

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application NO. 176 OF 2024 / EZ**

GiridhariDas

...Applicant

VERSUS

State of Odisha & Others

...Respondents

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2.	Photocopy of the letter No.14834 dtd.19.09.2024. (ANNEXURE – R7/1)	
3.	Photocopy of the inspection report of the committee carried out on dtd.05.11.2024. (ANNEXURE – R7/2 Colly)	

SPCB Odisha, R.No.7 & 8

Kolkata

Through

Date:

Sri Dipanjan Ghosh,
Advocates for the Respondent No.7 & 8
(State Pollution Control Board, Odisha)
e-mail: dpnjnghsh0@gmail.com
Phone No.:9903080977

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1.8 NOV 2024

AFFIDAVIT ON BEHALF OF STATE
POLLUTION CONTROL BOARD, ODISHA,
R.NO. 7 & 8 IN COMPLIANCE TO ORDER
DTD.04.09.2024 OF THIS HON'BLE TRIBUNAL.

I, Dr. Kailasam Murugesan, IFS, son of late
Paramasivam Kailasam aged around 56 years, at present
working as Member Secretary, State Pollution Control Board,
having my office at Paribesh Bhawan, A/118, Nilakantha
Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda,
Odisha-751012, do hereby solemnly affirm and state as under:


1. That I am the Member Secretary of the Respondent No.7
Board and, as such, am well-acquainted with the facts



and circumstances with the case and competent to swear this affidavit.

2. That this Hon'ble Tribunal while adjudicating the aforesaid OA vide their order dtd.04.09.2024 considering the allegations made in the OA has been pleased to constitute a committee comprising of the following members:

- i) Senior Scientist, Odisha State Pollution Control Board;
- ii) Collector and District Magistrate, Khordha or his representative not below the rank of Additional District Magistrate (ADM); and
- iii) Senior Officer of the Department of Mines and Geology, Bhubaneswar.



The R-7 Board has been declared as the Nodal Body for all logistic purposes and filing of the fact finding report on affidavit.

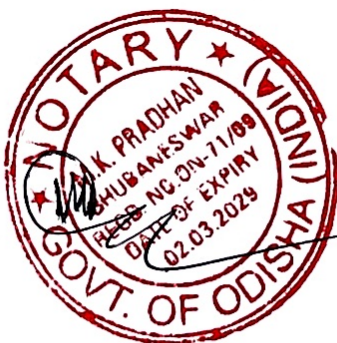
3. That it is further humbly submitted that the R-7 Board after receipt of copy of OA and order dtd.04.09.2024



through its counsel has nominated Dr. Sohan Giri, Additional Chief Environmental Scientist and Regional Officer of the R-7 Board at Bhubaneswar (R-8) to represent the committee constituted by the Hon'ble Tribunal and intimated the same to other members of the committee vide Board's letter No.14834 dtd.19.09.2024. Copy of the letter dtd.19.09.2024 is annexed to this affidavit and marked as ANNEXURE – R7/1.

4. That the committee constituted by the Hon'ble Tribunal has inspected the alleged site on dtd.05.11.2024 along with the Mining Officer, Khordha, Asst. Collector (Touzi), Khordha and R.S/R.I. and Amin of Tangi Tahasil to verify the allegation made in the OA. During the visit the applicant Sri Giridhari Das and R-12, Sri Madhusudan Palai were also present.
5. That in the meantime, the committee has submitted their report with a suggestion, which is read as follows:

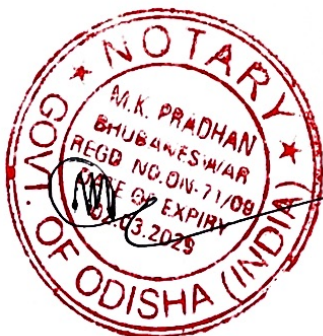
The committee suggested that the Dy. Director of Mines, Khordhar Circle, Khordha and Mining Officer, Khordhar will scientifically



calculate the volume of minor mineral excavated illegally from the above plot along with calculation of royalty, addl. Charges, penalty and Environmental compensation as per the existing orders / Guidelines within a period of two months to submit further compliance of Hon'ble NGT.

The report of the committee along with its enclosure is annexed to this affidavit and marked as **ANNEXURE – R7/2 Colly.**

6. That this affidavit is filed in compliance to the order dtd.04.09.2024 of the Hon'ble Tribunal to bring on record the Report of the Committee.
7. That the Respondent No.7 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for effective adjudication of this case.
8. That the annexures annexed to the present affidavit are true and correct copies of their originals.
9. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD.NO.ON-71/2008
PH-9437627119 (M)

[Handwritten signature]
18/11/24

official records, and that nothing material has been
concealed therefrom.

[Handwritten signature]
DEPONENT

VERIFICATION:

I, the above named deponent, do hereby verify that the
contents of the above affidavit are true and correct to the best
of my knowledge, as derived from official records, and that
nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 18th day of
November, 2024.

[Handwritten signature]
DEPONENT

SWORN BEFORE ME



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD.NO.ON-71/2008
PH-9437627119 (M)

[Handwritten signature]
18/11/24



EPABX: 2561909/2562847
 Tel: 2562822, 2560955
 Email: Paribesh1@ospcboard.org
 Website: www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA]
 Paribesh Bhawan, A/118, Nilakanthanagar, Unit - VIII,
 Bhubaneswar - 751 012, INDIA

No. 14834
 VII - L - Misc - 1139

Date: 19/09/2024

Speed Post / E-mail

To

The Collector & DM, Khurda

 Director of Mines & Geology, Bhubaneswar.

Sub: OA No.176/2024/EZ - Giridhari Das vs. State of Odisha & Others.

Sir,

The Hon'ble NGT, EZB, Kolkata while adjudicating the aforesaid OA regarding M/s. Barico Laterite Stone Quarry in their order dtd.4.9.2024 at para-13 has been pleased to constitute a committee comprising of the following members.


1. Sr.Scientist, OSPCB,
2. Collector & DM, Khurda or his representative not below the rank of Addl. District Magistrate (ADM); and
3. Senior Officer of Deptt. of Mines & Geology, Bhubaneswar

and directed for inspection of the site and submission of the report. The SPCB has been declared as the Nodal Body for all logistic purposes and for filing the fact finding report on affidavit. The case is posted to 19.11.24 for hearing. It is also directed that the case will be tagged up along with OA No.5/2024/EZ.

Dr. Sohan Giri, Addl. Chief Environmental Scientist & Regional Officer, SPC Board, Bhubaneswar (Mob-9437278633) has been nominated to represent the committee constituted by the Hon'ble Tribunal, who shall also act as the Nodal Officer. Hence, it is requested to please take immediate steps for compliance of the direction of the Hon'ble Tribunal so that the committee report can be filed by the Board through affidavit within the stipulated time fixed by the Hon'ble Tribunal. Copy of OA and order dtd.4.09.2024 referred above are enclosed for your reference.

Encl: As above.

Yours faithfully,

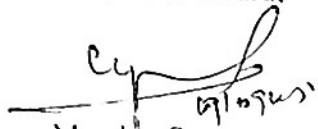

 Member Secretary

Memo No. 14835 / Date: 19/09/2024

Speed Post / E-mail

Copy along with copy of enclosure forwarded to the Regional Officer, SPC Board, Bhubaneswar for information and necessary action.

Encl: As above.


 Member Secretary

REPORT OF COMMITTEE OF JOINT VERIFICATION ON DATED 05.11.2024 OF BARIKO LATERITE STONE QUARRY IN OA NO. 176/2024 FILED BY GIRIDHARI DAS VRS. STATE OF ODISHA & OTHERS.

The Hon'ble NGT directed to constitute a committee & the committee shall visit the site & submit its report with regard to the allegation made in the original application within three weeks in the matter of O.A NO. 176/2024 filed by Giridhari Das vrs State of Odisha & others passed in order dated 04.09.2024.

The Hon'ble NGT directed to constitute a committee comprising of the following members.

- (i) Senior Scientist, Odisha State Pollution Control Board;
- (ii) Collector & District Magistrate, Khordha or his representative not below the rank of Additional District Magistrate (ADM); and
- (iii) Senior Officer of the Department of Mines and Geology, Bhubaneswar,

Accordingly the following members were nominated as members of the committee:

- (i) Sri Saphalya Mandita Pradhan, Additional District Magistrate (Revenue), Khordha
- (ii) Dr. Sohan Giri, Additional Chief Environmental Scientist & Regional Officer, State Pollution Control Board, Odisha, Bhubaneswar
- (iii) Sri Dillip Kumar Sahoo, Deputy Director of Mines, Khordha Circle, Khordha
- (iv) Sri Dipti Ranjan Sethi, Sub-Collector, Khordha
- (v) Ms Mitali Patra, Tahasildar, Tangi

ALLEGATIONS:

- (i) It has been alleged that the Respondent No. 12, one Madhu Sudan Palai is illegally extracting and mining Laterite Stone and Morrums in Bariko Mouza of Tangi Tahasil. It is alleged that the illegal extraction of Quarry has been going on in Bariko Mouza from Plot No. 693, 692, 694, 686 and 686/891 which is situated at Bariko Mouza, Tahasil/PS – Tangi, Dist: Khordha.

(ii) The details of land particular of alleged plots as provided by Tahasildar, Tangi is given below

Mouza	Khata No.	Plot No.	Area In (Acre)	Kissam	Name of the Record Tenant
Bariko	213/18	693	0.460	Bajefasal-II	Binayak Palei S/o- Batakrushna Palei
Bariko	48	692	0.885	Bajefasal-II	Kamali Palei D/o-Nidhi Palei, Adeita Palei, Jaga Palei , Sambhari Palei S/o-Budhi Palei, Jogi Palei S/o- Nidhi Palei
Bariko	48	694	1.161	Bajefasal-II	Kamali Palei D/o-Nidhi Palei, Adeita Palei, Jaga Palei , Sambhari Palei S/o-Budhi Palei, Jogi Palei S/o- Nidhi Palei
Bariko	149	686	0.324	Bajefasal - II	Bharat Palei S/o- Giridhari Palei
Bariko	213/125	686/891	0.323	Bajefasal-II	Kailash Palei S/o-Chandramani Palei

(iii) The allegations are also that Respondent No. 12 is the Sarpanch of the village and is engaged in illegal mining of Laterite Stone and Morrur from the above mentioned Plots.

OBSERVATION & CONCLUSION:

The Joint Committee Members on dt. 05.11.2024 visited the alleged area along with Mining Officer, Khordha, Assistant Collector (Touzi), Khordha and R.S, R.I, Amin of Tangi Tahasil to assess the allegation made. The Petitioner Sri Giridhari Das and the Respondent No. 12 Sri Madhu Sudan Palai were also present during the site visit.

1. On the day of inspection it was found that the alleged plots where mining had been done earlier, rain water has been filled up for which the depth of the mining area cannot be determined at present. It will require minimum two months for the water to dry up for measurement of depth and assess quantum of minor mineral excavated in the alleged plots.

2. Earlier Dy. Director of Mines, Khordha addressed to the Nodal Officer- cum- Regional Officer SPCB, Odisha, Bhubaneswar an action taken report on surrounding private plots around Bariko Laterite Stone Quarry in connection with NGT OA No. 176/2024 filed by Giridhari Das vrs. State of Odisha and others (vide letter No. 1559 /Mines, Khordha/ dt. 11.11.2024) in which it is observed that verification has also been done on Plot No. 693, 692, 694, 686 and 686/891 and the quantity of excavation are 679 Cum, 817.90Cum, 3701.80 Cum , 449.50 Cum and 770.80 Cum, respectively (copy enclosed). However at present fresh measurement is required to calculate the actual volume of minor mineral excavated over the alleged plots.
3. The committee suggested that Dy. Director of Mines, Khordha will issue notice to the land owners not to alter or cause any modification in the alleged plots until further orders and to keep close watch of the surrounding plots of Bariko laterite stone quarry to prevent further illegal mining activities.

The Committee suggested that the Dy. Director of Mines ,Khordha Circle, Khordha & Mining Officer ,Khordha will scientifically calculate the volume of minor mineral excavated illegally from the above Plot along with calculation of royalty, addl. Charges, penalty and Environment compensation as per the existing orders/Guidelines within a period of two months to submit further compliance of Hon'ble NGT.


16/11/2024

Additional Chief Environmental Scientist &
Regional Officer, State Pollution Control Board
Odisha, Bhubaneswar, Khordha


Additional District Magistrate (Revenue),
Khordha


Sub-Collector, Khordha


Dy. Director of Mines, Khordha,
Circle, Khordha


Tahasildar, Tangi


Mining Officer, Khordha



Assistant Collector (Touzi), Khordha

**Land Schedule of Plots under Mouza-Bariko Arising out of NGT OA
No. 176/2024/EZ filed by Giridhari Das vs State of Odisha & Others**

Sl No.	Khata	Plot	Area in Ac.	Kissam	Recorded Tenant & Address Details
1	213/18	693	0.460	Baje fasala- 2	Binayak Palei, S/o-Batakrushna Palei, Caste- Khandayat, At- Ramachandrapur
2	48	692	0.885	Baje fasala- 2	Kamali Palei, D/o-Nidhi Palei, Adeit Palei, Jaga Palei, Sambhari Palei, S/o-Budhi Palei, Jogi Palei, S/o- Nidhi Palei, Caste-Oda Khandayat, At- Ramachandrapur
3	48	694	1.161	Baje fasala- 2	Kamali Palei, D/o-Nidhi Palei, Adeit Palei, Jaga Palei, Sambhari Palei, S/o-Budhi Palei, Jogi Palei, S/o- Nidhi Palei, Caste-Oda Khandayat, At- Ramachandrapur
4	149	686	0.324	Baje fasala- 2	Bharatha Palei, S/o-Giridhari Palei, Caste-Oda khandayat, At- Ramachandrapur
5	213/125	686/891	0.323	Baje fasala- 2	Kailash Palei, S/o-Chandramani Palei, Caste- Khandayat, At- Ramachandrapur

Memo no. 3734 Date. 16/11/24

Copy forwarded to ADM(Rev), Khordha for kind information & necessary action.


Tahasildar, Tangi

Tahasildar
Tangi

By-Email



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

Letter No...1559...../Mines, Khordha. Date. 11.11.2024

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

To

The Nodal Officer-cum-Regional Officer
SPC Board, Bhubaneswar

Sub: Hon'ble NGT OA No. 176/2024/EZ, Giridhari Das vs. State of Odisha &
others-reg

Ref No: Your letter No. 3584/dt 07.11.2024

Sir,

In inviting a reference to the subject cited above, I am enclosing herewith the action taken report over the private plots around Bariko Laterite Quarry, Tangi tahasil of Khordha district for favour of your kind information and necessary action.

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

Encls: Action report.

Yours faithfully

MSJ
11.11.24

Deputy Director Of Mines (I/C),
Khordha Circle, Khordha

Memo No...1560...../Mines. Khordha, Date...11.11.2024

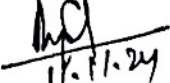
Copy submitted to Collector and District Magistrate, District Khordha for favour of kind information and necessary action.

MSJ
11.11.24

Deputy Director Of Mines (I/C),
Khordha Circle, Khordha

Memo No...1561...../Mines. Khordha, Date...11.11.2024

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


11.11.24
Deputy Director Of Mines (I/C),
Khordha Circle, Khordha

39



GOVERNMENT OF ODISHA
OFFICE OF THE DEPUTY DIRECTOR OF MINES
KHORDHA CIRCLE, KHORDHA
BDA Colony, Near new Bus Stand, Khordha
 E-mail-ID- mokhordha@gmail.com

Letter No. 1553 /Mines.Khordha/Dt. 08.11.2024

From

Mining Officer(I/c), Khordha

To

The Additional District Magistrate (Revenue), Khordha

Sub- Action taken report on surrounding private plots around Bariko Laterite Stone Quarry of NGT O.A No. 05/2024 filed by Madhusudan Palai vrs State of Odisha and others.

Ref: Letter No. 16861/Touzi, Dt. 04.11.2024/ O/o The Collector & DM, Khordha.

Sir,

With due respect, and with reference to the subject cited above, I would like to inform you that, after a detailed study and discussion with revenue officials, it has been confirmed that there are 12 private plots, instead of the previously reported 6 to 7 plots, showing signs of illegal excavation within 100 meters of the Bariko Laterite Stone Quarry lease boundary in Bariko Mouza under Tangi Tahasil. The details of the excavation on the surrounding plots are attached in the joint field verification report.

The Tahsildar of Tangi may be requested to provide land schedules and its tenant details of alleged plots to issue demand notices to all tenants of private plots and collect revenue for the illegal extraction of minor minerals.

This is for your kind appreciation and necessary action.

Yours faithfully

Encl.: - Joint Verification Report.

Jayal
 Mining Officer(I/c), Khordha

Memo No. 1554 / Mines.khordha/Dt. 08.11.2024

Copy forwarded to the Tahasildar, Tangi for kind information and necessary action.

Jayal
 Mining Officer(I/c), Khordha

**JOINT FIELD VERIFICATION AND DETAIL SURVEY OF OUTSIDE PLOTS OF
BARIKO LATERITE STONE QUARRY UNDER TANGI TAHASIL**

Sub- Report on O.A No. 05/2024 filed by Madhusudan Palai vs State of Odisha and others.

The joint field verification and detailed drone survey of the surrounding plots within 100 meters from Bariko Laterite Stone Quarry lease boundary were conducted on 23.02.2024 in the presence of the Mining Officer, Khordha, the Tahasildar and revenue officials of Tangi Tahasil. The detailed drone survey of the aforementioned plots was completed by Zeotek Mining Solutions Pvt. Ltd.

The joint field verification confirmed that the Bariko Laterite Stone Quarry, bearing Khata No. 270 and Plot No. 673, covering an area of 2.173 acres in Mouza Bariko under Tangi, is mostly surrounded by private plots. According to the drone survey report, it was found that a total of 12 numbers of private plots within 100 meters from Bariko Laterite Quarry lease boundary show signs of illegal excavation, whereas two government plots, No. 678 and 691, adjacent to the Bariko Laterite Stone Quarry, have not been excavated to date. There is no recent sign of excavation activity within the alleged plots of Bariko Mouza under Tangi Tahasil. However, the detail of excavation over surrounding plots is enlisted in following the drone survey report.

Details of the excavation of surrounding private plots are given below: -


SL No.	Plot No.	Pit Name	Excavated pit surface area of Morrum/ Laterite (m ²) - [A]	Average depth of excavation in m- [B]	Volume of total extraction (m ³) = A × B
1	664	PIT-1	1035.4	3.0	3106.2
2	671	PIT-2	308.7	2.5	771.8
3	670	PIT-3	544.9	2.0	1089.8
4	667	PIT-4	634.0	1.5	951.0
		PIT-4(A)	611.0	2.5	1527.5
		PIT-4(B)	752.9	3.0	2258.7
		Sub-total			4737.2
5	686	PIT-5	179.8	2.5	449.5
6	689	PIT-6	98.4	0.6	59.0
		PIT-6(A)	136.9	1.5	205.4
		Sub-total			817.9
7	690	PIT-7	2068.4	1.5	3102.6
8	694	PIT-8	1850.9	2.0	3701.8
9	692	PIT-9	920.4	0.7	644.3
		PIT-9(A)	297.5	0.7	208.3
		PIT-9(B)	138.7	0.5	69.4
		PIT-9(C)	118.0	0.7	82.6
		Sub-total			817.9

10	739	PIT-10	211.8	2.5	529.5
		PIT-10(A)	360.5	0.8	288.4
		Sub-total			817.9
11	686/891	PIT-5(B)	296.0	2.0	592.0
		PIT-5(A)	89.4	2.0	178.8
		Sub-total			770.8
12	693	PIT-11	339.5	2.0	679.0

ASRIGSMB
8/11/24
Amita


23/02/2024
RI, Ramachandrapur Circle
Revenue Inspector
Ramachandrapur


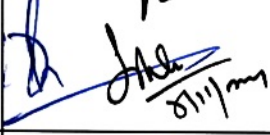
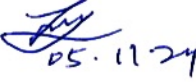
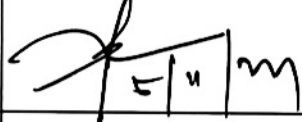



RS, Tangil
23/02/24


Zin Sheth
ROP/06/2018
RQP, Zeolex Mining Solutions pvt. Ltd

Jagadeep
23.02.24
Mining Officer, Khordha


23/02/24
Tabasfadar, Tangil

Name and Signature of the Committee Member and Other present near Bariko Laterite Stone Quarry at village Bariko, Tahasil/PS: Tangi, Khordha district on Dated 5.11.2024 (Tuesday) at 10.30 AM wrt. Hon'ble NGT OA No. 176/20024/EZ- Giridhari Das vs. State of Odisha & Others - reg.

Sl. No.	Name and Designation	Signature
1	Additional District Magistrate, Khurda	
2 3.	Sub-Collector, Khurda Regional officer, CPUB, Odisha, Bhubaneswar	 05/11/24
4	Mining officer, Khurda	 05.11.24
5.	Tahasilदार, Tangi	 05/11/24
6 5.	Dy. Director of Mining, Khurda. Deputy Collector, Khurda.	
7	Asst. Collector, Khordha	 5.11.2024

1	Sri Giridhari Giri, Petitioner	Giridhari Das 05/11/24
2.	Sri Madhu Sudan Lalai, Respondent	madhu sudan lalai 05/11/24