

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

Original Application No. 39/2014/EZ

JOYDEEP MUKHERJEE

VS

CHIEF SECRETARY, GOVT. OF WEST BENGAL & Ors

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

PRESENT: Applicant : Mr. Dipnarayan Chakraborty, Advocate (Proxy)
Respondent No. 1 : Mrs Arpita Chowdhury, Advocate
Respondent Nos. 2 to 9 : Mr. Bikas Kargupta, Advocate

Res. Nos.369,372,431,441,
448,553,594,596,597,601,620: Ms. Debanjana Roy Chowdhury, Advocate
Res. No. 375,377,406-08,414 : Mr. Subrata Mookhereji, Advocate
Res. No. 377,378,380-85,
387,388,390,391,397,399,
400 : Mr.Swagata Biswas, Advocate
Res. 413,415,447, : Mr. Sourav Mondal, Advocate
Res. No. 507,570,573 : Mr. Tirtha Pati Acharyya, Advocate

Date & Remarks	Orders of the Tribunal
<p>Item No. 4 30th September, 2015.</p>	<p>Ld. Advocates for respective added respondents have filed their respective vakalatnamas. Let the same be kept with the record.</p> <p>It is prayed by some of the Id. Advocates that they have already filed reply in the form of affidavit to the show cause notice answering the point as to why the concerned brick field owners shall not be liable to pay penalty for causing degradation of the environment by illegally operating the brick fields without valid consent to establish and consent to operate from the WBPCB. Let the same be kept on record.</p> <p>Copy be served on the Govt. respondents. The said respondents are at liberty to file objection, if any, to such affidavit within one week.</p>

Some of Id. Advocates representing the added respondents have sought for further time to file reply affidavit to the show cause notice on the question of penalty issue.

Time to file such reply affidavit is extended by three weeks after serving copy to the Govt. respondents and applicant. Reply be filed in the Registry. Objection, if any, be filed by respective respondents, within one week thereafter.

Those respondents who have filed their reply affidavit to the show cause notice, their case will **be fixed on 27.10.2015**. Id. Advocates are directed to intimate the names of these respondents in the Registry for listing on 27.10.2015.

From the affidavit of service filed by the Addl. Dist. Magistrate & DL & LRO, Birbhum it appears that one brick field is still to be issued with the notice. Mr. Karagupta is directed to take steps in the matter.

Mr. Chatterjee, Id. Adv. appearing for added respondents has filed a letter of authorisation authorising one Mr. Biman Mondal to file affidavit before this Tribunal. Let the authorisation be kept with the record.

This affidavit is taken up for consideration today. It appears that 118 respondents have jointly filed this affidavit answering the point regarding penalty issue. However, for violation of the pollution norms for operation of their respective units they are individually liable, particularly relating to causing pollution of the environment and quantum of penalty to be fixed by taking into account the gravity of

the illegality committed by respective unit. Therefore, this affidavit stands rejected. However, liberty is granted to file respective affidavits answering the point of penalty and compensation by the respective respondents individually by four weeks.

The matter to be **posted on 4.11.2015** for those who have not filed their reply affidavit as yet.

Mr.Kargupta, Id. Adv. for the State prays for time to file status report in respect of illegal brick fields in the district of Burdwan in respect of whom show cause notice is yet to be issued. Mr. Kargupata prays for leave to serve notice, which is ready, on such defaulters. Let notice be served and affidavit of service showing proof of service be filed in the Registry.

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Justice Pratap Kumar Ray, JM

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