

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

I.A. No.15/2023/EZ & I.A. No.16/2023/EZ
(Original Application No.64/2020/EZ)

Dakshin Banga Matsyajibi Forum Applicant(s)

Versus

Inland Waterways Authority of India &Ors. Respondent(s)

Date of hearing: 13.03.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Rahul Choudhary, Advocate (in Virtual Mode) a/w
Mr. Kaustav Dhar, Advocate

For Respondent(s) : Ms. Mansi Bachani, Advocate for R-1 (in Virtual Mode)
Mr. Surendra Kumar, Advocate for R-3,
Mr. Rajib Ray, Advocate for R-4, 7 and 8,
Mr. Prithwish Basu, Advocate for R-5 (in Virtual Mode),
Mr. Kallol Basu, Advocate (in Virtual Mode) a/w
Ms. Paushali Banerjee, Advocate for R-9

ORDER

I.A. No.15/2023/EZ

1. This Interlocutory Application has been filed by the Applicant in the Original Application No.64/2020/EZ with the allegation that M.V. Rafsan Habib-3 M-01-1280 which is a barge has capsized near Nischintapur village in Kulpi Block in Diamond Harbour subdivision of the South 24 Parganas.
2. It is alleged that this barge was carrying fly-ash from India to Bangladesh and has capsized as a result of an accident and that the Fly-ash has spilled into the sea thereby causing an environmental disaster and damaging riverine ecology of the Sundarban. The accident is stated to have occurred on 25.02.2023.
3. The prayer in the I.A. is that Status and Action Taken Report be called for and direction be issued for removal of the fly-ash and issue

directions for taking steps for mitigation of the damage caused to the environment.

4. Issue notice to the respondents returnable within one week.
5. We direct the Principal Secretary, Department of Environment as well as the West Bengal State Pollution Control Board (Respondent No.5 in the O.A.) and Inland Waterways Authority of India (IWAI) (Respondent No.1 in the O.A.) to file status report on Affidavit.
6. Since the accident is stated to have taken place on 25.02.2023, we expect the enquiry must have been initiated immediately and therefore Respondents are directed to file their enquiry/status report on affidavit before the Tribunal by 20.03.2023 which is the date already fixed in the O.A.

I.A. No.16/2023/EZ

1. This Interlocutory Application has been filed by Shyama Prasad Mukherjee Port, Kolkata (SMP) (Respondent No.9 in the Original Application No.64/2020/EZ).
2. This I.A. will be taken up at the time of arguments.
3. Inland Waterways Authority of India (IWAI) (Respondent No.1 in the O.A.) may file their response in the I.A. No.16/2023/EZ by the next date of listing.
4. Principal Secretary, Department of Environment, Government of West Bengal may file his response in both the I.As by the next date of listing.
5. **List on 20.03.2023.**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

March 13, 2023
I.A. No.15/2023/EZ & I.A. No.16/2023/EZ
(Original Application No.64/2020/EZ)
SKB