

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.240/2024/EZ

Ashish Kumar

Applicant(s)

Versus

The State of West Bengal & Ors.

Respondent(s)

Date of hearing: 02.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Rajan Shaw, Adv.

**ORDER**

1. Heard Mr. Rajan Shaw, learned Counsel appearing on behalf of the Applicant.
2. The Applicant has filed the present Original Application alleging the dumping of debris into the river Nunia. The Applicant is also aggrieved by different construction projects namely,
  - (i) Tarang,
  - (ii) Town House and
  - (iii) Sangati,all being constructed on the land of Asansol Durgapur Development Authority allotted for Shristinagar Township project measuring 89.67 acres approximately.
3. It is alleged that these projects do not have any Environmental Clearance issued by State Environment Impact Assessment Authority ('SEIAA' for short).
4. It is alleged that the built-up area of 'Tarang' is more than 63,000 square meters; the built-up area of 'Town House' is more than 1,14,092 square meters and the built-up area of 'Sangati' is about 32,806 square meters.

5. It is further alleged that the illegal constructions are being carried out by the Respondent Nos.11 and 12; they have encroached the long stretch of the passing river Garui and have turned the river into a narrow drain.
6. It is stated that the three projects 'Tarang', 'Town House' and 'Sangati' are comprised with C.S. Plot Nos.1709(P), 1711, 1712(P), 1713 to 1728, 1977 and 1978 of Mouza-Ganrui (J.L. No.12); Plot Nos.389(P), 391(P), 392(P), 388(P), 395(P) and 396 of Mouza-Gobindapur (J.L. No.18); Plot Nos.368 of Mouza-Gopalpur (J.L. No.10) and Plot Nos.3 to 5, 7, 7/519, 7/520, 7/521, 7/522, 7/523, 7/524, 7/525, 7/526, 7/527, 8 to 11, 12(P), 13(P), 15(P), 16(P), 17(P), 18(P), 19, 19/390, 19/393, 19/394, 19/395, 19/396, 19/397(P), 19/399, 20, 20/402, 21(P), 46(P), 117(P), 118 to 121, 121/465, 122, 123(P) of Mouza-Kumarpur (J.L. No.19). All plots fall under Asansol North and South Police Station, Kanyapur Satellite Township, District-Paschim Burdwan.
7. It is alleged that all the three projects have built-up areas of more than 20,000 square meters each and it is also alleged that the Applicant has searched the website of the Environment Department of Government of West Bengal and found that the application for grant of Environmental Clearance for the Project 'Tarang' and 'Town House' was pending with present Status "Violation Reported" while no application was found for the project 'Sangati' which shows gross violation of the provision of the EIA Notification 2006.
8. It is stated that the river Garui is a tributary of river Nunia and the river Nunia is a tributary of river Damodar and both the rivers have been heavily impacted due to various types of industrial and construction activities.

9. Matter requires consideration.
10. Issue notice to the Respondents, returnable within four weeks.
11. Mr. Rajib Ray, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 4, 7, 8, 10, State Respondents, Government of West Bengal.
12. Mr. Surendra Kumar, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.3, Central Pollution Control Board.
13. Mr. Ghanshyam Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.5, West Bengal Pollution Control Board.
14. Mr. Dipanjan Ghosh, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.6, State Environment Impact Assessment Authority (SEIAA), West Bengal.
15. Issue notice to the Respondent No.2, Ministry of Environment, Forests and Climate Change (MoEF&CC); Respondent No.9, Asansol Municipal Corporation; Respondent No.11, Asansol Durgapur Development Authority and Respondent No.12, Private Respondent, returnable within four weeks.
16. All the Respondents shall file their counter-affidavits within four weeks.
17. Considering the allegations made in the Original Application, we deem it appropriate to constitute a Fact Finding Committee comprising of the following members:-
  - i) District Magistrate, Paschim Burdwan or his representative not below the rank of Additional District Magistrate (ADM);
  - ii) Senior Scientist, West Bengal Pollution Control Board;

- iii) Senior Scientist, Central Pollution Control Board; and
- iv) Senior Scientist, State Environment Impact Assessment Authority (SEIAA), West Bengal

18. The Committee shall visit the site in question and submit its Report on affidavit within four weeks with regard to the allegations made in the Original Application.
19. The District Magistrate, Paschim Burdwan shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.
20. If environmental violations are found, the Committee shall also suggest remedial measures and action proposed to be taken.
21. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Rajib Ray, Mr. Surendra Kumar, Mr. Ghanshyam Pandey and Mr. Dipanjan Ghosh, learned Counsel for the Respondents in the course of the day.
22. **List on 24.02.2025.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

January 02, 2025,  
Original Application No.240/2024/EZ  
SKB