

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Appeal No. 51(T_{HC})/2013
(W.P No. 21025/2010 of Calcutta HC)

Suvra Roy Chowdhury & Ors. V/s State of West Bengal & Ors.

CORAM: HON'BLE SHRI JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE SHRI JUSTICE S.N. HUSSAIN, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE Mr. RANJAN CHATTERJEE, EXPERT MEMBER

Applicant / Appellant : None present
Respondents No. 1, 6, 7, 9, 10 & 12 : Mr. Bikas Kar Gupta, Adv.
Respondent No. 4 & 5 : Mr. Amit Agarwal and Ms. Asha Nayar Basu, Adv.
Respondent No. 8 : Ms. Debaki Nandan Maiti & Mr. Subhasish Bhowmick, Adv.
Respondent No. 11 : Mr. L.C. Agrawala, Adv.

Date and Remarks	Orders of the Tribunal
Order No. 6 September 2, 2013	<p>This is an unfortunate case that even after three years of filing of writ petitions before the Hon'ble High Court, no service has been effected to the Respondents especially the Respondent No. 8. The Learned Counsel for Respondent No. 8 would submit that he has no papers at all relating to this case. However, he has been representing before this Tribunal on the earlier occasion. The Learned Counsel appearing for State of West Bengal wants to get instructions as to whether the Government or the Department of Tourism has put up any structure on the bank of Lake Subhash Sarovar. The Learned Counsel appearing for the Ministry of Environment & Forests would submit that MoEF has not received any proposal from the State Government to declare it as a National Lake. Unfortunately, the Appellants have not presented before this Tribunal for a number of hearings, ever since the date when the matter was transferred to this Tribunal. The issue as it is stated in the application filed by the Appellants is of a serious concern which says that this Subhash Sarovar Lake which is to be declared as National Lake and the Department of Tourism or the Government of West Bengal is attempting to put up a permanent structure to destroy the water body. Even though the Appellants have not been properly representing before this Tribunal to enable to get any</p>

assistance. The same is in respect of the Respondents too. Since grave allegations have been made in respect of Lake, we are of the view that in the interest of protection of the environment, we must prevent any further structure to be put up on the banks of the Subhash Sarovar Lake. Accordingly, we direct the Respondents to maintain status quo as it exists as on date until further orders.

It is made clear that no trees shall be cut in the area of said Lake until further orders of this Tribunal.

The Respondents in the meantime shall file reply. The Learned Counsel for the Respondent No. 8 undertakes to obtain certified copies of the petitions as well as other documents filed in this Appeal.

In so far as, it relates to the appearance of the Appellants in the earlier order dated 12.08.2013, the Tribunal has directed issuance of substituted service on the Appellants. In addition to that the West Bengal Pollution Control Board was directed to effect the dasti service. The Learned Counsel for the WBPCB submits that such dasti service shall be effected and he will do the same by the next date of hearing, without fail. Accordingly, the Learned Counsel appearing for the WBPCB shall take all steps to serve on the Appellants by both dasti and Registered Post/Acknowledgment Due service as a last chance.

The Registry has issued notice to the Appellants on 23.08.2013. There is no return from the Appellants. The same shall be awaited till the next date of hearing.

Stand over to 24th September, 2013.

....., JM
(Dr. P. Jyothimani)

....., JM
(S.N. Hussain)

....., EM
(Dr. G.K. Pandey)

....., EM
(Prof. A.R. Yousuf)

....., EM
(Ranjan Chatterjee)

