

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

**Original Application No. 33/2014/EZ**

**Subhash Datta  
VS  
State of West Bengal & Ors**

**CORAM:** Hon'ble Mr. Justice S.P.Wangdi, Judicial Member

**PRESENT:** Applicant : Mr. Subhas Datta, in person  
Respondent No. 1 & 2 : Mr. Bikas Kar Gupta, Advocate  
Respondent No. 3 : Ms. Arpita Chowdhury, Advocate  
Respondent No. 4 : Mr. Gora Chand Roy Chowdhury, Advocate  
Ms. S. Roy, Advocate  
Respondents No. 5-7 : None

Date & Remarks	Orders of the Tribunal
Item No. 5 25 <sup>th</sup> January, 2018.	<p style="text-align: center;">The affidavit filed by Mr. Subhas Datta, Applicant in person on 13.11.2017 in compliance to order dated 06.10.2017 be taken on record.</p> <p style="text-align: center;">The affidavit had been directed to be filed indicating the extent of compliance of the State Government to the various orders of the Tribunal including the judgment dated 11.08.2016 containing detailed history of the menace of air pollution in the twin cities of Kolkata and Howrah caused by various matters, more particularly by the motor vehicles.</p> <p style="text-align: center;">Upon perusal of the affidavit and various reports of compliances filed by the State Respondents and the directions issued by the Tribunal, we find that the so-called compliances of the State are far from it being</p>

satisfactory. The specific area where the State has not addressed, has been indicated in the affidavit of the Applicant. Without going into all those, we direct the State Respondents to deal with each of the points and file an affidavit. The State Respondents shall also file a better affidavit supplementary to the ones filed earlier.

The Department of Environment shall furnish progress on the various actions taken by them as indicated in their affidavit filed on 28.07.2017. Similar affidavit shall also be filed by the Transport Department in furtherance of the one filed on 08.02.2017 and 26.07.2017. The Transport Department shall specifically deal with the point raised in the affidavit by the Applicant relating to them which are at Sl. No. 3, 6 and 7 and other cognate issues raised in the affidavit.

It has been contended that the State Respondents have not as yet acquired the remote sensing device as directed in the judgment against which it is submitted by Mr. Kargupta that steps have been taken in that direction and one such device taken on hire is in operation. The requirement of these instruments in cities like Kolkata and Howrah does not require to be over-emphasized. It would be assistance to the State Government and the regulatory authorities to monitor efficiently the ambient air quality and take measures to bring it within the permissible standard in the interest of the general public. In the judgment

dated 11.08.2016 in O.A. 33/2014/EZ, we had noticed the delay on the part of the State Government to deal with this matter for various reasons and had expressed that the State should take steps to address it expeditiously. It is quite obvious from the present situation that the direction is far from being complied with.

Mr. Datta has placed before us an ambient air quality standard of the city of Howrah taken by the West Bengal State PCB manually by the air quality information system downloaded from the website of the Board and submits that the ambient air quality on 22.01.2018 was very poor as all parameters of air quality was far above the permissible standards. We have taken note of the report which may be reproduced below:-

"City: Howrah Station: HMC Date: 15/01/2018

AQI for HMC on 15.01.2018

Pollutant	Concentration( $\mu\text{g}/\text{m}^3$ )	Sub Index
So <sub>2</sub>	15.57	19
PM 2.5	238.00	391
NO <sub>2</sub>	159.58	180
PM10	514.00	505

Since this has been taken from the website of State PCB, we have no reason to disbelieve it and,

therefore, considering the criticality of the situation, deem it essential that a comprehensive study of the ambient air quality should be undertaken by a Committee. It is submitted on behalf of the State and the State PCB that such monitoring is being done, but in our view, more stringent measures would be necessary in order to make the monitoring more effective. It would be fitness of things if a Committee is constituted comprising of an expert from each of the following organisations:-

- (i) West Bengal State Pollution Control Board;
- (ii) Central Pollution Control Board;
- (iii) NEERI;

The Committee shall be headed by the Regional Officer of the CPCB, who shall monitor the work of the Committee and submit a regular report. The Committee shall be constituted within a period of ten days from hence which shall commence with their work immediately thereafter. The study shall be undertaken to cover whole of the two cities. While carrying out the task, the committee shall also identify the various sources of the air pollution and suggest mitigation measures.

Mr. Datta has placed before us an order of the Principal Bench passed by a larger number of Members in a batch of Miscellaneous Applications in a number of

Original Applications, one of which is O.A. 95/2014 in the matter of **Vardhaman Kaushik Vs. Union of India and Ors.** and emphasise the necessity to implement direction No. 7 by which the CPCB and the Delhi Pollution Control Committee were directed to make arrangement for providing proper mechanism and instruments to check emissions of moving overloaded heavy vehicles, as measuring the emissions of stationary vehicles, particularly transportation vehicles, would not depict the correct data. We may reproduce below the portion of the order:-

*“The Central Pollution Control Board (CPCB) and the DPCC are hereby directed to purchase and/or arrange proper mechanism and instruments for checking emissions of moving overloaded heavy vehicles, particularly transportation vehicles, would never depict correct data which are the basic cause for raising particulate matter and carbon content in the air.”*

We find substance in the submission of the Applicant and accordingly direct the CPCB, Regional Office Calcutta and the West Bengal State PCB to take appropriate actions for compliance of the aforesaid directions.

Report shall be filed by the State Government and the West Bengal State PCB on all aspects as directed

above before the next date with advance copies on the other side.

It may be pertinent to note that the matter relating to supply of CNG to the cities of Kolkata and Howrah which is a subject matter of O.A. 56/2015/EZ is relevant as one of the aspects germane in this case is conversion of commercial vehicles to CNG. If better technologies are adopted, let the State place the proposal before us along with time frame for implementation.

Copies of this order be transmitted to the Chairman, West Bengal Pollution Control Board, the Regional Officer of the CPCB and NEERI for compliance.

**List on 06.03.2018.**

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Justice S.P.Wangdi, JM  
25-1-2018

