

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

Original Application No.120/2023/EZ

Kartik Majumdar

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 06.12.2023

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

For Applicant(s) : Ms. Paushali Banerjee, Advocate

For Respondent(s) : Mr. Sibojyoti Chakraborty, Adv. for R-1,3&7, (in Virtual Mode)
Mr. Prithwish Basu, Adv. for R-2, (in Virtual Mode)
Mr. Apurba Ghosh, Adv. for R-4, (in Virtual Mode)
Mr. Rajib Ray, Adv. for R-6, (in Virtual Mode)

ORDER

1. Ms. Paushali Banerjee, learned Counsel is present for the Applicant.
2. Affidavit of service has been filed by the Applicant; the same is taken on record.
3. Mr. Prithwish Basu, learned Counsel appearing (in Virtual Mode) for Respondent No.2, West Bengal Pollution Control Board, submits that the Respondent No.5, Santosh Srivastav, Proprietor of Riddhi Siddhi Construction Materials, falls within the jurisdiction of District Magistrate, Darjeeling, but the District Magistrate, Jalpaiguri, has wrongly been impleaded as Respondent No.7 in the present Original Application and he has also been made Member of the Committee constituted by the Tribunal.

4. Mr. Sibojyoti Chakraborty, learned Counsel appearing (in Virtual Mode) for State Respondents, Government of West Bengal, also endorses the submissions of Mr. Prithwish Basu.
5. We accordingly re-constitute the Committee which shall now comprise of the following Members:-
 - i) Senior Scientist/Environmental Engineer, West Bengal Pollution Control Board;
 - ii) Senior Scientist, Central Pollution Control Board;
 - iii) Representative of the District Magistrate, Darjeeling, not below the rank of Additional District Magistrate; and
 - iv) Senior Geologist, Directorate of Mines and Minerals, Government of West Bengal,
6. The Committee shall visit the site in question and submit its Report with regard to the allegations made in the Original Application within three weeks.
7. The West Bengal Pollution Control Board shall be the Nodal Office for all logistic purposes and shall file the Committee Report on affidavit.
8. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any.
9. We also direct the Applicant to implead District Magistrate, Darjeeling, in the array of Respondents as Respondent No.8 and delete the Respondent No.7, District Magistrate, Jalpaiguri, from the array of Respondents within 24 hours.
10. The Respondents shall file their counter-affidavits within four weeks.

11. **List on 24.01.2024.**

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B. Amit Sthalekar, JM

December 06, 2023,
Original Application No.120/2023/EZ
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Dr. Arun Kumar Verma, EM