

Item No. 02 (Kolkata Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 83/2020 (EZ)

Sukanti Pradhan & Ors.

Applicant

Versus

District Collector, Dhenkanal & Ors.

Respondent(s)

Date of hearing: 13.01.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Sankar Prasad Pani, Advocate

ORDER

1. Grievance in this application is against illegal mining by Respondent No. 9, Chinmay Kumar Nayak and operation of illegal stone crushers by Respondent No. 10, Kunal Structure (I) Pvt. Ltd. at Jhilli Mouza in Dhenkanal District, Odisha.

2. According to the applicants, mining is far in excess of the permit. In the process of mining, there is felling of trees, illegal blasting and damage to the houses. Stone crushers do not have any statutory consent and do not meet the siting criteria. No green belt has been developed. There is no demarcation of the leased area and mining is taking place beyond the leased area. Over loaded vehicles are being plied on rural roads, without the approval from the Rural Development Department. Vehicles are not using any covering on the mined material resulting in air pollution. The applicant has referred to the siting criteria for the stone crushers laid down by the Forest Department, Odisha dated 08.06.2010, EC for the mining granted on 15.02.2016, consent to

operate for stone crushers dated 30.05.2018, CPCB Guidelines dated 12.05.2020 about the siting, consent to operate dated 10.07.2020 for stone crushers, photographs and media reports.

3. The above allegations need to be first looked into by a joint Committee comprising State PCB, District Collector, SEIAA, Odisha, CPCB and MoEF&CC. The joint Committee may ascertain facts and also consider the view point of the affected parties. Based on facts found, the concerned statutory authority may take appropriate action, following due process of law. The nodal agency will be the State PCB for coordination and compliance. A factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

The applicant may serve set of papers on the State PCB, District Collector, SEIAA, Odisha, CPCB and MoEF&CC and also to the affected parties and file an affidavit of service within one week.

A copy of this order be forwarded to the State PCB, District Collector, SEIAA, Odisha, CPCB and MoEF&CC by email for compliance.

List for further consideration on 17.05.2021.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

January 13, 2021
O.A. No. 83/2020 (EZ)
A