

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

**Original Application No.33/2014/EZ**

**Subhas Datta**

**Vs.**

**State of West Bengal and Ors.**

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

**PRESENT:**   **Original applicant**                    **: Mr. Subhas Datta, in person.**  
                  **Respondent Nos.1 & 2**               **: Mr. Bikas Kargupta, Advocate.**  
                  **Respondent No. 3**                   **: Ms. Arpita Choudhury, Advocate**  
                  **Respondent No. 4**                   **: Mr. Gora Chand Roy Choudhury, Advocate**  
                  **Respondent No. 5 & 6**           **: Mr. Pranab Kumar Chatterjee, Advocate.**

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.3</b> <b>01<sup>st</sup> September,</b> <b>2015.</b>	<p style="text-align: center;">Heard Id. counsel appearing for the respective parties.</p> <p>Mr. Gora Chand Roy Choudhury, Id. counsel undertakes to file vakalatnama on behalf of Respondent No. 4 on the next date of hearing.</p> <p>Ld. counsel Mr. Pranab Kumar Chatterjee appearing for the West Bengal Petroleum Dealers' Association submits that affidavit has been filed answering the issue about the feasibility of passing necessary direction to restrict the purchase of fuel from Petrol Pumps without production of the 'Pollution Under Control' certificate (PUC in short). Let such affidavit be kept on record and copies be served upon the respective parties. Reply</p>

and rejoinder, if any, be filed by the respective parties by two weeks. No affidavit has been filed by respondent Nos. 1 & 2 regarding number of auto emission test centres as would be required to cater the need of the twin cities viz. Kolkata and Howrah and part of District South 24 Parganas in terms of the issues as raised in our order dated 7<sup>th</sup> August, 2015. Mr. Pranab Chatterjee, Id. counsel further submits that State respondent has not filed any affidavit relating to number of auto emission test centres under PVD Alipur falling within the part of Kolkata city. The State respondent is directed to file affidavit to that effect by four weeks.

Mr. Kargupta, Id. counsel appearing for the State respondents prays for further time to file affidavit. Leave is granted to file such affidavit as a last chance.

Reports filed by the Commissioner of Police as well as State Pollution Control Board to be considered on the next date of hearing.

For effective adjudication of the issue as framed by us viz. "no PUC no fuel" the Ministry of Petroleum is required to be added as party respondent. Accordingly Ministry of Petroleum be added as party respondent in this proceeding. Registry is directed to take steps in the matter. Respondent

No. 4 and the added respondent are directed to file their respective stand on the point about the feasibility of passing necessary direction to restrict the sale of diesel and petrol from outlets without production of the Pollution Under Control certificate(PUC) issued by the competent authority to control the air pollution as being caused out of automobile emission. As this issue is not confined to any particular State and air pollution due to automobiles is a problem all over India, positive stand of those two Ministries viz. Ministry of Petroleum and Ministry of Environment and Forest and CC is required so that appropriate direction could be passed considering this point. Registry is directed to communicate this order to Ministry of Petroleum, added respondent and to Mr. Gora Chand Roy Choudhury, Id. counsel who will communicate this order to Respondent No. 4. Let affidavits be filed by those respondents by four weeks.

**The matter is listed on 7.10.2015.**

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Justice Pratap Kumar Ray, JM

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

