

S.L. No. 45

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
M. A. No. 27/2024/EZ
In
ORIGINAL APPLICATION NO. 136/2015/EZ

In The Matter of:

Subhas Datta

... Applicant



Versus

State of West Bengal & Ors.

... Respondents

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE RESPONDENT
NUMBER 03, DISTRICT MAGISTRATE & COLLECTOR, JALPAIGURI
DISTRICT.

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19 DEC 2024

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3.	Photocopy of the letter dated 26.11.2024 written by the District Magistrate, Jalpaiguri to the Member Secretary, West Bengal Pollution Control Board is annexed herewith	R-2	8
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Filed by



SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534





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SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE RESPONDENT
NUMBER 03, DISTRICT MAGISTRATE & COLLECTOR, JALPAIGURI
DISTRICT.

I, Priyadarshini Bhattacharyya, D/o Avijeet Bhattacharya, aged 33 years
by faith Hindu and by occupation-Service, presently posted as Additional
District Magistrate (LR & LA), Jalpaiguri district having office at
Collectorate Building, Collectorate Avenue, Jalpaiguri, Pin: 735101, West
Bengal, do hereby solemnly affirm and submit as follows:-

1. That I am presently posted as the Additional District Magistrate (LR & LA), Jalpaiguri district, having office address at having office at Collectorate Building, Collectorate Avenue, Jalpaiguri, Pin: 735101, West Bengal, I am competent to swear and affirm this affidavit for and on behalf of myself and on behalf of the District Magistrate & Collector, Jalpaiguri.

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2. That Counter Affidavit in connection with the instant original application has been filed by this respondent and the same has been taken on record by the Hon'ble Tribunal on 05.11.2024.
3. That it is pertinent to mention that a joint field inspection in connection with the instant matter has been conducted and the same has also been submitted before this Hon'ble Tribunal.
4. That as per the inspection report where it has been observed that a stone crusher has been found but no machines were operating at the time of the visit and also there was no vehicular movement for transportation of materials to and from the crushing unit.
5. That accordingly the Additional District Magistrate(G),Jalpaiguri vide letter dated 26.11.2024 had informed the Proprietors' of the stone crushing unit namely M/s ARK Nirman (P) Ltd to remove the stone crushing unit with all equipments and machineries within a week from the date of receipt of the letter.

Photocopy of the letter dated 26.11.2024 written by the Additional District Magistrate (G), Jalpaiguri to the Proprietors' of the stone crushing unitnamely M/s ARK Nirman(P) Ltd is annexed herewith and marked with the letter'R-1'.

6. That the District Magistrate, Jalpaiguri vide letter dated 26.11.2024 written to the Member Secretary, West Bengal Pollution Control Board had interalia requested the State Board to take necessary action against the stone crushing unit.

Photocopy of the letter dated 26.11.2024 written by the District Magistrate, Jalpaiguri to the Member Secretary, West Bengal Pollution Control Board is annexed herewith and marked with the letter 'R-2'.

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7. That this supplementary affidavit is being filed for bringing the above facts for the kind knowledge of the Hon'ble Tribunal.
8. That it is most respectfully prayed 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

Sibojyoti Chakrabarti
Advocate
State of West Bengal 19/12/2024

Priyadarsi Bhattacharya

Deponent

Additional District Magistrate &
District Land & Land Reforms Officer
Jalpaiguri



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

[Signature]
Notary

SK. Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Calcutta
19 DEC 2024



VERIFICATION:

I, the deponent within named, 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 19th Day of December, 2024.

Identified by me

Sibojyoti Chakrabarti
Advocate

State of West Bengal

19/12/2024

Riyadul Karim Bhattacharya

Deponent

Additional District Magistrate &
District Land & Land Reforms Officer
Jalpaiguri



Annexure R-1



GOVERNMENT OF WEST BENGAL
Office of the District Magistrate
Civil Suit Section, Jalpaiguri

Memo No: 254 / XXI/I/9/OA/CS/2015/EZ

Date: 26 /11/2024

From: Addl. District Magistrate (G)
Jalpaiguri

To : 01. Shri Rajesh Chhetri & 02. Shri Shyamal Agarwal,
Proprietors of M/s. ARK NIRMAN (P) LTD.
Manabari, Oodlabari, P.S. Mal, Dist. Jalpaiguri

Subject: M.A. No. 27/2024/EZ in Original Application No. 136/2015/EZ in the matter of
Subhas Datta - Vs.- State of West Bengal & Ors.;

Reference: Order dated-05/11/2024 passed by the Hon'ble NGT, EZ, Kolkata;

Apropos to the above, I am directed to inform you that the Hon'ble NGT, EZ, Kolkata was pleased to pass an order dated 05/11/2024 with regard to illegal stone crusher unit situated at Laiti River , Manabari, Oodlabari, PS-Mal, Dist. Jalpaiguri .

Further, it is also to inform you that on 17/06/2022 vide Memo No. 912/JM-Indus/2022, the Sub-Divisional Officer, Mal has withdrawn the Consent to Operate (CTO) issued earlier by WBPCB, Siliguri Regional Office, in your favour.

Hence, so as to make the compliance of the said solemn order dated above, you are requested to immediately remove the said illegal stone crusher unit along with all your equipments and machineries situated at Laiti River, Manabari, Oodlabar, PS -Mal, Dist. Jalpaiguri within 07(seven) days (one week) from the date of receipt of this letter.

Please treat this as MOST URGENT.

Encl. : Order, dated-05/11/2024


Addl. District Magistrate (G)
Jalpaiguri

Memo No: 254 /1(2)/ XXI/I/9/OA/CS/2015/EZ

Date: 26 /11/2024

Copy forwarded to:

1. Mr. Sibojyoti Chakrabarty, Ld. State Advocate, NGT, Kolkata(mail ID subho.advocate@gmail.com)– with a request to submit the same before the Hon'ble NGT, EZ, Kolkata
2. The Sub-Divisional Officer, Mal for information and taking necessary action.


Addl. District Magistrate (G)
Jalpaiguri



GOVERNMENT OF WEST BENGAL
Office of the District Magistrate
Civil Suit Section, Jalpaiguri

Memo No: 253 / XXI/I/9/OA/CS/2015/EZ

Date: 26 /11/2024

From: District Magistrate
Jalpaiguri

To : The Member Secretary,
West Bengal Pollution Control Board
Siliguri Regional Office, Siliguri

Subject: M.A. No. 27/2024/EZ in Original Application No. 136/2015/EZ in the matter of
Subhas Datta - Vs.- State of West Bengal & Ors.;

Reference: Order dated-05/11/2024 passed by the Hon'ble NGT, EZ, Kolkata;

Sir,

Apropos to the above, it is to inform you that the Hon'ble NGT, EZ, Kolkata was pleased to pass an order dated 05/11/2024 thereby directing the District Magistrate & Collector, Jalpaiguri to file the present status report with regard to illegal stone crusher unit situated at Laiti River, Manabari, Oodlabari, PS- Mal, Dist. Jalpaiguri.

The undersigned would also like to inform you that on 07/07/2022 one inspection was conducted by the Sub-Divisional Officer, Mal and during the said inspection it was found that ARK NIRMAN (P) LTD, a stone crusher unit situated at Manabari, Oodlabari, Jalpaiguri was not operating any stone crusher activity as on 07/07/2022. Further another inspection was conducted on 29/07/2024 in presence of representative of SDO, Mal and BL & LRO, Mal jointly and during inspection it was found that the stone crusher unit is situated in very close proximity to the river Laiti within the distance of approximately 100 ft. It was also found that no machines were operating at the time of the visit and also there was no vehicular movement for transportation of materials to and from the crushing unit.

The undersigned would also like to submit that neither the District Magistrate, Jalpaiguri nor the Additional District Magistrate, Jalpaiguri or Sub-Divisional Officer, Mal is authorized/empowered to issue the Consent to Operate letter (CTO) to any of the proprietors further. It is also to inform you that on 17/06/2022 vide Memo No. 912/JM-Indus/2022, the Sub-Divisional Officer, Mal has withdrawn the Consent to Operate (CTO) issued earlier by WBPCB, Siliguri Regional Office, in favour of ARK NIRMAN (P) LTD.

Hence, this is for your kind information and taking necessary action against the said unit.
Thanking you,

Encl. : Order, dated-05/11/2024

Yours faithfully


District Magistrate
Jalpaiguri

Memo No: 253 /1(1)/ XXI/I/9/OA/CS/2015/EZ

Date: 26 /11/2024

Copy forwarded to:

1. Mr. Sibojyoti Chakrabarty, Ld. State Advocate, NGT, Kolkata (mail ID subho.advocate@gmail.com) - with a request to submit the same before the Hon'ble NGT, EZ, Kolkata.


District Magistrate
Jalpaiguri

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