

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No.: 05 of 2023 (EZ)

K. S. Upadhyay

Applicant

Vs.

Jharkhand Pollution Control Board & Ors.

Respondents

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Filed by: -

Ashok Prasad  
Advocate

Jharkhand State Pollution Control Board



**BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA**

O. A. No.: 05 of 2023 (EZ)

**K. S. Upadhyay**

**Applicant**

**Vs.**

**Jharkhand Pollution Control Board & Ors.**

**Respondents**

**Counter Affidavit on behalf of Respondent No. - 01 Jharkhand State Pollution Control Board in compliance with of order dated 11.01.2023.**

I, Yatindra Kumar Das, son of Late K. K. Das, presently posted as the Member Secretary, Jharkhand State Pollution Control Board, H.E.C, Dhurwa, Ranchi and am duly authorized and hereby solemnly state and affirm as follows: -

1. That at present, I am working and posted as the Member Secretary, Jharkhand State Pollution Control Board, H.E.C, Dhurwa, Ranchi, and as such, I am well acquainted with all the facts and circumstances of this case.

Authorized under Notaries Act 1952 & Notaries Rules 1956 By Govt. of Jharkhand, Ranchi, (India)

15 FEB 2023

Ref No. 247/2023



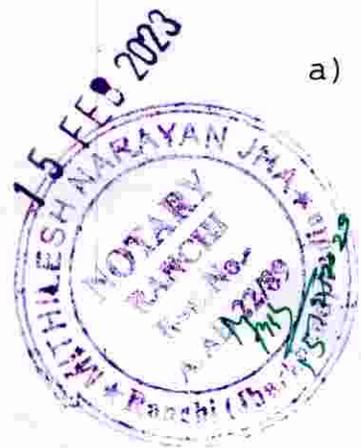
2. That I have gone through the order dated 11.01.2023 passed by the Hon'ble NGT and has understood the contents therein.

3. That, I have been authorized to swear this affidavit on behalf of Respondent No. - 01 Jharkhand State Pollution Control Board (JSPCB) by the competent authority. Further, it is stated that I have gone through the relevant files and records in the present case.

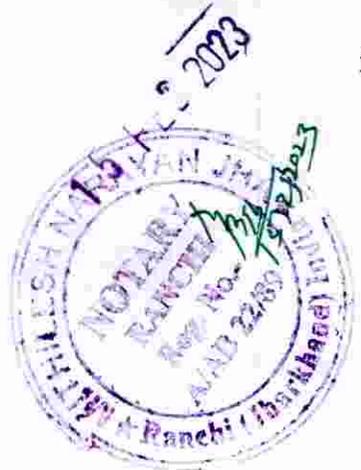
4. That, the instant Original Application has been preferred before this Hon'ble Tribunal by the Applicant for seeking remedial action on the urgent ongoing issue of severe air pollution alleged to have been caused due to continuous burning of huge quantities of wastes on an illegal and unscientific landfill site located near the place where river Subernarekha and Kharkai meets the Sonari area of Jamshedpur.

The Applicant, has therefore prayed for the following reliefs: -

- a) To direct the Respondents to take immediate action to stop ongoing burning of wastes on the landfill site in question.



- b) To direct the Respondents to lay down a remediation plan along with timeline for clearing of the illegal and unscientific landfill site in question and for restoration of the land and submit the same before the Hon'ble Tribunal.
- c) To direct the Respondents to lay down a plan for ensuring that no such landfill site comes up again on the site in question and submit the same before this Hon'ble Tribunal.
- d) To direct the Regional Directorate of CPCB (Respondent No. - 4) to issue directions to JSPCB, to establish a monitoring station and monitor periodically the area in question.
- e) To direct CPCB to impose environmental compensation on the JSPCB and the Tata Steel Utilities & Infrastructure Services for failing in their duty in the management of waste in the area in question.
- f) To direct action against erring Govt. Officials u/s 28 of NGT Act.

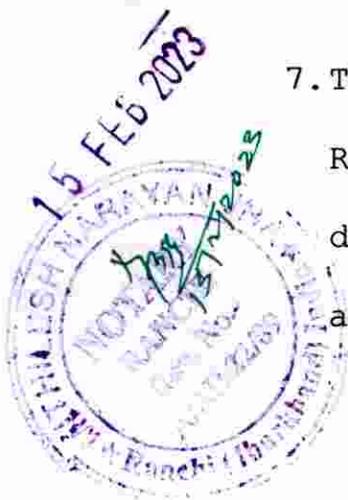


5. That the instant matter was heard on 11/01/2023 wherein the Hon'ble Tribunal was pleased to issue notice to the Respondent returnable within four weeks and further direct the Respondents to file counter reply.

6. That it is humbly stated and submitted that pursuant to the said direction of the Hon'ble Tribunal in the matter the Member Secretary, JSPCB Ranchi vide letter no. B-269 dated 06/02/2023, directed the Regional Officer, Regional Office-cum-Laboratory, Jamshedpur, in whose jurisdiction the place of occurrence of alleged illegal landfill site is situated, to prepare a factsheet of the matter in view of the direction of this Hon'ble Tribunal.

Photocopy of letter No. B-269 dated 06/02/2023 of JSPCB, Ranchi is annexed and marked as **Annexure -I.**

7. That it is humbly stated and submitted that the Regional Officer, Jamshedpur, vide his letter dated 07/02/2013 submitted a brief fact sheet after visiting the site in question, According

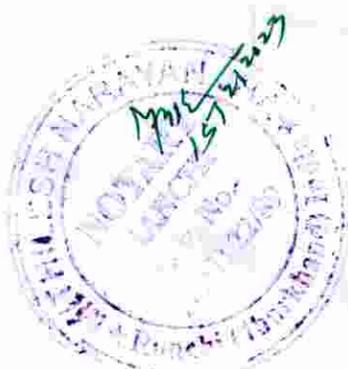


to the said report the site was physically visited and inspected by the Regional Officer, Jamshedpur on 09/01/2023, and it was observed that the municipal solid waste being disposed of near the places Domuhani, Sonari & Jamshedpur in an unscientific manner.

8. That it is humbly stated and submitted that accordingly the Regional Officer, Jamshedpur apprised the Jamshedpur Notified Area Committee and Mango Municipal Corporation, Jamshedpur authorities about the incidence and directed to put-off the fire and take necessary remedial measures for proper disposal of solid wastes within a week vide his memo no. - 32 & 33 both dated 12/01/2023.

Photocopy of Memo. No. 32 & 33 both dated 12/01/2023 is annexed and marked as **Annexure -II.**

9. That it is further stated and submitted that the site in question was again visited by the Regional Officer, Jamshedpur on 07/02/2023, and it was found that smoke is still coming out



15 FEB 2023

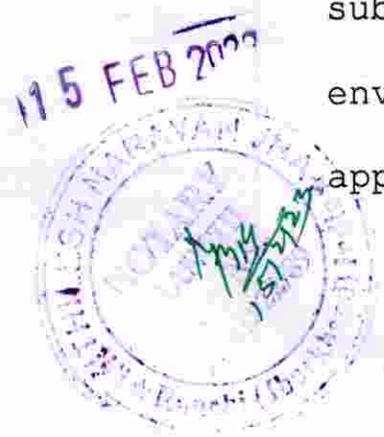
from the alleged dump site containing municipal solid waste dump.

10. That it is submitted that the Regional Officer, Jamshedpur in his report has furthermore, stated that there is a little chance of leachate flowing into river Suvarnrekha and Kharkai. The Regional Officer, Jamshedpur has also stated that the site in question is not a permanent landfill site.

11. That it is humbly stated and submitted that the concern of the applicant with regard to air pollution due to burning of huge quantity of waste in the landfill site and further pollution of water in river Suvarnrekha and Kharkai needs to be verified and substantiated with relevant scientific data. Accordingly the Regional Officer, Jamshedpur has been directed vide Board's Ref. No. B-334 dated 14/02/2023 to submit a detailed report on various environmental parameters agitated by the applicant in the instant Original Application.

Photocopy of Board's Ref.

No. B-334 dated 14/02/2023



is annexed and marked as  
**Annexure -III.**

12. That the answering respondent craves leave of this Hon'ble Tribunal for filing further counter pleading based on the above said report of the Regional Officer, Jamshedpur or as directed by the Hon'ble Tribunal.

13. That the answering respondent has traversed only through the paragraphs of the Original Application relevant to the JSPCB.

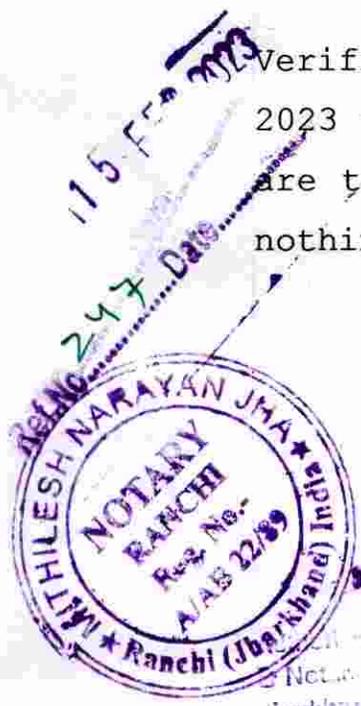
14. That the statement made in forgoing paragraphs is true to my knowledge and the annexure is a true copy of its original.

*Yatiendra Kumar S*  
DEPONENT

**VERIFICATION:**

Verified at Ranchi on this the day of <sup>15<sup>th</sup></sup>..... February, 2023 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

*Yatiendra Kumar S*  
DEPONENT



*M Jha*  
*15/2/2023*  
NOTARY PUBLIC  
RANCHI

Notary Public  
Ranchi (Jharkhand) India



# JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI-834004  
Phone :- 0651-2400852 / 851 Fax :- 0651-2400850 / 138 Website: www.ispcb.org

Annexure-I

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Memo No./JSPCB/ B-269.

Ranchi, Dated 06/02/2023

From: -

Y. K. Das  
Member Secretary

To,

Regional Officer,  
JSPC Board,  
Regional Office-cum- Laboratory, Jamshedpur

**Sub: - Compliance of directions issued by the Hon'ble NGT, Eastern Zone Bench, Kolkatta in its order dated 10.01.2023 in O.A. No. 05/2023/EZ in the matter of K. S. Upadhyay Versus Jharkhand State Pollution Control & Ors - Regarding**

With reference to above, this is to inform that the Hon'ble NGT, Eastern Zone Bench, Kolkatta in its order dated 10.01.2023 in O.A. No. 05/2023/EZ in the matter of K. S. Upadhyay Versus Jharkhand State Pollution Control & Ors has given directions.

The copy of complete petition along with annexures and orders Before The Hon'ble National Green Tribunal Eastern Zone Bench At Kolkata Original Application No. \_\_\_ Of 2022 In The Matter Of: K. S. Upadhyay Versus Jharkhand State Pollution Control & Ors ... Respondents has been sent on official E-mail dated 06.02.2023 (Copy enclosed).

In this context, you are directed to prepare the fact sheet in the light of order dated 11.01.2023 in above mentioned case and send it immediately as the case is listed on 17.02.2023.

Encl. A/A

(Y. K. Das)  
Member Secretary

Rasmi



15 FEB 2023



**JHARKHAND STATE POLLUTION CONTROL BOARD**  
 REGIONAL OFFICE-CUM-LABORATORY, MB/15 NEW HOUSING COLONY  
 ADITYAPUR, JAMSHEDPUR.

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Web Site- [jspcb.org](http://jspcb.org)/ Phone- 0657-2383241/ Fax- 0657-2383905

Ref. No :-.....

Dated-.....

From,

Regional Officer  
 Jamshedpur.

To,

**The Special Officer,  
 Jamshedpur Notified Area Committee,  
 Sakchi, Jamshedpur, East Singhbhum.**

Sub :- **Regarding proper disposal of solid waste.**

Sir,

With reference to subject noted above, it is to inform you that solid waste generated shall be disposed off properly as per Solid Waste Management Rules, 2016.

During visit of team comprising member of CPCB & J.S.P.C. Board in presence of your representative under NCAP on 09.01.2023, It was found that municipal solid waste being disposed off in unscientific manner at Domuhani, Sonari, Jamshedpur. It was also found fire/smoke from the heap of solid waste and causing air pollution in the area. It is immediate need to put off the fire and take proper steps for disposal of solid waste.

In light of above facts your are requested to take proper steps to put off the fire and take necessary steps for disposal of solid waste as per Solid Waste Management Rules, 2016 within a week.

Yours faithfully

Sd/-

Regional Officer  
 Jamshedpur.

Memo No- 32 /Jamshedpur, dated- 12/01/2023

Copy to The Member Secretary, Jharkhand State Pollution Control Board, Ranchi for information and necessary action.

*JP885*  
 11.01.2023  
 Regional Officer  
 Jamshedpur



FEB 2023



**JHARKHAND STATE POLLUTION CONTROL BOARD**  
REGIONAL OFFICE-CUM-LABORATORY, MB/15 NEW HOUSING COLONY  
ADITYAPUR, JAMSHEDPUR.

Web Site- [jspcb.org](http://jspcb.org)/ Phone- 0657-2383241/ Fax- 0657-2383905

Amey - I  
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Ref. No :-.....

Dated-.....

From,  
Regional Officer  
Jamshedpur.

To,  
**The Executive Officer,  
Mango Municipal Corporation,  
Mango, Jamshedpur, East Singhbhum.**

Sub :- **Regarding proper disposal of solid waste.**

Sir,  
With reference to subject noted above, it is to inform you that solid waste generated shall be disposed off properly as per Solid Waste Management Rules, 2016. During visit of team comprising member of CPCB & J.S.P.C. Board in presence of your representative under NCAP on 09.01.2023, It was found that municipal solid waste being disposed off in unscientific manner at Domuhani, Sonari, Jamshedpur. It was also found fire/smoke from the heap of solid waste and causing air pollution in the area. It is immediate need to put off the fire and take proper steps for disposal of solid waste.

In light of above facts your are requested to take proper steps to put off the fire and take necessary steps for disposal of solid waste as per Solid Waste Management Rules, 2016 within a week.

**Yours faithfully**

Sd/-  
**Regional Officer**  
Jamshedpur.

Memo No- 33 -----/Jamshedpur, dated 12/01/2023 -----

Copy to The Member Secretary, Jharkhand State Pollution Control Board, Ranchi for information and necessary action.

*J.P.S.*  
11.01.2023  
**Regional Officer**  
Jamshedpur



Annexure - III



# JHARKHAND STATE POLLUTION CONTROL BOARD

TOWNSHIP ADMINISTRATION BUILDING, HEC COMPLEX, DHURWA, RANCHI 834004  
Telephone: 0651-2400850 (Fax)/ 2400851/2400852/2401847/2400979/2400139

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**By email/Speed post**

**Hon'ble NGT Matter**  
**Time Bound (Urgent)**

Ranchi, Dated:- 14/02/2023

Ref. No:- B-334

From,

Yatindra Kumar Das,  
Member Secretary.

To,

The Regional Officer,  
Regional Office-Cum-Laboratory,  
JSPCB, Jamshedpur.

**Sub: - Submission of a detailed report w.r.t. the Ambient Air Quality of the area and analysis of different water quality parameters of river Suvarnrekha and Kharki in O. A. No. 05/2023/EZ-Regarding.**

**Ref: 1) Your Memo. No. 133 date 07/02/2023.**

With reference to the subject noted above, it is to bring to your information that as the smoke was still found emitting from the Municipal Solid Waste Dump when the site in question was inspected by you.

Now, therefore, in light of the above, it is, directed to carryout the Ambient Air Quality Test of the area in question and also to carryout the analysis of different water quality parameters of river Suvarnrekha and Kharki near the area in question and submit the report to the headquarters with your clear recommendation within 10 days of the receipt of this letter.

This issues with approval of the Competent Authority.

(Yatindra Kumar Das)  
Member Secretary

