

S.L. No. 32/23

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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Appeal No.24/2023/EZ**

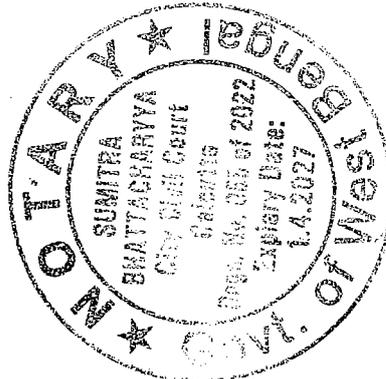
IN THE MATTER OF:**Mohammad Ilyas & Ors.****.....Applicant(s)****Versus****The State of Jharkhand & Ors.****....Respondent(s)****INDEX**

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Dipankar Ghosh

Filed Through Counsel
CPCB

Dated: 20/12, 2023
Place: Kolkata



20 DEC 2023

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

IN

Appeal No.24/2023/EZ

IN THE MATTER OF:

Mohammad Ilyas & Ors. Applicant(s)

Versus

The State of Jharkhand & Ors. Respondent(s)

**REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT
NO. 06 i.e CENTRAL POLLUTION CONTROL BOARD**

I, **Mrinal Kanti Biswas, S/o Shri Saroj Kumar Biswas**, aged about 42 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block 502, 5th & 6th Floor, 1582, Rajdanga, Main Road, Kolkata-700107 do hereby solemnly affirm and sincerely state as follows:

1. That, I am presently working as Regional Director, Regional Directorate (East), Central Pollution Control Board (hereinafter referred to as CPCB), Kolkata and have been authorized to file the present affidavit. I am fully conversant with the facts of the case and hence, competent and



authorized to depose and swear the present reply affidavit as under:

PRELIMINARY FACTS:

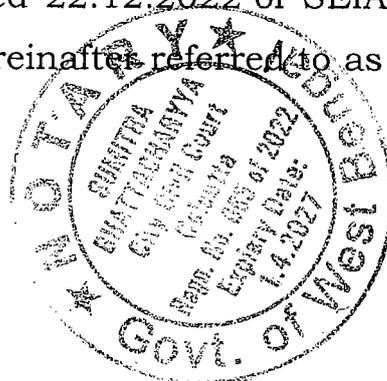
2. That the appellants have begged to present this Appeal against SEIAA's order dated 08/08/2023 on 16/08/2023. State Environment Impact Assessment Authority (hereinafter referred to as SEIAA) in order dated 08/08/2023 cancelled the Environmental Clearance of the Appellant on the ground that the distance of the Appellant's Plot from forest land is zero.

PARA-WISE REPLY:

3. That the averments made under Para 1 to 3 are matter of fact and hence need no comments from this answering Respondent No.06.

4. That the averments made under Paras 4 to 5 of the 'Brief Fact of the Case' are relating to granting of mining lease and prior Environment Clearance by the Competent Authority to the appellants. Hence, need no comments from this answering Respondent.

5. That the averments made under Para 6 to 7 are relating to transfer of the said mining lease to Appellant No. 1& 2 and the issuance of Order dated 22.12.2022 of SEIAA that the Environment Clearance (hereinafter referred to as EC) is



being kept in abeyance due to a letter dated 15.12.2022 of Divisional Forest Officer Giridih that the distance from forest land and the impugned mining lease area is 'zero'. Hence, need no comments from this answering Respondent.

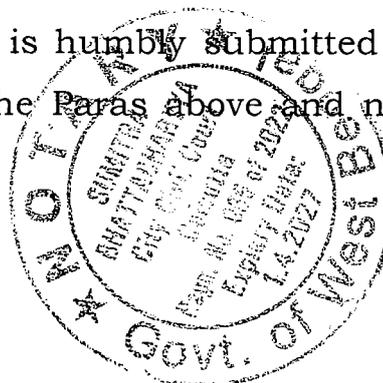
6. That the averments made under Para 8 to 10 are relating to the brief background of the impugned land and hence need no comment from this answering Respondent No.06.

7. That the averments made under Para 11 to 14 are relating to the order dated 22.12.2022 and 29.12.2022 issued by SEIAA through which the EC is kept in abeyance, submission of reply dated 10.01.2023, and hearing of the appellants before the SEIAA on 22.06.2023. Hence, need no comments from this answering Respondent.

8. That the averments made under Para 15 to 19 are relating to the letter dated 26.11.2022 of DFO to District Mining Officer regarding the impugned area and matter of fact and hence, need no comments from this answering Respondent.

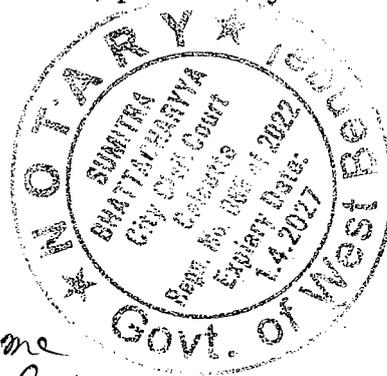
9. That the averments made under Para 20 to 27 are relating to cancellation of the EC by SEIAA. Hence, need no comments from this answering Respondent.

10. That with regard to the averments made in Grounds 5 (i) to (X) of the Appeal, it is humbly submitted that the same have been replied in the Paras above and need no further



comments from CPCB. However, CPCB reserves its right to deal with the said Grounds properly at the time of hearing of this Original Application.

11. In view of the above facts indicated in earlier paras, it is respectfully prayed that this Respondent No. 06 shall abide by any order or direction, passed by this Hon'ble Tribunal.



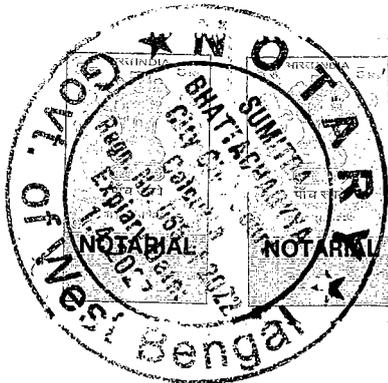
[Handwritten Signature]

DEPONENT

*Identified by me
Dipankar Ghosh
Advocate
CPCB*

Solemnly Affirmed and
Declared before me U/S 139
CPC, (C) CRPC

Sumitra Bhattacharyya
Notary



Sumitra Bhattacharyya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta

20 DEC 2023

VERIFICATION

I, Mrinal Kanti Biswas, the above named deponent do hereby verify that, the contents of the above Counter Affidavit are true and correct to my knowledge based on official records, no part of it is false and nothing material has been concealed therefrom.

Signed and verified on this ^{9th}.....th Day of December, 2023 at Kolkata.

Substituted by me
Dipankar Ghosh
 Advocate
 CPCB

Mrinal Kanti Biswas
DEPONENT

