

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

Original Application No.122/2023/EZ
(I.A. No.34/2024/EZ)

Ajay Kumar Behera

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 11.02.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Adv. a/w
Mr. Ashutosh Padhy, Adv. (in Virtual Mode)

For Respondent(s) : Mr. Jateswar Nayak, AGA for State Respondents
(in Virtual Mode),
Ms. Papiya Banerjee Bihani, Adv. for R-7 & 8 (in Virtual Mode),
Mr. Apurba Ghosh, Adv. for R-9 (in Virtual Mode),
Mr. Akhand, Adv. for R-13 (in Virtual Mode)

ORDER

1. Mr. Sankar Prasad Pani, learned Counsel assisted by Mr. Ashutosh Padhy, learned Counsel is present (in Virtual Mode) for the Applicant.
2. Heard learned Counsel for the parties.

***(Final order of the said case will be uploaded in NGT website
by separate sheets of paper).***

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

February 11, 2025,
Original Application No.122/2023/EZ
(I.A. No.34/2024/EZ)
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**BEFORE THE NATIONAL GREEN TRIBUNAL
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(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.122/2023/EZ
(I.A. No.34/2024/EZ)

IN THE MATTER OF

Ajay Behera,
S/o Kishor Behera aged about 24 years,
At- Mundaamba, PO-Jankia,
Dist- Khordha, Odisha

.....Applicant(s)

Versus

- 1. State of Odisha,**
Represented by Chief Secretary, Government of Odisha,
Lokaseva Bhawan, Bhubaneswar;
- 2. Revenue and Disaster Management,**
Through its Principal Secretary,
Government of Odisha,
Lokaseva Bhawan, Bhubaneswar,
PIN-751001;
- 3. Forest and Environment Dept.,
Government of Odisha,**
Through its Additional Chief Secretary,
Kharavela Bhawan, Bhubaneswar,
Odisha-751001;
- 4. Collector & Dist. Magistrate, Khordha**
At PO/Dist- Khordha,
PIN-752069;
- 5. Superintendent of Police, Khordha**
PIN-752069;
- 6. Divisional Forest Officer, Khordha,**
At Po/Dist-Khordha;
- 7. Odisha State Pollution Control Board,**
Through its Member Secretary,
A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar,
Odisha-751012;
- 8. Regional Officer, Odisha State Pollution Control Board,**
Bhubaneswar,
Po- KIIT University, Patia,
Bhubaneswar, Odisha,
PIN-751024;

9. State Environment Impact Assessment Authority (SEIAA), Odisha
5RF-2/1, Acharya Vihar, Unit-IX,
Odisha, Bhubaneswar,
PIN-751022;

10. Director of Mines and Geology, Bhubigyan Bhawan,
Khordha, Bhubaneswar,
PIN-751001;

11. Tahasildar, Tangi,
At/Po/PS- Tangi,
Dist-Khurdha;

12. Deputy Director General of Forests (C),
Ministry of Environment, Forest and Climate Change,
Integrated Regional Office (EZ),
A/3, Chandersekharapur, Bhubaneswar
PIN-751023;

13. Prahallad Biswal,
S/o – Purna Chandra Biswal,
At- Kaithapalla, Po- Biribadi,
Dist- Khordha,
State- Odisha Lessee of Damanbhuin Laterite Stone Quarry

.....**Respondent(s)**

Date of hearing: 11.02.2025

CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER

For Applicant(s) : Mr. Sankar Prasad Pani, Adv. a/w
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(in Virtual Mode),
Ms. Papiya Banerjee Bihani, Adv. for R-7 & 8 (in Virtual Mode),
Mr. Apurba Ghosh, Adv. for R-9 (in Virtual Mode),
Mr. Akhand, Adv. for R-13 (in Virtual Mode)

ORDER

1. Heard Mr. Sankar Prasad Pani, learned Counsel assisted by Mr. Ashutosh Padhy, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. The Applicant in this present Original Application has sought the following reliefs: -

“I) Direct the SEIAA and SPCB to withdraw the environment clearance and CTO for violation of EC conditions and non-filing of quarterly environment compliance report.

II) Show cause the SEIAA authority and SPCB for inaction despite of complaint dated 14/07/2023 and fix the responsibility of the erring officer.

III) Director of Mines and Geology, Government of Odisha to assess the extent/quantum of Minor Minerals including morrum and laterite stone excavated illegally and its market value, cost of restitution and environmental compensation and recover the same from the private respondent.

IV) Fix the accountability/responsibilities of the concerned Govt. authorities and Tahasildar Tangi for their inaction and willful dereliction of duties causing loss to the state exchequer and damage to the environment.

V) Direct the District Collector to initiate criminal proceedings U/s 379, 420, 120B of IPC & Section 19 of Environment Protection Act 1986 against the private respondent and Tahasildar, Tangi.

VI) Pass such other orders/directions as may be deemed fit and roper in the bonafide interests of justice.”

3. The allegation is that one Prahallad Biswal, Respondent No.13 is operating Laterite Stone Quarry in the Damanbhuin of Tangi Tahasil wholly illegally. It is stated that M/s. Damanbhuin Laterite Stone Quarry-A, Damanbhuin was granted Consent to Establish (CTE) on 29.06.2022 by the Odisha Pollution Control Board under Section 25 of the Water (Prevention and Control of Pollution) Act 1974 and Section 21 of Air (Prevention and Control of Pollution) Act 1981 for production of Laterite Stone of 1500 cubic meters/annum or 3615 MT/annum. The total Production Plan Period was five

years which comes to 7500 cubic meters or 18075 Metric Tones in Damanbhuin mouza on Plot No.2161(P) of Khata No.708, leasehold area 4.139 Ha or 10.23 acres, Kissam: Gochar in Tangi Tahasil in the district of Khordha.

4. It is stated that Consent to Operate (CTO) has been granted on 15.07.2022. Environment Clearance has been granted to the Tahasildar Tangi on 06.07.2021 and thereafter transferred in the name of the Lessee, Respondent No.13 on 15.03.2022. The Lessee was asked to deposit the royalty on 12.08.2021 and execute the agreement within three days. The Consent to Operate (CTO) was again renewed on 19.6.2023.
5. The allegation is that though the Consent to Establish (CTE) and (CTO) for operation of Laterite Stone Quarry was granted for Plot No.2161(P), Khata No.708, however, illegal stone quarrying is being carried out on Plot No.2161 (Gochar Land), 2162 (Kisam Gramya Jungle) and Rakshit, Khata No.708.
6. It is also alleged that the lease holder has illegally started quarrying operations from Plot No.2162 adjoining the lease plot by felling trees of the Gramya Jungle Kisam.
7. It is stated that the Sign Board erected at the lease site by the Lessee mentions Plot No.2162 as part of his lease; it is further alleged that though only 1500 cum of Laterite Stone has been permitted for extraction from the lease area, but the Lessee has allegedly operated the entire lease area of 10 acres as well as of Plot No.2162 for which no quarrying lease has been granted; it is also stated that on conversion of 1500 sq. meters the area comes to 0.37 acres considering the depth of 1 mtr., but the Lessee has operated the quarry for a depth of more than 10 meters and if the quarry

depth is taken to be 6 mtrs., as permitted, then the area of operation will not be more than 0.06 acres. Therefore, any mining beyond the area of 0.06 acres is illegal.

8. It is also alleged that the adjoining land as per Sabik Records are Forest Lands and mining could only have been allowed after verification of Sabik Records which has not been done in the present case. The Lessee has also not been granted any Forest Clearance for quarrying operation from Plot No.2162, nor Environmental Clearance nor Consent to Operate (CTO) has been granted for the same. It is further alleged that the Respondent No.13, Lessee is using JCB for carrying out operation though use of JCB is not permitted.
9. It is further alleged that the Sign Board indicating the name of the Lessee and Lease Period shows the same as commencing from 25.04.2022 to 24.04.2027 though the Consent to Establish (CTE) itself was granted only on 29.06.2022 and Consent to Operate (CTO) was granted on 15.07.2022 which shows that the quarrying has commenced from a date prior to the grant of CTE and CTO.
10. It is also alleged that the Conditions of the Environmental Clearance viz: Condition nos. 9.18 to 9.33 have been violated.
11. Considering the allegations made, this Tribunal at the time of admission constituted a Committee comprising of the following members:-
 - i) Senior Scientist, Odisha State Pollution Control Board;
 - ii) Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha;

- iii) Representative of the Collector and District Magistrate, Khordha, not below the rank of Additional District Magistrate (ADM);
 - iv) Divisional Forest Officer, Khordha; and
 - v) Senior Geologist, Directorate of Mines and Geology, Bhubaneswar.
12. The Committee was directed to visit the site and submit its Report with regard to the allegations made in the Original Application.
13. Mr. Sankar Prasad Pani, learned Counsel for the Applicant submitted that the Respondent No.13 was granted Consent to Establish (CTE) on 29.06.2022 by the Odisha State Pollution Control Board in terms of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for production of laterite stone of 1500 cubic meters/per annum or 3615 Metric Tonnes/annum and total Production in the Plan period of five (5) years was to be 7500 cubic meters or 18075 Metric Tonnes in Damanbhuin mouza. It is stated that Consent to Operate (CTO) was granted on 15.07.2022 but the Environmental Clearance (EC) was granted to the Tahasildar, Tangi on 06.07.2021 and thereafter, transferred in the name of the Respondent No.13 on 15.03.2022 and the lessee was directed to deposit royalty and other charges amounting to Rs.3,48,993.00/- (Rupees Three Lakhs Forty-Eight Thousand Nine Hundred Ninety-Three only) vide order dated 12.08.2021 and to execute agreement within three days. It is also stated that the Consent to Operate was again renewed on 19.06.2023.
14. Learned Counsel submitted that though the Environmental Clearance (EC) was granted in favour of the Tahasildar, Tangi,

excavation and mining was commenced by the Respondent No.13 immediately upon depositing of royalty and other dues as demanded by the Tahasildar, Tangi, from the Respondent No.13.

15. The stand of the State Respondents in the affidavit of the Collector, Khordha, is that the Damanbhuin Laterite Stone Quarry (A) covers an area of Ac. 10.230 dec. in Village Damanbhuin. It is also stated that during the survey carried out by Odisha Space Application Centre ('ORSAC' for short), Bhubaneswar, the total volume of illegal mining of morrum and laterite over 10.230 Ac./4.131 Ha. was assessed at 97,775.217 cum of laterite and 68,754.88 cum of morrum to have been excavated from the quarry in question.
16. The Joint Inspection Report has also been filed by the Collector, Khordha, of an inspection carried out on 11.10.2023 during which the Respondent No.13 was also present. The Inspection Report reads as under:-

“Report on Damanbhuin a Laterite Quarry in connection with NGT Application No:122/2023/EZ

In pursuance of NGT Original Application No.122/2023/EZ filed by Sri Ajaya Behera on illegal excavation of Damanbhuin LSQ-A under Tangi Tahasil, District, Khordha, a Joint Committee was constituted by Collectorate & DM, Khordha to visit the said source and submit the report vide letter No. 13931/Touzi/Dated 07.10.2023.

The Joint Committee comprising of the following members visited the Damanbhuin L.S.Q A site on dt.11.10.2023 at 11.00 AM.

1. ADM, (Revenue) representative of Collector
2. DFO, Khordha
3. Sub Collector, Khordha
4. Tahasildar, Tangi
5. Dr. Sohan Giri, Sr. Env. Scientist & Regional Officer, OSPCB
6. Senior Scientist, SEIAA, Bhubaneswar
7. Deputy Director Mines, Khordha Circle, Khordha
8. Jagan Behera, Mining Officer, Khordha Mining Circle, Khordha

A. Present Status of the Allegation against Stone Quarry:

Sl. No.	Issues	Present Status
1.	<i>The Respondent No._ (Sri Prahallad Biswal, lessee/ Successful bidder of Damanabhuin laterite stone quarry-A) was carrying on illegal laterite stone quarries mining in Mouza- Damanbhuin, Tahasil- Tangi, Dist.- Khordha.</i>	1. Environmental clearance (EC) was issued for the Damanbhuin Laterite Stone Quarry-A over a lease area of 10.230 acres or 4.139 Ha at village- Damanabhuin, Tahasil- Tangi, Dist- Khordha vide SEIAA, Odisha letter no. 1660/SEIAA dated 06.07.2021 in favour of Tahasildar, Tangi. 2. Transfer of EC from the name Tahasildar, Tangi to Sri Prahallad Biswal (Successful Bidder) was made vide SEIAA, Odisha letter No.4216/SEIAA dated 15.03.2022 (Online application no. SIA/OR/MIN/258905/2022). 3. Consent to Establish (CTE) was issued on 29.06.2022 by SPCB, Odisha and Consent to Operate (CTO) has been issued on 15.07.2022 by SPCB, Odisha with letter no.2033/RO-CON-1185. 4. During inspection it was observed that all EC, CTE, CTO and Y-form was issued for Damanabhuin Laterite Stone Quarry-A bearing plot no.2161 and mining activity observed over the said plot. 5. Based on observation the committee suggested the mines Dept. to calculate the illegally mined out material in that area and accordingly the ORSAC and ORSAC empaneled firm (WCS) calculated illegally mined out material. The details are mentioned below. Lease deed was made on dt. 26.04.2022.
2.	<i>The petitioner alleged that the lessee illegally mined from the forest area</i>	1. The Committee observed that the area is not coming under forest land.

	nearer to the plot.	
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After visiting the site, the Joint Verification Committee submitted the preliminary report (Annexure I) and the Committee suggested that Deputy Director Mines, Khordha will submit the assessment of quantum of minor minerals illegally excavated by the lessee from the said quarry as per OMMC Rules and stipulated conditions by SEIAA and SPCB, Odisha, Deputy Director Mines and Mining Officer, Khordha will scientifically calculate the volume of minor minerals excavated along with imputation of penalty, Environment compensation and remedial measures as per the existing order/ guidelines to submit the compliance before hon'ble NGT.

Based on the above joint committee report, the following steps were taken by DDM, Khordha:-

- i. The Collector & DM, Khordha instructed to carry out systematic survey by ORSAC or ORSAC empaneled firms.
- ii. The Deputy Director of Mines, Khordha requested to Collector & DM, Khordha vide letter no.313/Mines. Khordha/16.10.2023 to provide funds amounting Rs.70,000/- to carry out systematic Survey over Damanbhuin lease area.
- iii. My World Consultancy Services PVT. Ltd. was assigned vide letter no.332/Mine, Khordha/dt. 18.10.2023 to carryout survey that includes base point Transfer by Triangulation with coordination of Odisha Space Application Centre (ORSAC), DGPS Survey of boundary points, Bathymetric survey in waterlogged area and drone survey in the lease area to find out the total volume of the excavation in the lease area and its adjoining area.
- iv. The Chief Executive, ORSAC is requested to provide known points of the lease Area vide letter No.336/Mines, Khordha/dt 18.10.2023.
- v. The survey (DGPS, Drone & Bathymetric) was commenced during period from dt. 27.10.2023 to 04.11.2023. The excavation made adjacent to Quarry A i.e. quarry Q1, Q2, Q3 & Q4 are considered to be excavated by Lessee. The

area of private plot lying inside the quarry is excluded from the quarry area. The report includes the total excavation of laterite & Morrum of the quarry.

Further, Tahasildar, Tangi intimated vide Letter No 4922/dt 10.11.2023 regarding assessment report of existing quarry noticed during June 2022 and collection of Royalty and Penalty collection on excess mining during May 2023. During the month of June 2022, the quarry has been assessed in which 8162 cum of Laterite has been considered as illegally mined. As it was manual measurement and no maps and plans are attached in the report, ORSAC is requested to assess the excavation of the quarry during April 2022 and November 2023 through Satellite imagery.

Hence, ORSAC was requested to assess the area vide Letter No 589/Mines, Khordha dt 27.12.2023 to assess the excavation by Lessee during April 2022 and November 2023. The following steps are taken by ORSAC to assess the area over Damanbhuin LSQ A.

- I) For detail assessment, ORSAC provided the proforma invoice amounting to Rs.13,62,900/- (through HRSI satellite image, World View – II/III, Stereo pair).*
- II) The Director of Minor Minerals, Odisha released the funds amounting to Rs.13,62,900/- for assessment vide Letter No. 1167/dt 22.12.2023 on the letter of Collector & DM, Khordha vide Let. No. 17331/Tozi/dt 14.12.2023.*
- III) After taking various steps, the stereo pair image date over the area couldn't be procured by ORSAC through tender process due to non-availability of data with National Remote Sensing Centre, Hyderabad (NRSC)*
- IV) The process again tried for procurement of CARTOSAT 1 image data. As it has been decommissioned in 2019 which was also not available.*
- V) Further, ORSAC decided to assess the area through Microwave data for which the proforma invoice modified to Rs.2,41,000/- and communicated vide Letter No.835/dt 20.02.2024.*

VI) Finally, ORSAC submitted the report only finding out the Excavation figure during April 2022 and the figure during November 2023 couldn't be prepared due to erroneous image. If November 2023 image achieved by ORSAC then after deduction of April 22, the final excess excavation might have found out. But due to unavailability of microwave data of 2023 Nov image, the final excavation couldn't be established by ORSAC.

In view of above, the Survey of the area during Nov 2023 by WCS and the assessment during 2022 by ORSAC is taken into account for getting the conclusion of final assessment.

VII) Approximate Calculation of Excess Laterite generated is given below: -

i) DGPS survey by WCS during Nov 2023: 1,99,838 cum

ii) Measurement by ORSAC during April 2022: 37,899.16 cum

iii) The total mining (Laterite) made during the lease period: 162,744 cum

iv) Usable Laterite as per Mining Plan (50%) : 81,372, cum

v) As per mining Plan, the lessee deposited for 2333 cum: 79039.22 Cum (iv-v)

vi) Amount including Royalty & others for Laterite: Rs 1,83,41,857.00

vii) For excess mining an amount Rs.10,53,620/- has been collected from Lessee by Tahasildar Tangi, as royalty and Penalty.

viii) Total Amount to be collected: Rs 1,83,41,85,700 – Rs.10,53,620/- = Rs.1,72,88,237.00

VIII) Excess Morrum generated (Approximate) as per Survey = 64,254 cum:-

Total Royalty & others for Morrum: Rs.25,86,223.00

- IX) Penalty for excess mining = 1,00,000.00
- X) Total amount of Royalty, penalty & others (Laerite & Morrum):
Rs.1,99,74,460.00
- XI) Environment Compensation Regime: Rs.96,28,50,175.00
- XII) The assessment Expenditure: Rs.3,24,500.00
- XIII) Total amount to be collected including Royalty, Environment Compensation & other recoveries = Rs.98,31,49,135.00

Annexure-(IV)

The calculation of excess (Approx.) Laterite of Damanbhuin A, Tangi Tahasil of Khordha district.

World Consultancy Services (WCS) Survey during –October 2023				ORSAC, Bhubaneswar				
Name Of Quarry	Area In m ²	Average Depth of Laterite (In M)	Volume In M ³ Laterite (In Cum)	From 29 th Jan- 11 April 2022(ORSAC data) (in Cum)	Laterite excavated during lease period April 22 to October 2023(in Cum)	Recovery of Laterite (50 %) as per mining Plan (in Cum)	As per Mining plan from Date of lease deed and up to Nov 2023 (in Cum)	Total approx. Laterite Excavated (in Cum)
A	B	C	D	E	F	G	H	I
DAMANBHUIIN Q-A	38251.434	0	161693.9184	18025.120	143668.79			
C1-1	2218.24	5.63	12488.723	4443.109	8045.614			
Q-2	2413.43	5.31	12815.641	4748.328	8067.313			
Q-3	2858.617	2.86	8178.0119	8983.189				
Q-4	796.143	5.86	4662.1414	1699.421	2962.720			
		Total	199838.43	37899.16	162744.44	81372.22	2333	79039.22

Royalty (201 * 79039.22)	Rs. 1,58, 868,83.00	
DMF(10% of Royalty)	Rs.14,22,706.00	
EMF(5% of Royalty)	Rs.7,11,353.00.	
IT & SC(2.02 % of Royalty)	Rs.3,20,915.00	
Total	Rs.1,83,41,857.00	
Amount Collected	Rs 10,53,620.00	
The Royalty	Rs.1,72,88,237.00	

Annexure-(V)

The calculation of excess (Approx) Morrum of Damanbhuin A, Tangi Tahasil of Khordha district.

<i>Name Of Quarry</i>	<i>Area In M2</i>	<i>Average Depth of Morrum (In M)</i>	<i>Volume In M3 Morrum (In Cum)</i>	<i>As per Mining Plan Overburden (in Cum) from April 22 to Nov 2023</i>	<i>Morrum excess Excavated (in Cum)</i>	<i>Royalty @ Rs35/- (in Rs)</i>	<i>DMF & EMF (in Rs)</i>	<i>Total (in Rs)</i>
<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>
DAMANBH UIN Q-A	38251.434	1.5	57377.15159					
Q-1	2218.24	1.5	3327.36					
Q-2	2413.43	1.4	3378.802					
Q-3	2858.617	1.3	3716.2021					
Q-4	796.143	1.2	955.3716					
			68,754	4500	64,254	22,48,890.00	3,37,333.00	25,86,223.00

<i>Royalty (35 * 64254)</i>	<i>Rs. 22,48,890.00</i>	
<i>DMF(10% of Royalty)</i>	<i>Rs.2,24,889.00</i>	•
<i>EMF(5% of Royalty)</i>	<i>Rs.1,12,444.00</i>	
<i>Total</i>	<i>Rs.25,86,223.00</i>	
<i>Total (Laterite& Morrum)</i>	<i>Rs. 1,98,74,460.00</i>	

1. Calculation for compensation of laterite according to the order of Hon’ble NGT in OA No.122/2023/EZ

*Market Value of illegal mined laterite (D)=79039.22 * Rs.3080.00
(Scale of compensation regime towards environmental and ecological damage for laterite was calculated @ 3080/- in the meeting held on 17.10.2023 = Rs.24,34,40,798.00*

*Annual Value of Foregone Ecological Value
D*RF==Rs.24,3440,798.00 * 1 (RF)=Rs.24,34,40,798.00*

- Present Value of Foregone Ecological Values @ 5% discount rate and over 5 years*

$$\begin{aligned}
 PV &= \sum_{T=1}^5 (D * RF) / (1 + r)^T \\
 &= \sum 24,34,40,798 / (1+0.05)^1 + 24,34,40,798 / (1+0.05)^2 + \\
 &\quad 24,34,40,798 / (1+0.05)^3 + 24,34,40,798 / (1+0.05)^4 + \\
 &\quad 24,34,40,798 / (1+0.05)^5 =
 \end{aligned}$$

$$= 231848379 + 220807980 + 210293314 + 200279346 + 190742235 = 1053971254.00$$

- *Net present value (after netting out market value of illegal mined material) i.e. Total Compensation to be levied*

$$= NPV = PV - D$$

$$= 105,39,71,254.00 + 24,34,40,798.00 = \text{Rs.} 81,05,30,456.00$$

Compensation charge in above case for laterite is Rs.81,05,30,456.00

2. Calculation for compensation of morrum according to the order of Hon'ble NGT in OA No.122/2023/EZ

*Market Value of illegal mined Morrum (D)=64,254 * Rs.712/- (scale of compensation regime towards environmental and ecological damage for laterite was calculated @ Rs.712/- in the meeting held on 17.10.2023.*

$$= 64,254 * \text{Rs.} 712 = 4,57,48,848.00$$

$$\text{Annual value of Foregone Ecological Value } D * RF = 4,57,48,848.00 * 1 (RF) = 4,57,48,848.00$$

$$PV = \sum_{t=1}^5 (D * RF) / (1+r)^t$$

$$= \sum 45748848 / (1+0.05)^1 + 45748848 / (1+0.05)^2 + 45748848 / (1+0.05)^3 + 45748848 / (1+0.05)^4 + 45748848 / (1+0.05)^5 = 43570331 + 41495553 + 97637690 + 35845419 = 19,80,68,567.00$$

Net present value (after netting out market value of illegal mined material) i.e. Total Compensation to be levied

$$= NPV = PV - D$$

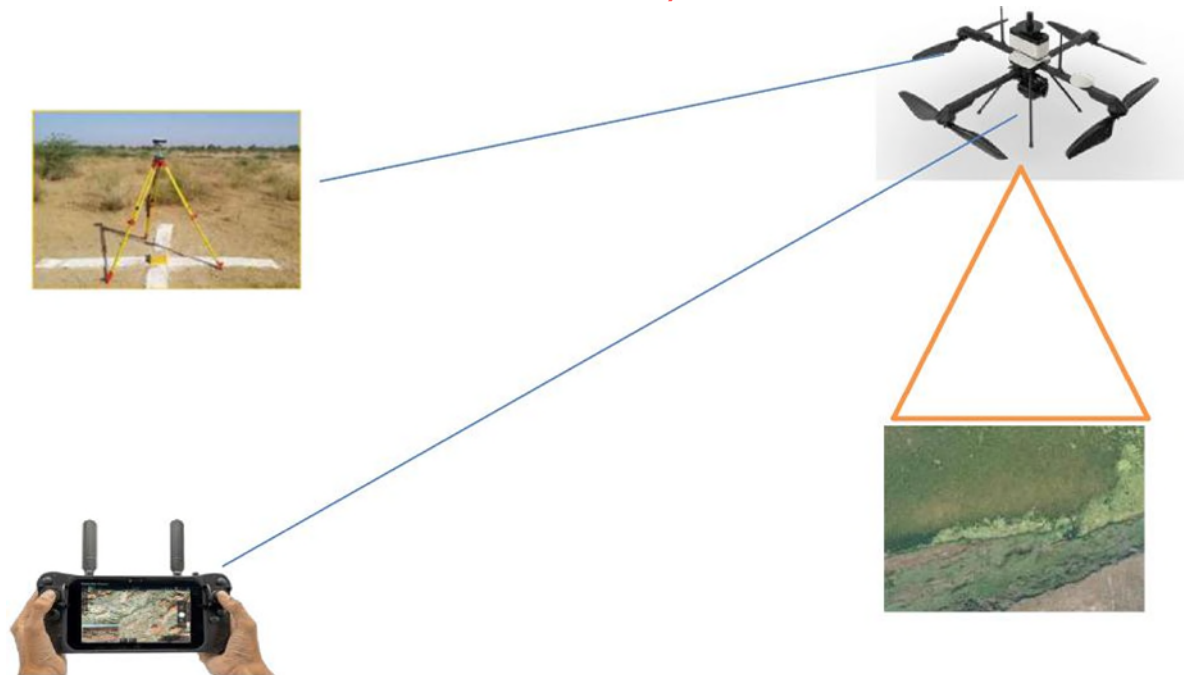
$$\text{Rs. } 19,80,68,567.00 - \text{Rs.} 4,57,48,848.00 = \text{Rs.} 15,23,19,719.00$$

Compensation charge in above case for Morrum is Rs.15,23,19,719.00

$$\text{Total Laterite} + \text{Morrums} = \text{Rs.} 81,05,30,456.00 + 15,23,19,719.00 = 96,28,50,175.00$$

DAMANBHUIIN QUARRY A VOLUMETRIC ASESSMENT REPORT

OVER 10 ACRES LATERITE QUARRY IN VILLAGE
DAMANBHUIIN UNDER TANGI TAHASIL OF
KHORDHA DISTRICT, ODISHA



Prepared By

MY WORLD CONSULTANCY SERVICES PVT. LTD.

PLOT No 766, AT: PO - TELENGAPENTHA

CUTTACK, ODISHA-754001

Email id: wcs@theworld.co.in

Phone No: 9438149715

Lease Detail

Damanbhuin Laterite quarry (A) is situated in the Village Damanbhuin under Tangi tahsil of Khordha District, having an area of 10 acre.

Objective Project

The main objective for this project work is to prepare and provide the volumetric data analysis excavation report by using Advance technology like Drone, DGPS & Bathymetric. The Deputy Director Mines (Khordha) entrust our firm to execute the project vide letter no 332 dated 18.10.2023.

Data Collection & Methodology

a) Ground Control Point

To establish horizontal & Vertical control point, DGPS connected with course network to get both horizontal & Vertical ground control points. The Horizontal coordinates co-ordinates of the Benchmark were provided by the ORSAC after processing the raw data of DGPS surveyed data by triangulation method and point was taken as the Origin or survey and the entire survey was with reference to the Benchmark provided value. The co-ordinates of the Benchmark are as follows: -

Station Name	UTM Coordinate in Meter		
	Easting	Northing	Elevation
Within ML Boundary	346166.475	2218493.465	31.185



b) DGPS & Drone Survey

We marked ground control points which are well distributed for proper geo reference propose on the ground. We have established 12 no of GCP and conducted the DGPS survey of the points. After that we will process the raw data by using the known point provided by ORSAC. After we have done the drone survey of the project area for Ortho image and Digital Surface

Model. All the Field survey work conducted on presence of Mining officials, Revenue Officials and Lessee.



Drone Data Processing and Mapping

Drone Mapping:

Drone mapping, also known as aerial mapping or photogrammetry, is a method of creating accurate maps, models, and surveys using unmanned aerial vehicles (UAVs) equipped with cameras or sensors.

The process involves several steps:

Mission Planning: *Determine the area to be mapped and plan the flight mission. Consider factors such as weather conditions, airspace restrictions, and flight parameters.*

Equipment Setup: *Prepare the drone and its payload, ensuring the camera or sensor is properly calibrated and functioning correctly. Set up ground control points (GCPs) if high-precision mapping is required.*

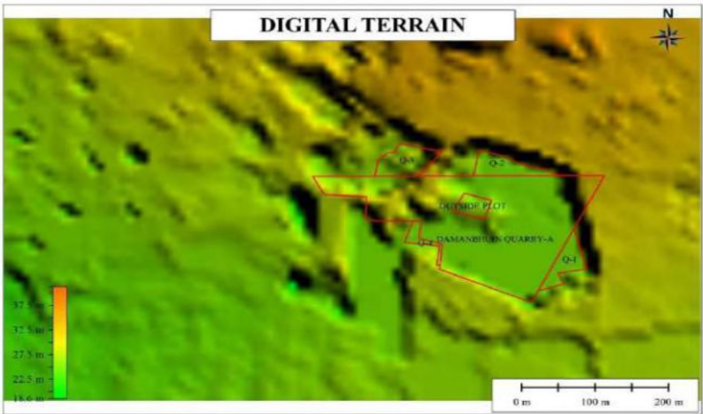
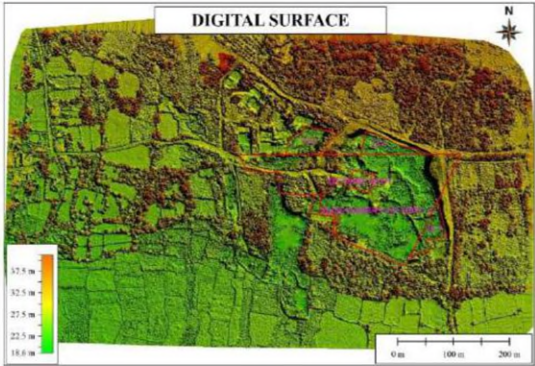
Flight Execution: *It is a systematic pattern, capturing overlapping images around 80% both side & forward of the area of interest. The flight pattern can be predefined using automated flight planning software to ensure comprehensive coverage.*

Image Processing: *Transfer the captured images to a computer and process them using photogrammetry software. This software utilizes algorithms to analyze the overlapping images and extract 3D spatial information.*

Data Processing: *After collecting the input data (Images & ground control points), it has been processed by Pix4D application. The output is Ortho rectified images and digital surface model in which contour generate.*

Ortho Image

Digital Surface Model



a) Bathymetric Survey

We undertake the Bathymetric survey to calculate the depth of waterlogged area within the ML boundary by using high end echo sounder instrument for this proposal. The device acquired the depth of water by floating through all areas in water. After post processed the data, we found the depth of water.



Result & Proposal:

High resolution ortho photo generated for the further planning purpose. Contour and bathymetric points represent the height of the surface as well as calculate the excavation volume of morum and laterite.

7.Conclusion:

Overall, the project has brought a clear picture of the approximate excavation from the lease area and adjoining area. The approximate excavation of laterite and Morrum was assessed over Damanbhuin Quarry A during the period 27.10.23 to 04.11.2023. The final volumetric analysis report is given below.

VOLUME REPORT FOR LATERITE			
NAME OF QUARRY	AREA IN M ²	AVERAGE DEPTH OF LATERITE MTR.	VOLUME IN M ³ LATERITE
A	B	C	D
DAMANBHUIIN Q-A	38251.434	4.23	161693.9184
Q-1	2218.24	5.63	12488.723
Q-2	2413.43	5.31	12815.641
Q-3	2858.617	2.86	8178.0119
Q-4	796.143	5.86	4662.1414

VOLUME REPORT FOR MORUM			
NAME OF QUARRY	AREA IN M ²	AVERAGE DEPTH OF MORUM IN MTR.	VOLUME IN M ³ MORUM (E=B*C)
A	B	C	D
DAMANBHUIIN Q-A	38251.434	1.5	57377.15159
Q-1	2218.24	1.5	3327.36
Q-2	2413.43	1.4	3378.802
Q-3	2858.617	1.3	3716.2021
Q-4	796.143	1.2	955.3716

Dr. S.D. Sahu
Scientist ‘D’

No. ORSAC/MDDS/1128/2023/1554 Dt.5/4/24

To
The Deputy Director of Mines
Khurdha Circle, Khurdha

Sub: Assessment of quantum of Minor Minerals from Damanbhuin Quarry
— A is connection with NGT Application, Khurdha District.

Ref: Your office letter No. 589/Mines Khurdha Dt. 27. 12. 2023.

Sir

With reference to the subject cited above, the assessment report of Minor Minerals from Damanbhuin Quarry — A for the period prior to April 2022 could be done. However, after several attempts the assessment of volume of excavation for requested period could not be done due to non-availability of stereo pair data. Hence, the report that prepared is enclosed for your reference. However, since the assessment of volume of excavation for the requested period could not be done, the funds placed for the purpose may be returned as admissible.

Thanking you,

Interferometric Synthetic Aperture Radar (InSAR) Analysis Report

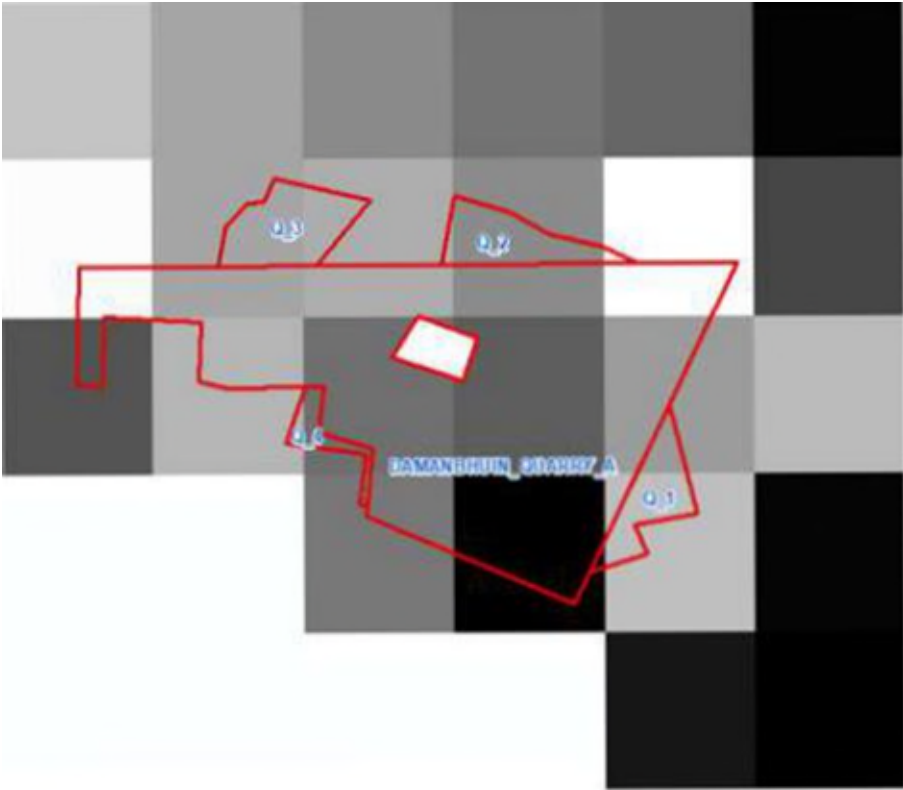
This report presents an analysis of Interferogram DEM (Digital Elevation Model) using Sentinel-1 Single Look Complex (SLC) data for the Damanbhuin Quarry, Khurda. The primary objective is to assess volumetric changes within the specified time frame.

Data Source:

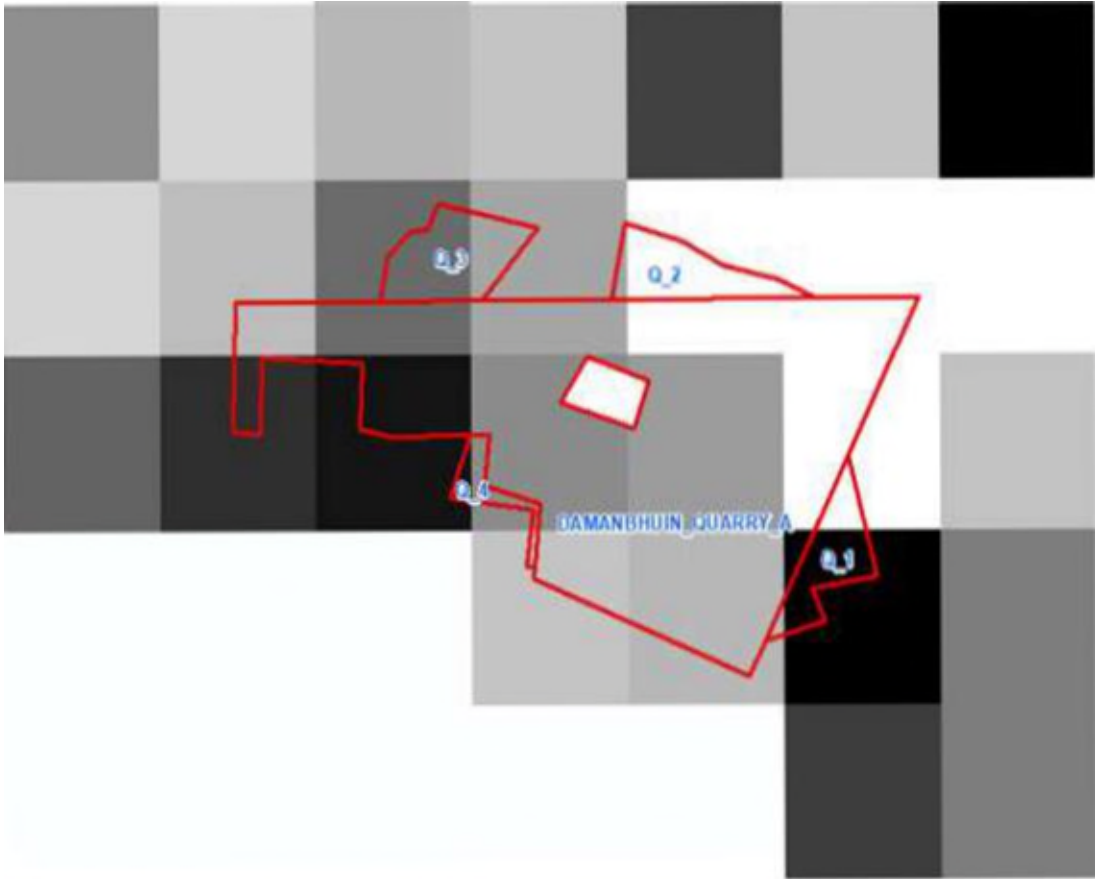
The data used for this analysis was obtained from the Advanced Rapid Imaging and Analysis (ARIA) platform. The ARIA Sentinel-1 Geocoded Unwrapped Interferograms provides valuable information on ground deformation and surface displacement. These datasets are generated from SAR images acquired by the Sentinel-1 satellite mission, processed using interferometric techniques to produce geocoded and unwrapped interferograms. The ARIA platform, developed by NASA's Jet Propulsion Laboratory (JPL) in collaboration with the California Institute of Technology (Caltech), offers near-real-time SAR data processing and analysis for disaster response and monitoring purposes. The ARIA Sentinel-1 Geocoded Unwrapped Interferograms dataset is widely used for various applications, including terrain analysis, hazard assessment, and environmental monitoring.

Input Data:

1st Date Range: 29 January 2022



2nd Date Range: 11 April 2022



Analysis Results:

The analysis reveals a volumetric change within the Damanbhuin Quarry area. By differentiating the two DEMs i.e; 29th January- 11th April 2022 derived from the provided Sentinel-I SLC data, the calculated volume change amounts to **37899.167 cubic meters**.

SI. No.	Name of the Quarries	Volume of Minerals in cubic meter
	A	B
1	Damanbhuin Quarry-A	18025.120
2	Q1	4443.109
3	Q2	4748.328
4	Q3	8983.189
5	Q4	1699.421
Total		37899.167

17. The Inspection Committee has noted that the Respondent No.13 was only operating the mine activity over the allotted Plot No.2161 (P) and has not operated the adjoining forest Plot No.2162 as alleged by the Applicant; no sign of tree felling was noticed from the adjoining Plot No.2162 which is of jungle kisam; the Sign Board on the lease land shows the lease period to be from 25.04.2022 to 24.04.2027; the Environmental Clearance (EC) for the quarry granted by the SEIAA, Odisha on 06.07.2021 in favour of the Tahasildar, Tangi, is valid from 25.04.2022 to 24.04.2027. It is stated that from the survey of the quarry site with the assistance of ORSAC, 79,039.22 cum of laterite and 64,254 cum of morrum was assessed to have been excavated illegally from the quarry in question. It is also stated that during inspection no machinery equipment was found in the lease area. It is further stated by the Collector & District Magistrate, Khordha, that earlier in terms of the order of this Tribunal dated 22.09.2023, the Deputy Director of Mines, Khordha Circle, Khordha and Mining Officer, Khordha, were

instructed to assess the amount of illegal excavation of minor minerals from the quarry in question and it is stated that in the month of May, 2023 itself it was reported by the Geologist, Khordha, that excess quantity of 2,140 cum of minor minerals had been extracted from the quarry and, therefore, the Tahasildar, Tangi, was instructed to take appropriate action as per law and to issue notice to the lessee to deposit the required quantity of Government dues against the excess quantity of minor minerals extracted. It is stated that in pursuance of the notice issued by the Tahasildar, Tangi dated 12.05.2023, the lessee has been imposed penalty and royalty for an amount of Rs.6,78,620/- (Rupees Six Lakhs Seventy-Eight Thousand Six Hundred Twenty only) which has been deposited by the lessee vide M.R. No.0500350 dated 26.05.2023 and M.R. No.0500363 dated 31.05.2023. The affidavit of the Collector, Khordha, further discloses that the lessee has also deposited the demand amount of Rs.3,48,993/- (Rupees Three Lakhs Forty-Eight Thousand Nine Hundred Ninety-Three only) vide M.R. No.0500065 dated 31.01.2022 and M.R. No.0500072 dated 03.02.2022 towards royalty and execution of agreement in respect of the quarry in question.

18. The SEIAA, Odisha, in its affidavit dated 23.04.2024 has confirmed the site visit by the members of the Committee on 11.10.2023 as well as the Inspection Report and has also confirmed the Environmental Clearance (EC) being issued to the Respondent No.13. Along with this affidavit, a complaint of Tahasildar, Tangi dated 24.06.2022 to the IIC, Jankia Police Station, Dist.-Khordha, has been filed at page no.359 of the paper-book, perusal of which mentions that one Dhurba Charan Kalas, the attorney holder of

Prahallad Biswal (Respondent No.13 herein) has submitted an application that while demarcating the quarry area some miscreants opposed the demarcation work. Thereafter, a team comprising of Deputy Director, Geology, Khordha and Revenue Inspector Achyutpur and his team visited the Damanbhuin Laterite Stone Quarry-A i.e, the quarry in question, on 23.06.2022 and noticed that 16,324 cum of laterite stone had been excavated from the said source of which 8,162 cum of laterite stone was excavated, excluding waste 50% of total volume and Yudhistir Udayasingh and Biswanath Behera all residents of PS-Jankia, Dist.-Khordha, were found to have excavated the amount of 8,162 cum and a demand of Rs.18,89,047/- (Rupees Eighteen Lakhs Eighty-Nine Thousand Forty-Seven only) has been raised and request has been made to lodge FIR. The letter dated 23.06.2022 of the Revenue Inspector, Achyutapur, Dist.-Khordha, to the same effect has also been filed with the affidavit.

19. The Divisional Forest Officer, Khordha, has filed affidavit dated 17.05.2024 stating therein that the Respondent No.13 leaseholder has only operated the quarry lease on the allotted Plot No.2161(P) and he has not operated the adjoining forest Plot No.2162.
20. The Deputy Director of Mines and Geology, Khordha, in his affidavit dated 21.06.2024 has also confirmed the stand taken by the Collector, Khordha and it is further stated that the Mining Plan for the Damanbhuin Laterite Stone Quarry (A) over the quarry in question has been approved by the Deputy Director General of Geology, Odisha, in favour of the Tahasildar, Tangi, on 27.04.2020 over Plot No.2161(P), Khata No.708, Kissam of the said land is

‘Gochar’, for an annual production of 1,500 cum per year and the total amount of 7,500 cum in five (5) years.

21. The Odisha State Pollution Control Board in its affidavit dated 26.06.2024 has confirmed that it has granted Consent to Operate (CTO) under the provisions of Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 in favour of the Respondent No.13 vide order dated 15.07.2022 valid upto 31.03.2023 which has been renewed upto 31.03.2024. It is also stated that the Board had carried out inspection on 07.07.2022 and the Inspection Report has been filed with the affidavit which reads as under:-

**“INSPECTION REPORT OF M/S. M/S. DAMANBHUIN
LATERITE STONE QUARRY - A AT DAMANBHUIN,
TAHASIL: TANGI IN KHORDHA DISTRICT**

District: Khordha/Odisha

Date of Inspection: 7.7.2022

A. General Information

01	Name of the minor mineral mine	:	M/s. Damanbhuin Laterite Stone Quarry - A
02	Name & Address of the Lessee	:	Sri Prahallad Biswal, Lessee M/s. Damanbhuin Laterite Stone Quarry - A, Damanbhuin At: Kaithapalla, Po: Biribadi, PS: Tangi Dist: Khordha
03	Name of the inspecting officer of the Board with designation	:	Dr. S. Giri, Regional Officer
04	Mine’s Person present during inspection	:	Sri Dillip Kumar Badajena, Quarry in charge
05	Consent to establish (CTE) status	:	Granted
06	Consent to operate (CTO) status	:	Applied for Consent to Operate for the 1 st time

07	CTO applied for the period and consent fee status	:	Sri Prahallad Biswal, Lessee has applied online vide his application no.4196847, dt. 6.5.2022 for grant of Consent to Operate both under Water & Air (PCP) Act for M/s. Damanbhuin Laterite Stone Quarry – A for production of Laterite Stone at a quantity of 1500 Cubic Meter/Annum or 3615 MT/Annum. The proponent has deposited CTO fees of Rs.4500.00 for the period of 2022-23 (one year) vide receipt No.634052255, dt. 6.5.2022) through online which is adequate both under Water & Air (PCP) Act. The fee is calculated basing on mining lease area.
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B. STATE OF AFFAIRS OF THE QUARRY:

01	Name & location of the stone quarry	:	M/s. Damanbhuin Laterite Stone Quarry – A At Damanbhuin mouza, Village: Damanbhuin
02	Type of minor minerals	:	Laterite Stone
03	Plot and Khata No., Kisam, Mouza & tahasil	:	On Plot No.2161(P) of Khata No.708; Kisam: Puratana Patita Tahasil/PS: Tangi, Dist.: Khordha
04	Total lease hold area of the mine (in Hectares & in Acres)	:	Lease hold area of 4.139 Ha or 10.23 Acres;
05	Forest area of the mine	:	No forest area exists within the mine lease hold area and belong to non-forest land.
06	Detail of the other areas. (Non-Forest Area, Waste Land and Agricultural Land etc.)	:	The entire quarry lease area of belongs to Non-Forest land.
07	Mine lease validity period	:	Mine lease quarry agreement made on 25.4.2022 between the Tahasildar, Tangi period of 5 years (i.e. 25.4.2022 to 24.4.2027).
08	Type of mining operation (manual/semi mechanized /mechanized)	:	Semi-mechanized open cast mining
09	If semi mechanized/ mechanized, Number type and capacity of machines to be used	:	Mining will be done by both manually and by machineries i.e. excavators.

			<i>Cutting of laterite stone will be done by power cutters.</i> <i>The excavated laterite stone will be loaded into the tippers/hyva, tractors by loaders and dispatched to project site.</i>
10	<i>Total manpower deployed</i>	:	10
11	<i>Details of the mineral processing activity, i.e. Crushers/Screen (Give nos. & capacity)</i>		<i>Not applicable.</i>
12	<i>Details of mines surrounding like other stone quarry, village etc. within 500 meters</i>	:	<i>No human habitation within 500 meters.</i>
13	<i>Distance of other project sites, Railway line, roads (National Highway, State Highway, Major District Road, Other Road), Electric transmission line tower/pole.</i>	:	<i>The lease area is located at a distance of 2.0 Km from National Highway (Kolkata-Chennai) and other village connecting road passes within 500 meters.</i>
14	<i>Distance of water bodies like reservoir, water streams, ponds, canals, check dams, rivers, bridges etc.</i>	:	<i>No water bodies like reservoir, water streams, ponds, canals, check dams, rivers, bridges etc. within 200 meters.</i>
15	<i>Source of water for mine use</i>	:	<i>Ground water sourced through borewell by contract from outside.</i>
16	<i>Ground water (bore well/ dug well/ other sources)</i>	:	<i>Procurement of water by water tanker to the site.</i>
17	<i>Quantity of water use for various purposes</i> <i>i. Water sprinkling</i> <i>ii. Dust suppression</i> <i>iii. Domestic</i>	:	<i>Water sprinkling for dust suppression on transportation road: 5 KLD and Domestic: 0.5 KLD.</i>
18	<i>Production figure</i>	:	<i>Production as per mining plan.</i> <i>Not yet started commercial production.</i>

(C) OTHER INFORMATION:

01	<i>Drilling & Blasting method</i>	:	<i>Not applicable</i>
02	<i>Overburden/top soil/Solid Waste management</i>	:	<i>No OB generation will be generated as per the mining plan. Waste during excavation will be generated to be used by the lessee for making mine road and allied infrastructure. Remaining waste will be stored in a temporary dump inside the quarry area.</i>
03	<i>Provision of check dam and garland drains with sedimentation</i>	:	<i>As per the mining plan the land is situated at a height from the</i>

	<i>basin to prevent direct flow of runoff.</i>		<i>general ground level and run off water will follow its natural path on the surface of the earth. No artificial drainage is required.</i>
04	<i>Haulage roads details (Nos., type of roads and its length), Dust Suppression methods</i>	:	<i>Haulage road is Kachha road and dust suppression will be done by water tanker sprinkling.</i>
05	<i>Transportation road details (Nos., type of roads and its length)</i>	:	<i>The lease area is located at a distance of 2.0 Km from National Highway and other connecting facilities are good for transportation from this lease area.</i>
06	<i>Measures taken for control of fugitive emission (i.e. Water sprinkling arrangements provided like permanent water sprinklers, mobile water tankers (length, sprinklers numbers, mobile tanker capacity, etc.)</i>	:	<i>Mobile water tanker will be used for dust suppression on haul road of lease area.</i>
07	<i>Mine drainage water & Management practice for surface run off</i>	:	<i>No mine drainage water will be generated from the mine as per the approved mine plan.</i>
08	<i>Plantation activity</i>	:	<i>The unit will undertake plantation in the safety zone of the lease area. Around 250 nos. sapling will be undertaken during the mining plan period of 5 years.</i>
09	<i>Management of hazardous waste, if any (type quantity, treatment practice, disposal practice and status of authorization).</i>	:	<i>There is no workshop is exist for vehicle maintenance inside the mine lease. Hence, no hazardous waste will be generated from the mine and authorization under Hazardous waste (M, H & TM) Rule is not applicable for the laterite stone quarry.</i>
10	<i>Measures taken for control of noise levels below 85 dBA in the work environment of the mine.</i>	:	<i>The unit will take steps to maintain the noise level within the permissible limit.</i>

(D) DOCUMENT STATUS OF VARIOUS DEPARTMENTS

01	<i>Consent to establish (CTE) status</i>		<i>Consent to Establish granted from RO, BBSR vide letter No. 1891, dt. 29.6.2022.</i>
02	<i>Consent to operate (CTO) status</i>		<i>-</i>
03	<i>Environmental Clearance (EC)</i>		<i>Environmental Clearance obtained</i>

	<i>status</i>	<i>from the State Environmental Impact Assessment Authority (SEIAA), Orissa, Bhubaneswar vide Letter No.1660/SEIAA, Dt. 6.7.2021 and No. 4216/SEIAA, Dt. 15.3.2022).</i>
04	<i>Mining lease status</i>	<i>Mine lease granted by Tahasildar, Tangi and the same is valid for the period for a period of 5 years (i.e. 25.4.2022 to 24.4.2027).</i>
05	<i>Mining plan Approval status</i>	<i>Mining plan for a period of 5 years and approved by Deputy Director Geology, Directorate of Geology, Bhubaneswar.</i>
06	<i>Forest clearance status</i>	<i>The entire quarry lease area belongs to Non-Forest Govt. land. Hence no Forest clearance is required.</i>

RECOMMENDATION & SPECIAL CONDITIONS TO BE GIVEN:

Consent to Operate is considered for the 15t time upto 31.3.2023 both under Water & Air (PCP) Act with special conditions given below:

- 1. The mine shall comply with the stipulated conditions of Environmental Clearance obtained from the State Environmental Impact Assessment Authority (SEIAA), Orissa, Bhubaneswar vide letter No. 1660/SEIAA, Dt. 6.7.2021 and No. 4216/SEIAA, Dt. 15.3.2022).*
- 2. Any change in mining technology/scope of working shall not be made without prior approval of the State Environmental Impact Assessment Authority (SEIAA).*
- 3. Any change in the calendar plan including excavation, quantum of mineral and waste shall not be made and also shall comply with the stipulated conditions specified in the Environmental Clearance order issued by SEIAA.*
- 4. Mining activity shall be carried out as per approved mining plan prepared for this project.*
- 5. The consent to operate granted under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of*

Air (Prevention & Control of Pollution) Act, 1981 subject to the mining plan approved by the Director of Mines, Bhubaneswar under Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.

6. *The industry shall comply to the provisions of Environment Protection Act, 1986 and the rules made there under with their amendments from time to time such as the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016 as amended from time to time. Hazardous Chemical Rules/ Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 etc. and amendments there under. The industry shall also comply to the provisions of Public Liability Insurance Act, 1991, if applicable.*
7. *No mining activity shall be carried out in the vicinity of natural/manmade archeological sites.*
8. *It shall be ensured that quarrying is not carried out within 500 meter of structures, bridges, embankment, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures.*
9. *The lessee shall obtain NOC from CGWA and permission from WR department, Govt. of Odisha for use of ground water/surface water, if any required for the project.*
10. *It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs/intervenes within the permitted depth, then also quarrying shall be stopped.*
11. *No mining activity shall be undertaken beyond Six (06) meters below ground level.*

12. *No transportation of the minerals shall be allowed on any road passing through villages/habitation without prior explicit permission.*
13. *The project proponent shall take necessary measures to ensure no adverse impact is caused due to mining activities on the human habitation existing nearby.*
14. *The industry shall abide by all the provisions of Environment (P) Act, 1986 and Rules framed there under.*
15. *Domestic waste water shall be discharged to septic tank followed by soak pit constructed as per BIS specification.*
16. *The mining shall not affect the existing sources of irrigation or drinking water for industrial purposes.*
17. *Water sprinkling arrangements shall be provided at all haulage roads, transportation roads, mining areas, stack yard and other dust generating points to control fugitive dust emission.*
18. *Surface runoff shall be allowed to flow through garland drain and to a settling pond provided inside the lease hold area to allow the silt to be settled before final discharge to the surrounding environment.*
19. *The wastewater generated shall be treated and reused in the mining activities or used for water sprinkling and plantation.*
20. *Laterite stone cutting machine shall have the provision of wet cutting to control fugitive dust emission.*
21. *Water sprinkling shall be done on internal transportation roads and working area to suppress fugitive dust generation.*
22. *The vehicles should not be overloaded and shall be covered with Tarpaulin.*
23. *The industry shall provide adequate pollution control measures for controlling the fugitive emission and the*

ambient air quality inside the premises shall be maintained as per National Ambient Air Quality standard.

24. *Road shall be graded and made pot hole free to avoid dust generation during transportation of materials.*
 25. *The unit shall install DG set in an acoustically enclosed room over anti vibration pad to control noise and vibration.*
 26. *The height of the stack attached to DG set shall be $H = h + 0.2 \sqrt{KVA}$, where h = Height of the building where it is installed in meter, KVA = Capacity of D.G. Set, H = Height of the stack in meter above ground level.*
 27. *The mine shall maintain the ambient noise standards as prescribed in the Noise Pollution (Regulation and Control) Rules, 2000.*
 28. *Top soil shall be stacked properly and proper slope shall be maintained with adequate measures and should be used for plantation purposes.*
 29. *The Over Burden (OB) shall be properly stacked in the earmarked area as per the approved mining plan and it should not cause any environmental problems in the surroundings.*
 30. *Mineral rejects shall be disposed off as per the approved mining plan in proper manner without causing any environmental pollution.*
 31. *An Annual Return of the production undertaken shall be submitted at the end of financial year.”*
22. Mr. Akhand, learned Counsel for the Respondent No.13, appearing (in Virtual Mode), referring to the affidavit of the Respondent No.13 submitted that the said Respondent has not carried out any illegal mining but rather illegal mining was carried out by one Yudhistir Udaysingh and Biswanath Behera both residents of PS-Jankia,

Dist.-Khordha, from Damanbhuin Laterite Stone Quarry-A and the adjoining area and a representation dated 23.06.2022 to that effect was also submitted by him to the Tahasildar, Tangi, regarding theft of minor minerals and illegal mining. The case of the Respondent No.13 is that FIR No.237 dated 25.06.2022 was also lodged against Biswanath Behera in Jankia Police Station under Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 and Section 34 and 379 of the IPC. He has alleged that the Applicant is the nephew of Biswanath Behera and both are habitual offenders and are involved in illegal mining and that in 2021 also a case was registered against Biswanath Behera and 14 others under Section 186, 379, 411 of IPC read with Section 12 of Orissa Minerals (Prevention of Theft, Smuggling and other Unlawful Activities) Act, 1989. It is also mentioned that another FIR No.301 was lodged in the Jankia Police Station on 09.09.2023 under Section 68 of the Odisha Minor Minerals Concession Rules, 2004 read with Section 34, 379 and 447 of the IPC against Yudhistir Udaysingh. In para-13 of his affidavit, the Respondent No.13 has also given a list of names of persons who are alleged to be carrying on illegal mining in the quarry in question.

23. We may however advert to the averments para-14 of the affidavit, wherein the said Respondent has also given a list of the excess quantity of minor mineral extracted, towards which royalty and penalty has been paid by him which reads under:-

“1) 18.01.2023

Royalty – Rs.2,03,220/-

Penalty– Rs.1,71,780/-

Total – Rs.3,75,000/- (Rupees Three Lakhs seventy five thousand only)

2) 25.01.2023

Royalty – Rs.2,03,220/-

Penalty– Rs.1,46,780/-

Total – Rs.3,50,000/- (Rupees Three Lakhs fifty thousand only)

3) 06.02.2023

Penalty– Rs.25,000/-

Total – Rs.25,000/- (Rupees Twenty five thousand only)

4) 20.05.2023

Royalty – Rs.4,98,620/-

Penalty– Rs.1,80,000/-

Total – Rs.6,78,620/- (Rupees Six Lakhs seventy eight thousand six hundred twenty only)

5) 31.05.2023

Royalty – Rs.2,98,620/-

Penalty– Rs.1,80,000/-

Total – Rs.4,78,620/- (Rupees Four Lakhs seventy eight thousand six hundred twenty only)

6) 26.05.2023

Penalty– Rs.2,00,000/-

Total – Rs.2,00,000/- (Rupees Two Lakhs only)”

24. This in its self confirms that the Respondent No.13 has violated the conditions of the Environmental Clearance (EC) and carried out excess mining of minor mineral from the quarry in question and has brazenly and illegally extracted minor mineral from the quarry in question.
25. The Respondent No.13 has filed an I.A. No.134/2024/EZ with the prayer that the persons mentioned in the prayer be impleaded in the present proceedings as they are involved in illegal mining in the said laterite quarry.

26. So far as I.A. No.34/2024/EZ is concerned, we are of the view that the persons mentioned in the prayer thereto are not required to be impleaded in the present proceedings as Respondents for the reasons that Consent to Establish (CTE) was granted in favour of the Respondent No.13 for the Laterite Quarry in question on 29.06.2022 and Consent to Operate (CTO) was granted to him on 15.07.2022. Though the Environmental Clearance (EC) was granted to the Tahasildar, Tangi, on 06.07.2021 and thereafter, transferred in the name of the lessee on 15.03.2022 but the documents on record and the pleadings of the party show that the Respondent No.13 has been in control of the mine from the beginning since it is not disputed that a letter dated 12.08.2021 was issued to him by the Tahasildar, Tangi, directing to him to deposit royalty additional charges and other charges to the tune of Rs.3,48,993/- (Rupees Three Lakhs Forty-Eight Thousand Nine Hundred Ninety-Three only) which has also been deposited by the Respondent No.13 as admitted by him in his affidavit. The complaint of the Respondent No.13 to the Tahasildar, Tangi, though dated 26.06.2022 i.e. prior to the grant of Consent to Establish (CTE) and Consent to Operate (CTO) but nevertheless mentions that he is not able to operate the mine as the persons named in his complaint are operating the mine, the record discloses that the Environmental Clearance (EC) was transferred in the name of the lessee on 15.03.2022. In the circumstances, the lease of the mine quarry in question being in favour of the Respondent No.13 it was his sole responsibility to ensure protection of the mine quarry and to ensure that no one could carry out illegal mining in the said quarry. In case the Respondent No.13 was of the view that certain persons were

obstructing him in the operation of his mine he could have informed the District Mining Officer immediately and opted out of lease of the said quarry. That apart the Collector, Khordha, in his affidavit has stated that volume of illegal mining of morrum and laterite from the Damanbhuin Laterite Stone Quarry-A over the lease land in question was assessed by ORSAC, an empaneled firm through DGPS, Drone Survey and Bathymetric Survey and 91,775.217 cum of laterite and 68,754.88 cum of morrum was assessed to have been extracted from the quarry in question.

27. The Respondent No.13 in para-14 of his own affidavit has given the date-wise payment of royalty and penalty towards excess quantity minor mineral excavated which has already been extracted hereinabove and which confirms that the Respondent No.13 was illegally carrying out excavation/extraction of minor mineral from the quarry in question.
28. The documents on record show that Environmental Compensation and other recovery, amounting to Rs.98,31,49,135/- (Rupees Ninety-Eight Crores Thirty-One Lakhs Forty-Nine Thousand One Hundred Thirty-Five only) of which Rs.96,28,50,175/- (Rupees Ninety-Six Crores Twenty-Eight Lakhs Fifty Thousand One Hundred Seventy-Five only) has been computed against the Respondent No.13 which is towards Environmental Compensation and Rs.3,24,500/- (Rupees Three Lakhs Twenty-Four Thousand Five Hundred only) is towards assessment expenditure computed against the Respondent No.13 towards excess morrum generated being 64,254 cum as per the ORSAC Survey.
29. At this stage, we may observe that against the computation of Environmental Compensation the Respondent No.13 has statutory

remedies and, therefore, we are not inclined to express any opinion with regard to the quantum of Environmental Compensation which might otherwise prejudice the case of the Respondent No.13.

30. However, we direct the Odisha State Pollution Control Board to realize environmental compensation and do the needful for the restoration of the environmental damage caused due to excess mining.
31. In view of the above facts, we find that nothing further remains for adjudication in the present Original Application and the same is accordingly disposed of.
32. I.A. No.34/2024/EZ is rejected.
33. Other I.As., if any, stand disposed of accordingly.
34. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

February 11, 2025,
Original Application No.122/2023/EZ
(I.A. No.34/2024/EZ)
MN