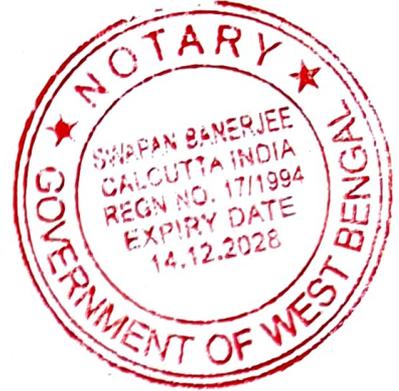


SL. NO. 5

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATTA
ORIGINAL APPLICATION NO. 158 OF 2024

News Item titled " Soil dumping:
Umiam river cries for help" appearing
In the Shillong Times.com dated 26.05.2024.



-VERSUS-

Meghalaya State Pollution Control Board & Ors.

..... Respondents

Sl. No.	PARTICUARS	PAGE NO.
1	Reply Affidavit on behalf of respondent No. 5	1-11
2	<u>ANNEXURE-1 & 2</u> Copy of the Certificate dated 27 th November, 2019 issued by Divisional Forest Officer, Government of Meghalaya and 27 th November, 2021 issued by the Meghalaya State Pollution Control Board	12-17
3	<u>ANNEXURE-3</u> Copy of the alleged show cause notice dated 24 th June, 2024	18
4	<u>ANNEXURE-4</u>	19-20

	Copy of the closure notice dated 12 th September, 2024 issued by the Meghalaya State Pollution Board, Shillong	
5	<u>ANNEXURE-5</u> Copy of the detailed respond dated 25 th September, 2024 by the respondent No. 5	21-25
6	<u>ANNEXURE-6</u> Copy of the Inspection report dated 03 rd October, 2024	26-27
7	<u>ANNEXURE-7</u> Copy of the application dated 28.11.2024 by respondent No. 5	28-30
8	<u>ANNEXURE-8</u> Copy of the letter dated 03 rd December, 2024 by the respondent No. 5	31-33
9	<u>ANNEXURE-9</u> Copy of the letter dated 20 th December, 2024 by the Meghalaya State Pollution Control Board	34-39

Dated: 17.03.2025

Shillong



Filed By:

[Signature]
Advocate

X

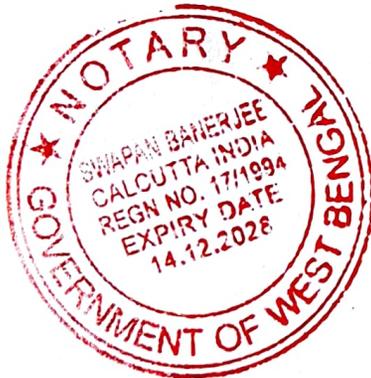
**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATTA
ORIGINAL APPLICATION NO. 158 OF 2024**

News Item titled " Soil dumping:
Umiam river cries for help" appearing
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-VERSUS-

Meghalaya State Pollution Control Board & Ors.

..... Respondents



IN THE MATTER OF :

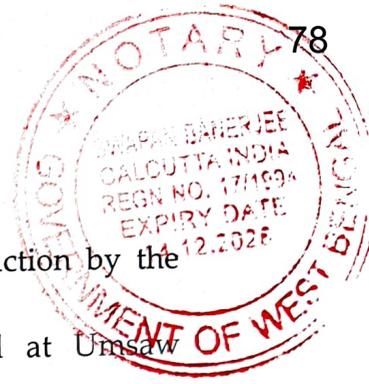
An affidavit in reply for and on behalf of
respondent No.5 i.e. M/S Oriental Star
Luxury Resort represented by its proprietor
Shri. Philosopher Iawphniaw, Mawiong Rim,
Shillong, Meghalaya-793016.

M. Iawphniaw

AFFIDAVIT IN REPLY

I, Shri. Philosopher Iawphniaw, son of (L) T. Nongsiej, aged about 53
years, resident of Umsaw, Mawtawar, NEHU, East Khasi Hills, District,
Meghalaya-793022, do hereby solemnly affirm and state as follows:

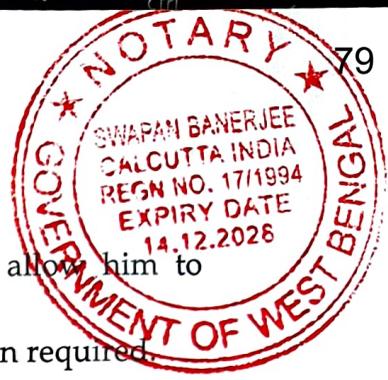
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1. That I am the owner of the property under construction by the name "M/s Oriental Star Luxury Resort" located at Umsaw Mawjynrong, Domladew, East Khasi Hills District, Meghalaya and I am well conversant with the facts of the present case and I am competent to swear to this Affidavit.
2. That I have received the copy of the notices issued by this Hon'ble Tribunal recently and gone through the contents of the material of the Original Application and hence, give my reply in seriatim as follow.
3. That in pursuance to non-forest land certificate dated 27th November, 2019 issued by Divisional Forest Officer, Government of Meghalaya as well as Consent To Establish dated 17th November, 2021 (in short CTE) issued by the Meghalaya State Pollution Control Board, the construction of the hotel commenced immediately after the issuance of the CTE with the site area of 29543 Sq. Mtr. with G+5 as per the site plan prepared by the authorised architect and engineer guided by the above CTE. The

W. B. Bakerjee

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deponent crave leave of this Hon'ble Tribunal to allow him to produce the copy of the detailed site plan as and when required.

(Copy of the Certificate dated 27th November, 2019 and 17th November, 2021 are enclosed herewith and marked as Annexures-1 and 2)

4. That the answering deponent humbly submits that the alleged show cause notice noted 24th June, 2024 was never serve upon me and therefore, taking further adverse steps by the Meghalaya State Pollution Control Board behind my back in fact is in violation of law. Had the same was served upon and given adequate opportunity of being heard, I could have address the allegations immediately but the same was deprived, hence, the same is not tenable in law.

(Copy of the alleged show cause notice dated 24th June, 2024 is enclosed herewith and marked as Annexure-3)

5. That the answering deponent humbly submits that the closure notice dated 12th September, 2024 was issued by the Meghalaya

Swapan

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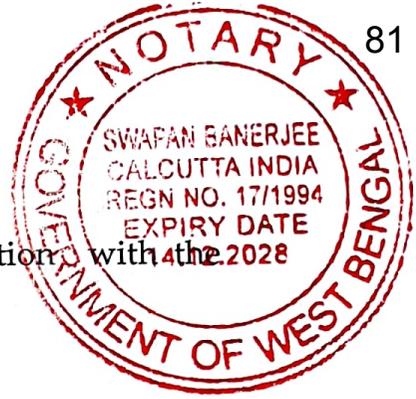
Sate Pollution Board, Shillong without giving me an opportunity of being heard, hence, the same was also not tenable in law.

(Copy of the closure notice dated 12th September, 2024 is enclosed herewith and marked as Annexure-4)

6. That the answering deponent humbly submits that the detailed reply dated 25th September, 2024 was submitted by me to the Meghalaya State Pollution Control Board clearly informing therein that the above show cause notice dated 24th June, 2024 was not serve; the construction taking care of the environmental aspect; readiness to strengthen corrective measure to enhance environmental safety if further require; the content of the report captioned in the Shillong Times failed to capture the complete and accurate picture; the discoloration of the river Lwu stream was not caused by the construction of the aforesaid hotel but responsible by the other projects undergoing above the foothills of the river, etc., and therefore, requested the authority concerned to revoke the aforesaid closure notice since securing safe environment is one of

Swapan Banerjee

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my paramount concern /commitment in co-operation with the concerned authorities as well.

(Copy of the detailed respond dated 25th September, 2024 is enclosed herewith and marked as Annexure - 5)

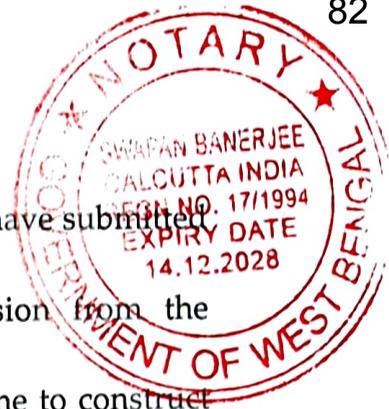
7. That the answering deponent humbly submits that the inspection report dated 3rd October, 2024 was in fact not aware by me also since the authority neither provide the same nor informed of the same. The said copy came to light for the first time from the affidavit filed by the Meghalaya State Pollution Board before this Hon'ble Tribunal. It is further submits that the observation made in the report ex facie unable to examine the entire situation from correct perspective and impartially. Had the authority concerned inform me, the inspection would be more comprehensive, accurate and un-bias. Hence, I am still ever ready to co-operate with the authority concern for new inspection if permitted by this Hon'ble Tribunal for the ends of justice.

Prakash

(Copy of the Inspection report dated 03rd October, 2024 is enclosed herewith and marked as Annexure-

6)

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8. That the answering deponent further submits that I have submitted the application dated 28.11.2024 seeking permission from the Meghalaya State Pollution Control Board to allow me to construct retaining wall, Hume pipe for additional protection of the stream river, etc. so that the same would prevent soil erosion from the construction site if any during monsoon season. I have also brought to the kind attention of the authority therein that no illegal dumping of excess soil or other materials has been done by my construction team thereby obstructing caused to the said river. However, neither the permission nor respond was forthcoming from the authority till date. Hence, I beg to submit that I am ever ready to construct the retaining wall as soon as the authority grants the necessary permission on the above pending application dated 28.11.2024.

(Copy of the application dated 28.11.2024 is enclosed herewith and marked as Annexure- 7)

9. That the answering deponent further submits that when the authority recently informed me about the pendency of the instant case before this Hon'ble Tribunal, I have by vide letter dated 03rd

Swapan

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December, 2024 informed the Meghalaya State Pollution Control Board that the report in the Shillong Times is incomplete, short of detail report; partially untrue since my construction is not directly responsible for the reddish discoloration of the river stream; etc and therefore, I have made it clear to the said authority that I am ever ready to ensure to comply environmental norms and standards while constructing the hotel.

(Copy of the letter dated 03rd December, 2024 is enclosed herewith and marked as Annexure-8)

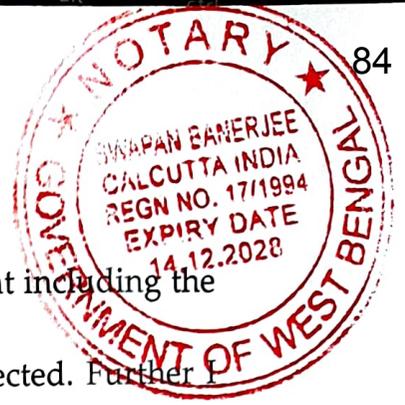
10. That the answering deponent was informed by the Meghalaya State Pollution Control Board vide letter dated 20th December, 2024 regarding the order dated 21st November, 2024 as well as 5th September, 2024 and therefore, in response to direction of this Hon'ble Tribunal I have filed the instant affidavit.

(Copy of the letter dated 20th December, 2024 is enclosed herewith and marked as Annexure- 9)

11. That the answering deponent humbly submits that I am ready to take corrective measures to correct the mistake if any, or take

Swapan

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further steps to ensure that the adjacent environment including the river near the project site is well secured and protected. Further I am also ready to co-operate with the authority concerned for protecting the surrounding environment.

12. That the answering deponent humbly submits that I am also ready to produce the CDs capturing the environment situation near the construction site specially the flow of the river Lwu taken by me during the monsoon in the year 2024 before this Hon'ble Tribunal. The said CDs will to a great extent demonstrate the accuracy of the environmental issue prevailing therein that the construction of my hotel is not but the reddish water that came from the upstream is solely responsible.

Swapan Banerjee

13. That the answering deponent humbly submits that I have spent huge amount i.e Rs. 8 crores more or less for the purpose of the construction of the hotel till date and the status of the civil construction has already completed almost 40/50% , however, the construction was completely stopped when the respondent Board issued the closure notice 12.09.2024 upon me and therefore, this Hon'ble Tribunal may be kind enough to allow me to proceed with the construction in accordance with law. Since time is the essence

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of every investment, delayed has caused serious prejudice thereby
hamper my likelihood.



14. That the answering deponent also in fact as precaution has already constructed dam measuring more or less 40 sq. feet for filtering the water that may be coming from the construction site during heavy monsoon so that the clean water will flow down to the river.
15. That under the above facts and circumstances, the answering deponent humbly submits that since the Meghalaya State Pollution Board, Shillong has revoked the CTE without issuing show cause notice or for that matter in contrary to law, this Hon'ble Tribunal may be kind enough to direct the above Board to renew the CTE within reasonable time and allow me to re-commence the construction purely in accordance with law.
16. That further this Hon'ble Tribunal may be kind enough to direct the Board to grant permission for construction of the retaining wall and Hume pipe as per the application dated 28.11.2024 sought by me so that I would immediately construct the same to prevent the

Swapan Banerjee

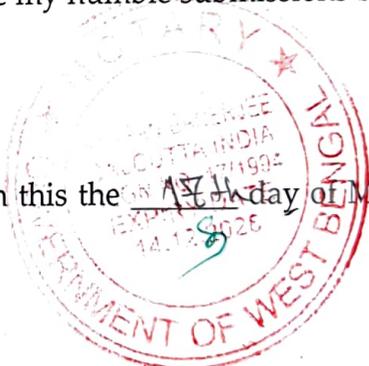
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loose soils flowing down to the existing river from the construction site.



17. That the statements made in this application and the statement made 'in paragraphs 1, 2, 11, 12, 13, 14, 15 and 16 are true to my knowledge, belief and information, those made in paragraph 3, 4, 5, 6, 7, 8, 9 and 10 being matter of records derived there from are true to my information and the rest are my humble submissions before this Hon'ble court.

And I sign this Affidavit on this the 17th day of March, 2025.



Identified by:

[Signature]
Advocate

[Signature]
DEPONENT
Office at, 4, Govt. Place (North)
Delta House, 9th Floor
Room No- 922, Col- 700001
17 MAR 2025

Solemnly affirmed and declared before me on identification
[Signature]
S. Banerjee, Notary, Calcutta, India
Govt. of W.B. Regn. No. 17/1994
City Civil Court, Bar Association
(2nd Floor), Calcutta-700 001



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VERIFICATION

Verified by me, above named respondent No. 5 I, Shri. Philosopher Iawphniaw , S/o (L) T. Nongsiej, Aged about 53 years, resident of Umsaw, Mawtawar, NEHU, East Khasi Hills, District, Meghalaya-793022 do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.



[Signature]
DECLARANT

17 MAR 2025

GOVERNMENT OF MEGHALAYA

THE DEPARTMENT OF FORESTS AND ENVIRONMENT

OFFICE OF

THE DIVISIONAL FOREST OFFICER:: EAST KHASI HILLS & RI-BHOI (T) DIVISION::
SHILLONG

No.KH/8/30/Pt-VI/ 5368,

Dated Shillong, the 27th / Nov. / 2019

To,

Shri. Philosopher lawphniaw,
Mawrynkang, East Khasi Hills District.

Subj: Non-Forest Land Certificate for setting up of Tourism Infrastructure of Resort/Night Inn/Homestays/Residency at Umsaw Mawjriong of Dongumladew in respect of Shri. Philosopher lawphniaw.

Ref: Letter No. OSLR/TGCR/2019/03, dt. 09.10.2019.

Sir,

With reference to the above, I am directed to inform you that the land located at Umsaw Mawjriong of Dongumladew proposed for setting up of Tourism Infrastructure of Resort/Night Inn/Homestays/Residency in respect of Shri. Philosopher lawphniaw is a Non-Forest Land as per of The Meghalaya Forest Regulation (Amendment) Act, 2012. The GPS reading of the proposed site are:

N 25° 39' 23.32" E 091° 54' 02.27"	N 25° 39' 21.70" E 091° 54' 02.58"
N 25° 39' 22.36" E 091° 54' 00.96"	N 25° 39' 20.07" E 091° 53' 57.24"
N 25° 39' 16.79" E 091° 53' 57.75"	N 25° 39' 16.75" E 091° 53' 57.95"
N 25° 39' 15.60" E 091° 53' 57.98"	N 25° 39' 14.89" E 091° 53' 59.95"
N 25° 39' 16.35" E 091° 54' 01.37"	N 25° 39' 18.38" E 091° 54' 02.52"
N 25° 39' 20.23" E 091° 54' 04.53"	N 25° 39' 21.24" E 091° 54' 02.89"
N 25° 39' 21.53" E 091° 54' 02.80"	N 25° 39' 23.18" E 091° 54' 03.03"

Hence, I hereby issue Non-Forest Land certificate for the said purpose.

This is for your kind information and necessary action.

Yours faithfully,

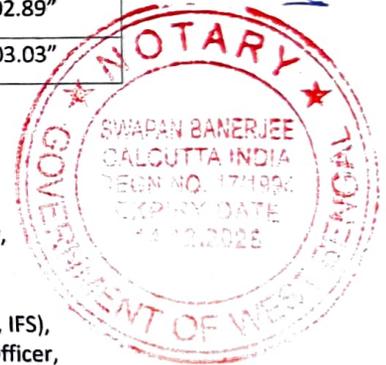
(Shri. T. Wanhiang, IFS),
Divisional Forest Officer,
East Khasi Hills & Ri-Bhoi (T) Division,
Shillong.

Dated Shillong, the ___/___/2019

Memo No.KH/8/30/Pt-VI/
Copy To:

1. The Conservator of Forest (T) Meghalaya Shillong for information. This has a reference to your letter No. MFG.48/1/2003/Vol-II/18033, dt. 26.11.2019.
2. The Range Forest officer i/c Shillong North Range for information and necessary action. This has a reference to your letter No.SN/75/NOC-EFC/2019-20/863, dt. 24.10.2019.

Divisional Forest Officer,
East Khasi Hills & Ri-Bhoi (T) Division,
Shillong.





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Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpynggad, Shillong-793014

Website: <http://megspcb.gov.in>



(G-1)/EKHD/2021/2021-2022/7

Dtd: Shillong, the 7th November, 2021

CONSENT TO ESTABLISH under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, as amended and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981, as amended (to be referred as Water Act and Air Act respectively).

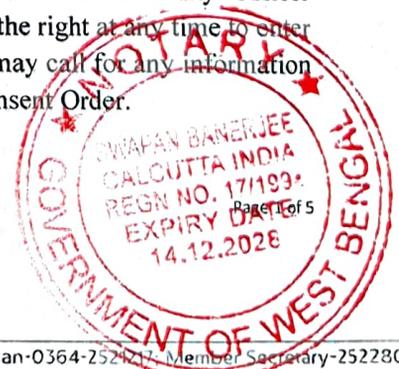
CONSENT is granted to M/s **ORIENTAL STAR LUXURY RESORT** for establishing a **HOTEL** and **RESTAURANT-cum-BAR** at **UMSAW, MAWJYNRONG, DONGUMLADEW, EAST KHASI HILLS DISTRICT** with a Project cost of Rs. 15,00,00,00/- (Rupees Fifteen Crores) only for a period of 1 (One) year i.e. upto 30.11.2021 under the following **terms and conditions:**

General Conditions:

1. This Consent has been accorded based on the particulars furnished by the applicant on behalf of **M/s ORIENTAL STAR LUXURY RESORT** and subject to addition of further or more conditions if so warranted by subsequent developments. The Consent will automatically become invalid if any change or alteration or deviation is made in actual practice.
2. This Consent may be modified, suspended or revoked by the Board in whole or in part during its term for cause including, but not limited to the following:-
 - i) Violation of any Terms and Conditions of this Consent;
 - ii) Obtaining the Consent by misrepresentation or failure to disclose fully all relevant facts;
 - iii) A change in any condition that require temporary or permanent reduction or elimination of the authorized discharge/emission;
3. This Consent does not convey any property right in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central State or Local Laws or Regulation.
4. On commissioning the capacity including investment of the facility shall be as under:

i)	No. of Rooms	: Not to exceed 60 rooms
ii)	Restaurant	: Not to exceed 150 seating capacity
iii)	Total Area	: Not to exceed 11,000 Sq. Mts
iv)	Total Project Cost	: Rs. 15.00 Crores

5. No air, water and soil pollution shall be created by the facility beyond the prescribed permissible limits.
6. To maintain the environment and ecology of the area, development of green belt by planting selected species of trees, the height of which should not be less than 5 (five) metres when matured and at a spacing of 1 (One) metre should be made invariably around the Plant.
7. As per the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and the Air (Prevention and Control of Pollution) Act, 1981 as amended that any Officer empowered by the Board on its behalf shall have without interruption, the right at any time to enter the Plant/factory/for inspection, collection of sample for analysis and may call for any information as deemed necessary. Denial this right will cause withdrawal of the Consent Order.





(IX)

Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpyngngad, Shillong-793014

Website: <http://megspcb.gov.in>



For permission from the Central Ground Water Board should be obtained for extraction of ground water.

9. Appropriate arrangement should be made for rain water harvesting & ground water recharge for the purpose of water conservation and prevention of ground water depletion.
10. The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bioswales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
11. Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
12. Compliance with the Energy Conservation Building Code (ECBC) of Bureau of energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC. Outdoor and common area lighting shall be LED.
13. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design.
14. Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
15. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
16. Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flyash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials.
17. Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
18. A minimum of 1 tree for every 80 sq.mt. of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
19. Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
20. At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.

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Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpynggad, Shillong-793014

Website: <http://megspcb.gov.in>



A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria a. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. b. Traffic calming measures. c. Proper design of entry and exit points. d. Parking norms as per local regulation.

Specific Conditions:

A) Air Aspect:

1. Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.
2. Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution. Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust
3. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.
4. For indoor air quality the ventilation provisions as per National Building Code of India
5. The industry shall take adequate measures for control of noise from its own source so as to comply with the Standards below:

Limit in dB (A) Leq	
Day Time (6:00am-9:00pm)	Night Time (9:00pm-6:00am)
75	70

6. Acoustic enclosure of D.G. Sets should be designed for easy accessibility to facilitate operational and routine maintenance. The access should be through an acoustically sealed door frame with a latch to keep it fully close during DG-Set operation, pressing against thick, soft rubber gasket.
7. All connections for water, fuel, and electricity should be vibration insulated in order to avoid flanking transmission.
8. Air required for ventilation and breathing of the engine will have to be provided by means of intake louvers and exhaust louvers called parallel baffled muffler projecting out of the enclosure.
9. The DG-Set should be provided with a well designed muffler.
10. The height of the exhaust pipe (stack) should be projecting 1 (one) meter high above the height of the building.
11. A proper routine and preventive maintenance plan for the DG-Set should be adopted and followed in consultation with the DG-Set Manufacturer to help contain the ambient air & noise levels of the DG-Set within the permissible limit.



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Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpynggad, Shillong-793014

Website: <http://megspcb.gov.in>



1. The Daily quantity of Water Consumption shall not exceed 260 KLPD.
2. A Detailed Layout Plan of the Campus showing water supply lines, storm drains, sewers shall have to be submitted to the Board within 3 (three) months from to date. Various sources of effluent shall be assigned with specific reference numbers such as W-1, W-2, etc and these shall be painted/displayed to ease identification.
3. Effort should be made to prevent any leakage of diesel oil (fuel), lubricant etc. and the spent oil/lubricant should be collected properly in proper containers and disposed off in a manner not to degrade the environment. In no case the waste oil shall be allowed to be discharged in drains or on land.
4. A complete plan for rain water harvesting, water efficiency and conservation should be prepared. Use of water efficient appliances should be promoted with low flow fixtures or sensors.
5. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Byelaws, 2016.
6. Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per prescribed Standard given in the following Table. Performance test report to be attached with the application for Consent to Operate.

Sl. No.	Parameters	Effluent Standards
i.	pH	6.5 – 9.0
ii.	Biological Oxygen Demand (mg/l)	30
iii.	Total Suspended Solids	<100
iv.	Feecal Coliform (MPN/100ml)	<1000

M. M. M. M.

7. Appropriate arrangement should be provided for proper segregation of storm water drains from effluent (waste water) carrying drains.
8. A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority. All recharge should be limited to shallow aquifer
9. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization (CPHEEO)

C) Solid & Hazardous Waste Aspect:

1. Adequate facility should be created for collection, storage, transportation, treatment & disposal of Municipal Solid Waste generated from the Campus in accordance to the provisions of the Solid Waste Management Rules, 2016.



Page 4 of 5



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Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpynggad, Shillong-793014

Website: <http://megspcb.gov.in>



Open burning of Waste generated from the unit is strictly prohibited. Violation to this will be liable for prosecution as per the Solid Waste Management Rules, 2016.

3. Application for Authorization (in prescribed Form) under Hazardous & other Wastes (Management & Transboundary Movement) Rules, 2016 shall have to be submitted on application for Consent to Operate if Hazardous waste is generated from the Complex both at construction stage and operational stage.
4. Appropriate facility should be created and maintained for handling, storage, treatment & disposal of Hazardous waste generate from the industry in accordance to the provisions of the Hazardous & other Wastes (Management & Transboundary Movement) Rules, 2016
5. All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016.
6. Adequate system should be adopted for reduction of waste generation and enhancement of re-utilization & recycling of waste materials.
7. Plastic carry bags used for various purposes during construction of the campus should conform to the Standards and Specifications laid down in the Plastics Waste Management Rules, 2016.

Application for grant of Consent to Operate should be made at least 2(two) months before commissioning of the Campus to be accompanied with detailed report of Compliance to all the terms and conditions of the Consent to Establish.

This Consent has been accorded based on the particulars furnished by the applicant on behalf of **M/s ORIENTAL STAR LUXURY RESORT** and subject to addition of further or more condition if so warranted by subsequent developments. The Consent will automatically become invalid if any change or alteration or deviation is made in actual practice.

Application for grant of Consent to Operate should be made at least 2(two) months before commercial commissioning of the Complex to be accompanied with detailed report of Compliance to all the terms and conditions of the Consent to Establish.

ML
MEMBER SECRETARY
Meghalaya State Pollution Control Board
Shillong

Copy to:-

1. The Director of Industries, Meghalaya, Shillong for kind information.
2. ✓ **M/s ORIENTAL STAR LUXURY RESORT**, C/o. Phillossopher lawphniaw, Mawiong Rim, Shillong – 793016.
3. Guard File TB-CON-2021-CTE



mspcb

(18)

Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpyngngad, Shillong - 793016

Website : <http://megspcb.gov.in>

ANNEXURE- R/3



No. MPCB/TB-7A /Volume-II/2020/2024-25/141

Dtd Shillong the 24th June 2024

To

M/s Oriental Star Luxury Resort
C/o Phillossopher lawphniaw,
Mawiong Rim, Shillong-793016
Meghalaya

Sub: Directions (as empowered) by Section 33 (A) of the (Water Prevention & Control of Pollution) Act 1974 & Sec 31 (A) of the Air (Prevention & Control of Pollution) Act 1981- SHOW CAUSE

1. Whereas, Consent to Establish was granted under Section 25/26 of the Water (Prevention and Control of Pollution) Act 1974 and Section 21 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to M/s Oriental Star Luxury Resort vide T.O No. MPCB/CTE (G-1)/EKHD/2021/2021-2022/7 dated Shillong, the 17th November 2021 for establishing a hotel and Restaurant cum Bar at Umsaw, Mawjynrong, Dongumladew, East Khasi Hills District;
2. Whereas, the terms and conditions of the Consent to Establish states the following:
 - No air, water and soil pollution shall be created by the Industry/Unit beyond the prescribed permissible limits;
 - The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bioswales, landspace and other sustainable urban drainage system are allowed for maintaining the drainage pattern and to harvest rain water;
3. Whereas, as per the inspection carried out by the Board's Official on the 27th May 2024 it was observed as follows:
 - The river/stream Wah Lwu flows along the stretch of the land where the resort is being constructed.
 - One retaining wall at GPS location 25°39'23.82"N 91°54'0.37"E has been constructed which is not sufficient.
 - There has been dumping of soil and boulder almost reaching the river all along the stretch.
 - No retaining wall is constructed along the stretch except at GPS location 25°39'23.82"N 91°54'0.37"E.
 - Further no garland drains were observed to have been constructed during the inspection and concrete pipes were observed to be kept on the site.
 - Further during heavy monsoon there is a possibility that the dump with over flow into the stream/river which joins uniam river after the tail gate of the dam;

Now, therefore, in exercise of the power conferred upon by Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 (A) of the Air (Prevention & Control of Pollution) Act 1981, M/s Oriental Star Luxury Resort, is hereby directed to Show Cause as to 'why' action shall not be taken against the industry for failure to comply to the terms and conditions of the Consent to Operate under the relevant Acts and Rules.

Compliance Report to this Show Cause Notice should reach this office within 10(Ten) days from the date of receipt of the Notice failing which action shall be taken *exparte*.

(Dr. G H Chynrang, MFS)

MEMBER SECRETARY

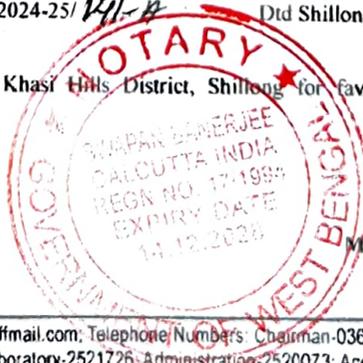
Meghalaya State Pollution Control Board

Memo No. MPCB/TB-7A /Volume-II/2020/2024-25/141-#

Dtd Shillong the 24th June 2024

Copy to:-

The Deputy Commissioner, East Khasi Hills District, Shillong for favour of information and necessary action.



MEMBER SECRETARY

(19X)
Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpyngngad, Shillong - 793014

Website : <http://megspcb.gov.in>

ANNEXURE-4



95

No. MPCB/TB-7A /Volume-II/2020/2024-25/ 160

Dtd Shillong the 12th September 2024

To

M/s Oriental Star Luxury Resort
C/o Phillossopher Iawphniaw,
Mawiong Rim, Shillong-793016
Meghalaya

Sub: Direction under Section 33 (A) of the Water (Prevention and Control of Pollution) Act 1974 and– Section 31 (A) of the Air (Prevention & Control of Pollution Act), 1981: CLOSURE NOTICE

- Whereas, Consent to Establish was granted under Section 25/26 of the Water (Prevention and Control of Pollution) Act 1974 and– Section 21 (A) of the Air (Prevention & Control of Pollution Act), 1981 as amended to M/s Oriental Star Luxury Resort vide T.O No. MPCB/CTE (G-1)/EKHD/2021/2021-2022/7 dated Shillong, the 17th November 2021 for establishing a hotel and Restaurant cum Bar at Umsaw, Mawjynrong, Dongumladew, East Khasi Hills District;
- Whereas, the terms and conditions of the Consent to Establish states the following:
 - No air, water and soil pollution shall be created by the Industry/Unit beyond the prescribed permissible limits;
 - The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bioswales, landspace and other sustainable urban drainage system are allowed for maintaining the drainage pattern and to harvest rain water;
- Whereas, as per the inspection carried out by the Board's Official on the 27th May 2024 it was observed as follows:
 - The river/stream Wah Lwu flows along the stretch of the land where the resort is being constructed.
 - One retaining wall at GPS location 25°39'23.82"N 91°54'0.37"E has been constructed which is not sufficient.
 - There has been dumping of soil and boulder almost reaching the river all along the stretch.
 - No retaining wall is constructed along the stretch except at GPS location 25°39'23.82"N 91°54'0.37"E.
 - Further no garland drains were observed to have been constructed during the inspection and concrete pipes were observed to be kept on the site.
 - Further during heavy monsoon there is a possibility that the dump with over flow into the stream/river which joins umiam river after the tail gate of the dam;
- Whereas, a Show Cause Notice was issued to your unit vide T.O letter No. MPCB/TB-7A /Volume-II/2020/2024-25/141 dated Shillong, the 24th June 2024;
- Whereas, you have failed to submit a reply as to 'why' action shall not be taken against the industry for failure to comply to the terms and conditions of the Consent to Operate under the relevant Acts and Rules.

Now, therefore, in exercise of the power conferred upon by **Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 (A) of the Air (Prevention & Control of Pollution) Act 1981**, M/s Oriental Star Luxury Resort is hereby directed to **CLOSE DOWN** the unit and stop all construction activities forthwith until further orders. Failure to comply with the Direction, further legal action will be taken by the Board against the Unit as empowered under the relevant provision of the Air (Prevention & Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act, 1974.




(Dr. G H CHYRMANG, MFS)
MEMBER SECRETARY
Meghalaya State Pollution Control Board

Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpynggad, Shillong - 793014

Website : <http://megspcb.gov.in>

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Memo No. MPCB/TB-7A /Volume-II/2020/2024-25/

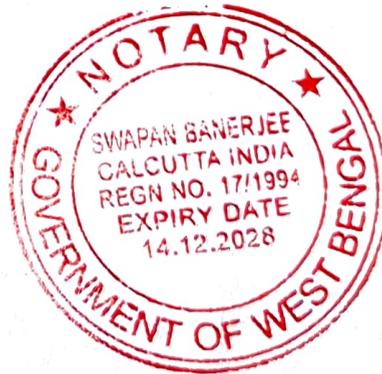
Dtd Shillong the ___ September 2024

Copy to:-

The Deputy Commissioner, East Khasi Hills District, Shillong for favour of information and necessary action to ensure closure of the unit and stop construction activities.

MEMBER SECRETARY

Signature



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O/C

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NI/S PHILOSSOPHERIAWPIINIAW
Exporter and Importer (IEC No. 1698001398)
418, Umsa', I Mawtawar, NETIU,
Shillong East Khasi Hills Meghalaya

ANNEXURE- 5

Email; philosopher-gst@gmail.com

Contact No. 9362315054/9856243118

To,

The Member Secretary
Meghalaya State Pollution Control Board
At Shillong

Subject: Responds to the closure Notice and request for opportunity to be heard due to procedural iniustice cum response to alleged violations

Respected Sir/Madam,

In inviting your attention to the subject cited above, I would like to response to the closure notice issued by your office concerning the alleged violations related to construction activities. I would like to address several key points regarding this matter in detail and respectfully request that the closure notice be revoked.

Firstly, it is of utmost importance to highlight that no prior show cause Notice was issued or received by me or the undersigned party as mentioned vide T.O Letter No. MPCB/TB7ANolume-II/2020/2024 dated Shillong the 24th June, 2024, giving me the opportunity to present my case or clarifr any concerns regarding the construction. As per due process and procedural fairness, a show cause notice should have been issued to allow us to respond before such a drastic action, like a closure notice, was implemented. The absence of this crucial step raises concerns about the transparency and fairness of the proceedings.

Secondly, I would like to categorically state that the ongoing construction activities have not caused any pollution to the water bodies of or Wah Lwu stream, as alleged. I have been meticulous in adhering to all environmental and safety regulations to ensure that no harm is done to ms bodies or other v the surrounding ecosystem. Proper containment and waste management systems are in place to prevent any runoff or contamination. Furthermore, the soil dumping process has been carefully designed and executed based on scientific principles and best practices to ensure environmental sustainability and prevent any adverse effects on the



Page

surrounding areas and water bodies and all necessary measures have been taken to prevent soil from being displaced or flowing into nearby streams or water resources. This includes the implementation of appropriate erosion

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control measures such as retaining structures, silt fencing, and diversion drains to effectively manage and contain the soil. In compliance with relevant environmental regulations, I confirm that continuous monitoring of the soil dumping process is being conducted to ensure that no soil, debris or waste materials enter the streams bodies, thereby preserving the natural environment and water quality. I undertake to maintain this level of compliance throughout the duration of the project and to promptly address any unforeseen issues that may arise to safeguard the integrity of the stream and nearby ecosystems.

It has also come to my attention that a news article published in The Shillong Times may have contributed to the misunderstandings surrounding this issue. It appears that the article may not have fully captured the facts or presented the situation objectively. While I understand the media's role in raising public awareness, the content of the article seems to have its own bias and might not reflect the actual situation on the ground. I believe this misrepresentation has unfairly influenced public perception and possibly the decision-making process regarding the closure notice. I explicitly state that at no point was my permission sought or granted for the publication of the said article. Any information, quotes, or references made in the article have not been verified or authorized by me. I further assert that the content of the article lacks proper assessment and the facts presented are incomplete, misrepresented, or potentially misleading. No thorough investigation or fact-checking was conducted to ensure the accuracy and fairness of the published article. This unauthorized publication has caused damage to my privacy and reputation.

Swapan Banerjee

In light of the above, this letter serves as my formal response to the alleged violations. I hereby reiterate that no environmental harm has been caused by the construction and due processes have not been followed prior to the issuance of the closure notice. I request that you take these points into consideration and allow us to resume my lawful construction activities.

Furthermore, I would like to formally express my concern regarding the recent closure notice issued to me on the 12.09.2024 vide letter bearing No. MPCB/EB-7A/Volume11/2020/2024-25/160. It is with great disappointment that I was not afforded any opportunity to be heard or to show cause before the issuance of the said closure notice. This action has not only deprived me of the chance to present my side of the matter but has also resulted in a violation of my fundamental rights to due process. It is a well-established principle of law and fairness that any individual or entity affected by a decision must be given an opportunity to present their case or respond to allegations before such a decision is finalized. In this instance, however, I was neither notified of any proceedings nor given any notice that would allow me to respond to the concerns that have led to this decision. The lack of such an opportunity has caused significant prejudice and harm and it has compromised the fairness of the entire process. By not allowing me to present my case or submit a show cause response, the right to be heard an integral part of natural justice has been denied. This violation undermines the legitimacy of the decision-making process and disregards the basic rights I am entitled to under the law.



Page

I would like to further reiterate here that in response to concerns raised regarding potential waste and excess water from my construction site flowing into Wah Lwu stream. I would like to clarify that I have taken necessary measures to ensure that no such flow occurs as the water from my premises is of a small quantity and the same can be easily managed by the existing filtration system. Specifically, I have constructed a dedicated filter system on my premises, which is

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designed to manage all water and waste generated from the construction activities. Even during heavy rains, the water is directed into this filtration system, ensuring that it does not enter any nearby natural water bodies and proper rain water harvesting is being executed. The waste that is reportedly flowing into the water bodies appears to be coming from other sources, particularly the Mawlai Bypass and adjacent areas, and not from my property. The said filter system effectively contains and processes all water and waste within my premises, thus mitigating any risk of environmental contamination. It is also to be stated here that your good office as well as other media party may kindly inspect the premises during rainy season to check the genuineness of the filtration system constructed by me.

Additionally, the dumping area does not have any connection with the pollution of the Wah Lwu stream and does not have any effect to the aquatic life. The land development activities is being carried out using proper methods and environmentally friendly means and does not emit any harmful pollutants into the air as appropriate measures had been taken to minimize dust and particulate matter, ensuring that the air quality remains unaffected by the land development activities. It may also be mentioned here that the land development had been executed by taking precaution to prevent any contamination of the soil or surrounding areas, thereby avoiding any negative effects on local flora and fauna and there are no significant risks to water bodies since there is no runoff or contamination of groundwater or surface water sources due to the proper construction of a filtration system.

It is pertinent to state here that as per report of the inspection carried out by your good office, I would like to state here that I affirmed and undertake with respect to the construction of a retaining wall and garland drains at my premises shall be my responsibility and I undertake to ensure that all construction activities will be carried out in a safe, professional, and timely manner, in accordance with the approved designs, engineering standards, and specifications. This includes but is not limited to the use of appropriate materials, skilled labor, and the implementation of adequate safety measures. I fully understand that the construction activities associated with the retaining wall and garland drains have the potential to impact natural water bodies, including rivers and streams, in the vicinity of the Project site. Therefore, I undertake to comply with all applicable environmental laws, regulations, and guidelines, including but not limited to the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986 and any other relevant state or local environmental regulations. I further hereby affirm that I shall take all necessary and reasonable measures to protect any stream, or water body adjacent to or within the Project area from any adverse effects caused by the construction activities. This includes preventing the discharge of harmful materials, ensuring that no debris, soil, or construction waste enters the water bodies, and implementing erosion control measures to prevent sediment runoff. I further undertake to maintain the structural integrity and functionality of the garland drains to ensure proper drainage and prevent waterlogging or pollution. I shall ensure that appropriate erosion and sediment control measures, such as silt fencing, sediment traps, and temporary drainage systems, will be implemented throughout the duration of the construction activities to prevent soil erosion and protect the stream

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and surrounding environment. I also undertake to regularly monitor the construction activities and their potential impact on the stream and nearby water bodies. In the event of any environmental breach or unforeseen damage, I will immediately report the matter to the concerned authorities and take prompt corrective action to

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mitigate any harm. I am committing to ensuring that all construction works are completed with the utmost care for environmental preservation, and I will continue to uphold these responsibilities even after the completion of the Project to maintain the integrity of the constructed structures and the surrounding environment.

Therefore, in light of these circumstances, I request that your good office to immediately revoke the closure notice and provide me with an opportunity to be heard or to submit a show cause response to address any concerns or issues that have led to this notice and thus, it is humbly request that your office kindly revoke the closure notice at the earliest opportunity. I am fully prepared to cooperate with any inspection or review that your office deems necessary to clarify the situation and to ensure compliance with all relevant regulations. Thanking you in anticipation for your understanding and cooperation in addressing this serious matter.

Dated: Shillong
The 25th September, 2024

Yours Faithfully

SHRI PHIL


PHILIP JOSOPHER LAWRENCE
PHILIP JOSOPHER

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INSPECTION REPORT

ANNEXURE- 6

Name of Unit: M/s Oriental Star Luxury Resort
Date of Inspection: 3rd October 2024
Location: Umsaw, Mawjynrong, Dongumladew, East Khasi Hills District
Coordinates: 25° 39' 22.932" N, 91° 54' 1.9476" E

Introduction:

An inspection was conducted at the construction site of M/s Oriental Star Luxury Resort on 3rd October 2024. The resort is situated in Umsaw, Mawjynrong, Dongumladew in the East Khasi Hills District, and the site lies adjacent to a river/stream known as **Wah Lwu**. Although the unit had been granted a CTE, it was noted during the inspection that this approval had not been renewed. The construction activity was found to be on hold at the time of the inspection; however, several concerns relating to environmental degradation and non-compliance with construction safety standards were observed.

Observations:**1. Proximity to Watercourse (Wah Lwu River/Stream):**

The project site is located adjacent to the Wah Lwu stream, which runs along the stretch of land where the resort is being constructed. According to Google Maps the river/stream flows dangerously close to the land in question, creating potential for soil erosion and contamination of the water body. This proximity increases the importance of robust environmental safety measures, which were found lacking during the inspection.

2. Inadequate Retaining Wall Construction:

A single retaining wall was found to have been constructed at GPS coordinates 25°39'22.9314"N, 91°54'1.9476"E. However, this structure was deemed inadequate to prevent soil erosion and safeguard against landslides, particularly given the site's topography and the proximity to the river. The wall provides only partial protection along the land, and a more comprehensive retaining structure is required to prevent damage during heavy rainfall or flooding.

3. Dumping of Soil and Boulders:

The inspection revealed that large amounts of soil and boulders have been dumped along the stretch of the riverbank. This material is close to encroaching into the waterbody, posing a risk of it being carried into the river during heavy rains. The photograph provided shows that the dumped material is nearly at the edge of the river, a situation that could cause significant decrease in width of the river, environmental damage to the river ecosystem, including increased sedimentation and blockage of water flow.

4. Absence of Additional Retaining Walls:

Aside from the one retaining wall mentioned above, no further retaining walls were observed along the remainder of the riverbank. This leaves large portions of the project



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site vulnerable to soil erosion, landslides, and sediment runoff, all of which could adversely affect the river and surrounding areas, especially during monsoon season.

5. Lack of Garland Drains:

No garland drains were observed at the site. Garland drains are essential to control surface water runoff, particularly in sloped or hilly terrain such as this. Their absence creates the risk of unchecked water flow during rainfall, which could lead to erosion, flooding, and further dumping of material into the river. While concrete pipes were seen at the site, they had not been installed and did not serve any immediate drainage purpose.

6. Risk of Environmental Contamination During Monsoon:

The report highlights the significant risk posed by the site's unprotected state, especially during the heavy monsoon rains. Without proper retaining walls and drainage systems, the soil, boulders, and other materials dumped at the site are likely to overflow into the Wah Lwu stream. This stream flows into the Umiam River, downstream of the Umiam Dam, raising concerns about siltation, pollution, and potential contamination of water resources that serve downstream communities.

Conclusion:

The inspection of M/s Oriental Star Luxury Resort has identified multiple areas of concern related to environmental compliance and construction safety. Although construction activity is currently on hold, the site's present state poses a risk of environmental degradation, particularly in relation to the adjacent Wah Lwu river/stream. The following key concerns need to be addressed immediately to ensure compliance and protect the surrounding environment:

M. N. Warbah

1. Immediate Construction of Retaining Walls:

The management of the Oriental Star Luxury Resort should prioritize constructing retaining walls along the entire riverbank to prevent soil erosion and contamination of the water body.

2. Installation of Garland Drains:

Garland drains should be installed to manage water runoff and protect the site from uncontrolled erosion during rains.

3. Removal of Dumped Soil and Boulders:

Immediate removal or stabilization of the soil and boulders dumped near the riverbank should be undertaken to prevent debris from entering the water.

S. Syiem

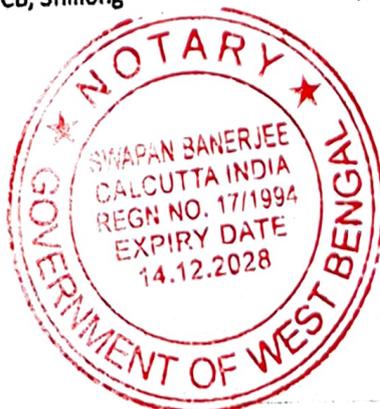
Shri. S. Syiem
Env. Engineer
MSPCB, Shillong

Y.F. Laloo

Shri. Y.F. Laloo
Env. Engineer
MSPCB, Shillong

M.N. Warbah

Shri. M.N. Warbah
Scientist 'B'
MSPCB, Shillong



ANNEXURE- 7

(28)

D/C

M/S PHILOSSOPHER IAWPHNIAW
Exporter and Importer (IEC No. 1698001398)
418, Umsaw Mawtawar, NEHU, Shillong
East Khasi Hills Meghalaya

Email; phillossopher.gst@gmail.com

Contact No- 9362315054/9856243118

To,

The Member Secretary
 Meghalaya State Pollution Control Board
 Shillong, Meghalaya



Subject: An application for availing permission for construction of a retaining wall and Hume Pipe for additional protection of the Stream/River Lwu and request for further instructions with regards to the operation of my construction, if any.

Respected Sir/Madam,

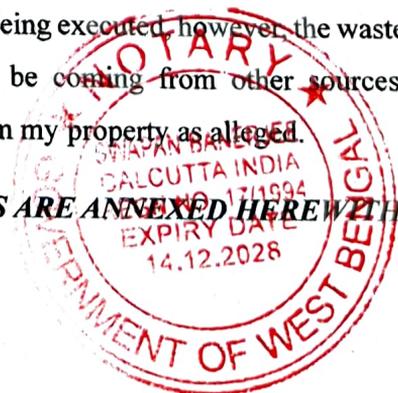
In inviting your attention to the subject cited above, I the undersigned, proprietor of M/s Oriental Star Luxury Resort, do hereby submit this application to seek approval for the construction of a retaining wall and installation of Hume pipes for the proper protection of the River Lwu, located in the vicinity of my project. The purpose of this initiative is to prevent soil erosion, protect the river and to ensure adherence to the environmental standards and regulations prescribed by your esteemed office as well as other regulatory authority. First and foremost, apart from what I have specifically stated in my application dated 25.09.2024 for Show Cause or responds to the Closure Notice, I would like to bring to your kind attention with regards to a significant lapse in communication that has caused me undue inconvenience and concern. It is also to be brought to your attention that I did not receive a copy of the show-cause notice in connection to your Notice dated 24.06.2024. This lack of communication appears to have been due to the use of an incorrect address. Subsequently, your good Office had on the 12.09.2024, issued a closure Notice against the project without giving me the opportunity to respond appropriately to the show-cause notice. This inconsistency must be addressed promptly, as it directly affects my rights and obligations as it is essential that my fundamental rights to due

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process and fair treatment are not infringed upon due to errors in addressing or lack of proper communication. Further, I hereby wish to confirm my correct and accurate address as **Shri Philosopher Iawphniaw**, of Umsaw Mawtawar, NEHU Shillong, East Khasi Hills District, Meghalaya-793022 and I respectfully urge you to ensure that all future communications should be forwarded to the above address to prevent any further lapses and I am hopeful that your good office will take immediate action to rectify this matter and ensure that due process is followed.

Secondly, with regards to the subject cited above, I would like to bring to your information that the said permission for construction of a retaining wall is necessary to prevent soil erosion that may cause by natural processes and if left unchecked, it could harm the river's ecosystem and lead to sedimentation in the riverbed. The installation of Hume pipes will also facilitate the smooth and controlled flow of surface water, preventing waterlogging and reducing risks of unregulated water entering the river, which could lead to contamination or flooding. It may be mentioned here that the construction of these protective structures during the current dry season will ensure that the work is completed before the onset of seasonal calamities such as heavy rainfall, which could delay the project or cause environmental degradation in the interim. Furthermore, I would like to assure your good Office that no illegal dumping of excess soil or other materials has occurred at or around the project site. It is reiterated here that my proposal is driven by the need to safeguard the river and its surroundings. The construction activities will be conducted in strict compliance with all applicable environmental norms and guidelines issued by your good Office and other relevant authorities. To demonstrate my commitment, I the undersigned had undertake several steps for implementation of erosion and sediment control measures during construction, utilization of approved construction materials and methods to minimize environmental impact, disposal of construction debris, if any, in compliance with Waste management rules and regular monitoring and reporting to ensure adherence to approved standards. I would like to further reiterate here that in response to concerns raised regarding potential waste and excess water from my construction site flowing into Wah Lwu stream by the Local daily, I would like to clarify that I have taken a proper videography during the monsoon seasons to the effect that during heavy rains, the water is from my project is directed into my own filtration system, ensuring that it does not enter any nearby natural water bodies and proper rain water harvesting is being executed, however, the waste that is reportedly flowing into the water bodies appears to be coming from other sources, particularly the Mawlai Bypass and adjacent areas, and not from my property as alleged.

(NECESSARY ENCLOSURES ARE ANNEXED HEREWITH)



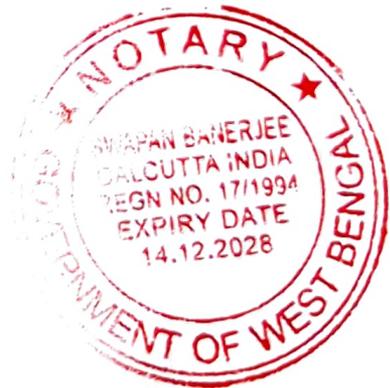
(30)

Therefore, in the circumstances aforementioned and considering the favorable weather conditions during the current dry season, it is respectfully requested before your goodself for issuance of permission to begin the project for such necessary construction as above-mentioned immediately and the timely approval shall allow the undersigned to complete the above-mentioned proposed work before the monsoon season, thereby mitigating risks associated with delays, including potential harm to the river and surrounding areas and it is humbly requested before your good office to grant me necessary permissions for the proposed construction. Further, I am committed to ensuring that all activities shall be carried out responsibly and in full compliance with the directives of your office. Additionally, I shall remain at your disposal for any further clarifications or additional documentation required. Thanking you in anticipation for your understanding and cooperation in addressing this serious matter. Your early action in this regard is highly solicited.

Dated: Shillong
The November, 2024

Yours Faithfully

Phillossopher Iawphniaw
SHRI PHILOSSOPHER IAWPHNIAW



(X)

M/S PHILOSSOPHER IAWPHNIAW

Exporter and Importer (IEC No. 1698001398)

418, Umsaw Mawtawar, NEHU, Shillong

East Khasi Hills Meghalaya

Email : phillossopher-gst@gmail-com

Contact No – 7085781261/9856243118

ANNEXURE- 8

D/C

To,

The Member Secretary
Meghalaya State Pollution Control Board
Shillong, Meghalaya

Subject:

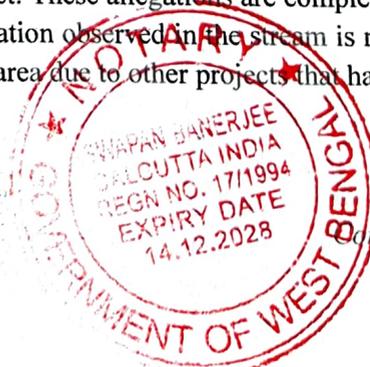
An application for bringing on record the submitted facts in connection with the allegations as wrongly alleged in the Shillong Times dated 25.05.2024 and a request to file a rejoinder on my behalf before the Hon'ble National Green Tribunal in Original Application No. 158/ 2024 FZ.

Respected Sir/Madam,

In inviting your attention to the subject cited above, I the undersigned, being the proprietor of M/s Oriental Star Luxury Resort, would like to hereby bring to your attention the following facts to take note of and to file a rejoinder for and on my behalf before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, in relation to the matter currently under adjudication and considering the importance of these facts in ensuring that justice is served and the environmental concerns at stake are adequately addressed, I am of the opinion that filing a rejoinder based on these facts will strengthen the case and provide necessary clarity to the Hon'ble Tribunal. The brief facts are as follows:

1. That, Sir, with due respect, I wish to bring to your attention certain critical facts concerning the allegations raised against me in relation to the purported pollution of the River Lwu near my property under construction and it is humbly requested before your esteemed office to file a rejoinder before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, clarifying these facts and addressing the baseless accusations made against me.
2. That, Sir, I am the owner of the property under construction by the name and style M/s Oriental Star Luxury Resort and I am fully conversant with the facts and circumstances of the case.
3. That, allegations regarding pollution of the River Lwu attributed by my construction activities are entirely false, baseless, and without any evidence. An article published in the *Shillong Times* on 25.05.2024, falsely claimed that my construction activities caused *The* reddish discoloration of the river. However, I categorically state that this is incorrect, as the discoloration of the river is caused by other sources unrelated to my project. These allegations are completely false and lack any substantive proof. The reddish discoloration observed in the stream is not a result of my project but is caused by other sources in the area due to other projects that had taken place in the near vicinity of the aeras.

Wain
03/12/24



Contd...Pg.2/-

D/C

[3] (33)

(Necessary Enclosures Are Annexed Herewith)

Under the circumstances aforementioned, it is humble requested before your good Office to kindly accept the instant application and to act as may deem fit and necessary as above mentioned for the ends of justice. Thanking you in anticipation for your understanding and cooperation and kindly consider the matter with great urgency.

**Dated: Shillong
The December, 2024**

Yours Faithfully


SHRI. PHILOSSOPHER IAWPHNIAW

S/o (L) T. Nongsiej

R/o Umsaw, Mawjynrong, Mawtawar,
NEHU, Shillong
East Khasi Hills District, Meghalaya





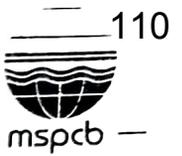
Meghalaya State Pollution Control Board (3X)

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpynggad, Shillong - 793014

Website : <http://megspcb.gov.in>

ANNEXURE-9



No. MSPCB/LEGAL-682/2024/2024-'25/26

Dated 20th December, 2024

To,

Shri. Philosopher Iawphniaw,
S/o (L) T. Nongsiej,
R/o Umsaw, Mawjynrong, Mawtawar,
NEHU, Shillong,
East Khasi Hills, Meghalaya
Email: philosopher-gst@gmail.com

Subject: An application for bringing on record the submitted facts in connection with allegations as wrongly alleged in the Shillong Times dated 25.05.2024 and a request to file a rejoinder on my behalf before the Hon'ble National Green Tribunal in Original Application No. 158/2024 EZ.

Ref: Dated: Shillong The December, 2024

Sir,
With reference to the above, I am enclosing herewith NGT order dated 21.11.2024 and 5.09.2024.

This is for your information and necessary action.

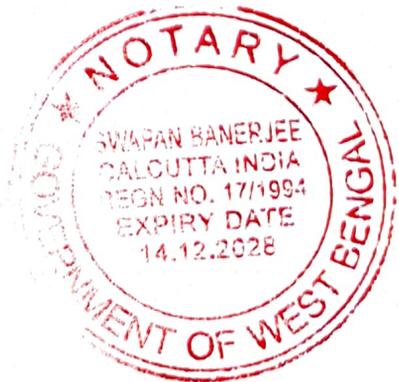
Enclosed: As stated.

Yours faithfully

(Dr. G. H. CHYRMANG, MFS)

MEMBER SECRETARY

Meghalaya State Pollution Control Board
Shillong



Philosopher

(X5)

Item No.05

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.158/2024/EZ
(Earlier O.A. No.731/2024/PB)

News Item titled "Soil dumping:
Umiam river cries for help" appearing
In the shillongtimes.com dated 26.05.2024

Applicant(s)

Versus

Meghalaya State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 21.11.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*,

For Respondent(s): Ms. K. Enatoli Sema, Adv. for R-1 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-2 (in Virtual Mode),
Ms. Anamika Pandey, Adv. for R-3 (in Virtual Mode),
Mr. Avijit Mani Tripathi, Adv. for R-4 (in Virtual Mode)

ORDER

1. Affidavit dated 20.11.2024 has been filed by the Respondent No.1, Meghalaya State Pollution Control Board; the same is taken on record.
2. Affidavit dated 20.11.2024 has been filed by the Respondent No.2, Central Pollution Control Board (CPCB); the same is taken on record.
3. Affidavit dated 18.11.2024 has been filed by the Respondent No.3, Ministry of Environment, Forest and Climate Change (MoEF&CC); the same is taken on record.
4. Mr. Avijit Mani Tripathi, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.4, Deputy Commissioner, Ri



(3~~6~~)

Bhoi District prays for further four weeks time for filing counter-affidavit. Time as prayed is granted.

5. **List on 20.01.2025.**

.....
B. Amit Sthalekar, JM

.....
Dr. A. Senthil Vel, EM

November 21, 2024,
Original Application No.158/2024/EZ
(Earlier O.A. No.731/2024/PB)
OM

Prasad



(37)

Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.158/2024/EZ
(Earlier O.A. No.731/2024/PB)

News Item titled "Soil dumping: Umiam river cries for help"
appearing in the shillontimes.com dated 26.05.2024

Applicant(s)

Versus

Meghalaya State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 05.09.2024

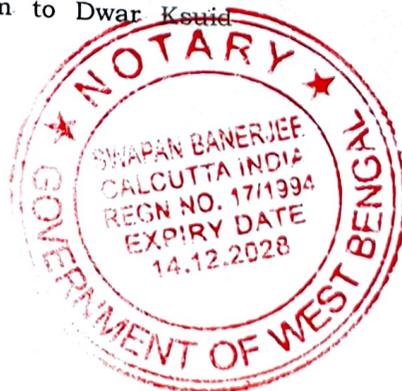
**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*,

For Respondent(s): Ms. Chubalemla Chang, Advocate (in Virtual Mode)
For Ms. K. Enatoli Sema, Adv. for R-1,
Mr. Surendra Kumar, Adv. for R-2, (in Virtual Mode)
Ms. Anamika Pandey, Adv. for R-3, (in Virtual Mode)

ORDER

1. The Original Application No.731/2024/PB was registered as *suo-motu* by the New Delhi Bench of the Tribunal on the basis of a new item titled "Soil dumping: Umiam river cries for help" published in theshillongtimes.com dated 26.05.2024.
2. The news item mentions the uncontrolled dumping of soil into the Umiam River at a construction site near the Umiam bridge in Shillong (Meghalaya), which led to severe pollution thereby turning the river's once-crystal-clear water into a concerning shade of orange. The article also mentions environmental pollution as observed along the river stretch from Umiam to Dwar Kasid downstream.



(38)

3. The article further highlights that the Umiam River was traditionally used by many villagers for irrigation, washing clothes and other purposes, which has been significantly impacted by this pollution. It is stated that there is outrage among the locals who rely on the river water for their daily needs against the sudden change in river's colour and its now mud-laden water. It is also stated that the primary source of the pollution is unregulated dumping of soil on the riverbank near the Umiam bridge as this area is currently undergoing heavy earthwork construction of a hotel which has led to significant amount of soil entering into the river.
4. Thereafter, the said Original Application was transferred by the New Delhi Bench of the Tribunal by its order dated 05.07.2024 to the Eastern Bench of the Tribunal at Kolkata and has now been re-numbered as Original Application No.157/2024/EZ.
5. Respondents have been impleaded by the New Delhi Bench of the Tribunal and notices have also been issued.
6. Ms. Chubalemla Chang, learned Counsel appearing (in Virtual Mode) holding brief of Ms. K. Enatoli Sema, Counsel for Respondent No.1, Meghalaya State Pollution Control Board, prays for and is granted four weeks time for filing counter-affidavit.
7. Mr. Surendra Kumar, learned Counsel appearing (in Virtual Mode) for Respondent No.2, Central Pollution Control Board, and Ms. Anamika Pandey, learned Counsel appearing (in Virtual Mode) for Respondent No.3, Ministry of Environment, Forest and Climate Change, pray for and are granted four weeks time for filing counter-affidavits.

[Handwritten signature]



(3X)

8. No one is present on behalf of the Deputy Commissioner, Ri Bhoi District, Respondent No.4, nor has any counter-affidavit been filed.
9. A copy of this order shall be communicated to the Deputy Commissioner, Ri Bhoi District, Respondent No.4, by the office of the Tribunal within 24 hours.
10. The Deputy Commissioner, Ri Bhoi District, may file his counter-affidavit within four weeks.
11. **List on 21.11.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

1
APR 2024

September 05, 2024,
Original Application No.158/2024/EZ
(Earlier O.A. No.731/2024/PB)
AK

