

IN THE MATTER OF:

Student of Shah Badaruddin High  
School

... Petitioner

Versus

State of Assam & Ors

... Respondent (s)

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Avijit Roy

Advocate for the Respondents  
Assam Pollution Control Board  
207, LGF, Vinobapuri  
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**IN THE MATTER OF:**

**Student of Shah Badaruddin High  
School**

**.....Petitioner**

**Versus**

**State of Assam & Ors.**

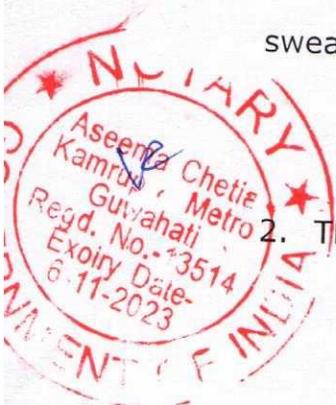
**Respondent(s)**

**Additional Affidavit on behalf of Pollution Control Board,  
Assam**

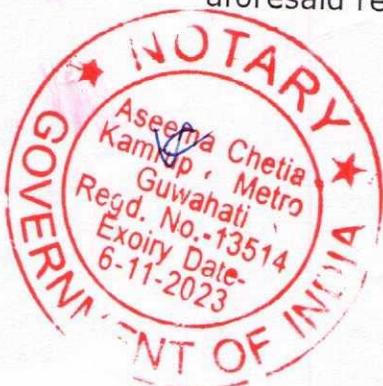
Sri Gokul Bhuyan, aged about 54 years, working as Senior Environment Engineer-cum-Nodal Officer in Pollution Control Board, Assam, having office at Bamunimaidan, Guwahati - 781 021, Assam, do hereby solemnly affirm and state as follows:

1. That the deponent is working as Senior Environment Engineer-cum-Nodal Officer in the Pollution Control Board, Assam, and conversant with the facts and circumstances of the present case and being duly authorized to swear and affirm this Affidavit on behalf of the Pollution Control Board, Assam, deponent and is competent to swear the present additional affidavit.

2. That, the answering respondent Board already filed its reply



3. That the answering respondent humbly states that an inspection was carried out through its Regional Laboratory cum Office, Silchar, Assam related to the public complaint by students of Shah Badaruddin High School, Garkhapon, Badarpur, PO: Badarpur, Karimganj, Assam-738506 regarding illegal sand mining carried out by Dilwar Ahmed, Rajib Ahmed, Abdul Hakin, Shipar Ahmed, Maruf Ahmed, Yeah Ya Ahmed, Hussian Ahmed from Barak River at Garkhapon village in Karimganj District on 3.07.2019. answering respondent Board through its regional office carried out an inspection and found that the site operated by aforesaid Hussain Ahmed without any valid documents since last two years and such activities resulted dust pollution affecting public health and damage to environment . Accordingly, on the above ground, this answering respondent board issued Show Cause Notice dated 12.09.2019 to aforesaid Mr, Hussain Ahmed against proposed closure of his unit. Copies of the Report dated 05.07.2019 of the Regional Laboratory cum Office, Silchar, Assam and Show Cause Notice dated 12.09.2019 were annexed with aforesaid reply affidavit of the present respondent.



of power U/s 31(A) of the Air ( Prevention and Control of Pollution ) Act, 1981 to the offender , Mr. Hussain Ahmed , Vill: Garkhapan, Bararpan, Badarpur, Karimganj , Assam. The said closure notice was issued to close down the whole operation of his Unit forthwith. A copy of the Closure Notice dated 03.12.2019 issued by the present respondent Board is annexed as **Annexure-A**.

*Gourab Bhuyan*  
**DEPONENT**

### VERIFICATION

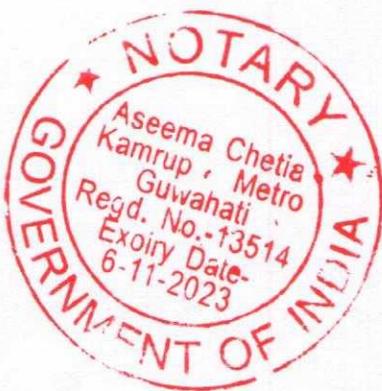
I, the deponent herein above, do hereby verify the contents of this affidavit to be true and correct to the best of my knowledge and belief, and no part of this affidavit is false and nothing material has been concealed therefrom.

Verified at Guwahati on this 21st day of December 2019.

Sl. No..... 13 .....  
Date.. 21/12/19 .....

*Gourab Bhuyan*  
**DEPONENT**

**I solemnly affirmed before me this day, I certify that I read and explained the contents to the declarant and that the declarant seemed perfectly to understand them.**



*Aseema*  
**NOTARY**  
**ASEEMA CHETIA**  
**Kamrup & Metro Guwahati**  
**Regd. No.- 13514**  
**GOVT. OF INDIA**

To

Mr. Hussain Ahmed  
S/o Mayur Uddin  
Vill.: Garkhapon, Bararpur  
P.O.: Badarpur-788806  
Dist.: Karimganj (Assam).

**Sub: CLOSURE NOTICE.**

**Ref: Show Cause Notice vide No. WB/SLC/T-1069/19-20/11 dtd. 12.09.2019.**

**WHEREAS**, the Hon'ble National Green Tribunal has passed an order on 03.05.2019 in O.A. No. 294/2019 (students of Shah Badaruddin High School, Gorkhpon, Badarpur, Dist.: Karimganj Vs State of Assam) whereby it is directed to take appropriate action against the illegal mining which is being carried by you in the river bed of Barak River Mining Contact Area Unit - 3;

**WHEREAS**, this Board issued Show Cause Notice to you vide No. WB/SLC/T-1069/19-20/11 dtd. 12.09.2019 directing to file objections if any within 15 (fifteen) days against proposed Closure Notice to be issued to you by this Board;

**WHEREAS**, you have neither filed any objection nor responded in any other ways to the aforementioned Show Cause Notice;

**WHEREAS**, fugitive dust emission from your illegal mining activities affected the Public Health and damaged the environment of the area;

**NOW, THEREFORE**, under the above facts & circumstances, Pollution Control Board, Assam is constrained to inform you that, you have nonchalantly violated the provisions of law in force causing pollution to the environment and in exercising of powers conferred upon it under Section 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended till date, you are directed to **CLOSE DOWN** whole operation of your unit forthwith.

**Member Secretary (i/c)**

Dated Guwahati, the 03<sup>rd</sup> Dec, 2019

Memo No. WB/SLC/T-1069/19-20/12-A

Copy to:

1. The Secretary to the Govt. of Assam, Environment & Forests Deptt., Dispur, Guwahati-6 for kind information.
2. The Deputy Commissioner, Karimganj district for kind information. He is requested not to allow Mr. Hussain Ahmed for operating illegal mining.
3. P.A. to the Chairman, PCBA for kind appraisal of Hon'ble Chairman.
4. The Sptd. of Police, Karimganj District for kind information & necessary action. He is also requested not to allow Mr. Hussain Ahmed for operating illegal mining.
- ✓ 5. The Nodal Officer (Legal), Pollution Control Board, Assam for information.
6. The Asstt. General Manager, APDCL, Karimganj Sub-Division, Karimganj for favour of information. Requested under Section-33(A)(b) of Water (Prevention & Control of Pollution) Act, 1974 as amended to disconnect the supply of electricity to the unit within 7 (seven) days and furnish action taken report.
7. The Regional Executive Engineer (i/c), Regional Lab cum Office, Silchar, PCBA for information & necessary action.

**Member Secretary (i/c)**

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Phone : 2652774 & 2550258 : Fax : 0361-2550259 ; Gram : POLLUTIONCONTOL  
E-mail : membersecretary@pcbassam.org; Website : www.pcbassam.org  
Regional Offices at : Dibrugarh, Golaghat, Sibsagar, Tezpur, Guwahati, Bonqaiqaon, Nagaon & Silchar.