

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

Original Application No.99/2022/EZ

Dipak Mahapatra

Applicant(s)

Versus

West Bengal Mineral Development and
Trading Corporation Ltd. & Ors.

Respondent(s)

Date of hearing: 28.07.2022

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

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

For Respondent(s) : Mr. Sudip Dutta, Advocate for R-2,3,5,6,7,8&9,
Mr. Dipanjan Ghosh, Advocate for R-11,
Mr. Sibojyoti Chakraborty, Advocate for R-12 (in Virtual Mode)

ORDER

1. Heard Ms. Paushali Banerjee, learned Counsel on behalf of the Applicant.
2. The allegation in this Original Application is that the Respondent No.10, Private Respondent has been awarded contract for dredging in the river bed of Subarnarekha river but under the garb of dredging, it is also indulging in commercial sand mining activities. It is also alleged that the tender has been floated by the West Bengal Mineral Development and Trading Corporation Limited (WBMDTCL) for dredging/desilting/removal of the river bed materials from the Subarnarekha River at Sankrail.
3. Learned Counsel for the Applicant refers to the documented page 29 which is part of the contract and which mentions that Floor Volume for the bidder is 1,16,90,000 cubic feet of sand (coarse+medium) out of the total estimated volume of 6,08,00,000 cubic feet (approximately) to be dredged/desilted/removed.

4. Learned Counsel also referring to the Contract Agreement at page 107 points out that the Floor Volume for the bidder is 15,40,000 cubic feet of sand (coarse+medium) out of the total estimated Volume of river bed material of 2,27,00,000 cubic feet (approximately) to be dredged/desilted/removed.
5. The submission of the Counsel is that under the garb of dredging, the Respondent No.10 has been permitted to take away the entire Floor Volume Area of sand which determines the minimum share of volume of sand to be shared by the bidder which as per Data Sheet will be taken away by the Respondent No.10 for commercial purposes as provided in paragraph 8.1 of the Contract Agreement under the heading **“Utilization of dredged/desilted river bed material”**.
6. The learned Counsel also submits that if the Floor Volume of cubic feet of sand is to be utilized by the dredger for commercial purposes, he would be liable to follow the Sustainable Sand Mining Guidelines 2016 and 2020 and also to obtain Environmental Clearance from State Environment Impact Assessment Authority (SEIAA) which has not been done in the present case.
7. In our opinion, the matter requires consideration.
8. We find that the State Environment Impact Assessment Authority (SEIAA) and West Bengal Pollution Control Board have not been impleaded in the array of respondents in the present Original Application. We, therefore, direct the Applicant to implead West Bengal Pollution Control Board and State Environment Impact Assessment Authority (SEIAA) in the array of respondents as Respondent No.11 and 12.
9. Issue notice to the Respondent Nos.1,4 & 10 returnable within four weeks.

10. Mr. Sudip Dutta, learned Counsel who is present in the Court, is directed to take notice on behalf of Respondent No.2,3,5,6,7,8 & 9, State Respondents.
11. Mr. Dipanjan Ghosh, learned Counsel who is present in the Court, is directed to take notice on behalf of the Respondent No.11, State Environment Impact Assessment Authority (SEIAA), West Bengal.
12. Mr. Sibojyoti Chakraborty, learned Counsel who is present in the Virtual Court proceedings, is directed to take notice on behalf of the Respondent No.12, West Bengal Pollution Control Board.
13. All the Respondents shall file their counter-affidavits within four weeks.
14. Ms. Paushali Banerjee, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon all respondents within 24 hours.
15. **List on 12.09.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

July 28, 2022,
Original Application No.99/2022/EZ
SKB