



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
O.A. NO. 97/2024 (EZ)

[Earlier O.A. No. 144/2024 (PB)]

In The Matter of:

Vimla Vipu Soren

....Applicant

Versus

Jharkhand State Pollution

Control Board &Ors

....Respondents



COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5  
THE WEST BENGAL POWER DEVELOPMENT CORPORATION  
LIMITED

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Filed by

*Sibojyoti Chakrabarti*  
SIBOJYOTI CHAKRABARTI

Advocate

For W.B.P.D.C.L

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534

03 JAN 2025



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I, Dhruva Dasgupta, Son of Late Paritosh Dasgupta, aged about 52 years, by Faith-Hindu, by occupation-service and presently residing at Flat No. C-10, Cluster – IV, Purbachal Housing Estate, Block – GA, Sector – III, Salt Laken Kolkata, PO - Purbachal, PS – Bidhannagar, South, Dist.–North 24 Parganas, Pin Code- 700 097, West Bengal, do hereby solemnly affirm and state as follows:

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1. That I am working as General Manager (HR&A) in the West Bengal Power Development Corporation Limited being the Respondent No. 5 and as such well acquainted with the facts and circumstances of the case.
2. That I have been duly authorized to swear this Counter Affidavit on behalf of Respondent No. 5 and also competent to do so.
3. That I have myself gone through the contents of the Petition dated 04.09.2023 submitted by the Petitioner Miss Vimla Vipu Soren in the form of a Letter sent to the Principal Bench of the Hon'ble National Green Tribunal, New Delhi by post since registered as O.A. No. 144/2024 by the Principal Bench subsequently registered as O.A. No. 97 of 2024/EZ, the order dated 23.04.2023, the order dated 22.10.2024 and understood the same.
4. That I have been duly authorized to swear this Counter Affidavit on behalf of Respondent No. 5 and otherwise competent to do so.



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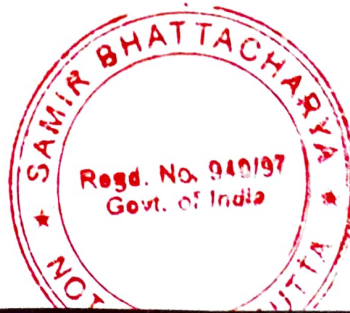
5. That by order dated 23.04.2023 the Principal Bench of the Hon'ble National Green Tribunal, New Delhi passed an order directing constitution of a Joint Committee to verify the factual position and take appropriate remedial action. It appears that a Joint Committee was duly constituted comprising of representatives of the following:

1. Integrated Regional Office, MoEF & CC, Ranchi.
2. Jharkhand State Pollution Control Board.
3. District Magistrate, Pakur, Jharkhand.

6. That the members of the Joint Committee carried out Inspection of the sites located just outside the North Pachhwara Coal Mine of this Respondent M/s West Bengal Power Development Corporation Limited (WBPDCL), from where coal transportation vehicles ply to different Railway Sidings including Dumka Railway siding at Dumka.

7. That the Joint Committee visited the sites namely:

- i. Wheel Washing facility located at Barmasia village in the Pakur District just before entering into state highway (ADB Road).
- ii. The coal transportation road, from the mine up to Bansloi River Bridge, Boundary of Pakur District, which



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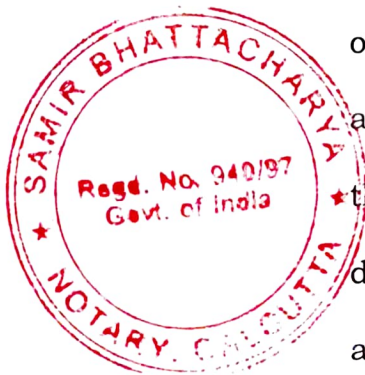
is dedicated for coal transportation and located in the Pakur District (approx. length is 15 kms).

8. That the members of the Joint Committee, including the representatives of the project proponent M/s WBPDCCL, the Respondent No. 5 herein, had a meeting with the complainant, Miss Vimla Vipu Soren with regards to her grievances on account of pollution caused due to transportation of the coal laden vehicles on the Highway.
9. That the Committee after inspection recorded the following observations:
- a. The Joint Committee observed that the coal transportation road, from the North Pachhwara Coal Mine is sent to two different railway sidings namely:
    - i. Pakur Railway Siding
    - ii. Dumka Railway Siding.
  - b. The Committee also noted that the coal transportation road, stated in the grievance petition of the Applicant, has a total stretch of 70 kms, of which
    - i. A distance of approximately 15 kms comes under the Pakur District and



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- ii. Approximately 55 kms length of road is covered in Dumka District.
- c. The Joint Committee, with representatives of Project Proponent M/s WBPDCCL carried out inspection of the entire 15 kms stretch of road located in Pakur District and the District Magistrate, Pakur suggested to take photographs of the leaves and plants located along the road for ascertaining the impact of fugitive dust on the vegetation on the avenue plantation. The Joint Committee found negligible amount of dust on the vegetation.
- d. The Joint Committee in course of its visit did not notice any village / habitation along the 15 kms stretch of the road for interaction with the people and take feedback on the coal transportation on them.
- e. The Joint Committee was of the view that for a complete overview of the problems being faced, efficacy of measures adopted by the project proponent /district administration and impact(s) of coal transportation on the habitations, dwellings along the road in the districts of Pakur and Dumka could be concluded only after inclusion of District Magistrate, Dumka as a

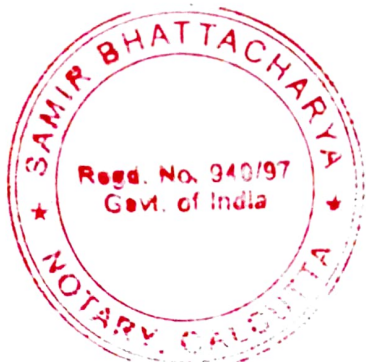


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member of the joint committee constituted by the Hon'ble NGT, as almost a stretch of 55 kms of coal transportation route lies in his jurisdiction. As informed by the Regional Officer, JSPCB Dumka a matter w.r.t. the pollution caused by the Coal Transportation from the Dumka Railway Siding was also heard and disposed of with directions by the Hon'ble NGT, EZB, Kolkata as M.A. No. 13/2024/EZ in O.A. No. 19/2021/EZ.

10. That after conducting Joint Inspection the Committee made the following recommendations:

- a. The Joint Committee observed that M/S WBPDCCL has already provided a wheel washing facility at Barmasia village and has provided a mobile water tanker for wetting of the coal transportations road to mitigate the pollution in Pakur district.
- b. The Joint Committee, during inspection found that transport vehicles are covered with tarpaulin and no habitation was found in Coal transportation route (By Road) within territorial boundary of Pakur district.



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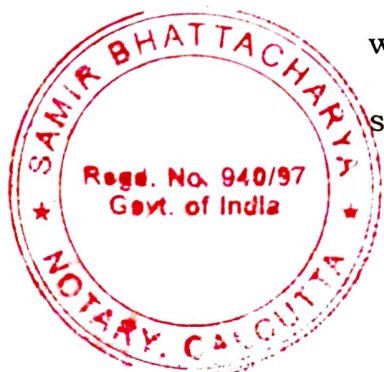
- c. The Joint Committee also noticed that Pollution control measures are being implemented by M/S WBPDCCL to mitigate the effects of coal transportations by road in the territorial boundary of Pakur district.

Photocopy of the Joint Committee Report constituted by the Principal Bench, National Green Tribunal, New Delhi is annexed and marked as Annexure – R-5/A

11. That the Respondent states that under the Environment Clearance (EC) granted to this Respondent No. 5 by the Ministry of Environment and Forests, coal is being transported through transportation vehicles which are covered by tarpaulin.

12. That the Respondent states that the Respondent No. 1 Jharkhand State Pollution Control Board has also filed an affidavit of compliance of order dated 23.04.2024. In paragraph 7(i) :

- i. the Respondent No. 1 has stated that this Respondent No. 5 M/s WBPDCCL has made provisions for wheel washing facility at Barmasia Village and a mobile water sprinkler has been deployed for suppression of dust by



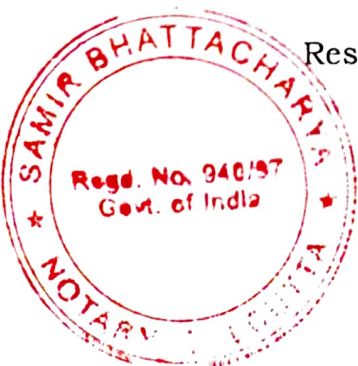
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wetting the surface of coal transportation route to mitigate the pollution in Pakur District. The Respondent has also stated that during inspection by the Committee, vehicles were found to be covered with tarpaulin and no habitation was found in coal transportation route.

- ii. Pollution Control Measures are being implemented by Respondent No. 5 M/s WBPDCCL to mitigate the effects of coal transportation by road.

13. That the Respondent No. 5 further states that neither the Jharkhand State Pollution Control Board nor the Joint Committee constituted by this Hon'ble Tribunal has passed any adverse remarks relating to generation of dust in course of transportation of coal.

14. That pursuant to the Order dated 22.10.2024 no affidavit has been submitted on behalf of the newly added Respondents No. 6 & 7 namely the District Magistrate,



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Dumka and the Divisional Railway Manager, Eastern Railways Kolkata. In the event these newly added Respondents submit their response, leave is reserved by this Respondent No. 5 to file further affidavit/s on behalf of Respondent No. 5.

15. That I have myself gone through the contents of this Affidavit and have understood the same.

16. That the statements made in paragraphs 1, 2, 3 and 15 are true to my knowledge, those made in paragraphs 4 to 14 are true to information derived from records of the case and rest are by way of submission before this Hon'ble Tribunal.

Identified by me

*Sibgyti Chakrabarti*  
Advocate

W.B.P.D.C.L

03.01.2025

*Dhruba Dasgupta*

**Dhruba Dasgupta**  
General Manager (HR & A)  
Corporate Office, WBPDCI

Deponent



Solemnly Affirmed and  
Sworn before me U/S 139  
CPC U/5297 (C) CrPC

**Samir Bhattacharya**  
Notary Govt. of India  
Regd. No.- 940 / 97  
CITY CIVIL COURT, CALCUTTA

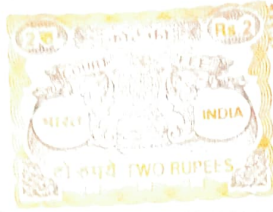
Notary

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VERIFICATION:

I, the deponent within named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 3<sup>rd</sup> Day of January, 2025.

Identified by me

*Sibojyoti Chakrabarti*

Advocate

W.B.P.D.C.L

03-01-2025

*Dhruba Dasgupta*  
**Dhruba Dasgupta**  
 General Manager (HR & A)  
 Corporate Office, WBPDCCL

Deponent



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Annexure - R/5A

**FACTUAL REPORT ON THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT), PRINCIPAL BENCH, NEW DELHI IN ITS ORDER DATED 23/04/2024 IN O. A. No. 144/2024 IN THE MATTER OF VIMLA VIPU SOREN VERSUS STATE OF JHARKHAND & ORS**

The Hon'ble NGT, Principal Bench, New Delhi has taken cognizance of the petition submitted by Miss Vimla Nipu Soren in the form of a letter dated 04/09/2023 sent to the Hon'ble Tribunal by post which had been registered as O.A. No. 144/2024 in the matter of Vimla Nipu Soren Versus State of Jharkhand and others.

The case had come up for hearing and vide its order dated 23/04/2023, addressing the grievances of the applicant, the Hon'ble Tribunal has directed for the constitution of a Joint Committee to verify the factual position and take appropriate remedial action. Accordingly, the Joint Committee was constituted comprising of the representatives of the following: -

1. Integrated Regional Office, MoEF & CC, Ranchi.
2. Jharkhand State Pollution Control Board.
3. District Magistrate, Pakur, Jharkhand.

The Hon'ble NGT had directed the Committee to undertake the following duties:

- i. To meet within two weeks
- ii. Undertake visits to the site
- iii. Look into the grievances of the applicant
- iv. Associate the applicant and representatives of the concerned project proponent
- v. Verify the factual position and take appropriate remedial action by following due process of Law.

In compliance to the directions of the Hon'ble Tribunal, the following Officers carried out the Site Inspection of the area, on 03/06/2024: -

- a) Shri Mrityunjay Kumar Baranwal, Deputy Commissioner - Cum - District Magistrate, Pakur, Jharkhand.
- b) Shri Rajiva Kumar Sinha, Regional Officer, JSPCB Regional Office - Cum - Laboratory, Dumka.
- c) Shri M. Rajeshwar Prasad, Scientist - C, MoEF & CC Regional Office, Ranchi.

The members of the Joint Committee had met at Pakur, under the Chairmanship of District Magistrate in the morning of 03/06/2024 and discussed briefly about the directions of the Hon'ble NGT. Accordingly, the team carried out Inspection of the sites, beginning with the areas just outside the North Pachhwarra Coal Mine of M/s West Bengal Power Development Corporation Limited (WBPDC), from where all the coal transportation vehicles continue its plying to the different Railway sidings including Dumka Railway siding.

**The sites visited by the Joint Team are:**

- I. Wheel Washing facility located at Barmasia village in the Pakur District just before entering into state highway (ADB Road).
- II. The coal transportation road, from the mine up to Bansloi River Bridge, Boundary of Pakur District, which is dedicated for coal transportation and located in the Pakur District (approx. length is 15 kms).

The members of the Joint Committee, including the representatives of the project proponent M/s WBPDCCL, had a meeting with the complainant, Miss Vimla Nipu Soren with regard to her grievances on the pollution caused due to transportation of the coal laden vehicles on the Highway.

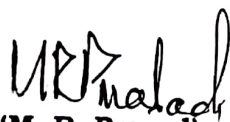
**OBSERVATIONS:**

- a) It was observed by the Joint Committee that the coal transportation road, from the North Pachhwarra Coal Mine is upto two different railway sidings
  - 1) Pakur Railway Siding
  - 2) Dumka Railway Siding.
- b) It was also noted by the committee that the coal transportation road, stated in the petition, has a total stretch of 70 kms, out of which
  - 1) a distance of approx..15 kms comes under the Pakur District and
  - 2) approx....55 kms length of road is covered in the Dumka District.
- c) The Joint Committee, along with the representatives of project proponent M/s WBPDCCL carried out inspection of the 15 kms stretch of the road located in the Pakur District and the District Magistrate, Pakur suggested to take photographs of the leaves and plants located along the road for ascertaining the impact of fugitive dust on the vegetation on the avenue plantation. Negligible amount of dust was observed on the vegetation.
- d) The Joint Committee did not observe any villages / habitations along the 15 kms stretch of the road for interaction with the people to take feedback on the coal transportation on them.
- e) The Joint Committee was of the view that for a complete overview of the problems being faced, efficacy of measures adopted by the project proponent /district administration and impact(s) of coal transportation on the habitations, dwellings along the road in the districts of Pakur and Dumka could be concluded only after the inclusion of District Magistrate, Dumka as a member of the joint committee constituted by the Hon'ble NGT, as almost a stretch of 55 kms of coal transportation route lies in his jurisdiction.
- f) As informed by the Regional Officer, JSPCB Dumka a matter w.r.t. the pollution caused by the Coal Transportation from the Dumka Railway Siding was also heard and disposed of with directions by the Hon'ble NGT, EZB, Kolkata as M.A. No. 13/2024/EZ in O.A. No. 19/2021/EZ.

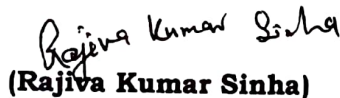
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**Recommendation / Prayer: -**

1. The Joint Committee observed that M/S WBPDCCL provided a wheel washing facility at Barmasia village and provided a mobile water tanker for wetting of the coal transportations road to mitigate the pollution in Pakur district. Also, during inspection transportations vehicles are found covered with tarpaulin and no habitation was found in Coal transportation route (By Road) within territorial boundary of Pakur district.
2. Pollution control measures are being implemented by M/S WBPDCCL to mitigate the effects of coal transportations by road in the territorial boundary of Pakur district.
3. It is humbly prayed to the Hon'ble Tribunal to Constitute a separate committee including the Dumka district Administration to verify the factual position in Dumka district.



**(M. R. Prasad)** -  
Scientist - C,  
MoEF&CC Regional  
Office, Ranchi



**(Rajiva Kumar Sinha)**  
Regional Officer,  
JSPCB, Dumka



**(M.K. Baranwal)**  
Deputy Commissioner  
Pakur, Jharkhand



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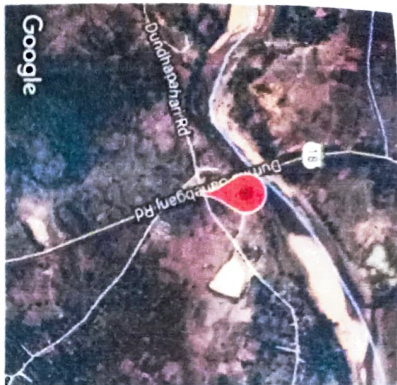


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 Baramasia  
 Santhal Pargana Division  
 Jharkhand  
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 Satyam's GPS Cam.  
 Index number: 62



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Jun 3, 2024 12:08:20 PM  
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 Kuskira  
 Santhal Pargana Division  
 Jharkhand  
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 Satyam's GPS Cam.  
 Index number: 64



Jun 3, 2024 12:07:40 PM  
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 Kuskira  
 Santhal Pargana Division  
 Jharkhand  
 Altitude: 25.0m  
 Speed: 0.0km/h  
 Satyam's GPS Cam.  
 Index number: 63



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SIBOJYOTI CHAKRABARTI

Advocate

For W.B.P.D.C.L

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534.