

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

O.A. No. 73/2017/EZ

**GANGA PRASAD GOSWAMI
VS
STATE OF WEST BENGAL & ORS**

CORAM : Hon'ble Mr. Ranjan Chatterjee, Expert Member

PRESENT: Applicant : Mrs. Paushali Banerjee, Advocate
Respondents No. 3 & 4 : Mr. Sibojyoti Chakraborti, Advocate
Other Respondents : None

Date & Remarks	Orders of the Tribunal
<p>Item No. 1 6th September, 2017.</p>	<p>Affidavit of Service and vakalatnama filed by Mrs. Poushali Banerjee, Ld. Advocate for the applicant and status report in the form of affidavit by Mr. Sibojyoti Chakraborti, Ld. advocate for the respondents No. 3 and 4, West Bengal State PCB, are ordered to be taken on record.</p> <p>Heard Mrs. Banerjee on behalf of the applicant. She contends that the respondents No. 1 and 2 are using outdated technology for black smithy causing both air and noise pollution. She also contends that the trade licence that was granted to them is for a different purpose. The applicant's main grievance is that the unit of the respondents No. 1 and 2 are causing a lot of noise with hammers right from 6 AM in the morning till 10 PM in the night, causing considerable inconvenience in the neighbourhood particularly, for the elderly people and students who are pursuing their academics.</p>

The applicant stays in close proximity to the respondent No. 1 and 2. She says, on instructions, that the respondents have been causing pollution for the last one year.

She will have to make submission why her application is not hit by limitation.

None has appeared for the respondents No. 1 and 2, despite notice.

Mr. Sibojyoti Chakraborti, Ld. Advocate appears for the respondents No. 3 and 4, State PCB, and undertakes to file his vakalatnama on the next date.

As per the affidavit filed by Mr. Chakraborti today, the activity of the unit of respondents No. 1 and 2, falls in the exempted category at Sl No. 8 of the revised list of categorisation of Industries of West Bengal PCB. Further, such units should not be permitted in congested areas, which is also the point raised by the applicant. He also mentions that this matter does not fall within the Consent Management administration of the State PCB.

In this view of the matter, we allow an opportunity for the respondents 1 and 2 to appear on the next date and make his contentions by filing appropriate affidavit.

Fix this matter on 27.10.2017 for orders.

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Ranjan Chatterjee, EM

6-9-2017

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