



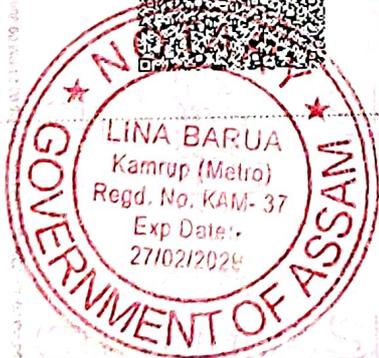
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 Second Party : NA
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Mauchumi Barua

09 JUN 2025

LINA BARUA
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No. KAM-37

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**IN THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE KOLKATABENCH**

Original Application No. 169 of 2023/EZ

Jinti Deka & Anr.

..Applicant

Vs.

State of Assam & Ors.

..Respondents

Manchumi Barua

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2	I	Copy of letter dated 9.10.2024	7
3	II	Copy of Inspection Report dated 16.11.2024	8-11

Filed by

Amrita Pandey

Amrita Pandey

Advocate for Respondent no. 2 SEIAA, Assam



09 JUN 2025

LB
LINA BARUA
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No - KAM-37

**IN THE NATIONAL GREEN TRIBUNAL,
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..Applicant

Vs.

State of Assam & Ors.

..Respondents

**COUNTER AFFIDAVIT ON BEHALF OF THE STATE ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY (SEIAA), ASSAM**

I, Mauchumi Barua, Daughter of late Rohini Barua , aged about 56 years, by Occupation - Service, presently holding the position of Member Secretary, SEIAA, Assam and having its address at Bamunimaidam, Ghy-21, do hereby solemnly affirm and state as

follows:

LINA BARUA
Kamrup (Metro)
Regd. No. KAM-37
Exp Date:-
27/02/2029

1. I am duly authorized by the SEIAA, Assam to depose this affidavit on its behalf in the present matter before the National Green Tribunal (Eastern Zone Bench), Kolkata, and am fully conversant with the facts of the case and I am competent to affirm the present



LINA BARUA
NOTARY GOVT OF ASSAM
Kamrup (Metro) Guwahati
Regd. No - KAM-37

09 JUN 2025

Mauchumi Barua

2. The Respondent No. 2 State Environment Impact Assessment Authority (SEIAA), Assam, respectfully submits this additional Counter Affidavit in response to the allegations and discrepancies raised in the present matter.

3. It is submitted that the SEIAA, Assam, has always acted in accordance with the provisions of the Environmental Impact Assessment (EIA) Notification, 2006, and other applicable laws. The discrepancies highlighted in the affidavits filed by the Directorate of Geology and Mining (DGM), Assam, and SEIAA, Assam, were inadvertent and arose due to a lack of joint representation during the initial inspection.

4. Pursuant to the letter dated 09.10.2024 (Annexure I) from the Government of Assam, Environment and Forest Department, a joint inspection was conducted on 16.11.2024 by a committee comprising representatives from SEIAA, Assam, and DGM, Assam. The inspection report (Annexure II) conclusively confirmed that both authorities were referring to the same location, i.e., Nakhula

Beat Sand Mining Permit Area No. 3, Kopili River, Morigaon District, Assam. **Copy of the letter dated 9.10.2024 and**

16.11.2024 is annexed hereto and marked with letter I and II respectively.

5. The joint inspection team verified the site through geo-tagged photographs and physical demarcation, including Pillar No. 1 and bank protection measures (geobags) upstream of the permit area.

Manchini Rama



LINA BARUA
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No. - KAM-37

09 JUN 2025

The photographs from the current inspection (Figures 1 and 3) and the previous inspection (Figures 2 and 4) corroborate that the location inspected by both committees was identical.

- 6. It is further submitted that during the joint inspection, no active sand mining activities were observed in the permitted area, indicating compliance with environmental regulations.
- 7. The SEIAA, Assam, denies any deliberate misrepresentation or discrepancy in its earlier affidavit and asserts that the joint inspection has resolved all ambiguities regarding the location and status of the Nakhula Beat Sand Mining Permit Area No. 3.
- 8. The Respondent herein prays that this Hon'ble Tribunal may take the joint inspection report and the submissions herein into consideration and pass such orders as deemed fit in the interest of justice.
- 9. That the respondent is ready and willing to comply with such other directions passed by this Hon'ble Tribunal.

10. That the statements made in paragraph nos. 1 to 2 are true to the best of my knowledge and belief, and no part of it is false or concealed and the statements made in paragraph nos. 3 to 8 are information derived from record and the rest thereof are my humble submission before this Hon'ble Court.



LINA BARUA
 NOTARY GOVT. OF ASSAM
 Kamrup (Metro) Guwahati
 Regd. No - KAM-37

09 JUN 2025

✓
 DEPONENT

Manchumi Barua



Verification

I, the deponent above-named, do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief, and no part of it is false or misleading.

Manchumi Barua



Deponent:

(Authorized Signatory)

SEIAA, Assam



LB
LINA BARUA
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No - KAM-37

09 JUN 2025

Identified by
Reta Barua
Advocate
Earl. No. 395/2020

ANNEXURE I.

11/1/2024-ENV./FOREST-Environment & Forest Department

Annexure-I

IMPORTANT

GOVERNMENT OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR, GUWAHATI-6

Email Id. environmentforestassam@gmail.com

No. 430921/2024/107

Dated Dispur, 09-10-2024

To : 1. The Director,
Directorate of Geology and Mining, Assam
Kahilipara, Guwahati.

2. The Chairman,
State Environment Impact Assessment Authority, Assam
Bamunimaidam, Guwahati.

Sub : Regarding NGT case OA no.169/2023/EZ (Jinti Deká & Anr -Vs-SoA).

Ref : Email dtd. 19/9/2024 as received from Smti Malabika Roy Dey, Standing Counsel, National Green Tribunal, EZ Bench, Kolkata.

Madam/Sir,

With reference to the above, I am directed to forward herewith the email under reference along with its enclosure for your perusal and to inform you that it has been observed by the Standing Counsel, National Green Tribunal that contradictory affidavits have been filed by the Directorate of Geology and Mining, Assam and State Environment Impact Assessment Authority, Assam.

As such, I am directed to request you to conduct a joint inspection on the aforesaid matter for removal of the discrepancies and submit a report to this department within 16/11/2024.

This is for your kind information and necessary action.

Encl : As stated.

Yours faithfully,

Signed by

Mauchumi Barua

Date: 09-10-2024 10:24:20
Secretary to the Govt. of Assam

Environment and Forest Department
Dated Dispur, 09-10-2024

Memo No. 430921/2024/107-A

Copy to -

1. The Member Secretary, State Environment Impact Assessment Authority, Assam, Bamunimaidam, Guwahati for information and necessary action.
2. P.S. to the Secretary to the Govt. of Assam, Mines & Minerals Department, Dispur.

(Digitally signed)
Secretary to the Govt. of Assam
Environment and Forest Department

Annexure II

REPORT OF THE JOINT VERIFICATION

Regarding: Nakhula Beat Sand Mining Permit No. 3 at Kopili River, Morigaon District, Assam

Reference: NGT Case OA No. 169/2023/EZ (Jinti Deka &ors vs. State of Assam &ors)

1. Introduction

This joint verification team was constituted by the State Environment Impact Assessment Authority (SEIAA), Assam, vide notification no. SEIAA.3601/2023/119/231 dated 30-10-2024, to conduct a verification in response to the NGT case bearing OA 169/2023/EZ (Jinti Deka ors. Vs State of Assam&ors.).

2. Joint verification team

The following members constituted the Joint Verification Team, as per the aforesaid notification of the SEIAA, Assam.

Sl No.	Name of Member	Designation and Office Address
1	Shri Anupam Phukan	Senior Geologist, Directorate of Geology and Mining (DGM), Kahilipara, Guwahati-781019
2	Shri Monoj Gogoi	Senior Geologist, Directorate of Geology and Mining (DGM), Kahilipara, Guwahati-781019
3	Prof. Sarat Phukan	Member, State Environment Impact Assessment Authority (SEIAA), Assam, Bamunimaidam, Guwahati-781021

3. Background

A discrepancy had emerged regarding the precise location of the Nakhula Sand Mining Permit No. 3 at the Kopili River between SEIAA-Assam and the Directorate of Geology and Mining, Government of Assam. This confusion was partly attributed to the absence of DGM representation in the committee originally constituted by Hon'ble National Green Tribunal, Eastern Zone Bench, in its order dated 24-11-2023 for site verification in the Nakhula Sand Mining Permit No. 3.

4. Inspection Details

- **Date of Inspection:** November 16, 2024
- **Location:** Nakhula Sand Mining Permit No. 3, Kopili River, Morigaon District, Assam
- **Purpose:** To verify the exact location and current status of mining activities

5. Key Findings

1. Location Verification:

- The committee conclusively confirmed that both SEIAA-Assam and DGM, Assam were referring to the same location for the Nakhula Sand Mining Permit No. 3.

[Handwritten Signature]
25/11/2024
Member
SEIAA, Assam

2. Current Status:

- No signs of active sand mining were observed in the permit area during the inspection.

6. Photographic Evidence

The following photographic documentation was collected:

1. Boundary Demarcation:

- Figure 1: Current photograph of Pillar No. 1 (taken on 16-11-2024), captured by the present inspection team.
- Figure 2: Previous photograph of Pillar No. 1 (taken on 08-12-2023), captured by the previous committee constituted for inspection at the Nakhula Sand Permit No. 3 as per the order of Hon'ble NGT dated 24-11-2023.

2. Bank protection measure at the immediate upstream of the sand permit:

- Figure 3: Current photograph of geobag protection measures on the right bank along the right bank of the Kopili River at the immediate upstream of the Nakhula Sand Permit No. 3 (taken on 16-11-2024) captured by the present inspection team.
- Figure 4: Previous photograph of the geobag protection measures on the right bank along the right bank of the Kopili River at the immediate upstream of the Nakhula Sand Permit No. 3 (taken on 08-12-2023), captured by the previous committee constituted for inspection at the Nakhula Sand Permit No. 3 as per the order of Hon'ble NGT dated 24-11-2023.
- This photographs conclusively prove that the both organization meant the same location of the Nakhula Sand Permit Area No. 3.

7. Conclusion

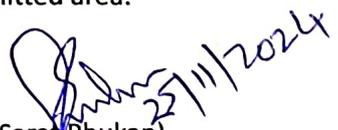
The joint verification successfully resolved the location ambiguity between the concerned departments. The site inspection revealed no current mining activities in the permitted area.


(Anupam Phukan)

Senior Geologist
DGM, Assam, Ghy-19
Date: 21-11-2024
Place: Guwahati


(Monoj Gogoi)

Senior Geologist
DGM, Assam, Ghy-19


(Sarat Phukan) 22/11/2024
Member
SEIAA, Assam

Annexure 1

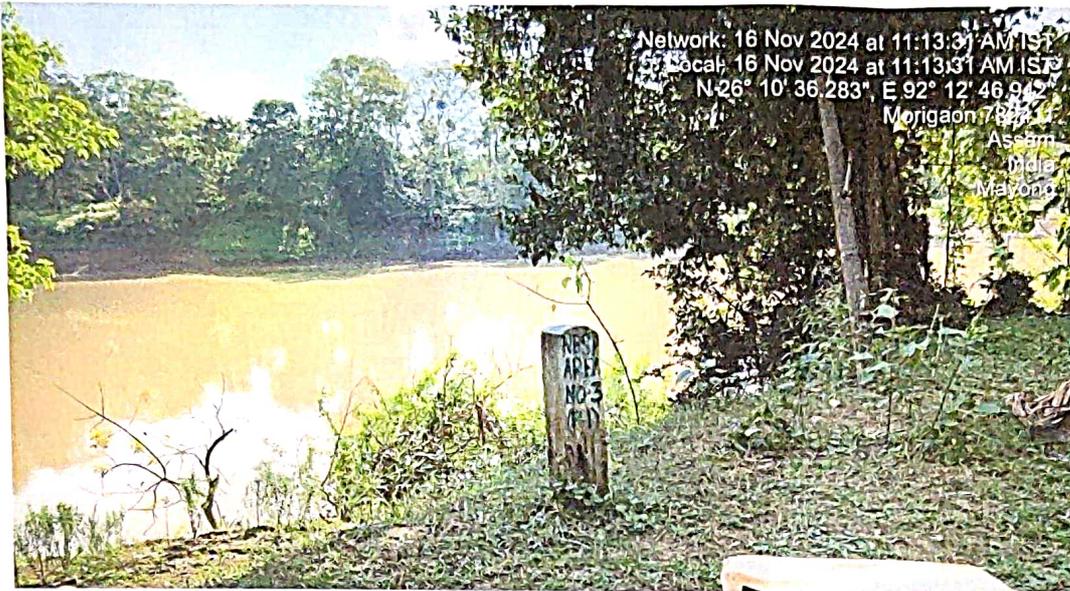


Figure 1. Pillar No. 1 of the Nakhula Sand Mining Permit No. 3 as seen during the present inspection visit.



Figure 2. The photograph of the pillar No. 1 of the Nakhula Beat Sand Permit Area No. 3, included in the inspection report submitted by the earlier committee to the Hon'ble NGT. This inspection was carried out 08-12-2023.

[Handwritten Signature]
 25/11/2024
 Member
 SEIAA, Assam

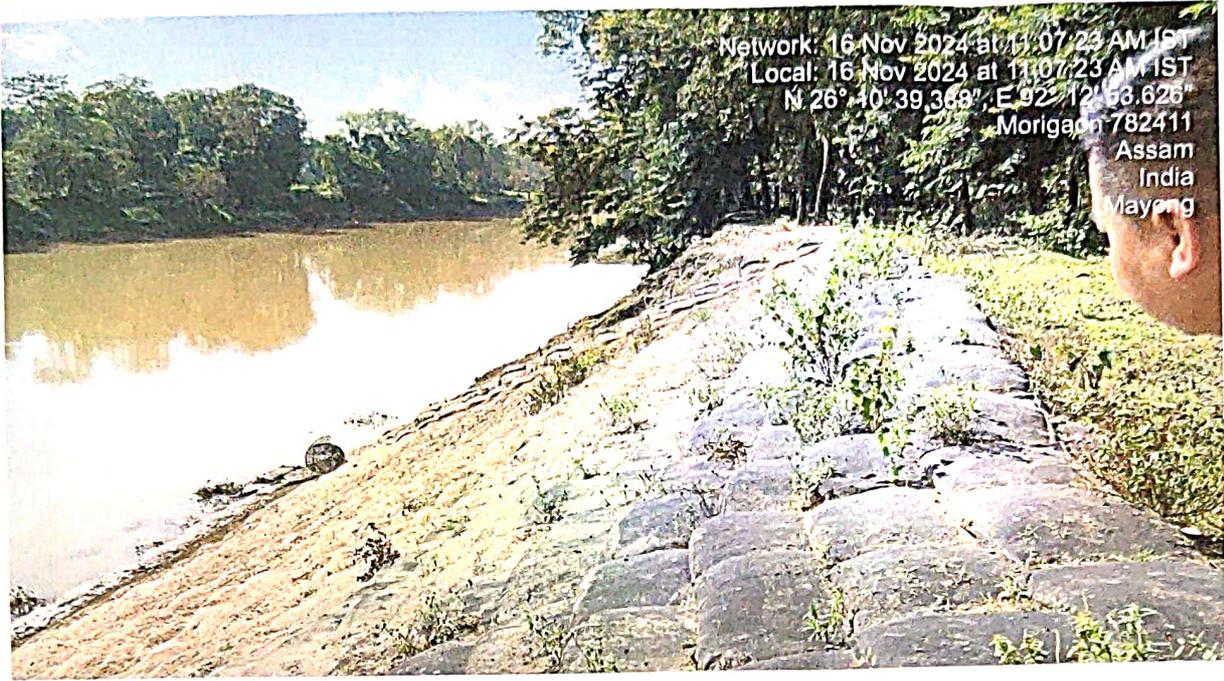


Figure 3. Bank protection measures (geobag) on the right bank of the river immediate downstream of the Bhakatgaon bridge and upstream of the Nakhula Beat Sand Permit Area No. 3. This photo was captured during the present inspection visit on 16-11-2024.

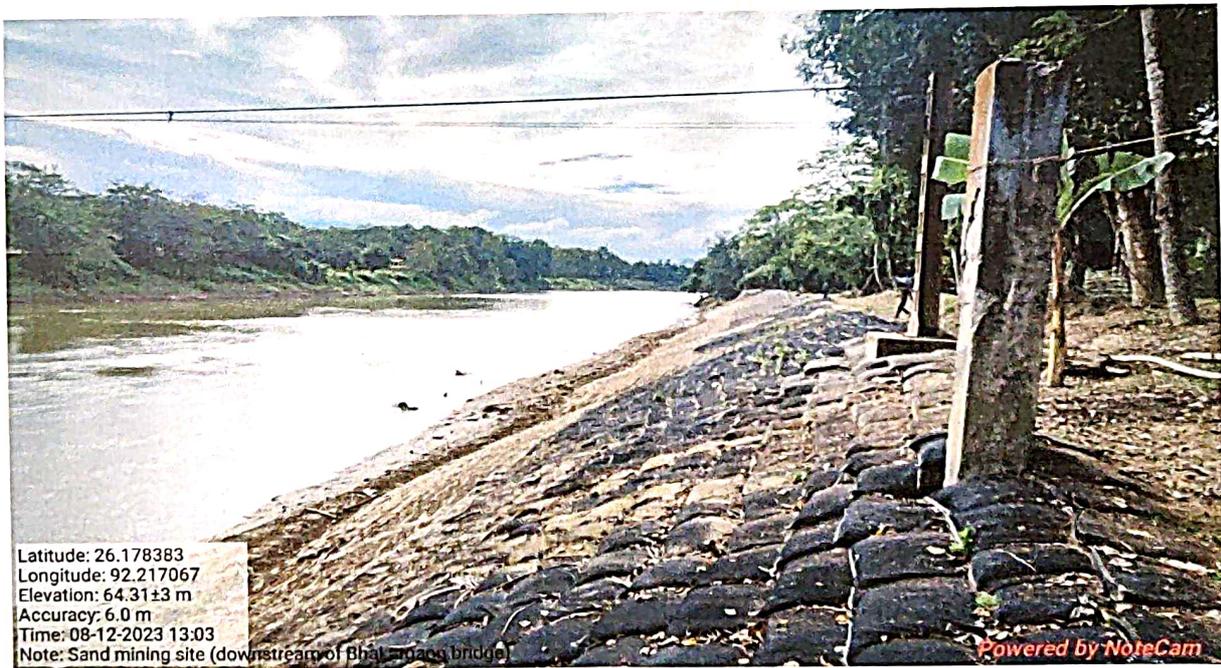


Figure 4. Bank protection measures (geobag) on the right bank of the river immediate downstream of the Bhakatgaon bridge and upstream of the Nakhula Beat Sand Permit Area No. 3. This photo was captured during the inspection visit of the earlier committee on 08-12-2023. This photo was included in the report submitted to the Hon'ble NGT by the earlier committee.

[Handwritten Signature]
 29/11/2024
 Member . 4 of 4
 SEIAA, Assam