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ipw Containers Pvt. Ltd. Vs. State Level Environment Impact

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Court : Kolkata

Decided On : Dec-18-2013

Judge : Sanjib Banerjee

Appellant : ipw Containers Pvt. Ltd.

Respondent : State Level Environment Impact

Judgement :

WP No.1006 of 2013 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE IPW CONTAINERS PVT.LTD.Versus STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY & ORS.Appearance Mr.S.K.Mehta, Adv.Petitioner Mr.P.S.Bose, Sr.Adv.Mr.Santanu Kumar Mitra, Adv.U.O.I.BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date : 18th December, 2013.

The Court : It is submitted on behalf of the Union of India that the Ministry of Environment and Forests has caused the relevant notification under Section 3(3) of the Environment (Protection) Act, 1986 to be published for setting up the State Level Environment Impact Assessment Authority.

The chairman and the members of such authority have been named in the notification.

The member-secretary is the Chief Environment Officer of the Environment Department of the State Government.

The notification dated December 9, 2013 has also constituted the State Level Expert Appraisal Committee by naming a chairperson and nine members thereof.

The tenth member is the member-secretary of the West Bengal Pollution Control Board.

The notification specifies that the State Level Environment Impact Assessment Authority will base its decisions on the recommendations of the State Level Expert Appraisal Committee.

In view of both authorities having been constituted, the substantial grievance of the petitioners is redressed.

The petitioneRs.however, apprehend that notwithstanding the constitution of the authorities, such authorities may not immediately be taking up matteRs.The petitioners may also not be aware of any office from where such authorities would function.

Since the problem that the petitioners have come to Court with is faced by several other entrepreneuRs.the petitioners are given leave to apply to the chairman of the State Level Environment Impact Assessment Authority to ascertain when the petitioners application may be taken up and processed.

It is also necessary that the Central Government and the State Government take expeditious steps to ensure that the offices of the two authorities named by the notification of December 9, 2013 are made ready such that the authorities can function without undue delay.

WP No.1006 of 2013 is disposed of by directing the State Level Environment Impact Assessment Authority through its member-secretary to ensure that the petitioners application is processed in accordance with law and a final decision taken thereon within a period of four weeks from the date of communication of this order.

There will be no order as to costs.

A copy of the relevant notification should be retained with the papeRs.Certified website copies of this order, if applied for, be urgently supplied to the parties subject to compliance with all requisite formalities.

(SANJIB BANERJEE, J.) sg.

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