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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 120/2024/EZ

In The Matter of:

Sushil Murmu

...Applicant

Versus

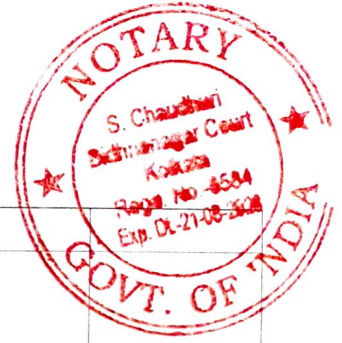
The Union of India & Ors.

.....Respondents

AFFIDAVIT IN-OPPOSITION ON BEHALF OF RESPONDENT NUMBER 09,
POWER DEPARTMENT, GOVERNMENT OF WEST BENGAL.

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33-58

Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

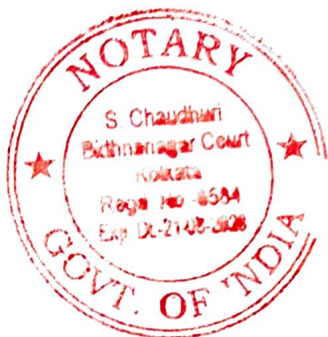
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

SL. NO. 847 /20 25

ORIGINAL APPLICATION NO. 120/2024/EZ



In The Matter of:

Sushil Murmu

...Applicant

Versus

The Union of India & Ors.

....Respondents

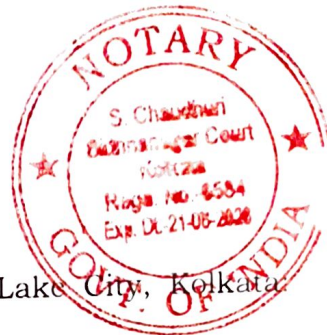
BEFORE THE NOTARY PUBLIC
AT BIDHANAGAR
DIST. NORTH 24 PARGANAS

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF RESPONDENT NUMBER 09,
POWER DEPARTMENT, GOVERNMENT OF WEST BENGAL

I, Sri Anjan Chakrabarti, S/o Late Debdas Chakrabarti, aged about 55 years, by faith-Hindu, by occupation-service and presently posted as Special Secretary, Power Department, Government of West Bengal, having office at Bidyut Unnayan Bhawan, 3/C, LA Block, 5th& 6th Floor, Sector-III, Salt Lake City, Kolkata: 700106, West Bengal do hereby solemnly affirm and declare as follows:

1. That I am presently posted as Special Secretary, Power Department, Government of West Bengal, having office at Bidyut Unnayan Bhawan,

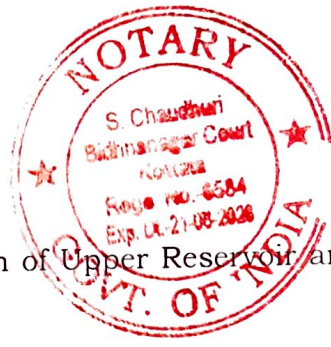
24 MAR 2025



3/C, LA Block, 5th & 6th Floor, Sector-III, Salt Lake City, Kolkata
700106 and I have been duly authorized by the Power Department to
swear and affirm this Counter Affidavit.

2. That the Power Department has been impleaded as a respondent vide Solemn Order dated 26.09.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata on the basis of an Interlocutory Application being I. A. No. 77/2024/EZ moved by the Power Department, Government of West Bengal. In the said Solemn Order the Hon'ble Tribunal has been pleased to grant time to the Power Department for filing Counter Affidavit.
3. That this counter affidavit is being filed in compliance to the Solemn Order dated 26.09.2024 passed by the Hon'ble Tribunal.
4. That it is stated that the instant original application relates to construction of 1000 MW Turga Pumped Storage Project at Ajodhya Hills in Purulia District. It is a Close Loop type Pumped Storage Scheme. It comprises of two reservoirs at two different levels (the difference of water levels of the reservoirs will represent the effective "head" of the Project) and underground water conductor system will connect the two reservoir through an underground power house. Pumped Storage Project is best suitable in a plateau type of

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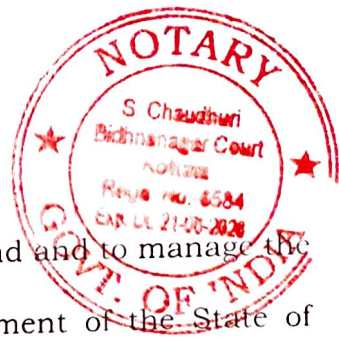
topography which permits construction of Upper Reservoir and Lower Reservoir at close proximity.

5. That it is pertinent to state that during peak hours, water shall pass from Upper Reservoir to Lower Reservoir through underground power house to generate electricity to the Grid and during off peak hours the excess power from the Grid will be used to pump up the same water from Lower Reservoir to Upper reservoir through power house where the same turbines-generators will then act as pumps-motors respectively. The same cycle of operation will be repeated during peak and off-peak period. Pumped Storage Project also acts as an effective way for restoration of grid i.e. 'blackstart' in case of Grid failure. This is so because, in case of a Thermal Power Project, normal time for a machine to start generation is almost 8 hours with a requirement of huge quantity of Diesel Oil support. On the other hand, a Pumped Storage Project requires only 10 minutes time to start generation. Thus providing an Environment friendly source of Power generation.

6. That it is submitted that the West Bengal Government follows the policy of providing uninterrupted 24x7 hours electricity supply throughout the State. In near future beyond 2030, with the expected growth of industrialization and urbanization in the State, there shall be shortfall of power in the evening peak demand period but there will be availability of surplus power during off peak night /early morning

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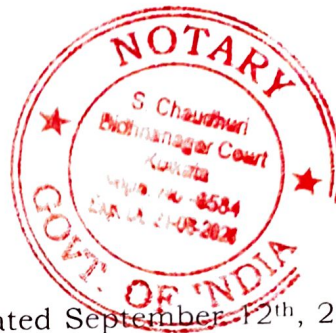
hours. So, to keep pace with the industrial demand and to manage the peak load demand and for better load management of the State of West Bengal beyond 2030, development of another new Pumped Storage Project is felt necessary for utilization of the available surplus grid power during off peak period. At the same time, it will provide stability and reliability to the power supply system of the State. So, the State has come up with the proposal of implementing 1000 MW Turga Pumped Storage Project.

7. That the State Cabinet in its 22nd Meeting held on 08.05.2017 had resolved a decision of approval with respect to proposal for development of the Turga Pumped Storage Project at Ayodhya Hills at Purulia of 1000 MW Capacity.

Photocopy of the State Cabinet's Approval in its 22nd Meeting held on 08.05.2017 is annexed herewith and marked with the letter 'R-1'.

8. The estimated cost for the project was reassessed on April, 2018 at Rs. 6921.90 Crores. That subsequently the State Cabinet vide its decision dated September 12th, 2018 had granted 'In Principle' approval of the Draft Minutes of Discussion (MOD) in order to facilitate signing of (MOD) in consideration of enhancement of Equity participation with revised time schedule by JICA for implementation of 1000 MW Turga Pumped Storage Project at Ayodhyay Hills in Purulia.

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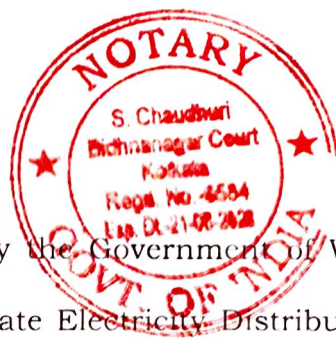
Photocopy of the State Cabinet's decision dated September 12th, 2018 along with the approval from the Finance Department, Government of West Bengal are collectively annexed herewith and marked with the letter 'R-2'.

9. That on the basis of Exchange of Notes between the Japan International Co-operation Agency (JICA) and the Government of India, a loan agreement was signed between Government of India and Japan International Co-operation Agency (JICA) on November 2018 for Construction of Turga Pumped Storage Project.

10. That in the month of July 2021 an order was issued by the Department of Power, Government of West Bengal following the approval of the State Cabinet of the total Project Cost of Rs. 6921.90 Crores. Out of the said amount the State of West Bengal would provide a fund of Rs. 1920.80 Crores as State equity and the balance amount of Rs. 5001.10 Crores was to be arranged by taking loan from JICA EAP.

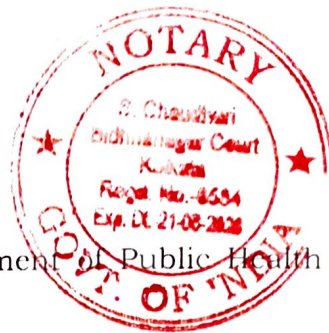
Photocopy of the order issued by the Department of Power vide Memo No. -98-POW-32/4/2020-SECTION(POWER), Dated 20th July, 2021 is annexed herewith and marked with the letter 'R-3'.

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11. That having been duly authorized by the Government of West Bengal the user agency i.e West Bengal State Electricity Distribution Company (in short WBSEDCL) undertook the pumped storage Hydal power project known as 1000 MW Turga Pumped Storage Project, Bagmundi, Purulia, West Bengal.

12. That the Turga Pumped Storage Project is a socio economic viable project and as such the project does not form part of any protected area. Thus, there is a minimal impact on Environment for the construction of this Project. Turga Pumped Storage Project is under implementation and is very much needed for managing peak load demand and for better load management of West Bengal beyond 2030. Besides having direct benefits for the people in the Project area like additional employment opportunity, increased economic activity etc, this Project will also lead to development of suitable social infrastructure in the surrounding area. It is expected that a project of this magnitude will lead to significant improvement of socio - economic condition of tribal and underprivileged population of Purulia district. The total budget for implementation of Environmental Management Plan (EMP) also includes, Catchment Area Treatment, Fisheries Development, Green Belt Development, Disaster Management, Energy Conservation, etc. The Local Area Development Plan includes Construction/ Up-gradation of School, Scholarship to



students including skill development, improvement of Public Health facility in Study area.

13. That the Turga Project is entirely a public utility project and it is for the welfare of the public at large. The instant original application has been filed by the applicant to mislead the Hon'ble Tribunal and for own vested interests.

14. That it is pertinent to bring it to the judicial notice of the Hon'ble Tribunal that Hon'ble High Court, Calcutta in WP 20576 (W) of 2018 with CAN 3341 of 2019 (Rabi Besra & Ors Versus The State of West Bengal & Ors) vide Solemn Order dated 2nd July, 2019 had quashed the 'In-Principle', approval granted by the Central Government, however in M.A.T 1156 of 2019 (WBSEDCL & Anr Versus Rabi Besra & Ors) and in M.A.T 1396 of 2019 (The State of West Bengal Versus Rabi Besra & Ors) the Hon'ble Division Bench of the High Court, Calcutta vide Solemn Judgment dated 23.12.2021 passed by Hon'ble Justice Subrata Talukdar and Hon'ble Justice Saugata Bhattacharyya had set aside the judgment of the Single Bench.

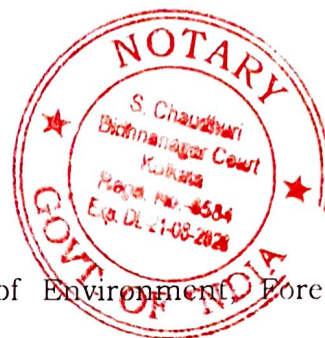
Photocopies of Server copies of the Solemn Order dated 2nd July, 2019 and Judgment dated 23.12.2021 are collectively annexed herewith and marked with the letter "R-4".

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15. That with regard to the statements made in paragraph 1 ,of the original application it is submitted that the applicant has claimed himself to be a forest dweller but nowhere in the entire original application has enclosed any proof to substantiate his claim and any other document which may reveal as to how the applicant is affected on the ground of proposed diversion.
16. That with regard to the statements made in paragraph 2 to 4 of the original application, it is submitted that the same are matters of record and this deponent does not comment on the same.
17. That with regard to the statements made in paragraph 5 of the original application it is submitted that the same are provision and conditions and the same are matters of fact and record.
18. That with regard to the statements made in paragraph 6 of the original application it is submitted the proposal for the said diversion, had been prepared, finalized and uploaded by the WBSEDCL, the respondent number 7 herein in the website of Ministry of Environment, Forest & Climate Change, Government of India under section 2 of the Forest Conservation Act, 1980 and for its further processing the respondent number 7 had applied to the District Magistrate, District Purulia for FRA Act compliance in accordance

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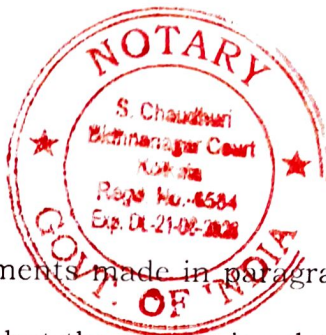
with guideline issued by the Ministry of Environment, Forest & Climate Change, Government of India and forwarded the same to the office of the Divisional Forest Officer, Purulia as per Rule 6(2) of the Forest Conservation Rules, 2003.

19. That with regard to the statements made in paragraph 7 of the original application it is submitted that the claim of the applicant regarding the pending Individual Forest Right & Community Forest Right, claims are not justified since prior to submission of those claim applications Stage-I & II, Clearance and Environmental Clearance from the MOEF &CC had already been accorded for the 234 Ha of forest land diversion in Ajodhya Hill in favour of Turga Pumped Storage Project.

That all the procedure for identification and settlement of rights under the FRA had been carried out for the entire 234 Ha of forest land. NOC was given on the basis of the report of the district administration and the concerned Gram Panchayet.

20. That with regard to the statements made in paragraph 8 of the original application it is submitted that the same relates to the function of the District Administration and as such this deponent does not comment on the same.

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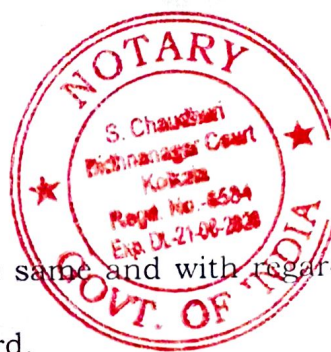



21. That with regard to the statements made in paragraph 9 of the original application it is submitted that the matter is related with the user agency WBSEDCL the respondent number 7 herein and this deponent does not comment on the same.
22. That with regard to the statements made in paragraph 10, 11, & 12 of the original application it is submitted that the matter is related with the Forest department and the user agency WBSEDCL the respondent number 7 herein and this deponent does not comment on the same.
23. That with regard to the statements made in paragraph 13 of the original application it is submitted that the same is a matter of record.
24. That with regard to the statements made in paragraph 14, 15, of the original application it is submitted that the same are matters of record and this deponent does not comment on the same.
25. That with regard to the statements made in paragraph 16 of the original application it is submitted that the same relates to the district administration, Purulia and this deponent does not comment on the same.
26. That with regard to the statements made in paragraph 17 of the original application it is submitted that with regard to the first part

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this deponent does not comment on the same and with regard to the second part the same is a matter of record.

27. That with regard to the statements made in paragraph 18 of the original application it is submitted that this deponent does not comment on the same.
28. That with regard to the statements made in paragraph 19 of the original application it is submitted that this deponent does not comment on the same.
29. That with regard to the statements made in paragraph 20 of the original application it is submitted that the alleged claim is not correct as Gram Sabha meetings were held at concerned Gram Panchayats.
30. That with regard to the statements made in paragraph 21 of the original application it is submitted that this deponent does not comment on the same.
31. That with regard to the statements made in paragraph 22 of the original application it is submitted that this deponent does not comment on the same.
32. That with regard to the statements made in paragraph 23 & 24 of the original application it is submitted that this deponent reiterates

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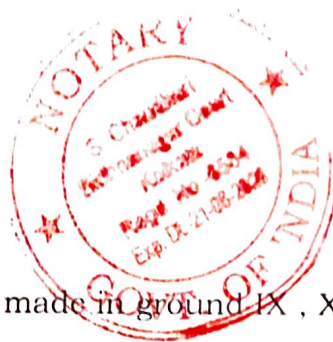


the submissions made in regard to the statements made in paragraph 14 as stated above.

33. That with regard to the statements made in ground I of the original application it is stated that the same has already been adopted by the user agency for which stage I & II has been granted by the competent authority.
34. That with regard to the statements made in ground II of the original application it is stated that no habitation exists in the project area as per the affidavit submitted by the District Magistrate, Purulia.
35. That with regard to the statements made in ground III, IV, V, VI of the original application it is stated that this deponent does not comment on the same.
36. That with regard to the statements made in ground VII of the original application it is stated that the instant Turga Pumped Storage Project is a public utility project and for the welfare of the public at large.
37. That with regard to the statements made in ground VIII of the original application it is stated that this deponent does not comment on the same.

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38. That with regard to the statements made in ground IX , X & XI of the original application it is stated that same are matters of record.
39. That save and except those which are matters of record and which are specifically admitted by me hereinabove, each and every allegation, and/or contention, and/or submission contained in the Original Application is denied and disputed as if the same is set out in seriatim herein and specifically traversed.
40. That with regard to the interim relief as prayed in the original application the same is not all maintainable the Turga Pumped Storage Project is a public utility project for benefit and welfare of the public at large and employment will be generated from the said project.
41. That with regard to the prayer as prayed in the original application the same is not all maintainable and the instant original application is liable to be dismissed.
42. That the respondent craves leave of this Hon'ble Tribunal to file supplementary affidavit as may be necessary or as may be directed by the Hon'ble Tribunal.

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43. 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

Sibajyoti Chakrabarti
Advocate *24.03.2025*

State of West Bengal

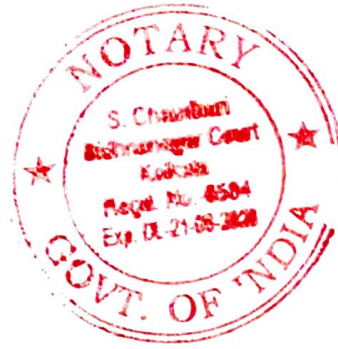
Anjan Chakrabarti
Deponent

Anjan Chakrabarti, WBCS (Exe.)
Special Secretary
Department of Power

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

24 MAR 2025

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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 as available in the department of Power, Government of West Bengal and I believe that nothing material has been concealed there from.

Verified at Kolkata on the ^{24th} Day of March, 2025



Identified by me

Sibajyoti Chakrabarti
Advocate
24.03.2025

State of West Bengal

Anjan Chakrabarti
Deponent

Anjan Chakrabarti, WBCS (Exe.)
Special Secretary
Department of Power
Government of West Bengal

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

24 MAR 2025

সংখ্যা ৩৫১

No. 351

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Annexure-R-1

০৮/০৫/২০১৭ তারিখে অনুষ্ঠিত

মন্ত্রিসভার সিদ্ধান্ত

FORM XIII (IV)

[Section 4(ii)]

Decision in Cabinetheld on May 08, 2017আলোচ্যসূচী বহির্ভূত

১

বিভাগ : বিদ্যুৎ ও অচিরাচরিত শক্তি উৎস

- বিষয়** : পুরুলিয়া জেলার অযোধ্যা পাহাড়ে '৪ x ২৫০ মেগাওয়াট তুর্গা পাম্পড স্টোরেজ প্রকল্প'-- নামে একটি নতুন পাম্পড স্টোরেজ প্রকল্প নির্মাণের অনুমোদন।
- সিদ্ধান্ত** : স্মারকলিপির ১০নং অনুচ্ছেদে বর্ণিত প্রস্তাবটি ৭নং অনুচ্ছেদের প্রতিবেদন সাপেক্ষে অনুমোদিত হল।

Outside the Agenda

1

Department: Power & Non-Conventional Energy Sources

Subject : Approval for development of '4 x 250 MW Turga Pumped Storage Project'-- a new Pumped Storage Project at Ajodhya Hills in Purulia District.

Decision : The proposal contained in para-10 read with para-7 of the Cabinet Memo. was approved.


Sd/-

Mamata Banerjee

মুখ্যমন্ত্রী / Chief Minister / Presiding Minister

Copy forwarded for information and taking necessary action to Addl. Chief Secretary / Principal Secretary / Secretary, Power & Non-Conventional Energy Sources Department

কলকাতা, ১১-০৫-২০১৭
Kolkata, May 11, 2017


Joint Secretary
Cabinet Secretariat

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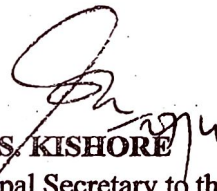
**GOVERNMENT OF WEST BENGAL
DEPARTMENT OF POWER & NES
5TH FLOOR, VIDYUT UNNAYAN BHABAN,
LA BLOCK, SECTOR III, SALT LAKE CITY,
KOLKATA - 700 091**

No.94- PO/O/C-III/4S-10/2014

Dated: Kolkata, 27th April, 2017

CASE FOR THE CABINET

The under mentioned case is brought by the Power & NES Department for consideration in the next meeting of the Cabinet.


S. KISHORE
Principal Secretary to the
Government of West Bengal

MEMORANDUM

Subject: Approval for development of '4 x 250 MW Turga Pumped Storage Project' - a new Pumped Storage Project at Ajodhya Hills in Purulia District.

1.0 INTRODUCTION

- 1.1** The State of West Bengal and the Eastern region is having predominantly thermal power generation with an insignificant capacity of hydroelectric power generation. For catering Base Load/ Fluctuating/ Peak /Off Peak power, this region had to depend mainly on the thermal power generating units with insignificant capacity of hydro power. In the context of achieving better hydro thermal power mix, for system frequency management and to overcome the shortage of peak power supply, Purulia Pumped Storage Project (PPSP) of 900 MW capacity was developed and connected to the grid during 2007-2008 as Peaking Power Station.
- 1.2** During the last five years a huge number of new connection has been given (85 Lac.) in the Rural Electrification Project of the State Government. The nos. of Industrial & Commercial connections has also increased from 9.70 lakh to 15.73 lakh. This has led to a

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huge gap between Peak & off Peak Power requirement. At present the gap is 3460 MW & likely to go up to 4820 MW by 2022.

- 1.3 West Bengal Government follows the policy of providing uninterrupted 24x7 hours electricity supply throughout the State. In near future beyond 2022, with the expected growth of industrialization and urbanization, in the State, there may be some shortfall of power in the evening peak demand period but there will be availability of surplus power during off peak night/early morning hours. So to keep pace with the industrial demand and to manage the peak load demand and for better load management of the state of West Bengal beyond 2022, development of another new Pumped Storage Project is felt necessary for utilization of the available surplus grid power during off peak period. At the same time, it will provide stability and reliability to the power supply system of the state.
- 1.4 The State Government also wants to integrate Solar and Pumped Storage Hydro in an innovative and viable way to solve the limitation of Solar PV Projects. By integrating Solar and Pumped Storage Hydro, intermittent solar power would be converted into firm Power with shifting of off-peak surplus Power to evening peak time. The State Government also seeks to actualize the vast untapped pumped storage hydro potential growth by implementing pumped storages to support faster agricultural & industrial development. This will promote value addition, accelerate the growth of power scenario and create more employment opportunities in the state of West Bengal.
- 1.5 According to Electric Power Survey of India (EPS) and 12th & 13th National Electricity Plan (NEP), Central Electricity Authority (CEA) estimates continuous large growth of required energy demand and peak load. The importance of peak generation hydro power station to absorb the demand fluctuation, are increasing day by day. While conventional hydropower does have ability to accommodate such needs, each unit is relatively small and their generation depends on rainfalls and weather which are uncontrollable to human. On the other hand, Pumped Storage Units have large capacity and their operations are not interfered by uncontrollable natural factors. As such, implementation of 4x250MW Turga Pumped Storage Project will be hugely beneficial for stabilization of not only state grid but also to Eastern Regional power grid.

2.0 BROAD OBJECTIVES OF THE PROJECT

Creation of new Peak Power Generating Station by developing the proposed 4x250 MW capacity Turga Pumped Storage Project in addition to existing 900MW capacity Purulia Pumped Storage Project for achieving better demand supply management, improvement of hydro thermal mix in the state, development of quick ramping up facility and better system frequency management in order to ensure supply of quality power and to overcome the shortage of peak power supply beyond 2023.

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3.0 SALIENT FEATURES OF THE PROJECT

(i) Major features of the project are placed at Annexure-I.

(ii) **Mode of Implementation:**

The project will be implemented by engaging Local & Foreign Consultants for Design & Engineering Consultancy and Project Monitoring Services and by engaging Executing Agencies selected through International Competitive Bidding (ICB) for different Packages of Works viz. Civil Work, Hydro Mechanical Work and Electro Mechanical & Electrical Works etc.

(iii) **Diversion Arrangement:**

Arrangement of diversion of existing Irrigation & PHE water and flood diversion shall be done at existing Turga PSP Lower Dam location as per requirement of I&W Deptt, Govt. of West Bengal and P.H.E. Deptt., Govt. of West Bengal

(iv) **Implementation Period:**

Details are given in Para-11.

4.0 PROJECT COST AND FINANCING

CEA approved Project cost Rs 4234.90 crore (including interest during construction) (December 2014 Price Level).

The Project cost has been updated to Rs. 4650.69 Crore (including interest during construction) (October 2016 Price Level)

Additionally, cost involvement for Design & Engineering Consultancy and Project Monitoring Services to be rendered by Local & Foreign Consultants, will be around Rs.150crore. Thus total Project cost will be Rs. 4800.69 crore.

The sharing of Expenditure of the project is Externally Aided Project (EAP) Loan 85% and Equity 15%. The EAP Loan will be explored from Japan International Cooperation Agency (JICA) and remaining fund will be available from State Government as Equity.

5.0 IMPLEMENTATION AGENCY

West Bengal State Electricity Distribution Company Limited (WBSEDCL) under the Department of Power & NES, Government of West Bengal would be the implementation agency.

6.0 JUSTIFICATION FOR THE PROPOSAL

On implementation of the scheme the following benefits are expected:

- (i) Providing the peaking power for the state and reducing the gap between Peak and off Peak power availability w.e.f 2023.
- (ii) Achieving better hydro thermal mix power, system frequency management for supply of quality power and to overcome the shortage of peak power supply beyond 2023.



- (iii) The development of pumped storage power station particularly in the areas with concentrated solar generation would significantly improve the grid reliability and it would act as the best partner for the Renewable Energy integration.
- (iv) Existing pumped storage plants in every region become a key 'energy security' plant within a given control or balancing area.
- (v) In the event of a major disturbance such as a major thermal unit trip or a transmission line failure, pumped storage spinning reserve can be called upon to stabilize the grid on very short notice.
- (vi) Black start capability can help the state grid quick restoration in case of grid failure.
- (vii) Provision has been kept for Environment Management Plan (including Local Area Development Plan of Rs. 44.12 Crore) for a total cost of Rs. 68.27 Crore as per Statutory requirement for the project
- (viii) Besides having direct benefits for the people in the Project area like additional employment opportunity, increased economic activity etc, this Project will also lead to development of suitable social infrastructure in the surrounding area. It is expected that a project of this magnitude will lead to significant improvement of socio - economic condition of tribal and underprivileged population of Purulia district. Moreover it will be a potential area for development of tourism.

7.0 The Finance Department has accorded their in principle approval for the proposal with the following observations: - (Finance Department, Group-N: UO No. 2711 dated 05.01.2016)

1. In-principle administrative approval for the proposed 1000MW (4x250MW) Turga Pumped Storage Project at Purulia with a project cost of Rs. 5200.00Cr. (Rupees Five thousand and two hundred) only.
2. In-principle approval for cost of sharing of expenditure i.e. 85% of the Project cost (Rs. 4420.00Cr.) as loan component to be available from JICA and remaining 15% as State Govt. Equity amounting to Rs. 780.00 Cr.
3. In-principle approval for issuing debt-sustainability clearance to be issued by the State Govt. as and when required.

At present debt-sustainability clearance by the State Govt. is not required.

We may agree to provide in-principle approval of the proposal at sl no. 1&2 mentioned above subject to

- 1) Cabinet approval of the abovesaid proposal.
- 2) Total approval of the DPR from Central Electricity Authority (CEA)
- 3) Approval of the Ministry of Power
- 4) Approval of the Department of Economic Affairs, MoF, Govt. of India.
- 5) Approval of the State Planning Board.



The Admin Deptt. May also be requested to submit the proposal to the Finance Deptt, Govt. of West Bengal after approval of the point mentioned at Sl. No. 1 to 5 above and finalisation of the above terms and condition of the loan from JICA”.

8.0 In accordance with the above observation the following approvals have been obtained:-

- (a) Approval of DPR from CEA was obtained in October, 2016 vide no. 2/WB/22/CEA/2013-PAC/713-745 dated 05.10.2016.
- (b) Approval of the state Planning Board was obtained in January, 2016 Vide no. 04/DP/SPB/89/2016 dated 22.01.2016.
- (c) Power & NES Deptt., vide letter no. 54/PO/O/C-III/4S-10/2014 dated 09.03.2017 read with no. 63/PO/O/C-III/4S-10/2014 dated 20.03.2017 has sent formal request to the Ministry of Power, Govt. of India (along with approved DPR) for recommendation to Department of Economic Affairs (DEA), Ministry of Finance, Govt. of India to include Turga Pumped storage Project in the rolling plan of JICA for funding as proposed above.

9.0 OTHER ACTIONS TAKEN IN RESPECT OF THE PROPOSED PROJECT

- The Expert Appraisal committee (EAC), MoEF&CC, GoI has recommended the Environmental Clearance of the Project subject to Stage I Forest Clearance.
- As major parts of the Project is underground so only 234Ha of Forest Land will be required for project implementation. Lands for Compensatory Afforestation purpose has already been arranged by Government of West Bengal.
- Public hearing for the project was held on 2nd February 2016 at Bagmundi in presence of local administration.
- Part of the Project Design & Engineering Consultancy Services has been taken up by WAPCOS Ltd. in association with CEA & CWC as Local Consultant since October 2016.
- After sanction of entire 234 Ha of non forest land for afforestation by L& LR Deptt, necessary Stage-I Forest Clearance has already been applied for.
- Interactions with I&W Deptt. and PHE Deptt. are being made for various purposes towards construction of lower reservoir of Turga PSP over the existing Turga Irrigation Dam.

10.0 THE PROPOSAL

Under the circumstances the Power & NES Department seeks approval of the Cabinet on the proposed 4 x 250 MW Turga Pumped Storage Project with Project cost of Rs.

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4800.69 crore (including interest During Construction) to be implemented by WBSEDCL.

11.0 IMPLEMENTATION SCHEDULE

➤ Pre-Construction Activities:

- Engagement of Local Consultant for Detail Design & Engineering: October 2016
- Additional Field Investigation, Model Studies, Preparation of Bids for Main Packages, Detail design & Engineering.
- Transfer of Land and Stage-I & II Forest Clearance: December 2017
- Signing of Loan Agreement : December 2017
- Engagement of Foreign Consultant for Design Engineering of Electro-Mechanical, Electrical & Hydro-Mechanical packages: March 2018

➤ Project Implementation Period : 81 Months ✓

- Project Start date : 01.01.2018
- Construction of Project Access Road from Lower to Upper Dam (18 Months) : Start January 2018
- Arrangement for diversion of Irrigation & PHE water (12 Months): Start July 2019
- Major construction work (Civil, Hydro-mechanical & Electro-mechanical): Start from 01.07.2019 to 30.09.2024 (63 months)
- 400 kV Transmission line for evacuation of power : Completed by November 2023.

➤ Commissioning Target :

- 1st Unit: December 2023

All Four Units: September 2024

12.0 The matter is placed before the Cabinet for consideration and approval of the proposal at Para 10.0 above.


S. KISHORE

Principal Secretary to the
Government of West Bengal

Enclosure: Annexure-I

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ANNEXURE - IMajor Project Features as cleared by CEA & CWC:-

- ❖ Name : Turga Pumped Storage Project
 - Location : Ajodhya Hills, Purulia district within 2 km of PPSP
- ❖ Installed Capacity : 1000 MW (4 units x 250 MW)
- ❖ Type of the Units : 2(two) Variable Speed + 2 (two) Fixed Speed Units
- ❖ Peak Operation : 5 hours daily
- ❖ Projected Annual Generation: 1825MU ✓
- ❖ Project Components :-
 - Civil & Hydro-mechanical –
 - Upper Reservoir : Live Reserve – 14.2 Mm³, Irrigation Reserve – 1.5 Mm³ and Dead Reserve – 5.9 Mm³ : Total Reserve - 21.6 Mm³
 - Lower Reservoir : Live Reserve – 14.2 Mm³, Dead Reserve – 3.8 Mm³ : Total Reserve – 18 Mm³
 - Upper Dam : 63.5m high 732m long Earthen Rock fill dam
 - Spillway : 58m wide Un-gated Over Flow Ogee Type
 - Diversion Arrangement at Upper dam : 4m dia 691m long concrete lined Tunnel
 - Lower Main Dam : 64m high 872m long Concrete Gravity dam
 - Spillway : 87m wide Un-gated Over Flow Ogee Type
 - Diversion arrangement at Lower Dam : 20m high Earthen Rock fill Cofferdam with diversion channel
 - Lower Saddle dam : 50m high 517.73m long Earthen Rock fill dam
 - Power Intake: Horizontal Type with anti-vortex lubbers,
12m (H) x 13m (W) x 3 nos x 2 lines
 - Head Race Tunnel : 618.11 m long 9.0 m dia 2(two) tunnels
 - Penstock: 224.37m long 9.0 m dia 2(two) penstock and after bifurcation 73.73 m long 6.4 m ~4.4 m dia 4 (four) penstock
 - Tail Race Tunnel : 7m dia 108m (approx) long 4(four) branches and then 10m dia 411m (approx) long 2(two) branches
 - Tailrace Outlet: Horizontal Type with anti-vortex lubbers,
12m (H) x 13m (W) x 3 nos x 2 lines
 - Main Access Tunnel: D- shaped (W)8.0 m x (H) 8.50 m
 - Powerhouse: Underground - 160m(L) x 25m(B) x 55m (H)



- Transformer Cavern: Underground - L 139.17 m x B 16m x H 16m
- Switch-yard: Open Air Type GIS, W 165 m x B 50 m
- Electromechanical & Power Evacuation –
 - Pump-Turbine : 4 nos Francis type, vertical shaft reversible pump-turbine
 - Static Head: Maximum 183.6m and Minimum Head 124.9m
 - Effective Head : 146.4m
 - Maximum Turbine Output: 255.5 MW, 280.6MW (10% Overload)
 - Maximum Pump Input : 285 MW
 - Maximum Turbine Discharge : 197.0 m³/s
 - Revolving Speed : 187.5 rpm
 - Generator-Motor: 4 (four) No (2 Fixed Speed + 2 Variable Speed) three (3) phase, alternating current synchronous, generator-motor, vertical shaft, rotating field, enclosed housing, rim-duct air-cooled and semi-umbrella type
 - Rated Capacity: Generator - 306MVA, Motor – 321MVA
 - Rated Voltage/ Frequency : 18.0kV/50 Hz
 - Rated Revolving Speed : 187.5rpm (Fixed Speed Machine) and 178.1 rpm to 196.9 rpm (Variable Speed Machine)
 - Main Power Transformer : 4 units of Indoor type, oil-immersed, assembled with 3 single phase transformers with on-load tap changer (OLTC) for pumping operation
 - Rated Capacity: 300 MVA
 - Rated Voltage: Primary -18.0kV and Secondary – 400 kV
 - Generator-Motor Circuit Breaker : 4 units of Indoor, Metal-enclose, SF6 gas blast and single pressure type
 - Rated Voltage: 24 kV
 - Rated Normal Current: 12,000 A
 - Rated Short Circuit Breaking Current: 80kA
 - Gas Insulated Switchgear: 400 kV Gas Insulated Switchgear (GIS)
 - Number of Feeder: Nine (9) feeders including two (2) feeders for future expansion
 - Rated Voltage: 420 kV
 - Rated Normal Current: 2,000 A
 - 400 kV XLPE Cable: Single Core 400 kV Cross linked polyethylene insulated type; Conductor size - 630 mm²; Outer Diameter of Cable - Approx. 120 mm
 - EOT Crane: 2 No Indoor, Low speed type Electric Overhead Traveling Crane

2X

- Rated Capacity: 300 ton (Main hoist), 50 ton and 10 ton.
- Transmission Line: 1.7 km long Double Circuit, Quadruple Moose Conductor
- Capacity: 1164 MW, 400kV
- Power Evacuation: 2 (two) No Bay Extension at PPSP New Sub-Station for Receiving / Sending Power of Turga PSP

No. 1112

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"Annexure R-2"

১২/০৯/২০১৮ তারিখে অনুষ্ঠিত

মন্ত্রিসভার সিদ্ধান্ত

FORM XIII (IV)

[Section 4(ii)]

Decision in Cabinet

held on September 12, 2018

আলোচ্যসূচী বহির্ভূত

এম-১

বিভাগ : বিদ্যুৎ ও অচিরাচরিত শক্তি উৎস

বিষয় : পুরুলিয়া জেলার অযোধ্যা পাহাড়ে '৪x২৫০ মেগাওয়াট টুর্গা পাম্পড স্টোরেজ প্রকল্প' কার্যকরীতার জন্য প্রস্তাবিত প্রকল্প ব্যয় ৪৮০০ কোটি টাকা থেকে ৬২৯১.৯০ কোটি টাকা বৃদ্ধি জনিত কারণে অংশীদারি ইকুইটি শেয়ার ৭২০.১০ কোটি টাকা থেকে ১৯২০.৮০ কোটি টাকা বৃদ্ধিপ্রাপ্ত হওয়ায় অর্থাৎ ১৫ শতাংশ হইতে ২৭.৭৫ শতাংশ প্রসঙ্গটি বিবেচনার জন্য এম. ও. ডি সাক্ষরিত বিষয় ত্বরান্বিত করা উপলক্ষে খসড়া এম. ও. ডি-র 'নীতিগত' অনুমোদন প্রদান।

সিদ্ধান্ত : অবহিত হওয়া গেল।

Outside the Agenda

M-1

Department: Power & Non-Conventional Energy Sources

Subject : 'In principle' approval of the draft Minutes of Discussion(MoD) in order to facilitate signing of MoD on consideration of enhancement of Equity participation from Rs.720.10 crore to Rs.1920.80 crore i.e. from 15% to 27.75%, due to enhancement of estimated Project Cost from Rs.4800.00 crore to Rs.6921.90 crore with revised time schedule by JICA for implementation of '4 x 250 MW Turga Pumped Storage Project' at Ajodhya Hills in Purulia District.

Decision : Noted.

Sd/-

Mamata Banerjee

মুখ্যমন্ত্রী / Chief Minister / Presiding Minister

Copy forwarded for information and taking necessary action to Addl. Chief Secretary / Principal Secretary / Secretary, Power & Non-Conventional Energy Sources Department

হাওড়া, ১৩-০৯-২০১৮
Howrah, September 13, 2018

[Signature]
Joint Secretary
Cabinet Secretariat



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4 Annexure-R-2 754

Finance Department
Group N - Budget Branch

File No. : Computer No: 323056 File No: FIN-26011/1835/2020- POW-32/4/2020 [Power Department]

We may agree to provide in-principle approval for the following subject to cabinet approval-

- According Revised Administrative Approval on the enhanced project cost i.e. Rs.6921.90 Crore from 5200 Crore for implementation of JICA assisted Turga Pumped storage Project [4X250 MW] [ID-P 274].
- Enhancement of proposed State Share from 15% of Rs.5200.00 Crore to 27.75% of Rs. 6921.90 Crore i.e. Rs.1920.80 Crore for implementation of JICA assisted Turga Pumped storage Project [4X250 MW] [ID-P 274].

Sd/- Smaraki Mahapatra(Secretary)09.12.20

Sd/- Manoj Pant(Pr. Secy)09.12.20

U.O. No. : 3223

U.O. Date : 19/12/2020



To
Power Department

(Section Officer)
Finance Department, Budget Branch

Sd/-
Shri Amit Mitra
(Minister In-Charge)

"Annexure R-3" ~~3X~~

PSPD / WBSEDCL	
Receipt No.	21
Date	23.07.2021
Contents Not Verified	

**Government of West Bengal
Department of Power
Bidyut Unnayan Bhaban [5th Floor]
Plot No. 3/C, LA Block
Sector-III, Salt Lake City, Kolkata - 700 091**

No. 98 -POW-32/4/2020-SECTION (POWER)

Dated, Kolkata, 20th July, 2021

ORDER

West Bengal State Electricity Distribution Company Limited (WBSEDCL) tabled a proposal to this Department for setting up of 4x250 MW Turga Pumped Storage Project at Ajodhya Hills in Purulia district at an estimated project cost of Rs. 5200 crores with 15% State Share. The balance 85% of the project cost was proposed to be sourced as Externally Aided Project [EAP] Loan from Japan International Co-operation Agency [JICA]. The proposal on due consideration was put up initially to the State Cabinet in its 22nd meeting held on 08 May 2017 at a revised cost of Rs.4800.69 crores (including Interest During Construction) (at October 2016 Price Level) based on the approval of Central Electricity Authority [CEA] with 15% State Share & 85% EAP Loan. Cabinet vide their U.O. No. CAB(D) - 351 dated 11 May 2017 tendered their approval for implementation of the project.

2. In order to achieve better demand supply management, improvement of hydro thermal mix in the state, development of quick ramping up facility and better system frequency management and to ensure supply of quality power to overcome the shortage of peak power supply beyond 2023, creation of 1 [one] new Peak Power Generating Station titled Turga Pumped Storage Project of proposed capacity 4x250 MW in addition to existing 900MW capacity Purulia Pumped Storage Project with following major features was proposed by WBSEDCL.

- a. Location : Ajodhya Hills, Purulia district within 2 km of PPSP
- b. Components : Upper & lower Reservoirs with dam, Underground Power House, Main Access Tunnel, Head Race & Tail Race Tunnel, Penstock, Switchyard, 400 Kv. D/C line
- c. Installed Capacity : 1000 MW (4 units x 250 MW)
- d. Type of the Units : 2(two) Variable Speed + 2 (two) Fixed Speed Units
- e. Peak Operation : 5 hours daily
- f. Projected Annual Generation: 1825MU

3. However, during preparatory actions undertaken by WBSEDCL an increase in JICA estimated Project cost was observed due to the following additional consideration of JICA for creating the Loan provision for smooth project implementation :-



- (i) Change in Base year for cost estimation : October 2016 to April 2018
- (ii) Increase in estimated cost of Electro-mechanical Package
(Mainly for change in present market rate of Variable Speed Pump-Turbine)
- (iii) Price Escalation (upto May 2028)
- (iv) Physical Contingency @ 5%
- (v) Administration Cost & implementation of GST
- (vi) Front end fee @ 0.2 %

4. In order to facilitate signing of Minutes of Discussions (MoD) between JICA and WBSEDCL for considering the enhancement of the Project cost from Rs. Rs.4800.69 crores to Rs. 6921.90 crores, a draft MoD was placed before the State Cabinet on 12/09/2018 and the same was noted by the Cabinet. Subsequently, the MoD was signed between JICA and WBSEDCL on 20th September 2018 in presence of all stakeholders i.e. Department of Power, Govt. of West Bengal and Ministry of Power, Govt. of India. Subsequently loan Agreement No. ID-P274 for implementation of the Project was signed between Govt. of India and JICA on 2 November 2018 for 1st Tranche Loan amounting to 29442 million JPY (Rs 1817.40 Crore). Loan Agreement became effective on & from 05.04.2019

5. Accordingly, the proposal for revision of cost as well as enhancement of equity participation of the State Government based on the justification stated above was referred to Finance Department for approval.

Finance Department with their U.O. no. 3223-Gr.N dt. 19/12/2020 tendered their in-principle approval in the following manner subject to approval of State Cabinet :-

- According Revised Administrative Approval on the enhanced project cost i.e. Rs.6921.90 Crore from Rs.5200 Crore for implementation of JICA assisted Turga Pumped storage Project [4X250 MW]-[ID-P 274].
- Enhancement of proposed State Share from 15% of RS.5200 Crore to 27.75% of Rs.6921.90 Crore i.e. Rs. 1920.80 Crore for implementation of JICA assisted Turga Pumped Storage Project [4X250 MW] [ID-P 274]

6. The proposal was thereafter referred to State cabinet seeking approval on Revised administrative approval to the tune of Rs. 6921.90 crores from Rs. 5200 crores with enhancement of State Share from 15% of Rs. 5200 crores to 27.75% of Rs. 6921.90 crores i.e. from Rs. 780 crores to Rs. 1920.80 cores [revised fund sharing pattern :- JICA/EAP Loan :- 5001.10 crores (72.25%) & State Government Equity :- Rs 1920.80 crore (27.75%)] for implementation of Externally aided Project titled "Turga Pumped Storage Project [4 x 250 MW]—[ID-P 274]" at Ajodhya Hills in Purulia District. State Cabinet in it's meeting held on 7th

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July 2021 approved the proposal and the same was informed vide UO no. CAB(D)-33 dt. 08/07/2021.

7. Under the circumstances, the undersigned by the order of the Governor is directed to accord approval for (i) according Revised Administrative Approval on the enhanced project cost i.e. Rs.6921.90 Crore from Rs.5200 Crore for implementation of JICA assisted Turga Pumped storage Project [4X250 MW]-[ID-P 274] and (ii) enhancement of proposed State Share from 15% of RS.5200 Crore to 27.75% of Rs.6921.90 Crore i.e. Rs. 1920.80 Crore for implementation of JICA assisted Turga Pumped Storage Project [4X250 MW] [ID-P 274] in terms of FD's U.O. no. 3223-Gr.N dt. 19/12/2020 and State Cabinet's U.O. no. CAB (D)-33 dt. 08/07/2021



Additional Chief Secretary
Power Department

Copy forwarded for information to :-

No. 98/1(9)-POW-32/4/2020-SECTION (POWER)

Dated, Kolkata, 20th July, 2021

- (i) Pr. AG (A&E), WB, Treasury Building, Kolkata- 700 001
- (ii) Pr. AG (A&E), WB, Treasury Building, Kolkata- 700 001
- (iii) CMD, WBSEDCL
- (iv) Joint Secretary, Finance Department Gr.R
- (v) Joint Secretary, Cabinet Secretariat.
- (vi) Joint Secretary, Finance Department Gr.N
- (vii) Director [Generation] WBSEDCL
- ✓(viii) Chief Engineer, PSPD, WBSEDCL
- (ix) Guard file, Cell-II, Power Department.



Joint Secretary
Power Department

~~BB~~Annexure - R-4

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

PRESENT:

**HON'BLE JUSTICE SUBRATA TALUKDAR
AND
HON'BLE JUSTICE SAUGATA BHATTACHARYYA**

M.A.T. 1156 of 2019

With

**CAN 1 of 2019 (Old No. CAN 9607 OF 2019)
CAN 2 of 2019 (Old No. CAN 10307 OF 2019)
CAN 3 of 2020**

WBSEDCL & Anr.

vs.

Rabi Besra & Ors.

With

M.A.T. 1396 of 2019

With

**CAN 1 of 2019 (Old No. CAN 10259 OF 2019)
CAN 2 of 2019 (Old No. CAN 10262 OF 2019)**

The State of West Bengal

vs.

Rabi Besra

For the Appellants
In MAT 1156 OF 2019

: Mr. L.K. Gupta
Mr. Sujit Sankar Koley

For the Appellants
In MAT 1396 OF 2019

: Ld. Advocate General Mr. Subhabrata
Datta

Ld. Advocate General Mr. Debasish
Sarkar

3X

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For the UOI
In both the appeals : Mr. Nandalal Singhania
Mr. Sankar Sarkar

For the respondents/ writ petitioner : Mr. Ambar Majumder
Mr. Ashirbad Sarkar

Heard on : 30/09/2021

Judgment on : 23/12/2021

Subrata Talukdar, J: The primary issue in this appeal arising out of the writ petition on the self-same point pertains to the steps taken by the State of West Bengal to submit a proposal to the Central Government seeking prior approval of the latter under Section 2 of the Forest (Conservation) Act, 1980 (for short *the 1980 Act*) for diversion of 234 hectares (234ha) of forest land for construction of the 1000 MW. Turga Pumped Storage Project of the West Bengal State Electricity Development Corporation Limited (for short *SEDCL*), also referred to as the User Agency, in Ayodhya Hills under Purulia Forest Division (for short referred to as the said Project).

Responding to the State's proposal dated 18th September 2017 seeking prior approval of the Central Government (*supra*), by a reply dated 12th April 2018 addressed on behalf of the Ministry of Environment, Forests and Climate Change (MoEF&CC), it was, *inter alia*, stated that the proposal of the State was examined by the Forest Advisory Committee (FAC) constituted by the Central

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Government under Section 3 of the 1980 Act. Further, by the said communication dated 12th April 2018, the *In-principle* approval for diversion of 234ha of forest land for the said Project on the basis of the examination of the State's proposal by the FAC was made subject to fulfilment of XL/ 40 (Forty) conditions, as also stated in the letter dated 12th April 2018.

In the light of the aforesaid developments, the writ petitioners, who are three in number and are the respondents in both the appeals, arrived before the Hon'ble Single Bench seeking a writ of *Mandamus* upon the respondent authorities, both State and Centre, not to give any effect or further effect to the *In-principle* approval as granted by the FAC to *the said Project*. The writ petitioners also prayed for a writ of *Mandamus* declaring the Certificate issued by the District Magistrate, Purulia dated 13th of June 2017, *inter alia*, declaring that the work of settlement of rights of Scheduled Tribes and Other Traditional Forest Dwellers *qua the said Project* land has been completed, to be declared *void ab initio*.

By further praying for a writ of *Certiorari*, the writ petitioners urged the Hon'ble Court to call for the records and documents showing compliance of procedure by the Project Authorities of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (for short *the 2006 Act*).

The primary contention of the writ petitioners before the Hon'ble Single Bench in the writ petition being WP No. 20576 (W) of 2018 with its connected

CAN 3341 of 2019 (for short *the said writ petition*) related to non-compliance by the Project Authorities of the provisions of *the 2006 Act* which protect the rights of Scheduled Tribes and Other Traditional Forest Dwellers from being encroached without the authority of law by the Project Authorities. It is submitted on behalf of the writ petitioners/the respondents to both these appeals by Mr. Ambar Majumder, Learned Counsel, that *the 2006 Act* provides for a detailed mechanism to consult the adult members of each village likely to be affected by *the said Project* and referred to as Gram Sabhas.

It is submitted that the DM, Purulia forwarded the certification dated 13th of June 2017 holding that the consultative mechanism provided by *the 2006 Act* has been completed and the Gram Sabhas have given their consent. It has been also certified by the DM, Purulia that no person has been given *patta* under *the 2006 Act* of the land in the project area and no person is in possession of forest land, also in the Project area. It is submitted by the writ petitioners/ the respondents to these appeals that *the 2006 Act*, particularly Section 3 thereof, protects both individual and community forest rights of Scheduled Tribes and Other Traditional Forest Dwellers. Although the procedure for consulting the Gram Sabhas has been clarified by the notices issued by the DM, Purulia to the effect that in compliance of the Scheduled Tribes and Other Traditional Forest Dwellers, (Recognition of Forest Rights Rules), 2008 (for short *the 2008 Rules*), the consultative mechanism in respect of each Gram Sabha within the project area was also initiated, the writ petitioners allege that actually no such consultative mechanism was followed



prior to certifying the project area to be free from encumbrances. It is submitted that while proposing to obtain an *In-principle* approval from the Central Government, the State has been unable to show that the requirement of displacing the forest habitat *qua the said Project* was met by seeking the consent of each Gram Sabha represented by at least fifty percent of its adult population and also the public circulation of the requirement of the forest land for the project amongst the members of each Gram Sabha in a language comprehensible to the villagers.

The State was not represented before the Hon'ble Single Bench at the hearing. Neither did the State file an affidavit-in-opposition to the writ petition.

The User Agency/*SEDCL* and the Union of India were though represented before the Hon'ble Single Bench as respondents to the writ petition.

By a detailed order, the Hon'ble Single Bench noticed the requirement of specific compliance with the provisions of *the 2006 Act*. It was, *inter alia*, held that there is nothing on record to suggest that resolutions in favour of the said Project were taken by each and every Gram Sabha under Section 3 (2) of *the 2006 Act*. Therefore, in the absence of compliance with the provisions of *the 2006 Act*, the Hon'ble Single Bench quashed the *In-principle* approval granted by the Central Government, also quashing the purported resolutions of the Gram Sabhas and permission granted by the State Government to implement the project.



It was made clear that the Judgement and Order of the Hon'ble Single Bench dated 2nd July 2019 shall not prevent the Project Authorities from taking recourse in accordance with law to *the 2006 Act* for implementing the project.

Aggrieved by the Judgement and Order dated 2nd of July 2019 the State, being one of the implementing Project authorities and the *SEDCL*, being the User Agency for *the said Project*, have filed the instant appeals respectively being MAT 1396 of 2019 (*MAT-I*) and MAT 1156 of 2019 (*MAT-II*).

The State appellants represented by the Learned Advocate General and ably assisted by Mr. Subhabrata Datta, Learned Junior Government Advocate, argue that the writ petition is premature since, as on the date of the communication dated 12th April, 2018 from the Centre to the State, the *In-principle* approval conveyed by the FAC stands subject to fulfilment of forty conditions specified in the said communication. It is submitted that in the event if all the conditions are not fulfilled, the *In-principle* approval of the project will lapse.

This Court is taken copiously to the contents of the communication dated 12th April 2018. Reference is drawn to *Condition No. xxiii* of the said conditions. It is submitted that *Condition xxiii* relates to Settlement of the Rights of Scheduled Tribes and Other Traditional Forest Dwellers. It is pointed out that the onus has been placed on the State Government to *complete settlement of rights in terms of the 2006 Act* and providing documentary evidence as

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prescribed by the MoEF&CC in support thereof. Such documentary evidence would have to be in compliance with the MoEF&CC's orders dated 3rd August 2009 and 5th July 2013.

Therefore, it is argued that until *Condition No. xxiii* is satisfied and such condition directly relates to the issue of compliance of *the 2006 Act* raised by the writ petitioners before the Hon'ble Single Bench, the said Project can only be approved if all forty Conditions, including *Condition No. xxiii* stand fulfilled.

On the issue of the consultative mechanism *qua* Gram Sabhas stipulated by *the 2006 Act*, State takes the position that out of a total of seventeen villages said to have fallen within the Project area, one village is not within the Project area at all. Of the remaining, eleven villages fall under Ayodhya Gram Panchayat and five within Bagmundi Gram Panchayat. It is submitted that the consultative mechanism envisaged by *the 2006 Act* does not dispense with the role of Gram Panchayats acting as the vehicle for expression of consent by the Gram Sabhas under them.

In addition to the above points, the State takes the point of absence of *locus* of the three writ petitioners to maintain the writ petition at all. On the basis of facts emerging from documents produced at the hearing, the State submits that none of the writ petitioners are either Scheduled Tribes and Other Traditional Forest Dwellers requiring protection under *the 2006 Act*. It is submitted that only one of the writ petitioners is stated to be a resident within the Project area. It is urged that the writ petitioners therefore cannot espouse

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any legal right more so, on behalf of others, in respect of whom they (i.e. the writ petitioners) purport to file the writ petition, which is not even filed in representative capacity. Therefore, the State urges that the writ petition ought to have been dismissed *in limine* and this appeal should succeed at the very threshold.

On behalf of the User Agency, i.e. the *SEDCL*, Mr. L.K. Gupta, Learned Senior Counsel appears and takes the point outright that *the said Project* stands outside the purview of Section 3 (2) of *the 2006 Act*. It is argued that Chapter II of Section 3 (1) provides for the Forest Rights of Scheduled Tribes and Other Traditional Forest Dwellers. After such rights are enumerated in Section 3 (1), Section 3 (2) thereafter provides for the Central Government allowing for the diversion of the forest land *notwithstanding* anything contained in *the 1980 Act* connected to certain specific projects/ facilities managed by the Government which involve felling of trees. It is submitted that such facilities/ projects covered by Section 3(2) (*supra*), *inter alia*, relate to non-conventional sources of energy. It is submitted that *the said Project*, being hydel in nature, is a conventional source of energy and hence Section 3(2) stands inapplicable at the threshold.

Since the premise connected to the project itself laid down by Section 3 (2)(*supra*) stands to be inapplicable, its *Provisos* axiomatically stand inapplicable. Specific mention is made by Learned Senior Counsel for *SEDCL* to *Proviso II* requiring the Forest projects to be first recommended by the Gram Sabhas. It is urged that with *the said Project* not falling within the purview of

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Section 3(2) at all, the compliance of *Proviso (II)* as raised by the writ petitioners is wholly unnecessary.

Having considered the rival submissions and closely examined the materials placed, this Court arrives at the following findings:

- A)** That the non-application of Section 3(2) of the 2006 Act as raised by Learned Counsel for the User Agency/*SEDCL*/ the appellants in *MAT-II* requires to be first addressed. The premise on which Section 3(2) is based relates to facilities/projects managed by the Government which involve felling of tree which shall not exceed 75 trees per hectare. Therefore there is an arithmetical dimension to the application of 'Section 3(2) in respect of projects/facilities which involve the felling of trees specifically fixed at not exceeding 75 trees per hectare.
- B)** Keeping such arithmetic in mind *the said Project* area comprises in all 234 hectares. The total number of trees required to be felled for the said Project as recommended by the Conservator of Forests(Central) (pages 224-229 of the State' Paper Book) is 6816. Therefore, on an arithmetical basis, the number of trees required to be felled per hectare of the said Project is approx. 30 – a figure well within the limit of 75 trees per hectare provided by Section3(2).
- C)** With further regard to the arguments placed by Learned Senior Counsel for the User Agency, the attention of this Court is drawn to the contents of the National Electricity Plan (Vol.-I), Generation, as

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issued by the Central Electricity Authority (CEA) Ministry of Power, Government of India in January 2018. Item 5.1 under Chapter 5 reads as follows:

"5.1 OPTIONS FOR POWER GENERATION IN INDIA

Coal is the major source for power generation in our country and since Low Carbon Growth Strategy has to be followed, other generation options need to be harnessed in the most optimum manner.

Fuel Options available for Power Generation are:

- *Conventional Sources- Coal and Ignite, Hydro, Nuclear natural gas*
- *Non-Conventional Renewable Energy Sources- Solar, Wind, Biomass, small hydro, tidal, Geothermal, Waste to energy, Hydrogen/fuel cells, etc."*

D) From item 5.1(*supra*) the position stands unassailable that *the said Project* being hydel in nature is a conventional source of energy. Since Section 3(2) of *the 2006 Act* confers blanket clearance to projects involving non-conventional sources of energy, *the said Project* stands admittedly outside the purview of Section 3(2)(*supra*).

E) Moving on from the pure factual indices offered by Section 3(2) of *the 2006 Act*, this Court is required to examine whether the Hon'ble Single Bench was *absolutely* justified in directing the respondent State/ Central Government/ the User Agency to undertake the process under *the 2006 Act* afresh.

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This Court is also required to examine whether having regard to the contents of the communication dated 12th April 2018, particularly *Condition xxiii* thereof disclosing, *inter alia*, that *the said Project* is still at the approval stage, whether the Hon'ble Single Bench was correct in cancelling the exercise outright at this stage.

- F)** At the heart of the controversy raised by the writ petitioners lies the consultative mechanism *qua* Gram Sabhas. While on the one hand, the writ petitioners insist on disclosure of the complete consultative mechanism in terms of the 2008 Rules attached to *the 2006 Act*, it will not be out of place to also notice the merits of the nature of the consultative exercise disclosed by the State leading up to its recommendation for confirmation of the *In-principle* approval.
- G)** The State has submitted that the villages within *the said Project* area are part of two Gram Panchayats namely, Ayodhya and Bagmundi. The State has disclosed the assent of the two Gram Panchayats, i.e. Ayodhya and Bagmundi. Now, the definition of Gram Sabha provided under Section 2(g) of *the 2006 Act* reads as follows :

“(g) “Gram Sabha” means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;”

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The definition of a Gram Panchayat in the West Bengal Panchayat Act, 1973 (for short, *the 1973 Act*) *vide* Section 4 thereof reads as follows :

“Section 4. Gram Panchayat and its constitutions.- (1) For every Gram the State Government shall constitute a Gram Panchayat bearing the name of the Gram. (2) Persons whose names are included in the electoral roll 2 [prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election] pertaining to the area comprised in the Gram, shall elect by secret ballot at such time and in such manner as may be prescribed, from among themselves such number of members 3 [not being less than five] or 4 [more than thirty] 5 [as the prescribed authority may, having regard to the number of voters in hill areas and other areas and in accordance with such rules as may be made in this behalf by the State Government, determine

Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a Gram Panchayat, and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that Gram Panchayat to be filled up by election as the population of the Scheduled Castes in that Gram or of the Scheduled Tribes in that Gram, as the case may be, bears to the total population of that Gram and such seats shall be subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that

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Gram, as the case may be, bears with the total population in that Gram."

The definition of Gram Sabha is provided in Section 2(11a) of the 1973 Act and reads as follows:

"11(a) "Gram Sabha" means a body consisting of persons registered in the electoral rolls pertaining to a Gram declared as such under sub-section (1) of section 3;"

Section 2(10) and Section 2(11) of the said 1973 Act refer to Gram and Gram Panchayat and read as follows :

"(10) "Gram" means an area referred to in section 3;

(11) "Gram Panchayat" means a Gram Panchayat constituted under section 4;"

Finally Section 3 of the 1973 Act defines the area which forms part of a Gram and reads as follows:

"3. Gram. - (1) The State Government may, by notification, declare for the purposes of this Act any mauza or part of a mauza or group of contiguous mauzas or parts thereof to be a Gram: 3 Provided that any group of mamas or parts thereof, when they are not contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in subsection (3) of section 1 have not come into force, may also be declared to be a Gram.

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(2) *The notification under sub-section (1) shall specify the name of the Gram by which it shall be known and shall specify the local limits of such Gram.*

(3) *The State Government may, after making such enquiry as it may think fit and after consulting the views of the Gram Panchayat or Panchayats concerned, by notification—*

(a) *exclude from any Gram any area comprised therein; or*

(b) *include in any Gram any area contiguous to such Gram or separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force; or*

(c) *divide the area of a Gram so as to constitute two or more Grams, or*

(d) *unite the area of two or more Grams so as to constitute a single Gram.”*

H) Therefore, to the mind of this Court from a conjoint reading of the 2006 Act and the 1973 Act the following may be deduced.

That Gram Sabha would mean a village assembly under *the 2006 Act* and, in case of States having no Panchayats, such village assembly shall include other traditional village institutions.

That in the context of a State such as West Bengal, the Gram Sabha, as statutorily defined, essentially indicates an electoral-

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cum-geographical area comprising villagers residing in a particular Gram.

That again in the context of the State of West Bengal the statutory administrative unit for every Gram shall be the Gram Panchayat elected on the basis of adult franchise including women.

- I) In the light of the discussion at the **Paragraph-F** above, the disclosure by the State of the consent of Ayodhya and Bagmundi Gram Panchayats comprising the villages stated to be within *the said Project* area requires to be tested. It also requires to be tested whether the specific consent mechanism enshrined in the 2008 Rules attached to *the 2006 Act* as also notified by the DM, Purulia at the pre-recommendation stage of *the said Project* stands essentially fulfilled.

It must be also noticed that, as stated in the communication dated 12th of April 2018 the *In-principle* approval is not final but subject to fulfilment of settlement rights as provided by the 2006 Act. Reference may be had to *Condition xxiii* which requires the State Government/User Agency to complete the settlement of rights in terms of *the 2006 Act* and submit documentary evidence thereof. For the benefit of this discussion *Condition XXIII* stands quoted below :

“(xxiii). The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other

Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC(pt.) dated 03.08.2009 read with 05.07.2013, in support thereof"

- J)** Accordingly, in terms of *Condition xxiii*, the issue of consent of the Gram Sabhas is still open for scrutiny under Section 2 of *the 1980 Act* by the appropriate authority constituted by the Central Government. It has been clearly conveyed by the communication dated 12th of April 2018 that there shall be no transfer of forest land to the User Agency till formal orders approving the diversion of forest land are issued by the Central Government. In the above view of the matter this Court finds substance in the argument of the State appellants that the writ petition is premature, although at the same time this Court does appreciate that compliance of the terms of *the 2006 Act* pertaining to rights of Scheduled Tribes and Other Traditional Forest Dwellers is an issue which requires scrutiny at the appropriate level.
- K)** This Court is now also required to notice certain supplementary but important facts.

That it is the second Project of its type in the Purulia region named as the Turga Pumped Storage Scheme. The previous project by the name of Purulia Pumped Storage Scheme is already operational. The

Geological Survey of India had conducted feasibility studies in 1978-1979.

That the Project is suitable for the terrain from the technical point of view.

That the Project is likely to generate permanent/ regular employment for 169 persons and temporary employment for 1890000 persons.

That the Project area also comprises of an Elephant corridor for a herd of around 14 wild elephants. However, the Project work involves minimum to nil displacement of humans, fauna and flora.(Source: Site Inspection Report of the Conservator of Forests (Central); (Pages 224-229 of the State' Paper Book).

It would be not without significance to notice that the above topographical, social, economic and natural facts stood uncontroverted at the hearing.

For the reasons as already stated above in this Judgement and Order, this Court is not persuaded to agree with the finding of the Hon'ble Single Bench that the consultative mechanism involving Gram Sabhas under *the 2006 Act* read with its 2008 Rules has been absolutely subverted.

This Court finds that the consultative mechanism performed and placed by the State requires to be tested at the appropriate level whether reflective of the consent of the minimum required adult members, including women, in villages covered by the *said Project* area.

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For the above reasons, the Judgement and Order of the Hon'ble Single Bench dated 2nd July, 2019 directing the process of settlement to be executed afresh stands set aside.

The issue of settlement of rights as recommended by the State shall be now examined at the appropriate level by the Central Government in consonance with the requirement of *Condition xxiii* of the letter dated 12th April 2018. The writ petitioners, or their authorized representative, shall also be entitled to place their presentation before the Central Government, upon being put to prior notice. Needless to add, the other *Conditions* set forth in the letter dated 12th April, 2018 shall also be examined in accordance with law.

M.A.T. 1156 of 2019 with CAN 1 of 2019(Old No. CAN 9607 of 2019), CAN 2 of 2019(Old No. CAN 10307 of 2019), CAN 3 of 2020 and M.A.T. 1396 of 2019 with CAN 1 of 2019(Old No. CAN 10259 OF 2019), CAN 2 of 2019(Old No. CAN 10262 OF 2019) stand accordingly disposed of.

Parties shall be entitled to act on the basis of a server copy of this Judgement and Order placed on the official website of the Court.

Urgent Xerox certified photocopies of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities

I agree.

(Saugata Bhattacharyya, J.)

(Subrata Talukdar, J.)

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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :

The Hon'ble Justice Debansu Basak.

WP 20576 (W) of 2018
With
CAN 3341 of 2019

Rabi Besra & Ors.
Versus
The State of West Bengal & Ors.

For Petitioners :- Mr. Amber Majumder,
Mr. Santanu Chakraborty.

For Respondent :- Mr. Saptangsu Basu, Sr. Adv.,
Nos. 8 & 9 Mr. Debansu Bera,
Mr. S. S. Koley.

For Union of India :- Mr. N. L. Singhanian,
Mr. Sankar Sarkar.

Heard On :- July 2, 2019.

Judgment on :- July 2, 2019.

CAN 3341 of 2019 and WP No.20576(W) of 2018 are taken up together for hearing pursuant to the order dated April 17, 2019.

The petitioners assail the grant of 'in-principle' forest clearance permission and felling of trees in an area which according to the petitioners is a tribal area and a forest land.

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Learned Advocate appearing for the petitioners submits that, the petitioners are tribals. They are located in an area which is a tribal and a forest area. The petitioner are entitled to the protection under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. He submits that, the respondent authorities have undertaken a hydel power project in an area which comes within the purview of the Act of 2006. According to him, requisite permission under the Act of 2006 were not obtained by the authorities. The District Magistrate concerned, manufactured documents so as to give it a colour of legality. He draws attention of the Court to the writings of the District Magistrate and the steps taken by the Central Government. He submits that, every step taken by every authority, is contrary to the provisions of the Act of 2006 and at least in non-compliance thereof. Non-compliance are so glaring, that immediate intervention of the Court is required. He submits that, all rights recognised and granted under the Act of 2006 to a tribal is sought to be negated by the actions taken. He seeks appropriate directions from the Court.

Learned senior Advocate appearing for the respondent nos. 8 and 9 submits that, the provisions of the Act of 2006 requires permission of the Gram Sabha and that, resolutions of at least two Gram Sabhas are available on record. It is not the case of the petitioners that, the Gram Sabhas did not grant permissions. His clients are implementing the project. His clients have taken steps pursuant to the project and made over a sizeable portion of the property to Forest Department for afforestation. He relies upon *(2009) 2 Calcutta High*

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Court Notes 379 (Calcutta Swimming Club Versus Lalit Singh and Ors.) and submits that, the petitioners have no cause of action to espouse. The petitioners cannot champion the causes of the others. The petitioners are located in an area which will not be affected by the project. Two petitioners have residential houses in such area. Therefore, at least at the instance of the petitioners, the writ Court need not intervene.

Learned Advocate appearing for the Central Government submits that, the Central Government granted 'in-principle' approval to the project subject to the compliance of the conditions laid down in the letter granting impugned 'in-principle' approval.

None appears for the State despite notice. The State was represented on April 17, 2019 when it was made clear that, the writ petition and the application will be taken up for hearing. The matters appeared yesterday in the cause list when the State did not appear. A request was made to the learned Advocate for the parties to inform the learned counsel for the State about the matter. The Court is informed that, such communication was made by the learned Advocate for the writ petitioners to the learned counsel appearing for the State.

The respondent no.8 is undertaking a hydel power project in an area which admittedly is governed under the Act of 2006. The Act of 2006 recognises the forest rights of forest dwelling Scheduled Tribes and other traditional forest

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dwellers. Nothing is on record to suggest that, none of the petitioners before me are not persons who are covered under the Act of 2006. They reside in an area in which the Act of 2006 applies.

The Act of 2006 after recognising forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers in Section 3 allows diversion of forest land involving felling of trees. The projects are specified in sub-Section (2) of Section 3 of the Act of 2006 where, felling of trees are permissible. Felling trees for a non-conventional source of energy is permissible under the Act of 2006. The project spoken of, contemplated and sought to be implemented by the respondent no.8 can be construed to be a non-conventional source of energy and therefore, coming within the purview of Section 3(2) of the Act of 2006. Section 3 Sub-Section (2) of the Act of 2006 have two provisos. The second proviso require the clearance of the development project which is subject to the condition that the same is recommended by the Gram Sabha. Gram Sabha is defined in Section 2(g) of the Act of 2006. It is as follows:-

[2(g). "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women.]

The definition of the Gram Sabha as appearing in the Act of 2006 requires attendance of adult members of the village in a meeting for the purpose

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of considering a development project as enumerated under Section 3(2) of the Act of 2006. Admittedly, the project area covers numerous Gram Sabhas. Resolutions of only two Gram Sabhas are on record. The Court is informed that, apart from two Gram Sabhas, there are at least 15 others in the locality. State is not present today. It did not file any affidavit in the writ petition as also in the application for extension of interim order despite directions being given. Central Government also did not file any affidavit. ~~The other respondents have filed their affidavits.~~ Therefore, there is nothing on record to suggest that, resolutions were taken by each and every Gram Sabha affected by the project in terms of Section 3(2) of the Act of 2006 for the authorities to proceed further. The Act of 2006 is such that, a project can only be implemented, if, the procedure laid down under the Act of 2006 is followed. The starting point of the implementation of the project in an area governed by the Act of 2006 is a requisite resolution of the Gram Sabha affected by such project. In the present case, even assuming at the highest, although, the facts are otherwise, that, the two resolutions of the two Gram Sabhas satisfy the tests laid down under Section 3(2) read with Section 2(g) of the Act of 2006, then also, all the Gram Sabhas affected did not take the appropriate resolution under the Act of 2006.

So far as the resolutions of the two Gram Sabhas which are on record are concerned, none of them, satisfies the tests laid down under the Act of 2006. One of the resolutions is unsigned by any villager. The other resolution shows an attendance and does not discuss the number of adults available in the village for the Gram Sabha convened. Requisite notice for convening the Gram Sabha

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are absent on record. It cannot be said that, the other resolution of the Gram Sabha which bears the signatures of the villagers were held in accordance with law. In absence of the requisite materials being produced by the State despite opportunities given to the State to do so, the irresistible inference is that, appropriate procedure laid down under the Act of 2006 was not followed for the purpose of convening any meeting of any Gram Sabha of any village affected by the project and that, there does not exist appropriate resolution of the Gram Sabha permitting the implementation of the project on the area coming within the purview of the Act of 2006.

The 'in-principle' approval by the Central Government falls in view of the absence of requisite resolution of the Gram Sabha. It is astonishing that, the Central Government approved the project 'in-principle' without being satisfied as to whether requisite formalities under the Act of 2006 have been complied with or not. As the State Government, the Central Government also did not file any affidavit. However, the Central Government is fortunate to be represented before this Court in course of hearing. The queries raised by the Court towards the Central Government remains unsatisfied. There is no answer to the query as to what documents did the officer granting the 'in-principle' approval consider and whether such officer took into account the provisions of Section 3(2) of the Act of 2006 read with Section 2(g) of the Act of 2006 or not.

A hydel project of the nature contemplated to be implemented is in public interest. However, implementation of such a project in public interest is required to be done, in accordance with law. The law in the present case will

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involve the provisions of the Act of 2006. On the materials made available to the Court, the only inference that is possible is that, the provisions of the Act of 2006 were not complied with, in either seeking permission for the project or trying to implement the same.

Calcutta Swimming Club (supra) is of the view that, a plaintiff cannot file a suit alleging that, by the action of the defendant, although none of his rights is infringed will, somebody else's right is going to be affected and such right of the third party should be protected. With respect, in the facts of the present case, the rights of the petitioners will stand affected if, the project is allowed to be implemented in the manner as it is sought to be done now. As tribals living in an area covered under the Act of 2006, the petitioners are entitled to ensure compliance of the provisions of the Act of 2006. It is the contention of the respondent nos.8 and 9 that, the land which the petitioners occupy will not be affected by the project. Again with respect, such a contention cannot be accepted. The petitioners are admittedly residents of an area which will be affected, if not the surroundings, by implementation of the project. Again, in my view, that is no defence to the authorities in not complying with the provisions of the Act of 2006. Any citizen of India is entitled to approach the writ Court to highlight any infraction of law at the instance of an authority within the meaning of Article 12 of the Constitution of India and seek appropriate redress with regard thereto. The petitioners cannot be non-suited on the ground as contended on behalf of the respondent nos.8 and 9. In such circumstances, the

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ratio laid down in *Calcutta Swimming Club (supra)* is not attracted to the facts scenario of the present case.

There exists an interim order granted while admitting the writ petition.

Since, the writ petition is heard on merits finally, it would be appropriate to quash the decision 'in-principle' approval granted by the Central Government. It is also appropriate to quash the so-called resolutions of the Gram Sabhas and permissions granted by the State Government in implementing the project. This order, however, will not prevent the authorities from taking recourse to the provisions of the Act of 2006 and acting in accordance with law in implementing the project contemplated.

Learned Advocate appearing for the petitioners submits that, the District Magistrate granting such a false certificate should be visited with appropriate punishment in the nature of costs. In the facts of the present case, I am not minded to enter into that arena.

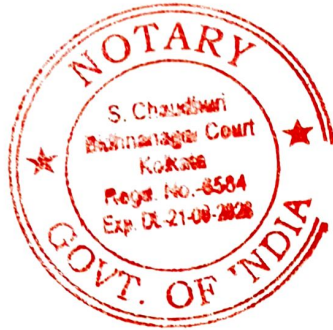
CAN 3341 of 2019 and WP No.20576(W) of 2018 are disposed of.

No order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(*Debangsu Basak, J.*)

BEFORE THE HON'BLE
NATIONAL GREEN
TRIBUNALEASTERN ZONE
BENCH, KOLKATA



ORIGINAL APPLICATION NO.
120/2024/EZ

In The Matter of:

Sushil Murmu

... Applicant

Versus

Union of India & Ors.

... Respondents

**AFFIDAVIT-IN-OPPOSITION ON
BEHALF OF RESPONDENT NO.
09, POWER DEPARTMENT,
GOVERNMENT OF WEST
BENGAL**

Filed by

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email:

subho.advocate@gmail.com

(M): 9007035534