

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

In the matter of :

O.A. No. 64 of 2023 (EZ)

- And -

In the matter of :

Raghunath Maity

... Applicant

- Versus -

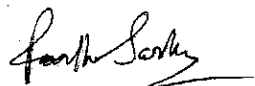
The West Bengal Pollution Control
Board & Ors.

... Respondents.

Affidavit-in-Reply on behalf of the applicant against the compliance in the form of affidavit on behalf of the respondent No. 3 Inspector in Charge, Panskura Police Station, Purba Medinipur.

Sl. No.	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit-in-Reply.		1 - 20

Filed by



Mr. Partha Sarkar

Advocate

C/o- Mr. Sandip Ghosh

Advocate

High Court, Calcutta,

Ch. : 8, Old Post Office Street,

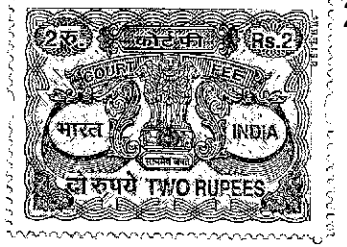
1st. Floor, Kolkata- 700001.

Email : psadv17@gmail.com

Mob : 9733447591



02 APR 2024



Sl. No. 47/24

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

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- And -

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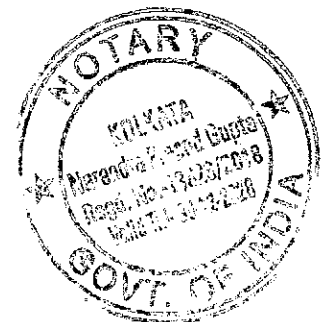
The West Bengal Pollution Control
Board & Ors.

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in the form of affidavit on behalf of the respondent No. 3 Inspector in
Charge, Panskura Police Station, Purba Medinipur.

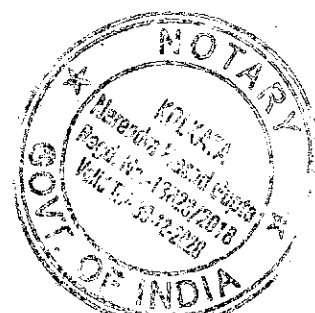
I, Raghunath Maity, Son of Late Bibhuti Bhusan Maity, aged about
57 years, by faith - Hindu, by occupation-Service, residing at Village
and Post Office - Meghadangar, Police Station - Panskura, District -
Purba Medinipur, Pin - 721152, do hereby solemnly affirm and say
as follows :

1. That I am the applicant of the instant case as such I am
well conversant with the facts and circumstances of the above
case.



02 APR 2024

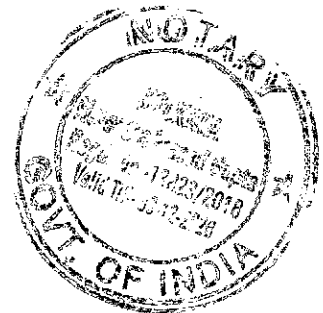
2. That a copy of the compliance in the form of affidavit hereinafter referred to as "said affidavit" on behalf of the respondent No. 3 has been served upon my Learned Advocate on record and I have perused the said opposition and upon perusal, I have understood the contents thereof and I am competent to give reply to the said affidavit.
3. With regard to the statement made in paragraph Nos. 1 and 2 of the said affidavit I have no comment as the same is matter on record.
4. With regard to the statement made in paragraph Nos. 3(i), 3(ii), 3(iii) and 3(iv) of the said affidavit I deny and dispute the statement made therein save and except those are matters of record.
5. With regard to paragraph Nos. 3(v) and 3(vi) of the said affidavit I deny and dispute the averment made therein with the submission that the present report is self contradictory to the earlier report dated 13.07.2023 submitted by the respondent no. 1 through affidavit. I further submit that as per earlier report dated 13.07.2023 of JEE, Haldia under West Bengal Pollution Control Board being respondent No. 1 herein specifically disclosed inter alia that during inspection, the unit (M/s Biswanath Bani Mill) was not in operation and found under lock and key and no one was available to open the factory. However from our earlier inspection dated 24.10.2017, it was observed that the unit has a wheat grinding & rice milling facility (using 15 HP electric motor), The undersigned also met with Shri Shubhankar Das (On behalf of the Unit), S/o- Late dipak Kumar Das at his residence far away from alleged unit. He stated that some renovation work of the building of the unit was going on hence the

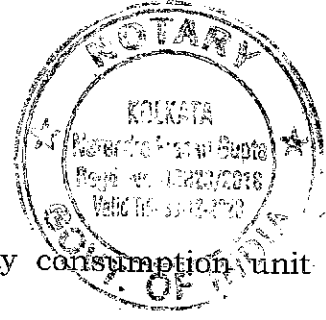


production related activity was temporarily stopped. It was gathered from the local residence that sometime the unit perform grinding activity with the help of small diesel engine (instead of electrical power as the line is found to be disconnected), as such from the said report it has been clearly indicated that the unit of the private respondent No. 6 is operating with the help of small diesel engine (instead of electrical power as to be found to be disconnected) as on the date of inspection dated 13.07.2023. As such present report stating that the mill is not operating as per statement of one adjacent shop room owner ought not to be acceptable in view of the facts and circumstances that the concerned Inspection authority ought to have enter the unit as to ascertain whether the machine inside the said Unit has any operation mood of last three months or not as per order of the Learned National Green Tribunal and merely inspection from outside of unit and showing lock and key in single operational time cannot be said to be in operation for last one years.

That apart from the picture of the said unit in several date i.e. Dated 20.02.2024, 27.02.2024, 29.02.2024, 03.03.2024, 09.03.2024, 11.03.2024 and 26.03.2024. It has been clearly shown that the said unit is an operation mode in very relevant time of such inspection. The owner of the said Mill as well as the customer with the production materials are going in and out from the said unit, as such the said report is arbitrary and clear shows of Biasness and percial.

I further want to submits that the said unit also running through electricity commercial meter which is installed within the unit premises vide Consumer ID No. 200204218 in the name of





Dipak Das and there are paying the electricity consumption unit upto date i.e. March, 2024.

Photo copies of the inspection report dated 13.07.2023 along with subsequent letter to the officer in charge, Paskura Police station dated 02.08.2023, aforesaid pictures and electricity payment receipt of consumer Id. No. 200204218 are annexed hereto and marked with letter "R-1" collectively to this application.

6. With regard to the statement made in paragraph Nos. 4 and 5 of the said affidavit I have no comment as the same is matter on record.

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

8. That the statements made in paragraph Nos. 1 to 6 are true to my knowledge and the rest are my respectful submissions before this Hon'ble Tribunal.

Identified by me

Advocate

F/551/431/2017

L.T.I.(s)/Signatures(s) of the
Executant/s attested by me on Identification

~~NARENDRA PRASAD GUPTA, NOTARY
Advocate, HIGH COURT, KOLKATA
Regd. No.-13823/2018, Govt. of India~~

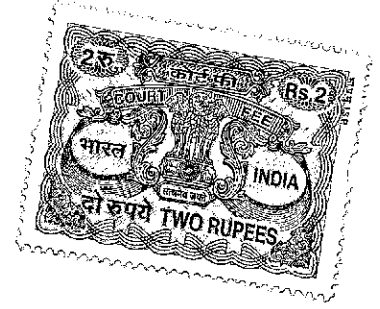
DEPONENT

NARENDRA PRASAD GUPTA
NOTARY

GOVERNMENT OF INDIA
REGN. NO.-13823/2018

&
ADVOCATE, HIGH COURT CALCUTTA
8, Old Post Office Street (Ground Floor)
Opp. F-Gate (High Court)
Mob.-8910576674
9883135090

02 APR 2024



VERIFICATION

I, Raghunath Maity, Son of Late Bibhuti Bhusan Maity, aged about 57 years, by faith - Hindu, by occupation-Service, residing at Village and Post Office - Meghadangar, Police Station - Panskura, District - Purba Medinipur, Pin - 721152, do hereby declare that I am the applicant in the instant case and as I am well acquainted with the facts and circumstances of the case, I do verify that the statements made in the forgoing paragraph Nos. 1 to ~~13~~⁶ are true to my knowledge and rest is my humble submission before this Hon'ble Tribunal and I sign this verification at my Learned Advocate's on this the 2nd April, 2024.

Prepared in my office

For the Lawyer

Advocate

P/552/433/2017

Raghunath Maity

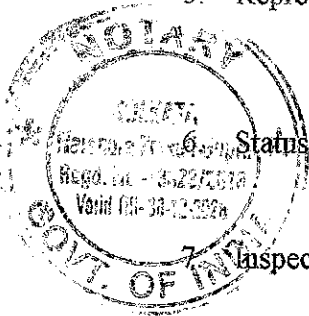
Deponent



R - G - C -

INSPECTION REPORT

1. Name & Address of the Units : M/s Biswanath Bani Mill
Vill & P. O. – Meghadangar
P. S. – Panskura
Dist – Purba Medinipur, Pin – 721 152
2. Name of the Police Station : Panskura
3. Date & Time of Inspection : 13.07.2023 during 02:30 p. m. to 03:00 p. m.
4. Date of Previous Inspection :
 1. 14.07.2022
 2. 07.06.2019
 3. 09.04.2019
 4. 14.03.2019
 5. 24.10.2017
4. Name of Inspecting Officers : P. Mukherjee; JEE, Haldia R. O.
5. Representatives met with :
 1. Shri Raghunath Maity, Complainant.
 2. Shri Shubhankar Das, S/o- Late Dipak Kumar Das (On behalf of the Unit) but denied to sign in the Inspection Notice.
6. Status of NOC / CFO : CTE (Consent to Establish) was granted in 2004, CTO (Consent to Operate) could not be granted for non-submission of land documents by DIC.
7. Inspection reference : As per direction of Hon'ble NGT (EZ Bench) - OA No. /64/2023/EZ.
8. Observations :



M/s Biswanath Bani Mill, a rice husking mill & wheat grinding mill is situated at Plot No. 165, Mouza: Meghadangar, JL No. 92, P. S. – Panskura, Purba Medinipur. As per record of BL & LRO, Panskura – 1, the said piece of land under jurisdiction of Irrigation & Waterways Department, Govt. of WB. DIC issued CTE (Consent to Establish) to the unit but could not grant CTO (Consent to Operate) due to non-submission of proper documents. WBPCB issued closure order with disconnection of electricity on 10.05.2019 due to non-compliance of environmental norms.

As per direction of Hon'ble NGT vide OA No. 137 / 2017 (EZ) dated 02.12.2019, WBPCB issued letter to the Certificate Office, Office of the Collector, Certificate Department, District- Purba Medinipur for recovery Rs 70,500/- as environmental compensation from the unit. As record kept & maintained by this office no environmental compensation has been deposited by the unit.

The said unit & complainant's residence are situated just opposite side of a village road of 20 ft wide. The complainant had submitted written allegation for running of the unit without obtaining permission of WBPCB. During inspection complainant Sri Raghunath Maity alleged that vibration generated from the operational activity of the M/s Biswanath Bani Mill may initiate cracking of concrete village road & his residence. But, no such cracking was observed. It was gathered that there was another bani mill (Husking Mill and Spice Grinding) namely M/s Manasi Bani Mill which is located within Complainant's residential premises. From our office record it is found that M/s Manasi Bani Mill has obtained CTO (Consent to Operate), valid up to 30.04.2024 as Husking Mill and Spice Grinding activities.

During inspection, the unit (M/s Biswanath Bani Mill) was not in operation and found under lock and key and no one was available to open the factory. However from our earlier inspection dated

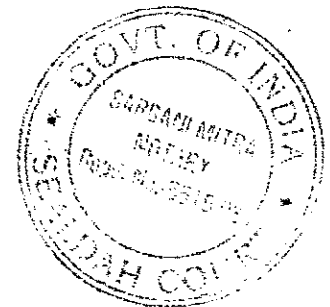
24.10.2017, it was observed that the unit has a wheat grinding & rice milling facility (using 15 HP electric motor). The undersigned also met with Shri Shubhankar Das (On behalf of the Unit), S/o- Late Dipak Kumar Das at his residence far away from alleged unit. He stated that some renovation work of the building of the unit was going on hence the production related activity was temporarily stopped. It was gathered from the local residence that sometime the unit perform grinding activity with the help of small diesel engine (instead of electrical power as the line is found to be disconnected).

9. Remarks:

M/s Biswanath Bani Mill:

- i) During inspection, the unit was not in operation.
- ii). As per record of BL & LRO, Panskura - 1, the said plot belongs to Irrigation & Waterways Department, Govt of W.B, hence necessary clearance related to land from this department is required.
- iii). No information from Certificate Office, Office of the Collector, Certificate Department, District-Purba Medinipur is received regarding deposition of Rs. 70500/- as Environmental Compensation (EC).
- iv). WBSEDCL may be directed to inform to this office regarding the power consumption of alleged unit.
- v). As the unit was not in operation, the vibration likely to be generated could not be assessed.

.....
 (P. Mukherjee)
 JEE, Haldia R. O.





LIFE
Lifestyle for
Environment

ANNEXURE 'P 24'
WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar
Kolkata - 700 106, Ph.: 2335-9088/8861/7428, Fax : 2335-2813
Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@bangla.gov.in

Memo No. 241/34/WPB-E (VI) 2023

Dated: 2/08/2023

To
The Officer-in-Charge,
Panskura Police Station
Dist:-Purba Medinipore

Sub: Compliance of order of Hon'ble National Green Tribunal dated 02.12.2019 passed in connection with OA NO. 137/2017 and closure order of West Bengal Pollution Control Board dated 10.05.2019.

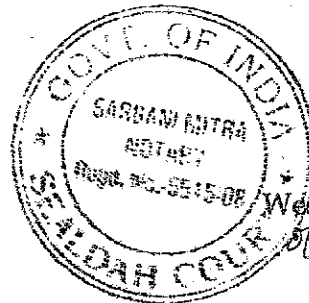
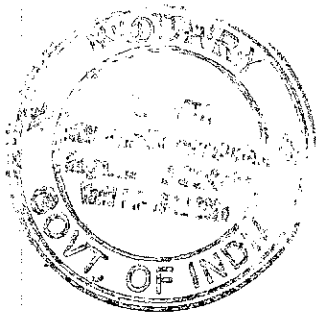
Enclosed please find the order of Hon'ble National Green Tribunal dated 02.12.2019 and order of West Bengal Pollution Control Board regarding implementation of closure in respect of M/s. Biswanath Bani Mill, situated at Vill. Meghadangar, P.S. Panskura, Dist. Purba Medinipore, Pin. 721152.

Be it mentioned that in connection with O.A. NO. 64/2023 which is pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, the unit was again inspected on 13.07.2023. During inspection, though the unit was found under lock and key, but local residents informed that sometimes the unit perform its activities with help of diesel generator.

You are hereby requested to take necessary steps so that the unit should not operate at anyhow in violation of the order of the State Board. If the unit is found to be operative with help of diesel generator, the generator set may be sealed.

The compliance report in this connection to be reached to this office within seven days from receipt of this letter.

Encl. :- As stated



Subrata Ghosh
Subrata Ghosh
Chief Engineer (O & E)
West Bengal Pollution Control Board

- 15 -
- 9 -





NOTARY
GOVT. OF INDIA

2024/2/20 07:26

11-



2024/12/10





NOTARY
GOVT. OF INDIA

2024/2/27 12:29

-13- ~~11~~



NOTARY
GOVT. OF INDIA

2024/2/29 09:06

~~10~~
-A-



NOTARY
CHENNAI
GOVT. OF INDIA

- 7 -

- 15 -



2024/3/9 14:29

- 18 -

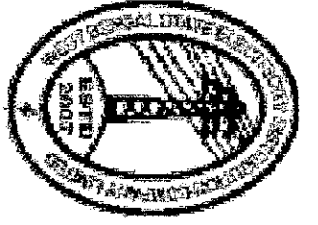
BIR 06-0
REGISTRATION NO. 7/9
1997



- 17 -



GOVERNMENT OF INDIA
MINISTRY OF RURAL DEVELOPMENT
Rural Development Department
New Delhi



Payment Receipt
WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED
(A GOVERNMENT OF WEST BENGAL ENTERPRISE)

ISSUED

Transaction ID: BBPSP014062G88243CD02P1

Date: 02.03.2024

Payment Gateway: BILLDESK

Billing Office: PRATAPPUR CUSTOMER CARE CENTER

Consumer Id: 200204218

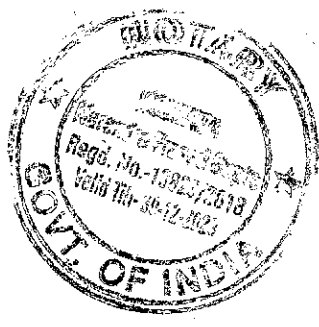
Name: DIPAK DAS

Invoice Number /Appl. No. /Inst. No: 438014770092

Bill Paid For: MAR2024

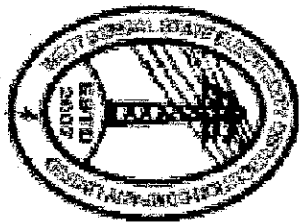
Payment Mode : ONLINE

Received: Rs. 222



* Payment subject to realisation.

Thank You



Payment Receipt
WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED
(A GOVERNMENT OF WEST BENGAL ENTERPRISE)

RECEIPT

Transaction ID: BBPSPP014002DMVONVMIA7I1

Date: 02.01.2024

Payment Gateway: BILLDESK

Billing Office: PRATAPPUR CUSTOMER CARE CENTER

Consumer Id: 200204218

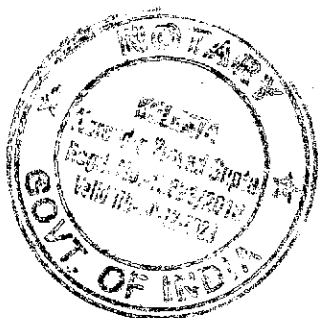
Name: DIPAK DAS

Invoice Number /Appl. No. /Inst. No: 438014770092

Bill Paid For: JAN2024

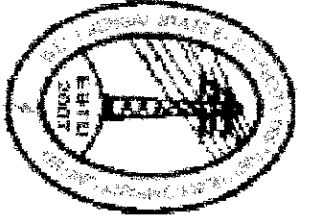
Payment Mode : ONLINE

Received: Rs. 218



* Payment subject to realisation.

Thank You



Payment Receipt

WEST BENGAL STATE ELECTRICITY DISTRIBUTION CORPORATION LIMITED
(A GOVERNMENT OF WEST BENGAL ENTERPRISE)

Transaction ID: BBPSP014032B90AQW91AUA1
Date: 01.02.2024
Payment Gateway: BILLDESK
Billing Office: PRATAPPUR CUSTOMER CARE CENTER
Consumer Id: 200204218
Name: DIPAK DAS
Invoice Number /Appl. No. /Inst. No: 438014770092
Bill Paid For: FEB2024
Payment Mode : ONLINE
Received: Rs. 219



* Payment subject to realisation.

Thank You

9/25

- 20 -

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Mr. Partha Sarkar
Advocate
C/o Mr. Sandip Ghosh
Advocate
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1st Floor, Kolkata-700001,
Email : psadv17@gmail.com
Mob:- 9733447591