

Kankana Das vs Moef on 29 April, 2022

Item Nos. 02 & 03

Court No.1

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)
Original Application No.60/2021/EZ
With
Original Application No.91/2021/EZ

Kankana Das

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 29.04.2022

CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s) : Mr. Ritwick Dutta, Advocate (in virtual)

For Respondent(s) : Mr. Soumitra Mukherjee, Advocate for R-1 (in virtual),
(in O.A. No.60/2021/EZ) Mr. Dipanjan Ghosh, Advocate for R-2,
Mr. Sibojyoti Chakraborty, Advocate for R-3 & 4,
Mr. Prasenjeet Mohapatra, ASC for R-5 (in virtual),
Ms. Papiya Banerjee Bihani, Advocate for R-6 (in
virtual),
Mr. Surendra Kumar, Advocate for R-7 & 10,
Ms. Amrita Pandey, Advocate for R-8 (in virtual),
Ms. Aishwarya Rajyashree, Advocate for R-9 (in
virtual)
Mr. Sidharth Shroff, Advocate for R-13 & 14 (in
virtual)

For Respondent(s) : Mr. Ashok Prasad, Advocate for R-2 (in virtual),
(in O.A. No.91/2021/EZ) Mr. Sibojyoti Chakraborty, Advocate for R-3,
Mr. Dipanjan Ghosh, Advocate for R-4,
Mr. Prasenjeet Mohapatra, ASC for R-5 (in virtual),
Ms. Papiya Banerjee Bihani, Advocate for R-6 (in
virtual),
Mr. Surendra Kumar, Advocate for R-7, 10, 21 & 22,
Ms. Amrita Pandey, Advocate for R-8 & 9 (in virtual),
Mr. Pukhrambam Ramesh Kumar, Advocate for R-13
(in virtual),
Mr. E. Enatoli Sema, Advocate for R-15 & 16, (in
virtual)
Mr. Aniruddha Bhattacharya, Advocate for R-23 (in
virtual),
Mr. Sameer Abhyankar, Advocate for State of Sikkim
(in virtual),
Mr. Abhinav Mishra, Advocate for R-17 & 18 (in

virtual)

Mr. Sarosij Dasgupta, Advocate for R-12 (in virtual)

Ms. Mobina Ali, Advocate for R-21 & 22 (in virtual)

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ORDER

1. Mr. Ritwick Dutta, learned Counsel for the Applicant, is appearing in virtual court proceedings.
2. One counter-affidavit dated 28.04.2022 has been filed by Respondent No.10, Jharkhand State Pollution Control Board; the same is taken on record. (in O.A. No.60/2021/EZ)
3. One counter-affidavit dated 14.02.2022 has been filed by Respondent No.2, Central Pollution Control Board; the same is taken on record. (in O.A. No.91/2021/EZ)
4. One counter-affidavit dated 23.03.2022 has been filed by Respondent Nos.17 & 18, State of Sikkim and Sikkim Pollution Control Board; the same is taken on record. (in O.A. No.91/2021/EZ)
5. One affidavit dated 28.03.2022 has been filed by Respondent No.25, State of Meghalaya; the same is taken on record. (in O.A. No.91/2021/EZ)
6. One affidavit dated 23.03.2022 has been filed by Respondent No.26, Meghalaya State Pollution Control Board; the same is taken on record. (in O.A. No.91/2021/EZ)
7. One affidavit dated 17.03.2022 has been filed by Respondent No.14, Manipur State Pollution Control Board; the same is taken on record. (in O.A. No.91/2021/EZ)
8. One affidavit dated 28.04.2022 has been filed by Respondent No.10, Jharkhand State Pollution Control Board; the same is taken on record. (in O.A. No.91/2021/EZ) O.A. No.60/2021/EZ: -
9. Mr. Sibojyoti Chakraborty, learned Counsel for Respondent No.4, West Bengal Pollution Control Board prays for and is granted three weeks time for filing counter-affidavit.
10. Issue notice to Respondent No.11, State of Assam, Respondent No.12, Assam State Pollution Control Board, Respondent No.13, State of Meghalaya, Respondent No.14, Meghalaya Pollution Control Board Respondent No.15, State of Nagaland & Respondent No.16, Nagaland State Pollution Control Board, returnable within four weeks.
11. The Respondents shall file their counter-affidavits within four weeks.
12. The Applicant shall serve e-copy/soft copy of the original application along with its annexure to the newly added respondents within 24 hours.

13. Mr. Surendra Kumar, learned Counsel for Respondent No.7, State of Bihar, states that the State will adopt the counter-affidavit already filed by Bihar State Pollution Control Board.

14. The Applicant in the original application is seeking a direction to the Respondent Nos.1 & 2 to formulate guidelines for preparation of State Action Plan in a time bound manner as envisaged under the National Clean Air Program (NCAP) formulated by the MoEF&CC.

15. The applicant has filed a joint rejoinder affidavit and the allegation is that the Odisha State Pollution Control Board has formed the Action Plan for cities but no State Action Plan has been prepared and it appears that the State Government is not even aware that they have to prepare a State Action Plan under the National Clean Air Program (NCAP).

16. Ms. Amrita Pandey, learned Counsel for Bihar State Pollution Control Board prays for and is granted one-week time for filing current status after the previous affidavit of 06.10.2021.

17. The Bihar State Pollution Control Board while filing its affidavit shall also address the issues raised in the joint rejoinder affidavit of the Applicant dated 09.03.2022.

18. Ms. Papiya Banerjee Bihani, learned Counsel for Odisha State Pollution Control Board prays for and is granted one-week time for filing current status after the previous affidavit of 23.09.2021.

19. The Odisha State Pollution Control Board while filing its affidavit shall also address the issues raised in the joint rejoinder affidavit of the Applicant dated 09.03.2022.

20. The affidavit of Jharkhand State Pollution Control Board dated 28.04.2022 in paragraph No.6 shows repeated letters are being written by the Board to the AQMC, Jharkhand to organize a meeting for preparation of State Action Plan. The last letter appears to have been written on 19.02.22 as stated in paragraph No.8 of the affidavit. In paragraph No.13 of the affidavit, it is stated that the State Action Plan is expected to be prepared in May, 2022. The Jharkhand State Pollution Control Board is directed to file the affidavit bringing on record updated status particularly with regard to the State Action Plan as prepared in May, 2022. O.A. No.91/2021/EZ:-

21. Mr. Sidharth Shroff, learned Counsel states that the State of Manipur will adopt the affidavit already filed by the Manipur State Pollution Control Board.

22. Mr. Prasenjeet Mohapatra, learned Additional Standing Counsel states that the State of Odisha will adopt the affidavit already filed by the Odisha State Pollution Control Board

23. Mr. Ritwick Dutta, learned Counsel states that he will file an affidavit on behalf of the Applicant crystallizing the issues with regard to all the States in a tabular form and with regard to action taken and action required to be taken.

24. Mr. Dipanjan Ghosh, learned Counsel prays for and is granted three weeks time for filing counter-affidavit.

25. Mr. Sidharth Shroff, learned Counsel states that State of Manipur has been impleaded through Director, Department of Environment whereas he should be impleaded through Chief Secretary.

26. We direct Mr. Ritwick Dutta, learned Counsel to make necessary corrections today itself in the title of Respondent No.13.

27. Ms. Mobina Ali, learned Counsel for Respondent Nos.21 & 22 may also file the counter-affidavit within one week after due service upon the learned Counsel for the Applicant.

28. List on 05.07.2022.

..... B. Amit Sthalekar, JM

Saibal Dasgupta, EM April 29, 2022, Original Application No.60/2021/EZ MN