

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.13/2024/EZ

IN THE MATTER OF:

Shyamal Singh Roy,
S/o Bankim Chandra Singh Roy,
R/o Village-Mohanbati, P.O.-Nochipur,
P.S.-Tarakeswaar, District-Hooghly,
Pin – 712414,

...Applicant(s)

Versus

1. The State of West Bengal,
Through Principal Secretary, Department of Environment,
Govt. of West Bengal,
5th Floor, Pranisampad Bhawan, Block-LB-II, Salt Lake,
Sector-III, Bidhannagar, Kolkata,
Pin – 700106,
2. The Secretary, Department of Industry, Commerce and Enterprises,
Govt. of West Bengal, Mines Branch,
Shilpa Sadan, 6th Floor, 4 Abanindranath Tagore Sarani,
(Camac Street), Kolkata,
Pin – 700106,
3. State Level Environment Impact Assessment Authority (SEIAA),
Department of Environment, Govt. of West Bengal,
5th Floor, Pranisampad Bhawan, Block-LB-II, Salt Lake,
Sector-III, Bidhannagar, Kolkata,
Pin – 700106,
4. The District Magistrate, Purba Bardhaman,
P.O.-Burdwan, District-Purba Bardhaman,
Pin – 713101,
5. The Additional District Magistrate and Land and Land Reform Officer,
Purba Bardhaman, P.O.-Rajbati,
District-Purba Burdwan,
Pin – 713104,
6. The Chief Mining Officer, Mining Estate Branch,
Court Road, Post Office-Asansol, Paschim Bardhaman,
Pin – 713304,
7. The Chairman and Managing Director,
West Bengal Mineral Development & Trading Corporation Limited
(WBMDTCL), 3rd Floor, DJ-10, (WBIIDC Building), DJ Block,
Sector-II, Salt Lake City, Kolkata,
Pin – 700091,

...Respondent(s)

Date of hearing: 23.01.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Ms. Paushali Banerjee, Advocate

ORDER

1. Ms. Paushali Banerjee, learned Counsel files Vakalatnama on behalf of the Applicant; the same is taken on record.
2. This Original Application has been filed by the Applicant stating that he was the highest bidder of e-auction notice of tender held on 20.05.2017 for grant of Mining Lease for sand in Sand Block BWN-II/HATSIMUL/968(P) & ORS./F, located in Plot No.968(P) and others in Mouza-Hatsimul, J.L. No.81, P.S.-Burdwan, District-Purba Bardhaman, over an area of 5.94 acres (2.40 hectares) on the riverbed of Damodar river.
3. It is stated that Environmental Clearance was granted to the Applicant by the DEIAA, Purba Bardhaman, on 21.09.2017 and thereafter a Long Term Mining Lease Deed for five years was also executed in respect of the said Sand Block on 16.03.2021 between the Government of West Bengal and the Applicant and the said lease is stated to expire on 15.03.2026.
4. It is further stated that the Ministry of Environment, Forests and Climate Change by its Office Memorandum dated 28.04.2023 had directed that all Environmental Clearances issued by the DEIAA shall be re-apprised by the SEAC and SEIAA in pursuance of the order of the National Green Tribunal passed in Original Application No.142 of 2022.
5. It is stated that the Applicant has submitted ToR application on 02.08.2023 (Annexure-J to the Original Application), for re-

appraisal before the SEIAA, West Bengal, but till date no order has been passed by the SEIAA, West Bengal. It is also stated that the Applicant has preferred a representation before the SEIAA, West Bengal, on 27.10.2023 (Annexure-K to the Original Application). The Applicant, therefore, prays for a direction to SEIAA to decide his representation dated 27.10.2023 pending before the SEIAA, West Bengal.

6. In our opinion, no useful purpose will be served by keeping the matter pending. We accordingly dispose of the Original Application No.13/2024/EZ with a direction to the Respondent No.3, SEIAA, West Bengal, to take a decision on the Applicant's representation dated 27.10.2023 in accordance with law within a period of two months latest by 31.03.2024.
7. It is also made clear that the Tribunal has not adjudicated the Original Application on its merit.
8. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, SEIAA, West Bengal.
9. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Dipanjan Ghosh, Counsel for Respondent today itself.
10. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

January 23, 2024,
Original Application No.13/2024/EZ
AK