

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
Original Application No. 42/2024/EZ

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IN THE MATTER OF:
Bimal Hembram and Anr.

...APPLICANTS

VERSUS

State of Odisha and others.

...RESPONDENTS

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Mrinal Kanti Biswas

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

Filed through

[Signature]
Counsel

Date: 13/10/2024
Place: Kolkata



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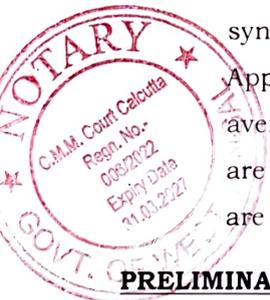
REPLY ON BEHALF OF THE CENTRAL POLLUTION CONTROL BOARD i.e.
RESPONDENT NO. 02

I, Mrinal Kanti Biswas S/o 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 state as follows:

1. That, I in capacity of Scientist 'E' and holding charge of Regional Director, Regional Directorate (East), 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. 2.
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 Original Application is inter-alia related to seeking a direction to restrain the Private Respondent No.9, M/s My Home Industries Pvt. Ltd., and IDCO, Respondent No.7, from accessing and using forest land, as per previous (sabiq) land use, for industrial activity until approval of the Central Government is obtained under the Forest (Conservation) Act, 1980. The Applicant also seeks inter-alia, for declaration of the conversion of Sabik Forest Land to Non-Forest Kissam as illegal.

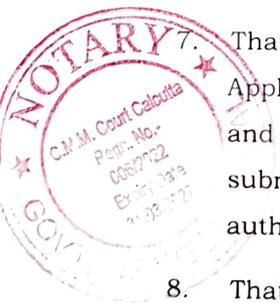
PARA-WISE REPLY

5. That, with regard to statements as contained in paragraph nos.1 to 4 of Original Application concerning the applicant and description of the village & Industry are introductory statements about Applicant No.1, 2, about the villagers of Jhatipada and also relates to the setting up of cement grinding unit by private respondent. Hence require no comment from this answering Respondent.

6. That, with regard to averments made in paras 5 to 8 of Original Application relates to the concern of the applicant regarding the industry impacting wildlife, fraudulently obtaining of EC on forest land, as per previous (sabiq) land use, without forest clearance and alleged violation of section 2 of Forest Conservation Act 1980. In this regard it is humbly submitted that Environmental Clearance (EC) is not granted by CPCB thereby no comments are offered by this answering Respondent over these allegations.

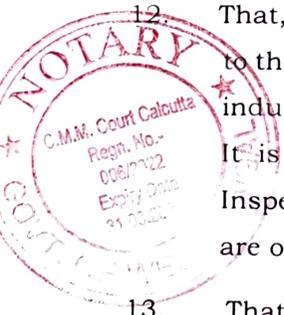
7. That, with regard to averments made in paras 9 & 10 of Original Application concerning public grievance filed by applicant and villagers and email sent by the applicant with alleged objections. It is respectfully submitted that same is a matter of record and pertains to concerned state authorities and hence no comments are offered over it.

8. That, averments made in para 11 Original Application relates to the allegation of land leveling and construction work being carried out by the Respondent No. 9, prior to grant of environmental clearance for the project. In this regard it is humbly submitted that as per Para 2 of the notification S.O. 1533 dated 14th September 2006 issued by Ministry of Environment, Forest and Climate Change under the Environment (Protection) Act, 1986, the stipulated projects listed in Schedule therein require prior EC before any construction work, or land preparation by



the project management. Further, the activity - Cement Plants, is listed in the said Schedule at S. No. 3 (b).

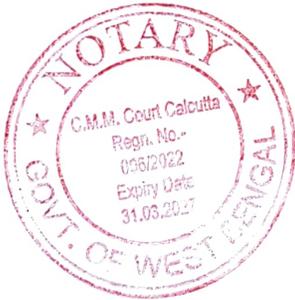
9. That, with regard to averments made in paras 12 to 15 of Original Application relates to letter dated 24.10.2011 of Revenue department, state of Odisha and letter dated 07.03.2014 of MOEF, Government of India regarding the applicability of forest conservation Act 1980 over the land where the proposed cement grinding plant is allegedly envisaged to be set up and alleged taking over of 103.00 acres of land on lease by Respondent No. 9 from IDCO (Respondent No. 7) whereas the EC has been granted to it for 68.00 acres of land only. In this regard, it is humbly submitted that declaration of land as forest land and the grant of the lease of the land matters are not concerned with this answering Respondent thereby no comments are offered by this answering Respondent.
10. That, the averments made in paras 16 to 17 of Original Application relates to article published in newspaper Orissa Post dated 30.08.2023 and Hon'ble Supreme Court Judgement in TN Godavarman Case are matters of record and it is respectfully submitted that the same are matter of records and need no comment from this answering Respondent.
11. That, averments made in paras 18 to 19 of Original Application relates to the passage of road and also relates to supply of electricity to Industry through electric poles in forest land. In this regard, it is humbly submitted that these matters are not concerned with the answering Respondent thereby no comments are offered by this answering Respondent over them.
12. That, the averments made in paras 20 to 22 of Original Application relates to the allegations of violations of Environmental Clearance granted to the industry and also brings out the alleged encroachment over forest land. It is respectfully submitted that the allegations at the site may be Inspected & Verified by the concerned authorities. Thereby, no comments are offered by this Answering Respondent over them.
13. That, with regard to averments made in paras 23 to 24 of Original Application relates to IRO query report dated 21.12.2023. The same is matter of record and it is respectfully submitted that no comments are needed from the answering respondent.
14. That, the averments made in paras 25 to 33 of Original Application relates to the alleged outcomes that may arise due to construction and setting



up of Cement Industry and the specific allegation as to the wrong study of ambient air quality in the summary EIA report post issuance of Terms of Reference. In this regard, it is respectfully submitted that the allegations at the site may be inspected & verified by the concerned authorities.

15. That, the averments made in paras 34 to 39 of Original Application provides for objective of Forest Conservation Act 1980 and section 2 of the same act. Various orders passed by Hon'ble Supreme Court of India and Hon'ble National Green Tribunal have also been provided. In this respect it is humbly submitted that these are matters of record, hence, no comments are required from this answering respondent.
16. That in reply to the averments made in the grounds clause of the application, it is humbly submitted that the submissions made in the preceding para's are re-iterated and are not repeated for the sake of brevity.
17. That in light of the above submissions, 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.


DEPONENT



BEFORE THE NATIONAL GREEN TRIBUNAL

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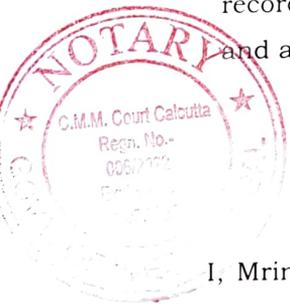
State of Odisha and others.

...RESPONDENTS

AFFIDAVIT

I, Mrinal Kanti Biswas, son of Shri 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 contents of reply 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 to me and are not repeated herein for the sake of brevity.



[Signature]

DEPONENT

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.2 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 June, 2024.

[Signature]
N. DASGUPTA
Notary
Regn. No. 006/2022
3, Bankshal Street
Calcutta-700001

13 JUN 2024

[Signature]
**SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Adv.**
[Signature]
**NOTARY
N. DAS GUPTA
C.M.M. Court
Govt. W.B.**