

Item No. 03

Court No.1

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

Original Application No.97/2022/EZ

Subrata Debnath

Applicant(s)

Versus

State of Tripura & Ors.

Respondent(s)

Date of hearing: 28.07.2022

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

For Applicant(s) : Mr. Dipankar Saha, Advocate a/w
Ms. Paushali Banerjee, Advocate

For Respondent(s) : Mr. Arnab Ray, Advocate for State Respondents (in Virtual Mode)
Mr. Surendra Kumar, Advocate for R-7

ORDER

1. Heard Mr. Dipankar Saha, learned Counsel along with Ms. Paushali Banerjee, learned Counsel appearing on behalf of the Applicant.
2. This Original Application has been filed with the allegation that the Agartala Municipal Corporation has established a Dumping Ground in the name of Waste Processing Center, with the object of processing waste materials and garbage of the city of Agartala. It is also alleged that the siting area is wrong as it is very close to the residential area where the applicant resides along with hundreds of other persons and there is a residential premises of the local tribal community, a Government Primary School and open agricultural lands of the locality and the said Dumping site is adjacent to the Indian Oil Gas Bottling Plant.
3. It is also alleged that garbage is being burnt in the open causing severe air pollution making it hazardous to the life of the local residents. Smoke, stench and obnoxious odour emanates from the dumping ground located at Debendra Chandra Nagar.

4. It is also alleged that the Municipal Solid Waste Management and Handling Rules 2000 and other environmental laws as well as Solid Waste Management Rules 2016 have not been complied with. The photographs which have been filed in support of the petition from pages 24 to 45 present a dismal picture of the entire landscape caused solely due to the untreated solid municipal waste.
5. In our opinion, the matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. We find that the District Magistrate, Agartala has not been impleaded in the array of respondents. We, therefore, direct the Applicant to implead the District Magistrate, Agartala in the array of respondents as Respondent No.8, today itself.
8. Considering the nature of allegations made out in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - (i) Senior Scientist from Central Pollution Control Board; Regional Office, Shillong;
 - (ii) Senior Scientist from Tripura Pollution Control Board;
 - (iii) District Magistrate, Agartala or his representatives not below the rank of Additional District Magistrate, Agartala and
 - (iv) Municipal Commissioner, Agartala Municipal Corporation.
9. The Committee shall visit the site and carry out an inspection and thereafter submit its Report on Affidavit within a period of four weeks. The Committee shall examine all issues relating to environmental violations including whether the Siting Criteria and Bio Mining procedure have been adopted; whether segregation of

waste has been carried out. The Committee shall also report on how much of legacy waste is there at the Dump site and how much of it has been processed/bio mined and what steps have been taken by the Agartala Municipal Corporation to dispose of the solid and liquid waste including plastic and e-waste.

The Committee shall also assess the Environmental Compensation on account of damage caused to the Environment and also suggest remedial measures to rectify the situation.

10. Mr. Surendra Kumar, learned Counsel who is present in the Court is directed to take notice on behalf of the Respondent No.7, Central Pollution Control Board.
11. Mr. Arnab Ray, learned Counsel appearing in virtual mode states that he is the Counsel for State of Tripura as well as Tripura Pollution Control Board. We therefore direct Mr. Arnab Ray to take notice of the present case and obtain instructions from the concerned authorities as to which of the two authorities he would be representing since he cannot represent both the authorities due to conflict of interest.
12. All the Respondents shall file their counter-affidavits within four weeks.
13. Ms. Paushali Banerjee, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon all respondents.

14. **List on 12.09.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

July 28, 2022,
Original Application No.97/2022/EZ
SKB