

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

ORIGINAL APPLICATION NO. 115 OF 2025/EZ

Animesh Dey ... *Applicant*

-Versus-

The Union of India and Others ... *Respondents*

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Filed by:

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

ORIGINAL APPLICATION No.115 OF 2025/EZ

IN THE MATTER OF:

Animesh Dey

... Applicant

-Versus-

The Union of India and Others

... Respondents

AND

IN THE MATTER OF:

An affidavit in opposition on behalf of
the Respondent No. 8.

AFFIDAVIT IN OPPOSITION

I Shri Ramen Chandra Malakar, son of Late Pran Chandra Malakar, aged about 59 years, resident of Guwahati within the district of Kamrup (M), Assam, do hereby solemnly affirm and states as follows:

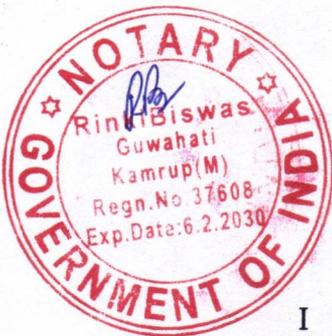
1. That I am presently holding the post of Commissioner & Secretary of Government of Assam, Environment, Forest & Climate

Animesh Dey

Ramen Chandra Malakar
Commissioner & Secretary

To The Govt. Of Assam
E.,F.&C.C Department
Dispur,Ghy-6

Shri. Ramen Chandra Malakar
Secretary
E.,F.&C.C. Assam, N.G.T



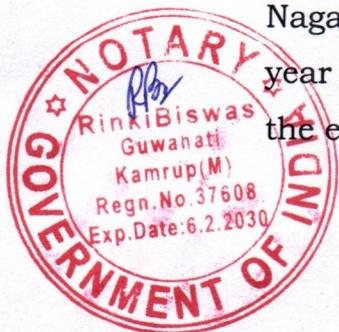
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Change Department and on being delay authorized to represent respondent No. 8 and being conversant with the facts and circumstances of the case swear this affidavit.

2. That I have received the notice and copy of the above-mentioned Original application, as well as the orders dated 15.07.25 and 21.08.25, of the National Green Tribunal, Eastern Zone Bench, have gone through the same and understood the contents made therein.
3. That I will traverse only through those portions, which are relevant for the present purpose, as well as for which, the clarifications are sought for. The portions of original application, not replied to shall not be treated as to be my admission.
4. That at the outset, I would like to state that, the instant Original Application suffers from mis-joinder and non-joinder of necessary parties.

In this connection it is pertinent to mention herein that, the entire cause of action has taken place in the district of Hojai. But, there is no indication or even whisper of the said district in the entire Original Application. Besides, the said district administration of Hojai has not been made a party respondent, rendering application defective of non-joinder of necessary party. That instead, the district Magistrate and Collector of Nagaon district has been made a party, who has no role to play here, render the application a mis joinder of necessary part.

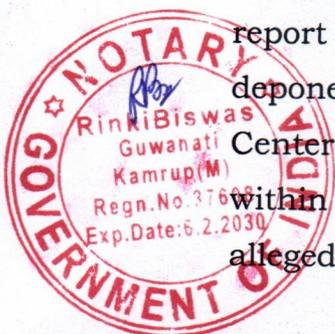
Be it mentioned that initially Hojai district was a part of the Nagaon district. But the same has been separated long back in the year 2016 and thereafter Hojai became an independent district and the entire administration is also independent of Nagaon district.



Ramesh Chandra Commissioner & Secretary
 To The Govt. Of Assam
 E., F. & C. C Department
 Dispur, Ghy-6

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5. That, it is made clear, that since the entire cause of action falls in the district of Hojai and the same is independent from district of Nagaon, so the district administration of Hojai is a necessary party and that the name of respondent No. 9 be expunged.
6. That the answering deponent also begs to state that, the entire dispute relates to pollution and as such it comes under the domain of the Pollution Control Board.
7. That as regard to statements made in paragraphs 1 to 3 of the Original application, the answering deponent begs to state that save and except those which are matters of record, the answering deponent denies and disputes each and every statements of those paragraphs.
8. That as regard to statements made in paragraph 4 of the Original application, the answering deponent begs to state that the subject matter falls under the domain of the State Pollution Control Board and as such the State PCB will deal with the same and the answering deponent has nothing to comment on the issue.
9. That as regard to statements made in paragraph 5 of the Original application, the answering deponent humbly states that, the issue of Pollution as alleged to have taken place due to unloading of coal, clinker and fly ash at platform no.2 of Lanka Railway Station for onward shipment can only be dealt with by State PCB, and the answering deponent has no role to play regarding the issue.
10. That as regard to statements made in paragraph 6 of the Original application, the answering deponent begs to state that, as per the report received from the Circle Officer, Lanka Revenue Circle, the deponent humbly begs to submit that several schools, Anganwadi Centers, a Primary Health Centre and other institutions are located within a distance of 800 meters from the place of occurrence of the alleged activities as mentioned in Para-5 of the instant application.



Ramesh Chandra Barua
 Commissioner & Secretary
 To The Govt. Of Assam
 E., F. & C. C Department
 Dispur, Ghy-6

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The list of Government institutions is as follows: (i) Bankim Chandra Pathshala LP School (ii) Lankeswari Grant No. 2 LP School (iii) Public Higher Secondary School (iv) Rastrabhasa Higher Secondary School (v) Lanka High School; (vi) Parsuram Majumdar High School (vii) Lanka Patty Water Supply; (viii) PHE Lanka (ix) Gurunanak LP School ; (x) Anganwadi Centers. However, level of noise pollution could not be independently ascertained by the answering deponent, as the matter falls under the domain of Pollution Control Board Assam.

11. That the statements made out in the foregoing paragraph 2,3,4,5,6 and 7 are true to the best of my knowledge and in paragraph 1, 8, 9 and 10 are based on records and the rest are my respectful submissions before this Hon'ble Court and that I have not suppressed any material facts.

Ramesh Chandra Majumdar

DEPONENT

**Commissioner & Secretary
To The Govt. Of Assam
E.,F.&C.C Department
Dispur.Ghy-6**

Identified by:

Sanku
Advocate

Solemnly affirmed before me this day.
I certify that I read over and explained
the contents to the declarant and that
the declarant seemed perfectly to
understand them



Rinki Biswas
Rinki Biswas
NOTARY
GOVT. OF INDIA
Guwahati, Kamrup (M)
Regn. No. 37608