

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

Original Application No.91/2022/EZ
(I.A. No.238/2022/EZ, I.A. No.14/2023/EZ)

Asif Iqbal	Versus	Applicant(s)
The State of West Bengal & Ors.		Respondent(s)

Date of hearing: 23.02.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Meghnad Dutta, Adv. (in Virtual Mode) a/w
Mr. Abhishek Shaw, Adv.

For Respondent(s): Mr. Rajib Ray, Adv. for R-1,2,3,5,6 & 9,
Ms. Arpita Chowdhury, Adv. for R-4 (in Virtual Mode),
Ms. Priyakshi Banerjee, Adv. for R-7 & 8, (in Virtual Mode)
Mr. Arindam Das, Adv. for R-10 & 11,
Ms. Nasreen Islam, Adv. for R-12 to 18,
Mr. Somnath Roy Chowdhury, Adv. in I.As.

ORDER

(I.A. No. 238/2022/EZ):-

1. This I.A. has been filed by the Applicants therein who alleged that they would be affected by any adverse order which may be passed by this Tribunal in the present Original Application No. 91/2022/EZ
2. At the same time, learned Counsel for the parties inform that with respect to the same plot of land a Writ Petition is pending in the Hon'ble High Court of Calcutta.
3. Mr. Somnath Roy Chowdhury, learned Counsel appearing for the Applicants in the I.A., submits that since the matter is already seized by the Hon'ble High Court of Calcutta with respect to the same controversy as in the present Original Application, therefore, the present Original Application may be dismissed.

4. Ms. Nasreen Islam, learned Counsel appearing for the Respondent Nos. 12 to 18, Private Respondent, (in O.A. No. 91/2022/EZ), on the other hand, states that a transfer application has been filed by the said Respondents before the Hon'ble High Court and, therefore, the present Original Application may not be dismissed, subject to any final order which may be passed by the Hon'ble High Court on the transfer application.
5. In this view of the matter, we are of the view that Tribunal should not proceed with the matter when the Hon'ble High Court is already seized of the same controversy and a transfer application is also pending before the Hon'ble High court.

I.A. No. 14/2023/EZ:-

1. This I.A. has been filed by the Applicants therein, praying for stay of the further proceedings in the present Original Application.
2. At this stage, we refrain from passing any orders in the I.A. No. 238/2022/EZ and I.A. No. 14/2023/EZ since the matter is already engaging the attention of the Hon'ble High Court in a Writ Petition in which a transfer application has also been filed which is pending consideration before the Hon'ble High Court.

(in Original Application No.91/2022/EZ):-

1. Mr. Meghnad Dutta, learned Counsel appearing (in Virtual Mode) assisted by Mr. Abhishek Shaw, learned Counsel for the Applicant.
2. Ms. Nasreen Islam, learned Counsel appearing for Respondent Nos. 12 to 18, Private Respondents, states that she has filed an I.A. in the present Original Application seeking injunction but the same is not on record.
3. We are informed by the office of the Tribunal that the said I.A. has been put in defect.

4. Learned Counsel may remove the defects and e-file the same within one week.
5. However, since the matter is already engaging the attention of the Hon'ble High Court in a Writ Petition, we refrain from passing any order touching the merits of the present Original Application.
6. The matter is accordingly adjourned.
7. **List on 11.04.2023.**

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

February 23, 2023,
Original Application No.91/2022/EZ
(I.A. No.238/2022/EZ & I.A. No.14/2023/EZ)
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