

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

OA No 74 (EZ) of 2017

Tai Maya ... Applicant
- Versus -
Union of India & Anr
... Respondents

INDEX

Sl. No.	Particulars	Annexure	Page No
1.	Affidavit in Opposition on behalf of Respondent No 6 in response to the affidavits filed by Respondent No 4.		



**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

OA No 74 (EZ) of 2017

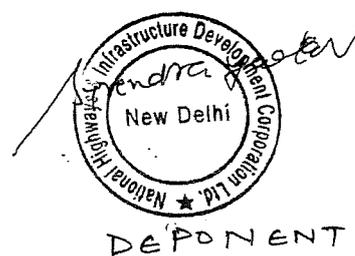
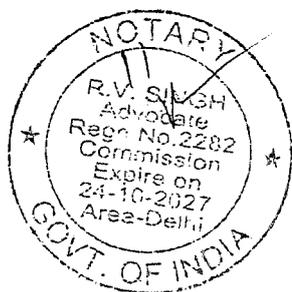


Tai Maya ... Applicant
 - Versus -
 Union of India & Ors. ... Respondents

AFFIDAVIT IN OPPOSITION ON BEHALF OF THE RESPONDENT NO 6

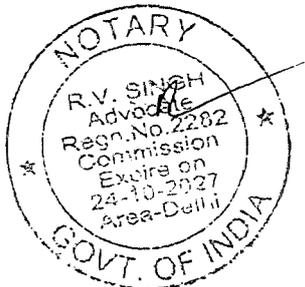
I, Surendra Yadav, S/o Sh. Late Ramdeo Yadav aged about 63 years, working as General Manager (Technical) in National Highways & Infrastructure Development Corporation Limited ("NHIDCL"), an undertaking of Govt. of India under the Ministry of Road, Transport and Highway ("MoRTH"), having its office at 1st and 2nd Floor, Tower A, World Trade Centre (NBCC), Nauroji Nagar, Ring Road, New Delhi - 110029, and am authorised to file the present Application on behalf of the Respondent No. 6 and do hereby state on solemn affirmation, as follows:

1. That I am the Authorized Representative of the Respondent No. 6 and I am authorized and otherwise I am also competent to swear this affidavit on behalf of the Respondent No 6.
2. The instant affidavit in opposition is being filed in reply to the Affidavit dated 19.05.2025 and further affidavit dated 28.07.2025 filed by the Respondent No 4. The first affidavit dated 19.05.2025 had brought on record the Mitigation Plan for Muck Disposal Plan of Akajan Likabali Basar Bame (under Likabali and Along Forest Divisions), Pasighat Pangin & Pasighat Mariyang



Yingkiong (under Pasighat and Yingkiong Forest Divisions) prepared by the Chief Conservator of Forest, Central Arunachal Circle, Pasighat as per the Order of the Hon'ble National Green Tribunal vide their Order for Original Application No. 74/2017/EZ. vide IA No/02/2025/EZ and I.A. No. 32/2025/EZ. The said affidavit also contained Second and Third minutes of the Joint Committee dated 14.05.2025 and 16.05.2025. In the third minutes of meeting, the Mitigation plan submitted by CCF, Pasighat was finally considered and partially approved alongwith the Environment Compensation Charges (ECC) of Rs. 5,10,18,750/-. Finally, by order dated 19.05.2025 the APSPCB passed the order stating that ECC of Rs. 5,10,18,750/- in respect of 2-laning of Akajan Likabali Basar Bame Project was to be submitted by the answering respondent.

3. When this report by way of affidavit was submitted to the Hon'ble NGT, by Order dated 21.05.2025 it was noted that there was discrepancy with respect to the figure of approved mitigation plan for Akajan-Likabali-Bame being Rs. 6.40 Crores while the total requirement of funds for mitigation measures being computed at Rs. 14.90 Crores and hence it was directed to file additional affidavit to explain the discrepancy. The Respondent 4 accordingly filed the additional affidavit dated 28.07.2025 which was received by the answering respondent on 05.08.2025.



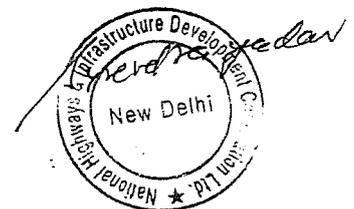
4. Before dealing with the Affidavit dated 19.05.2025 and further affidavit dated 28.07.2025 filed by Respondent No 4, the Respondent no 6 intends to bring certain preliminary facts to the notice of the Hon'ble Tribunal.

5. Vide Order dated 09.05.2022, the Joint Committee was formed for the purpose of actual assessment of environmental damages on the below mentioned road projects in respect of which the Original Application was preferred by the applicant. The details of each such road along with the respective user agency of such projects are mentioned below:

- (i) Akajan-Likabali-Bame Project: User Agency- NHIDCL.
- (ii) Yingkiong-Mariyang-Pasighat Project: User Agency-PWD and NHIDCL.
- (iii) Pasighat-Pangin Project: User Agency- PWD and NHIDCL.
- (iv) The Papu-Yupia(Life Zone/Wildlife area) Project: User Agency- PWD
- (v) The Police HQ-Chimpu Project: User Agency- PWD
- (vi) The Chimpu-Hollong Project: User Agency- PWD

The total length of all the above projects is 300 Kms (Approx).

6. As is evident from above, the answering respondent is the exclusive user agency of only one part of the project, while it is joint user agency with State Public Works Department (PWD) in 2 other projects. The details of the project in which the answering respondent is stakeholder is as follows:



(i) Akajan-Likabali-Bame Project:

A-L-B (PKG -I) from KM 12 to KM 36 and A-L-B (PKG-II) from KM 36 to KM 71 i.e whole of the total of 59 KM is under NHIDCL.

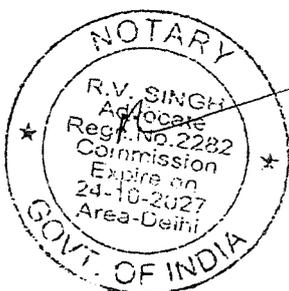
(ii) Yingkiong-Mariyang-Pasighat Project:

From KM 22.00 to KM 62.00 (Total 40 KM) was with NHIDCL out of 140 KM and remaining 100 KM (from KM 0.00 to KM 22 and KM 62 to KM 140) was with State PWD.

(iii) Pasighat-Pangin Project:

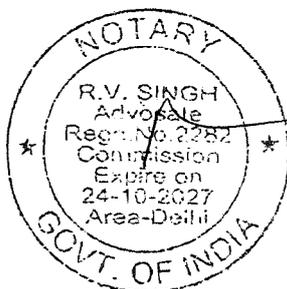
Pasighat-Pangin (PKG-I) from KM 00.00 to KM 28.00 with NHIDCL. Pasighat-Pangin (PKG-III) from KM 43.00 to KM 59.00 with NHIDCL. ie. total of 44 KM was with NHIDCL out of total 76 KM road length, rest 32 KM road stretch was with State PWD.

7. Thus, from perusal of the above data, out of the 6 projects, in respect of 3 projects wherein the answering respondent was involved, the length of the roads totalled to 275 kms. In respect of the rest, the State PWD was the exclusive user agency. Further, so far as the 275 km of project in 3 projects is concerned, only construction for 143Km of road stretch was under the ambit of the Respondent No 6 while with respect to the balance 132 km of road stretch, they were under the control of the State PWD. Thus, the overall project was more or less equally divided among the Respondent No 6 and State PWD. It is a natural corollary that therefore the responsibility and



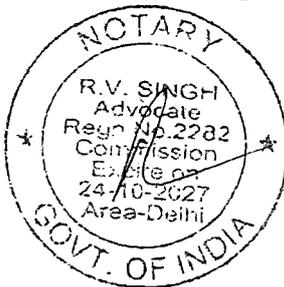
liability owing to alleged illegal muck disposal was also to be equally shared by both the user agencies.

8. In the Additional Affidavit dated 28.07.2025, it has been explained that the fund required for implementation of the mitigation plan for Akajan-Likabali-Bame was 6.40 Crores (after deduction of Rs. 1.50 Crores for compensation to farmers for affecting agriculture from Rs. 7.90 Crores as the same was disapproved by the PCCF & HoFF). For the Yingkiong-Mariyang-Pasighat and Pasighat-Pangin Road stretches also the fund required was calculated as 2.20 Crores and 4.20 Crores and for the overhead expenditure, the same was calculated as 0.60 Crores.
9. Though the cost of mitigation measures for the 3 road projects have been calculated as 6.40 Crores and 4.20 Crores and 2.20 Crores and operational cost have been calculated as 0.60 Crores (altogether totalling to 13.40 Crores), the further affidavit states that the mitigation plan approved by the Joint Committee was for the amount of Rs. 6.40 Crores which again leads to confusion as to what is the total amount payable as of now.
10. Notwithstanding the lack of clarity in calculation above, the committee had arbitrarily and in an unjust manner directed that the total cost of mitigation plan was to be funded by the answering respondent. There has been no



mention as to why in respect to the other road projects in which the State PWD had a significant share, nothing is to be borne by them. In Page 6 of the affidavit dated 19.05.2025, in respect of the road stretches in which PWD is the exclusive user-agency it has been stated by the Committee that “.. for the three road stretches i) Papu-Yupia Road (Wildlife Zone) ii) Police HO Chimpe Road and iii) Chimpu-Hollongi Road, the concerned user agency at its own cost shall make provisions for garland drainage and compaction of muck dumping sites”. Thus, there appears to be a clear bias of the committee in favour of the State PWD in not imposing any burden of mitigation measures upon them and making the answering respondent entirely responsible for funding the mitigation plan.

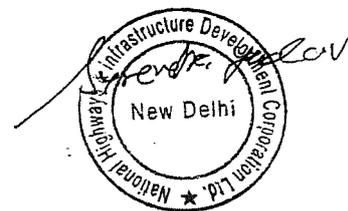
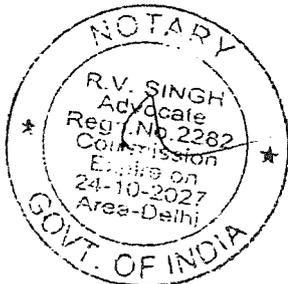
11. Further, there is lack of clarity as in page 8 para 3 of the affidavit dated 19.05.2025 states “The committee approved the final Environmental Compensation Charges for the Akajan-Likabali-Bame at Rs. 5,10,18,750/- (Rupees Five Crore Ten Lakhs Eighteen Thousand Seven Hundred Fifty) only” and para 1 states that “... the committee approved the Mitigation Plan submitted by the CCF, CAC, Pasihat for the stretch of Akajan-Likabali-Bame.. costing to Rs. 6.40 Crore.” while para 2 at Page 8 states that “The committee approved that all civil works proposed in the Mitigation Plan including engineering structures, slope treatment and biological measures



shall be undertaken by the user agency. The user agency shall execute the works by utilisation of ECC to be deposited with the APSPCB.” Hence, it appears that the Environmental Compensation Charges for the Akajan-Likabali-Bame at Rs. 5,10,18,750/- shall be subsumed within the Mitigation plan for the Akajan-Likabali-Bame.

12. Moreover, it is submitted that the calculation of overhead expenditure of Rs. 0.60 Crore on account of vehicle and office stationaries is unjustified and general in nature without any proper reference and justification. Moreover the mitigation plan submitted by CCF, Pasighat of Rs. 6.40 Crores is totally vague and uncertain in nature as the chainage/location/geo-coordinates for the mitigation works to be taken is not properly mentioned. No clear yardsticks for calculation of compensation has been laid down nor has there been reference to any policy/decision/formula while calculating the same.

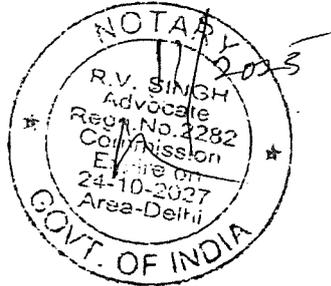
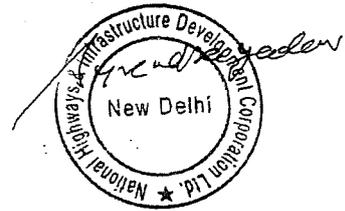
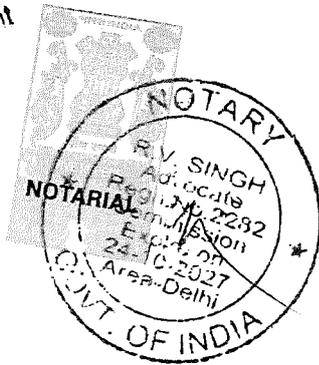
13. Thus, in the interest of justice, equality and fairness, instead of singling out the answering respondent and burdening the entire cost of mitigation upon it, the same should be evenly distributed among the various user agencies based on the length of the roads in which the respective user-agencies are involved. Therefore, it is submitted that in the interest of justice and fairness the mitigation measures amount of all the stretches needs to be revisited along



with the reassessment of operational cost of Rs. 0.60 Crores since the same is without any basis.

14. In view of the facts and circumstances stated above, it is therefore prayed that the report deserves to be set aside with directions for further fresh report with greater clarity.

I identified the deponent/executioner who has signed in my presence



solemnly affirmed before me, read over & explained to the deponent

[Signature]
Notary Public, DELHI

12 SEP 2025