



सत्यमेव जयते

File No: 450783/38-MINB2/03-2024

Government of India

Ministry of Environment, Forest and Climate Change

(Issued by the State Environment Impact Assessment Authority (SEIAA),  
ODISHA)

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Dated 05/07/2024



To,

RAJAKISOR MISHRA  
RAJAKISOR MISHRA  
RUDHIA, PANIKOILI, DHARMASALA, BRAHMABARADA, JAJAPUR, ODISHA, , 755005  
mishrarajkishore28@gmail.com

**Subject:** Grant of EC under the provision of the EIA Notification 2006-regarding.

**Sir/Madam,**

This is in reference to your application for Grant of EC under the provision of the EIA Notification 2006-regarding in respect of project APPLICATION FOR FRESH EC OF BRAHMANI RIVER BRAHMABARADA SAND QUARRY OVER AN AREA OF 1.74 HA OR 4.30 ACRES AT VILLAGE BRAHMABARADA, TAHSIL RASULPUR, DISTRICT JAJPUR, ODISHA submitted to Ministry vide proposal number SIA/OR/MIN/450783/2023 dated 20/03/2024.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC23C0107OR5686248N
(ii) File No.	450783/38-MINB2/03-2024
(iii) Clearance Type	EC
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a) Mining of minerals APPLICATION FOR FRESH EC OF BRAHMANI RIVER BRAHMABARADA SAND QUARRY OVER AN AREA OF 1.74 HA OR 4.30 ACRES AT VILLAGE BRAHMABARADA, TAHSIL RASULPUR, DISTRICT JAJPUR, ODISHA
(vii) Name of Project	
(viii) Name of Company/Organization	RAJAKISOR MISHRA
(ix) Location of Project (District, State)	JAJAPUR, ODISHA
(x) Issuing Authority	SEIAA
(xii) Applicability of General Conditions	no
(xiii) Applicability of Specific Conditions	no

The project proponent Sri Rajakisor Mishra, has submitted an application for EC to SEIAA, Odisha through the Parivesh portal of MOEF&CC, GOI vide online application no. SIA/OR/MIN/450783/2024 dated 20.03.2024 for mining of Sand from Brahmani River Brahmabarada Sand Quarry over an area of 1.74 Ha. or 4.30 acres at village Brahmabarada, Tahsil Rasulpur, District Jajpur, Odisha.

2. Proposal in brief:

Proposal No.	SIA/OR/MIN/450783/2024
Date of application	20.03.2024
File No.	450783/38-MINB2/03-2024
Project Type	Proposal for fresh EC
Category	B2
Project/Activity including Schedule No.	1(a) Mining of minerals Proposal for EC of Brahmani River Brahmabarada Sand Quarry over an area of 1.74 Ha or 4.30 acres at village Brahmabarada, Tahsil Rasulpur, District Jajpur, Odisha
Name of the Project	
Name of the company/Organization	Sri Rajakisor Mishra
Location of Project	village Brahmabarada, Tahsil Rasulpur, District Jajpur, Odisha
ToR Date	NA
Name of the Consultant	NA

3. Project details: The highlights of the project, as ascertained from the application and as revealed from the proceedings/discussions held during the meetings of SEAC/SEIAA, are given as under:

- (i). This is a proposal for mining of sand from Brahmani River Brahmabarada Sand Quarry over an area of 1.74 Ha or 4.30 acres at village Brahmabarada, Tahsil Rasulpur, District Jajpur, Odisha.
- (ii). The mining area is a part of Survey of India Toposheet No. 73L/1 and is bounded between the Latitude- 20°43'29.08"N to 20°43'40.07"N and Longitude- 86°14'50.07"E to 86°14'53.08" E bearing Khata no. 425, Plot No. 3537(P), Kissam-Nadi
- (iii). The mining lease is an identified sairat source in the DSR. The Brahmani River Brahmabarada Sand Quarry sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Rasulpur to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
- (iv). Documents submitted: -Form-1, EMP, PFR, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Tahasildar, Rasulpur, topo map etc.
- (v). Whether submitted KML file of the lease area-Yes
- (vi). Whether submitted scrutiny fee-Yes of Rs. 2000/- vide e Challan Reference Id no. 35CA8ED2CB dt. 21.10.2023
- (vii). Distance from nearest sanctuary/ESZ- Kapilash WLS-50.79 Km
- (viii). Whether the lease area coming in DLC report-No N/A
- (ix). Whether the lease area reflecting in DSR-Yes
- (x). Method of mining-Manual
- (xi). River- Brahamani, Depth of sand deposition-1.5 meter
- (xii). Distance from nearest road bridge-1.12 km, village road-0.21
- (xiii). Whether it is part of cluster – No.
- (xiv). Whether EC obtained earlier-Yes. EC obtained earlier from DEIAA, Jajpur vide letter no. 1855 dt. 04.07.2017
- (xv). Date of approval of mining plan- not submitted.
- (xvi). Production capacity per annum-2422 cum/annum (max.), total production in 5 years period-12055 cum, Geological reserve-18250 cum and Mineable reserve-12055 cum and depth of mining as per approved mining plan is 0.5 meter.
- (xvii). The DSR has not been prepared as per the MoEF& CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining guidelines-2016 and Enforcement & Monitoring Guideline for sand mining-2020 and as per the Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others).
- (xviii). The cluster certificate has been furnished by the Tahasildar, certifying that there are no other sand quarries coming within the radius of 500meter of the proposed quarry. Hence, it is not coming cluster proposal.
- (xix). The project proponent has also not furnished the width of the river, nor the alignment of the extraction path for sand

transportation.

4. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5 ha.

5. The proposal was placed in the SEAC meeting held on 29.04 and the SEAC recommended to grant EC valid from the date of EC accorded upto the lease period with specific conditions stipulated for sand mine along with additional conditions.

6. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 168th meeting held on 24.06.2024 & 25.06.2024 in accordance with the EIA Notification, 2006 and further amendments thereto as well as the Judgement dated 2nd February, 2022 of Hon'ble National Green Tribunal in OA No.33/2020/EZ (Laxmidhar Palai Vrs. District Collector, Balasore). After detailed deliberations in the matter, the Authority decided to grant Environmental Clearance with usual stipulated conditions as applicable for sand quarry.

7. Environmental Clearance (EC) is granted under the provisions of EIA Notification No. S.O. 1533 (E) dated the 14th September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for mining of Sand from Brahmani River Brahmabarada Sand Quarry over an area of 1.74 Ha. or 4.30 acres at village Brahmabarada, Tahsil Rasulpur, District Jajpur, Odisha with the following stipulations, environmental conditions and safeguards attached as Annexure-1.

### **Copy To**

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Jajpur/DFO, Cuttack/Sub Collector, Jajpur and Tahasildar, Rasulpur /Mining Officer, Jajpur for Information and necessary action with specific reference to para in respect of year wise permitted quantity.
7. Guard file for record/Website/Parivesh Portal.

## Annexure-1

### A: Stipulations:

Sl.	Descriptions	Stipulation
(i)	Lease Area:	4.30 Acres or 1.74 Ha.
(ii)	No Mining Zone:	(i). The PP shall maintain safety and stability of Riverbanks i.e. 3 meter or 10% of river width whichever is more for protection of river bank and (ii). 7.5-meter safety zone from all side of lease boundary. (iii). No stream should be diverted for the purpose of sand mining. No natural water course and/ or water resources are obstructed due to mining operations.
(iii)	Maximum Depth of Mining:	1.5 meter as per the approved mining plan
(iv)	Method of Mining:	Manual as per approved mining plan
(v)	Permitted Quantity:	<b>2400 cum for 1<sup>st</sup> year</b> <b>600 cum</b> (i.e. 25% of the 1 <sup>st</sup> year production capacity) <b>for 2<sup>nd</sup> year</b> if, Annual Rate of Replenishment Study (ARRS) report is not submitted after one year of quarry operation.
(vi)	Validity Period of EC:	The validity of EC is for validity of DSR or validity of lease period whichever is earlier.
(vii)	ARRS report	The PP shall carryout the ARRS study through a NABET or ORSAC empanelled agency and submit to SEIAA, Odisha by <b>31<sup>st</sup> March 2026</b> .

### Specific Stipulations

- i) Revision of DSR the mention of this deposit with final coordinates is to be ensured.
- ii) The boundary area of the deposit as per the updated DSR defined by geo coordinates based on DGPS survey be superimposed on the cadastral map.
- iii) Plantation programme to be completed within first two years and to be maintained in remaining years.
- iv) The Project proponent shall follow Sustainable Sand Mining Guidelines, 2020.
- v) The proponent shall provide Bio- toilet for the workers.
- vi) Project Proponent shall not disturb the water course during mining.

### **B: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED WITH BY THE TAHASILDAR/MINING OFFICER BEFORE LEASE AGREEMENT:**

- 7.1 **Boundary Demarcation:** - The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced

concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empanelled agency of ORSAC.

- 7.2 **Digital Map:** -A digital map (in KML format as well as PDF version) showing GPS coordinates of all boundary pillars duly countersigned by the Tahasildar/Mining Officer shall be submitted to SEIAA, Odisha through email at [seiaaodisha@gmail.com](mailto:seiaaodisha@gmail.com).
- 7.3 **Intimation of EC:** - The copies of the EC shall be sent to the Sarpanch (s) of the concerned Gram Panchayat (s), Urban Local Bodies and relevant other Offices of the Government with a request to display the same for 30 days from the date of receipt. The Project Authorities should widely advertise about the grant of this EC letter by printing the same in at least two local newspapers, one of which shall be in vernacular language of the concerned area. The advertisement shall be done within 7 days of the issue of the clearance letter mentioning that the instant project has been accorded EC and copy of the EC letter is available with the State Pollution Control Board and web site of the Ministry of Environment, Forest and Climate Change ([www.parivesh.nic.in](http://www.parivesh.nic.in)). A copy of the advertisement may be forwarded to the concerned MoEF&CC Regional Office for compliance and record.
- 7.4 **Tree Plantation:** - Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for plantations of the State Forest Department. The Project Proponent (lease holder) shall deposit Rs.1,00,000/- with the respective District Environment Society for raising 200 plants of native species within 2 years in a suitable location adjoining to quarry.
- 7.5 **State EMF Fund:** - An amount equal to five percent (5%) of the royalty payable shall be collected from the lessee by the Tahasildar/ Mining Officer and deposited to the State Environment Management Fund, which will be utilized as per provisions of Rule 49(3) of the OMMC Rule, 2016 preferably, in and around the areas where mining activities are undertaken.
- 7.6 **Condition by Collector:** - Any other condition(s) the Collector & Chairman, District Environment Impact Assessment Authority (DEIAA), may impose in the interest of protection and safeguarding the local environment.
- 7.7 **Compliance report for Transfer of EC:** - Any transfer of EC to a PP/Lessee shall be considered by SEIAA, Odisha only after receipt of the full compliance report through Tahasildar/ Mining Officer concerned of the above environmental conditions and safeguards.

**C: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED ON FIELD AFTER THE LEASE AGREEMENT**

- 7.8 **Maximum permissible depth:** This Environmental Clearance is given with the condition that maximum depth of digging of sand shall be 1.5 m as per mining plan. Any flouting of this restriction shall make this EC liable to cancellation.
- 7.9 **Maximum permissible quantity:** Maximum yearly quantity of extraction from the quarry shall not exceed annual limit as specified above under stipulation in Table 'A stipulations'-sl. A(v) i.e. 2400 cum in 1<sup>st</sup> year and 600 cum (i.e. 25% of

the 1<sup>st</sup> year production capacity) for 2<sup>nd</sup> year if, Annual Rate of Replenishment Study (ARRS) report is not submitted after one year of quarry operation. Any flouting of this quantitative restriction shall make this EC liable to cancellation.

- 7.10 **Annual Replenishment Rate Study of Sand:** -The Project Proponent shall carry out Annual Rate of Replenishment study of sand by ORSAC empanel agency or NABET Consultant as per prescribed drone method of MoEF & CC, Govt. of India by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the actual rate of replenishment of mined out sand in the lease area. PP shall carry out Annual Rate of Replenishment Study (ARRS) through ORSAC empanel agency in every year and submit the report to SEIAA, Odisha during submission of EC compliance with attaching real-time geo-coordinating photographs both pre and post monsoon data collection time.
- 7.11 **District Survey Report:** In view of likely revision of DSR as per the Ministry guidelines, the mention of this deposit in DSR with final coordinates is to be ensured by Tahasildar/Mining Officer **before expiry of the existing current DSR.** The boundary area of the deposit as per the updated DSR defined by geo coordinates based on DGPS survey be superimposed on the cadastral map. The Grant of EC for further period will be considered after submission of DSR approved by SEIAA as per the MoEF& CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining guidelines-2016 and Enforcement & Monitoring Guideline for sand mining-2020 and also as per the Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others).
- 7.12 **No change in the mining plan without prior approval of SEIAA:** - Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. The detailed production of sand from the lease area of each year shall be submitted in tabular form during submission of compliance report.
- 7.13 **Environmental Management Plan:** EMP shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed in EMP. The PP will

implement the EMP with a budgetary allocation of **Rs.1.20 Lakh/annum**. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The Tahasildar/ Mining Officer shall ensure the compliance of this condition along with all lease holders of his jurisdiction.

7.14 **Common Forum for EMP:-** All the individual quarry lessee holders coming under the Tahasil may create a common forum in coordination with the Tahasildar/ Mining Officer and contribute funds to it for grading, compaction and maintenance of haulage road, provision of water spray on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry, and provision of thick, multilayer and a continuous green belt around the lease area excluding the entry and exit gate for prevention of environmental pollution and noise during mining activity.

7.15 **No Working Zone:** - The lessee shall ensure that no sand mining is carried out in the areas as specified below: -

- a) During the rainy season;
- b) Within the water channel or stream flow area throughout the year;
- c) Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge, 200 meter upstream and downstream of water supply/irrigation scheme, 100 meter from the edge of National Highway and railway line, 50 meter from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meter from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
- d) The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non-monsoon period.
- e) No stream shall be diverted for the purpose of sand mining and no natural water course shall be obstructed.
- f) Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
- g) The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.

7.16 **Transport Safeguards:**

- a) No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
- b) Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project.
- c) Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.

- d) Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.
- e) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar/ Mining Officer may collect an appropriate additional road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.
- f) Water spraying should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.
- 7.17 **Other Environmental Conditions:** -The Project Proponent shall follow all the provisions of Sand Policy of Govt. Of Odisha dated 02.09.2021 for this sand mining project.
- a) The Tahasildar/ Mining Officer shall take adequate measures to prevent unauthorized mining;
- b) The project proponent should carry out river bed sand mining manually by engaging local laborers to check over exploitation of sand at the source;
- c) The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.
- d) At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
- 7.18 **Half-yearly Compliance Report:** -It shall be mandatory for the project management to submit half yearly compliance reports on the status of implementation of the above stipulated environmental. The project authority mandatory to upload the compliance report of EC conditions including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions. No hard copy and soft copy required to submit to SEIAA, Odisha, failing which EC is liable to be revoked.
- 7.19 **Concomitant Monitoring:** - The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar/mining officer, who shall ensure compliance of the stipulated conditions and take corrective measures promptly in case of any non-compliance and also ensure that the project proponent submits half yearly compliance reports.
- 7.20 **Independent Monitoring:** -The concerned Regional Office of the MoEF & CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.

- 7.21 **Revocation of EC:** - The SEIAA, Odisha may revoke or suspend the EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.
- 7.22 **Change in Ownership of Lease:** - This EC shall not be transferred without the permission of SEIAA, Odisha. The Tahasildar/ Mining Officer shall inform the SEIAA of any change in ownership of the mining lease. No mining is allowed without transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
- 7.23 **Basis of Permitted Quantity:** - It is made clear that the EC granted is on adhoc basis as the applicant has not submitted the approved District Survey Report (DSR) or Annual Replenishment Rate Study Report (ARRS). In the absence of approved District Survey Report (DSR) the area for removal of minerals shall not exceed 60% of the mine lease area, and any deviation or relaxation in this regard shall be adequately supported by the scientific report (Refer Para: 4.3 (r) of the Enforcement & Monitoring Guidelines for Sand Mining issued in January, 2020 by the Ministry of Environment, Forest and Climate change). The permitted quantity in the 1<sup>st</sup> year has been calculated on the basis of 60% mine lease area or quantity mentioned in the Mining Plan, whichever is less. Further in the absence of approved Annual Replenishment Rate Study Report an annual replenishment rate of @25% of the 1<sup>st</sup> year quantity is allowed for 2<sup>nd</sup> year w.r.t Order dated 02.02.2022 of the Hon'ble NGT in OA No.33/2020/EZ (Laxmidhar Palai Vrs. District Collector, Balasore). Further amendment to the permitted quantity in the 2<sup>nd</sup> year shall be considered on submission of duly approved ARRS.
8. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.
9. This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court and Hon'ble NGT as may be applicable.
10. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.