

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No.21/2022/EZ
(I.A. No.187/2022/EZ)

M/s Greenland Waste Management Enterprise
Versus

Applicant(s)

State of Jharkhand & Ors.

Respondent(s)

Date of hearing: 24.08.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Ms. Amrita Pandey, Advocate (in Virtual Mode)

For Respondent(s) : Ms. Aishwarya Rajyashree, Advocate for R-1 (in Virtual Mode),
Mr. Ashok Prasad, Advocate for R-3,
Mr. Surendra Kumar, Advocate for R-4

ORDER

1. Ms. Amrita Pandey, learned Counsel is present (in Virtual Mode) for the Applicant.
2. One affidavit dated 12.08.2022 has been filed by Respondent No.3, State Environment Impact Assessment Authority, Jharkhand; the same is taken on record.
3. One counter-affidavit dated 19.08.2022 has been filed by Respondent No.4, Jharkhand State Pollution Control Board; the same is taken on record.
4. Ms. Amrita Pandey, learned Counsel for the Applicant states that she has received the copies of two affidavits only yesterday; she prays for and is granted two weeks time for filing rejoinder affidavit.
5. In the affidavit of Jharkhand State Pollution Control Board, it is stated in paragraph 4 that Interim Environmental Compensation has been computed as per the "Report of the Central Pollution Control Board (CPCB) In-House Committee on Methodology for

Assessing Environmental Compensation and Action Plan to utilize the Fund” and the same has been put up for approval of the Competent Authority but the same could not be approved as the Competent Authority has superannuated on 30.06.2022 and at present the post is lying vacant. What is the amount of Environmental Compensation computed has not been disclosed in this affidavit. This amounts to withholding of information from the court by the Member Secretary, Jharkhand State Pollution Control Board and constitutes an offence under Section 340 Cr.P.C.

6. We, therefore, direct the copy of the affidavit dated 19.08.2022 and our order to be placed before the Chief Secretary, State of Jharkhand for appropriate entries in the ACR of the Member Secretary, Jharkhand State Pollution Control Board for withholding/deliberately concealing information from the Tribunal.
7. Mr. Surendra Kumar, learned Counsel prays for one-week time to file another affidavit to disclose what amount of Environmental Compensation has been computed against M/s Greenland Waste Management Enterprise. The requisite information should have been stated in the affidavit dated 19.08.2022 itself because unless the figure is disclosed, question of seeking approval for Interim Compensation does not arise. Filing of repeated affidavits to cover the negligence of the Member Secretary only burdens the file of the case and amounts to wasting of public money.
8. We however, allow the Jharkhand State Pollution Control Board to file requisite affidavit within one week i.e. positively by 01.09.2022.
9. We further direct the Chief Secretary, State of Jharkhand to ensure that in future all affidavits which are filed in Tribunal by State Respondents or Authorities shall be settled by the Counsel for the

Departments concerned even if they are based upon information provided by the respective Departments through a narrative.

10. **List on 13.09.2022**

I.A. No.187/2022/EZ: -

1. This Interlocutory Application has been filed by Respondent No.4. We have seen the averments made in paragraph 4 & 5 of the IA where it is admitted that the counter-affidavit was emailed to the counsel on 27.05.2022 but could not be filed as there was a bereavement in his family on 03.06.2022 and he had to leave Kolkata and the affidavit could not be uploaded and e-filing done until the matter was listed on 28.07.2022. Cause shown is unacceptable. This does not explain why the Department could not ensure timely filing of the counter-affidavit.
2. We accordingly reject the I.A. No.187/2022/EZ.

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

August 24, 2022,
Original Application No.21/2022/EZ
(I.A. No.187/2022/EZ)
MN