

Item No. 04

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 32/2019 (EZ)

Subhas Datta

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 30.08.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s): In person

For Respondent (s): Mr. Bikas Kargupta, Advocate for Respondent Nos.2-6
Mr. Gora Chand Roy Choudhury, Advocate for Respondent No.8
Mr. Sayar Chakraborti, Advocate for Bidhannagar Municipal Corporation

ORDER

1. Vide order dated 27.05.2019, a Committee had been constituted comprising of the following:

- a. Senior Officer of the Regional Office of the MoEF & CC.*
- b. Senior Scientist/Officer of the CPCB (Chairman, CPCB is an ex-officio member of the National Wetland Committee under the rules.*
- c. Senior Member, East Kolkata Wetland Management Authority.*
- d. District Magistrates, South & North 24 Parganas.*
- e. Senior Scientist/Officers, West Bengal Pollution Control Board."*

The East Kolkata Wetland Authority was directed to be Nodal agency for coordination and for providing logistic support.

2. Pending finalisation of the report which was expected to take some time, an interim order had been passed for putting up protective fencing around the Mollar Bheri under the Bidhannagar Municipal Corporation which has been dumping municipal solid waste at that place. Certain steps were directed to be taken to put up fencing around the dumping area to prevent leachate and slurry as done on the other side of the dumping ground seen in the photographs taken on 05.05.2019 at page – 64 of the application. It was emphasised that the interim measure should be undertaken immediately.
3. The affidavit filed by Bidhannagar Municipal Corporation stated to be in compliance of the above order do not throw any light on the actual work undertaken in terms of the interim order. The action indicated therein are only proposals and futuristic.
4. For failure to comply with the direction passed as far back as on 27.05.2019, the Bidhannagar Municipal Corporation shall deposit a sum of Rs. 10 lakhs as environment compensation to be deposited with the Central Pollution Control Board within a period of 15 days. Action taken report towards compliance of the interim order shall be filed within 6 weeks from hence making it abundantly clear that failure to take action as directed shall entail payment of further compensation of Rs. 15 lakhs.
5. The prayer of Mr. Bikas Kargupta, learned Counsel for the East Kolkata Wetland Authority to submit report is allowed.

6. Let the report be filed within one month with advance copy on the applicant.

7. List on 18.10.2019.

