

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

**Original Application No.127/2015/EZ**

**Ramchandra Mardi & Ors.**

**Vs.**

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

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

**PRESENT:** Applicant : Mr. Santanu Chakraborty, Advocate  
Respondent No.1 : Mr. Sibojyoti Chakraborty, Advocate.  
Respondent Nos.3,6&8 : Mr. Bikas Kargupta, Advocate.  
Respondent Nos.4,10 & 11: None.  
Respondent No.5 : Mr. Surendra Kumar, Advocate  
Respondent No.7 : Mr. Sanjib Kumar Ghosh, Advocate

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<p>Item No.6 22<sup>nd</sup> April, 2016</p>	<p>From the submissions of Mr. Santanu Chakraborty, Id. Counsel appearing for the applicants, it appears that other than providing the addresses of SEIAA of both the States viz. State of Jharkhand and West Bengal, requisites were not provided for them to enable the registry to issue notice. Id. Counsel undertakes to furnish the requisites by tomorrow ie. 23.04.2016. We expect Mr. Chakraborty to keep his word this time.</p> <p>Mr. Kargupta, Id. Government Counsel by filing vakalatnama on behalf of Respondents 3, 6, 8 &amp; 9 submits that status report on behalf of Respondent No. 8 i.e. DL&amp;LRO, Birbhum has been filed and is on record. He further submits that he shall not be filing the additional affidavit as prayed for by him on the last date.</p> <p>Mr. Sibojyoti Chakraborty, Id. Counsel appearing for the West Bengal State PCB prays for leave to file status report today</p>

on their behalf.

Prayer is considered and allowed.

Status report filed by him be taken on record.

Mr. Surendra Kumar, Id. Counsel appearing for the Jharkhand State PCB prays for leave to file vakalatnama and to take on record the status report on their behalf. Prayer is considered and allowed.

Status report filed by him be taken on record.

Mr. Sanjib Kumar Ghosh, Id. Counsel appearing for Petroleum and Explosives Safety Organizations, Respondent No. 7, prays for further time to file reply. We grant him seven days time as prayed by him for the purpose.

We have noticed that responses filed on behalf of Respondent No.8 viz., DL &LRO, Birbhum as well as Respondent Nos. 10 and 11 are not complete.

From the response filed by Respondent No. 8 it appears that some steps have been taken by the State PCB and State of West Bengal with regard to the matter in question. We appreciate that the work would involve considerable mobilisation of manpower but, it should not be the reason for the delay in compliance. Categorization of stone quarries has no relevance to the grant of necessary consent in accordance with law. We expect the State Government to proceed expeditiously in this matter and file a comprehensive status report giving better particulars on the next date.

In the response of the Respondents No. 10 and 11 also, we find that the information provided are incomplete. Mr. Surendra Kumar, Id. Counsel for the Jharkhand State PCB is

directed to convey the necessity of the State of Jharkhand to file status report containing the better particulars.

Let affidavits be filed by Respondent Nos. 8, 10 and 11 within a period of four weeks.

The respective State PCBs of the two States shall also file affidavits indicating the steps taken by them against those persons who have violated the law and as to whether consent would be necessary considering the law laid down in **Deepak Kumar –vs- State of Haryana & Ors.** as well as the notification issued by MoEF thereafter.

The applicants are at liberty to file rejoinder to the status report filed on behalf of Respondents No. 8, 10 and 11.

In so far as the Respondent No.2 viz., Ministry of Environment, Forests and CC is concerned, we express a deep sense of dismay in their approach. More often than not, we have noticed that they do not respond to notices issued by us giving us a distinct impression that it is a deliberate attempt on the part of the Ministry to scuttle the proceedings and cause obstruction in the course of justice. The issue involved in the present case would require the Ministry to assist us and inform us of their stand but, far from it, as already noticed, they have chosen not to respond.

Therefore, instead of resorting to coercive measures we would rest this time by directing the Secretary, Ministry of Environment, Forests and CC, Respondent No.2, to take a note of our observation and issue necessary instructions to the concerned to ensure that the Ministry responds to the notices issued by this Tribunal not only in this case but in others also, so that cases can be disposed off expeditiously as required under

the N.G.T. Act, 2010.

A copy of this order be transmitted to the Secretary, Ministry of Environment and Forests & Climate Change, for compliance.

**List on 24.05.2016.**



Justice S.P. Wangdi, JM

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

