

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.183/2023/EZ

Vishal Kumar		Applicant(s)
	Versus	
Bihar Foundry and Casting Ltd & Ors.		Respondent(s)

With

Original Application No.44/2023/EZ

Rakesh Shrivastava		Applicant(s)
	Versus	
Bihar Foundry and Casting Limited & Ors.		Respondent(s)

Date of hearing: 07.08.2024

**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON’BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

(O.A. No.183/2023/EZ)

For Applicant(s) : Mr. Kazi Sangey Thupden, Advocate and
Mr. Akshar Bhatt, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Shivam Bhimsaria, Advocate for R-1 (in Virtual Mode),
Ms. Anamika Pandey, Advocate for R-2,
Mr. Surendra Kumar, Advocate for R-3,
Mr. Sibojyoti Chakraborty, Advocate for R-4 (in Virtual Mode),
Ms. Aishwarya Rajyashree, Advocate for R-5 (in Virtual Mode),
Mr. Gigi C George, Advocate for R-6 (in Virtual Mode)

(O.A. No.44/2023/EZ)

For Applicant(s) : Mr. Rajendra Krishna, Sr. Advocate (in Virtual Mode) a/w
Mr. Sagnik Choudhury, Advocate and
Mr. Anubhav Khastagir, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Shivam Bhimsaria, Advocate for R-1&2 (in Virtual Mode),
Ms. Anamika Pandey, Advocate for R-3,
Mr. Surendra Kumar, Advocate for R-4,
Mr. Ashok Prasad, Advocate for R-5

ORDER

1. Mr. Kazi Sangey Thupden, learned Counsel assisted by Mr. Akshar Bhatt, learned Counsel is present (in Virtual Mode) on behalf of the Applicant in Original Application No.183/2023/EZ.
2. Some of the Counsel state that they have not been served all the affidavits on record.
3. Let all the Counsel share their e-mail ids on the chat-box and share their affidavits among themselves.
4. All the affidavits are on the portal/website of the National Green Tribunal, Eastern Zone Bench, Kolkata. Counsel may collect all the affidavits from the said portal.
5. Affidavit dated 24.05.2024 has been filed by the Respondent No.4, Central Pollution Control Board; the same is taken on record.
6. Rejoinder affidavit dated 05.08.2024 has been filed by the Applicant; the same is taken on record.
7. Rejoinder affidavit dated 06.08.2024 has been filed by the Applicant; the same is taken on record.
8. Mr. Shivam Bhimsaria, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.1, Bihar Foundry and Castings Limited, states that counter-affidavit which was filed earlier was defective and he has thereafter removed the defect and re-filed the affidavit on 11.06.2024. The report of the Office of the Tribunal, however, shows that the said affidavit is still in defect as fees has not been deposited. The Counsel may do the needful.
9. We make it very clear that the parties shall exchange their pleadings among themselves.
10. The parties shall complete pleadings and exchange affidavits among themselves or download it from the portal of the National Green

Tribunal. Non-service of affidavit will not be a ground for adjournment and will invite costs.

11. We also inform that the controversy in the present case is also engaging attention of this Court in Original Application No.148/2024/EZ (*Sh. Manoj Yadav Vs. Bihar Foundry and Castings Limited & Ors.*) which is listed on 10.09.2024.
12. The name of Mr. Kazi Sangey Thupden has not been printed in the Cause-list today though we find that his name was mentioned in the order of the Court dated 18.04.2024. His name shall be printed in the Cause-list in the case in future.
13. Mr. Rajendra Krishna, learned Senior Counsel appearing (in Virtual Mode) assisted by Mr. Sagnik Choudhury who is present in person in Court and Mr. Anubhav Khastagir, learned Counsel appearing (in Virtual Mode) is present for the Applicant in **Original Application No.44/2023/EZ.**
14. The parties shall complete pleadings among themselves by the next date of listing.
15. Mr. Ashok Prasad, learned Counsel appearing on behalf of the Respondent No.5, Central Pollution Control Board, states that the CPCB does not intend to file any counter-affidavit in the present case.
16. Mr. Rajendra Krishna, learned Senior Counsel submits that in pursuance of the order of the Tribunal dated 01.03.2024, the Respondent Nos.1 and 2, Bihar Foundry and Casting Limited and Goutam Ferro Alloys, had approached the Jharkhand State Pollution Control Board seeking cancellation of the Consent to Operate dated 23.01.2023 vide letter dated 10.03.2024 under

receiving dated 11.03.2024 but till date no order has been communicated to him.

17. We direct the Jharkhand State Pollution Control Board to file affidavit stating what action has been taken on this application dated 10.03.2024 by the next date of listing.
18. **List on 10.09.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

August 07, 2024,
Original Application No.183/2023/EZ
With
Original Application No.44/2023/EZ
OM