

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

O.A. No. 20/2014/EZ

TRIBUNAL ON ITS OWN MOTION  
(Reg. SUNDERBAN FOREST)

VS

UNION OF INDIA & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Amicus Curiae : None  
Respondent No. 1 : Mr. Gora Chand Roy Chowdhury, Advocate  
Ms. S. Roy, Advocate  
Respondents 2, 3, 4, 6 & 15 : Mr. Bikas Kargupta, Advocate  
Respondent No. 5 : Ms. Arpita Chowdhury, Advocate  
Respondent No. 8 : Mr. Avijit Dey, Advocate  
Respondent No. 9 : Mr. K. Mukherjee, Advocate (proxy)  
Dist. Magistrate, S-24 PGs : Mr. Tapas Kr. Mondal, Advocate  
Other Respondents : Mrs. Poushali Banerjee, Advocate (R. 11, 175)  
Mr. Kamalesh Bhattacharya, Advocate  
Mr. Aninda Bhattacharyya, ( Res. 120-128)  
Mr. Gautam Das, Advocate (R. 112)  
Mr. H. Chatterjee, Advocate ( R.

Date & Remarks	Orders of the Tribunal
<p><b>Item No. 2</b> <b>17<sup>th</sup> February,</b> <b>2017.</b></p>	<p>On behalf of the Principal Secretary, Deptt. of Environment, Govt. of West Bengal, respondent No. 3, an affidavit has been filed today further to the one filed earlier which is ordered to be taken on record.</p> <p>On 10.1.2017 we had been informed that the National Centre for Sustainable Coastal Management</p>

(NCSCM), Chennai, which had been delegated by the MOEF to provide HTL, ESA and LTL data to the WBSCZMA, had not provided ESA and LTL data except for the one of HTL.

In the affidavit filed today, it has been stated that it has been instructed by the NCSCM to continue with the preparation of the CRZ NCSCM on the strength of the HTL data supplied earlier and the LTL data prepared by the State Govt.

Mr. Bikas Kargupta, Ld. Advocate for the State respondents and the Coastal Zone Management Authority submits that the work has begun in respect of Purba Medinipur district but it is yet to begin in respect of other three districts, i.e., Pashim Medinipur, North and South 24 Parganas within which Sundarban areas fall. He submits that once the ESA data is received from the NCSCM the progress on the work shall be accelerated and completed thereafter.

In view of the above, MOEF, Respondent No. 1, shall ensure that ESA data is provided expeditiously to

the State Coastal Zone Management Authority in order to enable them to complete the work.

Mr. Gora Chand Roy Chowdhury, Ld. Advocate for the MOEF prays for further time to file affidavit as ordered vide order dated 10.1.2017.

The prayer is considered and allowed. Let the affidavit be filed before the next date with advance copies on the other side.

In so far as Sajnekhali Tourist Lodge is concerned, it has been stated in the affidavit filed on behalf of the West Bengal Tourism Development Corporation, Respondent No. 10, that since the lodge had been existing since many years before the Coastal Regulation Zone Notification, 2011 came into force, the provisions of the said notification would not apply to it.

Since we have doubt on the veracity on this submission, we direct the Ld. Counsel to elaborate on this aspect in the light of the provisions of said Notification. If so advised, they are at liberty to file additional affidavit in this regard.

The affidavit filed on behalf of the State PCB containing the inspection report in respect of the hotels on Sagar Island is ordered to be taken on record. Let copies be served upon the concerned authorities and the applicant before the next date. In the meanwhile, they shall continue with the task of inspection and submit further status report on the next date.

Mr. Kamallesh Bhattacharya, Ld. Advocate for the respondents 120 to 128, submits that since these respondents have already filed their show causes which had been taken on record on 4<sup>th</sup> May, 2016, no further show cause is felt necessary to be filed and decision be taken based on those.

Mrs. Poushali Banerjee, for respondents No. 11 and 175, Mr. Gautam Das, for respondent No. 112, Mr. H. Chatterjee with Mr. Ashok Kr. Das, for respondents 16,18,19 and 21 and Mr. Bikas Kargupta, for respondent No. 15 (PSU), pray for leave to file their respective vakalatnamas and pray for time to file show causes.

The prayers are allowed. Let show cause be filed before the next date with copies on the other side.

Mr. T.K.Mondal, Ld. Advocate appearing for the District Magistrate, South 24 Parganas submits that show cause notices have been served on the respective parties as per order dated 10.1.2017.

There are other issues which were indicated in our earlier orders. Those pertain to very important aspects pointed out by Mr. Subhas Datta, Amicus Curie. Since he is out of the country, we deem it proper not to deal with those in his absence and shall be considered when he appears.

**List on 22.3.2017.**

Justice S.P.Wangdi, JM

17-2-2017

Prof. (Dr.) P. C. Mishra, EM

17-2-2017



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