

Item No. 02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 67/2021/EZ

Alok Malik & Ors.

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 16.08.2021

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

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

For Respondent(s) : Mr. Gora Chand Roy Choudhury, Advocate

ORDER

1. Heard Mr. Sankar Prasad Pani, Ld. Counsel for the Applicant.
2. Mr. Gora Chand Roy Choudhury, Ld. Counsel is present for the Respondent 6, State Environment Impact Assessment Authority (SEIAA), Odisha.
3. The allegation in this O.A. is that the Respondent No.11 is carrying on illegal sand mining in excess of what is permissible under the Environment Clearance.
4. It is also alleged that they are using mechanical excavator for carrying on sand mining even during monsoon which is contrary to Sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020
5. Matter requires consideration.
6. Issue notice to the respondents returnable within four weeks.
7. Considering the allegations made in the O.A., we deem it appropriate to constitute a Committee to investigate the allegations made in respect of illegal sand mining in the District Jajpur, Odisha. The Committee shall consist of the following members:-
 - a. Scientist from Integrated Regional Office of Ministry of Environment, Forest and Climate Change (MoEF & CC), Bhubaneswar .

- b. District Collector, Jajpur.
- c. Scientist from Odisha State Pollution Control Board, Bhubaneswar.
- d. Scientist from State Environment Impact Assessment Authority (SEIAA), Odisha;
- e. The Deputy Director of Mines, Jajpur.

The Integrated Regional Office of MoEF & CC, Bhubaneswar will be the nodal office for all logistic purposes.

- 8. The Committee shall submit its report within one month with regard to illegal sand mining as alleged in the O.A., damage caused to the environment; assess the environmental compensation and the penalty to be imposed against the Respondent No. 11 and persons who are involved in illegal sand mining as well as loss of revenue/royalty to the Govt. exchequer due to excess sand mining.
- 9. **List on 27.09.2021.**
- 10. As an interim measure, we direct the District Collector, Jajpur to ensure that all illegal sand mining activities carrying on in violation of the environmental laws, are ceased forthwith until further orders.

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B. Amit Sthalekar, JM
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Saibal Dasgupta, EM

August 16, 2021
O.A. No. 67/2021/EZ
AKC