

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
AT EASTERN ZONE BENCH, KOLKATA
MEMORANDUM OF APPLICATION / APPEAL
O.A. NO. - 151/2024/EZ

IN THE MATTER OF:

Ajjul Khalasi & Ors

.....PETITIONER/ APPLICANT

VERSUS

STATE ENVIRONMENTAL
IMPACT ASSESSMENT
AUTHORITY, ASSAM & OTHERS

.....RESPONDENT(S)

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DATED: 20-09-2024

FILED

BY:

Suren Bose Kumar
Advocate.

High Court, Calcutta

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AT EASTERN ZONE BENCH, KOLKATA**

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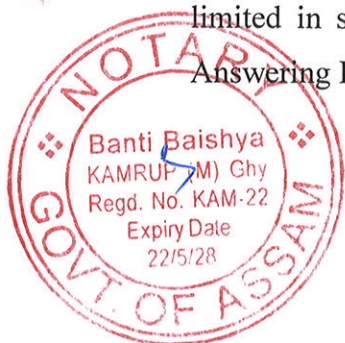
AUTHORITY, ASSAM & OTHERS

**AFFIDAVIT ON BEHALF OF POLLUTION CONTROL BOARD,
ASSAM, RESPONDENT NO. 3**

I, Sri Gukul Bhuyan, aged about 59 years, working as Addl. Chief Environmental Engineer and Nodal Officer (Legal), having its office at Bamunimaidam, Guwahati-781021, Assam do hereby as deponent solemnly affirm and state as under:

That I am the Addl. Chief Environmental Engineer and Nodal Officer (Legal) in the Pollution Control Board, Assam and I am fully conversant with the facts and circumstances of the present case and I am duly authorized to affirm and swear this affidavit on behalf of the Pollution Control Board, Assam.

1. That the deponent has gone through the Application filed by the Applicant before the Hon'ble Tribunal being O.A. No. – 151/2024/EZ and understood the contents and meaning thereof. At the outset, the deponent denies each and every averment made by the Applicant unless the same is expressly admitted hereinafter. The instant Affidavit is being filed for the limited purpose of replying to the contentions made in the Application, so far as the same concerns the Answering Respondent herein, and being limited in scope, no part of the application shall be deemed to be admitted by the Answering Respondent on account of non-traversal.



2. The Deponent humbly submits that the instant affidavit is being filed with specific purpose to appraise this Hon'ble Tribunal regarding the counter affidavit on behalf of the Pollution Control Board, Assam, Respondent No. 3 herein.
3. With regards to paragraph nos. 1, 2 and 3 of the application, the answering respondent states that the submissions of the paragraphs of the application are matter of record, however no part of the averments contained in the said paragraphs shall be deemed to be admitted by the Answering Respondent on account of non-traversal.
4. With regards to averments made in paragraph no. 4 under heading "Nature of the problem" in the application, the answering respondent like to state that the application of the project proponent for conducting Public Hearing was received by PCBA on 04.03.2024. However the General Election, 2024 was already declared by that time and Model Code of Conduct was in force. Thus the Public Hearing of the said project could not be conducted within 45 days of receipt of the application. Also as per the EIA Notification, 2006, a minimum notice period of thirty (30) days is required between date of publishing Public Hearing notice and the day of Public Hearing. Considering all these facts, the date of Public Hearing was fixed on 10.06.2024 whereas Model Code of Conduct was lifted on 6th June, 2024.
5. With regards to averments made in paragraph nos. 5 and 6 under heading "Facts of the Case" in the application, the answering respondent does not make any comment as the matter is not pertaining to this Board.
6. With regards to averments made in paragraph no. 7 under heading "Brief Facts of the Case" in the application, the answering respondent like to state that the application of the project proponent for conducting Public Hearing was received by PCBA on 04.03.2024.
7. With regards to averments made in paragraph nos. 8 and 9 under heading "Brief Facts of the Case" in the application, the same are matters of record and answering respondent does not comment therein.
8. With regards to averments made in paragraph no. 10 under heading "Brief Facts of the Case" in the application, the answering respondent like to state that the application of



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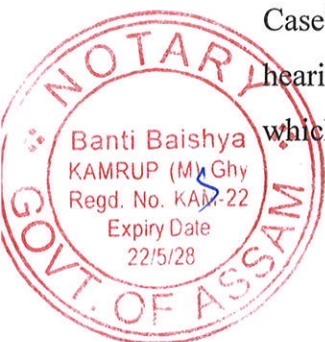
the project proponent for conducting Public Hearing was received by PCBA on 04.03.2024. However the General Election, 2024 was already declared by that time and Model Code of Conduct was in force. Thus the Public Hearing of the said project could not be conducted within 45 days of receipt of the application. Also as per the EIA Notification, 2006, a minimum notice period of thirty (30) days is required between date of publishing Public Hearing notice and the day of Public Hearing. Considering all these facts, the date of Public Hearing was fixed on 10.06.2024 whereas Model Code of Conduct was lifted on 6th June, 2024.

9. With regards to averments made in paragraph no. 11 under heading “Brief Facts of the Case” in the application,

- (i) the application of the project proponent for conducting Public Hearing was received by PCBA on 04.03.2024 and the Model Code of Conduct for the General Election 2024 was announced on 16.03.2024
- (ii) the notice of Public Hearing was published in one major National Daily (The Times of India) and one regional vernacular daily (Dainik Janambhumi). Both the News Paper are widely circulated in the state of Assam.
- (iii) Public announcement by P.A system is necessary in places where the newspapers do not reach. In this case Public announcement by P.A system was not necessary.
- (iv) The draft EIA report was duly made available with the designated local government offices, including the office of the 61 No. Sonapur Gaon Panchayat, Sonapur, Kamrup (M), Assam along with other designated places including the Boards website.

[The copies of newspaper publication and the copy of draft EIA report are annexed herewith as Annexure-I and Annexure –II respectively]

10. With regards to averments made in paragraph no. 12 under heading “Brief Facts of the Case” the answering respondent likes to state that the delay in conducting the public hearing was necessitated by the enforcement of the Model Code of Conduct (MCC), which came into effect on March 16, 2024, due to the parliamentary elections. The



X

MCC restricts certain government activities, including public consultations and hearings, to ensure that the election process remains free from influence or bias. As a statutory body, the PCBA was obligated to comply with these restrictions, which resulted in unavoidable delay of the proposed hearing.

- 11. With regards to averments made in paragraph no. 13,14,15 and 16 under heading "Brief Facts of the Case" in the application the answering respondent does not want to offer any comment.
- 12. In reference to the prayers made in the said application, in so far as the answering respondent is concerned, the answering deponent submits that the answering respondent is duty bound to abide by and implement any direction and/or directions, order and/or orders passed by the Hon'ble Tribunal in the facts and circumstances of the present case.

Cookul Bhuyas.

DEPONENT

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 the 20th day of September, 2024.

Identified by

Diddhartha Baruah.
495/1999.

Advocate

Cookul Bhuyas.

DEPONENT

16000



h. luyi,
20/9/24
Banti Baishya
NOTARY, GOVT. OF ASSAM
Kamrup (Metro), Guwahati
Regd. No.: KAM-22

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

<https://itra.ac.in>
Contact - 0288-2558260

DIRECTOR
I.T.R.A. Jammagar



POLLUTION CONTROL BOARD : ASSAM

BAMUNIMAIDAM : GUWAHATI - 781021

PUBLIC HEARING NOTICE

As per the provision of the EIA Notification dtd. 14.09.2006, a Public Hearing (PH) for the proposed "Onshore Development and Production of Oil and Gas from 30 wells and establishment of GGS at Khoraghat area in notified Forest Area in 3 PML Blocks, Dist.: Golaghat, Assam by M/s ONGCL" project shall be held as per following schedule:

Date & Time	Venue
10/06/2024 at 11.00 AM	Auditorium of the O/o the Gelabeel Gaon Panchayat, Golaghat South Development Block, Sarupathar, PO-Upper Lengtha, Dist- Golaghat, Assam- 786602

Interested persons of the locality including bonafide residents, NGOs, etc., are hereby requested to attend the aforesaid PH for getting their statements recorded, if any. Stakeholders may also send their views before the date of PH to the Member Secretary, PCBA.

To know details of the proposed Project, interested person may collect the Executive Summary of the Draft Environment Impact Assessment (EIA) Report for the project, available at the following offices:

- i) O/o The District Commissioner, Golaghat District, Assam.
- ii) O/o District Industry and Commerce Centre, P.O. & Dist: Golaghat
- iii) Chief Executive Officer, Golaghat Zilla Parishad, P.O.: Golaghat.
- iv) The President, Gaon Panchayat of the concerned Blocks, Dist. Golaghat.
- v) Regional Office, Golaghat, Pollution Control Board, Assam.

The Executive Summary of the EIA report and Draft Environmental Impact Assessment (EIA) are also available at <http://www.pcbassam.org>.

Date: 09-05-2024

Sd/-
Member Secretary



POLLUTION CONTROL BOARD : ASSAM

BAMUNIMAIDAM : GUWAHATI - 781021

PUBLIC HEARING NOTICE

As per the provision of the EIA Notification dtd. 14.09.2006, a Public Hearing (PH) for the proposed "Installation of a Split Cement Grinding Unit of 1.0 MTPA capacity at Vill.: Chamata Pathar, Mouja-Sonapur, Dist.: Kamrup (M), Assam by M/s Taj Cement Manufacturing Private Ltd. (TCMPL)" project shall be held as per following schedule:

Date & Time	Venue
10/06/2024 at 11.00 AM	Premises of the M/s Taj Cement Manufacturing Private Ltd. (TCMPL) at Vill.: Chamata Pathar, Mouja-Sonapur, Dist.: Kamrup (M), Assam

Interested persons of the locality including bonafide residents, NGOs, etc., are hereby requested to attend the aforesaid PH for getting their statements recorded, if any. Stakeholders may also send their views before the date of PH to the Member Secretary, PCBA.

To know details of the proposed Project, interested person may collect the Executive Summary of the Draft Environment Impact Assessment (EIA) Report for the project, available at the following offices:

- i) O/o The District Commissioner, Kamrup (M) District, Assam.
- ii) O/o the District Industry and Commerce Centre, Kamrup (M) District.
- iii) O/o the Zilla Parishad, Kamrup (M) District.
- iv) The President, 61 No. Sonapur Gaon Panchayat, Sonapur, Kamrup (M).
- v) Regional Office, Guwahati, Pollution Control Board, Assam.

The Executive Summary of the EIA report and Draft Environmental Impact Assessment (EIA) are also available at <http://www.pcbassam.org>.

Date: 09-05-2024

Sd/-
Member Secretary

TIMES ASCENT
Catapult your career

Vasanta College for Women
(Admitted to the Privileges of Banaras Hindu University
Krishnamurti Foundation India, Rajghat Fort, Varanasi, U.P-2210
Email: vasantakfi@rediffmail.com Website: www.vasantakfi.ac

Employment Notice: YCW Admin Recruitment/2024/1
Applications are invited on the prescribed form for the following Teaching posts of Assistant Professor in Education, Music Instrumental, Music Vocal, Hindi, Economics, Home Science, English (Lien Contractual) and Non-Teaching post of LD Tabla Accompanist, and Multi-Tasking Staff. Desirable candidates may see the details of advertisement on the college website www.vasantakfi.ac.in. Any modification/amendments/ corrigendum in respect of the above advertisement will be posted on College Website Only.

Manager

JOB VACANCY

Required for a professional Construction Company of repute based in Guwahati (Assam) for their various Institutional Project in Assam (Resident Construction Engineers).

Billing Engineer: B.E Civil with minimum (5-7 years experience) in billing procedures and systems for EPC construction projects (building), ensuring accuracy and compliance with contractual requirements & knowledge of Excel and AutoCAD must.

Quantity Surveyor: B.E with minimum (5-7 years experience) in preparing BBS, project estimates, BOQ's bill preparation and checking with good command on excel and working knowledge of AutoCAD. All standard norms as per BIS standard procedures of billing constants must.

Site Engineer (Electrical): Electrical Engineering graduate (5-7 years experience) having command on site control including handling a team of supervisions and capability to read drawings, detailed knowledge about testing and commissions of 33KVA substation, panel etc. Knowledge of electrical system and codes, billing, material movement, and knowledge of Excel and AutoCAD.

Jr. Site Engineer (Electrical): Electrical Engineering graduate (3-5 years experience). Supervise the installation at electrical system and equipment including conduction, commission and acceptance testing, shooting and resolving technical issue while implementing electrical system, to read drawings. Maintaining records of project being executed, regularly reporting to seniors.

Site Engineer (Mechanical & Plumbing): Mechanical Engineering graduate (5-7 years experience) having in-depth Knowledge of HVAC & Plumbing system, including execution of Fire Fighting systems. Knowledge of billing, material movement, and knowledge of Excel and AutoCAD must.

Jr. Site Engineer (Mechanical & Plumbing): Mechanical Engineering graduate or Diploma (3-5 years experience), having Knowledge of HVAC & Plumbing system, including execution of Fire Fighting systems. Maintaining records of project being executed, and knowledge of Excel and AutoCAD must & regularly reporting to seniors.

Salary & other benefits will be as per industry standard. Reach us by mail at hr@sbpc.in with latest photos within 10 days of publication of this ad.



Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্ৰদূষণ নিয়ন্ত্ৰণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



LiFE
Lifestyle for
Environment

Dated Guwahati, the 20th June, 2024.

To

**The Member Secretary
Pollution Control Board, Assam
Bamunimaidam, Guwahati-21**

Sub: Enquiry Report.

Ref: Public hearing held on 10th June, 2024 for the Project "Split Cement Grinding Unit of 1.0 MTPA capacity at vill: Chamata Pathar, Mouza – Sonapur, Dist: Kamrup (M) Assam by M/s. Taj Cement Manufacturing Pvt. Ltd." in the Office of the President 61 No. Sonapur Gaon Panchayat, Sonapur, Kamrup (M) District.

Sir,

With reference to the above, I have the honour to enclose herewith an Enquiry Report regarding submission of EIA Report and Executive Summary reports to 61 no Sonapur Gaon Panchayat for further necessary action.

Yours faithfully

(Gokul Bhuyan)

**Addl. Chief Env. Engineer
Pollution Control Board, Assam**

ACEEC (A.B.)

*To send the reply
to the complainant
to close the
complaint.*

9.7

Pollution Control Board, Assam

Receipt No. 1959

Date 21/6/24

Signature *[Signature]*

ACEE (AN)

*Pl. process as
suggested by
MS.*

Head Office : Bamunimaidam, Guwahati - 781021, Assam : India.

Phone : 0361-2652774 & 2550258; Website : www.pcbassam.org; E-mail : membersecretary@pcbassam.org
Regional Offices at : Dibrugarh, Golaghat, Sivasagar, Tezpur, Guwahati, Kamrup, Bongaigaon, Nagaon & Silchar.



Dated Guwahati the 20th June, 2024.

Enquiry Report

Sub: Enquiry regarding availability of Draft EIA Report and Executive Summary pertaining to Public Hearing held on 10th June, 2024 for the Project "Split Cement Grinding Unit of 1.0 MTPA capacity at vill: Chamata Pathar, Mouza – Sonapur, Dist: Kamrup (M) Assam by M/s. Taj Cement Manufacturing Pvt. Ltd. in the Office of the President 61 No. Sonapur Gaon Panchayat, Sonapur, Kamrup (M) District.

Cause of enquiry: On the day of the Public Hearing one Mr. Rakesh Hazarika raised a query whether the draft EIA Report and Executive Summary Reports in English and Assamese were kept in the Concern Gaon Panchayat Office. The query was replied by Mr. Gokul Bhuyan, ACEE and authorised representative of the Pollution Control Board Assam that the copies of the EIA report and Executive Summary were sent to the Office of the 61 No Sonapur Gaon Panchayat through the project proponent and showed the received copy of the forwarding letter of the same. But Mr. Hazarika was not convinced with the reply. Then Mr. G. Bhuyan informed the gathering that an enquiry on this matter shall be carried out and necessary action shall be taken based on the outcome of the enquiry. Hence the enquiry was carried out.

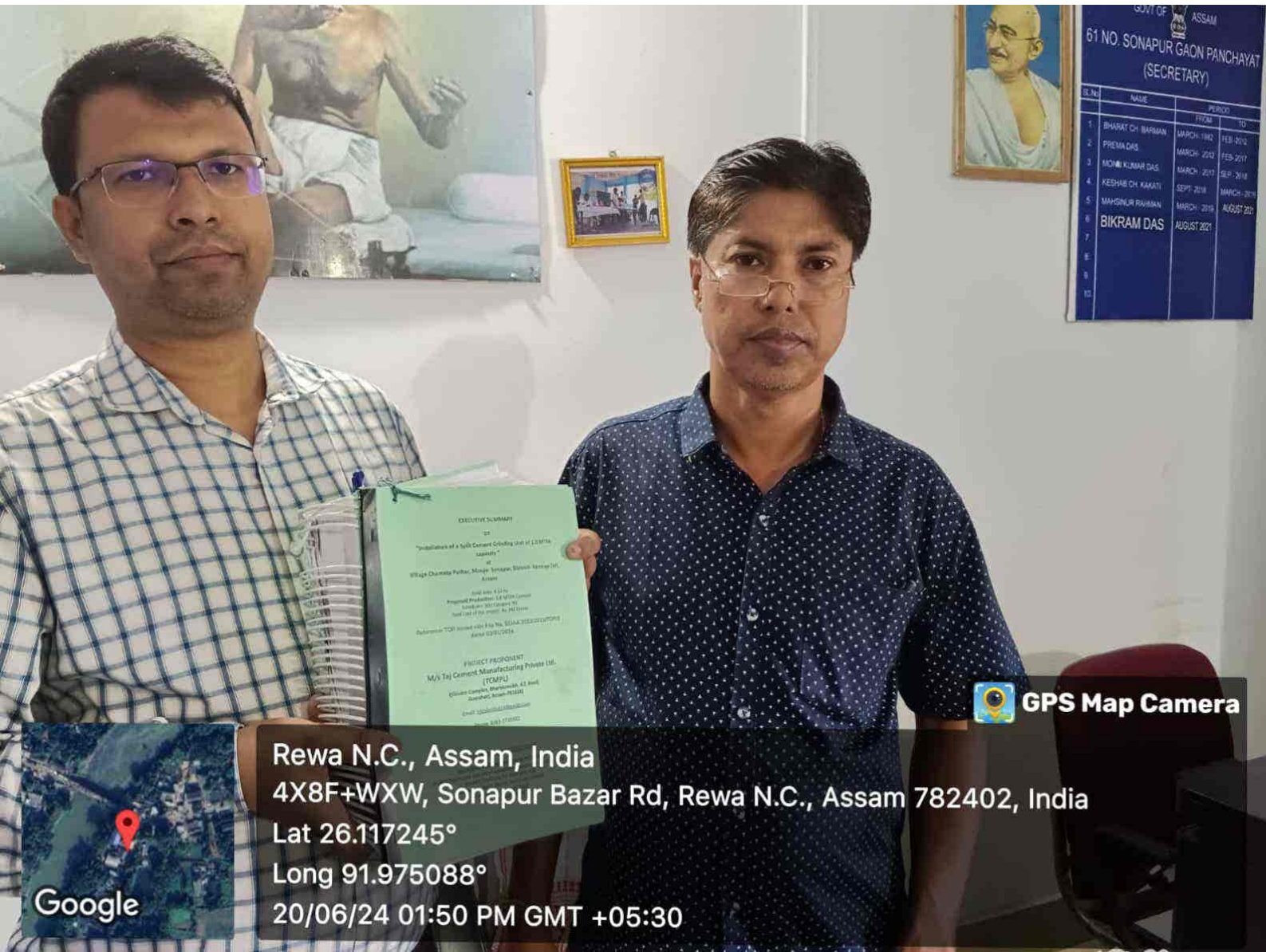
Findings: We the undersigned have visited the office of the 61 No. Sonapur Gaon Panchayat on 20th June, 2024 at about 1.50 p.m. and confirmed that the EIA Report and Executive Summary Reports in English and Assamese were handed over by the Project proponent viz M/s. Taj Cement Manufacturing Pvt. Ltd. to Mr. Bikram Das Secretary (Mobile No- 9495364976) of 60 no Sonapur Gaon Panchayat on 11th May, 2024 and the copies of all the report are yet available in the 61 No. Sonapur Gaon Panchayat. We have taken GPS and Date incorporated photographs of the EIA Report in presence of Mr. Bikram Das and former president of the Gaon Panchayat which is enclosed as evidence/proof of availability of EIA report and Executive Summary Report in English and Assam in 61 No. Sonapur Gaon Panchayat. The photographs are enclosed as **(Appendix-A)**.

The receipt of EIA Report along with Executive Summary Report given by 61 No. Sonapur Gaon Panchayat is enclosed as **Appendix – B**.

This report is issued without any prejudice.

(Jagat Deka)
AEE, R.O. Guwahati
Pollution Control Board, Assam.

(Gokul Bhuyan)
ACEE, Head Office
Pollution Control Board, Assam.



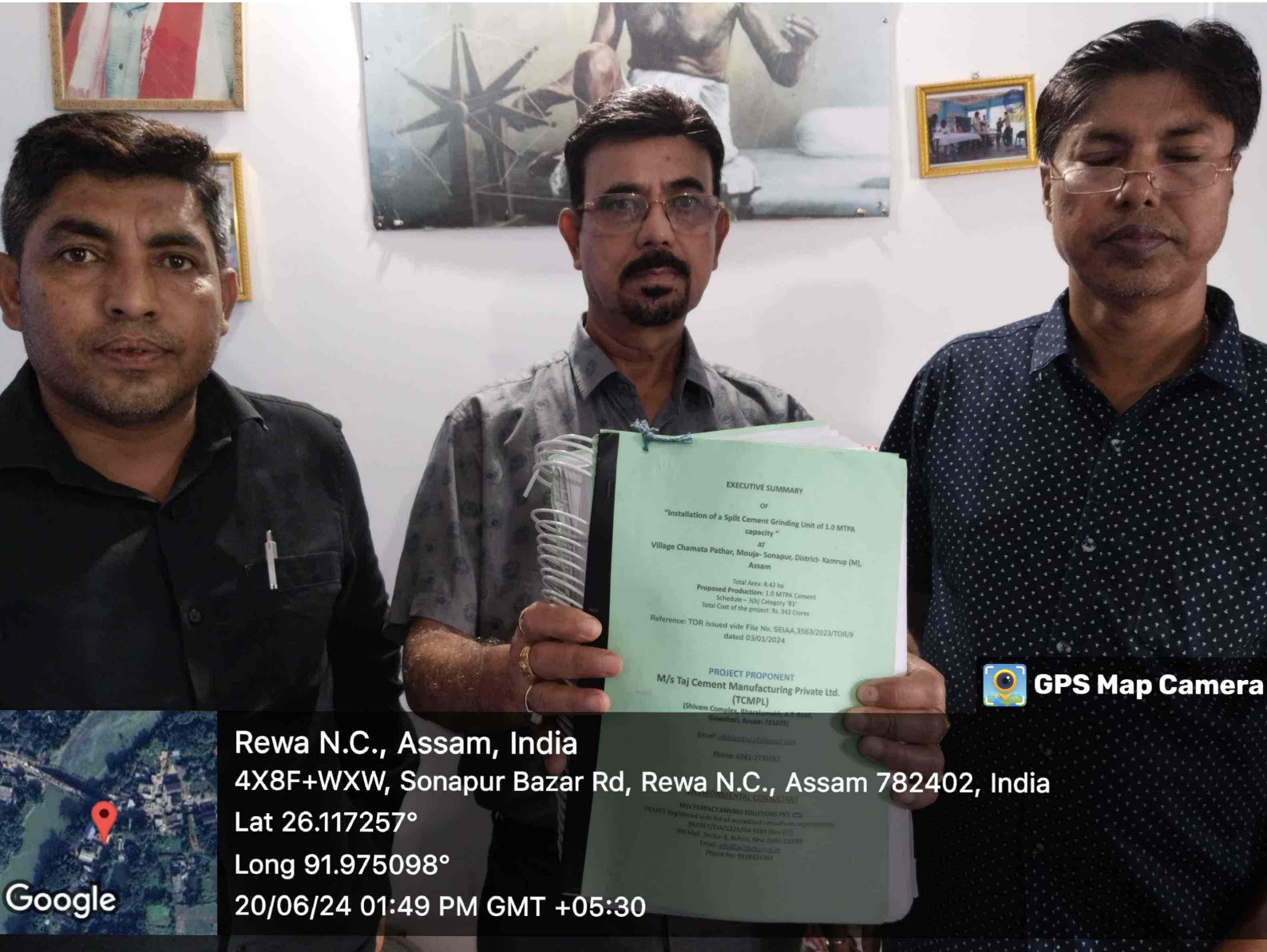
GOVT OF ASSAM
61 NO. SONAPUR GAON PANCHAYAT
(SECRETARY)

S. No.	NAME	PERIOD
		FROM TO
1.	BHARAT CH BARMAN	MARCH 1982 FEB 2002
2.	PREMA DAS	MARCH 2002 FEB 2017
3.	BICHU KUMAR DAS	MARCH 2017 SEP 2018
4.	KESHAB CH KAKATI	SEPT 2018 MARCH 2019
5.	MAHENDUR RAHMAN	MARCH 2019 AUGUST 2021
6.	BIKRAM DAS	AUGUST 2021
7.		
8.		
9.		
10.		

Rewa N.C., Assam, India
 4X8F+WXW, Sonapur Bazar Rd, Rewa N.C., Assam 782402, India
 Lat 26.117245°
 Long 91.975088°
 20/06/24 01:50 PM GMT +05:30



 GPS Map Camera



 **GPS Map Camera**

Rewa N.C., Assam, India
4X8F+WXW, Sonapur Bazar Rd, Rewa N.C., Assam 782402, India
Lat 26.117257°
Long 91.975098°
20/06/24 01:49 PM GMT +05:30



Google

TAJ CEMENT MANUFACTURING PRIVATE LIMITED

R/O: Shivam Complex A.T Road, Bharalumukh Guwahati Kamrup 781009

CIN: U26999AS2022PTC022451

E-mail Id: tcmpl@tajcement.com Ph No.: 0361-4083974

-12-

124

To

Date: 11/05/2024

O/o the President.61 No. Sonapur Gaon Panchayat
Sonapur, Kamrup (M) District
Assam

Subject: submission of Documents

Reference:

1. Terms of Reference (TOR) granted vide letter no. SEIAA.3563/2023/TOR/9 dated 03.01.2024
2. PCB, Assam letter no. PCBA/GUW/T-4719/04/322 DTD 10TH MAY'2024

Dear Sir,

Proposed project is for Installation of a Split Cement Grinding Unit of 1.0 MTPA capacity at Village Chamata Pathar, Mouja- Sonapur, District- Kamrup (M), Assam.

As per EIA Notification the project falls under Category 'B1' of item 3(b) of EIA notification 2006. Hence, we had applied in SEIAA, Assam for grant of Terms of Reference on 20th July, 2023. Terms of Reference (TOR) was granted vide TOR letter number, SEIAA.3563/2023/TOR/9 dated 03.01.2024. As per the TOR granted, we have to get the public hearing (proposed date 10th June'2024) conducted for our project for getting environmental clearance as per EIA Notification, 2006.

We are attaching herewith following documents:

1. Executive Summary of EIA Report in English
2. Executive Summary of EIA Report in Assamese
3. Draft EIA Report with CAF, Form-A & B, TOR compliance & Annexures

Thanking you,

Yours faithfully,
TAJ CEMENT MANUFACTURING PRIVATE LTD.

Authorized Signatory

M/s Taj Cement Manufacturing Private Ltd

Received
61 No. Sonapur Gaon Panchayat
Kamrup (M), Assam

Works:- VILLAGE CHAMATA PATHAR, MOUZA-SONAPUR, KAMRUP (M), ASSAM-782402