

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 87/2024/EZ

RAJAT CHOWDHURY

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

REPORT ON AFFIDAVIT FILED BY THE WEST  
BENGAL POLLUTION CONTROL BOARD.

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Filed by

AYUSH KUMAR DADHICH  
ADVOCATE

SL. NO. 58 of Dt. 21 JUN 2024

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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:-

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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. 13, 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 30.04.2024 and 06.05.2024.

03. That, in compliance to the order of the Hon'ble National Green Tribunal dated 30.04.2024, the official of the State Board visited the said site of M/s. Ayush Yaman Furniture, located at 105, Neogi Para Road, Baranagar, P.S.- Baranagar, Kolkata- 700036 on 02.05.2024.

04. That, from the said inspection conducted on 02.05.2024, the following observations were made by the Inspecting official of the State Board:

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- a) M/s. Ayush Yaman Furniture is a tiny unit situated in a small room (6 feet X 10 feet) at the front side of the ground floor of the building(G+4) alongwith other shops.
- b) The unit has one drilling machine, one planner and one wood cutter. All the machines are electrically operated.
- c) In front of the building approx. 20 feet wide Neogi para road is there.
- d) During inspection the unit was found to be in operation. Only hand polishing (Varnish) activity was going on. No sound generating activity was going on during inspection.
- e) The Inspecting officer of the State Board met with Mr. Rajat Chowdhury, Applicant who resides at the 2<sup>nd</sup> floor of the said building. He said that they are suffering mainly from sound & dust generated from the operation of the unit.
- f) The Applicant further stated that last two or three days the unit has stopped the sound generating activity. He stated that the chemical (varnish) which is used in process of the unit, causes irritation in the eyes and nose.



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g) There is a chance of noise and spreading of dust during cutting of wooden blocks by electric wood cutter machine and electrically operated planner machine.

h) The unit has obtained trade license from Baranagar Municipality, which is valid upto 11<sup>th</sup> June'2024, but the unit does not possess Consent to Operate of the State Board.

05. That, the Inspecting Official of the State Board further remarked that earlier, on the basis of complaint lodged by Mr. Rajat Chowdhury, the State Board issued a letter to the Baranagar Police Station vide memo no. 602-PG/LD/03/2020 dated 31.05.2023 with a request to see that the unit runs only after obtaining necessary statutory license including valid trade licence and Consent to Operate of the State Board. However, during inspection it was observed that the unit is operating without obtaining Consent to Operate of the State Board.

Copy of the inspection report of the State Board is annexed herewith and marked with letter "R1".



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06. That, the State Board called a hearing of the said unit on 27.05.2024 at 12.45 PM. The proprietor of M/s. Ayush Yaman Furniture, Mr. Sikander Sharma appeared in person, but no one from the complainant's side appeared in the said hearing.

During hearing, the respondent furnished a copy of their valid trade license, issued to them by the Baranagar Municipality for the profession/trade of "Furniture Maker" and also furnished a copy of application made to the State Board for Consent to Operate under Green category dated 05.05.2024.

After the said hearing, the State Board issued the following directions upon the respondent:

- (a) Obtain all statutory licenses including consent to establish/ consent to operate under 'Green' category of the State Board within 31<sup>st</sup> July, 2024 and not to operate thereafter if they failed to obtain such consent to operate of the State Board.
- (b) Avoid nuisance as caused by generating noise, taking adequate noise control measures which may include, but not limited to measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing

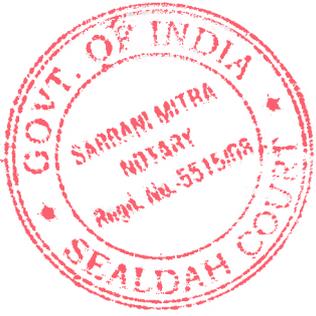


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equipment's etc. so that sound does not travel outside the respondent unit beyond the permissible limit.

- (c) The unit should strictly operate in covered space and unit should install proper dust collection equipment to capture any fugitive wood dust.

The Sr. Environmental Engineer & In charge, Barrackpore Regional Office has been requested to consider the consent to operate application of the respondent unit, if applied and dispose of the same on its merit. The Officer in Charge, Baranagar Police Station is also requested to oversee the compliance of the said directions and see that the unit does not operate any manufacturing activity without obtaining Consent to Operate of the State Board beyond 31<sup>st</sup> July, 2024.



Copy of the Record of proceedings of the State Board is annexed herewith and marked with letter "R2".

07. 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

21 JUN 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.

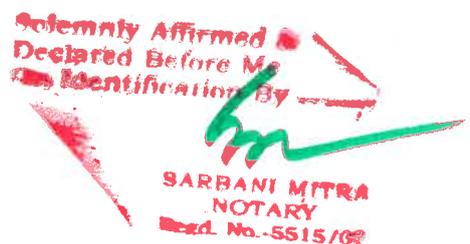
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.

3. That, the statements made in paragraphs 2 to 6 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.



*Ayush Dadhich*  
Identified and corrected by me  
Advocate  
WBPCB

*Subrata Ghosh*  
DEPONENT



21 JUN 2024

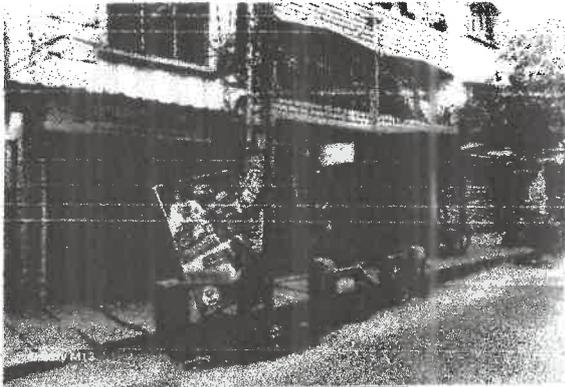
**Remarks:** Earlier, on the basis of complaint lodged by Mr. Rajat Chowdhury, the State Board issued a letter to the Baranagar Police Station vide memo no. 602-PG/ID/03/2020 dated 31.05.2023 with a request to see that the unit runs only after obtaining necessary statutory license including valid trade licence and Consent to Operate of the State Board. However, during inspection it was observed that the unit is operating without obtaining Consent to Operate of the State Board.

Necessary action may be taken against the unit.

*Chayan*  
*03/05/24*

(Sri Chayan Gayen, AEE, Salt Lake RO, WBPCB)

**Some photographs taken during inspection on 02.05.2024**



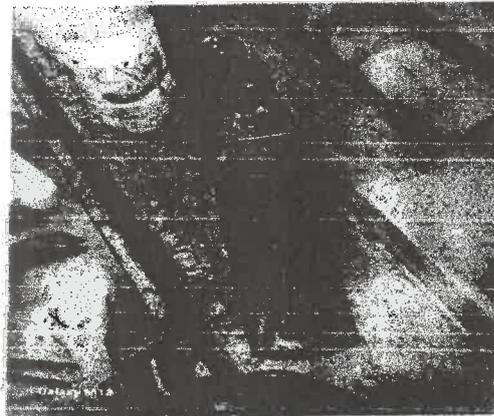
Pic-1



Pic-2



Pic-3



Pic-4

*Chayan*  
*03/05/24*

(Sri Chayan Gayen, AEE, Salt Lake RO, WBPCB)





**WEST BENGAL POLLUTION CONTROL BOARD**  
(Department of Environment, Govt. of West Bengal)

Mani Square, 8<sup>th</sup> floor  
Block / Space-8IT on Western Side,  
164 / 1, Maniktala Main Road, Kolkata-700054.  
Ph- 033-2202 3130, Website : [www.wbpcb.gov.in](http://www.wbpcb.gov.in)  
e-mail: [net.wbpcb-wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)

Memo No. 5L/WPB-2023/A-3284

Dated: -2024

**PUBLIC GRIEVANCE CELL**

Complainant (s)	Respondent (s)
Rajat Chowdhury	M/s Ayush Yaman Furniture Prop: Sikandar Sharma
Date: 27-05-2024	Time: 12:45 PM.

**RECORD OF PROCEEDINGS**

This proceeding has been initiated over a complaint and of the direction/ order dated 30.04.2024, of the Hon'ble NGT, Eastern Bench in OA No. 87/2024/EZ against the respondent, a furniture manufacturing unit, situated at 105, Neogi Para Road, under Baranagar, P.S, Dist: North 24 Parganas, Pin: 700036, West Bengal, allegedly causing air and noise pollution in the surrounding area during their operations.

Therefore, notice has been issued upon the parties above to hear out them over the issue. Then one, Mr. Sikandar Sharma, proprietor of M/s Ayush Yaman Furniture, appeared in person. None from the complainant side find time to appear here inspite of getting our notice.

In earlier, over the matter, our officials of the Salt Lake Regional Office, WBPCB, being requisitioned, caused an inspection the unit on 02/05/2024 and thereby a report they submitted.

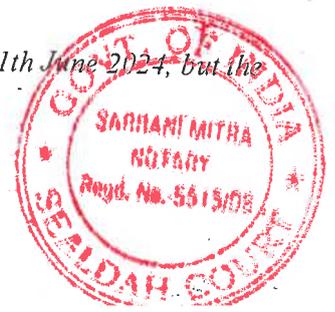
Excerpts from the inspection report are given below under head of their:

**Observation:**

*This is a tiny unit situated in a small room (6 feet X 10 feet) at the front side of the ground floor of the building(G+4) along with other shops. The unit has one drilling m/c, one planner and one wood cutter. All the machines are electrically operated. In front of the building approx. 20 feet wide Neogi para road is there.*

*During inspection the unit was found to be in operation. Only hand polishing (Varnish) activity was going on. No sound generating activity was going on during inspection. The undersigned met with Mr. Rajat Chowdhury. Applicant who resides at the 2nd floor of the said building. He said that they are suffering mainly from sound & dust generated from the operation of the unit. He also said that last two or three days the unit has stopped the sound generating activity. He stated that the chemical (varnish) which is used in process of the unit, causes irritation in the eyes and nose. There is a chance of noise and spreading of dust during cutting of wooden blocks by electric wood cutter m e and electrically operated planner m/c.*

*The unit has obtained trade license from Baranagar Municipality, which is valid upto 11th June 2024, but the unit does not possess Consent to Operate of the State Board.*



And they also put **Remarks** as:

Earlier, on the basis of complaint lodged by Mr. Rajat Chowdhury, the State Board issued a letter to the Baranagar Police Station vide memo no. 602-PG/1.10/03/2020 dated 31.05.2023 with a request to see that the unit runs only after obtaining necessary statutory license including valid trade licence and Consent to Operate of the State Board. However, during inspection it was observed that the unit is operating without obtaining Consent to Operate of the State Board.

During hearing the respondent furnished a copy of their valid trade license, issued to them by the Baranagar Municipality for the profession/trade of "Furniture Maker" and furnished a copy of application made to the State Board for Consent to Operate under Green category dated 05.05.2024 but no consent to operate.

Considering the overall scenario, the contents of the inspection report and submission of the respondent/M/s **Ayush Yaman Furniture** and in view of the provision u/s **31A of the Air (Prevention and Control) Act 1981**, the State Board is hereby direct the respondent to:

1. Obtain all statutory licenses including and consent to establish/ consent to operate under 'Green' category of the State Board within 31<sup>st</sup> July 2024 and do not operate thereafter if they failed to obtain such consent to operate of the State Board;
2. Avoid nuisance as caused by generating noise, taking adequate noise control measures which may include, but no limited to, measures like installation of acoustic insulation panels, use of rubber pads shifting of noise producing equipment's, etc., so that sound does not travel outside the respondent unit beyond the permissible limit;
3. The unit should strictly operate in covered space and unit should install proper dust collection equipment to capture any fugitive wood dust.

The unit is also at liberty to approach the Salt Lake Regional Office of the State Board in case of guidance required, if any. The Sr. Environmental Engineer & In-charge, Salt Lake Regional Office is requested to consider the consent to operate application of the respondent unit, if applied and dispose of the same on its merit.

The Executive Officer, Baranagar Municipality, may be kept informed of this order passed by the State Board today.

The Officer in Charge, Baranagar Police Station is requested to oversee the compliance of this order and see that the M/s Ayush Yaman Furniture shall not operate any manufacturing activity without obtaining Consent to Operate of the State Board, beyond 31<sup>th</sup> July 2024. In case of any violation of this order, he is at liberty to take necessary action in accordance with law.

Sd/-  
( Dr. D. Chakraborty )  
Sr. Scientist & Incharge, P.G. Cell

Sd/-  
( S. Barua )  
Asst. Environmental Engineer



Sd/-  
[A. K. Choudhury, WBJS (Rtd.)]  
Hearing Officer

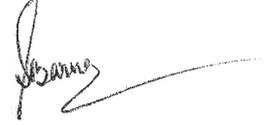
Sd/-  
(S. Saren)  
Asst. Environmental Engineer

Memo No. 1197(1-14).5L/WPB-2024/A-3284

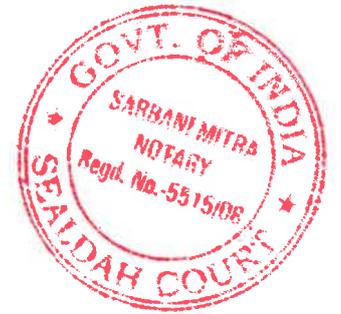
Dated: 03-06 -2024

Copy forwarded to:-

1. M/s Ayush Yaman Furniture, Prop: Sikandar Sharma, 105, Neogi Para Road, Baranagar, P.O.: Baranagar, P.S.: Baranagar, Dist: North 24 Parganas, Pin: 700036, West Bengal.
2. Mr. rajat Chowdhury, 105, Neogi Para Road, Baranagar, P.O.: Baranagar, P.S.: Baranagar, Dist: North 24 Parganas, Pin: 700036, West Bengal.
3. The Executive Officer, Baranagar Municipality, 87, Deshbandhu Rd, EAST) Kolkata, Ariadaha, Baranagar, West Bengal 700035.
4. The Officer in Charge, Baranagar Police Station, 47, Barrackpore Trunk Rd, Netaji Colony, Baranagar, West Bengal 700090
5. The General Manager, District Industries Centre, North 24 Parganas, Hatipukur Road, Office of the District Magistrate, P.O.+ P.S: Barasat, North 24 Parganas, Pin - 700124.
6. The OSD (O & E Cell), WBPCB.
7. The In-charge, legal Cell, WBPCB.
8. The Environmental Engineer & In charge, Barrackpore Regional Office, WBPCB.
9. The P.A. to the Member-Secretary, WBPCB.
10. Guard File.



Asst. Environmental Engineer, P.G. Cell,  
W. B. Pollution Control Board



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ADVOCATE