

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

Original Application No. 94 of 2024/EZ

In the Matter of:

Bimal Baroi -vs - State of Assam and Ors.

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Filed by:

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In the Matter of:

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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 34 years, 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 filed an affidavit- in reply, in the instant case bringing forth the state of facts. The said affidavit was affirmed on 26.09.2024, and was taken on record on 27.09.2024.

3. That on perusal of the said affidavit, the Hon'ble Green Tribunal, in its Order dated 27.09.2024, in paragraph 6, have made certain

observation regarding paragraph 8 of the affidavit dated 26.09.2024. In this connection, I humbly beg to state that, in the said paragraph it is written that *"It is needless to mention that henceforth it will be strictly followed in case of all the mining operations....."*. The answering deponent actually meant and intended to submit thus,--- *"It is needless to mention that henceforth **after final approval** it will be strictly followed in case of all the mining operations....."*. But unfortunately the words being **"after final approval"**, are missing in the said affidavit, due to typographical/technical error.

The answering deponent states that the said mistake was caused inadvertently and I pray unconditional apology for the same.

4. That with regard to the observations as well as in pursuance of the directions of the Hon'ble National Green Tribunal/Eastern Zone Bench, the answering deponent begs to state that, all the mining activities in the said district are stopped and presently no mining activities are carried on in the entire district. It is further submitted that henceforth the mining activities will only be permitted to be carried out after the final approval of the District Survey Reports, which is under process.

5. That it is also humbly submitted that in accordance with the order and direction of the Hon'ble Court, the service upon the Applicant has already been affected. The report of service in the given address is also enclosed herewith in annexure-A.

6. 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

Advocate

27/11/24

FARID AHMED LASKAR
Advocate
Dist. Bar Association, Hailakandi
Enrollment No.- 660/2006
Mob. No.- 9435911007/9577394432
Email- laskarfaridahmed@gmail.com

Deponent

Nisang Gautam Hivare

Dev Branch

305

Annexure - A

OK
23/10/24 (5)

GOVERNMENT OF ASSAM
OFFICE OF THE RANGE FOREST OFFICER: MATIJURI RANGE; MATIJURI

No. MJR/FRO(T)/ 34 (MMC) / 184

dt. 21/10/2024.

To,

The District Commissioner,
(Dev. Branch) : Hailakandi.

Sub:- O.A. No. 94/2024/EZ Bimal Baroi & Ors -- Versus -- State of Assam & Ors.
And service of letter thereof.

Ref:- Your letter ECF No. 106453/49 dtd. 03.10.2024.
Sir,

With reference to the subject cited above, I have the honour to inform you that after searching of the Lalacherra area, I could not trace out the person namely Sri. Bimal Baroi of Lalacherra Grant Tea Garden area.

Thereafter, I search the locality and on my reliable sources, I came to know that one person in the name Sri. Bimal Baroi residing in Katlicherra Bagan area and collected his mobile number from public and contact with him over cell phone and response me that he is Bimal Baroi and informed me to hand over the same in his brother at his home. Accordingly I served the letter on 21.10.2024 at 5-15 p.m. to Sri. Durgeshwar Baroi Brother of Sri. Bimal Baroi of Katlicherra Bagan P.S.- Katlicherra Dist.- Hailakandi with acknowledgement in office copy.

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

Encl:- As stated.

Yours faithfully

Range Forest Officer,
Matijuri Range:Matijuri.

Copy to the Divisional Forest Officer, Hailakandi Division, Hailakandi for favour of your kind information and necessary action.

Range Forest Officer,
Matijuri Range:Matijuri.

EO- 829857
21.10.24

GOVERNMENT OF ASSAM
OFFICE OF THE DISTRICT COMMISSIONER, HAILAKANDI
(DEVELOPMENT BRANCH)

ECF No.106453/49

Dated 03/10/2024

To

Shri Bimal Baroi,
Lalacherra Grant Tea Garden
P.O. - Lalacherra, Dist. - Hailakandi
State - Assam - 788163

Sub: O.A. No.94/2024/EZ Bimal Baroi & Ors. Versus State of Assam & Ors

With reference to the above subject, I am directed to enclose herewith the order dated 27/09/2024 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in the Original Application No.94/2024/EZ (Earlier OA No.96/2024/PB)

You are directed to acknowledge receipt of the same and for compliance of the instruction and direction contained therein.

Encl: As stated
{NGT's order dated 27/09/2024
4 (Four) pages}

Signed by
Eldad Lalthakhum Faihriem

Date: 03/10/2024 17:25:56
District Development Commissioner
Hailakandi

ECF No.106453/49-A
Copy to:

Dated 03/10/2024

1. The Divisional Forest Officer, Hailakandi for information and necessary action.
2. The Forest Range Officer, Matijuri Range is requested to arrange service of this letter/notice to the applicant/complainant along with copy of the NGT's order referred to above and obtain proper acknowledgement. The acknowledgement is required for appraisal of the National Green Tribunal as well as submission of affidavit from this end as to service of the notice.
3. The C.A. to District Commissioner for kind appraisal of the District Commissioner, Hailakandi

District Development Commissioner
Hailakandi

Received

✓ Durgeshwar Baroi
Brother of Bimal Baroi
S/O. Swapan Baroi.
KATLICHERRA Baroi
7006 935704
Dt. 21/10/2024
5.15 P.M.



Brother of
Bimal Basoi