay the contributions to the District Mineral Foundation and Environment Management Funds at the rates specified in the Rules.

7. The lessee shall also pay the additional charge at the rate of Rs 1218 Per cubic meter.

8. The minimum guaranteed quantity for the quarry lease shall be 43861 Cum per annum.

Signed by *[Signature]*
31.5.21
Tahasildar
Khandripochani

For and on behalf of Governor of Odisha, in the presence of

1. *Suresh Chandra Agar* Subbar *Prasanna Kumar* Bunkh
2. *Tapas Kumar* Danda, SPAT, Tahasildar, *Bhola Prasad* Bhandari, Khandripochani

Signed by *[Signature]* Lessee in the presence of 31.5.21

1. *Pradyumna Prasad* *[Signature]* Adarshapur, Sottanpur
2. *Deepak Kumar Patra* *[Signature]* Kalaranga, Patra, BBSR

[Signature]
BIPIN BEHARI KHANDUAL
RO/OD/1049/2018

True Copy Attested
[Signature]
Advocate



- 121 -

ANNEXURE— H/7 MODIFICATION OF MINING PLAN

(Prepared under Rule 28 (8) of the Odisha Minor Mineral Concession Rules, 2016)

OF

BALIPOKHARI SAND QUARRY, JAGANNATHPRASAD

OVER 4.95 HECT OR 12. 23 ACRES IN VILLAGE JAGANNATHPRASAD
UNDER BHANDARIPOKHARI TAHASIL OF BHADRAK DISTRICT, ODISHA

Applicant - : Sri Subhranshu Sekhar Padhi

PREPARED BY

BIPIN BEHARI KHANDUAL

RQP/OD/049/2016

APPROVED

GEO CONSULTANTS PVT LTD,

BHUBANESWAR

[Handwritten signature]
Director of Geology
Bhubaneswar

- 122 -



CONSENT LETTER FROM APPLICANT

The Modification of approved Mining Plan for Jagannathprasad sand source, in respect of the Quarry Lease area of Sri Subhranshu Sekhar Padhi, over 4.95 Ha. or 12.23 Acres in village Jagannathprasad under Bhandaripokhari Tahasil of Bhadrak District, Odisha, has been prepared by Sri Bipin Behari Khandual, Consulting Geologist, Regn. No. RQP/OD/049/2016. I request the Authorised Officer, O/o The Directorate of Geology, Bhubaneswar, Odisha, to make further correspondence regarding final approval of the modification of approved mining plan with the said recognised person in his following address.

Geo Consultants Pvt. Ltd.
853, Gobind Prasad (Medical Lane)
In front of Reliance fresh (Radhika Complex)
Bhubaneswar-751006
Phone/ Fax -0674-2575702
Email -consultants_geo@yahoo.co.in
Mobile -+91-9437019019

I hereby undertake that all proposals so made in the mining plan by the said recognised person be deemed to have been made with my knowledge and consent and shall be acceptable to me and binding on me in all respect.

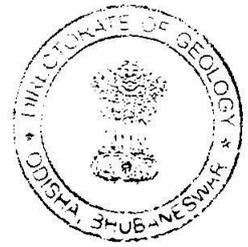
Sri Subhranshu Sekhar Padhi

Place : Jagannathprasad

Signature of the applicant

Date : 21.10.21

Sri Subhranshu Sekhar Padhi



- 123 -

UNDERTAKING

I, Sri Subhranshu Sekhar Padhi, auction holder of Quarry Lease of Jagannathprasad sand source, over 4.95 Ha. or 12.23 Acres in village Jagannathprasad under Bhandaripokhari Tahasil of Bhubaneswar District, Odisha, hereby undertake that, the financial assurance related to the Progressive Mine Closure Plan of the Modification of approved Mining Plan of the area as decided by the competent authority in the form of bank guarantee from any nationalized bank will be submitted by me as and when required by the competent authority.

Sri Subhranshu Sekhar Padhi

Signature of the applicant

Sri Subhranshu Sekhar Padhi

Place : Jagannathprasad

Date : 21.10.21



- 124 -

CONTENTS

CHAPTER NO.	DESCRIPTION	PAGE
0.0	INTRODUCTION	1
1.0	PARTICULARS OF THE AREA	3
2.0	RESERVES	5
3.0	MINING	11
4.0	WASTE DISPOSAL	14
5.0	MINE DRAINAGE	15
6.0	MINERAL PROCESSING	16
7.0	PLANTATION	17
8.0	MANPOWER	18
9.0	USE OF MINERAL	19
10.0	MINE CLOSURE PLAN	20

iii

APPROVED
Date: 10/11/21
[Signature]
Deputy Director Geology
Directorate of Geology
Shubaneswar

[Signature]
BIPIN BEHARI KHANLUKAR
20/11/2021



- 125 -

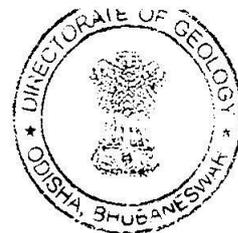
LIST OF PLATES

Plate No	Description	Scale (R F)
I	Key Plan	1 : 50,000
II	Lease plan	16" = 1 mile
III	Surface Plan	1 : 2,000
IV	Geological plan	1 : 2,000
V	Composite development plan	1 : 2,000
VI	Progressive Mine Closure Plan	1 : 2,000

APPROVED

[Signature]
25/10/21
Deputy Director Geology
Directorate of Geology
Bhubaneswar

[Signature]
MIRIN ISHANI KHANDUAL
30/10/2021



-126-

LIST OF ANNEXURES

DESCRIPTION	ANNEXURE NO.
Copy of Lease deed	I
Letter of Tahasildar to prepare mining plan and modification of approved mining plan	II
Copy of mining plan approval letter	III
Copy of RQP certificate	IV
Copy of letter of Revenue authority in support of demarcation of the area on field.	V
Copy of ID proof	VI

APPROVED
S. S. 10/21
Director, Geology
Bhubaneswar


DIPAK BAHARI KHANDUAL
REF. 00/024-2015



- 127 -

CHAPTER -0.0

Introduction:

The area over **12.23 Ac. or 4.95 Ha.** under reference is located in village Jagannathprasad of Bhandaripokhari Tahasil in Bhadrakh district of Odisha. Quarry lease has been executed and registered in favour of Mr Subhransu Sekhar Padhi by the Tahasildar, Bhandaripokhari on 03.06.2021 for five years (**Annexure- I**).

After registration of the lease deed it was noticed by the competent authority that the embankment in the eastern side which was proposed for transportation of river sand in the approved mining plan is not fully suitable for plying of sand filled dumpers in the rainy season. Therefore, the Tahsildar, Bhandaripokhari vide his letter No 1740 dt 05.08.2021 has asked the lessee to prepare a modification to the approved mining plan proposing another alternative road. Field study of the source reveals that the river sand can be transported out of the lease area in the western side through a fair weather road to be constructed in the western side. Also, in some parts the name of river has been mentioned as Budha river which has been changed to river Baitarani in the present document. Excluding these two points other parts of the approved mining plan remain unchanged.

The area under reference is featured in the Survey of India Toposheet No. F45U5 (73 L/5) and bounded between the latitudes of 20°54'00.03'' N to 20°54'06.08''N and longitudes of 86°17'00.16'' E to 86°17'18.38''E. The area is located at a distance of 100 Km from the district head quarters Bhadrakh and is at a distance of 125 Km from the state capital Bhubaneswar.

In the absence of boundary description of the area by the competent authority, the co-ordinates of boundary pillar /corner points of the area as revealed from geo referencing has been taken for field

-128-



study/observation over the area and data has been collected to prepare this mining plan. Accordingly, the area has been surveyed by the RQP through hand held GPS along with revenue officials for obtaining other required co-ordinates as well as the existing RL's of the required points.

The co-ordinates of boundary corner points are listed in the Surface Plan (**Plate NO III**) and given as follows.

Pillar No	Longitude	Latitude
1	86°17'04.48"	20°54'06.08"
2	86°17'05.97"	20°54'05.31"
3	86°17'06.88"	20°54'04.76"
4	86°17'08.97"	20°54'04.28"
5	86°17'10.26"	20°54'03.96"
6	86°17'11.90"	20°54'02.82"
7	86°17'13.60"	20°54'01.38"
8	86°17'14.22"	20°54'01.08"
9	86°17'15.68"	20°54'00.70"
10	86°17'16.51"	20°54'00.96"
11	86°17'17.75"	20°54'01.58"
12	86°17'18.19"	20°54'01.68"
13	86°17'18.38"	20°53'59.93"
14	86°17'04.21"	20°54'00.03"
15	86°17'03.14"	20°54'00.57"
16	86°17'01.26"	20°54'01.31"
17	86°17'00.16"	20°54'01.86"

APPROVED

S. S. Srinivas
Deputy Director of Geology
Directorate of Geology
Bhubaneswar

10/10/2017
10/10/2017

-129 -



FORM-O

[See Rule 28 (8) of the Odisha Minor Mineral Concession Rules, 2016]

MINING PLAN FOR WINNING OF BAITARANI RIVER SAND UNDER JAGANNATHPRASAD VILLAGE IN BHANDARIPOKHARI TAHASIL OF BHADRAKH DISTRICT.

CHAPTER -1

1. Name & Address of the Lessee : Subhransu Sekhar Padhi
S/o- Narayan Chandra Padhi
Vill- Barimunda, PS- Mancheswar
Bhubaneswar , Dist- Khordha
2. Particulars of the area (Acreage, Boundary Description & Land Schedule): : Name of the Quarry-
Balipokhari Sand Quarry,
Jagannathprasad
(Attach location map and surface plan showing the existing features of the area with contours at 2 m interval) Area- 12.23 acres or 4.95 hectares
Khata No- 799, Plot No – 1653/2734,
Kisam- Nadi. Land schedule mentioned on plan provided by revenue Authority and attached in **Plate no -II**. Location Map- Ref. **Plate no- I**, Surface Plan - Ref. **Plate No- III**.
3. Status of the Lessee (Private individual/ Private Company/ Public sector Undertaking / Joint sector Under taking/ Others) : Individual.
4. Period of Concession : Five years

BIPIN BEHARI KHANDUAL
2023-02-22 09:13



- 130 -

5. Mineral intended to be won

: River Sand

6. Name, Address & Regd. No. of RQP preparing the mining plan with validity of Recognition

: Bipin Behari Khandual
Geo Consultants Pvt. Ltd.
853, Gobind Prasad (Medical Lane)
In front of Reliance fresh
(RadhikaComplex)
Bhubaneswar-751006
Phone - 0674-2575702
Email-consultants_geo@yahoo.co.in
Mobile - 9437019019
Registration No - RQP/OD/049/2016
Valid up to- 02.08.2026

7. Order No. & date of competent Authority granting the Concession (copy of the Order to be attached)

: Not applicable as the area is yet to be leased out.

8. If, forest area, whether forest clearance Obtained (attach copy of forest clearance)

: The total area is non-forest Govt. land as envisaged from the land schedule provided by the revenue authority. Hence, Forest clearance is not required.

APPROVED

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25-10-21
BIPIN BEHARI KHANDUAL
Geo Consultants Pvt. Ltd.
Bhubaneswar


BIPIN BEHARI KHANDUAL
Geo Consultants Pvt. Ltd.
Bhubaneswar



CHAPTER -2

9. Reserve (Estimation to be based on the Exploration, if any, carried out in the area or on local Parameters):

The reserve is estimated based on local parameters. The lease area belongs to recent quaternary River bed deposits consisting of sand, silt, clay, gravel and alluvial deposits.

a. Physiography:

The Sand bed is on the river Baitarani. The Balipokhari Sand Quarry, Jagannathprasad represents a gently sloping to almost flat terrain with highest altitude of 11.5mRL. There is no human settlement within the area.

b. Regional Geology:

Geologically, the area belongs to recent to sub-recent period which is located in the Baitarani river bed at Jagannathprasad village, Tahasil-Bhandaripokhari, District- Bhadrakh. The quaternaries overlies directly on the Tertiaries and are composed of younger and older alluvia. The sediments of older alluvia are greyish to brownish in colour, unfossiliferous. Cenozoic's occupy about 20% of the land area of Orissa mostly along the coastal tract and river valleys. They are represented by Baripada bed, late Tertiary, bauxites, and the coastal alluvia. They could be grouped into two major divisions: Tertiary and Quaternary. The Tertiary rocks are represented by a small exposure of Mio-Pliocene rocks (Baripada Bed) around Baripada town while the Quaternary is represented by many residual products of weathering (laterite, bauxite, china clay etc) and coastal alluvia in the coastal plains and river valleys.


BIPIN GEHARI KHANDUAL
RC# OD/049/2017

-132-

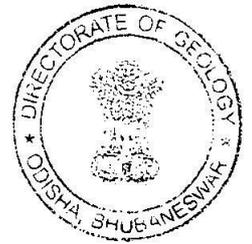


The Stratigraphic succession of the area on regional basis can be given as follows:

Type of Lithology	Geological Horizon	Age
Sand, silt and clay	Debi - Sukna stage (fluvial)	Upper Holocene to recent age
Coastal sand deposits with a variety of recent marine shells e.g., <i>Macra</i> sp, etc. with corresponding light colored yellow, yellowish brown sediments without any organic remains of fluvial nature.	Puri formation (Marine stage, beach) - Alaka fluvial stage	Youngest marine horizon. Age of shells by C14 dating about 5000 to 8000 years B.P. Represents fluvial sediments of early Holocene age to upper Ho Holocene age.
Light coloured limestone bearing sediments with fragmented and weathered organic remains (Echinoids, corals) occurring around 20-30 meters depth in Bhagabanpur bore hole with equivalent fluvial deposits.	Bhagabanpur formation (marine) and Burdha-Sukhabhadra fluvial stage	C14 dating of shell fragments show ages of 20,000 to 30,000 year BP. Late Upper Pleistocene
----- Unconformity -----		
Dark grey, very coarse to fine grained sediments containing significant quantity of organic shells, e.g., <i>Oliva</i> sp (Gastropoda), <i>Glycimeris</i> sp (Pelecypod) and typical iron silicates oolites	Tolapada Bed (Marine) equivalent of Baripada Beds	Pre Deltaic sediments could be of Pliocene age
----- Unconformity -----		
Basement rocks, e.g. khondalite, charnockite, gneisses etc. of Eastern Ghats group and sandstones and Carbonaceous shales of upper Gondwana Group.		

[Signature]

BIPIN BEHARI KHANDUAL
R.D. 07-03-2015



c. Local Geology

- 133 -

The sand deposit in Baitarani River near Jagannathprasad belongs to recent to sub recent deposits of Holocene age. Beach Sand, younger and older alluvium also belongs to the same age. The proposed area is occupied by a gently sloping to almost flat deposits of sand. The basement consists of Tertiary deposits and the sequence of litho-units encountered in the auction hold area is as follows:



d. Lithology:

The characteristic features of the litho units of the area are described below:

Sand: The area under reference is covered with grey to white sand deposits with average thickness of 3 m throughout sand part of the lease area. Sand by definition is a loose, incoherent mass of mineral materials and is a product of natural processes. These processes are the disintegration of rocks and corals under the influence of weathering and abrasion. When sand is freshly formed, the particles are usually angular and sharply pointed, but they grow gradually smaller and more rounded as they become constantly worn down by the wind or water. Sand particles tend to settle quite rapidly because of their shape, density and size. Therefore the concentration of sand is highest near the bed of the river and lowest at the surface. Clean sand is indeed a rare commodity on land, but common in sand dunes and beaches.

The composition of sand is highly variable in nature depending on the local rock types, source, and transport, but the most common constituent of sand in the continents, settings and non-tropical coastal



settings is silica (silicon dioxide or SiO_2), usually in the form of quartz which because of its chemical inertness and considerable hardness, is the most common mineral resistant to weathering.

Alluvium: Decomposed vegetal materials admixed with clay and soil constitutes alluvium which is underlain by the sand bed with some clayey matter.

e. **Reserve**

The Geological reserve has been estimated by considering the following parameters.

The Geological reserve has been estimated by considering the following parameters.

- i) Outcome of geological mapping: Patches of unexploited river sand occurrences are also observed within the area. The maximum RL of the surface sand zone is around 11.5m.
- ii) It is observed that, the difference in elevation between the highest and lowest points is much less. Gradient of the river is also very low. Therefore, Surface area method has been adopted for estimation of reserve for this river bed sand.
- iii) Thickness of sand zone: The mRL of the surface sand zone is around 11.5m. Considering the observations of thickness of sand bed of the area the maximum possible thickness of sand bed that can be mined out i.e. 3.0 m is assumed as the thickness of sand over the area for estimation of reserve.
- iv) The present document is being prepared for the lessee which would be decided through auction by the competent authority and would require at least 2 to 3 months from now. At that point of time the position and quantity of the present resource of river sand within the area cannot be calculated now. Also, the

- 135 -



pattern of sand deposition in the ensuing years of the lease period is impossible to ascertain right now. To overcome this, the total lease area has been considered as potential zone for sand deposition excluding the water channel areas, if any located within the area **(Plate No IV)** and Geological resource has been calculated based on this area and the present thickness of sand deposit.

In the absence of any monitored database, it is assumed that 200% of the above calculated resource would be replenished cumulatively within the total QL period of 5 years. Considering the above, the total geological Resource of the QL area for the lease period has been calculated by doubling the above calculated resource.

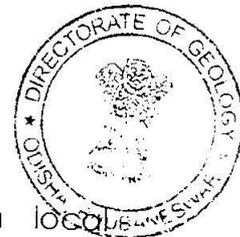
- v) The resource of river sand over the area has been categorized as probable reserve.
- vi) The foreign particles in the sand such as wood and other floating waste have been considered as waste. However, the volume of waste is negligible in quantity and in practice the waste will not be separated during mining. So recovery factor has been taken as 100% for sand.
- vii) Total volume of excavation of sand is saleable.

Mineable Reserve:

The sand resource within Safety Zone area of 7.5 m barrier all along the proposed area boundary and 10 m barrier around the water channel (if any) present within the proposed area have been excluded from the above calculated geological resource for computation of mineable reserve **(Ref. Plate No IV)**. Besides, 60% of the above computed mineable reserve as above has been taken as available mineable reserve over the area as per MoEF Notification dated 25.07.2018 which can be extracted during the total span of the plan period.

BIPIN BAHARI KHARDUAL
RO/105/149/21/13

-136-



Calculation of Reserve:

Based on the above considerations, site specificity & chosen local parameters, the reserve has been calculated for river bed sand zone by surface area method.

Formula adopted for calculation of volume of river sand is $V = A \times T \times RF$,

Where,

V is total volume of river sand in m^3

A is the surface area of occurrence of sand bed.

T is the average thickness of sand bed in m &

RF is recovery factor in %.

The total geological reserve has been estimated as **445500 Cum.**

Similarly, the extractable mineable reserve of river bed sand is worked out to be **219305 Cum.**

The geological reserve and mineable reserve of sand Quarry calculated are given in table no.1 & 2 respectively as follows:

Table.No.1

CATEGORY WISE GEOLOGICAL RESERVE OF SAND BED

GEOLOGICAL RESOURCE CALCULATION				
AREA OF POTENTIAL SAND ZONE (m^2)	THICKNESS OF SAND (m)	REPLENISHMENT FACTOR (200%)	GEOLOGICAL RESOURCE OF SAND (m^3)	CATEGORY
A	B	C	D= A X B X C	E
49500	3	3	445500	PROBABLE

Table No.2

CATEGORY WISE MINEABLE RESERVE OF SAND BED

MINEABLE RESERVE CALCULATION					
AREA OF POTENTIAL SAND ZONE EXCLUDING SAFETY ZONE (m^2)	THICKNESS OF SAND (m)	REPLENISHMENT FACTOR (200%)	MINEABLE RESERVE OF SAND (m^3)	EXTRACTABLE MINEABLE RESERVE	CATEGORY
A	B	C	D=A X B X C	E= D X 0.6	F
40612	3	3	365508	219305	PROBABLE

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 20/05/2016
 Deputy Director
 Directorate of Geology
 Bihar

Right now, the sand resource available within the source is $18620 m^2 \times 3m = 55860 m^3$ which is more than the MGG provided by the Tahasildar.

[Signature]



- 137 -

CHAPTER -3

10. Mining

a. **Whether manual or semi-mechanized or mechanized**

Semi Mechanized only. Mining shall be undertaken to extract sand, mainly through an open pit spread over the river course devoid of water or nominal water that may be encountered below.

Mining Method:

The mode of the deposit, geomorphology of the area and its hydrological condition are some of the factors that favours the open cast method of mining.

Mining will be done with semi mechanized excavation & loading into Haiwa/trucks for transport to the users' destination using eastern embankment of the river. The mining will be undertaken on single shift basis. The local man power shall be engaged in the mine. As an alternative mode of transportation the river sand of the source can be transported out of the lease area in the western side through a fair weather road to be constructed in the western side using Hume pipes for uninterrupted pass of river water.

b. **If semi-mechanized or mechanized, number, type and capacity of machines to be used:**

Loading of the sand to transporting vehicles and yacht/boat will be achieved through deployment of excavator. The transportation from the River sand bed site to respective users/destinations shall be done by Haiwa/truck. The no. of fleets with their capacity is as below:

DIPTA BANARJAN
2019.04.2019

-138-

Sl. No	Name	Capacity	No. of Fleet
1	Excavator	0.9/2.5 m ³	4/2
2	Haiwa/Trucks	13Cum/6Cum	8/16
3	Safety gears Helmets, safety shoes, Goggles & Hand gloves	-----	As required

- c. Whether drilling and blasting will be made use of, If yes, state monthly quantity of explosive consumed:

As such the river bed sand are loose. No drilling & blasting is required.

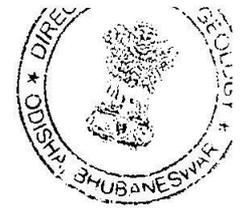
- d. **Benching pattern (Height x Width):** Benching pattern is not feasible in case of sand, as the angle of repose of sand is 35°, based on this the Ultimate pit slope Limit has been taken as 35°. The maximum depth of mining will be of 3m or up to water table whichever is less.

- e. **Proposed pit face lay out (Plate No-V):**

As there is no existing quarry with the applied area, hence development for five year plan period is proposed accordingly in fresh area. First year is proposed in the western part of the lease area due to presence of accessible road. It will gradually progress towards east in subsequent years of the plan period. The composite year wise development plan for five years has been provided on a scale 1:1000 in **Plate-V**.

- f. **Quarry Floor Level (RL) at the end of the year or period of the concession:**

8.5 mRL or up to water table whichever is less. The present level of the lease area is 11.5mRL. During plan period, the quarry floor will be 8.5mRL or up to water table whichever is less. The proposed pit lay out have been shown in the development plan and also in Progressive Mine Closure Plan (**Ref Plate-V & Plate-VI**).



-139-

g. Quantity of mineral to be won (Annual Level of Production) :

Total available mineable reserve over the area has been estimated considering the probable zone of occurrence of river sand bed within the proposed area which will be extracted year wise during the plan period. Based on the total extractable mineable reserve, the MGQ has been fixed by the competent authority.

Table No.3

YEAR WISE PRODUCTION OF SAND BED DURING PLAN PERIOD

Year	Surface area (sqm)	Thickness of excavation (m)	Production of sand (m3)
1 ST YEAR	14620	3	43860
2 ND YEAR	14620	3	43860
3 RD YEAR	14620	3	43860
4 TH YEAR	14620	3	43860
5 TH YEAR	14620	3	43860
TOTAL			219300

h. Quantity of overburden to be removed (Show location of such disposal in development plan) :

Since the river bed sand deposit is devoid of any over burden, development for over-burden does not arise.

i. Whether heavy blasting to be adopted: If yes, location of nearest habitation (to be shown in the surface plan)

No blasting is required for sand mining.

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25.10.17
Joint Director Geology
Department of Geology
Bhubaneswar

j. Safety precautions to be adopted:

It is suggested to cover the loaded vehicle of river sand very securely by tarpaulin sheet before transportation to the dispatch point.

k. Brief description on the method of Procurement and storage of explosives:

Not applicable.

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Joint Director Geology
Department of Geology
Bhubaneswar

-140-



CHAPTER -4

11. Waste disposal:

Not applicable as there will be no generation of waste in this case.

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9/25/21
Deputy Director Geology
Directorate of Geology
Bhubaneswar

[Signature]
Deputy Director Geology
Directorate of Geology
Bhubaneswar



CHAPTER -5

12 Mine drainage :

(Give details of total make of water during dry and rainy season and its method of handling)

The shallow depth excavation on dry/nominally wet sand close to the bank or dry river bed has been proposed, which will have negligible or no impact on drainage. Abandoned stream channels on terrace and inactive flood plains have been preferred rather than active channels and flood-plains.

Water that might percolate (if any) into excavation area has to be pumped out to channelize to river course during excavation. Stream will not be diverted to form inactive channel. Mining below subterranean water level will be avoided as a safeguard against any water contamination. Excavation at the concave side of river bank/channel has been avoided to prevent bank erosion.

It is observed from the dug well in the adjacent plain area and in the nearby villages that the ground water table varies between 4m to 8 m from the surface level depending upon seasonal variations. During dry season the water table falls to 8 m from the surface where as during rainy season the water table remains at 4m from the surface. As the mining activities presently proposed are maximum up to 3 m that to within the river course and the total mining operation will be achieved through manual means, so there will be no effect on ground water table.

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Date 25.10.21
[Signature]

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-142-



CHAPTER -6

13. Mineral Processing : (Give details of processing including sizing, Sorting, generation of rejects/fines etc)

Sand excavation from the river bed mining is not required to be processed as the end consumer will purchase the sand as such for their requirement.

APPROVED

S. K. Singh
21/5/21
S. K. Singh
Director, Geology
Directorate of Geology
Jharkhand

S. K. Singh
S. K. Singh
21/5/21

-143-



CHAPTER -7

14. a) No. of trees to be uprooted due to mining operation:

There is no tree within the auction area on the river-bed sand and hence not applicable.

b) Programme of Plantation:

It is proposed for planting @50 saplings of suitable species per annum by the lessee in vicinity of the river bank as avenue plantation which is to be undertaken in consultation with the concerned authority.

APPROVED

G. K. S. 25.10.21
Deputy Director Geology
Directorate of Geology
Bhubaneswar

[Signature]
Deputy Director Geology
Directorate of Geology
Bhubaneswar

- 144 -



CHAPTER -8

15. Manpower:

a) Supervisory (inclusive of statutory personnel's) :

1 (one) number of supervisory personnel preferably Mining Mate with Certificate of Competency from DGSW will be employed.

b) Non- Supervisory (skilled, semi-skilled & unskilled):

Skilled: 10

Semi-skilled-18

Unskilled-25

Total- 54

c) OMS

Total production during plan period : 219306 Cum

Average ore production /annum : 43860 Cum

Working days in the year : 200 days (on an average)

Production per day : $43860/200 = 219$

Output per man shift (OMS) = $219/54 = 4$ Cum

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- 145 -

CHAPTER -9



16. Use of Mineral : (Specification and monthly quantity to be dispatched be furnished)

a) **For domestic use:** For construction purpose the sand of Baitarani River will be used. 43860 Cum of sand per annum is likely to be dispatched by the lessee (auction holder) to domestic and commercial users. It is suggested to cover the loaded vehicle of river sand very securely by tarpaulin sheet before transportation to the dispatch point.

b) **For export:** No material will be exported at present.

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Sd/-
25/10/21
Director of Geology
Bihar

[Signature]
25/10/21

-146-



CHAPTER - 10

17. Mine Closure Plan:

a) Describe the process/activities to be undertaken for reclamation and Rehabilitation in respect of the following:

i) **Mined out land:** During plan period the mined out land will be **4.06 ha.**

The Balipokhari Sand Quarry, Jagannathprasad comprises of 12.23 acres or 4.95 hectares under Bhandaripokhari Tahasil of Bhadrakh district. The entire area is of river bed and devoid of any forest growth. Since it is a River sand bed and the total mining activities will be confined to the river sand bed, no reclamation measure is proposed for mine closure. Invariably, the total/partial volume of sand extracted in each year will be re-deposited in subsequent years during rainy season. Therefore, only avenue plantation has been proposed @50 saplings per annum on the river bank adjacent to this leasehold.

The existing land use as well as proposed land use of the area is given as below:

Type of land use	Area (Ha)
Quarry Safety zone area	0.89
Potential Mineable surface area within the plan period	4.06
Total	4.95

-147-



- ii) Waste/reject dump: Does not exist as there will be no generation of waste.

- iii) Topsoil stack and its utilization: There will be no generation of top soil in this Quarry since the mining for sand will be carried out within the river bed

b) Financial assurance:

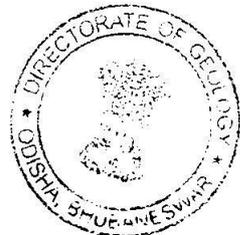
The area to be put to use will be 4.06 Ha. Hence, the financial assurance as decided by the competent authority would be submitted by the auction holder on demand. An undertaking to this respect by the auction holder is enclosed for the purpose. Also, the auction holder is agreed to pay 5% of the royalty towards Environment Management Fund.

APPROVED

[Signature]
25.10.21
Deputy Director Geology
Directorate of Geology
Bhubaneswar

[Signature]
Deputy Director Geology
Directorate of Geology
Bhubaneswar

- 148 -



CERTIFICATE

18.0

I, Sri Subhranshu Sekhar Padhi, auction holder of Quarry Lease of Jagannathprasad sand source, over 4.95 Ha. or 12.23 Acres in village Jagannathprasad under Bhandaripokhari Tahasil of Bhadrak District, Odisha, hereby solemnly affirm that the plans and programmes in this modification of approved mining plan will be scrupulously implemented by me and I will be strictly held responsible for any deviation thereof.

I also hereby certify that the provisions of Mines and Minerals (Development & Regulation) Act, 1957, and the Mines Act, 1952 and Rules and Regulations made under these Acts, along with the provisions of Odisha Minor Mineral Concession Rules, 2016 will be strictly adhered to while implementing this Modification of the approved Mining Plan and wherever specific permissions will be required the auction holder will approach the concerned authorities of Directorate General of Mines Safety and the State Government as the case may be.

Sri Subhranshu Sekhar Padhi

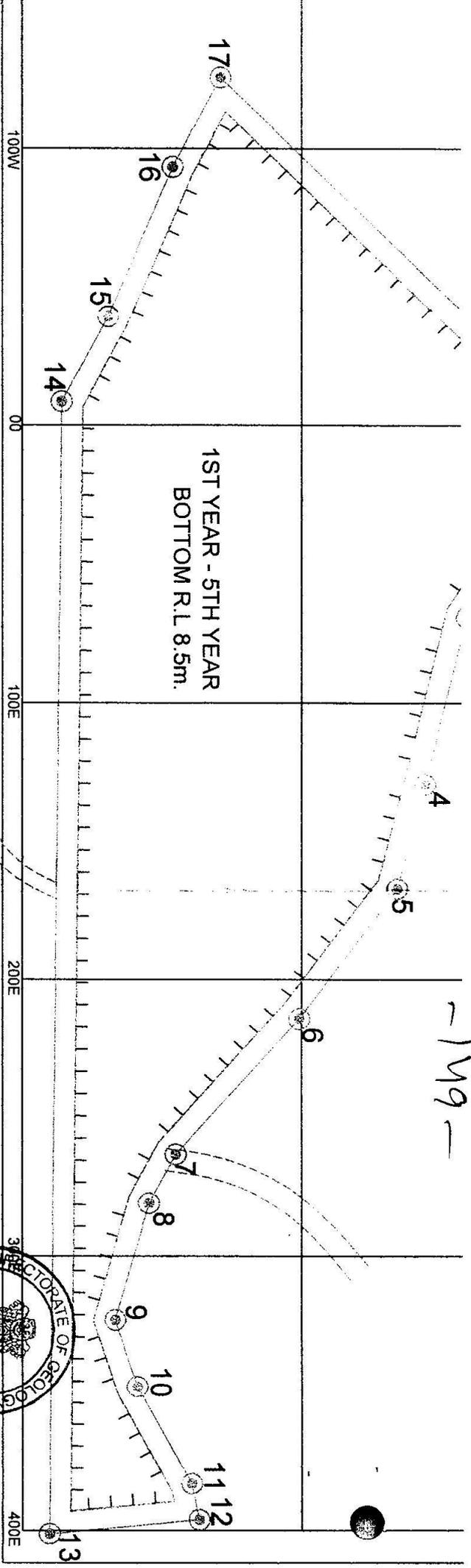
Signature of the applicant

Sri Subhranshu Sekhar Padhi

Place : Jagannathprasad

Date : 21.10.21

[Signature]
SRI SUBHRANSHU SEKHAR PADHI
2021/10/21



(DATE OF SURVEY - 09.08.2021)

PLATE-VI

BALIPOKHARI SAND QUARRY, JAGANNATHPRASAD
 OVER 4.95 HECT./12.23 ACRE
 IN BHADRAK DISTRICT, ODISHA.

PROGRESSIVE MINE CLOSURE PLAN

R.F. 1:2,000

APPLICANT:- SRI. SUBHRANSHU SEKHAR PADHI

PROPOSE R.L

AREA OF EXCAVATION DURING
 1ST YEAR - 5TH YEAR

ULTIMATE PIT LIMIT

APPROACH ROAD

SAFETY ZONE

QUARRY LEASE AREA

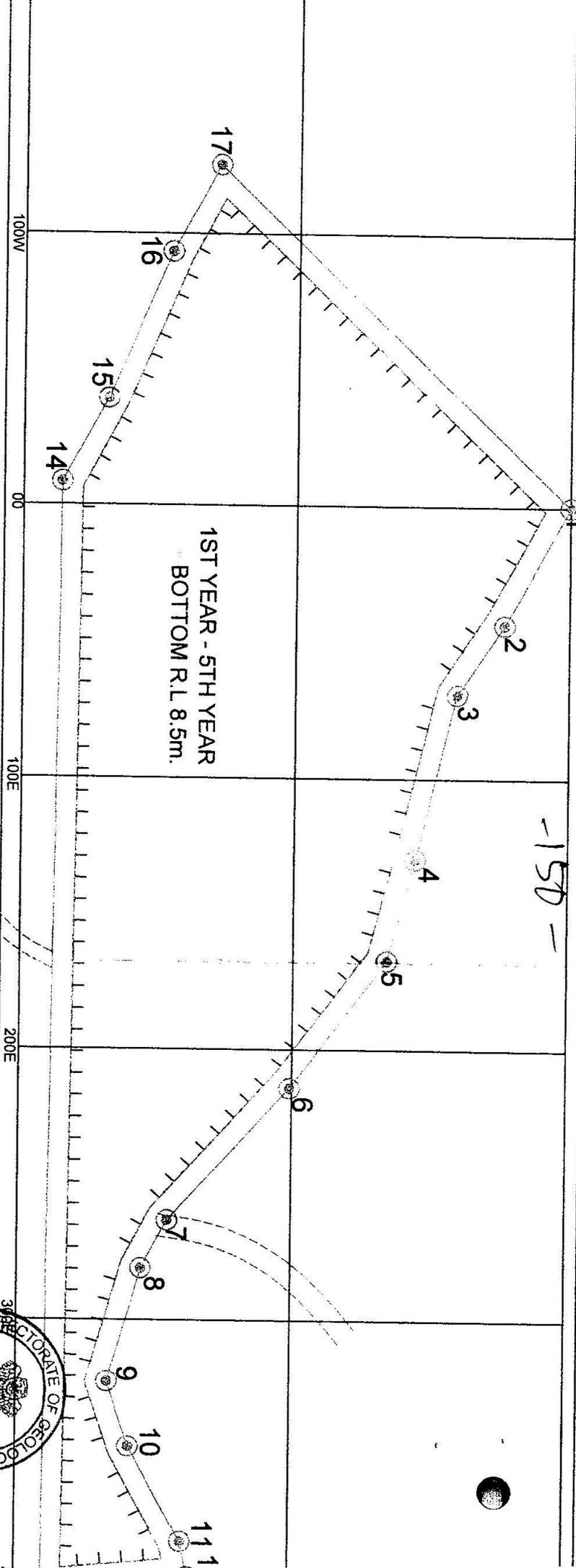
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[Signature]
 10/7/21

GIJAN SENARI KHANDUAL
 Director of Geology
 Bhubaneswar

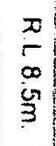
Director of Geology
 Bhubaneswar

[Signature]



-150-

INDEX

-  QUARRY LEASE AREA
-  SAFETY ZONE
-  APPROACH ROAD
-  ULTIMATE PIT LIMIT
-  AREA OF EXCAVATION DURING 1ST YEAR - 5TH YEAR
-  PROPOSE R.L.

True Copy Attested
Smile
 Advocate

(DATE OF SURVEY - 09.08.2021)

BALIPOKHARI SAND QUARRY, JAGANNATHPRASAD
 OVER 4.95 HECT./12.23 ACRE
 IN BHADRAK DISTRICT, ODISHA.



PROGRESSIVE MINE CLOSURE PLAN

R.F. 1:2,000

APPLICANT:- SRI. SUBHRANSHU SEKHAR PA



APPROVED

B. Sekhar
 10/11

J. P. BHANDARI
 Director of Geology, Odisha

[Signature]

-151-

ANNEXURE-I/7

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24045 OF 2021

Subhranshu Sekhar Padhi

..... *Petitioner*
Mr. Prafulla Kumar Rath, Advocate

-versus-

State of Odisha & Ors.

..... *Opposite Parties*
Mr. L. Samantaray, AGA

CORAM:

JUSTICE C.R. DASH

JUSTICE K.R. MOHAPATRA

ORDER
24.08.2021

Order No.
02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Learned counsel for the petitioner undertakes to remove the Defect No.11 as pointed out by the Stamp Reporter by Monday.
3. Office is to verify the same and proceed accordingly.

(C.R. Dash)
Judge

(K.R.Mohapatra)
Judge

Contd. P-2

-152-

2

I.A. No. 11132 of 2021

Order No.

03.

1. Heard learned counsel for the parties.
2. The grievance of the petitioner in the I.A. is that, though lease deed has been executed in respect of the particular sand sairat, the petitioner having deposited about Rs.1 Crore, he is not able to operate the sand sairat for hooliganism by the sand mafia.
3. The present I.A. has been filed to give him protection for operating the sand sairat.
4. Regard being had to the facts and submissions and taking into consideration the decision of this Court reported in the case of *M/s. Shakti Bricks Vrs. The Collector, Bhadrak and Others 2002 (II) OLR 690*, we direct the District Administration, i.e., the Collector and the Superintendent of Police, Bhadrak to give adequate protection to the petitioner to operate the sand sairat, till the next date.
5. Mr. Samantaray, learned Additional Government Advocate is directed to obtain instruction in the meantime regarding the situation in the sand sairat.
6. List this matter on 22nd September, 2021.

Contd. P-3

- 153 -

3

7. Urgent certified copy of this order be granted as per rules.

8. A free copy of this order be supplied to Mr. Samanataray, learned Additional Government Advocate.

(C.R. Dash)
Judge

Balaram

(K.R. Mohapatra)
Judge

True Copy Attested
Sanda
Advocate