

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

Review Application No.03/2023/EZ
(I.A. No.29/2023/EZ)
In
Original Application No.108/2021/EZ

In the Matter of:

Parbati Kumar Ghosh,
Son of Late Nitya Gopal Ghosh,
Village: Baidyadanga,
Rasulpur, P.S. – Memari,
District: Burdawan
Pin Code – 713151

.... Applicant(s)

Versus

- 1. Rasulpur Dana Welfare Society**
Through its President
Having its registered office at
Village – Baidyadanga, P.O. – Rasulpur,
District: Purba Bardhaman,
Pin – 713151;
- 2. West Bengal Pollution Control Board**
Service through the Chairman,
Having its office at Paribesh Bhawan,
10A, Block-1A, Sector – III,
Bidhannagar,
Kolkata - 700 106;
- 3. The Panchayat Pradhan**
Nimo-I, Memari-1,
District: Purba Bardhaman,
Pin Code – 713151;
- 4. District Magistrate**
Purba Bardhaman,
Pin Code – 713101;
- 5. The Central Pollution Control Board**
Service through the Chairman,
Parivesh Bhawan, Maharshi Valmiki Marg,
East Arjun Nagar, Vishwas Nagar, Shahdara,
New Delhi – 110032;
- 6. The Block Land and Land Reforms Officer**
Memari-1, District: Purba Bardhaman,
Pin Code – 713146;

7. District Land and Land Reforms Officer, Rajbari,

District: Purba Bardhaman,
Pin Code – 713101;

8. Haru Ghosh

Village: Baidyadanga, P.O. – Rasulpur,
Burdwan – 713151;

9. Anukul Biswas

Village: Baidyadanga, P.O. – Rasulpur,
Burdwan - 713151

.... Respondent(s)

Date of hearing: 19.05.2023

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

ORDER

1. This Review Application has been filed by the Applicant seeking review of the order dated 01.08.2023 passed by this Tribunal in Original Application No.108/2021/EZ. The Review Application is barred by limitation by two hundred and fifty-one (251) days.

I.A. No.29/2023/EZ: -

2. This Interlocutory Application has been filed by the Applicant seeking condonation of delay in filing the Review Application. In Paragraph-3 of the interlocutory application, it is stated that in the second week of the month of August, 2022, the Review Applicant came to know about the order of the Tribunal from the office of the District Magistrate, Purba Bardhaman and, thereafter, the Applicant requested his Advocate for taking necessary steps against the order dated 01.08.2022. It is stated that thereafter, a representation dated 29.08.2022 was made by the Applicant along with other local inhabitants before the concerned authorities requesting for taking necessary action for protecting their house as well as the pond. It is also stated that no steps were taken by the Advocate of the Applicant after completion of the prescribed period.

It is stated that the Applicant is a senior citizen and due to illness, he could not contact his Advocate physically and, thereafter, in the month of January, 2023, the brief of the matter was returned to the Applicant by his Advocate. Thereafter, in March, 2023, the Applicant contacted Mr. Indradeep Ghosh, Advocate and instructed him to take necessary action for filing application before the Tribunal for review of the order dated 01.08.2022 and thus, there has been a delay of 251 days in filing the Review Application.

3. We find from the averments made by the Review Applicant that he was made aware of the order of the Tribunal in the month of August, 2022 itself and, therefore, he could have filed the Review Application immediately and there is no provision under the National Green Tribunal Act, 2010, for filing representation before the concerned authorities which is stated to have been filed by the Applicant on 29.08.2022. If the Review Applicant could file representation before the concerned authorities for protecting his house as well as the pond on 29.08.2022 he could also have taken steps for filing the Review Application within the same period of time. We are, therefore, not satisfied with the grounds taken for condonation of delay in filing the Review Application.
4. Under Rule 22 of the NGT (Practice and Procedure) Rules, 2011, no application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed. Rule 22 does not provide for condonation of delay in filing the Review Application. The Tribunal being a creature of the statute and constituted under the National Green Tribunal Act, 2010, it is bound by provisions of the Act and the Rules made thereunder and

it has no inherent powers to condone delay in filing Review Application if such a provision is not contained in the Act or Rules.

5. With the aforesaid observations, the I.A. No.29/2023/EZ is rejected.
6. The Review Application No.03/2023/EZ is also rejected.
7. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

May 19, 2023
Review Application No.03/2023/EZ
(I.A. No.29/2023/EZ)
In Original Application No.108/2021/EZ
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