

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

**O. A No. 02/2015/EZ**

**JOYDEEP MUKHERJEE**

**VS**

**WEST BENGAL POLLUTION CONTROL BOARD & ORS**

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

**PRESENT:** Applicant : Mr. Joydeep Mukherjee, Advocate  
Respondent No. 1 : Mr. Sibojyoti Chakraborty, Advocate  
Respondents No.2,3,4 & 7 : Mr. Bikas Kar Gupta, advocate  
Respondents Nos. 193, 195, : Mr. Arindam Chatterjee, Advocate  
196,197,200,201,202,203, Mr. N.K.Singh, Advocate  
204,207,208

Respondent Nos. 146,156,159 & 167 : Mr. P.R.Chakraborty, Advocate  
Respondent Nos.61,70,14,97,131, : Mr. Soumik Biswas, Advocate  
116,11,65,93,210,44,111, 152,181,148, Mr. M.A.Samad, Advocate  
110,55,12,119,64,114,113,109,173,141,  
33,105,150,67,53,137,115,100,99,118,  
47, 154

Respondent Nos. 26,135,13,18,30,41,66, : Mr. P.Sinha Roy, Advocate  
80,17,84,120, 24,45,122,169,121,31,27,134  
42,101,32,34,192,160,35,127,75,102,43,29,39,  
28,21,37,51,36,46

Respondent No. 199 (Rose Brick) : Mr. A.G.Maity, Advocate

Date & Remarks	Orders of the Tribunal
<b>Item No. 7</b> <b>16<sup>th</sup> July, 2015.</b>	<p>Heard Id. Adv. for the parties. Mr. Pinaki Ranjan Chakraborty, Id. Adv. appears on behalf of added respondents 146,156,159 &amp; 167 and files respective vakalatnamas. Let it be kept in the record. He has also filed respective affidavits answering the point as to why penalty and /or compensation shall not imposed on his client for polluting the environment by illegally operating the brick fields without consent to establish and/ or consent to operate from the PCB. Copy have been served on the applicant and other official respondents. Ld. Advocate for the State PCB, Mr. Chakaraborty has submitted the he has received the copy of the affidavit. In this affidavit, it is clearly mentioned that the respective brick fields have been operating without any consent to establish or without any consent to operate from PCB. It is, however, contended by the Id. Adv. that as per Central Govt. notification, fixed chimney has been installed by his clients. He has further submitted that the individual brick field owners have applied for consent to operate to the PCB on 13.6.2015 and the application is yet to be disposed of.</p> <p>Having regard to the admission made in the affidavit, we are of</p>

the view these private respondents are running their units without consent from PCB. Accordingly, the PCB is directed to close down these units forthwith and compliance report be filed on the next date of hearing.

Mr. Arindam Chattopadhyay, Id. Adv. appears for added respondents 193, 195,196,197,200,201,202,203,204,207 & 208 and files vakalatnamas. Let those be kept with the record. He prays for four weeks time to file affidavit on the question of payment of compensation.

Mr. Soumik Biswas, Id. Adv. appears for added respondents 61,70,14,97,131,116,11,65,93,210,44,111,152,181,148,110,55,12,119, 64,114,113,109,173,141, 33,105,150,67,53,137,115,100,99,118,47, 154 and files vakalatnama. He also prays for time to file affidavits.

Mr. P. Sinha Roy, Id. Advocate appears for added respondents 26,135,13,18,30,41,66,80,17,84,120,24,45,122,169,121,31,27,134,421, 101,32,34,192,160,35,127,75,102,43,29,39,28,21,37,51,36,46. He also prays for time to file affidavit. Vakalatnamas filed by him be kept with the record.

Mr. A.G.Maity, Id. Adv. appears for added respondents Rose Brick Field, respondent No. 199, and files his vakalatnama which may be kept on record.

Mr. Chakraborty, Id. Adv. for PCB submits that instruction was already issued to the DL & LRO, West Midnapore to close down the brick fields who are operating illegally without any consent to establish or without any consent to operate from PCB. The DL & LRO, West Midnapur and PCB are directed to file an action taken report on the next date fixed for hearing.

The added respondents are directed to file affidavit on the issue as to why for causing degradation of environment by operating the brick fields illegally without consent to establish and without consent operate from WBPCB and thereby violating the law for so many years, they shall not be liable to pay compensation to be utilised for the purpose of restoration of the environment of the locality by taking appropriate measure by way of plantation and other measures and for the purpose why this Tribunal shall not impose compensation amount of Rs. 2 lakh each to be paid by respective brick field owners.

Apart from above, those brick field owners who are extracting ground water without proper permission from competent authority, they will also show cause why they will not be liable to pay additional compensation of Rs. 1 lakh each over and above Rs. 2 lakhs for degradation of environment. Such affidavit be filed within four weeks.

Registry is directed to communicate this order and notice to the

individual added respondents through the DL & LRO, West Midnapore, who shall serve the notice upon the individual brick field owners with the help of O/C of local police station. Service Return be filed within a month.

Superintendent of West Midnapore is directed cooperate with the concerned DL & LRO in compliance of this order.

So far as East Midnapur district is concerned, as per report it appears that there are 326 brick fields operating without consent to Establish and consent to operate from PCB, out of which 15 brick fields are extracting ground water without permission from competent authority. Having regard to such, these 326 brick field owners be added as party respondents in this proceeding for effecting adjudication of the issue. The Registry is directed to take steps to amend the cause title accordingly.

These added parties i.e. owners of these 326 brick fields are directed to file affidavit answering the point as to why for causing degradation of environment by operating the brick field illegally without consent to establish and without consent operate from WBPCB under the law, they shall not be liable to pay compensation for restoration of the environment of the locality by taking appropriate measure by way of plantation and other measures and for the purpose why this Tribunal shall not impose compensation amount of Rs. 2 lakh each to be paid by respective brick field owners. Such affidavits be filed on the next date. That apart those brick field owners, who are extracting ground water without permission from competent authority, shall also answer as to why they shall not be liable to pay additional amount of compensation of Rs. One lakh each .

Registry is directed to communicate this order and notice to the individual added respondents through the DL & LRO, East Midnapore, who shall serve the notice upon the individual brick field owners with the help of O/C of local police station. Service Return be filed within a month.

Superintendent of East Midnapore are directed cooperate with the concerned DL & LRO in compliance of this order.

**Matter is posted to 17.8.15.**

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Justice Pratap Kumar Ray, JM

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

