

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

OA No. 58/2024/EZ
(Earlier OA No. 167/2024/PB)

In Re. : News item titled "Jamshedpur Sidgoda mein Nadi se
Avaidh rup se Balu Dhulai Ka Khel Jari prashashan
maun" appearing in Prabhat Khabar dated : 24.12.2023
...Applicant(s)

Versus

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

Sub:- Counter Affidavit

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Filed by
Aparna Prasad
Advocate
9883029404



①

Thamara - Prasen Kumar, Adv
J 2871 A/03
25/7/24

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

OA No. 58/2024/EZ
(Earlier OA No. 167/2024/PB)

In Re. : News item titled "Jamshedpur Sidgoda mein Nadi se
Avaidh rup se Balu Dhulai Ka Khel Jari prashashan
maun" appearing in Prabhat Khabar dated : 24.12.2023

...Applicant(s)

Versus

Jharkhand State Pollution Control Board & Anr.

...Respondent(s)

CAI-6
A-7
25/7/2024

**Counter Affidavit on behalf of Respondent no. 04 i.e. State
Level Environment Impact Assessment Authority (SEIAA),
Jharkhand.**

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

1. That, in the instant OA there nothing specific regarding SEIAA /
SEAC. But some facts pertaining to instant OA is being produced

(Handwritten signature)

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for proper assistance to this Hon'ble Tribunal with a liberty to file detailed counter affidavit if desired by this Hon'ble Tribunal.

2. That, cognizance of original application no. 167/2024/PB was taken up Suo Moto by the Hon'ble National Green Tribunal, New Delhi Bench on 26.02.2024 on the basis of a news item titled **"Jamshedpur Sidgoda mein Nadi se Avaidh rup se Balu Dhulai Ka Khel Jari prashashan maun"** published in "Prabhat Khabar" Hindi Dainik News paper on 24.12.2023. Wherein Hon'ble National Green Tribunal, New Delhi Bench has impleaded the following as respondent in the matter:-

- i. Jharkhand State Pollution Control Board through its Member Secretary.
- ii. Deputy Commissioner / District Magistrate, East Singhbhum, Jamshedpur.

True/Xerox copy of Order
dated- 26.02.2024 passed by
Hon'ble Principal Bench,

(3)

National Green Tribunal, New
Delhi in OA No. 167/2024/PB
is being attached herewith and
marked as **Annexure - A/R4**
to this affidavit.

3. That, since the matter relates to the Eastern Zone Bench, Kolkata, therefore, OA was transferred to the Hon'ble NGT, Eastern Zone bench for appropriate further action.
4. That, the instant OA No. - 58/2024/EZ was taken up by Hon'ble National Green Tribunal, Eastern Zone Bench on 01.05.2024 and in para 6 the State Level Environment Impact Assessment Authority (SEIAA) through Member Secretary has been impleaded as Respondent no. 4.

True/Xerox copy of Order
dated- 01.05.2024 passed by
National Green Tribunal,
Eastern Zone Bench in OA No.

(4)

58/2024/EZ is being attached herewith and marked as **Annexure - B/R4** to this affidavit.

5. That, the constitution of SEIAA has been done in accordance with EIA notification, 2006 of Ministry of Environment Forest & Climate Change, Govt. of India for the purpose of granting Environment Clearance of the category B project. Such as, Major/Minor Mineral including Sand, etc.
6. That, the instant matter relates to illegal sand mining on Subarnarekha River at Sidgoda Police Station area under Agrico Tehsil.
7. That, the Jharkhand State Mineral Development Corporation Ltd. has applied Environmental Clearance only for one project namely **"Bankata Sand Deposit on Subarnarekha River at M/s Jharkhand State Mineral Development Corporation Ltd.,**

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Village - Bankata, Tehsil - Baharagora, Khata No. - 573, Plot No. - 3161(P) & 3162(P), Distt. - East Singhbhum" has been granted by SEIAA in its 112th meeting held on 23rd and 24th May, 2024 based on the recommendation of State Level Expert Appraisal Committee (SEAC) given in its 112th meeting held on 16th to 19th May, 2024. Accordingly EC letter was issued vide letter no. - **EC/SEIAA/2024-25/3113/2024/68** dated - **24.05.2024**.

8. That present reply is filed bonafide and in the interest of justice.
9. That the statements made in paragraph 5, 6, — are true to my knowledge, those stated in paragraphs 2 to 4, 7 — are true to my information derived from the records of the case to which I believe to be true and the rest are by way of humble submissions before this Hon'ble Court.
10. That the annexures are photocopies/true copies of their respective original.

(6)

Sworn, verified and signed on this 25th day of July 2024

at the premises of Hon'ble Jharkhand High Court, Ranchi.

Oath no. 13753

Ashok
(Ashok Kumar)

I know the deponent
Ashwani Kumar A/c to
Mr. B.M. Tripathy
Sr. Adv.
R. No. 89/24
25/7/2024

I solemnly affirmed before me by deponent
A. Kumar
Who is a A. Kumar (A/c)
I have examined the deponent
by examining the deponent
which has been read and explained before me or which
has been read and explained to him that the deponent
acknowledge the same to be correct
High Court of Jharkhand, Ranchi
25/7/24
Advocate Oath Commissioner

5-

ANNEXURE - A/R4

7

Court No. 1

Item No. 05

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

Original Application No. 167/2024

News item titled "**Jamshedpur Sidgoda mein nadi se avaidh rup se Baalu dhulai ka khel jaari prashashan maun**" appearing in Prabhat Khabar dated 24.12.2023

Date of hearing: 26.02.2024

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

Respondent: Mr. Kumar Anurag Singh & Mr. Dev Aaryan, Advs. for R - 1 (Through VC)

ORDER

1. This original application has been registered on the basis of the news item titled "**Jamshedpur Sidgoda mein nadi se avaidh rup se Baalu dhulai ka khel jaari prashashan maun**" appearing in 'Prabhat Khabar' dated 24.12.2023.
2. The news item discloses that in Subarnarekha River at Sidhgora Police Station area, large scale illegal extraction of sand is in progress. It further discloses that the said extraction is taking place near Baridih district school mainly at night. The sand extractors transport illegally extracted sand through tractors and they extract the sand from deep water of the river using boats and sell it illegally at the rate ranging from Rs. 3500 to 4000 and this activity is going in collusion with the police officers.
3. The news item raises substantial issue relating to compliance of the environmental norms.

4. Power of the Tribunal to take up the matter in *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

5. Hence, we implead the following as respondents in the matter:

- i. Jharkhand State Pollution Control Board through its Member Secretary.
- ii. Deputy Commissioner/District Magistrate, East Singhbhum Jamshedpur.

6. Learned Counsel appearing on advance notice on behalf of Respondent No. 1 seeks four weeks' time to file the report. Let Notice be issued to Respondent No. 2 for filing the response before appropriate bench of the Tribunal.

7. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Let the original record of the OA be transferred to the Eastern Zonal Bench, Kolkata.

8. List before Eastern Zonal Bench at Kolkata on 01.05.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 26, 2024
Original Application No. 167/2024
DV

ANNEXURE - B/R4

9

Item No.03

Court No.1

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

Original Application No.58/2024/EZ
(Earlier O.A. No.167/2024/PB)

In Re.: News item titled "Jamshedpur Sidgoda mein nadi se avaidh rup se Baalu dhulai ka khel jaari prashashan maun" appearing in Prabhat Khabar Dated 24.12.2023

Applicant(s)

Versus

Jharkhand State Pollution Control Board & Anr.

Respondent(s)

Date of hearing: 01.05.2024

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

For Applicant(s) : *Suo Motu*,

For Respondent(s): Ms. Ekta Bharati, Advocate (in Virtual Mode) for
Mr. Kumar Anurag Singh, Advocate for R-1,
Ms. Aishwarya Rajyashree, Adv. for R-2, (in Virtual Mode)

ORDER

1. Cognizance of Original Application No.167/2024 was taken up *suo motu* by the New Delhi Bench of the National Green Tribunal on 26.02.2024 on the basis of a news item titled "**Jamshedpur Sidgoda mein nadi se avaidh rup se Baalu ka khel jaari prashashan maun**" published in 'Prabhat Khabar' on 24.12.2023. Thereafter, the matter was transferred to the Eastern Bench of the National Green Tribunal at Kolkata and has now been re-numbered as Original Application No.58/2024/EZ.
2. The Respondents have already been impleaded by the New Delhi Bench of the Tribunal.
3. Ms. Ekta Bharati, learned Counsel appearing (in Virtual Mode) holding brief of Mr. Kumar Anurag Singh, learned Counsel for the

Respondent No.1, Jharkhand State Pollution Control Board, prays for and is granted four weeks time for filing counter-affidavit.

4. We also direct that Principal Secretary, Department of Environment, Forest and Climate Change, Government of Jharkhand, be impleaded in the array of Respondents as Respondent No.3.
5. Ms. Aishwarya Rajyashree, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the newly added Respondent No.3. Learned Counsel prays for and is granted four weeks time for filing counter-affidavit.
6. We further direct that State Environment Impact Assessment Authority (SEIAA), Jharkhand, through its Member Secretary, be also impleaded in the array of Respondents as Respondent No.4.
7. Mr. Ashok Prasad, learned Counsel who is present in Court, accepts notice on behalf of the newly added Respondent No.4. Learned Counsel prays for and is granted four weeks time for filing counter-affidavit.
8. All the Respondents shall file their counter-affidavits within four weeks.
9. **List on 11.07.2024.**

.....
B. Amit Sthalekar, JM

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

May 01, 2024,
Original Application No.58/2024/EZ
(Earlier O.A. No.167/2024/PB)
AK

STAMP

Before, The National Green Tribunal
Eastern Zone Bench, Kolkata

VAKALATNAMA FOR Respondent No.4

O.A Case No. 58 of 20.2.4/E2
(Earlier O.A No. 167 / 2024/PB)
News item titled "Jamsheedpur Sidgoda mein nadi se Awasdh rap se
Bahu Shula's ka khat Jori Proshadha n maan" appearing in.....Petitioner (S)/
Prakash Khabar dated: 24.12.2023. Appellant (S)

Versus

Jharkhand State Pollution Control Board & A.P. Opp Party (ies)/
Respondent (S)

Ashanku
Member Secretary
State Level Environmental Impact Assessment Authority
Jharkhand

Know all men by these present that by this Vakalatnama I/We
Ashok Kumar, S/o Late Rajendra Kumar, Presently posted as
Do hereby Ex-officio Member Secretary in SEIAA, Jharkhand.

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

Mr. Ashok Prasad, Advocate
Mr. BHANU KUMAR
Mr. ASHOK PRASAD

To be above effect we execute this Vakalatnama

Date 20.....

Received Vakalatnama from the executant / through R. No 4
.....and accepted on satisfaction.

Bhanu Kumar
(BHANU KUMAR)
J 18714103 Adv
Bhaskar Complex, Tagore Park
Road, Morabadi, Ranchi

Vakalatnamo Present
and accept
Ashok Prasad

(ASHOK PRASAD)

Advocate

Enrolment No. WB/303/2003

D - 17B, Tagore Park

Kolkata - 700039