

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

O.A. No. 06/2016/EZ
With
M.A. 946/2016/EZ

SUBHASH DATTA
VS

STATE OF WEST BENGAL & ORS

CORAM: **Hon'ble Mr. Justice S.P.Wangdi, Judicial Member**
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: **Applicant : In person**
Respondent No. 3 : Ms. Amrita Pandey, Advocate
Respondent No. 5 : Mr. Moloy Kr. Das, Advocate
Mr. B. Samanta, Advocate
Respondent No. 6 : Mr. Dipanjan Ghosh, Advocate
Respondent Nos. 1,2& 4 : Mr. Bikas Kargupta, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 4 4th July, 2016.	<p>It appears that the Respondent No. 5, SE Rly., has not yet filed reply as directed by us earlier. It was incumbent upon them to have complied with our order dt. 7.4.2016 where it had been specifically directed that they should make their stand clear as to whether they would be in a position to make contribution towards the cost of cleaning up and maintenance of the Jheel which fall within the premises owned by them. We are constrained to record our extreme disappointment in their casual and recalcitrant attitude. The role of respondent No. 5 is crucial in restoration and maintenance of the Jheel, the importance of which cannot be undermined.</p> <p>We, therefore, direct the respondent No. 5 to file their affidavit in a comprehensive manner covering all aspects within a period of two weeks and not later than that.</p> <p>In the meanwhile, the question regarding construction of parallel drain to the Jheel by the respondent No. 3 requires to be given</p>

attention it deserves. It had been expressed by us earlier that in order to prevent contamination of the water, it was essential to divert the untreated sewage away from the water body for which it had been directed that the respondent No. 3 would take appropriate steps.

By filing MA 946/2016/EZ, difficulty has been expressed by the Howrah Municipal Corporation, Respondent No. 3, in undertaking the task, particularly with specific reference to the expenditure that may be involved. It is submitted that M/s Makintosh Burn Ltd. Has been entrusted with this job but so far they have not responded.

We are unable to understand as to how the said construction company would refuse to undertake the work if all requirements are provided for the purpose.

The difficulty expressed on behalf of respondent No. 3 in meeting the requisite expenditure is not acceptable to us. It is perplexing to note that on the one hand the respondent No. 3 projects the expenditure as huge and on the other hand it is stated that they have engaged the construction company to do the work. This is a mutually conflicting stand.

Be that as it may, we direct the respondent No. 3 to place before us the DPR (Detailed Project Report) which would include the expenditure involved in the project on the next date to enable us to pass necessary direction.

In the meantime, M/s Makintosh Burn Ltd. being a necessary party in this regard is directed to be impleaded as respondent No. 7. Issue notice upon the added respondent returnable in two weeks. The said respondent shall file its reply on or before the next date.

We request Mr. Subhas Datta to serve notice dasti upon the added respondent in order to avoid delay in disposal of the matter.

The question of cleaning of the island formed by water hyacinth being a complicated scientific issue, shall be considered at the time when this application will be disposed of finally. In the meanwhile, we

would request Mr. Subhas Datta and other respondents to provide suggestions in this regard for our consideration after obtaining opinion of experts.

List on 28.7.2016.

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Justice S.P.Wangdi, JM

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

