

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

Original Application No. 152/2017/EZ

Legal Aid Services-West Bengal

Vs

Union of India & Ors.

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member

PRESENT: Applicant : Ms. Soumi Guha Thakurta, Advocate
Respondent No.2 : Mr. Amit Kumar Nag, Advocate
Respondent No. 4 : Mr. Sibojyoti Chakraborty, Advocate
Respondent No. 5 : Mr. Rajib Ray, Advocate
Respondent No. 3 : None.

Date & Remarks	Orders of the Tribunal
Item No. 7 13 th December, 2017.	<p style="text-align: center;">Affidavit of service filed on behalf of the Applicant by Ms. Soumi Guha Thakurta, Ld. Counsel and report of the State PCB as directed vide order dated 13.10.2017 in respect of the area in question, be taken on record.</p> <p style="text-align: center;">Similarly, Mr. Rajib Ray, Ld. Govt. Counsel and Mr. Amit Kumar Nag appearing for the Respondent No.2, i.e., DVC, pray for leave to file reports of the District Magistrate, Bankura and the District Medical Officer and affidavit-in-opposition respectively, which are considered and allowed. Let those be taken on record as prayed for. Since copies of the reports have been</p>

exchanged among the parties, they are at liberty to respond before the next date.

Reports of the State PCB and that of the District Magistrate and the District Medical Officer indicate that there is substance in the grievance of the Applicant expressed in the O.A in view of the apparent deleterious effect on the environment of the Power Plant of the Respondent No.3, i.e., Mejia Power Plant, which is said to be a subsidiary of the Respondent No. 2, as would appear from the following:-

“Enquiry Report against the allegation raised in connection with Hon’ble Tribunal’s Order dated 13.10.2017 arising out of O.A. No. 152/2017/EZ in the matter of Legal Aid Services W.B. Vs The Union of India & Ors.

“As per the direction of the District Magistrate, Bankura an enquiry has been held to verify the objection raised by the petitioner in connection with O.A. No. 152/2017/EZ in the matter of Legal Services W.B. Vs the Union of India & Ors. and it appears that the village named Lotiaboni under Mejia P.S. has been located One (1) Km. away from MTPS plant. The MTPS plant is situated at Durlovpur under Mejia P.S. More or less 2800 people are residing there in that village i.e. Lotiaboni and they are very poor from financial stand point of view.

The MTPS plant has been running with

installing capacity of 2000+ Mega watt. Although the plant authority has constructed Ash Pond adjacent to the plant for staggung their generated ashes but its capacity is not sufficient to store them. As a result the generated ashes have been stored in the form of heaps and flying in the sky when the wind blows. Sometimes it covers the blue sky into cloudy one due to Ash storm. In consequence of that the fresh air as well as the environment of that locality is becoming polluted day by day in rapid way.

As the fresh air as well as the environment of the locality has been vitiated due to Ash generated by the plant the people has been suffering from several sorts of Medical disorder like that or respiratory problem, skin problem etc. It also affects agriculture of that locality which is the main and only source of income of those people.

It is also observed that there is no provision on part of the MTPS Authority to throw water on that heaps of Ash to stop flying in the sky. Although some developmental activities have been taken on part of the MTPS Authority to raise the standards of living of those people, no action has been taken to solve the ash problem till date. be it mentioned here that the District Administration has discuss the matter with MTPS Authority for its solution several times but all efforts were in vain. Rather the same problem has been increasing day by day.

**Sub-Divisional Officer
Bankura (HQ)”**

Considering the seriousness of the

environmental degradation both in terms of air and water pollution as set out in the report, the Respondent No. 3 shall show cause before the next date as to why the plant shall not be ordered to be shut down for not having followed the pollution norms.

List on 31.01.2018.

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Justice S.P.Wangdi, JM
13-12-2017

