

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1271/2024

Shri Khroo L Pariat

Applicant

Versus

State of Meghalaya& Ors.

Respondents

Date of hearing: 25.02.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Raj Kumar, Advocate for CPCB (through VC).

**ORDER**

1. The applicant- Shri Khroo L Pariat has sent letter petition dated 25.06.2024, which has been treated and registered as O.A No. 1271/2024 complaining about dumping of muck generated during construction of road thereby causing damage to river ecology affecting aquatic life, flora and fauna.

2. Vide order dated 21.11.2024, this Tribunal constituted a Joint Committee with direction to file report within 2 months.

3. In compliance thereof, report dated 10.02.2025 of the Joint Committee has been filed by CPCB.

4. The relevant part of the report containing summary of observations and recommendations of Joint Committee reads as under:-

**“4.0 SUMMARY OF OBSERVATIONS:**

- i. *The Committee observed that the whole stretch of the Jowai-Bypass, earth cuttings, including soil and stones, being dumped down the valley.*
- ii. *The Joint Committee noticed that there is no authorized dump site/collection center/storage/ processing sites for construction and demolition waste as required under the C&D Waste Management Rules, 2016 in the Jowai town.*
- iii. *The Joint Committee noted that the contractor has already constructed a temporary sandbag wall in most areas to prevent the debris from flowing downhill which is sufficient to control the debris flowing down the hill.*
- iv. *During the site visit, it was observed that inventory or records of the C&D waste generated from the project were not maintained. Additionally, waste management plan and the necessary approvals from the local authority as required under the C&D Waste Management Rules, 2016 were not provided.*
- v. *During the site visit, the Committee did not observe any further damage to the agricultural lands.*
- vi. *To ascertain the impact of road construction on the water quality, officials from MSPCB collected water samples from a location approximately 100 meters downstream of the confluence point of the Mykrem river and Myntdu River. The analysis report indicated that the water quality of the site was complied with primary water quality criteria for bathing water for all the parameters as specified in the Gazette Notification G.S.R. 742(E) dated 25th September 2000, under the Environment (Protection) Rules, 1986 as amended. Hence, no significant impact of construction and Demolition was observed on the water quality of the Myntdu River. However, the dumping of C&D waste was found to create siltation.*
- vii. *The Joint Committee noted that the PHE Department of Jowai Town extracts drinking water from the Myntdu River by constructing a small dam. The intake is located about 5-6 km downstream from the road construction site. The analysis results of the treated water at the outlet line of PHE reveals that the analyzed parameters for the treated water meets the permissible*

limits for the drinking water characteristics as per BIS IS 10500:2012 Drinking Water specifications.

- viii. Further, the Joint Committee had also noticed that municipal solid waste (MSW) from nearby areas of Jowai Town is being dumped recklessly into the valley at Jowai-Dawki road. This improper disposal highlights deficiencies in the collection, storage, and transportation of MSW by the local municipal authorities. The Joint Committee also observed the absence of a solid waste processing facility within the town.
- ix. The Joint Committee is in opinion that the PWD should ensure timely completion the project work i.e. upto March-2025 and the C&D waste generated should be disposed under the provisions of C&D waste management rules.

#### **5.0 RECOMMENDATIONS:**

- i. The concerned state authority/ contractor is obligated to construct additional temporary sandbag walls at all vulnerable locations to prevent debris from flowing downhill into the Myntdu River.
- ii. The dumping of construction waste (soil, stones, and other materials) at the unauthorized sites must be stopped immediately. Concerned Municipal Board/District Administration must identify lands for establishing collection center/storage/processing sites for construction and demolition waste in the Jowai town as required under the C&D Waste Management Rules, 2016.
- iii. Proper Dust control measures should be implemented at the construction site as per CPCB Guidelines on DUST mitigation measures in handling Construction material & C&D wastes. (<https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMuNTYxXzEIMTE5Mz MzNzJbWVkaWFwaG90bzEvNj>)
- iv. Concerned project proponent must inventorize the C&D waste generated at the site and shall submit waste management plan and get appropriate approvals from the local authority as required under the C&D Waste Management Rules, 2016.
- v. Municipal Authorities i.e. Jowai Municipal Board must strengthen municipal solid waste management in Jowai Town by ensuring proper collection, storage, and transportation of MSW. Waste processing facility should be established within the town to manage waste in accordance with Municipal solid Waste management Rules, 2016. MSPCB shall enforce and monitor the same.

*vi. Awareness campaigns may be conducted to educate the local population about the importance of proper waste disposal and its impact on water quality, encouraging community participation in keeping the river and surrounding areas clean.”*

5. In view of the averments made in the original application and observations made by the joint committee, we consider it appropriate to have response of (1) State of Meghalaya through Chief Secretary, Government of Meghalaya, (2) District Magistrate, Jowai, (3) Central Pollution Control Board through Member Secretary, (4) Regional Office, Ministry of Environment, Forest and Climate Change (5) Meghalaya Pollution Control Board through Member Secretary, (6) Jowai Municipal Board through Executive Officer, (7) Public Works Department, Government of Meghalaya, through Chief Engineer, (8) M/s Kampung Kamyar Trading Company and (9) M/s Dhar Construction Company who are impleaded as respondents No. 1 to 9.

6. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 8 requiring them to file their replies/responses within one month.

7. Even though the application has been listed before this Bench with approval and assignment under order of Hon'ble Chairperson, but in view of the fact that the place of accrual of cause of action lies within jurisdiction of the Eastern Zone Bench of this Tribunal at Kolkata, we are of the considered view that it will be appropriate if the application is heard by the Eastern Zone Bench of this Tribunal at Kolkata.

8. Accordingly, the Registry is directed to list the matter before the Eastern Zone Bench of this Tribunal at Kolkata on 21.04.2025 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

9. Replies/responses by respondents no. 1 to 8 may be filed before the Eastern Zone Bench of this Tribunal at Kolkata at least three days before the next date of hearing fixed.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 25<sup>th</sup>, 2025  
Original Application No. 1271/2024  
AB