

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

Original Application No.82/2023/EZ

Santoshpur Mitali Sangha

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 04.08.2023

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

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

ORDER

1. Heard Mr. Rahul Choudhary, learned Counsel appearing (in Virtual Mode) assisted by Mr. Kaustav Dhar, learned Counsel for the Applicant.
2. The allegation of the Applicant in the present Original Application is that the Respondent No.7 is illegally operating a 'Gaushala' in the name and style of 'Suravi Sadan Gaushala' under the Rajasthan Gokalyan Trust, Respondent No.8.
3. It is alleged that the said Gaushala Unit of Respondent No.7 is operating for several years without a valid Consent to Establish and Consent to Operate from the West Bengal Pollution Control Board.
4. It is also alleged that the Respondent No.7 Gaushala Unit is operating in violation of the provisions of Guidelines for Environmental Management of Dairy Farms and Gaushalas' published by the Central Pollution Control Board in July, 2021.

5. It is further alleged that the Respondent No.7 Gaushala in question is located within 60 meters and 80 meters away from residential dwellings and schools instead of being located beyond 100 meters from the residential areas and, therefore, its siting is in violation of the Guidelines, 2021.
6. The allegation of the Applicant further is that dung and fodder residues are washed into the drains leading to clogging of the drains. It is stated that as per the Central Pollution Control Board Notification dated 07.03.2016 'Dairy Farm' is listed under 'Orange' category and obtaining Consent to Establish and Consent to Operate under the Air (Prevention and Control of Pollution) Act, 1981, and the Water (Prevention and Control of Pollution) Act, 1974, are mandatory for Red, Orange and Green category industries.
7. It is further stated that the Applicant had moved an RTI application before the West Bengal Pollution Control Board vide his letter dated 12.05.2023, seeking information regarding Consent to Establish and Consent to Operate granted to the Respondent No.7, Suravi Sadan Goshala, but the reply in response thereto dated 23.06.2023 merely states that 'no information is available regarding the matter'.
8. In our opinion, matter requires consideration.
9. Issue notice to the Respondents, returnable within four weeks.
10. Mr. Rajib Ray, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 4 and 6, State Respondents, Government of West Bengal.
11. Mr. Prithwish Basu, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.2, West Bengal State Pollution Control Board.

12. Mr. Surendra Kumar, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.3, Central Pollution Control Board.
13. Issue notice to the Respondent Nos. 7 and 8, returnable within four weeks.
14. All the Respondents shall file their para-wise counter-affidavits within four weeks.
15. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - (i) Senior Scientist, West Bengal Pollution Control Board,
 - (ii) Senior Scientist, Central Pollution Control Board, and
 - (iii) District Magistrate, North 24 Parganas, or his nominee not below the rank of Additional District Magistrate,
16. The Committee shall visit the site in question within ten days and submit its report within four weeks with regard to the allegations made in the Original Application. If the violations are found, the Committee shall suggest remedial measures as well as determine the Environmental Compensation and the concerned officers of the various departments shall also initiate appropriate steps for taking action against the violator as per law.
17. The West Bengal Pollution Control Board shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.
18. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Rajib Ray, Prithwish Basu and Mr. Surendra Kumar, Counsel for Respondents within 24 hours.

19. **List on 06.09.2023.**

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B. Amit Sthalekar, JM

August 04, 2023,
Original Application No.82/2023/EZ
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Prof. A. Senthil Vel, EM