

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 02 OF 2024 / EZ**

Tapas Kumar Bal

...Applicant

VERSUS

State of Odisha & Others

...Respondents

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SPCB Odisha, R.No.11

Through

Kolkata

Date:

**Sri Dipanjan Ghosh,**

Advocates for the Respondent No.11  
(State Pollution Control Board, Odisha)

e-mail: dpnjnghsh0@gmail.com

Phone No.:9903080977

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 02 OF 2024 / EZ

26 FEB 2024

Tapas Kumar Bal ...Applicant

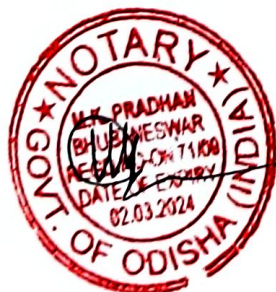
VERSUS

State of Odisha & Others ...Respondents

AFFIDAVIT ON BEHALF OF THE STATE  
POLLUTION CONTROL BOARD, ODISHA,  
RESPONDENT NO.11

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 55 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

- 1. That I am the Member Secretary of the Respondent No.11 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.



2. That this Hon'ble Tribunal while adjudicating the OA wherein allegation has been made that the R.No.14 i.e. Sri Sai Constructions is carrying on illegal operation of sand mining in Kusei Sand Bed, Deogaon under Ghasipura Tahasil of Keonjhar district, Odisha in violation of Sustainable Sand Mining Management Guidelines, 2016 vide their order dtd.19.01.2024 has been pleased to constitute a committee comprising of the following members:

- a. Senior Scientist, Odisha State Pollution Control Board,
- b. Senior Scientist, SEIAA, Odisha, and
- c. Collector & District Magistrate, Keonjhar, Odisha, or his representative not below the rank of Additional District Magistrate.



3. That it is further humbly submitted that the Hon'ble Tribunal has directed the aforesaid committee to inspect the site in question and submit its report with regard to the allegations made. The R.No.11 Board has been



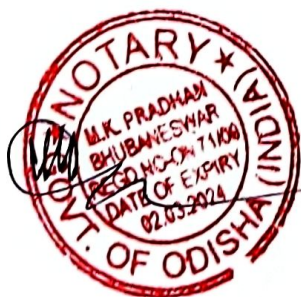
declared as the Nodal Agency for all logistic purpose and for filing the report of the committee.

4. That soon after receipt of the copy of order dtd.19.01.2024, the R.No.11 Board has nominated the Regional Officer, Keonjhar to represent the committee on behalf of the Board and intimated the same to the other members of the committee vide Board's letter No.1246 dtd.30.01.2024. Copy of the letter dtd.30.01.2024 is annexed to this affidavit and marked as ANNEXURE-R11/1.
5. That in the meantime, the Regional Officer, Keonjhar of the R.N.11 Board has forwarded the interim report of the committee, which reveals that the committee has visited the site on dtd.09.02.2024 along with officers of different departments mentioned in the said report. It is also indicated in the report of the committee that clarification has been sought from the Tahasildar, Ghasipura, Deputy Director of Mines, Keonjhar, Superintendent Engineer, Water Resources Department and Inspector in Charge of Ghasipura and soon after receipt of clarification from the



said authorities, the final report of the committee will be submitted for kind perusal of the Hon'ble Tribunal. A copy of the interim report of the joint committee along with copy of letter No.259 dtd.12.02.2024, No.272 dtd.12.02.2024, No.274 dtd.12.02.2024, No.276 dtd.12.02.2024 issued by the Regional Officer, Keonjhar of the R.No.11 Board to the aforesaid authorities for clarification is annexed to this affidavit and marked as **ANNEXURE – R11/2 Colly.**

6. That the Respondent No.11 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for effective adjudication of this case.
7. That the annexures annexed to the present affidavit are true and correct copies of their originals.
8. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.



  
**DEPONENT**  
Member Secretary  
State Pollution Control Board  
Odisha, Bhubaneswar

MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD.NO.ON-71/2009  
PH:-9437627119 (M)

*[Handwritten signature]*

**VERIFICATION:**

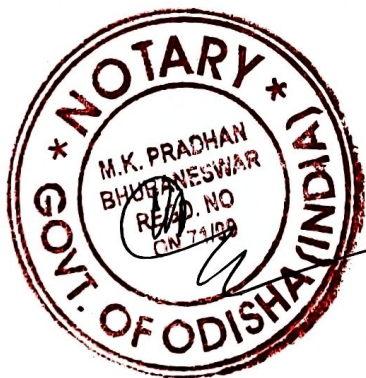
I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 26<sup>th</sup> day of February, 2024.

**SWORN BEFORE ME**

*[Handwritten signature]*  
**DEPONENT**

*Member Secretary*  
State Pollution Control Board  
Odisha, Bhubaneswar



*[Handwritten signature]*  
MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD.NO.ON-71/2009  
PH:-9437627119 (M)



ANNEXURE-R11/1

EPABX: 2561909/2562847  
Tel: 2562822, 2560055  
Email: Paribesh1@ospeboard.org  
Website: www.ospeboard.org

**STATE POLLUTION CONTROL BOARD, ODISHA**

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

No. 1246  
VII – L – Misc – 1065

Date: 30/01/2024

Speed Post / E-mail

To

The Collector & District Magistrate  
Keonjhar

-----  
The Member Secretary,  
SEIAA, Odisha  
Qrs. No.5RF-2/1  
Unit-IX, Bhubaneswar.

Sub: OA No.02/2024/EZ – Tapas Kumar Bal vs. State of Odisha & Others.

Sir,

The Hon'ble NGT, EZB, Kolkata while adjudicating the OA vide their order dtd.19.1.24 has been pleased to constitute a committee to elicit the veracity of the allegation raised in the OA comprising of the following members.

- (i) Senior Scientist, Odisha State Pollution Control Board,
- (ii) Senior Scientist, SEIAA, Odisha, and
- (iii) Collector & District Magistrate, Keonjhar, Odisha, or his representative not below the rank of Additional District Magistrate.

The Hon'ble Tribunal has also directed the Committee to inspect the site in question and submit its report within four weeks on affidavit with regard to the allegations made in the OA and the SPCB, Odisha has been declared as Nodal Agency for all logistic purposes and for filing the report of the committee on affidavit. The allegation raised in the OA is relating to M/s. Kusei Sand Bed, Deogaon, Ghasipur, Keonjhar.

Er.P.K.Kar, Sr.Env. Engineer & Regional Officer, SPC Board, Keonjhar (M-9437422448) has been nominated on behalf of the Board to represent the committee, who shall also act the Nodal Officer. Hence, it is requested to please take steps for compliance of the direction of the Hon'ble Tribunal and submission of the report within the stipulated time fixed by the Hon'ble Tribunal. The case is posted to 11.03.2024. Copy of OA along with order dtd.19.01.2024 is enclosed for ready reference.

Encl: As above.

Yours faithfully,

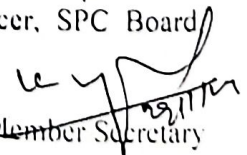
  
Member Secretary

Memo No. 1247 / Date: 30/01/2024

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

Encl: As above.

E-mail/Speed Post

  
Member Secretary

**INTERIM REPORT ON JOINT ENQUIRY IN THE MATTER OF OA NO.02/2024/EZ-  
(TAPAS KUMAR BAL VS. STATE OF ODISHA & OTHERS) AS PER ORDER DTD. 19.01.2024 OF  
HON'BLE NGT, EZB, KOLKATA**

In pursuance to the Order dtd. 19.01.2024 of the Hon'ble NGT, EZB, Kolkata In O.A. No.02/2024/EZ-Tapas Kumar Bal Vs State of Odisha & Others & subsequent Letter No.1246/VII-L-Misc-1065, Dtd.30.01.2024 of the Member Secretary State Pollution Control Board Odisha a joint committee was constituted with the following officials to enquire about the allegation made by the complainants regarding illegal operation of sand mining and violation of the Sustainable Sand Mining Management Guideline, 2016.

1. Sri Jadumani Mahala, ADM, Keonjhar  
(Representative of the Collector & District Magistrate, Keonjhar)
2. Er Prasant Kar, RO, SPCB, Keonjhar.
3. Sri Pradepta Kumar Nayak, Environmental Scientist, SEIAA, Odisha

With the approval of the Collector & District Magistrate, Keonjhar the committee visited the site on 09.02.2024 & following officers of different Departments accompanied the Committee.

1. Sri Nilakantha Behera, Tahasildar, Ghasipura, Keonjhar
2. Er N Das Bebartta, DEE, RO, SPCB, Keonjhar
3. Smt. Dibyajyoti Dibyadarshini, Addl. Tahasildar, Ghasipura
4. Smt. Anasuya Behera, RI, Keshudurapal

Sri Niranjan Sahoo, Representative of the Sand Bed was also present during the enquiry.

**SALIENT FEATURES OF THE SAND BED**

Type & Category	Sand Bed, Red Category	
Location	Plot No.1297, Khata No.352 Village-Deogaon, Tehasil- Ghasipura, Dist-Keonjhar	
Lease Hold Area	4.654 Ha (11.50 Ha.)	
Lease Period (2023-24 to 2027-28)	Date of Lease Execution	10.07.2023
	Validity of Lease	09.07.2028
Production Quantity (m <sup>3</sup> ) as per EC validity & CTO	2023-2024	7000 Cum
	2024-2025 (up to 31.12.2024)	1750 Cum

**STATUS OF STATUTORY CLEARANCES**

- i. Mining Plan has been approved by the Geologist, o/o the Joint Director of Geology, Keonjhar dtd 23.02.2022 for the period 2022-23 to 2026-27 for Kusei Sand Bed for excavation of 35000 Cum @ 7000 Cum /Annum of sand during the lease period.
- ii. Environmental Clearance has been granted in favour of the Tahasildar, Ghasipura vide SEIAA EC Identification No. EC23B001OR180821 dtd 27.04.2023 valid for two years for maximum extraction of material of 7000 Cum in the 1st year and 1750 Cum in the 2<sup>nd</sup> year and subsequently the above EC transferred in favour of Lessee vide Letter no. SIA/OR/MIN/300884/2023, dtd. 21.06.2023.
- iii. Consent to Operate has been granted in favour of Sri Gorle Ramesh, Lessee (Through the Tahasildar, Ghasipura, Keonjhar) by RO, SPCB, Keonjhar vide no 1456, dtd. 26.07.2023 for Kusei Sand Bed for production of 7000 Cum for the year 2023-24 and 1750 Cum for the year 2024-25 (up to 31.12.2024).

**OBSERVATIONS**

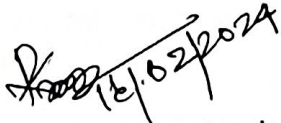
During site visit following observations were made.

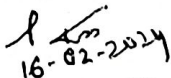
1. There were no sand mining activities during the visit.
2. The mining lease left side boundary (W) was found to be demarcated by concrete pillar postings whereas, pillar of its right side lease boundary (E) was found to be not visible due to submergence. Left bank of River Kusel is in Keonjhar district whereas Right bank is in Jajpur district.
3. The NE lease boundary is in close-proximity of the bridge but there is a stipulation in EC that mining shall not be undertaken in a mining lease located in 200-500 meter of bridge. No mining activities was observed up to about 300 meters from the bridge during the visit.
4. Left part of lease area (about 10 to 20m) found to be covered under wild grass with sand bed underneath and Right part (water side, about 50 to 70m) covered with sand.
5. It is revealed from the mined-out area that mining has been carried out by both mechanically (using excavators) and manually. Sri Sahoo informed that excavators were used to construct the approach road and to remove the grass covers.
6. It was observed that sand mining has also been carried out beyond the lease area i.e. both in Keonjhar & at Jajpur side. The sand Mining also been done in pockets adjoining to lease area (W side of lease boundary, Keonjhar Side) which mostly covered under wild Grass. Sri Sahoo informed that miscreants are carrying out the mining activities adjoining to their lease area in large scale particularly during night hours.
7. No waterway of the river found to be obstructed during visit.
8. The connecting road from the sand quarry to Deogaon main road of about 550 meters length found to be Kuchha type and it also not passes through any village. The approach road found to be not maintained properly by the Lessee causing inconvenience to the local public.

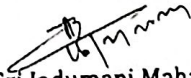
In view of above, Committee decided to seek clarification from the following authorities to draw the conclusion about the extent of damage/excess mining etc done.

1. The Tahasildar, Ghasipura has been requested to clarify the date of commencement of mining operation, Month wise data for extraction of sand, status of approach road & details of seizure /imposition of penalties for sand transportation, vide Letter no. 259, dtd. 12.02.2024 (copy enclosed).
2. The Dy Director Mines, Keonjhar has been requested vide Letter no. 272 dtd. 12.02.2024 (copy enclosed) to carry out survey for assessment of sand mining done in excess in and around the lease area.
3. The Superintending Engineer, Water Resources Department has been requested vide Letter no. 274 dtd. 12.02.2024 (copy enclosed) to clarify regarding change in flow direction of the river if any due to sand mining.
4. The IIC, Ghasipura has been requested to clarify regarding seizure and imposition of penalties for illegal sand transportation in that area if any vide Letter no. 276 dtd. 12.02.2024 (copy enclosed).

Since clarifications has been sought from different Departments regarding various issues the final report will be submitted soon after receiving the reply from their end.

  
Sri Pradeepta Kumar Nayak  
Env Scientist, SEIAA, Odisha

  
16-02-2024  
Er Prasanta Kar  
RO, SPCB, Keonjhar

  
Sri Jadumani Mahala  
Addl. District Magistrate, Keonjhar

Tel: 06766-299935  
 E-mail: [rospcb.keonjhar@ospcboard.org](mailto:rospcb.keonjhar@ospcboard.org)  
 Website: [www.ospcboard.org](http://www.ospcboard.org)



**OFFICE OF THE REGIONAL OFFICER**  
**STATE POLLUTION CONTROL BOARD ODISHA**

[DEPARTMENT OF FOREST, ENVIRONMENT & CC GOVERNMENT OF ODISHA]  
 AT- BANIAPAT, POST- COLLEGE ROAD, DIST-KEONJHAR-758001

No. 259

Date. 12.02.2024

Er P Kar  
 Regional Officer

To

The Tahasildar  
 Ghasipura, Keonjhar

**Sub:** - Information on M/s Kusei River Sand Bed, Deogaon, Ghasipura, Keonjhar.

**Ref:** - Order dtd 19.01.2024 of Hon'ble NGT EZB, Kolkata in OA NO-02/2024/EZ- Tapas Kumar Bal vs State of Odisha & Others.

Sir,

In inviting a reference to above, it is to inform that the joint committee constituted by the Hon'ble NGT EZB, Kolkata visited the site on 09.02.2024 to enquiry about the complaint filed before the Hon'ble NGT.

Following information are required in order to submit a factual report before the Hon'ble Tribunal.

1. Date of commencement mining operation.
2. Month wise (from July-2023 to till handed over to mining department) permission given by the Tahasildar, Ghasipura for extraction of sand.
3. Status of approach road from quarry to main road and details of transportation route.
4. Details of seizer / imposition of penalty for excces and illegal mining if any.

You are therefore requested to submit the above information within 7days for timely submission of enquiry report to the Hon'ble NGT EZB, Koilkata.

Yours faithfully

**Regional Officer**

Memo No 260 Dt 12.02.2024

Copy forwarded to the Additional District Magistrate (Rev), Keonjhar for kind information and necessary action.

**Regional Officer**

Tel: 06766-299935  
 E-mail: [rospcb.keonjhar@ospboard.org](mailto:rospcb.keonjhar@ospboard.org)  
 Website: [www.ospboard.org](http://www.ospboard.org)



**OFFICE OF THE REGIONAL OFFICER**  
**STATE POLLUTION CONTROL BOARD ODISHA**  
 [DEPARTMENT OF FOREST, ENVIRONMENT & CC GOVERNMENT OF ODISHA]  
 AT- BANIAPAT, POST- COLLEGE ROAD, DIST-KEONJHAR-758001

No. 272

Date. 12.02.2024

Er P Kar  
 Regional Officer

To

The Deputy Director Mines  
 Keonjhar

Sub: - Information on M/s Kusel River Sand Bed, Deogaon, Ghasipura, Keonjhar.

Ref: - Order dtd 19.01.2024 of Hon'ble NGT EZB, Kolkata in OA NO-02/2024/EZ- Tapas Kumar Bal vs State of Odisha & Others.

Sir,

In inviting a reference to above, it is to inform that the joint committee constituted by the Hon'ble NGT EZB, Kolkata visited the site on 09.02.2024 to enquire about the allegation made by the complainant regarding illegal operation of sand mining and violation of Sustainable Sand Mining Management Guidelines, 2016.

You are therefore requested to carry out necessary survey for assessment of sand mining done in excess to the approved quantity in and around the lease area and submit the above information within 15 days for timely submission of enquiry report to the Hon'ble NGT EZB, Kolkata. Copy of order enclosed for kind reference.

Yours faithfully

Regional Officer

Memo No 273 Dt 12-02-2024

Copy forwarded to the Additional District Magistrate (Rev), Keonjhar for kind information and necessary action.

Regional Officer

Tel: 06766-299935  
 E-mail: [rospcb.keonjhar@ospcbboard.org](mailto:rospcb.keonjhar@ospcbboard.org)  
 Website: [www.ospcbboard.org](http://www.ospcbboard.org)



**OFFICE OF THE REGIONAL OFFICER**  
**STATE POLLUTION CONTROL BOARD ODISHA**  
 [DEPARTMENT OF FOREST, ENVIRONMENT & CC GOVERNMENT OF ODISHA]  
 AT- BANIAPAT, POST- COLLEGE ROAD, DIST-KEONJHAR-758001

No. 274

Date. 12-02-2024

Er P Kar  
 Regional Officer

To

The Superintending Engineer  
 Water Resource Department, Baitarani Irrigation Division  
 Salapada, Keonjhar

Sub: - Information on M/s Kusei River Sand Bed, Deogaon, Ghasipura, Keonjhar.

Ref: - Order dtd 19.01.2024 of Hon'ble NGT EZB, Kolkata in OA NO-02/2024/EZ- Tapas Kumar Bal vs State of Odisha & Others.

Sir,

In inviting a reference to above, it is to inform that the joint committee constituted by the Hon'ble NGT EZB, Kolkata visited the site on 09.02.2024 to enquiry about the allegation made by the complainant regarding illegal operation of sand mining and violation of Sustainable Sand Mining Management Guidelines, 2016.

You are therefore requested to clarify regarding change in flow direction of the river if any due to sand mining in and around the lease area and submit the above information within 07 days for timely submission of enquiry report to the Hon'ble NGT EZB, Kolkata. Copy of the order enclosed for kind reference.

Yours faithfully

Regional Officer

Memo No 275 Dt 12-02-2024

Copy forwarded to the Additional District Magistrate (Rev), Keonjhar for kind information and necessary action.

Regional Officer

Tel: 06766-299935  
 E-mail: rospcb.keonjhar@ospboard.org  
 Website: [www.ospboard.org](http://www.ospboard.org)



**OFFICE OF THE REGIONAL OFFICER**  
**STATE POLLUTION CONTROL BOARD ODISHA**  
 [DEPARTMENT OF FOREST, ENVIRONMENT & CC GOVERNMENT OF ODISHA]  
 AT- BANIAPAT, POST- COLLEGE ROAD, DIST-KEONJHAR-758001

No. 276

Date. 12.02.2024

Er P Kar  
 Regional Officer

To

The Inspector In-Charge  
 Ghasipura, Keonjhar

Sub: - Information on M/s Kusei River Sand Bed, Deogaon, Ghasipura, Keonjhar.

Ref: - Order dtd 19.01.2024 of Hon'ble NGT EZB, Kolkata In OA NO-02/2024/EZ- Tapas Kumar Bal vs State of Odisha & Others.

Sir,

In inviting a reference to above, it is to inform that the joint committee constituted by the Hon'ble NGT EZB, Kolkata visited the site on 09.02.2024 to enquiry about the allegation made by the complainant regarding illegal operation of sand mining and violation of Sustainable Sand Mining Management Guidelines, 2016.

You are therefore requested to submit the details of seizure and imposition of penalties for illegal sand transportation in that area if any within 07 days for timely submission of enquiry report to the Hon'ble NGT EZB, Kolkata. Copy of the order enclosed for kind reference.

Yours faithfully,

Regional Officer

Memo No 277 Dt 12.02.2024

Copy forwarded to the Additional District Magistrate (Rev), Keonjhar for kind information and necessary action.

Regional Officer