

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

**Original Application No.24/2014/EZ
&
M.A. 19/2015/EZ**

Subhas Dutta Vs. State of West Bengal & Ors.

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

PRESENT: Applicant : Mr. Subhas Datta, in person.
Respondent No. 1 : None
Respondent No. 2 : Mr. Bikas Kargupta, Advocate
Respondent No. 3 : Ms. Papiya Banerji , Advocate.
Respondent No.4 : Ms. Ms.Arпита Chowdhury
Respondent No.5 : Mr. Surendra Kumar, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 2 19 th March, 2015	<p>Heard Mr. Subhas Datta, applicant appearing in person and Id. Advocates appearing on behalf of the respondents.</p> <p>A document has been filed today by the Bakreshwar Thermal Power Plant, a unit of West Bengal Power Development Corporation. It has been affirmed by the General Manager of the said unit. From the page 9 of the said Affidavit , it appears that this is a draft version of their affidavit and final affidavit will be filed later on in consultation with Mr. N. Bihani, Id. advocate of Calcutta High Court. Earlier we directed respective parties to file submissions, if any, on the report of Dr.Rudra within a week. In pursuance of such direction a defective document has been filed which is not at all an affidavit, but a draft with a note of communication to Mr. Bihani, Id. advocate. Hence we cannot</p>

accept it. It stands accordingly rejected.

Ms. Papiya Banerji Bihani has tendered unqualified apology for the mistake in filing the draft copy. On her prayer, two weeks time to file proper affidavit is granted.

We are not happy with the conduct on the part of the project proponent with regard to lifting of the fly ash. Chairman, West Bengal Power Development Corporation is directed to file an affidavit disclosing the details of methodology, procedure and mechanism for lifting the fly ash from the river beds of Chandrabhaga and Bakreswar by two weeks. Let copies of such affidavit be served upon the applicant and other respondents.

Central Pollution Control Board and State Pollution Control Board both are directed to visit the area for inspection and file status report with regard to deposit of fly ash in aforesaid two river beds within four weeks.

The project proponent ie. Bakreswar Thermal Power unit shall file a scheme with a time frame, in the form of affidavit in terms of the recommendations of Dr. Kalyan Rudra, relating to the plantation, providing drinking water to the villagers of the locality who are affected due to pollution of the river water and other factors.

Monsoon will set in the first week of June. The project

Proponent must complete the remedial measure like providing drinking water, plantation etc. prior to commencement of monsoon including the work of complete removal of the fly ash from the twin river beds.

The parties are directed to collect the report of Dr. Rudra from the registry for effective consideration, if they so desire.

Matter stands adjourned to 24th April, 2015.

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Justice Pratap Kumar Ray, JM

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

