

SL. No. 26/25

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

I.A. Application 83 2025/EZ

arising out of

APPEAL NO. 8 /2025/EZ

IN THE MATTER OF:

In the matter of:

An application for condonation of  
delay;

AND

IN THE MATTER OF

- (I) Mohammad Ilyas
- (II) Md Saraj
- (III) Arun Kumar Ladia

.....Appellant

VERSUS

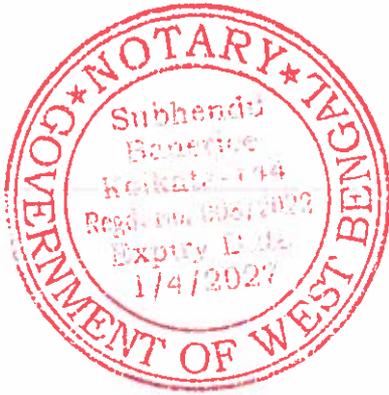
State of Jharkhand & ORS

..... Respondent

**INDEX**

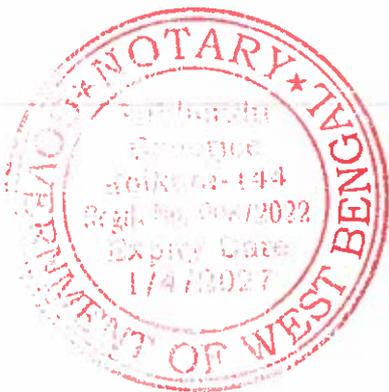
Sl. No	Particulars	Annexure	Page Nos

28 AUG 2025



X

.			
1	Application		1-6
2	Verification		7
3	A photocopy of impugned order dated 25/02/25- Annexure A		8-15
4	. Copy of the prescription of the learned Advocate -on -record- Annexure B		16-20



X

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

I.A. Application -----2025/EZ

arising out of

**APPEAL NO. 8 OF 2025/EZ**

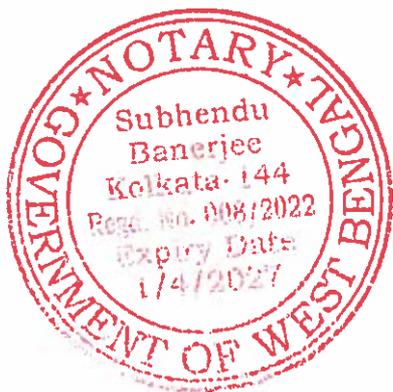
**IN THE MATTER OF**

(i) Mohammad Ilyas S/o Ahmad Ali resident of Nimadih. P.O.  
-Arkhang, P.S.- Dhanwar, District-Giridih -815310

(ii) Md. Saraj S/o Sadik Miyan, resident of Baijudih, P.O.-  
Kubri, P.S.-Dhanwar, District-Giridih-815310

(iii) Arun Kumar Ladia S/o Late Vishwanath Prasad  
resident of Vill-Tundi, P.O & P.S: Giridih, District:  
Giridih, PIN-815301 )

.....Appellant



**VERSUS**

X

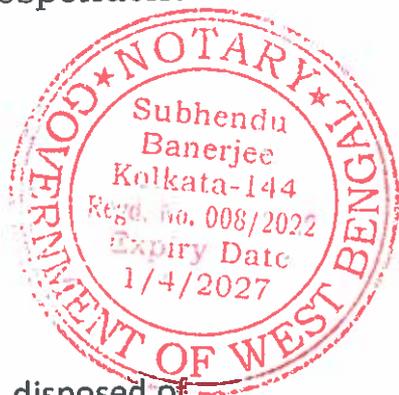
State Level Environment Impact Assessment Authority  
(SEIAA), Jharkhand represented through its Member  
Secretary, Nursery Complex, Near Dhurwa Bus Stand,  
Dhurwa, Ranchi, 834004 ,Email:msseiaa.jhr@gmail.com

.....Respondent

The humble petition on behalf the Appellants:

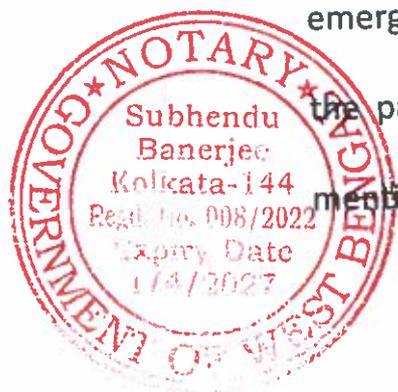
MOST RESPECTFULLY SHEWETH

1. That the Hon'ble Tribunal, Eastern Zone was pleased to disposed of the Execution Application No. 02/2025/EZ in Appeal No. 24/2023/EZ on 03.03.2025.
2. That subsequently in the Execution Application No.02/25, the impugned order of SEIAA dated 25/02/25 was passed during the pendency of the Execution Application No.2/25/EZ. Copy of the impugned order dated 25/02/25 is annexed herewith and marked as Annexure A.
2. That the learned Advocate of record was suffering from acute uveitis on her right eye from 14/03/25 and therefore the Appellant could not communicate with the Advocate -on-record of the Appellant.



X

3. That the Learned Advocate on record of the Appellant travelled to Shankar Netralaya Chennai on 25/03/25 for medical examination and appointment with Doctor.
4. That due to pus formation in the right eye of the learned Advocate on record, the learned Advocate on record was prescribed steroids and injections with complete rest for the eyes. Copies of prescriptions of the Learned Advocate-on-record in Chennai Shankar Netralaya are annexed herewith and marked as annexure B.
5. That the on 04/04/25 the Advocate on record could establish contact with the Appellants and after a discussion with the Appellant started preparing the instant Appeal and the Appeal was filed on 14/04/25, there is a delay of nineteen days
6. Therefore, delay of 19 days, (if at all) caused in filing the instant appeal was completely beyond the control of the appellant or their learned Advocate. The instant application for condonation of delay has been filed as an abundant precaution in view of the medical emergency of the learned Advocate on record, though the applicant in the paragraph relating "Limitation" in the Memorandum of Appeal mentioned the details pertaining to delay in filling of the Appeal.



X

7. That unless the delay of 19 days, in preferring the instant appeal, is condoned the appellant will suffer an irreparable loss and injury.
8. The application is bonafide and for ends of Justice.

#### PRAYER

In the Premises as aforesaid applicant most humbly prays that Your Lordships may be graciously pleased to condone the delay (if any) of 19 days (as per the medical emergency of the Learned Advocate-on -record) in presenting the instant memorandum of appeal and / or pass such other Order or Orders as to Your Lordships may deem fit and proper;

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



X

VERIFICATION

I, MD Illyas, s/o late Ahmed Ali, age-48 years, by occupation- Business, resident of VILL-Nimadihi, PO & PS- Arhango, District- Giridhi, PIN-825418, do hereby verify that -

I am Appellant no.1 of this instant Appeal, I am verifying this Affidavit on behalf other Applicants, the contents of the Paras 1 to 5 are true to our personal knowledge and that we have not suppressed any material fact.

M. A. Illyas

Appellant

Identified by me

Paushali Banerjee

Paushali Banerjee

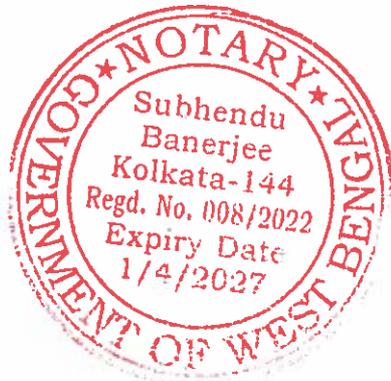
Advocate

Solemnly Affirmed and Declared before me u/s 139 CPC and u/s 333BNSS 2023

Subhendu Banerjee

Notary Govt. of West Bengal

28.08.2025

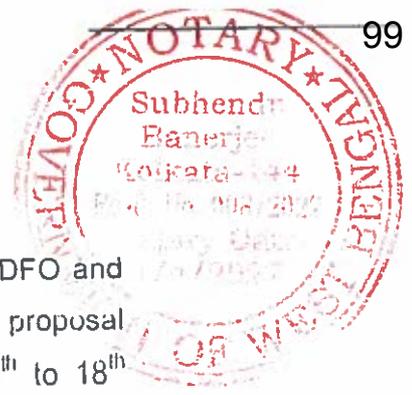


Subhendu Banerjee  
Notary, Govt. of W.B  
Regd. No. 008/2022  
Advocate High Court, Calcutta

28 AUG 2025



~~Q~~



3. That on the basis of certificate of distance granted by then the DFO and taking into consideration other mandatory documents, the project proposal was appraised by then SEAC in its 24<sup>th</sup> meeting held on 15<sup>th</sup> to 18<sup>th</sup> December, 2014 and project was recommended for grant of Environmental Clearance. In the light of recommendation of SEAC, Environmental Clearance was granted by the then SEIAA in its 28<sup>th</sup> meeting held on 30<sup>th</sup> December, 2014. Accordingly EC letter was issued vide letter no. : EC/SEIAA/2014-15/518/2014/703, dated : 31.12.2014 with general and specific terms and conditions stipulated therein.
4. That after posting of the new DFO of Giridih East Division, Giridih, vide its letter no. : 4261, dated : 21.12.2022 has made a complaint that actual distance of mining lease area of Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P), Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (Area : 0.732 Ha) is only zero(0) meter and previous certificate issued by then DFO vide letter no 391 dated 25.02.2014 is wrong / incorrect. DFO has further stated that PP has also done illegal mining activity on plot no 01, which is notified forest and therefore a forest case has also been lodged against the PP for illegal mining on notified forest and emphasized that due to distance of zero(0) meter of aforesaid mining lease, it is causing adverse impact on forest and also requested to cancel the Environmental Clearance.
5. That after receiving the complaint from DFO, Giridih East Division, Giridih vide its letter no. 4261, dated : 21.12.2022, a show cause notice was issued to PP, Shri Arun Kumar Ladia vide SEIAA letter no. : 319, dated 22.12.2022 and copy of same was forwarded to DFO, Giridih East Division whereby he was asked to conduct a Joint Inspection in presence of PP and submit the Joint Inspection Report within 10 days. Further DFO, Giridih East Division informed that 11.03.2023 was fixed for Joint Inspection in which PP did not appear. PP Shri Arun Kumar Ladia submitted his reply of show cause to SEIAA vide its letter no. Zero, dated 10.01.2023.

*[Handwritten Signature]*

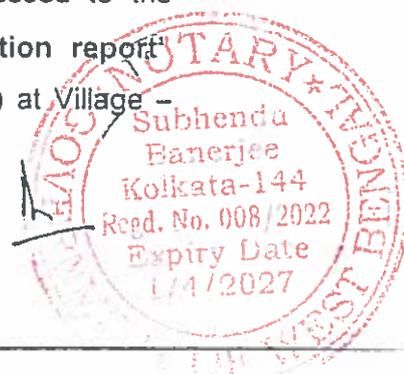
*[Handwritten Signature]*

*[Handwritten Signature]*

-X-

6. That thereafter a comment was sought on show cause reply given by Shri Arun Kumar Ladia (PP) from DFO, Giridih East Division, Giridih vide SEIAA letter no. 418, dated : 09.02.2023. The DFO, Giridih East Division, Giridih vide its letter no. : 1704, dated : 20.05.2023 submitted his comment and it was stated by DFO, Giridih East Division that plot no. 01 and plot no. 04 are adjacent to each other. The plot no. 01 is notified forest area and plot no. 04 is area on which mining lease has been granted. Thus distance of boundary of mining lease area i.e. plot no. 04 is at Zero (0) meter from notified forest. The actual distance of mining lease boundary is Zero (0) meter and further recommended for cancellation of the Environmental Clearance dated 31.12.2014.
7. That as per the provision contained in para 8(vi) of EIA notification 2006, 22.06.2023 was decided for personal hearing of both the parties and letter was issued vide SEIAA letter no. 142, dated 12.06.2023 to the DFO, Giridih East Division, Giridih and PP Shri Arun Kumar Ladia to appear before the Member Secretary, SEIAA on 22.06.2023 for hearing of both parties.
8. That shri Pravesh Agarwal, then DFO Giridih East Division, Giridih and Shri Arun Kumar Ladia with authorised representative Shri Raghaw Nandan Prasad appeared before Member Secretary, SEIAA on 22.06.2023. The DFO, Giridih East Division reiterated the same facts as mentioned in his clarification letter no. 1704, dated 20.05.2023 that distance between plot no. 04 (on which mining lease was granted) and plot no. 01 (notified forest land) is Zero(0) meter. He also emphasized that PP Shri Arun Kumar Ladia has also done illegal mining activity on plot no. 01, which is notified forest and produced documentary evidence like cadastral map, which clearly shows that plot no.01 is adjacent to the plot no. 04.
9. That the D.F.O., Giridih East Division has also submitted the letter no. 630 dated 26.11.2022 of Circle Officer, Bengabad, addressed to the Deputy Commissioner, Giridih under the subject "inspection report (Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P) at Village -





- X -



Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (0.732 Ha)  
wherein it has been clearly written that:

“ मौजा लखनपुर थाना नं० 349, प्लॉट सं० 04 में रकवा 03 डी० पर पत्थर उत्खनन का कार्य किया गया है एवं प्लॉट सं० 05 पर उत्खनन कार्य नहीं किया गया है। खाता सं० 01, प्लॉट सं० 01 सर्वे रकवा 81 एकड़ के मध्ये 1.53 ए० पर पत्थर उत्खनन का कार्य किया गया है, जो गैरमजरूआ खास खाते की भूमि है एवं किस्म जंगल दर्ज है।”

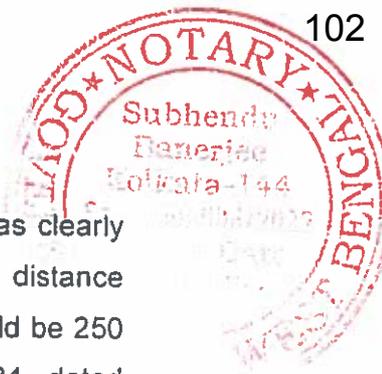
10. That the authorized representative of the PP namely Shri Raghaw Nandan Prasad during hearing before Member Secretary, SEIAA on 22.06.2023 could not controvert the facts regarding distance given by then DFO, Giridih East Division, Giridih from the forest boundary to mining lease area.
11. That on the basis of above facts, it is clear that nearest distance of mining lease boundary from notified forest is Zero(0) meter. And the certificate issued by then DFO, Giridih East Division, Giridih issued vide letter no. 391, dated 25.02.2014 was incorrect and this was a very important document for Screening, Scoping and Appraisal of the project as per relevant provisions contained in EIA notification, 2006.
12. That in the light of the aforesaid facts, SEIAA in its 106<sup>th</sup> meeting held on 3<sup>rd</sup> and 04<sup>th</sup> July, 2023 has decided that Environmental Clearance granted to said project is hereby, cancelled with immediate effect under para 8(vi) of the EIA notification, 2006. The SEIAA further recommended to the State Govt. / PCCF HoFF to take appropriate disciplinary actions against erring officials of Giridih East Forest Division for issuing incorrect/wrong distance certificate.
13. That against cancellation of Environmental Clearance dated 31.12.2014, an Appeal no. 24/2023/EZ had been filed before Hon'ble NGT, Eastern Zonal Bench, Kolkata in which a counter affidavit had been filed by SEIAA, Jharkhand affirmed on 05.01.2024.

*Deu*

*Deu*

*h*

- 12 -



14. That in para 5 of the counter affidavit of SEIAA, Jharkhand it was clearly stated that for grant of Environmental Clearance a minimum distance criteria of mining lease area from protected / notified forest should be 250 meters. But as per DFO, Giridih East Division letter no. 4184, dated 15.12.2022 and letter no. 4261, dated 21.12.2022 distance from mining lease area from protected / notified forest is at Zero (0) meter and same is on the record.
15. That in para 7 and para 22 of the counter affidavit of SEIAA, Jharkhand it has been stated that illegal mining has been carried out by the PP and same is on the record.
16. That under para Brief Facts K and para 3 of the counter affidavit of SEIAA, Jharkhand it has been stated that Mr. Arun Kumar Ladia has transferred the lease deed on 26.11.2021 to Md. Ilyas and Md. Saraj who are Appellant No. 1 and 2 in the instant original application. Thus, mining activity carried out from 26.11.2021 by Md. Ilyas appellant no. 1 and Md. Saraj appellant no. 2 without transfer of Environmental Clearance in their name is illegal and it is also violation of para 11 of EIA notification, 2006.
17. That on account of illegal mining carried out by Md. Ilyas and Md. Saraj, a complaint case has been lodged against Md. Ilyas and Md. Saraj both appellants under section 33(1)(b) & 33(1)(c) of the Indian Forest Act, 1927 (Bihar Amended Forest Act, 1989) in the Court of Learned Chief Judicial Magistrate, Giridih in which cognizance has been taken of the offence. It has been further found that both the Appellants have moved Hon'ble Jharkhand High Court, Ranchi for quashing of cognizance vide Cr.M.P. No. 3049 of 2024 and the matter is still sub-judice.
18. That the Hon'ble NGT has passed an order on 23.08.2024. In para 64 wherein inter alia following observation has been made :

*"..... in case there are rules or guidelines in existence with regard to the siting criteria issued by the Forest Department or State*

-18-



*Government the SEIAA, Jharkhand shall consider the same with regard to facts of the present case and pass fresh order in this regard.*

19. That with regard to siting criteria, Principal Chief Conservator of Forest (PCCF) HoFF, Jharkhand vide letter no. 3929 dated 16.12.2015 has forwarded notification no. B-12 dated 07.12.2015 issued under the signature of Member Secretary, Jharkhand State Pollution Control Board, Ranchi to all the officials in the Department of Forest Environment, and Climate Change. That a perusal of the aforesaid Notification, clearly mentions therein that minimum distance of Stone Mines and Stone Crushers from notified and demarcated Forest/Forest Land (revised) is 250 meters, and on this very criteria of distance EC is being granted for since issuance of the aforesaid Notification 2015 and till date the aforesaid notification holds the field.
20. That Hon'ble NGT have been pleased to observe inter alia in para 67 of order dated 23.08.2024 as follows:-
- "..... The Hon'ble NGT has observed that project proponent has encroached in to plot no. 1 and carried out mining operation which is a clear violation of the condition C (2) of Environmental Clearance dated 31.12.2014 and this matter was also to be taken in to consideration while passing appropriate order thereon."*
21. That in compliance of order dated 23.08.2024 passed by the Hon'ble NGT for reconsidering the matter and passing a fresh order, the Member Secretary, SEIAA, Jharkhand issued a notice to the PP vide letter no. 280, dated 15.10.2024 for submission of following documents :-
- i. Joint Inspection Report regarding distance from forest land to mining lease area in presence of project proponent and DFO, Giridih East Forest Division with joint signature.
  - ii. A clarification on the illegal mining done by you and as reported by the Circle Officer, Bengabad vide letter no. 630, dated 26.11.2022

*Olley*

*Elly*

*h*



- 15 -

providing reasonable opportunity to the PP and Appellants of the case, and also in view of Rules, Regulations, Guidelines, EIA Notification, 2006 as amended time to time, SEIAA duly reconsidered and has arrived at a decision that no fresh EC can be granted in favour of the Appellants.

*[Signature]*  
Chairman  
SEIAA, Jharkhand

*[Signature]*  
25/2/25  
Member  
SEIAA, Jharkhand

*[Signature]*  
25/2/25  
Member Secretary  
SEIAA, Jharkhand



Anneexure - 'B'

-16-

### Prof. (Dr.) Jyotirmoy Datta

M.B.B.S., D.O., M.S.(Cal) Eye Surgeon  
Ex Head, Eye Department  
N.R.S. Medical College Hospital  
Calcutta National Medical College Hospital  
Regd. No. : 36297  
Phone : 033 2422 3295(R), Mobile : 98310 81086  
E-mail : dr.jyotirmoydatta@gmail.com

### Optical Plaza

61, Rash Behari Avenue, Opp. Lake Mall, Kolkata - 26  
Mon 3 P.M. To 6 P.M.  
Thurs 3 P.M. To 6 P.M.  
For appointment : 90073 94290

Anneexure - 'B'



COVID 2020

Poushali Banerjee 42

RE

Acute Ant-Uveitis

↓

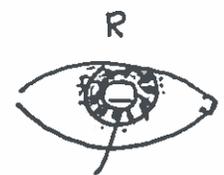
Treated with  
Pred forte E/D  
Oral steroid (40mg)  
Homide E/D  
(Pt. did not apply)

Rx

① Pred forte Eye drop RE  
6 times daily 5 days } 2  
4 " " 5 " } weeks  
3 " " 5 " }

② Homide Eye drop RE  
Thrice daily - 2 weeks

③ Tab. Wysolone 10  
3 tab. daily after B/F x 5 days }  
2 " " " " x 5 " } 2  
1 " " " " x 5 " } weeks



Hypopyon

Review on

01/04/25  
PAXUM 5 1 tab. daily or bed time - 5 days

④ Tab. Pam 40  
1 tab daily before B/F x 2 weeks  
17 MAR 2025

Signature

# Prof. (Dr.) Jyotirmoy Datta

M.B.B.S., D.O., M.S.(Cal) Eye Surgeon  
 Ex Head, Eye Department  
 N.R.S. Medical College Hospital  
 Calcutta National Medical College Hospital  
 Regd. No. : 36297  
 Phone : 033 2422 3295(R), Mobile : 98310 81086  
 E-mail : dr.jyotimoydatta@gmail.com

# Optical Plaza

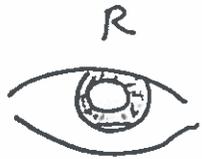
61, Rash Behari Avenue, Opp. Lake Mall, Kolkata - 26  
 Mon 3 P.M. To 6 P.M.  
 Thurs 3 P.M. To 6 P.M.  
 For appointment : 90073 94290



Case Examined by Prof. Dr. Pahari Ghosh.

Poushali Banerjee 42

Rx



Media. Hazy  
 PH 6/6

INVESTIGATIONS TO BE DONE

Blood for Sugar PP, F  
 HbA1c

- BP
- ECG
- X-Ray Chest PA V.

- CBC
- ESR
- CRP
- MT (1 in 10,000)
- ACE (Sarcoidosis)
- QUANTIFERON (Tuberculosis)

1. Pred forte Eye drop RE 6 times daily
2. Homidex } Eye drop Thrice
3. Nevamac } daily Right Eye
4. Wysolone 10 5 tab. daily after Breakfast
5. Pan 40 1 tab. daily before Breakfast

Review 24/3/25

Adv.  
 • OCT (Macula)  
 • OCT Angiogram 20 MAR 2025

-17-

as

-18-



MEDICAL RESEARCH FOUNDATION

PATIENT FLOW CHART

PATIENT NAME : *Msy. Paushali Banerjee*  
 MRD NO : *6037591*

S.NO	DATE	PROCESS	SIGNATURE
		<i>Dr. JB</i>	<i>MB</i>
	<i>25/4/25</i>		
Allergic to dilatation drop		Yes	No

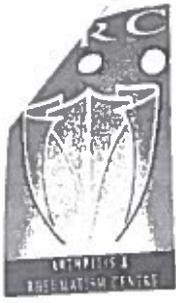
PLEASE ADMINISTER ONLY ONE DROP AT A TIME

S. NO	DILATATION ORDERS (Please circle the dilatation drops which is to be administered)	Eye			1st Dose	2nd Dose	3rd Dose
		OD	OS	OU			
1.	Tropicamide eye drops 1%	<u>T</u>	OD	OS	<u>OU</u>		<u>8</u>
2.	1. Tropicamide eye drops 1% + 2. Homatropine eye drops	HA&T	OD	OS	OU		
3.	1. Cyclopentolate eye drops + 2. Tropicamide eye drops 1% + 3. Cyclopentolate eye drops	CTC	OD	OS	OU		
4.	Tropicamide and phenylephrine	T+	OD	OS	OU		
5.	ROP Drops (Hydroxypropyl methyl cellulose + Tropicamide and phenylephrine)	ROP	OD	OS	OU		
6.	Homatropine eye drops	HA	OD	OS	OU		
7.	Cyclopentolate eye drops	C	OD	OS	OU		
8.	DO NOT DILATE		OD	OS	OU		
9.	DILATE WITH PERMISSION		OD	OS	OU	Remarks	

S.No.	Date	Process	Signature
	<i>25/4/25</i>	<i>Review 3 months</i>	<i>[Signature]</i>



- 18 -



# Dr V V Kaushik MRCP(UK) CCT(Rheumatology) FRCP(Lond)

Arthritis & Rheumatism Centre  
17 Jambulingam Street, Nungambakkam  
Chennai, Tamil Nadu - 600034

Email: vvkaushik@hotmail.com  
Website: www.arthritis-go.com

Female, 45 Years

Paushali Banerjee  
Patient Id: VVKARC13389  
+919433253274



Date: 25 Mar, 2025

By: Dr. Viswanath Kaushik

## Clinical Notes

- Complaints
- Referred by Dr J Biswas
  - NGAU
- Diagnosis
- Uveitis
- Note
- To commence Bonmiraa 40mg

## Prescription(Rx)

Drug Name	Strength	Frequency	Instructions
1. Tablet Statbloc 180 tablets	5 mg	1 - 0 - 1 Morning Afternoon Night	3 month(s) After Food
2. Tablet Ben Glow 90 tablets		1 - 0 - 0 Morning Afternoon Night	3 month(s) After Food
3. Injection Bonmiraa		1 injection(s) every other week	3 month(s) 25/03, 08/04, 22/04, 06/05, 20/05 and 03/06

Dr V V Kaushik FRCP  
Reg: 55385

**Dr V V Kaushik FRCP**  
Consultant Rheumatologist  
Apollo Hospitals  
Reg No 55385

Thumb Space Split

Touchan

**Prof. Dr. Jyotirmoy Datta**

M.B.B.S., D.O., M.S.(Cal), Eye Surgeon  
Ex Head, Eye Department  
• N. R. S. Medical College Hospital  
• National Medical College Hospital  
Regd. No : 36297  
Mobile : 9831081086  
E-mail : dr.jyotirmoydatta@gmail.com

**OPTICAL HOUSE**

51B, Rashbehari Avenue,  
(Near Lake Market),  
Kolkata - 700 026.  
M.: 9038271978,  
Tuesday & Friday 3PM to 6 P.M.

Poushali Banerjee 42

C/O  
Discharge/R/L  
Eye ache

Rx



- |                 |                |
|-----------------|----------------|
| 1. Hymoisst     | } Eye drop     |
| 2. Myticom      |                |
| 3. Nevaxac      |                |
|                 | } Both Eyes    |
|                 | } Thrice daily |
|                 | - 3 WXS        |
| 4. Eye Mist Gel | at bed         |
| time            | Both Eyes      |

NEXT

20/5/2025



Jyotirmoy  
30 MAY 2025