

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

O.A. No. 32/2017/EZ  
Rudranil De  
VS  
State of West Bengal & Ors.

CORAM: Hon'ble Mr. Justice S.P. Wangdi, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Mr. Rudranil De, Advocate  
Respondents : None

Date & Remarks	Orders of the Tribunal
Item No. 2 17 <sup>th</sup> March, 2017.	<p>In this O.A. the primary contention raised by the applicant is that the various authorities, particularly Respondents No. 8, 9 and 11, viz., the Principal Secretary, PWD, Govt. of West Bengal, the Chief Executive Officer, Paschimanchal Unnayan Parishad, Bankura and the BDO, Sonamukhi Development Block, District Bankura respectively, have not implemented the various notifications issued by the MoEF, more particularly SO 763(E) dated 14.09.1999, SO 979(E) dated 27.08.2003, SO 2804(E) dated 3.11.2009 and S.O. No. 254 (E) dated 25.01.2016. The applicant has not specified the specific instance or instances where such violation has taken place. The prayer is of general character as would appear from the prayers which read as follows:-</p> <p style="text-align: center;">“7.</p> <p style="text-align: center;">(A) <i>To pass necessary order directing the respondent</i></p>

*authorities to take effective steps to strictly adhere to the provisions of the notifications for the purpose of using of fly ash based bricks and other construction materials for every construction work within a radius of 300 kilometer from any thermal Plant as mandated in latest notification dated 25.01.2016 issued by Ministry of Environment, Forests and Climate Change, Government of India;*

**(B) To pass necessary orders against the respondent authorities, particularly against Respondents Nos. 1 to 8 & 10, to strictly monitor the implementation of the provisions of the environmental laws including various notifications issued under Environmental Protection Act, 1986 and also to follow the directions and orders of Hon'ble National Green Tribunal and Hon'ble High Courts;**

**(C) To pass necessary orders against respondent No. 8 to include only fly ash bricks in building work section of PWD Schedule, published by them from time to time, followed by various State Government departments in West Bengal for preparation of estimates for building works, within 300 km. radius of any Thermal Power Plant, as mandated in latest notification dated 25.01.20-16 issued by Ministry of Environment, Forests and Climate Change, Government of India;**

**(D) To pass such other order or orders as Your Lordships may deem fit and proper;"**

The main contention raised by the applicant is that notifications make it mandatory to utilize fly ash based products in construction activities within 300

Km. radius of any coal or lignite based Thermal Power Plant. Notwithstanding that there is no specific instances indicated by the applicant in this O.A., it may be sufficient to direct the State Respondents to ensure that the aforesaid notifications are strictly complied with.

In view of this, nothing further would remain to determine in the O.A.

With the above directions, the O.A. stands disposed off.

No order as to costs.

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Justice S.P.Wangdi, JM  
17.3.2017

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Prof. (Dr.) P. C. Mishra, EM  
17.3.2017

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