

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.), represented by
Sri Subrata Mallick.

... APPLICANT

-Versus-

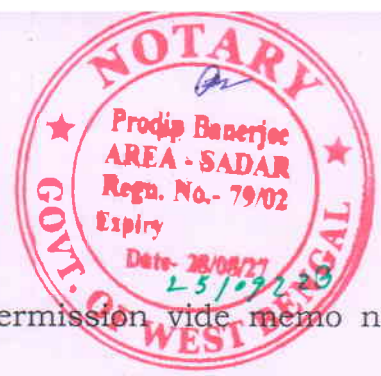
The State of West Bengal & Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT No. 6& 11

I, Shri Rajib Ghosh, son of Rampada Ghosh, aged about 57 years, by faith: Hindu, by occupation- Government Service, now posted as Deputy District Land & Land Reforms Officer, Nadia, District: Nadia, Pin No. 741140, do hereby solemnly verify and say as follows-

1. I am the Deputy District Land & Land Reforms Officer, Nadia, and duly authorized by the Respondent No. 6 & 11 herein to affirm this counter affidavit on behalf of them before the Hon'ble National Green Tribunal, I have made myself acquainted with the facts and circumstances of this case to affirm this affidavit. The photocopy of the authorization letter is annexed herewith and marked as **Annexure -A.**



2. That the Respondent no. 10 herein had got permission vide memo no. MDTC/SAND/LINEAR/20/654 Dated 1st April, 2022 for dredging/desilting/extraction of silt/earth/soil for the linear project at Majerchar, Kancharapara of Kalyani Sub-Division in the District of Nadia, for construction of Kalyani-Barrackpore Expressway from river Ganga from the West Bengal Mineral Development & Trading Corporation Limited (WBMDTCL). Subsequently, as per instruction the ADM and DL&LRO, Nadia issued excavation permission through the online portal system as per SOP.

The photocopy of the permission letter is annexed herewith and marked as **Annexure -B.**

3. It is stated that the Government of West Bengal, Department of Industry, Commerce & Enterprise, Mines Branch issued one Order bearing No. 100-ICE-12011(99) /8/2022-MINES-SEC-Deptt of ICE dated February 22, 2022. By virtue of the said Order, it was circulated that the Department of Industry, Commerce & Enterprise upon receiving several representations through WBMDTCL and other Statutory organizations for grant of approval for dredging/desilting operations in rivers/water bodies for the purpose of extraction of silt/earth/soil as filling materials for the linear projects. It is also stated that “ the role of WBMDTCL/concerned DL&LRO of the district is restricted to, approval of excavation permit up to the maximum quantity as shall be intimated by the permission granting authority and facilitating the generation of road e-challan through online central portal for transportation of silt/ earth/ soil. However, the entire



technical supervision of dredging/desilting/extraction of silt/earth/soil is responsibility of the parent department under whose jurisdiction the stretch of river / dam /water body area falls.”

The photocopy of the order and SOP is annexed herewith and marked as

Annexure -C.

4. That the statements made in paragraph nos. 1, 2 & 3 are true to my knowledge and those contained in paragraph nos. 2 & 3 are based on information derived from records, which I verify believe to be true and the rests are my respectful submission before this Hon'ble Tribunal.

Prepared in my office

A. K. Dutta.

Advocate

Deponent

Deponent

Dy. D.L. & L.R.O., Nadia
O/o the District Land &
Land Reforms Officer, Nadia

Prodip Banerjee

Prodip Banerjee
Advocate
Notary Govt. of W. Bengal
Date 25/09/2023 Nadia.

Sl. No. I Solemnly affirmed before me
This 25th day of Sept 2023 on
The identification of Advocate/clerk

Prodip Banerjee
Prodip Banerjee, NOTARY, Govt. of W.B
Judges' Court, Krishnagar, Nadia



Government of West Bengal
Office of the Additional District Magistrate and District Land and Land
Reforms Officer, Nadia, Krishnagar, Nadia
Phone No: 03472-252421/ 253655 Mail Id: admlrnadia@gmail.com

Memo No: 4124

Date: 21.09.2023

To whom it may concern

Sub: Authorization in respect of Counter Affidavit on behalf of Respondent No. 6 & 11 in connection with Original Application No. 94/2023/EZ in the matter of All India Anti Corruption Organization Vs.- the State of West Bengal & Ors

With reference to above, Sri Rajib Ghosh, WBCS (Exe) & Dy. DL&LRO, District-Nadia is hereby authorized to file the Affidavit on behalf of the Respondent No. 6 & 11 in the Original Application No. 94/2023/EZ in the matter of All India Anti Corruption Organization Vs.- the State of West Bengal & Ors . This also has the approval of the District Magistrate, Nadia i.e the respondent no. 6.

Signature of the Respondent No 11

Signature attested

**Additional District magistrate and
District land and Land Reforms Officer
Nadia**

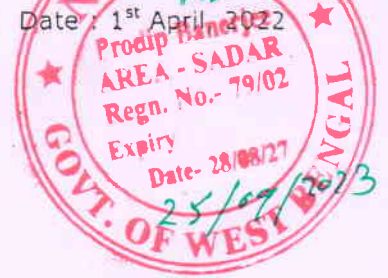


**WEST BENGAL MINERAL DEVELOPMENT &
TRADING CORPORATION LTD.
(A Govt. of West Bengal Undertaking)**

CIN : U14219WB1973SGC028707
Regd. Office : WBIDC Building, 3rd Floor
DJ-10, Sector-II, Salt Lake, Kolkata-700091
Phone : 033-2359-0073
Email : wbmdtcltd@gmail.com
Website : mdcl.wb.gov.in

MDTC/SAND/LINEAR/20/654

To,
The General Manager (I),
West Bengal Highway Development Corporation Ltd.
HRBC Bhawan, 4th & 5th floor,
Munshi Premchand Sarani
Kolkata: 700021



Sub : Regarding permission for dredging/desilting from Hooghly river from Chainage 189.8 km and 192.0 km as mentioned in your letter dated: 03.09.2021; Memo no: IWAI/KOL/HYSUR-MISC/2018-19/556

Sir,

This is to inform you that the Department of Industry, Commerce & Enterprises has authorized this Corporation (WBMDTCL) to act as State Nodal Agency for carrying out dredging / desilting operations in rivers / water bodies to extract silt / earth / soil to be used as filling materials for all linear projects, guided by Standard Operating Procedure (SOP) approved by the Department vide order no. 100-ICE-12011(99)/8/2022-MINES-SEC-Deptt. of ICE dated 22nd February, 2022.

This is also to inform you that the Department of Industry, Commerce & Enterprises, Government of West Bengal has instructed this Corporation vide memo no. 154-ICE-12011(99)/8/2022-MINES dated 21.03.2022, to take up the project as forwarded by your good office vide memo no. 0373/WBHDCL dated 2nd March, 2022 as per the approved SOP.

In view of the Test Report recommended by your memo no. 0681/WBHDCL dated 1st April 2022, WBMDTCL is pleased to grant you the permission for dredging / desilting from Hooghly river as per the proposal submitted by you.

You are requested to send the filled format (Annex-A) for creation of login in the online portal for making statutory payments & generation of e-challans as stated in the SOP. You are also requested to maintain technical supervision of the work and ensure adherence to the conditions of the SOP at all times.

This is for your information & necessary action please.

Encl : As stated

with regards,
[Signature]
Chairman & Managing Director

MDTC/SAND/LINEAR/20/654 /1(6)

Date : 1st April, 2022

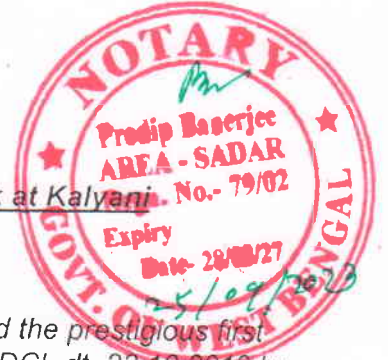
Copy forwarded to:

1. The Secretary, Govt. of West Bengal, Irrigation & Waterways Department.
2. The District Land & Land Reforms Officer, Nadia with instruction to grant excavation permit through the online Portal as per SOP.
3. The Director, Inland Waterways Authority of India-for technical supervision of the work
4. Sr. PS to the Secretary, Govt. of West Bengal, IC&E Dept, to place it before the authority.
5. Sr. PS to the Principal Secretary, Irrigation & Waterways Dept. GoWB, to place it before the authority.
6. The General Manager, M/s Dineshchandra R. Agarwal Infracon Pvt Ltd,

[Signature]
Chairman & Managing Director

Date: 23.05.2022

Synopsis for the permission for Dredging/ De silting for our work at Kalyani. No.- 79/02 Expressway (Muragacha to Kampa more)



1. M/s Dinesh Chandra R Agrawal Infracon Pvt. Ltd has been awarded the prestigious first Expressway Project by Govt. of West Bengal vide LOA no. 2126/WBHDCL dt. 23.10.2019 by M/s West Bengal Highway Development.
2. Pursuant to Clauses/ Article in Contract Agreement M/s WBHDCL requested to DM, Nadia & DM, North 24 Paraganas to allow us to extract Soil for Construction of Highway vide their letter no. 2520/ WBHDCL dt. 18.12.2019
3. In the process, they have also requested to M/s Inland Waterways Authority of India for arranging a NOC to take up De siltation of National Waterways no.1 under river Hooghly vide letter no. 1038/ WBHDCL dt. 16.08.2021
4. M/s IWAI have carried out survey of Navigational Channel and asked approval from their Head Quarters. On obtaining a clearance from their HQ, they have issued a NOC vide their letter no. IWAI/KOL/HYSUR- MISC/ 2018-19/556 dt. 03.09.2021
5. M/s WBHDCL requested the same to DM, Nadia by forwarding the NOC obtained from M/s IWAI vide their letter no. 1377/ WBHDCL dt. 29.09.2021
6. On receipt of request from GM 1, WBHDCL, ADM & DL & LRO, Nadia requested to CMD, WBMDTCL for their advice/ SOP vide memo no. 2897/MM/Nadia/2021 dt. 25.11.2021
7. A SOP was approved by Department of Industry, Commerce & Enterprise vide order no. 100-ICE-12011(99)/8/2022-Mines-SEC-Dept of ICE dt. 22.02.2022
8. M/s WBHDCL submitted our request to M/s WBMDTCL vide letter no. 373/ WBHDCL dt. 02.03.2022 where all requirements were attached.
9. Query regarding Quality of Material was raised by M/s WBMDTCL vide mail and the same was complied by M/s WBHDCL vide their letter no. 715/ WBHDCL dt. 06.04.2022
10. On submission of all requisite annexures, M/s WBMDTCL has approved our request and 3 nos. of Stock permit was provided as-

- A) Majerchar (103/SS2022)
- B) Char Kancharapara (104/ SS2022)
- C) Char Nanadanbati (105/ SS 2022)

These above Stock permit is valid up to August 2023.

11. ADM & DL & LRO, Nadia was requested for approval of above vide our request no 74/T/22-23/RPT, 80/T/22-23/RPT & 84/T/22-23/RPT .
12. 74/T/22-23/RPT & 80/ T/ 22-23/ RPT are approved by DL & LRO whereas 84/T/22-23/RPT is awaited and may be approved within this week.



Government of West Bengal
Department of Industry, Commerce & Enterprises
Mines Branch

4, Abanindranath Tagore Sarani ((Camac Street), Kolkata-700016



No 100-ICE-12011(99)/8/2022-MINES-SEC-Deptt. of ICE

Dated: 22.02.2022

ORDER

Whereas the Govt. of this Department has received several representation through West Bengal Mineral Development & Trading Corporation Ltd and other statutory organisations for grant of approval for dredging/desilting operations in rivers/water bodies for the purpose of extraction of silt/earth/soil as filling materials for the linear projects.

AND WHEREAS, Land & Land Reforms & Refugee, Relief & Rehabilitation Department and this Department have approved the proposal.

AND WHEREAS, a Standard Operating Procedure (SOP) in this regard has been prepared (enclosed herewith) and approved by this Department.

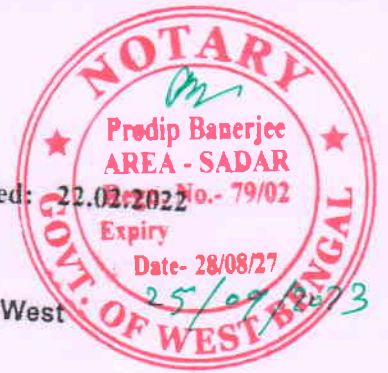
Now the Government of this Department has been pleased to Order that henceforth West Bengal Mineral Development & Trading Corporation Ltd. will act as State Nodal Agency for carrying out dredging/desilting operations in rivers/water bodies to extract silt/earth/soil for filling materials for all linear projects, guided by Standard Operating Procedure(SUP) stated above.

By order of the Governor,
Sd-


Secretary to the Govt. of West Bengal

No.100 /1(51)-ICE-12011(99)/8/2022-MINES-SEC-Deptt. of ICE
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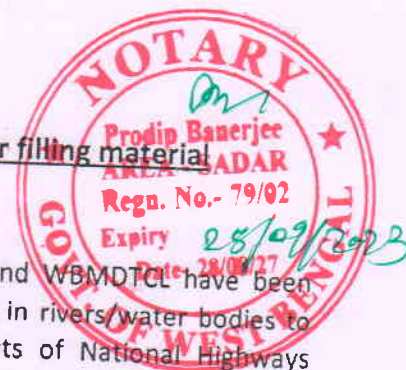
Dated: 22.02.2022 No.- 79/02



- 1) The Principal Secretary, Irrigation and Water ways Department, Govt. of West Bengal, Jalasampad Bhawan, Bidhannagar, kol-91
- 2) The Principal Secretary Public Health Engineering Department , Govt. of West Bengal, New Secretariat Building, kol-1
- 3) The Principal Secretary, Public Works Department, Govt. of West Bengal. Khadya Bhawan, kol-87
- 4) The Chairman cum Managing Director
West Bengal Mineral Development & Trading Corporation Ltd.
WBIIDC Building, 3rd Floor, DJ 10, DJ Block, Sector-II, Bidhannagar,
Kolkata-700091 for kind information and necessary action.
This has a reference to his Memo No.MDTC/SAND/002/150 dt. 18.01.2022.
- 5) The Chief General Manager (Tech), RO, Kolkata,
- 6) The General Manager, West Bengal High way Development Corporation Ltd. HRBC
Bhawan, Munsî Premchand Sarani, kol-21
- 7-29) The District Magistrate(all) for kind information.
- 30-51) The ADM & DL & LRO (all) for kind information.


Deputy Secretary
to the Government of West Bengal

SOP for Dredging/Desilting/Extraction of Silt/Earth/Soil for filling material

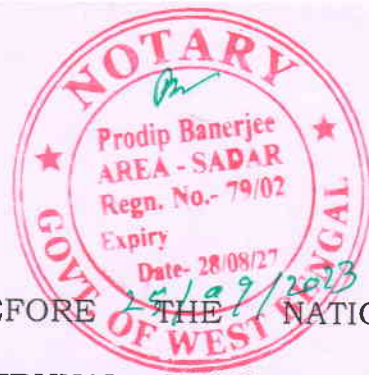


Whereas Department of Industry, Commerce and Enterprises, GoWB and WBMDTCL have been receiving the representation for grant of approval for dredging/desilting in rivers/water bodies to obtain silt/earth/soil as filling materials mainly for the linear projects of National Highways Authority of India (NHAI), West Bengal Highway Development Corporation and other statutory bodies/organisations.

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE has published Gazette NOTIFICATION New Delhi, the 28th March, 2020 S.O. 1224(E) regarding exemption of Environment Clearance for purpose of "Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc". (Copy enclosed)

Thus in order to expedite the projects, the following SOP maybe adopted:

1. The government organization through its Project Implementing Unit/authorized agency shall identify the stretch of river/dam/water body/area for dredging/desilting/extraction of silt/earth/soil and conduct sample analysis of the material from an accredited lab for the purpose. Only those projects/areas having silt/earth/soil which is only fit for filling purpose and cannot be used for construction purpose shall be considered.
2. An application with the sample analysis report has to be submitted by the Project Implementing Unit/ authorized agency to Executive Engineer, Irrigation & Waterways Department/ Concerned authority under whose jurisdiction the stretch of river/dam/water body/area falls. Executive Engineer/ Concerned authority shall verify the details, peruse the sample report and if that the area has silt/earth/soil which is only fit for filling purposes (not construction purpose) will grant the NoC for such projects .
3. An application along with sample analysis report and with the NoC so obtained shall be submitted by the Project Implementing Unit/authorized agency duly forwarded by government organization to Department of Industry , Commerce and Enterprises with the copy to WBMDTCL.
4. Department of Industry , Commerce and Enterprises may directly or through its authorized agency i.e. WBMDTCL grant permission to carry out the work.
5. A copy of the said permission shall be sent to DLLRO of concerned district and Irrigation & Waterways Department/ concerned department.
6. WBMDTCL may directly or through concerned DLLRO of the district shall create a profile for the said agency in the centralized e-challan portal.
7. WBMDTCL may directly or through concerned DLLRO of the district shall grant excavation permit against payment of royalty, Cess , DMF and other charges for the maximum quantity as shall be intimated by the permission granting authority.
8. The role of the WBMDTCL/ concerned DLLRO of the district is restricted to , approval of excavation permit up to the maximum quantity as shall be intimated by the permission granting authority and facilitating the generation of road e-challan through online central portal for transportation of silt/earth/soil . However, the entire technical supervision of dredging/desilting/extraction of silt/earth/soil is responsibility of the parent department under whose jurisdiction the stretch of river/dam/water body/area falls.



BEFORE THE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE BRANCH,
KOLKATA

ORIGINAL APPLICATION NO. 94 OF
2022/EZ

In the matter of :

All India Anti Corruption Organization

....Applicant

-Versus-

State of West Bengal & Ors.

... Respondents.

Counter affidavit on behalf of
Respondent No. 6 & 11.

Sudip Kumar Dutta
Advocate, High Court, Calcutta
Contact - 9874782072
Chamber - 12/1, Hare Street,
Room No - 1,
Ground Floor, Kolkata - 700001