

BEFORE THE LEARNED NATIONAL GREEN TRIBUNAL AT KOLKATA

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION 94/2024/EZ

Old OA No. 96/2024/PB

IN THE MATTER OF:

Bimal Baroi & Ors. ...Applicant

VERSUS

State of Assam &Ors ...Respondents

INDEX

Sl No.	Particulars	Page No.
1	Affidavit filed by the Respondent being State Environment Impact Assessment Authority, Assam	1-6



20 AUG 2024

LINA BARUA
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No. KAM-37

Rajesh Kamrup

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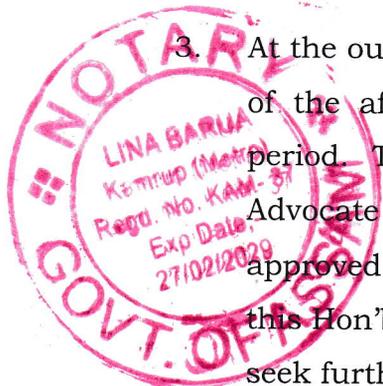
VERSUS

State of Assam & Ors ...Respondents

Affidavit on behalf of the SEIAA, Assam being Respondent

I, Rajesh Kemprai, aged about 62 years by Occupation –presently serving as Chairman, SEIAA, Assam do hereby solemnly affirm and state as follows:

1. That I am presently posted as Chairman, SEIAA, Assam and as such I am well acquainted and conversant with the facts and circumstances of the case, and being competent, to swear this affidavit on behalf of Respondent being SEIAA, Assam.
2. That, instant affidavit is being filed in compliance with and in the light of the solemn orders dated 13th August, 2024 and 3rd July, 2024 passed by this Hon'ble Tribunal in the present Original Application.
3. At the outset, I respectfully tender my unconditional apology for not filing of the affidavit on behalf of the SEIAA, Assam within the stipulated period. The same has happened due to inadvertence. The Learned Advocate had prepared a draft affidavit, however, the same could not be approved and verified and affirmed within the stipulated time granted by this Hon'ble Tribunal and as such the Learned Advocate was requested to seek further time to file the affidavit.



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Rajesh Kemprai

4. That my office has received a copy of the above-mentioned original application, I have gone through the same and understood the contents made therein.
5. That I will traverse only those portions of the application which are relevant for the present purpose, the portions not replied to shall not be treated as to be my admission.
6. Pursuant to the directions passed, the present affidavit is being affirmed .A short affidavit is being filed by the answering respondent at this stage and craves leave to refer and seeks liberty to file a detailed reply Affidavit to the aforesaid application, as and when required
7. The answering Respondent respectfully submits that, the SEIAA, Assam was made one of the proforma Respondents as per the Hon'ble NGT order only on 03.07.2024. It is most respectfully pointed out that in terms of the Hon'ble NGT order 23.04.2024, the SEIAA, Assam was not included as a Member of the Joint Committee constituted by the Hon'ble Tribunal to verify the factual position and take appropriate remedial action. **For the sake of brevity the Hon'ble NGT order dated 23.04.2024 is quoted in verbatim-**

"In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising representatives of Central Pollution Control Board, Assam Pollution Control Board and District Magistrate, Haila Kandi and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due process of law. The Assam State Pollution Control Board (ASPCB)



20 AUG 2024

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Rajesh Kumar

will be the nodal agency for coordination and compliance.”

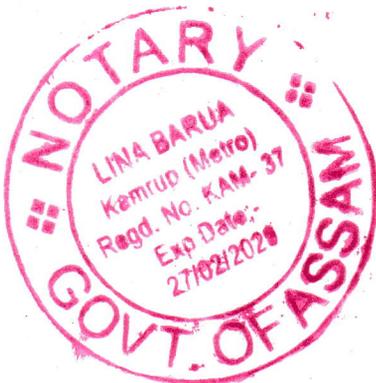
8. That the answering Respondent has recently been informed from the Environment & Forest Department, Assam that in terms of the order date 23rd July, 2024, in connection with OA no. 86 of 2024/EZ (Pradeep Singh Shekhawat Vs UOI &Ors), the Govt of Assam has directed all the District Commissioners and Divisional Forest Officers are to ensure that the DSRs are completed by the year end of 2024. Accordingly, preparation of DSR is in progress in the State of Assam.
9. The answering Respondent respectfully states that I hold the deepest respect for this Hon'ble Court and am fully committed to abiding by any order or direction issued by this Hon'ble Tribunal. I affirm my readiness and willingness to comply with the directives of the Court without reservation.
10. That the statements made in paragraph number 1 is true to my knowledge, and the statements made in paragraph nos. 7 to 8 are information received and rest are my humble submissions before this Hon'ble Tribunal.

(Pradeep Singh Shekhawat)
Deponent

Identified by me

Ratan Kalita
Advocate

20 AUG 2024 . .



(Lina Barua)
LINA BARUA
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No. KAM-37

VERIFICATION

I, the deponent herein above, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief, that no part of it is false and nothing material has been concealed therefrom.

Verified at Guwahati on this **20** day of August, 2024

Identified by
Reta Kalita
Advocate

Rajesh Kempura
✓
Deponent



20 AUG 2024
Lina Barua
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