

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH

(By Video Conferencing)

Original Application No.323/2022

G. Pramod Naidu

...Applicant

Versus

State of Chhattisgarh

...Respondents

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ABHINAY SHARMA
ADVOCATES FOR THE RESPONDENT NO. 2
H-29, FIRST FLOOR,
JANGPURA EXTENSION,
NEW DELHI-11 0014

DRAWN ON: 16.11.2022

FILED ON: 17.11.2022

PLACE: NEW DELHI

BEFORE THE NATIONAL GREEN TRIBUNAL
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REPLY ON BEHALF OF THE RESPONDENT NO. 2 TO THE ORIGINAL APPLICATION FILED BY THE APPLICANT

1. That the Applicant has not filed any formal original complaint before this Hon'ble Tribunal, as such, Respondent No. 2 has not received the formal/original complaint regarding the issue that South Eastern Railway is transporting coal filled from Bilaspur in open coaches leading to spreading of coal dust and causing heavy air pollution creating serious health hazards to local residents living near the railway tracks.
2. That, in view of the aforementioned, it is submitted that in the absence of receipt of any formal original application/complaint, the Respondent No. 2 is constrained to file a reply in light of the report of the Committee formed and in terms of the order dated 11.05.2022 of this Hon'ble Tribunal in the Original Application No. 323/2022.

PRELIMINARY SUBMISSIONS

3. That the Committee visited and inspected the site on 24.08.2022.

That it was observed that neither coal dust was found accumulated around the premises of the Petitioner/Complainant nor was there accumulation of coal dust in the residential colony within which the Petitioner/Complainant resides. That in light of the aforementioned observation, it is submitted that the allegations made by the Petitioner/Complainant regarding accumulation of coal dust around his premises is unfounded.

A true copy of photographs of the premises taken during the visit of the Committee are marked and annexed herein as **Annexure R-1**.

4. That, pursuant to the complaint filed by the Petitioner/Complainant, the Regional Officer of Chhattisgarh Environment Conservation Board sent a letter dated 24.08.2022 to Assistant Commercial Manager-I (Goods), South East Central Railway directing them to ensure that the transportation of coal through the railway line situated behind the house of the Petitioner/Complainant should only be done through covered railway wagons and also asked them to take necessary action on the complaint of the Petitioner/Complainant. Thus, there was no lag on part of the authority responsible for looking into such complaints and the authority acted promptly post the receipt of the complaint.

A true copy of the letter dated 24.08.2022 is marked and annexed herein as **Annexure R-2**.

As such, the Assistant Commercial Manager-I (Goods), South East Central Railway is directed to act in terms of the letter dated 24.08.2022 and if any further complaint is received in this regard, the Respondent No.2 would take appropriate action in accordance with law.

PRAYER

In the light of the aforementioned facts and circumstances, this Hon'ble Tribunal maybe please to:

- a) Dismiss the present Original Application filed by the Petitioner/Complainant.
- b) Any other relief which the Hon'ble Tribunal may deem fit may also be accorded in favour of the Respondent No. 2.

FILED BY



**ABHINAY SHARMA
ADVOCATES FOR THE RESPONDENT NO. 2
H-29, FIRST FLOOR,
JANGPURA EXTENSION,
NEW DELHI-11 0014**

**DRAWN ON: 16.11.2022
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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH NEW DELHI

(By Video Conferencing)

Original Application No. 323/2022

G. Pramod Naidu

...Applicant

Versus

State of Chhattisgarh

I, Mr, Devvrat Mishra, ^{S/O Dr. Narendra Dutt Mishra, Respondents} Authorised Representative of Chhattisgarh Environment Conservation Board, Office Near Deendayal Upadhyay Park, Vyapar Vihar, Bilaspur (C.G.), Respondent No. 2 herein, do hereby solemnly affirm and state as under:

- 1) That I am the Authorized Representative of Respondent No. 2 in the present matter and am well conversant with the facts of the present case and competent to affirm this affidavit.
- 2) That I have read and understood the contents of the accompanying Reply which has been drafted under my instructions and state that the contents of the same are true and correct to my knowledge based on the records maintained by me.
- 3) The contents of the accompanying Reply have been explained to me in vernacular.



Amishra
DEPONENT
REGIONAL OFFICER
REGIONAL OFFICE,
C.G. Environment Conservation Board,
BILASPUR (C.G.)

VERIFICATION:

I, the Deponent above named, do hereby verify that the contents of foregoing affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Bilaspur (C.G.) on this 16th day of November, 2022.



Anishka
DEPONENT
REGIONAL OFFICER
REGIONAL OFFICE,
C.G. Environment Conservation Board,
BILASPUR (C.G.)

SOLEMNLY AFFIRMED OR SWORN
 BEFORE ME BY THE WITHIN NAMED
 मेरे समक्ष इस दस्तावेज पर संबंधित व्यक्ति ने
 पढ़कर/पढ़ाकर शपथ पूर्वक कथन आज कहा और
 इस दस्तावेज पर हस्ताक्षर/अंगठा निशानी किया

1177/22
16 NOV 2022

T.R. Nirala
T.R. NIRALA
 Notary/Advocate
 BILASPUR (C.G.)







क्षेत्रीय कार्यालय,

छत्तीसगढ़ पर्यावरण संरक्षण मण्डल,

व्यापार विहार पं. दीनदयाल उपाध्याय पार्क के पास, बिलासपुर (छ.ग.)

e-mail: cecb.robilaspur@gmail.com, Ph. No. 07752-261172

क्रमांक 1157 / क्ष.का. / छ.ग.प.सं.म. / 2022 बिलासपुर, दिनांक : 24/08/2022
प्रति,

श्री राजेश कुमार शाह,
सहायक वाणिज्य प्रबंधक (गुड्स),
डी.आर.एम. कॉम्प्लेक्स,
बिलासपुर स्टेशन के पास, जिला-बिलासपुर (छ.ग.)

- विषय:- ओ.ए. क्रमांक 323/2022 (PB) जी. प्रमोद नायडू विरुद्ध स्टेट ऑफ छ.ग. के संबंध में।
- संदर्भ: 1. माननीय एन.जी.टी. प्रिंसिपल बेंच द्वारा ओ.ए. क्रमांक 323/2022 (PB) जी. प्रमोद नायडू विरुद्ध स्टेट ऑफ छ.ग. में दिनांक 11/05/2022 को पारित आदेश।
2. जांच समिति द्वारा शिकायत स्थल का निरीक्षण दिनांक 24/08/2022

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उपरोक्त विषयांतर्गत लेख है कि माननीय एन.जी.टी. प्रिंसिपल बेंच में दायर ओ. ए. क्रमांक 323/2022 में पारित आदेश दिनांक 11/05/2022 के अनुक्रम में शिकायतकर्ता श्री जी. प्रमोद नायडू, मकान नं. 17/ए, बाबजी पार्क कॉलोनी, रिंग रोड नं. 2, बिलासपुर के आवास के पीछे स्थित रेलवे लाईन जांच समिति द्वारा दिनांक 24/08/2022 को निरीक्षण किया गया। निरीक्षण दौरान शिकायतकर्ता उपस्थित नहीं थे। शिकायतकर्ता के आवास से लगकर रेलवे लाईन है। उक्त लाईन में अनकवर्ड वेगन के माध्यम से कोयले का परिवहन होने पर आसपास के क्षेत्र में प्रदूषण की संभावना है।

अतः उक्त रेलवे लाईन में कोयले का परिवहन यथासंभव कवर्ड वेगन के माध्यम से किया जाना सुनिश्चित करें तथा शिकायत के संबंध में आवश्यक कार्यवाही करें। उक्त के संबंध में की गई कार्यवाही से 03 दिवस के भीतर इस कार्यालय को अवगत करायें। इसे अति आवश्यक समझा जावे एवं प्राथमिकता के आधार पर कार्यवाही करें।


क्षेत्रीय अधिकारी
क्षेत्रीय कार्यालय,

छ.ग. पर्यावरण संरक्षण मण्डल,
बिलासपुर (छ.ग.)



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