

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION. NO. 74/2017/EZ

IN THE MATTER OF:

MR. TAI MAYA

.....Petitioner

VERSUS

UNION OF INDIA & ORS

.....Respondent

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Respondent No.4

14/3/22
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.

1

els
14/3/22
Executive Magistrate
Papum Pare District
Yupia (A.P)

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
O.A. NO. 74/2017/EZ
MR. TAI MAYA
VS
UNION OF INDIA & ORS

1

Affidavit on behalf of Respondent No. 4 (ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD) in compliance of order dated 26.11.2021.

1. I, Smty Koj Rinya, IFS, daughter Shri Koj Tajang aged about 40 years working as Member Secretary, Arunachal Pradesh State Pollution Control Board, and am duly authorized by competent authority to make this reply on behalf of the Respondent No-4, Arunachal Pradesh State Pollution Control Board, and here by solemnly state and affirm as follows :
2. That, I have gone through the order dated 10/02/2022 passed by Hon'ble NGT, Eastern Zone, Kolkata and have understood the contents there in. I have been duly authorized by the competent authority to swear this affidavit on behalf of Respondent No-4. Further, it is stated that I have gone through the relevant files and records.
3. That, this Hon'ble Tribunal in its order dated 10.02.2022 observed in 3rd paragraph as reproduced under:
" In para 4 of this affidavit, it is stated that notice has been issued to M/s Puna Hinda Construction Private Limited, requiring them to deposit Rs.50,00,00/- (Rupees Fifty Lakhs only) vide notice dated 21.09.2021 with 12% interest on failure to do so as Environmental Compensation totaling Rs.56,00,000/- (Rupees Fifty Six Lakhs only). On 05.01.2022, another notice was issued to deposit the Environmental Compensation Rs.56,00,000/- (Rupees Fifty Six Lakhs only) [inclusive interest of Rs.6,00,000/- (Rupees Six Lakhs only) on failure to deposit the said amount within the time given in the notice].

[Signature]
14/3/22
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
No. 25 Jun, A.P.

2

[Signature]
14/3/22
Executive Magistrate
Papum Pare District
Yupla (A.P)

The answering respondent humbly submits that the Board had imposed on M/s Puna Hinda Construction Private Limited a penalty of Rs.50,00,000/- (Rupees Fifty Lakhs only) under section 5 of Environment (Protection) Act, 1986, vide No. APSPCB-150/2017/MCK/DSPSL/NGT/3810-14 dated 21.09.2021, which was to be deposited within 30 days and on failure to do so, an interest @ 12% on the Environmental Compensation amount shall accrue. Again vide letter No. APSPCB-150/2017/MCK/DSPSL/NGT/4620 dated 05.01.2022 the Board directed M/s Puna Hinda Construction Private Limited, to deposit the Environmental Compensation amount of Rs.56,00,000/- (Rupees Fifty Six Lakhs), which was inclusive of Rs.6,00,000/- (Rupees Six Lakhs) as interest @ 12% computed thereon.

But, M/s Puna Hinda Construction Private Limited has vide letter No. PH/P-SR/0 to 19.887/21-22/03 dated 11th January, 2022 addressed to the Member Secretary, Arunachal Pradesh State Pollution Control Board has stated that the road construction work was awarded to M/s JKM Infra Projects Limited, C-84, Greater Kailash, Part-I, New Delhi-110048 and that the work was commenced by the contracting Agency (M/s JKM Infra Projects Limited) from 28th October, 2010 and was physically completed in the month of October, 2017. M/s Puna Hinda Construction Private Limited has further stated that the company was engaged as a sub-contractor only to complete the balance structural and surfacing works such as construction of culverts, retaining/breast walls, drains, left over bituminous works etc.

Therefore, to ascertain the claims made by M/s Puna Hinda Construction Private Limited, a letter vide No. APSPCB-150/2017/MUCK/DSPSL/NGT/4803 dated 02.02.2022 was written to the Chief Engineer, Public Work Department (Highway), Government of Arunachal Pradesh.

The office of the Chief Engineer, Public Work Department (Highway), Government of Arunachal Pradesh has vide letter No. CEAP(HW)/WTC-186/PS/2021-22/4432 dated 07/02/2022 clarified that the 2-Laning of

MEMBER SECRETARY
State Pollution Control Board
No. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Executive Magistrate
Papum Pare District
Yupia (A.P.)

Pasighat-Singer River Road from Km 0.00 (Pasighat) to Singer (existing Km 22.00) (Net Length=19.887 Km) in the State of Arunachal Pradesh was awarded to M/s JKM Infra Project Limited, C-27, Sector-26, Noida, Uttar Pradesh.

Therefore, on receipt of the clarification from the Public Work Department (Highway), Government of Arunachal Pradesh, a fresh Environmental Compensation of Rs. 50,00,000/- (Rupees Fifty Lakhs only) had been levied against M/s JKM Infra Project Limited, C-27, Sector-26, Noida, Uttar Pradesh vide this office Notice No.APSPCB-150/2017/MUCK/DSPSL/NGT/4878 dated 16.02.2022. Time period for deposition of Environmental Compensation by M/s JKM Infra Project Limited, C-27, Sector-26, Noida, Uttar Pradesh has lapsed. Therefore, a reminder letter has been sent to them, for early deposition of Environmental Compensation, failing which punitive action would be initiated against them.

Now, M/s Puna Hinda Construction Private Limited has appealed before the State Appellate Authority vide No.PH/PHY work/2021-22/02 dated 21/02/2022. against the order issued by the Board

True copies of the order imposing Environmental Compensation against M/s Puna Hinda Construction Private Limited twice is enclosed herewith as **ANNEXURE-A**.

True copy of the letter written to the Chief Engineer, Public Work Department (Highway), Government of Arunachal Pradesh to ascertain the claims made by M/s Puna Hinda Construction Private Limited is enclosed herewith as **ANNEXURE-B**.

True copy of the clarification received from the office of the Chief Engineer, Public Work Department (Highway), Government of Arunachal Pradesh vide letter No. CEAP (HW)/WTC-186/PS/2021-22/4432 dated 14/3/22 is enclosed herewith as **ANNEXURE-C**.

MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
No. 20, Gun, A.P.

Executive Magistrate
Papum Pare District
Yupia (A.P)

True copy of the environmental compensation levied against M/s JKM Infra Projects Limited, C-84, Greater Kailsah, Part-I, New Delhi-110048 is enclosed herewith as **ANNEXURE-D**.

True copy of the reminder letter sent to M/s JKM Infra Projects Limited, C-84, Greater Kailsah, Part-I, New Delhi-110048 for deposition of the environmental compensation at the earliest is enclosed herewith as **ANNEXURE-E**.

True copy of the appeal made by M/s Puna Hinda Construction Private Limited before the State Appellate Authority against the Environmental Compensation imposed by the Arunachal Pradesh State Pollution Control Board is enclosed herewith as **ANNEXURE-F**.

4. That, this Hon'ble Tribunal in its order dated 10.02.2022 observed in 4th paragraph which is reproduced as under:

"So, far as M/s TK Engineering Consortium Private Limited is concerned, the Board has initiated prosecution proceedings being Complaint Case No.12/2022 under section 49 of the Water (Prevention and Control of Pollution) Act, 1974, and under section 43 of the Air (Prevention and Control of Pollution) Act, 1981 read with section 200 of the Criminal Procedure Code in the Court of Chief Judicial Magistrate, Yupia, District Papum Pare, Arunachal Pradesh".

The answering respondent humbly submits that the Board has initiated prosecution proceedings against M/s TK Engineering Consortium Private Limited, being Complaint Case No.14/2022 under section 49 of the Water (Prevention and Control of Pollution) Act, 1974, and under section 43 of the Air (Prevention and Control of Pollution) Act, 1981 read with section 190 of the Criminal Procedure Code 1973 Act in the Court of Chief Judicial Magistrate, Yupia, District Papum Pare, Arunachal Pradesh. The MD of M/s TK Engineering Consortium Private Limited has been summoned by the Hon'ble CJM Court to appear in person or by a pleader duly instructed before the Hon'ble Court on 6th April, 2022

without fail.

[Signature] 14/3/22
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Mahe, Jun., A.P.

[Signature] 14/3/22
Executive Magistrate
Papum Pare District
Yupia (A.P)

True copy of the summon to the accused (MD, M/s TK Engineering Consortium Private Limited) issued by the Hon'ble CJM Court, Yupia, District Papum Pare, Arunachal Pradesh is enclosed herewith as **ANNEXURE-G**.

5. That, this Hon'ble Tribunal in its order dated 10.02.2022 observed in 5th paragraph which is reproduced as under:

"So far as M/s Bhartia Infra Project Limited is concerned, Mr Surendra Kumar, learned counsel appearing for the Arunachal Pradesh State Pollution Control Board, states that a memo of appeal is filed at page 440 although in the affidavit it is mentioned as Annexure-D, but there is no Annexure-D to this affidavit. We further find that the memo of appeal at page 440 of paper book, is in the matter of M/s ABL-BIPL (JV) and the appeal number is also not mentioned, which certainly does not show that it is an appeal filed by M/s Bhartia Infra Project Limited".

The answering respondent humbly submits that the appeal at page-440 of paper book during hearing date of 10.02.2022 is of Bhartia Infra Project Limited. Actually, M/s ABL-BIPL (JV) is a joint venture of M/s Ashoka Buildcon Limited and M/s Bhartia Infra Project Limited. During the time of site inspection by APSPCB team, only personnel of M/s Bhartia Infra Project Limited could be spotted. M/s Bhartia Infra Project Limited has appealed before the State Appellate Authority. The State Appellate Authority has received the Appeal made by M/s Bhartia Infra Project Limited with Appeal No.502/2022 dated 09.02.2022.

True copy of the appeal made by M/s Bhartia Infra Project Limited, before the State Appellate Authority with Appeal No.502/2022 dated 09.02.2022 is enclosed herewith as **ANNEXURE-H**.

6. That, this Hon'ble Tribunal in its order dated 10.02.2022 observed in 8th paragraph which is reproduced as under:

"The affidavit is silent with regard to M/s KNR Construction Limited-JM (JV) as to what action has been taken against him".

MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Wahapgun, A.P.
14/3/22

Executive Magistrate
Papum Pare District
Yupia (A.P.)
10/3/22

The answering respondent humbly submits that the Board has initiated prosecution proceedings against M/s KNR Construction Limited-JM (JV) being Complaint Case No.13/2022 under section 49 of the Water (Prevention and Control of Pollution) Act, 1974, and under section 43 of the Air (Prevention and Control of Pollution) Act, 1981 read with section 190 of the Criminal Procedure Code 1973 Act in the Court of Chief Judicial Magistrate, Yupia, District Papum Pare, Arunachal Pradesh. The MD of KNR Construction Limited-JM (JV) has been summoned by the Hon'ble CJM Court to appear in person or by a pleader duly instructed before the Hon'ble Court on 6th April, 2022 without fail.

True copy of the summon to the accused (MD, M/s KNR Construction Limited-JM (JV) issued by the Hon'ble CJM Court, Yupia, District Papum Pare, Arunachal Pradesh is enclosed herewith as **ANNEXURE-I**.

PRAYER

In view of the above facts and circumstances stated above and in the interest of justice, it is most respectfully prayed that the Hon'ble Tribunal may pass any order as may deem fit and in favour of the Respondent No.4.


 Member Secretary
 Arunachal Pradesh State Pollution Control Board
 MEMBER SECRETARY
 State Pollution Control Board
 Department of Environment & Forest
 Naharlagun, A.P.



VERIFICATION

I, the deponent above named, do hereby verified at Naharlagun on this^{14th} day of March, 2022 that the contents of my reply affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.


 DEPONENT
 Member Secretary
 Arunachal Pradesh State Pollution Control Board
 MEMBER SECRETARY
 State Pollution Control Board
 Department of Environment & Forest
 Naharlagun, A.P.

Sworn in before me:



Executive Magistrate
 Papum Pare District
 Yupia (A.P.)



GOVERNMENT OF ARUNACHAL PRADESH
 ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD
 PARYAVARAN BHAWAN, PAPU HILL, YUPIA ROAD,
 NAHARLAGUN

7

A



No. APSPCB-150/2017/MUCK/DSPSL/NGT/4620

Dated 5/01/2022

ORDER

Sub: Levying environmental compensation on M/s Puna Hinda Construction Private Limited for violation of environmental norms while executing the 2-laning of Pasighat-Maryang-Yingkiong Road Project, Arunachal Pradesh-reg

WHEREAS, M/s Puna Hinda Construction Private Limited was imposed environmental compensation of Rs.50,00,000/- (rupees fifty lakhs) only vide letter No.APSPCB-150/2017/MCK/DSPSL/NGT/3810-14 dated 21.09.2021 payable within 30 days from the date of issue without fail and on lapse of the above said period, an interest @ 12% on environmental compensation amount shall be accrued, at the risk and responsibility of M/s Puna Hinda Construction Private Limited.

WHEREAS, M/s Puna Hinda Construction Private Limited has wilfully failed to comply with the direction of the State Pollution Control Board and has not deposited the above mentioned amount till date.

NOW THEREFORE, in exercise of power conferred under Section 33(A) of Water (Prevention and Control of Pollution) Act, 1974, Section 37 of Air (Prevention and Control of Pollution) Act,1981 and Section 5 of the Environment (Protection) Act,1986 respectively, read with the direction of Hon'ble NGT in Original Application No.74 of 2017, M/s Puna Hinda Construction Private Limited is hereby directed to deposit an amount of Rs.56,00,000/- (environmental compensation charge of Rs.50,00,000/- + 12% interest accrued on environmental compensation charge) within a period of 10 (Ten) days from the date of issue of this letter, failing which will invite punitive action against the contractor. The environmental compensation charge may be deposited by way of demand draft in favour of Member Secretary, APSPCB or by RTGS in the given account details:

(a)	Name of the payee(As approved in passbook)	Arunachal Pradesh State Pollution Control Board
(b)	Bank Account Number	38919510543
(c)	Bank	State bank of India
(d)	Branch	Naharlagun
(e)	IFSC Code	SBIN0003232
(f)	Email ID	arunachalspcb@gmail.com

To, ✓
 The Managing Director
 M/s Puna Hinda Construction Private Limited
 Add: Times Library, Ganga, Akashdeep
 Email:punahinda@gmail.com
 Itanagar

[Signature]
 MEMBER SECRETARY
 State Pollution Control Board
 Department of Environment & Forest
 Naharlagun, A.P.

[Signature]
 (Koj Rinda, IFS)
 Member Secretary

[Signature]
 Member Secretary
 APSPCB
 Naharlagun
 Executive Magistrate
 Papum Pare District
 Yupia (A.P)

GOVERNMENT OF ARUNACHAL PRADESH
ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD
PARYAVARAN BHAWAN, PAPU HILL, YUPI ROAD
NAHARLAGUN



Sub: Levying Environmental Compensation on M/s Puna Hinda Construction Private Limited for violation of Environmental norms while executing the two-lanning of Pasighat-Maryang-Yingkiong Road Project under Section 33 (A), 31 (A) and Section 5 of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 respectively.

Ref: Hon'ble NGT direction dated 17/08/2021 in OA No. 74/2017/EZ

SHOW CAUSE NOTICE No.: APSPCB-150/2017/MCK/DSPSL/NGT/3608 DATED 06-09-2021

Whereas, reports about illegal and unscientific dumping and disposal of muck in the course of two-lanning of Pasighat-Maryang-Yingkiong Road Project by M/s Puna Hinda Construction Private Limited was filed before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata in O.A No 74 of 2017.

Whereas, on the directions of Hon'ble NGT, Eastern Zone Bench, Kolkata vide order dated 16th October, 2017 on O.A No.74/2017 in the matter between Sri Tai Maya-vs- The Union of India & Ors, a site inspection was carried out by the team of Arunachal Pradesh State Pollution Control Board (APSPCB) w.e.f 01.12.2017 to 06.12.2017. During the inspection, it was found that M/s Puna Hinda Construction Private Limited was dumping the muck in designated and non designated site while constructing road.

Whereas, the inspection report of the APSPCB shows the Company has failed to take adequate measures which resulted in muck rolling down the slope and eventually slipped into the streams at many sites and damaged the biological environment in utter and blatant violation of the Environmental norms and laid down rules.

Whereas, the designed sites were not properly developed before hand to retain the muck excavated during the two lanning / construction works and the executing agencies kept on dumping the waste, which has caused serious damage to the Environment and Hydrological conditions, causing blockade of water course of rivulets besides narrowing the water course and seasonal nalahs.

Whereas, the damage caused to the bio-diversity, river course, aquatic life, natural forest cover, stability of slopes, geological disturbance and erosion of slopes, is irreversible and has resulted in serious environmental concerns.

Whereas, the matter has also been examined by the Technical Advisory Committee (TAC) of the Board which vide report dt. 20-09-2021 has opined that the actual damage caused to the ecology and environment of the area by illegal and unscientific disposal of muck for levying of full and final Environmental Compensation as required in-depth, scientific study by the Expert

Handwritten signature
SECRETARY
Arunachal Pradesh State Pollution Control Board
Paryavaran Bhawan, Papu Hill, Yupia Road, Naharlagun, Arunachal Pradesh

Handwritten signature
MEMBER SECRETARY
Arunachal Pradesh State Pollution Control Board
Paryavaran Bhawan, Papu Hill, Yupia Road, Naharlagun, Arunachal Pradesh

Handwritten signature
Executive Magistrate
Yupia (AR)

tee with representatives from Central Pollution Control Board and company itself. However, interim data indicates the environmental damage has occurred and evaluated tentatively as far as Rs.50,00,000/- (Rupees fifty Lakhs only).

Now, therefore, in exercise of powers conferred under Section 33 (A), 31(A) and Section-5 of the Water (Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 respectively, read with the directions of Hon'ble NGT dt. 17/08/2021 in OA No. 74/2017, M/s Puna Hinda Construction Private Limited shall deposit a sum of Rs. 50,00,000/- (Rupees fifty lakhs only) as Environmental Compensation, as an interim measures.

Accordingly, Managing Director, M/s Puna Hinda Construction Private Limited, Itanagar is hereby directed under Section 5 of the Environment (Protection) Act 1986 to deposit a sum of Rs. 50, 00,000/- (Rupees fifty lakhs only) in the Environmental Compensation Fund of APSPCB within 30 days without fail and on lapse of above said period, an interest @ 12% on the Environmental Compensation amount shall accrued, at the risk and responsibility of the M/s Puna Hinda Construction Private Limited.

J. Kapali
21-09-2021
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.
Dt. 21-09-2021

No. APSPCB-150/2017/MCK/DSPSL/NGT 3810 -14

Copy to :-

- 1) The Regional Director, CPCB, Lower Motinagar, TUMSIR, Shillong for kind information.
- 2) The Chief Engineer, PWDE (Highway), Govt. of A.P, Itanagar for kind information.
- 3) The Managing Director, M/s Puna Hinda Construction Private Limited for immediate compliance.
- 4) P.A. to Chairman, for information of Chairman, AP State Pollution Control Board, Naharlagun.
- 5) I/c website for uploading the order on APSPCB website.

J. Kapali
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.

Member Secretary
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.

U.S.
Executive Magistrate
Papum Pare District
Yupia (A.P)



GOVERNMENT OF ARUNACHAL PRADESH
ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD
PARYAVARAN BHAWAN, PAPU HILL, YUPIA ROAD
NAHARLAGUN

10

B

No. APSPCB-150/2017/MUCK/DSPSL/NGT/ 4803

Dated 2/01/2022

To

The Chief Engineer
PWD (Highway)
Govt. of Arunachal Pradesh
Moub-II, Itanagar

Sub: Clarification on 2 Laning of Pasighat-Singer River from Km 0.00 (Pasighat) to Singer (Existing Km 22.00) (Net length=19.887 Km) in the State of Arunachal Pradesh-reg.

Sir,

With reference to the above cited subject, it is to inform you that a case is pending before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata in Original Application No.74/2017EZ in the matter of Mr. Tai Maya -vs- Union of India & Ors, wherein contractors engaged in 2 Laning of road stretch from Pasighat-Maryang-Yingkiong Project, Pangin-Pasighat Project and Akajan-Likabali-Bame Project has been alleged of cutting hills and dumping soils/muck into the valley/rivers/nallahs/natural source of water etc.

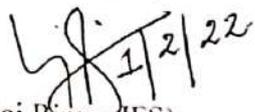
On the directives of the Hon'ble National Green Tribunal, Eastern Zone, site inspection was conducted by a team of Arunachal Pradesh State Pollution Control Board (APSPCB) from 01.12.2017 to 06.12.2017 in the above mentioned road stretches. Consequently, the contractors were issued showcause notices and finally penalized.

During the time of inspection, M/s Puna Hinda Construction Limited was found to be executing the 2 Laning of Pasighat-Singer River from Km 0.00 (Pasighat) to Singer (Existing Km 22.00) (Net length=19.887 Km) , But, now M/s Puna Hinda has written to this office and informed that the said project was awarded to M/s JKM Infra Project Limited and not to M/s Puna Hinda Construction Limited.

Therefore, you are requested to provide clarification whether the said project was awarded to JKM or M/s Puna Hinda Construction Limited at the earliest by return mail.

Yours sincerely


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.


(Koj Rinya, IFS)
Member Secretary
Member Secretary
APSPCB
Naharlagun


Executive Magistrate
Papum Pare District
Yupia (A.P.)

Paryavaran Bhawan, Papu Hill, Naharlagun-791110
E mail: arunachalspcb@gmail.com, Website: www.apspcn.org in

GOVERNMENT OF ARUNACHAL PRADESH
PUBLIC WORKS DEPARTMENT

C

PHONE : 0360-2290543
FAX : 0360-2290875
EMAIL : cehwzone@gmail.com

OFFICE OF THE CHIEF ENGINEER (HIGHWAYS)
ZONE, PWD, AP, ITANAGAR

No. CEAP(HW) / WTC- 186/PS /2021-22/ 4432

Dated: 7/2/22

To,

✓ Shri Koj Rinya (IFS)
Member Secretary, APSPCB
Naharlagun



Sub: Clarification on 2-laning of Pasighat Singer River from Km 0.00 (Pasighat) to Singer (existing Km 22.00) (Net length = 19.887Km) in the state of Arunachal Pradesh.

Ref :- No. APSPCB-150/2017/Muck/DSPSL/NGT/4803 dated 02.01.2022.

Sir,

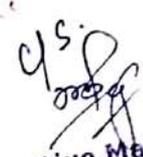
In response to your letter above, it is to clarify that the work was awarded to M/S JKM Infra Project Ltd. C-27, Sector-26, Noida-201301, Utter Pradesh, e-mail ID del@jkminfra.com who also had executed this work through a Contract Agreement No. CEAP(HW)/2010-11/05 dated 08.10.2010.

This is for your information and further necessary action please.

Yours faithfully,


Assistant Engineer (P)
for Chief Engineer, (HW)
PWD, AP, Itanagar


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P.)



GOVERNMENT OF ARUNACHAL PRADESH
ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD
PARYAVARAN BHAWAN, PAPU HILL, YUPLA ROAD
NAHARLAGUNA

12



D

No. APSPCB-150/2017/MCK/DSPSL/NGT/4878

Date 16/02/2022

Sub: Levying Environmental Compensation on Ms JKM Infra Projects Limited for violation of Environmental norms while executing the 2-Laning of Pasighat-Maryang-Yingkong Road Project Arunachal Pradesh.

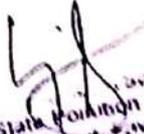
WHEREAS, reports about illegal and unscientific dumping and disposal of muck in the course of two-Laning of Pasighat-Maryang-Yingkong road project by M/s Puna Hinda Construction Private Limited was filed before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata in O.A No 74 of 2017.

WHEREAS, on the direction of Hon'ble NGT, Eastern Zone Bench, Kolkata vide order 16th October, 2017 on O.A No. 74/2017 in the matter between Sri Tai Mayavs- Union of India & Ors, a site inspection was carried out by the team of officers from Arunachal Pradesh State Pollution Control Board (APSPCB) w.e.f 01.12.2017 to 06.12.2017.

WHEREAS, in view of the violation of environmental norms observed by the inspecting team and in exercise of the power conferred under Section 33 (A), 31 (A) and Section-5 of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 respectively, read with the direction of Hon'ble NGT dated, 17/08/2021 in OA No. 74/2017, M/s Puna Hinda Construction Private Limited was directed to deposit a sum of Rs. 50,00,000/- (Rupees fifty Lakh only) vide letter No.APSPCB-150/2017/MCK/DSPSL/NGT/3810-14 dated 21.09.2021 as Environmental Compensation within 30 days without fail and on lapse of above said period, an interest @ 12% on the Environmental Compensation amount shall accrued, at the risk and responsibility of M/s Puna Hinda Construction Private Limited.

WHEREAS, M/s Puna Hinda Construction Private Limited had written to this office that the said road project was awarded to M/s JKM Construction Limited, Noida, Uttar Pradesh and the Chief Engineer, Public work Department (Highway), Government of Arunachal Pradesh has vide letter No. CEAP (HW) WTC-186/PS2021-22/4432 dated 07/02/2022 clarified that the said work was awarded to M/s JKM Construction Limited, C-27, Sector-26, Noida-201301, Uttar Pradesh.

NOW THEREFORE, it is hereby directed to deposit the Environmental Compensation of Rs. 50, 00,000/- (Rupees Fifty Lakh only) within 10 (Ten) days from date of issue of this letter and on the lapse of above period an interest @ 12 % on environmental compensation charges shall be accrued. Failure to deposit the environmental compensation will attract punitive action against M/s JKM Construction Limited.


SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlaguna, A.P.


Executive Magistrate
Papum Pare District
Yupla (A.P.)

Deposit the environmental compensation of Rs. 50, 00,000/- (Rupees Fifty Lakh only) along with interest at the rate quoted above by demand draft in favour of Member Secretary, Arunachal Pradesh State Pollution Control Board, payable at SBI, Naharlagun or by RTGS in the given account details.

13

(a)	Name of Payee (As approved in the passbook)	Arunachal Pradesh State Pollution Control Board
(b)	Bank account number	38919510543
(c)	Bank	State Bank of India
(d)	Branch	Naharlagun
(e)	IFSC Code	SBIN0003232
(f)	Email ID	arunachalspcb@gmail.com




(Koj Rinya, IFS)
Member Secretary

No. APSPCB-150/2017/MCK/DSPSL/NGT / 4878

Date 16/22/2022

To,

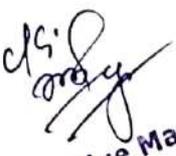
The Managing Director
M/s JKM Infra Projects Limited
C-27, Sector-26, Noida-201301
Uttar Pradesh
e-mail ID: del@jkminfra.com

Copy to:-/

- 1) The Regional Director, CPCB, Lower Motinagar, TUMSIR, Shillong for kind information.
- 2) P.A Chairman, for information of Chairman, AP State Pollution Control Board, Naharlagu.


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.


(Koj Rinya, IFS)
Member Secretary


Executive Magistrate
Papum Pare District
Yupia (A.P.) - 791110
ParyavaranBhawan, Papu Hill, Yupia Road
Contact: arunachalspcb@gmail.com, www.apspcb.co.in



GOVERNMENT OF ARUNACHAL PRADESH
ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD
PARYAVARAN BHAWAN, PAPU HILL, YUPIA ROAD
NAHARLAGUN

APSPCB-150/2017/MCK/DSPSL/NGT / 4639

Date 11/03/2022

ORDER

REMINDER

Sub: Levying Environmental Compensation on Ms JKM Infra Projects Limited for violation of Environmental norms while executing the 2-Laning of Pasighat-Maryang-Yingkong Road Project Arunachal Pradesh.

WHEREAS, M/s JKM Infra Projects Limited, C-27, Sector-26, Noida-201301, Uttar Pradesh was levied Environmental Compensation of Rs.50,00,000/- (Rupees Fifty Lakhs only) vide order No.APSPCB-150/2017/MCK/DSPSL/NGT /4878 dated 16.02/2022 (copy enclosed).

WHEREAS, No response has been received from M/s JKM Infra Projects Limited, so far.

NOW THEREFORE, a reminder is hereby issued to deposit the Environmental Compensation of Rs. 50, 00,000/- (Rupees Fifty Lakh only) along with 12 % interest on Environmental Compensation charges within 10 (Ten) days from date of issue of this order , failing which punitive action will be initiated against M/s JKM Infra Projects Limited. Deposit the environmental compensation by way of demand draft in favour of the Member Secretary, Arunachal Pradesh State Pollution Control Board, payable at SBI, Naharlagun or by RTGS in the given account details.

(a)	Name of Payee (As approved in the passbook)	Arunachal Pradesh State Pollution Control Board
(b)	Bank account number	38919510543
(c)	Bank	State Bank of India
(d)	Branch	Naharlagun
(e)	IFSC Code	SBIN0003232
(f)	Email ID	arunachalspcb@gmail.com

The Managing Director
M/s JKM Infra Projects Limited
C-27, Sctor-26, Noida-201301
Uttar Pradesh
E-mail ID: del@jkminfra.com

MEMBER SECRETARY
State Pollution Control Board
Departme. of Environment & Forest
Naharlagun, A.P.

(Koj Rinya, IFS)
Member Secretary

Executive Magistrate
Zorim Pare District
Yupia (A.P.)

Paryavaran Bhawan, Papu Hill, Yupia Road, Naharlagun
Contact: arunachalspcb@gmail.com, www.apspcb.co.in



M/s PUNA HINDA

15

Deals in: Construction of Road, Bridge & Building etc.

Govt. Reg. PWD (A.P) Class-I under Civil Category, Contractor Reg. No. C-09/1/14 (Memo No. CEAP(CSQ)/W-48/1/14/2019-20/94) T.L No. IMC IT Exempted Reg. No. W-1/TEZ/1844, GSTIN No. 12ABMPH5685DIZQ, P



Ref No. PH/APSPCB/2021-22/C2



Date:

To,
Member secretary
Arunachal Pradesh state pollution control Board
Paryavaran Bhawan, papu hill
Yupia Road, Naharlagun.

Dated-21.02.2022

Sub-Levy of Environmental compensation for alleged violation of Environmental Norms.

Ref- office letter no. APSPCB-150/2017/MUCK/NGT/4621 dated 05-01-2022

Sir,

Most respectfully and in the matter above reference we would like to inform you that being aggrieved and dissatisfied by the order dated 26-11-20121 passed by Hon'ble National Green tribunal, Eastern zone, Kolkata in original application No. 74 of 2017 (Tai maya Vs Union of India & otrs) and the consequential order dated 05-01-22 passed by your good self. We have prefer and filed an Appeal before the concern Appellate authority of Water (Prevention and control of pollution), Act, 1974 and Air (Prevention and control of pollution) Act, 1981 Govt. of Arunachal Pradesh constitute by Government of Arunachal Pradesh office vide. Notification dated 02-01018 bearing office memo No.FOR(Env)-52/2017/1519-1619.

Therefore we sincerely request you kindly not to initiate any Environmental compensation (E.C) proceeding as the levy and imposition of the penalty order dated 05-01-22 itself is under challenge before the concerned Appellate Authority.

For your kind information and necessary action please.

Thanking you
Yours faithfully
For M/s. Puna Hinda



Copy enclosed

1. Received Appeal copy by Member, Appellate Authority Govt. of A.P

[Signature]
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.

[Signature]
Executive Magistrate
Papum Pare District
Yupia (A.P)



M/S PUNA HINDA

Govt. Reg. PWD (A.P) Class-I under Civil Category, Contractor Reg. No. CEAP (D&P) PLG-48/2008
-09/1/14 (Memo No. CEAP(CSQ)/W 48/1/14(2019-20/94) T.L No. IMC/DEV-86/2013/263,
IT Exempted Reg. No. W-1/TEZ/1844, GSTIN No. I2ABMPH5685DIZQ, PAN No. ABMPH5685D

No. PH/PH/CEAP/2021-22/01

Date: 21/02/2022

To,
Chief Engineer, PHED (Member)
Appellate authority
Water (Prevention and control of pollution), Act, 1974
Air (Prevention and control of pollution) Act, 1981
Govt. of Arunachal Pradesh.

Sub- Appeal presented against the Levying of environmental compensation on M/s. Puna Hinda construction for violation of environmental norms while executing the 2-laning of pasighat-Maryiang-yingkong Road project, Arunachal Pradesh.

Ref-Office Memo No. APSPCB-150/2017/MUCK/DSPSL/NGT/4620 dated 5/01/2022 issued by Arunachal Pradesh Pollution control Board.

Sir,

With all sacrosanct respect I undersigned sole propertier of M/s. PunaHinda and as an appellant in the instant appeal being highly aggrieved and dissatisfied with the said impugnedorder No. APSPCB-150/2017/MUCK/DSPSL/NGT/4620 dated 05-01-22 issuedby Arunachal Pradesh Pollution control Board begs to prefer this appeal on the following grounds amongst other.

1. That sir on basis of direction and order given by Hon'ble National Green tribunal (Eastern Zone), Kolkata, India in original Application no. 74 of 2017 (Tai maya vs Union of India &otrs case) Arunachal Pradesh Pollution control Board had inadvertently without going through ground facts levied Environmental compensation upon the concern firm i.e. M/s. Puna Hinda.

A copy of order dated 05-01-22 has been annexed herewith and marked as Annexure-I.

Received by
[Signature]
21/02/2022

[Signature]
MEMBER/SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlung, A.P.

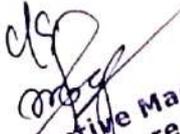
[Signature]
Executive Magistrate
Papum Pare District
Yupia (A.P)

2. That Sir, the Contract for construction of "2 (two) Laning of Pasighat - Singer River from Km 0.00 (Pasighat) to Singer (Existing Km 22.00) (Net length =19.887 Kms) in the state of Arunachal Pradesh under SARDP-NE (Job No. Pasighat-Singer- River-Ar. Package-2010-11-018" was awarded to M/s JKM Infra Projects Limited with its Registered office at C-84, Greater Kailash, Part-I, New Delhi- 110048 by Office of the Chief Engineer (Highways) PWD, Itanagar, Govt. of Arunachal Pradesh vide Agreement No. CE (HW)/05 of 2010-11 dated 08th October 2010.

A Copy of the agreement has been annexed herewith and marked as Annexure-II

3. That Sir, the work was commenced by the Contracting Agency M/s JKM Infra Projects Limited on 28th October 2010 and the work was physically completed in the month of October 2017. The formation cutting works were completed well before December 2015 and as per our information the muck disposal during formation cutting have been carried out as per the procedure in vogue set forth by the Government agencies.
4. That Sir, further it is also pertinent to mention here that the Contract for the said project was awarded to M/s JKM Infra Projects Limited and not to M/s. Puna Hinda. The major portion of the work was executed and completed by M/s JKM Infra Projects Limited and M/s. Puna Hinda was engaged to complete the balance structural and surfacing works such as construction of culverts, retaining/ breast walls, drains, left over bituminous works etc. on behalf of M/s JKM Infra Projects Limited on Power of Attorney and same has been confirmed and affirmed by the office of Chief Engineer (Highways) zone, PWD, Arunachal Pradesh while replying/ clarifying the matter to the Arunachal Pollution control Board viz. reverting their office letter No. APSPCB-150/2017/MUCK/NG.1/4803 dated 02-01-22.


MEMBER/SECRETARY
State Pollution Control Board
Department of Environment & Forest
Na. W. Gun, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P.)



Amine

18

GOVERNMENT OF ARUNACHAL PRADESH
ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD
PARYAVARAN BHAWAN, PAPUM PATE YUPIA ROAD
NAHARLAGUN



No. APSPCB-150/2017/MUCK/DSPSI/NGT/4620

Dated 5/01/2022

ORDER

Sub: Levying environmental compensation on M/s Puna Hinda Construction Private Limited for violation of environmental norms while executing the 2-laning of Pasighat-Maryang-Yingkiang Road Project, Arunachal Pradesh-reg

WHEREAS, M/s Puna Hinda Construction Private Limited was imposed environmental compensation of Rs.50,00,000/- (rupees fifty lakhs) only vide letter No.APSPCB-150/2017/MUCK/DSPSI/NGT/3810-14 dated 21.09.2021 payable within 30 days from the date of issue without fail and on lapse of the above said period, an interest @ 12% on environmental compensation amount shall be accrued, at the risk and responsibility of M/s Puna Hinda Construction Private Limited.

WHEREAS, M/s Puna Hinda Construction Private Limited has wilfully failed to comply with the direction of the State Pollution Control Board and has not deposited the above mentioned amount till date.

NOW THEREFORE, in exercise of power conferred under Section 33(A) of Water (Prevention and Control of Pollution) Act, 1974, Section 37 of Air (Prevention and Control of Pollution) Act, 1981 and Section 5 of the Environment (Protection) Act, 1986 respectively, read with the direction of Hon'ble NGT in Original Application No.74 of 2017, M/s Puna Hinda Construction Private Limited is hereby directed to deposit an amount of Rs.56,00,000/- (environmental compensation charge of Rs.50,00,000/- + 12% interest accrued on environmental compensation charge) within a period of 10 (Ten) days from the date of issue of this letter, failing which will invite punitive action against the contractor. The environmental compensation charge may be deposited by way of demand draft in favour of Member Secretary, APSPCB or by RTGS in the given account details:

(a)	Name of the payee(As approved in passbook)	Arunachal Pradesh State Pollution Control Board
(b)	Bank Account Number	38919510543
(c)	Bank	State bank of India
(d)	Branch	Naharlagun
(e)	IFSC Code	SBIN0003232
(f)	Email ID	arunachalspcb@gmail.com

To ✓
The Managing Director
M/s Puna Hinda Construction Pvt.
Add: Pines, Liberty, Campal, A.P.
E-mail: punahinda@gmail.com
Bhanagar

MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.

(Koi Rishi, I.S.)
Member Secretary
Member Secretary
APSPCB
Naharlagun

Executive Magistrate
Papum Pate District
Yupia (A.P.)

For and on behalf of the State Pollution Control Board, Naharlagun
Date: 05/01/2022

Agreement Form**Agreement**

This agreement, made the 8th day of October 2010 between the Chief Engineer(Highways), PWD, Itanagar, Arunachal Pradesh on behalf of Governor of Arunachal Pradesh[Hereinafter called "the Employer] and M/s JKM Infra Projects Limited, C-84, Greater Kailash, New Delhi-1100048, hereinafter called" the Contractor" of the other part.

Whereas the Employer is desirous that the contractor execute the" 2 laning of Pasighat-Mariyang-Yingkiong Road from Km 0.00 to 19.887(Road from Pasighat to Singer river) in the State of Arunachal Pradesh under SARDP-NE."hereinafter called "the Works" and the Employer has accepted the Bid by the contractor for the execution and completion of such works and the remedying of any defects therein, at a cost of Rs 80,65,62,309.00(Rupees Eighty Crore Sixty Five lakhs Sixty two thousand Three hundred Nine Only).

NOW THIS AGREEMENT WITNESSETH as follows:-

1. In this Agreement, words and expression shall have the same meanings as are respectively assigned to them in the conditions of contract hereinafter referred to and they shall be deemed to form and be read and construed as part of this Agreement.
2. In Consideration of the payments to be made by the Employer to the Contractor as hereinafter mentioned, the contractor hereby covenants with the Employer to execute and complete the works and remedy any defects therein in conformity in all aspects with the provisions of the contract.
3. The Employer hereby covenants to pay the contractor in consideration of the execution and completion of the works and the remedying the defects wherein Contract Price or such other sum as may become payable under the provisions of the Contract at the times and in the manner prescribed by the contract.
4. The following documents shall be deemed to form and be ready and construed as part of this agreement viz.
 - i) Letter of Acceptance.
 - ii) Notice to proceed with the works
 - iii) Contractor's Bid


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Nagpur, A.P.


Executive Magistrate
Tumkur District
(A.P.)

- iv) Condition of Contract: General and Special
- v) Contract Data
- vi) Additional Conditions
- vii) Drawings
- viii) Bill of Quantities
- ix) Any other documents listed in the contract Data as forming part of the Contract and other subsequent correspondences thereof.

In Witnessed whereof the parties there to have caused this Agreement to be executed the day and year first before written.

The common Seal of.....

Was hereunto affixed in the presence of:

Signed, Sealed and Delivered by the said.....

In the presence of:

Binding Signature of Employer.....

[Handwritten Signature]
 8/10/20
 Chief Engineer (High V. Sys)
 P.W.D. A.P. Itanagar
 Pin-791 111

Binding Signature of Contractor..... For JKM Infra Projects Limit.

[Handwritten Signature]
 Authorised Signatory

[Handwritten Signature]
 MEMBER SECRETARY
 State Pollution Control Board
 Department of Environment & Forest
 Mahabubnagar, A.P.

[Handwritten Signature]
 Executive Magistrate
 Papum Pare District
 Yupia (A.P.)

000003

GOVERNMENT OF ARUNACHAL PRADESH
PUBLIC WORKS DEPARTMENT

PHONE : 0360-2290543 OFFICE OF THE CHIEF ENGINEER(HIGHWAYS)
FAX : 0360-2290875 PWD,ARUNACHAL PRADESH,ITANAGAR
EMAIL : cchwzone@gmail.com

No. CEAP(HW)/WTC-162/PMY Road/2010-11/2260.67 Dated Itanagar, the 24th Sept' 2010

To

M/s JKM Infra Projects Limited,
C-84, Greater Kailash,
New Delhi-1100048
Tele: 011-47666900
Fax : 011-26348809

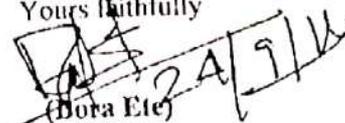
Sub:- Letter of Acceptance for " 2 laning of Pasighat-Mariyang-Yingkiong Road from Km 0.00 to 19.887(Road from Pasighat to Singer river) in the State of Arunachal Pradesh" under SARDP-NE.

Dear Sir(s),

This is to notify that your Bid for the execution of the work " 2 laning of Pasighat-Mariyang-Yingkiong Road from Km 0.00 to Km 19.887(Road from Pasighat to Singer river) in the State of Arunachal Pradesh" for the Contract Price of Rs 80,65,62,309.00(Rupees Eighty Crore Sixty Five lakhs Sixty two thousand Three hundred Nine Only), as corrected and modified in accordance with the Instructions to Bidders is hereby accepted by this office.

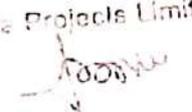
You are hereby requested to furnish Performance Security, in the form detailed in Para 34.1 of ITB for an amount equivalent to Rs 4,03,28,115.00 (Rupees Four Crore Three lakhs Twenty Eight thousand One hundred fifteen only) within 21 days of the receipt of this letter of acceptance valid upto 12/11/2013 which is inclusive of 28 days from the date of expiry of Defects liability Period and sign the contract, failing of which action as stated in Para 34.3 of ITB will be taken.

Yours Faithfully


(Dora Ete)

Chief Engineer,
Highways, PWD, Arunachal Pradesh
Itanagar

For JKM Infra Projects Limited


Authorised Signatory


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Nagpur, A.P.

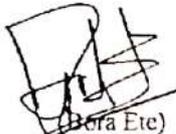

Executive Magistrate
Papum Pare District
Yupia (A.P.)

000004

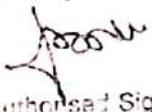
No. CEAP(HW)/WTC-162/PMY Road/2010-14/2260-67 Dated Itanagar, the 24th Sept' 2010

Copy to:-

1. The Principal Secretary(PWD), Government of Arunachal Pradesh, Itanagar-791111 for kind information please.
2. The Chief Engineer(P-9), MoRTH, Transport Bhawan, 1, Parliament Street, New Delhi-110001 for information please.
3. The Regional Officer, MoRTH, Western Zone Complex, Itanagar 791111 for information please.
4. The Superintending Engineer, Boleng Circle Circle, PWD, Arunachal Pradesh for information and necessary action please
5. The Executive Engineer, PWD, Pasighat, Arunachal Pradesh for information and necessary action please.
6. The Regional Pay and Accounts Officer(NH), MoRTH, Hrishikeshayan, Hriday Ranjan Path, 6th Byelane(W), R.G Baruah Road, Guwahati-781003.
7. ✓ Office Order


(Bora Ete)
Chief Engineer, Highways,
PWD, Itanagar, Arunachal Pradesh

For JKM Infra Projects Limited


Authorised Signatory


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Na. No. 3gun, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P.)

P.F. No 1126/22
22-12/22

23

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
CAPITAL COMPLEX AT YUPIA.

GT

C.R case No. 14/22

IN THE MATTER OF:-

The Arunachal Pradesh State Pollution Control
Board, Naharlagun, Govt of Arunachal Pradesh.

-Versus-

The Managing Director
M/S T.K Engg. Consortium Pvt. Ltd. Modal Village,
Naharlagun. PO/PS Naharlagun District Papumpare
Arunachal Pradesh.

Summon to the Accused

To,

The Managing Director
M/S T.K Engg. Consortium Pvt. Ltd.
Modal Village, PO/PS Naharlagun
District Papumpare Arunachal Pradesh.

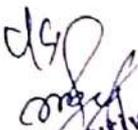
Whereas the above named complainant has instituted a C.R case No. 14/22 against you before this court. So your attendance is necessary to answer to all charge levelled against you.

Therefore you are hereby summoned to appear in person or by pleader duly instructed before this court on 06th of April 20 22. Herein fail not.

Give under my hand and seal on this 22nd day of February 2022.


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.

Chief Judicial Magistrate


Executive Magistrate
Papum Pare District
Yupia (A.P)

Form no. 8
Assam Schedule VIII
High Court Criminal Form 106

District:- Papum- Pare
In the Court of Ms. Bissomoti Lego; Chief Judicial Magistrate, Capital Complex
at Yupia

CR. No. 14/22

(APSPCB - Vs- MD, M/s TK Engg. Consortium pvt. Ltd.)

Date of order of proceeding	Order	Sign of P/officer	Office action taken on order with date & signature of pleader/ party
18-02-22	<p>The instant complaint is filed by Arunachal Pradesh State Pollution control Board U/S 49 of Water (Prevention and Control of pollution) Act, 1974 and U/S 43 of Air (prevention and Control of Pollution) Act 1981 R/w Section 190 CrPC.</p> <p>Ld. counsel J. Doji is present for the Complainant. It is stated that accused Company has violated the norms provided under the aforesaid Act to which show cause notice was issued to them but the reply given by the accused company was not satisfactory. Accordingly the Complainant passed an Order vide no. APSPCB-150/2017/MUCK/DSPSL/NGT/4622 dated 05-01-22 whereby accused Company was imposed fine of Rs 50 lakhs. However the fine has not been paid by the accused company. Thus the accused has committed an offence punishable U/S 41, 47 of the Water (Prevention and Control of pollution) Act, 1974 and U/S 37, 40 of the Air (Prevention and Control of Pollution) Act 1981.</p> <p>The complainant in support of their case has produced the relevant documents.</p> <p>Having gone through the complaint and the document enclosed with it, I find sufficient ground to proceed against</p>	<p>CJM Yupia</p>	<p><i>[Signature]</i></p> <p>MEMBER SECRETARY State Pollution Control Board Papum Pare District Yupia, A.P.</p>

[Signature]
Executive Magistrate
Papum Pare District
Yupia (A.P)

the accused company of the aforesaid offence. Accordingly the cognizance of offence U/S 41, 47 of the Water (Prevention and Control of pollution) Act, 1974 and U/S 37, 40 of the Air (Prevention and Control of Pollution) Act 1981 is taken against accused company.

Issue summon to the accused along with copy of complaint.

Complainant shall file their list of witnesses before issuing summon to the accused.

Fix 06-04-22 for SR/app.

CJM
Yupia

Certified to be True Copy

H
21/04/22

Sheristadar
D/o C.M-Cum-Civil Judge (St. Divn),
Complex, Yupia, (A.P)

[Signature]
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Narasimha, A.P.

[Signature]
Executive Magistrate
Papum Pare District
Yupia (A.P)

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
CAPITAL COMPLEX, AT YUPIA, DISTRICT-
PAPUMPARE, A.P

Complaint case No. 190/2022

IN THE MATTER OF:

An application under section 49 of water prevention and control of pollution Act 1974, section 43 of Air prevention and control Act 1981 read with 200¹⁹⁰ of Criminal Procedure Code, 1973 Act

-AND-

IN THE MATTER OF:

The Arunachal Pradesh State Pollution Control Board, Paryavaran Bhawan, Papu Hill, Yupia Raod Naharlagun. Govt of Arunachal Pradesh, represented by Shri Jumli Kato, Son of Lt. G. Kato Scientist-B, Arunachal Pradesh State Pollution Control Board, Paryavaran Bhawan, Papu Hill, Yupia Raod Naharlagun. Govt of Arunachal Pradesh.

....Complainant

-Versus-


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P)

The Managing Director
M/S T.K Engg. Consortium Pvt.
Ltd. Modal Village, Naharlagun.
PO/PS Naharlagun District
Papumpare Arunachal Pradesh.

....Accused/Respondent

The Humble complaint petition of the above named

Most Respectfully Sheweth:

1. That the above named complainant is a bonafide citizen of India and working as Scientist-B, under Arunachal Pradesh State Pollution Control Board, Paryavaran Bhawan, Papu Hill, Yupia Road Naharlagun. Govt. of Arunachal Pradesh and has been duly authorized by the competent authority to file this application.

A Copy of authorization
letter is annexed as
ANNEXURE-1

2. That the complainant begs to state that on one Shri Tai Maya Resident of G Extension Naharlagun Arunachal Pradesh has filed a Original Application Vide No. 74/17/EZ (Tai Maya Vs Union of India & Ors) before Hon'ble the National Green Tribunal Eastern Zone Bench, Kolkata (in short NGT) against Union of India, the Complainant and the Respondent and 10 others for the destruction and degradation of environment and ecology by dumping the muck into the river, nallah by the construction agencies etc.


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P)

3. That the Hon'ble NGT has pleased to passed an order in O.A No. 74/17 EZ on 16.10.2017 wherein directed the State PCB to inspection of the area and submit a report on the veracity of allegations made in the said OA No 74/17 EZ. And accordingly site inspection was carried out and submits its inspection report in affidavit form to the Hon'ble NGT 08.12.2017.

A Copy of Order dated 16.10.2017, is annexed as ANNEXURE-2.

4. That the Hon'ble NGT has again passed an order in O.A No. 74/17 EZ on 17.08.2021, in Paragraph 12 and 13 of the said Order the Hon'ble NGT has directed the APSPCB/complainant to file fresh affidavit stating clearly what action has been taken against the contractor/company carrying out the works in clear violation of environmental norms and what amount has been recovered from the defaulter/violator on the principle of polluter pays by way of environmental compensation caused due to large scale degradation and what criminal action has been taken against the defaulting contractors/companies/violators who are acting or have acted in gross violation of the environmental norms.

A copy of Order dated 17.08.2021 is annexed as ANNEXURE-3


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
No. 1, Jun, A.P.


Executive Magistrate
Papum Pale District
Yupia (A.P)

5. That as per the direction of Hon'ble NGT, the complainant has issued Show caused notice vides NO.APSCPCB-150/2017/MCK/DSPSL/NGT/3609 dated 06.08.2021 and NO.APSCPCB-150/2017/MCK/DSPSL/NGT/3610 date 06/09/2021 to the accused/respondent as to why Environmental Compensation(EC) should not be levied for causing air and water pollution Pangin –Pasihat Road Project and Akajan Likabali-Bame Road Project. On receipt of the show cause notice the accused/respondent has filed its reply on 13.09.2021 which is far from satisfaction.

A copy of Show caused notice dated 06/09/2021 reply dated 13.09.2021 is annexed as ANNEXURE-4(Colly).

6. That the on 26.11.2021 the Hon'ble NGT has directed APSPC/complainant to take steps for the recovery of the amount of Rs. 50,00,000/-(Rupees fifty lakh) towards environmental compensation from the respondent.

A copy of Order date 26.11.2021 is annexed as ANNEXURE-5.

7. That the complainant begs to state that as per the direction of Hon'ble NGT Order dated 26.11.2021 in OA 74/17 EZ, the complainant Board has passed order dated 05/01/2022 levying environmental compensation of 50,00,000/-(Rupees fifty lakh) only

lit
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Hyd. No. 924, A.P.

lit
Executive Magistrate
Papam Pare District
Yupia (A.P)

for the violation of environment norms while executing the said projects under section 33(A) of Water (prevention and Control of Pollution) Act 1974, Section 37 of Air (prevention and Control of Pollution) Act ,1981 and section 5 of the Environment (Protection) Act 1986 respectively against the accused/respondent and same shall be deposited within 30 days without fail and on lapse of above said period, an interest @12% shall be accrued.

A copy of order dated 05.01.2022 is annexed as ANNEXURE-6.

8. That the complainant humbly submits that the accused /respondent have failed to comply with the order dated 05/01/2022 till filling of this petition.

9. That the complainant humbly submits that this Hon'ble Court may take cognizance of this petition and prosecute the accused/respondent for the offences punishable under sections 41, 43, read with section 47 of the Water Act and under section 37 read with section 40 of Air Act.

10. That the accused respondent is a company whose office is located at Modal Village, Naharlagun. PO/PS Naharlagun District Papumpare Arunachal Pradesh.

[Signature]
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.

49
[Signature]
Executive Magistrate
Papum Pare District
Yupia (A.P)

11. That the complainant not filed any complaint in any other court in connection with the instant case.
12. That this application is being filed and made bonafide for the end of justice

PRAYER

In the premises aforesaid it is most respectfully pray before this Hon'ble court that may be graciously please to admit this Complaint petition and issue notice to the accused/respondent as to why the accused/respondent should not be punished under the provision of Air Act and Water Act. After pursuing the record and hearing of the parties you honour may be further be pleased to convict and punish the accused or may pass such other order/orders as your Honour may be deem fit and proper for the end of justice.


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Nagpur, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P)

AFFIDAVIT

I Shri Jumli Kato, aged about 42 years, Son of Lt. G. Kato, working as a Scientist-B, Arunachal Pradesh State Pollution Control Board, Paryavaran Bhawan, Papu Hill, Yupia Raod Naharlagun. Govt of Arunachal Pradesh.

and do hereby solemnly affirm and declare as follows:-

1. That I'm the complainant in the instant petition and I'm fully acquainted with the facts and circumstances of the case. As such I'm competent to swear this Instant affidavit.
2. That the statement made in paragraph.....are true to my knowledge and those made in Paragraphs.....&.....are true to my information derived there from the records which I believe to be true and those made in rests of Paragraphs are my humble submission before this Hon'ble court.

And I sign this affidavit on this 8th day of Feb.2022 at the Court Premises, Yupia.

Identified by:

Deponent:

Advocate

[Signature]
 MEMBER SECRETARY
 State Pollution Control Board
 Department of Environment & Forest
 Naharlagun, A.P.

[Signature]
 Executive Magistrate
 Papum Pare District
 Yupia (A.P.)

BEFORE THE APPELLATE AUTHORITY
GOVERNMENT OF ARUNACHAL PRADESH
(Constituted under Section 28 of the Water Act,
1974 and Section 31 of the Air Act, 1981)
Appeal No. 502/2022

H

Vs ABL-BIPL (JV)

... Appellant

Arunachal Pradesh State Pollution Control Board

Vs

... Respondent

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Date:Place: Tinsukia

Filed by:



Narender Pal Singh
Advocate

Danube Consulting, Law Firm,
K-18, Level -1, Green Park Main,
New Delhi-110016

Email: office@danubeconsulting.in
Mob: 09311010090

Received
U.O. No. 502 Dtd. 9/12/22

MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Nagun, A.P.

490
2022
Magistrate
District

BEFORE THE APPELLATE AUTHORITY
GOVERNMENT OF ARUNACHAL PRADESH
(Constituted under Section 28 of the Water Act,
1974 and Section 31 of the Air Act, 1981)

Appeal No. /2022

In the matter of:

M/s ABL-BIPL (JV) ... Appellant

Vs

Arunachal Pradesh State Pollution Control Board

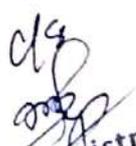
Through its Member Secretary ... Respondent

**APPEAL UNDER THE WATER (PREVENTION AND CONTROL
OF POLLUTION) ACT, 1974 AND THE AIR (PREVENTION AND
CONTROL OF POLLUTION) ACT, 1981 AGAINST THE ORDER
DATED 05.01.2022 PASSED BY THE ARUNACHAL PRADESH
STATE POLLUTION CONTROL BOARD**

MOST RESPECTFULLY SHOWETH:

1. The present appeal is being filed against the Order dated 05.01.2022 passed by the Arunachal Pradesh Pollution Control Board (herein after referred as to 'Board') where by it directed the appellant to deposit an amount of


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Nagaland, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P)

Rs.50,00,000/- (Rupees Fifty Lakhs only) in the Environmental Compensation Fund of the Board within 7 days from the date of order. **Firstly**, the impugned order does not mention about any illegality / violation committed by the appellant. **Secondly**, impugned order has been passed referring only Show Cause Notice dated 06.09.2021 issued on the basis of alleged inspection carried out about two years back i.e. from 01.12.2017 to 06.12.2017. **Thirdly**, impugned order or Show Cause Notice does not mention about any spot inspection report in respect of site inspection alleging non-disposal of muck in scientific way and at any non-designated/approved spot. **Fourthly**, no spot inspection report has ever been served to the appellant as alleged in the Show Cause Notice. **Fifthly**, project carried out by the appellant unit and referred in Show Cause Notice is even remotely not concerned with the subject matter of OA No.74/2017/EZ and order dated 16.10.2017 passed therein. **Sixthly**, the impugned order does not speak about yard stick adopted to impose the penalty of Rs. 50,00,000/- (Rupees Fifty Lakhs). **Seventhly**, the impugned order is in violation of 'principal of Natural Justice' as no material against the appellant unit has been made available to counter the same. **Eighthly**, contentions made in Reply submitted by the appellant to show cause notice have not been considered and impugned order has been passed without dealing them. **Ninthly**, No opportunity of hearing


 MEMBER SECRETARY
 State Pollution Control Board
 Department of Environment
 Hyderabad, A.P.


 Executive Magistrate
 Papum Pare District
 Yupia (A.P)

has been provided to explain the case of the appellant before passing the impugned order in violation of principal of Natural Justice.

Copy of impugned order No. APSPCB-150/2017/MUCK/DSPSL/NGT/4623 dated 05.01.2022 is being annexed herewith as Annexure-A/1.

The present appeal is being filed through Sh. Sanjay Kumar Agarwalla who is authorized and competent to file the present appeal on behalf of appellant by virtue of Power of Attorney dated 2nd day of January 2016. Copy of the same is annexed herewith as Annexure-A/2.

ots:

The appellant wishes to place on record the facts relevant to present case which are as under:

(I) That the appellant unit is joint venture of M/s Ashoka Buldcon Ltd and M/s Bhartia Infra Project limited. The appellant is engaged in civil construction of National Highways and has executed all the projects successfully adhering to all the environmental norms etc. It takes due diligence about compliance of Environmental norms while executing the projects assigned to it.


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forests
Muzaffarpur, A.P.

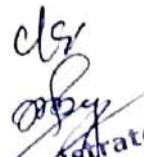

Executive Magistrate
Papum Pare District
Yupia (A.P)

(ii) The appellant was assigned with the project of construction of Highway within state of Arunachal Pradesh i.e. construction of Highway from Singer river to Sijon Nallah (hereinafter referred as to 'said project') under National Highways and Infrastructure Development Corporation (NHIDCL), Government of India. While executing the said project from 21st January 2016 to 7th July, 2019, the appellant took due care of Environmental Norms and no complaint against the appellant w.r.t. any violation received from any corner. Said project was completed under the supervision of NHIDCL.

(iii) That it is worthwhile to mention here that appellant unit had 26 Nos of approved designated dump sites. The approved muck disposal location chart was provided to appellant unit by the Range Forest Officer, Yingkiong Forest Range, Yingkiong, Arunachal Pradesh bearing numbers from 20250 to 42780. The approved chart provided to appellant by the Forest Range Officer as well as the Lay Out Plan of those Muck Disposal Locations is annexed herewith is annexed herewith as **Annexure-A/3 (Colly)**.

It is noteworthy that Arunachal Pradesh is a hilly terrain and there are natural and frequent landslide due to heavy rains. Considering such geographical position, the appellant also constructed breast walls and retention walls


MEMBER SECRETARY -
State Pollution Control Board
Department of Environment & Forest
Nagaland, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P)

as required to stop the muck from rolling down to the river from the slopes in heavy rain and utilized all available resources to stop the rolling down of debris/Muck into river from the designated disposal site. Photographs of the area and river where the appellant had executed the work are annexed herewith as **Annexure-A/4**.(colly)

(iv) That it is worthwhile to mention here that water quality in the stream and the river had never been compromised in any manner whatsoever by the appellant units and its employees. In fact, company's workers who were deployed at the construction site were also consuming the same water for cooking food as well as for other purposes, during the course of construction work.

(v) That to the utter shock of appellant, it received a Show Cause Notice dated 06.09.2021 from the Board stating about an inspection purported to be done almost two years back i.e. 01.12.2017 to 06.12.2017 and alleging that at Padu village muck was found to be rolling down into the rivulet and appellant's personnel were asked to avoid dumping of muck in the valleys. By said notice, the appellant was to show cause as to why no action should not be taken against appellant for not disposing the muck in a scientific way falling which Environmental Compensation was proposed to be levied. Copy of Show Cause Notice



MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Narasimha, A.P.



Executive Magistrate
Papum Pare District
Yupia (A.P)

No.APSPCB-150/2017/MCK/DSPSL/NGT/3607 dated
06.09.2021 is being annexed herewith as **Annexure-A/5**.

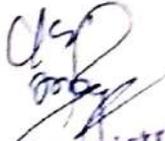
It is further respectfully submitted that the order imposing the environmental compensation is passed merely to demonstrate to the NGT that the respondent has taken action against some contractors. In this process without any application of mind the unfair, arbitrary and illegal impugned order has been passed by the respondent.

It is further submitted that no document or contemporary records have been mentioned or placed on record in support of the allegations made in the Show Cause notice has ever been provided.

(vi) That said Show Cause notice was duly replied by the appellant. However, neither any opportunity of personal hearing was provided ensuring the adherence to Principal of Natural Justice nor contentions of the reply were dealt with while passing the impugned order.

(vii) That in complete defiance of the principal of natural Justice, the respondent Board passed the impugned order directing the appellant to deposit an amount of Rs.50,00,000/- (Rupees Fifty Lakhs). It is noteworthy that impugned order does not mention about any illegality or


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forests
Narasimha Rao, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P)

violation committed by the appellant. Moreover, it does not specify the formula or basis to arrive at the penalty figure of Rupees Fifty Lakhs.

(viii) That after receiving the Impugned order, the appellant unit submitted a representation dated 11.01.2022 with the Member Secretary, APSPCB explaining all facts and due diligences taken by the appellant during execution of project referred in Show Cause Notice. It was prayed that the penalty of Rs. 50 lakhs may kindly be waived. However, representation has not been considered and impugned order is still in force. Hence, present appeal is being filed.

Grounds:-

The present appeal is being filed on the following amongst other grounds but not limited to them and reserves liberty to raise further grounds during course of hearing:

a) Because impugned order has been passed without providing an opportunity of personal hearing which is inherent part of the principals of Natural Justice.

b) Because the impugned order itself without mentioning any illegality / violation committed by the appellant. Hence, the impugned order is nullity in the eyes of law.

MEMBER SECRETARY
State Pollution Control Board
Department of Environment &
Management, A.P.

Executive Magistrate
Papum Pare District
Yupia (A.P)

- c) Because impugned order has been passed referring only Show Cause Notice dated 06.09.2021 that too has been issued on the basis of alleged inspection carried out about two years back i.e. from 01.12.2017 to 06.12.2017. Thus, the action taken by the respondent Board is at a very belated stage and hopelessly barred by limitation.
- d) Because impugned order has been passed on the basis of Show Cause Notice dated 06.09.2021 referring OA No.74/2017/EZ and order dated 16.10.2017 passed therein. However, Respondent Board failed to appreciate that project carried out by the appellant unit and referred in Show Cause Notice is even remotely not concerned with the subject matter of OA No.74/2017/EZ and order dated 16.10.2017 passed therein.
- e) Because impugned order or Show Cause Notice does not mention about any spot inspection report in respect of site inspection alleged non-disposal of muck in scientific way.
- f) Because no spot inspection report has ever been served to the appellant as alleged in the Show Cause Notice.
- g) Because the impugned order has been passed is in violation of 'principal of Natural Justice' as no material


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forests
Narasimha Rao, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P)

against the appellant unit has been made available to counter the same.

- h) Because the impugned order has been passed without any basic formula or any guiding principle adopted for imposing the penalty of Rs. 50,00,000/- (Rupees Fifty Lakhs). No calculation sheet or any supporting material has ever been served or mentioned in the impugned order.
- i) Because impugned order has been passed mechanically even without considering the reply to show Cause Notice submitted by the appellant unit to the Board. No contentions/grounds of the reply have been dealt with while passing the impugned order.
- j) Because the impugned directions have been issued in the exercise of powers vulnerable to the invalidation of the grounds of arbitrariness and unreasonableness.
- k) Because in the matter of Tai Maya vs Union of India & Ors the appellant is not in the array of parties and the name of the appellant is not mentioned as a violator and neither has there been any complaint against the appellant company or its employees regarding air pollution, illegal muck disposal in any manner by the local villagers, NGO's, Elite Society, Students organisations during or after completion of the work.

MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Narasaraopeta, A.P.

Executive Magistrate
Papum Pare District
Yupia (A.P)

- l) Because the impugned directions are even otherwise illegal and liable to be set aside.
- m) Because impugned order issued by the Respondent No.1 is in violation of the power to give directions set out under Section 33 A of the Water Act, 1974. In *Splendor Landbase Limited Vs Delhi Pollution Control Committee* confirmed by the Division Bench of Hon'ble Court of Delhi it was held:

"The power under the said provision includes the power of the DPCC to issue "any directions in writing to any person". The 'explanation' to the provision clarifies that the power to issue directions includes the power to direct "closure, prohibition or regulation of any industry, operation or process or the stoppage or regulation of supply of electricity, water or any other service". Yet, this power has to be one coupled with a duty to act reasonably and fairly. It cannot be stretched to include a power to levy a penalty."

Limitation

The present appeal is being filed within period of limitation.

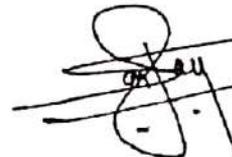
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Narasaraopeta, A.P.

PRAYER:-

In view of the facts and circumstances stated above and in the interests of justice, it is most respectfully prayed that this Hon'ble Authority may graciously be pleased to:

Executive Magistrate
Papum Pare District
Yupia (A.P)

- (a) Set aside the impugned Order dated 05.01.2022 passed by the Respondent Pollution Control Board,
- (b) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in favour of the Petitioner.


 APPELLANT

Through

Date: 20.01.2022

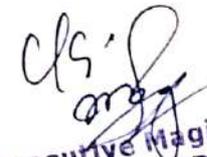
Place: Tinsukia


 Sakshi

Narender Pal Singh
 Sakshi Rastogi
 Advocates

Danube Consulting, Law Firm,
 K-18, Level -1, Green Park Main,
 New Delhi-110016


 MEMBER SECRETARY
 State Pollution Control Board
 Department of Environment & Forest
 Mahatma Gun, A.P.


 Executive Magistrate
 Papum Pare District
 Yupia (A.P)



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
CAPITAL COMPLEX AT YUPIA.

C.R case No. 13/22

IN THE MATTER OF:-

The Arunachal Pradesh State Pollution Control
Board, Naharlagun, Govt. of Arunachal Pradesh.

-Versus -

The Managing Director
M/S KNR Construction Ltd-JKM(JV)
KNR house, 3rd & 4th Floor, Jubli Hills, Road No. 36
Phase-1, Kavuri Hills, Hyderabad, Telengana-
5000033.

Summon to the Accused

To,

The Managing Director
M/S KNR Construction Ltd-JKM(JV)
KNR house, 3rd & 4th Floor, Jubli Hills, Road No. 36 Phase-1 Kavuri Hills,
Hyderabad, Telengana-5000033


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forests
Naharlagun, A.P.

Whereas the above named complainant has instituted a C.R case No 13/22 against you before this court. So your attendance is necessary to answer to all charge levelled against you.

Therefore you are hereby summoned to appear in person or by pleader duly instructed before this court on 06th of April 20 22. Herein fail not.

Give under my hand and seal on this 22nd day of February 2022.


Executive Magistrate
Papum Pare District
Yupia (A.P)

Chief Judicial Magistrate,



Form no. 8
Assam Schedule VIII
High Court Criminal Form 106

District:- Papum- Pare

**In the Court of Ms. Bissomoti Lego; Chief Judicial Magistrate, Capital Complex
 at Yupia**

CR. No. 13/22

(APSPCB - Vs- MD, M/s KNR Construction ltd.)

Date of order of proceeding	Order	Sign of P/officer	Office action taken on order with date & signature of pleader/ party
18-02-22	<p>The instant complaint is filed by Arunachal Pradesh State Pollution control Board U/S 49 of Water (Prevention and Control of pollution) Act, 1974 and U/S 43 of Air (prevention and Control of Pollution) Act 1981 R/w Section 190 CrPC.</p> <p>Ld. counsel J. Doji is present for the Complainant. It is stated that accused Company has violated the norms provided under the aforesaid Act to which show cause notice was issued to them but the reply given by the accused company was not satisfactory. Accordingly the Complainant passed an Order vide no. APSPCB-150/2019/MCK/DSPSL/NGT/3805-09 dated 21-09-21 whereby accused Company was imposed fine of Rs 50 lakhs. However the fine has not been paid by the accused company. Thus the accused has committed an offence punishable U/S 41, 47 of the Water (Prevention and Control of pollution) Act, 1974 and U/S 37, 40 of the Air (Prevention and Control of Pollution) Act 1981.</p> <p>The complainant in support of their case has produced the relevant documents.</p> <p>Having gone through the complaint and the document enclosed with it, I find sufficient ground to proceed against the accused company of the aforesaid offence. Accordingly</p>	<p>CJM Yupia</p>	<p align="center"><i>[Signature]</i> MEMBER SECRETARY State Pollution Control Board Department of Environment & Forest Dispur, A.P.</p>

[Signature]
Executive Magistrate
 Papum Pare District
 Assam (A.P.)

<p>the cognizance of offence U/S 41, 47 of the Water (Prevention and Control of pollution) Act, 1974 and U/S 37, 40 of the Air (Prevention and Control of Pollution) Act 1981 is taken against accused company.</p> <p>Issue summon to the accused along with copy of complaint.</p> <p>Complainant shall file their list of witnesses before issuing summon to the accused.</p> <p>Fix 06-04-22 for SR/app.</p>	<p>COM Yupia</p>	
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Handwritten notes and date: 21/04/22

MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Nashik, A.P.

Executive Magistrate
Papum Pare District
Yupia (A.P.)

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
CAPITAL COMPLEX, AT YUPIA DISTRICT-
PAPUMPARE, A.P

Complaint case No. 13/2022

IN THE MATTER OF:

An application under section 49 of water prevention and control of pollution Act 1974, section 43 of Air prevention and control Act 1981 read with ~~200~~¹⁹⁰ of Criminal Procedure Code, 1973 Act

-And-

IN THE MATTER OF:

The Arunachal Pradesh State Pollution Control Board, Paryavaran Bhawan, Papu Hill, Yupia Road Naharlagun. Govt of Arunachal Pradesh, represented by Shri Jumli Kato, Son of Lt. G. Kato, Scientist-B, Arunachal Pradesh State Pollution Control Board.

.Complainant

-Versus-

dlg
009/22
Executive Magistrate
Papum Pare District
Yupia (A.P)

499

48
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.

The Managing Director
M/S KNR Construction Ltd-
JKM(JV)
KNR house, 3rd & 4th Floor, Jubli
Hills, Road No. 36 Phase-1, Kavuri
Hills, Hyderabad, Telengana-
5000033.

.... Accused/Respondent

The Humble complaint petition of the above named

Most Respectfully Sheweth:

1. That the above named complainant is a bonafide citizen of India and working as Scientist-B, under Arunachal Pradesh State Pollution Control Board, Paryavaran Bhawan, Papu Hill, Yupia Road Naharlagun. Govt. of Arunachal Pradesh and has been duly authorized by the competent authority to file this application.

A copy of Authorization letter is annexed as ANNEXURE-1.

2. That the complainant begs to state that one Shri Tai Maya Resident of G Extension Naharlagun Arunachal Pradesh has filed a Original Application Vide registered as O.A No. 74/17/EZ (Tai Maya Vs Union of India & Ors) before Hon'ble the National Green Tribunal Eastern Zone Bench, Kolkata (hereafter refer as to NGT) against the Union of India & 12 Others, wherein, the Complainant has been


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.


Executive Magistrate
Papum Pare District
Arunachal Pradesh (A.P.)
500

made as a respondent 4 and the accused has been made as respondent 9 for the destruction and degradation of environment and ecology by dumping the muck into the river, nallah by the construction agencies.

3. That the Hon'ble NGT has pleased to passed an order in O.A No. 74/17 EZ on 16.10.2017 wherein directed the State PCB/complainant to inspection of the area and submit a report on the veracity of allegations made in the OA. And accordingly as per the direction of Hon'ble NGT, the site inspection was carried out by the complainant and submits its inspection report in affidavit form to the Hon'ble NGT 08.12.2017.

A Copy of Order dated 16.10.2017, is annexed as ANNEXURE-2.

4. That the Hon'ble NGT has again passed an order in O.A No. 74/17 EZ on 17.08.2021, in Paragraph 12 and 13 of the said Order the Hon'ble NGT has specifically directed the APSPCB/complainant to file fresh affidavit stating clearly what action has been taken against the contractor/company carrying out the works in clear violation of environmental norms and what amount has been recovered from the defaulter/violator on the principle of polluter pays by way of environmental compensation caused due to large scale degradation and what criminal action has been taken against the defaulting


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Narasimharajapuram, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P)

contractors/companies/violators who are acting or have acted in gross violation of the environmental norms.

A copy of Order dated 17.08.2021 is annexed as ANNEXURE-3.

5. That as per the direction of Hon'ble NGT, the complainant has issued Show caused notice vides NO.APSCPCB-150/2017/MCK/DSPSL/NGT/3611 date 06/09/2021 to the accused/respondent as to why Environmental Compensation(EC) should not be levied for causing air and water pollution Pasihat-Maryang-Yingkiong Road Project. On receipt of show cause notice the accused/ respondent has filed its reply on 21.09.2021, which is far from satisfaction.

A copy of Show caused notice dated 06/09/2021 and reply dated 21/09/2021 is annexed as ANNEXURE-4.(colly)

6. That the complainant humbly states the complainant has not satisfied with the reply of the accused/respondent, thus passed an order vide No. APSPCB-150/2019/MCK/DSPSL/NGT/3805-09 dated 21/09/2021 wherein levying environmental compensation of Rs. 50,00,000/-(Rupees fifty lakh) only for the violation of environment norms while executing the said projects under section 33(A) of Water (prevention and Control of Pollution) Act

MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Narasaraopeta, A.P.

Executive Magistrate
Papum Pare District
Yupia (A.P)

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MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Narasimha Rao Nagar, Gun. A.P.

Executive Magistrate
Papum Pare District
Yupia (A.P)

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MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
No. 77, Gun, A.P.



Executive Magistrate
Papum Pare District
Yupia (A.P)

1974,(hereafter refer as to Water Act) and under Section 31(A) of Air (prevention and Control of Pollution) Act ,1981(hereafter refer as to Air Act) and section 5 of the Environment (Protection) Act 1986 respectively against the accused/respondent and same shall be deposited within 30 days without fail and on lapse of above said period, an interest @12% shall be accrued.

A copy of order dated 21/09/2021 is annexed as ANNEXURE-5

7. That the complainant humbly submits that the accused /respondent has failed to comply with the order dated 21/09/2021 till filling of this petition.
8. That the on 26.11.2021 the Hon'ble NGT has directed APSPC/complainant to take steps for the recovery of the amount of Rs. 50,00,000/- (Rupees fifty lakh) towards environmental compensation from the respondent.

A copy of Order date 26.11.2021 is annexed as ANNEXURE-6.

9. That the complainant humbly submits that this Hon'ble Court may take cognizance of this petition and prosecute the accused/respondent for the offences punishable under sections 41, 43, read with

W
MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
M. T. Jun. A.P.

clerk
msj
Executive Magistrate
Papum Pare District
Yupia (A.P)

section 47 of the Water Act and under section 37 read with section 40 of Air Act.

10. That the accused respondent is a company whose office is located at KNR house, 3rd & 4th Floor, Jubli Hills, Road No. 36 Phase-1, Kavuri Hills, Hyderabad, Telengana-5000033.
11. That the complainant not filed any complaint in any other court in connection with the instant case.
12. That this application is being filed and made bonafide for the end of justice

PRAYER

In the premises aforesaid it is most respectfully pray before this Hon'ble court that may be graciously please to admit this Complaint petition and issue notice to the accused/respondent as to why the accused/respondent should not be prosecute under the provision of Air Act and Water Act. After pursuing the record and hearing of the parties you honour may be further be pleased to convict and punish the accused as per the law or may pass such other order/orders as your Honour may be deem fit and proper for the end of justice.


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Narasaraopet, A.P.


Executive Magistrate
Papum Pare District
Yupia (A.P.)

AFFIDAVIT

I Shri Jumli Kato, aged about 42 years, Son of Lt. G. Kato, working as a Scientist-B, Arunachal Pradesh State Pollution Control Board, Paryavaran Bhawan, Papu Hill, Yupia Raod Naharlagun. Govt of Arunachal Pradesh.

and do hereby solemnly affirm and declare as follows:-

1. That I'm the complainant in the instant petition and I'm fully acquainted with the facts and circumstances of the case. As such I'm competent to swear this Instant affidavit.
2. That the statement made in paragraph.....are true to my knowledge and those made in Paragraphs.....&.....are true to my information derived there from the records which I believe to be true and those made in rests of Paragraphs are my humble submission before this Hon'ble court.

And I sign this affidavit on this 8th day of Feb. 2022 at the Court Premises, Yupia.

Identified by:

Advocate


MEMBER SECRETARY
State Pollution Control Board
Department of Environment & Forest
Naharlagun, A.P.

Deponent


Executive Magistrate
Papum Pare District
Yupia (A.P)