

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No.109/2022/EZ

In the Matter of:

Hemanta Kumar Ghosh
S/o, Panchanan Ghosh,
Residing at Village Lowa Santoshpur,
P.O. & P.S. - Golsi,
District - Purba Bardhaman,
Pin - 713403

..... **Applicant(s)**

Versus

1. The Union of India
Service through the Secretary,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhawan, Jorbag Road,
New Delhi - 110003
2. The State Level Environment Impact Assessment Authority,
Department of Environment,
Service through the Chairman,
Government of West Bengal,
Pranisampad Bhawan,
Block-LB-II, Salt Lake,
Sector-III, Bidhannagar,
Kolkata - 700106
3. The Member Secretary of the State Level Environment Impact Assessment
Authority,
Department of Environment,
Government of West Bengal,
Pranisampad Bhawan,
Block-LB-II, Salt Lake,
Sector-III, Bidhannagar,
Kolkata - 700106
4. The Principal Secretary,
Department of Industry, Commerce and Enterprise,
Government of West Bengal,
4, Camac Street,
Kolkata - 700016
5. The Chairman & Managing Director,
West Bengal Mineral Development Trading Corporation,
DJ - 10, 3rd Floor, Sector - II,
Salt Lake,
Kolkata - 700091
6. The District Magistrate, Bankura,
Office at Administrative Building,
Bankura Collectorate,

District – Bankura,
Pin – 722101

7. The Additional District Magistrate and District Land & Land Reforms Officer,
Bankura,
Having his office at Administrative Building,
Bankura Collectorate,
District – Bankura,
Pin – 722101

..... **Respondent(s)**

Date of hearing: 27.09.2022.

CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s) : Mr. Pallav Chatterjee, Advocate

For Respondent(s): Mr. Apurba Ghosh, Advocate for R-1
Mr. Dipanjan Ghosh, Advocate for R-2&3,
Mr. Sudip Kumar Dutta, Advocate for R-4 to 7

ORDER

1. Mr. Pallav Chatterjee, learned Counsel has put in appearance on behalf of the Applicant.
2. Mr. Dipanjan Ghosh, learned Counsel has put in appearance on behalf of Respondent Nos. 2 & 3, State Level Environment Impact Assessment Authority (SEIAA) and Mr. Sudip Kumar Dutta, has put in appearance on behalf of Respondent Nos.4 to 7, State Respondents.
3. This Original Application has been filed by the Applicant seeking a direction to the Respondents to take a decision on the Applicant's application dated 31.03.2022, seeking prior Environmental Clearance with regard to sand mining in Damodar River in the District of Bankura.
4. The Counsel for the Applicant has placed before us a decision of the Member Secretary, SEIAA, West Bengal, dated 18.11.2021 wherein a decision has been taken that due to nonavailability of respective DSRs for the Environmental Clearance applications lying with the

SEIAA, West Bengal, the SEIAA, West Bengal, will not process any sand mining applications for any individual or agency except West Bengal Mineral Development Trading Corporation Limited ('WBMDTCL' for short). The decision 2 taken by the SEIAA, West Bengal, in its meeting held on 20.10.2021 reads as under:-

“Due to non-availability of the respective DSRs for the EC applications lying with SEIAA as well as considering the new policy of Govt. of West Bengal for undertaking operation of all sand mining cases, it is decided to delist all the pending applications lying with SEIAA. Henceforth, SEIAA will not process any sand mining applications for any individual or agency except WBMDTCL.”

5. Mr. Sudip Kumar Dutta, learned Counsel appearing for State Respondents informs that the Chief Secretary, Government of West Bengal has filed its affidavit. However, we are informed by the office of the Tribunal that the same is defective and therefore, cannot be taken on record.
6. Counter-affidavit dated 23.09.2022 has been filed on behalf of the Respondent No.3, State Level Environment Impact Assessment Authority (SEIAA), West Bengal; the same is taken on record.
7. In this affidavit it is stated that Ministry of Environment Forest and Climate Change ('MoEF & CC' for short) had vide its letter dated 29.04.2022 opined to SEIAA, West Bengal that all applications seeking Environmental Clearance for mining of minor minerals without District Survey Reports (DSRs) and other mandatory documents be delisted and in pursuance thereof a decision was taken by SEIAA, West Bengal in its meeting held on 29.04.2022 to delist all pending applications seeking Environmental Clearance for

mining of minor minerals. It was also decided that in pursuance of the order of the Department of Industry, Commerce & Enterprises dated 17.02.2022 the project proponents (PPs) who have applied within 31.03.2022 will have the option of relisting their applications with complete documents including approved DSRs in the Parivesh Portal. The order passed by SEIAA, West Bengal which has been annexed as Annexure R/2 to the affidavit.

8. In the affidavit it is also stated that SEIAA, West Bengal has approved the DSR for Bankura and it is further stated that those Project Proponents (PPs) who had applied within 31.03.2022 can relist their applications with complete documents and approved DSR in the Parivesh Portal.
9. Mr. Pallav Chatterjee, learned Counsel for the Applicant states that in view of the averments made in the affidavit of SEIAA, West Bengal and the decision taken by SEIAA, West Bengal on 29.04.2022; nothing further survives in this Original Application and the same has become infructuous.
10. We, accordingly, dismiss this Original Application No.109/2022/EZ as having become infructuous.
11. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

September 27, 2022,
Original Application No.109/2022/EZ
SKB