

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

O.A. No. No. 41/2015/EZ

**Aswini Kumar Dhal**

VS

**Odisha 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. Sankar Prasad Pani, Advocate.**  
**Respondent No. 1** : **Ms. Papiya Banerjee Bihani, Advocate.**  
**Respondent No.2 & 4** : **Mr. Pravat Kumar Muduli, Addl.Standing Counsel.**  
**Respondent No.3 & 5** : **None.**  
**Respondent No. 6** : **Mr. Biswajit Samanta, Advocate.**

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 2</b> <b>5<sup>th</sup> August,</b> <b>2015.</b>	<p>Heard ld. counsel appearing for respective parties. None appears for Respondent Nos. 3 &amp; 5. Ld. counsel Mr. Biswajit Samanta has filed vakalatnama today on behalf of the General Manager, East Coast Railway Division, Chandrasekharpur, Respondent No. 6. Let it be kept on record. Ld. Additional Standing Counsel undertakes to file vakalatnama on the next date of hearing.</p> <p>Ms. Papiya Banerjee Bihani, ld. counsel appearing for the Odisha State Pollution Control Board has filed affidavit disclosing the status of the operation of the railway siding and annexing the photocopy of the letter of the Collector and DM, Jajpur. Let it be kept on record. Copies have been served.</p> <p>Ld. counsel Ms. Bihani further submits on relying upon the affidavit as filed today that the Railway authorities viz. Respondent No. 6 has stopped the loading and unloading of goods from the railway siding after issuance of closer order by the Odisha Pollution Control Board. Ld. counsel appearing for Respondent No. 6 prays for extension of time to file reply of the</p>

O.A. Let such reply be filed within three weeks. The Odisha Pollution Control Board is directed to serve the affidavit to the Id. counsel appearing for Respondent No. 6. Mr. Pani, Id. counsel appearing for the applicant is directed to submit the supplementary affidavit annexing the translated copy of the documents as annexed in vernacular language in the O.A. in English language and to serve the same upon the respective respondents by one week. Since the railway siding activities have already been stopped as submitted by the Odisha Pollution Control Board, another prayer for imposition of compensation amount for operating the siding for last so many years since 2005, as has been reported in the affidavit of Odisha PCB till the date of closer, will be considered on the next date of hearing. The Respondent No. 6 is directed to file an affidavit answering the point as to why this Tribunal will not impose huge amount of cost on compensation upon them for the purpose of restoration of the environment which so long was polluted by them. Such reply by Respondent No. 6 will be considered by us on the next date. Let an affidavit be also filed by Respondent No. 6 within three weeks fixing the responsibility upon the officer who is responsible for operating the railway siding without getting consent from the PCB.

It is the submission of Id. counsel appearing for Respondent Nos. 2 & 4 that reply has already been sent by speed post to the Registry of this Tribunal. However, it is reported by the Court Officer that as yet it has not been received by this Tribunal. Be that as it may, he is directed to file the same on the next date of hearing and copies of the same be served upon the respective respondents and the applicant.

Having regard to the order of closure as already passed by State Pollution Control Board we are of the view that the unit will not operate till consent to operate is granted by the Odisha PCB.

**Matter stands adjourned to 10.09.2015.**

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Justice Pratap Kumar Ray, JM

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

