

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA

IN
OA No. 104/2024/EZ



IN THE MATTER OF:
Nilamani Mahapatra

...APPLICANTS

VERSUS

State of Odisha and Others

...RESPONDENTS

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Mrinal Kanti Biswas

Regional Director & Scientist E,
CPCB, Kolkata

Filed through

Counsel

Dated: 10/07/2024
Place: Kolkata



10 JUL 2024

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**COUNTER AFFIDAVIT ON BEHALF OF CENTRAL POLLUTION
CONTROL BOARD i.e. RESPONDENT NO. 13**

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 am presently working as Regional Director, Regional Directorate (East), Central Pollution Control Board (hereinafter referred to as CPCB), Kolkata and have been authorized to file the present Counter affidavit. I am fully conversant with the facts of the case and hence, competent and authorize to submit the present counter affidavit.
2. That, I affirm this Affidavit in terms of the directions passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata on 28.05.2024.
3. That, nothing contained in this Affidavit shall be construed as admission of any statement unless specifically admitted by me. I reserve the right to deal with legal position of the matter at the time of hearing.
4. That, the Original Application is inter alia related to Narangarh village where the quarrying operation of khondalite stone by the OMC.

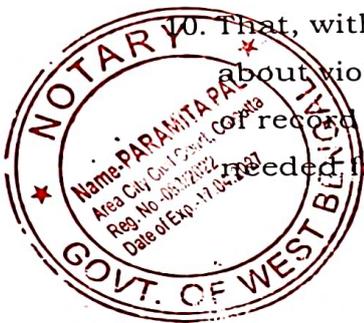
5. That, with regard to averments made in para 1 to 3 of OA concerning information about the applicant and description of the lease between Government of Odisha and Odisha mining are matters of record and it is respectfully submitted that no



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comments are needed from respondent no. 13, Central Pollution Control Board (hereinafter referred to as 'CPCB').

6. That, with regard to averments made in para 4 of OA concerning with Environment clearance of M/s Odisha Mining Corporation on 04/09/2020 and Consent to Establish (CTE) was granted on 05/10/2020, Consent to operate (CTO) granted on 14/03/2022 are matters of record and it is respectfully submitted that no comments are needed from answering respondent no. 13.
7. That, with regard to averments made in para 5 to 7 of OA concerning information about the operation of quarry in close proximity of village, Impact of human habitation due to noise pollution and air pollution. In this regard it is humbly submitted that CPCB has already issued a letter to the SPCBs in the matter OA No. 304/2019 stringing the siting criteria for the stone quarry as minimum distance of 100m when no blasting involved and 200m when the blasting is involved from any residential / public buildings, inhabited sites, national highways. The copy of the guidelines is already annexed at annexure 10 in OA. It is further submitted that Hon'ble NGT in its order dated 28.05.2024 had formed a Joint committee comprising of DM khordha, CPCB, OSPCB and SEIAA to visit the site in question and verify the allegations, Hence the comment can be submitted based on inspection report by Joint committee.
8. That, with regard to averments made in para 8 of OA concerning information about consultation with village assembly/ pallisabha prior to operation of the quarry. It is humbly submitted that it is matter concerned with Local government. Hence it is respectfully submitted that no comments are needed from answering respondent no. 13.
9. That, with regard to averments made in para 9 of OA concerning about violation of siting criteria which prescribed a minimum of 500 meters from residential areas and as per the CPCB guideline at least 100 meter buffer area for quarry without involving blasting. It is humbly submitted that the issue has already been addressed in the para no. 7 of the Counter affidavit.
10. That, with regard to averments made in para 10 of OA concerning about violation of condition of Environment Clearance are matters of record and it is respectfully submitted that no comments are needed from answering respondent no.13.



11. That, with regard to averments made in para 11 of OA concerning extracting the Khondalite stone & quarry activity, are matters of record and it is respectfully submitted that no comments are needed from respondent no. 13.
12. That, with regard to averments made in para 12 OA concerning information about villagers have made complaint to all the authorities and Grievance with District Collector is matter concerned with the State authorities and it is respectfully submitted that no comments are needed from respondent no. 13.
13. That, with regard to averments made in para 13 of OA concerning information about registered the grievance with OMC, it is matter of record and it is respectfully submitted that no comments are needed from respondent no. 13.
14. That, with regard to averments made in para 14 of OA concerning information about villagers protest before the gate of mining Company it is matter of record and it is respectfully submitted that no comments are needed from respondent no. 13.
15. That, with regard to averments made in para 15 of OA concerning information about violation of EC Condition from vehicles use to cause to air pollution and noise pollution plying on PMGSY road it is matter of record and it is respectfully submitted that no comments are needed from respondent no. 13.
16. That, with regard to averments made in para 16 of OA concerning information about the quarry, the consent to establish was granted in the favour of the Narangarh Khondalite Stone Quarry on 05.10.2020 In this regard it is humbly submitted that the issue has been already addressed in the above para no. 7 of the Counter affidavit.
17. That, with regard to averments made in para 17 of OA concerning information about CTO granted was without verifying the compliance of earlier CTO Conditions, it is matter concerned with the OSPCB and it is respectfully submitted that no comments are needed from respondent no.13.
18. That, with regard to averments made in para 18 of OA concerning information about no measures taken to mitigate the air pollution by the respondent. In this regard it is humbly submitted that it is matter of inspection, hence the comment can



be submitted based on inspection report by joint committee.

19. That, with regard to averments made in para 19 of OA concerning information about water flow from upper elevation to the agricultural land is getting obstructed in the quarries it is respectfully submitted that no comments are needed from respondent no.13.

20. That, with regard to averments made in para 20 of OA concerning information about the sitting criteria for stone quarry, it is respectfully submitted that the issue is already addressed in the above para no. 7 of the Counter affidavit.

21. That, with regard to averments made in para 21 of OA concerning information about responsibility of monitoring of air and water quality by Visontek Consultancy it is respectfully submitted that no comments are needed from respondent no.13.

22. That, with regard to averments made in para 22 of OA concerning information about parameters of ambient air and noise are much more above standard for noise in residential areas and sensitive areas. In this regard it is humbly submitted that the matter has already been addressed in the above para no. 7 of the Counter affidavit.

23. That, with regard to averments made in paras 23 to 32 of OA concerning information about **JUDICIAL PRECEDENT** and **important STATUES** which is related to Stone mining, Environmental Clearance, Environmental Protection Act-1986, MMRRA Act, Prevention of Money Laundering Act, 2002 are matters of record and it is humbly submitted that no comments are needed from respondent no. 13.

24. 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.

25. That, CPCB shall abide all the direction/ orders passed by Hon'ble Tribunal in the instant matter.



I identified by me.
Sibgyati Chakrabarti
Advocate
for CPCB
10/07/2024
Enrolment No of WB/1730/2010.

[Signature]
DEPONENT

BEFORE THE NATIONAL GREEN TRIBUNAL
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OA No. 104/2024/EZ



IN THE MATTER OF:

Nilamani Mahapatra

...APPLICANTS

VERSUS

State of Odisha and Others

...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 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.

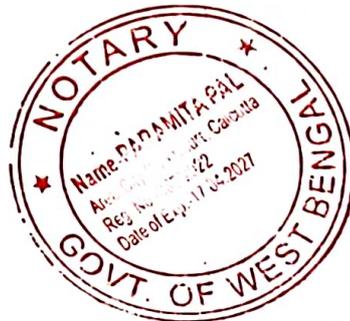
*Identified by me
Sibojyoti Chakrabarti
Advocate
for CPCB 10/07/2024*

A.K. Biswas
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.13 herein does hereby verify that the contents of the above paragraphs are true and correct to the best of my knowledge, information and belief.

At Verified at Kolkata on this the ^{10th} Day of July, 2024.

*Identified by me
Identified by me
Sibojyoti Chakrabarti
Advocate
for CPCB
10/07/2024
Enrolment No. WB/1730/2018*



A.K. Biswas
DEPONENT

Solemnly affirmed and declared
by me on Court Session

A.K. Biswas
PARAMITA PAL
City Civil Court
Kolkata
Reg No 083/2022

10 JUL 2024