

OF

1

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 92/2024/EZ

JAGANNATH MONDAL

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL, DEPARTMENT OF
ENVIRONMENT & ORS.

.....RESPONDENT(S)

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

INDEX

SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-6
2.	Copy of inspection report of State Board.	'R'	7-11.

Filed by

GHANSHYAM PANDEY
ADVOCATE

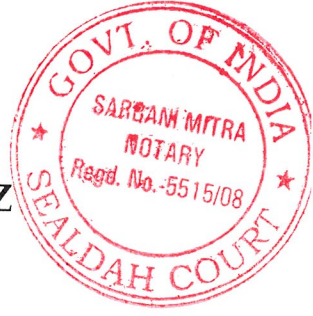
SL. NO. 35

Dt.- 04² SEP 2024

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 92/2024/EZ



JAGANNATH MONDAL

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL, DEPARTMENT OF
ENVIRONMENT & ORS.

.....RESPONDENT(S)

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:-

04 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 Nos. 02, 03 & 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 order passed by this Hon'ble Tribunal dated 13.05.2024.

03. That, in compliance to the order of the Hon'ble National Green Tribunal dated 13.05.2024, the official of the State Board visited the said site of M/s. Bikram Poultry Farm, Proprietor: Sri Bikram Mondal, located at Vill. & P.O. Fulur, P.S. Sainthia, Dis.-Birbhum, PIN-731234 on 12.08.2024 from 4.30 p.m. onwards.

04. That, from the said inspection conducted on 12.08.2024, the following observations were made by the Inspecting official of the State Board:

(a) The unit was found located in a purely residential area.

04 SEP 2024

(b) The farm has only one shed of approx. size 18 ft x 45 ft., capable of handling 1000 birds at a time.

(c) The poultry shed was found vacant at the time of inspection.

(d) The entrance to the shed was found located along the eastern side.

(e) All sides of the poultry shed were found equipped with open ventilations on its sides. Wired nets were found affixed on all walls.

(f) Although there were no birds present at the time of inspection, characteristic smell was prevalent near the sheds as well as near the complainant's residence at the time of inspection.

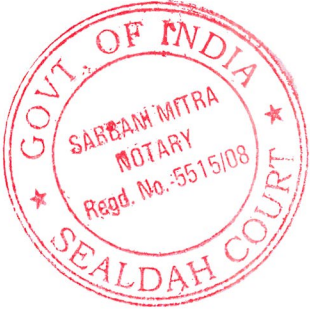
(g) The farm does not have any

(i) storage facility to contain manure /litter.

(ii) proper facility (burial pit) for collection, storage, transport and disposal of dead birds.

(iii) holding tank for collection of waste water generated from the cleaning operations (after each batch removal).

05. That, The Central Pollution Control Board has issued Environmental Guidelines for Poultry Farms in January 2022.



04 SEP 2024

Based on the number of handling of birds, poultry farms has been classified into three categories.

- Small (5,000-25,000 bird)
- Medium (above 25,000-1,00,000 birds).
- Large (above 1,00,000 birds)



The said Guidelines mentions poultry farms handling birds above 25,000 at a single location will have to obtain consent to establish and consent to operate from the State Board.

06. That, the Inspecting Official of the State Board remarked that the farm is capable of handling maximum 1000 birds at a time.

Hence, CPCB 'Environmental Guidelines for Poultry Farms', shall not be applicable for this poultry farm. The unit may be allowed to operate only after obtaining necessary permission from the local Panchayat Authority.

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

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.

Ruley Sinha
DEPONENT

04 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 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.

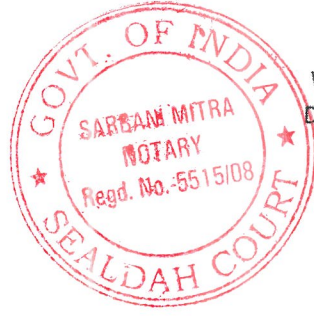
Ruby Sinha
DEPONENT

R N Bhowmik
Identified and corrected by me
Advocate
WBPCB

Solemnly Affirmed &
Declared Before Me
On Identification By

[Signature]
SARBANI MITRA
NOTARY
Regd. No.-5515/08

04 SEP 2024



WEST BENGAL POLLUTION CONTROL BOARD
Durgapur Regional Office, Shahid Khudiram Sarani,
City Centre, Durgapur-713216

INSPECTION REPORT

Reference of inspection: Order of the Hon'ble National Green Tribunal, Eastern Zonal Bench, Kolkata dated 18/07/2024 in connection with OA No. 92/2024/EZ

1.	Name & Address of the unit	M/s. Bikram Poultry Farm, Proprietor: Sri Bikram Mondal, Vill. & P.O. Fulur, P.S. Sainthia, Dist. Birbhum, PIN-731234.
2.	Name of the complainant	Sri Jagannath Mondal, Vill. & P.O. Fulur, P.S. Sainthia, Dist. Birbhum, PIN-731234.
3.	Police Station	Sainthia
4.	Local Body	Fulur Gram Panchayet
5.	Electricity Authority	WBSEDCL
6.	Date & Time of inspection	12/08/2024, 04.30 p.m. onwards
7.	Inspected by	Sri Sudipto Banerjee, Assistant Environmental Engineer, Durgapur R.O.
8.	Persons met during inspection	Complainant: Sri Jagannath Mondal On behalf of the unit: Smt. Bhanumati Mondal (Mother of Sri Bikram Mondal)
9.	Introduction and brief Physiographic Description	This is a complaint against a small poultry farm having capacity of handling maximum 1000 birds at a time, located under Fulur Gram Panchayet in Birbhum District. The poultry consists of one no. shed of approximate size 18 feet x 45 feet. The poultry farm is located in a purely residential area, surrounded by: <ul style="list-style-type: none"> 1. Residence of Sri Jagannath Mondal at a distance of about 15 m along Northern side. 2. Residence of Sri Ajit Mondal and Sri Sukumar Mondal at a distance of around 14-15m feet along Northern-eastern side.

		<p>3. Residence of Sri Bikram Mondal (Proprietor of the Poultry Farm) at a distance of around 13 m along eastern side.</p> <p>4. Residence of Sri Bikash Mondal at a distance of around 13m along Southern side.</p> <p>5. A pond along Western side.</p> <p>The poultry farm is not surrounded by any boundary wall.</p>
10.	Submission of complainant	During inspection, the complainant stated that the poultry farm has been set up nearly 2 years back, in a residential area, without statutory licenses. The said farm has been generating obnoxious odour causing severe health hazards to the local residents.
11.	Submission of unit representative	<p>During inspection, Sri Bikram Mondal was not available. However, undersigned had a discussion with his mother, Smt. Bhanumati Mondal. She stated that poultry farming is a prevailing occupation and source of income in the nearby villages. She stated that her unemployed son started with the poultry farming business nearly two-and-a-half years back and since a court case started, all 950 birds have been removed from the shed. It was further submitted that farming activity shall resume only after obtaining necessary orders of the Hon'ble Court.</p> <p>The litter is stated to be disposed into own agricultural field adjacent to the unit.</p> <p>The unit could not show copy of valid trade license issued by local Gram Panchayet Office at the time of inspection.</p>
12.	Observation	<ul style="list-style-type: none"> • The unit was found located in a purely residential area. • The farm has only one shed of approx. size 18 ft x 45 ft., capable of handling 1000 birds at a time. • The poultry shed was found vacant at the time of inspection. • The entrance to the shed was found located along the eastern side. • All sides of the poultry shed were found equipped with open ventilations on its

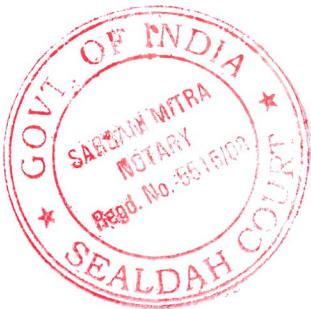


		<p>sides. Wired nets were found affixed on all walls.</p> <ul style="list-style-type: none"> • Although there were no birds present at the time of inspection, characteristic smell was prevalent near the sheds as well as near the complainant's residence at the time of inspection. • The farm does not have any <ol style="list-style-type: none"> 1. storage facility to contain manure /litter. 2. proper facility (burial pit) for collection, storage, transport and disposal of dead birds. 3. holding tank for collection of waste water generated from the cleaning operations (after each batch removal).
13,	CPCB Environmental Guidelines for Poultry Farms	<p>The Central Pollution Control Board has issued Environmental Guidelines for Poultry Farms in January 2022. In Pg no. 7 of the said Guideline, based on the number of handling of birds, poultry farms has been classified into three categories.</p> <ul style="list-style-type: none"> • Small (5,000-25,000 bird) • Medium (above 25,000-1,00,000 birds). • Large (above 1,00,000 birds) <p>Further, in Pg no. 13 of the said Guideline it has been mentioned that Guidelines shall be applicable to all the category of Poultry Farms.</p>
14.	Remarks	<p>In this case, the farm is capable of handling maximum 1000 birds at a time. Hence, CPCB 'Environmental Guidelines for Poultry Farms', shall not be applicable for this poultry farm. The unit may operate only after obtaining necessary permission from the local Panchayet Authority.</p>

Photographs Enclosed

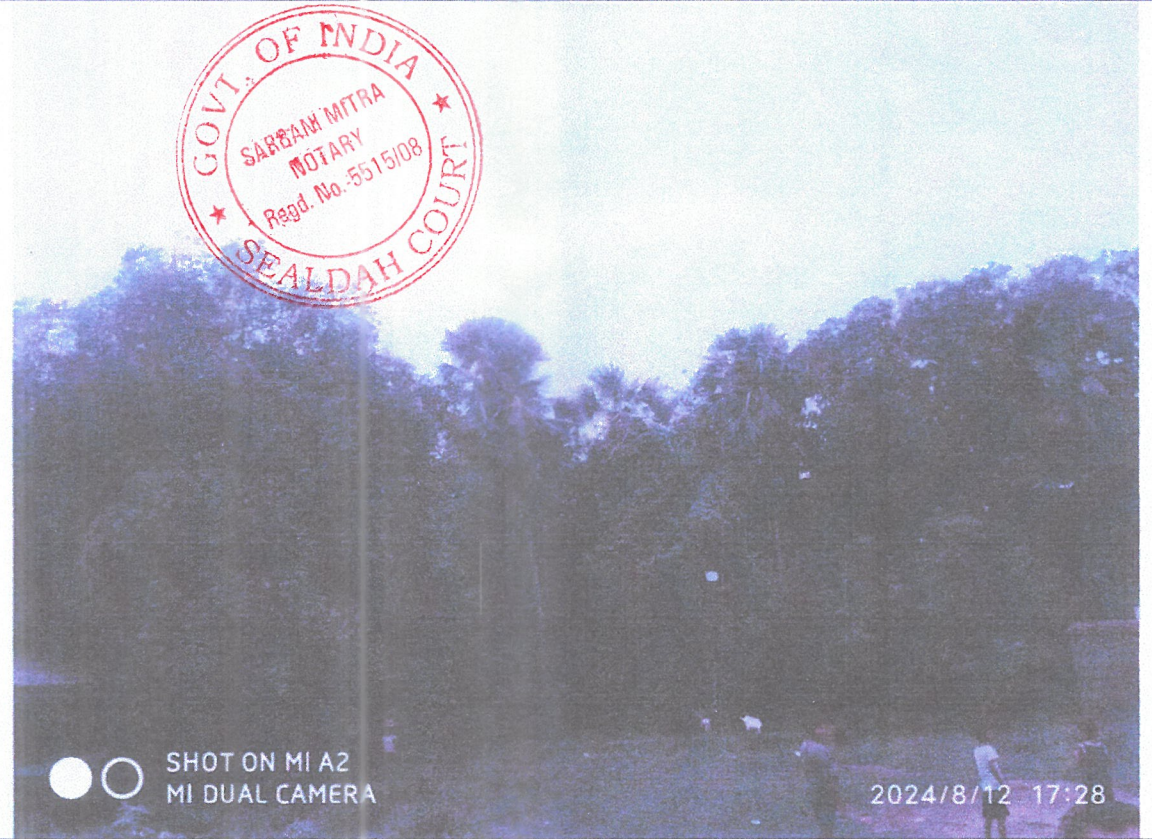
[Signature]
28/08/2024

(Assistant Environmental Engineer),
Durgapur Regional Office, WBPCB





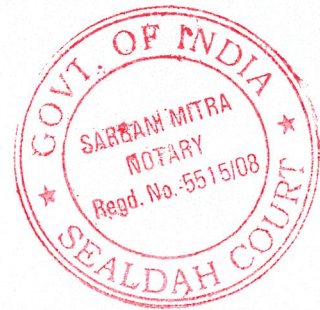
Poultry Shed



Vacant area along Northern Side



Nearby residences adjacent to the Poultry Farm



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 92/2024/EZ

JAGANNATH MONDAL

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL, DEPARTMENT OF
ENVIRONMENT & ORS.

.....RESPONDENT(S)

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

GHANSHYAM PANDEY
ADVOCATE