

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.95/2023/EZ
(Earlier O.A. No. 362/2023/PB)

Laddu Sahni	Versus	Applicant(s)
State of Bihar		Respondent(s)

Date of hearing: 01.02.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : None

For Respondent(s) : Ms. Amrita Pandey, Advocate for Bihar SPCB,

ORDER

1. Case called out. No one is present on behalf of the Applicant.
2. Affidavit dated 21.09.2023 has been filed on behalf of the Bihar State Pollution Control Board; the same is taken on record.
3. This case has been received from the New Delhi Bench of the Tribunal where it was originally registered as Original Application No.362/2023/PB and on transfer has been registered as Original Application No.95/2023/EZ.
4. The Respondents have not been shown in the Original Application. We, therefore, direct the following be impleaded as Respondents in the present Original Application:-
 - (1) Bihar State Pollution Control Board, through its Member Secretary,
 - (2) Central Pollution Control Board, through its Member Secretary,
 - (3) District Magistrate, Muzaffarpur, and
 - (4) Katni Bijlee Utpadan Nigam Limited, Katni, District-Muzaffarpur,

5. Issue notice to the Respondents, returnable within four weeks.
6. Ms. Amrita Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.1, Bihar State Pollution Control Board.
7. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.2, Central Pollution Control Board.
8. Mr. Surendra Kumar, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, District Magistrate, Muzaffarpur.
9. Mr. Uttam Kumar Mandal, learned Counsel who is present in Court, states that he is the Counsel of the NTPC and the Respondent No.4, Katni Bijlee Utpadan Nigam Limited, is a unit of NTPC and will accept notice on behalf of the said Respondent.
10. All the Respondents shall file their counter-affidavits within four weeks.
11. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - (i) Senior Scientist, Bihar State Pollution Control Board,
 - (ii) Senior Scientist, Central Pollution Control Board, and
 - (iii) District Magistrate, Muzaffarpur, or his representative not below the rank of the Additional District Magistrate,
12. The Committee shall visit the site in question and submit its report on affidavit within four weeks with regard to the allegations made.
13. The Bihar State Pollution Control Board shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.

14. The office of the Tribunal shall serve e-copy/soft copy of the Original Application along with all its annexures as well as the affidavits on record upon Ms. Amrita Pandey, Mr. Dipanjan Ghosh, Mr. Surendra Kumar and Mr. Uttam Kumar Mandal, Counsel for the Respondents within two days.
15. **List on 05.03.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

February 01, 2024,
Original Application No.95/2023/EZ
(Earlier O.A. No. 362/2023/PB)
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