

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

O.A. No. 162/2016/EZ

**ANANTA KUMAR DAS & ORS  
VS  
STATE OF ODISHA & ORS**

CORAM: Hon'ble Mr. Justice (Dr.) P. Jothimani, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicants : Mr. Sankar Prasad Pani, Advocate  
Respondents No.2&3 : Mr. Janmejaya Katikia, Addl. Govt. Advocate  
Respondent No. 4 : Mr. Gora Chand Roy Choudhury, Advocate  
Respondent No.5 : Mr. Sibojyoti Chakraborty, Advocate  
Respondent No. 6 : Mr. Dipanjan Ghosh, Advocate  
Other Respondents : None

Date & Remarks	Orders of the Tribunal
<b>Item No. 1 3<sup>rd</sup> January, 2017.</b>	<p>Ld. counsel appearing for the Odisha State PCB has filed status report. It is stated that the 5<sup>th</sup> Respondent, who is the Private Respondent has consent to operate as on date which is valid upto 2018. However, the fact is that EC has been granted by SEIAA in favour of the 3<sup>rd</sup> Respondent. It is true that EC contains the name of the 5<sup>th</sup> Respondent and the 5<sup>th</sup> Respondent is unable to tell as to whether the said Respondent has filed appropriate proposal to the SEIAA for mining operation.</p> <p>Under these circumstances, we have to find out as to whether Form No. 1 is submitted either by Tehsildar or by 5<sup>th</sup> Respondent.</p> <p>Ld. counsel appearing for the SEIAA submits that he will produce the entire document on the next date of hearing.</p> <p>Mr. Janmejaya Katikia, Ld. Addl. Govt. Advocate is present before us. Notice is dispensed with as Mr. Katikia accepts the notice on behalf of Respondents No. 2 &amp;3</p> <p>Even in the consent order issued by the Board there is a specific clause " the mining of sand shall be done manually and it</p>

shall be ensured that manual activity should not disturb the flow pattern of the river.” The photographs produced before us show that at one place mining is above the water level which is, however, contested by the Id. counsel appearing for the applicant.

In view of the same, we make it very clear that the mining based on the EC shall be done only manually and no mechanical mining shall be permitted. The Tehsildar shall ensure that the mechanical mining does not take place and if any such mechanical mining being done either by the private Respondent or by Tehsildar, the 8<sup>th</sup> Respondent, i.e., the Superintendent of Police shall take immediate steps to seize the vehicles and machines.

The Respondents who have not filed reply, shall file their reply & responses to the report filed by State PCB today within three weeks from today after serving advance copies on the other side, they shall be entitled to file rejoinders within one week.

Ld. counsel appearing for the 5<sup>th</sup> Respondent undertakes to file reply as well as documents within one week. He is permitted to do so after serving advance copies on the other side. He shall also produce copy of form No.1 and other documents on the next date of hearing.

**Post on 07.02.2017.**

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Justice (Dr.) P. Jyotimani, JM  
3-1-2017

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Prof. (Dr.) P. C. Mishra, EM  
3-1-2017

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