

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

Original Application No. 99/2015/EZ

TAPAN KUMAR BHOWMICK & ORS

VS

**THE WEST BENGAL POLLUTION
CONTROL BOARD & ORS**

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

PRESENT: **Applicant** **: Md. Akram, Advocate.**
 Respondent No. 1 **: Mr. Dipanjan Ghosh, Advocate**
 Respondent No. 2 **: None**

Date & Remarks	Orders of the Tribunal
<p>Item No. 04 5th February, 2016.</p>	<p style="text-align: center;">Heard Id. Counsel appearing for the applicant and the respondent present today.</p> <p style="text-align: center;">Action taken in the form of Affidavit on behalf of State PCB filed today be kept on record. Having regard to the report as filed by State PCB it appears that despite the direction given by the State PCB to the project proponent to change the system of using fuel from firewood to clean fuel viz. LPG, electricity and to maintain the stack at proper height, it was not done. Subsequently as per our order further inspection was made by the PCB and it was found from the recent inspection report dated 29.01.2016 annexed at page 5 of the affidavit that they have violated the Board's direction by not changing the fuel system from firewood to other mode as stipulated in the direction of PCB. Even during last inspection dated 4.12.2015 the oven used by them for their bakery was found in broken condition and has not been repaired.</p>

Having regard to the affidavit filed by the Board there will be an order of injunction restraining the operation of the bakery unit by Respondent No.2 until further order. The Police Commissioner of Kolkata Police Commissionerate is directed to take steps for compliance of this order.

The consent to operate is valid upto 31.12.2017. However, since the directions granted to the Board have not been complied with despite the time given to the project proponent, the PCB is directed to recall the consent to operate decision forthwith and action taken report to be filed by the PCB on the next date of hearing. The Commissioner of Police, Kolkata is also directed to submit action taken report with regard to implementation of the order as passed today. Registry is directed to communicate this order to the Commissioner of Police, Kolkata forthwith.

Matter stands adjourned to 15.03.2016.

Justice Pratap Kumar Ray, JM

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