

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

Original Application No.142/2022/EZ

Pratap Chandra Mohanty & Ors.

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 12.10.2022

**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 (in Virtual Mode)

ORDER

1. Heard Mr. Sankar Prasad Pani, learned Counsel appearing (in Virtual Mode) for the Applicants.
2. This Original Application has been filed by the Applicants on the allegation that the National Highway Authority of India (NHAI), Respondent No.10, is engaged in the Rehabilitation and Upgradation of existing 2-lane to 4-lane standards from Duburi to Chandikhole section of NH-200 (New NH-53) from 388.376 kilometers to 428.074 kilometers, length of 40 kilometers in the State of Odisha under the NHDP Phase-III on EPC Mode (Pkg-III) and the construction period of the said Project is 910 days.
3. In para 4 of the Original Application, it is alleged that while executing the construction of Highway Project, the Private Contractors, Respondent Nos. 11, 12 & 13, Gammon Infrastructure Projects Limited (GIPL), Project Implementation Unit, NHAI, Dhenkanal and Gammon Engineers and Contractors Pvt. Ltd., require huge amount of minor minerals such as – soil, morrum, road metals, stone, bajri, sand and stone crusher dust, which are not available in the open market and the trading of such minor minerals are regulated by the State Government under the Orissa Minor

Mineral Concession Rules, 2016 (hereinafter referred to as 'OMMC Rules 2016'), which require permission for quarrying and transit permit for transportation of these minor minerals from source to destination. It is also alleged that these minor minerals are being transported by the end user agency without any valid transit permit.

4. In para 14 of the Original Application, it is further alleged that the NHAI and the concerned Contractors, Respondent Nos. 11 to 13, are required to furnish copies of the lifting orders of the competent authorities or transit passes or Form-R and money receipts towards payment of royalty for lifting minor minerals procured by NHAI or the Contractors along with Environmental Clearance but none of these documents have been furnished.
5. Reference has also been made to the RTI reply provided by the Office of the Tahasildar-Danagadi, copies of which have been filed as Annexure-4 (Colly), page no. 32 onwards, which clearly mentions that no quarry permit has been issued in favour of M/s Gammon Engineers & Contractors Pvt. Ltd with M/s Gammon Infra Project (JV), contractor of NHAI, or its authorized representative or sub-contractor by the Tahasil Office of Danagadi. It is also stated that no sand sairat/morrum sairat/stone sairat has been allotted in favour of the NHAI, Respondent No.10 or of the Respondent Nos. 11 to 13, Private Contractors.
6. In our opinion, matter requires consideration.
7. Issue notice to the Respondents, returnable within three weeks.
8. Ms. Samapika Mishra, learned Additional Standing Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos. 1,2,5,6,7 & 8, State Respondents, Government of Odisha.
9. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, Odisha State Pollution Control Board.

10. Mr. Gora Chand Roy Choudhury, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.4, State Environment Impact Assessment Authority (SEIAA), Odisha.
11. Mr. Debasish Ghosh, learned Counsel who is present in Court, is directed to accept notice on behalf of the Respondent No.9, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bhubaneswar.
12. Mr. Ashok Prasad, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.10 & 12, National Highways Authority of India (NHAI), Project Implementation Unit, NHAI, Dhenkanal.
13. Issue notice to the Respondent Nos. 11 & 13, returnable within three weeks.
14. All the Respondents shall file their counter-affidavits within three weeks.
15. Mr. Sankar Prasad Pani, learned Counsel shall serve e-copy/soft copy of the Original Application along with all its annexurs uponr Ms. Samapika Mishra, Mr. Dipanjan Ghosh, Mr. Gora Chand Roy Choudhury, Mr. Debasish Ghosh and Mr. Ashok Prasad, learned Counsel in the course of the day.
16. **List on 21.11.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

October 12, 2022
Original Application No.142/2022/EZ
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