

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH AT KOLKATA**

**ORIGINAL APPLICATION NO. 106/2025/EZ**

**IN THE MATTER OF:**

News Item Titled "Villagers Demanding  
Shifting of Silicon Factory from Niglok  
IGC Appearing in The Arunachal Times  
dated  
28.04.2025"

...Applicant

versus

Deputy Commissioner  
East Siang & Ors.

...Respondents

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**REPRESENTED BY:**

*Sudipto  
Sircar*

**SUDIPTO SIRCAR  
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**PLACE: KOLKATA  
DATE: 02.04.2026**

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**ADDITIONAL REPLY ON BEHALF OF THE RESPONDENT NO.  
5 (M/S AETHER ALLOYS LLP).**

IT IS RESPECTFULLY SUBMITTED AS FOLLOWS:

1. That the Principal Bench of the National Green Tribunal, New Delhi on 13.05.2025 registered an Original Application being Original Application No. 233/2025 *suo-motu* on the basis of the news item titled "*Villagers demanding shifting of silicon factory from Niglok IGC appearing in The Arunachal Times dated 28.04.2025*".
2. That the Respondent No 5 herein has filed two separate replies before the Hon'ble Tribunal, both dated 17.11.2025, with one reply addressing the allegations raised against it in the Article



dated 28.04.2025 and the other reply responding to the Reply Affidavit on behalf of Respondent No. 2 (A.P.S.P.C.B.).

3. It is respectfully once again reiterated that the Respondent No. 5 is in full compliance with all rules and regulations as applicable to the project. The Respondent No. 5 has also received all requisite environmental permissions necessary for the establishment and operation of the Plant.
4. In response to the Site Inspection Report dated 08.06.2025, the Respondent No. 5 had previously submitted that the consent orders granted to the Respondent No. 5 herein expressly state that they are *“Consent to Establish/Operate under Section 25 / 26 of the Water (Prevention and Control of Pollution) Act, 1974, and amendments thereof and operation under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and amendments thereof, and Authorization/Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008. (herein after referred to as "the Acts", "the Rules")”*. In other words, the consent orders themselves granted authorisation to the Respondent No. 5 plant under the said rules as well. It is thus respectfully submitted that the relevant officials of Respondent No. 5 herein were under the

*bona-fide* impression that they have obtained the relevant authorisation under the said rules as well. However, in light of the averments in the Site Inspection Report, as an abundant precaution and with the intent of always being compliant with all environmental regulations, which has been part of the ethos of the Respondent No. 5 since inception, the Respondent No. 5 herein had separately applied for the said authorization. A true copy of the letter dated 19.09.2025 applying for the authorisation is annexed herewith marked as **ANNEXURE R-5/1.(Pg 7)**

5. The A.P.S.P.C.B. has been pleased to grant the said authorisation under the Hazardous Waste (Management & Transboundary) Rules, 2016 on 10.11.2025 for a period of three years with effect from 08.11.2025 to 07.11.2028. A true copy of the Grant of Authorisation dated 10.11.2025 under the Hazardous Waste (Management & Transboundary) Rules, 2016 issued by A.P.S.P.C.B. is annexed herewith marked as **ANNEXURE R-5/2.(Pg. 8 To 10)**
6. It is also not out of place to mention that the Hon'ble High Court of Gauhati (Itanagar Permanent Bench) has recently, in a writ petition filed by the Respondent No. 5, *vide* its Order 05.02.2026 directed that the state authorities shall take all necessary steps to ensure that there is no obstruction to the ingress and egress of men

and materials into the factory premises of Respondent No. 5 herein. The writ petition was filed by Respondent No. 5 before the High Court being aggrieved by the failure of the State authorities to maintain public order and ensure unobstructed access to the premises of the lawful business of Respondent No. 5. A true copy of the Order of the Hon'ble High Court of Gauhati (Itanagar Permanent Bench) dated 05.02.2026 in the case of Aether Alloys LLP v. The State of Arunachal Pradesh and Ors., W.P. (C)/522/2025 is annexed herewith marked as ANNEXURE R-5/3.(Pg.11 To 13)

PRAYER

7. It is, therefore, prayed that this Hon'ble Tribunal be pleased to dismiss the present application and thus render justice.

**REPRESENTED BY:**

*Sudipto  
Sircar*

**SUDIPTO SIRCAR  
ADVOCATE  
9, NIZAMUDDIN EAST  
OPPOSITE KHAN-I-KANAN'S TOMB  
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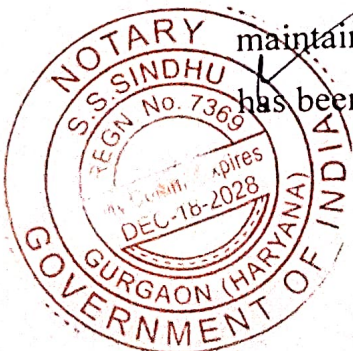
Deputy Commissioner  
East Siang & Ors.

...Respondents

AFFIDAVIT

I, Karan Sharma, aged about 37 years, Partner, Aether Alloys Ltd., S/o Niraj Sharma, R/o House No.604-B. Bravely Park-I, M.G. Road, DLF Phase-2, Chakarpur (74), Farrukhnagar, Gurgaon-122002, do hereby solemnly affirm and declare as under:

1. That I am the Authorised Representative of the Aether Alloys LLP, the Respondent No. 5 in the captioned matter and as such I am competent to swear the instant Affidavit.
2. That I have read the contents of the accompanying Reply and say that the facts stated therein are true and correct as per the records maintained by the answering Respondent and that nothing material has been concealed therefrom.



3. I state that the annexures are true copies of the originals.



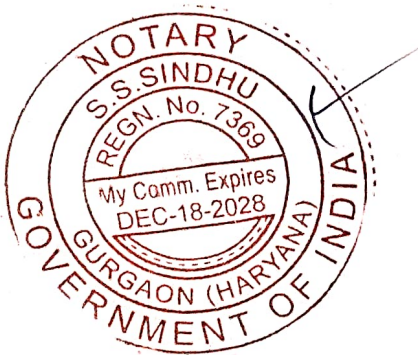
**DEPONENT**

**VERIFICATION**

I, the deponent above named, do hereby verify on this \_\_\_ day of April, 2026 that the contents of this affidavit are true and correct as per the records maintained by the answering Respondent. No part of this affidavit is false and nothing material has been concealed therefrom.



**DEPONENT**



**ATTESTED**



**S.S. SINDHU**  
Advocate & Notary Public  
Gurgaon, Haryana (INDIA)

01 APR 2026



371  
ANNEXURE R-5/1  
**AETHER ALLOYS LLP**

8

ofc

APSPCB Naharlagun

Dairy No : 2036

Date : 19/9/25

Dated :

To

The Member Secretary  
Pollution Control Board  
Naharlagun  
Arunachal Pradesh

**SUB : Application for Grant of Authorisation for generation or collection or storage or transportation or reception or reuse or recovery or pre-processing or coprocessing or utilization or treatment or disposal of hazardous and other waste.**

Dear Sir

with reference to the subject cited above we are enclosing the under mention document for your perusal and further approval.

- i) Filled Up Form-1
- ii) Undertaking Form duly signed
- iii) Disaster management Plan
- iv) Fire Fighting System Map
- v) Annexure-1 Sheet for Disaster wastage
- vi) Photographs

Thanking You  
Your Faith Fully

For Aether Alloys LLP

M/s Aether Alloys LLP

  
Manoj Kumar  
(Authorized Signatory)

N.B. Enclosed as above

**Ferro Alloys, Iron & Steel**

Regd. Office : 'A' Sector, Legi Complex, Naharlagun - 791110, Dist. Papumpare, Arunachal Pradesh

Works : Plot No. - 11, Industrial Growth Centre, Niglok - Ngorlung, East Siang Dist. Arunachal Pradesh, Pin - 791102

Ph. : 0360-2245122 / 2248428, Fax : 2248427, Email ID : aetheralloys.ne@gmail.com, chairman@aetheralloys.com, operations@aetheralloys.com

No.APSPCB-234/2024/HWA/

Date : 10/11/2025

**FORM 2**  
**[See Rule 6(2)]**

FORM FOR GRANT OF AUTHORISATION BY ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD TO THE OCCUPIER, RECYCLERS, PRE-PROCESSORS, RE-USERS, USER AND OPERATORS OF DISPOSAL FACILITIES. FOR COLLECTION, RECEPTION, TREATMENT, STORAGE, TRANSPORT, DISPOSAL & CO-PROCESSING OF HAZARDOUS WASTE UNDER THE HAZARDOUS WASTE (MANAGEMENT & TRANSBOUNDARY MOVEMENT) RULES, 2016.

1. **M/s Aether Alloys LLP**, Plot No.11, Niglok, Ngorlung, Industrial Growth Centre, East Siang district, Arunachal Pradesh is hereby granted authorisation for generation, storage and transportation of hazardous and other wastes or both on the premises situated in the industry.

**Details of Authorisation**

S.No	Category of Hazardous Waste as per the Schedule I, II and III of these rules	Authorised mode of disposal or recycling or utilisation or co-processing, etc.	Quantity (Ton/annum)
01.	Empty metal barrel (for spent oil)	Recycling or utilisation	200 Kg per annum
02.	Spent oil	Disposed to authorized agency	100 liters per annum
03.	Ferro Silicon Slag	Disposed to authorized agency	50 MTA
04.	Micro Silica	Disposed to authorized agency	100 MTA

2. The authorisation is granted for a period of 05 (Five) years with w.e.f 08.11.2025 to 07.11.2028.
3. The authorisation is subjected to the following general and specific conditions.

**A. General conditions of authorisation :**

1. The authorized person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorized by the Arunachal Pradesh State Pollution Control Board (APSPCB).

3. The person authorized shall not rent, lend sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorization.
4. Any unauthorized change in personnel, equipment or working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorization.
5. The person authorized shall implement Emergency Response Procedure (ERP) for which this authorization is being granted considering all site specific possible scenarios such as spillages, leakage, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time.
6. The persons authorized shall comply with the previous outline in the Central Pollution Control Board guidelines on "Implementing liabilities for Environmental Damages due to handling and Disposal of Hazardous Waste Penalty".
7. It is the duty of the authorized person to take prior permission of the Arunachal Pradesh State Pollution Control Board (APSPCB) to close down the facility.
8. The important hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained.
10. The hazardous and other wastes which gets generated during recycling or reuse or recovery or pre-processing or utilization of imported hazardous or other wastes shall be treated and disposed of as per specific condition of authorization.
11. The importer or exporter shall bear the cost of import or export and mitigation of damage if any.
12. An application for the renewal of authorisation shall be made as laid down under these rules.
13. Any other condition for compliance as per the Guideline issued by the ministry of Environment, forests & Climate Change or Central Pollution Control Board from time to time.
14. Annual return shall be filed by June 30<sup>th</sup> for the period ensuring 31<sup>st</sup> March of the year as per Form 4.

#### **B. Specific Condition :**

1. **M/s Aether Alloys LLP** her shall maintain a record of hazardous and other wastes managed by him in Form 3 in every financial year and shall be made available to the Board's officers during their visit to the industry.
2. Arunachal Pradesh State Pollution Control Board any, if in its opinion that the holder of the authorisation or with any provisions of the Act or these rules and after giving him/her a reasonable opportunity of being heard and after recording reasons thereof, recovery, pre-processing, co-processing and utilisation of such wastes and make these records available for inspection.

3. The occupier shall store the hazardous and other wastes for a period not exceeding one hundred eighty days and shall maintain a record of sale, transfer, storage, recycling, recovery, pre-processing, co-processing and utilization of such wastes and make these records available for inspection.
4. In case of renewal of authorisation, the occupier should submit self-certified compliance report in respect of the conditions specified in the authorisation by the Board three months before the date of expiry of authorisation.

  
(Koj Rinya, IFS)  
Member Secretary  
State Pollution Control Board  
Naharlagun, A.P.

No.APSPCB-234/2024/HWA/

Date : 10/11/2025

Copy to :

1. The Deputy Commissioner, Pasighat, East Siang district, Arunachal Pradesh for information.
2. M/s Aether Alloys LLP, Plot No.11, Niglok, Ngorglung, Industrial Growth Centre, East Siang district, Arunachal Pradesh for information and strict compliance.
3. Office copy.

  
(Koj Rinya, IFS)  
Member Secretary  
Member Secretary  
State Pollution Control Board  
Naharlagun, A.P.

\*\*\*\*\*

GAHC040018382025



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**  
**(ITANAGAR BENCH)**

**Case No. : WP(C)/522/2025**

Aether Alloys LLP  
Office at Legi Building/ Complex, A Sector, Papum Pare District, Naharlagun 791110  
Arunachal Pradesh represented by its authorized person Mr Niraj Sharma

VERSUS

The State of AP and 3 Ors  
represented by the Chief Secretary, Arunachal Civil Secretariat, Itanagar, Arunachal  
Pradesh. 2:The Deputy Commissioner

Age: 0

Occupation :

Pasighat

East Siang District

Arunachal Pradesh.

3:The Superintendent of Police

Age: 0

Occupation :

Pasighat

East Siang District.

4:The Additional Deputy Commissioner

Age: 0

Occupation :

Ruksin

East Siang District

Arunachal Pradesh

**Advocate for the Petitioner** : H K Jamoh, Eddie Payeng

**Advocate for the Respondent** : GA (AP), Signal Yirang

**BEFORE  
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**Date : 05.02.2026**

Heard Ms. G. Jetley Rautray, learned counsel for the petitioner. Also heard Shri N. Ratan, learned Additional Advocate General for the State respondents and Dr. P. P. Medhi, learned counsel for respondent No. 5, who has, in the meantime, entered appearance pursuant to earlier orders passed.

2. As per the facts projected, the petitioner, which is an LLP, is engaged in manufacturing Ferro Silicon at the Industrial Growth Center, Niglok-Ngorlung in the district of East Siang, and is aggrieved by the illegal obstruction and blockade caused by some protesters. The grievance of the petitioner is also with regard to the failure of the State authorities to maintain public order and ensure unobstructed access to the premises of the petitioner's lawful business. It is contended that the factory was established by obtaining all the requisite statutory permissions.

3. This Court, however, has also been informed that on the issue of causing pollution by the Industrial Unit, there is a *suo moto* proceeding taken by the NGT on the basis of certain protests lodged by the private respondent. Dr. Medhi, learned counsel for the respondent No. 5, has also informed that an impleadment application was filed by his client before the NGT, and on 18.11.2025 an observation was made that his client may file an Original Application, which has accordingly been done, and the same is to be considered along with the earlier OA. He has also informed that, as per instructions received, the issue of law and order has been taken up by the Executive Magistrate and some steps have recently been taken. He has, however,

informed that the protest led by his client is a peaceful one, which is at a distance of 4 km, and that the protestors have not obstructed the petitioner in its present activities of running the factory.

4. Shri Ratan, learned Additional Advocate General has informed that all necessary steps have been taken for enabling the petitioner to run the unit well.

5. In view of the above developments, let notice be issued returnable on 30<sup>th</sup> of April, 2026

6. Shri Ratan, learned Additional Advocate General accepts notice on behalf of respondent nos.1, 2, 3 and 4, whereas Dr. P. P. Medhi, learned counsel accepts notice on behalf of newly impleaded respondent no.5.

7. This Court has also noticed that the contesting respondent no.5 as well as the State has filed the response. The State has also filed an Action Taken Report.

8. Ms. Rautray, learned counsel for the petitioner prays for an interim order.

9. In view of the fact that there is no restrain order by the NGT till date, and also the undertaking made by respondent No. 5, coupled with the Action Taken Report, it is directed that until the returnable date, the official respondents shall take all necessary steps to ensure that there is no obstruction to the ingress and egress of men and materials of the petitioner to their factory premises.

10. By the next date, further pleadings may be exchanged.

List the mater on **30.04.2026.**

**JUDGE**

**Comparing Assistant**