

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Appeal No. 51/2013 (THC)
(W.P. No. 21025/2010 of Calcutta High Court)

Suvra Roy Chowdhury & Ors. V/s State of West Bengal & Ors.

CORAM: HON'BLE Mr. JUSTICE Dr. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE Mr. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE PROF. DR. P.C. MISHRA, EXPERT MEMBER
HON'BLE PROF. A. R. YOUSUF, EXPERT MEMBER

Applicant / Appellant : Mr. Bikas Kar Gupta, Adv.
Respondent No. 4,6,7,9,10,12 : Ms. Asha Nayar Basu, Adv. along
with Nayar Behani and Amit
Agarwal, Advs.
Respondent No. 8 : Ms. Partha Sil, Adv.
Respondent No. 11 : Mr. L.C. Agrawala, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 5 October 29, 2013	We have heard Learned Counsel appearing for the respective Respondents in this Appeal. However, the Appellant has not been appearing before the Tribunal consistently. By our earlier order dated 02.09.2013, we have directed the Respondents to maintain <i>status quo</i> as it existed as on the said date till further orders. The Learned Counsel appearing for the Metro Project, namely, Respondent No. 8 as well as the Respondent No. 9 (Tourism Department) have made certain elaborate submissions. It is the contention of the Learned Counsel appearing for the Kolkata Metro Rail Private Limited that the Metro Project being collaborated between the Government of India and Government of Japan. The order of <i>status quo</i> caused not only impediment but it is also likely to have the international implications

about the reputation of the country. As such, he would also make it very clear that the Metro Project is not passing through any forest area and in so far as the compensation of the trees which are to be cut for the purpose of completing the Metro Rail Project, there is already an order directing to plant five (5) trees for each tree to be cut in every project. He would also submit that the stipulation will be scrupulously followed. He has also produced the entire project report. We found that the project in every aspect is covered except the excavated soil as to how the management of the excavated soil is to be dealt with the Metro Rail project. The excavated soil being one of the major issues is likely to cause not only air pollution but also congestion in the area unless such soil is properly managed under the Air (Prevention and Control of Pollution) Act and acceptable scheme. The Learned Counsel appearing for the Metro Rail would submit that the project will not affect the lake area.

The Learned Counsel appearing for the Tourism Department of the West Bengal Government would submit that there has been places in and around lake area where the anti-social elements are using for the illegal purposes for the reason that they are not properly maintained and, therefore, it is the intention of the Tourism Department to see that the said areas are made green and made usable by the people. He would also submit that in the embankment of the lake area, the Department would not put any concrete, the natural flow of water be maintained and the facilitates to be made for inlet of rain water without any obstruction.

Considering the above said contentions made by the Learned Counsel appearing for the Respondent No. 8 and Respondent No. 9 and taking note of the project in the city of Kolkata, we are of the view that both Respondent No. 8 and Respondent No. 9 should be permitted to proceed with the Metro Rail project as well as the Tourism concept by way of developing the area in and around the lake, however, subject to the following conditions:-

- (i) The Metro Rail Department shall be entitled to proceed with this project, however, without obstructing the natural flow of water or interfering in the lake area.
- (ii) In respect of cutting each of the trees for implementing the project, the Metro Rail shall compensatory plant 10 times of trees to be cut.
- (iii) The Both Respondent No. 8 and Respondent No. 9, particularly the Metro Rail, shall prepare a scheme for the purpose of managing the excavated soil and that scheme shall be placed before the Department of Environment for its approval within a period of four (4) weeks. If such scheme was already there in the original proposal, the same has to be re-considered by the Department of Environment for the better management of the excavated soil.
- (iv) The Department of Tourism shall proceed with its beautifying activity in order to avoid the anti- social activities. While making the jogging tracks, jogging track shall not block the

natural flow of storm water into the lake. The Tourism Department shall not affect any concretization of embankment other than the existing one which is beyond the jogging track.

(v) The Tourism Department shall also take steps to plant 10 trees for cutting every tree in order to beautify the area.

(vi) Both the Respondents shall scrupulously follow the various terms and conditions of EC given by the Department of Environment as well as Tourism Department. It is stated by the Tourism Department that the beautification activity is being done by the Department of Tourism in collaboration with the Kolkata Metropolitan Development Authority. Soil excavation has to be done within a period of four (4) weeks from today.

We make it clear that with the above observations, the Appeal stands disposed of.

We make it clear that in any event the Learned Counsel for the Respondents seeking any clarification required in any portion of the order, they are at liberty to file any Appeal/Application before this Tribunal.

....., JM

(Dr. P. Jyothimani)

....., JM

(M.S Nambiar)

....., EM

(Dr. G.K. Pandey)

....., EM

(Prof. Dr. P.C. Mishra)

....., EM

(Prof. A.R. Yousuf)

