

Filed by: 139
Sangita Chatterjee
Adv.

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BRANCH, KOLKATA
ORIGINAL APPLICATION NO. 138/2025/EZ

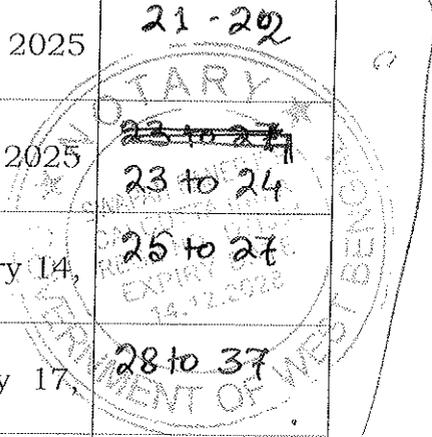
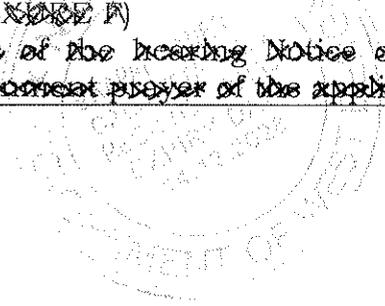
[Application under Section 18(1) read with Sections 14, 15 and 17 of the
National Green Tribunal Act, 2010]



In the matter of :
Biplab Kumar Chowdhury
... Applicant
-Versus-
State of West Bengal & Ors.
.... Respondents

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Sanjay Kumar
Adv.

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

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

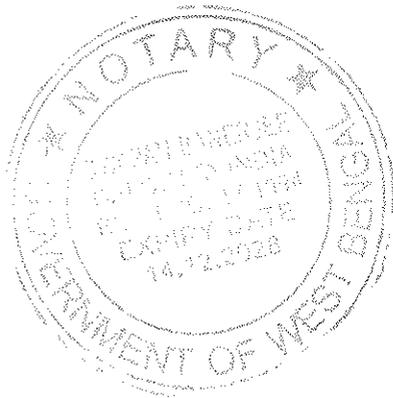
In the matter of :

Biplab Kumar Chowdhury, son of Late
Birendranath Chowdhury, residing at
108, M. B. Road, Purbita, Sukanta
Sarani, Birati, Police Station - Airport,
Kolkata - 700 051.

... Applicant

-Versus-

1. The State of West Bengal, service through the Additional Chief Secretary, Environmental Department, having its office at 5th floor, Prani Sampad Bhawan, LB-2, Sector - III, Salt Lake, Kolkata - 700 098, Email: psecy.env-wb@gov.in
2. 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, Salt Lake, Kolkata - 700 106, Email : ms@wbpcb.gov.in .
3. The Chief Secretary, Government of West Bengal, Nabanna, 13th Floor, 325, Sarat Chatterjee Road, Mandirtala, Shibpur, Howrah - 711 102, Email : cs-westbengal@nic.in



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Sandeep Saha
Adv.

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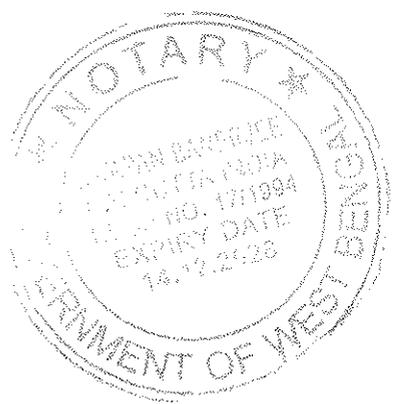
4. The Principal Secretary, Department of Industry, Commerce and Enterprises (ICE), Government of West Bengal, Shilpa Sadan, 6th Floor, 4, Abanindranath Tagore Sarani, Kolkata - 700 016. Email : secci@wb.gov.in

5. The Deputy Secretary (Mines Branch), Department of Industry, Commerce and Enterprises (ICE), Government of West Bengal, Shilpa Sadan, 6th Floor, 4, Abanindranath Tagore Sarani, Kolkata - 700 016. Email: environmentwb@gmail.com

6. The Chairman and Managing Director, West Bengal Mineral Development & Trading Corporation Limited, having office at WBIDC Building, 3rd floor, DJ-10, Sector - II, Salt Lake City, Kolkata - 700 091. Email : mdwbmdtcl@gmail.com

7. The State Level Environment Impact Assessment Authority, Department of Environment, service through Chairman, Government of West Bengal, Prani Sampad Bhawan, LB-2, Sector - III, Salt Lake, Kolkata - 700 098. Email : environmentwb@gmail.com

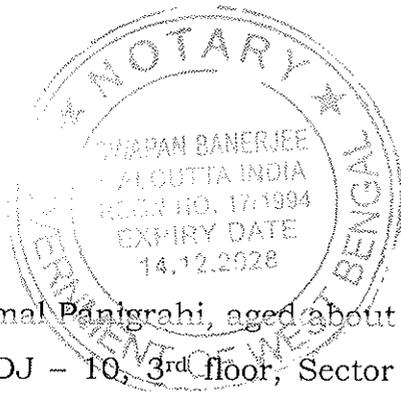
... Respondents



Counter Affidavit on behalf of Respondent No. 6.

EL. NO. 8

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Adv.

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

1. That I am the General Manager (Sand/Administration) of West Bengal Mineral Development & Trading Corporation Limited (WBMDTCL), being the Respondent No. 6 herein and as such I am well conversant with the facts and circumstances of the present Original Application. I have been duly authorized by the Chairman & Managing Director of WBMDTCL to affirm this Counter Affidavit to the Original Application, in terms of solemn order dated October 06, 2025 passed by this Hon'ble Tribunal and as such I am competent to affirm this affidavit.

Photostat copy of the Authorization, issued by the Chairman and Managing Director of WBMDTCL in my favour is enclosed and marked as Annexure "A".

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

3. I say that WBMDTCL was set-up with the objectives to explore and extract various Non-Coal Minerals i.e. Rock-phosphate, Stone aggregates, Fire clay, Quartz, Feldspars, Iron Ore, Silica Sand etc. in West Bengal; to examine its commercial possibilities and to convert mineral resources to marketable commodities for generating incomes/revenues from sales proceeds. The vision of WBMDTCL is to develop and exploit coal and other non-coal minerals in a scientific, economic and eco-friendly manner; to secure, assist and facilitate the growth and development of mining and mineral based industries and trading activities in West Bengal and to explore, mine, crush, smelt,

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amalgamate and process and market minerals and mineral based products. It is beyond any pale of doubt that the function of WBMDTCL is for a public purpose.

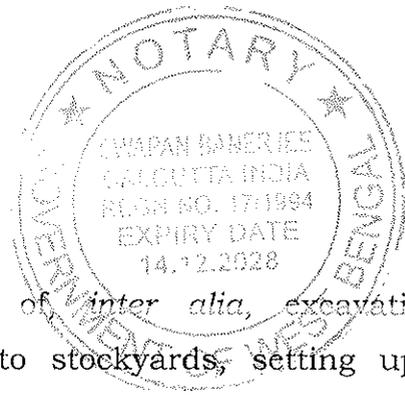
4. The Government of West Bengal having considered the importance of framing a sand mining policy for the State of West Bengal, came up with the said Policy 2021, to improve the effectiveness of monitoring of mining and transportation of sand and to ensure that the extraction is carried out in a scientific, environmentally sustainable, and socially responsible manner.

5. Subsequently the said Policy 2021 received statutory recognition by way of promulgation of the West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021 (hereinafter referred to as the "2021 Rules"), in exercise of the powers conferred by Section 15 and Section 23C of Mines and Minerals (Development and Regulation) Act, 1957, which was notified by a Gazette Notification bearing no. 48-ICE/O/MIN/GEN-MIS/17/2021 dated 25.01.2022 for, *inter alia*, sand mining, transportation, storage and sale of sand, regulation and monitoring of sand mining, prevention of illegal sand mining.

6. As per the said Policy 2021, WBMDTCL has been named as the designated agency of Government of West Bengal to, *inter alia*, deal with the issue of indiscriminate mining of sand, black-marketing, artificial supply shortage through hoarding, to ensure compliance with regulations and affordable pricing for end consumers. Hence, the Policy, 2021 and subsequently the 2021 Rules, provided that WBMDTCL shall be the appropriate agency to achieve such objectives and would be solely responsible for the entire mining process, *inter alia*, contracting out the excavation of sand and transportation of sand from the mines to the stockyard, without involvement of any private agencies.

7. The process as envisaged under the said Policy, 2021 and the Rules, 2021 (as notified subsequently) was that WBMDTCL would appoint MDOs with whom sand mining agreements would be executed, upon receipt of all statutory clearances and post fulfillment of all environmental clearances, for

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carrying out the aforementioned process of, *inter alia*, excavation & transportation of sand from sand blocks to stockyards, setting up and maintenance of stockyards, loading sand on the vehicle and sale of sand to end-consumer.

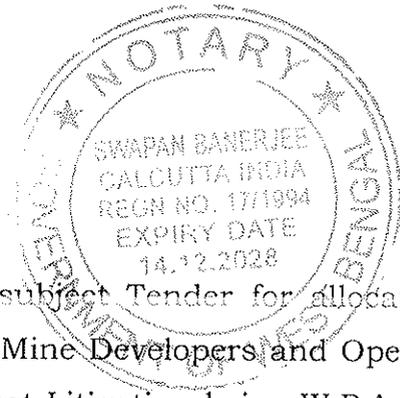
8. Since the aforesaid process would be time consuming and would result in a considerable delay in effectively implementing legal mining, till which time illegal mining would continue to grow, causing huge losses to the public exchequer, WBMDTCL in order to prepare itself with a list of identified MDOs for participation in the subsequent stage of awarding work, took preparatory steps for empanel of MDOs under 2 (two) distinct categories based on the area of the Sand Mines, i.e. (i) Category A comprising of area of each block/group of blocks less than 20 Hectares; and (ii) Category B comprising of area of each block/group of blocks greater than 20 Hectares.

9. Based on the applications received, WBMDTCL empanelled MDOs *vide* memo no: MDTC/Sand/002/1027 dated 30th December 2021 for participation in the subsequent RFP stage for awarding work. However, at the cost of repetition it is stated that WBMDTCL would award contract for sand mining only after the contractor has obtained all statutory clearances as also Environmental Clearances from SEIAA, West Bengal.

10. It is stated that pursuant to the direction, passed by this Hon'ble Tribunal on August 14, 2025 a copy of an original application being O.A. No. 138/2025/EZ (hereinafter referred to as the said Application) supported by an affidavit purportedly affirmed by Sri Biplab Kumar Chowdhury, being the applicant herein on July 16, 2025 has been served upon the office of WBMDTCL on September 19, 2025. I have read the copy of the said Application and have understood its true scope, meaning, effect and purport.

11. At the outset, I state that the said Application is misconceived, frivolous, vexatious, harassive, devoid of merits, unsupported by law and has been filed with vested interest and is *mala fide*. It is submitted that the applicant has been set up by some interested person. The same would be evident from the

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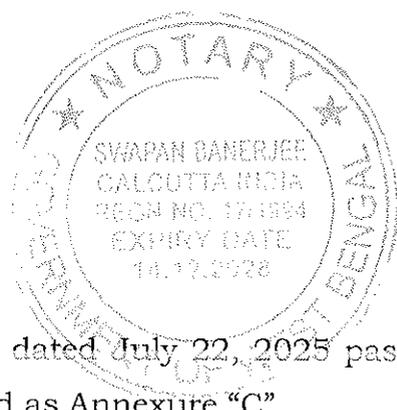
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Adv.

fact that immediately after issuance of the subject Tender for allocation of sand Blocks among the enlisted Contractors/Mine Developers and Operators, some interested parties filed one Public Interest Litigation being W.P.A.(P) No. 19 of 2025 (Safikul Islam Seikh -Versus- West Bengal Mineral Development & Trading Corporation Limited & Ors.). The said Public Interest Litigation was dismissed by the Division Bench comprising of the Hon'ble Chief Justice Mr. T. S. Sivagnanam and the Hon'ble Justice Hiranmay Bhattacharyya vide solemn order dated January 30, 2025.

Photostat copy of the said solemn order dated January 30, 2025 passed in WPA(P) No. 19 of 2025 is enclosed and marked as Annexure "B".

12. I say that the applicant thereafter filed one Public Interest Litigation on the self same cause of action being WPA(P) No. 197 of 2025 (Biplab Kumar Chowdhury -Versus- State of West Bengal & Ors.) before the Hon'ble High Court at Calcutta. The said Public Interest Litigation came up for hearing on July 22, 2025 before the Division Bench comprising of Hon'ble Justice Sujoy Paul and Hon'ble Justice Smita Das De. Upon hearing the parties and considering the order passed earlier in the similar circumstances, the Hon'ble Court was pleased to dismiss the said Public Interest Litigation. While dismissing the said Public Interest Litigation, the Hon'ble Court granted liberty to the aggrieved persons to approach the appropriate forum. Simultaneously with filing with the said Public Interest Litigation, the applicant filed the present Original Application, suppressing the fact of dismissal of the same. Therefore, the applicant cannot be allowed to abuse the process of this Hon'ble Tribunal on a vague assertion of highlighting various social issues from time to time and being engaged in the field of social reforms. It is submitted that the applicant has approached this Hon'ble Tribunal for his personal and private gains. It is submitted that the instant application seeks to prevent the State and its instrumentalists from legalizing the entire process of allocation of sand mining blocks. The instant application seeks to promote the indiscreet exploitation of sand mines in an illegal manner, at the instance of interested persons.

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Photostat copy of the said solemn order dated July 22, 2025 passed in WPA(P) No. 197 of 2025 is enclosed and marked as Annexure "C".

13. I say that the said Application is not maintainable under Section 14, 15 or 16 read with Section 18(1) of the National Green Tribunal Act, 2010 (hereinafter referred to as the said Act) for the following reasons:

- a. The applicant has failed to disclose any substantial question relating to environment or any violation or non-enforcement of any legal right or question relating to implementation of the enactments specified in Schedule – I of the said Act.
- b. The applicant has failed to establish himself as a "person aggrieved" in terms of Section 18(1) of the said Act. I state that no pleadings have been made in the application to demonstrate the applicant being aggrieved by issuance of the Tender for Selection of Mine Developer & Operator (MDO). Accordingly, the applicant has no cause of action to maintain the instant proceedings.
- c. The instant Application is premature as the said Tender has been merely issued for selection of MDO in consonance with The West Bengal Sand Mining Policy, 2021 (hereinafter referred to as the said "Policy, 2021") and The West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021, details whereof are more fully stated hereinafter. It is submitted that issuance of the Tender does not raise any substantial question relating to environment and does not involve adjudicating any issue of enforcement of any legal rights relating to environment.
- d. I state that the Tender process has been undertaken for only making considerable advancement in the entire process of selection of MDOs and in order to tackle, *inter alia*, illegal sand mining. I state that no mining activities have commenced or would be allowed pursuant to the Tenders in any of the districts of State of West Bengal, without obtaining all statutory compliance including but not restricted to the duly approved District Survey Report (hereinafter referred to as "DSR"), Mining Plan, Environmental Clearance, Consent to Establish, and Consent to Operate.

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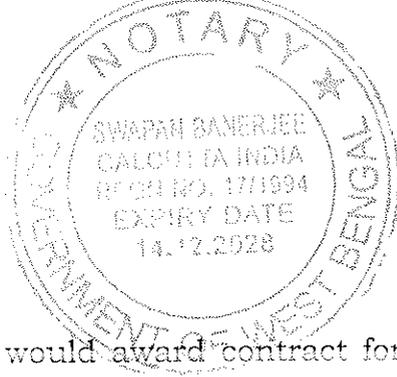
Thus, no adverse impact can be caused to the environment merely by floating of such tender.

- e) I say that previously in the year 2022 immediately after issuance of Tender by WBMDTCL for selection of MDO, one identical Original Application being O.A. No. 74/2022/EZ was filed before this Hon'ble Tribunal by one Shiv Dayal Singh alleging floating of tenders without finalizing DSR and the same was illegal in view of Enforcement and Monitoring Guidelines for Sand Mining. The said application came up for final hearing on February 14, 2023 before the Hon'ble Mr. Justice Adarsh Kumar Goel, Chairperson, the Hon'ble Mr. Justice Sudhir Agarwal, Judicial Member and Hon'ble Prof. A. Senthil Vel, Expert Member. Upon hearing the parties and considering the fact disclosed by the Chief Secretary, West Bengal to the effect that sand mining Agreement will be executed only after DSRs are approved by SEIAA and all other compliance and approvals are undertaken as per Judgment of Hon'ble Supreme Court of India the Hon'ble Tribunal was pleased to dispose of the said Original Application recording that the State Authorities would not undertake any mining activities of sand in violation of the laid down procedure.

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

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

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also came to the finding that WBMDTCL would award contract for sand mining only after the contractor has obtained all statutory clearances as also Environmental Clearances from SEIAA, West Bengal. Considering such stand of WBMDTCL, this Hon'ble Tribunal was pleased to dismiss the said Original Application.

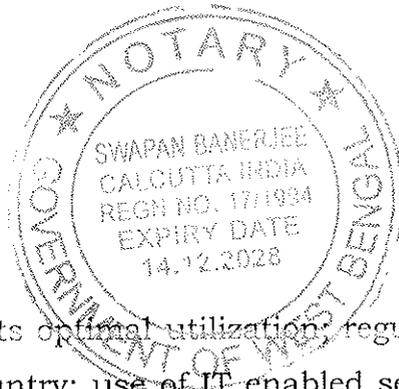
Photostat copy of the said solemn order dated July 17, 2023 is enclosed and marked as Annexure "E".

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

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

- a) The Ministry of Environment Forest & Climate Change (hereinafter referred to as the "MOEF&CC") to regulate the management and systematic mining practices, formulated the Sustainable Sand Management Guidelines, 2016 (hereinafter referred to as the said "Guidelines, 2016"). The said Guidelines, 2016 was implemented for preventing illegal mining, transportation and storage of minerals.
- b) In order to supplement the existing Guidelines, 2016, a further Enforcement and Monitoring Guidelines, 2020 (hereinafter referred to as the "Guidelines, 2020") was promulgated for identification and

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Adv.

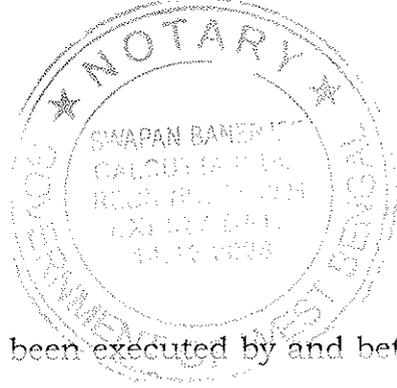
quantification of mineral resources and its optimal utilization; regulation of the sand and gravel mining in the country; use of IT enabled services and latest technology for surveillance or sand mining; for setting up procedure for replenishment of sand, environmental clearance monitoring and environmental audit; and to control the instances of illegal mining.

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

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

- a. WBMDTCL selected ISO 9001:2015, 14001:2015 & OHSAS 18001:2007 Certified QCI-NABET Accredited EIA Consultant Organization which was empanelled with MOEF&CC for preparation of the DSRs for various districts in the State of West Bengal.
- b. Upon selection of such agency, all relevant data as necessary for preparation of DSR was provided to the agency from time to time and the draft DSRs were prepared taking into consideration all statutory requirements and notifications issued by the MOEF&CC from time to time.
- c. Based on such draft DSRs, potential sand mining sites were identified by WBMDTCL in consultation with the District Authorities and notified to the concerned District Authorities.
- d. Upon receipt of approvals from the concerned District Authorities, Tenders were floated by WBMDTCL, for appointment of the MDO with whom sand mining agreements would be executed, only upon obtaining all statutory compliance and approvals.

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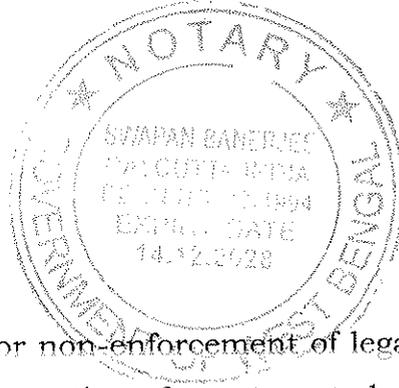


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- e. At present, no sand mining agreement has been executed by and between WBMDTCL and the empanelled MDOs in respect of the auctioned sand blocks. It is pertinent to note that the sand mining agreement would only be executed between WBMDTCL and the MDO, once the draft DSRs are approved by State Level Environment Impact Assessment Authority (hereinafter referred to as "SEIAA") and all necessary compliance and statutory approvals are undertaken including but not restricted to Environmental Clearance.
- f. Further, upon execution of such sand mining agreement Consent to Operate and Consent to Establish has to be mandatorily obtained by the MDO before commencement of any mining activity.
- g. Needless to mention here that Environmental Clearance is a mandatory requirement for commencement of sand mining activity and to apply for such Environmental Clearance, a proponent must submit a mining plan and a duly approved DSR and hence, simultaneously the process of obtaining approval of DSR and preparation of mining plan was being undertaken by WBMDTCL to save time.
- h. The entire process of floating of Tender to select the appropriate MDOs was undertaken as a preparatory measure to achieve a considerable advancement in the entire process once approvals were granted. I submit that there is no bar upon an authority for selection of an MDO as a preparatory measure once all requisite approvals are granted. Further, and in any event Clause 4.1.1 of the Guidelines, 2020 requires preparation of DSRs before the auction/e-auction/grant of mining lease/letter of intent by the mining department or department dealing in mining activities, and there is no bar for issuance of tender documents to merely empanel/select an MDO. I submit that the requirement of preparing and approving DSR can be fulfilled prior to any of the three stages, the last being before granting mining lease.

17. I Say that the mere selection of MDOs cannot in any manner be construed as a dispute wherein substantial questions relating to environment

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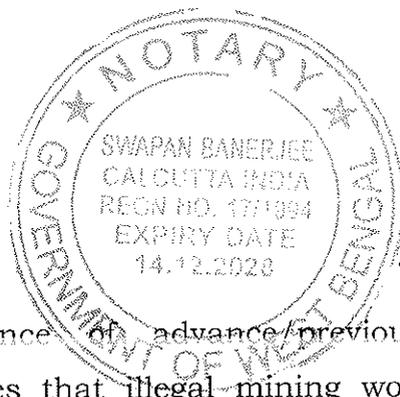
can be alleged to have arisen or violation of or non-enforcement of legal rights can be alleged or question relating to implementation of enactments be alleged to have arisen.

18. I say that the existing mining leases in the State of West Bengal which were granted in the period of 2017 to 2019 were expiring by end of 2024, hence the process of identification of new MDOs will only assist WBMDTCL to expedite the entire process including obtaining requisite Environmental Clearances on time, upon receiving approval for the DSRs and Mining Plan. I state that the aforesaid would prevent illegal mining activities being carried out in the existing mined out area which would otherwise become freehold playground for the illegal miners upon expiration of the existing mining leases and till such time the entire process of selection of MDOs can be undertaken.

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

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

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21. The fact remains that in the absence of advance/previously empanelment of MDOs, there are high chances that illegal mining would continue to increase since the details of such sand blocks are already available in the public domain and it is thus necessary that the time gap between approval and execution of sand mining agreement, be minimized, to prevent environmental damage.

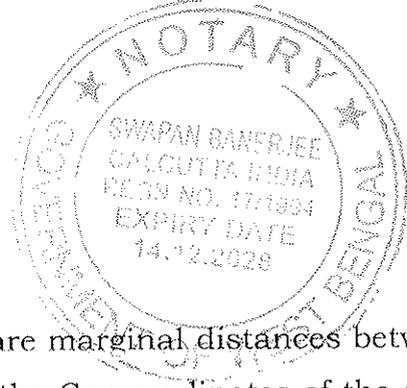
22. Without prejudiced to the aforesaid but fully relying upon the same, now I propose to deal with the various statements and/or allegations, as contained in the said application. Before dealing with the statements and/or allegations made in the said application, I state that all allegations contained in the said application are denied and disputed as if set out in seriatim and specifically traversed. Save and except what are matters of record and save and except what arises there from, each and every allegation contrary thereto and/or inconsistent therewith are denied as if the same are set out herein and denied and disputed in seriatim and specifically traversed.

23. With reference to paragraphs 1, 2 and 3 of the said application, I say that the same are mostly matters of record and I deny anything contrary to the admitted records. It is however denied that auction process in respect of 151 sand blocks of different districts of the State of West Bengal would severely affect the environment and common people of the concerned locality, as alleged in the said application.

24. With reference to paragraph 4, 5 and 6 of the said application, I say that the same are mostly matters of record and I deny anything contrary to the admitted records. In this regard I repeat and reiterate the statements made in the foregoing paragraphs.

25. With reference to statements made in paragraph 7, 8, 9, 10, 11 and 12 of the said application, save and except what are matters of record, all allegations contained in the paragraphs under reference which are contrary thereto and/or inconsistent therewith, are denied. It is denied that the said sand mining blocks are situated side by side in particular districts over

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particular river. In this regard I say that there are marginal distances between two sand blocks, which would be evident from the Geo-coordinates of the sand blocks. I further deny that in the event such side by side sand blocks are allowed to operate together then huge quantities of sand would be extracted thereby causing serious threat to natural course of flow of the river. In this regard I say that so far as the natural flow of river is concerned, the Pollution Control Board as well as State Environmental Impact Assessment Authority are there to take care of the same. In the event of any deviation of the environmental norms, the Environmental Clearance would not be granted. Therefore, the apprehension of the applicant is not only baseless but also imaginary.

26. With reference to statements made in paragraphs 13, 14, 15, 16, 17, 18, 19 and 20 of the said application, save and except what are matters of record, all allegations contained in the paragraphs under reference which are contrary thereto and/or inconsistent therewith, are denied. I specifically and categorically deny that if such huge quantity of sand excavation from the auctioned sand blocks situated side by side to one another are allowed to operate together in particular districts, the same would change in river Morphology, which can alter river flow patterns, leading to channel widening, braiding and change in sediment transport, as alleged in the said application. On the contrary I say that in the notified sand blocks, the geo co-ordinates are tentative and the same are for the purpose of selection of MDOs, the mining activities would be commenced only after obtaining all Statutory Clearances, not restricted but including Environmental Clearance, Consent to Operate, Consent to Establish etc. After due deliberation and scrutinizing every aspect and environmental concern based on relevant Rules, directions and notifications issued by the Department/Ministry/Hon'ble Courts.

27. With reference to statement made in paragraph 21, 22, 23, 24, 25 and 26 of the said application, I deny each and every statement made therein. I specifically and categorically deny that in the event such huge quantity of sand excavation from the auctioned sand blocks are allowed to operate the same

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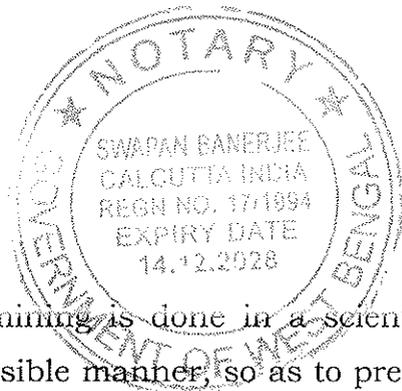


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Sujay Saha
Adv.

would cause Agricultural Impacts and would cause Habitat Destruction and would lead to shortage of water and Erosion which may cause to increase erosion in some areas and deposition in others, affecting land use and stability, as alleged in the said application. On the contrary, I say that WBMDTCL is committed to ensure the sand mining is done in a scientific, environmentally sustainable and socially responsible manner, so as to prevent damage to the riverine ecology and to prevent groundwater depletion and flooding. WBMDTCL is also committed to ensure that there is no obstruction to the river flow, water transport and restoring the riparian rights and in-stream habitats. Apart from that under the Sand Mining Policy of 2021 of the State Government, WBMDTCL is under obligation to prevent ground water pollution by prohibiting sand mining on fissures where it works as filter prior to ground water recharge. Moreover, WBMDTCL would ensure that efficient use of technology and Information Technology Enabled Services (ITES) for efficient regulation and monitoring of sand mining in the State and enforcement of compliance connected therewith. WBMDTCL is further committed to improve the effectiveness and efficiency of monitoring of mining and transportation of sand and to ensure availability of adequate quantity of sand in sustainable manner and to prevent hoarding and black marketing, thereby ensuring that sand is available to the end consumers at an affordable price. Therefore, the apprehension of the applicant, as it has been contended in the said application are not only baseless but also motivated and thus the same cannot be sustained in the eyes of the Law.

28. With reference to statement made in paragraph 27, 28, 29, 30, 31 and 32 of the said application, I deny each and every statement made therein. I specifically and categorically deny that in the event such huge quantity of sand excavation from the auctioned sand blocks are allowed to operate together the same would cause Economic Disruptions because of Shifting rivers can disrupt transportation routes, impact tourism and affect various industries as well as the same would be a threat to the common people of the concerned district, as alleged in the said application. At the cost of repetition I say that

X



Filed by: 155
Swapan Banerjee
Adv.

WBMDTCL is committed to ensure the sand mining is done in a scientific, environmentally sustainable and socially responsible manner, so as to prevent damage to the riverine ecology and to prevent groundwater depletion and flooding. WBMDTCL is also committed to ensure that there is no obstruction to the river flow, water transport and restoring the riparian rights and in-stream habitats.

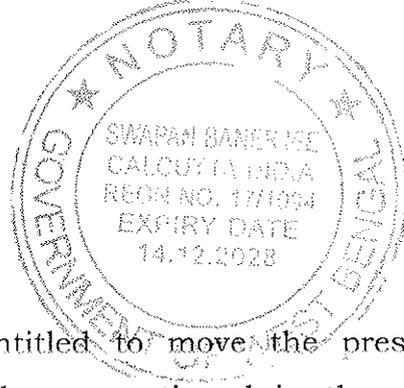
With regard to non consideration of the representation of the applicant, as alleged in the said application, I say that immediately upon receipt of the representation of the applicant (although the contents of the same were quite different from the pleadings of the said application), the Competent Authority of WBMDTCL, offered personal hearing to the applicant, but the applicant prayed for time to appear before the concerned authority of WBMDTCL and immediately thereafter simultaneously filed the Public Interest Litigation before the Hon'ble High Court at Calcutta and the said application before this Hon'ble Tribunal on the self same cause of action.

~~Photostat copies of the hearing notice, issued by WBMDTCL and adjournment prayer of the applicant are enclosed and collectively marked as Annexure "F".~~

29. In this regard I say that the acts and conducts of the respondent authorities are within the scope and power envisaged under the provisions of the West Bengal Minor Minerals Concession Rules, 2016 as well the Guidelines for Sand Mining Ministry of Environment, Forest and Climate Change January, 2020. I say that the applicant has merely alleged the violation of the Statutory provisions in the said application, without specifying the nature of the alleged violation. In this regard, I say that as it has been stated earlier that without obtaining the Statutory clearances, no sand mining lease would be executed by WBMDTCL in favour of any successful bidders.

30. With reference to statement made in paragraph 33 and the grounds contained in the said application, save and except what are matters of record, all allegations are denied which are contrary thereto and/or inconsistent

18



Filed by:
156
Sangita Banerjee
Adv.

therewith. I say that the applicant is not entitled to move the present application on any of the grounds as it has been mentioned in the said application. I say that none of the grounds mentioned in the said application are justified, valid and sufficient to sustain the said application, which has been filed with vested and mala-fide intention. As such the said application is liable to be dismissed. At the cost of repetition I say that the e-auction was held only for selection of MDOs for grant of prospective sand mining lease, which would be permitted only after obtaining all Statutory Clearances.

31. With reference to statement made in paragraph 34, 35, 36 and the prayers contained in the said application, save and except what are matters of record, all allegations are denied which are contrary thereto and/or inconsistent therewith. I deny that the balance of convenience lies in favour of the Applicant and the applicant shall suffer irreparable loss and injury if the relief as prayed is not granted. On the contrary I say from the discussion, as made in the foregoing paragraphs it would be evident that the said application is pre-matured in absence of commencement of sand mining activities and as such the said application is liable to be dismissed.

With reference to limitation of the said application is concerned, as it has been stated in paragraph 34 of the said application, it is denied that the present application has been filed within the prescribed period of time or that the petition has been filed with bona fide intention or in the interest of justice, as alleged or at all. I state that the reliefs sought for by the applicant in paragraph 8 and 9 of the said application are illegal, misconceived and beyond the jurisdiction of this Hon'ble Tribunal. I state that this Hon'ble Tribunal does not have residuary power and only reliefs as specified under Section 18 of the said Act. I say that none of the reliefs as sought for by the applicant are within the scope of Section 18(1) of the said Act and therefore cannot be granted.

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

Filed by: 157
Sanjay Bahuguna Adv.

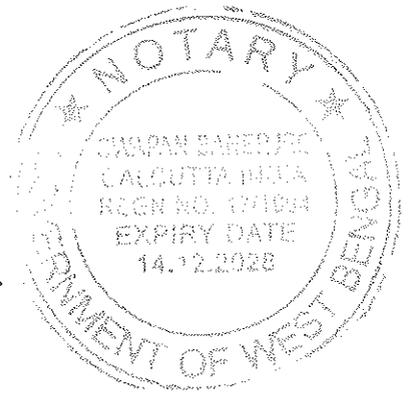
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33. The statements made in paragraph Nos. 1, 2, 3, 6, to 10, 12, 15 to 30 are true to my knowledge and those are made in paragraph Nos. 4, 5, 11, 13 and 14 are information derived from records, which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

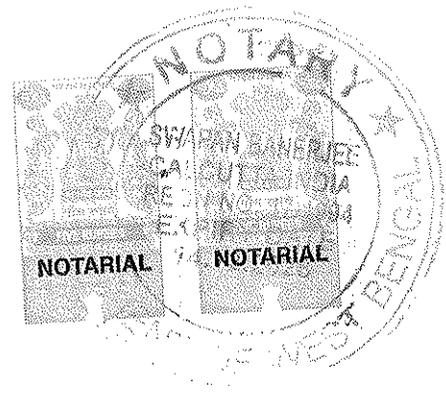
Sanjay Bahuguna
Deponent

The deponent is known &
Identified by me:
Sanjay Bahuguna
Advocate
Enrollment No. WB/1307/2001

~~Seemingly~~ solemnly affirmed and declared
before me on identification
Swapan Banerjee
SWAPAN BANERJEE
Notary, Calcutta, India
(Govt. of W.B. Regn. No. 17/1994)
Calcutta City Courts' Bar
Association (2nd Floor)
Calcutta-700001



28 NOV 2025





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**WEST BENGAL MINERAL DEVELOPMENT &
TRADING CORPORATION LTD**
(A Govt. of West Bengal Undertaking)

ANNEXURE 'A'
158
CIN: U14219WB1973SGC028
Regd. Office: WBIDC Building, 3rd Fl
DJ-10, Sector-II, Salt Lake, Kol-700
Phone: 033-2359-0
Email: wbmdtcltd.admn@gmail.c
www.mdtcl.wb.gov

MDTC/Legal/680/2247

Date : November 26, 2025

To Whom it may Concern

This is to certify that Sri Samik Panigrahi, son of Late Shyamal Panigrahi, General Manager (Administration/Sand) of West Bengal Mineral Development & Trading Corporation Limited (WBMDTCL), whose signature is attested below is duly authorized on behalf of WBMDTCL to sign all papers, Affidavits, Applications in connection with Original Application being O.A. No. 138/2025/EZ (Biplab Kumar Chowdhury –Vs- State of West Bengal & Ors.) on behalf of WBMDTCL, pending before the Hon'ble National Green Tribunal, Eastern Zone Branch, Kolkata.



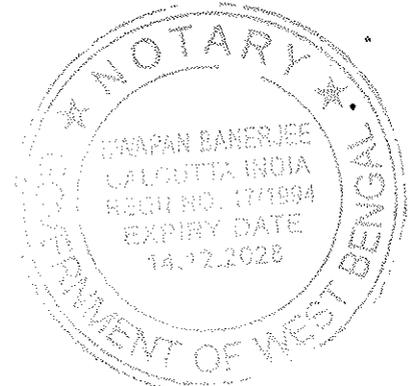
Signature of Samik Panigrahi



Chairman & Managing Director



Attested by Chairman & Managing Director



30.01.2025
Item No.17
gd/ssd

WPA(P)/19/2025
SAFIKUL ISLAM SEKH
VS
WEST BENGAL MINERAL DEVELOPMENT
TRADING CORPORATION AND ORS.

Mr. Siddharta Mitra, Id. Sr. Adv.
Mr, Sandip Dinda,
Ms. Ipsita Ghosh

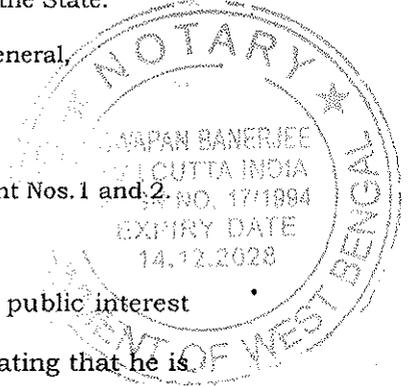
..for the Petitioner.

Ms. Sumita Shaw,
Mr. Soumen Chatterjee

..for the State.

Mr. Kishore Datta, Id. Advocate General,
Mr. Sanjay Saha,
Mr. Piyush Agarwal,
Ms. Shrivalli Kajaria,
Mr. Debdatta Mukhopadhyay

..for the Respondent Nos.1 and 2.



1. This writ petition is a kind of a public interest litigation by a person, who apart from stating that he is a law abiding citizen of India, would state in paragraph 4 of the writ petition that he wanted to participate in the said tender but however could not do so because of the barrier that only a Mine Developer and Operator who has been termed as MDO can apply for selection and no other entity.

2. Thus, there is a clear personal interest of the petitioner involved in this writ petition and the writ petition cannot be treated as a public interest litigation.

3. The learned Advocate General points out that the very same subject issue was challenged by another

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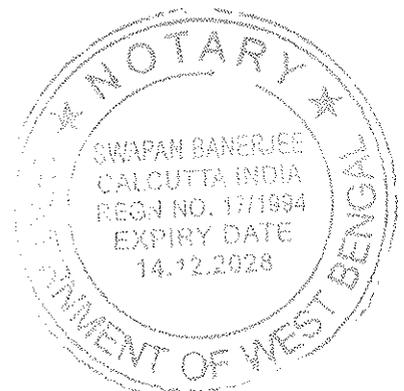
company under the name and style "Sanvi Construction" in WPA 703 of 2025 and though the prayer was slightly different, the same was dismissed by the learned Single Bench by order dated 13.01.2025. The matter was carried on appeal before the Hon'ble Division Bench in MAT 83 of 2025 which was dismissed on 21.01.2025.

4. This is also one more good ground for not entertaining this public interest litigation.

5. Accordingly, the matter stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)



22.07.2025
Item No.34
gd/ssd

WPA(P)/197/2025
BIPLAB KUMAR CHOWDHURY
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sakabda Roy
..for the Petitioner.

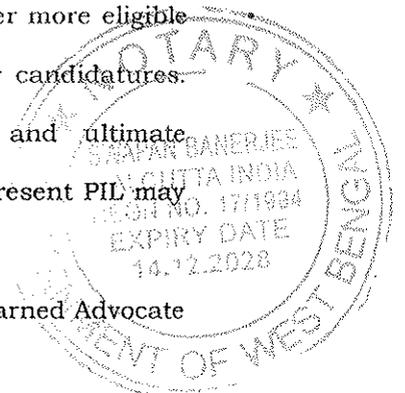
Ms. Sumita Shaw,
Mr. Diptendu Narayan Banerjee,
Mr. Soumen Chatterjee
..for the State.

Mr. Kishore Datta, Id. Advocate General
Mr. Sanjay Saha,
Mr. Raju Mondal,
..for the Respondent Nos.2 to 4.

1. The learned counsel for the petitioner submits that the crux of the matter is that the earlier bidders were held to be eligible in the year 2021 and 2023. While issuing the fresh NIT dated 20th December, 2024, the State has treated only earlier empanelled bidders as eligible and because of that various other more eligible persons/bidders could not submit their candidatures. This resulted into less competition and ultimate sufferer is the Government. Thus, the present PIL may be entertained.

2. The prayer is opposed by the learned Advocate General.

3. We have heard the parties on admission.



4. In our opinion, it is not the case of the petitioner that the persons, who are bidders to present NIT dated 20th December, 2024, are not eligible at all.

5. If in the opinion of the petitioner, there were more eligible persons, who could have given a better service or price, it was for them to knock the doors in appropriate proceedings.

6. At this stage, the learned Advocate General submits that fact remains that one person, who felt that he was illegally deprived to submit his bid, filed MAT 83 of 2025 before this court which was dismissed on 21.1.2025.

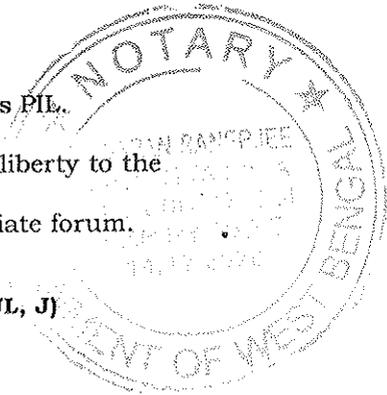
7. In addition, the learned Advocate General apprised us that a PIL, namely, WPA(P) 19 of 2025 was also filed on similar issue which came to be dismissed on 30.1.2025.

8. We find no reason to entertain this PIL.

9. The PIL is dismissed by reserving liberty to the aggrieved persons to approach the appropriate forum.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)



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ANNEXURE - 'D'
163

Item No. 01

Court No. 1

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

(By Video Conference)

Original Application No. 74/2022/EZ

Shiv Dayal Singh

Applicant

Versus

West Bengal Mineral Development and
Trading Corporation Limited & Ors

Respondent(s)

Date of hearing: 14.02.2023

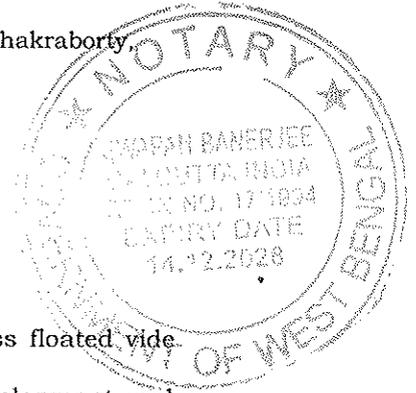
**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

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

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

ORDER

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



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

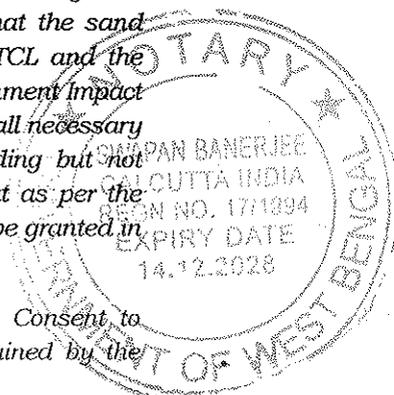
2. Vide order dated 08.08.2022, the Tribunal issued notice and directed Chief Secretary, West Bengal to file his personal affidavit as there were different Departments and uniform stand was required.

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

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

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

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



¹ (2022) 2 SCC 348

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

4. We have heard learned counsel for the parties.

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

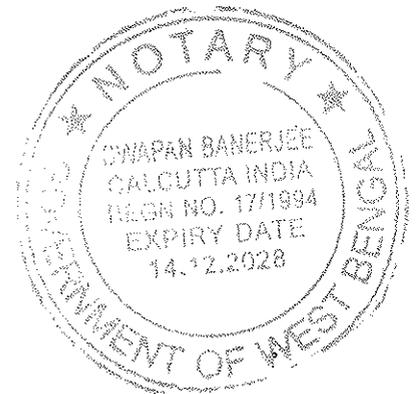
The application is disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

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



Item No.04

Court No.1

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

Original Application No.02/2023/EZ

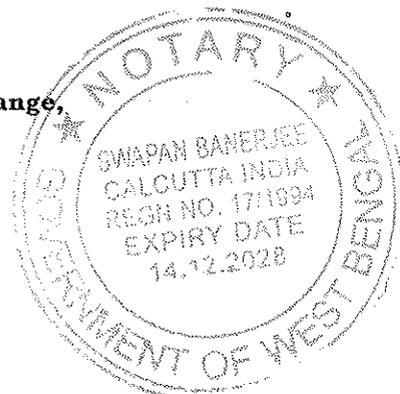
In the matter of:

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

.....Applicant(s)

Versus

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



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

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

.....Respondent(s)

Date of hearing: 17.07.2023

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

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

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

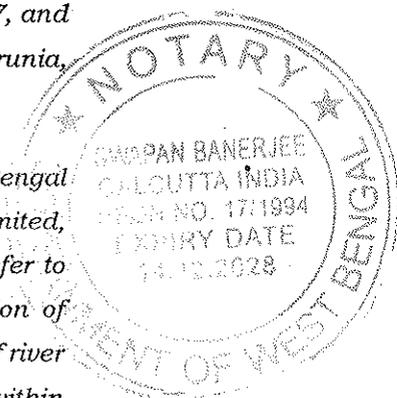
ORDER

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

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

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

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

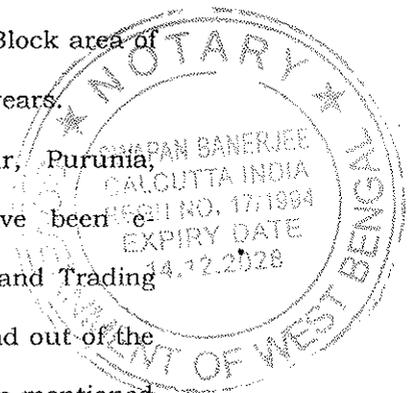


Mining, without seeking prior and appropriate environment clearance, in accordance to the District Survey Report (DSR) for the District of Bankura.

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

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

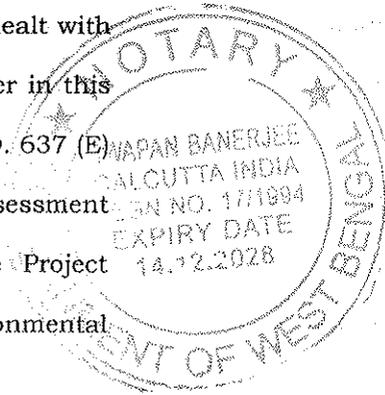
2. The allegation in this Original Application is that the West Bengal Mineral Development and Trading Corporation Limited (WBMDTCL), Respondent No. 1, has issued e-auction notice on 07.04.2022 inviting tenders for excavation of sand from the Damodar River under Mejia Block situated in Mouzas-Balarampur,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



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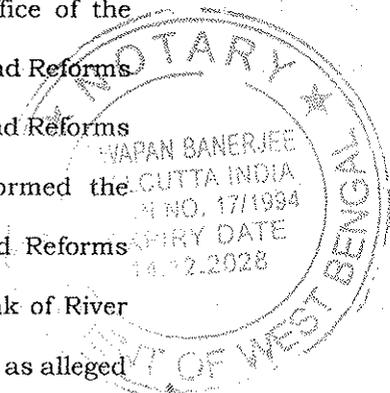
Survey Report (DSR) and have therefore not been found suitable for e-auction.

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



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

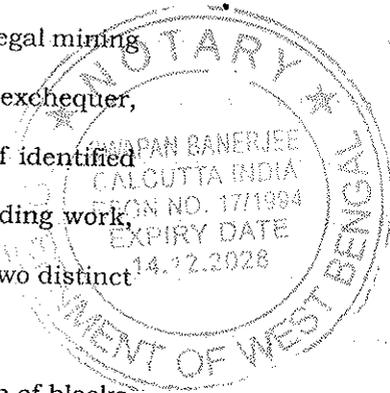


- 33 -

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

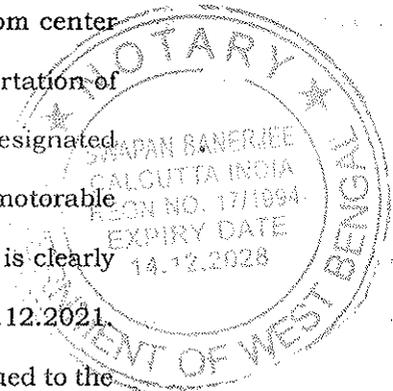
7. The Respondent No.1, West Bengal Mineral Development & Trading Corporation Limited (WBMDTCL), has also filed affidavit dated 13.04.2023 stating therein that the present Original Application is premature and that tender has been issued only for selection of Mine Developer & Operator ('MDO' for short)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

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



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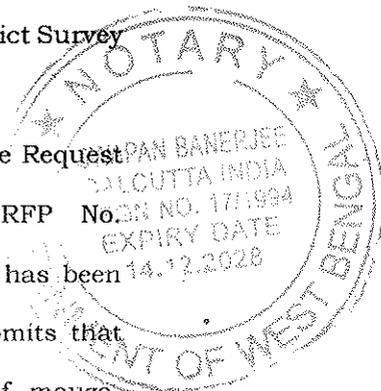
8. It is stated that the Respondent No.1 empaneled the MDOs vide memo dated 30.12.2021 for participation in subsequent RFP stage for awarding work. It is also stated that sand mining agreement with the MDOs would be executed in future once all statutory and Environmental Clearances had been obtained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



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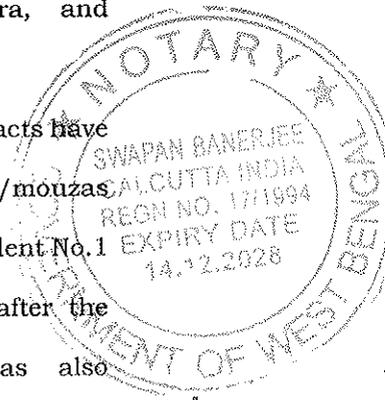
already been completed. It is also stated that the Respondent No.8 is not in any manner concerned with the issue raised by the Applicant in the present Original Application and he has unnecessarily been made a party in the present Original Application. It is further stated that the Respondent No.8 has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

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



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



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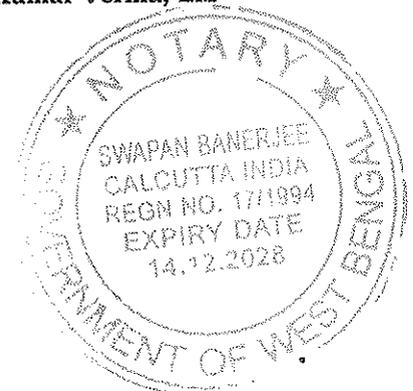
sand mining but for desilting/dredging/removal of river bed material from River Damodar at Tirat mouza. The mouzas referred to by the Applicant in the Original Application do not find mention in the tender notice dated 03.12.2021. The question as to whether the old District Survey Report or new District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

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

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B. Amit Sthalekar, JM

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

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



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BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BRANCH, KOLKATA
ORIGINAL APPLICATION NO. 138/2025/EZ

Application under Section 18(1) read with
14, 15 and 17 of National Green Tribunal
Act, 2010

In the matter of :

Biplab Kumar Chowdhury Applicant

-Versus-

State West Bengal & Ors.

... Respondents

Counter affidavit on behalf of Respondent
No. 6.

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