

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

Appeal No. 93/2013/PB/4/EZ

SAMSUJJOHA SARKAR

VS

WEST BENGAL PCH & ORS

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

PRESENT: Appellant : Mr. P.R.Chakraborty, Advocate
Respondent No. 1,3,5 : Mrs. Arpita Chowdhury, Advocate
Respondents 2,4,6 to 6 : Mr. Bikas Kar Gupta, Advocate
Respondent No. 9 : Not signed

Date & Remarks	Orders of the Tribunal
Item No. 6 5 th August, 2015.	<p style="text-align: center;">Orders of the Tribunal</p> <p>Assailing the order of closure issued by the ADM & LRO, Murshidabad for illegally operating the brick field by the applicant without obtaining consent to establish and consent to operate from PCB, this appeal has been filed. It has been alleged that the order was passed by the District level scrutiny committee and not by the DL & LRO, who is the delegatee of the PCB.</p> <p>However, during the course of hearing, question of maintainability of this appeal before this Tribunal has been raised by the Id. Advocates for the PCB and State Respondents on the issue that the impugned order is not appealable u/s 18 of the NGT Act. Ld. Counsel for the appellant prays for time to answer on this point. The matter is accordingly adjourned to 18.8.15.</p> <p>Respective Id. Advocates for PCB and State respondents are directed to submit on the point with necessary documentary proof that u/s 23 of the Environment (Protection) Act, 1986, Central Govt. has delegated power and jurisdiction to deal with the provisions of the said Act to the State Govt. or any other authority.</p> <p>DL & LRO, Murshidabad is directed to produce the relevant application filed by the applicant seeking consent to establish the brick field and subsequent communications made on that issue on the next date.</p> <p style="text-align: center;">Matter is fixed on 18.8.2015.</p> <p>From the note of the Id. Registrar dt. 4.8.15, it appears that the date of earlier order is inadvertently recorded as 3.8.2015 which should be 3.7.2015. The order accordingly stands corrected as order</p>

dt. 3.7.2015.

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Justice Pratap Kumar Ray, JM

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

