

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
INTERLOCUTORY APPLICATION NO. 127 OF 2024**

IN

ORIGINAL APPLICATION NO. 230 OF 2024

IN THE MATTER OF:

Shri Shanlang W. Kharbangar ...Applicant

VERSUS

Meghalaya State Pollution Control Board & Anr.

...Respondents

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THROUGH

Place: New Delhi

Dated: 29.10.2024

 
Dr. Alana Golmei | Samuel Khobung

Counsels for the Applicant

A124/6, Katwaria Sarai, New Delhi – 110016

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...Respondents

MEMO OF PARTIES

1. Shri Shanlang W. Kharbangar,
Proprietor of M/s Shanlang Stone Crusher,
Bhoirymbong, Ri-Bhoi District,
Meghalaya ...Applicant

Versus

1. Meghalaya State Pollution Control Board
Through the Member Secretary,
"ARDEN", Lumpyngngad Shillong,
Meghalaya – 793014
Email: memsecy.spcb-meg@gov.in
Phone: (0364) 2521217

2. Government of Meghalaya
Through the Chief Secretary,
Rilang Building, Room no. 321,
Meghalaya Secretariat, Shillong,

Meghalaya – 793001

Email: cso-meg@nic.in

Phone: 03642224801

...Respondents

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Interlocutory Application No. ____ of 2024

IN

Original Application No. _____ of 2024

IN THE MATTER OF:

Shri Shanlang W. Kharbangar ...Applicant

Versus

Meghalaya State Pollution Control Board & Anr.

...Respondents

**APPLICATION FOR SEEKING INTERIM RELIEF
DURING THE PENDENCY OF THE ORIGINAL
APPLICATION ALONG WITH AFFIDAVIT**

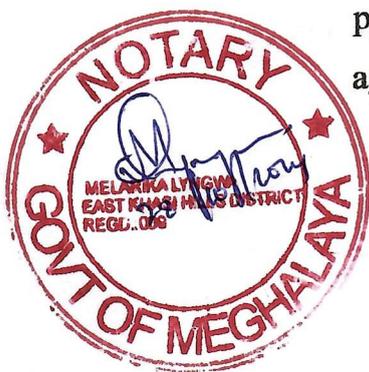
Shanlang

Most Respectfully Showeth:

SI/Instrument No 133
Date 28.10.2024

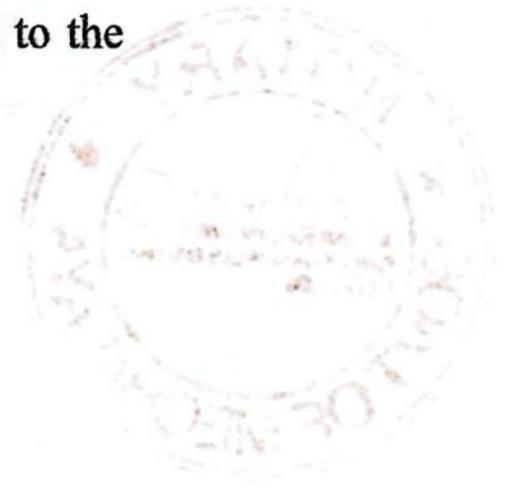
1. That the Applicant/Original Applicant has filed the accompanying Original Application before this Hon'ble Tribunal seeking, inter alia, clarification and relief regarding the Environmental Compensation imposed on M/s Shanlang Stone Crusher by the Respondents,

2. That the Environmental Compensation of Rs. 38,56,250/- was imposed on the Applicant for the temporary operation of a secondary stone crusher without proper licensing. The said secondary crusher was operational only for a brief period and was used exclusively for crushing oversized aggregates produced by the primary licensed crusher.



3. That the Respondents, after considering the Applicant's representations, revised the Environmental Compensation to Rs. 75,000/- (Rupees Seventy-Five Thousand only) on 10th May 2024. However, a subsequent notice issued on 19th August 2024 again demanded the original compensation amount of Rs. 38,56,250/-, creating significant confusion and legal uncertainty regarding the Applicant's liabilities.
4. That further compounding the Applicant's difficulties, the properties and equipment of the Applicant's stone crusher unit were seized and auctioned by the authorities in 2023. Despite assurances from the Respondents that the proceeds from the auction would be adjusted against the Environmental Compensation, no such adjustment has been communicated or implemented.
5. That despite the Applicant's repeated attempts to clarify the outstanding liabilities and seek the renewal of his License to Operate, no final resolution has been provided by the Respondents, causing undue hardship to the Applicant, who has been unable to operate his business and earn a livelihood for an extended period.
6. That the Applicant is suffering irreparable harm due to the ongoing closure of his stone crusher unit and the lack of clarity regarding the Environmental Compensation amount. The Applicant's livelihood has been severely impacted, and further delays in resolving the matter would cause continued financial loss.
7. That the balance of convenience lies in favor of the Applicant, as no irreparable harm would be caused to the Respondents by granting the interim relief sought.

Shanley



PRAYER

In light of the above facts and circumstances, the Applicant humbly prays that this Hon'ble Tribunal may be pleased to:

A. Grant interim relief by staying the demand for Environmental Compensation until the final adjudication of the present Original Application and clarification of the correct compensation amount by this Hon'ble Tribunal.

B. Stay further enforcement or recovery actions related to the Environmental Compensation until the final decision of this Hon'ble Tribunal in the Original Application.

C. Pass any such further or other order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice and equity.

Shanley

THROUGH

Place: New Delhi

Dated: 29.10.2024

Alana Golmei
Dr. Alana Golmei | Samuel Khobung

Counsels for the applicant

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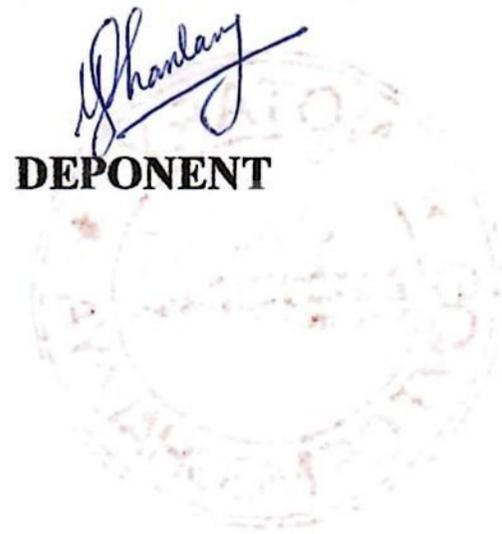
Meghalaya State Pollution Control Board & Anr.

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AFFIDAVIT

I, Shri Shanlang W. Kharbangar, S/o Win Kharumnuid R/o Smit Pdengshnong, East Khasi Hills do hereby solemnly affirm and declare as under: -

1. That I am the applicant in the abovementioned case and well versed with the facts and circumstances of this case and as such competent to swear this affidavit.
2. That the accompanying Interlocutory Application for seeking interim relief during the pendency of the original has been filed by me which has been drafted by my counsel under my instructions and the same has been read over to me in vernacular language and is found to be true and correct.
3. That the annexures in support of the application are true copies of their respective originals



VERIFICATION

Verified at Meghalaya on this 28th day of Oct 2024 that the contents of the above affidavit are true and correct to my knowledge and belief. Nothing material has been concealed therefrom.



DEPONENT



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