

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH KOLKATA**

IN

**Original Application No. 177 OF 2024 (EZ)
(Earlier O.A. No. 1008 OF 2024 (PB))**

IN THE MATTER OF:

In the matter of O.A. No. 177/2024/EZ (Earlier O.A. No. 1008/2024/PB) Suo-moto matter registered on the basis of News item titled "Ri Bhoi village troubled by stone quarries" appeared in Meghalaya Monitor dated 05.07.2024

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SI/Instrument No. 54
Date 27.9.2024



(Mantu Kumar Choudhury)
Scientist 'F' & RD Shillong
Central Pollution Control Board

Filed Through Counsel

Dated: 27th September 2024

Place: Shillong



एम. के. चौधुरी/ M. K. Choudhury
वैज्ञानिक 'एफ' / Scientist 'F'

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest & Climate Change, Govt. of India)
केन्द्रीय निदेशालय - शिलांग
Regional Directorate - Shillong
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**REPLY ON BEHALF OF THE RESPONDENT No.1: CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

1. That, Hon'ble NGT vide order dated 02.08.2024 has impleaded the Member Secretary, Central Pollution Control Board (hereinafter referred to as "CPCBs"); Member Secretary, Meghalaya State Pollution Control Board (hereinafter referred to as "MSPCBs"); Regional Office-Shillong Ministry of Environment Forest and Climate Change (hereinafter referred to as RO- MOEF&CC), Principal Chief Conservator of Forest, Meghalaya, District Commissioner, Ri Bhoi, as respondents and sought the reply of respondents, including CPCB, in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and control) Act, 1974. It performs the functions under The Water (Prevention and control) Act, 1974, The Air (Prevention and control) Act, 1981 and The Environment (Protection) Act, 1986. It is further submitted that the State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs") have been constituted in States under the Water Act, 1974 and the Air Act, 1981 to perform the functions and implement the provisions of these Acts in respect of areas under their territorial Jurisdiction.



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REPLY

3. That, it is respectfully submitted that the State Department of Mines and Geology is the Nodal Authority in the State for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act 1957 (MMDR Act 1957) and is entrusted with the enforcement and regulation of mining operations in a State including illegal mining. Under the provision of 23(C) of MMDR Act 1957, the State Governments are empowered to make rules for preventing illegal mining, transportation and storage of illegally mined minor minerals. All such mining which qualifies illegal, shall be dealt with in the provision of MMDR Act by the concerned authorities.
4. That as per the Environmental Impact Assessment notification-2006 (hereinafter referred to as "EIA"), all Category 'A' projects including expansion and modernization of existing project shall require Environmental Clearance (hereinafter referred to as "EC") from MoEF&CC on the recommendations of Expert appraisal committees (EAC) and all Category 'B' projects require EC from the State Level Environment Impact Assessment Authority (SEIAA) on the recommendations of State Level Expert Appraisal Committee (SEAC).
5. That the MoEF&CC vide notification S.O. 1886 (E) dated 20.04.2022 has delegated the power to grant Environmental Clearances to all minor mineral mining projects to the State Level Environment Impact Assessment Authority (SEIAA).
6. That the MoEF&CC vide notification no. S.O. 637 (E) dated: 28.02.2014 has delegated the power to SEIAA to issue show cause notice to project proponent in case of violation of the conditions of the environment clearances issued by the said Authorities to projects or activities within their jurisdiction.



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7. Accordingly, the mining projects should obtain prior Environmental Clearance from the concerned authority and should also obtain Consent from the concerned SPCB/PCC and the mining projects need to comply with the conditions stipulated in the EC and Consent.
8. That the averments made in the news item of the Original Application is related to the stone quarries affecting the environmental quality in the Nongthymmai-Garo village in the Umling subdivision of Ri Bhoi district (Meghalaya) illegal stone quarries operating without proper permits or adherence to environmental regulations. It is further brought out in the news article that these quarries are significantly damaging the local environment and posing risks to residents and extensive deforestation, loss of green cover, and destruction of the Chidilma river have occurred due to the quarrying activities. It is submitted that the matter is primarily related to enforcement/implementation of various provision of Meghalaya Minor Mineral Concession Rule 2016 and also the compliance under the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 regulated by the Meghalaya State Pollution Control Board including the EIA notification under E(P) Act, 1986.
9. That in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.



(Mantu Kumar Choudhury)
Scientist 'F' & RD Shillong
Central Pollution Control Board

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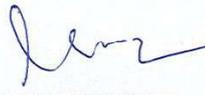
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AFFIDAVIT

I, Mantu Kumar Choudhury, Son of Late A.C. Choudhury, aged about 59 years by Occupation Service, having office at the Regional Directorate, Central Pollution Control Board (CPCB), BSNL, CTO Building, Shillong – 793001 do hereby solemnly affirm, declare on oath and state as under:-

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.


DEPONENT

VERIFICATION

Verified at Shillong on this day 27th September, 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

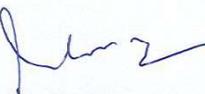
Verified at Shillong on this the 27th September, 2024



**NOTARY
East Khasi Hills District
Government of Meghalaya**

एम. के. चौधुरी/ M. K. Choudhury
वैज्ञानिक 'एफ' / Scientist 'F'

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DEPONENT

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