

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

O.A. No. 74/2015/EZ

JOYDEEP MUKHERJEE

VS

**POLLUTION CONTROL BOARD,
TRIPURA & ANR**

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

PRESENT: **Applicant : None**
Respondent No. 1 : Mr. Samarjit Bhattacharjee, Advocate
Mr. Kausik Nath. Advocate
Respondent No. 2 : Mr. Tarun Kumar Ray, Sr. Advocate
Mr. Arnab Ray, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 8 13th May, 2016.	<p>Mr. Tarun Kumar Ray, Ld. Sr. Advocate appearing with Mr. Arnab Ray, Adv. for respondent No. 2, the Chief Secretary, Govt. of Tripura, submits that a comprehensive status report has been filed in pursuance of our order dt. 18.4.2016 and prays that the same be taken on record.</p> <p>Mr. Samarjit Bhattacharjee, Ld. Adv. appearing with Mr. Kausik Nath, Adv. for Respondent No. 1, Tripura State PCB, prays that a reasonable time be granted to enable the PCB to take necessary action against all those brick kilns operating without valid consent as per list provided by the State of Tripura in the affidavit filed by the Chief Secretary.</p> <p>We find the submission to be reasonable and, therefore, allow the PCB to take all steps under the law to ensure that non-compliant brick</p>

kilns are brought within the ambit of the law and while taking such step, they shall take into consideration the orders passed by us in respect of the illegal brick kilns of the States of West Bengal and Bihar pertaining to **category C and category D where compensation/penalty has been imposed at the rate of Rs. 1.00 lakh and Rs. 1.5 lakh respectively.**

We may clarify that category C are those brick kilns which at some of time did have the necessary consents to operate but continued to operate even after its validity had expired. Category D has been identified as the ones which did not have any consent to operate at all. Reference in this regard may be made to our common order dated 29.03.2016 on the various MAs arising out of OA 2/2015/EZ, OA 3/2015/EZ, OA 39/2014/EZ, OA 41/2014/EZ & OA 42/2014/EZ.

It is submitted by Mr. Bhattacharjee that PCB has already issued show notices to a large number of brick kiln owners which have also been published in the local newspapers and that, in response thereto, many have applied for consent.

We leave it upon the PCB to proceed in the matter in accordance with law in the light of our order dated 29.3.2016(supra). The PCB is at liberty to exercise its powers vested in them under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 for ensuring compliance of those laws.

We grant the PCB two months' time as prayed for completion of the exercise and direct them to file status report on or before the next date.

Mr. Bhattacharjee has also raised serious objections on the maintainability of the original application on various grounds. We shall take into consideration of those at the time of its final disposal.

The cause title pertaining to respondent No. 2 be rectified as “State of Tripura through the Chief Secretary”.

Registry to do the needful to effect the rectification.

List on 29.7.2016.

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Justice S.P.Wangdi, JM

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

