

**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: 24.11.2022

**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 (in Virtual Mode)

For Respondent(s) : Mr. Rajib Ray, Advocate for State of W.B.,
Mr. Dipanjan Ghosh, Advocate for R-3 (in Virtual Mode),
Mr. Ashok Prasad, Advocate for Ministry of Railways,
Mr. Surendra Kumar, Advocate for CPCB,

ORDER

1. Mr. T.V. George, the Applicant, is present in person (in Virtual Mode).
2. Rejoinder affidavit dated 04.11.2022 has been filed on behalf of the Applicant; the same is taken on record.
3. Affidavit dated 16.11.2022 has been filed on behalf of the Respondent No.2, Divisional Railway Manager, Alipurduar; the same is taken on record.
4. This affidavit refers to the letter of the West Bengal Pollution Control Board dated 04.08.2022 marked as Annexure-R/6, but this annexure has not been filed with the affidavit. This is sheer negligence on the part of the deponent i.e. Divisional Railway Manager, Alipurduar.
5. We, therefore, impose a personal cost of Rs.1000/- (Rupees One thousand only) on the Divisional Railway Manager, Alipurduar for

filing a half baked affidavit. The cost shall be deposited with the Registrar, National Green Tribunal.

6. We, however, find that this document i.e. Annexure-R/6 has been filed by the Applicant along with his rejoinder-affidavit dated 04.11.2022.
7. One more affidavit dated 16.11.2022 has been filed on behalf of the Respondent No.2, Divisional Railway Manager, Alipurduar; the same is taken on record.
8. Mr. Dipanjan Ghosh, learned Counsel appearing (in Virtual Mode) for the Respondent No.3, West Bengal Pollution Control Board states that his affidavit is ready but some of the annexures are not legible. He prays for and is granted one week time for filing counter affidavit.
9. Mr. Ashok Prasad, learned Counsel appearing for Ministry of Railways, states that he has not received the rejoinder-affidavit dated 04.11.2022 filed by the Applicant. The Applicant shall serve the copy of the rejoinder-affidavit upon Mr. Ashok Prasad within a week.
10. **List on 04.01.2023.**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

November 24, 2022
Original Application No.84/2022/EZ
SKB