

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
MEMORANDUM OF APPLICATION

I.A. No. **32** of 2025

IN

Original Application No.74 of 2017

In the matter of:

Tai Maya

...Applicant

Versus

The Union of India & Ors.

...Respondents

And

In the matter of:

National Highway & Infrastructure Development Corporation Limited  
(NHIDCL)

... Respondent No.6/ Present Applicant

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*Asmab Ray*

Advocate

Enrolment No. WB/1335/2011



*Ved Pralokh Arora*

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

MEMORANDUM OF APPLICATION

I.A. No. of 2025

IN

Original Application No.74 of 2017

In the matter of:

An interim application for modification of an order of this Hon'ble Tribunal dated 09.05.2022 in O.A. No. 74 of 2017 pursuant to an observation made by the Hon'ble Supreme Court of India on 15.01.2025 in Miscellaneous Application being MA Diary No. 59683 of 2024;

And

In the matter of:



Ved Pratosh Singh

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Tai Maya, S/o Shri Tai Nuku, aged about 55 years, resident of G-Extension, Naharlagaun, Itanagar, Arunachal Pradesh.

... Applicant in the Original  
Application

-Versus-

1. The Principal Secretary,  
Ministry of Environment, Forest and  
Climate Change, 3<sup>rd</sup> Floor, Prithvi  
Wing, Indira Paryavaran Bhawan,  
Jor Bagh, New Delhi – 110003;

Email: moef@nic.in

2. The Chief Secretary,  
Government of Arunachal Pradesh,  
Itanagar – 791111, Arunachal  
Pradesh;

Email: cs-arunachal@nic.in



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3. The Additional Principal Chief Conservator of Forest (Central), North East Regional Office, Law-U-Sib, Lambatnagen, Near MTC Workshop, Shilong, Meghalaya - 793021;

Email: pccfmegh@gmail.com

4. The Member Secretary, The Arunachal Pradesh Pollution Control Board, Department of Environment & Forest, Paryavaran Bhawan, Yupia Road, Papu Nallah, Naharlagun - 791110, Arunachal Pradesh;

Email: arunachalspcb@gmail.com

5. The Principal Chief Conservator of Forest, Government of Arunachal Pradesh, Itanagar - 791111, Arunachal Pradesh;

Email: pccfnsecy-arn@nic.in



Ved Prakash Anja

6. The Managing Director,  
National Highway Infrastructure  
Development Corporation Limited,  
NHIDCL Headquarters, World Trade  
Centre, Tower A, 2<sup>nd</sup> Floor, Nauroji  
Nagar, New Delhi – 110029;

Email: md@nhidcl.com

7. The Director, Geology &  
Mining Department, Itanagar,  
Arunachal Pradesh;

Email: amdo-anjaw-arn@nic.in

8. The Chief Engineer, NH  
Itanagar, Arunachal Pradesh;

Email: boraete@gmail.com

9. M/s TK Engineering  
Consortium Private Limited, Model  
Village, Naharlagun, Itanagar,  
Arunachal Pradesh, PIN – 791110;

Email: tkeconltd@gmail.com



Ved Prakash Anja

10. M/s Puna Hinda Construction Private Limited, C/o Times Video Library, Akash Deep, PO & PS Itanagar, Arunachal Pradesh - 791111;

Email: punahinda@gmail.com

11. M/s Jugal Kishore Mohanta, Ivory Enclave, RGB Road, Guwahati, Kamrup, Assam - 781021;

Email: jkmho@jkminfra.net

12. M/s BSCPL 8-2-502/I/A, JIVI Towers, Road No. 7, Banjara Hills, Hyderabad, Telangana - 500034;

Email: info@bscpl.net

13. M/s Dinesh Chandra R Agarwala Infracon Pvt. Limited, 401, The Grand Mall, Opposite State Bank Zonal Office, SM Road, Ambawadi, PS - Sanand, Ahmedabad - 380015;



Ved Prakash Arora

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Email: info@draipl.com,

drarodelhi@gmail.com

... Respondents

And

In the matter of:

The Managing Director, National  
Highway Infrastructure Development  
Corporation Limited, NHIDCL  
Headquarters, World Trade Centre,  
Tower A, 2<sup>nd</sup> Floor, Nauroji Nagar,  
New Delhi – 110029,

Email: md@nhidcl.com

...Applicant in the  
Interim Application



Ved Pratish Anje

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**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**MEMORANDUM OF APPLICATION**

**I.A. NO. \_\_\_\_\_ OF 2025**

**IN**

**ORIGINAL APPLICATION NO. 74 OF 2017**

IN THE MATTER OF:

TAI MAYA

.... APPLICANT

versus

THE UNION OF INDIA & ORS.

... RESPONDENTS

AND IN THE MATTER OF:

NATIONAL HIGHWAY & INFRASTRUCTURE DEVELOPMENT  
CORPORATION LIMITED (NHIDCL)

... RESPONDENT NO. 6 / PRESENT APPLICANT

The humble application of the

Applicant above-named -

Most respectfully showeth:

1. The address of the applicant is given in the Cause Title above for the service of notices of this application.



Ved Prakash Arya

2. The addresses of the respondents are given above for service of notices of the application
3. The applicant above-named begs to present the Memorandum of Application with regard to the order of this Hon'ble Tribunal dated 09.05.2022 in O.A. No. 74 of 2017 on the grounds set-out hereunder upon stating the facts in brief in the subsequent paragraphs.
4. The present application is being filed by the present applicant i.e. National Highway & Infrastructure Development Corporation Limited, hereinafter referred to as "applicant", which is otherwise arrayed as Respondent No. 6, in the captioned Original Application. That by way of the present application, the Applicant is praying before this Hon'ble Tribunal for modification of its order dated 09.05.2022 to the effect that instead of an interim compensation of Rs. 10 crores, the Applicant / Respondent No. 6 be directed to deposit an interim compensation of Rs. 3 crores with the State PCB, in view of the subsequent Field Inspection Report, dated 19.10.2022, filed by the Joint Committee, wherein a recommendation is made that the present Applicant is required to deposit an amount of Rs. 3 crores with the State



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PCB as interim penalty for compensating the environmental loss.

5. That this Hon'ble Tribunal, vide its order dated 09.05.2022, held that the compensation may be utilised for restoration of environment as per action plan to be approved by the Joint Committee constituted by this Hon'ble Tribunal. The relevant part reads as under:

“10. In view of above, since continuing violation of environmental norms has been found by the State PCB in the matter of dumping of muck and requisite statutory clearances, particularly EC, are not shown, remedial action needs to be taken and monitored for which we constitute a joint committee to be headed by Regional Officer, MoEF&CC with (i) Regional Officer, CPCB, (ii) State PCB and (iii) PCCF (HoFF), Arunachal Pradesh or his representative not below the rank of the Chief Conservator of Forests, as members. The State PCB will be the nodal agency for coordination and compliance. The joint committee may also associate the concerned District Magistrates. The joint committee may undertake visit to the sites and interact with the project proponents, their agencies and other stakeholders. Action be taken for the violations, for compliance of the environmental norms as well as fixing accountability for past violations, including recovery of compensation. The compensation assessed may be utilized for restoration of environment as per action plan to be approved by the Committee.”

(emphasis supplied)



6. That by way of order dated 09.05.2022, this Hon'ble Tribunal further directed the Applicant to pay an interim compensation

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of Rs. 10 crores for alleged violations of environmental norms to be utilized as per directions of the joint committee for restoration:

“11. We find that as per affidavit filed by Respondent No. 6, NHIDC, the cost of projects executed by it is Rs. 989 crores. Having regard to the nature of violations so far found and cost of the projects, ***we determine interim compensation of Rs. 10 crores to be deposited by the NHIDC with the State PCB within one month, to be utilized as per directions of the joint Committee for restoration.*** NHIDC may recover the same from erring contractors, employed by it.”

(emphasis supplied)

7. The present applicant had challenged the above order, before the Hon'ble Supreme Court, by way of a statutory appeal, being Civil Appeal No. 7393 of 2022. That initially, the Hon'ble Supreme Court, vide its order dated 10.10.2022, had granted stay of operation of the above order. However, the said Civil Appeal came to be dismissed vide order dated 12.07.2024 passed by the Hon'ble Supreme Court.

A copy of the order dated 12.07.2024, passed by this Hon'ble Court, in Civil Appeal No. 7393 of 2022, is annexed herewith and marked as **Annexure A-1**.



8. That in the meantime, on 05.12.2024, the Applicant came across a Field Inspection Report of the Joint Committee, dated

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19.10.2022. However, a copy of the same was never served upon the Applicant during the pendency of the Civil Appeal before the Hon'ble Supreme Court, as such the same could not be placed before the Hon'ble Supreme Court. In the said report, it was found that most violations with respect to improper muck dumping were found in the Akajan-Likabali-Bam stretch. Further, the Committee has suggested certain recommendations for restoration and mitigation. For the said purpose the Joint Committee recommended that the user agency i.e. NHIDCL (present Applicant) shall deposit an amount of Rs. 3 crores with the State Pollution Control Board as interim penalty for compensating the environmental loss due to haphazard muck dumping specially in regard to Akajan-Likabali-Bam Road. Relevant portion of the field inspection report regarding interim compensation is reproduced herein below:

**“Environmental compensation:**

*In light of the observation above the committee recommends that the user agency shall deposit an amount of Rs. 3.00 cr with the Arunachal Pradesh State Pollution Control Board as interim penalty for compensating the environmental loss due to haphazard muck dumping specially in regards to Akanjan-Likabali-Bam Road. The DFO and concerned CCF will submit comprehensive mitigation plan in consultation with Arunachal Pradesh State Pollution Control Board which will be approved by the PCCF & HoFF, Govt of Arunachal Pradesh. The total cost of mitigation plan will be funded by the user agency, i.e. NHIDCL.”*



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(emphasis supplied)

A copy of the Field Inspection Report, dated 19.10.2022, by the Joint Committee, is annexed herewith and marked as **Annexure A-2.**

9. That the present Applicant filed a Miscellaneous Application vide Diary No. 59683 of 2024, in the disposed of Civil Appeal No. 7393 of 2022, seeking a clarification before the Hon'ble Supreme Court, by urging that direction contained in this Hon'ble Tribunal's order dated 09.05.2022, for depositing Rs. 10 cores further directed that the same was "*to be utilized as per the directions of the joint committee*". It is submitted in the Miscellaneous Application, before the Hon'ble Supreme Court, that when the joint committee has for the time being sought Rs. 3 crores only as interim penalty for compensating the environmental loss, and when the order dated 9.05.2022 also directed that the compensation amount is to be utilized as per the directions of the joint committee, grave injustice and financial hardship would be caused if the Applicant, a Public Sector Company entrusted with the responsibility of infrastructure development in the nation, is divested of Rs. 10 crores when the joint committee has categorically stated that

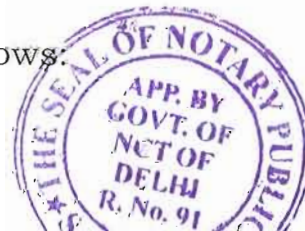


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the present Applicant may be directed to deposit Rs. 3 crores only as interim penalty for compensating the environmental loss. Thus, a prayer was made before the Hon'ble Supreme Court for a clarification that the Applicant be allowed to pay an interim compensation of Rs. 3 crores, as per the report dated 19.10.2022 of the joint committee, instead of Rs. 10 crores, in compliance with order dated 9.05.2022, passed by this Hon'ble Tribunal.

A copy of the Miscellaneous Application Diary No. 59683 of 2024, dated 18.12.2024, filed before the Hon'ble Supreme Court is annexed herewith and marked as **Annexure A-3**.

10. That the above Miscellaneous Application was taken up for hearing by the Hon'ble Supreme Court on 15.01.2025, when the Hon'ble Supreme Court was pleased to hold that owing to the dismissal of Civil Appeal No. 7393/2022, vide order dated 12.07.2024, the said application for clarification is not maintainable. That however, when a request was made for permission to move this Hon'ble Tribunal for seeking appropriate modification, the Hon'ble Supreme Court was pleased to observe that it was open for present applicant to move such an application, if maintainable in law. The relevant part of the said order is as follows:



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“2. The order dated 9-5-2022 passed by the National Green Tribunal in Original Application No.74 of 2017/EZ was made the subject matter of challenge in Civil Appeal No.7393/2022. The said appeal came to be dismissed by this Court vide Order dated 12-7-2024.

3. In such circumstances, the relief prayed for today by way of clarification application is not maintainable.

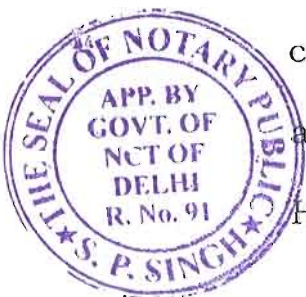
4. At this stage, Mr. Tushar Mehta, the learned Solicitor General requested this Court that he may be permitted to move the NGT seeking appropriate modification.

5. Well if such an application is maintainable in law, it is always open for the petitioner to move such an application.”

A copy of the order dated 15.01.2025, in MA Diary No. 59683 of 2024, passed by the Hon’ble Supreme Court, is annexed herewith and marked as **Annexure A-4**.

11. Hence, the Applicant is preferring the present application before this Hon’ble Tribunal for modification of order dated 09.05.2022 to the effect that in place of an interim compensation of Rs. 10 crores, the Applicant / Respondent No. 6 be directed to pay an interim compensation of Rs. 3 crores instead, with the State PCB, on the following, amongst other, grounds:

A. This Hon’ble Tribunal, vide its order dated 09.05.2022, had constituted a Joint Committee for taking remedial action and for monitoring the same. For the said purpose, this Hon’ble Tribunal directed that the Joint Committee may



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undertake visit to the sites and interact with the project proponents, their agencies and other stakeholders. This Hon'ble Tribunal further tasked the Joint Committee with fixing accountability for past violations, including recovery of compensation. The compensation assessed was to be utilized for restoration of environment as per action plan to be approved by the Committee. This Hon'ble Tribunal has directed the Joint Committee to file its report before this Hon'ble Tribunal.

B. That when this Hon'ble Tribunal determined Rs. 10 crores as the amount for interim compensation, there was no material before the Hon'ble Tribunal, from which it could arrive at a definitive figure of compensation that would be required for remedial and restoration measures. Thus, the Hon'ble Tribunal, considered the overall project cost to arrive at the figure of Rs. 10 crores to be deposited as interim compensation.

C. The interim compensation of Rs. 10 crores, was to be utilized as per the directions of the Joint Committee.

D. That since then the Joint Committee has filed its Field Inspection Report, dated 19.10.2022, wherein it has



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recommended that the Applicant deposit Rs. 3 crores as interim penalty for compensating the environmental loss due to haphazard muck dumping specially in regard to Akanjan-Likabali-Bam Road.

E. The above amount of Rs. 3 crores as interim penalty for compensating environmental loss has been assessed by the Joint Committee after a detailed inspection on the ground.

F. In view of the recommendation of the Joint Committee, which requires the Applicant to deposit Rs. 3 crores, if the Applicant is still required to deposit Rs. 10 crores as interim compensation, a Public Sector Undertaking tasked with infrastructure development would be divested of an additional Rs. 7 cores, which would remain lying with the State PCB.

12. That a prima facie case is made out in favour of the Applicant and no prejudice shall be cause to the other parties if the present applicant be allowed by this Hon'ble Tribunal.

13. The present application is *bona fide* and made in the interest of justice.



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14. The present application is being filed within the period of limitation pursuant to the observation made by the Hon'ble Supreme Court of India on 15.01.2025 in Miscellaneous Application being MA Diary No. 59683 of 2024 in the words that "Well if such an application is maintainable in law, it is always open for the petitioner to move such an application."

**P R A Y E R**

In view of the facts and circumstances stated above, it is most humbly prayed that this Hon'ble Tribunal be pleased to:

- a. Modify its order dated 09.05.2022, to the effect that in place of an interim compensation of Rs. 10 crore, the Applicant / Respondent No. 6 be directed to deposit an interim compensation of Rs. 3 crore instead, with the State PCB; and
- b. Pass any other order that this Hon'ble Tribunal may deem fit.

FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY

Ved Prakash Arya  
वेद प्रकाश आर्य / Ved Prakash Arya  
महाप्रबन्धक (वैधिक) / General Manager (Legal)  
राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड  
National Highways & Infrastructure Development Corporation Limited  
सार्वजनिक क्षेत्र उपक्रम / A Public Sector Undertaking  
सड़क परिवहन एवं राजमार्ग मंत्रालय के अधीन  
Under the Ministry of Road Transport & Highways  
भारत सरकार / Govt. of India

National Infrastructure &  
Development Corporation Limited  
(Applicant / Respondent No. 6)  
Through

Arvind Singh  
ADVOCATE

Kolkata

31 .01.2025



## VERIFICATION

I, Ved Prakash Arya, Son of Late Ram Baksh Arya, residing at Triveni Height, Dwarka Sector 16 B, New Delhi, PIN - 110078, aged 60 years, by occupation- Service, do hereby solemnly declare and verify that I am the General Manager (Legal) of the National Highway & Infrastructure Development Corporation Limited (NHIDCL) at NHIDCL Headquarters, World Trade Centre, Tower A, 2<sup>nd</sup> Floor, Nauroji Nagar, New Delhi - 110029, and I am competent to swear Application in the instant litigation on behalf of the NHIDCL, and competent to affirm the same and, as such, I am well acquainted with the facts and circumstances of the present case, and that the contents of paragraphs 1 to 4 and 8 to 10 in the foregoing Application are true to my personal knowledge, the contents of paragraphs 5 to 7 therein are obtained from the records kept and maintained at the office of the NHIDCL which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal. I have not suppressed any material facts. I am competent to sign this Verification.

I signed this verification on this the 31<sup>st</sup> day of January, 2025.



Ved Prakash Arya

Signature of the deponent

Identified by me

Annab Roy, Advocate

**वेद प्रकाश आर्य / Ved Prakash Arya**  
**महानिदेशक (कानून) / General Manager (Legal)**  
राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड  
National Highways & Infrastructure Development Corporation Limited  
सार्वजनिक क्षेत्र उपक्रम / A Public Sector Undertaking  
सड़क परिवहन एवं राजमार्ग मंत्रालय  
Under the Ministry of Road Transport  
भारत सरकार / Government of India

## A F F I D A V I T

I, Ved Prakash Arya, Son of Late Ram Baksh Arya, residing at Triveni Height, Dwarka Sector 16 B, New Delhi, PIN - 110078, aged 60 years, by occupation- Service, do hereby solemnly affirm and say as follows:-

1. I am the General Manager (Legal) of the National Highway & Infrastructure Development Corporation Limited (NHIDCL) at NHIDCL Headquarters, World Trade Centre, Tower A, 2<sup>nd</sup> Floor, Nauroji Nagar, New Delhi - 110029, and, as such, I am competent to swear Application in the instant litigation on behalf of the NHIDCL, and competent to affirm the same. I am well acquainted with the facts and circumstances of the present case.

2. The contents of paragraphs 1 to 4 and 8 to 10 in the foregoing Application are true to my personal knowledge, the contents of paragraphs 5 to 7 therein are obtained from the records kept and maintained at the office of the NHIDCL which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

*Ved Prakash Arya*

Signature of the deponent

Identified by me



**ATTESTED**

**NOTARY PUBLIC  
DELHI (INDIA)**



31 JAN 2025

WB/1335/2011

*Aimab Roy*

I Identified the Deponent who has Signed in my Presence

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No 7393 of 2022

National Highway & Infrastructure Development  
Corporation Limited

Appellant

Versus

Union of India and Others

Respondents

ORDER

- 1 We find no reason to Interfere with the Impugned order dated 9 May 2022 passed by the National Green Tribunal in Original Application No 74/2017/EZ.
- 2 The Civil Appeal is accordingly dismissed.
- 3 Pending applications, if any, stand disposed of.

..... J.  
[J B Pardiwala]

..... J.  
[Manoj Misra]

New Delhi;  
July 12, 2024  
CKB  
10:21:04 (15)  
10/21/24

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCivil Appeal No.7393/2022NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT  
CORPORATION LIMITED

Appellant

VERSUS

UNION OF INDIA &amp; ORS.

Respondents

(With IA No.144170/2022 - APPLICATION FOR TAKING ON RECORD, IA No.  
141319/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
and IA No.141317/2022 - STAY APPLICATION)

Date : 12-07-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRAFor Appellant(s) Mr. Abhinav Mukerji, Sr. Adv.  
Ms. Mrinal Gopal Elker, AORFor Respondent(s) Mr. Kaushik Choudhury, AOR  
Mr. Saksham Garg, Adv.  
Mr. Jyotirmoy Chatterjee, Adv.Ms. Aishwarya Bhati, A.S.G.  
Ms. Swarupama Chaturvedi, Sr. Adv.  
Mr. Gurmeet Singh Makker, AOR  
Ms. Chitrangda Rastravara, Adv.  
Ms. Bani Dkshit, Adv.  
Ms. Shweta Singh Verma, Adv.  
Ms. Misha Kumar, Adv.  
Ms. Poornima Singh, Adv.  
Mr. Aniruddha Singh, Adv.  
Mr. M Vasu Vats, Adv.

Mr. Anil Shrivastav, AOR

Mr. Rituraj Biswas, AOR  
Ms. Sujaya Bardhan, Adv.

Mr. Navin Kumar, Adv.  
Mr. Abhishek Bharti, Adv.  
Ms. Surbhi Agarwal, Adv.  
Ms. Rashmeet Kaur, Adv.  
Ms. Aarti Mahto, Adv.  
Ms. Bhagya Ajith, Adv.  
Mr. Balaji Srinivasan, AOR

UPON hearing the counsel the court made the following  
O R D E R

- 1 The appeal is dismissed in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)  
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)  
Assistant Registrar

(Signed order is placed on the file)

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Annexure - 'A-2'

(2)

**FIELD INSPECTION REPORT  
ON MUCK DISPOSAL SITE IN THE STATE OF ARUNACHAL PRADESH**

**In compliance of Hon'ble National Green Tribunal  
in the matter of "Tai Maya - versus Union of India & Ors"  
OA No. 74/2017/EZ vide order dated 09-05-2022**

Submitted : 19.09.2022

*4/8*  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun, 791110

*9/9*  
*19/09/2022*  
EXECUTIVE MAGISTRATE  
Itanagar Capital Complex  
ITANAGAR

~~X~~**ground:**

The fact of the Case / matter is that the applicant is a social activist and has filed the instant litigation back in 2017 against the development projects undertaken by the State in which gross violations of environmental laws like Environment Protection Act, 1986, Water Act, 1974 & Forest Conservation Act, 1980 were alleged. The Ministry of Environment, Forest & Climate Change is also one of the respondents in the case. Further allegations were made that in some portion of the road, new alignments were proposed as per Detailed Project Reports / Plan & Profiles (DPR/P&P); and assessment of the affected forest lands required to be diverted for non-forest lands use were one out the User Agencies and Contractors have not followed the proposed alignment and have just widened existing roads/alignments and no re-assessments were done. The user agencies made fraudulent bills and the quantity of work as proposed and construction on ground does not match.

**Introduction:**

Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata heard the matter (OA No. 14/2017/EZ) of "Tai Maya – versus - Union of India & Ors" on 09-05-2022 and constituted a Joint Committee to examine and investigate the Muck dumping site in the road construction project of Arunachal Pradesh.

The Hon'ble Tribunal directed vide order dated 09.05.2022 to form a Joint Committee to undertake tasks mentioned below:

1. Undertake visit to the sites and interact with the project proponents, their agencies and other stake holders.
2. Decide upon action to be taken for the violations, compliance of the environmental norms as well as fixing accountability for the past violations including restoration of environment.
3. Assess the compensation, prepare and approve the action plan for restoration of environment.
4. File its action taken report of compliance status as on 31.08.2022 by 15.09.2022 by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)

In compliance to the Hon'ble NGT order, Arunachal Pradesh State Pollution Control Board notified the constitution of the Joint Committee vide order dt. 25-05-2022 comprising with following members:

- i. Shri W. Longvah, IGF (C), Regional Officer, Integrated Regional Office Guwahati, MoEF&CC
- ii. Shri M. K. Choudhury, Regional Director, CPCB, Shillong
- iii. Shri N. Tam, PCCF (WL&BD) & CWLW representative of PCCF, Arunachal Pradesh.
- iv. Shri P. Ringu, CCF, Central Arunachal Circle, Pasighat representative of PCCF, Arunachal Pradesh for represent Central Arunachal Forest Circle .
- v. Shri Tapek Riba, CCF, Banderdewa & Member Secretary, Pollution Control Board Arunachal Pradesh.

9/10/2022  
EXECUTIVE MAGISTRATE  
Capital Complex  
NAGAR

Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh

X

stipulated conditions in respect of muck dumping for road construction as per approved forest clearance:

1. The overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
2. The muck dumping area shall be stabilized and plantation of suitable species shall be carried out over stabilized dumps on the cost of the user agency under the supervision of State Forest Department.
3. The designing of culverts/ bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of the water, does not give rise to water logging and also does not hamper the movement of the wild animals.
4. All the site-specific engineering structures like retaining walls, breast wall and drainage shall be constructed to avoid any soil erosion and to provide slope stability of the concerned hills.

Details of road stretches as per the forest clearance proposals of designated dumping site (Annexure -1)

**Petitioner's Allegation: Non Compliance of EC and FC condition in regards to muck dumping:**

In total 6 projects are under allegation for violations of the aforesaid enactments, rules and regulations and the Project are implemented without approved Muck disposal Plan

The name of the Projects are:

Sl No.	Name of Projects	Name of User Agencies	Name of Contractors	Petitioner's Allegation
1.	Akajan-Likabali-Bam	National Highway Infrastructure Development Corporation Limited (NHIDCL)	M/s. Jugal Kishore Mohanta (JKM) Ivory Enclave, RGB Road, Guwahati, Kamrup, Assam 781021  M/s. TK Engineering Consortium Private Limited Model Village (TKECPL), Naharlagun, Itanagar, Arunachal Pradesh 791110.	Project going on without approved Muck disposal Plan
2.	Yingkiyong-Mariang-Pasighat	PWD / NHIDCL	M/s. Jugal Kishore Mohanta (JKM) Ivory Enclave, RGB Road, Guwahati, Kamrup, Assam 781021	Project going on without approved Muck disposal Plan

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			M/s. BSCPL, 8-2-502/1/A, JIVI Towers, Road No.7, Banjara Hills, Hyderabad, Telangana 500034.	
3.	Pasighat-Pangin	PWD /NHIDCL	M/s. Puna Hinda Construction Private Limited, C/o Times Video Library, Akash Deep, PO & PS Itanagar, Arunachal Pradesh 791111  M/s. TK Engineering Consortium Private Limited Model Village (TKECPL), Naharlagun, Itanagar, Arunachal Pradesh 791110.	Project going on without approved Muck disposal Plan
4.	Papu-Yupia (Wild Life Zone)	PWD	M/s. TK Engineering Consortium Private Limited Model Village (TKECPL), Naharlagun, Itanagar, Arunachal Pradesh 791110.	Project completed without approved Muck disposal Plan
5.	Police HQ-Chimpu	PWD	M/s. TK Engineering Consortium Private Limited Model Village (TKECPL), Naharlagun, Itanagar, Arunachal Pradesh 791110.	Project completed without approved Muck disposal Plan
6.	Chimpu-Holong	PWD	M/s. TK Engineering Consortium Private Limited Model Village (TKECPL), Naharlagun, Itanagar, Arunachal Pradesh 791110.	Project completed without approved Muck disposal Plan

### Site visit and observations by the Joint Committee:-

The committee carried out site inspection during the period **05.07.2022 to 10.07.2022** of all the roads mentioned in the NGT order dated **09-05-2022** and made observation of all the designated dumping sites. The detail list of GPS coordinate of the muck dumping sites are enclosed as **Annexure I**.

#### 1. Muck disposal

##### 1. Yingkiyong- Mariyang-Pasighat ( site visited on 06.09.2022)

On the date of site visit 06.09.2022, active muck dumping was not observed. The dumps are covered with natural vegetation covered by herbs and shrubs and some places with trees. It may be assumed that before 5 to 10 years at the time of construction phase large quantity of mucks generated from road widening project. Muck dumping plan was approved in the FC clearance proposal.

The public hearing was conducted with the Zila Parishad member in presence of Circle Officer of Mariyang on 06.09.2022.

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(ii) Akajan-Likabali-Bam (site visited on 08.09.2022)

The generated muck are continuously being disposed haphazardly in an unscientific manner leading to number of other environmental issues such as loss of nutrients of the top soil, destruction of vegetation leading to deforestation, siltation of rivers and stream.

The Public hearing was conducted in Basar and Likabali in respect of Akajan-Likabali-Bam road wherein local residents had raised complaint on destruction of their agriculture crops due to improper muck dumping by choking the natural rivers /streams in this stretch of road. The grievances raised by the local residents has been appended (**Annexure III A & B**).

Gross violation of muck dumping plan was observed in this stretch of road. Photographic evidence has been annexed for kind perusal of the Hon'ble NGT (**Annexure IV**).

(iii) Pasighat to Pangin( visited on 07.09.2022)

The muck dumping was carried out in designated sites though it was observed that the encroachment in certain sites has been taken place. The concerned DFO has been directed to remove the encroachment and take possession of the forest land. In one instant it was seen that change in user agency without permission of Central Govt from PWD to NHIDCL.

(iv) Pupu-Yupia(Wild-Life) ( visited on 09.09.2022)

The road stretch from 0.00 km to 7.00 Km has been involved in NGT case and muck has been dumped in the private land. Terrain is undulating to hilly. No improper muck dumping site has been observed during the committee visit.

(v) Police HQ-Chimpu

The land transferred from BRTF to PWD without permission of Central Govt for change in user agency from BRTF to PWD.

(vi) Chimpu-Hollongi

The above three roads were visited on 09.09.2022. It was informed that project was completed on 2017.

The committee observed that no Forest clearance and wildlife clearance has been obtained for additional 37.30 ha Chimpu Nallah to Holongi (from 2.75 km to 20.37 km by PWD in Papumpare district (four lane specification) and the matter in court. However, no violation of muck dumping plan was observed Chimpu Nallah to Holongi.

The muck dumping sites in respect of road stretches above at (iv), (v) and (vi) is naturally stabilized with the growth of herbs, shrubs and trees. Proper drainage system needs to be provided to ensure un-obstructed flow of runoff into the river. The muck dump site should be compacted for better stability and provision of garland drains around to prevent passing run off through it.

#### Slope stabilisation and revegetation:

Due to widening of road construction project maximum numbers of muck dumps having steep slope towards the Siang river/other water body angles ranges between 60 to 85 degree (approx.) and designated dump site distance less than 30mtr from water body in the way to Yingkiyong-Mariang-Pasighat and Pasighat-Panging road. Where due to unscientific disposal of muck cause damage to the ecology of the area and also increase the sedimentation in the river bed and further posing

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potential threat to the nearby water body. The committee recommends the adoption of biological and engineering measures to stabilise and rejuvenate by project authorities at the muck disposal site by constructing gabion wall, retaining wall, proper drainage system, toe wall, sedimentation basins and vegetative methods.

**2. Signage and demarcation:**

The signage and demarcation of diverted forest land and erection pillars of boundary of the muck disposal site has not yet fixed. The concerned DFO should immediately demarcate the boundaries and display board with detail information at the cost of user agency.

**3. Land slide / Road cutting:**

Road cutting in the hill slope is a sensitive issue which lead to the maximum area of land slide under new road construction project compared to virgin hill top. Some of the land slide occurred during rainy season due to cutting road without any scientific study. The committee hold the user agency that responsible for triggering land slide and damage of environment. Cutting of hill top was not observed in benching pattern where during rainy season highest land slide occurred. Nearby land slide area a catchment area need to be developed for arresting sediments. In fact, there should have proper Standard Operating procedure (SOP) for the contractors for such activity of slope cutting and preventing natural springs. However, no such SOPs are available with the contractors which should be made available to the DFO concerned.

**4. Diverted / blocked the natural drainage :**

At the Gobuk area about 4.3 km Yingkiyong from the natural water body diverted for agricultural irrigation purpose blocked by natural drainage / course of nallahs by the debris / boulders thereby changing the natural course of the nallahs causing erosion to the natural slope towards Seng river side, as a result destroy the local eco-system (land & water) remedial action required.

**5. Environmental clearance:**

Project has not obtained the EC for this road construction project. They have informed EC is not required for less than 100 Km road construction project. However, it was observed that construction of road from Yingkoing-Mariang- Pasighat FC has obtained for length is about 0.00 km to 130.384 km where project has not obtained the Environmental clearance as per environmental protection act 1986, EIA notification 2006 and 2013.

**6. Water and air pollution: (Report attached as annexure-II):**

**7. Interaction with public:**

The joint committee discussed the issue of muck dumping with the Zila Parishad member at Inspection Bungalow, Mariyang on 06.08.2022. On dated 08.08.22 a huge public gathering and interaction has been made by committee at the circuit house Basar in presence of concerned district authorities, Leparada District in the matter about the

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impact of muck disposal in the water, fishery and agricultural field. On dated 09.08.22 a public interaction was conducted at Forest guest house Likabali on impacts due to muck disposal. In this regard villagers of Leparada and Likabali have submitted copies of memorandum to the joint committee for further necessary action. (Enclosed as Annexure -III A & III B)

8. As per the observation the road construction from Likabali to Basar is being done by NHIDLC and Bame to Along (now Aalo) by Highway depart of PWD which needs to be ascertained.

### Recommendations of Joint Committee:

- i) Stringent monitoring mechanism should be in place regularly oversee and take corrective steps on all the ongoing roads construction in the State of Arunachal Pradesh.
- ii) Prior to road cutting the contractor should ensure construction of gabion wall, retaining wall, etc to prevent muck from rolling down the slopes.
- iii) The top surfaces and slopes of dumping sites of all dumping areas needs to be protected by vegetation cover. In order to stabilize the slopes, the biological measures which includes compaction, plantation, soil treatment, turfing, placing of coir mate/ aluminum mate, uses of hydro seeding, spreading of seed balls. etc. which need to be taken up immediately, if not simultaneously.
- iv) Checking the air and water quality of the affected areas should be made mandatory. Any project activity causing air and water pollution needs to be continuously monitored.
- v) Environmental clearance is mandatory for road Yingkiong-Mariyang- Pasighat, (0-16-130km.) where project proponent should have submitted a copy of EC accorded by MOEFCC, Govt of India.

### Monitoring of Environmental Damage as under:

The committee recommends quarterly monitoring to assess the Environmental Damage due to impact of muck disposal of the road construction project and send report to the PCCF, Govt. of Arunachal Pradesh, Member Secretary SPCB, Arunachal Pradesh, and Integrated Regional Office Guwahati, MOEFCC Govt. of India as under:-

- (i) The PCCF(WL) or his representative and APSPCB will monitor *Papu - Yupia, Police HQ and Chimpu - Hollongi sectors and report any violation in regards to EC and FC.*
- (ii) The CCF Pasighat or his representative and APSPCB will monitor *Pasighat - Mariyang, Pasighat - Pangin, Bame - Likabali - Akajan and report any violation in regards to EC and FC.*

As regards compensation to crop damages, etc., the user agency should pay the cost of production of Agri / Horticulture products per hectare per annum as per the rate recommended by District Agriculture Officer/District Horticulture Officer/ District Fishery Officer through the respective Deputy Commissioner of the districts.

### Environmental compensation:

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In light of the observation above the committee recommends that the user agency shall deposit an amount of Rs 3.00 cr with the Arunachal Pradesh State Pollution Control Board as interim penalty for compensating the environmental loss due to haphazard muck dumping specially in regards to Akanjan-Likabali-Bam Road. The DFO and concerned CCF will submit comprehensive mitigation plan in consultation with Arunachal Pradesh State Pollution Control Board which will be approved by the PCCF & HoFF, Govt of Arunachal Pradesh. The total cost of mitigation plan will be funded by the user agency, i.e. NHIDCL.


The expenditure incurred during the preparation of comprehensive mitigation plan and monitoring of roads will be drawn from the interim fund deposited by the user agency i.e. NHIDCL with the APSPCB.

**Enclosures:**


- Annexure: I** : Details of road stretches as per the forest clearance proposals
- Annexure : II** : Water Quality analysis report of Siang River.
- Annexure: III A & III B** : Copies of the memorandum submitted by villagers of Leparada Dist. & DFO, Office Likabali
- Annexure: IV** : Photographs of project site visit


**Signature of committee members**


  
**Shri N Tam**  
 Principal Chief Conservator of Forests  
 (WL&BD) & CWLW,  
 Arunachal Pradesh.  
 Principal Chief Conservator of Forests  
 (WL & BD), Itanagar

  
**Shri P Ringu,**  
 Chief Conservator of Forests,  
 Central Arunachal Circle,  
 Pasighat.

  
**Shri Tapek Riba,**  
 CCF, Banderdewa & Member  
 Secretary, Pollution Control  
 Board Arunachal Pradesh  
 Itanagar

  
**Shri M. K. Choudhury,**  
 Scientist 'F' & Regional Director,  
 Central Pollution Control Board, Shillong

  
**Shri W. Longvah, IGF (C),**  
 Regional Officer, Integrated Regional Office,  
 Guwahati, MoEF&CC

  
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## Annexure -I

## Details of road stretches as per the forest clearance proposals

Sl. No.	Name of the proposal	Road chainage	Area (ha)	Length (km)	EC	FC granted to User agency	Presently Land under possession of	Muck dumping Plan (Yes/NO)	Muck dumping sites	Date of IPA	Date of Final Approval	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	
1	Akajan-Likabali-Bam	12.00 km-22.00 km	6.14	10	NA	BRTF	NHIDCL	YES	Utilized for filling sections of 0.00 km to 12.00 km	21.01.2013	22.09.2014	50,000 Cum generated muck to be utilized for filling section of 0.00km to 12.00 km on Akajan-Likabali road <u>(*Permission for change of user agency from BRTF to NHIDCL obtained from Central Govt)</u>
		22.00 km-40.00 km	16.20	18	NA	BRTF	NHIDCL	YES	Area approved 9.80 ha (19 nos. of Private Land)	09.07.2014	12.09.2017	Inspected GPS coordinates (a) MDP at Siji 27°44'49.22", 95°42'54.91" altitude 323 m  <u>(*Permission for change of user agency from BRTF to NHIDCL obtained from Central Govt)</u>  Out of 90,000 Cum generated muck, 34,000 Cum muck utilized for filling section of 0.00km to 12.00 km on Akajan-Likabali road and balance quantity disposed off at GREF land at Likabali(Km12) and Siji location(Km 30.00)  The terrain of the muck disposal site at Siji is undulating

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40.00 km- 65.00 km	22.50	25	NA	BRTF	NHIDC L	YES	Area 9.80 ha (19 nos. of Private Land)	09.07.201 4	12.09.2017	Inspected GPS coordinates (a) MDP 27°47'48.89",94°44'04.87" altitude 815 m (b) MDP 27°47'41.23",94°43'58.90" altitude 800 m (c) MDP 27°47'39.26",94°43'40.74" altitude 830 m <u>(*Permission for change of user agency from BRTF to NHIDCL obtained from Central Govt)</u>	
65.00 km- 71.00 km	4.5	6	NA	BRTF	NHIDC L	YES	Area 1.317 ha (2 nos. of Private Land)	04.03.201 5	27.04.2017	Muck dumping site of 1.317 ha is in private land (2 nos. MDP) <u>(*Permission for change of user agency from BRTF to NHIDCL obtained from Central Govt)</u>	
65.00 km- 71.00 km	7.497	6	NA	NHIDCL	NHIDC L	YES	5.454 ha (1.317 ha with 2 nos. sites in Private Land and 4.137 ha with 3 nos. sites of in forest land )	28.11.201 8	19.02.2019	Muck dumping site of 5.454 ha (1.317 ha with 2 nos. sites in Private Land and 4.137 ha with 3 nos. MDP sites of in forest land)	
71.00 km-	52.45	24	NA	NHIDCL	NHIDC	YES	20.20 ha	12.10.2018	24.01.2019	Inspected GPS coordinates	

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95.00 km					L		(9 nos. MDP) in Unclassified State Forest (USF)				<p>(a) Natural landslide 27°56'16.28", 94°42'7.54" altitude 894 m</p> <p>(b) MDP 27°56'00.76", 94°42'12.28" altitude 973 m</p> <p>(c) MDP 27°55'43.93", 94°42'44.04" altitude 960 m</p> <p>(d) MDP 28°04'03.3", 94°41'08.31" altitude 786 m</p> <p>(e) MDP 28°04'18.81", 94°41'55.35" altitude 831 m</p> <p>(f) MDP 27°57'01.42", 94°41'30.24" altitude 921 m</p> <p>Muck dumping sites has not been acquired by the user agency NHIDCL however consent of the land owner has been taken.</p>
95.00 km-105.62km	1.951	10.62	NA	BRTF	NHIDCL	YES	2.33 ha {2.00 ha in Private Land (2 nos.) & 0.33 ha forest land(2 nos.)}	12.05.2014	22.07.2015	<p><b>Inspected GPS coordinates</b> (*Permission for change of user agency from BRTF to NHIDCL obtained from Central Govt)</p> <p>(a) MDP 27°57'01.40", 94°41'29.40" altitude 711 m</p> <p>(b) MDP 27°56'16.28", 94°42'07.54" altitude 894 m</p> <p><b>General observation:-</b> Public hearing conducted in Basar in respect of Akajan-</p>	

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											Likabali-Bam road wherein local habitants had raised complaint on (l) destroying of their agriculture crops due to improper muck dumping by choking the natural rivers / streams in this stretch of road .
Ying koin g - Mari ang - Pasi ghat	0.00km to 16.00 km	20.85	16	NA	PWD	PWD	YES	Strip muck plan in the abandoned habitation land and abandoned agricultur e land	16.08.2010	11.10.2013	<p><u>Chainage 0.00 km to 16.00 km under PWD</u></p> <p><u>Inspected GPS coordinates</u></p> <p>(c) Land slide location 28°08'13.92", 95°17'46.56" altitude 203 m (where culvert had been shifted due to landslide)</p> <p>(d) 28°09'59.26", 95°14'57.53" altitude 195 m</p> <p>(e) 28°10'01.16", 95°14'54.31" altitude 222 m</p> <p>(f) MDP 9 28°10'10.13", 95°14'35.24" altitude 241 m</p> <p>(g) MDP 10 28°10'09.09", 95°14'03.93" altitude 287 m</p> <p>(h) MDP 12 28°10'06.45", 95°13'42.38"</p> <p>(i) 28°10'09.09", 95°14'03.93" Landslide zone</p> <p>(j) MDP 13 28°10'22.56, 95°13'04.98" altitude 324 m</p> <p>(k) 28°10'06.45", 95°13'42.38"</p> <p>(l) MDP 14 28°10'30.62, 95°13'13.94" altitude 325 m</p> <p>(m) MDP 14(13.9 km chainage) 28°10'30.62, 95°13'13.94" altitude 329 m</p> <p>(n) MDP 15</p>

  
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											<p>28°10'38.10, 95°13'34.82" altitude 299 m (o) 28°10'46.01, 95°13'36.73" (p) 28°10'50.79, 95°13'33.42"</p>
0.16km-130.384 km	90.47	114.39	EC not available	PWD	PWD+NHIDCL	YES	Strip muck plan in the abandoned habitation land and abandoned agriculture land	22.03.2010	24.10.2017	<p><u>Chainage 16.00 km to 19.8 km under PWD</u> Inspected GPS coordinates (a) MDP 02 28°12'39.28, 95°13' 58.67" altitude 371 m. (b) MDP 02 28°11'54.39, 95°13' 53.10" altitude 345 m. (c) MDP 03(17.900 km ) 28°11'51.13, 95°13' 56.31" altitude 315 m.  (d) MDP 04 28°11'42.24, 95°13' 43.18" altitude 311 m. (e) MDP 05 28°11'31.91, 95°13' 33.75" altitude 306 m. (f) MDP 06 28°11'23.57, 95°13'27.06" altitude 285 m. (g) MDP 07 28°11'12.59, 95°13'27.94" altitude 285 m.</p> <p><u>Chainage 19.88 km to 43.257 km under NHIDCL</u> (*Change of user agency without the permission of Central Govt permission from PWD to NHIDCL) Inspected GPS coordinates 1) MDP 01(CH 22KM) 28°12'44.94", 95°14' 00.33"</p>	

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											<p>26) MDP (CH 8.800 km) 28°37'03.71", 95°03'23.01" altitude 747 m.</p> <p>27) MDP 28°36'13.24", 95°05'20.65" altitude 980 m.</p> <p>28) MDP 28°36'25.90", 95°06'10.80" altitude 1198 m.</p>	
3	Pash igha t to Pan gin	0.00km- 20.00km	14.45	20	NA	PWD	NHIDC L	-	-	05.11.2011	25.03.2014	<p>(i) Chainage 0.00 km to 20.00 km (* change in user agency from PWD to NHIDCL obtained from Central Govt).</p> <p>1) MDP 28°05'23.85", 95°17'48.84" altitude 224 m.</p> <p>2) MDP 28°05'38.01", 95°17'05.64" altitude 256 m.</p> <p>3) MDP 2 28°05'45.24", 95°16'58.03" altitude 289 m.</p> <p>4) MDP 3 28°05'52.63", 95°16'46.21" altitude 324 m.</p> <p>5) MDP 4 28°05'51.17", 95°16'38.93" altitude 328 m.</p> <p>6) MDP 8 28°06'14.27", 95°16'06.30" altitude 352 m. (tower of PGCIL observed in this muck dumping location with concrete construction by PHE)</p>

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											<p>7) MDP 10 28°06'18.58", 95°16'11.15" altitude 369 m.</p> <p>8) MDP 13 28°06'52.35", 95°16'26.34" altitude 343 m.</p> <p>9) MDP 28°07'19.16", 95°16'26.55" altitude 249 m.</p> <p>10) MDP 20 28°08'08.70", 95°16'47.51" altitude 240 m.</p> <p>11) MDP 27 28°08'28.17", 95°15'46.65" altitude 540 m.</p> <p>12) MDP 32 28°07'56.75", 95°14'56.05" altitude 478 m.</p> <p>13) MDP 34 28°08'10.01", 95°14'56.05" altitude 502 m.</p> <p>14) MDP 36 28°08'11.33", 95°14'37.59" altitude 509 m.</p> <p>15) MDP 37 28°08'14.48", 95°14'30.78" altitude 525 m.</p>
20.00km- 76.00 km	50.37	56	NA	PWD	PWD & NHIDC L	Submitt ed	(i) 8 nos of sites in 20.00 km to 28.00 km (ii) 79	18.03.201 0 by Ministry, New Delhi	24.08.2016 by RO, Shillong	(ii) Chainage 20.00 km to 28.00 km & Chainage 42.00km to 58 km under NHIDCL (* change in user agency without permission of Central Govt from PWD to NHIDCL). Inspected GPS coordinates Muck dumping points from Chainage 20.00 km to 28.00 km are as under :- (a) MDP1(28°08'36.13", 95°14'16.47"	

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												<p>construction / maintenance of retaining / breast wall and drainage in steep slopes to ensure soil stabilization and provide drains/cross drains etc.</p> <p>(v) Immediate action to be taken by the user agency for proper culvert/drainage over the natural streams/rivers/canal so that it should not hamper the natural course of the water.</p> <p>(vi) Site specific engineering structure like retaining walls, breast wall and drainage shall be constructed to avoid any soil erosion and for slope stability of the hills.</p> <p>(vii) The fresh muck from landside and natural mudslide/rolled down boulders has been observed to be dumped in the approved muck disposal sites. Such area need to be taken care by providing proper</p> <p><b>N.B.</b> :- State Govt not submitted the proposal for additional area of 20.22 ha forest land for disposal of muck in connection with Pasighat- Pangin road 20 km to 76 km by PWD in Upper Siang District of Arunachal Pradesh.</p>
		0.00km-20.00km	7.33	Muck area	NA	NHIDC L	NHIDC L	YES	7.33 ha in forest land of 37 Nos. Muck disposal points.	12.10.2018	06.05.2019	7.33 ha in forest land of 37 Nos. Muck disposal points. No retaining wall construction observed at the sites. Plantation on the stabilized muck disposal points to be taken up by the State Govt at the cost of the user agency
4	Papu - Yupia (wildlife)	0.00km to 7.00 km		7						No FC clearance		
		7.00km-20.00km	16.8	13	NA	PWD	PWD					The road stretch from 0.00 km to 7.00 Km has been involved in NGT case and muck has been dumped in the

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	(line)	20.00km-50.00km	38.045	30	NA	PWD	PWD	Yes	Muck Disposal Strip Plan (Proposed in 12 nos. of chainage)	18.05.2017 by Ministry, New Delhi	23.10.2017 by RO, Shillong	private land. Terrain is undulating to hilly. No improper muck dumping site has been observed during the committee visit. <b>GPS points</b> (i) point at 9.6 km (27°09'02.76" 93°43'59.34") (ii) at 7 km (Nyorch) (27°08'28.74" 93°42'55.32") (iii) at 0 km (27°06'00.13" 93°40'44.86")
5	Police HQ-Chimpu	0.00km to 17.490 km (double land specification)	30.98	15.49	NA	BRTF	PWD	-	-	27.12.2002 by Ministry, New Delhi	06.06.2016 by RO, Shillong	Violation involved in this proposal. Land transferred from BRTF to PWD without permission of Central Govt for change in user agency from BRTF to PWD.  GPS coordinates: (i) At 4.5km (27°03'45.13" 93°36'36.64") (ii) (27°04'58.37" 93°35'52.40") The muck dumping has been done in private land.  No Forest clearance has been granted for additional 37.30 ha Chimpu Nallah to Holongi (from 2.75 km to 20.37 km by PWD in Papumpare district. (four land specification)
6	Chimpu Holong											

46

Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Mahatma Nagar-781110


9/11/19/2020  
EXECUTIVE MAGISTRATE  
Mahatma Capital Complex  
ITANAGAR


~~07~~  
Annexure II

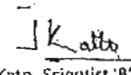
### Water Quality Analysis report of Siang river

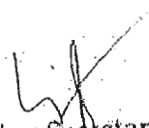
ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD  
PARYAVARAN BHAWAN, PAPU HILL, YUPIA ROAD  
NAHARLAGUN  
MONTH - SEPTEMBER 2022

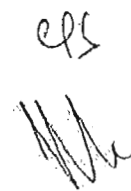
Sl.	Station code	River Name	Location	Sampling date & time	Weather	GPS	Turbidity (FAU)	Temp (°C)	pH	DP (mg/l)	EC (µS)	BOD (mg/l)	COD (mg/l)
				Permissible limit (D15)				5	6.5-8.5	5	500	3	250
01	3098	Siang	Near RCC Bridge, Pasiohat	12/09/2022 10:25AM	Sunny	N28°04'48" E093°18'043"	145.76	26.4	7.34	7.3	151.8	2.4	3.3
02		Siang	Yamne, Mariyang	12/09/2022 1:19 PM	Sunny	N28°30'34" E095°10'36"	10.5	26.7	7.31	6.8	152	2.8	3.8
03		Siang	Byorong Bridge, Yingkieng	12/09/2022 4:05 PM	Sunny	N28°39'45" E095°00'43"	63.08	24.6	7.42	8.2	231	0.6	1.2

  
(Igo Lollen, JRF)  
APSPCB, Naharlagun

  
(Bonita Nath, JRF)  
APSPCB, Naharlagun

  
(J. Kato, Scientist 'B')  
APSPCB, Naharlagun

  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun-791110

  
19/10/2022  
EXECUTIVE MAGISTRATE  
Itanagar Capital Complex  
ITANAGAR

X8

Central Pollution Control Board  
Regional Directorate - Shillong  
Near Firebrigade H.O., Lower Motinagar  
Shillong - 793014

Observations and comments on SIANG RIVER based on Analysis Report of  
Arunachal Pradesh State Pollution Control Board

Observations:

- A. Siang river water samples were collected at three locations at: 1) Byotung Bridge, Yingkiong, 2) Yamne, Mariyang, 3) Near RCC Bridge, Pasighat.
- B. The Siang River: pH ranges from 7.31-7.42, DO ranges from 6.8-8.2 mg/l, BOD ranges from 0.6-2.8mg/l.
- C. Total Coliforms was Not Analysed.

Comments:

1. Based on the available data of pH, DO and BOD and if the Total Coliforms Organism MPN/100ml is 500 or less. The Siang River will fall under Class of Water: 'B', Designated-Best-Use: Outdoor bathing (organized), as per Designated Best Use Water Quality Criteria.
2. Depending upon the level of BOD the river does not fall under polluted river stretch as per Criteria for Priority for Polluted River Stretches.

*[Signature]*  
16/9/22

*[Signature]*  
(RAKESH BASUMATARY)  
SSA

*[Signature]*  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun-791110

*[Signature]*  
19/10/2022  
EXECUTIVE MAGISTRATE  
Managar Capital Complex  
ITANAGAR

**TYPED COPY**

X9

Central Pollution Control Board  
Regional directorate-Shillong  
Near Fire Bridge H.Q, Lower Motinagar  
Shilong-793014

**Observation and comments on SIANG RIVER based on Analysis Report of  
Arunachal Pradesh State Pollution Control Board**

**Observations:**

- A. Siang river water samples were collected at three locations at 1) Byorung Bridge, Yingkiong, 2) Yamne, Mariyang, 3) Near RCC Bridge, Pasighat.
- B. The Siang River: pH ranges from 7.31-7.42, DO ranges from 6.8.-8.2 mg/l, BOD ranges from 0.6-2.8 mg/l.
- C. Total coliforms was Not Analysed.

**Comments:**

1. Based on the available date of pH, DO and BOD and if the Total Coliforms Organism MPN/100ml is 500 or less. The Siang River will fall under Class of Water: "B", Desirable-Best Use: Outdoor bathing (organised), as per Designated Best use Water Quality Criteria.
2. Depending upon the level of BOD the river does not fall under polluted river stretch as per Criteria for Priority Stretches.

(RAKESH BASUMOTARY)  
SSA

X

**Annexure: III A & IIIB:** Copies of the memorandum submitted by villagers of Leparada Dist. and DFO Office Likabali

To,  
The Joint Committee  
M. & EF & CC, IRO  
Camp Likabali, Lower Siang District  
Arunachal Pradesh  
Dated Garu the 8<sup>th</sup> August 2022.

Sub: - Prayer for grant of compensation against lost of forest private plantation by dumping of soil and defires.

R/Sir,

With due respect, I have the honour to state that the ongoing high way road cutting from Likabali to Bame has caused damaged to my forest plantation located in valley side at 15<sup>th</sup> to 16<sup>th</sup> from Garu Camp Side to Likabali. Moreover, our family have LPC against the said forest land.


Besides, we have earlier request the concerned company no to dump in said area and a copy of application is enclosed herewith.

Therefore, I request your honour kindly to look into matter seriously and take immediate action.


Thanking you sir.

Enclosure: -

1. LPC 6 nos.
2. Sketch Map
3. Application for stopping of dumping.

  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun-791110

Yours Faithfully,

  
Shri Taluk Karlo  
Village- New Bomte  
Lower Siang District  
Arunachal Pradesh

  
19/10/2022  
EXECUTIVE MAGISTRATE  
Itanagar Capital Complex  
ITANAGAR

**Annexure: III A & IIIB:** Copies of the memorandum submitted by villagers of Leparada Dist. And DFO Office Likabali.

To,

The Joint Committee  
MoEF & CC, IRO  
Camp Likabali, Lower Siang District  
Arunachal Pradesh  
Dated Garu the 8<sup>th</sup> August, 2022

**Sub: Prayer for grant of compensation against lost of forest private plantation by dumping of soil and defires.**

Sir,

With due respect, I have the honour to state that the ongoing high way road cutting from Likabali to Bame has caused damaged to mu forest plantation: located in valley side at 15<sup>th</sup> to 16<sup>th</sup> from Garu Camp Side to Likabali. Moreover, our family have LPC against the said forest land.

Besides, we have earlier request the concerned company no to dump in said area and a copy of application in enclosed herewith.

Therefore, I request your honour to kindly to look into matter seriously and take immediate action.

Thanking you sir.

**Enclosure:**

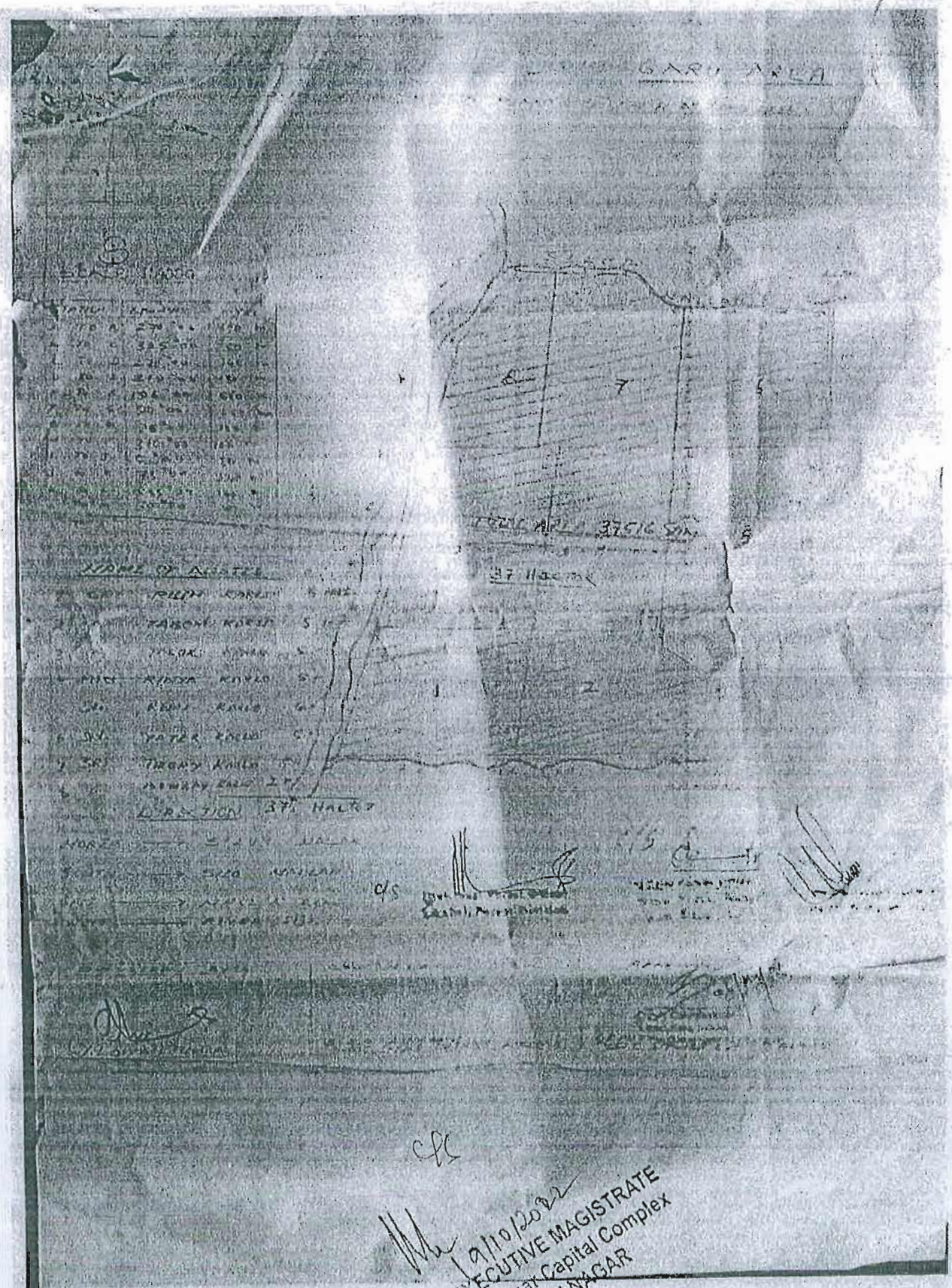
1. LPC
2. Sketch Map
3. Application for stopping of dumping

Yours faithfully

Shri Taluk Karlo  
Village-New Bomre  
Lower Siang District  
Arunachal Pradesh

52

24



Member Secretary  
 State Pollution Control Board  
 Govt. of Arunachal Pradesh

19/10/2022  
 EXECUTIVE MAGISTRATE  
 Itanagar Capital Complex  
 ITANAGAR

To

The Project Manager  
T.K Engineering Consortium Pvt. Ltd.  
Garu, District West Singh (A.P)

Dated Garu the 9<sup>th</sup> Dec. 2016

Sub: Stoppage of dumping soil / debris at my plot and request for compensation for dumping soil /debris in my land sloping area covering road side at Km: 35+600 to 35+750 HS. area and many others covered under my LPC No. WS/Rev-16/39 (PT), Dated Along the 5<sup>th</sup> Dec. 2006.

Sir,

It is to inform you that I and my family has a vast sloping land in the down side of the existing road cutting of the highway in-between Siji to Garu area near 25 km from Likaball to Garu camp. The land possession certificate of the said land was issued to me and my family members namely in the name of Shri Taluk Karlo (myself) measuring 50,000 sq. mtrs., Shri Theory Karlo (my father) measuring 50,000 sq. mtrs., Shri Rilin Karlo (my younger brother) measuring 50,000 sq. mtrs., Smty Yater Karlo (my mother) measuring 50,000 sq. mtrs., Shri Remi Karlo (my younger brother) measuring 50,000 sq. mtrs., and Miss Rinya Karlo (my younger sister) measuring 50,000 sq. mtrs.

Sir, It is seen that the land owned by me, my father Shri Theory Karlo, my younger brother Shri Rilin Karlo, my mother Smty Yater Karlo, my younger brother Shri Remi Karlo which is in the slop area side of the existing highway road has been completely damaged with its forest products during the excavation or earth cutting. Me and my family has not been enlisted in the beneficiary list for compensation as our land exist in the slop area, but now due to earth cutting our area is completely devastated.

Sir, the earth cutting covering the land of my younger brother Shri Remi Karlo, my sister Miss Rinya Karlo is likely to start. I would like to request you not to damaged the slop area of said land.

Therefore, I highly request you to verify the damaged plots of my family and award sufficient compensation for the loss and damage to our land and its forest products. And also to stop dumping soil / debris at the plot of my younger brother Shri Remi Karlo and my sister Miss Rinya Karlo.

This is for your kind information and necessary action and to avoid further legal proceedings.

Thanking you

Enclosed:

1. L.P.C 6 nos.

Yours sincerely

Shri Taluk Karlo  
(land owner)

On behalf of all family members

Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun-791110

10/11/16  
10/11/2016  
MAGISTRATE  
Complex

To,

The Project Manager  
T.K Engineering Consortium Pvt Ltd.  
Garu, West Siang District

Dated Garu the 9<sup>th</sup> Dec, 2016

**Sub: Stoppage of dumping soil/debris at my plot and request for compensation for dumping soil/debris in my land stopping area covering road side at Km 35+600 to 35+750 HS Area and many others covered under my LPC No.WS/Rev-16/39(PT) Dated along the 5<sup>th</sup> Dec,2006.**

Sir,

It is to inform you that I and my family has a vast sloping land in the down side of the existing road cutting of the highway in between Sijl to Garu area near 25 km from Likabali to Garu camp. The land possession certificate of the said land was issued to me and my family members namely in the name of Shri Taluk Karlo(myself) measuring 50,000 Sq.mtrs, Shri Theory Karlo (my father) measuring 50,000 Sq. mtrs, SmtY Yater Karlo 9my mother measuring 50,000 sq. mtrs, Shri Remi Karlo (my younger brother) measuring 50,000 sq. mtrs and Miss Rinya Karlo (my younger sister) measuring 50,000 sq. mtrs.

Sir, it is seen that the land owned by me, my father Shri Theory Karlo, my younger brother Shri Rilin Karlo, my mother SmtY Yater Karlo, my younger brother , Shri Remi Karlo which is in the slop area side of the existing highway road has been completely damaged with its forest products during excavation or earth cutting. Me and my family has not been enlisted in the beneficiary list for compensation as our land exist in the slop area, but now due to earth cutting our area is completely devastated.

Sir, the earth cutting covering the land of my younger brother Shri Remi Karlo, my sister Miss Rinya Karlo is likely to start. I would request you not to damaged the slop area of the said land.

Therefore, I highly request you to verify the damaged plots of my family and award sufficient compensation for the loss and damage to our land and its forest products. And also to stop damping soil/debris at the plot of my younger brother Shri Remi Karlo and my sister Miss Rinya Karlo.

This is for your kind information and necessary action and to avoid further legal proceedings.

Thanking you

Enclosed:

1. LPC 6 nos.

Yours Sincerely

Shri Taluk Karlo  
(land owner)  
On behalf of all family members

XS

17  
X9

GOVERNMENT OF ARUNACHAL PRADESH  
OFFICE OF THE DEPUTY COMMISSIONER : WEST SIANG DIST : AALO  
\*\*\*\*\*

LAND POSSESSION CERTIFICATE

NO. WS/REV-16/39 (PT)  
Dated Along the 5th  
Dec/06

This is to certify that Shri Taluk Karlo  
S/O Shri T. Karlo of Village-New Bomte, PO/PS-Gensi, District-  
West Siang, Arunachal Pradesh is in possession of his own  
private land measuring 50000 sqmtrs located at Garu area  
as described below.

This LPC is issued as per NOC issued by the  
Sub-Divisional Officer, Likabali vide No. LKB/LPC- 76/05  
dated 4/12/06

DESCRIPTION OF BOUNDARY

- North :- Plot No. 8
- South :- Plot No. 1
- East :- Plot No. 4
- West :- Siji river

Book No. 21116  
 Year of Registration 2006  
 Registered Document No. 133/06  
 Pages 16  
 Date of Registration 06/12/06  
 Deputy Commissioner  
 West Siang District  
 AALO

(Tope Ban)  
 Deputy Commissioner  
 West Siang District  
 AALO District  
 AALO

Member Secretary  
 State Pollution Control Board  
 Govt. of Arunachal Pradesh  
 Naharlagun-791110

19/10/2002  
 EXECUTIVE MAGISTRATE  
 Itanagar Capital Complex  
 ITANAGAR

5X

3X

GOVERNMENT OF ARUNACHAL PRADESH  
OFFICE OF THE DEPUTY COMMISSIONER : WEST SIANG DIST : ALON  
\*\*\*\*

LAND POSSESSION CERTIFICATE

NO. WS/REV-16/39 (PT)  
Dated Along the 5th Dec

This is to certify that Shri Rilin Karlo  
S/o Shri T. Karlo of New Bomte Village, PO/PS-Gensi, District  
West Siang, Arunachal Pradesh is in possession of his own  
private land measuring 50000 sqmtrs located at Garu area  
as described below.

This LFC is issued as per NOC issued by the  
Sub-Divisional Officer, Likabali vide No. LKB/LPC- 56/200  
dated 4/12/06

DESCRIPTION OF BOUNDARY

- North :- Plot No. 3
- South :- Silo Nallah
- East :- Plot No. 2
- West :- Siji river

2006  
 Registered Document No. 132/06  
 Date: 1/12/06  
 Office of Registrar  
 Deputy Commissioner  
 West Siang District

(Tope Bam)  
 Deputy Commissioner  
 West Siang District  
 ALLO

Member Secretary  
 State Pollution Control Board  
 Govt. of Arunachal Pradesh  
 Naharlagun-791110

10/10/2006  
 EXECUTIVE MAGISTRATE  
 Itanagar Capital Complex  
 ITANAGAR

GOVERNMENT OF ARUNACHAL PRADESH  
OFFICE OF THE DEPUTY COMMISSIONER : WEST SIANG DISTRICT : AALO  
\*\*\*\*\*

LAND POSSESSION CERTIFICATE

NO. WS/REV-16/39 (PT)  
Dated Aalo the 5th  
Dec/06



This is to certify that Shri Theory Karlo  
S/O Late G. Karlo of Village-New Bomte, PO/PS-Gensi, District-  
West Siang, Arunachal Pradesh is in possession of his own  
private land measuring 50000 Sqmtrs located at Garu area as  
described below.

This LPC is issued as per NOC issued by  
the Sub-Divisional Officer, Likabali vide No. LKB/LPC- 96/2005  
dated 4/12/06

DESCRIPTION OF BOUNDARY

- North :- Silum Nallah
- South :- Plot No. 4
- East :- Plot No. 5
- West :- Plot No. 8

*Handwritten notes and signatures:*  
135/56  
06/12/06

(Tope Bam)  
Deputy Commissioner  
West Siang District  
AALO

Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun-791110

*Handwritten signature:* W  
19/10/2022  
EXECUTIVE MAGISTRATE  
Itanagar Capital Complex  
ITANAGAR

~~58~~

GOVERNMENT OF ARUNACHAL PRADESH  
OFFICE OF THE DEPUTY COMMISSIONER : WEST SIANG DIST : : AALO  
\*\*\*\*\*

LAND POSSESSION CERTIFICATE

NO. WS/REV-16/39 (PT)  
Dated Along the 5th  
Dec/06

This is to certify that Saty Yater Karlo  
W/O Shri T. Karlo of Village-New Bomte, PO/PS-Gensi, District-  
West Siang, Arunachal Pradesh is in possession of her own  
private land measuring 50000 sqmtrs located at Garu area as  
described below.

This LPC is issued as per NOC issued by the  
Sub-Divisional Officer, Likabali vide No. LKB/LPC- 76/2005  
dated 5/12/06.

DESCRIPTION OF BOUNDARY

- North :- Silum Nallah
- South :- Plot No. 5
- East :- NH 52 A
- West :- Plot No. 7

*[Faint, mostly illegible text, possibly a stamp or administrative note]*

58/12  
(Tope Bha)  
Deputy Commissioner  
West Siang District  
AALO

*[Signature]*  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun-791110

45  
*[Signature]*  
19/11/2006  
EXECUTIVE MAGISTRATE  
Itanagar Capital Complex  
ITANAGAR



GOVERNMENT OF ARUNACHAL PRADESH  
OFFICE OF THE DEPUTY COMMISSIONER : WEST SIANG DIST : AALO  
\*\*\*\*\*

LAND POSSESSION CERTIFICATE

NO. WS/REV-16/39 (PT)  
Dated Along the 5th  
Dec/06



This is to certify that Miss Rinya Karlo  
D/O Shri T. Karlo of Village-New Bomte, PO/PS-Gensi, District-  
West Siang, Arunachal Pradesh is in possession of her own  
private land measuring 50000 sqmtrs located at Baru area as  
described below.

This LPC is issued as per NOC issued by  
the Sub-Divisional Officer, Likabali vide No. LKB/LPC- 96/05  
dated 6/12/06.

DESCRIPTION OF BOUNDARY

- 1. North :- Plot No. 7
- South :- Plot No. 2
- East :- NH 52 A
- West :- Plot No. 3

(Toga Bam)  
 Deputy Commissioner  
 West Siang District  
 AALO  
 06/12/06

(Toga Bam)  
 Deputy Commissioner  
 West Siang District  
 AALO  
 06/12/06

Member Secretary  
 State Pollution Control Board  
 Govt. of Arunachal Pradesh  
 Naharlagun-791110

EXECUTIVE MAGISTRATE  
 Itanagar Capital Complex  
 ITANAGAR

X

X

GOVERNMENT OF ARUNACHAL PRADESH  
OFFICE OF THE DEPUTY COMMISSIONER : WEST SIANG DIST :  
\*\*\*\*\*

LAND POSSESSION CERTIFICATE

NO.WS/REV-15/3  
Dated Along the  
Dec/06



This is to certify that Shri Remi Karlo S/O Shri T.Karlo of Village-New Bomte, PO/PS-Gensi, District-West Siang, Arunachal Pradesh is in possession of his own private land measuring 50000 sqmtrs located at Garu area as described below.

This LPC is issued as per NOC issued by the Sub-Divisional Officer, Likabali vide No. LKB/LPC-7 dated 4/12/06.

DESCRIPTION OF BOUNDARY

- North :- Plot No. 6
- South :- NH 52 A
- East :- NH 52 A
- West :- Plot No. 4

Book No. 2 (1/10)  
 Date of Issue 2006  
 Page No. 136/06  
 Date of Registration 16/12/06  
 Deputy Commissioner  
 West Siang District

(Tope Ban)  
 Deputy Commissioner  
 West Siang District  
 LAALO

Member Secretary  
 State Pollution Control Board  
 Govt. of Arunachal Pradesh  
 Naharlagun-791110

95  
 19/10/2008  
 EXECUTIVE MAGISTRATE  
 Itanagar Capital Complex  
 ITANAGAR

(X)

IGP  
I.R.D. Guhate

10  
2022.8.8.2022  
Toi Basar

154 July 2019

To  
The Deputy Commissioner  
Leaparada District, Basar  
Arunachal Pradesh.

Sub - Request for Immediate stop of rampant dumping into valley side in between Nyigam and Kamdak village, particularly within 5 Km away from Nyigam Village by the contracting agency Shivam Company, under NHIDCL. SCIR JV.

Sir,

We the undersigned would like to draw your kind attention regarding cited above subject for your kind consideration and immediate necessary action please. On 7<sup>th</sup> July 2019, the Project Manager of Shivam Company working under NHIDCL, in segment Basar to Ego project was called at the resident of HMLA Shri Gokar Basar and briefly discuss about the ill effect of rampant dumping into valley side at that location by the honourable sir. However, the said company are continuously disposing their mug disposal directly into valley side as results flora and fauna and aquatic life of Mite stream are highly in danger. And also Mite River is our main source of drinking water for whole Rese Ego WRC field which now becomes highly polluted. Also as results of rampant dumping into Rese river mud sludge during rainy season, the stream are damaging our head Work and Irrigation Chanel constructed along the Rese Stream.

Therefore, we the undersigned would like to pray for your kind immediate intervention and ask the contracting agency to dump their mug disposal at the designated dumping yard.

Your early action is highly solicited

Thanking you

1. Shri Toi Basar, GRK President Nyigam Village.
2. Shri Binya Basar, Ex- BIP State Council Members
3. Shri Roduk Basar Ex- Nyigam
4. Shri Janglam Basar (GRK)
5. Mr. ... (Advocate)

Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun-791110

19/10/2022  
EXECUTIVE MAGISTRATE  
NAGAR

To,

The Deputy Commissioner  
Leparada District, Basar  
Arunachal Pradesh

Sub: Request for Immediate stop of rampant dumping into valley side in between Nyigam and Kamdak village, particularly within 5 km away from Nyigam Village by the contracting agency Shivam Company under NHIDCL.

Sir,

We the undersigned would like to draw your kind attention regarding cited above subject for your kind consideration and immediate necessary action please. On 7<sup>th</sup> July, 2019, the project Manager of Shivam Company working under NHIDCL, in segment Basar to Ego project was called at the resident of HMLA Shri Gokar Basar and briefly discuss about the ill effect of rampant dumping into valley side at that location by the honourable sir. However, the said company are continuously disposing their mug disposal directly into valley side as results flora and fauna and aquatic life of Mite stream are highly in danger. And also Mite River is our main source of drinking water for whole Rese Rijo WRC field which now becomes highly polluted. Also as result of rampant dumping into Rese river mud sludge during rainy season, the stream are damaging our Head work and Irrigation Channel constructed along the Rese Stream.

Therefore, we the undersigned would like to pray for your kind immediate intervention and ask the contracting agency to dump their mug disposal at the designated dumping yard.

*Your early action is highly solicited.*

Thanking You

1. Shri Toi Basar, GRK President, Nyigam village
2. Shri Enya Basar, Ex-BJP State Council member
3. Shri Taduk Basar, GB, Nyigam
4. Shri Jumkar Basar
5. Shri Mikar Basar

Basar dated the 17<sup>th</sup> January 2020

To,

The Deputy Commissioner,  
Leparada District, Basar  
Arunachal Pradesh

**Sub: Prayer for spot verification of Highway earth cutting and issue of stop order to their ongoing rampant dumping into Rese river.**

Sir,

In writing to the chief above subject this is to bring into your attention for your immediate necessary action please. That Sir, on many occasion we the undersigned have made a verbal request to the representative of ongoing Highway project work being carrying out in stretch between Nyigam and Kandak village not to through mug disposal (earth & debris) directly into Mite stream major tributary of Rese river. However, they are not ready to listen our request and they continuously dumping earthwork directly into the said river. As a matter of fact the whole WRC field owner comprising of 23 (Twenty Three) family along the Rese river are under grave threat of damage during coming monsoon. Because of it all the Head work and Irrigation canal in Rese river will be completely damage during the period of coming monsoon. So considering the above serious fact, here we would like to pray to your good self to intervene the matter and stop faulty dumping immediately. And if they don't halt their rampant dumping into the river, we will be compel to knock the door of Principle Chief Conservator of Forest which may invite disturbance to the smooth progress of ongoing Highway Project Work.

Therefore, Sir, this is to pray your good self to intervene the matter and issue the stop order immediately.

Your's faithfully

1. Shri Toi Basar (Ex-ASM)

2. Shri Emo Riba (Ex-ASM)

3. Shri Niya Basar (Ex-GPM)

4. Shri Jumkar Basar (GB)

5. Shri Tokar (Teacher)

6. Shri Todak Basar (GB)

7. Mijan Basar (Ex-ASM)

Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Maharlagun-791110

19/10/2020  
EXECUTIVE MAGISTRATE  
Itanagar Capital Complex  
ITANAGAR

TYPED COPY

The Deputy Commissioner  
Leparada District, Basar  
Arunachal Pradesh

Basar dated the 17<sup>th</sup> January, 2020

**Sub: Prayer for spot verification of Highway earth cutting and issue of stop order to their ongoing rampant dumping into Rese river.**

Sir,

In inviting to the cited above subject tis is to bring into your attention for immediate necessary action please. That sir, on many occasion we the undersigned have made a verbal request to the representative of ongoing Highway project work being carrying out in stretch between Nyigam to Kamdak village not to through mug disposal (earth & debris) directly into Mite stream major tributary of Rese river. However, they are not ready to listen our request and they continuously dumping earthwork directly into the said river.as a matter of fact the whole WRC field owners comprising 23 (Twenty Three) family along the Rese river are grave threat of damage during coming monsoon. Because of it all the head work and Irrigation canal in Rese river will be completely damage during the period of coming monsoon. So considering the above serious fact, here we would like to pray to your good self to intervene the matter and stop faulty dumping immediately. And if they don't halt their rampant dumping into the river, we will be compel to knock the door of Principal Chief Conservator of Forest which may invite disturbance to the smooth progress of ongoing Highway project Work.

Therefore, Sir, this is pray your good self to intervene the matter and issue the stop order immediately

Yours faithfully

1. Shri Toi Basar(EX-ASM)
2. Shri Emo Riba(EX-ASM)
3. Shri Enya Basarn (EX-GPM)
4. Shri Jumkar Basar (GB)
5. Shri Tokar (Ex-Teacher)
6. Shri Todak Basar (GB)
7. Shri Mikar Basar (Advocate)

65

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To,

The Deputy Commissioner  
Basar, Lepa Radar District  
Arunachal Pradesh

DATE - 12/14/2007

Sub: Complain against Shivam Trans Construction Private Limited for deliberately destroying the agricultural fields of Resi area.

Sir,

We, on behalf of people of Resi area under Basar Sub-Division, Lepa Radar District, Arunachal Pradesh are writing with great pain and anguish and pray to kindly look into the matter promptly on priority.

That Sir, Shivam Trans Construction Private Limited (herein after referred as "User Agency) which is engaged in 2 Laning of Trans Arunachal Highway in the stretch from Bam-Basar Road is carrying out its work in rampant and in gross violation of several statutes enacted with the sheer aim and motive to protect the environment and ecology from all sorts of harm, hazard and degradation and to preserve the same. Such Acts primarily being Air (Prevention and Control of Pollution), Act, 1981, Water (Prevention and control of Pollution), Act, 1974, Environment (Protection), Act, 1986 and Forest Conservation, Act, 1980.

The user agency which is engaged in 2 Laning in the stretch of Bam-Basar Road has damaged the agricultural fields of people of Resi area, Basar by illegally dumping of muck directly into the valley leading to disappearance of the stream that flowed there earlier. The user agency has not disposed the unearthen muck as per the Muck Disposal Plan duly approved by the competent authority in the whole stretch of the road making lives of the daily commuters very difficult. The muck has been indiscriminately dumped or roll down the valley in contravention of Forest Conservation Act, 1980 and other allied Rules in force including Undertaking given in the Forest Clearance by the user agency. As per the approved Muck Disposal Plan for the construction works, the user agency has to construct a RCC retaining wall, RCC breasts wall and RC drainage to save and protect the environment.

The photographs of indiscriminate dumping of muck/debris in the valley and dumping of muck/debris in the valley leading to clogging of streams is annexed as **PICTURE-1 & PICTURE-2.**

Before the user agency started its work, the agricultural fields of people of Resi area were very fertile with massive agricultural production every year. Ever since, the earth cutting work started by the user agency, dumping of muck/debris in the valley followed, the streams in the valley is covered with huge quantities of muck/debris. The stream which use to flow freely, is now flowing beneath the muck/debris that has been

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dumped. Whenever there is heavy rain/downpour the stream swells beyond its limit and carries down the entire muck along with it and deposit it along the riverbed. Now the course of the river has changed and is flowing into the agricultural fields as the riverbed height has raised due to deposition of muck along the riverbed. During rainy season the agricultural fields is filled with huge volume of water leading to loss of agricultural productivity. The photo of raised riverbed height due to muck deposition and change of course of water is annexed as **PICTURE-7 to 12**.

The Muck Disposal plan had not been properly regulated. The dumping of muck has also affected the whole aquatic life in downstream of the project. The river that was filled with various species of fishes is barren now.

As per the Forest Clearance granted to the user agency, the construction agency has to comply with the condition No.7 wherein it states "over burden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designated dumping sites and in no case, the muck/debris will be allowed to roll down the hilly slopes". But, in instant case not a single dumping sites has been maintained properly in a prescribed manner in the whole stretch of the construction sites by the user agency. The photo of muck/debris rolling down the valley is shown as **PICTURE-3 & 5**.

The user agency has deliberately and intentionally avoided to uphold and abide by Article 48A of the Indian Constitution whereby it is one of the fundamental duty of every citizen to protect and improve the natural environment including forest, lakes, rivers and wildlife and to have compassion for all living creatures.

The user agency has proceeded with the construction work violating and contravening all the guidelines laid down by the competent authorities and the SOPs laid down in various statutes especially enacted by the legislature to protect and preserve the environment and ecology such as Air Act, 1981, Water Act, 1974, Environment (Protection) Act, 1986, Indian Forest Conservation Act, 1980, Schedule Tribes and other Traditional Forest Dwellers Recognition of Forest Right Act, 2006, and Wild Life Protection Act, 1972.

The User agency not only created environmental hazard, but also destroyed the sole livelihood of the people of Resi area by damaging the agricultural fields due to muck dumping. The activity of the user agency tantamount to gross violation of "Natural Justice" and "Rule of Law" widely recognized and cherished by the makers of Indian Constitution. Various photographs related to this complaint with description are annexed as **PICTURE-3, 4 & 6**.

The user agency is violative of Article 21 of Indian Constitution as the Hon'ble Apex Court of India have held and opined in plethora of its judgments that "Right to Life" and "Personal Liberty" includes Right to have pollution free and clean environment. The user agency is making way for usherance of several natural calamities such as flood, soil erosion, landslide in our area in days to come.

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We, the people of Resi area therefore, request your august honour to kindly direct the Shivam Trans Construction Private Limited to immediately compensate the damage caused to the agriculture fields as mentioned above or to restores the river, as it was before the illegal muck dumping into the valley started. Failing to redress immediately will compel the people of Resi area under Basar Sub-division, Leparada District to knock the door of Hon'ble National Green Tribunal, Principal Bench, New Delhi.

Encls: As mentioned above

Copy circulated to:

1. The Deputy Commissioner, Basar Leparada District (A.P) for information and necessary action please.
2. The Hon'able MLS, 29 (ST) Basar Constituency for kind information.
3. The PCCF & Principal Secretary, Department of Environment and Forest, Govt. of A.P for kind information.
4. The Executive Engineer, PWD (Highway), Basar, Govt. of A.P for information.
5. The Project Manager, Shivam Trans Construction Private Limited for kind information and necessary action.
6. The DFO, Aalo Forest Division, Govt. of A.P for kind information.
7. The Zila Chair Person (ZPC), Basar for information.
8. The Joint Committee, Hon'ble NGT for honour of kind information.
9. Spare Copy.

  
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- 1. Shri Tope Basar
- 2. Shri Dakkar Basar
- 3. Shri Imo Riba
- 4. Shri Jumbo Kamsi
- 5. Shri Y. Nyato Basar
- 6. Shri Jumunar Basar
- 7. Shri T. Jubli Basar
- 8. Shri Todak Basar, GB
- 9. Shri Tokar Basar
- 10. Shri Boge Basar
- 11. Smtl. Yumpu Basar
- 12. Shri Bigi Sora

- 12. Shri Enya Basar
- 13. Shri Kido Kamsi
- 14. Shri Nyato Riba
- 15. Smtl. Nyabi Taba
- 16. Shri Marka basar
- 17. Shri Marken Basar
- 18. Shri Heni Basr
- 19. Shri Pemmar Basar
- 20. Shri Nyadar Basar
- 21. Shri Mimo Basar
- 22. Shri Jumar Basar, GB
- 23. Smtl. Tabor Basar, GPC  
(GPC) Chairperson  
Lepailaba Dist. (A.P.)

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23. Shri Tor Basar, Km ASM *[Signature]*

24. Shri Chigo Basar *[Signature]*

25. Shri Tomar Basar *[Signature]*

26. Shri Jungo Basar *[Signature]*

27. Shri Doi Basar *[Signature]*

28. Shri Jumbe Basar *[Signature]*

29. Shri Toli Kamdak *[Signature]*

30. Shri Jummar Kamdak *[Signature]*

31. SRJ LIGO BASAR *[Signature]*

32. SRI PEGI BASAR *[Signature]*

33. SRI NYAKEN BASAR *[Signature]*

*[Signature]*  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun-791110

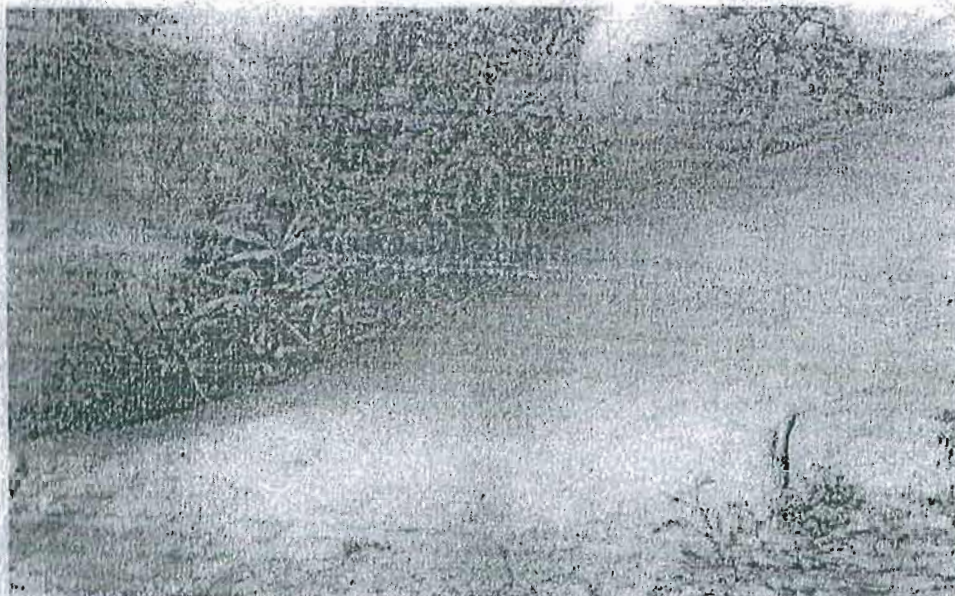
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**Picture-1.** Indiscriminate dumping of muck/debris in the project site by Shivam Trans Construction Private Limited. The muck/debris are seen rolling down the hill slopes in total violation of the guidelines of the Forest Clearance and making a mockery of the Designated Dumping site guidelines.



**Picture-2:** The Muck/Debris seen rolling down the hill slope. This muck/debris are directly rolling into the river and clogging the river at Bolek area, Basar, Lepa Rada District.

  
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Picture:3: The muck/debris rolling down the hill slopes have uprooted making trees & other plants and also damaged the aquatic life of the river in flagrant violation of Forest Conservation Act, 1980 and other allied Rules. As per the approved Muck Disposal Plan of the construction works, the user agency has to construct a RCC retaining wall, RCC Breast Wall and RCC Drainage to protect the environment, but the user agency failed to do so and hoodwinked the people of the area in profit making spree.



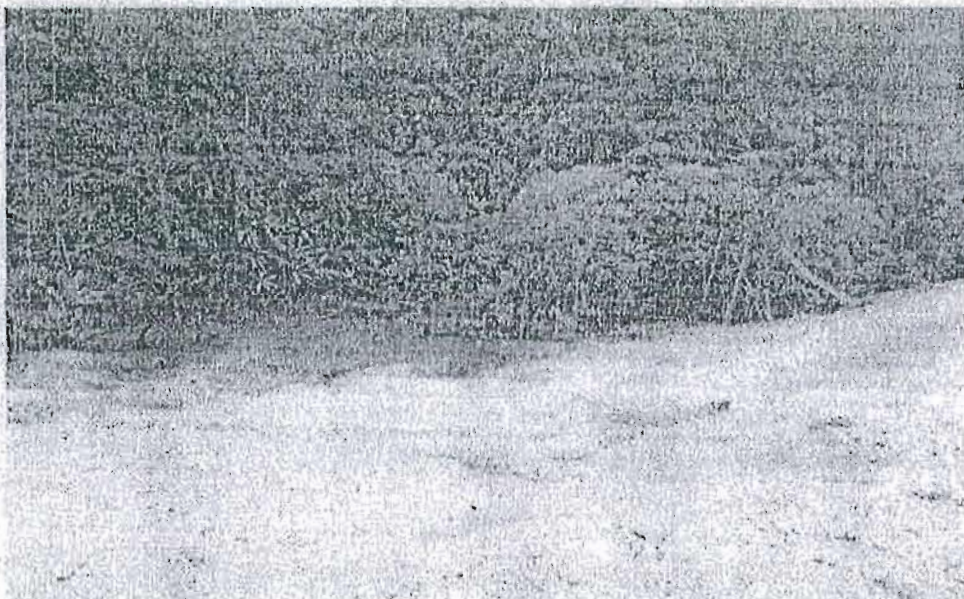
Picture:4: The muck being along the road side in flagrant violation of Muck Disposal Plan issued to Shivam Trans Construction Private Limited. These muck roll down the hilly slope and also the dust emitted from these muck make the life of commuters a hell.

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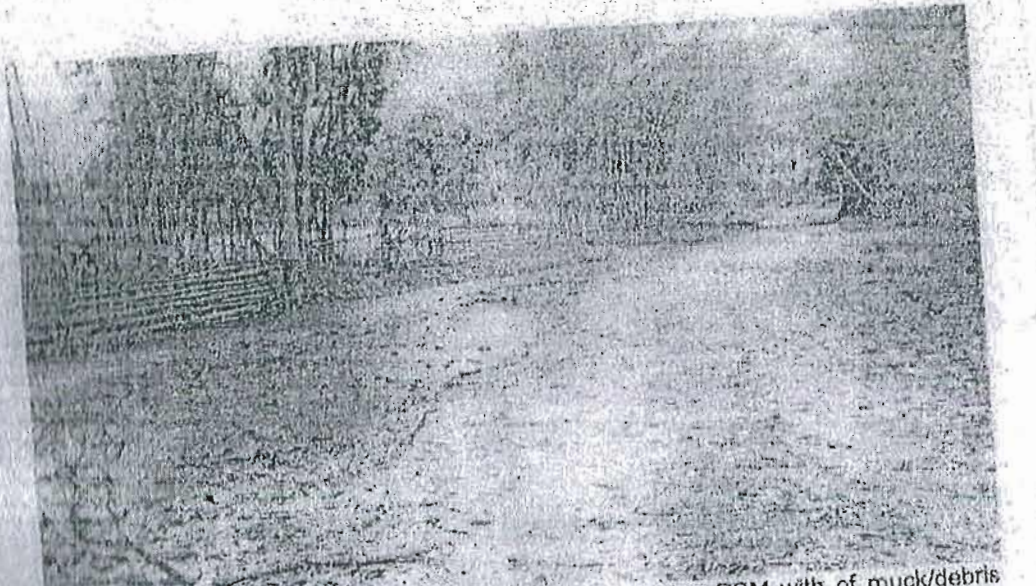
Picture:5. The river seen below is filled with muck/debris rolling down in total violation of forest conservation Act, 1980.



Picture:6: Self made designated dumping site of Shivam Trans Construction Private Limited.

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Picture:7: The raised level of the river bed due to mixing RBM with of muck/debris dumped by Shivam Trans Construction Private Limited. The raised level of river bed has changed the course of the river, letting them into the paddy fields of the local poor people.



Picture:8: The river is seen filled with muck/debris dumped by Shivam Trans Construction Private Limited. The muck/debris has totally damaged the river and also the agricultural fields of the local poor people.

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Central Pollution Control Board  
Regional directorate-Shillong  
Near Fire Bridge H.Q, Lower Motinagar  
Shilong-793014

**Observation and comments on SIANG RIVER based on Analysis Report of  
Arunachal Pradesh State Pollution Control Board**

**Observations:**

- A. Siang river water samples were collected at three locations at 1) Byorung Bridge, Yingkiang, 2) Yamne, Mariyang, 3) Near RCC Bridge, Pasighat.
- B. The Siang River: pH ranges from 7.31-7.42, DO ranges from 6.8.-8.2 mg/l, BOD ranges from 0.6-2.8 mg/l.
- C. Total coliforms was Not Analysed.

**Comments:**

1. Based on the available data of pH, DO and BOD and if the Total Coliforms Organism MPN/100ml is 500 or less. The Siang River will fall under Class of Water: "B", Desirable-Best Use: Outdoor bathing (organised), as per Designated Best use Water Quality Criteria.
2. Depending upon the level of BOD the river does not fall under polluted river stretch as per Criteria for Priority Stretches.

(RAKESH BASUMOTARY)  
SSA

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Annexure: IV:

Some photographs of Akajan-Likabali-Bame Road during project site inspection

(Dated 05.07.2022 to 10.07.2022)



Photo 1&2. Mucks disposal nearby waterbody and natural vegetation and not maintained the slope.

Photo 2.

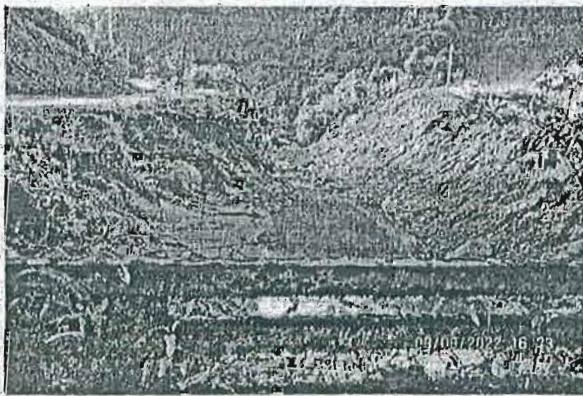


Photo 3. Onsite NGT team

Photo 4. Obstruting natural nallah by mucks

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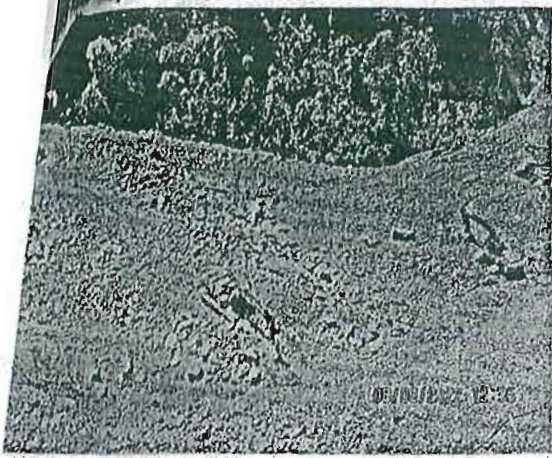


Photo 5. Obstructing natural nallah for construction of culvert.

Photo 6. Stabilized muck dumping site

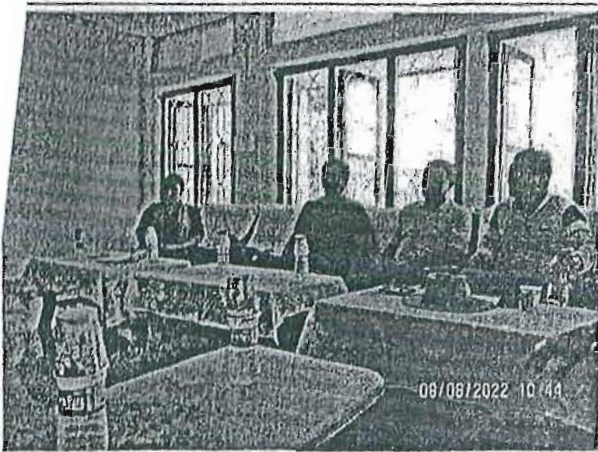


Photo 7&8. Committee interacting with public

Photo 8. Public hearing at Leparada district

Some photographs of Yingkoing -Mariang -Pasighat road during project site inspection  
(Dated 05.07.2022 to 10.07.2022)



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Committee observed stabilized  
muck dumping site

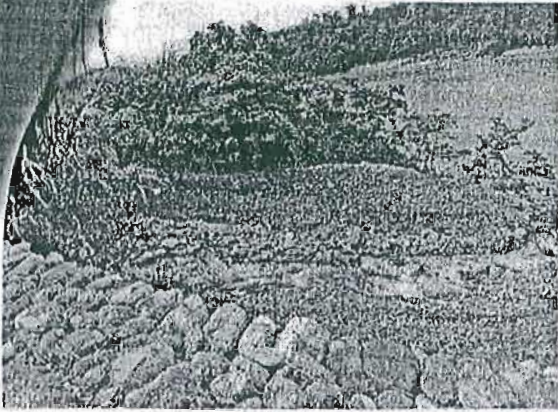


Photo.10. *Eupatorium sp.* growth in the muck dumping site

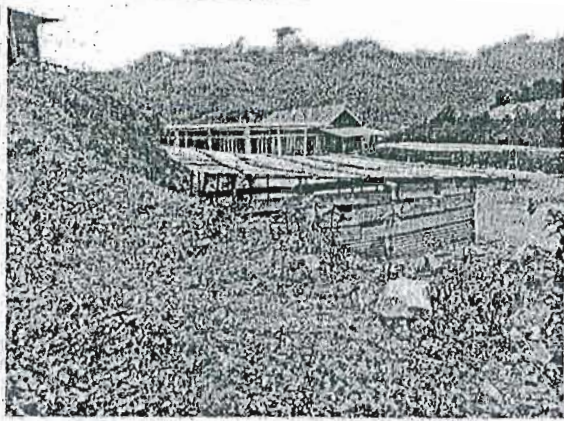


Photo. 11. Obstructing natural nallah

Photo. 12&13. Constructed house over the muck disposal site

Some photographs of Pasighat to Panging road during project site inspection

(Dated 05.07.2022 to 10.07.2022)

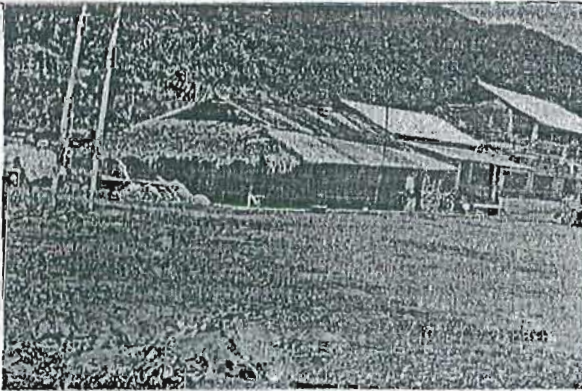


Photo. 13. Constrution of houses and hotels in the muck dumping sites

Photo.14. Committee Interation with local people



Member Secretary

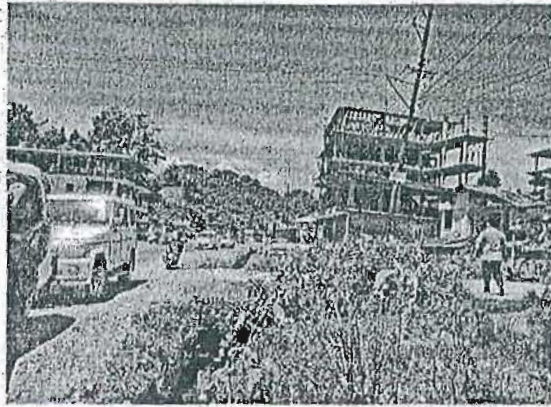
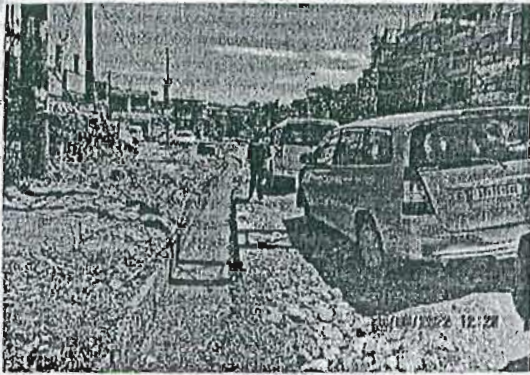
Handwritten signatures and dates: '9/11/2022' and 'MAGISTRATE'.



16. Stabilized muck disposal site

Photo. 16

Some photographs of Papu-Yupia -Holangi (wildlife zone) road during project site inspection  
(Dated 05.07.2022 to 10.07.2022)



Papu-Yupia road with proper drainage

Photo 17&18. Naharlagun city drainage system over the Muck disposal area

Photo.18.

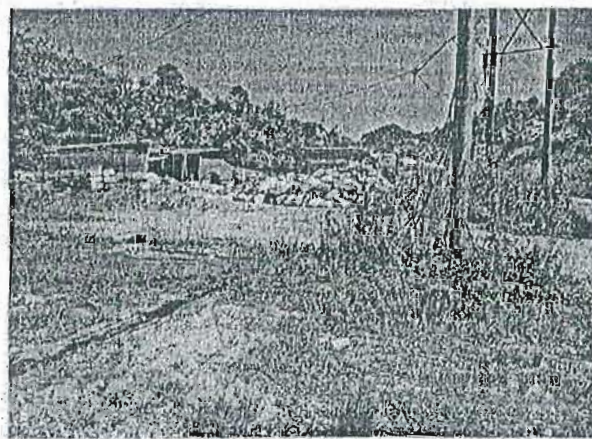
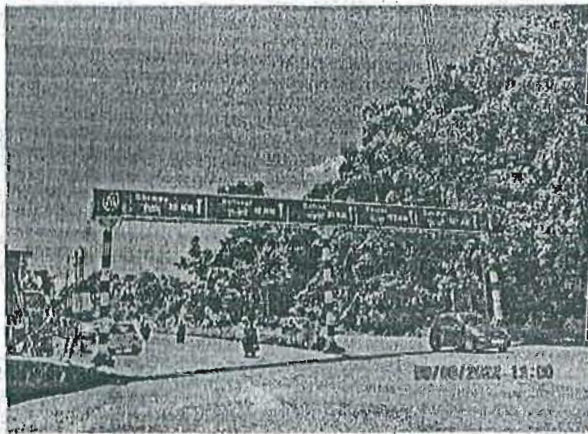


Photo.19. On the way to Itanagar via holongi

Photo.20. construction site over the muck disposal area.

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Diary No.	Year				
27618	2022		Submit		

Diary No.- 27618 - 2022

NATIONAL HIGHWAY INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED vs. UNION OF INDIA

Case Details

Diary No.	27618/2022 Filed on: 02-09-2022 03:03 PM	PENDING
Case No.	C.A. No.	
Petitioner(s)	1 NATIONAL HIGHWAY INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED THROUGH ITS GENERAL MANGER (TECH.) OFFICE AT 3RD FLOOR, PTI BUILDING, PARLIAMENT STREET ,NEW DELHI , DELHI	
Respondent(s)	1 UNION OF INDIA THROUGH THE PRINCIPAL SECRETARY OFFICE AT 3RD FLOOR, PRITHVI WING, INDIRA PARYAVARAN BHAWAN, JOR BAGH NEW DELHI ,NEW DELHI , DELHI  2 GOVERNMENT OF ARUNACHAL PRADESH thr. the chief secretary ITANAGAR 791111 ARUNACHAL PRADESH . . OTHER  3 ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FOREST (CENTRAL)-NORTH EAST REGIONAL OFFICE LAW-SUB-SIB. LAMBATNAGEN NEAR MTC WORK SHOP SHILLONG MEGHALAYA 793021 . . OTHER  4 ARUNACHAL PRADESH POLLUTION CONTROL BOARD thr. member secretary DEPARTMENT OF ENVIRONMENT AND FOREST, PARYAVARAN BHAWAN YUPIA ROAD, PAPUNALLAH, NAHARLOAGUN 791 110, ARUNACHAL PRADESH . . OTHER  5 PRINCIPAL CHIEF CONSERVATOR OF FOREST GOVERNMENT OF ARUNACHAL PRADESH ITANAGAR 791111, ARUNACHAL PRADESH . . OTHER  6 DIRECTOR, GEOLOGY AND MINING DEPARMENT, ITANAGAR, ARUNACHAL PRADESH . . OTHER  7 CHIEF ENGINEER NH ITANAGAR ARUNACHAL PRADESH . . OTHER  8 M/S. TK ENGINEERING CONSORTIUM PVT. LTD. thr. its representative MODEL VILLAGE NAHARLAGUN ITANAGAR 791110, ARUNACHAL PRADESH . . OTHER  9 M/S. PUNAHINDA CONSTRUCTION PVT. LTD. thr. its representative C/O. TIMES VIDEO LIBRARY AKASH DEEP PS ITANAGAR 791111, ARUNACHAL PRADESH . . OTHER  10 M/S. JUGAL KISHORE MOHANTA IVORY ENCLAVE thr. its representative RGB ROAD, GUWAHATI KAMRUP ASSAM 781021 . . OTHER  11 M/S. BSOP thr. its representative 8-2-5021/1/A JIVI TOWERS, ROAD NO. 7, DANJARA HILLS, HYDERABAD, TELANGANA 500034 . . OTHER  12 M/S. DINESH CHANDRA R. AGARWALA INFRACOM PVT. LTD. thr. its representative 401, THE GRAND MALL, OPP STATE BANK ZONAL OFFICE S.M. ROAD, JAMBHAWAN, S/O/W/THRU:- TAJ NUKU, SANAND AHMEDABAD 380015, GUJARAT . . OTHER  13 M/S. S/O/W/THRU:- TAJ NUKU, SANAND AHMEDABAD 380015, GUJARAT . . OTHER	

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10/2022  
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Pet. Advocate(s)	ABHINAV MUKER 663
Resp. Advocate(s)	KAUSHIK CHOUDHURY(caveat)

Earlier Court Details

Interlocutory Application / Documents

Court Fees

Defects

Mention Memo

Restoration Details

Caveat

Correspondence  
The Registrar,  
Supreme Court of India,  
Tilak Marg, New Delhi-110001  
e-mail :  
supremecourt@nic.gov.in  
Contact Details: 011-  
23116400, 23116401,  
23116402, 23116403

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(<http://indiacode.nic.in/>)

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Govt. of Arunachal Pradesh  
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IN THE SUPREME COURT OF INDIA  
(CIVIL APPELLATE JURISDICTION)

MISCELLANEOUS APPLICATION NO. \_\_\_\_\_ OF 2024

IN

CIVIL APPEAL NO. 7393 OF 2022

IN THE MATTER OF:

National Highway & ...Appellant/  
Infrastructure Development Applicant  
Corporation Ltd.  
Through its General Manager  
(Tech.)  
Having office at 3rd Floor, PTI  
Building, Parliament Street,  
New Delhi

*Versus*

1. Union of India ...Respondent No.1  
Ministry of Environment,  
Forest and Climate Change,  
Through the Principal  
Secretary  
Having office at 3rd Floor,  
Prithvi Wing, Indira  
Paryavaran Bhawan, Jor  
Bagh, New Delhi- 110003
2. Government of Arunachal Pradesh ...Respondent No.2  
Through the Chief  
Secretary, Itanagar,  
Arunachal Pradesh- 791111
3. Additional Principal Chief ...Respondent No.3  
Conservator of Forest

(Central) North East  
Regional Office, Law-u-sib,  
Lambatnagen, Near MTC  
Work Shop, Shilong,  
Meghalaya- 793021

4. Arunachal Pradesh Pollution Control Board ...Respondent No.4  
Through Member Secretary,  
Department of Environment  
and Forest, Paryawaran  
Bhawan Yupia Road,  
Papunallah, Naharlagun,  
Arunachal Pradesh- 791110
5. Principal Chief Conservator of Forest Government of Arunachal Pradesh ...Respondent No.5
6. Director, Geology and Mining Department, Itanagar, Arunachal Pradesh ...Respondent No.6
7. Chief Engineer NH Itanagar, Arunachal Pradesh ...Respondent No.7
8. M/S TK Engineering Consortium Pvt. Ltd. ...Respondent No.8  
Model Village, Naharlagun,  
Itanagar, Arunachal  
Pradesh- 791110
9. M/S Punahinda Construction Pvt. Ltd. ...Respondent No.9  
C/O Times Video Library,  
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Itanagar, Arunachal  
Pradesh- 791111

- 10.M/S Jugal Kishore Mohanta ...Respondent No.10  
Ivory Enclave, RGB Road,  
Guwahati, Kamrup, Assam-  
781021
- 11.M/S BSCPL ...Respondent No.11  
8-2-5021/1/A, JIVI Towers,  
Road No. 7, Banjara Hills,  
Hyderabad, Telangana-  
500034
- 12.M/S Dinesh Chandra R. ...Respondent No.12  
Agarwala Infracom Pvt. Ltd.  
401, The Grand Mall, Opp  
State Bank Zonal Office,  
S.M. Road, Ambawadi, PS  
Sanand, Ahmedabad,  
Gujarat- 380015
- 13.Tai Maya ...Respondent No.13  
S/o Shri Tai Nuku  
Aged about 55 years  
R/o G Extension,  
Naharlagun, Itanagar,  
Arunachal Pradesh

### APPLICATION FOR DIRECTION

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA AND  
HIS HON'BLE COMPANION JUSTICES OF THE  
SUPREME COURT OF INDIA AT NEW DELHI

THE HUMBLE APPLICATION OF  
THE APPELLANT / APPLICANT ABOVENAMED:

MOST RESPECTFULLY SHOWETH:

1. That the Appellant / Applicant had filed the captioned civil appeal challenging the order dated 09.05.2022, in O.A. No. 74/2017/EZ, passed by the Hon'ble National Green Tribunal, Eastern Zone, Special Bench, whereby the Hon'ble Tribunal has directed the Appellant to pay an interim compensation of Rs. 10 crores for alleged violations of environmental norms *to be utilized as per directions of the joint committee for restoration*. This Hon'ble Court has dismissed the Civil Appeal vide order dated 12.07.2024. That after the passing of the said order, recently on 05.12.2024, the lawyer appearing for the Appellant / Applicant, before the Hon'ble NGT, has come across a copy of the report dated 19.10.2022, filed by the Joint Committee wherein it has required the Appellant / Applicant to deposit Rs. 3 crores with Arunachal Pradesh State Pollution Control Board as interim penalty for compensating the environmental loss. That since the said report was neither in the knowledge of the Appellant / Applicant nor was the same brought on record before this Hon'ble Court by any of the parties before it, the Appellant / Applicant, by way of the present application, is seeking a clarification, that the Appellant / Applicant, be allowed to pay an interim compensation of Rs. 3 crores, as per the report

dated 19.10.2022 of the joint committee, instead of Rs. 10 crores, in compliance with order dated 9.05.2022, passed by the Hon'ble NGT.

A true copy of the order dated 12.07.2024, passed by this Hon'ble Court, in Civil Appeal No. 7393 of 2022, is annexed herewith and marked as **Annexure A-1 (Pages 23 to 25 )**.

2. It is submitted that vide order dated 09.05.2022, the Hon'ble NGT upon considering the affidavit filed by the State Pollution Control Board observed that the compensation may be utilised for restoration of environment as per action plan to be approved by the Joint Committee constituted by the Hon'ble NGT. The relevant part reads as under:

“10. In view of above, since continuing violation of environmental norms has been found by the State PCB in the matter of dumping of muck and requisite statutory clearances, particularly EC, are not shown, remedial action needs to be taken and monitored for which we constitute a joint committee to be headed by Regional Officer, MoEF&CC with (i) Regional Officer, CPCB, (ii) State PCB and (iii) PCCF (HoFF), Arunachal Pradesh or his representative not below the rank of the Chief Conservator of Forests, as members. The State PCB will be the nodal agency for coordination and compliance. The joint committee may also associate the concerned District Magistrates. The joint committee may undertake visit to the sites and interact with the project proponents, their agencies and

other stakeholders. Action be taken for the violations, for compliance of the environmental norms as well as fixing accountability for past violations, including recovery of compensation. *The compensation assessed may be utilized for restoration of environment as per action plan to be approved by the Committee.*

(emphasis supplied)

3. Thereafter, vide order dated 09.05.2022 the Hon'ble NGT, further directed as follows, in paragraph 11:

“11. We find that as per affidavit filed by Respondent No. 6, NHIDC, the cost of projects executed by it is Rs. 989 crores. Having regard to the nature of violations so far found and cost of the projects, we determine interim compensation of Rs. 10 crores to be deposited by the NHIDC with the State PCB within one month, *to be utilized as per directions of the joint Committee for restoration*. NHIDC may recover the same from erring contractors, employed by it.”

(emphasis supplied)

A true copy of the order dated 9.05.2022, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-2 (Pages 26 to 32 )**.

4. That the Appellant challenged the impugned order dated 09.05.2022 passed the Hon'ble NGT, by filing of Civil Appeal No. 7393 of 2022, before this Hon'ble Court.



5. That initially on 10.10.2022, this Hon'ble Court had issued notice in the Appeal and had granted stay of the operation of impugned order dated 09.05.2022.
  
6. That it has been learnt recently that sometime in October or November, 2022 the joint committee has submitted its report, before the Hon'ble NGT, dated 19.10.2022, in terms of the direction contained in Hon'ble NGT's order dated 9.05.2022. However, a copy of the same was not served upon the Appellant / Applicant then. Thus, the same could not be brought to the notice of this Hon'ble Court. In the said report, it was found that most violations with respect to improper muck dumping were found in the Akajan-Likabali-Bam stretch. Further, the Committee has suggested certain recommendations for restoration and mitigation. For the said purpose the Joint Committee recommended that the user agency i.e. NHIDCL (Appellant) shall deposit an amount of Rs. 3 crores with the State Pollution Control Board as interim penalty for compensating the environmental loss due to haphazard muck dumping specially in regard to Akajan-Likabali-Bam Road. Relevant portion of the field inspection report regarding interim compensation is reproduced hereinbelow:



**“Environmental compensation:**

In light of the observation above the committee recommends that the user agency shall deposit an amount of Rs. 3.00 cr with the Arunachal Pradesh State Pollution Control Board as interim penalty for compensating the environmental loss due to haphazard muck dumping specially in regards to Akanjan-Likabali-Bam Road. The DFO and concerned CCF will submit comprehensive mitigation plan in consultation with Arunachal Pradesh State Pollution Control Board which will be approved by the PCCF & HoFF, Govt of Arunachal Pradesh. The total cost of mitigation plan will be funded by the user agency, i.e. NHIDCL.”

A true copy of the Filed Inspection Report, dated 19.10.2022, by the Joint Committee, is annexed herewith and marked as **Annexure A-3 (Pages 33 to 86 )**.

7. It is pertinent to mention that in the meantime the Original Application i.e. OA No. 74/2017/EZ, was listed before the Hon'ble NGT on various dates, after the passing of its order dated 9.05.2022, however, the same was simply adjourned on those dates, after noting the interim order passed by this Hon'ble Court. It may be pointed out that in none of the orders there is any observation regarding the submission of the joint committee's report dated 19.10.2022.

A true copy of order dated 10.10.2022, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed

herewith and marked as **Annexure A-4 (Pages 87 to -- )**.

A true copy of order dated 9.11.2022, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-5 (Pages 88 to 89 )**.

A true copy of order dated 11.01.2023, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-6 (Pages 90 to -- )**.

A true copy of order dated 8.02.2023, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-7 (Pages 91 to -- )**.

A true copy of order dated 14.02.2023, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-8 (Pages 92 to -- )**.

A true copy of order dated 23.03.2023, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-9 (Pages 93 to     )**.

A true copy of order dated 28.04.2023, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-10 (Pages 94 to     )**.

A true copy of order dated 31.05.2023, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-11 (Pages 95 to     )**.

A true copy of order dated 24.07.2023, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-12 (Pages 96 to 97)**.

A true copy of order dated 5.09.2023, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed



herewith and marked as **Annexure A-13 (Pages 98 to 99).**

A true copy of order dated 31.10.2023, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-14 (Pages 100 to     ).**

A true copy of order dated 8.12.2023, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-15 (Pages 101 to     ).**

A true copy of order dated 14.02.2024, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-16 (Pages 102 to     ).**

A true copy of order dated 10.04.2024, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-17 (Pages 103 to     ).**

A true copy of order dated 3.07.2024, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-18 (Pages 104 to     )**.

A true copy of order dated 21.08.2024, passed by the Hon'ble National Green Tribunal, in OA/74/2017/EZ, is annexed herewith and marked as **Annexure A-19 (Pages 105 to 106)**.

8. That thereafter, the Hon'ble NGT has passed an order dated 7.11.2024, issuing notice to the Appellant / Applicant, directing it to show cause as to why action should not be taken against the Managing Director of the Appellant / Applicant for not complying with order dated 9.05.2022. The Managing Director was directed to be physically present with affidavit / compliance affidavit. However, the personal presence is exempted if the Appellant complies with the order dated 9.05.2022. The next date in the matter before the Hon'ble NGT is 13.01.2025. Relevant part of order dated 07.11.2024 reads as under:

“5. We, therefore, direct notices to be issued to the Respondent No.6, National Highway and Infrastructure



Development Corporation Limited (NHIDCL) to showcause as to why action be not taken against the Managing Director, National Highway and Infrastructure Development Corporation Limited (NHIDCL) for deliberate dis-obedience of the order of this Tribunal dated 09.05.2022 which was also put to challenge before the Hon'ble Supreme Court by the NHIDCL and the SLP was dismissed by the Hon'ble Supreme Court vide order dated 12.07.2024 in Civil Appeal No.7393 of 2022 (*National Highway and Infrastructure Development Corporation Limited vs. Union of India & Ors.*) thus, confirming order of the National Green Tribunal dated 09.05.2022.

6. We also direct the Managing Director to be present before the Tribunal on that date with his explanation on affidavit / compliance affidavit.

7. However, we further direct that if the National Highway and Infrastructure Development Corporation Limited (NHIDCL) complies with the order of the Tribunal dated 09.05.2022, the Managing Director shall not be required to appear before the Tribunal on the date fixed.

**8. List on 13.01.2025."**

A true copy of order dated 7.11.2024, in OA No. 74/2017/EZ, passed by the Hon'ble NGT, is annexed herewith and marked as **Annexure A-20 (Pages 107 to 109)**.

9. It is pertinent to note that direction contained in the order dated 9.05.2022, for depositing Rs. 10 cores further directed that the same was "*to be utilized as per the directions of the*

*joint committee*". Thereafter, the Joint Committee has filed a Field Inspection Report, dated 19.10.2022, requiring the Appellant / Applicant to deposit Rs. 3 crores as interim penalty for compensating the environmental loss. This is a crucial fact, which could not be brought to the notice of this Hon'ble Court.

10. It is submitted that when the joint committee has for the time being sought Rs. 3 crores only as interim penalty for compensating the environmental loss, and when the order dated 9.05.2022 also directed that the compensation amount is to be utilized as per the directions of the joint committee, grave injustice and financial hardship would be caused if the Appellant / Applicant, a Public Sector Company entrusted with the responsibility of infrastructure development in the nation, is divested of Rs. 10 crores when the joint committee has categorically stated that the Appellant / Applicant may be directed to deposit Rs. 3 crores only as interim penalty for compensating the environmental loss.

11. That in the above facts and circumstances the Appellants / Applicants are seeking a clarification, as prayed for.

12. The documents annexed to the instant application are true copies of their original.

13. That the Respondents / Applicants have not filed any other application seeking same relief before this Hon'ble Court.

14. That the present application is made *bona fide* and is in interest of justice.

#### P R A Y E R

It is most respectfully prayed that this Hon'ble Court may kindly be pleased to:

- a. Clarify that the Appellant / Applicant be allowed to pay an interim compensation of Rs. 3 crores, as per the report dated 19.10.2022 of the joint committee, instead of Rs. 10 crores, in compliance with order dated 9.05.2022, passed by the Hon'ble NGT; and
- b. Pass such other order / orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT AS  
IN DUTY BOUND SHALL EVER PRAY

Filed by:



GAURAV KHANNA

(Advocate for the Appellant / Applicant)

New Delhi

Drawn on: 16.12.2024

Filed on: 18.12.2024

ITEM NO.34

COURT NO.14

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SMISCELLANEOUS APPLICATION Diary No.59683/2024 IN CIVIL APPEAL  
NO.7393/2022

NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT Corporation LTD. Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS. Respondent(s)

(IA No. 297252/2024 - CLARIFICATION/DIRECTION, IA No. 300006/2024 -  
CONDONATION OF DELAY IN FILING & IA No. 297246/2024 - GRANT OF  
INTERIM RELIEF

Date : 15-01-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Tushar Mehta, Solicitor General  
Mr. Gaurav Khanna, AOR  
Mr. Gautam Barnwal, Adv.

For Respondent(s) :

Mr. Rituraj Biswas, AOR  
Ms. Sujaya Bardhan, Adv.  
Mr. Ananyo Roy, Adv.

Mr. Balaji Srinivasan, AOR

Mr. Kaushik Choudhury, AOR  
Mr. Saksham Garg, Adv.  
Mr. Jyotirmoy Chatterjee, Adv.

Mr. Anil Shrivastav, AOR

Ms. Aishwarya Bhati, A.S.G.  
Ms. Swarupma Chaturvedi, Sr. Adv.  
Mr. Gurmeet Singh Makker, AOR  
Ms. Chitrangda Rastravara, Adv.  
Ms. Bani Dishit, Adv.  
Ms. Shweta Singh Verma, Adv.  
Ms. Misha Kumar, Adv.

Validity unknown

Digitally signed by  
VISHAL KUMAR  
Date: 2025.01.15  
18:08:31  
Reason:

UPON hearing the counsel the Court made the following  
O R D E R

1. Delay condoned.
2. The order dated 9-5-2022 passed by the National Green Tribunal in Original Application No.74 of 2017/EZ was made the subject matter of challenge in Civil Appeal No.7393/2022. The said appeal came to be dismissed by this Court vide Order dated 12-7-2024.
3. In such circumstances, the relief prayed for today by way of clarification application is not maintainable.
4. At this stage, Mr. Tushar Mehta, the learned Solicitor General requested this Court that he may be permitted to move the NGT seeking appropriate modification.
5. Well if such an application is maintainable in law, it is always open for the petitioner to move such an application.
6. Miscellaneous Application and Interlocutory Application are disposed of in above terms.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)

**rediffmail**

Mailbox of rayarnabmail

**Subject: Interim Application by NHIDCL in Tai Maya versus Union of India [OA/74/2017/EZ] before the Hon'ble NGT**

From: Arnab Ray&lt;rayarnabmail@rediffmail.com&gt; on Wed, 05 Feb 2025 15:44:46

To: &lt;moef@nic.in&gt;,&lt;cs-arunachal@nic.in&gt;,&lt;pccfmegh@gmail.com&gt;,&lt;arunachalspcb@gmail.com&gt;,&lt;pccfnsecy-arn@nic.in&gt;,&lt;amdo-anjaw-arn@nic.in&gt;,&lt;boraete@gmail.com&gt;,&lt;tkeconltd@gmail.com&gt;,&lt;punahinda@gmail.com&gt;,&lt;jkmho@jkminfra.net&gt;,&lt;info@bscpl.net&gt;,&lt;info@draipl.com&gt;,&lt;drarodelhi@gmail.com&gt;

Cc: &lt;imd@nhidcl.com&gt;

---

**1 attachment(s) - TaiMayaNHIDCLapplcn.pdf (7.59MB)**

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1. The Principal Secretary, Ministry of Environment, Forest and Climate Change, 3<sup>rd</sup> Floor, Prithvi Wing, Indira Paryavaran Bhawan, Jor Bagh, New Delhi – 110003;  
Email: moef@nic.in  
-Respondent No. 1
2. The Chief Secretary, Government of Arunachal Pradesh, Itanagar – 791111, Arunachal Pradesh;  
Email: cs-arunachal@nic.in  
-Respondent No. 2
3. The Additional Principal Chief Conservator of Forest (Central), North East Regional Office, Law-U-Sib, Lambatnagen, Near MTC Workshop, Shilong, Meghalaya – 793021;  
Email: pccfmegh@gmail.com  
-Respondent No. 3
4. The Member Secretary, The Arunachal Pradesh Pollution Control Board, Department of Environment & Forest, Paryavaran Bhawan, Yupia Road, Papu Nallah, Naharlagun – 791110, Arunachal Pradesh;  
Email: arunachalspcb@gmail.com  
-Respondent No. 4
5. The Principal Chief Conservator of Forest, Government of Arunachal Pradesh, Itanagar – 791111, Arunachal Pradesh;  
Email: pccfnsecy-arn@nic.in  
-Respondent No. 5
6. The Director, Geology & Mining Department, Itanagar, Arunachal Pradesh;  
Email: amdo-anjaw-arn@nic.in  
-Respondent No. 7
7. The Chief Engineer, NH Itanagar, Arunachal Pradesh;  
Email: boraete@gmail.com  
-Respondent No. 8
8. M/s TK Engineering Consortium Private Limited, Model Village, Naharlagun, Itanagar, Arunachal Pradesh, PIN – 791110;  
Email: tkeconltd@gmail.com

-Respondent No. 9

9. M/s Puna Hinda Construction Private Limited, C/o Times Video Library,  
Akash Deep, PO & PS Itanagar, Arunachal Pradesh – 791111;  
Email: punahinda@gmail.com

-Respondent No. 10

10. M/s Jugal Kishore Mohanta, Ivory Enclave, RGB Road, Guwahati, Kamrup,  
Assam – 781021;

Email: jkmho@jkminfra.net

-Respondent No. 11

11. M/s BSCPL 8-2-502/I/A, JIVI Towers, Road No. 7, Banjara Hills,  
Hyderabad, Telangana – 500034;

Email: info@bscpl.net

-Respondent No. 12

12. M/s Dinesh Chandra R Agarwala Infracon Pvt. Limited, 401, The Grand  
Mall, Opposite State Bank Zonal Office, SM Road, Ambawadi, PS – Sanand,  
Ahmedabad - 380015;

Email: info@draipl.com

drarodelhi@gmail.com

-Respondent No. 13

Respected Sir(s),

In Re:

I.A. No. of 2025

IN

Original Application No. 74 of 2017

Tai Maya

...Applicant

Versus

The Union of India & Others

...Respondents

And

In the matter of:

National Highway & Infrastructure Development Corporation Limited (NHIDCL)

... Respondent No.6/ Present Applicant

[BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA]

My client: The Respondent No. 6/Present Applicant

Please find herewith attached a scanned copy of the application with annexures  
having a total of 98 pages (7,776 KB) which shall be moved on behalf of my client  
before the Hon'ble Tribunal when the aforementioned matter shall be taken up on  
04.03.2025 or on any returnable date thereafter as and when the business of the  
Hon'ble Tribunal may permit.

With sincere regards,  
Arnab Ray,  
Advocate-on-Record  
For the Respondent No. 6/Present Applicant, NHIDCL,  
Mobiles: +919874246811,  
+919123731361,  
Emails: rayarnabmail@rediffmail.com  
rayarnabmail@gmail.com

Residential Address: 42/1/4, Brajonath Lahiri Lane, Howrah, Post Office -  
Santragachi, Police Station- Chatterjeehat, District - Howrah, State - West Bengal,  
PIN - 711104

Copy to:  
The Managing Director,  
National Highway Infrastructure and Development Corporation Limited  
Email: md@nhidcl.com  
- For kind information, please