

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

Original Application No.110/2023/EZ

In the Matter of:

In Re.: News Item published in Times of India,
Kolkata edition dated 29.08.2023 Titled
“Kestopur neighbourhood raises a stink over
open vat, Kolkata”

.... Applicant(s)

Versus

1. Bidhannagar Municipal Corporation

Through Municipal Commissioner,
Poura Bhawan, FD – 415A, Sector-III,
Salt Lake City,
Kolkata – 700106
West Bengal

2. West Bengal Pollution Control Board

Through its Member Secretary,
Paribesh Bhawan, 10A, Block-LA, Sector-III,
Bidhannagar,
Kolkata – 700106

3. Urban Development and Municipal Affairs Department

Through its Principal Secretary,
Nagarayan, DF-8, Sector-I,
Salt Lake,
Kolkata – 700064

4. Commissioner of Police

Bidhannagar Police Commissionerate,
Gate No.3, Salt Lake Stadium Road,
JB Block, Sector-3,
Bidhannagar,
Kolkata - 700106
West Bengal

.... 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) : *Suo Motu*

For Respondent(s) : Ms. Paushali Banerjee, Advocate for R-1,
Mr. Prithwish Basu, Advocate for R-2 (in Virtual Mode),
Mr. Sudip Kumar Dutta, Advocate for R-3&4,

ORDER

1. Heard learned Counsel for the parties.
2. Mr. Sudip Kumar Dutta, learned Counsel files Vakalatnama on behalf of the Respondent Nos.3 and 4, State of West Bengal; the same is taken on record.
3. Affidavit dated 19.09.2023 has been filed by the Respondent No.1, Bidhannagar Municipal Corporation; the same is taken on record.
4. Affidavit dated 19.09.2023 has been filed by the Officer-in-Charge, Baguiati Police Station on behalf of the Respondent No.4, Bidhannagar Police Commissionerate; the same is taken on record.
5. Affidavit dated 18.09.2023 has been filed on behalf of the Respondent No.3, Urban Development and Municipal Affairs Department, Government of West Bengal; the same is taken on record.
6. In the affidavit dated 18.09.2023 filed by the Urban Development and Municipal Affairs Department, Government of West Bengal it is stated that the garbage has been removed from the site and the place has been cleaned. It is also stated that Colour coated bins have been placed to collect the segregated waste from the adjoining households. The bins are compatible with the mobile compactor machine which is now active in the area twice a day. It is stated that a scheme for construction of compartment has been prepared where bins will be placed so that the foul smell should not spread outside. It is further stated that area of the dumpsite at Kestopur Nazrul Park on the canal side within Ward No.18 under Bidhannagar Municipal Corporation has been cleaned thoroughly and dressed with sand bed.

7. However, neither of the affidavits have disclosed what action has been taken against the Ward Assistant / Sanitary Inspector or by any other Officer responsible for daily inspection of the area whose duty it is to report such lapses to the Corporation.
8. We, therefore, dispose of this Original Application with a direction to the Municipal Commissioner, Bidhannagar Municipal Corporation to identify and take action against the officer responsible for permitting the dumpsite to have come in place in Ward No.18 of Bidhannagar Municipal Corporation within one month and the Compliance Report should be filed with the Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata.
9. The Bidhannagar Municipal Corporation shall also ensure that no such dumpsites are allowed except as per Municipal Waste Management Rules, 2016 and if residents of the area do throw garbage on the road, the same should be reported to the Corporation immediately and action taken against the said residents.
10. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

September 20, 2023,
Original Application No.110/2023/EZ
SKB

NGT