

**IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE**

**Before:  
The Hon'ble Justice Hiranmay Bhattacharyya**

**WPA 3530 of 2026  
Krishna Som  
VS.  
State of West Bengal & Ors.**

For the Petitioner	: Mr. Kallol Basu, Mr. Suman Banerjee	..... advocates
For the State	: Mr. Chandi Charan De, Ms. Saswati Chatterjee, Mr. Anirban Sarkar	..... advocates
For the respondent nos. 2 & 3	: Mr. Sanjay Saha, Mr. Raju Mondal	..... advocates
Heard on	: 12.03.2026	
Judgment on	: 12.03.2026	

**Hiranmay Bhattacharyya, J.:-**

1. Petitioner has prayed for a mandamus commanding the respondents to set aside the letter dated 29.01.2026 issued by the General Manager (Sand), West Bengal Mineral Development and Trading Corporation Limited being the 4<sup>th</sup> respondent.
2. Petitioner carries on the business of excavating sand from riverbed and its transportation, stocking and sale in the State of West Bengal as a sole proprietress under the name and style "New Kalimata Sand Supply". Petitioner participated in the e-auction conducted by the respondent authority on 30.04.2017 for leasing out of sand blocks for a period of 5

years and became the highest bidder. Petitioner prepared a mining plan in respect of the sand block in question which was duly approved by the Chief Mining Officer on 01.02.2018. The District Level Environment Impact Assessment Authority (for short "DEIAA") accorded Environment clearance for the lease period with production capacity of 3,99,600 cubic feet per annum on 24.04.2018. Thereafter, lease deed was executed by and between the petitioner and respondent authority on 02.05.2022. Based on the data provided in the District Survey Report as modified from time to time, petitioner submitted a revised mining plan which was duly approved by the Chief Mining Officer on 09.01.2025. In the revised mining plan, the proposed production capacity for mining was 63,800 cubic meter for the 1<sup>st</sup> year and for the rest 4 years at 49,445 cubic meters each. Repeated requests made by the petitioner for issuance of challans failed to evoke any response. Thereafter, the petitioner was served with the letter dated 29.01.2026 issued by the 4<sup>th</sup> respondent instructing the Additional District Magistrate and District Land & Land Reforms Officer being the 6<sup>th</sup> respondent for field verification so as to identify the reasons for abrupt increase of mineable reserve.

3. Mr. Bose, learned advocate for the petitioner contended that initially the DE 1AA accorded Environment clearance with the production capacity of 3,99,600 cubic feet per annum which is equivalent to 11, 316 cubic meters per annum. He submitted that on the basis of modified District Survey Report, petitioner submitted a revised mining plan proposing the production capacity of 63,800 cubic meter for 1<sup>st</sup> year and for the rest 4 years at 49,445 cubic meter each which was duly approved by the Chief Mining Officer on 09.01.2025. He further contended that the State Environment Impact Assessment Authority (for short "SEIAA") also accorded Environment Clearance for the year wise production details as mentioned in the revised Mining Plan. Mr. Bose contended that after the revised mining plan was approved and the Environment Clearance was accorded. 4<sup>th</sup> respondent exceeded its jurisdiction by instructing the 6<sup>th</sup> respondent to carry out a field inspection.

4. Mr. Saha, learned advocate for the West Bengal Mineral Development and Trading Corporation Ltd. contended that there was an abrupt increase of mineable reserve from the Environment Clearance issued by DEIAA with that of the Environment Clearance issued by SEIAA which prompted the 4<sup>th</sup> respondent to issue instruction to the 6<sup>th</sup> respondent to cause field inspection/technical verification. He contended that the West Bengal Sand Mining Policy 2021 was framed to prevent damage to the riverine ecology. He further contended that the respondent Corporation has a duty to monitor the mining activities and in order to achieve the object of the Sand Mining Policy, the impugned notice was issued. He submitted that no adverse decision on the right of the petitioner to excavate sand has been taken by the respondent corporation and there is no reason for the petitioner to feel aggrieved.
5. Mr. De, learned Additional Government Pleader adopted the argument advanced by Mr. Saha.
6. Heard the learned advocates for the parties and perused the materials placed.
7. Petitioner participated in the e-auction conducted by the respondent authority on 30.04.2017 for leasing out of sand blocks for a period of 5 years on river Damodar and was found to be the highest bidder in respect of the sand block in question. Petitioner prepared a mining plan proposing the rate of production at 66000 cubic meter per annum for a period of 5 years. The project proposal along with the recommendations of various Committees were considered and the DEIAA accorded Environment Clearance for the lease period on 24.04.2018 subject to strict compliance of certain terms and conditions as mentioned in the said Clearance Certificate.
8. Thereafter, a revised mining plan with the year wise production details was submitted. It appears from the revised mining plan that there was a proposal for mining with production capacity of 63,800 cubic meter for the 1<sup>st</sup> year and for the rest 4 years at 49, 445 cubic meter for each year. The

revised mining plan with the aforesaid year wise production details was approved by the Chief Mining Officer vide Memo dated 9<sup>th</sup> January, 2025 which was to remain valid for the entire duration of the lease period with a direction upon the petitioner to submit the Environment Clearance when the same will be issued by the SEIAA.

9. SEIAA, West Bengal after examining the proposal and upon perusing the recommendation of the State Level Expert Appraisal Committee, accorded Environmental Clearance to the project on 18.12.2025 as per the provisions of the EIA Notification dated 14<sup>th</sup> September, 2006. The validity period of the said Environmental Clearance is upto 01.05.2027.
10. Petitioner prayed for revision of yearly mining volume in WBMDTCL Portal according to the approved Mining Plan of 01.02.2018 or the Lease Deed registered on 18.05.2022 to 66,000 cubic meter per annum.
11. The 6<sup>th</sup> respondent after noting the yearly production volume as per the approved Mining Plan of 01.02.2018 and that mentioned in the registered Lease Deed recorded a factual finding that in the Environment Clearance Certificate issued by DEIAA the mining volume was erroneously recorded as 3,99,600 cubic feet per annum instead of 23,30,770 cubic feet per annum. Accordingly, the 6<sup>th</sup> respondent by a letter dated 19.03.2025 solicited kind intervention by the 3<sup>rd</sup> respondent for revising the yearly mining volume in WBMDTCL Portal of the petitioner-lessee to 23, 30770 cubic feet per annum in tune with the approved mining plan or executed lease deed.
12. Thereafter, the SEIAA accorded Environmental Clearance on 18.12.2025 to the year wise production details as per the revised mining plan.
13. Subsequent to Environmental Clearance accorded on 18.12.2025, the 4<sup>th</sup> respondent issued the impugned letter dated 29.01.2026 requesting the 6<sup>th</sup> respondent to issue necessary directions for a field inspection/technical verification.

14. The only ground for issuance of the impugned letter is that there has been an abrupt increase in mineable reserve and to ascertain whether such abrupt increase is justified or not, the field inspection/technical verification is necessary.
15. At this stage it would be relevant to point out that it is not the case of WBMDTCL that the mining volume as per the approved mining plan of 01.02.2018 or the lease deed registered on 18.05.2022 is 3, 99, 600 cubic feet per annum and not 66,000 cubic meter per annum. Mr. Saha, learned advocate for WBMDTCL, in course of his argument, also could not produce any material to support the observation made in the impugned letter dated 29.01.2026 that the mineable reserve of the sand block in question as per the Environmental Clearance Certificate issued by DEIAA was 66,600 cubic meter for five years.
16. If the mining volume as per the approved mining plan of 01.02.2018 or the lease deed registered on 18.05.2022 was 66,000 cubic meter per annum, this Court is of the considered view that there has been a reduction and not abrupt increase in the year wise production details as per the revised mining plan on the basis of which the Environmental Clearance has been issued by SEIAA on 18.12.2025. This Court accordingly holds that the observation of the 4<sup>th</sup> respondent as recorded in the letter dated 29.01.2026 that there has been an abrupt increase in the mineable reserve is without any basis.
17. The learned advocate for the WBMDTCL, in course of his argument, could not point out any infirmity in the grant of approval to the revised mining plan by the Chief Mining Officer vide letter dated 09.01.2025 or the Environmental Clearance Certificate issued on 18.12.2025.
18. One of the objectives of the West Bengal Sand Mining Policy 2021 is to ensure that sand mining is done in a scientific, environmentally sustainable and socially responsible manner so as to prevent damage to the riverine ecology and to prevent ground water depletion and flooding.

19. It is not the case of WBMDTCL that the petitioner has acted in a manner so as to cause any damage to the riverine ecology or depletion of ground water etc. Though the corporation has a duty to monitor the excavation process but no material has been produced by the said respondent authority to justify a field inspection or technical verification to be done at this stage.
20. For all the reasons as aforesaid, this Court is inclined to interfere with the decision of the 4<sup>th</sup> respondent for causing a field inspection/technical verification to be conducted. Accordingly the impugned letter dated 29.01.2026 issued by the 4<sup>th</sup> respondent is set aside. Writ petition stands allowed. There shall be, however, no order as to costs.
21. Urgent photostat certified copies, if applied for, be supplied to the parties upon compliance of all formalities.

**(HIRANMAY BHATTACHARYYA, J.)**

**Later:**

**Dated:12.03.2026**

After this Order has been pronounced in open Court, Mr. Basu Ld. Advocate appearing for the petitioner submits that necessary directions be passed upon the respondent authorities for issuance of balance e-challans in terms of the environmental clearance.

Heard Mr. Saha, learned advocate for the corporation on such submission. He does not oppose the prayer of Mr. Basu. In view thereof, the respondent authorities directed to take consequential steps pursuant to this judgment and order strictly in terms of environmental clearance certificate dated 18.12.2025.

**(HIRANMAY BHATTACHARYYA, J.)**