

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

ORIGINAL APPLICATION NO 2 OF 2021

IN THE MATTER OF:

KISHOR CHANDRA PAL & OTHERS

APPLICANTS

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

REPLY AFFIDAVIT OF RESPONDENT NO 5

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DATE: 11th AUGUST 2021

SANKAR PRASAD PANI,

S. Pani
ADVOCATE FOR RESPONDENT NO 5

Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002, Enrolment No O-785/07, Email: sankarprasadpani@gmail.com, Mob-9437279278

LIST OF DATES IN REGARD TO THE BAITARANI RIVER SANDQUARRY , RANAPAL

- 25/06/2020** Mining Plan approved by the Deputy Director of Geology, Directorate of Geology, Bhubaneswar
- 24/08/2020** Tender Notice floated by Tahasildar for leasing of present Baitarani Sand Sairat **at Ranapal.**
- 14/09/2020** Disposal of Writ Petition (c) No 22725 /2020 filed by the petitioners therein directing the District Collector, Jajpur for disposal of Representation giving opportunity of hearing to petitioners
- 23/09/2020** District Collector issued order for a Joint Inspection of the Sand Sairat by a committee comprising of Executive Engineer Irrigation Department, Tahasildar Vyasnagar and Geologist Jajpur
- 26/09/2020** Joint inspection by the Committee and submission of report to the District Collector, Jajpur
- 1/10/2020** Personal hearing to the villagers by district Collector Jajpur on their Representation and grievances about the sand sairat
- 27/10/2020** Issue of Form -F as Intimation to Succesful Bidder, the present deponent for conveyance of his acceptance to the terms and conditions and to deposit the security

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amount of sixty three lakh one thousand seven hundred forty seven

28/10/2020

the present deponent deposited the security amount of sixty three lakh one thousand seven hundred forty seven only vide money receipt no 0520999

06/07/2021

The State Environment Impact assessment Authority granted Environment Clearance considering all the environmental concerns of sand mining and safety of river with more than 30 stringent conditions

27/07/2021

Consent to Establish and Consent to Operate Granted by the State Pollution Control Board, Regional Office, Kalinganagar

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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RESPONDENTS

REPLY AFFIDAVIT OF RESPONDENT NO 5 TO THE

ORIGINAL APPLICATION

I, SUNIL MALLICK S/O LATE SESHADDEB MALLICK AGED ABOUT 40 YEARS AT-BRAJARAJNAGAR, PO-RUDHIA, PS-PANIKOILI. DIST-JAJPUR do hereby solemnly affirm, and declare as under:

1. That I am the RESPONDENT NO 5 in the abovementioned application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.
3. That the Original application was filed challenging the order dated 8/10/2020 issued by District Collector Jajpur and allotment order dated 28/10/2020 issued by Tahasildar Vyasaganar in favour of Sri Sunil Mallick .

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4. The Applicants have prayed the Hon'ble tribunal for the following reliefs.

“To hold and declare that the allotment order dt 27.10.2020 is totally illegal.

To direct the respondent no 5 not to take any step for lifting of sand awaiting the order passed by Hon'ble Tribunal.

To fix accountability on public authorities for their in action and to allow the criminal proceeding against the public authorities who have allowed the bid in violation of norms, guidelines and decisions of the Hon'ble Supreme court of India and different High courts.”

PRELIMINARY OBJECTION

5. **No Cause of Action:** That the Original Application is not maintainable as because there has been no cause of action for filing this Original Application. It is humbly submitted that the **Present Respondent has not started any mining activity and same has been admitted by the Applicant in Para no 8 and Page No 8 has stated that the present respondent has started clearing the area.** At the cost of repetition the present deponent reiterates that he has not started any mining operation and **EVEN** has not cleared the area as because the sand sairat is open and cleared much before, so no requirement of any kind of clearing activities. Even for sake of argument, the clearing activity does not amount to mining and no way amounts any kind of violation. That nowhere in the entire Application there is any whisper about mining operation by the present deponent.

6. **Barred by Principle of Res-Judicata:** That the issues raised in the Present application filed has already been settled in the earlier litigation before Orissa High court in WP (C) 22725 of 2020 and order dated 14/09/2020(Annexure 2 of OA) and then after the grievance before the District Collector Jajpur and the order of District Collector dated 9th October 2020 after hearing all the parties. Hence this Application is barred by Principle of Res-judicata. If at all the applicants are aggrieved with the Non-Compliance of Order of Orissa Highcourt, they are at liberty to file appropriate application for violation of Order Honble Highcourt in the same court and not before Hon'ble National Green Tribunal.
7. **Original application is Premature:** That the Original Application was filed on 24/12/2020 without waiting for the Report of the State Expert Appraisal Committee and Environment Clearance where in the environmental concerns are being addressed by the committee of experts and the applicant did not bother to wait till that time and further have not raised any issue which are of environmental concern, hence liable to be dismissed for no merit
8. **Impugned Order are of Appealable in Nature under OMMC Rule 2016:** Order of Tahasildar dated 28/102/20 is Appealable before Sub-Collector similarly order passed by District Collector is appealable before Revenue Divisional Commissioner: That in the Original application challenging the allotment order is appealable under Rule 46 of Odisha Minor Mineral Concession Rule 2016 and. Hence this application is liable to be dismissed
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for want of Jurisdiction and the Applicants have not exhausted the statutory remedy available to them. The relevant portion of OMMC Rules 2016 is reproduced as follows

“46. Procedure for filing appeal:— (1) Any person aggrieved by an order of the Competent Authority, may, within one month from the date of communication of the order, prefer an appeal in Form-X against such order, to the Sub- Collector, if the order is passed by the Tahasildar, **to the Collector, if the order is passed by the Sub-Collector, to the Revenue Divisional Commissioner, if the order is passed by the Collector,** to the Conservator of Forests, if the order is passed by the Divisional Forest Officer, to the Joint Director, if the order is passed by the Mining Officer or Deputy Director, to the Director, if the order is passed by the Joint Director and to the State Government in the Department of Steel and Mines, if the order is passed by the Director: Provided that in case of matters related to specified minor minerals, the State Government may review its order on receipt of review petition from any aggrieved person or suo moto within ninety days of communication of such order and correct or modify their order.

(2) No appeal shall be admitted unless the amount, if any, assessed in accordance with the provisions of these rules as per the orders, has been deposited.

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(3) The Appellate Authority mentioned under sub- rule(1) may call for relevant records and other information from the concerned authority and may, if considered necessary, stay the operation of the order of the authority in any particular case till the appeal is finally disposed or until further orders are passed, as the case may be. (4) Every application for appeal shall be accompanied by a non-refundable fee of rupees one thousand.

(5) In the event of any dispute relating to the area, conditions, the dues payable or any other matters under the prospecting license-cum-mining lease or mining lease or quarry lease executed for the purpose, the suits or appeals shall be filed only in the civil courts in whose jurisdiction such area falls. “

9. **NON-JOINDER OF PARTIES:** That the Applicant is claiming about the Sustainable Sand Mining Guideline but has not made SEIAA and Pollution Control Board as parties who are the competent authorities to deal with the issues and for that sake need to be dismissed, As such Respondent No 1 PanchayatiRaj Department has no business with the sand mining and thereby a mis-joinder of parties.

PARAWISE COMMENTS TO THE ORIGINAL APPLICATION

1. That Para3 of the OA stating that the Tahasildar has allotted work order on 27/10/2020 is completely wrong and shows ignorance of the applicants to the extent of reading a document. Nowhere in the document

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says this is a "WORK ORDER". This is a mere intimation of successful bidder and asking to deposit the security money. There are many more steps prior to issue of a work order and more particularly environment clearance, consent to operate and the Execution of Agreement are the prerequisite for issuance of work order.

2. That para 4 is a vague and general statement without any relation to the present case. As such in the present case the competent authority Deputy Director of Geology has approved the mining plan while Irrigation Engineer has suggested the safety zone.
3. That the Para 5 is again a vague statement without any specific link to the present sand sairat. As such the apprehension are completely baseless and without any substance. Further the same have already been taken care by the joint committee in their report of 26/09/2020 and Environment Clearance letter. Copy of Joint inspection report by the Committee to the District Collector, Jajpur dated 26th Sept 2020 as

ANNEXURE-1

4. It is further submitted that as of now no work order has been issued even though the present respondent has complied all the requisites and deposited the security amount of 63lakh. Further this application with baseless allegation is delaying the prospects of leaseholder though they have deposited the amount with Tahasildar making loan from market and same has been kept idle in the state government treasury since



28/10/2020 as the applicant could not operate the sand sairat source. For that sake the present deponent is facing serious financial crisis as he has to pay the interest while the capital amount is in idle condition. Copy of receipt of security amount of sixty three lakh one thousand seven hundred forty seven only vide money receipt no 0520999 dated 28/10/2020 as ANNEXURE-2

5. That this deponent has nothing to say so far as para 6.7.8 and 9 are concerned as these are matter of record and infers nothing in specific against the present deponent
 6. That the para 10 of the OA saying the District Collector has not applied his judicious mind and without taking the law in field into consideration while approving the allotment letter on 08/10/2020 completely wrong and baseless. On the contrary the District Collector has constituted an expert committee of three members who have visited the site and submitted report to the District Collector. Then after the District Collector has given a personal hearing to the applicants. Based on the committee report and personal hearing, the District Collector has further imposed certain condition like no mining in monsoon and entire area will be demarcated with pillar and posting.
 7. That para 12 is mere presumption and apprehension without any scientific data and evidence pertaining to the present case, On the Contrary EC and committee report has taken care of the concerns.
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8. That the para 14 is false statement saying no Approval under EIA Notification has been taken. On the contrary the applicant has the raised issue quite premature as the Environment Clearance has to go through a rigorous process of scrutiny and same has been followed then after EC was granted on 06/07/2021. So issue of Environment Clearance raising at the time of Auction is too much premature and shows ignorance of the applicants about the EIA Notification 2006 and the process it involves. Copy of Environment Clearance granted by the State Environment Impact assessment Authority dated 06/07/2021 as ANNEXURE-3 AND Copy of Consent to Operate Granted by the State Pollution Control Board, Regional Office, Kalinganagar dated 27th July 2021 as ANNEXURE-4
9. That the grounds taken by the applicant are no way connected with this case as because in this case no mining activity has started.
10. The relief sought in the application is vague and not matches with the pleadings in the Original Application. As such the allotment order granted under Odisha Mineral Concession Rules 2016 is beyond the Jurisdiction of the Honble Tribunal and does not fall under the statutes in Schedule 1 of National Green Tribunal Act of 2010.
11. The cause of action as per the Applicants in para 8 of the synopsis that the “Respondent no 5 without taking any clearance from pollution control board and without demarcating the area and also without
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constructing separate road has forcefully started clearing the area by threatening the villagers with dire consequence in the event the villagers oppose the same”

It is humbly submitted that the present respondent denies any such bald allegation without being substantiated with any evidence. As such threatening with dire consequences is offence under Indian Penal Code and the Police Station is the appropriate authority for redressal of his grievance and not before Hon'ble NGT. The present respondent have not cleared any area and further the clearing of the area does not amount to mining operation and for that purpose there is no requirement of clearance from pollution authorities. River Bank and Raod cleaning is something not treated as Sand Mining. Hence the very foundation of the case of the applicants is based on presumptions and same is misconceived and without any merit for that the application need to be dismissed with cost.

12. That the applicant has pleaded vaguely about Sustainable Sand Mining Guideline 2016 without referring to any specific provision which the applicant believes to be violated. On the contrary the joint inspection report of Geologist, Executive Engineer Irrigation department and Tahasildar has taken necessary safeguards addressing the concerns of the applicants. On the top of that the State Environment Impact assessment Authority and State Expert Appraisal Committee, a body of experts too



have scrutinised the application for sand quarry and granted the environment clearance with stringent conditions. Hence due consideration has been given to the Sustainable Sand Management Guidelines. The relevant portion of the joint committee report in respect of present case is reproduced as follows

“ **Ranapal Baitarani River Sand Quarry**

1) The sairat source namely Ranapal Baitarani River Sand Quarry has been created newly over the land schedule as mentioned below after observing all formalities as per Odisha Minor Mineral Rules, 2016.

Land Schedule

Mouza Ranapal Plot No. 1471 (P) Khata No. 382 (A.AJ.A)

TOTAL Area (in Ac) 12.00 0/0 66.83 Kisam Nadi

2) The sand sairat source is coming under the safety zone taking into account the structural parameters, locational aspects, flow rate etc. for carrying out mining in proximity to any bridge or embankment which was worked out with the Assistant Engineer, Rudhia Irrigation Section, Rudhia.



- 3) The Collector & District Magistrate, Jajpur has approved the proposal of creation of Ranapal Baitarani River Sand Quarry and instructed to auction the source in 05 years long term lease basis.
 - 4) The mining plan of the source is approved by the Deputy Director of Geology, Directorate of Geology, Bhubaneswar.
 - 5) There is plenty of sand with annual minimum guaranteed quantity (MGQ) 5,520 cum which fetches good Govt. revenue and the auction can prohibit the theft of minor mineral.
 - 6) The lease area is 300 meters distance from the river embankment.
 - 7) There is no agriculture land in between the sairat area and river embankment.
 - 8) The river embankment is sustainable for transportation of sand by light vehicle from the sairat as a number of vehicles carrying illegal sand and soil brick every day in the same embankment.
 - 9) No breach of embankment due to flood near the source in past years or threat of same in current year.
 - 10) There is no habitation, monuments etc. nearby the sources.
- 

11) The river bed is filled with sand which helps the overflow of water in time of flood. It requires to be excavated through auction of sand.

12) The auction of sairat lease area does not affect the communal right of the general public.

13) The easement right of the people will not hamper as per OMMC Rules, 2016.

14) In view of above aspects, the Notice bearing No.5220/dt. 24.08.2020 was issued to auction Ranapal Baitarani River Sand Quarry in long term basis for 05 years and the bidder for the auction has been finalised on dt.16.09.2020. Subsequently, the successful bidder has been intimated in 'Form-F'."

11. That in view of the above submissions, the present deponents prays for dismissal of the Original application for lack of merit and may consider to impose cost for abuse of judicial process.

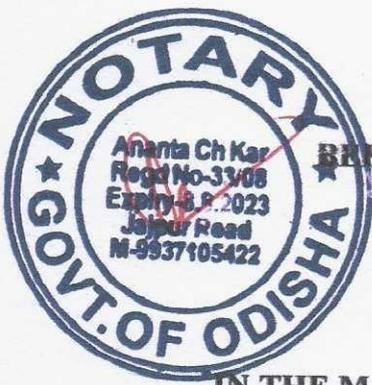
u/ 08/2021

RESPONDENT NO 5

Sankar Prasad Panigrahi

THROUGH ADVOCATE

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

ORIGINAL APPLICATION NO 2 OF 2021

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APPLICANTS

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

AFFIDAVIT

I, SUNIL MALLICK S/O LATE SESHADDEB MALLICK AGED ABOUT 40 YEARS AT-BRAJARAJNAGAR, PO-RUDHIA, PS-PANIKOILI. DIST-JAJPUR do hereby solemnly affirm, and declare as under:

1. That I am the RESPONDENT NO 5 in the abovementioned application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.

x Sunil Mallik
DEPONENT

VERIFICATION

Verified on this the 11th day of Aug 2021 at Jajpur Road that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

x Sunil Mallik
DEPONENT

Identified By

Advocate 8-21

The Deponent above named being identified by sri. P.K. Das Adv on oath states before me that the above contains are true to the best of my/our Knowledge and belief

NOTARY PUBLIC JAJPUR ROAD

ANANTA CHANDRA KAR
NOTARY
Govt. of Odisha
Jajpur Road

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ANNEXURE - VI
ANNEXURE - 1

OFFICE OF THE TAHASILDAR, VYASANAGAR, JAJPUR ROAD

Pin-755019, Ph:06726-220205, E-mail:tdrvyasanagar@gmail.com

Letter No. 5724 /Date. 26.09.2020

To

The Collector & District Magistrate, Jajpur.

Sub: Submission of joint inspection report on mining lease area of Baitarani river sand bed in connection to W.P(C) No.22725/2020 & 22727/2020.

Ref: Collectorate, Jajpur letter No.13386/Rev/dt.23.09.2020.

Sir,

In inviting a kind reference to the above noted subject, I am to submit herewith the joint inspection report dt.26.09.2020 on mining lease area of Baitarani river sand bed conducted by the Executive Engineer, Irrigation Division, Jajpur, the Geologist, Collectorate, Jajpur and the Tahasildar, Vyasaganar in connection to W.P(C) No.22725/2020 & 22727/2020 for your kind information and necessary action.

Enclosure: As above (07 Pages)

Yours faithfully,

26.09.2020
Tahasildar, Vyasaganar

Memo No. 5725 /Date. 26.09.2020

Copy to the Executive Engineer, Irrigation Division, Jajpur / Geologist, Collectorate, Jajpur for information.

26.09.2020
Tahasildar, Vyasaganar

TRUE COPY

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Advocate

OBSERVATIONS MADE DURING JOINT INSPECTION CONDUCTED ON 26.09.2020 REGARDING THE MINING LEASE AREA OF BAITARANI RIVER BED IN PURSUANT TO THE LETTER NO.13386/REV/DATE,23.09.2020 OF THE COLLECTOR & DISTRICT MAGISTRATE, JAJPUR IN CONNECTION TO W.P(C) NO.22725/2020 & 22727/2020.

As per the Order of the Hon'ble High Court of Odisha, Cuttack in connection to W.P(C) No.22725/2020 & 22727/2020, the Collector & District Magistrate, Jajpur vide letter No.13386/Rev/dt.23.09.2020 has constituted a committee comprising of (i) the Executive Engineer, Irrigation Division, Jajpur (ii) the Geologist, Collectorate, Jajpur & (iii) the Tahasildar, Vyasaganar and instructed the committee to conduct a joint inspection on the mining lease area of Baitarani river sand bed and submit the factual report by 27.09.2020 for passing an order. In pursuance to the above order, a joint inspection was conducted on 26.09.2020. The following members were present during joint inspection.

1. The Executive Engineer, Irrigation Division, Jajpur.
2. The Geologist, Collectorate, Jajpur.
3. The Tahasildar, Vyasaganar.

The following observations were found during the joint inspection with respect to sairat wise mining lease area of Baitarani river sand bed.

(i) **Sanla-II Baitarani River Sand Quarry**

- 1) The sairat source namely Sanla-II Baitarani River Sand Quarry has been created newly over the land schedule as mentioned below after observing all formalities as per Odisha Minor Mineral Rules, 2016.

Land Schedule				
Mouza	Khata No.	Plot No.	Kisam	Area (in Ac)
Sanla	301 (A.A.J.A)	02 (P)	Nadi	12.00 o/o 108.97
TOTAL				12.00

- 2) The sand sairat source is coming under the safety zone taking into account the structural parameters, locational aspects, flow rate etc. for carrying out mining in proximity to any bridge or embankment which was worked out with the Assistant Engineer, Rudhia Irrigation Section, Rudhia.
- 3) The Collector & District Magistrate, Jajpur has approved the proposal of creation of Sanla-II Baitarani River Sand Quarry and instructed to auction the source in 05 years long term lease basis.

- 4) The mining plan of the source is approved by the Deputy Director of Geology, Directorate of Geology, Bhubaneswar.
- 5) There is plenty of sand with annual minimum guaranteed quantity (MGQ) 28,430 cum which fetches good Govt. revenue and the auction can prohibit the theft of minor mineral.
- 6) The lease area is 100 meters distance from the river embankment.
- 7) There is no agriculture land in between the sairat area and river embankment.
- 8) The river embankment is sustainable for transportation of sand by light vehicle from the sairat as a number of vehicles carrying illegal sand and soil brick every day in the same embankment.
- 9) No breach of embankment due to flood near the source in past years or threat of same in current year.
- 10) There is no habitation, monuments etc. nearby the sources.
- 11) The river bed is filled with sand which helps the overflow of water in time of flood. It requires to be excavated through auction of sand.
- 12) The auction of sairat lease area does not affect the communal right of the general public.
- 13) The easement right of the people will not hamper as per OMMC Rules, 2016.
- 14) In view of above aspects, the Notice bearing No.5220/dt.24.08.2020 was issued to auction Sanla-II Baitarani River Sand Quarry in long term basis for 05 years and the bidder for the auction has been finalised on dt.16.09.2020. Subsequently, the successful bidder has been intimated in 'Form-F'.

(ii) **Makundapur-II Baitarani River Sand Quarry**

- 1) The sairat source namely Makundapur-II Baitarani River Sand Quarry has been created newly over the land schedule as mentioned below after observing all formalities as per Odisha Minor Mineral Rules, 2016.

Land Schedule				
Mouza	Khata No.	Plot No.	Kisam	Area (in Ac)
Makundapur	1029 (A.A.J.A)	3078 (P)	Nadi	12.00 o/o 90.35
TOTAL				12.00

- 2) The sand sairat source is coming under the safety zone taking into account the structural parameters, locational aspects, flow rate etc. for carrying out mining in proximity to any bridge or embankment which was worked out with the Assistant Engineer, Rudhia Irrigation Section, Rudhia.
- 3) The Collector & District Magistrate, Jajpur has approved the proposal of creation of Makundapur-II Baitarani River Sand Quarry and instructed to auction the source in 05 years long term lease basis.
- 4) The mining plan of the source is approved by the Deputy Director of Geology, Directorate of Geology, Bhubaneswar.
- 5) There is plenty of sand with annual minimum guaranteed quantity (MGQ) 10,040 cum which fetches good Govt. revenue and the auction can prohibit the theft of minor mineral.
- 6) The lease area is 200 meters distance from the river embankment.
- 7) There is no agriculture land in between the sairat area and river embankment.
- 8) The river embankment is sustainable for transportation of sand by light vehicle from the sairat as a number of vehicles carrying illegal sand and soil brick every day in the same embankment.
- 9) No breach of embankment due to flood near the source in past years or threat of same in current year.
- 10) There is no habitation, monuments etc. nearby the sources.
- 11) The river bed is filled with sand which helps the overflow of water in time of flood. It requires to be excavated through auction of sand.
- 12) The auction of sairat lease area does not affect the communal right of the general public.
- 13) The easement right of the people will not hamper as per OMMC Rules, 2016.
- 14) In view of above aspects, the Notice bearing No.5220/dt.24.08.2020 was issued to auction Makundapur-II Baitarani River Sand Quarry in long term basis for 05 years and the bidder for the auction has been finalised on dt.16.09.2020. Subsequently, the successful bidder has been intimated in 'Form-F'.

(Pg-03/07)

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(iii) Salaba Baitarani River Sand Quarry 21

- 1) The sairat source namely Salaba Baitarani River Sand Quarry has been created newly over the land schedule as mentioned below after observing all formalities as per Odisha Minor Mineral Rules, 2016.

Land Schedule

Mouza	Khata No.	Plot No.	Kisam	Area (in Ac)
Salaba	221 (A.AJ.A)	1055 (P)	Nadi	12.00 o/o 38.45
TOTAL				12.00

- 2) The sand sairat source is coming under the safety zone taking into account the structural parameters, locational aspects, flow rate etc. for carrying out mining in proximity to any bridge or embankment which was worked out with the Assistant Engineer, Rudhia Irrigation Section, Rudhia.
- 3) The Collector & District Magistrate, Jajpur has approved the proposal of creation of Salaba Baitarani River Sand Quarry and instructed to auction the source in 05 years long term lease basis.
- 4) The mining plan of the source is approved by the Deputy Director of Geology, Directorate of Geology, Bhubaneswar.
- 5) There is plenty of sand with annual minimum guaranteed quantity (MGQ) 16,730 cum which fetches good Govt. revenue and the auction can prohibit the theft of minor mineral.
- 6) The lease area is 02 km. distance from the river embankment.
- 7) There is no agriculture land in between the sairat area and river embankment.
- 8) The river embankment is sustainable for transportation of sand by light vehicle from the sairat as a number of vehicles carrying illegal sand and soil brick every day in the same embankment.
- 9) No breach of embankment due to flood near the source in past years or threat of same in current year.
- 10) There is no habitation, monuments etc. nearby the sources.
- 11) The river bed is filled with sand which helps the overflow of water in time of flood. It requires to be excavated through auction of sand.
- 12) The auction of sairat lease area does not affect the communal right of the general public.

(Pg-04/07)

- 13) The easement right of the people will not hamper as per OMMC Rules, 2016.
- 14) In view of above aspects, the Notice bearing No.5220/dt.24.08.2020 was issued to auction Salaba Baitarani River Sand Quarry in long term basis for 05 years and the bidder for the auction has been finalised on dt.16.09.2020. Subsequently, the successful bidder has been intimated in 'Form-F'.

(iv) **Ranapal Baitarani River Sand Quarry**

- 1) The sairat source namely Ranapal Baitarani River Sand Quarry has been created newly over the land schedule as mentioned below after observing all formalities as per Odisha Minor Mineral Rules, 2016.

Land Schedule

Mouza	Khata No.	Plot No.	Kisam	Area (in Ac)
Ranapal	382 (A.AJ.A)	1471 (P)	Nadi	12.00 o/o 66.83
TOTAL				12.00

- 2) The sand sairat source is coming under the safety zone taking into account the structural parameters, locational aspects, flow rate etc. for carrying out mining in proximity to any bridge or embankment which was worked out with the Assistant Engineer, Rudhia Irrigation Section, Rudhia.
- 3) The Collector & District Magistrate, Jajpur has approved the proposal of creation of Ranapal Baitarani River Sand Quarry and instructed to auction the source in 05 years long term lease basis.
- 4) The mining plan of the source is approved by the Deputy Director of Geology, Directorate of Geology, Bhubaneswar.
- 5) There is plenty of sand with annual minimum guaranteed quantity (MGQ) 5,520 cum which fetches good Govt. revenue and the auction can prohibit the theft of minor mineral.
- 6) The lease area is 300 meters distance from the river embankment.
- 7) There is no agriculture land in between the sairat area and river embankment.
- 8) The river embankment is sustainable for transportation of sand by light vehicle from the sairat as a number of vehicles carrying illegal sand and soil brick every day in the same embankment.

(Pg-05/07)

- 9) No breach of embankment due to flood near the source in past years or threat of same in current year.
- 10) There is no habitation, monuments etc. nearby the sources.
- 11) The river bed is filled with sand which helps the overflow of water in time of flood. It requires to be excavated through auction of sand.
- 12) The auction of sairat lease area does not affect the communal right of the general public.
- 13) The easement right of the people will not hamper as per OMMC Rules, 2016.
- 14) In view of above aspects, the Notice bearing No.5220/dt.24.08.2020 was issued to auction Ranapal Baitarani River Sand Quarry in long term basis for 05 years and the bidder for the auction has been finalised on dt.16.09.2020. Subsequently, the successful bidder has been intimated in 'Form-F'.

(v) **Dhanatri Baitarani River Sand Quarry**

- 1) The sairat source namely Dhanatri Baitarani River Sand Quarry has been created newly over the land schedule as mentioned below after observing all formalities as per Odisha Minor Mineral Rules, 2016.

Land Schedule				
Mouza	Khata No.	Plot No.	Kisam	Area (in Ac)
Dhanatri	477 (A.AJ.A)	2398 (P)	Nadi	12.00 o/o 44.18
TOTAL				12.00

- 2) The sand sairat source is coming under the safety zone taking into account the structural parameters, locational aspects, flow rate etc. for carrying out mining in proximity to any bridge or embankment which was worked out with the Assistant Engineer, Rudhia Irrigation Section, Rudhia.
- 3) The Collector & District Magistrate, Jajpur has approved the proposal of creation of Dhanatri Baitarani River Sand Quarry and instructed to auction the source in 05 years long term lease basis.
- 4) The mining plan of the source is approved by the Deputy Director of Geology, Directorate of Geology, Bhubaneswar.
- 5) There is plenty of sand with annual minimum guaranteed quantity (MGQ) 9,680 cum which fetches good Govt. revenue and the auction can prohibit the theft of minor mineral.

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- 6) The lease area is 200 meters distance from the river embankment.
- 7) There is no agriculture land in between the sairat area and river embankment.
- 8) The river embankment is sustainable for transportation of sand by light vehicle from the sairat as a number of vehicles carrying illegal sand and soil brick every day in the same embankment.
- 9) No breach of embankment due to flood near the source in past years or threat of same in current year.
- 10) There is no habitation, monuments etc. nearby the sources.
- 11) The river bed is filled with sand which helps the overflow of water in time of flood. It requires to be excavated through auction of sand.
- 12) The auction of sairat lease area does not affect the communal right of the general public.
- 13) The easement right of the people will not hamper as per OMMC Rules, 2016.
- 14) In view of above aspects, the Notice bearing No.5220/dt.24.08.2020 was issued to auction Dhanatri Baitarani River Sand Quarry in long term basis for 05 years and the bidder for the auction has been finalised on dt.16.09.2020. Subsequently, the successful bidder has been intimated in 'Form-F'.


26.9.20
Geologist
Collectorate, Jajpur

Executive Engineer
Irrigation Division
Jajpur


26.9.2020
Tahasildar, Vyasaganar
Tahasildar, Vyasaganar
Jajpur Road

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Advocate

(Pg-07/07)

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କାର୍ଯ୍ୟାଳୟ ପ୍ରାପ୍ତ ହେଲା Sumanil maulick s/o - sheshadev
maulick At - Boudhanagar, PO - Puri PS - Puri Taluk
DIST - Puri towards deposit of security money
of Ranapol Beitarani River Sand Quarry vide
Sarbat case NO - 04/2019-20

ନମ୍ବର ଆକାରରେ	ତାରିଖ	ମାତ୍ରା
D.D. NO - 460806	Dt - 14/09/2020	RS = 23,000 = 00
D.D. NO - 014101	Dt - 28/10/2020	RS = 9,00,000 = 00
D.D. NO - 014102	Dt - 28/10/2020	RS = 9,00,000 = 00
D.D. NO - 014103	Dt - 28/10/2020	RS = 9,00,000 = 00
D.D. NO - 014104	Dt - 28/10/2020	RS = 9,00,000 = 00
D.D. NO - 014105	Dt - 28/10/2020	RS = 9,00,000 = 00
D.D. NO - 014106	Dt - 28/10/2020	RS = 9,00,000 = 00
D.D. NO - 014107	Dt - 28/10/2020	RS = 9,01,747 = 00

(ଅକ୍ଷରରେ) Total RS = 63,20,747 = 00

CRUPEES SIXTY THREE LAKH TWENTY FIVE THOUSAND
SEVEN HUNDRED FORTY SEVEN ONLY
28/10/2020

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ଓ. ସ. ମୁଦ୍ରଣାଳୟ (ପାଠନ) DTP--172--20,000 RS.01-06-2015

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ANNEXURE-3
16.7.2021



सत्यमेव जयते

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY ODISHA, BHUBANESWAR

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2540669, E-mail-seiaaorissa@gmail.com

Letter No 1600/SEIAA

Di. 06.07.2021

File No. SEIAA-1274/01-2021

10

Sri. Sunil Mallick,
At-Brajanagar, Po-Rudhia, Ps-Panikolli
Dist-Jajpur

Sub: Proposal of Sri. Sunil Mallick for mining of sand from Ranapal Baitarani River Sand Quarry over an area of 12.00 acres or 4.86 ha at village- Ranapal, Tahasil-Vyasanagar, District- Jajpur - Environmental Clearance reg.

Ref: SEIAA File No: SEIAA-1274/01-2021 dated 27.01.2021

Sir,

This is with reference to the application dated 27.01.2021 for grant of environmental clearance (submitted in the offline mode) for the proposed activities mentioned above.

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

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

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16/7/21

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[Signature]
Advocate

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4. The proposed activities in a nut shell are as follows: -

- a. This is a proposal for mining of sand from Ranapal Baitarani River Sand Quarry lying in the Baitarani River bed located at village- Ranapal, Tahasil-Vyasanagar, District- Jajpur, over lease area of 12.00 acres or 4.86ha.
 - b. The mine area is a part of the Survey of India Toposheet No. 73L/1,73L/5 bounded by Latitude: 20°56'59.27" N to 20°57'12.09" N and Longitude: 86°17'03.65"E to 86°17'08.33" E.
 - c. The mining lease is an identified sairat source in the DSR. The Ranapal Baitarani River sand Bed sairat source has been leased out under the OMMC Rules, 2016 by Tahasildar, Vyasanagar to Sri. Sunil Mallick (successful bidder) on the basis of public auction 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 Deputy Director Geology, Directorate of Geology, Bhubaneswar on 25.06.2020.
 - e. As per the approved mining plan submitted, it is observed that the mineable reserve annually in the lease area is 13496 cum of sand, when extracted upto a depth of 2.0 m. No study of the annual rate of replenishment of sand has been done for the sairat source which is a pre requisite as per the guidelines of sustainable sand mining management issued by the MoEF & CC, Govt. of India, and as per orders dated 13.09.2018 of the Hon'ble NGT.
 - f. The project proponent has also not furnished the width of the river, nor the alignment of the extraction path for sand transportation. As reported by the tahasildar, a river/road bridge is at a distance of 2.0Km away from the mining lease area.
 - g. The cluster certificate has been furnished by the Tahasildar certifying that there is no other mine located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.
 - h. As per the approved mining plan, it is observed that sand from the quarry will be extracted upto a depth of 2.0 meter with annual extraction of sand not exceeding 5520 cum (maximum production capacity) during the valid lease period.
5. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5ha.

6. The proposal is duly appraised by the SEAC in its meeting held on 19.04.2021. The SEAC has submitted the appraisal report and recommended for grant of EC, vide their letter no. 347/SEAC-Misc-02 dated 22.04.2021.

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

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

9. Stipulated Conditions:

- 9.1 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 20th August, 2022 if satisfactory replenishment study report is not submitted. The submission of study report of rate of annual replenishment of sand is obligatory for the project proponent.
- 9.2 In the first year i.e. before the rainy season of 2022 the extraction of sand shall not exceed 5520cum, calculated by multiplying the working area in sqmtr by 2.0 meter depth of excavation.
- 9.3 The project proponent should carry out River bed sand mining manually by engaging local laborers in force to check over exploitation of sand at the source.
- 9.4 Any change in the plan or quantity to be produced shall require prior approval of SEIAA.
- 9.5 There shall be a 'no working zone' to protect the embankment on both sides, road or rail bridge in the vicinity, if any, dam, weir, water intake structure of irrigation or drinking water project, or any cross drainage structure. 10 % of the width of river shall be left intact along the embankments on both sides as 'no mining zone'. Further, no mining shall be allowed within 200 m of any existing structures dam, weir, water intake structure of irrigation or drinking water project, or any cross drainage structure. In case of River Bridge, this no mining zone shall extend

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

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

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

/modify the above conditions or stipulate any further condition in the interest of environment protection.

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

[Signature]
Member Secretary

Memo No 1631/SEIAA /Dt. 06.07.2021 *DA*

Copy to

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

[Signature]
Member Secretary

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Advocate



ANNEXURE-4

Page-1

By Regd. Post with AD

**REGIONAL OFFICE, KALINGANAGAR
STATE POLLUTION CONTROL BOARD, ODISHA
(DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA)
Kalinganagar, At. Dhabalgiri, PO. Ferro Chrome Project
Jajpur Road, Jajpur, 755020**

No. 1814 /KNG/SdQ/73

Dt. 27/07/2021
By Regd. Post

CONSENT ORDER NO. 491 /RO-SPCB-Kalinganagar/APC&WPC

Sub: Consent under Section 25/26 of Water (P&CP) Act, 1974 and Section 21 of Air (P&CP) Act, 1981

Ref: Your Online Application No.3694319

Consent is hereby granted under Section 25/26 of Water (Prevention and Control of Pollution) Act, 1974 and 21 of Air (Prevention & Control of Pollution) Act, 1981 and the Rules framed there under to

Name of the Industry: **M/s Ranapal Baitarani River Sand Quarry (Over Plot No.1471 (P) of Khata No.382 measuring an area Ac.12.00 Dec. (4.86 Ha) at Mouza - Ranapal under Vyasaganagar Tahasil in the district of Jajpur**

Name of the Occupier & Designation: **Sri Sunil Mallick (Successful bidder)**

Address **At. Ranapal, Vyasaganagar Tahasil, Dist. Jajpur, Odisha**

This consent order is valid for the period up to **31.03.2022**

This consent to operate is granted based on Environmental Clearance issued vide letter No.1630/SEIAA, dt.06.07.2021 & subjected to validity of lease period.

This consent order is valid for the product quantity, specified outlets, discharge quantity and quality, specified chimney/stack, emission quantity and quality of emissions as specified below. This consent is granted subject to the general and special conditions stipulated therein.

A. Details of Products Manufactured

Sl. No.	Product	Quantity in m ³ / Annum
1	Excavation/Quarrying of Sand	5520

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Advocate

ANNEXURE-1



B. Emission permitted through the following stack subject to the prescribed standard

Chimney Stack No.	Description of Stack	Stack height (m)	Quantity of emission	Prescribed Standard				
				PM (mg/Nm ³)	SO ₂	NO _x		
1	Domestic wastewater	Soak pit via septic tank						

C. Disposal of solid waste permitted in the following manner

Sl. No.	Type of Solid waste	Quantity generated (TPD)	Quantity to be reused on site (TPD)	Quantity to be reused off site (TPD)	Quantity disposed off (TPD)	Description of disposal site.

D. GENERAL CONDITIONS FOR ALL UNITS

1. The consent is given by the Board in consideration of the particulars given in the application. Any change or alternation or deviation made in actual practice from the particulars furnished in the application will also be the ground liable for review/variation/revocation of the consent order under section 27 of the Act of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 and to make such variations as deemed fit for the purpose of the Acts.
2. The industry would immediately submit revised application for consent to operate to this Board in the event of any change in the quantity and quality of raw material / and products / manufacturing process or quantity /quality of the effluent rate of emission / air pollution control equipment / system etc.
3. The applicant shall not change or alter either the quality or quantity or the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.
4. The application shall comply with and carry out the directives/orders issued by the Board in this consent order and at all subsequent times without any negligence on his part. In case of non-compliance of any order/directives issued at any time and/or violation of the terms and conditions of this consent order, the applicant shall be liable for legal action as per the provisions of the Law/Act.

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5. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent order.
6. The issuance of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State laws or regulation.
7. This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course.
8. The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board.
9. An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
10. The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment system / air pollution control system / stack monitoring system any other particulars as may be pertinent to preventing and controlling pollution of Water / Air.
11. Meters must be affixed at the entrance of the water supply connection so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act provided that the place where it is affixed shall in no case be at a point before which water has been tapped by the consumer for utilization for any purposes whatsoever.
12. Separate meters with necessary pipe-line for assessing the quantity of water used for each of the purposes mentioned below:
 - a) Industrial cooling, spraying in mine pits or boiler feed,
 - b) Domestic purpose
 - c) Process
13. The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/bathing.
14. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
15. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
16. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems install or used by him to achieve with the term(s) and conditions of the consent.
17. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed with sides and bottom made impervious.
18. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by overflow.
19. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
20. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the industry must adopt alternate satisfactory treatment and disposal measures.
21. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
22. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
23. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Act or Rules made therein.
24. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples / stack monitoring / inspection.
25. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
26. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
27. The liquid effluent arising out of the operation of the air pollution control equipment shall be treated in the manner and to ion of standards prescribed by the Board in accordance with the provisions of Water (Prevention and Control of Pollution) Act, 1974 (as amended).
28. The stack monitoring system employed by the applicant shall be opened for inspection to this Board at any time.
29. There shall not be any fugitive or episodal discharge from the premises.



30. In case of such episodal discharge/emissions the industry shall take immediate action to bring down the emission within the limits prescribed by the Board in conditions/stop the operation of the plant. Report of such accidental discharge /emission shall be brought to the notice of the Board within 24 hours of occurrence.
31. The applicant shall keep the premises of the industrial plant and air pollution control equipments clean and make all hoods, pipes, valves, stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all times.
32. Any upset condition in any of the plant/plants of the factory which is likely to result in increased effluent discharge/emission of air pollutants and / or result in violation of the standards mentioned above shall be reported to the Headquarters and Regional Office of the Board by fax / speed post within 24 hours of its occurrence.
33. The industry has to ensure that minimum three varieties of trees are planted at the density of not less than 1000 trees per acre. The trees may be planted along boundaries of the industries or industrial premises. This plantation is stipulated over and above the bulk plantation of trees in that area.
34. The solid waste such as sweeping, wastage packages, empty containers residues, sludge including that from air pollution control equipments collected within the premises of the industrial plants shall be disposed off scientifically to the satisfaction of the Board, so as no to cause fugitive emission, dust problems through leaching etc., of any kind.
35. All solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by :
 - i) Land fill in case of inert material, care being taken to ensure that the material does not give rise to leachate which may percolate into ground water or carried away with storm run-off.
 - ii) Controlled incineration, wherever possible in case of combustible organic material.
 - iii) Composting, in case of bio-degradable material.
36. Any toxic material shall be detoxicated if possible, otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The detoxication or sealing and burying shall be carried out in the presence of Board's authorized persons only. Letter of authorization shall be obtained for handling and disposal of hazardous wastes.
37. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard, vary all or any of such condition and thereupon the applicant shall be bound to comply with the conditions so varied.
38. The applicant, his/her/their legal representatives or assignees shall have no claim whatsoever in the condition of renewal of this consent after the expiry period of this consent.
39. The Board reserves the right to review, impose additional conditions or condition, revoke change or alter the terms and conditions of this consent.
40. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
41. The conditions imposed as above shall continue to be in force until revoked under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 A of Air (Prevention & Control of Pollution) Act, 1981.
42. In case the consent fee is revised upward during this period, the industry shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board the consent order will be revoked without prior notice.
43. The Board reserves the right to revoke/refuse consent to operate at any time during period for which consent is granted in case any violation is observed and to modify/ stipulate additional conditions as deemed appropriate.

GENERAL CONDITIONS FOR UNITS WITH INVESTMENT OF MORE THAN Rs 60 CRORES, AND 17 CATEGORIES OF HIGHLY POLLUTING INDUSTRIES (RED A).

1. The applicant shall analyse the emissions every month for the parameters indicated in TABLE .B & C as mentioned in this order and shall furnish the report thereof to the Board by the 10th of the succeeding month.
2. The applicant shall provide and maintain at his own cost three ambient air quality monitoring stations for monitoring Suspended Particulate Matter, Sulphur Dioxide, Oxides of Nitrogen, Hydro-Carbon, Carbon-Monoxide and monitor the same once in a day/week/fortnight/month. The data collected shall be maintained in a register and a monthly extract be furnished to the Board.
3. The applicant shall provide and maintain at his own cost a meteorological station to collect the data on wind velocity, direction, temperature, humidity, rainfall, etc. and the daily reading shall be recorded and the extract sent to the Board once in a month.
4. The applicant shall forward the following information to the Member Secretary, State Pollution Control Board, Orissa, Bhubaneswar regularly.
 - a. Report of analysis of stack monitoring, ambient air quality monitoring meteorological data as required every month.
 - b. Progress on planting of trees quarterly.



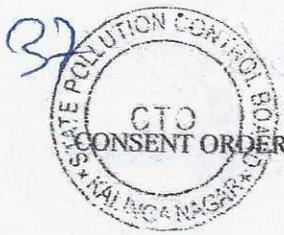
5. The applicant shall install mechanical composite sampling equipment and continuous flow measuring / recording devices on the effluent drains of trade as well as domestic effluent. A record of daily discharge shall be maintained.
6. The following information shall be forwarded to the Member Secretary on or before 10th of every month.
 - a. Performance / progress of the treatment plant.
 - b. Monthly statement of daily discharge of domestic and/or trade effluent.

7. Non-compliance with effluent limitations

- a) If for any reason the applicant does not comply with or is unable to comply with any effluent limitations specified in this consent, the applicant shall immediately notify the consent issuing authority by telephone and provide the consent issuing authority with the following information in writing within 5 days of such notification.
 - i) Causes of non-compliance
 - i) A description of the non-compliance discharge including its impact on the receiving waters.
 - ii) Anticipated time of continuance of non-compliance if expected to continue or if such condition has been corrected the duration or period of non-compliance.
 - iii) Steps taken by the applicant to reduce and eliminate the non-complying discharge and
 - iv) Steps to be taken by the applicant too prevent the condition of non-compliance.
 - b) The applicant shall take all reasonable steps to minimize any adverse impact to natural waters resulting from non-compliance with any effluent limitation specified in this consent including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
 - c) Nothing in this consent shall be construed to relieve the applicant from civil or criminal penalties for non-compliance whether or not such non-compliance is due to factors beyond his control, such as break-down, electric failure, accident or natural disaster.
8. The applicant shall at his own cost get the effluent samples collected both before and after treatment and get them analysed at an approval laboratory every month for the parameters indicated in Part-D and shall submit in duplicate the report thereof to the Board.
9. The addition of various treatment chemicals should be done only with mechanical dosers and proper equipment for regulation of correct dosages determined daily and for proper uniform feeding. Crude practices such as dumping of chemicals in drains or sumps or trickling of acids or alkalis arbitrarily and utilizing poles for stirring etc. should not be resorted to.
10. In the disposal of treated effluent on land for irrigation, the industry shall keep in view of the need for;
 - Rotation of crops
 - Change of point of application of effluent on land
 - A portion of land kept fallow.
11. The adoption of these would avoid soil becoming sick or slate, the industry may ensure this in consultation with the Agriculture Department.
12. It is the sole responsibility of the industry to ensure that there are no complaints at any time from the royats in the surrounding areas as a result of discharge of sewage or trade effluent if any.
13. Proper house keeping shall be maintained by a dedicated team.
14. The industry must constitute a team of responsible and technically qualified personnel who will ensure continuous operation of all pollution control devices round the clock (including night hours) and should be in a position to explain the status of operation of the pollution control measures to the inspecting officers of the Board at any point of time. The name of these persons with their contact telephone numbers shall be intimated to the concerned. Regional Officer and Head Office of the Board and in case of any change in the team it shall be intimated to the Board immediately.

E. SPECIAL CONDITIONS

1. Dust suppression measures on haul roads, transportation roads and stockpile areas shall be carried out by spraying water through mobile/fixed water tanker/sprinklers.
2. The rejected sand, if any, shall be disposed in low laying area inside the lease hold area.
3. Domestic effluent, if any, generated from mine shall be discharged to soak pit via septic tank constructed as per BIS specification.



4. Ambient air quality inside the mining lease area shall be maintained as per National Ambient Air Quality Standards, 2009 (Enclosed Annexure-II).
5. The lessee shall comply with additional guidelines/environmental regulations as stipulated/ revised from time to time.
6. The truck in which sand is to be transported shall be covered with tarpaulin to prevent spillage. The speed of the trucks shall be kept moderate i.e. 15 km per hour to prevent undue noise and other problems.
7. The lessee shall abide by the provisions of E (P) Act 1986 and Rules framed thereunder.
8. The lessee shall undertake plantation as mentioned in the mining plan.
9. The lessee shall undertake that in case of consent fee is revised upward during this period, he/she shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If he/she fails to pay the amount within the period stipulated by the Board, the consent order shall be revoked without prior notice.
10. The Board reserves the right to revoke / refuse consent at any time during this period or to modify / stipulate additional conditions as deemed appropriate in case any violation is observed.

The occupier must comply with the conditions stipulated in section A, B, C, D and E to keep this consent order valid.

To,

Sri Sunil Mallick (Successful bidder)
M/s Ranapal Baitarani River Sand Quarry
At. Brajanagar, PO. Rudhia
Dist. Jajpur, Odisha 755043



27.07.21

REGIONAL OFFICER
SPC BOARD, ODISHA, KALINGANAGAR

State Pollution Control Board, Odisha
Kalinga Nagar, Jajpur

Memo No. _____, dt. _____

Copy forwarded to

- i) The Member Secretary, SPC Board, Odisha, Bhubaneswar
- ii) The Collector & District Magistrate, Jajpur
- iii) The Dy. Director Geology, Directorate of Geology, Bhubaneswar
- iv) Guard File/Consent Register

REGIONAL OFFICER
SPC BOARD, ODISHA, KALINGANAGAR

TRUE COPY

Advocate

PTO

BEFORE THE NATIONAL GREEN TRIBUNAL

Original Application No. 02 of 2021

KISHOR CHANDRA PAL & OTHERS

Applicants

VERSUS

State of Odisha and Other

Respondents

KNOW ALL to whom these present shall come SUNIL MALLICK S/O LATE SESHADDEB MALLICK AGED ABOUT 40YEARS AT BRAJARAJNAGAR, PO-RUDHIA, PS-PANIKOILI. DIST-JAJPUR the above named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-Sankar Prasad Pani, Advocates, Plot-2132/4814, Nageswartangi, Bhubaneswar, 751002, Enrolment No O-785/07, Email: sankarprasadpani@gmail.com, Mob-9437279278

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf. And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 10th Aug day of 2021. Accepted subject to the terms of fees.

Sankar Prasad Pani
Advocate

Client

Sunil Mallik
Client

(Respondent NO-5)