

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(EASTERN ZONE BENCH), KOLKATA
ORIGINAL APPLICATION NO. 94 OF 2023/EZ**

IN THE MATTER OF:

ALL INDIA CORRUPTION ORGANIZATION (REGD.)

..... APPLICANT

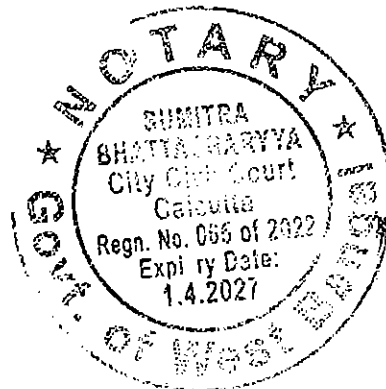
-VS-

THE STATE OF WEST BENGAL & ORS.

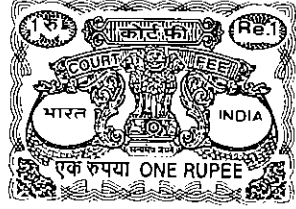
.... RESPONDENTS

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S.L. No. 67/23

Filed by
Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(EASTERN ZONE BENCH), KOLKATA
ORIGINAL APPLICATION NO. 94 OF 2023/EZ**

IN THE MATTER OF:

ALL INDIA ANTI CORRUPTION ORGANIZATION (REGD.)

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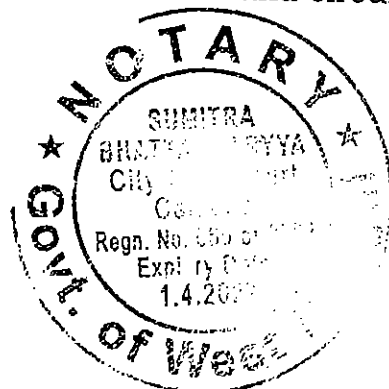
THE STATE OF WEST BENGAL & ORS.

.... RESPONDENTS

**Affidavit in Reply on behalf of the respondent No. 4 to the
Original Application**

I, Abhijit Ghosh, son of Late Dilip Kanti Ghosh, aged about 51 years, by faith: Hindu, by occupation: Service, Designation- Director Marine Department Syama Prasad Mookerjee Port, Kolkata working for gain at 15, Strand Road, Kolkata - 700001 do hereby solemnly affirm and say as follows:

1. That I am the Director Marine Department SMPK and the authorized signatory of the Board of Trustees for Chairman, Syama Prasad Mookerjee Port, Kolkata (hereinafter referred as "SMP"), respondent no. 4 Herein and in such capacity, I am also well acquainted with the facts and circumstances of the instant case. I am



25 SEP 2023

Abhijit Ghosh
कप्तान अभिजित घोष
Capt. ABHIJIT GHOSH
निदेशक / DIRECTOR
समुद्री विभाग / MARINE DEPARTMENT
श्यामा प्रसाद मुखर्जी पोर्ट, कोलकता
SYAMA PRASAD MOOKERJEE PORT, KOLKATA

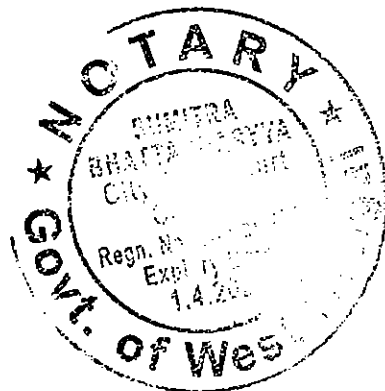
duly authorized to make and affirm this affidavit for and/or on behalf of the respondent No. 4.

2. A copy of the Original Application (hereinafter referred to as the "said application") purported to have been verified and affirmed by one Sri Subrata Mallick, son of D. C. Mallick, for and on behalf of the applicant, has been served upon 31.08.2023 I have perused the said application and have understood the purported contents and/or tenor thereof.

3. Before dealing with the various allegations and/or statements and/or averments and/or observations contained in the said application. I respectfully say and submit that:

a. In terms of the Gazette Notification dated 18.02.2021 issued by the Ministry of Law and Justice, Government of India, Syama Prasad Mookerjee Port Authority is the authorized agency to plan and execute removal of silt/sand and nourishment work under their jurisdiction.

b. The Secretary, Department of Industry, Commerce and Enterprises, Government of West Bengal had passed an order on 22.02.2022, under Memo No. 100-ICE-12011(99)/8/2022-MINES-SEC-Deptt. of ICE, thereby deciding that West Bengal Mineral Development and Trading Corporation Limited will act as State Nodal Agency for carrying out dredging/desilting operations in the rivers/water bodies to extract sand/silt/earth/soil for providing filling



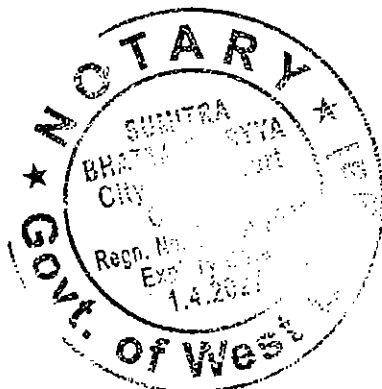
Abhijit Ghosh
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Capt. ABHIJIT GHOSH
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समुद्री विभाग / MARINE DEPARTMENT
श्यामा प्रसाद मुखर्जी पोर्ट, कोलकता
SYAMA PRASAD MOOKERJEE PORT, KOLKATA

materials for all linear projects guided by Standard Operating Procedure.

c. The Secretary, Department of Industry, Commerce and Enterprises, Government of West Bengal further issued an order on 28.04.2022, under Memo No. 230-ICE-12013(99)/4/2022-MINES SEC-Dept. of ICE, thereby deciding that the aforesaid Order dated 22.02.2022 will not be applicable for the area under jurisdiction of Syama Prasad Mookerjee Port, Kolkata. Photocopy of the aforesaid Order dated 28.04.2022 is annexed hereto and marked as "Annexure R-1".

d. The Respondent no. 10 herein, by a letter dated 19.10.2022 under memo No. DRA/Other/KE/2022-23/2437, had applied before the Syama Prasad Mookerjee Port, Kolkata for permission to excavate 15,000 cu. m. of silt from river Hugli at Kalyani (2 areas) for a period of 4 (Four) months for upgradation of Kalyani Expressway, which is a linear project. Photocopy of the aforesaid letter dated 19.10.2022 is annexed in the instant Original Application as Annexure – B, Page 91.

e. The Director, Marine Department, Syama Prasad Mookerjee Port, Kolkata, after consideration by the Marine and Hydraulic Study Departments of SMP, allowed the respondent no. 10 herein to excavate 15000 cu. m. of slit from both the areas of excavation, which are bound and demarcated by the geographical points in the large-scale surveys, for a period of 4 (Four) months on 23.08.2023 under memo No. MRN/SE-4/Dinesh. Ch./92/23. Photocopy of the said



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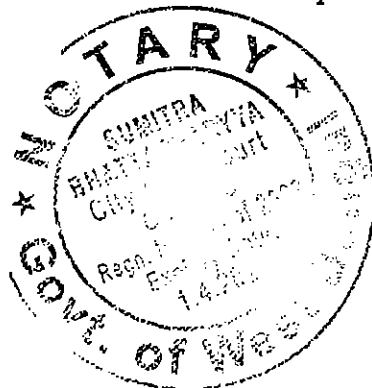
letter dated 23.08.2023 is annexed hereto and marked as "Annexure R-2".

f. The Ministry of Environment, Forest and Climate Change had issued a Notification on 28.03.2020, under Memo No. S. O. 1224(E), thereby exempting the requirement of Prior Environment Clearance under "APPENDIX - IX" of certain cases like extraction or sourcing or borrowing of ordinary earth for linear projects such as roads, pipelines etc. Photocopy of the aforesaid Notification dated 28.03.2020 is annexed hereto and marked as "Annexure R-3".

4. Now I proceed to deal with the various averments and/or statements and/or observations made in various paragraphs of the said application. The statements and/or averments and/or observations which are not specifically dealt with hereinafter are deemed to be set out hereinafter and traversed ad-seriatim.

5. With reference to the paragraph nos. 5.1 to 5.17 of the said application, I offer no comment as the same are all matters of record and am denying anything which is inconsistent and/or contrary to the facts borne out the records.

6. With reference to the paragraph nos. 5.18 and 5.19 of the said application, I offer no comment as the same are all matters of record and am denying anything which is inconsistent and/or contrary to the facts borne out of the records. I specifically deny that Respondent No. 10 herein has requested to Respondent No. 4 for

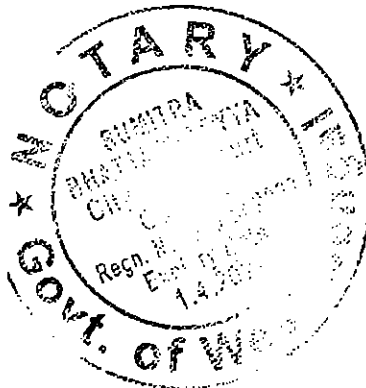


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SYAMA PRASAD MOOKERJEE PORT, KOLKATA

permission to excavate silt from river Hugli by attaching copy of N.O.C. which has granted by Respondent No. 9 herein in favour of Respondent No. 10 herein or that one stock permit which is not for sale issued by the Additional District Magistrate and District Land and Land Reforms Officer, Nadia vide Permission letter no. 1194/T/23-24/06042802494/PT dated 06.04.2023. I state that after granting NOC for excavation of silt at Kalyani (2 areas) in the survey localities of Sahagunj to Bansberia and Bansbetria to Tribeni by the SMP on 23.08.2023, the Additional District Magistrate and District Land and Land Reforms Officer had issued Stock Permit [Not for Sale] thereby allowing dredging/desilting for 3,00,000 cft. and/or 8495 cu. m. Material Stock in the name of the Respondent no. 10 herein on 01.09.2023 under Memo No. 2825/T/23-24/101923062122/PT by payment of Rs. 3,29, 756/- (Rupees Three Lakhs Twenty Nine Thousand Seven Hundred Fifty Six only) and the said Stock Permit will be valid on and from 01.09.2023 to 04.10.2023. It is also submitted that the Respondent No. 9 herein, i.e. Inland Waterways Authority of India has no authority for issuing NOC for excavating silt from the river. Photocopy of the aforesaid NOC granted by IWAI is annexed hereto and marked as "Annexure R-4."

7. With reference to the paragraph nos. 5.20 to 13 of the said application, I offer no comment as the same are all matters of record and deny anything which is inconsistent and/or contrary to the facts borne out from the records.



Abhijit Ghosh
कप्तान अभिजित घोष
Capt. ABHIJIT GHOSH
निदेशक / DIRECTOR
समुद्री विभाग / MARINE DEPARTMENT
श्यामा प्रसाद मुखर्जी पोर्ट, कोलकता
SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Filed by
[Signature]
Advocate

8. Save and except matters of record and save what has been stated by me hereinbefore I do not admit any statement, averment, contention, submission as made/raised in the said application as if the same are expressly denied by me in seriatim and specifically traversed.

9. That the statements contained in paragraphs of the foregoing affidavit are true to my knowledge and those contained in paragraphs. Thereof is information derived from the records of the case and the rest are my humble submissions before the Hon'ble Tribunal.

Identified by me -

Trishita Bera
Advocate

Abhijit Ghosh

DEPONENT

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

Sumitra Bhattacharyya
Notary

Sumitra Bhattacharyya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta



25 SEP 2023



Government of West Bengal
Department of Industry, Commerce & Enterprises
4, Abanindranath Tagore Sarani, (Camac Street), Kolkata - 700016.

-7-

R-1

No. 230 - ICE-12013(99)/4/2022-MINES SEC-Dept. of ICE

Date: 28.04.2022

ORDER

WHEREAS as per Order No. 100-ICE-12011(99)/8/2022-MINES-SEC-DEPT. of ICE dt. 22.02.2022 issued by Industry, Commerce and Enterprise Department WBMDTCL is the designated agency for carrying out dredging/desilting operations for the purpose of extraction of silt/sand etc,

AND WHEREAS as per Gazette Notification of Ministry of Law and Justice, Govt. of India dt. 18.02.2021 the Shyma Porosad Mukherjee Port Authority is the authorized agency to plan and execute removal of silt/sand and nourishment work under their jurisdiction.,

NOW it is hereby clarified that the Shyma Prosad Mukherjee Port Authority can execute removal of silt/sand and nourishment work as per power given to them through Gazette Notification dated 18th February, 2021 stated above,

And, the Order of this Deptt. bearing No. 100-ICE-12011(99)/8/2022-MINES-SEC-DEPT. of ICE dt. 22.02.2022 will not be applicable for the area under jurisdiction of Shyma Prosad Mukherjee Port, Kolkata..

By order of the Governor


Sd/-
Secretary
to the Govt. of West Bengal.

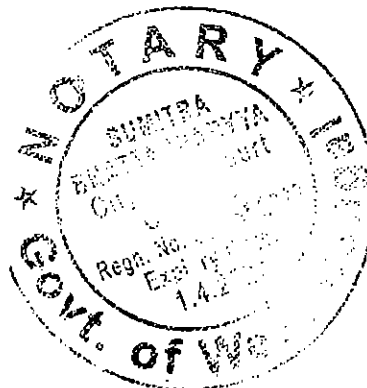
No. 230 /1(25)- ICE-12013(99)/4/2022-MINES SEC-Dept. of ICE
Copy forwarded for information and taking necessary action to :

Date: 28.04.2022

1-24. To all DM

- ✓25. The Dy. Charman , Shyma Prosad Mukherjee Port, 15 Stand Road, Kol-70001 with request to keep the concerned District Magistrate and police authorities informed on location details of such work.


Assistant Secretary
to the Govt. of West Bengal



श्यामा प्रसाद मुखर्जी पोर्ट, कोलकाता
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
समुद्री विभाग / MARINE DEPARTMENT

Phone : 033-71012343 E-mail : dyhydro@kolkataporttrust.gov.in
Website : www.smpportkolkata.shipping.gov.in



No. MRN/SE-4/Dinesh. Ch./92/23

DMD Drawing Office,

Dated : 23. 08. 23

M/s. Dineshchandra R. Agrawal Infracon Pvt. Ltd.
Eco Suite Business Tower, Office 205 & 206,
New Town,
Kolkata - 700 157

Email : draipl.rob@gmail.com

Dear sir,

Sub: NOC for excavation of silt at Kalyani (2 areas) in the survey localities of Sahagunj to Bansberia and Bansberia to Tribeni

You had applied for permission to excavate 15,000 cu.m. of silt from River Hugli at Kalyani (2 areas) over a period of 4 (four) months. The excavated silt would be used for upgradation of Kalyani Expressway, which is a linear project.

The areas of excavation are bound by the four points (A, B, C & D) as demarcated in the large scale surveys of both the areas (both charts attached), the geographical positions of which in WGS 1984 datum are:

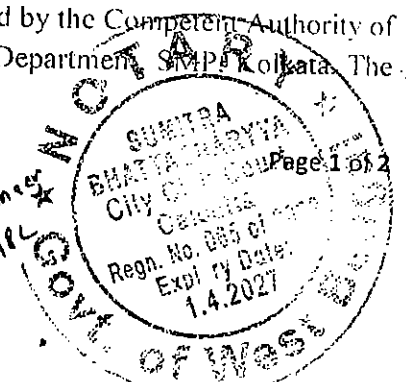
Points	Sahagunj to Bansberia (Area - 1)	Bansberia to Tribeni (Area - 2)
A	22° 57' 47.3" N; 088° 24' 33.6" E	22° 59' 25.8" N; 088° 24' 27.7" E
B	22° 57' 47.8" N; 088° 24' 36.2" E	22° 59' 24.8" N; 088° 24' 30.6" E
C	22° 57' 31.4" N; 088° 24' 40.3" E	22° 58' 58.7" N; 088° 24' 21.4" E
D	22° 57' 31.4" N; 088° 24' 39.5" E	22° 58' 59.1" N; 088° 24' 17.7" E

After consideration by the Marine and Hydraulic Study Departments of SMP, Kolkata, you are hereby allowed to excavate 15,000 cu.m. of silt from the aforesaid location over a period of 4 (four) months, subject to the following conditions:

- You shall apply separately to M/s. WBMTDCL and obtain all necessary permissions to excavate silt as may be required under law.
- You are to comply with all government rules, regulations and terms & conditions as may be applicable.
- You will have to submit the initial Stock Permit issued by the Competent Authority of Govt. of West Bengal so empowered to the Marine Department, SMP, Kolkata. The

Handwritten signature

*Received
By M/s. DRAPL*



term of the excavation permission will commence from the issual of the initial Stock Permit.

- d) **The excavated silt will have to be solely used for the purpose as indicated in your application, i.e. as filling material for linear projects.**
- e) No barrier shall be made across the river for any purpose that may hinder safe passage of any craft.
- f) Mechanical craft used for the purpose of excavation shall have all valid licenses as are required by law. A maximum of 2 such craft may be used for the purpose per area of excavation.
- g) Transportation / storage of silt in the stacking yard as declared by you should be undertaken as per the norms of the local municipal authorities and shall not create any public nuisance.
- h) Stacking of silt should not be done on the foreshore area of SMP, Kolkata.
- i) SMP, Kolkata will not be held responsible for any dispute over the private land to be used for stacking of silt, as proposed in your application or with respect to transportation of silt ashore.
- j) The excavation area should not be deepened at a time by more than 2m below the existing bed level.
- k) No excavation shall be undertaken beyond the stipulated boundary.
- l) The quantity of silt excavated shall not exceed the declared quantity under any circumstances.
- m) You will not be allowed to excavate silt within a distance of 50m from the high bank.
- n) You will stick to the conditions as indicated in your letters.

You are also requested to submit an undertaking in the given format.

Thanking you,

Yours faithfully,

Ahah 23/8/23

(Capt. A. Ghosh)

Director, Marine Department

Copy to: the Chief Hydraulic Engineer (I/C) for information please.

Copy to: the Commander, HRS Party for information please. He is requested to monitor the work at regular intervals as deemed fit.

Copy to: M/s. West Bengal Mineral Development & Trading Corporation Ltd., 3rd Floor, DJ-10, WBIIDC Building, DJ Block, Sector II, Salt Lake City, Kolkata - 700091, for information please.

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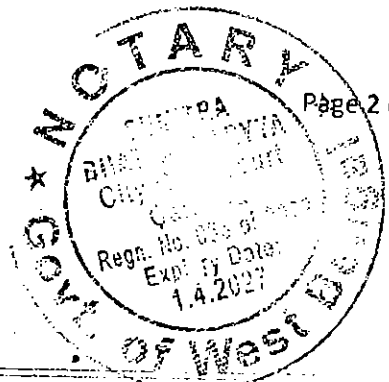
RECEIVED CONTENTS NOT VERIFIED

Signature: *[Signature]*

Date: *23/8/23*

Hydraulic Study Department
Syama Prasad Mookerjee Port, Kolkata

Recd
Vij
By M. M. M. M.
DRAIVE





भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-28032020-218948
CG-DL-E-28032020-218948

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1088]
No. 1088]

नई दिल्ली, शनिवार, मार्च 28, 2020/चैत्र 8, 1942
NEW DELHI, SATURDAY, MARCH 28, 2020/CHAITRA 8, 1942

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

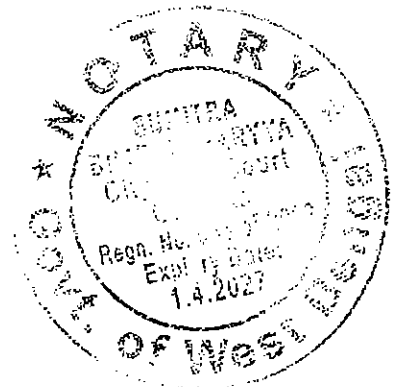
अधिसूचना

नई दिल्ली, 28 मार्च, 2020

का.आ. 1224(अ).—खनिज विधि (संशोधन) अधिनियम 2020 (2020 का 2), खान और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) (जिसे इसमें इसके पश्चात् एमएमडीआर अधिनियम कहा गया है) द्वारा 10 जनवरी, 2020 से प्रभावी संशोधन किया गया है और अन्य बातों के साथ कानूनी निर्वाधन के अंतरण के लिए उपबंधों से संबंधित नई धारा 8ख का अंतःस्थापन किया गया है;

और, एमएमडीआर अधिनियम की धारा 8ख की उप-धारा (2) यह उपबंध करता है कि इस अधिनियम में या तत्समय प्रवृत्त किसी अन्य विधि में अंतर्विष्ट किसी बात के होते हुए भी, धारा 8क की उप-धारा (5) और उप-धारा (6) के उपबंधों के अधीन अवसान होने वाले खनन पट्टे का सफल बोली लगाने वाला और उस अधिनियम के अधीन या तद्दीन बनाए गए नियमों के अधीन उपबंधित प्रक्रिया के अनुसार नीलामी के माध्यम से अर्जित सभी विधिमान्य अधिकार, अनुमोदन, निकासी, अनुज्ञप्ति और इसी प्रकार दो वर्ष की अवधि के लिए पूर्ववर्ती पट्टेदार पर निहित होना समझा जाएगा;

और, एमएमडीआर अधिनियम की धारा 8ख की उप-धारा (3) यह उपबंध करता है कि तत्समय प्रवृत्त अन्य विधि में अंतर्विष्ट किसी बात के होते हुए भी, यह उस भूमि पर जिसमें नया पट्टा के प्रारंभ से दो वर्ष की अवधि के लिए पूर्ववर्ती पट्टेदार द्वारा खनन संक्रियाएं कार्यान्वित किए जा रहे थे, निरंतर खनन संक्रियाओं को नए पट्टेदार के लिए विधिपूर्ण किया जाएगा;



और, एमएम्डीआर अधिनियम को पूर्वोक्त संशोधन के प्रयोजन के लिए केंद्रीय सरकार, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का. आ. 1533 (अ), तारीख 14 सितंबर, 2006 (जिसे इसमें इसके पश्चात् ईआईए अधिसूचना, 2006 कहा गया है) के सुसंगत उपबंधों को सम्मिलित करने के लिए आवश्यक समझती है।

और, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में सड़कों के लिए साधारण पृथ्वी का उपयोग करने के लिए पूर्व पर्यावरणीय अनापत्ति की अपेक्षा के अधित्याग के लिए अभ्यावेदनों की प्राप्ति पर; और पारंपरिक समुदाय द्वारा अंतर ज्वारीय क्षेत्र के भीतर चूने के गोले (मृत भू-पटल), पवित्र स्थानों, आदि के मैनुअल निकासी;

अतः, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोकहित में, उक्त नियमों के नियम 5 के उप-नियम (3) के खंड (क) के अधीन सूचना की अपेक्षा से अभिमुक्ति के पश्चात् और अधिसूचना सं. का. आ. 4307 (अ), तारीख 29 नवंबर, 2019 को अधिकांत करते हुए, ईआईए अधिसूचना, 2006 में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में, -

(i) पैरा 11 में, उप-पैरा (2) के पश्चात् निम्नलिखित उप-पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

“(3) खान और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) की धारा 8क की उप-धारा (5) और उप-धारा (6) के उपबंधों के अधीन अवसान होने वाले खनन पट्टे का सफल बोली लगाने वाला और उस अधिनियम के अधीन और तद्वीन बनाए गए नियमों के अधीन उपबंधित प्रक्रिया के अनुसार नीलामी के माध्यम से चयनित नया पट्टा के प्रारंभ की तारीख से दो वर्ष की अवधि के लिए पूर्ववर्ती पट्टेदार पर निहित पूर्व पर्यावरणीय अनापत्ति विधिमान्य अर्जित किया गया समझा जाएगा और यह नया पट्टा प्रारंभ की तारीख से दो वर्ष की अवधि के लिए या उसमें उल्लिखित निबंधनों शर्तों के अनुसार नया पर्यावरणीय अनापत्ति, नया निकासी अभिप्राप्त होने तक, इसमें से जो भी पूर्वतर हो, उक्त पट्टा क्षेत्र पर पूर्ववर्ती पट्टेदार का स्वीकृत पर्यावरणीय अनापत्ति के निबंधनों और शर्तों के अनुसार निरंतर खनन संक्रिया नया पट्टेदार के लिए विधिपूर्ण होंगी;

परन्तु, सफल बोली लगाने वाला नया पट्टा मंजूर करने की तारीख से दो वर्ष की अवधि के भीतर विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति के लिए आवेदन करेगा और अभिप्राप्त करेगा।”;

(ii) अनुसूची के मद 1 (क) के सामने, स्तंभ (5) के खंड (2) के टिप्पण के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :-

“(3) उक्त पट्टा के अवसान के पश्चात् पूर्ववर्ती पट्टेदार द्वारा खनन और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) के उपबंधों के अधीन खनन पट्टे के अवसान होने तक भीतर पडी पहले से ही खनिज बाह्य सामग्री का निष्क्रमण या निष्कासन और परिवहन उस अधिनियम के अधीन और तद्वीन बनाए गए नियमों के अधीन उपबंधित प्रक्रिया के अनुसार नीलामी के माध्यम से चयनित सफल बोली लगाने की इस प्रकार अनुज्ञात खनन हैसियत के भाग के रूप में नहीं होगा।”

(iii) परिशिष्ट - IX के लिए, निम्नलिखित परिशिष्ट प्रतिस्थापित किया जाएगा, अर्थात् :-

“परिशिष्ट - 9

कतिपय मामलों के पर्यावरणीय अनापत्ति की अपेक्षा से छूट

निम्नलिखित मामलों को पूर्व पर्यावरणीय अनापत्ति की अपेक्षा नहीं होगी, अर्थात् :-

1. मैनुअल खनन द्वारा साधारण मिट्टी या बालू की कुम्हारों द्वारा मिट्टी के घड़े, लैम्प, खिलौने, आदि बनाने के लिए उनकी प्रथाओं के अनुसार निकासी।
2. मैनुअल खनन द्वारा मिट्टी की टाइलें बनाने द्वारा जो मिट्टी की टाइलें बनाते हैं, के लिए साधारण मिट्टी या बालू की निकासी।
3. किसानों द्वारा बाढ़ के पश्चात् कृषि भूमि से बालू के जमाव को हटाना।



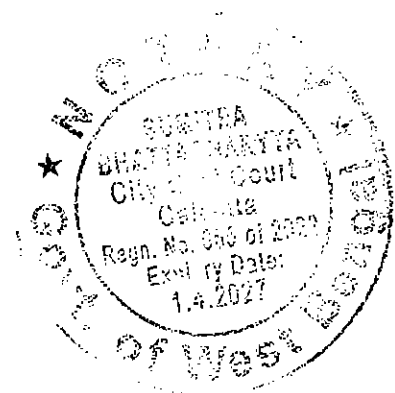
4. ग्राम पंचायत में अवस्थित स्रोतों से बालू और साधारण मिट्टी को वैयक्तिक उपयोग या ग्राम में समुदाय कार्य के लिए प्रथा के अनुसार खनना।
5. सामुदायिक कार्य जैसे ग्रामीण तालाबों या टैंकों से गाद हटाना, महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार और गारंटी स्कीमों, अन्य सरकारी स्कीमों, प्रायोजित तथा सामुदायिक प्रयासों द्वारा ग्रामीण सड़कों, तालाबों या बांधों का संनिर्माण।
6. सड़क, पाइपलाइन, आदि जैसे रेखीय परियोजनाओं के लिए साधारण मिट्टी की निकासी, निष्कासन या प्रयोग करना।
7. बांधों, तालाबों, मेड़ों, बैराजों, नदी और नहरों की उनके अनुरक्षित तथा आपदा प्रबंधन के प्रयोजन के लिए तलमार्जन और गाद निकालना।
8. गुजरात में गुजरात सरकार की तारीख 14 फरवरी, 1990 की अधिसूचना सं. जीयू / 90 (16)/ एमसीआर-2189 (68) / 5 - सीएचएच द्वारा बंजारा और ओड द्वारा बालू के पारंपरिक उपजीविका कार्य।
9. पारंपरिक समुदाय द्वारा अंतर ज्वारीय क्षेत्र के भीतर चूने के गोलों (मृत भू-पटल), पवित्र स्थानों, आदि के मैनुअल निकासी।
10. सिंचाई या पेयजल के लिए कुओं की खुदाई।
11. यथास्थिति, ऐसे भवनों की नींव के लिए खुदाई जिनके लिए पूर्व पर्यावरणीय अनापत्ति अपेक्षित नहीं है।
12. जिला कलेक्टर या जिला मजिस्ट्रेट या किसी अन्य सक्षम प्राधिकारी के आदेश पर किसी नहर, नाला, ड्रेन, जल निकाय, आदि में होने वाली दरार को भरने के लिए साधारण मिट्टी या बालू का उत्खनन ताकि किसी आपदा या बाढ़ जैसी स्थिति से निपटा जा सकें।
13. ऐसे क्रियाकलाप, जिन्हें राज्य सरकार द्वारा विधान या नियमों के अधीन गैर खननकारी क्रियाकलाप के रूप में घोषित किया गया है।"

[फा. सं. जेड-11013 / 47 / 2018-आई. ए. II (एम)]

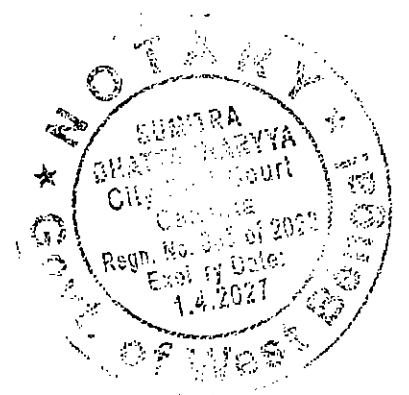
गीता मेनन, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में सं. का. आ. 1533 (अ), तारीख 14 सितंबर 2006 द्वारा प्रकाशित की गई थी और निम्नलिखित सं. द्वारा पश्चात्कर्ती संशोधन किया गया :-

1. का. आ. 1949 (अ), तारीख 13 नवंबर, 2006;
2. का. आ. 1737 (अ), तारीख 11 अक्टूबर, 2007;
3. का. आ. 3067 (अ), तारीख 1 दिसंबर, 2009;
4. का. आ. 695 (अ), तारीख 4 अप्रैल, 2011;
5. का. आ. 156 (अ), तारीख 25 जनवरी, 2012;
6. का. आ. 2896 (अ), तारीख 13 दिसंबर, 2012;
7. का. आ. 674 (अ), तारीख 13 मार्च, 2013;
8. का. आ. 2204 (अ), तारीख 19 जुलाई, 2013;
9. का. आ. 2555 (अ), तारीख 21 अगस्त, 2013;
10. का. आ. 2559 (अ), तारीख 22 अगस्त, 2013;
11. का. आ. 2731 (अ), तारीख 9 सितंबर, 2013;



12. का. आ. 562 (अ), तारीख 26 फरवरी, 2014;
13. का. आ. 637 (अ), तारीख 28 फरवरी, 2014;
14. का. आ. 1599 (अ), तारीख 25 जून, 2014;
15. का. आ. 2601 (अ), तारीख 7 अक्टूबर, 2014;
16. का. आ. 2600 (अ), तारीख 9 अक्टूबर, 2014;
17. का. आ. 3252 (अ), तारीख 22 दिसंबर, 2014;
18. का. आ. 382 (अ), तारीख 3 फरवरी, 2015;
19. का. आ. 811 (अ), तारीख 23 मार्च, 2015;
20. का. आ. 996 (अ), तारीख 10 अप्रैल, 2015;
21. का. आ. 1142 (अ), तारीख 17 अप्रैल, 2015;
22. का. आ. 1141 (अ), तारीख 29 अप्रैल, 2015;
23. का. आ. 1834 (अ), तारीख 6 जुलाई, 2015;
24. का. आ. 2571 (अ), तारीख 31 अगस्त, 2015;
25. का. आ. 2572 (अ), तारीख 14 सितंबर, 2015;
26. का. आ. 141 (अ), तारीख 15 जनवरी, 2016;
27. का. आ. 648 (अ), तारीख 3 मार्च, 2016;
28. का. आ. 2269 (अ), तारीख 1 जुलाई, 2016;
29. का. आ. 2944 (अ), तारीख 14 सितंबर, 2016;
30. का. आ. 3518 (अ), तारीख 23 नवंबर, 2016;
31. का. आ. 3999 (अ), तारीख 9 दिसंबर, 2016;
32. का. आ. 4241 (अ), तारीख 30 दिसंबर, 2016;
33. का. आ. 3611 (अ), तारीख 25 जुलाई, 2018;
34. का. आ. 3977 (अ), तारीख 14 अगस्त, 2018;
35. का. आ. 5733 (अ), तारीख 14 नवंबर, 2018;
36. का. आ. 5736 (अ), तारीख 15 नवंबर, 2018;
37. का. आ. 5845 (अ), तारीख 26 नवंबर, 2018;
38. का. आ. 345 (अ), तारीख 17 जनवरी, 2019;
39. का. आ. 1960 (अ), तारीख 13 जून, 2019;
40. का. आ. 236 (अ), तारीख 16 जनवरी, 2020;
41. का. आ. 751 (अ), तारीख 17 फरवरी, 2020; और
42. का. आ. 1223 (अ), तारीख 27 मार्च, 2020।



MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 28th March, 2020

S.O. 1224(E).—WHEREAS, *vide* the Mineral Laws (Amendment) Act, 2020 (2 of 2020), the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (hereinafter referred to as MMDR Act) has been amended with effect from the 10th day of January, 2020 and, *inter alia*, new section 8B relating to the provisions for transfer of statutory clearances has been inserted;

AND WHEREAS, sub-section (2) of section 8B of the MMDR Act provides that notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made thereunder, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years;

AND WHEREAS, sub-section (3) of section 8B of the MMDR Act provides that notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease;

AND WHEREAS, in pursuance of the aforesaid amendment to the MMDR Act, the Central Government deems it necessary to align the relevant provisions of the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006 (hereinafter referred to as the EIA Notification, 2006);

AND WHEREAS, the Ministry of Environment, Forest and Climate Change is in the receipt of representations for waiver of requirement of prior environmental clearance for borrowing of ordinary earth for roads; and manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the rule 5 of the said rules, in public interest, and in supersession of the notification number S.O. 4307(E), dated the 29th November, 2019, hereby makes the following further amendments in the EIA Notification, 2006, namely:-

In the said notification,-

(i) in paragraph 11, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:-

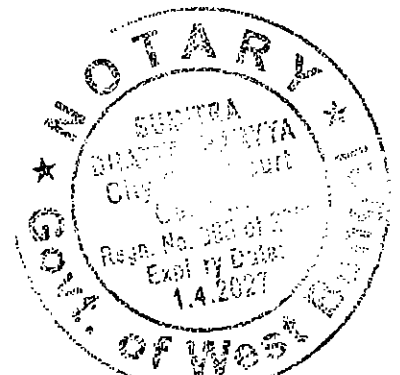
“(3) The successful bidder of the mining leases, expiring under the provisions of sub-sections (5) and (6) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and selected through auction as per the procedure provided under that Act and the rules made thereunder, shall be deemed to have acquired valid prior environmental clearance vested with the previous lessee for a period of two years, from the date of commencement of new lease and it shall be lawful for the new lessee to continue mining operations as per the same terms and conditions of environmental clearance granted to the previous lessee on the said lease area for a period of two years from the date of commencement of new lease or till the new lessee obtains a fresh environmental clearance with the terms and conditions mentioned therein, whichever is earlier:

Provided that the successful bidder shall apply and obtain prior environmental clearance from the regulatory authority within a period of two years from the date of grant of new lease.”;

(ii) in the Schedule, against the item 1(a), in the column (5), after clause (2) of the Note, the following clause shall be inserted, namely:-

“(3) The evacuation or removal and transportation of already mined out material lying within the mining leases expiring under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), by the previous lessee, after the expiry of the said lease, shall not form the part of the mining capacity so permitted to the successful bidder, selected through auction as per the procedure provided under that Act and the rules made thereunder.”;

(iii) for Appendix-IX, the following Appendix shall be substituted, namely:-



"APPENDIX-IX"

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require Prior Environmental Clearance, namely:-

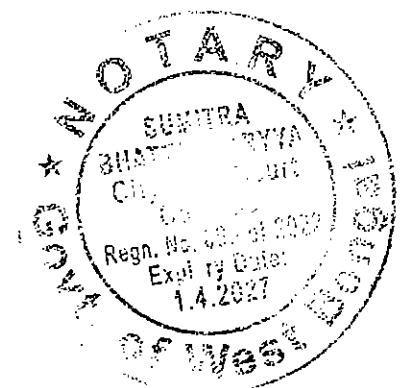
1. Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works, like, de-silting of village ponds or tanks, construction of village roads, ponds or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.
6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.
7. Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.
8. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
9. Manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community.
10. Digging of wells for irrigation or drinking water purpose.
11. Digging of foundation for buildings, not requiring prior environmental clearance, as the case may be.
12. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate or any other Competent Authority.
13. Activities declared by the State Government under legislations or rules as non-mining activity."

[F. No. Z-11013/47/2018-IA.II (M)]

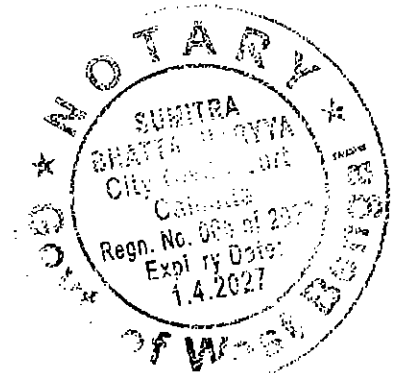
GEETA MENON, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended *vide* the following numbers:-

1. S.O. 1949 (E), dated the 13th November, 2006;
2. S.O. 1737 (E), dated the 11th October, 2007;
3. S.O. 3067 (E), dated the 1st December, 2009;
4. S.O. 695 (E), dated the 4th April, 2011;
5. S.O. 156 (E), dated the 25th January, 2012;
6. S.O. 2896 (E), dated the 13th December, 2012;
7. S.O. 674 (E), dated the 13th March, 2013;
8. S.O. 2204 (E), dated the 19th July, 2013;
9. S.O. 2555 (E), dated the 21st August, 2013;
10. S.O. 2559 (E), dated the 22nd August, 2013;
11. S.O. 2731 (E), dated the 9th September, 2013;
12. S.O. 562 (E), dated the 26th February, 2014;
13. S.O. 637 (E), dated the 28th February, 2014;



14. S.O. 1599 (E), dated the 25th June, 2014;
15. S.O. 2601 (E), dated the 7th October, 2014;
16. S.O. 2600 (E), dated the 9th October, 2014;
17. S.O. 3252 (E), dated the 22nd December, 2014;
18. S.O. 382 (E), dated the 3rd February, 2015;
19. S.O. 811 (E), dated the 23rd March, 2015;
20. S.O. 996 (E), dated the 10th April, 2015;
21. S.O. 1142 (E), dated the 17th April, 2015;
22. S.O. 1141 (E), dated the 29th April, 2015;
23. S.O. 1834 (E), dated the 6th July, 2015;
24. S.O. 2571 (E), dated the 31st August, 2015;
25. S.O. 2572 (E), dated the 14th September, 2015;
26. S.O. 141 (E), dated the 15th January, 2016;
27. S.O. 648 (E), dated the 3rd March, 2016;
28. S.O. 2269(E), dated the 1st July, 2016;
29. S.O. 2944(E), dated the 14th September, 2016;
30. S.O. 3518 (E), dated 23rd November 2016;
31. S.O. 3999 (E), dated the 9th December, 2016;
32. S.O. 4241(E), dated the 30th December, 2016;
33. S.O. 3611(E), dated the 25th July, 2018;
34. S.O. 3977 (E), dated the 14th August, 2018;
35. S.O. 5733 (E), dated the 14th November, 2018;
36. S.O. 5736 (E), dated the 15th November, 2018;
37. S.O. 5845(E), dated the 26th November, 2018;
38. S.O. 345(E), dated the 17th January, 2019;
39. S.O. 1960(E), dated the 13th June, 2019;
40. S.O. 236(E), dated the 16th January, 2020;
41. S.O. 751(E), dated the 17th February, 2020; and
42. S.O. 1223(E), dated the 27th March, 2020.





520 -11- K-4

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण

(पोत परिवहन मंत्रालय, भारत सरकार)

INLAND WATERWAYS AUTHORITY OF INDIA

(Ministry of Shipping, Govt. of India)

देशीय कार्यालय : पी-७८, गार्डन रीच रोड, कोलकाता-७०० ०४३ (प. बं.)

REGIONAL OFFICE : P-78, Garden Reach Road, Kolkata - 700 043 (W.B.)

दूरभाष : 2439 0393 / 5577 / 6055, फैक्स : 2439 5570



SAGARMALA
POST-LEG PROSPERITY

hwalcal@yahoo.com
Email : dirkol.iwai@nic.in

IWAI/KOL/HYSUR-MISC/2018-19/556

03rd September 2021

To
M/s Dineshchandra R Agarwal Infracon Pvt. Ltd,
401, The Grand Mall, S.M.Road,
Ambawadi, Ahmedabad-380015
Gujrat

Sub: Dredging/excavation of silt from chainage 189.8 km and 192.0 km (downstream
and upstream of Kalayani bridge) on National Waterway (NW) No-1-reg

Ref: 1. Your letter no. DRA/KE/GEN/2021-22/1066 dated: 28.06.2021

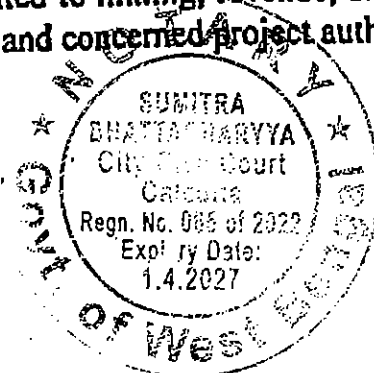
2. WBHDC Memo No. 1038/WBHDC dated: 16.08.2021

Sir,

The approval alongwith no objection of the Competent Authority in exercise of powers under Article 14(1) (d) of IWAI Act, 1985 is hereby conveyed only for navigational point of view for dredging/desiltation of soil from chainage 189.8 km and 192-km (downstream/upstream of kalayani Bridge) on NW-1 with following conditions: -

- The dredging shall be carried out in a scientific manner. The bed profile shall be in smooth level and no deep pockets shall be created.
- No spoils shall be thrown back in the river.
- Placement of dredger should be more than 70m away from navigational channel.
- Dredge pipeline or mooring of pipeline, dredger or anchor ties shall not affect the movement of inland vessels at any time.
- Banks shall be suitably protected for possible erection.
- The proposed location for dredging shall be properly marked with navigational aids like bamboo marks/buoys and with navigational lights as per requirement. The placement of dredger and installation of navigational aids may be intimated to this office for inspection.
- IWAI shall not have any obligation arising out of the above clearance.
- IWAI shall have right to withdraw the above clearance at any stage during course of execution if the above de-siltation (dredging) is adverse and affecting navigational channel and navigation of vessels in any manner.

2. Further, the said locations are under the jurisdiction of Syama Prasad Mookerjee Port (SPMP), Kolkata. This no objection of IWAI is purely from the point of view of navigation by inland vessels only and obtaining NOC/permissions from project authority. SPMP Kolkata and office of the District Magistrate, Nadia, North 24 Pargana and other agencies/departments of Govt. of West Bengal or central govt. not limited to mining, revenue, safety, environment protection, fisheries etc. shall be your responsibility and concerned project authorities.



Yours faithfully,


(L. K. Rajak)
Director

Email: dirkol.iwai@nic.in
Phone: 033-24390393