



**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**O.A. No. 19 OF 2014**

**IN THE MATTER OF :**

DR KASHMIRA KAKATI

..... APPLICANT

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

Sudip Dutta Choudhury

NEXT DATE: - 18.05.2026

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Through:

*Rajnish Prasad*

**( RAJNISH PRASAD )**

Advocate-on-Record, Supreme Court of India  
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DATED: 14<sup>th</sup> May, 2026

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15/5/26

JURI GOGOI  
NOTARY MARGHERITA  
GOVT OF INDIA  
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**REPLY CUM SUR-REJOINDER AFFIDAVIT ON BEHALF  
OF THE RESPONDENT NO. 11:**

I, Sudip Dutta Choudhury, son of Late Satyendra Kumar Dutta Choudhury, aged about 59 years, and working as Chairman, Digboi Municipal Board, having its office at Muliabari, Digboi, Post Office and Police Station – Digboi, District – Tinsukia, Assam, Pin - 786171, do hereby solemnly affirm and state as under:

1. That I being the Chairman of Digboi Municipal Board ( earlier known as Digboi Town Committee ), the Respondent No. 11 herein, is fully conversant with the facts of the case as brought out in the official records pertaining to the matter and as such I am competent and duly authorized to file this Reply cum Sur-rejoinder affidavit on behalf of the Answering Respondent No. 11.

2. That the present Reply-cum-Sur-rejoinder Affidavit is being filed in response to the Rejoinder dated 05.02.2026 filed by the Applicant and further placing before this Hon'ble Tribunal the present and upto date status of the case pertaining to



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answering respondent. The present Reply-cum-Sur-rejoinder Affidavit may be read in addition to the Reply cum Objection Affidavit dated 29.08.2023 as well as the Updated status cum Additional Affidavit dated 12.07.2024 already filed by Respondent No. 11.

3. That at the outset it is submitted that the answering Respondent has the highest regard and respect for this Hon'ble Tribunal and its order and directions.
4. That it is further submitted that the Answering Respondent No. 11 has never sought to mislead this Hon'ble Tribunal by making any false or misleading averments. On the contrary, the Answering Respondent shares an equal and bona fide concern for the protection and preservation of the environment, including the Dehing-Patkai Reserve Forest.

**PARAWISE REPLY:**

1. That with regard to the contents of para 1 of Rejoinder it is stated that against the referred order dated 8.12.2017 of this Hon'ble Tribunal, Coal India Limited filed Civil Appeal No. 9710-9711 of 2018 before the Hon'ble Supreme court being aggrieved with direction no. 2 and 8 contained in the said order. That the Hon'ble Supreme Court vide order dated 27.4.2023 finally disposed of the aforesaid civil appeal and has remitted the



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matter back to this Hon'ble Tribunal with a request to give a fresh look to the matter and to take further course of action in accordance with law after hearing all parties.

2. That the contents of para 2 of Rejoinder are matter of record. It is however reiterated as stated in our Reply cum Objection Affidavit dated 29.08.2023 as well as the Updated status cum Additional Affidavit dated 12.07.2024 that the answering Respondent No.11 is only concerned with Direction No. 6 and it has fully complied with the said direction which has been duly acknowledged and confirmed by the Committee's report. It was also stated in above Reply and Additional Affidavit that the Direction No. 9 and 11 cannot possibly be complied with by the Answering Respondent No.11 (Digboi Municipal Board) as the area in question mentioned in both the directions is out of the territorial jurisdiction of Digboi Municipal Board.
3. That with regard to the contents of para 3 of the Rejoinder it is stated that it is clear from the averments made therein that the Applicant is acknowledging that as per the Report of the Committee in the context of Direction No. 6 passed in order dated 08.12.2017 the answering Respondent No. 11 had stopped dumping the municipal waste referred to in the NGT Order. That with regard to observation of the Committee in its



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report that IOCL township are still dumping the waste at the old site is concerned it is stated that all such dumping at the old site has ceased. In this regard it is respectfully submitted that the Answering Respondent No. 11 has already stated in its previous Additional Affidavit Dated 12.07.2024 that IOCL township had now started dumping their waste at the new dumping site. Further, pursuant to its persistent endeavours and communications with IOCL (AOD), Digboi for priority treatment of legacy waste at the old dumping site ( which was also flagged by the Committee in its report) as per Solid Waste Management Rules 2016, IOCL (AOD), Digboi has commenced bio-mining through its contractor, North East Enviro Tech Private Limited, w.e.f. 18.10.2023, under vigilant monitoring by the technical team of Digboi Municipal Board. As per the updated status report dated 06.05.2026, approximately 13,000 metric tons of legacy waste have been scientifically processed, and the old site is now rejuvenated through fresh plantation of mahogany saplings, restoring its prior greenery. True copies of photographs depicting the old site's rejuvenation, taken by Respondent No. 11, are annexed hereto as **Annexure R-1 (Colly)**.

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4. That the allegation made in Para 4 of Rejoinder that the new land site allotted by Government where Respondent No. 11 is dumping and bio treating garbage is also part of Dehing Patkai Elephant Reserve is not correct and as such denied and therefore there is no violation of order dated 08.12.2017 as alleged. It is respectfully submitted that the answering Respondent No. 11 has already averred in its earlier affidavits dated 29.08.2023 and 12.07.2024 that, upon acquisition of 10 bighas of government revenue land at Golai No. 5, it is running a fully scientific solid waste management project. It is further stated that the said land, allocated for the new dumping site and waste management project, adjoins Powai Forest Village but lies outside the Dehing-Patkai Elephant Reserve. Hence, no dumping activity by Respondent No. 11 occurs within the Reserve.

5. That the allegations in para 5 of Rejoinder that answering Respondent No. 11 has completely destroyed and caused irreparable harm to the Elephant Reserve by its activities are incorrect and as such denied. That with regard to allegations relating to dumping at the old site is concerned for which direction no. 6 was passed in order dated 08.12.2017 the duly constituted Committee had clearly stated in its finding that "The

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Digboi Town Municipal Corporation has stopped dumping the municipal waste referred to in the NGT Order.” It is accordingly respectfully submitted that in compliance with Direction No. 6 of the Hon’ble Tribunal, Respondent No. 11 (Digboi Municipal Board) has stopped depositing waste at the old dumping site and presently running a fully scientific solid waste management project at the new acquired Government Land at Golai No. 5, spanning 10 Bighas, designated under Dag No. 77 in the Makum Mouza within the Margherita Revenue Circle where the Municipal waste collected from the township are being disposed and treated scientifically with the installation of Trommel Screen Machine, Plastic/Multi-purpose Shredder Machine, and Balling Press Machine. In addition 24 Nos compost making pits and an Organic Waste Converter Machine is operational at this new site.

It is however respectfully stated that in July 2025 the main and most important Trommel Screen Machine at the new dumping site had unfortunately broken down which resulted in non treatment of garbage waste and consequent piling up of garbage at the new site. As a result during Applicant’s visit in September, 2025 she had found pile up of garbage at the new site. The said machine could not be repaired till March, 2026



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due to non availability of mechanical parts of the said Machine. In April 2026 the said machine has been repaired and restored and significant amount of piled up garbage has been treated but still substantial amount of garbage needs to be treated and with scientific processing the complete treatment of the accumulated waste will be concluded within one month. The answering respondent no. 11 undertakes to file another additional affidavit of compliance if so directed by this Hon'ble Tribunal once the scientific treatment of all the piled up garbage at the new site is completed.

6. That the allegation in para 6 of Rejoinder that the new garbage dump and Faecal Sludge Treatment Plant lie within the Golai Corridor and Dehing-Patkai Elephant Reserve are not correct and as such denied. In this regard it is respectfully submitted that the Digboi Municipal Board after prolong struggle and efforts secured 10 bighas of Government Revenue Land at Golai No. 5 covered by Dag No. 77 in Makum Mouza under Margherita Revenue Circle vide allotment dated 19.03.2020 for a scientific solid waste management project. Also a 10 KLD Faecal Sludge Treatment Plant worth Rs.1.967 Cr. was constructed there through proper process of e-tender awarded to M/S Resolin of Jorhat, Assam vide work order No.DIG.MB/II-



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7/FSTP/203/1318 dated. 16.10.2023 and was inaugurated on 10.09.2025 which has set a benchmark towards sustainable waste management of Digboi Municipal Board. It is further stated that the said land, allocated for the new dumping site and waste management project, adjoins Powai Forest Village but lies outside the Dehing-Patkai Elephant Reserve. Hence, no dumping activity by Respondent No. 11 occurs within the Reserve. True copies of the Digboi Forest Division Official Map of Golai-Powai Designated Elephant Corridor and satellite image, annexed hereto as **Annexure R-2 (Colly)**, establish that the new site is located beyond the Golai-Powai Elephant Corridor. It is stated that Respondent No. 11 is relying upon Digboi Forest Division Official Map of the Golai-Powai Designated Elephant corridor and the same is correct and it is respectfully stated that the depiction of the corridor and the location of the new dumping site as shown in Annexure A/2 (COLLY) relied upon by Applicant is not correct. It is further stated that according to the narratives of the local residents of Golai No.5, elephants have not traversed the said corridor in the recent five years, particularly post-construction of Golai Oil Terminal by IOCL (AOD), Digboi which is also evident from the Finding of Committee(MoEF & CC) about Direction No. 11 of this Hon'ble



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Tribunal's Order Dated 08.12.2017, which revealed that Golai Corridor is no longer a viable corridor for passage of elephants. This corridor is already blocked due to construction of permanent structures. Further, no steps have been taken regarding permanent structures present in the Golai-Powai Corridor. In this context, Answering Respondent No.11 also clarified in its earlier affidavits that the said area is beyond the territorial jurisdiction of Digboi Municipal Board, hence it does not have any operational power over the permanent structures there.

7. That the contents of para 7 of Rejoinder are not correct and as such denied. Respondent No. 11 is indeed running at the new site a fully scientific waste management project but same suffered a setback due to mechanical breakdown of the most important Trommel Screen Machine as explained above in reply to para 5 and the said averments are reiterated. True copies of images to depict the fact that the primary machine is operational are annexed hereto as **Annexure R-3**.
8. That the allegation in para 8 of the Rejoinder based on an image annexed as (Annexure A/3) of a small portion of incidental garbage spillage from a transport vehicle, erroneously inferring



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elephant consumption thereof is denied. It is respectfully submitted that the minor spillage was promptly cleared from the road. That with regard to the averment in the para that inadequate boundary walls expose the site to the Reserve Forest, it is respectfully being clarified that though a small part of northern and western portions were initially not surrounded with boundary wall due to financial constraints but now the said portion of boundary walls are being constructed and same are slated for completion within one month. It is pertinent to point out that the averment in the para that "the pollution problem has merely moved from one part of the forest **to the forest edge** leaving the elephants as exposed to the threat as before" further confirms the contention of the answering respondent that the new site is not within the forest. It is further clarified that no elephant has ever accessed the new waste management site since inception. Only stray cattle from the neighbouring village used to enter into the New waste management site with the open areas of adjoining Tea Gardens which has been shown in applicant's rejoinder vide image annexed in Annexure 1A(Colly), which has been precluded now and construction of boundary wall of those left out areas are



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going on, which is evidenced with true copies of images annexed hereto as **Annexure R-4**.

9-10 That the allegation in para 9-10 of the Rejoinder imputing to Respondent No. 11 for submission of false averments, misleading this Hon'ble Tribunal, and conducting unscientific dumping within the Dehing-Patkai Elephant Reserve and Golai Corridor in violation of this Hon'ble Tribunal's judgment dated 08.12.2017, to the detriment of elephants and local flora and fauna is absolutely and categorically denied. It is respectfully submitted that the Answering Respondent No. 11, Digboi Municipal Board, has neither misled this Hon'ble Tribunal nor tendered any false averments and neither it has been dumping waste in the Forest Reserve. Answering Respondent No. 11 reiterates that it is operating a fully scientific solid waste management project exclusively on allotted government revenue land, in a wholly responsible manner without any dereliction from its duty and inflicting no harm whatsoever on elephants or the habitat of other species. The contents of para 10 are liable to be rejected being without any basis. It is again stated that the said land, allocated for the new dumping site and waste management project, adjoins Powai Forest Village but lies outside the Dehing-Patkai Elephant Reserve. Hence, no



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dumping activity by Respondent No. 11 occurs within the Reserve.

11. That from the aforesaid averments and submissions it is undeniable that Respondent No. 11 is indeed running at the new site a fully scientific waste management project but same suffered a setback due to mechanical breakdown of the most important Trommel Screen Machine as explained above in reply to para 5 and the said averments are reiterated. As explained remedial measures are being taken after the repair and restoration of the said machine and the treatment of the accumulated garbage is likely to be completed in one month. In this regard the delay in treating the accumulated garbage is unintentional and has occurred only due to unfortunate breakdown of the above most crucial machine and delay in repairing and restoring the same due to non availability of spare parts.

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**DEPONENT**

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**VERIFICATION**

I, Sudip Dutta Choudhury, son of Late Satyendra Kumar Dutta Choudhury, Chairman, Digboi Municipal Board, having its office at Muliabari, Digboi, Post Office and Police Station – Digboi, District – Tinsukia, Assam, Pin - 786171, do hereby verify that the contents of the above Reply cum Sur-rejoinder Affidavit containing initial Paras No: 1 to 4 and Parawise Reply para 1 to 10 and para 11 are true and correct to the best of my knowledge derived from the relevant office record which are regularly maintained by the answering respondent and is also believed to be correct upon information received from the concerned officers. No part of it is false and nothing material has been concealed there from. The Annexures R1 (Colly) to R4 along with the Reply cum Sur-rejoinder Affidavit are true copies of their respective originals.

*Sudip Dutta Choudhury*  
**DEPONENT**

Identified By :-

*D. Sonowal*

( DIMPI SONOWAL )

ADVOCATE



Through:

*Rajnish Prasad*

( **RAJNISH PRASAD** )

Advocate-on-Record, Supreme Court  
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Chamber No. 1, R. K. Garg Block,  
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DATED: 14<sup>th</sup> May, 2026

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**BIO MINING OF LEGACY WASTE AT OLD DUMPING SITE**



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**RESTORATION OF GREENARY AT OLD DUMPING PLACE**

*Sudip Dutta Choudhury*



Visit of team of Digboi Municipal Board during Biomining of Legacy waaste

Sudip Datta Choudhury



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**RESTORATION OF GREENARY AS EARLIER AT OLD DUMPING SITE**

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Map showing Golai-Powal Elephant Corridor under Digboi Forest Division

Scale: Not applicable. FR/W/57/2004-15 dated 17-03-2030



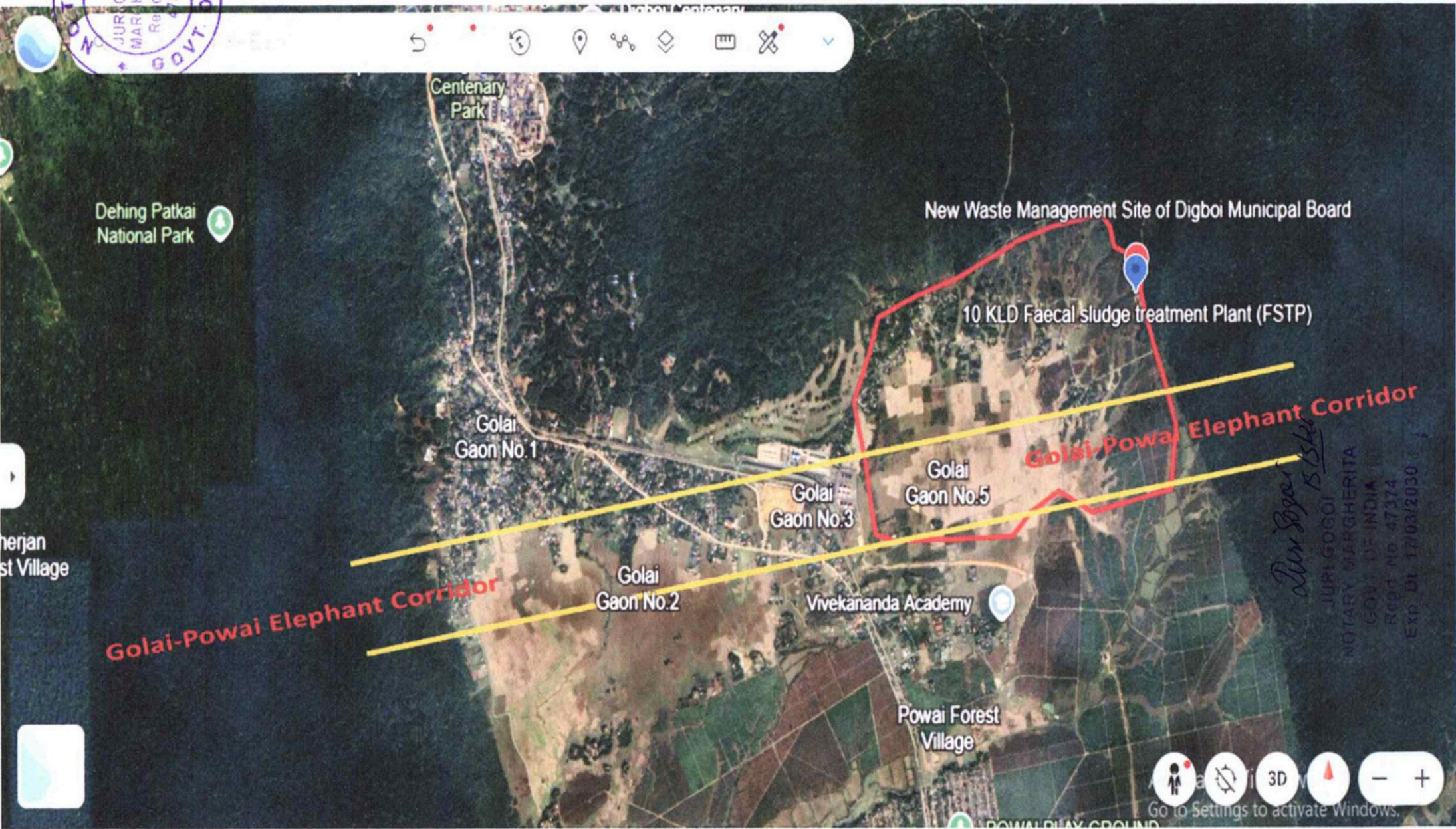
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Map of Designated Golai-Powal Elephant Corridor

*[Signature]*  
 Divisional Forest Officer  
 Digboi Division, Digboi  
 Tinsukia, Assam



*Jurist Gogoi Margherita*  
JURIST GOGOI  
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**FUNCTIONAL PRIMARY TROMMEL SCREEN MACHINE**  
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Construction of Boundary Wall at Northern and western part of the site