

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

Original Application No. 23(THC)/2013/PB/17/EZ

Banshi Badan Jana & Ors. Vs. Union of India & Ors.

CORAM: Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Mr. Kaushik Chanda, Advocate
Respondent No. 1 : Mr. Somenath Bose, Sr. Advocate
Mr. Gora Chand Roy Choudhury, Advocate
Respondent No. 2 & 4 : Mr. Bikash Kar Gupta, Advocate
Respondent No. 3,6 & 8 to 10 : None appeared
Respondednt No. 7 : Mr. Biswaroop Bhattacharya, Advocate
Mr. Arindam Guha, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 1 10th October 2014	<p>Learned advocate for the respondent no. 7, Project Proponent M/s. Universal Crescent Power Private Limited submits that the affidavit filed by the Ministry of Environment & Forests in connection with the Application No. 23(THC)/2013/PB/1/17/EZ verified on 22nd August 2013 and signed by the Deputy Director, Mr. E. Thirunavukkiarasu, has not been served.</p> <p>Learned advocate for the applicant has strongly relied upon said affidavit filed by MoEF through an agent annexing the report of the subgroup on site visit to Nayachar Island in Purba Medinipur District, West Bengal of M/s. Universal Crescent Power Private Limited.</p> <p>This is the submission of the applicant relying upon the said report annexed to the affidavit that the Nayachar Island is not suitable for establishment of any Thermal Power Project. Paragraph 7 of the affidavit it is contended as follows:</p> <p>“That the Expert Appraisal Committee (Thermal Power) accepted the report and agreed that based on the submissions made by the subgroup, the site is not suitable for a power plant if the geo-morphology of the island is to be preserved. Copy of the excerpts of 54th EAC (Thermal) meeting is placed at Annexure-11”.</p>

Since the learned advocate for the respondent no. 7, Project Proponent has not been served with any copy of said affidavit, registry is directed to serve the photocopy of the affidavit to the learned advocates appearing for the respective parties today. The parties are at liberty to file rejoinder, if any, of that affidavit.

Let such rejoinder be filed by the 10th day of November 2014. Reply if any, with reference to rejoinder by the Project Proponent, be filed by 25th November 2014.

Let advance photocopy of the reply as well as rejoinder be served upon all the parties through their respective learned advocates.

Learned advocate for the applicant as well as MoEF submit that there should be a prohibitory order restraining the Project Proponent to construct the project, if any.

Learned advocate for the Project Proponent submits on instruction that no construction activities carried out till date.

Having regard to all such submissions, there will be an order restraining the Project Proponent from making any construction, temporary or permanent in nature or anything in that regard, until further order of this Tribunal.

The matter is fixed for hearing on 25th November 2014.

Stand over to 25th November 2014

Plain copy of order to all the parties.

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Justice Pratap Kumar Ray, JM

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