

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BRANCH, KOLKATA
ORIGINAL APPLICATION NO. 36/2025/EZ

(Application under Section 18 read with 14, 15 of National Green Tribunal
Act, 2010)

In the matter of :

Ashok Khamri

... Applicant

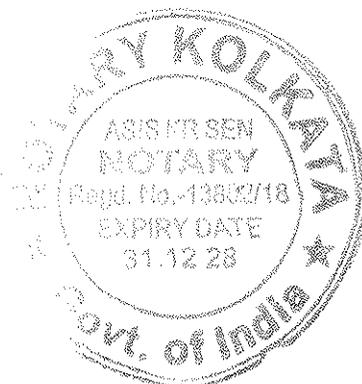
-Versus-

West Bengal Mineral Development &
Trading Corporation Limited & Ors

.... Respondents

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BRANCH, KOLKATA
ORIGINAL APPLICATION NO. 36/2025/EZ

(Application under Section 18 read with 14, 15 of National Green Tribunal Act, 2010)

In the matter of:

Ashok Khamri, Village - Nayabasan,
P.O. & P.S. Gopiballavpur, District -
Jhargram, Pin - 721 506,
email:poushalib@yahoo.com

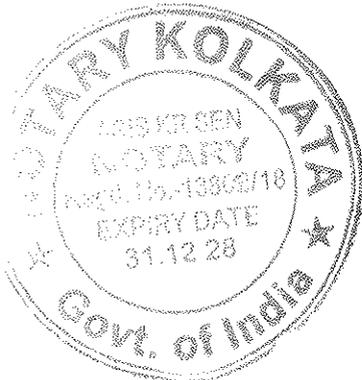
... Applicant

-Versus-

1. West Bengal Mineral Development
& Trading Corporation Limited
(WBMDTCL), through the Chairman
and Managing Director, 3rd floor, DJ -
10, WBIIDCBuilding, Sector II, Salt
Lake City, Kolkata - 700 091, Email:
wbmdtcltd@gmail.com

2. Directorate of Mines and
Minerals, through the Director, 4,
Abanindranath Tagore Sarani, 2nd
floor, Kolkata - 700 016. Email:
dir.dmm-wb@nic.in

3. Department of Environment,
Government of West Bengal, through
the Chief Environmental Engineer,
Prani Sampad Bhaban, LB-II, 5thfloor,



Filed by:
Sanjay Kumar
Adv.

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Sector-III, Salt Lake, Kolkata 700 106.

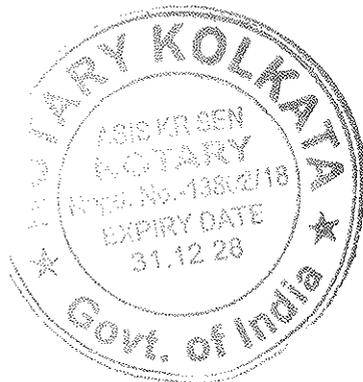
Email: environmentwb@gmail.com

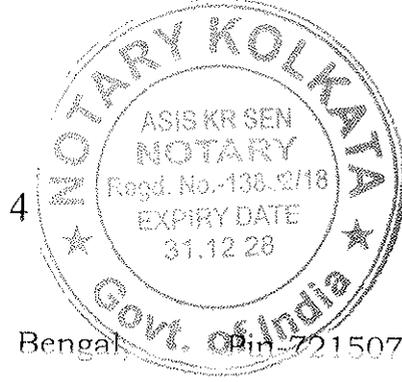
4. The Ministry of Environment, Forest & Climate Change, Government of India, Integrated Regional Office, through the Deputy Director of General Forests (C), IB - 198, Sector III, Salt Lake, Kolkata - 700 106. Email - iro.kolkata-mefcc@gov.in

5. The District Magistrate & Collector, Jhargram, New Administrative Building, 3rd floor, P.O. & District - Jhargram, West Bengal, Pin 721507. Email - jhargramdm@gmail.com

6. The Additional District Magistrate and District Land & Land Reforms Officer, Jhargram, New Administrative Building, 3rd floor, P.O. & District - Jhargram, West Bengal, Pin 721507. Email - dllrojghargram@gmail.com

7. Office of the Executive Engineer, Jhargram Irrigation Division, through the Executive Engineer, Ghoradhara, Raghunathpur, Jhargram, West





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Bengal Pin-721507

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eekcdvn5@gmail.com

SL No. 5

... Respondents

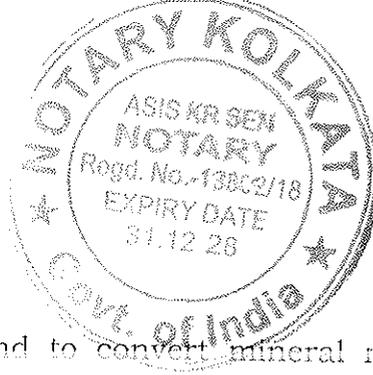
Counter Affidavit on behalf of Respondent no. 1.

I, Samik Panigrahi, son of Shyamal Panigrahi, aged about 46 years, by occupation – Service, having office at DJ – 10, 3rd floor, Sector – II, Salt Lake, Kolkata 700 091, do hereby solemnly affirm and say as follows –

1. That I am the General Manager (Sand) of West Bengal Mineral Development & Trading Corporation Limited (WBMDTCL), being the Respondent No. 1 herein and as such I am well conversant with the facts and circumstances of the present Original Application. I have been duly authorized by the Chairman & Managing Director of WBMDTCL to affirm this Counter Affidavit to the Original Application, in terms of solemn order dated May 06, 2025 passed by this Hon'ble Tribunal and as such I am competent to affirm this affidavit.

2. I say that WBMDTCL is a Government of West Bengal Undertaking and a company within the meaning of section 2(45) of the Companies Act, 2013 corresponding to section 617 of the Companies Act, 1956. 100% of the shares of WBMDTCL are owned by Government of West Bengal through its Industries, Commerce and Enterprises Department. WBMDTC Ltd., which was incorporated in the year 1973 and is one of the Government Mining Company operating in the field of mining throughout the State of West Bengal.

3. I say that WBMDTCL was set-up with the objectives to explore and extract various Non-Coal Minerals i.e. Rock-phosphate, Stone aggregates, Fire clay, Quartz, Feldspars, Iron Ore, Silica Sand etc. in West Bengal; to

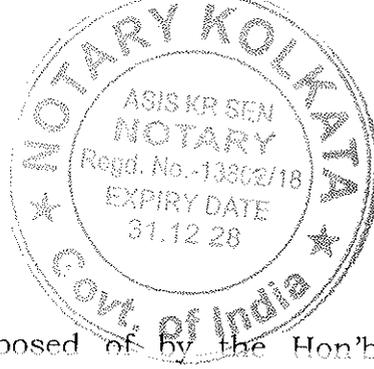


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Abhishek
Adv.

examine its commercial possibilities and to convert mineral resources to marketable commodities for generating incomes/revenues from sales proceeds. WBMDTCL is supplying coal from Eastern Coalfield Limited (ECL) to Micro, Small and Medium Enterprises in West Bengal as State Nodal Agency of the Government. WBMDTCL has been notified by the Government of India as an Exploration Agency during 2017-2018. The vision of WBMDTCL is to develop and exploit coal and other non-coal minerals in a scientific, economic and eco-friendly manner; to secure, assist and facilitate the growth and development of mining and mineral based industries and trading activities in West Bengal and to explore, mine, crush, smelt, amalgamate and process and market minerals and mineral based products. It is beyond any pale of doubt that the function of WBMDTCL is for a public purpose.

4. Pursuant to the direction, passed by this Hon'ble Tribunal on May 06, 2025 a copy of an original application being O.A. No. 36/2025/EZ (hereinafter referred to as the said Application) supported by an affidavit purportedly affirmed by Sri Ashok Khamri, being the applicant herein on February 14, 2025. I have read the copy of the said Application and have understood its true scope, meaning, effect and purport.

5. At the outset, I state that the said Application is misconceived, frivolous, vexatious, harassive, devoid of merits, unsupported by law and has been filed with vested interest and is *mala fide*. It is submitted that the applicant has been set up by some interested person. The applicant himself was a lease holder of one sand block within Jhargram. The sand mining lease for five years was granted in favour of the applicant in terms of West Bengal Minor Mineral Concessions Rules, 2016, which has already expired in the year 2022 due to efflux of time. The applicant tried to get the said sand block renewed in his favour for another five years. The applicant filed one Writ Petition being WPA No. 13169 of 2022 before the Hon'ble High Court, Calcutta praying for renewal of his sand mining lease for another five



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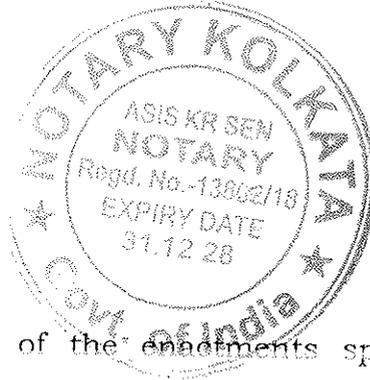
years. The said writ petition was disposed of by the Hon'ble Justice Hiranmay Bhattacharyya vide solemn order dated January 08, 2025 with a direction upon the Additional District Magistrate and the District Land & Land Reforms Officer, Jhargram to consider and dispose of the representation of the applicant upon giving opportunity of hearing to the applicant.

Photostat copy of the said solemn order dated January 08, 2025 passed in WPA 13169 of 2022 is enclosed and marked as Annexure "A".

6. I say that the applicant was very much interested in getting his expired sand mining lease renewed for another five years. Having failed to get his expired lease renewed, he has filed the present Original Application to stall the entire selection process for engagement of MDO in respect of 13 sand blocks within Jhargram District, where previously the applicant was a lessee on the alleged ground of environmental concern. Therefore, the applicant cannot be allowed to abuse the process of this Hon'ble Tribunal on a vague assertion of being an environment friendly and responsible citizen of the society. It is submitted that the applicant is before this Hon'ble Tribunal for personal and private gains. It is submitted that the instant application seeks to prevent the State and its instrumentalists from legalizing the entire process of allocation of sand mining blocks following transparent process of e-auction and thereby arresting pilferage of natural resources and garnering state revenue. The instant application seeks to promote the indiscreet exploitation of sand mines in an illegal manner, at the instance of interested persons.

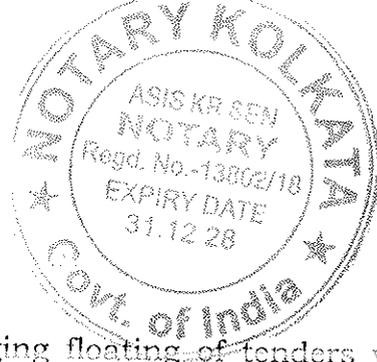
7. I state that the said Application is not maintainable under Section 14, 15 or 16 read with Section 18 of the National Green Tribunal Act, 2010 (hereinafter referred to as the said Act) for the following reasons:

a. The applicant has failed to disclose any substantial question relating to environment or any violation or non-enforcement of any legal right or



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Adv.

- question relating to implementation of the enactments specified in Schedule – I of the said Act.
- b. The applicant has failed to establish himself as a “person aggrieved” in terms of Section 18 of the said Act. I state that no pleadings have been made in the application to demonstrate the applicant being aggrieved by issuance of the Tender for Selection of Mine Developer & Operator (MDO). Accordingly, the applicant has no cause of action to maintain the instant proceedings.
- c. The instant Application is premature as the said Tender has been merely issued for selection of MDO in consonance with The West Bengal Sand Mining Policy, 2021 (hereinafter referred to as the said “Policy, 2021”) and The West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021, details whereof are more fully stated hereinafter. It is submitted that issuance of the Tender does not raise any substantial question relating to environment and does not involve adjudicating any issue of enforcement of any legal rights relating to environment.
- d. I state that the Tender process has been undertaken for only making considerable advancement in the entire process of selection of MDOs and in order to tackle, *inter alia*, illegal sand mining. I state that no mining activities have commenced or would be allowed pursuant to the Tenders, either in Jhargram District or in any of the districts of State of West Bengal, without obtaining all statutory compliance including but not restricted to the duly approved District Survey Report (hereinafter referred to as “DSR”), approval of Mining Plan, Environmental Clearance, Consent to Establish, and Consent to Operate issued by competent authority, Department of Environment. Thus, no adverse impact can be caused to the environment merely by floating of such tender.
- e) I say that previously in the year 2022 immediately after issuance of Tender by WBMDTCL for selection of MDO, one identical Original Application being O.A. No. 74/2022/EZ was filed before this Hon’ble

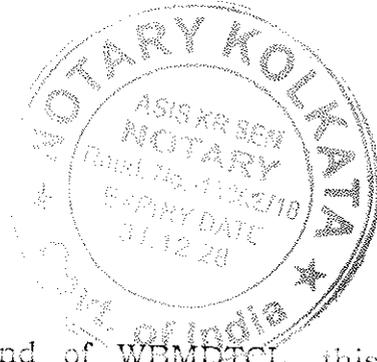


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Adv.

Tribunal by one Shiv Dayal Singh alleging floating of tenders without finalizing DSR and the same was illegal in view of Enforcement and Monitoring Guidelines for Sand Mining. The said application came up for final hearing on February 14, 2023 before the Hon'ble Mr. Justice Adarsh Kumar Goel, Chairperson, the Hon'ble Mr. Justice Sudhir Agarwal, Judicial Member and Hon'ble Prof. A. Senthil Vel, Expert Member. Upon hearing the parties and considering the fact disclosed by the Chief Secretary, West Bengal to the effect that sand mining Agreement will be executed only after DSRs are approved by SEIAA and all other compliance and approvals are undertaken as per Judgment of Hon'ble Supreme Court of India the Hon'ble Tribunal was pleased to dispose of the said Original Application recording that the State Authorities would not undertake any mining activities of sand in violation of the laid down procedure.

Photostat copy of the said solemn order dated February 14, 2023 is enclosed and marked as Annexure "B".

- f) I say that subsequent to filing of the aforesaid Original Application, another application being O.A. No. 02/2023/EZ was filed before this Hon'ble Tribunal alleging illegal extraction of massive quantity of sand from the river bed of Damodar under Mejia Block. The allegation, as raised in the said application was that WBMDTCL has issued e-auction notice on April 07, 2022 inviting tenders for excavation of sand from the site. Upon exchange of Affidavits, the said matter came up for final hearing on July 17, 2023 before the Hon'ble Justice B. Amit Sthalekar and Hon'ble Justice Dr. Arun Kumar Verma. Upon hearing the parties and considering the submissions as well as the documents disclosed, this Hon'ble Tribunal came to the findings that no contracts have been awarded to any operator for sand mining in the blocks/mouzas in question. The Hon'ble Tribunal also came to the finding that WBMDTCL would award contract for sand mining only after it has obtained all statutory clearances as also Environmental Clearances from SEIAA,



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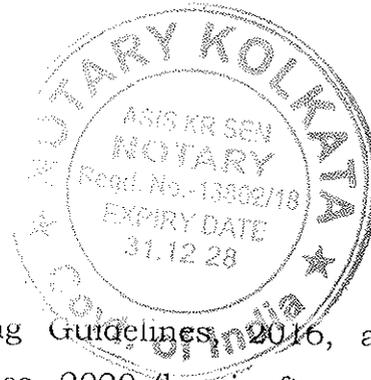
West Bengal. Considering such stand of WBMDTCL, this Hon'ble Tribunal was pleased to dismiss the said Original Application.

Photostat copy of the said solemn order dated July 17, 2023 is enclosed and marked as Annexure "C".

- g) It is stated that sand mining Agreement will be executed by WBMDTCL in favour of any operators only after DSRs are approved by SEIAA and all other compliance and approvals are undertaken as per Judgment of Hon'ble Supreme Court of India. Needless to mention here that the present e-auction notice has been published to select Operators in respect of particular sand blocks, so that no illegal sand mining is carried out in the auctioned sand blocks. WBMDTCL would ensure that the contracts would be executed only after obtaining all statutory clearances including Environmental Clearances. Therefore, the apprehension of the applicant that in respect of 13 sand blocks within Jhargram District have been fallen within river water lines, which can damage the river and surrounding environment is not only baseless but also motivated and as such liable to be dismissed.

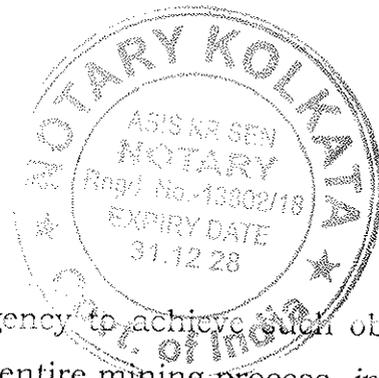
8. I say that in the said Application, material facts have been suppressed and distorted. In order to assist this Hon'ble Tribunal to effectively adjudicate the said Application, I state the relevant facts of the case, which are as follows -

- a) The Ministry of Environment Forest & Climate Change (hereinafter referred to as the "MOEF&CC") to regulate the management and systematic mining practices, formulated the Sustainable Sand Management Guidelines, 2016 (hereinafter referred to as the said "Guidelines, 2016"). The said Guidelines, 2016 was implemented for preventing illegal mining, transportation and storage of minerals.



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Adv.

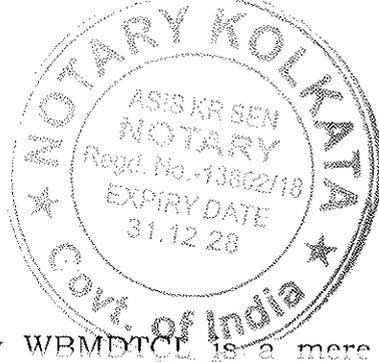
- b) In order to supplement the existing Guidelines, 2016, a further Enforcement and Monitoring Guidelines, 2020 (hereinafter referred to as the "Guidelines, 2020") was promulgated for identification and quantification of mineral resources and its optimal utilization; regulation of the sand and gravel mining in the country; use of IT enabled services and latest technology for surveillance or sand mining; for setting up procedure for replenishment of sand, environmental clearance monitoring and environmental audit; and to control the instances of illegal mining.
- c) The Government of West Bengal having considered the importance of framing a sand mining policy for the State of West Bengal, came up with the said Policy 2021, to improve the effectiveness of monitoring of mining and transportation of sand and to ensure that the extraction is carried out in a scientific, environmentally sustainable, and socially responsible manner.
- d) Subsequently the said Policy 2021 received statutory recognition by way of promulgation of the West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021 (hereinafter referred to as the "2021 Rules"), in exercise of the powers conferred by Section 15 and Section 23C of Mines and Minerals (Development and Regulation) Act, 1957, which was notified by a Gazette Notification bearing no. 48-ICE/O/MIN/GEN-MIS/17/2021 dated 25.01.2022 for, *inter alia*, sand mining, transportation, storage and sale of sand, regulation and monitoring of sand mining, prevention of illegal sand mining.
- e) As per the said Policy 2021, WBMDTCL has been designated as State Nodal Agency for Sand Mining by Government of West Bengal to, *inter alia*, deal with the issue of indiscriminate mining of sand, black-marketing, artificial supply shortage through hoarding, to ensure compliance with regulations and affordable pricing for end consumers. Hence, the Policy, 2021 and subsequently the 2021 Rules, provided that



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WBMDTCL shall be the appropriate agency to achieve such objectives and would be solely responsible for the entire mining process, *inter alia*, contracting out the excavation of sand and transportation of sand from the mines to the stockyard, through transparent e-auction process.

- f) The process as envisaged under the said Policy, 2021, and the Rules, 2021 (as notified subsequently) was that WBMDTCL would appoint MDOs with whom sand mining agreements would be executed, upon receipt of all statutory clearances and post fulfillment of all environmental clearances, for carrying out the aforementioned process of, *inter alia*, excavation & transportation of sand from sand blocks to stockyards, setting up and maintenance of stockyards, loading sand on the vehicle and sale of sand to end-consumer.
- g) Since the aforesaid process would be time consuming and would result in a considerable delay in effectively implementing legal mining, till which time illegal mining would continue to grow, causing huge losses to the public exchequer, WBMDTCL in order to prepare itself with a list of identified MDOs for participation in the subsequent stage of awarding work, took preparatory steps for empanelment of MDOs under 2 (two) distinct categories based on the area of the Sand Mines, i.e. (i) Category A comprising of area of each block/group of blocks less than 20 Hectares; and (ii) Category B comprising of area of each block/ group of blocks greater than 20 Hectares.
- h) Based on field verification report and NoC obtained from district administration and concerned departments, WBMDTCL floated e-auctions *vide* memo no: MDTC/Sand/002/1027 dated 30th December 2021 for selection of MDOs. However, at the cost of repetition it is stated that WBMDTCL would award contract for sand mining only after it has obtained all statutory clearances as also Environmental Clearances from SEIAA, West Bengal.

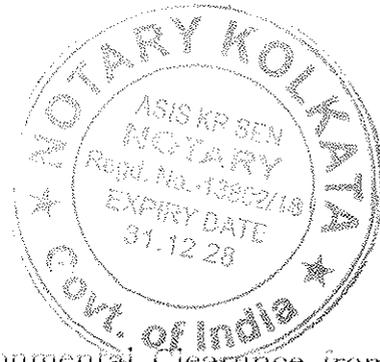


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Adh.

9. I say that selection of MDOs by WBMDTCL is a mere process of identifying the MDOs with whom sand mining agreement would be executed in future, once all statutory and environmental clearances had been obtained from the appropriate authorities.

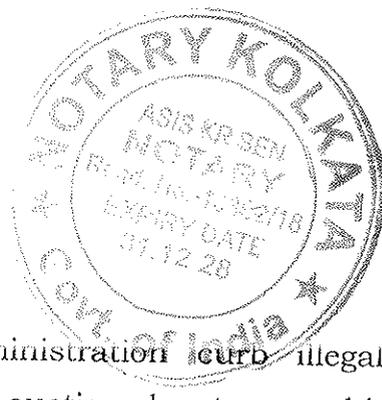
10. Now I shall proceed to explain the process, that was adopted by WBMDTCL prior to floating of RFP documents for selection of the MDOs in Category "A" and Category "B" sand blocks in various districts of State of West Bengal including Jhargram:

- a. After conducting field level survey, a draft DSR is prepared following all statutory norms of Sustainable Sand Mining Guidelines issued by MoEF,CC, GoI, for all the districts in the State of West Bengal including Jhargram which is placed before SEIAA, WB, the nodal authority to deliberate upon the same and giving approval.
- b. In the approved DSRs, potential sand mining zone is identified from where sand mining blocks are identified and proposal is sent to district administration for checking feasibility and issuing NoC in consultation with all stakeholder departments and also Bio-Diversity Board, duly constituted in the district.
- c. Upon receipt of approvals from the concerned District Authorities, e-auction is floated by WBMDTCL, for appointment of the MDO with whom sand mining agreements would be executed, only upon obtaining all statutory compliance and approvals.
- d. At present, no sand mining agreement has been executed by and between WBMDTCL and the empaneled MDOs in respect of the named 13 (Thirteen) sand blocks. It is pertinent to note that the sand mining agreement would only be executed between WBMDTCL and the MDO, once all necessary compliance and statutory approvals are undertaken including but not restricted to Environmental Clearance, Consent to Establish and Consent to Operate.



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 Adv.

- c. Needless to mention here that Environmental Clearance from SEIAA, WB, is a mandatory requirement for commencement of sand mining activity and this involves a well laid down process involving SEAC and SEIAA, two statutory bodies under Department of Environment, where an independent technical expert committee deliberates upon all environmental concerns, instructs modification/revision of proposal, if any, and finally accords approval on mining operation, delineating the area, depth and mineable quantity for each site.
- f. The entire process of floating of Tender to select the appropriate MDOs was undertaken as a preparatory measure to achieve a considerable advancement in the entire process once approvals were granted. I submit that there is no bar upon an authority for selection of an MDO as a preparatory measure once all requisite approvals are granted. Further, and in any event Clause 4.1.1 of the Guidelines, 2020 requires preparation of DSRs before the auction/e-auction/grant of mining lease/letter of intent by the mining department or department dealing in mining activities, and there is no bar for issuance of tender documents to merely empanel/select an MDO. I submit that the requirement of preparing and approving DSR can be fulfilled prior to any of the three stages, the last being before granting mining lease.
11. I Say that the mere selection of MDOs cannot in any manner be construed as a dispute wherein substantial questions relating to environment can be alleged to have arisen or violation of or non-enforcement of legal rights can be alleged or question relating to implementation of enactments be alleged to have arisen.
12. I say that the existing mining leases in the State of West Bengal which were granted in the period of 2017 to 2019 are expiring by end of 2024, hence the process of identification of new MDOs will only assist WBMDTCL to expedite the entire process including obtaining requisite Environmental Clearances on time, upon receiving approval of Mining Plan. I state that the



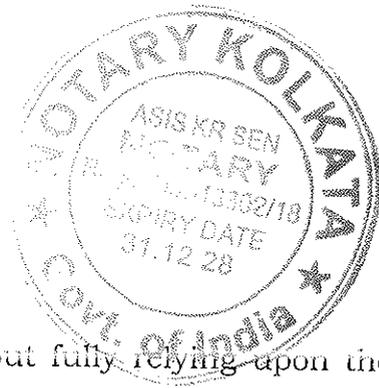
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Adm.

aforesaid step would help district administration curb illegal mining activities being carried out in the existing auctioned out area which would otherwise become freehold playground for the illegal miners upon expiration of the existing mining leases and till such time the entire process of selection of MDOs can be undertaken.

13. I say that the Tender document specified that the execution of the sand mining agreements shall be subject to obtaining all statutory approvals to commence the production of sand and that such agreement shall be signed and executed between WBMDTCL and MDOs only upon obtaining the Environmental Clearance for such sand block. Further, the commencement date of work as per the Tender, i.e. the date on which sand excavation, transportation etc. can be started by the MDO is the date on which all statutory clearances and approvals have been obtained for commencement of mining operation and sand stockyard. Hence, at no point of time can mining activities commence without a valid environment clearance being taken by WBMDTCL.

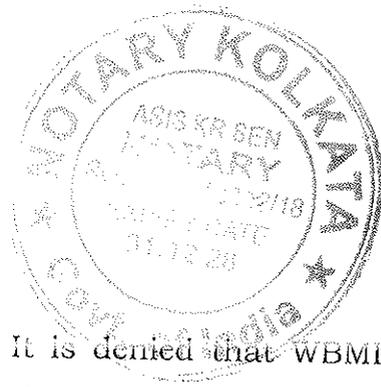
14. At the cost of repetition, I say that the sole intention of WBMDTCL towards selection of MDOs is to prevent continued illegal mining on the said sand block in terms of the object of Guidelines, 2020 and the said Policy 2021. I further state that in any event, Clause 4.1.1 of the Guidelines, 2020, DSRs have already been prepared and there is no bar in issuance of such Tenders for selection of MDOs.

15. The fact remains that in the absence of selection of MDOs for auctioned sand blocks, there are high chances that illegal mining would continue to increase since the details of such sand blocks are already available in the public domain and it is thus necessary that the time gap between identification of sand blocks and execution of sand mining agreement on the same, be minimized, to prevent environmental damage and pilferage of natural resources.



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Asst. Adv.

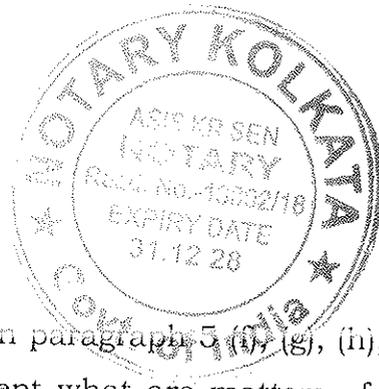
16. Without prejudiced to the aforesaid but fully relying upon the same, now I propose to deal with the various statements and/or allegations, as contained in the said application. Before dealing with the statements and/or allegations made in the said application, I state that all allegations contained in the said application are denied and disputed as if set out in seriatim and specifically traversed. Save and except what are matters of record and save and except what arises there from, each and every allegation contrary thereto and/or inconsistent therewith are denied as if the same are set out herein and denied and disputed in seriatim and specifically traversed.
17. With reference to paragraphs 1, 2 and 3 of the said application, I say that the same are matters of record and I deny anything contrary to the admitted records.
18. With reference to paragraph 4 of the said application, I do not admit the correctness of the same and put the applicant to strict proof thereof. In this regard I say that a person who himself was/is engaged in the sand mining business is claiming interest in protection of the environment and a clean environment, such fact appears to be self-contradictory. I deny that the said application has been filed by the aggrieved person, being interested in the protection of the environment and ecology. I also deny that the applicant in the said application is interested in the protection of the environment and in protection of the right to a clean environment and in protection of the right to a clean environment guaranteed to them by the Constitution of India under Article 21 and in performance of his duty under Article 51, as alleged in the said application. It is only an attempt to halt the auction process so that he could pursue his efforts for renewal/extension of his expired lease for which there is no extant legal provision.
19. With reference to statements made in paragraph 5 (a) and (b) of the said application, save and except what are matters of record, all allegations contained in the paragraphs under reference which are contrary thereto



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Adv.

and/or inconsistent therewith, are denied. It is denied that WBMDTCL is acting beyond the scope and power envisaged under provisions of the West Bengal Minor Minerals Concession Rules, 2016 as well the Guidelines for sand Mining Ministry of Environment, Forest and Climate Change January, 2020 as alleged. In this regard I say that by virtue of promulgation of 2021 Rules, the State Government has designated WBMDTCL as the Nodal Agency for grant of sand mining lease following the applicable Guidelines. WBMDTCL was not empowered to award contract for sand mining in terms of 2016 Rules. Therefore, it would not be proper to say that WBMDTCL is acting beyond the scope and power envisaged under provisions of the West Bengal Minor Minerals Concession Rules, 2016 as well the Guidelines for sand Mining Ministry of Environment, Forest and Climate Change, as alleged in the said application.

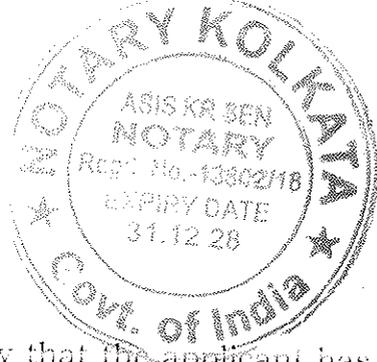
20. With reference to statements made in paragraphs 5(c), (d) and (e) of the said application, save and except what are matters of record, all allegations contained in the paragraphs under reference which are contrary thereto and/or inconsistent therewith, are denied. I specifically and categorically deny that there are 13(Thirteen) numbers of sand blocks, as listed therein the said application have fallen within the river and not river bed, as alleged in the said application. On the contrary I say that in the notified sand blocks, the geo co-ordinates are tentative and the same are for the purpose of selection of MDOs, the mining activities would be commenced only after obtaining all Statutory Clearances, not restricted but including Environmental Clearance, Consent to Operate, Consent to Establish etc. Therefore, there are various independent Experts Bodies and Technical Committees, duly constituted with the mandate of statutory provisions, who would take care of the environmental and ecological aspect and would ensure that no sand mining activity takes place in violation of Sustainable Sand Mining Policy and all other applicable Guidelines.



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Asst. Secy.
Adm.

21 With reference to statement made in paragraph 5 (i), (g), (ii), (j) and (k) of the said application, save and except what are matters of record, all allegations are denied which are contrary thereto and/or inconsistent therewith. I specifically and categorically deny that allotment of sand mining blocks within river water lines can damage the river and surrounding environment, as alleged. On the contrary, I say that WBMDTCL is committed to ensure the sand mining is done in a scientific, environmentally sustainable and socially responsible manner, so as to prevent damage to the riverine ecology and to prevent groundwater depletion and flooding. WBMDTCL is also committed to ensure that there is no obstruction to the river flow, water transport and restoring the riparian rights and in-stream habitats. Apart from that under the Sand Mining Policy of 2021 of the State Government, WBMDTCL is under obligation to prevent ground water pollution by prohibiting sand mining on fissures where it works as filter prior to ground water recharge and shall adhere to all instructions/restricts imposed by SEIAA and PCB, WB in the EC, CTE and CTO. Moreover, WBMDTCL would ensure that efficient use of Information Technology (IT) and Information Technology Enabled Services (ITeS) for efficient regulation and monitoring of sand mining in the State and enforcement of compliance connected therewith. WBMDTCL is further committed to improve the effectiveness and efficiency of monitoring of mining and transportation of sand and to ensure availability of adequate quantity of sand in sustainable manner and to prevent hoarding and black marketing, thereby ensuring that sand is available to the end consumers at an affordable price. Therefore, the apprehension of the applicant, as it has been contended in the said application are not only baseless but also motivated and thus the same cannot be sustained in the eyes of the Law.

I strongly deny that the acts and conducts of the respondent authorities are beyond the scope and power envisaged under the provisions of the West Bengal Minor Minerals Concession Rules, 2016 as well the Guidelines for Sand Mining Ministry of Environment, Forest and Climate



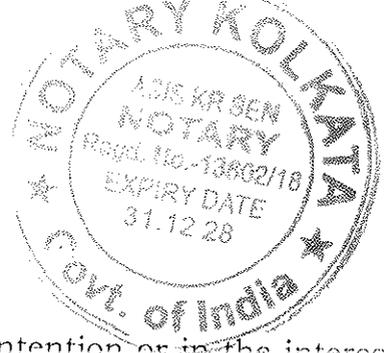
Filed by:
Shahar
Adv.

Change January, 2020. On the contrary I say that the applicant has merely alleged the violation of the Statutory provisions in the said application, without specifying the nature of the alleged violation. I further deny that the plots were illegally e-auctioned and are within the river bed itself, as alleged. In this regard, I say that as it has been stated earlier that without obtaining the Statutory clearances, no sand mining lease would be executed by WBMDTCL in favour of any successful bidders.

22. With reference to statement made in paragraph 5 (l), (m) and (n) of the said application, save and except what are matters of record, all allegations are denied which are contrary thereto and/or inconsistent therewith. At the cost of repetition I say that the e-auction was held only for selection of MDOs for grant of prospective sand mining lease, which would be permitted only after obtaining all Statutory Clearances. I deny that the balance of convenience lies in favour of the Applicant and the applicant shall suffer irreparable loss and injury if the relief as prayed is not granted. On the contrary I say from the discussion, as made in the foregoing paragraphs it would be evident that the said application is pre-matured in absence of commencement of sand mining activities and as such the said application is liable to be dismissed.

23. With reference to paragraph 6 and the grounds contained in the said application, I deny that the applicant is entitled to move the present application on any of the grounds as it has been mentioned in the application. I say that none of the grounds mentioned in the said application are justified, valid and sufficient to sustain the said application, which has been filed with vested and mala-fide intention. As such the said application is liable to be dismissed.

24. With reference to limitation of the said application is concerned, as it has been stated in paragraph 7 of the said application, it is denied that the present application has been filed within the prescribed period of time or



that the petition has been filed with bona fide intention or in the interest of justice, as alleged or at all.

25. I state that the reliefs sought for by the applicant in paragraph 8 and 9 of the said application are illegal, misconceived and beyond the jurisdiction of this Hon'ble Tribunal. I state that this Hon'ble Tribunal does not have residuary power and only reliefs as specified under Section 18 of the said Act. I say that none of the reliefs as sought for by the applicant are within the scope of Section 18 of the said Act and therefore cannot be granted.

26. In view of the discussions made herein above, the instant Original Application is an abuse of the process of this Hon'ble Tribunal and the instant Original Application should be dismissed *in limine* with the exemplary costs.

27. The statements made in paragraph Nos. 1 to 21 are true to my knowledge and the rest are my humble submissions before this Hon'ble Tribunal.

The deponent is known &
Identified by me:

Sanjay Saha

Advocate
Enrollment No. WB/1307/2001
High Court, Calcutta

Samik Panigrahi

DEPONENT

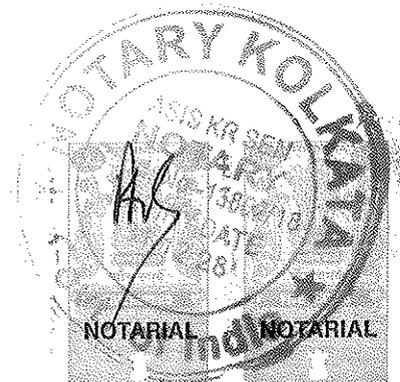
Samik Panigrahi, WBCS (Exe.)
General manager (Sand & Admin)
W.B. Mineral Dev. & Trading Corp. Ltd.

11 9 JUL 2025

solemnly affirmed and declared
Before me on Identification

ASIS Mr. *Sen*

ASIS KUMAR SEN
City Civil Court
Kolkata
Reg. No. 13802/18 Govt. of India



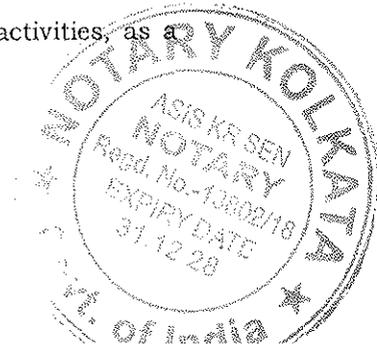
08.01.2025
Item No.43
RP
Ct. No.07

WPA 13169 of 2022

**Ashok Khamri
Vs.
State of West Bengal & Ors.**

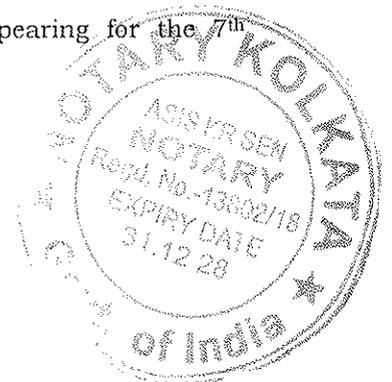
Mr. Rahul Karmakar
.....For Petitioner
Mr. Sanjay Saha
.....for WBMDTC

1. Affidavit-of-service filed in Court today be kept on record. In spite of notice none appears for the State. The 7th respondent is represented by its learned advocate.
2. The petitioner has challenged the Government Order dated February 28, 2022 in this writ petition. The petitioner claims that a registered lease deed dated April 6, 2017 was executed in favour of the petitioner with respect to plot no. MGB 46 within mouza-Bhatpara in the Subarnarekha Riverbed, P.S.-Gopiballavpur II, District-Jhargam. By virtue of the said lease, petitioner was given the right to excavate sand from the said property. The lease deed was registered on 6th April, 2017 and the same was valid for the period of five years from the date of registration. The petitioner claims that on account of COVID-19 pandemic certain restrictions were imposed for carrying out the mining activities, as a

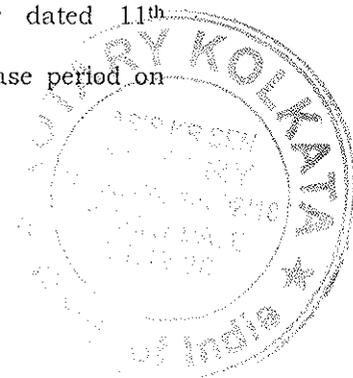


result of which the petitioner suffered loss as the said property could not be utilized for a period of about twenty months.

3. Mr. Karmakar, learned advocate appearing for the petitioner placed reliance upon notification dated January 18, 2021 which was published in the Gazette of India (Extra-ordinary) by the Ministry of Environment, Forest and Climate Change in support of his contention that the period from April 1, 2020 to 31st March, 2021 shall not be considered for the purpose of calculation of the period of validity of the said lease period. He further placed reliance upon Clause 5 under Part-IX of the said lease deed which deals with "Force Majeure" clause in support of his contention that on account of COVID-19 pandemic the period of delay should be added to the period fixed under the said lease deed. He further submits that though the petitioner submitted a representation praying for extension of the lease period well before expiry of the said lease period, such prayer was not considered by the respondent authorities. He further submits that the Government Order dated 28th February, 2022 puts an embargo upon the authorities to consider the prayer for extension of the lease period.
4. Heard the learned advocate appearing for the 7th respondent on such submission.



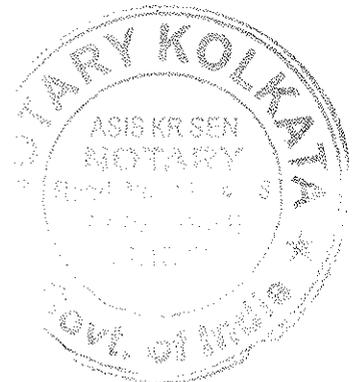
5. None appears for the State.
6. The Government Order dated 28th February, 2022 was issued by the Government of West Bengal, Department of Industry, Commerce and Enterprise (Mines Branch) in order to facilitate the transition into the new framework in a smooth manner by extending the validity of lease expiring till April 2022 for a certain period of time and it was decided that all sand mining lease expiring till April 2022 be extended till 31st May, 2022. The purpose and object of the Government Order 28th February, 2022 as it appears from bare reading of the same is only to facilitate implementation of the new sand mining policy 2021 and the same has nothing to do with regard to the prayer for extension of the lease made by the petitioner by invoking the 'Force Majeure' clause in the lease deed.
7. The prayer for extension of the lease submitted by the petitioner by a representation dated 11th January, 2022 before the Additional District Magistrate and District Land and Land Reforms Officer, Jhargram is still pending for consideration.
8. In view thereof, this Court directs the Additional District Magistrate and the District Land and Land Reforms Officer, being the 6th respondent, to consider the representation of the petitioner dated 11th January, 2022 for extension of the lease period on



the ground as stated in the said representation and to dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioner or his authorized representative. The reasoned order shall be communicated to the petitioner immediately. The entire exercise shall be completed within a period of four weeks from the date of receipt of the server copy of this order along with a copy of the representation dated 11th January, 2022 which is appearing at page 59 of the writ petition. It would be open to the petitioner to place reliance upon any notification, government order etc. in support of his case for extension of the lease period at the time of hearing before such authority.

9. With the aforesaid observation and direction, the writ petition stands disposed of.
10. There shall, however, be no order as to costs.
11. Urgent Photostat copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

(HIRANMAY BHATTACHARYYA, J.)



Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE
KOLKATA**

(By Video Conference)

Original Application No. 74/2022/EZ

Shiv Dayal Singh

Applicant

Versus

West Bengal Mineral Development and
Trading Corporation Limited & Ors

Respondent(s)

Date of hearing: 14.02.2023

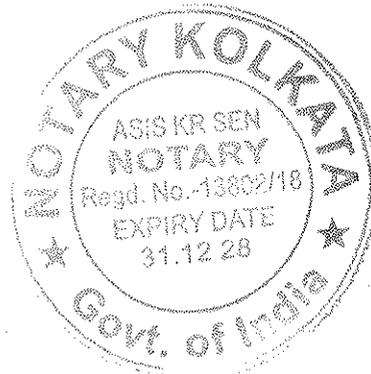
**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Bikas Kargupta, Mr. Azim H. Laskar and Ms.
Debanjana Ray Chaudhuri, Advocates

Respondent(s): Mr. Kishore Datta, Sr. Advocate, Mr. Piyush Agarwal and
Ms. Shrivalli Kajaria, Advocates for R-1 & 2
Mr. Nayan Chand Bihani and Mr. Sibojyoti Chakraborty,
Advocates for R-3,5 &6
Mr. Dipanjan Ghosh, Advocate for R-4
Mr. Apurba Ghosh, Advocate for R-7
Mr. Prithwish Basu, Advocate for R-8

ORDER

1. Challenge in this application is to the tender process floated vide notice dated 18.04.2022 by the West Bengal Mineral Development and Trading Corporation for granting sand mining rights as per particulars mentioned therein in Sand Blocks in question. According to the applicant, floating of tenders without finalizing District Survey Reports (DSRs) is illegal in view of Enforcement and Monitoring Guidelines for Sand Mining dated January, 2020 and judgment of the Hon'ble Supreme



Court dated 10.11.2021 in *Civil Appeal Nos. 3661-3662 of 2020, State of Bihar & Ors. v. Pawan Kumar & Ors.*¹.

2. Vide order dated 08.08.2022, the Tribunal issued notice and directed Chief Secretary, West Bengal to file his personal affidavit as there were different Departments and uniform stand was required.

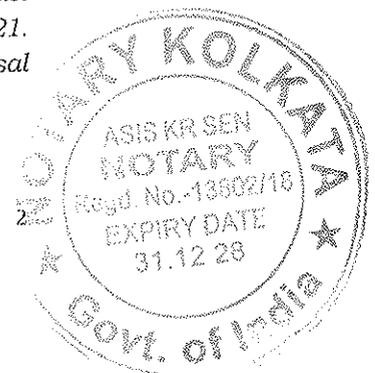
3. The Chief Secretary, West Bengal has filed affidavit dated 24.08.2022 to the effect that Sand Mining Agreement will be executed only after DSRs are approved by the SEIAA and all other compliances and approvals are undertaken as per judgment of the Hon'ble Supreme Court and the Guidelines, referred to above. The tender process is merely to identify and select Mine Developer and Operator (MDOs) under the West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021. Relevant extracts from the same are quoted below:-

"e. At present, no sand mining agreement has been executed by and between WBMDTCL and the MDO. It is pertinent to note that the sand mining agreement would only be executed between WBMDTCL and the MDO, once the draft DSRs are approved by State Level Environment Impact Assessment Authority (hereinafter referred to as "SEIAA") and all necessary compliances and statutory approvals are undertaken including but not restricted to Environmental Clearance 1S further clarified that as per the Policy, 2021, and the Rules, 2021, no sand mining lease will be granted in favour of such MDOs.

f. Further, upon execution of such sand mining agreement Consent to Operate and Consent to Establish must be mandatorily obtained by the MDO before commencement of any mining activity."

8. I state that a draft DSR for Paschim Bardhaman District of West Bengal was already prepared and submitted to the Mines Branch of Industry, Commerce & Enterprises on 06.08.2021. The said DSR was forwarded to the District Authority and was uploaded on the District Portal for the requisite period of 30 days. Upon receipt of comments from the District Authority, a modified DSR was submitted to the State Environment Impact Assessment Authority for preliminary (SEIAA) examination on 03.12.2021. Subsequently, the DSR was forwarded to the State Expert Appraisal

¹ (2022) 2 SCC 348



Committee (SEAC) for its comments and thereafter the said DSR was approved on 23.08.2022 by SEIAA."

4. We have heard learned counsel for the parties.
5. In view of stand of the State that no mining has been undertaken in violation of laid down procedure and before allowing mining, all compliances will be ensured, no further order appears to be necessary.

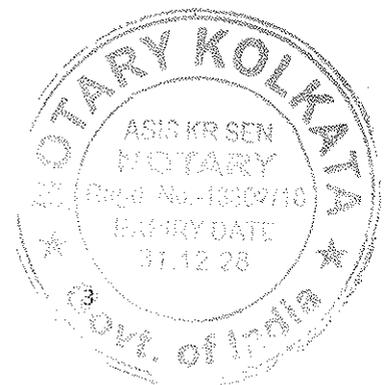
The application is disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

February 14, 2023
Original Application No. 74/2022/EZ
A



Item No.04

Court No.1

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

Original Application No.02/2023/EZ

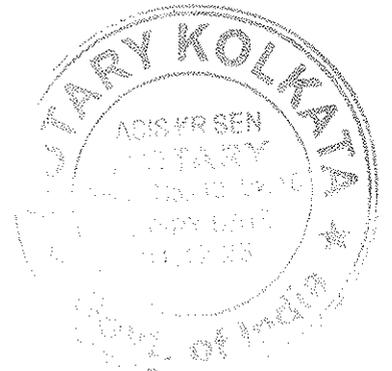
In the matter of:

Kartik Majhi,
Son of Shasanka Majhi,
Residing at Vill-Malakarpota,
Post-Kankabati, P.S.-Kotulpur,
Dist.-Bankura, Pin-722141

.....Applicant(s)

Versus

- 1. West Bengal Mineral Development & Trading Corporation Ltd. (WBMDTCL),**
Through the Chairman and Managing Director,
3rd Floor, DJ-10 (WBIIDC Building), DJ Block,
Sector-II, Salt Lake City,
Kolkata-700091;
- 2. Directorate of Mines and Minerals,**
Through the Director,
4, Abanindranath Tagore Sarani,
2nd Floor, Kolkata-700016;
- 3. Department of Environment, Government of West Bengal,**
Through the Chief Environmental Engineer,
Prani Sampad Bhaban, Block-LB-II,
5th Floor, Salt Lake, Sector-3,
Kolkata-700106;
- 4. The Ministry of Environment, Forests and Climate Change,**
Government of India, Integrated Regional Office,
Through the Deputy Director General of Forests (C),
Kolkata-IB-198, Sector-III, Salt Lake City,
Kolkata-700106;
- 5. The District Magistrate & Collector, Bankura,**
Administrative Building, Bankura Collectorate,
Bankura, West Bengal,
PIN-722101;
- 6. The Additional District Magistrate & District Land & Land Reform Officer, Bankura,**
Administrative Building,
Bankura Collectorate,
Bankura, West Bengal,
PIN-722101;



7. Office of the Executive Engineer, Bankura Irrigation Division,
Through Executive Engineer,
Kenduadihi, Bankura, West Bengal-722101;

8. M/s Northernexpress Infradevelopers Private Limited,
Through the Director,
46-D, Purdilpur Kali Mandir Gali, Tirupati Market,
Gorakhpur-Uttar Pradesh, PIN-273001

.....Respondent(s)

Date of hearing: 17.07.2023

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

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

For Respondent(s): Mr. Sanjay Saha, Advocate for R-1 (in Virtual Mode),
Mr. Sibojyoti Chakraborty, Advocate for R-2,3,5,6&7,
Mr. Apurba Ghosh, Advocate for R-4 (in Virtual Mode),
Mr. Nayan Chand Bihani, Advocate (in Virtual Mode) a/w
Mr. Dipanjan Ghosh, Advocate for R-8

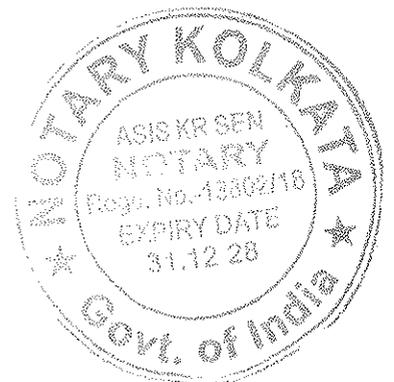
ORDER

1. The Applicant in the present Original Application has sought the following reliefs: -

"a. Stay on illegally extracting massive quantity of sand from the river bed of Damodar River in sand Blocks MIN_BNK_5, MIN_BNK_6, and MIN_BNK-7, and covering plot mouzas i.e. Balarampur, Purunia, Dighalgram, Japarnali, Banjora, and Jalanpur.

b. Stay on the tender floated by West Bengal Mineral Development and Trading Corporation Limited, (for the brevity of expression herein after will refer to as "WBMDTCL") on 07.04.2022, for the Selection of Mine Developer and Operator (MDO) for removal of river bed materials i.e. Sand, from River Damodar, within Block Mejia, Balarampur, Purunia, Dighalgram, Japarnali, Banjora, Jalanpur, estimated Annual Mineable Reserve Cr. 4.19 Cft. for the period of 5 years.

c. Direct the Respondent Authorities to retrain the Private Respondent No.8 herein, from any Sand

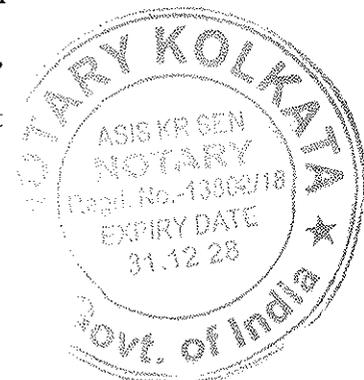


Mining, without seeking prior and appropriate environment clearance, in accordance to the District Survey Report (DSR) for the District of Bankura.

d. Direct the Respondent Authorities to disclose and place on record the strategy/ scheme of the said Tender documents for Selection of Contractor for random removal of river bed materials, together with the recent photographs showing the present condition of working place, and the present condition of river banks thereto, and report the same to this Hon'ble Tribunal.

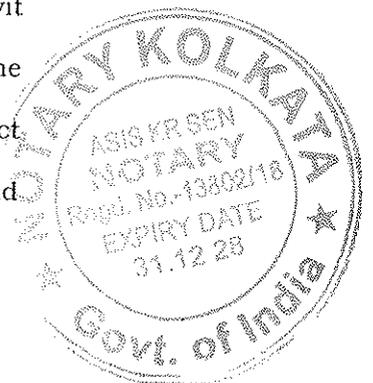
e. Appoint a committee to inspect the said block of Purunia, Japarnali, Bankura, Jalanpur and access the environmental degradation caused in the said block and the compensation for such degradations."

2. The allegation in this Original Application is that the West Bengal Mineral Development and Trading Corporation Limited (WBMDTCL), Respondent No.1, has issued e-auction notice on 07.04.2022 inviting tenders for excavation of sand from the Damodar River under Mejia Block situated in Mouzas-Balarampur, Purunia, Dighalgram, Japarnali, Banjora, and Jalanpur, covering the Sand Block area of 55.48 hectares (137.06936 acres) for the period of five years.
3. It is stated that six mouzas namely Balarampur, Purunia, Dighalgram, Japarnali, Banjora and Jalanpur, have been e-auctioned by the West Bengal Mineral Development and Trading Corporation Limited (WBMDTCL), Respondent No.1, and out of the six mouzas only Dighalgram and Balarampur have been mentioned in the District Survey Report (for short 'DSR') of sand block Mejia on Damodar River whereas the other four mouzas Purunia, Japarnali, Banjora and Jalanpur, have not been mentioned in the District



Survey Report (DSR) and have therefore not been found suitable for e-auction.

4. In addition, the allegation of the Applicant is that the Respondent No.1, WBMDTCL, has issued the tender unilaterally purportedly in pursuance of the Sand Mining Policy, 2021 which is in violation of the provisions of Section 6 of the West Bengal Mines and Minerals (Development & Regulation) Act, 1957 read with West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021 and Rule 11 of the West Bengal Minor Minerals (Concession) Rules, 2016 and West Bengal Minor Minerals (Auction) Rules, 2016 and is also in violation of the Sustainable Sand Mining Guidelines, 2016 as well as the Enforcement and Monitoring Guidelines for Sand Mining, 2020, issued by the Ministry of Environment, Forests and Climate Change.
5. The Respondent No.4, Ministry of Environment, Forests and Climate Change, has filed affidavit dated 06.02.2023 stating *inter alia* that in view of the Notification No. S.O. 1886 (E) dated 20.04.2022 Environmental Clearances of all minor minerals shall be dealt with at State level irrespective of the mine lease area and power in this regard has already been delegated vide Notification No. S.O. 637 (E) dated 28.02.2014 on the State Environment Impact Assessment Authority (SEIAA) to issue show cause notice to the Project Proponent in case of violation of conditions of the Environmental Clearances.
6. The Respondent No.6, Additional District Magistrate and District Land & Land Reforms Officer, District Bankura, has filed affidavit dated 10.04.2023 stating therein that allegations made in the Original Application with regard to violation of terms of District Survey Report are misleading since the Applicant has cited the Old



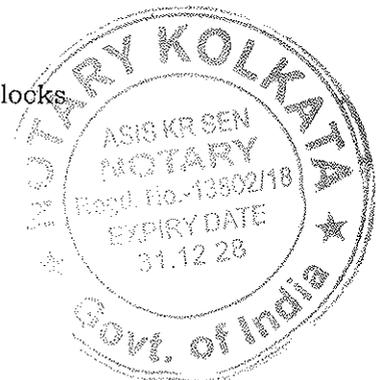
District Survey Report of 2021 downloaded from the Bankura District Portal whereas a new District Survey Report of 2022 has been published on the Bankura District Portal on 28.10.2022. It is stated that on 11.03.2022 the Respondent No.1 has issued memo dated 09.03.2023 which shows that an agreement has been signed with M/s Northernexpress Infradevelopers Private Limited, Respondent No.8, for carrying out dredging/desilting operations from Damodar River at Tirat (mouza) under RFP No. MDTC/SAND/002/030 dated 03.12.2021 and a direction was issued to the District Land & Land Reforms Officers (DL&LRO) to issue permit in the online system for payment of statutory fees and generation of E-Challan as per requisition of the agency and terms of agreement. Subsequently, E-Challan has been issued in favour of M/s Northernexpress Infradevelopers, Respondent No.8. It is also stated that in view of the allegations made in the Original Application an enquiry was held by the Block Land & Land Reforms Officer, Mejia Block, as per letter dated 14.03.2023 issued by the office of the Additional District Magistrate (LR) and District Land & Land Reforms Officer, Bankura, and subsequently, the Block Land & Land Reforms Officer, Mejia Block, vide letter dated 16.03.2023 informed the Additional District Magistrate (LR)/District Land & Land Reforms Officer, Bankura, that after enquiry and visiting the bank of River Damodar, no sign of any activity was found at the mouzas as alleged in the Original Application. The letter of the District Land & Land Reforms Officer, Bankura dated 16.03.2022 has been filed at page no.307 of the paper book which mentions that no sign of illegal extraction of sand has been found to being carried out by Respondent No.8 and that at Bhara mouza one Northernexpress Infradevelopers



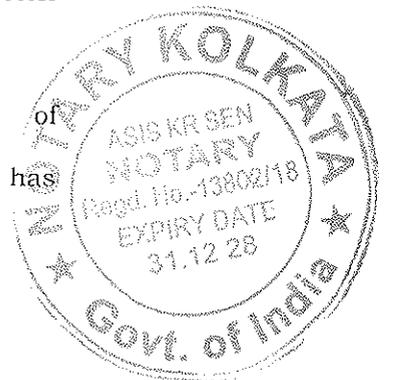
Private Limited, has been granted lease for dredging/desilting and transportation work.

7. The Respondent No.1, West Bengal Mineral Development & Trading Corporation Limited (WBMDTCL), has also filed affidavit dated 13.04.2023 stating therein that the present Original Application is premature and that tender has been issued only for selection of Mine Developer & Operator ('MDO' for short) in consonance with the West Bengal Sand Mining Policy, 2021 and the West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021. It is emphatically stated that no mining activities have commenced or would be allowed pursuant to the tender, in any of the districts of State of West Bengal including Bankura, without a duly approved District Survey Report (DSR), Mining Plan, Environmental Clearance, Consent to Establish (CTE) and Consent to Operate (CTO). It is also stated that since the process envisaged under the West Bengal Sand Mining Policy, 2021 and the Rules, 2021 for appointment of MDO with all statutory clearances could be time consuming and result in considerable delay in effectively implementing legal mining, till which time illegal mining would continue to grow, causing huge loss to the public exchequer, the Respondent No.1, in order to prepare itself a list of identified MDOs for participation in the subsequent stage of awarding work, took preparatory steps for empanelment of MDOs under two distinct categories based on the area of the Sand Mines i.e.,

- (i) Category A – comprising of area of each block/group of blocks less than and equal to 20 hectares; and
- (ii) Category B - comprising of area of each block/group of blocks greater than 20 hectares.

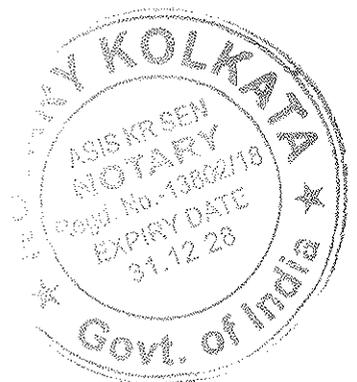


8. It is stated that the Respondent No.1 empaneled the MDOs vide memo dated 30.12.2021 for participation in subsequent RFP stage for awarding work. It is also stated that sand mining agreement with the MDOs would be executed in future once all statutory and Environmental Clearances had been obtained from the appropriate authorities. It is further stated that all District Survey Reports have now been approved by SEIAA, West Bengal.
9. The Respondent No.8, M/s Northernexpress Infradeveloper Pvt. Ltd., has filed affidavit dated 01.07.2023 to the same effect stating that Request for Proposal (RFP) was floated by the Respondent No.1 for selection of contractor for desilting/dredging/removal of river bed materials from Damodar River at Tirat vide RFP No. MDPC/SAND/002/030 dated 03.12.2021. Copy of the Tender Notice has been filed at page no.351 of the paper book which clearly mentions the name of work as "Selection of contractor for desilting/dredging/removal of river bed materials from the Damodar River at Tirat, removal of river bed materials preferably from center of the river/specified places/designated locations, transportation of the removed quantity of river bed materials to the designated stockyard and loading of river bed materials into the motorable vehicles at the stockyard." The Request for Proposal (RFP) is clearly mentioned as RFP No. MDPC/SAND/002/030 dated 03.12.2021. The contract under the RFP dated 03.12.2021 has been issued to the Respondent No.8 as contractor for desilting/dredging/removal of river bed materials from Damodar River at Tirat (mouza) vide letter dated 02.02.2022 (page no.455 of the paper book).
10. It is stated that 75% of the project work of dredging/desilting/removal of materials from River Damodar has

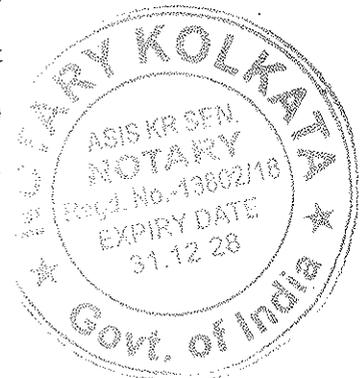


already been completed. It is also stated that the Respondent No.8 is not in any manner concerned with the issue raised by the Applicant in the present Original Application and he has unnecessarily been made a party in the present Original Application. It is further stated that the Respondent No.8 has lodged an FIR dated June 06, 2022 with the Officer-in-Charge, Mejia Police Station against threats of extortion by unidentified persons and hampering of government work.

11. The Applicant in his affidavit dated 12.07.2023 has stated that under the new District Survey Report, tender was posted on the website by the Respondent No.1 as RFP No. MDTC/SAND/003/734 dated 07.04.2022.
12. Ms. Paushali Banerjee, learned Counsel for the Applicant submitted that even under the new District Survey Report, the mouzas auctioned in Mejia Sand Block have not been found suitable for auction as those sites have not been mentioned in the District Survey Report.
13. Learned Counsel for the Applicant has also referred to the Request for Proposal (RFP) for selection of MDO under RFP No. MDTC/SAND/003/734 dated 07.04.2022 copy of which has been filed as Annexure-A to the Original Application and submits that sand blocks mentioned therein are only in respect of mouza, Dighalgram and Balarampur but the other mouzas other than Mejia have been left out. The submission is that even under the new District Survey Report, the same mistake as in the earlier District Survey Report has been repeated and except for Dighalgram and Balarampur, the other mouzas have been excluded.



14. Reference has been made to the District Survey Report of Bankura District, West Bengal at page no.135 onwards under the heading "Riverbed Potential Zones" and it is submitted that for administrative blocks Mejia only Dighalgram at Item No.32 and 33 has been mentioned whereas even mouza Balarampur, though shown, is on River Dwarakeswar at Item No.15 and, therefore, the sand blocks for Mejia shown in the District Survey Report cannot be auctioned unless District Survey Report for the sand blocks/mouzas is correctly prepared.
15. We have considered the submissions of the learned Counsel for the parties and perused the documents on record. We find that the Applicant in the Original Application has not challenged the validity of the District Survey Report, either of new District Survey Report or old District Survey Report and all that has been prayed, *inter alia*, is state on illegal extraction of sand from River Damodar covering plot Balarampur, Purunia, Dighalgram, Japarnali, Banjora, and Jalanpur.
16. From the documents on record, we find that so far, no contracts have been awarded to any operator for sand mining in the blocks/mouzas in question. The specific and categorical case of the Respondent No.1 is that contract for sand mining will be awarded only after the contractor has obtained all statutory clearances as also Environmental Clearances from SEIAA, West Bengal. The allegation of illegal mining has been categorically denied.
17. We find that the RFP No. MDTC/SAND/003/734 dated 07.04.2022 (page no.24 of the paper book) referred to by the Applicant does not apply to the Respondent No.8 whose RFP is MDTC/SAND/002/030 dated 03.12.2021 and the contract of Respondent No.8 was not for



sand mining but for desilting/dredging/removal of river bed material from River Damodar at Tirat mouza. The mouzas referred to by the Applicant in the Original Application do not find mention in the tender notice dated 03.12.2021. The question as to whether the old District Survey Report or new District Survey Report is valid and sand blocks mentioned therein are correct or not can always be examined by SEIAA, West Bengal, at the time of granting Environmental Clearance whenever application for the same is made and it is not necessary for the Tribunal to issue directions in this regard.

18. In view of the above, the Original Application No.02/2023/EZ lacks of merit and is accordingly dismissed.
19. Interlocutory Applications, if any, stand disposed of.
20. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

July 17, 2023,
Original Application No.02/2023/EZ
MN



BEFORE THE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE BRANCH,
KOLKATA
ORIGINAL APPLICATION NO. 36/2025/EZ

Application under Section 18 read with
14, 15 of National Green Tribunal Act,
2010;

In the matter of :

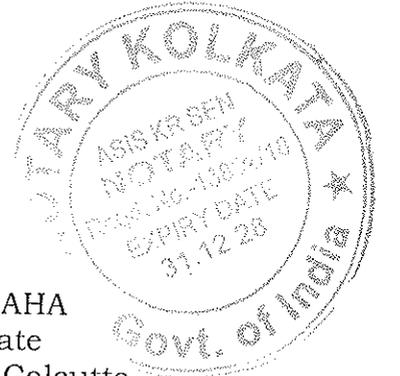
Ashok Khamri Applicant

-Versus-

West Bengal Mineral Development &
Trading Corporation Ltd & Ors.

... Respondent

Counter affidavit on behalf of
Respondent No. 1.



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