



GOVERNMENT OF WEST BENGAL
DEPARTMENT OF INDUSTRY, COMMERCE & ENTERPRISES
MINES BRANCH

4, ABANINDRANATH TAGORE SARANI (CAMAC STREET), KOLKATA - 16

No.231-ICE/O/MIN/GEN-MIS/61/2018

Dated Kolkata the 12th April, 2019

From : The Special Secretary
to the Government of West Bengal

To : The Additional Chief Secretary
To the Government of West Bengal
Environment Department,
5th Floor, Pranisampad Bhavan,
Block LB-II, Salt Lake, Sector-III,
Bidhannagar, Kolkata-700 106

**Sub: Suspension of MoEF&CC's Notification No.141[E] dated 15/01/2016 by
Order of the Hon'ble National Green Tribunal, Principal Bench, New
Delhi dated 11/12/2018.**

Sir,

With reference to the subject captioned above, I am directed to draw your kind attention to the order issued by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in connection with Vikrant Tongad Vs. Union of India Case (Executive Application No. 55/2018 in Original Application No. 520/2016) dated 11/12/2018.

It has directed in the aforementioned order that henceforth issuance of Environmental Clearance vide Notification of MoEF&CC dated 15/01/2016 by District Environment Impact Assessment Authority (DEIAA) would be considered to be in breach of the direction of the Hon'ble Supreme Court of India. The Hon'ble NGT observed in the same order that, the District Expert Appraisal Committee (DEAC) is devoid of any person with expertise or scientific knowledge competent enough to assess environment implications prior to grant of lease of minor minerals including sand mining. Reiterating Notification dated 15/01/2016 as illegal by suspending the same, the Hon'ble NGT directed the MoEF&CC to issue a fresh notification to revise the procedure laid down in Notification dated 15/01/2016. It also appears that NGT issued such order on 13/09/2018 and the same has been reiterated in this order.

In the said order it has also been directed that, "till a fresh Notification is issued by MoEF&CC, Notification dated 15/01/2016 will not be acted upon". At the end of the order, it has been stated that "This direction will apply to all the State Environment Impact assessment Authorities / State Governments".

However, since revocation of Notification dated 15/01/2016, by the Hon'ble NGT's order dated 11/12/2018 no such guideline has been framed by the MoEF&CC. Since the DEIAA is now not authorized to function in absence of any fresh Notification from

Netai Babu

*Keep up in
Guard File*

10/06/19

ofc

MoEF&CC, the district authorities are unable to process granting of Environment Clearances of minor minerals below 5 hectare and subsequent execution of mining lease agreement. Besides, there might be cases where the DEIAA had issued Environmental Clearances inadvertently, after the NGT's order prohibiting the functioning of DEIAA for issuance of environmental clearances, and thereafter unable to proceed further towards issuance of mining leases.

The situation so arisen has ultimately culminated into stoppage in issuance of all mining leases below 5 hectare, if not redressed early and thereby causing loss of revenue in the State exchequer.

In view of the above circumstances, you are fervently requested to kindly take up the matter with the MoEF&CC at appropriate level in order to resolve the situation so arisen.

Yours faithfully,


12/4/2019
Special Secretary

No.231/1(2)-ICE/O/MIN/GEN-MIS/61/2018

Dated Kolkata the 12th April, 2019

Copy forwarded for kind information and necessary action to the:

1. District Magistrates (All Districts).
2. Addl. District Magistrate & DL&LRO (All Districts).


12/4/2019
Special Secretary