

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**Original Application No.77/2024/EZ  
(Earlier O.A. No.179/2024/PB)**

**IN THE MATTER OF:**

News Item titled as "six Workers Killed in Fire  
inside Nagaland Rat-Hole Coal Mine" Appearing  
In The Hindu Bureau Date 27.01.2024.

....Applicant

Versus

Nagaland Pollution Control Board & Ors.

....Respondent

**INDEX**

S. NO.	PARTICULAR	PAGE NO
1.	Affidavit on behalf of Respondent No. 1. - Nagaland Pollution Control Board.	1 – 2
2.	Annexure- I.	3 – 4
3.	Proof of Service.	5

Filed on: 27.05.2024  
New Delhi

Filed by

**K. ENATOLI SEMA**  
Advocate for Respondent  
310, lawyer's Chamber  
C.K. Daphtary block  
Supreme Court of India Tilak lane  
New Delhi-110001  
Mob.9818139636  
Enrollment No D-1931-a/2005  
Email-enatoli@gmail.com



नागालैण्ड NAGALAND

A 035485

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.1- NAGALAND STATE  
POLLUTION CONTROL BOARD**

I, **SHRI. K. HUKATO CHISHI**, son of **LATE. KIYEZHU CHISHI**, age 50 years, working as **Member Secretary, NPCB(Nagaland Pollution Control Board)**, Nagaland 110037, do hereby solemnly affirm and declare as under:

1. That in my official capacity, in the above-mentioned matter, I am fully conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the Hon'ble Tribunal Principal Bench on 29-02-2024 was pleased to direct as under

:-

*"5. Hence, the news item raises subsatantial issue relating to compliance of the environmental norms.*

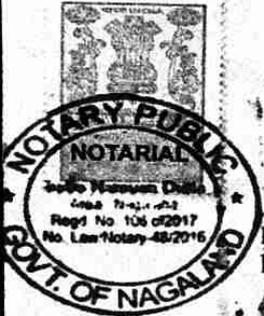
*6. Power of the Tribunal to take up the matter suo-motu has been recognized by the Hon'ble Supreme Court in the matter of "Municipal Corporation of Greater Mumbai vs. Ankita Sinha & ors." Reported in 2021 SCC Online SC 897.*

*7. In the circumstances of the case we implead the following as respondents in the matter:*

- (i) Nagaland Pollution Control Board, through its Mmber secretary
- (ii) Deputy Commissioner/ District Magistrate, Wokha
- (iii) Directorate General of Mines Safety, through its Director General."

*Sudip Narayan Datta* 2024  
Notary Public  
Nagaland  
Regd. No. 108 of 2017  
No. Law/Notary-48/2016

Contd/-2

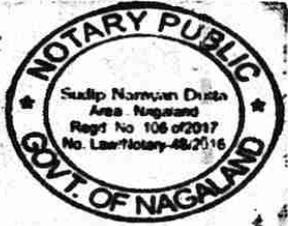


Regd. No. 21.62.2024  
Date 21.05.2024



नगलैण्ड NAGALAND

03AA 450229



-2-

3. It is stated that stated that the Answering Board has no role in the granting of mining leases in the State of Nagaland. It is stated that the Board being a statutory body constituted under the water (Prevention and Control of Pollution) Act, 1981 exercises regulation through consent mechanism. The Answering Respondent state that consent to establish and consent to operate are issued to the applicants that have obtained environmental clearances as required under law.
4. In the present case, there was no application for seeking consent to establish or consent to operate has been filed before the Board by the owner of the land who allegedly was carrying out mining operation when the unfortunate incident took place.
5. It is stated that pursuant to the reporting of the incident. Bearing Issue No.-NPCB/NGT/CLOSURE / 446-452, enclosed as Annexure -I .
6. I say that the facts stated in the above paras are true and correct to the best of my knowledge and information.

**VERIFICATION**

Verified at Dimapur on this the 21<sup>st</sup> day of May 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief no part of it is false and nothing material has been concealed there from.

I further declare that made in all paras are true and correct to the best of my knowledge and nothing has been concealed therein.

Sworn and declared before me on  
this 21<sup>st</sup> day of MAY 2024

*Sudip Narayan Dutta*  
Notary Public  
Area : Nagaland  
Regd. No. 106 of 2017  
No. Law/Notary-48/2016

*h/s*  
Member Secretary  
Nagaland Pollution Control Board  
Nagaland : Dimapur

Regd. No. 2.1.62/2024  
Date 21.05.2024



## NAGALAND POLLUTION CONTROL BOARD

Signal Point, Dimapur – 797112, Nagaland  
 Tel.: 03862-245727, TeleFax: 03862-245726  
 Website: [www.npcb.nagaland.gov.in](http://www.npcb.nagaland.gov.in) e-mail: [npceb2@yahoo.com](mailto:npceb2@yahoo.com)

NPCB/NGT/CLOSURE/ 446 - 452

Dated 15.05.2024

To,

1. Shri. TSENJAMO MOZHUI  
 S/O. Late Yentsamomo Mozhui  
 Village: Ruchan  
 P.O/PS, Bhandari,  
 District: Wokha, Nagaland
2. Shri. MOYITHUNG TUNGGOE  
 S/O. Late Chumdemo Tunggoe  
 Village: Ruchan  
 P.O/PS, Bhandari,  
 District: Wokha, Nagaland

Sub: **Closure Notice under section 5 of the Environment (Protection) Act, 1986**

Sir,

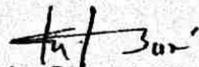
The Hon'ble NGT Court had taken *sou-motu* notice of news article, the Hindu Bureau dated 27.01.2024 entitled "six workers killed in fire inside Nagaland rat-hole coal mine" (OA. NO. 179/2024.)

Six precious lives were lost. Therefore, you are hereby directed to stop mining/ operating the mine area with immediate effect.

1. This notice is issued in the interest of public under section 5 of the Environment (Protection) Act, 1986 which includes:
  - a. The closure, prohibition or regulation of any industry, operation or process; or
  - b. Stoppage or regulation of the supply of electricity or water or any other services.

Failure to comply with these directions will attract penalty under section 15 of the Environment (Protection) Act, 1986.

Yours faithfully,

  
 K Hukato Chishi, IFS  
 Member Secretary  
 Nagaland Pollution Control Board

etc.



# NAGALAND POLLUTION CONTROL BOARD

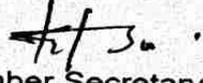
Signal Point, Dimapur – 797112, Nagaland  
Tel.: 03862-245727, TeleFax: 03862-245726  
Website: [www.npcb.nagaland.gov.in](http://www.npcb.nagaland.gov.in) e-mail: [npceb2@yahoo.com](mailto:npceb2@yahoo.com)

NPCB/NGT/CLOSURE/ 446-452

Dated 15.05.2024

Copy to:

1. The Commissioner and Secretary, Environment, Forest and Climate Change, Govt of Nagaland for information.
2. The Commissioner and Secretary, Environment, Dept. of Power, Govt of Nagaland for information.
3. The Principal Chief Conservator of Forest & HoFF, Nagaland for information
4. The Deputy Commissioner, Wokha, Nagaland for information.
5. The Chairman, Renthani Village Council, Bhandari: Wokha.

  
Member Secretary  
**Member Secretary**  
Nagaland Pollution Control Board  
Nagaland : Dimapur