

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

**O. A. No. 84 of 2024 (EZ)
(Earlier O. A. No. 319/2024/PB)**

Suo Moto: News item titled "Bermo ke Mahuatand mei avaidh balu ke khel mai saikaro tractor se aam log ho rahe pareshan" appearing in News Wing dated 19.12.2023

.....Applicant(s)

Versus

**Jharkhand State Pollution ... Respondent(s)
Control Board & Ors.**

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1.	Humble Counter Affidavit on behalf of Jharkhand State Pollution Control Board.	01-06
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Filed by: -

(Kumar Anurag Singh)
Advocate
JSPCB, Ranchi



O. A. No. 84 of 2024 (EZ)
 (Earlier O. A. No. 319/2024/PB)

Subject: News Item titled "Bermo ke Mahuatand
 ei avaidh balu ke khel mai saikaro tractor se
 am log ho rahe pareshan" appearing in

... Applicant(s)

Versus

Jharkhand State Pollution Control Board & Ors. ... Respondent(s)

3rd Supplementary Affidavit on behalf of
 Jharkhand State Pollution Control Board in
 compliance of the order dated 08.08.2024 &
 27.11.2024.

I, Manoj Kumar Gupta, son of Late Narayan Lal Gupta
 presently posted as Officer on Special Duty
 (OSD), legal section, Jharkhand State Pollution Control
 Board, Ranchi and am duly authorized to swear this
 affidavit and do here by solemnly state and affirm as
 follows: -

1. That, at present, I am working and posted as OSD
 (legal section), Jharkhand State Pollution Control



Ref.No. 23 MAY 2024

Notaries Rules 1956 by Govt. of Jharkhand, Ranchi

of Mahuatand Police Station contained in memo no. 73/2025 dated 14/02/2025.

6. That, it is humbly stated and submitted that the Environmental Compensation was earlier calculated against the accused named in the FIR as mentioned in the report of the Officer-in-charge, in accordance with the methodology (Approach-2) adopted in paragraph 12 of the Order dated 26/02/2021 passed in O.A No.360 of 2015 with other O.As by Hon'ble NGT, Principal Bench, New Delhi. The calculation is being reproduced below in brief as follows:-

Environment Compensation Calculation: (Approach 2)

$$NPV = PV - D$$

where PV = Present value of foregone Ecological Values
(@ 5% discount rate and over 5 years)

D = Market value of illegally mined material

(Considering market value of illegal mined sand D=Rs.4000/per Tractor)

Annual value of forgone ecological values per Tractor= D*RF

where RF is the Risk Factor (RF=1 in case of severe Risk Level)

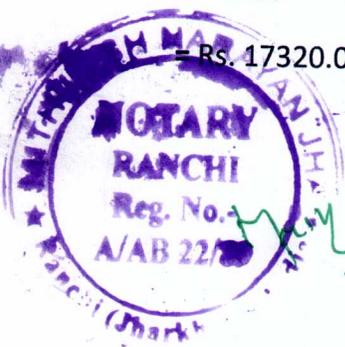
$$D*RF = Rs. 4000.00 \times 1 = Rs. 4000$$

$$PV = \sum_{t=1}^5 (4000)/(1 + 0.05)^t$$

$$= 4000/(1 + 0.05)^1 + 4000/(1 + 0.05)^2 + 4000/(1 + 0.05)^3 + 4000/(1 + 0.05)^4 + 4000/(1 + 0.05)^5$$

$$= Rs. 17320.00 \text{ per tractor (=100cuft per Tractor)}$$

73 MAY 2025

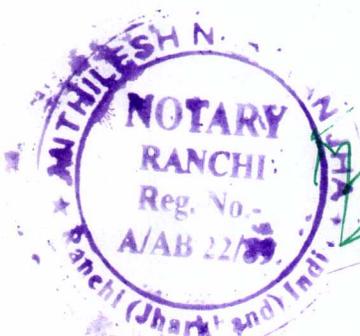


Total compensation:

NPV = PV - D = 17320 - 4000 = Rs.13320 per tractor (Tractor capacity 100cuft)

7. That it is humbly stated and submitted that accordingly the amount of environmental compensation (EC) calculated against accused persons named in FIRs for which calculation chart was earlier submitted by Shri Ashok Kumar Yadav, OSD of JSPCB.
8. That it is further stated and submitted that District Mining Officer has also provided another list containing the names of 24 Tractor owners/drivers with details of the vehicle involved in the transportation of illegally mined out sand against whom fines have been realized in terms of Mines & Mineral Rules. Computation of environmental compensation against the said tractor owners/driver was done by Sri Ashok Kumar Yadav, O.S.D of the Board. The amount of EC as calculated now amounts to Rs. 3,19,680/- (Three lakhs nineteen thousand six hundred eighty Rupees only).

23 MAY 2025



Photocopy of calculation chart showing environmental compensation is annexed and marked **Annexure-A**

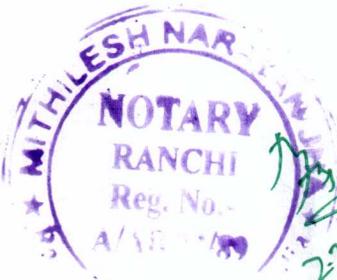
- 9. That it is humbly stated and submitted that it is prayed that necessary action for imposition and recovery of environmental compensation from the accused persons/violators named aforesaid in accordance with law and principle of natural justice is being initiated and is under process.
- 10. That, the instant Affidavit is filed bonafide and in the interest of justice.
- 11. That the statements made in forgoing paragraphs are true to my knowledge and the annexure is true copy of its original.

Manoj Kumar Gupta
DEPONENT

VERIFICATION:

Verified at Ranchi on this the day of ²³..... May, 2025 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Manoj Kumar Gupta
DEPONENT



Manoj Kumar Gupta
NOTARY PUBLIC
RANCHI
23/5/2025

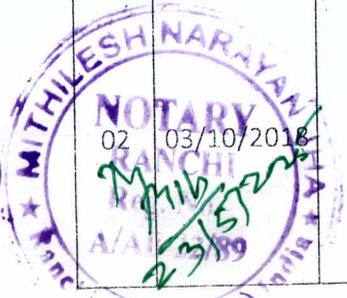
Authorized under Notaries Act 1956 & Notaries Rules 1958 by Govt. of Jharkhand, Ranchi

Ref.No. 41 Date 23 MAY 2025

जिला खनन कार्यालय, बोकारो।

गोमिया अंचल के महुआटाँड़ थानान्तर्गत बालू के अवैध परिवहन के बावत की गई कार्रवाई की विवरणी।

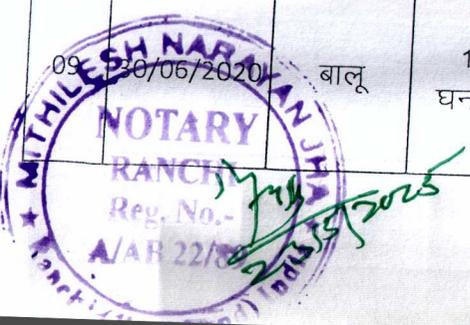
क्र०	दिनांक	खनिज	मात्रा	वाहन	अभियुक्त / वाहन मालिक / वाहन चालक का नाम, पता एवं वाहन संख्या	मात्रा (घनफीट)	EC (Market value of Sand=Rs. 4000/100 cft) (In Rupees)
01	19/03/2018	बालू	600 घनफीट	06	(a) श्री महेन्द्र कुमार कस्यप, पिता जय कुमार महतो, ग्राम+पो-भरकुण्डा, थाना-पतरातु, जिला-रामगढ़, टैक्टर No. JH01F-1685	100	13320
					(b) मो० सहिद अंसारी, पिता मो० कबीन अंसारी, ग्राम+पो०-कण्डेर, थाना-महुआटाँड़, जिला-बोकारो, टैक्टर No. BR13C-0237	100	13320
					(c) श्री संतोष कुमार, पिता श्री शुलेन्द्र महतो, ग्राम-नावाडीह, पो०-बड़कागांव, थाना-माण्डु, जिला-रामगढ़ टैक्टर No. JH02AR-1613	100	13320
					(d) श्री सुरेश प्रसाद, पिता-स्व० गोखुल साव, ग्राम+पो०-तिरला, थाना-महुआटाँड़, जिला-बोकारो टैक्टर No. JH02AF-8384	100	13320
					(e) श्री राधेश्याम महतो, पिता-युगल महतो, ग्राम+पो०-तिरला, थाना-महुआटाँड़, जिला-बोकारो टैक्टर No. JH02Z-0189	100	13320
					(f) श्री दिलीप कुमार, पिता-चतुर्भुज प्रसाद, ग्राम+पो०-तिरला, थाना-महुआटाँड़, जिला-बोकारो टैक्टर No. JH08E-6707	100	13320
02	03/10/2018	बालू	200 घनफीट	02	(g) श्री अनिल कुमार, पिता-रामेश्वर महतो, सा०-नावाडीह, पो०-बड़गाँव, थाना-मान्डु, जिला-रामगढ़, टैक्टर Eng. No.- F.3254803	100	13320
					(h) श्री अनिल कुमार, पिता-रामेश्वर महतो, सा०-नावाडीह, पो०-बड़गाँव, थाना-मान्डु, जिला-रामगढ़, टैक्टर Eng. No.- JFNBO2278	100	13320



03	06/10/2018	बालू	100 घनफीट	01	(i) श्री दिलीप कुमार, पिता-चतुर्भुज प्रसाद, ग्राम+पो0-तिरला, थाना-महुआटाँड, जिला-बोकारो। टैक्टर No.- JH08E-9825	100	13320
04	01/01/2019	बालू	100 घनफीट	01	(j) श्री लेदन महतो, वल्द-निर्मल महतो, सा0-बारीडारी, पो0-तिरला बरिदारी, आई0ई0 गोमिया, थाना-महुआटाँड, जिला-बोकारो, टैक्टर No.- JH02AM-9988, Eng. No.- 33-1008/SUP04619, CH. No.-WYPA24419142045	100	13320
05	03/07/2019	बालू	200 घनफीट	02	(k) श्री राजेश्वर तिवारी, पिता-देवकी नन्दन तिवारी, ग्राम-तिवारी टोला, छतर मान्दु, थाना-रामगढ़, जिला-रामगढ़, टैक्टर No.- JH02AT-9726, Eng. No.- JH02DEE0036, CH. No.-M9KATAJAAHVE00014	100	13320
					(l) श्री राजू प्रजापति, पिता-केशर प्रजापति, ग्राम-छतर मान्दु, थाना-रामगढ़, जिला-रामगढ़, टैक्टर No.- JH08F- 3524, Eng. No.-RHD2EAN4200, CH. No.- MBNABAEXPHRD02299	100	13320
06	06/05/2020	बालू	100 घनफीट	01	(m) श्री शुभम कुमार, पिता-नकुल साव, सा0-तेली टोला, नियर जय भारत क्लब, बड़गाँव, थाना-रामगढ़, जिला-रामगढ़, टैक्टर No.- JH02AW-9773, Eng. No.- 33.1008/SZH05068, CH. No.-WZTH25428158085	100	13320
07	18/05/2020	बालू	200 घनफीट	02	(n) श्री मुरली साव, पिता-अकल साव, ग्राम+पो0-बड़कीपुन्नु, थाना-महुआटाँड, जिला-बोकारो टैक्टर Eng. No.-CJ1354/KN013363, CH. No.- MBNAJ48AJKTP29328	100	13320
					(o) श्री संजय कुमार साहू, पिता-स्व0 भुनेश्वर साहू, ग्राम+पो0-बड़कीपुन्नु, थाना-महुआटाँड, जिला-बोकारो टैक्टर Eng. No.-CJ1354/KF006704, CH. No.- MBNAJ48AFKTH15829	100	13320



08	29/05/2020	बालू	500 घनफीट	05	(p) श्री हुलास महतो, पिता-अकलु महतो, ग्राम-सरियाडीह, पो0-बड़कीपुन्नु, थाना-महुआटाँड़, जिला-बोकारो टैक्टर Eng. No.-331008/SAN08603, CH. No.-MBNAG48ACKTP66779	100	13320
					(q) श्री संजीत कुमार, पिता-फालगुनी साव, ग्राम+पो0-बड़कीपुन्नु, थाना-महुआटाँड़, जिला-बोकारो टैक्टर No.-JH02AW-5099, Eng. No.- 39.1354/SZH08091, CH. No.-WZTH31419137607	100	13320
					(r) श्री संतोष कुमार साहू, पिता-स्व0 नागेन्द्र प्रसाद साहू, ग्राम+पो0+थाना-बुन्दु, जिला-राँची, टैक्टर No.- JH01AW-2205, Eng. No.-D90704, CH. No.- 919613168092	100	13320
					(s) श्री संजय मुण्डा, पिता-भाकुर मुण्डा, सा0-कुल्ही चौक, पंचा, पो0-पोटमादागा, थाना-गोला, डी0भी0सी0 चौकर, ओरमांझी, जिला-रामगढ़ टैक्टर No.-JH02AX- 7639, Eng. No.-E3467546, CH. No.-T053416041HG	100	13320
					(t) श्री राज किशोर महतो, पिता-श्री कमल नाथ महतो, ग्राम-छोटकीपुन्नु, पो0-बड़कीपुन्नु, थाना-महुआटाँड़, जिला-बोकारो, टैक्टर No.-JH02AD-2873, Eng. No.- C324305187NS, CH. No.-DNS3035005117	100	13320
09	30/06/2020	बालू	100 घनफीट	01	(u) श्री दशरथ ठाकुर, पिता-महावीर ठाकुर, सा0-जगेशर, पो0-तिरला, थाना-जगेशर, जिला-बोकारो, टैक्टर No.-JH09J-6566, Eng. No.-C324305187NS, CH. No.-DNS3035005117	100	13320



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10	25/02/2022	बालू	300 घनफीट	03	(v) सिकन्दर अंसारी, वल्द क्युम अंसारी, सा0-टिकाहारा, पो0-बड़कीपुन्नु, थाना-महुआटाँड़, जिला-बोकारो, टैक्टर Reg.No.-JH02AD-7573, Eng. No.-E3324265, CH. No.- R3202252	100	13320
					(w) श्री सुरेन्द्र प्रसाद, पिता-नारायण साव, ग्राम+पो0-छतर मान्डु, थाना-रामगढ़, जिला-रामगढ़, टैक्टर No.-JH24H-4981, Eng. No.- 331008/SDD01767, CH. No.- MBNAG48ACMTD72308	100	13320
					(x) श्री फुलचन्द केवट, पिता-स्व0 भांगा केवट, ग्राम+पो0+थाना-महुआटाँड़, जिला-बोकारो। टैक्टर No.- JH09AS-6948, Eng. No.-39.1354/KD003865, CH. No.-MBNAJ48AFKTE05937	100	13320
Total=						2400 (घनफीट)	₹ 3,19,680/- (तीन लाख उन्नीस हजार छः सौ अस्सी रुपये मात्र)

A
(A.K. Yadav)
DSD
(अशोक कुमार यादव)
डिप्टी जर्ज रजिस्ट्रार

