

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**  
ORIGINAL APPLICATION NO. 94/2020/EZ

**IN THE MATTER OF:**

S.D LODA

- PETITIONER

VERSUS

UNION OF INDIA & ORS

-RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF THE STATE OF**  
**ARUNACHAL PRADESH**

1. I, Shri Likha Taji, S/O: Shri Likha Sera aged about 40 years serving as Commissioner in Itanagar Municipal Corporation, Government of Arunachal Pradesh, Itanagar. That the answering respondent is Respondent No.5 in the present petition and is aware of fact and circumstances of the above case and hence I am authorised and competent to swear to the contents of this affidavit.
2. That I have gone through the petition and order dated 27.07.2021 passed by the Hon'ble NGT, Eastern Zone, Kolkata Bench and have understood the contents therein. Further, it is stated that I have gone through the relevant files and records.
3. That, save and except that statement which are specifically admitted in this affidavit in opposition, the statement which are contradictory and inconsistent may be treated to have been denied.



4. That with regard to the averment made at Para-1,2 and 3 of, your original application no. 94/2020/EZ (Hereinafter referred as "O.A") your humble deponent offers no comment.
5. That with regard to averment made in Para no 24, 25, 26, 27, 28 and 29 of your "O.A" your humble deponent offers no comment as it is only pertinent to submission of petitioner.
6. That with regard to averment made in Para no. of your "O.A"

That the allegation levelled as "the main reason for water pollution is the disposal of untreated domestic, bio-medical and construction material waste and dumping of soil", following statements are respectfully submitted as under-

**(i) Regarding untreated domestic waste:**

That the, Itanagar Municipal Corporation (Hereinafter referred as "IMC") came into existence in the year 2019, under Arunachal Pradesh Municipal Corporation act 2019, previously it was Itanagar Municipal Council constituted during 2013 under the Arunachal Pradesh Municipal Act' 2007. The second tenure of the elected representatives of the local bodies was constituted during January 2021. This is just the second term of urban local bodies of Itanagar and first tenure of Itanagar Municipal Corporation in this regard it is pertinent to mention that Itanagar Municipal Corporation in its infant stage having the age of only 11 months. Since their inception, these local body have been



functioning with limited functionaries and resources, as the as such IMC is largely rural in nature and has very limited sources of own revenue generation. IMC are nascent stage and are still struggling to achieve self-sustenance through revenue generation. Many of the subjects delegated to the Municipal Body in the state are yet to take off on account of paucity of manpower and dedicated technical staffs. While taking concern on garbage issues, the state govt. have the remedy for the garbage issues in Itanagar capital region, Moreover, it is also respectfully submitted that the municipal solid waste collected from the Itanagar Capital Region within the territorial jurisdiction of IMC are disposed of at the designated site at Chimpu, Itanagar by the IMC and the dumping of municipal solid waste into rivers **Senki, Pachin and Dikrong is not practised by the any of the IMC.** However, throwing of domestic waste into said rivers might be practiced by the individual at his/her wills. But to control the pollution, certain directives have been issued to citizen within the IMC jurisdiction by the Commissioner IMC and storage of waste into three separate bins.

The project MSW Plant, Chimpu, Itanagar shall be commissioning very soon. The project will cover all the health care facilities located within the IMC jurisdiction for disposal of bio-medical waste and other solid waste.

It is pertinent to mention that within 12 months from the very inception of IMC, IMC has taken serious steps to



create public awareness as well as to control river water pollution, air pollution and noise pollution.

- a) Such as, in order to control rivers pollution, due to Puja celebration, the Municipal Corporation has prohibited the immersion of idols in three rivers Pachin, Senki and Dikrong. As per the revised guidelines 2020 issued by the Central Pollution Control Board on idol immersion, an artificial lake or pond for idol immersion was built by the Corporation at confluence of Kankar Nallah and Pachin River, Lekhi, Naharlagun and all the Puja organizing committee under the jurisdiction of IMC was directed to carry out their idol immersion (Visarjan) at the designated artificial pond. A total of 15 idols were immersed and 100 of devotee from across the capital region participated in the programme. The waste generated during the puja were not allowed to throw into the rivers. The idols and waste were later collected and dispose of at the dumping site, Chimpu.
- b) Such as, in compliance of the judgement of Hon'ble Supreme Court in the Civil Appal Case No.2868-2870 of 2021, the IMC vide Public Notice No.IMC/Estt-422/2021 dated 1<sup>st</sup> Nov' 2021 has regulated the selling and use of green firecrackers within Itanagar Capital Complex. All the licensed traders of various wards have been directed to sale only green fire crackers of PESO (Petroleum and Explosive Safety Organisation) certified trademarks having standard emission and sound decibel level. And all the citizen were instructed to use or burst only green



firecrackers between the timing of 8 pm to 10 pm only on Diwali day i.e 4<sup>th</sup> November 2021.

- c) In pursuance of the said Public Notice, the Commissioner Itanagar Municipal Corporation has appointed the Nodal Officer for implementation of Ban of sale & use of traditional firecrackers during the festival seasons. Accordingly, the Nodal officer along the police personnel have conducted raid in around Itanagar Capital region. The tons firecrackers from all the un-authorized vendors have been seized during the raid.

A copy of Durga Puja Public Notice along with artificial Lake Idol immersion programme, Public Notice on ban on sale & use of firecrackers is annexed herewith and marked as an **Annexure-P/1** and **Annexure-P/2** series.

7. That with regard to averment made in Para no 31, 32, 33, 34, 35, 16, 17, 18 and 19 of your "O.A" your humble deponent offers no comment as it is pertaining to the details of rivers.
8. That with, regard to averment made in Para no. 20 of your "O.A" your humble deponent begs to state that on dated : 09/11/2021; the nodal officer of environmental of IMC along with the present petitioner had physically visited the Yagomso river and conducted



joint survey and inspection for feasibility of Sewerage Treatment Plant (STP) at Yagomso river. in this regard it is pertinent to mention that the facts submitted by petitioner in this Para is correct, as such IMC Engineers are seriously involved in developing proper and adequate Sewerage Treatment Plant at said river, wherein it involves huge monitory funding as such same is going to be placed before the standing committee (General finance contract and planning) as defined under section 57 of Arunachal Pradesh Municipal Corporation act 2019, for appropriate and necessary action.

9. That with, regard to averment made in Para no. 21, 22, 23(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) of your "O.A" your humble deponent begs to state since the sample was collected by the petitioner was not witnessed by the IMC, deponent could not ascertain the sample hence, deponent could not rely upon the results and studies given by the petitioner.
  
10. That with regard to averment made in Para no. 24, of your "O.A" your humble deponent offers no comment as deponent was not aware when sample was collected.
  
11. That with regard to averment made in Para no. 25 and 26 of your "O.A" your humble deponent offers no comment as it is a submission of the petitioner.



12. That with regard to averment made in Para no. 27 of your "O.A" your humble deponent begs to state that in regard to Sewage Treatment Plant, the following statements are respectfully submitted-

a) That the establishment of Sewerage/Sewage Treatment Plants (STPs) under Municipal Bodies or any other notified towns of the state is relatively a new concept. The state in particular towns fall under IMC jurisdiction, being part of the Greater, Middle and Lesser Himalayas has undulated topography and falls under Seismic Zone V. Therefore, construction of Sewerage networks in most of the towns in the state particularly towns fall under IMC jurisdiction, is technically a challenging task. Rather it may cause disaster and other health hazards due to frequent landslides, prolonged rains and wreckage of sewerage and other related issues. For most part of the towns fall under IMC jurisdiction, individual households are disposing off their sewage/sludge etc. to individual or collective sectoral septage tanks. At present, the towns fall under IMC jurisdiction, does not have Sewerage/Septage Treatment Plants either in Itanagar or Naharlagun and Banderdewa towns. It is pertinent to mention that, construction and laying of sewerage network in towns fall under IMC jurisdiction, in particular is technically very difficult due to the undulated terrain. However, to dispose of sewage/sludge waste, the State Government has approved



the 100 KLD capacity Sewage Treatment Plant (STP) along with 72 centrally located Septage tanks for Itanagar town. This STP of 100 KLD capacity will cater to almost 27,000 households and is being funded under the AMRUT scheme.

(a) Moreover, 1 (one) Sewerage Treatment Plant with sewerage networking for a capacity of 3.0 MLD at Naharlagun which will cater to 4000 households in the first phase.

(b) These works were awarded during 2019. The projects are being implemented by the Itanagar Municipal Corporation. The work is under progress and was to be completed within March 2021. The project got delayed due to following reasons:

(1) Frequent lockdown for COVID-19 pandemic and other precautionary measures imposed in the region by the District Administration.

(2) Delayed possession of the donated site due to disputed ownership and the matter being prejudice.

(3) Delay in site inspection and late submission of report due to Covid 19 pandemic by Independent Review and

Monitoring Committee (IRMA) appointed by the Govt. of India against the project.

(4) These STP projects are open site projects and involve earth cutting/removing works. There is heavy rainfall in the region during the months of April to October. Therefore, due to erosion, landslides, flash floods and related hazards, such earth cutting/removing works are not preferred in the region during the rainy season. The topography and the nature permits only a limited working season in the region

(c) Itanagar Municipal Corporation has started the work for construction of both the STPs at Itanagar and Naharlagun. Officers of APSPCB along with officers from Central Pollution Control Board Shillong have visited the STP site at Naharlagun in a joint inspection held during 21-22 June 2021 to assess the status and adequacy of the STPs and have suggested IMC to have one more STP for Itanagar and Naharlagun each to mitigate the river pollution.

13. That with regard to averment made in Para no. 28, 29, 30, 31, 32, 33 and 34 of your "O.A" your humble deponent offers no comment as its not related to deponent.

14. That with regard to averment made in Para no. 35 (i),(ii),(iii),(iv),(v) (a)(b)(c)and(d), of your "O.A" your humble deponent offers no comment as it is a submission of the petitioner which relates to the representation submitted to him to various authorities except deponent's authorities.
15. That with regard to averment made in Para no.36, 37, 38, 39, of your "O.A" your humble deponent offers no comment, As it is not related to the deponent.
16. That with regard to averment made in Para no. 40 and 41 (a),(b),(c),(d),(e),(f),(g),(h),(i),(j),(k) and (l) of your "O.A" your humble deponent offers no comment.



Deponent

**Verification:**

I, the above-named deponent do hereby verify that I have read and understood the contents of the above counter affidavit and the same are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.

Verified on this Tuesday of 18/01/2022



Deponent



OFFICE OF THE COMMISSIONER  
ITANAGAR MUNICIPAL CORPORATION  
ITANAGAR

IMC

Memo No. IMC/Estt-41/2013-14/8370-75

Dated Itanagar the 12<sup>th</sup> October'2021

**PUBLIC NOTICE**

In compliance to the provision under the water (prevention & control of pollution; Act, 1974, Environment (protection) Act, 1986, Solid Waste Management Act & Rules, 2016 as well as Green Tribunal Act and also in consideration of the commendation & suggestion by the Durga Puja Idol immersion co-ordination Committee the following norms & modalities are hereby laid out for strict compliance in public interest.

1. All the organizers of Durga Puja within the IMC Jurisdiction are hereby directed to immerse the idols in the designated temporary artificial pond/tank created for such purpose and comply with the directions and time venues defined hereunder.

**Location designated for idol immersion-** Temporary artificial pond/tank in the boundary of Nirjuli & Naharlagun river belt of Dikrong river adjacent to Model Village, ICR.

**For Naharlagun/Niriuli**

Date :- 15<sup>th</sup> October 2021

Time :- 1500 Hrs to 1800 Hrs

**For Itanagar/Banderdewa**

Date :- 15<sup>th</sup> October'2021

Time :- 1300 Hrs to 1800 Hrs

2. All non-biodegradable articles must be removed from the idol/pratima before the immersion in the said area.
3. The organizers are prohibited from immersion of idol/pratima or dump in any other isolated locations viz water bodies/land other than the designated area as mentioned above.

Therefore, the citizen/Durga Puja organizers are hereby directed for strict compliance with the directions to avoid penal attractions viz section 15 of the Environment (Protection) Act, 1986, section 15 & 17 of the NGT Act, 2010 and other relevant provisions.

The Superintendent of Police, ICR is requested to deploy adequate security to maintain Law & Order during the period.

For any further queries/communication vis-a-vis idol immersion may reach the nodal officer (Environment), IMC at Contact: Assistant Engineer, Ph- 9774160254.

Given under my hand & seal on this day of 12<sup>th</sup> October 2021.

Sd/- (Likha Tejji) APCS

Commissioner

Itanagar Municipal Corporation

Itanagar

DIPR/ARN/1807-09/2021

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A.P. M. H. H.  
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# REPORT ON



## DURGA PUJA 2021 ARTIFICIAL LAKE, IDOL IMMERSION



C.T.C  
Durai  
by M. Sai

- 13 -

**COMPLETION REPORT**

The programme of Durga Puja Idols immersion at artificial lake has been a very successful event organized by Itanagar Municipal Corporation under the direction of the Commissioner, IMC . The idols immersion programme at the artificial lake has been conducted in accordance with the CPCB guidelines and no waste were allowed to throw into Pachin and Kankar Nallah River. The programme was visited by Shri Tame Phassang, Hon'ble Mayor, IMC, Executive Magistrate Shri Likha Radh and media persons. The whole event was managed by the Idol Immersion committee led by Shri K Sikon, SDPO Itanagar as Chairman and Er. Techi Yami as Nodal Officer. The following puja organizing committees from various temple/institute under Itanagar Capital Region have participated in the idol immersion programme.

1. Hanuman Mandir, Ganga Itanagar
2. Shiv Mandir, H-Sector, Itanagar
3. Mahadev Mandir Raj Bhavan complex, Itanagar
4. Radha Krishna Mandir, O-Point, Itanagar
5. Lingalaya Seva Ashram, 6- Kilo, Itanagar
6. Hanuman Mandir, D-Sector, Naharlagun
7. Shir Mandir, E-sector, Naharlagun
8. Kali Mandir, E-Sector, Naharlagun, etc



Around 100 numbers of devotees from various organizing committees have participated and a total of 15 idols have been immersed in the artificial lake.

As per the guidelines, an artificial lake of dimension 20 m X 4m X 1.5 m was constructed by excavating the earth material at the confluence of Pachin and Kankar Nallah rivers back side Iron smelter factory, Lekhi. The artificial immersion lake was barricaded with Bamboo and plastic sheet. The fire tenders were provided by the department of Fire & Emergency Services, Govt. of Arunachal Pradesh and the police personnel were deployed by the Officer-Incharge, Naharlagun Police Station. The programme went all well as per the management plan and there was no any incident or accident happed during the said event.

C.Te  
 by A.P. M. How



The artificial idol immersion area has been cleaned post completion of programme. The waste material from lake have been collected and dispose of at the dumping site at Chimpu and the immersed idols have also been retrieved and dispose of at the dumping site. The artificial lake has been closed by back filling the earth material.



Compiled and submitted by-  
 Er. Techi Yami, Nodal Officer ( Env Issues),  
 Itanagar Municipal Corporation

C.Te  
 Techi Yami  
 M.P. Yami

19/10/2021

- 15 - ANNEXURE P/697  
FILE NO IMC ESTT-422 2020-21  
OFFICE OF THE COMMISSIONER  
ITANAGAR MUNICIPAL CORPORATION  
ITANAGAR  
\*\*\*\*

Dated Itanagar 1<sup>st</sup> November 2021

PUBLIC NOTICE

WHEREAS, Hon'ble Supreme Court vide its adjudication in the Civil Appeal Case No 2866-2870 of 2021 had banned the sale and use of traditional fire crackers during festival time

AND WHEREAS, Hon'ble Supreme Court has adjudicated, that Green Fire Crackers having 50% lower emission with 120 decibel noise level can be allowed

AND WHEREAS, celebration of festivals cannot be at the cost of others health that may infringe the right to health as are guaranteed under Section 21 of the Constitution of India, more particularly to the health of senior citizens, children, sick people as well as birds and animals

Whereas, failure to comply shall invite necessary penalty with imprisonment of One Year and Six Month as per, The Air (Prevention and Control of Pollution) Act, 1981, The Water Act, 1974, The Noise Pollution (Regulation and Control) Rules, 2000 framed under The Environment (Protection) Act, 1986, The Solid Waste Management Rules, 2016 as well as under appropriate provisions of The Explosive Rule 2008 framed under the Explosive Act, 1884

AND NOW THEREFORE, all the licensed traders of various wards under the Itanagar Municipal Corporation are hereby directed, to sale only GREEN FIRE CRACKERS of PESO (Petroleum and Explosive Safety Organization) certified trademark with having emission and sound decibel level as mentioned herein above. Further, it is also hereby instructed to all citizens within various wards under Itanagar Municipal Corporation to use and burst only Green Fire Crackers between the timing of 08:00 PM to 10:00 PM only on the main day of celebration i.e 4<sup>th</sup> November 2021

Superintendent of Police, Itanagar Capital Complex and Member Secretary, Pollution Control Board is requested to enforce this Order, for the upkeep of public health

(Note: For any queries may contact Nodal Officer Fr. Teju Yaru, AE (Environment), IMC Mobile No. 9774160254)

  
(Hukha Teju) A.P.S.  
Commissioner  
Itanagar Municipal Corporation  
Itanagar

Memo No. IMC Estt-422 2020-21

Dated Itanagar 1<sup>st</sup> November 2021

Copy to

1. The PS to Hon'ble Minister, Dept. of TP & U.Bs, GoAP for information please
2. The Under Secretary to Id. Chief Secretary, GoAP for information please
3. The PA to Hon'ble Deputy Mayor, IMC for information please
4. All the Elected Corporators of Itanagar Municipal Corporation for information please
5. The SPA to Secretary, Dept. of TP & U.Bs, GoAP for information please
6. The SPA to Special Secretary, Dept. of TP & U.Bs, GoAP for information please
7. The PA to Deputy Commissioner, R.C, Itanagar for information please
8. The PA to Director, Dept. of TP & U.Bs, GoAP, Itanagar for information please
9. The PA to Director, Dept. of IPR, Nalharalagun for information with a request to publish in local dailies for mass circulation
10. The PA to Chief Engineer, Dept. of U.D & Housing, GoAP, Itanagar for information

*C.T.C.*  
*By Hukha Teju*  
*Hukha Teju*

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12. The Superintendent of Police, ICC, Itanagar for information and necessary action.
13. The PA to Commissioner, IMC, Itanagar for information please.
14. The Assistant Commissioner, IMC, Itanagar for information.
15. Er. Techi Yami, AE-cum- Nodal Officer (Environment), IMC, Itanagar for information and compliance.
16. The Administrative Officer, IMC, Itanagar for information.
17. The President, Arunachal Chamber of Commerce & Industries, Nirjuli for information with request to inform the traders & vendors.
18. Guard file.
19. Office Copy.

  
(Likha Teji), APCS  
Commissioner  
Itanagar Municipal Corporation  
Itanagar

C.T.C  
  
by A.P. M. Hui

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PHOTOGRAPHS OF FIRECRACKERS SEIZED DURING DEWALI 2021 IN ITANAGAR CAPITAL REGION BY ITANAGAR MUNICIPAL CORPORATION



C.T.C. *[Signature]*  
 Jay *[Signature]* Mr. M. Han

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The firecrackers monitoring team constituted by the Itanagar Municipal Corporation headed by Er. Techhi Yami, AE cum Nodal Officer (Environment) along with Police Officer & personnel have conducted checking drive in around Itanagar Capital Complex during Dewali festival. During the raid tons of firecrackers have been sieved from the unauthorized vendors. The firecrackers having not trademarks and certification of PESO were also sieved by the team.

The order for checking was issued the Commissioner, IMC in accordance of the directive issued by the Hon'ble Supreme Court of India. The Itanagar Municipal Corporation has banned the selling of un-authorized firecrackers during the festivals. The firecrackers having the trademarks and certified by the PESO (Petroleum and Explosive Safety Organization) have been allowed to sell by the licensed traders only.

CTC  
 by Adv. M. Hani

**IN THE COURT OF NATIONAL GREEN TRIBUNAL  
EASTER ZONE**

S.D Loda

Appellant (s)/ Petitioner (s)

**Versus**

Union of India & ors.

Respondent (s)

**VAKALATNAMA**

I/we respondent No.5 (IME) represented by Commissioner.

Petitioner (s) /Respondent(s)/ Opposite party in the above special leave petition do hereby appoint and retain Mr. K. Rini advocate of the Gauhati High court, Itanagar Permanent Bench to act and appear for me/us in the above suit/Appeal/Petition/Reference and or my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of my application connected with the same of any decree order passed therein, including proceedings in taxation and application for review, to file and obtain return of documents, and to deposit and receive money on my/ or behalf in the said suit Appeal/Petition reference and in application of Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter, I/We agree to ratify all acts done by the aforesaid advocate in pursuance of this authority.

Dated this the 18<sup>th</sup> day of January 2022

Accepted

APPELLANT (S) /PETITIONER (S)  
CAVEATOR(S) RESPONDENT (S)

K. Rini  
ADVOCATE GAUHATI HIGH COURT

**MEMO OF APPEARANCE**

To,

The registrar,  
Supreme Court of India  
New Delhi

Sir,

Please enter my appearance on behalf on the petitioner (s)/Appellant (s)  
Respondent(s)/Intervener in the matter above mentioned.

Dated this the 18<sup>th</sup> day of January 2022

Yours faithfully,

K. Rini  
Advocate for  
Petitioner (s)/Appellant(s)/Respondent(s)