

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

Original Application No.182/2023/EZ

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Applicant(s)

Versus

MoEF& Ors.

Respondent(s)

Date of hearing: 05.01.2024

**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. Heard Ms. Paushali Banerjee, learned Counsel appearing for the Applicant.
2. This Original Application has been filed by the Applicant, seeking direction to protect and preserve the forest land in Mouza-Madumpur, J.L. No. 51, Plot No.473, Durgapur, West Bengal, and to take steps to prevent encroachment of the said forest land by the Respondent No.3, Shyam Sel & Power Limited.
3. It is alleged by the Applicant that the Respondent No.3 is engaged in the activity of Metallurgical Industries (Ferrous and Non-Ferrous) and had filed an application seeking Environmental Clearance on 29.09.2021 for expansion-cum-modification of the Integrated Steel Plant at Jamuria. The said expansion includes expansion of Oxygen Plant, Producer Gas Plant, Sinter Plant, Coke Oven Plant, Blast Furnace, DRI Plant, Pellet Plant, Rolling Mill, Captive Power Plant, DI Pipe Plant among others.
4. It is further alleged that the Respondent No.3 has encroached forest land area 8.59 acres at Mouza-Madumpur, J.L. No.51, Plot No.473,

Jamuraia, Paschim Burdwan, and is continuing construction for setting-up of proposed Integrated Steel Plant.

5. It is stated that the Environmental Clearance was granted to the Respondent No.3 on 16.11.2021 on the basis of EIA Report but in the EIA submitted by the Respondent No.3 seeking Environmental Clearance, it was declared by the said Respondent that no forest land is involved in the said expansion proposal.
6. It is further stated that on 13.04.2023 the Forest Range Officer, Asansol Range, informed the Officer-in-Charge, Jamuria Police Station, that he had conducted a spot enquiry and found that the Respondent No.3 had encroached 8.59 acres of forest land in response to which a notice has also been served by the Range Officer to demolish the illegal structure constructed by the Respondent No.3. It is also stated that on the basis of the Forest Range Officer's report dated 13.04.2023, the Police Station Jamuria has lodged an FIR being FIR No.159/2023.
7. The Applicant further states that the SEIAA, West Bengal, in its 92<sup>nd</sup> meeting while clearing an Environmental Clearance proposal provided a stipulated condition under Statutory Clearances that *"This Environmental Clearance shall become operational only after receiving formal Forest Clearance (FC) under the provisions of Forest Conservation Act, 1980, if applicable to the Project"*. The Applicant, therefore, alleges that the Environmental Clearance dated 16.11.2021 granted to the Respondent No.3 cannot become operational as till date no Forest Clearance has been obtained by the said Respondent or granted by the Forest Department.
8. In our opinion, matter requires consideration.
9. Issue notice to the Respondents.

10. Ms. Rashhmi Singhee, learned Counsel who is present in (in Virtual Mode), accepts notice on behalf of the Respondent No.1, Ministry of Environment, Forests and Climate Change.
11. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.2&4, State Respondents, Government of West Bengal.
12. Issue notice to the Respondent No.3, Shyam Sel and Power Ltd., returnable within four weeks.
13. All the Respondent shall file their counter-affidavits within four weeks.
14. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Ms. Rashhmi Singhee and Mr. Sibojyoti Chakraborty, learned Counsel for the Respondents within 24 hours.
15. **List on 06.02.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

January 05, 2024,  
Original Application No.182/2023/EZ  
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