

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

OA No. 145/2020

IN THE MATTER OF:

Gayatri Bhagowati

----- Petitioner / Applicant

-Vs-

State of Assam & ors

----- Respondents

I N D E X

Sl. Nos.	Particulars	Pages
1.	Reply Affidavit Filed On Behalf Of Pollution Control Board, Assam Submitting The Action Taken Report	1-4
2.	Copy of the Notice dated 09.03.2021 issued by the Dibrugarh Office of Pollution Control Board, Assam / answering respondent. (Annex-A)	5-5
3.	Copies of letter dated 08.03.2021 along with notice dated 11.02.2021 and noise level measuring reports. [Annex-B (Colly)]	6-8

FILED BY:



Avijit Roy
Advocate

For the THE POLLUTION
CONTROL BOARD, ASSAM/Respondent
Mobile: 9899915595
Email: avijitroy.aor@gmail.com

Filed On : .03.2021

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
NEW DELHI
Original Application No. 145/2020

IN THE MATTER OF:

GAYATRI BHAGOWATI

Petitioner(s)/ Applicant(s)

Versus

STATE OF ASSAM & ORS

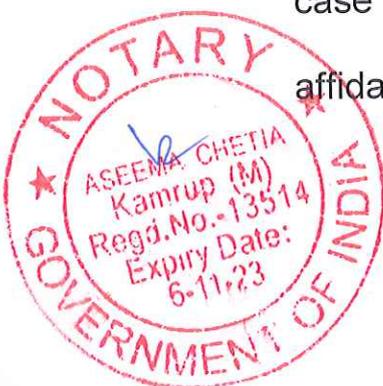
Respondent(s)

**REPLY AFFIDAVIT FILED ON BEHALF OF POLLUTION
CONTROL BOARD, ASSAM SUBMITTING THE ACTION**

TAKEN REPORT

I, Sri Gokul Bhuyan, aged about 55 years, working as Senior Environment Engineer-cum-Nodal Officer in Pollution Control Board, Assam, having office at Bamunimaidan, Guwahati – 781 021, Assam, do hereby solemnly affirm and state as follows:

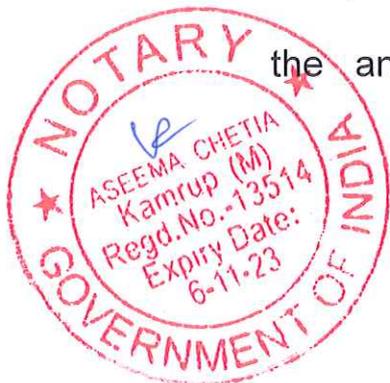
1. That, the deponent is working as Senior Environment Engineer-cum-Nodal Officer in the Pollution Control Board, Assam, and conversant with the facts and circumstances of the present case and is duly authorized to swear and affirm this instant affidavit . This instant affidavit is filed for limited purpose as



directed by this Hon'ble Tribunal by its order dated 27.11.2020.

2. That, the answering respondent begs to submit that this Hon'ble Tribunal by its order dated 27.11.2020 observed that the grievance in the application of the applicant/ Ms. Gayatri Bhagowati was against noise pollution caused by the DNPL Gas Compressor Station - a unit of Assam Gas Company Ltd. Duliajan, Assam and such pollution, apart from being in violation of law, affected the health of the inhabitants and no remedial action has been taken by the Authorities. Accordingly, this Hon'ble Tribunal by its order dated 27.11.2020 directed that the above allegation needs to be looked into by the State PCB and the District Magistrate, Dibrugarh, Assam and action be taken as per law. The nodal agency for coordination and compliance was bestowed upon the State PCB, i.e. this answering respondent Board and action taken report be submitted before this Hon'ble Tribunal. Hence, this Action Taken Report of the answering respondent Board by way of this reply affidavit.

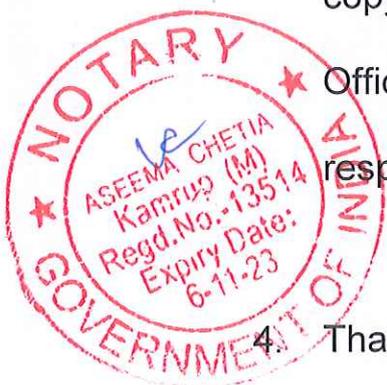
3. That, the Deponent humbly states that the Dibrugarh office of the answering respondent Board served a Notice dated



09.03.2021 on the DNPL Gas Compressor Station - a unit of Assam Gas Company Ltd. Duliajan, Assam wherein the said unit was notified that during inspection on 07.03.2021 it was found that the noise level measured was on higher than the permissible limit and also observed that no noise control measure was there other than the brick boundary wall (approx. 6 ft.). Accordingly, to mitigate such noise pollution, the said DNPL Gas Compressor Station was asked to erect barrier around the compressors installed shed as well as plantation of fast growing trees as short term measure and in the long term, some specific measures have to be taken on the compressors . In view of the above , DNPL Gas Compressor Station was directed to submit its action taken reports within 30 days. A copy of the Notice dated 09.03.2021 issued by the Dibrugarh

Office of the Pollution Control Board, Assam / answering respondent is annexed hereto and marked as **Annexure-A**.

4 That, the Deponent humbly states that the answering respondent Board had earlier also conducted noise level survey on 01.02.2021 on said Unit which was also found to be on higher side and thereafter a notice dated 11.02.2021 was



issued by the answering respondent Board to the said DNPL Gas Compressor Station along with a copy of Noise level measuring report for taking necessary measures . The aforesaid fact was intimated by letter dated 08.03.2021 issued by the Dibrugarh Office of answering respondent Board to its Head Office at Guwahati. Copies of letter dated 08.03.2021 along with notice dated 11.02.2021 and noise level measuring reports are annexed as **Annexure-B (colly)**.

5. That, the answering respondent craves the leave of this Hon'ble Tribunal to file additional affidavit to update the further status, if so required.

Counil Bhuyas.
DEPONENT

VERIFICATION:

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

Verified at Guwahati on this 16th day of March, 2021.

Sl. No.....35.....
 Date.....16/3/2021.....

Counil Bhuyas.
DEPONENT

ASEEMA CHETIA
NOTARY
 ASEEMA CHETIA
 Kamrup & Metro Guwahati
 Regd No.-13514
 GOVT OF INDIA

Solemnly affirmed before me this day, I certify that I read over and explained the deponent seemed perfectly to understand them

19-5

POLLUTION CONTROL BOARD, ASSAM (R.O.: DIBRUGARH)

NEAR ASIC BUS STATION, CHOWKIDINGHEE

P.O & DIST: DIBRUGARH

PIN: 786001

E-Mail Address: ro_dibrugarh@pcbassam.org

ANNEXURE - A

NO.RO/DBR/T-3396/06-07/46 / 211-6

DATE- 9th March'2021

To,

The General Manager (T)

M/S- DNP Limited (Unit of Assam Gas Company Limited)

Duliajan-786602

Dist- Dibrugarh

Sub: Generation of loud noise

Ref: (i) This office letter NO.RO/DBR/T-3396/06-07/pt-I/45 dtd.11/2/2021

Sir,

With reference to above & in continuation of letter under reference, you are requested to take necessary measures to control the loud noise generated by the Gas Compressor Station at Madhuban, Duliajan. On 07/03/2021, noise level was measured by our officials & it was found to be in the higher side than permissible. At present, there is no noise pollution control measure other than the brick boundary wall (appx.6.0ft). Please note that, a complaint petition has already been filed in Hon'ble NGT in the form of O.A. NO.145/2020 - Gayatri Bhagowati-V/s-State of Assam.

Therefore, to mitigate the problem of loud noise, you may erect barriers around the compressors installed shed as well as plantation of fast growing trees as short term measures & in the long term, some specific measures have to be taken on the compressors. Pl. submit action taken reports with in 30days from the date of receipt of this letter

Yours faithfully

(H.PEGU)

Regional Executive Engineer

No.RO/DBR/T-3396/06-07/46-A Dated Dibrugarh, the 9th March'2021

Copy to: The Member Secretary, Pollution Control Board Assam, Ghy-21 for favour of information.

Yours faithfully

(H.PEGU)

Regional Executive Engineer

R.O. DIBRUGARH

Pollution Control Board, Assam

Receipt No. 11079

Date 10/3/2021

Signature [Signature]



pg 6
Pollution Control Board:: Assam

Regional Office- Dibrugarh, P.O & Dist- Dibrugarh. Phone No-0373-2325527

E-mail-apcbdibrugarh@gmail.com,ro_dibrugarh@pcbassam.org

Website: www.pcbassam.org



No.RO/DBR/T-3/Pt-VII/07-08/37
3113

Dated Dibrugarh, the 8th March'2021

To,
✓ The Member Secretary,
Pollution Control Board Assam
Bamunimaidam, GHY-21
Guwahati, Assam

NGT MATTER

Sub: Hon'ble NGT order 27/11/2020 passed on O.A. No. 145/2020 – Gayatri
Bhagowati-V/s.-State of Assam

Ref: Discussion over phone with Nodal Officer, Legal Cell, PCBA

Sir,

With reference to the subject above, I have the honour to state the following in regards to order passed by Hon'ble NGT in O.A. No. 145/2020 – Gayatri Bhagowati-V/s.-State of Assam.

M/S DNP Limited has a gas compression station near the complainers' residence in Madhuban, Duliajan. Noise level survey was conducted on 01/02/2021 which was found to be higher than that of the permissible limit, if the area is a residential (Noise level measuring report enclosed as Annexure-I) & letter issued to M/S DNP Limited, Duliajan to control the noise level. (Letter enclosed as Annexure.-II)

Noise level was once again measured on 07/03/2021 which was found to be in higher side of permissible limit (Noise level reading enclosed as Annexure-III).

Necessary direction is being issued.

Encl : As stated.

1
Pollution Control Board, Assam
Receipt No. 11050
Date. 01/03/2021
Signature. [Signature]

Yours faithfully

[Signature]
(H.Pegu)

Regional Executive Engineer

Dated Dibrugarh, the 8th March'2021

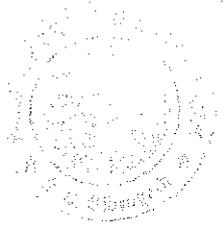
No.RO/DBR/T-3/Pt-VII/07-08/37-A

Copy to: The ADC (NGT), Dibrugarh district for favour of information.

Yours faithfully

[Signature]
(H.Pegu)

Regional Executive Engineer
P.C.B.A.,R.O. Dibrugarh



REGIONAL OFFICE
POLLUTION CONTROL BOARD: ASSAM
P.O. & DIST" DIBRUGARH
BEHIND ASTC: CHOWKIDINGHEE

NO:RO/DBR/T-3396/06-07/pt-1/45 | 3045
To

Dated Dib, the 11th Feb'2021

The General Manager (T),
M/S-DNP Limited (Unit of Assam Gas Co.Ltd.)
Duliajan-786602.

Sub:- Generation of loud noise.
Ref:- Visit of official of R.O.Dibrugarh on 01.02.2021.
Sir,

With reference to above, it is to inform that, official of this office visited the Gas Compression station of your organization located at Madhuban and also measured the noise level. The level was found to be more than the ambient noise limit for such areas (Residential). Also, it was observed, sufficient measures are not taken to control noise generated by the compressor. Therefore, you are requested to take measures immediately and submit action taken report to this office

Yours faithfully,


11/2/21
(H. PEGU)

REGIONAL EXECUTIVE ENGINEER
DIBRUGARH

5/c

Location	Date & Time	GPS Co-ordinates	Noise Level (Measured sound level meter Envirotech SLEM100)		
			LMAX	LMIN	LEQ
1. At the main entrance gate of DNPL which is around 250 metres away from the Gas- Compressor (GC) Station	06-03-2021 11:00 A.M.	Latitude= N27°22'20.4564" Longitude= E95°20'12.75"	84.2 dB	66.6 dB	72.2 dB
	06-03-2021 11:30 A.M.	Latitude= N27°22'23.124" Longitude= E95°20'10.878"	92.8 dB	67.2 dB	89.6 dB
3. At 100 metres west of the GC Station (Left Side) (inside DNPL)	06-03-2021 12:00 P.M.	Latitude= N27°22'23.5812" Longitude= E95°20'06.7056"	92.8 dB	67.2 dB	92.8 dB
	06-03-2021 12:30 P.M.	Latitude= N27°37'24.229" Longitude= E95°33'64.443"	92.8 dB	56.7 dB	83.2 dB
5. At complainer's house i.e the House of Miss Gavatri Bhagowari, Readings taken at balcony	06-03-2021 01:30 P.M.	Latitude= N27°22'21.7596" Longitude= E95°20'05.64"	89.5 dB	28.7 dB	64.4 dB
	06-03-2021 02:00 P.M.	Latitude= N27°22'21.7596" Longitude= E95°20'05.64"	82.1 dB	50.3 dB	65 dB
7. At Madhuban Resort (closed)	06-03-2021 02:30 P.M.	Latitude= N 27.37229° Longitude= E 95.33474°	78 dB	56 dB	62.3 dB
	06-03-2021 03:30 P.M.	Latitude= N 27.37113° Longitude= E 95.33551°	76.5 dB	55.2 dB	63.4 dB
9. At the house of Mr. Budhin Sharma (Readings taken at balcony)	06-03-2021 04:00 P.M.	Latitude= N 27.37113° Longitude= E 95.33551°	76.7 dB	59.6 dB	64.7 dB
	06-03-2021 04:30 P.M.	Latitude= N 27.371049° Longitude= E 95.336175°	75.9 dB	54.8 dB	64.2 dB