

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

ORIGINAL APPLICATION NO.08/2023/EZ

IN THE MATTER OF:

ATINDRANATH CHATTERJEE

L-65, Sagarbhaga LIG Housing Estate,
Post: Sgarbhanga Colony, Durgapur - 713211,
Dist: Paschim Bardhaman,
West Bengal,

....Applicant(s)

Versus

- 1. Expert Appraisal Committee,**
Industry Sector-1,
Ministry of Environment, Forest & Climate Change, Govt. of India,
Service through the Chairman,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi - 110003
- 2. Ministry of Environment, Forest & Climate Change,**
Service through the Secretary,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi - 110003
- 3. West Bengal Pollution Control Board,**
Service through the Member Secretary,
Paribesh Bhawan,
Kolkata – 700106
- 4. Central Pollution Control Board,**
Service through the Member Secretary,
Paribesh Bhawan,
East Arjun Nagar,
Delhi - 110067
- 5. The District Magistrate & District Collector, Paschim Bardhaman,**
Asansol,
Pin –713305
- 6. Asansol Durgapur Development Authority,**
Service through the Chief Executive Officer,
1st Administrative Building, 2nd Floor,
City Centre, Durgapur-713216,
Dist: Paschim Bardhaman

7. M/s Satyam Iron & Steel Company Private Ltd.,

Service through the Director,
20B, British India Street,
Block No.7A, 7th Floor,
Kolkata – 700069

8. India Power Corporation Limited,

Service through the Director,
Plot XI-2 & 3, Block-EP, Sector-V,
Salt Lake City,
Kolkata – 700091

9. Directorate of Fire and Emergency Services,

Government of West Bengal,
Service through the Director General,
13D, Mirza Ghalib Street,
Kolkata – 700016,

....Respondent(s)

Date of hearing: 24.02.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

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

ORDER

1. Ms. Paushali Banerjee, learned Counsel files Vakalatnama on behalf of the Applicant; the same is taken on record.
2. This Original Application has been filed by the Applicant, seeking the following reliefs:-

(a) Mandatory order do issue commanding Respondent Authority-1 each one of them and their men, agents, assigns and subordinates to certify and transmit to this Hon'ble Tribunal all records forming the basis of ground on which they have recommended for grant of environmental clearance in the meeting held on 14.11.2022 even after receipt of representation submitted by the applicant on 12.11.2022.

(b) Mandatory order do issue commanding Respondent Authority-1 each one of them and their men, agents, assigns and subordinates to certify and transmit to this Hon'ble Tribunal all

records of land submitted by the Private Respondent specifically w.r.t. 6.07 acres of land.

(c) Mandatory order do issue commanding the Respondents each one of them and their men, agents and subordinates to revoke the environmental clearance, consent to establish and consent to operate.

(d) Mandatory order do issue commanding the Respondent Authority-3 to issue closure order with disconnection of electricity in this installed unlawfully under the expansion project.

(e) Order do issue of direction upon the Respondent Authority-3 to assess the actual amount of environmental compensation, if the unit is in operation after fraudulently obtained environmental clearance dated 06.08.2021.

(f) Mandatory order do issue commanding the Private Respondent to submit all the statutory permissions obtained for operation of the existing plant before the Hon'ble Tribunal."

3. A challenge to Environmental Clearance is not maintainable in an Original Application under Section 14 and 15 of the National Green Tribunal Act, 2010. The remedy is only by way of an Appeal under Section 16 of the Act, 2010.
4. We accordingly dismiss the Original Application No. 08/2023/EZ as not maintainable.
5. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

February 24, 2023,
Original Application No.08/2023/EZ
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