

Item No. 03

Court No.1

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

Original Application No. 80/2020/EZ

Debashis Das

Applicant(s)

Versus

West Bengal Pollution Control
Board &Ors.

Respondent(s)

Date of hearing: 16.04.2021

**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

ORDER

1. Heard Mr. Somnath Roy Chowdhury, learned Counsel appearing for the Applicant.
2. The Applicant in this Original Application is seeking a direction to the Respondents to declare the operation of extracting or lifting of sand plots/sand ghats mentioned in Table A and Table B as illegal and unlawful and to fix the responsibility on persons carrying on such illegal mining activities in sand blocks as mentioned in the table A & B.

3. The allegation in the Application is that illegal sand mining is carried on in the river bed of river Ajay within the blocks, namely, Jamuria and Barbabniin the district of PaschimBardhaman, State of West Bengal.
4. In our opinion, matter requires consideration.
5. Issue notice to the respondents, returnable within two weeks. The Respondents shall file their response before the next date of listing.
6. It is informed by the learned Counsel for the Applicant that in another matter being O.A. No. 32/2020/EZ (AvikGoswami Vs. West Bengal Pollution Control Board &Ors.), identical questions raised arisen and this Tribunal has constituted a Committee to investigate the alleged similar activity in an area within 200-500 meters of the present site.
7. We, therefore, direct for constitution of a Committee comprising of following persons;
 - i) Senior Scientist from the Central Pollution Control Board, Regional Office, Kolkata, W.B.,
 - ii) Senior Scientist from the State Environmental Impact Assessment Authority, W.B.,
 - iii) District Magistrate, PaschimBardhaman.

8. This Committee shall inspect the site in question and submit its report with regard to quantity of sand illegally mined, the degradation caused to the environment and loss of revenue caused to the State exchequer.
9. The Committee shall also examine as to whether any mining lease or Environmental Clearance has been granted to the alleged illegal miners and if it is found that there is no mining lease granted or no Environmental Clearance has been granted to the illegal miners, the Committee shall proceed to take steps for criminal prosecution of the alleged offenders. The Committee may also assess the Environmental Compensation on account of illegal sand mining. The report of the Committee shall be submitted through an affidavit before the next date of listing.
10. **List on 11.06.2021.**

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B. AmitSthalekar, JM

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SaibalDasgupta, EM

April 16, 2021
Original Application No. 80/2020/EZ
AK