

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO ----- OF 2023

IN THE MATTER OF:
SATRUGHAN MEHER
VERSUS
STATE OF ODISHA and Others ...

APPLICANT
RESPONDENTS

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PLACE: BHUBANESWAR

SANKAR PRASAD PANI

DATE: 11TH AUG 2023

ADVOCATE

Bubaneswar 751002, Cell-9437279278,
email: sankarprasadpani@gmail.com



SYNOPSIS

That the Applicant is challenging the illegal lifting of Moorum/Murum (weathered laterite), Sand, Stone AND Ordinary Earth in Jharsuguda Tahasil of Jharsuguda District from Government land without any Environment Clearance. The illegal mining is ongoing by felling big trees from Revenue Forest Land but no action has been taken by the District Administration and DFO, Jharsuguda despite of repeated complaints against the illegal mining by the private respondent. The Tahasildar has only issued a demand notice but took no deterrent action like Criminal Prosecution to prevent from further illegal mining. To summarise the violation of environmental norms it may be listed as follows

- a) Illegal Morrum and Soil Mining randomly from Forest and Non-Forest land in Jharsuguda Tahasil of Jharsuguda District without Environment Clearance.
- b) While Mining the Morrum and Soil various trees have been felled without permission from the competent authority

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- c) Mining is being done indiscriminately without mining plan, environment management plan, and reclamation plan and environment clearance.

LIST OF DATES

26/04/2019	That in order to check the illegal mining, Government of Odisha has come out with a guideline dated 26/04/2019 where in instructions for prevention of illegal mining of minor minerals issued from time to time.
8/08/2022	Clarification on the applicability of EIA notification MoEFCC OM dated 8/08/2022
28/02/2022	Judgment of Honble NGT dated in OA 110 of 2020(Santanu Kumar Bhukta vs State of Odisha)
25/05/2023	Photographs of soil/morrum lifting from the Dunguri which is near to the villages of Ib and Jamuaplli.
29/05/2023	Letter to the District Collector and DFO regarding the soil extraction and lifting from the Dunguri.
13/06/2023	Photographs of soil/morrum extraction by using heavy machines.

- 16/06/2023 Tahasildar's demand letter to the private party for the payment of royalty and compensation.
- 13/06/2023 Copy of newspapers clipping which was published in odia newspaper PRAMEYA.
- 03/06/2023 News published in Odia newspaper Sambada.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

(Under Section 14 , 15 r/w. Section 18(1) & (2) of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO ----- OF 2023

IN THE MATTER OF:

SATRUGHAN MEHER, S/O, LATE LINGARAJ MEHER, AGED ABOUT 47 YEARS, AT- SALETIKIRA, PO-MARAKUTA, PS-JHARSUGUDA SADAR, DIST-JHARSUGUDA, 768202

APPLICANT

Versus

- 1. STATE OF ODISHA** Through Chief Secretary, Government of Odisha, Lokaseba Bhawan At/po-Bhuabneswar, Dist-Khurda, 751002 email: csori@nic.in

2. District Collector, JHARSUGUDA

Office of the District Magistrate and Collector Jharsuguda

PIN-768204 Odisha

Email: dm-jharsuguda@nic.in,

3. Member Secretary,

Odisha State Pollution Control Board

A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-

751012, Odisha Email: paribesh1@ospcboard.org

4. Member Secretary,

State Environment Impact Assessment Authority (SEIAA)

Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit – IX,

751022 Email: seiaaorissa@gmail.com

5. Superintendent of Police, JHARSUGUDA

Office of the District Police Office At./P.O.: Jharsuguda, PIN- 768204,

Dist.: Jharsuguda

EMAIL- spjds.orphol@nic.in

6. Tahasildar, Jharsuguda At/Po-Jharsuguda,

Dist-Jharsuguda,768204, Odisha, Email- tah.parjang-od@nic.in

7. DIVISIONAL FOREST OFFICER- JHARSUGUDA

Office of the Divisional Forest Officer AT/Po-Badmal,KM Road,

Jharsuguda, Pin-768202 · dfo.jharsuguda@odisha.gov.in.

8. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (EZ),A/3, Chandersekharpur, Bhubaneswar – 751023,

Email: roez.bsr-mef@nic.in

9. RSA infra project Private Limited. Address:- Shree Shyam Tower,Kavita Nagar, Avanti vihar Main Road.Raipur, Chhatisgarh.Mail Id :- info@rsainfra.in

RESPONDENTS

- I. The address of the Counsel of Applicant is given for the service of notices of this APPLICATION.
- II. The addresses of the Respondents are given above for the service of notices of this APPLICATION.
- III.** That the Applicant is challenging the illegal lifting of Moorum/Murum (weathered laterite), Stone, Sand and Soil(Minor Minerals) in Jharsuguda Tahasil of Jharsuguda District from government land without any Environment Clearance. The illegal mining is ongoing by felling big trees from Revenue Forest Land but no action has been taken by the District Administration and DFO, Jharsuguda despite of repeated complaints against the illegal mining by the private respondent.

The Tahasildar has only collected the royalty and penalty but took no deterrent action like Criminal Prosecution to prevent from further illegal mining.

IT IS MOST RESPECTFULLY SHOWETH

1. That the contractor namely RSA Infra Project Privated Limited is executing the fourth line railway track from Jharsuguda to Bilaspur for which the earthbed is constructed by taking earth/morrum from various places including these places Khata No-59 Plot No-233/331, Khata No-60 Plot No-255/333, Khata No-1 Plot No-287/346.
2. Applicant is a social worker and local villager concerned with the illegal mining in the locality. The applicant has brought the illegal mining to the notice of all concerned authorities, the authorities did not take stringent action to restrain the private respondent from illegal mining, for which the applicant has brought this application before the Hon'ble Tribunal.
3. That the Private Respondent is the infrastructure company engaged for Construction of fourth line railway track from Jharsuguda to Bilaspur. That it is estimated around 20lakh Cubic Meters of morrum has been illegally lifted / extracted from various places in Jharsuguda district.
4. That the private Respondent is also illegally extracting the morrum from government land in Jharsuguda Tahasil.

5. It is humbly submitted that the **illegal Moorum Mining carried out in Revenue Forest land** of different villages and Trees have been felled by the private respondent for mining of morrum.
6. That the applicant's also made a complaint to the Additional Chief Secretary Water Resource Department mentioning these, For last one year one company namely Radheshyam Agarwal (RSA) Group is continuously extracting soil and earth from the acquired area of the Hirakud Reservoir in Jamuapali and Singhabaga , Pudapali, IB and other villages illegally in connivance with local Officials of irrigation department . Despite of public complaints, no action has been taken by the local officials of irrigation department for which the illegal extraction of earth is continuing on day to day basis. The earth extracted is being used by the contractor for the Railway project and other allied activities. This has led to erosion of soil in the reservoir area and further. It is pertinent to mention that Earth being a minor mineral require to be extracted only after mining plan and environment clearance in respect of the source is obtained. Here no permission from any of the authorities has been obtained as of now.
7. That Morrum is characterized by a deep weathered layer from which silica has been leached. There is no humus, but an accumulation of

aluminium and iron oxides and hydroxides. The reddish colour of these soils is imparted by the iron compounds. They are good material for building huts and paths, as they can be compacted easily to form hard surfaces. They are generally impervious. Murrum or Moram is typically an Indian term. And the geological equivalent term is **Lateritic soil**.

8. It is humbly submitted that Mining on Forest Land being a non-forest activity require prior approval under Forest Conservation Act 1980. forest Clearance .
9. That we are bringing this important issues from larger public interest of loosing of state revenues, blatant violation of laws and government orders, environmental degradation because of the rat hole mining in different patches leading to more abandoned sites without responsibility of reclaiming those patches which in long run will be a death trap for stray animals and people passing through these areas, felling of hundreds of Trees and making the area more vulnerable to felling. Topsoil holds the essential micro nutrients for growth of plants are being removed and thereby affect the fertility of soil.
10. That for the purpose of fourth line railway line Construction Thousands of truckloads of Murrum has been illegally lifted by the Contractor in Jharsuguda Tahasil by RSA infra project Private Limited .

11. That Tahasildar , Jharsuguda vide its letter dated 16/06/2023 has informed that RSA Infra Project Private Limited has illegally extracted Morrum from Khata No-59 Plot No-233/331, Khata No-60 Plot No-255/333, Khata No-1 Plot No-287/346, through demand notice . Copy of the Tahasildar letter dated 16/06/2023 is annexed here unto as

ANNEXURE-1

12. That the contractor, private respondent has been extracting earth and morrum randomly from different places which are not designated sites for quarrying or any permission from tahasildar for earth mining ,the contractor by engaging earth movers/ machines have been continuously extracting earth / morrum from Jamua Dunguri a site for migratory birds adjoining the Hirakud reservoir in the confluence of river Eve and Eden

13. The details of Khata no. and plot no. of land from where the Morrum and Soil were lifted in Jharsuguda Tahasil are as follows

SL No	Name of Recorded Tenant	Khata No.	Plot No.
1	Cultivable Waste Land	59	233/331
2	South East Railway	60	255/333
3	Irrigation and Electricity department	1	287/346

It is pertinent to mention that Morrum being a Minor Mineral cannot be lifted from any source whether government land or private land without environment clearance from State Environment Impact assessment Authority, Approved Mining Plan and Consent from State Pollution Control Board in addition to the agreement in case of Pvt land and lease in case of Govt land. Further no morrum can be lifted if the same is not in District Survey Report. In the present case no such documents are there prior to mining and the mining is being done randomly and indiscriminately from places which are not designated sources and not approved by government.

14. That the illegalities have been brought to the notice of the authorities including, DM Jharsuguda , DFO Jharsuguda on dated 29/05/2023. copy of the these letters are annexed here unto as **ANNEXURE-2**

15. It is also evident from photographs that soils/morrum have also been lifted around the trees leaving the same trees vulnerable to be uprooted even by lighter wind speed and ultimately subjecting the trees to dry and decay in addition to the soil erosion in that area. Photographs dated 25/5/2023 and 13/06/2023 are annexed here unto as **ANNEXURE-3**

16. Similarly the illegal mining was also widely reported in leading Odia News Papers such as in Prameya on 30th May 2023, 31st May 2023, 4th Jun 2023, 7th Jun 2023, 8th Jun 2023, 13th Jun 2023 and in Sambad on 3rd

Jun 2023 and in The Sakala 3rd Jun 2023 Copy of the Newspapers clipping are annexed here unto as **ANNEXURE -4**

17. That in order to check the illegal mining, Government of Odisha has come out with a guideline dated **26/04/2019** where in instructions for prevention of illegal mining of minor minerals issued from time to time. The instructions include robust monitoring mechanism, **revenue and police administration shall seize the machine and vehicles, criminal proceedings**, temporary check gates, squads should be constituted, technical support of ORSAC may be taken for satellite based monitoring, all complaints of unauthorized quarrying be inquired by Sub-Collector/Tahasildar **within 72 hours and** prompt remedial measures be taken and monthly review of violation cases are suggested in the guideline and none of the points have been followed by the District Administration and Tahasildar.

18. That the exemption of ordinary earth from environment clearance for highway projects is not applicable in the present case in view of the **MoEFCC OM dated 8/08/2022** and the Judgment of Honble NGT dated 28/02/2022 in OA 110 of 2020 (Santanu Kumar Bhukta vs State of Odisha) and order of Honble SC in Deepak Kumar case. Copy of MoEFCC letter dated 8/08/2022 is annexed here unto as **ANNEXURE-5**

19.Hence the lifting of Morrums and Soil from all the afore mentioned sources are illegal and warrants appropriate action by the Tahasildar to the extent of seizure of vehicles, criminal proceedings against the person concerned and prohibiting the persons from lifting the murrum. Further, collecting the royalty and allowing the miners to go on further quarrying is not sufficient and deterrent too.

20.That RSA Infra Project Private Limited happens to be a Habitual Offender of illegal extraction of Minor Minerals and continues to illegally exploit the murrums and occasionally when get caught is being penalized to a minimum amount which does not have any deterrence on the illegal miner. Since this amount to theft of natural resources/government property, hence the appropriate section in Indian Penal Code should have been charged against the violator and the offence should have been notified to police station to apprehend and seize the illegal mined materials, vehicles and person concerned and same has not been done.

21.It is submitted that no action has been taken since 16/06/2023, though the Govt. circular of 26/04/2019 says action has to be taken within 72 hours (3days) and by now more than 40days have been passed but no action has been taken as on date except for issuing demand notice

22. It appears that the Tahasil Office being in the helm of affairs and having obligation to ensure the laws are strictly followed has grossly failed in discharging the responsibilities.
23. Further in absence of all the requisites necessary for obtaining environment clearance, consent to operate, consent to establish, environment management plan, District Mineral Survey Report and mining plan all such illegal mining must be stopped.
24. As such all the illegalities are in violation of Supreme Court Judgment in Deepak Kumar Case of 2012, Environment Protection Act 1986, Forest Conservation Act 1980, The **Orissa Timber** and Other Forest Produce **Transit Rules**, 1980, Environment Impact Assessment Notification 2006 which warrants penalty along with imprisonment up to 5 years.
25. That ODISHA MINOR MINERAL CONCESSION RULES, 2016 was notified on 14th December 2016 In exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and in supersession of the provisions contained in the Odisha Minor Mineral Concession Rules, 2004.

26. Section 29. Environment clearance for grant of quarry lease: – (1) No quarry lease for minor minerals other than the specified minor minerals shall be granted without the approval of the appropriate authority under the provisions of the Environment (Protection) Act, 1986. (2) The Competent Authority may apply for and obtain the environmental clearance. (3) In case the clearance under sub-rule (2) has not been obtained by the Competent Authority, the selected bidder shall obtain the environmental clearance before executing the lease deed. (4) The lessee shall be responsible for obtaining environment clearance and implementing the environment management plan.

27. That Section 51 provides for Penalties:— (1) (i) Whenever any person is found extracting or transporting any minor mineral or on whose behalf such extraction or transportation is being made otherwise than in accordance with these rules, **shall be presumed to be a party to the illegal extraction or removal of such minor minerals and every such person shall be punishable with simple imprisonment for a term which may extend to two years or with fine which may extend to five lakh rupees or with both and in case of a continuing contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention.** (ii) The Collector or Sub-

Collector or Tahasildar or Director or Joint Director or Deputy Director or Mining Officer or Senior Inspector of Mines or Divisional Forest Officer or Assistant Conservator of Forest or Range Officer or Police Officer not below the rank of Sub-Inspector of Police may seize the minor minerals and its products together with all tools, equipments and vehicles used in committing such offence within their respective jurisdiction. (ii), not exceeding the maximum amount of fine prescribed under these rules and value of the mineral and other properties seized and on payment of such fine and value, the seized mineral and properties shall be released forthwith: **Provided that the accused shall be liable to furnish an undertaking or bond to the effect that he shall not commit such offence in future:** (2) Whenever any person trespasses into any land in contravention of the provisions of these rules, such trespasser may be served with an order of eviction by the Tahasildar or Sub-Collector or Collector or Deputy Director or Mining Officer or Assistant Mining Officer or Divisional Forest Officer or Assistant Conservator of Forest or Range Officer within their respective jurisdiction and such Government Officer, if necessary, may obtain the help of the police to evict the trespassers from the land. (5) If the person committing an offence under these rules is a company, every person, who at the time the offence was committed, was in charge of and was responsible to the

company for the conduct of business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished as per the provisions of the Act and these rules. (7) In case of breach of any condition of the lease deed, the Competent Authority may give notice of sixty days to the lessee to rectify the defects within the time specified and if the lessee fails to rectify the defects within the specified time, the Competent Authority may cancel the lease and/or levy a penalty not exceeding rupees fifty thousand. (8) In case of breach of any condition mentioned in rule 37 of these rules and other conditions which the Competent Authority might have specified while granting a quarry permit, the Competent Authority may impose a penalty which may extend to rupees five thousand per day and in the event of continuing contravention, the Competent Authority may cancel the permit and in such case the minerals lying on the land from which the same are extracted shall thereafter become the property of the Government and be disposed of by public auction.

28. That despite of the provision for criminal prosecution which upon conviction will end in two year imprisonment, the Tahasildar simply penalized the peanuts and compounded the offence that encourages the offender to continue with the illegal mining.

29. That mining in forest land without prior approval of central government is an offence under Section 3 of Forest Conservation Act 1980

30. That the Hon'ble Tribunal while deciding the Original Application No 9 of 2021 (**Saral Kumar Parida Vs District Collector Balasore and others**) vide order dated 13th October 2022 held that the illegally mining to be assessed using **scientific method** such as Satellite Imagery and further held that the Tahasildar will be responsible for illegal mining and **criminal prosecution has to be instituted against concerned Tahasildar**. The relevant paras 36, 37, 39, 41, 44 and 477 is reproduced as follows

“Para36 The Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM) issued by the Ministry of Environment, Forests and Climate Change (MoEF&CC) has laid down the procedure for monitoring mechanism to check environmental damage due to illegal mining.

Para37. The Guidelines provide for establishment of a Task Force to be headed by an officer not below the rank of Additional District Magistrate who shall submit quarterly reports to the district administration

Para 39 The Guidelines further provide for lodging of F.I.R. against persons involved in illegal excavation, storage and/or

transportation of minor minerals including sand and imposition of fine as also initiation of actions under the provisions of the Income Tax Act, 1961 for unaccounted income and under the Central Goods and Services Act, 2017 for non-payment of GST as well as action under the provisions of the Motor Vehicles Act, 1989 against the driver and permit holder of the vehicle.

Para-41 Be that as it may, the Tahasildar, Basta, within whose jurisdiction the sand quarry exists, is the representative of the district administration, who is responsible for ensuring that no illegal sand mining is being carried out within his Tahasil and if he finds that illegal sand mining is going on, it is his duty to report the matter to the District Magistrate concerned immediately

Para44-We, therefore, direct the State Level Environment Impact Assessment Authority (SEIAA), Odisha to re-determine Environmental Compensation for illegal extraction of sand by the Respondent No.10 for the five years period from 2017 (included) upto 2021 with the help of satellite imagery.

Para47. We further direct the Collector & District Magistrate, Balasore to lodge F.I.R. against the Tahasildar, Basta who was the Tahasildar during the period 2017 to 2021 during which the illegal extraction of sand has occurred according to the

SEIAA, Odisha and such F.I.R. shall thereafter be carried to its logical conclusion. The Collector & District Magistrate shall also initiate departmental proceedings against the concerned Tahasildars in accordance with law.

31. That Extraction of Minor Minerals without prior Environment Clearance is an offence under Section 15 of the Environment Protection Act 1986 **and same is reproduced as follows**

“(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.”

32. That District Collector is the authority under the Environment Protection Act 1986 to initiate criminal prosecution under Section 19 of Environment Protection Act 1986 and the District Magistrate in the present case have not asserted his authority and thereby failed to discharge his duties and hence the Hon'ble Tribunal may call for a satisfactory reply and direct the Chief Secretary for necessary action to that effect.

33. That while upholding the Criminal Prosecution in a illegal sand mining case namely Jayant Etc Vs State of Madhya Pradesh, Criminal Appeal No 824-825 of 2020, Hon'ble Supremecourt on 3rd December 2020 has opined that“ **violators cannot be permitted to go scot free on payment of penalty only. There must be some stringent provisions which may have deterrent effect so that** the violators may think twice before committing such offences and before causing damage to the earth and the nature.

GROUND

A. That the Private Respondent is illegally mining the morrums from forest and government land without Forest Clearance and Environment Clearance

- B. That the ongoing illegal morrum mining is in violation of Section 29 of Orissa Mineral Concession Rules (Amendment)2016 and Environment Impact Assessment Notification 2006
- C. That the right to Clean Air and Water which is guaranteed by expanding the scope of Article 21 of Constitution of India and same has been violated.
- D. That the ongoing illegal morrum mining destroying the local ecology is against the spirit of Article 48A and 51A(g) that mandates for protection of environment
- E. Indiscriminate and illegal morrum and soil mining is in violation of Environment (Protection) Act, 1986, Forest Conservation Act 1980, and Hon'ble Supreme Court Order in Deepak Kumar Vs State of Hariyana , W P (C) 202 of 1995(Godavarman Case)and Common Cause Case.
- F. That the present illegal mining is against the principle of Sustainable Development, Precautionary Principle and attracts the Polluters Pay Principle.

LIMITATION

That there is a subsisting cause of action because of the **ongoing mining activity in absence of valid Forest Clearance and environment**

clearance and continuous damage caused by the illegal mining, hence the application is not barred by limitation.

INTERIM PRAYER

Direct the Respondents to stop mining of morrum and soil mining without forest and environment clearance till disposal of the Original Application

PRAYER

The Applicant humbly prays for the following reliefs in view of aforementioned facts and grounds

- I. Constitute an independent fact finding committee to assess the quantity of minor minerals extracted illegally and assessment of ecological loss and environment compensation, and trees felled for morrum and soil mining
- II. Direct the Committee to inquire into the illegalities of mining and assess the extent/quantum of Minor Minerals including morrum and soil without environment clearance and its market value and environmental compensation.
- III. Direct the Private Respondent to Restore and reclaim the void created due to extraction of morrum and soil.

- IV. Fix the accountability of the public authorities for their inaction in restraining the private respondent from illegal mining
- V. Direct the authorities to initiate criminal proceedings against the private respondent under Environment Protection Act 1986 and Indian Penal Code(Section 379 and 414)
- VI. Impose exemplary penalty and environmental compensation for grossly violating the environment norms and causing environmental damage
- VII. Pass such other orders/directions as may be deemed fit and proper (including appropriately moulding the reliefs) in the bonafide interests of justice.

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

By the Applicant Through

A handwritten signature in cursive script that reads "S. Panji". The signature is written in black ink and is underlined with a single horizontal line.

Date-11/08/2023

ADVOCATE

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

ORIGINAL APPLICATION NO OF 2023/EZ

IN THE MATTER OF:

SATRUGHAN MEHER

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

Affidavit

I, SATRUGHAN MEHER, S/O, LATE LINGARAJ MEHER, AGED ABOUT 47 YEARS, AT- SALETIKIRA, PO-MARAKUTA, PS-JHARSUGUDA SADAR, DIST-JHARSUGUDA, 768202 hereby solemnly affirm, and declare as under:

1. That I am the Applicant in the abovementioned Original Application. 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

IDENTIFIED BY ME

Satrughan Meher
DEPONENT

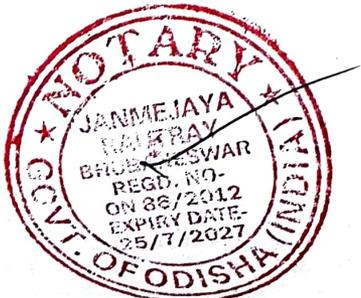
ADVOCATE, BBSR

VERIFICATION

Verified on this the 11th day of August 2023 at Bhubaneswar 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.

[Signature]
Identified By

Satrughan Meher
DEPONENT



The above named deponent(s) being duly identified by Sri. *[Signature]* Advocate, Bhubaneswar. Appears before me on oath that the contents of this affidavit are true to the best of his knowledge and belief.

11 AUG 2023

Deponent(s) Notary, Bhubaneswar

[Signature]
JANMEJAYA RAUTRA
NOTARY, GOVT. OF ODISHA
Bhubaneswar
Regd. No. 86/2012
Mob No. 931111273

DEMAND NOTICE

PR No. 2666

/ Date: 16.06.2023

Case no. 06/ 2023-24

From

Tahasildar, Jharsuguda
Dist- Jharsuguda

To

RSA SKJV Pvt. Ltd.
Shri Rahul Agrawal, S/o- Gobardhan Agrawal
Avanti Vihar Raipur (C.G)

Sub: Demand notice for illegal lifting and transporting of Morrum for use in railway project work.

Whereas, it has come to the notice of the undersigned that, you have excavated 45018 cum of Morrum from following schedule of land and transported for use in railway project work without taking any prior permission from Competent Authority.

Khata No	RT Name	Plot No
59	ଆବାଦ ଯୋଗ୍ୟ ଅନାବାଦୀ / Cultivable waste land	233/331
60	ଦକ୍ଷିଣ ପୂର୍ବ ରେଳପଥ / South East Railway	255/333
1	ଜଳସେଚନ ଓ ବିଦ୍ୟୁତ ବିଭାଗ / Irrigation and electricity department	287/346

Whereas, as per **Rule-51 of OMMC Rules, 2016** the penalty should be imposed upon you for unauthorized transportation of sand and you are liable to deposit the penalty as per **Rule-51 of OMMC Rules, 2016** as assessed below.

Sl. No.	Assessment	Amount
1.	Royalty + Additional Charges for 45018 Cum Morrum @ 62.00 per Cum	Rs.27,91,116.00
2	Penalty	Rs.4,00,054.00
	TOTAL	Rs.31,91,170.00

(Rupees Thirty One Lakhs Ninety One Thousand and Seventy) only

Hence, you are directed to deposit the above government dues before the RI H.Katapali/ nazir of this Office for unauthorized extraction and transportation of ordinary earth.


Tahasildar, Jharsuguda

Recd
21.5.23
ଶ୍ରୀମାତ୍

ଶ୍ରୀମାତ୍

ବନଖଣ୍ଡ ଅଧିକାରୀ

ଝାରସୁଗୁଡ଼ା ବନଖଣ୍ଡ, ଝାରସୁଗୁଡ଼ା ।

ବିଷୟ- ଝାରସୁଗୁଡ଼ା ବନ ବିଭାଗ ରେଞ୍ଜ ଅଧିନସ୍ଥ ଇଭ୍ ଓ ଜମିଆପାଲି ଗ୍ରାମକୁ ଲାଗି ରହିଥିବା ଭୁଲ୍ଲୁରିର ବିସ୍ତୀର୍ଣ୍ଣ ଇଲାକାରେ ମାଟି ଖନନ କରି ବ୍ୟାପକ ଜଙ୍ଗଲ ନଷ୍ଟ କରିଥିବା ସମ୍ବନ୍ଧେ ।

ମହାଶୟ,

ଆମେ ନିମ୍ନ ସାକ୍ଷରକାରୀ ଝାରସୁଗୁଡ଼ା ବ୍ଲକ୍ ଅନ୍ତର୍ଗତ ଜମେରା ଗ୍ରାମ ପଂଚାୟତର ଅଧିବାସୀ ଲେଖି ଜଣାଇବାର କାରଣ ଏହି କି ଯେ ଆମ ଇଭ୍ ଓ ଜମିଆପାଲି ଗ୍ରାମକୁ ଲାଗି ରହିଥିବା ଭୁଲ୍ଲୁରିର ପ୍ରାୟ ୫ ଶହ ମିଟର୍ ଲମ୍ବ ଓ ୩୦ ଫୁଟ୍ ବଡ଼ତାରେ ମାଟି ଖନନ କରାଯାଉ । ରେଳ ଲାଇନ ନିର୍ମାଣ ଚାଲିଥିବା ସ୍ଥାନକୁ ପରିବହନ କରାଯାଇଛି । ଫଳସ୍ୱରୂପ ହଜାର ହଜାର ସଂଖ୍ୟାରେ ଶାଳ, ପିଆଶାଳ, ମହୁଳ ଆଦି ମୂଲ୍ୟବାନ ଗଛ କାଟି ଧ୍ୱଂସ କରାଯାଇଛି । ଦୀର୍ଘ ପ୍ରାୟ ୬ ମାସ ହେବ ଏହି ଧ୍ୱଂସ ଲାଳା ରେଳବିଭାଗ ଅଧିନରେ କାର୍ଯ୍ୟ କରୁଥିବା ଠିକାଦାରଙ୍କର ଚାଲିଥିବା ବେଳେ ବନ ବିଭାଗ ଅବା ରାଜସ୍ୱ ବିଭାଗ ଏଯାବତ୍ ରୁପ୍ତ ରହି ଏହାକୁ ନ ରୋକିବା ଆଶ୍ଚର୍ଯ୍ୟଜନକ । ଏହି ଭୁଲ୍ଲୁରି ହୀରାକୁଦ ଜଳଭଣ୍ଡାର ଉପକଣ୍ଠରେ ଥିବାରୁ ବ୍ୟାପକ ମୃତ୍ତିକା କ୍ଷୟ କାରଣରୁ ଜଳ ଭଣ୍ଡାରରେ ପତ୍ତୁ ଯୋଗି ହେବାର ପ୍ରକ୍ରିୟାକୁ ଦୂରାନ୍ୱିତ କରୁଛି । ଏଥିସହ ଏହି ଭୁଲ୍ଲୁରିରେ ବିଭିନ୍ନ ପ୍ରକାର ବନ୍ୟଜନ୍ତୁ ଓ ପକ୍ଷୀ ଆଶ୍ରୟ ନେଉଥିବାରୁ ଏହି ଆଶ୍ରୟସ୍ଥଳୀ ଉଚ୍ଛ୍ୱିତ ହେବା ଦ୍ୱାରା ଜୈବ ବିବିଧତା ବହୁଳ ଭାବରେ ପ୍ରଭାବିତ ହେଉଛି । ଜଙ୍ଗଲ ନଷ୍ଟ ଜନିତ ପରିବେଶର କ୍ଷତି ବହୁଗୁଣିତ ହେବାରୁ ଏହାର ଭରଣା ସମ୍ଭବ ନୁହେଁ ।

ତେଣୁ ଦୁରନ୍ତ ଏହାର ଅନୁଧ୍ୟାନ କରାଯାଇ ଧ୍ୱଂସକାରୀଙ୍କ ବିରୋଧରେ ଦୃଷ୍ଟାନ୍ତ ମୂଳକ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ କରାଯାଉ । ସ୍ଥାନୀୟ ଅଂଚଳରେ ପ୍ରାକୃତିକ ପରିବେଶ ପ୍ରତି ଏଭଳି କ୍ଷତି ସୃଷ୍ଟି କରି ଚାଲିଥିବା ବ୍ୟକ୍ତି ବିଶେଷଙ୍କ ଉପରେ ଲଗାମ ଲଗାଇବାକୁ ପଦକ୍ଷେପ ନେବାକୁ ଦାବି କରୁଁ ।

।ଇତି ।

ଆପଣଙ୍କର ବିଶ୍ୱସ୍ତ

ତା-୨୯/୦୫/୨୦୨୩

ଝାରସୁଗୁଡ଼ା

ଜମେରା ଗ୍ରାମ ପଂଚାୟତ ଅଂଚଳର ଅଧିବାସୀ

- (1) Jishwar Meher
- (2) Tejraj Singh
- (3) Manoj Sahu
- (4) Biswajeet Singh
- (5) Sankar pradhan
- (6) Anur Sanyal
- (7) Karan Ghai
- (8) Sankar
- (9) Nitish meher

ମାନନୀୟା

ଜିଲ୍ଲାପାଳ ମହୋଦୟା

ଝାରସୁଗୁଡ଼ା ।

ବିଷୟ- ଝାରସୁଗୁଡ଼ା ବନ ବିଭାଗ ରେଞ୍ଜ ଅଧିନସ୍ଥ ଜବ୍ ଓ ଜମୁଆପାଲି ଗ୍ରାମକୁ ଲାଗି ରହିଥିବା ଭୁକ୍ଷୁରିର ବିଷ୍ଣୀର୍ଣ୍ଣ ଲଲାକାରେ ମାଟି ଖନନ କରି ବ୍ୟାପକ ଜଙ୍ଗଲ ନଷ୍ଟ କରିଥିବା ସମ୍ବନ୍ଧେ ।

ମହାଶୟା,

ଆମେ ନିମ୍ନ ସାକ୍ଷରକାରୀ ଝାରସୁଗୁଡ଼ା ବ୍ଲକ୍ ଅନ୍ତର୍ଗତ ଜମେରା ଗ୍ରାମ ପଂଚାୟତର ଅଧିବାସୀ ଲେଖୁ ଜଣାଇବାର କାରଣ ଏହି କି ଯେ ଆମ ଜବ୍ ଓ ଜମୁଆପାଲି ଗ୍ରାମକୁ ଲାଗି ରହିଥିବା ଭୁକ୍ଷୁରିର ପ୍ରାୟ ୫ ଶହ ମିଟର ଲମ୍ବ ଓ ୩୦ ଫୁଟ୍ ଚଉଡ଼ାରେ ମାଟି ଖନନ କରାଯାଇ । ରେଳ ଲାଇନ ନିର୍ମାଣ ଚାଲିଥିବା ସ୍ଥାନକୁ ପରିବହନ କରାଯାଇଛି । ଫଳସ୍ୱରୂପ ହଜାର ହଜାର ବ୍ୟାପାରେ ଶାଳ, ପିଆଶାଳ, ମହୁଳ ଆଦି ମୂଲ୍ୟବାନ ଗଛ କାଟି ଧୂସ କରାଯାଇଛି । ଦୀର୍ଘ ପ୍ରାୟ ୬ ମାସ ହେବ ଏହି ଧୂସ ଲାଳା ରେଳବିଭାଗ ଅଧିନରେ କାର୍ଯ୍ୟ କରୁଥିବା ଠିକାଦାରଙ୍କର ଚାଲିଥିବା ବେଳେ ବନ ବିଭାଗ ଅବା ରାଜସ୍ୱ ବିଭାଗ ଏଯାବତ୍ ରୂପ ରହି ଏହାକୁ ନ ରୋକିବା ଆଶ୍ଚର୍ଯ୍ୟଜନକ । ଏହି ଭୁକ୍ଷୁରି ହାରାକୁଦ ଜଳଭଣ୍ଡାର ଉପକଣ୍ଠରେ ଥିବାରୁ ବ୍ୟାପକ ମୃତ୍ତିକା କ୍ଷୟ କାରଣରୁ ଜଳ ଭଣ୍ଡାରରେ ପତ୍ତୁ ପୋତି ହେବାର ପ୍ରକ୍ରିୟାକୁ ଦୂରାଦୃତ କରୁଛି । ଏଥିସହ ଏହି ଭୁକ୍ଷୁରିରେ ବିଭିନ୍ନ ପ୍ରକାର ବନ୍ୟଜନ୍ତୁ ଓ ପକ୍ଷୀ ଆଶ୍ରୟ ନେଉଥିବାରୁ ଏହି ଆଶ୍ରୟସ୍ଥଳୀ ଉଚ୍ଛୁଡ଼ିବା ଦ୍ୱାରା ଜୈବ ବିବିଧତା ବହୁଳ ଭାବରେ ପ୍ରଭାବିତ ହେଉଛି । ଜଙ୍ଗଲ ନଷ୍ଟ ଜନିତ ପରିବେଶର କ୍ଷତି ବହୁସ୍ୱୀକୃତ ହେବାରୁ ଏହାର ଭରଣା ସମ୍ଭବ ନୁହେଁ ।

ତେଣୁ ଦୂରତ ଏହାର ଅନୁଧ୍ୟାନ କରାଯାଇ ଧୂସକାରୀଙ୍କ ବିରୋଧରେ ଦୃଷ୍ଟାନ୍ତ ମୂଳକ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ କରାଯାଉ । ସ୍ଥାନୀୟ ଅଂଚଳରେ ପ୍ରାକୃତିକ ପରିବେଶ ପ୍ରତି ଏଭଳି କ୍ଷତି ସୃଷ୍ଟି କରି ଚାଲିଥିବା ବ୍ୟକ୍ତି ବିଶେଷଙ୍କ ଉପରେ ଲଗାମ ଲଗାଇବାକୁ ପଦକ୍ଷେପ ନେବାକୁ ଦାବି କରୁଁ ।

।ଉଚ୍ଚି ।

ଆପଣଙ୍କର ବିଶ୍ୱସ୍ତ

ଜମେରା ଗ୍ରାମ ପଂଚାୟତ ଅଂଚଳର ଅଧିବାସୀ

(1) Ishwar Meher

(2) Tejraj Singh

(3) Mani Sahu

(4) Biswanjan Singh

(5) Sahadev Pradhan

(6) Karan Bhaui

(7) Anam Samantha

(8) Janki Meher

(9) Nitish Meher



TRANSLATION OF ODIA COMPLAINT DATED 29/05/2023

To,

The Divisional Forest Officer

Jharsuguda range, Jharsuguda

Subject- Under the Jharsuguda Forest range large Dunguri adjacent to the villages of Eib and Jamuapalli has been destroyed forest by excavating soil .

Sir,

We the under signed people are residents of Jamera village under Jharsuguda block are writing this to inform you that Eib and Jamuapalli , soil is being excavated in a length about 500 meters and 30 feet wide in Dunguri which is adjacent to the village. It has been transported to the place where the railway has been constructed. As a result thousands of valuable trees such as Sal,Piyasal,Beel etc. has been cut down and destroyed. It is surprising that the forest department or the state department kept silent and did not stop this while the developer who has been working illegally in the railway division for almost 6 months has been forgotten. As this Dunguri is on the outskirts of Hirakud water reservoir, extensive soil erosion is accelerating in the Dam. In addition various types of Migratory birds takes shelter in this Dunguri, the bio diversity is greatly affected by the destruction of this shelter . Deforestation has increased the environmental damage so much that it can not be recovered.

Therefore, it should be investigated immediately and drastic action should be taken against the vendals. We are demanding to put a bar on those people who were being happy by causing such damage to the natural environment in the local area.

Date-29/05/2023

Your's faithfully

Jhasuguda

Villegers of Jamera gram panchayat

TRANSLATION OF ODIA COMPLAINT DATED 29/05/2023

To,

The District Collector

Jharsuguda

Subject- Under the Jharsuguda Forest range large Dunguri adjacent to the villages of Eib and Jamuapalli has been destroyed forest by excavating soil .

Sir,

We the under signed people are residents of Jamera village under Jharsuguda block are writing this to inform you that Eib and Jamuapalli , soil is being excavated in a length about 500 meters and 30 feet wide in Dunguri which is adjacent to the village. It has been transported to the place where the railway has been constructed. As a result thousands of valuable trees such as Sal,Piyasal,Beel etc. has been cut down and destroyed. It is surprising that the forest department or the state department kept silent and did not stop this while the developer who has been working illegally in the railway division for almost 6 months has been forgotten. As this Dunguri is on the outskirts of Hirakud water reservoir, extensive soil erosion is accelerating in the Dam. In addition various types of Migratory birds takes shelter in this Dunguri, the bio diversity is greatly affected by the destruction of this shelter . Deforestation has increased the environmental damage so much that it can not be recovered.

Therefore, it should be investigated immediately and drastic action should be taken against the vendals. We are demanding to put a bar on those people who were being happy by causing such damage to the natural environment in the local area.

Date-29/05/2023

Your's faithfully

Jhasuguda

Villegers of Jamera gram panchayat

ANNEXURE-3













ଝାରସୁଗୁଡ଼ା/ଦେବଗଡ଼

ମଙ୍ଗଳବାର ୩୦ ମେ, ୨୦୨୩

ପ୍ରମେୟ

ବ୍ୟାପକ ବୃକ୍ଷ
କାଟି ସହ ଚାଲିଛି
ମାଟି ଖନନ

ରେଳ ପ୍ରକଳ୍ପ ପାଇଁ ଧୂସ ମୁଖରେ ଜମୁଆ ଢୁଙ୍କୁରି

ଝାରସୁଗୁଡ଼ା,୨୩୫(ଆପ): ଦେଧଡ଼କ ଖୋଳାବାଇଁଟି ମାଟି । ଅବଧରେ ମାଟିଖୋଳାରେ ସୁଲଭ ଭାବରେ ବନ୍ଦି ପଡ଼ୁଛି । ପ୍ରକୃତିକ ପରିବେଶ ଓ ଶୈବ ବିଧିବଦ୍ଧ ବନାମାଟି ଦେଇ ଡିଏଲ୍ ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ । ଧୂସ ମୁଖରେ ଏବେ ଜମୁଆ ଢୁଙ୍କୁରି ।

ମିଳାନ୍ତ ଉତ୍ପାଦନ କରି ଏହି ମାଟି ଖୋଳା ପ୍ରକଳ୍ପର ଅଧିକାରୀ ଉପସ୍ଥିତ । ଗତ ପ୍ରାୟ ୬ ମାସ ମଧ୍ୟରେ ଏହି ଢୁଙ୍କୁରିର ଉତ୍ପାଦନ ପ୍ରାୟ ୫ ଶହ ମିଲି ଟେନିସ୍ ମାଟି ଖନନ ହୋଇଅଛି । ଏଥିରେ ସୁଦୃଢ଼ ବ୍ୟବହାର ଶକ୍ତ, ପିଆଜ, ମସୂର ଆଦି ପ୍ରକାରର ଗଛ ଲୋଡ଼ି ପଡ଼ିଅଛି । ଝାରସୁଗୁଡ଼ା ନଗରରେ ପଦକ୍ଷେପେ ଏକ ମୁକ୍ତିକ ଖନନ କରାଯାଇଛି ଯେଉଁଠି ଦେବର ପ୍ରକଳ୍ପରୁ ଉତ୍ପାଦିତ ହେଉଛି ।



ଝାରସୁଗୁଡ଼ା ଜଳଭଣ୍ଡାର ଉପକଣ୍ଠରେ ଧୂସଲାକା

ଅନ୍ୟପକ୍ଷେ ପଞ୍ଚାୟତ ଅଞ୍ଚଳବାସୀ ଦେଖି ଅଧିକାରୀଙ୍କୁ ଦେଖାଇ ମାଗଣାରେ ଢୁଙ୍କୁରି ଧୂସଲାକା ଚୋରିଆ ସହ ଦେଖାଇ ଉପସ୍ଥିତ ଇଞ୍ଜିନିୟର ଶ୍ରୀକାନ୍ତ କୁମାର ଏହି ଉପକଳ୍ପରୁ ଉତ୍ପାଦିତ ହେଉଛି ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ପ୍ରମେୟ

SAMBALPUR 31 May, 2023

f [Twitter] G+ in [Facebook] [Email]

ଜମୁଆ ଢୁଙ୍କୁରିରେ ଠିକାଦାରଙ୍କ ଧୂସଲାକା ପ୍ରସଙ୍ଗ

ବନ ବିଭାଗ ଦୃଷ୍ଟିରେ ଠିକାଦାର ନିର୍ଦ୍ଦୋଷ, ଶ୍ରମିକ ଦୋଷୀ

ଝାରସୁଗୁଡ଼ା,୩୦୫(ଆପ): ଝାରସୁଗୁଡ଼ା ବନ ବିଭାଗର ବିଭିନ୍ନ ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।



ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

୧୫ ହଜାର କ୍ରିମିନା ଆବାୟରେ ସୀମିତ କାର୍ଯ୍ୟାଦୁଷ୍ଟାନ

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ଝାରସୁଗୁଡ଼ା ତହସିଲ୍ ଅନ୍ତର୍ଗତ ଜମେଗା ପଞ୍ଚାୟତ ଅଧୀନ ଉଚ୍ଚ ଓ ଜମୁଆବାଇଁ ଟିଏଲ୍ ଇଟି ଉପକଳ୍ପରୁ ଢୁଙ୍କୁରି । ଝାରସୁଗୁଡ଼ା-ଠିକାଦାର ମଧ୍ୟରେ ବୃତ୍ତର ଲେଉଟି ମାଟି ଖୋଳି ଚଳାଇ ଠିକଣା ଓ ଖେଳା ହେଉଛି ଇତିହାସିକ ସ୍ୱରୂପ ପରିବେଶ ।

ସମ୍ବାଦ

ଜମୁଆ ଭୁଞ୍ଜୁରିରୁ ବେଆଇନ ମୂରୁମ୍ ଖୋଳା ଜିଲ୍ଲା ପ୍ରଶାସନର ତଦନ୍ତ ଆରମ୍ଭ

ଖୋରଦୁରୁଡ଼ା, ୩।୬ (ଇମିଏ): ଖୋରଦୁରୁଡ଼ା ମନ୍ଦଳ ତହସିଲ ଅନ୍ତର୍ଗତ ଜମୁଆ ଭୁଞ୍ଜୁରିରୁ ଖୋଳାରେ ଠିକା ନେଇଥିବା ଆର୍.ଏ.ଏ.ଏ. ଇଂପାକି ବ୍ୟବସାୟ ଗଠି କାଟି ମୋରୁମ୍ ଖନନ କରୁଥିବା ଅଭିଯୋଗ ହୋଇଛି। ଏ ଖନନ ଶୁଭ୍ରବୀର ଅଭିଯୋଗ ପରେ ଜିଲ୍ଲାପାଳ ତଦନ୍ତ ନିର୍ଦ୍ଦେଶ ଦେଇଥିଲେ। ଆଜି ମନ୍ଦଳ ତହସିଲଦାର ବନବ୍ର ଜାତୀ ଓ ଅନ୍ୟ

ଅଧିକାରୀମାନେ ଘଟଣାସ୍ଥଳ ପରିଦର୍ଶନ କରିବା ପରେ ଅଭିଯୋଗର ସତ୍ୟତା ମାନ୍ୟତା ଦେଇଛନ୍ତି। ୨ ମାସ ତଳେ ମଧ୍ୟ ଅନୁରୂପ ଅଭିଯୋଗ ପରେ ଆର୍.ଏ.ଏ.ଏ.କୁ ୫ ଲକ୍ଷ ଅର୍ଥରକ୍ଷା ଭରସାପାଇଥିବା ବେଳେ ଏବେ ପୁଣି କେତେ ପରିମାଣେ ମୋରୁମ୍ ଓ ମାଟି ଉପାଉଛି ତଥ୍ୟର ଆବଳକ ଭଳି ଭବିଷ୍ୟତ ଆଦାୟ କରାଯିବ ବୋଲି ତହସିଲଦାର କହିଛନ୍ତି।

୧୨ ଉଦ୍‌ବୀର ୪ ଜୁଲାଇ, ୨୦୨୩

ସମ୍ବାଦ

ଜମୁଆ ଭୁଞ୍ଜୁରି ଖନନ ମାମଲା

ମାପରୂପ କଲେ ତହସିଲଦାର ଓ ମାଇନିଙ୍ଗ ଟିମ୍

ଖୋରଦୁରୁଡ଼ା, ୩।୬(ଇମିଏ)
ଦିନ ଅନୁମତିରେ ଛତିଶଖର୍ଚ୍ଚର ଖଣି ଉପରେ ଠିକାଦାର ଜମୁଆ ଭୁଞ୍ଜୁରିରୁ କାଟି ନେଇଯାଉଥିବା ଅଭିଯୋଗ ପରେ ଜିଲ୍ଲାପାଳ ନିର୍ଦ୍ଦେଶକ୍ରମେ ଖନିଦାର ଖୋରଦୁରୁଡ଼ା ତହସିଲଦାର ସମେତ ଖଣି ବିଭାଗର କର୍ମଚାରୀମାନେ ପରିଦର୍ଶନ କରିଛନ୍ତି। ଜମୁଆ ଭୁଞ୍ଜୁରିରୁ କେତେ ମାଟି ଠିକାଦାର ଉପରେ ଦିନ ଅନୁମତିରେ କାଟି ନେଇଛି ତାହାର ଅନୁଧ୍ୟାନ କରିବା ପାଇଁ ଖନିଦାର ସହାୟକ ଖୋରଦୁରୁଡ଼ା ତହସିଲଦାର ବନବ୍ର ଜାତୀ ସମେତ ଗାନ୍ଧୀ ବିଭାଗର ଆସିଷ୍ଟାଣ୍ଟ ମାଇନିଙ୍ଗ ଅଧିକାରୀ ଦୁର୍ଯ୍ୟୋଧନ ବେହେରା ଏବଂ ଅନ୍ୟାନ୍ୟ କର୍ମଚାରୀମାନେ ମାପରୂପ କରିଥିଲେ। ସମ୍ପୂର୍ଣ୍ଣ ଠିକାଦାରୀ ବେନିୟମ

ଭାବରେ ଜମୁଆ ଭୁଞ୍ଜୁରିରୁ ମୋରମ ଖନନ କରିନେଇଥିବା ଜଣାପଡ଼ିଛି। ସମ୍ପୂର୍ଣ୍ଣ ଠିକାଦାରୀମାନେ ମାପ ସମୟରେ ସଂଗ୍ରହକରେ ଉପସ୍ଥିତ ଥିଲେ।



ଜମୁଆ ଭୁଞ୍ଜୁରିରୁ ମାଟି ମୋରମ ଖନନ ହୋଇଛି ତାହା ଏବେ ଗାନ୍ଧୀ ବିଭାଗ ଓ ଖଣି ବିଭାଗ ଦ୍ୱାରା କରୁଛନ୍ତି। ବେନିୟମ ଭାବରେ ସମ୍ପୂର୍ଣ୍ଣ ଠିକାଦାରୀ ଜମୁଆ

ଭୁଞ୍ଜୁରିରୁ ଉଠାଉଥିବା ମାଟି ଓ ମୋରମ ନେଇ ଯାଉଥିବା ଏକପ୍ରକାର ସ୍ତମ୍ଭ ହୋଇଛି। ଖୋରଦୁରୁଡ଼ା ତହସିଲଦାର ଶ୍ରୀ ହାତୀ କହିଛନ୍ତି, ଉପରୋକ୍ତ ପାଇଁ ଠିକାଦାର



ନେଇଥିବା ମାଟିରୁ ମଧ୍ୟ ମାପାଯିବ। ଏହାର ତିନୋଟି ଜିଲ୍ଲାପାଳଙ୍କୁ ପ୍ରଦାନ କରାଯିବ। ଠିକାଦାର ଉପରେ ଗତ ୬ ମାସ ହେବ ଜମୁଆ ଭୁଞ୍ଜୁରିରୁ ସଫା କରି ସାରିଲେଣି।

ଏହାରୁ ସ୍ୱାଧୀନ ଭାବେ ବିଭାଗ କରିବାକୁ ଏହି ଘଟଣା ଭୋକଭୋକନକୁ ଆସିଛି। ଉଦ୍, ଜମୁ ଆପାରି, କମେରା, ମରାଜୁଟା ଆଦି ଅଞ୍ଚଳର ଭୋକେ

ତହସିଲଦାର ଓ ଡିଏମ୍‌ଟିଏ ଏବେ ଗୁଡ଼ିକ ଭାବେ ଘିଣ୍ଟିତ ଭାବେ ଅବଗତ କରାଉଛନ୍ତି। ଏହାପରେ ମଧ୍ୟ ଠିକାଦାର ଉପରେ ଗାନ୍ଧୀ ବିଭାଗ ତଦନ୍ତ କରିବାକୁ ହେବାର ସମ୍ଭାବନା ରହିଛି।

ବିଭାଗ ପକ୍ଷରୁ ଖନନ ହେଉଥିବା ପାହାଡ଼ର ସର୍ବେକ୍ଷଣ ଏହା ଏବେ ଗାନ୍ଧୀ ଅଞ୍ଚଳ ବୋଲି ଜଣାପଡ଼ିଥିଲା। ବେହେ ଏହି ଜମୁଆ ଭୁଞ୍ଜୁରିରୁ ଗଠି କରାଯିବା ନେଇ ୪ ଲକ୍ଷ ବର୍ଷ ବିଭାଗ କର୍ମଚାରୀଙ୍କ ଉପରେ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ କରି ଦରମା ବନ୍ଦ କରି ଦିଆଯାଇଛି। ଗ୍ରାମବାସୀଙ୍କ ତହସିଲଦାରଙ୍କୁ ଅଭିଯୋଗ କରିବା ପରେ ସମ୍ପୂର୍ଣ୍ଣ ଛତିଶଖର୍ଚ୍ଚର ଉପରେ ଠିକାଦାର ଉପରେ କାମ ଦିନରେ ବନ୍ଦକରି ବିଦ୍ୟୁତ୍ ଗାଡ଼ିରେ ବେସିଟି ଇଟାର ଜମୁଆ ଭୁଞ୍ଜୁରିରୁ ମାଟି ମୋରମ ଖୋଳି ନେଇଥିବା ଗ୍ରାମବାସୀ ଅଭିଯୋଗ ହୋଇଥିଲା। ଉପରୋକ୍ତ ଜିଲ୍ଲାପାଳ ଏ ସମ୍ପର୍କରେ ଅବଗତ ହେବାପରେ ଏହାର ତଦନ୍ତ କରିବାକୁ ତହସିଲଦାରଙ୍କୁ ନିର୍ଦ୍ଦେଶ ଦେଇଥିଲେ।

F. No. 3-70/2020-IA.III [141127]
 Government of India
 Ministry of Environment, Forest and Climate Change
 (IA Division)

Indira Paryavaran Bhawan
 Jor Bagh Road, Aliganj,
 New Delhi - 110003

Dated: 8th August, 2022

OFFICE MEMORANDUM

Subject: Clarification on the applicability of EIA Notification 2006 for excavation of Ordinary Earth from borrow area for linear projects - reg.

The Ministry, vide Notification S.O. 1224 (E) dated 28.03.2020, amended the appendix IX of EIA Notification to inter-alia provide exemption from Environmental Clearance (EC) for "*extraction or sourcing or borrowing of ordinary earth for linear projects such as roads, pipelines etc.*"

2. Subsequently, the above mentioned Notification was challenged before the National Green Tribunal, Principal Bench in Original Application No. 190/2020 in the matter of Noble M. Paikada Vs. Union of India & Ors., wherein the Hon'ble Tribunal while disposing of the application vide order dated 28/10/2020, *inter-alia* held that "*.....the exemption should strike balance and instead of being blanket exemption, it needs to be hedged by appropriate safeguards such as the process of excavation and quantum...*" and directed to revisit the impugned notification dated 28.03.2020.

3. Subsequently vide order dated 31/05/2022, the Hon'ble NGT in M.A. No. 07/2022(WZ) & M.A. No. 08/2022(WZ) in Original Application No. 68/2020(WZ) titled Shri Rajiv Babasaheb Waman & Ors. vs. Ministry of Environment, Forest & Climate Change & Ors inter-alia held that "*... that excavation of earth and mining of sand and other minor minerals being hazardous activity having serious adverse impact on environment in view of 'Precautionary' and 'Sustainable Development' principles, such activity cannot be left unregulated by statutory enforceable mechanism. Blanket exemption is against ecologically sustainable development norms and judgment of Hon'ble Supreme Court...*"

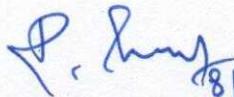
4. The matter was referred to the concerned Expert Appraisal Committee (EAC) for deliberation. After due deliberation, the EAC was of the opinion that if such linear project has obtained EC based on EIA studies incorporating such sourcing of construction material or other activities, necessary safeguards are already incorporated in the EC appraisal process. However, if such sourcing of material is not considered in the EIA or such linear project does not attract provisions of EC, then

such individual activities will be subject to extant environmental regulations as per EIA Notification 2006, as amended and/or applicable environmental safeguard related directions issued by the State Government /SPCB which need to be observed while sourcing construction material.

5. Based on the recommendations of the EAC and keeping in view the direction of Hon'ble NGT, the matter has been examined by the Ministry in detail and it has been decided that the exemption from EC provided vide S.O. 1224 (E) dated 28.03.2020 for "extraction or sourcing or borrowing of ordinary earth for linear projects such as roads, pipelines etc." shall be subject to Standard Operating Procedure (SOP) as enclosed to this Office Memorandum.

6. This is issued with the approval of the Competent Authority.

Encl: as above.


8/8/22
(Sundar Ramanathan)
Scientist 'E'

To

1. Chairman and Member Secretaries of SEIAA/ SEACs.
2. Chairman, Central Pollution Control Board (CPCB).
3. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
4. All the Officers of I.A. Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DGF&SS (EF&CC)
5. PPS to AS(TK)/PPS to JS (SKB)
6. Website, MoEF&CC/Guard file

SOP for Borrow Area Identification; its operation, safety and redevelopment

The activity relates to identification of borrow areas to obtain earth/soil materials; its operation, safety and redevelopment shall be carried out as per the following criteria:

1. Selection of site, operation and site-specific measures to adopt

- i. Environmental issues like siting borrow pit location, soil erosion aspects, accumulation of run-off and associated problems, disposal of debris by local community in open borrow area, transport of borrow earth to construction site, preservation of top soil of 15m depth and reuse for plantation, reinstatement of borrow pits and sites shall be considered before selection of site.
- ii. Guidelines, Manuals, Notifications etc issued by various agencies from time to time like IRC, MoRTH, MoEFCC etc shall be followed.
- iii. For selection of the site for the borrow area, agricultural land, cut material available from other road construction projects, dredging material from dredging operations of ponds, lakes, rivers and canals, material from barren land or land without tree cover outside the road RoW, material from excavation of proposed culverts can be considered. Provided further that, highly productive top-soil shall be stored separately and used for plantation activity.
- iv. Borrowing shall be avoided on the lands close to toe line, irrigated agricultural lands, grazing land, lands within settlements, 1 Km from environmentally sensitive areas such as Reserve Forests, Protected Forests, Sanctuary, National Parks, Conservation Reserve, Wetlands etc, unstable and fragile side-hills, streams and seepage areas, areas supporting rare plants/ animal species. It should be ensured that unsuitable soft rock is not prominent within the proposed depth of excavation which will render rehabilitation difficult.

2. The General Guidelines

- i. The preservation of topsoil will be carried out in stockpile.
- ii. A 15 cm topsoil will be stripped off from the borrow pit and this will be stored in stockpiles in a designated area for height not exceeding 2m and side slopes not steeper than 1:2 (Vertical: Horizontal).
- iii. Preservation of Top Soil of 15cm depth and its reuse for plantation
- iv. Validation of the work of re-use of Top Soil by the AE/IE. Competent authority to check the re-use anytime if warranted.
- v. Borrowing of earth will be carried out up to a depth of 2m from the existing ground level.
- vi. Borrowing of earth will not be done continuously throughout the stretch.
- vii. Ridges of not less than 8m widths will be left at intervals not exceeding 300m.
- viii. Small drains will be cut through the ridges, if necessary, to facilitate drainage.
- ix. Depends upon the location of borrow areas, the safeguard measures & management specific treatment as a particular borrow area depending upon its

location viz Agriculture Land, Elevated Land, Waterbody, near Settlement and along the alignment.

3. Re-development of Borrow Areas

The objective of the rehabilitation programme is to return the borrow pit sites to a safe and secure area, which the general public should be able to use safely. Securing borrow pits in a stable condition is fundamental requirement of the rehabilitation process. This could be achieved by filling the borrow pit approximately to the road level. Following measures shall be taken for Rehabilitation:

- i. Borrow pits shall be backfilled with rejected construction wastes (unserviceable materials) including fly ash, compacted and will be given a turving or vegetative cover on the surface. If this is not possible, then excavation slope should be smoothed, and depression is filled in such a way that it looks more or less like the original ground surface.
- ii. During works execution, the Contractor shall ensure preservation of trees during piling of materials; spreading of stripping material to facilitate water percolation and allow natural vegetation growth; re-establishment of previous natural drainage flows; improvement of site appearance; digging of ditches to collect runoff; and plantation may be carried out wherever feasible or pit may be developed for water storage as per Amrit Sarovar Scheme of MoRTH.

4. Development of Amrit Sarovar

Under Amrit Sarovar Programme, water bodies are being developed by MoRT&H/NHAI/other road development agencies and the desilting of existing water body is also being taken up for water harvesting and re-charge of ground water. The earth available from development of such water bodies is to be utilised for road works and plantations as per suitability of soil. The State Authorities have already been advised not to levy any royalty for borrowing of earth for development of water bodies under Amrit Sarovar Programme.

APPEAL/APPLICATION No. _____ of 2023

In re:

APPLICANTS

SATRUGHAN MEHER

VERSUS

STATE OF ODISHA & OTHERS

RESPONDENTS

I, KNOW ALL to whom these present shall come – SATRUGHAN MEHER, S/O, LATE LINGARAJ MEHER, AGED ABOUT 47 YEARS, AT- SALETIKIRA, PO-MARAKUTA, PS- JHARSUGUDA SADAR, DIST JHARSUGUDA 768202, 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 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 11th day of Aug 2023

Accepted subject to the terms of fees.


Advocate

Client


Client