

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH
NEW DELHI**

O.A NO. – 294/2019

IN THE MATTER OF:

Student of Shah Badaruddin High School**Petitioner**

Versus

State of Assam & Ors. **Respondent(s)**

I N D E X

Sl. Nos.	Particulars	Pages
1.	Filing of Affidavit regarding Action Taken Report by the Pollution Control Board, Assam in compliance of order dated 24.01.2020 of the Hon'ble National Green Tribunal, New Delhi	1 - 4
2.	<u>Annexure – A</u> Copy of the Inspection Report issued by the present respondent Board dated 28.02.2020	5
3.	<u>Annexure – B</u> Copy of the Demand Notice dated 26.06.2020	6

FILED BY:



Avijit Roy
Advocate
For THE POLLUTION CONTROL BOARD,
ASSAM
Mobile:9899915595
Email: avijitroy.aor@gmail.com

Filed On : 03.07.2020

2. That, the answering respondent Board already filed its reply Affidavit executed on October 14, 2018 which was filed before this Hon'ble Tribunal on October 24, 2019 placing the action taken report on the subject in issue.

3. That the answering respondent humbly states that an inspection was carried out through its Regional Laboratory cum Office, Silchar, Assam related to the public complaint by students of Shah Badaruddin High School, Garkhapon, Badarpur, PO: Badarpur, Karimganj, Assam-738506 regarding illegal sand mining carried out by Dilwar Ahmed, Rajib Ahmed, Abdul Hakin, Shipar Ahmed, Maruf Ahmed, Yeah Ya Ahmed, Hussian Ahmed from Barak River at Garkhapon village in Karimganj District on 3.07.2019. answering respondent Board through its regional office carried out an inspection and found that the site operated by aforesaid Hussain Ahmed without any valid documents since last two years and such activities resulted dust pollution affecting public health and damage to environment . Accordingly, on the above ground, this answering respondent board issued Show Cause Notice dated 12.09.2019 to aforesaid Mr, Hussain Ahmed against proposed closure of his unit.

4. That this answering respondent begs to state that a Closure Notice dated 03.12.2019 issued by the present respondent Board in exercise of power U/s 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 to the offender , Mr. Hussain Ahmed , Vill: Garkhapon, Bararpan, Badarpur, Karimganj , Assam. The said closure notice was issued to close down the whole operation of his Unit forthwith. An affidavit in this regard bring the aforesaid fact was already on record before this Hon'ble Tribunal.

5. That, this Hon'ble Tribunal by its order dated 24.01.2020 directed answering respondent Board to take steps to stop polluting activities and recover compensation for the damage to the environment on 'Polluter Pay Principle.

6. That this answering respondent begs to file this additional affidavit before this Hon'ble Tribunal to bring on record the Action taken Report pursuant to order dated 24.01.2020 of this Hon'ble Tribunal. The answering respondent begs to state that an Inspection was carried out on 18.02.2020 at the site in question and no mining activities was found at that time and no dust pollution was observed in Inspection report dated 28.02.2020. The answering respondent Board thereafter issued a Demand Notice dated 26.06.2020 on the aforesaid Hussain Ahmed wherein he was asked to pay compensation of Rs. 1,80,000/- for damage to environment on "Polluter Pay Principle". There was some unintentional and bonafide delay in issuing aforesaid demand Notice due to pandemic situation in the country since March, 2020. Copies of the Inspection report dated 28.02.2020 and demand notice dated 26.06.2020 issued by the present respondent board is annexed as **Annexures - A & B.**

7. That, this answering respondent Board seeks permission of this Hon'ble Tribunal to file this affidavit without notarization due to total lockdown declared in Guwahati city from 29.06.2020 to 12.06.2020.

Cokul Bhuyan

DEPONENT
Sr. Environmental Engineer
Pollution Control Board, Assam
Banunimaidam, Guwahati-21

VERIFICATION

I, the deponent herein above, do hereby verify the contents of this affidavit to be true and correct to the best of my knowledge and belief, and no part of this affidavit is false and nothing material has been concealed therefrom.

Verified at Guwahati on this 30th day of June, 2020.

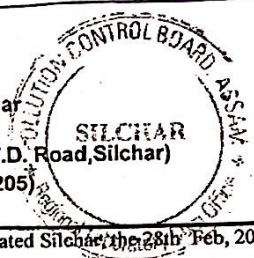
Aekul Bhuyan.

DEPONENT

Sr. Environmental Engineer
Pollution Control Board, Assam
Basantimaidam, Guwahati-21



Pollution Control Board:: Assam
Regional Laboratory cum Office, Silchar
(Department of Environment & Forests: Government of Assam)
(1st Floor of Silchar Development Authority Building; P.W.D. Road, Silchar)
P.O: Silchar; Dist.: Cachar Phone No. - (03842262205)
E- mail: ro_silchar@pcbassam.org



No.RO/SLC/2018-19/T-2811/44

Dated Silchar, the 28th Feb, 2020.

To,
The Member Secretary,
Pollution Control Board Assam,
Bamunimaidam, Guwahati-21,

Sub: O.A. No. 294/2019 (Student of Shah Badaruddin High School, Garkhapon, Badarpur, District Karimganj, Assam Vs The State of Assam.

- Ref:**
- 1) Letter No. WB/G-1580/Legal/19-20/8, Dated 11/06/2019.
 - 2) O.A. No. 294/2019.
 - 3) No. WB/SLC/T-1069/19-20/14, received on 04/02/2020.
 - 4) No. WB/G-1580/L/19-20/OA-294:19/65, Dated: 12/02/2020.
 - 5) NGT Order dated: 24/01/2020.

Dear Sir,

With reference to the above, an inspection was carried out related to the public complaint by students of Shah Badaruddin High School, Garkhapon, Badarpur, PO: Badarpur, Karimganj, Assam-788806 regarding illegal sand mining carried out by Dilwar Ahmed, Rajib Ahmed, Abdul Hakin, Shipar Ahmed, Maruf Ahmed, Yeah Ya Ahmed, Hussian Ahmed from Barak River at Garkhapon village in Karimganj District on 18/02/2020. The findings are herewith for favour of your kind information and action.

- 1) GPS Location of said site is N24°52.022', E092°33.057' at Garkhapon, Badarpur, PO: Badarpur, Karimganj, Assam-788806. The site is bounded by On the East - vacant land, West - vacant land, North- River Barak, South - village road.
- 2) At the time of inspection no mining activity noticed at the said site. Village road connecting NH 44 and the site is of around 9ft width, not suitable for 6 wheeler tippers and trucks, suitable for small (4CuM capacity) tippers/trucks. No stock of sand found at the site.
- 3) Sediments of Barak River dredging also found lying in the river bank.
- 4) 3 Nos of educational institutes namely Shah Badaruddin high School (around 0.5 Km distance from site), 36 No. Chapra LP School (around 150m distance from site), Al-Islah National Academy (around 0.5 Km distance from site) and Gaji Sikander Mukam is around 1km distance from site.
- 5) Barak River Mining contract for sand (Unit-3) cover an area of 4.95 Hect (Allotted Area: 30.36Hect). Environmental Clearance was accorded to Md. S. Barbhuiya from SEIAA vide by Letter No. SEIAA274/2014/38-A, Dated 30/07/2014 for period of 5 years.
- 6) The Principal (I/C) of Shah Badaruddin high School having no knowledge of said complaint and was not able to trace the students, whose name are there in complaint letter.
- 7) Dust pollution from mining activity, could not be noticed since because of no sand mining activity also no vehicles (tippers/trucks) found on the said village road.

ENVIRONMENTAL EFFECT:

The pollution potential due to river sand mining could not be traced out as no mining activities noticed.

RECOMENDATION:

The permitting authority of Minor mineral is the District Forest Department. The matter may kindly be entrusted to them for further investigation and get their views on above.

ER (MS)
P. Prasad
5.3.2020

Encl: Photographs

At-11 (Baw)
P.L. Prasad
5/3/2020

Memo No.RO/SLC/2018-19/T-2811/44-A
Copy to: I.P.A. to The Chairman, Pollution Control Board, Assam for favour of kind appraisal o Hon'ble Chairman.

Yours faithfully,

[Signature]
28/02/2020

Regional Executive Engineer (i/c)
R.L.O. Silchar
Dated Silchar, the 28th Feb, 2020.

Transfer to legal cell.
Please.
MS
06/03/2020

Pollution Control Board, Assam
Receipt No. 8867
Date: 6/3/2020
Signature: *[Signature]*

[Signature]
Regional Executive Engineer (i/c)
R.L.O. Silchar.



Pollution Control Board, Assam

(Department of Environment & Forests : Government of Assam)

অসম প্রদূষণ নিয়ন্ত্ৰণ পৰিষদ
(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

No. WB/SLC/T-1069/19-20/49

Dated Guwahati, the 26th June, 2020

To,

Mr. Hussain Ahmed
S/o Mayur Uddin
Vill.: Garkhapon, Badarpur
P.O.: Badarpur-788806
Dist.: Karimganj (Assam)

Sub: Compensation for the damage to the Environment on "Polluter Pay Principle".

Ref: i) Order of Hon'ble National Green Tribunal in O.A. No. 294/2019 passed on 03.05.2019.
ii) Closure Notice issued vide letter No. WB/SLC/T-1069/19-20/12 dtd. 03.12.2019.

Dear Sir,

In compliance to the order of the Hon'ble National Green Tribunal in O.A. No. 294/2019 passed on 03.05.2019, you are requested to pay fine as per "Polluter Pay Principle" of Rs. 1,80,000/- (Rupees one lakh eighty thousand) only. The imposed fine to be deposited in the form of Bank draft drawn in favour of the Member Secretary, Pollution Control Board, Assam payable at Guwahati within 30 (thirty) days from the date of issue of this letter without fail.

Yours faithfully,

sd/
Member Secretary (i/c)

Memo No. WB/SLC/T-1069/19-20/49-A,

Dated Guwahati, the 26th June, 2020

Copy to:

1. P.A. to the Chairman, PCBA for kind appraisal of the Hon'ble Chairman.
2. The Deputy Commissioner, Karimganj district for favour of kind information.
- ✓ 3. The Nodal Officer, Legal Section, Head Office, PCBA for information.
4. The Regional Executive Engineer (i/c), Regional Laboratory cum Office, Silchar, PCBA for information & necessary action.

AA-11 (BBL)
PL- process urgently
Shy2
26/06/2020

Shy2
Member Secretary (i/c)
MS