

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

ORIGINAL APPLICATION NO. 57 OF 2026/EZ

IN THE MATTER OF:

MILAN KANTI DAS & ORS.

... APPLICANTS

VERSUS

THE STATE OF ASSAM & ORS.

... RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5, THE
CENTRAL GROUND WATER BOARD, NORTH EASTERN REGION**

INDEX

S. No.	Particular	Page No.
1.	REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5	1-3
2.	ANNEXURE-R-5/1: COPY OF THE SHOW-CAUSE NOTICE DATED 28.04.2026	4

Respondent No. 5

Tapan Chakraborty

Filed by
TAPAN CHAKRABORTY
कीर्तीय निदेशक/Regional Director
भारत सरकार/Government of India
जल शक्ति मंत्रालय/Ministry of Jal Shakti
जल संसाधन, नदी विकास और गंगा संरक्षण विभाग
Department of WR, RD & GR
केन्द्रीय भूमि जल बोर्ड/Central Ground Water Board
पूर्वोत्तर क्षेत्र, गुवाहाटी/North Eastern Region, Guwahati

Through

GUWAHATI
Dated : 06.05.2026


GIGI.C. GEORGE
Advocate

Standing Counsel (UOI)
NATIONAL GREEN TRIBUNAL
Email: gigicgeorge.adv42@yahoo.in

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SL. Instrument No. 5591

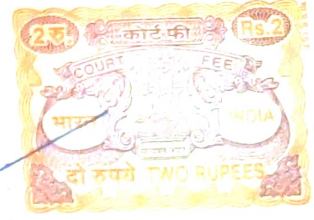
Date. 06/05/2026

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOLKATA

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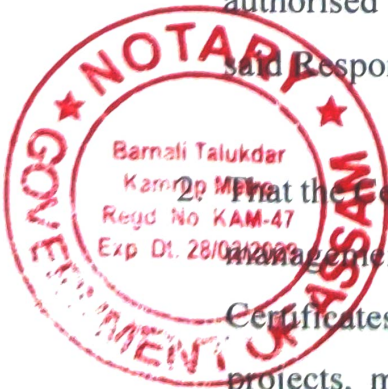
... RESPONDENTS

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5, THE CENTRAL GROUND WATER BOARD, NORTH EASTERN REGION

I, Tapan Chakraborty, son of Late Paresh Chakraborty, aged about 52 years, working as the Regional Director, Central Ground Water Board, North Eastern Region, having my office at Betkuchi, Guwahati (Assam), Pin-781035, do hereby solemnly affirm and state as under:

1. That I am the Regional Director of the Central Ground Water Board (CGWB), North Eastern Region, the Respondent No. 5 in the aforesaid Original Application. I am fully conversant with the facts and circumstances of the present case based on official records, and I am duly authorised and competent to swear and file this Affidavit on behalf of the said Respondent.

2. That the Central Ground Water Authority (CGWA) regulates ground water management and development in the country by issuing 'No Objection Certificates' for extraction of ground water by industries, infrastructure projects, mining projects, etc., in accordance with the Govt. of India,



Barnali Talukdar
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No. - KAM-47

06 MAY 2026

Tapan Chakraborty

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Ministry of Jal Shakti notified Guidelines, 24.09.2020 followed by amendment dated 29.03.2023. These Guidelines unequivocally mandate that any project or entity abstracting groundwater, including those for urban water supply, must obtain a prior No Objection Certificate (NOC) from the competent authority, except for a few exempted categories, which are not applicable to the Respondent No. 6.

3. That the primary obligation and onus to apply for and obtain the mandatory NOC rests squarely upon the project proponent, in this case, the Respondent No. 6 (Barshapara No. 1 Water Supply Scheme Management Committee). The Respondent No. 6 has on date, never applied to the Respondent No. 5 for an NOC for abstraction of groundwater from any of its existing or new borewells.
4. That Upon the matter of unauthorised groundwater abstraction by the Respondent No. 6 being brought to notice of Respondent No.5, the Respondent No. 5 took immediate cognizance of the violations and initiated statutory action in accordance with the law.
5. That in exercise of the powers vested with the Respondent No. 5, through its Regional Director, a Show-Cause Notice vide File No. .../S6/SC/CGWA/NER/2026-27 dated 28.04.2026 was issued to the Respondent No. 6. Through the said notice, the Respondent No. 6 has been directed to show cause, within 15 days from the date of receipt of the notice, as to why legal action, including the sealing of its tubewells/borewells, closure of the unit, and levying of Environmental Compensation, should not be initiated for unlawfully withdrawing ground water without a valid NOC.



Tapan Chakraborty

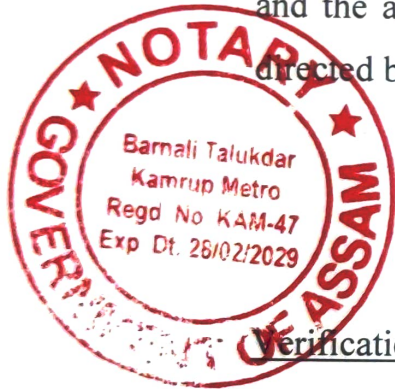
BT
Barnali Talukdar
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Regd. No.- KAM-47

06 MAY 2026

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A true copy of the Show-Cause Notice dated 28.04.2026 is annexed herewith and marked as ANNEXURE R-5/1.

6. That the issuance of the aforesaid Show-Cause Notice is the first and mandatory step in the due process of law, ensuring adherence to the principles of natural justice before any coercive action is taken. The Respondent No. 5 is duty-bound to follow this procedure and is committed to taking the matter to its logical conclusion based on the response, or lack thereof, from the Respondent No. 6.
7. That in view of the above, the present reply may please taken on record and the answering respondent will file additional affidavit as and when directed by this Hon'ble Tribunal.



Verification

Verified at Guwahati on 6th May 2026 that the contents of the above reply affidavit are true and correct the best of my knowledge and belief and derived from the official records and nothing material has been concealed therefrom.

Identified by
Neelakshii Kakoty
Advocate / Advocate Clerk
Enr No. 1388 of 2014-15

BT
Barnali Talukdar
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No. - KAM-47

06 MAY 2026

Tapan Chakraborty

Deponent
तपन चक्रवर्ती/TAPAN CHAKRABORTY
क्षेत्रीय निदेशक/Regional Director
भारत सरकार/Government of India
जल शक्ति मंत्रालय/Ministry of Jal Shakti
जल संसाधन, नदी विकास और गंगा संरक्षण विभाग
Department of WR, RD & GR
केन्द्रीय भूमि जल बोर्ड/Central Ground Water Board
पूर्वोत्तर क्षेत्र, गुवाहाटी/North Eastern Region, Guwahati

Tapan Chakraborty

Deponent

तपन चक्रवर्ती/TAPAN CHAKRABORTY
क्षेत्रीय निदेशक/Regional Director
भारत सरकार/Government of India
जल शक्ति मंत्रालय/Ministry of Jal Shakti
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Department of WR, RD & GR
केन्द्रीय भूमि जल बोर्ड/Central Ground Water Board
पूर्वोत्तर क्षेत्र, गुवाहाटी/North Eastern Region, Guwahati

केंद्रीय भूजल प्राधिकरण
CENTRAL GROUND WATER AUTHORITY
(website: <https://cgwa-noc.gov.in>)
[Constituted under section 3(3) of Environment (Protection) Act, 1986]
CENTRAL GROUND WATER BOARD, NORTH EASTERN REGION
(email: rdner-cgwb@nic.in)

File No.S6/SC/CGWA/NER/2026-27

Date- 28.04.2026 / 665

कारण बताओ नोटिस
SHOW -CAUSE-NOTICE

Whereas the Central Government constituted the Central Ground Water Authority (hereafter referred to as the Authority) vide notification of the Government of India in the Ministry of Environment and Forests number S.O. 38 (E), dated the 14th January, 1997, followed by notification number S.O. 1124(E) dated 6th November, 2000 and S.O. 1121 (E) dated 13th May, 2010, for the purposes of regulation and control of ground water development and management in the whole of India and to issue necessary regulatory directions.

And whereas, the Authority has issued 'Guidelines to control and regulate ground water extraction in India' vide notification number 3289(E) dated 24th September, 2020, wherein all new /existing industries, seeking expansion, infrastructure projects and mining projects abstracting ground water, unless specifically exempted under Para 1.0 of the said Guidelines, will be required to seek no Objection Certificate from Central Ground Water Authority or, the concerned State/ UT Ground Water Authority as the case may be.

And whereas, it has come to notice of the Authority that **Barshapara No 1 Water Supply Scheme Management Committee (BWSSMC), Fatasil Ambari, Guwahati** is operating without valid No Objection Certificate for ground water abstraction and is withdrawing ground water unlawfully.

Now therefore, in view of the above and in exercise of the powers vested under Section 5 of the Environmental (Protection) Act, 1986, the Authority hereby directs you to show cause to explain the reason as to why legal action should not be initiated against your industry/project as per law which may include sealing of tubewell/borewell, suspension/ closure of your unit and levying of Environmental Compensation/penal provisions.

You are hereby given an opportunity to submit your response, in any case within 15 days of receipt of this notice, failing which appropriate strict action will be initiated against you. Please note that failure to submit a response will be understood that you have nothing to say in your defense.

Received
copy
Money by
Secy, sub scheme
H.S. No. 1

Tapan Chakraborty
28/4/26
(TAPAN CHAKRABORTY)
Regional Director

To,
**Barshapara No 1 Water Supply Scheme Management Committee (BWSSMC), Barshapara
Bye lane No 2, P.O. Binovanagar, P. S. Fatasil Ambari, Kamrup Metro, Guwahati-781018**

Copy to:-

1. Deputy Commissioner, Lichubagan, Hengrabari, Guwahati, Kamrup Metro, Assam 781036 for kind information please.
2. Member Secretary, CGWA, New Delhi for kind information please.
3. Member Secretary, Pollution Control Board, Milanpur, West Jyotinagar, Bamunimaidan, Guwahati, Assam 781021 for kind information please.

Tapan Chakraborty
Tapan Chakraborty