

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IN
O.A. No. 148/2025/EZ**

Rakhini Mipi

APPLICANT(S)

Versus

State of Arunachal Pradesh & Ors.

RESPONDENT(S)

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Shantanu Dutta

Shantanu Kumar Dutta
Regional Director Shillong
Central Pollution Control Board
Filed through Counsel

Dated: 5th January, 2026

Place: Shillong

Dr. Shantanu Kr. Dutta
Regional Director
Central Pollution Control Board
(Ministry of Environment, Forest & Climate Change, Govt. of India)
Regional Directorate - Shillong
BSNL NE - 1 Telecom Circle, CTO Building, Shillong-793001



SI/Instrument No. 01
Date 5.1.2026

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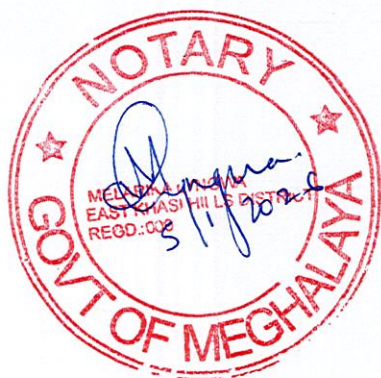
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RESPONDENT(S)

**REPLY ON BEHALF OF THE RESPONDENT No. 7: CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

1. That, the Hon'ble NGT vide order dated 22.08.2025 has sought the reply of Central Pollution Control Board (hereinafter referred to as 'CPCB') in the instant matter. Thereby, the reply is made in this instant Original Application (hereinafter referred to as OA) in succeeding paragraphs.
2. That, the present Original Application is filed against the unauthorized and illegal action of respondent no 10 NHPC Ltd wherein respondent no 10 is disposing the Mucks directly into Dibang River in connection with the ongoing project of 2880 MW Dibang Multipurpose Project site in Roing, District Lower Dibang Valley of Arunachal Pradesh, which is causing damage to forest area and Restricting the river flow, leading to pollution of Dibang river , making it unsuitable for human consumption and marine lives, which is strict violation of Water (Prevention and Control Of Pollution) Act 1974.
3. That, at the outset, the Answering Respondent deny all claims, contentions, allegations and averments against Answering Respondent CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial or on the ground of non-traverse, save and except any averment which has been expressly admitted hereinafter.



4. That, CPCB is constituted under Section 3 of The Water (Prevention and control) Act, 1974. It performs the functions under The Water (Prevention and control) Act, 1974, The Air (Prevention and control) Act, 1981 and The Environment (Protection) Act, 1986.

Preliminary Submission:

5. In context of violation with regard to construction and demolition activity and waste generated by these activities following provisions are to be followed by the project proponents:
- i. In context of requirement of Environmental Clearance (hereinafter referred to as "EC"), it is submitted that, the Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the requirements of prior EC and as per the above mentioned clause, the projects or activities which are falling under the category 'A' of the Schedule of the EIA Notification, 2006; the project proponent shall obtain the EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred to as 'MoEF&CC') and the projects which are falling under the 'B' category of the Schedule of the EIA Notification, 2006; the project proponent shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA') before commencement of any construction work, or before start of land preparation, or before start of any expansion and modernization, as stipulated therein.
 - ii. In context of consent required to be obtained by the said project, it is also humbly submitted that, State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as SPCBs/PCCs) are the concerned authorities to grant Consent (Consent to Establish/Consent to Operate) under the Water Act, 1974 and the Air Act, 1981 in their respective jurisdiction of State/Union Territory and to ensure the compliance of conditions of consent and prescribed environmental standards.
 - iii. In context of pollution due to construction activity and construction & demolition waste management, it is submitted that the Construction and Demolition Waste Management Rules, 2016 (hereinafter referred to as "C&D WM Rules, 2016") have been notified in March, 2016 by the Central Government.



In the said Rules, the duties of the various Stakeholders are prescribed for effective implementation of the Rules. The relevant portion of the Rules with regard to management of C&D waste is given below:

As per Rule 4 (1), "Every waste generator shall prima-facie be responsible for collection, segregation of concrete, soil and others and storage of construction and demolition waste generated, as directed or notified by the concerned local authority in consonance with these rules."

As per Rule 4 (2), "The generator shall ensure that other waste (such as solid waste) does not get mixed with this waste and is stored and disposed separately".

As per Rule 4 (3), "Waste generators who generate more than 20 tons or more in one day or 300 tons per project in a month shall segregate the waste into four streams such as concrete, soil, steel, wood and plastics, bricks and mortar and shall submit waste management plan and get appropriate approvals from the local authority before starting construction or demolition or remodeling work and keep the concerned authorities informed regarding the relevant activities from the planning stage to the implementation stage and this should be on project to project basis".

As per Rule 8 (1), "State Pollution Control Board or Pollution Control Committee shall monitor the implementation of these rules by the concerned local bodies and the competent authorities."

That, in pursuance to sub-rule 1(a) of Rule 10 of the C&DWM Rules, 2016, the guideline titled "Environmental Management of C & D Wastes" was prepared by CPCB in March 2017, and the copy was uploaded on the Website of CPCB, available at



<https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvNTUyXzE1MTEyNjQwMTVfbWVkaWFwaG90bzQ2OTAucGRm>
 Further, CPCB has prepared Guidelines on DUST mitigation measures in handling Construction material & C&D wastes, which is available at <https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvNTYxXzE1MTE5MzMzNzJfbWVkaWFwaG90bzEyNjcxLnBkZg=>
 ≡

6. In context of violation of the Forest (Conservation) Act, 1980 and tree felling issue, it is humbly submitted that, as per information available with CPCB, the Assam Forest Regulation Act 1891 and its amendment act 2005 is applicable in the state of Arunachal Pradesh for the trees standing on the forest land, and the Arunachal Pradesh (Control of Felling and Removal of Trees from Non-Forest Land) Rules, 2001 and the Arunachal Pradesh (Control of Felling and Removal of Trees from Non-Forest Land) Amendment Rules, 2012 are applicable for the trees standing on the non-forest land which are being implemented by State Forest Department Arunachal Pradesh.
7. That, Central Pollution Control Board in coordination with State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) has established a National Water Quality Monitoring Network Programme (NWMP) under Control of Pollution Scheme of Ministry of Environment, Forest & Climate Change. Currently, under this network, there are 4922 locations in the country which includes, 2265 rivers locations, 832 stagnant water bodies (587 Lakes, 143 Ponds, 102 Tanks) locations, 1271 groundwater locations, 227 marine locations and 327 other water bodies locations.



Under this network, there is 01 location monitored at Dibang river upstream of Riong. Water quality data of River Dibang monitored by Meghalaya SPCB during year 2024 is attached at **Annexure R7 -I**. As per the water quality data of river Dibang in Shillong monitored during 2024, the water quality at the monitored location is found non-conforming to the Primary Water Quality Criteria for Outdoor Bathing w.r.t. BOD.

REPLY

8. That no comments are offered on the averments made in Paragraph Nos. 1 and 2 of the OA, as the same are introductory in nature.
9. That, the averments made under Paragraph No. 3 of the OA relates to the alleged violation of the Forest (Conservation) Act, 1980 and the Water (Prevention and Control of Pollution) Act, 1974, by Respondent No. 10 (NHPC Ltd.) during preliminary construction works of approach roads and tunnel. In this regard, it is humbly submitted that submission made at paragraph no. 5 and 6 of this instant Reply are reiterated and not repeated for the sake of brevity.
10. That, the averments made under Paragraph Nos. 4-6 of the OA pertain to non-compliance of conditions stipulated under Stage I and Stage II Forest Clearances, particularly regarding boundary demarcation, flora/fauna protection, muck disposal, and construction in hilly terrain. In this context, it is humbly submitted that submission made at paragraph no. 5 to 7 of this instant Reply are reiterated and not repeated for the sake of brevity.
11. That, the averments made in under Paragraph No. 7 of the OA relates to the undertaking given by NHPC Ltd. for proper demarcation of the project area, therefore attracting no comments from CPCB.



12. That, the averments made in Paragraph No. 8 of the OA relates to allegations of inaction of concerned authorities in responding to the Applicant's complaint. It is respectfully submitted that the concerned authorities are to act in accordance with the applicable Acts and Rules, and thereby no comments are offered by CPCB over the same.
13. That, the averments made under Paragraph Nos. 9-12 of the OA are related to the road construction by MoRTH, and alleged violations committed by muck disposal in forest and riverine areas. In this context, submissions made at paragraph no. 5 to 7 of this instant reply are reiterated and not repeated for the sake of brevity.
14. That, the averments made under Paragraph Nos. 13-14 of the OA are about damage of local forest area and the alleged environmental impact caused by unregulated dumping of construction waste and degradation of water body and quality of the Dibang River. In this context, submissions made at paragraph no. 5 to 7 of this instant reply are reiterated and not repeated for the sake of brevity.
15. That, the averments made under Paragraph No. 15 of the OA pertain to the alleged operation of Stone Crushers and Mixer Plants without adequate air pollution control measures. In this regard, it is humbly submitted that CPCB formulated Environmental guidelines for Stone Crushing Units in July, 2023 and circulated to all the SPCBs/PCCs for its implementation. The said guidelines stipulate the general and source-specific measures required to be taken by stone crushing units to prevent/suppress dust emissions (<https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS8zNzhfMTY5MDgwNjlxOF9tZWVpYXBo b3RvMjM0MjEucGRm>). As per the said guidelines, Stone

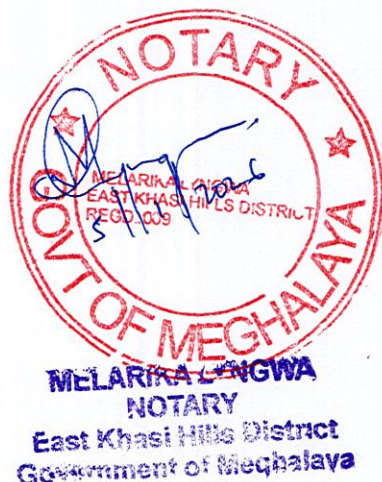


crushing units are required to obtain Consent to Establish and Consent to Operate from the concerned SPCB/PCC. The Stone crushing units should operate only after obtaining CTE and CTO from the concerned SPCB/PCC and shall comply with the conditions laid down in CTE and CTO. It is further submitted that the Emission Standards for stone crushers were notified under the Environment (Protection) Act, 1986 by the Ministry of Environment, Forest & Climate Change (hereinafter referred to as 'MoEF&CC') vide Notification No. G.S.R. 742(E) dated 30th August, 1990. The Stone crushing units are required to comply with the emission norms prescribed under the Environment (Protection) Rules, 1986.

16. That, the averments made under Paragraph No. 16-19 of the OA pertain to the alleged environmental and health impacts from improper disposal of toxic construction waste. In this regard, the submission made in para 5 to 7 of this instant reply is reiterated and not repeated for the sake of brevity.
17. That, with regard to averments made in paras under heading, "Grounds, Interim Prayer and Prayers/Relief Sought" of the OA, it is humbly submitted that the submissions made in the preceding paragraphs are reiterated and not repeated for the sake of brevity.
18. That in light of the above submission, it is respectfully submitted that this Answering Respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.

Shantanu Kr. Dutta

Shantanu Kumar Dutta
Regional Director Shillong
Central Pollution Control Board



Dr. Shantanu Kr. Dutta
Regional Director
Central Pollution Control Board
(Ministry of Environment, Forest & Climate Change, Govt. of India)
Regional Directorate - Shillong
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL EASTERN ZONE
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IN THE MATTER OF:

Rakhini Mipi

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Versus

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RESPONDENT(S)

AFFIDAVIT

I, Shantanu Kr Dutta, Son of (L) Lalit Chandra Dutta, aged 53 years, having office at the Regional Directorate- Shillong, Central Pollution Control Board (CPCB), CTO Building (BSNL), Shillong 793 001 do hereby solemnly affirm and sincerely state as follows: -

That I, the deponent herein, is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

1. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
2. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

IDENTIFIED BY ME

Shantanu Kr
DEPONENT

ADVOCATE

Dr. Shantanu Kr. Dutta
Regional Director
Central Pollution Control Board
(Ministry of Environment, Forest & Climate Change, Govt. of India)
Regional Directorate - Shillong
BSNL NE - 1 Telecom Circle, CTO Building, Shillong-793001



VERIFICATION

Verified at Shillong on this day of 5th Day of January, 2026 that the contents above are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Shillong on this the 5th Day of January, 2026.

IDENTIFIED BY ME

Shantanu Kr. Dutta

DEPONENT

ADVOCATE

Dr. Shantanu Kr. Dutta
Regional Director
Central Pollution Control Board
(Ministry of Environment, Forest & Climate Change, Govt. of India)
Regional Directorate - Shillong
BSNL NE - 1 Telecom Circle, CTO Building, Shillong-793001



MELARIKA LONGWA
NOTARY
East Khasi Hills District
Government of Meghalaya

Annexure R7-I

Table: Water Quality data of River Dibang, 2024

S. No	Name of Monitoring location	Dissolved Oxygen (mg/L)		pH		BOD		Compliance Status
		Min	Max	Min	Max	Min	Max	
Designated Best Use Water Quality Criteria (Class B: Outdoor bathing)		>5mg/L		6.5-8.5		<3mg/L		
3106	RIVER DIBANG AT ROING (U/S)	7	8.8	7.25	8.3	1	3.9	Non-Complying