

BEFORE THE NATIONAL GREEN TRIBUNAL
 EASTERN ZONE BENCH, KOLKATA
 ORIGINAL APPLICATION NO. 141/2024/EZ



ANIMESH BARMAN

Versus

THE UNION OF INDIA & ORS

AFFIDAVIT BY THE RESPONDENT NOS. 2 AND 3, SENIOR ENVIRONMENT OFFICER, ENVIRONMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL AND MEMBER SECRETARY WEST BENGAL BIO DIVERSITY BOARD IN COMPLIANCE OF THE ORDER PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA DATED 07.11.2025 and 23.02.2026

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Submitted

Advocate

SL. NO. 443 /20. 26



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 141/2024/EZ

ANIMESH BARMAN

Versus

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

THE UNION OF INDIA & ORS

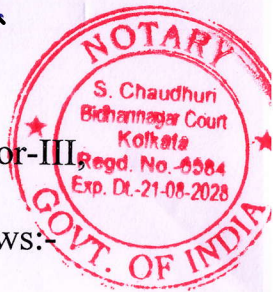
AFFIDAVIT BY THE RESPONDENT NOS. 2 and 3, SENIOR ENVIRONMENT OFFICER, ENVIRONMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL ENVIRONMENT AND MEMBER SECRETARY, WEST BENGAL BIO DIVERSITY BOARD IN COMPLIANCE OF THE ORDER PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA DATED 07.11.2025 AND 23.02.2026

Most Respectfully Sheweth

I, Ram Prasad Badana, s/o- Poorna Chandra Rao , aged about 45 years, by faith Hindu, by occupation Government Service, working as the Senior Environment Officer, Department of Environment, Government of West

21 APR 2026

Bengal having office at Prani Sampad Bhaban, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata-700106, do hereby solemnly declare and state as follows:-



1. That I am also holding the post of Member Secretary, West Bengal Bio Diversity Board and I have made myself acquainted with the facts and circumstance of the instant Original Application and have gone through the documents pertaining to the subject matter of the instant Original Application. Therefore, I am competent to file the instant Counter Affidavit and have been duly authorised to file this affidavit before this Hon'ble Tribunal.
2. That this affidavit is being filed in compliance with the solemn Order dated 07.11.2025 and 23.02.2026 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. It is respectfully submitted that *vide* No. 880-EN/T-II-7/003-ii/2003 dated 3rd July 2020, Environment Department, Government of West Bengal has notified the plot in question is declared as "Baneswar Shiva Dighi Bio Diversity Heritage Site" to strengthen the biodiversity conservation and to stop habitat degradation in and around the pond which is refuge to Black Softshell Turtle (*Nilssonina Nigricans* Anderson, 1875) locally revered as 'Mohan'.
4. It is respectfully submitted that the collection of species of plants, animals and microbes from the Baneswar Shiva Dighi, requires to be regulated as per

21 APR 2026

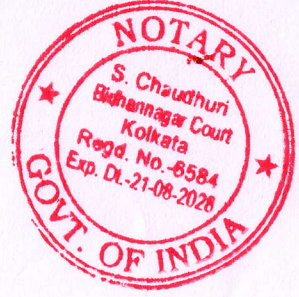


the provisions of Biodiversity Act, 2002 and West Bengal Biological Diversity Rule, 2005 and its subsequent amendments.

5. It is respectfully submitted that as per Notification No. 880-EN/T-II-7/003-ii/2003 dated 3rd July 2020, by the Environment Department, Government of West Bengal, the management of "Baneswar Shiva Dighi Bio Diversity Heritage Site" is vested with the Gram Panchayet level Biodiversity Committee (BMC) of Cooch Behar-II, Block under the overall supervision of the District level BMC/District Magistrate of Cooch Behar District in Consultation with the West Bengal Biodiversity Board.
- Copy of the said Notification No. 880-EN/T-II-7/003-ii/2003 dated 3rd July 2020 is annexed herewith and marked as **Annexure R/1**.
6. That the statements made in paragraph No. 1 is true to my knowledge and paragraphs 2 to 5 are based on information derived from the official record and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

DEPONENT

21 APR 2026

VERIFICATION

I, Ramprasad Badana, Senior Environment Officer, Environment Department, Government of West Bengal do hereby solemnly affirm and declare that the contents of the report in the form of affidavit are true to the best of my knowledge and belief. No part of the Report is false and nothing has been concealed.

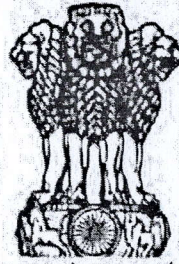
Verified at Kolkata this 21st day of April, 2026.

DEPONENT

S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.

21 APR 2026

The
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Gazette



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FRIDAY, AUGUST 14, 2020

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PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Environment Department

NOTIFICATION

No. 880-EN/T-II-7/003-ii/2003.—3rd July, 2020.—Whereas, Baneswar Shiva Dighi is a pond measuring about 1.65 acre located in Mouza Baneswar in Coochbehar District and offers refuge to Black Softshell Turtle (*Nilssonina nigricans* Anderson, 1875, locally revered as 'Mohan' which is under Appendix I of CITES and is extinct in the wild as per IUCN ;

And, whereas, to strengthen the biodiversity conservation and to stem habitat degradation in and around the pond, the State Government, upon the recommendation of the West Bengal Biodiversity Board, has felt it necessary to declare the area as the Baneswar Shiva Dighi Biodiversity Heritage Site ;

And, whereas, the collection of species of plants, animals and microbes from the Baneswar Shiva Dighi requires to be regulated as per the provisions of the Biological Diversity Act, 2002 and West Bengal Biological Diversity Rules, 2005.

And, whereas, no-objection regarding declaration of Baneswar Shiva Dighy has been resolved in the meeting held by District Magistrate of Coochbehar on 17.12.2019 with concerned Biodiversity Management Committes, local authorities and other stakeholders, and thereafter no objection regarding said Biodiversity Heritage Site declaration has been conveyed by the office of the District Magistrate of Coochbehar ;

Now, therefore, in exercise of the powers conferred under sub-section(1) of Section 37 of the Biological Diversity Act, 2002 and sub-rule(2) of rule 20 of the West Bengal Biological Diversity Rules, 2005, the Governor is hereby pleased to declare Baneswar Shiva Dighi and surrounding areas in the immediate vicinity as Baneswar Shiva Dighi Biodiversity Heritage site.

The details of the area and boundary of Baneswar Shiva Dighi Biodiversity Heritage Site is given below :—

BANESWAR SHIVA DIGHI BIODIVERSITY HERITAGE SITE

The Area covered :—

Area	: 1.65 Acre (perimeter of 328 meters)
Mouza	: Baneswar
Gram Panchayat	: Baneswar
Panchayat Samity	: Coochbehar-II
District	: Coochbehar
Boundary	: West : Park, Shiva Mandir Road in further west East : Metalled Road North : Baneswar Shiva Mandir area South : Metalled Road (New Baneswar Road)

**GPS-Co-ordinates of the Baneswar Dighi Biodiversity Heritage Site :—**

The boundaries of the proposed Biodiversity Heritage Site (BHS) are subtended by GPS co-ordinates mention below :

Waypoint	Waypoint name	Latitude(°N)	Longitude (°E)
1	North-East	26.3985°	89.4986°
2	North-West	26.3985°	89.4977°
3	South-East	26.397796°	89.498563°
4	South-East	26.397835°	89.497699°

The management of Baneswar Shiva Dighi Biodiversity Heritage Site shall be done by the Gram Panchayat level Biodiversity Management Committee (BMC) of Baneswar Gram Panchayat, BMC of Coochbehar-II Block under the overall supervision of the District level BMC/District Magistrate of Coochbehar District in consultation with the West Bengal Biodiversity Board.

This Notification shall come into effect from the date of its publication in *The Kolkata Gazette*.

By order of the Governor,

Sd/-

Principal Secy. to the Govt. of West Bengal.