

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
OA NO. 164/2023/EZ

IN THE MATTER OF:

ALL INDIA ANTI CORRUPTION ORGANIZATION

...APPLICANTS

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

INDEX

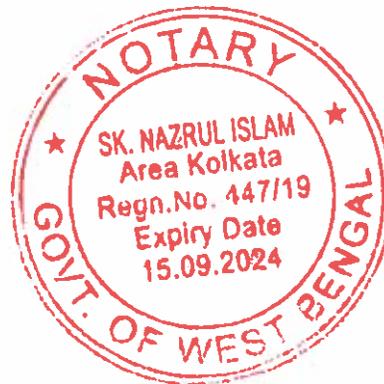
SI No.	Particulars	Annexures	Page Nos.
1.	Counter Affidavit on behalf of Respondent No. 06.		2-6



Mrinal Kanti Biswas
Regional Director & Scientist E,
CPCB, Kolkata


Filed through Counsel

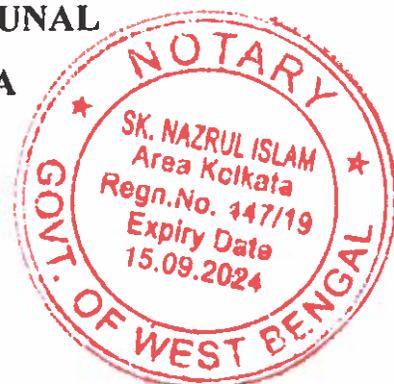
Dated: ___ May, 2024
Place: KOLKATA



13 MAY 2024

2

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
OA No. 164/2023/EZ**



IN THE MATTER OF:

ALL INDIA ANTI CORRUPTION ORGANIZATION ...APPLICANTS

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

**COUNTER REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL
BOARD i.e. RESPONDENT NO. 06**

I, Mrinal Kanti Biswas son of Shri Saroj Kumar Biswas, aged about 42 years old, working as Regional Director & Scientist E, under the Central Pollution Control Board, Kolkata, having its office at Southend Conclave' Block No.502, 5th& 6th Floor, 1582, Rajdanga Main Road, Kolkata-700107, do hereby state as follows:

1. That I, in the capacity of Regional Director & holding charge of Scientist E, under the Central Pollution Control Board (hereinafter referred to as 'CPCB'), Kolkata, have made myself acquainted with the facts and circumstances of the instant case due to the official capacity as mentioned above and on the basis of available records, I am well versed with the facts and circumstances of the matter and as such competent & authorized to submit this reply on behalf of Respondent No. 6.
2. That, I have read and understood the averments made by Applicant in synopsis, list of dates, grounds and annexures enclosed with the Original Application and at the outset it is respectfully submitted that all averments/contentions/submissions made in the present Application are denied unless specifically admitted by the answering respondent and are also borne out of available record of the case.

PRELIMINARY SUBMISSIONS:-

3. 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.

4. That the answering respondent herein would like to state that the application filed by the applicant relates to allegations of non-fulfilment of conditions about felling of trees in non-forest areas of West Bengal.

PARA-WISE REPLY

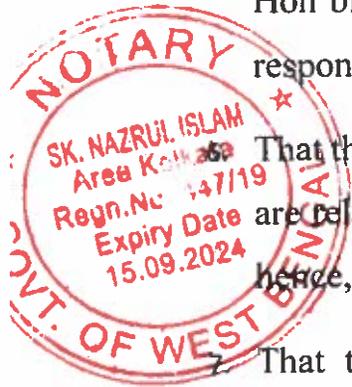
5. That the averments made in paragraph no. 1 to 4 of Original Application are related to particulars of applicant and all respondents in the instant matter as submitted by the applicant, along with the reasons for making application under reference by the applicant and lastly refers to the jurisdiction of the Hon'ble Tribunal, thereby, need no comments from this answering respondent.

That the averments made in paragraph no. 5.1 and 5.2 of Original Application are related to the introduction submitted by the applicant about himself, and hence, need no comments from this answering respondent.

That the averments made in paragraph no. 5.3 to 5.13 of the Original Application provides for general information as to the usefulness of roadside trees and its associated effects over the natural eco-system as a whole, hence, need no comments from this answering respondent.

8. That the averments made in paragraph no. 5.14 of the Original Application are related to the publication of International Competitive Bidding (ICB) as invited by the National Highway Authority of India for the project of six laning of National Corridor NH-19 from Panagarh to Kumardubi as mentioned in the Original Application which are matters of record and hence, need no comments from this answering respondent.

9. That the averments made in paragraph no. 5.15 are about the Environmental Clearance issued in 2012 by the Ministry of Environment Forest and Climate Change (hereinafter referred to as 'MoEF&CC') for the project of widening and improvement of existing 4 lane to 6 lane of NH-2 from Barwa-Adda in Dhanbad District of Jharkhand to Panagarh in West Bengal and conditions of plantation mentioned there. Further, applicant's concern about the balance between development and environment sustainability has been mentioned.



These are matters of record and hence, need no comments from this answering respondent.

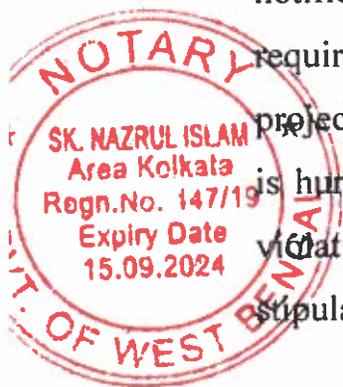
11. That the averments made in paragraph no. 5.16 are about the various actions taken by Government of India regarding Green India Mission, National Forest Policy, 1988, Report dated 27.12.2012 of the Committee headed by the then Additional Director General (FC) Shri A K Bansal regarding requirement of tree cover for ensuring ecological security and environmental balance etc. which are matters of record and hence, need no comments from this answering respondent.

12. That the averments made in paragraph no. 5.17 are about MoEF&CC's notification dated 22.08.2013 regarding Environmental Clearance requirement and about bifurcation of six laning of NH 19 corridor expansion project by Project Proponent for bypassing said notification. In this regard, it is humbly submitted that, the same is a matter of record and as regard to violations alleged, are to be dealt by the respective agency as per provisions stipulated thereunder.

13. That the averments made in paragraph no. 5.18 to 5.19 are stating that, respondent authorities are violating the stipulated provision of the law. In this context, it is humbly submitted that, violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules. Further applicant referred about National Green Highway mission framed under the Green Highways (Plantation, Transplantation, Beautification & maintenance)-2015 (Herein after referred to as 'Green Highway Policy') and provisions of greening in that project which are matter of record and hence, need no comments from this answering respondent.

14. That the averments made in paragraph no. 5.20 of the Original Application, are stating about the concept of transplantation of trees as a part of compensatory plantation as per the 'Green Highways Policy-2015'. In this regard it is humbly submitted that, the ibid policy is a matter of record and hence, need no comments from this answering Respondent.

15. That the averments made in paragraph no. 5.21 of the Original Application, are stating about the violations made by the respondent authorities in implementing the above said policies. In this context, it is humbly submitted



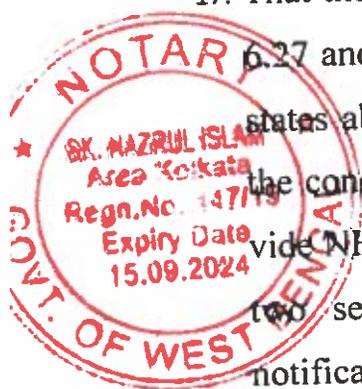
that, violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

16. That the averments made in paragraph no. 5.22 to 5.24 of Original Application are related to the RTI application made by the applicant dated 18.04.2017 to PIO, National Highway Authority of India (NHAI), NHAI's reply dated 23.12.2017, RTI application made by Ms. Koushiki Ghatak vide dated 17.07.2019 and NHAI's reply 19.08.2019 regarding compensatory afforestation. In this respect, it is humbly submitted that the same are matters of record and hence, need no comments from this answering respondent.

17. That the averments made in paragraph no. 5.25 to 5.30 (including para No. 6.27 and 6.28 as numbered by the applicant in OA) of Original Application states about violations made by the respondent authorities in implementing the concerned policies and further refers to the guidelines framed by NHAI vide NHAI Memo dated 13.07.2017, the alleged division of single project in two separate tenders to avoid the liabilities imposed by MoEF&CC notification dated 22.08.2013, the EIA notification issued vide SO 1533, dated 14.09.2006 by MoEF&CC. The order issued by the department of Forests and Wildlife, GNCTD for transplantation of trees has also been mentioned by the applicant to highlight the necessity of proper transplantation. In this regard, it is humbly submitted that these issues may be addressed by concerned respondents and hence, no comments are offered by this answering Respondent.

18. That the averments made in paragraph no. 5.31 and 5.32 of the Original Application relates to the specific request of intervention by the Hon'ble Tribunal in the instant matter for passing necessary directions to the respondent authorities for abiding with terms and conditions stipulated in Environmental clearance certificate as well as other policy decisions. Further, it is stated that, representation dated 09.09.2023 had been made by the applicant to respondent authorities and no action had been taken by them. In this regard it is humbly submitted that this answering respondent has not received any representation in the subject matter from the applicant.

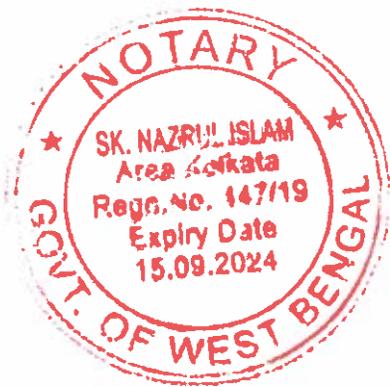
19. That with regard to the averments made in paragraph no. 7(I) to 7(XI) are grounds of the Original Application. In this regard, it is humbly submitted that



the submissions made in preceding para's are re-iterated and are not repeated for the sake of brevity. Further, CPCB reserves its right to deal with the said Grounds properly at the time of hearing of this Original Application.

20. That in light of the above submission, it is respectfully submitted that this Answering Respondent No. 6 i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant Original Application.

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



SL No. 48 (48)

7

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

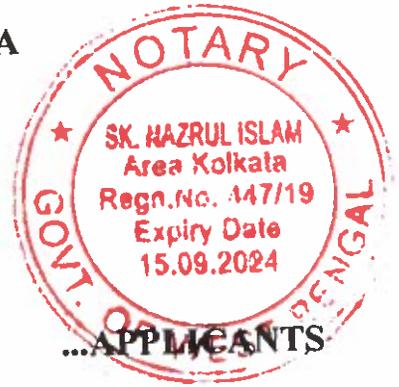
OA No. 164/2023/EZ

IN THE MATTER OF:

ALL INDIA ANTI CORRUPTION ORGANIZATION

VERSUS

UNION OF INDIA & ORS



...RESPONDENTS

AFFIDAVIT

I, Mrinal Kanti Biswas, son of Sri Saroj Kumar Biswas, aged about 42 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th & 6th Floor, 1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

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.

Mrinal Kanti Biswas
DEPONENT

VERIFICATION

I, Mrinal Kanti Biswas, working as Scientist 'E' and posted as Regional Director at Regional Directorate, Central Pollution Control Board, Kolkata-700107, the respondent No.5 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 theDay of May, 2024.

Solemnly Affirmed and
Declared before me
CPC, U/S 297 (C) CRPC

SK. Nazrul Islam
Notary

SK. Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 147/19
City Civil Court, Calcutta

12 MAY 2024

IDENTIFIED BY ME

Sarandra Kumar
Rel

WB 535-A/1998

Mrinal Kanti Biswas
DEPONENT