

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

Original Application No.121/2023/EZ

Sumanta Ghosh

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 20.09.2023

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

For Applicant(s) : Ms. Paushali Banerjee, Advocate

For Respondent(s) :

ORDER

1. Heard Ms. Paushali Banerjee, learned Counsel appearing on behalf of the Applicant.
2. The allegations in this Original Application are that the Respondent No.5, Mahfuj Alam is involved in stone mining and stone crushing business in the Eco-Sensitive Zone of Mahananda Wildlife Sanctuary. The Respondent No.5 is alleged to be operating a Stone Crushing Unit in violation of the environmental laws.
3. The allegation of the Applicant further is that he is a resident of Panchkhol Guri village in Jalpaiguri district of West Bengal which is one of the villages falling under the Eco-sensitive Zone of Mahananda Wildlife Sanctuary near Balason river.
4. It is alleged that the stone crushing unit is causing severe air pollution due to the dust which is rising in the course of its mining and operations of stone crusher including crushing, drilling, loading and hauling which are all primary sources of pollutants.

5. It is also stated that the stone crusher unit uses machines such as Jaw Crushers, Roller Crusher, Cone Crushers, Impactor, Rotopactor etc. which creates immense amount of dust.
6. It is further stated that the stone chips are thereafter transported through heavy vehicles which causes fugitive dust emissions.
7. It is also stated that the Central Pollution Control Board in O.A. No.304/2019 had submitted a Report regarding distance criteria to be maintained by Stone Quarries which requires minimum distance of 200 meters from inhabited sites to be maintained when blasting is involved. The regulations for danger zone of 500 meters prescribed by the Directorate General of Mines Safety has also to be complied compulsorily.
8. In our opinion, matter requires consideration.
9. Issue notice to the Respondents, returnable within four weeks.
10. It is directed that Central Pollution Control Board and District Magistrate, Jalpaiguri shall be impleaded as Respondent No.6 and 7 respectively in the array of Respondents in the present Original Application.
11. Mr. Sibojyoti Chakraborty, learned Counsel who is present in the Court, accepts notice on behalf of the Respondent No.1, 3 and newly impleaded Respondent No.7, State Respondents, Government of West Bengal.
12. Mr. Dipanjan Ghosh, learned Counsel who is present in the Court, accepts notice on behalf of the Respondent No.2, West Bengal Pollution Control Board.
13. Mr. Apurba Ghosh, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.4, Ministry of Environment, Forests and Climate Change (MoEF&CC).

14. Mr. Rajib Ray, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the newly impleaded Respondent No.6, Central Pollution Control Board.
15. Issue notice to the Respondent No.5, Mahfuj Alam Private Respondent, returnable within four weeks.
16. All the Respondents shall file their counter-affidavits within four weeks.
17. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members: -
 - i) Senior Scientist / Environmental Engineer, West Bengal Pollution Control Board;
 - ii) Senior Scientist, Central Pollution Control Board;
 - iii) Representative of the District Magistrate, Jalpaiguri not below the rank of Additional District Magistrate (ADM); and
 - iv) Senior Geologist, Directorate of Mines and Minerals, Government of West Bengal
18. The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.
19. The West Bengal Pollution Control Board shall be the Nodal Office for all logistic purposes and shall file the Committee Report on affidavit.
20. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any.
21. Learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Sibojyoti

Chakraborty, Mr. Dipanjan Ghosh, Mr. Apurba Ghosh and Mr. Rajib Ray, learned Counsel for the Respondents within 24 hours.

22. **List On 30.10.2023.**

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B. Amit Sthalekar, JM

September 20, 2023,
Original Application No.121/2023/EZ
SKB

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Dr. Arun Kumar Verma, EM