

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

I. A. No. of 2025/EZ
(Arising out of M. A. No. 04/2025/EZ)

IN

(ORIGINAL APPLICATION NO. 127/2023/EZ)

In The Matter of:

An application Under Section 19(4)(a) read with Under Section 18 (1) of the National Green Tribunal Act, 2010 for modification of the Solemn Order dated 30.05.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata passed in the instant M.A. No. 04/2025/EZ In O. A. No. 127/2023/EZ;

AND

In The Matter of:

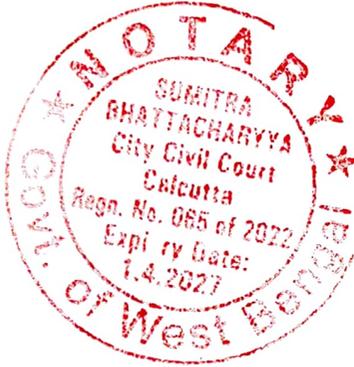
West Bengal Pollution Control Board, through its Member Secretary, having office at 10A, Block-LA, Sector-III, Bidhannagar, Kolkata: 700106.

E-mail: ms.wbpcb-wb@bangla.gov.in
..... Applicant.

-Versus-

A. Ali & Ors.

.....Respondents



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Filed by
Dipanjana Ghosh
Dipanjana Ghosh
Advocate

For The I.A Applicant
Email: dpnjnghsh0@gmail.com
(M): 9903080977

25 JUN 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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E-mail: ms.wbpcb-wb@bangla.gov.in

..... Applicant.

-Versus-

1. A. Ali, Editor, Nalhati 2nd Block, Citizens Committee, Post Office-Lohapur, District- Birbhum, West Bengal, Pin-731220.

... Applicants in OA /Respondent No.1

2. District Magistrate, Birbhum, Administrative Building, Suri Main Road, Suri, District-Birbhum, West Bengal-731101.

Email Id : dm-bir@nic.in

3. Smt. Tulabati Mal, Village-Lohapur Swarnakarpatti, Nalhati-2, District- Birbhum, Pin- 731220.

Email- not known

4. Sri Jagabandhu Ray, Village-Lohapur Swarnakarpatti, Nalhati-2, District- Birbhum, Pin- 731220.

Email- not known

.....Respondents



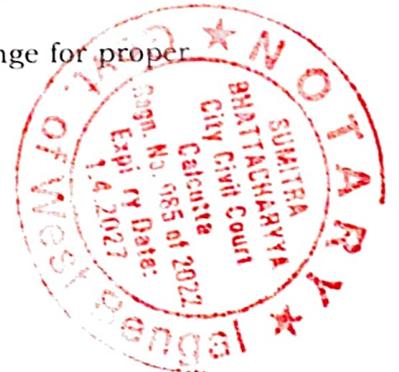
To,

The Hon'ble Judicial Member and Hon'ble Expert Member of the Hon'ble National Green Tribunal, Eastern Bench.

The humble petition of the Applicant as above named most respectfully

SHEWETH:

1. That the instant Interlocutory Application has been filed by the applicant and the same is 'Lis Pendens' for adjudication before this Hon'ble Tribunal.
2. That on 30.05.2025 when the matter was taken up for hearing, the learned counsel for the Applicant i.e the West Bengal Pollution Control Board herein referred to as the 'State Board' had submitted before the Hon'ble Tribunal that compliance report has been filed but since the Original Application was disposed off the same was not reflected in the portal of the Hon'ble National Green Tribunal.
3. That the learned counsel for applicant had relied on the affidavit dated 15.07.2024 filed by the State Board on 19.08.2024 wherein directions were issued by State Board to Jagbandhu Ray *vide* letter dated 30.04.2024 directing him not to discharge sullage generated from his residence to the waterbody. He was also directed to arrange for proper



drainage and treatment of sullage generated from his residence within a period of one month and submit report. Further another direction was issued by the State Board on 30.04.2024 to Tulabati Mal requesting to restore the waterbody by cleaning aquatic plants and weeds and submit a compliance report. The learned counsel of the applicant has re-filed the Compliance Report on 26.05.2025.

4. That the Applicant humbly submits that *vide* Order dated 30.05.2025, the Hon'ble National Green Tribunal, Eastern Zonal Bench has unfortunately made some observations in paragraphs 7, 8, 9 and 10 which may kindly be expunged.
5. That in Solemn Order dated 30.05.2025 in paragraph 7 8, 9 and 10 *interalia* it has been observed by the Hon'ble Tribunal that :
 7. *"This affidavit of 15.07.2024 shows that directions were issued by WBSPCB to certain persons for some action with regard to drainage and sullage but for compliance of its directions what further action was taken by WBSPCB has not been stated anywhere in the entire affidavit and despite the fact that on 26.03.2025 when we granted 10days further time to WBSPCB to submit compliance report , it has chosen not to file compliance report with regard to direction of Tribunal to ensure compliance of its directions within one month.*
 8. *Learned Counsel for WBSPCB could not explain as to why the current and latest compliance Report could not have been filed by WBSPCB. He relied upon repeatedly on its affidavit dated 15.07.2024 and repeated that due to technical glitch that affidavit*



could not be shown on the portal but why subsequent part of the directions was not complied with and compliance affidavit has not been filed , no factual statement has been made.

9. In these circumstances , we find that WBSPCB has clearly violated the direction issued by this Tribunal vide order dated 12.03.2024 knowing it well that non compliance of Tribunal's order is an offence under section 26 of NGT Act , 2010.

10. In these circumstance we direct Member Secretary , WBSPCB to appear before Tribunal on the next dated to explain as to why appropriate action be not taken for non compliance of Tribunal's order dated 12.03.2024".

A Copy of the Solemn Order dated 30.05.2025 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata is annexed herewith and marked with the letter 'P-1'.

6. That as the matter is related to drainage of sludge from domestic source and discharging to waterbody, the State Board after causing inspection of the site issued directions to the District Magistrate, Birbhum to take appropriate action *vide* letter dated 18.06.2025.

7. That it is humbly submitted that the remarks made in paragraphs 7, 8, 9 and 10 of the Solemn Order dated 30.05.2025 may kindly be expunged and/or the observations made by the Hon'ble Tribunal in paragraphs 7, 8 9 and 10 of the Solemn Order dated 30.05.2025 may



kindly be modified to such extent as the Hon'ble Tribunal deems fit and proper for the ends of Justice.

8. That this modification may kindly be considered and allowed by the Hon'ble Tribunal.
9. That this application is made bonafide and unless this application is allowed by this Hon'ble Tribunal the applicant will suffer irreparable loss and injury.

Under the above circumstances it is most humbly prayed before Your Lordships may kindly be pleased to allow this application and kindly modify the Solemn Order dated 30.05.2025, passed by this Hon'ble Tribunal to the extent that the observations made by the Hon'ble Tribunal in paragraphs 7,8,9 and 10 of the said Solemn Order may kindly be expunged and/or modified and to allow this Interlocutory Application in connection with the instant original application and to pass such further Order/Orders as to this Hon'ble Tribunal may deem fit and proper for the ends of justice.

And For This Act of Kindness Your Applicant as in duty bound shall ever pray.



VERIFICATION:

I, the Deponent within named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the ... Day of June, 2025.

Identified by me

Dipankar Ghosh

Deponent

Advocate

F/1154/2007
WBPEB



AFFIDAVIT

I, Sri Jagdish Prasad Meena, S/o Kanhaiya Lal Meena, aged about 54 years, by faith- Hindu, by occupation- service, presently posted as Member Secretary, West Bengal Pollution Control Board, having office at 10A, Block-LA, Salt Lake City, Kolkata -700106, do hereby solemnly affirm and state as follows :-

1. That I am the Applicant in the instant I. A. Application and well conversant with the fact and circumstance of the case and I am competent to sign and swear this affidavit.
2. That I have read and understood the contents of the accompanying application and say that the facts stated above are true and correct and the rest are the best of my knowledge and belief.

Identified by me



Deponent

Advocate
F/1154/2007
WBPCB

Solemnly Affirmed and
Declared before me
'S 139 CPC (C)
Notary



Sumitra Bhattacharyya
Notary, Govt. of W.B
Regd. No. 065 of 2022
City Civil Court, Calcutta

25 JUN 2025



**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

(Through Physical Hearing with Hybrid Option)

M.A No. 04/2025/EZ

In

Original Application No. 127/2023/EZ

A. Ali

Applicant(s)

Versus

Member Secretary, West Bengal
Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 30.05.2025

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

Applicant(s): Suo Motu

Respondent(s): Mr. Dipanjan Ghosh, Advocate for R-1
Mr. Sudip Kumar Dutta, Advocate for R-2 (in Virtual Mode)

ORDER

1. Original Application (hereinafter referred to as 'OA') 127/2023/EZ was registered in exercise of *suo-moto* jurisdiction on a letter petition sent by A. Ali, Editor, Nalhat 2nd Block Citizens Committee, Post Office-Lohapur, District-Birbhum, State of West Bengal, complaining that Tulabati Mal, owner of pond with J.L. No.118, Khatian No.1826, Dag No.162 situated behind village Lohapur-Swarnakar Patti is dumping soil generated by clearing/construction of road and filling the pond, due to which residents dependent on the pond are facing serious problems.
2. Tribunal examined the matter and obtained a factual Report by appointing a Joint Committee who submitted its Report through affidavit dated 15.11.2022. The relevant extract of Report reads as under:

"Report of the joint committee constituted as per Hon'ble NGT, Principal Bench order dated 02/08/2022 in the matter of A. Ali Indic vs. State of West Bengal in OA no. 475/2022

Background:

The applicant alleges that Smt. Tulabati Mal, owner of the water body (classified as Doba) in Mouza- Lohapur, J.L. no- 117, L.R. Dag no- 172 having an area of 10 decimals (as per land records), is filling up the said water body. Therefore, a Joint Committee comprising of the State Pollution Control Board (WBPCB) and District Collector, Birbhum visited the site in order to look into the grievances of the applicant, verify factual position and take requisite action by following due process of law.

Observation:

The members of the Joint Committee (officials of District Collector, Birbhum & WBPCB) constituted by the Hon'ble NGT inspected the site on 20/10/2022 in order to examine the allegations of the applicant. The inspecting officials met Smt. Tulabati Mal (owner of water body) and representatives of the complainant (family members of Sri Jagabandhu Ray and Sri Ujjwal Dutta) and heard versions of both sides.

During inspection, no activity related to filling up of the water body under scrutiny, which is full with aquatic plants & weeds, was noticed.

Residence of Smt. Tulabati Mal is adjacent to the water body and lies on the West of the water body. Residence of Sri Jagabandhu Ray is situated on the adjacent plot East of the water body. It was learnt that sullage from Sri Jagabandhu Ray's residence is discharged into the said water body (owned by Smt. Tulabati Mal) as his residence has no proper drainage although the construction of the building took place more or less 15 years ago, as informed by the members of Ray family.

Other relevant information:

The representative of the complainant alleged that Smt. Tulabati Mal & others living on the West of the water body are trying to construct a pathway by filling up the Northern fringe of the water body in order to get easy access of the village market at Lohapur-Swarnalcrupatti through the passage between the residences of Sr: Jagabandhu Ray & Sri Ujjwal Dutta. The members of both Ray & Dutta families claim that such passage is a private property belonging to the Rays & Duttas in parts as per construction rules and cannot be trespassed by villagers from the west of the water body.

Smt. Tulabati Mal & others on the other hand claim that they are very much entitled to construct a bank for the water body on the Northern side of it and use it as a pathway.

Photographs taken during inspection are annexed herewith for ready reference.

Remarks/Recommendations:

- (i) No filling up of the water body was evident during visit
- (ii) During inspection, verbal direction was given to Smt. Tulabati Mal to restore the water body by cleaning the aquatic plants & weeds."

3. Responses of WBSPCB and other respondents were filed before Tribunal which were examined in detail on 12.03.2024. After receipt of responses of respondents, Tribunal found itself satisfied with the observations of Joint Committee and disposed of OA with the following observations/directions:

- "18. In view of the observations of the Joint Committee so far the recommendations and directions of the Joint Committee for cleaning the water body in question is concerned, we are in agreement with the observations made by the Joint Committee and direct that Smt. Tulabati Mal owner of the water body shall restore the water body by cleaning the aquatic plants and weeds within a time bound period to be prescribed and monitored by the West Bengal Pollution Control Board preferably within a period of one month.
19. So far as the finding of the Joint Committee that the drainage/sludge from the residence of Sri Jagabandhu Ray being discharged into the water body as his residence does not have a proper drainage, we direct the West Bengal Pollution Control Board to take appropriate action against the said Sri Jagabandhu Ray and ensure that his drainage does not drain any sludge into the said water body. **Appropriate directions in this regard for drainage and treatment of sludge shall be given by the West Bengal Pollution Control Board within 15 days thereof and the West Bengal Pollution Control Board shall ensure compliance of its directions within a further period of one month.**
20. Affidavit of compliance shall be filed with the Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata by 01.05.2024.
21. In view of the above directions, the Original Application No.127/2023/EZ is disposed of.
22. Interlocutory Applications, if any, stand disposed of accordingly.
23. There shall be no order as to costs."

4. WBSPCB was directed by Tribunal to issue directions for drainage and treatment of sludge within 15 days and to ensure compliance of the directions within one month thereafter, and, submit a Compliance Report by 01.05.2024.

5. No such Compliance Report was filed by WBSPCB and on the report of Registry, *M.A. No.04/2025/EZ* was registered and Tribunal on 26.03.2025 considered the matter. Learned Counsel appearing for WBSPCB said that it had filed a Compliance Report but since OA was disposed of, Compliance Report was not reflecting on the portal of National Green Tribunal. Tribunal granted 10 days' further time to file compliance affidavit.

6. Learned Counsel appearing for WBSPCB has relied on the affidavit dated 15.07.2024 sworn by Subrata Ghosh officer of Special Duty, WBSPCB stating that pursuant to Tribunal's order dated 12.03.2024, directions were issued by the Board to Jagabandhu Ray vide letter dated 30.04.2024 directing him not to discharge sullage generated from the residents into the water body. He was also directed to arrange for proper drainage and treatment of sullage generated from the residents within a period of one month and submit a Report. Further, another direction was issued by WBSPCB by letter dated 30.04.2024 to Smt. Tulabati Mal requiring it to restore water body by cleaning aquatic plants and weeds of the water body and submit a Compliance Report.

7. This affidavit of 15.07.2024 shows that directions were issued by WBSPCB to certain persons for some action with regard to drainage and sullage but for compliance of its directions what further action was taken by WBSPCB has not been stated anywhere in the entire affidavit and despite the fact that on 26.03.2025 when we granted 10 days' further time

-13-

to WBSPCB to submit compliance report, it has chosen not to file compliance report with regard to directions of Tribunal to ensure compliance of its directions within one month.

8. Learned Counsel for WBSPCB could not explain as to why the current and latest Compliance Report could not have been filed by WBSPCB. He relied upon repeatedly on its affidavit dated 15.07.2024 and repeated that due to technical glitch that affidavit could not be shown on the portal but why subsequent part of the directions was not complied with and compliance affidavit has not been filed, no factual statement has been made.

9. In these circumstances, we find that WBSPCB has clearly violated the directions issued by this Tribunal vide order dated 12.03.2024 knowing it well that non-compliance of Tribunal's order is an offence under Section 26 of NGT Act, 2010.

10. In these circumstances, we direct Member Secretary, WBSPCB to appear before Tribunal on the next date to explain as to why appropriate action be not taken for non-compliance of Tribunal's order dated 12.03.2024.

11. List on 20.08.2025.

Sudhir Agarwal, JM

Dr. Arun Kumar Verma, EM

May 30, 2025
M.A No. 04/2025/EZ
In Original Application No. 127/2023/EZ
R

6/25/25, 12:49 PM

Gmail - I.A application in M.A 4/25 arising of O.A 128 Of 2023

P-2



-19-

Dipanjan Ghosh <dpnjnghsh0@gmail.com>

I.A application in M.A 4/25 arising of O.A 128 Of 2023

1 message

Dipanjan Ghosh <dpnjnghsh0@gmail.com>
To: Sudip Kumar Dutta <adv.sk Dutta@gmail.com>

Wed, Jun 25, 2025 at 12:18 PM

Enclosed please find attached herewith the copy of the I.A application.
Kindly acknowledge the same .

Dipanjan Ghosh
Advocate

 **DocScanner Jun 25, 2025 12-09 PM.pdf**
6473K

IN THE NATIONAL GREEN TRIBUNAL

CIVIL/CRIMINAL/APPELLATE/ORIGINAL JURISDICTION

Civil/Cri/Special Leave Petition/Writ Petition/Appeal/T.P.

I.A. No. 81 of 2025
arising out of M.A. No. 81 of 2025/EZ
of 20
127 of 2023

IN THE MATTER OF:

W. B. P. C. B

-VERSUS-

A Ali & ors

VAKALATNAMA

I / We Sat Pausali Mukherjee (Pahari), SPO, W B P C B, Petition(s)/Opposite Party/
Respondent(s)/Appellant(s)/in the above Petition/appeal do hereby appoint and retain

Dipanjana Ghosh, Advocate

Advocate of the Supreme Court of India, High Court to act and appear for me/ us in the above Petition / Appeal and on my / our behalf to conduct and prosecute (or defeno) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and applications for Review, and to represent me / us and to take all necessary steps on my / our behalf in the above matter. I/ We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 25th day of June 2025.....

Dipanjana Ghosh
ACCEPTED Advocate
W B P C B

Petitioner(s) / Appellants(s)
(Opposite Party / Respondent(s))

MEMO OF APPEARANCE

To
The Registrar
National Green Tribunal

Sir,

Please entry my appearance for the above-named Petitioner(s) Plaintiff(s)-Defendant(s)-Opposite Parts Respondent(s)-Appellant(s) in the above mentioned Petition Case-Appeal-Matter.

Date: 25/6/25

Yours faithfully

Dipanjana Ghosh
Advocate
W B P C B

Pausali Mukherjee (Pahari)
PAUSALI MUKHERJEE (PAHARI), WBSL
Special Law Officer &
Ex. Office Deputy Secretary (Law)
Environment Department, Govt. of West Bengal

BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH,
KOLKATA

I.A. No. of 2025/EZ

(Arising out of M. A. No.
04/2025/EZ In O.A. No.
127/2023/EZ)

In The Matter of:

West Bengal Pollution Control
Board

... Applicant

Versus

A. Ali & Ors.

... Respondents

**INTERLOCUTORY
APPLICATION ON BEHALF OF
THE APPLICANT**

Filed by

Dipanjan Ghosh
Advocate
For The I.A Applicant
Email: dpnjnghsh0@gmail.com
(M): 9903080977