

S.L. No. 33/24

I.A. No. **103** OF 2024
 O.A. No. 22 OF 2024
 BEFORE THE NATIONAL GREEN TRIBUNAL
 EASTERN ~~REGIONAL~~ ZONAL BENCH, KOLKATA

In the matter of:
 An application for addition of party;
 And

In the matter of:
 Sailendra Chatterjee

.... Petitioner

Versus
 State of West Bengal & Ors.

..... Respondents

AND

In the matter of:

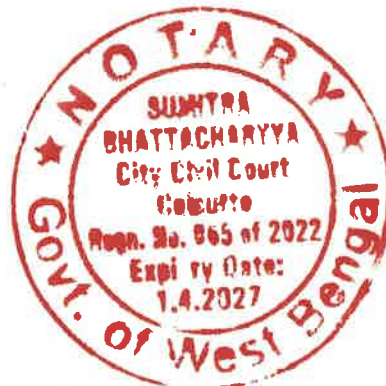
Digante Resorts & Tourism Pvt. Ltd.

.....Applicant

INDEX

Sl. No.	Particulars	Pages
1.	Application	1-11
2.	Annexure - A Notice dated 26 th July, 2024	12-12A
3.	Annexure - B Notice dated 5 th August, 2024	13-13A
4.	Annexure - C Notice dated 11 th November, 2024	14-20
5.	Annexure - D Copies of the orders dated 22 nd November, 2024 passed in WPA No. 27735 of 2024 and WPA No. 27403 of 2024.	21-26

Priyabrata Thakur
 PRIYABRATA THAKUR
 ADVOCATE
 TEMPLE CHAMBERS,
 6, Old Post Office Street,
 Room No. 59, Kolkata - 700 001
arootrika@gmail.com
 WB/701/2001
 (M) 7044786668



12 6 NOV 2024

X

I.A. No. OF 2024

O.A. No. 22 OF 2024

BEFORE THE NATIONAL GREEN TRIBUNAL
~~REGIONAL~~ ^{ZONAL} BENCH, KOLKATA

In the matter of:

An application for Addition of Party;

And

In the matter of:

Sailendra Chatterjee

.... Petitioner

Versus

State of West Bengal & Ors.

..... Respondents

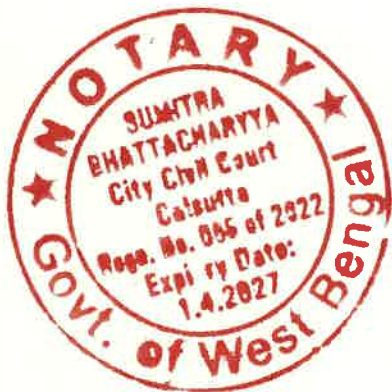
AND

In the matter of:

Digante Resorts & Tourism Pvt. Ltd.,
 a company registered under the
 companies Act 1956 having its
 registered office at A-9/248, Kalyani,
 Nadia, West Bengal - 741235 and
 also carrying on business under the
 trade name and style of Digante
 Resorts, having place of business at
 Mandarmani, P.O. - Kalindi, P.S. -
 Ramnagar, Midnapore East, Pin -
 721455;

Email ID: info-2@hotelsqds.com

.....Applicant



The humble application on behalf of
 the applicant abovenamed -

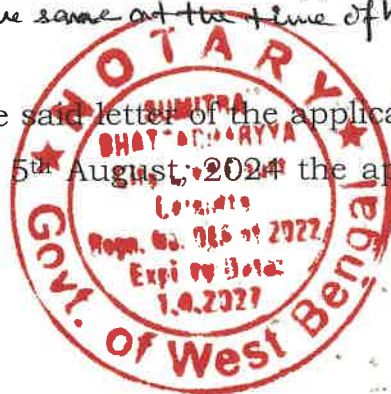


MOST RESPECTFULLY SHEWETH:

1. The Applicant is a Private Limited Company running a Hotel under the trade name and style of Digante Resorts in the Mandermoni Coastal area in the District of Purba Medinipore, West Bengal.
2. The applicant states that the applicant has recently come to know that the above original application has been filed before this Hon'ble Tribunal by the original applicant, namely, Sailendra Chatterjee.
3. The applicant states that many hotels including the hotel of the applicant have been served with a Notice of the District Magistrate dated 26th June, 2024 thereby informing the various hotels including the applicant, inter alia, stating that "..... hereby given the opportunity to claim their existence and operation to be valid under CRZ Notification 1991 and 2011 and to forward their claim and requested all concerned to forward their claim with all relevant documents" to the District Magistrate, who is also the Chairman of the District Level Committee of West Bengal Coastal Zone Management Authority.

In the said Notice references were given to a Memo dated 25th April, 2024 and the directions of the National Green Tribunal, Special Bench. One of such copy of the said Notice dated 26th June, 2024 is annexed hereto and marked as Annexure "A".

4. As no copy of the Memo dated 25th April, 2024 was forwarded to the applicant and as the applicant is not aware of the contents of such Memo, the applicant by its letter dated 9th July, 2024 requested the District Magistrate to forward a copy of the Memorandum dated 25th April, 2024 to enable the applicant to understand the scope of the said Memo dated 25th April, 2024. Though the said letter was received by the District Magistrate yet, no copy of the said Memo dated 25th April, 2024 has been made available to the applicant. *The Applicant excuses leave to refer to the same at the time of hearing.*
5. The applicant states that though the said letter of the applicant was not replied to the applicant yet, on 5th August, 2024 the applicant



X

was served with a copy of the Memo dated 5th August, 2024 by the Additional District Magistrate (LR), Purba Medinipore calling upon the applicant to attend a Meeting on 8th August, 2024 on Coastal Regulation Zone related issue at the Chamber of the Additional District Magistrate (LR), Purba Medinipore. The agenda of the Meeting will appear from a copy of the Notice dated 5th August, 2024. A copy of the Notice dated 5th August, 2024 is annexed hereto and marked as Annexure "B".

6. The applicant attended the said Meeting when for the first time it was divulged to the applicant that a report of the Joint Committee constituted by the Larger Bench of the Hon'ble National Green Tribunal in the matter of O.A. No. 134/2015/EZ was submitted to the District Magistrate and a map or plan of Geo-Tagging the hotels of the applicant has been prepared by the office of the District Magistrate on an alleged Coastal Zone Management Plan. However, no document was provided by the office of the ADM(LR) and the ADM(LR) has informed as if the map or plan is available in the website of West Bengal Coastal Zone Management Authority.
7. During the course of the Meeting it was also divulged by the Additional District Magistrate (LR), that the instant proceedings have been initiated before this Hon'ble Tribunal and in pursuance of the order passed by this Hon'ble Tribunal, steps are being taken by the District Magistrate.
8. The applicant was though provided with the number of the case yet, no copy of the order or the application has been provided to the applicant.
9. In such circumstances, the applicant through its Advocate, caused searches to be made in the website of this Hon'ble Tribunal wherefrom the applicant came to know the following:-

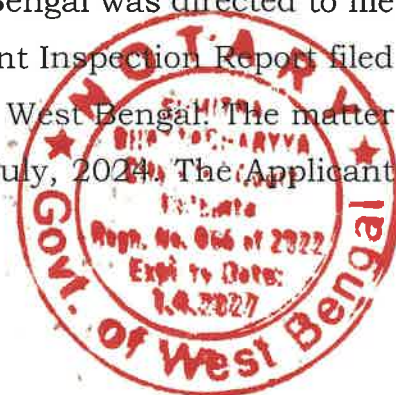
- (a) An application was filed by the original applicant herein in respect of the Mandarmani Coastal area. Though the applicant did not appear when the matter was taken up for hearing on 1st



X

February, 2024 this Hon'ble Tribunal was pleased to direct the department to serve a Notice upon the Original Applicant. This Hon'ble Tribunal was pleased to fix the matter on 6th March 2024. The Applicant craves leave to refer to a copy of the order dated 1st February, 2024 at the time of hearing, if necessary.

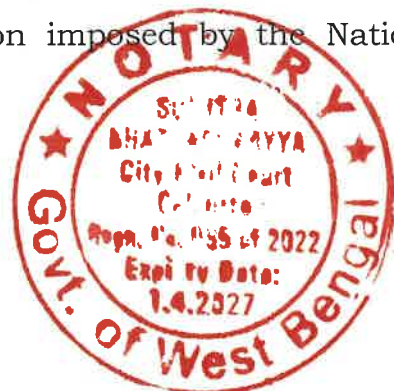
- (b) It appears from the order dated 6th March, 2024 that in spite of service, the original applicant did not appear before this Hon'ble Tribunal and, therefore, this Hon'ble Tribunal was pleased to take up the matter suo moto. By the order this Hon'ble Tribunal was pleased to observe that in the complaint made by the original applicant, the order dated 2nd May, 2022 passed in O.A. No. 134/2015/EZ (Bishnupada Pakhira -vs- Union of India and Ors.) was referred and by referring the same it was further recorded by this Hon'ble Tribunal that the petition alleges that illegal constructions are continuing to exist and have also been made in spite of the order of the Hon'ble Tribunal.
- (c) This Hon'ble Tribunal by recording the same was further pleased to record the direction contained in paragraphs 21 and 22 of the order dated 2nd May, 2022. By referring the same this Hon'ble Tribunal was pleased to observe that no affidavit of compliance has been filed by the State Respondent in O.A. No. 134/2015/EZ and therefore directed the Chief Secretary, Government of West Bengal to file affidavit of compliance within two months. The matter was posted on 7th May, 2024. The Applicant craves leave to refer to a copy of the order dated 6th March, 2024 at the time of hearing, if necessary.
- (d) By a further order dated 7th May, 2024, the Hon'ble Tribunal was pleased to record that an affidavit of the Chief Secretary to the Government of West Bengal has been filed and the Chief Secretary to the Government of West Bengal was directed to file Action Taken Report in view of the Joint Inspection Report filed by the Chief Secretary, Government of West Bengal. The matter was then posted for hearing on 11th July, 2024. The Applicant



X

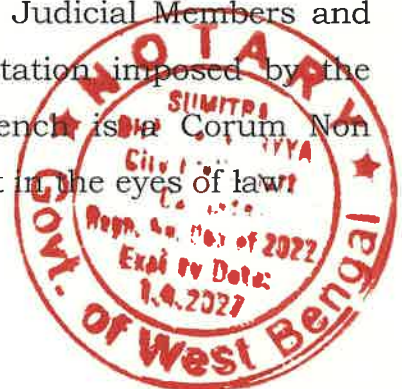
craves leave to refer to a copy of the order dated 7th May, 2024 at the time of hearing, if necessary.

- (e) By an order dated 11th July, 2024, this Hon'ble Tribunal has been pleased to record that a general Notice has been issued to the hoteliers and resorts on 26th June, 2024 and the reply is still awaited. From the said order it also appears that it has been represented by the learned Counsel for the State of West Bengal that a hearing would be taken place giving opportunity of hearing to the applicant and/or the hoteliers before a final order is passed which would take two months' time considering the large number of hotels and resorts. On the prayer of the learned Counsel for the State of West Bengal, this Hon'ble Tribunal was pleased to grant time to the Chief Secretary to the Government of West Bengal to file Action Taken Report on affidavit within 2 months. The matter was posted for hearing on 11th September, 2024. The Applicant craves leave to refer to a copy of the order dated 11th July, 2024 at the time of hearing, if necessary.
10. The applicant states that at no point of time, the applicant was informed about filing of the said application by the State Respondents though the rights and interest of the applicant is involved in the said proceedings.
11. The applicant states that it appears from the orders passed by this Hon'ble Tribunal that the Hon'ble Tribunal suo moto taking up the original application filed by the applicant, proceeded to execute the order dated 2nd May, 2022 passed in O.A. No. 134/2025/EZ by the Larger Bench of this Hon'ble Tribunal.
12. The applicant states that the order dated 2nd May, 2022 is not executable as the order dated 2nd May, 2022 is a nullity as the Larger Bench has no jurisdiction to try and determine the said application by reason of the limitation imposed by the National Green Tribunal Act, 2010.





13. The applicant states that in terms of Section 4(4)(c) of the National Green Tribunal Act, 2010 the Tribunal shall be constituted with Expert Member and the Judicial Member and the number of Expert Members shall be equal to the number of Judicial Members hearing any application or appeal.
14. The applicant states that it is, therefore, apparent that the Judicial Members and the Expert Members constituting a Larger Bench is required to be equal in number. Therefore, as would appear from the order itself, the Expert Members were outnumbered by the Judicial Members. The same is, therefore, in direct contravention of the proviso to the clause (c) of sub-section (4) of Section 4 of the National Green Tribunal Act, 2010.
15. It is, therefore, apparent that the Larger Bench, consisting of two Expert Members and three Judicial Members in contravention to the limitation imposed by the Statute, could not have taken up the matter. The said order was, therefore, passed by a Larger Bench who had no jurisdiction to try the matter and, therefore, is a nullity.
16. Section 4(4) of the statute contemplates the Central Government as rule making authority in consultation with the Chairperson of the Tribunal.
17. However, the Applicant states that as will appear from the limitation imposed by the statute in proviso to clause (c) of sub-section 4 of Section 4 in prescribing the constitution of Corum of the National Green Tribunal in taking up the cases, it is apparent that the statute ensured representation of both judicial and expert Member in equal numbers in hearing an application or Appeal. The Act therefore, does not empower the Chairperson or Registrar to constitute a Bench in contrary to the mandate and/or limitation imposed by the statute on the Tribunal. Therefore, the constitution of the Special Bench consisting of three (3) Judicial Members and two (2) Expert Member is hit by the limitation imposed by the statute and therefore, the said Special Bench is not a valid Corum Non Judice and any order passed by it, is non-est in the eyes of law.





18. The applicant states that it is well settled that when an order is rendered as a nullity in view of absence of jurisdiction, the same can be interfered even at the execution stage or in a collateral proceeding.
19. The applicant states that the issue as to the constitution of the Larger Bench has been declared as ultra vires the National Green Tribunal Act 2010 and the procedure and Rules in PIL Writ Petition No. 4 of 2022 in the matter of (Goa Foundation –vs- National Green Tribunal, Principal Bench). The said order has been challenged before the Hon'ble Apex Court and the Hon'ble Apex Court has been pleased to stay the direction contained in paragraph 56 of the order passed by the High Court at Bombay at Goa by way of an ad-interim order while considering the fact that the Western Zonal Bench at Goa is functional. However, the said issue is now under consideration of the Hon'ble Apex Court in SLP (C) No. 17931 of 2022.
20. The order of the Hon'ble High Court at Bombay, sit at Goa, has not been set aside.
21. The National Green Tribunal, Act 2010 being Central Legislation has ramification all over the country.
22. The applicant states that the O.A. No. 22/2024/EZ whereby order dated 2nd May, 2022 passed in O.A. No. 134/2015/EZ sought to be executed is liable to be stayed permanently inasmuch as the order sought to be executed by the instant Original Application is of nullity and therefore, not executable.
23. In such circumstances, the applicant along with the Hoteliers Association had filed an application for Addition of Party and Stay of the proceedings on 11th September, 2024. However, the said application, upon scrutiny by the Department was found defective and leave was granted to re-file the same before the next date of hearing. The Applicant as advised had been taking steps to re-file



X

the same. The Applicant craves leave to refer to a copy of the order dated 11th September, 2024 at the time of hearing, if necessary.

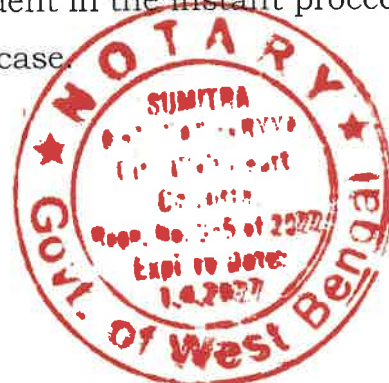
24. On 18th November, 2024 the Applicant was served with a common notice dated 11th November, 2024 issued by the Chairman, District Level Coastal Committee of West Bengal Coastal Zone Management Authority and the District Magistrate & Collector, Purba Medinipur, West Bengal. By the said common notice issued to 140 hoteliers named in the list appended thereto, including the applicant herein, all hoteliers were directed to demolish their hotels by 20th November, 2024. A copy of the notice dated 11th November, 2024 is annexed hereto and marked as Annexure "C".
25. The Applicant herein along with other Applicants have filed a Writ Petition being W.P.A. No. 27735 of 2024 challenging, inter alia, common notice dated 11th November, 2024.
26. The Applicant along with other Writ Petitioners in the said Writ Petition have also sought for quashing of the order dated 2nd May, 2022 passed by the Larger Bench consisting of Five Members of this Hon'ble Tribunal in O.A. No. 134/EZ/2015 and also sought for stay of the instant proceedings being O.A. No. 22/EZ/2015. The Applicant craves leave to refer to a copy of the writ petition at the time of hearing.
27. By an order dated 22nd November, 2024 while hearing the Writ Petition, the Hon'ble High Court has been pleased to pass an order directing that the order of stay granted in another Writ Petition being W.P.A. No. 27403 of 2024 shall also be made applicable to the Writ Petition filed by the Applicant herein alongwith other applicants.
28. The Applicant states that by the order dated 22nd November, 2024 the Hon'ble High Court, Calcutta was pleased to stay the operation of the notice dated 11th November, 2024 until 13th December, 2024. In this context, copies of the order dated 22nd November, 2024



X9

passed in WPA No. 27735 of 2024 and WPA No. 27403 of 2024 are annexed hereto and collectively marked as Annexure "D".

29. The Applicant humbly submits that it would appear from the statements made herein above that the Applicant has also challenged the instant proceedings before the Hon'ble High Court at Calcutta, in as much as the order dated 2nd May, 2022 passed in O.A. No. 134/EZ/2015 is void as the said five Member Bench was "Corum Non-Judice".
30. The Applicant further states that it would appear that the applicant, along with other Writ Petitioners in WPA No. 27735 of 2024 has challenged the order dated 2nd May, 2022 and sought for quashing of the said order as the said order was passed by a Bench which was Corum Non Judice.
31. The Applicant states that by the instant proceedings, the order dated 2nd May, 2022 passed by the Larger Bench consisting of Five Members in O.A. No. 134/2015/EZ is being executed.
32. The Applicant states that the said order dated 2nd May, 2022 passed in O.A. No. 134/EZ/2015 was in relation to the Hotels, Homestays, Shops etc. in Mandermoni Coastal area.
33. As stated above, the applicant is also carrying on business as a Hotelier having his Hotel in Mandermoni Coastal area.
34. Any order that may be passed in the instant proceedings will essentially affect the right, title and interest of the applicant herein.
35. It is thus, apparent that the applicant is a necessary party to the instant proceedings being O.A. No. 22/2024/EZ.
36. In such circumstances, the applicant humbly submits that the applicant be added as a party respondent in the instant proceedings for proper adjudication of the instant case.



10

37. The applicant states that it is necessary that the applicant is required to be heard by this Hon'ble Tribunal in adjudicating the instant case in the interest of principles of natural justice.
38. The balance of convenience lies in favour of the orders as prayed for herein.
39. Unless the orders as prayed for herein are passed, the applicants shall suffer irreparable loss and prejudice.
40. This application is bona fide and made for the ends of justice and applicants are not guilty of any willful delay and/or laches.

In the circumstances the applicant humbly prays for the following orders:-

- (a) The Applicant be added as a party respondent in the instant proceedings;
- (b) Ad-interim order in terms of prayer above;
- (c) Such further or other order or orders as this Hon'ble Tribunal may deem fit and proper;

And the applicant as in duty bound shall ever pray.

Prityasmita Bhattacharya

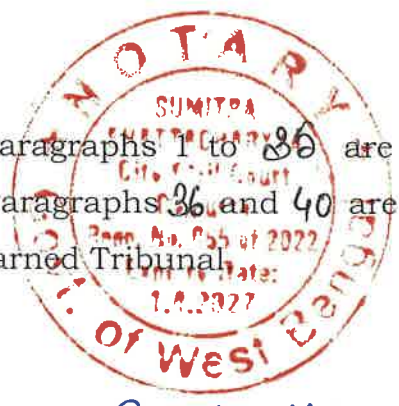


X

AFFIDAVIT

I, Swarup Adhikary, son of Late Sukumar Adhikary, aged about 50 years, by faith - Hindu, by occupation - Service, residing at B-11/171, Kalyani, Nadia Pin - 741 235, do hereby solemnly affirm and say as follows:-

- 1. I am the General Manager and Authorised Signatory of the Petitioner/Applicant in the instant matter and as such, I have made myself well acquainted with facts and circumstances of the present case. I have been duly authorized by the Petitioner/Applicant to swear this affidavit on behalf of the Petitioner/Applicant.
- 2. The statements made in paragraphs 1 to 36 are true to my knowledge, those made in paragraphs 36 and 40 are my humble submissions before this Learned Tribunal.



Swarup Adhikary

The deponent is known to me

Prepared in my office

Prityasata Mallick
Advocate

Identified by me,

Prityasata Mallick
Advocate

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

Sumitra Bhattacharyya
Notary

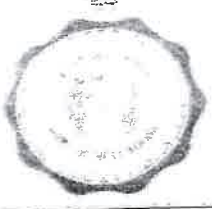
Sumitra Bhattacharyya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court - Calcutta



26 NOV 2024

ANNEXURE - 'A' - 12 -

পূর্ব মেদিনীপুর জেলা সড়ক ও জনস্বাস্থ্য উন্নয়ন কর্তৃক
পূর্ব মেদিনীপুর জেলা সড়ক ও জনস্বাস্থ্য উন্নয়ন কর্তৃক
পূর্ব মেদিনীপুর, পি.সি. - ৭২১০৪৮
(পর্যটন বিভাগ) :: ব্লক 'এ', সপ্তম তল



Office of the District Magistrate & Collector
Purba Medinipur
Vill.-Ganapatnagar, P.O.-Uttar Sonamul, P.S. -Tamanik,
Dist. Purba Medinipur, Pin-721648
Email: tourismpurba@gmail.com
(Tourism Section) :: Block - 'A', 6th Floor.

No : 34 /XXXXII/Tourism(CRZ)

Dated : 26 / 06 /2024

NOTICE

As per the Order received from West Bengal State Coastal Zone Management Authority vide memo no. 039-EN/3C-06/2016, dated 25.04.2024 and as per directions of Hon'ble National Green Tribunal, Special Bench all the respondents i.e. hotels, restaurants or resorts, homestays are hereby given the opportunity to claim their existence and operation to be valid under CRZ notification, 1991 & 2011 and requested all concern to forward their claim with all relevant documents to the office of the undersigned within fifteen (15) days from the issuance of this notice.



Chairman,
District Level Committee of WBCZMA
&
District Magistrate & Collector
Purba Medinipur

Dated : 26 / 06 /2024


No. : 34 / (5) /XXXXII/Tourism(CRZ)

Copy forwarded for information and taking necessary action to-

- 1) The Chairman, West Bengal State Coastal Zone Management Authority, Kolkata.
- 2) The Environmental Engineer, WEFCEB, Halda Regional Office, Purba medinipur.
- 3) The Sub-Divisional Officer, Central Sub-Division, Purba Medinipur.
- 4) The Block Development Officer, Ramnagar II Development Block, Purba Medinipur.
- 5) The Proprietor, The Candle on 2 Park Beach Resort Hotel/ Restaurant/ Resort.


Chairman,
District Level Committee of WBCZMA
&
District Magistrate & Collector
Purba Medinipur



Certified to be True Copy

Advocate



- 124 -

Office of the District Magistrate & Collector
 Purba Medinipur
 Vill-Ganapatnagar, P.O.-Uttar Sonamui, P.S.-Tamluk,
 Dist: Purba Medinipur, Pin-721648
 Email:tourismpurba@gmail.com
 (Tourism Section) : : Block-'A', 6th Floor.

No: 34/1(5)/XXXXII/Tourism (CRZ)

Dated: 26/06/2024

NOTICE

As per the Order received from West Bengal State Coastal Zone Management Authority vide memo no.039-EN/3C-06/2016, dated 25.04.2024 and as per directions of Hon'ble National Green Tribunal, Special Bench all the respondents i.e. hotels, restaurants or resorts, homestays are hereby given the opportunity to claim their existence and operation to be valid under CRZ notification, 1991 & 2011 and requested all concern to forward their claim with all relevant documents to the office of the undersigned within fifteen (15) days from the issuance of this notice.

S/d
 Chairman,
 District Level Committee of WBCZMA
 &
 District Magistrate & Collector
 Purba Medinipur

No: 34/1(5)/XXXXII/Tourism (CRZ)

Dated: 26/06/2024

Copy forwarded for information and taking necessary action to:-

- (1) The Chairman, West Bengal State Coastal Zone Management Authority, Kolkata.
- (2) The Environmental Engineer, WBPCB, Haldia Regional Office, Purba medinipur.
- (3) The Sub-Divisional Officer, Contai Sub-Division, Purba Medinipur,
- (4) The Block Development Officer, Ramnagar II, Development Block, Purba Medinipur,
- (5) The Proprietor, The Candlewood Park Beach Resort Hotel/Restaurant/Resort.

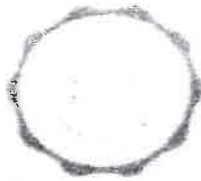
S/d
 Chairman,
 District Level Committee of WBCZMA
 &
 District Magistrate & Collector
 Purba Medinipur

Stamp

Certified to be True Copy


 Advocate

জিলাপাশাৰুৰ আৰু জিলাপাশাৰুৰ উত্তৰকাৰী জিলা
পূৰ্ব মেদিনীপুৰ
ৱাৰ্ড এমপত্ৰিকাৰ, পি.ও. জিলাপাশাৰু, বনাম : জিলাপাশাৰু
জিলা পূৰ্ব মেদিনীপুৰ, পিন : ৭২ ১৬৪৪
(পৰ্যটন বিভাগ) :: ব্লক 'এ', সপ্তম তল :



Office of the District Magistrate & Collector
Purba Medinipur
P.O. Jhapanaagar, P.O. Jitar Sonamui, P.S. Tamuli,
Dist. Purba Medinipur, Pin: 721648
Email: tourismpurba@gmail.com
(Tourism Section) :: Block - 'A', 6th Floor.

Memo No:- 58/XXXXII/Tourism(CRZ)

Date:- 05/08/2024

To
The Secretary to the
Hotelier's association, Dadanpatrabarh & Sonamui,
Mandarmoni, Purba Medinipur

Sub:- Meeting on CRZ related issues.

An urgent meeting on Coastal Regulation Zone (CRZ) related issues will be held on 8/8/24 at 12:00 PM at the Office chamber of the undersigned at New Administrative Building (Block-B, 1st Floor), Nimitouri, Purba Medinipur.

- Agenda: - 1. Discursion on Hon'ble NGT in the matter of O.A. No. 134/2015/EZ.
2. Discursion on served notice vide memo no. 35/XXXXII/Tourism(CRZ) dated 26/06/2024.

You are requested to make it convenient to attend the meeting.

Additional District Magistrate (LR)
Purba Medinipur

Memo No:- 58/I(I)/XXXXII/Tourism(CRZ)

Date:- 05/08/2024

Copy forwarded for information to:-
C.A. to District Magistrate, Purba Medinipur.



Certified to be True Copy

Advocate

Additional District Magistrate (LR)
Purba Medinipur



- 134 -

Office of the District Magistrate & Collector
 Purba Medinipur
 Vill-Ganapatnagar, P.O.-Uttar Sonamui, P.S.-Tamluk,
 Dist: Purba Medinipur, Pin-721648
 Email:tourismpurba@gmail.com
 (Tourism Section) : : Block-'A', 6th Floor.

No: 58/1(1)/XXXXII/Tourism (CRZ)

Dated: 05/08/2024

To

The Secretary to the

Hotelier's association, Dadanpatrabarh & Sonamui.

Mandarmoni, Purba Medinipur

Sub: - Meeting on CRZ related issues.

An urgent meeting on Coastal Regulation Zone (CRZ) related issues will be held on 8/8/24 at 12:00 P.M. at the Office chamber of the undersigned at New Administrative Building (Block-B, 1st Floor), Nimtouri, Purba Medinipur.

Agenda: - 1. Discussion on Ho'ble NGT in the matter of O.A. No.134/2015/EZ.

2. Discussion on served notice vide memo no.35/XXXXII/Tourism (CRZ) dated 26/06/2024.

You are requested to make it convenient to attend the meeting.

S/d

Additional District Magistrate (L.R.)
 Purba Medinipur

Memo No:- 58/1(1)/ XXXXII/Tourism (CRZ)

Date: 05/09/2024

Copy forwarded for information to:-

C.A. to District Magistrate, Purba Medinipur.

S/d

Additional District Magistrate (LR)
 Purba Medinipur

Stamp

Certified to be True Copy

Prakus
 Advocate

জেলাশাসক ও জেলাসমাহর্তীকার্যালয়
পূর্ব মেদিনীপুর
গ্রাম : গনপতিনগর, পোঃ-উত্তর সোনামুই, থানা : তমলুক ;
জেলা : পূর্ব মেদিনীপুর, পিন : ৭২ ১৬৪৮
(পর্যটন বিভাগ) :: ব্লক 'এ', সপ্তম তল ।



Office of the District Magistrate & Collector
Purba Medinipur
Vill.-Ganapatnagar, P.O.-Uttar Sonamui, P.S. :Tamluk;
Dist :Purba Medinipur, Pin :721648
Email: tourismpurba@gmail.com
(Tourism Section) :: Block - 'A', 6th Floor.

Memo No:-114/XXXXII/Tourism (CRZ)

Date:-11/11/2024

NOTICE

Whereas, as per Order of Hon'ble NGT, vide O.A. No. 134/2015/EZ dated 02/05/2022 regarding Coastal Regulation Zone violation by Hotels / Resorts & Home stays in Mandarmoni, Purba Medinipur, all stakeholders are hereby directed to demolish and clean your illegal construction within 20.11.2024, otherwise legal action will be taken.

This is for your information and necessary action.


Chairman,
District Level Committee of WBCZMA
&
District Magistrate & Collector
Purba Medinipur

Memo No:-114/1(5)/XXXXII/Tourism

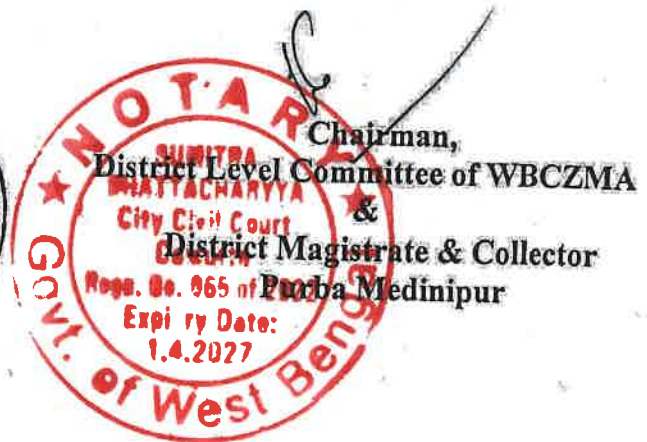
Date:-11/11/2024

Copy forwarded for information and taking necessary action to :-

- 1) The Chairman, West Bengal State Coastal Zone Management Authority, Kolkata.
- 2) The Environmental Engineer, WBPCB, Haldia Regional Office, Purba medinipur,
- 3) The Sub-Divisional Officer, Contai Sub-Division, Purba Medinipur.
- 4) The Block Development Officer, Ramnagar II Development Block, Purba Medinipur is requested to serve the Notice to the concerned stakeholders and submit the service return to this office end.
- 5) The Proprietor..... Hotel/
Restaurant/ Resort & Home stay.

Certified to be True Copy


Advocate



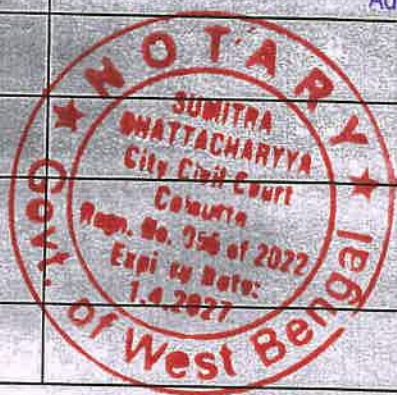
**Format for the Receipt Book i.c.w. Compliance of the order of the Hon'ble NGT
in the matter of O.A. No 134/2015/EZ.**

- 8 -

Sl. No.	Name of the Hotels/ Resorts/ Homestays	Address	Name & Signature of the recipients with date
1.	Megha Beach Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
2.	The Golden Beach Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
3.	Mainak Hotel	Vill- Sonamuhi, P.O.- Dadanpatrabar	
4.	Calypso Hotel	Vill- Sonamuhi, P.O.- Dadanpatrabar, P.S.- Mandarmoni Coastal	
5.	Mandarmani Green Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
6.	Hotel Rupkatha	Vill- Sonamuhi, P.O.- Dadanpatrabar	
7.	Parthking Beach Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
8.	Monika Beach Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
9.	The Wave Hotel & Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
10.	Sun view Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
11.	Hotel Sea Sand	Vill- Sonamuhi, P.O.- Dadanpatrabar	
12.	Hotel Sankhabela	Vill- Sonamuhi, P.O.- Dadanpatrabar	
13.	Hotel Spot Light	Vill- Sonamuhi, P.O.- Dadanpatrabar	
14.	Beach Walk Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	Certified to be True Copy <i>Thaluvu</i> Advocate
15.	Dream Hut Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
16.	Hotel Zaika Inn	Vill- Sonamuhi, P.O.- Dadanpatrabar	
17.	Aryans Sea Sight Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
18.	A.G. Beach Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	



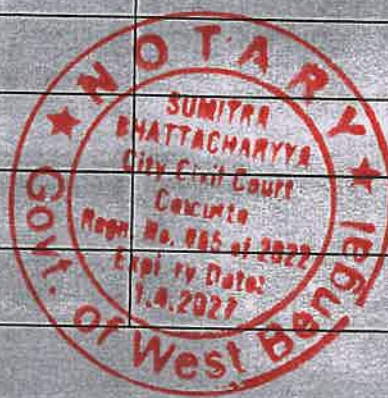
19	Hotel Hindusthan Inn	Vill- Sonamuhi, P.O.- Dadanpatrabar	
20	Penguin Beach Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
21	Sagardeep Hotel & restaurant	Vill- Sonamuhi, P.O.- Dadanpatrabar	
22	Resort Sun rise	Vill- Sonamuhi, P.O.- Dadanpatrabar	
23	Arya Beach resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
24	The Candlewood Park Beach Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
25	Bijoy Beach Resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
26	The Blue Lagoon	Vill- Sonamuhi, P.O.- Dadanpatrabar	
27	Monsoon resort	Vill- Sonamuhi, P.O.- Dadanpatrabar	
28	Sathi Home Stay & restaurant	Vill- Sonamuhi, P.O.- Dadanpatrabar	
29	Resort Mandarmoni	Vill- Sonamuhi, P.O.- Dadanpatrabar	
30	Baluchar Resturant	Vill- Sonamuhi, P.O.- Dadanpatrabar	
31	Hotel Nilkantha	Vill- Sonamuhi, P.O.- Dadanpatrabar	
32	Hotel Samudra sakshi	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
33	Urmimala Home Stay (Maity Guest House)	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
34	Resort Priyajeet	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
35	A.B. Resort	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	Certified to be True Copy
36	Aqua Marina Drive Inn	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	<i>H. K. Das</i> Advocate
37	Sagar Hotel & Lodge	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
38	Belabhumi	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
39	Swan sea Hotel & Restaurant	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
40.	Hotel Take A Break	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	



41	Blue Stone Hotel & Restaurant	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
42	Liv Sea Valley	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
43	Sindhu Kanya Hotel and Restaurant	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
44	Shetpari Hotel and Restaurant	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
45	Hotel Royal Heritage	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
46	Resort Pantha Tirtha	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
47	Hotel Landmark	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
48	Park Hotel & Restaurant	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
49	Resort Hirak Jayanti	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
50	Hotel Diamond Glory	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
51	Deep sea Beach	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
52	Resort Sonar Gaon	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
53	Meghmala Home Stay	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
54	Shinjini resort & Hotel	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
55	Maa Chandi Hotel & restaurant	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
56	Resort Garden Retreat	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
57	Maity Home Stay	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
58	Hotel Paradise	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	Certified to be True Copy
59	Ever Green Holiday Home	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	<i>A. Kalua</i> Advocate
60	Sonar Bangla Resort	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
61	Oyezter-Bay Hotel & Resort	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
62	Wonder Bay resort	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
63	Ajoy Minar	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	



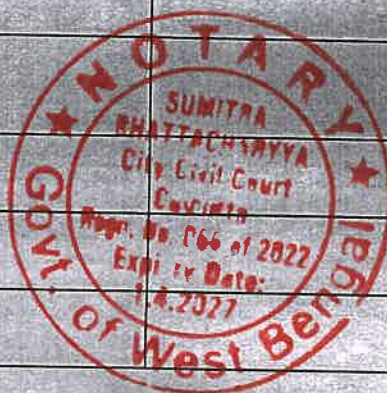
64	Hotel Anisha (Hotel Royal Sea)	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
65	Maa Saradamoyee Resort	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
66	Resort New Sonar Tari	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
67	Chokher Alo Resort & Restaurant	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
68	Star Inn Resort	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
69	Neel Pori	Sonamuhi	
70	Neel Nirjane	Sonamuhi	
71	Oasis Beach resort	Sonamuhi	
72	Luxery Banyan Tree	Sonamuhi	
73	Arka Vally	Sonamuhi	
74	Eco Villa (Under Construction)	Silampur	
75	Sweet Fantasy	Silampur	
76	Grand Mandarmoni	Silampur	
77	Gloria	Silampur	
78	Hotel Park Point	Mandarmani	
79	Victoria Beach Resort	Silampur	
80	Lloyds Beach Resort	Silampur	
81	Ocean Beach resort	Silampur	
82	Samudra Bilas	Silampur	
83	Hotel Grand Beach Resort	Silampur	Certified to be True Copy
84	Hotel Prince	Silampur	<i>[Signature]</i> Advocate
85	Aqua Blue Resort	Silampur	
86	Hotel Dolphin	Silampur	
87	The Sana Beach	Silampur	
88	Ashiyana Beach Resort	Silampur	



89	Tarangamala resort	Silampur	
90	Sea View resort		
91	Sweet dream Beach resort	Silampur	
92	Sea Queen Beach resort		
93	Santiniketan Hotel & resort		
94	Hotel Diganta	Silampur	
95	Suncity Resort	Silampur	
96	Hotel Sonar Bangla	Silampur	
97	Dreamland	Silampur	
98	Massara Hotel	Silampur	
99	Sea Star Spa resort	Silampur	
100	Holiday Beach Resort	Silampur	
101	ADB Canvas	Silampur	
102	Debraj Hotel P.vt.	Mandarmani	
103	Sun n Sand	Mandarmani	
104	Sher Bengal	Mandarmani	
105	Vice Roy	Mandarmani	
106	Classic Beach resort	Mandarmani	
107	Mohana Beach resort	Mandarmani	
108	Tango Beach Club	Mandarmani	
109	Anutri Beach resort	Mandarmani	Certified to be True Copy
110	Golden Sea Queen	Mandarmani	<i>Sunetra</i> Advocate
111	Marino Beach Resort	Mandarmani	
112	Hotel Sea End	Silampur	
113	Kings Crown Home Stay	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
114	Hotel Coastal Craze	Mandarmani	
115	Santinibas Hotel	Mandarmani	



116	A one	Mandarmani	
117	Galaxy Beach resort	Dadanpatrabar	
118	Samriddha Beach Resort	Dadanpatrabar	
119	Star Resort	Dadanpatrabar	
120	Bongo Bari	Dadanpatrabar	
121	Kiss Oe Sea	Dadanpatrabar	
122	Basundhara Resort	Dadanpatrabar	
123	Vorer Alo Resort	Dadanpatrabar	
124	Hotel Coastal View	Dadanpatrabar	
125	Akansha Beach Resort	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
126	Hotel The Sea Horse	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
127	Hotel Sahil Inn	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
128	T.N. Resort	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
129	Bombay Beach Resort	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
130	United 21-Beach View		
131	Fortune Club & Suit	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
132	Resort Royal Beach	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
133	Sea Smile Inn	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
134	Blooming Star Guest House	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	
135	Resort Saikat Saranya	Vill- Dadanpatrabar, P.O.- Dadanpatrabar	Certified to be True Copy
136	Hotel Nirala	Dadanpatrabar	<i>J. Raha</i> Advocate
137	Hotel New Amantran Homestay	D. Purusottampur	
138	Shantinir Homestay	Dadanpatrabar	
139	Chuti Beach Resort	Dadanpatrabar	
140	A1 Beach Resort	Dadanpatrabar	



ANNEXURE - 'D'

- 24 -

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

22. 11. 2024

BP
Sl. 03
Court No. 14

WPA 27735 of 2024

ADB Projects Pvt. Limited & Ors.
Vs.
Union of India & Ors.

Mr. Biswaroop Bhattacharya.
Mr. Arup Nath Bhattacharya.
Mr. V. Kothari.
Mr. Priyabroto Thakur.
Ms. Sayani Das.
Ms. Shretama Biswas.
Mr. Arya Bhattacharyya.
Mr. Amit Mukherjee.

..For the petitioners.

Mr. Sk. Md. Galib.
Ms. Sujata Mukherjee.
..for the State.

Mr. N. C. Bihani.
Mrs. P. B. Bihani.
Mr. S. Ghosh.
Mr. S. Mukherjee.
... For the WBPCB.

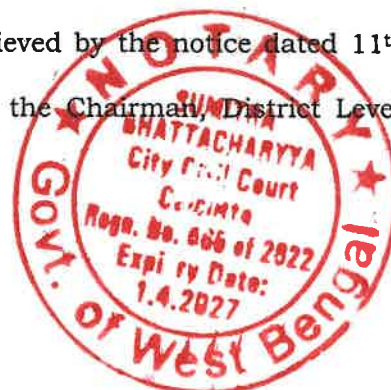
Mr. Swapan Kunar Nandi.
Mr. Biswajit Maity.
... For the Union of India.

1. Affidavit-of-service filed in Court today be kept with the records.
2. Leave is granted to the learned advocate-on-record for the petitioners to correct the case number mentioned in the prayer (e) and (m) of the writ petition.
3. The petitioners' are aggrieved by the notice dated 11th November, 2024 issued by the Chairman, District Level

Certified to be True Copy



Advocate



- ✂ -

Committee of WBCZMA and District Magistrate and Collector, Purba Medinipur directing all stakeholders to demolish and clean the illegal construction within 20th November, 2024 in terms of the order passed by the Hon'ble National Green Tribunal on 2nd May, 2022.

4. A notice of hearing was issued to the petitioners on 12th November, 2024 with a request to attend the hearing on 22nd November, 2024.

5. It has been submitted that the hearing has since been postponed and no fresh date has been intimated to the petitioners.

6. The Court is hearing a similar issue in WPA No. 27403 of 2024 (**Mandarmoni Hoteliers Association -Vs- Union of India & Ors.**). The Court has already granted an interim stay of the impugned notice dated 11th November, 2024. The stay shall apply in case of the petitioners also.

7. The respondents are directed to file report by 4th December, 2024.

8. The respondents are directed to file report with regard to the averments made in the writ petition by 4th December, 2024 and serve copy upon the learned advocate representing the petitioners.

9. List the matter on **10th December, 2024**. It will be open for the petitioners to prepare exception to the report prior to the adjourned date.

Certified to be True Copy

Thaluv.
Advocate



- 28 -

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

22. 11. 2024

BP
Sl. 02
Court No. 14

WPA 27403 of 2024

Mandarmoni Hoteliers Association
Vs.
Union of India & Ors.

Mr. Bikash Ranjan Bhattacharya. Sr. Adv.
Mr. Kalyan Bandopadhyay. Sr. Adv.
Mr. Saptangsu Basu. Sr. Adv.
Mr. Paritosh Sinha. V.C.
Mr. Amitava Mitra. V.C.
Mr. Ananta Kumar Shaw.
Mr. Ayan Banerjee.
Ms. Sumita Shaw.
Mr. Tarun Chatterjee.
Ms. Debasree Dhamali.
Ms. Paushali Banerjee.
Mr. Sujit Gupta.
Mr. Mainak Ganguly.
Ms. Riya Ghosh.
Mr. Soumen Cahtterjee.

..For the petitioner

Mr. T. M. Siddiqui.
Mr. D. Sahu.

..for the State.

Mr. N. C. Bihani.
Mrs. P. B. Bihani.
Mr. S. Ghosh.
Mr. S. Mukherjee.

... For the WBPCB.

Mr. Swapan Kunar Nandi.
Mr. Biswajit Maity.

... For the Union of India.

Ms. Soumi Guha Thakurta.
... For the Central Pollution Control Board.

Certified to be True Copy

Thalaw

Advocate



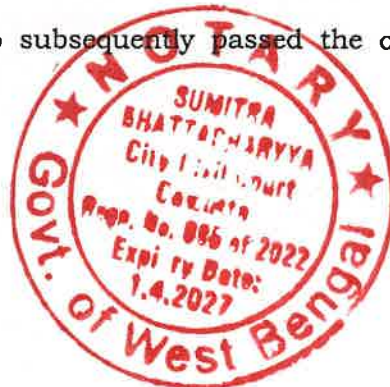
- 24 -

1. Affidavit-of-service filed in Court today be kept with the records.
2. Leave is granted to the learned advocate-on-record for the petitioner to implead Bishnupada Pakhira as party respondent in the instant writ petition and serve copy of the writ petition upon the added respondent.
3. The notice dated 11th November, 2024 issued by the Chairman, District Level Committee of WBCZMA and District Magistrate and Collector, Purba Medinipur directing all stakeholders to demolish and clean the illegal construction within 20th November, 2024 by the hotels/resorts and home stays in Mandarmoni, Purba Medinipur in terms of the order of the National Green Tribunal in O.A. No. 134/2015/EZ dated 2nd May, 2022 is impugned herein.
4. Primary contention of the petitioner is that the CRZ notification in respect of the State of West Bengal is yet to be published. In the absence of the CRZ notification, the same cannot be implemented.
5. Next contention is that the NGT could not have delegated its authority to adjudicate upon a committee who subsequently passed the order of demolition.

Certified to be True Copy

Shalini

Advocate



X

- 25 -

6. Further submission is that the cause of action arose long back and as per the National Green Tribunal Act, 2010, the constructions made by the members of the petitioner long back could not have been directed to be demolished at such a late stage.
7. The Constitution of the NGT in passing the order dated 2nd May, 2022 has been challenged. It has been submitted that any order passed by an authority constituted de hors the provision of law is liable to be set aside on the ground of quorum non judice.
8. The matter is yet to be heard. The parties are to make formal arguments.
9. As there is an immediate threat of demolition of the constructions which are used by the members of the petitioner for running their business to earn their livelihood, accordingly, the interim order praying stay of operation of the impugned notice is allowed.
10. The impugned notice dated 11th November, 2024 shall not be given effect to till 13th December, 2024 or until further order, whichever is earlier.
11. The respondents are directed to file report with regard to the averments made in the writ petition by 4th December, 2024 and serve copy upon the

Certified to be True Copy

Shankar

Advocate



X

~~-26-~~

learned advocate representing the petitioner.

12. List the matter on **10th December, 2024**. It will be open for the petitioner to prepare exception to the report prior to the adjourned date.

(Amrita Sinha, J.)

Certified to be True Copy


Advocate





Digante Resorts and Tourism Pvt. Ltd.

A-9/ 248 Kalyani, WB, 741235 Mobile: 9007603406, 9903668289
 digante@digante.com | www.digante.com
 A MSME Certified Enterprise

**Extract of the Resolution of the Board of Directors of Digante Resorts and
 Tourism Pvt Ltd, held at the Registered Office on 16of November, 2024at 4.00
 P.M.**

Resolved that Mr. Swarup Adhikary, S/O Late Sukumar Adhikary, Residing at B-11/171, Kalyani, Nadia, 741235 General Manager of the Company (AADHAR: 431975163108), is hereby authorized and empowered to sign all pleadings including filing of writ petition, affidavits, plaint, petition, execution application and any pleading and to execute and sign Vakalatnama for and on behalf of the Company and to appoint and instruct Advocates, Solicitors and Counsels and to instruct them in connection with any litigation filed by or against the Company and the Company hereby undertakes to ratify all acts and deeds that may be done by Mr. Swarup Adhikary in pursuance of this resolution.

Swarup Adhikary

Signature of

Certify to be true copy

Identified by us,

Anirban Mukherjee

Anirban Mukherjee

Director, DIN: 03575526

Indrajit Sharma

Indrajit Sharma Sarkar

Director, DIN: 03575451

Mr. Anirban Mukherjee

Mr. Anirban Mukherjee
 Chairman of the Meeting

Biplab Kumar Bhattacharya

Biplab Kumar Bhattacharya

Director, DIN: 03575460

VAKALATNAMA

In the **Before Ld. National Green Tribunal, Eastern Bench,** at **Judge**
 Suit/Case No. **Kolkata** of 20

I. A. No. of 2024

O.A. No. 22 of 2024

Sailendra Chatterjee
-Vs-

The State of West Bengal & Ors

Signature

Diganta Resorts & Tourism Pvt. Ltd.
by the Pen of
Swarnap Adhikary
Authorized Signatory

Plaintiff
Application

Defendant
Opp. Party
Respondent

KNOWN ALL MEN by these that I/We
 the Applicant, Diganta Resorts & Tourism Pvt. Ltd. through Swarnap Adhikary, Authorized
 do hereby in my/our name and my/(our behalf constitute and appoint Signatory / General
 Sri **PRIYABRATA THAKUR, ADVOCATE** Manager

true and lawful Pleader/Advocate & Attorneys to appear and act for me/us in the matter noted above to the suit written statement, conduct suit, appeal from original suit order etc. and for that purpose to do all acts and things, whatsoever in that connection including compromise of the above matter disposing in or withdrawing money from filling or taking out of appeal, document and payment order from court referring matters in dispute between the parties here to arbitration, withdrawing the above matters with liberty title fresh suit, sending properties released from attachment filling execution or Miscellaneous cases and other petitions, bidding at execution sale, obtaining payment from us our Court, Withdrawing custody and other fees and doing on my/our behalf such other acts in the above matters as are necessary and proper.

I/We hereby agreeing to ratify and confirm all acts so done by the said Advocate or Attorneys as my/our own acts and as it done by me/us to all intents and purposes

Date... 26/11/2024

ADVOCATES

PRIYABRATA THAKUR,
ADVOCATE,
TEMPLE CHAMBERS,
G, Old Post office Street,
Room No. 59, Kolkata - 700 001
 avootrika@gmail.com

Received the Vakalatnama
from the Executant and
accepted the same

Pratapnath Praluri,
Advocate.
MS/702/2001.

I.A. No. OF 2024
 O.A. No. 22 OF 2024
 BEFORE THE NATIONAL GREEN TRIBUNAL
 EASTERN ~~REGIONAL~~ ZONAL BENCH, KOLKATA

In the matter of:

An application for addition of party;

And

In the matter of:

Sailendra Chatterjee

.... Petitioner

Versus

State of West Bengal & Ors.

..... Respondents

AND

In the matter of:

Digante Resorts & Tourism Pvt. Ltd.

.....Applicant

APPLICATION



PRIYABRATA THAKUR
 ADVOCATE
 TEMPLE CHAMBERS,
 6, Old Post Office Street,
 Room No. 59, Kolkata - 700 001
arootrika@gmail.com
 WB/701/2001
 (M) 7044786668