

ORDER passed in Original Application No. 808/2024

न्यायिक अनुभाग Judicial Section <judicial-ngt@gov.in>

Tue, 12 Nov 2024 12:06:11 PM +0530 •

To "Sh. RAJA CHATTERJEE Registrar" <registrarngt-kolkata@gov.in>, "National Green Tribunal, Eastern Zone Bench, Kolkata" <ngtjudicial-kolkata@gov.in>

Respected Sir/Madam,

I am directed to forward a copy of the **Petition & Order dated 05/11/2024 passed in Original Application No. 808/2024 Utpal Saikia and Others Applicant Versus State of Assam Respondent(s)**. for your kind perusal & necessary action.

It is also intimated have that, henceforth no pleadings/ report/ documents etc in pending case will be accepted except through E-filing module of NGT.

Pleadings/ report/ documents, etc. filed through E-mail will not be taken on record, unless otherwise directed.

भवदीय / Regards**परामर्शदाता (न्यायिक) / Consultant (Judicial)****राष्ट्रीय हरित अधिकरण / National Green Tribunal****प्रधान न्यायपीठ / Principal Bench****नई दिल्ली / New Delhi - 110001**

2 Attachment(s) • Download as Zip • Add To >



Utpal Saikia and Others.pdf

203 KB •



1. OA NO 808 of 2024 (Pag... .pdf

1.3 MB •

To,

Hon'ble Mr. Justice Prakash Shrivastava
The Chair Person, National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi-110001, India.

24/9/2023
08/11/23

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E2B

Sub: Prayer for your kind intervention to protect the rich bio diversity of the Pobitora Wild Life Sanctuary in Assam.

Date: 19/10/2023

Respected Sir,

With due respect and humble submission we would like to inform you that we are the inhabitants of Morigaon district in the state of Assam. We have been continuously suffering from the mischievous activities of an industrialist who has been trying to create an industrial zone amidst of the 2 blocks of the Pobitora WL Sanctuary) Therefore, we want to inform you-

1. That, the Pobitora Wild Life Sanctuary Comprised of 2 Blocks and it contains a rich biodiversity with more than 103 one horned Rhinos, more than 300 Indian Buffaloes, Leopards, Deers, pangolins, Wild boars etc. and migratory birds. Recently, an industrialist Dilip Chetry has been trying to create an industrial zone amidst of the 2 Blocks of the Pobitora Wild life Sanctuary as he has been trying to establish a coal burned brick industry (proposed BBA Bricks) amidst of the 2 blocks of the Sanctuary.
2. That, the interspace between the Plain Block (Rajamayong Block) and Hill Block (Burhamayong Hill Block) of the Pobitora Wildlife Sanctuary has its unique significance in protecting the Bio- diversity of the Pobitora Wild life sanctuary. The interspaces between the two blocks of the sanctuary were incorporated in the draft proposal of Eco Sensitive Zone to provide safe passage to the straying Rhinos, Buffalos, Boar and Leopards etc. But, the final notification is yet to be published. Taking this administrative delay as an opportunity, the industrialist has been relentlessly trying to create an industrial belt in the interspace of the Pobitora WL sanctuary.
3. That, the protection of the interspace of the 2 blocks of the Pobitora Wildlife sanctuary from **Brick fields, Cement Factories and Stone Quarries** and other pollution causing industry is necessary to protect the

236/HCP
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bio diversity of the sanctuary. Else, the nation is going to loss an important wildlife habitat very soon.

4. That, such a pollution causing industry proposed amidst of the two blocks will certainly affect the Bio diversity of the area and it is contrary to the wildlife conservation ethos of the nation. Therefore, we request for your kind intervention to prohibit creation of industrial zone by establishing **Brick fields, Cement Factories and Stone Quarries** amidst of the 2 blocks of the Pobitora WL Sanctuary.

Therefore, we request your honour kindly to give necessary directions to the DC, Morigaon, Assam and Pollution Control Board, Assam to prohibit the proposed brick kiln in the said location. Sir, we will remain thankful to you for your kind endeavor to protect the rich flora and fauna of the region.

Copy To:

Hon'le DC, Morigaon.

Yours Faithfully

1. Utpal Saikia (9859505549)
2. Jyoti prasad Borah.
3. Kushal Saikia
4. Charan Saikia
5. অক্ষয় কাম মল্লিক
6. শ্রী: গোবিন্দ মল্লিক
7. শ্রী বিদ্য কলিকতা
8. Ananta Saikia
Brahm Baruah
শ্রী: অক্ষয়
ব্রাহ্ম মল্লিক

श्री मणि ठाकुर मंडल
 श्री विष्णु ठाकुर मंडल
 श्री ब्रह्म ठाकुर मंडल

Keshab Saikia

श्री साहू

Maduk Saikia

Duggati Saikia

Ushab Saikia

श्री विष्णु ठाकुर मंडल

श्री अरुण ठाकुर

Karuna Saikia

Tapan Saikia

Tapan Saikia

श्री विष्णु ठाकुर मंडल

श्री अरुण ठाकुर मंडल

श्री अरुण ठाकुर मंडल

Champak Saikia

Bahadran Saikia

Bipul Saikia

Maidul Saikia

श्री अरुण ठाकुर मंडल

Ganesh Saikia

श्री अरुण ठाकुर मंडल

श्री अमरु अरुकीया 5
श्री विद्यानि अरुकीया 1

5 श्री गुरु अरुकीया
श्री शरणा अरुकीया
श्री देव अरुकीया
श्री उदय अरुकीया

Ushangyoti Sankia

श्री विद्या अरुकीया
श्री सुविद्या अरुकीया
श्री विद्या अरुकीया
श्री सुविद्या अरुकीया

श्री उदय श्री पाव
श्री अरुकीया अरुकीया 1
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Ranjia Sankia

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Amrit Sankia

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Kamal Sankia



GOVT. OF ASSAM
OFFICE OF THE RANGE OFFICER::: POBITORA WILDLIFE RANGE,
MAYONG, MORIGAON

Memo No.P/20/2013/ 152-53

Dated Mayong the 4th May/2013

From- *Ashok Kr. Das, AFS
Forest Range Officer
Pobitora Wildlife Range
Mayong, Morigaon*

To,
The Divisional Forest Officer,
Guwahati Wildlife Division.
Shantipur, Guwahati-9.

Sub:- Regarding setting up of a brick kiln adjacent to the Pobitora Wildlife Sanctuary .

Ref:- Your letter no.B/GWL/149/896 Dt.30/4/2013 and letter no. Nil, Dt. 25.4.2013 received from SATIVETI NAVA MILLAN SANGHA AND PUTHIBHARAL, Signed by Kamaljyoti Saikia and Utpal Saikia.(copy enclosed)

Sir,

With reference to the above I would like to inform you that on the basis of the letter dated 25.04.2013 quoted under reference, I have caused a field enquiry of the site of the brick kiln at Sativeti area on 1.05.2013. That sir, the kiln authority has set up a complex of their own by constructing the CHULA and labour huts etc. as I have observed during my field visit. The spot of the kiln is found to be surrounded by paddy field of the nearby villagers and it is about 500 meters away from the boundary of the Rajamayong hill point of Pobitora Wildlife Sanctuary. Hence, the site falls within the proposed eco-sensitive zone of the Protected Area. Moreover, I could see some water bodies there in the nearby area of the kiln, where migratory and indigenous birds might be seen in the season. In the context, I would like to draw your attention that, the area of the site is very much on the corridor of the straying rhinos which strays towards the hill side during the flood time. Setting up such brick kiln in that area must obstruct its regular corridor and may cause other complexity also. That sir, this letter may be treated as the reply to your letter under reference also.

As such, your honour is requested to take up necessary steps against such activities for the interest of the conservation of the wildlife.

This is for favor of your kind information and necessary action.

Encl: As stated above.

(Ashok Kr. Das.AFS)

Copy to Kamaljyoti Saikia and Utpal Saikia, SATIVETI NAVA MILLAN SANGHA AND PUTHIBHARAL, Sativeti, Rajamayong for their information.

(Ashok Kr. Das.AFS)

ANNEXURE -4

TYPE COPY

GOVT. OF ASSAM

OFFICE OF THE DIVISIONAL FOREST OFFICER: GUWAHATI WILDLIFE DIVISION
SANTIPUR, GUWAHATI 09LETTER NO.B/GWL/149/ 1245-47 Dated Guwahati the 10th Oct.2011

From :

S.K. Seal Sarma, AFS
Divisional Forest Officer
Guwahati Wildlife Division
Santipur, Guwahati -09

To,

The Deputy Commissioner ,
Morigaon District
Morigaon.Sub : Regarding setting up of a brick kiln in adjacent to the Wildlife
Sanctuary.

Madam ,

Most respectfully , I beg to inform you that two brick kilns are seen establishing one at Sativeti and the other in opposite to the Dhekiabari anti poaching camp on the solution side Guwahati - Mayang FWD Road under Mayang Revenue Circle of Morigan District .

The location of the said brick kilns are very much within half a kilometer from the boundary of the Raja Mayang Hill RF which is a part of the notified Pobitora Wildlife Sanctuary . Moreover , the sites fall within the proposed Eco Sensitive Zone of the Pobitora Wildlife Sanctuary and on the animal movement corridor.

Setting up of such coal based industries in close to the boundary of the wild life sanctuary will certainly have immense adverse effect to both the flora & fauna and its natural environment .

Under the circumstances, may I request your honour to kindly immediate necessary measures to stop setting up of the brick kilns in Eco Sensitive Zone for the greater interest of the wildlife Sanctuary and its natural environment.

yours faithfully

(SK Seal Sarma)

Copy to the Chairman, Pollution Control Board, Assam , Bamunimaikum , Guwahati -21 for favour of his kind information . He is also requested to take requisite measures at his end the aforesaid issue.

Copy of the Range Officer , Pobitora Wildlife Range , Mayang for his information and necessary action. He is requested to collect copies of the valid authority if the properties have for establishment such industries and provide to this end for taking onward necessary action .

Sd/- illegible

(SK Seal Sarma)

Letter No. A/GWL/149/986

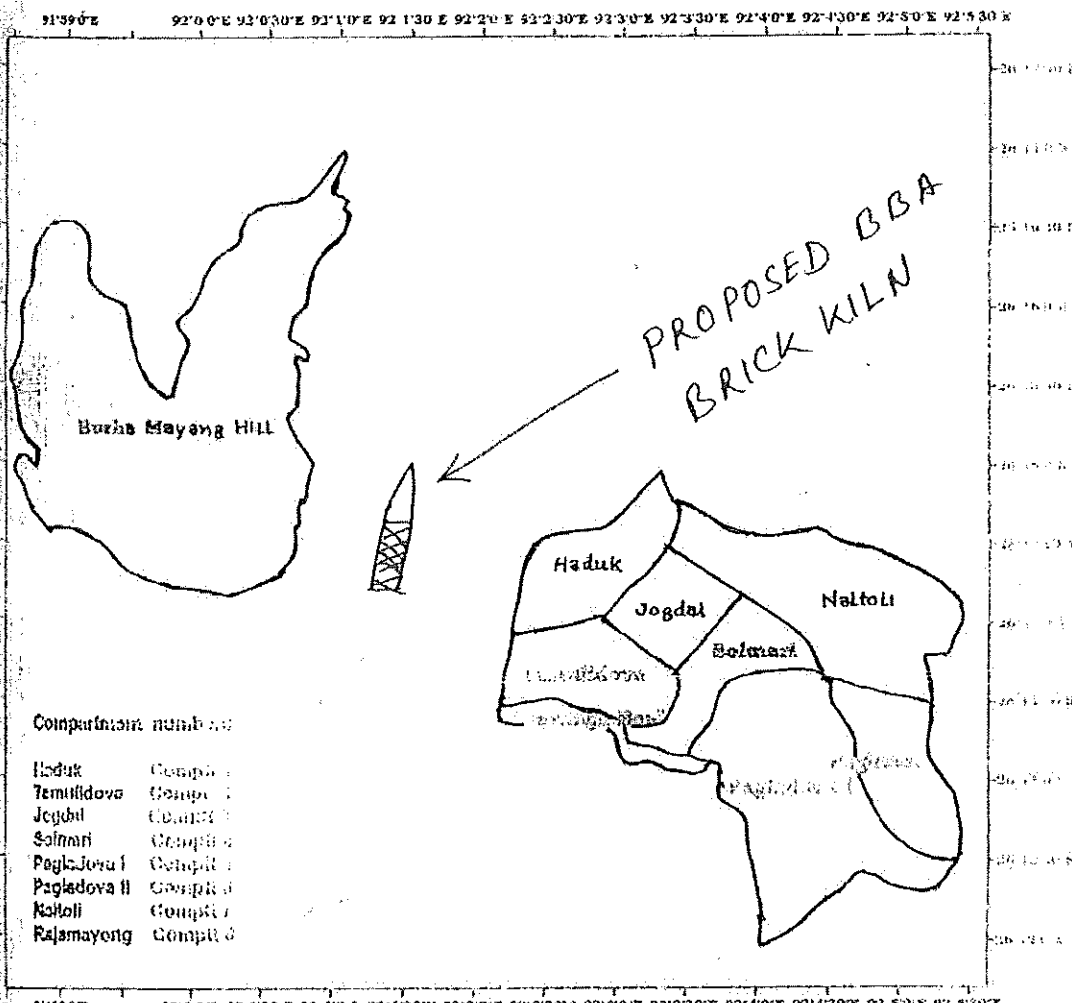
Dated Guwahati , the 10th Oct.2011

Copy to the Principal Chief Conservators of Forests , Wildlife, Assam , Basistha, Guwahati -29 for favour of his kind information and necessary action .

(SK Seal Sarma)

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Block Map of Pabitora Wildlife Sanctuary



Compartment numbers

- Haduk Compt. 1
- Temuldova Compt. 2
- Jogdal Compt. 3
- Solmani Compt. 4
- Pagladova I Compt. 5
- Pagladova II Compt. 6
- Naltoli Compt. 7
- Rajamayong Compt. 8

91°59'0"E 92°00'E 92°030"E 92°10'E 92°130"E 92°20'E 92°230"E 92°30'E 92°330"E 92°40'E 92°430"E 92°50'E 92°530"E

0.0 0.6 1.2 1.8 2.4 Kilometers

Scale 1:50,000

OFFICE OF THE DIVISIONAL
S

Memo No. B/GWL/106/ 183-1

To.

The Chairman,
State Pollution Control Board, Assam,
Bamunimaidum, Guwahati-21.

Sub :- Industries situated in the proposed Eco-sensitive Zone of Pobitora Wildlife Sanctuary and action to be taken against the owners and regarding.

Ref :- Hon'ble Gauhati High Court's order on dated 28-10-2013 passed in connection with W.P(C) No.1265/2012 Lakshman Saikia & 3 others -vs- the State of Assam others.

Sir.

With reference to the above, I have the honour to forward herewith an inventory report of industries situated in the proposed Eco-sensitive Zone of Pobitora Wildlife Sanctuary as submitted by the Range Officer, Pobitora Wildlife Range, Mayong vide his No.P/20/2014/724, dt.15-01-2014, the content of which is self explanatory for favour of your kind information and taking necessary action as per law.

I would inform your honour that the Pobitora Wildlife Sanctuary is constituted of 2(two) Reserved Forests namely- Buramayong Reserved Forest(Area 1191.86 ha.) and Pobitora Reserved Forest (area 1584.76 Ha) and Govt. land (Area 1104 Ha.) It was finally declared as a Wildlife Sanctuary by the Govt. of Assam vide its Notification No.FRS.19/87/152, dated 17th March/1998.

The Proposed Eco-sensitive Zone of Pobitora Wildlife Sanctuary includes an extent of area of 1 Km. radius from the periphery of the Wildlife Sanctuary and as well as the intermediate space between the above RFs and the Govt. khas land. The industries enlisted in the Range Officer, Pobitora Wildlife Range's report are situated within the said proposed Eco-sensitive Zone of Pobitora Wildlife Sanctuary. I would also like to draw your kind attention to the Hon'ble Gauhati High Court's order dated 28-10-2013 passed in connection with W.P(C) No.1265/2012 Lakshman Saikia & 3 others -vs- State of Assam in this regard.

This is for favour of your kind information and necessary action.

Encl :- The R.O. Pobitora Wildlife Range's
letter No.P/20/2014/724, dt.15-01-2014.

ANNEXURE - III 88

GUWAHATI WILDLIFE DIVISION
ATI-9.

Dated Guwahati, the 4th March/2014.

273

Yours faithfully

(D.D.Gogoi, IFS)
Divisional Forest Officer:
Guwahati Wildlife Division:
Guwahati:

c/c

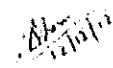
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ANNEXURE- Y

INSPECTION REPORT

As directed by the Hon'ble Chairman, Pollution Control Board, Assam, M/s. Bhabani Brick Industry has been inspected and findings are as follows:-

1. Name & Address of the unit : M/s. Bhabani Brick Industry, (BBA),
Vill.: Sativeti, Chengmai Kissam,
P.O.: Rajamayong,
Dist.: Morigaon, (Assam).
2. Date & time of inspection : 11/12/12, at 3 P.M.
3. Name of the proprietor : Sri Dilip Chetry.
4. Location of the unit : The unit is located in the village sativeti & on the right hand side of Guwahati- Mayong P.W.D. Road and about 100 mtrs, away from the P.W.D. Road. The area falls under Mayong Revenue Circle. The unit is located within a ½ km, from the boundary of the Rajamayong Hill Reserve Forest which is a part of the notified Pabitora Wild life Sanctuary. Also falls within the proposed Eco-Sensitive Zone of the Pabitora Wild life Sanctuary and on the animal movement corridor.
5. Chimney Height : The unit has already constructed fixed Chimney of height about 100 ft, and rectangular shaped.
6. Findings : During inspection findings are as follows:-
 - (i) Making of raw bricks is going on in full swing.
 - (ii) Preparation for mixing of raw materials is going on.
 - (iii) Raw bricks are kept in stack for drying.
 - (iv) The labour contractor has informed that, making of raw bricks has been started from last 20 days.
 - (v) As informed by the labour contractor, at present, there are 75 nos. of labour engaged in the unit.
 - (vi) Small thatched hut for the labourers has been seen in one side of the unit.
 - (vii) During the time of inspection, about 1,00,000 pieces of raw bricks have been seen ready and kept in stack.
 - (viii) Raw bricks are not yet burned in the kiln.
 - (ix) The unit is surrounded by paddy fields.
 - (x) Though, at present, no any paddy cultivation has been seen but, land has been prepared for paddy cultivation (Boro paddy).
 - (xi) Local farmers have alleged that, the brick manufacturing unit has encroached some part of the surrounding paddy fields and use its top soil in making of raw bricks.
7. Remarks : Running of a brick manufacturing unit in the above said location will have an adverse effect on the surrounding paddy fields as well as in the environment of the area. The smoke emitted from the chimney will cause health problems to the local people and also to the animal life. The rising temperature of the kiln will damage the soil property of the nearby paddy fields.


(Ujjal Kr. Sharma)
 Asst. Engineer (H.O)
Pollution Control Board, Assam.

GOVT. OF ASSAM
OFFICE OF THE DISTRICT AGRICULTURAL OFFICER
MORIGAON:.....ASSAM

90

REPORT ON PROPOSED CONSTRUCTION OF BRICK INDUSTRY
ON AGRICULTURAL LAND AT SATIVETI, MAYONG

In response of complain lodged by the local farmers and the KMSS. I along with Sri Nitai Ch Das SDAO Morigaon, Sri Habibul Haque Sr ADO Morigaon, Sri Manabendra Sharma ADO Rajamayong Sri P Naha VLEW Mayong paid field verification at the site of proposed construction of brick industries on 13th Oct/2011

Findings:-

More than 100 no of villagers all belong to farming community from the neighbouring villagers gathered at the site of proposed brick industry. In presence of this mass a physical verification was conducted & evaluated as follows:-

- 1 The land on which a private party attempted to construct the industry is solely an agricultural land
2. Although the land is low land and falls under flood prone category still the farmer use to cultivate Boro paddy and procure a good harvest. It is observed that there are several old shallow boring uses to lift the ground water to irrigate Boro paddy
- 3 Farmers of the adjacent plot of land to the proposed industry expressed their resentment that their livelihood would be badly affected by this industry

Probable after affect -

- 1 After setting up the brick industry, the productivity of Boro paddy of the adjacent plot will significantly drop down
2. Temperature of surrounding areas will increase and as a result crop may be affected
3. Pollution of surrounding areas would create health hazard
- 4 Emission of smoke containing carbon may often settle down to the soil, as result of which C:N ratio increases and may affect crop yield as well as soil health

From above it is suggested that such kind of industry should not be allowed on the productive agricultural land and inhabited areas.

District Agricultural Officer
Morigaon

No:-Agri/MG/Misc/2011-12/2968

Date:-10-02-2012

Copy to:-

1. The Deputy Commissioner, Morigaon for favour of kind information.

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13


OFFICE OF THE LOONMATI STATE DISPENSARY
RAJAMAYONG: MORIGAON (ASSAM)
 DEPT. OF HEALTH AND FAMILY WELFARE::GOVT. OF ASSAM

Date:- 29-1-2013

As reported by Morigaon District Agriculture Department dated 10-2-2012 setting up of M/S Bhavani Bricks(B.B.A. Bricks) in the Sengmari kissam, vill- Sativeti,P.O.- Rajamayong , the soil of the cultivating area will be hardened and degraded. The agricultural field will be damaged and in the same time it will cause several health problems in the surrounding area. The different types of diseases which may occur from such a coal based industry are as follows.....

- (1) Nutritional disorders like Anemia & kuashirka.
- (2) Pollution of the air will lead to Respiratory illness (Asthma etc.) And skin diseases.
- (3) Migratory workers may lead to social tensions.
- (4) Vector borne diseases may increase as the area is flood affected and deep ~~and~~ trenches may led to water logging.

Countersigned by:


 JOHN BORDORLOI
 MORIGAON

DEPT. OF HEALTH AND FAMILY WELFARE
 GOVT. OF ASSAM

HEALTH OFFICER



DR. I. J. BORDORLOI
 LOONMATI STATE DISPENSARY

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92/

GOVERNMENT OF ASSAM
OFFICE OF THE DIST. A.H. & VETY. OFFICER.....MORIGAON.

Report on Brick Industry under construction at Sativeti Village of Morigaon District

As per request made by Sativeti Nava Milan Sangha & Puthibharal of Morigaon District, the undersigned along with Dr. Dwijen Sarma, VAS, State Vety Dispensary, Jhargaon visited the setting up Brick Kiln named 'Bhabani Brick Industry' on dated 31st January'13. On our visit we found the following--

Location - The Brick Industry is surrounded by paddy field and is located in the village Sativeti, on the left side of the Mayong- Guwahati Road. It is under Mayong Circle and is about 100 metres away from the said P.W.D road.

Remarks - Data collected from different sources reveal that emissions during burning of various fuels in Brick Industry contains large amount of Carbon Dioxide and also produces Black Carbon which may indirectly cause health problems among different group of animals.

13/2/13
Dist. A.H. & Vety. Officer,
Morigaon.

Memo No.DVO(M)/ G-57/ Complain/ 2012-13/ 2353-55

/Dtd. Morigaon the 13th Feb'13

Copy to :-

1. The President/Secretary, Sativeti Nabamilan Sangha & Puthibharal, Morigaon for information.
2. The VAS, State Vety Dispensary, Jhargaon for information.
3. The Deputy Commissioner, Morigaon for favour of information.

13/2/13
Dist. A.H. & Vety. Officer,
Morigaon.

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কৃষিভূমিত ইটাভাটা স্থাপন বন্ধ, ভূমিহীনক মাটিপট্টা প্রদানৰ দাবী

কৃষকমুক্তি সংগ্ৰাম সমিতিৰ ঞ্ৰ্ণিত কঁপিল মায়ং

জখলাবন্ধত বিদগ্ধস্পষ্ট হৈ দুই হাতীৰ কৰ্ণ মৃত্যু

আমাৰ অলম, কৰ্মিমাৰম, ৮ জুলাই ১ সোণা পটি অৰ্দ্ধহিত বিদগ্ধস্পষ্ট হৈ কৰণভাৱে এটা কৰ্মীয়া হাতীৰ পোৰালিতো কলিমাৰবন কৰখোত মৃত্যুক সাপটো জোলাৰ আঁহটিনা মাৰ কোমালতহেই আকি বুৰা হৰখলাবন্ধা অপৰ্যায়। নিতেশৰ কাৰখালেন মৰুতি পৰিলে মৃত অৱস্থত উজল হুৱা মৃত্যুৰ সনদীয়া হ'ল। মৃত হ'লী হাতীৰ অৱস্থতে অটুটি থকা বিজয় পৰিভৱী উপৰে পটীতোকৈ লম্বা কৰি বিদগ্ধস্পষ্ট হৈ হ'লী পটীৰ মৃত্যু হোৱা মটি অলম্বন কৰা হৈছে।

কৰ্মপৰে বাঢ়িবা কৰ্মীত উটি আহি নিৰালপ আমাৰ সন্ধানত মৃত্যুৰি পৰেৰ সাংকেত কৃষককো কৰ্মপৰাৰেই হ'লী মৃত্যুই গাও কৰ্মিভিত্তি শৰি ধৰণা কৰা হৈছে। বিদগ্ধ মিত্ৰে নিতেশৰ অকৰ্মবৃত্তৰ বৰি হৈ কৰ্ম মৃত্যুক মাটিৰে পটীয়া হৈ কৰ্মীয়া। মৃত হ'লী হাতীৰ পাতৰ অলম আৰু ২০০ বিলেশ্বৰ ম'ৰ মূৰি ধৰণা কৰা হৈছে।

আমাৰ কৰম, জাটীৰোত, ৮ জুলাই ১ মায়ং বাজহতক বিৰমাৰ কাৰ্মশয়ত চলি কৰ্ম কাপক মূৰ্ছিত, ভূমিহীন লোকক মাটিপট্টা প্রদান, গৰাখহীয়াৰ থাৰা আকাত্ত লোকক উজ্জ্বৰ বন্ধ কৰা, সংৰক্ষিত দুইভেকৰ বেচত ভূমিৰ স্থাভাৰ বন্ধ কৰা আৰু কৃষিভূমিত ইটাভাটা স্থাপন বন্ধ কৰাকে ধৰি মূৰ্ত আটাৰ মৰ্মৰ্তত মৰিগাও বিলা কৃষক মুক্তি সংগ্ৰাম শক্তিহে মায়ং বাজহতক বিৰমাৰ কাৰ্মশয়ত আৰ্ছি এক প্রতিবাদী কাৰ্মপটী ৰূপায়ণ কৰে। আৰক্ষীৰ কটকটীয়া নিৰাপজা

বেৰ্মীকো লেভটি ধায় গাঁৱতাবিক প্রতিবাদকাৰীয়ে মায়ং বাজহতক বিৰমাৰ কাৰ্মশয়ত বিভিন্ন প্রতিবাদী ধ'পালেৰে পৰিৰেণ উজল কৰি তোলে। ধায় মূৰ্ছটা ধৰি তলোবা এই প্রতিবাদী কাৰ্মপটীৰ পাছত তেওঁলোকে আটমটীয়া নাই সৰ্বশিত এখন আৰক্ষণৰ মায়ং বাজহতক বিৰমাৰ প্রদান কৰে। এই কাৰ্মপটীত মৰিগাও জিলা কৃষক মুক্তি সংগ্ৰাম শক্তিৰ সভাপতি বনন শৰ্মা, কাৰ্মকৰ্মী সভাপতি কাৰ্মেৰ ৰবৰ্ত্তিত, সম্পাদক দেৱজিৎ পাটৰ, সাই-সম্পাদক জিহু ডেকাই অন্তঃস্থৰণ কৰে।



পঞ্জিত সাংবাদিকক আক্রমণ কৰা বূৰ কংগ্ৰেছীক হেস্তাৰ দ

শিৱসিঙ্গী

সাংবাদিক আক্রমণৰ এতিয়াত কেমীমাৰ্ছিত এতিয়াগী সমাজ

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

Original Application No.808/2024

Utpal Saikia and Others

Applicant

Versus

State of Assam

Respondent

Date of hearing: 27.08.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant(s): None

ORDER

1. This Original Application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') in exercise of *suo-moto* jurisdiction on a letter petition dated 19.10.2023, received from several persons led by Utpal Saikia.

2. Complainants have stated that Pobitora Wildlife Sanctuary comprised of 2 blocks and a rich biodiversity with more than 103 one horned Rhinos, 300 Indian Buffaloes, Leopards, Deers, Pangolins, Wild boars etc., besides migratory birds.

3. One Dilip Chetry, an industrialist, is creating an industrial zone amidst 2 Blocks of Pobitora Wildlife Sanctuary and trying to establish brick-kiln using coal a fuel. It is also said that attend is also been made to establish cement factories and stone quarries in the said area.

4. A Report of Forest Range Officer, Pobitora Wildlife Range sent to Regional Forest Officer vide letter dated 04.05.2023 has also been appended to the said complaint wherein Forest Range Officer has reported that he found brick-kiln at Sativeti area on 01.05.2023 which is surrounded by paddy fields of villagers and is about 500 meters away from the boundary of Rajamayog hill point of Wildlife Sanctuary and falls within proposed eco-sensitive zone of protected area.

5. Further letter dated 04.03.2024 sent by Divisional Forest Officer to Assam State Pollution Control Board has also been placed on record whereby Divisional Forest Officer forwarded inventory report of industries situated in the proposed eco-sensitive zone of Pobitora Wildlife Sanctuary as received from Range Officer, Pobitora Wildlife Range. Vide letter dated 15.01.2024, Forest Officer stated that sanctuary is constituted of two reserve forests namely Bada Mayang Reserve Forest (area 1191.86 hectares) and Pobitora Reserve Forest (area 1584.76 hectares) and government land (area 1104 hectare). The said area was declared as wildlife Sanctuary by the Government of Assam's notification dated 17.03.1998. Proposed eco-sensitive zone of Pobitora Wildlife Sanctuary includes an extent area of one kilometer radius from the periphery of wildlife sanctuary as also Intermediate States between the above Reserve Forest and government land. Industries enlisted by Range Officer, Pobitora Wildlife Range are situated within the said proposed eco sensitive zone of Pobitora Wildlife Sanctuary. Divisional Forest Officer had requested Chairman Assam State Pollution Control Board to take appropriate action in the matter.

6. It does not appear from record that any effective action has been taken in the matter and as per complaint said industries are still operating in questioned area.

7. In our view, prima-facie a substantial question relating to environment arising out of the implementation of enactments mentioned in Schedule -1 of NGT Act, 2010 has arisen. However, before taking any further action in the matter we find it appropriate to obtain a Factual Report and for this purpose constitute a Joint Committee comprising representative of Secretary, Ministry of Environment Forest and Climate Change, New Delhi; Member Secretary, Assam State Pollution Control Board; representative of Central Pollution Control Board; and Principal Chief Conservator of Forest, Wildlife, Assam.

8. Central Pollution Control Board shall be the Nodal Agency for co-ordination and compliance of this order.

9. Above Committee shall collect relevant information after visiting site, and submit a Factual Report within one month with Registrar General of this Tribunal

10. List for further consideration on 04.10.2024

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 22, 2024
Original Application No.808/2024
M

Item No. 12

Court No. 2

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

Original Application No. 808/2024

Utpal Saikia and Others

Applicant

Versus

State of Assam

Respondent(s)

Date of hearing: 04.10.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Raj Kumar, Advocate for CPCB (through VC)

ORDER

1. This Original Application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') in exercise of suo-moto jurisdiction on a letter petition dated 19.10.2023, received from several persons led by Utpal Saikia.

2. Complainants have stated that Pobitora Wildlife Sanctuary comprised of 2 blocks and a rich biodiversity with more than 103 one horned Rhinos, 300 Indian Buffaloes, Leopards, Deers, Pangolins, Wild boars etc., besides migratory birds.

3. One Dilip Chetry, an industrialist, is creating an industrial zone amidst 2 Blocks of Pobitora Wildlife Sanctuary and trying to establish brick-kiln using coal a fuel. It is also said that attend is also been made to establish cement factories and stone quarries in the said area.

4. A Report of Forest Range Officer, Pobitora Wildlife Range sent to Regional Forest Officer vide letter dated 04.05.2023 has also been appended to the said complaint wherein Forest Range Officer has reported that he found brick-kiln at Sativeti area on 01.05.2023 which is surrounded by paddy fields of villagers and is about 500 meters away from the boundary of Rajamayog hill point of Wildlife Sanctuary and falls within proposed eco-sensitive zone of protected area.

5. Further letter dated 04.03.2024 sent by Divisional Forest Officer to Assam State Pollution Control Board has also been placed on record whereby Divisional Forest Officer forwarded inventory report of industries situated in the proposed eco-sensitive zone of Pobitora Wildlife Sanctuary as received from Range Officer, Pobitora Wildlife Range. Vide letter dated 15.01.2024, Forest Officer stated that sanctuary is constituted of two reserve forests namely Bada Mayang Reserve Forest (area 1191.86 hectares) and Pobitora Reserve Forest (area 1584.76 hectares) and government land (area 1104 hectare). The said area was declared as wildlife Sanctuary by the Government of Assam's notification dated 17.03.1998. Proposed eco-sensitive zone of Pobitora Wildlife Sanctuary includes an extent area of one kilometer radius from the periphery of wildlife sanctuary as also Intermediate States between the above Reserve Forest and government land. Industries enlisted by Range Officer, Pobitora Wildlife Range are situated within the said proposed eco sensitive zone of Pobitora Wildlife Sanctuary. Divisional Forest Officer had requested Chairman Assam State Pollution Control Board to take appropriate action in the matter.

6. It does not appear from record that any effective action has been taken in the matter and as per complaint said industries are still operating in questioned area.

7. Tribunal after considering above complaint, found it appropriate to obtain factual report for which constituted a Joint Committee comprising representative of Secretary, Ministry of Environment Forest and Climate Change, New Delhi; Member Secretary, Assam State Pollution Control Board; representative of Central Pollution Control Board; and Principal Chief Conservator of Forest, Wildlife, Assam.

8. Central Pollution Control Board was made Nodal Agency for co-ordination and compliance. However, no report has been submitted.

9. In the circumstances, we direct above Joint Committee to submit report within one month, failing which, all the members of Joint Committee shall appear before Tribunal.

10. List on 05.11.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

October 04, 2024
Original Application No. 808/2024
AB

Item No. 13

Court No. 2

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

Original Application No. 808/2024

Utpal Saikia and Others

Applicant

Versus

State of Assam

Respondent(s)

Date of hearing: 05.11.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Raj Kumar, Advocate for CPCB (through VC)

ORDER

1. This original application was registered under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') exercising *suo moto* jurisdiction on a letter petition dated 19.10.2023 received from Utpal Saikia and others.

2. Complainants have stated that Pobitora Wildlife Sanctuary comprised of 2 blocks and a rich biodiversity with more than 103 one horned Rhinos, 300 Indian Buffaloes, Leopards, Deers, Pangolins, Wild boars etc., besides migratory birds.

3. One Dilip Chetry, an industrialist, is creating an industrial zone amidst 2 Blocks of Pobitora Wildlife Sanctuary and trying to establish brick-kiln using coal a fuel. It is also said that attend is also been made to establish cement factories and stone quarries in the said area.

4. A Report of Forest Range Officer, Pobitora Wildlife Range sent to Regional Forest Officer vide letter dated 04.05.2023 has also been appended to the said complaint wherein Forest Range Officer has reported that he found brick-kiln at Sativeti area on 01.05.2023 which is surrounded by paddy fields of villagers and is about 500 meters away from the boundary of Rajamayog hill point of Wildlife Sanctuary and falls within proposed eco-sensitive zone of protected area.

5. Further letter dated 04.03.2024 sent by Divisional Forest Officer to Assam State Pollution Control Board has also been placed on record whereby Divisional Forest Officer forwarded inventory report of industries situated in the proposed eco-sensitive zone of Pobitora Wildlife Sanctuary as received from Range Officer, Pobitora Wildlife Range. Vide letter dated 15.01.2024, Forest Officer stated that sanctuary is constituted of two reserve forests namely Bada Mayang Reserve Forest (area 1191.86 hectares) and Pobitora Reserve Forest (area 1584.76 hectares) and government land (area 1104 hectare). The said area was declared as wildlife Sanctuary by the Government of Assam's notification dated 17.03.1998. Proposed eco-sensitive zone of Pobitora Wildlife Sanctuary includes an extent area of one kilometer radius from the periphery of wildlife sanctuary as also Intermediate States between the above Reserve Forest and government land. Industries enlisted by Range Officer, Pobitora Wildlife Range are situated within the said proposed eco sensitive zone of Pobitora Wildlife Sanctuary. Divisional Forest Officer had requested Chairman Assam State Pollution Control Board to take appropriate action in the matter.

6. Tribunal considered complaint on 27.08.2024 and formed an opinion *prima facie* that effective action was not taken in matter on complaint and offending industries are still operating in questioned area. However, to verify the facts, Tribunal found it appropriate to obtain a factual report and thus constituted a Joint Committee comprising representative of Secretary, Ministry of Environment Forest and Climate Change, New Delhi; Member Secretary, Assam State Pollution Control Board; representative of Central Pollution Control Board; and Principal Chief Conservator of Forest, Wildlife, Assam.

7. Joint Committee now has submitted report vide email dated 04.11.2024. It is said that site was visited on 18.10.2024 by Joint Committee who found a number of brick kilns and other establishments like resorts, hotels etc. located near periphery of Pobitora Wildlife Sanctuary. Observations/ action taken and recommendations of Committee read as under:-

“2.2 Actions Taken by the Committee:

The committee visited the site on 18.10.2024 and observed number of Brick Kilns and other establishments like resorts, hotels, etc. located near the periphery of Pobitora Wildlife Sanctuary (WLS). However, the committee decided to visit few of Brick Kiln including the Brick Kiln in question. The detailed observations of the committee are summarised below:

I. M/s Bhabani Brick Industry, (BBA), Village Sativeti, Chengmari Kisam, Dist.: Morigaon, Assam-782411.

- ▶ *The consent to operate (CTO) issued by PCBA was valid upto 30.06.2024. (copy enclosed as Annexure-III).*
- ▶ *At the time of visit the unit was not in operation.*
- ▶ *The Unit had production capacity of 5 lakh bricks per round (batch) as per CTO.*
- ▶ *The owner of the Brick Kiln, Mr. Dilip Chetri, informed that the Brick Kiln was established during the year 2011.*

- As informed by the owner, earlier there was a brick-kiln in the name of M/s ABB, (owned by Sh. Dilip Mazumdar) established at the same location.
- PCBA has issued notification vide Public Notice dated 08.12.2023 (copy enclosed as Annexure-IV) for adoption of zig-zag or vertical shaft technology within two years as per MoEF&CC notification dated 22.02.2022 (available on CCPCB website at [https://cpcb.nic.in/uploads/Industry-Specific-Standards/Effluent/74- brick kiln.pdf](https://cpcb.nic.in/uploads/Industry-Specific-Standards/Effluent/74-brick%20kiln.pdf)). However, at the time of visit, the Unit was found to be using conventional technology for manufacturing of bricks.
- The Unit has constructed fixed chimney of height about 30 meters.
- Third party stack monitoring was carried out by PCBA on 29.03.2024 (Copy of monitoring results are enclosed at Annexure-V).
- As informed by the owner, the Unit consumes coal as fuel for manufacturing of Bricks. About 50-60 tonnes of coal is consumed per round for brick manufacturing.
- As informed by the owner, soil used as raw material for the manufacturing of bricks. is taken from own as well as nearby agricultural lands.
- The Committee had found that the unit is located at a distance of 892 m from Pobitora Wildlife Sanctuary.

Photographs taken during the committee visit are enclosed at Annexure- A (Fig. 1)

II. M/s BBD Brick Industry (Unit-1) and M/s BBD Brick Industries Unit-II Mayong, Dhekiabari, Dist.: Kamrup, Assam-782401

- The Unit-1 has valid CTO up to 31.03.2029 issued by PCBA on 24.06.2024(Annexure-VI).
- The Unit-II has valid CTO up to 30.06.2025 issued by PCBA on 14.03.2024(Annexure-VII).
- The owner of the Brick Kiln, Mr. Shri Bipul Malakar informed that the Brick Kiln was established during the year 2011.
- The Unit-I has constructed rectangular shaped kiln for adoption of zig-zag technology for production of bricks as per MoEF&CC notification dated 22.02.2022.
- PCBA has issued notification for adoption of zig-zag technology for production of bricks as per MoEF&CC notification dated 22.02.202. However, at the time of visit, the Unit-11 was found to be using normal brick setting as in conventional technology for manufacturing of bricks.

- *The Unit-I has production capacity of 20 lakh bricks per year and the Unit-II has production capacity of 5 lakh bricks per round as per CTO.*
- *The Unit-I has a chimney of 35 meters height and the Unit-II has a chimney of 30- meter height.*
- *As informed by the Unit Representative, the Unit consumes coal as fuel for production of Bricks. About 50-60 tonnes of coal is consumed per round for manufacturing of bricks.*
- *As informed by the Unit Representative, soil used as raw material for the manufacturing of bricks is taken from own as well as nearby agricultural lands.*
- *The committee had found the Units are located at a distance of 374 m from Pobitora WLS.*

Photographs taken during the committee visit are enclosed at Annexure- A (Fig. 2)

III. M/s Pashupati Nath Bricks (PNB), Dhekiabari, Govali, Dist.: Kamrup, Assam.

- *The Unit has valid CTO up to 31.03.2025 issued by PCBA on 03.09.2024 (Annexure-VIII).*
- *The owner of the Brick Kiln Mr. Santosh Newar informed that the Brick Kiln was established during the year 2010.*
- *The Unit has production capacity of 20 Lakh bricks per season as per CTO.*
- *PCBA has issued notification for adoption of zig-zag technology for production of bricks as per MoEF&CC notification dated 22.02.2022. However, at the time of visit, the Unit was found to be using conventional technology for manufacturing of bricks.*
- *The Unit has fixed chimney of height about 30 meters.*
- *As informed by the Unit Representative, the Unit consumes coal as fuel for production of Bricks. About 50-60 tonnes of coal has been consumed per round for brick production. As informed by the Unit Representative, soil used as raw material for the manufacturing of bricks taken from nearby agricultural lands as informed by the Unit representative.*
- *The committee had found the Unit is located approx. 100 metres from school Paschim Mayong High school, Kamrup and 536m from Pobitora WLS.*

Photographs taken during the committee visit are enclosed at Annexure -A (Fig. 3)

3.0 Overall Observations of the Committee:

1. *Pobitora WLS is known for holding the highest density of Greater One Horned Rhinoceros in the country. Located in the sub-urbs of*

the capital city of Guwahati, Assam, the sanctuary harbors several species including Leopard, Capped Langur, Porcupine, Pangolin, One Horned Rhinoceros, Wild Water Buffalo, Monitor Lizard, Wild Boar etc. The Google Maps of Pobitora WLS is enclosed at Annexure-IX.

- 2. Pobitora WLS, located within the state of Assam, was notified in the year 1998 vide Notification No. FRS. 19/87/152 dated 17/03/1998. It includes: Pobitora Reserve Forest, Rajamayong Hill Reserved Forest, and three Govt. khaslands Murkata, Kamarpur, and Diprang. However, despite the notification, these khaslands have not been handed over to the Forest Department yet.*
- 3. Interlocutory Applications (LA.) Nos. 85332 and 85124 of 2023, under WP(C) No. 202/1995, were filed in the Hon'ble Supreme Court. The petitioner sought the Hon'ble Courts intervention in a) Demarcation of boundary of Pobitora WLS immediately, b) handing over of khaslands to provide adequate habitat to the Rhinos and c) demarcation of Eco-Sensitive Zone (ESZ) of Pobitora WLS.*
- 4. Wildlife Division, MoEF&CC, Delhi has published guidelines for declaration of ESZ around National Parks and Wildlife Sanctuaries on 09.02.2011 (copy enclosed as Annexure-X), wherein permitted, regulated and prohibited activities in ESZ are listed. Some of the following activities which are prohibited/regulated/promoted in the said Guidelines, which are relevant to the matter at hand are:
 - i. Commercial mining activities are prohibited. However, Regulation will not prohibit digging of earth for construction or repair of house and for manufacturing of tiles or bricks for housing for personal consumption.*
 - ii. Setting of Industries causing pollution have been prohibited.*
 - iii. Establishment of Hotels and Resorts may be regulated as per approved master plan which takes care of habitats of the animals allowing no their restriction on movement*
 - iv. Adaptation of Green Technology for all the activities should be actively promoted.**
- 5. The committee has noted that there are various cases regarding establishment of Brick Kiln namely M/s BBA, Village Sativeti, Morigaon, around Pobitora WLS, are pending/disposed of by Hon'ble High Court of Gauhati. The details of writ petition are as follows:
 - i. Case No.: WP(C)/1265/2012 (Lakshman Saikia & 3 others-V/s State of Assam) was taken up by Hon'ble High Court of Gauhati and the same was disposed of by directing to conduct survey/inspection and if it is found that setting up of the Brick**

Kiln would have adverse effect on the surrounding and/or nearby land suitable for agriculture, or within the proposed ESZ, necessary order shall be passed by the Deputy Commissioner, Morigaon as well as by the Member Secretary, PCB, cancelling the earlier permissions, granted by the Deputy Commissioner, Morigaon and by the PCBA, respectively vide its order dated 28.10.2013 (copy enclosed as Annexure-XI). In compliance to this Hon'ble High-Court order dated 28.10.2013 the Deputy Commissioner Morigaon has constituted a joint team comprising of a) Circle officer, Mayong Rev, Circle, b) DFO, Ghy, Wild Life division, c) District Agriculture Officer, Morigaon & Regional EE, PCBA, Nagaon for physical verification of the site. Accordingly, a joint team physically inspected the site & measured the distance of M/s BBA Brick Kiln industry from the periphery of Burta Mayong (Mayong Parbat) Hill Reserved Forest as well as Pobitora WLS on 19.12.2013 (Copy enclosed as Annexure-XII). The findings of Joint were as follows:

- a. *The minimum distance from the stack of the M/s BBA, Brick Kiln to Mayang Reserved Forest boundary is 1212 meters (nearest point). 1120 meters from forest boundary to the nearest outer boundary of the brick unit.*
- b. *The distance of Brick Kiln from periphery to Pobitora WLS is 2130 meters to the stack and 2048.48 meters the nearest outer boundary of the said Brick Kiln. The above findings of joint team were communicated to the Deputy Commissioner, Morigaon by Regional EE, PCBA, Nagaon on 23.12.2013. However, in the present visit, this Committee has found that minimum distance of the brick kilns as mentioned in paragraphs no 2.2 I,II and III*
- ii. *Similarly, Case No.: WP(C)/4604/2019 (Dilip Chetri - Vis- Union of India & ors.) was taken up by Hon'ble High Court of Gauhati and the same was disposed of by directing Deputy Commissioner, Morigaon to decide afresh within a period of eight weeks from the date of order with regards to NOC issued in favour of the petitioner after considering the reports of the stakeholders and giving opportunity of hearing to the petitioner as well as the private respondents vide its order dated 30.08.2023 (copy enclosed as Annexure-XIII).*
- iii. *Case No.: WP(C)/1942/2024 (Bharat Saikia & 9 others- Vis-State of Assam & 9 ors.) was taken up by Hon'ble High Court of Gauhati and the same was disposed of by directing the District Commissioner, Morigaon to take necessary decision for establishment of brick-kiln M/s BBA, Village Sativeti within 4 weeks from 23.10.2024, after receipt of fresh report from PCBA, District Agricultural Officer & Circle Officer, Morigaon vide its order dated 27.09.2024 (copy enclosed as Annexure-XIV). In compliance to this Hon'ble High-Court order dated 27.09.2024,*

PCBA has submitted report by recommending permission to M/s BBA Brick Kiln, Village Sativeti to continue its operation after completion of conversion to zig-zag technology and all requisite pollution control measures as per CTO. (Detailed report is enclosed at Annexure-XV). The final decision with respect to establishment of M/s BBA Brick Kiln will be taken by the District Commissioner, Morigaon within four (4) weeks from 23.10.2024.

6. The committee had not noticed any cement industry within the proposed ESZ of Pobitora WLS for which allegation was reported in the Hon'ble NGT order.
7. DFO, Wildlife Guwahati has submitted a report to the District Commissioner, Morigaon, in which a list of construction activities ongoing and already completed within 1km from the boundary of Pobitora WLS has been given, vide letter dated 09.09.2024 (copy enclosed as Annexure-XVI).
The committee had also observed few Brick Kilns as well as other establishments like resorts, hotels etc, within proposed ESZ of Pobitora WLS.
8. The committee had found Mystique Mayong Resort located approx. 820 meters away from Pobitora WLS,

4.0 Recommendations of the Committee:

Based on the site visit and previous Court orders relating to the Pobitora WLS, the Committee noted that the issues highlighted in the earlier cases are continuing since long (since year 1995).

However, the Committee felt that instead of a case-by-case decision a consolidated approach is needed in the area balancing Environment, Wildlife Habitat and Development. Unless the ESZ, boundary of the Pobitora WLS is defined and Notified in Gazette, the highlighted issues may continue and emerge again and again. Thus, considering the present situation, the recommendations of the Committee are as follow:

1. The matter of the rationalisation of the boundary of Pobitora Wildlife Sanctuary is sub-judice in the Hon'ble Supreme Court in L.A. Nos, 85332 and 85124 of 2023, under WP(C) No. 202/1995. Only after the rationalisation of boundary of Pobitora Wildlife Sanctuary is concluded with the approval of the Hon'ble Supreme Court, the process for declaration of ESZ of the sanctuary would be initiated following the laid down procedure.
2. The concerned authorities may be directed to expedite the declaration of ESZ of Pobitora Wildlife Sanctuary after rationalization of the boundary of the sanctuary is concluded with the approval of the Hon'ble Supreme Court of India as the

matter is presently sub-judice in I.A. Nos. 85332 and 85124 of 2023, under WP(C) No. 202/1995. The Judgement of Hon'ble Supreme Court dated 26.04.2023 & 28.04.2023 in W.P. 202 of 1995 titled as T.N. Godavarman Thirumulpad vrs Union of India and Ors. needs to be considered while declaring ESZ. The prohibited Activities/industries (as well as public roads) may be shifted away from the ESZ.

3. In order to comply with the statutory provisions of ESZ, extensive survey of Brick- kilns and other industries like resorts, hotels etc. shall be carried out by the concerned authorities and on the basis of the survey required permission may be granted by the regulatory authorities. However, on the basis of the report of DFO Wildlife, Guwahati dated 09.09.2024, the ongoing activities within one km from the boundary of Pobitora WLS should be immediately closed down/regulated/shifted outside the proposed ESZ
4. In compliance to the Hon'ble High Court of Gauhati Order in the matter of WP(C)/1942/2024 dated 23.10.2024, the District Commissioner, Morigaon shall take necessary decision on the establishment of Brick Kiln by M/S BBA at Village Sativeti.
5. The Brick Kilns with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel and complying with the standards notified by MoEF&CC dated 22.02.2022 shall only be allowed outside the proposed ESZ
6. The M/s BBD Brick Industry (Unit-1 & Unit-II) and M/s PNB Brick Industries shall be shifted outside the proposed ESZ and Mystique Mayong Resort shall be regulated as per the MoEF&CC guidelines for declaration for ESZ around National Parks and WLS dated 09.02.2011.
7. Considering soil and water are the basic ingredients for brick manufacturing and large-scale extraction of both these resources in long term may have adverse impacts on environment. Thus, it may be regulated in accordance with the Mines and Minerals (Development and Regulation) Act, 1957 by State Government.
8. In order to support, wildlife habitat and villagers, regular monitoring of Air quality in and around the Pobitora WLS may be carried out by the concerned authorities for maintaining Air Quality standards.
9. To reduce vehicular and noise pollution inside the Pobitora WIS, infrastructure for Battery Operated vehicles may be developed and E-vehicles may be introduced in time-bound manner for regular patrolling and Jungle-safari in the Pobitora WLS, for which separate funds may be allocated.

10. *Further, to manage plastic waste, facility for collection and disposal of plastic waste may be introduced by the Forest Department for the tourist in the Pobitora WLS in accordance with the Plastic Waste Management Rules, 2016.*
11. *The major source of fuels in Brick Kilns as reported is Coal. To reduce air pollution and pollution load of transporting coal from far-away places and to manage local agri- waste alternative clean fuels such as Biomass Pellet/Briquette may be explored in Brick Kilns by preparation of guidelines from concerned authorities.*
12. *In addition to regulatory approach, awareness campaign may be conducted. (mass/print media) to educate local people to the prevailing issues like Wildlife Habitat, Wildlife Sanctuary, ESZ, Impacts of Air Pollution, Eco-tourism benefits, etc. by concerned authorities."*

8. In view of the above report of the committee, we find it appropriate to implead following as respondents:-

1. Ministry of Environment, Forest and Climate Change through its secretary, Jor Bagh Rd, Lodi Colony, New Delhi, Delhi 110003
2. Ministry of Environment, Forest and Climate Change through Principal Secretary/Chief Secretary, Housefed Office Complex, GS Rd, Rukmini Gaon, Guwahati, Assam 781036
3. Principal Chief Conservator of Forests, Batahguli, Panjabari Road, Guwahati, Assam 781037
4. Assam State Pollution Control Board through Member Secretary, Bairagimath, Dibrugarh, PIN-786001.
5. Central Pollution Control Board through member secretary, Parivesh Bhawan, Maharshi Valmiki Marg, East Arjun Nagar, Vishwas Nagar Extension, Vishwas Nagar, Shahdara, Delhi, 110032

6. M/s Bhabani Bricks (BBA), Village Sativeti, Chengmari Kisam, Dist.: Morigaon, Assam-782411 through its Proprietor Dilip Chetri
 7. M/s BBD Bricks Industry, Govali, Dhekiabari, Dist.: Kamrup, Assam-782401 through its Proprietor Bipul Malakar
 8. M/s Pashupati Nath Bricks, Dhekiabari, Govali, Dist.: Kamrup, Assam through its Proprietor Santosh Newar
9. Notices shall be issued to all the above respondents. They may file responses within two weeks before Eastern Zone Bench of Tribunal at Kolkata.
10. Since the matter relates to State of Assam, Registry is directed to transmit record of this Original Application to Eastern Zone Bench, Kolkata for further proceedings.
11. list on 10.12.2024 before the appropriate Bench.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

November 05, 2024
Original Application No. 808/2024
AB