

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

Original Application No. 133/2023/EZ

Serajul Islam and Another

..... APPLICANTS

-VERSUS-

STATE OF WEST BENGAL AND OTHERS.

.....RESPONDENTS

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Filed by:
Sudip Kumar Dutta
Sudip Kumar Dutta
Advocate for the State of
W.B.



06 JAN 2026

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**AFFIDAVIT ON BEHALF OF THE DIRECTOR, DIRECTORATE OF MINES AND
MINERALS, DEPARTMENT OF INDUSTRY, COMMERCE AND ENTERPRISES,
GOVERNMENT OF WEST BENGAL IN PURSUANCE OF ORDER DATED
04.12.2025 PASSED BY THE HON'BLE TRIBUNAL.**

I, Rupam Banerjee, son of Late Bikash Banerjee, aged about 57 years,
by faith: Hindu, by Occupation: Service, working for gain as the
Director, Directorate of Mines and Minerals, Department of Industry, Commerce
and Enterprises, Government of West Bengal having its office at Shilpa Sadan,
2nd Floor 4, Abanindra Nath Tagore Sarani (Camac Street), Kolkata 700016 do



hereby solemnly affirm and submit as follows:-

1. That I am not the respondent in the instant case as the Hon'ble Tribunal has directed the undersigned to file an affidavit and as such after going through the documents of the instant case I am well acquainted with the facts and circumstances of the case and I am competent to affirm this Affidavit.

2. That this affidavit is being filed in compliance to the Solemn Order dated 04.12.2025 passed by the Hon'ble Tribunal.

3. That in the said order the Hon'ble Tribunal was pleased to direct that *"Sustainable Sand Mining Guidelines, 2016 (SSMG, 2016) and Enforcement & Monitoring Guidelines for Sand Mining, 2020 (EMGSM, 2020) contain elaborate provisions for prevention of illegal mining and one of the remedial measures is that all the vehicles used for purpose of mining are required to be fitted with GPS.*

"The Director, Directorate of Mines and Minerals, Department of Industry, Commerce and Enterprises, Government of West Bengal is directed to file affidavit specifically mentioning as to whether the abovesaid Guidelines have been fully implemented or not and whether all the vehicles permitted for mining are required to be fitted with GPS or not. 8. The affidavit may be filed by the Director, Directorate of Mines and Minerals, Department of Industry, Commerce and



Enterprises, Government of West Bengal within four weeks.

4. That I say that the referred guidelines (Sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring Guidelines for sand Mining, 2020), issued by the Ministry of Environment, Forest and Climate Change, Government of India are applicable to mining of river-bed materials and not applicable to the stone mining.

5. That I say that the Original Application No, 133 of 2023 is related to unauthorized stone quarrying and its adverse impact on environment. As such the provisions of the mentioned guidelines are not applicable to the matter of the instant application. Provisions of those guidelines are observed and implemented by the concerned authorities while granting mineral concession in respect of river-bed sand.

6. That I say that similarly, tracking of vehicles, meant for transport of minerals (sand) is a part of monitoring mechanism as mentioned in the Enforcement and Monitoring Guidelines for sand Mining, 2020. As such, GPS-tracking is required for transportation of river-bed materials, mined from river-bed. The Department of Industry, Commerce and Enterprises, Government of West Bengal has already taken initiative in this regard for implementation of



monitoring mechanism for sand mining by issuing Notification No. 479-ICE-12015(99)/15/2024-MINES dated 03.09.2024, which mandates fitting of VLTD (Vehicle Location Tracking Device), a GPS based gadget for all vehicles with six wheels and above, carrying river-bed materials. The copy of the said notification is annexed herewith and marked as **Annexure-"A"**.

7. That I say that the Mining Officer-in-Charge of Suri Zone was requested to cause an enquiry over the plot in question , mentioned in the original Application No, 133 of 2023/EZ . It has been reported that mining of stone was carried out in the place and old water-logged pits were observed in the area. It may be mentioned that no mining lease was granted in the area under question, As such, mining activities, as detected, are unauthorized and illegal.

8. That the under signed submits that in the order dated 04.12.2025, the Hon'ble Tribunal was pleased to observe regarding Sustainable Sand Mining Guidelines, 2016 (SSMG, 2016) and Enforcement & Monitoring Guidelines for Sand Mining, 2020 (EMGSM, 2020) but it is matter of record that after the notification of 03.09.2024, all the mines matter relating to illegal mines and minerals are deals by the West Bengal Mineral Development and Trading Corporation Limited (WBMDTCL).



9. It is therefore prayed that the Hon'ble Tribunal may pass necessary order or further orders as it deem fit and proper in the interest of justice.

10. The statements made in paragraph 1 to 8 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

And identified by me

Sudip K. Das
Advocate

Rupam Banerjee
Deponent 6/1/2026
Director of Mines & Minerals
Govt. of West Bengal

SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

[Signature]
PADMA DAS
NOTARY



06 JAN 2026

VERIFICATION

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs 1 to 08 are true and correct to the best of my knowledge and information. I believe that nothing material has been concealed there from and rest are my humble submission before the Honorable Tribunal.

Verified at Kolkata on 6th day of January, 2026



Identified by me

Sudip K. Das
 Advocate
 State of West Bengal

Rupam Banerjee
 6/1/2016
 Deponent
 Director of Mines & Minerals
 Govt. of West Bengal



8

Annexure - A



Government of West Bengal
Department of Industry, Commerce and Enterprises
Mines Branch
4, Abanindranath Tagore Sarani (Camac Street), Kolkata-700016

No.479-ICE-12015(99)/15/2024-MINES

Date: 03.09.2024

NOTIFICATION

Whereas, Transport Department , Government of West Bengal vide notification No. 4267-WT dated 14.11.2022 read with notification No. 4530-WT dated 30.11.2022 provides for VLTD installation and scope of new registration and issue of a conditional certificate of fitness subject to submission of declaration as prescribed therein

Whereas Transport Department, Government of West Bengal vide Memo No466/T-Dte/2022 dated 08/12/2022 has issued detailed notification regarding Standard Operating Procedure (SOP) for VLTS fitment & tagging.

Whereas Transport Directorate, Transport Department, Government of West Bengal, vide No. 326/VLTD/T.Dte/2022 dated 12/09/2022 and No.182/VLTD/T-Dte/2023 dated 23/03/2023 has issued the notice for empanelment of Vehicle Location Tracking Device (VLTD) manufacturers

Whereas Transport Directorate, Transport Department, Government of West Bengal, vide Memo No. 171(8)/T-Dte/2024 dated 19/03/2024 has notified Empanelled List of Vehicle Location Tracking Device (VLTD) manufacturer authorized to sell and provide services, AMC and operate other related issues

Whereas Department of Transport, Government of West Bengal vide Memo No. 014-WT/TPT-18011/110/2022 Dated 02.01.2023 has issued a notification wherein, it is stated that every vehicle of category N2 and N3 shall be fitted with a Vehicle Location Tracking Device

Whereas the West Bengal Sand Mining Policy 2021 was notified by the Industry, Commerce & Enterprises Department, Government of West Bengal vide No. 284-ICE/O/MIN/GEN-MIS/02/2021 Dated, 30th July 2021

Whereas the West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021 was notified by the Industry, Commerce & Enterprises Department, Government of West Bengal vide No. 48-ICE/O/MIN/GEN-MIS/17/2021 Dated 25.01.2022

Whereas section 17 of the said rule designates West Bengal Mineral Development and Trading Corporation Limited as the nodal agency for various activities including monitor the



sand mining operations, development of centralised online portal (www.mdcl.wb.gov.in) and other IT interventions to prevent illegal mining/transportation and promote environmentally friendly sustainable mining.

Whereas the state government has already mandated that all the vehicles that carry riverbed materials (including sand) must carry e-challan to be generated from centralised online portal for better monitoring and promote transparency. Accordingly, all the vehicles that carry riverbed materials (including sand) have already been self-registered with the "vehicle module" of said centralised online portal

Whereas Sustainable Sand Mining Guidelines (SSMG) 2016 and Enforcement and Monitoring Guidelines for Sand Mining (EMGSM) 2020 notified by Ministry of Environment, Forest and Climate Change, Government of India advocates use of IT tools at various stages of mine life cycle for better monitoring and enforcement.

Thus, as per the section 17 (2) of the said rule, it is notified that, in the initial phase, all vehicles with six wheels and above, carrying riverbed materials (including sand) need to be mandatorily fitted with VLTD device of 4G and above from any of the empanelled manufacturers of Transport Department, Government of West Bengal within 31st December, 2024. No E-challan shall be issued to vehicles with six wheels and above and not fitted/retrofitted with VLTD devices from 1st January 2025 from the Centralized online portal.

This notification shall take immediate effect.

V. Yadav
Principal Secretary
to the Government of West Bengal

