

DIVISION BR. SEAT No- 113

SANJAY KUMAR DAS

P.SETHY, T.K.SAHOO, P.SETHI, J.DAS,

[O. H. C.-97-A]

In the High Court of Orissa

ORDER SHEET

WP(C) No. 12578/2024
BLAPL/W. P. (C) No. _____ of 20 _____

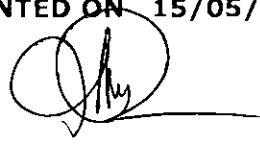
NARAYAN SAHU

Petitioner

STATE OF ODISHA

Versus

Opposite-Party

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
			PRESENTED ON 15/05/2024  For SUPERINTENDENT COMPUTER FILING SECTION



FC200834

SCANNED



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12578 of 2024

Narayan Sahu

Petitioner

Mr. Sanjay Kumar Das, Advocate

-versus-

State of Odisha and others

Opposite Parties

Mr. Lalatendu Samantray, Addl. Govt. Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

01.

ORDER


21.05.2024

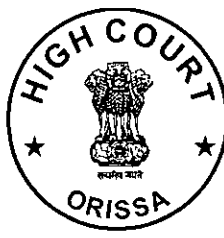
This matter is taken up through Hybrid Mode.

2. As requested by learned counsel on behalf of the petitioner, list this matter on 09.07.2024 so as to enable him to file an additional affidavit bringing on record the interim order said to have been passed by the National Green Tribunal (NGT) because of which the petitioner could not carry quarry operation despite there being lease in his favour.

3. The petitioner shall be under obligation to bring on record the order passed by the NGT whereby the proceeding before the Tribunal stood closed.


(Chakradhari Sharan Singh)
Chief Justice


(M.S. Raman)
Judge



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12578 of 2024

Narayan Sahu

....

Petitioner

Mr. Sanjay Kumar Das, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. L. Samantray, Additional Government Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

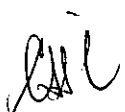
09.07.2024


Order No.

02. This matter is taken up through Hybrid mode.

2. As requested by learned counsel appearing on behalf of the petitioner, one week time is allowed for him to file additional affidavit.

3. List this matter on 16.07.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

S. Behera



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12578 of 2024

Narayan Sahu

....

Petitioner

*Ms. Jayanti Dash, Advocate
on behalf of Mr. Sanjay Kumar Das, Advocate
-versus-*

State of Odisha and Others

....

***Opposite Parties
Mr. S. Das, AGA***

CORAM:

**THE CHIEF JUSTICE
JUSTICE SAVITRI RATHO**


ORDER

16.07.2024

Order No.

03. This matter is taken up through Hybrid mode.

2. As requested on behalf of the petitioner, list this matter on
23.07.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

puspa



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12578 of 2024

Narayan Sahu

Petitioner

.....
Mr. S. K. Das, Advocate

-versus-

State of Odisha and others

Opposite Parties

.....
Mr. Lalatendu Samantray, AGA for State

CORAM:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO**

ORDER

23.07.2024

Order No.

04.

This matter is taken up through Hybrid mode.

2. Issue notice to opposite party No.6 by registered/speed post with A.D., making it returnable before the next date, requisites for which shall be filed by 30.07.2024.
3. List this matter on 03.09.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

M. Panda



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12578 of 2024

Narayan Sahu

....

Petitioner

Ms. Jayanti, Das, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

03.09.2024

Order No.

05. This matter is taken up through Hybrid mode.
2. Ms. Jayanti Das, learned counsel appearing on behalf of the petitioner submits that requisites have already been filed today.
3. Requisites filed late be accepted.
4. Issue notice to the opposite party no.6 by Registered Post/Speed Post with A.D., making it returnable within 4 weeks.
5. List this matter on 22.10.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12578 of 2024

Narayan Sahu

....

Petitioner

Mr. Sanjay Kumar Das, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. L. Samantray, Additional Government Advocate

CORAM:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO**


Order No.

**ORDER
22.10.2024**

06.

This matter is taken up through Hybrid mode.

2. As requested by Mr. L. Samantray, learned Additional Government Advocate (AGA), appearing on behalf of the opposite parties-State, list this matter on 19.01.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

S. Behera



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12578 of 2024

Narayan Sahu

....

Petitioner

Mr. Sanjay Kumar Das, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. S.B. Panda, AGA

CORAM:

**THE CHIEF JUSTICE
JUSTICE SAVITRI RATHO**

ORDER

30.11.2024

Order No.

07. This matter is taken up through Hybrid mode.

2. As requested on behalf of the petitioner, list this matter on
03.12.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

puspa/sukanta



IN THE HIGH COURT OF ORISSA, AT CUTTACK

W.P.(C) No. 12578 of 2024

Narayan Sahu

.....

Petitioner

Mr. Sanjay Kumar Das, Advocate

vs.

State of Odisha & others

.....

Opposite Parties

Mr. S.B. Panda, Addl. Govt. Advocate

Mr. S.S. Kashyap, C.G.C.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

03.12.2024

Order No.

08.

This matter is taken up through hybrid mode.

2. Despite service of notice, there is no representation on behalf of opposite party No.6.

3. List this matter on 10.12.2024. Let the Chairman, State Environment Impact Assessment Authority (SEIAA) join the proceedings online on the next date when the matter shall be taken up at 10.30 a.m.

(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)
Judge

Arun/Ashok

①. WPC- 20148/2024
IN THE HIGH COURT OF ORISSA

Case No. 12578/2024

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p style="text-align: right;"><i>Ch</i> <u>26/5/2024</u></p> <p>Defect - 6 removed. <i>Ch</i> 8.5.24</p> <p>Defects - 5, 11, 12, 20 Filed 12.4.24 as per SR removed. <i>Ch</i> 13.5.24</p> <p>KAILASH CHANDRA BARIK Assistant Registrar (Estt.) High Court of Orissa</p> <p>Defect - 5 is removed by filing 2nd copy. <i>Ch</i> Legible copies of pages to 72-74 are filed. No other defects. <i>Ch</i> 15.5.24</p>

IN THE HIGH COURT OF ORISSA

WPC Case No. 12578/2024

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p>Ready for fresh commission <u>memo</u></p> <p>D.B.</p> <p>Trana Prakash Sain 16/5/24. Sabita Rath</p>

IN THE HIGH COURT OF ORISSA

W/Pce) Case No. 12578/2024OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01	21/05/2024	<p>Received FREE copy of Order No. 1 dt. 21.05.24 for state.</p> <p>21/05/24 05.06.24 (Office of ASGI)</p> <p><u>Order No. 01</u> (may kindly be seen) for fresh admission</p> <p>1) Additional affidavit by petitioner not yet filed.</p> <p><u>Adj. to 9/7/24</u></p> <p>DB.</p>
02	09/07/24	<p><u>Order No. 02</u> for fresh admission</p> <p>1) Additional Affidavit by petitioner not yet filed.</p> <p><u>Adj. to 16.7.24</u></p> <p>DB.</p> <p>Jyoti Prakash Shrin.</p> <p>12/7/24</p> <p>Sabita Rath</p>

IN THE HIGH COURT OF ORISSA

W.P.(C) Case No. 12578/2024

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
03	16/07/2024	<p><u>Order No. 03</u></p> <p>For fresh admission to</p> <p>1) Additional Affidavit by petitioner not yet filed.</p> <p style="text-align: right;">Adj. to 23/07/24</p> <p style="text-align: right;">D.B.</p> <p>Trinath Prakash Sraen, 19/07/24. Sabita Rath</p>
04	23/07/2024	<p><u>Order No. 04</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>1) Requested for issuance of notice to OP. 6 by regd. post/speed post pursuant to order dt. 23/7/24 not yet filed.</p> <p style="text-align: right;">for orders Adj. to 03/09/24</p> <p style="text-align: right;">D.B.</p> <p>Trinath Prakash Sraen, 20/8/24. Sabita Rath</p>

IN THE HIGH COURT OF ORISSA

WPC Case No. 12578/2024

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
05	03/09/2024	<p>- Adv. for the Petitioner filed a Memo mentioning he has already sent requisites to O.P. 6 by speed post and receipt serial copy thereof filed.</p> <p>- Preliminary Counter Affidavit filed by O.P. 285. Requisites for issuance of notice to O.P. 6 by speed post with AD filed late 11 AM 03/09/24.</p> <p><i>[Signature]</i> 03/09/24</p> <p><u>Order No-05</u></p> <p>Memo No. <u>27522</u> D.O. <u>10-9-24</u></p> <p>Notice on admission matter issued to O.P. 6 by regd. post with AD fixing 27/09/24 for appearance and showcause.</p> <p><i>[Signature]</i> 06/09/24</p> <p style="text-align: right;">SB 6/9/24 Supdt J/C</p>

IN THE HIGH COURT OF ORISSA

WP Case No. 12578/2024

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
05	03/09/2024	<p><u>Order No. 05</u></p> <p>For admission with</p> <ul style="list-style-type: none"> - Additional Affidavit filed by the petitioner. - Preliminary Counter Affidavit filed by OP Nos. 2 and 5. <p>1) Notice on admission matter issued to OP-6 by regd. post with AD, unused.</p> <p>- Whether Notice nor AD returned. In this regard, Postal Tracking report is at fl. 'A' showing item delivered (Addressee) may kindly check.</p> <p>Adj. to 22.10.24</p> <p><u>Journal Prakash Sharma.</u> 21/10/24 Sabita Rath.</p> <p>- Memo filed by the Advocate for the petitioner in Court on 22/10/24 stating that "OP-5 has issued a letter to the petitioner vide letter No. 1840 dt. 30/8/24, for consideration of representation after obtaining the Cluster EC over the Khariamahal Store premises" which is at fl. 'B'. 2nd copy not filed.</p>

D.B.

JP

IN THE HIGH COURT OF ORISSA

WPC Case No. 12578/2024

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
06	22/10/2024	<p><u>Order No. 06</u></p> <p>For admission with</p> <ul style="list-style-type: none"> - Additional Affidavit filed by the petitioner. - Preliminary Counter Affidavit filed by OP 2 & 5. <p>1) Memo filed by the Advocate for the petitioner in Court on 22/10/24 stating that "OP-5 has issued a letter no. 1840, dtd. 30/8/24 for consideration of representation after obtaining the Cluster EC over the Khanjannahal Stone quarries "which is at A. B". 2nd copy not filed.</p> <p>2) In Order dtd. 22/10/24, 19.11.24 is inadvertently written as 19.01.24 which may be corrected.</p> <p><u>Adj. to 19.11.24</u></p> <p><u>Inanabakash Brahma.</u> 14/11/24. Sabita Rath</p> <p style="text-align: right;">D.B.</p>
07	30.11.2024	<p><u>Order No. 07</u></p> <p>Office notes dtd. 14.11.24 as above be repeated.</p> <p><u>Adj. to 31.12.24</u></p> <p><u>Inanabakash Brahma.</u> 2/12/24. Sabita Rath</p> <p style="text-align: right;">D.B.</p> <p style="text-align: right;">- File received today. 14/11/24.</p>

IN THE HIGH COURT OF ORISSA

Case No. WPC) No. 12578/2024

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
08	03.12.2024	<p>Memo No: <u>36408</u> Dtd: <u>06.12.2024</u></p> <p>Notice of personal appearance issued to op.06 by post/e-mail for information and necessary compliance.</p> <p><u>[Signature]</u> 05.12.24</p> <p><u>[Signature]</u> 6-12-24 Supdt.</p>
08	03.12.2024	<p>Order No. 08 (May kindly be seen)</p> <p>- to Office notes at page may kindly be repeated.</p> <p>- Notice of personal appearance issued to op.06 by e-mail/post.</p> <p>- Reg. Personal appearance (online) of the chairman, State Environment Impact Assessment Authority (SEIAA) on 10.12.2024 at 10.30 A.M.</p> <p><u>[Signature]</u> to 10.12.24 at 10.30 a.m.</p> <p><u>[Signature]</u> Das 06.12.24</p> <p>Sabita Rathi.</p> <p>Bench.</p>



ORISSA HIGH COURT
FILING ACKNOWLEDGEMENT SLIP

CNR	ODHC010337242024
Filing No	D- WP(C)/0020148/2024
Date and Time	03/05/2024-15:13:40
Case No	WP(C)/12578/2024
Registration Date and Time	15/05/2024
Misc Case/IA	
Petitioner Name	NARAYAN SAHU
Petitioner Advocate Name	SANJAY KUMAR DAS
Respondents Name	STATE OF ODISHA
Respondents Advocate	
Amount	
Police Station	
FIR	



Wednesday 15th of May 2024 03:14:19 PM

High Court of Orissa

Acknowledgement



CNR : ODHC010337242024

Filing No. : D-WP(C)/20148/2024 Date of Filing : 03-05-2024

Case No : --- Time of Filing : 12:20:12

Petitioner : NARAYAN SAHU Respondent : STATE OF ODISHA

Petitioners Advocate : SANJAY KUMAR DAS

Amount : 0.00



[Print](#)

STAMP REPORT

NATURE OF DEFECT

- CASE NO. 12578/24
1. COURT FEE DEFICIENT *is bl - last*
 2. VALUATION OF THE PROPERTY NOT GIVEN *X*
 3. AUTHENTICATION FEE IS DEFICIENT *X*
 4. AFFIDAVIT / VERIFICATION NOT PROPER
 5. ☒ SECOND COPY OF THE PETITION NOT FILED
 6. ☒ RECEIPT SHOWING SERVICE OF COPY TO AG / CG / IT / CT ETC. NOT FILED
 7. VAKALATNAMA :
 - (i) ☒ NOT PROPERLY STAMPED / EXECUTED / ACCEPTED
 - (ii) NAMES IN CAPITAL LETTERS / ENROLMENT NUMBERS / MOBILE PHONE NUMBERS OF ALL THE SIGNING ADVOCATES NOT INDICATED
 8. CAUSE TITLE NOT IN ORDER
 9. PROVISION OF LAW NOT INDICATED ON TOP OF CAUSE TITLE
 10. SUBJECT CODE NOT FURNISHED / INCORRECTLY MENTIONED
 11. ☒ NEAT, LEGIBLE, ATTESTED ANNEXURES NOT FILED *Page 72, 73, 74 not neat & legible*
 12. ☒ ASSESSMENT SLIP NOT FILLED IN PROPERLY
 13. ☒ NOT PROPERLY INDEXED
 14. PETITIONS / APPEALS / APPLICATIONS :
 - (i) ☒ NOT IN SUPERIOR QUALITY A4 SIZE PAPER / LESS THAN 75 GSM PAPER
 - (ii) ☒ NOT IN PROPER FONT / NOT IN PROPER FONT SIZE
 - (iii) MARGIN NOT PROPER / LINE SPACING NOT PROPER
 - (iv) NOMENCLATURE NOT CORRECTLY INDICATED
 - (v) ALL PAPERS NOT PROPERLY SIGNED
 - (vi) NAME OF THE FILING ADVOCATE NOT IN CAPITAL LETTERS / ENROLMENT NUMBER NOT INDICATED WHEREVER SIGNATURE OF SUCH ADVOCATE APPEARING IN THE PETITION / APPEAL / APPLICATION
 15. APPLICATION CONTAINS MORE THAN ONE PRAYER *X*
 16. LIMITATION PERIOD EXPIRED *X*
 17. REFERENCE CERTIFICATE NOT FURNISHED
 18. CERTIFIED COPY OF TRIAL / APPELLATE COURT ORDER NOT FILED *X*
 19. UNDERTAKING FOR FILING OF TRANSLATED COPY NOT FILED *X*
 20. ☒ VERNACULAR CERTIFICATE NOT FURNISHED
 21. STATUTORY DEPOSIT / AWARDED AMOUNT NOT DEPOSITED *X*
 22. OTHER DEFECT (IF ANY)

DEFECTIVE/READY

SUBJECT— *Money Lease*

SUB-CATEGORY— *Extension*

SINGLE JUDGE/DIVISION BENCH (Put ☒ mark)

DB

Seemant Prasad
(Full signature of Stamp Reporter)
Subar KDC

D-20148/24 SANJAY KUMAR DAS
7337267574
RFA/RSA/FAO/SAO/LPA/SPA/CPA/CRP/Review pet/O. Ref./EXFA/EXSA/SM/APP/Tr.P
(o) WP (c) / WA / SCLP / Co. Appl / Co. Pet / Co. Cass / Co. App / Beg. P / Mst. A / Mat / Ref / RP
(FAMCT) Test Case / Intest. Case / L.A. Ref. / RCFA / L.A.A. / RCCA / RE Rev / MAC / MAC APP /
EL. Pet / ELAPP / Arb, P/Arb. A/ARB. A/Insurance Ref / Cont. Cas(c) / Courd. App (c) / MFA (name of
the Act) / MSA / SP. JC (name of the Act) Cri. A / Cri. Rev / CKI.M. C / BLAPL / Cal. MAPPI / WP (ctl)
CUSREF STREV.

Case Type WPCO No. 12578 12024 Date of Regn. _____

2. If State is Party, Name of the Dept. : (Pet/Res) [Put _____ mark]

Mining department
If Public Undertakings (Specify name) : (Pet/Res) [Put _____ mark]

3. (a) Number of Category under which the matter falls :

2	7
---	---

0	0
---	---

0	0
---	---

If Others, Specify the subject _____

(b) Which is applicable ? [Put _____ Mark]

Single Bench / Div. Bench / Three Judge Bench / Five Judge Bench)

4. Article or the Constitution / Act (Central / State) [Put _____ mark]

Article 226 and 227 of the Constitution
of India

5. Section / Sub-Section Involved X

6. Rules Involved T Also

7. Whether any other matter is pending in this Court on the same point of law :

If so, give the number of matter : _____

NO

8. Whether any other matter is pending against the impugned order / Judgement ?

If so, give the number of matter _____

NO

9. Whether the matter is covered by any judgement of the Supreme, Court this Court or any other High Court, if so give the details of the judgement NO

10. Point of law involved in the matter

An application relating to
extension of lease period and issuance of
operation order for the entire period of lease

Date 02.05.2024

S.K. Das
Signature of the Advocate

IN THE HIGH COURT OF ORISSA : C U T T A C K.

(Original Jurisdiction Case)

W.P.(C) NO. 12578/2024

Code No. 270000

Narayan Sahu.

.....Petitioner.

Versus

State of Odisha & others.

..... Opp.Parties.

I N D E X

<u>Sl.No.</u>	<u>Description of Documents.</u>	<u>Page.</u>
1.	Appendix-I Synopsis	A
2.	Appendix-II- List of Dates & Events.	B
3.	Writ application.	1-15
4.	<u>Annexure-1</u> <i>Series</i> The true copy of Rectification lease agreement.	16-27
5.	<u>Annexure-2</u> <i>Series</i> True copy of the Environmental clearance certificate dtd 31.08.2018	28-38
6.	<u>Annexure-3.</u> <i>Series</i> True copy of the publication of the new cluster clearance rule dtd. 15.01.2016	39-55
7.	<u>Annexure-4(series)</u> True copies of operation order dated 20.12.2019 and 10.08.2020.	56-57
8.	<u>Annexure-5</u> True copy of the receipt.	-58-

9. Annexure-6. *Series*

59-69

True copy of letter dated 02.09.2020 for
consent to operate from State Pollution
Control Board, Odisha

10. Annexure-7

-70-

True copy of the letter
dated 31.08.2020

11. Annexure-8

-71-

True copies of show cause notice dated
01.09.2021

12. Annexure-9.

-72-

True copy of reply of show cause on
dated 01.10.2021

13. Annexure-10 *Series*

73-74

True copy of representation dated
22.04.2024

14. Annexure-11

-75-

True copy of letter No1404 dated
24.03.2022

15. V a k a l a t n a m a

(2)

By the petitioner, through

Cuttack.

Date: 02.05.2024


Advocate.

(SANJAY KUMAR DAS)
ENROLMENT NO. O-199/1998
MOB: 9337267574

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C)No.12578 of 2024

In the matter of:

Narayan SahuPetitioner


Versus

State of Odisha & others.....Opp.parties

I N D E X

SL.No.	Description of Documents	Pages
01.	Addl.Affidavit filed by the petitioner	... 01-04 76-79
02.	<u>Annexure -12 Series</u> Copies of final order dated 22.11.2017 and interim order dated 01.02.2016 passed in O.A.No.116/2015/EZ	... 05-11 80-86

Cuttack
Dt.23.07.2024


(PADMANAV SETHY)
Advocate for the petitioner
Enrolment No.O-1433/2006
Mob.No.9337267574

IN THE HIGH COURT OF ORISSA: CUTTACK

WP(C) No.12578 of 2024

Narayan Sahu Petitioner

-Versus-

State of Odisha and others Opp. Parties.



INDEX

Sl. No.	Description of documents.	Pages.
1.	Preliminary counter affidavit filed by Opp. Parties No.2 & 5.	1-4 87-90
2.	<u>Annexure-A/5.</u> Copy of letter dtd.30.08.2024.	5-91

Cuttack

Dated:31/08/2024

Addl. Government Advocate.

APPENDIX-I

[A]

IN THE HIGH COURT OF ORISSA : C U T T A C K.

(Original Jurisdiction Case)

W.P.(C) NO. 12578/2024

Code No. 270000

Narayan Sahu.

.....Petitioner.

Versus

State of Odisha & others.

..... Opp.Parties.

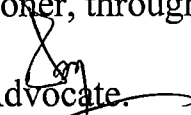
SYNOPSIS

In the above noted case the petitioner is seeking a direction from this Hon'ble Court to direct the Opp.parties more particularly the Opp.party No.3 to extend the lease period as due to the stay order of Hon'ble National Green Tribunal the petitioner could not able to operate the Khanjamahala stone quarry No. 59 since March 2021 to till today even though the Opp.party No.3 executed lease agreement with the petitioner. The Opp.party No.3 has not issued EC operation order for which the quarry could not be operated. So the petitioner approached several time to the Opp.parties and also filed representation before them but no action in regard to extension of lease period is yet taken by the said Opp.parties for rest period of 2 years 6 months and issue E.C. for operation of said stone quarry.

By the petitioner, through

Cuttack

Date: 02.05.2024


Advocate.

APPENDIX-II

[B]

IN THE HIGH COURT OF ORISSA : C U T T A C K.

(Original Jurisdiction Case)

W.P.(C) NO. 12578/2024

Code No. 270000

Narayan Sahu.

.....Petitioner.

Versus

State of Odisha & others.

..... Opp.Parties.

LIST OF DATES AND EVENTS

1. 31.08.2018 – Letter No. 294 issued of E.C. in
favour of the said quarry (i.e.
effected to 1918-19, 1919-1920
2. 20.12.2019 – Vide letter No. 7590 operation
report in respect of Khanjamahala
stone quarry No.59
3. 26.02.2020 – Letter No.682 Tahasildar, Soro
submission mining plan and E.C. in
respect of Khanjamahala stone
quarry No. 59
4. 05.08.2020 – Mining Plan approved for the year
of 2020-2025.
5. 10.08.2020 – Letter No. 3280 operation order
issued.
6. 31.08.2020 – Letter No. 3562 of Tahasildar Soro
Regarding consent to operate for

operation the Mines for the period of
2020-21 U.s 21 of AIR (PCP) Act
1981 and 25/26 of water (PCP) Act,
1974.

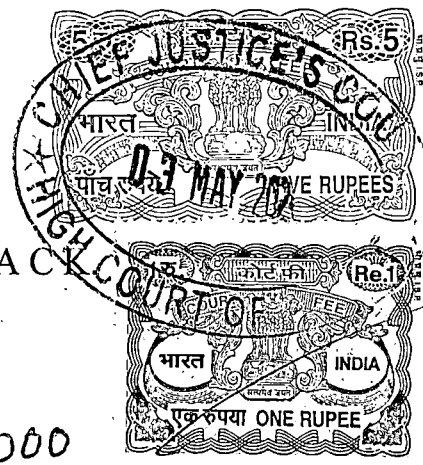
7. 04.09.2020 – Rectification of lease Agreement
Executed.
8. 01.09.2021 – Letter No.2744 show cause Notice
issued by the Tahasildar Soro for
submission of E.C for operation of
stone quarry.
9. 01.10.2021 – The petitioner (lease hold namely
Narayan Sahu) gave clarification of
the show cause notice before the
Tahasildar, Soro.
10. 24.03.2022 – Letter No. 1404 of Tahasildar
inform to deposit Royalty for 5704
cum cent extracted 1440.50 cum
during the lease period.
11. 22.04.2024 – Representation before the Opp.party
for Environmental clearance (E.C)

By the petitioner, through

Cuttack

Date: 02.05.2024


Advocate.



IN THE HIGH COURT OF ORISSA : C U T T A C H

(Original Jurisdiction Case)

W.P.(C) NO. 2578/2024

Code No. 270000

IN THE MATTER OF :

9910

Presented in Court

15/08/24 B.O.

An application Under Articles 226
and 227 of the Constitution of India;

AND

IN THE MATTER OF :

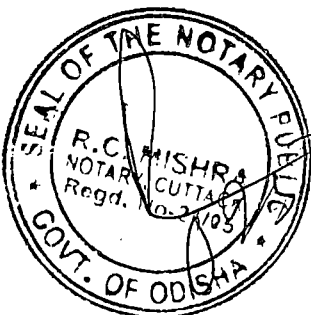
An application relating to extension
of lease period and issuance of
operation order for the entire period
of lease as the Hon'ble National
Green Tribunal illegally passed order
of prohibition for which the
petitioner is unable to operate the
quarry i.e. Khanjamahal quarry No.
59 in plot No. 263 Khata No. 144
area: A0.100 dec;

AND

IN THE MATTER OF :

Narayan Sahu, aged about 68 years,
S/o Guruprasad Sahu, AT: Angula
Sasan, PO: Angula, PS: Soro, Dist:
Balasore, Lease Holder of Quarry
lease No. 59 of Khanjamahal

8/2



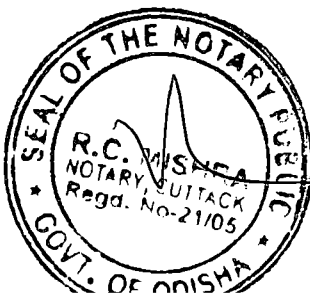
No.59 in plot No. 363, Khata No.
144, Area A0.100 dec. vide lease
deed No. 141902132 dated
28.08.2019;

.....Petitioner.

-Versus-

1. State of Odisha, represented through
Addl. Chief Secretary, Department
of Revenue and Disaster
Management, Govt. of Odisha, At:
New Secretariat Building,
Bhubaneswar, Dist: Khurda, Odisha.
2. Collector, Balasore,
At/PO/Dist: Balasore, Odisha.
3. Tahasildar, Soro, At/PO/PS: Soro,
Dist: Balasore, Odisha.
4. Regional Officer, Pollution Control
Board, Odisha, At: Plot No.160,
Sahadev Khunta, Dist: Balasore,
Odisha.
5. Mining Officer, Balasore,
At/PO/PS/Dist: Balasore, Odisha.
6. Chairman, State Environment Impact
Assessment Authority (SEIAA)
At: 5R/F, 2/1, Acharya Vihar,
PO: Bhubaneswar, Dist: Khurda,
Odisha.

[Handwritten signature]



..... Opp.Parties.

The matter out of which this writ application arises was never before this Hon'ble Court in the present form as per the instruction received from the deponent.

To

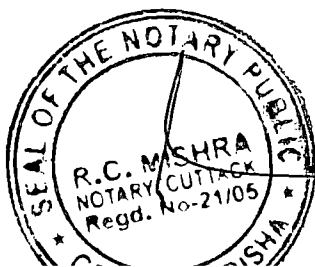
The Hon'ble Chief Justice of High Court of Orissa and His Lordships Companion Justices of the said Hon'ble Court.

The humble petition of the
petitioner above named;

MOST RESPECTFULLY SHEWETH:

1. That, the petitioner here in this writ application challenges the illegal, arbitrary and discriminatory action of the Opp.parties wherein the Opp.parties are not allowing the petitioner to operate the stone quarry even though he had deposited requisite fees for the period of 2024-25 so the petitioner prays for a direction to the Opp.parties to allow the petitioner to operate the stone quarry for the lease period.

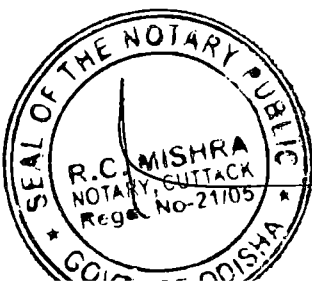
2. That the petitioner is a Citizen of India and living within the state of Orissa. The cause of action to file the

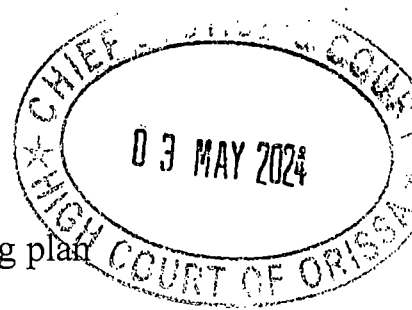


present writ application arise within the territorial jurisdiction of this Hon'ble Court.

3. That, on being duly selected through tender process, the present petitioner is awarded lessee of Khanjamahala Stone Quarry No. 59. Thereafter an agreement was executed between the petitioner and Opp.party No.3 and since then the petitioner was operating said quarry as per law and without any allegation from any corner. The period of lease is for five years i.e. till 27.08.2024. The true copy of Rectification lease agreement is annexed herewith as **Annexure-1.**

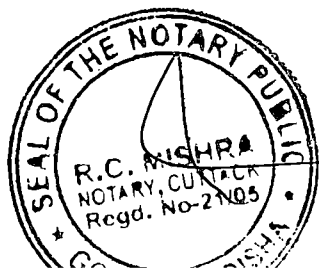
4. That, while the petitioner became successful bidder in respect of said stone quarry No. 59, Agreement was executed and District Expert Appraisal Committee (DEAC) after due consideration of relevant documents submitted by the petitioner issued E.C. in favour of the petitioner. True copy of the Environmental clearance certificate dated 31.08.2018 is annexed herewith as **Annexure-2.**





5. That, it is stated that as per approved mining plan the petitioner is to escalated/make prediction of 5.704 Cum for the lease period but due to fault of Opp.parties the stone quarry No.59 could not be operated. Apart from that the Opp.parties made a new cluster approach rule which states that cluster clearance shall be obtained by the lease holder if the quarry contains more than A5.00 acre. But the petitioner's quarry is not coming under that category as the quarry area is only A1.20 Acre. At the time of tender there was no term and condition of cluster approach permission. True copy of the publication of the new cluster clearance rule dated , is annexed herewith as Annexure-3.

6. That, now State Environment Impact Assessment Authority (SEIAA) is authorized to issue E.C. certificate for operation of quarry. So in this respect the petitioner's application for issue of E.C. is still pending before the SEIAA. Due to absence of said E.C. the petitioner is unable to operate the said quarry No. 59 at Khanjamahal mouza.

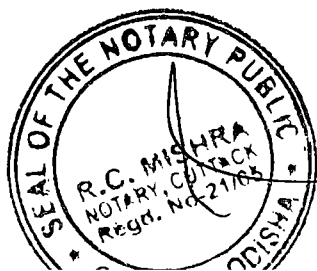


7. That, while the lease agreement was executed and subsequently while the said agreement is rectified as per annexure-1, the Opp.party No.3 was very much aware of the interim order passed by the Hon'ble Green Tribunal passed in O.A. No. 116/2016/EZ dated 01.02.2016 wherein the Green Tribunal had restricted operation of the quarry. But knowing fully well that Opp.parties executed agreement and allowed to operate the quarry as the Hon'ble Tribunal was pleased to allow operation of the state quarries by virtue of his order dated 22.11.2017 in M.A. No. 350/2017/EZ. The said order is quoted below:

Order dated 22.11.2017

M.A.No. 350 of 2017/EZ

This MA has been filed seeking for direct upon the State Govt. to permit 63 stone quarries unit to operate in Mahumuhan and Khanjamahala villages in view of the fact that they do not fall within the prohibited area of eco-sensitive zone of Kuldiha wild life sanctuary since notified by the MDBF vide notification dated 09.08.2017. It is



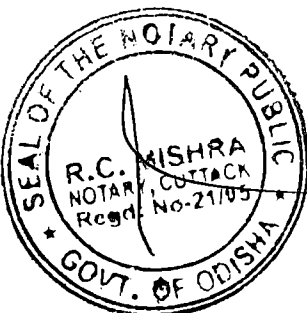
the case of the applicant in the M/A. that despite specific direction of the Tribunal that the prohibitory orders issued vide order dated 17.03.2017, would only subsist until the notification of Eco sensitive zone is issued by the MDEF.

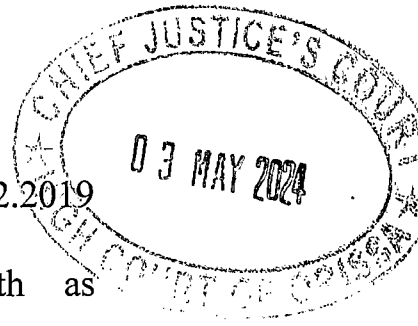
Mr. Debasish Nanda, learned Advocate for the applicant in the M.A. has referred to a joint verification report filed as Annexure-R8-3 in application before them submitted by any one of the applicants expeditiously.

Both the MAs i.e. M.A No. 350/2017/EZ and M.A. No. 351/2017/EZ stands disposed of .

Sd/Justice S.P.Wangdi, J.M
22.11.2017"

8. That, it is respectfully submitted her that after the above noted order was passed by the Hon'ble Green Tribunal, the Opp.parties issued operation order time to time as the lease period is valid till 27.08.2017.





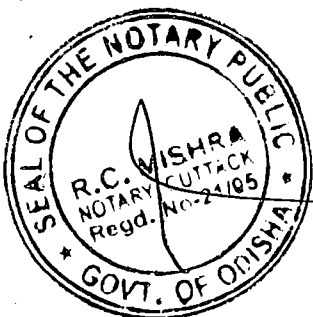
True copies of operation order dated 20.12.2019
and 10.08.2020 are annexed herewith as

Annexure- 4 series.

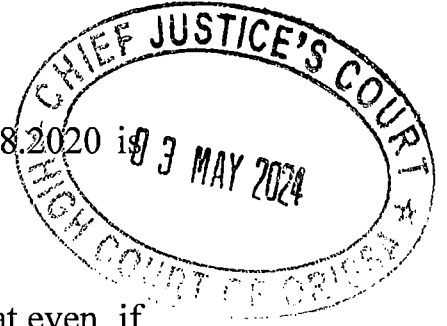
9. That, it is respectfully submitted here that the petitioner has got all requisite permission for operation of said quarry but due to fault of the Opp.parties, he could not able to operate the said quarry. He had also deposited the requisite fees before the State Pollution Control Board and obtained permission for operation. The said permission is valid till 31.03.2025.

True copy of said receipt and letter dated 02.09.2020 for consent to operate from State Pollution Control Board, Odisha are annexed herewith as Annexure-5 and 6 respectively.

10. That, it is respectfully submitted here that the Opp.party No.3 considering the non-operation of said stone quarry of the petitioner wrote a letter to the Regional Officer, State Pollution Control Board regarding consent to operate the quarry for the year 2020-21 as the petitioner had not able to operate the quarry for the period of 2018-19.



True copy of the said letter dated 31.08.2020 is annexed herewith as Annexure-7.

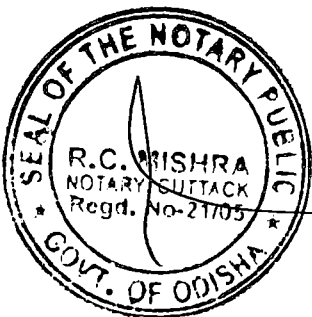


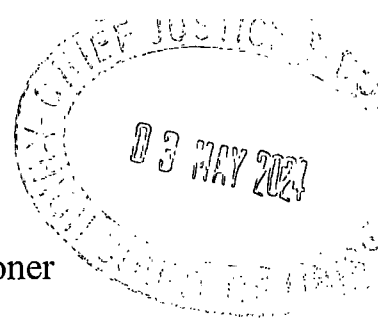
11. That, it is respectfully submitted here that even if the petitioner had filed mining plan and environment clearance in respect of said stone quarry time to time but the Opp.parties are not allowing the petitioner to extend the lease period but on the other hand the Opp.parties have allowed other counter parts in the said area and mouza by allowing and extending the lease period which is purely bad, illegal and discriminatory.

12. That, it is apt to mention here that instead of extending the lease period the Opp.party No.3 issued show cause notice to the petitioner on 01.09.2021 wherein the petitioner filed his show cause as to why he could not able to file the said documents.

True copies of show cause notice and reply of show cause dated 01.10.2021 are filed herewith as Annexure-8 & 9 respectively.

13. That, it is pertinent to mention here that even though there is allegation and penalty is pending in respect of other quarries, the Opp. party No.3 has



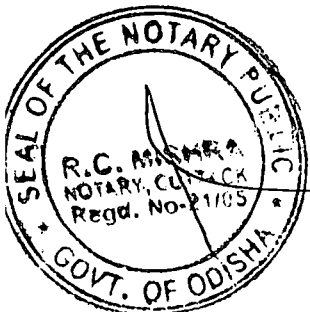


extended the lease period but in case of the petitioner although there is no allegation the Opp.party No.3 for his ulterior motive not extending the lease period.

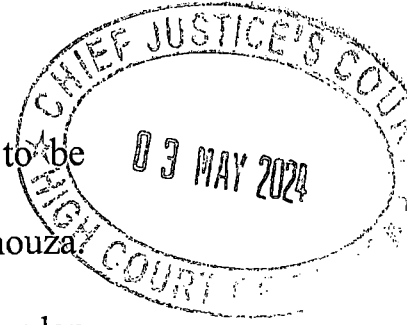
14. That, it is humbly submitted here that while the petitioner could not able to operate the said quarry since March 2021, the petitioner filed representations before the Opp.party No.3 and Mining Officer to consider his genuine grievance and extend the lease period for rest 2 years 6 months as only 2 years 6 months he had operated the quarry but the Opp.party No.3 is sitting tight over the matter for his ulterior motive.

True copy of said representation dated 22.04.2024 are annexed herewith as Annexure-10 series.

15. That, it is humbly submitted here that agreement was executed on 28.08.2019. Since then the petitioner had operated the stone quarry for a period of 2 years 6 months thereafter the said quarry could not be operated as the Opp.parties did not allow to operate. Even though the lease period is for 5 years, the petitioner only operated only 2 years and 6 months. So for the rest



period of 2 years 6 months the lease period is to be extended like other counter parts of same area/mouza



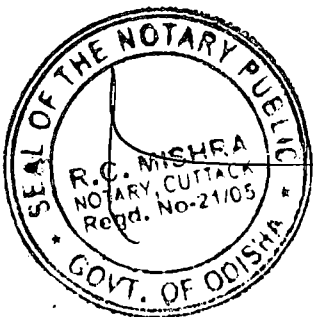
The petitioner's agreement approved as per mining plan is for production capacity of 5704 cum and he had deposited the requisite amount but he had not operated the total quantity but only operated/extracted 1440.50 cum which has been evident from the joint reassessment report.

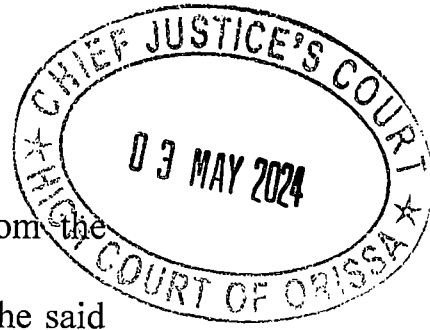
True copy of letter No1404 dated 24.03.2022 is annexed herewith as **Annexure-11.**

16. That, for no fault of the petitioner, he could not operate the stone quarry for a period of 2 years and 6 months so the petitioner is entitled for extension of lease period which he had not operated.

It is pertinent to mention here that there was no fault on the part of the petitioner to operate the said quarry in time but as the Hon'ble Green Tribunal passed stay order the quarry could not be operated and when again the Opp. parties allowed to operate the quarry after vacation of stay order, the petitioner has to obtained

Signature




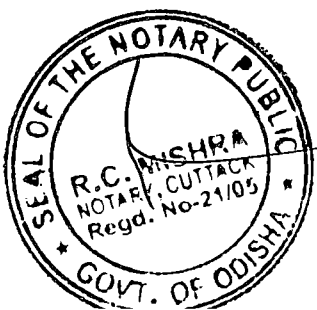


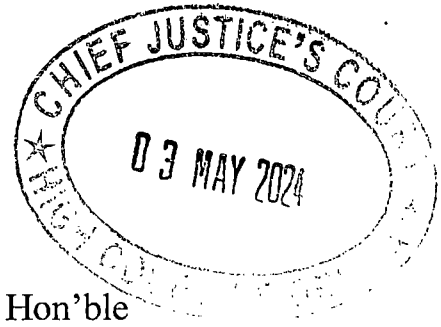
relevant Environmental clearance certificate from the Opp.parties but the Opp.parties are not issuing the said certificates in time so the quarry could not be operated.

As per Annexure-1 the petitioner's quarry operation period was extended till dtd. 27.08.2024 but still the quarry could not be operated and the lease period is lapsing. So in view of the above facts and circumstances the period of lease may kindly be extended and the petitioner may be allowed to operate the said quarry for production of stone of 5.704cum otherwise he will be seriously prejudiced.

17. That, it is respectfully submitted here that the petitioner has invested a huge amount in the said quarry and if the lease period will not be extended he will be suffer heavy financial loss.

 18. That, there being no other speedy and efficacious remedy available, the petitioner begs to prefer this writ application for appropriate relief Under Article 226 and 227 of the Constitution of India.





PRAYER.

Therefore it is humbly prayed that this Hon'ble court may graciously be pleased to issue Rule NISI calling upon the Opp.parties to show cause as to why the Opp.parties shall not be directed to extend the lease period of Khanjamahala stone quarry No. 59 for the rest period as per the agreement i.e. 2 years 6 months from the date of operation and further direct the Opp.parties to issue E.C. in favour of the petitioner forthwith and if the Opp.parties will show no cause or show insufficient cause then the above rule may be made absolute against them directing them to extend the lease period of above noted stone quarry and also issue the E.C to the petitioner forthwith and allow the petitioner to operate the said quarry.

And may pass any such other order(s)/direction(s) /writ(s) as deem fit and proper.

And for which act of kindness the petitioner as in duty bound shall ever pray.

By the petitioner, through

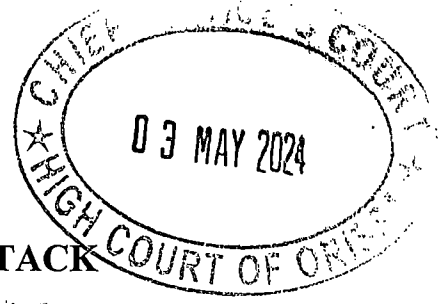
Cuttack.

Date: 02.05.2024

Advocate.

(SANJAY KUMAR DAS)
ENROLMENT NO. O-199/1998
MOB: 9337267574





IN THE HIGH COURT OF ORISSA : CUTTACK

W.P.(C) No. 12578 of 2024

In the matter of :

Narayan Sahu Petitioner.

Versus

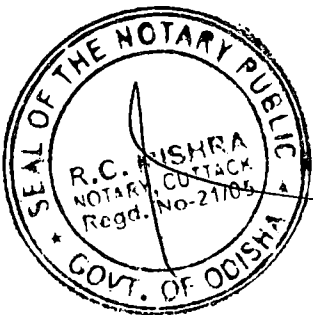
State of Odisha & others Opp.Parties

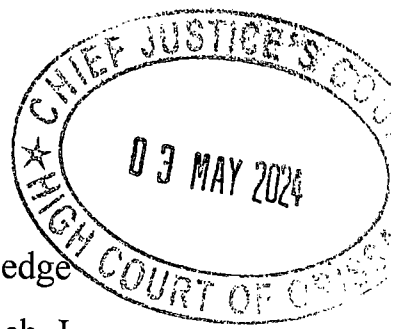
AFFIDAVIT.

1. I, Narayan Sahu, aged about 68 years, S/o Guruprasad Sahu, AT: Angula Sasan, PO: Angula, PS: Soro, Dist: Balasore, Occupation: Business
2. Father's name: Guruprasad Sahu
3. Number of proceedings pending in the High Court or would be instituted (Caveat): No.
4. Statement of facts: As per averments in the Writ petition.
5. The facts stated are true to the best of the knowledge and belief of the deponent

DECLARATION

I, Narayan Sahu, the deponent above named, do hereby solemnly affirm that the facts stated in above





paragraphs No. 1 to 18 are true to my own knowledge and are true to the best of my information which I obtained from my personal sources.

I believe the information to be true for the following reasons: Basing upon official records and information.

Solemnly declare at the above said this 2 day of May, 2024.

Identified by:

Padmanav Sethy

Advocate

(SANJAY KUMAR DAS)
ENROLMENT NO. O-199/1998
MOB: 9337267574

ଶ୍ରୀ ନୀଳାଦ୍ରଷ୍ଟ ସାହୁ
Deponent.

Solemnly affirm before me by Narayan Sahu, who is identified by me by Padmanav Sethy, Advocate, whom I personally known.

This the 2 day of May, 2024.

Signature before me



Commissioner of Oath/Notary Public, Cuttack.

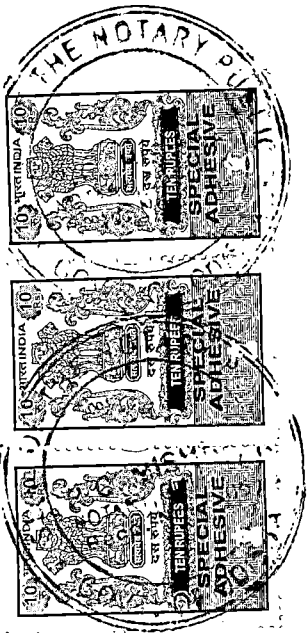
Certificate

Certified that due to non availability of Cartridge papers this has been prepared on thick plain papers.

Advocate.

The contents of the above Petition is read over and explained to the deponent in Odia and understanding the same, he put his signature.

Bas
Adv. 13/05/2024





ଓଡ଼ିଶା ओडिशा ODISHA

R. N. Dasi

Notary Public
Nilgiri, Jalasore

16AA 849844

FORM-E Odisha, R.No 22/07

FORM OF QUARRY LEASE FOR REMAINING PERIOD

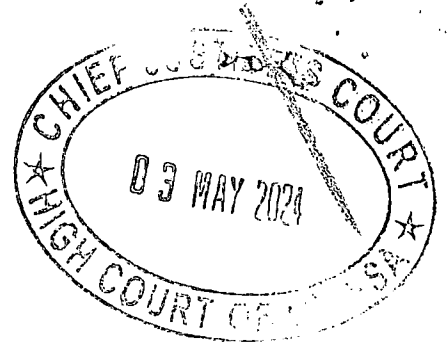
[See Rule- 9(9), 15(5)]

This is a rectification deed of Lease agreement made this 4th day of Sept-2020 in between Governor of Odisha represented by Tahasildar, Soro and Quarry holder **SRI NARAYAN SAHU** aged about 62 Yrs S/o- **SRI GURU PRASAD SAHU** of Vill- **ANGULA SASAN PO- ANGULA PS- SORO**, Dist- Balasore and occupation business (here-in after called the Lessee) which expression shall where the context so admits be deemed to include the heirs, executors, administrators and assigns of the other part.

Where as the Lease Deed No. 141902132 dated - 28/08/2019 had executed between Tahasildar, Soro on behalf of Governor of Odisha and **SRI NARAYAN SAHU** Lessee of Khanjamahal Stone Quarry No- 59.

R. N. Dasi
Notary Public
Nilgiri, Jalasore
Odisha, R.No 22/07

✓ ୩୧/୦୯/୨୦୨୦



Rs 4280
4/9/20
Nayanpur for Same
Khanjamaahal
4/80
Salma
4/19

✓ 31/7/21 कृषि विभाग

100/9
2/11/20



ଓଡ଼ିଶା ଓଡ଼ିଶା ODISHA

Where as the execution of lease deed mentioned wrongly the lease period till the end of 31-Mar-2020. 16AA 849843

Where as Rule-43(20) of OMMC Rule-2016 mention that the date of commencement of the period which prospecting license –cum- mining lease or Mining Lease or Quarry lease is granted shall be the date on which a duly executed deed is registered.

Where as the lease deed executed and registered in respect of Quarry No- 59 held on 28/08/2019 as a long term lease i.e five years from the date of execution of the lease deed, the quarry No- 59 will be completed on dated 27/08/2024.

Where as the Lessee is deposited the approved Mining Plan for remaining due period up to 27/08/2024 in respect of Khanjamahal Quarry No- 59. In accordance with the provision of the Odisha Minor Mineral Concession Rule-2004 amended in 2016 in respect of the land described in

(Signature)
N. Das
Notary Public
Nigadi, Balasore
R.No 22/20

(Signature)



No 1287
11/9/20
N.P. Sahu
Sahu
11/9/20

— ३१ अश्विन २०२०

10000/-
Ru
10000/-



ଓଡ଼ିଶା ODISHA

Part-I of the schedule and has deposited a sum of Rs. 360/- (Rupees Three Hundred and Sixty) only as surface rent, Rs. 7,200 /- (Rupees Seven Thousand Two Hundred) only as dead rent and royalty Rs. 3,84,753/- (Rupees Three Lakhs Eighty-four Thousand Seven Hundred Fifty-three Only) only in total Rs. 3,92,313/- (Rupees Three Lakhs Ninety-two Thousand Three Hundred and Thirteen) only vide MR No- 0157479 Dt- 03/09/2020 .

And where as the Competent Authority has communicated his approval for remaining period to the grant of the lease on the terms convents and conditions here-in-after contented.

NOW THE INTENTURE WITNESSTH AS FOLLOWS.

The lessor here by demises to the lessee the land described in Part-I of he schedule here under written and delineated in the Map hereunto annexed. The said demises pieces of land shall be held by the Lessee for the remaining

Public
Jalasore
Date 22/07

✓
✓ 22/07/2020



1980
11/9/80
N.P.
S.M.
B. N. S.

— ১৭৭৭৭ ১৭৭ ১৭৭ —

1000/44
S. M.



ଓଡ଼ିଶା ओडिशा ODISHA 16AA 849841
period on which this executed deed is registered under India Registration Act
Odisha Registration Manual Subject to the terms, covenants, conditions here-
in-after provided.

PART-I

LOCATION AND AREA OF THE LEASE

Dist- Balasore, Sub-Register, Soro, Mz- KHANJAMAHAL , PS- Soro

<u>Mouza</u>	<u>khata No</u>	<u>Plot No</u>	<u>Area</u>
Khanjamahal	144	263	Ac. 1.20dec

PART-II

TERMS AND CONDITION OF LEASE

This lease is subject to the conditions laid down in Rule-29 and also all
other conditions pertaining to lease as provided in the OMMC RULE-2016.

Notary Public
Balasore, Odisha
16AA 849841

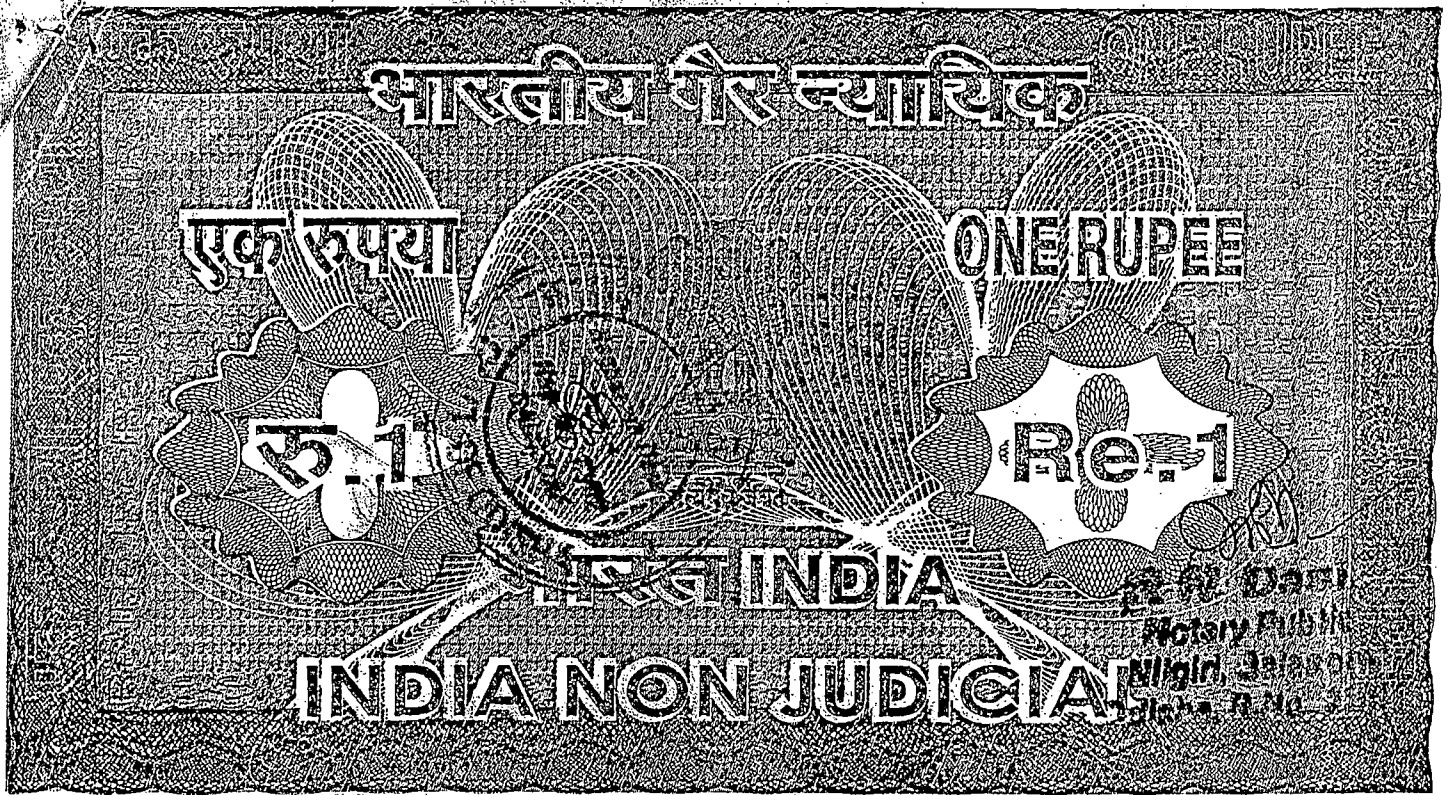
16/12/2016



1989
11/9/20
N. P. Sahr
D. N. Sahr
11/9/20

✓ କ୍ଷମା କରାଯାଇଛି

10/2/99
C. n.
All



ଓଡ଼ିଶା ओडिशा ODISHA

10AA 234539

Other conditions has been followed as per previous agreement deed
vide No- 141902132 Dt. 28/08/2019 as well as the affidavit submitted earlier



The lease deed stand terminated on 27/08/2024 positively.

Lessor

For and on-behalf of Governor of Odisha in presence of :

1.

2.

Signed by ଶ୍ରୀମତୀ ସୁଜାତା Lessee in
presence of

Shashiyem John

Pravakar Sahle

R.N. Das
Notary Public
Nilgiri, Jalasore
Odisha, R.No 22/09

Prashanta Chitta Das
Advocate
Soro Balasore



1984
4/9/20
N. P. Sam
Sam
4/9

ସୌମ୍ୟ ଚିତ୍ତା ଦାସ

1008
Prashanta Chitta Das
Advocate
Soro Balasore

୩୪.୩.୨୦୨୦
୬୫୩

Telhar: ୧୦୧୪, Soro
AND

Notary Public
By Narayana P.C. Das
Being a member of the Bar
at Soro

Regd. No. 2201
Notary Public
RAJASORE
4/9/20



ଓଡ଼ିଶା ଓଡ଼ିଶା ODISHA

10AA 234539

Other conditions has been followed as per previous agreement deed
vide No- 141902132 Dt. 28/08/2019 as well as the affidavit submitted earlier



The lease deed stand terminated on 27/08/2024 positively.

Signed by _____ Lessor

For and on-behalf of Governor of Odisha in presence of :

- 1.
- 2.

Signed by ଶ୍ରୀମତୀ ପ୍ରମିଳା ପାଣି Lessee in
presence of

1. Esha Bhanu Singh

Pravakar Sahle

[Signature]
Notary Public
Nilgiri, Balasore
Odisha, R.No 22/07

[Signature]
Prashanta Chitta Das
Advocate
Soro Balasore



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Prashanta Chitta Das
Advocate
Soro Balasore

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Taken: 10/11/20, Soro
AND

Notarized by
By Prashanta Chitta Das
Being a Member of the Bar
at Soro

Registered with
Notary No. 2201
BALASORE DISTRICT

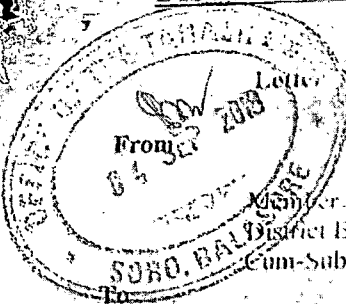
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DISTRICT ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY (DEIAA), BALASORE.



Letter No. 294/DEIAA

Dt- 31.08.18

Joint Secretary,

District Environment Impact Assessment Authority (DEIAA), Balasore
Cum-Sub-Collector, Balasore.

To: The Tahasildar, Soro, Dist- Balasore.

Sub- *Environmental clearance for Khanjamahal Stone Quarry No.59 over an area Ac 1.00 dec. At- Village Khanjamahal under Soro Tahasil in the District of Balasore (Minor Mineral Project of less than 5 ha.)*

Sir

In inviting a reference to your Letter No- 2205 Dt- 11.04.2018 and the same has been submitted to the Collector & Chairman, DEIAA, Balasore seeking Environmental Clearance for the above project under Notification No- 141(E) Dt- 15/01/2016. The proposal has been apprised as per the provision under the Notification No- 141(E) Dt- 15/01/2016 and on the basis of the document enclosed with the application such as check list, Form-IM, pre feasibility Report, approved mining plan, EMP etc and observations of the District Expert Appraisal Committee, Balasore.

It is a proposed mining of minor mineral (stone) from Khanjamahal Stone Quarry No. 59 located at Vill- Khanjamahal Tahasil- Soro Dist. Balasore, Odisha with total production capacity of 5,704 cum. Vide Khata No.144 Plot No. 263, area Ac 1.00 dec. Kissam parbat of Mouza Khanjamahal. The mining lease of Khanjamahal Stone Quarry No- 59 has been leased/auctioned by Tahasildar, Soro to Sri Narayan Prasad Sahu Vide Letter No - 1510 Dt- 08/04/2015 relating to Sairat case no. 34/2015-16. The mining plan along with progressive mine closure plan of this mining project has been approved by Geologist, Directorate of Geology Odisha, Bhubaneswar on Dt - 07/04/2018. Movable reserves as per the approved mining plan are 13,243 cum. with total production capacity of 5,704 cum for the lease period as stated in the approved mining plan. The green belt plantation will be promoted in the periphery of the quarry area. There is no forest land involved in the lease area. The said quarry area is outside the Eco Sensitive Zone and it was demarcated jointly by Revenue and Forest Officials. The area of the quarry lease is less than 5 hectare and it is coming under cluster. The EMP relating to the cluster is submitted by Competent Authority. The distance from one cluster to other cluster is more than 500 meters.

Considering the information and documents furnished by the applicant, the District Expert Appraisal Committee (DEAC) after due consideration of the relevant documents submitted by the applicant have recommended for EC.

The DEIAA after considering the proposals and recommendations of DEAC, Balasore hereby accords EC in favour of the applicant for quarry lease before the Competent Authority of quarrying stone from Govt. land applied under the provision of Notification No- 141(E) Dt- 15/01/2016 and subsequent amendments there to subject to strict compliance of the stipulated conditions as mentioned overleaf.

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Stipulated Conditions.

1. This Environmental Clearance shall be valid for the quarry lease as recommended by the Competent Authority.
2. The lessee shall take statutory clearance / approval/ permission from the concerned authorities in respect of his project as and when required.
3. Any change in mining technology / scope of working shall not be made without prior approval of DEIAA.
4. The applicant will submit half yearly compliance report on post environmental monitoring in respect of the stipulated terms and conditions in the environmental clearance to the DEIAA, Balasore SPCB and regional Office of the Ministry of Environment and Forest, Odisha on 1st June and 1st Dec. of each calendar year.
5. Any change in the calendar plan including excavation, quantum of mineral and waste shall not be made.
6. Mining activity shall be carried out as per approved mining plan prepared for this project.
7. The lessee shall ensure that there shall be no mining activity beyond 6 metre below ground level. Mining shall be as per the development plan prepared for this project.
8. No mining shall be carried out on the vicinity of natural / manmade archeological sites.
9. It shall be ensured that quarrying is not carried out within 500 mts of structures, bricks, dam-weirs, ground waters extraction points, water supply head works, extraction point of irrigation and any other crossed drainage structures.
10. It shall be ensured that quarry shall not be carried out below ground water table under any circumstances. If ground water table occurs / intervene within the permitted depth then also quarrying should be stops.
11. At the end of mine closer, the proponent shall immediately removed all the sheds set up in the quarry and all the equipments in the area at the time of closure of the operation of quarry.
12. The lessee shall abide by the provisions of the Mines Act-1952 and Rules and regulations framed there under, the explosive Act-1884 and Rules and regulations framed there under for development of the source of minor minerals in workman like manner and for avoidance of any danger arising out of such winning of minor mineral.
13. Wet drilling method to be adopted to control dust emissions delay detonators and shock tube imitation system for blasting shall be used so as to reduce vibration and dust.
14. Drilling and blasting (whenever required) shall be done only either by license explosive agent only the proponent after obtaining required approval of competent authority.
15. The explosive shall be stored at site as per the conditions stipulated in the permit issued by the licensing authority.
16. Blasting shall be carried out in a such a manner that the splinters generated shall not fall beyond the mining lease area. Blasting shall be carried out after announcing to the public adequate through public address system to avoid any accident.
17. Green belt shall be developed along the boundary of the lease area, with the native tree species. for necessary funds for the environmental measures be deposited in Odisha Environment Management Fund A/c as per the simplified guidelines provided by the State Govt. in their Letter No.- 20732 Dt- 08/11/2012 in case of Minor Mineral extraction over area less than 5 Ha.
18. Fugitive dust emissions from all the sources should be controlled regularly.



19. Water spraying arrangement on haul roads, should be provided.
20. Loading and unloading areas including all the transfer points should be provided with dust control arrangements. These should be properly maintained and operated.
21. The following measures are to be further implemented to reduce air pollution during transportation of minerals.
 - a. Roads shall be graded to mitigate the dust emission.
 - b. Over filling of tippers and consequent spillage on the road shall be avoided. The trucks shall be covered with tarpaulin.
22. The Following measures are to be implemented to reduced noise pollution.
 - a. Proper and regular maintained of vehicles of other equipments.
 - b. Limiting time of exposures of worker to excessive noise.
 - c. The workers employed shall be provided with protection equipments and earmuffs etc.
 - d. Speed of trucks entering or leaving the mine is to be limited to moderate speed of 25 Kmph to prevent on due noise from empty trucks.
23. Measures should be taken to comply with the provisions laid under noise permission (Regulation and Control amendment rules 2010) issued by MoEF, Govt. of India.
24. Topsoil, if any shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.
25. The project proponent shall obtain necessary prior permission of the competent authority for drawl of requisite quantity of water (surface water and ground water), if any required for the project.
26. The project proponent shall take all precautionary measures during mines operation for conservation of flora and fauna.
27. Waste oils, used oils generated from the EM machines, mining operation, if any shall be disposed as per the hazardous waste (management, handling and trans. boundary movement) Rules, 2008 and its amendment thereof the recyclers authorised by SPCB, Odisha.
28. A copy of Clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad/ Municipal Corporation/ Urban Local Bodies and the local NGO.
29. The proponent shall obtained all other mandatory clearance for respective department.
30. The lessee should re-vegetate indigenous plants which were removed from the area for the mining as far as reasonable practical.
31. The area should be prepared in such a way as to stimulate / ensure the re-growth of vegetation.
32. A separate corpus should be located for reclamation and rehabilitation of the mines out area.
33. The DEIAA, Balasore may revoke or suspend the order. If implementation of any of the above condition is not satisfactory, the DEIAA, Balasore reserves the rights to alter / modify the above condition or stipulated any further condition in the interest of Environment protection.
34. Counseling the factual data or failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provision of Environment (Protection) Act, 1986.
35. That, the grant of EC is issued from the Environmental angle only, does not absolve the project proponent for the other statutory obligations prescribed under any other law and any other instruments in force. The sole and complete responsibility to comply with the condition laid down in all other laws for the time being in force, rest with the lease granting authority/Project Proponent.

36. Any appeal to the EC shall lie with the National Green Tribunal. If preferred within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
37. The terms and conditions stipulated in OMMC Rules 2016 shall be followed by the applicant scrupulously.
38. The quarry area must be demarcated properly by the Field Officials of Revenue Department and Pillar should be posted in the quarry area before issuance of Operation Order.
39. Quarrying, lifting & transporting of stone will be done from period of 6.00 A.M. to 6.00 P.M.
40. The terms & conditions stipulated in O.M.M.C. Rules 2016 should be followed by the applicant scrupulously.
41. The Tanasildar should ensure consent to operate from SPCB by the lessee before issuance of operation order.
42. The lessee is directed ensure the stipulation made in EMP and ensure its compliance.
43. The Authority reserves the right to modify or cancel the Environmental Clearance without assigning any reason thereof.
44. The DEAC team will visit every quarry area and will ensure strict observance of lease conditions and Environmental norms bi-monthly and report to DEIAA. DEIAA will review and take necessary action as deemed proper.

Memo No. _____ /DEIAA. Dt. _____

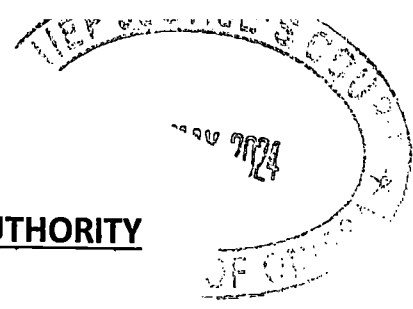
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45. Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for kind information.
46. Additional Chief Secretary, Forests & Environment Dept., Government of Odisha for kind information
3. Chairman, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit -8, Bhubaneswar /Regional Officer, State Pollution Control Board, Balasore for kind information
4. Chief Conservator of Forests, Regional Office (EZ), Ministry of Environment and Forests, A-31, Chandrasekharapur, Bhubaneswar for kind information
5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for kind information
6. Joint Secretary to Government, Revenue and Disaster Management Department, Odisha, Bhubaneswar for kind information
7. Copy to Director of Mines, Odisha, Bhubaneswar for kind information
8. Copy to the Sub-Collector, Balasore for kind information.
9. Copy to Sri Narayan Prasad Sahu, At/Po-Angula, P.S-Soro, Dist- Balasore. for information.
10. Chairman/All Members, DEIAA, Balasore for kind information.
11. Chairman/Members secretary, DEAC, Balasore for kind information
12. Guard file for record.

Member Secretary,
DEIAA, Balasore
Member Secretary,
DEIAA, Balasore

Sd/-
Member Secretary,
DEIAA, Balasore.

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DISTRICT ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(DEIAA),BALASORE

Letter No.294/DEIAA Dt-31.08.2018

From

Member Secretary

District Environment Impact Assessment Authority(DEIAA),Balasore

Cum-Sub-Collector,Balasore.

To

The Tahasildar,Soro,Dist-Balasore

Sub- Environmental clearance for Khanjamahal Stone Quarry No-59 over an area Ac.1.00 dec,AT-Village Khanjamahal under Soro Tahasil in the District of Balasore.(Mines Mineral Project of less than 5 Ha)

Sir,

In inviting a reference to your Letter No-2205 Dt.11.04.2018 and the same has been submitted to the collector and Chairman,DEIAA,Balasore seeking Environmental Clearance for the above project under Notification No-141(E) Dt.-15/01/2016.The proposal has been appraised as per the provision under the Notification No-141(E)Dt.-15/01/2016 and on the basis of the document enclosed with the application such as check list Form-IM, pre feasibility Report approved mining plan EMP etc and observations of the District Export Appraisal Committee Balasore.

It is a proposed mining of minor mineral(stone) from Khanjamahal Stone Quarry No-59 located at Vill-Khanjamahal Tahasil, Soro,Dist-Balasore,Odisha with total production capacity of 5,704 cum, vide Khata No-144,Plote No-263,Area Ac 1.00 dec,kissan parbat of Mouza ,Khanjamahal. The mining lease of Khanjamahal Stone

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Quarry No-59 has been leased/auctioned by Tahasildar, Soro to Sri Narayan Prasad Sahu vide Letter No-1510, Dt-08/04/2015 relating to Sairat case No-34/2015-16. The mining plan along with progressive mine closure plan of this mining project has been approved by Geologist, Directorate of Geology Odisha, Bhubaneswar on Dt-07/04/2018. Movable reserves as per the approved mining plan are 13,243 cum. With total production capacity of 5,704 cum for the lease period as stated in the approved mining plan. The green belt plantation will be promoted in the periphery of the Quarry area. There is no forest land involved in the lease area. The said Quarry area is outside the Eco Sensitive Zone and it was demarcated jointly by Revenue and forest officials. The area of the Quarry lease is less than 5 hectare and it is coming under cluster. The EMP relating to the cluster is submitted by Competent Authority. The distance from one cluster to other cluster is more than 500 meters.

Considering the information and documents furnished by the applicant, the District Export Appraisal Committee (DEAC) after due considering of the relevant documents submitted by the application have recommended for EC.

The DEIAA after considering the proposals and recommendations of DEAC, Balasore hereby accords EC in favour of the applicant for Quarry lease before the Competent Authority of quarrying stone from Govt. land applied under the provision of Notification No-141(E), Dt.-15/01/2016 and subsequent amendments there to subject to strict compliance of the stipulated conditions as mentioned overleaf.

Stipulated Conditions

1. This Environmental Clearance shall be valid for quarry lease recommended by the competent Authority.
2. The lease shall take statutory clearance approval permission from the concerned authorities in respect of his project as and when required.
3. Any change in mining technology/scope of working shall not be made without prior approval of DEIAA.

4. The applicant will submit yearly compliance report on post environmental monitoring in respect of the stipulated terms and conditions in the environmental clearance to the DEIAA, Balasore SPCB and regional office of the Ministry of Environment and Forest, Odisha on 1st June and 1st Dec. of each calendar year.
5. Any change in the calendar plan including excavation quantum of mineral and waste shall not be made.
6. Mining activity shall be carried out as per approved mining plan prepared for this project.
7. The lessee shall ensure that there shall be no mining activity beyond 6 metre below ground level. Mining shall be as per the development plan prepared for this project.
8. No mining shall be carried out on the vicinity of natural/manmade archeological sites.
9. It shall be ensured that quarrying is not carried out within 500 mts of structure, bricks, dam weirs, ground water extraction points, water supply head works, extraction point of irrigation and any other crossed drainage structure.
10. It shall be ensured that quarry shall not be carried out below ground water table under any circumstances. If ground water table occurs/intervene within the permitted depth then also quarrying should be stopped.
11. At the end of mining closure, the proponent shall immediately remove all the sheds set up in the quarry and all the equipment in the area at the time of closure of the operation of quarry.
12. The lease shall abide by the provisions of the mines, Act-1952 and rules and regulations framed there under the Explosive Act-1886 and Rules and Regulations framed there under for development of the source of minor minerals in workman like manner and for avoidance of any danger arising out of such winning of minor mineral.
13. Wet drilling method to be adopted to control dust emissions. Delay detonators and shock tube initiation system for blasting shall be used so as to reduce vibration and dust.

14. Drilling and Blasting (whenever required) shall be done only either by license explosive agent only the proponent after obtaining required approval of competent authority.
15. The explosive shall be stored at site as per the conditions stipulated in the permit issued by the licensing authority.
16. Blasting shall be carried out in a such a manner that the splinters generated shall not fall beyond the mining lease area. Blasting shall be carried out announcing to the public adequate though public address system to avoid any accident.
17. Green belt shall be developed along the boundary of the lease area, with the native tree species for necessary funds for the environmental measures be deposited in Odisha Environment Management Fund A/c as per the simplified guidelines provided by the state Govt. in their Letter No- 20732, Dt-08/11/2012 in case of Minor Mineral extraction over area less than 5 Ha.
18. Fugitive dust emissions from all the sources should be controlled regularly.
19. Water spraying arrangement on haul roads, should be provided and properly maintained.
20. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.
21. The following measures are to be further implemented to reduce air pollution during transportation of minerals.
 - a. Roads shall be graded to mitigate the dust emission.
 - b. Over filling of trippers and consequent spillage on the road shall be avoided. The trucks shall be covered with tarpaulin.
22. The following measures are to be implemented to reduced noise pollution.
 - a. Proper and regular maintained of vehicles of other equipment.
 - b. Limiting time of exposures of worker to excessive noise.

c.The workers employed shall be provided with protection equipment and earmuffs etc.

d.Speed of trucks entering of leaving the mines is to be limited to moderate speed of 25Kmph to prevent on due noise from empty trucks.

- 23.Measures should be taken to comply with the provisions laid under noise permission.(Regulation and Control amendment rules 2010) issued by MoEF, Govt. Of India.
- 24.Toposoil,if any shall be stacked properly with proper slop with adequate measures and should be used for plantation purpose.
- 25.The project proponent shall obtain necessary prior permission of the component authority for drawl of requisite quantity of water(surface water and ground water).If any required for the project.
- 26.The project proponent shall take all precautionary measures during mines operation for conservation of flora and fauna.
- 27.Waste oil,used oil generated from EM machines,mining operation,if any shall be disposed as per the hazardous waste(Management handling and trans boundary movement) Rules,2008 and its Amendment thereof the recycles authorized by SPCB, Odisha.
- 28.A copy of clearance letter shall be send by the proponent to concerned panchayat,Zillaparisad/Municipal cooperation/Urban Local Bodies and the Local NGO.
- 29.The proponent shall obtained all other mandatory clearance for respective department.
- 30.The lessee should re vegetated indigenous plants which were removed from the area for the mining as far as reasonable practical.

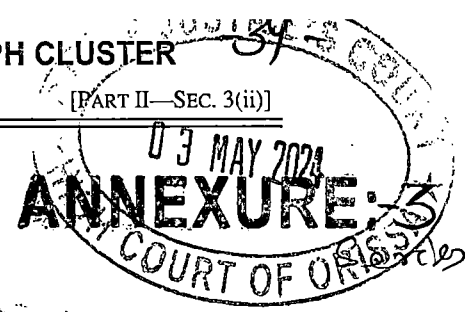
31. The area should be prepared in such a way as to stimulate/ensure the regrowth of vegetation.
32. A separate purpose should be located for reclamation and rehabilitation of the mines out area.
33. The DEIAA, Balasore may revoke or suspend the other. If implementation of any of the above condition is not satisfactory, the DEIAA, Balasore reserves the rights to alter/modify the above condition or stipulated any further condition in the interest of Environment protection.
34. Counselling the factual data or failure to comply with any other conditions mentioned above may result in withdrawal of this clearance and attract action under the provision of Environment(Protection)Act.1986.
35. That, the grant of EC is issued from the Environmental angle only, does not absolve the project proponent for, the other statutory obligations prescribed under any other law and any other instruments in force. The sole and complete responsibility to comply with the condition laid down in all laws for the time being in force, rest with the lease granting authority/project proponent.
36. Any appeal against the EC shall lie with the National Green Tribunal. If prepared within a period of 30 days as prescribed under section-16 of the National Green Tribunal Act, 2010.
37. The terms and conditions stipulated in O.M.M.C Rules 2016 shall be followed by the applicant scrupulously.
38. The quarry area must be demarcated properly by the field officials of revenue department and pillars should be posted in the quarry area before issuance of operation order.
39. Quarrying, lifting and transporting of stone will be done from period of 6.00AM to 6.00PM.

40. The terms and condition stipulated in OMMC, Rules, 2016 should be followed by the applicant scrupulously.
41. The Tahasildar should ensure consent to operate from SPCB by the lessee before issuance of operation order.
42. The lessee is directed ensure the stipulation made in EMP and ensure its compliance.
43. The Authority reserve the right to modify or cancel the Environmental clearance without assigning any reason thereof.
44. The DEAC team will visit every quarry area and will ensure strict observance of lease conditions and Environmental norms bi-monthly and report to DEIAA. DEIAA will review and take necessary action as deemed proper.

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- 10 का.आ. 562(अ) तारीख 26 फ़रवरी 2014;
11. का.आ. 637(अ) तारीख 28 फ़रवरी 2014;
12. का.आ. 1599(अ) तारीख 25 जून 2014;
13. का.आ. 2601(अ) तारीख 7 अक्टूबर 2014;
14. का.आ. 2600(अ) तारीख 9 अक्टूबर 2014
15. का.आ. 3252(अ) तारीख 22 दिसम्बर 2014;
16. का.आ. 382(अ) तारीख 3 फ़रवरी, 2015;
17. का.आ. 811(अ) तारीख 23 मार्च, 2015;
18. का.आ. 996(अ) तारीख 10 अप्रैल 2015;
19. का.आ. 1142(अ) तारीख 17 अप्रैल 2015;
20. का.आ. 1141(अ) तारीख 29 अप्रैल 2015;
21. का.आ. 1834(अ) तारीख 6 जुलाई 2015;



MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 15th January, 2016

S.O. 141(E).—Whereas in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), a draft notification for making certain amendments in the Environment Impact Assessment Notification, 2006, issued *vide* number S.O. 1533(E), dated the 14th September 2006, was published under sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, *vide* number S.O. 2588(E) dated 22nd September, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within a period of sixty days from the date of publication on which copies of Gazette containing the said notification were available to the public;

And whereas, copies of said notification were made available to the public on 22nd September 2015;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

And whereas, in pursuance to the order of Hon'ble Supreme Court dated the 27th February, 2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;

And whereas, as a result of the above said Order of Hon'ble Supreme Court, the number of cases which are now required to obtain prior environmental clearance has increased substantially;

And whereas, the Hon'ble National Green Tribunal, *vide* its order dated the 13th January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals;

And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;

And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification,-

(a) in paragraph 2, after the words “in the said Schedule”, the following words shall be inserted, namely:-

“and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category ‘B2’ for mining of minor minerals in the said Schedule”;

(b) after paragraph 3, the following paragraph shall be inserted, namely:-

“3 A. District Level Environment Impact Assessment Authority:-

- (1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.
- (2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.
- (3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.
- (4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.
- (5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert member.
- (6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.
- (7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC.
- (8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.
- (9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.
- (10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert members.
- (11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.
- (12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.
- (13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail.”;

(c) in paragraph 4, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

“(iv) The ‘B2’ Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as constituted for this notification.”;

(d) for paragraph 5, the following paragraph shall be substituted, namely:-

“5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government, SEACs at the State or Union territory level and DEAC at the district level shall screen, scope and appraise projects or activity in category ‘A’, ‘B1 and B2’ and ‘B2’ projects for mining of minor minerals of lease area less than and equal to five hectare respectively. EAC, SEACs and DEACs shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union

territory Administration with identical composition. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3 A.

(b) The Central Government may with the prior concurrence of the concerned State Governments or the Union territory Administration constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost.

(c) The EAC and SEAC shall be reconstituted after every three years.

(d) The authorised members of the EAC, SEACs and DEACs concerned, may inspect any site connected with the project or activity in respect of which the prior environmental clearance is sought for the purpose of screening or scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary facilities for the inspection.

(e) The EAC, SEACs and DEACs shall function on the principle of collective responsibility. The Chairperson shall endeavor to reach a consensus in each case and if consensus cannot be reached the view of the majority shall prevail.”;

(e) for paragraph 6, the following paragraph shall be substituted, namely:-

“6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made by the project proponent in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II after the identification of prospective site (s) for the project and/or activities to which the application relates; and in Form 1M for mining of minor minerals up to five hectare under Category ‘B2’ projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form 1, Form 1A, and Form 1M; and in case of construction projects or activities (item 8 of the Schedule), a copy of the conceptual plan shall be provided instead of pre-feasibility report.”;

(f) in paragraph 7,-

(i) in sub-paragraph (i), under the heading “I. Stage (1)- Screening:”, the existing sub-paragraph shall be lettered as sub-paragraph “(A)” and after sub-paragraph as so lettered, the following sub-paragraph shall be inserted, namely:-

“(B) The cases as specified in Appendix IX shall be exempted from prior environmental clearance.”;

(ii) after sub-paragraph 7 (ii), the following sub-paragraph shall be inserted, namely:-

“7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;

(g) in paragraph 8,-

(i) for the letters and word “EAC or SEAC”, the words and letters “EAC or SEAC or DEAC” shall be substituted;

(ii) for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee” wherever they occur, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(h) in paragraph 9, in sub-paragraph (i),-

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(i) in paragraph 10, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

“(iv) The prescribed procedure for sand mining or river bed mining and monitoring is given in Appendix XII.”;

(j) in paragraph 11, -

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(k) in the Schedule,-

(i) for item 1 (a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
“1(a)	(i) Mining of minerals	≥50 ha of mining lease area in respect of non-coal mine lease >150 ha of mining lease area in respect of coal mine lease Asbestos mining	<50 ha of mining lease area in respect of non-coal mine lease ≤150 ha of mining lease area in respect of coal mine lease	General Conditions shall apply except: (i) for project or activity of mining of minor minerals of Category ‘B2’ (up to 25 ha of mining lease area); (ii) River bed mining projects on account of inter-state boundary.

		irrespective of mining area		<p>Note:</p> <p>(1) Mineral prospecting is exempted. ”;</p> <p>(2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;</p> <p>(3) The mining leases which have obtained environmental clearance under Environment Impact Assessment Notification, 1994 and Environment Impact Assessment Notification, 2006 shall not require fresh environmental clearance during renewal provided the project has valid and subsisting environmental clearance.</p>
	(ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.	All projects.		

(I) after Appendix VI, the following appendices shall be inserted, namely:-

“APPENDIX VII

(See paragraph 3 A)

Qualifications and terms for the Experts in DEIAA and DEAC

- Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M Sc Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal training course together with prescribed practical training in the field leading to a B. Tech/ B.E./ B. Arch. Degree, or (iii) Other professional degree (e.g. MBA etc.) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/ article ship and pass examinations conducted by the concerned professional associations (e.g. Chartered Accountancy) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.
- Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience.
- Age:** Below 70 years. However, in the event of non-availability of paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
- Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.

5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each.
6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

APPENDIX VIII
(See paragraph 6)
FORM 1 M

**APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'B2' FOR LESS THAN AND
EQUAL TO FIVE HECTARE**

(II) Basic Information

- (viii) Name of the Mining Lease site:
(ix) Location / site (GPS Co-ordinates):
(x) Size of the Mining Lease (Hectare):
(xi) Capacity of Mining Lease (TPA):
(xii) Period of Mining Lease:
(xiii) Expected cost of the Project:
(xiv) Contact Information:

Environmental Sensitivity

Sl. No.	Areas	Distance in kilometer / Details
1.	Distance of project site from nearest rail or road bridge over the concerned River, Rivulet, Nallah etc.	
2.	Distance from infrastructural facilities Railway line National Highway State Highway Major District Road Any Other Road Electric transmission line pole or tower Canal or check dam or reservoirs or lake or ponds In-take for drinking water pump house Intake for Irrigation canal pumps	
3.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	
4.	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	
5.	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	
6.	Inland, coastal, marine or underground waters	
7.	State, National boundaries	
8.	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	
9.	Defence installations	
10.	Densely populated or built-up area, distance from nearest human habitation	
11.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	
12.	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	
13.	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	
14.	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	

15.	Is proposed mining site located over or near fissure / fracture for ground water recharge	
16.	Whether the proposal involves approval or clearance under the following Regulations or Acts, namely:- (a) The Forest (Conservation) Act, 1980; (b) The Wildlife (Protection) Act, 1972; (c) The Coastal Regulation Zone Notification, 2011. If yes, details of the same and their status to be given.	
17.	Forest land involved (hectares)	
18.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No. (c) Orders or directions of the Court, if any, and its relevance with the proposed project.	

(Signature of Project Proponent
Along with name and address)

APPENDIX - IX

[See paragraph 7(i) (B)]

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require prior environmental clearance, namely:-

1. Extraction of ordinary clay or sand, manually, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand, manually, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatama Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Oads in Gujarat *vide* notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
8. Digging of well for irrigation or drinking water.
9. Digging of foundation for buildings not requiring prior environmental clearance.
10. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nala, drain, water body, etc., to deal with any disaster or flood like situation upon orders of District Collector or District Magistrate.
11. Activities declared by State Government under legislations or rules as non-mining activity with concurrence of the Ministry of Environment, Forest and Climate Change, Government of India.

APPENDIX - X

[See paragraph 7 (iii) (a)]

PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
3. The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years
5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.

9. Physiography of the District
 10. Rainfall: month-wise
 11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source.
 (b) District wise availability of sand or gravel or aggregate resources.
 (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District

Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineral Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition

S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
Total for the District						

A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up

to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

APPENDIX - XI

[See paragraph 7 (iii) (b)]

PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation:-

- (1). The data provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill States getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.
- (2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.
- (3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.
- (4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.
- (5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.
- (6). A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.
- (7). Form 1M, Pre-Feasibility Report and mine plan for Category 'B2' projects for mining of minor minerals shall be prepared by the Registered Qualified Person or Accredited Consultants of Quality Council of India, National Accreditation Board for Education and Training. The Environment Impact Assessment or Environment Management Plan for Category 'A' and Category 'B1' projects shall be prepared by the accredited consultants of Quality Council of India, National Accreditation Board for Education and Training.
- (8). The SEIAAs shall have supervisory jurisdiction over the DEIAAs and decisions of DEIAA shall be reviewed by the SEIAA without prejudice to any provisions under any existing law.

Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/ EMP	Who will apply for EC	Authority to appraise/ grant EC	Authority to monitor EC compliance
EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease								
0 - 5ha	'B2'	Form -1M, PFR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency

> 5 ha and < 25 ha	‘B2’	Form –I, PFR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	nominated by MoEFCC
≥ 25ha and < 50ha	‘B1’	Yes	Yes	Yes	Project Proponent	Project Proponent	SEAC/ SEIAA	
≥ 50 ha	‘A’	Yes	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation								
Cluster area of mine leases up to 5 ha	‘B2’	Form –IM, PFR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	‘B2’	Form –I, PFR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	
Cluster of mine leases of area ≥ 25 hectares with individual lease size < 50ha	‘B1’	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	
Cluster of any size with any of the individual lease ≥ 50ha	‘A’	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	EAC/ MoEFCC	

APPENDIX - XII

[See paragraph 10 (iv)]

PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

1. The security feature of Transport Permit shall be as under:

- Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.
- Unique Barcode.
- Unique Quick Response (QR) code.
- Fugitive Ink Background.
- Invisible Ink Mark.
- Void Pantograph.
- Watermark.

2. Requirement at Mine Lease Site:

- Small Size Plot (Up to 5 hectare): Android Based Smart Phone.

- (b) Large Size Plots (More than 5 hectare): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.
- (c) Access control of mine lease site.
- (d) Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used.

3. Scanning of Transport Permit or Receipt and Uploading on Server:

- (a) Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;
- (b) Android Application: Scanning on mining site can be done using Android Application using smart phone. It will require internet availability on SIM card;
- (c) SMS: Transport Permit or Receipt shall be uploaded on server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, an unique invoice code gets generated with its validity period.

4. Proposed working of the system:

The State Mining Department should print the Transport Permit or Receipt with security features enumerated at Paragraph 1 above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued.

When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.

5. Checking On Route:

The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.

6. Breakdown of Vehicle:

In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server or call centre.

7. Tracking of Vehicles:

The route of vehicle from source to destination can be tracked through the system using check points, RFID Tags, and GPS tracking.

8. Alerts or Report Generation and Action Review:

The system will enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle shall be tracked.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place not later than three months. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose.”.

[No. Z-11013/98/2014-IA-II (M)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended *vide* the following numbers :-

1. S.O. 1737 (E) dated the 11th October, 2007;
2. S.O. 3067 (E) dated the 1st December, 2009;
3. S.O. 695 (E) dated the 4th April, 2011;
4. S.O. 2896 (E) dated the 13th December, 2012;
5. S.O. 674 (E) dated the 13th March, 2013;
6. S.O. 2204 (E) dated the 19th July 2013;
7. S.O. 2555 (E) dated the 21st August, 2013;
8. S.O. 2559 (E) dated the 22nd August, 2013;
9. S.O. 2731 (E) dated the 9th September, 2013;
10. S.O. 562 (E) dated the 26th February, 2014;
11. S.O. 637 (E) dated the 28th February, 2014;
12. S.O. 1599 (E) dated the 25th June, 2014;
13. S.O. 2601 (E) dated the 7th October, 2014;
14. S.O. 2600 (E) dated the 9th October, 2014
15. S.O. 3252 (E) dated the 22nd December, 2014;
16. S.O. 382 (E) dated the 3rd. February, 2015;
17. S.O. 811 (E) dated the 23rd March, 2015;
18. S.O. 996 (E) dated the 10th April, 2015;
19. S.O. 1142 (E) dated the 17th April, 2015;
20. S.O. 1141 (E) dated the 29th April, 2015;
21. S.O. 1834 (E) dated the 6th July, 2015.

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ANNEXURE XVI – Minutes of Public Hearing



TAMILNADU POLLUTION CONTROL BOARD

MINUTES OF THE PUBLIC HEARING MEETING CONDUCTED FOR OBTAINING THE ENVIRONMENTAL CLEARANCE FROM MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE BY S SHANMUGASUNDARAM ROUGH STONE & GRAVEL QUARRY FOR THE PROPOSED QUARRY PROJECT OF 2.95.5 HECTARES LOCATED AT S.F. NOS. 73/1, 73/2, 73/3, 73/4, MYLERIPALAYAM VILLAGE, MADUKKARAI TALUK, COIMBATORE DISTRICT, HELD ON 31.08.2021 AT 11.00 AM IN M/s. PRS KALYANA MANDAPAM, ELUR, Coimbatore District.

Name of the Project:

S SHANMUGASUNDARAM ROUGH STONE & GRAVEL QUARRY located at S.F. NOS. 73/1, 73/2, 73/3, 73/4, MYLERIPALAYAM VILLAGE, MADUKKARAI TALUK, COIMBATORE DISTRICT to an extent of 2.95.5 HECTARES.

Present:

1.	Tmt.P.S.Leela.Alex	District Revenue Officer, Coimbatore District.
2.	Er. P.Manimaran	District Environmental Engineer, TNPCB, Coimbatore South.
3.	Er. T.G.Lavanya	Assistant Engineer, TNPCB, Coimbatore South.
4.	Dr.P.Ramesh	Assistant Engineer, TNPCB, Coimbatore South.
5.	Er.T.SelvaGanapathy	Assistant Engineer, TNPCB, Coimbatore South.
6.	Er.A.S. Arun Kumar	Assistant, TNPCB, Coimbatore South.
7.	Thiru. S Rajasekaran	PC 960, Chettipalayam Police station.
8.	Thiru. P. Karthik	PC 976, Chettipalayam Police station.
9.	Thiru. T. Selvakumar	HG 470, Chettipalayam Police station.
10.	Project Proponent (01 No.)	S Shanmugasundaram, Myleripalayam Village, Madukkarai Taluk, Coimbatore District.
11.	Thiru. S. Suriyakumar	EIA Consultant, Aadhi-Boomi Mining & Enviro Tech (P) Ltd, Salem.
12.	Public	53 Nos. (Annexure - II enclosed)

The District Revenue Officer, Coimbatore has addressed that it is proposed to conduct public hearing for the proposed S SHAMMUGASUNDARAM ROUGH STONE & GRAVEL QUARRY. Further stated that the public can ask their doubts and requests which will be audio/video graphed. The Project EIA Consultant and the Proponent will clarify the doubts to the public regarding any details of query.

The District Environmental Engineer, Coimbatore South has instructed the project consultant Thiru. S. Suriyakumar to explain about the project.

The Geologist Thiru. S. Suriyakumar explained about the project through Power point presentation.

PUBLIC VIEWS:

1. Thiru. Surendhra Reddy, Environmentalist

He congratulated the management for the upcoming of this quarry. He stated that in his opinion, unemployment is the major issue now-a-days and 95% of the people depend on private sectors for their employment. He also appreciated the presentation given by the consultant of this project about the EIA study report and the base line data that he acquired regarding this project.

He also suggested the following.

- a. To assess the health status of the public in the radius of 10 Km.
- b. To assess the ground water quality in the nearby villages.
- c. To improve the crop productions 40 to 50%.
- d. Instead of normal plantation, fruit bearing trees may be planted.
- e. To provide employment and skill development program to the local people.
- f. To constitute a co-ordination committee comprising of pollution control Board, Village Panchayat and district administration using the CSR fund for the welfare of the village.
- g. If the precautionary measures are taken, the pollution level will be reduced.

Finally he said unconditional permission may be granted to the project proponents.

2. Thiru. Kumar, Drilling Machine Operator, Myleripalayam

He stated that he lost job due to Covid 19 pandemic for the past two years and he supporting the project for employment.

3. Thiru. Karthick, Myleripalayam

He stated that he lost job due to Covid 19 pandemic and he supporting the project for employment.

4. Thirumathi. Radhamani, Myleripalayam

She stated that she is running Tea shop in myleripalayam. She is supporting the project for her livelihood.

5. Thiru. Madhu Babu, Social Environmentalist

He suggested the following to the project proponent.

- a. To assess the ground water quality in the nearby villages.
- b. Instead of normal plantation, fruit bearing trees may be planted.
- c. To provide employment and skill development program to the local people.
- d. To constitute a co-ordination committee comprising of pollution control Board, Village Panchayat and district administration using the CSR fund for the welfare of the village.
- e. To sprinkle water at regular time intervals which control the pollution.
- f. If the precautionary measures are taken, the pollution level will be reduced.

Finally he request the MOEF & CC issue to the environmental Clearance for the project.

6. Thiru. Aarusamy, Arasampalayam

He stated that there is no objection for the establishment of quarry activity.

7. Thiru. Naveen, Chettipalayam

He stated that there is no objection for the establishment of quarry activity.

8. Thiru. K. Ashok, Metro Urban & Rural Developments Society

He stated that he is supporting the project and he suggesting the following.

- a. To assess the ground water quality in the nearby villages.
- b. Instead of normal plantation, fruit bearing trees may be planted.
- c. To provide employment and skill development program to the local people.
- d. To constitute a co-ordination committee comprising of pollution control Board, Village Panchayat and district administration using the CSR fund for the welfare of the village.
- e. If the precautionary measures are taken, the pollution level will be reduced.
- f. Not to release dust, sound pollution into the environmental according government norms.
- g. To sprinkle water at regular time interval which control the pollution.

9. Thiru. N. Ramesh, Fight Against Global Warming

He stated that he is supporting the project and he suggesting the following.

- a. Instead of normal plantation, fruit bearing trees may be planted.
- b. To provide employment and skill development program to the local people.
- c. To constitute a co-ordination committee comprising of pollution control Board, Village Panchayat and district administration using the CSR fund for the welfare of the village.
- d. If the precautionary measures are taken, the pollution level will be reduced.
- e. Not to release dust, sound pollution into the environmental according government norms.
- f. To sprinkle water at regular time interval which control the pollution.

10. Thiru. Vulavapuri. Rajesh, SNEHA Environment and rural development society

He stated that he is supporting the project. He request the MOEF & CC issue to the environmental Clearance for the project.

11. Thiru. Ramaraj, Myleripalayam

He stated that his labour quarters was located in 150 m near the S. Shanmugasundaram quarry. However he has given a no objection letter in this regard.

On behalf of the District Administration, Coimbatore and Tamilnadu Pollution Control Board, the District Environmental Engineer, thanked all the public who have participated in this meeting.

The proceedings of the meeting were video graphed and recorded in CD which is enclosed.

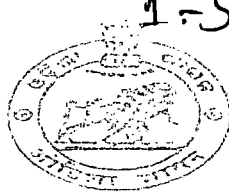


District Environmental Engineer
TNPC Board, Coimbatore South.



District Revenue Officer
Coimbatore.

TCA
Ds



Revenue & DM
Department

1-56-
ANNEXURE:- 4
Serial

OFFICE OF THE TAHASILDAR, SORO

Ph No- 06788-221238

email- tahasildarsoro@gmail.com

tah.soro-od@nic.in

Letter No- 7590 / Dt- 20/12/19

To,

Sri Narayan Prasad Sahu

S/o- Guru Prasad Sahu

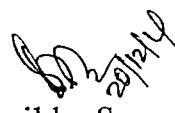
At. Angula / PO Angula

Dist. Balasore

Sub:- Operation order in respect of Khanjamahal stone Quarry No. 59

Ref.. This office letter No 7431 Dt 5.9.18

In view of grant of E.C Communicated by Member Secretary, DEIAA vide letter No- 294 Dt 31/8/18 and consent to Operate communicated by Regional Officer SPCB, Balasore vide letter No. 1624 Dt 19.9.18. You are hereby allowed to operate the stone quarry No 59 pertaining to plot No. 263 area 1.00 under Khata No 144 of Vill- Khanjamahal subject to the terms and conditions mentioned in the lease agreement, Environmental Clearance, Consent to Operate and Rule-33 of OMMC Rules, 2016. Further you are directed to abide by the other conditions, provisions made in OMMC Rules 2016 and other instructions issued by the Govt. the controlling Authority and Competent Authority from time to time.


Tahasildar, Soro

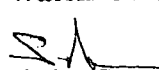
Memo No _____ / Dt _____

Copy forwarded to the Forest Rang Officer, Balasore for information and necessary action.


Tahasildar, Soro

Memo No _____ / Dt _____

Copy to R.I, Mangalpur for information and necessary action. He is directed to identify and demarcate the leased land to the lease and to keep close watch over the quarry operation within the quarry area.


Tahasildar, Soro



2-57-
OFFICE OF THE TAHASILDAR, SORO

Letter No. 3650 / Dated 04/09/2020

Ann-b series.

To

Sri Narayan Sahu

S/o- Gurux Prasad Sahu

At Angul Po Angula

Ps Sox0 Dist: Balasore

Sub: Operation order for remaining period in respect of Khanjamahal/ Mahumuhan Stone Quarry no 59

Ref:- This office letter no 3280 dated 10.08.2020

In pursuance of Approved Mining plan as regard of Khanjamahal Stone Quarry No. 59 submitted by the Mining Officer, Baripada Circle, Baripada,. As per the agreement Lease deed no 141902/32 Date 28.8.2019 Affidavit, and grant of EC communicate by Member Secretary DEIAA vide Letter no 294/DEIAA date 31.08.2018 along with consent to operate communicate by Regional Officer SPCB, Balasore Vide letter no 97 dated 02/09/2020 you are hereby allowed for remaining period that is up to 31.3.2021 to operate the Stone Quarry no 59 pertaining Plot no 263 area ACI-00 under Khata No 144 of Khanjamahala/ Mahumuhan Subject to the terms and conditions mentioned in the previous lease agreement, Environmental Clearance, Consent to operate of Rule 33 of OMMC rules 2016. Further you are directed to abide by the other conditions provisions made in OMMC Rules 2016 and other Instruction issued by the Government, the Controlling Authority and Competent Authority from time to time.

Tahasildar Cum Competent Authority, Soro

Memo 3651 date 04/09/2020

Copy forwarded to the Forest Officer, Balasore for Information and necessary action.

Tahasildar Cum Competent Authority, Soro

Memo 3652 date 04/09/2020

Copy to R.I, Mangalpur for information and necessary action. He is directed to keep close watch over Quarry operation within the Quarry area.

Tahasildar Cum Competent Authority, Soro

Memo 3653 date 04/09/2020

Copy submitted to the Mining Officer, Baripada/ Sub-Collector, Balasore / Additional District Magistrate Balasore for Information.

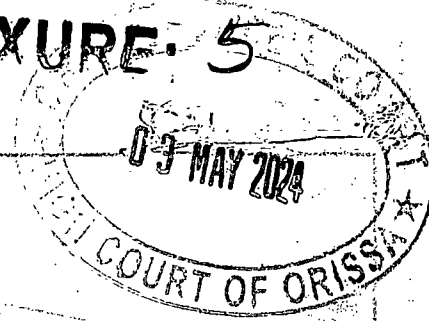
Tahasildar Cum Competent Authority, Soro

TU/D

-58-

ANNEXURE- 5

State Pollution Control Board, Odisha
Bhubaneswar



Receipt No. 793901206
Depositor Name Sri Narayan Prasad Sahu
Money Receipt Number 20135
Bank Name. NA
Bank Id. 1730
Application No. 3130673
Name and Address of Industry M/s Khanjamahal Stone Quarry N0-59, Khanjamahal, Mhaumuhan, Soro, Balasore, Soro, Balasore
Name of Regional Office HO
Applied For CTO - AIR+WATER+ADDSHEET - RENEW
Payment Type NORMAL
Payment Date 21-08-2020
Consent Fee From : 01-04-2020
To : 31-03-2025

Payment Details

Financial Year	2020 - 2021
CTO (Rs.)	4500.0
Financial Year	2021 - 2022
CTO (Rs.)	4500.0
Financial Year	2022 - 2023
CTO (Rs.)	4500.0
Financial Year	2023 - 2024
CTO (Rs.)	4500.0
Financial Year	2024 - 2025
CTO (Rs.)	4500.0
Total Amount Paid (Rs.)	22500
In Words.	Twenty Two Thousand Five Hundred
Transaction Status	Successfully Completed

10/11

Website: www.ospcboard.org
e-mail: rospcb.balasore@ospcboard.org



REGIONAL OFFICE
STATE POLLUTION CONTROL BOARD, ODISHA

(DEPT. OF FOREST & ENVIRONMENT, GOVT. OF ODISHA)

Plot No. 1602, Ganeswarpur, Balasore - 756019

No. 1380 / Con. - 3118 / 2018

Date 02/09/2020

BY REGD. POST

CONSENT ORDER NO. 97 / 2020-21 (WPC & APC)

Sub: Consent to operate for existing / new operation of the mines u/s 25/26 of Water (PCP) Act, 1974 & 21 of Air (PCP) Act, 1981

Ref: Your online application no. 3130673, dtd.24.08.2020

Consent to operate is hereby granted u/s 25/26 of Water (PCP) Act, 1974 & 21 of Air (PCP) Act, 1981 and rules framed there under to:

Name of the Industry: **M/s Khanjamahal Stone Quarry No-59**

Name of the Occupier & Designation: **Sri Narayan Prasad Sahu , Lessee**

Address: **Mouza: Khanjamahal ,Plot No.263 of Khata No. 144, Area : Ac 1.00 dec/ 0.405Ha, Tahasil :- Soro, Dist.: Balasore**

This consent order is valid for the period up to 31.03.2021

This consent order is valid for the product quantity, specified outlets, discharge quantity and quality, specified chimney/stack, emission quantity and quality of emissions as specified below. This consent is granted subject to the general and special conditions stipulated therein.

A. Details of Products Manufactured:

Sl. No.	Product	Quantity (cu. meters)
		For the Periods from 01.04.2020 to 31.03.2021:
01	Stone (road) metals	2778

LSA

B. Discharge permitted through the following outlet subject to the standard

Outlet No.	Description of outlet	Point of discharge	Quantity of discharge KLD or KL/hr	Prescribed standard				

C. Emission permitted through the following stack subject to the prescribed standard

Chimney Stack No.	Description of Stack	Stack height (m)	Quantity of emission	Prescribed Standard				
				PM	SO ₂	NO _x		

D. Disposal of solid waste permitted in the following manner

Sl. No:	Type of Solid waste	Quantity generated (TPD)	Quantity to be reused on site(TPD)	Quantity to be reused off site(TPD)	Quantity disposed off (TPD)	Description of disposal site.

E. GENERAL CONDITIONS:

1. The consent is given by the Board in consideration of the particulars given in the application. Any change or alternation or deviation made in actual practice from the particulars furnished in the application will also be the ground liable for review/variation/revocation of the consent order under section 27 of the Act of Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 and to make such variations as deemed fit for the purpose of the Acts.
2. The industry would immediately submit revised application for consent to operate to this Board in the event of any change in the quantity and quality of raw material / and products / manufacturing process or quantity /quality of the effluent rate of emission / air pollution control equipment / system etc.
3. The applicant shall not change or alter either the quality or quantity or the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.-
4. The application shall comply with and carry out the directives/orders issued by the Board in this consent order and at all subsequent times without any negligence on his part. In case of non-compliance of any order/directives issued at any time and/or violation of the terms and conditions of this consent order, the applicant shall be liable for legal action as per the provisions of the Law/Act.
5. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent order.
6. The issuance of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State laws or regulation.
7. This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course.
8. The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board.
9. An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
10. The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment system / air pollution control system / stack monitoring system any other particulars as may be pertinent to preventing and controlling pollution of Water / Air.
11. Meters must be affixed at the entrance of the water supply connection so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act provided that the place where it is affixed shall in no case be at a point before which water has been tapped by the consumer for utilization for any purposes whatsoever.
12. Separate meters with necessary pipe-line for assessing the quantity of water used for each of the purposes mentioned below:
 - a) Industrial cooling, spraying in mine pits or boiler feed.
 - b) Domestic purpose
 - c) Process

13. The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/bathing.
14. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
15. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
16. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by him to achieve with the term(s) and conditions of the consent.
17. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed with sides and bottom made impervious.
18. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by overflow.
19. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
20. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the industry must adopt alternate satisfactory treatment and disposal measures.
21. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
22. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
23. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Act or Rules made therein.
24. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples / stack monitoring / inspection.
25. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
26. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
27. The liquid effluent arising out of the operation of the air pollution control equipment shall be treated in the manner and to ion of standards prescribed by the Board in accordance with the provisions of Water

(Prevention and Control of Pollution) Act, 1974 (as amended).

28. The stack monitoring system employed by the applicant shall be opened for inspection to this Board at any time.
29. There shall not be any fugitive or episodal discharge from the premises.
30. In case of such episodal discharge/emissions the industry shall take immediate action to bring down the emission within the limits prescribed by the Board in conditions/stop the operation of the plant. Report of such accidental discharge /emission shall be brought to the notice of the Board within 24 hours of occurrence.
31. The applicant shall keep the premises of the industrial plant and air pollution control equipments clean and make all hoods, pipes, valves, stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all times.
32. Any upset condition in any of the plant/plants of the factory which is likely to result in increased effluent discharge/emission of air pollutants and / or result in violation of the standards mentioned above shall be reported to the Headquarters and Regional Office of the Board by fax / speed post within 24 hours of its occurrence.
33. The industry has to ensure that minimum three varieties of trees are planted at the density of not less than 1000 trees per acre. The trees may be planted along boundaries of the industries or industrial premises. This plantation is stipulated over and above the bulk plantation of trees in that area.
34. The solid waste such as sweeping, wastage packages, empty containers residues, sludge including that from air pollution control equipments collected within the premises of the industrial plants shall be disposed off scientifically to the satisfaction of the Board, so as not to cause fugitive emission, dust problems through leaching etc., of any-kind.
35. All solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by:
 - i) Land fill in case of inert material, care being taken to ensure that the material does not give rise to leachate which may percolate into ground water or carried away with storm run-off.
 - ii) Controlled incineration, wherever possible in case of combustible organic material.
 - iii) Composting, in case of bio-degradable material.
36. Any toxic material shall be detoxicated if possible, otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The detoxication or sealing and burying shall be carried out in the presence of Board's authorized persons only. Letter of authorization shall be obtained for handling and disposal of hazardous wastes.
37. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard, vary all or any of such conditions and thereupon the applicant shall be bound to comply with the conditions so varied.
38. The applicant, his/heirs/legal representatives or assignees shall have no claim whatsoever to the condition or renewal of this consent after the expiry period of this consent.
39. The Board reserves the right to review, impose additional conditions or condition, revoke change or alter the terms and conditions of this consent.

40. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
41. The conditions imposed as above shall continue to be in force until revoked under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 A of Air (Prevention & Control of Pollution) Act, 1981.
42. In case the consent fee is revised upward during this period, the industry shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board the consent order will be revoked without prior notice.
43. The Board reserves the right to revoke/refuse consent to operate at any time during period for which consent is granted in case any violation is observed and to modify/ stipulate additional conditions as deemed appropriate

F. SPECIAL CONDITIONS:

1. Mining shall be done over the proposed lease hold area of 0.405 Ha in Khanjamahal mouza under Tahasil – Soro of Dist. – Balasore as per the approved mining plan.
2. Stipulated conditions of SEIAA / DEIAA in the environmental clearance shall be abided.
3. Blasting shall not be done without permission from the relevant authority.
4. Delay detonators and shock tube initiation system for blasting shall be used so as to reduce vibration and dust.
5. Drilling and blasting (wherever required) shall be done only by licensed explosive agent by the proponent after obtaining required approvals from the Competent Authorities.
6. Blasting shall be carried out in a manner that the splinters generated shall not fall beyond the mining lease area. Blasting shall be carried out after announcing to the public adequately through public address system to avoid any accident and shall be carried out only during day time.
7. Wet drilling method shall be adopted for control of dust emissions.
8. Fugitive dust emission from all the sources should be controlled regularly. Water spraying arrangement on haul roads should be provided and properly maintained.
9. Loading and unloading areas including all the transfer points should also have efficient dust control arrangement. These should be properly maintained and operated.

10. Quarrying shall not be done below ground water table under any circumstance.
11. Adequate dust suppression system shall be installed and operated to control fugitive dust emissions.
12. The following measures are to be further implemented to reduce air pollution during transportation of mineral.
 - *Roads shall be graded to mitigate the dust emission.
 - *Overloading of vehicles and consequent spillage on the roads shall be avoided. The trucks shall be covered with tarpaulin.
13. The following measures are to be implemented to reduce Noise Pollution.
 - i) Power and regular maintenance of vehicles and other equipments.
 - ii) Limiting time of exposure of workers to excessive noise.
 - iii) The workers employed shall be provided with protection equipment and earmuffs etc.
 - iv) Speed of trucks entering or leaving the mine is to be limit to moderate speed of 25kmph to prevent undue noise from empty trucks.
14. Haul roads shall be sprinkled with water regularly.
15. Occupational safety measures like nose masks shall be provided to the working personnel of the mines.
16. Necessary permission from the competent authority shall be taken for drawal of surface / ground water.
17. Domestic wastewater shall be discharged to soak pit via septic tank as per BIS specifications.
18. Retaining wall and garland drain shall be provided around the OB dump for proper surface runoff management.
19. Mine drainage water/surface run off generated from mine pits/ OB dumps shall be adequately treated so that the discharge quality confirm to the prescribed standard.
20. Waste oil and used oil generated from mining machineries shall be disposed to authorized recyclers.
21. Overburden (OB) generated during mining shall be stacked separately at earmarked areas maintaining slope as prescribed in the mining plan. The same shall be used in road construction as per the guidelines specified in the mining plan.
22. Topsoil, generated if any, shall be stocked properly with proper slope with adequate measures and should be used for plantation purpose.
23. The mine shall apply and obtain authorization under Hazardous and other Waste (Management & Transboundary Movement) Rules, 2016. if applicable.


24. Green belt shall be developed along the boundary of mining lease area with native tree species.
25. The mines shall maintain the ambient noise standards under Noise Pollution (Regulation & Control) (Amendment) Rules, 2010.
26. Ambient air quality inside the mine premises shall be maintained so as to confirm the National Ambient Air Quality Standards prescribed under the Environment (Protection) Rules, 1986.
27. The unit shall abide by provisions of the Environment (Protection) Act, 1986, amendments made thereof and rules framed there under.
28. The Board reserves the right to revoke/refuse consent at any time during this period in case any violation is observed and to modify / stipulate additional conditions as deemed appropriate.

The occupier must comply with the conditions stipulated in section A, B, C, D, E, and F to keep this consent order valid.

To


Sri Narayan Prasad Sahu, Lessee,
M/s Khanjamahal Stone Quarry No.59
(S/O - Guru Prasad Sahu)
At/PO : Angula, VIA / PS:Soro
Dist.:- Balasore (Odisha)

Memo No. _____ / Date _____


REGIONAL OFFICER

Copy forwarded to

- i) The Member Secretary, State Pollution Control Board, Orissa, Bhubaneswar;
- ii) The Collector and District Magistrate, Balasore,
- iii) The Mining Officer, Baripada, Mayurbhanj
- iv) Tahasildar, Soro, Dist. - Balasore for information.
- v) Copy to Guard file


REGIONAL OFFICER

EFFLUENT QUALITY STANDARDS

Sl. No.	Parameters	Standards			
		Inland surface	Public sewers	Land for irrigation	Marine Costal Areas
		(a)	(b)	(c)	(d)
1.	Colour & odour	Colourless/Odourless as far as practicable	-----	See 6 of Annex-1	See 6 of Annex-1
2.	Suspended Solids (mg/l)	100	600	200	For process wastewater – 100 b. For cooling water effluent 10% above total suspended matter of influent.
3.	Particular size of SS	Shall pass 850	-----	-----	
5.	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6.	Temperature	Shall not exceed 5°C above the receiving water temperature	-----	-----	Shall not exceed 5°C above the receiving water temperature
7.	Oil & Grease mg/l max.	10	20	10	20
8.	Total residual chlorine	1.0	---	-----	1.0
9.	Ammoniacal nitrogen (as N) mg/l max.	50	50	-----	50
10.	Total Kjeldahl nitrogen (as NH ₃) mg/l max.	100	---	-----	100
11.	Free ammonia (as NH ₃) mg/l max.	5.0	---	-----	5.0
12.	Biochemical Oxygen Demand (5 days at 20°C) mg/l max.	30	350	100	100
13.	Chemical Oxygen Demand, mg/l max.	250	---	-----	250
14.	Arsenic (as As) mg/l max.	0.2	0.2	0.2	0.2
15.	Mercury (as Hg) mg/l max.	0.01	0.01	-----	0.001
16.	Lead (as Pb) mg/l max.	01.	1.0	-----	2.0
17.	Cadmium (as Cd) mg/l max.	2.0	1.0	-----	2.0

18.	Hexavalent Chromium (as Cr + 6) mg/l max.	0.1	2.0	-----	1.0
19.	Total Chromium (as Cr) mg/l max.	2.0	2.0	-----	2.0
20.	Copper (as Cu) mg/l max.	3.0	3.0	-----	3.0
21.	Zinc (as Zn) mg/l max.	5.0	15	-----	15
22.	Selenium (as Se) mg/l max.	0.05	0.05	-----	0.05
23.	Nickel (as Ni) mg/l max.	3.0	3.0	-----	5.0
24.	Cyanide (as CN) mg/l max.	0.2	2.0	0.2	0.02
25.	Fluoride (as F) mg/l max.	2.0	15	-----	15
26.	Dissolved Phosphates (as P) mg/l max.	5.0	-----	-----	-----
27.	Sulphide (as S) mg/l max.	2.0	-----	-----	5.0
28.	Phenolic compounds as (C ₆ H ₅ OH) mg/l max.	1.0	5.0	-----	5.0
29.	Radioactive materials a. Alpha emitter micro curie/ml. b. Beta emitter micro curie/ml.	10 ⁷ 10 ⁶	10 ⁷ 10 ⁶	10 ⁸ 10 ⁷	10 ⁷ 10 ⁶
30.	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
31.	Manganese (as Mn)	2 mg/l	2 mg/l	-----	2 mg/l
32.	Iron (Fe)	3 mg/l	3 mg/l	-----	3 mg/l
33.	Vanadium (as V)	0.2 mg/l	0.2 mg/l	-----	0.2 mg/l
34.	Nitrate Nitrogen	10 mg/l	-----	-----	20 mg/l

AMBIENT AIR QUALITY STANDARDS

Sl. No.	Pollutant	Time Weighted Average	Concentration in Ambient Air		
			Industrial Area, Residential, Rural and Other areas	Ecological Sensitive Area (Notified by Central Govt.)	Method of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1	Sulphur Dioxide (SO ₂), µg/m ³	Annual* 24 Hours**	50 80	20 80	1. Improve West and Gaeke method 2. Ultraviolet fluorescence
2	Oxides of Nitrogen as NO ₂ , µg/m ³	Annual* 24 Hours**	40 80	30 80	1. Jacob & Hochheiser Modified (Na-Argenite Method) 2. Gas Phase Chemiluminescence
3	Particulate Matter (size less than 10 µm) or PM ₁₀ , µg/m ³	Annual* 24 Hours**	60 100	60 100	-Gravimetric -TOEM -Beta Attenuation
4	Particulate Matter (size less than 2.5 µm) or PM _{2.5} , µg/m ³	Annual* 24 hours**	40 60	40 60	-Gravimetric -TOEM -Beta Attenuation
7	Carbon Monoxide (CO), µg/m ³	8 hours** 1 hour**	02 04	02 04	Non Dispersive Infrared Red (NDIR) spectroscopy
8	Ammonia (NH ₃), µg/m ³	Annual* 24 hours**	100 400	100 400	-Chemiluminescence -Indophenol Blue Method

* Annual Arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform interval.

** 24 hourly or 8 hourly or 1 hourly monitored values, as applicable, shall be complied with 98% of the time in a year. 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.

TCA

OFFICE OF THE TAHASILDAR, SORO

Ph No- 06788-221238

email- tahasildarsoro@gmail.com

tah.soro-od@nic.in

Letter No- 3562 / Dt- 31.08.2020

To

The Regional Officer,
State Pollution Control Board,
Plot No. 160, Sahadevkhunta, Balasore.
Pin-756001

Sub:- Regarding Consent to Operate for operation of Mines for the period 2020-21 U/S 21 of AIR(PCP) Act 1981 and 25/26 of Water (PCP) Act 1974.

Ref:- Your Consent Order No. 75/2018-19 (APC & WPC) dt. 19.09.2018 and this office Memo No. 3281/Tz dt. 10.08.2020 .

Sir,

In inviting a kind reference on the Subject cited above, I am to bring your kind notice that Sri Narayan Sahu, lease holder of Khanjamahal Stone Quarry No. 59 has prayed for to consider his prayer . He has stated in his prayer petition that previously he has submitted Mining plan for extraction of Minor Mineral only for Two years i. e, 2018-19 for 4th quarter and 2019-20 for 5th quarter instead of five years(Copy enclosed) and Environmental Clearance(EC) Certificate has also been issued by the State Environment Impact Assessment Authority(SEIAA) for the above two years i. e, 2018-19 & 2019-20 as against the total quantity of 5704 cum . But due to non-execution of lease deed in due time he has not operated the above quarry for the year 2018-19 .

In the above circumstances he has prayed for to consider his prayer and issue consent to operate the quarry for the year 2020-21 as he has not operated/ extracted the Minor Mineral for the year 2018-19 due to non-exccution of lease deed in due time and EC has already been issued by the SEIAA for that period i.e, 2018-19 & 2019-20 .

This is for your kind information and necessary action.

Yours Faithfully

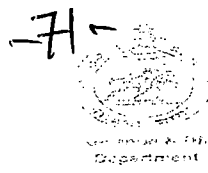
Tahasildar, Soro

Memo No. 3563 / Dt. 31.08.2020

Copy to Sri Narayan Sahu lease holder of Khanjamahal Stone quarry No. 59 S/o- Guri Prasad Sahu At-Angula PO/PS-Soro Dist-Balasore for Information with reference to his application dt.31.08.2020.

Tahasildar, Soro

TCS



ANNEXURE:- 8

OFFICE OF THE TAHASILDAR, SORO

Ph No- 06788-221238

email- tahasildarsoro@gmail.com

tah.soro-od@nic.in

Letter No. 2744 / Dt. 01.09.21

To

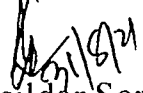
Sri Narayan Sahu
S/O- Guru Prasad Sahu
At- Angula Sasan
P.S.- Soro
Dist- Balasore
Khanjamahal Stone Quarry No.59

Sub:- Show Cause Notice .

This is to inform you that , you are directed to Submit extension Mining Plan and Environment Clearance vide this office letter No. 682 dt. 20.02.2020 for operation of your quarry upto 27.08.2024. In response our letter you have only submitted approved Extension Mining Plan but till now you have not submitted Environment Clearance and other statutory document from the Competent Authority .

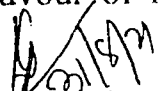
After lapse of one year six month you have not submitted the statutory document for operation of the Khanjamahal Stone Quarry No.59. As a result of which there might be a loss of Govt. Revenue due to theft of Minor Mineral .

Hence you are directed to filed written show cause within 15 days from the date of received of this letter why your quarry will not be cancelled as per OMMC Rule -2016


Tahasildar, Soro

Memo No. 2745 dt. 01.09.21

Copy Submitted to the Sub-Collector, Balasore for favour of Kind Information and necessary action.


Tahasildar, Soro

TCS

email-tahsildersoro@gmail.com

To,

Dated: 01/10/21

Tahsilder, Soro,

Dist-Balasore

Ref Letter No.2344/

Dt.01/09/2021

Sub: Show Cause Notice.

Sir,

With reference to your "Show Cause Notice" we are expressing following points herewith:

- 1) Khanjamahal Stone Quarries has been treated as Cluster mining as per Govt Notification.
- 2) Mining Plan and Environment Clearance to be approved as Cluster Mining.
- 3) After Approval of Both Mining Plan & EC, each Individual quarry has to go for approval of Mining Plan and Environment Clearance individually as per allotment.
- 4) Consent to Operate also to be obtained from State Pollution Control Board.
- 5) The Undersigned could not work in want of APPROVED Documents (MP, EC & CTC).

It is requested to understand the points as described above and relieve me from being Show Caused.

Yours Faithfully,

ଶ୍ରୀ ନରାୟଣ ସାହୁ

Sri Narayan Sahu,

S/o -Guru Prasad Sahu,

At-AngulaSasan, P.S.-Soro, Dist-Balasore

(Lessee) Khanjamahal Stone Quarry No-59

CC: To Sub-Collector,Balasore for his kind information

TCB
SD

2

To, The Tehsildar, [unclear]

Sub - Environment Clearance -
ଉତ୍ତରୀୟ ପ୍ରାଣୀ ଜୀବନୀ ପ୍ରତିଷ୍ଠାନ,

13-5-24 ମହାନଗର
[unclear] ନିକଟରେ ନିର୍ମାଣ କରାଯିବା, ଶ୍ରୀ ନାଥନାଥ ସ୍ଥାନ.
[unclear] ପ୍ରାଣୀ ପ୍ରାଣୀ ସ୍ଥାନ, ଶ୍ରୀ ନିର୍ମାଣ ପ୍ରାଣୀ.
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[unclear] ନିର୍ମାଣ ନିୟମାବଳୀ - ନିର୍ମାଣ ନିୟମ - ୪୨.
[unclear] ନିର୍ମାଣ ନିୟମାବଳୀ - ନିର୍ମାଣ ନିୟମ - ୪୨.
[unclear] ନିର୍ମାଣ ନିୟମାବଳୀ - ନିର୍ମାଣ ନିୟମ - ୪୨.
[unclear] ନିର୍ମାଣ ନିୟମାବଳୀ - ନିର୍ମାଣ ନିୟମ - ୪୨.
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[unclear] ନିର୍ମାଣ ନିୟମାବଳୀ - ନିର୍ମାଣ ନିୟମ - ୪୨.

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[unclear] ନିର୍ମାଣ ନିୟମାବଳୀ - ନିର୍ମାଣ ନିୟମ - ୪୨.
[unclear] ନିର୍ମାଣ ନିୟମାବଳୀ - ନିର୍ମାଣ ନିୟମ - ୪୨.

ନିର୍ମାଣ ନିୟମାବଳୀ.

ନିର୍ମାଣ ନିୟମାବଳୀ.

ନିର୍ମାଣ ନିୟମାବଳୀ.

ନିର୍ମାଣ ନିୟମାବଳୀ.

To, The Mining Officer, Balasore.

Sub:- Environment Clearance.

ଓ ସିମେଣ୍ଟ ସୀମା ବ୍ଲକ୍ ନିର୍ମାଣ ପାଇଁ,

ମହୋଦୟ,

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ନିମ୍ନଲିଖିତ ତଥ୍ୟ ଉପରେ ନି.
ଆପଣଙ୍କ ନିକଟରେ ଶ୍ରୀ ମହୋଦୟ
ସାହୁ ବି. ଏ. ଏସ୍. ପ୍ରଭାତ ପ୍ରା. ସା. ଡି. ଏସ୍. କି.
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ଓ ଶ୍ରୀ ମହୋଦୟ
ସାହୁ ବି. ଏ. ଏସ୍. ପ୍ରଭାତ ପ୍ରା. ସା. ଡି. ଏସ୍. କି.
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୦୫/୧୨/୨୦୨୧

Received
Peterson's
22.4.27

ଶ୍ରୀ ମହୋଦୟ
ସାହୁ ବି. ଏ. ଏସ୍. ପ୍ରଭାତ ପ୍ରା. ସା. ଡି. ଏସ୍. କି.
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୦୫/୧୨/୨୦୨୧

-75-

ANNEXURE: - 11



OFFICE OF THE TAHASILDAR, SORO

Ph No- 06788-221238

email- tahasildarsoro@gmail.com
tah.soro-ed@nic.in

Letter No- 1404 / Dt- 24/03/2022

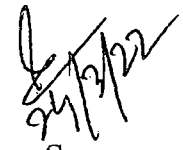
To

Sri Narayan Sahu
S/o- Guruprasad Sahu
At- AngulaSasan
Po- Angula
Ps- Soro
Dist- Balasore
Lessee of Khanjamahal Stone Quarry No- 59

This is to inform you that a joint reassessment has been conducted on dated 03/03/2022 regarding the actual extraction of Minor Mineral from your Khanjamahal Stone Quarry No- 59 and it is reported that you have extracted 1440.50 cum as against the approved quantity of 5704 cum stone Minor Mineral as approved Mining Plan during the lease period.

Further it is inform you that after verification of Case Record it is ascertain that during lease period you have deposited Royalty for 5704 cum but you have extracted 1440.50 cum during lease period.

Encl. Joint reassessment report


Tahasildar, Soro.



IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C)No.12578 of 2024

In the matter of:

Narayan SahuPetitioner

Versus

State of Odisha & others.....Opp.parties

ADDITIONAL AFFIDAVIT FILED BY THE PETITIONER

I, Sri Narayan Sahu, aged about 68 years, Son of Guru Prasad Sahu, At-Angula Sasan, P.O.-Angula, P.S.-Soro, Dist.-Balasore, Occupation-Business, do hereby solemnly affirm and state as follows:-

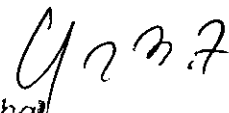
1. That I am the petitioner in this case and swearing this additional affidavit for fair disposal of this case.
2. That the petitioner filed this writ petition to permit him to operate the stone quarry i.e. Khanjamahal Stone Quarry No.59 as the petitioner could not operate the same even though, he had deposited the requisite fees.

S/23.7/2024
Surenendra Prasad Dhal
Advocate
NOTARY, CUTTACK



3. That it is pertinent to mention here that the period of agreement for operation of said quarry is started from 28.08.2019 and will be ended on 27.08.2024. After execution of the agreement, the Opposite party No.3, the Tahasildar, Soro, issued letter of operation to the petitioner on 04.09.2020 to operate the quarry till 31.03.2021 even though, the lease period is fixed till 27.08.2024 vide letter No.3650, dated 04.09.2020, as Annexure-4 of the writ petition.
4. That it is humbly submitted here that as per the Lease Agreement, the petitioner is to extract 5704 CUM Stone but he had only extracted 1440.50 CUM stone and he had also deposited the royalty for 5704 CUM stone.
5. That it is respectfully submitted here that the lease agreement was executed on 28.08.2019 but the National Green Tribunal passed final order on 22.11.2017 and permitted operation of stone quarries with certain conditions. Due to such pendency and in absence of certain clearance certificate, the entire stone quarry area was affected and could not be operated.




Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

True copies of final order dated 22.11.2017
and interim order dated 01.02.2016 passed in
O.A.No.116/2015/EZ are annexed herewith
as ANNEXURE-12 Series.

6. That after 31.03.2021 the opposite parties are not allowing the petitioner to operate the stone quarry and also not issuing permission letter to the petitioner even if he is entitled to operate the same as per lease agreement.
7. That now the opposite parties, more particularly the Opp.party No.4 stated that they are going to make a new cluster approach Rule and thereafter the petitioner will be allowed to operate the quarry even though the petitioner is not coming under the said criteria as the said Rule is meant for quarry containing more than Ac.5.00 areas. In the said plea, the petitioner is not allowed to operate the quarry for which he is suffering a lot and in this process the lease period is going to be elapsed on 27.08.2024.
8. That it is humbly submitted here that if this Hon'ble Court will not direct the opposite parties to allow the

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

4/23.7

4 79

petitioner to operate the quarry in question for the rest period to extract the rest quantity, the petitioner will be seriously prejudiced.

9. That the contents of this Additional Affidavit is read over and explained to me in odia vernacular and after being understood the same, I put my signature in presence of my Advocate.

10. That the facts stated above are true to the best of my knowledge and belief.

Identified by

Padmanav SETHY
Advocate

ସୁରେନ୍ଦ୍ର ପ୍ରସାଦ ଧାଲ

DEPONENT

CERTIFICATE

Certified that due to want of cartridge papers, the present Addl. Affidavit has been typed in plain white papers.

Cuttack
Dt. 23.07.2024

(PADMANAV SETHY)
Advocate for the petitioner
Enrolment No. O-1433/2006
Mob. No. 9337267574

The above named Deponent
Solemnly affirm on 23.7.2024
by P. SETHY (Advocate)

23.7.2024
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

-5 80
1

Annexure - 12 Jan 17

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

OA 116/2015/EZ

SHRI NIRANJAN JENA

Vs

STATE OF ODISHA & ORS.

CORAM:

Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT:

Applicant

: Mr. M.S. Rizvi, Advocate

Respondent Nos. 1-3

: Md. Alam, Advocate

Respondent No. 6

: Ms. Samapika Mishra, Advocate

: Ms. Papiya Banerjee Bihani, Advocate

Date & Remarks

Orders of the Tribunal

Item No. 5

1st February, 2016.

Mrs. Samapika Mishra, Id. adv. appears on behalf of respondent Nos. 1 to 3 and files valaalam. Let it be kept on record. She has also filed affidavit-in-opposition on behalf of respondent No. 1. She submits that the opposition of respondents Nos. 1 and 3 have also been despatched by post to this Registry. However, it appears that the same have not yet reached to the Registry. Copies have been served today to the applicant's counsel and the PCB respondent. They are at liberty to file rejoinder to the same by three weeks.

Ms. Papiya Banerjee Bihani, Id. adv. appears for respondent No. 6. She has already filed her opposition which is on record. The applicant may file rejoinder by three weeks.

From the affidavit of respondent No. 1 i.e. Chief Secretary, Govt. of Odisha, it appears that the Collector of Balasore district was directed by letter dt. 22.1.2016 by the Forest & Environment Deptt. to take action against the persons responsible for illegal operation of stone quarries forthwith under section 19 of Environment(Protection) Act, 1986 and against the lease holders who are operating without obtaining environmental clearance from the competent authority.

6-81

However, in the affidavit there is no mention regarding the respective lease hold areas of the stone quarries as well as on the issue whether they are falling within the 10 km radial distance from the Kuldiha Wild Life Sanctuary. Let a positive answer be given by the Chief Secretary, Govt. of Odisha by filing a supplementary affidavit.

It further appears from the annexure to this affidavit that there are 64 stone quarries and except Sl. No. 64, the lease hold area of the rest 63 number of stone quarries are less than 5 ha and are not regulated under the consent administration of the PCB. However, these 63 number of stone quarries having lease hold areas less than 5 ha are required to obtain EC from the Competent authority. So far as respondent No. 64 is concerned, it has not yet been granted lease.

By the decision of the Hon'ble Supreme Court in the case of Deepak Kumar -vs- State of Haryana & Ors, reported in 2012(4) SCC 629, it is clearly held that unit operating mining on the areas of mining of minor minerals even if for less than 5 ha, is required to obtain EC clearance. In view of the aforesaid decision of the Apex court, the Govt. of Odisha has also amended the Orissa Minor Minerals concession Rules, 2004 by inserting Rule 27-B by SRO dt. 16.9.14. Section 27-B reads thus,

27-B. Environment clearance for grant of quarry lease - (1) No quarry lease for minor minerals shall be granted without the approval of the Competent Authority as prescribed in Ministry of Environment & Forests, Government of India Notification No. SO 1533 dated 14th September 2006.

(2) The competent authority shall intimate the selected lessee to the effect that he has been selected for grant of quarry lease for the period and area (to be specified) and lease will be granted to him after he receives the environmental clearance.

(3) the lessee shall be responsible for obtaining environmental clearance and implementing the environment management plan.

Leave is granted to file supplementary affidavit by the Chief Secretary, detailing the areas of operation of these 63 stone quarry units and whether EC has already been granted to them or not. In the absence of Environmental Clearance, closure order shall be issued by the competent authority forthwith and the Chief Secretary will take

steps to implement the closure order in letter and spirit.

The affidavits of respondents No. 2 and 3, which are stated to be despatched by post for filing before the Tribunal and have not yet reached, a copy has been handed over to us by the Id. Govt. counsel. Let it be kept on record.

From the affidavits of the said respondents it appears that as per Govt. instruction temporary permits have been granted for development of Govt. projects for larger interest of the public. Reference has been made to rule 30 of the Orissa Minor Minerals Concession Rules, 2004. In view of the judgement of the Hon'ble Supreme Court in Deepak Kumar case (supra) which is also the law of the land under Art. 141 of the Constitution of India and as per rule 27B of Orissa Minor Minerals Concession Rules, 2004 noted above, there cannot be any discrimination in respect of Govt. project and private project having regard to the concept of Art. 14 of the Constitution of India relating to EC. Besides such, concept under the environmental jurisprudence, does not provide scope for granting any concession or exemption from complying with EC norms for grant of temporary permit to quarry owners. Nowhere in the Orissa Minor Minerals Concession Rules, 2004 it is provided that Govt. project are exempted from observing environmental norms. Since environmental jurisprudence also apply to stone quarries irrespective of areas of operation, no quarry permit - temporary or permanent - could be given unless environmental clearance is granted by the competent authority on considering the cumulative effect of operation of mining in the area in question.

Hence, considering the affidavits, we direct the Chief Secretary, Govt. of Odisha and the State PCB to take urgent steps and measures for stopping illegal operation of stone quarries of the respective units in the absence of Environmental Clearance and action taken report be filed on the next date.

From page 48 of the affidavit of PCB (Annexure-R1) it appears that a resolution dt. 11.08.2010 was passed holding that there was no necessity for minor mineral mines having lease hold area of less than 5

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ha for obtaining consent u/s 25 of Water Act, 1974 and sec. 21 of Air Act, 1981 from the State Pollution Control Board. As a reasoning of passing such resolution, the EIA Notification of 2006 was referred to, wherein there is provision for exemption from obtaining EC from Ministry of Environment & Forest, Govt. of India in respect of mining area having less than 5 ha. But the said concept has now changed in view of the Judgement of the Apex Court in Deepak Kumar case (supra) and the amended rules as already quoted above.

Having regard to the resolution dt. 11.8.2010, we are of the view that said resolution is contrary to law and it stands set aside and quashed. Accordingly, the PCB is directed to pass appropriate resolution bringing units of minor minerals having operating field in area even less than 5 ha under consent management keeping in view the changed position of law as declared by the Hon'ble Apex Court read with amended rule aforesaid. An affidavit in this regard to be filed by the PCB before the next date fixed.

Ld. advocate for the applicant submits before us that many stone quarries are in operation in the district of Balasore and explosives are being used without any Govt. licence. He has also stated that the units are situated very close to the wild life sanctuary and appropriate steps should be taken in this respect as well.

The Chief Secretary, Govt. of Odisha is directed to take all steps and measures for closing down the quarry units which are illegally operating in the absence of Environmental Clearance and also file the list of all such stone quarries operating within 10 km distance of Kuldiha Wild Life Sanctuary. He will also provide the list of such quarries on affidavit to whom permission has been granted to use explosives for mining operation. Action taken report be filed on the next fixed.

Matter is posted on 14.3.2016.

Justice Pratap Kumar Ray, JM

Prof. (Dr.) P. C. Mishra, EM

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

M.A. NO. 350/2017/EZ & M.A. 351/2017/EZ
IN
In O.A. 116/2015/EZ & O.A. 70/2017

SRI ADITYA RAM JETIA

Vs

STATE OF ODISHA & ORS.

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

PRESENT: Applicant : None
Respondent Nos. 1-3 : Ms. Samapada Mishra, Advocate
Applicant in MAA 333/2017/EZ : Mr. Gora Chand Roy Chowdhury, Advocate
Respondent No. 4 & 7 : None
Respondent No. 6 : None
Respondent No. 8 & 9 : Mr. Devashis Panda, Advocate
Applicant in MA 350/2017/EZ : Mr. A.R. Jena, Advocate
Other Respondents : None

Date & Remarks	Orders of the Tribunal
<p>Items No. 11-12 22nd November, 2017.</p>	<p>M.A. No. 350/2017/EZ:</p> <p>This MA has been filed seeking for direction upon the State Govt., to permit 63 stone quarries unit to operate in Mahumuhan and Khanjamahal villages in view of the fact that they do not fall within the prohibited areas of eco-sensitive zone of Kuldiah Wildlife Sanctuary since notified by the MOEF vide notification dated 9.8.2017. It is the case of the applicants in the MA that despite specific direction of the Tribunal that the prohibitory orders issued vide</p>

20-85

order dt. 17.3.2017, would only subsist until the notification of Eco Sensitive zone is issued by the MOEF.

Mr. Debasish Panda, Id. Advocate for the Applicant in the IMA has referred to a joint verification report filed as annexure-RB-3 in support of his contention that the stone quarries in question do not fall within the eco-sensitive zone.

M.A. 351/2017/EZ:

This MA has been preferred by the State Respondents seeking leave of the Tribunal to allow operation of stone quarries in the villages Mahumuhan and Khanjamahal having regard to the prohibition issued by order dated 17.8.2017 in OA No. 70/2017/EZ.

Upon consideration of the submission of the Id. Counsel in this MA, it appears to be a converse in party in MA 350/2017/EZ as the Applicants in both the cases seek for identical prayers. In M.A. No. 350/2017/EZ, it is the crusher units who seek a direction to be issued upon the State Authorities to permit them to run their units and in this MA, it is the State seeking for leave to grant such permission.

For these reasons, we do not find any reason as to why these MAs should be kept pending.

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We accordingly allow both the MAs No. 350/2017/EZ and 351/2017/EZ permitting operation of the stone quarries in the area in question subject, of course, to furnishing all the requisite statutory clearances necessary for the purpose.

The Statutory Authorities dealing with the clearances are directed to dispose of any pending application before them submitted by any one of the applicants expeditiously.

Both the MAs, i.e., MA 350/2017/EZ and MA 351/2017/EZ stands disposed of.



Justice S.P. Wadhwa

22-11-2017

NATIONAL GREEN TRIBUNAL

Scanned with CamScanner

Handwritten signature and initials:
Mel
off
J. S.



WP(C) No.12578 of 2024

-Versus-

State of Odisha and others Opp. Parties.

PRELIMINARY COUNTER AFFIDAVIT FILED
ON BEHALF OF OPP. PARTIES No.2 & 5.

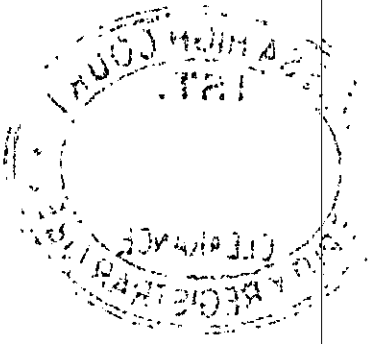
I, Santosheepura Sethy, aged about 31 years,
D/o-Gangadhar Sethy, at present working as Mining
Officer, Balasore, At/PO/Dist.-Balasore, do hereby
solemnly affirm and state as follows.

1. That I have been arrayed as Opp. Party No.5 in this case and have been duly authorised by Opp. Party No.2 Collector, Balasore to swear this affidavit on his behalf.

2. That I have gone through the writ application and annexures appended thereto and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records.

PRADIPTA KUMAR MOHANTY

Santo Sheep Prayers



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3. That the petitioner in the writ petition seeking a direction to the Opp. Parties more particularly Opp. Party No.3 to extend the lease period of Khanjamahala stone quarry No.59 for the rest period.

4. That, it is humbly submitted that the writ application as laid is devoid of any merit either on facts or in law and as such is liable to be dismissed by the Hon'ble Court.

5. That in reply to the averments made in Para-1 of the writ petition, it is humbly submitted that the petitioner has filed the aforesaid writ petition alleging therein that the opposite parties are not allowing the petitioner to operate the stone quarry even though he had deposited the requisite fee for the period of 2024-25. As per the records available, the petitioner had not deposited the requisite fee for the period 2024-25.

6. That the averments made in Para-2 & 3 of the writ petition, the deponent has no comments to offer.

7. That the averments made in Para-4 of the writ petition, the deponent has no comments to offer.

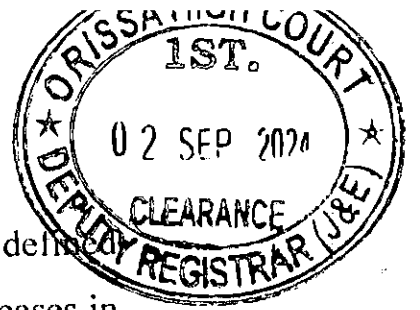
8. That in reply to the averments made in Para-5 of the writ petition, it is humbly submitted that as per enforcement and monitoring guidelines for sand Mining, Ministry of Environment, Forest and Climate Change 2020 "A cluster is formed when one mining lease of homogenous mineral is within 500 meters of

Santoshkumar . sany

21-11-2024

14

289



the other mining lease. Mining lease should be defined in such a way that the total area of the mining leases in a cluster should not be more than 10 Ha.

9. That in reply to the averments made in Para-6 of the writ petition, it is humbly submitted that the cluster EC proposal number SIA/OR/MIN/459880/2024 is still pending at SEIAA.

10. That the averments made in Para-7 to 13 of the writ petition, the deponent has no comments to offer.

11. That in reply to the averments made in Para-14 of the writ petition, it is humbly submitted that the petitioner submitted his representation to the Mining Officer, Balasore for operation of the quarry. A letter has been issued to the petitioner on 30.08.2024 specifically replying to his representation. Copy of the letter dtd.30.08.2024 is annexed herewith and marked as Annexure-A/5.

Sanjib Kumar Sanyal

12. That, the deponent craves leave of this Hon'ble Court to make further submissions and file further Affidavits in support of the contentions, for an effective adjudication by the Hon'ble Court.

14. That, the statements made above in Paragraphs - 1 to 4 are true to the best of my knowledge and belief and those statements made in Paragraphs - 5 to 13 are true to my information derived from the records and

My

90^a

the statements made in Paragraph – 13 are my submissions to this Hon'ble Court. I believe the information to be true as per available Official records.

Identified by

Santosheemaya Sethy
31.8.24
Deputy Commissioner (I/C)
Balasore

~~ASO, A.G's Office~~
~~A.G's Office~~

Solemnly affirmed before me by Santosheemaya
Sethy, who is ^{known to} identified before me by
....., Advocate
General's Office whom I personally know.

This the 31st day of August, 2024.

31/08/2024

Cuttack

NOTARY PUBLIC, CUTTACK

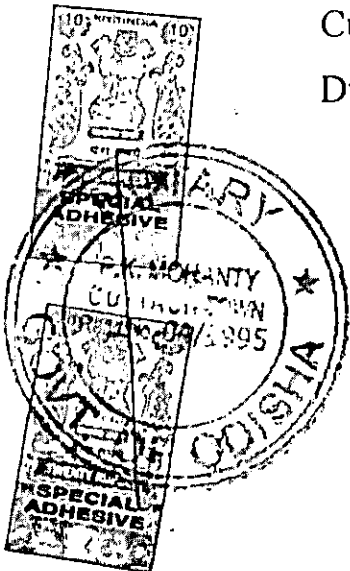
Dtd.:31/08/2024

PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995

Certified that Cartridge papers are not available.

Rt. cep

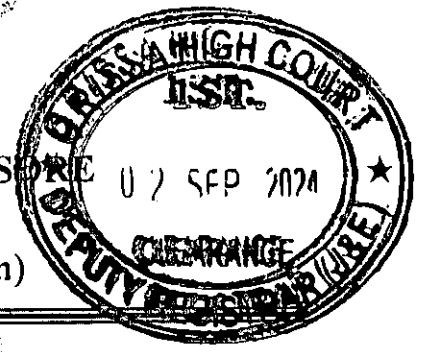
ADDL. GOVERNMENT ADVOCATE





91

OFFICE OF THE MINING OFFICER, BALASORE
Kuruda, Balasore, 756056
(E-Mail: miningofficerbalasore@gmail.com)



Letter No. 1840 /-MM BIs, Dt 30/8/24

To

Narayan Sahu
S/o- Guruprasad Sahu
At- Angula Sasan
Po- Angula
Ps- Soro
Dist.- Balasore
Mob- 9583659824

Sir,

With reference to the subject cited above, I am to say that your representation on dt. 22.06.2024 and 24.07.2024 will be considered on merit, after obtaining the cluster EC over the Khanjamahal Stone quarries.

This is for your information and necessary action.

Yours Faithfully


Mining Officer (I/c)
Balasore

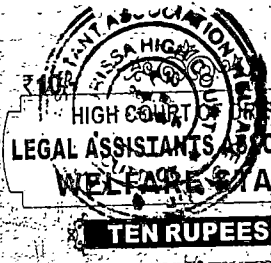
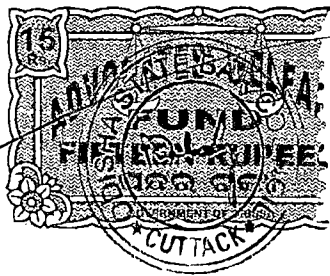
Memo No. ...1841... / MM BIs, Dt 30/8/24

Copy submitted to the Deputy Director of Mines, Bhadrak Circle, Bhadrak for favour of kind information and necessary action.


Mining Officer (I/c)
Balasore

True copy attested.


Mining Officer (I/c)
Balasore



FORM OF VALKALATNAMA

IN THE HIGH COURT OF JUDICATURE ORISSA, CUTTACK

W.P.(C) No. 12578 of 20 24 9240

Between Narayan Sahu

Appellant / Petitioner / Plaintiff

Versus

State of Odisha & others

Respondent / Opp. Party / Defendant

I Know all men by these presents, that by this VAKALATANAMA

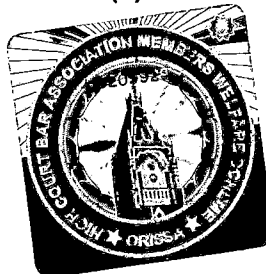
1 We Narayan Sahu, aged about 68 yrs, S/o - Guruprasad Sahu, AT:- Angula basan, P.O:- Angula, P.S:- Soro, Dist:- Balasore, Lease Holder of Quarry lease No- 59 of Khanjamahal, No-59, in plot No-363, Khata No- 144, Area Ad-100 dec, vide lease deed No- 141902132 dated 28-08-2019.

Appellant / Respondent / Petitioner / Opposite party in the aforesaid Revision / Appeal Case to hereby appoint and retain SRI SANJAY KUMAR DAS, En. No. O-199/1998, 9337267574
PADMANAV SETHY, EN.No- O-1433/2006, MOB-6372020509, TANMAYA-
KANTI SAHOO, EN No- O-757/2015, M-9776840444, PRUTHWIRAJ
SETHI EN No- O-342/2003, MOB-9090444106, JAYANTI DAS,
EN No- O-797/2023, MOB- 9438631980.

Advocate (s) to appear for me / us, in the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same, or any decree or order passed therein including all applications for return of documents or receipt of any money that may be payable to me / us in the said case and also in applications for review in appeals under Orissa High Court Order and in applications for leave to appeal to Supreme Court. I / We authorise my / our Advocate(s) to admit any compromise lawfully in the said case.

Dated 02 / 05 / 2024

Received from the executant(s)
satisfied and accepted & certify that
I hold no brief for the otherside.



[Signature]
Advocate
Accepted as above

[Signature]
Advocate
Accepted as above

[Signature]
Advocate
Accepted as above

[Signature]
Advocate
Accepted as above

[Signature]
Advocate
Accepted as above

Advocate
Accepted as above

[Signature]
Signature of Executants

D
SCANNED

OFFICE OF THE ADVOCATE GENERAL, ODISHA

SLNO: 552206 Date: 07-May-24 TIME: 1:47 PM

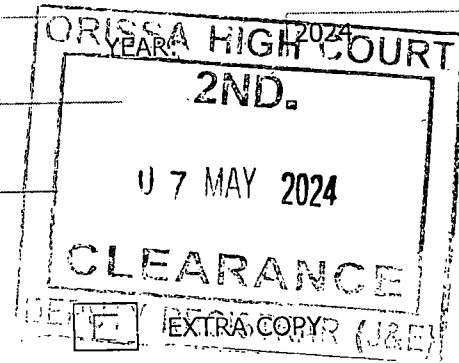
CASETYPE: DWPC No: 20148

PETITIONER / APPELLANT: NARAYAN SAHU

RESPONDENT / OPP PARTY: STATE

☒ PETITION & MEMO☐ MISC CASE☐ COUNTER☐ ADDL☐ REJONDER☐ CONSOLIDATED

MISC. COPY



SET:

ADDL. STANDING
COUNSEL

SCANNED

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Seat No :

Branch No :

Receipt No : 64269/2024

Date Of Receiving : 14/05/2024

Time : 04:34:46 PM

Filing No : D- **WP(C) 20148/2024**

Case No : **WP(C) /0**

Received From : Petitioner

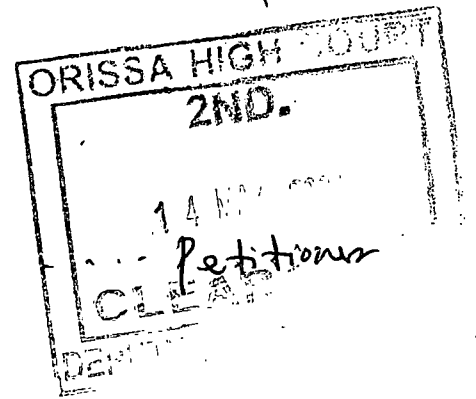
Filed By: ADVOCATE FOR PETITIONER

Document(s) Filed :

2- Second Copy

3- Legible Copy

IN THE HIGH COURT OF ORISSA, CUTTACK
(Original Jurisdiction Case)
D-WP(C) NO - 20148/2024



Norayan Sahu

v/s


State of Odisha & others

... Opp. Parties.

MEMO

As per as defects pointed out by the
S.R. Section, legible copy Page NO - 72, 73 & 74
and 2nd copy of petition are filed here for
removal of defects.

CUTTACK
DATE - 14/05/2024

By the Petitioner
Through  ADVOCATE

Email-tahastudersoro@gmail.com

To,

Dated: 01/10/21

Tahsildar, Soro,

Dist-Balasore

Ref: Letter No.2344/

Dt.01/09/2021

Sub: Show Cause Notice.

Sr.

With reference to your "Show Cause Notice" we are expressing following points herewith:-

- 1) Khanjamahal Stone Quarries has been treated as Cluster mining as per Govt Notification.
- 2) Mining Plan and Environment Clearance to be approved as Cluster Mining.
- 3) After Approval of Both Mining Plan & EC, each Individual quarry has to go for approval of Mining Plan and Environment Clearance individually as per allotment.
- 4) Consent to Operate also to be obtained from State Pollution Control Board.
- 5) The Undersigned could not work in want of APPROVED Documents (MP, EC & CTC).

It is requested to understand the points as described above and relieve me from being Show Caused.

Yours faithfully,

ଶ୍ରୀ ନାରାୟଣ ସାହୁ

Sri Narayan Sahu,

S/o -Guru Prasad Sahu,

At-AngulaSasan, P.S.-Soro, Dist-Balasore

(Lessee) Khanjamahal Stone Quarry No-59

CC: To Sub-Collector, Balasore for his kind information

TCA
DD

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To, The Mining officer, Baramulla
 Sub: Environment Clearance.
 ୧ ସେକ୍ସୁ ସି.ସି। ସୁଜି ନନ୍ଦନୁ ମିଶ୍ରଙ୍କ

751 P 123

ଦାକ୍ଷେ ନିରାସ୍ତ୍ର କାନ୍ଦି, ଶ୍ରୀ ନାରାୟଣ
 ଶାନ୍ତି ଦିଅ, ମୁଁ ପ୍ରଭାତ ସାନ୍ତି, ସା: ନିୟତି -
 ଗୋ: ଆୟୁକା, ସା: ଗୋ: ଶ୍ରୀ: ନାରାୟଣ

[illegible]

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 ପଞ୍ଚାବତୀରାମାଣ୍ଡଳ

707 22/4/2024

ॐ
 श्री गणेशाय नमः
 श्री गणेशाय नमः

[Handwritten signature]

10/15 - 15/10/2015

To: The Tahsildar, [redacted]

Sub: Environment Clearance -

ଓ ସମସ୍ତ ସୀମା ବୁଦ୍ଧି ମରାଜୁ ଦିବସ,

ମହାନଗର
୨୩-୫-୨୫

ଆଜ୍ଞା ନିମ୍ନୋକ୍ତ କାର୍ଯ୍ୟ, ଶ୍ରୀ ନାରାୟଣ ସ୍ୱାମୀ
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TECH

CJ

COURT NO. :

17/05 IN THE HIGH COURT OF ORISSA: CUTTACK DB-2 S-113

MENTION MEMO

1. NUMBER OF THE CASE

WP(C) NO - 12578/2024

2. NAME OF THE PARTIES

Navayan Sahu

PETITIONER / APPELLANT

-VERSUS-

3. PARTY SEEKING POSITION

State of Odisha & others

OPP. PARTY / RESPONDENT

PETITIONER / OPP. PARTY

4. NAME OF THE ADVOCATE OF THE
PARTY SEEKING POSITION

SANJAY KUMAR DAS-2

5. NAME OF THE ADVOCATE/ADVOCATES
APPEARING FOR THE OPP. PARTIES

A.S.C

6. MENTION FOR

ADMISSION, ORDER, STAY, HEARING

7. REASON FOR THE MENTION

This matter is regarding extension
of lease period and issuance of operation.
Kindly list it on 17-05-2024

8. DATE ON WHICH POSTING IS SOUGHT

17-05-2024

9. WHETHER ANY CAVEAT HAS BEEN
FILED OR NOT

10. INDICATE WHETHER THE MATTER IS IN
THE LIST BEFORE ANY OTHER BENCH

PLACE : CUTTACK

DATE 16-05-2024

SIGNATURE OF THE ADVOCATE

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22601 of 2021

Madhab Dhada

.... *Petitioner*
Mr. N. Sahani, Advocate.

-versus-

State of Odisha and others

.... *Opposite Parties*

Mr. P.K. Muduli, AGA

CORAM:
JUSTICE S.K. MISHRA
JUSTICE SAVITRI RATHO

ORDER
06.08.2021

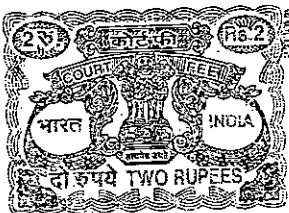
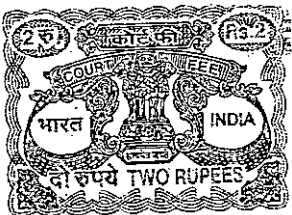
Order No.

2.

1. The matter is taken up through hybrid mode.

2. Heard Mr. N. Sahani, learned counsel for the petitioner and Mr. P.K. Muduli, learned Addl. Government Advocate.

3. In this writ application, the petitioner has prayed for issuance of a writ of mandamus directing the opposite parties to extend the lease period of Khanjamahal stone quarry no.76 for one year eight months and ten days, which corresponds to the period during which the stay order of the National Green Tribunal was in force. The petitioner has also prayed to direct the opposite party no.3 to issue operation order in favour of the petitioner for the entire period.

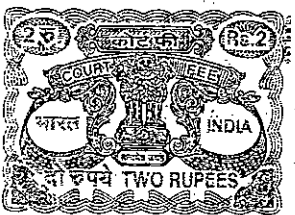
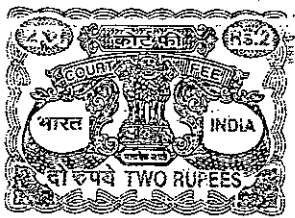


4. Learned counsel for the petitioner submits that this is a covered⁸² matter and number of orders has been passed by this Court giving the aforesaid relief.

5. Mr. P.K. Muduli, learned Addl. Government Advocate submits that since at Annexure-4, the Tahasildar, Soro has rejected the claim of the petitioner, the writ petition has technical snag and prayer cannot be granted without a prayer for quashing Annexure-4. We are of the opinion that substantive relief or substantive question of law should outweigh any technical consideration. Procedural law is handmaid of substantive justice. We are not inclined to accept the submission made by Mr. P.K. Muduli, learned Addl. Government Advocate, rather we would like to follow the judgment or order passed by the Division Bench of this Court on 31.05.2021 in W.P.(C) No.36082 of 2020.

6. It is seen that the issue involved in the present case is covered by decision of this Court passed on 31.05.2021 in W.P.(C) No.36082/2020.

7. Accordingly, this Court directs the Opposite Parties to extend the tenure of the lease of Khanjamahal Stone Quarry No.46 by a period of one year, eight months and ten days, which corresponds the period during which the stay order of the NGT was in force. The appropriate orders implementing the above direction shall be issued by the Opposite Parties not later than



six weeks from today subject to the petitioner complying with all the formalities.

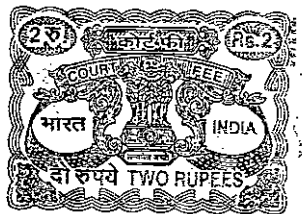
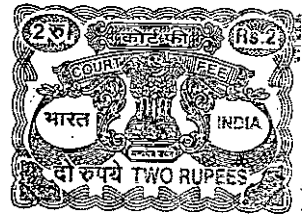
8. The Writ Petition is disposed of.

9. Urgent certified copy of this order be granted as per rules.

Sd - S.K. Mishra, J
Sd - Saridra Ratho, J

Comp. by

hbr pcd
10/8/21



SCANNED
COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP

Seat No : 113

Branch No : WRIT BRANCH (DIVISION
BENCH-2)

Receipt No : 109711/2024

Date Of Receiving : 02/09/2024

Time : 11:05:30 AM

Filing No : D- WP(C) 20148/2024

Case No : WP(C) 12578/2024

Received From : Respondent (2 & 5)

Filed By: ADDL. GOVT ADVOCATE

Document(s) Filed :

4- Preliminary Counter Affidavit -e-Filing hard copy(Govt.)

SCANNED

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Seat No : 113

**Branch No : WRIT BRANCH (DIVISION
BENCH-2)**

Receipt No : 110398/2024

Date Of Receiving : 03/09/2024

Time : 11:20:38 AM

Filing No : D- WP(C) 20148/2024

Case No : WP(C) 12578/2024

Received From : Petitioner

Filed By: ADVOCATE FOR THE PETITIONER

Document(s) Filed :

5- Additional Document

IN THE HIGH COURT OF ORISSA, CUTTACK

W.P. No. - 12578/2024

Narayan Saha
vs
State of Odisha



MEMO

In this aforesaid case the petitioner
files request to the opp. party
No. 6 by speed post and
Receipt (original copy) is files
here with.

Place - Cuttack

Date. 03/09/24

By the petitioner
[Signature]
Through the advocate

भारतीय डाक



India Post



भारतीय डाक



India Post

E07976168741N IVR:6929/97

SP CHANDINDHONK H.O 47530

Counter No:2,03/09/2024.1

To:CHAIRMAN STAT.IMPACT ASSESSMENT

PIN:751001, Bhubaneswar G.P.O.

From:SANJAY KUMAR DAS,O-C

Wt:206gms

Amt:35.40, Tax:5.40, Amt. Paid:35.00 (Cash)

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks. Stay Safe>

SCANNED

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Seat No : 113

**Branch No : WRIT BRANCH (DIVISION
BENCH-2)**

Receipt No : 111086/2024

Date Of Receiving : 03/09/2024

Time : 04:31:15 PM

Filing No : D- WP(C) 20148/2024

Case No : WP(C) 12578/2024

Received From : Petitioner

Filed By: ADVOCATE FOR THE PETITIONER

Document(s) Filed :

6- REQUISITE FOR OPS --- Postal Fee -Rs.65

In THE HIGH COURT OF DELHI, CIVIL, COTTAI.
WPC No. 12578/2024

Narayan Sahu
vs

State of Odisha & others



MEMO

As per the order passed by the
Hon'ble Court on dated 23.7.2024
postal requisites containing postage
stamp worth Rs 65.00 (Sixty five)
only are filed here for the
issuance of notice for the opp.
party No. 6, (six).

Praveen Chatterjee
Dt. 03.9.2024

by the petitioner
Dhruv Mehta



Sign In

Register

A

DP-6



A

ॐ

हिन्दी

भारतीय डाक
डाक सेवा-जन सेवाIndia Post
Dak Seva-Jan Sewa

You are here Home>> Track Consignment

Track Consignment

Quick help

* Indicates a required field.

* Consignment Number

EX851864719IN

Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Chandinchowk H.O	11/09/2024 10:53:39	751022	65.00	Inland Speed Post	Bhoinagar S.O	12/09/2024 16:10:14

Event Details For : EX851864719IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
12/09/2024	16:10:14	Bhoinagar S.O	Item Delivered(Addressee)
12/09/2024	10:43:22	Bhoinagar S.O	Out for Delivery
12/09/2024	09:49:51	Bhoinagar S.O	Item Received
12/09/2024	03:43:13	Bhubaneswar NSH	Item Dispatched
12/09/2024	03:09:57	Bhubaneswar NSH	Item Bagged
12/09/2024	00:38:01	Bhubaneswar NSH	Item Received
11/09/2024	17:00:05	Chandinchowk H.O	Item Bagged
11/09/2024	16:54:55	Chandinchowk H.O	Item Dispatched
11/09/2024	10:53:39	Chandinchowk H.O	Item Booked

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B

IN THE HIGH COURT OF ORISSA, CUTTACK.

W.P.(C) No - 12578/2024

Narayan Saha - - - - petitioner.

vs

State of Odisha & Others - - - - Opp parties

Memo

In this aforesaid Case the Opp party No-5 has been issued a letter to the petitioner vide letter No- 1840 dated 30.8.2024 for consideration of representation of obtaining the Cluster EC over the Khandajhala Block grounds. The Copy of the order dated 30.8.2024 is annexed herewith for kind perusal.

Place: Cuttack
Date: 22.10.2024

Signature of the Advocate



for the petitioner

**OFFICE OF THE MINING OFFICER, BALASORE**

Kuruda, Balasore, 756056

(E-Mail: miningofficerbalasore@gmail.com)

Letter No. 1840/MM BIs, Dt. 30/8/24

To

Narayan Sahu

S/o- Guruprasad Sahu

At- Angula Sasan

Po- Angula

Ps- Soro

Dist.- Balasore

Mob- 9583659824

Sir,

With reference to the subject cited above, I am to say that your representation on dt. 22.06.2024 and 24.07.2024 will be considered on merit, after obtaining the cluster EC over the Khanjamahal Stone quarries.

This is for your information and necessary action.

Yours Faithfully

Mining Officer (I/c)
Balasore

Memo No. 1841/MM BIs, Dt. 30/8/24

Copy submitted to the Deputy Director of Mines, Bhadrak Circle, Bhadrak for favour of kind information and necessary action.

Mining Officer (I/c)
Balasore

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22601 of 2021

Madhab Dhada

Petitioner
.....
Mr. N. Sahani, Advocate.

-versus-

State of Odisha and others

Opposite Parties

.....
Mr. P.K. Muduli, AGA

CORAM:
JUSTICE S.K. MISHRA
JUSTICE SAVITRI RATHO

ORDER
06.08.2021

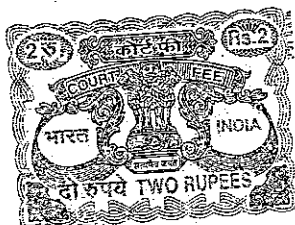
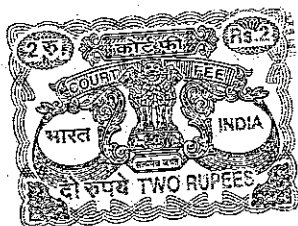
Order No.

2.

1. The matter is taken up through hybrid mode.

2. Heard Mr. N. Sahani, learned counsel for the petitioner and Mr. P.K. Muduli, learned Addl. Government Advocate.

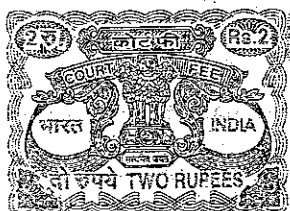
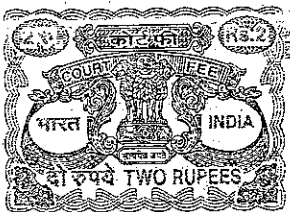
3. In this writ application, the petitioner has prayed for issuance of a writ of mandamus directing the opposite parties to extend the lease period of Khanjamahal stone quarry no.76 for one year eight months and ten days, which corresponds to the period during which the stay order of the National Green Tribunal was in force. The petitioner has also prayed to direct the opposite party no.3 to issue operation order in favour of the petitioner for the entire period.



4. Learned counsel for the petitioner submits that this is a covered⁸² matter and number of orders has been passed by this Court giving the aforesaid relief.

5. Mr. P.K. Muduli, learned Addl. Government Advocate submits that since at Annexure-4, the Tahasildar, Soro has rejected the claim of the petitioner, the writ petition has technical snag and prayer cannot be granted without a prayer for quashing Annexure-4. We are of the opinion that substantive relief or substantive question of law should outweigh any technical consideration. Procedural law is handmaid of substantive justice. We are not inclined to accept the submission made by Mr. P.K. Muduli, learned Addl. Government Advocate, rather we would like to follow the judgment or order passed by the Division Bench of this Court on 31.05.2021 in W.P.(C) No.36082 of 2020.

6. It is seen that the issue involved in the present case is covered by decision of this Court passed on 31.05.2021 in W.P.(C) No.36082/2020.



7. Accordingly, this Court directs the Opposite Parties to extend the tenure of the lease of Khanjamahal Stone Quarry No.46 by a period of one year, eight months and ten days, which corresponds the period during which the stay order of the NGT was in force. The appropriate orders implementing the above direction shall be issued by the Opposite Parties not later than



six weeks from today subject to the petitioner complying with all the formalities.

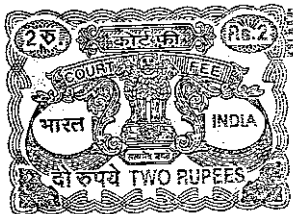
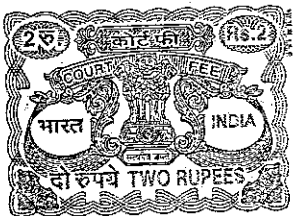
8. The Writ Petition is disposed of.

9. Urgent certified copy of this order be granted as per rules.

Sd - S. K. Mishra, J
Sd - Saradine Ratho, J

Comp. by

Wd ^{pcd}
10/8/21



Case Details

Filing No.	: WP(C) /20148/2024	Filing Date: 03-05-2024
Registration No.	: WP(C) /12578/2024	Date of Registration: 15-05-2024
CNR	: ODH01-033724-2024	

Case Status

First Hearing Date	:
Coram	: 3173-MR. JUSTICE CHAKRADHARI SHARAN SINGH , MISS JUSTICE SAVITRI RATHO
Next Hearing Date	: 19th November 2024 ✓
Stage of Case	: FOR ADMISSION
Bench Type	: Division Bench
Judicial Branch	: Civil Section
Causelist Type	: Supplementary(Daily)
State	: ORISSA
District	: Baleshwar
Short Order	: ADJOURNED
Last Page Number	: 75
Next Page Number	: 76

Petitioner and Advocate

1) NARAYAN SAHU
Address - ANGULA SASAN,SORO,BALASORE
Advocate- SANJAY KUMAR DAS, P.SETHY, T.K.SAHOO, P.SETHI, J.DAS

Respondent and Advocate

- 1) STATE OF ODISHA
Address - SECRETARIATE BUILDING,BBSR,KHURDA
- 2) COLLECTOR,BALASORE
BALASORE
- 3) TAHASILDAR,SORO
SORO,BALASORE
- 4) REGIONAL OFFICER,POLLUTION CONTROL BOARD
SAHADEV KHUNTA,BALASORE
- 5) MINING OFFICER,BALASORE
BALASORE
- 6) CHAIRMAN ,STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
5R/F,2/1,ACHARYA VIHAR,BBSR,KHURDA

Acts

Under Act(s)	Under Section(s)
CONSTITUTION OF INDIA, 1950	226,227,

W.P.C. - 12578/2021

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22601 of 2021

Madhab Dhada

.... ***Petitioner***
Mr. N. Sahani, Advocate.

-versus-

State of Odisha and others

.... ***Opposite Parties***

Mr. P.K. Muduli, AGA

**CORAM:
JUSTICE S.K. MISHRA
JUSTICE SAVITRI RATHO**

**ORDER
06.08.2021**

Order No.

2. 1. The matter is taken up through hybrid mode.
2. Heard Mr. N. Sahani, learned counsel for the petitioner and Mr. P.K. Muduli, learned Addl. Government Advocate.
3. In this writ application, the petitioner has prayed for issuance of a writ of mandamus directing the opposite parties to extend the lease period of Khanjamahal stone quarry no.76 for one year eight months and ten days, which corresponds to the period during which the stay order of the National Green Tribunal was in force. The petitioner has also prayed to direct the opposite party no.3 to issue operation order in favour of the petitioner for the entire period.

4. Learned counsel for the petitioner submits that this is a cover matter and number of orders has been passed by this Court giving the aforesaid relief.

5. Mr. P.K. Muduli, learned Addl. Government Advocate submits that since at Annexure-4, the Tahasildar, Soro has rejected the claim of the petitioner, the writ petition has technical snag and prayer cannot be granted without a prayer for quashing Annexure-4. We are of the opinion that substantive relief or substantive question of law should outweigh any technical consideration. Procedural law is handmaid of substantive justice. We are not inclined to accept the submission made by Mr. P.K. Muduli, learned Addl. Government Advocate, rather we would like to follow the judgment or order passed by the Division Bench of this Court on 31.05.2021 in W.P.(C) No.36082 of 2020.

6. It is seen that the issue involved in the present case is covered by decision of this Court passed on 31.05.2021 in W.P.(C) No.36082/2020.

7. Accordingly, this Court directs the Opposite Parties to extend the tenure of the lease of Khanjamahal Stone Quarry No.46 by a period of one year, eight months and ten days, which corresponds the period during which the stay order of the NGT was in force. The appropriate orders implementing the above direction shall be issued by the Opposite Parties not later than

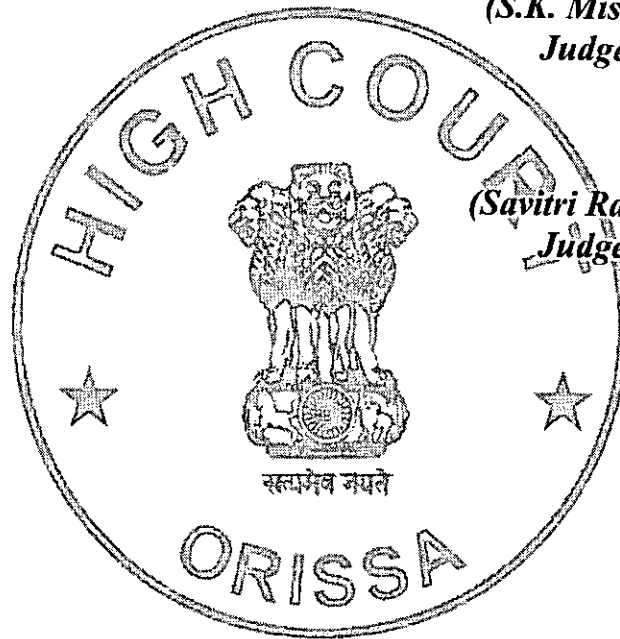
six weeks from today subject to the petitioner complying with all the formalities.

8. The Writ Petition is disposed of.

9. Urgent certified copy of this order be granted as per rules.

(S.K. Mishra)
Judge

(Savitri Ratho)
Judge



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 36084 of 2020

Rajesh Kumar Mohapatra **Petitioner**

Through : Mr. K.P. Mishra, Advocate

-versus-

State of Odisha and others

..... **Opp. Parties**

Through : Mr. Mohanty, AGA

for O.Ps

CORAM:

THE CHIEF JUSTICE

JUSTICE S. RATHO

ORDER

31.05.2021

Order No.

04.

1. This matter is taken up by video conferencing mode, in the Vacation Court.

2. This Court on 23rd December, 2020 passed the following order:

“This matter is taken up through video conferencing.

Heard Mr. K.P. Mishra, learned counsel for the petitioner and Mr. P.K. Muduli, learned Addl. Government Advocate for the State.

The petitioner has filed this writ petition seeking direction to opposite party no.2 to extend the tenure of lease of Khanjamahal Sand Stone Quarry No. 49 for the period of 1 year 8 months and 10 days lost for the interim stay order passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No.116 of 2015/EZ.

Mr. K.P. Mishra, learned counsel for the petitioner contended that the petitioner was granted lease to operate the stone quarry, but one Niranjana

Jena filed an O.A. before the National Green Tribunal (NGT), Eastern Zone Bench, Kolkata and by virtue of the interim order, the petitioner was prevented to operate the quarry for a period of 1 year 8 months and 10 days. Subsequently, the Tribunal disposed of the O.A. vacating the interim order. Thereafter the petitioner was allowed to operate the quarry. The petitioner seeks for extension of the period which was lost due to the interim order passed by the Tribunal. Therefore, he approached this Court by filing W.P.(C) No. 3253 of 2020, which was disposed of directing to consider the grievance made by the petitioner, but the same was rejected vide order dated 09.11.2020 by the Collector, on the basis of clarification made by the Government in Revenue and Disaster Management Department, after obtaining the views of Law Department, simply stating that benefit cannot be extended to the petitioner. Thereby, the order dated 09.11.2020 is clearly non-application of mind. It is further contended that the apex Court in *Odisha Forest Development Corporation Ltd. v. M/s. Anupam Traders and others*, reported in *Manupatra* MANU/SC/1643/2019, held that no party should suffer for the Act of the Court. Reliance has also been made on the judgment of this Court in *Duryadhan Singh v. Sub-Collector, Panposh, Rourkela*, 2012 (1) OLR 813 and *Abhaya Samantaray v. The Collector, Puri*, 2015 (1) OLR 1017, where similar view has been taken by this Court.

In the opinion of this Court, the matter requires consideration.

Issue notice.

Mr. P.K.Muduli, learned Addl. Government Advocate accepts notice on behalf of opp. Parties. Let three extra copies of the writ petition be served on him within three days enabling him to obtain instructions or file counter affidavit.

Put up this matter on 12.01.2021.”

3. Thereafter on 8th January, 2021, an affidavit was filed by the Opposite Party Nos.1 & 2 stating therein that there is no provision in the OMMC Rules, 2016 for extension of the lease period beyond the period mentioned in the Auction Notice read with Rule-43 (2) of the OMMC Rules, 2016.

4. Mr. Mohanty, learned Additional Government Advocate does not dispute that in view of the stay order granted by the NGT, the Petitioner was prevented from operating the sand quarry in question. He further submits, that in absence of specific Rules or a judicial order in that regard, the Opposite Parties cannot grant an extension of the tenure of the lease of Khanjamahal Stone Quarry No.49.

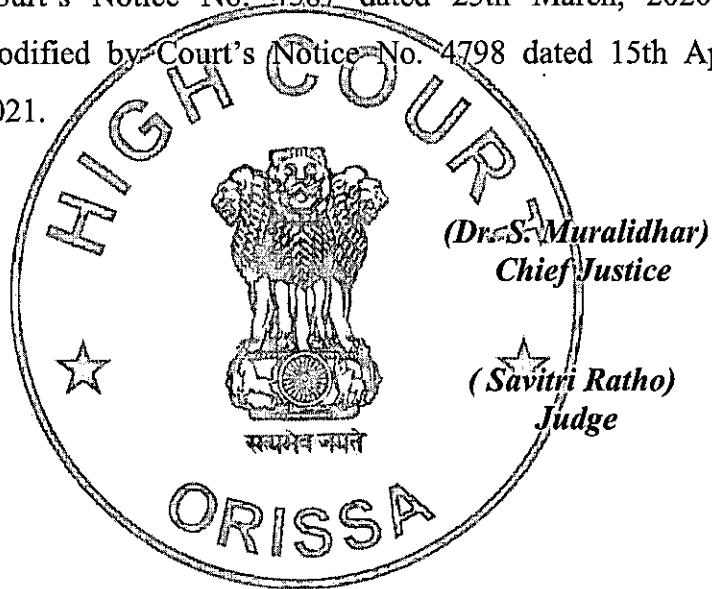
5. Having heard learned counsel for the parties, this Court is of the view that the mere absence of a specific provision in the OMMC Rules 2016, should not come in the way of the Petitioner getting an extension of the lease corresponding to the period during which under a judicial order of the NGT, he was prevented from operating the sand lease in question. The OMMC Rules, 2016 cannot be interpreted in a manner inconsistent with the effect of a judicial order of stay.

6. Accordingly, this Court directs the Opposite Parties to extend the tenure of the lease of Khanjamahal Stone Quarry No.49 by a period of one year, eight months and ten days, which corresponds the period during which the stay order of the NGT was in force. The appropriate orders implementing the above direction shall be

issued by the Opposite Parties not later than six weeks from today subject to the Petitioner complying with all the formalities.

7. The writ petition is disposed of in the above terms.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No. 4587 dated 25th March, 2020 as modified by Court's Notice No. 4798 dated 15th April, 2021.



puspa

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 36099 of 2020

Jayaram Das

....

Petitioner

Through : Mr. K.P. Mishra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Through : Mr. Mohanty, AGA

for O.Ps

CORAM:

THE CHIEF JUSTICE

JUSTICE S. RATHO

ORDER

31.05.2021

Order No.

04.

1. This matter is taken up by video conferencing mode, in the Vacation Court.

2. This Court on 23rd December, 2020 passed the following order:

“This matter is taken up through video conferencing.

Heard Mr. K.P. Mishra, learned counsel for the petitioner and Mr. P.K. Muduli, learned Addl. Government Advocate for the State.

The petitioner has filed this writ petition seeking direction to opposite party no.2 to extend the tenure of lease of Khanjamahal Sand Stone Quarry No. 46 for the period of 1 year 8 months and 10 days lost for the interim stay order passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No.116 of 2015/EZ.

Mr. K.P. Mishra, learned counsel for the petitioner contended that the petitioner was granted lease to operate the stone quarry, but one Niranjana

Jena filed an O.A. before the National Green Tribunal (NGT), Eastern Zone Bench, Kolkata and by virtue of the interim order, the petitioner was prevented to operate the quarry for a period of 1 year 8 months and 10 days. Subsequently, the Tribunal disposed of the O.A. vacating the interim order. Thereafter the petitioner was allowed to operate the quarry. The petitioner seeks for extension of the period which was lost due to the interim order passed by the Tribunal. Therefore, he approached this Court by filing W.P.(C) No. 3255 of 2020, which was disposed of directing to consider the grievance made by the petitioner, but the same was rejected vide order dated 09.11.2020 by the Collector, on the basis of clarification made by the Government in Revenue and Disaster Management Department, after obtaining the views of Law Department, simply stating that benefit cannot be extended to the petitioner. Thereby, the order dated 09.11.2020 is clearly non-application of mind. It is further contended that the apex Court in *Odisha Forest Development Corporation Ltd. v. M/s. Anupam Traders and others*, reported in *Manupatra* MANU/SC/1643/2019, held that no party should suffer for the Act of the Court. Reliance has also been made on the judgment of this Court in *Duryadhan Singh v. Sub-Collector, Panposh, Rourkela*, 2012 (1) OLR 813 and *Abhaya Samantaray v. The Collector, Puri*, 2015 (1) OLR 1017, where similar view has been taken by this Court.

In the opinion of this Court, the matter requires consideration.

Issue notice.

Mr. P.K.Muduli, learned Addl. Government Advocate accepts notice on behalf of opp. Parties. Let three extra copies of the writ petition be served on him within three days enabling him to obtain instructions or file counter affidavit.

Put up this matter on 12.01.2021.”

3. Thereafter on 8th January, 2021, an affidavit was filed by the Opposite Party Nos.1 & 2 stating therein that there is no provision in the OMMC Rules, 2016 for extension of the lease period beyond the period mentioned in the Auction Notice read with Rule-43 (2) of the OMMC Rules, 2016.

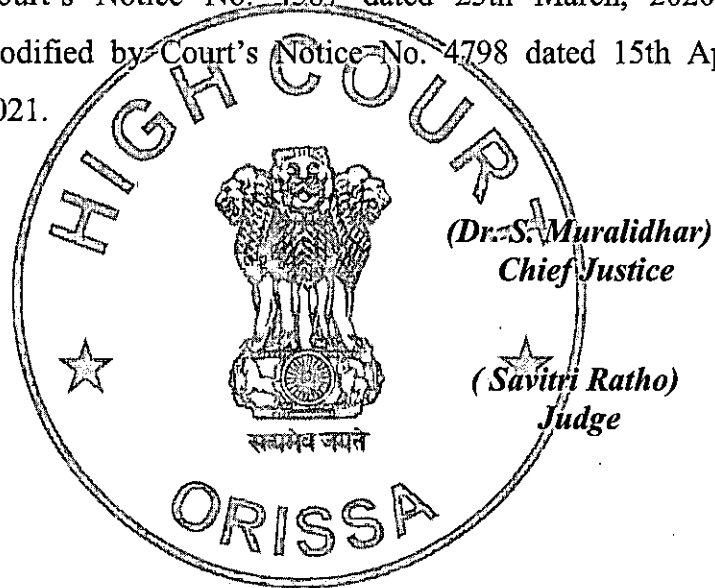
4. Mr. Mohanty, learned Additional Government Advocate does not dispute that in view of the stay order granted by the NGT, the Petitioner was prevented from operating the sand quarry in question. He further submits that in absence of specific Rules or a judicial order in that regard, the Opposite Parties cannot grant an extension of the tenure of the lease of Khanjamahal Stone Quarry No.46.

5. Having heard learned counsel for the parties, this Court is of the view that the mere absence of a specific provision in the OMMC Rules 2016, should not come in the way of the Petitioner getting an extension of the lease corresponding to the period during which under a judicial order of the NGT, he was prevented from operating the sand lease in question. The OMMC Rules, 2016 cannot be interpreted in a manner inconsistent with the effect of a judicial order of stay.

6. Accordingly, this Court directs the Opposite Parties to extend the tenure of the lease of Khanjamahal Stone Quarry No.46 by a period of one year, eight months and ten days, which corresponds the period during which the stay order of the NGT was in force. The appropriate orders implementing the above direction shall be

issued by the Opposite Parties not later than six weeks from today subject to the Petitioner complying with all the formalities.

7. The writ petition is disposed of in the above terms.
8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No. 4587 dated 25th March, 2020 as modified by Court's Notice No. 4798 dated 15th April, 2021.



puspa

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 36082 of 2020

Rajesh Kumar Mohapatra **Petitioner**

Through : Mr. K.P. Mishra, Advocate

-versus-

State of Odisha and others

.... **Opp. Parties**

Through : Mr. Mohanty, AGA

for O.Ps

CORAM:

THE CHIEF JUSTICE

JUSTICE S. RATHO

ORDER

31.05.2021

Order No.

05.

1. This matter is taken up by video conferencing mode, in the Vacation Court.


2. This Court on 23rd December, 2020 passed the following order:

“This matter is taken up through video conferencing.

Heard Mr. K.P. Mishra, learned counsel for the petitioner and Mr. P.K. Muduli, learned Addl. Government Advocate for the State.

The petitioner has filed this writ petition seeking direction to opposite party no.2 to extend the tenure of lease of Khanjamahal Sand Stone Quarry No. 82 for the period of 1 year 8 months and 10 days lost for the interim stay order passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No.116 of 2015/EZ.

Mr. K.P. Mishra, learned counsel for the petitioner contended that the petitioner was granted lease to operate the stone quarry, but one Niranjana

Jena filed an O.A. before the National Green Tribunal (NGT), Eastern Zone Bench, Kolkata and by virtue of the interim order, the petitioner was prevented to operate the quarry for a period of 1 year 8 months and 10 days. Subsequently, the Tribunal disposed of the O.A. vacating the interim order. Thereafter the petitioner was allowed to operate the quarry. The petitioner seeks for extension of the period which was lost due to the interim order passed by the Tribunal. Therefore, he approached this Court by filing W.P.(C) No. 3257 of 2020, which was disposed of directing to consider the grievance made by the petitioner, but the same was rejected vide order dated 09.11.2020 by the Collector, on the basis of clarification made by the Government in Revenue and Disaster Management Department, after obtaining the views of Law Department, simply stating that benefit cannot be extended to the petitioner. Thereby, the order dated 09.11.2020 is clearly non-application of mind. It is further contended that the apex Court in *Odisha Forest Development Corporation Ltd. v. M/s. Anupam Traders and others*, reported in  in *Manupatra* MANU/SC/1643/2019, held that no party should suffer for the Act of the Court. Reliance has also been made on the judgment of this Court in *Duryadhan Singh v. Sub-Collector, Panposh, Rourkela*, 2012 (1) OLR 813 and *Abhaya Samantaray v. The Collector, Puri*, 2015 (1) OLR 1017, where similar view has been taken by this Court.

In the opinion of this Court, the matter requires consideration.

Issue notice.

Mr. P.K.Muduli, learned Addl. Government Advocate accepts notice on behalf of opp. Parties. Let three extra copies of the writ petition be served on him within three days enabling him to obtain instructions or file counter affidavit.

Put up this matter on 12.01.2021.”

3. Thereafter on 8th January, 2021, an affidavit was filed by the Opposite Party Nos.1 & 2 stating therein that there is no provision in the OMMC Rules, 2016 for extension of the lease period beyond the period mentioned in the Auction Notice read with Rule-43 (2) of the OMMC Rules, 2016.

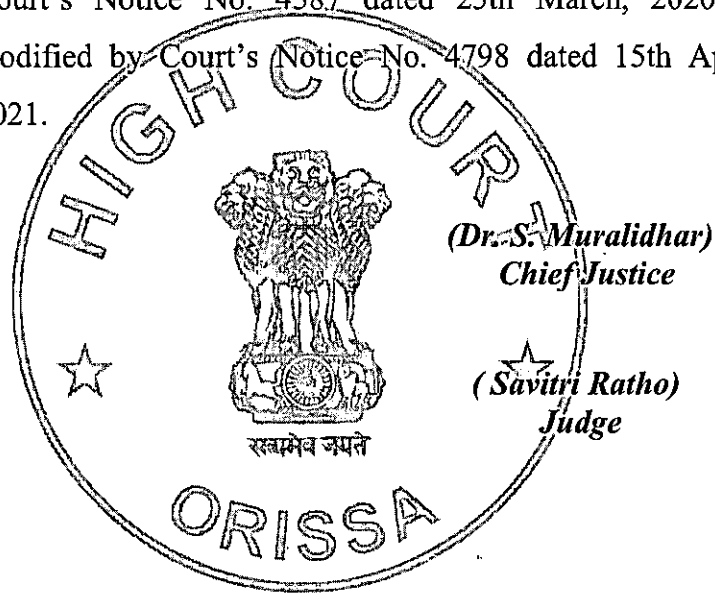
4. Mr. Mohanty, learned Additional Government Advocate does not dispute that in view of the stay order granted by the NGT, the Petitioner was prevented from operating the sand quarry in question. He further submits that in absence of specific Rules or a judicial order in that regard, the Opposite Parties cannot grant an extension of the tenure of the lease of Khanjamahal Sand Stone Quarry No.46.

5. Having heard learned counsel for the parties, this Court is of the view that the mere absence of a specific provision in the OMMC Rules 2016, should not come in the way of the Petitioner getting an extension of the lease corresponding to the period during which under a judicial order of the NGT, he was prevented from operating the sand lease in question. The OMMC Rules, 2016 cannot be interpreted in a manner inconsistent with the effect of a judicial order of stay.

6. Accordingly, this Court directs the Opposite Parties to extend the tenure of the lease of Khanjamahal Sand Stone Quarry No.46 by a period of one year, eight months and ten days, which corresponds the period during which the stay order of the NGT was in force. The appropriate orders implementing the above direction shall be issued by the Opposite Parties not later than six

weeks from today subject to the Petitioner complying with all the formalities.

7. The writ petition is disposed of in the above terms.
8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No. 4587 dated 25th March, 2020 as modified by Court's Notice No. 4798 dated 15th April, 2021.



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IN THE HIGH COURT OF ORISSA

MemoNo. 36408

Dated. 06.12.2024
(BY POST/E-Mail)

WP(C) NO.- 12578 of 2024

Narayan Sahu..... Petitioner

Vs.

State of Odisha & others..... Ops.

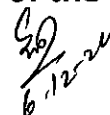
Notice of Personal Appearance

To

**The Chairman, State Environment Impact Assessment
Authority(SEIAA), At: 5R/F,2/1, Acharya Vihar, PO: Bhubaneswar,
Dist: Khurda, Odisha.**

Pursuant to Court's Order No.08 dtd.03.12.2024 passed in
WP(C) No.12578/2024, you are hereby directed to remain present online
before the Hon'ble Court presided over by the **Hon'ble THE Chief Justice
and Hon'ble Miss. Justice Savitri Ratho** on **10.12.2024** at **10.30am**
positively.

By order of the court


6.12.24

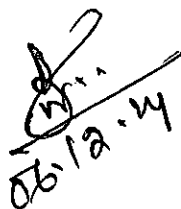
Dated.06.12.2024

Cuttack

Superintendent

Enclosure:-Copy of Court's Order No.08,
dated.03.12.2024 passed in
WP(C) No.12578/2024.

(Receipt of notice may be acknowledged to the office)


06.12.24

MOST URGENT- Notice of Personal appearance in wp(c)- 12578/2024

From : High Court Of Orissa <highcourt.or@nic.in>

Fri, Dec 06, 2024 11:55 AM

Subject : MOST URGENT- Notice of Personal appearance in wp(c)- 12578/2024

📎 1 attachment

To : Sisir Kumar Ratho <chmn-seiaa-or@gov.in>,
seiaaodisha@gmail.com**Cc :** Biswajit Das <aso7.wdb2-ohc@gov.in>


Sir,

Enclosed herewith kindly find the attachment.

Yours faithfully,

sd/-

Superintendent, Writ DB-2 Section
High Court of Orissa, Cuttack

 **wpc_12578.pdf**
425 KB
