

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

O.A. No. 21/2014/EZ

RAJESWAR SINGH & ORS

VS

**M/O ENVIRONMENT & FOREST & ORS**

CORAM: **Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member**  
**Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member**

PRESENT: **Applicants : None**  
**Respondent No. 1 : None**  
**Respondent No. 2 : Mrs. Arpita Chowdhury, Advocate**  
**Respondent No. 3 : Mr. Dhruva Ghosh, Advocate**  
**Mr. Samik Kanti Chakraborty, Advocate**  
**Respondent No. 4 : Mr. Surendra Kumar, Advocate**  
**Respondent No. 5 : None**  
**Respondent No. 6 : Mr. Bikas Kar Gupta, Advocate**

Date & Remarks	Orders of the Tribunal
<b>Item No. 8</b> <b>10<sup>th</sup> July, 2015.</b>	<p>Heard Id. Advocates appearing for the parties. None is present for the applicants.</p> <p>Rejoinder has been filed with reference to the opposition filed by SEIAA. It appears that the unit of private respondent No.3 does not require an environmental clearance. The SEIAA in their affidavit at para 4 has clearly stated that in view of the notification of MoE&amp;F &amp;CC dt. 25.6.14, no environmental clearance is required in respect of the applicants' unit. Relevant portion is quoted below :-</p> <p>"4 That the 20<sup>th</sup> meeting of SEIAA was held at Paribesh Bhawan on 25.3.15 wherein it was decided that 9 MW captive power plant of the industry using tail gas of existing carbon black unit cannot be considered as waste heat recovery boiler based power plant. However, if it considered as an isolated unit it may be classed as gas based thermal power plant and as per the MoE&amp;F notification SO 1599(E) dated 25.6.2014 item 1(d) is outside the purview of Environmental clearance..."</p> <p>The notification dt. 25.6.14 is annexed at annexureR5/2 to the affidavit. In the note (ii) to item 1(d) ( 3<sup>rd</sup> column) it is stated that "Thermal power plants using waste heat boilers without any auxiliary fuel are exempt".</p> <p>Considering the above issue, we are of the opinion that this application has no merit and accordingly, <b>the OA stands dismissed</b> with a token cost of Rs. 5000/- to be paid by the applicants to</p>

	<p>respondent No. 3 within a month.</p> <p>.....</p> <p>Justice Pratap Kumar Ray, JM</p> <p>.....</p> <p>Prof. (Dr.) P. C. Mishra, EM</p>

