

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No. 134/2015/EZ

Bishnu Pada Pakhira

Applicant(s)

Versus

Union of India and Ors.

Respondent(s)

Date of hearing: 16.09.2021

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Somnath Roy Chowdhury, Advocate
For Respondent(s) : Mr. Gora Chand Roy Choudhury, Advocate
For Respondent Nos.1 & 2
Mr. Sibojyoti Chakraborty, Advocate for
Respondent Nos. 3-10, 12, 15, 16, 21, 23, 25 & 26
Mr. Priyabrata Thakur, Advocate for Respondent
No.27,31-33,35,42,45,46,48,51,53-59,61,63,64,70,
75-80,82,83,86,88,89,91,93 & 96
Mr. Ashok Prasad, Advocate for Respondent No.13
Mr. Dipanjan Ghosh, Advocate for Respondent No.14
Mr. Arup Bhattacharya, Advocate for Respondent
No.82.
Ms. Paushali Banerjee, Advocate for Respondent No.47

ORDER

1. Mr. Somnath Roy Chowdhury, Ld. Counsel is present for the Applicant.
2. Mr. Gora Chand Roy Choudhury, Ld. Counsel is present for Respondent Nos. 1 & 2. Mr. Sibojyoti Chakraborty, Ld. Counsel is present for State of West Bengal. Mr. Priyabrata Thakur, Ld. Counsel is present for Private Respondents. Mr. Ashok Prasad, Ld. Counsel is present for Respondent No. 13. Mr. Dipanjan Ghosh, Ld. Counsel is present for Respondent No. 1. Mr. Arup Bhattacharya and Ms. Paushali Banerjee, Ld. Counsel are present for Respondent Nos. 82 and 97 respectively.
3. Matter relates to the year 2015 and consistently orders had been passed by the Tribunal on various dates directing the Ministry of Environment, Forest and Climate Change (MoEF & CC) to bring on record the Coastal Regulatory Zone (CRZ in short) Notification. Vide orders passed in O.A. 11/2014 and O.A. 424/2016 dated 22.11.2017 and thereafter on

20.03.2020 this Tribunal had again directed the MoEF & CC to file a copy of the CRZ notification. But the same was never filed. By an order dated 09.08.2020, this Tribunal had directed the MoEF & CC to file CRZ Notification with particular reference to the States of West Bengal and Odisha on affidavit, but again the same was not filed. We grant the MoEF & CC further six weeks time for filing affidavit bringing on record the CRZ Notification failing which the concerned Joint Secretary of the Division dealing with CRZ, shall be present in Court on the next date fixed.

4. The West Bengal State Pollution Control Board has also not filed its affidavit. Mr. Dipanjan Ghosh, Ld. Counsel states that a team of officers of the West Bengal PCB had visited the hotels on the Mandarmani Beach and after inspecting the hotels, had issued 'Consent to Operate' (CTO) to 45 hotels.
5. We are surprised to note that 'CTO' had been issued to 45 hotels without considering the issue of Central Regulatory Zone. The question is how CTO was issued, when the CRZ Notification has not been placed before us
6. Mr. Dipanjan Ghosh, Ld. Counsel further submits that directions to consider the applications of the various hotels were given in the order dated 09.08.2017.
7. However, in the same order at para (v) it is clearly mentioned that "while considering the applications for consents submitted by the hoteliers, the WBPCB shall dispense with the requirement of clearance from the West Bengal Coastal Management Authority for the time being." We, therefore, direct the WBPCB to file an affidavit within six weeks with a chart specifying which hotel has been granted 'CTO' and on which date. The affidavit should also state the action taken by the WBPCB in cases where violations have been observed.

8. List on 17.11.2021.

September 16, 2021
O.A. 134/2015/EZ
AKC

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM