

08.01.2021

MAT 220 of 2020

Court No. 02
Item No. DL – 03
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(DSIPOSED OF)

Pranabananda Chatterjee
Vs.
The State of West Bengal & Ors.

Mr. Sanat Kumar Ray, Advocate
Mr. Abhishek Banerjee, Advocate

.....for the Appellant

Mr. Srijan Nayek, Advocate
Ms. Rituparna Moitra, Advocate

.....for the State

Unfortunately the prayer for replacement of the new vehicles which appears to be more eco-friendly, is rejected by the authorities on the whimsical ground that the old vehicles do not appear to be that old. The representation is dismissed on the day of its admission without recording any independent finding and the reasons recorded by the authority do not withstand on the parameter of law, more particularly, environmental law, when admittedly there is no provision in the statute which debars such replacement. Permit was granted to ply the vehicles of 2015 model and the appellant want to replace those with 2019 model, which are more eco-friendly and the emission has been certified by the manufacturer to be less in comparison to the earlier old vehicles.

As indicated above, there is no embargo in the statute itself for replacement of the vehicles of four years old with the new vehicles and the reasons which have been assigned do not appear to be convincing to us. The human race is grappling with the pollution created because of the rapid development in the infrastructure, heavy and automobile industry and the emission of gases originates therefrom. Such emissions are expected to be health hazardous and various discourse are being conducted to tackle with such situation and to reduce the pollutant emission, so that the life of the

creatures of the planet can be saved. An onerous prayer was made by the appellant to replace the old vehicles with the new ones and we do not find any justification in the reasons assigned by the authority that the old vehicles covered under the permit does not appear to be too old. There has been a gross insensitivity in the mind of the authority and the lack of awareness over the environmental pollution caused by the human race in the garb of development and better living appears to be evident. The right to life enshrined not only the survival of the race but better quality of living which cannot be undermined and/or denied by a statutory authority which owe to the society as well as the human race.

We do not find any plausible reason has been assigned for refusal to replace the new vehicles with the old one and the order appears to have been passed with closed mind.

The order dated November 7, 2019 passed by the authority is hereby set aside.

The Deputy Secretary, State Transport Authority (Respondent No. 5) is directed to reconsider the application filed by the applicant and shall dispose of the same within two weeks from the date of communication of this order in the light of the observations made hereinabove and shall communicate the same to the appellant within a week therefrom.

In the light of the above observations, the appeal is **disposed of**. No order as to costs.

(Harish Tandon, J.)

(Kausik Chanda, J.)

