

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

O.A. No. 120/2015/EZ  
&  
M.A. No. 1187/2016/EZ

SUBRATO MOOKHERJEE

VS

**WEST BENGAL POLLUTION CONTROL BOARD & ORS**

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : None  
Respondent No. 1 : Mr. Dipanjan Ghosh, Advocate  
Respondent No. 2 & 8 : Mrs. Poushali Banerjee  
Respondent No. 9 : Mr. S.K.Majumder, Advocate  
Respondent No. 11 : Mr. Siraj Gooptu, Advocate  
Respondent No. 14 : Mr. A.D.Sarkar, Advocate  
Respondent No. 15 : Mr. Alok Kr. Ghosh, Advocate  
Mr. Gopal Ch. Das, Advocate  
Mr. Somnath Ghosal, Advocate  
Respondent Nos. 17-23 : Mr. Bikas Kargupta, Advocate  
Other Respondents : None

Date & Remarks	Orders of the Tribunal
Item No. 5 17 <sup>th</sup> July, 2017.	<p style="text-align: center;">Compliance report on behalf of the respondent No. 18, Director of Health Services, Govt. of West Bengal, filed by Mr. Bikas Kargupta, Id. Govt. Advocate on 13.7.2017 is ordered to be taken on record.</p> <p style="text-align: center;">The report indicates serious non-compliance by the Medical College &amp; Hospital, Kolkata, respondent No. 19, as it is stated that the validity of the bio-medical waste</p>

authorisation granted to the hospital has expired on 31.5.2014 for which application for renewal was made on 10.6.2014 as would appear from the challan payment which is of that date but quite apparently still has not been granted. Even the consent to operate had expired on 31.7.2012 and only an online application for fresh consent to operate was made on 14.6.2016 which has not as yet been granted. Functional ETP has still not been installed.

Similar is the position with regard to NRS Medical College and Hospital, respondent No. 21 and R G Kar Medical College & Hospital, respondent No. 20 except for difference in the dates. None of the three hospitals have functional ETPs but have stated that proposals have been forwarded to the Public Works Department.

The condition appears to be same in respect of SSKM Hospital.

On perusing the report, we cannot but get an impression that the State respondents, particularly, the Deptt. of Health, Govt. of West Bengal, is not serious

about complying with the pollution norms. It ought to be borne in mind that such norms have been prescribed for the welfare of the general public and, therefore, its compliance deserves paramount consideration. We find the report to be casual, lacking in seriousness and bereft of any details on steps taken towards compliance of the laws. Despite the gross infractions, we have thus far desisted ourselves from issuing closure orders against those hospitals considering the immense public interest involved particularly, the plight of the poor people and others belonging to lower income group. However, if they continue to flout the laws, we shall perforce be compelled to resort to coercive measures.

We grant these hospitals a final opportunity to comply with the pollution norms as recommended by the State PCB within three months. This shall include obtaining authorisations, consents to operate and completion of ETPS.

Since it is the case of the Director of Health that

proposals have been sent to the Public Works Department for construction of ETPs, we direct the PWD to complete all steps for getting it established within the aforesaid period. We also direct the PWD to inform the State PCB regularly of the steps being taken by them in this regard.

A copy of this order be transmitted to the Principal Secretary, PWD, Govt. of West Bengal for compliance who shall file a report before the next date.

For convenience of transaction, we direct that the PWD, Govt. of West Bengal, through its Principal Secretary be impleaded as respondent No. 24, notice in respect of whom is directed upon Mr. Bikas Kargupta, Ld. Govt. Counsel, and, is therefore, dispensed with.

So far as respondent No. 12, Vasan Health care Pvt. Ltd. is concerned, we find that they have failed to appear repeatedly before us except for filing an affidavit.

Vide order dated 9.3.2017 bailable warrant was issued against the Director of this hospital. On the next

date i.e. 24.4.17, neither was he produced nor was any report filed. However, as we were not certain as to whether the order had been served on the concerned PS, further direction was issued to the O/C of the concerned PS to carry out the order of bailable warrant of arrest issued against the respondent No. 12.

It is informed by the Registry that the warrant was sent to the New Town PS which they had duly received. But neither the respondent No. 12 is present nor has the New Town PS informed us as to whether they had executed the warrant or not.

Today, it is informed that the address of Vasan Health care is DD-30, Sector I, Kolkata 700064 which falls within the Bidhan Nagar (North) PS. Accordingly, issue bailable warrant against the Director, Vasan Health Care Ltd. for PB/SB against Rs. 25000/- to the satisfaction of the OC, Bidhan Nagar (North) PS. He shall ensure that the said respondent No. 12 is produced before this Court on the next date.

A copy of this order be transmitted to the

Commissioner, Bidhan Nagar Commissionerate for appropriate direction considering the confusion with regard to the PS under which the respondent No. 12 falls.

It appears that the PCB has not yet complied with the directions issued by us vide order dated 25/5/2017 with regard to three hospitals viz., the respondents No. 11, Amulya Jyoti Eye Foundation, 13, Medical Research Foundation (Sankar Netralaya) and 14, Disha Eye hospital & Research Centre, with regard to the discharge of effluents. We, therefore, once again direct the PCB to ensure that these hospitals do not discharge effluents into the public drains without treatment by these hospitals.

We also do not find any report from the PCB in respect of the respondents No. 8,9 ,10 and 12 though not specifically mentioned in our last order but fall within the category of “those who are non-compliant”.

Let the PCB file a report on the above on the next date.

**List on 28.8.2017.**

On that date, the Director the Health Service shall also file an interim report on the actions being taken in terms of the directions issued earlier.

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Justice S.P.Wangdi, JM

17-7-2017

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

17-7-2017



