

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

Original Application No.84/2022/EZ

T. V. George Applicant(s)
Versus

The Chairman, Railway Board,
Ministry of Railway & Ors. Respondent(s)

Date of hearing: 04.01.2023

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

For Applicant(s) : Mr. T. V. George, in person

For Respondent(s) : Mr. Ashok Prasad, Adv. for R-1&2,
Mr. Dipanjan Ghosh, Advocate for R-3,
Mr. Rajib Ray, Advocate for R-4,
Mr. Surendra Kumar, Advocate for CPCB,

ORDER

1. Mr. T. V. George, the Applicant, is present (in Virtual Mode) in person.
2. Affidavit dated 05.12.2022 has been filed on behalf of the Respondent No.3, West Bengal Pollution Control Board; the same is taken on record.
3. Along with this affidavit, an Inspection Report of inspections carried out on 02.11.2022 and 03.11.2022 has been filed. The observation in the Report reads as under:-

"INSPECTION REPORT"

.....XXXX.....XXX.....XXX.....XXX.....

Observation:

During inspection on 02/11/2022 to 03/11/2022, it was a bright sunny day. The weather was dry.

1. Loading & unloading activities were going on. It was observed that dolomite loaded Tippers (Dumper-Trucks) covered with tarpaulins were entering into the siding. The tippers were further proceeding to Water sprinkling section where after uncovering of the tarpaulin; dolomite was being moist using water to minimize dust during unloading from tippers. Then the dolomite is unloaded from tippers & further loaded into Wagons, using Hydra/Payloader.
 2. During inspection as observed, Railway dept has installed fixed type Mist Sprayer system along the Railway track. During loading of the material, Dry Fog system was operated to minimize the fugitive emission. However, this was observed to be used only for wagon loading activities. No water sprinkling/dry fog system was found at unloading side. Thick layer of deposition of dolomite dust was observed on the haul road. Mobile water sprinkler tankers were being used to minimize the road dust only during plying of Dumpers/Vehicles. Similar arrangements were observed during last visit of the NGT committee member on 01.09.2022 to 02.09.2022. No change or up-gradation observed here.
 3. No Ambient Air Quality Monitoring measures installed by the Railway authority yet. However the Railway Dept. has informed that 1 No. of Ambient Air Quality Monitoring (AAQM) equipment (namely Smart Environment Monitoring System on real time) was under final stage of procurement & the same will be installed within next 7 days.
- As per the direction of Hon'ble NGT, to assess the air quality, Ambient Air Quality Monitoring was carried out at three strategic locations as selected by the Committee constituted by the Hon'ble NGT. Results are as following:

S. No.	Location	PM₁₀	PM_{2.5}	SO₂	NO₂
1	L1:-House of Mr. Dinesh Kumar Barma, Railway Staff Qtr No. E/54, South-East side of the railway siding, at 100m distance from the working zone GPS location: 26 °42', 89 ° 8'19"	109.4	58.3	5.2	19.1
2	L2:- House of Narendra Giri,	37.87	11.24	16.89	30.58

	<i>Railway Qtr No. E/45 Northern side of the railway siding, at 100m distance from the working zone GPS location: 26°42' 54", 89°8'12"</i>				
3	<i>L3:-Vacant railway Qtr GPS Location: 26°42'55", 89°8'8, North-West side of the railway siding, at more than 150m distance from the working zone</i>	19.26	8.74	15.16	26.95
	NAAQS Standard: Gazette Notification No-B- 29016/20/90/PCI-I, dated 18th November, 2009	100	60	80	80

4. From the results it is evident that PM₁₀ limit of Location-1 is higher than the standard limit. Also PM_{2.5} is almost touching the standard limit. Location-1 is situated at the unloading side where no water sprinkling/dry fog system was provided."

4. We find that the amount of personal cost of Rs. 1,000/- (Rupees One Thousand only) imposed by the Tribunal vide its order dated 24.11.2022 has not been deposited by the Divisional Railway Manager, Alipurduar, till date although more than one month has passed.
5. Mr. Ashok Prasad, learned Counsel appearing for Railway Respondents, states that he has filed an I.A., however, the same is not before us. He further states that he has been informed that the said I.A. is defective. Let the defects, if any, be removed within one week.
6. Mr. Ashok Prasad shall also ensure that the amount of personal cost of Rs. 1,000/- (Rupees One Thousand Only) imposed on the Divisional Railway Manager, Alipurduar, is deposited by 11.01.2023.

7. Mr. T. V. George, the Applicant in person, appearing in Virtual Mode, prays for and is granted three weeks time for filing rejoinder to the affidavit dated 05.12.2022 filed by the Respondent No.3 as well as the findings recorded in the Inspection Report.
8. **List on 10.02.2023.**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

January 04, 2023
Original Application No.84/2022/EZ
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