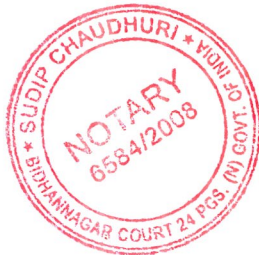


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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 129/2024/EZ

MILAN KUNDU & ORS.

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

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

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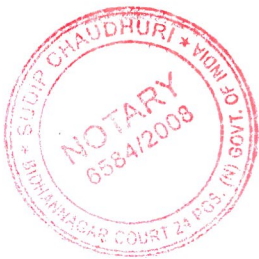
Filed by
Ayush D Dadhich

AYUSH KUMAR DADHICH
ADVOCATE

09 SEP 2024

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 129/2024/EZ

MILAN KUNDU & ORS.

.....APPLICANT(S)

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

VERSUS

STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

SL. NO. 384/2024

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

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

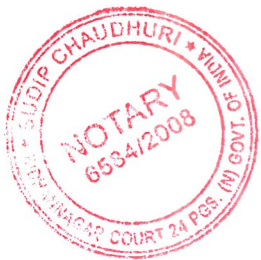
Most Respectfully Sheweth

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:-

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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. 02, 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 06.08.2024.

03. That, Hon'ble National Green Tribunal, Principal Bench vide order dated 22.04.2024, constituted a Committee comprising of the following members:

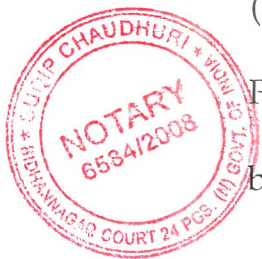
- (a) Representative of West Bengal State Pollution Control Board,
- (b) Representative of District Veterinary Officer, Bankura
- (c) Representative of District Magistrate, Bankura.

Thereafter, the said matter was transferred to Hon'ble National Green Tribunal, Eastern Zone Bench.

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That, the said Committee visited the site of Kundu Feed (Proprietor: Sri Manik Kundu), located at Kundu Para, Vill. & P.O.- Janta, Bankura-722122, P.S.- Bishnupur, on 24.07.2024 between 14.15 hrs. to 14.45 hrs.



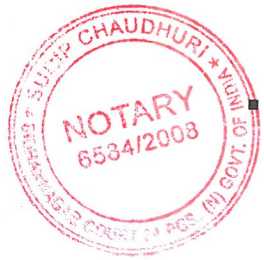
04. That, from the said inspection conducted on 24.07.2024, the following observations were made by the Committee members:

- 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.
- 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.

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- 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.

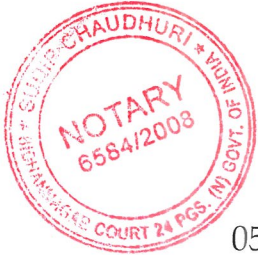


- A tubewell exists within 10 metres of the north-east corner of the broiler shed.
- Residence of the main complainant Sri Milan Kundu lies on the west of the shed at a distance of about 125 metres away. The proprietor's residence happens to be on the same side at much nearer distance of about 70 metres.
- At the time of inspection, it was informed by the villagers that a 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 used for carrying out religious activities have been constructed much later than the establishment of the broiler shed (*estb.*: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.

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- It was informed by the unit representative that 'bird droppings mixed floor saw-dust' of the broiler shed is given out as manure for use in agricultural fields, when asked about the management of such waste.



05. That, the following remarks/ recommendations were made by the members of the Joint Committee:

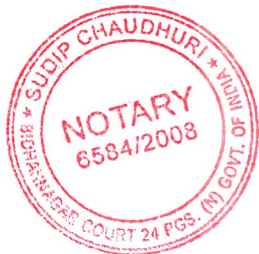
- (a) The unit under scrutiny is not a poultry farm in true sense of the term. Moreover, as the capacity of the broiler shed is much less than 5000 birds, it does not come under the consent administration of the State Pollution Control Board.
- (b) As the unit was established in the year 1994, 'Environmental Guidelines for Poultry Farms' promulgated by the Central Pollution Control Board on January, 2022 is not applicable for this unit under scrutiny.
- (c) However, the proprietor of the unit under scrutiny should strictly adhere to the norms of management of odour, poultry litter & dead birds.


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

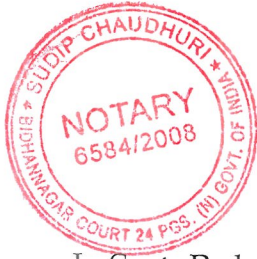
06. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.




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


DEPONENT

09 SEP 2024



X

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.

Identified and corrected by me

Identified and corrected by me
Advocate
WBPCB

Ruby Sinha
DEPONENT

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

09 SEP 2024

INSPECTION REPORT

<i>Inspection reference</i>	Order (dated 22/4/2024) of the Hon'ble National Green Tribunal, Principal Bench, New Delhi in connection with Original Application no. 141/2024.
<i>Name & Address of the unit</i>	Kundu Feed (<i>Proprietor: Sri Manik Kundu</i>) Kundu Para, Vill. & P.O.- Janta, Bankura-722122.
<i>Police Station</i>	Bishnupur
<i>Local Body</i>	Radhanagar GP
<i>Electricity Authority</i>	WBSEDCL
<i>Date & Time of inspection</i>	24/7/2024; 14:15 – 14:45hrs
<i>Date of previous inspection</i>	22/9/2023 (By the BDMO, Bishnupur Development Block)
<i>Inspected by</i>	Sri C. Dawn, <i>AEE, Durgapur R.O., WBPCB</i> , alongwith Sri Somsankar Mondal, <i>BDO, Bishnupur Development Block &</i> Dr. Pankaj Mondal, <i>Dy. Dir., ARD&PO and DVO, Bankura</i>
<i>Persons met during inspection</i>	Sri Biswarup Kundu, son-in-law of the proprietor Sri Sanjoy Dhan, one of the complainants & other villagers
<i>Industrial category</i>	None
<i>Status of CTE/CTO</i>	NA
<i>Preamble</i>	This is a public complaint against an alleged poultry farm operating in violation of siting criteria and causing environmental pollution & health hazards.
<i>Observation</i>	<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>
<i>Other relevant information</i>	During inspection, both Sri Manik Kundu (<i>proprietor</i>) and Sri Milan Kundu (<i>chief complainant</i>) were not available. One of the other complainants, Sri Sanjoy Dhan, 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.

(contd.)




DVO, Bankura

District Veterinary Officer
BANKURA



BDO, Bishnupur
Block Development Officer
Bishnupur (Bankura)



AEE, Durgapur R.O., WBPCB
Assistant Environmental Engineer
Durgapur Regional Office
Water Resources Control Board


X

	<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

District Veterinary Officer
BANKURA

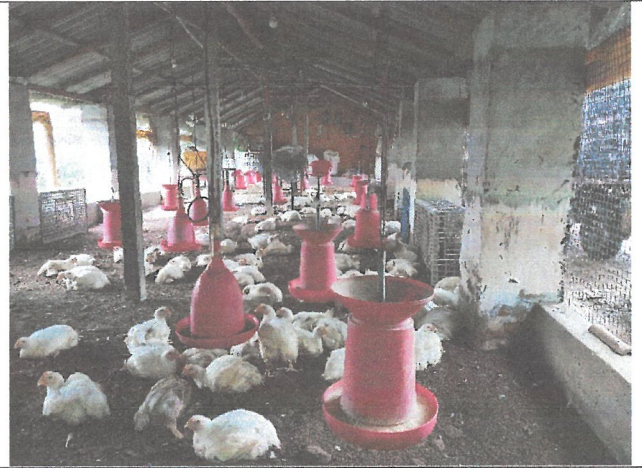

BDO, Bishnupur
Block Development Officer
Bishnupur (Bankura)


AEE, Durgapur R.O., WBPCB
Assistant Environmental Engineer
Durgapur Regional Office
W.B. Pollution Control Board

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

X

BEFORE THE NATIONAL GREEN TRIBUNAL
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