

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Execution Application No. 03/2018 (EZ)
(M.A. No. 49/2018)**

In

Original Application No. 80/2016 (EZ)

IN THE MATTER OF:

Public (People United for Better Living in Calcutta)

Vs.

East Kolkata Wetlands Management Authority & Anr.

**CORAM : HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present:

Applicant	:	Mr. Siddhartha Mitra , Sr. Advocate and Mr. Santanu Chakraborty, Adv.
Applicant in M.A. No. 49/2018	:	Mr. Amlesh Ray and Mr. Deborshi Dhar, Advocate
Respondents	:	Mr. Amitesh Banerjee, Sr. Advocate for R-1&2 Mr. Bikas Kargupta, Advocate

Date and Remarks	Orders of the Tribunal
Through Video Conferencing Item No. 05 October 09, 2018 dv	<p style="text-align: center;"><u>M.A. No. 49/2018</u></p> <p>1. This is an application seeking for modification of our judgment/order dated 25.10.2017 in Original Application No. 80/2016(EZ).</p> <p>2. We have considered the application and also the submissions made on behalf of the applicant and we do not find any reason as to why the order should be modified. The prayer in our view would tantamount to review of our order even for which no sustainable ground has been made out</p> <p>3. This application is thus dismissed as not maintainable.</p> <p style="text-align: center;"><u>Execution Application No. 03/2018 (EZ)</u></p> <p>1. We have perused the show cause notice filed on</p>

	<p>Through Video Conferencing</p> <p>Item No. 05</p> <p>October 09, 2018 dv</p>	<p>behalf of the Respondents No. 1 and 2 i.e. Chairperson, East Kolkata Wetlands Management Authority and the Chief Secretary, Department of Environment and Member, East Kolkata Wetlands Management Authority.</p> <p>It is stated that by letter dated 01.10.2018, the Additional Chief Secretary, Environment Department had directed the District Magistrate & Collector, South 24 Parganas to demolish the illegal structure belonging to the Respondent No. 8, i.e., Vaidik Dharma Sansthan Trust within seven days from the date of receipt of the letter and file a compliance report.</p> <p>2. Similar, letter was stated to have been issued to the Chairman, Nabadiganta Industrial Township Authority to remove the works from the road at Munshir Bheri.</p> <p>3. Taking note of the statements, we will expect the East Kolkata Wetland Management Authority (EKWMA) to remove the illegal structure of Respondent No. 8, i.e., Vaidik Dharma Sansthan Trust and the road at Munshir Bheri and restore the area to its original condition in terms of the order dated 25.10.2017 in Original Application No. 80/2016 (EZ) within period of 30 days from hence.</p> <p>4. Compliance report to this effect shall be filed without fail by 11.11.2018.</p> <p>5. The cost of demolition, restitution and restoration of the area shall be borne by the Respondent No. 8, i.e., Vaidik Dharma Sansthan Trust, in respect of the area illegally encroached by it and, by Respondent No. 3, the Nabadiganta Industrial Township Authority, if they do not do so on their own within the period stipulated herein.</p>
--	--	---

	<p>Through Video Conferencing</p> <p>Item No. 05</p> <p>October 09, 2018 dv</p>	<p>6. Having regard to the fact that there has been clear violation of the timeline prescribed in the order dated 25.10.2017 we expect that action as directed herein shall be taken without fail. Failure to comply shall make the Respondents No. 1 and 2 as well as Respondents No. 3 and 8 liable for penalty of Rs. 50 Lakhs each. Further delay in excess of 30 days shall entail daily penalty of Rs. 50,000/- each until the date when the structures are completely removed.</p> <p>7. We also reserve appropriate orders that may be passed against the erring officials in complying with the directions within the timeframe prescribed in the order under execution.</p> <p>8. List the case on 12th November, 2018 for consideration of the compliance report.</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p>09.10.2018</p>
--	--	---