

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.84/2023/EZ

Abani Kumar Sahoo

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 04.08.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Sankar Prasad Pani, learned Counsel appearing (in Virtual Mode) for the Applicant
2. The allegation in the present Original Application is that the Respondent No.8, Private Respondent, is carrying on illegal sand mining in Rayan Ramchandrapur Sand Source in an area of 20.38 acres. It is stated that the Tahasildar-Jaleswar executed a lease deed in favour of the Respondent No.8 on 13.04.2021. Environmental Clearance was also granted by the State Environment Impact Assessment Authority (SEIAA) Odisha, on 13.07.2017 in favour of one Rajesh Kumar Khatua and thereafter the said Environmental Clearance was transferred to one Asit Kumar Parida on 09.03.2021. It is stated that the SEIAA, Odisha, on 06.05.2022 issued a clarification stating that Environmental Clearance has been granted in adhoc manner and will be revoked after 31.12.2022. The Consent to Operate was granted by the State Pollution Control Board, Odisha, on 10.05.2022 valid upto

31.12.2022 and thereafter it has been renewed on 14.02.2023 valid upto 31.03.2023 for capacity of 2500 cum.

3. It is alleged that the Consent to Operate was granted illegally without verifying the validity of the Environmental Clearance.
4. It is further alleged that the Sub-Collector, Balasore, vide his letter dated 24.03.2023 addressed to the Additional District Magistrate, Balasore, has further clarified that the Rayan Ramchandrapur Sand Source is situated in the DLC forest and should not be allowed to be operated. It is also stated that the said Sand Source has not been recommended in the District Survey Report by the Sub-Divisional Committee.
5. It is further alleged that 'Y' Form (Transit Permit) in respect of Rayan Ramchandrapur was issued on 08.07.2023 for transportation of sand which suggests that mining is going in spite of the letter of the Sub-Collector.
6. The allegation further is that no green belt or plantation has been done as per the Approved Mining Plan which requires plantation of 50 saplings every year and 250 saplings in a five year lease period.
7. In our opinion, matter requires consideration.
8. Issue notice to the Respondents, returnable within four weeks.
9. Mr. Tarun Patnaik, learned Additional Standing Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos. 1, 2, 3, 6 & 7, State Respondents, Government of Odisha.
10. Ms. Papiya Banerjee Bihani, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.4, Odisha State Pollution Control Board.

11. Mr. Apurba Ghosh, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.5, State Environment Impact Assessment Authority (SEIAA), Odisha.
12. Issue notice to the Respondent No.8, returnable within four weeks.
13. All the Respondents shall file their counter-affidavits within four weeks.
14. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - (i) Senior Scientist, West Bengal Pollution Control Board,
 - (ii) Senior Scientist, SEIAA, Odisha,
 - (iii) Divisional Forest Officer, Balasore Wildlife Division,
 - (iv) District Collector, Balasore, or his nominee not below the rank of Additional District Magistrate, and
 - (v) Mining Officer, Baripada Circle, or his nominee of a Senior Rank,
15. The Committee shall visit the site in question within ten days and submit its report within four weeks with regard to the allegations made in the Original Application. If the violations are found, the Committee shall suggest remedial measures as well as determine the Environmental Compensation and the concerned officers of the various departments shall also initiate appropriate steps for taking action against the violator as per law.
16. The District Collector, Balasore, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.
17. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Tarun

Patnaik, Ms. Papiya Banerjee Bihani, and Mr. Apurba Ghosh,
Counsel for the Respondents within 24 hours.

18. **List on 06.09.2023.**

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B. Amit Sthalekar, JM

August 04, 2023,
Original Application No.84/2023/EZ
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Prof. A. Senthil Vel, EM