

Item No.02

Court No.1

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

Original Application No.125/2022/EZ

Sri Himangshu Nath

Applicant(s)

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 12.09.2022.

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

For Applicant(s) : Mr. Vikram Rajkhowa, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Vikram Rajkhowa, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. The allegation in this Original Application is that the city of Guwahati is one of the worst polluted cities in the North-East India and its Air Quality Index ('AQI' for short) as on 13.03.2022 shot upto 310 while on 15.03.2022 it was 308 as reported in the 'Assam Tribune' newspaper published on 22.04.2022. The causes for such high level of AQI is stated to be dust particles, bio-mass burning and vehicular pollution, leading to increase in PM_{2.5} and PM₁₀, thereby causing several lung diseases, acute and chronic bronchitis, asthma attack, respiratory problems etc.
3. It is further alleged that there are 48 lakhs vehicles in Assam as on 12.07.2022, as per the news report published in 'The Times of India', out of which 10 lakhs vehicles have reached to their 'end of life' i.e., being 15 or more years old and are unfit to ply. It is also stated that there are 8.42 lakhs vehicles which are operating without PUC certificates.
4. It is also stated that construction of flyovers across Guwahati city, i.e., at R.G. Baruah (Zoo) Road, Maligaon-Kamakhay Road, Sarabbhatti Road and six-lane work at Guwahati By-pass, are major contributor to dust

pollution and no remedial steps are being taken to check and control the air pollution.

5. In our opinion, matter requires consideration.
6. Issue notice to the Respondent No.6, Guwahati Municipal Corporation, returnable within four weeks.
7. Mr. Dipanjan Ghosh, learned Counsel who is present in Court in another matter, accepts notice on behalf of the Respondent No.1, Central Pollution Control Board.
8. Mr. Shayamvar Deb, learned Counsel appearing in (Virtual Mode), accepts notice on behalf of the Respondent No.2, Pollution Control Board, Assam.
9. Ms. Malabika Roy Dey, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos. 3, 4 & 5, State Respondents, Govt. of Assam.
10. All the Respondents shall file their counter-affidavits within four weeks.
11. Learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexurs upon Mr. Dipanjan Ghosh, Mr. Shayamvar Deb and Ms. Malabika Roy Dey, learned Counsel, who may share their respective E-mail IDs in the chat-box of Virtual Court Proceedings, in the course of the day.
12. **List on 18.10.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

September 12, 2022,
Original Application No.125/2022/EZ
AK