

415

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH KOLKATA**

**IN**

**O.A. No. 64/2020 (EZ)**

**IN THE MATTER OF:**

**DAKSHINBANGA  
MATSYAJIBI  
FORUM**

**....APPLICANT**

**VERSUS**

**INLAND  
WATERWAYS  
AUTHORITY OF  
INDIA &ORS.**

**....RESPONDENT**

Sl. No.	Particulars	Page No.
1.	Affidavit on behalf of Central Pollution Control Board, Respondent No. 3	

*(Handwritten Signature)*

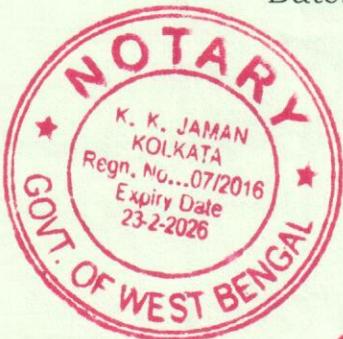
(Mrinal Kanti Biswas)

Regional Director &  
Scientist E, CPCB, Kolkata

*(Handwritten Signature)*  
Filed through Counsel *(Handwritten Initials)*

Place: Kolkata

Date: , 2021



3 SEP 2021

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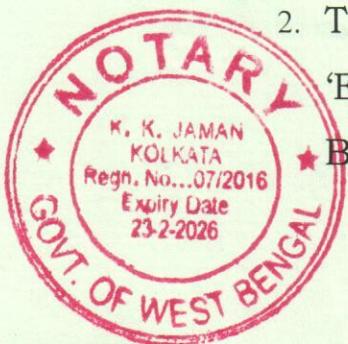
**....RESPONDENT**

Before the Notary  
at Alipore Judge's Court

Sl. No. 50 Dated 3/9/2021

**COUNTER AFFIDAVIT ON BEHALF OF THE**  
**RESPONDENT NO. 03 i.e., CENTRAL POLLUTION**  
**CONTROL BOARD**

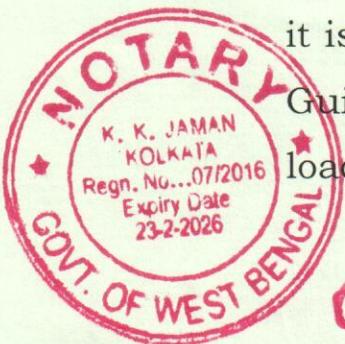
1. I, Mrinal Kanti Biswas S/o Saroj Biswas, aged about 40, by Religion -Hindu, by Occupation-Service, having office at the Regional Directorate, Central Pollution Control Board, 1582, Rajdanga Main Road, Kolkata-700107 do hereby solemnly affirm and declare as under:-
2. That I, in the capacity of Regional Director and Scientist 'E', Regional Directorate, Central Pollution Control Board (hereinafter referred to as 'CPCB'), Kolkata, and



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have been authorized to file the present affidavit. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present reply affidavit as under:

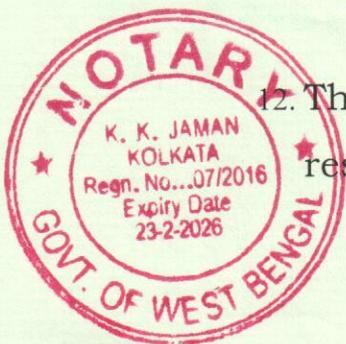
3. That the averments made under Para 1 are statement of facts and hence, need no comments from this answering Respondent No.03.
4. That in reply to the averments made under Para 2, it is respectfully submitted that in order to assess factual aspect of such incidence, site investigation and sample were collection carried out by the committee members on 09.08.2021 and detailed report along with recommendations will be submitted before Hon'ble NGT by the Nodal Agency within stipulated time period.
5. That the averments made under Para 3 are statement of facts and hence, need no comments from this answering Respondent No. 03.
6. That in reply to the averments made under Para 4 it is respectfully submitted that as per, The Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 flyash is categorized as high volume low effect waste and thus excluded from the category of Hazardous waste.
7. That in reply to the averments made under Para 5 and 6 it is respectfully submitted that CPCB already issued a Guideline in the year 2013 entitled "Guidelines for loading, unloading and Nuisance free transportation of



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all types of flyash, including bottom ash etc. generated by thermal power stations" (hereinafter referred to as "CPCB Guideline of 2013").

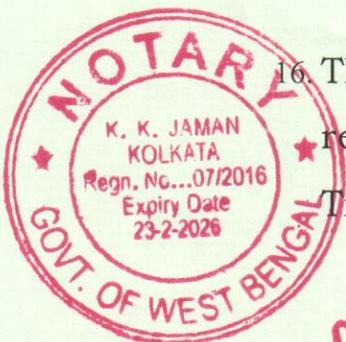
8. That the averments made under Para 7 needs no comment from this answering Respondent No.03.
9. That in reply to the averments made under Para 8 it is respectfully submitted that in compliance to the order dated 19.10.2020 and subsequent order dated 08.06.2021 of the Hon'ble NGT, EZB, the Committee has already carried out the site inspection on 09.08.2021 to verify the factual aspects set out in the application and collected samples to examine the factors as alleged by the Applicant in the instant Application and the detailed Report with recommendations will be submitted before Hon'ble NGT within the stipulated time period.
10. That the averments made under Para 9 to 16 need no comments from this answering Respondent No. 03.
11. That in reply to the averments made under Para 17 it is respectfully submitted that as per the CPCB Guidelines of 2013, State Pollution Control Boards shall indicate clearly mode of transportation and method of loading and unloading while granting the consent. As per the Section 25 of The Water (Prevention and Control of Pollution) Act, 1974, prior consent from the State Board is mandatory for undertaking operation or process.
12. That in reply to the averments made under Para 18 it is respectfully submitted that in pursuance of the Hon'ble



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Tribunal order dated 08.06.2021 a committee was constituted comprising of members from West Bengal Pollution Control Board, CPCB, The Principal Chief Conservator of Forests Wildlife Govt. of West Bengal, District Magistrate South 24 Pdns. Committee carried out several constructive discussions among them, field visits and also discussion with communities of fisherman to analyze the matter from different angles in detail. The nominated official from CPCB gave special emphasis on different points described in CPCB Guidelines of 2013 and the detailed report will be submitted before Hon'ble NGT by the Nodal agency of the Committee within the stipulated time period.

13. That the averments made under Para 19 needs no comment from this answering Respondent No. 3.
14. That in reply to the averments made under Para 20 it is respectfully submitted that in order to assess factual aspect of such incidence, site investigation and sample collection has been carried out by the committee members and detailed report will be submitted before the Hon'ble NGT within the stipulated time period. In this report the mitigation measures with recommendations has also been furnished in detail.
15. That the averments made under Para 21 needs no comments from this answering Respondent No.03.
16. That in reply to the averments made under Para 22 it is respectfully submitted that, in pursuance of Hon'ble Tribunal order committee carried out site visit on



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09.08.2021 to assess factual aspect of such incidence and detailed report with will be submitted before Hon'ble NGT by stipulated time period.

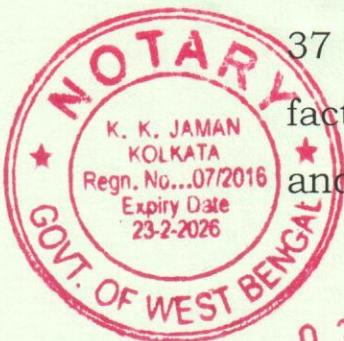
17. That in reply to the averments made under Para 23 to 27 it is respectfully submitted that, in pursuance of Hon'ble Tribunal order committee carried out site visit on 09.08.2021 and sample was also collected in order to assess effect on sediment quality occurred due to mentioned allegation of flyash barge capsizing and detailed report will be submitted before Hon'ble NGT by stipulated time period.

18. That the averments made under Para 28 are statement of facts and hence, need no comments from this answering Respondent No.03.

19. That in reply to the averments made under Para 29 it is respectfully submitted that, in pursuance of Hon'ble Tribunal order committee carried out site visit on 09.08.2021 and sample was also collected in order to assess factual aspect of such incidence and detailed report will be submitted before Hon'ble NGT by stipulated time period.

20. That the averments made under Para 30 to 35 need no comments from this answering Respondent No.03.

21. That in reply to the averments made under Para 36 to 37 it is respectfully submitted that in order to assess factual aspect of such incidence, the site investigation and sample collection has been carried out on 09.08.21



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and also a meeting was conducted with the communities from fisherman on 19.08.21 by the committee members and detailed report with recommendations will be submitted before Hon'ble NGT by stipulated time period.

22. That the averments made under Para 38 to 43 need no comments from this answering Respondent No.03.

23. In view of the above facts indicated in earlier Paragraphs, it is respectfully prayed that this Respondent No.03 shall abide by any order or direction, passed by this Hon'ble Tribunal.

*A. K. Das*  
**DEPONENT**



Solemnly declare and affirmed before me on identification under the notaries Act.

*Kazi Khalekujjaman*  
Kazi Khalekujjaman  
Notary, Govt. of West Bengal  
Regn. No.: 07/2016

Identified by me.  
*P. K. Chatterjee*  
Advocate

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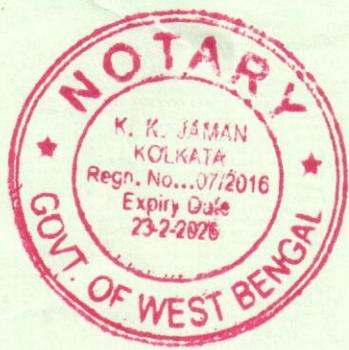
Sl. No. 51 Dated 3/9/2021

**VERIFICATION**

I, Mrinal Kanti Biswas, the above named deponent do hereby verify that, the contents of the above affidavit are true and correct to my knowledge based on official records, no part of it is false and nothing material has been concealed there from.

Verified at Kolkata on this day of \_\_\_\_\_, 2021.

*[Signature]*  
**DEPONENT.**



Solemnly declare and affirmed before me on identification under the notaries Act.  
*[Signature]*  
Kazi Khalekujaman  
Notary, Govt. of West Bengal  
Regn. No.: 07/2016

Identified by me.  
R. K. Chatterjee  
Advocate

03 SEP 2021