

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

Original Application No.105/2023/EZ

Sanjoy Kumar Ghosh

Applicant(s)

Versus

The Chairman, West Bengal Pollution Control Board & Ors. Respondent(s)

Date of hearing: 11.09.2023

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

For Applicant(s) : Mr. Kavita Rani, Advocate

ORDER

1. Heard Ms. Kavita Rani, learned Counsel appearing on behalf of the Applicant.
2. The Applicant in the present Original Application is alleging that Respondent No.12, Abhoy Ghosh is carrying on welding activities in his workshop illegally in a residential area without obtaining clearance certificates from the West Bengal Pollution Control Board.
3. It is alleged that the Respondent No.12 is running gas welding cutting, fitting and motor repairing work including other operations in the said residential area causing rampant environmental and noise pollution.
4. The allegation is that the activity of welding cutting emits fumes that are hazardous to health since gases such as carbon monoxide and carbon dioxide, Nitrogen monoxide and Nitrogen dioxide, ozone and other organic gases are being used.
5. In our opinion, matter requires consideration.
6. Issue notices to the Respondents returnable within four weeks.

7. Mr. Prithwish Basu, learned Counsel who is present in the Court, accepts notice on behalf of the Respondent Nos.1 and 2, West Bengal Pollution Control Board.
8. Mr. Rajib Ray, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.4, 6, 8 and 11, State Respondents, Government of West Bengal.
9. Mr. Sibojyoti Chakraborty, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.5, 7 and 9, Kolkata Municipal Corporation.
10. Respondent Nos.3 and 10 are not necessary parties in the present Original Application and shall be deleted from the array of Respondents.
11. Issue notice to the Respondent No.12, Abhoy Ghosh, Private Respondent, returnable within four weeks.
12. All the Respondents shall file their counter-affidavits within four weeks.
13. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following members: -
 - i) Senior Scientist / Environmental Engineer, West Bengal Pollution Control Board;
 - ii) Representative of the Municipal Commissioner, Kolkata Municipal Corporation of Senior rank
14. The Committee shall visit the site and submit its Report within three weeks.
15. The West Bengal Pollution Control Board shall be the Nodal Office for all logistic purposes and shall file the Committee Report on affidavit.

16. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any.
17. learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Prithwish Basu, Mr. Rajib Ray and Mr. Sibojyoti Chakraborty, learned Counsel for the Respondents within 24 hours.
18. **List on 12.10.2023.**

.....
B. Amit Sthalekar, JM

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

September 11, 2023,
Original Application No.105/2023/EZ
SKB