

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

Original Application No. 148/2025/EZ

RAKHINI MIPI

.....APPLICANT

Versus

STATE OF ARUNACHAL PRADESH & ORS.

.....RESPONDENTS

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Dated: Shillong
12.03.2026

Filed by:



Mr. Gary R. Majaw,
Legal Assistant,
Ministry of Environment, Forest & Climate Change,
Regional Office, Shillong.

On Behalf of: Shri D. N. Ray,
Counsel for Respondent No. 2 & 3

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No. 148/2025/EZ**

IN THE MATTER OF:

RAKHINI MIPI

.....APPLICANT

Versus

STATE OF ARUNACHAL PRADESH & ORS.

.....RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF UNION OF INDIA, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (RESPONDENT NO. 2 & 3)

MOST RESPECTFULLY SHOWETH:

I, Shri Pee Lee Ete, aged about 43 years, presently working as Deputy Inspector General of Forest in the Ministry of Environment, Forest and Climate Change, Regional Office, Shillong, do hereby solemnly affirm and state as under:

1. That I am the Respondent No. 2 & 3 in the above-mentioned Original Application and am well acquainted with the facts of the case based on official records. I am competent and duly authorised to swear this affidavit.



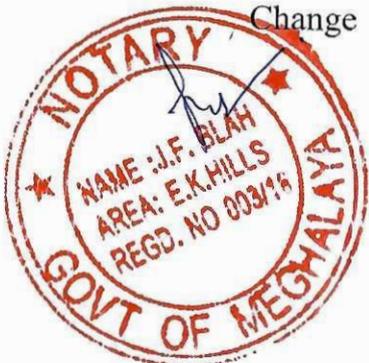
उप वन महानिरीक्षक (केंद्रीय)/
Deputy Inspector General of Forests (Central)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, शिलांग / Regional Office

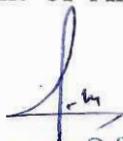
SL/Instrument No. 66
Date: 12/3/26

2. That the averments made in the Original Application, in so far as they relate to Respondent No 2 & 3, are denied except those which are specifically admitted herein.

STATEMENT OF FACTS:

3. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.
4. It is humbly submitted that prior approval of the Central Government under Section 2(1)ii of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 {Formerly known as the Forest (Conservation) Act, 1980} is required for carrying out any non-forestry activity on forest land. The violation of the aforesaid provisions would attract the penal provisions of 3A and 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
5. It is humbly submitted that the Ministry of Environment, Forest and Climate Change received a proposal from the Government of Arunachal Pradesh




 उप वन महानिरीक्षक (केंद्रीय)/
 Deputy Inspector General of Forests (Central)
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 Ministry of Environment, Forest and Climate Change
 क्षेत्रीय कार्यालय, शिलांग / Regional Office, Shillong

seeking prior approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 5056.5 ha of forest land in favour of M/s NHPC Ltd. for construction of Diban Multipurpose Project (3000 MW) on Dibang River in Lower Dibang Valley district of Arunachal Pradesh.

6. It is humbly submitted that the said proposal was examined in the Ministry and was placed before the Advisory Committee constituted under Section 3 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Based on the recommendations of the Advisory Committee and the approval of the competent authority, the Ministry accorded the Stage-I approval with conditions vide letter dated 15.04.2015 to the proposal for diversion of 4577.84(originally proposed 5056.5 ha.) of forest land in favour of M/s NHPC Ltd. for construction of Diban Multipurpose Project (3000 MW) on Dibang River in Lower Dibang Valley district of Arunachal Pradesh.(True Copy of the Stage I Approval is annexed as “**Annexure R1**”).
7. That, after receipt of the compliance report on the conditions of the Stage I Approval from the State Government, the Ministry accorded the Stage-II approval vide letter dated 12.03.2020. (True Copy of the Stage II Approval is annexed as “**Annexure R2**”).
8. It is humbly submitted that one of the conditions of the Stage II Approval is as follows:




 उप वन महानिरीक्षक (केंद्रीय)/
 Deputy Inspector General of Forests (Central)
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 Ministry of Environment, Forest and Climate Change
 कार्यालय, शिलांग / Regional Office

*

“xvii. The State Govt. ensure that the State Forest Department shall implement approved plan for muck disposal and dumping area for muck disposal. In addition, the State Govt. and the user agency shall ensure to stabilize and reclaim by planting suitable species at the project cost under the supervision of State Forest Department. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;”

9. It is humbly submitted that the Hon'ble NGT vide its order dated 22.08.2025 in the instant matter observed and directed as follows:

“5. From the perusal of the contents of the Application along with the evidence cited by us above, we find that prima facie case impacting environment is made out and hence we admit this Application and deem it appropriate to constitute a Committee comprising one member each of :-

- i) Ministry of Environment, Forest and Climate Change.*
- ii) The Principal Conservator of Forests and HoFF, Department of Environment, Forest and Climate Change, Govt. of Arunachal Pradesh; and*
- iii) The Arunachal Pradesh State Pollution Control Board*

6. The Arunachal Pradesh State Pollution Control Board shall be the Nodal Agency.

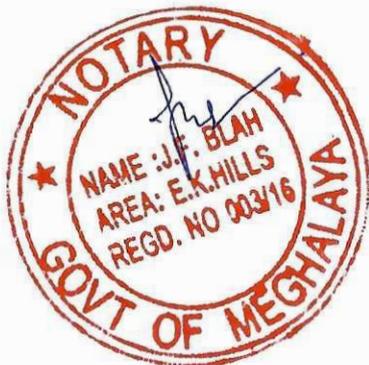
7. The said Committee shall visit the site and submit a Fact Finding Report in the light of the allegations made in the Original Application within a period of one month.”

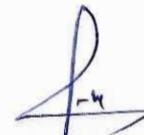


उप वन महानिरीक्षक (केंद्रीय)/
Deputy Inspector General of Forests (Central)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
राज्य कार्यालय, शिलांग / Regional Office

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10. That in compliance of the aforesaid matter, the Ministry vide letter dated 03.10.2025 appointed the Deputy Director General of Regional Office Shillong to be a representative of MoEF&CC in the aforesaid committee.
11. It is humbly submitted that the Joint Committee Report was filed in the Hon'ble NGT by the Arunachal Pradesh State Pollution Control Board on 24.10.2025. (True copy of the Joint Committee Report is annexed as "Annexure R3").
12. That, the Joint Committee as per the directions of this Hon'ble Tribunal, has verified the allegations on ground and submitted a detailed report responding to all the allegations raised by the applicant.
13. It is humbly submitted that the execution of the project and ground-level compliance rests with the State authorities and the User Agency. Further, compliance of the conditions stipulated in the approval granted under the Adhiniyam is required to be continuously monitored and ensured by the State Government and the user agency during the construction as well as operational phases of the project. The State Government and the user agency are duty-bound to ensure that none of the approval conditions, on the basis of which diversion of forest land has been permitted, are violated by the User Agency at any stage of project implementation.




उप वन महानिरीक्षक (केंद्रीय)/
Deputy Inspector General of Forests (Central)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
कार्यालय, शिलांग / Regional Office



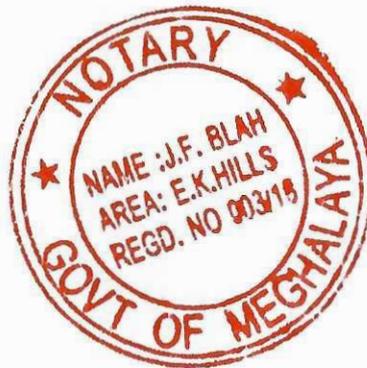
14. That the Answering Respondent craves leave to file additional documents or information, if necessary, pendente lite.
15. That, this Hon'ble Tribunal may pass appropriate orders as it may deem fit in the interest of justice.

Identified by:

(Miss. Ana A Sangma)
Advocate, Shillong
Enrollment No. 0527 of 2018

DEPONENT

उप वन महानिरीक्षक (केंद्रीय)
Deputy Inspector General of Forests (Central)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, शिलांग / Regional Office



SOLEMNLY AFFIRMED BEFORE ME THIS 24/3/24 ON 24/3/24 THE DEPONENT IS IDENTIFIED BY A.A. Sangma
I CERTIFY THAT THE CONTENTS OF THE AFFIDAVIT
ARE READ ORDER AND EXPLAINED TO THE
DEPONENT WHO VERIFIED THE SAME BEFORE ME

NOTARY
East Khasi Hills District
Government of Meghalaya

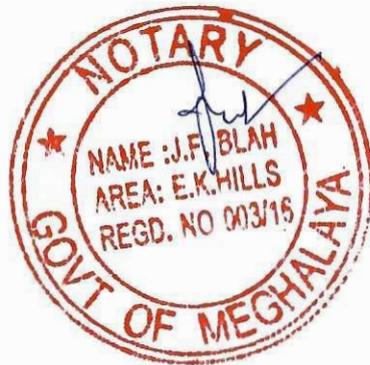
VERIFICATION

I, the Deponent above named, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge and belief derived from official records, and that nothing material has been concealed there from.

Verified at Shillong on this the 12th day of March, 2026.

**VERIFICANT**

उप वन महानिरीक्षक (केंद्रीय)/
Deputy Inspector General of Forests (Central)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, शिलांग / Regional Office



F. No. 8-85/2011-FC
 Government of India
 Ministry of Environment, Forests & Climate Change
 (Forest Conservation Division)

Indira Paryavaran Bhawan,
 Jor Bagh Road, Aliganj,
 New Delhi - 110003.
 Dated: 15th April, 2015.

To

Principal Secretary (Forests),
 Government of Arunachal Pradesh,
 Itanagar.

Sub: Diversion of 4577.84 ha (originally proposed 5056.5 ha) of forest land in favour of M/s NHPC Limited for construction of Dibang Multipurpose Project (3000 MW) on Dibang River in Lower Dibang valley District of Arunachal Pradesh.

Sir,

I am directed to refer to the Govt. of Arunachal Pradesh's letter no. FOR.10-44/Cons./2003/Vol.V/4030/36 dated 05th August, 2014 and no. FOR. 10-44/Cons/2003/Vol-VI/347-50 dated 27th February, 2015 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

2. After careful examination of the proposal of the State Government, on the basis of the recommendations of the Forest Advisory Committee and after examination of information, as was sought by the Ministry on the recommendation of the FAC, received from the State Government vide its letter dated 27.02.2015, the Central Government hereby conveys the 'in-principle' approval for diversion of 4577.84 ha (originally proposed 5056.5 ha) of forest land in favour of M/s NHPC Limited for construction of Dibang Multipurpose Project (3000 MW) on Dibang River in Lower Dibang valley District of Arunachal Pradesh subject to fulfilment of the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over degraded forest land, twice in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) A revised CA scheme has to be submitted after fresh identification of the land, if required, along with the DGPS maps of the identified CA land, land suitability certificate from competent authority and recommendation of the Regional Office after site inspection;

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- (iv) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (v) In case CA land is identified in Unclassed State Forest or Community Forest land, the same should be mutated and transferred to the State Forest Department. Such mutated land will be declared as RF/PF under Indian Forest act/local forest act or AFR/VFR under local Forest Act within 6 months from the date of issue of Stage-II;
- (vi) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- (vii) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- (viii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (ix) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (x) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xi) No labour camp shall be established on the forest land;
- (xii) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xiii) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xiv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xvi) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xvii) No damage to the flora and fauna of the adjoining area shall be caused;

- (xviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xix) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- (xx) The user agency shall set up Ecological Monitoring Unit to monitor the impact of the project on flora and fauna of the area;
- (xxi) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees shall be felled under strict supervision of the State Forest Department;
- (xxii) The user agency shall undertake afforestation along the periphery of the reservoir and canals (as applicable);
- (xxiii) Detailed CAT plan prepared/ to be prepared as part of Environment Management Plan in the process of seeking Environment Clearance shall be submitted and cost of implementation of the CAT plan will be deposited with Ad-hoc in CAMPA;
- (xxiv) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 and 05th February, 2013, in support thereof, if not done so far;
- (xxv) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- (xxvi) The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;
- (xxvii) The User agency shall consult organization(s) having experience in construction of roads in hilly areas to avoid frequent road blockade due to landslides etc. and shall provide breast walls and retaining walls wherever necessary;
- (xxviii) The State Government and the user agency shall ensure that the tress available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xxix) The user agency shall provide free water for the forestry related projects;

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- (xxx) User agency will contribute towards implementation of Wild Life Management Plan of Mahao Wildlife Sanctuary. In case management plan for the sanctuary is not ready or State Government intends to review the Management plan after assessing the likely impact of the project on this sanctuary the user agency will contribute towards preparation and implementation of Wild Life Management Plan;
- (xxxii) A Zonal Wildlife conservation plan to be prepared and implemented by the State Government at the project cost. In case State Government intends to take up critical species Conservation programme the user agency will bear the cost of the programme;
- (xxxiii) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly;
- (xxxiiii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxv) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Till receipt of the said final/Stage-II approval of the Central Government from this Ministry, transfer of the said forest land to the User Agency shall not be affected by the State Government.

Yours faithfully,



(B.K. Singh)
Director (FC)

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Arunachal Pradesh, Itanagar.
2. The Nodal Officer, O/o the PCCF, Government of Arunachal Pradesh, Itanagar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office, Shillong.
4. User Agency: General Manager, NHPC Ltd., Dibang Multipurpose Project, Roing-792 110, Lower Dibang Valley District, Arunachal Pradesh. .
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.



(B.K. Singh)
Director (FC)

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi – 110003
Dated: 12th March, 2020

To,

The Principal Secretary (Forests),
Department of Environment & Forests,
Government of Arunachal Pradesh,
Itanagar.

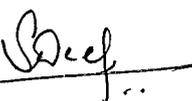
Sub: Diversion of 4577.84 ha (originally proposed 5056.5 ha) of forest land in favour of M/s NHPC Limited for construction of Dibang Multipurpose Project (2880 MW originally proposed 3000 MW) on Dibang River in Lower Dibang valley District of Arunachal Pradesh.

Sir,

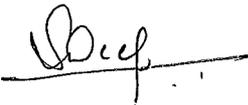
I am directed to refer to the Govt. of Arunachal Pradesh's letter No. FOR.10-44/Cons./2003/Vol.V/4030/36 dated 05.08.2014 on the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful consideration of the proposal by the Forest Advisory Committee (FAC), *In-principle/Stage-I* approval was granted vide this Ministry's letter of even number dated 15.04.2015 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the PCCF & Nodal Officer(FCA), Govt. of Arunachal Pradesh's letters No. FOR.10-44/Cons./2003/Vol-IV/2027-29 dated 20.09.2019 and No. FOR.10-44/Cons./2003/Vol-IV/06-08 dated 06.01.2020 and the reports of Regional Office, Shillong as received vide their letters No. 8-85/2011-FC/430 dated 13.04.2018 and No. 8-85/2011-FC/3816 dated 13.02.2020, *Stage-II/Final approval* of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 4577.84 ha (originally proposed 5056.5 ha) of forest land in favour of M/s NHPC Ltd for construction of Dibang Multipurpose Project (2880 MW originally proposed 3000 MW) on Dibang River in Lower Dibang valley District of Arunachal Pradesh. subject to following conditions:

- i Legal status of the diverted forest land shall remain unchanged;
- ii Compensatory afforestation(CA) over identified degraded forest land, twice in extent to the forest land shall be taken up as per approved plan/scheme by the Forest Department from the funds received from the user agency within a period of three years with effect from the date of issue of approval, and maintained thereafter in accordance with the approved Plan.The CA land shall be mutated and notified as as RF/PF under Indian Forest Act 1927, with in six months of Stage II approval.
- iii The User Agency shall pay the additional amount of NPV, if so determined, as per the

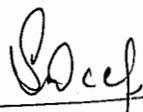

12.03.2020

- final decision of the Hon'ble Supreme Court of India;
- iv The State Govt. ensure that the User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - v The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land and the user agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
 - vi The State Govt. shall ensure that the boundary of the mining lease and safety zone shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS co-ordinates;
 - vii The State Govt. and the user agency shall ensure that the layout plan of the mining plan/proposal shall not be changed without the prior approval of the Central Government;
 - viii The State Govt. and the user agency shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;
 - ix The State Govt. and the user agency shall ensure that the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 - x The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
 - xi The State Govt. and the user agency shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 - xii The State Govt. shall ensure that the State Forest Department will implement the approved plan/scheme to create and maintain alternate habitat/home for the avifauna, from the funds deposited by the user agency in CAMPA account;
 - xiii The State Govt. and the user agency shall ensure to constitute Ecological Monitoring Unit to monitor the impact of the project on flora and fauna of the area and furnish a copy of constitution order to this Ministry for record.
 - xiv The State Govt. and the user agency shall ensure to implement the approved plan/scheme for afforestation along the periphery of the reservoir and canals (as applicable).
 - xv The State Govt. shall ensure that the State Forest Department will implement the approved CAT plan, Wild Life Management Plan of Mahao Wildlife Sanctuary and Zonal Wildlife Conservation Plan from the funds deposited by the user agency in CAMPA account.
 - xvi The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.


12-03-2020

- xvii The State Govt. ensure that the State Forest Department shall implement approved plan for muck disposal and dumping area for muck disposal. In addition, the State Govt. and the user agency shall ensure to stabilize and reclaim by planting suitable species at the project cost under the supervision of State Forest Department. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;
- xviii The State Govt. shall ensure that the User agency shall construct road/path, if any, in consultation with organization(s) having experience in construction of roads in hilly areas to avoid frequent road blockade due to landslides etc. and shall provide breast walls and retaining walls wherever necessary;
- xix The State Government and the user agency shall ensure that the trees available between full reservoir level (FRL) and FRL—4 meters are not felled;
- xx The user agency shall provide free water for the forestry related projects;
- xxi The State Govt. and the user agency shall ensure that the annual self - compliance report in respect of the above conditions shall be submitted to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
- xxii The State Govt. and the user agency shall ensure that any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and
- xxiii The State Govt. and the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,


 (Sandeep Sharma) 12.03.2022

Assistant Inspector General of Forests

Copy to:

1. The PCCF(HoFF), Government of Arunachal Pradesh, Itanagar.
2. The Nodal Officer(FCA), O/o the PCCF(HoFF), Govt. of Arunachal Pradesh, Itanagar.
3. The Dy. Director General (Central), Regional Office, Shillong.
4. User Agency
5. Monitoring Cell of FC division, MoEF&CC, New Delhi.
6. Guard file.

COMMITTEE REPORT

(In the matter of OA No. 148/2025/EZ Rakhini Mipi versus State of Arunachal Pradesh & Ors.)

1. Introduction: NHPC Limited is India's largest organization for hydropower development, with comprehensive capabilities encompassing the entire project lifecycle — from conceptualization to commissioning of hydroelectric projects. The company was conferred Navratna status in August 2024, reflecting its operational excellence and financial strength.

The 2880 MW Dibang Multipurpose Project, being implemented by NHPC Limited, is India's largest hydropower project. It is a hydropower-cum-flood moderation scheme located near village Munli in the Lower Dibang Valley District of Arunachal Pradesh. The Ministry of Power, vide letter dated 27 February 2023, conveyed investment approval for the implementation of the Project by NHPC Limited at an estimated cost of ₹31,876.39 crore (May 2021 price level). This includes a Government of India grant of ₹6,159.40 crore towards the flood moderation component and ₹556.15 crore for enabling infrastructure such as roads and bridges. The Project is scheduled to be completed within 108 months from the date of sanction by the Government of India.

The Project envisages the construction of a 278 m high concrete dam across the Dibang River, with a Full Reservoir Level (FRL) of 530.30 m and a net operating head of 222.50 m. The powerhouse, with an installed capacity of 2880 MW (comprising 12 units of 240 MW each), will generate an estimated 11,223 million units (MU) of energy at the bus bar during the 90% dependable year.

Water from the reservoir will be conveyed to the underground powerhouse through six horseshoe-shaped, concrete-lined headrace tunnels, each 9.0 m in diameter and 300 to 600 m in length. Each tunnel is designed to carry a discharge of 239.0 cubic metres per second (cumec). At the downstream end of each tunnel, a 7.5 m diameter steel-lined vertical pressure shaft, 184.8 m in height, has been provided to feed the turbines operating under an average net head of 222.5 m.

In addition to power generation, the reservoir will provide significant flood moderation benefits to downstream areas. During the monsoon period, the reservoir will be maintained 40.10 m below FRL, allowing it to absorb excess inflows and mitigate flood peaks. The backwater in the reservoir will extend up to 41 km along the Dibang River and its tributaries. This flood moderation function is expected to reduce erosion, prevent crop damage, and save substantial public expenditure on flood control measures. The project layout in sketch and well as in Google Map is placed at **Plate No. 1 & 2**.

2. Background: Original Application (O.A.) No. 148/2025/EZ was filed in the Hon'ble National Green Tribunal, Eastern Zone, Kolkata by Rakhini Mipi against State of Arunachal Pradesh & Ors. on 15.07.2025. NHPC Ltd. has been made respondent No. 10 in the OA. The OA has been filed with the prayer that a direction may be issued to the Respondent No. 10, NHPC Limited to ensure compliance of the approval granted as Stage 1 and final approval.

- The Tribunal vide Order dated 22.08.2025 constituted a Committee comprising one member each of: Ministry of Environment, Forest and Climate Change; The Principal Conservator of Forests and HoFF, Department of Environment, Forest and Climate Change, Govt. of Arunachal Pradesh; and Arunachal Pradesh State Pollution Control Board (APSPCB). The APSPCB has been made the Nodal Agency.
- Further, the Tribunal has directed that the said Committee shall visit the site and submit a Fact-Finding Report in the light of the allegations made in the Original Application.
- In pursuance of the direction of the Hon'ble NGT, APSPCB vide letter No. APSPCB/2/2025/1983-87 dated 29/09/2025 issued an Order constituting a Fact-Finding Committee comprising of following members:
 1. Representative of Regional Officer, IRO, Shillong, Meghalaya.
 2. Shri Millo Tasser, CF (WP), Namsai, Namsai district.
 3. Shri R. Kimsing, A.E.E., A.P. State Pollution Control Board, Naharlagun

Subsequently, the MoEF&CC, Government of India, directed the Deputy Director General of Forests (C) vide No. FC-7/38/2025-FC dated 03/10/2025 to comply with the Order and be a member of the Committee. Accordingly, vide No.SO/GHY/OA/148/EZ/387-90 dated 06/10/2025, the DDGF (C) nominated Shri Pee Lee Ete, IFS, DIGF (Central), Regional Office, MoEFCC, Shillong, Meghalaya.

Furthermore, the APSPCB issued a notice on 09.10.2025 for carrying out the site inspection of 2880 MW Dibang Multipurpose Project on 17.10.2025 for filing the report before the Hon'ble NGT.

Therefore, the above Fact-Finding Committee conducted the site inspection of Dibang Multipurpose Project on 17.10.2025. To understand and make objective observations and assessment of the nature and kinds of works as well as the veracity of allegations, the Committee visited as many locations/sites: *quarry areas, dumping sites, crushers, batching plants, labour colonies, STPs, Main Access Tunnel to Powerhouse, Adit to Diversion Tunnel inlet, Diversion tunnel outlet, bridge construction sites on right bank, road construction and bridge construction sites on left bank etc.*

3. Findings of Site Inspection:

Sl. No.	Allegation	Observations
1.	Non erection of Boundary Pillars around the diverted forest land.	<p>It was informed to the Committee by the field functionaries of the NHPC Ltd. and the DFO, Lower Dibang Valley Division that the work for boundary demarcation of diverted forest land and erection of RCC pillars has been entrusted by NHPC Ltd. to State Forest Department on deposit work basis, vide letter No. NH/DMP/Env/2023/68 dated 03.11.2023.</p> <p>Vide its letter No.FOR.10-44/Cons/2003/Vol-VII/4789-91 dated 7thNovember 2024, the Nodal Officer, FC communicated its permission for utilization of fund for execution of work/part work towards demarcation of diverted forest land by RCC pillars of 18000 rmt to the DFO, Dibang Forest Division.</p> <p>Accordingly, the DFO, Dibang Forest Division had commenced the work of erection of boundary pillars. The Committee visited the locations where the demarcation works are being done. In the first phase, demarcation works are being carried out in the quarry areas. So, erection of concrete pillars along the boundary of diverted forest land (quarry areas) is in progress, but as required, the serial number, forward and back bearing and distance from pillar to pillar are needed to be done.</p> <p>Photographs of the RCC pillars erected at site are placed at Plate 3-6.</p>
2.	Illegal tree felling by respondent No. 10 NHPC Ltd.	<p>The State Forest Department, Government of Arunachal Pradesh through the Nodal Officer, FC vide its letter No. FOR.10-44/Con/2003/Vol-VII/4051-53 dated 27thSeptember, 2024 had communicated to the DFO, Dibang Division to request the User Agency to deposit the requisite amount for carrying out the tree extraction cost. The work for felling of trees and extraction of Project Affected Trees has been awarded by NHPC to State Forest Department on deposit work basis vide letter No.NH/DMP/Env/2024/65 dated 26.12.2024.</p> <p>Thereafter, vide its letter No.FOR.433/Cons/1986/Vol-III/Pt-II/2066-67 dated 30thJune 2025, the Nodal Officer, FC communicated its permission for utilization of fund for extraction of timber against the diversion of forest land for construction of roads to the DFO, Dibang Forest Division.</p> <p>Accordingly, the DFO, Dibang Forest Division had commenced the work of tree extraction and the same is being undertaken in a phased-wise manner, starting with roads, facility areas, quarry areas, dumping sites etc.</p>

Sl. No.	Allegation	Observations
3.	<p>Dumping not done over the designated dumping sites as per Muck Disposal Plan. No retaining wall constructed. Muck is directly being dumped into riverbed area which is narrowing the river path.</p>	<p>Photos of the extraction of timber placed at Plate 6 (a, b, c & d)</p> <p>During the site visit, it was observed that the muck generated from excavation activities from project components, tunnels, adits, road construction etc. is being disposed off at designated locations. Some quantity of muck is being reused as construction material, construction of coffer dam for bridge works and for creating construction facility areas.</p> <p>To control the spilling over of muck, protection structures such as crate walls, gabion walls etc. are being simultaneously erected. However, it has been suggested to the Implementing Agency that suitable concrete wall below the dumped muck, along with gabion/wire crates be provided before the muck is dumped to provide better stability to the protection structures, and once the dumping at a particular site is completed, the site needs to be suitably restored by providing various engineering and phyto-remedial measures, as proposed in the Muck Disposal Plan approved by MOEF&CC, GoI, must also be carried out thereafter.</p> <p>Photographs placed at Plate No. 7-14.</p> <p>In respect of the construction of bridge, particularly, pier, the Project proponent/Implementing agency informed the Committee that the construction of a temporary cofferdam made from muck material is a technical necessity for initiating the bridge foundation works of the bridge piers located within the active river channel. As per the approved structural design, the bridge foundation is to be constructed up to Elevation (EL) 277. Considering the hydrological conditions of the river, the normal water level during the lean season is observed at EL 280.900, which increases to approximately EL 284.500 during the monsoon period, resulting in a water level variation of about 7.5 meters from the working level. To facilitate safe and dry working conditions for excavation and concrete activities below the water level, a cofferdam is necessary to be constructed around the pier location. The enclosed area inside the cofferdam is dewatered using controlled pumping, enabling safe and dry execution of bridge foundation and concrete activities.</p> <p>A simplified schematic representation of the bridge and cofferdam is placed at Plate No 15 to Plate No 19 for clarity:</p> <p>The NHPC assured the Committee that upon completion of the foundation activities, the entire cofferdam will be completely dismantled and material removed, and the excavated muck material will be disposed of at the designated muck dumping site. After removal of muck, the cofferdam area will be restored to its original natural condition to ensure that no obstruction or alteration remains in the river flow path. Additionally, slope protection and stabilization</p>

Sl. No.	Allegation	Observations
		<p>measures where necessary will be carried out as per attached drawing at Plate No 20. Photographs showing the construction of coffer dam along with Bridge foundation works are placed at Plate No. to Plate No 21-22.</p> <p>A 6 km road (PR 6) is being constructed on the right bank of Ashupani Nalla, which is a tributary of river Dibang. It has been alleged in the OA through photographs (OA Annexure A2 page No.25 to 28) that the debris and construction material has accumulated in riverbed area, which is narrowing the river path. However, during site inspection, narrowing of river path was not observed. Nevertheless, the terrain being steep is naturally prone to landslides/ slope failure. Retaining walls are being constructed along the hill side to check landslides due to road cutting.</p> <p>The User agency informed the Committee that the debris observed near the confluence of Ashupani nallah and Dibang river is due to construction of cofferdam and a platform for yet another bridge, being constructed on Ashupani Nalla, which is a part of construction activities, and that the debris shall be suitably taken care of after completion/erection of Bridge pier and platform.</p> <p>In the entire stretch of the road, 3 dumping sites have been designated. Gabion walls/ wire crates have been provided on the dumping sites to protect spillage of debris into the river course.</p> <p>Photographs placed at Plate 23-29.</p>
4.	No proper disposal of plastic, domestic sewage and solid waste.	<p>With respect to the allegation of no proper disposal of plastic, domestic sewage and solid waste, the Committee inspected the sanitary facilities constructed/installed in the labour camps and site offices.</p> <p>The Committee observed that to streamline the wastes collection and their processing to the point of disposal, colour coding of collecting/Waste Bins for different types of wastes has also been done. Wastes are collected and transported to the designated waste disposal area of the Department of Urban Development & Housing, Roing, Lower Dibang Valley district.</p> <p>To treat the sewage generated at labour camps/ base camp of the contractors, Sewage Treatment Plants (STPs) of capacities 110 KLD and 50 KLD have also been installed by L&T Ltd and GR Infra project Ltd., respectively. It was observed that the treated water is being used for sprinkling on roads to arrest dust emissions due to vehicular movement.</p> <p>Photographs placed at Plate 30-53.</p>
5.	Contamination of drainage watercourses and impact of land by	No such issue was observed. The contractors involved in construction works are getting the water testing of the potable water, river stretch at Upstream and Downstream of Diversion Tunnel, outlet of sedimentation tank, STP outlet etc. done through

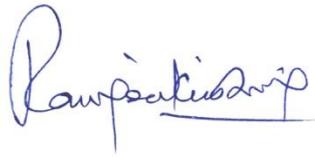
Sl. No.	Allegation	Observations
	improper disposition of construction and demolition waste.	recognised laboratory, periodically. Test results were observed to be within the permissible limits.
6.	Crusher plant operating in plan area without any precautionary measures, polluting the entire area, Mixture plants operate without any dust arrester, no wind breaking wall to prevent Air Pollution, Stone Crusher plants required to obtain consent from the Pollution board respectively	<p>To control air pollution, necessary precautionary measures like deployment of water sprinkling Tankers and installing dust arrester etc. have been undertaken.</p> <p>Ambient Air & Noise, Water Quality Monitoring at different project locations is being carried out periodically from time to time.</p> <p>Photographs placed at Plate 54-61.</p> <p>However, inadequacy of other pollution control measures has been observed at the following units as below:</p> <p>I. M/s L & T construction limited (stone crusher) at Dambuk</p> <ol style="list-style-type: none"> 1. Display board is not displayed at the entrance of the unit. 2. Temporary wind breaking wall is provided along the periphery of unit which was observed damaged. 3. Plantation not done around the periphery of the unit. 4. Provision is not made for covering the raw material in unloading area into hopper. 5. Primary Crushing/ Jaw Crusher area is not completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. Secondary crushing, screening, tertiary crushing and conveyor belts are not enclosed. 6. Provision is not made for covering of stockpiles of aggregates of 5 mm size or less to ensure that same is not carried away (or whipped out) by wind. 7. Vehicles carrying any kind of material during transportation of raw materials/finished products are not covered. 8. Regular wetting of roads within the unit premises should be done to suppress dust within the premises to control dust emission re-suspension. 9. Photographs placed at Plate 62-63. <p>II. M/s Dibang Power (Lot 4) consortium (Stone crusher), Aka Aya fan belt area, Dambuk</p> <ol style="list-style-type: none"> 1. Display board is not displayed at the entrance of the unit. 2. Wind breaking wall is not provided along the periphery of unit. 3. Plantation not done around the periphery of the unit. 4. Provision is not made for covering the raw material in unloading area into hopper. 5. Primary Crushing/ Jaw Crusher area is not completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. Secondary crushing,

Sl. No.	Allegation	Observations
		<p>screening, tertiary crushing and conveyor belts are not enclosed.</p> <p>6. Provision is not made for covering of stockpiles of aggregates of 5 mm size or less to ensure that same is not carried away (or whipped out) by wind.</p> <p>7. Vehicles carrying any kind of material during transportation of raw materials/finished products are not covered.</p> <p>8. Regular wetting of roads within the unit premises should be done to suppress dust within the premises to control dust emission re-suspension.</p> <p>9. Photograph placed at Plate 64.</p> <p>III. M/s M/s Dibang Power (Lot 4) consortium (batching plants) at Iluli downstream area, Punjabi camp, Munli village, Dambuk</p> <p>1. Two units were found established; for one unit, prior Consent to establish from Arunachal Pradesh State Pollution Control Board obtained; but no consent obtained for the other, though that unit was not operational.</p> <p>2. Photograph placed at Plate 65.</p> <p>IV. M/s Drengo construction (Batching plant) at Mithun gate area, Dambuk</p> <p>1. Two units were found established; for one-unit, prior Consent to establish from Arunachal Pradesh State Pollution Control Board obtained; but no consent obtained for the other, though that unit was not operational.</p> <p>2. Photograph placed at Plate 66.</p>

Conclusion

1. The NHPC Ltd. and its concessionaires shall ensure that the protection walls, retaining walls, other engineering and phyto-remedial measures are inevitably as well as immediately provided or taken up to avoid any sort of spillage or dumping of muck into streams and/or the Dibang River, specifically, and that the Muck Disposal Plan is implemented in its entirety.
2. The State Forest Department, particularly, the Dibang Forest Division shall maintain a constant vigil of the activities and monitor that there are no violations of any kind as per the conditions stipulated in the Stage-I & Stage-II approval granted by the MoEF&CC, Government of India all through the construction phase.
3. The DFO, Dibang Forest Division to ensure that the timber extraction, including storage of extracted logs at timber depots, and subsequent auctioning of the logs/timber should be done as professionally and after following all the codal formalities.

4. Arunachal Pradesh State Pollution Control Board shall issue orders/directions under relevant Acts like Air (Prevention and control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 for necessary compliance by the stone crushers.
5. Arunachal Pradesh State Pollution Control Board shall issue orders/directions under relevant Acts like Air (Prevention and control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 for necessary compliance by the batching plant/ready mix concrete plant. Further, APSPCB shall ensure that these batching plant/ready mix concrete plants are operated with Consent to Establish and Consent to Operate from the Board.



Shri R. Kimsing, AEE(APSPCB)



Shri M. Tasser, CF (WP)



Shri Pee Lee Ete, IFS, DIGF (Central)

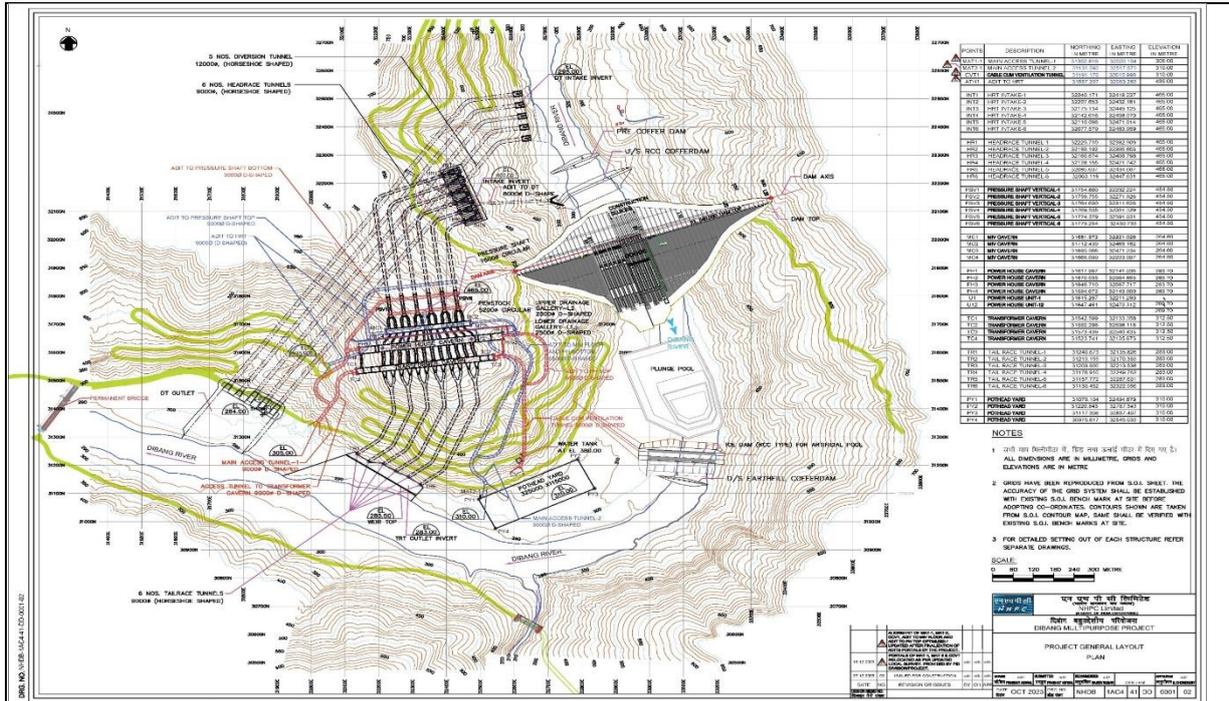


Plate No. 1 – Project Layout Sketch

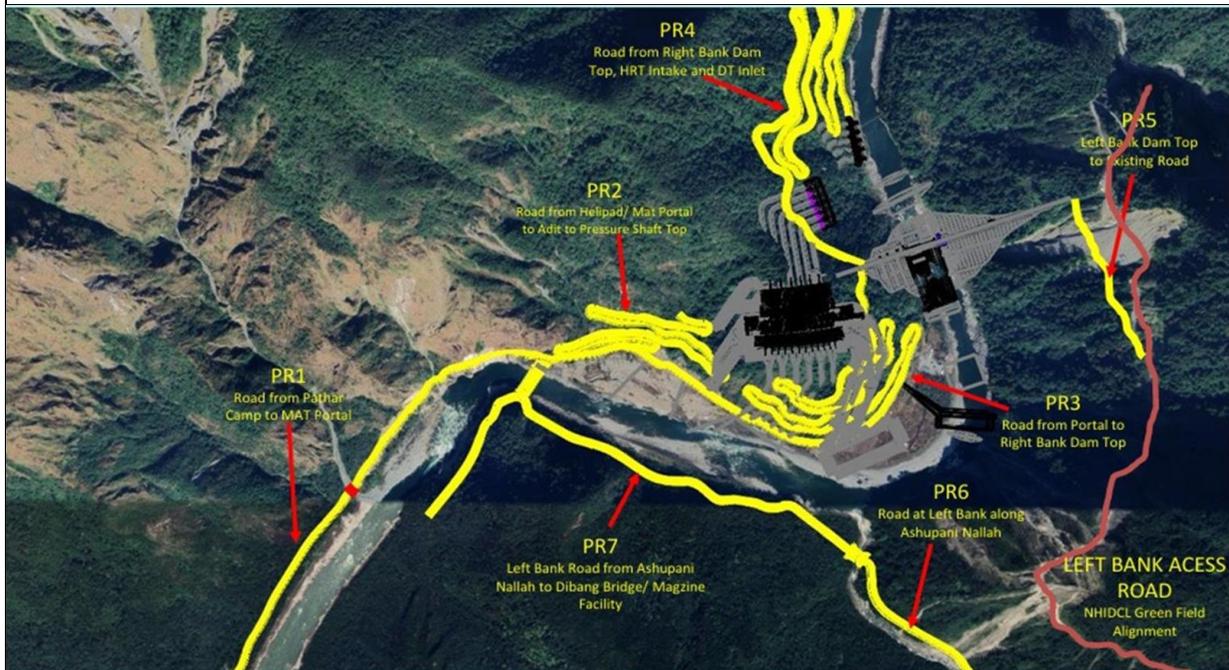


Plate No. 2– Project Layout Sketch in Google Map



Plate No. 3 – RCC Boundary Pillar in Quarry Area



Plate No. 4– RCC Boundary Pillar in Quarry Area



Plate No. 5– RCC Boundary Pillar in Quarry Area



Plate No. 6– RCC Boundary Pillar in Quarry Area

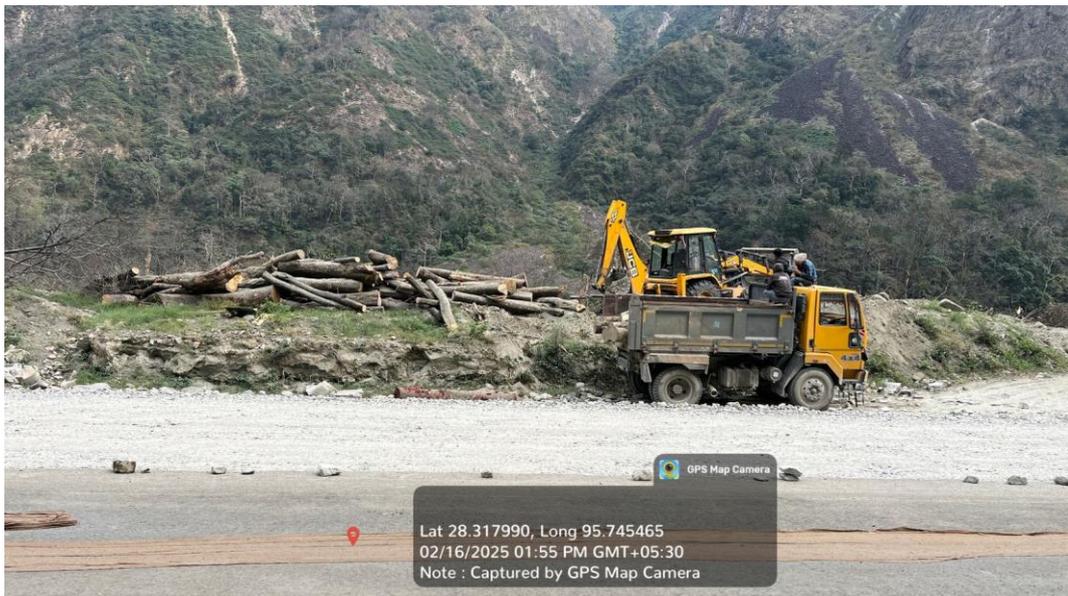


Plate No. 6 (a, b, c) – The extraction of timber from the diverted sites



Plate No. 6 (d) – The extraction of timber from the diverted sites



Plate No. 7 – Toe Protection work in Muck Dumping Area



Plate No. 8– Toe Protection work in Muck Dumping Area



Plate No. 9– Toe Protection work in Muck Dumping Area



Plate No. 10– Toe Protection work in Muck Dumping Area



Plate No. 11– Toe Protection work in Muck Dumping Area



Plate No. 12– Toe Protection work in Muck Dumping Area



Plate No. 13– Toe Protection work in Muck Dumping Area



Plate No. 14– Toe Protection work in Muck Dumping Area

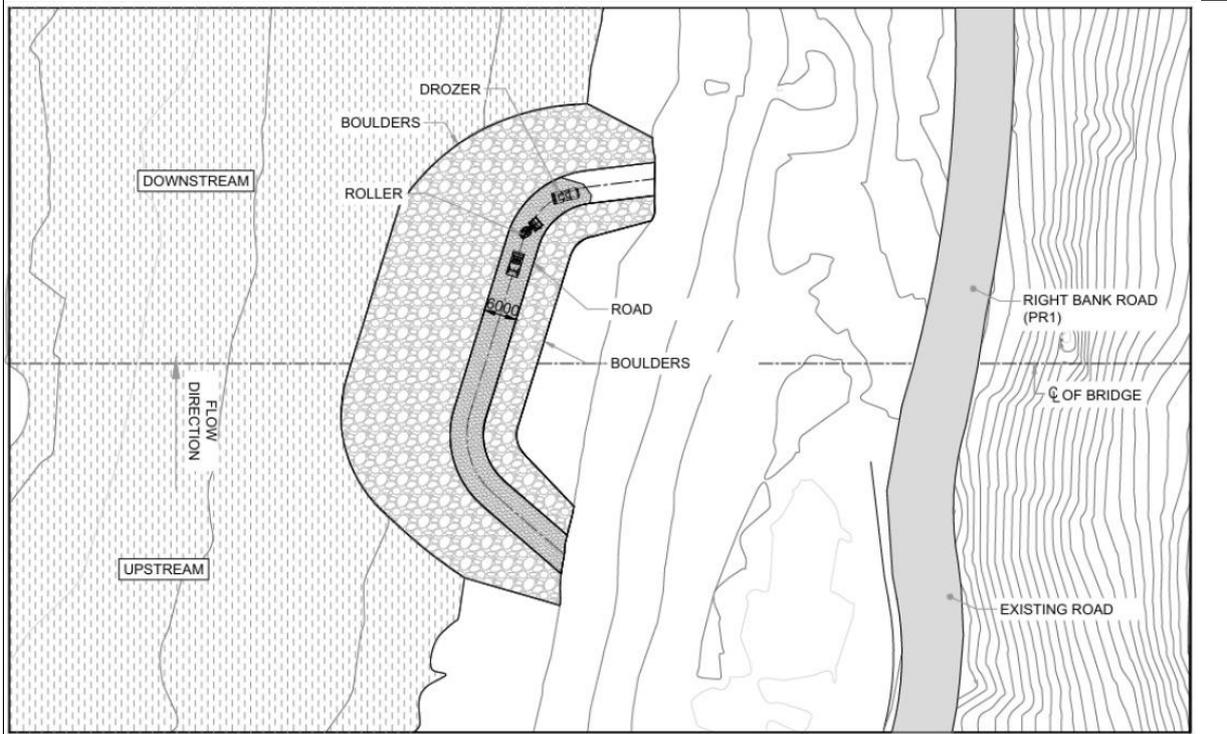
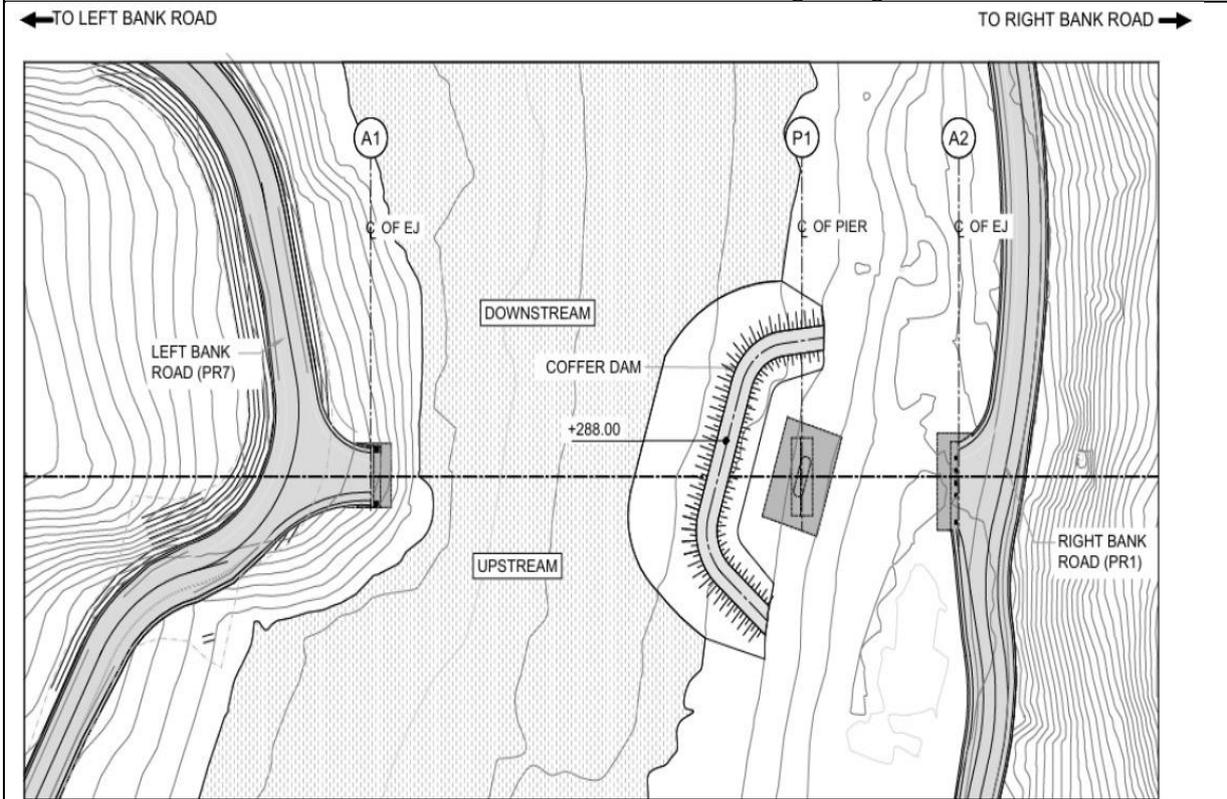


Plate No 18– Plan of Cofferdam for Dibang Bridge Pier



KEY PLAN

Plate No 19– Plan of Cofferdam for Dibang Bridge Pier

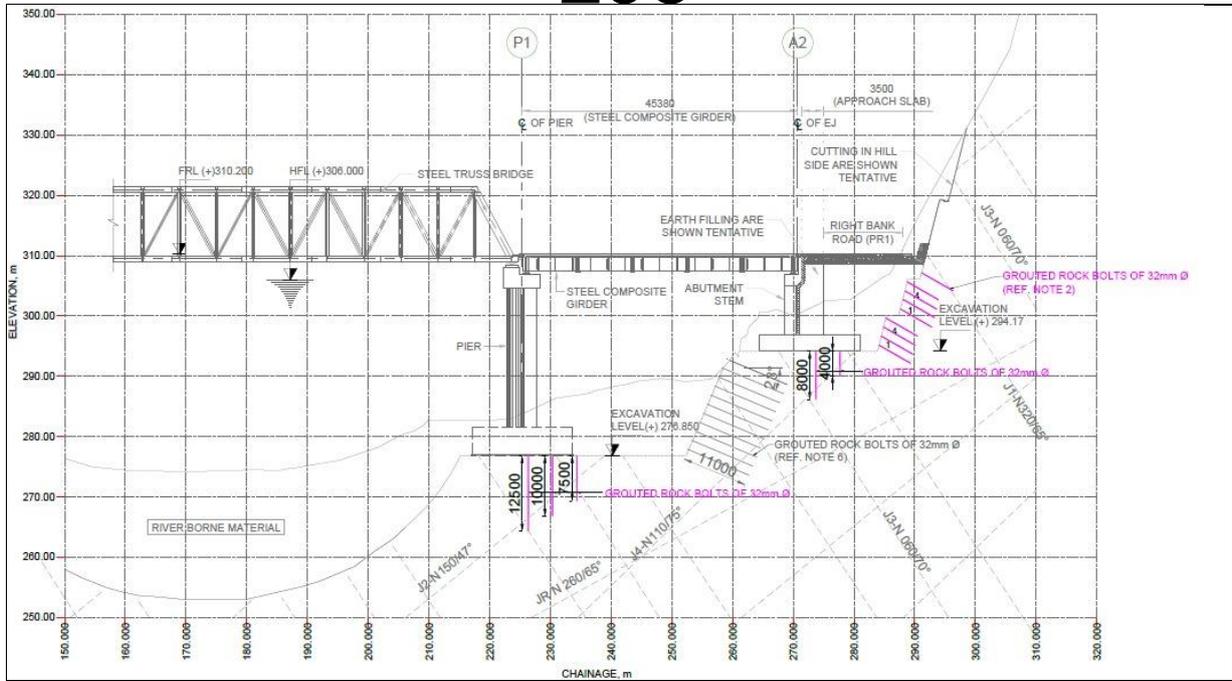


Plate No 20– Slope Protection and Stabilization measures at Dibang Bridge Pier after removal of cofferdam



Plate No. 21 – Photographs of Cofferd Dam Construction



Plate No. 22 Pier and Abutment Construction



Plate No. 23 – Retaining Wall on Project approach road



Plate No. 24– Retaining Gabion Wall on Project approach road



Plate No. 25– Toe Protection for Dumping Site



Plate No. 26– Toe Protection for Dumping Site



Plate No. 27– Toe Protection for Dumping Site



Plate No.28– Toe Protection for Dumping Site



Plate No.29 Slope Protection for Facility Area Construction



Plate No. 30 – Colour Coded Bins for Waste Management



Plate No. 31– Colour Coded Bins for Waste Management at Labour Camp



Plate No. 32– Colour Coded Bins for Waste Management at Labour Camp



Plate No. 33 – Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No. 34– Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No. 35– Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No. 36– Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No. 37– Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No.38– Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No.39– Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No. 40– Waste Collection & Transportation through Department of Urban Development & Housing, Roing

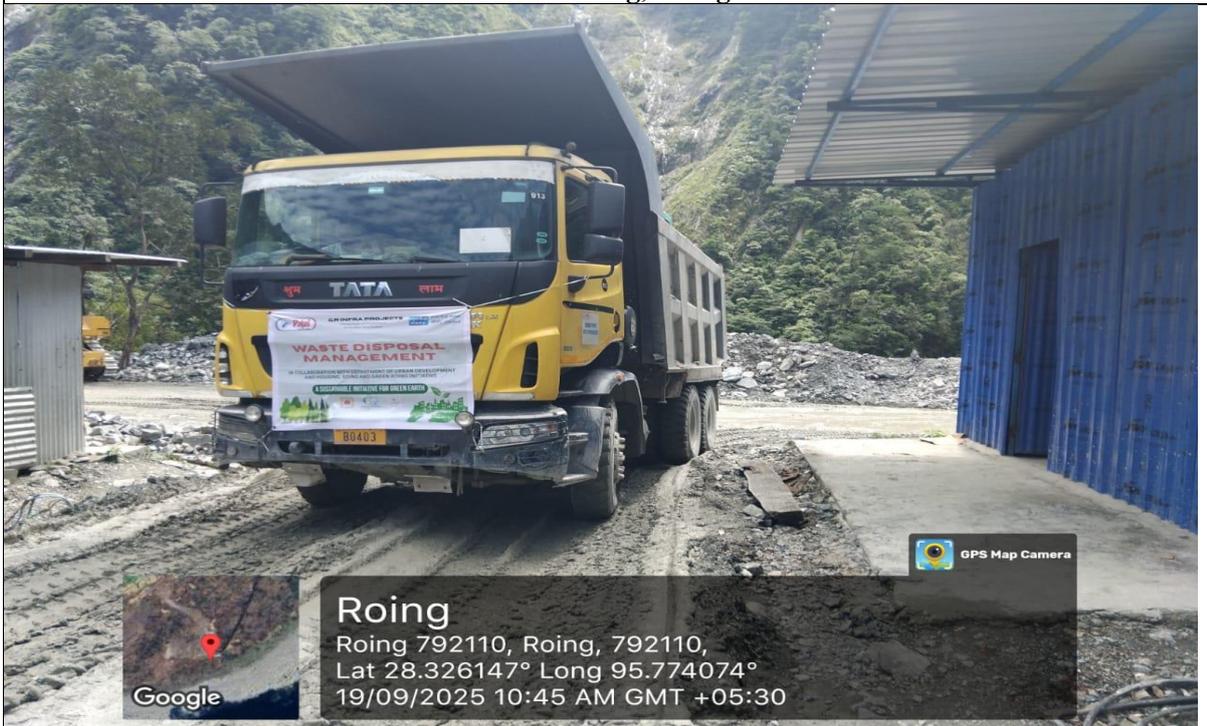


Plate No. 41– Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No. 42– Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No. 43– Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No. 44– Waste Collection & Transportation through Department of Urban Development & Housing, Roing



Plate No. 45 – 110 KLD Sewage Treatment Plant at Site



Plate No. 46– 110 KLD Sewage Treatment Plant at Site



Latitude: 28.192064
 Longitude: 95.640635
 Elevation: 272.12±5.94 m
 Accuracy: 9.57 m

Plate No. 47– 50 KLD Sewage Treatment Plant at Site



Plate No.48– 50 KLD Sewage Treatment Plant at Site



Plate No.49 – Toilets installed at project Site/Labour Camp



Plate No. 50– Toilets installed at project Site/Labour Camp



Plate No. 51– Toilets installed at project Site office



Plate No. 52 – Sprinkling of Water for protection from Dust on road



Plate No. 53– Sprinkling of Water for protection from Dust on road



Plate No. 54– Dust arrestor / Water Sprinkler system in Crusher Plant



Plate No. 55– Dust arrestor / Water Sprinkler system in Crusher Plant



Plate No. 56–Water Sprinkling on Aggregate heap



Plate No.57 – Monitoring of Noise level at site



Plate No. 58– Monitoring of Noise level at site



Plate No. 59– Monitoring of Air Quality at site



Plate No. 60– Environment Monitoring Display System at site



Plate No. 61 – Environment Monitoring Display System at site

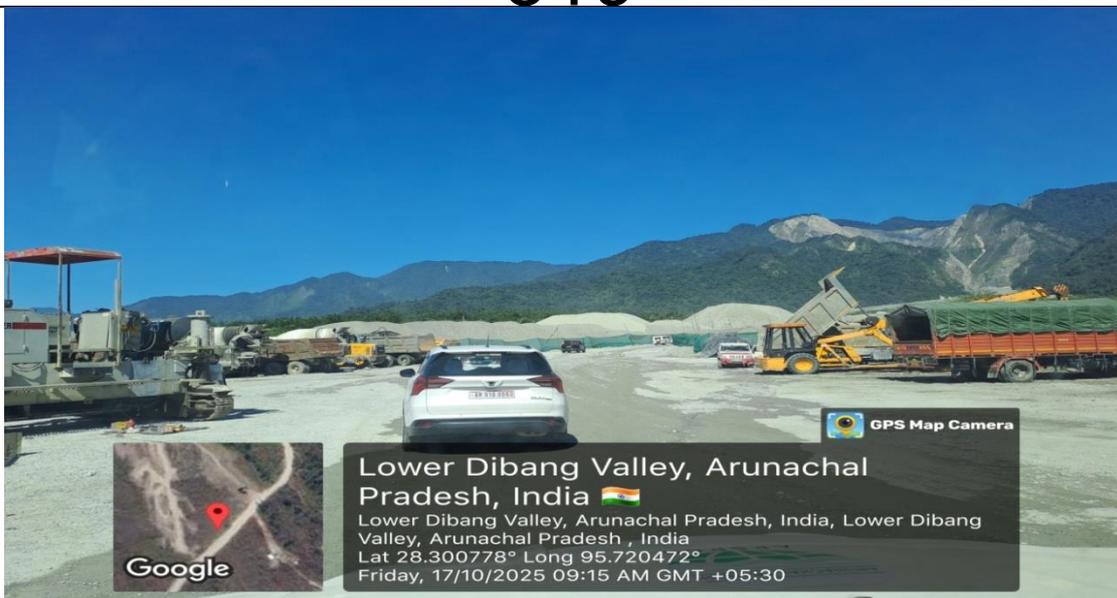


Plate No. 62 – Stone crusher operating without adequate air pollution control measures

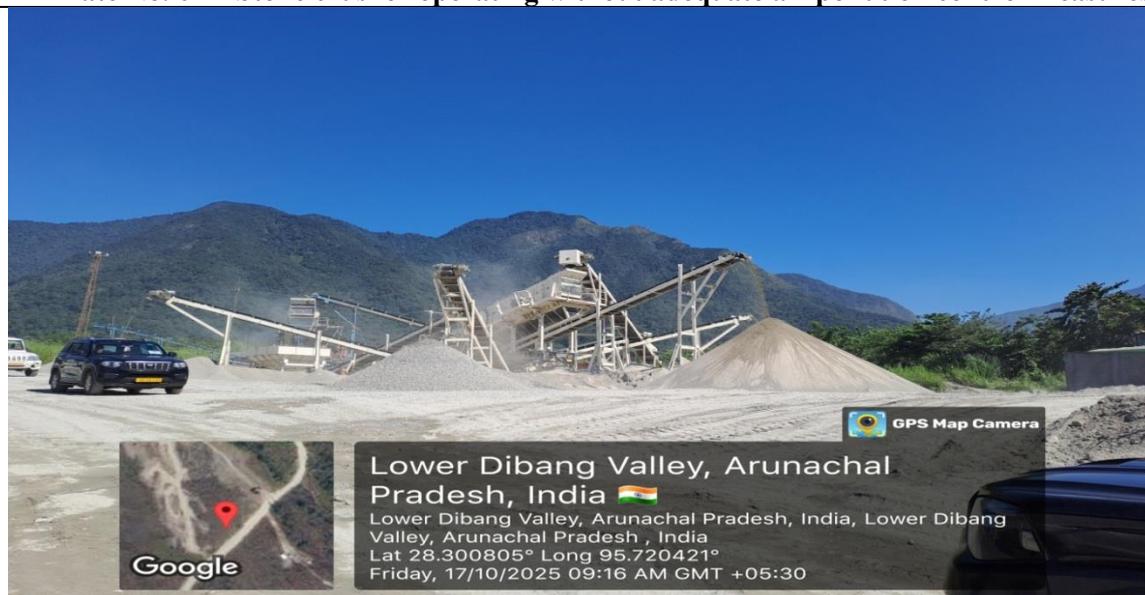


Plate No. 63 – Stone crusher operating without adequate air pollution control measures



Plate No. 64 – Stone crusher operating without adequate air pollution control measures

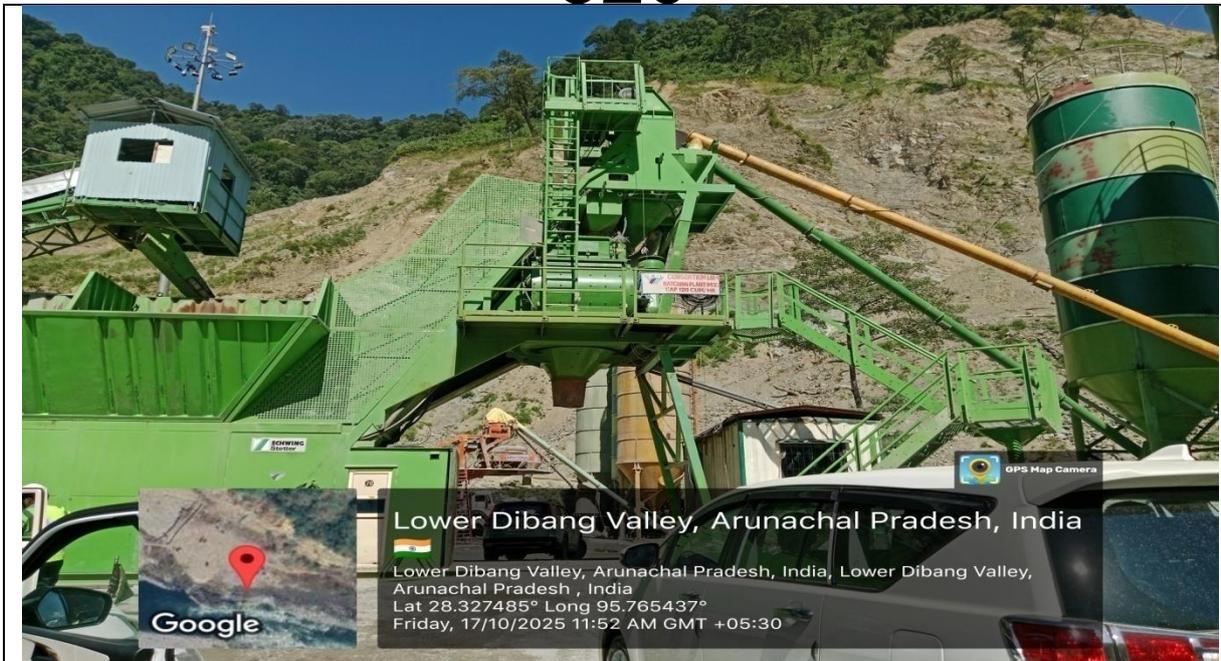


Plate No. 65 – Batching plant established without obtaining prior Consent to establish from APSPCB.



Plate No. 66 – Batching plant established without obtaining prior Consent to establish from APSPCB.

GLIMPSES OF SITE INSPECTION











