

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**M.A. No. 968/2013 & M.A. No. 969/2013  
In  
Appeal No. 53/2013(T<sub>HC</sub>)  
(W.P. No. 11972/2011 of Calcutta H.C.)  
And  
Original Application No. 321/2013**

**International Marwari Association & Anr. Vs. W.B. P.C. B. & Ors.**

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER  
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

**Present: Applicant / Appellant : Mr. Subhasish Bhowmick and Ms. Niti Luthra, Advs.  
Respondent No. 1 : Mr. Bikas Kar Gupta & Mr. Amit Agarwal Advs.  
Respondent No. 2 : Mr. Anip Sachthey, and Mr. Saakaar Sardana, Advs.  
MoEF : Ms. Panchajanya Batra Singh, Adv.**

|  | <b>Date and Remarks</b>                          | <b>Orders of the Tribunal</b>   |
|--|--|---|
|  | <b>Item Nos. 4 &amp; 5<br/>September 9, 2014</b> | <p>Heard. Perused.</p> <p>Learned Counsel appearing for the Respondent No. 1 submits that a transfer application has been moved for transfer of these matters to the Eastern Bench of NGT at Kolkata and as such the commencement of the fresh hearing in these matters be deferred. He points out from the order passed by the State Government that there is ban on bursting of firecrackers producing sound exceeding 90 decibels at 5 meters and this ban also extends to sale of such firecrackers within the state of West Bengal. He submitted that this order has been passed following the recommendations made by the West Bengal Pollution Control Board in consultation with Central Pollution Control Board, and the West Bengal Pollution Control Board had carried out requisite studies and taken sense of public opinion.</p> <p>Learned Counsel appearing for the Appellant resists the grant of time for commencement of the hearing afresh in the</p> |

present matter. He refutes the contentions of the Respondent No. 1. He submits that no studies, required for arriving at the sound conclusions, have been carried out by the West Bengal Pollution Control Board.

Before entering into merits of the present case, we will have to hear the parties; and in light of the fact that the transfer application has been moved, it would not be wise to commence the hearing in the present case. We, therefore, prefer to defer this matter.

List the case on 24<sup>th</sup> September, 2014.

We hope and trust that by this time the parties would get appropriate orders on the transfer application. Learned Counsel appearing for the Appellant submits that he has been served with copy of the transfer application.

....., JM  
(U.D. Salvi)

....., EM  
(Dr. G.K. Pandey)

....., EM  
(B.S. Sajwan)

