

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

Original Application No. 181 OF 2024 (EZ)

IN THE MATTER OF:

Sh. Gautama Singh & Anr.

APPLICANT

VERSUS

State of Assam

RESPONDENT(S)

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(Mantu Kumar Choudhury)  
Scientist 'F' & RD Shillong  
Central Pollution Control Board

Filed Through Counsel

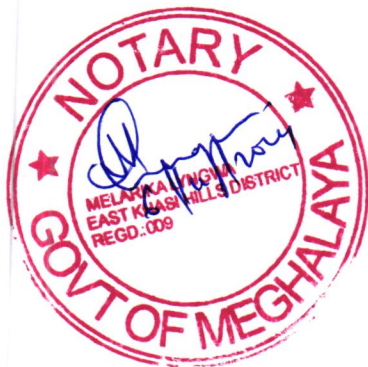
Dated: 6<sup>th</sup> November, 2024

Place: Shillong

एम. के. चौधुरी/ M. K. Choudhury  
वैज्ञानिक 'एफ' / Scientist 'F'

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
(पर्यावरण वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
(Ministry of Environment, Forest & Climate Change, Govt. of India)  
क्षेत्रीय निदेशालय - शिलांग  
Regional Directorate - Shillong  
वी एस एन एल, एन ई - 1, टेलीकॉम सर्कल, सी टी ओ भवन, शिलांग - 793001  
BSNL NE - 1, Telecom Circle, CTO Building, Shillong - 793001

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Date 6.11.2024



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**REPLY ON BEHALF OF THE RESPONDENT No. 4: CENTRAL  
POLLUTION CONTROL BOARD (CPCB)**

1. That, Hon'ble NGT vide order 24.09.2024 has sought the reply of CPCB (hereinafter called as 'CPCB') in the instant matter. Thereby, this reply.
2. That at the outset, the answering respondents deny all claims, contentions, allegations and averments against answering respondent CPCB in the above Original Application contrary to anything stated or submitted in this reply. Nothing in the Original Application may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial, save and except any averment which has been expressly admitted hereinafter.
3. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and control) Act, 1974. It performs the functions under The Water (Prevention and control) Act, 1974, The Air (Prevention and control) Act, 1981 and The Environment (Protection) Act, 1986.



**एम. के. चौधुरी/ M. K. Choudhury**  
वैज्ञानिक 'एफ' / Scientist 'F'

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## REPLY

4. That, it is respectfully submitted that under the provisions of the Mines and Minerals (Development & Regulation), Act, 1957 (hereinafter called as "MMDR Act, 1957"), the States are empowered to make the rules for regulating the grant of prospecting licenses or mining leases in respect of minor minerals and making rules for preventing illegal mining, transportation and storage of minerals. The State Department of Mines and Geology is the Nodal Authority in the State for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act 1957 (MMDR Act 1957) and is entrusted with the enforcement and regulation of mining operations in a State including illegal mining. All such mining which qualifies illegal, shall be dealt in accordance with the provision of MMDR Act by the concerned authorities.
5. That Central Government has made it mandatory to obtain Environmental Clearance for mining of minerals. MoEF&CC published EIA Notification 2006 and its amendments regarding Environmental Clearance to be obtained by mine owner for mining activities, which includes Environment Impact Assessment/Environment Management Plan Reports. All Category 'A' projects including expansion and modernization of existing project shall require Environmental Clearance (hereinafter referred to as "EC") from MoEF&CC on the recommendations of Expert appraisal committees (EAC) and all Category 'B' projects require EC from the State Level Environment Impact Assessment Authority (SEIAA) on the recommendations of State Level Expert Appraisal Committee (SEAC).



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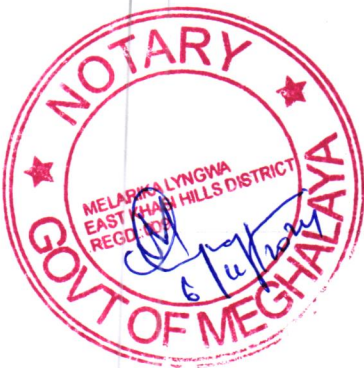
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केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
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6. That the MoEF&CC vide notification S.O. 1886 (E) dated 20.04.2022 has delegated the power to grant Environmental Clearances to all minor mineral mining projects to the State Level Environment Impact Assessment Authority (SEIAA).
7. That the MoEF&CC vide notification no. S.O. 637 (E) dated:28.02.2014 has delegated the power to SEIAA to issue show cause notice to project proponent in case of violation of the conditions of the environment clearances issued by the said Authorities to projects or activities within their jurisdiction.
8. That the SPCBs/PCCs are empowered to regulate the industrial activity through grant of Consent to Establish and/or Consent to Operate.  
The mining projects should obtain prior Environmental Clearance from the concerned authority and should also obtain Consent from the concerned SPCB/PCC under The Water (Prevention and control) Act, 1974, The Air (Prevention and control) Act, 1981 and the mining projects need to comply with the conditions stipulated in the EC and Consent.
9. That in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.



(Mantu Kumar Choudhury)  
Scientist 'F' & RD Shillong  
Central Pollution Control Board



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**AFFIDAVIT**

I, Mantu Kumar Choudhury, Son of Late A.C. Choudhury, aged about 59 years by Occupation Service, having office at the Regional Directorate, Central Pollution Control Board (CPCB), BSNL, CTO Building, Shillong – 793001 do hereby solemnly affirm, declare on oath and state as under:-

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit .
3. That, the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



एम. के. चौधुरी/ M. K. Choudhury  
वैज्ञानिक 'एफ' / Scientist 'F'

**DEPONENT**

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## VERIFICATION

Verified at Shillong on this day of 6<sup>th</sup> November, 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

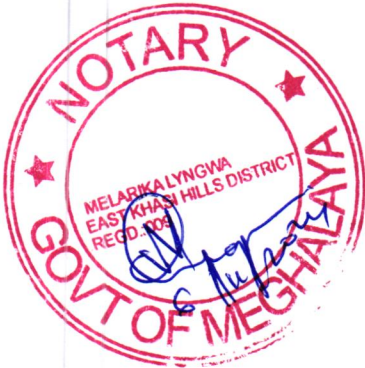
Verified at Shillong on this Day of 6<sup>th</sup> November, 2024.



**DEPONENT**

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**MELARINA LYNGWA**  
**NOTARY**  
**East Khasi Hills District**  
**Government of Meghalaya**