

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 173/2018
(Earlier O.A. No. 89/2017 (EZ))

Sudarsan Das

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 10.01.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Saurabh Sharma, Advocate

For Respondent (s): Mr. Saumyajit Pani, Advocate for R-4-9

ORDER

1. The subject matter in the present case is illegal sand mining on the banks of river *Subarnarekha* on borders of West Bengal and Odisha.
2. Vide order dated 04.09.2018, this Tribunal considered the issue of illegal mining on Odisha-West Bengal border in District Balasore, Odisha and District West Medinapur in West Bengal. The Tribunal considered possible safeguards and directed that the guidelines on the subject be revised to incorporate the safeguards mentioned in Para 25 of the said order.
3. Directions were also issued to the States of West Bengal and Odisha to demarcate the boundaries and to comply with the Notification on the subject while giving mining leases and to take steps against the violators. Further direction was to take measures, including a restoration plan in the light of recommendations of the Expert Committee which was constituted. An Oversight Committee headed by a former Judge of Jharkhand High Court was also constituted to

take stock of action taken and preparation of a time bound action plan. The Committee could take help of the Technical Experts, involve educational or other institutions.

4. The State of Odisha has taken certain steps in the matter. Vide letter dated 11.12.2018, the Principal Secretary to the Government of Odisha wrote to the State of West Bengal about constitution of a team for joint demarcation.
5. Shri Saumyajit Pani, learned Counsel for the State of Odisha has also produced a copy of the letter dated 15.11.2018, mentioning the steps taken by the State of Odisha in the matter. Information on steps taken by the State of West Bengal is not available.
6. Justice R.K. Merathia, former Judge of Jharkhand High Court, who was to head the Oversight Committee, on 13.12.2018 has indicated the problems on account of which working could not be resumed so far. He has suggested that it will be convenient if he operates from Ranchi and the Jharkhand Pollution Control Board (JPCB) may provide logistics and facilities and he may need security which may enable him to discharge his functions.
7. Since the river *Subarnarekha* flows from the State of Jharkhand also, and identical problems may be in the State of Jharkhand, we direct the JPCB to coordinate the functioning of the Chairman of the Oversight Committee and assist in coordinating with the States of Odisha and the West Bengal and also provide such facilities, as may be necessary, for functioning of the Chairman of the Oversight Committee at Ranchi itself. Pollution Control Boards of Odisha and West Bengal may also coordinate the functioning of the Committee in terms of order dated 04.09.2018.

8. We also direct the State of Jharkhand to facilitate functioning of the Chairman of the Oversight Committee by providing such security as may be considered necessary. The Oversight Committee will be free to take cognizance of similar problems in Jharkhand and furnish its first interim report at the earliest, preferably within one month as the matter is listed in second week of February, 2019.
9. A copy of this order be sent to the JPCB, Odisha State Pollution Control Board, West Bengal State Pollution Control Board and the Chief Secretary, State of Jharkhand, by e-mail for compliance.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 10, 2019
Original Application No. 173/2018
DV

