

28.03.2025

Item No.18

Crt.No.02

b.r.

WPA 7010 of 2025

Ashok Kumar Jha

-vs-

The State of West Bengal & Ors.

Mr. Siddhartha Mitra, Sr. Adv.

Mr. Sudip Deb, Sr. Adv.

Ms. Ipsita Ghosh

..... for the petitioner.

Mr. Sanjay Saha

Mr. Raju Mondal

.... For the Resp. no.5/WBMDTC Ltd.

Mr. Chandi Charan De, Ld. AGP

Ms. Reshma Chatterjee

..... for the State.

Affidavit of service filed in Court today, is taken on record.

Mr. Siddhartha Mitra, learned Senior Advocate being ably assisted by Mr. Sudip Deb, learned Senior Advocate appearing for the writ petitioner submits that by virtue of a Mining Lease Deed executed by the State in favour of petitioner dated **February 28, 2023, annexrue p-1 at Page-21** to the petition, the petitioner has been operating mining activity in respect of subject sand block. The petitioner has obtained valid Provisional Environment Clearance from the **District Level Environment Impact Assessment Authority** of the concerned District. On

the basis of the said provisional certificate Lease Deed was executed. Concerning the sand block matters issue was raised before the **National Green Tribunal (NGT), Kolkata**. NGT passed its order directing that the Environment Clearance granted to the sand minors shall be reappraised by the **State Environment Impact Assessment Authority**.

Challenging the said order passed by NGT, the Union of India preferred a Special Lave Petition in which an order was passed on **November 12, 2024, annexure p-6 at page-75** to the writ petition, when the Hon'ble Supreme Court had directed that the reappraisal procedure by the State Level Authorities shall have to be completed by **March 31, 2025**. Subsequently by another order dated **March 27, 2025**, a copy of which is made over to this Court and the same is taken on record, the Hon'ble Supreme Court extended the said time stipulation till **May 26, 2025**.

Learned Senior Counsel for the petitioner submits that the application submitted by the petitioner dated **November 26, 2024, annexure p-7 at page-78** for reappraisal of the issue is pending before the State Level. The same is yet to be disposed of. Mr. Mitra, learned Senior counsel further submits that the petitioner apprehends before **May**

26, 2025, the State may ask the petitioner to stop the mining activity.

In reply, Mr. Sanjay Saha, learned counsel appearing for the respondent no.5 submits that, the appropriate authority for considering the application of the petitioner for inclusion of the subject sand block in the District survey report is the respondent no.5. He further submits that if the necessary application with due particulars is submitted before the respondent no.5, then the same shall be decided in accordance with law. Thereafter, depending upon the fate of the decision of the **respondent no.5**, the reappraisal shall be done by the **respondent no.2**. Specific submission has been made on behalf of the respondent no.5 that there is no difficulty to carry out this procedure, if the petitioner applies with particulars and details.

In view of the above, the following are observed:-

- (a) The petitioner shall submit its necessary application for inclusion of the sand block in the District Survey Report before the **respondent no.5** on or before **April 2, 2025** with all relevant details;
- (b) In that event, the said application is submitted, the **respondent no.5** shall

decide the same by passing a reasoned order positively on or before **May 15, 2025;**

(c) Depending upon the fate of the reasoned order to be passed by the respondent no.5, the **respondent no.2** shall take steps in strict compliance of the direction of the Hon'ble Supreme Court dated **March 27, 2025.**

It is made clear that this Court has not gone into merits of the claims and rival claims of the parties and the appropriate authorities shall decide the issues independently in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents

With the above observations, this writ petition, **WPA 7010 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)