

Item No.03

Court No.1

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

Original Application No.162/2023/EZ

Arsad Nasar

Applicant(s)

Versus

NMCG & Ors.

Respondent(s)

Date of hearing: 20.10.2023

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

For Applicant(s) : None

ORDER

1. Case called out. No one is present on behalf of the Applicant.
2. The present Original Application has been filed by the Applicant alleging that the river bed of the river Ganga which flows through Sahebganj in Jharkhand is being encroached by Stone Crusher Units throughout the stretch of the river bed, polluting the water of river Ganga due to illegal dumping of stone chips by Respondent No.5 into the river Ganga. It is also stated that boats using adulterated oil carrying the stone chips and boulders are polluting the river thereby harming the aquatic life in the river.
3. It is stated that the Deputy Commissioner, Sahebganj District through Memo No.334 dated 03.05.2023 allotted bank protection work and anti erosion work of Ganga to the Respondent No.5 with certain stipulated conditions which include that dumping would be done at a distance of 100 mtrs. from the side of the river Ganga. It is further stated through Memo No.396 dated 01.06.2023 that the permission of navigation of boat was extended upto 30.06.2023 and extension of the period for protection work of river bank was also extended

on the left side of Ganges river near Gandhitola under Manihari; by another Memo No.503 dated 03.07.2023, permission for navigation of boat for implementation of flood protection work and anti erosion work of railway line and Karicoshi Coast on the left bank of the river Ganga near Gandhitola was extended.

4. It is stated that permission for navigation of boats was granted by the Respondent No.6, Executive Engineer, Flood Control Division, Kargola with certain conditions including no objection (N.O.C.) from Indian Inland Waterway Authority and Central Water Commission and vide Memo No.334 dated 03.05.2023 it was specified that supply of boulder for loading stone in the boat, dumping should be done at a distance of 100 meters from the side of the river. It is stated that the Flood Plains of Ganga and the Ganga Ghats of Madanshahi, Bada Toufir Ghat, Chota Toufir Ghat, Samdanala Ghat, Chanan Ghat, Soti Chowki Ghat, Sukar Bazar Ghaat, Suksena Ghat which constitutes almost 83 kilometers of Ganga Ghat in Sahebganj district has been encroached by dumping stone chips by the Respondent No.5.
5. It is also alleged that the engines of the boats plying stone chips and boulders emit dangerous gases Sulphur dioxide and Nitrogen dioxide and there is also leakage and spillage from the diesel engines into the river.
6. In our opinion, matter requires consideration.
7. Issue notice to the Respondents, returnable within four weeks.
8. Mr. Ashok Prasad, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.1, National Mission for Clean Ganga (NMCG).

9. Ms. Aishwarya Rajyashree who is Counsel for the State of Jharkhand is directed to accept notice on behalf of the Respondent Nos.2, 4, 6, 7 and 8, State Respondents.
10. Mr. Surendra Kumar, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.3, Jharkhand State Pollution Control Board.
11. Mr. Rajib Ray, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.9, Central Pollution Control Board.
12. All the respondents shall file their counter-affidavits within four weeks.
13. Considering the allegations made in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - i) Senior Scientist, Jharkhand State Pollution Control Board;
 - ii) Senior Scientist, Central Pollution Control Board;
 - iii) Deputy Commissioner, District – Sahebganj
14. The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.
15. The Jharkhand State Pollution Control Board shall be the Nodal Body for all logistic purposes and shall file the Inspection Report on affidavit.
16. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any.

17. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Ashok Prasad, Ms. Aishwarya Rajyashree, Mr. Surendra Kumar and Mr. Rajib Ray within 48 hours.
18. **List on 22.11.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

October 20, 2023,
Original Application No.162/2023/EZ
SKB