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09.01.2023
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W.P.A. 38 of 2023
(Hemanta Kr. Ghosh vs. State of West Bengal & Ors.)

Mr. Pallav Chatterjee
.... For the Petitioner
Mr. Ansar Mondal
Mr. Sougata Mitra
.... For the State
Mr. Sanjay Saha
Mr. Subhasish Bhattacharyya
.... For the WBMDTC Limited

Affidavit of service filed on behalf of the petitioner is taken on record.

It is contended on behalf of the petitioner that the petitioner applied for environment clearance certificate on 31st March, 2022 which was not considered by the authority for which the petitioner approached the National Green Tribunal, which by an order passed on 27th September, 2022, observed as follows:

“7. In this affidavit it is stated that Ministry of Environment Forest and Climate Change (‘MoEF & CC’ for short) had vide its letter dated 29.04.2022 opined to SEIAA, West Bengal that all applications seeking Environmental Clearance for mining of minor minerals without District Survey Reports (DSRs) and other mandatory documents be delisted and in pursuance thereof a decision was taken by SEIAA, West Bengal in its meeting held on 29.04.2022 to delist all pending applications seeking Environmental Clearance for mining of minor minerals. It was also decided

that in pursuance of the order of the Department of Industry, Commerce & Enterprises dated 17.02.2022 the project proponents (PPs) who have applied within 31.03.2022 will have the option of relisting their applications with complete documents including approved DSRs in the Parivesh Portal. The order passed by SEIAA, West Bengal which has been annexed as Annexure R/2 to the affidavit.

8. In the affidavit it is also stated that SEIAA, West Bengal has approved the DSR for Bankura and it is further stated that those Project Proponents (PPs) who had applied within 31.03.2022 can relist their applications with complete documents and approved DSR in the Parivesh Portal.”

In terms of the said order, the petitioner applied for extension of the validity of the letter of intent in his favour before the Additional District Magistrate and District Land and Land Reforms Officer, Bankura on 11th October, 2022. But the letter of intent has not been extended as yet.

Learned counsel for the petitioner takes this Court to an order passed by the Secretary to the Government of West Bengal, Department of Industry and Commerce and Enterprises, Mines Branch on 20th October, 2022 which records that the letter of intent shall be reissued by the District Authorities so that the

application for environment clearance can be submitted by the highest bidders and such letter of intent shall also remain valid till 60 days after disposal of the Environment Clearance application by the authority.

It is submitted on behalf of the State respondents that the 4th respondent be directed to consider the application submitted by the petitioner, in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the application submitted by the petitioner dated 11th October, 2022 in terms of the observation made by the National Green Tribunal in its order passed on 27th September, 2022 and the order of the Department of Industry and Commerce and Enterprises, Mines Branch dated 20th October, 2022 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)