

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA

OA No. 90/2024/EZ

IN THE MATTER OF:

Priyabrata Uttam Nayak

...APPLICANTS

VERSUS

State of Odisha and others

...RESPONDENTS

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1.	Reply on behalf of Respondent No. 04		

Mrinal Kanti Biswas

Mrinal Kanti Biswas

Scientist E& Regional Director,

CPCB, Kolkata

Filed through

Pratik Banerjee

Counsel

Dated: 05/02 2024
Place: Kolkata



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REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD i.e.
RESPONDENT NO. 04

1. That, Hon'ble NGT vide order 08.05.2024 has sought the reply of CPCB (hereinafter called as 'CPCB') in the instant matter. Thereby, this reply.
2. That at the outset, the answering respondents deny all claims, contentions, allegations and averments against answering respondent CPCB in the above Original Application contrary to anything stated or submitted in this reply. Nothing in the Original Application may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save and except any averment which has been expressly admitted hereinafter.
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.

PRELIMINARY SUBMISSIONS: -

4. That, the Original Application is related to allegation about the unwarranted dust pollution caused by coal and other mineral residue accumulated along the roadsides mostly between NH-5A road between Bhutmundi to Atharbanki, by unregulated transportation via truck and trains from port and industries in Paradip leading to adverse environmental impact and it is alleged that these trucks do not take any preventive measures for containment of coal dust with the result that coal dust falls off the trucks and pollutes the entire road and area in its vicinity leading to breathing and pulmonary diseases among the residents. It is humbly submitted that the Hon'ble NGT by order dated 08.05.2024 in this matter has constituted the fact-finding committee comprising of OSPCB,



CPCB and DM Jagatsinghpur to elicit the veracity of the allegations and submit the report.

5. That, with regard to averments made in Para No. 1 to 4 of Original Application concerning information about the applicant and description of the sections of NGT Act, 2010, it is respectfully submitted that these are matters of record and no comments are needed from Answering Respondent.
6. That, with regard to averments made in Para No. 5 to 6 of Original Application concerning information about the Paradeep City and Paradeep port, it is respectfully submitted that these are matters of record and no comments are needed from Answering Respondent.
7. That, with regard to averments made in Para No. 7 to 9 of Original Application concerning information about the trucks not taking preventive measures and persons getting affected by the increasing pollution. In this regard it is humbly submitted that the MoEF&CC has already issued a Notification dated 21.05.2020 (attached as Annexure 1) which clearly stated that Coal transportation may be undertaken by the covered railway wagons or conveyor facilities. If the facilities are not available, then coal is transported out from delivery point of the mine by the covered trucks (by tarpaulin or other means) or any mechanized closed trucks by road. It is also submitted that the Hon'ble NGT by order dated 08.05.2024 in this matter has constituted the fact-finding committee comprising of OSPCB, CPCB and DM Jagatsinghpur to elicit the veracity of the allegations and submit the report.
8. That, with regard to averments made in Para No. 10 to 11 of Original Application concerning information about accidents happening in the NH-5A road between Bhutmundi to Atharbanki due to unregulated dumping of mineral waste on the roads, unregulated movement and parking of trucks in the area, and not covering of minerals in the trucks due to which dust gets accumulated in the air. In this regard it is respectfully submitted that the Hon'ble NGT by order dated 08.05.2024 in this matter has constituted the fact-finding committee comprising of OSPCB, CPCB and DM Jagatsinghpur to elicit the veracity of the allegations and submit the report. That, with regard to averments made in Para No.12 to 13 of Original Application concerning information about the Air Pollution Emergency Response Plan prepared by OSPCB and the action plan for control air pollution through common infrastructure as per the said plan, it is respectfully submitted that it is a matter concerned with the State authorities and no comments are needed from Answering Respondent.



9. That, with regard to averments made in Para No. 14 to 16 of Original Application concerning information about no practical application of the proposals for reducing pollution as per the above mentioned action plan for control air pollution, it is respectfully submitted that it is a matter concerned with the State authorities and no comments are needed from Answering Respondent.
10. That, with regard to averments made in Para No. 17 of Original Application concerning information about applicant is matter of record and it is respectfully submitted that no comments are needed from Answering Respondent.
11. That, with regard to averments made in Grounds I to X of Original Application concerning information about the various rules, regulations and judgements passed, it is respectfully submitted that these are matters of record and no comments are needed from Answering Respondent.
12. That, the content of the above paragraphs is true and correct to the best of my knowledge and that nothing material has been concealed therefrom.
13. The answering respondent craves reply of the Hon'ble Tribunal to file additional reply, in future, if required.
14. That in light of the above submission, 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 Original Application.



Mrinal Kanti Biswas

Scientist 'E' & Regional Director,
CPCB, Kolkata



SL. NO. 95 DT. 08.07.2024

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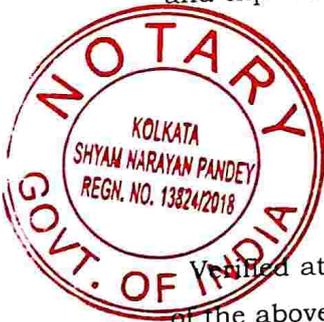
State of Odisha and others

...RESPONDENTS

AFFIDAVIT

I Mrinal Kanti Biswas, Son of Saroj Kumar Biswas, aged 42 years, having office at the Regional Directorate (Kolkata), Central Pollution Control Board (CPCB), Southend Conclave, Block No.502, 5th & 6th floor, 1582, Rajdanga Main Road, Kolkata- 700107, 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. K. Das
DEPONENT

VERIFICATION

Verified at Kolkata on this day of 8th day of July, 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB; Nothing has been concealed therefrom or mis-stated.

Signed and verified on this 8th day of July, 2024 at Kolkata

Identified by me
Ashu Paul
Adv.

Solemnly Affirm & Declared
Before Me on Identification
of Ld. Advocate

S. Narayan Pandey
SHYAM NARAYAN PANDEY
NOTARY, GOVT. OF INDIA
REGN. NO. 13824/2018

A. K. Das
DEPONENT

08.07.2024

08 JUL 2024