

**NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH,
KOLKATA**

ORIGINAL APPLICATION No. 169/2023/EZ

Jinti Deka and Another

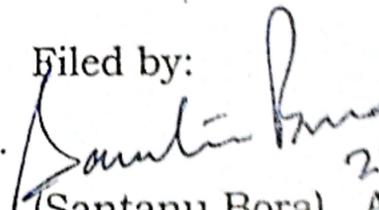
-Versus-

The State of Assam and Others

I N D E X

Sl. No.	Particulars	Description	Page No.
1	Affidavit		1 to 3
2	Annexure - I	Report dated 22.07.25	4 to 17

Filed by:


22/7/25
(Santanu Bora), Advocate

E mail:advocatesbora@gmail.com

Ph. No. 9864176825





**NATIONAL GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA**

22 JUL 2025

ORIGINAL APPLICATION No. 169/2023/EZ

IN THE MATTER OF :

Jinti Deka and Another

..... Applicants

-Versus-

State of Assam and Others

..... Respondents

Anusuya Sharma
Addl. District Commissioner
Morigaon

**AFFIDAVIT ON BEHALF OF DISTRICT COMMISSIONER,
MORIGAON .**

I, Smti Anusuya Sharma, aged about 39 years, daughter of Gunada Kanta Sarma, presently holding the post of Additional District Commissioner, Morigaon , Assam, in the district of Morigaon, Assam, do hereby solemnly affirm and state as follows:

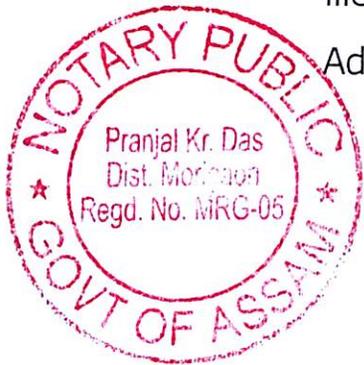
1. That I am presently holding the post of Additional District Commissioner, Morigaon , Assam, in the district of Morigaon , Assam, being well conversant with the facts and circumstances of the case and on being duly

Identified by
Pranjal Kr. Das (Ad.)
22/07/2025

Pranjal Kr. Das
NOTARY PUBLIC
Dist. Morigaon (Assam)
Date 22.7.25

authorized by the District Commissioner, Morigaon the instant affidavit is sworn.

2. That the answering deponent begs to state that, a detailed report dated 22/07/2025 is prepared by the Additional, District Commissioner, Morigaon regarding the concerned sand mahal and the action taken against past illegal mining by the officials under the District Administration of Morigaon district.



A copy of the report dated 22/07/2025 is annexed and marked as **ANNEXURE - I**

3. That the answering deponent begs to state that, violators / illegal mining upon detection are duly penalised in the past and the district administration shall take action as per law against any violation in future. The district administration shall allow mining only as per District Survey Report.

4. That the statements made in paragraph _____ of this affidavit are true to my knowledge and belief, those made in paragraph 1, 2 and 3 being matters of records which I believe to be true and rest are my humble submission before this Hon'ble Court.

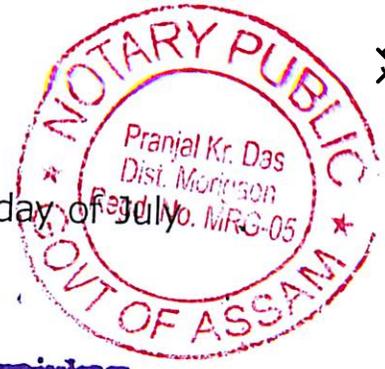
Identified by

(Signature)

22/07/2025

Pranjal Kr. Das
NOTARY PUBLIC
Dist. Morigaon (Assam)
Date: 22.7.25

(Signature)
Addl. District Commissioner
Morigaon



And I sign this affidavit on this the 22nd day of July 2025 at Morigaon.

Anusuya Sharma

ADDL. District Commissioner
DEPONENT Morigaon

Identified by me:

(Signature)
Advocate 22/07/2025

(Signature)
Pranjal Kr. Das
NOTARY PUBLIC
Dist. Morigaon (Assam)
Date 22.7.25



Annexure-I

GOVERNMENT OF ASSAM
OFFICE OF THE District COMMISSIONER : MORIGAON : ASSAM
(SUB-DIVISIONAL PLANNING BRANCH)

E-mail : deputycommissionermorigaon@gmail.com

Tel. No. : 03678-240225 (O)

No. DEV/750/2023-PLNG-MRG/E-30488/

Date-22/07/2025

Report on NGT Case OA no. 169/2023/EZ (Jinti Deka & Ors Vs Sate of Assam)

With reference to the subject cited above, I would like to furnish below the report in connection with NGT Case OA no. 169/2023/EZ (Jinti Deka & Ors Vs Sate of Assam)-

- 1) As per the joint verification report regarding Nakhula Beat Sand Mining Permit No.3 at Kopili River Morigaon submitted vide letter No. SEIAAA.3601/2023/122 dtd 25/11/2024 by Member Secretary, SEIAA, Assam, there is no current mining activities in the permitted area (copy enclosed). - *Annexure - A*.
- 2) As per report of Range Forest Officer, Morigaon Range Morigaon vide letter No. Mg/36/sand Mahal/2023/1247 dtd 12/12/2023, the Forest Officials have been successfully controlling the illegal activities of sand mining over the Nakhula Beat Sand Mining Permit No.3 at Kopili River Morigaon and taking appropriate action under the Rules in force (Annexure-B).
- 3) It may be mentioned that illegal mining has been done since long back and necessary action has been taken by the District Administration by collecting fines from the different sand storage points near the river bank (copy of the action taken report is annexed as Annexure-*B*)

This is for your kind information and necessary action.

J
Addl. District Commissioner,
Morigaon
Addl. District Commissioner
Morigaon



OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA
BAMUNIMAIDAM, GUWAHATI-21.

No. SEIAA.3601/2023/122

Date. 25/11 /2024

From:

The Member Secretary
 State Environment Impact Assessment Authority Assam,
 Bamunimaidam, Guwahati-21.

To,

The Secretary to the Govt. of Assam
 Environment & Forest Department
 Dispur: Guwahati-06

Sub: Regarding NGT Case OA no.169/2023/EZ (Jinti Deka & Ors Vs. State of Assam)

Ref:- your letter No. 430921/3024/107 dated 9.10.2024

Madam,

With reference to the subject cited above, please find enclosed herewith the Joint Verification report regarding Nakhula Beat Sand Mining Permit no.3 at Kopili River Morigaon Dist, Assam as directed in the above said letter.

This is for your kind information and necessary action.

Encl. as stated above.

Yours faithfully.


 Member Secretary
 SEIAA, Assam
 Bamunimaidam, Guwahati -21
 dated. 25/11 /2024

Memo No. SEIAA.3601/2023/122 - A

Copy to-

1. The Chairman, SEIAA, Assam, for kind information .
2. The Director, Geology and Mining, Assam Kahilipara, Guwahati for kind information


 Member Secretary
 SEIAA, Assam
 Bamunimaidam, Guwahati -21

REPORT OF THE JOINT VERIFICATION

Regarding: Nakhula Beat Sand Mining Permit No. 3 at Kopili River, Morigaon District, Assam

Reference: NGT Case OA No. 169/2023/EZ (Jinti Deka &ors vs. State of Assam &ors)

1. Introduction

This joint verification team was constituted by the State Environment Impact Assessment Authority (SEIAA), Assam, vide notification no. SEIAA.3601/2023/119/231 dated 30-10-2024, to conduct a verification in response to the NGT case bearing OA 169/2023/EZ (Jinti Deka ors. Vs State of Assam&ors.).

2. Joint verification team

The following members constituted the Joint Verification Team, as per the aforesaid notification of the SEIAA, Assam.

Sl No.	Name of Member	Designation and Office Address
1	Shri Anupam Phukan	Senior Geologist, Directorate of Geology and Mining (DGM), Kahilipara, Guwahati-781019
2	Shri Monoj Gogoi	Senior Geologist, Directorate of Geology and Mining (DGM), Kahilipara, Guwahati-781019
3	Prof. Sarat Phukan	Member, State Environment Impact Assessment Authority (SEIAA), Assam, Bamunimaidam, Guwahati-781021

3. Background

A discrepancy had emerged regarding the precise location of the Nakhula Sand Mining Permit No. 3 at the Kopili River between SEIAA-Assam and the Directorate of Geology and Mining, Government of Assam. This confusion was partly attributed to the absence of DGM representation in the committee originally constituted by Hon'ble National Green Tribunal, Eastern Zone Bench, in its order dated 24-11-2023 for site verification in the Nakhula Sand Mining Permit No. 3.

4. Inspection Details

- **Date of Inspection:** November 16, 2024
- **Location:** Nakhula Sand Mining Permit No. 3, Kopili River, Morigaon District, Assam
- **Purpose:** To verify the exact location and current status of mining activities

5. Key Findings

1. Location Verification:

- The committee conclusively confirmed that both SEIAA-Assam and DGM, Assam were referring to the same location for the Nakhula Sand Mining Permit No. 3.

[Handwritten Signature]
25/11/2024
1 of 4
Member
SEIAA, Assam

2. Current Status:

- No signs of active sand mining were observed in the permit area during the inspection.

6. Photographic Evidence

The following photographic documentation was collected:

1. Boundary Demarcation:

- Figure 1: Current photograph of Pillar No. 1 (taken on 16-11-2024), captured by the present inspection team.
- Figure 2: Previous photograph of Pillar No. 1 (taken on 08-12-2023), captured by the previous committee constituted for inspection at the Nakhula Sand Permit No. 3 as per the order of Hon'ble NGT dated 24-11-2023.

2. Bank protection measure at the immediate upstream of the sand permit:

- Figure 3: Current photograph of geobag protection measures on the right bank along the right bank of the Kopili River at the immediate upstream of the Nakhula Sand Permit No. 3 (taken on 16-11-2024) captured by the present inspection team.
- Figure 4: Previous photograph of the geobag protection measures on the right bank along the right bank of the Kopili River at the immediate upstream of the Nakhula Sand Permit No. 3 (taken on 08-12-2023), captured by the previous committee constituted for inspection at the Nakhula Sand Permit No. 3 as per the order of Hon'ble NGT dated 24-11-2023.
- This photographs conclusively prove that the both organization meant the same location of the Nakhula Sand Permit Area No. 3.

7. Conclusion

The joint verification successfully resolved the location ambiguity between the concerned departments. The site inspection revealed no current mining activities in the permitted area.


(Anupam Phukan)

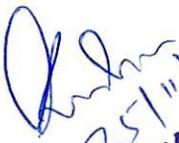
Senior Geologist
DGM, Assam, Ghv-19

Date: 21-11-2024
Place: Guwahati


(Monoj Gogoi)

Senior Geologist
DGM, Assam, Ghv-19


(Sarat Phukan)
Member
SEIAA, Assam
25/11/2024


Member
SEIAA, Assam
25/11/2024

Annexure 1

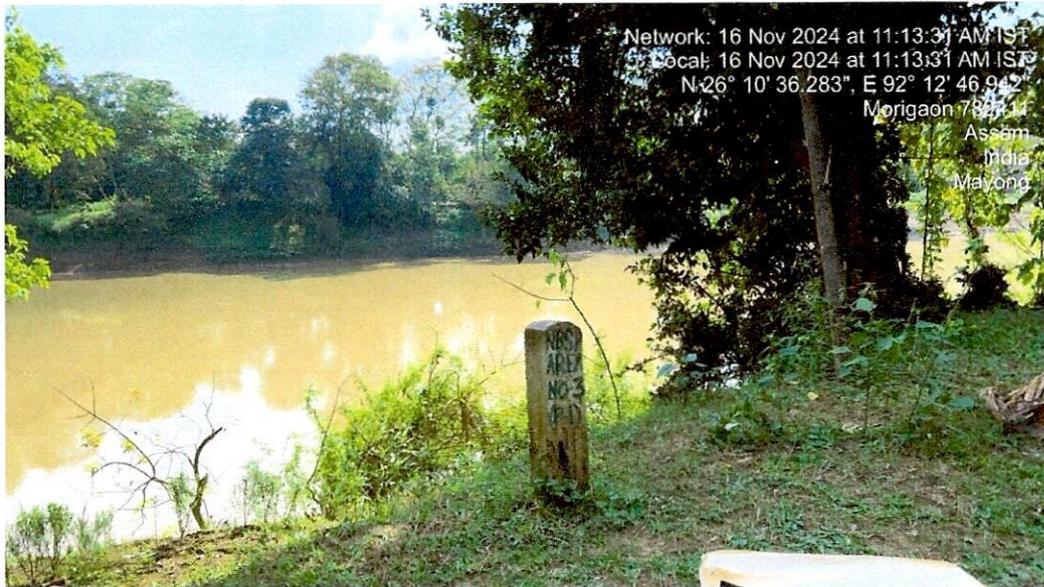


Figure 1. Pillar No. 1 of the Nakhula Sand Mining Permit No. 3 as seen during the present inspection visit.



Figure 2. The photograph of the pillar No. 1 of the Nakhula Beat Sand Permit Area No. 3, included in the inspection report submitted by the earlier committee to the Hon'ble NGT. This inspection was carried out 08-12-2023.

[Handwritten Signature]
 25/11/2024
 Member
 SEIAA, Assam



Figure 3. Bank protection measures (geobag) on the right bank of the river immediate downstream of the Bhakatgaon bridge and upstream of the Nakhula Beat Sand Permit Area No. 3. This photo was captured during the present inspection visit on 16-11-2024.



Figure 4. Bank protection measures (geobag) on the right bank of the river immediate downstream of the Bhakatgaon bridge and upstream of the Nakhula Beat Sand Permit Area No. 3. This photo was captured during the inspection visit of the earlier committee on 08-12-2023. This photo was included in the report submitted to the Hon'ble NGT by the earlier committee.

[Signature]
25/11/2024
Member
SEIAA, Assam
4 of 4

Inspection Report in the matter OA 169/2023/EZ Jinti Deka & Anr. Vs State of Assam

1.0 Back ground

The Hon'ble NGT, Eastern Zone Bench, Kolkata has Suo Motu taken up a complaint (by Jinti Deka and Others) against Sand Mining being carried out by using excavator and Sand Mining Machines in Kapili river at Village Chatabori violation of **Sustainable Sand Mining Management Guidelines 2016 (SSMMG 2016)** and **Enforcement and Monitoring Guidelines for Sand Mining 2020 (EMGSS 2020)**.

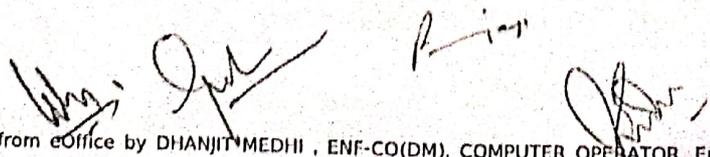
Hearing the matter the Hon'ble Court has in its order dated 24.11.2023 (copy enclosed as **Annexure-I**) has directed all the respondents to file counter affidavit within four weeks.

The Hon'ble Court in the above mentioned matter constituted a four Member Committee consisting of members from different organization as below:

Sl no.	Members & Organization
1.	Senior Scientist , Assam Pollution Control Board
2.	Senior Scientist , Central Pollution Control Board
3.	Member, State Environmental Impact Assessment Authority(SEIAA) ,Assam
4.	District Magistrate, Morigaon, Assam or his representative not below the rank of Additional District magistrate (A.D.M.)

Accordingly the Committee consisting of nominated members from the different organizations, as tabulated below, visited the site on 8.12.2023.

Sl no.	Members
1.	Sri Pranjal Baruah, ACS, Additional District Commissioner (A.D.C.) District Morigaon , Assam
2.	Sri Mridul Dev Adhikary, Senior Environmental Scientist , Assam Pollution Control Board
3.	Dr. G. P. Singh, Scientist-D, Central Pollution Control Board, Regional Directorate, Shillong
4.	Dr. Sarat Phukan, Member, State Environmental Impact Assessment Authority(SEIAA), Assam





2.0 Field Inspection

The committee visited the site on 8.12.2023 and made inspection to ascertain the allegation made in the original application (O.A.) (copy enclosed as **Annexure-II**) which are as tabulated below:

Sl no.	Allegation in the Original Application	Present status as observed on the day of inspection.
i.	Under such circumstances, from 2019 we noticed regular sand mining by one Jugal Bharali at our villages which is marked as Nakhula Beat Sand Mining permit area no. 3 under Morigaon Forest Range. Against the aforesaid sand mining, that too, by using excavator & sand Mining Machines which is not permissible, we lodged several complains before the competent authorities steps were taken refraining him from carrying out the same. Due to not taking of any action our agricultural field, transportation road & Important Historical monuments are going to dissolve in the Kapili River bank erosion, some of the area are totally dissolve in Kapili river. They use Homen Borgohai Road (Bhakatgaonb to Narengi) and Bhakatgaon to Boha-Borpak road to transport this material. This are the road which is connected with Pobitara Wildlife Sanctuary and tourist use this road, but due to this day night sand mining activity we are affected.	<ul style="list-style-type: none"> • The Naokhola Beat Sand Permit Area No. 3 is located 508 meters downstream of the Bhakatgaon Bridge (refer to Fig. 1). The Pillar No. 1 (see Fig. 2) and Pillar No. 5 (see Fig. 3) of the permit area are marked on the Google Map (Fig. 1). • No mining was going on at the time of inspection. Neither any excavator/mining machinery was observed at the site. • The sand mining permit for Nakhula beat sand Permit area no. 3 for the period 2022-2024 to Sri Jugal Bharali on 27.4.2023 (Permit enclosed as Annexure -III) to Mr Jugal Bharali which is valid for 2 years (22-24) However since the mining permit was awarded on 27.4.2023 , the lease holder has been granted permit till 26.4.2025. • The copy of Challan issued by the lease holder (starts from 17.5.2023 enclosed as Annexure-IV) indicates that the mining by the lease holder has been done after the grant of lease permit by the Divisional Forest officer
ii.	It is no longer in dispute that	<ul style="list-style-type: none"> • Monsoon period starts from -

[Handwritten signatures and initials]

Assam monsoon starts from the month of April and the said Jugal Bharali who is the reportedly the lessee of the Beat Sand Permit Area no. 3 has once again started sand Mining from the very beginning of the present monsoon period, that too by using excavator and Sand Mining Machines.

It is pertinent to mention that during monsoon the river flows in its full swing and that at the juncture sand Mining in the river bed, that too by using excavator and sand mining machines in nothing but an invitation to the people living on the bank of river to fall prey of erosion.

Having Noticed the same, We have also once gain knocked the door of different authorities including the forest authorities expressing our deep concern over the issue but all our efforts proved to be futile till today as the sand mining is being carried out in full swing and as a result our residents are in the verge of being eroded.

5th June till 15th October (as per SSMMG 2016 Appendix Table-9(**Annexure-V**)). However the mining has been continued during that period as well. As reported by the lease holder Form MMP-1 sand mining has been continued in the month of June to Oct 2023 (copy enclosed as **Annexure-VI**).

• Bank side bars are notably absent along the river within the permit area, and sand extraction has taken place from beneath the water. The extracted sand is subsequently dumped downstream of the permit area, as illustrated on the Google Map (refer to Fig. 1). Transportation from the permit area to the dumping site is facilitated by boat, with the sand being manually conveyed to the riverbank for dumping.

(Enclosed Copy of the map showing lease area as **Annexure - VII**). The lease area declared by Department of Geology and Mining which is in violation of the Sand mining Guideline 2016 which clearly states that mining can only be allowed keeping a safe distance from the river bank and the depth of mining can be restricted to 3m or water level which ever is less. But mining has been done in the river water itself, as observed.

iii. It is admitted that sand mining is a means of generating the revenue for the Govt. but the

No comment

	same cannot be done at the cost of the poor people like us in as much as if the such same is not stopped immediately we all lose our residents within a short span of time.	
iv.	It is also to mention here that the residences of around 300-400 families of village Chatabori are on the bank of River Kapili and due to such sand mining , that too , with excavator , our residences have come under great threat and may be eroded at any time.	The river bank is not at all demarcated. Signs of bank erosion are evident along both riverbanks. The right bank, immediately downstream of the Bhakatgaon Bridge (Fig. 4) and upstream of the Naokhola permit area, is fortified with geobags. Further protection on the immediate upstream side of the permit area is provided by a boulder apron (Fig. 5) on the left bank of the river. The riverbank's erosion-prone nature is highlighted by its near-vertical posture despite being made up of alluvial material (Fig. 6).

3.0 Overall Observations:

The overall observations during the inspections are as follows:

- 3.1 No mining was being carried out at the time of inspection on 8.12.2023. Mining has been done by the lease holder during monsoon too(June to October)
- 3.2 No excavator/mining machinery was observed at the time of visit.
- 3.3 No display board was observed at the allotted mining permit site.
- 3.4 As reported by district administration, illegal mining has been done since long back and necessary action has been taken by the district administration by collecting fines from the different sand storage points near the river bank (copy of the action Taken report from the District Administration is enclosed as **Annexure -VIII**)

- 3.5 As reported by the Director Geology and Mining office there is no District Survey Report (DSR) for Morigaon District.
- 3.6 It is very surprising that reserve estimation of sand has been done without District Survey Report which is contrary to the Sustainable sand Mining Management Guidelines 2016(SSMMG 2016) as well as Enforcement & Monitoring Guidelines for Sand Mining 2020 (EMGSM2020).The reserve estimation of sand has been done by the Office of the Forest Range; Morigaon Range, Morigaon, Assam dated 12-05-2022 (Copy enclosed as **Annexure-IX**)
- 3.7 Some of the points as mentioned in the sand mining guide lines of MoEF&CC which requires District Survey Report as the most important documents for sand mining are as follows:
- 3.7.1 *District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/letter of Intent(Lol) by Mining department or department dealing the mining activity in respective states (Point a of 4.11 Preparation of District Survey Report page 15 of EMGSM2020 enclosed as **Annexure-X**)*
- 3.7.2 *The State shall issue letter of Intent as per the procedure laid down in their Minor Mineral Concession Rule, 2013 with due consideration of the final district Survey report. (4.2 under Grant of letter of Intent to those mining leases which are falling in potential mining zone page 20 of EMGSM2020 enclosed as **Annexure -XI**)*
- 3.7.3 *District Level Survey Report should be prepared and the area suitable for mining and area prohibited for mining be identified (point no 8 of Standard Environmental conditions for sand mining of SSMMG 2016, enclosed as Annexure-XIII)*
- 3.7.4 *mining should be done only in the area /stretch identified in the District Level Survey Report suitable for sand mining and so certified by the Sub Divisional Level Committee after site visit (point no 20 of standard Environmental conditions for sand mining of SSMMG 2016,enclosed as Annexure-XIV)*
- 3.7.5 *The depth of mining in the river bed shall not exceed one meter or the water level whichever is less , provided that where the joint inspection committee certifies about*

Excessive deposit or over accumulation of mineral in certain reaches requiring channelization it can go upto 3m on the defined reaches of the river. (point no 9 of standard Environmental conditions for sand mining of SSMMG 2016, enclosed as **Annexure-XV**)

3.7.6 To Maintain safety and Stability of River banks i.e.3 meter or 10% of the river width of the River whichever is more will be left intact as no mining zone (point no 16 of SSMMG 2016 ,enclosed as **Annexure-XVI**)

3.8 It is also very surprising that the Mining Plan approved by Directorate of Geology and Mining, Assam declares mining area inside the river which comes under restricted area as per the sand mining guide lines. EMGSM 2020(Point r of the guideline Page 24 (Enclosed as **Annexure -XVII**) states River bed sand mining shall be restricted within the central 3/4th width of the river/rivulet or 7.5 meters (inward) from river banks but upto 10% of the width of the river, as the case may be and decided by regulatory authority while granting environmental clearances in consultation with irrigation department.

Whereas the Mining plan approved by Directorate of Geology and Mining, Assam (copy enclosed as **Annexure -XVIII**) clearly states (point no 6 of page 13 of mining plan) that *the mineable width of the river as central 80m X 3/4+= 60m (Fig Sketch map)* which allows mining inside the river in violation of the Sustainable Sand Mining Management Guideline 2016 as well as EMGSM2020.

4.0 Recommendations:

It view of the above findings and observations it is recommended as follows:

- 4.1 Sand Mining should be stopped and be allowed in compliance to guidelines only.
- 4.2 District Survey Report (DSR) should be prepared in line with Sustainable Sand Mining Guidelines 2016 and Enforcement & Monitoring Guidelines for Sand Mining 2020. DSR should make assessment of mineable reserve in the region and mining be permitted in accordance with these guidelines only.

- 4.3 The existing mining plan should be cancelled and be prepared in compliance with the Sustainable Sand Mining Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020.
- 4.4 The lease/permit granted to the lease holder should be reviewed immediately and be granted in compliance with the guidelines (SSMMG 2016 & EMGSM2020.)
- 4.5 The lease holder shall mandatorily obtain Consent to Establish (CTE) and CTO (consent to Operate) from the State Pollution Control Board, Assam as per guidelines of Central Pollution Control Board, MoEF&CC, GOI bearing no. PCBA/LGL-196/2023/NGT/10 dated 06-12-2023 (Copy Enclosed as Annexure -XIX)

Members of the Committee

1. Sri Pranjal Baruah, ACS,
Additional District Commissioner
(A.D.C.) District Morigaon, Assam
2. Sri Mridul Dev Adhikary,
Senior Environmental Scientist,
Assam Pollution Control Board
3. Dr. G. P. Singh, Scientist-D,
Central Pollution Control Board,
Regional Directorate, Shillong
4. Dr. Sarat Phukan, Member,
SEIAA, Assam

Signature

P. in
20/12/23

by
20/12/2023

Dr. G. P. Singh
20.12.2023

Dr. Sarat Phukan
20/12/2023