

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

IN

OA. No.102/2022

IN THE MATTER OF:

Mirjum Karba

Applicant

-Vs-

Union of India and Others.

Respondents

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Filed by:-

Ashok Prasad

ASHOK PRASAD, ADVOCATE

Counsel for the State of Arunachal Pradesh

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Dated: 1st May, 2023

Place: Kolkata



BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No.102/2022/EZ

In the matter of :

Mirjum Karba

...Applicant(s)

Versus

Union of India & Ors.

...Respondent(s)

COUNTER AFFIDAVIT ON BEHALF OF
RESPONDENT NO.4

I, Shri Jalash Pertin, son of Late K. Pertin, aged about 59 years, by occupation- Government Servant, residing at Itanagar, District Papumpare, Arunachal Pradesh, presently serving as the Joint Secretary (Home), Government of Arunachal Pradesh, Itanagar, do hereby solemnly affirm and stated as follows:

1. That I am fully conversant with facts and circumstances of the case and I am also duly authorized to swear this affidavit on behalf of the Respondent No. 4, the Principal Secretary, Home, Government of Arunachal Pradesh.

Jalash Pertin
28-02-23

Joint Secretary (Home)
Govt. of Arunachal Pradesh
Itanagar

[Signature]
Judicial Magistrate 1st Class
A.P. Civil Secretariat
Itanagar



2. That this affidavit is being filed in pursuance of the Hon'ble Tribunal's order dated April 24, 2023 and orders issued prior to this.
3. That I have the highest regard for this Hon'ble Tribunal and I sincerely apologize that the affidavit of the Respondent No. 4 was not filed in time.
4. That after receiving the hard copy of the Legal Notice dated 17.02.2023 from Ms Joyee Maiti, Learned Counsel of the Applicant on 27.02.2023, I immediately contacted her telephonically and requested her to provide a copy of the Original Application by email which she did not provide. Despite that, the Home Department wrote a letter to Deputy Commissioner (Lower Siang) vide No. Home-11015/3/2022/3104 dated 21.03.2023 requesting to furnish a detailed report on the matter.

*Copy of the aforesaid letter dated 21.03.2023 is enclosed and marked as **Annexure I**.*

5. That the Deputy Commissioner (Lower Siang) has replied vide letter dated 23.03.2023 to Joint Secretary (Home), Government of Arunachal Pradesh mentioning, inter-alia, that no developmental activity has been carried out at the notified area of the District Headquarter at Siji after receipt of the Stay Order of this Hon'ble Tribunal dated 06.01.2023.

[Signature]
 Judicial Magistrate 1st Class
 A.P. Civil Secretariat
 Itanagar

Dalash Kerfui
 28.02.23
 Joint Secretary (Home)
 Govt. of Arunachal Pradesh
 Itanagar



The said letter dated 23.03.2023 has not yet been received physically. However, a copy of the same was received on Whatsapp after this office followed up the matter with the Deputy Commissioner, Lower Siang.

Copy of the letter dated 23.03.2023 is enclosed and marked as Annexure II.

6. That the Respondent No. 4 has gone through the averments made in para 1 to 75 in O.A. No. 102/2022/EZ in the matter of Mirjum Karba vs Union of India & Ors. and found that there is not even a single averment connected with the Home Department to which Home Department can respond as the subject matter does not pertain to the Home Department.

7. In the circumstances it is most humbly prayed that Respondent No. 4 has no comments to offer to the averments made in the OA since no allegations have been made against it. However, the answering Deponent once again submits his unconditional apologies for not responding to this Hon'ble Tribunal's notice within time. Further, it is humbly prayed that the Hon'ble Tribunal may be pleased to strike the Respondent No. 4 (Principal

Salashkumar

28.04.23

Joint Secretary (Home)
Govt. of Arunachal Pradesh
Itanagar

[Signature]
Judicial Magistrate 1st Class
A.P. Civil Secretariat
Itanagar

Secretary, Home, Government of Arunachal Pradesh) off
the list of the Respondents.



VERIFICATION



I, Shri Jalash Pertin, son of Late K. Pertin, aged about 59 years, by occupation- Government Servant, residing at Itanagar, District Papumpare, Arunachal Pradesh, presently serving as the Joint Secretary (Home), Government of Arunachal Pradesh, Itanagar, do hereby verify that the statements made in paragraphs 1 to 3... are true to my knowledge and those made in paragraphs 4 to 7... are being matters of record are true to my information derived therefrom and rest are my humble submissions before this Hon'ble Tribunal.

"OATH"

"I swear that my declaration is true to the best of my knowledge, that it conceals nothing, and that no part of it is false, so help me God."

And I sign this affidavit on this day of ^{28th} April 2023 at Itanagar.

Identified by

As seen before me.

[Signature]

Judicial Magistrate 1st Class
A.P. Civil Secretariat
Itanagar

Jalash Pertin
DEPONENT ^{28.04.23}

Joint Secretary (Home)
Govt. of Arunachal Pradesh
Itanagar

**Court Matter
Urgent**

**GOVERNMENT OF ARUNACHAL PRADESH
HOME DEPARTMENT
A.P. CIVIL SECRETARIAT :: ITANAGAR**

No. Home-11015/3/2022
Itanagar, the ___ Mar'2023

Dated

To,

The Deputy Commissioner
Lower Siang District, Likabali
Arunachal Pradesh

Sub: Regarding OA No. 102/2022/EZ, Mirjum Karba Vs Union
of India

Sir,

Enclosed please find herewith a letter No. NIL dated 17.02.2023 received from Advocate, Hon'ble High Court, Calcutta on the above cited subject. It is stated that the Hon'ble Court had ordered complete stay on all construction activities in the Siji area (Lower Siang Distt), however, despite the directions issued by the Court, you have willfully and deliberately violated the order by convening a meeting vide No. DC/LSD/DCV-01/2018 dated 30.01.2022 for laying of foundation stone and inauguration of the Distt. HQ at Siji.

Therefore, you are directed to furnish detail report on the issue to the undersigned immediately.

This is issued with the approval of competent authority.

Yours faithfully,

Encl: As stated above.

Signed by Jalash Pertin
Date: 21-03-2023 13:54:34

Joint Secretary (Home)
Govt. of Arunachal Pradesh
Itanagar



Annexure - II 679

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आज़ादी का
अमृत महोत्सव

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE DEPUTY COMMISSIONER LOWER SIANG DISTRICT
::LIKABALI::

No.LSD/IFD/CM's/DICF/PLG-107/2021

Dated Likabali, the 23rd March 2023

To,

The Joint Secretary (Home)
Govt. of Arunachal Pradesh
Itanagar

Sub:- Regarding OA No. 102/2022/EZ, Mirjum Karba Vrs Union of India.

Ref:- Your Letter No. Home-11015/3/2022 dated 21st March '2023.

Sir,

With reference to your letter No. cited above regarding convening of meeting by undersigned on dated 30th January 2023 for laying of foundation stone and inauguration of the District HQ at Siji. In this regard, I am to inform you that, it was a preliminary discussion for preparation of inauguration programme to be held in month of March '2023. It is pertinent to mentioned that the meeting was conveyed well before the receipt of Stay Order dated 06.01.2023 of Hon'ble NGT court, Eastern Zone Bench Kolkata, vide Original Application No.102/2022/EZ. Immediately after the receipt of the Stay Order no developmental activities were carried out at notified area of District head quarter at Siji.

Further, I am to inform you that, this office has issued a letter vide No.LSD/IFD/CM's/DICF/PLG-107/2021 dated 20th March '2023 with intimation letter to all concerned line department to comply court order and halt all the developmental activities till further order from the court. A copy of letter enclosed herewith for reference.

This is submitted for your information and further necessary action please.

Encl:- As stated above.

Yours faithfully,

(Marto Riba) APCS
Deputy Commissioner
Lower Siang District, Likabali.
Deputy Commissioner
Lower Siang District
Likabali



GOVT. OF ARUNACHAL PRADESH,
OFFICE OF THE DEPUTY COMMISSIONER, LOWER SIANG DISTRICT,
::LIKABALI::

Dated Likabali, the 20th March 2023

No.LSD/IFD/CM'S/DICF/PLG-107/2021

To,

- The Executive Engineer,
1) Rural Works Department
Likabali Division
2) Public Works Department
Gensi Division

Sub: - Regarding establishment of New District Headquarter at Siji and information thereof:

Ref:- Court Order dated 06/01/2023 in respect of Shri Mirjum Karba Vrs union of India & Ors.

Sir,

With reference to above, I am to inform you that in respect of **Original Application No. 102/2022/EZ, Shri Mirjum Karba Vrs union of India & Ors, the National Green Tribunal Eastern Zone Bench, Kolkata** has stayed all the construction activities at newly declared District headquarter Siji, Vide order dated 6th January 2023 till further order as the area falls under "Eco Sensitive Zone" vide Ministry of Environment, Forests and climate change notification dated 09/06/2020. The Court Order which is self explanatory in nature is enclosed herewith for your reference.

Hence, all the concern departments are hereby directed to comply with the court order and halt all the developmental activities at the declared headquarter Siji till further order from the court.

Encl:- As stated above

Yours faithfully,

(Marto Riba) APCS

Deputy Commissioner,

Lower Siang District, Likabali

Dated Likabali, the 20th March 2023

Memo No. LSD/IFD/CM'S/DICF/PLG-107/2021

Copy to:-

- 1) The PS to Divisional Commissioner (West), Govt. of Arunachal Pradesh, Yachuli Camp, Itanagar for information.
- 2) The Chief Engineer (Eastern Zone) Rural Works Department Govt. of Arunachal Pradesh, Itanagar for information.
- 3) The Chief Engineer (Central Zone-B) Public Works Department Govt. of Arunachal Pradesh, Pasighat for information.
- 4) The Director (State Plan), Department of Planning and investment, Govt. of Arunachal Pradesh for information.
- 5) All the HODs of Lower Siang District for information.
- 6) Office Copy.


Deputy Commissioner,
Lower Siang District, Likabali

VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA/EZ

O.A. No. of

MIRJUM KARBA

Plaintiff
Petitioners

-Versus-

UNION OF INDIA & ORS

Defendant
Opposite Party

On behalf of R-4

Know all men by these presents that by Vakalatnama I/We appoint the Advocates noted below or any of them my/our lawful Advocate or Advocates for filing the Memorandum of appeal or petition in the for entering Appearance.

above matter for appearing in conducting and arguing the same, for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers petitions etc. on my/our behalf for filing taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suits etc. For signing and filing petitions of compromise in connections with said matter and for taking copies of paper form the Record and I/We further say that any act, done by my/one said Advocate or Advocates or by any of them after accepting this Vakalatnama, shall be considered as my/our true and lawful act.

And I/we further hereby agree and undertake to pay the said Advocates his or their fees are settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct property. Failing which the said Advocates after notice to me/us will be liberty to withdraw form the further conduct to the case.

IN WITNESS WHERE OF I/We sign and execute this Vakalatnama on this the 15th day on May 2023

NAME OF ADVOCATES

*Vakalatnama Received
and accepted
from Mrs. J
9 863089404
ashokadwivedi@gmail.com*

Jalash Bertei
28.04.23
Joint Secretary (Home)
Govt. of Arunachal Pradesh
Itanagar