

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

Original Application No.104/2023/EZ

Subhas Datta

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 06.09.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Subhas Datta, in person

**ORDER**

1. Heard Mr. Subhas Datta, the Applicant, appearing in person.
2. The Applicant has filed the present Original Application, praying for a direction to the Respondents to take immediate steps for stopping the fouling of river Ganga through discharge of untreated sewage from the hotels/eateries at Howrah Railway Station with a further prayer to remove encroachments from the banks of the river at the Howrah Railway Station and also to ensure that all drains discharging waste from these hotels/eateries are connected to the nearest Sewerage Treatment Plant (STP) near the Howrah Railway Station.
3. The allegation of the Applicant in the present Original Application is that the hotels and eateries in the vicinity of Howrah Railway Station are operating without Consent to Operate from the State Pollution Control Board and are also discharging their liquid and solid waste into the river Ganga. It is stated that notices in this regard were issued by the State Pollution Control Board vide Memo

dated 03.09.2007 to shift nine hotels/eateries operating at the river bank of Ganga on the eastern side of the Howrah Railway Station, against which a writ petition was filed in the Hon'ble High Court at Calcutta which had declined to restrain the shifting order of the State Pollution Control Board.

4. The allegation further is that the backyard of the Railway Mail Service (RMS) shows a very dirty and unclean spectacle and the septic tanks existing there are having their direct outlet into the river Ganga.
5. It is also alleged that the Hooghly Nadi Jalapath Paribahan Samabay Samity (HNJPSS) ('Samity' for short), is being run and managed by the State Government but it has constructed its toilets on the river bank with the waste flowing into the river. It is also alleged that huge waste has been dumped on the banks of the river in front of the Samity and several types of wooden and structural wastes have been dumped by the said Samity on the river bank.
6. It is further alleged that bamboo structures have been erected on the banks of the river from where hotel/eatery activities are being carried on.
7. The allegation further is that the State Pollution Control Board had ordered the New Tara Maa Hindu Hotel to be closed by 31.12.2022 but on a visit by the Applicant to the Howrah Railway Station on 09.08.2023 it was found that the said Hotel is still operating.
8. It is further alleged that several illegal hotels/eateries have come-up near the Howrah Railway Station adjacent to the ferry service point which has made the area so overcrowded that passengers using the ferry service are facing difficulties and the entire area is unclean.

9. Photographs have been filed in support of the averments made which present a very dismal picture of the area in question, seeing which we are satisfied that substantial questions relating to environment have been raised in the present Original Application.
10. Issue notice to the Respondents, returnable within four weeks.
11. Mr. Sibojyoti Chakraborty, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 2 & 3, State Respondents, Government of West Bengal.
12. Ms. Amrita Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.6, Howrah Municipal Corporation.
13. Mr. Prithwish Basu, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.7, West Bengal Pollution Control Board.
14. Mr. Ashok Prasad, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.8, National Mission for Clean Ganga.
15. Issue notice to the Respondent Nos.4 & 5, returnable within four weeks.
16. All the Respondents shall file their para-wise counter-affidavits within four weeks.
17. The West Bengal Pollution Control Board, Respondent No.7, shall file a detailed counter-affidavit placing on record the list of all the hotels/eateries operating in the area in question, showing how many hotels/eateries are operating with Effluent Treatment Plants (ETP)/Sewerage Treatment Plant (STP) and how many are compliant of environmental norms including having Consent to Operate and Consent to Establish.

18. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Sibojyoti Chakraborty, Ms. Amrita Pandey, Mr. Prithwish Basu and Mr. Ashok Prasad, learned Counsel for the Respondents within 24 hours.

19. **List on 10.10.2023.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

September 06, 2023,  
Original Application No.104/2023/EZ  
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