

**High Court of Sikkim**Record of proceedings**WP(PIL) No.16 of 2017**

Tseten Lepcha

Petitioner

VERSUS

State of Sikkim and Others

Respondents

Date : **06-09-2021**

CORAM :

**THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, ACTING CHIEF JUSTICE
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

For Petitioner

In person.

Mr. N. Rai, Senior Advocate as Amicus Curiae.
Ms. Malati Sharma, Advocate.For Respondents
R-1 to R-8 & R-12Mr. Sudesh Joshi, Additional Advocate General.
Mr. Thinlay Dorjee Bhutia, Government Advocate.

R-9

Mr. Ankur Gupta, Advocate.
Ms. Sabina Chettri, Advocate.

R-10

Mr. Bhusan Nepal, Advocate.

R-11

Ms. Rachhitta Rai, Senior Advocate.

R-13

Mr. Karma Thinlay, Central Government Counsel.

ORDERRai, ACJ

1. Learned Counsel for Respondent No.9 submits that Rs.31,68,000/- (Rupees thirty one lakhs and sixty eight thousand) only, has been deposited with the District Collector, North District, Mangan and the parties who are entitled to the compensation are to collect the compensation from the District Collector. That, the compensation so made over to the District Collector is 100% and not 90% of the amount agreed to by the parties and the concerned authorities.

2. Learned Central Government Counsel has taken us through the various correspondence of the Central Government with the State Government and we are informed that the final outcome thereof is that the Project has been divided into two parts by the State Government – Part 'A' being construction of sewage



High Court of Sikkim

Record of proceedings

treatment plant and sewer main truck main line – amounting to Rs.1862.01 lakhs. Part 'B' – Construction of sewer sub-mains, house connections, staff quarter, operation and maintenance – amounting to Rs.1385.38 lakhs. The Government of India, Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, National River Conservation Directorate, vide its correspondence, dated 23-06-2021, addressed to the PCE-cum-Secretary, Water Security & PHED, Government of Sikkim, has informed that request has been made by the State Government for 100% funding of Part 'A' under the National River Conservation Plan (NRCP). That, taking into consideration, the directions of this High Court and the communication received from the State of Sikkim, the Ministry of Jal Shakti, Government of India, has agreed to the proposal to consider sanctioning of the Sewage Treatment Plant (STP) and main trunk sewer for the town (Part 'A') subject to the following conditions, that -

- (i) funding pattern of NRCP for North Eastern States (90:10) shall be followed for the project (Part 'A') being considered by National River Conservation Directorate (NRCD);
- (ii) appraisal of the project shall be got done by an independent agency as per extant guidelines of NRCP;
- (iii) the proposal can be sanctioned only after approval of continuation of the NRCP Umbrella Scheme by the Government. However, the process of appraisal of the Project would be initiated now. Meanwhile, the State Government shall be required to provide the required qualifications and/or other inputs as required for processing the proposal;
- (iv) Part 'B' of the Project shall be concurrently sanctioned by the State Government, as building the STP and the main trunk sewer would be of no use if the lateral sewers, house service connections, etc., are not completed; and



High Court of Sikkim

Record of proceedings

(v) the timelines for project sanction, arranging budget and Project completion need to be provided by the State Government along with their commitment for the same.

3. The State Government vide its communication dated 26-07-2021 addressed to the NRCD of Ministry of Jal Shakti has *inter alia* stated that Part B of the Project has been approved in principle by the State Government. Both Part 'A' and Part 'B' of the Project are interrelated and as such, the State Government portion of the funding will be concurrent to the funding from the NRCD. The State Government is committed to funding its share for Part 'A' component of the Scheme. The cost of Part 'B' component shall be borne entirely by the State Government.

4. Pursuant thereto, communication dated 24-08-2021 by the Ministry of Jal Shakti has been made to one Prof. S. K. Singh, Department of Civil and Environmental Engineering, Delhi Technological University, requesting him to appraise the DPR for Pollution Abatement of River Teesta at Chungthang, North Sikkim, under NRCP and further informing him about the division of the project into two parts. It is also informed that the Water Security and Public Health Engineering Department, Government of Sikkim, has been requested to provide full assistance to the Department of Civil and Environmental Engineering during appraisal of the DPR. According to Learned Central Government Counsel this letter was made available to him only on 04-09-2021 and placed before the Court today for information. We have perused the communication which is hereby taken on record.

5. The grievances of the Petitioner in the letter petition was that the Teesta HEP Stage III situated at Chungthang, North Sikkim, was accumulating toxic waste and plastics which had caused severe damage to the properties but no payment of compensation was made by the erring party. The rehabilitation policy which provided for employment of project affected people was not also given effect to. That, further other requirements under the relief and rehabilitation package in lieu of acquisition



High Court of Sikkim

Record of proceedings

of land and damages caused to the properties was not being dealt with properly. A complaint had also been made about the RIM treatment around the dam site which appeared to be fragile at that point in time. Further, during the course of proceedings, it was brought to the notice of this Court that the height of the water in the dam was affecting the wash rooms of the School (Moonlight Academy) which was situated next to the river.

6. Now, it transpires that all of the grievances raised by the Petitioner as enumerated hereinabove have been addressed by the Respondent No.9 and the State-Respondents. This is fairly admitted to by the Petitioner. The RIM treatment has been done, the wash rooms of the Moonlight Academy have been shifted by Respondent No.9 to a safer location and employment provided to the project affected people. The remaining grievance was regarding compensation. The amount has already been deposited with the District Collector, North Sikkim, as already reflected hereinabove.

7. Accordingly, in view of all the discussions hereinabove, it is conceded by the Petitioner that nothing further remains for adjudication.

8. Consequently, in view of the above premise, the Writ Petition stands disposed of with the hope that the works in Part 'A' and Part 'B' *supra* will be taken up and completed expeditiously by the concerned authorities.

Judge
06-09-2021

Acting Chief Justice
06-09-2021

ds/jks/ml