

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

I.A. NO. \_\_\_\_\_ 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, 3<sup>rd</sup> Floor, Jangpura Extension  
New Delhi-110014

Mob: 9818058809, 9891200224

Date:- 06.09.2024

Place- New Delhi

1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
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**AN APPLICATION SEEKING DIRECTIONS BEING FILED ON  
BEHALF OF THE APPLICANT UNDER RULE 13(4) OF THE  
NATIONAL GREEN TRIBUNAL (PRACTICE AND PROCEDURE)  
RULES 2011.**

**MOST RESPECTFULLY SHOWETH:**

1. That the Original Application is pending before this Hon'ble Tribunal. The contents of the Original Application may be read as part and parcel of the present Application, therefore the same is not being reproduced to avoid repetition.
  
2. That this is to bring into the kind knowledge of the Hon'ble Tribunal that the Respondent No. 11 herein has not at all complied with the Order dated 01.02.2024 passed by this Hon'ble Tribunal. The relevant portion of the Order is reproduced hereinbelow:

*“4. Mr. Amrita Pandey, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.11, prays for and is granted further four weeks time for filing counter-affidavit. Learned Counsel shall also file the Geotechnical Studies which may have been done with regard to the Himalayan mountain range with specific reference to the State of Sikkim.”*

3. That it is also pertinent to submit herein that Annexure R/3 and Annexure R/4, i.e., the Minutes of the meetings filed by the Respondent No. 11 alongwith its Counter Affidavit are also prima-facie incomplete documents.
4. That it is worthwhile to submit herein that the filing of the Geotechnical Studies of Himalayan mountain range of State of Sikkim is necessitated for just and proper adjudication of the present Original Application as the same goes to the root of the matter and explains the ecology of the area in which the alleged 14 storey building has been constructed by the Respondent No. 2 and 12.
5. That, therefore, in light of the abovementioned facts and circumstances the present Application is being filed by the Applicant seeking direction from this Hon'ble Tribunal against the Respondent No. 11 with regard

to filing of the “Geotechnical Studies of Himalayan mountain range of State of Sikkim” in compliance of the Order dated 01.02.2024 passed by this Hon’ble Tribunal and also for placing on record the complete set of Minutes of meeting, i.e., Annexure-R/3 and Annexure -R/4 of the Counter Affidavit filed by the Respondent No. 11.

6. That the present Application is being filed bonafide in the interest of justice.

#### PRAYER

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

- A. Allow the present Application and direct the Respondent No. 11 to file the Geotechnical Studies of Himalayan mountain range of State of Sikkim in compliance of Order dated 01.02.2024 passed by this Hon’ble Tribunal; and/or
- B. Direct the Respondent No. 11 to place to on record the complete set of Minutes of meeting, i.e., Annexure-R/3 and Annexure -R/4 of the Counter Affidavit filed by the Respondent No. 11; and/or

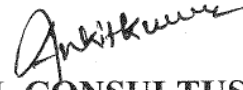
4

c) 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, 3<sup>rd</sup> Floor, Jangpura Extension  
New Delhi-110014

Mob: 9818058809, 9891200224

Date: 06.09.2024  
Place: New Delhi

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EASTERN ZONE BENCH KOLKATA  
IA NO. \_\_\_\_\_ OF 2024

IN

Original Application No. 38/2022

IN THE MATTER OF:

Dr. Bina Basnett .....Applicant

Versus

State of Sikkim & Ors. ....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:

1. 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 Rejoinder which has been drafted  
by my Counsel under my instructions. I say the facts  
stated therein are true to the best of my knowledge.

*R. 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.



*B. Basnett*  
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 06<sup>th</sup> day of Sep, 2024.

*B. Basnett*  
DEPONENT

**AFFIDAVIT**

Solemnly Affirmed before me  
by Dr. Bina Basnett  
of Ranipool, Siliguri  
Identified by R. Chakraborty  
This the 06<sup>th</sup> day of Sep 2024  
at                      AM/PM

IDENTIFIED BY ME  
*R. Chakraborty*  
Advocate, Siliguri  
R. Chakraborty  
Advocate, Siliguri

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

6 SEP 2024



Legal Consultus &lt;legalconsultus@gmail.com&gt;

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**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 &amp; Consultants

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

Tel: 011- 45538555 &amp; 41655111


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**2 attachments**

 **Application for amendment (1).pdf**  
1804K

 **Application for Directions Dr. Bina (1).pdf**  
1905K