

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

O.A. No. 30/2015/EZ

**DHRUBO MUKHERJEE
VS
POLLUTION CONTROL BOARD, WEST BENGAL & ORS**

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

PRESENT: **Applicant : Mr. Rahul Ganguly, Advocate
Respondents No. 1 & 2 : Mr. Sibojyoti Chakraborty, Advocate
Respondents No. 3 & 4 : Mr. Bikas Kargupta, Advocate
Respondents No. 6 to 15 : Mr. Sandipan Banerjee, Advocate**

Date & Remarks	Orders of the Tribunal
Item No. 13 22nd August, 2016.	<p style="text-align: center;">Heard arguments in part.</p> <p>During the course of arguments, it has been brought to our notice by Mr. Rahul Ganguly, Id. counsel for the applicant, that the State Respondents and State PCB have not addressed to one of the major issues raised in the O.A.</p> <p>The issue pertains to water bodies/low lands which are located on the west side of the Makardah village stretching upto Ankurhati village which are allegedly being filled up for the purpose of industrial activities without complying with the laws relevant thereto.</p>

We have perused the affidavits filed on behalf of District Magistrate, Howrah and the State PCB and we find that thus far we had been addressing on Saraswati Khal and the industrial units only. In order to arrive at an effective and complete adjudication of the matter, there is a need to apprise ourselves of the conditions of the low land pointed out by the applicant in the O.A. We, therefore, direct the District Magistrate, Howrah to inspect the low land areas specifically mentioned in the O.A. and submit a report on the conditions prevailing there. In the report, the DM shall specifically address on the question as to whether the low land areas are being filled up in the manner as alleged by the applicant. Let a report be filed on this or before the next date.

The Private Respondents No. 6 to 15 represented by Mr. Sandipan Banerjee, Id. counsel are at liberty to file further affidavit on the question raised by them.

The State PCB on their part shall submit a report as to the number and names of the existing industrial

units which have established their own sewerage treatment plants and also of those which have not. They shall also address us on the question as to how consent to establish and consent to operate were issued to the various industrial units on a single day.

The State PCB shall also inform us as to how the closure orders were withdrawn only because applications for consent had been submitted by the industrial units. Let the report and affidavit be filed within a period of one month.

List on 26.09.2016.

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Justice S.P.Wangdi, JM

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

