

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.75/2023/EZ

Ankur Sharma

Applicant(s)

Versus

The State of West Bengal & Ors.

Respondent(s)

Date of hearing: 12.07.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Ankur Sharma, in person (in Virtual Mode)

For Respondent(s) : Mr. Sudip Kumar Dutta, Advocate for R-1,4,5,6,8 & 9
(in Virtual Mode),
Mr. Ashok Prasad, Advocate for R-2 & 13,
Mr. Rajib Ray, Advocate for R-3
Mr. Prithwish Basu, Advocate for R-7

ORDER

1. Mr. Ankur Sharma, the Applicant in person, is present in Virtual Mode.
2. This Original Application has been filed by the Applicant stating therein that gross pollution and environmental damage was being caused due to draining of toxic effluents into the River Hooghly at Sarenga through Barjola Canal, also known as Sarenga Canal, owned by Department of Irrigation and Waterways, Government of West Bengal, by hundreds of industrial units located at Jalan Industrial Complex (Jangalpur, P.O.-Begri under Domjur Police Station), Sankrail Industrial Park (Village & P.O.-Dhulagari under Sankrail Police Station), Poly Park (Village & P.O.-Dhulagari under Sankrail Police Station). It is alleged that the industrial units include dyeing and bleaching factories, galvanizing factories, foundry units, chemical manufacturing units, etc. and the untreated and toxic effluents of these factories are being drained directly into the River

Hooghly causing massive pollution. It is alleged that the canal also spills over effluents in nearby ponds/waterbodies and farm lands, particularly in Abada Ghoraghat area, thereby destroying the fertility of the soil as well as the ecology of the ponds/waterbodies which become contaminated with toxic chemicals.

3. It is also alleged that a stretch of about 11 km of the Barjola Canal from Jalan Industrial Complex near Gemtech Projects LLP & Kiswok Industries Private Limited, Alampur, through Sarenga Railway Bridge and Ghoraghat Bridge towards Sarenga ultimately drains effluents into the River Hooghly at Sarenga and is the most polluted area under Ghoraghat concrete bridge near Abada Railway Station.
4. It is stated that complaints have been made by the Applicant to the West Bengal Pollution Control Board, Department of Environment, Government of West Bengal, Central Pollution Control Board, Ministry of Environment, Forests and Climate Change and the Director General, National Mission for Clean Ganga but till date no action has been taken. Photographs along with the complaint notices have been filed along with the Original Application.
5. In our opinion, matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Sudip Kumar Dutta, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 4, 5, 6, 8 and 9, State Respondents, Government of West Bengal.
8. Mr. Ashok Prasad, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.2 & 13, National Mission for Clean Ganga and Central Ground Water Board.

9. Mr. Rajib Ray, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, Central Pollution Control Board.
10. Mr. Prithwish Basu, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.7, West Bengal Pollution Control Board.
11. Issue to the Respondent Nos.10 to 12, returnable within four weeks.
12. All the Respondents shall file their counter-affidavits within four weeks.
13. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members: -
 - (i) Senior Scientist, West Bengal Pollution Control Board;
 - (ii) Senior Scientist, Central Pollution Control Board;
 - (iii) District Magistrate, Howrah, or his nominee not below the rank of Additional District Magistrate, Howrah;
 - (iv) Senior Engineer, Department of Irrigation and Waterways, Government of West Bengal; and
 - (v) Senior Engineer, State Water Investigation Directorate (SWID), West Bengal.
14. The office of the District Magistrate, Howrah, shall be the Nodal Body for all logistic purposes and for filing the Inspection Report of the Committee on affidavit.
15. The Committee shall visit the site and carry out inspection of the entire stretch of the Barjola/Sarenga Canal particularly in light of the allegations made in the Original Application and submit its report along with suggestions for remedial measures.
16. The Committee shall also identify the offending/violating industries with their names and addresses so that the aforesaid industries may

be impleaded in the present Original Application as Respondents, in case the offending industries/factories are found to be in violation of the provisions of the Environment (Protection) Act, 1986 as well as the environmental norms laid down by the Ministry of Environment, Forests and Climate Change, Central Pollution Control Board and the West Bengal Pollution Control Board. Appropriate action shall be taken by the Competent Authority/Authorities against the aforesaid industries including determination of environmental compensation. The action taken shall also be indicated in the Committee Report.

17. The inspection shall be carried out by the Committee within 15 days and it shall submit its Report by 12.09.2023.
18. The learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its Annexures upon Mr. Sudip Kumar Dutta, Mr. Ashok Prasad, Mr. Rajib Ray and Mr. Prithwish Basu, learned Counsel for the Respondents within 24 hours.
19. **List on 12.09.2023.**

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

July 12, 2023,
Original Application No.75/2023/EZ
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