

LAY NOTE BEFORE THE HON'BLE MEMBERS
NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
M.A. No. 13/2024/EZ

in

Original Application No. 19/2021/EZ
Ravi Shankar Mandal

Vs.

Union of India & Ors.

In the instant case, grievance is against operation of railway coal stockyard in the densely populated area of Rasikpur, Ward No. 1, Dumka in Jharkhand in violation of environmental norms resulting in continuing damage to the environment. According to the applicant, due consent has not been granted by the State PCB for the said yard. The proposed yard is in violation of siting criteria of 2012 laid down by CPCB and Orissa State PCB which is followed by Jharkhand State PCB. The case has been disposed off vide order dated 27.02.2023 with the following directions:

"20. Having regard to the above data and providing all margins for errors, on most conservative estimate liability for damage to environment is determined at Rs. 10 Crores to be utilised for remedial measures by statutory regulators, associating all stake holders, including the Railways owning the stock yard, the operator of the stock yard and users including the WBPDS.

21. Accordingly, in view of our finding that damage to environment has taken place by ignoring the siting norms and also by failing to take all precautions and not complying with the laid down conditions for thick plantations and other safeguards, compensation be deposited in the first instance by the Railways within two months with liberty to recover the same from the users of the stock yard. If payment is not made, the consents granted may be cancelled and stock yard may not be allowed to be operated. The amount may be deposited with the Stated PCB and utilized for restoration measures by a joint Committee headed by ACS, Environment, Jharkhand, with other members being PCCF, Jharkhand, nominee of CPCB, District Magistrate, Dumka and nominees of Railways and WBPDC. The Committee may prepare a plan for restoration measures and manner of execution. Remedial measures may be executed within six months. The remedial measures will include dense green belt, installation of dust suppression devices including water sprinklers, construction of garland drains and setting pits, building of wind breaking wall, making paved ways/roads and setting up monitoring stations. District Environment Plan be also considered. Besides, the action plan may include addressing public grievances and improvement of environmental aesthetics around the Rasikpur area to nullify effect of loading/unloading.

22. A status report about compliance of this order be filed by e-mail with the Registrar, EZB by June 22, 2023. If found necessary, he may place the matter before the Bench.

Subject to above, the application is disposed of."



In view of aforesaid directions, M.A. No. 13/2024/EZ was registered on 30.01.2024 to monitor compliances wherein the affidavits were filed on behalf of the Joint Committee. The said M.A. has been disposed off vide order dated 25.04.2024 *interalia* with the following observations:

"5. We find that most of the directions of the Tribunal have been complied with, however, the Compliance Report itself mentions that; (a) PTZ camera are not installed at Phulo Jhano Chowk, (b) dust collection has not been installed at the Railway Siding in accordance with the directions given, (c) GI sheet with a height ranging from 20 to 25 feet, has not been installed between coal siding railway line no.05 and 06 to prevent dust and airborne particles from the siding area from entering into the passenger area, (d) 7 fog mist cannon are installed and functional in the north direction and 3 more fog mist cannon are to be installed in the same direction, (e) no water sprinklers have been installed on the side of stone chips siding to control the dust particles, (f) a pucca approach road has not been constructed in the wharf area and the space between railway line no.05 and 06 to mitigate the dispersion of re-suspended dust and airborne particles, and (g) wheel washing and vehicle wetting facility has not been developed at the specified location.

6. From the Compliance Report we find that while several compliances have been made but the compliances enumerated in para 5 (a to g) have yet to be complied with as per own Report of the Committee.

7. We, therefore, dispose of the present M.A. with a direction to the State Respondents/Stakeholders to complete the remaining compliances as enumerated in the Report of the Joint Committee by 30.06.2024 thereafter the Committee shall re-visit the site in question and submit fresh Compliance Report before this Tribunal by 15.07.2024.

8. There shall be no order as to costs.

In this regard, it is submitted that no compliance report has been filed by the Committee as on date.

Submitted for kind perusal and appropriate order/direction.

S/d
Section Officer

S/d
Ld. Dy. Registrar

S/d
Ld. Registrar

S/d
Hon'ble Expert Member

S/d
Hon'ble Judicial Member