

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH,  
KOLKATA**

.....

**ORIGINAL APPLICATION No. 170/2016/EZ**

**IN THE MATTER OF:**

**Saiful Islam,  
C/o Icha Molla,  
Village and Post Office-Machibhanga,  
P.S. Kashipur, District-South 24 Parganas,  
Pin - 700135,**

**....Applicant(s)**

**Versus**

- 1. The State of West Bengal,  
Through Principal Secretary,  
Department of Environment,  
Govt. of West Bengal,  
Pouro Bhawan, 4<sup>th</sup> Floor, Block-FD,  
415/A, Sector-III, Bidhannagar,  
Kolkata - 700106,**
- 2. The West Bengal Pollution Control Board,  
Through Member Secretary,  
Department of Environment,  
Govt. of West Bengal,  
Paribesh Bhawan, 10A, Block-LA,  
Sector-III, Bidhannagar,  
Kolkata - 700098,**
- 3. Inspector-in-Charge, Kashipur Police Station,  
District-South 24 Parganas,  
Pin - 700135,**
- 4. The Superintendent of Police, South 24 Parganas,  
Alipur, Bhawani Bhawan,  
Kolkata - 700027,**

5. **District Magistrate, South 24 Parganas,  
Alipur, Kolkata – 700027,**
6. **Power Grid Corporation of India,  
Through Deputy General Manager,  
Soudaminin Plot No. 2, Sector-29,  
Gurgaon – 122001,  
Eastern Region-II, Block-EP,  
Sector-V, Bidhannagar,  
Kolkata – 700091,**
7. **Polerhat-II Gram Panchayat,  
Through the Panchayat Pradhan,  
District-24 Parganas South,  
Pin – 700135,**
8. **Ministry of Environment, Forest and Climate Change,  
Through Secretary, Govt. of India,  
Indira Paryavaran Bhawan,  
Jorebagh Road,  
New Delhi – 110003,**
9. **Central Pollution Control Board,  
Through Member Secretary, Govt. of India,  
Privesh Bhawan, CBD-Cum-Office Complex,  
East Arjun Nagar,  
Delhi – 110032,**
10. **West Bengal State Electric Transmission Co. Ltd.,  
Through General Manager,  
Vidyut Bhawan, DJ Block,  
Sector-III, Bidhannagar,  
Kolkata – 700091,**
11. **Calcutta Electric Supply Corporation Ltd.,  
Through General Manager,  
Victoria House, Chowringhee Square,  
Kolkata – 700001,**

**....Respondent(s)**

**COUNSEL FOR APPLICANT:**

**Ms. Paushali Banerjee, Advocate**

**COUNSEL FOR RESPONDENTS :**

**Mr. Bikas Kargupta, Advocate for Respondent Nos. 1, 3 to 5,  
Mr. Sibojyoti Chakraborty, Advocate for R-2,  
Mr. Uttam Kumar Mondal, Advocate a/w Mr. Anirban Ray,  
Advocate for Respondent No.6,  
Mr. Gora Chand Roy Choudhury, Advocate for R-8,  
Mr. Surendra Kumar, Advocate for R-9,  
Ms. Arpita Chowdhury, Advocate for R-11,**

**JUDGMENT**

**PRESENT:**

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)  
HON'BLE MR. SAIBAL DASGUPTA (EXPERT MEMBER)**

**Reserved On:- 12<sup>th</sup> August, 2021  
Pronounce On:- 16<sup>th</sup> August 2021**

1. Whether the Judgment is allowed to be published on the net? **Yes**
2. Whether the Judgment is allowed to be published in the NGT Reporter? **Yes**

**JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

Heard the learned Counsel for the parties and perused the documents on record.

2. This Original Application has been filed by the Applicant alleging the inaction of the Respondent authorities in preventing and controlling construction of 400/200 KV Gas insulated substation in residential area in Bhangar, Block-II, Kolkata, by using hazardous SF6 gas without any Environmental Clearance and storing the same at great risk of leakage which could claim human lives and cause damage to the environment. It is sated that SF6 gas

has been identified as a greenhouse gas with safety regulations being introduced in many countries in order to prevent its release into the atmosphere. It is also stated that the SF6 gas is about 5 times heavier than air and if released into the atmosphere, in case of leakage due to accident, it will tend to accumulate in low-lying areas causing death due to asphyxiation to all human and animal lives. It is also stated that this gas is radioactive. It is also stated that SF6 gas is a hazardous chemical under Rule 2(e) of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 read with Section 8 of the Environment (Protection) Act, 1986.

3. Further the allegation of the Applicant is that in the construction of this 400/200 KV Gas Substation, large transmission lines with high voltage and high current levels will be installed which produce electric and magnetic fields in the neighbourhood which would have a deleterious effect on the health of all living organisms.

4. Refuting the contentions of the Applicant, a counter-affidavit dated 13.02.2017 has been filed on behalf of the Respondent No.6, Power Grid Corporation of India Limited, and it is the case of the Respondent that the establishment of 400/200 KV Substation in question has been sanctioned by the Government of India, Ministry of Power vide its letter dated 13.09.2011 issued under Section 68 of the Electricity Act, 2003. It is stated that under the letter of the Ministry of Environment and Forests dated 21.09.2005 (page no. 151 of the paper book) construction of transmission projects such

as overhead high voltage line substation, load centre, switchgears, control room, 15-20 residential quarters for O&M staff etc. do not attract the provisions of the EIA Notification dated 07.07.2004. It is also stated that Environmental Clearance is not required for establishing overhead transmission lines or substations under the Ministry of Environment and Forest Notification dated 14<sup>th</sup> September, 2006 (page no. 152 of the paper book) and such projects have been excluded from the Schedule attached to the said Notification.

5. An affidavit dated 13.02.2017 to the same effect has also been filed on behalf of the Respondent No.11, Calcutta Electric Supply Corporation Limited, and it is stated therein that SF<sub>6</sub> gas is physiologically completely harmless for humans and animals neither does it deplete the Ozone layer nor does it have any adverse effect when inhaled in the air at a Threshold Limit Value (TLV). It is also stated that in the electric switchgear the SF<sub>6</sub> gas has always been maintained in gas – tight compartments, greatly minimizing leakage and thus there is no adverse effect on the greenhouse. It is also stated that till date there is no scientific data or material stating that there is any adverse effect of SF<sub>6</sub> gas on the health of living organisms of those living under or near the transmission lines. It is also stated that creation of electromagnetic fields have any ill effects on humans or animals and even agricultural activities have continued normally in spite of high transmission lines being erected over agricultural fields.

6. An affidavit dated 06.12.2017 has also been filed on behalf of the Respondent No.6, Power Grid Corporation of India Limited, wherein it has been stated that gas leakage detector and system of dew point have been installed in the GIS Plant for detecting leakage of SF6 gas and also for measuring dew point of the gas. Photographs by way of evidence have also been filed which are at page no. 372 to 373 of the paperbook.

7. Ms. Paushali Banerjee, learned Counsel for the Applicant very fairly stated that in view of the photographic evidence filed along with the affidavit dated 06.12.2017 showing that gas leakage detector and instrument for measuring dew point had been installed by the unit in question; i.e., 400/200 KV Substation, nothing further remains to be decided in the present Original Application and same had become infructuous.

8. We may also note that so far as the alleged ill-effects of electromagnetic radiation alleged to be emitted by extra high voltage power substations, the matter is no longer *res-integra*, the issue having been settled by the Principal Bench of the National Green Tribunal, New Delhi in Original Application No. 33/2012 decided on 21.02.2013, wherein the Tribunal has held that from the scientific angle, electromagnetic fields are insignificant as the switchgear is duly enclosed in a earthed metallic chamber which eliminates impact of electric magnetic field as per material information provided by WHO document on Health Criteria 238.

9. For reasons aforesaid, nothing further remains to be adjudicated in this matter and this Original Application is dismissed accordingly as having become infructuous.

10. There shall be no order as to costs.



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**B. AMIT STHALEKAR, JM**

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**SAIBAL DASGUPTA, EM**

**Kolkata**  
**16<sup>th</sup> August, 2021**  
**Original Application No.170/2016/EZ**  
**AK**

**NGT**