

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
Original Application No. 91/2021/EZ**

**IN THE MATTER OF:**

KANKANA DAS.

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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Filed on: 29.01.2022  
New Delhi

Filed by



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HON'BLE NATINAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKOTA  
ORIGINAL APPLICATION NO. 91/2021 (EZ)

**IN THE MATTER OF:-**

Kankana Das

...Petitioner

Versus

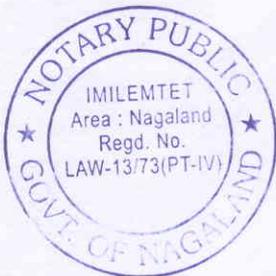
Union of India &Ors.

...Respondents

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.16-  
NAGALAND STATE POLLUTION CONTROL BOARD**

I, Shri. K.Hukato Chishi IFS, S/o Late Kiyezhu Chishi, Age 48 years, working as Member Secretary, Dimapur, Nagaland-110037, do hereby solemnly affirm and declare as under :-

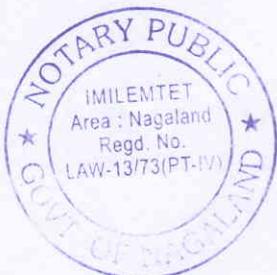
1. That in my official capacity, in the above-mentioned matter, I am fully conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the present Applicant has been filed against the Answering Respondent in view of the alleged non-compliance and failure to adhere to the directions of Central Pollution Control Board, 'CPCB', issued vide letter dated 5.02.2014 and the orders of the Hon'ble Supreme Court in the matter of '*Paryavaran Suraksha Samiti v. Union of India*' reported in (2017) 5 SCC 326 directing the State Pollution



*Handwritten Signature*  
28/01/2022  
IMILEMTET  
Notary Public  
Regd. No. LAW-13/73(Pt-IV)  
Govt. of Nagaland

Control Boards to make provisions for Online Continuous Emissions Monitoring System (OCEMS). That the Application has been filed with the following prayers:-

- "a) Direct the Respondent State Governments to install and upload on their websites a proper and effective online continuous emission monitoring system which is easily accessible to the public;*
- b) Direct the Respondents to ensure that raw data is made available in a harmonised format for public use and to ensure that historic data is made available for public use in raw and harmonised formats;*
- c) Direct that station specific coordinates should be made available specially to understand the efficacy of monitors vis-à-vis pollution sources since such data can also help pollution impacted communities guide decision-makers in future placement of air quality infrastructure;*
- d) Direct the CPCB to prepare a central repository of OCEMS data from all States and hosts the same on its website as the same would be useful in developing*



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*28/01/22*

*national/regional policies on air quality in industrial areas, especially critically polluted areas.”*

3. It is submitted that the directions of the CPCB to install Online Continuous Emissions Monitoring System (OCEMS) was issued to industries falling under 17 categories of highly polluting industries, CETP's, Common Hazardous waste and biomedical waste incinerators. In view of the fact that there are no industries which fall under the 17 categories of highly polluting industries or Common Effluent Treatment Plants or Common Hazardous waste and biomedical waste incinerators in the State of Nagaland, the directions vide letter dated 5.02.2014 is not applicable to the State or to the Answering Respondent.
4. It is submitted that none of the following 17 industries categorized as discharging environmental pollutants in the communication dated 5.02.2014 are operating in the State:-
- i. Pharmaceuticals;
  - ii. Chlor Alkali;
  - iii. Fertilisers;



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- iv. Oil Refinery;
- v. Dye and Dye Intermediate;
- vi. Pesticides;
- vii. Petrochemical;
- viii. large Power Plants;
- ix. Cement;
- x. Aluminium;
- xi. Zinc;
- xii. Copper;
- xiii. Iron and Steel;
- xiv. Large Pulp and Paper;
- xv. Distillery;
- xvi. Sugar; and
- xvii. Tannery industries.

It is pertinent that the following directions were issued by the Central Pollution Control Board vide letter dated 5.02.2014 as under:-

*“Now, therefore, in exercise of the powers conferred under Section 18 (1) (b) of the Water (Prevention & Control Of Pollution) Act, 1974 and 18(1) (b) of the Air (Prevention & Control Of Pollution) Act, 1981 and keeping in view straightening of the monitoring began as for effective compliance through self regulatory mechanism, you are*



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*directed to issue the following directions to all the industries under 17 categories of highly polluting industries, and CETP's, common hazardous waste and biomedical waste incinerators:*

- a. To Install Online Continuous Stack Emission Monitoring Systems (CSEMS) in 17 categories of highly polluting industries and in common hazardous waste and biomedical waste incinerators for the parameters (industry/sector specific parameter) mentioned in the consent to operate/authorisation not later than by March 31, 2015;*
- b. To install online effluent quality monitoring system at the outlet of effluent treatment plants of the 17 category industries and in CETP's for the measurement of the parameters (industry/sector specific parameter) like flow, pH, COD, BOD, TSS and for other consented parameters as per the*



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*guidelines provided; not later than by March 31, 2015;*

*c. To connect and upload the online emission and effluent monitoring data at SPCB's/PCC's and CPCB server in a time bound manner and not later than by March 31, 2015;*

*d. To ensure regular maintenance and operation of the online system with tamperproof mechanism having facilities for online calibration;"*

5. It is submitted that the direction to set up Online Continuous Emissions Monitoring System (OCEMS) was issued to the States and the respective Boards wherein either the 17 categories of highly polluting industries or where CETP's, common hazardous waste and biomedical waste incinerators were operational. This fact becomes clear as the State -wise list of CETP/ common hazardous waste and biomedical waste incinerators annexed with the communication dated 5.02.2014 does not include the State of Nagaland. It is further stated that the



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said communication was not marked to the Answering Respondent for the same reason.

6. It is humbly submitted that in view of the above submission and factual position, it is prayed that the Answering Respondent may be deleted from the array of parties as it is not a proper or necessary party in the matter.
7. I say that the facts stated in the above paras are true and correct to the best of my knowledge and information.

VERIFICATION

Verified at \_\_\_\_\_ on this the \_\_\_\_\_ day of January, 2022 that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

*[Signature]*  
 DEPONENT  
 Member Secretary  
 Nagaland Pollution Control Board  
 Nagaland : Dimapur

*[Signature]*  
 DEPONENT  
 Member Secretary  
 Nagaland Pollution Control Board  
 Nagaland : Dimapur



*Sworn before me:*  
*[Signature]*  
 28/01/2022.

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 Govt. of Nagaland

**VAKALATNAMA**  
**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**  
**ORIGINAL APPLICATION No. 91 OF 2021/EZ**

**IN THE MATTER OF:**

KANKANA DAS

.....APPLICANT

Versus

UNION OF INDIA &amp; ORS

..... RESPONDENTS

KNOW ALL to whom these presents shall come that I/We, \_\_\_\_\_ do hereby appoint K. Enatoli Sema, Advocate, Enrollment number D- 1931-A/2005, to be my/our Advocates in the above noted case and authorize them:

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the Appellate Court including High Court subject to payment of fees separately for each court by me.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review, revision, withdraw, compromise or other documents as may be deemed necessary in said case in all its stages subject to payment of fees. To file and take back documents, to admit an party. Submit to arbitration any differences or in any manner relating to the said case.

To take execution proceedings. To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct other Legal practitioner or person, authorizing him to exercise the power and authority hereby conferred upon him. I think fit to do so and sign the power of attorney. And I the undersigned do hereby agree to authorize the Advocates or their substitute in the matter at hand and its intents and purposes. And I undersigned do hereby agree that my agent would appear in court on all hearings and my personal appearance when the case is called.

And I undersigned do hereby agree not to be held responsible for the result of the said case. And I agree that in the event of the whole or part of the fees of the advocates remaining unpaid they shall be entitled to the amount of the said case until the same is paid up. The fee setted is only for the above case and above court. I hereby agree that once the fee is paid, I will not be entitled for the refund of the same in any case whatsoever.

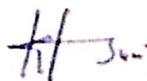
And I the undersigned do hereby agree that I shall not claim any compensation, nor the Advocate/s shall be liable for any compensation if he/she fails to appear in the Court or fails to conduct or withdraw from the case due to non-payment of fee as per settlement or for reason of any request/ call given by Bar Association/s or Council/s.

IN WITNESS WHEREOF, I/We do hereunto set my/our hand to these presents the contents of which have been understood by us on this 30th day of December, 2021.

Accepted subject to the terms of fee.



ADVOCATES



CLIENT

K. HUKATO CHISHI IFS  
 Member Secretary  
 Nagaland Pollution Control Board  
 Nagaland, Dimapur

CLIENT



amit singh <semasingh.office@gmail.com>

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**OA No.91/2021/EZ, Kankana Das Vs Union of India & Ors.**

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**amit singh** <semasingh.office@gmail.com>  
To: litigation.life@gmail.com, ashokadvhc@gmail.com

Sat, Jan 29, 2022 at 2:15 PM

Dear Sir,/Madam

Kindly Find attached scanned copy of Affidavit being e- filed on behalf of Nagaland State Pollution Control Board , which is being served in advance copy as proof of service.

Thanking you.

Best Regards,  
Ms.K.Enatoli Sema Adv.  
Nagaland State Pollution Control Board.

(Clerk)  
Rahul 7503630697

--  
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 **Affidavit- R-16.pdf**  
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