

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
I. A. No. 48 of 2025/EZ
(Arising out of ORIGINAL APPLICATION NO. 36/2025/EZ)



In The Matter of:

An application Under Section 19(4)(a) read with Under Section 18 (1) of the National Green Tribunal Act, 2010 for modification of the Solemn Order dated 06.05.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata passed in the instant original application No. 36/2025/EZ;

AND

In The Matter of:

Sibojyoti Chakrabarti, S/o Kamal Krishna Chakrabarti, residing at 109, Sarat Chatterjee Road, P.S- Lake Town, P.O- Bangur Avenue, Kolkata: 700089.

E-mail: subho.advocate@gmail.com

..... Applicant.

-Versus-

Ashok Khamri & Ors.

.....Respondents

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Filed by
Arpan Mishra
ARPAN MISHRA

Advocate

For The I.A Applicant

Email: sritama.maitra98@gmail.com

(M): 7044961375

07 MAY 2025



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
I. A. No. of 2025/EZ
(Arising out of ORIGINAL APPLICATION NO. 36/2025/EZ)



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AND

In The Matter of:

Sibojyoti Chakrabarti, S/o Kamal Krishna Chakrabarti, residing at 109, Sarat Chatterjee Road, P.S- Lake Town, P.O- Bangur Avenue, Kolkata: 700089.

E-mail: subho.advocate@gmail.com

(Advocate for State Respondents, West Bengal, numbers 2,3,5, 6 & 7, in the instant Original application)

E-mail: subho.advocate@gmail.com

..... Applicant.

-Versus-

1. Ashok Khamri, Village Nayabasan,
P.O & P.S- Gopiballavpur, district:
Jhargram, Pin: 721506.

... Applicants in OA / Respondent No.1



2. West Bengal Mineral Development and Trading Corporation Limited, (WBMDTCL), through the Chairman and Managing Director, 3rd Floor, DJ-10, (WBIIDC Building) DJ Block, Sector-II, Salt Lake City, Kolkata: 700091.

Email: wbmdtcltd@gmail.com

3. Directorate of Mines and Minerals, through the Director, 4, Abanindranath Tagore Sarani, 2nd Floor, Kolkata: 700016.

Email: dir.dmm-wb@nic.in

4. Department of Environment, Government West Bengal, through its Chief Environment Officer, 5th Floor, Pranisampad Bhavan, Block LB-II, Saltlake, Sector III, Bidhannagar, Kolkata- 700106;

Email: environmentwb@gmail.com



5. Ministry of Environment, Forest and Climate Change, through its Secretary Indira Paryavaran Bhawan, Jorbagh, New Delhi: 110003.

E-mail: secy-moef@nic.in

6. The District Magistrate & Collector, Jhargram, 1st Floor, New Administrative Building, P.O & District: Jhargram, Pin: 721507.

Email: jhargramdm@gmail.com

7. The Additional District Magistrate & District land & Land Reforms Officer, Jhargram, 3rd Floor, New Administrative Building, P.O & District: Jhargram, Pin: 721507.

Email: dllrojhargram@gmail.com

8. Office of the Executive Engineer, Jhargram Irrigation Division, Through Executive Engineer, Ghoradhara,

07 MAY 2025



Raghunathpur, Jhargram, West
Bengal, Pin: 721507.

Email: EEKCDVN5@gmail.com

.....Respondents

To,

The Hon'ble Chairperson and His Companion Members of the said Hon'ble
Tribunal.

The Humble petition on behalf of the
applicant as above named most
respectfully

SHEWETH:

1. That the instant original application has been filed by the applicant and the same is 'Lis Pendens' for adjudication before this Hon'ble Tribunal.
2. That on 05.05.2025 when the matter was taken up for hearing the applicant had filed affidavit-in-opposition on behalf of the respondent number 07, the Irrigation and Waterways department, Government of West Bengal and the same has been taken on record by the Hon'ble Tribunal. That on the very next date on 06.05.2025 when the original application was taken up for hearing by this Hon'ble Tribunal, the

applicant had appeared on behalf of the state respondents, Government of West Bengal being numbers 2,3,5, 6 & 7, in the instant Original application and filed Affidavit on behalf of the District Magistrate & Collector, Jhargram dated 03.05.2025 and the same has been taken on record by the Hon'ble Tribunal.



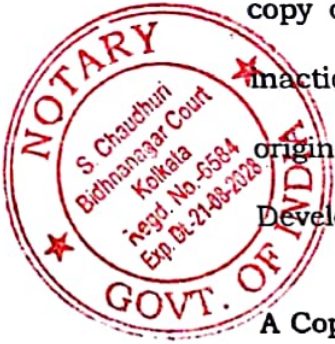
3. That the applicant states that it has been reflected in the Order dated 03.04.2025 that the applicant is representing the respondent numbers 1, 2,3,5, 6 & 7, but it is a fact that the applicant is not representing the respondent number 01, i.e the WBMDTCL and the applicant should have brought to the judicial notice of the Tribunal that the said fact.

4. The applicant being the learned Counsel for the state respondents prays for unconditional apology in this regard.
5. That in Solemn Order dated 06.05.2025 in paragraph 10 interalia it has been observed by the Hon'ble Tribunal that :

"If the state was not representing the Respondent No. 1, WBMDTCL, District Magistrate, Jhargram should have promptly forwarded the copy of the original application to the Respondent No. 1 i.e the West Bengal Mineral Development and Trading Corporation Limited (WBMDTCL)."

6. That in the said solemn Order in paragraph 12 interalia it has been observed by the Hon'ble Tribunal:

"The District Magistrate & Collector, Jhargram shall file affidavit explaining why there was a delay of one month in communicating the copy of the original application to the Respondent No. 1, and also inaction on the part of his office in prompt service of copy of the original application to Respondent no. 1, the West Bengal Mineral Development and Trading Corporation Limited (WBMDTCL)."



A Copy of the Solemn Order dated 06.05.2025 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata is annexed herewith and marked with the letter 'P-1'.

7. That it is humbly submitted that the remarks made in paragraphs 10 and 12 of the Solemn Order dated 06.05.2025 may kindly be expunged and/or the observations made by the Hon'ble Tribunal in paragraphs 10 and 12 of the Solemn Order dated 06.05.2025 may kindly be modified to such extent as the Hon'ble Tribunal deems fit and proper for the ends of Justice.
8. That this modification may kindly be considered and allowed by the Hon'ble Tribunal.
9. That this application is made bonafide and unless this application is allowed by this Hon'ble Tribunal the applicant will suffer irreparable loss and injury.



Under the above circumstances it is most humbly prayed before Your Lordships may kindly be pleased to allow this application and kindly modify the Solemn Order dated 06.05.2025, passed by this Hon'ble Tribunal to the extent that the observations made by the Hon'ble Tribunal in paragraphs 10 and 12 of the said Solemn Order may kindly be expunged and/or modified and to allow this Interlocutory Application in connection with the instant original application and to pass such further Order/Orders as to this Hon'ble Tribunal may deem fit and proper for the ends of justice.

And For This Act of Kindness Your Applicant as in duty bound shall ever pray.

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 7th Day of May, 2025.

Identified by me

Axapan Mishra

Advocate

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

Sibajyoti Chakrabarti
 Deponent

06.05.2025

07 MAY 2025

SL. NO. 231/20.25

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



AFFIDAVIT

I, Sri Sibojyoti Chakrabarti, S/o Kamal Krishna Chakrabarti, aged about 37 years, by faith- Hindu, by occupation- Advocate and presently 109, sarat Chatterjee Road, P.S- Lake Town, Kolkata: 700089, do hereby solemnly affirm and state as follows :-

1. That I am the applicant in the instant I. A. Application and well conversant with the fact and circumstance of the case and I am competent to sign and swear this affidavit.
2. That I have read and Understood the contents of the accompanying application and say that the facts stated above are true and correct and the rest are the best of my knowledge and belief.

Identified by me

Arun Mukherjee
Advocate

Sibojyoti Chakrabarti
Deponent 06.05.2025

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

07 MAY 2025

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.36/2025/EZ

Ashok Khamri

Applicant(s)

Versus

The Chairman and Managing Director,
West Bengal Mineral Development and
Trading Corporation Limited & Ors.

Respondent(s)

Date of hearing: 06.05.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Ms. Paushali Banerjee, Adv.

For Respondent(s): Mr. Sibojyoti Chakrabarti, Adv. for R-2,3,5,6 & 7
(in Virtual Mode),
Mr. Kishore Datta, Advocate General (in Virtual Mode) a/w
Mr. Sanjay Saha, Adv. for R-1

ORDER

1. Ms. Paushali Banerjee, learned Counsel is present on behalf of the Applicant.
2. Mr. Sanjay Saha, learned Counsel files Vakalatnama on behalf of the Respondent No.1, West Bengal Mineral Development and Trading Corporation Limited (WBMDTCL) ; the same is taken on record. Learned Counsel states that he will be representing only the Respondent No.1 and not the Respondent No.2. When the case is next listed, the name of Mr. Sanjay Saha shall be printed in the cause list as the Counsel for the Respondent No.1.
3. Mr. Sanjay Saha, learned Counsel states that copy of the Original Application has not been served upon him. Office of the Tribunal shall serve notice of the Original Application upon Mr. Sanjay Saha.

Learned Counsel prays for and is granted three weeks time for filing counter affidavit.

4. Mr. Sibojyoti Chakrabarti, learned Counsel files Vakalatnama on behalf of the State of West Bengal ; the same is taken on record.
5. Affidavit in opposition dated 03.05.2025 has been filed by the Additional District Magistrate (LR) & District Land & Land Reforms Officer on behalf of the Respondent Nos.5 and 6 ; the same is taken on record.
6. Affidavit in opposition dated 03.05.2025 has been filed by the Respondent No.7, Executive Engineer, Jhargram Flood Management & Planning Division, Irrigation & Waterways Directorate ; the same is taken on record.
7. Ms. Paushali Banerjee, learned Counsel for the Applicant referring to the Minutes of the Meeting of the District Level Sand Committee of Jhargram district of a meeting which was held on 25.11.2024 submits that in the said meeting decisions were taken which read as under :-

"1. The discussion on 8 proposed sand blocks at Sankrail and Gopiballavpur-I have been done and 5 nos. (i.e. MIN_JH_29, MIN_JH_31, MIN_JH_32, MIN_JH_19 & MIN_JH_20) of proposed sand blocks have been recommended whereas proposed sand block MIN_JH_30, MIN_JH_36, MIN_JH_37, have not been recommended due to Biodiversity Park and road connectivity issues and other reasons. The recommendation copies as received from B.L.&L.R.O. end after necessary joint field verification are to be sent to WBMDTCL for further course of action.

2. The MDO of Sand Block No.MIH_JH_10 and MIH_JH_11 applied for permission dated 11.11.2024 for connecting road to the said sand blocks at Gopiballavpur-I and Gopiballavpur-II Block. The Committee discussed the feasibility of the said roads. As the proposed approach road in the given map passes approx. 4 to 5 K.M.s through the river bed,

construction of approach road in the river bed is not feasible.

The proposed approach roads have not been recommended."

and she has also placed on record the affidavit of the Irrigation & Waterways Directorate of Jhargram district.

8. Referring to the Feasibility Report for Sand Block at pages 205 and 206 of the paper book, Ms. Paushali Banerjee, learned Counsel submits that this clearly shows that the sand mining is being done inside the river and as per the recommendation of the Feasibility Report, it should be at least 50 Mtrs. away from the river side.
9. We direct the District Magistrate, Jhargram to examine the matter particularly with regard to the decisions taken in the Minutes of Meeting dated 25.11.2024 and ensure that sand mining is not permitted within the river.
10. From our order dated 03.04.2025 we find that the office was directed to give notice of the case with copy of Original Application to Mr. Sibojyoti Chakrabarti, Counsel on behalf of the Respondents. If the State was not representing the Respondent No.1, WBMDTCL, District Magistrate, Jhargram should have promptly forwarded the copy of the Original Application to the Respondent No.1 i.e. West Bengal Mineral Development and Trading Corporation Limited (WBMDTCL).
11. Mr. Sanjay Saha also informs that he was informed by the Additional District Magistrate, Jhargram on 02.05.2025 informing that the case is coming up on 05.05.2025.
12. The District Magistrate and Collector, Jhargram shall file affidavit explaining why there was a delay of one month in communicating the copy of the Original Application to the Respondent No.1 and also inaction on the part of his office in prompt service of copy of

the Original Application to Respondent No.1, West Bengal Mineral
Development and Trading Corporation Limited (WBMDTCL).

13. **List on 21.07.2025.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

May 06, 2025,
Original Application No.36/2025/EZ
SKB

Annexure - (P-2) -14-



From: **Sibojyoti Chakrabarti** >

To: sanjaysaha.advocate2001@g... >

Cc: paushali banerjee >

Today at 3:13 PM



IA IN O A No.36/2025/EZ

Dear Sir/ Madam,

Kindly find enclosed soft copy if IA in connection with above Matter pending before Hon'ble National Green Tribunal EXB Kolkata for your kind perusal.

Thanking you

Sibojyoti Chakrabarti

Applicant in IA



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

I.A. No. of 2025/EZ

(Arising out of ORIGINAL
APPLICATION NO. 36/2025/EZ)

In The Matter of:

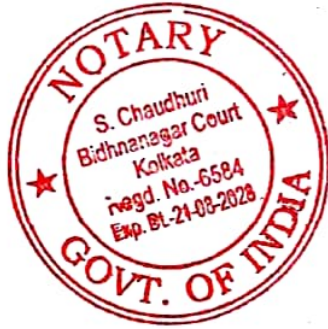
Sibojyoti Chakrabarti

... Applicant

Versus

Ashok Khamri & Ors.

... Respondents



**INTERLOCUTORY
APPLICATION ON BEHALF OF
THE APPLICANT**

Filed by

ARPAN MISHRA

Advocate

For The I.A Applicant

Email:

arpanmishra435@gmail.com

(M): 7979804403