

**Department of Environment**  
**East Kolkata Wetlands Management Authority**  
Pranisampad Bhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata – 700 106

No. 280-CTO/EN/389/2015-16

Date: 25.09.2019

Order

The East Kolkata Wetland Management Authority (EKWMA) issued a Show Cause Notice vide no. 234(2)-CTO/EN/389/15-16 dated 16.08.2019 in the names of Shri Bidyut Das and Shri Arup Biswas. According to Section 4(1)(c) of the East Kolkata Wetlands (Conservation and Management) Act, 2006; the said company was provided with an opportunity of hearing on 22.08.2019 for their ready mix concrete plant (batching plant) located at RS Dag nos. 5, 6, 7, 8, 9, 12, 13, 14 of Mouza Dharmatala Pachuria, JL no. 6, P.S. Kolkata Leather Complex (KLC), Dist. 24 Parganas (South).

On perusal of records, it is found that on 15.05.2012 also EKWMA had served notice at RS Dag nos. 6, 7, 8 of Mouza Dharmatala Pachuria, JL no. 6, P.S. Kolkata Leather Complex (KLC), Dist. 24 Parganas (South) to stop a construction work which was going on without approval of the EKWMA. On 27.08.2013 a further notice was also served at the same subject land to dismantle / remove the unauthorized ready mix (cement mixing) plant and to restore the land to its original character or mode of use. Upon finding that the ready mix (cement mixing) plant in the name of Insta Concretex Pvt Ltd was still operational at RS Dag nos. 6, 7, 8, 12, 13, 14 of Mouza Dharmatala Pachuria, JL no. 6 the EKWMA on 05.02.2014 lodged a complaint with P.S. KLC. The police started case no. 48/14 dt. 11.02.2014 and subsequently filed charge sheet no. 112 dt. 30.05.2014. The case is still pending before Learned Additional Chief Judicial Magistrate (ACJM), Baruipur. In spite of that, Insta Concretex Pvt Ltd continued operation of the ready mix (cement mixing) plant which is mentioned in the EKWMA field inspection report dated 01.04.2015.

In the aforesaid hearing on 22.08.2019, the following persons were present:

1. Shri Rama Prasad Chakraborti, Vice President, Insta Concretex Pvt Ltd.
2. Shri Jaharlal Purkait, Advocate and Representative on behalf of Shri Bidyut Das.

During the hearing the Chief Technical Officer (CTO), EKWMA asked the two representatives of the said company why action should not be initiated against the company

for perpetual violation of the EKW Act and the Wetlands Rules. Ld. Advocate Shri Purkait claimed that since the criminal case is still pending before the judiciary, no action should be taken against the company. Shri Rama Prasad Chakraborti made the same submission through his letter submitted during the hearing. The two representatives of the company prayed that they may be allowed to submit a further written statement justifying why action should not be initiated against the company.

Shri Rama Prasad Chakraborti through the letter dt. 10.09.2019 submitted the following:

- To consider that the plant generates employment to a number of people in the area.
- To allow them to run the said plant for a period of three years on a temporary basis.
- They are looking for an alternative plot to relocate the said unit.
- They have a huge burden of bank loan and if the plant operation is discontinued they will be under huge financial difficulty.
- ILFS & Engineering Services was granted permission by the EKWMA to run their ready mix concrete (batching plant) for three years. So, the same facility be given to this company as well.

While considering the prayer and documents submitted by the petitioner to the EKWMA and examining the same with the available official records, the following points have been observed:

- EKWMA has observed that Insta Concretex Pvt Ltd has been violating the provisions of the Act and Rules from the year 2012 in spite of several notices.
- A case is pending, but the Hon'ble Court has not provided any relief to Insta Concretex Pvt Ltd. and no such claim has been made by Insta Concretex Pvt Ltd.
- IL&FS Engineering and Construction Company Limited had applied for prior permission before initiating the work, while in the instant case Insta Concretex Pvt Ltd has been violating the provisions of the EKW Act of 2006 despite several notices.
- Over the years, they have expanded their area of operations. In 2012, their operations were spread over 3 dag nos (6,7 &8); in 2014 it extended to 6 dag nos (6, 7, 8, 12, 13 & 14) while in 2019 it has spread over 8 dag nos (5, 6, 7, 8, 9, 12, 13& 14).
- Moreover after Wetland (Conservation and Management) Rules, 2017 were notified by Ministry of Environment, Forest & Climate Change, Govt. of India enforcing

stricter provisions for protection of wetlands; there is no justification or scope for even considering such violations post-facto.

Considering the above, the undersigned has come to the conclusion that there is no legal merit in the prayer for granting permission for running the ready mix plant as per the provisions of East Kolkata Wetlands (Conservation and Management) Act, 2006 and its amendments read with Rule 4(2) of the Wetlands (Conservation and Management) Rules, 2017. Therefore, Insta Concretex Pvt Ltd is hereby directed to demolish / remove the illegal ready mix plant within 30 days from the date of issue of this order. In addition, Insta Concretex Pvt Ltd has to restore the subject land to its previous status, failing which action may have to be initiated under Section 5 of the Environment (Protection) Act, 1986 to stop supply of electricity / water and imposition of monetary penalty as environmental compensation.

All concerned may be informed accordingly.

Sd/-  
Principal Secretary  
Environment Department  
&  
Member Secretary  
East Kolkata Wetlands Management Authority

No.280-CTO/EN/389/2015-16

Date: 25.09.2019

Copy forwarded for kind information and necessary action to:

- 1) P.S. to Minister-in-Charge, Environment Department & Chairperson, EKWMA.
- 2) District Magistrate, South 24-Parganas
- 3) Deputy Commissioner of Police, East Division, Kolkata Police
- 4) Officer-in-Charge, P.S. Kolkata Leather Complex, Kolkata Police Commissionerate
- 5) B.L.&L.R.O, Bhangor-II, South 24-Parganas
- 6) Pradhan, Beonta II Gram Panchayet, South 24-Parganas
- 7) Sri Bidyut Das, S/o Late Bijoy Das, Puspanjali, Hatthuba, Habra, North 24-Parganas, Pin-743269.
- 8) Sri Arup Biswas, S/o Late Adhir Chandra Biswas, Puspanjali, Hatthuba, Habra, North 24-Parganas, Pin-743269.

  
Chief Technical Officer