

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO -----OF 2022**

**IN THE MATTER OF**

**PRATAP CHANDRA MOHANTY & OTHERS**

.....Applicants

Versus

**STATE OF ODISHA & ORS**

...Respondents

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**SANKAR PRASAD PANI**

DATE: 19/09/2022

ADVOCATES

Plot 2132/4814, Nageswar Tangi, Bhubaneswar 751002

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## 2

### SYNOPSIS

The present application challenges the unauthorized extraction and procurement of huge amount of minor minerals like Morrum, Ordinary Earth, Stone aggregates and sand for use if construction of National Highway No 23 namely 'Rehabilitation and Up-gradation of existing 2-lane to 4-lane standards from Duburi to Chandikhole Section of NH 200 (New NH 53) from km. 388.376 to km 428.074, length of 40km long, in the State of Odisha, by Gammon Infrastructure Projects Limited (GIPL). The concerned Tahasildars have confirmed that no permit has been issued to the contractor of NH 53 and similarly SEIAA has confirmed no environment clearance has been issued in favor of the private respondent company. Since the minor minerals used in the project do not have valid environment clearance of the sources from where extracted, hence the same is violation of Environment Protection Act 1986.

### LIST OF DATES

10/05/2022	Tahasildar, Darpan confirmed no permit issued to Gammon Infra for lifting of minor minerals for use it NH 53 road work
21/06/2022	Complaint to the authorities seeking action against illegal lifting of minor minerals
3/09/2022	SEIAA Odisha confirmed no Environment clearance granted in favor of Gammon Infrastructure for Morrum, Stone or Sand Quarry
4/08/2022	Photographs showing heaps of minor mineral stacked at the project site and ongoing construction work

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

*(Under Section 14, 15 read with Section 18 of*

*the National Green Tribunal Act, 2010)*

**ORIGINAL APPLICATION NO --- OF 2022**

**IN THE MATTER OF:**

1. Pratap Chandra Mohanty, S/o Sunakar Mohanty, Aged about 45years At:- Talasanga, Via:- Marshaghai, P.O.:- Talasanga, P.S.- Patakura Via:- Marshaghai, Dist-Kendrapada – 754 213, Odisha,
  2. Akshay Kumar Pattanayak, S/o Late Dharani Dhara Pattanayak, aged about 65years, BaladevJew Colony, Keonjhar, 758001
  3. **Sasee Bhoosan Pattanayak** Aged about 60 years, S/o Late Srinibas Pattanayak At- Sisubhavan lane, Newcolony, Keonjhar PO/PS/Dist-Keonjhar, Odisha, PIN-758001
- APPLICANTS**

**VERSUS**

1. **STATE OF ODISHA** Through Additional Chief Secretary, Revenue and Disaster Management Department, Government of Odisha, Lokaseba Bhawan At/P.O.-Bhubaneswar, Dist-Khurdha, 751002 email: [revsec.od@nic.in](mailto:revsec.od@nic.in)
2. **District Collector, Jajpur** , At/Po/Dist-Jajpur, Pin:-756001, Odisha Email: [dm-jajpur@nic.in](mailto:dm-jajpur@nic.in)
3. **Member Secretary, Odisha State Pollution Control Board**  
A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, Odisha PIN-751012,  
Email: [paribesh1@ospcboard.org](mailto:paribesh1@ospcboard.org)
4. **Member Secretary,**

State Environment Impact Assessment Authority (SEIAA)  
Odisha, 5RF-2/1, Acharya Vihar, Unit – IX, Bhubaneswar 751022,  
Email: [seiaaorissa@gmail.com](mailto:seiaaorissa@gmail.com)

5. **Superintendent of Police, Jajpur.**  
At/P.O.:- Panikoili, Dist- Jajpur.  
PIN-756 001, Odisha, [spjip.odpol@nic.in](mailto:spjip.odpol@nic.in)
6. Tahsildar, Dharmasala, At/po- Dharmasala, Dist- Jajpur, PIN-755008  
EMAIL- [tdrdharmasala@gmail.com](mailto:tdrdharmasala@gmail.com)
7. Tahasildar, Darpan At/Po.-Dhanmandal Dist.-Jajpur. Pin:-754024.  
Email Id:- [tdrdarpan@gmail.com](mailto:tdrdarpan@gmail.com)
8. Tahasildar, Danagadi At/Po.-Danagadil Dist.-Jajpur. Pin:- 755026.  
Email-[tdrdangadi@gmail.com](mailto:tdrdangadi@gmail.com)
9. Deputy Director General of Forests (C), Ministry of Environment,  
Forest and Climate Change, Integrated Regional Office (EZ),  
A/3, Chandrasekharapur, Bhubaneswar – 751023,  
Email: [roez.bsr-moef@nic.in](mailto:roez.bsr-moef@nic.in)
10. Regional Officer, National Highways Authority of India.(NHAI).  
301- A, 3<sup>rd</sup> Floor. Pal Heights, Plot No. J/7, Jayadev Vihar.  
P.O.:- Bhubaneswar – 751 013. Dist:- Khurda. Odisha.  
[EMAIL: roodisha@nhai.org](mailto:roodisha@nhai.org)
11. **Managing Director**, Gammon Infrastructure Projects Limited (GIPL),  
Orbit Plaza, 5th Floor, Plot No. 952/954, New Prabhadevi Rd.,  
Prabhadevi, Mumbai 400025, Maharashtra, India.  
[info@gammoninfra.com](mailto:info@gammoninfra.com)
12. Project Director, Project Implementation Unit, NHAI, Dhenkanal,  
Dakshinakali Road, Plot 1768, Near Kalinga Eye Hospital, Dhenkanal,  
759001, [piudhenkanal@nhai.org](mailto:piudhenkanal@nhai.org)

13. **Managing Director**, Gammon Engineers and Contractors Pvt Ltd,  
Gammon House, Veer Savarakar Marg, Prabhadevi, Mumbai, 400025

**RESPONDENTS**

**MOST RESPECTFULLY SHOWETH:**

- I. The address of the Applicant's is given above 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 present Application is being filed in order to seek urgent action with respect of illegal use of Soils/Earth/Morrum, Stone Aggregates and Sand in Expansion of National Highway No 53 from Chandikhole to Duburi from different sources without environmental clearance. Indiscriminate and illegal extraction and procurements of Morrum, Stone Aggregates, Sand and ordinary earth in construction of the road in absence of environment clearance which raises substantial question with respect to the environment and constitutes violation of the Environment (Protection) Act, 1986 and Hon'ble Supreme Court Order in Deepak Kumar Vs State of Hariyana.

**FACTS**

1. That the Applicants are conscious citizens concerned with the illegal extraction of minor minerals from different sources without environment clearance. The minor minerals required for the project is huge and same has been procured randomly from different sources. That there has been no environment impact assessment of the sources from where all these minor minerals such as Morrum, Earth, Stone Aggregates and Sand have been procured and thereby a large

scale damage has caused to the environment. It is also submitted that there has been no transparency while executing the work in terms of disclosing the source of the minor minerals and thereby the illegal extraction of minor minerals required to be brought to the ambit of environmental governance and regulatory regimes. The applicants have observed all the due diligence in terms of seeking information from the state authorities and SEIAA, bringing to the notice of authorities and seeking appropriate action against the contractor engaged in illegal extraction and procurement of minor minerals, but no action has been taken as on date for which the applicants are seeking intervention of this Hon'ble Tribunal for ends of justice.

2. That Gammon Infra Projects Ltd (GIPL) a consortium of Gammon Engineers And Contractors Pvt Ltd has received a letter of award from the National Highways Authority of India (NHAI) for the project to undertake **'Rehabilitation and Up-gradation of existing 2-lane to 4-lane standards from Duburi to Chandikhole Section of NH 200 (New NH 53) from km. 388.376 to km 428.074, length of 40km long**, in the State of Odisha Under NHDP Phase - III on EPC Mode (Pkg- III)'. The Project has been awarded by the NHAI on a bid price of **Rs. 577 crore**. Gammon Infrastructure Projects Limited ('GIPL') is an infrastructure project development company incorporated on 23<sup>rd</sup> April 2001 by Gammon India Limited, to participate in the development of infrastructure projects on a public private partnership ('PPP') basis. The construction period of the Project is 910 days. Copy of NHAI letter dated **26/03/2018** is annexed here unto as **ANNEXURE-1**
3. It is humbly submitted that the widening & strengthening work of Chandikhole to Duburi section of NH 53 (Earlier numbered as NH 200) is being carried out under direct supervision of National Highway Authority of India (NHAI) who has obligation to furnish the information regarding details of sources along with its all mandatory permissions such as Environment Clearances Certificate, Mining Plan & Consent to Establish/Operate of State Pollution Control Board

& lifting order of concerned Tahasildars following the OMMC Rule-2016 & Environmental Protection Act-1986 upon the authority of which its contractor has been procuring minor minerals & using for the said work of NH 53. It is also duty of NHAI to verify the authenticity of minor minerals before using the same. As per agreement done between NHAI & contractor, it is also responsibility of contractor to deposit/produce all mandatory permissions obtained by it from its competent authorities before NHAI for verification of legality of minor minerals.

4. That while executing the construction of Highway Projects, the private company or contractor executing the project on ground requires huge amount of minor minerals such as soil, morrum, road metals, stone, Bajri, sand and stone crusher dust. As these minor minerals are not available in open market and mining and trading of minor minerals are completely regulated by the state government under Orissa Minor Mineral Concession Rules 2016 which requires permission for quarrying and transit permit for transportation of these minerals from source to the destination. The minor Minerals which are transported and used by the end user agency without any valid transit permit are treated as illegal sourcing and transportation of such minor minerals for which the concerned Tahsildar should impose penalty along with Royalty from the end user of the product along with seizure of vehicles and criminal prosecution. That the minor minerals were obtained from illegal sources without transit permit and other statutory clearances such as Environment Clearance, Consent of the Pollution Control Board of the sources.
5. It is submitted that earlier the illegal extraction and procurement of minor minerals such as Morrum, Ordinary earth, Stone Aggregates and Sand for this stretch National Highway No 53 was challenged before the National Green Tribunal in OA 3 of 2017. During the pendency of the proceedings, the earlier contractor executing the work of National Highway was blacklisted and the agreement was cancelled. Subsequently another tender was floated to execute

the widening and rehabilitation of Chandikhol to Duburi segment of NH 53. In the bidding process, gammon infra private ltd was awarded the contract.

6. That the Honble Tribunal on dated 7th Feb 2017 has directed the Dharamasala Tahasildar to ensure no further work is carried on at the stretch from Chandikhol to Talcher. The relevant portion of the order is reproduced as follows

“In the meanwhile, Govt. respondents and the project proponent, i.e., respondent No. 4, 5, 6 and 7 shall consider the pleadings in paragraph 5 of the OA wherein it has been stated that “the project proponent in its response to an RTI application of the Applicant has admitted that details of Estimate of earth to be used has not been finalised, no records available pertaining to use of morrums/soil and sources in the project work”. In the event the facts stated above are found to be correct, the respondent No. 4, Tahashildar, Dharmasala shall ensure that no further work is carried on at the stretch from Chandikhola to Talcher”. Copy of the Order dated 7th Feb 2017 is annexed here unto as **ANNEXURE-2**

7. That the Original application no 3 of 2017 was disposed on 21<sup>st</sup> April 2022 with direction that the “State PCB may revisit the amount of compensation. As already held, liability to pay compensation will be not only of the person who did the illegal mining but also the NHAI, who enabled such illegality. It will be on joint and several liability principle. The amount recovered may be utilized for restoration of environment by preparing a restoration plan, to be executed in a time bound manner”. Copy of Order dated 21<sup>st</sup> April 2022 is annexed here unto as **ANNEXURE-3**

8. That the NHAI in it’s reply affidavit in OA 3 of 2017 has stated that for 133Km length of Road work from Chandikhole to Talcher, around 38.66lakh CM of earth/morrum, 14.57lakh CM of stone aggregates, 1.09lakh CM of sand are required. Accordingly for 40km length of road work around 4.38lakh cm of stone aggregates, 11.62lakh CM of Morrum and Earth and 40,000CM of sand is

required for construction of 40km stretch of Chandikhol-Duburi Section of NH 53. For this huge quantity of morrum, stone and sand, not even a single lease/quarry permits have been granted in favor of the private respondent.

9. That the applicant no 3 has sought information under Right to Information Act from Tahsildar Danagadi, Darpan and Dharmasala if any permission has been granted for Morrum, Soil, Sand and Stone aggregates in favor of Gammon Infra Project Ltd and in reply the Tahasil Office of Danagadi dated 3/03/2022 and 12/04/2022 have stated no permission has been granted. Similarly Darpan Tahasil office vide letter dated 10/05/2022 have also stated no permission has been granted. Copy of the RTI reply dated 3/03/2022, 12/04/2022 and 10/05/2022 is annexed here unto as **ANNEXURE-4Series**
10. That the applicant has also sought information from SEIAA Odisha if any environment clearance granted in favor of the private respondent Gammon Infra Project Ltd in respect of sources for Sand, Morrum and stone. SEIAA Odisha vide reply dated 3/09/2022 has stated that no environment clearance has ever been granted in favor of Gammon Infra for excavation of morrum, stone and sand. Copy of reply under RTI from SEIAA Odisha dated 3/09/2022 is annexed here unto as **ANNEXURE-5**
11. That the applicants have also brought to the notice of all the authorities about the illegal lifting of minor minerals and requested for measurement of the minerals used in the road construction and prosecution against the violators but no action has been taken as on date. The copies of letters dated 19/05/2022, 14/06/2022 and 21/06/2022 is annexed here unto as **ANNEXURE-6Series**
12. It is humbly submitted that present Construction/widening of road is ongoing in in three Tahasils such as Dharmasala, Danagadi and Darpan Tehsil in Jajpur District. alone and further the user agency/executing agency of the road is under obligation to produce the details of sources from where the raw material like soil and morrum were extracted and deposit the R forms relating to the materials used in the work with concerned Tahsildar. Copy of photographs

showing ongoing construction work NH 23 dated 4<sup>th</sup> August 2022 is annexed here unto as **ANNEXURE-7**

13. That to knowledge of the petitioner, unauthorized extraction of earth for the highway expansion project has been made from adjoining villages such as Kantapada, Kusumpur, chakradharpur, Baghua, Balisahi, Chadehidhara, Barada, Jhatiapada, Mandia, Aarua, Kabatbandha, Pakhara, Osora, Purunabahala and Ramchandrapur in Dharmasala Tehsil.
14. That, failure of NHAI & concerned contractor in furnishing the copies of Lifting order of competent authorities or Transit Passes or Form R & Money Receipts paid to-wards Royalty of minor minerals already procured by NHAI/ contractor & Environment Clearance of the minor mineral sources clearly establishes that all minor minerals have been extracted without obtaining any due permission which is a gross violation of OMMC Rule-2016 & Environment Protection Act-1986 & all other subsequent amendments.
15. That, inability of NHAI in furnishing the mandatory prior permission against procurement of such a huge quantity of minor minerals for unlawful procurement of minor minerals clearly proves that entire minor minerals used till date in the above widening of stretch of NH 53 have been procured without any authority of law by violating OMMC Rules-2016 & Environment Protection Act-1986.
16. It is submitted that the illegal extraction of minor minerals continuing despite of the knowledge of the revenue authorities who has the duty to enforce the law. That the indiscriminate quarrying and lifting of minor minerals such as Sand, Stone, Earth and Morrum from various sources without Mining Plan, Environment Clearance and Consent of Pollution Board warrants action under Environment protection Act as well as Recovery of environment Compensation and cost of restitution.
17. That, failure in producing any documents in respect of due prior permission of competent authority & any Transit Pass & money Receipt paid to-wards

Royalty of minor minerals either by NHAI or Gammon Infrastructure Private Ltd (Contractor) in support of authenticity of the minor minerals establish that the procurement and use of minor mineral in the project is sourced from unauthorized sources in illegal manner.

18. That, above Tahasildars did nothing such as Seizure of vehicle engaged in transporting of minerals, criminal prosecution under Environment Protection Act and other Rules. On the contrary, the enforcement authorities, remained silent by collecting a mere nominal amount of penalty which establishes their connivance with the offenders of such crime.
19. That, the above Tahasil authorities have obligation to ensure implementation of laws & entrusted to protect govt. assets but in this case the concerned authorities have grossly failed to discharge their duty. They never filed any complaint before higher authorities or NHAI or filed any FIR U/s 379 & 414 with police station or implement their power to desist an offender from unauthorized extraction of minor minerals rather support it to continue such illegal lifting of minor minerals by becoming silent.
20. 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. Copy of the Revenue department letter dated 26/04/2019 is annexed here unto as **ANNEXURE-8.**

21. That the Hon'ble Supremecourt in WP C No 114 /2014, Common Cause Vs Union of India and Others Judgment dated 2nd August 2017 has hold that

“That apart, as mentioned above, the holder of a mining lease is required to adhere to the terms of the mining scheme, the mining plan and the mining lease as well as the statutes such as the EPA, the FCA, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. If any mining operation is conducted in violation of any of these requirements, **then that mining operation is illegal or unlawful**. Any extraction of a mineral through an illegal or unlawful mining operation would become illegally or unlawfully extracted mineral”.

22. In the same Judgment in Para 153, Honble Apex Court has observed that

“In our opinion, there can be no compromise on the quantum of compensation that should be recovered from any defaulting lessee – it should be 100%. If there has been illegal mining, the defaulting lessee must bear the consequences of the illegality and not be benefited by pocketing 70% of the illegally mined ore. It simply does not stand to reason why the State should be compelled to forego what is its due from the exploitation of a natural resource and on the contrary be a party in filling the coffers of defaulting lessees in an ill gotten manner”

23. That in the present case, the minor minerals used in the entire stretch of 40 Km long National Highway 53 is being procured illegally without any environment clearance from the source, hence the Honble Tribunal may direct the state respondents to collect the cost of the minerals used along with the cost for rehabilitation and reclamation of the areas from where the soil/morrum were extracted and the cost of ecological loss may be recovered from the Private Respondent and NHAI. And direct the district collector, jajpur for seizure of vehicles, criminal proceedings against the person concerned and prohibiting the

persons from lifting the morrum. It is submitted that no deterrent action has been taken till date, though the Govt. Circular of 26/04/2019 says action has to be taken within 72 hours (3days).

24. That Section 4 of *The Orissa Minerals (Prevention of Theft, Smuggling and other Unlawful Activities) Act, 1988* **Restriction on possession, storage, etc. of minerals states that** “No person shall-

(i) possess, store, sell, trade in or otherwise deal with any mineral except under and in accordance with terms and conditions of a licence: or

(ii) transport or remove any mineral from any place except under and in accordance with the terms and conditions of a permit.”

**And Further Section 12 of the Act Prescribes the Penalty such as -** (1) Whoever fails to comply with or contravenes any of the provisions of this Act or the rules shall, on conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

25. 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.

26. That despite of the provision for criminal prosecution which upon conviction will end in two year imprisonment, the Tahasildars did nothing to restrain the private respondent from illegally procuring and extracting the minor minerals, which encourages the offenders to continue with the illegal mining.
27. 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.”

28. 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, Jajpur in the present case have not imposed his authority and thereby failed to discharge the duties and hence the Hon'ble Tribunal may call for a satisfactory reply and the Chief Secretary for necessary action to that effect.
29. 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 Supreme Court on 3rd December 2020 has opined 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.
30. Illegal mining of minor minerals is not only theft of Govt. revenue inviting prosecution under the appropriate provisions of the IPC but also invites prosecution under the provisions of the Prevention of Money Laundering Act, 2002.
31. That Section 3 of the Prevention of Money-Laundering Act, 2002, reads as under:- “3. Offence of money-laundering- Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming it is untainted property shall be guilty of offence of money-laundering.”

32. Section 4 of the Act which prescribes the punishment for money laundering, reads as under:- “4. Punishment for money-laundering- Whoever commits the offence of money-laundering shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine. Provided that where the proceeds of crime involved in money-laundering relates to any offence specified under paragraph 2 of Part A of the Schedule, the provisions of this section shall have effect as if for the words “which may extend to seven years”, the words “which may extend to ten years” had been substituted.”

### **Grounds**

33. That the present application is filed on following grounds such as

- A. That, extraction of Minor minerals from unapproved quarries without Environment clearance or excess extraction of minor minerals from permissible quantity by NHAI or its contractor for using of it in widening & strengthening of stretch of NH 53 is in violation of Environment Protection Act-1986 & subsequent amendments.
- B. That, extraction of minor minerals in absence of Environment clearance is also contravention of the order of Honorable Supreme Court order in Deepak Kumar Vs State of Haryana.
- C. The rampant, inhuman, inconsiderate & illegal mining of minor minerals sources is against the principle of sustainable development.
- D. That, indiscriminate & illegal mining of mineral sources without Environmental Safe guard is threats to lives & livelihoods which is also serious violation of article 21 of constitution of India.
- E. That, excavation of minor mineral sources without Environment Clearance is against the spirit of Article 48 (A) & 51A (g) of constitution of India that mandates for protection of environment.

- F. That the standard EC letter for Highway projects impose a condition that the construction material shall be obtained only from quarries having valid environment clearance under EIA Notification, 2006 as amended from time to time and in the present instance same has been violated by the NHAI.
- G. That under Section 21 (5) of the Mines and Minerals (Development and Regulation) Act, 1957, value of the entire mined material is liable to be paid, as held in (2017) 9 SCC 499 Common Cause v. UoI & Ors.
- H. Apart from dues as per MMDR Act, compensation for damage to environment for loss of environmental services due to mining, with deterrent element has to be over and above the value of the mined material and utilized for restoration of environment and not on any ad hoc formulae, as has been done in the present case, without reference to the cost of remediation and financial capacity of the violators, As decided in MC Mehta, (2004) 12 SCC 118, para 47 and Goa Foundation (2014) 6 SCC 590, prs 68,71 and 77.

**LIMITATION**

That there is a subsisting cause of action because of the procurement and extraction of minor minerals from different sources without **valid environment clearance and Consent Order** and continuous damage caused by the illegal extraction on day to day basis. Further SEIAA in reply dated 3/09/2022 confirmed no Environment Clearance granted and no action has been taken against the private respondent pursuant to the complaint petition dated 21/06/2022 and the photographs of ongoing work by the private respondent dated 4/08/2022 suggesting huge amounts of minor minerals were gathered and stacked at the project site. The application is for restitution of the environment and imposition of environment compensation for which five year is the limitation period. , hence the application is not barred by limitation

**INTERIM PRAYER**

Direct the District Collector Jajpur & Superintendent of Police Jajpur to ensure that No further lifting of minor minerals takes place for the NH 53

Highway Work by the private respondents from the sources without Environment Clearance

**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 its market value and cost of restitution and environmental compensation.
- ii. Direct an independent expert committee to assess the ecological impact of extracted minor minerals which have extracted by private respondent without Environment Clearance
- iii. Direct the Private Respondent to Restore and Reclaim the mined out void areas created due to extraction of morrum and soil.
- iv. Direct the NHAI to install transparency Board disclosing the quantity of minor minerals used and source of such minerals from where it is extracted.
- v. Fix the accountability/responsibilities upon the concerned Govt. authorities for their inaction and willful dereliction of duties
- vi. Direct the concerned authorities to initiate criminal proceedings U/s 379 of IPC against the private respondent & Section 19 of Environment Protection Act 1986.
- vii. Pass such other orders/directions as may be deemed fit and proper (in the bonafide interests of justice.

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

**By the Applicants Through**



**ADVOCATE**

BEFORE THE NATIONAL GREEN TRIBUNAL  
 EASTERN ZONE BENCH, KOLKATA  
 ORIGINAL APPLICATION NO -----OF 2022  
IN THE MATTER OF  
**PRATAP CHANDRA MOHANTY & OTHERS** .....Applicants  
 Versus  
**STATE OF ODISHA & ORS** ... Respondents  
**AFFIDAVIT**

19 SEP 2022

I, **Sasee Bhoosan Pattanayak** Aged about 60 years S/o Late Srinibas Pattanayak, At- Sisubhavan lane, Newcolony, Keounjharharh PO/PS/Dist- Keounjhar, Odisha, PIN-758001, do hereby solemnly affirm, and declare as under:

1. That I am one of the applicant in the above mentioned Original Application AND authorized by other applicants to swear this affidavit
2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
3. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.

*Sasee Bhoosan Pattanayak*  
 DEPONENT

**VERIFICATION**

Verified on this the 17th day of Sept 2022 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.

Identified By  
 Advocate

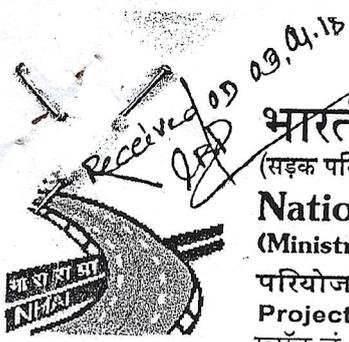


*Sasee Bhoosan Pattanayak*  
 DEPONENT

The above named deponent(s) being duly identified by Sri.....  
 Advocate, Bhubaneswar,  
 Appears before 19 SEP 2022  
 at.....  
 on oath the contents of the above affidavit are true to the best of their knowledge and belief.  
 Notary, Bhubaneswar

**S. RAUTRAY**  
 NOTARY, GOVT. OF ODISHA  
 BHUBANESWAR  
 Regd. No. ON-56/2012  
 Mob. No-9337121273

IDENTIFIED BY ME  
 ADVOCATE



# भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

## National Highways Authority of India (Ministry of Road Transport & Highways)

परियोजना क्रियान्वयन इकाई- ढेंकानाल

Project Implementation Unit - Dhenkanal

प्लॉट नं-1768, कलिंग आंखो के अस्पताल के समीप  
दक्षिणकाली मार्ग, ढेंकानाल - 759001.(ओडिशा)

Plot No: 1768, Near Kalinga Eye Hospital

Dakhinkali Road, Dhenkanal-759001(Odisha)

☎: 06762- 226850 / 830 (O)

ई-मेल/E-mail : piudhenkanal@nhai.org

nhaidhenkanal@gmail.com

Ref: 11012/01/RTI/PIU-DKL/2018/380

Dated: 26.03.2018

To,

Mr.Sasee Bhoosan Pattanayak,  
S/o.Srinibash Pattanayak,  
Sishu Bhawan Lane. New Colony, Mining Road,  
Keonjhar, Keonjhar - 758 001

Sub:- Information under RTI - Reg.

Ref:- Your Application dated 16.03.2018 under RTI

Sir,

Please find enclosed herewith the information in Annexure-I in the format as prescribed by you with reference to your application seeking information under Right to Information Act.

If you are not satisfied with the information provided by this office, you may approach to the 1<sup>st</sup> Appellate Authority whose address is given below:-

1<sup>st</sup> Appellate Authority  
National Highways Authority of India,  
Regional Office, Odisha, 301-A,  
3<sup>rd</sup> Floor, Pal Heights, J/7, Jayadev Vihar, Bhubaneswar 751013

Encl: As above

Yours faithfully,

(Sanjay Channa)

Public Information Officer

TRUE COPY

Advocate

Sl No.	Details of the National Highways with its No. which are proposed to be widened. (From Which place to which place it runs)	K.M. of the NH which is proposed to be widened	Width of the NH which is proposed to be widened	Name and full address of the Contractor to whom the work is awarded	Awarded cost of the work	Present status of the work (whether work started or not or under documentation process or other if any)
1	Cuttack – Angul Section of NH-42 (New NH-55) from Km 0.400 to Km 60.200, Pkg. 1 (Manguli to Jhargadia)	59.800 Km.	Tobe widened from 2-lane to 4-lane	M/s.Gayatri Projects Limited, B1, 6-3-1090, TSR Towers, Raj Bhavan Road, Somajiguda, Hyderabad – 500 082 Tel: 040-23310330, 2331484	Rs.583 Crore	Construction activities commenced from 19.01.2018
2	Cuttack – Angul Section of NH-42 (New NH-55) from Km 60.200 to Km.112.00, Pkg.2 (Jhargadia to Angul)	51.800 Km.	Tobe widened from 2-lane to 4-lane	M/s.Gayatri Projects Limited, B1, 6-3-1090, TSR Towers, Raj Bhavan Road, Somajiguda, Hyderabad – 500 082 Tel: 040-23310330, 2331484	Rs.529 Crore	Appointed date fixed as 12.03.2018 and Contractor is under process of mobilization.
3	Talcher to End of Kamakhyanagar Bypass section of (Km.8.844 - Km.15.725) of NH-23 (New NH-149) and Km.301.875 - Km.335.946)of NH-200 (New NH-53)	41.246 Km.	Tobe widened from intermediate lane/2-lane to 4-lane	M/s.MonteCarlo Ltd. - M/s.Iron Triangale Ltd. (JV), 706, Shilp Building, Near Municipal Market, CG Road, Navrangpura, Ahmedabad - 380009, Tel: 079-26409333, 26409777	Rs.503.30 Crore	LoA issued on 31.01.2018. Agreement not yet signed.
4	Kamakhyanagar Bypass to Duburi Section (Km.335.946 - Km.388.382) of NH-200 (New NH-53)	51.200 Km.	Tobe widened from intermediate lane/2-lane to 4-lane	M/s. GR INFRAPROJECTS LTD., GR House, Hiran Magri Sector-II, Udaipur, (Rajasthan) Tel: 0294-2487370	Rs.479.27 Crore	LoA issued on 31.01.2018. Agreement not yet signed.
5	Duburi to Chandikhole section of NH-200 (New NH-53) from Km.388.376 to Km.428.074	39.885 Km.	Tobe widened from 2-lane to 4-lane	M/s.GAMMON Engineers and Contractors Pvt Ltd. JV with M/s.Gammon Infra. Project Ltd., C/o. Gammon House, Veer Savarkar Marg, Prabhadevi, Mumbai - 400025 Tel: 022-61119362	Rs.577.00 Crore	LoA issued on 31.01.2018. Agreement not yet signed.

*file*

TRUE COPY

Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

O.A. No. 03/2017/EZ

SASEE BHOOSAN PATTANAYAK

VS

**STATE OF ODISHA & ORS**

CORAM: **Hon'ble Mr. Justice S.P.Wangdi, Judicial Member**

**PRESENT:**

<b>Applicant</b>	<b>: Mr. Sankar Prasad Pani, Advocate</b>
<b>Respondents No. 1,2-4</b>	<b>: Mr. Deepak Kumar Pani, Addl. Govt. Advocate</b>
<b>Respondents No. 5 &amp; 6</b>	<b>: Mr. Ashish Saha, Advocate</b>
<b>Respondent No. 7</b>	<b>: Mr. Rajrshi Dutta, Advocate</b>
	<b>Ms. Sonia Nandy, Advocate</b>
<b>Respondent No. 8</b>	<b>: Mr. Gora Chand Roy Chowdhury, Advocate</b>
<b>Respondent No. 9</b>	<b>: Mr. Dipanjan Ghosh, Advocate</b>

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 2</b> <b>7<sup>th</sup> February, 2017.</b>	<p style="text-align: center;">Mr. Deepak Kumar Pani, Ld. Addl. Govt. Advocate files vakalatnamas and prays for leave to file affidavits-in-opposition on behalf of the respondents No. 2,3 and 4, i.e., the revenue Divisional Commissioner, Govt. of Odisha, Cuttack, the District Collector, Jajpur and the Tehshildar, Dharmasala respectively.</p> <p style="text-align: center;">The affidavits are ordered to be taken on record. It is stated that copies have been served on the other side.</p> <p style="text-align: center;">None appears for the respondent No. 1, the Principal secretary, Revenue and Disaster Management. Since Mr. Deepak Kumar Pani, Ld. Addl. Govt. Advocate</p>

is already representing the respondents No. 2,3 and 4, we direct him to represent the respondent No. 1 also and take necessary steps to file response to the OA.

Mr. Ashis Saha, Advocate, for the respondents No. 5 and 6, the Regional Officer, National Highway Authority of India and the Project Director, NHAI respectively, Mr. Gora Chand Roy Chowdhury, for the respondent No. 8, i.e., State Environment Impact Assessment Authority (SEIAA), and Mr. Dipanjan Ghosh, Ld. Advocate for the respondent No. 9, the State PCB appear and pray for time to file affidavits-in-opposition. They are at liberty to do so within three weeks from hence.

In the meanwhile, Govt. respondents and the project proponent, i.e., respondent No. 4,5,6 and 7 shall consider the pleadings in paragraph 5 of the OA wherein it has been stated that “the project proponent in its response to an RTI application of the Applicant has admitted that details of Estimate of earth to be used has not been finalised, no records available pertaining to use of morrums/soil and sources in the project work”.

In the event the facts stated above are found to be correct, the respondent No. 4, Tahashildar, Dharmasala shall ensure that no further work is carried on at the stretch from Chandikhola to Talcher.

Action taken reports shall be filed by the

respondent No. 3,5,and 6 on or before the next date.

**List on 21.3.2017.**

.....  
Justice S.P.Wangdi, JM  
7-2-2017





Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 03/2017/EZ

Sasee Bhoosan Pattanayak

Applicant

Versus

State of Odisha &amp; Ors.

Respondent(s)

Date of hearing: 21.02.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE B. AMIT STHALEKAR JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA EXPERT MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant(s): Mr. Sankar Prasad Pani, Advocate

Respondent(s): Mr. Deepak Kumar Pani, Addl. Standing Counsel for R-2 to 4,  
Mr. Dipankar Das, Advocate a/w Mr. Aryak Dutt, Advocate for R-5&6,  
Mr. Gora Chand Roy Choudhury, Advocate for R-8,  
Mr. Dipanjan Ghosh, Advocate for R-9**ORDER**

1. Grievance in this application is against violation of environmental norms in the nature of illegal mining in the course of widening of NH-23/200 from Chandi Khole to Talcher, a stretch of 133 km of which 25km is from Chandikhole to Brahmani bridge with width of around 15 metre and height of 3 metre. In such construction, unauthorized extraction of earth for the highway expansion project has been made from villages such as Kantapada, Kusumpur, Chakradharpur, Baghua, Balisahi, Chadehidhara, Barada, Jhatiapada, Mandia, Aarua,

Kabatbandha, Pakhara, Osora, Purunabahala and Ramchandrapur in Dharmasal Tehsil.

2. The application was filed on 03.01.2017 and came up for first hearing on 04.01.2017. The Tribunal issued notice to the respondents including NHAI, State of Odisha, State PCB and SEIAA Odisha who have filed their respective replies.

3. We may make a brief reference to the stand of the concerned respondents. The stand of the State PCB is that construction work was awarded by the NHAI to M/s Corsan Corviam Construction S.A. with regard to two/four laning of Talcher-Duburi-Chandikhol section of NH-200 from Km 301.890 to Km. 427.885, including Km. 8.5 to Km. 14.886 of NH-23, in the State of Odisha under NHDP III on EPC mode. The said contractor used the mineral from private lands and paid royalty of Rs. 41,79,393/- against 1,14,162 m<sup>3</sup> of Earth/Morrum extracted. Para 4 of Additional affidavit filed later on 05.10.2021 mentions the calculation of Environmental Compensation at Rs. 30,80,000/- for illegal mining for 308 days. The earth excavated is 1,72,162 m<sup>3</sup> Earth/Morrum. In a further affidavit of the State PCB filed on 25.11.2021, it is stated that NHAI has agreement with M/s Ayesa Vashnavi (JV) for certification of minor mineral quantity, according to whom, 5,60,376 m<sup>3</sup> of earth/morrum has been consumed. Rs. 58,38,070/- has been deposited towards royalty which has been accounted only for 1,72,162 m<sup>3</sup> of said material against 3,44,324 m<sup>3</sup> due to higher rate of royalty considered for these materials i.e. Rs.28/- instead of Rs.14/-. Apart from that, Corsan Corviam Construction SA had also paid excess royalty to State Revenue Authority for adjoining project of the Company in the State (i.e. Bhadrak-Anandapur-Chandwali) for an amount of Rs. 85,10,067/- which is still

under reconciliation and covers entire royalty payment for entire quantity.

4. Affidavit filed by the Collector, Jaipur on 20.04.2022 is as follows:-

“

- A. *It is Submitted that, it has been ascertained from the confirmation report submitted by the office of the project Director Dhenkanal, (NHAI) and verification of the Revenue Receipts from the office of **Tahasilder, Bhuban, Dhenkanal & office of Tahasildar, Dharmasala, Jajpur, a total amount of Rs.16,58,677.00 for a quantity of 58000 cum of Morrum/ Earth and Rs.41,79,393.00 for a quantity of 114162 cum of Morrum/ earth respectively** has been realized. This amount sum of to a total Revenue of Rs.58,38,070.00 for a total quantity of 1,72,162 cum which is inclusive of Royalty, penalty and other charges like dead rent, surface rent, income tax, District Mineral funds etc. On through verification of the Revenue Receipts, it has been confirmed that a rate of royalty of Rs.39/cum was charged for 31,025 cum and Rs.28/per cum for 1,41,136 cum of Morum/earth.*
- B. *It is submitted that the total quantity material consumed is 5,60,376 cum and the royalty that has been realized in the account of the State Exchequer for a net quantity of 1,72,162 cum only. Therefore, the quantity of material for which the royalty amount is due to be realized for 3,88,214 cum of Morrum/earth for the four laning of Talchar-Duburi-Chandikhole Section of NH 200 from Km. 301.89 to km.427.885 including km 8.5 to km.14.866 of NH 23 in the State of Odisha under NHDP-III on EPC Mode.*
- C. *It is submitted that the office of the Project Director Dhenkanal, (NHAI) could not produce any factual data with regards to the correspondence mentioning about the conciliation of an amount of Rs.85,18,067.00 towards Royalty for another project. Further, it must also be noted that the office of the Project Director Dhenkanal, (NHAI) has confirmed that the defaulting contractor (Ms/ Corsan Corvium Constructions) has no on-going projects in the State of Odisha, hence, the proposal for conciliation from another project is not acceptable and either the contractor (M/s Corsan Corvium Construction) or the principal employer (NHAI) is entitled to pay the pending dues at the prevailing rate, as decided by the Joint Environmental Impact Assessment Committee, Jajpur.*
- D. *It is submitted that, an amount of Rs.58,38,070.00 has been paid for a quantity of 1,72,162 cum of Morrum earth as royalty and other charges. However, **for the remaining balance quantity of 3,88,214 cum of materials used, the final rate of royalty and penalty has been recommended on the basis of rates prescribed under Odisha Minor Mineral Concession Rules, 2016 which came into force on 14.12.2016 while the contract of the defaulting contractor- M/s Corsan Corvium Constructions SA was only terminated on 15.03.2017***

**due to non-performance on contractual obligations. In this regard, an assessment of Rs 1,35,87,490.00 (at the rate of Rs 335 per cum towards royalty), Rs 1,74,96,630.00 penalty and Rs 30,80,000.00 (towards Environmental Compensation) was agreed upon for final recovery from NHAI amounting to a total recovery amount of Rs. 3,41,64,120.00. In this regard, a demand letter has immediately been communicated to NHAI directing an update on the status of recovery and subsequent transfer of the pending demand amount.”**

5. Vide order dated 25.01.2022, considering the matter the Tribunal observed:-

**“8. In our opinion, if the amount of Environmental Compensation, which is money due to the public exchequer, cannot be recovered from the violator, it shall be recovered by the Respondent Nos. 2 & 3, from the NHAI who had engaged the contractor as its agent to execute the works of NHAI and is, therefore, liable for all the rights and liability of the Respondent No.7.”**

6. We have heard learned Counsel for the parties and considered the matter for passing final order.

7. It is undisputed that illegal mining has taken place and extent of illegal mining is as mentioned in the latest affidavit of the Collector, quoted above. On that basis, royalty, penalty etc. may be recovered as proposed. We may add that under Section 21 (5) of the Mines and Minerals (Development and Regulation) Act, 1957, value of the entire mined material is liable to be paid, as held in (2017) 9 SCC 499 *Common Cause v. UoI & Ors.*<sup>1</sup>

8. Apart from dues as per MMDR Act, compensation for damage to environment for loss of environmental services due to mining, with deterrent element has to be over and above the value of the mined material and utilised for restoration of environment and not on any *ad hoc* formulae, as has been done in the present case, without reference to

---

<sup>1</sup>(2017) 9 SCC 499

the cost of remediation and financial capacity of the violators. Reference is made to MC Mehta, (2004) 12 SCC 118, pr 47 and Goa Foundation (2014) 6 SCC 590, prs 68,71 and 77.

9. Accordingly, the State PCB may revisit the amount of compensation. As already held, liability to pay compensation will be not only of the person who did the illegal mining but also the NHAI, who enabled such illegality. It will be on joint and several liability principle. The amount recovered may be utilized for restoration of environment by preparing a restoration plan, to be executed in a time bound manner.

The Application is disposed of.

A copy of this order be forwarded to the State PCB, Collector & District Magistrate, Jajpur and NHAI by email for compliance.

Adarsh Kumar Goel, CP

B. Amit Sthalekar, JM

Saibal Dasgupta, EM

Prof. A. Senthil Vel, EM

April 21, 2022  
Original Application No. 03/2017/EZ  
AB

To,  
The Public Information, Danagadi  
Sub- Supply of information under RTI Act

Sir,

With reference to the application Dtd.01.02.2022 under RTI Act-2005, I submit herewith the following information.

Sl. No.	Information Provided
Point No. 01.	No "MORRUM" Sairat (Sources) has been allotted / leased out in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV) or its authorised representative or sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist.
Point No. 02.	No "SAND" Sairat (Sources) has been allotted / leased out in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV) (Contractor of NHAI) or its authorised representative or sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist.
Point No. 03.	No "STONE" Sairat (Sources) has been allotted / leased out in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV) (Contractor of NHAI) or its authorised representative or sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurements of said mineral.
Point No. 04.	No Quarry Permit has been issued in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV) (Contractor of NHAI) or its authorised representative or sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurements of "MORRUM".
Point No. 05.	No Quarry Permit has been issued in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV) (Contractor of NHAI) or its authorised representative or sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurements of "SAND".
Point No. 06	No Quarry Permit has been issued in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV) (Contractor of NHAI) or its authorised representative or sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurements of "Stone Aggregates".
Point No. 07	No Quarry Permit has been issued in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV) (Contractor of NHAI) or its authorised representative or sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurements of "Stone Crusher Dust".
Point No. 08.	No Royalty has been collected from M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV) (Contractor of NHAI) or its authorised representative or Sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurement of any minor mineral.

*Debi*  
03-03-2022  
Public Information Officer  
Danagadi Tahasil

*DA*  
DA Touzi, Danagadi

TRUE COPY

Advocate

## ANNEXURE

To,

The Public Informtion, Danagadi

Sub-Sir,

Supply of information under RTI Act

With reference to the application Dtd.17.03.2022 under RTI Act-2005, I submit herewith the following information:

Sl. No.	Information Provided
Point No. 01.	No Quarry Permit has been issued in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV)(Contractor of NHAI) or its authorised representative or sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurements of "MORRUM".
Point No. 02.	No Quarry Permit has been issued in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV)(Contractor of NHAI) or its authorised representative or sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurements of "SAND".
Point No. 03.	No Quarry Permit has been issued in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV)(Contractor of NHAI) or its authorised representative or sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurements of "Stone Aggregates".
Point No. 04.	No Royalty has been collected from M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV)(Contractor of NHAI) or its authorised representative or Sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurement of "Morrurum".
Point No. 05.	No Royalty has been collected from M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV)(Contractor of NHAI) or its authorised representative or Sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurement of "SAND".
Point No. 06.	No Royalty has been collected from M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV)(Contractor of NHAI) or its authorised representative or Sub-contractor of it by the Tahasil authority of Danagadi of Jajpur Dist. for procurement of "Stone Aggregates".
Point No. 07.	No inspection/ Verification report regarding Authenticity /Legality of Morrurum, Sand, Stone Aggregates & Stone Crusher Dust & other minor minerals procured by M/s. Gammon Engineers & Contractors Pvt. Ltd. with M/s. Gammon Infra Project (JV) (Contractor of NHAI) is available in this office.

DA Touzi, Danagadi

Public Information Officer  
Danagadi Tahasil

TRUE COPY

Advocate

## ANNEXURE

To

The Public Information Officer, (R.T.I. Cell)  
Darpan Tahasil, Dhanmandal.  
Regarding supply of information under R.T.I. Act, 2005  
This office Memo No. Nil/Dtd.07.05.2022

Sub:-  
Ref:-  
Sir,

With reference to the subject cited above, I am to furnish herewith the required point wise information on the application filed by Sri Sasee Bhoosan Pattanayak under R.T.I. Act-2005.

Point No.	Information supplied
1	As per verification of Touzi section no such Permits or Permissions granted/issued by the Tahasil Authority of Darpan Tahasil in favour of M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S. Gammon Infra Project (Contractor) or its authorized representative or Sub-Contractor or any firm or individuals for lifting/procuring of Morrum to be used in 4 lining widening & strengthening of Duburi-chandikhole stretch of NH 200, till date.
2	As per verification of Touzi section no such Permits or Permissions granted/issued by the Tahasil Authority of Darpan Tahasil in favour of M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S. Gammon Infra Project (Contractor) or its authorized representative or Sub-Contractor or any firm or individuals for lifting/procuring of "Sand" to be used in 4 lining widening & strengthening of Duburi-chandikhole stretch of NH 200, till date.
3	As per verification of Touzi section no such Permits or Permissions granted/issued by the Tahasil Authority of Darpan Tahasil in favour of M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S. Gammon Infra Project (Contractor) or its authorized representative or Sub-Contractor or any firm or individuals for lifting/procuring of "Stone Aggregates" to be used in 4 lining widening & strengthening of Duburi-chandikhole stretch of NH 200, till date.
4	As per verification of Touzi section, no such amount collected from M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S. Gammon Infra Project (Contractor of NH 200) towards Royalty of "Morrum" procured by it under the jurisdiction of Darpan Tahasil, till date.
5	As per verification of Touzi section, no such amount collected from M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S. Gammon Infra Project (Contractor of NH 200) towards Royalty of "Sand" procured by it under the jurisdiction of Darpan Tahasil, till date.
6	As per verification of Touzi section, no such amount collected from M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S. Gammon Infra Project (Contractor of NH 200) towards Royalty of "Stone Aggregates" procured by it under the jurisdiction of Darpan Tahasil, till date.
7	As per verification of Touzi section no such copies of Inspection/Verification Reports made/prepared by the Tahasil Authority of Darpan Tahasil regarding Authenticity/Legality of Soil/Earth/Morrum, Sand, Stone Aggregates & Stone Crusher Dust & other minor minerals which have been procured by M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S. Gammon Infra Project (Contractor) & used in 4 lining widening & strengthening of Duburi-Chandikhole stretch of Nh 200, till date.

This is for your kind information and necessary action.

Yours faithfully,

Umakanta Satapathy  
(Umakanta Satapathy) Sr. Rev. Asst.  
10.5.22

D.A. Touzi  
Sr. Rev. Asst,  
Darpan Tahasil  
Dhanmandal

TAHASIL OFFICE, DARPAN

Memo No 2/22 Dtd 10.5.2022

Copy forwarded to Sri Sasee Bhoosan pattanayak, s/o - Late  
Srinibas pattanayak, Kemyharagarh, Kemyhar for information and  
necessary action.

TRUE COPY

Advocate

Public Information Officer  
Darpan Tahasil

## ANNEXURE

To

The Public Information Officer, (R.T.I. Cell)  
Darpan Tahasil, Dhanmandal.

Sub: -

Regarding supply of information under R.T.I. Act, 2005

Ref.:-

This office Memo No.513 (a)/Dtd.01.02.2022

Sir,

With reference to the subject cited above, I am to furnish herewith the required point wise information on the application filed by Sri Sasee Bhoosan Pattanayak under R.T.I. Act-2005.

Point No.	Information supplied
1	As per verification of Touzi section no such records, documents of Touzi Misc. Cases initiated by the Tahasil Authority of Darpan Tahasil against M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S/ Gammon Infra Project (Contractor of NH 53) or its authorized representative or Sub-Contractor by the Tahasil Authority of Darpan for procurement of <b>Morrurum</b> , for use it in construction of widening & strengthening work of Duburi Chandikhole Section of NH 200 (New NH 53) during the period 2021-22
2	As per verification of Touzi Section, no such records, documents of Touzi Misc. Cases initiated by the Tahasil Authority of Darpan Tahasil against M/S. Gammon engineers & Contractors Pvt. Ltd. JV with M/S. Gammon Infra Project (Contractor of NH 53) or its authorized representative or Sub-Contractor by the Tahasil Authority of Darpan for procurement of <b>Sand</b> , for use it in construction of widening & strengthening work of Duburi Chandikhole Section of NH 200 (New NH 53) during the period 2021-22
3	As per verification of Touzi Section, no such records, documents of Touzi Misc. Cases initiated by the Tahasil Authority of Darpan Tahasil against M/S. Gammon engineers & Contractors Pvt. Ltd. JV with M/S/ Gammon Infra Project or its authorized representative or Sub-Contractor by the Tahasil Authority of Darpan for procurement of <b>Stone Aggregates</b> , for use it in construction of widening & strengthening work of Duburi Chandikhole Section of NH 200 (New NH 53) during the period 2021-22
4	As per verification of Touzi section, no such records, documents of Touzi Misc. Cases initiated by the Tahasil Authority of Darpan Tahasil against M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S/ Gammon Infra Project (Contractor of NH 53) or its authorized representative or Sub-Contractor by the Tahasil Authority of Darpan for procurement of <b>Morrurum</b> , during the period 2021-22
5	As per verification of Touzi section, no such records, documents of Touzi Misc. Cases initiated by the Tahasil Authority of Darpan Tahasil against M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S/ Gammon Infra Project (Contractor of NH 53) or its authorized representative or Sub-Contractor by the Tahasil Authority of Darpan for procurement of <b>Stone Aggregates</b> , during the period 2021-22

Umakanta Satapathy  
04.02.2022  
D.A- Touzi

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Advocate

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Point No.	Information supplied
6	As per verification of Touzi section no such records, documents are available in this office or no Touzi Misc. Cases initiated by the Tahasil Authority of Darpan Tahasil against M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S/ Gammon Infra Project (Contractor of NH 53) or its authorized representative or its Sub-Contractors by the Tahasil Authority of Darpan for procurement of Sand, during the period 2021-22
7	As per verification of Touzi section no such records, documents are available in this office or no Touzi Misc. Cases initiated by the Tahasil Authority of Darpan Tahasil against M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S/ Gammon Infra Project (Contractor of NH 53) or its authorized representative or its Sub-Contractors by the Tahasil Authority of Darpan for procurement of Stone Crusher Dust, during the period 2021-22
8	As per verification of Touzi Section register, no amount has been collected towards Royalty & Penalty from M/S. Gammon Engineers & Contractors Pvt. Ltd. JV with M/S/ Gammon Infra Project (Contractor of NH 53), for procurement of Morrum, Sand, Stone Aggregates, Stone Crusher Dust etc. during the period 2021-22

This is for your kind information and necessary action.

Yours faithfully,

Umakanta Satapathy  
04.02.2022  
(Umakanta Satapathy)

D.A. Touzi  
Jr. Rev. Asst, Darpan Tahasil  
Dhanmandal

TAHASIL OFFICE, DARPAN

Memo No 2123 Dt. 10.5.2022

Copy forwarded to the applicant Sri Sashel Bhushan Pattnaik, S/o - Late Srinivas Pattnaik, Kanyhagarh, Kanyhagarh for information & necessary action.

By 10.05.2022  
Public Information officer  
Public Information Officer  
Darpan Tahasil

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State Environment Impact Assessment Authority, (SEIAA),  
Odisha

5RF-2/1, Unit – IX, Bhubaneswar – 751022, Tel: 0674-3510075

No. 5411/SEIAA

Dt. 03.09.2022

To

Sri Sasee Bhoosan Pattanayak  
At-Sisu Bhawan Lane, New Colony, Mining Road,  
Keonjhargarh, Keonjhar-758001

Sub: RTI application of Sri Sasee Bhoosan Pattanayak, dated 21.07.2022 received under RTI Act, 2005.

Sir,

In inviting a reference to the above subject, I am directed to say that a copy of Right to Application (RTI) of Sri Sasee Bhoosan Pattanayak dated 21.07.2022 has been received by this Office. This is to inform you that the information sought as mentioned in Serial No. 5 (a,b,c) (item no. 1 to 3) in regard to issue of Environmental Clearance (EC) on minor mineral for M/s. Gammon Engineers & Contractors Pvt. Ltd. with Gammon Infra Project (Contractor of NH 53) is enclosed as Annexure-I.

This is for your kind information.

Yours faithfully,

*[Signature]*  
03/09/2022  
ES & PIO

Memo No 5412/SEIAA Dtd. 03.09.2022.

Copy forwarded to the Registrar, State Information Commission, Odisha, Block No.B-1, Toshali Bhawan, Satyanagar, Bhubaneswar for information.

*[Signature]*  
03/09/22  
ES & PIO

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Advocate

Sl. No.	Information Required	Information Furnished
1.	The copies of EC certificates issued in favour of M/s Gammon Engineers & Contractors Pvt. Ltd. with Gammon Infra Project (Contractor of Duburi-Chandikhol Stretch of NH-53) by State Environment Impact Assessment Authority, Odisha for quarrying & procuring of Morrum from its sources, during 2019-2022, 2020-2021, 2021-2022 (Till date) be furnished.	No EC has been granted in favour of M/s Gammon Engineers & Contractors Pvt. Ltd. with Gammon Infra Project (Contractor of Duburi-Chandikhol Stretch of NH-53) for excavation of morrum from any source by SEIAA, Odisha during 2019-2022
2.	The copies of EC certificates issued in favour of M/s Gammon Engineers & Contractors Pvt. Ltd. with Gammon Infra Project (Contractor of Duburi-Chandikhol Stretch of NH-53) by State Environment Impact Assessment Authority, Odisha for quarrying & procuring of Stones / Stone Boulder from its sources, during 2019-2022, 2020-2021, 2021-2022 (Till date) be furnished.	No EC has been granted in favour of M/s Gammon Engineers & Contractors Pvt. Ltd. with Gammon Infra Project (Contractor of Duburi-Chandikhol Stretch of NH-53) for excavation of Stones / Stones Aggregates from any source by SEIAA, Odisha during 2019-2022
3.	The copies of EC certificates issued in favour of M/s Gammon Engineers & Contractors Pvt Ltd. with Gammon Infra Project (Contractor of Duburi-Chandikhol Stretch of NH-53) by State Environment Impact Assessment Authority, Odisha for quarrying & procuring of Sand from its sources, during 2019-2022, 2020-2021, 2021-2022 (Till date) be furnished.	No EC has been granted in favour of M/s Gammon Engineers & Contractors Pvt. Ltd. with Gammon Infra Project (Contractor of Duburi-Chandikhol Stretch of NH-53) for excavation of Sand from any source by SEIAA, Odisha during 2019-2022

*[Signature]* 03/09/2022

**TRUE COPY**

*Advocate*

Speed Post / email

To,

1. The Principal Secretary, Revenue & Disaster Management Dept. Govt. of Odisha, Bhubaneswar.
2. Collector & Dist. Magistrate, Jajpur Dist. Dist:- Jajpur.
3. Tahasildar, Dharmasalal / Danagadi / Darpan Tahasil, Dist:- Jajpur.
5. The Project Director, PIU. NHAI. Dhenkanal Unit. Dist:- Dhenkanal.
6. The Regional Officer, NHAI, Odisha Region. Bhubaneswar.
7. The Member Secretary, State Environment Impact Assessment Authority, (SEIAA), Odisha. Bhubaneswar.

- Sub:- 1. Illegal & Unauthorized procurement of Minor Minerals by M/s. Gammon Engineers & Contactors Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. (Contractor of NHAI) used in widening & strengthening of Duburi-Chandikhol stretch of NH 200 (New NH 53).**
2. Request to Measure the Quantity of different Minor Minerals used in widening & strengthening of Duburi-Chandikhol stretch of NH 200 (New NH 53) & verify the authenticity of it.
  3. Violation of Orissa Minor Minerals Concession Rule-2016 (OMMC Rule-2016) & Environment Protection Act-1986 in procurement of Minor Minerals by M/s. Gammon Engineers & Contactors Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. (Contractor of NHAI) used by it in widening & strengthening of Duburi-Chandikhol stretch of NH 200 (New NH 53).

Sir,

Being a conscious citizen concerned with collection of Govt. revenue & environmental damages, I beg to state you as follows.

1. That, it is noticed that huge quantity of different Minor Minerals such as Morrum, Sand & Stone aggregates have been using in widening & strengthening of Duburi-Chandikhol stretch of NH 200 (New NH 53) by NHAI/ Contractor since last two years. NHAI source speaks that M/s. Gammon Engineers & Contactors Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. has been entrusted by it for construction of the above work.
2. That, information furnished by the Tahasil Authority of Danagadi & Darpan through which the said NH passes shows that No Quarry Permit has been issued in favour of that M/s. Gammon Engineers & Contactors Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. to procure minor minerals for using in widening & strengthening of Duburi-Chandikhol stretch of NH 200 (New NH 53), copies of which are enclosed herewith as **Annexure- 1** Series. That, above Tahasil authorities also says that No Minor Mineral quarry has been leased out either in short or long term basis in favour of above concessionaire. It is also for your kind information that Tahasil Authority of Dharmasala has not furnished single information regarding issue of Quarry permits in favour of the above contractor of NHAI though it has been sought repeatedly through RTI Act-2005 & despite so many initiations taken by us.
3. Likewise, State Environment Impact Assessment Authority, (SEIAA), Odisha, Bhubaneswar has intimated through RTI Act-2005 that No Environment Clearance Certificate has been issued in favour of M/s. Gammon Engineers & Contactors Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. for procurement of any minor minerals in state of Odisha which is annexed herewith as **Annexure- 2**.
4. That, NHAI authority of Dhenkanal Unit is also unable to furnish any authentic & legal records or permissions of competent authorities upon the authority of which its contractor has procured such a huge quantity of Minor Minerals which it has used in widening & strengthening of Duburi-Chandikhol stretch of NH 200 (New NH 53).
5. That, NHAI & M/s. Gammon Engineers & Contactors Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. (Contractor of NHAI) has also failed in furnishing any information regarding Quantity of Minor Minerals required for above construction work & quantity already used & authenticity of such used minor minerals though it has been sought through RTI Act-2005 so many times.

Cont'd.....P / 2

Pratap Chandor Mohanty

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Advocate

## ANNEXURE

P/2

That, facts presented above has constrained us to belief that all minor minerals already used in widening & strengthening of Duburi-Chandikhhol stretch of NH 200 (New NH 53) has been procured illegally & unauthorizedly by violating OMMC Rule- 2016 & Environment Protection Act-1986.

As we all know that mining of minerals sources without Mining Plan & EC pollutes the environment severely which also affects ecology. Supreme Court also ordered not to quarry any mineral source without Environment Clearance to protect the environment from pollution. Following the order of Supreme Court, State Govt. also makes it mandatory to make the Ming Plan approved & to obtain EC from its competent authorities to protect environment from contamination prior to mining of mineral source.

In this context, we request you to measure the Quantity of different minor minerals already used in widening & strengthening of Duburi-Chandikhhol stretch of NH 200 (New NH 53) till date by M/s. Gammon Engineers & Contactors Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. (Contractor of NHA) & verify the legality of such minerals.

We further request you to take necessary action against the above contractor along with recovery of cost of minerals used by it without mandatory permissions of competent authorities & environmental damages caused due to such unauthorized extraction of minor minerals if irregularities are found in procurement of used minor minerals in the above project.

Yours

*Pratap Chandra Mohanty*

(Pratap Chandra Mohanty)

At:- Das Sahi. Sankarpur.

P.O.-: Cuttack. Dist:- Cuttack.

Odisha.

Dtd. 21.06.2022.

EO620899774IN IVR:6979620899774  
SP CUTTACK RMS COUNTER <753003>  
Counter No:4,22/06/2022,08:22  
To:THE PD-PIU-NH,176B, NR KALINER  
PIN:759001, Dhenkanal H.O  
From:P C MOHANTY,DAS SAHI, SANKAR  
Wt:45gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>  
<Dial 18002666868> <Wear Masks, Stay Safe>



EO620899791IN IVR:6979620899791  
SP CUTTACK RMS COUNTER <753003>  
Counter No:4,22/06/2022,08:22  
To:THE TAHASILDA,DHARMASALA  
PIN:755026, Dangadi S.O  
From:P C MOHANTY,DAS SAHI, SANKAR  
Wt:45gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>  
<Dial 18002666868> <Wear Masks, Stay Safe>



EO620899788IN IVR:6979620899788  
SP CUTTACK RMS COUNTER <753003>  
Counter No:4,22/06/2022,08:22  
To:THE TAHASILDAR,DHARMASALA  
PIN:755008, Dharmasala S.O  
From:P C MOHANTY,DAS SAHI, SANKAR  
Wt:45gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>



EO620899831IN IVR:6979620899831  
SP CUTTACK RMS COUNTER <753003>  
Counter No:4,22/06/2022,08:22  
To:THE COLLECTOR & DH,JATPUR  
PIN:755001, Jajpur H.O  
From:P C MOHANTY,DAS SAHI, SANKAR  
Wt:44gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>  
<Dial 18002666868> <Wear Masks, Stay Safe>



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Advocate

ANNEXURE

ED620899805IN IVR:6979620899805

SP CUTTACK RMS COUNTER &lt;753003&gt;

Counter No:4,22/06/2022,08:22

To:THE REGIONAL, NMAI ODISHA,REGD

PIN:751013, Regional Research Laboratory S.O

From:P C MOHANTY,DAS SAHI, SANKAR

Wt:45gms

Amt:17.70(Cash)Tax:2.70

&lt;Track on www.indiapost.gov.in&gt;

&lt;Dial 18002666868&gt; &lt;Wear Masks, Stay Safe&gt;



ED620899845IN IVR:6979620899845

SP CUTTACK RMS COUNTER &lt;753003&gt;

Counter No:4,22/06/2022,08:22

To:THE TAHASILDAR, DARPAN

PIN:754024, Dhanmandal S.O

From:P C MOHANTY,DAS SAHI, SANKAR

Wt:44gms

Amt:41.30(Cash)Tax:6.30

&lt;Track on www.indiapost.gov.in&gt;

&lt;Dial 18002666868&gt; &lt;Wear Masks, Stay Safe&gt;



ED620899828IN IVR:6979620899828

SP CUTTACK RMS COUNTER &lt;753003&gt;

Counter No:4,22/06/2022,08:22

To:THE MEMBER SE,SEIAA OPTCL

PIN:751022, Bhoinagar S.O

From:P C MOHANTY,DAS SAHI, SANKAR

Wt:44gms

Amt:17.70(Cash)Tax:2.70

&lt;Track on www.indiapost.gov.in&gt;

&lt;Dial 18002666868&gt; &lt;Wear Masks, Stay Safe&gt;



ED620899814IN IVR:6979620899814

SP CUTTACK RMS COUNTER &lt;753003&gt;

Counter No:4,22/06/2022,08:22

To:THE PRINCIPAL SECY,R &amp; DM

PIN:751001, Bhubaneswar G.P.O

From:P C MOHANTY,DAS SAHI, SANKAR

Wt:44gms

Amt:17.70(Cash)Tax:2.70

&lt;Track on www.indiapost.gov.in&gt;

&lt;Dial 18002666868&gt; &lt;Wear Masks, Stay Safe&gt;



TRUE COPY

Advocate

To,

1. The Chief Secretary, Odisha, Bhubaneswar.
2. The Principal Secretary, Revenue & Disaster Management Dept. Odisha. Bhubaneswar.
3. The Collector & Dist. Magistrate, Jajpur Dist. Jajpur.
4. The Tahasildar, Dharmasala, Danagadi & Darpan, Dist:- Jajpur.
5. The Project Director, Project Implementation Unit, NHAI, Dhenkanal.
6. The Regional Officer, NHAI, Odisha Region. Bhubaneswar.
7. The State Environment Impact Assessment Authority, (SEIAA) .Odisha. Bhubaneswar.

**Sub:-1. Request to measure the Quantity of Minor Minerals used in widening & Strengthening of Duburi - Chandikhol Stretch of NH 53 & examine the authenticity of it.**

- 2. Violation of OMMC Rule-2016, Environment Protection Act-1986 in procuring Minor Minerals by M/s. Gammon Engineers & Contractor Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. (Contractor) used in Widening & Strengthening of Duburi - Chandikhol-Bhadrak Stretch of NH 53.**

Sir,

Respectfully, being a conscious citizen concerned with consequential environmental impact due to illegal & inconsiderate quarrying of minor minerals sources, I beg to state as follows.

That, it is noticed that huge Quantity of different minor Minerals such as Morrum, Sand, Stone Aggregates & Stone Crusher Dust have been used in Widening & Strengthening of Duburi- Chandikhol stretch of NH 53 since last 2 years which is undertaken by M/s. Gammon Engineers & Contractor Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. (Contractor of NHAI).

That, failure of NHAI authority of Dhenkanal in providing Quantity of different Minor Minerals already used & mandatory authentic legal permissions upon the authority of which concerned contractor has procured such a huge Quantity of said minor minerals clearly establishes that entire Minor Minerals which have already used in the above project has been procured illegally & unauthorisedly by M/s. Gammon Engineers & Contractor Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. by violating Orissa Minor Minerals Concession Rule-2016 & Environment Protection Act-1986. It is learnt from the information furnished by State Environment Impact Assessment Authority (SEIAA), Odisha, Bhubaneswar which also speaks that No Environment Clearances Certificate has been issued in favour of M/s. Gammon Engineers & Contractor Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. for quarrying & procuring of Minor Mineral from any source (Quarry) which is Annexed herewith as **Annexure - 1**. Likewise, Tahasil Authority of Danagadi & Darpan through which the said road passes says that Neither any permission nor Quarry Permit has been granted/issued in favour of M/s. Gammon Engineers & Contractor Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. (Contractor of NH 53) for lifting of minor minerals from their respective jurisdictions which are enclosed herewith as **Annexure - 2 series**. Tahasil authority of Dharmasala has also failed to furnish any information regarding issue of Quarry permits/ Permissions in favour of the above contractor for procurement of minor minerals for use of it in the above project.

It is observed that the project proponents of Railway & NH are procuring huge quantity of minor minerals by violating rules, regulations of this land as well as the order of Supreme Court where honourable Supreme court has ordered not to allow quarrying of any minor mineral source without approved Mining Plan & Environment Clearance of Competent Authorities in case of Deepak Kumar Vrs Sate of Hariyana. National Green Tribunal is also taking such unauthorised quarrying of minor minerals seriously & has ordered to recover environmental losses & cost of minerals & initiate criminal proceedings against the offenders involved in such offence. Recently, National Green Tribunal, Easter Zone in its order Dtd. 06.01.2022 (O.A.No. 48/ 2020/ EZ) has directed to take action against the lawbreakers of EP Act-1986 under Prevention of Money Laundering Act-2002 treating it illegal money transaction of such offences, copy of which is enclosed herewith as **Annexure- 3**. State Govt. is also taking so many precautionary measures to stop unauthorised lifting of minor minerals. But non-response of the concerned executing authority in this regard is encouraging the contractors to do such illegal procurement of minor minerals. It is a fact that Environment is getting polluted day by day due to illegal mining of minerals sources which adversely affecting the ecology & putting lives & livelihoods in danger. Govt. is also losing huge revenue for such unauthorised procurement of minor minerals.

Cont'd.....P/2

As such non availability of any prior permission of competent authorities for procurement of Minor Minerals used in widening & Strengthening of Duburi- Chandikhol section of NH 53 by M/s. Gammon Engineers & Contractor Pvt. Ltd. JV with M/s. Gammon Infra Project Ltd. (Contractor) either with NHAI authority of Dhenkanal or SEIAA, Odisha, Bhubaneswar or Tahasil authority of Danagadi, Darpan & Dharmasala confirms that all minor minerals already used in the above project has been procured illegally & unlawfully by contravening EP Act-1980 & Orissa Minor Minerals Concession Rule-2016 as well as order of Honourable Supreme Court which is a matter of grave concern.

So, We request you to measure the Quantity of different Minor Minerals already used in Widening & Strengthening of Duburi - Chandikhol stretch of NH 53 & examine the authenticity of it.

We further request you to recover the environmental damages caused due to unauthorised & illegal lifting of minor minerals along with cost of it from the above contractor & initiate criminal proceedings against the persons & officials involved in this crime if illegalities are found otherwise we will take shelter in appropriate court of law to get justice for larger interest.

Yours

*Akshaya Kumar Pattanayak*  
(Akshaya Kumar Pattanayak).

Journalist.

Lane No.08. Baladevjew Colony.

Keonjhar - 758 001.

Dist:- Keonjhar, Odisha.

<Dial 18002666668> <Wear Masks Stay Safe>

India Post  
EO633962042IN IVR:697963396204  
SP KEONJHARGARH H.O <758001>  
Counter No:2,14/06/2022,15:11  
To:THE REGIONAL OFFICER,NHAI  
PIN:751013, Regional Research Laboratory S.O  
From:AKSHAYA KU ,BALADEVJEW COLON  
Wt:50gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>

<Dial 18002666668> <Wear Masks Stay Safe>

India Post  
EO633962039IN IVR:697963396203  
SP KEONJHARGARH H.O <758001>  
Counter No:2,14/06/2022,15:11  
To:THE DY IG,SPECIAL TASK FORCE  
PIN:751014, B J B Nagar S.O  
From:AKSHAYA KU ,BALADEVJEW COLON  
Wt:50gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>

<Dial 18002666668> <Wear Masks Stay Safe>

India Post  
EO633962011IN IVR:697963396201  
SP KEONJHARGARH H.O <758001>  
Counter No:2,14/06/2022,15:11  
To:THE COLLECTOR,AND DM  
PIN:755001, Jajpur H.O  
From:AKSHAYA KU ,BALADEVJEW COLON  
Wt:50gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>

Dtd. 14.06.2022.

भारतीय डाक  
India Post  
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SP KEONJHARGARH H.O <758001>  
Counter No:2,14/06/2022,15:11  
To:THE PRINCIPAL,REV AND DISASTER  
PIN:751001, Bhubaneswar G.P.O.  
From:AKSHAYA KU ,BALADEVJEW COLON  
Wt:50gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>

भारतीय डाक  
India Post  
EO633961912IN IVR:6979633961912  
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Counter No:2,14/06/2022,15:11  
To:THE PROJECT D,PROJECT IMPLEMAN  
PIN:759001, Dhenkanal H.O  
From:AKSHAYA KU ,BALADEVJEW COLON  
Wt:50gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>

भारतीय डाक  
India Post  
EO633961926IN IVR:6979633961926  
SP KEONJHARGARH H.O <758001>  
Counter No:2,14/06/2022,15:11  
To:THE CHIEF SEC,SECRETARIAT  
PIN:751001, Bhubaneswar G.P.O.  
From:AKSHAYA KU ,BALADEVJEW COLON  
Wt:50gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>

भारतीय डाक  
India Post  
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Counter No:2,14/06/2022,15:11  
To:THE CHIEF SEC,SECRETARIAT  
PIN:751001, Bhubaneswar G.P.O.  
From:AKSHAYA KU ,BALADEVJEW COLON  
Wt:50gms  
Amt:41.30(Cash)Tax:6.30  
<Track on www.indiapost.gov.in>

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Advocate

<Dial 18002666868> <Wear Masks Stay Safe>

भारतीय डाक

44

ANNEXURE

EO633961991IN IVR:697963396199

SP KEONJHARGARH H.O <758001>

India Post

Counter No:2,14/06/2022,15:11

To:THE TAHASILDAR,DAMAGADI TAHASIL

PIN:755026, Bangadi S.O

From:AKSHAYA KU ,BALADEVJEW COLON

Wt:50gms

Amt:41.30(Cash)Tax:6.30

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>

<Dial 18002666868> <Wear Masks Stay Safe>

भारतीय डाक

EO633962008IN IVR:697963396200

SP KEONJHARGARH H.O <758001>

India Post

Counter No:2,14/06/2022,15:11

To:THE TAHASILDAR,DARPAN TAHASIL

PIN:754024, Dhanmandal S.O

From:AKSHAYA KU ,BALADEVJEW COLON

Wt:50gms

Amt:41.30(Cash)Tax:6.30

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>

<Dial 18002666868> <Wear Masks Stay Safe>

भारतीय डाक

EO633962113IN IVR:697963396211

SP KEONJHARGARH H.O <758001>

India Post

Counter No:2,14/06/2022,15:11

To:THE TAHASILDA,DHARMASALA TAHASIL

PIN:755008, Dharmasala S.O

From:AKSHAYA KU ,BALADEVJEW COLON

Wt:50gms

Amt:41.30(Cash)Tax:6.30

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>

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Advocate

To,

1. The Principal Secretary, Revenue & Disaster Management Dept. Bhubaneswar.
2. The Collector & Dist. Magistrate, Jajpur Dist. Jajpur.
3. The Tahasildar, Dharmasala / Danagadi / Darpan Tahasil. Dist:- Jajpur.
4. The Project Director, PIU, NHAI, Dhenkanal Unit. Dhenkanal.
5. The Regional Officer, NHAI, Odisha Region. Bhubaneswar.

- Sub:-**
1. **Illegal & unlawful procurement of Minor Minerals by M/s. Gammon Engineers & Contractors Pvt. Ltd. JV with M/s. Gammon Infra Project (Contractor of NHAI) used in widening & strengthening of Duburi-Chandikhol Section of NH 200 (New NH 53).**
  2. **Violation of Orissa Minor Minerals Concession Rule-2016 & Environment Protection Act-1986 in procurement of Minor Minerals by M/s. Gammon Engineers & Contractors Pvt. Ltd. JV with M/s. Gammon Infra Project (Contractor) for use it in widening & strengthening of Duburi-Chandikhol Section of NH 200 (New NH 53).**

Sir,

It is noticed that huge quantity of different Minor Minerals such as Morrum, Sand, Stone Aggregates & Stone Crusher Dust have been used in widening & strengthening of Duburi-Chandikhol section of NH 200 (New NH 53). It is learnt from NHAI source that M/s. Gammon Engineers & Contractors Pvt. Ltd. JV with M/s. Gammon Infra Project (Contractor) has been assigned the construction of the said work.

That, the information furnished by the Tahasil authority of Danagadi & Darpan under which jurisdiction, the above road passes says that neither any Minor Mineral Quarry has been allotted / leased out either in short term or long term basis nor any Quarry Permit has been issued in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. JV with M/s. Gammon Infra Project (Contractor of NHAI) for procurement of any minor mineral under their respective jurisdictions, copies of which are enclosed herewith as **Annexure - I & II**.

Failure of Tahasil authority of Dharmasala in furnishing the copies of Quarry Permits/ Permissions granted by it or Quarry (Sources) allotted / leased out in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. JV with M/s. Gammon Infra Project (Contractor of NHAI) sought though RTI Act-2005 also confirms that No Minor Mineral quarry has been granted or settled in favour of the said company for procurement of Minor Minerals under the jurisdiction of Dharmasala Tahasil.

As such, State Environment Impact Assessment Authority,(SEIAA), Odisha, Bhubaneswar also says that No Environment Clearance has been issued in favour of M/s. Gammon Engineers & Contractors Pvt. Ltd. JV with M/s. Gammon Infra Project (Contractor of NHAI) for excavation of any minor mineral source, copies of which is enclosed herewith as **Annexure - III**.

It is further to intimate you that the authority of NHAI, Dhenkanal & concerned contractor of the above project have also failed to provide the quantity of Minor minerals used in the said work & Records, Documents & other legal permissions of competent authorities obtained by it upon the authority of which it has procured such a huge quantity of minor minerals already used in the said work despite so many initiations taken by us proves that entire minor minerals used in the above work has been procured by it without any authority of law.

It is clear from the above information that entire minor minerals which have already used in the above work has been procured illegally & unlawfully for which Govt. has lost huge revenue & environment has also affected gravely.

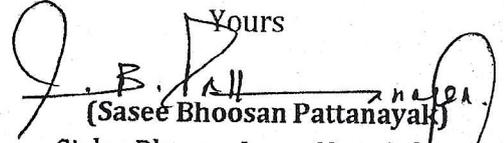
As you know that quarrying of Minerals source without Environment Clearance & Mining Plan not only pollutes the environment very seriously but it also threats to ecology which is a matter of grave concern, As such OMMC Rule-2016 & Environment Protection Act-1986 are mandatorily followed for procurement of minor minerals to protect the environment from pollution following to the order of supreme Court in case Deepak Kumar & state of Hariyana.

The facts presented above establishes that entire minor minerals used in the above project are procured illegally & unauthorisedly by violating OMMC Ruel-2016 & Environment Protection Act-1986 & order of Supreme Court in case Deepak Kumar & State of Hariyana.

Cont'd.....P/2

In this context We request you to measure the Quantity of different Minor Minerals such as Morrum, Sand, Stone Aggregates & Stone crusher Dust etc already used in the widening & strengthening of Duburi-Chandikhol Section of NH 200 (New NH 53) till date by M/s. Gammon Engineers & Contractors Pvt. Ltd. JV with M/s. Gammon Infra Project (Contractor) & examine the authenticity of it & take necessary action against the concerned contractor along with recovery of cost of minor minerals used by it without due mandatory permissions of competent authorities including environmental damages caused due to it if irregularities are found in procurement of such used minor minerals in the above work otherwise we will prefer to take shelter in the appropriate court of law to get justice for the interest in large.

Date:- 19.05.2022.

Yours  
  
 (Sasee Bhoosan Pattanayak)  
 Sishu Bhavan Lane, New Colony,  
 Mining Road,  
 Keonjargarh - 758 004.  
 Dist:- Keonjhar.

Encl:- As above.

EO633950035IN IVR:697963395003  
 SP KEONJHARGARH H.O <758001>  
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 To:THE RD,NHAI  
 PIN:751013, Regional Research Laboratory S.O  
 From:S BH PATTAN,SISHU BHAVAN LAN  
 Wt:45gms  
 Amt:41.30(Cash)Tax:6.30  
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भारतीय डाक

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भारतीय डाक

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 PIN:755001, Jajpur H.O  
 From:S BH PATTAN,SISHU BHAVAN LAN  
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भारतीय डाक

TRUE COPY

Advocate



 GPS Map Camera

**Anjira, Odisha, India**  
 R2RJ+P9Q, Anjira, Odisha 755023, India  
 Lat 20.842292°  
 Long 86.029548°  
 04/08/22 01:15 PM



 GPS Map Camera

**Sukutijhar, Odisha, India**  
 Tarini chhak balisahi, Sukutijhar, Odisha 755023, India  
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 Long 86.047114°  
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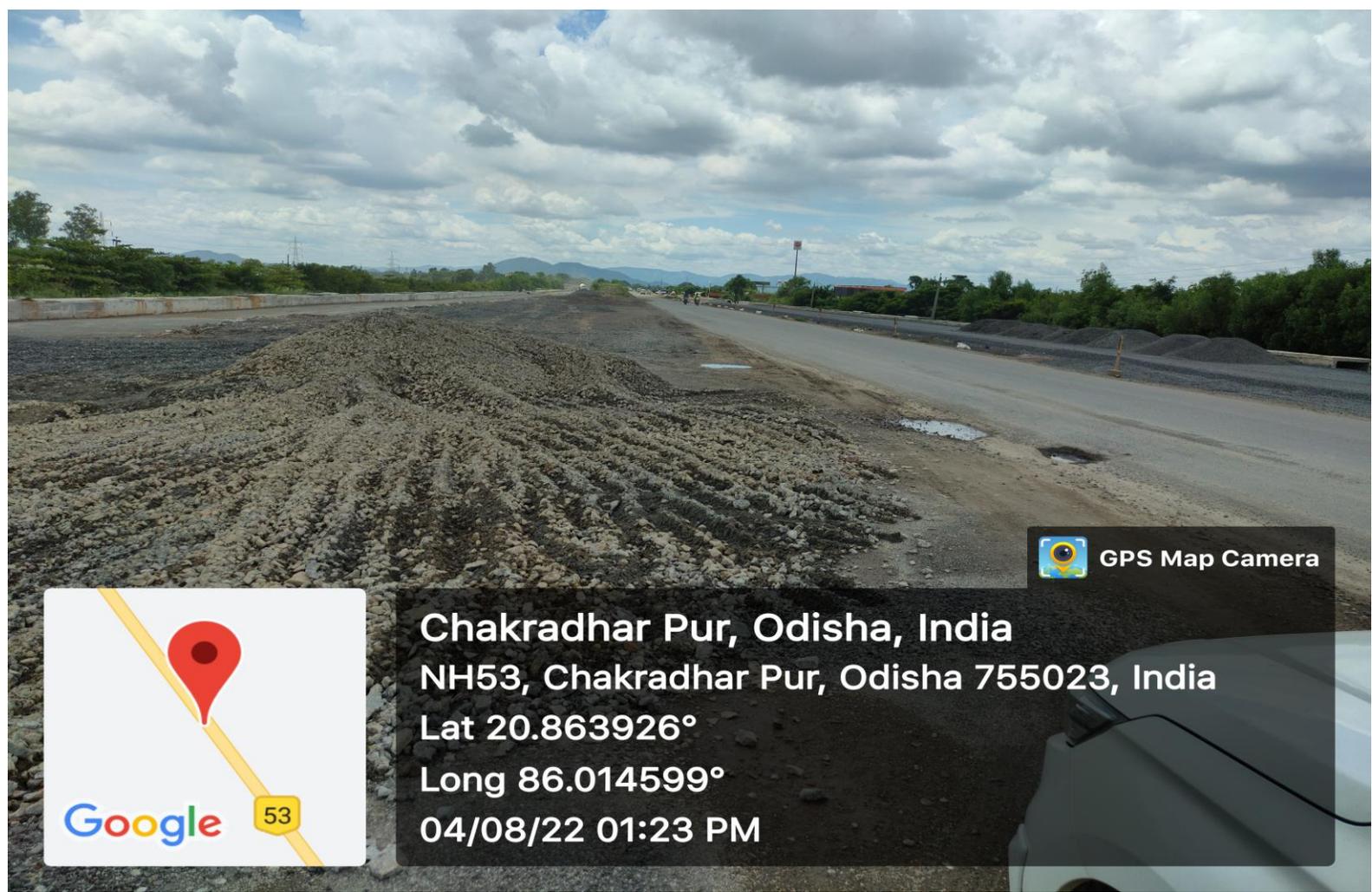


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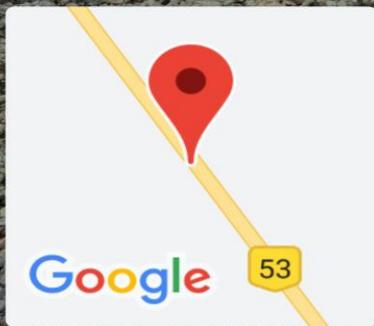


5. LOR. OF SHIV MANDIR  
Google

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Long 86.029548°  
04/08/22 01:15 PM



 GPS Map Camera



NH53  
Google

**Chakradhar Pur, Odisha, India**  
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Long 86.014599°  
04/08/22 01:23 PM



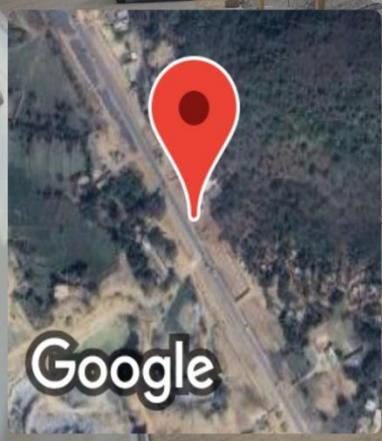
 GPS Map Camera

**Balipasi, Odisha, India**  
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 Long 86.011388°  
 04/08/22 01:34 PM



 GPS Map Camera

**Purunabaulamal, Odisha, India**  
 R334+J8V, Purunabaulamal, Odisha 755023, India  
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 Note : Captured by GPS Map Camera



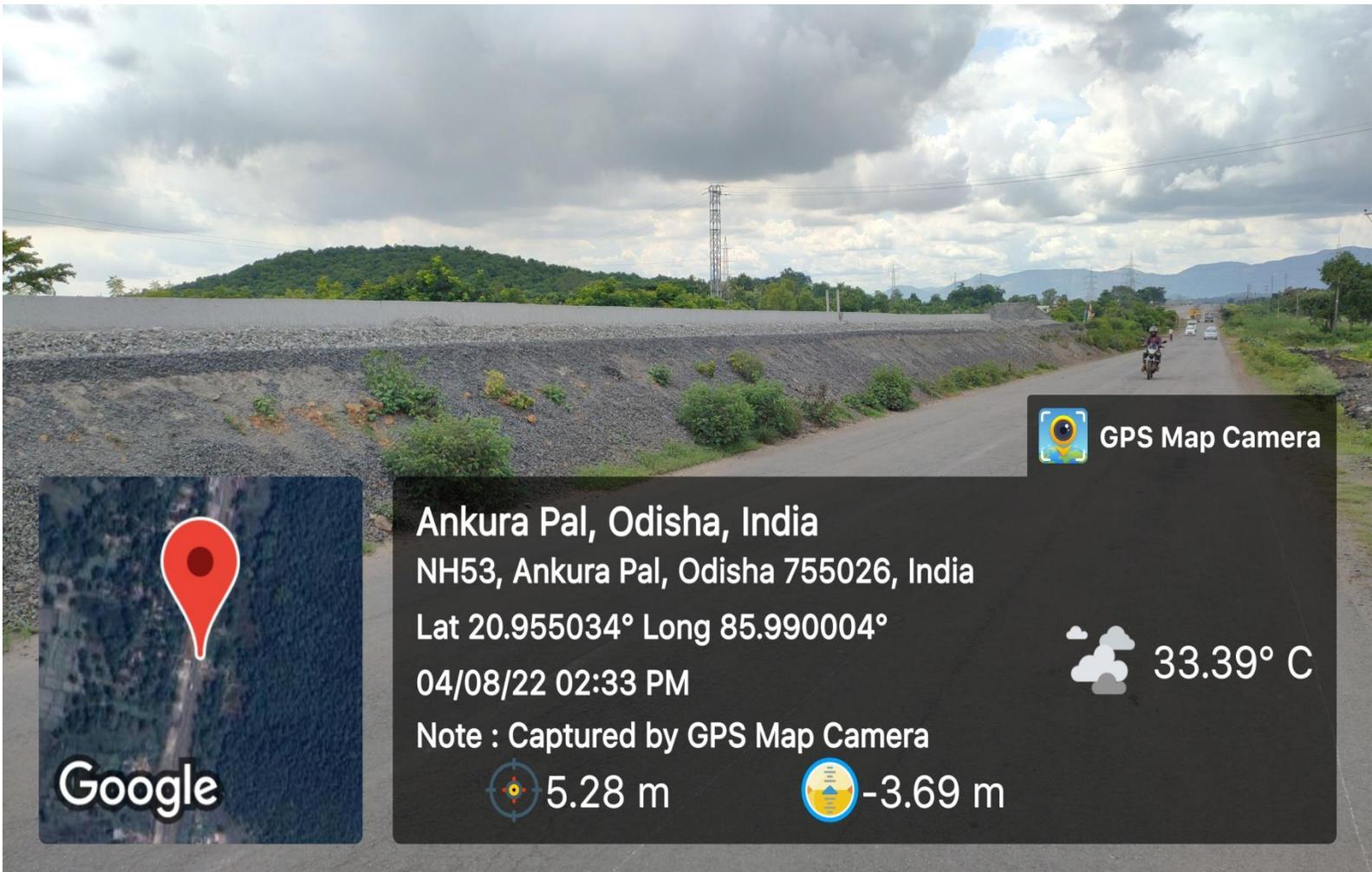
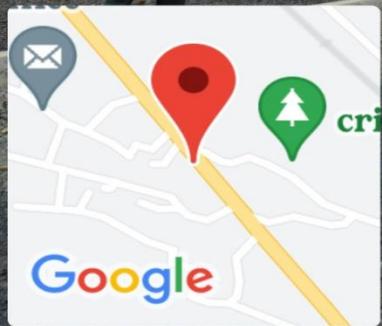
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 4.13 m  -22.07 m



 **GPS Map Camera**

**Daulatpur, Odisha, India**  
 Jajpur nh 53 barada chak jajapur, Daulatpur, Odisha 755023, India  
 Lat 20.778613°  
 Long 86.074632°  
 04/08/22 12:51 PM



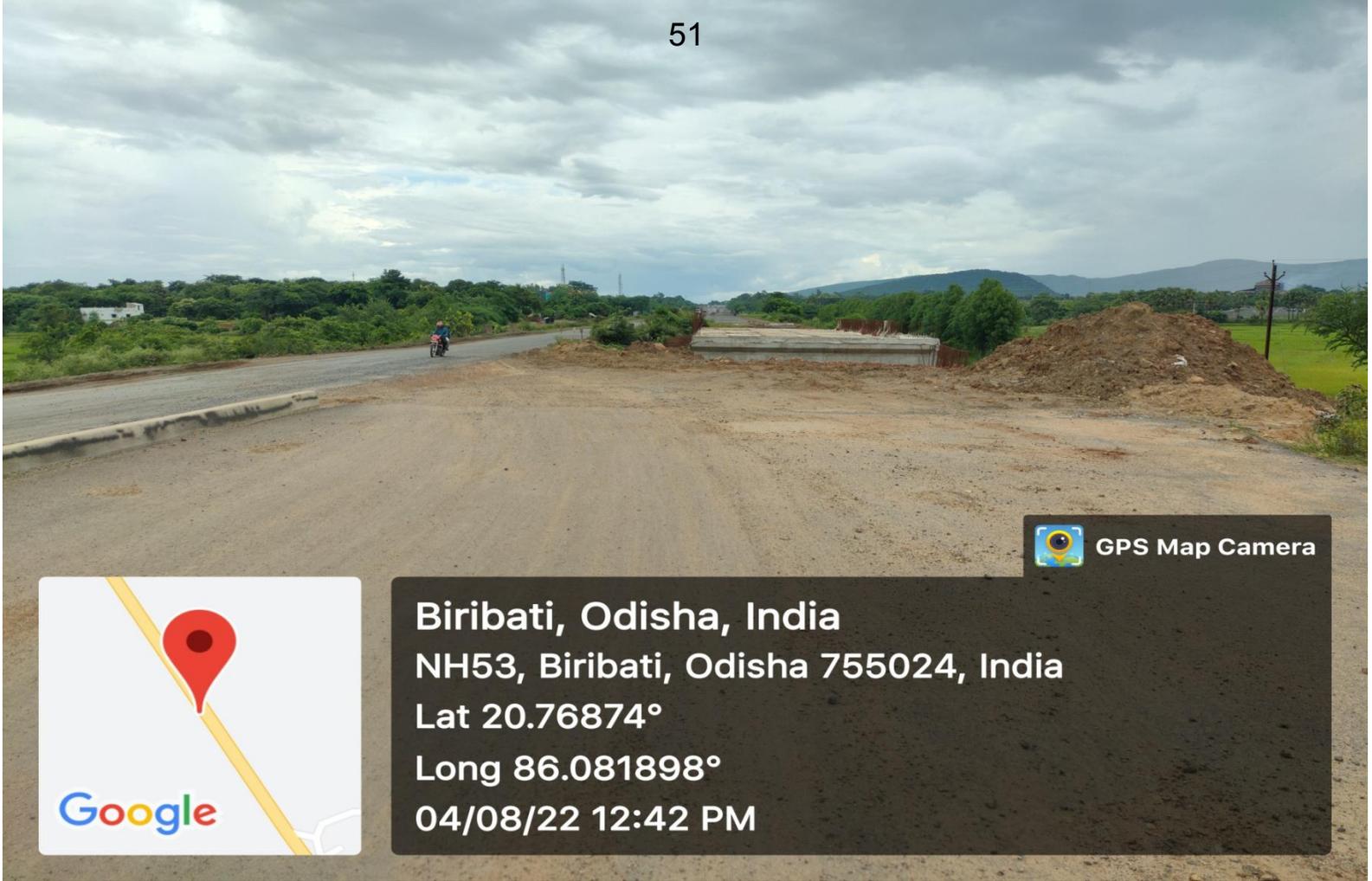
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 NH53, Ankura Pal, Odisha 755026, India  
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 Note : Captured by GPS Map Camera

 **33.39° C**



 **5.28 m**       **-3.69 m**



 GPS Map Camera



**Biribati, Odisha, India**  
NH53, Biribati, Odisha 755024, India  
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Long 86.081898°  
04/08/22 12:42 PM



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Longitude: 86.106453  
Elevation: 39.47±100 m  
Accuracy: 8.3 m  
Time: 04-08-2022 12:13  
Note: p.mohanty

By e-Mail/Fax

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

\*\*\*\*\*

RDM-MMS-EXINST-0001-2019-

12611

/R&amp;DM Dated 26.04.2019

From

Shri Nikunja B. Dhal, IAS  
Principal Secretary to Government

To

All Collectors

**Sub: Guidelines for regulating the sand quarrying in the State.**

Madam/Sir,

Sand is the most important minor mineral used for various development projects and construction of buildings. Increase in demand of sand has put immense pressure on the sand sources, at times leading to illegal quarrying activities.

Unscientific sand quarrying and illegal lifting not only causes revenue loss to the state exchequer but also distorts the natural equilibrium of rivers. Indiscriminate sand mining may also lead to change of the course of rivers and embankment cave-in thereby threatening the life of inhabitants of villages situated along the river bank.

A number of instructions/guidelines have been issued by this Department from time to time to prevent illegal lifting of minor minerals. Grant of quarry lease is regulated as per the provisions of Chapter-IV of OMMC Rules, 2016.

To ensure scientific quarrying, transparent distribution and to prevent illegal lifting / theft of minor minerals, a scheme namely '*prevention of theft of minor minerals and eviction activities*' was launched during 2018-19 vide Resolution No. 23225/R&DM dated 28.06.2018. To implement the scheme, funds to the tune of Rs. 5.00 Crore was initially placed with Collectors vide this Department sanction order no. 25548 dated 11.07.2018.

In continuation of various instructions issued in the past, the following guidelines and instructions are issued for streamlining the process of sand quarrying and preventing illegal lifting of sand:

**A. Identification of sources:**

- i. Tahasildar shall conduct joint verification with Assistant Executive Engineer/ Executive Engineer of Water Resources Department for identification of specific river stretches having proper access for grant of quarry leases.
- ii. The boundaries of sand sources should be properly demarcated by pillar posting as instructed vide this Department letter No.15640 dtd. 15.05.2017.
- iii. In no case the lessee should be allowed to extract sand beyond the lease area.

**B. Mining plan and environment clearances / approvals:**

- i. Tahasildar (Competent Authority) shall get the mining plans prepared in advance through Registered Qualified Persons (RQP) in respect of the sources within his jurisdiction.
- ii. While preparing mining plan the distance of hydraulic structures including dams, barrages, check dams, bridges etc., location from habitations, heritage sites, monuments and public infrastructure facilities should be taken into consideration. Sand quarrying operation should not endanger the safety of these structures & imperil the lives of the people.
- iii. The Tahasildar shall apply for and obtain the Environmental Clearance (EC). The selected bidder shall bear cost of the preparation of mining plan and also the costs incurred for obtaining the EC.
- iv. In case the approval of mining plan and the Environmental Clearance have not been obtained by the Competent Authority, the selected bidder shall obtain the same before executing the lease deed.
- v. State Pollution Control Board (SPCB), Odisha vide their Notice dated 12.05.2016 (copy enclosed) have informed all concerned that the lease holders of all minor mineral mines (irrespective of lease hold area) in the State are brought under the consent administration of the Board under the Water (PCP) Act, 1974 and Air (PCP) Act, 1981 and that for

operation of any minor mineral mines in the State, consent from the SPCB shall be obtained. The operation of any minor mineral mines in the State without obtaining consent from the SPCB will be considered as violation under section 25 of Water (PCP) Act, 1974 and under section 21 of Air (PCP) Act, 1981 and would lead to initiation of appropriate legal action.

- vi. It shall be the responsibility of the lessee to obtain the Consent to Operate (CTO) from State Pollution Control Board (SPCB) before commencement of the quarrying operation.
- vii. Care should be taken to follow all the environmental norms issued from time to time by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Govt. of India and Forest & Environment Department, Govt. of Odisha prior to lease of any sand source and during operation of the same. The lessee shall be responsible for implementing the Environment Management Plan (EMP).

**C. Quarrying/Mining operation:**

- i. Quarrying operation should be done strictly within the mining area as per the Mining plan. It should be undertaken only after putting in place the required environmental safeguards.
- ii. The depth of the quarry shall be restricted to three meters or water level, whichever is less.
- iii. The lessee shall not damage the embankment of the river.
- iv. No quarrying operation of sand shall be allowed through mechanized means and suction method.
- v. The lessee shall not dispatch the sand without a valid transit pass in Form-Y issued by the Tahasildar.
- vi. Since Hon'ble High Court in the order dated 19.07.2012 in WP (C) No. 12232 of 2012 have observed that the transport permit is issued only to transport the sand extracted from the sand sairat within the state of Odisha, the lessees should be instructed not to transport sand outside the State. Clarification in this regard has already been issued from this Department vide letter No. 36404 dated 02.12.2014.

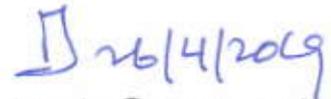
**D. Steps for prevention of illegal sand quarrying/mining:**

- i. District Administration shall put in place a robust monitoring mechanism to continuously monitor the quarrying activities of sand sources.
- ii. If any incidence of extraction of sand beyond the lease area by lessee is found, the same shall be treated as unauthorized and the lessee be penalized as per section 21(5) of MMDR Act, 1957 and the provisions of Rule 51 of OMMC Rules, 2016.
- iii. If any damage to embankments of the rivers comes to the notice, the lease shall be cancelled on obtaining the report from Assistant Executive Engineer / Executive Engineer of Water Resources Department.
- iv. The Revenue Administration and Police Administration shall seize all machines, vehicles, etc. used for carrying out illegal sand quarrying.
- v. Apart from instituting appropriate criminal proceedings against those carrying out illegal quarrying activities and transporting sand without valid 'Y' Form, maximum penalty should be imposed against them.
- vi. The District Administration should remain vigilant to prevent any incidence of interstate transportation of sand. If any such incidence comes to notice, the lease should be cancelled.
- vii. Temporary check gates may be set up during peak constructions season at common exit points to be decided by the Collectors. Care should be taken not to set up these posts on the National Highways and State Highways so that the general vehicular traffic is not affected and the commuters are not put to trouble.
- viii. Squads should be constituted at district and sub-divisional levels to conduct surprise checks in the sand quarrying areas and check the vehicles transporting sand. Raid/checking should always be done with adequate security arrangement to ward off any untoward situation.
- ix. Technical support of ORSAC may be taken for satellite based monitoring of very important sand sairats.

- x. All the complaints of unauthorized sand quarrying should be enquired by the Sub-Collector/ Addl. Sub-Collector/Tahasildar within 72 hours and remedial measures should be taken promptly.
- xi. Status of cases detected and action taken thereon for violation of provisions of OMMC Rules, 2016 and the Environmental Regulations should be reviewed in the monthly district level revenue meetings, and the issues arising thereon should be sorted out.

You are, therefore, advised to take all necessary measures for enforcing the above mentioned guidelines for preventing illegal and unauthorised sand quarrying in the State. Any deviation in implementation and enforcement of the provisions of the OMMC Rules, 2016 and the environmental regulations shall be viewed seriously and action deemed proper shall be initiated against the erring officer(s).

Yours faithfully,



Principal Secretary to Government

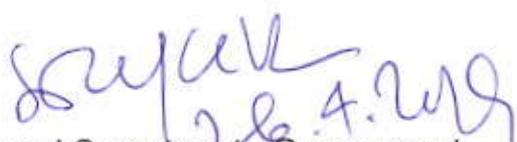
Memo No. 12612 /R&DM Dated 26.04.2019

Copy forwarded to Steel & Mines Department / Forest and Environment Department / Water Resources Department / Member Secretary, SPCB / CEO, ORSAC for information and necessary action.

  
26.4.2019  
Additional Secretary to Government

Memo No. 12613 /R&DM Dated 26.04.2019

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ All Revenue Divisional Commissioners for information and necessary action.

  
26.4.2019  
Additional Secretary to Government

Memo No. 12614 /R&DM Dated 26.04.2019

Copy forwarded to all Sub-Collectors/ all Tahasildars for information and necessary action.

  
26.4.2019

Additional Secretary to Government

Memo No. 12615 /R&DM Dated 26.04.2019

Copy forwarded to e-Governance Branch of this Department for uploading the same in the Department Website.

  
26.4.2019

Additional Secretary to Government

*R. C. G. C. B. C. C. 2016 - 512 Pat*

*myself*

*11/3/2016*

*1934  
3-6-16*



**STATE POLLUTION CONTROL BOARD, ODISHA**  
(Department of Forest & Environment, Govt. of Odisha)  
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII  
Bhubaneswar - 751012

No. SE-51 / Ind-II-NOC- Misc.-170

Dt. 12-05-16

**NOTICE**

**ATTENTION : LEASE HOLDERS OF ALL MINOR MINERAL MINES IN THE STATE**

It is brought to the notice of all concerned in the State that, in compliance of order dated 1.2.2016 of the Hon'ble NGT, EZB, Kolkata and in pursuance of the decision taken in 113<sup>th</sup> Board meeting held on 11.3.2016, the minor mineral mines, irrespective of lease hold area, are brought under consent administration of the Board, under Water (PCP) Act, 1974 and Air (PCP) Act, 1981 vide Board's Resolution No. 5803/Ind-II-NOC-Misc.-170 dtd. 30.3.2016 and is classified as Red category.

Therefore, the lease holders of all minor mineral mines (irrespective of lease hold area) in the State are directed through this notice to apply for consent of the Board under section 25 of Water (PCP) Act, 1974 and under section 21 of Air (PCP) Act, 1981 and operate such mines only after obtaining consent to operate from the Board. It may also be noted that operation of any minor mineral mine in the State without obtaining consent from the State Pollution Control Board will be considered as violation Under Section 25 of Water (PCP) Act, 1974 and under section 21 of Air (PCP) Act, 1981 and would lead to initiation of appropriate legal action.

**IMMEDIATE**

*Tanuj*

*Daj*  
**MEMBER SECRETARY**

Memo No. 8068 dt. 12-05-16  
Copy forwarded to the Principal Secretary, Forest & Env. Deptt, Govt. of Odisha, Bhubaneswar for information and necessary action.

*Daj*  
**MEMBER SECRETARY**

Memo No. 8068 dt. 12-05-16  
Copy forwarded to the Principal Secretary, Steel & Mines Deptt, Govt. of Odisha, Bhubaneswar for information and necessary action.

*Daj*  
**MEMBER SECRETARY**

PTO.....

*Incidents  
Please Act up  
Incidents are  
increasing*

*do it*

