

**Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata**

OA No. 101/2024/EZ
(Earlier OA No. 502/2024/PB)

In Re. : News item titled "गिरिडीह सकरी नदी से हर रोज होता है बालू का अवैध उठाव छापेमारी के दौरान दो ट्रैक्टर जप्त"
...Applicant(s)

Versus

Jharkhand State Pollution Control Board & Anr.
...Respondent(s)

Sub:- Counter Affidavit

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Filed by
Anshu Bandyopadhyay
Advocate
9883069404



**Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata**

OA No. 101/2024/EZ
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In Re. : News item titled "गिरिडीह सकरी नदी से हर रोज होता है बालू का अवैध उठाव छापेमारी के दौरान दो ट्रैक्टर जप्त"

...Applicant(s)

Versus

Jharkhand State Pollution Control Board & Anr.

...Respondent(s)

*CA-1-5
Az 6-10
25/7/2024*

Counter Affidavit on behalf of Respondent no. 2 i.e. State Level Environment Impact Assessment Authority (SEIAA), Jharkhand.

I, Ashok Kumar, Son of Late Rajendra Kumar, presently posted as Ex-officio Member Secretary in the State Level Environment Impact Assessment Authority (hereinafter called SEIAA), Jharkhand, Ranchi do hereby solemnly affirm and declare as follows:-

1. That, in the instant OA there nothing specific regarding SEIAA / SEAC. But some facts pertaining to instant OA is being produced for proper assistance to this Hon'ble Tribunal with a liberty to file detailed counter affidavit if desired by this Hon'ble Tribunal.

*Therap - Praem Kumar, Anr
J 2871A/03
25/7/24*

2. That, the original Application No. – 502/2024/PB was registered as Suo Moto by the New Delhi at the National Green Tribunal on the basis of a news item titled “गिरिडीह सकरी नदी से हर रोज होता है बालू का अवैध उठाव छापेमारी के दौरान दो ट्रैक्टर जप्त” appearing in ‘News Wing’ on 29.02.2024. wherein Hon’ble Principal Bench, National Green Tribunal, New Delhi vide order dated 07.05.2024 directed the Member Secretary, Jharkhand State Pollution Control Board to trace out the persons responsible for the same and take appropriate action for imposition of Environmental compensation and file action taken report before the registrar of the Eastern Zonal Bench of the Tribunal.

True/Xerox copy of Order
dated- 07.05.2024 passed
by Hon’ble Principal
Bench, National Green
Tribunal, New Delhi in

OA No. 502/2024/PB is
being attached herewith
and marked as **Annexure**
- **A/R2** to this affidavit.

3. That, the instant OA No. - 101/2024/EZ was taken up by
Hon'ble National Green Tribunal, Eastern Zone Bench on
16.05.2024 and in para 7 the following has been impleaded in
the array of Respondents.

- i. Member Secretary, Jharkhand State Pollution Control
Board.
- ii. Member Secretary, State Level Environment Impact
Assessment Authority.
- iii. District Magistrate, Giridih.

True/Xerox copy of Order
dated- 16.05.2024 passed
by Hon'ble National Green
Tribunal, Eastern Zone

Bench in OA No.
101/2024/EZ is being
attached herewith and
marked as **Annexure -**
B/R2 to this affidavit.

4. That, the constitution of SEIAA has been done in accordance with EIA notification, 2006 of Ministry of Environment Forest & Climate Change, Govt. of India for the purpose of granting Environment Clearance of the category B project. Such as, Major/Minor Mineral including Sand, etc.
5. That, the instant matter relates to illegal sand mining on Sakri River in District Giridih.
6. That, ~~there~~ no application for Environmental Clearance of sand mining project has been submitted by Jharkhand State Mineral Development Corporation Ltd. on Sakri River and further no

Environment Clearance has been granted for any sand mining project by SEIAA in the district Giridih till date.

7. That present reply is filed bonafide and in the interest of justice.

8. That the statements made in paragraph 4.6 are true to my knowledge, those stated in paragraphs 2,3 are true to my information derived from the records of the case to which I believe to be true and the rest are by way of humble submissions before this Hon'ble Court.

9. That the annexures are photocopies/true copies of their respective original.

Sworn, verified and signed on this 25th day of July 2024 at the premises of Hon'ble Jharkhand High Court, Ranchi.

Oath No. 13754

Subscribed before me by deponent
..... A. K. Sinha
Witnessed by A. Kumar (H.C.)
I have examined the deponent
the contents of the affidavit
which has been sworn and explained before me or which
has been sworn and explained to him/her. The deponent
acknowledges the contents to be correct.
High Court of Jharkhand, Ranchi
Dated 25/7/24 Advocate Oath Commission

Ashok Kumar
(Ashok Kumar)
I know the deponent
Ashwani Kumar A/c/o
Mr. B.M. Tripathy
R.No. 89/24
25.7.2024

ANNEXURE - A/R2

(6)

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 502/2024

News item titled "गिरिडीह सकरी नदी से हर रोज होता है बालू का अवैध उठाव, छापे मारी से दौरान दो ट्रैक्टर जब्त" appearing in News Wing dated 29.02.2024

Date of hearing: 07.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. BENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Kumar Anurag Singh & Mr. Dev Aaryan, Advs. for JSPCB (Through VC)

ORDER

1. This original application is registered *suo motu* on the basis of the news item titled "गिरिडीह सकरी नदी से हर रोज होता है बालू का अवैध उठाव, छापे मारी से दौरान दो ट्रैक्टर जब्त" appearing in 'News Wing dated' 29.02.2024.

2. The news item relates to alleged illegal sand mining in Giridih District of Jharkhand. As per the news item, the local administration has taken action against illegal sand extraction at Village Prakhand and has committed raid in the vicinity of the Gawan sakari river. At the time of raid, the tractors engaged in illegal loading of sand had tried to escape but they were caught. The news item reveals that everyday hundreds of tractors load illegally extracted sand in an area near the Gawan Police Station and sale it in the other parts, as a result of which the ecology of the river is adversely affected.

3. The news item raises substantial issue relating to compliance of the environmental norms.

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4. 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.

5. If the illegal sand mining is being done in Gawan Sakari river then the Jharkhand State Pollution Control Board (JSPCB) is required to trace out the persons responsible for the same and take appropriate action for imposition of environmental compensation.

6. Hence, we dispose of the OA directing the Member Secretary, JSPCB to take appropriate action in terms of the observations made above and file action taken report before the Registrar of the Eastern Zonal Bench of the Tribunal. If found necessary, the matter will be listed for consideration before the Bench. Let the original record of the OA be transferred to the Eastern Zonal Bench of the Tribunal.

7. A copy of this order be forwarded to the Member Secretary, JSPCB by e-mail for compliance.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

May 07, 2024
Original Application No. 502/2024
DV

ANNEXURE - B/R2

2

(Supplementary Item No.01)

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.101/2024/EZ
(Earlier O.A. No.502/2024/PB)

In Re.: News item titled
"गिरिडीह सकरी नदी से हर रोज होता है
बालू का अवैध उठाव छापे मारी के दौरान दो ट्रैक्टर जब्त",
appearing in news wing dated 29.02.2024,

Applicant(s)

Date of hearing: 16.05.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*,

ORDER

1. The Original Application No.502/2024/PB was registered as *suo motu* by the New Delhi Bench of the National Green Tribunal on the basis of a news item titled "गिरिडीह सकरी नदी से हर रोज होता है बालू का अवैध उठाव छापे मारी के दौरान दो ट्रैक्टर जब्त", appearing in 'News Wing' on 29.02.2024.
2. The news item relates to alleged illegal sand mining in Giridih District of Jharkhand. As per news item, the local administration has taken action against illegal sand extraction at Village-Prakhand and has conducted raid in the vicinity of the Gawan Sakri River. It is stated that at the time of raid, tractors engaged in illegal loading of sand had tried to escape but they were caught. The news item further reveals that everyday hundreds of tractors load of sand is being illegally extracted in the area near the Gawan Police Station and is being sold, as a result of which the ecology of the river is being adversely affected.

(9)

3. The Tribunal observed that if illegal sand mining is being done in Gawan Sakri River then the Jharkhand State Pollution Control Board is required to trace out the persons responsible for the same and take appropriate action for imposition of environmental compensation.
4. The Tribunal, therefore, disposed of the said Original Application directing the Member Secretary, Jharkhand State Pollution Control Board, to take appropriate action in terms of the observations made and file Action Taken Report before the Registrar of the Eastern Bench of the Tribunal.
5. The Original Application No.502/2024/PB has been disposed of by the Tribunal by its order dated 07.05.2024.
6. We are taking up this matter as *suo motu* and registering fresh Original Application being Original Application No.101/2024/EZ to enable the Jharkhand State Pollution Control Board to file its counter-affidavit, for the reason that M.A. or other affidavits cannot be filed in the earlier Original Application No.502/2024/PB since the same has already been disposed of by the New Delhi Bench of the Tribunal.
7. We also direct the following be impleaded in the array of Respondents in the present case:-
 - (1) Member Secretary, Jharkhand State Pollution Control Board,
 - (2) Member Secretary, State Environment Impact Assessment Authority (SEIAA), Jharkhand, and
 - (3) District Magistrate, Giridih,
8. Issue notice to the Respondents, returnable within four weeks.

10

9. Mr. Surendra Kumar, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.1, Jharkhand State Pollution Control Board.
10. Mr. Ashok Prasad, earned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.2, SEIAA, Jharkhand.
11. Ms. Aishwarya Rajyashree, earned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.3, District Magistrate, Giridih.
12. All the Respondents shall file their counter-affidavits within four weeks.
13. The Office of the Tribunal shall serve e-copy/soft copy of the Original Application along with documents on record upon Mr. Surendra Kumar, Mr. Ashok Prasad and Ms. Aishwarya Rajyashree, Counsel for the Respondents, within 48 hours.
14. **List on 25.07.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

May 16, 2024,
Original Application No.101/2024/EZ
(Earlier O.A. No.502/2024/PB)
AK

STAMP

Before, The National Green Tribunal
Eastern Zone Bench, Kolkata

VAKALATNAMA FOR Resp. No 2

D.A Case No. 101 of

20.2.24/EZ...

(Eastern DA No 502/2024/PB)

News item titled "पिपिली सफ़ाई नहीं है एंड रातों रातों में आग का
अपमान 2018 को प्रदर्शित है शक्ति से प्रेरित नहीं" Petitioner (S)/
Appellant (S)

Versus

Therband State Pollution Control Board Ltd. Opp Party (ies)/
Respondent (S)

Know all men by these present that by this Vakalatnama I/We
Ashok Kumar, Advocate, presently posted as
Ex-officio Member Secretary in the SEIAA, Therband.
Do hereby

Appoint the advocates noted below in the margin or any of them as my/our lawful
advocate in the above mentioned case for appearing in conduction and arguing the
same, for depositing or withdrawing any money in connection therewith for putting
in papers, petition etc on my/our behalf for filling or taking back any document, or
withdrawing suit or appeal with permission to institute fresh suit etc. and make
compromise and for referring the case to arbitration and for doing all act that be
necessary to be done in connection with the said case. I/We further say that any
Vakalatnama shall be considered as my/our true and lawful act.

Mr. Ashok Prasad, Advocate

Mr. BHANU KUMAR, A.I.

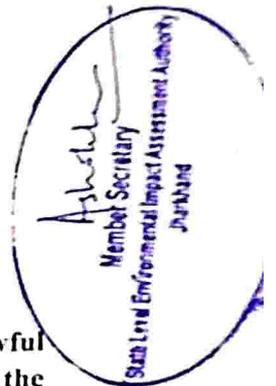
Mr.

To be above effect we execute this Vakalatnama

Date

20.....

Received Vakalatnama from the executant / through..... R.N. 2.....
.....and accepted on satisfaction.



1
Ashok Kumar
J 28 71A/03

25/7/24
Bharat Complex, Tegen Hill
Road, Nandadi, Rishi

(ASHOK PRASAD)

Advocate

Enrolment No. WB/303/2003

D - 17B, Tagore Park

Kolkata - 700039

03/08/24