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**BEFORE THE NATIONAL GREEN TRIBUNAL  
 EASTERN ZONE BENCH, AT KOLKATA  
 O. A. No. 99/2024/EZ**

**In the matter of: -**

**Nityendu Sekhar Bhattacharjee.**

**...Applicant**

**-Versus-**

**The State of Assam & Ors.**

**...Respondents**

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2.	Copies of the Inspection report along with the Photographs of the site during inspection.	‘R-1 Colly’	

Date:

Place: KOLKATA

Filed by:

Mr. Surendra Kumar,

Advocate,

Hastings Chamber, 7C, Kiran  
 Shankar Roy Road, 2<sup>nd</sup> Floor, Room  
 No. 206, Kolkata- 700001

Sl. No.....	13956
Date.....	21/8/24

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**Nityendu Sekhar Bhattacharjee.**

**...Applicant**

**-Versus-**

**The State of Assam & Ors.**

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**REPORT IN FORM OF AFFIDAVIT BY THE ASSAM  
POLLUTION CONTROL BOARD.**

I, Sri Gokul Bhuyan, son of Late Jiban Chandra Bhuyan, aged about 59 years, by occupation- Service, working for gain at Pollution Control Board, Assam, Bamunimaidan, Guwahati-21, Assam- 781021 do hereby solemnly affirm and submit as follows:-

1. That I am holding the post of Additional Chief Environmental Engineer and Nodal Officer (Legal) of Pollution Control Board, Assam (hereinafter referred to as the "Board") and I have made myself acquainted with the facts and circumstances of the instant Original Application and have gone through the documents pertaining to the subject matter of the instant Application and I have been duly authorized by the Respondent no. 2 to affirm this instant Affidavit before this Hon'ble Tribunal.
2. That, this affidavit is being affirmed in pursuant to the order dated 16/05/2024 passed by this Hon'ble National Green Tribunal, Eastern Zone.

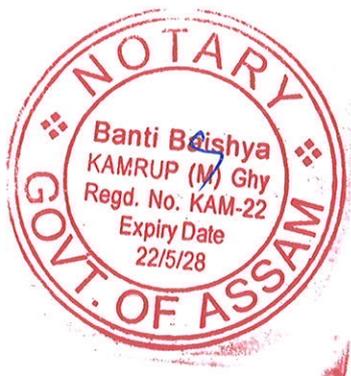
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3. That this Affidavit is being filed to bring on record the steps taken by The Assam Pollution Control Board inter alia as follows:

- a. That the respondent no. 2 had upon receiving the notice of the said case from the registry of the Hon'ble NGT, EZ, directed its Regional Office, Silchar to carry out an inspection of the alleged area. Accordingly, the team of official of RLO, Silchar visited the site on 20<sup>th</sup> June, 2024.
- b. That the respondent no. 2 would like to state that the Regional Office, Silchar upon receiving instructions visited the site and performed the preliminary inspection to ascertain the allegations made in the O. A. No. 99/2024/EZ (In the matter: Nityendu Sekhar Bhattacharjee -Vs- The State of Assam & Ors.), the averments raised have categorically been addressed and stated hereinunder:
  - i. The applicant as its first averment in the O.A. has stated that he is a victim of rampant dumping of garbage in front of his house. There is a big open drain running in front of the house of Applicant where due to regular dumping of garbage, water in the drain has become so contaminated that it emanates obnoxious smell leading to serious health hazards to the residents of the house.

At the time of inspection the RLO, Silchar team prima facie found that the averments raised by the applicant appears to be true furthermore, the house of the applicant was surrounded by the wide open drain on the Northern and Eastern sides of the house. It is also pertinent to mention that heaps of garbage was seen beside the road, beside the drain and in front of the applicant's house and other houses

located nearby the inspection site. The RLO inspection team further



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noticed that the drain water was highly contaminated and an obnoxious odor was felt.

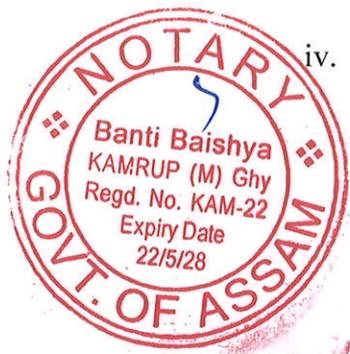
- ii. That the respondent no. 2 would like to state that the 2<sup>nd</sup> averment raised by the applicant in spite of Solid Waste Management Rules coming in force in 2016, there has been a rampant violation of the same in the town of Silchar as there is no organized mechanism for collection and dumping of garbage in Silchar and garbage is thrown anywhere and everywhere.

It was found that the mechanism in place for the collection and disposal of Solid wastes in Silchar is inadequate and the solid wastes can be seen to have been thrown on the streets and drains.

- iii. That the respondent no. 2 would like to state that the 3<sup>rd</sup> averment raised by the applicant has raised this issue on various occasions before Silchar Municipal Board (SMB) herein but all efforts of the Applicant have been futile. The Applicant herein is a victim of menace of indiscriminate garbage dumping in front of his house due to the complete inaction by the Respondent Municipal Board. After raising great hue and cry, the Respondent board has on two occasions collected the garbage, however in the absence of the proper mechanism of the garbage disposal in Silchar town, the menace of garbage dumping in front of the residential house of the Applicant continues without any remedy.

The applicant is a victim of improper garbage disposal. The complainant resides in Ward No. 09, which is a low-lying area and frequent urban flooding is observed.

- iv. That the respondent no. 2 would like to state that the 4<sup>th</sup> averment raised by the applicant has also given a written representation to the office of the SMB regarding dumping of garbage



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in front of his house and also regarding the contaminated drain water which has entered the house of the applicant, yet the SMB has not taken any steps in this regard.

The house of the applicant was built in the year 1968 (as reported by the applicant) and subsequently many other establishments were built nearby on higher land. The house of the applicant is currently at a lower level in addition to the whole area being flood prone. During the rainy season, the drain overflows and water can be seen entering the house.

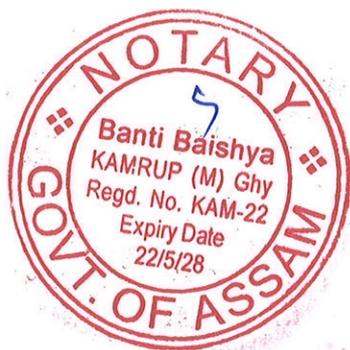
- v. That the respondent no. 2 would like to state that the 5<sup>th</sup> averment raised by the applicant that the Respondent Municipal Board is completely oblivious to the alarming situation of the rampant garbage dumping in front of the house of the applicant herein and is not taking any concrete steps to remedy the situation.

Daily cleaning and sweeping is not seen in the area. As reported, the SMB collects the garbage after several days.

- vi. That the respondent no. 2 would like to state that the 6<sup>th</sup> averment raised by the applicant states that there exist no facilities where households, commercial establishments and institutions can deposit the waste leading to streets and public places being treated as receptacles of waste.

The inspection team did not find dustbin of any kind or any other setup for - garbage deposition in the area.

- vii. That the respondent no. 2 would like to state that the 7<sup>th</sup> averment raised by the applicant states that the comprehensive guidelines by Central Pollution Control Board, no steps are being taken by the Respondents to ensure the same. Such rampant and indiscriminate throwing of garbage in front of the house of the



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applicant herein has led to immense menace of mosquitoes and flies and is constant threat to the health.

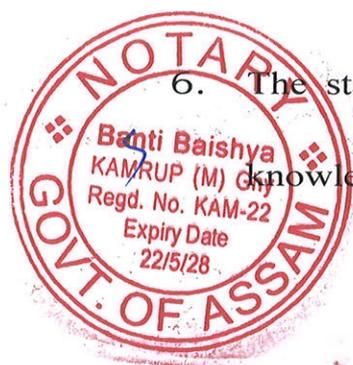
'Steps taken are inadequate and deficient in dealing with the waste management of the city.

4. That the Assam Pollution Control Board are taking all measures for the implementation of the CPCB Guidelines and regularly spread awareness. Further the observation made in the matter are as follows:
- a. The wide open drain called Singirkhal passing in front of the complainant's house starts from New Market area of Fatak Bazar and passes through Bilpar and ends up in an even wider drain called Rangirkhal, ultimately leading into the Ghagra river.
  - b. The area is highly polluted with solid waste lying beside the road and in the drain leading to obnoxious smell.
  - c. Waste management in the area is poor. The overall waste management of Silchar city is inadequate. The SMB collects a certain percentage of the total wastes generated in the city and then stores them in a Material Recovery Facility for a certain period where a third party collects the sellable items (like glass, paper, bottles, etc) from the wastes and the rest is then dumped in the Meherpur Dumping Ground which itself is more than a hundred years old.

**Copy of the inspection report along with all the photographs are annexed hereto and marked as annexure R-1 Collectively.**

5. The Assam Pollution Control Board states and submits that the respondent is ready and willing to abide by the order/s direction/s made by this Hon'ble Tribunal.

6. The statements made in paragraph nos. 1 to 3 are true to my knowledge, those made in paragraph no. Para 4 are true to my



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information derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.

Prepared at my office &

*Cesrud Bhuyas*

DEPONENT

Identified by me.

Advocate

BEFORE ME

*L. L. L.*  
*218/24*

NOTARY PUBLIC

VERIFICATION

Verified at Guwahati by the deponent above named on this the 2<sup>nd</sup> day of August, 2024 and say that the contents of this affidavit made in paragraph nos. paragraph nos. 1 to 3 true to my knowledge, those made in paragraph no. Para 4 are true to my information derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.

*Cesrud Bhuyas*

DEPONENT



*L. L. L.*  
*218/24*  
Banti Baishya  
NOTARY, GOVT. OF ASSAM  
KAMRUP (Metro) Guwahati  
Regd. No.: KAM-22

NOTARY PUBLIC : OATH COMMISSIONER  
Solemnly affirmed before me this day, I  
Certify that I read over and Explained  
the contents to the declarant and that  
the declarant seemed perfectly to  
understand them.



**Pollution Control Board, Assam**  
 (Department of Environment & Forests, Government of Assam)  
 Head Office: Bamunimaidam, Guwahati-781021, Assam, India  
**Regional Laboratory cum Office, Silchar**  
 (1<sup>st</sup> Floor, Silchar Development Authority Building, P.W.D. Road)  
 P.O.: Silchar-1; Dist.: Cachar  
 Phone No.-(03842-262205), E-mail: rosilchar.pcba@gmail.com



No. RLO/SLC/19-20/T-2967/Pt.II/23/5

Dated: Silchar, the 21<sup>st</sup> June, 2024

To,

Sjt. G. Bhuyan,  
 Nodal Officer (Legal)  
 Pollution Control Board, Assam  
 Bamunimaidam, Guwahati-21

Sub: OA no 99/2024 (Nityendu Bhattacharjee versus State of Assam and Ors)

Ref: HO letter no PCBA/LGL-228/2024/NGT(EZ)/36 dated 04.06.2024.

Sir,

With reference to the subject cited above, I have the honour to forward herewith the field inspection report as per your direction vide above referred letter. The team visited the site on 20.06.2024 and has come up with findings which are described in the attached Inspection Report.

This is for favour of your kind information.

Enclosed: 1. Inspection Report.  
 2. Site Photographs.

Yours faithfully

Regional Executive Engineer (i/c)  
 I.H. RLO: Silchar



**Preliminary Inspection in the matter OA no. 99/2024  
(Nityendu Sekhar Bhattacharjee versus State of Assam & Ors.)**

**1.0 Background**

The Hon'ble NGT, EZ, Kolkata has taken up a complaint against rampant dumping of garbage in front of the house of the applicant and violation of the Solid Waste Management Rules, 2016 by the **Silchar Municipal Board (SMB)**. Accordingly notices were issued to the respondents directing them to file their counter-affidavits within four weeks from 16<sup>th</sup> May, 2024.

Pollution Control Board, Assam being respondent number 2, accordingly directed its Regional office, Silchar to carry out an inspection of the alleged area and furnish a report along with para wise comments.

As per the direction, a team of officials of RLO, Silchar as tabulated below, visited the site on 20<sup>th</sup> June, 2024.

**2.0 Field Inspection**

The team visited the site on 20.06.2024 and performed preliminary inspection to ascertain the allegations made in the original application (O.A.) which are as tabulated below:

Sl. No.	Averments Raised	Observations upon Inspection
1	Applicant is a victim of rampant dumping of garbage in front of his house. There is a big open drain running in front of the house of Applicant where due to regular dumping of garbage, water in the drain has become so contaminated that it emanates obnoxious smell leading to serious health hazards to the residents of the house.	Prima facie, the averments raised by the applicant appears to be true. The house of the applicant is surrounded by the wide open drain on the North and East side. Heaps of garbage were seen beside the road, beside the drain and in front of the applicant's house and other houses located nearby. It appears upon visual inspection that the water is highly contaminated. Obnoxious odour is present.
2	In spite of Solid Waste Management Rules coming in force in 2016, there has been a rampant violation of the same in the town of Silchar as there is no organized mechanism for collection and dumping of garbage in Silchar and garbage is thrown anywhere and everywhere.	The mechanism in place for the collection and disposal of Solid wastes in Silchar is found to be inadequate. Solid wastes can be seen to have been thrown on the streets and drains.

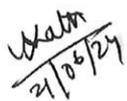
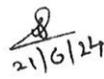
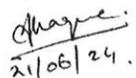
3	<p>The Applicant has raised this issue on various occasions before SMB herein but all efforts of the Applicant have been futile. The Applicant herein is a victim of menace of indiscriminate garbage dumping in front of his house due to the complete inaction by the Respondent Municipal Board. After raising great hue and cry, the Respondent board has on two occasions collected the garbage, however in the absence of the proper mechanism of the garbage disposal in Silchar town, the menace of garbage dumping in front of the residential house of the Applicant continues without any remedy.</p>	<p>The applicant can be seen to become a victim of improper garbage disposal. The complainant resides in Ward No.09, which is a low lying area and frequent urban flooding is observed.</p>
4	<p>The Applicant has also given a written representation to the office of the SMB regarding dumping of garbage in front of his house and also regarding the contaminated drain water which has entered the house of the applicant, yet the SMB has not taken any steps in this regard.</p>	<p>The house of the applicant was built on 1968 (as reported by the applicant) and subsequently many other establishments were built nearby on higher land. The house of the applicant is currently at a lower level in addition to the whole area being flood prone. During the rainy season, the drain overflows and water can be seen entering the house.</p>
5	<p>It is very unfortunate that the Respondent Municipal Board is completely oblivious to the alarming situation of the rampant garbage dumping in front of the house of the applicant herein and is not taking any concrete steps to remedy the situation.</p>	<p>Daily cleaning and sweeping is not seen in the area. As reported, the SMB collects the garbage after several days.</p>
6	<p>It is unfortunate that there exist no facilities where households, commercial establishments and institutions can deposit the waste leading to streets and public places being treated as receptacles of waste.</p>	<p>No dustbins of any kind or any other setup for garbage deposition can be seen in the area on the date of inspection.</p>

7	In spite of comprehensive guidelines by Central Pollution Control Board, no steps are being taken by the Respondents to ensure the same. Such rampant and indiscriminate throwing of garbage in front of the house of the applicant herein has led to immense menace of mosquitoes and flies and is constant threat to the health.	Steps taken are inadequate and deficient in dealing with the waste management of the city.
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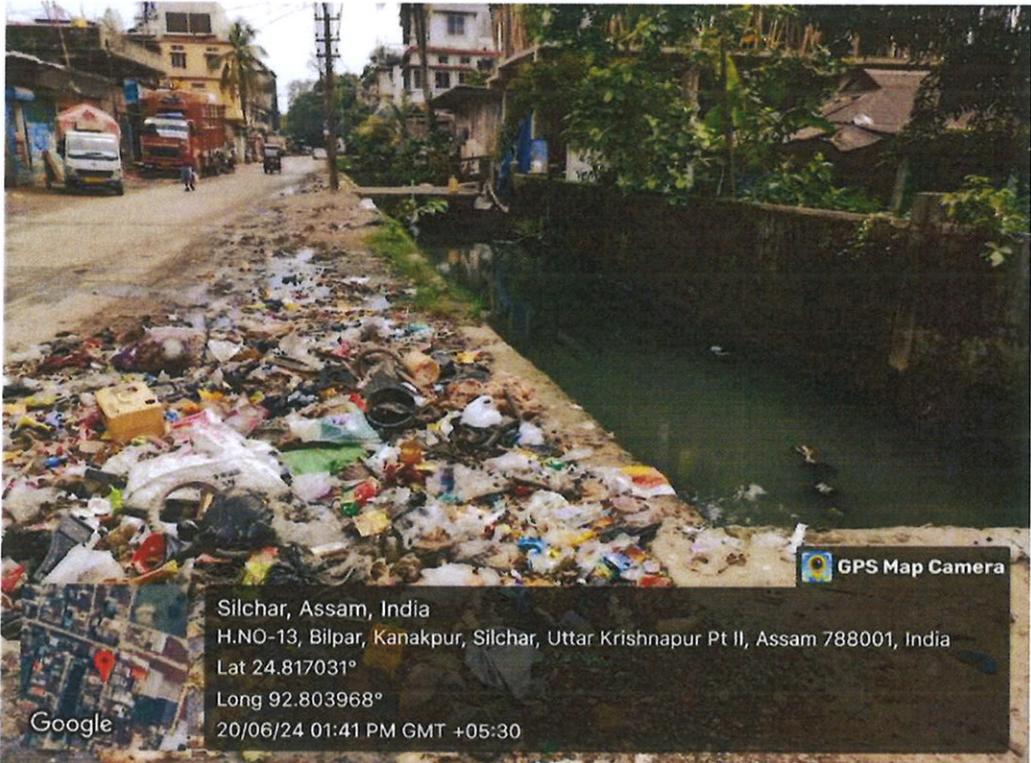
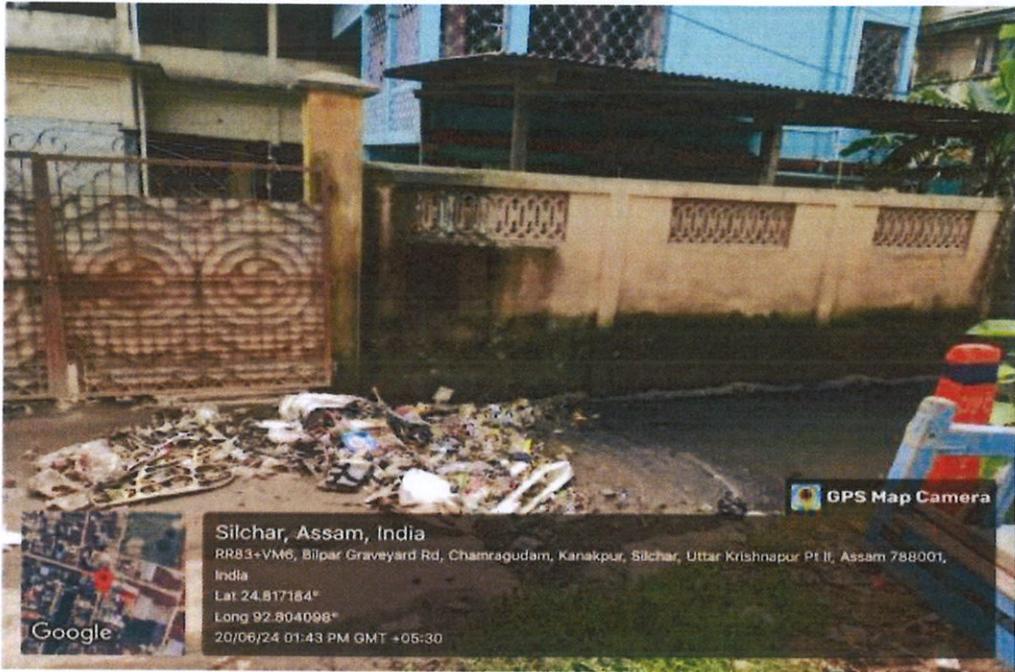
### 3.0 Observations

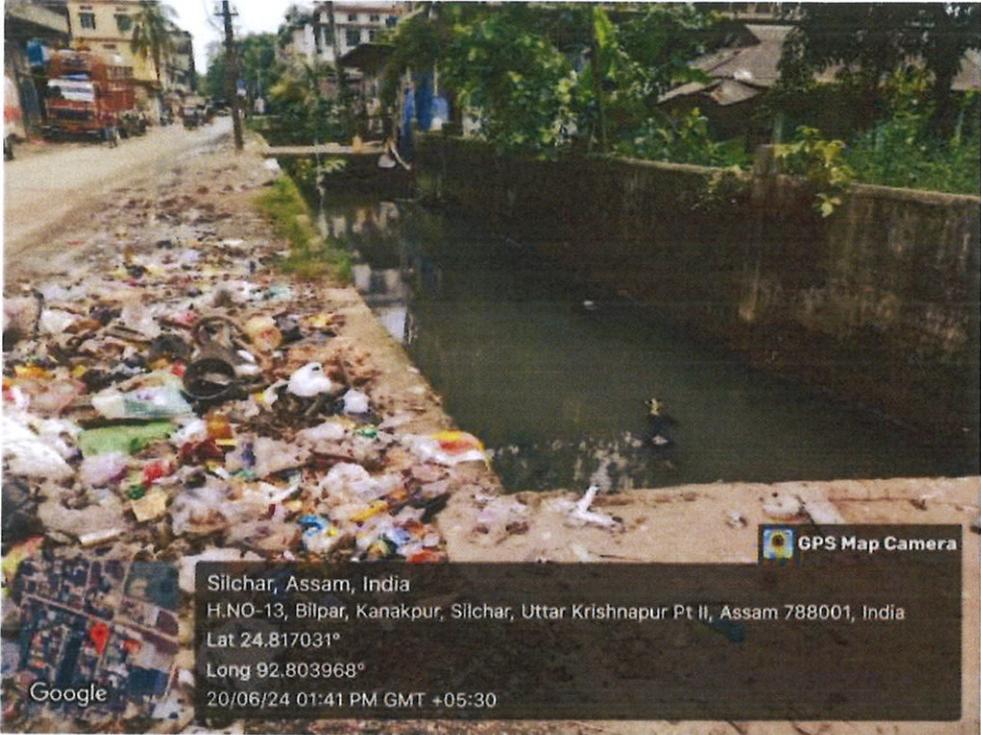
The observations made in the matter are as follows:

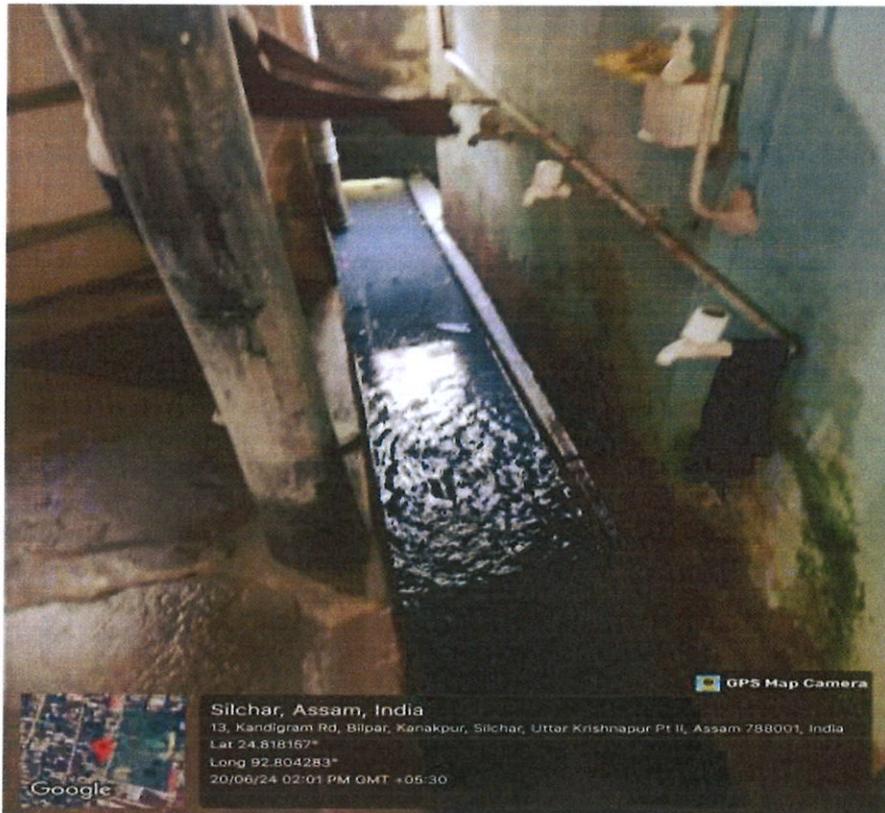
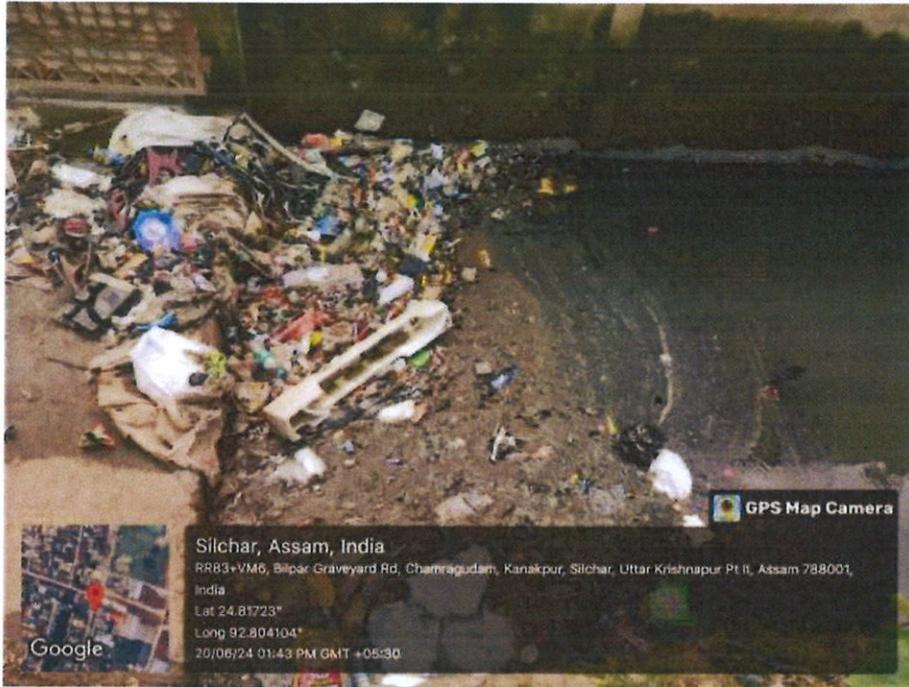
- 3.1 The wide open drain called Singirkhal passing in front of the complainant's house starts from New Market area of Fatak Bazar and passes through Bilpar and ends up in an even wider drain called Rangirkhal, ultimately leading into the Ghagra river.
- 3.2 The area is highly polluted with solid waste lying beside the road and in the drain leading to obnoxious smell.
- 3.3 Waste management in the area is poor. The overall waste management of Silchar city is inadequate. The SMB collects a certain percentage of the overall wastes generated in the city and then stores them in a Material Recovery Facility for a certain period where a third party collects the sellable items (like glass, paper, bottles, etc) from the wastes and the rest is then dumped in the Meherpur Dumping Ground which itself is more than a hundred years old.

Members	Signature
1. Smt. Navaneeta Nath, AEES	 21/06/24
2. Sri Santosh Kurmi, AE	 21/06/24
3. Imdadul Haque, AE	 21/06/24

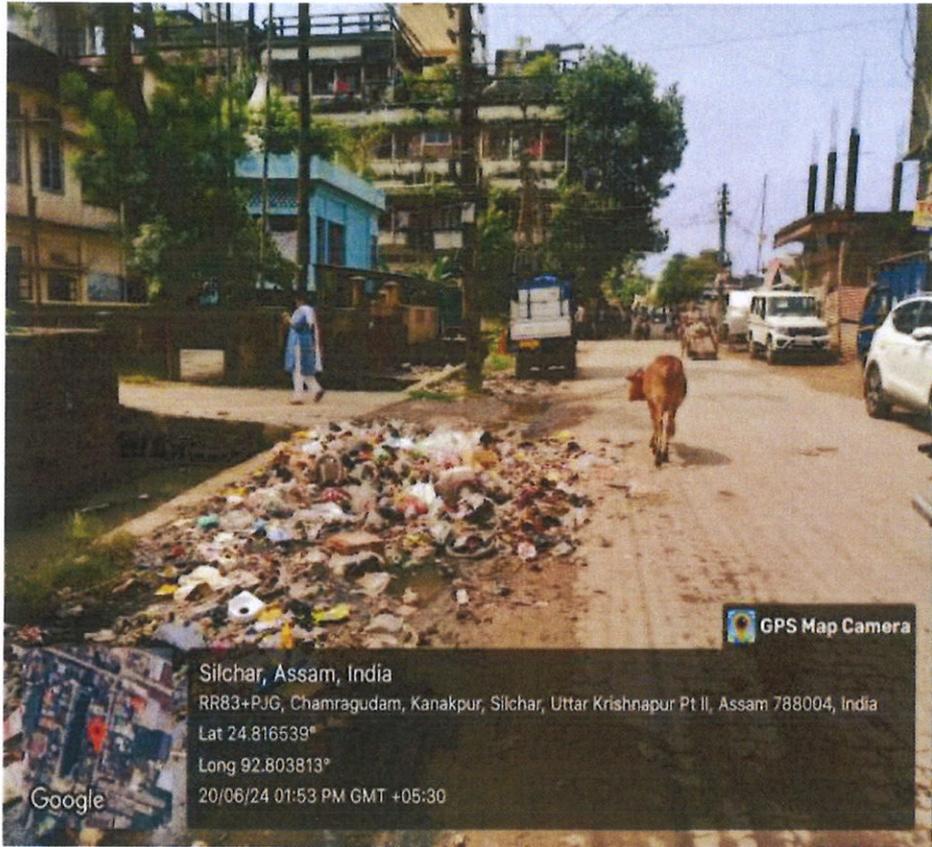
  
21/06/24  
Sri Arabinda Das  
Regional Executive Engineer (i/c)











GPS Map Camera

Silchar, Assam, India  
RR83+P.JG, Chamragudam, Kanakpur, Silchar, Uttar Krishnapur Pt II, Assam 788004, India  
Lat 24.816539°  
Long 92.803813°  
20/06/24 01:53 PM GMT +05:30

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