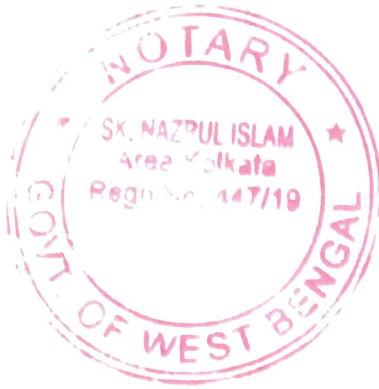


BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
FINANCE CENTRE, KOLKATA, WEST BENGAL

IA 81 /2024/EZ  
In  
Appeal No. 12 /2024/EZ



“SEVASETU” & ANOTHER  
...APPELLICANTS

VERSUS

THE STATE ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY (SEIAA), BIHAR  
AND OTHERS  
...OPPOSITE PARTIES

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*Paushali Banerjee*

Ms. Paushali Banerjee  
Advocate  
NPS Chambers (Ground Floor)  
7A, Kiran Shankar Roy Road  
Kolkata - 700001  
Contact No. 9433253274  
E-mail: [Poushali\\_b@yahoo.com](mailto:Poushali_b@yahoo.com)

25 SEP 2024

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
FINANCE CENTRE, KOLKATA, WEST BENGAL

IA /2024/EZ

In

Appeal No. /2024/EZ

In the matter of:

An application for condonation  
of delay;

And

In the matter of:

1. "SEVASETU" a Non-governmental Organization, registered under the Societies Registration Act, 1860, having its office at Arpana Bank Colony, Phase - 2, New Bailey Road, Ram Jaipal Nagar, Danapur, Patna - 801503, represented by its Chairman viz. Nishant Kumar Ojha Son of Nirmal Kumar Ojha, "SEVASETU" a Non-governmental Organization,



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registered under the Societies Registration Act, 1860, of Seva Setu, Ram Jaipal Road, Near Sakhi, Arpana Bank Colony, Phase - 2, Dinapur -Cum-Khagual, Patna, Bihar - 801503;

E-mail: [nishant@sevasetu.org](mailto:nishant@sevasetu.org)

2. Nishant Kumar Ojha, Son of Nirmal Kumar Ojha, Chairman, "SEVASETU" a Non-governmental Organization, registered under the Societies Registration Act, 1860, of Seva Setu, Ram Jaipal Road, Near Sakhi, Arpana Bank Colony, Phase - 2, Dinapur -Cum-Khagual, Patna, Bihar - 801503;

E-mail: [nishant@sevasetu.org](mailto:nishant@sevasetu.org)

...Appellants

-Versus-



1. The State Environment Impact Assessment Authority (SEIAA), Bihar Service through

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it's Member Secretary, having  
it's office at BELTRON Bhawan,  
2<sup>nd</sup> Floor, Shastri Nagar, Bailey  
Road, Patna – 800023;

E-mail:- [seiaabihar@gmail.com](mailto:seiaabihar@gmail.com)

2. M/s Shivam Coke Pvt. Ltd.,  
A company incorporated under  
the Companies Act, having it's  
registered office at 6/19 A,  
Poddar Nagar, 1<sup>st</sup> Floor, Post  
Office – Jodhpur Park, Police  
Station – Jadavpur, Kolkata,  
West Bengal, Pin Code –  
700068;

E-mail:

[shivamcokejamui13@gmail.com](mailto:shivamcokejamui13@gmail.com)

3. The Bihar State Pollution  
Control Board, represented by  
it's Member Secretary,  
BELTRON Bhawan, Shastri  
Nagar, Jawahar Lal Nehru  
Marg, Patna – 800023;

E-mail: [msbspb-bihar@gov.in](mailto:msbspb-bihar@gov.in)

...Respondents



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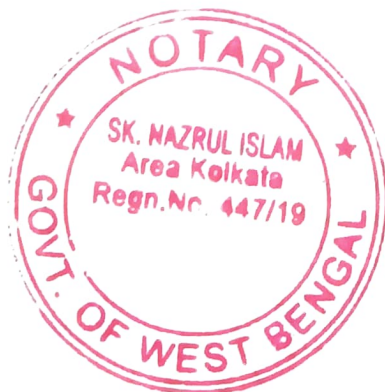
And

In the matter of:

3. "SEVASETU" a Non-governmental Organization, registered under the Societies Registration Act, 1860, having its office at Arpana Bank Colony, Phase - 2, New Bailey Road, Ram Jaipal Nagar, Danapur, Patna - 801503, represented by its Chairman viz. Nishant Kumar Ojha Son of Nirmal Kumar Ojha, "SEVASETU" a Non-governmental Organization, registered under the Societies Registration Act, 1860, of Seva Setu, Ram Jaipal Road, Near Sakhi, Arpana Bank Colony, Phase - 2, Dinapur -Cum-Khagual, Patna, Bihar - 801503;

E-mail:

[nishant@sevasetu.org](mailto:nishant@sevasetu.org)



4. Nishant Kumar Ojha, Son of Nirmal Kumar Ojha,

X

Chairman, "SEVASETU" a Non-governmental Organization, registered under the Societies Registration Act, 1860, of Seva Setu, Ram Jaipal Road, Near Sakhi, Arpana Bank Colony, Phase - 2, Dinapur -Cum-Khagual, Patna, Bihar - 801503;

E-mail: [nishant@sevasetu.org](mailto:nishant@sevasetu.org)

...Appellants / Applicants

-Versus-

4. The State Environment Impact Assessment Authority (SEIAA), Bihar Service through it's Member Secretary, having it's office at BELTRON Bhawan, 2<sup>nd</sup> Floor, Shastri Nagar, Bailey Road, Patna - 800023;

E-mail:- [seiaabihar@gmail.com](mailto:seiaabihar@gmail.com)



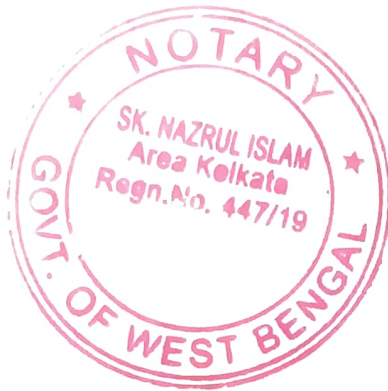
5. M/s Shivam Coke Pvt. Ltd., A company incorporated under the Companies Act, having it's registered office at 6/19 A, Poddar Nagar, 1<sup>st</sup> Floor, Post

X

Office – Jodhpur Park, Police  
Station – Jadavpur, Kolkata,  
West Bengal, Pin Code –  
700068;

E-mail:

shivamcokejamui13@gmail.co  
m



6. The Bihar State Pollution  
Control Board, represented by  
it's Member Secretary,  
BELTRON Bhawan, Shastri  
Nagar, Jawahar Lal Nehru  
Marg, Patna – 800023;

E-mail: msbspcb-bihar@gov.in

...Respondents / Opposite  
parties

The humble petition of applicant  
above-named;

Most Respectfully Sheweth:-

1. The appellant presented an memorandum of appeal under Section 16 (h) of the National Green Tribunal Act, 2010, by way of e-filing in the portal of the Hon'ble NGT on **September 9, 2024** impugning inter alia the Environmental Clearance granted by the State Environmental Impact Assessment Authority on **August 10, 2024** in favor of M/s Shivam Coke Pvt. Ltd., A company

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incorporated under the Companies Act, having its registered office at 6/19 A, Poddar Nagar, 1<sup>st</sup> Floor, Post Office – Jodhpur Park, Police Station – Jadavpur, Kolkata, West Bengal, Pin Code – 700068, in respect of proposed river bed sand mining project covering the area of 96.50 Ha at the Rothas Sand Ghat 08, on Sone River at District – Rothas.

2. Therefore, the memorandum of appeal was firstly presented within the period of limitation as contemplated Section 16 of the National Green Tribunal Act, 2010 through the portal of e-filing of the Hon'ble NGT.

3. That from the “summary report” dated **September 11, 2024**, it appeared for the first time to the applicant that the appeal was in form in every aspect apart from some defects was pointed out in Serial No. 13 in the said note dated September 11, 2024 including the mistake that the said appeal was filed under the head OA in e-filing portal. By the said report dated September 11, 2024, the said case was asked to be filed under the heading appeal. In that summary note dated September 11, 2024 it was directed further to re-file or re-present the said case within the period prescribed in Rule 10 of the National Green Tribunal (Practice and Procedure) Rules, 2011.

The Photocopy of the e-filing slip dated September 9, 2024 and Summary Report dated September 11, 2024 are annexed herewith marked as **Annexure – A**.

4. The learned Advocate for the applicant on the following day i.e. **on September 12, 2024** completed all the compliances to cure



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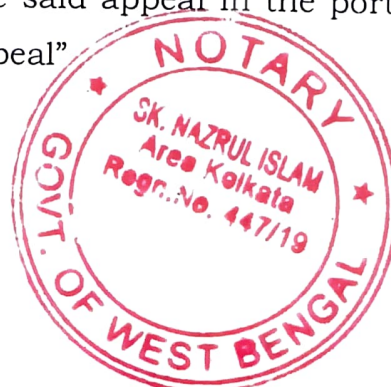
the defects in the memorandum of appeal as pointed out in the said summary note dated on September 11, 2024.

5. Thereafter the learned Advocate for the applicant herein tried to re-present the said memorandum of appeal on **September 13, 2024** in the head of appeal (in place of OA, under which head the memorandum of appeal was presented due to inadvertence). But, no option was available in the portal of e – filing of the Hon’ble NGT to re-file the appeal under the heading appeal, which had once been filed under the heading OA or vice – versa.

6. That **September 14, 2014** and **September 15, 2024** the registry of the Hon’ble Tribunal was closed on account of second Saturday of the month and the Sunday.

7. The learned Advocate for the applicant contacted the registry of the Hon’ble NGT, EZB on **September 16, 2024** seeking the necessary assistance for representation of the said memorandum of appeal under the heading appeal, which due to some inadvertence and bonafide mistake had once been filed under the heading OA on September 9, 2024.

8. But, the Registry also could not find out any technical means for re-presentation of the said memorandum of appeal by changing the head from OA to appeal and to re-file / re-present it under the correct head of the e-filing portal of the Hon’ble NGT. The Registry of the Hon’ble NGT, EZB suggested the learned Advocate for the appellant / applicant to present the said appeal in the portal of e-filing of NGT under the heading “appeal”



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9. The learned Advocate for the applicant on the following day i.e. on **September 17, 2024** presented the corrected copy of the memorandum of appeal as per summary note dated September 11, 2024 in the e-filing portal of the Hon'ble NGT, under the heading appeal. The appellant in the said Memorandum of appeal also enclosed the slip containing the previous e -filing number generated on September 9, 2024.

The Photocopy of the e-filing slip dated **September 17, 2024** is annexed herewith marked as **Annexure - B**.

10. That from the summary report dated September 20, 2024, it appeared that apart from the some other defects pointed out in the said summary report, it was also pointed out that the said appeal has been filed after 8 days from the date of expiry of the period of limitation. The Registry also gave a note that a separate IA is to be filed for condonation of delay.

The Summary Report dated September 20, 2024 is annexed herewith marked as **Annexure - C**

11. That in this case the memorandum of appeal was presented within the period of limitation but with some curable mistakes on September 9, 2024 (i.e. within the period of limitation) as indicated by the Registry vide report dated 11-09-2024 including inadvertent presentation of the memorandum of appeal under the head OA in the e-filing portal of Hon'ble NGT. The direction was given to re-file or represent the same after curing the said mistakes. But, due to non availability of the option for re-presentation of the



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memorandum of appeal by correcting head from OA to appeal, in the e filing portal of the Hon'ble NGT, as such the same could not be re-filed / re-presented.

12. Therefore, delay of 8 days, (if at all) caused in filing the instant appeal was completely beyond the control of the appellant or their learned Advocate. The instant application for condonation of delay has been filed as an abundant precaution in view of the summary report dated September 20, 2024, though the applicant in the paragraph relating "Limitation" in the Memorandum of Appeal clearly averred that the said appeal has been presented within the period of limitation.

13. That unless the delay of 8 days, in preferring the instant appeal, is condoned the appellant will suffer an irreparable loss and injury.

14. The application is bonafide and for ends of Justice.

In the Premises as aforesaid applicant most humbly prays that Your Lordships may be graciously pleased to regularize the appeal by condoning the delay (if any) of 8 days (as per the summary report dated 20-11-2024) in presenting the instant memorandum of appeal and / or pass such other Order or Orders



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as to Your Lordships may deem  
fir and proper;

And for this act of kindness, your applicant as in duty  
bound shall ever pray.

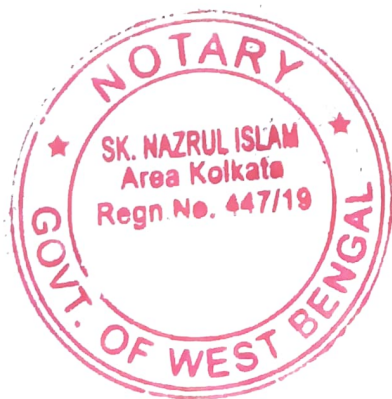
SEVA SETU

Nishant Kumar  
Chairman

Signature of the applicant

*Ranbir Banerjee*

(Signature of the Advocate on Record of the appellant)



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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
FINANCE CENTRE, KOLKATA, WEST BENGAL

IA /2024/EZ

In

Appeal No. /2024/EZ

“SEVASETU” & ANOTHER  
...APPELLANTS

VERSUS

THE STATE ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY (SEIAA), BIHAR  
AND OTHERS

....OPPOSITE PARTIES

**VERIFICATION**

I, Nishant Kumar Ojha Son of Nirmal Kumar Ojha, aged about 51 years, by faith Hindu, by Occupation - Social Worker, of Seva Setu, Ram Jaipal Road, Near Sakhi, Arpana Bank Colony, Phase - 2, Dinapur -Cum- Khagual, Patna, Bihar - 801503 being the Chariman of “SEVASETU”, having it’s office at a Non-governmental Organization, registered under the Societies Registration Act, 1860, having it’s office at Arpana Bank Colony, Phase - 2, New Bailey Road, Ram Jaipal Nagar, Danapur, Patna - 801503 do hereby verify that the statements made in paragraph nos. 1, 2 and 6 are true to knowledge of the applicant and the statements made paragraphs Nos. 3 and 10 are true to the information as derived from the records of the case and the contents of the paragraph Nos. 4, 5, 7, 8, 9 and 11 are the information being derived from the learned Advocate - on Record and the statements made in paragraph nos. 12, 13 and 14 are the respectful submission of the appellant humble submission before this Hon’ble Tribunal.

I sign this verification at Calcutta on this the        day of September 2024.

*Rasuli Singh*

Prepared in my office

*Rasuli Singh*

Advocate

SEVA SETU

*Nishant Kumar Ojha*  
Chairman

signature of the applicant



S.L. No. <sup>45</sup>.....

X

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
FINANCE CENTRE, KOLKATA, WEST BENGAL

IA /2024/EZ

In

Appeal No. /2024/EZ

"SEVASETU" &amp; ANOTHER

...APPELLANTS

VERSUS

THE STATE ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY (SEIAA), BIHAR  
AND OTHERS

....OPPOSITE PARTIES

**AFFIDAVIT**

I, Nishant Kumar Ojha Son of Nirmal Kumar Ojha, aged about 41 years, by faith Hindu, by Occupation - Social Worker, of Seva Setu, Ram Jaipal Road, Near Sakhi, Arpana Bank Colony, Phase - 2, Dinapur -Cum-Khagual, Patna, Bihar - 801503, do hereby solemnly declare and affirm as follows:-

1. That I am the appellant no. 2 of the instant appeal and am the chairman and the authorized signatory of the appellant no. 1 and am well conversant with the facts and circumstances of this case and as such am competent to swear this affidavit for myself and on behalf of the appellant no. 1.

2. the statements made in paragraph nos. 1, 2 and 6 are true to knowledge of the applicant and the statements made paragraphs Nos. 3 and 10 are true to the information as derived from the records of the case and the contents of the paragraph Nos. 4, 5, 7, 8, 9 and 11 are the information being derived from the learned Advocate - on Record and the statements made in paragraph nos. 12, 13 and 14 are the respectful submission of the appellant humble submission before this Hon'ble Tribunal.

SEVA SETU

Nishant Kumar Ojha  
Chairman

Deponent is known to me,

Prepared in my office

Pausali Bera  
Advocate

Identified by me;

Pausali Bera  
Advocate

Solemnly Affirmed and  
Declared before me U/S 139  
CPC, U/S 297 (C) CRPC

SK Nazrul Islam  
Notary

SK Nazrul Islam  
Notary, Govt. of W.B.  
Regn. No. 447/19  
City Civil Court, Calcutta

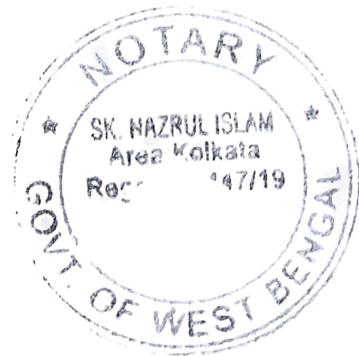
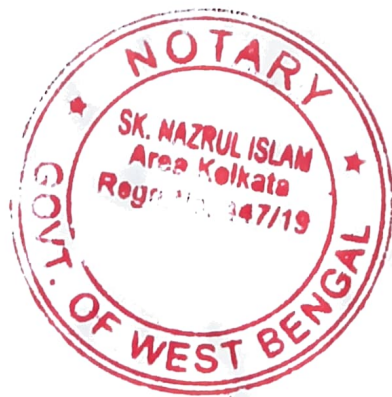


25 SEP 2024

~~IX~~ - ~~137~~ -

 National Green Tribunal

Case Title	Sevasetu Vs. State Environment Impact Assessment Authority
Payee Name	Sevasetu
Case Type	Original Application
Filing No.	1902131003612024
Transaction id	1900220149782024
Bank Transaction id	0909240032871
Payment Date	2024-09-09 00:00:00.0
Amount	2020 Rs.
Status	SUCCESS



~~1X~~      ~~138~~

## Scrutiny Defects Raised

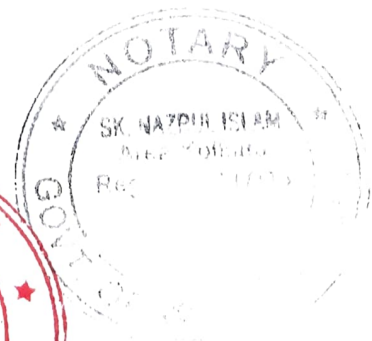
Diary No : 1902131003612024

Petitioner : Sevasetu

Respondent : State Environment Impact Assessment Authority

Date of defect : 11/09/2024

Serial No.	Description	Defect Free	Comments
1	Is the Application/Appeal in the proper form?	YES	
2	Whether name, description and address of all the parties have been furnished in the cause title?	YES	
3	Has the application/appeal been duly signed and verified?	YES	
4	Whether all the necessary parties are impleaded?	YES	
5	Whether English translation of documents in a language other than English or Hindi been filed?	YES	
6	Is the application/appeal made in time or maintainable?	YES	
7	Has the Vakalatnama/Memo appearance authorization been filed?	YES	
8	Have legible copies of the annexures duly attested been filed?	YES	
9	Is the application/appeal accompanied by Indian postal Order/Demand Draft as per Rule 12	YES	



~~17~~ - ~~139~~

- 10 Has original/duly attested copy of the impugned order(s) been filed? YES
- 11 Has the index of documents been filed and pagination done properly? YES
- 12 In case an application for condonation of delay is filed, is it supported by an affidavit of the appellant? NA

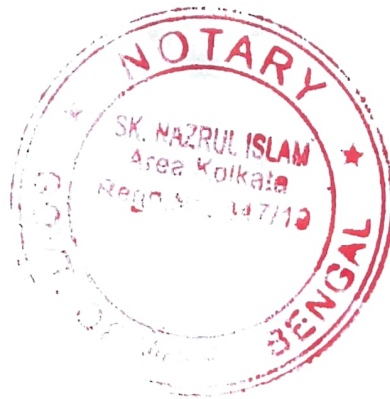
13 Proceed further? NO

Page 48 interim prayer - serial number shall be given as a, b, c. Seal of the association shall be affixed wherever necessary. Proof of service shall be filed. Limitation portion needs correction. Authorisation authorising Appellant 2 to file the appeal shall be filed as annexure. The Appeal has been filed under the head OA in e-filing portal. The instant appeal shall be filed under the head Appeal in e-filing portal. The defects notified shall be rectified and the said case be refiled/represented within a period as prescribed in Rule 10 of the National Green Tribunal (Practices & Procedure) Rules, 2011.



# National Green Tribunal

Case Title	Sevasetu Vs. The State Environment Impact Assessment
Payee Name	Sevasetu
Case Type	Appeal
Filing No.	1902131003752024
Transaction id	1900220155782024
Bank Transaction id	1709240041233
Payment Date	2024-09-17 00:00:00.0
Amount	2055 Rs.
Status	SUCCESS



## ANNEXURE - 'C' - 18 -

**Scrutiny Defects Raised**

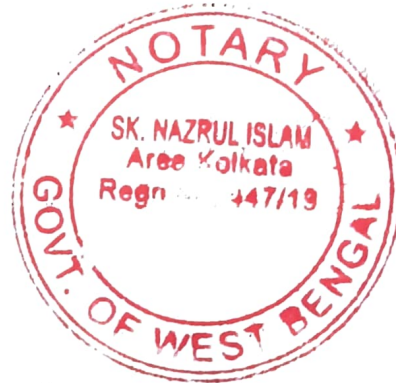
Diary No : 1902131003752024

Petitioner : Sevasetu

Respondent : The State Environment Impact Assessment

Date of defect : 20/09/2024

Serial No.	Description	Defect Free	Comments
1	Is the Application/Appeal in the proper form?	YES	
2	Whether name, description and address of all the parties have been furnished in the cause title?	NO	Respondent 2 represented by whom? Address of the respondent in Memo of Parties and the impugned order is different.
3	Has the application/appeal been duly signed and verified?	NO	
4	Whether all the necessary parties are impleaded?	NO	
5	Whether English translation of documents in a language other than English or Hindi been filed?	NO	
6	Is the application/appeal made in time or maintainable?	NO	Limitation portion needs correction and expansion. It has been stated in the limitation portion that the Appeal has been preferred on 09.09.2024. But then the Appeal had been filed under the head OA in e-filing portal and was put to defect. The instant Appeal as such has not actually been refiled. It has been filed afresh on 17.09.2024. The relevant receipts of old filing of OA and fresh filing of Appeal alongwith defect sheet of OA filing shall be annexed, if required. The Appeal has been filed on 17.09.2024 and hence there is a delay of 8 days in filing the Appeal. IA for condonation of delay of 8 days may be filed separately under the head IA in e-filing portal with requisite fees and printing charges.
7	Has the Vakalatnama/Memo appearance authorization been filed?	YES	



- ~~20~~
- 8 Have legible copies of the annexures duly attested been filed? NO Legible copy of Annexure C shall be filed. Many pages of the said annexure are illegible. Annexure D shall be scanned properly. It shall be mentioned in Index serial no 9 that relevant portion of photocopy of the SEAC's communication as the document is not filed in full. Proof of service of complaints made by villagers – Annexure J shall be filed.
- 9 Is the application/appeal accompanied by Indian postal Order/Demand Draft as per Rule 12 YES
- 10 Has original/duly attested copy of the impugned order(s) been filed? YES
- 11 Has the index of documents been filed and pagination done properly? YES Authorisation shall be included in Index along with Vakalatnama.
- 12 In case an application for condonation of delay is filed, is it supported by an affidavit of the appellant? NO
- 13 Proceed further? NO Second interim prayer in page 49 needs correction. The defects notified shall be rectified and the said case be refiled/represented within a period as prescribed in Rule 10 of the National Green Tribunal (Practices & Procedure) Rules, 2011.

