

S.L. No. 23/24

X

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA, WEST BENGAL
ORIGINAL APPLICATION No. 111/ 2024/EZ

In The Matter of:

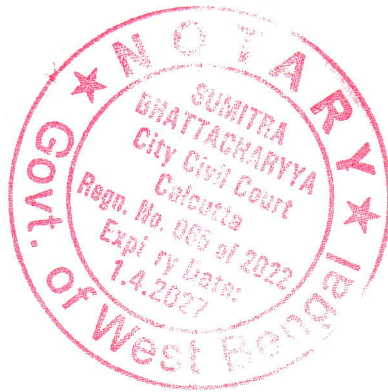
Subhas Datta

... Applicant

Versus

State of West Bengal & Ors.

... Respondents



COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 09, M/S AARPEE
MINERALS & AGGREGATES

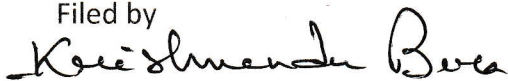
INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Counter Affidavit		4-7
2.	Photocopy of the letter dated 26.08.2022 written by the M/s IRCON International Limited to the Sub Divisional Officer, Kursheong is annexed herewith	'R-1'	8
3.	Photocopy of the letter dated 13.04.2022 issued by the Chief Conservator of Forests, Wildlife North, West Bengal to	R-2	9-10

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	the M/s IRCON International Limited is annexed herewith		
4.	Photocopies of the Approval by the Sevoke Gram Samaj Sewa Samiti and Trade License issued by the the Sittong-III, Gram Panchayet are collectively annexed herewith	R-3	11-12
5.	Photocopies of the Consent to Establish to the unit of the respondent dated 29.09.2022 and also Consent to operate dated 22.12.2022 valid for 5 years from the date of issue are collectively annexed herewith	R-4	13-19
6.	Photographs as above referred to are collectively annexed herewith	R-5	20-26

Filed by



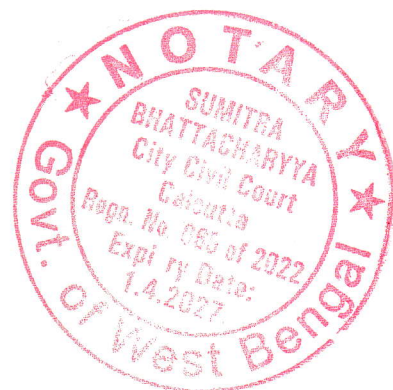
KRISHNENDU BERA

Advocate

For Respondent Number 09

Email: krishnendubera87@gmail.com

(M): 9804470595



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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA, WEST BENGAL
ORIGINAL APPLICATION No. 111/ 2024/EZ**

In The Matter of:

Subhas Datta

... .. Applicant

Versus

State of West Bengal & Ors.

..... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 09, M/S AARPEE
MINERALS & AGGREGATES

I, Sri Sourav Garg, Son of Sri Ratan Garg, aged about 28 years, by faith- Hindu, by occupation- Business, being one of the partner's of M/s Aarpee Minerals & Aggregates, a partnership firm having its registered office at Premises No. 883/N/282/883, Ashram Para, P.O & P.S- Siliguri, Pin: 734001, Siliguri, District: Darjeeling, West Bengal, do hereby solemnly affirm and submit as follows:-

1. That I am one of the partner's of M/s Aarpee Minerals & Aggregates, a partnership firm having its registered office at Premises No. 883/N/282/883, Ashram Para, P.O & P.S- Siliguri, Pin: 734001, Siliguri, District: Darjeeling, West Bengal, I am competent to swear and affirm this affidavit for and on behalf of the partnership firm namely M/s Aarpee Minerals & Aggregates.
2. That this respondent had filed I. A. No. 61/2024/EZ for being impleaded in connection with the original application and has been added in the original application pursuant to the Solemn Order dated 02.09.2024 passed by the Hon'ble Tribunal.
3. That this Counter Affidavit is being filed in compliance to the Solemn Order dated 02.09.2024 wherein the learned Counsel for the respondent number 09 had prayed some time for filing the Counter Affidavit.



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4. IRCON International Limited (M/s IRCON) had entrusted the job of construction of tunnels between Sevoke, West Bengal and Rangpo, Sikkim in connection with its New Single Line BG Railway Line Project to a group of five entities i.e. M/s ITDCL, M/s GECPL, M/s CS-Dhorajia JV, M/s Patel Engineering Limited and Apco Infratech Limited.
5. The civil work under the project requires aggregates.
6. M/s IRCON took lease from North East Frontier Railway of a piece and parcel of land at Sevoke and permitted the aforesaid agencies to set up a crusher plant thereat.
7. That vide letter dated 26.08.2022 IRCON International Limited (M/s IRCON) has informed the Sub Divisional Officer, Kurseong, District: Darjeeling that M/s IRCON had allotted 2.0 acre of Railway land at Sevoke to set up stone crusher plants to five executing agencies namely M/s ITDCL, M/s GECPL, M/s CS-Dhorajia JV, M/s Patel Engineering Limited and Apco Infratech Limited.
8. The aforesaid five agencies entered into a sub license agreement with this respondent for establishing the crusher plant.
9. A Land Agreement has been signed between M/s IRCON and the five executing agencies and also with M/s Aarpee Minerals & Aggregates, Siliguri. Moreover, M/s IRCON has indicated its No Objection for the impugned unit under the land agreement which has been signed and executed between five executing agencies and also with M/s Aarpee Minerals & Agregatess, Siliguri.

Photocopy of the letter dated 26.08.2022 written by the M/s IRCON International Limited to the Sub Divisional Officer, Kursheong is annexed herewith and marked with the letter 'R-1'.

10. That on 13.04.2022 the Chief Conservator of Forests, Wildlife North, West Bengal had granted permission to the M/s IRCON to set up a dedicated stone crusher unit considering public interest for the Sevoke-Rangpo New BG Rail Line project and the same has been extended till 31.01.2025.



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Photocopy of the letter dated 13.04.2022 issued by the Chief Conservator of Forests, Wildlife North, West Bengal to the M/s IRCON International Limited is annexed herewith and marked with the letter 'R-2'.

11. That this unit has been granted necessary approval by the Sevoke Gram Samaj Sewa Samiti for installation of stone crusher unit and also the Sittong-III, Gram Panchayet has granted trade license to the unit.

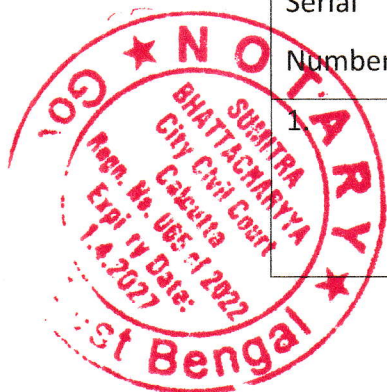
Photocopies of the Approval by the Sevoke Gram Samaj Sewa Samiti and Trade License issued by the Sittong-III, Gram Panchayet are collectively annexed herewith and marked with the letter 'R-3'.

12. That it is also pertinent to mention at this juncture that the Sub Divisional Officer, Kursheong had granted Consent to Establish to the unit of the respondent dated 29.09.2022 and also Consent to operate dated 22.12.2022 valid for 5 years from the date of issue.

Photocopies of the Consent to Establish to the unit of the respondent dated 29.09.2022 and also Consent to operate dated 22.12.2022 valid for 5 years from the date of issue are collectively annexed herewith and marked with the letter 'R-4'.

13. That as has been stated in the Committee report filed by the District Magistrate & Collector, Jalpaiguri dated 01.09.2024 and also by the West Bengal Pollution Control Board dated 31.08.2024 that there are some observations against the unit and it is stated and submitted that the unit has taken precautionary measures and rectified the same.

Serial Number	Observation of the Joint Committee	Steps/Measures taken by Unit
1	There was no construction of High Boundary wall/Wind breaking wall:	Construction of High boundary wall is in process



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2.	No arrangement for covering most of the machineries were observed	All the machineries have been covered properly (Photographs enclosed)
3.	Boulders, different size stone chips(products) and stone dust (by products) were found stored in open area	The same have been stored in covered spaces
4.	There was no concrete/metalled road for movement of vehicles within the unit	The unit has taken steps for construction of metalled roads
5.	There was no water sprinkling arrangement at strategic locations within unit premises	Water sprinkling are done on a regular basis
6.	Locational Geo-Coordinates of the unit were measured whether the unit falls within any nearest Eco Sensitive Zone (ESZ) or not	The unit does not admit this as the method of measurement does not give the accurate figure

Photographs as above referred to are collectively annexed herewith and marked with the letter 'R-5'.

14. That there is an Army bombing squad in the Eco Sensitive Zone area and there is regular vehicular movement in the said Eco Sensitive Zone as stated in the Committee Report filed in the Original Application.

15. It is respectfully submitted that the procedure for measuring whether the unit falls within the ESZ on the basis of locational geo-coordinates is inaccurate. The committee has not disclosed the exact geo-coordinate of the Mahananda Wildlife Sanctuary from which the geo-coordinate was taken as the source point and the reason for doing so. The committee has also not disclosed the exact geo-coordinate of the unit which was taken as the endpoint for measurement and the reason for doing so. Hence the measurement is not only inaccurate but unscientific. It is



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respectfully submitted that civil death of an industrial unit cannot be done on the basis of such ballpark figure or approximation. The measurement ought to have been done physically on the basis of chainage. The unit is beyond the ESZ. Moreover, the Notification declaring Mahananda Wildlife Sanctuary as ESZ cannot have retrospective effect, thereby resulting in death knell of industries and units set up prior to such notification. The notification is in breach of the Fundamental Rights guaranteed under Part III of the Constitution of India. To such extent, the notification is ultra vires the Constitution. The Zonal Master Plan for the ESZ was also not prepared in accordance with the requirements of the said notification by following the procedure provided therein. No public consultation took place. It is the result of ipse dixit of the administrative authority. The unit was set up after complying with all extant statutory compliances. It has been granted CTE and CTO by the appropriate statutory authorities and such CTE and CTO are still valid and subsisting. The unit is not a unit strictly within sl. 1 of clause 4 of the notification since it is directly connected with the project relating to construction of tunnels between Sevoke, West Bengal and Rangpo, Sikkim by way of providing civic amenities and providing new roads through such tunnels by M/s IRCON through its implementing agencies. As such it would fall within sl. 18/19. The respondent undertakes to ensure that there is no environmental pollution or desecration by undertaking appropriate remedial and protective measures.

16. That the respondent reserves right to file any supplementary affidavit as may be required for smooth adjudication of the instant original application.

17. That it is most humbly submitted that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice and that the deponent has high regard to the Order/Orders as passed by this Hon'ble Tribunal.

Identified by me

Krishnendu Bera

Advocate

[Signature]
Aarjee Minerals and Aggregates
Deponent

Partner

~~7A~~

VERIFICATION:

I, the deponent do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 07th day of November, 2024.

Identified by me

Krishmendu Bose

Advocate

Aarpee Minerals and Aggregates

[Signature]

Partner

Deponent

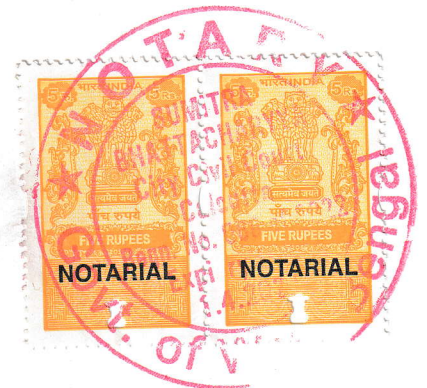
Aarpee Minerals and Aggregates

Partner

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

Sumitra Bhattacharyya
Notary

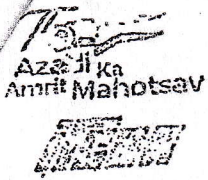
Sumitra Bhattacharyya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta



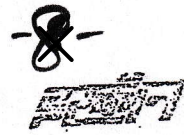
07 NOV 2024

Annexure I

Annexure R-1



इरकॉन इंटरनेशनल लिमिटेड
(भारत सरकार का उपनिवेश)
IRCON INTERNATIONAL LIMITED
(A Govt. of India Undertaking)
An Integrated Engineering and Construction Company



SIVOK - RANGPO NEW BG RAIL LINE PROJECT

Project Office: Block 'C', 2nd Floor, P.C. Mohal Bus Stand, P.O. Sivoka Road, Siliguri - 734001
Dist. Darjeeling (W.B.), Tel. No. 0353-2529159, E-mail: 2016 nfr-srrp@ircon.org

26.08.2022

IRCON/2046/NFR-SRRP/Crusher Plant/ 4080

To,
Sub-Divisional Officer,
Sub-Division, Kurseong,
District - Darjeeling,
Govt. of West Bengal,
Kurseong. (W. B.).

Subj: Construction of Sivok-Rangpo New BG Rail Line Project - Allotment of Railway Land at Sivok for setting up of Stone Crusher Plant exclusively for SRRP.

Ref:- (i) IRCON/2046/NFR-SRRP/Crusher Plant/3539 dated 01.07.2022.
(ii) IRCON/2046/NFR-SRRP/Crusher Plant/3553 dated 02.07.2022.

Dear Sir,
M/s IRCON has jointly allotted 2.0 acre of Railway land at Sivok to set up crusher plant to the five executing agencies namely: M/s ITDCIL, M/s GECPL, M/s CS-Dhorajia JV, M/s Patel Engineering Limited & Apco-Infratech Limited. The request of all the above agencies to engage M/s Aarpee Minerals and Aggregates, Siliguri to operate and establish stone crusher plant for the work of Sivok-Rangpo Rail Project only has been approved by M/s IRCON.

Land agreement has been signed between IRCON & five executing agencies. Further, five executing agencies has signed land agreement with M/s Aarpee Minerals & Aggregates, Siliguri.

It is undertaken that IRCON has no objection for land agreement signed between five executing agencies & M/s Aarpee Minerals and Aggregates, Siliguri for setting up of the crusher plant and its operation by the agencies through M/s Aarpee Minerals and Aggregates, Siliguri.

This is for your kind information & necessary action please.

For and on behalf of
IRCON International Limited

26/08/2022
(A. P. Singh)
GM/PH/Sivok-1

o/c

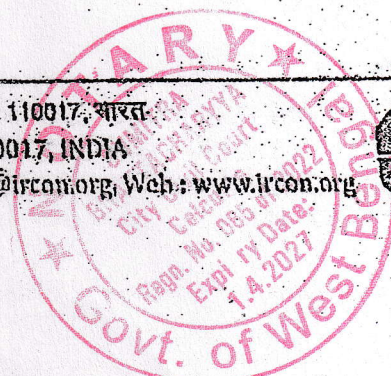


पंजीकृत कार्यालय : सी-4, डिस्ट्रिक्ट सेंटर, साकेत, नई दिल्ली - 110017, भारत

Regd. Office: C-4, District Centre, Saket, New Delhi-110017, INDIA

Tel: +91-11-29565666, FAX: +91-11-26522000, 26054000, E-mail: info@ircon.org, Web: www.ircon.org

CIN: L45203DL1976001008171



~~Annexure-I~~Annexure-R₂

Government of West Bengal
 Directorate of Forests
 Office of the Chief Conservator of Forests, Wildlife North
 S.J.D.A. Complex, Jalpaiguri, P.O. Danguajhar, Dist. Jalpaiguri: 735 121
 Phone - Fax: 255627 / 255193, e-mail

Memo No. : 762 /2W-80(i)/WL

Dated : 13.04.2022

The Project Director,
 Sevoke Rangpo New Broad Gauge Rail line Project
 IRCON International Ltd.

Sub: Setting up a Crusher Plant at Railway land near railway bridge no. 52 on Teesta River bed.

- Ref.** 1. IRCON/2046/NFR-SRRP/Forest/05/2958, dt. 06.04.2022 issued by Project Director, SRRP/IRCON.
 2. 188, dt. 19.08.2020 issued by A.E., Siliguri, NH Sub-Division-I, P.W. (Roads) Dte
 3. 301/C/SPC dt. 29.08.2020 issued by Commissioner of Police, Siliguri.
 4. W/214/Installation of stone crusher/Sevoke/W-4 (Land), dt. 25.11.2021 issued by CGE/NFR, Maligaon.

Sir,

The undersigned is in receipt of your memo referred above. You have apprised the problems being faced by IRCON of late in procurement of stone aggregates and sand for construction of Sevoke Rangpo New Broad Gauge Rail line Project. The imposition of local restriction on movement of traffic via coronation bridge has affected regular supply of construction materials, which in turn is delaying construction.

Considering the strategic importance of the project and likelihood of escalation of project cost due to disruption in supply of construction material, your proposal to set up a dedicated Stone Crusher Plant on the Railway Land at Sevoke near Bridge No. 52 (land already in possession of railway since 1957) is agreed in public interest, on following conditions:

1. The plant will be set up on the river bed itself on the existing railway land in possession of railways.
2. The approach to the land will be through the forest land and entry fee will be required to be paid by IRCON. All material entering the unit will be covered by a Transit Pass and proper authorization.
3. The stone boulders can only be taken up from Teesta river bed. The required boulders will be collected from Teesta River Bed as per the directions of Range Officer, Sanctuary North Range, Mahananda Wildlife Sanctuary and the Divisional Forest Officer, Darjeeling Wildlife Division. The IRCON on the behalf of user agency will submit a requisition for the boulders /RBM and



will pay the requisite charges.. No boulders can be brought from any other source for crushing. An entry fees of Rs. 500 /- per 6 cubic meter and applicable T.P. Fee will be applicable in addition to the cost of forest produce.

4. The crushed materials can only be used for construction of Sevoke Rangpo New Broad Gauge Rail line Project. The materials cannot be sold or transported to any other location or agency. The violation will be considered as theft of forest produce and stringent legal action will be initiated under the provision of Indian Forest Act,1927 and Wildlife Protection Act,1972.
5. As the project completion deadline is December 2023, the crusher must be dismantled by 31st October,2023 and the land should be reverted to the present day condition and no remnants, whatsoever, be left at the crushing unit site.
6. Adequate dust suppression measures should be adopted and no slurry should be discharged in the water flow of river. The dust should be used by IRCON for the construction purpose. This consent / NOC is subject to adherence and fulfillment of any other law in force regarding control of Air & Water Pollution and other subject matters governing installation of Stone Crusher Unit.
7. The forest department in its Officers reserves all rights to inspect the unit at any time and close the operations for violations any of above mentioned conditions. Any additional condition(s) may be imposed during the continuation of this consent, if required to safeguard the Forest and Wildlife and to prevent pollution.

Yours faithfully,

Ratimra Jakkher, IFS
Chief Conservator of Forests
Wildlife North, W.B.

Memo No. : 762 /2W-80(i)/WL

Dated : 13.04.2022

Copy forwarded for information to :-

1. The Principal Chief Conservator of Forests, Wildlife & Chief Wildlife Warden, West Bengal. This has reference to the discussion held with your kind self in this regard.
2. The Divisional Forest Officer, Darjeeling Wildlife Division. He is requested to take necessary action.

Chief Conservator of Forests
Wildlife North, W.B.



~~Amexwre III~~ ~~11~~

SEVOKE GRAM SAMAJ SEWA SAMITI

Registration No. : 9/11/1790, Dt. 27th May 2012

S.A. CHAKRABORTY, DIST. DARJEELING (W.B.)
S.O. No. 2301

Amexwre-R₃

Date... 10/03/21

Ref. No.....

To
The District Magistrate
Darjeeling.-734101

Appeal toward granting No objection certificate for Establishment and installation of stone crusher plant.

Respected Sir,

We, the members of Sevoke Gram Samaj Sewa Samiti, P.O. Kalijhora, Dist. Darjeeling, West Bengal, do hereby request and apprise you that railway track construction is under progress currently from Sevoke Bazar connecting to Rangpo, Sikkim, in the said project, we the above society/samiti and one AARPEE Mineral and Aggregate Company have been allotted all the work of supply and supervision of sand and stone crusher plant.

Hence, we the above society and the above AARPEE Mineral and Aggregate Company Shall work jointly and we most humbly request you to kindly grant the necessary permission in the name of AARPEE Mineral and Aggregate Company, so as to install and establish the stone crusher plant in the demarcated area.

For and on behalf of the society we hereby request and apprise you that there are around 5000 villagers in our village, out of which around 4000 villagers are completely unemployed. We do not have any farmers or cultivators in our village as our area is located in between river and forest area, located around 17 KM from Siliguri. So as to sustain their families some of the villagers have even begun to resort towards unfair means and is taking law into their hands by getting involved in several unlawful activities out of compulsion. We also do not have any factories nor any source of livelihood, hence it is extremely difficult to sustain with our family and make our ends meet in these trying times.

Hence, in view of the above backdrops, we hereby request you to grant the necessary permission to establish the stone crusher plant. We have also learnt that a flyover bridge is being constructed in our area so as to connect to Dooars, and in such a scenario, we the villagers of Sevoke would be exposed to further unanticipated problems in the future.

In view of the above, it is most respectfully submitted that the issue of unemployment in our village may be taken in to consideration and necessary permission to establish a stone crusher plant may be accorded for the overall interest and benefit of villagers and for the same, we the villagers have no objection towards establishment of stone crusher plant.

Thanking You
Rabir Chakraborty
President / Secretary
Shardhanjali Youth Sangha
Sevok Bazar

B. Thappa
PRESIDENT
Netaji Youth Club
Sevok Bazar



Secretary
Yours Sincerely
Secretary
Sevok Gram Samaj Sewa Samiti
Sevok Bazar

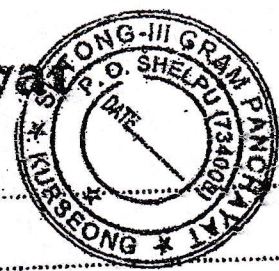
President
President
Sevok Bazar JFMC
Sevok, North Range

~~Registered~~

121

"FORM II"
[See Rule 58(2)]

CERTIFICATE OF REGISTRATION
Sittong III Gram Panchayat



Name of Panchayat Samiti: Sittong III Kurseong

Name of District: Darjeeling

Trade Registration No.: 118/KSPD/TL/2024 to 2025 Date: 17/05/24

Trade Registration Certificate Issue No.: 118/TL/2024 to 2025 Date: 17/05/24

Trade Registration Certificate issued for the period of 1st April 2024 to 31st March 2025

to Ratan Gang & Patan
(Name of Proprietor / Partner / Director)

Gram Sansad / Part No.: 9 24/293

Full Address: Swak Patan P.O. Kalijhora P.S. Kurseong

Description of Trade: Stone aggregates & fly Ash Bricks Supplier

The Gram Panchayat acknowledges a sum of Rs. 4000/-

(in words Four thousand only) Only from

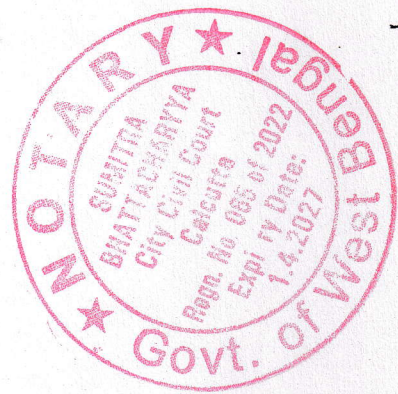
M/s AARPEE MINERALS & AGGREGATES

vide Receipt No. Dated 17/05/24

The grant of this certificate shall not absolve the applicant from the requirement of procuring all the statutory clearances to be obtained from the appropriate authority before actual commencement of the trade.

If any violation / default is noted later, the certificate shall be liable to be cancelled and the trade / business shall be closed down with immediate effect.

Executive Assistant / Secretary
Sittong III Gram Panchayat
Kurseong - Darjeeling



Reena Tamang
PRADHAN
Sittong III Gram Panchayat
Kurseong - Darjeeling

Amexu-ry



Govt. of West Bengal
Office Of The Sub-Divisional Officer : Kurseong
General Section.(Mining)

Amexu-ry

Memo. No. 83 /Gen(Min.)22

Date: 29-9-2022

To:

✓ AARPEE MINERALS & AGGREGATES
Rp Mansion, Oodlabari
Dist: Jalpaiguri-735222

Subject: Consent to Establish (CTE) of New Stone Crusher at Sevoke Rangpo, P.S- Kurseong, Dist. Darjeeling regarding

Ref: Your Petition dated 26/08/2022 along with enclosures;

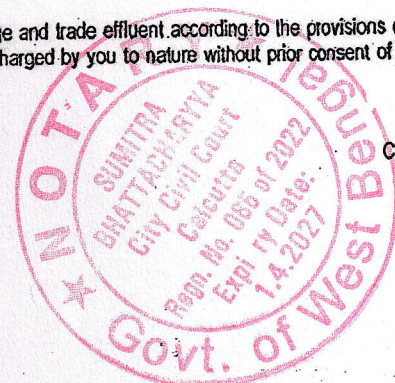
Sir

Your Petition above has been scrutinised by this Office along with following documents:

1. DPR on 26/08/2022.
2. Certificate for change of character of land from N/A to N/A of Plot No.- Khatian No.- JL No.- ..02., Mouza: Sevoke Forest, P.S.- Kurseong .; Dist. Darjeeling.
3. Receipt of Khajana upto : N/A
4. General Power of Attorney (if applicable): xx
5. Partnership Deed (if applicable) between applicant and other proprietors of M/s ITD Cementation India Ltd and Four Others.
6. Enquiry Report of BL&LRO/BDO/any other competent authority : Yes. vide Memo.No. 1060/Estt. , dated ; 21/09/2022
7. Challan of Rs.138602/- paid through PNB against WBPCB A/C. No.- 1096050101684;
8. Assessment Statement showing Project Cost of Rs...9,70,64000/- as ratified by LD NOTARY GOVT.OF INDIA,SILIGURI,DARJEELING ;
9. Other relevant documents, etc., showing the need of your Company and necessary clearance from related authorities, as required.

In response to the application for Consent to Establish (NOC), as referred to above, this is to inform that this Office has no objection as such to clear for the Consent To Establish (NOC) to the proposed Stone Crasher Plant at Sevoke. on2.00.... Acre of Land in Plot No.NIL., JL No.-02....., Khatian No.-NIL..... - as approved for use on conversion, subject to fulfilment of the following conditions:

1. The Structures, Installations, Utility & Facility components must be as per standard environment & health norms and must not create hazards to the lives around including flora & fauna - which has to be ratified by the West Bengal Pollution Control Board after the structures and installations are placed on ground before production;
2. The quality of sewage and trade effluent to be discharged from your factory shall satisfy the permissible limits as prescribed in IS : 2490 (Pt. I) of 1974, and / or its subsequent amendment and Environment (Protection) Rules 1986 - which has to be certified by the WB PCB/ any Third-Party Agency recognized by WBPCB within 30 days of initiation of production, failing which this provisional clearance may be withdrawn;
3. Suitable measures to treat your effluent shall be adopted by you during establishment of the unit in order to reduce the pollution load so that the quality of the effluent satisfies the standards mentioned above;
4. You shall have to apply to the Government for its consent to operate and discharge of sewage and trade effluent according to the provisions of the Water (Prevention & Control of Pollution) Act 1974. No sewage or trade effluent shall be discharged by you to nature without prior consent of West Bengal Pollution Control Board;
5. All emission from your Factory shall conform to the standards as laid down by WB PCB;



Contd..

Pg-2

6. No emission shall be permitted without prior approval of WB PCB and you shall apply to the Government for its consent to operate and atmospheric emission as per provision of the Air (Prevention of Pollution) Act, 1981;
7. No industrial plant, furnace, flues, chimneys, control equipment, etc. shall be constructed / reconstructed, erected / re-erected without prior approval of WB PCB;
8. You shall have to ensure following additional installation of (i) your own metalled roads inside the premises for preventing dust accumulation into air, (ii) construction of wind breaking walls for preventing dust flow down air, (iii) dust containment cum suppression system for the equipments, (iv) erection of green walls along the periphery, (v) continuous sprinkling at source of dusting and regular cleaning & wetting of the ground within the premises, (vi) space for safe dumping of end waste and means for hazard-free disposal of the same, (vii) have to ensure suspended particulate matter measured between 3 to 10 metres from any process equipment of your Unit which shall not exceed 600 µg/M³ - to be certified by a specialist house / agency within 30 days from start of production;
9. You will have to avail necessary clearance for use of public roads and installation etc. from concerned local authorities having authority;
10. You will have to ensure non-causing of nuisance to private parties in course of your construction, production, transportation, etc;
11. You shall comply with the following without fail :
 - (i) Each & every staff and workers of the Factory must have to be provided with adequate safety equipments & measures for protecting them from the dust particles and industrial waste - as per PCB norms;
 - (ii) Acts and Rules, as applicable to employees and workers, on Payment of Wages, Gratuity etc. and HR issues, necessary Insurance coverage from damage to public life - must have to be followed;
 - (iii) Extraction of RBM as raw materials will be guided by the existing Act & Rules of the State for which due permission will have to be secured;
 - (iv) Rules related to payment of Taxes, etc. to the Govt. authorities and Local Bodies will have to be complied with;
 - (i) Environment (Protection) Act & Rules, 1986 will have to be complied with;
 - (ii) Hazardous Wastes (Management & Handling) Rules, 1989 and Amended Rules 2000;
 - (iii) Manufacture, Storage & Import of Hazardous Chemicals Rules, 1989 & Amended Rules, 2000;
 - (iv) The Public Liability Insurance Rules, 1993 & Amended Rules 1993;
 - (v) Biomedical Wastes (Management & Handling) Rules 1998 and Amended Rules 2000, if applicable;
 - (vi) Ozone Depleting Substances (Regulation & Control) Rules 2000, if applicable.
 - (v) You will have to abide by any other stipulations as may be prescribed by any authorised body / Government Departments.

On installation of Plants & Tools, you may please approach for getting CTO clearance along with following:

1. Application in proper Format adduced with necessary supporting documents;
2. Declaration as to abiding by the clauses stated above in an NJ Stamp of Rs.100/= with acceptance of provision that failure to comply will attract penal measures;
3. Clearance Report on observation of special protective measures for safeguarding Environmental Issues as referred to at Points 1, 2, 4, & 8;
4. Fees to be paid to SDO Kurseong vide TR 7/PNB Challan to the tune of Rs . 26,000 per year or as revised by the WB PCB and other Govt. Departments from time to time.

Please note that, this CTE does in no way confirm a clearance for production without necessary administrative and PCB clearance.

(Signature)
Signature of
Competent Authority

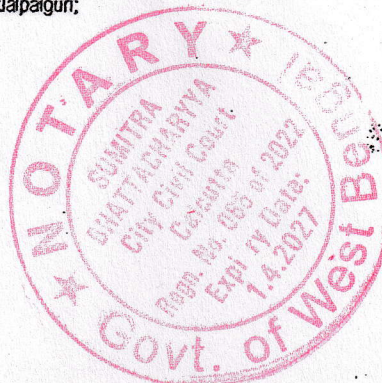
Date: 29/9/2022

Memo. No. 53/1(7)/CTE/2022

Copy forwarded for information and necessary action to:

1. District Magistrate Darjeeling.
2. District Land & Land Reforms Officer, Darjeeling
3. Block Development Officer Kurseong.
4. Executive Engineer, Teesta Canal Investigation Division, Assam Moh, Jalpaiguri;
5. Executive Engineer, WB PCB, Paribahan Nagar, Sitiguri, Darjeeling;
6. Sub Divisional Officer (I&W), Kurseong
7. Block Land & Land Reforms Officer, Kurseong.

(Signature)
Signature of
Competent Authority





Government of West Bengal
Office of the Sub-Divisional Officer
Kurseong
Fax No. 0354-2344448(O)/2344444
e-mail :sdokurseong@gmail.com

Memo. No. : 136 JM
Gen(M&M)/2022

Date :22.12.2022

Consent to Operate

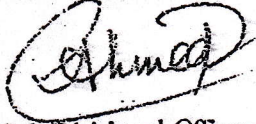
Under Section 25 & 26 of the Water (Prevention and control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and control of Pollution) Act, 1981 and WBPCB Notification No. 1542-4A-6/2015 dt.01.06.2015

Under the provisions of Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended, and Rules and Orders made there under, this Office hereby grants a formal CONSENT TO OPERATE (CTO) to AARPEE MINERALS & AGGREGATES New Stone Crusher Unit at Sevoke on an area of 1.97acre in JL No.:02, Mouza: Sevoke Forest Dist.: Darjeeling. The same Operation of the Unit is initially valid till the completion of the IRCON Project (BG Line tunnel Project from Sevoke to Rangpoo) subject to a maximum of 5 (Five) years.

The same CTO is issued conditionally by restricting the discharge of liquid effluent and gaseous effluent from the premises / land of the industrial unit, in accordance with the Terms & Conditions mentioned in the Annexure to this consent letter. Provided that on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in the Table I & II of this consent letter and in the Environmental (Protection) Act, 1986.

Breach of the conditions and / or failure to comply with the directions as set out in the Annexure shall render the applicant liable for prosecution under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

This Office reserves the right to revoke, withdraw or make any reasonable variation / change / alter the conditions of this consent letter.


Sub Divisional Officer
Kurseong



ANNEXURE

Consent to Aarpee minerals & Aggregates for its unit at Sevoke (Railway Land), LR Plot Nos.: NIL, LR Khatian No. NIL of JI. No.:02, Mouza: Sevoke Forest, Dist.: Darjeeling

Conditions:

This Consent is valid for the manufacture of:-

Sl.	Major products and by-products	Quantity manufactured per month
01	Stone Chips	75000 metric Ton / month

2. The Applicant shall remain responsible for quantity and quality of liquid effluent and air emissions.
3. Daily discharge of industrial liquid effluent shall not exceedNIL.....KL
4. Daily discharge of domestic liquid effluent shall not exceedNIL.....KL
5. Daily discharge of mixed (industrial & domestic) liquid effluent shall not exceedNIL.....KL
6. The Applicant shall discharge liquid effluent toN.A..... (Place of discharge) throughN.A..... nos. outlets/outfalls.
7. To bring into any altered or new outlet/outfall or to change the place of discharge, the Applicant shall have to inform the Board and obtain prior permission of the Board in this effect.
8. The Applicant shall provide comprehensive facility for treatment of industrial liquid waste and domestic liquid waste (sewage, sullage and liquid effluent generated from canteen), and operate and maintain the same continuously so that the quantity of final effluent conforms to the Standard as given in Table-I to this CTO.

Table- I

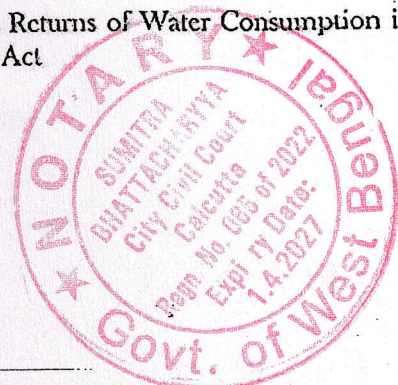
Outlet No.	Nature of effluent	Parameters	Standard	Frequency of effluent sampling
		pH	Between : 6-9	
		Total suspended Solids	Not to exceed: 50 mg/l	
		Biochemical Oxygen Demand(3day at 27°C)	Not to exceed: 50 mg/l	
		Chemical Oxygen Demand	Not to exceed : 250 mg/l	
		Oil & Grease	Not to exceed : 10 mg/l	

9: The UNIT falls in the Orange Category of the Water (Prevention and Control of Pollution) Cess Act, 1977 and Rules made there under and the Applicant shall comply with the provisions of the said Act and Rules made there under.

10. Daily water consumption for the following purposes should not exceed:-

- Industrial cooling, spraying in mine pits and boiler feed water (Water used for gardening should be included in this category of use) — /day
- Domestic purpose — NIL
- Processing whereby water gets polluted and the pollutants are easily biodegradable — NIL
- Processing whereby water gets polluted and the pollutants are not easily biodegradable — NIL

The authority operating the Unit shall regularly submit to the board the Returns of Water Consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act



(Handwritten mark)

11. The Applicant shall install suitable device for measuring the volume of water consumed for different purposes as mentioned above giving correct result to the satisfaction of the State Board.

12. All the stacks connected to various sources of emissions must be designated by numbers such as S-1, S-2, S-3, etc., and this must be painted / displayed to facilitate identification.

13. The Applicant shall install comprehensive control system consisting of pollution control equipment as it warranted with reference to generation of air emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the standard as given in Table-II below.

Table - II

Stack No.	Stack height from G.I., (in mts.)	Stack attached to(sources and control system, if any)	Volume Nm ³ /hr	Velocity of gas emission m/sec	Concentration of parameters not to exceed				Frequency of emission sampling
					SPM (mg/Nm ³)	CO (% v/v)			
S-1									
S-2									

14. The Applicant shall provide ports in the stack(s) and other necessary permanent facilities such as ladders platform, etc. for monitoring/sampling the air emissions and the same shall be made available for inspection and use by the State Board's staff as well as State Board's authorised agencies.

15. The Applicant shall observe the following fuel consumption pattern :-

Sl. No.	Type of fuel	Quantity consumed per day	Fuel burning operation where the fuel is used
01			
02			
03			
04			
05			

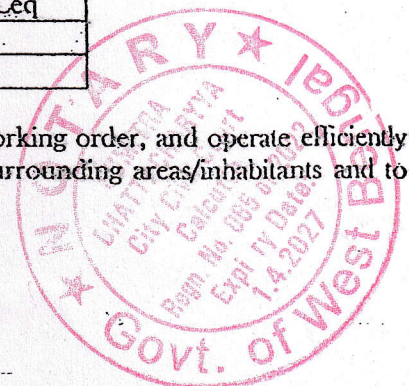
16. The Applicant shall maintain the generation and treatment/disposal of non-hazardous solid waste as specified below:

Type of waste	Quantity	Treatment	Disposal
Waste from process	NIL	NIL	NIL
Waste from liquid effluent treatment	NIL	NIL	NIL
Waste from Air Pollution Control Units	NIL	NIL	NIL
Rejected materials/Scrap	NIL	NIL	NIL

17. The Applicant shall take adequate measures for control of noise levels from its own sources within the premises within the limit given below:

Time	Limit in dB(A)Leq
Day Time(06a.m. to 09p.m.)	70
Night Time(09p.m. to 06a.m.)	70

18. The Applicant shall at all times maintain good house-keeping, proper working order, and operate efficiently for control of pollution from all sources so as not to cause nuisance to surrounding areas/inhabitants and to achieve compliance with the terms and conditions of the consent.



19. The Applicant shall bring about at least 33% of the available open land under the green coverage / plantation.

20. The Applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the Applicant to maintain compliance with the terms and conditions of the consent. In ~~absence of such an alternate electric power source, the Applicant shall stop, reduce or otherwise control~~ production to abide by the terms and conditions of the Consent regarding pollution level.

21. The Applicant shall install a separate energy meter showing the consumption of energy for operation of pollution control devices.

22. The Applicant shall ensure that fugitive emissions from the activity are controlled so as to maintain clean and safe environment in and around the factory premises.

23. The Applicant shall provide drainage system for conveying industrial and domestic liquid waste. Storm-water drain shall be kept separate from the drainage system meant for industrial and domestic liquid waste.

24. The Applicant shall maintain a separate register showing consumption of chemicals used in pollution control system.

25. The Applicant shall get the samples of hazardous wastes/leachates analysed at least once in a month from the laboratory recognised of the West Bengal Pollution Control Board and ensure that they conform to the limits stipulated. Test reports shall be sent to the Board.

26. The Applicant shall provide adequate and safe facility for collection of air, wastewater and solid waste samples by the State Board's staff as well as State Board's authorised agencies.

27. The Applicant shall submit to the State Board by the 30th September of every year the Environmental Statement Report for the financial year ending 31st March of the current year in the prescribed form (Form-V) as required under the provisions of rule 14 of the Environment(Protection)[Second Amendment] Rules, 1992.

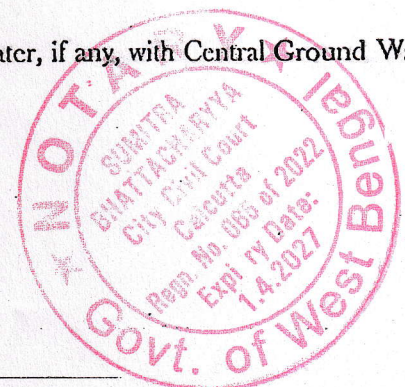
28. The Applicant shall allow the Officers of the State Board to enter into the applicant's premises at any reasonable time to inspect the pollution control systems as well as monitoring and measuring devices in connection with prevention & control of pollution.

29. The Applicant shall maintain an Inspection Book in the factory premises which shall be made available to Officers & employees of the State Board for inspection, review and to write down any direction or observation as is deemed necessary during the inspection from time to time.

30. The Applicant shall furnish to the State Board all information in respect of quality, quantity, rate of discharge, place of discharge of liquid effluent and air emissions.

31. The Applicant shall maintain adequate number of qualified and trained personnel among his staff for proper maintenance and operation of the effluent treatment and/or emission control devices and for overall environment management of the industry.

32. The Applicant shall have to make registration for the use of groundwater, if any, with Central Ground Water Authority.



33. The Applicant shall intimate to the State Board immediately of any occurrence or apprehension of occurrence of discharge of any poisonous, noxious or pollutants in excess of quality as well as quantity as mentioned earlier to any receiving water body/receiving system or to atmosphere owing to accident or other unforeseen incident / event including natural disaster. The Applicant shall (i) take all steps adequate to prevent such accidental discharge / release of poisonous, noxious or pollutants and to limit their consequences to persons and the environment. (ii) provide to the persons working on the site with the information, training and equipment including antidotes necessary to ensure their safety and mitigate the accidental release of poisonous, noxious or pollutants to the environment.

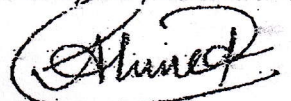
34. The Applicant shall make an application to the State Board in the prescribed form for renewal of the consent at least 60(sixty) days before the date of expiry of this Consent.

35. The Applicant shall not make any alternation/modification/expansion in the existing manufacturing process and equipment as well as the pollution control system without prior approval of the Board.

36. The Applicant shall comply with the conditions as laid down in the Manufacture, Storage and Import of hazardous Chemicals Rules, 1989 and Hazardous Wastes (Management & Handling) Rules, 1989.

Additional Conditions

1. Using of dust protecting Mask is must for all plant employees & workers.
2. Sprinkling at breaking point is must for arresting dust particles.
3. Erection of green protection walls by plantation is must.
4. Necessary Insurance coverage to be ensured for personnel engaged to machines breaking gravels.
5. Permission from authority for extraction of stone & boulders is must.
6. Road in use is to be adequately watered twice in the morning and afternoon.
7. Breakage and Dust particles must not be disposed off in the course of River or by the side of river to arrest inflow of the same to river and channels.



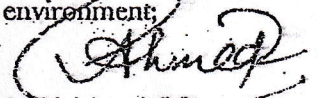
Sub Divisional Officer
Kurseong

Memo. No. ^{JM} 34/1(2) Gen(M&M)/2022

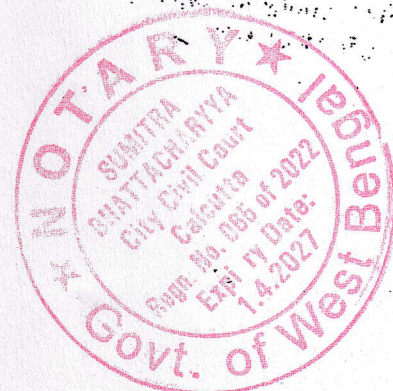
Date : 22.12.2022

Copy forwarded for information and necessary action to:

1. District Magistrate, Darjeeling.
2. District Land & Land Reforms Officer, Darjeeling.
3. Sub Divisional Officer (I&W), Kurseong Sub-Division.
4. Block Development Officer, Kurseong Development Block, Kurseong.
5. Block Land & Land Reforms Officer, Kurseong.
6. Executive Engineer, River & Water Ways Development, Kurseong.
7. Executive Engineer, WB PCB, Paribahan Nagar, Siliguri, Darjeeling with a request to please cause a visit to the Project Site at Sevoke and suggest further action for protection to the environment;
8. Office Copy



Sub Divisional Officer
Kurseong



Answer-R5
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~~21~~



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Oct 8, 2024 10:47



Oct 8, 2024, 10:45

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST
BENGAL

O.A. No. 111/2024/EZ

In the matter of :

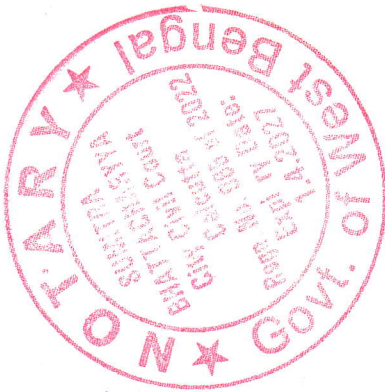
Subhas Datta

.....Applicant

-Versus-

State of West Bengal & Ors.

....Respondents.



COUNTER AFFIDAVIT ON BEHALF
OF RESPONDENT NO. 9

Krishnendu Bera

Advocate.

280, Gopal Lal Thakur Road,

Baranagar, Kolkata- 700036.

9804470595 (M)

Email : krishnendubera87@gmail.com