

Tripathy
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA**

IN

O.A. NO. 23/2024/EZ
(Earlier OA No. 729/2023/PB)

IN THE MATTER OF:

**IN RE : News Item appearing in News Wing dated. 01.12.2023 titled "बोकारो
के कोनार नदी में
अवैध रूप से पत्थर का खनन धड़ल्ले से जारी, प्रशासन मौन"**

Applicant(s)

Versus

Jharkhand State Pollution Control Board & Ors.

Respondent(s)

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M. K. Biswas

(Mrinal Kanti Biswas)
Regional Director & Scientist E
CPCB, RD Kolkata

Filed Through Counsel

Dated: 12.03.2024

Place:

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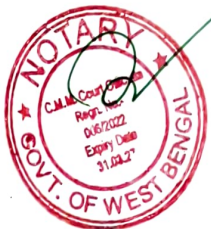
ORS.

Respondent(s)

**REPLY ON BEHALF OF RESPONDENT NO.2 i.e. CENTRAL POLLUTION
CONTROL BOARD (CPCB)**

MOST RESPECTFULLY SHOWETH:

1. That, CPCB is a statutory Board 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.
2. The Hon'ble NGT, Eastern Zone vide its order dated 19.01.2023 in the matter of News Item appearing in News Wing dated.01.12.2023 titled "बोकारो के कोनार नदी में अवैध रूप से पत्थर का खनन धड़ल्ले से जारी, प्रशासन मौन" directed all respondents to file counter-affidavit. In response to the order, the reply of Respondent no. 2 is humbly submitted in following para:
 - 2.1. It is humbly submitted that the water quality of river Konar is monitored by Jharkhand State Pollution Control Board (hereinafter referred to as "JSPCB") under the National Water Quality Monitoring Programme (hereinafter referred to as "NWMP") of CPCB, Respondent no 2. The river Konar originates near Sultana Village,



on the Hazaribagh-Chatra Road and meets river Damodar near Jaridih Bazar in Bokaro. The manual monitoring of river Konar in the Boakro and Hazaribagh district is carried out at 03 locations namely -

River Konar At **Konar Dam** (23.925367, 85.765203) (Station code allotted under NWMP: 2389),

- i. River Konar At **Tenughat Dam** (23.780586, 85.876131) (Station code allotted under NWMP: 2390), and
- ii. River Konar **Near Swang Coal Washery, Bokaro** (23.79413, 85.863369) (Station code allotted under NWMP: 3554) on monthly basis. *(The location map is annexed as Annexure - I).* However, this answering respondent does not have water quality data of Konar river at the illegal mining site under reference i.e. near Narki jungle.

2.2 As per the analysis results during 2023 (Feb to Nov), the mean of pH ranges from 7.0 to 7.7, Dissolve Oxygen (hereinafter referred to as "DO") ranges from 7.2 to 8.9 mg/L, Biological Oxygen Demand ((hereinafter referred to as "BOD") ranges from 1(BDL) to 2.6 mg/L, at Konar river stretch between Bokaro and Hazaribag, which meets the primary water quality criteria for bathing as mentioned in table below *(The detailed month wise results of the mentioned 3 locations is tabulated in Annexure - II):*

Table: PRIMARY WATER QUALITY CRITERIA FOR BATHING WATER (Water used for organised outdoor bathing)

CRITERIA	RATIONALE
1. Fecal Coliform MPN/100 ml: 500 (desirable) 2500 (Maximum permissible)	To ensure low sewage contamination. Fecal coliform and fecal streptococci are considered as they reflect the bacterial pathogenicity
2. Fecal Streptococci MPN/100 ml: 100 (desirable) 500 (Maximum permissible)	The desirable and permissible limits are suggested to allow for fluctuation in environmental conditions such as seasonal change, changes in flow conditions etc.
3. pH Between 6.5- 8.5	The range provides protection to the skin and delicate organs like eyes, nose, ears etc. which are directly exposed during outdoor bathing.



4. Dissolved Oxygen: 5 mg/ L or more	The minimum dissolved oxygen concentration of 5 mg/1 ensures reasonable freedom from oxygen consuming organic pollution immediately upstream which is necessary for preventing production of anaerobic gases (obnoxious gases) from sediment.
4. Biochemical Oxygen: 3 mg/L or less Demand 3 day, 27° C (BOD)	The Biochemical Oxygen Demand of 3 mg/1 or less of the water ensures reasonable freedom from oxygen demanding pollutants and prevent production of obnoxious gases.

3. That, the respondent herein craves leave of this Hon'ble Tribunal to file additional reply in future, if required.
4. Hence, it is respectfully prayed that, this Hon'ble Tribunal may be pleased to pass such orders as the Hon'ble Tribunal deems fit and proper in the facts of this case in the cause of justice. Additionally, it is also humbly submitted that the Respondent 2, herein, will abide by all the orders and directions issued by this Hon'ble Tribunal in the instant matter.

Dated at Kolkata on this the 12th Day of March, 2024.


COUNSEL FOR
2nd RESPONDENT


(Mrinal Kanti Biswas)
Regional Director & Scientist E
Central Pollution Control Board



- 4 -
" Annexure - I "

Annexure - I

Location Map of the NWMP Stations in the Konar River passing through the Bokaro and Hazaribag District

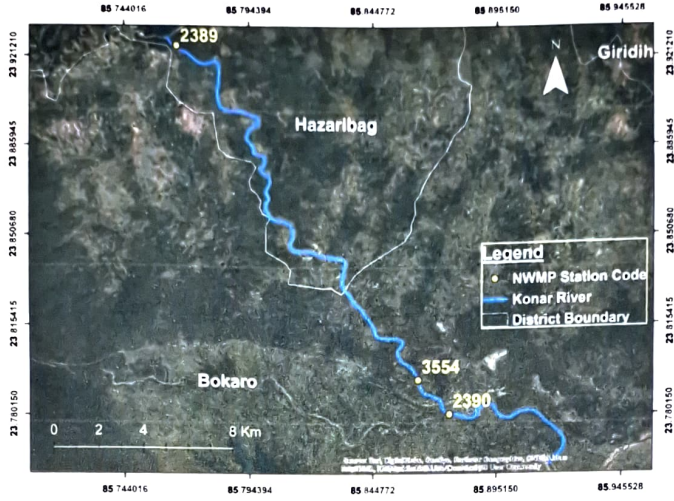


Table 1: Value of the Water Quality Parameters for the year 2023 (monitored under NWMP) in the Konar river stretch passing through Bokaro and Hazaribag

STN Code	Month	Colour	Odour	Temp	DO	pH	BOD	COD	TH	TDS	TFS	TSS	TA	Chlorides
2389	Feb	Clear	None	27.5	7.4	7.4	1.3	48	NA	310	360	50	NA	NA
	Mar	Clear	None	27.5	7.3	7.4	1.2	52	NA	310	358	48	NA	NA
	Apr	Clear	None	29	7.4	7.5	1.3	48	NA	322	368	46	NA	NA
	May	Clear	None	30.5	7.5	7.3	1.4	44	NA	330	378	48	NA	NA
	Jun	Clear	None	28	7.6	7.3	1.3	36	NA	317	370	53	NA	NA
	Jul	Clear	None	28.5	7.6	7.2	1.3	48	NA	334	386	52	NA	NA
	Aug	Clear	None	27.5	7.8	7.3	1.4	52	NA	342	396	54	NA	NA
	Sep	Clear	None	26	7.2	7.4	1.5	52	NA	332	378	46	NA	NA
	Oct	Clear	None	28.5	7.7	7.2	1.3	48	NA	330	380	50	NA	NA
	Nov	Clear	None	27.5	7.6	7	1.2	44	NA	322	370	48	NA	NA
2390	Jan	Clear	None	16.5	7.7	7.6	1.2	68	124	430	NA	72	72	20
	Feb	Clear	None	16	7.6	7.5	1.2	68	126	428	NA	72	70	22
	Mar	Clear	None	19	7.7	7.6	1.5	54	124	430	NA	74	72	20
	Apr	Clear	None	26	7.8	7.7	1.5	80	124	390	NA	70	74	20
	May	Cloudy	None	20	7.5	7.6	1.3	72	124	390	NA	72	74	18
	Jun	Clear	None	24	8.9	7.4	1.9	28	126	390	NA	70	72	16
	Jul	Clear	None	31	8.8	7	1(BDL)	32	68	214	NA	38	70	24
	Aug	Cloudy	None	24	8.7	7.4	1(BDL)	28	116	210	NA	38	70	18
	Sep	Cloudy	None	28	7.8	7.5	1(BDL)	24	86	208	NA	37	70	16
	Oct	Clear	None	24	7.6	7.7	1(BDL)	20	68	206	NA	36	68	14
3554	Jan	Clear	None	17	7.5	7.3	1.5	48	126	434	NA	70	74	18
	Feb	Clear	None	21	7.3	7.4	1.4	48	124	332	NA	70	74	16
	Mar	Clear	None	22	7.4	7.5	1.4	46	126	432	NA	68	76	18
	Apr	Clear	None	31	7.5	7.6	2	56	120	434	NA	74	72	16
	May	Cloudy	None	21	7.2	7.5	1.8	52	120	432	NA	76	72	22
	Jun	Clear	None	31	7.6	7.3	2.6	40	122	436	NA	74	70	20
	Jul	Clear	None	32	7.5	7.2	1.3	44	120	400	NA	44	77	26
	Aug	Cloudy	None	27	7.4	7.3	1.1	40	116	398	NA	66	70	22
	Sep	Cloudy	None	29	7.6	7.3	1.1	72	120	395	NA	57	70	16
	Oct	Clear	None	25.5	7.5	7.4	1(BDL)	36	68	280	NA	51	70	16

- All units except pH are in mg/L, Temp in °C; Representation: DO- Dissolved Oxygen, BOD- Biochemical Oxygen Demand, COD-Chemical Oxygen Demand, TH- Total Hardness, TDS- Total dissolved Solids, TFS- Total Fixed Solid, TSS- Total Suspended Solid, TA- Total Alkalinity.



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AFFIDAVIT

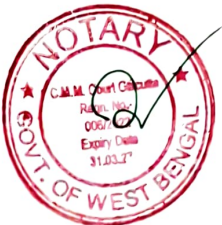
I, Mrinal Kanti Biswas S/o Saroj Kumar Biswas, aged about 42 years, Scientist 'E' working as Regional Director, Kolkata, Central Pollution Control Board do hereby solemnly affirm, declare on oath and state as under:-

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.

A. Das Gupta
DEPONENT

I, Mrinal Kanti Biswas S/o Saroj Kumar Biswas, aged about 42 years, employed as Regional Director, Kolkata, Central Pollution Control Board, the 2nd respondent herein does hereby verify that the contents of the above paragraphs are true and correct to the best of my knowledge, information and belief.

Verified at Kolkata on this the 13th Day of March, 2024.



N. Das Gupta
N. DASGUPTA
Notary
Regn. No. 006/2022
3, Bankshal Street
Calcutta-700001

A. Das Gupta
DEPONENT
SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Adv.
N. Das Gupta
NOTARY
N. DAS GUPTA
C.M.M. Court
Govt W.B.

12 MAR 2024