

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 120/2023/EZ

KARTIK MAJUMDAR

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT FILED BY THE WEST BENGAL
POLLUTION CONTROL BOARD.

INDEX

SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-9
2.	Copy of the inspection report of the Committee	"R"	10-14

Filed by
Difanjan Ghosh
DIFANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA



SL. NO. 18

Dt.- 14 MAR 2024

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 120/2023/EZ

KARTIK MAJUMDAR

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT FILED BY THE WEST BENGAL
POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by faith-Hindu, Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District - Hooghly, do hereby solemnly declare and say as follows:-

14 MAR 2024

01. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 01, to affirm this Affidavit on its behalf and as such, I am competent to do so.



02. That, this affidavit is being affirmed in pursuant to the orders passed by this Hon'ble Tribunal dated 06.12.2023 and 24.01.2024.

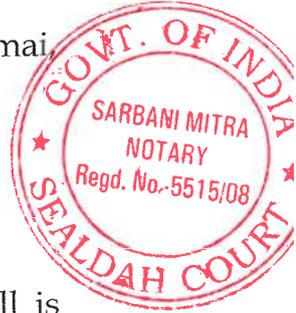
03. That, the Hon'ble National Green Tribunal vide order dated 06.12.2023, re-constituted the Committee, with the following members:

- a) Senior Scientist/ Environmental Engineer, West Bengal Pollution Control Board;
- b) Senior Scientist, Central Pollution Control Board;
- c) Representative of the District Magistrate, Darjeeling, not below the rank of Additional District Magistrate; and

14 MAR 2024

d) Senior Geologist, Directorate of Mines and Minerals,
Government of West Bengal.

04. That, in compliance with the order of the Hon'ble National Green Tribunal, the Committee visited the said site, namely, M/s. Ridhi Sidhi Construction Materials, located at Nemajote, P.O.- Nemai, P.S.- Matiagara, Dist - Darjeeling, Pin- 734010, on 22.01.2024.



05. That, during inspection it was observed that the crusher mill is located at an approx. distance of 100 metre from the SH -12 (Siliguri- Mirik). The crusher was found operational during visit. The unit has 2 nos. of primary crushers and 5 nos. of Secondary crushers. Layer of dust was seen deposited on the trees and in their administrative building cum office. Green belt coverage was not adequate. The raw materials (river bed material like boulders, stones, etc.) were procured from other vendors as per the requirements and market demand. As informed, the final product (sized stone aggregate/ chips) was supplied to road construction and building construction purposes.

14 MAR 2024

06. That, on the basis of the Environmental guidelines issued by Central Pollution Control Board dated July, 2023, the following observations were found during inspection: -



Sl no	Fugitive Emission Source	Present status of the unit
01	Unloading area of raw material, primary crusher, screener, conveyor belts and transfer points	Raw Material handling area: - Water sprinkling system available in the unloading area of raw material. Primary Crusher: - Two nos. of primary crusher was available. Out of which one of them was under maintenance. The primary crushers were not covered with GI/MS sheet. However, screener was covered with GI/MS sheet. Water sprinkling system with designed nozzle was available and operational for the primary crusher and screeners.
02	Covering of conveyor belts from node to node with a thick sheet of suitable material	Conveyor belts were uncovered.
03.	Secondary, Tertiary crushers and screeners shall be equipped with dry extraction cum bag filter followed by cyclone	The unit had total 5 nos. of secondary crushers. The crushers were covered with GI/MS sheet. Water sprinkling system with designed nozzle was available and operational. However, they were not equipped with dry extraction cum bag filter followed by cyclone.
03	At discharge points flexible telescopic chute from top of discharge points to the ground level	Flexible telescopic chutes were not available at the discharge points .
04	GI/MS/Brick wind breaking wall of 3ft more than the highest node of the crusher along the periphery of the	Wind breaking walls were not provided around the periphery of crusher mill.

14 MAR 2024

	crusher	
05	Metalled/Concrete roads within the premises. Ramps and the entire ground area inside the premises should also be metalled	Road within the premises is of earth work. No metalled roads available within the premises and ramps. Dust suspension & Waterlogging in the premises was seen.
06	Arrangement of rotating water sprinkling system/fogger/Anti-smog gun in the premises to suppress dust within the premises to control dust emission resuspension	No such arrangement is available. Manual water sprinkling around the premises is done by flexible tubes.
07	Plantation of 2-3 rows of tall trees around the periphery of the crusher	No trees were planted
08	Display Board at the entrance, having name of the unit, contact details of owner and address of unit, plant capacity and date of issue of CTE/CTO from SPCB/PCC	No display board was found
09.	Covering of vehicles	During inspection, no material transportation through vehicles had been carried out.
10.	CCTV/PTZ Camera installed at the entrance and all corners of the premises of the unit covering entire area with minimum of 30 days usage	CCTV cameras were installed.



Other Observations: -

01.	Dust Storage	The occupier of the stone crusher had not provided dust room. At Present huge quantity of stone dust was laying on the stone crusher area.
-----	--------------	--

19 4 MAR 2024

02.	Provision for recycling of wastewater generated during dust suspension and crushers	No settling tank was available for recycling of the wastewater generated during dust suppression and from the crusher. Waterlogging within the premises was seen.
03.	National Park/ Wildlife Sanctuary/ Eco-sensitive zone as per the list of Department of Forest, Govt. of WB	The unit does not fall in any notified National Park/ Wildlife Sanctuary/ Eco-sensitive zone (ESZ) as per the list of Department of Forest, Govt. of WB. The Distance of the stone crushing site from the ESZ boundary of Mahananda Wildlife Sanctuary on the basis of geo-coordinates is approx. 7.62 Km as measured on google map.

07. That, the following remarks were made by the Committee members:

1. The primary crushers were not covered with GI/MS sheet.
2. Conveyor belts were uncovered.
3. Secondary crushers were not equipped with dry extraction cum bag filter followed by cyclone.
4. Flexible telescopic chutes were not installed at the discharge points of all conveyor belts upto ground level.
5. GI/MS/Brick wind breaking walls were not provided around the periphery of crusher mill.
6. No metalled roads available within the unit premises.
7. No enclosed stone dust storage room was installed. Stone



14 MAR 2024

dust was found to be stored within open area.

8. The unit had not installed permanent water sprinkling arrangement at all strategic locations within its premises.

9. There is the possibility of dust pollution for carry over of stone dust through air due to non-compliance mentioned in Remarks # 1 to 8. Dust deposition was observed on roads within the unit as well as on leaves of tree within & outside the unit premises.

10. Green belt should be developed in 33% of available open area (As per condition of Consent To Operate).

Copy of the inspection report of the Committee is annexed herewith and marked with letter "R".

08. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.


DEPONENT

14 MAR 2024





VERIFICATION

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by Religion - Hindu, by Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District-Hooghly, do hereby solemnly declare and say as follows:-

1. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 7 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

Dipnjan Ghosh

Identified and corrected by me
Advocate
WBPCB

Subrata Ghosh
DEPONENT

Solemnly Affirmed &
Declared Before Me
On Identification By

[Signature]
SARBANI MITRA
NOTARY
Regd. No.-5515/08

14 MAR 2024

Inspection Report

Reference	: As per Hon'ble NGT order vide OA no. – 120/2023/EZ dated 06.12.2023 against a stone mining and a crusher mill for operating in the Eco-Sensitive Zone (ESZ) of Mahananda Wildlife Sanctuary near Balason river and causing air pollution.
Name of the unit	: M/s. Ridhi Sidhi Construction Materials
Address:	: Nemajote, P.O. -Nemai, P.S. – Matigara, Dist. – Darjeeling, Pin - 734010
Local Electrical Authority	: WBSEDCL
Category	: Orange
Status of Statutory Compliance	: Consent to Operate granted by SDO Siliguri and it is valid up to 31.01.2028
Date Of Inspection	: 22.01.2024
*Inspected By	: 1. Dr. Prasun Kumar Mondal, Asst. Environmental Engineer & In Charge, Siliguri RO, WBPCB cum Nodal Officer of the constituted jt. committee, 2. Mr. Sandeep Roy, Scientist D, CPCB, Kolkata Region 3. Mr. Stephen Lepcha, Addl. LAO, DM Office, Darjeeling 4. Mr. S. Mahato, Asst. Environmental Engineer, WBPCB Mr. R. Karmakar, Jr. Environmental Engineer, WBPCB
Person Met	: Mr. Santosh Srivastav (Owner)

* Due to unavoidable circumstances, Mrs. Sarmistha Ghosh, Asst. Director, Dte. Of Mines & Minerals and Sr. Geologist, Geological Prospecting Branch, Siliguri was absent during jt. inspection and she was briefed about the inspection.

Crux of the Applicant: -

An application was filed before the Hon'ble NGT-EZB against a stone crushing and stone mining unit namely "M/s. Ridhi Sidhi Construction Materials" for operating in the Eco-Sensitive Zone of Mahananda Wildlife Sanctuary near Balason river and causing severe air pollution due to operation of stone crusher including crushing, drilling, loading and hauling. The stone crusher was also alleged to be operating in violation of the environmental laws. It was further alleged that high fugitive dust emission was caused during transportation of stone chips in heavy vehicles.

Observation: -

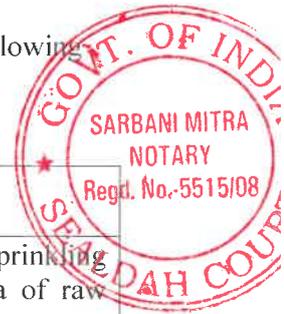
During inspection it was observed that the crusher mill is located at an approx. distance of 100 metre from the SH -12 (Siliguri – Mirik). The crusher was found operational during visit. The unit has 2 nos. of primary crushers and 5 nos. of Secondary crushers. Layer of dust was seen deposited on the trees and in their administrative building cum office. Green belt coverage was not adequate. The raw materials (river bed material like Boulders, stones, etc.) were procured from other vendors as per the requirements and market demand. As informed, the final product (sized stone aggregate/chips) was supplied to road construction and building construction



purposes.

On the basis of the Environmental guidelines issued by CPCB dated July, 2023, the following observations were found during inspection: -

Sl no	Fugitive Emission Source	Present status of the unit
01	Unloading area of raw material, primary crusher, screener, conveyor belts and transfer points	Raw Material handling area: - Water sprinkling system available in the unloading area of raw material. Primary Crusher: - Two nos. of primary crusher was available. Out of which one of them was under maintenance. The primary crushers were not covered with GI/MS sheet. However, screener was covered with GI/MS sheet. Water sprinkling system with designed nozzle was available and operational for the primary crusher and screeners. (Pic. - 1)
02	Covering of conveyor belts from node to node with a thick sheet of suitable material	Conveyor belts were uncovered. (Pic. - 2)
03.	Secondary, Tertiary crushers and screeners shall be equipped with dry extraction cum bag filter followed by cyclone	The unit had total 5 nos. of secondary crushers. The crushers were covered with GI/MS sheet. Water sprinkling system with designed nozzle was available and operational. (Pic. - 3) However, they were not equipped with dry extraction cum bag filter followed by cyclone.
03	At discharge points flexible telescopic chute from top of discharge points to the ground level	Flexible telescopic chutes were not available at the discharge points . (Pic. - 4)
04	GI/MS/Brick wind breaking wall of 3ft more than the highest node of the crusher along the periphery of the crusher	Wind breaking walls were not provided around the periphery of crusher mill. (Pic. - 5)
05	Metalled/Concrete roads within the premises. Ramps and the entire ground area inside the premises should also be metalled	Road within the premises is of earth work. No metalled roads available within the premises and ramps. Dust suspension & Waterlogging in the premises was seen. (Pic. 6)
06	Arrangement of rotating water sprinkling system/fogger/Anti-smog gun in the premises to suppress dust within the premises to control dust emission resuspension	No such arrangement is available. Manual water sprinkling around the premises is done by flexible tubes.
07	Plantation of 2-3 rows of tall trees around the periphery of the crusher	No trees were planted
08	Display Board at the entrance, having name of the unit, contact details of owner and address of unit, plant capacity and date of issue of CTE/CTO from SPCB/PCC	No display board was found
09.	Covering of vehicles	During inspection, no material transportation through vehicles had been carried out.
10.	CCTV/PTZ Camera installed at the	CCTV cameras were installed.

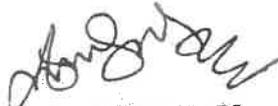


entrance and all corners of the premises of the unit covering entire area with minimum of 30 days usage	
---	--

Other Observations: -	
01. Dust Storage	The occupier of the stone crusher had not provided dust room. At Present huge quantity of stone dust was laying on the stone crusher area (Pic. - 7)
02. Provision for recycling of wastewater generated during dust suspension and crushers	No settling tank was available for recycling of the wastewater generated during dust suppression and from the crusher. Waterlogging within the premises was seen.
03. National Park/ Wildlife Sanctuary/ Eco-sensitive zone as per the list of Department of Forest, Govt. of WB	The unit does not fall in any notified National Park/ Wildlife Sanctuary/ Eco-sensitive zone (ESZ) as per the list of Department of Forest, Govt. of WB. The Distance of the stone crushing site from the ESZ boundary of Mahananda Wildlife Sanctuary on the basis of geo-coordinates is approx. 7.62 Km as measured on google map. (Distance map enclosed)

Remarks-

1. The primary crushers were not covered with GI/MS sheet.
2. Conveyor belts were uncovered.
3. Secondary crushers were not equipped with dry extraction cum bag filter followed by cyclone.
4. Flexible telescopic chutes were not installed at the discharge points of all conveyor belts upto ground level.
5. GI/MS/Brick wind breaking walls were not provided around the periphery of crusher mill.
6. No metalled roads available within the unit premises.
7. No enclosed stone dust storage room was installed. Stone dust was found to be stored within open area.
8. The unit had not installed permanent water sprinkling arrangement at all strategic locations within its premises.
9. There is the possibility of dust pollution for carry over of stone dust through air due to non-compliance mentioned in Remarks # 1 to 8. Dust deposition was observed on roads within the unit as well as on leaves of tree within & outside the unit premises.
10. Green belt should be developed in 33% of available open area (As per condition of CTO).

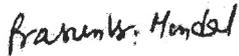

[R. KARMAKAR]
Jr. Environmental Engineer
Siliguri RO, WBPCB


[S. GHOSH]
Asst. Director, Dte. Of Mines &
Minerals and Sr. Geologist,
Geological Prospecting Branch,
Siliguri


[S. MAHATO]
Asst. Environmental Engineer
Siliguri RO, WBPCB

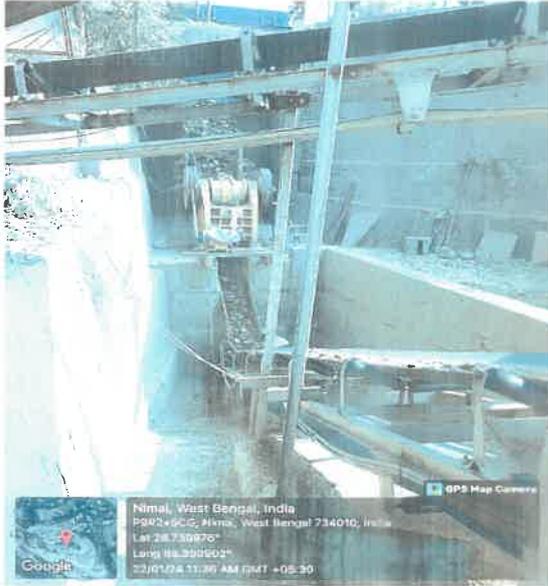

[R. K. TAMANG]
ADM (LR),
Darjeeling District


[S. ROY]
Scientist - D,
CPCB, Kolkata Region


[DR. P. K. MONDAL]
Asst. Environmental Engineer &
I/C. Siliguri RO, WBPCB cum
Nodal Officer of constituted Jt.
Committee



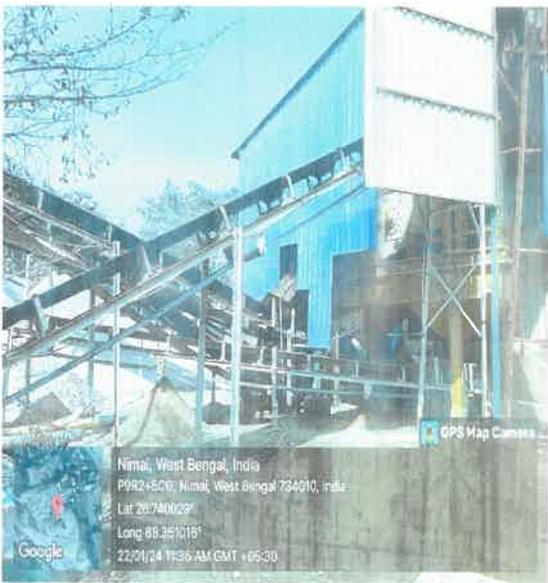
Photographs taken during inspection of M/s Ridhi Sidhi Construction Materials on 22.01.2024



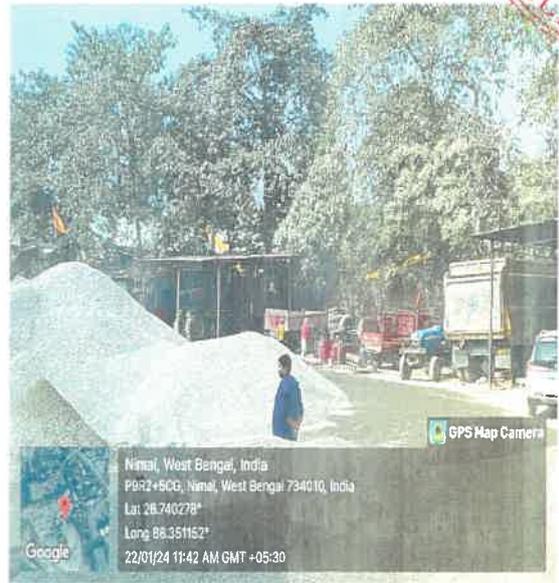
Primary Crusher
(Pic. – 1)



Conveyor Belts were uncovered
Flexible chutes not found at all the final
discharge points
(Pic. – 2, 3)



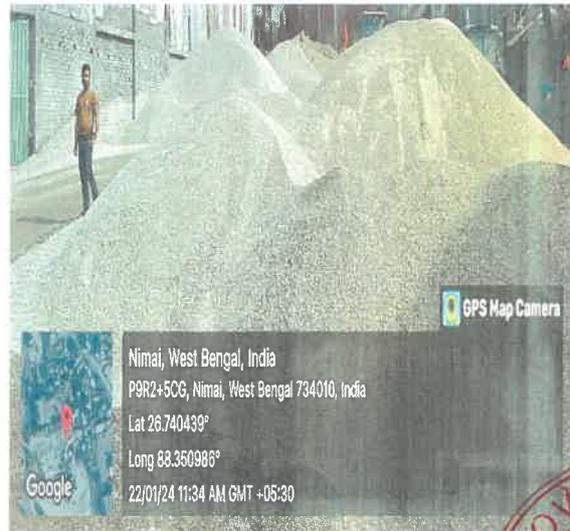
Secondary crusher covered with GI/MS sheet
(Pic. – 4)



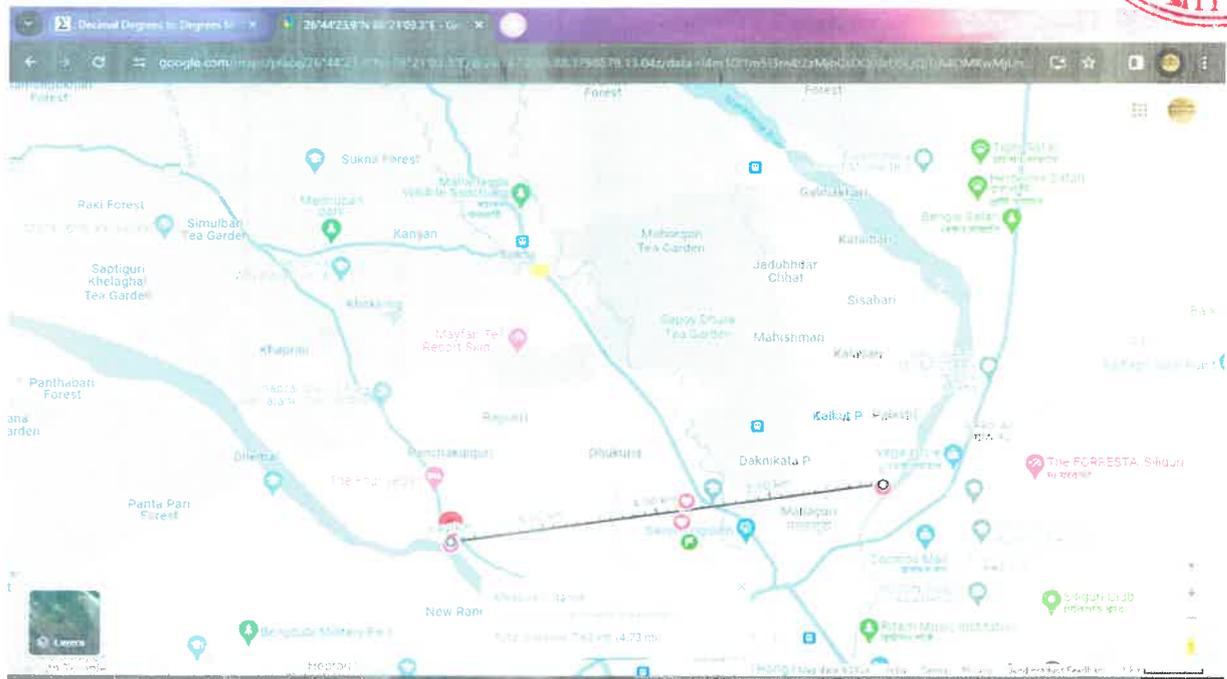
No wind breaking wall around the periphery
of the crusher mill!
(Pic. – 5)



Unmetalled Road
(Pic. - 6)



No Dust storage room provided
(Pic. - 7)



The Distance of the stone crushing site from the ESZ boundary of Mahananda Wildlife Sanctuary is approx. 7.62 Km
(Pic. - 8)

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

ORIGINAL APPLICATION NO. 120/2023/EZ

KARTIK MAJUMDAR

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

**AFFIDAVIT FILED BY THE WEST BENGAL
POLLUTION CONTROL BOARD.**

**DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA**