

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL JURISDICTION
I.A. No. 39 OF 2025
IN
O.A. NO. 217 OF 2024**

IN THE MATTER OF:

News Item titled "CAG faults city's waste processing"
appearing in the Shillong Times dated 16.09.2024

...Applicant

Versus

Meghalaya State Pollution Control Board & Ors.

...Respondents

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Filed By:

Dated: 21.03.2025



[Avijit Mani Tripathi]

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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**AN APPLICATION ON BEHALF OF RESPONDENT NO.4-
DEPUTY COMMISSIONER, EAST KHASI HILLS DISTRICT,
SHILLONG**

Before the Hon'ble Chairperson
And companion members of
This Hon'ble Tribunal

The application of the
Abovenamed applicant

Deputy Commissioner,
East Khasi Hills District,
Shillong

MOST RESPECTFULLY SHOWETH:

1. That the present application is being filed praying for exemption from personal appearance of the applicant before this Hon'ble Tribunal on hearing dated 24.03.2025 as directed vide order dated 04.03.2025 for reasons stated in the succeeding paragraphs.

2. That the Applicant has filed her Reply to the Original Application as directed by this Hon'ble Tribunal vide orders dated 18.11.2024 and 13.01.2025. It is most humbly prayed that the content of the Reply affidavit being filed separately on behalf of the Applicant/ Respondent No.4 may also be read as part and parcel of the present application and the contents thereto are not being repeated unnecessarily for sake of brevity.
3. That Applicant is suffering from acute gastroenteritis and on account of her ailment, the applicant is on medical leave from 24.03.2025 till 28.03.2025. A copy of the medical leave is annexed herewith and marked as ANNEXURE A/1.
4. That it is most respectfully submitted that the Applicant has forwarded her action taken report, limited to her jurisdiction, to the Forest and Environment Department for filing an appropriate reply before this Hon'ble Tribunal as the said department is nodal department for engagement of advocates and instruct them to file reply and affidavits in all the environmental cases filed against the State Government before this Hon'ble Tribunal. However, due to lack of timely communication, the information and action taken report could not be forwarded to the advocate representing the State


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Government before this Hon'ble Tribunal, in time to file reply as directed by this Hon'ble Tribunal.

5. That it is most respectfully submitted that the Applicant came to know of non-representation on part of the Applicant and no filing of Reply affidavit on behalf of the Applicant only after receiving information by the standing counsel of the State Government about the orders passed by this Hon'ble Tribunal.
6. That the Applicant tenders her unconditional apology for not filing reply within the time granted by this Hon'ble Tribunal and failing to appear through virtual mode on 04.03.2025 and the shortcoming on part of the Applicant was neither wanton nor intentional.
7. That it is most respectfully submitted that the issue of compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues is also *sub-judice* the Hon'ble Principal Bench of this Hon'ble Tribunal in O.A. No.606 of 2018.
8. That it is most respectfully submitted that the issue in the present case also pertains to solid waste management of Shillong City, which is being managed by Shillong Municipal Board and the Urban Affairs Department of Government of Meghalaya and the applicant has no administrative control over those two authorities and as such it is most respectfully submitted that the Shillong Municipal Board


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- and the Urban Affairs Department of Government of Meghalaya may also be impleaded as party Respondent in the main original application for effective response of the issues involved therein.
9. That the Shillong Municipal Board and the Urban Affairs Department of Government of Meghalaya are filing six-monthly progress reports before the Hon'ble Principal Bench of this Hon'ble Tribunal in O.A. No.606 of 2018 qua the whole State of Meghalaya and orders have been passed from time to time. This case is now listed for further compliances as directed by the Hon'ble Principal Bench on 27.03.2025.
 10. That it is most respectfully submitted that the Applicant has also requested the Shillong Municipal Board and the Urban Affairs Department of Government of Meghalaya to expeditiously finalize another site for disposal of solid municipal waste for Shillong city as the present site at Marten is nearing its capacity. The present site is also being managed by the Shillong Municipal Board and the Applicant has requested them to take action as required under the Municipal Solid Waste Management Rules, 2016.
 11. That the Applicant has utmost respect for majesty of this Hon'ble Tribunal and she once again tenders her unconditional apology for failing to appear before this Hon'ble Tribunal on 04.03.2025 and not


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X

filing reply within the time granted by this Hon'ble Tribunal and also for not being able to present during the hearing dated 24.03.2025 due to her ill health and undertakes that the Applicant shall appear on future date as and when directed by this Hon'ble Tribunal.

12. That the present application is being filed on the aforesaid reasons and grounds and in the interest of justice.

P R A Y E R

In the facts and circumstances above, it is most humbly prayed that this Hon'ble Tribunal may graciously be kind to:

- (a) Exempt the Applicant/Respondent No.4 from personal appearance through virtual mode on hearing dated 24.03.2025 as directed in the order dated 04.03.2025; and/or
- (b) Pass such other or further orders as this Hon'ble Tribunal may deem fit in the facts of the case and in the interest of justice.

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

[APPLICANT]
Deputy Commissioner,
East Khasi District,
Shillong



[Avijit Mani Tripathi]

Advocate for Applicant/Respondent No.4

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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I.A. No. ____ OF 2025

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AFFIDAVIT

I, Smti. Rosetta Mary Kurbah, IAS, the Deputy Commissioner of East Khasi Hills District, Shillong, having office at the Deputy Commissioner Office, Secretariat Hills, Shillong, Meghalaya – 793 001, do hereby solemnly affirm and state as under:

1. That I am presently posted as the Deputy Commissioner of East Khasi Hills District, Shillong, and I have been impleaded as Respondent No.4 in the captioned case. Being conversant with the facts and records of the present case in my official capacity, I am competent and authorized to swear this affidavit.



Deputy Commissioner,
East Khasi Hills District,
Shillong

S.I. Instrument No. 33

Date: 21/3/25

X

2. That I have gone through the accompanying Application for exemption from appearance, and I say that the same has been drafted by my advocate on my instructions and the facts stated therein are true and correct to the best of my knowledge and being.

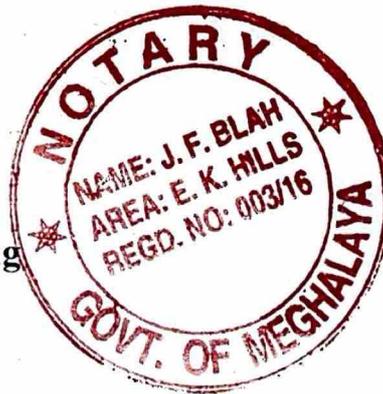

DEPONENT
Deputy Commissioner,
East Khasi Hills District,
Shillong

VERIFICATION:

Verified at Shillong on this 21st day of March 2025 that the content of the above affidavit is true and correct to the best of my knowledge and belief based on official records and that nothing is false and nothing material is concealed therefrom.

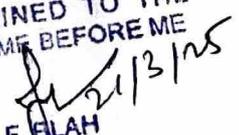
Identified by:


Advocate, Shillong




DEPONENT
Deputy Commissioner,
East Khasi Hills District,
Shillong

SOLEMNLY AFFIRMED BEFORE ME THIS DAY
ON 21/3/25 THE DEPONENT IS IDENTIFIED BY R. Colney
I CERTIFY THAT THE CONTENTS OF THE AFFIDAVIT
ARE READ ORDER AND EXPLAINED TO THE
DEPONENT WHO VERIFIED THE SAME BEFORE ME


J. F. BLAH
NOTARY
East Khasi Hills District
Government of Meghalaya

ANNEXURE A/1

**GOVERNMENT OF MEGHALAYA
PERSONNEL & A.R. (A) DEPARTMENT
ORDERS BY THE GOVERNOR**

NOTIFICATION

Dated Shillong, the 21st March, 2025

No.PER.125/IAS/RMK/128 - Subject to admissibility of leave to be certified by Accountant General, Meghalaya, Shillong, Smti R. M. Kurbah, IAS, Deputy Commissioner, East Khasi Hills District, Shillong is under Rule 11 of the A.I.S (Leave) Rules, 1955 granted Earned Leave on Medical Ground for a period of 5 (five) days with effect from 24th March, 2025 to 28th March, 2025 with permission to leave station and to prefix the 23rd March, 2025 being Sunday to the leave.

The Officer would have continued to hold the post but for her proceeding on leave and there is every likelihood of her returning to the same or a similar post on expiry of the leave.

No.PER.125/IAS/RMK/128-A- During the period on absence on leave of Smti R. M. Kurbah, IAS, Deputy Commissioner, East Khasi Hills District, Shillong, Smt. Prettylisa K. Sangma, MCS, Additional Deputy Commissioner of the District is allowed to look after the Office of the Deputy Commissioner, East Khasi Hills District, Shillong.

Sd/- C.V.D. Diengdoh, IAS,
Commissioner & Secretary to the Govt. of Meghalaya
Personnel & A. R. (A) Department

Memo No.PER.125/IAS/RMK/128- B,

Dated Shillong, the 21st March, 2025

Copy to :-

1. The Accountant General, (A&E), Meghalaya, Shillong along with leave application dated 11.03.2025 for favour of information and necessary action.
2. Smt. R.M.Kurbah, IAS, Deputy Commissioner, East Khasi Hills District, Shillong.
3. The Director of Printing and Stationery, Meghalaya, Shillong for publication of the Notification in the Meghalaya Gazette.
4. The Director of Accounts & Treasuries, Meghalaya, Shillong.
5. Smt. Prettylisa K. Sangma, MCS, Additional Deputy Commissioner, East Khasi Hills District, Shillong.
6. The Sr. Treasury Officer, Shillong.
7. State Informatics Officer/Senior System Analyst, NIC, Meghalaya, Shillong.
8. Guard file.

By order etc.,



Deputy Secretary to the Govt. of Meghalaya,
Personnel & A. R. (A) Department.


**Deputy Commissioner,
East Khasi Hills District,
Shillong**

**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 217 OF 2024**

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...Applicant

Versus

Meghalaya State Pollution Control Board & Ors.

...Respondents

VAKALATNAMA

I, Smti. Rosetta Mary Kurbah, IAS, presently posted as the Deputy Commissioner of East Khasi Hills District, Shillong, the Respondent No.4, having office at Deputy Commissioner Office, Secretariat Hills, Shillong, 793001 do hereby appoint and retain:

AVIJIT MANI TRIPATHI (UP-01066/2009)

Phone No. 9958537705, email: avijitmani@gmail.com

having office at B-17 4th Floor, Jangpura Extension, New Delhi – 110014

hereinafter called Advocate to be my/our Advocates for **RESPONDENT NO. 4** in the above noted case and further authorize him:

To act appear and plead in the above noted case in this Court or in any other Court in which the same be tried/ heard and also in the Appellate Courts.

To sign, file verify and present pleadings, replications, Appeals, cross-objections, or petitions for execution or review revision restoration withdrawal, compromise applications or other petitions replies, objections or affidavits or other documents as may be deemed necessary of proper for the prosecution of said case in all its stage. To file and take back documents.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To deposit draw and receive money cheques and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course to prosecutions of the said case.

To appoint instruct any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred upon the Advocate whenever he may think fit to do so and sign the power of attorney on my/our behalf.

And I/We the undersigned do hereby agree to ratify and confirm act as if done by the Advocate or their substitutes in the matter as my/our own acts, as if done by me/us to intents and purposes.

And I/We undertake that I/We or my/our duly authorized agents would appear in Court all hearings will confirm the Advocates for appearance when case is called.

And I/We the undersigned do hereby agree not to hold the Advocate of their substitute responsible to the result of the said case, consequences for his absence from the court when the said case is, called up for the hearing or any negligence of the said Advocates or his substitute.

And I/We the undersigned do hereby agree that in the event of the whole or any part to the fee agreed by me/us the Advocates remaining unpaid they will be entitled to retain the file/documents etc. and will also not be bound to appear and conduct the case till the fee/balance fee is paid.

And I/We the undersigned do hereby agree that I/We shall not claim any compensation, nor the Advocate/s shall be liable for any compensation if he/she fails to appear in the court or fails to conduct or withdraws from the case due to non-payment of fee as per settlement or for reason of any request/ call given by Bar Association/s or Council/s.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me this **21st of March 2025**

Accepted subject to the terms of fees.


Advocate


Client
Deputy Commissioner,
East Khasi Hills District,
Shillong







Avijit Mani Tripathi <avijitmani@gmail.com>

O.A. No.217 of 2024 EZ Bench- Reply and application on behalf of Resp. No.4

1 message

Avijit Mani Tripathi <avijitmani@gmail.com>

21 March 2025 at 17:56

To: enatoli sema <enatoli@gmail.com>, Surendra Kumar <surendra_kr15@rediffmail.com>, Dn Ray <raydnr@gmail.com>

Ma'am/Sir,

Please find attached an advance copy of the reply affidavit and application for exemption from personal appearance being filed on behalf of Resp. No.4- Deputy Commissioner, Shillong in the subject case before the Hon'ble NGT (EZ Bench).

Regards,
Avijit Mani Tripathi
Advocate on Record
Supreme Court of India
B 17, Fourth Floor, Jangpura Extension
New Delhi-110014
Ph.011-43582788, 9958537705

2 attachments**OA 217 2024 REPLY RESP 4 DC EKH.pdf**

6701K

**OA 217 2024 Resp 4 exemption from personal appearance.pdf**

3751K