

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

**M.A. 322/2015/EZ & 323/2015/EZ  
IN  
O.A. No. 08/2015/EZ**

**KOLKATA GIANT WHEEL PVT. LTD & ORS**

**VS**

**SUBHAS DATTA & ORS**

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

**PRESENT:** Applicant of MA : Mr. Prabal Kumar Mukherjee, Sr. Advocate  
Applicant of MAs : Mr. Somnath Ray Chowdhury, Advocate

Respondent No. 2 & 3 : Mr. Bikas Kar Gupta, Advocate  
Respondent No. 3 : Ms. Arpita Chowdhury, Advocate  
Respondent No. 7 : Mr. Ashok Prasad, Advocate  
Respondent No. 8 : Ms. Poushali Banerjee, Advocate,  
Respondent No. 9 : Mr. Sanjib Kr. Mukhopadhyay, Advocate  
Respondent No. 10 : Ms. Anamika Pandey, Advocate  
Ms. Amrita Pandey, Advocate  
Respondent No. 11 : Mr. G.C. Das, Advocate  
Mr. Mahaboob Ahmed, Advocate

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 10 &amp; 11 8<sup>th</sup> October, 2015.</b>	<p><b>M.A. 322/2015/EZ :</b> Heard Id. Adv. appearing for the applicant of this MA. Admittedly, the applicant of this MA intends to be added as party in the main OA for the purpose of modification of the order dt. 13.2.2015 relating to injunction prohibiting any construction without EIA study on the bank of Ganga. By our said order dt. 13.2.15 we passed an order restraining any further construction in the river bank and the river bed of river Ganga (Hooghly) in respect of areas viz. Nazirganj to Bally Khal in western side and Tollygunj to Dakhineswar in eastern side of the river. It was further ordered that no construction shall be allowed without undertaking Environment Impact Assessment (EIA) study and devising Environment Management Plan (EMP).</p>

The applicant admittedly has yet not filed any application for seeking prior environmental clearance in the prescribed format. It is submitted by Mr. Mukherjee, Id. Adv. for the applicant that for submission of application in prescribed format seeking prior environment clearance he requires some temporary construction. However, he failed to satisfy us from any documentary evidence that for the purpose of submitting any application for prior environment clearance, he requires temporary construction to be made.

In view of the above, there is no merit in this application, which is misconceived.

Accordingly, **this MA for impleadment stands dismissed.** However, dismissal of this application will not prevent the applicant in seeking prior environmental clearance after undertaking EIA study.

**M.A. 323/2015/EZ :** In this application a prayer has been made for modification of the order dt. 12.2.2015. Since we have already rejected the prayer for addition of party, **the instant MA also stands rejected.**

Justice Pratap Kumar Ray, JM

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