

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No.97 of 2024 (EZ)
(Earlier O. A. No. 144/2024/PB)

Vimla Vipu Soren ..Applicant(s)

Versus

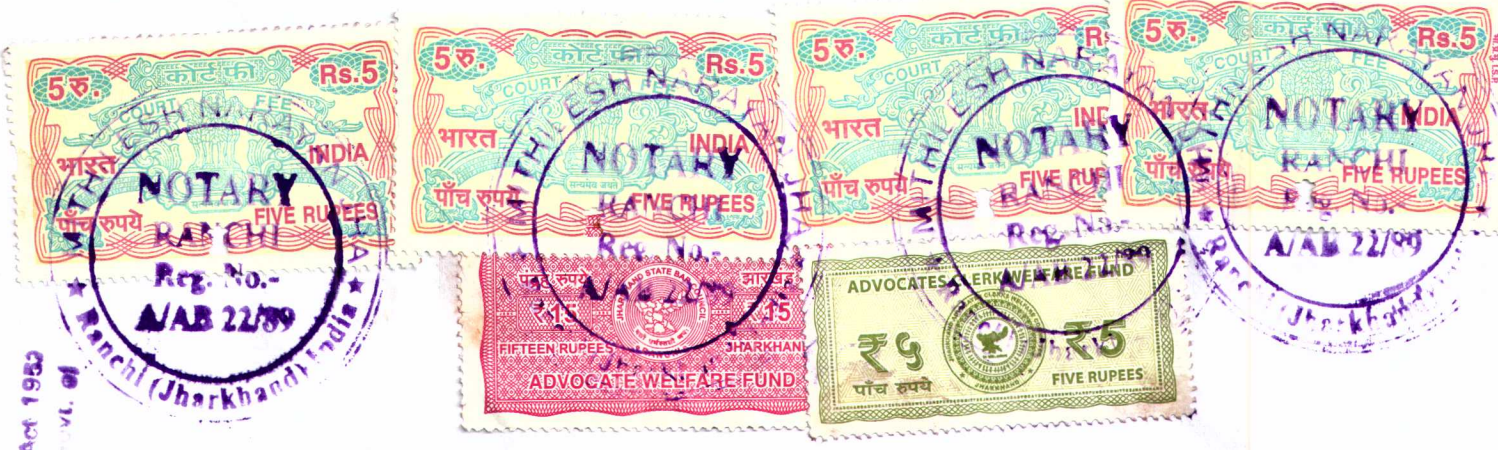
Jharkhand State Pollution Control Board & Ors. Respondent(s)

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Filed by: -

Surendra Kumar
Advocate
Jharkhand State Pollution Control Board



Authorised under Notaries Act 1953
 & Notary Rules 1968
 Thillesh Narayan Singh (Hindi)
 Ranchi (Jharkhand) India

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

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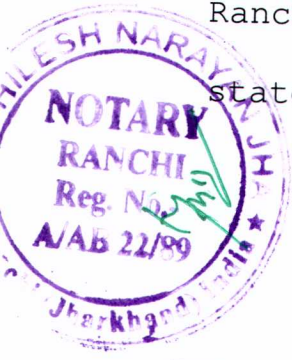
Jharkhand State Pollution Control Board & Ors. **Respondent(s)**

Affidavit on behalf of Jharkhand State Pollution Control Board in compliance of the order dated 23/04/2024.

I, Kumar Manibhushan, son of Lavlesh Kumar Shahi presently posted as the Environmental Engineer, Jharkhand State Pollution Control Board having its office at T. A. Division Building, H.E.C, Dhurwa, Ranchi and am duly authorized and hereby solemnly state and affirm as follows: -

379
 21 OCT 2024

Ref.No.



✕

1. That at present, I am working and posted as the Environmental Engineer, Jharkhand State Pollution Control Board having its office at T. A. Division Building, H.E.C, Dhurwa, Ranchi and as such, I am well acquainted with all the facts and circumstances of this case.
2. That, I have gone through the order dated 23/04/2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata and has understood the contents therein.
3. That, I have been authorized to swear this affidavit on behalf of the Jharkhand State Pollution Control Board by the Competent Authority. Further, it is stated that I have gone through the relevant files and records in the present case.
4. That, the instant O.A. was taken up by the Principal Bench of Hon'ble NGT on the basis of the communication received in the Hon'ble Tribunal from the Applicant Vimla Vipu Soren, wherein the Principal Bench of Hon'ble Tribunal, New Delhi vide Order dated 23/04/2024, was pleased to constitute a joint Committee comprising of representatives of



~~X~~

6. That, it is humbly stated and submitted that in compliance with the directions issued by the Hon'ble NGT the said Committee visited the area in question on 03/06/2024 and the Regional Officer, JSPCB Regional Office cum Laboratory, Dumka has submitted the copy of the Inspection report to the Board vide letter no. 1283 dated 08/07/2024.

Photocopy of the Regional Officer, JSPCB Regional Office cum Laboratory, Dumka letter 1283 dated 08/07/2024 is attached herewith as **Annexure - 'B'**.

7. That, the said factual Report submitted by the Joint Committee inter alia made the following Observations/recommendations:

- (1) M/s WBPDCCL has made provision for a Wheel Washing facility at Barmasia village and a mobile water tank for wetting of coal transportation road to mitigate the pollution in Pakur district. Further, during inspection by the Committee, vehicles were found to be covered





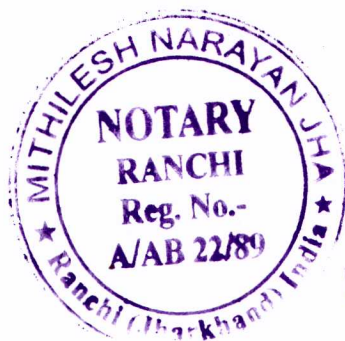
VERIFICATION:

Verified at Ranchi on this the day of 21 October, 2024 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Kumar Manibhusan

DEPONENT

Authorised under Notaries Act 1952
by Ministry of P. & H. 1956 Govt. of
Jharkhand Ranchi (India)



Manibhusan
21/10/2024
NOTARY PUBLIC
RANCHI

379 21 OCT 2024

Date.....

Ref.No

21 OCT 2024



JHARKHAND STATE POLLUTION CONTROL BOARD

TOWNSHIP ADMINISTRATION BUILDING, HEC COMPLEX, DHURWA, RANCHI 834004

Telephone: 0651-2400850 (Fax)/ 2400851/2400852/2401847/2400979/2400139

ANNEXURE 23

By Email

Hon'ble NGT Matter
Time Bound (Urgent)

Ref. No. B-1124..

Date. 07/05/2024

From,

Kumar Manibhushan,
Environmental Engineer.

To,

The Deputy Director General of Forests,
Regional Office, MoEF&CC,
Ranchi.

The Deputy Commissioner,
Pakur, Jharkhand.

Sub: - Compliance of the directions issued by the Hon'ble NGT, PB, New Delhi in its order dated 23/04/2024 in O. A. No. 144/2024 in the matter of Vimla Vipu Soren Versus State of Jharkhand & Ors. – Regarding.

Sir,

In Connection with the above noted subject matter, I am directed to inform that the Hon'ble NGT, PB, New Delhi in its order dated 23/04/2024 in O. A. No. 144/2024 in the matter of Vimla Vipu Soren Versus State of Jharkhand & Ors. has been pleased to pass certain directions (Copy enclosed). The relevant portion of which is as follows: -

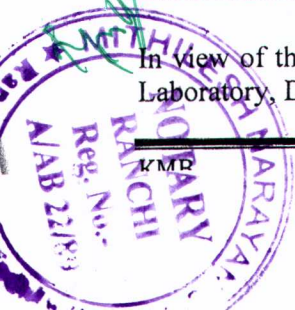
"4. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Integrated Regional Office, MoEF & CC, Ranchi, Jharkhand State Pollution Control Board and District Magistrate, Pakur, Jharkhand and direct the same to meet within two weeks, 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 Jharkhand State Pollution Control Board will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Eastern Zone Bench of this Tribunal at Kolkata, we are of the considered view that it will be appropriate if the case is further heard by the Eastern Zone Bench of this Tribunal at Kolkata.

6. Accordingly, the Registry is directed to list the matter before the Eastern Zone Bench of this Tribunal at Kolkata on 15.07.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

7. Factual and Action taken Report by the Joint Committee be filed within one month before the Eastern Zone Bench of this Tribunal at Kolkata by email to ngtjudicial-kolkata@gov.in

In view of the above, Sri Rajiva Kumar Sinha, Regional Officer, JSPCB Regional Office – Cum – Laboratory, Dumka (Contact No. – 9835160907; Email: - dumkajspcb@gmail.com) is nominated as



the Nodal Officer – Cum – Member of the Committee on behalf of the JSPCB to look into the matter.
This is for information and further necessary action please.

Encl: As above.

Yours sincerely,

Sd/-

(Kumar Manibhushan)
Environmental Engineer

Memo No. B-1124.....

Ranchi, dated 07/05/2024

Copy to: Sri Rajiva Kumar Sinha, Regional Officer, JSPCB Regional Office – Cum – Laboratory, Dumka for information & it is, hereby directed to co-ordinate with the Committee for compliance of the directions issued by the Hon'ble Tribunal and submit the Report of the Committee to the Board's Headquarter, so that, it may be filed before the Hon'ble Tribunal in time.

Melohi
07/05/24
(Kumar Manibhushan)
Environmental Engineer





झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद,

क्षेत्रीय कार्यालय-सह-प्रयोगशाला, दुमका - 814101

Ph: 06434-230203 Web Site: www.jspcb.org

पत्रांक :- 1283

दिनांक :- 08/7/2024

प्रेषक:

क्षेत्रीय पदाधिकारी,
दुमका।

सेवा में,

सदस्य सचिव,
झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद,
रांची।

विषय :

Compliance of the direction issued by Hon'ble NGT, Principal Bench, New Delhi in its order dated 23.04.2024 in O.A. No. 144/2024 के संबंध में।

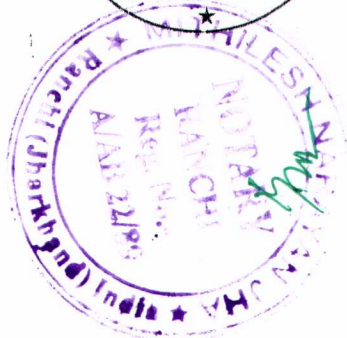
महाशय,

उपर्युक्त विषय के संबंध में सूचित करना है कि माननीय NGT, Principal Bench, New Delhi में दायर O.A. No. 144/2024, Vimla Vipu Soren Vs State of Jharkhand & Ors के संबंध में दिनांक 23.04.2024 को पारित आदेश के अनुपालन हेतु संयुक्त हस्ताक्षरित निरीक्षण प्रतिवेदन आवश्यक कार्रवाई हेतु भेजी जा रही है।

अनु०:-यथो।

विश्वासभाजन,

Rm
5/7/24
क्षेत्रीय पदाधिकारी,
दुमका।



Sri Gupta (ASB) Legal Section
for kind information and necessary
action please.
[Signature]

Bhi Kundan K. Das
(C.B.)
[Signature]
11/7/2024

- 9 -

FACTUAL REPORT ON THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT), PRINCIPAL BENCH, NEW DELHI IN ITS ORDER DATED 23/04/2024 IN O. A. No. 144/2024 IN THE MATTER OF VIMLA VIPU SOREN VERSUS STATE OF JHARKHAND & ORS

The Hon'ble NGT, Principal Bench, New Delhi has taken cognizance of the petition submitted by Miss Vimla Nipu Soren in the form of a letter dated 04/09/2023 sent to the Hon'ble Tribunal by post which had been registered as O.A. No. 144/2024 in the matter of Vimla Nipu Soren Versus State of Jharkhand and others.

The case had come up for hearing and vide its order dated 23/04/2023, addressing the grievances of the applicant, the Hon'ble Tribunal has directed for the constitution of a Joint Committee to verify the factual position and take appropriate remedial action. Accordingly, the Joint Committee was constituted comprising of the representatives of the following: -

1. Integrated Regional Office, MoEF & CC, Ranchi.
2. Jharkhand State Pollution Control Board.
3. District Magistrate, Pakur, Jharkhand.

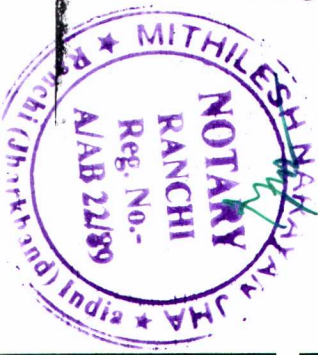
The Hon'ble NGT had directed the Committee to undertake the following duties:

- i. To meet within two weeks
- ii. Undertake visits to the site
- iii. Look into the grievances of the applicant
- iv. Associate the applicant and representatives of the concerned project proponent
- v. Verify the factual position and take appropriate remedial action by following due process of Law.

In compliance to the directions of the Hon'ble Tribunal, the following Officers carried out the Site Inspection of the area, on 03/06/2024: -

- a) Shri Mrityunjay Kumar Baranwal, Deputy Commissioner - Cum - District Magistrate, Pakur, Jharkhand.
- b) Shri Rajiva Kumar Sinha, Regional Officer, JSPCB Regional Office - Cum - Laboratory, Dumka.
- c) Shri M. Rajeshwar Prasad, Scientist - C, MoEF & CC Regional Office, Ranchi.

The members of the Joint Committee had met at Pakur, under the Chairmanship of District Magistrate in the morning of 03/06/2024 and discussed briefly about the directions of the Hon'ble NGT. Accordingly, the team carried out Inspection of the sites, beginning with the areas just outside the North Pachhwara Coal Mine of M/s West Bengal Power Development Corporation Limited (WBPDC), from where all the coal transportation vehicles continue its plying to the different Railway sidings including Dumka Railway siding.



-X-

The sites visited by the Joint Team are:

- I. Wheel Washing facility located at Barmasia village in the Pakur District just before entering into state highway (ADB Road).
- II. The coal transportation road, from the mine up to Bansloi River Bridge, Boundary of Pakur District, which is dedicated for coal transportation and located in the Pakur District (approx. length is 15 kms).

The members of the Joint Committee, including the representatives of the project proponent M/s WBPDCCL, had a meeting with the complainant, Miss Vimla Nipu Soren with regard to her grievances on the pollution caused due to transportation of the coal laden vehicles on the Highway.

OBSERVATIONS:

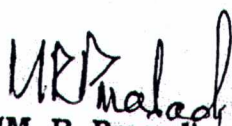
- a) It was observed by the Joint Committee that the coal transportation road, from the North Pachhwara Coal Mine is upto two different railway sidings
 - 1) Pakur Railway Siding
 - 2) Dumka Railway Siding.
- b) It was also noted by the committee that the coal transportation road, stated in the petition, has a total stretch of 70 kms, out of which
 - 1) a distance of approx..15 kms comes under the Pakur District and
 - 2) approx....55 kms length of road is covered in the Dumka District.
- c) The Joint Committee, along with the representatives of project proponent M/s WBPDCCL carried out inspection of the 15 kms stretch of the road located in the Pakur District and the District Magistrate, Pakur suggested to take photographs of the leaves and plants located along the road for ascertaining the impact of fugitive dust on the vegetation on the avenue plantation. Negligible amount of dust was observed on the vegetation.
- d) The Joint Committee did not observe any villages / habitations along the 15 kms stretch of the road for interaction with the people to take feedback on the coal transportation on them.
- e) The Joint Committee was of the view that for a complete overview of the problems being faced, efficacy of measures adopted by the project proponent /district administration and impact(s) of coal transportation on the habitations, dwellings along the road in the districts of Pakur and Dumka could be concluded only after the inclusion of District Magistrate, Dumka as a member of the joint committee constituted by the Hon'ble NGT, as almost a stretch of 55 kms of coal transportation route lies in his jurisdiction.
- f) As informed by the Regional Officer, JSPCB Dumka a matter w.r.t. the pollution caused by the Coal Transportation from the Dumka Railway Siding was also heard and disposed of with directions by the Hon'ble NGT, EZB, Kolkata as M.A. No. 13/2024/EZ in O.A. No. 19/2021/EZ.

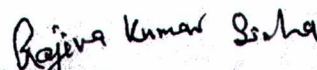


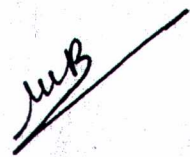
- X -

Recommendation / Prayer: -

1. The Joint Committee observed that M/S WBPDCCL provided a wheel washing facility at Barmasia village and provided a mobile water tanker for wetting of the coal transportations road to mitigate the pollution in Pakur district. Also, during inspection transportations vehicles are found covered with tarpaulin and no habitation was found in Coal transportation route (By Road) within territorial boundary of Pakur district.
2. Pollution control measures are being implemented by M/S WBPDCCL to mitigate the effects of coal transportations by road in the territorial boundary of Pakur district.
3. It is humbly prayed to the Hon'ble Tribunal to Constitute a separate committee including the Dumka district Administration to verify the factual position in Dumka district.


(M. R. Prasad)
 Scientist - C,
 MoEF&CC Regional
 Office, Ranchi


(Rajiva Kumar Sinha)
 Regional Officer,
 JSPCB, Dumka


(M.K. Baranwal)
 Deputy Commissioner
 Pakur, Jharkhand





ANNEXURE'S PHOTOGRAPHS



➤ **Joint Meeting at Prakruthi Vihar Park.**



Jun 3, 2024 11:56:20 AM
24°31'21"N 87°32'38"E
337° NW
Unnamed Road
Barmasia
Santhal Pargana Division
Jharkhand
Altitude:33.7m
Speed:0.0km/h
Satyam's GPS Cam.
Index number: 62



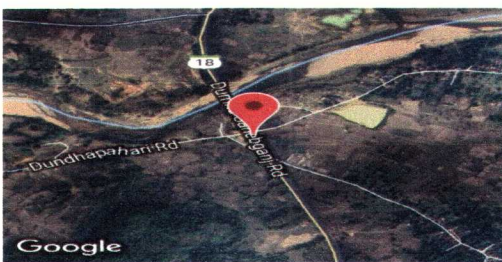
➤ **Inspection at Barmasia Wheel Washing Facility**





Jun 3, 2024 11:55:33 AM
 24°31'21"N 87°32'38"E
 186° S
 Unnamed Road
 Baramasia
 Santhal Pargana Division
 Jharkhand
 Altitude:27.7m
 Speed:0.0km/h
 Satyam's GPS Cam.
 Index number: 61

➤ At wheel washing facility.



Jun 3, 2024 12:07:40 PM
 24°31'9"N 87°33'19"E
 44° NE
 Dundhapahari Road
 Kuskira
 Santhal Pargana Division
 Jharkhand
 Altitude:26.0m
 Speed:0.0km/h
 Satyam's GPS Cam.
 Index number: 63



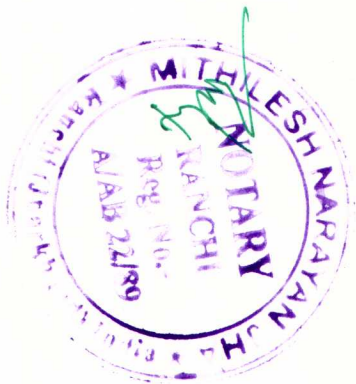
Handwritten signature in green ink

MITHILESH
 NOTARY
 KANACHI
 Reg. No.-
 AL/435 22/189

~~14~~

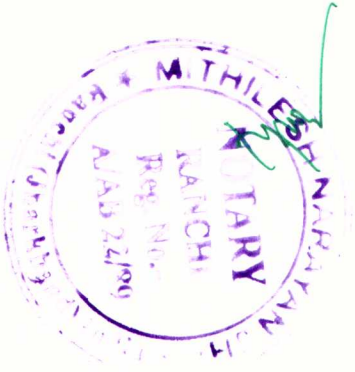


➤ Wheel Washing facility at Hetkoraia.





➤ Interaction with complainant and other local people at Katikund.

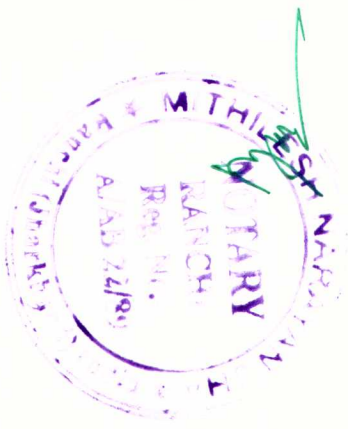




Jun 3, 2024 1:50:11 PM
24°25'42"N 87°29'11"E
78° E
Dumka Sahebganj Road
Gopikandar
Santhal Pargana Division
Jharkhand
Altitude: 101.0m
Speed: 0.0km/h
Satyam's GPS Cam
Index number: 70



➤ Road Sweeping machine working at Gopikandar



-X



➤ Water sprinkling at Dumka Siding



-X-



→ Fogger working at Dumka Goods shed to control airborne dust.



-18



➤ Green Net at Phulo-JhanoChowk,Dumka

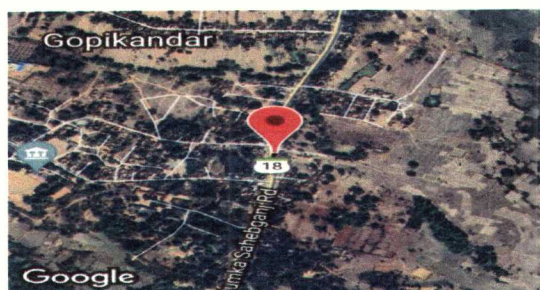


➤ Coal Wetting before Unloading of Coal at Dumka Goods shed.



~~-28-~~

➤ **Coal Transportation Road.**



Jun 3, 2024 1:52:54 PM
24°25'32"N 87°29'8"E
345° N
Gopikandar
Santhal Pargana Division
Jharkhand
Altitude:93.8m
Speed:0.0km/h
Satyam's GPS Cam.
Index number: 73



➤ **Green Net Along the Coal transportation Road at Gopikandhar**