

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

(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Original Application No.183/2023/EZ
With
Original Application No.44/2023/EZ

Vishal Kumar Applicant(s)

Versus

Bihar Foundary and Casting Ltd. & Ors. Respondent(s)

With

Rakesh Shrivastava Applicant(s)

Versus

Bihar Foundary and Casting Ltd. & Ors. Respondent(s)

Date of hearing: 18.04.2024

**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 S 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 (in Virtual Mode),
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. Anubhav Khastagir, Advocate (in Virtual Mode) a/w
Mr. Sagnik Choudhury, Advocate

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

ORDER

1. Mr. Shivam Bhimsaria, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.1 states that counter-affidavit has been filed. Office of the Tribunal however informs that

the same is in defect. Mr. Shivam Bhimsaria shall remove the defect and e-file the affidavit within one week.

2. Mr. Gigi C George, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.6 states that counter-affidavit has been filed. Office of the Tribunal however informs that no counter-affidavit has been e-filed by Respondent No.6.
3. The Respondent No.6 is directed to e-file the counter-affidavit today itself.
4. Mr. Sibojyoti Chakraborty, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.4 and Ms. Aishwarya Rajyashree, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.5 pray for and are granted four weeks time for filing counter-affidavit.
5. Mr. Surendra Kumar, learned Counsel appearing on behalf of the Respondent No.3, Jharkhand State Pollution Control Board, states that counter-affidavit of the Board has already been filed in O.A. No.44/2023/EZ, (*Rakesh Shrivastava vs. Bihar Foundry and Casting Limited & Ors.*), and he has instructions to state that the Board will rely upon the said affidavit and separate affidavit in this case is not required at this stage.
6. List this case along with O.A. No.44/2023/EZ as we are informed by the learned Counsel for the Applicant as well as learned Counsel for the Respondents that the controversy involved in this case is identical to that of O.A. No.44/2023/EZ.
7. The Counsel for the parties shall ensure that all the affidavits are exchanged among themselves before the next date and pleadings are completed by that date.

8. The Counsel for the parties shall also share their E-mail ID in the chat-box of the Virtual proceedings today itself so that they can exchange affidavits among themselves.
9. **List on 27.05.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

April 18, 2024,
Original Application No.183/2023/EZ
With Original Application No.44/2023/EZ
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