

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

I.A. NO. 67 OF 2024

Original Application No. 38 of 2022

IN THE MATTER OF:

Dr. Bina Basnett

...Applicant

Versus

State of Sikkim and Ors.

...Respondents

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THROUGH

Ankit Kumar

**LEGAL CONSULTUS
(SWETANK SHANTANU & PRATAP SHANKER)**

D-21, 3rd Floor, Jangpura Extension
New Delhi-110014

Mob: 9818058809, 9891200224

Date 06.09.2024
Place- New Delhi



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

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**AN APPLICATION FOR AMENDMENT OF PLEADINGS BEING
FILED ON BEHALF OF THE APPLICANT UNDER RULE 16(7) OF
THE NATIONAL GREEN TRIBUNAL (PRACTICE AND
PROCEDURE) RULES 2011 R/W SECTION 19 (1) OF THE NATIONAL
GREEN TRIBUNAL ACT, 2010.**

MOST RESPECTFULLY SHOWETH:

1. That the abovementioned Original Application has been filed by the Applicant herein and is pending adjudication before this Hon'ble Tribunal.
2. That the contents of the Original Application may be read as part and parcel of the present Application being moved under Rule 16 (7) of the National Green Tribunal (Practice and Procedure) Rules 2011 R/W Section 19 (1) of the National Green Tribunal Act, 2010, therefore the same is not being reproduced to avoid repetition.

~~X~~

3. That it is most respectfully submitted that the present application is necessitated, in the facts and circumstances, that the alleged construction of a 14 storey building is stated to be complete during the pendency of the present Original Application. That the same has also been indicated in the pleading at the hands of the contesting Respondents.
4. That it is to bring in the kind attention of this Hon'ble Tribunal that, at the time of filing of the Original Application, the project in question was at the very inception and the prayers were made accordingly in the OA.
5. That, therefore, in light of the above stated facts and change in circumstances, an amendment in the prayer is necessitated for just and proper adjudication of the present proceedings. Hence, the Applicant is praying for the amendment in the Prayer of the Original Application.
6. That it is submitted that the applicant by way of the present application is seeking to amend Prayer Clause of the Original Application accordingly and wants to add prayer "e" as ***"Direct the Respondent No. 2 and 12 to completely demolish the illegal 14 storey building constructed by them namely Multi-level Car Parking cum Commercial Development at Old West Point School Area and restore the ecology of the Area to its Original Position"***.

7. That in the humble submission of the applicant the amendments sought to be made is confined and limited to the Prayer Clause due to change in circumstance during the pendency of the present OA and no other material facts and pleadings have been changed and therefore no prejudice would be caused to the contesting Respondents.
8. That the present application, if not allowed, shall cause grave and irreparable damage to the public and the environment at large.
9. That the present application is being moved bonafide in the interest of Justice, Equity and Good Conscience.

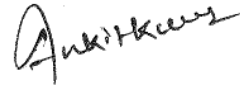
PRAYER

In view of the aforesaid facts and circumstances, the petitioner most respectfully submits that this Hon'ble Court may be pleased to:

- A. Allow the present Application under Rule 16 (7) of the National Green Tribunal (Practice and Procedure) Rules 2011 read with Section 19 (1) of the National Green Tribunal Act, 2010; and/or
- B. Allow the Applicant herein to add prayer "e" to the OA as **"Direct the Respondent No. 2 and 12 to completely demolish the illegal 14 storey building constructed by them namely Multi-level Car Parking cum Commercial Development at Old West Point School Area and restore the ecology of the Area to its Original Position"** as per law in the Original Application; and/or
- C. Permit the applicant to place on record the amended OA with amended prayer as prayed herein accordingly.

✱

- d) Pass such other and further Order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.

**APPLICANT****THROUGH****LEGAL CONSULTUS
(SWETANK SHANTANU & PRATAP SHANKER)**D-21, 3rd Floor, Jangpura Extension

New Delhi-110014

Mob: 9818058809, 9891200224

Date: 06.09.2024
Place: New Delhi

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IA NO. _____ OF 2024

IN

Original Application No. 38/2022

IN THE MATTER OF:

Dr. Bina Basnett

.....Applicant

Versus

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.....Respondents

AFFIDAVIT

I, Dr. Bina Basnett alias Shanthi Basnett D/o Mr. P.B. Basnett ,
aged about 39 years R/O Om Shanti Niwas, Lower Marchak,
NH-10, near Petrol pump, Ranipool, East Sikkim-737135,
presently at Siliguri, do hereby solemnly affirm and declare as
under:

That I am the Applicant in this case and as such am
fully acquainted with the facts and circumstances of
the case and as such am fully competent to swear this
affidavit.

2. That I say that I have read and understood the contents
of the accompanying Application which has been
drafted by my Counsel under my instructions. I say
the facts stated therein are true to the best of my
knowledge.

F. Chakraborty
Advocate, Siliguri

Debasish Chakraborty
Notary Govt. of India
Siliguri, Darjeeling
Regd. No. 13792

6 SEP 2024



3. I say that the averments of facts stated herein above are true to my knowledge, no part of its false and nothing material has been concealed therein.



[Handwritten signature]

DEPONENT

VERIFICATION:

I, Dr. Bina Basnett alias Shanthi Basnett, the deponent mentioned above do hereby most solemnly affirm and verify that what is stated in the above Affidavit is true to my knowledge and I believe the same to be true.

Verified at Siliguri on this 06th day of Sep, 2024.

[Handwritten signature]

DEPONENT

AFFIDAVIT

Solemnly Affirmed before me
by Dr. Bina Basnett
of Paripal, Siliguri.
Identified by R. Chakraborty
This the 06th day of sep 2024
at 2:00 PM

IDENTIFIED BY ME
[Signature]
Advocate, Siliguri
R. Chakraborty
Advocate, Siliguri

[Signature]
Debasis Chakraborty
Notary Govt. of India
Siliguri, Darjeeling
Regd. No. 13792
6 SEP 2024



Legal Consultus <legalconsultus@gmail.com>

OA 38/2022- Dr. Bina Basnett v State of Sikkim and Ors.

1 message

Legal Consultus <legalconsultus@gmail.com>

Mon, Sep 9, 2024 at 7:30 AM

To: eldflegal@gmail.com, Amrita Pandey <amritalegal@gmail.com>, Advocate KS Thupden <thupden2009@gmail.com>, Saumitra Jaiswal <saumitra.jaiswal@gmail.com>, Gitanjali Sanyal <gitanjalisanyal@gmail.com>, advocateshubhamupadhyay@gmail.com, contactadvsa@gmail.com, surya@eldfindia.com, Sonali Sengupta <sonalisengupta.93@gmail.com>, Mansi Bachani <mansi.bachani08@gmail.com>

Dear Sir,

Please find attached herewith the scanned copy of the Applications being filed on behalf of the Applicant in the captioned matter.

Kindly treat the same as advance service.

Thanking You

Kind Regards
Ankit Kumar
Advocate

Legal Consultus

Advocates & Consultants

D-21, 3rd Floor, Jangpura Extension,
New Delhi-110014.

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2 attachments**Application for amendment (1).pdf**

1804K

**Application for Directions Dr. Bina (1).pdf**

1905K