

NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA

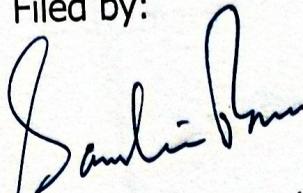
ORIGINAL APPLICATION No. 125/ 2022/EZ

(Sri Himangshu Nath -Versus- Central Pollution Control Board
and Others

I N D E X

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Filed by:



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Ph. No. 9864176825



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6/2/23

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

ORIGINAL APPLICATION No. 125/2022/EZ

IN THE MATTER OF :

Sri Himangshu Nath

.... Applicant

-Versus-

Central Pollution Control Board
and Others

.... Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT No. 3, 4 and 5.

I, Sri Indreswar Kalita, son of Late Jadav Kalita, aged about 57 years, presently holding the post of Secretary to the Government of Assam, Environment and Forest Department, Dispur, Guwahati -6, Assam in the district of Kamrup (Metro), do hereby solemnly affirm and state as under.

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Filed by -
Respondent no. 3, 4 & 5
Pls. - Santan Bora
S. C., Govt. of Assam, NBT

Indreswar Kalita
Sri Indreswar Kalita



1. That I being the Secretary to the Government of Assam, Environment and Forest Department Forest on being duly authorised to represent the respondents and being well conversant with the facts and circumstances of the case, I am competent to swear this affidavit. A copy of the Original Application filed by the applicant was served upon the answering respondent through its Standing Counsel and after going through the same, I have understood the contents thereof and I swear this instant affidavit.

2. That save and except the statements, which are matters of records and specifically admitted, all other averments made in the Original Application be treated as denied and disputed by the answering deponent.

3. That as regard to statements made in paragraph 1, 2, 3, 4, 5, 6 and 7 of the application, the answering deponent begs to offer no comment.

4. That as regard to statements made in paragraph 8 and 9 of the application, the answering deponent begs to state that pursuant to submission of Action Plan by the Monitoring Committee to Central Pollution Control Board, which was approved on 09.10.19 accordingly action to implement the report is actively in progress in 5 (five) non-attainment cities of Assam.

Indira Devi Kalita



5. That as regard to statements made in paragraph 10 of the application, the answering deponent begs to state that air pollution cannot be solely or primarily attributed to vehicular pollution. That vehicular pollution is one of the component adding to the air pollution of the city of Guwahati. That accordingly Government of Assam has taken cognizance of the seriousness of the situation and accordingly the Department of Transport , Government of Assam has taken the several steps towards improvement of air quality. The steps are as follows:

- (i) Prohibiting plying of diesel vehicles older than 15 years and petrol vehicle older than 20 years.
- (ii) Vehicle Scrapping policy of Assam 2022 has already been notified vide Notification No. TMV.72 /2022/39 dated 18.07.2022.
- (iii) One Registered Vehicle Scrapping Facility (RVSF) for carrying out dismantling and scrapping operation of 'End of Life' vehicles has already been set up in Assam. At present, Government vehicles which are 15 years old and above are being scrapped in the Registered Vehicle Scrapping Facility (RVSF) and the dismantling and scrapping operations in respect of vehicles which are unfit and polluting as per

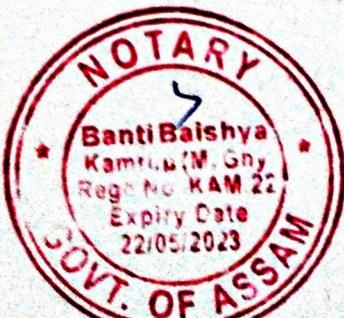
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norms laid down in the Policy is under process.

- (iv) That Govt in the Transport Department has put in place One Time Settlement (OTS) scheme to incentivize voluntary scrapping of old and unfit vehicles , wherein 75% of the total outstanding arrear dues / liabilities (MV Tax, fitness fine etc) against the vehicle is waved off.
- (v) A 'Green Tax' for renewal of registration by non transport and transport vehicle for above 15 years and 10 years respectively has been levied to discourage the owners of the old vehicles from further renewal of such vehicles .
- (vi) As per Electric Vehicle Policy of Assam, all Government vehicles to be converted to Electric Vehicles by 2030.
- (vii) As per decision taken in the meeting of the Regional Transport Authority (RTA) , Kamrup (Metro) held on 14.12.2015 no Metro Share Taxi (Magic / Supro) vehicles which attained the age of 10 years from the date of its manufacturing as well as no City Buses and School Buses which has attained the age of 15 years from the date of manufacturing shall be allowed to use the road on the strength of permit granted by the

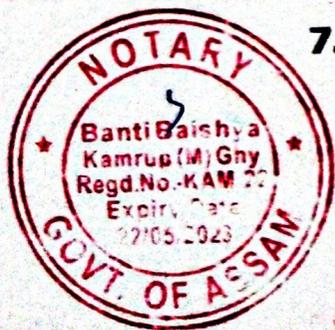
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Reginal Transport Authority (RTA), Kamrup
(Metro), Guwahati.

6. That, as regard to statements made in paragraph 11 of the application, the answering begs to state that the statements are incorrect. That the Department of Transport including the Police and other instrumentalities of the State are enforcing the law strictly. That the answering deponent begs to state that regular enforcement drives against illegal plying of vehicle have been carried out across the State including the city of Guwahati, which falls under Kamrup (Metro) district. That District Transport Office (enforcement) Kamrup (Metro) during the period 1st April 2021 to 15th January 2023 has issued 7,28,113 numbers of pollution certificates. The total amount of fine collected is Rs. 3,98,63,500/- (Rupees Three Crore Ninety Eight Lakhs Sixty Three Thousand Five Hundred) against 1,79,727 numbers of vehicles. That a total of 2353 numbers of offence without valid PUC have been registered against which an amount of Rs. 1,55,00,000/- (One Crore Fifty Five Lakhs) is realized as compounding fees.

7. That as regard to statements made in paragraph 12 of the application, the answering deponent begs to state that Sarabbhatti fly over is complete and opened for public and almost all other fly overs and six lane

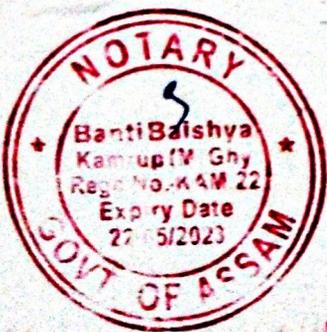


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projects in an around Guwahati city has made substantial progress and presently the work left to be undertaken to complete the projects will releases less amount of dust etc.

8. That as regard to statements made in paragraph 13 of the application, the answering department begs to offer no comment.
9. That the answering deponent begs to submit that, the Government of Assam has taken all steps including imposing fine to mitigate menace of pollution by bringing it down to its permitted level and shall do whatever required as per law to check pollution.
10. That the answering deponent begs to submit that, the answering respondents shall abide by any direction of the Hon'ble Green Tribunal.
11. That the statements made in paragraph 2,3 and 8 of this affidavit are true to my knowledge and belief, those made in paragraph 1,4,5,6, and 7 being matters of records which I believe to be true and rest are my humble submission before this Hon'ble Court.

That the declarations made in the above paragraphs are true and it conceals nothing and that



Banti Baishya

no part of it is false, so help me God.

And I sign this affidavit on this the 6th Day of February 2023 at Guwahati.

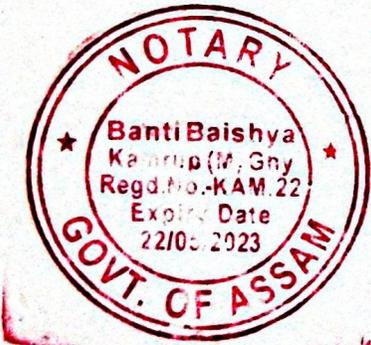
Indira Kalyan Baruah

DEPONENT

Identified by me:

Sankar Barua
Advocate

NOTARY PUBLIC OATH COMMISSIONER
Solemnly affirmed before me this day, I certify that I read over and explained the contents to the deponent and that the deponent understands perfectly to understand them.



Baruah
6/2/23
Banti Baishya
NOTARY, GOVT. OF ASSAM
Kamrup (Metro), Guwahati
Regd. No.: KAM-22