

Item No. 02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No.84/2022/EZ

T. V. George

Applicant(s)

Versus

The Chairman, Railway Board,
Ministry of Railways &Ors.

Respondent(s)

Date of hearing: 22.07.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

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

ORDER

1. Heard Mr. T.V. George, the Applicant in person, present in Virtual Mode.
2. The allegation in this Original Application is that the Railway Respondent Nos. 1 & 2, in 2003 have proposed to construct a Railway Siding at Dalgaon Railway Station for loading of dolomite mined from nearby areas as also from Bhutan. Thereafter, several complaints were made with regard to environmental pollution and presence of poisonous air due to dolomite and a meeting was held on 15th December, 2003 in the West Bengal Pollution Control Board Bhawan wherein an opinion was expressed by the Board. Relevant extract of paras 5 & 6 of the said meeting expressed in its report dated 30th December, 2003 Annexure A/ 1 (page no. 25 of the paper book) read as under:-

“5. Considering the aforementioned scenario we are also in the opinion that present site of the proposed railway sliding at Birpara is not at all fit and an alternative site may be fixed up. But the railway authority had not yet submit any plan before the State Board for their proposed site.

6. In this connection it is worthwhile to mention here that State Board has already received number of complaints from different areas due to the development of the railway siding in the heart of the locality. Therefore, we hope and trust that before taking any final decision railway authority will consult the West Bengal Pollution Control Board, local authority and district authority.”

3. It is stated that thereafter another letter dated 18.10.2013 (page no. 30 of the paper book), was issued by the Director (Planning), Ministry of Railway, Govt. of India, subject matter of which was ‘Shifting of Dalgaon Railway Station Siding to another location to eliminate the problem of pollution in the area’. This letter proposes certain actions to be taken which are extracted herein below:-

“The only solution to above problems appears to be shifting to siding. A proposal from the concerned party has been received by NFR for shifting of the siding from Dalgaon and construction of a siding between Dalgaon and Munjal (adjacent to Dalgaon station) taking off from the dead end of line No.3 of Munjal station towards Dalgaon end.

As sufficient Railway land is not available at the proposal siding at Munjal station a Proposal is under preparation for developing Assisted Siding so that the railway siding portion will be in the Railway land and stacking and circulating area will be developed by the loading party duly acquired land nearby.”

4. The contention of the Applicant is that either measures be undertaken to alleviate pollution at the Railway Siding of the Dalgaon Railway Station during loading of dolomite minerals in railway wagons or the Railways should suspend their operation during day time or to shift the Railway Siding in question to some other place as suggested in their own letter dated 18.10.2013.
5. In our opinion, matter requires consideration.

6. Mr. Dipanjan Ghosh, learned Counsel who is present in another matter, is directed to accept notice on behalf of the Respondent No.3, West Bengal Pollution Control Board.
7. Mr. Rajib Ray, learned Counsel who is present in another matter, is directed to accept notice on behalf of the State Respondent No.4.
8. Issue notice to the Respondent Nos. 1 & 2, returnable within four weeks.
9. All the Respondents shall file their counter-affidavits within four weeks.
10. Considering the allegations made in the Original Application, we propose to constitute a Committee comprising of the following Members:-
 - i) Senior Scientist, Central Pollution Control Board, Regional Office Kolkata;
 - ii) Senior Scientist, West Bengal Pollution Control Board, and
 - iii) District Magistrate, Alipur Duar.
11. The West Bengal Pollution Control Board shall be the Nodal Office for all logistic purposes.
12. The Committee shall inspect the Railway Siding of Dalgaon Railway Station in question and assess the level of air pollution and submit its report within four weeks stating clearly whether the air quality monitoring measures are installed by the Railways at the said Railway Siding or not and suggest any other remedial measures for prevention of air pollution in the area. The Committee shall also consider whether shifting of the Railway Siding to some other site is a necessity.

13. The West Bengal Pollution Control Board shall also examine whether the Railways have the necessary Consent to Establish and Consent to Operate at the Dalgaon Railway Siding in question.
14. We also direct that when the Committee proceeds for inspection, an officer concerned of the Railways shall be allowed to be present at the site.
15. Mr. T.V. George shall provide e-copy/soft copy of the Original Application along with all its annexurs upon Mr. Dipanjan Ghosh and Mr. Rajib Ray, learned Counsel for the respective Respondents within 24 hours.
16. **List on 02.09.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

July 22, 2022,
Original Application No.84/2022/EZ
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