

Item No. 04

Court No.1

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

Original Application No.72/2022/EZ

Biplab Kumar Chowdhury

Applicant(s)

Versus

West Bengal Pollution Control Board &Ors.

Respondent(s)

Date of hearing: 18.08.2022

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

For Applicant(s) : Mr. Sayan Chattopadhyay, Advocate

For Respondent(s): Mr. Prithwish Basu, Advocate for R-1&2,
Mr. Sudip Kumar Dutta, Adv. for R-3 to 12, (in Virtual Mode)
Mr. Debraj Sahu, Advocate a/w
Ms. Nafisa Yasmin, Advocate for R-13,
Mr. Aditya Sarkar, Advocate for R-14,
Mr. Dipanjan Ghosh, Advocate for R-15,

ORDER

1. Mr. Sayan Chattopadhyay, learned Counsel is present for the Applicant.
2. One affidavit dated 16.08.2022 has been filed on behalf of the Respondent No.15, State Level Environment Impact Assessment Authority (SEIAA), West Bengal; the same is taken on record.
3. In this affidavit, it is stated that the stone crushing activity has not been included in the Schedule appended to the Environment Impact Assessment (EIA) Notification, 2006, neither is there any provision in the 'PARIVESH Portal' of the Ministry of Environment, Forests and Climate Change, for making such application by the Project Proponents.
4. It is also stated that as per the Office Memorandum of the Ministry of Environment, Forests and Climate Change dated 19.04.2021, all

files regarding Environmental Clearance have to be processed strictly through 'PARIVESH Portal'.

5. We find that the Principal Bench of the Tribunal vide its order dated 31.01.2019 passed in M.A. No. 13/2019 arising out of Original Application No. 479/2016 (*Pravesh Vs. Ministry of Environment, Forests and Climate Change & Ors.*), had directed that stone crushing units shall mandatorily obtain prior Environmental Clearance.
6. That being the legal position, it does not stand to reason as to why the 'PARIVESH Portal' of the Ministry of Environment, Forests and Climate Change, should not contain any provision or any mention in the Schedule in the EIA Notification, 2006, for stone crushing units to apply for grant of Environmental Clearance.
7. We find that the Ministry of Environment, Forests and Climate Change has not been impleaded in the array of Respondents as the reply of this query that stone crushing units operating without Environmental Clearance can only be answered by the Ministry of Environment, Forests and Climate Change.
8. We, therefore, direct Mr. Sayan Chattopadhyay, learned Counsel for the Applicant to implead the Ministry of Environment, Forests and Climate Change in the array of Respondents as Respondent No.16 today itself.
9. Mr. Debasish Ghosh, learned Counsel who is present in Court in another matter, is directed to accept notice on behalf of the newly added Respondent No.16 and file his reply on affidavit within three weeks.
10. Mr. Debraj Sahu, learned Counsel assisted by Ms. Nafisa Yasmin, learned Counsel has put in appearance on behalf of the

Respondent No.13, M/s Larsen and Toubro Limited. Let her file the Vakalatnama on behalf of the said Respondent before the next date of listing.

11. Mr. Aditya Sarkar, learned Counsel has put in appearance on behalf of the Respondent No.14, M/s Simplex Infrastructure Limited. Let him file the Vakalatnama on behalf of the said Respondent before the next date of listing.
12. Mr. Debraj Sahu and Mr. Aditya Sarkar, learned Counsel pray for and are granted three weeks time for filing counter-affidavits on behalf of the Respondent Nos. 13 & 14, Private Respondents, respectively.
13. Mr. Sayan Chattopadhyay, learned Counsel shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Debasish Ghosh, learned Counsel within 24 hours.
14. **List on 16.09.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

August 18, 2022,
Original Application No.72/2022/EZ
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