

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

Original Application No.02/2024/EZ

Tapas Kumar Bal

Applicant(s)

Versus

The State of Odisha & Ors.

Respondent(s)

Date of hearing: 30.04.2024

**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, Advocate a/w
Mr. Ashutosh Padhy, Advocate (in Virtual Mode)

For Respondent(s) : Ms. Saswata Patnaik, AGA for R-1 to 10 (in Virtual Mode),
Mr. Dipanjan Ghosh, Advocate for R-11,
Ms. Amrita Pandey, Advocate for R-13 (in Virtual Mode),
Mr. Abhishek Kejriwal, Advocate for R-14

ORDER

1. Reply affidavit dated 28.03.2024 has been filed by Respondent No.13; the same is taken on record.
2. Counter-affidavit dated 02.04.2024 has been filed by Respondent Nos.3 and 5; the same is taken on record.
3. Counter-affidavit dated 15.04.2024 has been filed by Respondent No.10; the same is taken on record.
4. Affidavit dated 27.04.2024 has been filed by Respondent No.12; the same is taken on record.
5. Additional affidavit dated 24.04.2024 has been filed by Respondent No.11; the same is taken on record.
6. Response affidavit dated 29.04.2024 has been filed by the Applicant; the same is taken on record.
7. No one is present on behalf of the SEIAA, Odisha although the name of Ms. Rashmi Singhee is printed in the cause-list.
8. Dr. Kailasam Murugesen, Member Secretary, SEIAA, Odisha, is present in Virtual Mode in pursuance of our previous order dated

11.03.2024. His presence for future is dispensed with unless specifically required by the Court.

9. The contention of Mr. Sankar Prasad Pani, learned Counsel for the Applicant is that the computation of illegally extracted quantity of sand mining amounting to 4869 Cum is a less than conservative assessment since along with his Original Application he has given the month long register maintained by the Applicant showing list of vehicles engaged in transportation of sand from Kusei River, Deogaon, page nos.85 to 107 to the Original Application.
10. It is also stated that at least 960 trucks load of sand has been excavated and transported by the lessee, Respondent No.14 in a single month from 08.09.2023 to 08.10.2023 during monsoon season when mining in the river bed is prohibited. The documents filed at page nos.85 to 87 of the paper book gives the Vehicles No. and type of vehicle as well as the timing when the trucks were in movement in the area.
11. Mr. Sankar Prasad Pani, learned Counsel further states that the Respondent No.14 is the only lessee in Kusei River, Deogaon, District- Keonjhar and there is no other lessee in the area and, therefore, all these trucks carrying sand would be related directly to the sand mining operations of the Respondent No.14.
12. We find that the Respondent No.9, Deputy Director of Mines has not filed any affidavit. The SEIAA, Odisha in its affidavit has also not addressed this aspect of the matter that no other lease has been granted in the area in question other than the sand mining lease granted to Respondent No.14. The affidavit of the Odisha State Pollution Control Board is also silent with regard to the allegations made in the Original Application.

13. Neither the affidavits of SEIAA, Odisha nor the Tahasildar, Danagadi, have touched this aspect of this matter.
14. The SEIAA, Odisha should have clarified as to whether any other mining leases were granted in the area or the Respondent No.14 is the only leaseholder.
15. Mr. Abhishek Kejriwal, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.14 prays for and is granted four weeks further time for filing counter-affidavit.
16. The other respondents shall also file their counter-affidavit within four weeks.
17. None of the affidavits of the Respondents have given any para-wise reply to the allegations of the Original Application, in fact the affidavits filed by the Respondents are in an essay form. The Respondents are directed to file para-wise counter-affidavits.
18. The other Counsel for the Respondents shall provide all the copies of their affidavits to Mr. Abhishek Kejriwal, learned Counsel for Respondent today itself.
19. **List on 31.05.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

April 30, 2024,
Original Application No.02/2024/EZ
MN