

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
I.A.NO. 86 OF 2026
IN
E.A. NO. 01 OF 2025
IN
ORIGINAL APPLICATION NO. 82 OF 2023

IN THE MATTER OF:

SANTOSHPUR MITALI SANGHA APPLICANT

VERSUS

STATE OF WEST BENGAL AND ORS. RESPONDENTS

INDEX

S.N.	PARTICULARS	PAGE NO.
1.	INTERLOCUTARY APPLICATION UNDER SECTION 26 READ WITH SECTION 28 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010	436-445

446

THROUGH



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Date: 14.07.2026

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

I.A.NO. ____ OF 2026

IN

E.A. NO. 01 OF 2025

IN

ORIGINAL APPLICATION NO. 82 OF 2023

IN THE MATTER OF:

SANTOSHPUR MITALI SANGHA

Through its authorized signatory

Shri Avi Bag, Secretary.

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.... APPLICANT

VERSUS

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Through its Member Secretary,

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7. SURAVI SADAN GAUSHALA

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Through its President

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.... RESPONDENTS

INTERLOCUTARY APPLICATION UNDER SECTION 26 READ WITH SECTION 28 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010

1. The present Interlocutory Application is being filed in order to bring to the notice pertaining to the blatant non-compliance of the multiple directions of the Hon'ble Tribunal on an issue concerning the removal of cow dung and associated waste from the low lying area adjoining the Suravi Sadan Gaushala, Respondent No. 7 &

8. Despite specific direction over two years back, nothing has changed and the waste continue to remain where it as at the start of the legal proceedings. The management of the Gaushala Respondent No. 7 & 8 and the agencies of the state government, including the West Bengal Pollution Control Board has remained and continues to remain a mute spectator to not only the violation of the orders of the Hon'ble Tribunal but has turned a blind eye to the suffering of the people in the area. The citizens are forced to live not only with stench but also consume polluted water. The inaction on the part of the management of the Gaushala combined with the disdain on the part of the State authorities seriously endangers the life of the people living in the vicinity.

2. The Applicant is therefore fling this Application under Section 26 read with Sections 28 of the National Green Tribunal Act, 2010 against the wilful, deliberate and intentional non-compliance of order dated 12.08.2024 in O.A No. 82 of 2023 (EZ) titled *Santoshpur Mitali Sangha vs State of West Bengal & Ors.* by the Respondents No. 7 & 8 herein i.e., the Suravi Sadan Gaushala and Rajasthan Gokalyan Trust.
3. That this Hon'ble Tribunal, in paragraph 70 of the Order dated 12.08.2024, has expressly directed the West Bengal Pollution Control Board to ensure compliance with the remedial measures recommended by the Committee, including the removal of bovine waste illegally disposed of and discharged onto the adjoining agricultural land since 2012, within a period of two months, i.e., by 12.10.2024. The relevant extract is hereby reproduced:

"70. We further direct the West Bengal Pollution Control Board to inspect the Gaushala in question at the end of the two months to ensure compliance of the remedial measures suggested by the Committee".

4. That, **despite the lapse of two years**, the situation on the ground remains unchanged, as Respondent Nos. 7 and 8 have failed to comply with the directions of this Hon'ble Tribunal, and Respondent No. 2, the West Bengal Pollution Control Board, has conspicuously failed to take any effective steps to ensure such compliance.

WBPCB INSPECTION REPORT DATED 07.04.2026 CONFIRMS THE PRESENCE OF WASTE ON THE ADJOINING LAND:

5. The Applicant herein submits that in compliance of the order dated 16.01.2026, the WB PCB has conducted a fresh site inspection on 12.03.2026 and the Inspection Report dated 07.04.2026 clearly states that till date the bovine waste remains in the adjacent land. The images annexed to the report demonstrate that bovine waste continues to remain accumulated in the low-lying adjoining area. (See Annexure R Pg. 431 of the Report):

"(f) In earlier inspection, accumulation of waste water was found in the low lying area. The condition was found to remain the same"

PERSISTENT NON-COMPLIANCE AND DISREGARD TO THE DIRECTIONS PASSED BY THIS HON'BLE TRIBUNAL:

6. The Applicant herein lists out the specific directions passed by this Hon'ble Tribunal to the Respondents No. 2, 7 and 8 which has been deliberately and wilfully disobeyed till date:
- i. **02.04.2024** – this Hon'ble Tribunal vide interim order dated 02.04.2024 in OA. No. 82 of 2023 was pleased to direct immediate steps to be taken to clear all the bovine waste which have poured out into the adjoining area outside the boundary of Gaushala within one month i.e., 02.05.2024. Despite the clear directives issued by this Hon'ble Tribunal to be adhered to within the specified time frame of 02.05.2024, the Respondent Nos. 7 and 8 have conspicuously failed to restore the adjacent land causing progressive environment degradation. **(Para No. 16 of Order dated 02.04.2024):**

"15.Mr. Ritwick Dutta, learned Counsel for the Applicant further submitted that all the slush, slurry, cow dung and bovine waste has already spread to the adjoining areas in the absence of a proper boundary wall or through holes in the existing wall which need to be cleared immediately considering that monsoon is not far off.

16. We, therefore, direct the Respondent Nos.7 & 8 to take immediate steps to clear all the bovine waste which may have poured out into the adjoining area outside the

boundary of the Gaushala within one month and file affidavit of compliance with photographs by the next date of listing."

Copy of the interim order dated 02.04.2024 passed by this Hon'ble Tribunal is already a part of record as Annexure 3 at Pg. 93 of paper-book.

- ii. **1st Execution Application dated 22.05.2024** - due to the non-compliance of the Order dated 02.04.2024 passed by this Hon'ble Tribunal in OA. No. 82 of 2023, the Applicant had filed an Execution Application No. 03 of 2024 on 22.05.2024 on the ground that the monsoon was not far off and hence the increased rainfall would exacerbate the challenges of waste management in the Gaushala. The excessive water would lead to the runoff of bovine waste into nearby adjacent agricultural lands and water bodies, causing major pollution and environmental degradation. That there would be absolute overflow of bovine wastes which are accumulated in the adjacent land. However, despite the Execution Application filed, the Respondent Nos. 7 and 8 made zero attempt to restore the adjacent land.
- iii. **12.08.2024** - this Hon'ble Tribunal vide judgment dated 12.08.2024 in OA. No. 82 of 2023 was pleased to direct the West Bengal Pollution Control Board to ensure compliance with the remedial measures recommended by the Committee, including the removal of bovine waste illegally disposed of and discharged onto the adjoining agricultural land since 2012, within a period of two months, i.e., by 12.10.2024. That, despite the lapse of two years, the situation on the ground remains unchanged, as Respondent Nos. 7 and 8 have failed to comply with the directions of this Hon'ble Tribunal, and Respondent No. 2, the West Bengal Pollution Control Board, has conspicuously failed to take any effective steps to ensure such compliance:

"70. We further direct the West Bengal Pollution Control Board to inspect the Gaushala in question at the end of the two months to ensure compliance of the remedial measures suggested by the Committee".

Copy of the judgment dated 12.08.2024 is annexed herewith as ANNEXURE A/1 of the E.A. No. 01 of 2025 @ Pg. No. 34 of the paper-book.

- iv. **2nd Execution Application Dated 16.01.2025** - due to the non-compliance of the Order dated 12.08.2024 passed by this Hon'ble Tribunal in OA. No. 82 of 2023, the Applicant had filed an Execution Application No. 01 of 2025 seeking execution and compliance of the order wherein the WB PCB was specifically directed to ensure that compliance with the remedial measures recommended by the Committee, including the removal of bovine waste illegally disposed of and discharged onto the adjoining agricultural land within 12.10.2024. That yet again the Respondent Nos. 2, 7 & 8 has blatantly failed to comply with the same.
- v. **16.01.2026** – this Hon'ble Tribunal has categorically recorded that the WB PCB has failed to point out the compliance of Para No. 70 of the judgment dated 12.08.2024 regarding the removal of bovine waste from the adjacent agricultural land and hence directed WB CPB to place on record the status of compliance of the directions contained in paragraphs 69 and 70 of the order of the Tribunal:

*"6. Having heard the Counsel for the West Bengal Pollution Control Board, we find that in respect of the direction contained in paragraph-69 of the order of the Tribunal in respect of the computation of the EC, only the show cause notice dated 14.01.2025 has been placed on record but the progress thereafter has not been reflected. **In respect of the compliance of the direction in paragraph-70 of the order concerning the remedial measures suggested by the Committee, the learned Counsel for the Applicant in Execution Application has submitted that the bovine waste was dumped in the adjacent agricultural land but the same has not been remediated. Nothing has been pointed out by the Counsel for the Respondent-WBPCB showing compliance of the said order.***

7. Learned Counsel for the WBPCB seeks a week's time to place on record the status of compliance of the directions contained in paragraphs 69 and 70 of the order of the Tribunal"

7. It is pertinent to note that, in light of the foregoing facts and submissions, it is evident that since 02.04.2024 till date, despite the lapse of two years, Respondent Nos. 7 and 8 have wilfully and deliberately disobeyed the directions of this Hon'ble

Tribunal, and Respondent No. 2 has, has also failed to ensure compliance thereof despite specific directions in that regard.

Copy of the images taken by the Applicant showing the present status of the adjacent land which are already a part of record at Annexure A5 at Pg. 115 of the paper-book.

8. The Applicant herein submits that as per section 26 of the National Green Tribunal Act, 2010, failure to comply with the order and direction of this Hon'ble Tribunal attracts imprisonment for up to three years or fine up to ten crores rupees or with both.
9. Further, Section 28 of the National Green Tribunal Act, 2010 contains provision relating to offences by the Government Departments. It provides that where any Department of the Government fails to comply with any order or award or direction of the Tribunal the Head of the Department shall be deemed to be guilty of such failure and shall be liable to be proceeded against for having committed an offence under proposed legislation and punished accordingly. Therefore, the non-compliance of the orders of this Hon'ble Tribunal would attract Section 26 read along with Section 28 of the NGT Act, 2010.
10. That the present Application is seeking direction under S.26 read with S.28 of the NGT Act, 2010 for action against the Respondents No. 2, 7 & 8 for failure to comply with the directions of this Hon'ble Tribunal. It is submitted that the provisions of the Code of Civil Procedure, 1908 in so far as they are in conformity with the prescribed procedure under the NGT Act, could be brought in aid in general can be applied to the proceedings before the Tribunal.
11. That in **Sushil Raghav vs. Union of India & Ors Civil Appeal No. 1629 of 2022** order dated 20.02.2023, the Hon'ble Supreme Court has held that this Hon'ble Tribunal has the power to attach the property when there is a wilful and deliberate disobedience or violations of the orders of the Hon'ble NGT. It is pertinent to note that in the case at hand, the Respondent No. 7 and 8 has wilfully and deliberately violated the orders of the Hon'ble Tribunal dated 12.08.2024 in O.A No. 82 of 2023:

*"6. We are of the considered view that the observation of the Tribunal that there was no case for executing the earlier order under Section 25 is misconceived. **The Tribunal is entrusted with the wholesome power to ensure that its orders are complied with. The absence of sewerage facilities is an important aspect which would merit the exercise of powers by the Tribunal under Section 25. The invocation of the power to levy a penalty under Section 26 will not necessarily sub-serve the purpose**".*

12. The Applicant herein submits that the Hon'ble Supreme Court in the matter titled **Indian Oil Corpn. Ltd vs. V.B R. Menon, (2023) 7 SCC 368**, has held that this Hon'ble Tribunal is vested with enormous powers not only to execute its orders as decrees of civil courts, but also to punish those who fail to comply with its orders:

"33. As stated earlier, the failure of any person to comply with the award of NGT is also made punishable under Section 26, with imprisonment for a term that may extend to three years or with fine which may extend to ten crores rupees or with both. Section 27 makes every company and every person directly in charge of the affairs of the company liable to prosecution. Section 28 makes even the government departments liable to be prosecuted and punished. Such powers are not available for the Loss of Ecology Authority.

36. From the 186th Report of the Law Commission and the salient features of the Act, the following could be deduced: 36.1. The creation of the National Green Tribunal was in pursuance of the repeated directions issued by this Court in at least four cases, namely, M.C. Mehta v. Union of India [M.C. Mehta v. Union of India, (1986) 2 SCC 176 : 1986 SCC (Cri) 122] , Indian Council For Enviro-Legal Action v. Union of India [Indian Council For Enviro-Legal Action v. Union of India, (1996) 3 SCC 212] , A.P. Pollution Control Board v. M.V. Nayudu [A.P. Pollution Control Board v. M.V. Nayudu, (1999) 2 SCC 718] , A.P. Pollution Control Board (2) v. M.V. Nayudu [A.P. Pollution Control Board (2) v. M.V. Nayudu, (2001) 2 SCC 62] . 36.2. The object of creation of the National Green Tribunal was to provide, what could be called a one-stop-shop solution, for all types of issues such as environmental clearances, settlement of disputes relating to environment, relief and compensation for victims of pollution and environmental damage, restitution of property, restitution of environment, etc.

36.3. The Tribunal was to have both original and appellate jurisdiction, with enormous powers not only to execute its orders as decrees of civil courts, but also to punish those who fail to comply with its orders"

13. It is pertinent to note that this Hon'ble Tribunal, in a plethora of decisions, has held that it is vested with penal powers to secure the execution of its orders, and has categorically held that Section 26 of the National Green Tribunal Act, 2010

empowers the Tribunal to proceed against any person who fails to comply with, or contravenes, its orders - **Social Action for Forest and Environment (SAFE) vs. Union of India & Ors. (2019 SCC Online NGT 392), The Braj Foundation vs. Government of Uttar Pradesh [OA 278 of 2013 and M.A. No. 110 of 2014], Rayons - Enlighting Humanity & Anr vs. MoEF & Ors. Original Application No. 186 of 2013, Asim Sarode & Anr. vs. MPCB & Ors., 2014 SCC OnLine NGT 1880.**

14. Thus, the Applicant is filing the instant Application under Section 26 read with Section 28 of the NGT Act, 2010 seeking the contempt proceedings against the Respondent Nos. 7 & 8 for the interest of environment and for the justice.

PRAYER

15. In the light of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

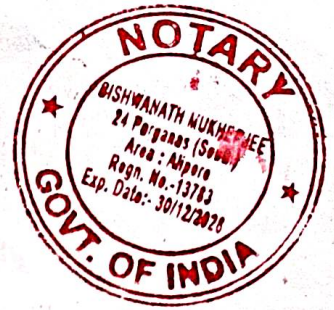
- I. Initiate action against the Respondent Nos. 7 and 8 for the wilful, deliberate, and intentional violation of the Judgment dated 12.08.2024 in Original Application No. 82 of 2023 under Sec. 26 of the National Green Tribunal Act, 2010;
- II. Fix the responsibility by initiating appropriate penal action against the officials of Respondent No. 2, the West Bengal Pollution Control Board, under Sec. 28 of the National Green Tribunal Act, 2010, who have turned a blind eye to the violations committed by Respondent Nos. 7 and 8;
- III. Pass an order-imposing penalty on Respondent No. 2, 7 and 8 under Section 26 and Section. 28 of National Green Tribunal Act, 2010 for the deliberate non-compliance of the directions issued in order dated 23.03.2023 in O.A. No 187 of 2023.

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

I.A. NO. ____ OF 2026

IN

E.A. NO. 01 OF 2025



IN THE MATTER OF:

SANTOSH PUR MITALI SANGHA

....APPLICANT

VERSUS

STATE OF WEST BENGAL AND ORS.

...RESPONDENTS

AFFIDAVIT

I, Avi Bag, S/o Late Dulal Bag, aged about 45 years, R/o Santoshpur, Banerjee Para, P.O. Adi Kashimpur, P.S. Duttapukur, North 24 Parganas – 743248, do hereby solemnly affirm and state as follows:

1. I am the person authorized by the Applicant Organisation in the above titled Interlocutory Application and conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That the contents of the accompanying application are true and correct and nothing material has been concealed therefrom.

Avi Bag
DEPONENT

VERIFICATION

Verified at Kolkata on this 13th day of July, 2026 that the contents of the above mentioned Affidavit are true and correct and nothing material has been concealed therefrom.

Avi Bag
DEPONENT

[Signature]
BISHWANATH MUKHERJEE
NOTARY
Govt. of India
Regd. No. 13783



13 JUL 2026



Litigation . <litigation@dclawchambers.com>

Application on behalf of the Applicant in EA No. 01 of 2025 Santoshpur Mitali Sangha Versus State of West Bengal & Ors.

1 message

Litigation . <litigation@dclawchambers.com>

Wed, Jul 15, 2026 at 10:46 AM

To: rajib.ray23@gmail.com, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, sanjay sadhu <advocatesadhu@gmail.com>

Cc: Kol Office <kol_office@dclawchambers.com>

Dear Sir/madam,

Please find attached- Application on behalf of the Applicant in EA No. 01 of 2025 Santoshpur Mitali Sangha Versus State of West Bengal & Ors.

Thanks & Regards
Counsel for the Applicant**IA on behalf of the Applicant.pdf**

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