

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA**

I.A. NO. 120 OF 2024

Original Application No. 38 of 2022/EZ

IN THE MATTER OF:

Dr. Bina Basnett

...Applicant

Versus

State of Sikkim and Ors.

...Respondents

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THROUGH

Pratap Shanker

**LEGAL CONSULTUS
(SWETANK SHANTANU & PRATAP SHANKER)**

D-21, 3rd Floor, Jangpura Extension
New Delhi-110014

Mob: 9818058809, 9891200224

Date: 11.11.2024

Place-Kolkata

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA**

I.A. NO. _____ OF 2024

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IN THE MATTER OF:

Dr. Bina Basnett ...Applicant

Versus

State of Sikkim and Ors. ...Respondents

**AN APPLICATION SEEKING DIRECTIONS BEING FILED ON
BEHALF OF THE APPLICANT UNDER RULE 13(4) OF THE
NATIONAL GREEN TRIBUNAL (PRACTICE AND PROCEDURE)
RULES 2011.**

MOST RESPECTFULLY SHOWETH:

1. That the Original Application is pending before this Hon'ble Tribunal. The contents of the Original Application may be read as part and parcel of the present Application, therefore the same is not being reproduced to avoid repetition.
2. That the present Application is necessitated in the facts and circumstances that the Respondent No. 12 has not placed on record some certain documents deliberately despite of having the same in their control. These are the documents which have been submitted to the Respondent Nos. 8 and 12 at the time of applying for the Environmental Certificate. That the Respondent No. 12 has filed the documents in a pick and choose manner.

3. That these documents are well mentioned by the Respondent No. 12 in its reply in Para Nos. 76 and 78. The relevant portion of the para nos. 76 and 78 are reproduced herein below for the kind ready reference of this Hon'ble Tribunal:

“76. That the answering Respondent, under the mandate of environmental impact assessment notification 2006, applied for EC to the SEIAA, Sikkim for which Form 1, Form 1A and conceptual plan was submitted vide letter dated 27.11.2021.”

“78. That it is pertinent to point out that the Form 1 and 1A and the EIA Report also includes the Environment Management Plan, Environment Monitoring Programme, Risk Assessment, Disaster Management & Emergency Response Plan Impact mitigation measures among others. That the said EIA report and Form 1A also contains the floors plans, drainage site plan, Sewage Treatment Plant Schematic Diagram, Storm Water Management Plan, Traffic Movement Plan, Traffic Circulation Plan, Geo Technical Investigation Report, Car Washing Plan, among others.”

4. That it is to bring in kind knowledge of this Hon'ble Tribunal that concealment with respect to falling of the present site within 10 KM of Eco-Sensitive Zone has come into the knowledge of the Applicant only with the help of Annexure R/3 as filed by the Respondent No. 11 herein.

5. That, hence, the documents alongwith all annexures as mentioned in Para No. 3 above (in Para Nos. 76 and 78 of the Reply of the Respondent No. 12) are mandatory and goes into the roots of the matter and are necessitated for just and proper adjudication of the present Original Application.
6. That, therefore, in light of the abovementioned facts and circumstances the present Application is being filed by the Applicant seeking direction from this Hon'ble Tribunal against the Respondent No. 12 with regard to filing of all the documents alongwith all annexures therein.
7. That the present Application is being filed bonafide in the interest of justice.

PRAYER

In view of the aforesaid facts and circumstances, the petitioner most respectfully submits that this Hon'ble Court may be pleased to do:

- A. Allow the present Application and direct the Respondent No. 12 to file all the documents alongwith all annexures as mentioned in Para No. 3 above (in Para Nos. 76 and 78 of the Reply of the Respondent No. 12);
and/or

- b) pass such other and further Order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.


APPLICANT

THROUGH



**LEGAL CONSULTUS
(SWETANK SHANTANU & PRATAP SHANKER)**

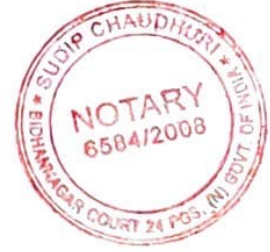
D-21, 3rd Floor, Jangpura Extension
New Delhi-110014

Mob: 9818058809, 9891200224

Date 11.11.2024
Place- Kolkata

SL. NO. 243/2024

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
IA NO. _____ OF 2024



IN

Original Application No. 38/2022

IN THE MATTER OF:

Dr. Bina BasnettApplicant

Versus

State of Sikkim & Ors.Respondents

BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS

AFFIDAVIT

I, Dr. Bina Basnett alias Shanthi Basnett D/o Mr. P.B. Basnett ,
aged about 39 years R/O Om Shanti Niwas, Lower Marchak,
NH-10, near Petrol pump, Ranipool, East Sikkim-737135,
presently at Kolkata, do hereby solemnly affirm and declare as
under:

1. That I am the Applicant in this case and as such am fully acquainted with the facts and circumstances of the case and as such am fully competent to swear this affidavit.
2. That I say that I have read and understood the contents of the accompanying Application which has been drafted by my Counsel under my instructions. I say the facts stated therein are true to the best of my knowledge.

11 NOV 2024

3. I say that the averments of facts stated herein above are true to my knowledge, no part of its false and nothing material has been concealed therein.



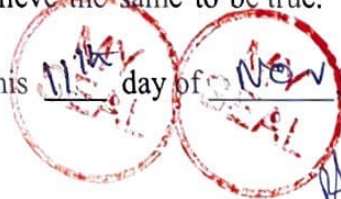
Amit

DEPONENT

VERIFICATION:

I, Dr. Bina Basnett alias Shanthi Basnett, the deponent mentioned above do hereby most solemnly affirm and verify that what is stated in the above Affidavit is true to my knowledge and I believe the same to be true.

Verified at Kolkata on this 11th day of Nov 2024.



Amit
DEPONENT

S. Chaudhuri
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regn. No.-6584/08
Bichannagar Court
Dist.-North 24 Pgs

Identified by me
Dipankar Thacker
Advocate

11 NOV 2024



OA 38/2022- Dr. Bina Basnett v State of Sikkim & Ors.

1 message

Legal Consultus <legalconsultus@gmail.com>

Mon, Nov 11, 2024 at 9:21 PM

To: eldflegal@gmail.com, Amrita Pandey <amritalegal@gmail.com>, Advocate KS Thupden <thupden2009@gmail.com>, Saumitra Jaiswal <saumitra.jaiswal@gmail.com>, Gitanjali Sanyal <gitanjalisanyal@gmail.com>, advocateshubhamupadhyay@gmail.com, contactadvsa@gmail.com, surya@eldfindia.com, Sonali Sengupta <sonalisengupta.93@gmail.com>, Mansi Bachani <mansi.bachani08@gmail.com>

Dear Sir,

Please find attached herewith the scanned copy of the Composite Rejoinder to all the Replies filed by the Respondents along with Applications being filed on behalf of the Applicant in the captioned matter. Kindly treat the same as advance service.

Thanking You

Kind Regards
Ankit Kumar
Advocate

Legal Consultus

Advocates & Consultants

D-21, 3rd Floor, Jangpura Extension,
New Delhi-110014.

Tel: 011- 45538555 & 41655111

E-mail: legalconsultus@gmail.com & mail@legalconsultus.com

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3 attachments**22 APPLICATION FOR NAME CHANGE.pdf**
1365K**55 Applications Dr. Bina Basnett.pdf**
489K**22 Rejoinder to R12.pdf**
2025K