

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

Original Application No.120/2022/EZ

Subhas Dutta

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 06.09.2022.

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

For Applicant(s) : Mr. Subhas Datta, in person

For Respondent(s): Mr. Sudip Kumar Datta, Advocate for R.-1,2,4 & 6,
Mr. Dipanjan Ghosh, Advocate for R.-3,
Mr. Sibojyoti Chakraborty, Advocate for R.-7,

ORDER

1. Mr. Subhas Datta, Applicant in person is present.
2. The allegation in the Original Application is that there is a water body at the eastern fringe of the city of Calcutta, adjacent to Science City. Its address is 8,19 & 20, East Topsia Road, Calcutta-700046, which falls within the buffer zone of the East Calcutta Wetland. It is alleged that several temporary bamboo structures with wooden platforms in the form of mesh have been put up on the water-body where various social events and functions are organized and held regularly. At the Northern entrance of the site there are permanent display boards which read as follows:-

a) "Orchid Banquets and Garden.

Wedding, Events & Expo"

b) "Calcutta Boating and Hotel Resort (P) Ltd."

3. It is stated that although no concrete or permanent constructions have been made on the water-body in question but it is

apprehended that the huge bamboo/wooden structures covering a vast area of the water-body may cause harm to the aquatic life of the lake including the flora and fauna.

4. It is alleged that by such constructions, even though purported to be temporary, the usable area is considerably enhanced the water area is substantially reduced. It is alleged that several social functions and gatherings take place on these bamboo platforms by setting up decks on specified days and large scale cooking arrangements are made at the site.
5. It is stated that as per the directions of the West Bengal Pollution Control Board all banquet halls have been brought under the "Consent Management" meaning thereby that they are required to have "Consent to Establish" and "Consent to Operate".
6. The Applicant apprehends that the banquet halls which are set up temporarily on these bamboo poles over the lake/water-body in question, do not have "Consent to Establish" or "Consent to Operate".
7. Photographs by way of evidence have been filed showing large scale encroachment on the water-body by setting up bamboo platform mesh.
8. In our opinion, the matter requires consideration.
9. Issue notice to the Respondents, returnable within three weeks.
10. All the Respondents shall file their counter-affidavits within three weeks.
11. Mr. Sudip Kumar Datta, learned Counsel who is present in the Court in another matter is directed to take notice on behalf of the State Respondent Nos. 1,2,4 & 6.

12. The applicant is directed to implead the Commissioner of Police, Kolkata, in the array of Respondents as Respondent No.6 and Commissioner, Kolkata Municipal Corporation as Respondent No.7.
13. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court in another matter is directed to accept notice on behalf of Respondent No.7, Kolkata Municipal Corporation.
14. Mr. Dipanjan Ghosh, learned Counsel who is present in Court in another matter is directed to accept notice on behalf of Respondent No.3, West Bengal Pollution Control Board.
15. Considering the allegations made in the Original Application we deem it appropriate to constitute a Committee comprising of the following members:-
 - a) Mr. Kalyan Rudra, Chairman, West Bengal Pollution Control Board,
 - b) Mr. Tapas Gupta, Chief Technical Adviser, West Bengal Pollution Control Board,
 - c) Mr. Subrata Ghosh, Chief Engineer, West Bengal Pollution Control Board.

The West Bengal Pollution Control Board shall be the nodal body for all logistic purposes.

16. The Committee shall inspect the site and submit its report before the Tribunal on affidavit by the next date of listing.
17. The Committee shall specifically examine the question as to whether putting up large scale of bamboo mesh in the water-body would be deleterious and harmful to the aquatic flora and fauna of the lake in question and whether such kind of construction in the water-body would be deleterious and harmful to the quality of water in the water-body in question.

18. Needless to say the Committee shall also take water samples and submit a Water Analysis Report with regard to pH, BOD, DO, COD, TC, FC & other parameters.
19. **List on 17.10.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

September 06, 2022,
Original Application No.120/2022/EZ
BD