

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No. 162 of 2023 (EZ)

Arsad Nasar

Applicant

Versus

NMCG & Ors.

Respondent

INDEX

S. N.	Particulars	Page No.
1.	Counter Affidavit on Behalf of the Jharkhand State Pollution Control Board.	02-06
2.	Annexure - A: True copy of the Report of the Committee.	07-12

Filed by: -

Surendra Kumar
Advocate

Jharkhand State Pollution Control Board



BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No. 162 of 2023 (EZ)

Arsad Nasar

Applicant

Versus

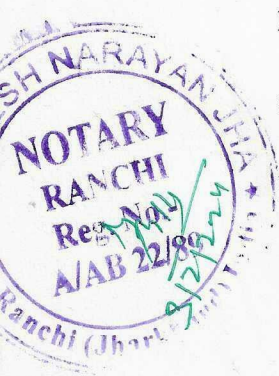
NMCG & Ors.

Respondent

Affidavit on behalf of Jharkhand State Pollution Control Board in compliance of order dated 20/10/2023 and 22/11/2023.

I, Yatindra Kumar Das, son of Late K. K. Das presently posted as the Member Secretary, Jharkhand State Pollution Control Board, H.E.C, Dhurwa, Ranchi and am duly authorized and here by solemnly state and affirm as follows: -

1. That, at present, I am working and posted as the Member Secretary, Jharkhand State Pollution Control Board, H.E.C, Dhurwa, Ranchi and as such, I am well acquainted with all the facts and circumstances of this case.

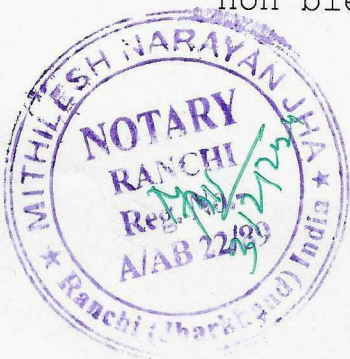


2. That, I have gone through the order dated 20/10/2023 and 22/11/2023 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata and has understood the contents therein.

3. That, I have been authorized to swear this affidavit on behalf of the Jharkhand State Pollution Control Board (JSPCB) by the Competent Authority. Further, it is stated that I have gone through the relevant files and records in the present case.

4. That, the instant O.A. has been filed by the Applicant alleging that the river bed of Ganga river is being encroached by stone crusher units throughout the stretch of the river bed, and water of river Ganga is being polluted due to illegal dumping of stone chips, leading to harming the river aquatic life. It has further been alleged that Respondent no. - 5 is also violating the stipulated conditions which include that dumping would be done at a distance of 100m from the side of the river.

5. That, it is humbly stated and submitted that the Hon'ble Tribunal in its order dated 20/10/2023 was



pleased to constitute a Committee comprising of the following Members: -

i) Senior Scientist, Jharkhand State Pollution Control Board;

ii) Senior Scientist, Central Pollution Control Board;

iii) Deputy Commissioner, District - Sahebganj

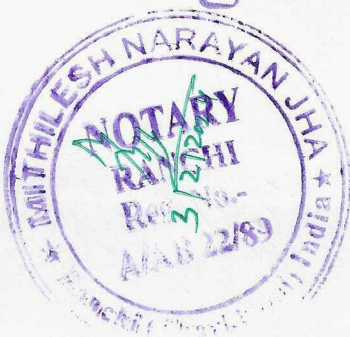
and was further pleased to direct the Committee to visit the site and submit its Report with regard to the allegations made in the Original Application.

6. That, it is humbly stated and submitted that the inspection of the said site in question was carried out by the Committee members on 12/12/2023 by the following officials: -

a) Sri Vibhuti Kumar, District Mining Officer; Sahebganj (Representative of DC - Sahebganj).

b) Sri Kamlakant Pathak, Section Head, JSPCB, Dumka.

c) Sri Sandeep Roy, Scientist - D, CPCB - RD, Kolkata.



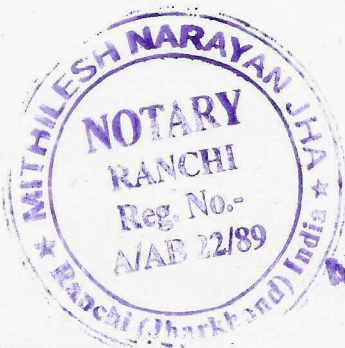
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The Inspection Report submitted by the said Committee suggest that transportation of boulders, was extended three times till 15th July 2023. The transportation of boulders through Boat was stopped from 16th July 2023 due to rising level of River water. The Committee members also interacted with local villagers and no complain / grievance was raised by the local people.

Photocopy of the Inspection Report is enclosed herewith as

Annexure - 'A'.

7. That, the Hon'ble Tribunal may be pleased to accept the report submitted by the Committee duly constituted by the Hon'ble Tribunal.
8. That, this Affidavit is filed bonafide and in the interest of justice.
9. That the statement made in forgoing paragraphs are true to my knowledge in annexure are true copy of its original.



Mithilesh Narayan Jha
3/2/2024

**NOTARY PUBLIC
RANCHI**

Yati Indrakumar S

DEPONENT

103 FEB 2024

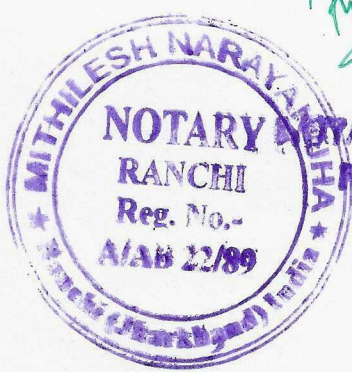
VERIFICATION:

Verified at Ranchi on this the day of 03rd February, 2024 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Yats...
DEPONENT

189 103 FEB 2024

Authorized under Notaries Act 1956
& Notaries Rules 1956 by Govt. of
Jharkhand Ranchi (today)



3/2/24

Inspection Report of the Committee constituted by the Hon'ble National Green Tribunal, Eastern Zonal Bench, Kolkata in the matter of O.A. No. 162/2023/EZ

In the matter of O.A. No.162/2023/EZ (Arsad Nasar Vs NMCG & Ors), Hon'ble NGT vide its order dated 20/10/2023, constituted a Committee and had issued certain directions which are as follows: -

"Considering the allegations made in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members: -

i) Senior Scientist, Jharkhand State Pollution Control Board;

ii) Senior Scientist, Central Pollution Control Board;

iii) Deputy Commissioner, District – Sahebganj

The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.

The Jharkhand State Pollution Control Board shall be the Nodal Body for all logistic purposes and shall file the Inspection Report on affidavit."

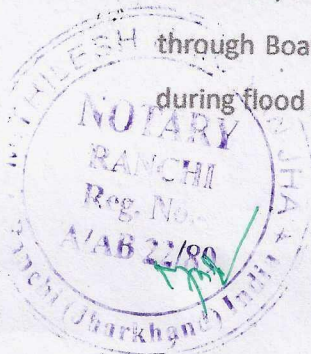
Accordingly, as per communication received from the Deputy Commissioner (DC), Sahebganj, a meeting (through Hybrid Mode) was conducted on 9th Nov 2023 to have the status of the site in question and to decide the next course of Action.

As per the decision taken in the abovesaid meeting, the following Officials has visited the alleged Site on 12/12/2023: -

1. Sri Vibhuti Kumar, District Mining Officer, Sahebganj (Representative of DC - Sahebganj).
2. Sri Kamlakant Pathak, Section Head, JSPCB, Dumka.
3. Sri Sandeep Roy, Scientist D, CPCB-RD, Kolkata.

From the above meeting and Site visit, the major observations of the Committee are as follows:

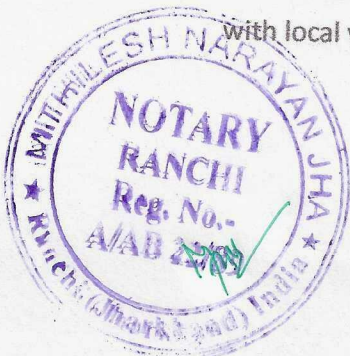
- The Executive Engineer, Flood Control Division, Katihar, Bihar had requested (vide Letter No. 500 Dt 18/04/2023) DC - Sahebganj for providing Stone / Boulders which would be transported through Boats. The Stone / Boulders were required for Pitching work to prevent Soil Erosion during flood / high water flow condition at **Gandhi Tola under Manihari Division, Bihar.**



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- The work of Boulder transportation for Group 1, 2 & 3 sector was awarded to M/s G K Enterprise, Malda (W.B.) and for Group 4 sector it was awarded to M/s Maa Tara Construction, Muzaffarpur (Bihar) respectively. The permission was granted by DC - Sahebganj for transportation of Boulders with the following conditions: -
 - ✓ The Transportation of Boulders will be carried out with valid permits.
 - ✓ The Boulders will be dumped/ stored at minimum 100 m distance from River bank for further supply to Boats.
 - ✓ The operational Boats will follow the guidelines as per Mineral Rules i.e. Weight, No. of Boats, necessary Entry in register etc to avoid losses of Revenue.
 - ✓ The boats will not be operated, if weather condition is not conducive for sailing.
 - ✓ The Boats will be operated using PPEs (Personal protective Equipments).
 - ✓ Any type of Effluent/ chemical/ liquid will not be discharge/ released into River which may be Harmful/ Hazardous for River Water/ Creatures.
- Initially the permission for above-mentioned work was granted till 1st June 2023. However, as per request received from District Officer - Katihar, the permission of transportation of Boulders was further extended three times i.e. till 30th June 2023, 10th July 2023 and 15th July 2023 respectively.
- As informed by the District Mining Officer, Sahebganj M/s G K Enterprise was dumping / storing Boulders at **Chhota Toufir** location (GPS Lat 25.2412000^o, Long 87.6807160^o) for transportation purpose. However, Applicant (Mr Arsad Nasar) enclosed the Photographs of different location i.e. **Samda** (GPS Lat 25.246237^o, Long 87.694075^o) (Page No. 30 of Application- OA 162/23/EZ)
- The concerned department under DC - Sahebganj including the District Mining Officer made inspection / visits of the site on random basis during above mentioned period (when transportation of stone / boulder was allowed) to check the compliance status. As informed by the District Mining Officer any type of non-compliance was not found during those visits.
- The Boulder transportation work through Boat was stopped from 16th July 2023 due to rising level of River Water. During site visit on 12th Dec 2023, Committee members also interacted with local villagers and no complain / grievance was raised by them.

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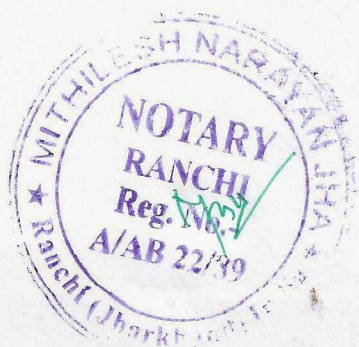
Photographs:



Photo 1: - Photograph of the *Chhota Toufir* area



Photo 2: - Boulder Storage Area at *Chhota Toufir*



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Photo 3: - Ariel (Drone) view of the Chhota Toufir area.



Photo 4: - Ariel (Drone) View of the Chhota Toufir area.



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Photo 5: - Interaction with Local Villager at Chhota Toufir area during site visit
By the Committee.

(Sandeep Roy)
Scientist D,
CPCB-RD, Kolkata.

(Kamlakant Pathak)
Section Head,
JSPCB, Dumka.

(Ramnivas Yadav)
Deputy Commissioner,
Sahebganj



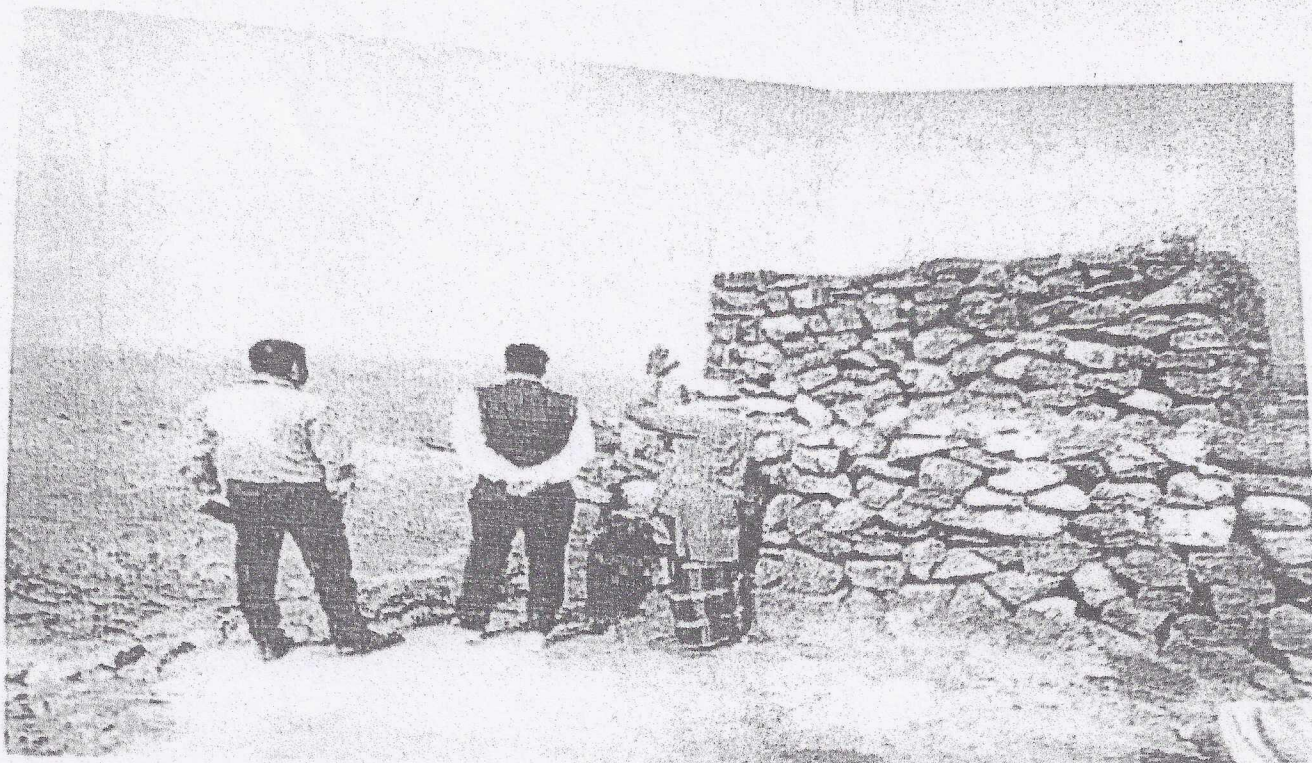


Photo 5: - Interaction with Local Villager at Chhota Toufir area during site visit

By the Committee.

(Sandeep Roy)
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