

BEFORE THE NATIONAL GREEN TRIBUNAL

(EASTERN ZONE BENCH, KOLKATA)

Original Application No. 92/2021/EZ

Dakshinbanga Matsyajibi Forum

Versus

Union of India & Ors.



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By the Respondent No. 7

Sibojyoti Chakraborty

Sibojyoti Chakraborty

Advocate for the State of West Bengal



Date-21.02.2022

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BEFORE THE NATIONAL GREEN TRIBUNAL
(EASTERN ZONE BENCH, KOLKATA)

Original Application No. 92/2021/EZ

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Versus

Union of India & Ors.



**PERSONAL AFFIDAVIT OF THE DISTRICT MAGISTRATE,
SOUTH 24 PARAGANAS DISTRICT, GOVERNMENT OF WEST
BENGAL:**

I, Perumal Ulaganathan, Son of Perumal Gopalkrishnan aged about 45 years, residing at D.M. Residential Bungalow, South 24 Parganas, 1 No. Thackeray Road, Alipore, Kolkata- 700027, do hereby solemnly affirm and state as under:

1. I am working as District Magistrate, South 24 Parganas, having my office at New Administrative Building, Alipore, South 24 Parganas, Kolkata 700027. I am well acquainted with the facts and circumstances of the case as such I am competent to swear sign & affirm this Affidavit.
2. That at the outset I beg to submit most humbly and respectfully that I have the deepest regard and respect for

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the Majesty of this Hon'ble Tribunal and that I have not violated nor disobeyed nor flouted nor disregarded any solemn order passed by the Hon'ble Tribunal willfully or deliberately in course of my official duty and in my official capacity or otherwise. Nevertheless, if any act of omission or commission on my part appears to be wanting, the same was unintentional and I tender my unconditional and unqualified apology for the same and beg to be excused for the same.

3. I state that an Order was passed by me, being no. 2/2022 dated 19/01/2022, interalia, forming a District Level Committee to supervise the dismantling of the alleged structures and constructions created in violation of the CRZ Notification. An Addendum was issued, in partial modification, dated 21/01/2022, interalia, including the Additional Executive Officer and Additional District Magistrate (ZP) in the said Committee. A letter was also written to the Superintendent of Police, Baruipur Police District, dated 19/01/2022, interalia, requesting him to nominate one officer not below the rank of Additional Superintendent of Police as a Member of the Committee.



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Copies of the said letters are marked herewith and marked with the letter "R/12". (Coly)

4. I state that a Report was submitted by the Block Development Officer, Gosaba, South 24 Parganas dated 08/02/2022, interalia, stating that the District Level Committee visited the site concerned on 22/01/2022 and on 27/01/2022. It was stated that all the three approved SHG (Self Help Group) work sheds and the other unapproved sheds have already been dismantled and the dismantling of connecting wooden bridges are being executed. Furthermore, restoration of the Project site has also been started through mangrove plantation by the concerned Gram Panchayat.



I crave leave to produce the said documents at the time of hearing, if necessary.

5. That a certificate of dismantling of structures was submitted by the District Level Committee, referred to hereinabove, on 16/02/2022, interalia, stating that all 20 SHG (Self Help Groups) work sheds have been dismantled and removed and all 56 wooden bridges connecting the islands have been dismantled and removed. It was also stated that the

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dismantled structures and debris of the demolition work has been removed to offsite locations and the restoration work under MGNREGS is ongoing satisfactorily.

A certificate on restoration and mangrove plantation was also submitted by the District Level Committee on 16/02/2022, interalia, stating that two mangrove plantation schemes have been approved under the MGNREGA Scheme and so far 25,000 (approx.) mangrove saplings of different varieties have already been planted and 40,000 (approx) seeds have been sown over an area of 5 hectares of the project site. It was further stated that it is planned to plant a total of 2.3 lakhs mangroves at the site in due course and necessary steps are being taken accordingly and that the water bodies at the site have been restored to their previous state.

The Copy of the certificates alongwith the photographs submitted by the Committee are annexed hereto and marked with the letter "R/13" (copy).

6. I state that a Block Level Enquiry Committee was constituted vide order dated 06/01/2022 to enquire into the status of the schemes taken up by the concerned Gram



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Panchayat. A Report was submitted by the BDO dated 07/01/2022, interalia, attaching therewith the Report of the Gram Panchayat which shows that so far 101 schemes have been sanctioned by the competent Authority and that all these come under 4 categories of MGNREGA.

I crave leave to produce the relevant documents at the time of hearing, if necessary.

7. I state that a complaint was lodged by me to the Superintendent of Police, Baruipur Police District dated 24/01/2022, interalia, enclosing therewith the relevant papers and detailing the factum of the matter. A request was made to investigate as to the persons responsible for the unauthorized construction made at the site without any approval and whether there has been any misutilization of the funds from the MGNREGA fund by the Gram Panchayat. Accordingly, a FIR was drawn up on the basis of such complaint, being Gosaba PS Case No. 16 dated 27/01/2022 under sections 188/409 of the Indian Penal Code and Section 15/17 of the Environment Protection Act, 1986.

I crave leave to produce the relevant documents at the time of hearing, if necessary.

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8. I state that a Preliminary Investigation Report, pursuant to the FIR lodged, has been received from the Superintendent of the Baruipur Police District dated February 20, 2022, interalia, stating that the investigation conducted so far reveals that the authorities of the Bali I Gram Panchayat initiated the Project of Eco Tourism at Mathurakhanda Mouza under Bali I Gram Panchayat.

A copy of the said report is annexed hereto and marked with the letter "R/14".

9. I state that the Committee, as constituted by the Hon'ble Tribunal for the determination of Environmental compensation, cost of restitution and remedial measures and penalty has, interalia, rescheduled the date of Site visit on February 18, 2022 and, accordingly, site visit was undertaken, the Report, however, is awaited.

10. I state that it is pertinent to mention that from the perusal of the available records and documents, it appears that there is no existence of a private project proponent under the name and style of "Amlamethi Hill Resort", as stated in the Cause Title and Pleadings of the Original Application. An Order was issued by me dated 03/01/2022,



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interalia, forming a District Level Committee to inspect the MGNREGA Schemes at the concerned sites (Being Annexure "R/10" to the Supplementary Affidavit dated 05/01/2022.)

A Report was submitted by the Committee wherein it was, interalia, observed that the name of construction of "Amlamethi Hill Resort" was not found anywhere in the documents related to execution of 101 schemes that had been executed at the construction site and that the project was named as "Eco-tourism Project at Bali-I Gram Panchayat". It was also observed that though the process of preparation of estimates and their technical vetting where duly followed by the PIA (Project Implementing Agency), PO (Programme Officer), and District MGNREGA Cell, the PIA did not mention anywhere that the selected pieces of land were within the restricted CRZ and did not bring it to the notice of either the appropriate authorities while proposing the schemes under the Project.

I crave leave to produce the copies of the relevant documents at the time of hearing, if necessary.

11. I state that a letter was written by the BDO dated 10/02/2022, interalia, stating that in terms of my Order

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dated 31/12/2021, a physical verification of the office records in connection with the execution of 101 schemes executed in the Eco-tourism Project of the Gram Panchayat was conducted. It was stated that it appears that broad guidelines of MGNREGA have been followed while executing the schemes that were approved by the appropriate authority but the PIA neither brought it to their notice that the construction site falls within CRZ nor submitted any clearance of the site before obtaining sanctions.

A copy of the said letter is annexed hereto and marked with the letter "R/15".

12. I state that a Report was issued by the General Manager, DIC (District Industries Centre) dated 15/02/2022, interalia, stating that after due scrutiny of the available office records, M/s Amlamethi Hill Resort, Gosaba is neither registered under Udyam Registration nor any Pollution Clearance Certificate has been issued in favour of the said unit.

A copy of the said Report is annexed hereto and marked with the letter "R/16".



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13. I state that a letter was written by the Pradhan of the concerned Gram Panchayat dated 14/02/2022, interalia, stating that the alleged site where 101 MGNREGA schemes were implemented is not termed or registered as Amlamethi Hill Resort by the concerned Panchayat and that there is no private or Government project in the said name operating under the concerned Panchayat. A letter was written by the BDO to the SDO dated 14/02/2022, interalia, informing him of the Report by the Pradhan of the Gram Panchayat. A letter was written by the SDO to me dated 14/02/2022, interalia, referring to the reports of the BDO and the Pradhan which indicates that there is no such project or business entity registered in the name of "Amlamethi Hill Resort" under their jurisdiction. Under such circumstances, no illegal financial aggrandizement could have been caused in favour of any private resort developer/proponent/proponents of Amlamethi Hill Resort. Copies of the said reports are annexed hereto and marked with the letter "R / 17".

14. Under the circumstances it is most humbly submitted that all actions have been undertaken for

22 FEB 2022



removal/dismantling of the structures and the bridges at the site concerned and also for restoration of the concerned site.

15. That the deponent most humbly and respectfully prays and begs before the Hon'ble Court with an Unconditional Apology to kindly remove and/or expunge the observations as directed by the Hon'ble Tribunal in its solemn Order dated 23.12.2021 directing entry in the Service Record as it will create an irreparable loss and injury and an adverse impact on the service record of the deponent. I state the deponent has always complied with the solemn Orders of the Hon'ble Tribunal and shall always continue to do so. The deponent is always duty-bound to obey the solemn orders of the Hon'ble Court.



16. That the affidavit is true and correct to the best of my knowledge and belief, which I derive from the office record including facts & figures.

Identified by me
Sibajyoti Chakrabarti
Advocate
for The State of W.B
21/2/2022

P. Ulaganathan
DEPONENT
District Magistrate,
South 24-Parganas.

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VERIFICATION

I, P Ulaganathan. District Magistrate, South 24 Parganas, do hereby verify that the contents of the personal affidavit are true and correct to the best of my knowledge and belief. No part of this affidavit is false and nothing material has been concealed therefrom.

Verified at Kolkata on this 21st day of February, 2022

*Identified by me
Sibajyoti Chakrabarti
Advocate
for The State of WB
21/2/2022*

P. Ulaganathan.
DEPONENT
District Magistrate.
South 24-Parganas



*SARASWATI MITRA
REGISTRY
Regd. No. 5515/08*

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Annexure - R/12

**OFFICE OF THE
DISTRICT MAGISTRATE & COLLECTOR
SOUTH 24 PARGANAS**

Office: 12, Biplabi Kanai Bhattacharya Sarani, Alipore, Kolkata - 700 027
Phone: 033-2449 9944 / 2479 1694, Fax: 033-2448 7871
Email: dm.south24parganas@gmail.com, dm-ali@nic.in



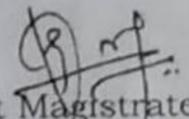
ORDER No. 2 / 2022

A district level committee is hereby formed in connection with O.A Case No. 92/2021/EZ filed before Hon'ble National Green Tribunal with the following members to supervise the dismantling of alleged structures and constructions created in violation of CRZ notification at Amlamethi Hill Resort site under Bali - I Gram Panchayat, Gosaba Block.

1. Additional District Magistrate (LR), South 24 Parganas.
2. Sub-Divisional Officer, Canning, South 24 Parganas.
3. Additional Superintendent of Police, Baruipur Police District (nominated by S.P, Baruipur), South 24 Parganas.
4. Block Development Officer, Gosaba Block, South 24 Parganas.

The Committee shall supervise and ensure immediately removal of the above said constructions / structures falling within CRZ and in addition shall also supervise the restoration works taken up by the Block Development Officer, Gosaba under MGNREGA.

A weekly Progress report shall be submitted to this end by the committee to the undersigned.

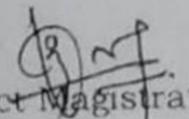

District Magistrate
South 24 Parganas.

Memo No. 18/1(5)/Con/DM

Date: 19 / 01 / 2022

Copy forwarded for information and taking necessary action to:

1. The Additional Chief Secretary, Environment Department, Government of West Bengal.
2. The Additional District Magistrate (LR), South 24 Parganas.
3. The Additional Superintendent of Police, Baruipur, South 24 Parganas.
4. The Sub-Divisional Officer, Canning, South 24 Parganas.
5. The Block Development Officer, Gosaba Block, South 24 Parganas.


District Magistrate
South 24 Parganas.

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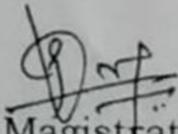
OFFICE OF THE
DISTRICT MAGISTRATE & COLLECTOR
SOUTH 24 PARGANAS

Office: 12, Biplabi Kanai Bhattacharya Sarani, Alipore, Kolkata - 700 027
Phone: 033-2449 9944 / 2479 1694, Fax: 033-2448 7871
Email: dm.south24parganas@gmail.com, dm-ali@nic.in



ADDENDUM

In partial modification to order No. 02/2022 dated 19/01/2022, the Additional Executive Officer & Additional District Magistrate (ZP), South 24 Parganas has been included in the District Level Committee, constituted in connection with O.A Case No. 92/2021/EZ filed before Hon'ble National Green Tribunal, to supervise the dismantling of alleged structures and constructions created in violation of CRZ notification at Amlamethi Hill Resort site under Bali - I Gram Panchayat, Gosaba Block. Rest part of the order remains the same (Enclosed order No. 02/2022, dated 19.01.2022).

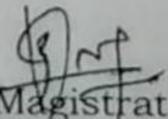

District Magistrate
South 24 Parganas.

Memo No. 20/1(6)/Con/DM

Date: 21 / 01 / 2022

Copy forwarded for information and taking necessary action to:

1. The Additional Chief Secretary, Environment Department, Government of West Bengal.
2. The Additional District Magistrate (LR), South 24 Parganas.
3. The Additional District Magistrate (ZP), South 24 Parganas.
4. The Additional Superintendent of Police, Baruipur, South 24 Parganas.
5. The Sub-Divisional Officer, Canning, South 24 Parganas.
6. The Block Development Officer, Gosaba Block, South 24 Parganas.


District Magistrate
South 24 Parganas.

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OFFICE OF THE
DISTRICT MAGISTRATE & COLLECTOR
SOUTH 24 PARGANAS

Office: 12, Biplabi Kanai Bhattacharya Sarani, Alipore, Kolkata - 700 027
Phone: 033-2449 9944 / 2479 1694, Fax: 033-2448 7871
Email: dm.south24parganas@gmail.com, dm-ali@nic.in



Memo No. 17/Con/DM

Date: 19 / 01 / 2022

To,
The Superintendent of Police
Baruipur Police District,
South 24 Parganas

Sub: Nomination of representative for committee for supervision of dismantling work - reg.

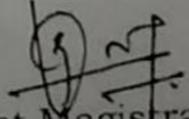
Ref: O.A. No.92/2021/EZ before the Hon'ble National Green Tribunal.

Sir,

Apropos you are requested to nominate one officer not below the rank of Addl. Superintendent of Police as member of the committee for supervision of dismantling work at Amlamethi Hill Resrot under Bali - I Gram Panchayat, Gosaba Block, South 24 Parganas.

The name and details of the nominated officer may be sent to office of the undersigned within **20.01.2022**.

Yours faithfully,

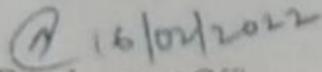

District Magistrate
South 24 Parganas.

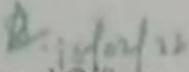
Certificate of dismantling of Structures created in violation of CRZ Notification 2011 at Amlamethi Project site in connection with Hon'ble NGT case no: O.A. 92/2021/EZ

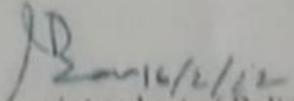
In pursuance of order of the District Magistrate issued vide no: 02/2022 dated: 19/01/2022 and Addendum No. 20/1(6)/Con/DM dated 21.01.2022, the Committee formed for Dismantling of Structures, hereby certify that the following dismantling work has been done till 16.02.2022 at Amlamethi project site:

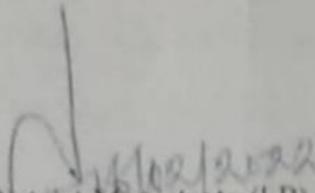
1. All 20 Nos. SHG work sheds have been dismantled and removed.
2. All 56 Nos. Wooden Bridges connecting the islands have been dismantled and removed.
3. The dismantled structures and debris of above said demolition work has been moved to offsite location.
4. Restoration work under MGNREGS is ongoing satisfactorily.

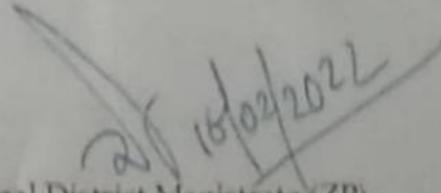
This is placed before the District Magistrate, South 24 Parganas for favour of his kind information and necessary action.


Block Development Officer
Gosaba, South 24 Parganas


Sub Divisional Officer
Canning, South 24 Parganas


Addl. Superintendent of Police
Baruipur Police District


Additional District Magistrate (LR)
South 24 Parganas

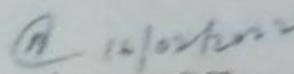

Additional District Magistrate (ZP)
South 24 Parganas

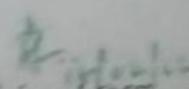
Certificate on Restoration and Mangrove Plantation in 'Eco-Tourism
Project at Bali-I Gram Panchayat' located at Amlamethi

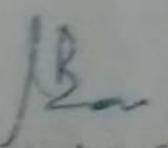
In pursuance of office order of the District Magistrate, South 24 Parganas issued vide order MISC/5046/1/2021 Dated: 24/12/2021 and i.c.w Hon'ble NGT Case No: O.A- 92/2021/EZ Dated: 23/01/2021, directions were issued for the dismantling and removal of all construction works as well as restoration of the area to its original condition at the site 'Eco-Tourism Project at Bali-I Gram Panchayat' located at Amlamethi. For the restoration of the area to its original condition, the Committee formed for dismantling of structures and supervision of restoration works hereby certify that the following works have been undertaken till 16.02.2022:

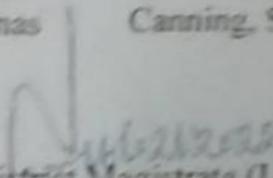
- (1) All 20 SHG work sheds as well as 56 wooden bridges connecting various islands have been dismantled and removed.
- (2) The dismantled structures and debris of the above demolition works have been cleared from the site and shifted to an offsite location.
- (3) 2 (Two) mangrove plantation schemes have been approved under MGNREGA scheme by the District on 31.12.2021 covering an area of 10 (ten) Hectares at the project site.
- (4) So far, 25,000 (approx.) mangrove saplings of different varieties have already been planted and 40,000 (approx.) seeds have been sown over an area of 5 (five) Hectares of the project site.
- (5) It is planned to plant a total of 2.3 lakh mangroves at the site in due course and necessary steps are being taken accordingly.
- (6) The water bodies at the site have been restored to their previous state.

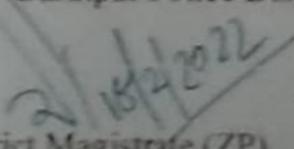
This is placed before the District Magistrate, South 24 Parganas for favour of his kind information and necessary action.


Block Development Officer
Gosaba, South 24 Parganas


Sub-Divisional Officer
Canning, South 24 Parganas


Addl Superintendent of Police (Zonal)
Baruipur Police District


Additional District Magistrate (LR)
South 24 Parganas


Additional District Magistrate (ZP)
South 24 Parganas

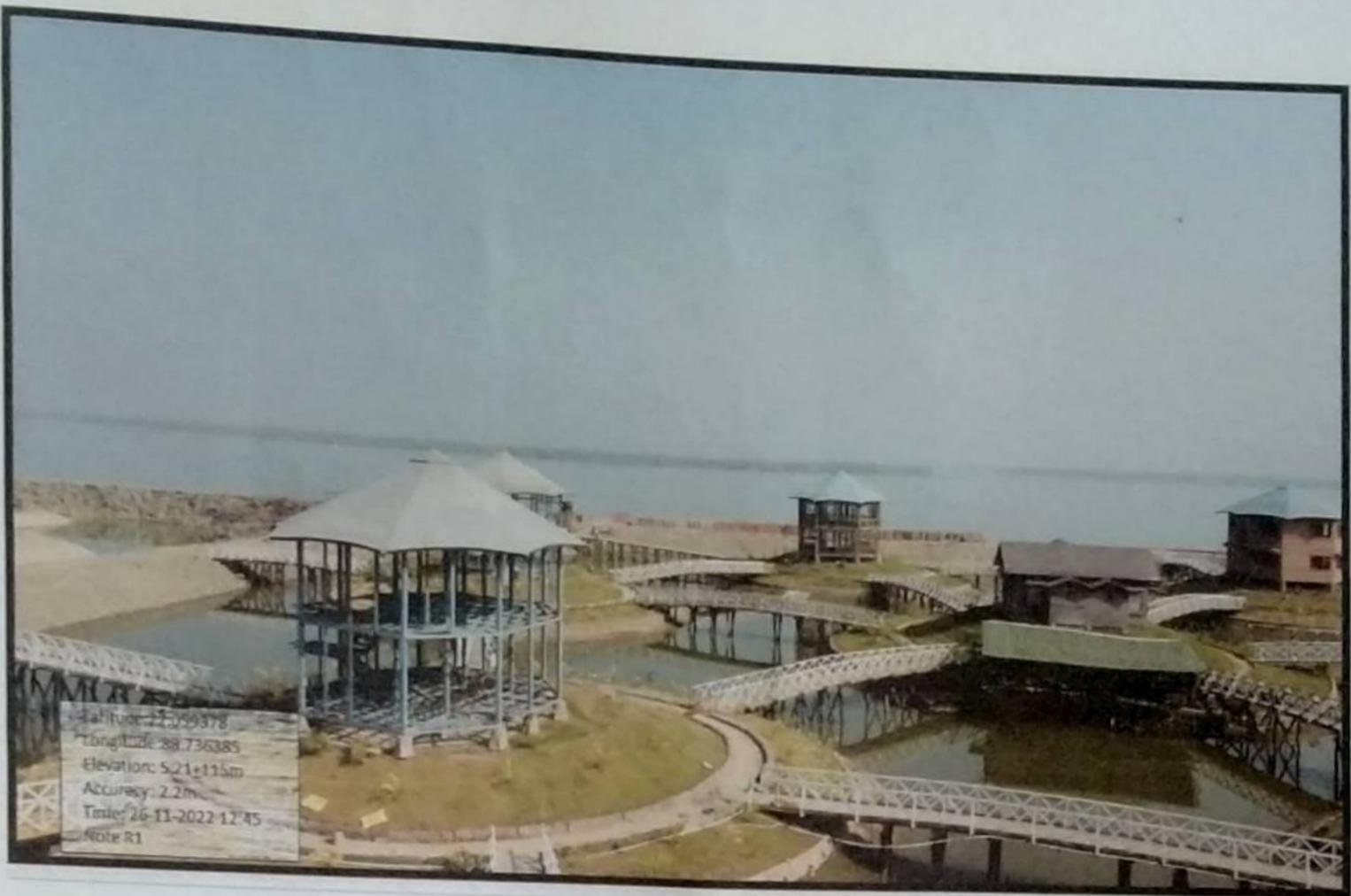
IMAGES OF BEFORE AND AFTER DISMANTLING



BEFORE DISMANTLING

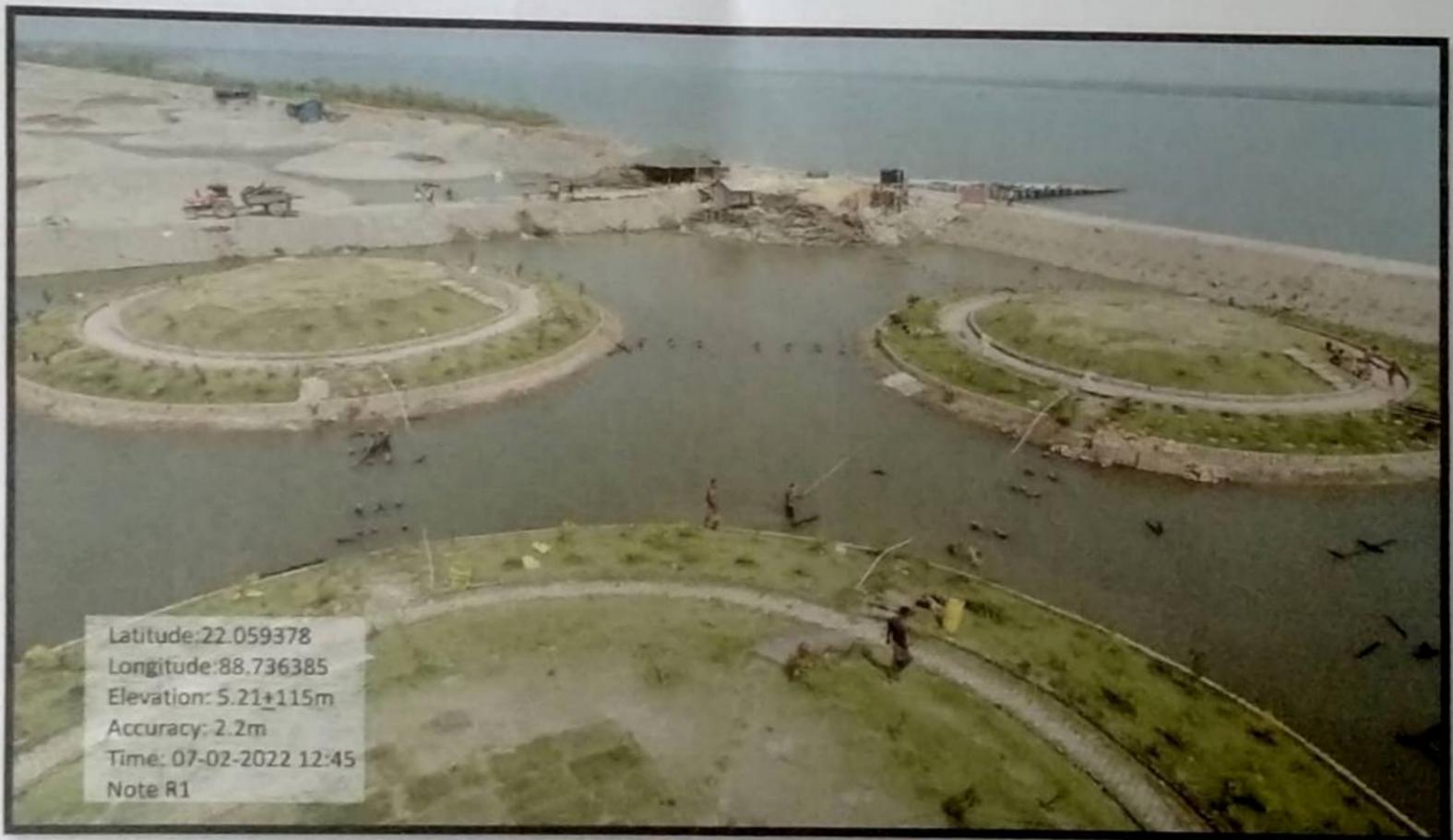


AFTER DISMANTLING



Latitude: 22.059378
Longitude: 88.736385
Elevation: 5.21+115m
Accuracy: 2.2m
Time: 26-11-2022 12:45
Note R1

BEFORE DISMANTLING



Latitude: 22.059378
Longitude: 88.736385
Elevation: 5.21+115m
Accuracy: 2.2m
Time: 07-02-2022 12:45
Note R1

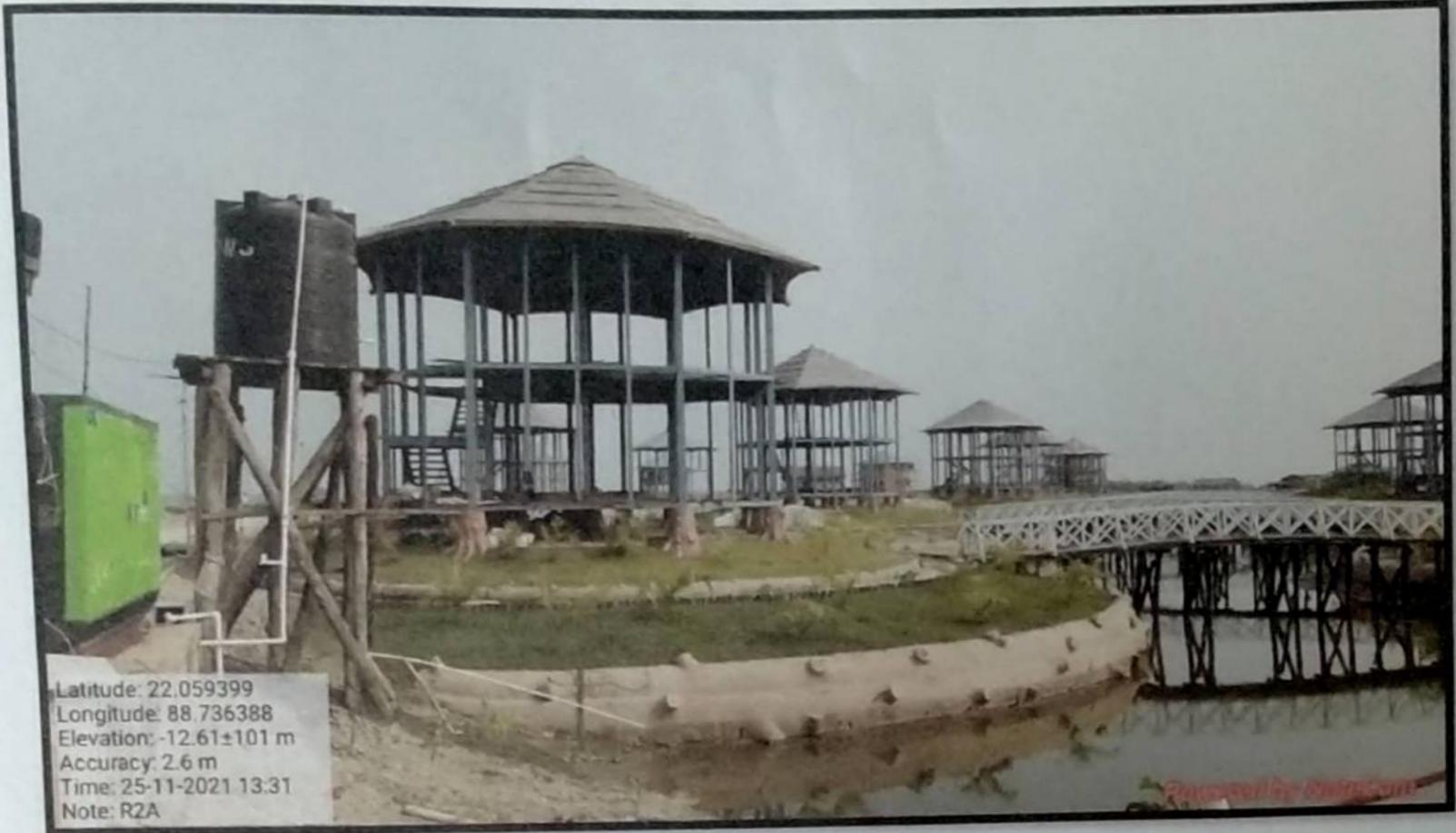
AFTER DISMANTLING



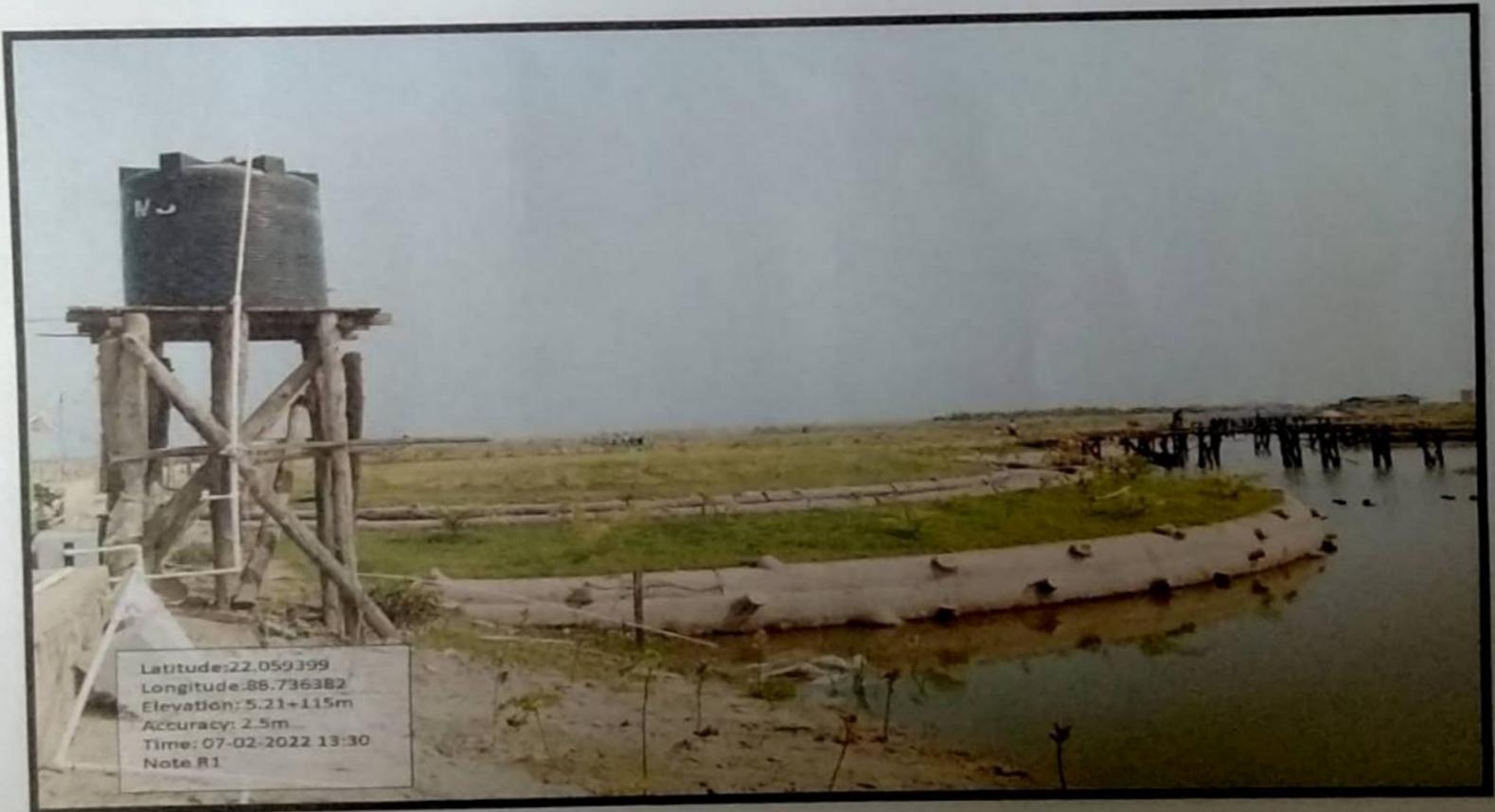
BEFORE DISMANTLING



AFTER DISMANTLING



BEFORE DISMANTLING



AFTER DISMANTLING

RESTORATION AND MANGROVE PLANTATION



Office of the Superintendent of Police
Baruipur Police District.
Baruipur.

Memo No 233 /Legal Cell

Dated: 20.02.2022

To,
The District Magistrate
South 24 Parganas.
Alipore, Kol-27.

Sub:- Compliant/FIR against Amlamethi Hill Resort Project proponents and agents for under taking and carrying on illegal construction work in violation of CRZ Notification, 2011.

Ref: Memo no 23/Con/DM dated 24.01.22 in c/w O.A no 92/21/EZ before the Hon'ble National Green Tribunal, Eastern Zone Bench.

Kindly refer to the above,

As per compliant received from your good office vide memo no 22/Con/DM dated 24.01.2022, a criminal case has been started vide Gosaba PS case no 16/22 dated 27.01.2022 under section 188/409 IPC and 15/17 of Environment (Protection) Act, 1986 against the proponents of Amlamethi Hill Resort Project and concerned authority of Bali-I Gram Panchayat.

The fact of the case is that, a construction work has been conducted by the proponents of Amlamethi Hill Resort at Amlamethi under Bali-I Gram Panchayat which falls under the 'Critically Vulnerable Coastal area within CRZ-1A (Mangrove Management Buffer), CRZ-1B (Inter-tide Zone)' as well as within the water side of Hazard Line. The construction work under taken in the area did not abide by the Coastal Regulation Zone, 2011 issued under the Environment (Protection) Act, 1986. The unauthorized construction of the Project was reportedly constructed from MGNREGA fund by Bali-I Gram Panchayat of Gosaba Block, which is an issue of investigation.

During investigation of the case, the IO SI Mehedi Hassan has visited the place of occurrence (PO) located at the village Amlamethi under Bali-1 GP of Gosaba block, prepared sketch maps and also took photographs of the PO. He has recorded statements of some of the available witnesses u/s 161 CrPC. Notices u/s-91 CrPC have been issued to some persons as mentioned in the documents submitted to the Officer -in-Charge of Gosaba PS from your end so that relevant documentary materials could be obtained and examined. Investigation conducted

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so far reveals that the authorities of Bali-1 GP initiated the Project of Eco-Tourism at Mathurakhanda Mouza under Bali-I Gram Panchayet through several resolutions purportedly to create job opportunities for the local people, but the same was allegedly in violation of Coastal Regulation Zone, 2011 issued under the Environment (Protection) Act, 1986. Further, whether proper sanctions of the competent authorities were obtained in the process is being examined. The IO is yet to receive any documents relating to any clearance certificate from Environment Control Board.

Investigation of the case is proceeding and further updates shall be shared in due course.

This is for favour of your kind information.

Enclo: Copy of FIR.


20/02/22

Superintendent of Police
Baruipur Police District

FIRST INFORMATION REPORT

16

Form No. 27

1. Description of a cognizable crime reported under section 154 Cr. P. C. At P.S.

i) Date: South 24 P.S., Sub-Divn. Canning, P.S. Gosaba Year: 2022 FIR No. 6 Date: 27.01.22
 ii) Act: I.P.C. Section: 124/409 ii) Act: _____ Section: _____
 iii) Act: _____ Section: _____ iv) Other Act & Sections: 15/17 Environment Protection Act 1986
 a) General Diary Reference: Entry No: 1031 Time: 11:15 hrs
 b) Occurrence of Offence: Day: _____ Date: Not mention Time: _____
 c) Information received Date: 27.01.22 Time: 11:15 hrs
 U.D. No: 1031 at the Police Station:

2. Type of Information: Written / Oral Written
 3. Place of Occurrence a) Direction and Distance from P.S.: South West 17 km (approx)
 b) Address: Village: Amlamethi under Bali-I Gram Panchayat P.S. Gosaba.

4. If place is outside limit of this Police Station, then the name of P.S.: _____
 5. Complainant / Informant:
 a) Name: District Magistrate & Chairman, District Level
 b) Relationship / Husband's Name: Committee for Management of Coastal Regulation
 c) Date / Year of Birth: Zone South 24 Pasjanas
 d) Nationality: _____
 e) Address: South 24 Pasjanas
 f) Title known / Suspected / Unknown / Accused with full particulars: Proponents of Amlamethi Hill Resort Project and concerned authority of Bali-I Gram Panchayat.

6. Reasons for delay in reporting by the Complainant/Informant: _____
 7. Particulars of properties stolen / Involved: (Attach separate sheet, if required): _____
 8. Total value of Properties stolen / involved: _____
 9. Inquest report / U.D.: Case No. If any: _____
 10. Part Contents: (Attach separate sheets, if required): _____

The type complaint of the Complainant which is treated as FIR is attached herewith. 2nd and 3rd copy re-produce below.

11. Action taken: Since the above report reveals commission offence(s) u/s: 124/409 I.P.C. and 15/17 Environment Protection Act 1986.

12. I registered the case and took up the investigation/directed: S.I. Meheri Haldar to take up the investigation
 transferred to P.S.: _____ on point of jurisdiction FIR read over to the Complainant / Informant admitted to be correctly recorded and given to the Complainant/Informant free of cost. 27.01.22

Signature / Thumb Impression of Complainant/Informant: _____
 Signature of the Office-in-charge, Police Station with Name: Soumen Biswas
 Rank: SI of Police (o/c Gosaba P.S.)
 Number, if any: Barrister P.O. 27.01.22

*Recorded by me
 27.01.22*

OFFICE OF THE
DISTRICT MAGISTRATE & COLLECTOR
SOUTH 24 PARGANAS

Office: 12, Biplabi Kanai Bhattacharya Sarani, Alipore, Kolkata - 700 027
Phone: 033-2449 9944 / 2479 1694, Fax: 033-2448 7871
Email: dm.south24parganas@gmail.com, dm-ali@nic.in



Date: 24/01/2022

Memo No. 22/Con/DM

From: District Magistrate,
South 24 Parganas

To: The Officer in Charge,
Gosaba Police Station
South 24 Parganas

Sub: Complaint / FIR against Amlamethi Hill Resort Project Proponents, men and agents for undertaking and carrying on illegal construction work in violation of CRZ Notification, 2011.

Ref: O.A. Case No.92/2021/EZ before the Hon'ble National Green Tribunal, Eastern Zonal Bench.

Enclosed please find the true copy of the cause papers of O.A. Case No.92/2021/EZ under reference, true copy of the Order of the Hon'ble National Green Tribunal dated 06.01.2022 passed therein together with the true copy of the Field Inspection Reports of the Member Secretary, WBCZMA and the report of the Block Development Officer, Gosaba regarding MGNREGS Scheme dated 07.01.2022 filed therein.

The Field Inspection Report of Amlamethi Hill Resort attached with Memo No. 61A/EN/3C-48/2021 (Pt-I), Dated 20.12.2021 of the Member Secretary, WBCZMA and affidavits filed by the District Magistrate, South 24 Parganas before the Hon'ble Tribunal in the said pending case, confirm and indicate that the area where construction work is being undertaken forms part of the Sundarban area which is also "Critically vulnerable Coastal area" (CVCA) within CRZ-1A (Mangrove and Mangrove Buffer), CRZ 1B (Inter-tidal Zone), as well as within the Water side of Hazard Line, and the construction work undertaken in the area did not abide by the Coastal Regulation Zone Notification, 2011 issued under the Environment (Protection) Act 1986.

The specific finding stated in the report and affidavits thereof filed before the Hon'ble Tribunal confirming the construction undertaken and carried on in the said site to be illegal and in violation of the governing rules framed under the aforesaid Act which is valid and binding, necessitate legal action by filing of this complaint/ FIR for the purpose causing investigation and action against the person responsible in undertaking and carrying on the illegal construction work flouting the CRZ Notification, 2011 under the Environment (Protection) Act 1986 (29 of 1986) at Amlamethi Hill Resort site under Bali -I Gram Panchayat, Gosaba Block, South 24 Parganas, stop the illegal construction work and in ensuring the implementation of the orders and directions including orders dated 06.01.2022 passed by the Hon'ble National Green Tribunal, Eastern Zonal Bench. True copy of which is enclosed.

OFFICE OF THE
DISTRICT MAGISTRATE & COLLECTOR
SOUTH 24 PARGANAS

Office: 12, Biplabi Kanai Bhattacharya Sarani, Alipore, Kolkata - 700 027
Phone: 033-2449 9944 / 2479 1694, Fax: 033-2448 7871
Email: dm.south24parganas@gmail.com, dm-aii@nic.in

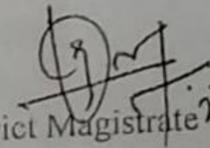


Apart from the report of the unauthorized constructions made at the site without any approval, funds taken up from the MGNREGS fund by Bali -I Gram Panchayat of Gosaba Block is an issue to be investigated from your end.

An action taken report should be submitted on or before 15.02.2022 at this end for onward submission before the Hon'ble National Green Tribunal. The Matter is listed on 23.02.2022 before the Hon'ble Tribunal.

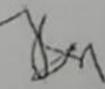
Enclosed:

- (i) Solemn order dated- 06.01.2022,
- (ii) Petition O.A. 92/2021/EZ,
- (iii) Field Inspection Report of the Member Secretary, WBCZMA dated-20.12.2021,
- (iv) Report of BDO, Gosaba dated-07.01.2022,
- (v) Affidavits dated - 21.12.2021, 31.12.2021, 05.01.2022 filed by District Magistrate, South 24 Parganas.


District Magistrate
&

Chairman, District Level Committee for
Management of Coastal Regulation Zone
South24 Parganas

Received on 27.01.22 is stated.
Gosaba PS. Case no- 16/22.
dt. 27.01.22. O/S- 188/409 I.P.C.
and 15/17 Environment Protection
Act, 1986. Vide GDE no- 1031,
dt. 27.01.22. Time- 11.15 hrs.


27.01.22.





Annexure - R/15

Memo. No. 87/BDO/GSB

Dated, 10.02.2022

To
The District Magistrate & District Program Co-ordinator, MGNREGA,
South 24 Parganas District.

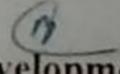
Sir,

Certified that in pursuance to the direction of the District Magistrate & District Program Co-ordinator, MGNREGA, South 24 Parganas District vide Memo. No. 1807/ MGNREGA, dated 31.12.2021, the office of the Block Development Officer & Program Officer, MGNREGA, Gosaba Development Block conducted physical verification of all the office records in connection with execution of 101(one hundred and one) schemes that were executed in the Eco-Tourism Project at Bali-I Gram Panchayat under Gosaba Development Block by the Bali-I Gram Panchayat as the Programme Implementing Agency (PIA) from the fund of MGNREGS.

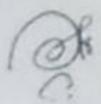
After thorough examination of office records available it appears that broad guidelines of MGNREGA have been followed while executing all these schemes that were duly approved by the appropriate authority. But the PIA neither brought it to the notice of the appropriate authorities that the site of construction of this project falls within the Coastal Regulation Zone nor submitted any clearance of the site before obtaining sanctions.

This is for favour of your kind information.

Yours faithfully,

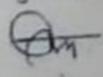

Block Development Officer
Gosaba Development Block
Gosaba, South 24 Parganas

Countersigned


10/02/22

Additional District Magistrate
(Development) - South 24 Pgs.

Countersigned


10/02/22

DNO MGNREGA
South 24 Pgs.

Countersigned


10/02/22

SDO Canning
South 24 Parganas



GOVERNMENT OF WEST BENGAL
Directorate of Micro, Small and Medium Enterprises,
Office of the General Manager, District Industries Centre, South 24-Parganas,
67, Bentict Street 3rd Floor, Kolkata-700069
Email-s24pgsdic@gmail.com

Memo No:- 616/DIC/S24 Pgs

Date:- 15/02/2022

To
The Additional District Magistrate(LR) and DL & LRO
South 24 Parganas
Alipore

Sub:- Report about M/s AMLAMETHI HILL RESORT, Gosaba

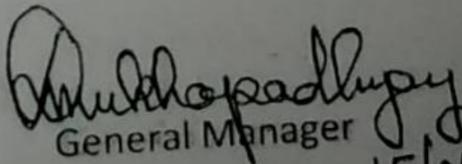
Sir,

After due scrutiny of the available office records this to inform that M/s AMLAMETHI HILL RESORT, Gosaba has neither been registered under **Udyam registration** nor any **Pollution Clearance Certificate** has been issued in favour of the said unit from this Office.

This is for your kind information and taking necessary action.

Thanking you

Yours faithfully


General Manager
District Industries Centre 15/2/22
South 24 Parganas

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Annexure - R/17

OFFICE OF
THE SUB-DIVISIONAL OFFICER
CANNING
SOUTH 24 PARGANAS



P.O: Canning
P.S: Canning
Dist: South 24 Parganas
PIN: 743 329, West Bengal
Phone: (03218) 255-340 (O)
e-mail: sdocan@gmail.com

Memo No. 329/SDO/CNG

Date: 14.02.2022.

To
The District Magistrate,
South 24 Parganas District,
Alipore, Kolkata.

Sub: Regarding the existence of entity named 'Amlamethi Hill Resort' under Bally-I Gram Panchayat

Ref: Memo No. 2565 Dated 14.02.2022 of the BDO, Gosaba Development Block, South 24 Parganas

Sir,

With reference to the above, this is to inform you that the Block Development Officer, Gosaba Development Block has submitted a report from the Pradhan, Bally-I Gram Panchayat which indicates that there is no such project or business entity registered in the name of 'Amlamethi Hill Resort' under their jurisdiction. Copies of both the submissions are enclosed for your kind perusal.

This is for your kind information.

Thanking You,

Encl: As stated above

Yours faithfully,


14/02/22
Sub-Divisional Officer
Canning Sub-Division

Memo No.329(1)/SDO/CNG

Date: 14.02.2022

Copy Forwarded for kind information and necessary action :

1. The BDO, Gosaba Dev. Block, South 24 Parganas


14/02/22
Sub-Divisional Officer
Canning Sub-Division

-216-

Government of West Bengal
Office of the Block Development Officer, Gosaba
VILL+P.O.- Arampur, PIN-743370, South 24-Parganas
Email :- bdogosaba2018@gmail.com
Contact No:- 7601912300



Memo. No.: 2565

Date: 14/02/2022

To
The Sub-Divisional Officer,
Canning Sub-Division,
South 24 Parganas.

Sub: Regarding existence of 'Amlamethi Hill Resort' under Bally-I Gram panchayat.

Ref: OA NO. 92/2021/EZ

Sir,

With reference to the subject mentioned above, this is to inform you that the Pradhan, Bally-I Gram Panchayat has submitted a report vide memo no. 40/BDO/B-1/2022 dated 14/02/2022 which indicates that there is no such project or business entity registered in the name of 'Amlamethi Hill Resort' under their jurisdiction.

This is for your kind information.

Thanking you,

Encl: As Stated above.

Yours faithfully,


Block Development Officer
Gosaba Development Block
Gosaba, South 24 Parganas

Date: 14/02/2022

Memo. No.: 2565/1(1)

Copy forwarded for information to:
(1) The District Magistrate, South 24 parganas, Alipore, Kol-27


Block Development Officer
Gosaba Development Block
Gosaba, South 24 Parganas
14.02.2022

- 217 -

BALLY - I GRAM PANCHAYAT

Satyanarayanpur, Gosaba, South 24 Parganas,

Pin - 743370

40/B.D.O/B-1/2022

14/02/2022

Pradhan / Executive Assistant / Secretary

TO
THE BLOCK DEVELOPMENT OFFICER
GOSABA DEVELOPMENT BLOCK
GOSABA, SOUTH 24 PARGANAS

Sub: Regarding existing of 'Amlamethi Hill Resort' under Bally-I Gram Panchayat
Ref: OA NO. 92/2021/EZ

Sir,

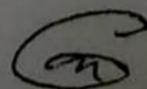
With reference to the above, this is to inform you that Bally-I GP has not issued any Trade registration to any person or business entity in the name of 'Amlamethi Hill Resort'.

The alleged site icw NGT case no. OA NO. 92/2021/EZ of Bally-I GP where 101 MGNREGA schemes were implemented is not termed or registered as Amlamethi Hill Resort by Bally-I GP.

Furthermore, there is no private or Govt. project in the name of 'Amlamethi Hill Resort' operating under Bally-I GP jurisdiction.

This is for your kind information and necessary action

↙


Pradhan
Bally-I Gram Panchayat
Gosaba, South 24 Parganas