

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

Application No. 13/2014/EZ

Subhas Dutta Vs State of West Bengal & Ors.

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

PRESENT: Applicant : Mr. Subhas Dutta, in person

Date & Remarks	Orders of the Tribunal
Item No. 2 July 22, 2014	<p>We have heard Mr. Subhas Dutta, the applicant appearing in person in detail. In this case he raised an important issue relating to environmental pollution caused due to discharge of chemical waste, waste water and air pollutants by some of the industrial units which are arrayed as respondent no. 4 to 6. He submits that because of the continued emission of air pollutants to the atmosphere and discharge of waste water to the canal called Noai canal, the health condition of the people residing in the area are adversely affected. He has also referred to a communication of the Department of Health by its Joint Director which confirms such health hazards of the people of the locality. The Joint Director, however, has requested the CMO of Health, North 24 Parganas, Barasat to take up this matter with the appropriate authority. The applicant has also brought to the notice of this tribunal about a news item published in the Times of India dated 14.07.2014 and a Bengali Daily, the Ananda Bazar Patrika dated 14.01.2014 which has clearly stated that many number of such industries are running illegally and discharging waste materials into the river water and air pollutants resulting in health hazard in the adjacent area of the Dum Dum Airport. Infact in one case it reported excessive deposition of carbon dust particles on plant leaves resulting in the death of the plants apart from deteriorating human health. He submitted that the State Pollution Control Board is aware of the said industries which are running illegally causing pollution. Therefore he has filed the present application seeking restraint the respondents 4 to 6 from carrying on their activities apart from other directions.</p>

Considering the importance of the issue involved in this matter we admit the application. Issue notice to the respondents by Dasti and registered post.

The report of the Health Department, Govt. of West Bengal and the newspaper reports clearly indicate that the environmental hazards are caused by these Industries. Therefore, we are of the view that the balance of convenience against the respondent no. 4 to 6 is in favour of public at large. Therefore we hereby injunct the respondent 4,5 and 6 viz. Delta Fabrics Private Limited, Unistar Galvanizers & Fabricators Ltd., and ASG Biochem not to operate their industrial activities in the event of their not obtaining consent to operate from the State Pollution Control Board and also Environmental clearance. The State Pollution Control Board shall implement the order scrupulously. We direct the Commissioner of Police, through the Officer in Charge of the respective police station to assist the State Pollution Control Board officials and report on the next date of hearing.

West Bengal State Pollution Control Board shall file a status report on the next date of hearing about

1. The list of industrial units which are running in the said Ganganagar which is within the Madhyamgram municipality
2. How many are running without obtaining the consent to operate and Environmental clearance
3. The stack emission monitoring & waste water monitoring report of the respondents 4 to 6 of last summer season and any violation thereof
4. Status of ESP,STP, if any of the Respondents 4 to 6.

We also make it clear that those units which are running without consent to operate or without EC, as the case may be, shall also be sealed by the officials of the State Pollution Control Board. Status report shall be filed by the next date of hearing.

Stand over to 22/08/2014

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Dr. P. Jyothimani, JM

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