

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 50/2024/EZ

SUBHAS DATTA

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

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

INDEX

SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-8
2.	Copy of inspection report of the Committee.	'R'	9-11

Filed by
Ayush Dadhich

AYUSH KUMAR DADHICH
ADVOCATE

SL. NO. 20³⁸ X Dt. 16 AUG 2024

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Most Respectfully Sheweth

I, Sri Swarup Kumar Mandal, son of Shri Barendra Mandal, aged about 55 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-

16 AUG 2024



01. That, I am the Chief Engineer, 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. 04, 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 18.03.2024 and 10.05.2024.
03. That, in compliance to the order of the Hon'ble National Green Tribunal dated 18.03.2024, a Committee was constituted comprising of the following members:-
- (a) Senior Scientist, West Bengal Pollution Control Board,
 - (b) Senior Officer, Urban Development & Municipal Affairs Department, Government of West Bengal, and
 - (c) District Magistrate & Collector, Darjeeling, or his representative not below the rank of Additional District Magistrate.

16 AUG 2024



04. That, the said committee visited the said site of garbage dumping ground at Amar Jyoti Gram, Ward No. 17, Darjeeling Municipality, P.S.- Sadar, P.O., Dist.- Darjeeling, Pin- 734101, on 17.07.2024 from 11.30 AM to 1.00 PM.

05. That, during inspection, the Committee members made the following observations:

- (i) The Committee reached the dumping site located at Amar Jyoti Gram, Ward No. 17, Darjeeling Municipality, where the Municipal Solid Waste (MSW) consisting of biodegradable and non-biodegradable (inert) were dumped in a small area by Darjeeling Municipality.
- (ii) Then to accommodate fresh Municipal Solid Waste within the small area, the pay loader was used by this municipality to slide down waste along the hill slope for about 100 metre.
- (iii) Some human habitations were found near the dumping ground.
- (iv) The Committee also visited the corresponding lower altitude, Mukti Dham, a crematorium operated by the

16 AUG 2024

municipality, wherefrom the entire dump of solid waste was visible.



- (v) Huge amount of unsegregated Municipal Solid Waste were found to be dumped on the slope of the hill.
- (vi) As stated by Councillor of Ward No. 17, Darjeeling Municipality, the Municipality has already planned for scientific disposal of waste.
- (vii) The site for the same is identified by this Municipality, which is about 100 metre further downhill from Mukti Dham.
- (viii) Presently, there is a new under-construction road of about 50 metre out of 750 metre length from Mukti Dham towards the proposed segregation / processing unit executed by the Municipal Engineering Directorate (MED) of Urban Development & Municipal Affairs Department.
- (ix) The exact location of proposed site could not be reached as there is no approach road.
- (x) It is also stated that only after completion of the road and necessary land development work taken up by the

16 AUG 2024

Municipal Engineering Directorate (MED) the work of segregation / processing can be started.



(xi) No burning of Municipal Solid Waste at the two aforesaid sites, namely, Amar Jyoti Gram and Mukti Dham was observed.

(xii) Feeble smell of fresh Municipal Solid Waste was observed at higher altitude of the dumping ground (Amar Jyoti gram).

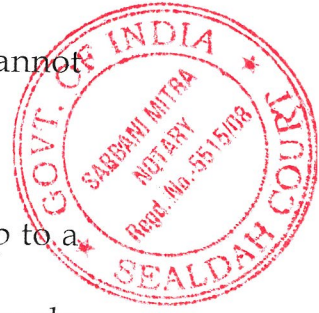
06. That, the Committee members made the following remarks from the said inspection:

(a) Instead of indiscriminate dumping of Municipal Solid Waste at Amar Jyoti gram along the hill slope, the Darjeeling Municipality should immediately develop Municipal Solid Waste management facility as per Solid Waste Management Rules, 2016 and its amendments.

(b) As the work of Municipal Solid Waste management facility is associated with the work of construction of road, the Municipal Engineering Directorate (MED) should expediate the work and complete it as early as possible. Unless the

16 AUG 2024

road is constructed, the work of management facility cannot be taken up.



- (c) Dumping of huge quantity of Municipal Solid Waste up to a height at one site can generate methane gas spontaneously and burning of this flammable gas along with other Municipal Solid Waste in presence of air can generate fire.
- (d) During rainy season mixing of rainwater with Municipal Solid Waste can produce polluted waste water which trickles through the slope of the hill and finally contaminate surface water/ ground water. Use of polluted surface water/ ground water can affect human health as well as pollute the entire environment.

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.

Swarup Kumar Mandal

DEPONENT

16 AUG 2024



VERIFICATION

I, Sri Swarup Kumar Mandal, son of Shri Barendra Mandal, aged about 55 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Engineer, 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.

Apursh Dadhich

Identified and corrected by me
Advocate
WBPCB

Swarup Kumar Mandal


DEPONENT

Solemnly Affirmed &
Declared Before Me
On Identification By

[Signature]
SARBANI MITRA
NOTARY
Regd. No. 5515/09

16 AUG 2024

INSPECTION REPORT

1.	Reference of inspection	Joint committee Inspection Report w.r.t. the Hon'ble NGT case vide O.A. No. 50/2024/EZ on 10.05.2024 (Subhas Dutta Vs State of West Bengal & Ors.)
2.	Date and time of Inspection	17.07.2024 from 11:30 AM to 1:00 PM
3.	Location	Garbage dumping ground at Amar Jyoti Gram, Ward No. -17, Darjeeling Municipality, PS- Sadar, PO & Dist.- Darjeeling, Pin-734101, Maintained and handled by Darjeeling Municipality
4.	Inspected By	 <ol style="list-style-type: none"> 1. Sri Ram Kumar Tamang, ADM (I R), Darjeeling, Representative of DM Darjeeling 2. Sri Sirshendu Saha, O.C. (Environment) & Special L.A.O., Darjeeling, Representative of DM Darjeeling 3. Sri Sribas Mahato, A.E.E., W.B.P.C.B., Representative of WBPCB 4. Sri Subha Biswas, J.E.E., W.B.P.C.B., Representative of WBPCB 5. *Representative of UDMA was unable to remain present during inspection.
5.	Persons Met	During joint committee inspection, the committee met with Sri Nitesh Goring, councillor Ward No - 17, Darjeeling Municipality at the aforesaid site.

Crux of the complaint:

In the matter of O.A. No.50/2024/EZ dated 10.05.2024, the Hon'ble NGT has heard a case based on a complaint filed by Sri Subhas Dutta. The crux of the complaint is seeking directions:

- a) Not to dump solid waste at the slope of the hill to arrest further contamination of water of the nearby Jhoras (waterfalls) and River affecting the health of people of the area and to ensure steps to be taken that no accident of fire took places at the dumping site of Darjeeling and to take steps for finding alternative solid-waste dumping ground for Darjeeling.
- b) The allegation of the applicant is that there is a solid waste dumping site at Amar Jyoti Gram, Ward No. 17, of Darjeeling Municipality where the entire garbage of Darjeeling city/town is brought and dumped down the hillslope which finally find its way to the underground water system leading to environmental degradation.
- c) The allegation further is that the town of Darjeeling is inhabited by about two lakhs people where approximately 1500 MT of solid waste per day is generated. It is stated that on 28.01.2024 a fire broke out in the night at the garbage dumping side in Amar Jyoti Gram and fire brigade team had to be rushed to fight the fire which continue burning for 10/15 days. It is stated that on 17.02.2024 when the applicant visited the dumping site in question, smoke was still coming out of the garbage dump.

The Hon'ble NGT formed a committee of following members:

- i) Senior Scientist, West Bengal Pollution Control Board
- ii) Senior Officer, Urban Development & Municipal Affairs Dept., Govt of West Bengal, and
- iii) District Magistrate & Collector, Darjeeling, or his representative not below the rank of Additional District Magistrate.

And order directing the committee to submit an affidavit on this matter. Accordingly, a joint inspection has been carried out by the committee. The observations are given below:




Observation:


The committee reached the dumping site located at Amar Jyoti Gram, Ward No -17, Darjeeling Municipality, where the Municipal Solid Waste (MSW) consisting of biodegradable and non-biodegradable (inert) were dumped in a small area by Darjeeling Municipality. Then to accommodate fresh MSW within the small area, the pay loader was used by this municipality to slide down waste along the hill slope for about 100 mtr. Some human habitations were found near the dumping ground. The committee also visited at the corresponding lower altitude, Mukti Dham, a crematorium operated by the municipality, wherefrom entire dump of solid waste was visible. Huge amount of unsegregated MSW were found to be dumped on this slope of the hill. As per version of Sri Nitesh Gurung, Councillor of Ward No - 17, Darjeeling Municipality, the Municipality has already planned for scientific disposal of waste. The site for the same is identified by this municipality, which is about 100mtr further downhill from Mukti Dham. Presently, there is a new under-construction road of about 50 mtr out of 750 mtr length from Mukti Dham towards the proposed segregation/processing unit executed by the Municipal Engineering Directorate (MED) of Urban Development & Municipal Affairs Department. The exact location of proposed site could not be reached as there is no approach road. It is also to state that only after completion of the road and necessary land development work taken up by the MED the work of segregation processing unit can be started.

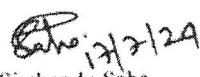
No burning of MSW at the two aforesaid sites (Amar Jyoti Gram and Mukti Dham) was observed. Feeble smell of fresh MSW was observed at higher altitude of the Dumping ground (Amar Jyoti Gram)

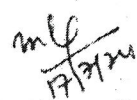
Remarks:

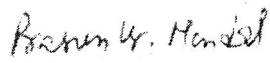
1. Instead of indiscriminate dumping of MSW at Amar Jyoti Gram along the hillslope, the Darjeeling Municipality should immediately develop MSW management facility as per Solid Waste management Rules, 2016 and its amendments.
2. As the work of MSW Management facility is associated with the work of construction of road, the MED should expedite the work and complete it as early as possible. Unless the road is constructed, the work of management facility cannot be taken up.
3. Dumping of huge quantity of MSW up to a height at one site can generate methane gas spontaneously and burning of this flammable gas along with other MSW in presence of air can generate fire.
4. During rainy season mixing of rainwater with MSW can produce polluted wastewater which trickles through the slope of the hill and finally contaminate surface water/ground water. Use of polluted surface water/ground water can affect human health as well as pollute the entire environment.


17/07/24
Sri Subha Biswas, J.E.E.
Representative of WBPCB


17-07-24
Sri Sribas Mahato, A.E.E.
Representative of WBPCB


17/7/24
Sri Sirshendu Saha,
O.C (Environment) & Special L.A.O.,
Representative of DM Darjeeling


17/7/24
Sri Ram Kumar Tamang,
ADM (L.R.),
Representative of DM
Darjeeling


Dr. Prasan Kr. Mandol
A.E.E, IC Siliguri RO
Representative of WBPCB



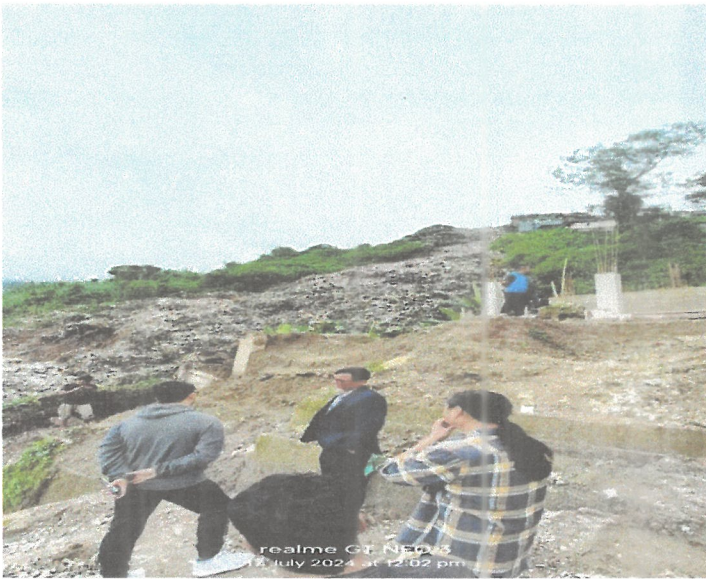
Photographs taken during the inspection:



Dumping site at Amar Jyoti Gram



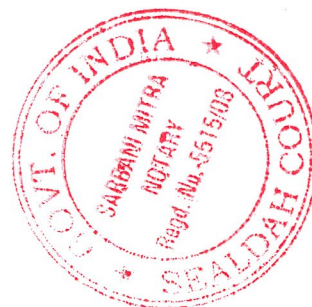
MSW Dumping site from Mukti Dham in hillslope



Hillslope containing full of MSW is visible from under construction Road



Under construction road from Mukti Dham towards Dumping ground



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