

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

**O.A. No. 101/2015/EZ**

**BISWAJIT MUKHERJEE**

**VS**

**UNION OF INDIA & ORS**

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

**PRESENT:** Applicant : Ms. Rekha Ghosh, Advocate  
Respondent No. 1 : None.  
Respondent No.3 : Mr. Dipanjan Ghosh, Advocate  
Respondents No. 2, 4 to 7 : Mr. Bikas Kargupta, Advocate

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 2 21<sup>st</sup> September, 2017.</b>	On 11.1.2017 while recording our satisfaction on the State Respondents in complying with our directions by framing policy guidelines regarding grant of licence for setting up fire cracker manufacturing units in the State of West Bengal, we had observed that aspect pertaining to concentration of grant of such licences in certain areas had not been addressed even when It was one of the matters which was mentioned in the consultative meeting held by the Govt. on 05.12.2016. The State Respondents, particularly the Home Secretary, Govt. of West Bengal and the Principal Secretary, Department of Fire and Emergency Services, on whose behalf the affidavit had been affirmed on that date had been directed to ensure that the inadequacy in the policy document be taken care of and to file an action taken report. A policy decision duly published by the Gazette Notification dated 3.03.2017 was filed on 31.03.2017 and, in view of this, the case was listed on 05.05.2017 for final disposal.

On 05.05.2017, directions had also been issued upon the State PCB to address us on the parameters taking into consideration while granting consent to operate to Fire Cracker manufacturing units that fall in the red category industries as per the categorization of industries and siting policy (locational) of industries in the State of West Bengal. This was duly complied with by filing an affidavit on 13.07.2017.

On the following date, that is 13.07.2017, when Mr. Bikas Kargupta, Id. Govt. Counsel was reminded of the need to comply with the order dated 11.01.2017, it was assured by him that appropriate steps shall be taken and report filed on the next date for which time was sought for. On 11.08.2017 an affidavit was filed on behalf of the Respondent No. 5, the Principal Secretary, Department of Fire and Emergency Services, which, as per Mr. Kargupta, contained the policy guidelines addressing the question.

Upon perusal of the affidavit, we find that the information given by Mr. Kargupta does not appear to be correct as we do not find the guideline duly amended incorporating the deficiencies indicated earlier except for a letter dated 09.09.2017 issued by the Principal Secretary, Environment addressed to the Addl. Chief Secretary in-charge of the Industry, Commerce and Enterprises Department, Govt. of West Bengal, whereby certain proposals had been made. Although proposal is not in accordance with our observations, it appears to be reasonable which the Govt. has ought to have considered and decision taken thereon expeditiously. Mr. Kargupta, when asked on the fate of this letter, submits that he had no instructions. We are disappointed to note the manner in which the State Government dealing with orders passed by the Tribunal. The laxity and casualness in which the issue is being considered reflects the

disdain and indifference of the authorities to such directions.

In our view, this would tantamount to violation of our directions attracting punitive provisions of the NGT Act, 2010 and other cognate contempt statutes. As of now, we shall desist ourselves from instituting such proceedings and in the interest of justice, we prefer to grant one more opportunity to the Addl. Chief Secretary, in-charge of Industry, Commerce and Enterprises Department, to take a decision in consultation with other concerned departments.

Let such decision be taken without fail and file an action taken report before us on the next date.

**List on 07.11.2017.**

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Justice S.P.Wangdi, JM  
21-09-2017

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Prof. (Dr.) P.C.Mishra, EM  
21-09-2017



