

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

Original Application No. 58(THC)/2014/PB/2/EZ

Biswajit Paul Vs State of West Bengal & Ors

CORAM: Hon'ble Justice Dr. P. Jyothimani, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Rasamay Mandal, Advocate
Respondent 1-3,5 : Bikash Kar Gupta, Advocate
Respondent No. 6 : Mr. Nayan Chand Bihani
Ms. Papiya Banerjee Bihani, Advocates
Respondent No. 7 : Mr. Suman Dey, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 2 July 4, 2014	<p>We have heard the Learned Counsel appearing for the applicant as well as the State and State Pollution Control Board apart from the counsel appearing for the 7th respondent. Admittedly, the 7th and 8th respondents are not operating poultry farm as on today.</p> <p>By our earlier order dated 26.05.2014, we have directed the 9th Respondent viz. District Magistrate to immediately seal the premises of the 7th & 8th respondents. In respect of Respondent No. 7, the learned Counsel appeared and there is no appearance in respect of the Respondent No. 8. Now it is informed by the learned Counsel appearing for the applicant, that even though no poultry farm activities are going on, the 9th Respondent has failed to implement the order in not sealing the premises. Mr. Bikash Kar Gupta, learned counsel for the State would fairly concede the said position. However on a direction, the said order will be implemented forthwith in any event before the next week, he submits.</p> <p>Learned Counsel appearing for the Respondent no. 7 has submitted that the applicant has filed two writ petitions before the Hon'ble High Court of Calcutta viz. Writ Petition No. 35512 of 2013 and 32004 of 2013. WP No. 35512 of 2013 stood disposed of by the Hon'ble Green Bench of the High Court of Calcutta with a direction that the project proponent should obtain consent to operate from Pollution Control Board before carrying on its activities. However WP 32004 of 2013 which is stated to have</p>

been posted before the learned Single Judge has been directed to be transferred to this Tribunal and accordingly numbered as OA 58/2014.

It is informed that both 7 and 8th Respondents are not carrying on their activities. The learned Counsel appearing for the 7th Respondent would fairly submit that the 7th Respondent has already obtained consent to establish from the State Pollution Control Board and has made the application for consent to operate on 11.06.2014 and he fairly submits that unless and until the said application is disposed of, his client will not carry on any activities.

In respect of 7th Respondent the application filed by him for consent to operate shall be considered by the State Pollution Control Board on merit and in accordance with the law and suitable order shall be passed. West Bengal State Pollution Control shall not permit the said 8th Respondent to carry on poultry farm activities. The 9th respondent shall seal the premises of 8th respondent. The State Pollution Control Board shall not permit the 8th respondent to carry on or start its activities unless and until it obtains consent to operate. As the counsel for 7th respondent has given undertaking that they will not carry on poultry farm activities till the Board issues consent to operate, its premises need not be sealed by the 9th respondent. However the State Pollution Control Board shall keep a watch over the functioning of the 7th respondent. With the above said directions the application stands disposed off. There shall be no order as to cost.

In the earlier order dated 26.05.2014 instead of 'OA60' it should be read as 'OA 58'.

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Dr. P. Jyothimani, JM

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