

Item No. 01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(Through Video Conferencing)**

Original Application No. 26/2021/EZ

Srikanta Kumar Pakal & 8 Anr.

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 16.04.2021

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

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

**ORDER**

1. We have heard Mr. Sankar Prasad Pani, learned Counsel for the Applicant.
2. Mr. Gora Chand Roy Choudhury, learned Counsel has put his appearance on behalf of the Respondent No.6, SEIAA Odisha.
3. The Applicant is seeking a direction to the Respondents to assess the amount of sand extracted in Nuapatana Mouza, Tangi-Choudwar Tahsil, District-Cuttack and to seize excavators used for sand mining there and also for

suspension of the 'Environmental Clearance' and 'Consent to Operate' granted to Respondent No.9 for violation of environmental norms and conditions imposed for sand mining operation in the Mahanadi river.

4. The allegation of the Applicant is that remote sensing satellite pictures show extensive degradation of river bed and extraction of sand illegally through the mechanical means which is not permissible in law.
5. In our opinion, matter requires consideration.
6. Issue notice to the Respondents, returnable within two weeks.
7. We direct the Applicant to implead the Integrated Regional Office of Ministry of Environment, Forest and Climate Change, Bhubaneswar and the Regional Office of Central Pollution Control Board, Kolkata in the array of Respondents as Respondent Nos. 10 & 11 through impleadment application and affidavit before the next date of listing.
8. We, further direct Mr. Sankar Prasad Pani, learned Counsel for the Applicant to serve a soft copy of the Original Application along with its annexures to Mr. Gora Chand Roy Choudhury, learned Counsel for the Respondent No.6, SEIAA

Odisha and other learned Counsel for the parties before the next date of listing.

9. We further direct that the an inspection be carried out by a Joint Committee comprising of the following persons;
  - i) A Senior Scientist from the Integrated Regional Office of Ministry of Environment, Forest and Climate Change, Bhubaneswar, Odisha,
  - ii) Senior Scientist from Regional Office of the Central Pollution Control Board, Kolkata, West Bengal,
  - iii) District Collector, Cuttack,
  - iv) Senior Official/Scientist from State Environment Impact Assessment Authority, (Respondent No.6); and
  - v) District Mining Officer, Cuttack, (Respondent No.7)
  
10. The Committee shall examine the site and submit its report stating therein specifically as to whether excess sand has been excavated beyond the licence granted and whether heavy machines have been used for excavation of sand which is contrary to the rules. The Committee shall also enumerate any violation of the Environmental Clearance certificate or Consent to Operate.

11. We further direct that if the Committee finds that there has been violation of the rules and regulations, the Committee shall assess the damage caused to the environment and the compensation/royalty which the Respondent No.9 may be liable to pay.
12. We also direct that the Integrated Regional Office, Ministry of Environment Forest and Climate Change shall be the Nodal Agency for providing all logistic support to the Committee.
13. **List on 19.05.2021.**

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B. AmitSthalekar, JM

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SaibalDasgupta, EM

April 16, 2021  
Original Application No. 26/2021/EZ  
AK