

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

IN
O.A. No. 172/2016/EZ

IN THE MATTER OF:

SAJAY LALOO

.....APPLICANT

VERSUS

STATE OF MEGHALAYA& ORS.

.....RESPONDENTS

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1.	Para-wise Reply on behalf of Respondent No. 10 Central Pollution Control Board with Affidavit.	

Kolkata
Date: __.09.2021

Submitted By:

Advocate.
Counsel for the Central Pollution Control Board.

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View of CPCB on the Order of the Hon'ble NGT dated
17.08.2021

It is respectfully submitted on behalf of the Respondent No. **10**,
Central Pollution Control Board (herein after referred as CPCB) as
under:

1. In the above mentioned application the Hon'ble Tribunal, *vide*
order dated 17.08.2021, directed CPCB to file an affidavit with
regard to allegations made in the additional affidavit of the
Applicant, particularly with reference to the photographic
evidences.



2. It is respectfully submitted that in compliance to the order dated 17.08.2021 officials of Central Pollution Control Board, Regional Directorate - Shillong visited Jowai town, Myntdu River stretches flowing through Jowai and also the solid wastes dumping site located at Moopyut side of Jowai-Dawki Road. The targets of the site visit were to reach the areas, which were photographed and included in the additional affidavit filed by the petitioner. Because of heavy rain in the area during August 25-26, 2021 it was difficult to cover all the locations shown in the photographs. Moreover, the petitioner did not mention the geographical coordinates of solid wastes dumping areas inside the Jowai Town and therefore it was not possible to identify all the dumping points during the visit. It is worth mentioning that special focus was given by the team to see if there were any haphazard dumping of solid wastes in the Myntdu River and inside the Jowai Town. The team also visited the solid wastes dumping site located at Moopyut side. Following specific observations have been made during the visit:

- I. Dumping of solid wastes at the highway side was observed in two (2) locations, viz. one at the entry point of Jowai Town (Photo 1-3) and other near the exist of Jowai Town ((Photo 4) when one goes from Shillong to Jowai.





Photo 1



Photo 2



Photo 3



Photo 4

- II. It was observed that Public Works Department (Roads), Jowai have installed many signboards along the Shillong-Jowai Highway and along the Jowai-Dawki Road (Photo 1). However, dumping of wastes at the site of the notice boards still continued at many locations.
- III. In the Jowai-Dawki Road, many signboard/notice-board warning not to dump any solid wastes on the roadside with strict warning of penalties were seen installed by the State PWD.



IV. The petitioner enclosed many photographs showing dumping of earth-cuttings for road constructions directly on the bank of the Myntdu River. The allegation found to be genuine as it was observed that the Myntdu River flows by the side of the Jowai-Dawki Road for a significant distance of the said Road. As widening of the Road is under way lots of hill cuttings are required. The contractor (name could not be verified during the visit) was found dumping the earth cuttings at the side of the Road near Myntdu River and during rainfalls the earth cuttings are washed away to the River making the water muddy in that particular stretch of the River (Photo 5-8).



Photo 5



Photo 6



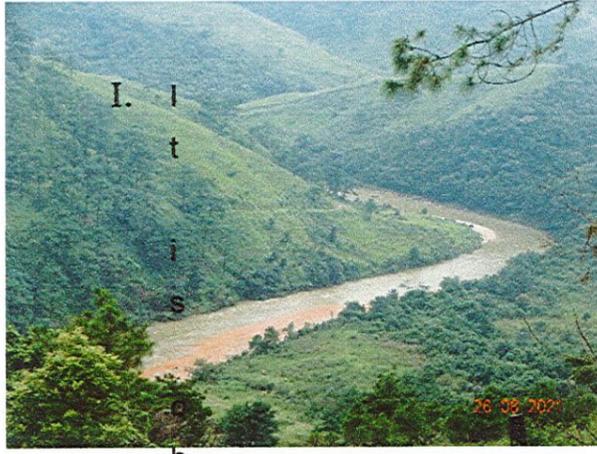


Photo 7



Photo 8

Jowai Municipal Board (JMB) dumps the solid wastes generated in the Town at a dumping ground located at Moopyut at the side of Jowai-Dawki Road and the dumping location is situated at about 14 km from Jowai Town. The dumping site was visited and found in horrible condition without any management. The approach road from the roadside to the dumping point, may be of about 200 m, the road was almost in un-motorable condition. Somehow the dumper with four-wheel drive were able to enter into the site. Dumping of waste at the side of the approach road was observed. The provisions of the Solid Waste Management Rules, 2016 were not at all followed by the JMB. The dumper drivers informed that three (3) dumpers dumped the solid wastes at the site once a day and as such at about 24-27 MT of solid wastes are dumped at the site (Photo 9-11). Wastes like plastic, etc. were carried to the road side since it is present in the hill top. This location is close to the River Shala-Mynjrains which further downstream go and meet Myntdu River. During the visit it was not possible to contact the officials of JMB.





Photo 9



Photo 10





Photo 11

- V. Sand-mining on the river bank was not observed. This might be due to the increase in the water level in the River during the monsoon.
- VI. Jowai-Dawki Road has a RCC bridge on the Myntdu River. Near the bridge, a small RCC building (single floor) measuring 9.3 x 4.6 meters was observed. There was no signboard at the construction site and therefore the owner of the building could not be verified. However, the building was found to match with the photograph provided by the petitioner as the Office of the Water Resource Department (Photo 12).



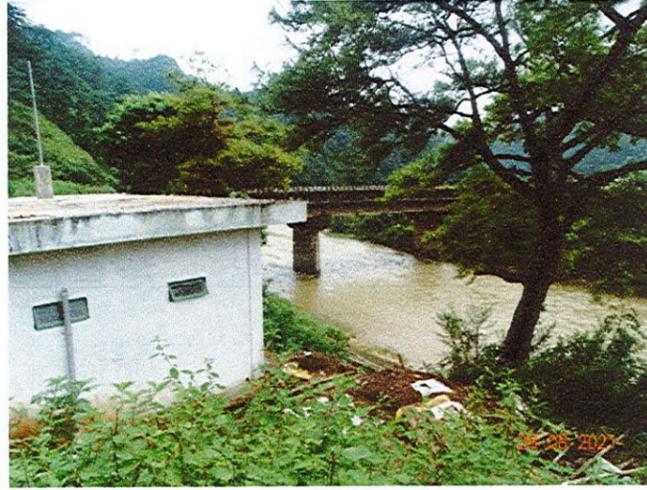


Photo 12

3. In view of the above facts indicated above, it is respectfully prayed that this answering respondent shall abide by any order or direction, passed by this Hon'ble Tribunal.
4. That an Affidavit in support of this reply is being filed herewith.

Kolkata
Date: __.09.2021

Submitted By:

Advocate.
Counsel for the Central Pollution Control Board.



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AFFIDAVIT

I, Dr. Zawlthanglien Changsan, S/o Shri (L) Lalringnghet, aged 56 year, Scientist 'E' & Regional Director, Central Pollution Control Board, Shillong, do hereby solemnly affirm and state on oath as under:

1. That I am fully conversant with the facts and circumstances of the present case and am duly authorized to affirm and swear this affidavit on behalf of the Central Pollution Control Board.

2. That the accompanying reply has been drafted under my instructions by the Counsel for the Central Pollution Control Board and the contents thereof are true and correct to the best of my knowledge and belief, based on the official records of the case.



DEPONENT

क्षेत्रीय निर्देशक / Regional Director
केन्द्रीय प्रदूषण नियंत्रण बोर्ड/Central Pollution Control Board
क्षेत्रीय निर्देशालय उत्तर पूर्व शिलांग - ७९३०१४
Regional Directorate - North East, Shillong - 793014
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
Ministry of Environment, Forest & Climate Change, Govt. of India

VERIFICATION

I, Dr. Zawlthanglien Changsan the deponent do verify that the contents of this Affidavit are true and correct to the best of my knowledge and belief, based on the official records of the case and nothing has been concealed therein.

Signed and verified here at Shillong on this the Twenty Third day of September, 2021.



DEPONENT

क्षेत्रीय निर्देशक / Regional Director
केन्द्रीय प्रदूषण नियंत्रण बोर्ड/Central Pollution Control Board
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Ministry of Environment, Forest & Climate Change, Govt. of India



SI/INSTRUMENT NO. 1
Dt. 23/9/2021