

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 79(T_{HC}) of 2013
And
Original Application No. 80(T_{HC}) of 2013**

**Bengal Brick Field Owners Association & Anr.
Vs.**

**West Bengal Pollution Control Board & Ors.
And**

**Nadia District Brick Manufacturers Association & Anr.
Vs.**

West Bengal Pollution Control Board & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE B. SESHASAYANA Reddy, JUDICIAL MEMBER
HON'BLE DR. D.K. ARGAWAL, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

Present: **Applicant (in original application no. 79(T_{HC}) of 2013): Mr. Huzefa Ahmadi, Sr. Advocate
and Mr. Jayant Mohan, Advocate
Applicant (in original application no. 80(T_{HC}) of 2013): Mr. Upamanyu Hazarita, Sr.
Advocate and Mr. Shubhayu Roy, Advocate
Respondent No. 1 to 4: Mr. Amit Agrawal, Advocate
Respondent No. 5: Mr. Nizamuddin, SEE
Respondent No. 6: Mr. Dharampal, Assistant
Respondent No. 7: Bikas Kar Gupta, Advocate**

Date and Remarks	Orders of the Tribunal
Item No. 4&5 September 19, 2013	<p>Vide our Order dated 25th May, 2013 a Committee has been constituted. This Committee has submitted its report dated 19th July, 2013, on basis of which, the Learned counsel appearing for the State West Bengal and West Bengal Pollution Control submit that the Government is in the process of framing guidelines to control and regulate the activity of carrying on brick kilns business generally and particularly in the vicinity of Mango Orchard.</p> <p>They pray for further time to complete the process and place on record of the Tribunal the guidelines so framed.</p> <p>Learned counsel appearing for the Applicant raised serious objections for grant of time and pray that they should permitted to operate atleast for the rest of the year except in the month of February to May as directed by the Hon'ble High Court. He further states that they have to bear heavy loss and they are infact deprived of their livelihood. It is also their contention that the Report of the Expert Committee dated 19th July, 2013 is not comprehensive enough and does not deal with the</p>

number of aspects which are essential for the purposes of providing appropriate guidelines.

These Applicants have also filed objections to the report dated 19th July, 2013 of the Expert Committee.

In these aforesaid circumstances and to balance the interest of the parties, it is important that the State Government should act with expeditiousness.

In these circumstances, we direct:-

1. The Secretary Environment, State of West Bengal and the Chairman of Pollution Control Board West Bengal to ensure that the guidelines are framed and placed on record of the Tribunal within three weeks from today.
2. The above said Officers or the Committee dealing with the framing of the guidelines shall duly consider the objections that have been filed to the Report dated 19th July, 2013 of the Expert Committee before the Tribunal.
3. If necessary they may even give representative hearing to the Applicant.

We are declining to the State of West Bengal further grant of time to complete the process and place on record of the Tribunal the guidelines so framed primarily on the ground that it is causing undue hardship to the Applicants. At this stage, we are not willing to vary our Order dated 24th July, 2013 which will continue till the next date of hearing.

We make it clear that in the default of compliance of these directions both the Secretary Environment, State of West Bengal and the Chairman of Pollution Control Board West Bengal shall remain present before the Tribunal on the next date of hearing.

List on 24th October, 2013.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,JM
(B.S. Reddy)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Dr. R.C. Trivedi)

