



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 33430 of 2025

M/s. D.D.Builders Ltd.,
Khurda

Petitioner

Mr. Santanu Kumar Sarangi, Sr. Advocate
along with Mr. R.K.Nayak, Advocate

-versus-

State of Odisha and
others

.... Opposite Parties

Mr. D.N.Lenka, AGA

CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO

ORDER
06.03.2026
(Hybrid Mode)

Order No.

01.

1. Learned senior advocate for the petitioner is heard at length.
2. The petitioner in the petition challenges the impugned demand notice dated 26.06.2024 (Annexure-4) and order dated 28.05.2025 (Annexure-10) passed by the Certificate Officer in Certificate Case No. 3 of 2024 as well as summon dated 30.08.2025 issued in the said certificate proceeding. It is submitted that the demand emanates from the order dated 22.04.2025 passed by the learned National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No. 153/2023/EZ.
3. Learned senior advocate takes this Court through the said order. The petitioner is opposite party no.10



before the learned NGT. The learned NGT has relied upon a report furnished by the Members of the Committee constituted for the purpose of inspection, after the site visit on 30.11.2023.

4. The learned NGT has noted the details of the Members who visited and their factual finding at internal pages 6 & 7 of the order (Pages 47 & 48 of Annexure-7) which are quoted herein :

“Joint inspection of the alleged site of Siripur Sand Quarry (River Bahuda) over Plot no.130/830 & 134/832 (as per Original Application) under Khata No. 115 under Tahasil of Chikiti was held on 30.11.2023 to verify allegations made in the Application. During inspection, the following members were present :

- a) Sri Debabrata Sahoo, ADM, Ganjam.*
- b) Sri Sandeep Roy, ScientistD, CPCB, Kolkata.*
- c) Dr. Pradeept Kumar Nayak, EnvironmenUil Scientist (SEIAA). Odisha.*

d) Er. Deepak Kumar Sahoo, RO, SPCB, Berhampur
Apart from the constituted committee the following officials were also present:

- a) Sri Baladev Behera, Tahasildar, Chikiti*
- b) Sri Biplab Kumar Sahoo, AES, SPC Board, Berhampur*
- c) Sri Biswanath Behera, Revenue Surpervisor, Chikiti Tahasil*
- d) Sri Debaraj Nayak, Revenue Inspector, RJ Circle Nuapada*

During the inspection the committee members observed the following points:

- a) On the day of inspection, there were no mining activities at the alleged site. Any type of mining machinery like: Hyva, JCB, Payloader, Dumpers, Tractors etc. were also not found in and around the alleged mining site.*
- b) The Revenue Inspector of RI Circle Nuapada was present and identified the Siripur Sand Quarry which is located over Plot Nos. 130/830, 134/831, 192/832 under Khata No. 115 over an area of 12.355 out of 27.132 Acres.*
- c) During visit, the committee members also interacted with the local villagers of Siripur. As informed by them*



there was no mining activity in the alleged Siripur Sand Quarry since last one year (approximate).

d) The water flow of the River Bahuda at Siripur region was found in lean condition. Sand was found to be extracted from the Siripur Sand Quarry considered to be illegal mining as no lease agreement has been executed till now.

e) At the Site, Tahasildar, Chikiti has informed that regular enforcement activity is being conducted in that area to prohibit the illegal sand mining and its transportation. Under the enforcement activity, they have collected penalty from the vehicles engaged in illegal sand transportation.

f) The committee also observed that another sand quarry namely, Sundarada Birachaitanyapur River Sand Bed, over an area of 12.355 Acres or 5.0 Ha bearing Khata No.223, Plot No. 1059 in Village Sundarada Birachaitanyapur, Tahasil, Chikiti, Dist- Ganjam (Sri Santosh Kumar Behera, Lessee) is located downstream of Siripur Sand Quarry. The lessee has obtained necessary statutory clearance (Mining Plan, EC, Lease Agreement, and CTE & CTO) for operation of this source.

g) Environmental Clearance was granted by SEIAA, Odisha vide EC Identification No. EC22B001OR124364 dtd. 30.07.2022 in favour of TahasUdar, Chikitifor Sundarada Birachaitanyapur River Sand Bed over an area of 5.0 Ha having Khata No.223 over Plot No. 1059 in village Sundarada Birachaitanyapur, Tahasil Chikiti in District Ganjam for mining of Sand @ 7000 Cum in the Ist Year pending submission of Annual Rate of Replenishment Study of the Sand. Subsequently, EC was transferred in favour of Sri Santosh Kumar Behera on dtd. 19.08.2022.

h) Lease agreement was executed with the lessee Sri Santosh Kumar Behera by the Tahasildar, Chikiti for Sundarada Birachaitanyapur River Sand Bed on 03.09.2022 for the period of 5 years ie. from August, 2022 to August, 2027.

i) Consent to Establish was issued in favour of Sundarada Birachaitanyapur River Sand Bed vide Board's letter no.2686 dtd. 08.09.2022 & Consent to Operate was issued in favour of Sundara Birachaitanyapur River Sand Bed vide Board's letter no.2688 dtd. 08.09.2022 upto 30.11.2023 for mining of Sand @ 7000 Cum.

j) It is also observed that excess mining might have been



carried out from the lease area of Sundarada Birachaitanyapur River Sand Bed as it appears during field verification.

k) The villagers informed the committee members that DD Builders and ARSS Companies along with Sri Santosh Kumar Behera, Lessee of Sundarada Birachaitanyapur River Sand Bed were involved in illegal mining from both Siripur Sand Quarry and Sundarada Birachaitanyapur River Sand Bed.

l) The photographs during the Joint Inspection of the alleged site on dtd. 30.11.2023 are attached with the inspection report.

Conclusion and Recommendation:

a) The 2nd meeting of the Committee was held on 26th Dec 2023 to discuss the various issues aroused during inspection and individual's submission.

b) The committee members observed that some illegal sand mining have been carried out from the alleged site of Siripur Sand Quarry and illegal excess sand mining from Sundarada Birachaitanyapur River Sand Bed lease area located downstream of Siripur Sand Quarry. Hence, in order to arrive at a conclusion on exact quantification of sand illegally extracted from both the sources, the Committee members unanimously decided to seek the help of Experts from Dept. of Steel & Mines for calculation of quantity of sand illegally extracted from both the sources. Accordingly, the Committee members requested RO, SPCB, Berhampur to move to the Deputy Director of Mines, Berhampur, Ganjam with a request to assess the quantity of illegal sand mining at the alleged site of Siripur Sand Quarry and Sundarada Birachaitanyapur River Sarui Bed lease area for calculation of environmental compensation with the help of geologist.

c) Environmental compensation will be calculated based on the report of Deputy Director of Mines, Berhampur, Ganjam.

d) No further illegal sand mining from the alleged site of Siripur Sand Quarry and from Sundarada Birachaitanyapur River Sand Bed shall be allowed. Tahasildar, Chikiti, Ganjam and Deputy Director of Mines, Berhampur, Ganjam shall ensure this by regular enforcement and surveillance.

e) Final report will be submitted by the committee after



quantification of sand illegally extracted along with compensation amount as necessary compliance."

5. The conclusions and recommendations of the Committee constituted for the purpose has also been noted by the NGT at internal pages 6 & 7 of the judgment.

6. Learned senior advocate then refers to the para-32 of the judgment dated 22.04.2025 which is reproduced herein :

"32. The Original Application No. 153 of 2023/EZ is disposed of with following directions:

(i) The respondents to ensure that the remediation measures of the sand sairat site are implemented.

(ii) The State Environment Impact Assessment Authority (SEIAA), Odisha shall also ensure strict compliance of the EC conditions.

(iii) Hie Director of Mines and Geology Department is directed to recover the penalty amount imposed on the miners responsible for illegal mining.

(iv) Pollution Control Board is also directed to recover the Environmental Compensation already determined as referred supra from the concerned parties.

33. I.As., if any, stand disposed of accordingly."

7. It is submitted that as per paragraph (iii) of the direction, the Director of Mines and Geology Department was to recover the penalty. However, in the present case, Tahsildar has initiated the proceeding for recovery.

8. Referring to the Annexure-3 dated 29.11.2023 of the writ petition which is captioned as Nuapada Circle Enforcement (2021-22) particularly entry nos.1 to 6, to submit that already for the said quarry the petitioner has paid the penalty collected by the authority as indicated in the said document. (Annexure-3)



9. In view of the challenge to the proceeding before the OPDR authority, learned senior counsel was asked whether the petitioner has challenged the order of the NGT and directions of the NGT in O.A. No. 153/2023/EZ dated 22.04.2025 and office letter No. 2057 dated 26.06.2024 issued by the Tahasildar, Chikiti (Annexure-4).

It is submitted by learned senior advocate that the petitioner has chosen not to challenge any of these orders.

10. Learned AGA in response submits that he has to obtain instruction regarding factual aspects and petitioner has to take all the plea before the Certificate Authority under the OPDR Act. At this stage, learned senior advocate seeks adjournment to obtain instruction from the petitioner.

11. List tomorrow (07.03.2026).

(Mruganka Sekhar Sahoo)
Judge

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