

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 143/2024/EZ

RANJANA DUTTA

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT FILED BY THE WEST BENGAL  
POLLUTION CONTROL BOARD.

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Filed by

*Sibojyoti Chakraborti*

SIBOJYOTI CHAKRABORTI  
ADVOCATE  
HIGH COURT AT CALCUTTA

SL. NO. 55 Dt.-2 05 SEP 2024

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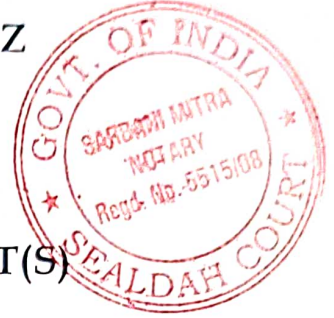
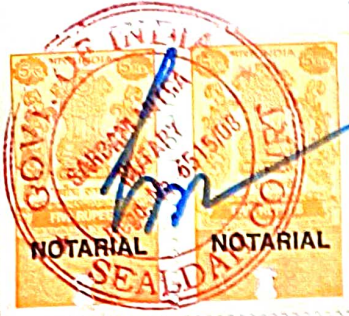
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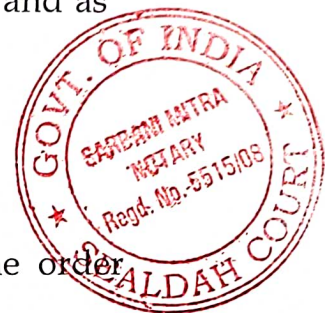
Most Respectfully Sheweth

I, Smt Ruby Sinha, daughter of Shri Arun Kumar Sinha, aged about 56 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:-

05 SEP 2024



01. That, I am the Senior Environmental 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. 03, 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 order passed by this Hon'ble Tribunal dated 24.07.2024.

03. That, the Hon'ble National Green Tribunal vide order dated 24.07.2024, constituted a Committee comprising of the following members:

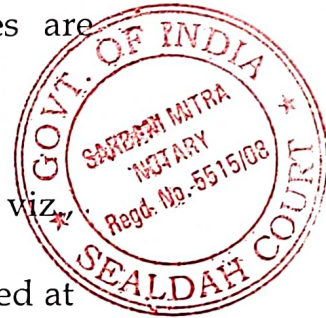
- (i) Senior Scientist, West Bengal Pollution Control Board,
- (ii) Municipal Commissioner/Senior Officer, Kolkata Municipal Corporation,

That, the said Committee visited the said site of HDFC Bank located at 22/23B Monoharpukur Road, Kolkata, Sarat Bose Road, 700029, P.S.-Rabindra Sarobar on 12.08.2024, between 12.30 to 2.00 PM for joint inspection.

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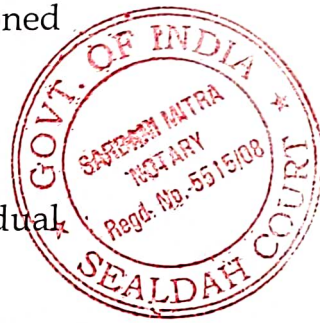
04. That, the following observations were made by the Committee members:

- This is a complaint against HDFC Bank operating at the ground and the 1<sup>st</sup> floor of a G + 3 storied commercial building. The total operating area of the said bank is 195.12 sq m.
- The said Bank has installed 13 no. of Air conditioning machines (12 X 1.5 Ton; 1 X 2 Ton).
- The outdoor units of the aforesaid AC machines are mounted on the western outside wall of the bank.
- 01 no. air purifier machine (comprising of 3 sections viz. filter, cooler and blower) was also found to be installed at the same outside wall.
- During the visit, it was found that the temperatures of all the AC machines were set at 24°C by default.
- It was observed that the said bank has been operating at the present location for the last 3 and ½ months with total no. of 4 staffs including the manager (01 no. manager, 02 no. staff, 01 no. security).



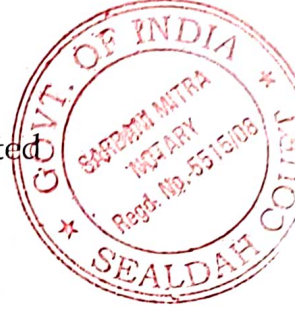
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- During the visit, they all were working in the ground floor and the 1st floor was found in closed condition.
- Initially only 02 no. AC machines were in operation, later they operated all the AC machines on request.
- Complainant resides at the 1<sup>st</sup> floor of a G + 3 storied residential building (address 22/1E Monoharpukur Road) located just across a road of width 10 ft 2 inches. The said road runs in between the two buildings as mentioned above.
- Both the buildings mentioned above have individual boundary walls (each of thickness 10 inches).
- There is a gap of 2 ft 6 inches between the boundary wall of the bank and the outdoor unit of the AC machines mounted on the outside wall of the building.
- There is also a gap of 4 ft 3 inches between the Complainant's building and the respective boundary wall.
- As a whole, the distance between the Bank and the Complainant's window is 18 ft 7 inches.



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- During the inspection, heat generated from all the AC machines in operating condition was not felt inside the Complainant's residence.
- All the floors of the said residential building are occupied by other residents.
- That, Noise level measured during inspection is listed below: **(Unit was in operation)**



Measuring Places	Noise Level in dB(A)
Ambient noise level (In front of the unit at Monoharpukur Road)	78.20
Inside the unit	61.57
Within Complainant's residence near the window facing the bank building with all AC machines in operating condition	48.17

- As per Kolkata Municipal Corporation, the total tonnage of air conditioning provided is adequate for 195.12 sq m area.
- It is noteworthy that the bank as well as the Complainant's residence is situated at one of the busiest roads of the city where the ambient noise is nearly 78 dBA.

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05. That, the Committee members recommended that the bank should install a barrier in front of the outdoor units of the AC machines within its premises with proper structural stability to ensure that under no circumstances any sound or heat generated from the said AC machines may reach Complainant's residence.

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



06. 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.

Identified by me  
Sibjoyoti Chakrabarti  
Advocate  
for WBPCB  
05/09/2024

Rubay Sinha  
DEPONENT

05 SEP 2024

## VERIFICATION



I, Smt Ruby Sinha, daughter of Shri Arun Kumar Sinha, aged about 56 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 Senior Environmental 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 5 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.

*Ruby Sinha*  
DEPONENT

*Sibojyoti Chakrabarti*  
Identified and corrected by me  
Advocate  
WBPCB

*05/09/2024*

Solemnly Affirmed &  
Declared Before Me  
On Identification By

*[Signature]*

SARBANI MITRA  
NOTARY  
Regd. No.-5515/08

**05 SEP 2024**

INSPECTION REPORT

Inspection reference	Order of Hon'ble NGT in the matter OA 143/2024/ EZ dated 24/07/2024
Name of the unit	HDFC Bank
Address	22/23B Monoharpukur Road, Kolkata
P.O.: & Pin Code	Sarat Bose Road, 700029
P.S.:	Rabindra Sarobar
District	Kolkata
Local Body/Authority	KMC ; Ward No. 85, Borough VIII
Date & Time of inspection	12/08/2024; 12:30 to 2:00 PM
Date of previous visit	--
Inspecting officers	Sri S Mardi, SEE, Kolkata RO, WBPCB Sri J N Jena, EE, Lighting, KMC Sri P Ghosh, EE, Building, KMC Smt P Maitra, AEE, Kolkata RO, WBPCB Sri S Ganguly, AEE, Kolkata RO, WBPCB
Persons met during inspection	Sri Niladri Bhattacharya, Branch Manager, HDFC Bank Sri Sanjiv Kanoi, Owner of the building Smt Ranjana Dutta, Complainant

**Observation :**

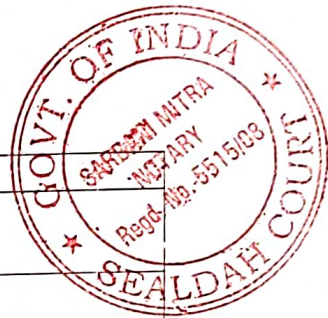
This is a complaint against HDFC Bank operating at the ground and the 1<sup>st</sup> floor of a G + 3 storied commercial building. The total operating area of the said bank is 195.12 sq m. The said Bank has installed 13 no. of Air conditioning machines (12 X 1.5 Ton; 1 X 2 Ton). The outdoor units of the aforesaid AC machines are mounted on the western outside wall of the bank. 01 no. Air purifier machine (comprising of 3 sections viz., filter, cooler and blower) was also found to be installed at the same outside wall.

During the visit, it was found that the temperatures of all the AC machines were set at 24<sup>o</sup>C by default. It was reported, that the said bank has been operating at the present location for the last 3 and ½ months with total no. of 4 staffs including the manager (01 no. manager, 02 no. staff, 01 no. security). During the visit, they all were working in the ground floor and the 1<sup>st</sup> floor was found in closed condition. Initially only 02 no. AC machines were in operation, later they operated all the AC machines on request.

Complainant resides at the 1<sup>st</sup> floor of a G + 3 storied residential building (address 22/1E Monoharpukur Road) located just across a road of width 10 ft 2 inches. The said road runs in between the two buildings as mentioned above. Both the buildings mentioned above have individual boundary walls (each of thickness 10 inches). There is a gap of 2 ft 6 inches between the boundary wall of the bank and the outdoor unit of the AC machines mounted on the outside wall of the building. There is also a gap of 4 ft 3 inches between the Complainant's building and the respective boundary wall. As a whole, the distance between the Bank and the Complainant's window is 18 ft 7 inches. During the visit, heat generated from all the AC machines in operating condition was not felt inside the Complainant's residence. All the floors of the said residential building are occupied by other residents.

Noise level measured during inspection is listed below: (Unit was in operation)

Measuring Places	Noise Level in dB(A)
Ambient noise level (In front of the unit at Monoharpukur Road)	78.20
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Within Complainant's residence near the window facing the bank building with all AC machines in operating condition	48.17



**Other relevant information :**

- As per KMC, the total tonnage of air conditioning provided is adequate for 195.12 sq m area.
- It is noteworthy that the bank as well as the Complainant's residence is situated at one of the busiest roads of the city where the ambient noise is nearly 78 dBA.

**Recommendation :**

In view of the above, the Committee members were in opinion that the bank should install a barrier in front of the outdoor units of the AC machines within its premises with proper structural stability to ensure that under no circumstances any sound or heat generated from the said AC machines may reach Complainant's residence.

Jmle 23/08/24  
Sri J N Jena  
EE, Lighting, KMC

gphk 23/08/24  
Sri P Ghosh  
EE, Building, KMC

P Maitra 23/08/2024  
P Maitra  
AEE, Kolkata RO, WBPCB

Photographs of HDFC Bank located at 22/23B, Monohar Pukur Road, Kolkata-700029 taken during inspection on 12.08.2024.



Outdoor units of A/C machines on the western wall of HDFC Bank.



View of gap between the Bank & the complainant's residence.

*Plank*  
23/8/24.

*Smile*  
23/8/24

*PMaitra*  
23/08/2024

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