

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE, KOLKATA BENCH  
ORIGINAL APPLICATION NO. 115/2025/EZ

IN THE MATTER OF:

Sri Animesh Dey

... Applicant

Versus

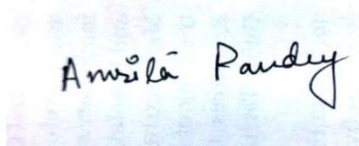
The Union of India & Ors.

... Respondents

Sr No.	Particulars	Annexure	Page No.
1.	Reply Affidavit on behalf of Respondent No. 7- Dalmia Cement (North-East) Limited	--	3-20
2.	Copy of the Board Resolution dated 22.05.2023 authorizing the deponent.	<b>R-1</b>	21-22
3.	Copy of the Consent and Authorization (CCA) Certificate dated 16.06.2025, bearing No. PCBA/CCA/2025/3369120.	<b>R-2</b>	23- 29
4.	Copy of a sample e-demand slip from the Freight Operations Information System (FOIS).	<b>R-3</b>	30-31
5.	Copy of a sample Railway Receipt (RR).	<b>R-4</b>	32-34
6.	Copy of the agreement executed between the Answering Respondent and the Eastern Railway, along with the Letter of Credit.	<b>R-5</b>	35-53
7.	Copy of the Public Interest Litigation being PIL No. 40/2023 before the Hon'ble High Court of Guwahati.	<b>R-6</b>	54-88
8.	Copy of the Rate Circular Notice No. 19 of 2024 issued by the Ministry of Railways.	<b>R-7</b>	89-91
9.	Copy of the Minutes of Meeting (MoM) dated 12.06.2014 convened by the SDO(C), Hojai. <b>and typed copy</b>	<b>R-8</b>	92-96

10.	Copy of the letter dated 14.03.2023 from the Answering Respondent to the Sr. Divisional Operating Manager, NR Railways regarding the plantation drive.	<b>R-9</b>	97
11.	Photographs of the various trees planted by the Answering Respondent over the years.	<b>R-10</b>	98
12.	Photographs of the Mist Cannon placed at the Lanka Railway Yard.	<b>R-11</b>	99
13.	Copy of the National Ambient Air Quality Standards Notification dated 16.11.2009 being GSR 826(E) issued by the Ministry of Environment, Forest and Climate Change (MoEF).	<b>R-12</b>	100-1 01

Filed by



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BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE, KOLKATA BENCH  
ORIGINAL APPLICATION NO. 115/2025/EZ

Dalmia Cement (North East) Limited  
Authorised Signatory

IN THE MATTER OF:

Sri Animesh Dey

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Versus

The Union of India & Ors.

... Respondents

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 7- DALMIA CEMENT  
(NORTH-EAST) LIMITED**

MOST RESPECTFULLY SHOWETH

I, Awadhesh Kumar Pandey, son of Shri Shyam Dhar Pandey, aged about 51 years, working as Chief Financial Officer in the Respondent No. 7 Company having its registered office at 3<sup>rd</sup> & 4<sup>th</sup> Floor, Anil Plaza-II, ABC, G.S. Road, Guwahati-781005, Assam and one of its cement manufacturing plants at Village 2 No. Pipal Pukhuri, Lanka, District Hojai, Assam - 782446, do hereby solemnly affirm and state as under:

1. I say that I am working as working as Chief Financial Officer in the Answering Respondent No. 7/Dalmia Cement (North-East) Ltd. I am fully conversant with the facts and circumstances of the instant case and am fully competent and authorized to sign verify and file the present Affidavit. I have been duly authorized in this regard vide Board Resolution dated 22<sup>nd</sup> May, 2023 in my favour. The copy of the Board Resolution dated 22.05.2023 is annexed herewith as **ANNEXURE R-1**.



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2. I say that I have read the contents of the captioned Original Application (OA) under reply and at the outset deny the contents of the original Application filed by the Applicant. I say that the Answering Respondent No.7 denies the each and every averment of the said Application, and nothing contained therein may be deemed as admitted by the Answering Respondent No.7 merely for the want of specific traverse.
3. The captioned OA has been filed seeking direction from this Hon'ble Tribunal to immediately stop the activities of loading and unloading of the fly ash, cement, coal and other materials till proper inspection is carried out and to further cancel the permissions and clearances issued in favour of the Answering Respondent by the respective authorities. The Applicant has further sought imposition of environmental compensation upon the Answering respondent No.7 for the alleged pollution caused, besides other relief(s).
4. At the outset the Answering Respondent submits that the OA originally filed by the Applicant had wrongly impleaded M/s Dalmia Cement (Bharat) Ltd. a party to the OA, instead of Dalmia Cement (North-East) Limited, which is the Project Proponent. It was only when the same was pointed out to the Ld. Tribunal on 08.10.2025 and 18.12.2025, that the Applicant impleaded the Answering Respondent and filed the Amended memo of Parties on 23.12.2025, which is already on record.
5. The Answering Respondent submits that the copy of the captioned OA was served upon the Answering Respondent and accordingly, the present reply to the OA is being filed by the Answering Respondent.

**I. BRIEF BACKGROUND**

6. The Answering Respondent is a subsidiary of Dalmia Cement (Bharat) Limited, and is a major cement producer in Northeast India, formerly

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known as Calcom Cement India Limited. Based in Guwahati, Assam, and incorporated in 2004, the Answering Respondent operates cement grinding and clinker capacities in the region. The company is known for producing 100% blended cement and is a key player in the regional infrastructure sector.

7. The Answering Respondent also operates a cement manufacturing plant at Pipal Pukhuri, Lanka, Hojai, Assam. For transportation of raw materials including fly ash, clinker, coal and finished products, the Answering Respondent utilizes the Lanka Railway Goods Yard (**Railway Yard**), which is a public siding operated by the Northeast Frontier Railway and is open for use by all commercial entities.
8. That the Railway Yard is not exclusively used by the Answering Respondent and is a public facility utilized by other commercial entities as well for loading and unloading operations.
9. That the Pollution Control Board, Assam (PCBA) has issued Consent to Operate (CTO) dated 10.09.2024 to the Northeast Frontier Railway for the Lanka Goods Shed under Sections 25 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981.
10. The Answering Respondent has also obtained the Consent and Authorization (**CCA**) Certificate bearing No. PCBA/CCA/2025/3369120 dated 16.06.2025 for its Railway Siding operations within its factory premises at Bamongaon GP, Hojai, valid till 31.03.2026. The copy of the Consent and Authorization (**CCA**) Certificate dated 16.06.2025 and bearing No. PCBA/CCA/2025/3369120 is annexed herewith as **ANNEXURE R-2**.

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11. For setting up and transporting the raw materials and the finished products to and from the Railway Yard, the Answering Respondent follows the procedure of the Indian Railways which is as follows:

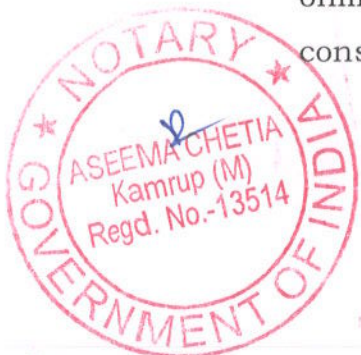
- a) The Answering Respondent, like any other consignor, places an online indent in Freight Operations Information System (**FOIS**) with the following mandatory details:
- i. Consignor name with address and GSTIN No
  - ii. Consignee name with address and GSTIN No
  - iii. From Station Code
  - iv. Destination station code
  - v. Commodity Code (railway system defined codes)
  - vi. Type of demand (wagon type)

A copy of the sample e-demand slip is annexed herewith as **ANNEXURE R-3.**

- b) Once the above-mentioned indent gets reflected in the Railway system, the rakes as per requirement are allotted to the Answering Respondent.
- c) After allotment of the rakes, the loading of the fly ash is carried out by the consignee, like the Answering Respondent No.7 herein and thereafter the same is covered fully with tarpaulin.
- d) The next step is the weighment of the rake is processed in Railway Certified in-motion weighbridge. Thereafter as per the weighment and the railway freight chart, the Railway Receipt (**RR**) is prepared to collect. A copy of the sample RR is annexed as **ANNEXURE R-4.**
- e) In accordance with the RR issued, the freight is collected through online payment mode through a link or auto debit from the consignee's/Answering Respondent's registered account, wherever

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there is an agreement. A copy of such agreement executed between the Answering Respondent and the Eastern Railway along with Letter of Credit is annexed herewith as **ANNEXURE R-5**.

- f) After the payment is made, the rakes are dispatched. The movement of the rake can be tracked with Freight Number Record (**FNR**) which is mentioned in the Indent as well as in RR.
- g) On arrival of the rake at the destination, the tarpaulin is removed from all wagons for unloading and shifting of the material onto the trucks. Once the trucks are loaded the same are again covered by tarpaulin while transporting the same to the factory premises of the respective consignee like the Answering Respondent herein.

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## II. **PRELIMINARY OBJECTIONS**

12. The present OA is liable to be dismissed at the outset in as much as the Applicant has deliberately misrepresenting the facts solely with the view to prejudice this Hon'ble Tribunal. The Applicant herein, along with 9 others, had raised all the issues raised in the captioned OA before the Hon'ble High Court of Guwahati vide a Public Interest litigation being PIL No/40/2023, a copy of which is annexed herewith as **ANNEXURE R- 6**.
13. The Answering Respondent submits that the said PIL, after hearing the parties in detail, was finally disposed of by the Hon'ble High Court vide final judgment dated 25.09.2024. A bare perusal of the said judgment by the Hon'ble High Court goes to show that the Hon'ble High Court not only refused to interfere with the permissions i.e. the Consent to Operate (**CTO**) granted to the Lanka Goods Shed, Northeast Frontier Railway for transporting the raw materials and the final products, but



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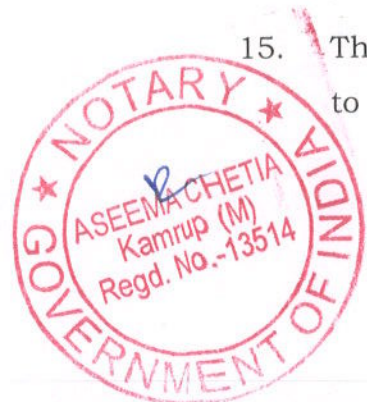
also refused to accept the allegations raised by the Applicants therein or give any adverse finding against the Answering Respondent herein. Vide the judgment dated 25.09.2024 the Hon'ble High Court was only pleased to observe that the industry is liable to abide by the general and specific conditions imposed upon by under the CTO and maintain the pollution levels under control, and incase the industry fails to comply with the same, the PCBA is free to take any action against the industry in accordance with law. Pertinently, neither has any violation on the part of the Answering Respondent ever been reported nor has the PCBA taken any action or issued any notice to the Answering Respondent for any alleged violation. The copy of the judgment dated 25.09.2024 is annexed as Annexure P-2 along with the OA.

14. The Answering Respondent submits that the Applicant is only indulging in forum hunting and impleading the Answering Respondent without any concrete grounds. After the Applicant herein failed to get the desired results from the Hon'ble High Court, the Applicant has approached this Ld. Tribunal seeking the same relief based on the same set of facts and raising the same issues vide the captioned OA. The Applicant is squarely barred from raising the same issues based on the principle of *res judicata*. The Applicant has been filing frivolous proceedings against the Answering Respondent, wherein the Answering Respondent has only been directed to comply with the conditions mentioned in the CTO, which the Answering Respondent has been duly complying with. It is extremely unfortunate that despite being aware of the same, the Applicant is re-agitating these issues in order to prejudice and mislead this Hon'ble Tribunal despite the same being already settled by the Court(s) of competent jurisdiction.
15. The Answering Respondent also submits that the Applicant has chosen to follow the pick and choose policy while only impleading the

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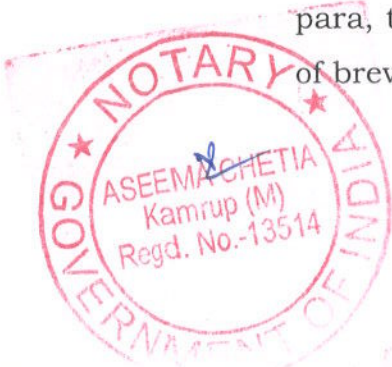
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Answering Respondent in the captioned OA, which itself is a discriminatory act on the part of the Applicant. The Answering Respondent submits that apart from the Answering Respondent there are various other industries who use the Railway Yard for loading and unloading of raw materials and other purposes. The captioned OA is not only silent about the other parties using the Railways Yard but has also failed to demonstrate as to how only it is the Answering Respondent who is causing the alleged pollution or has not complied with the conditions mentioned in the CTO granted to the Railways.

16. The Answering Respondent submits that it is admittedly not the case of the Applicant that the Answering Respondent has been carrying out the loading and unloading activities in violation of any orders. The Answering Respondent is in compliance of all the conditions imposed upon it and is taking all the precautions and measures to prevent any kind of pollution while carrying the material transported from the siding to the factory.

### **III. PRELIMINARY SUBMISSIONS**

17. The Answering Respondent submits that it is carrying out the activities of loading and unloading at the Railways Yard without violating any orders or provisions of the law. The Applicant herein has failed to show any specific lapses or the conditions not being complied with by the Answering Respondent.
18. The Answering Respondent books the rakes from the sourcing point as per the procedure of the Indian Railways as elaborated in preceding para, the contents of which are not being repeated herein for the sake of brevity.



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19. At the outset it is submitted that the Ministry of Railways has issued a circular being Rate Circular Notice No. 19 of 2024, which circular detailed out the conditions/guidelines for transportation of loose fly ash. A bare perusal of the said Circular goes to show that the Railways have set out the following conditions/guidelines for transportation of loose fly ash in Clause 2.9(b) which reads as under:-

*“2.9 Conditions*

*.....*

- (b) In case of loading of loose fly ash/bed ash, customer must ensure hydrating the fly ash/bed ash and covering the wagon with tarpaulins at its own cost. ....”*

The Answering Respondent submits that in due compliance of the said guidelines, the Answering Respondent is following the process of conditioning the loose flyash and then covering the said flyash with tarpaulins while transporting the same. Pertinently, the Answering Respondent has never been served with any notice of violating any conditions/ norms from the Railway authorities. A copy of the Rate Circular Notice No. 19 of 2024 issued by the Ministry of Railways is annexed herewith as **ANNEXURE R-7.**

20. The Answering Respondent further submits that on 12.06.2014 a meeting was called by the SDO(C), Hojai, to discuss on pollution problem at the Lanka Railway Station Area, which meeting was also attended by the Answering Respondent. During the said meeting various conditions were imposed upon the Answering Respondent, which conditions have been duly complied with by the Answering Respondent. As a matter of fact, the Respondent No. 7 has never breached/violated any rule/regulation framed or imposed by railways authorities. A copy of the Minutes of Meeting (**MoM**) dated 12.06.2014 is annexed herewith as **ANNEXURE R-8.**

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21. The Answering Respondent has undertaken the following measures/steps in compliance with the various conditions imposed vide the MoM dated 12.04.2016 and to mitigate the pollution:-

- i. Erected green net screen of 18 feet high on and over the 14 ft. boundary wall constructed by the railway, so that no dust transmits to general public area while loading and unloading of the clinkers.
- ii. As decided in the meeting dated 12.04.2016, the Answering Respondent has been regularly getting water sprinkled not just inside the Railway premises at the sidings but also on the roads, so that any dust due to loading and unloading is removed and there is no pollution. For the said purposes, the two water tankers of 40 kilo liters have been installed within the yard to sprinkle water after loading and unloading of materials to avoid any kind of dust pollution. The said tankers sprinkle water four times a day on the main road up to Forest Gate area.
- iii. Under its CSR scheme the Answering Respondent has also planted around 700 trees around the border walls of the Railway Station covering an area of approximately 1 kilometer thereby. A copy of the letter dated 14.03.2023 written by the Answering Respondent to the Sr. Divisional Operating Manager, NR Railways thereby intimating its intension to initiate the plantation drive at the siding is annexed herewith as **ANNEXURE R-9.** Photographs of the various trees planted by the Answering Respondent over the years are annexed herewith as **ANNEXURE R-10 (Colly.).**
- iv. The Answering Respondent has undertaken and installed Water boring provisions within the railway yard for the purposes of carrying out the water sprinkling as and when the loading and unloading activities are carried out.

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- v. In addition thereto, the Answering Respondent has also installed a Mist Cannon mounted on a truck with effect from 05.06.2024 at the Lanka Railway Yard which suppresses the dust, if any, by sprinkling atomized water up to 50 meters having horizontal rotation of 360 degree. The Answering Respondent has incurred a capital expenditure of approximately Rs.45,00,000/- (Rupees Forty Five Lakhs only) for installing the said mist canon and in addition thereto is also bearing the monthly operational expenditure of approximately Rs.5,00,000/- (Rupees Five Lakhs only). The Photographs of the Mist Cannon placed at the Lanka Railway Yard are annexed as **ANNEXURE R- 11.**

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22. It is that the Answering Respondent is also actively engaging with local authorities and the community to address concerns. In meetings held with local stakeholders, The Answering Respondent has committed to and implemented the following measures to ensure minimum pollution:
- Undertaking the loading and unloading activities strictly in compliance with the existing rules and conditions issued by the Indian Railways.
  - Restricting vehicle entry on roads during busy hours to avoid any traffic or congestion.
  - Using screens to protect areas while loading and unloading of clinkers.
  - Immediate sprinkling of water after completion of loading/unloading to minimize dust and pollution;
  - Maintaining at least 4 water tankers at the Railways siding regularly for dust suppression;
  - Undertaking development works in and around Lanka area in consultation with local citizens



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23. Thus, it can be seen that the Answering Respondent is taken all precautions and complying with all the conditions imposed thereupon to carry out the activities of loading and unloading the flyash without causing any pollution. The Appellant herein has failed to point out any specific lapses or non-compliance of any conditions imposed on the part of the Answering Respondent.

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#### IV. PARAWISE REPLY

24. The contents of Paras 1- 3 of the OA are matter of record and needs no reply.
25. The contents of Para 4(a) of the OA are vehemently denied except the fact that the land where the loading and unloading activities are being undertaken belongs to Respondents No.2 and 3. It is denied that there is any violation of pollution control norms and rules by the Answering Respondent. The PM10 concentration figures mentioned by the Applicant relate to a specific inspection conducted on 03.05.2024, and do not represent the current situation. The Answering Respondent has undertaken extensive pollution control measures subsequent to that inspection, including installation of Mist Cannon system at a cost of Rs. 45,00,000/-, installation of water sprinklers, paved roads, and other dust suppression measures.
26. The contents of Para 4(b) and 4(c) of the OA are matter of record and hence needs no reply. However, it is vehemently denied that they have failed in their duties. The Pollution Control Board, Assam (**PCB**) has granted necessary permissions and consents to the Railways for the loading and unloading of materials and is regularly monitoring compliance.



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27. The contents of Para 4(d) of the OA are denied being vague, frivolous and misleading. The Applicant is making bald and baseless averments without substantiating the same. As stated above the Answering Respondent has not violated any order and/or provisions of the law. The contents of the preceding paras are reiterated and reaffirmed here and the same are not being repeated herein for the sake of brevity.
28. The contents of Para 5 of the OA are denied being incorrect and misleading. It is denied that the Answering Respondent is causing severe air pollution and sound pollution through loading and unloading operations. The allegation that 3 to 4 racks of loose clinker and fly-ash are being dumped, loaded and unloaded daily is exaggerated and misleading. The Answering Respondent transports fly ash either in sealed bags or as conditioned fly ash with minimum 10% moisture content from the source, which significantly reduces dust emission and which is in line with the Rate Circular Notice No. 19 of 2024 issued by the Railways.

In respect of the allegation regarding sound pollution, it is submitted that the Lanka Railway siding is operational 24x7 as per railway guidelines and is a public facility used by public and multiple other users. The Appellant has failed to show as to how it is only the Answering Respondent who is being held responsible for the alleged pollution being caused. As per the guidelines of Railways, penal demurrage at very high rate is charged for delay in unloading beyond the free time provided. Loading and unloading is thus continued round the clock to avoid payment of high penalty. However, the movement of trucks carrying the goods take place only when there is no "no-entry" time.

29. The contents of Para 6 of the OA are denied except the order dated 18.09.2024 passed by the Hon'ble High Court at Guwahati. It is

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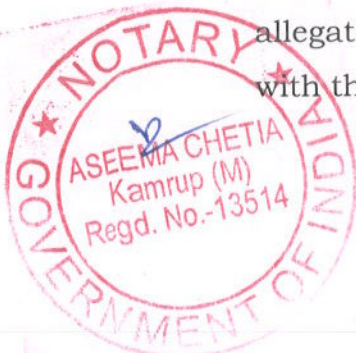
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admitted that as per the Order dated 18.09.2024 passed by the Hon'ble Guwahati High Court, the Pollution Control Board, Assam issued a "Consent to Operate" dated 10.09.2024. However, it is vehemently denied that the Answering Respondent has violated the directions contained therein. The allegation that loading and unloading of fly-ash and clinker is being continued in loose condition and in open wagon is also incorrect and misleading. The Answering Respondent is transporting fly ash in sealed bags or as conditioned fly ash with minimum 10% moisture content as per the undertaking given to Railway authorities and the modified CTO. The contents of the preceding paras are reiterated here and the same are not being repeated herein for the sake of brevity.

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30. The contents of Para 7 of the OA are matter of record and needs no reply. The Applicant along with other residents had filed a PIL before the Hon'ble Guwahati High Court which was disposed of vide order dated 25.09.2024. The Hon'ble High Court noted that the PCBA had imposed general and specific conditions upon the industry with direction to maintain pollution level under control on all aspects, and that appropriate action would be taken by PCBA if the industry fails to maintain pollution levels under control. Pertinently, neither any adverse observations have been made, nor any lapses have been recorded on the part of the Answering Respondent by the Hon'ble High Court.
31. The contents of Para 8 of the OA need no reply as the same do not pertain to the Answering Respondent.
32. The contents of Para 9 of the OA are vehemently denied being vague, bald and misleading. The Applicant has failed to substantiate the allegations being levelled by him. The Answering Respondent complies with the National Ambient Air Quality Standards notified by MoEF vide



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GSR 826(E) dated 16.11.2009 and has not received any notice of violation from the Railways or any other authorities. The Answering Respondent is also complying with the conditions imposed upon it in the Rate Circular Notice No. 19 of 2024 issued by the Ministry of Railway. The Appellant be put to strict proof of the allegations being levelled by him against the Answering Respondent. A copy of the National Ambient Air Quality Standards Notification dated 16.11.2009 being GSR 826(E) issued by MoEF is annexed herewith as **ANNEXURE R-12**.

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33. The contents of Para 10 of the OA are denied being frivolous, vague and only a figment of the imagination and presumptions by the Applicant. The Applicant has failed miserably to substantiate its averments with any cogent proof. The Applicant be put to strict proof of the allegations being leveled by it.
34. The contents of Para 11 of the OA are vehemently denied to the extent that the respondent authorities encouraged the Answering Respondent to perform the loading and unloading illegally. The Applicant is yet again indulging in baseless allegations without any substance. The Appellant is yet again making baseless and frivolous allegations against the Answering Respondent without substantiating the same. The Answering Respondent has been following the procedure and complying with all the conditions imposed upon it. The contents of the preceding paras are reiterated and reaffirmed here and the same are not being repeated herein for the sake of brevity. The remaining contents of the answering para do not pertain to the Answering Respondent and hence needs no reply.
35. The contents of Para 12 of the OA do not pertain to the Answering Respondent and hence needs no reply.



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36. The contents of Paras 13 of the OA are denied for the want of knowledge only to the extent that complaints have been filed by the Appellant and other residents. Pertinently, it is an admitted fact that the Appellant had approached the Hon'ble High Court of Guwahati. As stated above the Hon'ble High Court neither found anything against the Answering Respondent nor did the Hon'ble High Court interfere with the permissions i.e. the Consent to Operate (**CTO**) granted to the Lanka Goods Shed, Northeast Frontier Railway for transporting the raw materials and the final products. The contents of the preceding paras are reiterated and reaffirmed here and the same are not being repeated herein for the sake of brevity. The Appellant is only indulging in forum hunting. Once the Appellant failed to get the desired relief from the Hon'ble High Court, the Appellant has approached this Ld. Tribunal through the captioned petition making vague, bald and false averments just to get the desired result.
37. The contents of Para 14 of the OA do not pertain to the Answering and hence needs no reply.
38. The contents of Para 15 of the OA are denied being vague, bald and misleading. It is denied that the Answering Respondent has violated the Guidelines for Mineral Stack Yards and Railway Sidings. Lanka Railway Station is an existing, operational public railway siding that has been in use for many years. The Answering Respondent is merely a user of the said public facility along with other industries. The Answering Respondent is complying with all the obligations and conditions imposed upon it for carrying out the loading and unloading activities and to mitigate the pollution and adverse effects on the environment due to said activities. The contents of the preceding paras are reiterated

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and reaffirmed here and the same are not being repeated herein for the sake of brevity. The remaining contents of the answering Para are also denied for the want of knowledge and being vague and frivolous.

39. The contents of Para 16 of the OA are denied being vague, misleading and incorrect. The Answering Respondent is duly complying with all the conditions imposed upon it for transporting the flyash and obligations for mitigating measures to control the pollution caused. The contents of the preceding paras are reiterated and reaffirmed here and the same are not being repeated herein for the sake of brevity. The Answering Respondent has installed state-of-the-art pollution control equipment at its manufacturing plant including 28 dust collectors, Continuous Ambient Air Quality Monitoring System whereby the data is uploaded on the portals of the CPCB and SPCB, who are monitoring the pollution by taking corrective steps as and when the need arises. The Pollution Control Board regularly monitors.
40. The contents of Para 17 of the OA are denied for the want of knowledge. The Appellant had made a bald averment about some compliance report but has failed to substantiate its averments. As such no compliance report has been filed by the Answering Respondent. The Appellant be put to strict proof of the allegations/ averments being made by him
41. The contents of Para 18 of the OA do not pertain to the Answering and hence needs no reply.
42. The contents of Para 19 (i) of the OA are vehemently denied. It is denied that there is any violation of The Air (Prevention and Control of Pollution) Act, 1981. The Answering Respondent is in full compliance

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with all provisions of the said Act. The Appellant is only making bare and bald averments without substantiating the same.

43. The contents of Para 19 (ii) of the OA are vehemently denied. It is denied that the Answering Respondent is in connivance with the Respondent authorities, especially Assam Pollution Control Board. The Appellant is making frivolous and misleading averments without any proof thereof. The Answering Respondent has obtained all the requisite permissions after following due process and the activities undertaken by the Answering Respondent are also being regularly monitored by the Pollution Control Board. All loading and unloading operations are being carried out in compliance with environmental norms. The contents of the preceding paras are reiterated and reaffirmed here and the same are not being repeated herein for the sake of brevity.
44. The contents of Para 19 (ii) of the OA are denied being vague, misconceived and frivolous. There has been no violation of any order or conditions imposed for mitigating the pollution. The Appellant is only making bald and frivolous allegations without substantiating the same. The allegations are only based on the presumptions and assumptions of the Appellant and have no iota of truth in them.
45. The contents of Para 20 of the OA are denied.
46. Therefore, in light of the above-mentioned grounds, the present Appeal is liable to be dismissed with exemplary costs.

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DEPONENT



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**VERIFICATION**

I, Awadhesh Kumar Pandey, the above named deponent, do hereby verify that the contents of the foregoing reply affidavit are true and correct to my knowledge and no part of it is false and no material has been concealed therefrom.

Verified at Guwahati on this 27th day of March 2026

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**DEPONENT**

Identified by  
*Chinmay Sarmah*  
Advocate  
Enrol. No. 1032/2018

Sl. No..... 3264 .....  
Date..... 27/3/2026 .....

Solemnly affirmed before me this day, certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.

*Aseema Chetia*  
NOTARY  
ASEEMA CHETIA  
Kamrup & Metro Guwahati  
Regd. No.- 13514  
GOVT OF INDIA





*cement! sugar! refractories! power!*

## ANNEXURE R/1

**CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF DALMIA CEMENT (NORTH EAST) LIMITED THROUGH CIRCULATION ON MONDAY, THE 22<sup>nd</sup> DAY OF MAY, 2023.**

---

**To consider, review and update authorisation(s) to Director(s) / Officials to institute, file and pursue legal actions/suits under various statutes for and on behalf of the Company.**

**“RESOLVED THAT** Shri Rajiv Kumar Choubey and Shri Ganesh Jirkuntwar, Directors of the Company, Shri Padmanav Chakravarty, Manager, Shri Awadhesh Kumar Pandey, Chief Financial Officer, Smt. Rachna Gorla, Company Secretary, Shri Rajeev Kumar, Group Company Secretary, Shri Pankaj Kumar Singh, Assistant Executive Director, Shri Ambuj Kumar Shrivastava, Senior General Manager, be and are hereby authorized severally, on behalf of the Company, to (a) sign, verify, declare, affirm, make, present, submit and file all necessary notices, plaints, complaints, petitions, applications, written statements, papers and documents, vakalatnama, declarations, affidavits, undertakings, appeals, revision applications, special leave petition etc. and/or (b) nominate/appoint Arbitrator/Arbitral Tribunal and/or appear on behalf of the Company before any Court or Tribunal for all proceedings and matters in connection with any suit(s), complaint(s), arbitral proceeding(s) or any other proceeding(s) filed by or against the Company before any Court of law or any Tribunal or any quasi-judicial or statutory or administrative authority; and/or (c) nominate, appoint, engage and change, advocates, solicitors, counsel or other professionals and retainers; and to do all such acts, things, deeds as may be necessary or proper to carry out the purposes mentioned hereinbefore.

**RESOLVED FURTHER THAT** any one of Shri Rajiv Kumar Choubey and Shri Ganesh Jirkuntwar, Directors of the Company, Shri Padmanav Chakravarty, Manager, Shri Awadhesh Kumar Pandey, Chief Financial Officer, Smt. Rachna Gorla, Company Secretary, of the Company be and is hereby severally authorised to further delegate authority from time to time and to sign, execute and issue Letter of Authority/Special Power of Attorney

***Dalmia Cement (North East) Limited***

*(Formerly known as Calcom Cement India Limited)*

*Subsidiary of Dalmia Cement (Bharat) Limited*

*Corporate Office: 11th & 12th Floor, Hansalaya Building, 15 Barakhamba Road, New Delhi - 110 001, Delhi, India*

*T +91 11 2346 5100 Toll Free 1800 2020 W www.dalmiacement.com CIN: U26942AS2004PLC007538*

*Registered Office: 3rd & 4th Floor, Anil Plaza-II, ABC, G.S. Road, Guwahati 781 005, Assam, India*

*A Dalmia Bharat Group company, www.dalmiabharat.com*

in favour of such officials of the Company / Group Company(ies) or other such persons as they deem fit to enable them to give effect to the above resolution.”

**For and on behalf of  
Dalmia Cement (North East) Limited**

---

**RACHNA GORIA  
COMPANY SECRETARY  
FCS 6741**

Date: May 22, 2023  
Place: New Delhi



## Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্ৰদূষণ নিয়ন্ত্ৰণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

Website : www.pcbassam.org; E-mail : membersecretary@pcbassam.org



### ANNEXURE R/2

Certificate No. PCBA/CCA/2025/3369120

Date: 16/06/2025

CCA Application ID No: 3369120

### Consolidated Consent and Authorization (CCA)

To,  
Dalmia Cement (North East) Limited (Formerly Known as Calcom Cement India Limited) Railway Siding  
DALMIA CEMENT (NORTH EAST) LTD. FORMERLY KNOWN AS CALCOM CEMENT INDIA LTD.  
(Railway Siding) BAMONGAON GP Hojai

Consent to Operate (CTO) under the provisions of the Water Act (1974), the Air Act (1981) with validity till **31/03/2026**.

#### A) Consent to Operate

'CONSENT TO OPERATE' (CTO), under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 as amended and Rules framed thereunder, is granted to:

- |      |                                 |   |  |
|------|---------------------------------|---|--|
| i.   | Name of the Unit                | : | Dalmia Cement (North East) Limited (Formerly Known as Calcom Cement India Limited) Railway Siding              |
| ii.  | Name of the Director/Proprietor | : | Rajesh Kumar Srivastava  |
| iii. | Address of the Unit             | : | DALMIA CEMENT (NORTH EAST) LTD. FORMERLY KNOWN AS CALCOM CEMENT INDIA LTD. (Railway Siding) BAMONGAON GP Hojai |
| iv.  | Cost of the unit (in lakh)      | : | 11116.00   |
| v.   | <b>Type of the Unit</b>         | : | <b>Railway Sidings</b>   |
| vi.  | Category of the Unit            | : | Green Category   |

vii) Details of Raw Material:

SI No.	Raw Material	Quantity
1	NA	

## viii) Details of Products:

SI No.	Products	Capacity
1	NA	

## Details of Service:

SI No.	Service	Capacity
1	Railway Siding for unloading, stocking and handling of Fly Ash, Gypsum, Coal and Clinker; Railway Siding for loading of Cement.	4320000 TPA

## ix) D.G Sets

SI No.	Details of DG Set
1	NA

## x) Raw Water Details

SI No.	Particulars/Parameter	Value/Details
1	Ground Water	3 KLD

## xi) Effluent generation and treatment

SI No.	Particulars/Parameter	Value/Details
1	NA	

## xii) Emission sources and APCDs

SI No.	Sources	Stack height	APCD	Other detail
1	NA			

## xiii) EPR Registration Details

SI No.	Governing Rules	Applicability (Y/N)	Details
1	PWM	NA	

## xiv) Other clearances/NOC from competent authorities Details

SI No.	Clearance/NOC	Applicability (Y/N)	Details
1	CGWA NOC	Yes	Valid up to 24.04.2026 to draw ground water up to 1100 KLD

**TERMS AND CONDITIONS:**

- The project authority shall install a Display Board as per the Boards notification no. PCBA/LGL-95/2021/Notification/01 dtd.11.11.2021. (Appendix-A).

2. **The project proponent shall develop a greenbelt/plantation area with native trees covering at least 33% of the total plot area.**
3. As per the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and the Air (Prevention and Control of Pollution) Act, 1981, as amended, any Officer empowered by the Board on its behalf shall have without interruption, the right at any time to enter the unit premises for inspection, collection of sample for analysis and may call for any information as deemed necessary. Denial of this right will cause withdrawal of the CTO.
4. The unit shall apply for renewal of this CTO before expiry. The Board has decided to renew the CTO for validity of five (5) years after receiving due fees for the entire period.
5. **The unit shall comply with the ambient noise level standard, notified by MoEF & CC, GOI vide GSR 7, dated Dec.22, 1998, as mentioned: Day Time (6:00AM - 10:00PM): 75 dB(A) Leq. and Night Time (10:00 PM - 6:00AM): 70 dB(A) Leq.**
6. **The unit shall not discharge any untreated effluent outside its premises.**
7. Storm Water shall not be allowed to mix with effluent, if any, and/or floor washings.
8. Storm Water within the battery limit shall be channelized through separate drain/pipe passing through an Oil & Grease Catch Pit cum Sedimentation Tank.
9. For Storm Water discharge, the unit shall comply with the general effluent discharge parameters standard, notified by MoEF & CC, GOI vide G.S.R.422 (E) dtd. 19.05.1993 (Appendix-B).
10. Rain water harvesting facility shall be installed and maintained.
11. The CTO may be modified, suspended in whole or in part or withdrawn by the Board during its term for cause including, but not limited to the following as Violation of any Terms and Conditions of this CTO, Obtaining the CTO by misrepresentation or failure to disclose fully all relevant facts, if any genuine complaint is received.
12. The unit shall obtain prior 'Consent to Establish' from the Board for any further expansion, alteration, modification, modernization of the project.

#### SPECIFIC CONDITION

##### A) Air Aspect:-

1. All haul roads used for transportation of fly ash shall be made metallic/paved and water sprinklers shall be installed all along the haul roads.
2. Fly ash shall be transported after containing in HDPE bags at the generation point before loading into wagon.
3. Appropriate dust suppression measures shall be adopted to reduce fugitive emission at all the materials transfer and dropping points.
4. Vehicle wheel washing system shall be installed at entry and exit point of the Siding.
5. Mist gun shall be installed at the siding to control fugitive dust generated in the unloading and transfer of fly ash.

##### B) Plastic Waste Aspect:

1. Plastic waste generated in the unit shall be disposed off in accordance of the provisions of the Plastic Waste Management Rules, 2016.
2. The unit shall submit a report on generation and disposal of Plastic Waste within 30th June every year.

##### C) Hazardous Waste Aspect:

1. Authorization under the Hazardous & Other Waste (Management and Trans Boundary Movement) Rules, 2016 shall be obtained from the Pollution Control Board, Assam.
2. The project authorities shall comply with the provisions of the said Rules.
3. Adequate facilities shall be provided for collection and storage of used/spent oil, empty containers of chemicals etc. which shall be sent to registered recyclers for recycling.

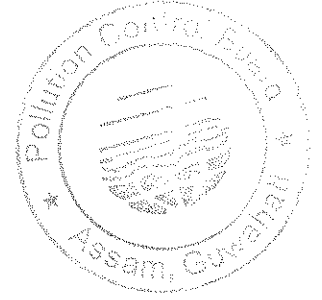
4. The unit shall dispose off any other Hazardous Waste generated by the unit as per the provisions of the Rules.
5. The unit shall identify and quantify all streams of Hazardous Waste generation as per Schedule-I and maintain proper record in Form-3 of the said Rules.
6. The unit should submit annual return in Form-4 under the said rules on or before 30th June every year.



**(Gakul Bhuyan)**  
**Member Secretary**  
**Pollution Control Board, Assam**



**Pollution Control Board, Assam  
Bamunimaidam, Guwahati-21**



**NOTIFICATION**

No. PCBA/LGL-95/2021/Notification/01

Dated Guwahati, the 11<sup>th</sup> Nov, 2021

In exercise of the powers conferred under Section-5 of the Environment (Protection) Act, 1986 as amended till date and keeping in view the need of public interest towards dissemination of vital information regarding Consent/Authorization of this Board, all industries are hereby directed to install a Display Board of minimum size 5'x4', near the main entrance gate.

The format of the display board is given below:

Name and Address of the Unit : M/s.	
Description of Consent/Authorization	Details
Consent to Establish (CTE)	No.: Date of Issue:
Consent to Operate (CTO)	No.: Date of validity:
Authorization under Hazardous & Other waste (Management & Transboundary Movement) Rules, 2016 (if applicable)	No.: Date of Issue: Date of validity:

**Member Secretary**

Memo No. PCBA/LGL-95/2021/Notification/01-A

Dated Guwahati, the 11<sup>th</sup> Nov, 2021

Copy to:

1. ✓ The Commissioner & Secretary to the Govt. of Assam, Department of Environment & Forest, Dispur for kind information.
2. P.A. to the Chairman, PCBA for kind appraisal of the Hon'ble Chairman.
3. The All Regional Heads, PCBA for information & necessary action.
4. M/S APS Advertising Pvt. Ltd, Guwahati-1. They are requested to publish the "NOTICE" in "the Assam Tribune" and "Dainandin Barta" on 12.11.2021.
5. Notice Board, Head Office / Website ([www.pcbassam.org](http://www.pcbassam.org)), PCBA.

**Member Secretary**

General Standards for discharge of environment Pollutants Part-A: Effluents

S. No.	Parameter	Standards			
		Inland surface water	public Sewers	Land irrigation	for Marine coastal areas
1	2	3			
		(a)	(b)	©	(d)
1	Color and Odor	5 to 25 Agreeable	-	5 to 25 Agreeable	5 to 25 Agreeable
2	Suspended Solids mg/l, Max.	100	600	200	(a) For process waste water-100 (b) For Cooling water effluent 10 percent above total suspended matter of influent
3	Particular size of suspended solids	Shall pass 850 micron IS Sieve	-	-	(a) Floatable solids, max. 3 mm (b) Settleable solids, max 850 microns
4*	---	-	-	---	-
5	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6	Temperature	Shall not exceed 5°C above the receiving water temperature	-	-	Shall not exceed 5°C above the receiving water temperature
7	Oil and grease mg/L Max	10	20	10	20
8	Total residual chlorine mg/1, Max	1.0	-	-	1.0
9	Ammonical nitrogen (as N), mg/1 max.	50	50	-	50
<p>1. Schedule VI inserted by Rule 2(d) of the Environment (Protection) Second Ammendment Rules,1993 notified vide G.S.R.422 (E) dated 19.05.1993, published in the Gazettee No.174 dated 19.05.1993.</p>					
10	Total Kjeldhal nitrogen (as NH <sub>3</sub> ) mg/l, Max	100	-	-	100
11	Free Ammonia (as NH <sub>3</sub> ) mg/1, Max	5.0	-	-	5.0
12	Biochemical oxygen demand (5 days at 20°C), mg/1 Max)	30	350	100	100
13	Chemical Oxygen demand, mg/1 Max	250	-	-	250
14	Arsenic (as As) mg/1 Max	0.2	0.2	0.2	0.2
15	Mercury (As Hg), mg/1 max)	0.01	0.01	-	0.01
16	Lead (as Pb) mg/L, Max	0.1	1.0	-	2.0
17	Cadmium (as Cd) mg/1, Max	2.0	1.0	-	2.0
Contd...P/2					

18	Hexavalent chromium, (as Cr) mg/l, Max	0.1	2.0	-	1.0
19	Total chromium (as Cr) mg/l, Max	2.0	2.0	-	2.0
20	Copper (as Cu)g/l, Max	3.0	3.0	-	3.0
21	Zinc (as Zn) mg/l,Max	5.0	15	-	15
22	Selenium (as Se) mg/l, Max	0.05	0.05	-	0.05
23	Nickel (as Ni) mg/l,Max	3.0	3.0	-	5.0
24*	-	-	-	-	-
25*	-	-	-	-	-
26	-	-	-	-	-
27	Cyanide (as CN), mg/l Max	0.2	2.0	0.2	0.2
28*	-	-	-	-	-
29	Fluoride (as F) mg/l Max	2.0	15	-	15
30	Dissolved Phosphates (as p), mg/l Max	5.0	-	-	-
31*	-	-	-	-	-
32	Sulphide (as S) mg/l Max	2.0	-	-	5.0
33	Phenolic Compounds (as C <sub>6</sub> H <sub>5</sub> OH) mg/l Max	1.0	5.0	-	5.0
34	Radioactive materials:				
	(a)Alpha emitter micro curie/ml	10 <sup>-7</sup>	10 <sup>-7</sup>	10 <sup>-8</sup>	10 <sup>-7</sup>
	(b) Beta emitter micro curie/ml)	10 <sup>-6</sup>	10 <sup>-6</sup>	10 <sup>-7</sup>	10 <sup>-6</sup>
35	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
36	Manganese (as Mn)	2 mg/l	2 mg/l	-	2 mg/l
37	Iron (as Fe)	3 mg/l	3 mg/l		3 mg/l
38	Vanadium (asV)	0.2 mg/l	0.2 mg/l		0.2 mg/l
39	Nitrate Nitrogen	10 mg/l	-	-	20 mg/l
40	-	-	-	-	-

\* Omitted by Rule 2 (d) (i) of the Environment (Protection) Third Amendment Rules, 1993 vide Notification No. G.S.R 801 (E) dated 31.12.1993

## e-Demand Confirmation Slip

## ANNEXURE R/3

Demand Detail			
<b>e-Demand Reference Id:</b>	APJG110320263	<b>Registration Date/Time:</b>	11-03-2026 18:26
<b>Confirmation Date/Time:</b>	11-03-2026 19:20	<b>Demand Number:</b>	3
<b>Demand Date/Time:</b>	11-03-2026 19:20	<b>No.of Forwarding Notes:</b>	1
<b>Demanded Commodity:</b>	ASH (ASHES)		
<b>Demanded Stock:</b>	BOXNHL	<b>Total Units:</b>	59
<b>Expected Loading Date:</b>	11-03-2026	<b>Rake Sq. Number:</b>	
<b>WRF Applicable:</b>	YES	<b>WRF Amount:</b>	100000
<b>GST Amount:</b>	0	<b>Gross Amount:</b>	100000
<b>GST Remarks:</b>	GST AMOUNT RS. NIL	<b>GSTIN OF SUPPLIER:</b>	SOURABH C. MITRA 20AAAAGM0289C1ZX FOR 20- JHARKHAND
<b>Adjust WRF With Freight:</b>	YES		
<b>Freight Advance Scheme:</b>	N	<b>Freight Paid By:</b>	CNSG-CONSIGNEE
<b>Round Trip Flag:</b>	N	<b>Sale Tax Applicable:</b>	N
<b>Sale TaxTIN Number:</b>		<b>Risk Rate:</b>	OR-OWNER RISK RATE
<b>Paid Type:</b>	P-PAID	<b>Scheme Code:</b>	
<b>Demand Permit/Expiry</b>		<b>Sub Priority Class:</b>	
<b>Permit State:</b>		<b>Permit Number:</b>	
<b>Permit Date:</b>		<b>Booking Remark:</b>	NIL
<b>Siding / Terminal:</b>		<b>Authorized Handling Agent:</b>	
<b>Name and Vessel Number:</b>			
Payment Detail			
<b>Tax Invoice Id:</b>	9926032025710095		
<b>Application Id:</b>	01	<b>Application Reference Id:</b>	APJG110320263
<b>Application Transaction</b>	100000	<b>CPG Transaction Id:</b>	
<b>Application Transaction Id:</b>	P-020102012603110023	<b>Payment Confirmation Id:</b>	APJG3/11032026
<b>GSTIN of Customer:</b>	20AABCA2957L1ZU for 20-JHARKHAND		

I hereby declare that, all the information provided by me is correct and true and I am solely responsible for any inaccuracy in the data fed by me.

I agree that the Online submission of the Forwarding Note shall be of the same legal effect, validity, or enforceability as a manually executed Forwarding Note in terms of section 64 of The Railways Act 1989

I hereby confirm the above declaration.

Name:BINAY MISHRA

Address:BLOCK NO 2C PLAT NO 71 ADANI TOWNSHIP MOTIA GODDA  
JHARKHAND 814133

Thanks for opting to transport your goods by Indian Railways. You are likely to save 132 Tonne CO2 emission in comparison with road. This saving will be credited as 132 Rail Green Points in your account maintained on Freight Business Development Portal

## e-Demand Confirmation Slip - Forwarding Note Details

Forwarding Note Detail			
<b>e-Demand Reference Id:</b>	APJG110320263		
<b>Forwarding Note Number:</b>	81.001	<b>Priority Class / Number:</b>	D/81.001
<b>FNR Number:</b>	26031126285		
<b>Consignor Name:</b>	ADPL(M/S ADANI POWER LTD.)		
<b>Consignor Address:</b>	ADANI POWER LIMITED MOTIA MALI GAYGHAT AND ADJECENT VILLAGES GODDA JHARKHAND 814133		
<b>GSTIN of Consignor:</b>	20AABCA2957L1ZU FOR 20-JHARKHAND		
<b>Consignee Name:</b>	DCNL(M/S DALMIA CEMENT (NORTH EAST) LIMITED)		
<b>Consignee Address:</b>	PIPAL PUKHURI LANKA NAGAON ASSAM 782446		
<b>GSTIN of Consignee:</b>	18AACCC5142J1ZP FOR 18-ASSAM		
<b>Station From:</b>	APJG (GCT OF M/S ADANI POWER LIMITED, 20-JHARKHAND)		
<b>Destination:</b>	LKA(LANKA, 18-ASSAM)		
<b>Rake Commodity</b>	ASH(ASHES)		
<b>Commodity Description:</b>	4011208(FLY ASH)		
<b>HSN Code</b>	26219000		
<b>LC Details</b>			
<b>Bank Details</b>			
<b>Customer Details</b>			
<b>Private Marks</b>			

Stock Demanded:	Units:	Weight (In Tonnes):
BOXNHL	59	4012



**DISCLAIMER:**

1. THIS DOCUMENT CANNOT BE USED FOR ANY PURPOSE OTHER THAN INFORMATION.
2. THIS IS A COPY OF MACHINE GENERATED RR.
3. SOME OF THE DETAILS MAY HAVE BEEN MODIFIED BY GOODS SHED FOR DISCREPANCIES.

**RR DETAILS**

**ANNEXURE R/4**

RR NO. 262000170 RR DATE 16-03-2026 FORM COM.G. 25  
 TYPE PAID FOREIGN

FNR 26031126285 TAX INVOICE NUMBER: 9926032025050011  
 INVC NO.: 15 INVC DATE: 16-03-2026 CHRG DIST: 1058  
 FNOT NO. 81.001 FNOT DATE: 11-03-2026 HNDLD BY: P  
 ZONE CODE: ER TRFC TYPE: GG RATE TYPE: C  
 GAUGE CODE: 1 WGON FRWH: 58 WGHT UNIT: 58  
 RISK RATE: OR CLASS: 120A RATE: 1223.5  
 TOTAL CHRG WT.: 3940.1  
 CHARGED VIA: HSDA-DUMK-RPH-NHT-NFK-MLDT-OMLF-EKI-KDPR-MFA-BOE-AUB-NJP-RQJ-YLSC-NCB-SMTA-FKM-D

T/W LOAD: T  
 INVC AT: WGHD AT: DELIVERY BOOK/FOLIO NO:  
 FOR RMC:

**PUNITIVE CHARGE FOR OVERLOADING** CLASS: 2.0\*120A CLASS:  
 RATE: 2447 RATE:

FROM STATION/SIDING: GCT OF M/S ADANI POWER LIMITED,20-JHARKHAND CODE: APJG 02220774  
 TO STATION/SIDING: LANKA,18-ASSAM CODE: LKA 05718422  
 SENDER'S NAME: M/S ADANI POWER LTD. CODE: ADPL  
**ADDRESS:** ADANI POWER LIMITED MOTIA MALI GAYGHAT AND ADJECENT VILLAGES GODDA **GSTIN:** 20AABCA2957L1ZU  
 CNSG NAME: M/S DALMIA CEMENT (NORTH EAST) LIMITED CODE: DCNL  
**ADDRESS:** PIPAL PUKHURI LANKA NAGAON ASSAM 782446,18-ASSAM **GSTIN:** 18AACCC5142J1ZP

DESCRIPTION OF GOOD		WEIGHMENT PARTICULARS	
CMDT CODE:	4011208	SENDER WGHT	0
NO OF ARTICLES:	0	ACTL WGHT:	3887.5
PCKG CODE:	1	CHBL WGHT AT NORM. RATE:	3940.1
PVT MARK:		OVER WT. CHBL AT PUN RATE:	1.9

**FREIGHT:** 4820712.35

OTHR CHRG		REBATE		PAID ON CHRG		UNDER CHRG		OVER CHRG	
CODE	AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE	AMOUNT
DCLA	8700								
DPO	723823.95	NE	199566.07						
DTC	78840	FIFA	2217527.68						
POL1	4649.3								
DS	277186.04								
*GST	174841								
<b>TOTAL FREIGHT:</b>	<b>3671659</b>								

**ALLOCATION AND OTHER DETAILS**

ACTT'S HEAD:  
 DEPT. TO BE DEBITED  
 A. OFFICER:

**COMMODITY DESCRIPTION:** FLY ASH ( RAKE DEMAND )

\***GST PARTICULARS:** GSTIN OF CUSTOMER : 18AACCC5142J1ZP FOR 18-ASSAM#GSTIN OF SUPPLIER: SOURABH C. MITRA 20AAAGM0289C1ZX FOR 20-JHARKHAND#GST AMOUNT RS.174841(IGST@5%=RS.174840.9) #TYPE:TRANSPORTATION OF GOODS BY RAIL, HSN CODE:996512#EXEMPTION : RC 19 OF 2017 DT: 30.06.2017#

**REMARKS:** QLFD RMRK: TO BE WEIGHED AT#COMMODITY AS DESCRIBED BY THE SENDER IN THE F/NOTE.#TRAIN LOAD CONDITIONS COMPLIED WITH.#LOADING DONE IN SIDING, NOT SUPERVISED BY RAILWAY STAFF.#SAID TO CONTAIN#VALUE OF COSIGNMENT NOT DECLARED#COVERING WAGONS WITH TARPAULINS TO AVAIL ADDITIONAL FREE TIME# PACKAGING CONDITION OUTER NOT COMPLIANT: P/2(A)#T/LOAD CONDITION

FULFILLED.DEFAULT#REBATE GIVEN UNDER FREIGHT INCENTIVE SCHEME FOR LOOSE/BULK LOADING OF ASHES IN OPEN WAGONS.# POL SITE#AMCN  
CODE : A.## SALES TAX NOT APPLICABLE. #

**PAYMENT MODE:** CREDITED TO FA & CAO/T/ER UNDER BANK TRXNID :AX160320260000019903 ON : 16-03-2026 10:05; PRTY- DCNL; LC A/C- 0140LCO0000  
075, LC VALID FROM- 23-06-2025, LC VALID TO- 31-05-2028,AXIS BANK,000140; RLY- 1579010640816,AXIS BANK,1579, AMOUNT:RS.3671659/-.



Wagon Details of the RR

SR.NO.	OWNG RLY	TYPE	WGON	CC	TARE	NO.	CMDT	GROSS	DIP	ACTL	PERM	OVER WT.			CHBL	
NO.	PARTY		NUMB	(T)	(T)	OF ART	CODE	WT	D.MS LTS	WT	WT	CC (T)	TOTL	NRML RATE	PNTV RATE	WT
1	NR	BOXNHL	22032017085	70	20.6	0	4011208	84.8		0	64.2	68	0	0	0	68
2	EC	BOXNHL	22101141253	70	20.6	0	4011208	88		0	67.4	68	0	0	0	68
3	NC	BOXNHL	22131610989	70	20.6	0	4011208	89.8		0	69.2	68	1.2	1	.2	69
4	SEC	BOXNHL	22142311950	70	20.6	0	4011208	88.8		0	68.2	68	.2	.2	0	68.2
5	EC	BOXNHL	22101153560	70	20.6	0	4011208	89.2		0	68.6	68	.6	.6	0	68.6
6	NC	BOXNHL	22131130401	70	20.6	0	4011208	88.6		0	68	68	0	0	0	69
7	EC	BOXNHL	22101136990	70	20.6	0	4011208	88.2		0	67.6	68	0	0	0	68
8	SEC	BOXNHL	22141622309	70	20.6	0	4011208	87.2		0	66.6	68	0	0	0	68
9	SC	BOXNHL	22091623135	70	20.6	0	4011208	89		0	68.4	68	.4	.4	0	68.4
10	WC	BOXNHL	22162414839	70	20.6	0	4011208	89		0	68.4	68	.4	.4	0	68.4
11	WC	BOXNHL	22162415041	70	20.6	0	4011208	86.4		0	65.8	68	0	0	0	68
12	EC	BOXNHL	22101630221	70	20.6	0	4011208	88.4		0	67.8	68	0	0	0	68
13	EC	BOXNHL	22101612524	70	20.6	0	4011208	89		0	68.4	68	.4	.4	0	68.4
14	ECO	BOXNHSM1	12120316008	66	22.53	0	4011208	86		0	63.47	66	0	0	0	66
15	SW	BOXNHAM	12150752944	66	23.17	0	4011208	89.8		0	66.63	65.4	1.23	1	.23	66.4
16	EC	BOXNHL	22101615464	70	20.6	0	4011208	88.1		0	67.5	68	0	0	0	69
17	SE	BOXNRHS	12070734105	69	21.2	0	4011208	88.4		0	67.2	67.4	0	0	0	67.4
18	SEC	BOXNHSM1	12140443951	66	22.53	0	4011208	88.4		0	65.87	66	0	0	0	66
19	SE	BOXNM1	10079755961	66	22.53	0	4011208	86.6		0	64.07	66	0	0	0	66
20	SEC	BOXNHL	22141712116	70	20.6	0	4011208	90		0	69.4	68	1.4	1	.4	69
21	SC	BOXNHA	11099951203	66	23.17	0	4011208	90.2		0	67.03	65.4	1.63	1	.63	66.4
22	SE	BOXNR	25070093561	69	21.2	0	4011208	89.8		0	68.6	67.4	1.2	1	.2	68.4
23	WC	BOXNHL	22161181282	70	20.6	0	4011208	89.6		0	69	68	1	1	0	69
24	WC	BOXNHL	22162414624	70	20.6	0	4011208	89.4		0	68.8	68	.8	.8	0	68.8
25	SE	BOXNM2	10070060569	66	22.53	0	4011208	87		0	64.47	66	0	0	0	66
26	EC	BOXNHL	22101733076	70	20.6	0	4011208	87.8		0	67.2	68	0	0	0	68
27	ECO	BOXNHL	22122524363	70	20.6	0	4011208	88.6		0	68	68	0	0	0	68
28	ER	BOXNM2	10020060014	66	22.53	0	4011208	87		0	64.47	66	0	0	0	66
29	ECO	BOXNHL	22121624545	70	20.6	0	4011208	88.6		0	68	68	0	0	0	69
30	SE	BOXNHL	22072316414	70	20.6	0	4011208	87.2		0	66.6	68	0	0	0	68
31	NC	BOXNHL	22131141629	70	20.6	0	4011208	89.4		0	68.8	68	.8	.8	0	68.8
32	SEC	BOXNHL	22142343562	70	20.6	0	4011208	86.2		0	65.6	68	0	0	0	68
33	ECO	BOXNHL	22122323874	70	20.6	0	4011208	86.4		0	65.8	68	0	0	0	68
34	SEC	BOXNHL	22141735573	70	20.6	0	4011208	89.8		0	69.2	68	1.2	1	.2	69
35	WC	BOXNHL	22162414983	70	20.6	0	4011208	89.4		0	68.8	68	.8	.8	0	68.8
36	WC	BOXNHL	22162415058	70	20.6	0	4011208	88.2		0	67.6	68	0	0	0	68
37	SW	BOXNHSM1	12260612329	66	22.53	0	4011208	89		0	66.47	66	.47	.47	0	66.47
38	NW	BOXNHL	22111317242	70	20.6	0	4011208	88.6		0	68	68	0	0	0	69
39	SEC	BOXNHL	22141731131	70	20.6	0	4011208	87.4		0	66.8	68	0	0	0	68
40	NC	BOXNHL	22131466258	70	20.6	0	4011208	87.8		0	67.2	68	0	0	0	68
41	EC	BOXNHL	22101531733	70	20.6	0	4011208	86.8		0	66.2	68	0	0	0	68
42	CR	BOXNHL	22012311011	70	20.6	0	4011208	88.2		0	67.6	68	0	0	0	68
43	NC	BOXNHL	22131729681	70	20.6	0	4011208	88.6		0	68	68	0	0	0	68
44	SEC	BOXNHL	22142329610	70	20.6	0	4011208	87.8		0	67.2	68	0	0	0	68
45	ECO	BOXNHL	22122310843	70	20.6	0	4011208	87.2		0	66.6	68	0	0	0	68
46	WR	BOXNHL	22081710159	70	20.6	0	4011208	88.4		0	67.8	68	0	0	0	68
47	SE	BOXNM2	10070360768	66	22.53	0	4011208	87		0	64.47	66	0	0	0	66
48	CR	BOXNHL	22012214305	70	20.6	0	4011208	85.4		0	64.8	68	0	0	0	68
49	ECO	BOXNHL	22121586133	70	20.6	0	4011208	87.6		0	67	68	0	0	0	68
50	EC	BOXNHL	22102214475	70	20.6	0	4011208	89.2		0	68.6	68	.6	.6	0	68.6
51	SEC	BOXNHL	22140952407	70	20.6	0	4011208	87.6		0	67	68	0	0	0	68
52	WC	BOXNHL	22162414730	70	20.6	0	4011208	87		0	66.4	68	0	0	0	68
53	WC	BOXNHL	22162414648	70	20.6	0	4011208	86.6		0	66	68	0	0	0	68
54	WC	BOXNHL	22162414877	70	20.6	0	4011208	86.4		0	65.8	68	0	0	0	68
55	NR	BOXNHL	22032018174	70	20.6	0	4011208	87.2		0	66.6	68	0	0	0	68
56	EC	BOXNHL	22101623308	70	20.6	0	4011208	87.8		0	67.2	68	0	0	0	68
57	EC	BOXNHL	22101610032	70	20.6	0	4011208	85.8		0	65.2	68	0	0	0	68
58	SEC	BOXNHL	22141810416	70	20.6	0	4011208	86.4		0	65.8	68	0	0	0	68

**MT707**

Network : SFMS | Delivery Status : Network Ack | Ack Date : 16-05-2025 | Ack Time : 14.08 IST

## ANNEXURE R/5

### Message Header

**SFMS Input**

IFN 707 Issue of a Documentary Credit

**Sender**

UTIB0000140  
140 GUWAHATI [AS] 211 CHIBBER  
HOUSE G S ROAD, DISPUR GUW  
AS 781005

**Receiver**

UTIB0001579  
001579 UTIB FINANCIAL INCLUSION  
AXSI HOUSE, 4TH FLOOR BOMBAY  
DEYING MILL COMP PUND,  
PANDURANG BUDHKAR MARG, WORLI -

### Message Text

20	Sender's Reference 0140LCO-0000075
21	Receiver's Reference NONREF
31C	Date of Issue or Request to Issue 06-05-2024
30	Date of Amendment 16-05-2025
26E	Number of Amendment 2
59	Beneficiary (before amndmt)- Nm&Add FA AND CAO, EASTERN RAILWAY 17, N S. ROAD, KOLKATA INDIA.
31E	Date of Expiry 13-10-2028
32B	Increase of documentary credit currency, Amount Currency : INR Amount : #925000,00#
34B	New Documentary Credit Amount After Amendment Currency : INR Amount : #11047000,00#
44C	Latest Date of Shipment 13-09-2028
79	Narrative APPLICANT NAME- DALMIA CEMENT (NORTH EAST) LIMITED 1 LC VALUE ENHANCED AS PER REF NO CC/GEN/E-PAYMENT/DCNL/2024/3 DTD 20 03 2024 2 EXPIRY DATE HAS BEEN EXTENDED



**STILL GOING TO THE BRANCH  
FOR YOUR INWARD REMITTANCES?**

Now do it online, on-the-go!

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to Axis Internet Banking




3 LATEST DATE OF SHIPMENT HAS BEEN EXTENDED.  
 4 ALL OTHER TERMS AND CONDITIONS OF LETTER OF CREDIT REMAIN UNCHANGED  
 5 EXCEPT AS OTHERWISE EXPRESSLY STATED THIS DOCUMENTARY CREDIT IS SUBJECT TO UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS 2007 REVISION ICC PUBLICATION NO 600



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MT707

Network : SFMS | Delivery Status : Network Ack | Ack Date : 22-05-2025 | Ack Time : 21:08 IST

Message Header

SFMS Input

IFN 707 Issue of a Documentary Credit

Sender

UTIB0000140  
140 GUWAHATI [AS] 211 CHIBBER  
HOUSE G S ROAD, DISPUR GUW  
AS 781005

Receiver

UTIB0001579  
001579 UTIB FINANCIAL INCLUSION  
AXSI HOUSE, 4TH FLOOR BOMBAY  
DEYING MILL COMP PUND,  
PANDURANG BUDHKAR MARG,WORLI -

Message Text

20	Sender's Reference 0140LCO-0000075
21	Receiver's Reference NONREF
31C	Date of Issue or Request to Issue 06-05-2024
30	Date of Amendment 22-05-2025
26E	Number of Amendment 3
59	Benefic'y (before amndmt)- Nm&Add FA AND CAO, EASTERN RAILWAY 17, N.S. ROAD, KOLKATA INDIA.
44C	Latest Date of Shipment 13-07-2028
79	Narrative APPLICANT NAME- DALMIA CEMENT (NORTH EAST) LIMITED 1 LATEST DATE OF SHIPMENT HAS BEEN EXTENDED. 2. ALL OTHER TERMS AND CONDITIONS OF LETTER OF CREDIT REMAIN UNCHANGED. 3 EXCEPT AS OTHERWISE EXPRESSLY STATED THIS DOCUMENTARY CREDIT IS SUBJECT TO UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS 2007 REVISION ICC PUBLICATION NO 600



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MT707

Network : SFMS | Delivery Status : Network Ack | Ack Date : 16-05-2025 | Ack Time : 14:08 IST

**Message Header**

**SFMS Input**

IFN 707 Issue of a Documentary Credit

**Sender**

UTIB0000140  
140 GUWAHATI [AS] 211 CHIBBER  
HOUSE G S ROAD, DISPUR GUW  
AS 781005

**Receiver**

UTIB0001579  
001579 UTIB FINANCIAL INCLUSION  
AXSI HOUSE, 4TH FLOOR BOMBAY  
DEYING MILL COMP PUND,  
PANDURANG BUDHKAR MARG, WORLI -

**Message Text**

20	Sender's Reference 0140LCO-0000075
21	Receiver's Reference NONREF
31C	Date of Issue or Request to Issue 06-05-2024
30	Date of Amendment 16-05-2025
26E	Number of Amendment 2
59	Benefic'y (before amndmt)- Nm&Add FA AND CAO, EASTERN RAILWAY 17, N. S. ROAD, KOLKATA INDIA.
31E	Date of Expiry 13-10-2028
32B	Increase of documentary credit currency, Amount Currency : INR Amount : #925000,00#
34B	New Documentary Credit Amount After Amendment Currency : INR Amount : #11047000,00#
44C	Latest Date of Shipment 13-09-2028
79	Narrative APPLICANT NAME- DALMIA CEMENT (NORTH EAST) LIMITED 1 LC VALUE ENHANCED AS PER REF NO CC/GEN/E-PAYMENT/DCNL/2024/3 DTD 20.03.2024 2 EXPIRY DATE HAS BEEN EXTENDED



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**SFMS MESSAGE - MT707 NON-NEGOTIABLE COPY**

3 LATEST DATE OF SHIPMENT HAS BEEN EXTENDED.  
4 ALL OTHER TERMS AND CONDITIONS OF LETTER OF  
CREDIT REMAIN UNCHANGED  
5 EXCEPT AS OTHERWISE EXPRESSLY STATED THIS  
DOCUMENTARY CREDIT IS SUBJECT TO  
UNIFORM CUSTOMS AND PRACTICE FOR  
DOCUMENTARY CREDITS 2007 REVISION ICC  
PUBLICATION NO.600  
-

**STILL GOING TO THE BRANCH  
FOR YOUR INWARD REMITTANCES?**

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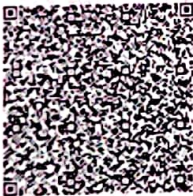
सत्यमेव जयते

INDIA NON JUDICIAL

Government of Assam

e-Stamp

Base Certificate No. : IN-AS16402877839143W  
 Certificate No. : IN-AS16405297233136W  
 Certificate Issued Date : 01-Oct-2024 04:25 PM  
 Account Reference : NONACC (SV)/ as17054904/ GUWAHATI/ AS-KM  
 Unique Doc. Reference : SUBIN-ASAS1705490419685948445455W  
 Purchased by : DALMIA CEMENT NORTH EAST LTD  
 Description of Document : Article 5 Agreement or Memorandum of an agreement  
 Property Description : AGREEMENT  
 Consideration Price (Rs.) : 0  
 (Zero)  
 First Party : DALMIA CEMENT NORTH EAST LTD  
 Second Party : EAST COAST RAILWAY  
 Stamp Duty Paid By : DALMIA CEMENT NORTH EAST LTD  
 Stamp Duty Amount(Rs.) : 100  
 (One Hundred only)



Please write or type below this line

No.CC/Gen/e-payment/DCNL/2025/05

TRIPARTITE AGREEMENT FOR E-PAYMENT OF FREIGHT AMONG  
 EASTERN RAILWAY, M/S DALMIA CEMENT (NORTH EAST) LIMITED

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORISED SIGNATORY

AND AXIS BANK  
 For AXIS BANK LTD.

Rajeev Kumar Sarma  
 VP & Branch Head  
 Guwahati Branch  
 Emp. ID- 110666, SS No. 15018

मुख्य वाणिज्य प्रबन्धक (माल भाड़ा संचालक)  
 Jy. Chief Commercial Manager (FS)  
 पूर्व रेलवे (प्रा.का.), कोलकाता  
 Eastern Railway (HQ), Kolkata

0013922654

## Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at [www.dhalesstamp.com](http://www.dhalesstamp.com) or using e-Stamp Mobile App of Stock Holding Corporation of India. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy as per the terms of the certificate is on the purchaser. Please refer the Certificate Stamp.



This tripartite agreement made on this ~~13th~~ 13th June 2025..... at Kolkata , between The President of India acting through Chief Commercial Manager/FM, Eastern Railway, Kolkata (hereinafter referred to as 'RAILWAYS') having its office at 3, Koilaghat street, Kolkata-700001 which expression shall unless excluded or repugnant to the subject or context include its successor in office or assigns is the first part,

And

M/S DALMIA CEMENT (NORTH EAST) LIMITED a company registered under the Companies Act, 1956 and having its registered office at 4<sup>th</sup> floor, Anil Plaza II, ABC, G. S. Road, Guwahati 781005 GSTIN No 18AACCC5142J1ZP represented by Mr. Prasanta Kumar Sutar (General Manager Finance, residing at Guwahati) (hereinafter referred to as the 'CONSIGNEE' which expression shall, unless repugnant to the meaning or context hereof include its successors and permitted assigns) being the second part,


And

AXIS Bank Limited, Centralised Reconciliation and Settlement, 6<sup>th</sup> Floor, Gigaplex, Building No. – 1, Plot No. I.T.5 / MIDC, Airoli, Knowledge Park, Airoli, Navi Mumbai – 400708 (BANK), a banking company incorporated under the companies Act, 1956, having its Central Office Axis Bank Limited, Axis House, Wadia International Centre, 7<sup>th</sup> floor, Panduranga Bhudkar Marg, Worli, Mumbai – 400 025 represented by Mr. Rupam Bhuyan – Branch Manager, Axis Bank, Chibber House, G. S. Road, Guwahati 781005, (hereinafter referred to as the 'BANK' which expression shall be deemed to include its successors and assigns) being third part.

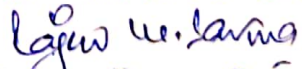
Railways, the Consignee and the Bank shall be collectively referred to as "Parties".

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORISED SIGNATORY

  
मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सेवा)  
Chief Commercial Manager (FS)  
पूर्व रेलवे (प्रा.का.), कोलकाता  
Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

  
Rajeev Kumar Sarma  
VP & Branch Head  
Guwahati Branch  
Emp. ID- 110666, SS No. 15018

## WHEREAS

- a) The CONSIGNEE has approached the RAILWAYS to transport their requirement of (coal / other commodities) through Railway wagons from any of the Railway goods booking station of Eastern Railway to all stations of Indian Railway and pay the freight electronically at the forwarding point within the prescribed time to the BANK so that surcharge is not levied on freight of Coal / other commodities.
- b) Regular Payment Mechanism –
- (i) Flow of funds to Eastern Railway will be arranged from a dedicated account No. 914020013655848 which is opened by M/s Dalmia Cement (North East) Limited at Axis Bank, Chibber house, G. S. Road, Guwahati - 781 005, having Branch No – 140 and IFSC Code UTIB0000140 - with an allocated credit limit equivalent to more than 2 days average freight of the highest transaction month of the last financial year i.e. Rs. 1,10,47,000/- approximately.
- ii) The consignee shall arrange to recoup, on every bank working day, the amount of freight paid by the Consignee's banker, out of the LC limit, for the immediately previous day/days in case of Bank Holidays. A day is defined as zero hour to twenty-four hours as is in vogue on Indian Railway.
- c) The BANK, who is providing banking services to the Railways and the Consignee have agreed to pay for the freight for the commodities being dispatched from any of the Railway goods booking station of Eastern Railway to all stations of Indian Railway by electronically transferring the funds in respect of freight transactions from the consignee's Account to the Railways Account maintained with the Bank.

Now, it is hereby agreed and declared by all the three parties as follows:

1. PERIOD OF AGREEMENT

This Agreement shall be valid from the date of its signing for a period from ...16.06.2025..... to ...13.07.2028..... and would be extendable further by mutual consent subject to the policy on E- payments transactions announced by Government of India / Ministry of Railways / Ministry of Power / Reserve Bank of India from time to time.

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORISED SIGNATORY

३ मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सेवा),  
Dy. Chief Commercial Manager (FS)  
पूर्व रेलवे (प्रा.का.), कोलकाता  
Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

Rajeev Kumar Sarma  
VP & Branch Head  
Guwahati Branch  
ID- 110666, SS No. 15018

3

THE PROCEDURE TO BE ADOPTED WOULD BE AS FOLLOWS:

2.1.1 The Consignee has opened an Irrevocable Letter of Credit (ILC) in favour of FA & CAO, Eastern Railway, Kolkata with Axis Bank (BANK), Chibber house, G. S. Road, Guwahati - 781 005, having Branch No – 140 and IFSC Code UTIB0000140, LC No. 0140LCO-0000075, dated 16<sup>th</sup> May 2025 (further amended on 22<sup>nd</sup> May 2025), for Rs. 1,10,47,000/- (called E-RR limit) to ensure assured transfer of funds to the Railways. This LC will be valid up to 13<sup>th</sup> July 2028 with a provision for its encashment up to 90 days after the expiry of the LC, i.e till 13<sup>th</sup> Oct 2028. E-RR limit will be decided by Eastern Railway based on the loading performance of the consignee for 2 days average freight of the highest transaction month of the last financial year and accordingly LC limit would be revised by M/s Dalmia Cement (North East) Limited. If a positive confirmation of collection of freight charges from Bank is received in response to a transaction for collection of freight charges, TMS will permit issue of a "Paid E-RR". In situation when no confirmation of transfer of fund is received from the Bank due to technical /network failure etc. and /or when Bank send a message of in sufficient fund, then also "paid ERR" will be issued, however, this will be restricted upto the total amount of the LC/BG. The full amount of the RRs shall be collected either through e.payment or conventional method. In no case the amount of RR should be split between two methods of payment. In case a payment is not facilitated for whatever reason, then rules regarding conventional mode of payment shall be followed (extant guidelines regarding issue of RR under conventional mode of payment is given vide Rates circular no.2 of 2017). If no message is received from the Bank within 150 seconds for any reason, then TMS system will issue a Paid E-RR subject to conditions laid down in Para 2.15 to 2.17 "Procedure in case of exigencies". Railways will be entitled to claim and recover from the Bank funds equal to the amount of the ILC at any time towards freight charges/WRF recoverable and the Bank will honor any claim against the ILC preferred by the Railways and ensure prompt payment towards freight charge recoverable.

2.1.2 If e-payment agreement is executed for more than 1 (one) year the amount of the LC/BG will be reviewed at the end of the financial year on the basis of freight transactions and in case there is an increase in the amount of LC/BG, the customer will submit an additional LC/BG for the difference amount and if the amount of LC/BG is lower than the existing LC/BG limit, the same LC/BG will be revalidated before the expiry of 24 months period.

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORIZED SIGNATORY

उप मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सेवा)  
Dy. Chief Commercial Manager (FS)  
पूर्व रेलवे (प्रा.का.), कोलकाता  
Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

Rajeev Kumar Sarma  
VP & Branch Head  
Guwahati Branch  
Emp. ID- 110688, SS No. 15018

2.2 A separate category of Railway Receipt (RR) called "E-RR", which shall be Paid ERR, will be issued under the e-payment scheme. Similarly, para 3.1 of master policy circular no. 2003/C & IS/FOIS/Progress dated 10.02.2004 issued on computerization of Railway Receipts (RRs) under Terminal Management system (TMS) of FOIS shall stand modified as under : figure 4 in the 8<sup>th</sup> digit of RR number shall denote paid ERR issued against LC/BG coverage when no positive confirmation of collection of freight from Bank is received, figure 5 in the 8<sup>th</sup> digit of RR number shall denote paid ERR issued against LC/BG coverage when insufficient funds message is received from Bank and figure 6 in the 8<sup>th</sup> digit of RR number shall denote paid ERR issued against normal freight transaction through party's account.

2.3 In the e-payment scheme, the authorized railway official at the forwarding station will give a command electronically to the system to prompt the bank for collection of freight charges through e-banking. The request for collection of freight shall contain ERR wise amount and such request shall flow to the (Bank), Axis Bank, Chibber House, G S Road, Guwahati 781 005. The Bank on receipt of such an advice through the Railways Terminal Management System (hereinafter called TMS) will immediately collect the requisitioned funds from the consignee's account No 914020013655848 at Axis Bank (Bank), Guwahati branch, (Branch) and electronically credit the same to Railway's Account maintained in AXIS Bank Limited, Centralised Reconciliation and Settlement, 6<sup>th</sup> Floor, Gigaplex, Building No – 1, Plot No. I.T.5 / MIDC, Airoli, Knowledge Park, Airoli, Navi Mumbai - 400708 immediately during Bank's business hours and at the start of the next business day if such a transaction takes place after close of Bank's business hours . On initiation of a transaction for collection of freight charges, TMS will permit issue of a Paid E-RR so long as the number of E-RRs in the payment pending list does not exceed the E-RR limit as explained in Para 2.6.

2.4 The command requesting collection of freight against a particular transaction will include its complete details, viz. invoice number, date of loading (i.e. date of generation of invoice number by the system), station from, station to, commodity, names of consignor and consignee, freight charges due, name and code of the bank, system's date and time of triggering this task to the interface device between TMS and the Bank.

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORIZED SIGNATORY

*Dy. Chief*  
उप मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सवा),  
Dy. Chief Commercial Manager (FS)  
पूर्व रेलवे (ग्र.का.), कोलकाता  
Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

*Rajeev K. Sarma*  
Rajeev Kumar Sarma  
VP & Branch Head  
Guwahati Branch  
Emp. ID- 110666, SS No. 15018

5

2.5 Normally a request from TMS / FOIS (Freight Operation Information System) to the Bank for electronic payment will be responded within 150 seconds by the bank. Incases where this time limit is exceeded the procedure outlined in Paras 2.15 to 2.17 and 4 will be invoked.

2.6 TMS will maintain a 'Payment Pending List'. Payment pending list shall indicate all the transactions related to the freight amount due Railway on account of Paid ERRs issued without a positive confirmation from the Bank and 'paid ERRs' issued on account of insufficient fund message from the Bank TMS should maintain separate RR-wise details for the following types of transactions which should be annexed to the station balance sheet.


- (i) 'Paid ERRs' after confirmation of payment from Bank.
- (ii) 'Paid ERRs' without positive confirmation of payment from Bank upto rupee limit of LC/BG.
- (iii) 'Paid ERRs' on account of insufficient fund message from Bank upto rupee limit of LC/BG.
- (iv) 'Paid ERRs' issued under conventional mode of payment.

2.7 After successful collection of the requisite amount, the bank will communicate its confirmation in an encrypted form including all the booking details viz. invoice number, date of loading (i.e. date of generation of invoice number of TMS), station from, station to, commodity, names of consignor and consignee, freight charges credited and to be credited to the designated account of the FA&CAO of the originating loading station, name and code of the bank, system's date and time of effecting this transaction to the CRIS interface and Bank's transaction ID to the interface with proper identification of Dalmia Cement (North East) Limited (DCNL) ( Name and Customer code) related transaction. The Interface in turn will communicate these details to the forwarding point and consignee point through TMS. At the forwarding point (TMS device location) the system will display a message confirming successful completion of transaction to the Terminal Operator.

2.8 Transaction ID given by the Bank, Freight Operation Information System (FOIS) transaction time, Invoice Number, Customer Code, LC Number, Validity period of LC, Customer Bank Branch and Branch Code, Railway's Bank Account Number, Bank's name and Branch code shall be printed on the E-RR generated through E-Payment. A copy of payment advice will be generated from the system, which shall be dispatched by the station to cash office along with cash remittance note and will be treated as challan.

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORIZED SIGNATORY

  
 Dy. Chief Commercial Manager (FS)  
 पूर्व रेलवे (प्रा.का.), कोलकाता  
 Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

  
 Rajeev Kumar Sarma  
 VP & Branch Head  
 Guwahati Branch  
 Emp. ID- 110666, SS No. 15018

6

2.9 (i) The Bank shall generate a daily list of transactions incorporating all details given in Para 2.7 above which shall be sent to (a) focal point branch of the Banker of the originating Railway (ER), (b) "Remittance into Bank " section of HQ books section who shall reconcile the transactions based on daily listing received through FPB and treasury remittance note (payment advice) received from cash office. Copies shall also to be sent to FA&CAO/Books, Kolkata at the email-IDs, wherever practicable of the designated officers in the originating Railway and designated Officers of the consignee.

(ii) The Bank's systems will generate a daily statement stating details of total freight accrued, total freight credited on that day and amount to be credited on the next working day indicating all transaction details.

2.10 At the close of each day at 24.00 Hrs, based on transaction messages received from TMS and the Bank, the CRIS interface will generate a transaction-wise reconciliation report for the information of FA&CAO, Sr. DCM of respective division and CCM of both originating and terminating Railways. FA&CAO and CCM of the respective Zonal Railways will also get a daily statement from TMS in respect of station-wise transactions made on each day up to 24.00 Hrs on the previous day for reconciliation with the Bank's statement. Copy of these statements will also be given to consignee for reconciliation at their end.

2.11 Electronic payment system will be a 24x7 facility under which transactions will be made round the clock and on all the days of the year. Freight received till the close of the Business Hours of the Bank branch under this arrangement shall be accounted for on the same working day for the purpose of financial settlement between the Bank and Railways. However, payments received electronically after the close of business hours of the Bank branch would be credited to the designated account of FA&CAO of the originating Railway in the next working day's receipts.

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORISED SIGNATORY

उप मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सहाय),  
Dy. Chief Commercial Manager (FS)  
पूर्व रेलवे (प्रा.का.), कोलकाता  
Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

Rajeev Kumar Sarma  
VP & Branch Head  
Guwahati Branch  
Emp. ID- 110666, SS No. 15018

Procedure in Accounts

2.12 Cash office shall treat the payment advice as TR note for the purpose of accounting and reporting.

2.13 In Traffic Accounts Office, the present practice of checking the credits taken by stations in their balance sheet for bank remittances with reference to cash check sheet prepared by cash offices shall continue. Likewise, the practice of reconciliation of remittances into bank being done with the daily scrolls and date wise monthly statements received from Focal Point Branch and that of latter with the clearance memo received from RBI, CAS Nagpur shall continue. There shall be a Bank system generated daily statement stating details of the total freight accrued, total freight collected on that day and amount to be credited on the next working day. These daily statements should be available on TMS for information of station/s concerned and reconciliation by Traffic Accounts Office.

2.14 The amount of freight so collected by the bank shall be settled with RBI, CAS Nagpur in line with the applicable procedure/guidelines as may be prescribed by RBI from time to time

Procedure in Case of exigency

2.15 In case there is a failure of communication between the FOIS, CRIS and the Bank's Server either before any transaction details can be sent to the Bank or after a transaction message is sent for payment and consequently no confirmation for transfer of fund is received at the TMS location as provided in clause 2.7 of this agreement, a system generated alert message would be sent to all concerned by Axis Bank and FOIS. The authorized railway official/System will send request for E-payment to Axis Bank every hour till fund collection advice (successful transaction message) is received from the Bank. The corresponding transaction, thereafter, will be taken off the Payment Pending List duly adjusting the corresponding on-line E-RR limit.

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORISED SIGNATORY

उप मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सेवा),  
Dy. Chief Commercial Manager (FS)  
पूर्व रेलवे (प्रा.का.), कोलकाता  
Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

Rajeev Kumar Sarma  
VP & Branch Head  
Guwahati Branch  
Emp. ID- 110666, SS No. 15018

2.16 In case there is a failure at the system end either for BANK or for Railway servers likely rectification time, whenever practical will be advised either through e-mail or telephone to the Sr. DCM of respective Division, CCM/FM & FA&CAO/TA of originating and terminating Railways, Bank Officials and designated Officers of the consignee.

2.17 If the TMS device of the loading point fails to function at any stage, Sr. DCM of division of the Railway over which the loading station lies, will ensure that the requisite data are fed in the system through proxy reporting from the adjoining location or divisional control office and that the E-RR is generated in TMS system and freight collected through e-banking well in time. However, the E-RR will be printed at the Goods originating point only on restoration of normal operation.

### 3. OBLIGATIONS OF THE PARTIES

It is hereby agreed that –


3.1 It will be the responsibility of the consignee to ensure that sufficient funds/Cash Credit limits are available in its designated bank accounts with the Bank for making the payments to Eastern Railways - AXIS Bank Limited, Centralised Reconciliation and Settlement, 6<sup>th</sup> Floor, Gigaplex, Building No – 1, Plot No. I.T.5 / MIDC, Airoli, Knowledge Park, Airoli, Navi Mumbai – 400708, for Paid E-RRs for Dalmia Cement (North East) Limited (DCNL) to be transported to all stations of IR.

3.2 It will be the responsibility of Axis Bank, Chibber House, G. S. Road, Guwahati 781 005 to make prompt and timely payment for all Paid E-RRs to Eastern Railway till all the obligations under this agreement are honored by the consignee. Any failure on part of the Bank to do so will be to Bank's Account.


3.3 The Bank shall function according to the Focal Point Banking (FPB) Scheme for reporting such transactions. The amount of freight collected by the Bank under this scheme shall be settled with RBI/CAS, Nagpur in line with the applicable procedure/guidelines as may be prescribed by RBI from time to time.

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORIZED SIGNATORY

  
उप मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सेवा),  
Dy. Chief Commercial Manager (FS)  
पूर्व रेलवे (प्रा.का.), कोलकाता  
Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

  
Rajeev Kumar Sarma  
VP & Branch Head  
Guwahati Branch  
Emp. ID- 110666, SS No. 15018

3.4 It will be the responsibility of the Railways to generate Paid E-RRs, upto ERR limit for coal/other commodities to be transported to all stations of Eastern Railway and claim freight if any, from Axis Bank, Chibber house, G. S. Road, Guwahati 781005.

3.5 It will be responsibility of the consignee to arrange for quarterly reconciliation meeting between railway and the consignee to reconcile the transactions made under this agreement.

3.6 The obligations as outlined above shall be binding on the respective parties. Consequent result of any failure on part of any party shall not be passed on to any other party either in full or in part.

### 3.7 RENEWAL/EXTENSION OF TRIPARTITE AGREEMENT

The LC and TPA should be submitted before 30 days from the date of renewal of the existing agreement.

### 4. WITHDRAWAL / TERMINATION

- (i) In case a failure is anticipated to last for more than five days, CCM of the originating Railway will be apprised and he will decide whether to declare this failure as a prolonged failure. If a failure is declared as a prolonged failure by the CCM, E-payment facility will be discontinued under intimation to the consignee and payment shall be arranged by the Consignee as per conventional system. In all such cases, E-payment will be reintroduced through a notification by the concerned CCM based on a written certification by the Bank and CRIS / FOIS.
- (ii) In case of frequent system failures leading to lack of communication between the TMS and the Bank, the electronic payment facility can be withdrawn by the Railways and manual system of payment can be introduced. In such a case, Railways will give a notice of 14 days from the date of issue to the consignee and the Bank before terminating the Tripartite Agreement. Termination of Tripartite Agreement can also be done either by the Consignee or the Bank after giving a similar notice of 14 days.

ALMIA CEMENT (NORTH EAST) LIMITED

AUTHORISED SIGNATORY

*[Signature]*  
उप मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सय),  
Dy. Chief Commercial Manager (FS)  
पूर्व रेलवे (प्रा.का.), कोलकाता  
Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

*[Signature]*  
Rajeev Kumar Sarma  
VP & Branch Head  
Guwahati Branch  
Emp. ID- 110666, SS No. 15018

10

5 MISCELLANEOUS

- (i) All Policy circulars issued by railways for implementation of Terminal Management System (TMS) and E-Payment shall be read in conjunction with this agreement.
- (ii) The consignee's banker shall develop a suitable payment gateway connectivity arrangement with CRIS at its own cost and enter into a mutually agreed Technical Framework Agreement to be formulated later on.
- (iii) The consignee's banker shall arrange at its own cost necessary software and hardware infrastructure to receive details of on-line Railway receipt from the Railway's banker. This system will be a 24x7 facility under which transactions will be made round the clock and on all the days of the year.
- (iv) In the event of any question, dispute or difference arising under this agreement or in connection with this contract (except as to any matters the decision of which is specially provided for by the terms and conditions of this agreement), the same shall be referred to the sole arbitration of the Gazetted Railway Officer appointed to be the Arbitrator by the General Manager, Eastern Railway. The Gazetted Railway Officer to be appointed as Arbitrator, however, will not be one of those who had an opportunity to deal with the matters to which the contract relates or who in the course of his duties as Railway servant has expressed views on all or any of the matters under dispute or difference subject to the provision of the Arbitration & Conciliation Act, 1996. The award of the Arbitration shall be final and binding on the parties to this contract.
- (v) In the event of the Arbitrator dying, neglecting or refusing to act or resigning or being unable to act for any reason, it shall be lawful for the authority appointing the arbitrator to appoint another Arbitrator in place of the outgoing Arbitrator in the manner aforesaid.
- (vi) It is further a term of this contract that no person other than the person appointed by the authority as aforesaid should act as Arbitrator.

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORISED SIGNATORY

*Rajeev*  
 अथ मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सहाय)  
 Dy. Chief Commercial Manager (FS)  
 पूर्व रेलवे (प्रा.का.), कोलकाता  
 Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

*Rajeev K. Sarma*  
 Rajeev Kumar Sarma  
 VP & Branch Head  
 Guwahati Branch  
 Emp. ID- 110866, SS No. 15018

11

- (vii) The cost of the arbitration will be equally borne by the respective parties unless otherwise determined by the Arbitrator. The cost of the Arbitrator shall interalia include fee of the Arbitrator, as per the rates fixed by the Railway Administration from time to time.
- (viii) The Arbitration and Conciliation Act, 1996 and the rules there under and any statutory modifications thereof for the time being in force shall be deemed to apply to the arbitration proceedings under this clause.
- (ix) However, if the above arbitration process is unable to resolve the issue, the dispute will be referred to the high-powered committee functioning in Cabinet Secretariat before going to any court/tribunal for relief/redressal.
- (x) The venue of the arbitration shall be the place from which the acceptance letter is issued/the Contract Agreement is signed or such other place as the Arbitrator at his discretion may determine.
- (xi) In this section the authority to appoint the Arbitration includes, if there is no such authority, the officer who is for the time being discharging the functions of that authority, whether in addition to other functions or otherwise.
- (xii) The consignee shall be bound by the debits made by the bank for the transactions carried out as per this agreement. If there is any dispute, concerning the amount debited to the bank account of the Consignee, the matter shall be resolved in terms of Clause 5 (iv) of the Agreement.

DALMIA CEMENT (NORTH EAST) LIMITED

AUTHORISED SIGNATORY

श्री मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सेवा),  
Dy. Chief Commercial Manager (FS)  
पूर्व रेलवे (प्रा.का.), कोलकाता  
Eastern Railway (HQ), Kolkata


For AXIS BANK LTD.

Rajeev Kumar Sarma  
VP & Branch Head  
Guwahati Branch  
Emp. ID- 110666, SS No. 15018

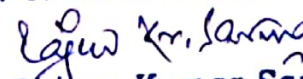
- (xiii) As far as possible Railways and the consignee will resolve all disputes mutually. However, in case of failure in arriving at a solution and if both the parties come to the conclusion that the dispute cannot be solved without involvement of Axis Bank, then Axis Bank shall facilitate resolution of such dispute but shall not incur any liability in respect of claims between Railways and the Consignee, except where it is established through the transactions etc. that the Bank is liable in respect of any claim/s in dispute on account of any errors, mistakes or malfunctioning of system / software / processor made available by the Bank or their agents. In the event of the Bank refusing to accept their liability in such matters, the said disputes/claims shall be resolved through arbitration, in terms of clause 5 (iv) of the agreement.
- (xiv) Any addition, alteration, renewal and extension of Agreement may be made with the mutual consent of all the parties.
- (xv) If not provided otherwise on the Agreement, all notices to be given by the Railway Administration and all other action to be taken on its behalf may be given or taken by CCM (FM) or any other officer for the time being entrusted with the functions, duties and powers of CCM (FM).
- (xvi) In case of breach of any of the conditions mentioned herein this Agreement shall be liable to be terminated by mutual discussion & agreement.
- (xvii) All disputes are subject to the jurisdiction of the High Court, Kolkata and/or its subordinate Courts only.
- (xviii) The Agreement shall be governed by the laws of the land for the time in force in the Republic of India.
- (xix) Any systemic improvement through modification to the provisions of this Agreement shall be done with mutual consent by all the parties to the Agreement and changes, if necessary shall be incorporated in the Agreement suitably.

DALMIA CEMENT (NORTH-EAST) LIMITED

AUTHORISED SIGNATORY

  
 उप मुख्य वाणिज्य प्रबन्धक (पाल पाड़ा सेवा,  
 Dy. Chief Commercial Manager (FS)  
 पूर्व रेलवे (प्रा.का.), कोलकाता  
 Eastern Railway (HQ), Kolkata

For AXIS BANK LTD.

  
 Rajeev Kumar Sarma  
 VP & Branch Head  
 Guwahati Branch  
 Emp. ID- 110666, SS No. 15018

13

- (xx) The execution of above agreement will be in accordance with existing Tariff / Manual provisions and policy / procedures issued or to be issued from time to time by the Railways.

IN WITNESS WHEREOF, parties hereto have set and subscribed their hands through their respective duly authorized representatives as of the date first above written, at Kolkata.

Witness :

1 SShome  
Ch. OS/AG

2 Anwarul  
Sreeta

Signature :

*[Signature]*  
उप मुख्य वाणिज्य प्रबन्धक (माल भाड़ा सचिव),  
Dy. Chief Commercial Manager (FS)  
पूर्व रेलवे (प्रा.का.), कोलकाता  
Eastern Railway (HQ), Kolkata

For & on behalf of the :

The President of India, Represented by  
Dy. Chief Commercial Manager/ FS,  
Eastern Railway, Kolkata, W.B

Witness :

1 *[Signature]*  
(Manager)

2 Achintya Barua.  
(Asset Manager)

Signature :

DALMIA CEMENT (NORTH EAST) LIMITED

*[Signature]*  
AUTHORIZED SIGNATORY

For & on behalf of the :

Dalmia Cement (North East) Limited,  
3<sup>rd</sup> & 4<sup>th</sup> floor, Anil Plaza II, ABC,  
G. S. Road, Guwahati -781005

Witness :

For AXIS BANK LTD.

1 *[Signature]*  
 **SUSHIL KALITA**  
Manager, WB-Service  
WBC Guwahati  
Emp. ID. 197508, SS No. 27539

2

*[Signature]*  
29/8/29

Signature :

For AXIS BANK LTD.

*[Signature]*  
**Rajeev Kumar Sarma**  
VP & Branch Head  
Guwahati Branch  
Emp. ID- 110888, SS No. 15018

For & on behalf of the :

Axis Bank Limited,  
Guwahati Branch, Chibber House,  
G.S. Road, Dispur, Guwahati-781005

## ANNEXURE R/6

Memo No. 780...../PIL  
Civil Form No. 28 for Service on Respondents No.

REGD. WITH A/D  
Dtd. 6/6/2023

PIL. No.40/2023

**IN THE GAUHATI HIGH COURT**

[HIGH COURT OF ASSAM: NAGALAND: MIZORAM AND ARUNACHAL PRADESH]  
(CIVIL EXTRA ORDINARY JURISDICTION)

**In the Matter of :** *An application under Article 226 of the Constitution of India praying for issuance of a writ in the nature of Mandamus or Certiorari or any other appropriate writ, order or direction of like nature.*

**In the Matter of :** **Animesh Dey & 9 Ors.**

**.... Petitioners.**

**-Versus -**

**The Union of India & 8 Ors.**

**.... Respondents.**

9. The Managing Authority Dalmia Cement (Bharat) Ltd.,  
Pipal Phukuri, P.O- Lanka,  
Dist- Nagaon, Assam-782446.

**O. P.**

***Opposite Party.***

Take notice that an application, a copy whereof along with a copy of this Court's order thereon are annexed hereto, has been filed by the above named Petitioner/Applicant and that you are hereby called upon to show cause as directed in the aforesaid order within 14 days of service of this notice.

**The Rule is made  
returnable by :-**

By Order  
06/6/23  
Deputy Registrar (Judl.)  
Gauhati High Court, Guwahati.

For





PIL No.40 OF 2023

For the Petitioners : Mr. A.R. Sikdar, Advocate.

For the Respondents : Ms. S. Baruah, Central Government Counsel for respondent Nos.1, 2 & 3.  
: Mr. S. Baruah, Standing Counsel, Pollution Control Board for respondent Nos.4, 5 & 6.  
: Ms. M. Kalita, for respondent No.7.  
: Mr. P. Sarmah, Additional Senior Govt. Advocate, Assam for respondent No.8.

- **B E F O R E** -

**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE SUMAN SHYAM**

25.05.2023

Issue notice to the respondents.

Ms. S. Baruah, learned Central Government Counsel, accepts notice on behalf of the respondent Nos.1, 2 & 3; Mr. S. Baruah, learned standing counsel, Pollution Control Board, accepts notice on behalf of the respondent Nos.4, 5 & 6; Ms. M. Kalita, learned counsel appearing for the Forest Department, accepts notice on behalf of respondent No.7 and Mr. P. Sarmah, learned Additional Senior Government Advocate, Assam, accepts notice on behalf of respondent No.8.

Requisites for effecting service upon the respondent No.9 be furnished within 3(three) days, whereupon notice be issued to such respondent by registered post with A/D.

Rule is made returnable in 4(four) weeks.

Sd/S. SHYAM  
**JUDGE**

Sd/S. MEHTA  
**CHIEF JUSTICE**

TRUE COPY

Mukut  
Administrative Officer(Judl.)  
Writ Appeal Section  
Gauhati High Court  
Guwahati



**DISTRICT: NAGOAN**

**IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM: NAGALAND:  
MIZORAM  
AND ARUNACHAL PRADESH)  
(CIVIL EXTRA-ORDINARY JURISDICTION)**

**PIL NO. 40 / 2021**

**Code No.: CR-10194**

**Category: Public Interest  
Litigation**

*Amimesh Dey & 900 - -----Petitioners*

-Vs-

*The Union of India & 800 - -----Res Respondents*

**SYNOPSIS**

In the instant public interest litigation, the petitioners have challenged the action of the Railway authority in allowing to operate heavy loading and unloading of harmful dust materials like fly-ash, clinker, pet coke, coal and cement at the Lanka railway station, under Hojai subdivision in the district of Nagaon without using any closed container, without loading unloading premises being bounded by 3 meter height wall, without surrounded by 15 meter green belt. There shall be automatic water sprinkler installed at the loading and unloading premises with adequate installed at the loading and unloading premises and adequate drainage

system to the soak pits. As per Railway Board guidelines such operation loading/unloading of pollution creating commodities sidings are not permissible.

The common grievance of the petitioners is that the loading and unloading point at Lanka railway station is located under ward no. 5 and near to the area of ward no. 4 and 6 of Lanka town which are densely populated area . Apart of this there are several Educational Institutions, Hospital ,Guruduwara, Mandir and there are several ponds . As a result of operating such loading and unloading without protective measures the surrounding area up to half kilometer becomes dark like fog with clinker and dust which contains harmful particles causing serious health hazard to general public and more particularly to school going children and elderly persons. Although there was minutes of a meeting dt 12.06.2014 to take protective measures but nothing has been done . The petitioners and public have submitted several representations but no consideration has been paid such operation is illegal, **even no consent has been taken from the pollution control board.** Finding no way this petition has been filled jointly filled by the petitioners.

Filed by  
Jameel Ahmeel Sirkelan  
Advocate

DISTRICT : NAGAONN

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM : NAGALAND :  
MIZORAM  
AND ARUNACHAL PRADESH)

(CIVIL EXTRA-ORDINARY JURISDICTION)

PIL(C) NO. /2023

Code No.: CR-10194

CATEGORY: Public Intrest Litigation

I N D E X

SL. NO.	ANNEXURE	PARTICULARS	PAGE
1.	Petition		1 to 24
2.	Affidavit		25
3.	ANNEXURE- 1	A Copy of RTI information dt 28.07.2016	26
4.	ANNEXURE-2	Translated as well as photo copy of vernacular news dt 05.04.2022	27-29
5.	ANNEXURE- 3	A copy of the report dt 04.07.2022	30-31
6.	ANNEXURE- 3(A),4;5,6	Copies of the representation/complaint dt 17.11.2022 ,30.09.2010 and 01.12.2010	32-42
7.	ANNEXURE- 7	Translated as well as photocopy of Representation dt 22.11.2011	43-45
8.	ANNEXURE-8	A copy of the minutes of	

		meeting dt 12.06.2016	46-49
9.	<b>ANNEXURE-8</b> (a) and 8 (b)	Copies of letter dt 10.02.2010	50-51
10.	<b>ANNEXURE-8(c)</b>	Copy of certificate dt 08.01.2016	52
11.	<b>ANNEXURE- 9</b> and 9(A)	A copy of Central Government guideline dt 16.04.2018	53-60
12.	<b>ANNEXURE- 10</b>	A copy guidelines for Mineral Stackyard and Railway sidings	61-66

Filed By-

Advocate

**DISTRICT : NAGAON****IN THE GAUHATI HIGH COURT****(THE HIGH COURT OF ASSAM : NAGALAND :  
MIZORAM  
AND ARUNACHAL PRADESH)****(CIVIL EXTRA-ORDINARY JURISDICTION)****PIL(C) NO. /2023****CODE No.: CR-10194****Category :Public Interest Litigation****LIST OF DATES**

<b>SL. NO.</b>	<b>DATES</b>	<b>PARTICULARS</b>
1.	28.07.2016	RTI Report
2.	05.04.2022	Publication of news item
3.	04.07.2011	Loading/ Unloading Report
4.	17.11.2022, 30.09.2022, 16.04.2022, 01.12.2010, 22.11.2011,	Copies of the representation submitted by the public/ petitioners
5	12.06.2016	Minutes of meeting
6	10.02.2010	Letter issued by Chairman Lanka Municipal Board
7	19.04.2021	Complain of principal Good Samaritain English school
8	08.01.016	Certificate issued by SDM and HO

9	16.04.2016	Central Government Guideline
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Filed by-

Advocate

04

DISTRICT: NAGAON

**IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM: NAGALAND:  
MIZORAM  
AND ARUNACHAL PRADESH)  
  
(CIVIL EXTRA-ORDINARY JURISDICTION)**

1

*Filed by the petitioner through,*

*Advocate, Ghy* **398**

PIL NO. /2023

Code No.: CR-10194

Category: Public Interest  
Litigation

To,

The Hon'ble Justice Mr. Justice Sandeep Mehta the  
Chief Justice of the Hon'ble Gauhati High court and His  
Lordship's other companion Justices of the said Hon'ble  
Court.

**IN THE MATTER OF:**

An application under Article 226 of  
the Constitution of India praying  
for issuance of a writ in the nature  
of Mandamus or Certiorari or any  
other appropriate writ, order or  
direction of like nature.

**-AND-**

**IN THE MATTER OF:**

Violation of Legal, Fundamental  
and Human Rights of the public at  
large

-AND-

-AND-

**IN THE MATTER OF:**

Impugned action of the respondent  
Railway authority allowing to  
operate loading and unloading of  
harmful dust materials like fly- ash,  
clinker, Pet coke, Coal taking place  
at Lanka station platform premises  
which is very adjacent to dense  
human habitation having so many  
Educational Institutions, Anganwadi  
center, Primary health center,  
Guruduwara, Temple with a  
distance of 200-300 meters from  
the loading and unloading points  
and thereby causes serious health  
hazard to a large section of public  
of the Lanka Town and this has  
been doing without obtaining NOC  
from state control board.

-AND-

**IN THE MATTER OF:**

Violation of guidelines for mineral  
Black Yards and Railway Station

**-AND-**

**IN THE MATTER OF:**

Violation of guideline of State  
Control Board, Violation of Railway  
guidelines.

**-AND-**

**IN THE MATTER OF:**

Violation of Fundamental and  
Human Rights guaranteed under  
Article 21 of the Constitution of  
India.

**-AND-**

**IN THE MATTER OF:**

Impugned callous and  
indifferent attitude of the  
respondent in considering and in  
disposing of the representations  
submitted by the Petitioners and  
other public in the area

-AND-

**IN THE MATTER OF:**

Enforcement ,Protection of legal  
and Constitutional Rights of the  
Petitioner.

-AND-

**IN THE MATTER OF:**

**1).**Animesh Dey aged about 45  
years.

S/O-Late Samarendra Kr Dey

R/O-Subash Nagar ,Ward No.5

**2).** Kanchan Sil Das aged about 36  
years

S/O- Bimal Sil

R/O- Subash Nagar ,Ward No.5

**3).**Paramita Roy Saha aged about  
40 years

W/O Bipul Saha

R/O- Subash Nagar Ward No .5

**4).**Ram Prassad Roy aged about  
39years

S/O- Late-Monoronjan Roy

R/O Subash Nagar Ward No.8

5). Partha Sarathi Paul aged about  
35 years

S/O-Late- Gopal Paul

R/O- Subash Nagar Ward No.2

6). Mitra Chandra aged about 36  
years

S/O- Late Premanu Paul

R/O- Ward No.9

7). Avijit Roy aged about 39 years

S/O-Late- Kanu Roy

R/O-Ward No.6

8). Gobinda Mazumder aged about  
37 years

S/O- Late Gauranga Mazumdar

R/O-Ward No-6

9). Kankan Dhar aged about 52  
years

S/O-Late Rabindra Kr Dhar

R/O-Ward No.6

10). Harjit Singh aged about 46  
years

S/O-Karmit Singh

R/O-Ward No.1

All are residents of lanka Town

P.O. Lanka District Nagoan Assam

Pin-782446

(Having common cause of action.)

..... **Petitioners**

**-Versus-**

1. The Union of India represented by the secretary to the Ministry of Railway, New Delhi. 11001
2. The office of the General Manager N.F. Railway, P.O. Maligaon, Assam, Guwahati-781001
3. The Divisional Railway Manager, N.F. Railway Lumding Division, Lumding, P.O.-Lumding, PIN-782447
4. The Regional office, Pollution Control Board of Assam, Nagaon Assam Pin-782001
5. The Pollution Control Board of Assam, Bamunimaidam, Pin-781021
6. The Central Pollution Control Board, New Delhi-110032
7. The State of Assam represented by the commissioner and secretary to the Department of Environment and Forest, Dispur, Guwahati-6

*Sidharth - 4, 6, 5*

8. The Sub Divisional officer  
(civil),Hojai Sub Division  
Shankardev Nagar, Hojai ,Nagaon  
Assam Pin- 782442.

9. The Managing Authority Dalmia  
cement (Bharat) Ltd Pipal Phukuri  
P.O - Lanka, District- Nagaon  
Assam, Pin- 782446.

..... Respondents.

The humble petition of the  
petitioners above named-

**MOST RESPECTFULLY SHEWETH**

1. That instant writ petition under article 226 of of the Constitution has been filed seeking a direction to stop loading and unloading of harmful dusty materials like clinker, fly-ash ,pet coke ,coal taking place at Lanka Railway Station platform premises causing health hazard by heavy pollution to the nearby densely populated human habitation, and people are suffering from air and water pollution diseases like Asthama,Bronchitis,Typhoid,TB and Kidney diseases. There are institutions like Guruduwara, Temple, Primary Health Care Center and Educational Institutions situated within a distance of 200-300 meters of the loading and unloading point. Such Loading and unloading are allowed by Railway authority to Dalmia cement (Bharat)Ltd Located in the neighboring area of

lanka. The Petitioners have no personal interest in litigation. They are neither guided by self gain in filling this petition nor they have any motive except to protect the interest of affected people near loading and unloading point of Lanka Railway platform.

2. That the petitioners are well conscious and responsible citizens of Lanka Town , Nagoan District. They being the residents of Lanka town are very much aware of about various health hazard caused by the high volume of air and water pollutions due to the loading and unloading of fly- ash, clinker etc at railway station platforms. The petitioners are eye witness to the said fact and the matter has also been wide circulated in various news paper ,The Petitioner No 1 has applied under RTI act for information as to whether permission for such loadings and unloading of dangerous materials was taken place .The petitioner was provided information indicating that no application was made for permission from pollution control board Assam .The Petitioner no 1 has also applied information about the details of loading and unloading rakes of clinker, fly- ash, pet coke , coal and cement at lanka from January ,2010 to October,2010 and in response to this he has been provided report dt 04.07.2022 .

A copy RTI information dt  
28.07.2016 is annexed as

**ANNEXURE No.1**

Translated as well as photo copy of vernacular news dt 05.04.2022 in Assomiya Protidin are annexed as **ANNEXURE NO.2.**

A copy of the report dt 04.07.2022 with list of loading and unloading at lanka is annexed as **ANNEXURE No. 3.**

3. That the petitioner beg to state that the air and water pollution caused by the loading and unloading of the aforesaid polluting substance at lanka Railway station has adversely affected neighboring inhabitants of the said platform within 200-300 m **who are poor unable to afford the expense of litigation . Therefore the petitioner have jointly shouldered the same in perusing the authority and in filing the case.**
4. That the petitioners respectfully beg to state that all the necessary parties likely to the be affected are made party respondents in the case .It is also stated that so far their information and knowledge no further person or body of person are likely to be affected by the order sought in the petition.
5. That it is stated on behalf of the petitioners that they are all responsible citizen of Lanka Town .The petitioner no 2 to 6 are public leaders .The petitioner no 3 is the chair person ,Lanka Municipal Board and the petitioner no 4 is the vice chairman of the same .The petitioner no 2 is ward commissioner of ward no .5. The

the ward commissioner of ward no 2, The petitioner no 6 is the ward commissioner of ward no.9. The petitioner no 1 ,7 and 9 are social workers. Petitioner no 10 has a business of Hotel Management. The Petitioner no 1 is a science graduate having diploma in computer hardware engineering. The petitioner no 2,4,5,6,7,8 and 10 are all arts graduate .The petitioner no.3 has obtained M.A. Degree .**The petitioners are hailing from well to do family and competent to espouse the cause of justice for the victim families/inhabitants falling under ward no 4 and 5 of Lanka Railway platform. The petitioners are pursuing the authorities for redressal of grievance of the victims of extreme health hazard caused by the heavy air and water pollutions by the unloading of fly-ash, clinker, pet coke ,coal etc taking place at the lanka Railway platform (under ward no .5 and very near to ward No.4).The act of the respondents are illegal and violation of settled law of the land and required to be judicially examined for the cause of greater public interest .The petitioners are able to bear the cost if any imposed by this Hon'ble court.**

6. That the petitioners beg to state that there has been installation of cement factory of the respondent no.9 in and around 2010 in the outskirts of lanka town .For supply of raw materials namely clinker, fly-ash, pet

coke and coal to the said cement factory Lanka Railway platform has been used as a loading and unloading point. In conducting said loading and unloading no boundary wall has been made around the loading premises and no measures has been taken to prevent the air and water pollution caused by the heavy dust of aforesaid particles for loading and unloading. The local public of the locality submitted the representation before the respondent authority as follows.

**(a).** That on 01.12.2010 a memorandum was submitted before the Divisional Railway Manager detailing as to how the loading and unloading clinkers has been causing pollution to the air and water and thereby causing severe problem in breathing ,eye irritation ,skin problem specially school going children,, elderly person are badly affected. It is prayed therein that necessary steps may be taken by shifting the loading and unloading point to safe place having less human residence.

**(b).** That a petition dt 22.11.2011 was submitted to the S.D.O(C).Hojai Sub Division at Shankardev nagar praying interalia for interfering into the matter to stop loading and unloading for the raw materials of cement factory.

**(c).** That a complaint dt 16.04.2021 lodged before the Divisional Railway manager against the loading and unloading of cement, fly-ash, clinker, pet coke , coal at lanka railway station platform. In the complaint it is stated that due to high volume of pollution created by Dalmia

cement (Bharat) Ltd by loading and unloading of fly ash, clinker, pet coke and coal at lanka railway station people are suffering from various diseases like Asthama, Bronchoties, Typhoid, TB and skin diseases and prayed for shifting loading and unloading points .

**(d).** That a public complaint dt 30.9.2022 was submitted before the chief vigilance officer, Maligaon alleging the same allegation and prayed for shifting the loading and unloading point.

**(e).** That a public complaint dt 17.11.2022 was lodged before the Regional officer, Pollution Control Board, Nagaon , Assam against the loading and unloading of fly-ash, clinker, pet coke and coal at lanka railway station and prayed for shifting the same .

Copies of the the representation /complaint dt 17.11.2022, 30.09.2022, 16.04,2021 and 01.12.2010 are annexed on **ANNEXURE NO. 3(A), 4, 5 and 6 respectively.**

**Translated as well as photocopy of Representation dt 22.11.2011 submitted before Sub Divisional Officer (C), Hojai is annexed on ANNEXURE NO.7**

7. That it is stated on behalf of the petitioners that they have not filled any other PIL before this Hon'ble court.
8. That it is stated on behalf of the petitioners that since the day of opening of cement factory near Lanka town the raw materials for the same are collected through train . The raw materials like fly-ash, clinker, pet coke and coal are collected from outside and cement bags are sent to outside from the factory at lanka. The loading and unloading of all these are done at Lanka station wef.2010. Such loading and unloading are done without any boundary walls around the loading and unloading premieses .There is no any green vegetation cover around loading and unloading point.

Due to loading and unloading, area covering half km becomes dark like fog with clinker dust which contains carbon dioxide (co2), Sulphur dioxide (so2) and Nitrous oxide(N2o) which are dangerously harmful to human being. These particulars are caused not only air pollution but also pollute the water of ponds used by the neighboring people. Such air and water pollution has become the causes for various diseases like breathing problems, eye irritation, skin problem, specially school going children and aged persons of the locality.

For loading and unloading operation , the concern operators used JCB, Dumper, and other machinery which produces unpleasant sound pollution. Because of such sound pollution students are facing difficulties for

their study, The elderly people are unable to sleep . As a result the people are suffering from various diseases and death rate due to heart problems has been increased to the locality.

9. That the petitioner wants to state that in response to their representation/complaint a meeting was held in the conference hall of the SDO(c) office, Hojai on 12.06.2014 in presence of SDO(c) , Hojai, Manager Dalmia cement, NEF Railway authority and others . As many 10 decisions were taken for mitigating the pollution problem of lanka railway station. As per said minutes of meeting the Dalmia cement industry authority have to take some protective measures but nothing was done in this regard.

A copy of the minutes of the meeting dt 12.06.2016 is annexed in **ANNEXURE NO.8**

10. That the petitioners beg to state that earlier Chairman, Lanka Municipal Board informed the SDO@ Hojai Sub Division about the public complaint against the pollution created at railway station Lanka. The Chairman ,Lanka Municipal Board issued a letter dt 10.02.2010 requesting to take necessary step to stop the pollution. The Sub Divisional Medical officer of Lanka Block PHC has also issued a certificate dt 08.01.2018 that environment problem is created by the emission of dust. Such harmful dust particles causes air and water pollution and thereby diseases like

respiratory problems, cancer, neurological disorder may cause by the air and water pollution from cement plant. Therefore the public as well as from the Educational Institutions lodged complaint before the Divisional Railway Manager Lumding. In this connection a letter of complaint dt 19.04.2021 was lodged by principal Good Samaritan English School. But no steps has been taken.

Copies of letter dt 10.02.2010, 19.04.2021 are annexed as **annexure no 8 (a) and 8(b) respectively.**

Copy of the certificate 08.01.2016 issued by the SDM and HO of Lanka PHC is Annexed as **Annexure no 8(c)**

**11.**That it is stated on behalf of the petitioner no.1 that he has been provided with information that huge numbers of wagons/rakes are coming and going carrying cement, clinker, coal and fly-ash and thereby loading and unloading has been done at the lanka station since 2010 the rate of the same has gradually increased upto 2022 vide **Annexure no.2 and 3.**

The petitioner has also obtained information that the Railway authority has not applied for consent from Pollution Control Board, Assam for loading and unloading of cement and clinker, fly-ash, pet coke, coal

etc at Lanka Railway station. The said information is provided based on the record.

*Amulav  
Adv.  
25.4.23*

**11.A** That it is stated on behalf of the petitioner that there is a guideline for mineral stockyards and Railway sidings. The Government of India , Ministry of Railways vide Notification No.2015/EnHM/15/01 | dt 16.04.2018 circulated the recommendation of the Railway Board and Goods Sheds and action to be taken . The relevant recommendations are as follows.

**(a).** Whenever any loading and unloading point is being developed "consent" should be taken from the state pollution control board by the owner of the railway.

**(b).** consent to operate /consent for operation should be obtained from state control board .

**(c).** Zonal Railway must be aware of Air pollution, ensure compliance to application of environmental legislation.

The said notification has also recommended following protective measures.

**(i).** Water sprinkle system or tankers should be provided .Proper waste water/drainage system shall be provided at loading and unloading point.

**(ii).** Appropriate green belt cover to be provided at the loading /unloading point to mitigate pollution.

**(iii).** Dust screen walls along the periphery of premises with adequate height should be provided.

(iv). Paved approached roads with adequate traffic capacity should be provided at each loading and unloading point.

A copy of the Central Government guideline dt 16.04.2018 along with report is annexed as **ANNEXURE No.9 and 9(A) respectively.**

- 12.** That it is stated on behalf of one petitioners that the respondent authority has not at all taken any protection measures against the air pollution , water pollution and sound pollution . Neither any dust screen along the periphery of the loading and unloading point nor any green belt coverage is provided to the same .Even no water sprinkler is used or tanker is provided. No waste water drainage system is provided at the loading and unloading point. The road conditions are extremely bad, as such the respondents have violated the government guidelines dt 16.04.2018 in running the loading/ unloading point at the railway station at Lanka to export cement and import clinker, fly-ash, pet coke and coal etc for cement factory of the respondent no 9.
- 13.** That it petitioner begs to state that at the time of heavy rainfall the waste raw materials flows to the nearest agricultural land causing damage to the fertility of the land also caused pollution to water body.

14. That due to 24 hours continuous loading and unloading by heavy machinery unpleasant rigorous sound is caused and thereby the sound pollution disturbs the student, affect the sleep of people and more particularly old aged persons are badly affected. The passengers are also suffering from the air pollution .
15. That it is stated on behalf of the petitioner that following Government of India guidelines dt 16.04.2018, State Pollution control Board , Assam has to adopt similar guidelines as a measure against unlawful stackyard and railway siding. The petitioners have managed to collect a copy of the guideline published by the state pollution board of Orrisa following the Government of India guideline dt 16.04.2018. As per recommendation of the said guidelines the proposed site of loading and unloading should be away from habitation , 1km away from school , colleges, hospitals , market places etc and NOC from Sarpanch is to be taken. A 3 m height boundary wall along the periphery of loading and unloading point shall be provided . Greenbelt of 15 m shall be developed all around the perimeter of the loading and unloading point. Sprinkler system must be maintained , Domestic effluent shall be discharged to soak pit through septic tank constructed as per BIS (Beauro of Indian Standard) Specification . A garland drain is to be

along with and inside the boundary wall of the loading and unloading point.

A copy of the guidelines for Mineral stackyard and Railway sidings is annexed in **ANNEXURE NO.10**

16. That it is stated on behalf of the petitioner that the pollution control Board of Assam has minimum responsibility against the health hazard created by the air pollution, water pollution and sound pollution by the respondent railway authority but no steps has to been taken although the matter has been brought to the notice of the regional office , Pollution control board (respondent no .4), Nagaon Assam. Even no consent has been obtained from the pollution control board in operating the loading and unloading of cement, fly-ash, clinker, pet coke, coal etc at Lanka Railway Station. Thus the action of the authority has amounted the violation of right to life with dignity of public of lanka town under article 21 of the constitution . In this connection reliance has been placed up on supreme court decision in the case of Rural Litigation and Establishment Kendra, Deradhun-vs-state of UP reported as AIR 1985 SC 651 where it was assured that closure of limestone quarries which were causing imbalance to ecology and environmental. However, in order to mitigate the hardship caused by the closer of the quarries

State Government was directed to grant of limestone or dolomite quarry in any other place on priority basis .In the present case , the loading and unloading could have been sifted in any other location where human inhabitation is less. But the respondents are not at all paying any heed to the prayer made by the petitioners compelling them to file this case .

- 17.** That it is submitted on behalf of the petitioners that the function of state Board has been described under chapter-iii of the Air (prevention and control of pollution)Act, 1981. Section 17 of the said act provides that the state board is to plan a comprehensive program for the pollution control or abatement of air pollution and secure the execution thereof . It is also provided that Board can advise the state government on any matter concerning the prevention ,control or abatement of air pollution ,to collect and disseminate information relating to air pollution areas at such intervals as it may think necessary ,assess the quality of air therein to take steps for prevention, control of abatement of air pollution in such areas . The state Board is to advise the state government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution.
- 18.** That it is submitted on behalf of the petitioner that the state pollution control board of Assam has played no role

either before installation of cement industry or after the cement factory is coming up near lanka town as prescribed its duty under the Air (prevention and control of pollutions)Act,1981.The state board is found moot spectator and thereby allowing to operate loading and unloading of fly-ash, clinker, pet-coke, coal and cement causing air water and sound pollution which is detrimental to the health of the public . The life and health of inhabitants of ward no. 4,5,and 6 of Lanka Town of Nagaon district is exposed to all kinds of risk and danger for the reason that in the close proximity to the inhabitation loading and unloading point of aforesaid materials are operated most illegally without taking any consent, nor provided any protective measures as provided under Railway guideline dt 16.04.2018(Annexure no 9,9 A and 10).The action of the respondent has not only amounted the violation of right to life but also violation of Government guidelines ,provisions under Air(prevention and control of pollution) Act ,1981.

- 19.** That it is submitted on behalf of the petitioners that the right to life is guaranteed under article 21 of the Constitution of India and it has been held by the Honorable Supreme court that life doesn't mean animal existence .The human life cannot be de-graded in any manner whatsoever. For securing commercial interest human life cannot be exposed to any kind of risk or health hazard . In this connection reliance is placed upon

a decision dt 28.05.2013 Hon'ble High Court of Jammu And Kashmir in owp No.819/2001 where it is held that the state is governed by rules of law and is duty bound to ensure the safety of human lives in all forms or shades .It is the duty of the state to provide necessary paraphernalia so as to ensure that human being lead a dignified life. The state in terms of the mandate contained in part iii and iv of the Constitution cannot wriggle out of its responsibility to protect the human life.

- 20.** That it is stated that the petitioners have made so many representations before the authorities to take preventive measures .But nothing has been done which amounted deliberate infringement of legal, Constitutional rights of the suffering people of ward no. 4,5 and 6 of Lanka.
- 21.** That the action of the respondent has compelled many of the suffering of people to leave their residence of Lanka ward no 5 and 4. This has amounted violation of right to shelter guaranteed under Article 19(1) (e) and Article 21 of the constitution and universal declaration of human rights.
- 22.** That the petitioners beg to state that there is no alternative , effective and speedy remedy than to approach this Hon'ble court by filling a writ petition under Article 226 of the Constitution.
- 23.** That the petitioners demanded justice which has been denied to them.
- 24.** That this petition has been filled bonafide to secure ends of justice.

Under the above facts and circumstance, it is therefore prayed that your lordships would be pleased to admit this petition, call for the records, issue a rule calling upon the respondents to show cause as to why a writ in the nature of mandamus /certiorari shall not be issued directing/commanding the respondents:

- (i) to shift the loading and unloading point of raw materials, fly-ash, clinkers, pet coke, and cement from lanka railway platform to a place having no inhabitants within 300 meters away from the loading and unloading points;
- (ii) all raw materials like fly-ash, clinker, should be transported in closed containers and should not be over loaded during transportation;
- (iii) loading and unloading should be bounded by a boundary wall of 3 meter of height;
- (iv) loading and unloading point should be surrounded by a 15(fifteen) meter green belt;
- (v) an automatic water sprinkler system shall be installed at loading and unloading premises with adequate drainage system to the soak pit;
- (vi) to conduct a fair and independent scientific investigation into the loading and unloading points to assess the gravity of air, water and sound pollution and approach road condition of the locality towards to the premises of loading

and unloading point and to submit the report to this Hon'ble court;

- (vii) based on the report of the independent inquiry by competent authority appropriate steps may be taken to prevent suffering of people from health hazard arising out of pollution caused by the loading/unloading point at Lanka railway platform in accordance with law in the interest of justice

**-AND**

After perusal of record , hearing the parties and after showing cause or causes be pleased to make the rule absolute granting adequate relief in the interest of justice

And for this act of kindness upon humble petitioners in duty bound shall even may.

-25-

AFFIDAVIT

I, Animesh Dey, aged about 45 years, S/O- Late Samarendra Kumar Dey , R/O- Subash Nagar, Ward No.5, Lanka Town P.O.- Lanka, Dist.- Nagaon, Assam, do hereby solemnly affirm and state as follows:

1. That I am the petitioner No.1 in this instant Public Interest Litigation and as such I am well conversant with the facts and circumstances of the case and being authorized by the other petitioners, I am competent to swear this affidavit on behalf of all the petitioners.
2. That the statements made in this affidavit and in paragraphs 1, 2, 4, 5, 7, 8, 11, 12, 13, 14, 16, 18, 20, 21 are true to my knowledge and belief and those made in paragraphs 3, 6, 9, 10, 11(A), 15..... are true to my information being matters of record derived there from which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

"Oath"

"I swear that this my declaration is true, that it conceals nothing and that no part thereof is false, so help me God"

And I sign this affidavit on this 25<sup>th</sup> day of April, 2023 at Guwahati.

Identified by me:

Animesh Dey  
DEPONENT

Rates Circular No.19 of 2024

भारत सरकार GOVERNMENT OF INDIA  
रेल मंत्रालय MINISTRY OF RAILWAYS  
(रेलवे बोर्ड RAILWAY BOARD)

ANNEXURE R/7

No.TCR/1078/2020/12/3322350/3332773

Dated:23.12.2024

महाप्रबंधक,  
सभी क्षेत्रीय रेलवे

**Sub:** Freight Incentive Scheme for loading of Fly Ash/ Bed Ash  
**Ref.:** Rates Circular No.09 of 2020 and its Corrigenda.

\*\*\*\*

1. Board has introduced Freight Incentive Scheme for loading of Fly Ash and Bed Ash vide above referred Rates Circular and corrigenda thereto.

2. Matter has been examined and it has been decided to issue revised guidelines on the subject as per the following:

2.1 **Objective:** To generate additional loading of Fly Ash/Bed Ash and to ensure improved utilization of rolling stocks.

2.2 **Incentive:** Following incentives will be granted to Fly Ash/Bed Ash:

SN	Type of stocks	Rates of concession on applicable class	Packing condition
a.	Open wagons	40% discount on NTR of applicable class*	Bagged or Bulk or loose
b.	Flat wagons	40% discount on NTR of applicable class*	Bagged
<i>Note: 40% discount mentioned above will be applicable to only those rakes which have been released/ unloaded/ emptied and back loaded at the particular terminal.</i>			
<i>* Loading done in a rake where empty rake has been supplied from other locations/ terminals, the discount will be limited to 20% only in the above cases.</i>			
c.	Covered wagons	To be charged at NTR of Class LR1	Bagged

2.4 **Floor rate:** There shall be no floor rate in case of Para 2.2 (a & b) above. Chargeable freight will be the discounted freight @ 40% or 20% on NTR of applicable Class.

2.5 **Permitted Terminals:** All terminals

2.6 **Concurrent concession:**

- Freight concession applicable to traffic booked to and from North East Region will be concurrently available.
- When transported in TEFD stream, lower of the two NTR will be charged.

2.7 **Lead restriction:** There will be no lead restriction.

2.8 **Processing procedure:** Customer need not apply for availing concession under this scheme. The same shall be granted through TMS automatically on compliance of the features of the scheme.

*Pranish*  
23/12/24

*YS*  
23/12/24

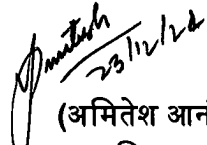
**Rates Circular No.19 of 2024****2.9 Conditions:**

- a) In case of Bagged Fly ash/Bed ash, it should be packed in uniform bags of standard size.
- b) In case of loading of loose fly ash/bed ash, customer must ensure hydrating the fly ash/bed ash and covering the wagons with tarpaulins at its own cost.
- c) Tarpaulins, if any, for covering the bagged fly ash/ bed ash in open/flat wagons should also be provided by the customer at its own cost.
- d) The customer will be required to furnish an undertaking on the Forwarding Note giving their consent to load in Open and Flat wagons and to the effect that they would bear the full risk of any damage/pilferage of the consignment.
- e) Zonal Railways and customers shall strictly ensure adherence to the conditions stipulated by State Government/Central Government regarding pollution control. In this regard, Board's letter No. 2015/EnHM/15/01 dated 16.04.2018 may please be connected.
- f) Supply of wagons under the scheme will be subject to operational feasibility.

3. These instructions shall come into effect from 27.12.2024 and shall remain valid till 26.12.2026.

4. Zonal Railways will give wide publicity to this policy and monitor the same. Zonal Railways will submit the half yearly report indicating the efficacy and performance of the Scheme.

5. This issues in consultation with Traffic Transportation Directorate and with the concurrence of the Finance Directorate of Ministry of Railways.

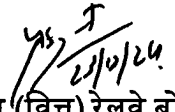
  
 (अमितेश आनंद)  
 संयुक्त निदेशक,यात्रायात वाणिज्य (दर)  
 रेलवे बोर्ड

No.TCR/1078/2020/12/3322350/3332773

Dated:23.12.2024

**Copy for information and necessary action to:**

- 1.Principal Financial Advisor, All Indian Railways.
- 2.Dy. C&AG of India (Railways), Rail Bhavan, New Delhi

  
 कृते सदस्य (वित्त) रेलवे बोर्ड

No.TCR/1078/2020/12/3322350/3332773

Dated:23.12.2024

**Copy for information and necessary action to:**

1. Principal Chief Commercial Managers, All Indian Railways.
2. Principal Chief Operations Managers, All Indian Railways.

**Rates Circular No.19 of 2024**

3. Managing Director, CRIS Chanakya Puri, New Delhi-23.
4. Chief Administrative Officer, FOIS/CRIS, Chanakya Puri, New Delhi-23.
5. Managing Director, Konkan Railway Corporation, New Mumbai-400614.
6. Director General, National Academy of Indian Railways, Vadodara.
7. General Secretary/IRCA, New Delhi.
8. CMD/DFCCIL, New Delhi.
9. Director, Indian Railways Institute of Transport Management, Lucknow.

*Amitesh Anand*  
23/12/24

(अमितेश आनंद)  
संयुक्त निदेशक, आयात वाणिज्य (दर)  
रेलवे बोर्ड

**Copy to:-**

OSD to MR; EDPG to MR for kind information of MR please.  
EDPG to MoSR(R) for kind information of MoSR(R) please.  
EDPG to MoSR(S) for kind information of MoSR(S) please.  
Chairman &CEO, M(O&BD), M(F) Railway Board,  
AM(C), AM(T), AM(BD), AM (Vig), AM(Revenue), PED(TTM),  
EDTC(R),ED(FM), EDF(C), EDTT(F), EDTT(S), ED/Coal, EDVT.  
TC(CR) & FC Branches of Railway Board.

~~ANNEXURE - 8~~

GOVERNMENT OF ASSAM  
OFFICE OF THE SUB-DIVISIONAL OFFICER (C), HOJAI, SANKARDEVNAGAR.  
(Development Branch)

NO: H.D. 11/3010/Rev-M/299

Dated: 12/6/2014.

Agenda of the Meeting: Minutes of the Meeting on Pollution Problem of  
Lanka Railway Station Area.

## ANNEXURE R/8

Date &amp; Time : 12/06/2014 at 11:00 A.M.

Venue : Conference Hall of SDO(C), Hojai, Sankardevnagar.

The minutes of the meeting on Pollution Problem of Lanka Railway Station Area was held in the Conference Hall of the office of the S.D.O(C), Hojai, under the chairmanship of Sri Ronuj Kr. Borkatoky, ACS, SDO(C), Hojai regarding mitigation of the pollution problem in and around area of Lanka Railway station which is created mainly by carrying of fly ash, clinkers, gypsum & cement etc. by various cement industries. The Chair welcome all the representatives present in the meeting.

The following members were present in the meeting: -

Sl. No.	Name of Members	Designation.
1	Sri Ronuj Kr. Borkatoky, ACS	Sub-Divisional Officer(C), Hojai, Sankardevnagar
2	Mr. A. K. Piet	Dalmia Cement
3	Sri Susanta Kr. Jena	Manager
4	Sri Bishaj Guring	Sr. Manager H.R.
5	V. Sriidhya	ADEN/ILMG N.F.R.
6	Sri P. Mail	ACM/ILMG, NF Rly.
7	Sri D. Majumdar	CGS/Hojai/ NF Rly.
8	Smt. Rama Mazumdar	Chairperson, Lanka M.B.
9	Sr. Manis Kr. Biswas	Patron, Human Rights Commission.
10	Sri B. Newar	Chief, A.I.H.R.C Lanka Unit
11	Sri Nani Gopal Sharma	A.I.H.R.C(G. Sec.)
12	Sri Narayan Mazumdar	Secy, Pub-Panjab Basti Kali Mandir
13	Sri M. Tul. Goswami	L.A.S.S Sakha Lanka.
14	D. Bhattacharya	
15	Smti. Tara Newar	
16	Smti. Banti Shikha Sharma	Advocate, Hojai, S/Nagar.
17	Smti. Mamoni Das	
18	Smti. Pooja Dea	
19	Smti. Atal Bora	
20	Smti. Manju Borah	
21	Smti. Deapa Mohi Bhuyan	
22	Smti. Janti Deka	
23	Smti. Rina Choudhury	President, Mohila Samiti, W/No.5 Lanka
24	Smti. Usha Sarkar	
25	Sri Biswaji Shikha	
26	Sri Bipli Chakraborty	
27	Sri Ramkrishna	
28	Sri Munna Saha	
29	Sri Bharat Karriaker	
30	Sri Ranjit Dhar	
31	Sri Ram Prasad Mondal	Handling Agent, R.J Cement & others
32	Sri Prasanjit Mondal	Dalmia Cement
33	Sri Ranjit Deka	Dalmia Cement
34	Smti Lily Mech	

After threadbare discussion the following decisions were taken for sorting out of the pollution problems in and around the area of Lanka Railway Station:

- The Dalmia Cement & others Cement Industries are instructed to do the loading and unloading works as per existing rules of the Indian Railways and specially not to do such works during school hours as well as after 10.00 P.M. so as to maintain hygienic condition in the surrounding areas of Lanka Railway Station.
- No entry of vehicles on the roads should be maintained during school hours so as to maintain educational environment in this locality.
- Screen should be used to protect area while making loading & unloading of clinkers by the Dalmia & other Cement Industries and watering should also be done immediately after completion of any loading or unloading so that dust may be removed and make it pollution free.
- The Chair instructed the Dalmia Cement Authority to jointly sit with Chairperson, Lanka MB / Mr. Mukul Goswami L.A.S.S Sabha / B.M Newar, Human Rights Commission / Debajit Ghosal, Naba Prajanna Lanka/ Smti Rina Choudhury, Mohila Samiti, Lanka to finalise the placement of Deep Tube Well for water boring.
- Mr. Ram Prasad Mondal, Handling Agent of M/S R.J Cement Ltd. Nagaon & others also instructed to cooperate with Railway Authority & Dalmia Cement to sort out the pollution problem in Lanka Railway Station area and also directed to involve the companies in the process.
- The Chair also said that land dispute between railway authority and the local public will be solved after receiving the report from the Director, Land Records, Assam, Guwahati.
- The Dalmia Cement Industry also instructed to keep ready atleast 4 Nos. Tankers regularly for watering to remove dust after loading & unloading works.
- The Dalmia Cement Authority should do the development works in and around Lanka area in consultation with the leading citizens of Lanka area.
- The Dalmia Cement & other Cement Authorities also requested to instruct the concerned contractors to control the labourers and to abstain from use of slang languages while working in the Lanka Railway Station area.
- The meeting also unanimously decided to submit a copy of the minutes of the said meeting to the Officer-in-Charge, Lanka Police Station to take necessary action as per instructions given in the minutes.

The meeting ended with a vote of thanks from the chair.

Sub-Divisional Officer(C),  
Hojai, SankardevNagar  
Dated.12/6/2014.

Memo No.HJD.31/2010/Rev.-M/29t A]

Copy forwarded for favour of kind information to:-

1. The Deputy Commissioner, Nagaon for favour of kind information.

2. All concerned for information and necessary action. *Sd/ Bhawan Neeson, Chief,*

3. Office copy.

*At. H.R.C. Lanka Unit,*  
*Lanka.*

Sub-Divisional Officer(C),  
Hojai, SankardevNagar

R- 8 TYPED COPY  
GOVT OF ASSAM  
OFFICE OF THE SUB-DIVISIONAL OFFICER (C) HOJAI,  
SANKARDEVNAGAR  
(DEVELOPMENT BRANCH)

No. (Illegible)

Date : 12/06/2014

AGENDA OF THE MEETING MINUTES OF THE MEETING ON  
POLLUTION PROBLEM OF LANKA RAILWAY STATION AREA

**Date & Time:** 12/06/2014 at 11:00 AM

**Venue:** Conference Hall of SDO(C), Hojai, Sankardevnagar

The minutes of the meeting on Pollution Problem of Lanka Railway Station Area was held in the Conference Hall of the office of the S.D.O(C). Hojar, under the chairmanship of Sri-Ronuj Kr. Berkatoly, ACS, SDO(C), Hojal regarding mitigation of the pollution problem in and around area of Lanka Railway station which is created mainly by carrying of fly ash, (illegible) gypsum & cement industries. The Chair welcome all the representatives present in the meeting.

The following members were present in the meeting:

Name of the Members	Designation.
1. SH Ronu Kr. Berkatoly, ACS Sub-Divisional Officer (C), Hojak	
2. A. K. (illegible)	Dalmia Cement
3. Sri Susanta Kr. Jena	Manager
4 Sri Bishal Gurung	Sr Manager HR
5 V. Srividhye	(illegible)
6 Srl P. Mail	ACM/III/LMG, NF Rly
7. Gri D Majumdar	CGS/Hojai NF Rly.
8.Smt. Rama Mazumdar	Chairperson, Lanko M.B
9. Sr Manis Kr. Binvas	Patron, Human Rights Commission.
10 Sit B. (illegible)	Chief, AIHRC Lanka Unit
11 Sri Nani Gupal Sharma	AIHRC
12 Sri Narayan, Mazünder	
13 Sri Mu tui oswardil	
14 D. Bhattarch:	
15 Smti. Tara Newar	
16 Sinti. Bant Shikha Sharma	Advocate, Hojal (illegible)
17 Sati Mamoni tas	

- 18 Sml. Pool Dea
- 19 Sml. Alat Bos
- 20 Stiti Manju Bush
- 21 Sml. Deepe Mc Bhuyan
  
- 22 Sma. Junii Dek
- 23 Sml. Rina Chou: hury
- 24 Smt. Usha S
- 25 Sri Blawaj S
- 26 Sri Bap. Chakraborty
- 27 Sri Ramkrishna
- 28 Sri Munna Sat
- 29 Sri Bharat Keruaker
- 30 Sri Ranjit Dhar
- 31 Sri Ram Prasad Mondal
- 32 Sri Prasenjit Mondal
- 33 Sri Ranjit Deka
- 34 Sml. Lily Mech

After threadbare discussion the following decisions were taken for sorting out of the pollution problems in and around the area of Lanka Railway Station:

- The Dalmia Cement & others Cement Industries are instructed to do the loading and unloading works as per existing rules of the Indian Railways and specially not to do such works during school hours as well as after 10.00 P.M. so as to maintain hygienic condition in the surrounding areas of Lanka Railway Station.
- No entry of vehicles on the roads should be maintained during school hours so as to maintain educational environment in the locality.
- Screen should be used to protect area while making loading & unloading of clinkers by the Dalmia & other Cement Industries and watering should also be done immediately after completion of any loading or unloading so that dust may be removed and make it pollution free.
- The Chair Instructed the Dalmia Cement Authority to jointly sit with Chairperson, Lanka MB / Mr.. Mukul Goswami L.A.S.S Sabha / B.M Newar, Human Rights Commission / Debojit Ghosal, Naba Prajaama Lanka Smti Rina Choudhury, Mohila Samiti, Lanka to finalise the placement of Deep Tube Weill for water boreing.
- Mr. Ram Prasad Mondal, Handling Agent of M/S R.J Cement Ltd. Nagaon & others also instructed to cooperate with Railway Authority

- & Dalmia Cement to sort out the pollution problem in Lanka Railway Station area and also directed to Involve the companies in the process.
- The Chair also said that land dispute between railway authority and the local police will be solved after receiving the report from the Director, Land Records. Assam, Guwahati.
  - The Dalmia Cement industry also, Instructed to keep ready at least 4 Nos. Tankers regularly for watering to remove dust after loading & unloading weeks.
  - The Dalmia Cement Authority should do the development works in and around Lanka area in consultation with the leading citizens of Lanka area:
  - The Dalmia Cement & other Cement Authorities also requested to instruct the concerned contractors to control the labourers and to abstain from use of slang languages while working in the Lanka Railway Station area.

The meeting also unanimously decided to submit a copy of the minutes of the said meeting to the Officer-in-Charge, Lanka Police Station to take necessary action as per instructions given in the minutes.

The meeting ended with a vote of thanks from the chair.

Memo No.HJD.31/2010/Rev.-M/291 A]

Copy forwarded for favour of kind Information to:-

1. The Deputy Commissioner, Nagaori for favour of kind information:
- 2-All concerned for information and necessary action.
3. Office copy.

Sd/-  
Sub-Divisional Officer(C),  
Hejal, Sankardev Nagar

To,

Date: 14<sup>th</sup> MAR 2023

**The Senior Divisional Operating Manager (Sr.DOM),**  
**Lumding Division,**  
**NF Railway**

Through SS/CGS, Lanka (LKA) station

**Subject: Regarding plantation of trees at LKA public siding**

Dear Sir,

We have been operating at Lanka public siding for bringing our inward raw materials as well as dispatches of outward cement. As a part of our Corporate Social Responsibility (CSR), we want to initiate a plantation drive at the siding. This will help us to reach closer towards our Company's mission to be Carbon negative by the year 2040. Also, these trees once grown up will help in creating shade for the labours as well as it will emit oxygen to the nature. We will take utmost care that the plantation drive will not create any hindrance towards day to day operations at Lanka siding.

It is therefore requested that you may permit us to go ahead with the plantation drive.

Thanking You.

**Yours sincerely,**  
**For Calcom Cement India Ltd,**



**Prabin Goswami**  
**Rail Logistics Lead- NE**

**CC: 1. DRM- LMG Division, NFR**





**MINISTRY OF ENVIRONMENT AND FORESTS NOTIFICATION**

**New Delhi, the 16th November, 2009**

G.S.R. 826(E).— In exercise of the powers conferred by section 6 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. (1) These rules may be called the Environment (Protection) Seventh Amendment Rules, 2009.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Environment (Protection) Rules, 1986 (hereinafter referred to as the said rules), in rule 3, in sub-rule (3B), for the words, brackets, figures and letters, "in columns (3) to (5) of Schedule VII", the words, brackets, figures and letters "in columns (4) and (5) of Schedule VII" shall be substituted.
3. For Schedule VII to the said rules and entries relating thereto, the following Schedule and entries shall be substituted, namely:—

**[SCHEDULE VII]**

**[Sec rule 3(3B)]**

**NATIONAL AMBIENT AIR QUALITY STANDARDS**

Sl No.	Pollutant	Time Weighted Average	Concentration in Ambient Air		
			Industrial, Residential, Rural and Other Area	Ecologically Sensitive Area (notified by Central Government)	Methods of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1	Sulphur Dioxide (SO <sub>2</sub> ) µg/m <sup>3</sup>	Annual* 24 hours**	50 80	20 80	- Improved West and Gaeke - Ultraviolet fluorescence
2	Nitrogen Dioxide (NO <sub>2</sub> ) µg/m <sup>3</sup>	Annual* 24 hours**	40 80	30 80	- Modified Jacob & Hochheiser (Na-Arsenite) - Chemiluminescence
3	Particular Matter (size less than 10 µm) or PM <sub>10</sub> µg/m <sup>3</sup>	Annual* 24 hours**	60 100	60 100	- Gravimetric - TOEM - Beta attenuation
4	Particulate Matter (size less than 2.5 µm) or PM <sub>2.5</sub> µg/m <sup>3</sup>	Annual* 24 hours**	40 60	40 60	- Gravimetric - TOEM - Beta attenuation

(1)	(2)	(3)	(4)	(5)	(6)
5	Ozone (O <sub>3</sub> ) µg/m <sup>3</sup>	8 hours** 1 hour**	100 180	100 180	- UV photometric - Chemiluminescence - Chemical Method
6	Lead (Pb) µg/m <sup>3</sup>	Annual* 1 hour**	0.50 1.0	0.50 1.0	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper - ED-XRF using Teflon
7	Carbon Monoxide(CO) mg/m <sup>3</sup>	8 hours** 1 hour**	02 04	02 04	- Non Dispersive Infra Red (NDIR) spectroscopy
8	Ammonia(NH <sub>3</sub> ) µg/m <sup>3</sup>	Annual* 24 hour**	100 400	100 400	- Chemiluminescence - Indophenol blue method
9	Benzene (C <sub>6</sub> H <sub>6</sub> ) µg/m <sup>3</sup>	Annual*	05	05	- Gas chromatography based continuous analyzer - Adsorption and Desorption followed by GC analysis
10	Benzo(α) Pyrene(BaP) – particulate phase only, ng/m <sup>3</sup>	Annual*	01	01	- Solvent extraction followed by HPLC/GC analysis
11	Arsenic (As), ng/m <sup>3</sup>	Annual*	06	06	- AAS ICP method after sampling on EPM 2000 or equivalent filter paper
12	Nickel (Ni), ng/m <sup>3</sup>	Annual*	20	20	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper

\* Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

\*\* 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be complied with 98% of the time in a year. 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.

**Note.**— Whenever and wherever monitoring results on two constitutive days of monitoring exceed the limits specified above for the respective category, it shall be considered adequate reason to institute regular or continuous monitoring and further investigation".

[F.No –Q-15017/43/2007-CPW]  
RAJNEESH DUBE, Jt. Secy.

**Note.**— The principal rules were published in the Gazette of India, Extraordinary vide number S.O.844(E), dated the 19<sup>th</sup> November. 1986; and subsequently amended vide numbers S.O. 433(E), dated the 18<sup>th</sup> April. 1987; G.S.R. 176 (E) dated the 2<sup>nd</sup> April 1996; and were recently amended vide numbers G.S.R. 97(E), dated the 18<sup>th</sup> February. 2009; G.S.R. 149(E), dated the 4<sup>th</sup> March, 2009; G.S.R 512(E), dated the 9<sup>th</sup> July. 2009; G.S.R. 543(E), dated the 22<sup>nd</sup> July, 2009; G.S.R. 595(E), dated the 21<sup>st</sup> August, 2009; and G.S.R. 794(E), dated the 4<sup>th</sup> November, 2009.