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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3<sup>rd</sup> FLOOR, NEW TOWN

**MEMORANDUM OF APPLICATION**

[Under Section 18(1) read with Sections 14, 15, and 17 of the National  
Green Tribunal Act, 2010]

Original Application No. of 2025/EZ

-----

Biplab Kumar Chowdhury

... Applicant

-Versus-

West Bengal Pollution Control Board & Ors.

... Respondents

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E-NO - F/S2/2/2018

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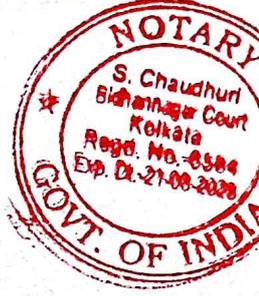
... Respondents

**SYNOPSIS**

The applicant is filing the present proceedings being aggrieved by the inaction on the part of the respondent authorities to stop operations of stone crushing unit on the riverbed of Raidhak-II which are operating without procuring environment clearance certificate as mandated. The applicant states that there has been clear directions by the Hon'ble Principal Bench and this Hon'ble Tribunal, wherein directions have been issued to the respondents authorities to ensure that no mining activity or stone crushing units operate without obtaining environment clearance from the concerned authority in the present case the concerned authority is the State Environment Impact Assessment Authority (SEIAA). Even after giving clear directions such orders are not being followed by the concerned authority and the private respondents. The rampant mining activity without the environment clearance is causing great harm to the environment.

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LIST OF DATES

01.05.2023	This Hon'ble Tribunal passed a direction in OA 72 of 2022 thereby directing that no stone crushing activity can be carried out without obtaining Environmental Clearance from SEIAA.
17.10.2024	Letter of the Applicant to the respondent authorities
12.02.2025	Direction issued by the Environmental Engineer (O&E) and Member and Convenor – Technical Cell, West Bengal Pollution Control Board for appearance

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	in respect of a complaint received against Larsen and Toubro Limited.
12.03.2025	the Director of Land Record & Survey, Government of West Bengal requested the District Land & Land Reforms Officer, Alipurduar to consider the petition of the Applicant regarding the encroachment of river bed, Raidhak-II under various blocks of the said District and to cause inspection, enquire and file a report thereof.
01.04.2025	Applicant made a detailed representation thereby bringing to the notice of the Respondent authorities that on repeated occasions, complaints were made to the concerned offices of the Respondents thereby highlighting the fact that the stone crushing activities were being still carried out on the river bed, Raidhak-II without obtaining any environmental clearance from the SEIAA in complete violation of the order of the NGT.
11.04.2025	West Bengal Pollution Control Board by way of its direction made certain important observation in respect of stone crushing units which are operating on the River Bed, Mining, Raidhak-II, which clearly indicates that the stone crushing activity is being carried out without obtaining Environmental Clearance.

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**MEMORANDUM OF APPLICATION**

[Under Section 18(1) read with Sections 14, 15 and 17 of the National  
Green Tribunal Act, 2010]

Original Application No. of 2025

**Between**

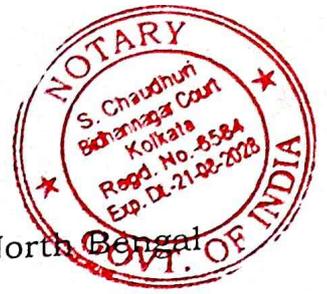
Biplab Kumar Chowdhury, son of Late Birendranath Chowdhury,  
residing at 108, M.B. Road, Purbita, Sukanta Sarani, Police Station –  
Airport, Birati, Kolkata- 700051.

... Applicant

**And**

- 1) West Bengal Pollution Control Board, Environmental Department,  
Government of West Bengal, represented by its Member Secretary,  
having office at PARIVESH Bhawan 10A, Block-LA, Sector-III,  
Bidhannagar, Kolkata-700106. Email-ms.wbpcb-wb@bangla.gov.in
- 2) The Director, Directorate of Mines and Minerals, 4, Abanindranath  
Tagore Sarani, 2<sup>nd</sup> Floor, Kolkata-700016. Email-dir.dmm-  
wb@nic.in

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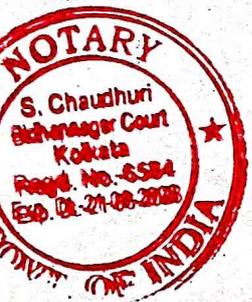


- 3) The Senior Geologist, Geological Prospecting Branch, North Bengal Unit, Bakul Bhawan, 3<sup>rd</sup> Floor, NTS More, D.B.C. Main Road, P.O. Siliguri Town, District-Darjeeling - 734004. Email-sgslg.dmm-wb@nic.in
- 4) The Mining Officer-in-Charge of Siliguri Zone Mining Estate Branch, Bakul Bhawan, 3<sup>rd</sup> Floor, NTS More, D.B.C. Main Road, P.O. Siliguri Town, District-Darjeeling - 734004. Email-moslg.dmm-wb@nic.in
- 5) The District Magistrate & Collector Alipurduar, having office at near Parade Ground Field, Alipurduar Sobhaganj, West Bengal - 736121. Email-dm.alpdr-wb@gov.in
- 6) The Additional District Magistrate and Land and Land Reforms Officer, having its office at the office of District Magistrate, Alipurduar having office at near Parade Ground Field, Alipurduar, West Bengal - 736121. Email-apd.dllro@gmail.com
- 7) The Sub-Divisional Officer, Alipurduar, having office at SDO Building, near Parade Ground Field, Alipurduar, West Bengal - 736121. Email-sdoalipurdua@gmail.com
- 8) The Sub-Divisional Land and Land Reforms Officer, Alipurduar, having office at the office of District Magistrate, Alipurduar having office at near Parade Ground Field, Alipurduar, West Bengal - 736121. Email-susanta.sengupta1968@gmail.com

- 9) The Block Land and Land Reforms Officer, Kamakhyaguri, Post Office and Police Station – Kamakhyaguri, District – Alipurduar, West Bengal – 736202. Email-bllro.fkt@gmail.com
- 10) The State of West Bengal, service through the Additional Chief Secretary, Environmental Department, Government of West Bengal, having its office at 5<sup>th</sup> Floor, Prani Sampad Bhawan, LB-2, Sector-III, Salt Lake, Kolkata-700098. Email-acsenvwb@gmail.com
- 11) Department of Industries, Commerce and Enterprise, Mines Branch, Government of West Bengal, service through its Principal Secretary having its office at 4, Abanindranath Tagore Sarani, (Camac Street), Kolkata-700016. Email-secci@wb.gov.in
- 12) M/s. Larsen and Toubro Limited, having its registered office at L & T House, at 11<sup>th</sup> Floor, Tower – 2, D.P. 5, DP Block, Sector-V, Bidhannagar, Kolkata, West Bengal-700091. *Service through Chairman and Managing Director,*
- 13) M/s. Simplex Infrastructure Limited, having its registered office at Simplex House, Vaikunth 2<sup>nd</sup> Floor, 27, Shakespeare Sarani, 82-83 Nehru Place, Kolkata – 700017, *Service through Managing Director* Email-blbajoria@simplexinfra.com
- 14) The State Level Environment Impact Assessment Authority, Department of Environment, service through Chairman, Government of West Bengal, Pranisampad Bhawan, Block – LB-II, Salt Lake, Sector-III, Bidhannagar, Kolkata – 700106, email-environmentwb@gmail.com, Mobile – 033-23350238.

## MOST RESPECTFULLY SHEWETH:

- 1) The Applicant is the citizen of India residing at the address mentioned in the cause title hereinabove. On numerous occasions, the Applicant has filed several applications complaining about the violations of the minimum standard set for protection of the environment, due to rampant mining activities.
- 2) The address of the Respondents is stated above for the purposes of service of notice pertaining to the instant application. The Applicant submits that the actions of the Respondent authorities are amenable to the jurisdiction of this Hon'ble Tribunal.
- 3) The Applicant states that the present Memorandum of Application is against the inaction of the Respondent authorities in allowing entities to operate and carry out stone crushing activities without obtaining environmental clearance as contemplated in the various orders passed by the Hon'ble Principal Bench as well as this Hon'ble Tribunal, more particularly to control illegal stone crushing activities carried out on the river bed of Raidhak-II river primarily operated by two units by the name of M/s. Larsen & Toubro and M/s. Simplex Infrastructure Limited. Without obtaining any environmental clearance as mandated by the statute



and the judgments passed by the Hon'ble Principal Bench and the Zonal Bench.

**FACTS OF THE CASE:**

- 4) The Applicant states that the applicant having come to know that one person by the name of Mr. Subhrajit Sarkar, Bhutiya, Mr. Apurba Mallick, and Mr. Dhananjay Barman who were acting as agents of M/s. Larsen & Toubro and M/s. Simplex Infrastructure Limited had installed stone crushing units on the river bed of Raidhak-II, found that the said units were operating without proper sanction and without obtaining the necessary permissions from the concerned authorities.
- 5) The Applicant further learnt that the said stone crushing units which were operated by M/s. Larsen & Toubro and M/s. Simplex Infrastructure Limited did not have the requisite environmental clearance certificates issued by the concerned authorities. Complaining of such inaction on the part of the Respondent Authorities in stopping such illegal mining and crushing of stones on the river bed the applicant made a formal application before this Hon'ble Tribunal being Original Application (O.A. No.72 of 2022).



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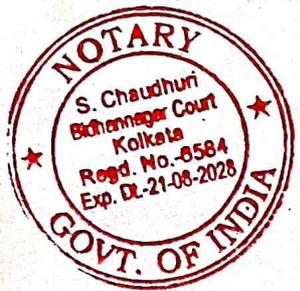


Photostat copy of the Memorandum of Application being No.72 of 2022 filed by the Applicant before this Hon'ble Bench is annexed and marked as "**Annexure-A**".

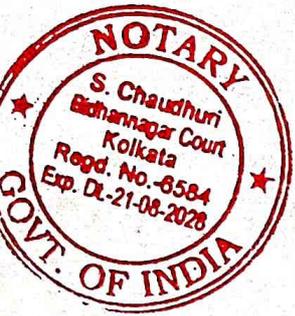
- 6) The Applicant states that in the said O.A. no.72 of 2022 affidavits were called for from the concerned Respondent Authorities by the Hon'ble Tribunal. All the authorities concerned who are also parties to the present proceedings were represented by their Ld. Advocate at the time of hearing. Upon giving a detailed hearing to the concerned parties to represent their case, this Hon'ble Tribunal by way of order dated 01.05.2023 passed a detailed order wherein this Hon'ble Tribunal having considered the rival contention of the parties and placing reliance on the directions passed by the Hon'ble Principal Bench in M.A. No.90 of 2019 in Original Application No.479 of 2016 vide order dated 31.01.2019 – "*having regard to the adverse impact of stone crusher on the environment, the application cannot be accepted. Unless EC is held to be required, the mass rooming of stone crusher even without any carrying capacity will continue which is not inconsistent with precautionary principles for the protection of environment nor with principles of sustainable development*". The Hon'ble Bench while passing its order dated 01.05.2023 categorically recorded that there is a direction of the National Green Tribunal directing that no stone crusher shall be permitted to operate unless it has requisite

consent from the State Pollution Control Board and also Environmental Clearance from the Competent Authority.

- 7) In the said proceedings, a defence was taken by the concerned respondent, the West Bengal Pollution Control Board Portal stating that in the – ‘PARIVESH Portal’ maintained by the Ministry of Environment, Forest & Climate Change, there is no provision for submitting an application for obtaining an environmental clearance and such said environment clearance could not be obtained by the private respondent, nor the State Environment Impact Assessment Authority (**‘SEIAA’**) is able to consider such an application. This Hon’ble Bench took serious note of such submissions, and averments, and noted – *“merely because the ‘PARIVESH Portal’ does not contain any provision for obtaining Online application to stone crushing units seeking Environmental Clearance would not be an impediment to the unit being permitted to its application before the SEIAA, West Bengal, otherwise than through the Electronic ‘PARIVESH Portal’ mechanism in the meantime till provisions for the same are made in the ‘PARIVESH Portal’.*” The private Respondents were further directed to submit an application before the SEIAA, West Bengal within 10 (ten) days and on receipt of such application SEIAA, West Bengal shall consider the same for grant of Environmental Clearance keeping in mind the observation is made by this Hon’ble Bench and any such condition as it may



impose in accordance with law for proper and environmental friendly stone crushing operations. The Hon'ble Bench further directed that till necessary amendments are made in the 'PARIVESH Portal' to allow for filing of Online application seeking environmental clearance for prospective stone crushing units, the State Pollution Control Board shall at the time when such a unit submits application seeking consent to establish (CTE) and consent to operate (CTO) informed them to apply for taking environmental clearance in terms of these directions given by this Hon'ble Tribunal hereinabove and on such application being filed before the SEIAA, West Bengal. The said SEIAA, West Bengal shall consider the same as per directions provided by order dated 01.05.2023 in O.A. No.72 of 2022.



Photostat copy of the order dated 01.05.2023 passed by the Hon'ble East Zone Bench in O.A. No.72/2022/EZ is annexed and marked as "**Annexure-B**".

- 8) The Applicant states that even after giving such clear directions by this Hon'ble Bench, the private Respondents and the concerned respondent authorities failed to act swiftly as was directed by the order dated 01.05.2023 in O.A. No.72/2022/EZ.
- 9) The Applicant states that by way of a letter dated 17.10.2024, the applicant had issued a detailed letter complaining of the illegal

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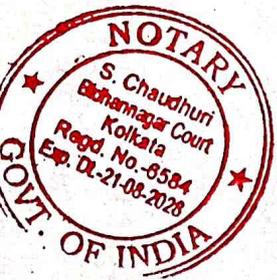
stone crushing units operating on the river bed of Raidhak-II and illegal transportation of stones under Mouza - Himguri, P.S. - Kumargram, District - Alipurduar. The Applicant had further informed that no environmental clearance had yet been obtained by the unit operating stone crushing units on the river bed of Raidhak-II.

Photostat copy of letter dated 17.10.2024 is annexed and marked as "**Annexure-C**".

- 10) At a much belated stage by way of Memo No.1M-11/2009 (Tt-XII) dated 12.02.2025 a notice was issued by the Environmental Engineer (O&E) and Member and Convenor - Technical Cell, West Bengal Pollution Control Board with a direction for appearance in respect of a complaint received against M/s. Larsen and Toubro Limited. The said notice was also received by the Applicant.

Photostat copy of the Memo No. 1M-11/2009 (Pt.-XII) dated 12.02.2025 issued by the Environmental Engineer (O&E) and Member and Convenor - Technical Cell, West Bengal Pollution Control Board is annexed and marked as "**Annexure-D**".

- 11) The Applicant states that by way of Memo No.259(9)/347/C/19 dated 12.03.2025, the Director of Land Record & Survey, Government of West Bengal requested the District Land & Land Reforms Officer, Alipurduar to consider the petition of the



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Applicant regarding the encroachment of river bed, Raidhak-II under various blocks of the said District and to cause inspection, enquire and file a report thereof.

Photostat copy of the Memo No. 259(9)/347/C/19 dated 12.03.2025 is annexed and marked as "**Annexure-E**".

- 12) The Applicant states that the Applicant made a detailed representation on 01.04.2025, thereby bringing to the notice of the Respondent authorities that on repeated occasions, complaints were made to the concerned offices of the Respondents thereby highlighting the fact that the stone crushing activities were being still carried out on the river bed, Raidhak-II without obtaining any environmental clearance from the SEIAA in complete violation of the order of the NGT, Eastern Zone Bench, Kolkata, and as such requested the concerned authorities to take corrective steps.

Photostat copy of letter dated 01.04.2025 is annexed and marked as "**Annexure-F**".

- 13) The Applicant states that by way of Memo No.1M-11/2009 (Pt.-XII) dated 11.04.2025, the West Bengal Pollution Control Board by way of its direction made certain important observation in respect of stone crushing units which are operating on the River Bed, Mining, Raidhak-II, some of the important observations are mentioned hereinbelow: -



- a) Upon inspection, it was found that plant & machinery comprising of (1) Pr. Crusher, (1) Sec. Crusher, (1) Tr. Crusher and (2) Screens and (14) Conveyor belts were found at the site;
- b) All machineries were found uncovered and no telescope chute was installed at top discharge point of every conveyor belt, and also there was no arrangement for enclosure for storing of stone dust;
- c) No arrangement for covering dust generating process machineries was observed in order to minimize the dust to be carried away by wind; also units did not install any Air Pollution Control Device for Primary Crusher / Secondary Crusher / Screen;
- d) Units did not install telescope chute to drop down the products from final discharge point of each conveyor belt to ground level;
- e) Installation of back hoe loader on the Raidhak River Bed, Raidhak-II reflect that there may be possibility for mining of river bed materials;
- f) Huge stocks of river bed materials was found in open land. The West Bengal Pollution Control Board observed that the



consent to operate was granted by the Sub-Divisional Officer of Alipurduar;

- g). It was further observed that the stone crushing activities was being carried out without obtaining environmental clearance. In spite of repeatedly finding that the stone crushing unit operating at the river bed of Raidhak-II failed to obtain any environmental clearance, no notifications or directions have been passed by the concerned West Bengal Pollution Control Board, thereby directing to stop such stone crushing activities with immediate effect.

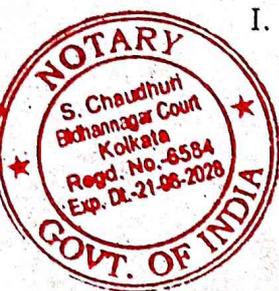


Photostat copy of Memo No. 10743(8)-1M-11/2009 (Pt.-XII) dated 11.04.2025 is annexed and marked as "**Annexure-G**".

- 14) The applicant states that this is a serious situation where in spite of several orders being passed by the Hon'ble Principal Bench as well as the Eastern Zone Bench with respect to mandatory requirement of environmental clearance for carrying out any stone crushing activities, the concerned Respondent authorities have failed to act on such directions and have allowed the private respondents to operate freely without insisting on environmental clearance certificate in spite of repeated directions passed by the Hon'ble National Green Tribunal.

15) The Respondent authorities who were entrusted with the duty to protect the environment have failed to act in terms of the strict directions passed by the Hon'ble Tribunal. The deplorable conduct of the Respondent authorities only indicates collusion and connivance with the private respondents so that the private respondents are able to carry out mining activities without the mandatory requirements of having an environmental clearance, as mandated.

16) **GROUNDS**

- 
- I. FOR THAT the Respondent authorities have allowed illegal crushing of stones on river bed of Raidhak-II to units who do not possess any environmental clearance from the concerned authorities more particularly being SEIAA, West Bengal.
- II. FOR THAT the stone crushing units have been categorised under 'Orange' category with the Pollution Index Score with maximum contribution of air pollution and total pollution potential, however, in spite of such categorisation, the respondent authorities have not taken any steps to ensure that no units are allowed to operate without having prior environmental clearance.
- III. FOR THAT the order dated 01.05.2023 passed by this Hon'ble Tribunal clearly indicated that the unit which proposes to engage in stone crushing activity should apply before the SEIAA for the

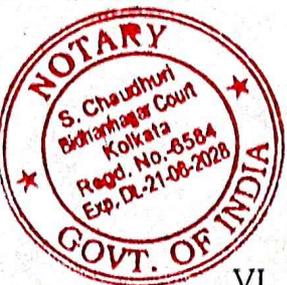
environmental clearance, however, in spite of such directions nothing has been done by the units engaged in stone crushing activities on the river bed, Raidhak-II.

IV. FOR THAT nothing has been put on record to show that the West Bengal Pollution Control Board at the time of issuing the consent to establish and consent to operate insisted the units to apply for environmental clearance in terms of the directions given by this Hon'ble Tribunal.

V. FOR THAT in spite of repeated directions passed by the Hon'ble Tribunal and the Principal Bench M/s. Larsen & Toubro and M/s. Simplex Infrastructure Limited are still carrying on the illegal operations of the stone crushing units on the river bed of Raidhak-II without obtaining any environmental clearance as mandated by the order passed by the Principal Bench and this Hon'ble Tribunal.

VI. FOR THAT about two years have lapsed from the date of order dated 01.05.2023, however, till today the private Respondents have been operating without obtaining any environmental clearance as mandated by this Hon'ble Tribunal, and the same is also in the knowledge of the West Bengal Pollution Control Board. As such the illegality is being carried on day to day.

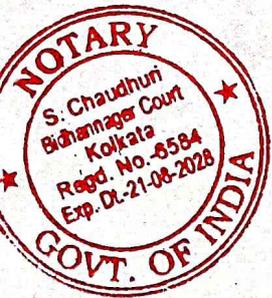
VII. FOR THAT in O.A. No.123 of 2014 (*Himmat Singh Sekhawat v. State of Rajasthan & Ors.*) wherein it was held that "no states shall



*permit carrying on or sand mining or minor mineral extraction on river bed or otherwise without the consent person obtaining environmental clearance from the competent authority and it was further held that the existing mining lease right holders would also have to apply with the requirement of obtaining environmental clearance from the competent authorities in accordance with law. It was further directed that the said environmental clearance application should be made within three months and such application should be disposed of as expeditiously as possible as and not later than six months."*

17) **LIMITATION**

The Applicant states that the cause of action in the instant case arose on 01.04.2025 when the Applicant made a detailed representation regarding the illegal operations of the stone crushing units on the river bed of Raidhak-II which were operating without obtaining environmental clearance as mandated. The cause of action further arose on 11.04.2025 when the West Bengal Pollution Control Board in its letter clearly recorded that the representatives of the units appeared before them for the hearing and mentioned that the stone crushing activities shall not attract environmental clearance as per the EIA Notification, 2006. As such, the cause of action has been continuing on a day today basis



since the units are still in operation without obtaining any environmental clearance. The cause of actions squarely ~~false~~<sup>calls</sup> within the time line prescribed under Section 14(3) of the National Green Tribunal Act.

18) **INTERIM PRAYER**

Pending disposal of this application, the Applicant seeks issuance of the following interim orders:

- a) An order may be passed thereby injuncting and/or restraining any units from operating stone crushing activities on the riverbed of Raidhak-II without obtaining an environmental clearance certificate from SEIAA or any other competent authority as mandated;
- b) An order may be passed calling for a report to be filed by the West Bengal Pollution Control Board thereby indicating if any environmental clearance certificate has been issued to any of the units to operating stone crushing unit on the river bed of Raidhak-II after the order dated 01.05.2023 passed in O.A. No.72 of 2022;
- c) Ad-interim order may be passed in terms of prayer (a) and (b) during the pendency of the present application.



19) **PRAYER**

In view of the facts and circumstances stated hereinabove, the following orders may be passed:

- a) An order thereby stopping/restraining any further mining activities or stone crushing activities on the river bed of Raidhak-II which are in operation without having an environmental clearance certificate with immediate effect;
- b) An order may be passed thereby directing the Respondent authorities to at once ensure that no further mining activities are carried out on the riverbed of Raidhak-II which are being done in flagrant violation of the environmental norms more particularly which are in operation without obtaining environmental clearance certificate.
- c) An order may be passed thereby commanding the Respondent Authorities to at once notify and stop all mining activities on the river bed of Raidhak-II which are in operation without obtaining the prior permissions and /or environmental clearance as mandated under the statute and the directions be passed by the Hon'ble Supreme Court of India, Hon'ble Principal Bench and orders passed by this Hon'ble Tribunal.

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- d) Any further such order and/or orders as may be passed which this Hon'ble Tribunal may deem fit and proper.
- e) Costs.

And for this act of kindness, your petitioner as in duty bound shall ever pray.

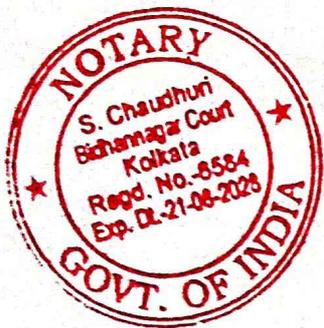
*Biplal Kumar Chatterjee*

Place: Kolkata

Applicant

Date: 17/6/25

Through



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

VERIFICATION



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I, Mr. Biplab Kumar Chowdhury son of Late Birendra Chowdhury, aged about 66 years, by faith - Hindu, residing at 108, M.B Road, Suknata Sarani, Police Station - Airport, Birati, Kolkata - 700051 the applicant herein do hereby declare that the statements contained in paragraph No. 1 to 15 and 17 are true to my knowledge and information and rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any facts.

*Biplab Kumar Chowdhury*

Signature of applicant

Prepared in my office and

*Sipanker Thakur*  
Signed in my presence

*[Signature]*  
S. CHAUDHURI  
★ NOTARY ★  
GOVT. OF INDIA  
Regd. No.-8584/08  
Bidhannagar Court  
Dist.-North 24 Pgs.

17 JUN 2025

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

AFFIDAVIT



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I, Mr. Biplab Kumar Chowdhury son of Late Birendra Chowdhury, aged about 66 years, by faith - Hindu, residing at 108, M.B Road, Suknata Sarani, Police Station - Airport, Birati, Kolkata - 700051, do hereby solemnly affirm and states as follows:

1. That I am the applicant herein and am well conversant with all the facts and circumstances of the present case and competent to affirm the present affidavit.
2. That the statements made in the paragraph nos. 1 to 15 and 17 of the foregoing plaint are true to my knowledge and belief and the rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my Office

*Biplab Kumar Chowdhury*

Applicant

*Sipankar Thakur*  
Advocate

Identified by me

*Sipankar Thakur*

Advocate

*S. Chaudhuri*  
S. CHAUDHURI  
★ NOTARY ★  
GOVT. OF INDIA  
Regd. No. - 8584/08  
Bidhannagar Court  
Dist.-North 24 Pgs.

17 JUN 2025

"Annexure - A"

Serial No. 15 dt. 11-5-22

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3<sup>RD</sup> FLOOR, NEW TOWN

**MEMORANDUM OF APPLICATION**

[Under Section 18(1) read with sections 14, 15, 16 and 17 of the  
National Green Tribunal Act, 2010]

Original Application No. 72 of 2022

**Between**

Biplab Kumar Chowdhury

.....Applicant.

AND

West Bengal Pollution Control Board & Ors.

.....Respondent



**SYNOPSIS**

The applicant learnt during the hearing that M/S Larsen and Toubro Limited has one stone crushing unit at the riverbed of Raidhak II river and M/s Simplex Infrastructure Limited has one stone crushing unit at the riverbed of Raidhak II river and Subhrajit Sarkar, Bhutiya, Apurba Mallick and Dhananjoy Barman are their agents. The applicant further learnt that both the stone crushing units owned by M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited have no environmental clearance.

*Biplab Kumar Chowdhury*

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3<sup>RD</sup> FLOOR, NEW TOWN

**MEMORANDUM OF APPLICATION**

[Under Section 18(1) read with sections 14, 15, 16 and 17 of the  
National Green Tribunal Act, 2010]

Original Application No...7.2.....of 2022

**Between**

Biplab Kumar Chowdhury

.....Applicant.

AND

West Bengal Pollution Control Board & Ors.

.....Respondent

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*Rokon Ali Molla*

MR. ROKON ALI MOLLA

Advocate

C/o. Mr. Rabi Sankar Chattopadhyay

Advocate

High Court, Calcutta,

Bar Association Room No.4,

Kolkata - 700001,

Mobile : 8918953995

Email Id : sayanf8@gmail.com

*Biplab Kumar Chowdhury*



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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3<sup>RD</sup> FLOOR, NEW TOWN  
MEMORANDUM OF APPLICATION

[Under Section 18(1) read with sections 14, 15, 16 and 17 of the  
National Green Tribunal Act, 2010]

Original Application No...7.2.....of 2022

Between

Biplab Kumar Chowdhury

.....Applicant.

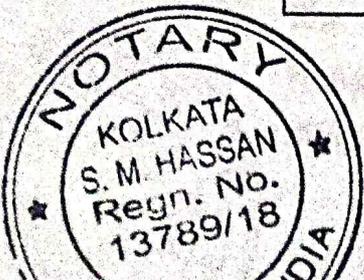
AND

West Bengal Pollution Control Board & Ors.

.....Respondent

LIST OF DATES

November 18, 2021	The applicant in this regard made a representation to the certain authorities including some of the respondent authorities and in response thereto, the West Bengal Pollution Control Board conducted a proceeding.
February 10, 2022	Date of hearing of the applicant's complaint and passing of record of proceedings whereby mining activities without environmental clearance was allowed to be continued.



*Biplab Kumar Chowdhury*

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3<sup>RD</sup> FLOOR, NEW TOWN

**MEMORANDUM OF APPLICATION**

[Under Section 18(1) read with sections 14, 15, 16 and 17 of the  
National Green Tribunal Act, 2010]

Original Application No....7.2.....of 2022

**Between**

Biplab Kumar Chowdhury, son of Late Birendranath  
Chowdhury, residing at 108 M.B. Road, Purbita, Sukanta Sarani,  
Police Station-Airport, Birati, Kolkata-700051

.....Applicant.

**AND**

1. West Bengal Pollution Control Board, Environmental  
Department, Government of West Bengal, represented by its  
Member Secretary, having office at Paribesh Bhawan 10A,  
Block-LA, Sector-III Bidhannagar, Kolkata-700106.
2. The Chairman, West Bengal Pollution Control Board, Paribesh  
Bhavan Canteen, 10A, Broadway Road, LA Block, Sector III,  
Bidhannagar, Kolkata, West Bengal 700106.
3. The Director, directorate of Mines and Minerals, 4,  
Abanindranath Tagore Sarani, 2<sup>nd</sup> floor, Kolkata-700016.
4. The Senior Geologist, Geological Prospecting Branch, North  
Bengal Unit, 86, Tara Sankar Road, Deshbandhupara, P.O.  
Siliguri Town, District-Darjeeling-734004.

*Biplab Kumar Chowdhury*



5. The Mining Officer-in-charge of Siliguri Zone Mining Estate Branch, 86, Tura Sankar Road, Deshbandhupara, P.O. Siliguri Town, District- Darjeeling-734004.
6. The District Magistrate, Alipurduar, having office at Near Parade Ground Field, Alipurduar, West Bengal-736121.
7. The Additional District Magistrate and Land and Land Reforms Officer, having its office at the office of District Magistrate, Alipurduar having office at Near Parade Ground Field, Alipurduar, West Bengal 736121.
8. The Sub-Divisional Officer, Alipurduar, having office at SDO Building, Near Parade Ground field, Alipurduar, West Bengal-736121.
9. The Sub-Divisional Land and Land Reforms Officer, Alipurduar, having office at the office of District Magistrate, Alipurduar having office at Near Parade Ground field, Alipurduar, West Bengal-736121.
10. The Block Land and Land Reforms Officer, Kamakhyaguri, Post Office and Police Station- Kamakhyaguri, District-Alipurduar, PIN-736202.
11. The State of West Bengal, service through the Secretary, Environmental Department, Government of West Bengal, having its office at 5<sup>th</sup> floor, Prani Sampad Bhavan, LB-2, Sector-III, Salt Lake, Kolkata-700098.
12. Department of Industries, Commerce and Enterprise, Mines Branch, Government of West Bengal, service through its



*Biplab Kumar Chatterjee*

Secretary having its office at 4, Abanindranath Tagore Sarani (Camac Street), Kolkata-700016.

13. M/S Larsen and Toubro Limited, having its registered office at L & T House, Ballard Estate P.O. Box: 278, Mumbai-400001 And Kolkata area office at 3B Shakespeare Sarani, Kolkata-700071.

14. M/s Simplex Infrastructure Limited, having its registered office at Simplex House, 27, Shakespeare Sarani, Kolkata-700017.

15. Authority, Department of Environment, ..... Respondents Service through Chakraborty Government of West Bengal pranisampad Bhawan, Block-LB-II, Salt Lake, Saa-IIT Bidhannagar, Cal-106, Email- environmentwb@gmail.com Mob - 033-23350238.

MOST RESPECTFULLY SEWETH:

1. The applicant is a citizen of India residing at the address given in the cause title herein above. He is a social as well as environmental activist.

2. The addresses of the respondents are stated above for the purpose of service of notices pertaining to the instant application. All the acts, actions and inactions of the respondent authorities are amenable to the jurisdiction of this Hon'ble Tribunal.

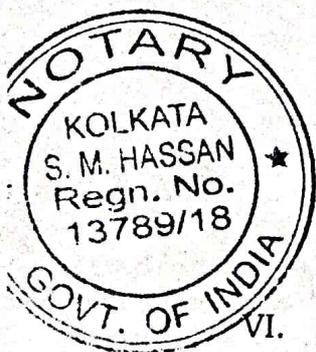
3. The applicant above named begs to present the Memorandum of application against the inaction of the respondent authorities to prevent and control the illegal mining of stones and boulders from the river bed Raidhak II river and operation of two stone crushing units by M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited without any environmental clearance as required under the law authoritatively settled in this behalf.



*Biplab Kumar Choudhury*

## 4. FACTS IN BRIEF:

- I. The applicant states that persons namely, Subhrajit Sarkar, Bhutiya, Apurba Mallick and Dhananjoy Barman have installed stone crushing units (hereinafter "said units") on the riverbed of Raidhak II river and are extracting big stones and boulders from the said riverbed without necessary permissions and thereafter, producing small cubicles of stones and selling the same for commercial gain.
- II. The said riverbed and its adjacent area along with all materials lying therein belongs to the government and the aforesaid persons are carrying out such illegal extraction without necessary permission or pollution clearances.
- III. The said units are creating pollutant dusts and thereby resulting in air pollution.
- IV. The applicant in this regard made a representation dated November 18, 2021 to the certain authorities including some of the respondent authorities and in response thereto, the West Bengal Pollution Control Board conducted a proceeding. A copy of the representation is annexed herewith and marked as "A".
- V. The applicant learnt during the hearing that M/S Larsen and Toubro Limited has one stone crushing unit at the riverbed of Raidhak II river and M/s Simplex Infrastructure Limited has one stone crushing unit at the riverbed of Raidhak II river and Subhrajit Sarkar, Bhutiya, Apurba Mallick and Dhananjoy Barman are their agents.
- VI. The applicant further learnt that both the stone crushing units owned by M/S Larsen and Toubro Limited and M/s

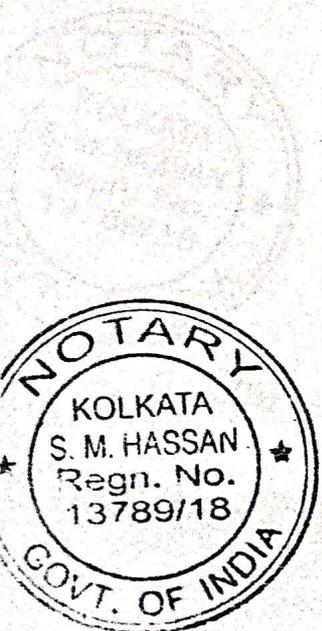


*Biswajit Kumar Choudhury*

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Simplex Infrastructure Limited have no environmental clearance.

- VII. The fact that the stone crushing units owned by M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited have no environmental clearance and that M/S Larsen and Toubro Limited has one stone crushing unit at the riverbed of Raidhak II river and M/s Simplex Infrastructure Limited has one stone crushing unit at the riverbed of Raidhak II river is apparent from the record of the proceedings dated February 10, 2022. A copy of the record of the proceedings dated February 10, 2022 is annexed herewith and marked as "B".
- VIII. It is well established in **Deepak Kumar vs State of Haryana reported in (2012)4 SCC 629** that leases of minor mineral including their renewal can be granted by the States only after getting environmental clearance from the Ministry of Environment and Forests, Government of India.
- IX. Further, it has been held in Original Application NO. 123 OF 2014 (Himmat Singh Shekhawat-v- State of Rajasthan and others) that "no State shall permit carrying on of sand mining or minor mineral extraction on riverbed or otherwise without the concerned person obtaining Environmental Clearance from the competent authority" and "We further hold that the existing mining lease right holders would also have to comply with the requirement of obtaining Environmental Clearance from the competent authorities in accordance with law. However, all of them, if not already granted Environmental Clearance would be entitled to a reasonable period (say three months) to submit their applications for obtaining the same, which shall be



*Billal Kumar Anthony*

disposed of expeditiously and in any case not later than six months from pronouncement of this judgment.”

X. The applicant had previously filed an original application being OA No. 59/2015/EZ before this Learned Tribunal with respect to illegal sand mining in Jalpaiguri district and this Learned Tribunal by its order dated September 9, 2015 directed communication of the order of the Learned Principal Bench in Original Application NO. 123 OF 2014 (Himmat Singh Shekhawat-v- State of Rajasthan and others) to all the district administration and police administration for compliance.

XI. The State of West Bengal preferred a review being RA No. 109/2016/EZ against the order dated April 19, 2016 in which the Learned Tribunal had observed that the state Government of West Bengal had not complied with the directions contained in the order dated September 9, 2015 referred to above and this Learned Tribunal disposed off the Review Application with the following directions:

“.....we direct that the State Respondents shall comply with the directions in **Deepak Kumar's case**. The entire exercise to bring the existing sand mines under the new rules shall be completed within a period of three months. In the meanwhile, in pursuance of the direction of the Hon'ble Supreme Court in **Deepak Kumar's case** and that of the Principal Bench, NGT in **Himmat Singh's Case**, the State respondent shall not permit sand mining operations to carry on in the river bed or otherwise without obtaining EC.”

XII. The West Bengal Pollution Control Board has simply directed M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited to comply with the terms and conditions

*Biplab Kumar Choudhury*



enumerated in the "Consent to Operate" certificate of the State Board and ensure extraction of riverbed materials through agencies having environmental clearance of the Environmental Impact Assessment Authority and fulfill other statutory obligations that may be required to run its stone crushing operation although it should have stopped the stone crushing operations by the aforesaid two units permanently on account of the directions made in **Deepak Kumar vs State of Haryana reported in (2012)4 SCC 629**, ORIGINAL APPLICATION NO. 123 OF 2014 (Himmat Singh Shekhawat-v- State of Rajasthan and others) and in RA No. 109/2016/EZ (State of West Bengal-v- Biplab Kumar Chowdhury) as referred to above. Copies of the Judgment and Orders are annexed herewith and marked as "C".

- XIII. The acts and/or inactions on the part of the respondent Pollution Control Board in not stopping or putting a permanent stop to the stone crushing activities in the river bed of Raidak II river being carried out by M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited and/or their agents in spite of the law laid down in this behalf by the Hon'ble Supreme Court of India, the Learned Principal Bench of the National Green Tribunal and the directions of this Learned Tribunal, are otherwise arbitrary, capricious, whimsical and bad in law.

5. GROUNDS:

- I. For that the respondent authorities have not only failed to prevent illegal mining of stones and bolders from the river bed of Raidak II river without any environmental clearance as required under the law authoritatively settled in this behalf but also allowed the same to continue by the direction given in the record of proceedings dated February 10, 2022 whereby M/S Larsen and Toubro



*Biplab Kumar Chowdhury*

Limited and M/s Simplex Infrastructure Limited were directed to comply with the terms and conditions enumerated in the "Consent to Operate" certificate of the State Board and ensure extraction of riverbed materials through agencies having environmental clearance of the Environmental Impact Assessment Authority and fulfill other statutory obligations that may be required to run its stone crushing operation.

- II. For that the respondent authorities have not only failed to prevent illegal operation of two stone crushing units at the river bed of Raidak II river by M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited and/or their men/agents without any environmental clearance as required under the law authoritatively settled in this behalf but also allowed the same to continue by the direction given in the record of proceedings dated February 10, 2022 whereby M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited were directed to comply with the terms and conditions enumerated in the "Consent to Operate" certificate of the State Board and ensure extraction of riverbed materials through agencies having environmental clearance of the Environmental Impact Assessment Authority and fulfill other statutory obligations that may be required to run its stone crushing operation.

- III. For that M/S Larsen and Toubro Limited has one stone crushing unit at the riverbed of Raidhak II river and M/s Simplex Infrastructure Limited has one stone crushing unit at the riverbed of Raidhak II river and Subhrajit



*Bipul Kumar Antony*

Sarkar, Bhutiya, Apurba Mallick and Dhananjoy Barman are their agents.

- IV. For that both the stone crushing units owned by M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited have no environmental clearance.
- V. For that it is well established in **Deepak Kumar vs State of Haryana reported in (2012)4 SCC 629** that leases of minor mineral including their renewal can be granted by the States only after getting environmental clearance from the Ministry of Environment and Forests, Government of India.
- VI. For that it has been held in Original Application NO. 123 OF 2014 (Himmat Singh Shekhawat-v- State of Rajasthan and others) that "no State shall permit carrying on of sand mining or minor mineral extraction on riverbed or otherwise without the concerned person obtaining Environmental Clearance from the competent authority" and "We further hold that the existing mining lease right holders would also have to comply with the requirement of obtaining Environmental Clearance from the competent authorities in accordance with law. However, all of them, if not already granted Environmental Clearance would be entitled to a reasonable period (say three months) to submit their applications for obtaining the same, which shall be disposed of expeditiously and in any case not later than six months from pronouncement of this judgment."



*S. M. Hassan*

VII. For that the West Bengal Pollution Control Board has simply directed M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited to comply with the terms and conditions enumerated in the "Consent to Operate" certificate of the State Board and ensure extraction of riverbed materials through agencies having environmental clearance of the Environmental Impact Assessment Authority and fulfill other statutory obligations that may be required to run its stone crushing operation although it should have stopped the stone crushing operations by the aforesaid two units permanently on account of the directions made in **Deepak Kumar vs State of Haryana reported in (2012)4 SCC 629**, ORIGINAL APPLICATION NO. 123 OF 2014 (Himmat Singh Shekhawat-v- State of Rajasthan and others) and in RA No. 109/2016/EZ (State of West Bengal-v- Biplab Kumar Chowdhury) as referred to above.

6. LIMITATION:

The applicant declares that the cause of action in the instant case arose on February 10, 2022 when the West Bengal Pollution Control Board allowed M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited to continue its mining activities without environmental clearance by its record of proceedings dated February 10, 2022 and continues from day-to-day. Such cause of action is renewing on a day-to-day basis as illegal mining without environmental clearance is being continued and as such the question of applicability of the limitation prescribed in Section 14(3) of the National Green Tribunal Act, 2010 does not arise. Even if Section 14(3) of the



*Biplab Kumar Chowdhury*

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National Green Tribunal Act, 2010 was applicable, six months from February 10, 2022 has not passed.

**7. INTERIM PRAYER:**

Pending final disposal of the application the applicant seeks issuance of the following interim orders:

- a) An interim order of injunction injuncting M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited from carrying on any and all mining activities related to mining of stones and boulders and operation of two stone crushing units at the river bed of Raidhak II river, during the pendency of this Original Application.
- b) Ad-interim order in terms of prayers (a) as above.

**8. PRAYER:**

In view of the facts mentioned in paragraphs 4 & 5 above the applicant prays for the following reliefs:

- a) An order do issue commanding the respondent authorities and their men agents, assigns and subordinates and/or each of them to forthwith direct M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited and their men/agents to forthwith stop all mining activities related to mining of stones and boulders and operation of two stone crushing units at the river bed of Raidhak II river.
- b) An order do issue commanding the respondent authorities and their men agents, assigns and subordinates and/or each of them to forthwith prohibit all mining activities related to mining of stones and boulders and operation of two stone crushing units at the river bed of Raidhak II river being carried out by M/S Larsen and Toubro Limited



*S. M. Hassan*

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and M/s Simplex Infrastructure Limited and their men/agents.

- c) An order do issue commanding the respondent authorities and their men agents, assigns and subordinates and/or each of them to certify and transmit to this Hon'ble Tribunal all records forming the basis of the illegal actions and culpable omissions regarding mining of stones and boulders and operation of two stone crushing units at the river bed of Raidhak II river being carried out by M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited and their men/agents.
- d) Order of stay of all mining activities related to mining of stones and boulders and operation of two stone crushing units at the river bed of Raidhak II river being carried out by M/S Larsen and Toubro Limited and M/s Simplex Infrastructure Limited and their men/agents.
- e) Any other appropriate direction/directions and/or order/orders as this Hon'ble Tribunal may deem fit and proper.
- f) Cost of and/or incidental to the instant application.

And for such act of kindness your applicant as in duty bound shall ever pray.

PLACE :

DATE :

*Bijoy Kumar Chatterjee*

Applicant

THROUGH



VERIFICATION

I, Biplab Kumar Chowdhury, son of Late Birendranath Chowdhury, about 61 years, by Occupation- Business, by faith – Hindu, residing at 108 M.B. Road, Purbita, Sukanta Sarani, Police Station-Airport, Birati, Kolkata-700051. I am the applicant in the instant original application and a social and environmental activist and I do hereby verify that the contents of the paragraphs 1 to 4 are true to my belief and/or based on information and/or derived from sources which I verify believe to be true and rest of the paragraphs are my humble submissions before this Hon'ble Bench and I have not suppressed any material facts and circumstances.

*Biplab Kumar Chowdhury*

Signature of the applicant

Prepared in my office and

Signed in my presence

*Alam H. Molla*  
Advocate

SOLEMNLY AFFIRMED AND DECLARED  
BEFORE ME ON IDENTIFICATION

*S. M. Hassan*

S. M. HASSAN  
NOTARY



11 MAY 2022

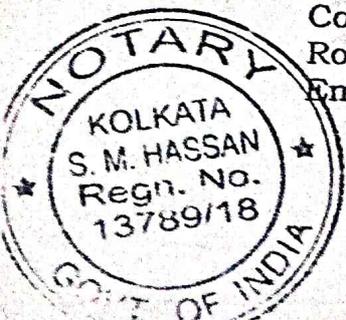
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Annexure A

Date : 18.11.2021

To

1. The Director of Mines and Minerals, West Bengal, 4, Camac Street, 2<sup>nd</sup> Floor, Kolkata - 700016.  
Email ID - dir.dmm-wb@nic.in
2. The Secretary to the Government of West Bengal, Department of Industries, Commerce & Enterprise, Mines Branch, 4, Abanindranath Tagore Sarani (Camac Street), Kolkata - 700016.  
Email ID - dir.msse-wb@nic.in
3. The Principal Secretary, Government of West Bengal, Land and Land Reforms and Refugee Relief and Rehabilitation Department, "Nabannya", 325, Sarat Chatterjee Road, Mandirtala, Shibpur, District- Howrah, PIN - 711102, Email ID - cm@wb.gov.in
4. The Chairman, WBP&CB, West Bengal Pollution Control Board, Paribesh Bhavan Canteen, 10A, Broadway Road, LA Block, Sector III, Bidhannagar, Kolkata, West Bengal 700106, Email ID - net.wbpcb-wb@bangla.gov.in
5. The Member Secretary, WBP&CB, West Bengal Pollution Control Board, Paribesh Bhavan Canteen, 10A, Broadway Road, LA Block, Sector III, Bidhannagar, Kolkata, West Bengal 700106.  
Email ID - net.wbpcb-wb@bangla.gov.in
6. The Senior Joint Commissioner, Commercial Taxes, West Bengal, Alipurduar Range, Post and Police Station - Alipurduar, PIN - 736121.  
Email ID - sjc-apdrange@wbcomtax.gov.in
7. The Director General of Police, Government of West Bengal, West Bengal Police Directorate, Bhawani Bhawan, Alipore, Kolkata - 700027.  
Email ID - policewb@gmail.com
8. The Additional Director General of Police, CID, WB, Criminal Investigation Department, the West Bengal Police Directorate, Government of West Bengal, Bhawani Bhawan, Alipore, Kolkata - 700027.  
Email Id - policewb@gmail.com
9. The Superintendent of Police, ACB, West Bengal Anti-Corporation Branch, West Bengal, 1, Kiran Sankar Roy Road, 9<sup>th</sup> Floor, N.S. Building, Kolkata - 700001.  
Email Id - acb-wb@nic.in



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- 6 ✓ 10. The District Magistrate, Alipurduar, having office at Near Parade Ground field, Alipurduar, West Bengal 736121, Email Id - dmapd20@gmail.com
- ✓ 11. The Additional District Magistrate and Land and Land Reforms Officer, having office at the office of District Magistrate, Alipurduar having office at Near Parade Ground field, Alipurduar, West Bengal 736121, Email Id - dmapd20@gmail.com
12. The Superintendent of CGST and Central Excise, Alipurduar - I Range, Central Goods and Service Tax and Central Excise, Court More, Post Office - Alipurduar, PIN - 736121, Email ID - cestaxapd1@gmail.com
13. The Superintendent of Police, Alipurduar, having office at GG3H+CVC, Alipurduar, West Bengal 736121, Email ID - spalipurduar@gmail.com
- ✓ 14. The Sub-Divisional Officer, Alipurduar, having office at SDO Building, Near Parade Ground field, Alipurduar, West Bengal 736121, Email ID - sdoalipurduar@gmail.com
- ✓ 15. The Sub-Divisional Land and Land Reforms Officer, Alipurduar, having office at the office of District Magistrate, Alipurduar having office at Near Parade Ground field, Alipurduar, West Bengal 736121. Email Id - sdoalipurduar@gmail.com
- ✓ 16. The Block Land and land Reforms Officer, Kamakhyaguri, Post Office and Police Station - Kamakhyaguri, District - Alipurduar, Pin - 736202, Email ID - bllro.kumargram@gmail.com
17. The Officer-in-Charge, Kamakhyaguri Police Station, Kumargram, Kamakhyaguri, District - Alipurduar, PIN - 736202, Email ID - ockamakhyaguri@gmail.com

Re: Complaint regarding encroachment of river bed of Raidhak-II River under Mouza - Himaguri, Police Station - Kumargram, Kamakhyaguri, District - Alipurduar jurisdiction by erection stone crushing machine at Village and Post Office - Himaguri, Police Station - Kumargram, District - Darjeeling, PIN - 736203 resulting in continuous pollution, tax evasion and defrauding/cheating government revenue.

Complained persons namely (1) Subhrajit Sarkar (Habul) Barovisha Alipurduar M- 9733180253, 7908093802, (2)

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Bhutiya, (3) Apurba Mallick, Cooch Bihar, M- 9800289964, (4) Dhananjoy Barman, Samuktala Alipurduar, M - .8250058775.

Sir,

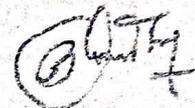
The undersigned would like to complain that the above noted persons are very powerful and well-connected. It is very surprising that the above persons have no regard to the rule of law and they are violating the law at every aspect.

That in Raidhak-II river at the site under Mouza-Himaguri it is found that the above noted persons along with men and agents have illegally installed a big stone crushing machine on the riverbed for the purpose of extracting the running stones lying in the river and processing the stones into small ones for the purpose of selling in the market.

It is to be further complained that the entire riverbed and its adjacent area belongs to the government. All the materials lying in the riverbed belongs to the government. No person can extract the stones and other residues from the riverbed without the permission from the concerned District Magistrate and the concerned district authority.

That being the position, in the instant case, it is to be seen that the above noted persons along with its men and agents have installed a big crushing unit on the riverbed of Raidhak-II River under Mouza-Himaguri. They have further committed violation of law by extracting the big stones and boulders from the riverbed of Raidhak-II River under Mouza - Himaguri and using the said stones and boulders for producing small cubicles of stones and selling the same in the market for commercial gain.

By the aforesaid illegal activity, the aforesaid persons along with its men and agents have committed theft and robbery by taking and extracting the stones and boulders from the riverbed without government permission. They have further committed offence of cheating by installing crushing machine in government land and on the riverbed for the purpose of continuation of their illegal business activity. They do not have permission and authorisation to undertake such type of business and they do not possess the necessary pollution



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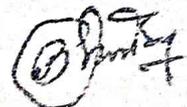
clearances for undertaking such business and for that purpose they should be prosecuted under the provisions of law.

The said unit is a polluting unit as huge amount of pollutants, dust and other dangerous particles gets into the air thereby prejudicing and infecting various other persons of the nearby locality.

The above persons along with their men and agents are continuously defrauding the government revenue, cheating the government by encroaching upon the government vested land, defrauding and cheating the general public at large by doing business which is hazardous and polluting, cheating and defrauding the government by not paying the government dues in the form of taxes and other charges, cheating and defrauding the government by not taking permission and authorisation to do business in government vested land.

It is to be further complained that selling of processed stones in the market is liable for GST and other charges. Since the whole business activity is illegal and without legal authority, the above persons are also defrauding the government revenue by not being the appropriate GST to the government. This aspect of the matter is also required to be investigated and brought to the notice of the appropriate authority for necessary prosecution in accordance with law.

You, as a protectorate of the government and the people, are duty-bound to take steps against the offenders by registering appropriate cases under the provisions of the Indian penal code and to investigate the offences committed by the above noted persons and immediately take steps to apprehend the above persons and to immediately stop the offending unit in accordance with law.



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You are also requested to initiate necessary investigation in the matter as to in what manner the above unit could commence and continue the polluting manufacturing activity in government land/river bed and also initiate necessary investigation against the officers who have allowed the offenders to allow them to continue with the illegal business activity.

I would be requesting that necessary steps should be taken in the matter within 7 days from the date of receipt of this letter otherwise I will have no other option but to approach the appropriate forum in accordance with law for suitable and appropriate redressal of my grievances.

Thanking You,

Yours faithfully,

*Biplab Kumar Chowdhury*  
18/11/2023  
(Biplab Kumar Chowdhury)  
108, M.B. Road, Purbita,  
Sukanta Sarani, Police Station -  
Airport, Birati, Kolkata - 700051.

Encl :

1. Judgements of the National Green Tribunal.
2. Various valid order of the Hon'ble High Court, Calcutta.
3. Compliance report of the State Administration of West Bengal.
4. Various photographs.



11/18/21, 10:09 AM

Email - Letter dated - 18.11.2021



Biplab Kumar Chowdhury <chowdhury.biplabkumar251@gmail.com>

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Letter dated - 18.11.2021

1 message

20 49

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Biplab Kumar Chowdhury <chowdhury.biplabkumar251@gmail.com>

Fri, Nov 18, 2021 at 10:09 AM

To: dir.dmm-wb@nic.in, dir.msse-wb@nic.in, om@wb.gov.in, nat.wbpcb-wb@wbpcb.gov.in, sjc-apdrange@wbcomtax.gov.in, policewb@gmail.com, acb-wb@nic.in, dmepd20@gmail.com, cestaxepd1@gmail.com, spalipurduar@gmail.com, sdoalipurduar@gmail.com, bitro.kumargram@gmail.com, ockamakhayaguri@gmail.com

Please find the attachment and do the needful.

Thank You,

Sd/-

Biplab Kumar Chowdhury

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Annexure R 17

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

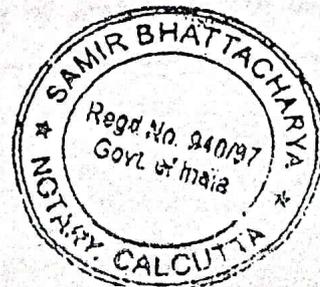
R.A. NO. 109/2016/EZ  
IN  
O.A. No. 59/2015/EZ

STATE OF WEST BENGAL THROUGH  
THE SECRETARY, DEPTT. OF COMMERCE & INDUSTRIES  
VS  
BIPLAB KUMAR CHOWDHURY

CORAM: Hon'ble Mr. Justice S.P. Wangdi, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicants in RA : Mr. Amitesh Banerjee, Advocate  
Original applicant : Mr. Bikas Kargupta, Advocate  
Respondent No.1 : Mr. Sakabda Roy, Advocate  
Respondents No.3-6 & 8 : Mr. Sibojyoti Chakraborty, Advocate  
: Mr. Bikash Kargupta, Advocate (in o.a.)

Date & Remarks	Orders of the Tribunal
Item No. 1 & 2 9 <sup>th</sup> August, 2016	<p>This Review application is ostensibly directed against the order dated 19.04.2016 in which it had been observed by us that the State respondents had not complied with the directions contained in our order dated 09.09.2015 whereby we had reminded the State Government of an order of the Principal Bench restraining illegal mining operation and removal of sand from the river banks anywhere in the country without Environment Clearance from MoEF/SEIAA, as the case may be. In the application, essentially the</p>



only ground set out for the review is that considering the fact that the State had introduced several amendments to the West Bengal Minor Mineral Concession Rules, 2002 in consonance with the directions issued in *Deepak Kumar Vs. State of Haryana (2012) 4 SCC 629* which the Tribunal had failed to note of, the impugned order was bad and, therefore, if the order was allowed to prevail, the sand mining operation will come to a standstill resulting in a complete halt of all public works.

It may be relevant to note that O.A. No. 59 of 2015 from which this R.A. emanated, was preferred on the allegation of widespread illegal mining operations being carried out in the river Teesta and its tributaries situated in the district of Malpaiguri. The order of the Principal Bench of National Green Tribunal dated 5.08.2013 in O.A. No. 171 of 2013 (*NGT Bar Assn. Vs. MoEF & Ors.*) was mentioned incidentally while the order of injunction dated 9<sup>th</sup> September, 2015 restraining illegal mining of sand from the bank and

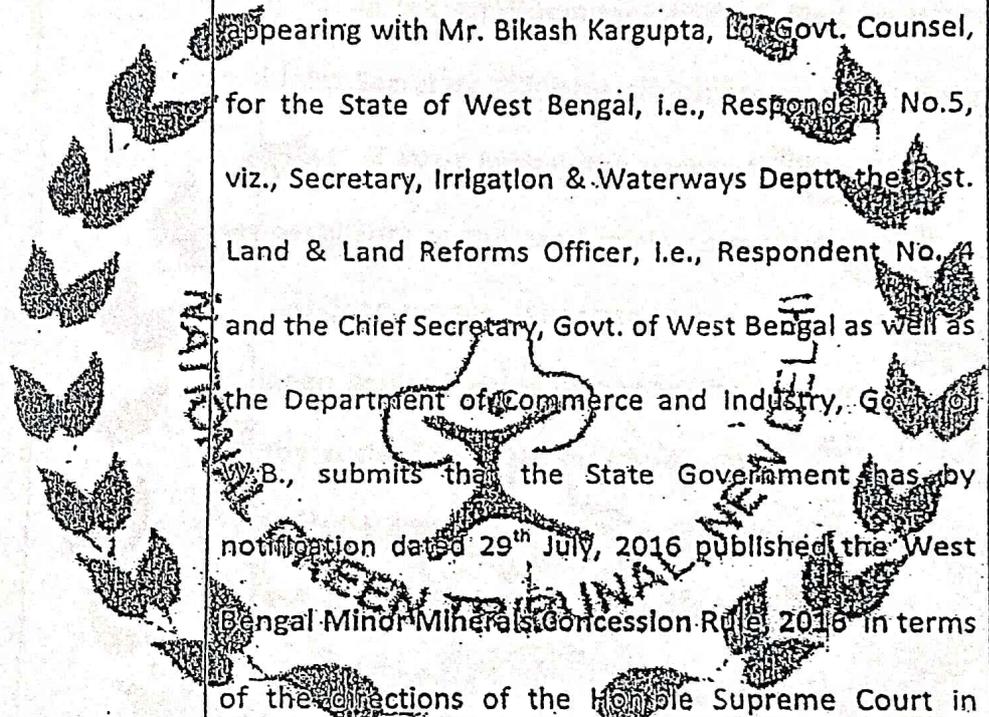
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river bed of the Teesta river and its tributaries in the District of Jalpaiguri. It is contended that as a consequence of the impugned order virtually all sand mining operations in the State has ceased to operate giving rise to delay in Governmental project.

Mr. Amitesh Banerjee, Id. Senior Advocate appearing with Mr. Bikash Kargupta, Id. Govt. Counsel, for the State of West Bengal, i.e., Respondent No.5, viz., Secretary, Irrigation & Waterways Deptt, the Dist. Land & Land Reforms Officer, i.e., Respondent No. 4 and the Chief Secretary, Govt. of West Bengal as well as the Department of Commerce and Industry, Govt. of W.B., submits that the State Government has by notification dated 29<sup>th</sup> July, 2016 published the West Bengal Minor Minerals Concession Rule, 2016 in terms of the directions of the Hon'ble Supreme Court in *Deepak Kumar's Case*. - The Id. Senior Counsel re-emphasizes what have been stated in the affidavit of the Joint Secretary, Irrigation and Waterways Deptt, Govt. of West Bengal and submits that even before



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publication of the 2016 Rules, Government had substantially complied with the direction passed in *Deepak Kumar's Case* by bringing appropriate amendments to the extant Rules.

In the supplementary affidavit filed on behalf of Joint Secretary, Ministry of Commerce and Industries, Govt. of West Bengal, the various facts indicating the peculiarity of the sand mining operation in the State has been set out. It is stated that the miners who have been granted leases belong to the weaker sections of the society and are mostly on short time basis and that the areas so leased out are very small. It is stated that the embargo imposed on the operation of the sand mining would deprive such small time sand miners of their livelihood and also adversely affect the development of the State.

Considering the fervent plea of Mr. Banerjee, we have heard this matter on several dates to examine as to whether any relaxation could be granted to the State.

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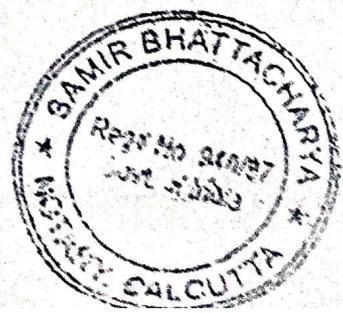
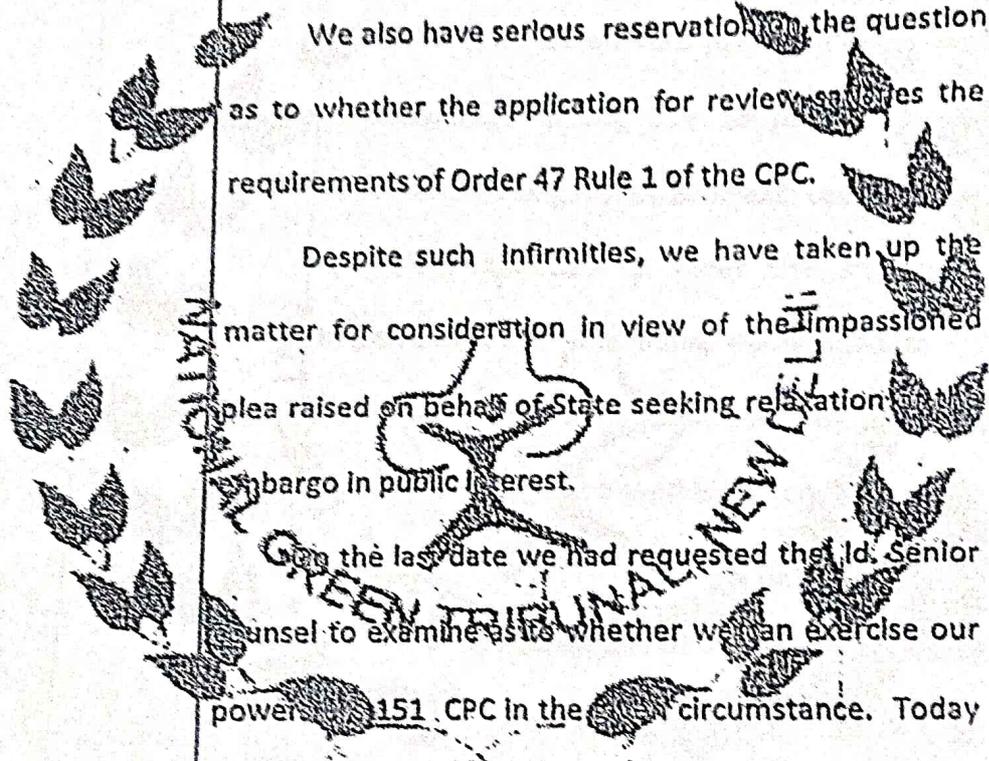
It is also of pertinence to note that the application for review is obviously barred by time as essentially it seeks to review our directions contained in the order dated 09.09.2015. In the garb of assailing the order dated 19.04.2016 which was passed only as a reminder to the State of our order dated 09.09.2015.

We also have serious reservation on the question as to whether the application for review satisfies the requirements of Order 47 Rule 1 of the CPC.

Despite such infirmities, we have taken up the matter for consideration in view of the impassioned plea raised on behalf of State seeking relaxation on embargo in public interest.

On the last date we had requested the ld. Senior Counsel to examine as to whether we can exercise our power under 151 CPC in the present circumstance. Today Mr. Banerjee has referred to paragraph 4.3 of the recommendations of the MoEF in its report dated 29.1.2010 discussed in para 19 in *Deepak Kumar's case*.

We are, however, unable to agree with the



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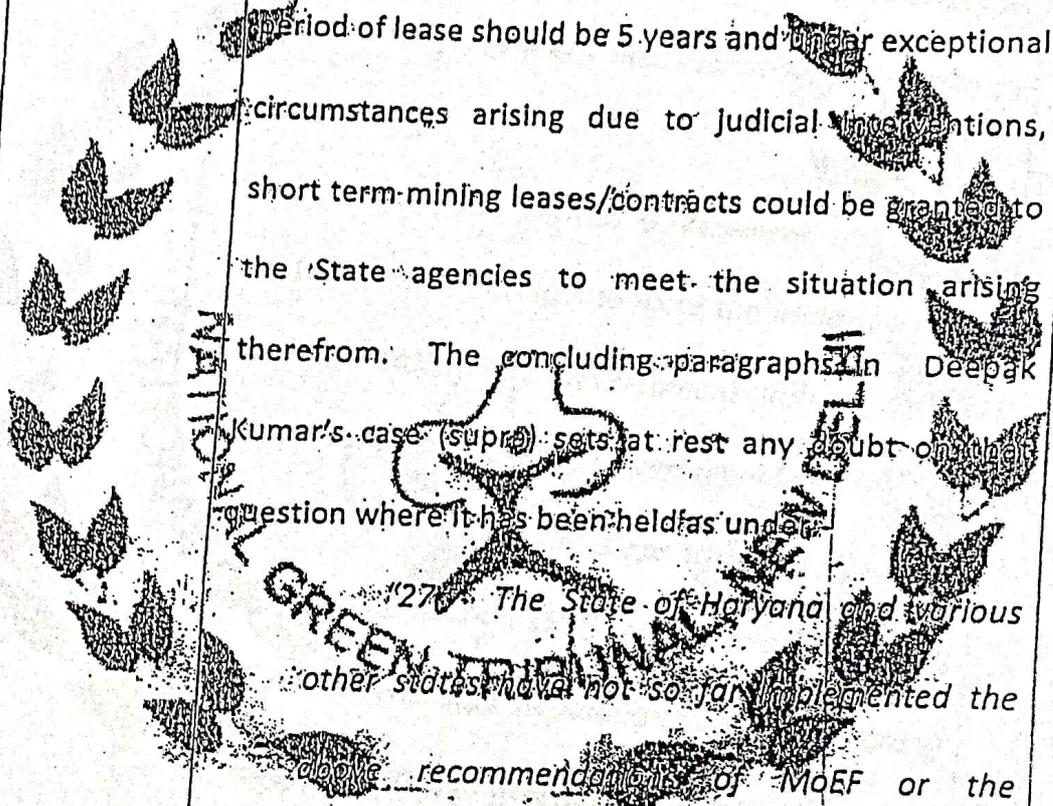
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suggestion that the above would come in aid of the State. Para 4.3 referred to by Mr. Banerjee dealt with the subject "Period of mine lease" and was discussed in the context of the necessity to maintaining uniformity in the period lease and the undesirability of granting short term lease. It was then recommended that the period of lease should be 5 years and under exceptional circumstances arising due to judicial interventions, short term mining leases/contracts could be granted to the State agencies to meet the situation arising therefrom. The concluding paragraphs in Deepak Kumar's case (supra) sets at rest any doubt on the question where it has been held as under:

"27. The State of Haryana and various other states have not so far implemented the above recommendations of MoEF or the guidelines issued by the Ministry of Mines before issuing auction notices granting short-term permits by way of auction of minor minerals boulders, gravel, sand, etc., in the riverbeds and



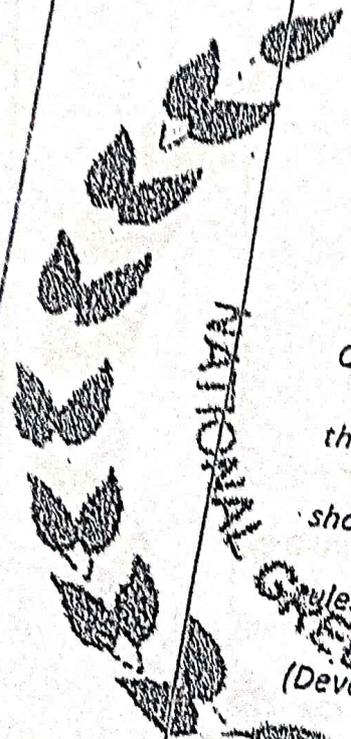
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elsewhere of less than 5 ha. We, therefore, direct all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its Report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.

28. The Central Government also should take steps to bring into force the Minor Minerals Conservation and Development Rules, 2010 at the earliest. The State Governments and UTs also should take immediate steps to frame necessary rules under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 taking into consideration the recommendations of MoEF in its Report of March 2010 and model guidelines framed by the Ministry of Mines, Government of India. Communicate the copy of this order to MoEF, Secretary, Ministry of Mines, New Delhi;



SAMIR BHATTACHARYA  
 Regd. No. 240/07  
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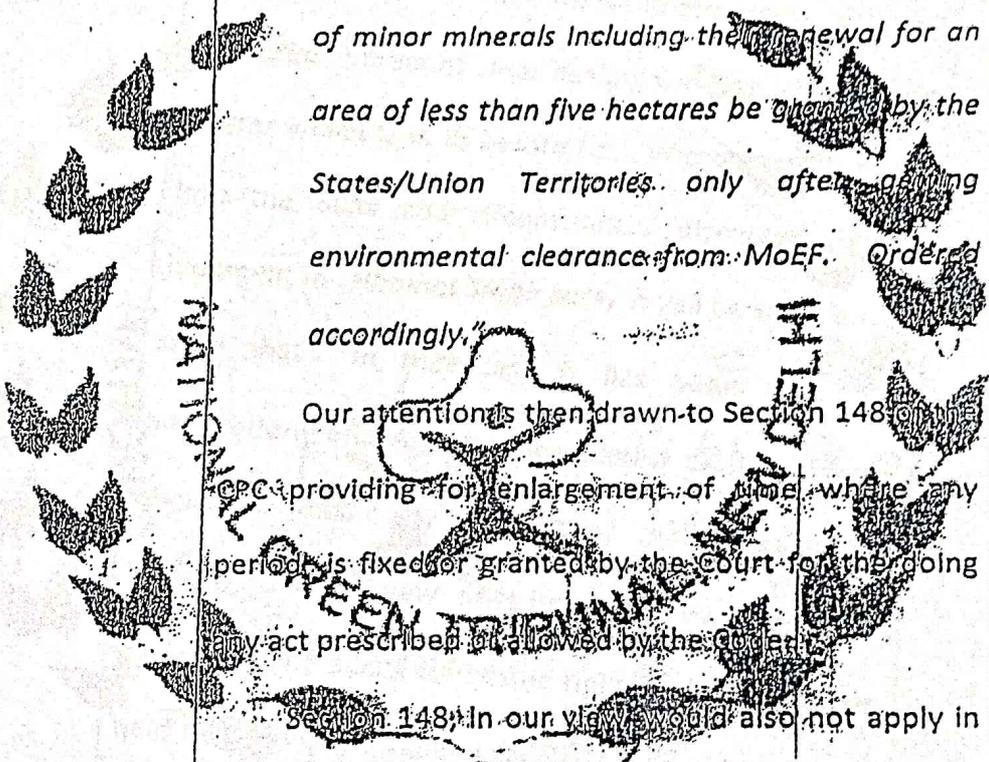
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Ministry of Water Resources, Central Government  
Water Authority, the Chief Secretaries of the  
respective States and Union Territories, who  
would circulate this order to the Departments  
concerned.

29. We, in the meanwhile, order that leases  
of minor minerals including their renewal for an  
area of less than five hectares be granted by the  
States/Union Territories only after getting  
environmental clearance from MoEF. Ordered  
accordingly.

Our attention is then drawn to Section 148 of the  
CPC providing for enlargement of time where any  
period is fixed or granted by the court for the doing  
of any act prescribed or allowed by the Code.

Section 148 in our view would also not apply in  
the present case. Assuming that the provision is  
applicable, then in that case the time in the present  
case having been fixed by the Hon'ble Supreme court,  
enlargement of time can only be granted by the



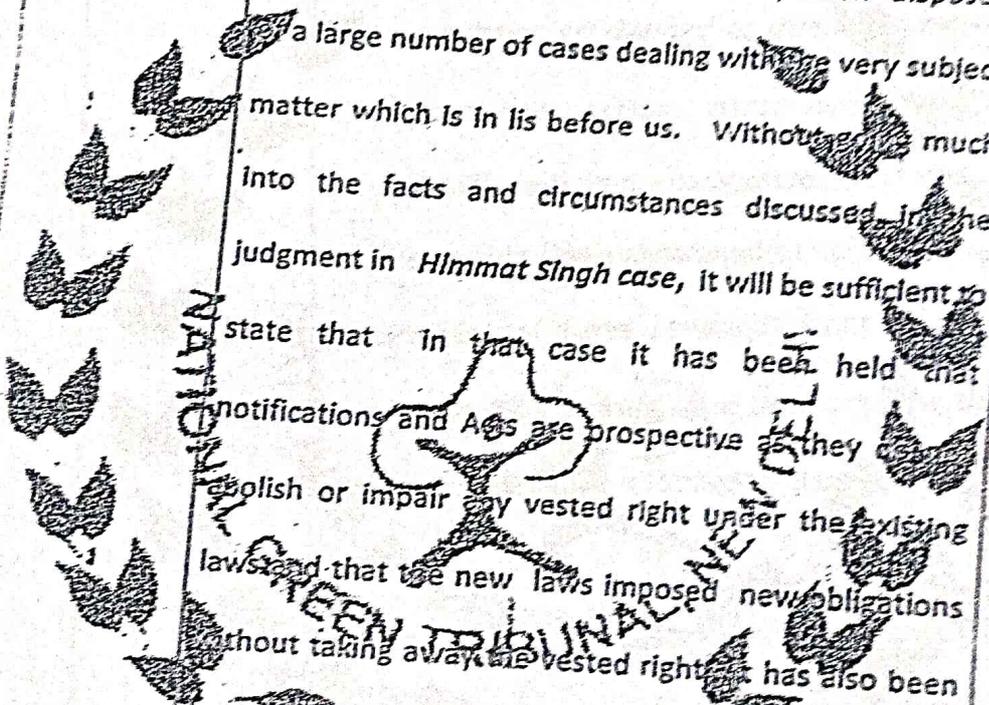
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Hon'ble Supreme court and certainly not us.

We have gone through the decision of the Principal Bench, NGT In *Himmat Singh Shekhawat's* case in O.A. No. 23 of 2014 and M.A. No. 419 of 2014 in which by judgment dated 13.01.2015, larger Bench of the Tribunal headed by the Hon'ble Chairperson disposed a large number of cases dealing with the very subject matter which is in lis before us. Without going much into the facts and circumstances discussed in the judgment in *Himmat Singh* case, it will be sufficient to state that in that case it has been held that notifications and Acts are prospective as they do not abolish or impair any vested right under the existing laws and that the new laws imposed new obligations without taking away the vested rights. It has also been held that although the activities under the old law is not prohibited, the new law or that would certainly require compliance and that all that the law would require is to give some reasonable time to comply with the requirements of law wherever a specific time is not



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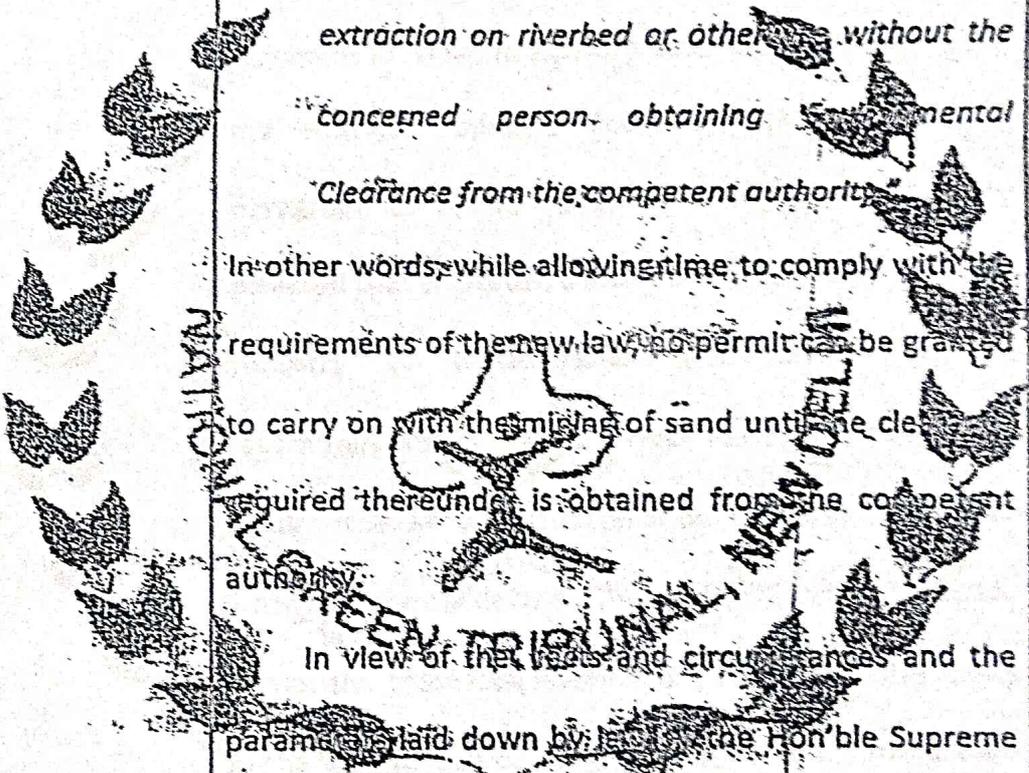
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provided under the act or the notification. However, while allowing such time, direction XII under para 83 of *Himmat Singh's case* the Principal Bench has clearly stipulated as under:-

*"In the meanwhile, no State shall permit carrying on of sand mining or minor mineral extraction on riverbed or other without the concerned person obtaining Clearance from the competent authority."*

In other words, while allowing time to comply with the requirements of the new law, no permit can be granted to carry on with the mining of sand until the clearance required thereunder is obtained from the competent authority.

In view of the facts and circumstances and the parameters laid down by the Hon'ble Supreme Court as well as the Principal Bench in *Himmat Singh's case*, we do not think that there is any scope for us to accede to the prayer made by the State to permit them to allow the existing sand mines to run until the new



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rules are complied with.

Of course, It is noticed that the State has at last come up with the amended West Bengal, Minor Mineral Concession Rules, 2016 in compliance to the directions of the Hon'ble Supreme Court in *Deepak Kumar's case*.

In this regard it may be relevant to note that the

Judgment in *Deepak Kumar's case* was pronounced by the Hon'ble Supreme Court on 27.02.2012.

In paragraph 27 of the judgment it has been clearly directed that all States, Union Territories, MoEF and the

Ministry of Mines shall give effect to the recommendations made by MoEF in its report of March

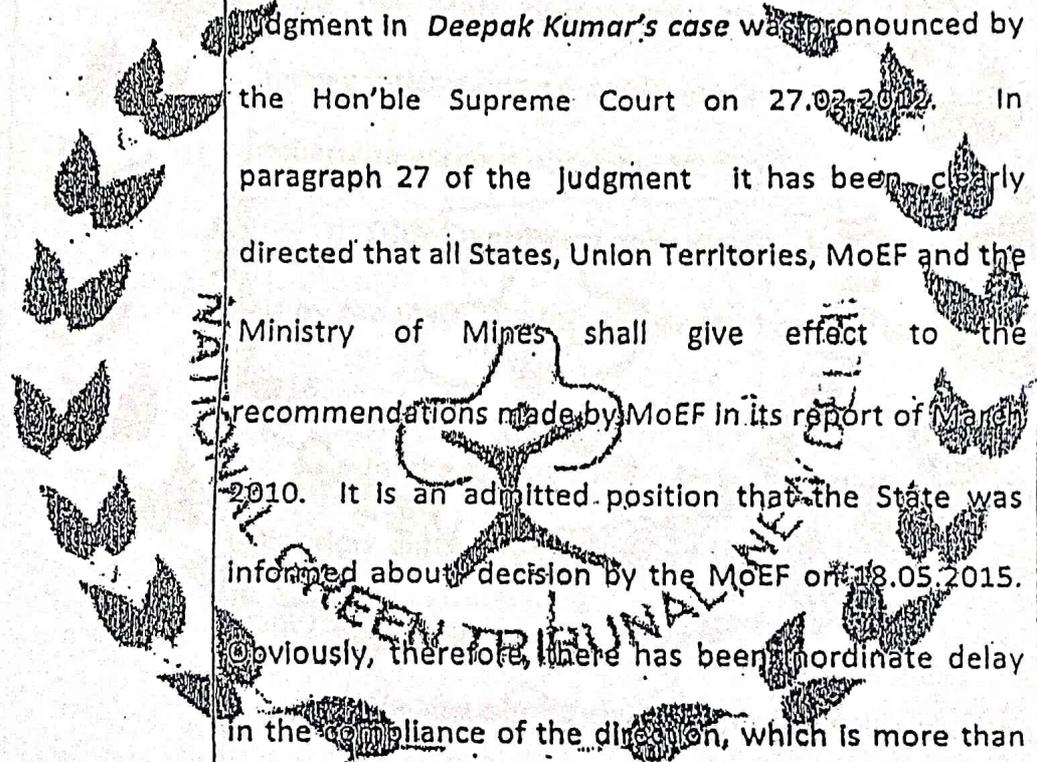
2010. It is an admitted position that the State was informed about decision by the MoEF on 18.05.2015.

Obviously, therefore, there has been inordinate delay in the compliance of the direction, which is more than

four years. Perhaps, it is necessary for the State to inquire as to how the delay has taken place. We,

however, do not intend to pass any direction on this.

For the aforesaid reasons, we direct that the



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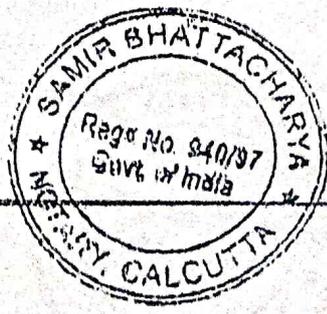
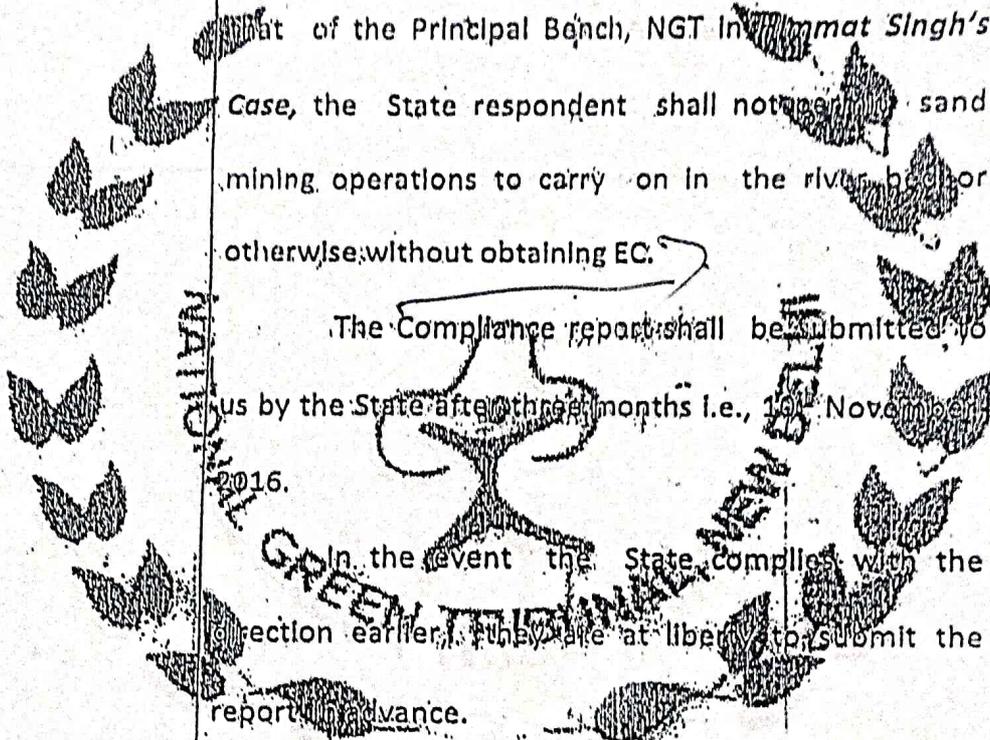
State Respondents shall comply with the directions in *Deepak Kumar's case*. The entire exercise to bring the existing sand mines under the new rules shall be completed within a period of three months. In the meanwhile, in pursuance of the direction of the Hon'ble Supreme court in *Deepak Kumar's Case* and

that of the Principal Bench, NGT in *Manmat Singh's Case*, the State respondent shall not permit sand mining operations to carry on in the river bed or otherwise without obtaining EC.

The Compliance report shall be submitted to us by the State after three months i.e., 10th November 2016.

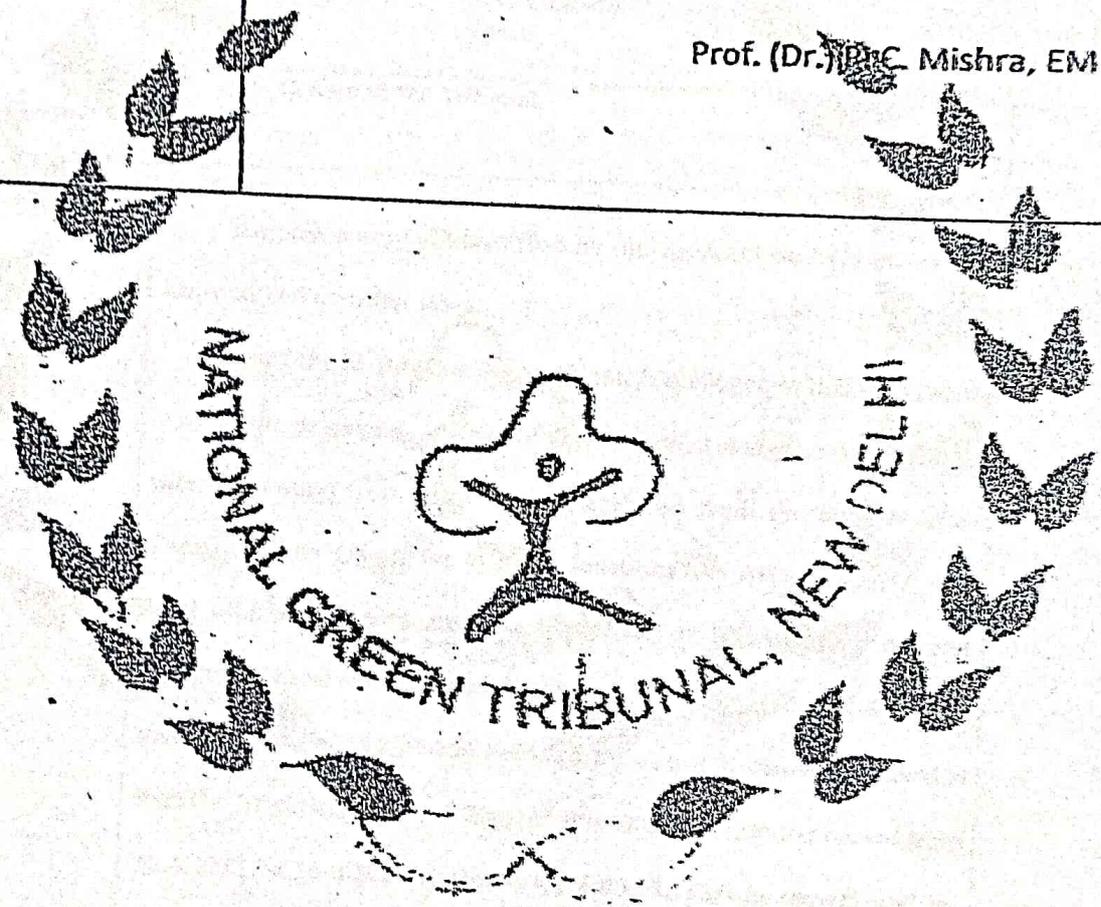
In the event the State complies with the direction earlier, they are at liberty to submit the report in advance.

We also permit the state Respondents to allow transportation of the sand extracted thus far but prohibit any fresh extraction.



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	<p>With this direction and observations both R.A. as well as O.A. stand disposed of.</p> <p>.....</p> <p>Justice S.P.Wangdi, JM</p> <p>.....</p> <p>Prof. (Dr.) D.C. Mishra, EM</p>
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SANJIV BHATTACHARYA  
Regd No 940737  
Govt. of India  
NGT

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A. No. 59/2015/EZ

BIPLAB KUMAR CHOWDHURY

VS

WEST BENGAL POLLUTION CONTROL BOARD & ORS

CORAM:

Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT:

Applicant

: Mr. Sukanta Chakraborty, Advocate

Respondents

Mr. Sakabda Roy, Advocate

: None

Date & Remarks	Orders of the Tribunal
Item No. 1 9 <sup>th</sup> September, 2015	<p>Supplementary affidavit filed by the applicant be kept on record.</p> <p>Copy served on other sides.</p> <p>Heard the Id. Adv. for the applicant. It is alleged in this application that in the Jalpaiguri, district of State of West Bengal there is illegal mining of sand from the river bed and also from the bank of river Teesta and its tributaries in many locations. An RTI application was filed and in response thereto, the office of District Land &amp; Land Reforms Officer of Jalpaiguri by its communication dt. 11.8.14 has given a list of quarry permit holders and also it is contended therein that the Irrigation Deptt. of Govt. of West Bengal from the period from 16.4.2013 to 15.4.2014 collected Rs. 6,86,68,163/- as royalty and Rs. 1,47,26,882/- as cesses. Further, penalty imposed and realised for unauthorised lifting and carrying of minor minerals i.e. sand from river bed and river bank was Rs, 1,66,62,697/-. From the documents issued</p>

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under RTI Act, It is established that illegal mining of sand from the river bed in Teesta and its tributaries is going on. Mining operation of sand from the river bed - Inside the river or the bank without environmental clearance is prohibited. The Environmental Clearance Regulations of 2006 framed in exercise of the powers vested under Environment (Protection) Act, 1986, though identified the necessity of environment clearance of mining operation of sand from the river bed or river bank where the lease area for such mining purpose exceeds 5 hectares but subsequently the Apex Court considered the issue in depth in the angle of environmental degradation and its impact on environment in the case of Deepak Kumar -vs- State of Haryana & Ors, reported in (2012) 4 SCC 629 holding inter alia that even if lease area is less than 5 hectares, environmental clearance is a must. This view as expressed by the Apex Court is a binding law by application of Art 141 of the Constitution of India as it is a judgement *in rem* on issue of environmental pollution and environmental degradation. The Principal Bench of NGT New Delhi in OA 191 of 2013 (NGT Bar Association -vs- MOEF & Ors) by order dt. 5.8.13 also relied on the decision in Deepak Kumar (supra), while adjudicating the identical issue relating to illegal mining of sand from river beds of Yamuna, Ganga, Chambal, Gomati and Revati amongst others. The mining of sand from the river bed and from the river bank subsequently has been regulated by subsequent notification by MoEFF & CC necessitating environment clearance from the respective authorities, as the case may be, for such mining operation.

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Considering the pleadings made and having regard to the legal issues involved, we are of conscious view that a case has been made out for adjudication by applying environmental jurisprudence and to have an answer to the substantial question of law on environment. Hence, the application is admitted. Registry to issue notice to the respondents along with a copy of this order on usual terms viz., by dasti, speed post or registered post, as the case may be, returnable by four weeks. Let status report be filed by respondent Nos. 1,4 and 5 by four weeks. Reply also be filed by the respondents to the application within the aforesaid period. Rejoinder, if any be filed within one week thereafter.

In view of serious allegation made and having regard to the fact that already State of West Bengal has collected penalty amount of Rs. 1,66,62,697/- for unauthorised lifting and carrying of minor minerals (sand) from the river bed and river bank of Teesta and its tributaries we are passing an injunction order restraining illegal mining of sand from the river bed and river bank of river Teesta and its tributaries in the district of Jalpaiguri. Be it noted that already in O.A. 173 of 2013 (supra), the Principal Bench of NGT has passed an order of injunction restraining mining activity or removal of sand from river beds anywhere in the country without obtaining Environmental clearance from MoEFF/SEIAA and license from the competent authority.

In the status report as directed to be filed, the respective names of the party with their full address and quantum of sand lifted and penalty amount, if any, has to be specified by the District Magistrate,

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Jalpaiguri so that appropriate order could be passed by this Tribunal for polluting the environment and breaching the law laid down by the Hon'ble Supreme Court.

The Chief Secretary, Govt. of West Bengal is directed to take all steps and measures by directing concerned officers and police administration and other authorities to implement this order strictly and action taken report by the Chief Secretary be filed on the next date fixed. Since there is an order of the Principal Bench restraining illegal mining operation and removal of sand from river bank anywhere in the country without environmental clearance from MOEF/SEIAA as the case may be, the Chief Secretary is directed to communicate this order to all the District Administration and Police Administration for compliance.

The matter is posted to 15.10.2015.

The Chief Secretary, Govt. of West Bengal is added as a respondent in this case. Registry to amend the cause title accordingly.

Let a copy of the order be communicated to the Chief Secretary, Govt. of West Bengal and other respondents forthwith for taking necessary action.

Justice Pratap Kumar Ray, JM

Prof. (Dr.) P. C. Mishra, EM

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BEFORE THE HON'BLE NATIONAL GREEN T

Eastern Zone Bench, Kolkata

Review Application No-109/2016/EZ

IN

Original Application No. 59/2015/EZ

In the matter of:

State of West Bengal Through  
Secretary, Commerce and Industries  
Department.

...Applicant

-versus-

Biplab Kumar Chowdhury

...Respondent



2 APR 2017

INDEX

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24 68

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

Eastern Zone Bench, Kolkata

Review Application No-109/2016/EZ

IN

Original Application No. 59/2015/EZ

In the matter of:

State of West Bengal Through  
Secretary, Commerce and Industries  
Department

...Applicant

-Versus-



Biplab Kumar Chowdhury

...Respondent

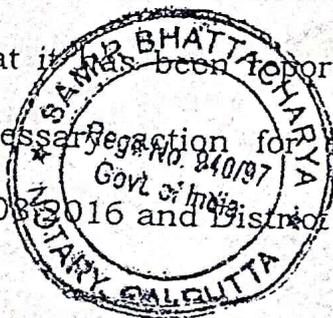
COMPLIANCE REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF  
THE CHIEF SECRETARY, GOVT. OF WEST BENGAL I.E  
RESPONDENT NO-9 IN THE ORIGINAL APPLICATION

I, Pranab Maitra, son of Late Pranballav Maitra, aged about 59 years,  
working for gain as the Joint Secretary of Industries, Commerce and  
Enterprises Department, Government of West Bengal at 4,

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Abanindranath Tagore Sarani, Kolkata 700016, do hereby solemnly affirm and state as follows:

1. That I am well-acquainted with the facts and circumstances of the case and as such is authorised to submit this report on behalf of the Chief Secretary, Government of West Bengal and also to affirm the document in this matter.
2. That the Hon'ble Tribunal vide its Order dated 09.08.2016 was pleased to direct the Government of West Bengal to file a compliance report regarding the implementation of directions contained in the self-same order dated 09.08.2016. A Photostat server copy of order dated 09.08.2016 is annexed herewith and marked as Annexure-R1.
3. That the State Government in the Commerce and Industries Department directed each of the District Authorities of this state to comply with the order dated 09.08.2016 and also directed to submit report on such compliance. A photo copy of memorandum dated 16.11.2016 is annexed herewith and marked as Annexure-R2.
4. That it has been reported that the District Authorities took necessary action for due compliance of the order dated 09.08.2016 and District Authorities have filed their respective

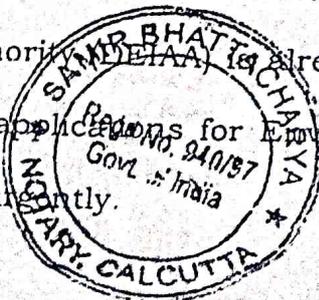


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compliance reports to the Industries, Commerce and Enterprises Department, Government of West Bengal.

Photocopies of compliance reports of respective districts are annexed herewith and collectively marked as Annexure-R3.

5. That it is evident from the above reports that the District Authorities have stopped mining activities sans environment clearance and the existing and future leases are being allowed only on obtaining the Environment Clearance.
6. That the State Government in Industries, Commerce and Enterprises Department (formerly Commerce and Industries Department) has notified rules on 29.07.2016 for minor minerals namely WB Minor Minerals Concession Rules, 2016, WB Minor Minerals(Auction) Rules, 2016 and auction of riverbed sand is going on successfully in riverbed sand bearing districts of this state. These rules have been already submitted before the Hon'ble Tribunal in RA No-109/2016/EZ arising in OA No-59/2015/EZ.
7. It is respectfully submitted that District Environment Impact Assessment Authority is already functioning in each district and the applications for Environment Clearance are being processed urgently.



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8. It is further submitted that the State Government will keep strict vigil on functioning of the DEIAA so that the Environment Clearances may be obtained by the applicants in an expedited manner.

Pranab Maitra  
Deponent



VERIFICATION

I, the above named deponent do hereby verify the Statements made in paragraph 1 is true to my knowledge and paragraphs 2 to 6 are based on information as derived from official records and rest are my humble submission.

Verified by me on this \_\_\_\_\_ day of April, 2017 at Kolkata.

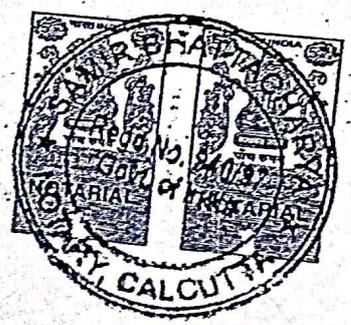
Pranab Maitra  
Deponent

Identified by me  
Dilip K. Banerjee  
Adv

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

Notary

12.4.17



Samir Bhattacharya  
Notary, Govt. of India  
Regd. No.-940/97  
City Civil Court, Calcutta

12 2 APR 2017



GOVERNMENT OF WEST BENGAL  
COMMERCE & INDUSTRIES DEPARTMENT  
MINES BRANCH

4, ABANINDRANATH TAGORE SARANI (CAMAC STREET), KOLKATA - 18

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Amexwa  
20/11/16

No.706-CI/O/MIN/MNM-GEN/CRT/01/2016

Dated Kolkata the 16<sup>th</sup> November, 2016

From : The Deputy Secretary  
to the Government of West Bengal

To : The District Magistrate, & Chairperson, DEIAA, (All)

Sub: R.A. No.109/2016/EZ in O.A. No.59/2015/EZ in the matter of State of W.B.  
through the Secretary, Department of C & I -vs- Biplab Kumar Chowdhury.

Sir,

Apropos of the captioned subject and reference above, I am directed to send herewith a copy of the Solemn order dated 09.08.2016 passed by the Hon'ble National Green Tribunal, Eastern bench Kolkata for your kind perusal and also directed to submit a compliance report to this Department positively within three days from the receipt of this Department's letter.

This may be treated as EXTREMELY URGENT.

Encl: As stated.

Yours faithfully,

Deputy Secretary

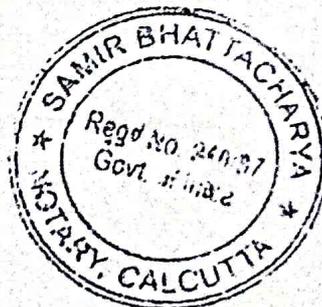
No.706/1(3)-CI/O/MIN/MNM-GEN/CRT/01/2016

Dated Kolkata the 16<sup>th</sup> November, 2016

Copy forwarded for kind information and necessary action to:

1. Principal Secretary, Environment Department, Paura Bhavan, 4<sup>th</sup> Floor, FD Block, Sector-III, Kolkata-106;
2. Sr. P.S. to Principal Secretary, C & I Department;
3. P.A. to Secretary, C & I Department.

Deputy Secretary



Speed Post

Speed Post

O/E

vs- Biplab Kumar Chowdhury.

Name of District	Date of Sending the Report	Action Taken
Eschurua	05.12.2015	1) That no mining is in operation without E.C. under this district jurisdiction. 2) That no riverbed LTML granted previously is in operative condition under this district jurisdiction. No extraction of sand or other minor minerals either LTML or STML is being conducted without valid E.C. in this district. A total of 83 E.C. applications including those of brick fields are under process. Till date no E.C. certificate for extraction of minor minerals has been issued.
Purba Medinipur	02.12.2016	No Mining lease or S.I.M.L. are being granted in this district without having E.C.
North Medinipur	21.11.2015	No such E.C. has been issued till date from this end.
Nadia	01.12.2015	No. of existing M/L - 189 Total no. of E.C. issued - 25 No. of lessees who did not apply for E.C. till date - 129.
Burdwan	17.11.2015	No. of applications for E.C. under process - 35
South 24 Parganas	02.12.2016	No existing case of sand mining has been given for sand mining operation without obtaining E.C.
Darjeeling	02.12.2015	No sand mining operation are allowed to be carried out without obtaining E.C. within this district.
Jalpaiguri	17.11.2015	The district authority had floated NIA for 41 no. of mining blocks of this district through <a href="http://e-auction.gov.in">e-auction.gov.in</a> portal till date. The procedure of issuance of E.C. as well as executive of lease deed for these mining blocks is expected to be completed soon.
Birbhum	08.12.2016	As the intending miners are required to obtain E.C. for mining of any minor minerals, hence the successful bidders have also been asked to submit necessary E.C. with the newly formed rules, the intending miners being related as successful bidders through online auction process can approach for E.C. before having grant order of LTML. In this respect, two districts level committees namely DEAC and DEIAA has already been forwarded for disposal of such EC applications.
	05.12.2016	The DEAC and DEIAA, Alipurdwar issued 32nos. of E.C. Rest E.C. will be issued only after submission and verification of the approved mine plans. No extraction of river bed materials will be allowed within the Alipurdwar district without having E.C. from the DEIAA, Alipurdwar.
	06.04.2017	No lease has been granted for mining of sand/riverbed materials without E.C. from competent authority till date in this district.
	18.11.2016	No E.C. has been issued and no lease has been executed for the sand mining in this district.



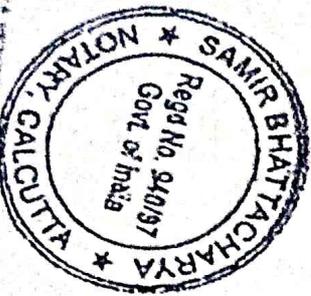
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Maida	28.03.2017	No permission had been accorded as on 16.11.2016 for extraction of minor mineral on riverbed or otherwise to any one with obtaining Environment Clearance from the Competent Authority.
Coochbehar	12.04.2017	No permission of extraction of Riverbed materials have been granted without the EC from DEIAA.
Hooghly	20.12.2016	Submission of EC issued by the competent authority under the new WBMMIC Rules, 2016 has been made mandatory for granting any mining lease in riverbed in the district Hooghly.
Dakshin Dinajpur	12.04.2017	No mining is allowed without E.C.
Murshidabad	12.04.2017	No illegal mining operation and removal of sand from river bank throughout this district without Environmental Clearance from this end.
Purulia	12.04.2017	No riverbed mining including sand is running in the District of Purulia without Environmental Clearance issued by the appropriate authority.
North 24 Pgs.	12.04.2017	No sand mining operation is going on without E.C. in the district of North 24 Pgs.
Howrah	12.04.2017	No LTM for sand mining could be issued in entire Howrah district.



*ml*  
12/4/2017

NOTARY, CALCUTTA  
Regd No. 940/97  
Govt of India



Government of West Bengal  
Office of the District Magistrate  
Bankura

Tel. & Fax No:- 03242-252715

Email ID :- dlrobku@gmail.com

Memo No: 6539 /MM/LR/16

Dated: 05/12/2016

To  
The Deputy Secretary to the  
Government of West Bengal,  
Commerce & Industries Department (Mines Section),  
4, Abanindranath Tagore Sarani (Camac Street), 4<sup>th</sup> Floor,  
Kolkata - 700 016.

Sub: R.A. No. 109/2016/EZ in O.A. No. 59/2015/EZ in the matter of State of W.B. through the Secretary, Department of C & I -Vs.- Biplab Kumar Chowdhury.

Ref: Your good Office Memo. No. 706-CI/O/MIN/MNM-GEN/CRT/01/2016 dated 16.11.2016.

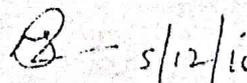
Sir,

With reference to your good Office Memo. No. 706-CI/O/MIN/MNM-GEN/CRT/01/2016 dated 16.11.2016 this is to bring to your kind knowledge :-

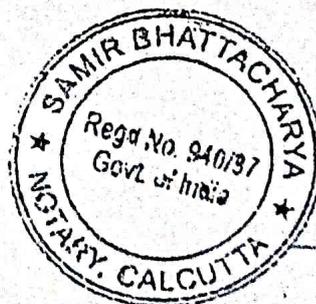
- i) That no mining is in operation without Environmental Clearance under this District jurisdiction,
- ii) That no riverbed Long Term Mining Lease granted previously is in operative condition under this District jurisdiction.

This is for your kind perusal.

Yours faithfully,



District Magistrate  
Bankura



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Govt. of West Bengal  
Office of the District Magistrate & District Collector,  
Purba Medinipur

Memo No. 3565 /DLLRO/CI/SAND/16

Dated 02/ Dec 2016

To  
The Secretary,  
Commerce & Industries Department  
Mines Branch  
4, Abanindranath Tagore Sarani ( CAMAC STREET)  
Kolkata -16

Sub: Compliance report in RA No. 109/2016/EZ in OA No. 59/2015/EZ  
In the matter of State of West Bengal through the Secretary,  
Department of C&I vs Biplab Kumar Chowdhary

Ref: C&I Dept No.706-CI/O/MIN/MNM GEN/CRT/01/2016 dated 16/11/2016

Sir,

In connection with the subject noted above, this is to report that no extraction of sand or other minor minerals is being conducted, either under Long term Mining Lease or Short Term Mining License, without valid Environmental Clearance Certificate from the Competent Authority in the district of Purba Medinipur. The long term lease applications of sand are under process and are being conducted in accordance with the provisions of West Bengal Minor Mineral Concessions Rules, 2016 read with West Bengal Minor Mineral (Auction) Rules, 2016.

A total of 83 Environmental Clearance Applications including those of Brick Fields are under process and will be disposed of after submission of Form 1M, PFR, Mining Plan prepared by the Required Qualified Persons duly accredited. Till date no environment clearance certificate for extraction of minor minerals has been issued in the district of Purba Medinipur.

It is further submitted that frequent raids are being conducted to check and prevent illegal mining of sand and other minor minerals.

This report is submitted for kind perusal and necessary action.

Yours faithfully,

  
District Magistrate  
Purba Medinipur

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Annexure 1 - Report on existing Mining Leases of Minor Minerals Granted Environmental Clearance

S/N	Name of Lessee	Block	Mineral and Band	LL No.	Plot No.	Area (hect)	Term of Lease (in yrs)	Expiry date of lease	Name of lease holder	Renewal/EC completion or not/whether fresh lease or renewal if any court order under which lease given/present status.	EC obtained or not
15	Burdwan	Kamalgachhi	Coal	65	1290/1291/1292/1293/1294/1295/1296/1297/1298/1299/1300	5.00	5	08/02/2017	Aban K. Panj	Renewal	Provisional EC issued
16	Burdwan	Kamalgachhi	Iron Ore	74	1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080	7.50	5	07/02/2017	Sudhanu Das	Renewal	Provisional EC issued
17	Burdwan	Kamalgachhi	Coal	65	1022/1023/1024	5.00	5	08/11/2010	Subhasishan Roy	Renewal	Provisional EC issued
18	Burdwan	Chhal	Iron Ore	158	1102/11	5.00	5	14/04/2011	Ana Burman	Renewal	Provisional EC issued
19	Burdwan	Chhal	Iron Ore	158	1102/11	5.00	5	14/04/2011	Kendra Burman	Renewal	Provisional EC issued
20	Burdwan	Chhal	Iron Ore	158	334/11	1.24	5	25/12/2015	Kuntala Neoge	Fresh	Provisional EC issued
21	Burdwan	Chhal	Iron Ore	158	20, 21, 792, 793	3.00	5	23/08/2018	Manjunoy Gupta	Fresh	Provisional EC issued
22	Burdwan	Chhal	Iron Ore	158	353/11	3.65	5	22/03/2017	Neel Bouri	Renewal	Provisional EC issued
23	Burdwan	Chhal	Iron Ore	61	1182/11	5.00	5	10/01/2017	Rajit Pal	Fresh	Provisional EC issued
24	Burdwan	Chhal	Iron Ore	63	801/11	5.00	5	09/02/2017	Kendra Burman	Renewal	Provisional EC issued
25	Burdwan	Chhal	Iron Ore	79	155/11	5.00	5	26/10/2017	Spa Das	Fresh	Provisional EC issued

Additional District Surveyor  
District Land Reforms Officer  
Burdwan

*[Signature]*

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Government of West Bengal  
Office of the District Land & Land Reforms Officer,  
Paschim Medinipur

Memo No. 5351 /I-MM/12/( DC )/2016

Dated Medinipur 21/11/16

To  
The Deputy Secretary,  
Commerce & Industries Department,  
Kolkata-16.

Sub : Compliance report in R.A No- 109/2016/EZ in O.A No- 59/2015/EZ in the matter of State of West Bengal through the Secretary, Department of Commerce & Industries-vs- Biplab Kumar Choudhury.  
Ref : Your good office memo No- 706-CI/O/MLN/MNM-GEN/CRT/01/2016 dated 16.11.16.

Sir,

In connection with the aforesaid subject & reference, I am directed to inform that no Mining Lease or Short Term Mining License are being granted in this District without having Environmental Clearance of competent authority.

Yours faithfully,

Dated : 20.11.2016.

21/11/16  
Additional District Magistrate &  
District Land & Land Reforms Officer &  
Member secretary,  
District Committee for Competitive Bidding,  
Paschim Medinipur.

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Annexure I :- Report on existing Mining Leases of Minor Minerals Granted Environmental Clearance

S/N	Name of District	Block	Mouza and Block	A.L. No	Plot Nos	Area (acres)	Tenure of lease(s) or (10 yrs)	Expiry date of lease	Name of lease holder	Remarks/EC compliant or not/whether fresh lease or renewal if any court order under which lease given/present status.	EC obtained or not
1	Burdwan	Jamalpur	Daopur	9	443(P)	3.50	5	31/09/2015	Syed Mozaffar Hossain	Renewal	Provisional EC issued
2	Burdwan	Jamalpur	Selmabad	30	933(P)	3.30	5	23/04/2017	Krishna Santra	Renewal	Provisional EC issued
3	Burdwan	Jamalpur	Hahatpur	4	815(P)	4.50	5	01/07/2012	Uttam Roy	Renewal	Provisional EC issued
4	Burdwan	Jamalpur	Haretopur	4	815(P)	4.50	5	01/07/2012	Sikandar Pal	Renewal	Provisional EC issued
5	Burdwan	Jamalpur	Chalbalpur	5	905(P)	6.00	5	14/10/2020	Majdar Doku	Renewal	Provisional EC issued
5	Burdwan	Jamalpur	Chalkhanjodi	2	2800(P)	2.00	5	20/03/2017	Rajdyanath Pal	Renewal	Provisional EC issued
7	Burdwan	Jamalpur	Kalina	43	966(P)	4.00	5	15/05/2021	Ganugud Majhi	Renewal	Provisional EC issued
8	Burdwan	Jamalpur	Chalkhanjodi	2	2800(P)	2.00	5	11/02/2018	Sambhuwanth Halder	Renewal	Provisional EC issued
9	Burdwan	Memari	Palla	45	4031(P), 4037(P)	2.00	5	19/07/2017	Sujit Halder	Renewal	Provisional EC issued
10	Burdwan	Memari	Palla	45	4037(P), 4115(P), 4034(P)	2.00	5	21/06/2017	Biren Mondal	Renewal	Provisional EC issued
11	Burdwan	Khandaghoosh	Gaitampur	65	811(P), 815(P), 816(P), 811(P), 816(P) & ors.	5.00	5	08/03/2017	Shyamali Panja	Renewal	Provisional EC issued
12	Burdwan	Khandaghoosh	Alkulya	64	1214(P), 1216(P), 1215	7.50	5	01/05/2017	Ashim Panja	Renewal	Provisional EC issued
13	Burdwan	Khandaghoosh	Kamalpur	74	10287, 10286, 10289, 10280, 10279, 10278, 10281	5.00	5	07/02/2017	Prabir Roy	Fresh	Provisional EC issued
			Gaitampur	65	833(P), 802(P), 813(P), 814, 815(P), 816(P), 832, 801(P)	5.00	5	23/02/2017	Ashim K. Panja	Renewal	Provisional EC issued



Additional District Magistrate  
District Land Reforms Officer  
Burdwan

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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT LAND & LAND REFORMS OFFICER, NADIA  
ADMINISTRATIVE BUILDING (1<sup>ST</sup> FLOOR)  
KRISHNAGAR::NADIA.

No. 14652 /VI-36(13)/MM/LR/16 Date: Krishnagar, the 10/12/2016.

From:- The Additional District Magistrate and  
District Land and Land Reforms Officer, Nadia.

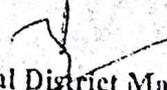
To :- The Deputy Secretary  
To the Govt. of West Bengal,  
Commerce & Industries Department  
Mines Branch  
4, Abanindranath Tagore Sarani (Camac Street),  
Kolkata-16

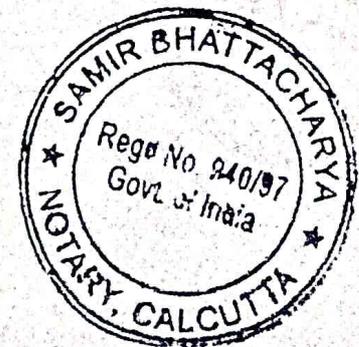
Sub:- *Compliance report in connection with R.A. No. 109/2016/EZ in  
O.A. No. 59/2015/EZ in the matter of State of W.B.*

Ref:- No. 706-CI/O/MIN/MNM-GEN/CRT/01/2016, dt. 16/11/2016.

In connection with the above referred subject and memo under reference, this is to inform you that no such Environmental Clearance (EC) has been issued till date from this office.

This is for favour of your kind information and taking necessary action.

  
Additional District Magistrate and  
District Land and Land Reforms Officer, Nadia.





GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT LAND AND LAND REFORMS OFFICER  
BURDWAN

P.O. RAJBATI, BURDWAN. PIN CODE: 713104

Phone no.0342 2530611 / Fax no.0342-2533348/e-mail: dlroburdwan@gmail.com

Memo. No. 996/MM/2016/2016 Dated, 17.11.2016

To  
The Deputy Secretary  
Government of West Bengal,  
Commerce And Industries Department (Mines Branch)  
4, Abanindranath Tagore Sarani (Camao Street)  
Kolkata -700016

Sub: Compliance report in connection with R.A. No. 109/2016/EZ on O.A. No. 59/2015/EZ.

Ref: His letter No. 706-CI/O/MIN/MNM-GEN/CRT/01/2016 dated 16/11/2016.

Sir,

In connection to the above mentioned subject matter and reference following is the status report of compliance of the order dated 09/08/2016 of the Hon'ble National Green Tribunal, Eastern Zone in R.A. No. 109/2016/EZ on O.A. No. 59/2015/EZ in the matter of State of West Bengal through the Secretary, Department of C&I - Vs - Biplab Kumar Chowdhury,

District	No. of existing mining leases	Total no. Of E.C. issued	No. Of applications for E.C. under process	No. Of lessees who did not apply for E.C. till date
Burdwan	189	25	35	129

Separate Annexure-I and II are enclosed for detail information regarding E.C. issued and applications under process of the existing I.TMI. holders.

This is for your kind information and taking necessary action.

Enclosed : As stated above.

Yours faithfully,

Additional District Magistrate

&  
District Land and Land Reforms Officer  
Burdwan.



17-280 (11/12/16)

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**Government of West Bengal**  
 Office of the Additional District Magistrate,  
 District Land & Land Reforms Officer, South 24 Parganas  
 New Treasury Building (4<sup>th</sup> Floor), Alipore, Kolkata - 700 077  
 An ISO 9001:2008 Certified Organisation  
 Tel: (+9133) 2479 2102/1445/1053  
 Email: [dlro.sz1par@wb.gov.in](mailto:dlro.sz1par@wb.gov.in) / [dlro.sz1par@wb.gov.in](mailto:dlro.sz1par@wb.gov.in)

Memo No. 79/1/ 6/07 /MM/2016

Dated: 02 / 12 /2016

To  
 The Deputy Secretary to the Government of West Bengal  
 Commerce & Industries Department  
 Mines Branch  
 4, Abanindranath Tagore Barani (Camae Street)  
 Kolkata-700016

Sub: R.A. No. 1092016 in O.A. No. 59/2015/EZ in the matter of State of W.B.  
 through the Secretary, Department of C & I - vs - Biplab Kumar Chowdhury

Ref: No. 706-CI/O/MIN/MHM-GEN/CRT/01/2016 dated 16.11.2016

In reference to above, in compliance of order of Hon'ble National Green Tribunal (EZ)  
 dated 09.08.2016 this is to inform that there is no existing case on sand mining and also no  
 permission has been given for sand mining operation to carry on in the river bed or otherwise  
 without obtaining Environment Clearance.

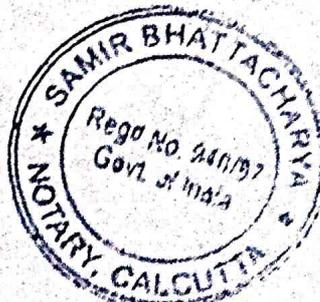
Additional District Magistrate  
 and  
 District Land & Land Reforms Officer,  
 South 24 Parganas.

Memo No. 79/1/ /MM/2016

Dated: / /2016

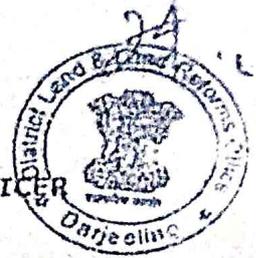
Copy forwarded for information to:  
 P.A. to the District Magistrate, South 24 Parganas, Alipore.

~~Additional District Magistrate  
 and  
 District Land & Land Reforms Officer,  
 South 24 Parganas.~~



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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT LAND & LAND REFORMS OFFICER  
DARJEELING



Memo. No: 2709 /DLLRO-M&M/XIII-1/16

Date: 02.12.2016

To  
The Deputy Secretary  
to the Government of West Bengal,  
Commerce & Industries Department,  
Mines Branch,  
4, Abanindranath Tagore Sarani (Camac Street)  
Kolkata -16

Sub: R.A. No. 109/2016/EZ in O.A. No. 59/2015/EZ in the matter of  
State of West Bengal through the Secretary, Department of C&I Vs.  
Biplab Kumar Choudhury.

Ref: His memo.no. 706-CI/O/MIN/MNM-GEN/CRT/01/2016,  
dated:16.11.2016

In reference to above, this is to state that, no-sand mining operation  
are allowed to be carried out without obtaining Environmental Clearance  
within the jurisdiction of Darjeeling District.

This is for favour of his information and taking necessary action.

*02/12/16*  
District Land & Land Reforms Officer  
Darjeeling  
District Land & Land Reforms Officer  
Darjeeling





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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE and  
DISTRICT LAND & LAND REFORMS OFFICER  
JALPAIGURI

Memo No. 250/MM/ DLLRO/JAL /16

Date: 17.11.2016

To  
The Principal Secretary to the Government of West Bengal,  
Commerce and Industries Department,  
4, Abanindranath Tagore Sarani (Camac Street),  
Kolkata- 700 016.

Subject:- Compliance of the Order dt. 09/08/2016 of the Ld. National Green Tribunal,  
Eastern Zone in the matter of R.A. No. 109/2016/EZ In OA No.59 of 2015.

Sir,

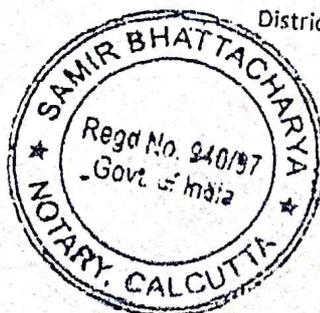
With reference to subject cited above the undersigned is furnishing below the action taken in this district in compliance of the order dated 09.08.2016 of the Ld. National Green Tribunal, Eastern Zone in the matter of R.A. No.109/2016/EZ in OA No.59 of 2015.

- > 1) As per the order in the above suit "the state respondent shall not permit sand mining operations to carry on in the river bed or otherwise without obtaining EC." The Commerce & Industries Deptt., Govt. of W.B. had notified the West Bengal Minor Mineral Concessions Rules, 2016 and West Bengal Minor Mineral Auction Rules, 2016 (Subsequently amended as the West Bengal District Mineral Foundation Rules, 2016) both dt. 29<sup>th</sup> July, 2016 prescribing the provisions and procedures of Issuance of Environmental Clearance (EC) as well as lease deed to the competent lessees through e-auction process by the District Authority for mining of riverbed occurrences.
- 2) Being instructed by the Commerce & Industries Department, the District Authority has taken up the process of issuing Environmental Clearance (EC) as well as execution of mining leases to the successful bidders as per the provisions of the West Bengal District Mineral Foundation Rules, 2016 (as amended) and West Bengal Minor Mineral Auction Rules, 2016 to Issue of Environmental Clearances.
- > 3) The District Authority had floated NIA for 41(forty one) number of mining blocks of this district through [eauction.gov.in](http://eauction.gov.in) portal till date. The procedure of issuance of Environmental Clearance(EC) as well as execution of lease deed for these mining blocks is expected to be completed soon. Only after that, mining of riverbed occurrences of these mining blocks shall be operational. Auction process for rest mining blocks of this district has been initiated.

This is for favour of your kind information and necessary action.

Yours faithfully

sd/-  
District Magistrate & Collector  
Jalpaiguri



Date: 17.11.2016

Memo No. 250/1/MM/ DLLRO/JAL /16

Copy forwarded for kind information to:

11/11/16

sd/-  
18/11/16

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Government of West Bengal  
Office of the District Land & Land Reforms Officer  
Birbhum: Suri.

Memo.No.4958/ (M&M)/DL&LRO (B)/2016 dated, Suri, the 08/12/2016

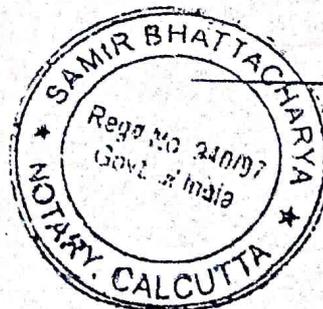
To  
The Deputy Secretary, Government of West Bengal,  
Commerce & Industries Department,  
4 Abanindranath Tagore Sarani,  
Kolkata - 700016.

**Sub.:** Compliance Report regarding regularisation of sand mining of Birbhum district in the matter of Order dated 09/08/2016 of Hon'ble National Green Tribunal, Eastern Zone Bench in R.A. No. 109/2016/EZ in O.A. No. 59/2015/EZ in the matter of State of West Bengal through the Secretary, Department of C&I -vs- Biplab Kumar

**Ref:** His Office Memo No. 706-CI/O/MIN/MNM-GEN/CRT/01/ 2016 dated 16.11.2016

Apropos to the subject mentioned above, it is to inform him that in pursuance to the terms and provisos of the recently published West Bengal Minor Mineral Concession Rules, 2016 along with West Bengal Minor Mineral Auction Rules, 2016, promulgated in the light of the order of the Hon'ble Apex Court and of the Hon'ble NGT followed by the relevant notification of the MoEF & CC, Government of India, the action taken report regarding regularisation of mining of sand (minor mineral) in this district is as follows:

- In view of the solemn order of the Hon'ble Tribunal, issuance of all sorts of short term quarry permits for mining of minor minerals (as earlier practiced by the Irrigation and Waterways Department) have been stopped since 09/08/2016. Owing to the newly published Rules, LTML for minor minerals at present can only be granted through forward online auction process;
- On the basis of the primary database provided by the District Officials of the Irrigation and Waterways Department followed by the field inspection report of the local administration in assistance with the Govt. Authorised Agencies, identification process of prospective sand mining blocks have been started. So far, a total of 180 nos. of such prospective sand blocks have been identified;
- To administrate the subsequent forward online auction process of such identified sand blocks, the District Committee for Competitive Bidding has been formed under the chairmanship of District Magistrate, Birbhum;



2.

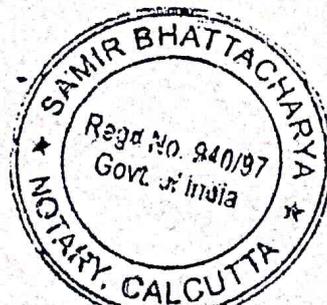
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- As per the decision taken by the District Committee for Competitive Bidding, a total of 131 sand blocks (out of the said 180 blocks) have been put in the said online auction process so far vide four separate notices inviting such auction. Necessary steps have also been taken for auction of the remaining 49 sand blocks also;
- In view of the result of such online auction processes as available in the concerned portal, necessary Letters of Intent (LoI) to the successful bidders have also been issued against two (02) nos. of sand blocks till date;
- As the intending miners are required to obtain Environment Clearance (EC) for mining of any minor minerals, hence those successful bidders have also been asked to submit necessary clearances including EC;
- As per present situation with the newly formed Rules, the intending miners being selected as successful bidders through online auction process can approach for EC before having grant order of LTML. In this respect, two district level committees namely DEAC and DEIAA has already been formed for disposal of such EC applications;

This is for his information and taking necessary action.

  
District Magistrate,  
Birbhum



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8/12/16 - 13/12/16

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8/15/16  
8/12/16  
Santosh  
Biswas  
12/12/16



GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT LAND & LAND REFORMS OFFICER  
ALIPURDUAR

Memo No. 1651 /V-3/Law Cell/DLLRO (A)/16

Date..05/12/2016-

To  
The Deputy Secretary  
To the Government of West Bengal  
Commerce & Industries Department  
Mines Branch,  
Abanindranath Tegore sarani (Camac street),  
Kolkata-16.

Sub: R.A. No. 109/2016/EZ in O.A. No. 59/2015/EZ in the matter of  
State of W.B. through the Secretary, Department of C & I-Vs-  
Biplab Kumar Chowdhury.

Ref Memo no:- 706-CI/O/MIN/MNM-GEN/CRT/01/2016 Dated 16/11/2016

Sir,

This is to bring your kind notice as per the order of the hon'ble Green Tribunal regarding extraction of river bed materials passed in O.A. No.59/2015/EZ and after introduction of West Bengal Minor Mineral Concession rules,2016 and West Bengal Minor Mineral Auction rules,2016 total 70 no. of river beds has been identified within the district of Alipurduar.

Out of the 70 no. of the identified river beds e-auction process has been completed against 60 no. of riverbeds and rest 10 nos of river beds are under process of E- Auction. Letter of intent has been issued to all 60 Nos.successful bidders. One mining lease of Smt. Snigdha Baul(Sahani) is running within this district which will expire on 11/03/2018. Extraction of river bed materials of Smt. Snigdha Baul was stopped due to non availability of environmental clearance.

In terms of S.O. 141(E) dt. 15/01/2016 the DEAC and DEIAA has been formed. 32 successful bidders and Smt. Snigdha Baul has submitted approved mining plan pre feasibility report and form 1M. The DEAC and DEIAA, Alipurduar verified all the 32 approved mine plans and issued 32 Nos. of E.C. so far. Rest E.C. will be issued only after submission and verification of the approved mine plans.

This is further to inform you that no extraction of river bed materials will be allowed within the Alipurduar District without having E.C. from the DEIAA, Alipurduar

*Anant*  
12/11/16

District Magistrate  
Alipurduar.

8 DEC 2016

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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT LAND & LAND REFORMS OFFICER  
UTTAR DINAJPUR

Email Id: [admlrudi@gmail.com](mailto:admlrudi@gmail.com) Fax: 03523246404

Memo No.LM/VI/1/2016/2016

Dated : 18.11.2016

From: Additional District Magistrate &  
District Land & Land Reforms Officer  
Uttar Dinajpur.

To : The Deputy Secretary  
Govt. of West Bengal,  
Commerce & Industries Department,  
Mines Branch, 4, Arabinda Tagore Sarani  
(Camac Street), Kolkata -16

Sub: R.A. No. 109/2016/EZ/in O.A. No. 59/2015/EZ in the matter of State of West Bengal through the  
Secretary, Department of C & I-Vs-Biplab Kr. Chowdhury.

Ref: 706-CI/O/MIN/MNM-GEN/CRT/01/2016, dated 16.11.2016

Sir,

In reference to the above this is to inform you that no Environment Clearance (EC) has been issued and no lease deed has been executed for the Sand Mining in this district. However 7 (seven) nos. of Letter of Intent (LoI) have been issued to the successful bidders.

This is for your kind information and necessary action.

Additional District Magistrate &  
District Land & Land Reforms Officer  
Uttar Dinajpur

Memo No.LM/VI/1/ /16

Dated : 18.11.2016

Copy forwarded for information to :

- 1) C.A. to the District Magistrate & Collector, Uttar Dinajpur.

Additional District Magistrate &  
District Land & Land Reforms Officer  
Uttar Dinajpur

CCM-D





GOVERNMENT OF WEST BENGAL  
OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE &  
DISTRICT LAND & LAND REFORMS OFFICER,  
MALDA

Memo No. : DLLRO/MM/ 975

di: 28/03/2017

To  
The Joint Secretary  
Government of West Bengal  
C & I Department

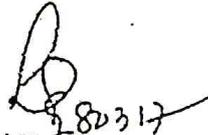
Sub:-R.A. No 109/2016/E.Z. in O.A. No 59/2015/EZ in the matter of State of West Bengal through the Secretary, Department of Large Industries & Enterprises -vs- Biplab Kr Chowdhury

Ref:- Your office memo no 212-CI/o/MIN/MNM-GEN/CRT/01/2016 dtd 22<sup>nd</sup> March 2017 & earlier letter no 706-CI/o/MIN/MNM-GEN/CR/01/2016 dtd 16/11/2016

Sir,

In reference to the above noted matter and above referred memos this is to inform you that in compliance with the order passed by the Hon'ble NGT on 09/08/2016 no permission had been accorded as on 16/11/2016 for extraction of minor mineral on riverbed or otherwise to any one without obtaining Environment Clearance from the Competent Authority.

This is for favour of your kind perusal and taking necessary action.

  
Additional District Magistrate  
and

District Land & Land Reforms Officer, Malda





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Government of West Bengal  
OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE  
AND

DISTRICT LAND & LAND REFORMS OFFICER, COOCH BEHAR  
অতিরিক্ত জেলাশাসক এবং জেলা ভূমি ও ভূমি সংস্কার আধিকারিকের কার্য, কোচবিহার, পশ্চিমবঙ্গ  
Sagar Digh Complex, P.O. Cooch Behar, Dist. Cooch Behar, Pin-736101, West Bengal  
Phone: 0352-2281900/227061 Fax: 0352-227061 E-mail: addmcochbhat@gmail.com

Memo. No. LC/ 1255 /XI-33/CS/185(CBR-II)/2016

Dated: 12/03/2016

To  
The Joint Secretary to the Government of West Bengal  
Department of Large Industries and Enterprises(CRT)  
Mines Branch  
Abanindranath Tagore Sarani(Camac Street),  
Kolkata-16.

Sub:- R.A. No. 109 of 2016 /EZ in O.A.No. 59/2015/EZ in the  
matter of State of West Bengal through the Secretary C &  
Department -Vs- Biplab Kumar Choudhury.

Ref:- Memo. No.212-CI/O/MIN/MNM-GEN/CRT/01/2016.  
dt.22/03/2017 of the Joint Secretary to the Government of West  
Bengal.

Sir,

In connection with the above subject, this is to bring to your kind notice that the  
order of the NGT have duly complied. No permission of extraction of River bed material  
have been granted with out the EC from DEIAA.

This is for favour of your kind information and necessary action.

Yours faithfully,

  
District Magistrate  
Cooch Behar





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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE AND  
DISTRICT LAND & LAND REFORMS OFFICER, HOOGHLY  
JIBAN PAUL'S GARDEN, HOOGHLY - 712103  
PH. - (033) 2680209/098. FAX - 91-33-26805578  
Email : dlrohugly@gmail.com

Memo No. XJC/NGT-01/ 5579 /Hooghly

Dated 20.12.16

To  
The District Magistrate  
Hooghly

Sub: R.A. NO. 109/2016/EZ in O. A. No. 59 of 2015/EZ, in  
the matter of State of West Bengal -Vs.- Biplab Kumar  
Choudhury

Ref: Memo No. 706-CI/O/MIN/MNM-GEN/CRT/01/2016  
dated 16.11.16 of Commerce and Industry Department

Sir,

Reference cited above.

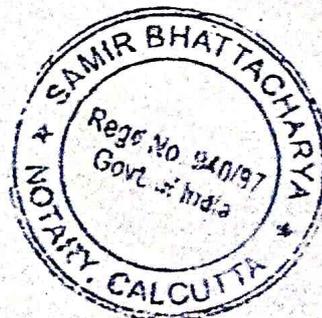
In connection with the subject matter this is to report that submission of Environmental clearance issued by the competent authority under the new West Bengal Minor Mineral concession Rules 2016 has been made mandatarly for granting any mining lease in river bed in the district Hooghly. Besides, raids are being conducted over the possible mining Zones to restrict any attempt of illegal mining operation.

Thus the directions of Hon'ble Apex Court in Deepak Kumar's case have been complied with.

Yours faithfully,

Additional District Magistrate &  
District Land & Land Reforms Officer,  
Hooghly

C:\pp\NGT\B. Kr. Choudhury OA 59 of 15 (to DM).doc



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Government of West Bengal  
Office of the District Land & Land Reforms Officer,  
Dakshin Dinajpur, Balurghat,

Memo No. 950 / L&LR/Sand/17

Dated: Balurghat, the 12<sup>th</sup> April, 2017

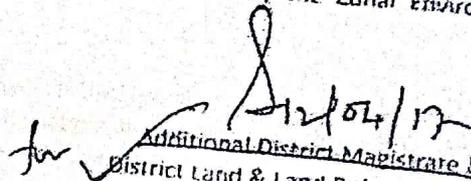
From The Additional District Magistrate &  
District Land & Land Reforms Officer,  
Dakshin Dinajpur, Balurghat.

To Sri Utpal Bhadra,  
Joint Secretary to the Govt. of West Bengal,  
Commerce and Industry Department, Mines Branch,  
A. Abanindra Nath Tagore Sarani (Camar Street)  
Kolkata - 700 016

Sub Compliance report regarding order issued by NGT

Sir,

In connection with above subject, this is to inform you that in compliance with the order passed by NGT Environment Clearance certificates are issued for 58 (fifty eight) nos. of sand blocks while 60 (sixty) nos. of Brick Fields and quarry permits are being issued on realization of royalty as per rate fixed recently by the Commerce and Industry Department. It is also certified that no mining is allowed without F.C and meticulous scrutiny of Mine - Plans and PFRs approved by the Zonal Environment Geologist cum Scientist.

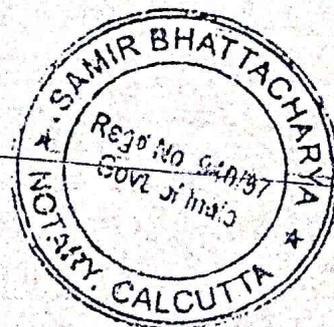
  
Additional District Magistrate &  
District Land & Land Reforms Officer,  
Dakshin Dinajpur, Balurghat

Dated: Balurghat, the 12<sup>th</sup> April, 2017

Memo No. 950/1(1)/L&LR/Sand/17

Copy forwarded for favour of kind information to the District Magistrate, Dakshin Dinajpur

Additional District Magistrate &  
District Land & Land Reforms Officer,  
Dakshin Dinajpur, Balurghat



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Government of West Bengal  
Office of the District Land & Land Reforms Officer  
Murshidabad

Memo. No 4250 IX-34/C/17

Dated, Berhampore, the 12/4/17

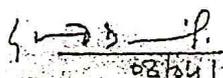
To  
The Joint Secretary,  
to the Government of West Bengal  
Department of Large Industries and Enterprises (C & I)  
Mines Branch  
Kolkata-700016

Sub:- Compliance report in connection with NGT order dated, 09.08.16  
in R.A. No. 109/2016/EZ in O.A. No. 59/2015/EZ in the matter of  
State of West Bengal through the Secretary, Department of Large  
Industries & Enterprises - Vs-Biplab Kr. Chowdhury

Ref:- His Office's No. 212-CI/O/MIN/MNM-GEN/CRT/01/2016,  
Dated: Kolkata the 22<sup>nd</sup> March, 2017

Sir,  
In reference to above and in compliance to judgement of the Hon'ble N.G.T. in O.A No. 59 of  
2015, this is to inform you that, there are no illegal mining operation and removal of sand from river  
bank throughout this district without Environmental Clearance from this end.

This is for your information and taking necessary action.

  
District Magistrate  
&  
Chairperson, D.E.L.A.A  
Murshidabad





Government of West Bengal  
Office of the District Magistrate & District  
Land & Land Reforms Officer, Purulia

Memo.no.V- Misc/ 1198 /Cell/17

Dated: 12/04/17

To  
The Joint Secretary  
to the Government of West Bengal  
Department of Large Industries and  
Enterprises (C & I), Mines Branch  
4, Abanindra Nath Tagore Sarani, Calcutta-16.

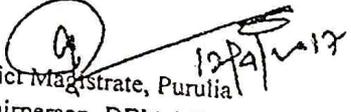
Sub. : Compliance report in connection with NGT order dated 9.8.2016.  
Ref. : Your memo no. 212-CI/O/MIN/MNM-Gen/C&I/01/2016 dt:22.3.17.

Sir,

With reference to the above, this is to state that in compliance of the order of the Hon'ble NGT dated 9.8.2016 in the matter of the State of West Bengal -Vs- Biplab Kr. Chowdhury in RA No. 109/2016/EZ in O.A No. 59 of 2015/EZ, no riverbed mining including sand is running in the District of Purulia without Environmental Clearance Certificate issued by the appropriate authority.

This is for your kind perusal and taking necessary action.

Yours faithfully,

  
District Magistrate, Purulia  
and Chairperson, DEIAA, Purulia



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GOVT. OF WEST BENGAL  
OFFICE OF THE ADM & DL & LR  
NORTH 24-PGS. BARASAT

Memo No. 26/17(NGI)/995/L-Cell/DL&LRO/24-Pgs(II), Dated 12-04-2017

To  
The Joint Secretary,  
Department of Large Industries and Enterprises (C & I),  
Mines Branch,  
Abanindanath Tagore Sarani,  
Camac Street, Kolkata-700016

Sub : R. A. No. 109/2016/EZ in O. A. No. 59/2015/EZ  
In the matter of the State of West Bengal & Ors.  
-VS-

Biplab Kumar Chowdhury

Ref : your memo no. 212-CI/O/MIN/MNM-GEN/CRT/01/2016,  
Dated - Kolkata the 22<sup>nd</sup> March, 2017

Sir,

In pursuance with the afore-referred letter, the compliance report in connection with captioned subject is hereby submitted herein under.  
The Hon'ble Green Tribunal, Eastern Zone Bench, Kolkata, in His order dated 09/08/2016 categorically passed two-prong direction -

- The entire exercise to bring the sand mines under the new rules shall be completed within a period of three months.
- In the meanwhile, the State respondent shall not permit sand mining operations to carry on in the river-bed or otherwise without obtaining E. C.

Against the said solemn directions, this is hereby reported that according to instruction of the Commerce & Industries Department (Mines Branch), the process of e-auction for sand mining was started in the midst of the last year. Several steps were taken to issue lease to the successful bidders participated in the e-auctions but ultimately no lease was granted to anybody. This office communicated with the C & I Department vide letter dated-29/12/2016 and the Department sent an instruction on 10/02/2017 stating that no in-stream mining is allowed as per memorandum issued by the Ministry of Environment & Forest and as per order



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of the Joint Secretary, Irrigation and Waterways Department. As no such lease was granted to anybody the question of sand mining from the river bed does not arise. At this moment quarrying sand mining is not permitted & now no sand mining is going on as per report received from the BL&LROs end.

Hence, so far this office is knowledgeable regarding sand mining, no sand mining operation in any form or capacity is going on in this District of North 24-Parganas.

Submitted for your kind perusal and taking necessary action.

Yours faithfully,



Additional District Magistrate &  
District Land & Land Reforms Officer  
North 24-Parganas, Barasat

LSPKSILNGT



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**Government of West Bengal**  
**Office of the District Land & Land Reforms Officer and**  
**Additional District Magistrate, Howrah.**

7, Rishi Bankim Chandra Road, (New Collectorate Building) 3<sup>rd</sup> Floor, Howrah

Memo No.: MM-20/Sand/ 1310 /LR

Dated: 12/04/2017

To  
The Joint Secretary  
Commerce & Industries Department  
Mines Branch  
4, Abanindranath Tagore Sarani  
Kolkata-16

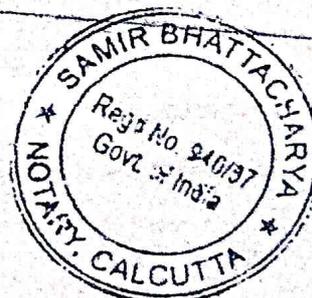
Sub: RA No.109/2016/EZ in O.A. No. 59/2015/EZ in the matter of State of West Bengal through the Secretary, Department of Large Industries & Enterprises Vs Biplab Kr. Chowdhury  
Ref: Your office memo no.212-CI/O/MNM-GEN/CRT/01/2016 dated.21.03.2017

Sir,

With reference to the above, this is to inform you that no e-Auction for sand has taken place in this district due to non - feasibility of identification of Auction Blocks due to in-stream mining. However, the matter was earlier informed to you vide memo no: MM-20/Sand/2620/LR dated: 31.08.2016 and memo. no: MM-20/Sand/2756/LR dated: 12.09.2016 for necessary instruction.  
As such no LTML for sand mining could be issued in entire Howrah District.

Encls: As stated above

  
Additional District Magistrate  
&  
District Land & Land Reforms Officer  
Howrah



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## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

Eastern Zone Bench, Kolkata

Review Application No-109/2016/EZ

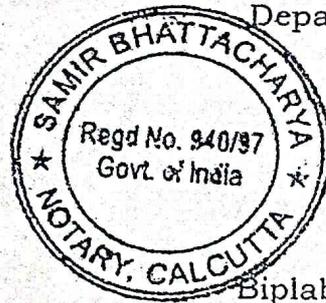
IN

Original Application No. 59/2015/EZ

In the matter of:

State of West Bengal Through  
Secretary, Commerce and Industries  
Department

...Applicant



-Versus-

Biplab Kumar Chowdhury

...Respondent

Filed By

Bikash Kargupta, Advocate

Bar Association, Hon'ble NGT, EZB, Kolkata

DISTRICT: KOLKATA

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P. No 2292(W) of 2013

And

In the matter of:

An application under Article 226 of  
the Constitution of India

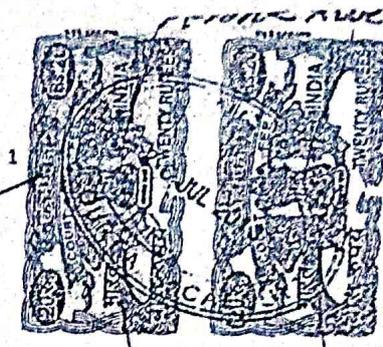
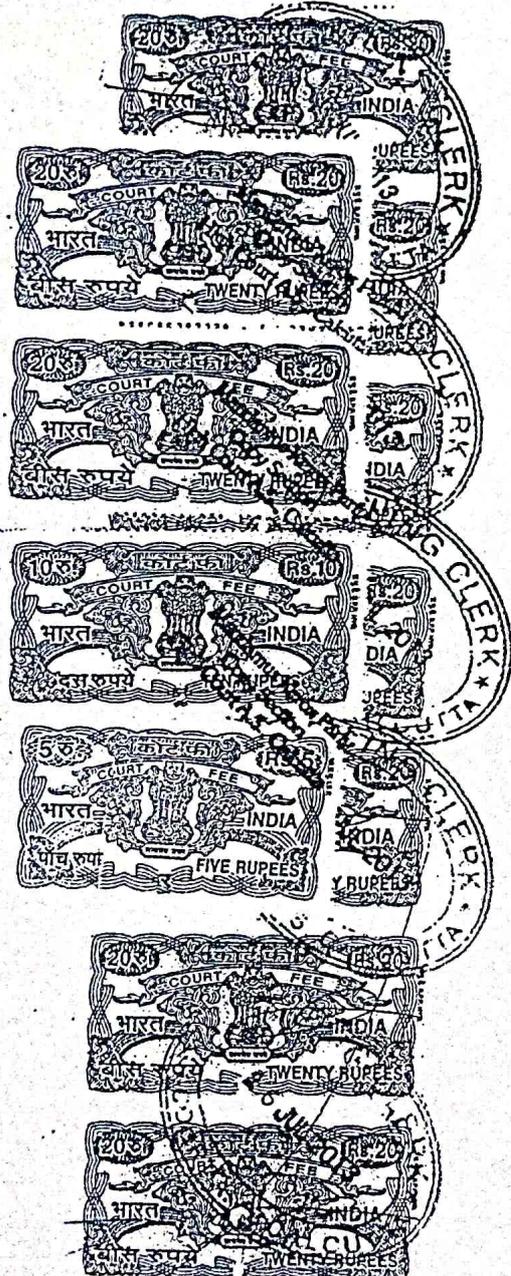
-And-

Public Interest Litigation

-And-

In the matter of:

A writ in the nature of Mandamus  
and/or Certiorari and/or Prohibition  
and/or any other appropriate writ or  
writs, order or orders, direction and  
directions.



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*Handwritten notes:*  
S. M. Hassan  
13/18/18

*Handwritten:* 23/01/19 (2)

*Handwritten:* 25.04.13

*Handwritten signature:* S. M. Hassan

*[Handwritten signature]*

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-AND-

In the matter of :

The West Bengal Value Added Tax  
Act, 2003

-AND-

In the matter of :

Inaction on the part of the respondent  
authorities to take appropriate steps in  
order to strengthen the infrastructure  
for collection of commercial taxes in  
order to stop huge loss of revenue on  
day to day basis.

-AND-

In the matter of:-

- 1. Tapash Chowdhury, son of late  
Suresh Chowdhury, residing at-Malir

*[Handwritten mark]*

Attested  
25.09.13

*[Handwritten signature]*

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Bagan, Sadar Para, Kaikhali, P.S.-  
Airport, Kolkata-700052

2. Sumita Dhar, son of Mrinal Kanti  
Dhar, residing at Kabi Saten Palli,  
P.O. and P.S.-Nimta, Kolkata-  
700049;

3. Sudip Ranjan Hore, son of late  
Subhash Chandra Hore, residing at  
c/o Ranjan Rai Bhowmick, Pal Para,  
Bichitra Sangha Math, P.O.-Chakdah,

fe P.S.-Chakdah, District-Nadia -741222

4. Muhammad Quaiser Jamal, son of  
Late Haider Jamal, residing at  
Kanjilal Para, Aambagan, P.O.-  
Rajarhat, Kolkata-700135

5. Smt. Kalpana Chowdhury, wife of

fe Sri Tapas Chowdhury, residing at

MMK.  
25.09.13

m

Arjun Kumar Choudhury

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Malirbagan, Sardarpara, Kaikhal,  
P.S.-Airport, Kolkata-700052

.....PETITIONERS

-VERSUS-

1. The State of West Bengal,  
service through the Secretary,  
Department of Finance, Government  
of West Bengal, Writers' Building,  
Kolkata-700001;

2. The State of West Bengal,  
service through the Secretary,  
Department of Transport,  
Government of West Bengal, Writers'  
Building, Kolkata-700001;

3. The Senior Joint  
Commissioner, Sales Tax, Central  
Section (Preventive), Kolkata Sales

W  
NNDK  
25-09-13

Bisul Kumar Choudhury

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Tax Building, 14, Beliaghata Road,  
polka Kolkata-700001;

4. The Additional Commissioner  
of Commercial Tax, Central  
section(Preventive), Kolkata Sales  
Tax Building, 14, Beliaghata Road,  
polka Kolkata-700001;

5. The Public Relations Officer,  
Directorate of Commercial Taxes,  
West Bengal Central Section  
(Preventive), Directorate of  
Commercial Taxes, Sales Tax 2nd  
Building 14, Belegkata Road,  
Kolkata=700015

.....RESPONDENTS

To

NTW?  
25.09.13

*Arish Kumar Choudhary*

Filing by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		05.08.2013 Sl. No.6 ad & sd	<p style="text-align: center;">W.P 22992(W) of 2013</p> <p style="text-align: center;">Tapash Chowdhury &amp; Ors. Vs. The State of West Bengal &amp; Ors.</p> <p>Mr. Aniruddha Chatterjee, Mr. Aniket Mitra, Mr. Sukanta Chakrabarty, Mr. Subhasis Dasgupta ..... For the petitioners</p> <p>Mr. Soumitra Mukherjee ..... For the State</p> <p>Heard.</p> <p>The writ petition has been filed by the petitioner by way of public interest litigation in which prayers have been made to direct C.B.I to investigate the matter in order to identify the dealers and the officers/employees of Commercial Tax Department who are indulging/conspiring/abetting/allowing mis-utilization and multiple use of waybill and manipulation of tax invoices which is rampant. Further prayer is made to upgrade the electronically maintained revenue collection machinery and to stop misutilization and multiple use of the waybill and to initiate proceedings for recovery of taxes evaded with penalty and interest against the persons responsible for evasion of tax.</p> <p style="text-align: right;">25.09.13</p>

*Biswajit Kumar Choudhury*

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>It is submitted by the petitioners that no proper checking and verification is taking place at Baravisa, Jalpaiguri and Bozirhat, Cooch Bihar, Ghoshpukur and Bastadingi, Darjeeling Check Posts of Commercial Taxes Department of the State of West Bengal. It is also submitted that under the guide of inter-State trades, goods are being delivered within the State of West Bengal.</p> <p>Petitioners have filed along with the writ petition report of Inspector of Police. E.O.W, C.I.D, West Bengal dated 17.06.2013 address to Inspector General of Police, C.I.D, West Bengal, Bhabani Bhaban, Alipore in which following conclusions have been recorded:</p> <p>"At the end of the enquiry it can be concluded that single Key was used to generate multiple Way Bills with ulterior motive of cheating the Sales tax Department. In respect of all the 86 trucks it is detected that one Dharmendar Singh who is neither an authorized agent of all the concerned parties but acted as authorized agent for the importer of the goods, here it is Surya Alloys Ltd. that Dharmendra Singh was working under the banner of agent G.Prasad (Ganesh Prasad), this agent is also selected by the concerned transporter as per their own desire to get better business. The Taxable amount calculated by the department is bade upon the original vehicles which crossed the border with the authorized waybill, this amount is multiplied with the number of trucks used the same waybill number.</p> <p>This is a serious crime and multiple agencies are involved to evade tax and caused wrongful loss to the State.</p> <p>Now this crime is extended upto Jharkhand and racket is working to commit this type of crime.</p> <p>This is for favour of your kind perusal."</p>

MMK?  
25.09.12

*Biswajit Choudhary*

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Noting by Office of Advocate	Serial No.	Date	Office notes reports, Orders or proceedings with signature
			<p>It was submitted that no action had been taken by the respondents so far on the basis of aforesaid report also. Thus, there is total dereliction of duty.</p> <p>Learned counsel appearing on behalf of the petitioners has referred to a decision rendered by this Division Bench on 15.07.2013 (W.P 19684(W) of 2013) in which certain directions were issued so as to prevent and also to protect the multiple use of the waybill. At that time the report of C.I.D investigation had not been placed before this court. Other aspects have also been pointed out in the petition. Learned counsel appearing on behalf of the petitioners has prayed for C.B.I investigation as there is involvement of the incumbents who are booking goods for State of West Bengal and so called inter-State trade affairs. Thus, it would be appropriate to direct investigation to be made by the C.B.I.</p> <p>Learned counsel appearing on behalf of the State respondent has submitted that at this stage no case is made out so as to direct the investigation to be made by C.B.I. C.I.D has investigated some of the cases and has submitted report that action has to be taken in accordance with law and they are ensuring that under the guise of inter-State trade, no evasion of VAT will take place.</p> <p>We find that even though evasion of tax may be taking place within the State of West Bengal, there is no necessity of directing the investigation to be made by the</p>

17/9/13  
25.09.13

*Bijit Kumar Choudhury*

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Noting by Office or Advocate	Serial No.	Date	Office notes reports. Orders or proceedings with signature
			<p>C.B.I. A person is using the waybill and is sending goods from outside the State to the State of West Bengal, the State Police is competent to look into such offences. In the course of investigation if it is found that waybills are being misused and vehicles are not going across the Border in the so-called inter-State trade and evasion of tax is taking place, obviously, it is incumbent upon the State to check such acts.</p> <p>We have issued the following direction in the writ petition being W.P 19684(W) of 2013 (Biplab Kumar Chowdhury &amp; Anr. vs. The State of West Bengal &amp; Ors.) disposed of on 15.07.2013:</p> <p>"Let State Government effectively make operational electronically maintained revenue collection machinery in order to stop the misutilization and multiple use of the waybill. The operational electronically maintained revenue collection machinery is necessary in order to stop the misutilization and multiple use of the waybill being complained of in several places and on several occasions and it appears that some unscrupulous persons of Commercial Department acts in connivance with such incumbents who are evading taxes.</p> <p>Let State Government maintain in effective manner dates in electronically maintained revenue collection machinery so that waybills are not misutilised and multiple use of waybills is prevented.</p> <p>As representation has been submitted by the petitioners pointing out the reasons of the multiple use of waybills, we direct the Director of Commercial Tax Department to ensure that requisite enquiry is done and it be ascertained whether there is multiple use of waybills on how many occasions and by whom at which places. In case there is misutilization and multiple use of the waybill, let penal action be initiated against such evaders and officials involved in it</p>

M...  
25.07.13

Biplab Kumar Chowdhury

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N370

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>and appropriate proceedings under the Indian Penal Code be initiated against the guilty persons. Apart from that, we further direct that in case on enquiry it is ascertained that there is multiple use of waybill, let thorough enquiry be made in this regard and when it is found that there is multiple use of waybill, let recovery proceedings be started including the penalty and interest. Let requisite enquiry be completed expeditiously.</p> <p>Let all the data of such electronically maintained revenue collection machinery of different places be looked into so as to find out the multiple use of waybill and appropriate action be initiated and in future electronically maintained revenue collection machinery be maintained in such a way so that it totally rules out multiple use of the way bill and such functional machinery and data should be available at the relevant check post. Let the enquiry be completed within a period of four months from today.</p> <p>Let compliance report be filed by the State Government to this court after four months. For this purpose the case be listed.</p> <p>Writ petition is allowed with the aforesaid extent."</p> <p>Let electronically revenue collection machinery system be maintained in such a manner that waybill number used earlier should be available on each and every check post on computerised system so as to effectively check waybill presented to ensure that no 'evasion' of tax takes place.</p> <p>As C.I.D has submitted a report dated 17.06.2013, let appropriate action in accordance with law be initiated against such evader within a period of three months. Let similar action be taken if evasion takes place in future. Let compliance report of the direction issued in this order along with the compliance report of direction</p>

NTB  
25.07.13

*Bisla Ram Choudhary*

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>issued in W.P 19684(W) of 2013 disposed of on 15.07.2013  be filed within a period of three months from date.</p> <p>Writ petition is allowed to the aforesaid extent.</p> <p>For the purpose of compliance report, list this  matter along with W.P 19684(W) of 2013 as ordered in the  aforesaid matter after three months.</p> <p>sd/ Joyimalya Bagchi, J.      sd/ Arun Mishra, C.J.</p> <p>(Joyimalya Bagchi J.)      (Arun Mishra, Chief Justice)</p>

Noted  
25.09.13

*Bisesh Kumar Choudhary*

110



Amn...  
Kolkata  
4 Jul 2013

District : Kolkata

In the High Court at Calcutta  
Constitutional Writ Jurisdiction

Appellate Side

W.P. No. 19624(W) of 2013

In the matter of :  
An application under Article 226 of the  
Constitution of India;

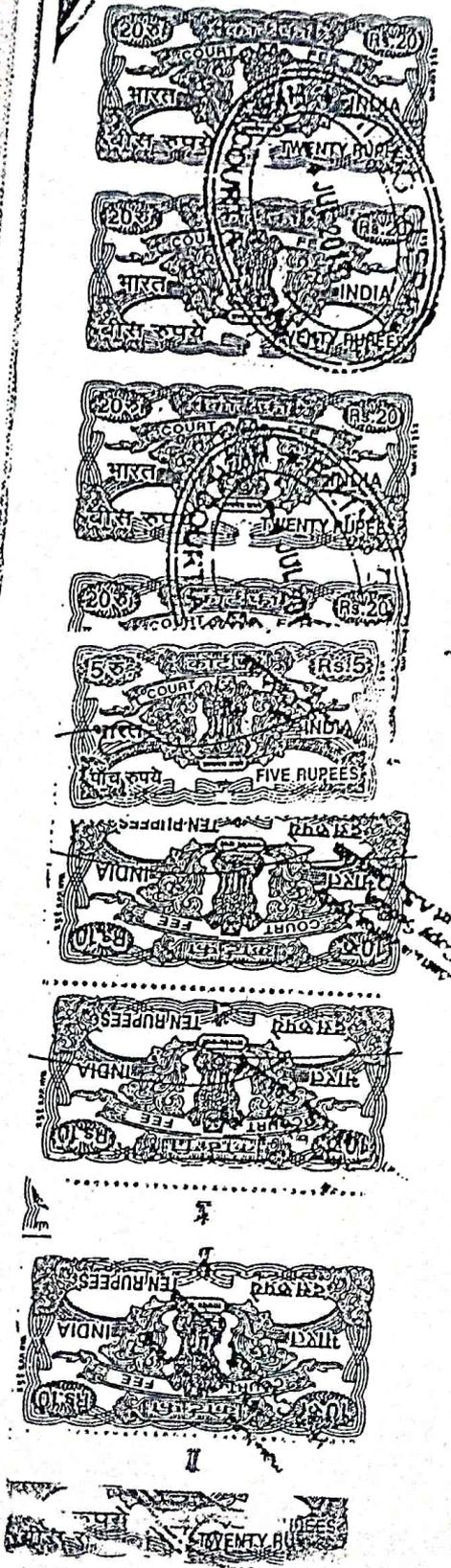
-And-

In the matter of :  
Public Interest Litigation



-And-

In the matter of :  
Writ/Writs in the nature of Mandamus,  
Certiorari, Prohibition and/or any other  
appropriate order/orders, direction/  
directions;



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*Signature*

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-And-

In the matter of :

West Bengal Value Added Tax Act, 2003;

-And-

In the matter of :

Purported inaction on the part of the respondent authorities to take steps to rectify the lacuna in the tax collection machinery namely collection of commercial taxes and to arrest evasion of revenue.

-And-

In the matter of :

- 1) Biplab Kumar Chowdhury, son of Late Birendra Nath Chowdhury, of Purbita, 54, Kabi Sukanta Sarani, Birati, Police Station- Airport, P.S.- Birati, Kolkata- 700 051.

- 2) Munmun Chowdhury, wife of Biplab Kumar Chowdhury of Purbita, 54, Kabi

2

*[Signature]*  
01-08-13

*[Signature]*

83 112

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Sukanta Sarani, Birati, P.S.- Airport, P.S.-  
Birati, Kolkata- 700051.

..... Petitioners

-Versus-

- 1) The State of West Bengal, service through the Department of Finance, Government of West Bengal, Writers Building, Kolkata- 700001.
- 2) Senior Joint Commissioner, Sales Tax, Central Section (Preventive), Kolkata Sales Tax Building, 14, Beliaghata Road, Kolkata- 700015.
- 3) Additional Commissioner of Commercial Tax, Central Section (preventive) Kolkata Sales Tax Building, 14, Beliaghata Road, Kolkata- 700015.

To

..... Respondents

*W/S*  
01.08.17

*Abhishek Kumar Choudhary*

M. 10

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		15.07.2013 Sl. No.1 ad & sd	<p style="text-align: center;">W.P 19684 (W) of 2013</p> <p style="text-align: center;">Biplab Kumar Chowdhury &amp; Anr. Vs. The State of West Bengal &amp; Ors.</p> <p>Mr. Kishore Datta Mr. Aniket Mitra ..... for the petitioners</p> <p>Mr. Bikash Kumar Mukherjee ... for the State</p> <p>The grievance projected in the writ petition is that there is misutilization and multiple use of the waybill.</p> <p>In the writ petition prayer has been made to take steps for upgradation of the electronically maintained revenue collection machinery and stop misutilization and multiple use of the waybill.</p> <p>It is also submitted that employees of the commercial taxes who are indulging/conspiring/abetting/allowing misutilization and multiple use of waybill and thereby there is manipulation of tax invoices.</p> <p>Prayer has been made to take penal action against those who are involved with such acts. Prayer has also been made to initiate the proceedings for recovery of taxes evaded along with realization of penalty and interest.</p> <p>We have heard the learned counsels for the parties at length.</p>

*Sahu*  
01-08-13

*in*

*Biplab Kumar Chowdhury*

85 114

M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>Prayer made for enquiry as well as for effective functioning of electronically maintained revenue collection machinery appears to be appropriate.</p> <p>Let State Government effectively make operational electronically maintained revenue collection machinery in order to stop the misutilization and multiple use of the waybill. The operational electronically maintained revenue collection machinery is necessary in order to stop the misutilization and multiple use of the waybill complained of in several places and on several occasions and it appears that some unscrupulous persons of Commercial Department acts in connivance with such incumbents who are evading taxes.</p> <p>Let State Government maintain in effective manner electronically maintained revenue collection machinery so that waybills are not misutilised and multiple use of waybills is prevented.</p> <p>As representation has been submitted by the petitioners pointing out the reasons of the multiple use of waybills, we direct the Director of Commercial Tax Department to ensure that requisite enquiry is done and it be ascertained whether there is multiple use of waybills on how many occasions and by whom at which places. In case there is misutilization and multiple use of the waybill, let penal action be initiated against such evaders and officials involved in it and appropriate</p>

*Shri*  
21-08-17

*Prabhat Chandra*

86 115

M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>proceedings under the Indian Penal Code be initiated against the guilty persons. Apart from that, we further direct that in case on enquiry it is ascertained that there is multiple use of waybill, let thorough enquiry be made in this regard and when it is found that there is multiple use of waybill, let recovery proceedings be started including the penalty and interest. Let requisite enquiry be completed <i>expeditiously</i><sup>2</sup></p> <p>   Let all the data of such electronically maintained revenue collection machinery of different places be looked into so as to find out the multiple use of waybill and appropriate action be initiated and in future electronically maintained revenue collection machinery be maintained in such a way so that it totally rules out multiple use of the waybill and such functional machinery and data should be available at the relevant check post. Let the enquiry be completed within a period of four months from today.</p> <p>Let compliance report be filed by the State Government to this court after four months. For this purpose the case be listed.</p> <p>Writ petition is allowed with the aforesaid extent.</p> <p>There will be no order as to costs.</p> <p>Let a photostat plain copy of this order countersigned by Assistant Registrar (Court) be given to</p>

*Shri*  
07-08-13

*Shri*

*Pradip Kumar Choudhary*

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Date	Office notes, reports, Orders or proceedings with signature
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Mr. Bikash Mukherjee, learned counsel, appearing on behalf of the State.

*SDP-Joymalya Bagchi, J*

*SDJ- Arun Mishra, CJ*

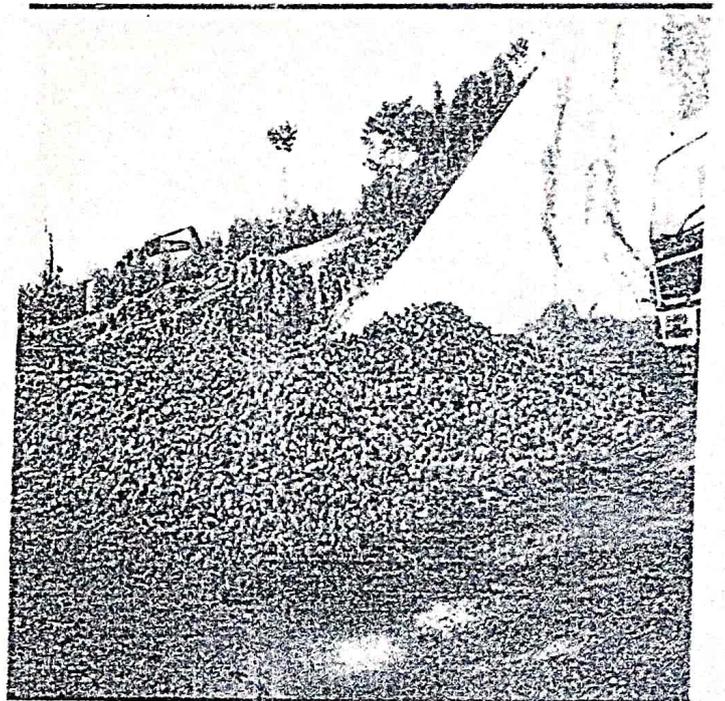
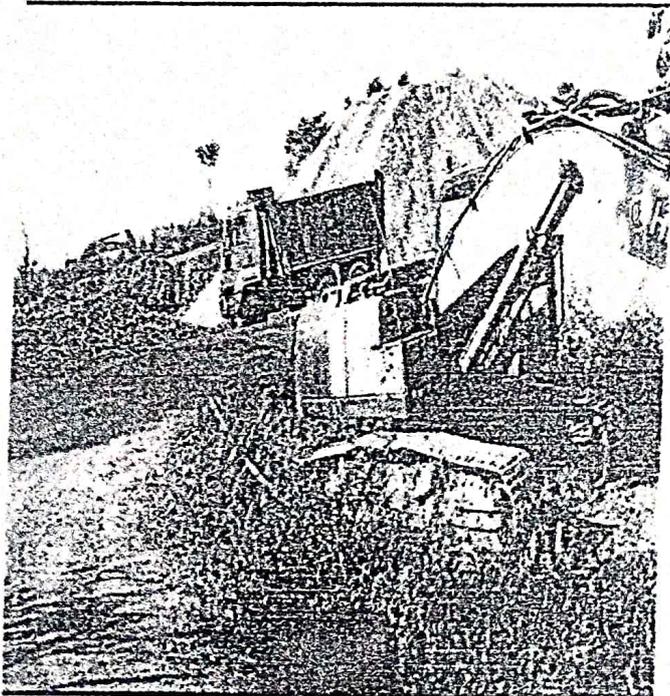
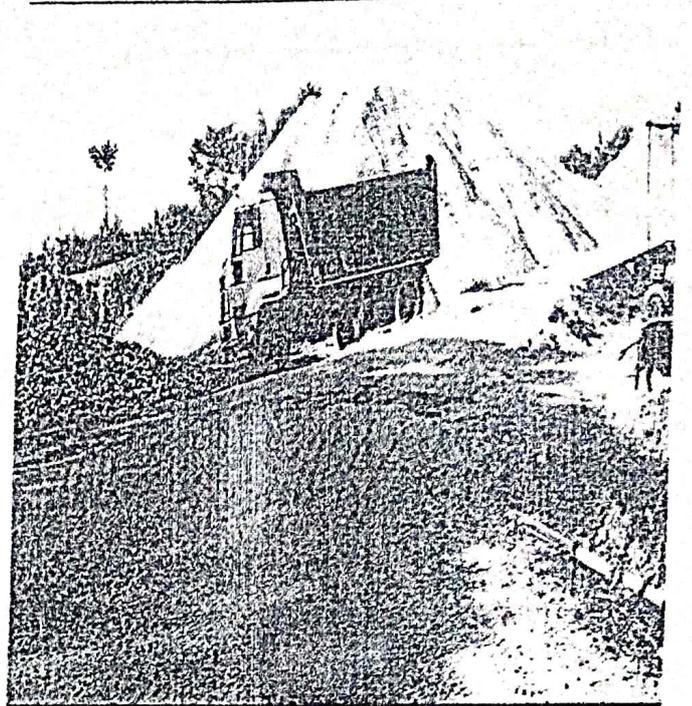
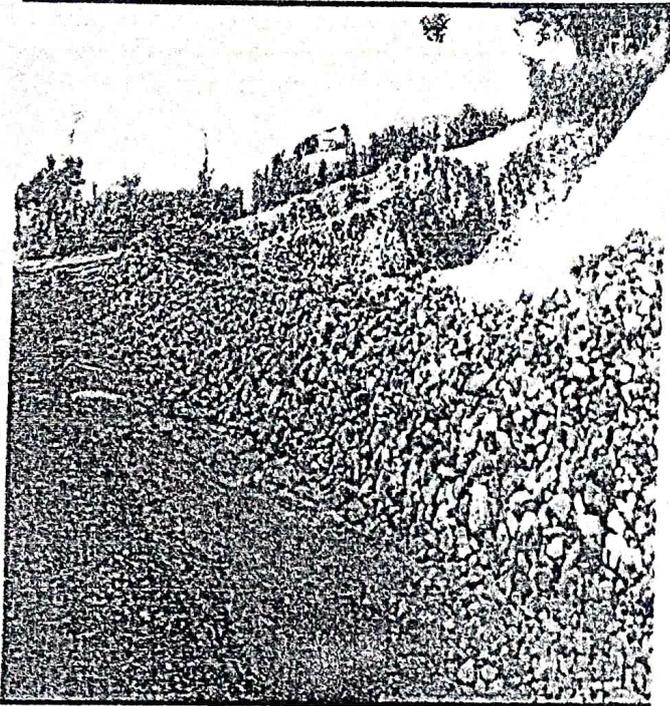
(Joymalya Bagchi J.)

(Arun Mishra, Chief Justice)

*87.08.13*

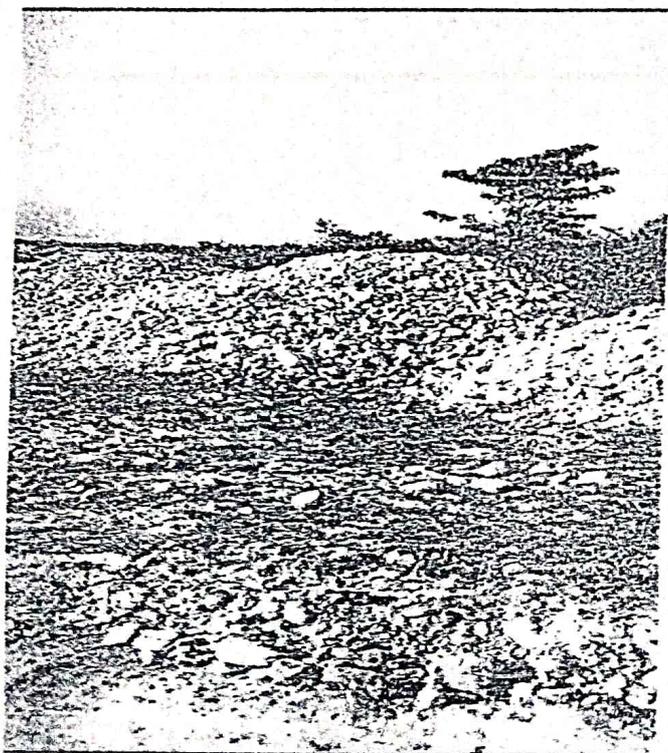
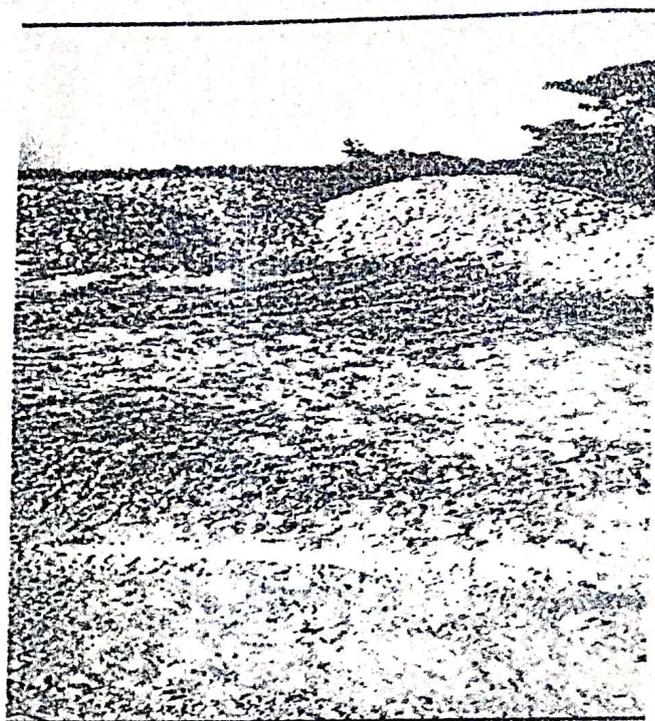
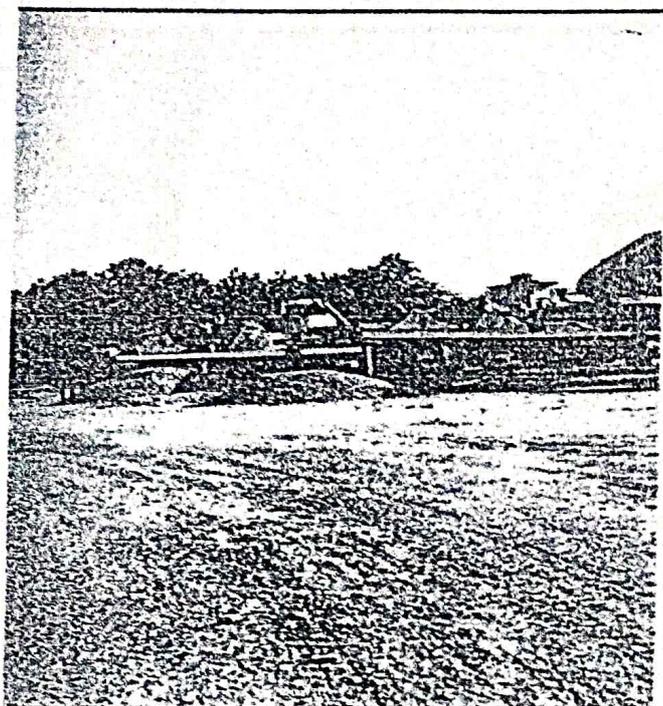
*Bislab Kumar Choudhary*

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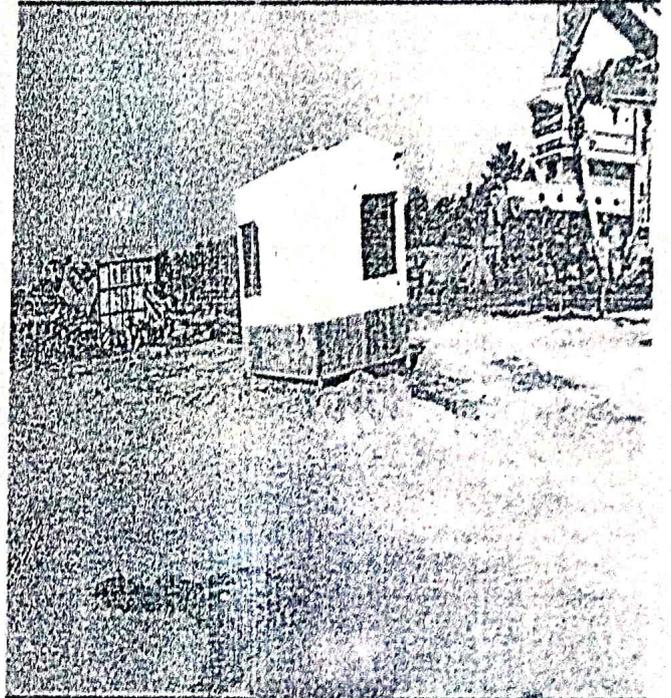
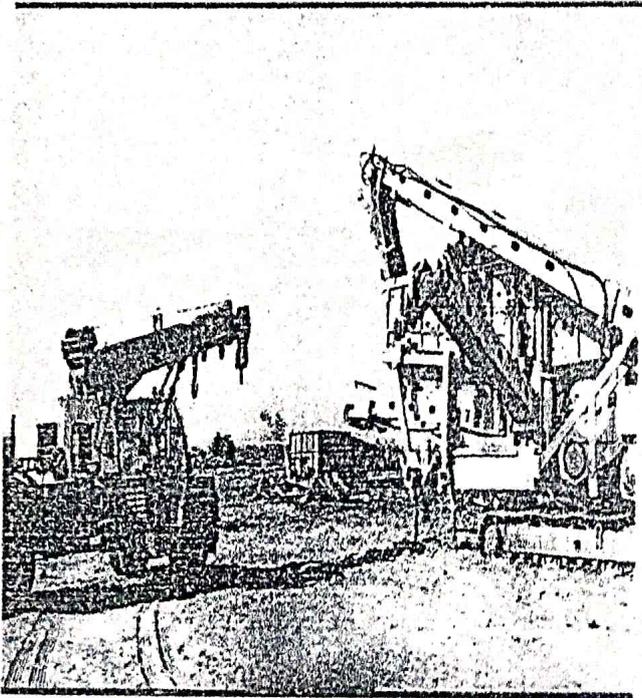
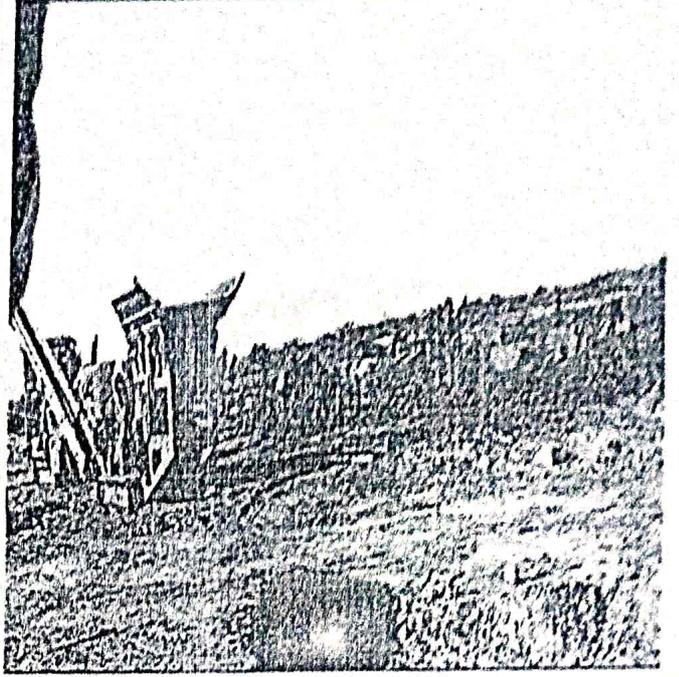
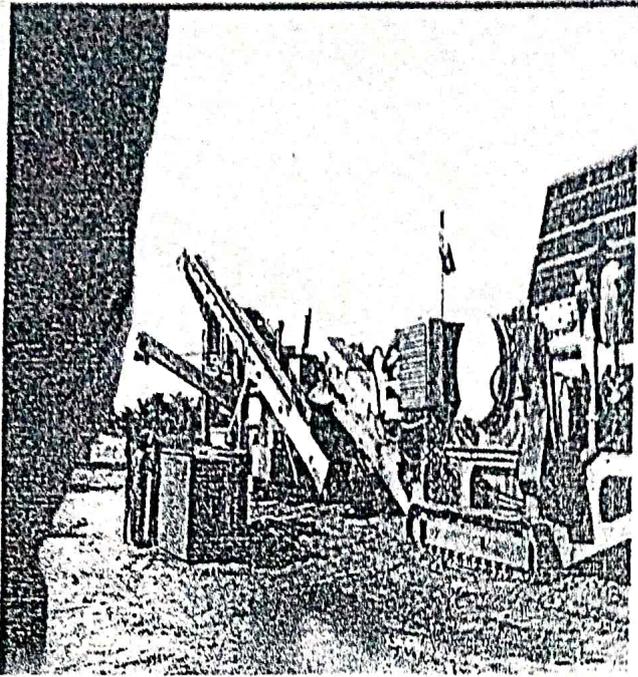
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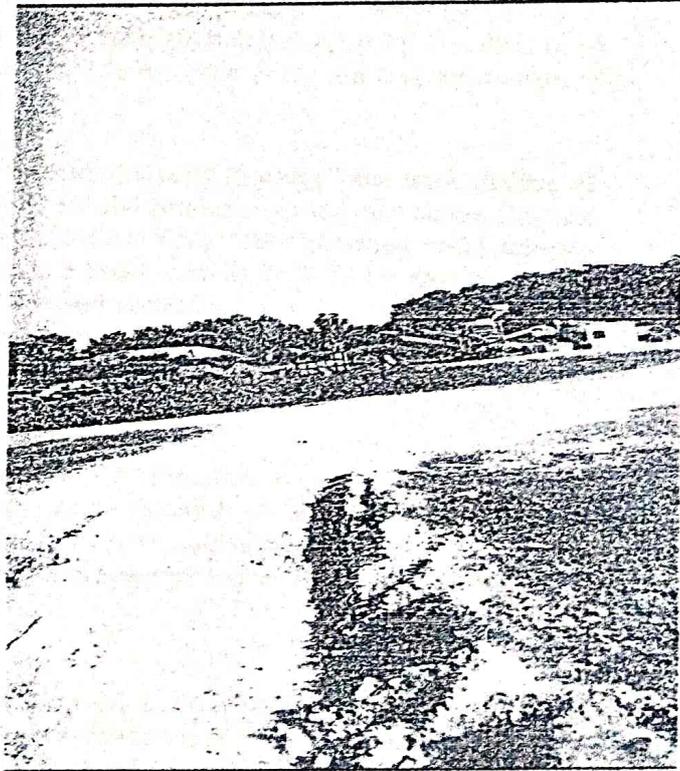
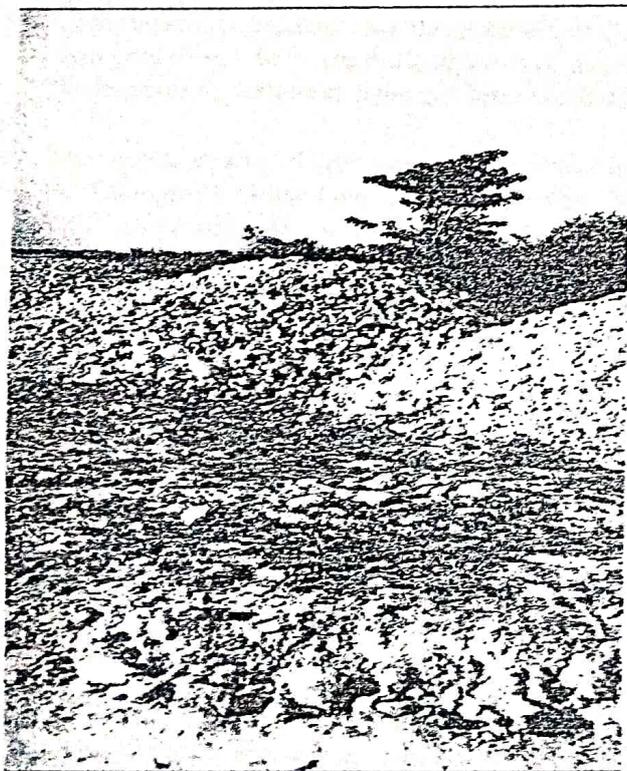
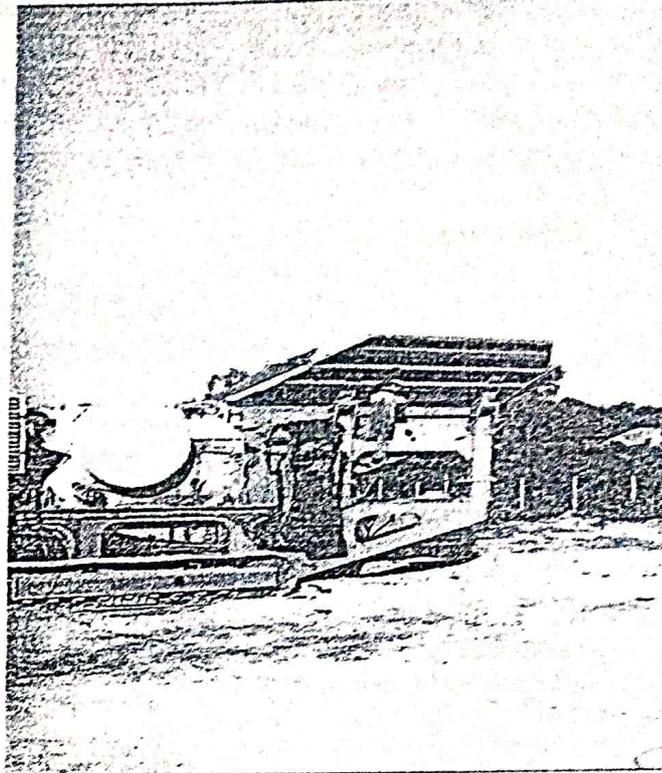
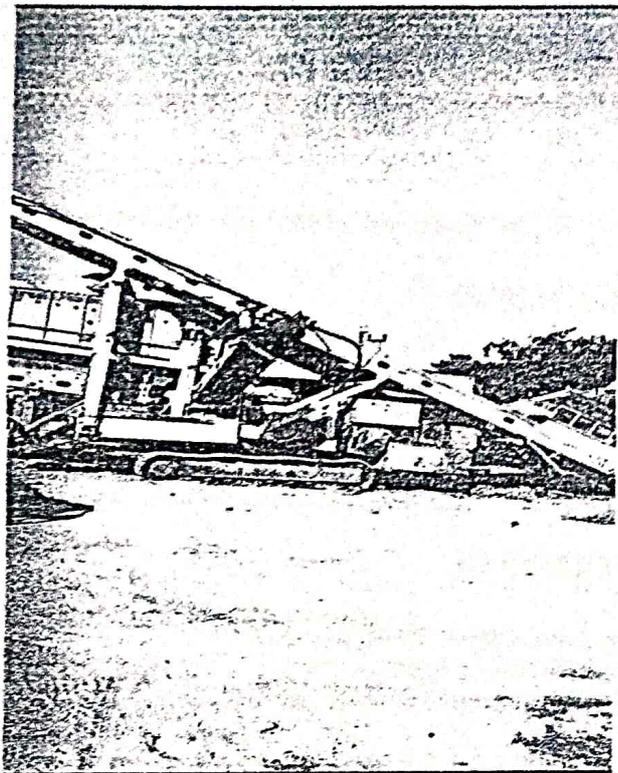
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Blindley

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Annexure B

**WEST BENGAL POLLUTION CONTROL BOARD**  
(Department of Environment, Government of West Bengal)  
Mani Square, Block/Space-8IT  
8<sup>th</sup> Floor, 164/1, Maniktala Main Road, Kolkata - 700 054  
website: [www.wbpcb.gov.in](http://www.wbpcb.gov.in), Tel No. (033) 2320-0042  
e-mail: [net.wbpcb-wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)

Memo No. 5L/WPB-2021/S-2950

Dated: -2022

**PUBLIC GRIEVANCE CELL**

Complainant (s)	Respondent (s)
Biplab Kumar Chowdhury	M/s Larsen & Toubro Limited (Stone Crusher) M/s Simplex Infrastructure Limited (Stone Crusher)
Date: 10-02-2022	Time: 1:45 PM.

**RECORD OF PROCEEDINGS**

Mr. Biplab Kumar Chowdhury, complainant, appeared in person. Mr. Abinash Sahoo, representative of M/s Larsen & Toubro Limited (Stone Crusher), appeared. Nobody appeared on behalf of the M/s Simplex Infrastructure Limited (Stone Crusher).

This is a complaint against two stone crushing units allegedly encroaching a river and operating without relevant licenses.

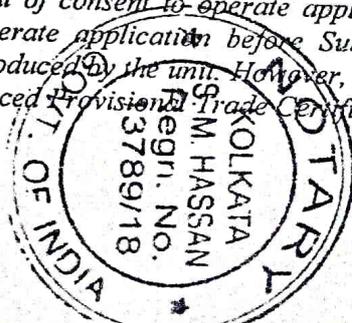
Complainant submitted that the riverbed of Raidak II has been encroached upon by installation of stone crushers which are utilized to crush the riverbed stone into smaller ones and that permission of the relevant departments have not been obtained.

The representative of M/s Larsen & Toubro Limited submitted a copy of provisional trade license of the Chengmari Gram Panchayet for the year 2021-2022 for the profession/trade of "Stone Crusher Mill" and a copy of consent to operate of the State Board dated 05/01/2022 obtained under Orange category from the SDO, Alipurduar Sub-Division which is valid upto 04.01.2026. He also submitted that M/s Larsen & Toubro Limited does not extract riverbed materials on its own but procures the same from other parties. A copy of *Environment Clearance* certificate dated 22/09/17 issued to Mr Dilip Kumar Das by the *District Level Environment Impact Assessment Authority, Alipurduar* for extraction of river materials from was submitted.

Officials of Siliguri Regional Office, WBPCB previously caused an inspection on 04/01/2022 wherein it was observed that both the units have obtained consent to establish (NOC) of the State Board through SDO, Alipurduar Sub-Division and that both the units have applied for renewal of consent to operate application. Other Relevant information given in the inspection report is reproduced below:

**"Status of statutory clearance of the unit:**

Both the units have obtained consent to establish (NOC) through SDO, Alipurduar Sub-Division. M/s Simplex has applied for renewal of consent to operate application and M/s Larsen & Toubro has applied for first consent to operate application before Sub-Divisional Officer, Alipurduar, as it apparent from the documents produced by the unit. However, none of the unit could produce EC. M/s Larsen & Toubro has also produced Provisional Trade Certificate issued by the Pradhan, Chengmari Gram Panchayet.



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-2-

**Observation:**

It is observed that two Stone Crushing units are operating there at the site near the river Raidak-II. One is of M/s Larsen & Toubro Ltd. and another is M/s Simplex Infrastructure Ltd. M/s Larsen & Toubro is having two Jaw Crushers (one is under installation) installed at a distance of 150m approx. from the river embankment and M/s Simplex Infrastructure Ltd. is next to that, having one Jaw Crusher. Raw materials, stone chips and fines are found to be heaped in and around the Crusher and segregating screen area, as well as in the entire area under their respective occupancy. M/s Larsen & Toubro has erected barbed wire fencing in the river side to demark their occupancy.

No other Stone Crushing unit could be noted in the visible vicinity. Neither, any river bed excavation activity, nor any machine on the river bed could be noted during inspection.

**Remarks:**

It is learnt from the office of the BL&LRO that both the units are established in Mouza-Dakshin Chengmari only, adjacent to Himaguri Mouza. It is also apparent from the consent to establish that permission (NOC) issued by S.D.O, Alipurduar at mouza-Dakshin Chengmari"

M/s Simplex Infrastructure Limited (Stone Crusher) has subsequently submitted a copy of consent to operate of the State Board dated 05/01/2022 obtained under Orange category from the SDO, Alipurduar Sub-Division which is valid upto 24.09.2026.

Considering the overall scenario, the inspection report of the State Board official and the submissions of the complainant and respondent, M/s Larsen & Toubro Ltd (Stone Crusher) and M/s Simplex Infrastructure Limited (Stone Crusher) are hereby directed to strictly comply with the terms and conditions as enumerated in the "Consent to Operate" certificate of the State Board, ensure extraction of riverbed materials through agencies having environment clearance of the Environment Impact Assessment Authority and fulfill other statutory obligations that may be required to run its stone crushing activity.

The District Land & Land Reforms Officer, Alipurduar & The Sub-Divisional Officer, Alipurduar are requested to kindly advise their good offices to verify whether other applicable licenses/clearances of the relevant Govt. authority have already been obtained or not by the respondent units for stone processing activity.

The Officer in Charge, Kumargram Police Station is requested to oversee the compliance of this order. In case of any violation of this order, he is at liberty to take necessary action in accordance with law.

Sd/-  
( Dr. D. Chakraborty )  
Sr. Scientist & Incharge, P.G. Cell

Sd/-  
( B. Majumdar )  
Environmental Engineer

Sd/-  
( S. Saren )  
Asst. Environmental  
Engineer

Sd/-  
( M. Bandyopadhyay, WBHJS )  
Dist. Judge (Retd.)

94 123

-3-

Memo No. 223-5L/WPB-2021/S-2950  
(3)

Dated: 24-02-2022

Copy forwarded to:-

1. M/s Larsen & Toubro Limited (Stone Crusher), PO: Hemaguri, PS: Kumargram, Dist: Alipurduar, Pin: 736203, West Bengal.
2. M/s Simplex Infrastructure Limited (Stone Crusher), PO: Hemaguri, PS: Kumargram, Dist: Alipurduar, Pin: 736203, West Bengal.
3. Mr. Biplab Kumar Chowdhury, 108, M.B. Road, Purbita, Sukanta Sarani, P.S.: Airport, Dist: North 24 Parganas, Pin: 700051, West Bengal.
4. The District Land & Land Reforms Officer, Alipurduar, Alipurduar, Near Parade Ground field, Alipurduar, West Bengal 736121
5. The Sub-Divisional Officer, Alipurduar, Near Parade Ground field, Alipurduar, West Bengal 736121
6. The Officer in Charge, Kumargram Police Station, Thana Para Road, Kumargram, West Bengal 736203.
7. The Joint Director (P & S), Directorate of Micro, Small & Medium Enterprises, New Secretariat Buildings, 9th. Floor, A-Block, 1, Kiran Shankar Roy Road, Kolkata-700001. He is requested to circulate this Memo. through his good office to the concerned General Manager of the District Industries Centre, for taking necessary action, if any.
8. Chief Engineer (O & E Cell), WBPCB.
9. Chief Engineer (EIM Cell), WBPCB
10. The Environmental Engineer & In charge, Siliguri Regional Office, WBPCB.
11. The P.A. to the Member-Secretary, WBPCB.
12. Guard File.

Environmental Engineer, P.G. Cell,  
W. B. Pollution Control Board

95 124

All Communication  
to State Board  
should be  
addressed with  
Number Date and  
Subject.



**WEST BENGAL POLLUTION CONTROL BOARD**  
(Department of Environment, Government of West Bengal)  
Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar, Kolkata -106  
(Near Beliaghata & E.M. BY PASS Crossing),  
Ph.: (033)2335 9088 / 8212, Fax: (033)2335-5272  
Internet: www.wbpcb.gov.in, Email:wbpcbnet@cal3.vsnl.net.in.

Memo No.

-PG/LD/03/2020

Date : / /

To  
The Block Development Officer  
Kumargram Block  
Kamakhyaguri, Dist.- Alipurduar, Pin 736 202.

Sub: Complaint against Mr. Subhrajit Sarkar(Habul) & others regarding installation of a stone crushing machine on the river bed of Raidhak-II river for extraction of stone and other materials lying in the river bed under Mouza-Himaguri, PS- Kumargram, Kamakhyaguri, Dist.- Alipurduar allegedly without permission of local authority.

Sir,

Please find enclosed a complaint petition received by the State Board from Mr. Biplab Kumar Chowdhury, 108, M.B. Road, Purbita, Sukanta Sarani, PS- Airport, Birati, Kolkata 700 051 against Mr. Subhrajit Sarkar(Habul) & others regarding installation of a stone crushing machine on the river bed of Raidhak-II river for extraction of stone and other materials lying in the river bed under Mouza-Himaguri, PS- Kumargram, Kamakhyaguri, Dist.- Alipurduar allegedly without permission of local authority.

You are requested to kindly advise your good office to examine the contents of the complaint with due importance and take necessary action from your end as per the relevant provisions of Municipal Acts & Rules under intimation to the State Board and to the complainant.

Yours faithfully,

Sd/-

Senior Scientist & Incharge  
Public Grievance Cell

Enclo : As stated.

Memo No. 1151 -PG/LD/03/2020

Date : 22/12/21

Copy forwarded for information to:

1. Mr. Biplab Kumar Chowdhury, 108, M.B. Road, Purbita, Sukanta Sarani, PS- Airport, Birati, Kolkata 700 051.
2. Environmental Engineer & In Charge, Siliguri Regional Office, Paribahan Nagar, PO: Matigara, Siliguri, Darjeeling, Pin 734 010.

Senior Scientist & Incharge  
Public Grievance Cell

96 125

Government of West Bengal  
Land & Land Reforms and Refugee, Relief & Rehabilitation Department  
Section:- I.R/A-II ; Branch:- Mines & Mineral  
Nabanna, 325, Sarat Chatterjee Street  
P.O- Shibpur; Howrah-711 102.

No. 2724- M&M/2P - 6/2017

Date :03.12.2021

From:- The Deputy Secretary to the Government of West Bengal.

To:- The ADM&DL&LRO, Alipurduar

Sub.-Complaint against encroachment of river bed and installation of stone crushing machine.

Sir,

I am directed to forward herewith a copy of petition received from Sri Biplab Kumar Chowdhury, Kolkata-700 051, which is self-explanatory and request you kindly to enquire into the matter and take necessary action, if any, under intimation to this department at the earliest.

Encl: As stated above.

Yours faithfully,

Sd/-

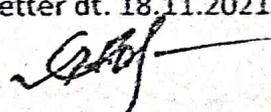
Deputy Secretary to the  
Government of West Bengal.

No. 2724/1(2) - M&M/2P - 6/2017

Date : 03.12.2021

Copy forwarded for information to:-

1. The Director, WBMDTCL, WBIDC Building, 3<sup>rd</sup> Floor, DJ - 10, DJ Block, Sector-II, Salt Lake, Kol - 91.
2. ✓ Sri Biplab Kumar Chowdhury, 108, M.B. Road, Purbita, Sukanta Sarani, P.S.- Airport, Birati, Kolkata-700 051 with reference to his letter dt. 18.11.2021.

  
Deputy Secretary to the  
Government of West Bengal.

97 126

All Communication to State Board should be addressed with Number Date and Subject.



WEST BENGAL POLLUTION CONTROL BOARD  
(Department of Environment, Government of West Bengal)  
Paribesh Bhawan, 10A, Block LA, Sector III, Bidhannagar, Kolkata 700 (Near Beliaghata & E.M. BY PASS Crossing).  
Ph.: (033)2335 9088 / 8212, Fax: (033)2335-5272  
Internet: www.wbpcb.gov.in, Email:wbpcbnet@cal3.vsnl.net.in

Complain Docket No. PCB5075

Memo No. 0401-5L/WPB-2021/S-2950

Dated: 31-01-2022

To  
Simplex Infrastructure Limited (Stone Crusher)/Larsen & Toubro Limited(Stone Crusher)  
PO: Hemaguri, PS: Kumargram,  
Dist: Alipurduar, Pin: 736203,  
West Bengal.

Sub: Complaint related to Environmental Pollution

Sir/Madam,

Take notice that a complaint has been lodged against you/your unit/establishment for causing environmental problems.

Therefore, you are hereby informed to appear before the hearing officer of State Board on 10-02-2022 at 01:45 PM at Mini Square, Block/Space-8 IT on Western Side of 8th Floor, 164/1 Manicktala Main Road, Kolkata-700054, with all statutory licenses including consent of the State Board, if any and status of Pollution Control System.

In case of non-appearance, the State Board may issue necessary regulatory order and take legal step against you/your unit/establishment considering the records kept and maintained by the State Board without any further notice.

Sd/-

Sr.Scientist

In-Charge - Public Grievance Cell

Memo No. 0401-5L/WPB-2021/S-2950

Dated: 31-01-2022

Copy forwarded to:

1. Biplab Kumar Chowdhury  
108, M.B. Road, Purbita, Sukanta Sarani,  
PS: Airport, Dist: North 24 Parganas, Pin: 700051,  
West Bengal.

He/She/They is/are requested to remain in the hearing on the date and time mentioned above or send an authorized representative for the purpose.

Sr.Scientist

In-Charge - Public Grievance Cell

N.B

In view of the Covid-19 Pandemic, only two persons per party is permitted. Complainants and respondents shall wear masks, gloves, face shields and other protective equipments in keeping with the guidelines of the Govt. of West Bengal regarding prevention of spread of Covid-19.

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

R.A. NO. 109/2016/EZ  
IN  
O.A. No. 59/2015/EZ

STATE OF WEST BENGAL THROUGH  
THE SECRETARY, DEPTT. OF COMMERCE & INDUSTRIES  
VS  
BIPLAB KUMAR CHOWDHURY

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicants in RA : Mr. Amitesh Banerjee, Advocate  
Mr. Bikas Kargupta, Advocate  
Original applicant : Mr. Sakabda Roy, Advocate  
Respondent No.1 : Mr. Sibojyoti Chakraborty, Advocate  
Respondents No.3-6 & 8 : Mr. Bikash Kargupta, Advocate (In o.a.)

Date & Remarks	Orders of the Tribunal
Item No. 1 & 2 9 <sup>th</sup> August, 2016.	This Review application is ostensibly directed against the order dated 19.04.2016. In which it had been observed by us that the State respondents had not complied with the directions contained in our order dated 09.09.2015 whereby we had reminded the State Government of an order of the Principal Bench restraining illegal mining operation and removal of sand from the river banks anywhere in the country without Environment Clearance from MoEF/SEIAA, as the case may be. In the application, essentially the

only ground set out for the review is that considering the fact that the State had introduced several amendments to the West Bengal Minor Mineral Concession Rules, 2002 in consonance with the directions issued in *Deepak Kumar Vs. State of Haryana (2012)4 SCC 629* which the Tribunal had failed to note of, the impugned order was bad and, therefore, if the order was allowed to prevail, the entire sand mining operation will come to a standstill resulting in a complete halt of all public works.

It may be relevant to note that O.A.No.59 of 2015 from which this R.A. emanated, was preferred on the allegation of widespread illegal mining operations being carried out in the river Teesta and its tributaries situated in the district of Jalpaiguri. The order of the Principal Bench of National Green Tribunal dated 5.08.2013 in *O.A. No.171 of 2013 (NGT Bar Assn. Vs. MoEF & Ors.)* was mentioned incidentally while the order of injunction dated 9<sup>th</sup> September, 2015 restraining illegal mining of sand from the bank and

river bed of the Teesta river and its tributaries in the District of Jalpaiguri. It is contended that as a consequence of the impugned order virtually all sand mining operations in the State has ceased to operate giving rise to delay in Governmental project.

Mr. Amitesh Banerjee, Id. Senior Advocate appearing with Mr. Bikash Kargupta, Id. Govt. Counsel, for the State of West Bengal, i.e., Respondent No.5, viz., Secretary, Irrigation & Waterways Deptt. the Dist. Land & Land Reforms Officer, i.e., Respondent No. 4 and the Chief Secretary, Govt. of West Bengal as well as the Department of Commerce and Industry, Govt. of W.B., submits that the State Government has by notification dated 29<sup>th</sup> July, 2016 published the West Bengal Minor Minerals Concession Rule, 2016 in terms of the directions of the Hon'ble Supreme Court in *Deepak Kumar's Case*. The Id. Senior Counsel re-emphasizes what have been stated in the affidavit of the Joint Secretary, Irrigation and Waterways Deptt, Govt. of West Bengal and submits that even before

publication of the 2016 Rules, Government had substantially complied with the direction passed in *Deepak Kumar's Case* by bringing appropriate amendments to the extant Rules.

In the supplementary affidavit filed on behalf of Joint Secretary, Ministry of Commerce and Industries, Govt. of West Bengal, the various facts indicating the peculiarity of the sand mining operation in the State has been set out. It is stated that the miners who have been granted leases belong to the weaker sections of the society and are mostly on short time basis and that the areas so leased out are very small. It is also stated that the embargo imposed on the operation of the sand mining would deprive such small time sand miners of their livelihood and also adversely affect the development of the State.

Considering the fervent plea of Mr. Banerjee, we have heard this matter on several dates to examine as to whether any relaxation could be granted to the State.

It is also of pertinence to note that the application for review is obviously barred by time as essentially it seeks to review our directions contained in the order dated 09.09.2015 in the garb of assailing the order dated 19.04.2016 which was passed only as a reminder to the State of our order dated 09.09.2015.

We also have serious reservation on the question as to whether the application for review satisfies the requirements of Order 47 Rule 1 of the CPC.

Despite such infirmities, we have taken up the matter for consideration in view of the impassioned plea raised on behalf of State seeking relaxation of the embargo in public interest.

On the last date we had requested the Id. Senior counsel to examine as to whether we can exercise our powers u/s 151 CPC in the given circumstance. Today Mr. Banerjee has referred to paragraph 4.3 of the recommendations of the MoEF in its report dated 29.1.2010 discussed in para 19 in *Deepak Kumar's case*.

We are, however, unable to agree with the

suggestion that the above would come in aid of the State. Para 4.3 referred to by Mr. Banerjee dealt with the subject "Period of mine lease" and was discussed in the context of the necessity to maintaining uniformity in the period lease and the undesirability of granting short term lease. It was then recommended that the period of lease should be 5 years and under exceptional circumstances arising due to judicial interventions, short term mining leases/contracts could be granted to the State agencies to meet the situation arising therefrom. The concluding paragraphs in Deepak Kumar's case (supra) sets at rest any doubt on that question where it has been held as under:-

*"27. The State of Haryana and various other states have not so far implemented the above recommendations of MoEF or the guidelines issued by the Ministry of Mines before issuing auction notices granting short-term permits by way of auction of minor minerals boulders, gravel, sand, etc., in the riverbeds and*

elsewhere of less than 5 ha. We, therefore, direct all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its Report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.

28. The Central Government also should take steps to bring into force the Minor Minerals Conservation and Development Rules, 2010 at the earliest. The State Governments and UTs also should take immediate steps to frame necessary rules under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 taking into consideration the recommendations of MoEF in its Report of March 2010 and model guidelines framed by the Ministry of Mines, Government of India. Communicate the copy of this order to MoEF, Secretary, Ministry of Mines, New Delhi;

Ministry of Water Resources, Central Government Water Authority, the Chief Secretaries of the respective States and Union Territories, who would circulate this order to the Departments concerned.

29. We, in the meanwhile, order that leases of minor minerals including their renewal for an area of less than five hectares be granted by the States/Union Territories only after getting environmental clearance from MoEF. Ordered accordingly."

Our attention is then drawn to Section 148 of the CPC providing for enlargement of time where any period is fixed or granted by the Court for the doing any act prescribed or allowed by the Code.

Section 148, in our view, would also not apply in the present case. Assuming that the provision is applicable, then in that case the time in the present case having been fixed by the Hon'ble Supreme court, enlargement of time can only be granted by the

Hon'ble Supreme court and certainly not us.

We have gone through the decision of the Principal Bench, NGT in *Himmat Singh Shekhawat's* case in O.A. No. 23 of 2014 and M.A. No. 419 of 2014 in which by judgment dated 13.01.2015, larger Bench of the Tribunal headed by the Hon'ble Chairperson disposed of a large number of cases dealing with the very subject matter which is in lis before us. Without going much into the facts and circumstances discussed in the judgment in *Himmat Singh case*, it will be sufficient to state that in that case it has been held that notifications and Acts are prospective as they do not abolish or impair any vested right under the existing laws and that the new laws imposed new obligations without taking away the vested right. It has also been held that although the activity under the old law is not prohibited, the new law on that would certainly require compliance and that all that the law would require is to give some reasonable time to comply with the requirements of law wherever a specific time is not

provided under the act or the notification. However, while allowing such time, direction XII under para 83 of *Himmat Singh's case* the Principal Bench has clearly stipulated as under:-

*" In the meanwhile, no State shall permit carrying on of sand mining or minor mineral extraction on riverbed or otherwise without the concerned person obtaining Environmental Clearance from the competent authority."*

In other words, while allowing time to comply with the requirements of the new law, no permit can be granted to carry on with the mining of sand until the clearance required thereunder is obtained from the competent authority.

In view of the facts and circumstances and the parameters laid down by law by the Hon'ble Supreme Court as well as the Principal Bench in *Himmat Singh's* case, we do not think that there is any scope for us to accede to the prayer made by the State to permit them to allow the existing sand mines to run until the new

rules are complied with.

Of course, it is noticed that the State has at last come up with the amended West Bengal Minor Mineral Concession Rules, 2016 in compliance to the directions of the Hon'ble Supreme Court in *Deepak Kumar's case*. In this regard it may be relevant to note that the judgment in *Deepak Kumar's case* was pronounced by the Hon'ble Supreme Court on 27.02.2012. In paragraph 27 of the judgment it has been clearly directed that all States, Union Territories, MoEF and the Ministry of Mines shall give effect to the recommendations made by MoEF in its report of March 2010. It is an admitted position that the State was informed about decision by the MoEF on 18.05.2015. Obviously, therefore, there has been inordinate delay in the compliance of the direction, which is more than four years. Perhaps, it is necessary for the State to inquire as to how the delay has taken place. We, however, do not intend to pass any direction on this.

For the aforesaid reasons, we direct that the

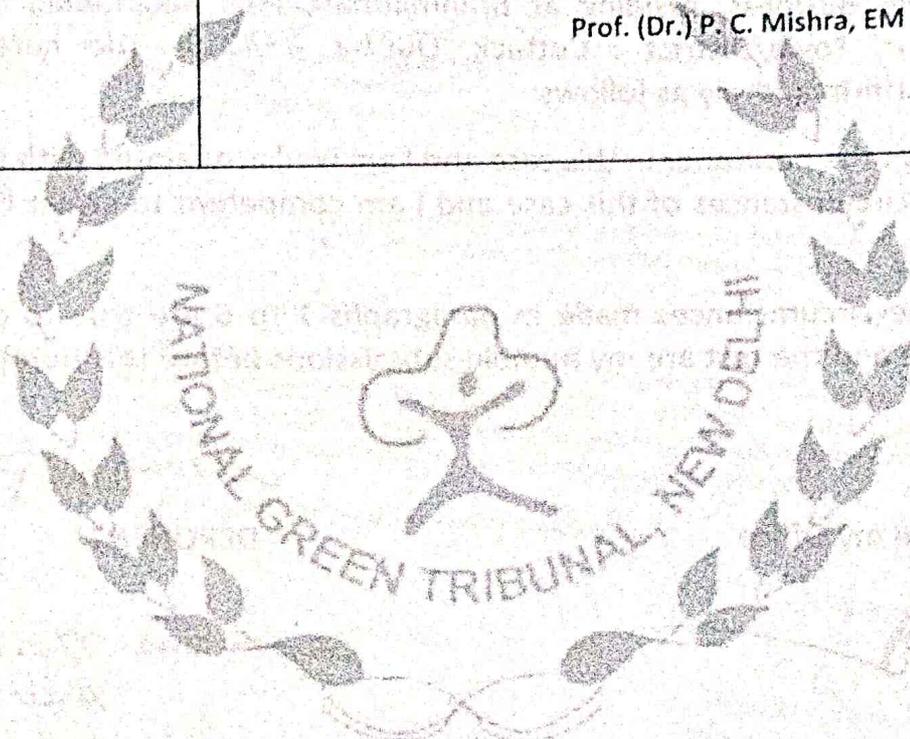
State Respondents shall comply with the directions in *Deepak Kumar's case*. The entire exercise to bring the existing sand mines under the new rules shall be completed within a period of three months. In the meanwhile, in pursuance of the direction of the Hon'ble Supreme court in *Deepak Kumar's Case* and that of the Principal Bench, NGT in *Himmat Singh's Case*, the State respondent shall not permit sand mining operations to carry on in the river bed or otherwise without obtaining EC.

The Compliance report shall be submitted to us by the State after three months i.e., 10<sup>th</sup> November, 2016.

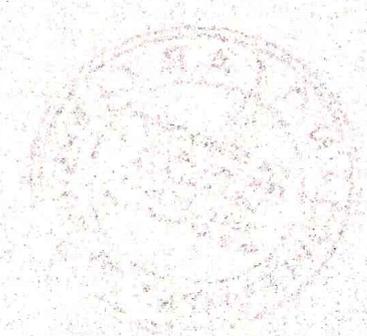
In the event the State complies with the direction earlier, they are at liberty to submit the report in advance.

We also permit the state Respondents to allow transportation of the sand extracted thus far but prohibit any fresh extraction.

	<p>With this direction and observations both R.A. as well as O.A. stand disposed of.</p> <p>.....</p> <p>Justice S.P.Wangdi, JM</p> <p>.....</p> <p>Prof. (Dr.) P. C. Mishra, EM</p>
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उत्तराखण्ड राज्य सरकार  
मुख्य मंत्री का कार्यालय  
श्री 100, शांति नगर  
देहरादून, उत्तराखण्ड  
सि. 248 001



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Government of West Bengal  
Office of the District Magistrate & District  
Land & Land Reforms Officer, Purulia

Memo.no.V- Misc / 1198 / C&U/17

Dated: 12/04/17

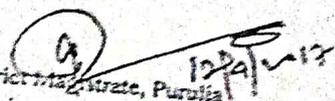
To  
The Joint Secretary  
to the Government of West Bengal  
Department of Large Industries and  
Enterprises (C & I), Mines Branch  
4, Abanindra Nath Tagore Sarani, Calcutta-16.

Sub. : Compliance report in connection with NGT order dated 9.8.2016.  
Ref. : Your memo no. 212-CI/OMIN/MNM-Gen/C&U/01/2016 dt.22.3.17.

Sir,  
With reference to the above, this is to state that in compliance of the order of the Hon'ble NGT dated 9.8.2016 in the matter of the State of West Bengal -Vs- Biplab Kr. Chowdhury in P.A. No. 109/2016/EZ in O.A. No. 59 of 2015/EZ, no riverbed mining including sand is running in the District of Purulia without Environmental Clearance Certificate issued by the appropriate authority.

This is for your kind perusal and taking necessary action.

Yours faithfully,

  
District Magistrate, Purulia  
and Chairperson, DEIAA, Purulia



Annexure - B

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Item No.04

Court No.1

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

Original Application No.72/2022/EZ

Biplab Kumar Chowdhury

Versus

Applicant(s)

West Bengal Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 01.05.2023

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

For Applicant(s) : None

For Respondent(s): Mr. Prithwish Basu, Adv. for R-1 & 2,  
Mr. Sudip Kumar Dutta, Adv. for 3,4,5,6,7,8,9,10,11 & 12,  
Ms. Nafisa Yasmin, Adv. for R-13 (in Virtual Mode),  
Mr. Snehasish Sen, Adv. for R-14 (in Virtual Mode),  
Mr. Dipanjan Ghosh, Adv. for R-15,  
Ms. Rashmi Singhee, Adv. for R-16 (in Virtual Mode)

**ORDER**

1. No one is present on behalf of the Applicant although the name of Mr. Rokon Ali Molla, Mr. Sayan Chattopadhyay and Mr. Raunak Majumdar, are printed in the cause-list.
2. Affidavit dated 29.03.2023 has been filed by Respondent No.16, Ministry of Environment, Forests and Climate Change; the same is taken on record.

.....  
**B. Amit Sthalekar, JM**

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

May 1<sup>st</sup>, 2023  
Original Application No.72/2022/EZ  
MN

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

Original Application No.72/2022/EZ

**IN THE MATTER OF: -**

**BIPLAB KUMAR CHOWDHURY,**  
Son of Late Birendranath Chowdhury,  
Residing at 108 M.B. Road,  
Purbita, Sukanta Sarani,  
Police Station-Airport,  
Birati, Kolkata-700051,

.....Applicant(s)

Versus

- 1. WEST BENGAL POLLUTION CONTROL BOARD,**  
Environmental Department,  
Government of West Bengal,  
Represented by its Member Secretary,  
Having office at Paribesh Bhawan,  
10A, Block-LA, Sector-III,  
Bidhannagar, Kolkata-700106,
- 2. THE CHAIRMAN,**  
West Bengal Pollution Control Board,  
Paribesh Bhavan, 10A, Block-LA,  
Sector-III, Bidhannagar,  
Kolkata-700106,
- 3. THE DIRECTOR,**  
Directorate of Mines and Minerals,  
Govt. of West Bengal,  
4, Abanindranath Tagore Sarani,  
2<sup>nd</sup> Floor, Kolkata-700016,
- 4. THE SENIOR GEOLOGIST,**  
Geological prospecting Branch,  
North Bengal Unit,  
Directorate of Mines & Minerals,  
Govt. of West Bengal,  
86, Tara Sankar Road,  
Deshbandhupara, P.O.-Siliguri Town,  
District-Darjeeling-734004,
- 5. THE MINING OFFICER-IN-CHARGE OF SILIGURI ZONE MINING  
ESTATE BRANCH,**  
Directorate of Mines & Minerals,  
Govt. of West Bengal,  
86, Tara Sankar Road, Deshbandhupara,  
P.O.-Siliguri Town, District-Darjeeling-734004,

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6. **THE DISTRICT MAGISTRATE, ALIPURDUAR,**  
Having office at Near Parade Ground Field,  
Alipurduar, West Bengal-736121,
7. **THE ADDITIONAL DISTRICT MAGISTRATE AND LAND & LAND REFORMS OFFICER,**  
Having its office at the office of District Magistrate, Alipurduar,  
Having office at Near Parade Ground Field,  
Alipurduar, West Bengal-736121,
8. **THE SUB-DIVISIONAL OFFICER, ALIPURDUAR,**  
Having office at SDO Building,  
Near-Parade Ground Field, Alipurduar,  
West Bengal-736121,
9. **THE SUB-DIVISIONAL LAND AND LAND REFORMS OFFICER, ALIPURDUAR,**  
Having office at the office of District Magistrate, Alipurduar,  
Having office at Near Parade Ground filed,  
Alipurduar, West Bengal-736121,
10. **THE BLOCK LAND & LAND REFORMS OFFICE, KAMAKHYAGURI,**  
Post Office and Police Station-Kamakhyaguri,  
District-Alipurduar,  
PIN-736202,
11. **THE STATE OF WEST BENGAL,**  
Service through the Additional Chief Secretary,  
Environmental Department, Government of West Bengal,  
Having its office at 5<sup>th</sup> Floor, Pranisampad Bhavan, LB-2,  
Sector-III, Salt Lake,  
Kolkata-700098,
12. **DEPARTMENT OF INDUSTRIES, COMMERCE AND ENTERPRISE,**  
Mines Branch, Government of West Bengal,  
Service through its Secretary,  
Having its office at 4,  
Abanindranath Tagore Sarani (Camac Street),  
Kolkata-700016,
13. **M/S LARSEN AND TOUBRO LIMITED,**  
Service through Managing Director,  
Having its registered office at L & T House,  
Ballard Estate, P.O. Box: 278,  
Mumbai-400001,
14. **M/S SIMPLEX INFRASTRUCTURE LIMITED,**  
Service through Managing Director,  
Having its registered office at Simplex House,  
27, Shakespeare Sarani,  
Kolkata-700017,
15. **THE STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,**  
Department of Environment,  
Service through Chairman,

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Government of West Bengal,  
Pranisampad Bhawan, Block-LB-II,  
Salt Lake, Sector-III, Bidhannagar,  
Kolkata-700106,

- 16. MINISTRY OF ENVIRONMENT AND FOREST & CLIMATE CHANGE,**  
Represented through its Secretary,  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi-110003

.....Respondent(s)

Date of hearing: 01.05.2023

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

For Applicant(s) : None

For Respondent(s): Mr. Prithwish Basu, Adv. for R-1 & 2,  
Mr. Sudip Kumar Dutta, Adv. for 3,4,5,6,7,8,9,10,11 & 12,  
Ms. Nafisa Yasmin, Adv. for R-13 (in Virtual Mode),  
Mr. Snehasish Sen, Adv. for R-14 (in Virtual Mode),  
Mr. Dipanjan Ghosh, Adv. for R-15,  
Ms. Rashmi Singhee, Adv. for R-16 (in Virtual Mode)

### **ORDER**

1. The Applicant in this Original Application is alleging that the Respondent Nos. 13 & 14, M/s Larsen and Toubro Limited and M/s Simplex Infrastructure Limited, are operating their Stone Crushing Units in the river bed of Raidhak-II River and are extracting big stones and boulders from the river bed and thereafter they are crushing the said stones into small cubicles of stones and selling the same for commercial gain without obtaining necessary permissions.
2. Learned Counsel has filed Annexure-B (page no. 95 of the paper book), which is a record of proceedings containing the observation and remarks made by the West Bengal Pollution Control Board, Respondent Nos. 1 & 2, which states that none of the Units during inspection could produce Environmental Clearance though they had Consent to Establish and have applied for renewal of Consent to Operate.

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3. It is not clear whether the Consent to Operate has been renewed or not for the Stone Crushing Units of Respondent Nos. 13 & 14. Question is as to whether the Respondent Nos. 13 & 14, Stone Crushing Units had a valid Environmental Clearance granted by the State Environment Impact Assessment Authority (SEIAA), West Bengal.
4. We have heard the learned Counsel for the parties and perused the documents on record. No one is present for the Applicant.
5. The Respondent No.15, State Level Environment Impact Assessment Authority, West Bengal has filed affidavit dated 16.08.2022 stating therein that stone crushing activity has not been included in the Schedule appended to the Environment Impact Assessment (EIA) Notification, 2006, nor is there any provision in the 'PARIVESH Portal' of the Ministry of Environment, Forests and Climate Change, for making such application by the Project Proponents.
6. It is also stated that as per the Office Memorandum of the Ministry of Environment, Forests and Climate Change dated 19.04.2021, all files regarding Environmental Clearance have to be processed strictly through the 'PARIVESH Portal'.
7. We find that the Principal Bench of the Tribunal vide its order dated 31.01.2019 passed in *M.A. No. 13/2019 arising out of Original Application No. 479/2016 (Pravesh Vs. Ministry of Environment, Forests and Climate Change & Ors.)*, had directed that stone crushing units shall mandatorily obtain prior Environmental Clearance.
8. That being the legal position, it does not stand to reason as to why the 'PARIVESH Portal' of the Ministry of Environment, Forests and

Climate Change, should not contain any provision or any mention in the Schedule in the EIA Notification, 2006, for stone crushing units to apply for grant of Environmental Clearance.

9. Accordingly, the Respondent No.16, Ministry of Environment, Forests and Climate Change was directed to file affidavit disclosing what action has been taken by it with regard to the directions given by the National Green Tribunal, Principal Bench vide its order dated 31.01.2019 passed in M.A. No.13/2019 arising out of Original Application No.479/2016 (*Pravesh vs. Ministry of Environment, Forests and Climate Change & Ors.*), particularly in view of the fact that the 'PARIVESH Portal' of the Ministry of Environment, Forests and Climate Change does not contain any provision or mention in the Schedule in the EIA Notification, 2006 for stone crushing units to apply for grant of Environmental Clearance.
10. The photographs filed with the Original Application show stone crushing machines operating over a large area where heaps of stone have been piled. At the outset, we may advert to the directions given by the Principal Bench passed in M.A. No.13/2019 in Original Application No.479/2016 vide its order dated 31.01.2019 which reads as under: -

*"Vide order dated 19.07.2017 in Original Application No. 479/2016, Pravesh Vs. Ministry of Environment, Forests and Climate Change & Ors., this Tribunal directed that no stone crushers be permitted to operate unless they obtain consent from the State Pollution Control Board, proper no objection certificate from the concerned authorities and have the Environmental Clearance (EC) from the competent authority.*

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*This application seeks 'modification' of the order to the effect that the stone crushers should be allowed to set up without EC.*

*Having regard to the adverse impact of the stone crushers on the environment, the application cannot be accepted. Unless EC is held to be required, the mushrooming of stone crushers even without any carrying capacity will continue which is not in consistent with precautionary principle for the protection of environment nor with the principle of sustainable development.*

*The application is dismissed."*

11. The SEIAA, West Bengal vide its letter dated 08.02.2022 had referred the matter regarding grant of Environmental Clearance for Stone Crusher Units to the Ministry of Environment, Forests and Climate Change, New Delhi. A similar letter dated 15.06.2022 was forwarded by the Additional Chief Secretary, Govt. of West Bengal to the Ministry of Environment, Forests and Climate Change, New Delhi.
12. The Respondent No.13 in its affidavit dated 25.10.2022 has taken the stand that the stone crushers being used by it is an infrastructure project awarded by the National Highways and Infrastructure Development Corporation Limited (hereinafter referred to as 'NHIDCL'), a company fully owned by the Government of India for construction of four lane bridges. It is stated that the Respondent No.13 has been operating one stone crushing Unit in the riverbed of Raidhak-II River with requisite clearances from the West Bengal Pollution Control Board. It is also stated that the Unit has a Consent to Establish (CTE) dated 15.11.2021 and Consent to

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Operate (CTO) dated 05.01.2022 valid up to 2026. It is further stated that Stone Crusher is not listed in the Schedule to the EIA Notification, 2006 for grant of Environmental Clearance and there is no provision in the 'PARIVESH Portal' of the Ministry of Environment, Forests and Climate Change for making any such application for grant of Environmental Clearance by a Project Proponent and, therefore, the Respondent No.13 cannot be held responsible or be accused of operating without Environmental Clearance when Environmental Clearance itself is not required.

13. Along with this affidavit, Environmental Clearance for extraction of riverbed materials issued by District Level Environment Impact Assessment Authority, Alipurduar District dated 19.12.2016 in favour of one Mr. Rajkumar Barman, Mr. Subhrajit Sarkar and Mr. Dilip Kumar Das, has been filed
14. The Respondent No.14 in its affidavit dated 21.01.2023 has taken the stand that it had submitted a bid to the National Highways Authority of India (hereinafter referred to as 'NHAI') for procuring the work of execution, completion and maintenance of the balance work of widening and strengthening of the existing National Highway from 2-lane to 4-lane of Bijni to West Bengal Boarder in Kachugaon, Assam on the East-West Corridor and work was awarded to it by the National Highway Authority of India.
15. In 2021 a purchase order was granted by the Respondent No.14 for operating the stone crushing Unit for mining of stones and boulders and, thereafter, the Respondent No.14 entered into business with its agent. It is stated that the agent of the Respondent No.14 one Mr. Jami Akhtar Shekh had an Environmental Clearance for extraction of riverbed materials dated

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19.12.2016 issued by District Level Environment Impact Assessment Authority, Alipurduar District.

16. A perusal of this document however, shows that there is no reference to Environmental Clearance for stone crushing and it only mentions Environmental Clearance for extraction of 'riverbed materials' but thereafter, the terms and conditions only refer to sand mining and not to stone crushing. Condition No.31 of this Environmental Clearance, however, mentions "No extraction of stone/boulder/sand in landslide prone area". Similar Environmental Clearances for extraction of riverbed materials issued by District Level Environment Impact Assessment Authority, Alipurduar District, have been filed.
17. One of the documents filed by the Respondent No.14 is dated 11.03.2022 issued by the Office of the Sub-Divisional Officer, Alipurduar, Govt. of West Bengal, requiring the Respondent No.14 to submit its Environmental Clearance Certificate from the Competent Authority to run its stone crushing activity.
18. Minutes of the 478<sup>th</sup> Meeting of SEAC dated 20.07.2020 has also been filed with regard to Stone Crusher Project in District Saharanpur, U.P. and it is observed by the Committee that Stone Crusher Unit is not listed in the Schedule of EIA Notification, 2006 and the Committee discussed the matter in view of the Ministry of Environment, Forests and Climate Change circular dated 22.09.2008 and National Green Tribunal, New Delhi order dated 19.07.2017 passed in *Original Application No.479/2016 (M.A. No.902/2016), Pravesh vs. MoEF&CC & Ors.*, and recommended grant of Environmental Clearance to the project proposal in compliance of the National Green Tribunal order with certain

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conditions which are enumerated in the Minutes of the 478<sup>th</sup> Meeting of BEAC.

19. The Respondent No.16, Ministry of Environment, Forests and Climate Change, has filed its affidavit dated 29.03.2023 and the stand of the Ministry is that the Stone Crushing Unit should operate only after obtaining Consent to Establish (CTE) and Consent to Operate (CTO) from the concerned State Pollution Control Boards and Pollution Control Committees. It is stated that Stone Crushing Units also need to comply with the Environmental Norms as stipulated under the Environment (Protection) Rules, 1986 for Stone Crushing Unit; illegal operation of the Units should be stopped immediately. Stone Crushing Units fall under Schedule-I of Environment (Protection) Rules, 1986 (Standards for emission or discharge of environmental pollutants). Paragraph-6 of the affidavit reads as under: -

*"6. That stone crushing units also need to comply with the Environmental Norms as stipulated under the Environment (Protection) Rules, 1986 for stone crushing unit. Illegal operation of the units should be stopped immediately by the concerned authorities. Stone Crushing Units fall under the Schedule-I of Environment (Protection) Rules, 1986 (Standards for emission or discharge of environmental pollutants) at Serial No.11 and 37, which states:*

<i>Sr. No.</i>	<i>Industry</i>	<i>Parameter</i>	<i>Standards</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>11</i>	<i>Stone Crushing Unit</i>	<i>Suspended Particulate Matter (SPM)</i>	<i>The suspended particulate matter measure between 3 meters and 10 meters from any process equipment of a stone crushing unit shall not</i>

			exceed 600 microgrammes per cubic meter.
37	Stone Crushing Unit	Suspended Particulate Matter (SPM)	The Standards consist of two paras: i. Implementation of the following Pollution Control measures: a. Dust containment cum suppression system for the equipment. b. Construction of wind breaking walls. c. Construction of the metaled roads within the premises. d. Regular cleaning and wetting of the ground within the premises. e. Growing of a green belt along the periphery.

20. It is also stated that Stone Crushing Units have been categorized under the 'Orange' category with the Pollution Index score with maximum contribution of air pollution of total pollution potential. Reference has also been made to the Ministry of Environment, Forests and Climate Change vide Office Memorandum dated 22.09.2008 which states that "...crushing and screening (sizing of ore) without upgrading of quality of ore is not covered by the provisions of the EIA Notification, 2006. However, necessary clearance under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act,

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1981 and other acts as may be applicable to such projects should be obtained". It is further stated that stone crushing activity is not listed in the Schedule of EIA Notification, 2006 as amended from time to time. It is stated that since operation of stone crushers mostly results in fugitive emissions, carrying of EIA studies and including it in the Schedule of EIA may not be scientifically prudent; the condition laid down in the Consent to Establish and Consent to Operate, suffices the environmental safeguards required to minimize the adverse impacts owing to the functioning of stone crushers.

21. The National Green Tribunal, Principal Bench, New Delhi, in its order dated 19.07.2017 passed in *Original Application No.479/2016 (M.A. No.902/2016), Pravesh vs. Ministry of Environment, Forests and Climate Change & Ors.*, has specifically passed order directing that no stone crushers would be permitted to operate unless they obtain Consent from the State Pollution Control Board; proper No Objection Certificate from the concerned authorities and have Environmental Clearance from the Competent Authority. Copy of the order dated 19.07.2017 reads as under; -

*"It is not disputed before us that all the 21 offending stone crushers have been shut down and sealed by the administration.*

*Therefore, we dispose of this application with the directions that none of these sealed stone crushers would be permitted to operate unless they obtain consent from the State Pollution Control Board; proper no objection certificate from the concerned authorities and have the environmental clearance from the competent authority.*

*In the application for obtaining consent to operate, the source of raw material as well as the water source shall also*

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*be disclosed which will be duly examined by the concerned authority.*

*With the above directions Original Application No. 479 of 2016 stands disposed of. No order as to cost.*

**M.A. No. 902 of 2016**

*This application does not survive for consideration as the main applications itself stands disposed of.*

*The M.A. No. 902 of 2016 stands disposed of accordingly."*

22. We find that there is a categorical direction of the National Green Tribunal directing that no stone crusher shall be permitted to operate unless it has the requisite consents from the State Pollution Control Board and also Environmental Clearance from the Competent Authority.
23. In this view of the matter, we are not satisfied with the submission of the respondents that Environmental Clearance for Stone Crusher Unit is not contemplated as it is not included in Schedule-I to the Environment (Protection) Act, 1986. The Respondents also cannot be heard to say that only fugitive emissions take place during Stone Crushing Operations and the industry falls in Orange Category therefore, Environmental Clearance is not required. It cannot be gainsaid that the process of stone crushing involves large boulders being crushed into small pieces over a large area thus directly impacting the environment.
24. The term '*minor mineral*' is defined in clause (e) of Section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as 'MMDR Act, 1957') to mean building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the Central Government may, by notification in the Official Gazette declare to

be a minor mineral. Road metal has also been declared as minor metals. Quartzite and sandstone when used for purposes of building or for making road metal and household utensils including stone have also been declared as minor minerals.

25. In (2012) 4 SCC 629, *Deepak Kumar vs. State of Haryana & Ors.*, the Hon'ble Supreme Court has held that minerals have been classified into major and minor minerals based on their end use rather than level of production, level of mechanization, export and import, etc. It has also been held that in terms of the economic cost and revenue, it has been estimated that the total value of minor minerals constitutes about 10% of the total value of mineral production whereas the value of non-metallic minerals comprises only 3%. The Hon'ble Supreme Court is, therefore, held that operation of mines of minor minerals need to be subject to some regulatory parameters as that of mines of major minerals. Relevant portion of paragraph 19 of the judgment in *Deepak Kumar* (supra) reads as under: -

*"19. For an easy reference, we may extract the issues and recommendations made by the MoEF, which are as follows:*

***"4.0 ISSUES AND RECOMMENDATIONS***

***4.1 Definition of Minor Mineral:***

*The term 'minor mineral' is defined in clause (e) of Section 3 of MMDR Act, 1957 as:*

***'3. (e) "minor mineral" means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes and any other material which the Central Government may, by Notification in the Gazette of India declare to be a minor mineral.'***

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The term 'ordinary sand' used in clause (e) of Section 3 of the MMDR Act, 1957 has been further clarified in rule 70 of the MCR, 1960 as:

**'70. Sand not be treated as minor mineral when used for certain purposes-** Sand shall not be treated as a minor mineral when used for any of the following purposes, namely:

- (i) purposes of refractory and manufacture of ceramic;
- (ii) metallurgical purposes;
- (iii) optical purposes;
- (iv) purposes of stowing in coal mines;
- (v) for manufacture of silvicate cement;
- (vi) manufacture of sodium silicate; and
- (vii) manufacture of pottery and glass.'

Additionally, the Central Government has declared the following minerals as minor minerals: (i) boulder, (ii) shingle, (iii) chalcedony pebbles used for ball mill purposes only, (iv) limshell, kankar and limestone used in kilns for manufacture of lime used as building material, (v) murrum, (vi) brick-earth, (vii) fuller's earth, (viii) bentonite, (ix) road metal, (x) reh-matti, (xi) slate and shale when used for building material, (xii) marble, (xiii) stone used for making household utensils, (xiv) quartzite and sandstone when used for purposes of building or for making road metal and household utensils, (xv) saltpeter and (xvi) ordinary earth (used or filling or levelling purposes in construction or embankments, roads, railways building).

It may thus be observed that minerals have been classified into major and minor minerals based on their end use rather than level of production, level of mechanization, export and import etc. There do exist some minor mineral mines of silica sand and limestone where the scale of mechanization and level of production is much higher than those of industrial mineral mines. Further, in terms of the

*economic cost and revenue, it has been estimated that the total value of minor minerals constitutes about 10% of the total value of mineral production whereas the value of non-metallic minerals comprises only 3%. It is, therefore, evident that the operation of mines of minor minerals need to be subject to some regulatory parameters as that of mines of major minerals.*

*Further, unlike India there does not exist any such system based on end usage in other countries for classifying minerals into major and minor categories. Thus, there is a need to re-look at the definition of 'minor minerals' per se.*

*It is, therefore, recommended that Ministry of Mines along with Indian Bureau of Mines, in consultation with the State Governments may re-examine the classification of minerals into major and minor categories so that the regulatory aspects and environment mitigation measures are appropriately integrated for ensuring sustainable and scientific mining with least impacts on environment."*

26. The Hon'ble Supreme Court further directed that the Ministry of Mines along with Indian Bureau of Mines, in consultation with the State Governments may re-examine the classification of minerals into major and minor categories so that the regulatory aspects and environment mitigation measures are appropriately integrated for ensuring sustainable and scientific mining with least impacts on environment.
27. In view of the directions given by the Hon'ble Supreme Court in Deepak Kumar (supra) and the specific direction given by the National Green Tribunal, Principal Bench in Original Application No.479/2016, the Respondent Nos.13 & 14 would be required to obtain Environmental Clearance from SEIAA, West Bengal.

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28. The SEIAA, West Bengal while granting Environmental Clearance shall take into consideration all aspects such as the area for which lease is to be permitted for stone crushing operation and lay down the parameters within which such operation is to be conducted including terms and conditions thereof.
29. In the present case, we have already noted that the Respondent Nos.13 & 14 have obtained Consent to Establish (CTE) and Consent to Operate (CTO) from the West Bengal Pollution Control Board but since there is no provision in the 'PARIVESH Portal' of the Ministry of Environment, Forests and Climate Change for submitting an application for obtaining Environmental Clearance the Respondent Nos.13 & 14 have not been able to apply for and obtain Environmental Clearance nor SEIAA is able to consider his application.
30. In our opinion, merely because the 'PARIVESH Portal' does not contain any provision for filing online application to Stone Crushing Unit seeking Environmental Clearance would not be an impediment to the Unit being permitted to file its application before SEIAA, West Bengal, otherwise than through the electronic 'PARIVESH Portal' mechanism in the meantime till provisions for the same are made in the 'PARIVESH Portal'.
31. We accordingly direct the Respondent Nos.13 & 14 to submit its application as directed hereinabove before SEIAA, West Bengal within ten days and on receipt of such application SEIAA, West Bengal shall consider the case of the Respondent Nos.13 & 14 for grant of Environmental Clearance keeping in mind the observations made above and any such conditions as it may impose in

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accordance with law for proper and environment friendly stone crushing operation within a further period of two months.

32. However, if SEIAA, West Bengal in its expert wisdom is of the view that Environmental Clearance is not to be granted to the Respondent Nos.13 & 14 for reasons to be recorded, the said respondents shall be restrained from carrying on its further stone crushing operations from the date such order is passed by SEIAA, West Bengal.
33. We further direct that till necessary amendments are made in the 'PARIVESH Portal' to allow for filing of online application seeking Environmental Clearance for prospective Stone Crushing Units, the State Pollution Control Board shall at the time when such a Unit submits application seeking Consent to Establish (CTE) and Consent to Operate (CTO) inform them to apply for taking Environmental Clearance in terms of the directions given by this Tribunal hereinabove and on such application being filed before SEIAA, West Bengal, SEIAA, West Bengal shall consider the same as per directions hereinabove.
34. A copy of this order shall be placed before the State Environment Impact Assessment Authority of all the States, i.e. West Bengal, Odisha, Bihar, Jharkhand, Mizoram, Meghalaya, Arunachal Pradesh, Assam, Manipur, Andaman & Nicobar, Tripura, Nagaland and Sikkim for their notice and due compliance.
35. The Registry of the National Green Tribunal, Eastern Zone Bench, Kolkata, shall ensure communication of this order to the various States mentioned hereinabove.

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36. A copy of this order shall also be forwarded to the Ministry of Environment, Forests and Climate Change, New Delhi for due compliance.
37. With the aforesaid directions, the Original Application No.72/2022/EZ is disposed of.
38. Interlocutory Applications, if any stand disposed of accordingly.
39. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

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

May 1<sup>st</sup>, 2023  
Original Application No.72/2022/EZ  
MN

Annexure - C

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Date : 17.10.2024

To

1. The State of West Bengal, Additional Chief Secretary Environmental Department, Government of West Bengal, Office at 5<sup>th</sup> Floor, Pranisampad Bhavan, LB-2, Sector - III, Salt Lake, District - Kolkata, Pin - 700098.  
Email : environmentwb@gmail.com
2. The Commissioner and Principal Secretary to the Government of West Bengal, Land & Land Reforms and Refugee Relief and Rehabilitation Department, Nabanna, 6<sup>th</sup> Floor, 325, Sarat Chatterjee Road, Shibpur, Howrah -711102.  
Email : seclr@wb.gov.in
3. The Director of Land Records & Surveys and Joint Land Reforms Commissioner, West Bengal Survey Building, 35-Gopalnagar Road, Alipore Kolkata-700027.  
Email : dlrswb@gmail.com
4. The Secretary, to the Government of West Bengal, Transport Department, Government of West Bengal, having office at Paribahan Bhavan - I, 12, R.N. Mukherjee Road, Kolkata-700001.  
Email : transportdeptt.wb@gmail.com
5. The Principal Secretary to the Government of West Bengal, Finance Department, having office at Nabanna, 6<sup>th</sup> Floor, 325, Sarat Chatterjee Road, Shibpur, Howrah -711102.  
Email : fs-wb@nic.in
6. The Director General of Police, West Bengal, West Bengal Police Directorate, office of the Director General of Police, West Bengal, West Bengal Police Directorate, Bhawani Bhavan, Alipore, Kolkata - 700027.  
Email : dgpwestbengal@gmail.com
7. The Additional Director General of Police, CID, Criminal Investigation Department, under West Bengal Police Directorate, Bhawani Bhavan, Alipore, Kolkata - 700027.  
Email : contact@cidwestbengal.gov.in



8. The Additional Director General, Law and Order, Government of West Bengal, having office at Nabanna, 325, Sarat Chatterjee Road, Shibpur, Howrah -711102.  
Email : [jointsecretarypar.wbcs@gmail.com](mailto:jointsecretarypar.wbcs@gmail.com)
9. The State Level Environment Impact Assessment Authority, Service Through Chairman Department of Environment, Government of West Bengal, Pranisampad Bhawan, Block - LB II, Salt Lake Sector - III, Bidhannagar, District - Kolkata, Pin - 700106.  
Email : [psecy.env-wb@gov.in](mailto:psecy.env-wb@gov.in)
10. Department of Industries, Through its Secretary Commerce and Enterprise, Mines Branch, Government of West Bengal, Office at 4, Abanindranath Tagore Sarani (Camac Street), District - Kolkata, Pin - 700016.  
Email : [secci@wb.gov.in](mailto:secci@wb.gov.in)
11. The Chairman, West Bengal, Pollution Control Board, Office at Paribesh Bhawan, 10A, Block - LA, Sector-III, Bidhannagar, District - Kolkata, Pin - 700106.  
Email : [net.wbpcb-wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)
12. West Bengal Pollution Control Board, Represented by its Member Secretary, Office at Paribesh Bhawan, 10A, Block-LA, Sector-III, Bidhannagar, District - Kolkata, Pin - 700106.  
Email : [net.wbpcb-wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)
13. The Senior Geologist, Geological Prospecting Branch, North Bengal Unit, Directorate of Mines and Minerals, Government of West Bengal, "Bakul Bhawan", 3rd Floor, NTS More, D.B.C. Main Road, P.O. Siliguri Town, Dist. Darjeeling - 734 004.  
Email : [sgslg.dmm-wb@nic.in](mailto:sgslg.dmm-wb@nic.in)
14. The Director, Directorate of Mines and Minerals, Government of West Bengal, 4, Abanindranath Tagore Sarani, 2<sup>nd</sup> Floor, Kolkata - 700016.  
Email : [dir.dmm-wb@nic](mailto:dir.dmm-wb@nic)
15. The Mining Officer in Charge of Siliguri, Zone Mining Estate Branch, Directorate of Mines and Minerals, Government of West Bengal, 86, Tara Sankar Road, Deshbandhupara, P.O. - Siliguri Town, District - Darjeeling, West Bengal, Pin - 734004.  
Email : [sgslg.dmm-wb@nic.in](mailto:sgslg.dmm-wb@nic.in)



16. The Additional District Magistrate, Land Reforms Officer, having its office at the Office of District Magistrate, Alipurduar, having office at Near Parade Ground Field, Alipurduar, District, Pin - 736121.  
Email id : apd.dllro@gmail.com
17. The Superintendent of Police, Alipurduar, having office at Alipurduar, Post Office and Police Station - Alipurduar, District - Alipurduar, PIN - 736121.  
Email id : spalipurduar@gmail.com
18. The Superintendent of CGST and Central Excise, Alipurduar-I Range, Central Goods and Service Tax and Central Excise, Court more, Post Office - Alipurduar, Pin - 736121.  
Email : cestaxapd1@gmail.com.
19. The Superintendent of Police, ACB, West Bengal, Anti Corporation Branch, West Bengal, 1, Kiran Sankar Roy Road, 9<sup>th</sup> Floor, N.S. Building, Kolkata - 700001.  
Email : acb-wb@nic.in
20. The Senior Joint Commissioner, Commercial Taxes, West Bengal, Alipurduar Range, Post Office and Police Station - Alipurduar Range, Post Office and Police Station - Alipurduar, PIN - 736121.  
Email : sjc-knadm.ctd-wb@nic.in
21. The Sub-Divisional Officer, Alipurduar, Office at SDO Building, Near Parade Ground Field, Alipurduar, District - Alipurduar, West Bengal, Pin - 736121.  
Email : sdoalipurdua@gmail.com
22. The Sub Divisional Land and Land Reforms Officer, Alipurduar, Office of District Magistrate, Alipurduar, Office at Near Parade Ground Field, Alipurduar, District - Alipurduar, West Bengal, Pin - 736121.  
Email id : apd.dllro@gmail.com
23. The Block Land and Land Reforms, Office, Kamakhyaguri, Post Office and Police Station - Kamakhyaguri, District - Alipurduar, West Bengal, Pin - 736202.  
Email :



24. The Inspector-in-Charge, Kumargram Police Station, Kamakhyaguri, Barovisha, District - Alipurduar, PIN - 736203.  
Email : kumargramps@gmail.com

Re : Complaint against illegal transportation by the way of illegal encroachment of river bed of Raidhak - II River under Mouza - Himguri, Police Station - Kumargram, Kamakhyaguri, District - Alipurduar by erection stone crushing machine at Village and Post Office - Himaguri, Police Station - Kumargram, District - Darjeeling, PIN - 736203 resulting in continuous pollution, tax evasion and defrauding/cheating Government revenue against public interest at large.

Complained persons namely (1) Mr. Sumit Pandey, (2) Subhrajit Sarkar (Habul) Barovisha, Alipurduar, M-9733182053, 7908093802, (3) Apurba Mallick, Cooch Bihar, M-9800289964, (4) Dhananjoy Barman, Samuktala Alipurduar, M - 8250058775, (5) Mr. Raju Singh, (6) Mr. Dhaneswer Barman, (7) Bhutiya, (8) Mr. Badal, (9) Mr. Biplab and others are performing and transporting under name and style M/s R.K. Traders and M/s. Mishra Traders from the above site of W.B. to M/s L & T Stone Crushing Unit at Dhubri, Assam.

Sir,

The undersigned would like to complain that the above noted persons are very powerful and well-connected. It is very surprising that the above persons have no regard to the rule of law and they are violating the law at every aspect.

That in Raidhak-II river at the site under Mouza-Himaguri it is found that the above noted persons along with men and agents have illegally installed a big stone crushing machine on the riverbed for the purpose of extracting the running stones lying in the river and processing the stones into small ones for the purpose of selling in the market.



It is to be further complained that the entire riverbed and its adjacent area belongs to the Government. All the materials lying in the riverbed belongs to the Government. No person can extract the stones and other residues from the riverbed without the permission from the concerned District Magistrate and the concerned District authority.

That being the position, in the instant case, it is to be seen that M/s. Larsen and Toubro Limited and the above noted persons along with its men and agents have installed a big crushing unit on the riverbed of Raidhak-II River under Mouza-Himaguri. They have further committed violation of law by extracting the big stones and boulders from the riverbed of Raidhak-II River under Mouza - Himaguri and using the said stones and boulders for producing small cubicles of stones and transporting with the above noted fake complaint for selling the same in the market and to M/s. L & T Limited for Commercial gain.

By the aforesaid illegal activity, the aforesaid M/s L & T Limited and persons along with its men and agents have committed theft and robbery by taking and extracting the stones and boulders from the riverbed without Government permission. They have further committed offence of cheating by installing crushing machine in Government land and on the riverbed for the purpose of continuation of their illegal business activity. They do not have permission and authorisation to undertake such type of business and they do not possess the necessary pollution clearances for undertaking such business and for that purpose they should be prosecuted under the provisions of law.



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The said unit is a polluting unit as huge amount of pollutants, dust and other dangerous particles gets into the air thereby prejudicing and infecting various other persons of the nearby locality.

The above M/s L & T Limited and persons along with their men and agents are continuously defrauding the Government revenue, cheating the government by encroaching upon the Government vested land, defrauding and cheating the general public at large by doing business which is hazardous and polluting, cheating and defrauding the government by not paying the government dues (in the form of Taxes and other charges, cheating and defrauding the Government by not taking permission and authorisation to do business in Government vested land.

That it has further come to my knowledge from reliable sources that M/s. L & T Limited are not only selling the processed stones in the market within the State of West Bengal but at the same time they are illegally transporting and selling the processed stones in the State of Assam and are using the same as a raw material in the manufacture of its products. The same is being done without obtaining clearance from the Ministry of Mines, Government of India. Not only that there has been gross evasion of GST which is done by showing Uttar Suvidha Vehicle Facilitation Pass (CHALLAN) at the inter-state borders as an eyewash to evade CGST, SGST and IGST. Since the whole business activity is illegal and without any authority of law, the Central Government as well as the State Government are being defrauded thereby causing huge loss of revenue.

That to prevent evasion of tax and to curb the instant malpractice, several public interest litigations have been filed before



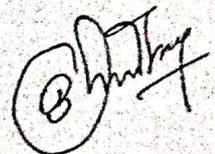
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the Hon'ble High Court. One of such PIL being W.P.A. No. 19684 of 2013 (Biplab Kumar Chowdhury & Anr. - Vs.- The State of West Bengal & Ors.) where a direction was given to the Director of Commercial Tax Department to ensure that requisite enquiry is done and to ascertain whether there is multiple use of waybills on how many occasions and by whom at which places. In case there is mis-utilization and multiple use of waybill, penal action to be initiated against such evaders. In another PIL being W.P.A. 22992 of 2013 (Tapash Chowdhury & Ors. -vs.-State of West Bengal & Ors.), though a prayer was made for CBI investigation, the Hon'ble High Court directed the CID to enquire into the matter and take appropriate steps to prevent the mis-utilization and multiple use of waybills.

That M/s. L & T Limited has also not obtained environmental clearance from SEIAA, West Bengal and has also not complied with the other legal formalities required for extracting the stones and crushing of stones illegally. This aspect of the matter is required to be investigated and brought to the notice of the appropriate authority for necessary prosecution in accordance with law.

You, as a protectorate of the Government and the people, are duty-bound to take steps against the offenders by registering appropriate cases under the provisions of the Bharatiya Nay Sanhita and to investigate the offences committed by the above noted persons and immediately take steps to apprehend the above persons and to immediately stop the offending unit in accordance with law.

You are also requested to initiate necessary investigation in the matter as to in what manner the above unit could commence and continue the polluting manufacturing activity in



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Government land/river bed and also initiate necessary investigation against the officers who have allowed the offenders to allow them to continue with the illegal business activity.

I would be requesting that necessary steps should be taken in the matter within 7 days from the date of receipt of this letter. Otherwise I will have no other option but to approach the appropriate forum in accordance with law for suitable and appropriate redressal of my grievances.

Thanking You,

Yours faithfully,

*Biplab Kumar Chowdhury*  
17/10/2024.

(Biplab Kumar Chowdhury)  
108, M.B. Road, Purbita,  
Sukanta Sarani, Police Station -  
Airport, Birati, Kolkata- 700051.

Enclosures :

1. Judgements of the National Green Tribunal.
2. Various valid order of the Ronnie High Court, Calcutta.



**LiFE**  
Lifestyle for  
Environment

168 "Annexure-D"  
**WEST BENGAL POLLUTION CONTROL BOARD**  
(Department of Environment, Government of West Bengal)  
Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar  
Kolkata - 700 106, Ph.: 2335-9088/8861/7428, Fax : 2335-2813  
Website: [www.wbpcb.gov.in](http://www.wbpcb.gov.in), Email: [net.wbpcb-wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)

Memo No

-IM-11/2009(Pt-XII)

Date:

10/2/2025

**DIRECTION FOR APPEARANCE**

Based on complaints, M/S Larsen & Toubro located at Jl No.42, Khatian no-1030, Plot no-999, Mouza& Vill- Dakshin Chengmari, P.O.-Hemaguri, P.S.& Block- Kumargram, Dist- Alipurduar, Pin- 736203 is hereby directed to appear before the State Board on 17<sup>th</sup> February, 2025 (Monday), at 12.15 Hrs at "Paribesh Bhavan", 10A, Block - LA, Sector - III, Salt Lake City, Kolkata - 700106 for giving an another opportunity through a hearing as a means of natural justice..

The unit is requested to remain present on the said hearing through its Managing Director/Director/General Manager/Proprietor/Partner/occupier accompanied by concerned technical person along with all relevant papers including statutory licenses like copy of Environmental Clearance, the Consent to Establish & Consent to Operate etc. The unit may make a written submission during the hearing regarding non-compliances observed during inspection as mentioned above

Sd/-  
Environmental Engineer (O&E)  
& Member & Convener - Technical Cell  
West Bengal Pollution Control Board.

Memo No 10619/2 -IM-11/2009(Pt-XII)

Date: 12/02/2025

Copy to:

1. M/S Larsen & Toubro located at Jl No.42, Khatian no-1030, Plot no-999, Mouza& Vill- Dakshin Chengmari, P.O.-Hemaguri, P.S.& Block- Kumargram, Dist- Alipurduar, Pin- 736203

2. Mr Biplab Kumar Chowdhury, 108, M.B. Road, Purbita, Sukanta Sarani, P.S.- Airport, Birati, Kolkata-700051 -is requested to remain present during hearing

Sd/-  
12/02/25  
Environmental Engineer (O&E)  
& Member & Convener - Technical Cell  
West Bengal Pollution Control Board.

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Office of the Director of Land Records and Surveys  
& Joint Land Reforms Commissioner, West Bengal  
(C Group WB)  
35, Gopal Nagar Road, Alipore, Kolkata - 700 027  
033-2479-5727/5991/7355

Received on  
15/03/2025

©

Memo. No. 259(9)/347 /C/19 Dated, Alipore, the 12<sup>th</sup> March, 2025

To,  
The District Land and Land Reforms Officer,  
Alipuduar

Sub:: Petition of Shri Biplab Kumar Chowdhury dated 17/10/2024

In sending herewith the petition of Shri Biplab Kumar Chowdhury regarding complaint against encroachment of river bed from the river Raidak under various Blocks of the said District which speaks for itself, the undersigned is directed to request him to cause an enquiry to the matter & send report to this end.

*11.03.25*  
For Director of Land Records & Surveys  
Govt. of WB

~~Memo. No. 259(9)/348 /C/19~~ Dated, Alipore, the 12<sup>th</sup> March, 2025

Copy forwarded for information to:

Shri Biplab Kumar Chowdhury, 108, M. B. Road, Purbita, Sukanta Sarani, P.S.-  
Airport, Birati, Kolkata- 700051.

*11.03.25*  
For Director of Land Records & Surveys  
Govt. of WB

EW3627781691N INR:690736279  
3P TREASURY BUILDING SO (700051)  
Counter No:2,02/04/2025,14:40  
To:MINING OFFICE,SILIGURI FMSI,  
PIN:734004, Siliguri Town SR  
From:BIPLAB KUMAR,108, M.B ROAD, P  
Wt:30gms  
Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)  
(Track on www.indiapost.gov.in)  
(Dial 1000266668) Near post office

EW3627781691N INR:690736279  
3P TREASURY BUILDING SO (700051)  
Counter No:2,02/04/2025,14:40  
To:DIRECTOR OF M.A, ANANDNAGAR  
PIN:736122, Park Street SO  
From:BIPLAB KUMAR,108, M.B ROAD, P  
Wt:30gms  
Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)  
(Track on www.indiapost.gov.in)  
(Dial 1000266668) Near post office

Annexure - F.

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Date : 01.04.2025

- 1) The Environmental Engineer (O&E) & Member & Convener, Technical Cell, The West Bengal Pollution Control Board, Paribesh Bhawan Canteen, 10A, Block - LA, Sector - III, Bidhannagar, Kolkata 700106.
- 2) The Directorate of Mines and Minerals (DMM) in West Bengal, 4, Abanindranath Tagore Sarani, 2nd Floor, Kolkata - 700106.
- 3) The Mining Officer-in-Charge of Siliguri, Zonal Mining, Siliguri Zone, Zonal Mining estate Branch, Directorate of Mines and Minerals, Government of West Bengal, Tarasankar Road, Deshbandhupara, Post Office - Siliguri Town, District - Darjeeling, West Bengal - 734440.
- 4) The Additional District Magistrate, Land Reforms Officer, District of Alipurduar District, "Dooarskanya, Integrated Administrative Building, Alipurduar Court, Post Office - Alipurduar Court, District - Alipurduar, PIN - 736122.
- 5) The Superintendent of Police, Alipurduar, Post Office and Police Station - Alipurduar, near Indoor Stadium, Alipurduar Court, Alipurduar, West Bengal - 736122.

EW3627781691N INR:690736279  
3P TREASURY BUILDING SO (700051)  
Counter No:2,02/04/2025,14:40  
To:ADDT DISTRICT,M.A.ROAD,POST  
PIN:736122, Alipurduar Court SO  
From:BIPLAB KUMAR,108, M.B ROAD, P  
Wt:30gms  
Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)  
(Track on www.indiapost.gov.in)  
(Dial 1000266668) Near post office

EW3627781691N INR:690736279  
3P TREASURY BUILDING SO (700051)  
Counter No:2,02/04/2025,14:40  
To:SUPERINTENDENT,M.A.ROAD,POST  
PIN:736122, Alipurduar Court SO  
From:BIPLAB KUMAR,108, M.B ROAD, P  
Wt:30gms  
Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)  
(Track on www.indiapost.gov.in)  
(Dial 1000266668) Near post office

EW3627781691N INR:690736279  
3P TREASURY BUILDING SO (700051)  
Counter No:2,02/04/2025,14:40  
To:MINING OFFICE,SILIGURI FMSI,  
PIN:734004, Siliguri Town SR  
From:BIPLAB KUMAR,108, M.B ROAD, P  
Wt:30gms  
Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)  
(Track on www.indiapost.gov.in)  
(Dial 1000266668) Near post office

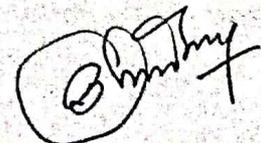
Sub : illegal operation of stone Crushing machines without obtaining necessary licence and Environmental Clearance from the West Bengal Pollution Control Board, resulting in failure to comply with the directions passed in O.A. No. 72/2022/EZ on 01.05.2023 by the National Green Tribunal Eastern Zone Bench, Kolkata.

Sir,

I, Mr. Biplab Kumar Chowdhury, son of Late Birendra Nath Chowdhury, aged about 66 years, by faith - Hindu, residing at 108, M.B. Road, Sukanta Sarani, Police Station - Airport, Birati, Kolkata - 700051, do hereby states as follows :-

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- 1) I had preferred an original application before the National Green Tribunal Eastern Zone Bench, Kolkata being O.A. No.72/2022/EZ thereby, inter-alia, complaining that M/s. Larsen and Toubro Limited and M/s. Simplex Infrastructure Limited were operating huge stone crushing units on the river bed Raidak-II river and thereby extracting big stones and boulders from the river bed. It was my further case that the illegal and unauthorised crushing of stones led to huge pollution and adversely affected the ecological balance of the environment.
- 2) By way of an order dated 01.05.2023, the Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata took cognizance of the matter and observed that the said stones crushing units were operational without obtaining the required Environmental Clearance from State Environment Impact Assessment Authority ('SEIAA'). The Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata in the said order had also observed that the National Green Tribunal Eastern Zone Bench, Kolkata, Principal Bench, New Delhi by way of its order dated 19.07.2017 passed in Original Application No.479/2016 (M.A. No.902/2016, Parvesh -Vs.- Ministry of Environment, Forest and Climate change & Ors.) has specifically passed orders directing that no stone crushing machine will be permitted to operate unless they obtained consent from the State Pollution Control Board and further observed that in order to operate such machines environmental clearance is required from the competent authority.
- 3) It is stated that operation of stone crusher's results in fugitive emissions, and hence in order to ensure minimum pollution due to operation of such machines and environmental clearance is mandatory.
- 4) The State Respondents had submitted that since there was not a dedicated portal to accept the request for environmental clearance



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on the "Paribesh Portal" a such the said environmental clearance was not being issued. The Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata while disposing of the said application observed that certain changes on the Paribesh Portal should be made in such a way so as to ensure that henceforth the application for Environmental Clearance may be applied from such Portal.

- 5) In the said order, the Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata was further pleased to observe that till necessary amendments are made in the Paribesh Portal to allow filing of Online applications seeking Environmental Clearance for prospective stone crushing units, the State Pollution Control Board shall at the time mention unit submits application seeking consent to establish 'CTE' and consent to operate 'CTO' informed the said applicant to apply for taking environmental clearance in terms of the directions given by the Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata. Such application should be filed before the SEIAA, West Bengal and upon filing of such application SEIAA, West Bengal shall consider the same and pass necessary orders of approval or rejection.
- 6) In the said order dated 01.05.2023, it was further directed that the order dated 01.05.2023 passed by the Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata be placed before the said State Environment Impact Assessment Authority ('SEIAA') of all states i.e. West Bengal, Orissa, Bihar, Jharkhand, Mizoram, Meghalaya, Arunachal Pradesh, Assam, Manipur, Andaman and Nicobar, Tripura, Nagaland and Sikkim for their notice due and compliance.
- 7) The said order dated 01.05.2023, was duly communicated to all the Respondents who were parties to such proceedings.
- 8) By way of a representation dated 07.10.2024, a complaint was made to several authorities including your office, thereby requesting you to initiate necessary investigation in the matter in order to ensure that no stone crushing machines are allowed to operate without obtaining the compulsory the Environmental Clearance from the



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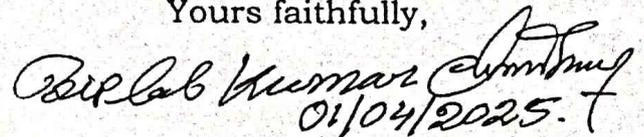
State Environment Impact Assessment Authority ('SEIAA'). However, in spite of the best efforts of the undersigned, no response has been forthcoming on the said issue.

- 9) I am in receipt of a letter issued by the Environmental Engineer (O&E) and member and convenor – Technical Cell, West Bengal Pollution Control Board and whereby a request was made for appearance before the Pollution Control Board on 12.02.2022 at Paribesh Bhavan Canteen, 10A, Broadway Rd, LA Block, Sector 3, Bidhannagar, Kolkata, West Bengal 700106 towards hearing of the complaint raised against M/s. Larsen and Toubro Limited.
- 10) I participated in such meeting; however, no such final report has yet been forthcoming. I state that in spite of a lapse of a period of close to two years from the date of passing of the order being A.O. No.72/2022 no progressive steps have been taken by the concerned authority to pass its final verdict.
- 11) In view of the above, it is humbly requested that the West Bengal Pollution Control Board should publish and handover of copy of the order passed pursuant to the meeting held on 12.02.2025 and the concerned authority to ensure that there are no stone crushing machines operating in the District of Alipurduar who have failed to comply with the directions passed by the National Green Tribunal Eastern Zone Bench, Kolkata on 01.05.2023 in matter being O.A. No.72/2022/EZ.

Please acknowledge the receipt and oblige.

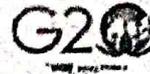
Thanking You,

Yours faithfully,

  
01/04/2025.

(Biplab Kumar Chowdhury)

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\* Consignment Number

EW163911385IN

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Treasury Building SO	08/04/2025 13:38:51	700106	17.70	Inland Speed Post	Bidhan Nagar IB Market SO	09/04/2025 17:38:43

#### Event Details For : EW163911385IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
09/04/2025	17:38:43	Bidhan Nagar IB Market SO	Item Delivered(Addressee)
09/04/2025	09:47:36	Bidhan Nagar IB Market SO	Out for Delivery
09/04/2025	08:30:02	Bidhan Nagar IB Market SO	Item Received
09/04/2025	05:59:51	KOL AP TMO	Item Dispatched
09/04/2025	05:00:50	KOL AP TMO	Item Received
09/04/2025	04:44:51	Kolkata NSH	Item Dispatched
09/04/2025	03:35:50	Kolkata NSH	Item Bagged
08/04/2025	23:04:09	Kolkata NSH	Item Received
08/04/2025	21:35:39	KOL AP TMO	Item Dispatched
08/04/2025	21:18:49	KOL AP TMO	Item Received
08/04/2025	19:28:47	Kolkata RMS Mails TMO	Item Dispatched
08/04/2025	19:23:25	Kolkata RMS Mails TMO	Item Received
08/04/2025	15:39:31	Treasury Building SO	Item Dispatched
08/04/2025	15:36:20	Treasury Building SO	Item Bagged
08/04/2025	13:38:51	Treasury Building SO	Item Booked

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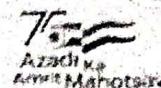
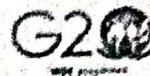
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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Treasury Building SO	02/04/2025 14:48:43	700016	17.70	Inland Speed Post	Park Street HO	03/04/2025 15:07:31

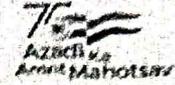
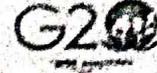
#### Event Details For : EW362798155IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
03/04/2025	15:07:31	Park Street HO	Item Delivered(Addressee)
03/04/2025	10:17:52	Park Street HO	Out for Delivery
03/04/2025	07:25:46	Park Street HO	Item Received
03/04/2025	06:24:33	Kolkata RMS Mails TMO	Item Dispatched
03/04/2025	06:10:42	Kolkata RMS Mails TMO	Item Received
03/04/2025	04:54:29	KOL AP TMO	Item Dispatched
03/04/2025	04:44:38	KOL AP TMO	Item Received
03/04/2025	04:32:53	Kolkata NSH	Item Dispatched
03/04/2025	03:15:14	Kolkata NSH	Item Bagged
03/04/2025	00:24:11	Kolkata NSH	Item Received
02/04/2025	15:07:10	Treasury Building SO	Item Dispatched
02/04/2025	15:06:23	Treasury Building SO	Item Bagged
02/04/2025	14:48:43	Treasury Building SO	Item Booked

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Treasury Building SO	02/04/2025 14:48:43	736122	41.30	Inland Speed Post	Alipurduar Court SO	09/04/2025 17:24:16

### Event Details For : EW362798172IN

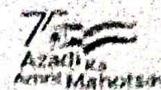
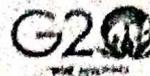
Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
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09/04/2025	12:29:41	Alipurduar Court SO	Out for Delivery
09/04/2025	11:16:01	Alipurduar Court SO	Item Received
08/04/2025	14:42:57	Alipurduar RMS MA TMO	Item Dispatched
08/04/2025	14:35:56	Alipurduar RMS MA TMO	Item Received
07/04/2025	22:11:37	Siiguri Ma TMO	Item Dispatched
07/04/2025	20:07:56	Siiguri Ma TMO	Item Received
07/04/2025	16:51:18	Siliguri NSH	Item Dispatched
07/04/2025	16:22:29	Siliguri NSH	Item Bagged
07/04/2025	14:10:24	Siliguri NSH	Item Received
07/04/2025	11:46:51	Bagdogra AP TMO	Item Dispatched
07/04/2025	11:29:51	Bagdogra AP TMO	Item Received
06/04/2025	18:11:43	KOL AP TMO	Item Dispatched
06/04/2025	09:37:37	KOL AP TMO	Item Received
05/04/2025	12:51:13	Hyderabad APTMO	Item Dispatched
05/04/2025	12:24:33	Hyderabad APTMO	Item Received
05/04/2025	07:02:49	Hyderabad NSH	Item Dispatched
05/04/2025	06:47:54	Hyderabad NSH	Item Bagged

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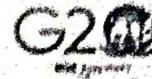
Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Treasury Building SO	02/04/2025 14:48:43	734004	41.30	Inland Speed Post	Siliguri Town SO	08/04/2025 14:12:09

### Event Details For : EW362798169IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
08/04/2025	14:12:09	Siliguri Town SO	Item Delivered(Addressee)
08/04/2025	11:15:45	Siliguri Town SO	Out for Delivery
05/04/2025	15:12:33	Siliguri Town SO	Item Onhold Addressee cannot be located
05/04/2025	11:24:01	Siliguri Town SO	Out for Delivery
05/04/2025	10:31:31	Siliguri Town SO	Item Received
05/04/2025	08:12:40	Siliguri Ma TMO	Item Dispatched
05/04/2025	08:09:34	Siliguri Ma TMO	Item Received
04/04/2025	16:53:36	Siliguri NSH	Item Dispatched
04/04/2025	16:29:59	Siliguri NSH	Item Bagged
04/04/2025	10:59:51	Siliguri NSH	Item Received
03/04/2025	12:02:59	KOL AP TMO	Item Dispatched
03/04/2025	09:28:02	KOL AP TMO	Item Received
03/04/2025	06:02:53	Kolkata NSH	Item Dispatched
03/04/2025	04:56:25	Kolkata NSH	Item Bagged
03/04/2025	00:38:02	Kolkata NSH	Item Received
02/04/2025	15:07:10	Treasury Building SO	Item Dispatched
02/04/2025	15:05:39	Treasury Building SO	Item Bagged
02/04/2025	14:48:43	Treasury Building SO	Item Booked

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Treasury Building SO	02/04/2025 14:48:43	736122	41.30	Inland Speed Post	Alipurduar Court SO	07/04/2025 15:05:55

### Event Details For : EW362798186IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
07/04/2025	15:05:55	Alipurduar Court SO	Item Delivered(Addressee)
07/04/2025	13:15:15	Alipurduar Court SO	Out for Delivery
07/04/2025	12:04:02	Alipurduar Court SO	Item Received
05/04/2025	15:07:52	Alipurduar RMS MA TMO	Item Dispatched
05/04/2025	14:56:18	Alipurduar RMS MA TMO	Item Received
04/04/2025	21:35:51	Siliguri Ma TMO	Item Dispatched
04/04/2025	20:04:13	Siliguri Ma TMO	Item Received
04/04/2025	16:42:36	Siliguri NSH	Item Dispatched
04/04/2025	15:21:33	Siliguri NSH	Item Bagged
04/04/2025	10:59:51	Siliguri NSH	Item Received
03/04/2025	12:02:59	KOL AP TMO	Item Dispatched
03/04/2025	09:28:02	KOL AP TMO	Item Received
03/04/2025	06:02:53	Kolkata NSH	Item Dispatched
03/04/2025	04:56:25	Kolkata NSH	Item Bagged
03/04/2025	00:38:02	Kolkata NSH	Item Received
02/04/2025	15:07:10	Treasury Building SO	Item Dispatched
02/04/2025	15:05:39	Treasury Building SO	Item Bagged
02/04/2025	14:48:43	Treasury Building SO	Item Booked



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Annexure - 9  
**WEST BENGAL POLLUTION CONTROL BOARD**  
(Department of Environment, Government of West Bengal)  
Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar  
Kolkata - 700 106, Ph. No.: 2202-3097/3096  
Website: [www.wbpcb.gov.in](http://www.wbpcb.gov.in), Email: [net.wbpcb-wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)

Memo No.

-1M-11/2009 (Part-XII)

Date: /04/2025

### DIRECTION

WHEREAS, M/s. Larsen & Toubro Ltd. (hereinafter referred to as the industry) located at JL No. 42, Khatian No.-1030, Plot No.-999, Mouza & Vill.-Dakshin Chengmari, P.O.-Hemaguri, P.S. & Block-Kumargram, Dist.-Alipurduar, Pin-736203 was inspected by the West Bengal Pollution Control Board (hereinafter referred to as the State Board) official on 12.12.2024 in connection with a complaint received from Shri Biplab Kr. Chowdhury, Kolkata-700051 regarding environmental pollution for stone crusher unit and river bed mining at Raidhak II, Hinguri Kumargram, Alipurduar. During inspection the following observations were made by the inspecting official:-

- The unit is situated nearer to Raidhak II River. Geo-coordinates were measured and the distance between the unit and the river edge of Raidhak II is about 130m.
- As per Notification of Ministry of Environment, Forest & Climate Change for Buxa Tiger Reserve dated 07.09.2020, Eastern boundary of ESZ of Buxa Tiger Reserve is upto Sankosh river, so the unit falls within its ESZ (as per Map).
- The unit has installed boundary wall made of GI sheet. Outside of the unit premises, there is some greenery at its two sides. In remaining two sides of the unit, there are vacant land. There are no residences adjacent to the unit.
- The unit has installed plant & machinery comprising of 01 no. Pr Crusher, 01 no. Sec crusher, 01 no. Ter crusher, 02 nos. screen and 14 nos. conveyor belt.
- All these machineries were found uncovered and no telescopic chute was installed at top discharge point of each conveyor belt. Also, there was no arrangement of enclosure for storing of stone dust. Roads within the unit were unpaved. Water sprinkling arrangements were made at all crushers & screens.
- No arrangement for covering dust generating process machineries, was observed in order to minimize dust to be carried away by wind. Also, units has no installed any air pollution control device for primary Crusher/ Secondary Crusher/ Screen. Units has not installed telescopic chutes to drop down the products from final discharge point of each conveyor belt to ground level.
- There was no permanent water sprinkling arrangement at strategic locations within the unit premises.
- During inspection the unit was found not in operation due to lunch time as per version of unit representative. Huge stocks of boulder (raw material of the unit), sand, stone chips (finished product) & stone dust in open area were observed within the unit premises.
- During inspection, it was observed from distance that backhoe loaders were present on the Raidhak River bed and there was no approach road to reach there.
- Installation of backhoe loaders on the Raidhak river bed reflects that there may be possibility for mining of river bed materials, Soumen Nandy, staff of WBMTDCL informed through phone to inspecting officials that WBMTDCL has made an agreement with M/s. Sourabh Kr. Roy, Kol- 42 for dredging/desilting on Raidhak river at Kumargram, Alipurduar
- Huge stocks of river bed materials in open land were observed outside of unit premises of M/s. Larsen & Toubro Ltd.
- Representative of M/s. Larsen & Toubro Ltd., informed during inspection that said huge stocks of river bed materials outside of unit's premises were possessed by Sri Subhrajit Sarkar, Barovisha, Alipurduar (mentioned in complaint document) and a road e-challan was shown by M/s. Larsen & Toubro Ltd.

AND WHEREAS, the Consent to Operate was granted by the Sub-Divisional Officer, Alipurduar which is valid upto 04.01.2026.

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**AND WHEREAS**, the unit was called for a hearing on 17/02/2025 at the Head office of the Board. **Shri Biplab Kr. Chowdhury**, complainant was also requested to remain present in the hearing. Accordingly, he was present in the hearing and alleged that the unit is carrying out mining activity without obtaining permission of the competent authority and they are selling the stone chips in the market within the State of West Bengal and Assam.

**AND WHEREAS**, the representatives on behalf of the unit appeared in the hearing and submitted that they have obtained Consent to Establish and Consent to Operate from the SDO, Alipurduar for operating the stone crusher for manufacturing stone chips which are being used for the infrastructure / construction project of four lane Bridge including approaches over river Brahmaputra between Dhubri and Phulbari awarded by National Highways and Infrastructure Development Corporation Ltd. They informed that they are procuring boulders for its stone crushers from the suppliers who have all the requisite mining lease and clearances accorded and issued by the District Level Environment Impact Assessment Authority, Alipurduar district. They stated that the stone chips are being used for the purpose of the said Govt. of India project only; they are not engaged in selling the boulders or stone chips to any third party for commercial purposes. They mentioned that the stone crushing activity is not an EC (Environmental Clearance) attracting activity as per EIA Notification, 2006.

**AND WHEREAS**, during the course of hearing the unit was directed to submit permission of Principal Chief Conservator of Forests (Wildlife), Directorate of Forests, Govt. of West Bengal within fifteen days from the date of hearing. But the unit did not submit the same.

**NOW THEREFORE**, considering the above, **M/s. Larsen & Toubro Ltd.** located at JI. No. 42, Khatian No.-1030, Plot No.-999, Mouza & Vill.-Dakshin Chengmari, P.O.-Hemaguri, P.S. & Block-Kumargram, Dist.-Alipurduar, Pin-736203 is hereby granted a time period upto 30<sup>th</sup> April, 2025 for complying with the following directions:-

1. **That**, the unit shall submit permission from Principal Chief Conservator of Forests (Wildlife), Directorate of Forests, Govt. of West Bengal for its stone crusher plant within Eco Sensitive Zone of Buxa Tiger Reserve.
2. **That**, the unit shall submit declaration with authenticated documents endorsed by National Highways and Infrastructure Development Corporation Ltd., Ministry of Road Transport & Highways, Govt. of India mentioning that they are not engaged in any river mining activity.
3. **That**, the unit shall also submit declaration endorsed by National Highways and Infrastructure Development Corporation Ltd., Ministry of Road Transport & Highways, Govt. of India that excavated materials are not being used for any commercial purposes, it is only being used dedicatedly for the said Govt. infrastructure/construction project and after completion of the said Govt. project, they will dismantle the stone crusher plant from the existing project area.

The Asst. Environmental Engineer & In-charge, Siliguri Regional Office of the Board is requested to oversee the compliance of Board's direction. If the unit is found to be non-complying, the State Board will take action in this regard.

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Rules made there under after being approved by the Competent Authority.

By Order,

Sd/-  
**Officer-on-Special Duty**  
**(Operation & Execution)**  
**West Bengal Pollution Control Board**

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Memo No. 10743 (8)-1M-11/2009 (Part-XII)

Date: 11 /04/2025

Copy forwarded for information and necessary action to:-

1. M/s. Larsen & Toubro Ltd., JL No. 42, Khatlan No.-1030, Plot No.-999, Mouza & Vill.-Dakshin Chengmari, P.O.-Hemaguri, P.S. & Block-Kumargram, Dist.-Alipurduar. Pin-736203
2. The Chief Engineer, Planning & EIM Cell, WBPCB
3. The Senior Law Officer, WBPCB
4. Smt. Paushali Mukherjee, Special Law Officer, WBPCB
5. The Asst. Environmental Engineer & In-charge, Siliguri Regional Office, WBPCB
6. T.A. to the Member Secretary, WBPCB
7. P.A. to the Chairman, WBPCB
- ✓ 8. Shri Biplab Kr. Chowdhury, 108, M.B. Road, Purbita, Sukanta Sarani, P.S.-Airport, Birati, Kolkata-700051
9. Technical Cell, WBPCB for updating the website
10. Environment Officer- Communication, WBPCB -- for circulation through float file
11. Guard file of O & E Cell

*AMEL*  
Officer-on-Special Duty  
(Operation & Execution)  
West Bengal Pollution Control Board

