

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 111/2024/EZ

SUBHAS DATTA

.....APPLICANT(S)

VERSUS

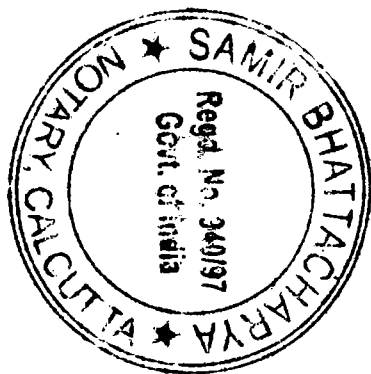
THE STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT FILED BY THE WEST BENGAL
POLLUTION CONTROL BOARD.

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Filed by

Dipanjanshoh

DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA

13 1 AUG 2024

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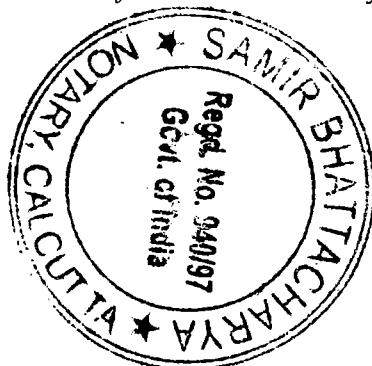
THE STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT FILED BY THE WEST BENGAL
POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Smt Ruby Sinha, daughter of Shri Arun Kumar Sinha, aged about 56 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-



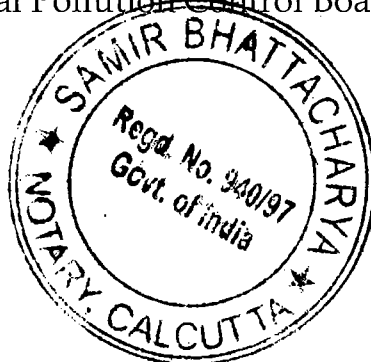
13 1 AUG 2024

01. That, I am the Senior Environmental Engineer, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 06, to affirm this Affidavit on its behalf and as such, I am competent to do so.

02. That, this affidavit is being affirmed in pursuant to the order passed by this Hon'ble Tribunal dated 09.07.2024.

03. That, the Hon'ble National Green Tribunal vide order dated 09.07.2024, constituted a Committee comprising of the following members:

- (a) District Magistrate cum Collector, Darjeeling or his representative Officer not below the rank of Additional District Magistrate (A.D.M.);
- (b) District Magistrate cum Collector, Jalpaiguri or his representative Officer not below the rank of Additional District Magistrate (A.D.M.)
- (c) Senior Scientist, West Bengal Pollution Control Board.



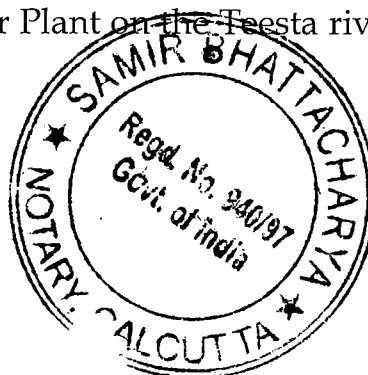
04. That, the said Committee visited the said site of M/s Aarpee Minerals & Aggregates, Sevoke, located at JL no. 2, Mouza - Sevoke Forest, PS. Kurseong, Darjeeling, West Bengal on 26.07.2024 at 12.30 pm for joint inspection.

M/s Aarpee Minerals & Aggregates is a stone crushing unit situated on the flood plain of the river Teesta near Sevoke Rail crossing of NH 10 within Darjeeling District.

05. That, the following statutory compliances of the said M/s Aarpee Minerals & Aggregates were observed from inspection by the Committee members:

(a) On 26.08.2022, IRCON, GOI has allotted its 2 acre land to M/s Aarpee Minerals & Aggregates at Sevoke, JL no. 2, Mouza - Sevoke Forest, Darjeeling along with approval to set up a stone crusher plant for supply of construction material (stone aggregates) required to Sevoke-Rangpo New BG Rail Line Project (**Annexure I**).

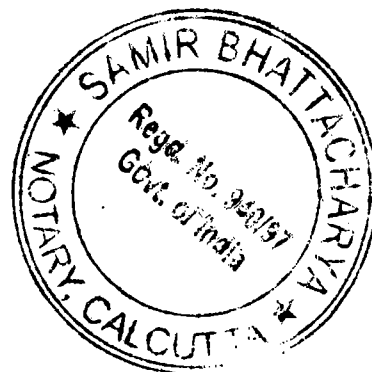
(b) On 13.04.2022, CCF, Wild Life North, West Bengal, considering public interest for Sevoke-Rangpo New BG Rail Line Project, granted permission to IRCON, GOI to set up a dedicated Stone Crusher Plant on the Teesta river bed on the



existing railway land at Sevoke near Bridge no. 52 along with permission for collection of stone boulders from the said river bed. Subsequently on 09.10.2023, this permission is extended upto 31.01.2025 by CCF, Wild Life North, West Bengal (**Annexure II**).

(c) On 10.03.21, Sevoke Gram Samaj Sewa Samiti forwarded for approval of necessary permission of M/s Aarpee Minerals & Aggregates for installation of stone crusher plant to DM Darjeeling. Subsequently, Sittong III GP, Kurseong granted trade license to the said unit (**Annexure III**).

(d) On 29.09.2022, SDO, Kurseong granted **consent to establish** with conditions (**Annexure IV**) for new stone crusher to M/s Aarpee Minerals & Aggregates at Sevoke, JL no. 2, Mouza - Sevoke Forest, Darjeeling and subsequently on 22.12.2022, the unit was granted **consent to operate** (**Annexure V**) by SDO, Kurseong for 5 years for production of Stone Chips of 75,000 T/month.



06. That, the following observations were made by the Committee members:

- Premises of M/s Aarpee Minerals & Aggregates located at Sevoke, JL no. 2, Mouza - Sevoke Forest, PS. Kurseong, Darjeeling is of triangular shape.
- The unit is situated at a depressed land beside Sevoke Rail crossing of NH 10 which is connected with the front portion of the unit. River Teesta and Nandi jhora (from Sukna Forest) pass away through the remaining two sides of the unit.
- Upstream of the river Teesta is diverted away from the unit side by stacking huge amount of river bed materials along with stone dust of the unit as observed during this joint inspection.
- Floor level of the unit premises is at slightly higher altitude than the water level of river bed. There was no demarcation of the unit premises and the river bed.
- There was no construction of high boundary wall/ wind breaking wall around the periphery of the unit.



- The unit was running with following machineries for supply of stone aggregates to Sevoke-Rangpo New BG Rail Line Project:

Primary Crusher - 2 no., Secondary Crusher - 2 nos., Screen - 2 nos. and Conveyor belts - 10 nos.

No arrangement for covering most of these machineries was observed. Covering of some conveyor belts was observed under progress. Primary Crusher/Secondary Crusher/Screen were not provided with any air pollution control device. Unit had not installed telescopic chute to drop down the different grades of products from final discharge point of each conveyor belt to ground level.

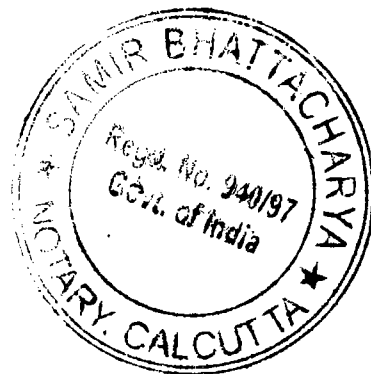
- Boulders, different sized stone chips (products) and stone dusts (by-products) were found stored in open area within the unit premises.
- There was no concrete/metalled road for movement of vehicles within the unit.
- There was no water sprinkling arrangement at strategic locations within unit premises.



- Locational geo-coordinates of the unit were measured whether the unit falls within any nearest Eco Sensitive Zone (ESZ) or not.

07. That, the following remarks were made by the Committee members from the said inspection:

- (a) The unit is situated on the flood plain of the river Teesta near Sevoke Rail crossing of NH 10, Darjeeling and there was no construction of high boundary wall/ wind breaking wall around the periphery of the unit to prevent dust carried over through wind.
- (b) As per measured geo-coordinates of the unit and the geo-coordinates of protected boundary of Mahananda Wildlife Sanctuary (MWLS) (available in MWLS notification of MOEF & CC dt. 22.09.2020), it appears that the unit is located at a distance of about 1.27 km from the protected boundary of MWLS. Therefore, the unit falls within the ESZ of the MWLS as the ESZ boundary is 5km from the protected boundary of the MWLS and existing stone crushing activity of this unit is prohibited.



It is recommended from the joint committee constituted by the Hon'ble NGT that CCF, Wildlife North, WB may be requested to review the NOC already granted for operation of M/s Aarpee Minerals & Aggregates, a stone crushing unit within the ESZ of the MWLS which was granted by him in public interest for Sevoke-Rangpo New BG Rail Line.

(c) No arrangement for covering most of these machineries was observed. Covering of some conveyor belts was observed. Primary Crusher/Secondary Crusher/Screen were not provided with any air pollution control device. Unit had not installed telescopic chute to drop down the different grades of products from final discharge point of each conveyor belt to ground level. All these uncovering will result dust emission from process to ambient air.

(d) There was no concrete/metalled road for movement of vehicles within the unit to prevent mixing of dust into air.

(e) There was no water sprinkling arrangement at strategic locations within unit premises to suppress dust.

(f) As per discussion with ADM (LR & LA) Jalpaiguri and ADM (LR) Darjeeling, it is learnt that there is no other stone crushing unit on the river bed of the river Teesta within Jalpaiguri/



Darjeeling except M/s Aarpee Minerals & Aggregates located at Sevoke, JL no. 2, Mouza - Sevoke Forest, PS. Kurseong, Darjeeling.

Copy of the Committee Report is annexed herewith and marked with letter "R".

08. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

*Identified from
Dipankar Ghosh
Advocate
as BPCB
F/1159/2007*

Ruby Sinha
DEPONENT

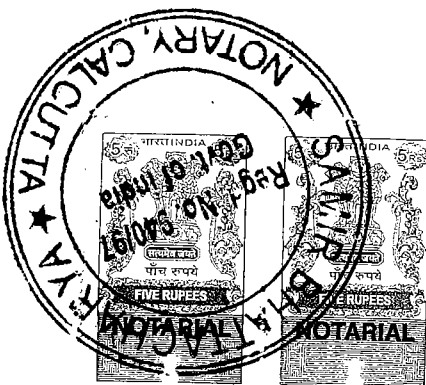


Samir Bhattacharya
Notary Govt. of India
Regd. No.- 940 / 97
CITY CIVIL COURT, CALCUTTA

Solemnly Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) CRPC

Notary

31.8.24



13 1 AUG 2024

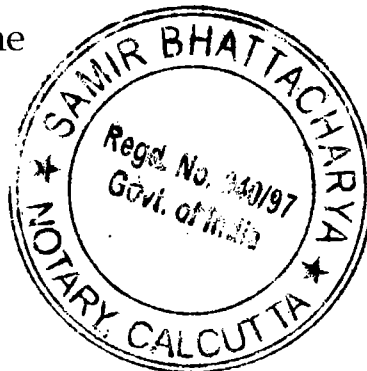
VERIFICATION

I, Smt Ruby Sinha, daughter of Shri Arun Kumar Sinha, aged about 56 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-

1. That, I am the Senior Environmental Engineer, West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 7 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

Ruby Sinha
DEPONENT

Identified and corrected by me
Advocate *P. Pradyumn*
WBPCB
F/1159/2007



Report of the joint committee constituted by the Hon'ble National Green Tribunal (Eastern Zone Bench) in terms of Order dated 09.07.2024 passed in connection with Original Application No. 111/2024/EZ regarding illegal Stone Crushing Unit operating on the river bed of river Teesta within the Mahananda Wildlife Sanctuary at Darjeeling/Jalpaiguri

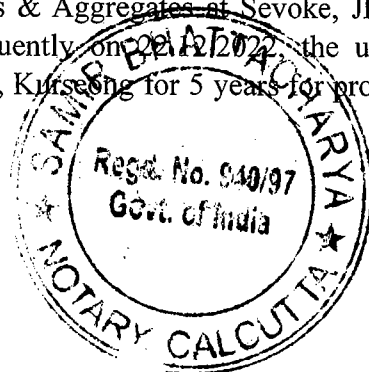
By the Order dated 09.07.2024 passed in connection with Original Application No. 111/2024/EZ, the Hon'ble NGT (Eastern Zone Bench) constituted a joint committee comprising District Magistrate, Darjeeling; District Magistrate, Jalpaiguri and WBPCB. Hon'ble NGT directed the WBPCB to be the nodal agency. In the joint committee, the following officials represent their respective organizations:

Sl. #	Name of Organization	Name & Designation of the committee members
1.	District Magistrate, Jalpaiguri	Smt. Priyadarshini Bhattacharya, IAS, ADM (LR & LA) Jalpaiguri
2.	District Magistrate, Darjeeling	Sri Ram Kumar Tamang, WBCS (Exe.), ADM (LR) Darjeeling
3.	WBPCB	Dr. Prasun Kumar Mondal, Asst. Environmental Engineer & In-Charge, Siliguri RO

The members of the joint committee met at **M/s Aarpee Minerals & Aggregates**, Sevoke, JL no. 2, Mouza – Sevoke Forest, PS. Kurseong, Darjeeling, West Bengal on 26.07.2024 at 12.30 pm for joint inspection. M/s Aarpee Minerals & Aggregates is a stone crushing unit situated on the flood plain of the river Teesta near Sevoke Rail crossing of NH 10 within **Darjeeling District**.

Statutory Compliance of the aforesaid unit:

1. On 26.08.2022, IRCON, GOI has allotted its 2 acre land to M/s Aarpee Minerals & Aggregates at Sevoke, JL no. 2, Mouza – Sevoke Foresty, Darjeeling along with approval to set up a stone crusher plant for supply of construction material (stone aggregates) required to Sevoke-Rangpo New BG Rail Line Project (**Annexure I**).
2. On 13.04.2022, CCF, Wild Life North, West Bengal, considering public interest for Sevoke-Rangpo New BG Rail Line Project, granted permission to IRCON, GOI to set up a dedicated Stone Crusher Plant on the Teesta river bed on the existing railway land at Sevoke near Bridge no. 52 along with permission for collection of stone boulders from the said river bed. Subsequently on 09.10.2023, this permission is extended upto 31.01.2025 by CCF, Wild Life North, West Bengal (**Annexure II**).
3. On 10.03.21, Sevoke Gram Samaj Sewa Samiti forwarded for approval of necessary permission of M/s Aarpee Minerals & Aggregates for installation of stone crusher plant to DM Darjeeling. Subsequently, Sittong III GP, Kurseong granted trade license to the said unit (**Annexure III**).
4. On 29.09.2022, SDO, Kurseong granted **consent to establish** with conditions (**Annexure IV**) for new stone crusher to M/s Aarpee Minerals & Aggregates at Sevoke, JL no. 2, Mouza – Sevoke Foresty, Darjeeling and subsequently on 22.12.2024 the unit was granted **consent to operate** (**Annexure V**) by SDO, Kurseong for 5 years for production of Stone Chips of 75,000 T/month.



Observation:

Premises of M/s Aarpee Minerals & Aggregates located at Sevoke, JL no. 2, Mouza – Sevoke Forest, PS. Kurseong, Darjeeling is of triangular shape. The unit is situated at a depressed land beside Sevoke Rail crossing of NH 10 which is connected with the front portion of the unit. River Teesta and Nandi jhora (from Sukna Forest) pass away through the remaining two sides of the unit. Upstream of the river Teesta is diverted away from the unit side by stacking huge amount of river bed materials along with stone dust of the unit as observed during this joint inspection. Floor level of the unit premises is at slightly higher altitude than the water level of river bed. There was no demarcation of the unit premises and the river bed. Following are the main points of observation:

- There was no construction of high boundary wall/ wind breaking wall around the periphery of the unit.
- The unit was running with following machineries for supply of stone aggregates to Sevoke-Rangpo New BG Rail Line Project:

Primary Crusher – 2 no., Secondary Crusher – 2 nos., Screen – 2 nos. and Conveyor belts – 10 nos.

No arrangement for covering most of these machineries was observed. Covering of some conveyor belts was observed under progress. Primary Crusher/Secondary Crusher/Screen were not provided with any air pollution control device. Unit had not installed telescopic chute to drop down the different grades of products from final discharge point of each conveyor belt to ground level.

- Boulders, different sized stone chips (products) and stone dusts (by-products) were found stored in open area within the unit premises.
- There was no concrete/metalled road for movement of vehicles within the unit.
- There was no water sprinkling arrangement at strategic locations within unit premises.
- Locational geo-coordinates of the unit were measured whether the falls within any nearest Eco Sensitive Zone (ESZ) or not.
- Photographs taken at the time of inspection is enclosed along with this inspection report (Annexure VI).

Remarks:

The following non-compliances were observed at the time of inspection for each of the two units:

- a) The unit is situated on the flood plain of the river Teesta near Sevoke Rail crossing of NH 10, Darjeeling and there was no construction of high boundary wall/ wind breaking wall around the periphery of the unit to prevent dust carried over through wind.
- b) As per measured geo-coordinates of the unit and the geo-coordinates of protected boundary of Mahananda Wildlife Sanctuary (MWLS) (available in MWLS notification of MOEF & CC dt. 22.09.2020), it appears that the unit is located at a distance of about 1.27

km from the protected boundary of MWLS (Annexure VI). Therefore, the unit falls within the ESZ of the MWLS as the ESZ boundary is 5km from the protected boundary of the MWLS and existing stone crushing activity of this unit is prohibited.

It is recommended from the joint committee constituted by the Hon'ble NGT that CCF, Wildlife North, WB may be requested to review the NOC already granted for operation of M/s Aarpee Minerals & Aggregates, a stone crushing unit within the ESZ of the MWLS which was granted by him in public interest for Sevoke-Rangpo New BG Rail Line.

- c) No arrangement for covering most of these machineries was observed. Covering of some conveyor belts was observed. Primary Crusher/Secondary Crusher/Screen were not provided with any air pollution control device. Unit had not installed telescopic chute to drop down the different grades of products from final discharge point of each conveyor belt to ground level. All these uncovering will result dust emission from process to ambient air.
- d) There was no concrete/metalled road for movement of vehicles within the unit to prevent mixing of dust into air.
- e) There was no water sprinkling arrangement at strategic locations within unit premises to suppress dust.
- f) As per discussion with ADM (LR & LA) Jalpaiguri and ADM (I R) Darjeeling it is learnt that there is no other stone crushing unit on the river bed of the river Teesta within Jalpaiguri/ Darjeeling except M/s Aarpee Minerals & Aggregates located at Sevoke, JL no. 2, Mouza - Sevoke Forest, PS. Kurseong, Darjeeling which was inspected during our present joint committee inspection. Moreover, the stone crushing unit does not fall within the jurisdiction of District Jalpaiguri.



Sri Ram Kumar Tamang,
WBCS (Exe.), ADM (LR)
Darjeeling

~~Additional District Magistrate~~

~~District Land & Land Reforms Officer~~
Darjeeling



Smt. Priyadarshini Bhattacharya,
IAS, ~~Additional District Magistrate &~~
District Land & Land Reforms Officer
Jalpaiguri

Prasun Kr. Mondal

Dr. Prasun Kumar Mondal,
Asst. Environmental Engineer
& In-Charge, Siliguri RO, WBPCB
and Nodal Officer of Constituted
Jt. Committee

Asst. Environmental Engineer & In-Charge
West Bengal Pollution Control Board
Siliguri Regional Office

IRCON/2046/NFR-SRRP/Crusher Plant/ 6080

26.08.2022

To,
Sub-Divisional Officer,
Sub-Division, Kurseong,
District - Darjeeling,
Govt. of West Bengal,
Kurseong. (W. B.).

Sub- Construction of Sivok-Rangpo New BG Rail Line Project - Allotment of Railway Land at Sivok
for setting up of Stone Crusher Plant exclusively for SRRP.

Ref- (i) IRCON/2046/NFR-SRRP/Crusher Plant/3639 dated 01.07.2022.
(ii) IRCON/2046/NFR-SRRP/Crusher Plant/3653 dated 02.07.2022.

Dear Sir,


M/s IRCON has jointly allotted 2.0 acre of Railway land at Sivok to set up crusher plant to the five executing agencies namely: M/s ITDCL, M/s GECPL, M/s CS-Dhorajia JV, M/s Patel Engineering Limited & Apco Infratech Limited. The request of all the above agencies to engage M/s Aarpee Minerals and Aggregates, Siliguri to operate and establish stone crusher plant for the work of Sivok-Rangpo Rail Project only has been approved by M/s IRCON.

Land agreement has been signed between IRCON & five executing agencies. Further, five executing agencies has signed land agreement with M/s Aarpee Minerals & Aggregates, Siliguri.

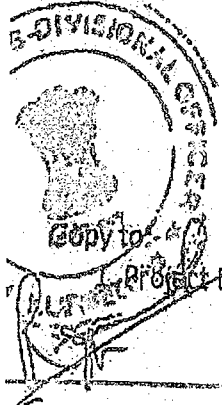
It is undertaken that IRCON has no objection for land agreement signed between five executing agencies & M/s Aarpee Minerals and Aggregates, Siliguri for setting up of the crusher plant and its operation by the agencies through M/s Aarpee Minerals and Aggregates, Siliguri.

This is for your kind information & necessary action please.

For and on behalf of
IRCON International Limited


26/08/2022
(A. P. Singh)
GM/PH/Sivok-1

o/c



पंजीकृत कार्यालय : सी-4, डिस्ट्रिक्ट सेंटर, साकेत, नई दिल्ली - 110017, भारत

Regd. Office: C-4, District Centre, Saket, New Delhi-110017, INDIA

TEL : +91-11-29565666, FAX : +91-11-26522000, 26854000, E-mail : info@ircon.org, Web : www.iron.org

CIN : L45203DL1976G01008174



Government of West Bengal
Directorate of Forests
Office of the Chief Conservator of Forests, Wildlife North
S.J.D.A. Complex, Jalpaiguri, P.O. Danguajhar, Dist. Jalpaiguri: 735 121
Phone - Fax: 255627 / 255193, e-mail

Memo No. : 762 /2W-80(i)/WL

Dated : 13.04.2022

The Project Director,
Sevoke Range, New Broad Gauge Rail line Project
IRCON International Ltd.

Sub: Setting up a Crusher Plant at Railway land near railway bridge no. 52 on Teesta River bed.

- Ref.** 1. IRCON/2046/NFR-SRRP/Forest/05/2958, dt. 06.04.2022 issued by Project Director, SRRP/IRCON.
2. 188, dt. 19.08.2020 issued by A.E., Siliguri, NH Sub-Division-I, P.W. (Roads) Dte
3. 301/C/SPC dt. 29.08.2020 issued by Commissioner of Police, Siliguri.
4. W/214/Installation of stone crusher/Sevoke/W-4 (Land), dt. 25.11.2021 issued by CGE/NFR, Maligaon.

Sir,

The undersigned is in receipt of your memo referred above. You have apprised the problems being faced by IRCON of late in procurement of stone aggregates and sand for construction of Sevoke Rangpo New Broad Gauge Rail line Project. The imposition of local restriction on movement of traffic via coronation bridge has affected regular supply of construction materials, which in turn is delaying construction.

Considering the strategic importance of the project and likelihood of escalation of project cost due to disruption in supply of construction material, your proposal to set up a dedicated Stone Crusher Plant on the Railway Land at Sevoke near Bridge No. 52 (land already in possession of railway since 1957) is agreed in public interest, on following conditions:

1. The plant will be set up on the river bed itself on the existing railway land in possession of railways.
2. The approach to the land will be through the forest land and entry fee will be required to be paid by IRCON. All material entering the unit will be covered by a Transit Pass and proper authorization.
3. The stone boulders can only be taken up from Teesta river bed. The required boulders will be collected from Teesta River Bed as per the directions of Range Officer, Sanctuary North Range, Mahananda Wildlife Sanctuary and the Divisional Forest Officer, Darjeeling Wildlife Division. The IRCON on the behalf of user agency will submit a requisition for the boulders /RBM and

will pay the requisite charges.. No boulders can be brought from any other source for crushing. An entry fees of Rs. 500 /- per 6 cubic meter and applicable T.P. Fee will be applicable in addition to the cost of forest produce.

4. The crushed materials can only be used for construction of Sevoke Rangpo New Broad Gauge Rail line Project. The materials cannot be sold or transported to any other location or agency. The violation will be considered as theft of forest produce and stringent legal action will be initiated under the provision of Indian Forest Act,1927 and Wildlife Protection Act,1972.
5. As the project completion deadline is December*2023. the crusher must be dismantled by 31st October,2023 and the land should be reverted to the present day condition and no remnants, whatsoever, be left at the crushing unit site.
6. Adequate dust suppression measures should be adopted and no slurry should be discharged in the water flow of river. The dust should be used by IRCON for the construction purpose. This consent / NOC is subject to adherence and fulfillment of any other law in force regarding control of Air & Water Pollution and other subject matters governing installation of Stone Crusher Unit.
7. The forest department in its Officers reserves all rights to inspect the unit at any time and close the operations for violations any of above mentioned conditions. Any additional condition(s) may be imposed during the continuation of this consent, if required to safeguard the Forest and Wildlife and to prevent pollution.

Yours faithfully,

Ratendra Lakher, IFS
Chief Conservator of Forests
Wildlife North, W.B.

Memo No. : 762 /2W-80(i)/WL

Dated : 13.04.2022

Copy forwarded for information to :-

1. The Principal Chief Conservator of Forests, Wildlife & Chief Wildlife Warden, West Bengal. This has reference to the discussion held with your kind self in this regard.
2. The Divisional Forest Officer, Darjeeling Wildlife Division. He is requested to take necessary action.

Chief Conservator of Forests
Wildlife North, W.B.

97
Annexure II



Bir
17/10/2023
GM/PH/Sivok-I

GM/Sivok-I

SP
17.10.2023

Government of West Bengal
Directorate of Forests

Office of the Chief Conservator of Forests, Wildlife North
Forest Administrative Building (Block - B), South Santinagar
Dabgram - II, P.O. Dabgram, Dist. Jalpaiguri, Pin :: 734 004
e-mail : ccfwil-wb@nic.in



No. 2086/2W-80(i)/ WL

Date- 09/10/2023

To,
The Project Director,
Sevoke Rongpo New BG Rail line Project

Subject- Extension of Consent/NOC

Reference- Your memo numbers IRCON/2046/NFR-SRRP/Forest/05/6864 dated 11-08-2023 &
IRCON/2046/NFR-SRRP/Forest/05/7306 dated 07-10-2023

Sir,

In reference to your letters mentioned above on the subject, considering the strategic importance and public interest involved, the extension is agreed up to 31-01-2025. It is requested to expedite the execution and windup by the date. The terms and conditions vide memo number 762/2W-80(I)/WL Dated 13-04-2022 shall continue to apply. Additional conditions may be imposed, if warranted, and the consent may be withdrawn anytime at the discretion of the forest authorities.

Yours faithfully

9/10/23
Chief Conservator of Forests
Wildlife North
West Bengal

Date- 09/10/2023

No. 2086/2W-80(i)/ WL

Copy forwarded for information to-

1. District Magistrate, Darjeeling
2. Divisional Forest Officer, Darjeeling Wildlife Division
3. Deputy CE/ Construction/ NJP/NFR

sd/-
Chief Conservator of Forests
Wildlife North
West Bengal

SEVOKE GRAM SAMAJ SEWA SAMITI

Registration No. : S/15/91790, Dt. 27th May 2012

S.O. (M) SEVOKE, DIST. DARJEELING (W.B.)
SOCID-2201

Ref. No.....

Date... 10/03/21

To
The District Magistrate
Darjeeling, -734101

Appeal toward granting No objection certificate for Establishment and installation of stone crusher plant.

Respected Sir,

We, the members of Sevoke Gram Samaj Sewa Samiti, P.O. Kalijhora, Dist. Darjeeling, West Bengal, do hereby request and apprise you that railway track construction is under progress currently from Sevoke Bazar connecting to Rangpo, Sikkim, in the said project, we the above society/samiti and one AARPEE Mineral and Aggregate Company have been allotted all the work of supply and supervision of sand and stone crusher plant.

Hence, we the above society and the above AARPEE Mineral and Aggregate Company shall work jointly and we most humbly request you to kindly grant the necessary permission in the name of AARPEE Mineral and Aggregate Company, so as to install and establish the stone crusher plant in the demarcated area.

For and on behalf of the society we hereby request and apprise you that there are around 5000 villagers in our village, out of which around 4000 villagers are completely unemployed. We do not have any farmers or cultivators in our village as our area is located in between river and forest area, located around 17 KM from Siliguri. So as to sustain their families some of the villagers have even begun to resort towards unfair means and is taking law into their hands by getting involved in several unlawful activities out of compulsion. We also do not have any factories nor any source of livelihood, hence it is extremely difficult to sustain with our family and make our ends meet in these trying times.

Hence, in view of the above backdrops, we hereby request you to grant the necessary permission to establish the stone crusher plant. We have also learnt that a flyover bridge is being constructed in our area so as to connect to Dooars, and in such a scenario, we the villagers of Sevoke would be exposed to further unanticipated problems in the future.

In view of the above, it is most respectfully submitted that the issue of unemployment in our village may be taken in to consideration and necessary permission to establish a stone crusher plant may be accorded for the overall interest and benefit of villagers and for the same, we the villagers have no objection towards establishment of stone crusher plant.

Thanking You
Rabir Chel
President / Secretary
Shardhanjali Youth Sangha
Sevok Bazar

R. Thapa
PRESIDENT
Netaji Youth Club
Sevok Bazar

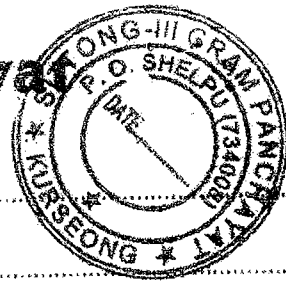
[Signature]
Yours Sincerely
Secretary
Sevok Gram Samaj Sewa Samiti
Sevok Gram Samaj Sewa Samiti

[Signature]
President
Sevok Bazar JPMC
Sevok, North Range

"FORM II"

[See Rule 58(2)]

CERTIFICATE OF REGISTRATION Sittong III Gram Panchayat



Name of Panchayat Samiti: Sittong III Kurseong

Name of District: Darjeeling

Trade Registration No.: 118/KSPD/TU/2024 to 2025 Date: 17/05/24

Trade Registration Certificate Issue No.: 118/TU/2024 to 2025 Date: 17/05/24

Trade Registration Certificate issued for the period of 1st April 2024 to 31st March 2025

to Ratan Gang & Partners
(Name of Proprietor / Partner / Director)

Gram Sansad / Part No.: SI 24/293

Full Address: Devok Badm P.O. Kalijhora P.S. Kurseong

Description of Trade: Stone Aggregates & Fly Ash Bricks Supplier

The Gram Panchayat acknowledges a sum of Rs. 4000/-

(in words Four thousand only) Only from

M/s HARPEE MINERALS & AGGREGATES

vide Receipt No. _____ Dated 17/05/24

The grant of this certificate shall not absolve the applicant from the requirement of procuring all the statutory clearances to be obtained from the appropriate authority before actual commencement of the trade.

If any violation / default is noted later, the certificate shall be liable to be cancelled and the trade / business shall be closed down with immediate effect.

Executive Assistant / Secretary
Sittong III Gram Panchayat
Kurseong - Darjeeling

Reena Tamang
PRADHAN
Sittong III Gram Panchayat
Kurseong - Darjeeling

Annexure IV



Govt. of West Bengal
Office Of The Sub-Divisional Officer : Kurseong
General Section.(Mining)

Memo. No. 83 /Gen(Min.)22

Date: 29-9-2022

To:

✓ AARPEE MINERALS & AGGREGATES
Rp Mansion, Oodlabari
Dist: Jalpaiguri-735222

Subject: Consent to Establish (CTE) of New Stone Crusher at Sevoke Rangpo, P.S- Kurseong, Dist. Darjeeling
regarding

Ref: Your Petition dated 26/08/2022 along with enclosures:

Sir

Your Petition above has been scrutinised by this Office along with following documents:

1. DPR on 26/08/2022.
2. Certificate for change of character of land from N/A to N/A of Plot No.-, Khatian No.-, JL No.- ..02., Mouza: Sevoke Forest, P.S.- Kurseong ; Dist.. Darjeeling.
3. Receipt of Khajana upto : N/A
4. General Power of Attorney (if applicable): xx
5. Partnership Deed (if applicable) between applicant and other proprietors of M/s ITD Cementation India Ltd and Four Others.
6. Enquiry Report of BL&LRO/BDO/any other competent authority : Yes. vide Memo.No. 1060/Estt. , dated ; 21/09/2022
7. Challan of Rs.138802/- paid through PNB against WBPCB A/C. No.- 1096050101684;
8. Assessment Statement showing Project Cost of Rs...9.70.64000/- as ratified by LD NOTARY GOVT.OF INDIA,SILIGURI,DARJEELING ;
9. Other relevant documents, etc., showing the need of your Company and necessary clearance from related authorities, as required.

In response to the application for Consent to Establish (NOC), as referred to above, this is to inform that this Office has no objection as such to clear for the Consent To Establish (NOC) to the proposed Stone Crasher Plant at **Sevoke**. on2.00.... Acre of Land in **Plot No.NIL., JL No.-02....., Khatian No.- ...NIL.....** - as approved for use on conversion, subject to fulfilment of the following conditions:

1. The Structures, Installations, Utility & Facility components must be as per standard environment & health norms and must not create hazards to the lives around including flora & fauna – which has to be ratified by the West Bengal Pollution Control Board after the structures and installations are placed on ground before production;
2. The quality of sewage and trade effluent to be discharged from your factory shall satisfy the permissible limits as prescribed in IS : 2490 (Pt. I) of 1974, and / or its subsequent amendment and Environment (Protection) Rules 1986 – which has to be certified by the WB PCB/ any Third Party Agency recognized by WBPCB within 30 days of initiation of production, failing which this provisional clearance may be withdrawn;
3. Suitable measures to treat your effluent shall be adopted by you during establishment of the unit in order to reduce the pollution load so that the quality of the effluent satisfies the standards mentioned above;
4. You shall have to apply to the Government for its consent to operate and discharge of sewage and trade effluent according to the provisions of the Water (Prevention & Control of Pollution) Act 1974. No sewage or trade effluent shall be discharged by you to nature without prior consent of West Bengal Pollution Control Board;
5. All emission from your Factory shall conform to the standards as laid down by WB PCB;

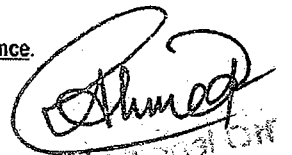
Contd..

6. No emission shall be permitted without prior approval of WB PCB and you shall apply to the Government for its consent to operate and atmospheric emission as per provision of the Air (Prevention of Pollution) Act, 1981;
7. No industrial plant, furnace, flues, chimneys, control equipment, etc. shall be constructed / reconstructed, erected / re-erected without prior approval of WB PCB;
8. You shall have to ensure following additional installation of (i) your own metalled roads inside the premises for preventing dust accumulation into air, (ii) construction of wind breaking walls for preventing dust flow down air, (iii) dust containment cum suppression system for the equipments, (iv) erection of green walls along the periphery, (v) continuous sprinkling at source of dusting and regular cleaning & wetting of the ground within the premises, (vi) space for safe dumping of end waste and means for hazard-free disposal of the same, (vii) have to ensure suspended particulate matter measured between 3 to 10 metres from any process equipment of your Unit which shall not exceed 600 µg/M³ - to be certified by a specialist house / agency within 30 days from start of production;
9. You will have to avail necessary clearance for use of public roads and installation etc. from concerned local authorities having authority;
10. You will have to ensure non-causing of nuisance to private parties in course of your construction, production, transportation, etc;
11. **You shall comply with the following without fail :**
 - (i) Each & every staff and workers of the Factory must have to be provided with adequate safety equipments & measures for protecting them from the dust particles and industrial waste – as per PCB norms;
 - (ii) Acts and Rules, as applicable to employees and workers, on Payment of Wages, Gratuity etc. and HR issues, necessary Insurance coverage from damage to public life – must have to be followed;
 - (iii) Extraction of RBM as raw materials will be guided by the existing Act & Rules of the State for which due permission will have to be secured;
 - (iv) Rules related to payment of Taxes, etc. to the Govt. authorities and Local Bodies will have to be complied with;
 - (i) Environment (Protection) Act & Rules, 1986 will have to be complied with;
 - (ii) Hazardous Wastes (Management & Handling) Rules, 1989 and Amended Rules 2000;
 - (iii) Manufacture, Storage & Import of Hazardous Chemicals Rules, 1989 & Amended Rules, 2000;
 - (iv) The Public Liability Insurance Rules, 1996 & Amended Rules 1993;
 - (v) Biomedical Wastes (Management & Handling) Rules 1998 and Amended Rules 2000, if applicable;
 - (vi) Ozone Depleting Substances (Regulation & Control) Rules 2000, if applicable.
 - (v) You will have to abide by any other stipulations as may be prescribed by any authorised body / Government Departments.

On installation of Plants & Tools, you may please approach for getting CTO clearance along with following:

1. Application in proper Format adduced with necessary supporting documents;
2. Declaration as to abiding by the clauses stated above in an NJ Stamp of Rs.100/= with acceptance of provision that failure to comply will attract penal measures;
3. Clearance Report on observation of special protective measures for safeguarding Environmental issues as referred to at Points 1, 2, 4, & 8;
4. Fees to be paid to SDO Kurseong vide TR 7/PNB Challan to the tune of Rs . 26,000 per year or as revised by the WB PCB and other Govt. Departments from time to time.

Please note that, this CTE does in no way confirm a clearance for production without necessary administrative and PCB clearance.



Signature of
Competent Authority

Date: 29/9/2022

Memo. No. 53 /1(7) / CTE/2022

Copy forwarded for information and necessary action to:

1. District Magistrate Darjeeling.
2. District Land & Land Reforms Officer, Darjeeling
3. Block Development Officer Kurseong.
4. Executive Engineer, Teesta Canal Investigation Division, Assam Mohr, Jalpaiguri;
5. Executive Engineer, WB PCB, Paribahan Nagar, Siliguri, Darjeeling;
6. Sub Divisional Officer (I&W), Kurseong
7. Block Land & Land Reforms Officer, Kurseong.



Signature of
Competent Authority



Government of West Bengal
Office of the Sub-Divisional Officer
Kurseong
Fax No. 0354-2344448(O)/2344444
e-mail :sdokurseong@gmail.com

Memo. No. : 136 JM
En(M&M)/2022

Date :22.12.2022

Consent to Operate

Under Section 25 & 26 of the Water (Prevention and control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and control of Pollution) Act, 1981 and WBPCB Notification No. 1542-4A-6/2015 dt.01.06.2015

Under the provisions of Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended, and Rules and Orders made there under, this Office hereby grants a formal CONSENT TO OPERATE (CTO) to AARPEE MINERALS & AGGREGATES New Stone Crusher Unit at Sevoke on an area of 1.97acre in JL No.:02, Mouza: Sevoke Forest Dist.: Darjeeling. The same Operation of the Unit is initially valid till the completion of the IRCON Project (BG Line tunnel Project form Sevoke to Rangpoo) subject to a maximum of 5 (Five) years.

The same CTO is issued conditionally by restricting the discharge of liquid effluent and gaseous effluent from the premises / land of the industrial unit, in accordance with the Terms & Conditions mentioned in the Annexure to this consent letter. Provided that on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in the Table I & II of this consent letter and in the Environmental (Protection) Act, 1986.

Breach of the conditions and / or failure to comply with the directions as set out in the Annexure shall render the applicant liable for prosecution under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

This Office reserves the right to revoke, withdraw or make any reasonable variation / change / alter the conditions of this consent letter.

Sub Divisional Officer

Kurseong
Sub-Divisional Officer
Kurseong

ANNEXURE

Consent to Aarpee minerals & Aggregates for its unit at Sevoke (Railway Land), LR Plot Nos.: NIL, LR Khatian No. NIL of JI. No.:02, Mouza: Sevoke Forest, Dist.: Darjeeling

Conditions:

This Consent is valid for the manufacture of:-

Sl.	Major products and by-products	Quantity manufactured per month
01	Stone Chips	75000 metric Ton / month

2. The Applicant shall remain responsible for quantity and quality of liquid effluent and air emissions.
3. Daily discharge of industrial liquid effluent shall not exceedNIL.....KL
4. Daily discharge of domestic liquid effluent shall not exceedNIL.....KL
5. Daily discharge of mixed (industrial & domestic) liquid effluent shall not exceedNIL.....KL
6. The Applicant shall discharge liquid effluent toN.A..... (Place of discharge) throughN.A..... nos. outlets/outfalls.
7. To bring into any altered or new outlet/outfall or to change the place of discharge, the Applicant shall have to inform the Board and obtain prior permission of the Board in this effect.
8. The Applicant shall provide comprehensive facility for treatment of industrial liquid waste and domestic liquid waste (sewage, sullage and liquid effluent generated from canteen), and operate and maintain the same continuously so that the quantity of final effluent conforms to the Standard as given in Table-I to this CTO.

Table- I

Outlet No.	Nature of effluent	Parameters	Standard	Frequency of effluent sampling
		pH	Between : 6-9	
		Total suspended Solids	Not to exceed: 50 mg/l	
		Biochemical Oxygen Demand(3day at 27°C)	Not to exceed: 50 mg/l	
		Chemical Oxygen Demand	Not to exceed : 250 mg/l	
		Oil & Grease	Not to exceed : 10 mg/l	

9. The UNIT falls in the Orange Category of the Water (Prevention and Control of Pollution) Cess Act, 1977 and Rules made there under and the Applicant shall comply with the provisions of the said Act and Rules made there under.

10. Daily water consumption for the following purposes should not exceed:-

- Industrial cooling, spraying in mine pits and boiler feed water — /day
(Water used for gardening should be included in this category of use)
- Domestic purpose — NIL
- Processing whereby water gets polluted and the pollutants are easily biodegradable — NIL
- Processing whereby water gets polluted and the pollutants are not easily biodegradable — NIL

The authority operating the Unit shall regularly submit to the board the Returns of Water Consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act

11. The Applicant shall install suitable device for measuring the volume of water consumed for different purposes as mentioned above giving correct result to the satisfaction of the State Board.

12. All the stacks connected to various sources of emissions must be designated by numbers such as S-1, S-2, S-3, etc., and this must be painted / displayed to facilitate identification.

13. The Applicant shall install comprehensive control system consisting of pollution control equipment as it warranted with reference to generation of air emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the standard as given in Table-II below.

Table - II

Stack No.	Stack height from G.I., (in mts.)	Stack attached to (sources and control system, if any)	Volume Nm ³ /hr	Velocity of gas emission m/sec	Concentration of parameters not to exceed				Frequency of emission sampling
					SPM (mg/Nm ³)	CO (% v/v)			
S-1									
S-2									

14. The Applicant shall provide ports in the stack(s) and other necessary permanent facilities such as ladders platform, etc. for monitoring/sampling the air emissions and the same shall be made available for inspection and use by the State Board's staff as well as State Board's authorised agencies.

15. The Applicant shall observe the following fuel consumption pattern :-

Sl. No.	Type of fuel	Quantity consumed per day	Fuel burning operation where the fuel is used
01			
02			
03			
04			
05			

16. The Applicant shall maintain the generation and treatment/disposal of non-hazardous solid waste as specified below :

Type of waste	Quantity	Treatment	Disposal
Waste from process	NIL	NIL	NIL
Waste from liquid effluent treatment	NIL	NIL	NIL
Waste from Air Pollution Control Units	NIL	NIL	NIL
Rejected materials/Scrap	NIL	NIL	NIL

17. The Applicant shall take adequate measures for control of noise levels from its own sources within the premises within the limit given below :

Time	Limit in dB(A)Leq
Day Time (06a.m. to 09p.m.)	70
Night Time (09p.m. to 06a.m.)	70

18. The Applicant shall at all times maintain good house-keeping, proper working order, and operate efficiently for control of pollution from all sources so as not to cause nuisance to surrounding areas/inhabitants and to achieve compliance with the terms and conditions of the consent.

19. The Applicant shall bring about at least 33% of the available open land under the green coverage / plantation.
20. The Applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the Applicant to maintain compliance with the terms and conditions of the consent. In ~~absence of such an alternate electric power source, the Applicant shall stop, reduce or otherwise control~~ production to abide by the terms and conditions of the Consent regarding pollution level.
21. The Applicant shall install a separate energy meter showing the consumption of energy for operation of pollution control devices.
22. The Applicant shall ensure that fugitive emissions from the activity are controlled so as to maintain clean and safe environment in and around the factory premises.
23. The Applicant shall provide drainage system for conveying industrial and domestic liquid waste. Storm-water drain shall be kept separate from the drainage system meant for industrial and domestic liquid waste.
24. The Applicant shall maintain a separate register showing consumption of chemicals used in pollution control system.
25. The Applicant shall get the samples of hazardous wastes/leachates analysed at least once in a month from the laboratory recognised of the West Bengal Pollution Control Board and ensure that they conform to the limits stipulated. Test reports shall be sent to the Board.
26. The Applicant shall provide adequate and safe facility for collection of air, wastewater and solid waste samples by the State Board's staff as well as State Board's authorised agencies.
27. The Applicant shall submit to the State Board by the 30th September of every year the Environmental Statement Report for the financial year ending 31st March of the current year in the prescribed form (Form-V) as required under the provisions of rule 14 of the Environment (Protection) [Second Amendment] Rules, 1992.
28. The Applicant shall allow the Officers of the State Board to enter into the applicant's premises at any reasonable time to inspect the pollution control systems as well as monitoring and measuring devices in connection with prevention & control of pollution.
29. The Applicant shall maintain an Inspection Book in the factory premises which shall be made available to Officers & employees of the State Board for inspection, review and to write down any direction or observation as is deemed necessary during the inspection from time to time.
30. The Applicant shall furnish to the State Board all information in respect of quality, quantity, rate of discharge, place of discharge of liquid effluent and air emissions.
31. The Applicant shall maintain adequate number of qualified and trained personnel among his staff for proper maintenance and operation of the effluent treatment and/or emission control devices and for overall environment management of the industry.
32. The Applicant shall have to make registration for the use of groundwater, if any, with Central Ground Water Authority.

33. The Applicant shall intimate to the State Board immediately of any occurrence or apprehension of occurrence of discharge of any poisonous, noxious or pollutants in excess of quality as well as quantity as mentioned earlier to any receiving water body/receiving system or to atmosphere owing to accident or other unforeseen incident / event including natural disaster. The Applicant shall (i) take all steps adequate to prevent such accidental discharge / release of poisonous, noxious or pollutants and to limit their consequences to persons and the environment. (ii) provide to the persons working on the site with the information, training and equipment including antidotes necessary to ensure their safety and mitigate the accidental release of poisonous, noxious or pollutants to the environment.

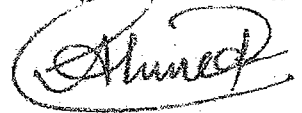
34. The Applicant shall make an application to the State Board in the prescribed form for renewal of the consent at least 60(sixty) days before the date of expiry of this Consent.

35. The Applicant shall not make any alternation/modification/expansion in the existing manufacturing process and equipment as well as the pollution control system without prior approval of the Board.

36. The Applicant shall comply with the conditions as laid down in the Manufacture, Storage and Import of hazardous Chemicals Rules, 1989 and Hazardous Wastes (Management & Handling) Rules, 1989.

Additional Conditions

1. Using of dust protecting Mask is must for all plant employees & workers.
2. Sprinkling at breaking point is must for arresting dust particles.
3. Erection of green protection walls by plantation is must.
4. Necessary Insurance coverage to be ensured for personnel engaged to machines breaking gravels.
5. Permission from authority for extraction of stone & boulders is must.
6. Road in use is to be adequately watered twice in the morning and afternoon.
7. Breakage and Dust particles must not be disposed off in the course of River or by the side of river to arrest inflow of the same to river and channels.



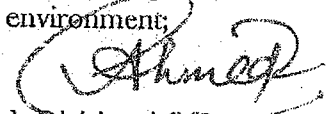
Sub Divisional Officer
Kurseong

Memo. No. 34/1(2) JM / Gen(M&M)/2022

Date : 22.12.2022

Copy forwarded for information and necessary action to:

1. District Magistrate, Darjeeling.
2. District Land & Land Reforms Officer, Darjeeling.
3. Sub Divisional Officer (I&W), Kurseong Sub-Division.
4. Block Development Officer, Kurseong Development Block, Kurseong.
5. Block Land & Land Reforms Officer, Kurseong.
6. Executive Engineer, River & Water Ways Development, Kurseong.
7. Executive Engineer, WB PCB, Paribahan Nagar, Siliguri, Darjeeling with a request to please cause a visit to the Project Site at Sevoke and suggest further action for protection to the environment;
8. Office Copy



Sub Divisional Officer
Kurseong

Annexure VI

Photographs taken during joint committee inspection of M/s Aarpee Minerals & Aggregates on 26.07.2024



Pic. 1: Teesta river flows across one side of the unit premises



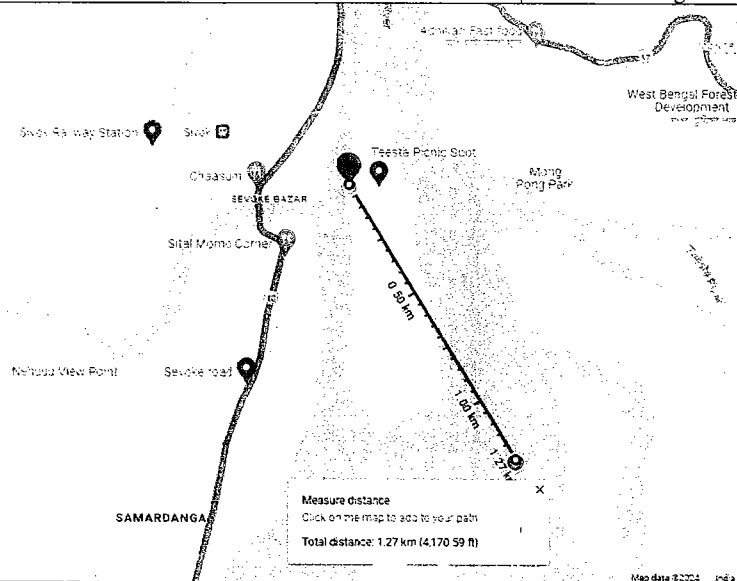
Pic. 2: Nandi jhora passes through other side of the unit premises



Pic. 3: Uncovered machineries of the unit



Pic. 4: Covering of some machineries under progress



Pic. 5: Distance from protected boundary of MWLS to unit site is about 1.27 km

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

ORIGINAL APPLICATION NO. 111/2024/EZ

SUBHAS DATTA

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

**AFFIDAVIT FILED BY THE WEST BENGAL
POLLUTION CONTROL BOARD.**

**DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA**