

OFFICE OF THE
COLLECTOR & DISTRICT MAGISTRATE
GANJAM, CHATRAPUR



Revenue Section
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Letter No. 2778 / Rev

Dated: 12.08.2021

To

**Sri Janmejy Katikia,
Addl. Govt. Advocate,
O/O the Advocate General, Odisha, Cuttack**

Sub:- Submission of joint enquiry report as per the order dated 09.08.2021 in connection with original Application No. 51/2021/EZ filed by Satrugana Jena Vrs. State of Odisha & Others.

Sir,

Inviting a kind reference to the subject cited above and as per **Para. 4** of order of Hon'ble NGT dated **09.08.2021**, I am to submit herewith the report of the committee as framed by the Hon'ble NGT in the said matter. This may kindly be apprised to the Hon'ble Court within due time.

In view of the above, I am deputing the Tahasildar, Sanakhemundi for submission of the said report before you on behalf of Collector, Ganjam.

This is for your kind information and appropriate action please.

Yours faithfully,

**DISTRICT MAGISTRATE,
GANJAM, CHATRAPUR**

Memo No. 2779 / Rev.

Dated. 12/08/2021

Copy forwarded to the Tahasildar, Sanakhemundi for information and necessary action. He is directed to proceed to Office of the A.G. Odisha, Cuttack for submission of the joint enquiry report to the engaged Special Counsel on 13.08.2021.

**DISTRICT MAGISTRATE,
GANJAM, CHATRAPUR**

Joint verification report in the matter of Satrughna Jena Vs State of Odisha & Ors of NGT O.A No. 51/2021/ EZ KOLKATA order dated 01.07.2021

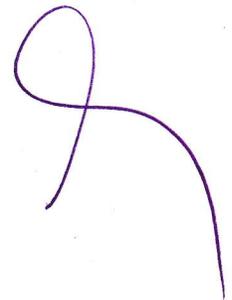
1.0 Background:

With reference to Hon'ble NGT order dated 01.07.2021 directed at serial number 12 in the matter of O.A. No. 51 of 2021 (EZ) filed by Sri Satrughna Jena Vs Sate of Odisha & Others, it was directed to "*constitute a joint committee comprising of following members i.e. the District Collector, Ganjam, Senior Scientist from OSPCB, Senior Scientist from SEIAA, Odisha and Senior Scientist from Integrated Regional Office of MoEF & CC, Bhubaneswar. The SEIAA, Odisha is the Nodal Officer for the case and the committee shall submit its report based on the allegation mentioned the O.A.*"

In view of the said order, a team consisting of the following members: *The District Collector, Ganjam, Senior Scientist from SPCB, Ganjam, Senior Scientist from SEIAA, Odisha and Senior Scientist from Integrated Regional Office of MoEF & CC, Govt. of India,* visited the area to look into the matter on **31.07.2021**. The petitioner was also present during the joint inspection.

2.0 Present Status of the allegation against the stone quarry: As per the order of the Hon'ble NGT(EZ) dated 1-7-2021 directed at serial number 12.

The committee made assessment of the present status of allegation against the Stone quarry granted in favour of Sri Santosh Kumar Bisoyi, S/o-Subash Bisoyi, At-Jani Street, Podamari, Ganjam and the observations against each aspect of the order is recorded as below:



Sl. No	Aspects	Observation
a.	The committee will enquire into the excess mining over and above 1080 CM per annum by Respondent No.10 in the mine which has got Environmental Clearance (EC).	<ul style="list-style-type: none"> • At the first instance, the quarry lease was executed on 27.12.2013 for the period from 01.04.2013 to 31.03.2014. • Further, the lease was extended for a period of 3 years from 25.08.2016 and the lease validity expired on 31.03.2019. • Since 31.03.2019 the quarry has not been operational. • As the source is not operational since 31.03.2019, a FIR is lodged by the Tahasildar in order to identify the persons who have illegally extracted stone from the said quarry beyond the lease period from 31.03.2019. • The Committee has advised the Tahasildar to pursue the matter with the police in order to identify the persons involved in the illegal extraction and to recover the royalty and other dues as applicable from the defaulter.
b.	The Committee will enquire the illegal stone mining going on within 7 acres of land adjoining to the legal mining area which is alleged to be operating without EC/Consent to operate (CTO).	<ul style="list-style-type: none"> • During inspection by the committee, it was found that there are two other stone sources over two other plots which is located around 750 m away from the Patiguda Stone Quarry and stone has been found to be illegally excavated by some unknown persons as informed by the villagers. • These sources are not included in the DSR. • No EC/CTO has been issued for any other quarry near the Patiguda stone quarry. • These plots beyond the erstwhile leased quarry have also been included in the FIR filed by the Tahasildar.
c.	The Committee will assess the environmental degradation caused on account of illegal stone mining and loss caused to the Govt. exchequer and also calculate the environmental compensation, if violation is found in both the mines.	<ul style="list-style-type: none"> • There has been no visible environmental degradation caused on account of stone quarrying in Patiguda stone quarry. • During the operational period of the quarry, the lease holder had obtained EC and CTO from the competent authorities. • However, the royalty, penalty and other dues as applicable under the OMMC rules will be recovered by the Tahasildar after identification of the persons involved in the illegal stone mining after due enquiry from police side.
d.	The Committee will also record whether the alleged illegal mining is within the eco-sensitive zone of the Lakhari Valley Sanctuary.	<ul style="list-style-type: none"> • As per the information provided by the ACF, Parlakhemundi vide letter no. 2773 dtd. 02.08.2021 it reveals that the distance of the said stone quarry from Chandragiri R.F is 6 km which is part of the Eco-Sensitive Zone of Lakhari Wild Life Sanctuary.

		<ul style="list-style-type: none"> • The finalisation of Eco-Sensitive Zone of Lakhari Wild Life Sanctuary is in draft stage and by default the ESZ will be considered to be 10 Km from the sanctuary in such cases. • As the quarry will come under ESZ of Lakhari Wild Life Sanctuary, it will not be permissible to operate quarry without clearance from Standing Committee of the National Board for Wildlife prior to its operation. • However, during the lease period, the quarry had been functional only after obtaining Environmental Clearance (EC) from SEIAA/ DEIAA as and when required.
e.	The Committee will further look into the alleged violation of Environment Clearance and consent to operate, conditions of the legal mine.	<ul style="list-style-type: none"> • The project proponent had obtained EC and CTO from Competent Authorities for the lease period.
f.	The Committee will also state what penal action by way of FIRs has been taken against those involved in illegal mining of stone, if any.	<ul style="list-style-type: none"> • In the meanwhile, a FIR has been filed by Tahasildar, Sanakhemundi vide Letter.No. 3311 dt. 02.08.2021, towards illegal stone mining beyond the date of expiry of lease period in Patiguda Mouza.

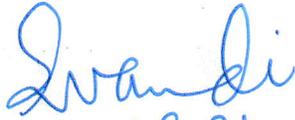
3.0 Overall Observations:

The committee members observed the following during the time of inspection :

- i. The Project Proponent (PP) has operated the stone quarry with valid EC, CTO and approved mining plan for the period 01.04.2014 to 31.03.2019 and after 31.03.2019 the quarry has not been operational as informed by the Tahasildar and local villagers who were present during the time of inspection.
- ii. There are two other stone sources which is located around 750 m away from the Patiguda Stone Quarry and has been alleged to be illegally operated by unknown persons as informed by the villagers and these sources are not included in the DSR.
- iii. The eco-sensitive zone (ESZ) of Lakhari Vally wild life sanctuary is in draft stage and is yet to be finalized.
- iv. Pillar posting has been made to demarcate the lease area.

4.0 Recommendations :

1. Until finalization of the Eco-Sensitive Zone (ESZ) of Lakhari Valley Wildlife Sanctuary, the Project Proponent (PP) or any other person shall not be allowed for further operation of the quarry.
2. Once the persons involved in the illegal mining are identified by the Police, the Tahasildar shall issue demand notice for recovery of all dues as applicable based on the extent of over-excavation across all the three stone sources in Patiguda mouza.


12.08.21

Sri Sandeep Nandi
Scientist B
Integrated Regional
Office of MoEF & CC,
Govt. of India.

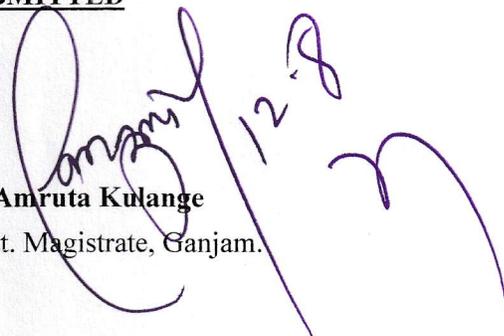

12/08/2021

Dr. P. K. Nayak
Env. Scientist, SEIAA,
Bhubaneswar.


12/08/21

Sri Mitrasen Majhi
Regional Officer,
S.P.C.B, Berhampur.

SUBMITTED


12.8

Sri Vijay Amruta Kulange
Collector & Dist. Magistrate, Ganjam.