

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**
Original Application No. 24/2014/EZ

Subhas Dutta Vs. State 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. Subhas Dutta (in person)
Respondent No. 1	:	Not appeared.
Respondent No. 2	:	Mr. Bikash Kar Gupta, Advocate Ms. Ananya Neogi, Advocate
Respondent No. 3	:	Mr. Saptansu Basu, Sr. Advocate Ms. Ananya Das, Advocate
Respondent No. 4	:	Mr. N. C. Bihani, Advocate Ms. Papiya Banerjee, Bihani, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 3 27 th November 2014	<p>Heard the learned advocates appearing for the parties and the applicant in person.</p> <p>Perused the Status Report filed by the Member Secretary, West Bengal State Pollution Control Board and the Chief Secretary, Govt. of West Bengal.</p> <p>It is clear from the report that a huge quantity of fly ash in the river bed has accumulated due to discharge of fly ash laden water and the same has not yet been removed. The river water in downstream is also highly polluted due to Suspended solids. Learned advocate appearing for the respondent no. 3 has filed an affidavit in terms of our earlier direction passed in this regard. It appears from the affidavit that they have started taking steps to remove fly ash from the river bed as well as from the river bank.</p> <p>Having regard to the huge amount of fly ash</p>

present in the river bed as well as on the river bank we are directing the General Manager, respondent no. 3, Project Proponent to take all effort to remove the entire deposit of fly ash from river bed and bank by engaging more number of machines, manpower as would be required. It is made clear that everything will be done to protect the environment.

Central Pollution Control Board is directed to send one technical expert in the concerned area after two weeks to observe the condition of the river bed and the bank and submit their report.

Status Report has already been served to the concerned parties and they are at liberty to file objection, if any with reference to the Status Report within two (2) weeks.

Member Secretary is directed to make further investigation with reference to our earlier order and send status report about the following points on the condition of the river and river bank.

- i) Extent of removal of fly ash sediment in 1.5 km downstream stretch of river bed;
- ii) Removal of fly ash dumped at river bank;
- iii) Status of ash pond water whether circulated or discharged to river;
- iv) Water quality in the discharge point and downstream in respect to TDS, TSS.

Chief Secretary, Govt. of West Bengal is directed to intervene in the matter and direction be passed to the concerned department so that the entire deposit of fly ash from the river bed is removed. He is also directed to issue instruction to the concerned District Magistrate and Superintendent of Police to assist in the matter of removing the fly ash from river bed and river bank and also in terms of our earlier order.

Learned advocate for the respondent no. 3, Project Proponent submits that removal of deposition work is being conducted by them. Respondent No. 3 is directed to furnish minute particulars with reference to the sedimented fly ash on the next date of hearing.

Stand over to 19th December 2014.

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Justice Pratap Kumar Ray, JM

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

