

13.12.2022
Ct. 5
D/L 3 & 5
ab

WPA 25815 of 2022
With
WPA 26220 of 2022

West Bengal Bus and Minibus Owners Association &
Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Arunava Ghosh,
Mr. Anindya Lahiri,
Mr. Samrat Dey Paul

... for the petitioners

Mr. Billwadal Bhattacharyya, Ld. DSG,
Ms. Debapriya Gupta

... for the Union of India

Mr. Amal Kumar Sen,
Mr. Jaladhi Das,
Mr. Lal Mohan Basu

... for the State

Mr. Alok Kumar Ghosh,
Mr. Sibojyoti Chakraborti

... for the KMC

Notwithstanding the issue of maintainability, which has successfully been raised by learned DSG appearing for the Union of India, nothing remains in the writ petitions in view of the Supreme Court order which has recently been passed on 6th December, 2022 in *Civil Appeal No. 8564 of 2022 (The State of West Bengal Vs. Subhas Datta & Ors.)*.

The issue under challenge is a judgment passed by the National Green Tribunal (NGT) on 26th July, 2022 by which all Non BS-VI vehicles, which are more than 15 years old, have been phased out. The Supreme Court by its order dated 6th December, 2022 has stayed the operation of the judgment of the NGT impugned in the present proceeding. The order was passed on an appeal filed by the State against the order of the NGT.

The order of the Supreme Court has been placed on behalf of learned counsel appearing for the State. The order reflects that the Supreme Court has issued notice in the matter which means that the proceedings are pending before the Supreme Court and all parties will be heard in the civil appeal.

The contention of learned counsel appearing for the petitioners that the petitioners are required to be heard as representing the West Bengal Bus and Minibus Owners Association is noted. Since the entire matter is now before the Supreme Court, the petitioners shall be at liberty of taking appropriate steps to be heard in the said proceedings.

The other contention that the petitioners have a right to approach the Writ Court is considered. Since the Supreme Court is now in seisin of the matter, this Court is not inclined to entertain the writ petitions and the only remedy available to the petitioners is to agitate their grievances before the Supreme Court.

WPA 25815 of 2022 and WPA 26220 of 2022 are accordingly disposed of in terms of the above.

Needless to say, this Court has not gone into the merits of the case.

(Moushumi Bhattacharya, J.)