

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

Original Application No. 77/2017/EZ
(M.A. No. 130/2017/EZ)

With

Original Application No. 124/2017/EZ

Society for Protecting Ophiofauna and
Animal Rights (OPORS)

Applicant(s)

Versus

State of West Bengal & Ors.
With
Biswajit Mukherjee & Anr.

Respondent(s)

Applicant(s)

Versus

UOI & Ors.

Respondent(s)

Date of hearing: 12.08.2021

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

For Applicant(s) : Mr. Rahul Ganguly, Advocate (in OA 77/2017/EZ)

For Respondent(s) : Mr. Amitesh Banerjee, Sr. Advocate a/w
Mr. Bikas Kargupta, Advocate for R-1 &7,
Mr. Gora Chand Roy Choudhury, Advocate for R-8,
Mr. Rajib Ray, Advocate for R-2 to 7,
Mr. Kalyan Sarkar, Advocate for R-10

For Respondent(s): Mr. Gora Chand Roy Choudhury, Advocate for R-1,
(in OA 124/2017/EZ) Mr. Amitesh Banerjee, Sr. Advocate a/w
Mr. Bikas Kargupta, Advocate for R-4,6,7&8,
Mr. Rajib Ray, Advocate for R-9,
Mr. Sibojyoti Chakraborty, Advocate for R-5

ORDER

1. Mr. Rahul Ganguly, learned Counsel is present for the Applicant.
2. Mr. Amitesh Banerjee, learned Senior Counsel assisted by Mr. Bikas Kargupta, learned Counsel is present for Respondent Nos. 1 & PWD, State of West Bengal, and for Respondent Nos. 4,6,7&8, State Respondents (in OA 124/2017/EZ), Mr. Gora Chand Roy Choudhury,

learned Counsel is present for Respondent No.8, Ministry of Environment, Forest and Climate Change, Mr. Rajib Ray, learned Counsel is present for Respondent Nos. 2, 3, 4, 5, 6 and 7 and Respondent No. 9 (in OA 124/2017/EZ), Mr. Sibojyoti Chakraborty, learned Counsel is present for Respondent No.5.

3. Mr. Kalyan Sarkar, learned Counsel states that he will represent Respondent No.10-Ministry of Railways. Let him file his Vakalatanama during the course of the day.
4. No one is present on behalf of the Respondent Nos. 9 & 10 (in O.A. No. 77/THC/2017/EZ).
5. No one is present on behalf of the Respondent Nos. 2&3 (in O.A. No. 124/2017/EZ).
6. The Tribunal vide its order dated 15.07.2021 had categorically directed the MoEF&CC to file an affidavit showing the compliance of directions given by the Principal Bench, New Delhi particularly with reference to the demarcation of Elephant Corridor.
7. The Ministry was also directed to file their response with regard to issuance of Stage-II forest clearance in favour of Public Works Department (Roads), Govt. of West Bengal for construction of twin 2 lane ROB and its approaches in replacement of level crossing of kms 652.00 of National Highway 31 between Neora and Lathaguri under Jalpaiguri Forest Division, West Bengal.
8. Learned Counsel for the Ministry of Environment, Forests and Climate Change has not placed on record the above information and seeks two weeks time to file the same.
9. Mr. Amitesh Banerjee, learned Senior counsel along with Mr. Bikas Kargupta states that they have filed an affidavit on 09.08.2021 enclosing

a copy of the order of the MoEF&CC regarding issuance of Stage-II Forest Clearance/final approval of the same project which is taken on record.

10. **List on 08.09.2021.**

M.A. No. 130/2017/EZ

11. This application has been filed praying for extension of the stay order on the felling of the trees granted by the Hon'ble High Court of Calcutta on 10.04.2017. We find that the Tribunal by its order dated 12.04.2017 has directed that the order of prohibition granted by the Hon'ble High Court shall remain enforce until further orders. This order has been extended from time to time.
12. In view of the above, M.A. No. 130/2017/EZ has become infructuous and same is dismissed.
13. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

August 12, 2021
Original Application No. 77/2017/EZ
(M.A. No. 130/2017/EZ)
Original Application No. 124/2017/EZ
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