

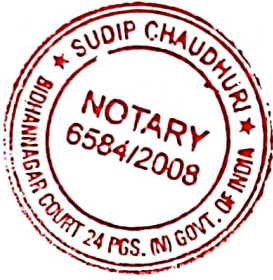


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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 129/2024/EZ
(Earlier O. A. NO. 141/2024/PB)



In The Matter of:

Milan Kundu & Ors.

... Applicant

Versus

State of West Bengal & Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT
NUMBER 04, DISTRICT MAGISTRATE & COLLECTOR, DISTRICT
BANKURA.

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Filed by

Subjyoti Chakrabarti
SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534

05 SEP 2024



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 129/2024/EZ

(Earlier O. A. NO. 141/2024/PB)

In The Matter of:

Milan Kundu & Ors.

... Applicant

SL. NO. 229/20.24

Versus

BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS

State of West Bengal & Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT
NUMBER 04, DISTRICT MAGISTRATE & COLLECTOR, DISTRICT
BANKURA.

I, Siyad N, Son of Nazimudeen S, aged about 33 years, by Faith-Islam, by occupation- service and presently posted as District Magistrate & Collector, District: Bankura, having office address at Administrative Building, Bankura Collectorate, Bankura, Pin: 722101, West Bengal, do hereby solemnly affirm and submit as follows:-

05 SEP 2024



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1. That I am the District Magistrate & Collector, District: Bankura, being impleaded as respondent number 04 above-named. I am competent to swear and affirm this affidavit for and on behalf of myself.
2. That this affidavit-in-opposition/Counter Affidavit is being filed in compliance and obedience to the Solemn Order dated 06.08.2024, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That at the outset it is submitted that the instant original application relates to alleged running of a poultry farm namely M/s Kundu Feed proprietor one Mr Manik Kundu, of Village-Janta, P.S- Bishnupur, District: Bankura, West Bengal, without following the rules and in violation of the environment laws and also running without having proper statutory permissions and spreading environmental pollution and creating health hazards.
4. That subsequent to the Solemn Order dated 22.04.2024 passed in O. A No. 141/2024/EZ by the Hon'ble National Green Tribunal, Principal Bench, New Delhi a Committee has been constituted comprising of the following members as per Solemn Order of the Hon'ble Tribunal:
 - (i) West Bengal Pollution Control Board
 - (ii) District Veterinary Officer, Bankura
 - (iii) District Magistrate, Bankura.
5. That the representatives of the Committee had inspected the alleged Poultry farm on 24.07.2024 and made certain observations and remarks.

05 SEP 2024



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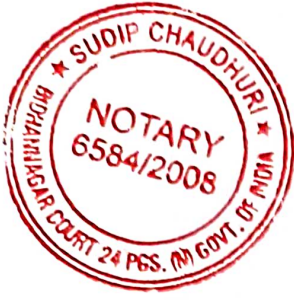
That the allegation as stated in the original application is a public complaint against an alleged poultry farm operating in violation of siting criteria mentioned in Central Pollution Control Board Notification No. 6302/Poultry/2021/IPC-VHO dt Aug 2021 and causing environmental pollution & health hazards.

The unit under scrutiny is not a poultry farm in true sense, but is a stock shed with feeding arrangement for adult broiler birds only to be sold in live state, on wholesale basis, to chicken meat selling outlets. No rearing/raising of chicks upto adult stage is done in the said stock shed.

The shed measures about 40' x 20' in area with an asbestos roof and cement brick wall at one end and wire-netting on the other three sides for adequate ventilation. Saw-dust was seen to have been laid on the floor of the shed to absorb bird droppings. Stocking/storage capacity of the shed is much less than 5000 broiler birds at a time.

During inspection, characteristic odour of broiler shed was felt within 15 metres of the shed under scrutiny. No littering outside the shed was seen to have been done by the unit.

A tubewell exists within 10 metres of the north-east corner of the broiler shed. Residence of the main complainant Sri Milan Kundu lies on the west of the shed at a distance of about 125 metres away. The proprietor's residence happens to be on the same side at much nearer distance of about 70 metres.



~~_____~~

During inspection, both Sri Manik Kundu (*proprietor*) and Sri Milan Kundu (*complainant*) were not available. One of the other complainants, Sri Sanjoy Dhuan, was spoken to who informed that he is at no inconvenience due to the broiler shed under scrutiny and that he has put his signature in the complaint letter without actually understanding the theme of the content. Similar comments were given by other villagers present during inspection. It was also informed by the villagers that the above-mentioned tubewell was dug with the initiative of the proprietor of the unit for general use of the villagers and no problem as such has been faced due to the use of the tubewell water, instead it has been quite useful.

The villagers informed that the structure near the broiler shed which is used for carrying out religious activities has been constructed much later than the establishment of the said broiler shed which was established in the year 1994 (as per information received during inspection) and that they have obtained an assurance from the proprietor regarding non-operation of the broiler shed during religious festivities.

The unit representative, who happens to be the son-in-law of the proprietor, informed that 'bird droppings mixed floor saw-dust' of the broiler shed is given out as manure for use in agri-fields, when asked about the management of such waste.

The unit under scrutiny is not a poultry farm in true sense of the term. Moreover, as the capacity of the broiler shed is much less than 5000 birds, it does not come under the consent administration of the State Pollution Control Board.



~~_____~~

The unit (the broiler shed) was established in the year 1994 i.e. much before the 'Environmental Guidelines for Poultry Farms' were promulgated by the Central Pollution Control Board in January, 2022. However, the proprietor of the unit under scrutiny should strictly adhere to the norms of management of odour, poultry litter & dead birds.

Photocopy of the Inspection Report dated 24.07.2024 along with colour photographs taken at the time of inspection are collectively annexed herewith and marked with the letter 'R-1'.

6. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice and that the deponent has high regard to the Order/Orders as passed by this Hon'ble Tribunal.

Identified by me

Sibgyoti Chakrobarti
Advocate

State of West Bengal

[Signature]
Deponent
District Magistrate
Bankura

[Signature]
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.



VERIFICATION:

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the ^{05/8}....Day of August, 2024.

Identified by me

Sibojoti Chakrabarti
Advocate

State of West Bengal


Deponent
District Magistrate
Bankura




S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.

05 SEP 2024

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Annexure - R-1
INSPECTION REPORT

Inspection reference	Order (dated 22/4/2024) of the Hon'ble National Green Tribunal, Principal Bench, New Delhi in connection with Original Application no. 141/2024.
Name & Address of the unit	Kundu Feed (Proprietor: Sri Manik Kundu) Kundu Para, Vill. & P.O.- Janta, Bankura-722122.
Police Station	Bishnupur
Local Body	Radhanagar GP
Electricity Authority	WBSEDCL
Date & Time of inspection	24/7/2024; 14:15 – 14:45hrs
Date of previous inspection	22/9/2023 (By the BDMO, Bishnupur Development Block)
Inspected by	Sri C. Dawn, AEE, Durgapur R.O., WBPCB, alongwith Sri Somsankar Mondal, BDO, Bishnupur Development Block & Dr. Pankaj Mondal, Dy. Dir., ARD&PO and DVO, Bankura
Persons met during inspection	Sri Biswarup Kundu, son-in-law of the proprietor Sri Sanjoy Dhuan, one of the complainants & other villagers
Industrial category	None
Status of CTE/CTO	NA
Preamble	This is a public complaint against an alleged poultry farm operating in violation of siting criteria and causing environmental pollution & health hazards.
Observation	<p>The unit under scrutiny is not a poultry farm in true sense, but is a stock shed with feeding arrangement for adult broiler birds only to be sold in live state, on wholesale basis, to chicken meat selling outlets. Here, no rearing/raising of chicks upto adult stage is done.</p> <p>The shed measures about 40' x 20' in area with an asbestos roof and cement brick wall at one end and wire-netting on the other three sides for adequate ventilation. Saw-dust was seen to have been laid on the floor of the shed to absorb bird droppings. Stocking/storage capacity of the shed is much less than 5000 broiler birds at a time. During inspection, characteristic odour of broiler shed was felt within 15 metres of the shed under scrutiny. No littering outside the shed was seen to have been done by the unit.</p> <p>A tubewell exists within 10 metres of the north-east corner of the broiler shed. Residence of the main complainant Sri Milan Kundu lies on the west of the shed at a distance of about 125 metres away. The proprietor's residence happens to be on the same side at much nearer distance of about 70 metres.</p>
Other relevant information	<p>During inspection, both Sri Manik Kundu (proprietor) and Sri Milan Kundu (chief complainant) were not available. One of the other complainants, Sri Sanjoy Dhuan, was spoken to who informed that he is at no inconvenience due to the broiler shed under scrutiny and that he has put his signature in the complaint letter without actually understanding the theme of the content. Similar comments was given by other villagers present during inspection. It was also informed by the villagers that the above-mentioned tubewell was dug with the initiative of the proprietor of the unit for general use of the villagers and no problem as such has been faced due to the use of the tubewell water, instead it has been quite useful.</p> <p style="text-align: right;">(contd.)</p>


DVO, Bankura

District Veterinary Officer


BDO, Bishnupur

Block Development Officer

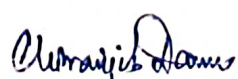

AEE, Durgapur R.O., WBPCB

Assistant Development Engineer

	<p>The villagers informed that the structure near the broiler shed used for carrying out religious activities have been constructed much later than the establishment of the broiler shed (<i>estb.</i>:1994, as per information obtained) and that they have obtained an assurance from the proprietor regarding non-operation of the broiler shed during religious festivities.</p> <p>The unit representative, who happens to be the son-in-law of the proprietor, informed that 'bird droppings mixed floor saw-dust' of the broiler shed is given out as manure for use in agri-fields, when asked about the management of such waste.</p> <p>Some photographs taken during inspection are annexed herewith for ready reference.</p>
<p><i>Remarks/recommendation/comments</i></p>	<p>(i) The unit under scrutiny is not a poultry farm in true sense of the term. Moreover, as the capacity of the broiler shed is much less than 5000 birds, it does not come under the consent administration of the State Pollution Control Board.</p> <p>(ii) As the unit was established in the year 1994, 'Environmental Guidelines for Poultry Farms' promulgated by the Central Pollution Control Board (January, 2022) is not applicable for this unit under scrutiny.</p> <p>(iii) However, the proprietor of the unit under scrutiny should strictly adhere to the norms of management of odour, poultry litter & dead birds.</p>

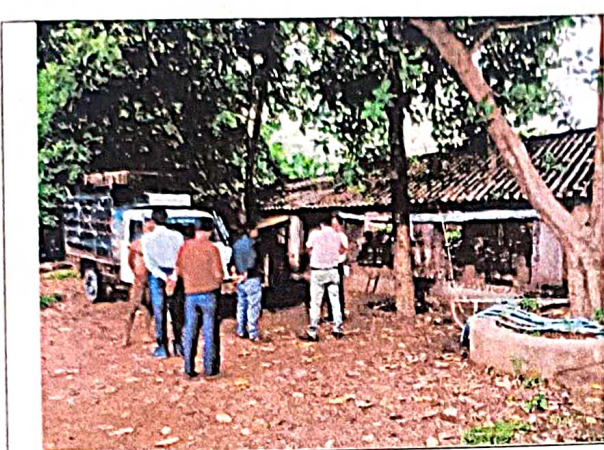

DVO, Bankura
Joint Monitoring Officer


BDO, Bishnupur
Block Development Officer


AEE, Durgapur R.O., WBPCB
Asst. Executive Engineer

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Photographs of the unit of M/s. Kundu Feed taken during inspection on 24/7/2024



The broiler shed



Inside view of the shed



The tubewell in the vicinity of the shed



The structure (middle) used to hold religious programs



Proprietor's residence foreground & complainant's residence at the rear (middle), photograph taken from near the broiler shed



Interaction by the visiting officials with the villages

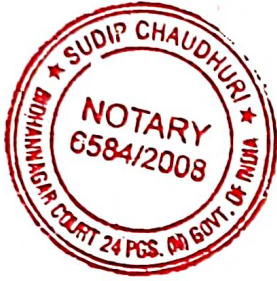
DVO, Bankura
District Veterinary Officer
BANKURA

Signature
Block Disinfection Officer
Balmupur (Bankura)

Signature
Asst. AEE, Durgapur R.O., WBPCB
With: Pradyumn Kumar Mishra

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA

ORIGINAL APPLICATION NO.
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NUMBER 04, DISTRICT
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SIBOJYOTI CHAKRABARTI
Advocate
For The State of West Bengal
Email: subho.advocate@gmail.com
(M): 9007035534.