

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 94 of 2024/EZ

In the Matter of:

*Bimal Baroi & Others ... Applicants*

*-VS-*

*State of Assam and others ... Respondents*

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Filed by:

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(26/9/2024)

## BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA



Original Application No. 94 of 2024/EZ

Nisarg Goutam Hivare

In the Matter of:

*Bimal Baroi –vs – State of Assam and Ors.*

Affidavit in Reply on behalf of the Respondent No.4, The District Commissioner, Hailakandi

I Shri Nisarg Hivare, IAS, son of Sri Goutam Supadu Hivare, aged about 34years, by faith – Hindu, by occupation-service, residing at:-Hailakandi Town, Ward No. IX, P.O., P.S. and District:- Hailakandi, Assam, do hereby solemnly affirm and state as follows: -

1. That I am the District Commissioner, Hailakandi, in the State of Assam and as such I am fully conversant with the facts and circumstances of the case.
2. That I have received the notice and copy of the above-mentioned Original application, as well as the relevant orders dated 03.07.2024 and 13.08.2024, of the National Green Tribunal, Eastern Zone Bench, have gone through the same and understood the contents made therein.
3. That I will traverse only through that portion which is relevant for the present purpose, as well as for which the clarifications are sought for. The portions of Original application, not replied to shall not be treated as to be my admission.
4. That the Petitioner and others lodged a complaint before the Hon'ble National Green Tribunal, Principal Bench, through a letter dated 24.08.2023, alleges that unchecked and illegal sand excavation had resulted in severe environment degradation in the Hailakandi District.

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5. That the said complaint specifically states about a particular mining being Lalehera sand Mining (Mohal), carried out by one Punam Deb of Silchar, and alleges that the mining is carried out without following the Mining guidelines of AMMCR- 2013, and also deviates from the mining plans. This resulted in the environment degradation.

6. That in this connection, an affidavit has already been filed by the Central Pollution Control Board, which states that a joint inspection has been carried out which gives a detailed report of the inspection. The answering deponent relies upon the said report.

7. In connection with the said project it is further submitted that the boundary pillars were originally placed correctly with appropriate height and exact locations including the marking of the boundary of the lease area and the same is in accordance with the GPS locations.

8. That as regards the question of District Survey Report (hereinafter called the DSR), the answering deponent humbly submits that the draft DSR has already been uploaded in the District Portal and the information of the uploading is publicised in the local news paper. It is needless to mention that henceforth it will be strictly followed in case of all the mining operations which will be caused on in this district.

9. That it is also humbly submitted that in accordance with the order and direction of the Hon'ble Court, the service upon the respondent no.7 has already been affected. The affidavit of service is also enclosed herewith.

10. That the statements made out in the foregoing paragraphs are true to the best of my knowledge and belief and based on records and the same are also my respectful submissions before this Hon'ble Court and that I have not suppressed any material facts

Prepared in my Office

Nisarg Gautam Hivare

Deponent

*Prithwish Karthi' 200.*  
Enroll No-725/04-05.  
Advocate Member  
Dist Bar Association  
Haflakandi

*Signed before me*  
*B*  
*26/09/24*

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