BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA

Original Application No. 19/2014/EZ

Rohit Choudhury 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. Sankar Prasad Pani, Advocate

Respondent No. 1 : Mr. Gora Chand Roy Choudhury, Adv.

Respondent Nos. 2 to 6 : None appeared.

Orders of the Tribunal			
Date & Remarks			
Item No. 1			
21 st October 2014	Affidavit of service as filed be kept in the record.		
- I	Learned advocate, Mr. Gora Chand Roy Choudhury led by		
	his s <mark>enior, Mr. S</mark> omenath Bose <mark>undertakes</mark> to file Vak <mark>a</mark> latnama on		
	behalf of the respondent no. 1, Ministry of Environment a <mark>nd</mark> Forests.		
Respondent no. 6, Guwahati Municipal Corporation ha			
TO WELL	an application seeking time to file their reply.		
1/1	Let the application dated 17.10.2014 received by fax on		
100	20.10.2014 be kept in the record.		
	Respondent nos. 2 to 5 have been served the copy of the		
	application by Dasti as well as Registered post by the applicant.		
	Despite that nobody appears on behalf of them.		
Considering the prayer made by the respondent nos. 1			
	6, they are directed to submit reply with reference to the application		
	within a month positively.		
	By the earlier order passed on 24 th September 2014		
	respondent no. 2, State of Assam represented through the Chief		
	Secretary was directed to submit a Status Report with reference to the		
	compliance of the Municipal Solid Waste (Management and Handling)		
	Rules, 2000 and Wet Land (Conservation and Management) Rules,		
	2010 in respect of Deepor Beel Wet Land situated in Assam. However,		
	that order was not communicated to the Chief Secretary.		

Registry is directed to communicate said order dated 24.09.2010 and today's order to the Chief Secretary, Govt. of Assam so that he may submit Status Report with reference to the present condition of the Deepor Beel Wet Land situated in Assam by making necessary answer of the following points:

- i) Whether any municipal solid waste is being dumped to the said wet land;
- ii) Whether any construction activities are going on in and around Deepor Beel Wet Land or is going to be made:
- iii) Whether the respondent nos. 5 and 6, Guwahati Metropoliton Development Authority and the Guwahati Municipal Corporation respectively are following the rules regarding Municipal Solid Waste (Management and Handling) Rules, 2000 and Wet Land (Conservation and Management) Rules, 2010 strictly with respect to Deepor Beel Wet Land situated in Assam.

The applicant has referred to sub Rule 1 (iv) of Rule 4 as set out below:-

"4. Restrictions on activities within wet lands-

SI.	Compliance Criteria	Schedule
No.		
1	Setting up of Waste Processing and	Ву 31.12.2003
	Disposal facilities	or earlier
2	Monitoring the performance of Waste	Once in six
	Processing and Disposal facilities	months
3	Improvement of existing landfill sites as	By 31.12.2001
	per provisions of these rules	or earlier
4	Identification of landfill sites for future	By 31.12.2002
	use and making site(s) ready for	or earlier
	operation	

Having regard to the said rule, the respondent nos. 5 and 6 and the Chief Secretary, Govt. of Assam are directed to highlight that issue also in their reply.

Registry is directed to communicate this order to the respondent nos. 2 to 6.

Let reply be filed by all the respondents within 4 weeks and the rejoinder thereto two weeks thereafter.

It is made clear that the direction is peremptory as the issue relates to environmental and ecological.

Stand over to 05.12.2014

Justice Pratap Kumar Ray, JM

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

