

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

O.A. No. 120/2015/EZ

SUBRATO MOOKHERJEE

VS

WEST BENGAL POLLUTION CONTROL BOARD & ORS

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

PRESENT:

Applicant	: Mr. Subrato Mookherjee, Advocate in person Ms. Leena Mukherjee, Advocate
Respondent No. 1 & 19	: Mr. Dipanjan Ghosh, Advocate
Respondent No. 2	: Mr. Iram Hasan, Advocate Mrs. Poushali Banerjee, Advocate
Respondent No. 10	: Mr. Sumit Sen, Advocate
Respondent No. 15	: Mr. Ranjit Chatterjee, Advocate Mr. Gopal Chandra Das, Advocate Mr. Somnath Ghosal, Advocate
Respondent Nos. 16,17 & 19	: Mr. Bikas Kargupta, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 3 17th February, 2016.	<p>Mr. Bikas Kargupta, Id. adv. appears on behalf of State respondents 16,17 & 19 and undertakes to file vakalatnama on the next date.</p> <p>Ms. Poushali Banerjee, Id. adv. appears on behalf of private respondent No. 2 and files her vakalatnama. Mr. Sumit Sen, Id. adv. appears on behalf of respondent No. 10 and files his Vakalatnama which may be kept with the record.</p> <p>Mr. Ranjit Chatterjee, Id. adv. appears on behalf of KMC i.e. respondent No. 10 along with Mr. Somnath Ghosal, Id. adv. and prays for time to file status report. Vakalatnama filed by Mr. Ghosal be kept on record.</p> <p>Status report has been filed by Mr. Dipanjan Ghosh, Id. adv. appearing on behalf of Pollution Control Board. Copy be served to the applicant and other co-respondents in course of this day through their Id. advocates.</p> <p>On prayer of the applicant, leave is granted to add Govt. hospitals and nursing homes operating within the KMC jurisdiction, Bidhan Nagar Corporation and Rajarhat New Town Corporation area, as party</p>

respondents including the last named two Corporations. He is directed to submit the list of such Govt. hospital to the Registry and on the basis of such list, the Registry will make necessary amendment in the cause title by adding them as party respondents. Let copy of the application be served to the added respondents by the applicant.

Mr. Kargupta, ld. adv. for the State respondents prays for time to file status report by the Chief Secretary and Health Secretary. Let status report and action taken report with regard to implementation of Bio-Medical Waste (Management and Handling) Rules, 1998 in respect of the private respondents-hospitals and nursing home including those who are added as respondents today, be filed by four weeks positively.

The PCB will also submit status report and action taken report in respect of the said respondents including the added respondents who have not complied with the said Bio-Medical Waste (Management and Handling) Rules, 1998 and are operating their respective hospitals/nursing homes without any consent to operate and without any authorisation from PCB. Such reports be filed by four weeks.

Ld. advocate for the KMC respondent prays for time to file action taken report. Let such report be filed by four weeks.

The private respondents including the added respondents are directed to file their respective reply to the OA by four weeks. The PCB respondent is directed to serve copy of their affidavit to these respondents.

The respective Municipal Commissioners of KMC, Bidhan Nagar and Rajarhat Corporations are directed to disclose in their affidavit the names of respective hospital – Government or private or Govt. Undertaking, who are operating within their respective Areas.

The affidavit of service filed by the applicant be kept with the record.

Matter is fixed on 17.3.2016.

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Justice Pratap Kumar Ray, JM

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Prof. (Dr.) P. C. Mishra, EM

