

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

Original Application No. 80/2020/EZ  
(I.A. No. 55/2021/EZ)

Debasish Das

Applicant(s)

Versus

West Bengal Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 10.08.2021

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

For Applicant(s) : Mr. Somnath Roy Chowdhury, Advocate

For Respondent(s): Mr. Prithwish Basu, Advocate for R-1,  
Mr. Dipanjan Ghosh, Advocate for R-2,  
Mr. Bikas Kargupta, Advocate for R-4&5,  
Ms. Debanjana Ray Chowdhury, Advocate  
For Applicant in (I.A. No. 55/2021/EZ)

**ORDER**

1. Mr. Somnath Roy Chowdhury, learned Counsel is present for the Applicant.
2. Mr. Prithwish Basu, learned Counsel is present for Respondent No.1, West Bengal Pollution Control Board, Mr. Dipanjan Ghosh, learned Counsel is present for Respondent No.2, Central Pollution Control Board, Mr. Bikas Kargupta, learned Counsel is present for Respondent Nos. 4&5, State Respondents, Govt. of West Bengal, and Ms. Debanjana Ray Chowdhury, learned Counsel is present for the Applicant in I.A. No. 55/2021/EZ.
3. Affidavit of service is on record. No one is present for Respondent No.3, State Environment Impact Assessment Authority (SEIAA), West Bengal.
4. The Tribunal vide its order dated 30.06.2021 had directed the Respondent No.4, District Magistrate, Paschim Bardhaman, to file his personal affidavit providing information with regard to the extent of illegal sand mining giving details of; (1) mining area, (2) duration of mining, (3)

quantity, (4) name of the persons carrying out the mining activity, and (5) the loss of revenue due to illegal sand mining.

5. An affidavit has been filed on behalf of the Respondent No.4, District Magistrate, Paschim Bardhaman, Govt. of West Bengal, on 06.08.2021 which is taken on record.
6. Since the copy of the affidavit dated 06.08.2021 has been forwarded to Respondent No.1, West Bengal Pollution Control Board (Member of the Committee), we, therefore, direct the Committee to compute the Environmental Compensation to the damage caused to the environment and the restitution of the environment. The Committee shall also suggest remedial measures for mitigating the environmental damage caused on the account of illegal sand mining and submit its report within four weeks.
7. Mr. Bikas Kargupta, learned Counsel submits that in paragraph 2 of the affidavit (at page 237 of the paper book) there is a categorical averment made that in the present case none of the mining activities are being carried on based on the DSR since no DSR has been prepared in the District of Paschim Bardhaman.
8. We also direct the Respondent No.3, State Environment Impact Assessment Authority (SEIAA), West Bengal, to file an affidavit within the same period of time explaining as to how the Environmental Clearance was granted to M/s India Digital Entertainment Pvt. Ltd. (Applicant in I.A. No. 55/2021/EZ) when the DSR itself is not in existence for the District of Paschim Bardhaman which is in violation of the Sustainable Sand Mining Guidelines, 2016.
9. Let the affidavit be filed within four weeks after serving e-copy/soft copy of the same upon the learned Counsel for the Applicant as well as the learned Counsel for the other Respondents.
10. **List on 17.09.2021.**

**I.A. No. 55/2021/EZ:-**

1. This I.A. has been filed in the Original Application No. 80/2020/EZ by M/s India Digital Entertainment Pvt. Ltd. with the prayer to be impleaded as a Respondent in the present Original Application.
2. The contention of the Applicant in this I.A. is that he is not an illegal miner; that he has an Environmental Clearance, and that Consent to Operate or Consent to Establish is not required as there is no manufacturing activity in the sand mining blocks.
3. Mr. Somnath Roy Chowdhury, learned Counsel for the Applicant (in the Original Application), on the other hand, disputed the contention and submitted that Environmental Clearance is mandatory followed by Consent to Establish and Consent to Operate for attracting the EIA Notification 2006.
4. We, therefore, direct Mr. Somnath Roy Chowdhury, learned Counsel for the Applicant (in the Original Application) and Mr. Prithwish Basu, learned Counsel for the Respondent No.1, West Bengal Pollution Control Board, to file their objections, if any, to the I.A. No.55/2021/EZ by the next date of listing.
5. The I.A. No. 55/2021/EZ will be considered on the next date of listing i.e., on 17.09.2021.

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**B. Amit Sthalekar, JM**

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**Saibal Dasgupta, EM**

August 10, 2021  
Original Application No. 80/2020/EZ  
(I.A. No. 55/2021/EZ)  
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