



674

BEFORE THE NATIONAL GREEN TRIBUNAL

1

EASTERN ZONE BENCH KOLKATA

Original Application No. 38/2023/EZ

**IN THE MATTER OF:**

Dr. Bina Basnett

...Applicant

versus

State of Sikkim and Ors.

.... Respondents

INDEX

NDOH: 19.03.2024

S. No.	Particulars	Page. No.
1.	Counter Affidavit on behalf of the Respondent No. 6 Sikkim Pollution Control Board to the Original Application	
2.	<b><u>ANNEXURE R/1-</u></b> Copy of the No Objection Certificate dated 17.09.2021 to M/s MESASO Infrastructure Limited for demolition of the old parking lot.	
3.	<b><u>ANNEXURE R/2 –</u></b> Copy of the Consent to Establish dated 24.02.2022 to M/s MESASO Infrastructure Limited for commencing construction of Multi Level Car Parking cum Commercial Development Project	
4.	<b><u>ANNEXURE R/3 –</u></b> Copy of the Inspection Report dated 31.05.2023 of the inspection conducted by Respondent no. 6 of the construction of multi-level car parking cum commercial development project.	
5.	<b><u>Annexure R/4 -</u></b> Copy of the Provisional Consent to Establish dated 17.10.2023 for construction of three additional floors in view of the Environment Clearance dated 23.08.2023 to M/s MESASO	

  
Dr Gopal Pradhan  
Member Secretary  
State Pollution Control Board  
Forest & Environment Deptt.  
Govt of Sikkim

	Infrastructure Ltd.	
6.	<b><u>Annexure R/5</u></b> - Copy of the Consent to Establish dated 18.01.2024 for additional three floors.	



Date: 15.03.2024

Place: Kolkata

**DRAWN AND FILED BY:**

*Gitanjali*

Mansi Bachani & Gitanjali Sanyal  
Advocates for the Respondent No.6

Flat No. 1485, Sector B, Pocket 1

Vasant Kunj, New Delhi -110070

Email- mansi.bachani08@gmail.com +91- 8600531203

  
Dr Gopal Pradhan  
Member Secretary  
State Pollution Control Board  
Forest & Environment Deptt.  
Govt of Sikkim



## BEFORE THE NATIONAL GREEN TRIBUNAL

## EASTERN ZONE BENCH KOLKATA

Original Application No. 38/2023/EZ

**IN THE MATTER OF:**

Dr. Bina Basnett

...Applicant

versus

State of Sikkim and Ors.

.... Respondents

**COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.6,  
SIKKIM STATE POLLUTION CONTROL BOARD TO THE ORIGINAL  
APPLICATION**

I, Dr. Gopal Pradhan S/o Bishnu Prasad Pradhan aged about 63 years, presently posted as Member Secretary at office having Address Deorali, Gangtok do hereby solemnly affirm and state as under: -

1. That I am well conversant with the facts and circumstances of the case based on the knowledge derived from the records as maintained by the Respondent No.6 and have been authorized to swear the present affidavit on behalf of Respondent No.6.
  - i. That I have read the contents of the above mentioned Original Application No. 38 of 2023/EZ and have understood the same and in reply thereto I say and submit as under:
  - ii. That I say and submit that save and except those, which are matters of record, all averments, statements and submissions made by Applicant in the above-mentioned Original Application are disputed and denied as if traversed seriatim unless specifically admitted herein and therefore no part of the Affidavit should be deemed to be admitted for want of specific denial.

*Dr. Gopal Pradhan*  
Member Secretary  
State Pollution Control Board  
Forest & Environment Deptt  
Govt of Sikkim



- iii. That I crave leave of this Hon'ble Tribunal to file a further affidavit-in-reply in the present matter, if necessary, and I say that I have replied to the averments specifically alleged against the Respondent No.6.

## 2. PRELIMINARY SUBMISSIONS

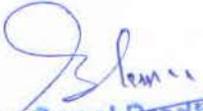
- I. That the Respondent No. 6, the Sikkim State Pollution Control Board (SPCB) was set up as an autonomous body through Government of Sikkim Notification in the year 2008 under the provision of Sub-Section (1) of Section 4 of the Water (Prevention & Control of Pollution) Act, 1974. The main function of SPCB-Sikkim is to act as a regulatory and advisory body with regard to prevention and control of air and water pollution. Under the advisory function, Respondent No.6, SPCB-Sikkim specifically advises the State Government in terms of measures to be taken for prevention, control and abatement of pollution. Under the regulatory function, the said Respondent is bestowed with the power of implementation of different Acts and Rules pertaining to the control of environmental pollution. It is also pertinent to mention that the State of Sikkim has been declared as an Air Pollution Control Area under Gazette Notification No. 506 dated 08.09.2011.
- II. That the Project Proponent MESASO Infrastructure Private Ltd on 19.08.2021 applied to obtain Consent to Establish offline. That the SPCB as per the policy directed the project proponent to apply for CTE through the online portal.

  
 Dr. Gopal Pradhan  
 Member Secretary  
 State Pollution Control  
 Forest & Environment Deptt.  
 Govt of Sikkim



III. That it is submitted that the Secretary, Department of Urban Development, Government of Sikkim (UDD) vide letter dated 08.09.2021, requested for issuance of a 'No-Objection Certificate' for demolition/ dismantling of the old facility comprising a three storeyed parking facility and its ancillary construction located at Old West Point School, Gangtok. The SPCB considered the request of Department of Urban Development and vide letter dated 17.09.2021 and granted the No Objection Certificate subject to the following conditions:

- Project Proponent carries out the dismantling/demolition work without causing any environmental pollution by duly installing pollution control measures such as suppression of dust and fugitive emissions, noise controlling measures by erecting barriers and limiting work during day time only. It also mandates proper management of demolition waste within premises, and states that any such dismantling/ demolition shall ensure foundational security of the area in question.
- Demolition waste shall be managed and disposed in accordance with the provisions of the Construction and Demolition Rules, 2016.
- Project Proponent shall construct temporary labour camps duly providing proper sanitation and solid waste management within the premises in accordance with the Solid Waste Management Rules, 2016.
- Project Proponent shall also obtain any other NOC required under the law.

  
Dr. Gopal Pradhan  
Member Secretary  
State Pollution Control Board  
Forest & Environment  
Govt of Sikkim

True copy of the letter dated 17.09.2021 is marked and appended herewith as **ANNEXURE R/1**.



That the Project Proponent, M/s Mesaso Infrastructure Private Ltd, on 15.02.2022, applied online for obtaining Consent to Establish (CTE) under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 for construction of Multilevel Car Parking-cum-Shopping Hub at Old West Point School area.

- V. That the project of Multilevel Car Parking-cum-Shopping Hub having built up area of 33,801.25 sq. mtrs would be regulated as per the Revised Classification of Industrial Sectors issued by the Central Pollution Control Board on 07.03.2016 and amended on 27.03.2017.
- VI. That the application of CTE of M/s MESASO Infrastructure Ltd. was considered by the answering Respondent in accordance with the law and the CTE was granted for eleven floors on 24.02.2022. A copy of the CTE dated 24.02.2022 is marked and annexed as **ANNEXURE R/2**.
- VII. That the present Respondent thereafter has conducted periodic inspections on 24.05.2022, 01.09.2022, 13.12.2022, 22.02.2022 and 31.05.2023 of the construction of multi-level car parking cum commercial development project to ensure compliance with the conditions of Consent to Establish. A Copy of the last inspection report dated 31.05.2023 is marked and annexed as **Annexure R/3**.
- VIII. That on 28.09.2023, the Project Proponent, M/s MESASO Infrastructure Ltd., applied for amendment of its CTE dated 24.02.2022 in view of the Environment Clearance granted to the Project Proponent for construction of additional three floors in the

  
**Dr. Gopal Pradhan**  
 Member Secretary  
 State Pollution Control  
 Forest & Environment  
 Gangtokh

Multi Car Parking Cum Commercial Development Project at Old West Point School area, Gangtok.



- IX. That the answering Respondent has processed the application in accordance with the law and granted provisional Consent to Establish under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 subject to fulfilment of 25 conditions, including a technical examination from the Central Building Research Institute, Roorkee. A copy of the provisional Consent to Establish dated 17.10.2023 is marked and annexed as **ANNEXURE R/4**.
- X. That it is humbly submitted the answering Respondent has been duly conducting periodic inspections to ensure compliance with the conditions of the Consent to Establish dated 24.02.2022 and Provisional Consent to Establish dated 17.10.2023 to ensure that the Project is being completed in accordance with the law.
- XI. That subsequently, the answering Respondent granted the latest Consent to Establish dated 18.01.2024 to the Project Proponent, M/s MESASO Infrastructure Ltd. for vertical expansion of its Integrated Commercial cum Multi Level Car Parking Complex at MG Marg, Gangtok. A copy of the Consent to Establish dated 18.01.2024 is marked and annexed as **ANNEXURE R/5**.

#### PARAWISE REPLY

1. I submit that the contents of paragraph 1 of the said Original Application with regard to antecedents of the applicant needs no comment and her work in the field of environment is not known to the answering respondent and hence no comment is warranted. Further,

  
**Dr Gopal Pradhan**  
 Member Secretary  
 State Pollution Control Board  
 Forest & Environment Deptt.  
 Govt of Sikkim



it is submitted that the said Project is being assessed and examined in accordance with the law by the answering Respondent. It is humbly submitted that all permissions are granted by the answering Respondent after ensuring the requisite conditions are complied, assessments are thoroughly completed, especially keeping in mind the environmental as well as safety aspects of the project.

2. That the contents of para 1A are matters of record and anything contrary to the records are denied by the answering respondent.
3. That the contents of paragraph 2 of the Original Application are matters of record and anything contrary to the records are denied by the answering respondent.
4. That the contents of paragraph 3 of the said Original Application are matters of record and anything contrary to the records are denied by the answering respondent.
5. That with reference to the contents of paragraph 4.1 of the said Original Application, it is humbly submitted that the answering Respondent has granted the requisite Consent to Establish in accordance with the law.
6. That with reference to the contents of paragraph 4.2 of the said Original Application, it is humbly submitted that the contents do not pertain to the answering respondent and hence needs no reply.
7. That with reference to the contents of paragraph 4.3. of the said Original Application, it is denied that air, water and noise pollution will be caused if prescribed containment measures in the Consent to Establish are put in place. It is submitted the answering Respondent is monitoring the compliance with the conditions of the Consent to Establish and will take action in accordance with the law if there is

  
 Dr. Gopal Pradhan  
 Member Secretary  
 State Pollution Control  
 Forest & Environment Deptt.  
 Govt of Sikkim



any violation of the said conditions. The answering Respondent has also included the requirement of submission of quarterly pollution monitoring reports in the provisional consent dated 17.10.2023 to ensure compliance with the standards.

8. That with reference to the contents of paragraph 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10 of the said Original Application, it is humbly submitted that the matter does not pertain to the answering respondent and needs no reply. It is however pertinent to note that the answering Respondent ensures that all buildings being constructed are compliant with the requisite environmental statutes, including air, water, noise, among other parameters to ensure there is no adverse impact from their establishment.
9. That with reference to the contents of paragraph 4.11 of the said Original Application, it is humbly submitted that air, water and noise pollution will not be caused if prescribed containment measures are followed in accordance with the parameters as mentioned in the Air Act, 1981, Water Act, 1974 and Noise Pollution Rules, 2000 as well as the Consents to Establish dated 24.02.2022, 17.10.2023 and 18.01.2024.
10. That with reference to the contents of paragraph 4.12 of the said Original Application, it is humbly submitted that the matter does not pertain to the answering respondent and needs no reply. However, the answering Respondent has duly incorporated the condition of validity of consent subject to fulfilment of other required permissions/licenses/clearances.

  
 Dr. Gopal Pradhan  
 Member Secy, IV  
 State Pollution Control Board  
 Forest & Environment Dept.  
 Govt of Sikkim

11. That the contents of paragraph 4.13 A-(i) to (v) of the said Original Application need no comments and anything contrary to the records are denied by the answering respondent.



12. That with reference to the contents of paragraph 4.13 A(vi) of the said Original Application, the Respondent No. 6 submits that environment pollution monitoring is being carried out on a regular basis and rest of the content is denied.

13. That the contents of paragraph 4.13 A(vii) and (viii) of the said Original Application need no comments and anything contrary to the records are denied by the answering respondent.

14. That with reference to the contents of paragraph 4.13 B, C and D of the said Original Application, it is humbly submitted that the matter does not pertain to the answering respondent and needs no reply and further it needs no comment, however, anything contrary to the records are denied by the answering respondent.

15. That with reference to the contents of paragraph 5, in view of the exemption granted by the Hon'ble Supreme Court, needs no comment from the answering Respondent.

16. That with reference to the contents of paragraphs 6.1 to 6.4 of the said Original Application, need no comment and anything contrary to the records are denied by the answering respondent. It is however submitted that any pollution caused by the construction of the said project would be strictly regulated by the answering respondent accordance with the law.

17. That with reference to the contents of paragraph 6.5 of the said Original Application, it needs no comment and anything contrary to the records is denied by the answering respondent.

  
 Dr. Gopal Pradhan  
 Member Secretary  
 State Pollution Control Board  
 Forest & Environment Deptt.  
 Govt of Sikkim



18. That with reference to the contents of paragraph 6.6, Para 6.7, Para 6.8 & Para 6.9 of the said Original Application, it is humbly submitted that the content does not pertain to the answering respondent and needs no reply.
19. That with regard to the contents of paragraph 6.10 of the said Original Application, it is humbly submitted that the matter does not pertain to the answering respondent and needs no reply.
20. That with reference to the contents of paragraph 6.11 it is humbly submitted that environmental mitigation measures are generally incorporated into the project design of construction projects executed in the State of Sikkim. As regards the allegation that the construction of said project would lead to air, land and noise pollution, it is humbly submitted before this Hon'ble Tribunal that the consent conditions ensure strict compliance of the Air Act, 1981, the Water Act, 1974, among other statutory permissions. The preliminary submissions in para I to IX may be read as a response and are not being repeated for the sake of brevity.
21. That with reference to the contents of paragraph 6.12 and 6.13, it is humbly submitted that the matter does not pertain to the answering respondent and needs no reply.
22. That the contents of paragraph 6.14 and 6.15 of the said Original Application need no comments.
23. The contents of Ground A to Z are summarily denied.

**DEPONENT**  
 Dr. Gopal Pradhan  
 Member Section IV  
 State Pollution Control Board  
 Forest & Environment Deptt.  
 Govt of Sikkim

VERIFICATION

I, the above-named deponent do hereby verify and say that the statements made at aforementioned paragraphs of the Counter affidavit is true to my knowledge rest are my respectful submissions before this Hon'ble Tribunal. The documents filed herewith as annexures are true copies of respective originals.

Affirmed on this the 19<sup>th</sup> day of March 2024 at Gangtok, Sikkim.

  
 Dr Gopal Pradhan  
 DEPONENT  
 State Pollution Control Board  
 Forest & Environment Deptt.  
 Govt of Sikkim

Date: 15.03.2024  
 Place: Kolkata

**DRAWN AND FILED BY:**



Mansi Bachani & Gitanjali Sanyal  
 Advocates for the Respondent No.6  
 Flat No. 1485, Sector B, Pocket 1  
 Vasant Kunj, New Delhi -110070  
 Email- mansi.bachani08@gmail.com +91- 8600531203

  
 Mr. Sishir Mothay  
 Oath Commissioner (GtK)  
 High Court of Sikkim  
 Vide Notification No.40/HCS/30.09.23

Email: spcbsikkim@gmail.com



**STATE POLLUTION CONTROL BOARD-SIKKIM**  
**FOREST & ENVIRONMENT DEPARTMENT**  
**GOVERNMENT OF SIKKIM**  
**DEORALI, GANGTOK - 737102**

F. No. 202/SPCB/3215

Dated: 17/09/2021

To,

The Secretary,  
 Urban Development Department,  
 Government of Sikkim,  
 Gangtok-737101.

**Sub: No Objection Certificate.**

In consideration of your letter no. 250/UDD/Secy dated 08/09/2021, this is to inform you that the State Pollution Control Board-Sikkim does not have any objection for dismantling/demolition of the existing facility located at Old West Point School, Gangtok, East Sikkim subject to the following conditions:

1. That, you shall ensure that the project proponent carries out the dismantling/demolition work without causing any environmental pollution duly installing pollution control measures such as suppression of dust/fugitive emission, noise controlling measures in the premises by erecting barriers & limiting work during day time only and proper management of demolition waste within the premises, further, that any such dismantling/demolition shall ensure foundational security of the area in question;
2. That, all forms of Demolition waste shall be managed and disposed in accordance with the provisions of the Construction & Demolition Waste Rules, 2016;
3. That, the project proponent shall construct temporary labour camp duly providing proper sanitation & solid waste management facility within the premises in accordance to the Solid Waste Management Rules, 2016;
4. That, you shall obtain any other NOC, wherever required before taking up the demolition work.

Member Secretary

State Pollution Control Board-Sikkim

Dr. Gopal Pradhan

Member Secretary

State Pollution Control Board

Forest Env. &amp; W/L Mangt. Deptt.

Govt. of Sikkim, Gangtok



(18)



GOVERNMENT OF SIKKIM  
URBAN DEVELOPMENT DEPARTMENT  
GANGTOK

No: 255/UDD/Seq.

Dated: 21/09/2021

To,

The Chief Executive Officer  
Gangtok Smart City Development Limited  
Gangtok.

**Sub: - Proposal for construction of Multi level Car Parking cum Commercial Complex at Old West Point School complex Gangtok.**

Reference proposal for construction of Multi level Car Parking cum Commercial Complex at Old West Point School complex Gangtok, I am directed to convey the approval to start dismantling of existing structure of Old West Point School for construction of the aforesaid work subject to no objection from Private Estate for commencement of the dismantling work, as the said land is yet to be transferred to Urban Development Department.



*[Handwritten Signature]*  
Special Secretary  
Urban Development Department  
SPECIAL SECRETARY  
Urban Dev. Department  
Government of Sikkim  
Gangtok



688

Email : spcbsikkim@gmail.com

15

## Annexure R/2

STATE POLLUTION CONTROL BOARD-SIKKIM  
FOREST & ENVIRONMENT DEPARTMENT  
GOVERNMENT OF SIKKIM  
DEORALI - 737102

Ref. No. 1142/SPCB

Date: 24/2/2022

To,

The Vice President (Project),  
M/s MESASO Infrastructure Pvt. Ltd.,  
Old West Point School, Near M.G. Marg,  
Gangtok, Gangtok District, Sikkim-737101.

**Sub: Consent to Establish.**

In consideration of your application no. 258779 dated 15-02-2022, the State Pollution Control Board – Sikkim, hereby grants you Consent to Establish eleven (11) storied Gold Rated Building and Construction Project in Gangtok, Gangtok District under the provisions of **Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981** subject to the following conditions:

1. That, this consent is meant for specific purpose only and any alteration in the project shall require prior permission from the Board;
2. That, you shall have facilities to prevent and control water, air & noise pollution in the project area as per the conditions specified in relevant Acts;
3. That, you shall obtain Environmental Clearance prior to commencement of work in your project and abide by its terms & conditions;
4. That, you shall obtain Consent to Operate prior to operation of your project;
5. That, you shall construct temporary labour camp duly providing proper sanitation & solid waste management facility within the premises in accordance to the **Solid Waste Management Rules, 2016**;
6. That, you shall carry out third party environmental monitoring from a registered NABL accredited and MoEF&CC registered consultants and submit Report to SPCB-Sikkim on a quarterly basis;
7. That, you shall carry out the dismantling/demolition and construction work without causing any environmental pollution duly installing pollution control measures such as suppression of dust/fugitive emission, noise controlling measures in the premises by erecting barriers & limiting work during day time only and proper management of demolition waste within the premises, further, that any such dismantling/demolition shall ensure foundational security of the area in question;
8. That, all forms of Construction and Demolition waste shall be managed and disposed off in accordance with the provisions of the Construction & Demolition Waste Rules, 2016;
9. That, you shall ensure the general waste generated by your unit shall be collected & disposed off in accordance with **Solid Waste Management Rules, 2016 and Plastic Waste Management Rules, 2016**;



10. That, you shall ensure the scrap generated by your unit shall be disposed off through authorized vendor only;
11. That, you shall obtain authorization from the SPCB-Sikkim through the OCMMS portal for handling Bio Medical Waste generated during construction of your project;
12. That, you shall obtain authorization from the SPCB-Sikkim through the OCMMS portal for handling Hazardous Waste generated during construction of your project;
13. That, you shall ensure compliance to the provisions of the **Hazardous Chemicals Rules, 1989** for safe storage and management of fuel & other flammable materials;
14. That you shall provide Personal Protective Equipment to the employees to avoid any health hazard;
15. That, you shall prepare an Emergency Response Procedure/Protocol (ERP) and submit a copy of the same to the Board and you shall ensure compliance to the ERP for incidents such as fire, flood, landslides, earthquakes and accidents;
16. That, you shall conduct regular mock drill as per the specifications of the ERP;
17. That, you shall establish and operate the Sewage Treatment Plant to treat sewage/waste generated from operation of various ancillary units of the building project adhering to the standards prescribed under the Environment (Protection) Act, 1986 and Rules made there under from time to time, whichever is stringent;
18. That, you shall develop green belt within your premises;
19. That, you shall apply for renewal of the consent one month in advance before its expiry;
20. That, you shall abide by all the conditions given by the Board from time to time;
21. That, this consent is valid subject to obtaining other required permission/licenses/clearances wherever required;
22. That, the Board reserves the right to cancel and withdraw the consent in the event of any environmental problems arising out of your project;
23. That, this consent to establish is valid till 31st March 2025;
24. Rs. 4,00,000/- (Rupees four lakhs for four years i.e. 2021- 2025) only has been received as consent fees vide Receipt no. 4660466 & Bank ID No nil dated: 14-02-2022.



**(Dr. Gopal Pradhan)**  
 Member Secretary,  
 State Pollution Control Board-Sikkim.  
 Dr. Gopal Pradhan  
 Member Secretary  
 State Pollution Control Board  
 Forest Env. & W/L Mangt. Deptt.  
 Govt. of Sikkim, Gangtok





**STATE POLLUTION CONTROL BOARD-SIKKIM**  
**FOREST & ENVIRONMENT DEPARTMENT**  
**GOVERNMENT OF SIKKIM**  
**DEORALI, GANGTOK – 737102**

**INSPECTION PROTOCOL**

Date of inspection		Inspection Team
31/05/2023		1. Kunzang Z. Bhutia, SSO 2. Shamir Raj Gurung, JSA 3. Durga Pd. Sharma, LA
1.	Name and address of the unit	West Point by Mesaso Infrastructure Pvt. Ltd., Old West Point School Area, Near M.G. Marg, Gangtok District - 737101
2.	Contact Person/ Contact Nos.	Smt. Meenakshi Mittal Agarwal, 9836209656
3.	Type of unit	<b>Multi level car Parking cum commercial development</b> Project comes under Building and construction projects having more than 20,000 sq.m built up area and having wastewater generation 100 KLD and above
4.	Category	RED
5.	Capital Investment	29800.00 Lakhs
6.	Status of Environmental Clearance	Granted by SEIAA vide EC No. – EC22B038SK115854 dated 25/02/2022.
7.	Status of Consent	Granted by SPCB-Sikkim vide Ref. No. 1142/SPCB dated 24/02/2022. Consent valid till 31/03/2025.
8.	Source of water	PHE Department, GoS. Dedicated water supply work has been granted vide Memo no. PHE/4061/MTC/21-22/84 dated 16/10/2021.
9.	Land details	Plot no. 1440. Under the control of Secretary, Urban Development Department, Government of Sikkim LOA granted vide Memo no. 137/GSCDL/2020-21 dated 18/06/2021
10.	Size of the land	1.4 acres
11.	Waste water treatment system/Reuse	PHE Sewer Connection for labour camp. Permission has been granted by the department vide Memo no. 7123/Rev/Sew/PHED/7dated 08/11/2021. Provisions for Sewage Treatment Plant for the project have been included in the DPR.
12.	D.G Set (If available provide details) Spent oil/stack height/capacity/acoustic/non- acoustic Consent of D.G Set	82.5 kVA – 2nos. Acoustic. Consent has been granted vide Ref. No. 1415/SPCB dated 31/05/2022 Stack Height – 12 m from ground level
13.	Fire safety measures	Extinguishers available. Provisional NOC from Fire & Emergency Department

		has been issued vide Ref no. 338/POL/F&ES/2021/39 dated 26/08/2021
14.	Solid Waste Management System/Segregation of waste and its disposal	It was informed that the solid waste generated shall be collected by GMC. Payment challan verified. They have been instructed to practice proper segregation of waste generated. It was informed that scrap generated during construction shall be channelized to recyclers. They have been informed to utilised authorised vendors only.
15.	Construction & Demolition Waste Management	Work completion certificate for disposal of C&D waste has been provide by Shri Sangay Lama vide Ref. No. SL/MIPL30/2022-23 dated 30/04/2022.
16.	Third Party Environmental Monitoring	Conducted by M/s Envirotech East Pvt. Ltd. for the quarter March-May, 2023. Report has been submitted o the Board for record.
17.	Green belt development/Garden area	Not initiated.
18.	Rain water harvesting	Not available. Provisions have been included in the DPR.
19.	Safety gear	Provided to employees. Records maintained
<b>Other observations</b>		
<ol style="list-style-type: none"> <li>1. Consent for batching plant of capacity 18m<sup>3</sup>/hr has been granted vide Ref. No. 1399/SPCB dated 25/05/2022</li> <li>2. Wind breaking wall has been constructed to control fugitive dust that is generated from operation of the batching plant.</li> <li>3. As per the DPR the proposed project is for 14 storied structure whereas the Gangtok Municipal Corporation has sanctioned only 11 storied structure vide issue no. 3839/Misc/TPL/GMC/2021/979 dated 31/12/2021.</li> <li>4. It was informed that sanction plans for additional 3 floors have been obtained. Application to obtain EC for additional 3 floors has been submitted to Central Expert Appraisal Committee as the term for SEIAA members have expired.</li> <li>5. It was informed that Hazardous was has not been generated. The hazardous waste that shall be generated is used/spent oil from maintenance of DG set. They have been informed to ensure that application in SPCB-Sikkim OCMMS portal is submitted for authorization when generation of such waste has commenced.</li> <li>6. Photographs have been attached for information.</li> </ol>		

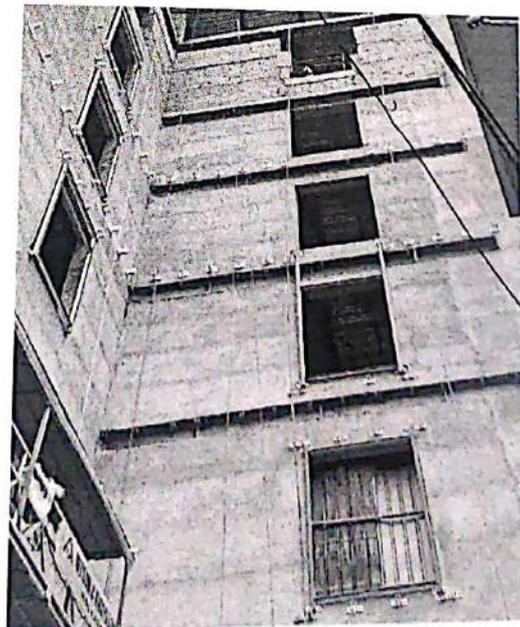
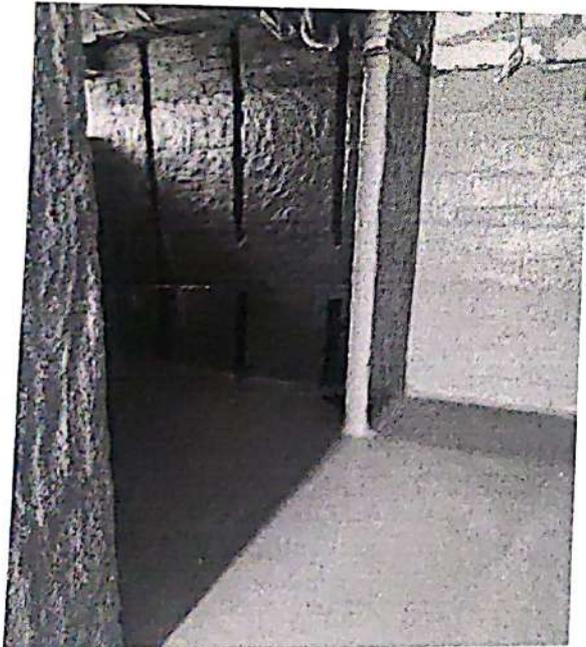
  
(Kunzang Z. Bhutia)  
SSO - SPCB

  
(Shamir R. Gurung)  
JSA-SPCB

  
(Durga Pd. Sharma)  
LA- SPCB



Fig. 1, 2 3 & 4 - View of progress in construction



//TRUE COPY//



Email: spcbsikkim@gmail.com  
Phone no – 03592-281913



**STATE POLLUTION CONTROL BOARD- SIKKIM**  
**FOREST & ENVIRONMENT DEPARTMENT**  
**GOVERNMENT OF SIKKIM**  
**DEORALI, GANGTOK – 737102**

Ref. No. 1097/SPCB 2039

Date: 17/10/2023.

To,

The Vice President (Project),  
M/s MESASO Infrastructure Pvt. Ltd.,  
Old West Point School, Near M.G. Marg,  
Gangtok, Gangtok District, Sikkim-737101.

**Sub: Provisional Consent to Establish.**

In consideration of your letter no. nil dated 29/08/2023 and on the basis of Environmental Clearance granted by Ministry of Environment, Forest & Climate Change, Government of India vide F. no. 21/1/2023-IA.II dated 23/08/2023 bearing EC no. EC23C3802SK5858756E. the State Pollution Control Board – Sikkim, hereby grants you Consent to Establish fourteen (4G+7+3) storeyed Integrated Commercial cum Multi Level Car Parking Complex in Gangtok, Gangtok District on **provisional basis only** under the provisions of **Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981** subject to the following conditions:

1. That, this consent is meant for specific purpose only and any alteration in the project shall require prior permission from the Board;
2. That, you shall have facilities to prevent and control water, air & noise pollution in the project area as per the conditions specified in relevant Acts;
3. That, you shall strictly adhere/comply to the conditions stated in the Environmental Clearance granted by SEIAA bearing EC no. EC22B038SK11585 issued vide F. No. 214E&SC dated 25/02/2022;
4. That, you shall strictly adhere/comply to the conditions stated in the Environmental Clearance granted by MoEF&CC bearing EC no. EC23C3802SK5858756E issued vide F. no. 21/1/2023-IA.II dated 23/08/2023;
5. That, you shall ensure that vertical expansion of 3 storeys shall not include swimming pool as specified in the Environmental Clearance granted by the MoEF&CC. Technical examination by Institutes of national repute such as Central Building Research Institute, Roorkee is mandatory;
6. That, you shall obtain Consent to Operate prior to operation of your project after compliance of all the stipulated conditions in the Consent to Establish;
7. That, you shall construct temporary labour camp duly providing proper sanitation & solid waste management facility within the premises in accordance to the **Solid Waste Management Rules, 2016**;



8. That, you shall carry out third party environmental monitoring from a registered NABL accredited and MoEF&CC registered consultants and submit Report to SPCB-Sikkim on a quarterly basis;
9. That, you shall carry out the dismantling/demolition and construction work without causing any environmental pollution duly installing pollution control measures such as suppression of dust/fugitive emission , noise controlling measures in the premises by erecting barriers & limiting work during day time only and proper management of demolition waste within the premises, further, that any such dismantling/demolition shall ensure foundational security of the area in question;
10. That, all forms of Construction and Demolition waste shall be managed and disposed off in accordance with the provisions of the Construction & Demolition Waste Rules, 2016;
11. That, you shall ensure the general waste generated by your unit shall be collected & disposed off in accordance with Solid Waste Management Rules, 2016 and Plastic Waste Management Rules, 2016;
12. That, you shall ensure the scrap generated by your unit shall be disposed off through authorized vendor only;
13. That, you shall obtain authorization from the SPCB-Sikkim through the OCMMS portal for handling Bio Medical Waste generated during construction of your project without fail;
14. That, you shall obtain authorization from the SPCB-Sikkim through the OCMMS portal for handling Hazardous Waste generated during construction of your project without fail;
15. That, you shall ensure compliance to the provisions of the Hazardous Chemicals Rules, 1989 for safe storage and management of fuel & other flammable materials;
16. That you shall provide Personal Protective Equipment to the employees to avoid any health hazard;
17. That, you shall prepare an Emergency Response Procedure/Protocol (ERP) and submit a copy of the same to the Board and you shall ensure compliance to the ERP for incidents such as fire, flood, landslides, earthquakes and accidents;
18. That, you shall conduct regular mock drill as per the specifications of the ERP;
19. That, you shall establish and operate the Sewage Treatment Plant (120 KLD) to treat sewage/waste generated from operation of various ancillary units of the building project adhering to the standards prescribed under the Environment (Protection) Act, 1986 and Rules made there under from time to time, whichever is stringent;
20. That, provisions for Ambient Air Quality Monitoring System shall be in place before commissioning of the project;
21. That, you shall develop green belt within your premises;
22. That, you shall abide by all the conditions given by the Board from time to time;
23. That, this consent is valid subject to obtaining other required permission/licenses/clearances wherever required;
24. That, the Board reserves the right to cancel and withdraw the consent in the event of any environmental problems arising out of your project;
25. That, the application no. 402402 dated 12/09/2023 submitted in the SPCB-Sikkim OCMMS portal is faulty and requires submission of clarification & requisite documents within 15(fifteen) days of issue of this consent.



(Dr. Gopal Pradhan)  
Member Secretary,  
State Pollution Control Board-Sikkim.

Dr Gopal Pradhan  
Member Secretary  
State Pollution Control Board  
Forest & Environment Deptt.  
Govt of Sikkim



**STATE POLLUTION CONTROL BOARD- SIKKIM**  
**FOREST & ENVIRONMENT DEPARTMENT**  
**GOVERNMENT OF SIKKIM**  
**DEORALI, GANGTOK – 737102**

F. No. 2436/SPCB/

Dated: 18/01/2024

To,

The Vice President (Project),  
M/s MESASO Infrastructure (P) Limited,  
Old West Point School, Near M.G. Marg,  
Gangtok, Gangtok District, Sikkim-737101.

**Sub: CONSENT TO ESTABLISH.**

In consideration of your online application no. 412043 dated 08.11.2023 and on the basis of Environmental Clearance granted by Ministry of Environment, Forest & Climate Change, Government of India vide F. no. 21/1/2023-IA.II dated 23/08/2023 bearing EC no. EC23C3802SK5858756E. the State Pollution Control Board – Sikkim, hereby grants you Consent to Establish Vertical Expansion of fourteen (4G+7+3) storied Integrated Commercial cum Multi Level Car Parking Complex situated at Near M.G Marg-Gangtok, Gangtok District-Sikkim, under the provisions of Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 subject to the following conditions:

1. That, this consent is meant for specific purpose only and any alteration in the project shall require prior permission from the Board;
2. That, you shall have facilities to prevent and control water, air & noise pollution in the project area as per the conditions specified in relevant Acts;
3. That, you shall strictly adhere/comply to the conditions stated in the Environmental Clearance granted by SEIAA bearing EC no. EC22B038SK11585 issued vide F. No. 214E&SC dated 25/02/2022;
4. That, you shall strictly adhere/comply to the conditions stated in the Environmental Clearance granted by MoEF&CC bearing EC no. EC23C3802SK5858756E issued vide F. no. 21/1/2023-IA.II dated 23/08/2023;
5. That, you shall obtain consent to operate before commercial operation of the fourteen (4G+7+3) storied Integrated Commercial cum Multi Level Car Parking Complex;
6. That, you shall ensure that vertical expansion of 3 storeys shall not include swimming pool as specified in the Environmental Clearance granted by the MoEF&CC. Technical examination by Institutes of national repute such as Central Building Research Institute, Roorkee is mandatory;
7. That, you shall obtain Consent to Operate prior to operation of your project after compliance of all the stipulated conditions in the Consent to Establish;
8. That, you shall construct temporary labour camp duly providing proper sanitation & solid waste management facility within the premises in accordance to the **Solid Waste Management Rules, 2016**;
9. That, you shall carry out third party environmental monitoring from a registered NABL accredited and MoEF&CC registered consultants and submit Report to SPCB-Sikkim on a quarterly basis;



P.T.O

10. That, you shall carry out the dismantling/demolition and construction work without causing any environmental pollution duly installing pollution control measures such as suppression of dust/fugitive emission , noise controlling measures in the premises by erecting barriers & limiting work during day time only and proper management of demolition waste within the premises, further, that any such dismantling/demolition shall ensure foundational security of the area in question;
11. That, this Consent is valid till 31<sup>st</sup> March 2024;
12. That, all forms of Construction and Demolition waste shall be managed and disposed off in accordance with the provisions of the Construction & Demolition Waste Rules, 2016;
13. That, you shall ensure the general waste generated by your unit shall be collected & disposed off in accordance with **Solid Waste Management Rules, 2016 and Plastic Waste Management Rules, 2016**;
14. That, you shall ensure the scrap generated by your unit shall be disposed off through authorized vendor only;
15. That, you shall obtain authorization from the SPCB-Sikkim through the OCMMS portal for handling Bio Medical Waste generated during construction of your project without fail;
16. That, you shall obtain authorization from the SPCB-Sikkim through the OCMMS portal for handling Hazardous Waste generated during construction of your project without fail;
17. That, you shall ensure compliance to the provisions of the **Hazardous Chemicals Rules, 1989** for safe storage and management of fuel & other flammable materials;
18. That you shall provide Personal Protective Equipment to the employees to avoid any health hazard;
19. That, you shall prepare an Emergency Response Procedure/Protocol (ERP) and submit a copy of the same to the Board and you shall ensure compliance to the ERP for incidents such as fire, flood, landslides, earthquakes and accidents;
20. That, you shall conduct regular mock drill as per the specifications of the ERP;
21. That, you shall establish and operate the Sewage Treatment Plant (120 KLD) to treat sewage/waste generated from operation of various ancillary units of the building project adhering to the standards prescribed under the Environment (Protection) Act, 1986 and Rules made there under from time to time, whichever is stringent;
22. That, provisions for Ambient Air Quality Monitoring System shall be in place before commissioning of the project;
23. That, you shall develop green belt within your premises;
24. That, you shall abide by all the conditions given by the Board from time to time;
25. That, this consent is valid subject to obtaining other required permission/licenses/clearances wherever required;
26. Rs.150000/- (Rupees one lakh fifty thousand) only has been received as consent fee Vide Receipt No. 490473534 & Bank ID 1540, dated: 11.09.2023;
27. That, the provisional consent granted earlier vide Ref. No. 1097/SPCB/2039 dated 17.10.2023 shall stand cancel;
28. That, the Board reserves the right to cancel and withdraw the consent in the event of any environmental problems arising out of your project.



*(Signature)*  
 (Dr. Gopal Pradhan)  
 Member Secretary,  
 State Pollution Control Board-Sikkim.



Service by R6 in Dr. Bina Basnett  
vs State of Sikkim & Anr. (O.A. No.  
38/2022/EZ) Add label



**Gitanjali Sanyal** 5:27 PM

to Legal, Amrita, contact... ▼



Dear Sir/Ma'am,

Please find attached the Counter Affidavit on behalf of Respondent No. 6 i.e. the Sikkim State Pollution Control Board in the matter of O.A. No. 38 of 2022/EZ titled Dr. Bina Basnett v. State of Sikkim & Anr.

You are requested to kindly acknowledge service of the same.

Best Regards,

**Gitanjali Sanyal**

Advocate for Respondent No. 6,  
Sikkim State Pollution Control Board  
Contact No. : +91-8777385984



Counter Affid...SPCB.pdf



99+

