

B. D. Karmakar
 (Dr. BISUJ KARMAKAR)
 Member Secretary,
 TSPCB, Agartala.

**Before the National Green Tribunal
 Principal Bench, New Delhi**

In the matter of

Original Application No. 164/2018

(Earlier O.A. No. 276/2013)

Ashwani Kumar Dubey

Versus

Union of India &Ors

Report in the form of affidavit affirmed on behalf of the Tripura State
 Pollution Control Board, addressee No. 317 in the Notice of the
 Consultant (Judicial), NGT, dated 13.12.2023

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19 JAN 2024

Sl. No. 40/24

Bishu Karmakar
 (Dr. BISHU KARMAKAR)
 Member Secretary,
 TSPCB, Agartala

**Before the National Green Tribunal
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In the matter of

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Report in the form of affidavit affirmed on behalf of the Tripura State
 Pollution Control Board, addressee No. 317 in the Notice of the
 Consultant (Judicial), NGT, dated 13.12.2023

I, Dr. Bishu Karmakar, S/o, Late Jogendra Karmakar, residing at
 P.O.-Noagaon Krishnanagar-799006, Police Station- New Capital
 Complex, Agartala, District- West Tripura, State – Tripura, aged about
 48 years, by occupation- Service at a statutory organization, do hereby
 solemnly affirm and submit before this Hon'ble Tribunal as follows:-

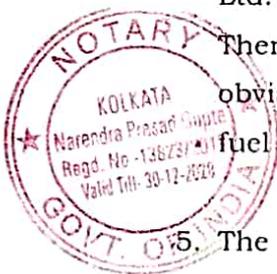
1. The Tripura State Pollution Control Board (TSPCB in short) has been addressed as addressee No.317 in the notice issued by the Consultant (Judicial), NGT, dated 13.12.2023, pursuant to the direction of the Hon'ble Tribunal dated 02.11.2023 in O.A. No. 164 of 2018 (Ashwani Kumar Dubey versus Union of India and Others). I am the Member Secretary of the TSPCB. By virtue of my office I am well conversant with the facts and circumstances of this case as gathered from the official records kept and maintained at the office of the TSPCB at 'Parivesh Bhawan' at Pandit Nehru Complex, Gorkhabasti, Post Office- Kunjaban, Agartala, West Tripura, PIN- 799006, and as such I am competent and duly Authorized by the Chairman, TSPCB to swear this affidavit in compliance with the direction of the Hon'ble Tribunal dated 02.11.2023.



2. I have also perused the order of the Hon'ble Tribunal dated 18.01.2022 in O.A. No. 164 of 2018. The report of the Oversight

Committee headed by the Hon'ble Justice SVS Rathore dated 14.01.2022, which was mentioned at paragraph 10 of the said order, and the notification being S.O. 5481(E) dated 31.12.2021, which was mentioned at paragraph 20 of the said order, and also the report dated 11.01.2022, which was prepared by the Committee of the SDM, Duddhi, Sonbhadra, Scientist D, CPCB, Lucknow, and Regional Officer, UPPCB, Sonbhadra, were, in my respectful submission, on environmental impacts that may arise out of coal or lignite based thermal power plants. On the other hand, thermal power plants in the State of Tripura, which are all gas based, were not mentioned in the said order of the Hon'ble NGT dated 18.01.2022.

3. In the state of Tripura, there are 5 (five) gas based thermal power plants which use natural gas as fuel to generate electricity. In all these power plants Online Continuous Emission Monitoring Systems (in short 'OCEMS') are in place.
4. Since natural gas is being used as the fuel to generate electricity in all these thermal power plants, no fly ash is being produced there, and the usage of clean fuel in all these plants, viz. (1) ONGC Tripura Power Company Ltd. (OTPC) at Gomati District, (2) 2 X 21 MW Gas Thermal Power Project of Gas Thermal Electrical Division at Baramura, (3) 101 MW Tripura Gas Thermal Power Project of NEEPCO Ltd. at Sonamura, (4) 135 MW Gas based Turbine Combined Cycle Power Plant of NEEPCO Ltd. at Khayerpur, Agartala, and (5) 3X 21 MW Gas based Thermal Power Plant at Rokhia, Sonamura, Sepahijala, also obviates the necessity of using sprinklers to keep any dust of fuel at bay.
5. The answering deponent humbly craves leave of the Hon'ble Tribunal to submit any other documents/additional affidavits for clarifying any matter which may require subsequent elucidation.
6. The averments made in the paragraphs 1 and 2 herein above are true to my knowledge, those made in paragraphs 3 and 4 herein above are obtained from the records kept and maintained at the



Bimukul
(Dr. BIS-HJ KARMAKAR)
Member Secretary,
TSPCB, Agartala.

Office of the TSPCB which I verily believe to be true, and the rest are my humble submissions before the Hon'ble Tribunal.

Prepared in my Office
Identified by me
Arnab Ray
Advocate

Bimukul
(Dr. BIS-HJ KARMAKAR)
The Deponent is known to me,
Member Secretary,
TSPCB, Agartala.
Arnab Ray
Advocate

Enrolment No. WB/1335/2011

M
NARENDRA PRASAD GUPTA
NOTARY
GOVERNMENT OF INDIA
REGN. NO.-13823/2018
&
ADVOCATE, HIGH COURT CALCUTTA
8, Old Post Office Street (Ground Floor)
Opp. F-Gate (High Court)
Mob.-8810576674
9883135090

Notary

L.T.I.(s)/Signatures(s) of the
Executant/s attested by me on identification.

[Signature]
NARENDRA PRASAD GUPTA, NOTARY
Advocate, HIGH COURT, KOLKATA
Regd. No.-13823/2018, Govt. of India



19 JAN 2024

4947


(Dr. BISHU KARMAKAR)
Member Secretary,
TSPCB, Agartala.

VERIFICATION

I, Dr. Bishu Karmakar, S/o, Late Jogendra Karmakar, residing at P.O.-Noagaon Krishnanagar-799006, Police Station- New Capital Complex, Agartala, District- West Tripura, State - Tripura, aged about 48 years, by occupation- Service at a statutory organization, do hereby solemnly declare and verify that I am the Member Secretary of the Tripura State Pollution Control Board at 'Parivesh Bhawan', Pandit Nehru Complex, Gorkhabasti, Post Office- Kunjaban, Agartala, West Tripura, PIN- 799006, and I am competent to swear Affidavit in the instant litigation on behalf of the TSPCB, and competent to affirm the same and, as such, I am well acquainted with the facts and circumstances of the present case, and that the averments made in paragraphs 1 and 2 in the foregoing Affidavit are true to my knowledge, the averments made in paragraphs 3 and 4 therein are obtained from the records kept and maintained at the office of the TSPCB which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal. I have not suppressed any material facts. I am competent and duly Authorized to sign this Verification.



I signed this verification on this the 19 day of January, 2024.

Prepared in my office



Advocate

Enrolment No. WB/1335/2011


Signature of the deponent
(Dr. BISHU KARMAKAR)
Member Secretary,
TSPCB, Agartala.

Identified by me.



Advocate

19 JAN 2024



No.F.18 (28)/TSPCB/NGT/164/285 - 88

January 16, 2024

Certificate of Authorization

The Chairman, Tripura State Pollution Control Board has been impleaded as the Respondent No No.317 in the notice issued by the Consultant (Judicial), NGT, dated 13.12.2023, pursuant to the direction of the Hon'ble Tribunal dated 02.11.2023 in O.A. No. 164 of 2018 filed by Ashwani Kumar Dubey Vs Union of India & Ors. pending before the National Green Tribunal, Principal Bench, New Delhi.

I do hereby Authorize Dr. Bishu Karmakar, Member Secretary, Tripura State Pollution Control Board to swear the affidavit in the instant case on behalf of the Chairman, Tripura State Pollution Control Board.


16/01/24

(Dr. K. Sasikumar)
Chairman

To
Dr. Bishu Karmakar
Member Secretary
Tripura State Pollution Control Board

Copy To:

1. Sri Arnab Ray, Ld. Advocate, Calcutta High Court, Kolkata.
2. Sri Manas Mukherjee, Executive Engineer, Tripura State Pollution Control Board.
3. Sri Dipak Rudra Pal, Junior Scientist & Nodal Officer (Law), Tripura State Pollution Control Board.



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Sl.No.: THCBA/V/

21621

VAKALATNAMA

In the High Court of Tripura



Bishu Kumar
(Dr. BISHU KARMAKAR)
Member Secretary,
TSPCB, Agartala.

Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi

Case No.

Original Application No. 164/2018

Appellant
Petitioner

Ashwani Kumar Dubey

- Versus -

Union of India & Others Respondent/Opposite Party

KNOW ALL MEN BY THESE PRESENTS that I/We the Tripura State Pollution Control Board, addressee No. 317 in the Notice of the Consultant (Judicial), NGT, dated 13.12.2023, respondent No. 50 in OA/117/2014 [Shankam Sharma versus Union of India & Others], and respondent No. 110 in OA/102/2014 [Sandplant (India) Ltd. & Others v. Ministry of Environment, Forest, CC and Ots.]

do hereby in my/our name/names and on my/our behalf constitute and appoint Shri/Sarvasri ARNAB RAY, Advocate [Enrolment No. WB/1335/2011],

as my/our

true and lawful Advocate/Advocates to appear and act for me / us in the above case to file appeals from decree or award or order in original suit, or case or from appellate, decree or from order in case Civil / Criminal / Revenue or any order, proceeding etc. to file written objection in appeals/cases whenever necessary, to conduct appeal or case on my/our behalf and for that purpose to examine witnesses and to do all acts and things whatsoever as required to be done in connection therewith, such compromising of the above matter, depositing or withdrawing any money in from the Court/Office, filling of any document/documents in the Court /Offices, referring matters in dispute between the parties hereto to arbitration, withdrawing the above matters with liberty to file appeal/cases proceeding afresh, receiving properties, release form attachment, filling execution or miscellaneous cases, bidding at Execution Sale, obtaining payment from the High Court, withdrawing custody and other fees and doing on my/our behalf such other acts in the above matters as are necessary and proper.

In case of my/our failure to comply with any instruction given by my lawyer in connection with this case the lawyer shall have no liability for any loss suffered by me/us for any adverse order against me/us.

I/We hereby agreeing to ratify and confirm all acts so done by the said Advocate/Advocates as my/our own acts as if done by me/us, execute this Vakalatnama on this the 16th day of January 2024

Received from the client,
satisfied and accepted.

— Arnab Ray.
Advocate
18.01.2024

ARNAB RAY,
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State - West Bengal, PIN-711004.