

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

O.A. No. 84/2013/PB/4/EZ

**SUSANTA KUMAR ROY
VS**

ENVIRONMENTAL ENGINEER & ORS

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

PRESENT: **Applicant : Mr. Suranjan Mondal, Advocate**
Respondent No. 1 to 2 : Mrs. Arpita Roy Chowdhury, Advocate
Respondent No. 3 to 6 : Mr. Bikas Kar Gupta, Advocate
Respondents 7 & 8 : Mr. Pinaki Ranjan Chakraborty, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 7 5th August, 2015.	<p style="text-align: center;">Heard Id. Advocates for the parties.</p> <p>In this OA, the main prayer of the applicant is to close down the brick kilns of respondent No. 7 & 8 who have been operating the brick fields illegally without obtaining the consent to establish and consent operate from PCB in Goraipur Mouza, Choyghari Gram Panchayet, Vill. Goraipur within the jurisdiction of Daulatabad PS, Dist. Murshidabad, as a result of which the mango orchards belonging to the applicant has been damaged and the applicant has suffered great monetary loss as also the local villagers have also suffered much for which compensation has also been claimed.</p> <p>From the respective affidavits filed by the State PCB and State respondents, it appears that the brick fields belonging to respondent Nos. 7 and 8 have been closed down, which is also admitted by the applicant. In that view of the matter, the main grievance of the applicant has been mitigated.</p> <p>So far as payment of compensation for the monetary loss suffered by the applicant is concerned, it is provided in rule 12 of NGT (Practices and Procedures) Rules, 2011 that an application where compensation has been claimed, shall be accompanied by a fee of equivalent to one per cent of the amount of compensation claimed, subject to a minimum of one thousand rupees.</p> <p>By an affidavit, the applicant has quantified the claim of compensation to the tune of 9.75 lakhs. However, no fee has been deposited along with such affidavit as per rule 12 ibid.</p> <p>That apart, Sec 15 of the NGT Act, 2010, provides in detail regarding relief, compensation and restitution. Under the said section for grant of compensation for damage of property appropriate application is to be made before this Tribunal along with necessary fee</p>

under rule 12 of NGT (Practices & Procedures) Rules.

Having considered the matter from all its angles and also keeping in view the rules position, we are of the view that since the main relief sought for in the OA has already been granted by issue of closure order of the brick fields of respondents 7 and 8, nothing survives to adjudicate save and except the compensation issue, which we are not adjudicating in this OA and the said issue is left open. However, the applicant is granted leave to file an original application under section 15 of the NGT Act along with necessary fees under rule 12 of NGT (Practices & Procedures) Rules.

OA stands allowed and disposed of by confirming the order of closure of the units of respondents 7 and 8, as passed by the PCB, subject to the observations as made in the preceding paragraph. There will be no order as to costs.

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 dt. 3.7.2015.

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Justice Pratap Kumar Ray, JM

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

