IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1271/2024

IN THE MATTER OF:
SHRI KHROO L. PARIAT ...APPLICANT

VERSUS

STATE OF MEGHALAYA & ORS. ...RESPONDENTS

REJOINDER TO AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1, 2 AND 7

INDEX

THROUGH

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NEW DELHI
FILED ON: 12.12.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT DELHI

O.A. NO. 1271 OF 2024

IN THE MATTER OF:

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MOST RESPETFULLY SHOWETH:

1. That the above-titled Original Application arises out of a letter dated 25.06.2024 signed by the Applicant and several others praying for issuance of directions to concerned authorities for the protection of Myntdu river as well as those who are dependent on it for their livelihood. This Hon'ble Tribunal was pleased to exercise its suo moto jurisdiction, considering the substantial questions related to environment raised in the letter, and the letter was registered as Original Application under Section 14 and 15 of National Green Tribunal Act, 2010.
2. The State of Meghalaya has on 22.07.2025 filed an affidavit on behalf of Respondent Nos. 1, 2 and 7 in the captioned matter. At the outset, the contentions raised in the said Affidavit are denied unless specifically admitted herein or unless they are a matter of record. Nothing should be construed to be admitted for lack of specific traverse.

Findings in Joint Committee Report dated 10.02.2025

3. That vide order dated 21.11.2024, this Hon'ble Tribunal constituted a Joint Committee comprising Central Pollution Control Board, Meghalaya Pollution Control Board and a representative of Ministry of Environment Forest and Climate Change, to submit a factual report.
4. The Committee visited various sites along the Myntdu river on 13.12.2024, interacted with stakeholders and prepared a report which was filed before the Hon'ble Tribunal on 10.02.2025.
5. Subsequently, the State of Meghalaya has on 22.07.2025 filed an affidavit on behalf of Respondent Nos. 1, 2 and 7.
6. The State's claim that as per the report of the Joint Committee the contamination of water streams was found to be within permissible limits and the allegations of damage to agricultural lands and crops were also not found to be existing as of now and all debris etc. have bee cleared from agricultural fields, is false and misleading.
7. It is submitted that while the Committee did not observe any ***further*** damage to agricultural lands, para 3.2.ii states as below:

> *"The Joint Committee also found that the site was not properly barricaded that may cause sliding of muck/debris at the catchment area of the river including the agricultural fields surrounding the river and risk of debris being washed away during the monsoon season due to the natural slope, potentially affecting nearby paddy fields."*

Therefore, it is clear that so long as the construction site is not properly barricaded, damage to crops will continue to be a problem and agricultural lands will be under the continuing threat of muck/debris runoff.

8. Moreover, the Joint Committee only analysed water samples from a location approximately l00 meters downstream of the confluence point of the Mykrem river and Myntdu River, as well as from the outlet line of the PHE Dept., Jowai. For accurate assessment of water quality, samples from multiple points of the river need to be analysed. Therefore, it cannot be reliably stated that there is no contamination of water.

9. Recently, the Meghalaya State Pollution Control Board, following an inspection of the Umngot river, levied a penalty of Rs. 15 lakhs on the National Highway and Infrastructure Development Corporation Ltd. ("NHIDCL"), after finding that construction debris and soil runoff from road construction work had muddied tributaries of the river. Therefore, similar action may be taken in the present case concerning Myntdu river.

   A copy of article titled 'MSPCB imposes Rs 15 lakh fine on NHIDCL for Umngot River pollution' published by Syllad on 07.11.2025 is annexed herewith and marked as **Annexure R-1 (Pages** 8-9 **).**

   A copy of article titled 'NHIDCL fined Rs 15 Lakh as Meghalaya Pollution Board begins drone survey over Umngot, Simsang rivers' published by Northeast Live on 20.11.2025 is annexed herewith and marked as **Annexure R-2 (Pages** 10-11 **).**

   Non-Compliance with Construction & Demolition Waste Management Rules, 2016

10. With respect to the significance of the construction of the Jowai bypass, it is submitted that it is not the intention of the Applicant to

forestall the completion of the bypass. However, infrastructural development of the State cannot come at the cost of its natural resources. Construction of the bypass without adhering to the Construction & Demolition Waste Management Rules, 2016 ("C&D Rules, 2016") has caused heavy siltation of the Myntdu river, which is against the principle of sustainable development.

11. As per the affidavit of the State, the process of identifying and notifying designated dumping sites has commenced, and Waste Management Plans are being developed for all ongoing and upcoming infrastructures projects in accordance with the provisions of the C&D Rules, 2016.

12. It is submitted that Rule 9 of the C&D Rules, 2016 makes the State Government responsible for providing suitable sites for setting up of the storage facilities for construction and demolition waste. As per Schedule III, identification of sites for collection and processing facility is to be completed within 18 months from the date of notification of the Rules.

13. ***Nine years*** have passed since the said Rules came into force. A bald statement on the part of the State that the process of identifying and notifying designated dumping sites has commenced cannot be accepted as satisfactory.

14. Further, as per Rule 5(1) it is the duty of the service providers to prepare a comprehensive waste management plan for their jurisdiction, within six months from the date of notification of the Rules.

15. It is submitted that the primary concern of the Applicant herein is the health of the Myntdu River. The river has a distinct persona within the Jaintia community who consider it a deity. The Myntdu river is the primary water source for Jowai Town, supplying water to thousands of households and irrigating their fields. The health of the river is intrinsically linked to that of those who are dependent on it. Encroachment of the river not only jeopardizes the river itself but also the lives and livelihood of the people of Jowai.

16. The affidavit filed by the State asserts that measures to remedy siltation are in progress. However, time and again the undertakings of the State have proven to be nothing more than false reassurances, and no tangible action has been taken by the State. This is in complete derogation of its duty under Article 48A to protect and improve the environment.

PLACE: NEW DELHI
DATE: 12.12.2025

FILED BY:

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Sl. No 47
Dated 09/12/25

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 1271 OF 2024

IN THE MATTER OF:

SHRI KHROO L PARIAT ...APPLICANT

VERSUS

STATE OF MEGHALAYA & ORS. ...RESPONDENTS

AFFIDAVIT

I, Khroo Pariat, aged about 48 years, s/o S Shallam, r/o, Panaliar, Jowai, West Jaintia Hills, Jowai, Meghalaya, 793150, do hereby solemnly affirm and declare as under:

1. That I am the Applicant as stated as above, and am hence well conversant with the facts and circumstances of the case and as such authorized and competent to swear this affidavit in the abovementioned Original Application.
2. That I say that the contents of the accompanying Rejoinder and I.A.s therein have been drafted by my counsel under my instructions. I say that the contents thereof are true and correct to the best of my knowledge.
3. All annexures are true copies of their respective originals.

DEPONENT

NOTARY
SMT. R. KYA
WEST JAINTIA HILLS DISTRICT
REGD.NO.819
GOVT. OF MEGHALAYA

Smt. R Kya
Notary
Jaintia Hills District
Meghalaya

VERIFICATION

Verified at Jowai on this 9th day of December, 2025, that the contents of the above affidavit are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

Smt R Kya
Notary
Jaintia Hills District
Meghalaya

NOTARY
SMT. R. KYA
WEST JAINTIA HILLS DISTRICT
REGD.NO.019
GOVT. OF MEGHALAYA

ANNEXURE R-1 786

MSPCB imposes Rs 15 lakh fine on NHIDCL for Umngot River pollution

syllad.com/mspcb-imposes-rs-15-lakh-fine-on-nhidcl-for-umngot-river-pollution

Syllad | The Rising Meghalaya November 7, 2025

GOVERNMENT OF MEGHALAYA

सत्यमेव जयते

OFFICE OF THE DISTRICT TRANSPORT OFFICER
WEST JAINTIA HILLS DISTRICT: JOWAI

NO.DTO (J)6/2007/373 Dated Jowai, the 4th December, 2025

PRESS NOTE

Ka Sorkar Meghalaya lyngba ka tnat Transport ha ka 18/11/2025 ka la plie iaka Meghalaya Electric Vehicle Subsidy Portal naka bynta ban ai Subsidy ia ki trai kali Electric kiba Register hapoh ka jylla kat kum ka Meghalaya Electric Vehicle Policy 2021.

- La kyrpad ia baroh ki trai kali Electric ban shim ia kane ka kabu da kaba register ia lade lyngba kane ka portal hapoh lai bnai naduh ka tarik ba la plie.
- Phi lah ruh ban tip ia ki jing donkam ha kaba ia dei bad ka rukom apply ne kiba lah ban apply naka portal jong ka tnat Transport kumne harum:

www.megtransport.gov.in

Ia kane ka jingpyntip la pynmih na ka bynta ka jingmyntoi jong ki paidbah da ka sorkar Meghalaya

Sd/-
(Shri. E. Lyngdoh)
District Transport Officer
West Jaintia Hills, Jowai

The Meghalaya State Pollution Control Board (MSPCB) has imposed an environmental compensation of Rs 15 lakh on the National Highways and Infrastructure Development Corporation Limited (NHIDCL) for the pollution of Umngot River while implementing the Shillong-Dawki Road Project.

In a letter to the NHIDCL general manager (P), MSPCB chairman R Nainamalai said, "...the Board hereby imposes an Environmental Compensation on the General Manager (P), NHIDCL, for the above-mentioned violations, amounting to Rs 3,75,000 per location, aggregating to a total of Rs 15,00,000."

The board has directed NHIDCL to remit the environmental compensation within 15 days from the date of receipt of the notice.

Failure to comply with the direction may lead to further proceedings, including initiation of prosecution or other actions deemed fit under the relevant Acts.

The MSPCB took this action based on an inspection conducted on November 3, 2025.

The inspection team identified four locations – between Laitlyngkot & Langkyrdem and between Laitlyngkot & Pynursla, where environmental violations were observed.

The inspection revealed multiple instances of unregulated earth disposal, sand washing, and absence of proper erosion control measures along the project corridor. These activities have contributed to increased turbidity and siltation in nearby water bodies, including the Umngot River and its tributaries, and obstruction of natural streams due to earth dumping.

The violations were found to be in contravention of the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986.

The inspection team observed that large quantities of excavated earth were dumped indiscriminately along the roadside without proper containment or stabilization measures, resulting in significant soil erosion and sediment runoff into nearby streams.

Mobile crushers were also found operating without consent from the Board.

The MSPCB's action is in line with the principles of 'Polluter Pays' and 'Precautionary Principle' reiterated by the National Green Tribunal.

ANNEXURE R-2 788 10

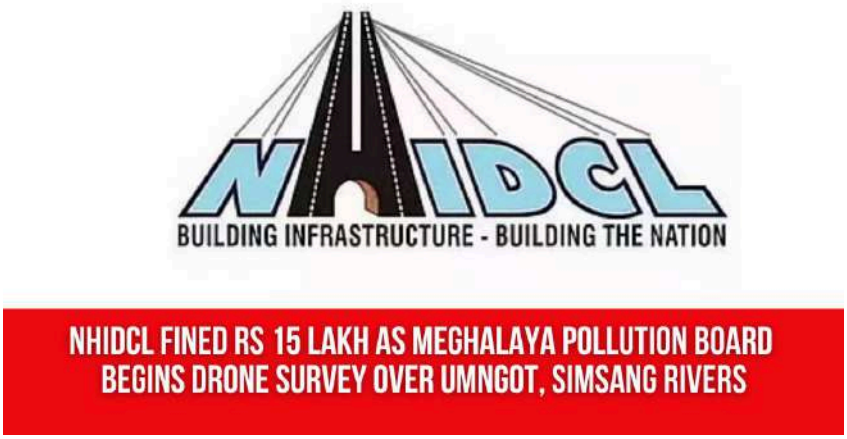
NHIDCL Fined Rs 15 Lakh as Meghalaya Pollution Board Begins Drone Survey Over Umngot, Simsang Rivers

northeastlivetv.com/around-ne/meghalaya/nhidcl-fined-rs-15-lakh-as-meghalaya-pollution-board-begins-drone-survey-over-umngot-simsang-rivers

Northeast Live Digital Desk November 20, 2025

First Published: 20th November, 2025 21:10 IST

The fine came after officials confirmed that construction debris and soil runoff from NHIDCL works had polluted tributaries of the Umngot River



The Meghalaya State Pollution Control Board (MSPCB) has imposed a Rs 15 lakh penalty on the National Highways and Infrastructure Development Corporation Limited (NHIDCL) for environmental violations linked to the JICA-funded Shillong–Dawki Road project. The fine came after officials confirmed that construction debris and soil runoff from NHIDCL works had polluted tributaries of the Umngot River, once renowned globally for its crystal-clear waters.

Amid rising public concern over the rapid deterioration of the Umngot and Simsang rivers, the Meghalaya Pollution Control Board (MPCB) has launched an extensive drone-based survey to trace the full extent of contamination sources affecting the two vital water bodies.

MPCB Chairman R. Nainamalai stated that while violations connected to road construction have already been identified, the purpose of the drone survey is to uncover any additional contributors to the pollution. “The NHIDCL road project is one source, but there may be others,” he noted, emphasising the need for a comprehensive evaluation.

The MSPCB's inspection followed a series of public complaints after residents and environmental groups observed the Umngot turning visibly muddy, particularly near Dawki—a major tourism hotspot known for boating on waters once so clear that boats appeared to float on air. Officials visiting the site confirmed that loose earth and construction waste from the project were being dumped straight into the river system.

In its notice, MSPCB directed NHIDCL's General Manager (Projects) to pay environmental compensation for violations recorded across four specific locations where lapses were documented.

A parallel inspection in Garo Hills revealed similar concerns along the Simsang River. According to the chairman, NHIDCL, which is executing another road project in the area, had dumped excavated soil near the riverbank, resulting in muddy discolouration of the water. One site showed "drastic violation", prompting the Board to confirm that equivalent action would be taken there as well.

Earlier, residents of East Garo Hills had complained to the MSPCB, accusing NHIDCL and a road construction firm of dumping waste material into the Norek stream. The recurring nature of these complaints across districts has intensified worries about unchecked environmental degradation linked to infrastructure projects.

With drone surveillance now underway, the Pollution Control Board aims to map the full pollution pathways and ensure accountability as Meghalaya confronts growing threats to two of its most treasured rivers.

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Gmail

Tara Kurien <tara@isaacandjacob.com>

Service of Rejoinder to Affidavit on behalf of Respondent No. 1, 2 and 7 in OA No. 1271/2024 [Shri Khroo L Pariat vs. The State of Meghalaya & Ors.]

1 message

Tara Kurien <tara@isaacandjacob.com> Fri, Dec 12, 2025 at 1:46 PM
To: cso-meg@nic.in, dc-wjh-meg@nic.in, mscb.cpcb@nic.in, ro.nez.shil@gmail.com, memsecy.spcb-meg@gov.in, megspcb@rediffmail.com, ceo123jmb@gmail.com, secypwdmegh@yahoo.com, Vikash Kumar <vikashkalp@gmail.com>, jaiswalgroup05@gmail.com, Avijit Mani Tripathi <avijitmani@gmail.com>, thakursumit79@gmail.com, secy-road@nic.in, secy-mowr@nic.in, enatoli sema <enatoli@gmail.com>, Sujit Dey <sujitdey.dey31@gmail.com>, jhadcjowai@gmail.com, anujkrsharma02@gmail.com, Henry Ahanthem <ahanthemhenry@gmail.com>
Cc: Srishti Agnihotri <srishtiagnihotriofficial@gmail.com>, Anchal Kanthed <anchalkanthed2205@gmail.com>

Respected Sir/Ma'am,

I am writing on behalf of Ms. Srishti Agnihotri, Advocate for the Applicant in the above-titled matter. Please find attached the Rejoinder to Affidavit on behalf of Respondent No. 1, 2 and 7, filed by the Applicant. Kindly treat this as due service of the same.

Best Regards,
Tara Elizabeth Kurien
Advocate

Service-Rejoinder to R1,2,7.pdf
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