

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No.92/2023/EZ

In the matter of:-

Ganesh Das & 4 Ors.

.. Applicants

Versus

M/s Arya Erectors Private Limited & Ors.

... Respondents

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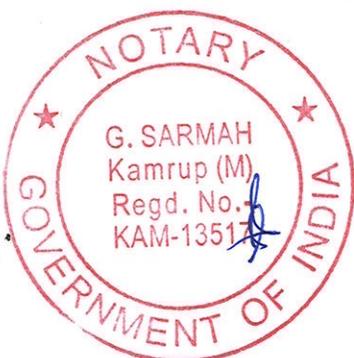
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Dated: 21 /11/2023

Place: Guwahati, Assam

Filed by

Surendra Kumar



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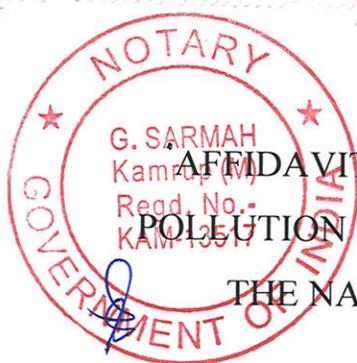
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... Respondents



AFFIDAVIT FILED BY THE RESPONDENT NO. 7 I.E. ASSAM STATE
 POLLUTION CONTROL BOARD IN COMPLIANCE WITH THE ORDER OF
 THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH

I, Meghnad Nath, aged about 59 years, working as Addl. Chief Environmental Engineer and Nodal Officer (legal) in Pollution Control Board, Assam, having office at Bamunimaidam Guwahati -781021, Assam do hereby solemnly affirm and state as follows: -

1. I am the Addl. Chief Environmental Engineer and Nodal Officer (legal) in Pollution Control Board, Assam and I am the authorized signatory of respondent No. 7. I am competent and have been duly authorized by respondent No. 7 to make and affirm this affidavit on behalf of respondent No. 7. I am fully acquainted with the facts and circumstances of the case.
2. I affirm this affidavit in terms of the solemn order passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That pursuant to the direction passed by this Hon'ble Court, an inspection was carried out on 14th September, 2023 of the residential Building Construction- 62000 sq. mt. (built-up area). The unit had obtained Consent to Operate (CTO) on 12th October, 2022 which was valid till 31st March, 2023. The unit has failed to apply for renewal of the CTO. The unit has failed to obtain

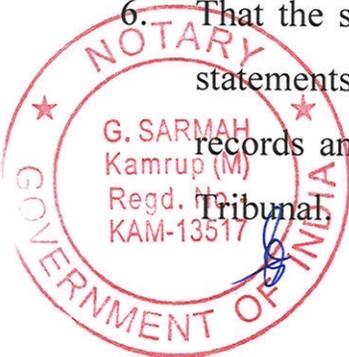
permission from Central Ground Water Board (CGWA) for extraction of ground water.

4. As per the inspection report dated September 20, 2023, there had been no record of rainfall in the locality since last four to five days till the date of inspection i.e.14/09/2023. Consequently, the investigation could not conclusively assess the occurrence of waterlogging. Notably, the Sewage Treatment Plant (STP) was found non-operational during the inspection. Upon inquiry, the project authority explained that the STP has a capacity of approximately 230 KLD and operates twice a week. While a stormwater drainage system is in place, the inspection highlighted potential issues related to the proper gradient, flow capacity of rainwater, and the adjustment of carrying capacity with the final load-bearing drainage system. It is essential to emphasize that the problem of waterlogging cannot be solely attributed to any single stakeholder if the design and coordination of these drainage systems are not appropriately managed at both micro and macro levels. During the inspection, the stormwater drain exhibited a greyish to blackish colour, indicating potential neglect in maintenance by the housing entity, possibly due to blocked outlets.

The copy of the inspection report dated September 20, 2023, annexed as **Annexure A**

5. That the answering respondent respectfully submits that answering respondent is ready and willing to abide by the order/s and direction/s made by this Hon'ble Tribunal and has and shall take all possible steps to comply the directions of the Hon'ble Tribunal.

6. That the statements made in paragraphs 1 is true to my knowledge and the statements made in paragraph nos. 2 to 5 are information derived from records and the rest thereof are my humble submission before this Hon'ble Tribunal.



Identified by me

Deleip Kr. Sharma
21.11.2023
Advocate's (Clock)

Gitanjali Sarma 21/11/23
GITANJALEE SARMAH
NOTARY
Guwahati, Kamrup (M)
Regd. No.- KAM-13517
GOVT. OF INDIA

Deleip Kr. Sharma

Deponent

I, (Name), affirmed before me this day, certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand.

VERIFICATION

Sl. No.....	1677
Date.....	21/11/23

I, Meghnad Nath, aged about 59 years, working as Addl. Chief Environmental Engineer and Nodal Officer (legal) in Pollution Control Board, Assam, having office at Bamunimaidam Guwahati -781021, Assam, do hereby verify that the contents of paragraphs 2 to 5 and parts thereof are based on information and/or derived from sources which I verily believe to be true and I have not suppressed any material facts and circumstances and the rest are my humble submissions, before this Hon'ble Tribunal.

Meghnad Nath
Deponent

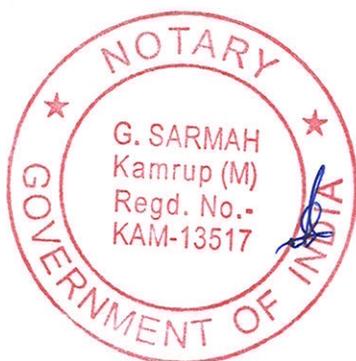
Identified by me

Dilep K. Sharma
21.11.2023
Advocate's Clerk

DATE: 21/11/23

PLACE: Guwahati

*deponent, affirmed before me this day
certify that I read over and explained
the contents to the declarant and that
the declarant seemed perfectly
satisfied.*



Gitanjali Sarma
21/11/23
GITANJALEE SARMAH
NOTARY
Guwahati, Kamrup (M)
Regd. No.- KAM-13517
GOVT. OF INDIA

INSPECTION REPORT

As per the direction of the Head Office, PCBA vide email dtd.14/09/2023, the undersigned Board official carried out inspection of M/s Arya Erectors India Private Limited (Arya Smart Living) located at vill-Abhaypur, North Guwahati under North Guwahati Revenue Circle in Kamrup district on 14/09/2023 in connection with the NGT case bearing OA No.92/2023 (Dr. Ganesh Das & 4 Ors. vs M/s Arya Erectors Pvt. Ltd & 6 Ors) and the details are given below:-

1	Name and address of the unit	M/s Arya Erectors India Private Limited (Arya Smart Living), vill-Abhaypur, North Guwahati, Distt: Kamrup, Pin-781031
2	Contact person	(1) Mr. Siddhartha Sarkar, Project Engineer, M/s Arya Erectors India Pvt. Ltd. Mobile No. 7002907944 (2) Sri Sanjay Baruah (Applicant), R/o D-41, Arya Smart Living Mobile No. 7042597792
3	GPS Coordinate	N-26.19494552 (latitude) and E-91.71740423 (longitude)
4	Type of Project	Residential Building Construction-62000 sq. mtr. (built-up area)
5	Water Logging Aspects	On the day of inspection and prior to 2-3 days of inspection, there was no rain in the said locality. Therefore, the case of water logging could not be verified. If at all the water logging arises it is due to non-existence of proper land scapping, rain water management of drainage system by the stakeholders of the town planning of the area. viz. PWD, WRD, ULB etc. If a proper gradient is not maintained by all the water bearing drainage system along with ascending load bearing capacity till final discharge to water bodies, both at micro and macro level, there is bound to be water logging problem in a heavily rain fed area like Assam.
6	Greenbelt development	Greenbelt that has been developed seems to be around 20-25% of the total plot area.
7	Status of STP	During the time of inspection the STP was found to be not in operation. On enquiry, the project authority had stated that the capacity of STP is around 230 KLD and operation is carried out twice in a week.
8	Storm Water Drainage System	Storm water drainage system exists. If the proper gradient and capacity of the flow out of the rain water vis-a-vis proper adjustment of the carrying capacity with the final load bearing drainage system, if not designed properly by all the stakeholders both at micro and macro level, the problem of the water logging cannot be squarely pin pointed on a single stakeholder. During inspection the storm water drain was seemed to be greyish to blackish colour which may be due to negligence on the part of maintenance of housing entity by keeping some of the outlets

		unplugged from the kitchen units etc.
9	Consent Compliance Status	
(i)	Status of CTO	The unit has obtained CTO of the Board vide order No.WB/KAM/T-46/22-23/05 dtd.12/10/22 with validity upto 31/03/2023.The unit has yet not applied for renewal CTO.
(ii)	Air Emission Aspects	There are two no. DG sets within the housing complex of capacity 250 KVA each having in-built stack and acoustic enclosure.
(iii)	CGWA Permission	The unit has not obtained necessary permission from CGWA for extraction of ground water.
(iv)	Rain water Harvesting	Rain Water Harvesting is available only for the apartment complexes with capacity of around 15 KLD(3x5 KLD).As stated, the water is used for plantation, gardening etc.
(v)	Solid Waste Aspects	As stated by the project authority, the solid waste is being collected and dispose of by the agencies/persons authorized by the ULB.
(vi)	Hazardous Waste Aspects	As stated by the housing entity, the HW i.e. used oil from the DG sets are being taken by the service provider.

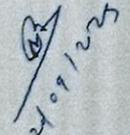
NB: Photographs taken during the time of inspection are also enclosed herewith.

Submitted by

(S.K.Kakati)

Asstt. Engineer

RO-Kamrup,PCBA

24/01/23

 Senior Environmental Engineer
 Regional Office Kamrup
 Pollution Control Board : Assam
 Arinagar : Guwahati-31







