

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

Original Application No.82/2023/EZ
(I.A. No.12/2024/EZ)

Santoshpur Mitali Sangha	Versus	Applicant(s)
State of West Bengal & Ors.		Respondent(s)

Date of hearing: 02.04.2024

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

For Applicant(s) : Mr. Ritwick Dutta, Advocate a/w
 Mr. Kaustav Dhar, Advocate and
 Mr. Mukut Biswas, Advocate

For Respondent(s) : Mr. Rajib Ray, Advocate for R- 1,4 &6 (in Virtual Mode),
 Mr. Ayush Kumar Dadhich, Advocate for R-2,
 Mr. Dipanjan Ghosh, Advocate for R-3 (in Virtual Mode),
 Mr. Suman Dutt, Advocate (in Virtual Mode) a/w
 Ms. Shipra Naskar, Advocate for R- 7 & 8

ORDER

1. Ms. Shipra Naskar, learned Counsel files Vakalatnama on behalf of the Respondent Nos.7 & 8; the same is taken on record.
2. We have heard the learned Counsel for the parties in part.
3. Considering the Report of the Committee of an Inspection/Enquiry conducted on 29.08.2023, we are of the view that in the interregnum a boundary wall to the Gaushala needs to be constructed on an urgent basis to ensure that there is no outflow of cow dung, bovine urine, sewage, waste water into the adjoining areas.

I.A. No.12/2024/EZ:-

4. This Interlocutory Application has been filed by Respondent No.8 with the prayer that he may be provided police assistance in the erection of the boundary wall along the periphery of the Suravi

Sadan Gaushala in Mouza-Santoshpur, P.S.-Barasat, District-North 24 Parganas.

5. The allegation in his Interlocutory Application is that the local persons are preventing him from construction of the boundary wall with the result that some of the findings noted in the Committee Report are being rendered unimplementable.
6. Mr. Ritwick Dutta, learned Counsel for the Applicant of the Original Application states that the Applicant has no objection if boundary wall is permitted to be constructed in the interregnum. Learned Counsel also suggested that construction of boundary wall would not suffice unless a proper drainage/garland drain is also constructed to contain the flow of sewage/slush/bovine urine and bovine waste etc.
7. We, therefore, allow the I.A. No.12/2024/EZ and direct the Respondent Nos.7 & 8 to construct a boundary wall of adequate height ensuring impermeability of sewage/slush/bovine urine/bovine waste from flowing to the outside. The said respondents shall also construct a garland drain to contain the outflow of bovine sewage, urine, cow dung etc.
8. Let the said construction of boundary wall and garland drain be constructed within two months i.e. **by 31.05.2024.**
9. I.A. No.12/2024/EZ is accordingly disposed of.
10. We also find that the Enquiry Committee had conducted enquiry on 29.08.2023 and thereafter, Consent to Operate (CTO) was granted to the Respondent Nos.7 & 8, Gaushala, on 21.09.2023. The Report clearly mentions that 150 KLD of water is being utilized by the Gaushala whereas the Consent to Operate (CTO) has been granted only for 40 KLD. We wonder whether the West Bengal Pollution

Control Board had taken the Committee Report into consideration before granting Consent to Operate (CTO).

11. We are also of the view that since the Consent to Operate (CTO) was granted on 21.09.2023, a fresh Inspection Report is required from the West Bengal Pollution Control Board with regard to the compliance of the conditions mentioned in the Consent to Operate (CTO) particularly with reference to the findings of the Enquiry Committee of the enquiry dated 29.08.2023.
12. We, therefore, direct the West Bengal Pollution Control Board to carry out its fresh inspection by 07.06.2024 particularly bearing in mind the compliances of the conditions given in the Consent to Operate with reference to the CPCB guidelines dated July, 2021 and the Report should be submitted by the first week of July, 2024.
13. Mr. Suman Dutt, learned Counsel for the Respondent Nos.7 & 8 further submitted that since the Gaushala is located in a rural area there is no adequate drainage system and, therefore, disposal of the slush, slurry and bovine urine after treatment would still remain a problem for which suggestions have to be given by the West Bengal Pollution Control Board.
14. The submission Mr. Suman Dutt, learned Counsel for Respondent Nos.7 & 8 has been disputed by Mr. Ritwick Dutta, learned Counsel for the Applicant. Considering the same, we direct the West Bengal Pollution Control Board to consider this aspect of the matter while filing their additional affidavit along with fresh Inspection Report.
15. Mr. Ritwick Dutta, learned Counsel for the Applicant further submitted that all the slush, slurry, cow dung and bovine waste has already spread to the adjoining areas in the absence of a proper

boundary wall or through holes in the existing wall which need to be cleared immediately considering that monsoon is not far off.

16. We, therefore, direct the Respondent Nos.7 & 8 to take immediate steps to clear all the bovine waste which may have poured out into the adjoining area outside the boundary of the Gaushala within one month and file affidavit of compliance with photographs by the next date of listing.

17. **List on 08.07.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

April 02, 2024,
Original Application No.82/2023/EZ
(I.A. No.12/2024/EZ)
MN