

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
Original Application No. 38/2022/EZ**

**IN THE MATTER OF:**

Dr. Bina Basnett

.....Applicant(s)

**VERSUS**

State of Sikkim & Ors.

.....Respondent(s)

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DATE : 09.03.2024

PLACE : NEW DELHI

DRAWN BY :

Adv. Saumitra Jaiswal  
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## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

## EASTERN ZONE BENCH, KOLKATA

Original Application No. 38/2022/EZ

## IN THE MATTER OF:

Dr. Bina Basnett

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## VERSUS

State of Sikkim &amp; Ors.

.....Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 5,  
SIKKIM STATE DISASTER MANAGEMENT AUTHORITY TO O.A.  
NO. 38/2022/EZ**

I, Prabhakar Rai, son of Late S.M. Rai, aged about 57 years by occupation a Government servant, resident of Gangtok East Sikkim do hereby solemnly affirm and state as follows:

1. That I am the Director, Sikkim State Disaster Management Authority, Government of Sikkim and am competent to swear, affirm and file this Counter Affidavit.
2. That I have gone through the contents of the instant Appeal and have understood the contents and purport thereof and have verified the same from the records available in the office.
3. That this Hon'ble Tribunal is currently seized of the present Original Application which was initially filed on 07.03.2022 and which was dismissed by this Hon'ble Tribunal vide order dated 10.05.2022 on the grounds that it is premature and is without any cause of action.
4. That this Hon'ble Tribunal while dismissing the present case on 10.05.2022 left it open to the Applicant to seek the alternate remedy of challenging Environmental Clearance (EC) granted to the answering Respondent on 25.02.2022. That the present Applicant then approached the Hon'ble Supreme Court through Civil Appeal Diary No. 32544/2022 against Order

dated 10.05.2022 of this Hon'ble Tribunal on 11.10.2022. However, there were a few defects which were notified on 14.10.2022 by the registry of the Hon'ble Supreme Court and the same were not rectified. Thereafter, the Hon'ble Supreme Court took up the matter on 17.07.2023 and granted a period of six weeks to cure the defects. In view of the same the defects were cured on 25.08.2023 which was after more than nine months for reasons best known to the Applicant.

5. That thereafter the Hon'ble Supreme Court passed its order dated 25.09.2023 with direction to restore the said matter back to the National Green Tribunal, as O.A. No. 38/2022/EZ in its original position before this Hon'ble Tribunal. Further, all pleas and contentions of the parties are left open.
6. That in accordance to the said order of the Hon'ble Supreme Court, this Hon'ble Tribunal took up the present matter and issued notice vide Order dt. 18.10.2023. Accordingly, the present Counter Affidavit is being filed on behalf of the answering Respondent No. 5 – Sikkim State Disaster Management Authority (SDMA).
7. That I state that the entire area of Sikkim lies in Zone IV of the Seismic Zonation Map of India.
8. That I state that the highest frequency and magnitude of earthquake in State of Sikkim has been recorded as 6.9 more than a decade ago in Sikkim-Nepal Border Region. The frequency and magnitude of earthquake data from the year 2006 till date obtained from the Indian Metrological Department, the nodal agency for compilation of earthquake in India is enclosed herewith and marked as Annexure R-1. However, any observation/conclusions in respect to the safety of the proposed construction may have to be co-related with the relevant data available with the authorities concerned.
9. The answering respondent craves leave of the Hon'ble Court to file any additional affidavit /documents if so required.
10. Under the circumstances stated above, it is most respectfully prayed that Hon'ble Court may be pleased to reject the prayers made and accordingly dismiss the instant Appeal filed by the Applicant.

DATE: 31 /01/2024

PLACE: Gangtok

DEPONENT

  
(Prabhakar Rai)

Director, Management Authority  
Sikkim State Disaster Management Deptt

Sikkim State Disaster Management Authority,  
Government of Sikkim

## VERIFICATION

I, the above named deponent do hereby verify and state that the statements made in paragraphs 1 to 10 are true to my knowledge and matters of record and rest are my respectful submissions before this Hon'ble Tribunal.

Verified on this 31<sup>st</sup> day of January, 2024 at Gangtok, East Sikkim.

  
DEPONENT  
Sikkim State Disaster Management Authority  
Land Revenue & Disaster Management Deptt  
Government of Sikkim

# Earthquake Data 2006- 2023

ANNEXURE R61

DATE	TIME (UTC)	LAT (deg. N)	LONG (deg.E)	Depth (km)	Magnitude	Region	
03/2/2006	1:57:47.2	27.4°N	86.7°E	31.5	5.3	NEPAL ( REMARK : CLOSE TO SIKKIM - BIHAR BORDER )	
14/2/2006	0:55:18.2	27.7°N	88.8°E	33.0	5.7	SIKKIM	
18/5/2007	12:39:58.1	27.7°N	88.6°E	33.0	4.5	NORTH, SIKKIM	
20/5/2007	14:18:16.5	27.5°N	88.3°E	15.0	5.0	SOUTH, SIKKIM	
23/5/2007	17:40:44.8	27.6°N	88.0°E	10.0	3.5	SIKKIM	
26/5/2007	10:28:10.5	27.2°N	88.3°E	10.0	3.3	WEST, SIKKIM	
11/8/2007	14:35:52	27.5°N	88.0°E	33.0	4.9	NEPAL	
2/12/2008	05:11:39	27.5 N	88.0 E	10	4.2	NEPAL-INDIA(SIKKIM) BORDER REGION	
25/12/2008	00:26:41	27.2 N	87.9 E	33	4.4	NEPAL-INDIA(SIKKIM) BORDER REGION	
26/1/2009	06:57:18	27.4°N	88.7°E	7	3.2	INDIA(SIKKIM)-BHUTAN BORDER	
3/06/2011	00:53:21	27.5°N	88.0°E	26	4.9	NEPAL - SIKKIM (INDIA) BORDER REGION	
18/09/2011	12:40:47	27.7°N	88.2°E	10	6.8	SIKKIM-- NEPAL BORDER REGION	
18/09/2011	13:11:59	27.6°N	88.5°E	16	5.0	INDIA(SIKKIM)-- NEPAL BORDER REGION	
18/09/2011	13:54:17	27.5°N	88.4°E	9	4.5	INDIA(SIKKIM)-- NEPAL BORDER REGION	
18/09/2011	21:51:52	27.6°N	88.4°E	28	4.2	INDIA(SIKKIM)-- NEPAL BORDER REGION	
22/09/2011	16:44:43	27.6°N	88.4°E	30	3.9	SIKKIM	
17/10/2011	13:04:50	27.3°N	88.4°E	5	3.5	SIKKIM	

29/10/2011	00:43:41	27.4°N	88.4°E	5	3.5	SIKKIM, INDIA	
09/12/2011	22:56:56	27.9°N	88.2°E	33	3.7	INDIA ( SIKKIM) - NEPAL BORDER REGION	
13/12/2011	01:26:43	27.3°N	88.6°E	5	2.9	GANGTOK,SIKKIM	
14/12/2011	20:20:55	27.7°N	88.0°E	50	4.5	INDIA(SIKKIM) - NEPAL BORDER REGION	
18/12/2011	21:35:25	28.0°N	88.2°E	35	3.7	INDIA (SIKKIM)- NEPAL BORDER REGION	
18/01/2012	14:12:52	27.3°N	88.5°E	5	3.4	SIKKIM, INDIA	
14/02/2012	13:48:43	27.3°N	88.2°E	05	3.6	SIKKIM - NEPAL BORDER REGION	
27/03/2012	23:40:08	26.1°N	87.8°E	12.0	4.9	INDIA - NEPAL BORDER REGION	
30/05/2012	01:54:28	27.4°N	88.0°E	10	4.0	SIKKIM-NEPAL BORDER REGION	
11/06/2012	04:35:56	27.2°N	88.3°E	5	3.8	SIKKIM-NEPAL BORDER REGION	
18/09/2012	12:26:21	27.4°N	88.5°E	10	4.1	SIKKIM	
11/10/2012	13:56:04	28.0°N	88.2°E	15	3.3	INDIA (SIKKIM) - TIBET BORDER REGION	
22/10/2012	06:56:51	28.0°N	87.8°E	68	3.9	NEPAL-INDIA (SIKKIM) BORDER REGION	
30/11/2012	19:39:29	27.3°N	88.3°E	10	4.1	WEST, SIKKIM	
02/01/2013	14:53:41	27.3°N	88.6°E	10	3.0	GANGTOK, SIKKIM	
03/10/2013	06:12:40	27.4°N	88.5°E	10	5.0	SIKKIM	
04/07/2014	05:58:39	27.8°N	87.9°E	19	3.9	NEPAL - SIKKIM (INDIA) BORDER REGION	
17/09/2014	10:29:12	27.8°N	87.8°E	20	3.9	Nepal - India	

						(Sikkim) Border Region	
2015-04-23	20:26:37	27.3 N	88.1 E	10	4.0	West Sikkim	
2015-04-27	12:35:49	26.7 N	88.1 E	10	5.1	Nepal-India Border	
2015-08-15	05:42:24	27.4 N	88.0 E	35	4.0	Sikkim	
2015-10-10	01:48:43	27.2 N	88.8 E	15	4.5	Sikkim	
2016-03-12	16:15:16	26.7 N	89.4 E	21	3.8	Jalpaiguri, West Bengal	
2016-07-07	22:24:02	26.8 N	89.5 E	40	3.3	Jalpaiguri, West Bengal	

2016-08-28	12:54:51	28.0 N	88.7 E	90	4.2	India (sikkim)- China Border Region	
2016-09-18	14:34:36	26.7 N	88.3 E	10	3.2	DARJILING, WEST BENGAL	
2016-12-01	19:41:19	27.2 N	88.9 E	10	3.5	Bhutan-India(Sikkim) Border region	
2017-01-17	15:22:16	27.6 N	88.6 E	10	3.6	North Sikkim	
2017-3-26	21:42:11	27.142N	88.553E	24.39	4.5	Rangpo Sikkim	
2017-5-16	22:13:19	27.327°N	88.171°E	10	4.2	Naya Bazar, India	
2017-12-02	23:43:44	27.286°N	88.081°E	10	4.2	Naya Bazar, India	

2018-06-17	15:07:37	27.420°N	88.474°E	49.76 km	4.4	12km SSW of Mangan, India	
2018-10-31	21:23:34	27.3N	88.6E	10	2.8	East Sikkim	
2019-01-07	21:08:44	27.3N	88.4E	10	3.0	South Sikkim	
2019-04-12	23:33:07	27.3N	88.2E	10	3.9	West Sikkim Sikkim	
2019-08-09	18:10:32	27.5N	84.7E	39	4.6	Nepal-India Border	
2019-12-24	20:07:02	26.6N	88.8E	32	3.2	Jalpiguri, West Bengal	
2020-04-08	01:33:18	27.3N	88.6E	5	3.2	East sikkim	

2020-04-26	10:59:24 (IST)	27.0N	88.8E	10	4.0	42 Km SSE of Gangtok, Sikkim	
2020-08-09	06:49:03 IST	27.37N	88.85E	10	3.8	East Sikkim	
2020-10-25	12:06:00 IST	27.22N	88.68E	5	3.6	14 km SSE of Gangtok	
2020-12-24	19:51:07 IST	27.11N	88.34E	5	2.5	South Sikkim	
2020-12-31	13:30:28 IST	27.07N	89.16	5	2.5	62km ESE of Gangtok, Sikkim India (Bhutan)	
2021-02-05	03:43:10 IST	27.86N	88.14E	10	4	Nepal - India (Sikkim) Border	
2021-02-09	07:20:07 IST	27.95N	87.91E	90	4.5	Xizang (Tibet Sikkim Border)	

2021-03-11	03:48:10 IST	27.38N	88.76E	15	2.1	Gangtok, Sikkim	
2021-03-20	07:30:37 IST	28.00N	88.92E	75	3.5	Xizang (Tibet Sikkim Border)	
2021-04-05	20:49:58 IST	27.23N	88.84E	10	5.4	25 Km ESE of Gangtok, Sikkim	
2021-04-06	07:07:02 IST	26.72N	89.04E	10	4.1	Jalpaiguri, West Bengal	
2021-05-07	22:46:41 IST	27.25 N	88.68E	10	3.1	11 Km SE of Gangtok Sikkim	
2021-05-26	13:11:23 IST	26.85N	88.72 E	5	3.8	Jalpaiguri, WB	
2021-07-19	18:46:58 IST	27.40 N	88.62 E	10	3.2	6 KM N of Gangtok, Sikkim, India (North District)	

2021-7-21	12:45:04 IST	27.32 N	88.86 E	10	2.8	24 Km E of Gangtok, Sikkim (East Sikkim)	
2021-7-25	20:39:22 IST	27.29 N	88.50 E	10	4.0	11 Km WSW of Gangtok	
2021-9-12	23:16:07 IST	27.61 N	88.26 E	10	2.7	26 KM N of Yuksom	
2021-10-08	01:15:17 IST	27.45 N	88.47 E	5	2.4	North District, Sikkim	
2021-11-07	21:50:45 IST	27.25 N	88.77 E	6	4.3	18 Km ESE of Gangtok, Sikkim East District, Sikkim	
2022-01-05	03:01:59 IST	27.42 N	88.39 E	5	3.7	South District, Sikkim	
2022-02-06	07:28:22 IST	27.87N	87.9E	80	3.9	63km NNW of Yuksom, Sikkim, India (NEPAL)	

2022-02-27	02:06:08 IST	27.24 N	88.44 E	10	2.9	10km SE of Ravangla, Sikkim, India	
2022-02-27	03:31:24 IST	28.66N	87.47E	60	3.9	161km NNW of Yuksom, Sikkim, India	
2022-03-23	23:32:58	28.04 N	87.86 E	40	3.9	82km NNW of Yuksom, Sikkim, India	
2022-05-03	18:00:05	29.74 N	89.26 E	10	4.1	233km NNE of Lachung, Sikkim, India	
2022-05-03	20:44:43	28.64 N	87.42 E	133	3.9	161km NNW of Yuksom, Sikkim, India	
2022-05-23	14:45:35	27.4 N	87.95 E	05	3.2	27km W of Yuksom, Sikkim, India	
2022-05-23	14:54:36	27.48 N	87.94 E	10	3.2	30km WNW of Yuksom, Sikkim, India	

2022-06-22	18:41:59	26.2 N	87.38 E	29	3.8	116km WSW of Siliguri, West Bengal, India	
2022-07-02	02:53:47	27.13	89.10	10	4.3	53km ESE of Gangtok, Sikkim	
2022-08-15	18:34:33	36.27	90.00	170	4.4	961km N of Lachung, Sikkim, India	
2022-08-16	07:52:53	33.88	90.20	145	4.4	702km N of Lachung, Sikkim, India	
2022-08-18	03:16:46	27.20	88.14	10	2.9	16km SW of Pelling, Sikkim, India	
2022-09-05	06:18:52	33.37	88.79	200	4	631km N of Lachung, Sikkim, India	
2022-09-15	13:05:09	26.29	88.78	14	2.8	61km SE of Siliguri, West Bengal, India	

2022-09-21	03:04:03	28.10	87.80	50	3.6	91km NNW of Yuksom, Sikkim, India
2022-09-22	13:51:22	26.09	88.70	12	3.3	77km SSE of Siliguri, West Bengal, India
2022-11-06	21:58:41	27.76	87.84	10	4.4	57km NW of Yuksom, Sikkim, India
2022-12-17	13:24:16	26.22	89.26	10	3.1	102km ESE of Siliguri, West Bengal, India
2023-01-31	00:49:50	29.52	88.03	10	3	215km NNW of Lachung, Sikkim, India
2023-02-01	00:09:48	27.86	87.01	10	3.4	131km WNW of Yuksom, Sikkim, India
2023-02-05	22:32:54	26.91	88.80	10	2.6	45km ENE of Siliguri, West Bengal, India

2023-02-07	23:44:32	27.37	89.06	5	44km E of Gangtok, 2.3 Sikkim	
2023-02-13	04:15:04	27.81	87.71	10	70km NW of Yuksom, 4.3 Sikkim, India	
2023-04-10	06:31:37	28.01	87.54	10	97km NW of Yuksom, 3.6 Sikkim, India	
2023-04-10	09:19:11	28.12	87.59	10	103km NW of Yuksom, 3.6 Sikkim, India	
2023-04-12	05:35:10	25.98	87.26	19	140km SW of Siliguri, 4.3 West Bengal, India	
2023-04-23	05:34:06	27.56	88.65	5	17km SSW of Lachung, 2.6 Sikkim, India	
2023-04-25	00:48:28	27.14	88.45	5	20km SSE of Ravangla, 2.6 Sikkim, India	

2023-05-03	02:52:02	28.11	87.32	15	3.2	120km NW of Yuksom, Sikkim, India
2023-05-18	14:30:46	27.46	88.17	5	2.9	11km NNW of Yuksom, Sikkim, India
2023-05-27	04:15:53	27.00	89.14	5	3.5	64km SE of Gangtok, Sikkim
2023-06-15	22:17:24	28.25	87.44	10	3.5	124km NW of Yuksom, Sikkim, India
2023-06-21	01:48:48	28.05	87.81	34	4	85km NNW of Yuksom, Sikkim, India
2023-11-22	13:16:49	27.06	88.76	5	3.5	Kalimpong, West Bengal
2023-11-22	13:44:05	27.11	88.81	1	2.3	Kalimpong, West Bengal

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-TRUE COPY-