

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

Original Application No.64/2020/EZ  
(I.A. No.99/2021/EZ & I.A. No. 235/2022/EZ)

Dakshin Banga Matsyajibi Forum Applicant(s)  
Versus

Inland Waterways Authority of India & Ors. Respondent(s)

Date of hearing: 18.11.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Ritwick Dutta, Advocate (in Virtual Mode) a/w  
Mr. Kaustav Dhar, Advocate

For Respondent(s): Mr. Sanjay Upadhyay, Advocate (in Virtual Mode) a/w  
Ms. Gitanjali Sanyal, Advocate (in Virtual Mode) for R-1,  
Mr. Soumitra Mukherjee, Advocate for R-2,  
Mr. Surendra Kumar, Advocate for R-3,  
Mr. Rajib Ray, Advocate for R-4,7&8,  
Mr. Prithwish Basu, Advocate for R-5,  
Mr. Kallol Basu, Advocate (in Virtual Mode) a/w  
Ms. Paushali Banerjee, Adv. & Mr. Nilanjan Pal, Advocate  
For Respondent No.9,

**ORDER**

1. Mr. Ritwick Dutta, learned Counsel appearing (in Virtual Mode) along with Mr. Kaustav Dhar, learned Counsel for the Applicant.
2. Comprehensive counter-affidavit dated 17.11.2022 has been filed on behalf of the Respondent No.1, Inland Waterways Authority of India; the same is taken on record.
3. Affidavit also dated 17.11.2022 has been filed on behalf of the Respondent No.9, Syamaprasad Mukherjee Port; the same is taken on record.
4. **I.A. No. 235/2022/EZ:-** This I.A. has been filed by the Respondent No.10, Irrigation and Waterways Department, Govt. of West Bengal, the same shall be taken up at the time of hearing of the case.

5. Mr. Sanjay Upadhyay, learned Counsel appearing (in Virtual Mode) for the Respondent No.1, Inland Waterways Authority of India, states that the draft Standard Operating Procedure ('SOP' for short) has been prepared but could not be approved by the competent authority and the same will be filed as soon as it is approved.
6. No affidavit has been filed by the Respondent No.3, Central Pollution Control Board, as directed by this Tribunal in its order dated 13.10.2022.
7. Mr. Surendra Kumar, learned Counsel appearing for Respondent No.3, Central Pollution Control Board, states that the mechanism/guideline for determination of Environmental Compensation for the damage caused to the environment due to spillage of High Spillage Diesel (HPD)/fly-ash in saline/brackish water is yet to be framed and he prays for three months time for filing the same on affidavit.
8. In our opinion, one month has already passed since the last date. We direct this case to come up on **17.01.2023** by which date the Respondent No.3, Central Pollution Control Board, shall file its affidavit along with the rules/guidelines for determination of Environmental Compensation for the damage caused to the environment due to spillage of High Spillage Diesel (HPD)/fly-ash in saline/brackish water.
9. **List on 17.01.2023.**

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**B. Amit Sthalekar, JM**

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**Prof. A. Senthil Vel, EM**

November 18, 2022  
Original Application No.64/2020/EZ  
(I.A. No.99/2021/EZ & I.A. No. 235/2022/EZ)  
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