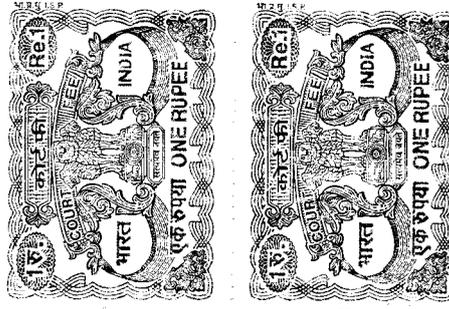


Sl. No. 15



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION No. 94/2023/EZ

In the matter of:

All India Anti Corruption
Organization

... Applicant

-Versus-

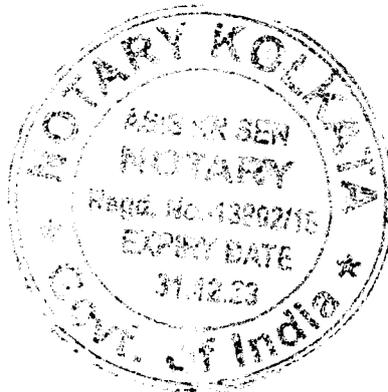
State of West Bengal &Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT No. 5

INDEX

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1.	Affidavit		1 to 14
2.	Photocopy of the Gazette Notification dated March 28, 2020	R/1	15 to 17
3.	Photocopy of the Government Order dated 22.02.2022 and Standard Operating Procedure	R/2	18 to 20



Filed By :
Sanjay Saha
Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION No. 94 OF 2023/EZ

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

In the matter of:

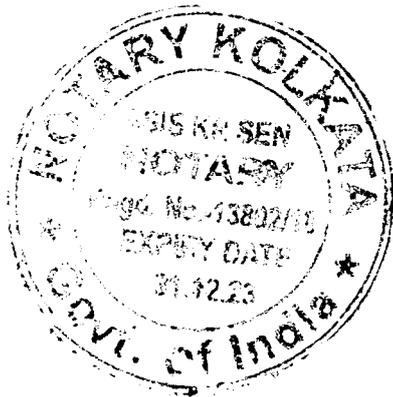
All India Anti Corruption Organization
(Regd.), represented by Sri Subrata
Mallick.

... APPLICANT

-Versus-

The State of West Bengal & Ors.

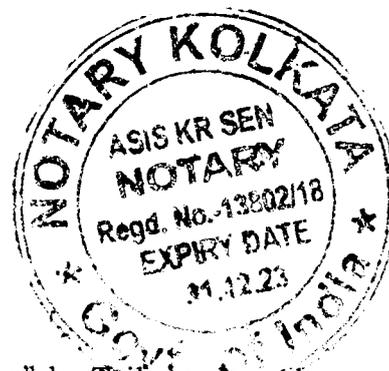
... Respondents



COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT No. 5

I, Samik Panigrahi, son of Late Shyamal Kumar Panigrahi, aged about 42 years, by occupation – Service, working for gain at DJ – 10, 3rd floor, Sector – II, Salt Lake, Kolkata 700 091, do hereby solemnly affirm and say as follows –

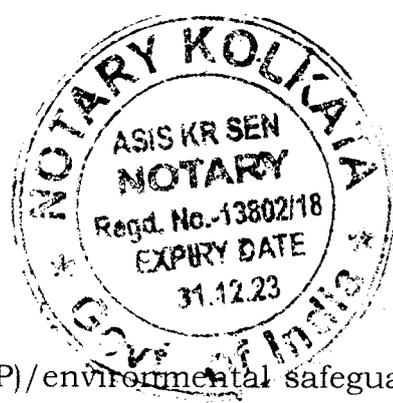
1. I am the General Manager (Sand/Administration) of West Bengal Mineral Development & Trading Corporation Limited (WBMDTCL), represented by its Chairman and Managing Director, being the Respondent No. 5 herein. I am well conversant with the facts and circumstances of the present Original Application. I have been duly authorized by the Chairman & Managing Director of WBMDTCL to affirm this Counter Affidavit to the



By:-
Asish
Ash.

Original Application filed before this Hon'ble Tribunal and as such I am competent to affirm this affidavit.

2. WBMDTCL is a Government of West Bengal Undertaking and a government 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 the Government of West Bengal through its Industries, Commerce and Enterprises Department. WBMDTCL was incorporated in the year 1973.
3. WBMDTCL was set-up with the objectives of exploring and extracting 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 was and 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, amalgamate, process and market minerals and mineral based products. WBMDTCL is presently supplying coal from Eastern Coalfield Limited (ECL) to Micro, Small and Medium Enterprises in West Bengal as the Nodal Agency of the State Government. Vide Office Memorandum bearing F. No. 3-70/2020-IA.III [141127] dated August 21, 2023, Ministry of Environment, Forest and Climate Change, Government of India has



By:
Asis Kr Sen
Notary

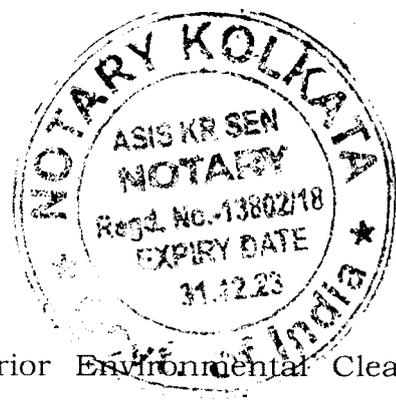
notified Standard Operating Procedure (SoP)/environmental safeguards for (i) Extraction or sourcing or borrowing of ordinary earth for linear projects such as roads, pipelines etc. and (ii) dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management. WBMDTCL has been designated as the Nodal agency for issuance of e-challans for sourcing ordinary earth for the linear projects such as roads, pipelines etc.

4. It is stated that the Ministry of Environment, Forest and Climate Change is in the receipt of representations for waiver of requirement of prior environmental clearance for borrowing of ordinary earth for roads and manual extraction of lime shells (dead shell), shrines etc. Within inter tidal zone by the traditional community. Accordingly, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986 the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the rule 5 of the said rules, in public interest and in supersession of the notification number S.O. 4307 (E) dated November 29, 2019 makes the following further amendments in the EIA Notification, 2006 -

In the said notification -

- (iii) for Appendix -IX, the following Appendix shall be substituted, namely-

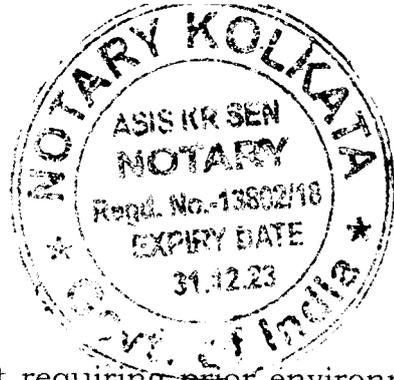
APPENDIX-IX
EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENT CLEARANCE



By:
Asish
Sen

The following cases shall not require Prior Environmental Clearance, namely-

1. Extraction of ordinary clay or sand by manual mining by the Kumhars (Potter) to prepare earthen pots, lamp, toys etc. As per their customs.
2. Extraction of ordinary clay or sand by manual mining by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after floods by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works, like de-silting of village ponds or tanks, construction of village roads, ponds or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.
6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc.
7. Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.
8. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)5-CHH dated February 14, 1990 of the Government of Gujarat.
9. Manual extraction of lime shells (dead shell), shrines, etc within inter tidal zone by the traditional community.
10. Digging of wells for irrigation of drinking water purpose.



By:
Asis Kr Sen
Notary

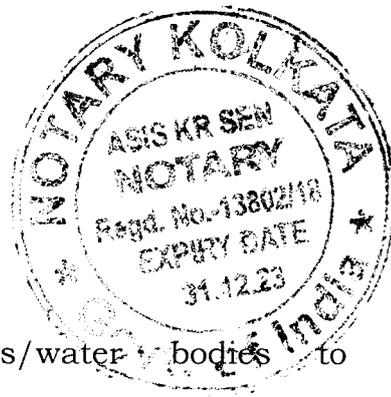
11. Digging of foundation for buildings, not requiring prior environmental clearance, as the case may be.

12. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc. to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate or any other Competent Authority.

13. Activities declared by the State Government under legislation or rules as non-mining activity.”

Photostat copy of the said Gazette Notification dated March 28, 2020 is enclosed and marked as Annexure R/1.

5. It is stated that the aforesaid amendment to Appendix - IX of EIA Notification, 2006 makes it clear that in case of extraction or sourcing or borrowing of ordinary earth for liner projects such as roads, pipelines, there would be no requirement for obtaining Prior Environmental Clearance.
6. It is stated that after receipt of representation from different Stake holders, Government departments, National Authorities, Government of West Bengal, Department of Industry, Commerce & Enterprise, Mines Branch issued one Order bearing No. 100-ICE-12011(99) /8/2022-MINES-SEC-Deptt of ICE dated February 22, 2022. Needless to mention here that the Land & Land Reforms & Refugee, Relief & Rehabilitation Department duly approved the said proposal. Accordingly, one Standard Operating Procedure was prepared in order to smooth execution of the proposal. By virtue of the said order, WBMDTCL was selected as the Nodal Agency for carrying out



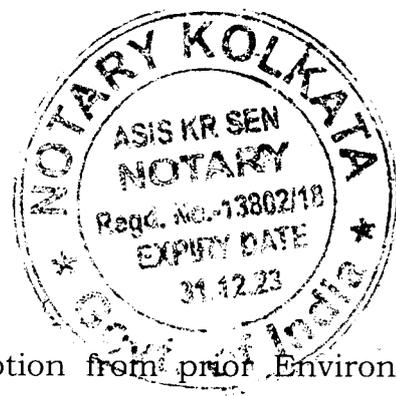
By:
Asis Kr Sen
Notary

dredging/desilting operations in rivers/water bodies to extract silt/earth/soil for filling materials for linear projects, guided by Standard Operating Procedure, notified by Department of Industries, Commerce & Enterprise, Government of West Bengal.

7. The fact remains that the Standard Operating Procedure was incorporated, strictly following the EIA Notification, 2006 as amended in the year 2020. Needless to mention here that such Standard Operating Procedure was adopted keeping in mind about the demand of filling materials for construction of road for the linear projects of National Highways Authority of India, West Bengal Highway Development Corporation and other statutory bodies/organizations of connectivity projects of strategic importance. It was adopted that the Government organization through its Project implementing Unit shall identify the stretch of river/water body/dam/area for dredging/desilting/extraction of silt/earth/soil and conduct sample analysis of the material from an accredited lab for the purpose. Only those projects/areas having site/earth/soil which is only fit for filling purpose and cannot be used for construction purpose, can be used for excavation of earth to be used for Linear Projects.

Photostat copy of the said order of the Government along with Standard Operating Procedure is enclosed and marked as Annexure R/2.

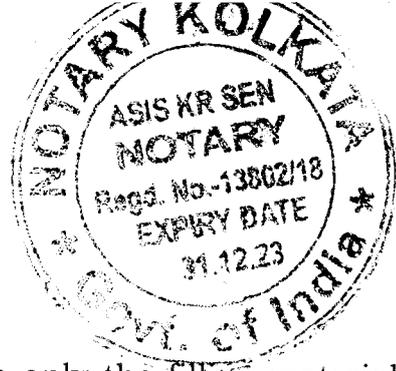
8. The fact remains that the Ministry of Environment, Forest and Climate Change vide Notification S.O. 1224 (E) dated 28.03.2020 being Annexure



By:
Asis Kr Sen
Notary

R/1 herein had inter-alia provided exemption from prior Environmental Clearance for extraction or sourcing or borrowing of ordinary earth for linear projects such as roads, pipelines, etc. and dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management. Subsequently, in pursuance to the order dated 28/10/2020 of the Hon'ble National Green Tribunal, Principal Bench in Original Application No. 190/2020, the Ministry of Environment, Forest and Climate Change issued Office Memorandum regarding the Standard Operating Procedure/environmental safeguards to be followed for the entries 6 and 7, under the Appendix IX of the EIA Notification, 2006 which have been exempted from requirement of obtaining Environment Clearance vide Notification dated 28.03.2020. One of such Office Memorandum was issued on August 21, 2023 on the subject matter of monitoring and enforcement mechanism for the Standard Operating Procedure/environmental safeguards issued for (i) Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc and (ii) dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management.

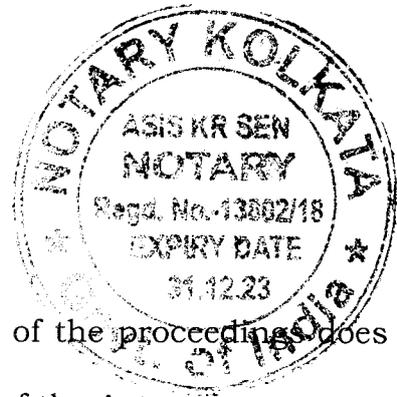
9. It is stated that local authorities of Department of Irrigation & Waterways has been monitoring the entire exercise undertaken by Dinesh Chandra R. Agarwal Infracon Pvt. Ltd, under the supervision of West Bengal Highway Development Corporation. The project is a linear project for construction of



By:
Asahan
Adv.

Kalyani-Barrackpore Expressway for which only the filling materials, such as clay, earth, silt have been approved to be extracted from river Ganga.

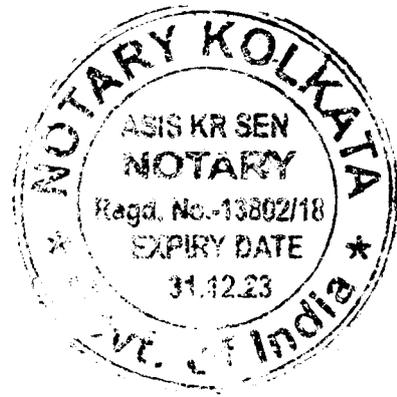
10. Without prejudiced to the aforesaid but fully relying upon the same, I propose to deal with the various allegation/statement made in the Original Application.
11. I have been advised to deal with and traverse only those allegations of the said original application as are material for the purposes of disposing of the instant proceeding. As such save and except what are matters of record and save what may be gleaned from the averments made herein, each and every allegation contained in the original application is denied and disputed as if the same were set out herein and traversed seriatim.
12. With regard to the statements made in paragraph 1, 2, 3 and 4 of the original application, save what are matters of record no admission is made with regard thereto.
13. With regard to the statements made in paragraph 5.1 and 5.2 of the original application, I put the applicant to disclose its registration and also the certificate that the Central Vigilance Commission has certified it. The entire exercise is for the purpose of completion a linear project, for which no Environment Clearance is required. I say that the applicant has no locus standi to maintain the instant proceedings. The applicant has no cause of



By:-
Asis Kr Sen

action and no right to sue. The subject matter of the proceedings does not come within the purview of sections 14 and 15 of the Act.

14. With regard to the statements made in paragraph 5.3 of the original application, save what are matters of record no admission is made with regard thereto.
15. With regard to the statements made in paragraph 5.4, 5.5, 5.6 and 5.7 of the original application, I say that the same are partially matters of record and I deny each and every statement made therein, save and except those which would appear from the admitted records. In this regard I repeat and reiterate the statements made by me in the foregoing paragraphs.
16. With regard to the statements made in paragraph 5.8, 5.9, 5.10 and 5.11 of the original application, I say that that the issue raised for adjudication in the present original application and the statements made therein are self-contradictory. Accordingly, I deny and dispute the statements made in the paragraphs under reply. With regard to extraction of riverbed material for linear projects such as construction of road (filling purpose), the contractor is required to adhere to the SOP/ environmental safeguards issue. In the present case, the applicant has not made out any case of non compliance/violation of any of the SOP/environmental safeguards. In view of such fact, the present application is de-viod of any merit and thus liable to be rejected. The express mandatory obligations of the contractor include adherence to all extant laws with regard to protection of the environment.



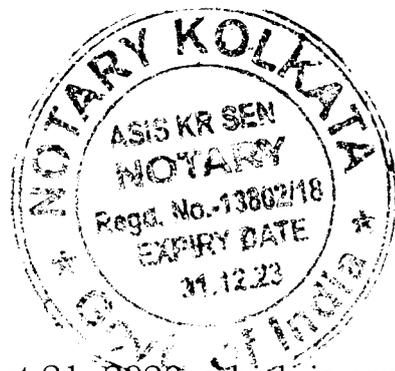
By: *Asis Kr Sen*

17. With regard to the statements made in paragraph 5.12, 5.13, 5.14, 5.15 and 5.16 of the original application, I deny the statements made therein, which would appear contrary to the admitted records. I also say that the statements made therein has got no nexus with the issue, raised by the applicant in the present original application. The applicant has deliberately tried to mix up the issue of sand mining with implementation of linear project of road construction. Therefore, the Hon'ble Tribunal would be pleased to reject the original application for such deliberate attempt on the part of the applicant for making confusing statements.
18. With regard to the statements made in paragraph 5.17, 5.18 and 5.19 of the original application, I say that the same are mostly matters of record. In this regard, I say that permission that was granted by Shyama Prosad Mukherjee Port was for using the riverbed material for use in the linear project for construction of road, neither permission was sought for sale/commercial use of the same nor such permission was granted. It is however denied that the Respondent No.10 is using the permission of excavating illegally and excavating more sand beyond permissible limit. On the contrary I say that the statements made therein are not supported by any documentary evidence. Accordingly, I put the applicant to strict proof thereof. In this regard I also say that not only WBMDTCL but also Dept of Irrigation & Waterways is monitoring the entire work of the Respondent No. 10.



by:-
Asis Kr Sen

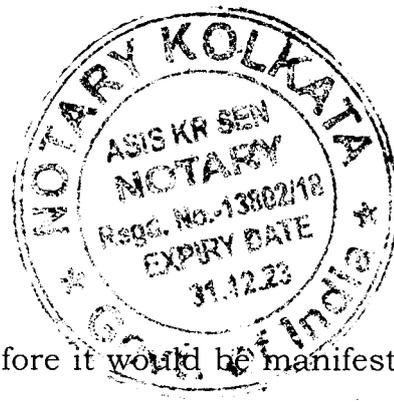
19. With regard to the statements made in paragraph 5.20 and 5.21 of the original application, I say that the statements made therein are mostly matters of record and I deny anything contrary thereto. I however say that I have no exclusive knowledge about filing of the previous application by the applicant on the self same cause of action and the liberty granted by this Hon'ble Tribunal to the applicant to file the same afresh. In this regard I put the applicant to produce copy of the order passed by this Hon'ble Tribunal in O.A. No. 94/2022 prior to moving further with the present application.
20. With regard to the statements made in paragraph 5.22, 5.23, 5.24, 5.25, 5.26, 5.27 and 5.28 of the original application, save what are matters of record, no admission is made with regard thereto. In this regard I repeat and reiterate the statements made in the foregoing paragraphs. I say that WBMDTCL has followed every guideline and has taken every possible precaution measure to comply with the SOP/environmental safeguards in order to protect the river health. I reserve my right to make further submissions on the aforesaid matters at the time of hearing.
21. With regard to the statements made in paragraph 5.29, 5.30, 5.31, 5.32 and 5.33 of the original application, I deny each and every statement contained therein, which are contrary to the admitted records. In this regard I say that the order of the Hon'ble National Green Tribunal, Principal Bench passed in O.A. No. 190/2020 has been duly followed while



By:
Ghosh
Adv.

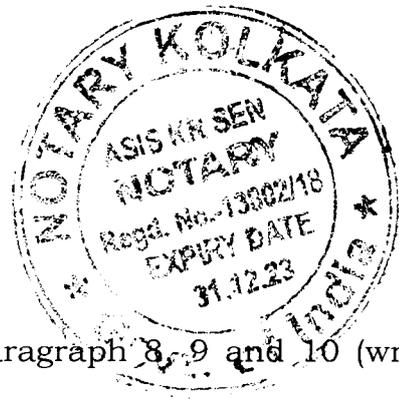
issuing the Office Memorandum dated August 21, 2023, which is operating in the field of linear projects, like construction of road. The examples, as furnished in those paragraphs have been taken care by the Hon'ble National Green Tribunal, Principal Bench, while passing the order dated 28.10.2020 and the subsequent office orders have been issued by the Ministry of Environment, Forest and Climate Change following such order. Therefore, there is no violation of the EIA notification or of any guidelines issued by the Ministry. In this regard I repeat and reiterate the statements made by me in the foregoing paragraphs. The nature and scope of the activity which was taken up for consideration in O.A no. 173/2018 is completely different from the scope and content of the activity which forms the subject matter of the present application.

22. With regard to the statements made in paragraph 6 and its subparagraphs, 6.1, 6.2, 6.3, 6.4 and 6.5 of the original application, I deny each and every statement contained therein, which are contrary to the admitted records. In this regard I put the applicant to strict proof the allegations of illegal mining of silver sand/lifting of silver sand from the river Ganga, in accordance with law. I also repeat and reiterate the statements made by me in the foregoing paragraphs. I reserve my right to make further submissions on the aforesaid matters at the time of hearing.
23. With regard to the statements made in paragraph 7 of the original application, I respectfully submit that the 'GROUNDS' alleged and set out in paragraph 7 have no application in the facts and circumstances of the



By:
Asis Kr Sen

instant case. From the facts stated herein before it would be manifest that the GROUNDS are false, frivolous and without any basis. It is denied that the acts and conduct of the respondents are capricious or fraudulent or illegal. It is denied that illegal mining/lifting of silver sand is going on at Majerchar, Kancharipara of Kalyani Sub-Division in the District of Nadia in violation of the express norms set by National Green Tribunal. It is denied that excessive extraction of sand from the river disturbs the natural balance, as there has been no excess extraction going on at any point of time. Every single river bed material that has been removed has unique valid bar-coded e-challan. It is denied that the illegal mining/lifting of silver sand from the river bed of Ganga seriously threatening on environment ecology, as there was/is no act of illegal mining of silver sand, as alleged. As a matter of fact, the operation is not mining at all, it is removal of earth/soil/silt to be used as filling material in Linear Project. It is also denied that the illegal mining/lifting of silver sand from the river bed of Ganga is violating sand mining policy 2021 and sustainable sand mining management guideline, 2016 and 2020, as alleged. It is denied that there has been any violation of any statutory guidelines as alleged or at all. In order to avoid prolixity, each and every one of the grounds are denied and disputed as if the same were set out herein and traversed seriatim. For the moment it shall suffice state that no ground exists for grant of any relief in favour of the applicant.



24. With regard to the statements made in paragraph 8, 9 and 10 (wrongly typed as 11) of the original application, I deny each and every statement contained therein. The applicant has failed to make out any prima facie case on record and as such I respectfully submit that the instant application should be dismissed with costs.
25. That the statements made in paragraph nos. 1 to 3, 9 to 15, 17 to 20 and 22 are true to my knowledge and those contained in paragraph nos. 4 to 8, 16 and 21 are based on information derived from records, which I verily believe to be true and the rests are my respectful submission before this Hon'ble Tribunal.

Samik Panigrahi
 (SAMIK PANIGRAHI)
 Deponent

The deponent is known & Deponent
 Identified by me:

Sanjay Babbar

Advocate
 Enrollment No. WB/1307/2001

Solemnly affirmed and declared
 before me on Identification
ASIS KUMAR SEN
 ASIS KUMAR SEN
 City Civil Court, Kolkata
 Notary
 Reg. No. 13802/18

20 NOV 2023

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 28th March, 2020

S.O. 1224(E).—WHEREAS, *vide* the Mineral Laws (Amendment) Act, 2020 (2 of 2020), the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (hereinafter referred to as MMDR Act) has been amended with effect from the 10th day of January, 2020 and, *inter alia*, new section 8B relating to the provisions for transfer of statutory clearances has been inserted;

AND WHEREAS, sub-section (2) of section 8B of the MMDR Act provides that notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made thereunder, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years;

AND WHEREAS, sub-section (3) of section 8B of the MMDR Act provides that notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease;

AND WHEREAS, in pursuance of the aforesaid amendment to the MMDR Act, the Central Government deems it necessary to align the relevant provisions of the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006 (hereinafter referred to as the EIA Notification, 2006);

AND WHEREAS, the Ministry of Environment, Forest and Climate Change is in the receipt of representations for waiver of requirement of prior environmental clearance for borrowing of ordinary earth for roads; and manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the rule 5 of the said rules, in public interest, and in supersession of the notification number S.O. 4307(E), dated the 29th November, 2019, hereby makes the following further amendments in the EIA Notification, 2006, namely:-

In the said notification,-

(i) in paragraph 11, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:-

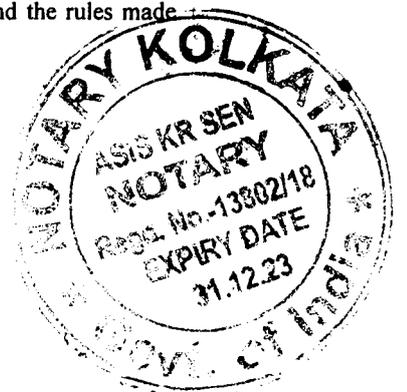
“(3) The successful bidder of the mining leases, expiring under the provisions of sub-sections (5) and (6) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and selected through auction as per the procedure provided under that Act and the rules made thereunder, shall be deemed to have acquired valid prior environmental clearance vested with the previous lessee for a period of two years, from the date of commencement of new lease and it shall be lawful for the new lessee to continue mining operations as per the same terms and conditions of environmental clearance granted to the previous lessee on the said lease area for a period of two years from the date of commencement of new lease or till the new lessee obtains a fresh environmental clearance with the terms and conditions mentioned therein, whichever is earlier:

Provided that the successful bidder shall apply and obtain prior environmental clearance from the regulatory authority within a period of two years from the date of grant of new lease.”;

(ii) in the Schedule, against the item 1(a), in the column (5), after clause (2) of the Note, the following clause shall be inserted, namely:-

“(3) The evacuation or removal and transportation of already mined out material lying within the mining leases expiring under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), by the previous lessee, after the expiry of the said lease, shall not form the part of the mining capacity so permitted to the successful bidder, selected through auction as per the procedure provided under that Act and the rules made thereunder.”;

(iii) for Appendix-IX, the following Appendix shall be substituted, namely:-



“APPENDIX-IX

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require Prior Environmental Clearance, namely:-

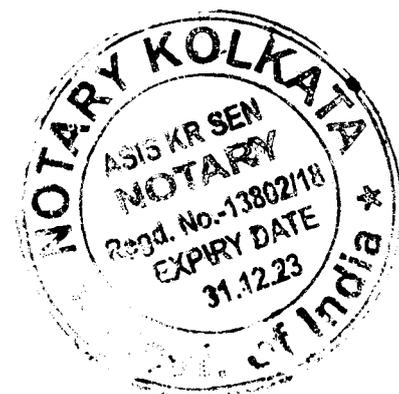
1. Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works, like, de-silting of village ponds or tanks, construction of village roads, ponds or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.
6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.
7. Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.
8. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
9. Manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community.
10. Digging of wells for irrigation or drinking water purpose.
11. Digging of foundation for buildings, not requiring prior environmental clearance, as the case may be.
12. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate or any other Competent Authority.
13. Activities declared by the State Government under legislations or rules as non-mining activity.”

[F. No. Z-11013/47/2018-IA.II (M)]

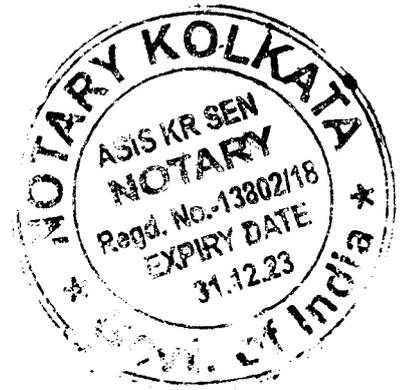
GEETA MENON, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended vide the following numbers:-

1. S.O. 1949 (E), dated the 13th November, 2006;
2. S.O. 1737 (E), dated the 11th October, 2007;
3. S.O. 3067 (E), dated the 1st December, 2009;
4. S.O. 695 (E), dated the 4th April, 2011;
5. S.O. 156 (E), dated the 25th January, 2012;
6. S.O. 2896 (E), dated the 13th December, 2012;
7. S.O. 674 (E), dated the 13th March, 2013;
8. S.O. 2204 (E), dated the 19th July, 2013;
9. S.O. 2555 (E), dated the 21st August, 2013;
10. S.O. 2559 (E), dated the 22nd August, 2013;
11. S.O. 2731 (E), dated the 9th September, 2013;
12. S.O. 562 (E), dated the 26th February, 2014;
13. S.O. 637 (E), dated the 28th February, 2014;



14. S.O. 1599 (E), dated the 25th June, 2014;
15. S.O. 2601 (E), dated the 7th October, 2014;
16. S.O. 2600 (E), dated the 9th October, 2014;
17. S.O. 3252 (E), dated the 22nd December, 2014;
18. S.O. 382 (E), dated the 3rd February, 2015;
19. S.O. 811 (E), dated the 23rd March, 2015;
20. S.O. 996 (E), dated the 10th April, 2015;
21. S.O. 1142 (E), dated the 17th April, 2015;
22. S.O. 1141 (E), dated the 29th April, 2015;
23. S.O. 1834 (E), dated the 6th July, 2015;
24. S.O. 2571 (E), dated the 31st August, 2015;
25. S.O. 2572 (E), dated the 14th September, 2015;
26. S.O. 141 (E), dated the 15th January, 2016;
27. S.O. 648 (E), dated the 3rd March, 2016;
28. S.O. 2269(E), dated the 1st July, 2016;
29. S.O. 2944(E), dated the 14th September, 2016;
30. S.O. 3518 (E), dated 23rd November 2016;
31. S.O. 3999 (E), dated the 9th December, 2016;
32. S.O. 4241(E), dated the 30th December, 2016;
33. S.O. 3611(E), dated the 25th July, 2018;
34. S.O. 3977 (E), dated the 14th August, 2018;
35. S.O. 5733 (E), dated the 14th November, 2018;
36. S.O. 5736 (E), dated the 15th November, 2018;
37. S.O. 5845(E), dated the 26th November, 2018;
38. S.O. 345(E), dated the 17th January, 2019;
39. S.O. 1960(E), dated the 13th June, 2019;
40. S.O. 236(E), dated the 16th January, 2020;
41. S.O. 751(E), dated the 17th February, 2020; and
42. S.O. 1223(E), dated the 27th March, 2020.





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

No 100-ICE-12011(99)/8/2022-MINES-SEC-Deptt. of ICE

Dated: 22.02.2022

ORDER

Whereas the Govt. of this Department has received several representation through West Bengal Mineral Development & Trading Corporation Ltd and other statutory organisations for grant of approval for dredging/desilting operations in rivers/water bodies for the purpose of extraction of silt/earth/soil as filling materials for the linear projects.

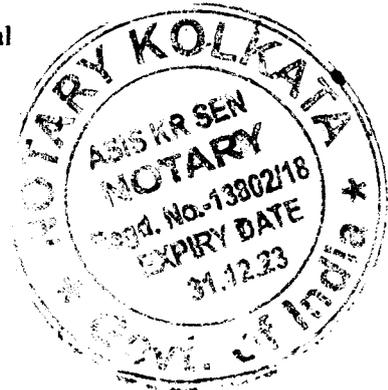
AND WHEREAS, Land & Land Reforms & Refugee, Relief& Rehabilitation Department and this Department have approved the proposal.

AND WHEREAS, a Standard Operating Procedure (SOP) in this regard has been prepared (enclosed herewith) and approved by this Department.

Now the Government of this Department has been pleased to Order that henceforth West Bengal Mineral Development & Trading Corporation Ltd. will act as State Nodal Agency for carrying out dredging/desilting operations in rivers/water bodies to extract silt/earth/soil for filling materials for all linear projects, guided by Standard Operating Procedure(SUP) stated above.

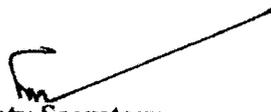
By order of the Governor,
Sd-

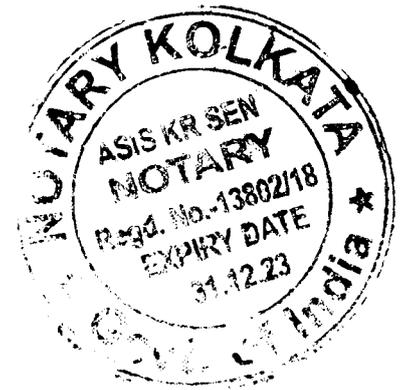
Secretary to the Govt. of West Bengal



No.100 /1(51)-ICE-12011(99)/8/2022-MINES-SEC-Deptt. of ICE Dated: 22.02.2022
Copy forwarded for information and necessary action to:

- 1) The Principal Secretary, Irrigation and Water ways Department, Govt. of West Bengal ,Jalasampad Bhawan, Bidhannagar ,kol-91
- 2) The Principal Secretary Public Health Engineering Department , Govt. of West Bengal, New Secretariat Building,kol-1
- 3) The Principal Secretary, Public Works Department, Govt. of West Bengal. Khadya Bhavan, kol-87
- 4) The Chairman cum Managing Director
West Bengal Mineral Development & Trading Corporation Ltd.
WBHDC Building, 3rd Floor, DJ 10, DJ Block,Sector-II, Bidhannagar,
Kolkata-700091 for kind information and necessary action.
This has a reference to his Memo No.MDTC/SAND/002/150 dt. 18.01.2022.
- 5) The Chief General Manager (Tech), RO, Kolkata,
- 6) The General Manager, West Bengal High way Development Corporation Ltd. HRBC
Bhawan, Munsil Premchand Sarani, kol-21
- 7-29) The District Magistrate(all) for kind information.
- 30-51) The ADM & DL &LRO (all) for kind information.


Deputy Secretary
to the Government of West Bengal



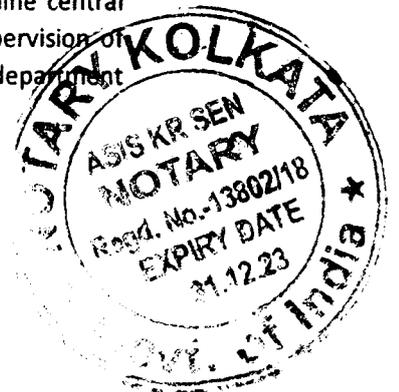
SOP for Dredging/Desilting/Extraction of Silt/Earth/Soil for filling material

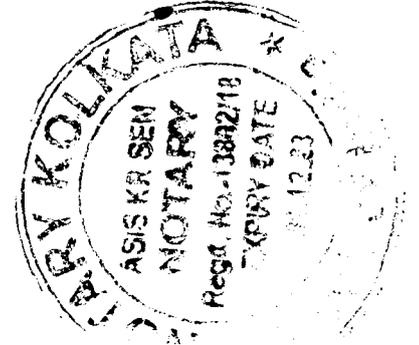
Whereas Department of Industry, Commerce and Enterprises, GoWB and WBMDTCL have been receiving the representation for grant of approval for dredging/desilting in rivers/water bodies to obtain silt/earth/soil as filling materials mainly for the linear projects of National Highways Authority of India (NHAI), West Bengal Highway Development Corporation and other statutory bodies/organisations.

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE has published Gazette NOTIFICATION New Delhi, the 28th March, 2020 S.O. 1224(E) regarding exemption of Environment Clearance for purpose of "Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc". (Copy enclosed)

Thus in order to expedite the projects, the following SOP maybe adopted:

1. The government organization through its Project Implementing Unit/authorized agency shall identify the stretch of river/dam/water body/area for dredging/desilting/extraction of silt/earth/soil and conduct sample analysis of the material from an accredited lab for the purpose. Only those projects/areas having silt/earth/soil which is only fit for filling purpose and cannot be used for construction purpose shall be considered.
2. An application with the sample analysis report has to be submitted by the Project Implementing Unit/ authorized agency to Executive Engineer, Irrigation & Waterways Department/ Concerned authority under whose jurisdiction the stretch of river/dam/water body/area falls. Executive Engineer/ Concerned authority shall verify the details, peruse the sample report and if that the area has silt/earth/soil which is only fit for filling purposes (not construction purpose) will grant the NoC for such projects .
3. An application along with sample analysis report and with the NoC so obtained shall be submitted by the Project Implementing Unit/authorized agency duly forwarded by government organization to Department of Industry , Commerce and Enterprises with the copy to WBMDTCL.
4. Department of Industry , Commerce and Enterprises may directly or through its authorized agency i.e. WBMDTCL grant permission to carry out the work.
5. A copy of the said permission shall be sent to DLLRO of concerned district and Irrigation & Waterways Department/ concerned department.
6. WBMDTCL may directly or through concerned DLLRO of the district shall create a profile for the said agency in the centralized e-challan portal.
7. WBMDTCL may directly or through concerned DLLRO of the district shall grant excavation permit against payment of royalty, Cess , DMF and other charges for the maximum quantity as shall be intimated by the permission granting authority.
8. The role of the WBMDTCL/ concerned DLLRO of the district is restricted to , approval of excavation permit up to the maximum quantity as shall be intimated by the permission granting authority and facilitating the generation of road e-challan through online central portal for transportation of silt/earth/soil . However, the entire technical supervision of dredging/desilting/extraction of silt/earth/soil is responsibility of the parent department under whose jurisdiction the stretch of river/dam/water body/area falls.





BEFORE THE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE BRANCH,
KOLKATA
ORIGINAL APPLICATION NO. 94/2023/EZ

Application under Section 18 read with 14,
15 of National Green Tribunal Act, 2010

In the matter of :

All India Anti Corruption Organization
....Applicant

-Versus-

State of West Bengal & Ors.

... Respondents.

Counter affidavit on behalf of
Respondent No. 5.

SANJAY SAHA
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High Court, Calcutta
Bar Association Room No. 15
Mob : 9874215101
Email :
sanjaysaha.advocate2001@gmail.com