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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA**

**INTERLOCUTORY APPLICATION NO. 80 OF 2025/EZ  
IN  
ORIGINAL APPLICATION NO. 73/2025/EZ**

Dulal Bora

IN THE MATTER OF:  
AN APPLICATION FOR ADDITION / IMPLEADMENT OF PARTIES.

-AND-

IN THE MATTER OF:  
SHRI DULAL BORA.

...APPLICANT

-VERSUS-

THE STATE OF ASSAM & Ors.

...RESPONDENTS

-AND-

DR. ARUP KR. MISRA & ANR.

...SOUGHT TO BE ADDED/IMPLEADED AS RESPONDENTS

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Date: 14/07/2025

Place: Guwahati, Assam.

Filed by:

*Ghanshyam Pandey*  
-Advocate.

Mr. Ghanshyam Pandey,  
Advocate,

M: 9686750386

E: [ghanshyamlegal@gmail.com](mailto:ghanshyamlegal@gmail.com)

X

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA**

**INTERLOCUTORY APPLICATION NO. \_\_\_\_\_ OF 2025/EZ**

**IN**

**ORIGINAL APPLICATION NO. 73/2025/EZ**

*Dulal Bora*

IN THE MATTER OF:

AN APPLICATION FOR ADDITION / IMPLEADMENT OF PARTIES.

-AND-

IN THE MATTER OF:

SRI DULAL BORA, AGED ABOUT 55 YEARS, SON OF LATE DEBEN BORA, RESIDENT OF HOUSE NO. 118, RAJIB GANDHI PATH, KAINADHARA TINIALI, KHANAPARA, GUWAHATI, ASSAM, PIN- 781022. PH. NO.- +91-9435707133. EMAIL- [associatesdbpa@gmail.com](mailto:associatesdbpa@gmail.com).

...APPLICANT

-VERSUS-

1. THE STATE OF ASSAM THROUGH THE ADDITIONAL CHIEF SECRETARY, GOVERNMENT OF ASSAM, Assam Secretariat, I-Block, 2nd Floor, Dispur, Guwahati, Assam- 781006. Email: [assam.acs.home@gmail.com](mailto:assam.acs.home@gmail.com);
2. District Commissioner and District Magistrate, District- Kamrup, Assam, Office of the District Commissioner, Near DC Office Road, Kamrup, Amingaon, Assam, Pin: 781031, E: [dc-kamrup@nic.in](mailto:dc-kamrup@nic.in);
3. Assam State Pollution Control Board, through its Member Secretary located at Bamunimaidam, Guwahati - 781021, Assam, E: [membersecretary@pcbassam.org](mailto:membersecretary@pcbassam.org);

4. M/s JAI Brick Industry, through its proprietor, Mijanur Rahman, Village- Baguriguri, P.O.- Malibari Pather Bazar, Boko, South Bank, Kamrup (R), Assam- 783129.

...RESPONDENTS

-AND-

1. DR. ARUP KR. MISRA, THE CHAIRMAN, STATE POLLUTION CONTROL BOARD, ASSAM, at Bamunimaidam, Guwahati, PIN: 781021, E: [chairman@pcbassam.org](mailto:chairman@pcbassam.org);
2. Ms. Mousumi Bardaloi, Additional Chief Environmental Engineer, Regional Office, South bank, Pollution Control Board, Assam, Bamunigaon- 781123, E: [ro\\_southbank@pcbassam.org](mailto:ro_southbank@pcbassam.org);

...SOUGHT TO BE ADDED/IMPLEADED AS RESPONDENTS

The Humble Petition/application on behalf of the Applicant most respectfully

SHEWETH:

1. The Applicant, Sri Dulal Bora, aged about 55 years, is a dedicated social worker and Right to Information (RTI) activist who has committed his life to the service of environmental protection and public welfare. Having witnessed the rampant degradation of Assam's pristine environment due to unchecked industrial pollution and administrative corruption, the Applicant has taken upon himself the constitutional duty enshrined in Article 51A(g) to protect and improve the natural environment. As an RTI activist, the Applicant has extensively used the Right to Information Act, 2005, to expose environmental violations and hold public authorities accountable for their statutory duties.

Dulal Bora

2. The Applicant respectfully approaches this Hon'ble Tribunal seeking impleadment of necessary parties in the captioned Original Application No. 73/2025/EZ, which concerns grave violations of environmental laws and the systematic breakdown of environmental governance in the State of Assam.
3. The Applicant submits that he has filed the present Original Application in the nature of a Public Interest Litigation (Letter Petition) under the expanded conception of locus standi recognized by this Hon'ble Tribunal and the Hon'ble Supreme Court in environmental matters. The Applicant's standing to maintain this PIL derives not from any personal or proprietary interest in the subject matter, but from his genuine concern for environmental protection and his constitutional duty as a citizen to safeguard the environment for present and future generations. **As held in Indian Council for Enviro-Legal Action v. Union of India (1996) 3 SCC 212**, "...Voluntary bodies, like the petitioner, deserve encouragement wherever their actions are found to be in furtherance of public interest...", therefore, any person genuinely interested in environmental protection has the locus standi to approach courts and tribunals for enforcement of environmental laws, even without direct personal injury or pecuniary interest.
4. The Applicant respectfully submits that having spent considerable time investigating the illegal grant of environmental consents in Assam through RTI applications and field visits, the Applicant has uncovered a disturbing pattern of environmental violations that pose grave threats to public health, particularly of vulnerable populations including children, elderly persons, and residents of ecologically sensitive areas. The proximity of illegally established brick kilns to



schools, religious institutions, and water bodies has compelled the Applicant to seek judicial intervention to prevent irreversible environmental damage.

5. The Applicant further submits that as an RTI activist, he has painstakingly gathered evidence of environmental violations through systematic RTI applications filed with various public authorities. The responses received to these RTI applications have revealed shocking administrative lapses, deliberate violations of environmental norms, and attempts by inquiry committees to shield violating officers from accountability. The Applicant's expertise in using RTI as a tool for transparency and accountability has enabled him to uncover evidence that would otherwise remain hidden from public scrutiny, thereby serving the larger public interest in environmental protection.
6. The Applicant submits that his role as a social worker has brought him into direct contact with communities affected by environmental violations, particularly residents living near illegally established brick kilns who suffer from respiratory ailments, water contamination, and degradation of their living environment. The Applicant has witnessed firsthand the adverse health impacts on children attending schools located near brick kilns, the pollution of water sources used by rural communities, and the desecration of religious and cultural sites by industrial pollution. These experiences have strengthened his resolve to seek justice through legal means and ensure that environmental laws are enforced in their true spirit.
7. The Applicant respectfully submits that the present application represents the culmination of his extensive investigation into environmental violations in Assam and his commitment to ensuring

D. S. Barua

that public officials discharge their environmental responsibilities with honesty and competence. The Applicant seeks not personal gain or individual relief, but the vindication of fundamental environmental rights of all citizens and the establishment of effective deterrent mechanisms to prevent future violations. His approach to this Hon'ble Tribunal is motivated solely by public interest and the constitutional imperative of environmental protection enshrined in Articles 21, 48A, and 51A(g) of the Constitution of India.

8. The Applicant acknowledges with gratitude that vide the sagacious Order dated 29.04.2025, this Hon'ble Tribunal has already constituted a Fact Finding Committee and impleaded certain respondents, thereby recognizing the gravity of the environmental violations brought to its attention through the Applicant's diligent efforts. However, the Applicant respectfully submits that his extensive investigation through RTI applications and field verification has revealed that the environmental violations in question emanate from specific acts and omissions of identifiable public officials exercising statutory powers, whose personal accountability is essential for meaningful enforcement of environmental protection measures and prevention of future violations. The Applicant's commitment to environmental justice compels him to ensure that all responsible parties are brought before this Hon'ble Tribunal to face the consequences of their actions.
9. The Applicant submits that this Hon'ble Tribunal derives its jurisdiction to implead necessary parties from Section 18 of the National Green Tribunal Act, 2010, read with Rule 8 of the National Green Tribunal (Practices and Procedure) Rules, 2011, which empowers the Tribunal to add parties at any stage of proceedings to

Dr. Arun Kumar



ensure complete justice. The Applicant's standing to seek such impleadment in this application is reinforced by the constitutional imperative enshrined in Article 21, read with Articles 48A and 51A(g) of the Constitution of India, which mandates that all persons responsible for environmental degradation be held accountable, regardless of their official status or position. The Applicant's role as a Public Interest Litigant seeking environmental justice provides him with the necessary locus standi to request impleadment of all persons whose accountability is essential for effective adjudication.

10. That the Applicant respectfully submits that all persons who are likely to be affected by the outcome of proceedings or who have a role in the implementation of environmental laws must be made parties to ensure effective enforcement of environmental protection measures. Similarly, the Hon'ble Supreme Court of India in Civil Appeal no. 7108 of 2025 (@Special Leave Petition (C) no. 4307 of 2022) Sulthan Said Ibrahim -versus- Prakasan & Ors. Held that as per the doctrine of necessary parties, it mandates that persons without whom no effective decree can be passed or whose presence is necessary for complete adjudication must be impleaded as parties to the proceedings, and the Applicant's status as a PIL petitioner empowers him to seek such impleadment in the public interest.
11. The Applicant submits that the foundational principle established **in Indian Council for Enviro-Legal Action v. Union of India (1996) 3 SCC 212 emphasizes that environmental protection is a matter** of paramount public interest requiring strict accountability of all persons responsible for environmental degradation. This landmark judgment specifically recognizes the right of concerned citizens and social activists to approach courts and tribunals for environmental protection, even without direct personal injury,

Dinesh Bora

thereby establishing the Applicant's unqualified locus standi to maintain this application. The Hon'ble Supreme Court unequivocally declared that those who cause environmental harm must bear both the financial and legal consequences of their actions, establishing the polluter pays principle as a cornerstone of environmental jurisprudence that the Applicant seeks to vindicate through these proceedings.

12. That the applicant upon deriving knowledge that the CTE granted to the Brick Field is biased and against the criteria's incorporated by the MOEF & CC and CPCB, the applicant wrote a letter dated 1<sup>st</sup> April, 2025, seeking a RTI response / information about the Brick Industry. Wherein the applicant was served with a RTI response dated 3<sup>rd</sup> April, 2025.
13. That the response revealed an even more alarming and disturbing pattern of administrative incompetence and systemic corruption within the PCBA. While investigating complaints against M/s Jai Brick Industry, the Board's inquiry committee committed the inexcusable and embarrassing error of inspecting an entirely different entity, M/s JAI Enterprise, and proceeded to revoke its CTE upon discovering violations. This mistaken inspection, which should have been a source of deep embarrassment and institutional introspection for any competent administrative body, instead revealed the pervasive and endemic nature of illegal consents granted across the state.

**Copy of the RTI response letter from PCBA to Government of Assam dated 03.04.2025 regarding the inquiry findings is annexed herewith and marked with the letter "A-1".**

*Direet Baro*

14. That this serendipitous discovery of violations in the wrongly inspected unit establishes beyond doubt that the systematic grant of illegal environmental consents is not an isolated incident or administrative aberration but represents a pattern of corruption, negligence, and institutional failure that pervades the entire functioning of the PCBA. The fact that even a randomly selected unit was found to be in violation of environmental norms indicates that the Board's verification and compliance mechanisms have completely collapsed under the current leadership, resulting in wholesale violations of environmental law across Assam.
15. That upon receiving the said RTI reply dated 3<sup>rd</sup> April, 2025, the applicant after comparing the CTE memo number being (to M/s JAI Enterprise CTE No. PCBA/SBCH/T-433/2024-25/97 dtd. 30.09.2024), referred in the RTI dated 3<sup>rd</sup> April, 2025, came to an understanding that the said findings recorded in the RTI reply dated 3<sup>rd</sup> April, 2025, recorded the CTE memo / reference number for a different Brick Industry with the same name being "Jai Enterprise". Whereas, the CTE memo number of JSI Brick Industry is CTE No. PCBA/BONG/T-1352/24-25/222.

Thus, the applicant was compelled to lodge another RTI dated 10<sup>th</sup> April, 2025, and based on the said complaint filed by the applicant with the Pollution Control Board, Assam, regarding these egregious and systematic violations, the Board was compelled to constitute an inquiry committee to investigate the matter. However, the committee's findings, as revealed through RTI response dated 11.06.2025, demonstrate a calculated, systematic, and unconscionable attempt to shield Ms. Mousumi Bardaloi from accountability while deflecting entire blame onto M/s Jai Brick Industry through spurious, legally untenable, and factually baseless

*D. S. Baral*

arguments that reveal the institutional capture of the regulatory mechanism.

**Copy of the RTI response dated 11.06.2025 from the Pollution Control Board, Assam containing the inquiry committee's findings is annexed herewith and marked with the letter "A-2".**

16. That the inquiry committee's findings falsely and maliciously claim that "the unit provided misleading information regarding distances during the application process," thereby attempting to absolve the consenting officer of her statutory responsibilities through this legally and factually untenable subterfuge. This finding exposes the committee's fundamental ignorance of the legal framework governing consent procedures and represents a deliberate misrepresentation of statutory duties designed to protect the violating officer from lawful consequences. Under the established principles of environmental law, administrative practice, and judicial precedents, the consenting authority cannot and must not rely solely on self-reported information from applicants but is statutorily and constitutionally mandated to conduct independent verification through physical site inspection, accurate distance measurement using appropriate surveying instruments, and comprehensive environmental assessment.
17. That the committee's recommendation that "the Board may either serve a show cause notice or withdraw the CTE of M/s Jai Brick Industry" demonstrates a callous, casual, and unconscionable approach toward grave environmental violations and constitutes an inexcusable attempt to provide face-saving options to the violating officer. This recommendation betrays a fundamental misunderstanding of the mandatory, non-discretionary, and urgent

*D. Anil Kumar*

nature of environmental compliance under the precautionary principle established in environmental jurisprudence. Environmental violations cannot be treated as mere procedural irregularities subject to optional corrective measures but demand immediate cessation of harmful activities, exemplary punishment of responsible officers, and deterrent action to prevent future violations.

18. The Applicant respectfully submits that Ms. Mousumi Bardaloi, Additional Chief Environmental Engineer, Pollution Control Board, Assam, must be impleaded as a necessary party in her personal capacity, being the specific officer who wielded delegated statutory authority to grant the impugned Consent to Establish (CTE) dated 05.08.2024 to M/s Jai Brick Industry in flagrant violation of mandatory environmental norms prescribed under GSR 143(E) dated 22.02.2022. That the public officials who exercise statutory powers in contravention of law forfeit the shield of official immunity and become personally liable for their ultra vires actions. The delegation of power creates responsibility, not immunity, and cannot provide sanctuary against accountability for willful violations of environmental law.

19. The Applicant further submits that personal impleadment of Ms. Mousumi Bardaloi is mandated by the non-delegable nature of statutory duties under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. These provisions cast an inescapable statutory obligation upon the consenting authority to verify compliance with environmental norms through independent investigation and site inspection before granting consent. Her dereliction of this fundamental statutory duty constitutes personal

*Dinesh Barua*

misconduct that transcends institutional boundaries and cannot be excused as mere administrative oversight. That the public officials who act in deliberate violation of statutory duties lose the protective cloak of official capacity and become personally answerable for their transgressions.

20. The Applicant submits that Dr. Arup Kr. Misra, Chairman, Pollution Control Board, Assam, must be impleaded as a necessary party in his personal capacity under the immutable doctrine of "delegatus non potest delegare", which establishes that while authority may be delegated, responsibility remains eternally with the delegator.

The seminal decision of the Hon'ble Supreme Court in *State of Rajasthan v Vidhyawati*, (AIR 1962 SC 933) was one of the earliest decisions on the issue of state liability for the tortious acts of public servants after the Constitution came into force. In this case, a government servant negligently drove a government vehicle and injured a pedestrian, who later succumbed to his injuries. The Supreme Court followed the decision of Peacock C.J. in *P & O Steam Navigation Co.* to hold that the Government of Rajasthan would be liable for the tortious acts of its servants like any other private employer. The Supreme Court also observed that "...there is no justification, in principle, or in public interest, that the State should not be held liable vicariously for tortious acts of its servant...". This principle by holding that acts, omissions, and decisions of a delegatee are deemed in law to be acts, omissions, and decisions of the delegator himself. Consequently, every illegal act perpetrated by Ms. Mousumi Bardaloi under delegated authority is legally attributable to and indistinguishable from personal acts of Dr. Arup Kr. Misra as the delegating authority.

D. Misra



21. The Applicant respectfully submits that the administrative heads from claiming immunity from personal liability for systematic violations occurring under their stewardship merely by professing ignorance of specific decisions. Dr. Arup Kr. Misra, having consciously delegated consent-granting powers to subordinate officers, remains irrevocably bound by personal responsibility for ensuring that such delegated powers are exercised in strict conformity with law. His failure to establish adequate safeguards, monitoring mechanisms, and corrective protocols renders him personally culpable for the cascade of violations that have occurred under his administrative aegis.
22. The Applicant submits that Ms. Mousumi Bardaloi, having been entrusted with the solemn responsibility of granting environmental consents, became personally and inescapably bound to comply with all environmental laws and cannot seek refuge in the false plea that her violations were institutional rather than personal in nature.
23. The Applicant respectfully invokes the doctrine of command responsibility, which establishes that supervisory officials bear personal and non-delegable responsibility for systematic violations by subordinates when they fail to prevent, investigate, or remedy such violations. Dr. Arup Kr. Misra's conspicuous failure to take meaningful corrective action despite receiving public complaints about illegal consents constitutes willful enablement of continued violations, rendering him personally liable as an accomplice in environmental crimes.
24. The Applicant further submits that under the egalitarian principles of Article 14 of the Constitution of India, public officials who exercise statutory powers arbitrarily and in blatant violation of established norms act beyond the pale of their lawful authority and consequently

Dr. Arup Kr. Misra

forfeit any claim to official immunity. As when public officials act mala fide or in clear contravention of statutory provisions, they transgress the boundaries of their official duties and become personally liable for the consequences of their unauthorized actions.

25. The Applicant submits that personal capacity impleadment is not merely procedurally convenient but constitutionally imperative because institutional impleadment alone would fail to address the individual accountability required for meaningful deterrence and sustained compliance with environmental laws. Environmental violations demand personal consequences for responsible officers to ensure that environmental protection is treated with the gravity and urgency it deserves. As environmental protection requires unwavering accountability of all persons responsible for violations, encompassing individual officers who facilitate such violations through their conscious decisions and deliberate omissions.
26. The Applicant further submits that under the Prevention of Corruption Act, 1988, public officials who abuse their official position for considerations other than lawful discharge of statutory duties become personally liable for criminal prosecution and civil consequences. The systematic grant of illegal environmental consents, particularly when patterns suggest considerations extraneous to environmental protection, creates strong prima facie evidence of potential corruption that can only be meaningfully addressed through personal accountability of the officers involved. Institutional immunity cannot and must not serve as an impermeable shield protecting individual officers from the consequences of their corrupt, negligent, or willfully illegal actions.
27. The Applicant submits that personal impleadment is mandated by the foundational principle that environmental violations require

Doneal Daze

individual accountability to ensure meaningful deterrence and sustained compliance with environmental norms. The practice of allowing wrongdoers to escape personal consequences by hiding behind institutional facades fundamentally undermines the rule of law and encourages continued violations. Environmental protection demands that all persons responsible for violations be held personally accountable, creating both deterrent effect and compensatory remedies for affected populations.

28. The Applicant further submits that Ms. Mousumi Bardaloi granted consent in flagrant violation of mandatory siting criteria prescribed under environmental law, she acted wholly beyond her lawful authority and became personally liable for all consequences flowing from her illegal action, including environmental damage, health impacts, and violation of fundamental rights.
29. The Applicant respectfully submits that the effectiveness and credibility of environmental law enforcement depends fundamentally upon the personal accountability of decision-makers whose choices determine environmental outcomes. If officers who grant illegal consents can seek immunity behind institutional walls, environmental laws become mere paper tigers devoid of deterrent effect or meaningful protection. The impleadment of Ms. Mousumi Bardaloi and Dr. Arup Kr. Misra in their personal capacity is essential to ensure that they face direct and personal consequences for their violations and to establish a powerful deterrent against future violations by similarly situated officers.
30. The Applicant submits that the procedural foundation for personal impleadment finds expression in Order 1 Rule 10 of the Code of Civil Procedure, 1908, which is applicable to proceedings before this Hon'ble Tribunal by virtue of Section 20 of the National Green

D. L. Bardaloi

Tribunal Act, 2010. This provision empowers the Tribunal to implead necessary parties at any stage of proceedings to ensure complete justice and effective enforcement. The personal impleadment of the responsible officers is indispensable to prevent multiplicity of proceedings and ensure that any orders passed by this Hon'ble Tribunal can be effectively enforced against the individuals whose decisions created the violations in question.

31. The Applicant submits that effective enforcement of environmental laws requires comprehensive accountability of all persons responsible for violations, and the exclusion of key officials who granted illegal consents would render any relief granted by this Hon'ble Tribunal fundamentally incomplete and practically ineffective, inevitably leading to continued violations and multiplicity of proceedings. Personal impleadment ensures that the responsible officers are directly and personally bound by any orders passed by this Hon'ble Tribunal and cannot subsequently claim that institutional orders do not apply to them personally or attempt to escape compliance through transfers, retirements, or changes in official position.
32. That until and unless the prayer for addition of party is being allowed by the Hon'ble Tribunal by incorporating the present applicants as respondent nos. 5 & 6 your applicants would be seriously prejudiced and as such they may be added as party respondents in the instant original application.
33. That this application is made Bonafide for the ends of justice.

In the circumstances aforesaid, the Applicant most humbly prays that this

*D. S. Bhat*

Hon'ble Tribunal may graciously be pleased to:

- a) Allow the present Interlocutory Application and direct impleadment of the following as necessary parties to Original Application No. 73/2025/EZ in their personal capacity:
  - i. Ms. Mousumi Bardaloi, Additional Chief Environmental Engineer, Pollution Control Board, Assam, in her personal capacity;
  - ii. Dr. Arup Kr. Misra, Chairman, Pollution Control Board, Assam, in his personal capacity and;
  - iii. Any other person or authority that this Hon'ble Tribunal may deem necessary for complete and effectual adjudication of the matter;
- b) Direct the newly impleaded respondents to file their personal response/counter-affidavit within such time frame as this Hon'ble Tribunal may deem appropriate;
- c) Award costs;

*Dr. Arup Kr. Misra*

**19**

- d) Pass any other order or direction that this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interest of environmental justice;

And your Applicant, as in duty bound shall ever pray for the protection of environment and public welfare.

*D. S. B. B.*

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## VERIFICATION

I, Sri Dulal Bora, aged about 55 years, son of Late Deben Bora, resident of House No. 118, Rajib Gandhi Path, Kainadhara Tiniali, Khanapara, Guwahati, Assam, Pin-781022, do hereby solemnly verify that the contents of paragraphs 1 to 33 of the above Interlocutory Application are true to my knowledge and belief derived from records, documents, and legal research, and nothing material has been concealed therefrom.

Verified at Guwahati on this 14 day of July, 2025.



DEPONENT

Place: Guwahati

Date: 14 July, 2025

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Sl. No. 942  
Date 14-7-2025

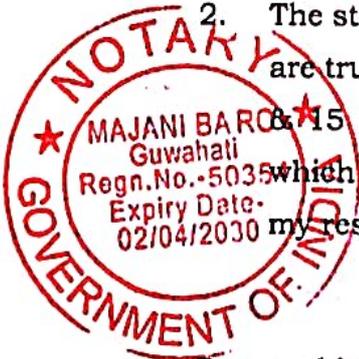


AFFIDAVIT

I, Sri Dulal Bora, aged about 55 years, son of Late Deben Bora, resident of House No. 118, Rajib Gandhi Path, Kainadhara Tiniali, Khanapara, Guwahati, Assam, Pin-781022, do hereby solemnly affirm and state as follows:

1. That I am Petitioner/Applicant herein and therefore I am well conversant with the facts of the aforesaid case and competent and authorised to affirm this affidavit.

2. The statements made in paragraphs 1 to 33 of the foregoing petition are true to my knowledge and those contained in paragraph nos. 13 & 15 are matters of record and information derived from record, which are believed to be true and correct, and the rest thereof are my respectful submissions before this Hon'ble Court.



Prepared in my Office  
Ghanshyam Pandey  
Ghanshyam Pandey  
Advocate

*Dulal Bora*

Deponent  
Identified by me

*Ghanshyam N. Tandi*  
Advocate EMB 226/04-05.

Before Me

Notary Public

*M. Baro*  
NOTARY  
MAJANI BARO  
Guwahati  
Regn.No.-50354  
Govt of India

14 JUL 2025



**Pollution Control Board:: Assam**  
**Bamunimaidan; Guwahati-21**  
 (Department of Environment & Forests:: Government of Assam)  
 Phone: 0361-2652774 & 2550258; Fax: 0361-2550259  
 Website: [www.pcbassam.org](http://www.pcbassam.org)



No. TECH-14012/19/2025-CCA-PCBA

Dated Guwahati, the 03rd April, 2025

To,

The Joint Secretary to the Govt. of Assam  
 Environment and Forest Department  
 Dispur, Guwahati-06.

Sub: Allegation received from Sri Dulal Bora vide No. D.B.053-1-25(D) regarding cancelation of permission of Brick Kiln Industry in Vill.: Boitamari in Kamrup (R).  
 Ref: Ecf No. E-623375/3 dtd. 01.03.2025.

Sir,

With reference to the subject and letter under reference, as cited above, please find herewith the Enquiry Report on JAI Enterprise, Vill.: Batiamari, P.O.: Malibari Pathar Bazar, Dist.: Kamrup, Assam-781136 which is self-explanatory. However, it is pertinent to inform that Consent to Establish issued to the unit earlier has already been withdrawn.

Yours sincerely,

Signed by  
 Gokul Bhuyan  
 Date: ~~03-04-2025 17:22:30~~  
~~Member Secretary~~

Memo No. TECH-14012/19/2025-CCA-PCBA

Dated Guwahati, the 03rd April, 2025

Copy to:

1. Sri Dulal Bora, S/o Late Deben Bora, Rajib Gandhi Path, Kainadhara Tiniali, Khanapara, Guwahati- 781022 for information.
2. P.A. to the Chairman for kind appraisal of the Hon'ble Chairman, PCBA.

(E-signed)  
Member Secretary

## Enquiry Report on M/s JAI Enterprise

An enquiry was carried out on CTE granted to M/s JAI Enterprise (CTE No. PCBA/SBCH/T-433/2024-25/97 dtd. 30.09.2024), Jakir Hussain, Partner located at Vill.: Batiamari, P.O.: Malibari Pathar Bazar, Dist.: Kamrup, Assam-781136 as per Office Order No. ESTT-36/19/2025-HRA-PCBA/4 dtd. 17.03.2025 and No. ESTT-36/19/2025-HRA-PCBA / 7 dtd. 28.03.2025.

The Consent to Establish (CTE) was accorded to the unit only for regularizing the unit since it was seen that the unit had already carried on with construction work of the unit before the CTE was granted by the Board. For this matter, CTE penalty of 100% was levied on the unit.

The applicant submitted the CTE application along with an Affidavit based on which the Board had granted the said CTE.

The affidavit submitted by M/s JAI Enterprise stated that:

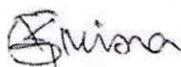
- a. "The distance of the site from the nearest house and or fruit orchards is 300 metres".
- b. "The distance of the site from the nearest brick kiln is 1 Km and the name of the nearest brick kiln is BSI Brick Industry".
- c. "The distance of the site from the worship places, public building, schools and hospitals is 6 Km and school 500 metre".

However, in response to a public complaint received against the said unit, verification of various siting criteria was carried out by the officials of this Board. And found that the distances mentioned in the Affidavit are not true and hence not as per the required criteria for establishment of such type of industry. The Affidavit was found to be containing some false information which misled the Officials of the Board.

In view of the above, the CTE order No. PCBA/SBCH/T-433/2024-25/97 dtd. 30.09.2024 issued to M/s JAI Enterprise has been withdrawn vide No. TECH-14014/2/2024-CCA-PCBA I/1813/2025 dtd. 12/03/2025 on the following grounds:

- i) **As per Sl. No. 4 (b) of the said CTE order dtd. 30.09.2024 - Obtaining the CTE by misrepresentation or failure to disclose fully all relevant facts;**
- ii) **As per Sl. No. 4 (c) of the said CTE order dtd. 30.09.2024 - Genuine complaint received.**

The above report is compiled on the available records with the office and report of Regional Office, South Bank Kamrup.



(G.K. Misra)  
Chief Env. Scientist



(M.M. Bora)  
Addl. Chief Env. Engineer



# Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্ৰদূষণ নিয়ন্ত্ৰণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



LIFE

Lifestyle for Environment

No. PCBA/G-232/25-26/24

Dated Guwahati, the 11<sup>th</sup> June, 2025

To,

Sri Dulal Bora,  
S/o Late Deben Bora  
House No. 118  
Rajib Gandhi Path  
Kainadhara Tiniali  
Khanapara, Guwahati-781022  
Dist- Kamrup (M) (Assam)  
E-Mail: [associatesdbpa@gmail.com](mailto:associatesdbpa@gmail.com)

**Sub: Information sought under RTI Act, 2005.**

**Ref: Your RTI No.-D.B.-7292/25/(D) dtd. 10<sup>th</sup> April, 2025 transfered from Environment, Forest & Climate Change Department, Govt. of Assam.**

Sir,

In inviting reference to the above stated RTI application, the information available is furnished below:-

Reply to Query No. 1) Attached as Appendix-I  
Reply to Query No. 2) Attached as Appendix-II  
Reply to Query No. 3) Not applicable

With Regards,

*Saukai*

SPIO cum Manager (HR&Admin.)  
PCBA, Head Office

Dated Guwahati, the 11<sup>th</sup> June, 2025

*Encl. As stated.*

Memo No. PCBA/G-232/25-26/24-A

Copy to:

1. Joint Secretary to the Govt. of Assam, Environment, Forest & Climate Change Department,  
E-Mail : [environmentforestassam@gmail.com](mailto:environmentforestassam@gmail.com)
2. Member Secretary, PCBA for favour of kind information.
3. P.A. to the Chairman for kind appraisal of the Hon'ble Chairman.

SPIO cum Manager (HR&Admin.)  
PCBA, Head Office

Head Office : Bamunimaidam, Guwahati - 781021, Assam : India.

Phone : 0361-2652774 & 2550258; Website : [www.pcbassam.org](http://www.pcbassam.org); E-mail : [membersecretary@pcbassam.org](mailto:membersecretary@pcbassam.org)  
Regional Offices at : Dibrugarh, Golaghat, Sivasagar, Tezpur, Guwahati, Kamrup, Bongaigaon, Nagaon, Silchar, Tinsukia & South-Bank (Chaygaon).



# Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্রদূষণ নিয়ন্ত্রণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



LIFE  
Lifestyle for  
Environment

RTI-12/10/2025-CCA-PCBA

Dated Guwahati, the 17<sup>th</sup> May, 2025

## ORDER

APPENDIX - I

A committee is hereby constituted to enquire the matter related to the allegation received from Sri Dulal Bora vide No.D.B.057-2-25(D) with the following Officials of the Board:

1. Dr. Gautam Krishna Mishra, Chief Environmental Scientist.
2. Er. M.M.Bora, Addl. Chief Environmental Engineer and
3. Sri Kulen Talukdar, Sr. Env. Engineer

The Committee shall submit report within 10 days from the date of issue of this order.

Digitally signed by  
Gokul Bhuyan  
Date: 17-05-2025  
17:43:41

**Member Secretary**

Dated Guwahati, the 17<sup>th</sup> May, 2025

Memo. RTI-12/10/2025-CCA-PCBA-A

Copy to:

1. Dr.Gautam Krishna Mishra, Chief Environmental Scientist. A copy of the letter as stated in the order is enclosed.
2. Er.M.M.Bora, Addl. Chief Environmental Engineer. A copy of the letter as stated in the order is enclosed.
3. Sri Kulen Talukdar, Sr. Env. Engineer. A copy of the letter as stated in the order is enclosed.
4. P.A to the Chairman, PCBA for kind appraisal of the Hon'ble Chairman.
5. Office order file for record.

e-signed  
Member Secretary

HeadOffice: Bamunimaidam, Guwahati-781021, Assam: India.

Phone: 0361-2652774 & 2550258; Website: www.pcbassam.org; E-mail: membersecretary@pcbassam.org

Regional Offices at: Dibrugarh, Golaghat, Sivasagar, Tezpur, Guwahati, Kamrup, Bongaigaon, Nagaon & Silchar.

APPENDIX - II**Report of the Enquiry Committee formed vide Office order No. RTI-12/10/2025-CCA-PCBA dtd. 17/05/2025**

The Allegation letter No. D.B 057-2-25(D) dt. 03/03/2025 was perused by the Board. Accordingly an enquiry committee was formed vide office order No. RTI-12/10/2025-CCA-PCBA dtd. 17/05/2025 and following steps were undertaken:

- a) A site inspection was conducted by the Enquiry Committee on 24/05/2025 of the concerned unit i.e M/s JAI Brick Industry located at Vill: Bogoriguri, Batiamari, Circle-Chamaria, Kamrup and inspection report was submitted on 26/05/2025.
- b) The related documents submitted by the applicant along with the information, report and documents submitted by the Regional Office- South Bank in connection with the Consent to Establish (CTE) application of M/s JAI Brick Industry were also examined.

Following observations are made:-

- i) The Notarized Affidavit submitted by applicant Mizanur Rahman stated that the nearest Brick Kiln is at a distance of 0.9 Kms (900 meters) approx and the nearest house/ fruit orchard is 0.3 Km (300 meters).
- ii) As per inspection report of Regional Office- South Bank, distances are as follows: "North: Vacant land village road at 830 meter and residential house, South: Vacant land and a few residential houses at 250 meter and village road at 345 meter, East: Vacant land and village road at 450 meter and West: Vacant land and village road at 230 meter and vacant land"
- iii) Public hearing was conducted and the public had consented to the establishment of the unit.
- iv) The Regional Authority, South Bank, PCBA forwarded the application to Head Office for grant of Consent to Establish (CTE) without any adverse remark.
- v) As per inspection report submitted by the Enquiry committee consisting of Sri Gautam Krishna Misra, CES and Sri Kulen Talukdar, SEE it is stated that:-  
 "Distance of public residence in west side of brick unit is 100 meters (approx) and other side it will be more than 300 meters"  
 "The distance of the nearest brick M/s BSI from M/s JAI Brick is 570 meters (approx)"  
 "Distance of Religious place (mosque) from the M/s JAI Brick unit is 150 meters (approx)"  
 "Distance of Batiamari L.P School from the M/s JAI Brick unit is 310 meters (approx)"  
 "Whole area surrounding of the said M/s JAI Brick at Vill: Bogoriguri is covered with well growing paddy cultivation"

From the above, it is tantamount that the report submitted by Regional Office- South Bank, PCBA did not reflect the true locational details of the Brick kiln.

However, it is observed that the Consent to Establish (CTE) was granted by the Zonal Authority headed by Engineer Mousumi Bardalai, Addl Chief Env. Engineer, based on :-

- a) The reports of Regional Office- South Bank, PCBA and the documents submitted by the applicant including affidavit regarding the locations of nearest brick unit and village, along with NOC from Gaon Pradhan Bogoriguri village, Secretary and President 53 no. Bogoriguri Gram Panchayat, Public Hearing minutes .

Contd...p/2

-2-

b) Notarized Affidavit submitted by applicant Mizanur Rahman, owner of M/s JAI Brick Industry.

As per The Notaries Act, 1952, a Notarized Affidavit is considered as a legal document and considered to be true. But as per the fact finding inspection report submitted by Enquiry Committee comprising of Sri Gautam Krishna Misra, Chief Environmental Scientist and Sri Kulen Talukdar, Senior Environmental Engineer, the Regional Office- South Bank, PCBA failed to submit factual report of the Brick unit. Also, the applicant of the Brick unit Mizanur Rahman submitted a misleading affidavit. The above mentioned facts led to granting of Consent to Establish by Zonal Authority of Zone-IV, PCBA.

In view of the above facts and circumstances, the Enquiry Committee hereby concludes that :-

- i) Since the said brick unit did not satisfy the MoEF&CC Notification No GSR 143 (E) dtd. 22/02/2022 and furnished false information, the CTE order may be withdrawn as per clause no. 4(b) 'Obtaining the CTE by misrepresentation or failure to disclose fully all relevant facts' which is stated in the CTE order granted vide order No. PCBA/BONG/T-1352/24-25/222 dtd 5<sup>th</sup> August, 2024 to M/s JAI Brick Industry, which is based on Section 38 (g) of Air Act, 1981. Therefore the unit is punishable for making a false statement which may attract penal action against the unit. In view of this, the unit may be 'Show caused' or Board may withdraw the CTE.
- ii) The Regional Office- South Bank had forwarded misleading information to the Zonal Authority. Therefore Regional Office- South Bank may be warned to forward only verified and true locational details along with proper technical facts of any unit and also not to mislead the Board in future.



Dr. G.K Misra

Chief Env. Scientist



Er. M.M. Bora

Addl. Chief Env. Engineer



Er. Kulen Talukdar

Senior Env. Engineer