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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

I.A. NO. 66 OF 2024

IN

ORIGINAL APPLICATION NO. 38 OF 2022

IN THE MATTER OF: -

Dr. Bina Basnett.

...Applicant

Versus

State of Sikkim & Ors.

...Respondent (s)

INDEX

NDoH: 09.09.2024

S. No.	Particulars	Page No.
1.	I.A. No. of 2024 on behalf of Respondent No. 12 to bring on record additional document, alongwith Affidavit.	2-5
2.	<u>ANNEXURE R12/59</u> – True Copy of the letter dated 02.09.2024 of Department of Civil Engineering, Indian Institute of Technology Roorkee.	6
3.	Proof of Service	7

Place: Kolkata

Date: 04.09.2024

DRAWN & FILED BY:



Surya Gupta

Advocates for the Respondent No. 12

29, LGF, Presidential Estate

Nizamuddin East, New Delhi -110013

Email: surya.gupta13@gmail.com; +91- 7988361174



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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I.A. NO. OF 2024

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ORIGINAL APPLICATION NO. 38 OF 2022

IN THE MATTER OF: -

Dr. Bina Basnett. ...Applicant

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State of Sikkim & Ors. ...Respondent (s)

**APPLICATION ON BEHALF OF RESPONDENT NO. 12, SEEKING
PERMISSION TO BRING ON RECORD ADDITIONAL DOCUMENT.**

MOST RESPECTFULLY SHEWETH: -

1. That this Hon'ble Tribunal is currently seized of the above captioned Original Application which was initially filed on 07.03.2022 and which was dismissed by this Hon'ble Tribunal, vide Order dated 10.05.2022, on the grounds that it is premature and without any cause of action. Pertinently, this Tribunal, while dismissing the case, left it open to the Applicant to seek the alternative remedy of challenging the Environmental Clearance dated 25.02.2022 granted for the project viz. Multi-level Car Parking Cum Commercial Development at Old West Point Area, Gangtok (hereinafter "**project**").
2. That however, the Applicant instead of following the correct approach in law, chose to approach the Hon'ble Supreme Court against the Order dated 10.05.2022, and the Hon'ble Supreme Court directed to restore the present Original Application before this Hon'ble Tribunal to be decided afresh without commenting on the merits. Importantly, all pleas and contentions of the parties are left open.



3. That thereafter on 18.10.2023, this Hon'ble Tribunal directed Respondent No. 12, M/s MESASO Infrastructure Private Limited (hereinafter "**Respondent No. 12**") to file its counter affidavit in the matter. In pursuance thereof, the Respondent No. 12 filed its counter affidavit on 16.03.2024 controverting all the allegations raised by the Applicant and submitting the correct factual and legal position.
4. That the Respondent No. 12 is filing the present Application to bring on record a recent letter dated 02.09.2024 issued by Prof. Rajib Chowdhury, Department of Civil Engineering, Indian Institute of Technology Roorkee to the Respondent No. 12 regarding vetting of drawing and design of the said project. The said letter notes that the drawings of the project have been checked according to the relevant IS Codes ISI893-2016, IS 13920-2016, IS-456 and other relevant codes and that the same are found to be in order. Notably, the letter also notes that all the stipulated combinations of gravity loads, and the relevant loads have been incorporated in the analysis and design of the said project and design is found satisfactory for the Seismic Zone-IV. True copy of the said letter dated 02.09.2024 is annexed and marked as "**ANNEXURE R12/59**".
5. That the Respondent No. 12/Applicant humbly prays that the above letter may be allowed to be brought on record, as it is important for the proper adjudication of the present Original Application.
6. That the balance of convenience lies with the Respondent No. 12/ Applicant and the present Application is being filed in the interest of equity and justice.

PRAYER

That in view of the submissions made above, this Hon'ble Tribunal may be pleased to: -

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- i. Allow the present Application to bring on record additional document marked as **ANNEXURE R12/59**.
- ii. Pass any other Order(s) that this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

Place: Kolkata

Date: 04.09.2024

DRAWN & FILED BY:



Surya Gupta

Advocates for the Respondent No. 12

29, LGF, Presidential Estate

Nizamuddin East, New Delhi -110013

Email: surya.gupta13@gmail.com; +91- 7988361174

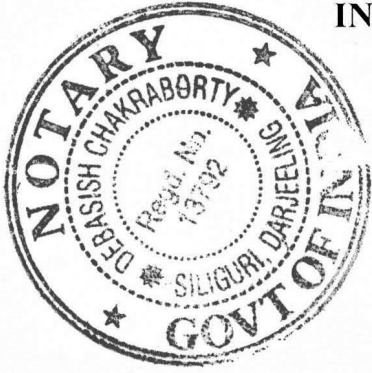
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IN THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

IA. NO. OF 2024

IN

ORIGINAL APPLICATION NO. 38 OF 2022



IN THE MATTER OF: -

Dr. Bina Basnett

...Applicant

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State of Sikkim & Ors.

...Respondent (s)

AFFIDAVIT

I, Akhil Dalmia, S/o Late Binod Dalmia, aged about 32 years, am the authorized signatory for West Point Infrastructure Private Limited, Respondent No. 12, having its registered office at 3rd Floor, Vega Circle Mall, 3rd Mile, Sevoke Road, Siliguri – 734001 do hereby solemnly affirms and declares as under:

1. That I am fully conversant with the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Application are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Application are true and correct to the best of my knowledge.

DEPONENT
West Point Infrastructure Private Limited

Akhil Dalmia
Chief Financial Officer

VERIFICATION:

Verified at Siliguri on this 3rd day of September, 2024 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

AFFIDAVIT

Solemnly Affirmed before me
by *Akhil Dalmia*
of _____
Identified by _____
This the 03rd day of Sep 2024
at _____

Debashish Chakraborty
Notary Public of India
Siliguri, Darjeeling
Regd. No. 13792

03 SEP 2024

West Point Infrastructure Private Limited

Akhil Dalmia
Chief Financial Officer



INDIAN INSTITUTE OF TECHNOLOGY ROORKEE
DEPARTMENT OF CIVIL ENGINEERING
 ROORKEE 247667, UTTARAKHAND, INDIA
 PHONE: +91-1332-285612 (O), 5124 (R), 8954333954 (M)
 Email: crajib2009@gmail.com; rajibfce@iitr.ac.in

Prof. Rajib Chowdhury
 Professor
 Structural Engineering Group

Date: 02.09.2024

Ref. No. CED-6607/23-24

To,
 Vice President Projects
 Mesaso Infrastructure Pvt. Ltd.
 Vega Circle Mall, 3rd Floor,
 3rd Mile Sevoke Road,
 Siliguri

SUB: VETTING OF DRAWING & DESIGN OF BUILDING WITH 4 LEVEL PARKING + 10 LEVEL COMMERCIAL DEVELOPMENT AT OLD WEST POINT SCHOOL, NEAR M.G. MARG, GANGTOK, EAST SIKKIM

Sir,

This is to certify that the drawings for RCC and Steel Structure for above captioned building are found to be in order. The Etabs file and drawings were checked according to the relevant Is Code IS1893-2016, IS 13920-2016, IS-456 and other relevant codes.

All the stipulated combinations of gravity loads and the relevant loads have been considered and are duly incorporated in the analysis and design. The design confirms to relevant IS Codes and has been found satisfactory for Seismic Zone-IV hence vetted and approved. Signed drawings and design reports have been checked for design as well as detailing. The opinion contained with this letter is undersigned professional opinion.

The responsibility of the undersigned shall be limited to checking of structural design calculations and drawings only. All procedural/legal/operational matters and architectural/ functional details will be the responsibility of the owner. It is expected to use specified material grades, proper quality control and construction practice. However, it may be noted that the assurance on quality control is not within the scope of the proof check.

Thank you

Sincerely

(Dr. Rajib Chowdhury)

Rajib Chowdhury
 Professor

Department of Civil Engineering
 Indian Institute of Technology Roorkee
 Roorkee -247667, Uttarakhand

 Scanned with CamScanner

Service by Respondent No. 12 in Original Application No. 38/2022/EZ titled Dr. Bina Basnett vs State of Sikkim & Ors.

1 message

surya gupta <surya.gupta13@gmail.com>

Wed, Sep 4, 2024 at 8:14 PM

To: egal Consultus <legalconsultus@gmail.com>, Amrita Pandey <amritalegal@gmail.com>, Advocate KS Thupden <Thupden2009@gmail.com>, Saumitra Jaiswal <saumitra.jaiswal@gmail.com>, Gitanjali Sanyal <gitanjalisanyal@gmail.com>, Sonali Sengupta <sonalisengupta.93@gmail.com>, "contactadvsa@gmail.com" <contactadvsa@gmail.com>

Respected Sir/ Ma'am,

Please find attached the IA for Change in Name of Respondent No. 12 and IA for Additional Documents on behalf of Respondent No. 12 in the Original Application No. 38/2022/EZ titled Dr. Bina Basnett vs State of Sikkim & Ors.

Service of the same may kindly be acknowledged.

Best Regards

Surya Gupta

Advocate for Respondent No. 12

Contact No: +91 - 7988361174

2 attachments**IA for Additional Document.pdf**

1719K

**IA for Change in the Name.pdf**

5317K